

Mike Castellucci  
Chair

Steve Anselmo  
Vice Chair



Lisa Bailey  
Secretary

Yvonne Lujan-Slak

Georgia Way

## ZBA-22-39

Hearing Date: 9/27/22

<b>TO:</b>	City of Pueblo Zoning Board of Appeals
<b>FROM:</b>	Bart Mikitowicz, Senior Planner
<b>THROUGH:</b>	Scott Hobson, Land Use Administrative Official
<b>LOCATION:</b>	<b>320 Carlile Ave, Pueblo, CO 81004</b>
<b>APPLICANT:</b>	<b>Singleton Lee Lee</b>
<b>PROPERTY OWNER:</b>	Michael and Jessica Harktop
<b>YEAR BUILT:</b>	1940
<b>LEGAL DESCRIPTION:</b>	LOTS 6 - 9 + W 1/2 OF LOT 10 BLK 8 CARLILE PARKS SUPPLEMENTAL PLAT FORMERLY #05-353-01-002 + 003
<b>ZONE DISTRICT:</b>	Single Family Residential (R-1) Zone District
<b>PARCEL ID:</b>	535301013
<b>LOT SIZE:</b>	<b>13,500 sq. ft.</b>
<b>REQUEST:</b>	Variance to reduce the front setback by nine feet (9') from twenty-five feet (25') to sixteen feet (16') in a Single Family Residential (R-1) Zone District

### SYNOPSIS OF REQUEST

The applicant, Lee Singleton, intends to build a 2-level porch/patio for a client at 320 Carlile Ave. This property is in a Single Family Residential (R-1) Zone District. The front setback requirement for a R-1 district is 25'. The applicant plans to build the structure to encroach nine feet (9') into the front yard setback. Therefore, the applicant is requesting a front setback variance from twenty-five feet (25') to sixteen feet (16').

### ANALYSIS OF REQUEST

The applicant plans to build a 2-level porch/patio that will face Carlile Ave and provide both ground level and second level entrances. The applicant states that there is an existing smaller awning that is within the current setback standards and that this proposed structure would not substantially increase the expansion into the front setback. He plans to construct the structure in an architecturally similar manner to other similar structures within the neighborhood and believes the structure will not dominate the front yard of the property or create any increase of mass to the neighborhood. The owner of the property has high energy costs due to the older construction of the home and believes he can mitigate some of this expense by adding shaded area to the exterior of the property. This shaded area would provide less direct solar radiation into the house and provide the owner and his family with an area to relax when they come home and alleviate the costs of air conditioning the house while the family is away.

### ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Single Family Residential (R-1) Zone District	Single-family residence
East	Single Family Residential (R-1) Zone District	Single-family residence
South	Single Family Residential (R-1) Zone District	Single-family residence
West	Single Family Residential (R-1) Zone District	Single-family residence

### PUBLIC NOTICE

The property was publicly noticed in accordance with Title 17 Section 17-5-33(2) of the City of Pueblo Municipal Code. Specifically, the hearing was published in the Pueblo Chieftain, surrounding property owners within 100 feet of the property were notified by mail, and a sign was placed on the site (See Attachment E). These notices occurred at least 10 days prior to the hearing.

**OTHER AGENCIES**

Pueblo City/County Health	No comment
City Transportation	No comment
Pueblo Regional Building Department	No comment
Fire Department	No comment
City Public Works Department	No comment
City Stormwater Department	No comment
City Code Enforcement	No comment
Pueblo Board of Water Works	No comment
City Wastewater Department	No comment
City Parks and Recreation Department	No comment

**CONDITIONS REQUIRED FOR VARIANCE**

1. The variance will not: reduce the required light and air to adjacent properties; constitute a nuisance to the properties within one hundred (100) feet of the property for which the variance is requested; or substantially reduce the monetary value of properties within one hundred (100) feet of the property for which the variance is requested.

**Comments: Affirmative finding. The addition of a patio may increase the property of the home and would not create a nuisance to the neighborhood.**

2. The variance will not affect general planning of the city with respect to land use and the location of streets and highways will not be jeopardized.

**Comments: Affirmative finding. There appears to be ample right-of-way space for any potential future street projects and the property already has an awning in place that has not affected the land use and planning of the city since its creation.**

3. Strict adherence to this Title would not secure appropriate development of the property for which the variance is requested.

**Comments: Affirmative Finding. Strict adherence to the setback requirement may preclude the ability to improve the property with respect to energy usage amid rising energy costs.**

4. The property for which the variance is requested suffers a unique or singular disadvantage, not common to other property in the district, through the operation of this Title.

**Comments: Negative Finding. The parcel has a 112.5-foot width and a 100 foot depth and does not have an irregular shape.**

**PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION**

If the Board chooses to approve this Variance staff recommends Standard Permit Conditions 1 through 13, and staff conditions.

1. The proposed structure shall be constructed in an architecturally compatible manner with respect to siding and building material, as stated in the application.

**ATTACHMENTS**

- A. Standard Permit Conditions
- B. Location Map
- C. Site Map
- D. Zoning Map
- E. Comprehensive Plan Map
- F. Public Notice Photo
- G. Site Photographs
- H. Application
- I. Supporting documentation

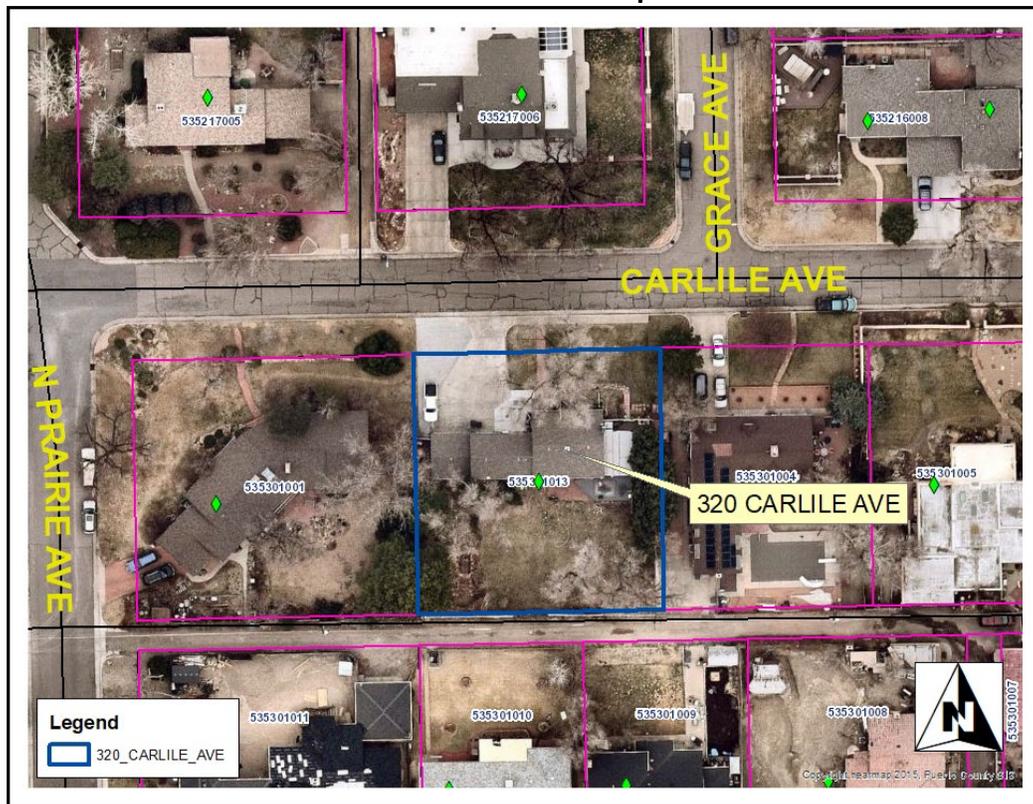
**Exhibit A. Standard Permit Conditions**

<b>Standard Permit Conditions</b> Date of Issuance of Permit: <b>ZBA-22-39</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 9/27/2023
2.	<b>Required Revisions</b> Any revisions or additions to plans required as a result of approval must be submitted and stamped “approved” prior to the sign-off of the building permit routing slip or business license.
3.	<b>Changes</b> The project shall be completed as shown on the plans, which have been stamped “approved” and dated by the Department of Planning and Community Development. The project shall not deviate from the approved plans without prior written approval from the Department of Planning and Community Development.
4.	<b>Property Inspection</b> By acceptance of this permit, Permit holder authorizes City Officials and/or their authorized representatives, access to the subject property for purpose of observing work in progress, inspecting and/or measuring the property or improvements as long as the use authorized by this permit remains in effect.
5.	<b>Certificate of Occupancy</b> A certificate of occupancy must be issued by Regional Building <u>PRIOR</u> to use and/or occupancy of the subject premises. Prior to issuance, the Department of Planning and Community Development must certify that work has been completed in accordance with approved plans and that applicable conditions have been met. The Permit holder may be required to provide a Letter of Credit to obtain a Certificate of Occupancy prior to completion of all required improvements.
6.	<b>Completion and Maintenance of Improvements and Landscaping</b> Permit holder or successor in interest is responsible for completing all improvements shown on approved plans. By acceptance of this permit, Permit holder agrees to maintain all improvements in a satisfactory condition. Any landscaping installed according to the approved plan which becomes diseased or dies shall be replaced by similar species and size no later than the first available planting season.
7.	<b>Building Permit; Other Permits</b> Permit holder is solely responsible for obtaining <u>BUILDING PERMIT</u> and all other applicable local, state and federal permits.
8.	<b>Off-Site Drainage</b> Issuance of this permit does not authorize the discharge of stormwater runoff or other surface drainage from the subject premises onto adjoining property or properties.
9.	<b>Appeals</b> of a decision of the Land Use Administrator can occur up to thirty (30) days following such decision. Appeals of Zoning Board of Appeals decisions can occur up to thirty (30) days following final decision. Any work done in connection with this permit prior to the expiration of all applicable appeal periods is done <u>SOLELY</u> at the risk of the Permit holder.
10.	<b>Errors</b> Permit holder is solely responsible for the accuracy of all information contained in the Zoning Permit form and in accompanying documentation. Any errors contained therein may invalidate the Zoning Permit and may result in issuance of a code violation citation and prosecution.
11.	<b>Transfer of Ownership</b> In the event of a transfer of ownership, partial or whole, of the subject premises, the transferee shall become Permit holder and subject to compliance with the terms and conditions of this permit.
12.	<b>Violations/Penalties</b> A violation of any of the conditions of this permit or of any provision of the Pueblo Municipal Code may result in a penalty of up to three hundred dollars (\$300) per day.
13.	<b>Incorporation and Reference of All Plans Presented to the Zoning Board of Appeals.</b> This approval incorporates by reference all plans and drawings presented and all verbal representations by the applicant at Zoning Board of Appeals meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions or regulations.

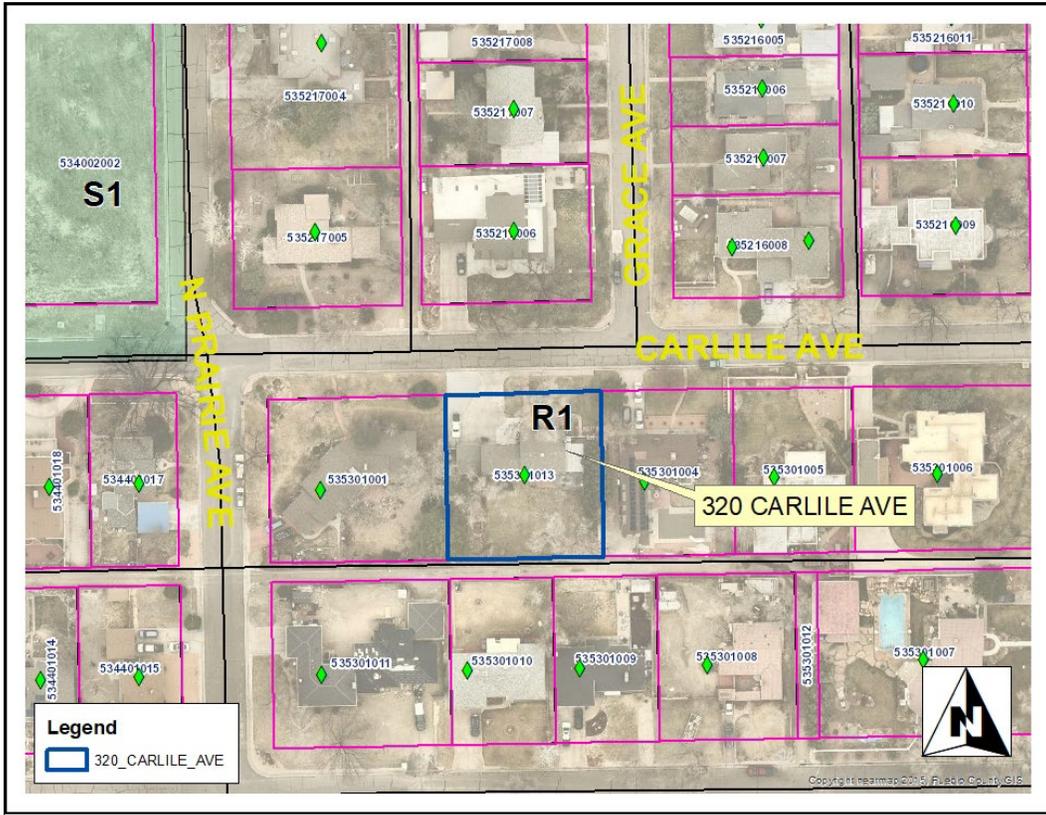
**Exhibit B. Location Map**



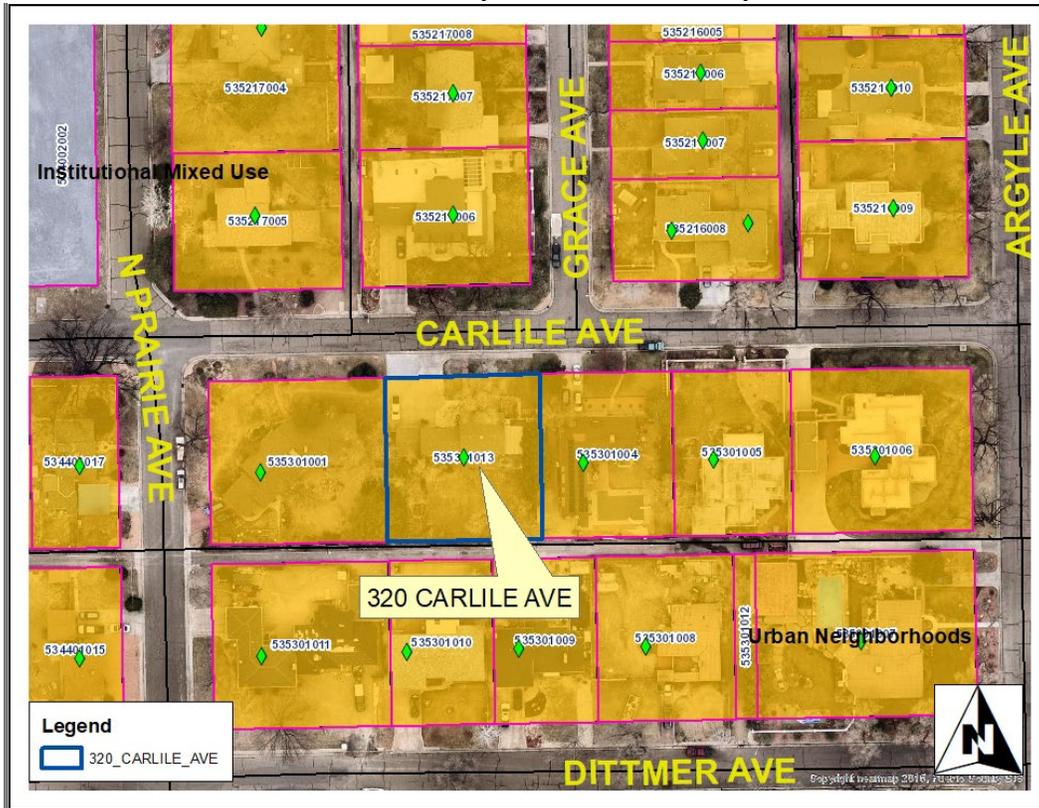
**Exhibit C. Site Map**



**Exhibit D. Zoning Map**



**Exhibit E. Comprehensive Plan Map**



**Exhibit F. Public Notice**



**G. Site Pictures**



Exhibit H. Application



08/01/2022

22-134

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Aug 1, 2022

Applicant

Singleton Lee  
nonstopproservices@yahoo.com  
1838 Vinewood Ln  
Pueblo, CO 81005  
7195456498

Location

320 CARLILE AVE  
PUEBLO, CO 81004

Owner:

HARKTOP MICHAEL/HARKTOP JESSICA  
320 CARLILE AVE PUEBLO , CO 81004-1054

Internal

ZBA Case Number

ZBA-22-39

Planner Assigned

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ZBA

Hearing Date

08/23/2022

Hearing Results

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Board Conditions

--

Appeal Term End Date

--

Permit Completion Date

--

Specially Requested Hearing

Public Notice

Number of Posters

--

Number of Postcards Sent

--

Cost of Newspaper Notice

--

Public Notice Costs

0

Other Fees:

--

Public Notice costs must be paid by:

--

Public notice zoning poster must be displayed BY:

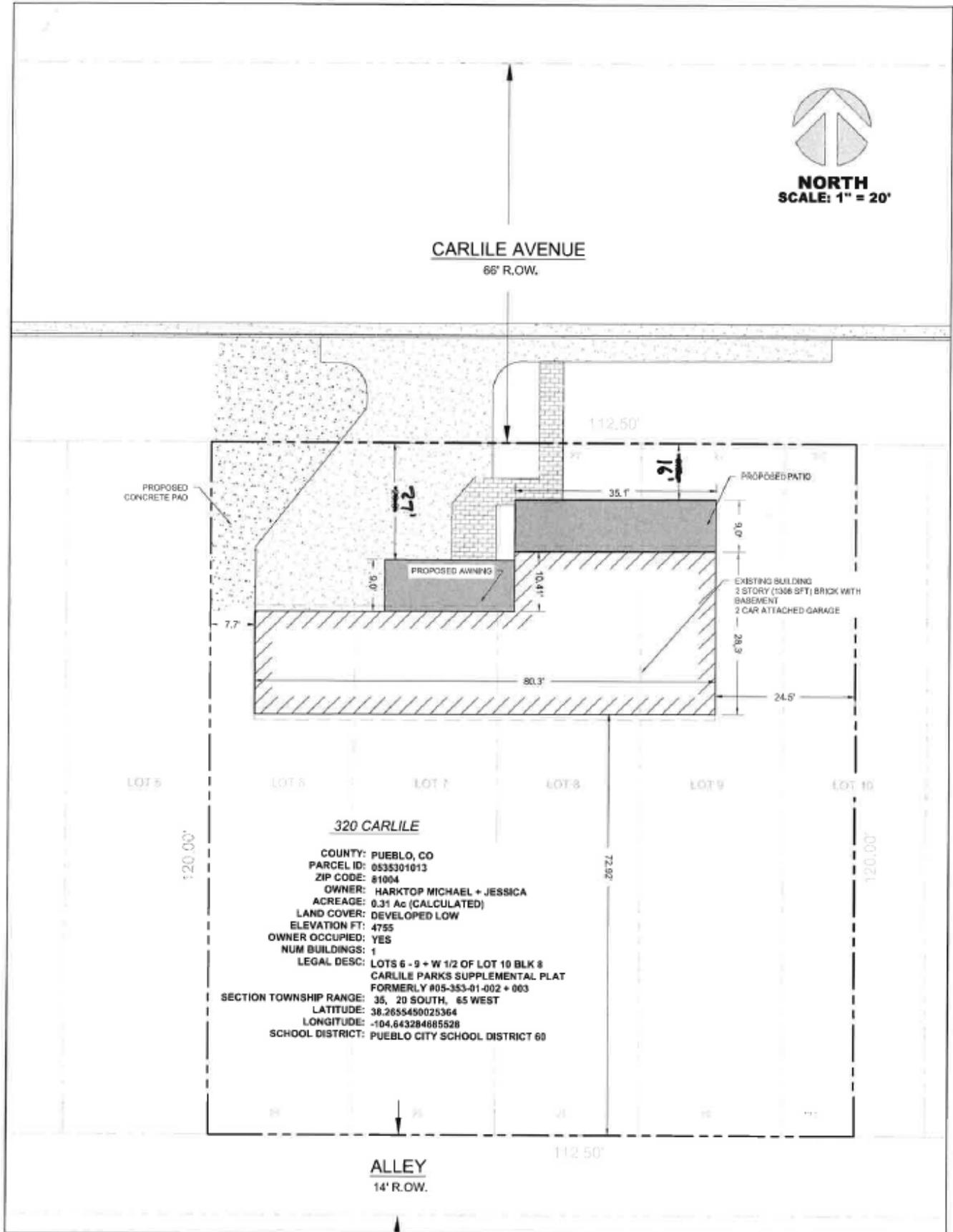
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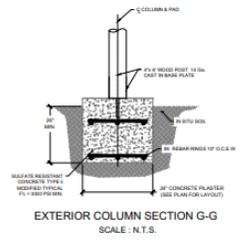
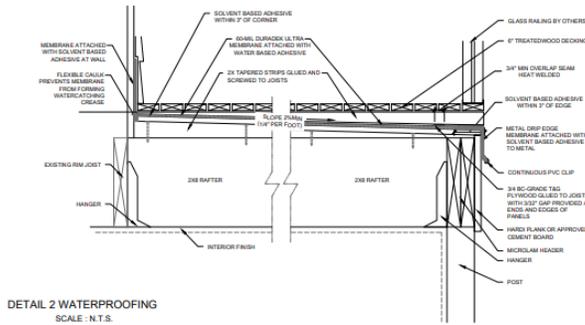
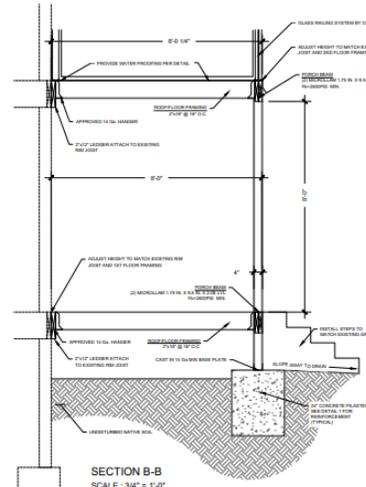
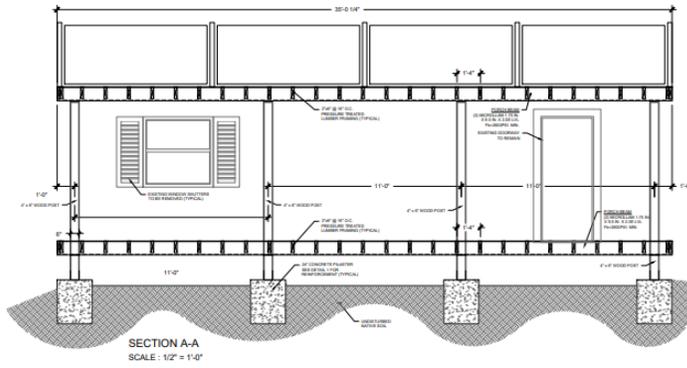
Public Notice zoning poster must be displayed UNTIL:

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Scope of Work

Exhibit I. Supporting Documents





**NORTH**  
SCALE: 1/2" = 1'-0"

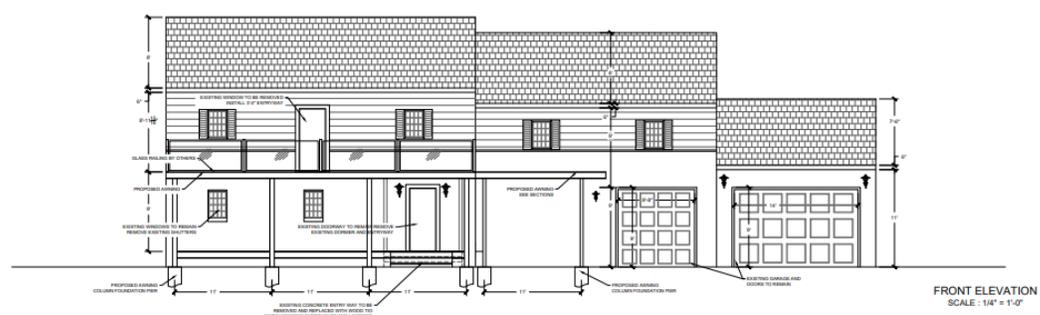
320 CARLISLE AVE.  
RESIDENTIAL MODEL &  
ADDITIONS  
PUEBLO, COLORADO  
DATE: 11.12.22  
DRAWN BY: JACOB  
CHECKED BY: JACOB  
PROJECT NO: 22-001

PREPARED FOR:  
NON LIST ARCHITECTURE  
SERVICES LLC

**SOCIAL LEADERSHIP**  
PUEBLO, COLORADO  
ARCHITECTURAL FIRM

**DETAILS & SECTIONS**

SHEET  
**2** OF **3**



**NORTH**  
SCALE: 1/2" = 1'-0"

320 CARLISLE AVE.  
RESIDENTIAL MODEL &  
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**SOCIAL LEADERSHIP**  
PUEBLO, COLORADO  
ARCHITECTURAL FIRM

**ELEVATIONS**

SHEET  
**3** OF **3**