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Lisa Bailey
Secretary

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Georgia Way

ZBA-22-42

Hearing Date: 9/27/2022

TO: City of Pueblo Zoning Board of Appeals
FROM: Bart Mikitowicz, Senior Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 2318 Steamboat Ct, Pueblo, CO 81007
APPLICANT: Dustin Jones
PROPERTY OWNER: Drop Tine Construction LLC
YEAR BUILT: 2022
LEGAL DESCRIPTION: LOT 40 BLK 2 SAWYER RIDGE SUBDIVISION FORMERLY #05-020-00-011
ZONE DISTRICT: Single Family Residential (R-2U) Zone District
PARCEL ID: 502005040
STRUCTURE SIZE: 1,782 sq. ft

REQUEST: Variance to reduce the rear setback by five feet (5') from fifteen feet (15') to ten feet (10') in a Single Family Residential (R-2U) Zone District.
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SYNOPSIS OF REQUEST

The applicant, Mr. Jones of Drop Tine Construction, applied for a single-family residence building permit on Lot 40, Block 2, Sawyer Ridge Subdivision on February 24th, 2022. The site plan submitted with the building permit application was prepared by the contractor and indicated a ten-foot (10') easement at the rear of the property. The plan showed a single-family home constructed adjacent to the 10-foot easement, resulting in a five-foot encroachment into the 15-foot rear-yard setback. The plans did not clearly indicate the required fifteen-foot (15') rear-yard setback.

The five-foot rear-yard encroachment of the covered porch was not identified by the Planning or Public Works Departments in the review of the single-family residential building permit request. The site plan was approved, and a building permit was issued, resulting in the construction of a non-conforming structure with the covered porch extending into the rear setback. On June 6, 2022, the applicant applied for a Certificate of Occupancy at which time Planning Department staff identified the rear-yard encroachment. Research for this report included reviewing other single family residential site plans submitted by Drop Tine Construction. Similar instances, including missing measurements were observed and noted for scrutiny to avoid future non-compliance issues.

ANALYSIS OF REQUEST

Lot 40, Block 2, Sawyer Ridge Subdivision is located adjacent to the western portion of a cul-de-sac resulting in a lot depth that progressively gets more shallow heading east. Between the westernmost front and rear property lines the lot has a depth of 101.5-feet. Between the easternmost front and rear property lines the lot has a depth of 83.4-feet. The result is an irregular lot with a depth that is less than standard lots, which generally have a depth between 100 and 160 feet, creating a physical hardship for standard single-family home development.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Single Family Residential (R-2U) Zone District	Single-family Residential
East	Single Family Residential (R-2U) Zone District	Single-family Residential
South	Single Family Residential (R-2U) Zone District	Single-family Residential
West	Single Family Residential (R-2U) Zone District	Single-family Residential

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. Granting of the Variance of the covered patio extending into the rear setback will not reduce light and air, be a nuisance, or reduce the monetary value of adjacent properties.

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. This Variance will not negatively affect land use planning or the location of streets and highways.

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

Comments: Neutral finding. Strict adherence to the code would not allow a covered patio to extend into a property setback. Covered outdoor seating areas are typical features of single-family residences.

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: Affirmative finding. The design of the lot accessed from the cul-de-sac creates a hardship by reducing the lot depth from 101.5 feet to 83.4 feet as the frontage of the lot heads east.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

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

ATTACHMENTS

- A. Standard Permit Conditions
- B. Site Map
- C. Aerial 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

Standard Permit Conditions Date of Issuance of Permit: ZBA-22-42	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 9/27/2023
2.	Required Revisions 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.	Changes 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.	Property Inspection 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.	Certificate of Occupancy 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.	Completion and Maintenance of Improvements and Landscaping 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.	Building Permit; Other Permits Permit holder is solely responsible for obtaining <u>BUILDING PERMIT</u> and all other applicable local, state and federal permits.
8.	Off-Site Drainage 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.	Appeals 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.	Errors 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.	Transfer of Ownership 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.	Violations/Penalties 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.	Incorporation and Reference of All Plans Presented to the Zoning Board of Appeals. 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. Site Map

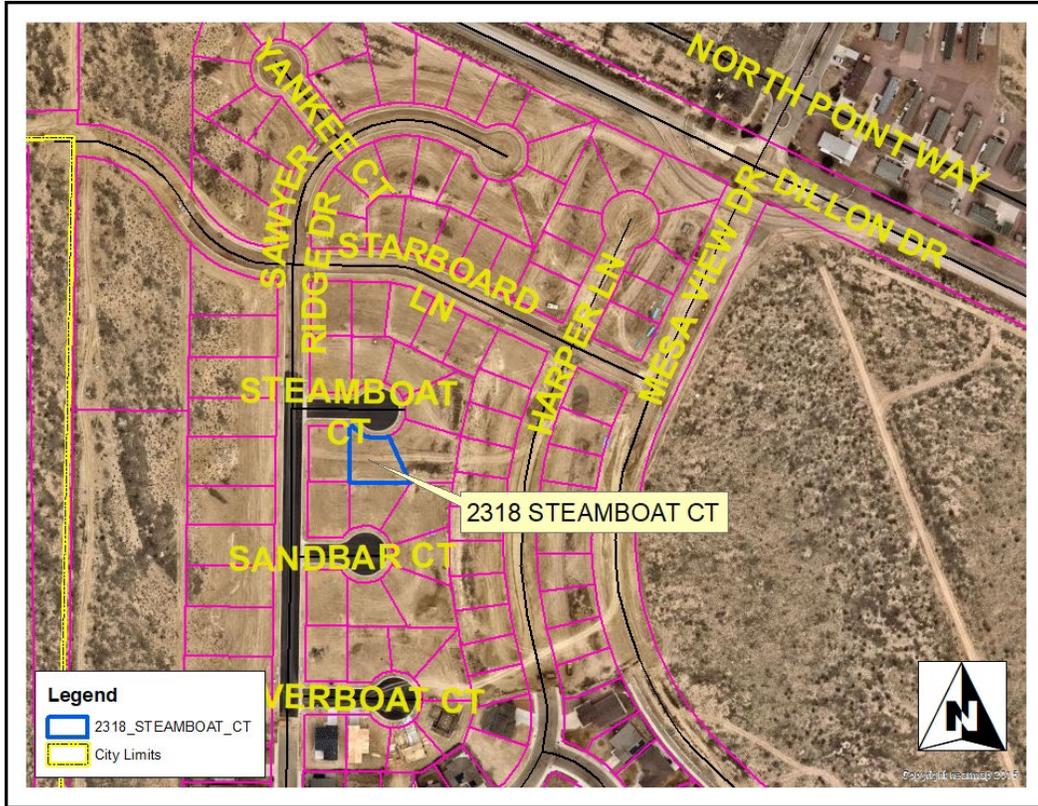


Exhibit C. Aerial Map

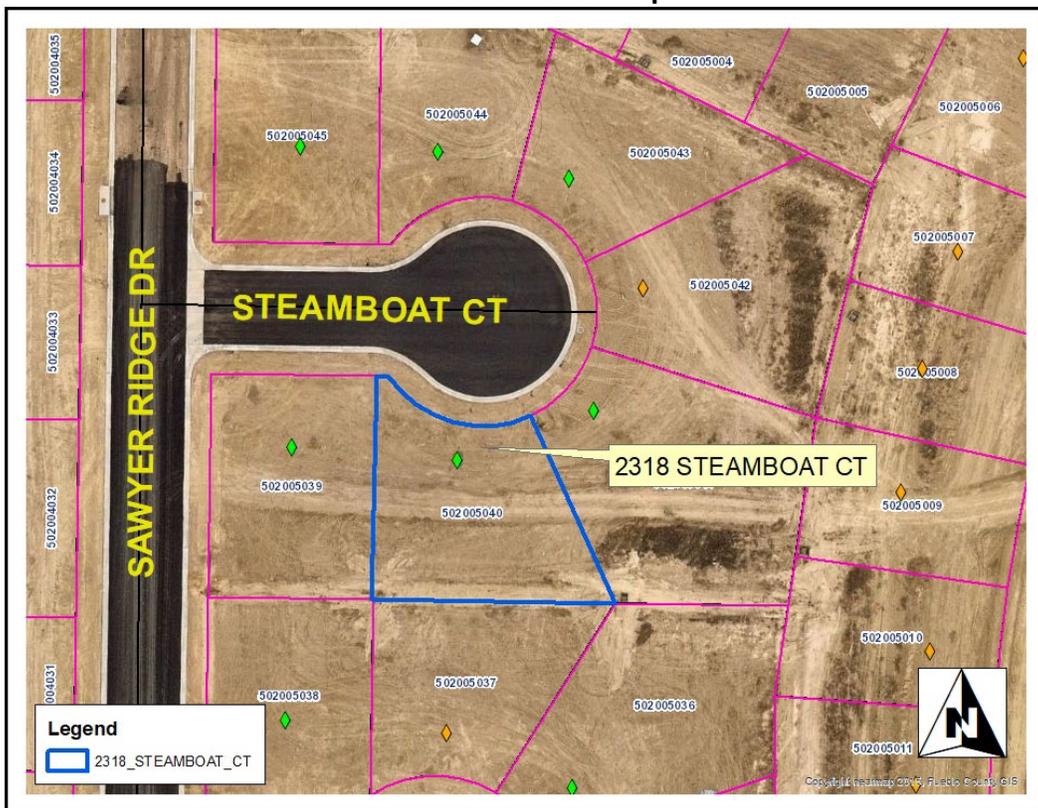


Exhibit D. Zoning Map

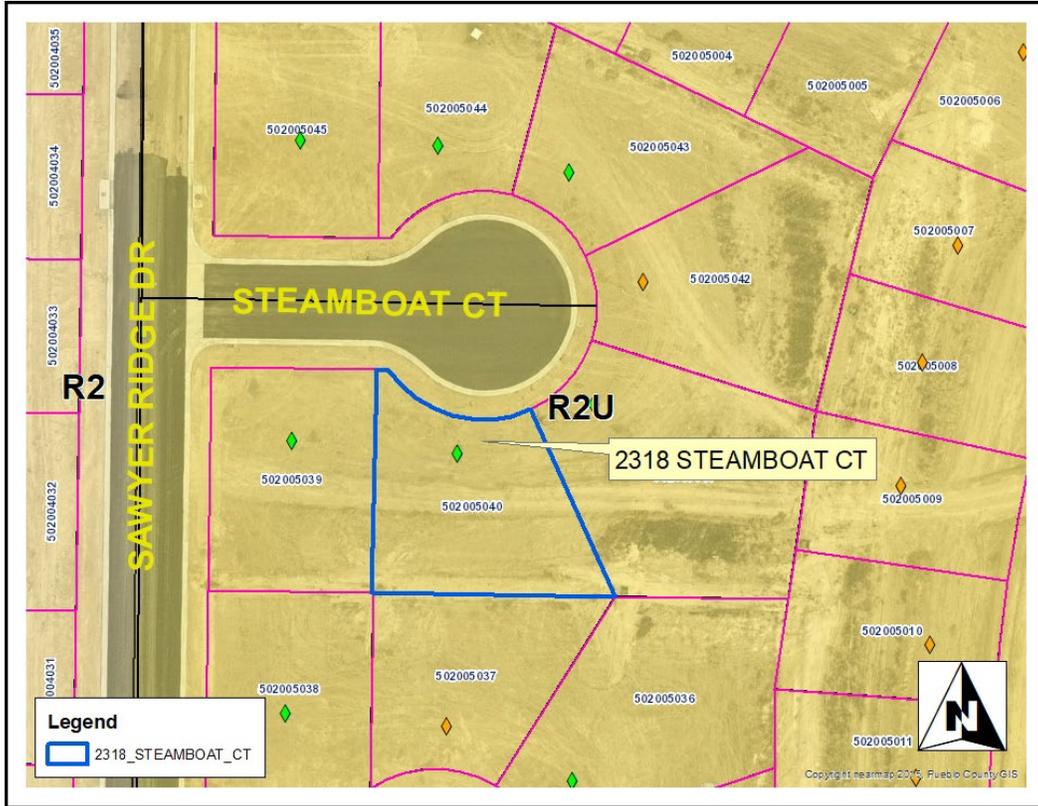


Exhibit E. Comprehensive Plan Map

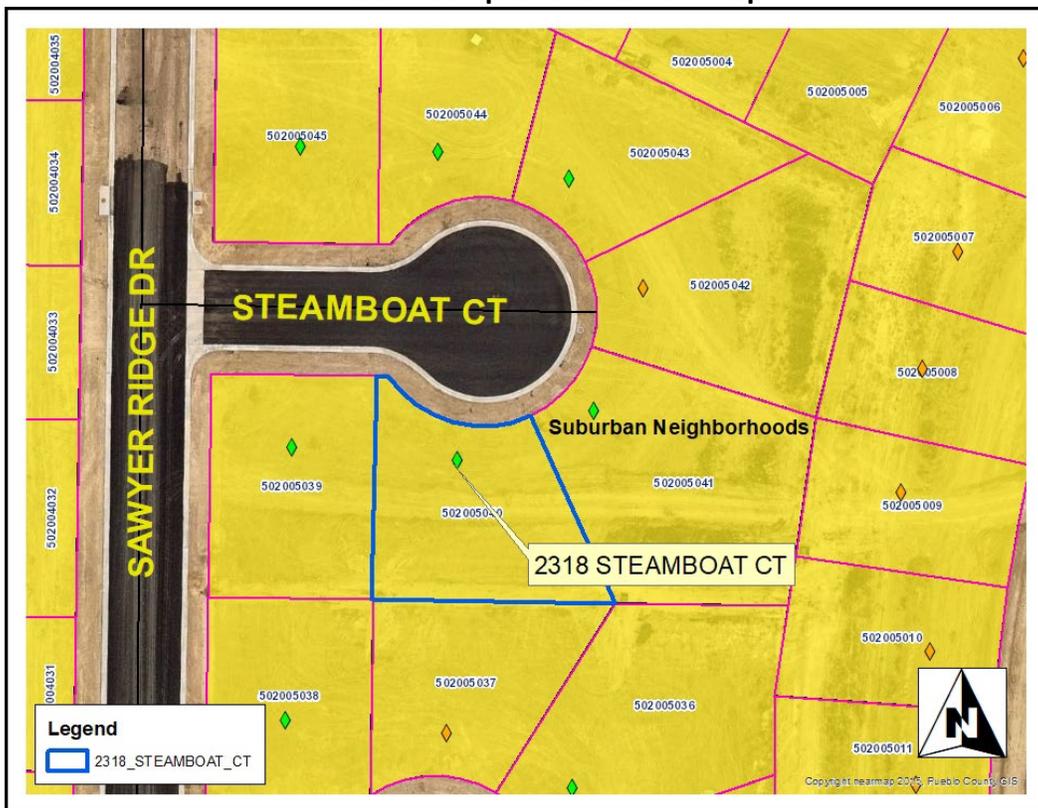


Exhibit F. Public Notice



Exhibit G. Site Photos



H. Application



08/15/2022

22-143

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Aug 12, 2022

Applicant

DUSTIN JONES
dj.droptineconstruction@gmail.com
2028 West Galileo Drive
Pueblo West, CO 81007
7192149636

Primary Location

2318 STEAMBOAT CT
PUEBLO, CO 81008

Owner:

DUSTIN JONES
2028 West Galileo Drive 2028 W GALILEO DR Pueblo West, CO
81007

Internal

ZBA Case Number
ZBA-22-42

Planner Assigned
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ZBA

Hearing Date
09/27/2022

Hearing Results
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Board Conditions
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Appeal Term End Date
--

Permit Completion Date
--

Specially Requested Hearing

Public Notice

Number of Posters
1

Number of Postcards Sent
3

Cost of Newspaper Notice
--

Public Notice Costs
4

Other Fees:
--

Public Notice costs must be paid by:
--

Public notice zoning poster must be displayed BY:
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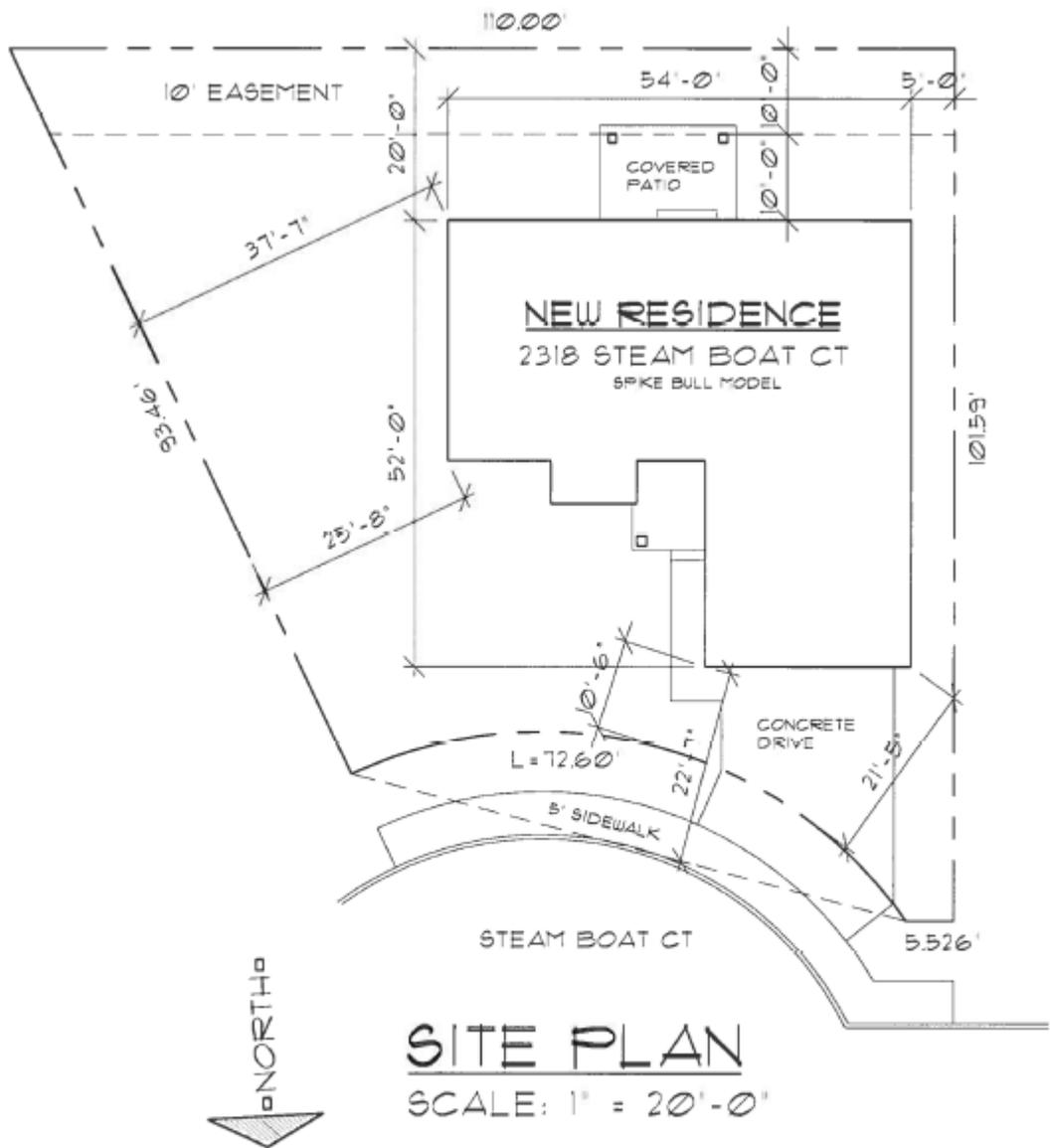
Public Notice zoning poster must be displayed UNTIL:
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Scope of Work

Type of Request
Variance

Variance Type
Setback

Exhibit I. Supporting Documents



LEGAL DESCRIPTION:
 LOT 40, BLOCK 2,
 SAWYER RIDGE SUB
 PARCEL - 0502005040

DROP TINE CONSTRUCTION
 GENERAL CONTRACTOR