

Mike Castellucci  
Chair

Steve Anselmo  
Vice Chair



Lisa Bailey  
Secretary

Yvonne Lujan-Slak

Georgia Way

## ZBA-22-44

Hearing Date: 9/27/22

**TO:** City of Pueblo Zoning Board of Appeals  
**FROM:** Theron Verna, Planner  
**THROUGH:** Scott Hobson, Land Use Administrative Official  
**LOCATION:** 2611 Pine St, Pueblo, CO 81004-4032  
**APPLICANT:** Leah Willey  
**PROPERTY OWNER:** Samuel and Kristine Dangremond  
**YEAR BUILT:** 1903  
**LEGAL DESCRIPTION:** N 1/2 LOT 26 ALL 27 BLK 26 MINNEQUA HEIGHTS  
**ZONE DISTRICT:** Single Family Residential (R-2) Zone District  
**PARCEL ID:** 1513226012  
**LOT SIZE:** 4,687 sq. ft.

<b>REQUEST:</b>	Variance to reduce the side setback by one foot from five feet (5') to four feet (4') in a Single Family Residential (R-2) Zone District
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### SYNOPSIS OF REQUEST

The applicant, Leah Willey, intends to construct an 856 square foot addition for Samuel Dangremond's property at 2611 Pine Street. This property is in a Single Family Residential (R-2) Zone District. The side setback requirement for a R-2 district is five feet (5'). The applicant plans to build the proposed addition four feet (4') from the side setback located on the northern side of the house. Therefore, the applicant is requesting a side setback variance from five feet (5') to four feet (4').

### ANALYSIS OF REQUEST

The applicant states that the property owner would like to build an 856 square foot, single story addition that would add three bedrooms to the existing home. However, the applicant states that the existing structure has a continuous four-foot (4') side setback on both the north and south sides of the property and is a legal, nonconforming structure. According to the Pueblo County Assessor record's, 2611 Pine St. was built in 1903 and therefore does fall into the category of a legal, nonconforming structure. 2611 Pine Street is a parcel consisting of one and a half 25-foot lots platted in 1902; resulting in a lot width of 37.5 feet and total are of 4,687.5 square feet, which does not meet the current R-2 minimum lot width of 50-feet and 5,000 square foot lot area. Therefore, the parcel is considered a legal non-conforming lot of record as well. The applicant states that to maintain uniform aesthetic appearance, maximize added living space potential, and to accommodate for the existing gas meter/line, the northern side of the addition would need to be built uniform with the current home at four feet (4') from the northern side property line. This addition is part of a larger scale remodel of the entire property. The applicant states that this entire remodel and addition process will significantly increase the value of the property and the surrounding properties in the neighborhood and provide for a cost-effective solution to the housing crisis facing Pueblo.

### ZONING DISTRICT AND LAND USE

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

South	Single Family Residential (R-2) Zone District	Single-family residence
West	Single Family Residential (R-2) 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 may increase the property value of the home and would not create a nuisance to the neighborhood regarding light or air.**

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 is not anticipated to jeopardize the current and future land use and transportation of this neighborhood.**

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

**Comments: Affirmative Finding. Due to the presence of the gas line on the north end of the home and the legal non-conforming characteristics of the home, strict adherence to this Title would not secure appropriate development of the property.**

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: Neutral Finding. Many homes and parcels in this neighborhood are legal non-conforming structures and/or lots and suffer similar disadvantages. All the lots were platted and combined for development prior to the 1968 zoning code.**

### 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 addition shall be constructed in an architecturally compatible manner with respect to siding, roofing pitch and material, and building material.

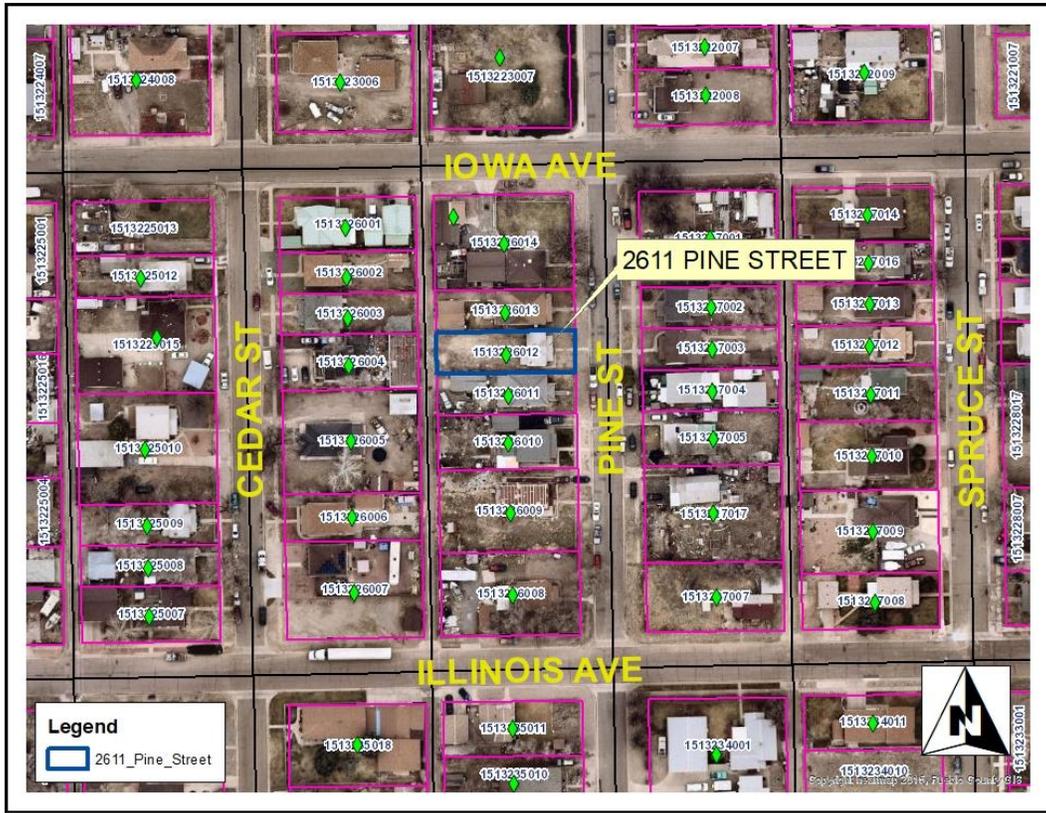
**ATTACHMENTS**

- 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-22-44</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 10/25/2023
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.

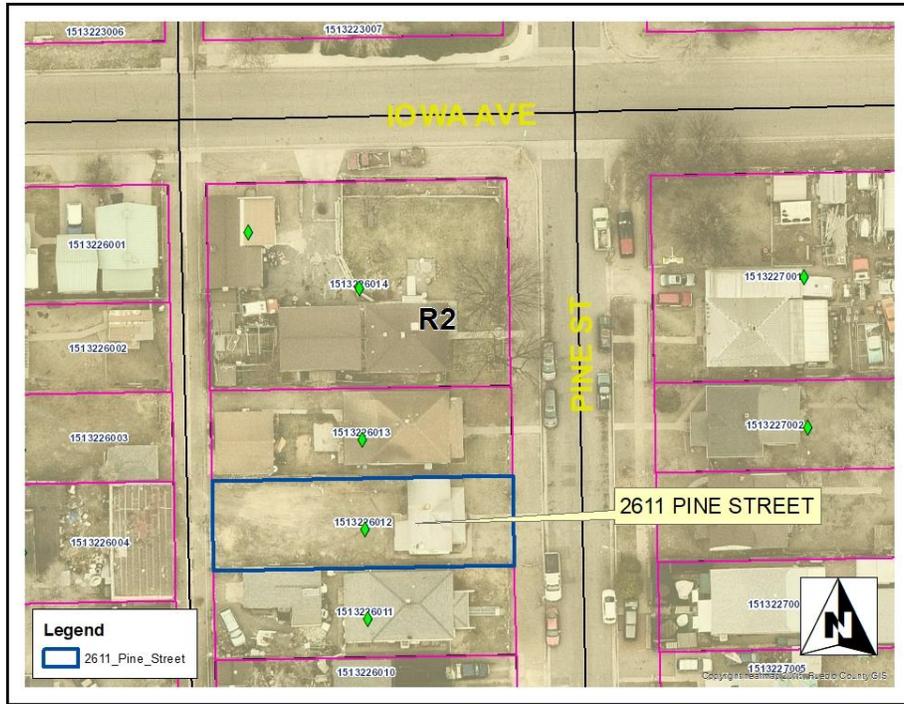
**Exhibit B. Location Map**



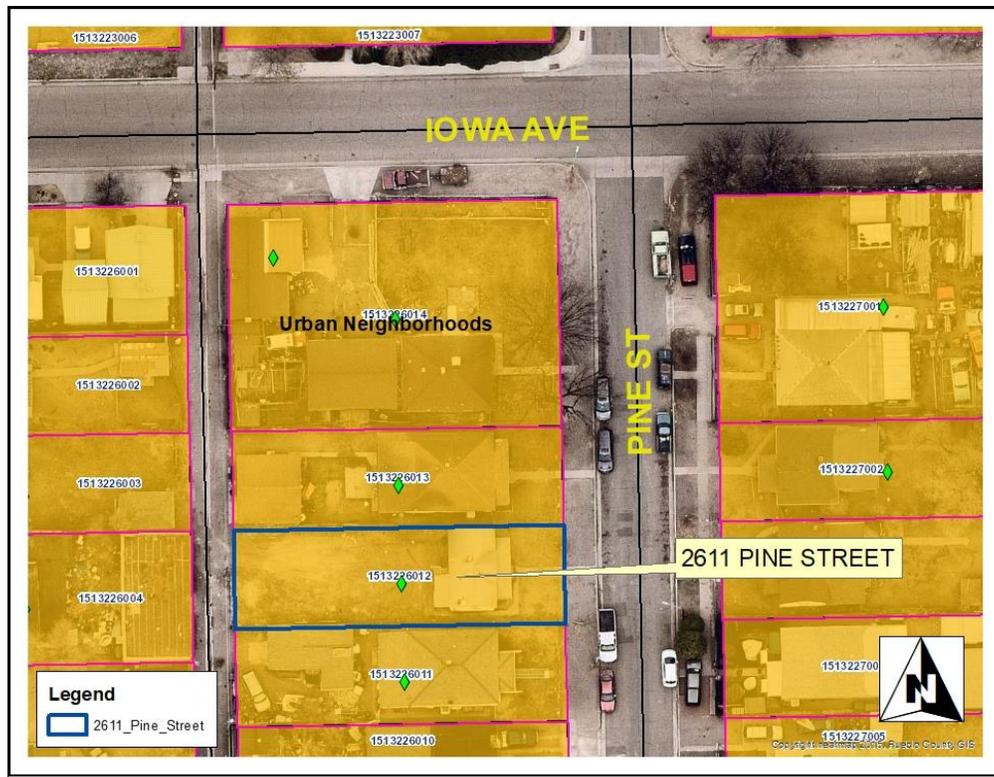
**Exhibit C. Site Map**



### Exhibit D. Zoning Map



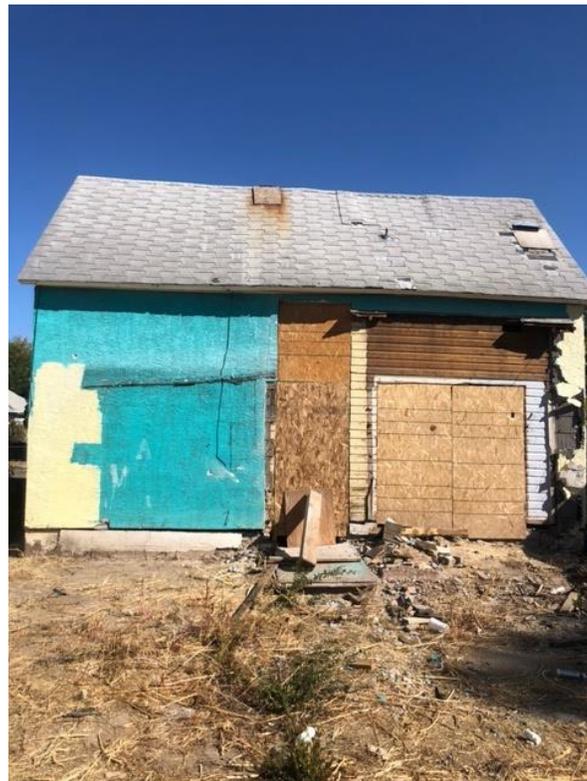
### Exhibit E. Comprehensive Plan Map



**Exhibit F. Public Notice**



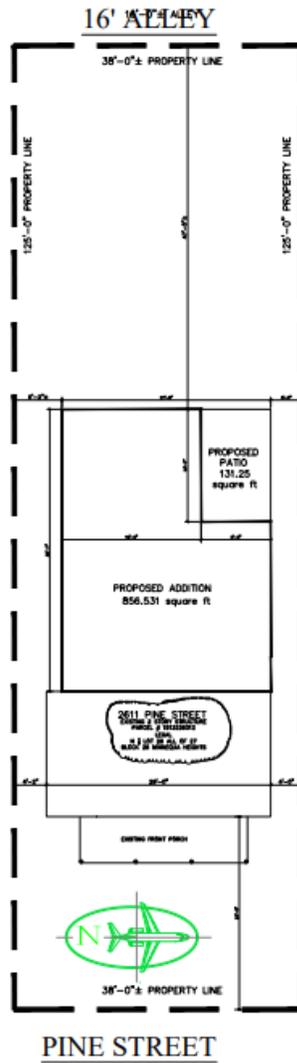
**G. Site Pictures**







**Exhibit H. Application**



**SITE PLAN**

SCALE: 1" = 10'-0"



**Property Owner Affidavit**

Please type or **print** clearly. Illegible applications will not be accepted.

<b>Property Owner:</b>			
Name: Samuel T. Dangremond		Company:	
Address: 216 Dunsmere Ave.			
City: Pueblo		State: CO	Zip: 81004
Phone: 703-340-4339	Email: sam.dangremond@yahoo.com		
<b>Applicant:</b>			
Name: Samuel T. Dangremond		Company:	
Phone: 703-340-4339	Email: sam.dangremond@yahoo.com		
Property Address: 2611 Pine St., Pueblo CO 81004			

I, Samuel T. Dangremond, hereby state that I am the owner of the property located at 2611 Pine St., Pueblo CO 81004, Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application for a addition at said location.  
(application type)

*Samuel T. Dangremond* 9/6/22  
 Signature of Property Owner Date

City of Pueblo PLACE

09/12/2022

22-150

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Sep 8, 2022

**Applicant**

Leah Willey  
 leahwilley450@gmail.com  
 5648 Aventura Way  
 Pueblo, CO 81005-2624  
 7192481061

**Primary Location**

2611 PINE ST  
 PUEBLO, CO 81004

**Owner:**

DANGREMOND SAMUEL T/DANGREMOND KR  
 216 DUNSMERE AVE PUEBLO, CO 81004-1027

**Internal**

ZBA Case Number  
 ZBA-22-44

**Planner Assigned**

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**ZBA**

Hearing Date  
 10/25/2022

**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

--

**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:**

--

**Public Notice zoning poster must be displayed UNTIL:**

--

**Is a 1-year inspection required?**

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**Scope of Work**

**Type of Request**  
Variance

**Variance Type**  
Setback

**Provide a short description of the proposed request:**

Requesting to change the northside property setback from 5 ft to 4ft to accommodate an addition.

**What is the general use of the property**

Residential

**Detailed explanation of the request as listed above.**

Existing structure on property has 4 foot setbacks on each side yard property line. The owner would like to build an addition to the back of the existing structure. Due to the placement of the gasline, he would like the northside of the addition to continue the 4 foot setback from the property line. The South side of the addition is designed to meet the 5 foot setback due to lack of a gas line on that side.

**Justification of facts required for the request. Be specific.**

In order to not have to move the gas line, the owner would like to extend the current setback of 4 feet on the addition. Owner buys and remodels many blighted houses in Pueblo. In order to be financially viable, he would like to save the expense of moving the gas line.

Please see the attached document for assistance with Justification of Facts:

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ZBA Use by Review Assistance  
([https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA\\_Use\\_by\\_Review\\_HANDOUT\\_06-2020\\_Thu\\_Jul\\_22\\_2021\\_15:43:00\\_GMT+0000\\_\(Greenwich\\_Mean\\_T](https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Use_by_Review_HANDOUT_06-2020_Thu_Jul_22_2021_15:43:00_GMT+0000_(Greenwich_Mean_T))

ZBA Non-Residential Variance Assistance  
([https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA\\_Non-Residential\\_Variance\\_HANDOUT\\_06-2020\\_Thu\\_Jul\\_22\\_2021\\_15:42:48\\_GMT+0000\\_\(Greenwich\\_Mean\\_T](https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Non-Residential_Variance_HANDOUT_06-2020_Thu_Jul_22_2021_15:42:48_GMT+0000_(Greenwich_Mean_T))

ZBA Residential Variance Assistance  
([https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA\\_Residential\\_Variance\\_HANDOUT\\_06-2020\\_Thu\\_Jul\\_22\\_2021\\_15:42:55\\_GMT+0000\\_\(Greenwich\\_Mean\\_T](https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Residential_Variance_HANDOUT_06-2020_Thu_Jul_22_2021_15:42:55_GMT+0000_(Greenwich_Mean_T))

**Are there any concurrent zoning requests?**

No

**Variance Justification of Facts**

**Describe how the granting of a 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.**

The property on the north side of this property is in absolute disrepair. Owner is adding a single story addition to the back of the 2 story existing residence (and remodelling) which is also currently in disrepair. This work will significantly increase the value of properties within 100 feet. The addition will be in the back of the existing residence and also behind the residences on both sides thereby not blocking light nor air.

**Describe how the general planning of the City with respect to land use, density of use and the location of streets and highways will not be jeopardized.**

The request is simply to allow the existing grandfathered variance to continue from the existing structure back to the new structure. This will remain a single family home only lot, but will dramatically improve the appearance of the home and the neighborhood.

**Describe how strict adherence to this Title would not secure appropriate development of the property for which the variance is requested.**

Strict adherence to the setback distance on the north side of the addition would prevent the building of usable square footage in the addition, making the addition overly narrow instead of following the line of the existing building. This would be both aesthetically displeasing and functionally restrictive of livable space. The addition as currently planned with the 4' setback if this variance is approved will be a three bedroom addition. In this time of a housing crises in Pueblo, we feel that appropriate development of this property should include as many bedrooms as possible - and so we hope that we do not have to redesign the addition to meet the 5' setback by reducing the number of bedrooms in the addition to two instead of three.

**Describe how 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.**

The property for which the variance is requested is a very shallow two story house with existing 4' setbacks on the north side and the south side. As a result, the lot has a very large unused depth in the back of the existing structure. We believe this makes this particular property ideal for adding an addition on the back, that will increase the number of bedrooms from two to five if this variance is granted.

**Terms**

**Is the applicant and property owner the same?**

No

**Applicant Signature**

Leah J Willey  
09/07/2022

**Attachments**

- SAM'S ON PINE 1 Site Plan.pdf  
Uploaded by Leah Willey on Sep 8, 2022 at 8:55 pm
- Property Owner Affidavit.pdf  
Uploaded by Leah Willey on Sep 8, 2022 at 8:54 pm

**History**

Date	Activity
Sep 7, 2022 at 8:16 pm	Leah Willey started a draft of Record 22-150
Sep 8, 2022 at 8:57 pm	Leah Willey submitted Record 22-150
Sep 8, 2022 at 8:57 pm	changed the deadline to Sep 11, 2022 on approval step Fee Review on Record 22-150
Sep 8, 2022 at 8:57 pm	approval step Fee Review was assigned to Planning Front Counter on Record 22-150
Sep 8, 2022 at 8:57 pm	changed the deadline to Sep 11, 2022 on approval step Fee Review on Record 22-150
Sep 9, 2022 at 8:32 am	Cindy Capritta assigned approval step Fee Review to Cindy Capritta on Record 22-150
Sep 9, 2022 at 8:34 am	Cindy Capritta approved approval step Fee Review on Record 22-150
Sep 12, 2022 at 11:09 am	Karen Elgin changed ZBA Case Number from "" to "ZBA-22-44" on Record 22-150
Sep 12, 2022 at 11:09 am	Karen Elgin changed Hearing Date from "" to "10/25/2022" on Record 22-150

**Timeline**

Label	Status	Activated	Completed	Assignee	Due Date
Fee Review	Complete	Sep 8, 2022 at 8:57 pm	Sep 9, 2022 at 8:34 am	Cindy Capritta	09/10/2022
Application Fee	Active	Sep 9, 2022 at 8:34 am	-	-	-
Intake Review	Inactive	-	-	-	-
Land Use Tech Review	Inactive	-	-	-	-
Case Assignment	Inactive	-	-	-	-
Planning (Zoning) Initial Review of Submittal	Inactive	-	-	-	-
Public Notice	Inactive	-	-	-	-
Public Notice Memo	Inactive	-	-	-	-
Public Notice Fee	Inactive	-	-	-	-
Staff Report and Agenda Distribution	Inactive	-	-	-	-
ZBA Hearing Outcome	Inactive	-	-	-	-
Permit Issuance	Inactive	-	-	-	-
Final Inspection	Inactive	-	-	-	-