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Chair

Steve Anselmo  
Vice Chair



Lisa Bailey  
Secretary

Yvonne Lujan-Slak

Georgia Way

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## ZBA-22-53

Hearing Date: 1/24/2023

**TO:** City of Pueblo Zoning Board of Appeals  
**FROM:** Bart Mikitowicz, Senior Planner  
**THROUGH:** Scott Hobson, Land Use Administrative Official  
**LOCATION:** 703 Pineda Ct, Pueblo, CO 81001  
**APPLICANT:** Darlene Horn  
**PROPERTY OWNER:** Legends Subdivision LLC  
**YEAR BUILT:** n/a  
**LEGAL DESCRIPTION:** LOT 35 BLK 3 RIVERS RUN SUBDIVISION  
**ZONE DISTRICT:** Single-Family Residential (R-2) Zone district  
**PARCEL ID:** 432321016  
**LOT SIZE:** 6098

<b>REQUEST:</b>	Variance to reduce the rear-yard setback by 9.58 ft from 15 ft to 5.42 ft in a Single-Family Residential (R-2) Zone district
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### SYNOPSIS OF REQUEST

703 Pineda Ct is a proposed one thousand eight hundred (1,800 sqft) square foot single-family home, on a six thousand eighty-nine (6,089 sqft) square foot parcel. The home is in the Rivers Run Subdivision located in the lower east side. The applicant, Ms. Horn, is requesting a Variance to reduce the required 15-foot rear-yard setback to 5.42 ft in a Single-Family Residential (R-2) Zone District. Site plans show that the proposed single-family home will encroach into the rear yard setback; therefore, a Variance is required before construction. In accordance with section 17-5-34 "The Zoning Board of Appeals shall have the power to authorize upon appeal in specific cases such variance from the terms of this Title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Title would result in unnecessary hardship."

### ANALYSIS

The site plan shows a proposed one thousand eight hundred (1,800 sqft) square foot single-family home. The subject property is the northmost parcel of the seven (7) parcels located adjacent to the Pineda Ct. cul-de-sac. The subject property is an irregular shaped lot that meets the R-2 lot width and area requirements but presents the developer with challenges in maximizing the square footage of the proposed home due to the lot shape; similar to trying to fit a square peg in a round hole. In this case, the lot has a depth of 83.4 feet, standard rectangular lots, generally have a depth between 100 and 160 feet, creating a physical hardship for standard single-family home development. Furthermore, since the rear (north) property line abuts a future park negative externalities from the granting of this variance would be minimal and would not affect future residential development located north of the site.

**ZONING DISTRICT AND LAND USE**

Zone:		Developed with:
North	Government Use (S-1) Zone District	Undeveloped future park
East	Single-Family Residential (R-2) Zone District	Single-family Homes
South	Single-Family Residential (R-2) Zone District	Single-family Homes
West	Single-Family Residential (R-2) Zone District	Single-family Homes

**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 would not reduce light and air in the form of new shaded areas on the adjacent property to the north.**

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 have a negative affect on general planning of the city or set a negative or unjustifiable precedent.**

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 of the code would prohibit the proposed home from being constructed. The architect would be required to redesign a significant portion of the rear of the house; which will be costly and result in a smaller home.**

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 to 83.4 feet.**

**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**

<b>Standard Permit Conditions</b> Date of Issuance of Permit: <b>ZBA-22-53</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>1/24/2024</b>
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 F. Public Notice**



**Exhibit G. Site Photos**



H. Application

12/2/22, 2:15 PM

OpenGov



12/02/2022

22-194

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Dec 2, 2022

Applicant

Darlene Horn
darlene@dkheng.com
2441 South Prairie Ave.
Pueblo, CO 81005
7196968274

Primary Location

703 PINEDA CT
PUEBLO, CO 81001
Owner:
LEGENDS SUBDIVISION LLC
703 Pineda Ct. Pueblo , Co 81004

Internal

ZBA Case Number
ZBA-22-53

Planner Assigned
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ZBA

Hearing Date
01/24/2023

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:
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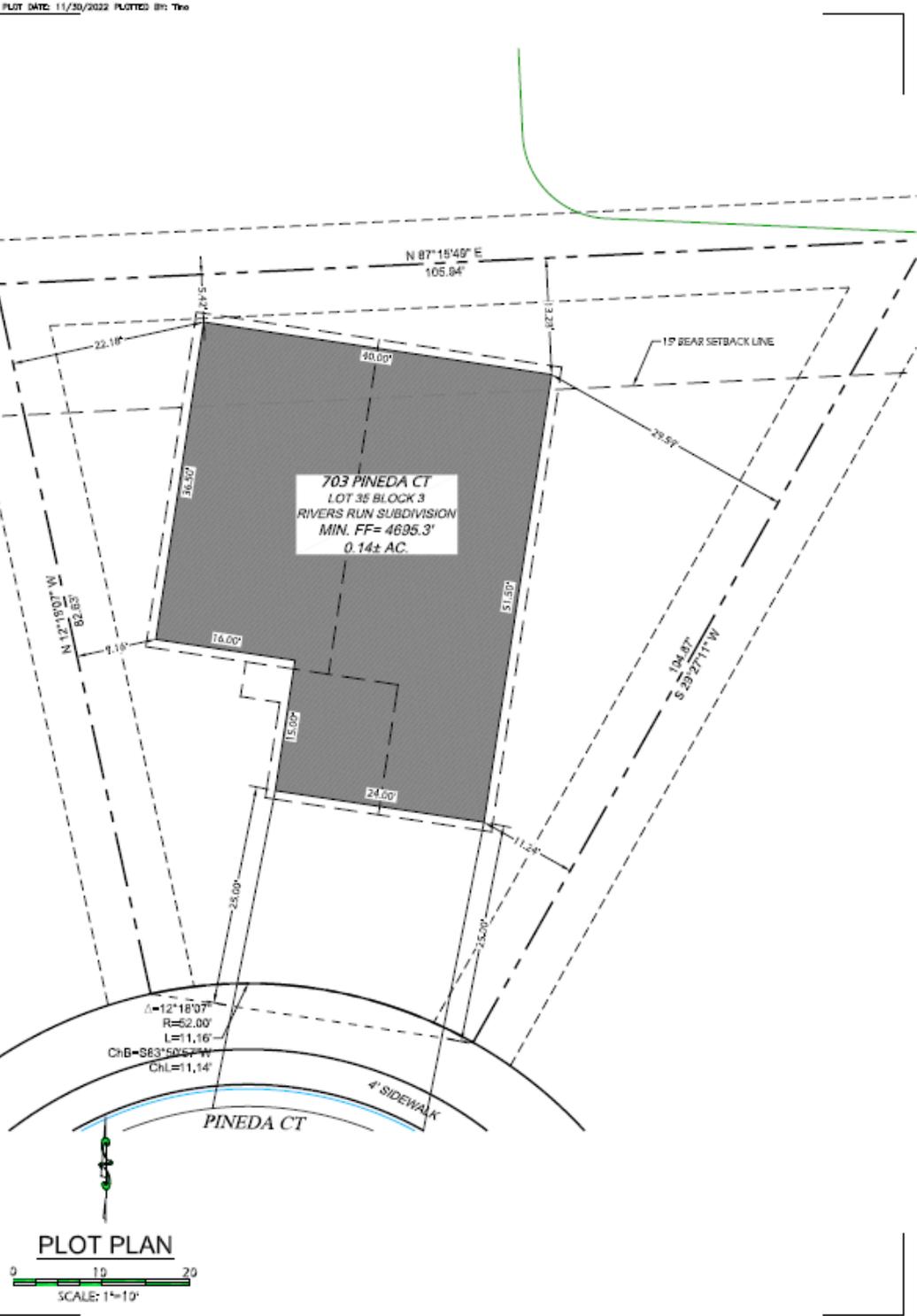
Is a 1-year inspection required?
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Scope of Work

Type of Request
Variance

Variance Type
Setback

Exhibit I. Supporting Documents



SITE PLAN  
CO

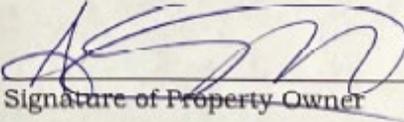
PROJECT NUMBER: 2023-0002 DRAWING NUMBER: 2023-0002-01 DATE: 11/30/2022 DRAWN BY: TMO CHECKED BY: TMO	<b>STONEBROOK CONSTRUCTION</b> <b>WILLOW MODEL</b> 703 Pineda Ct Pueblo, CO 81004 Parcel #432827016 LOT 35, BLOCK 3, RIVERS RUN SUBDIVISION	SCALE: 1"=10' NORTH ARROW TELL THE WORLD YOU'RE HERE	
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# Property Owner Affidavit

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

<b>Property Owner:</b>			
Name: <u>Aaron Haaga</u>		Company: <u>Legends Subdivisions, LLC</u>	
Address: <u>703 Pineda Court</u>			
City: <u>Pueblo</u>		State: <u>CO</u>	Zip: <u>81001</u>
Phone: <u>701-706-5919</u>	Email: <u>aaron@stonebrook.com</u>		
<b>Applicant:</b>			
Name: <u>Aaron Haaga</u>		Company: <u>Legends Subdivisions, LLC</u>	
Address: <u>703 Pineda Court</u>			
City: <u>Pueblo</u>		State: <u>CO</u>	Zip: <u>81001</u>
Phone: <u>701-706-5919</u>	Email: <u>aaron@stonebrook.com</u>		
Property Address:			

I, Aaron Haaga, hereby state that I am the owner of record of the property located at 703 Pineda Court, Pueblo, CO 81001, Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application for a Variance at said location.  
(application type)

  
 Signature of Property Owner Date 12/1/22