

Mike Castellucci  
Chair

Steve Anselmo  
Vice Chair



Lisa Bailey  
Secretary

Yvonne Lujan-Slak

Georgia Way

## ZBA-23-08

Hearing Date: January 25, 2022

**TO:** City of Pueblo Zoning Board of Appeals  
**FROM:** Wade Broadhead, Planner  
**THROUGH:** Scott Hobson, Land Use Administrative Official  
**LOCATION:** 2318 Sandbar Ct., Pueblo CO 81001  
**APPLICANT:** Augie Pannunzio  
**PROPERTY OWNER:** Pannunzio Inc.  
**YEAR BUILT:** 2023  
**LEGAL DESCRIPTION:** Lot 33, Block 2, Sawyer Ridge Subdivision Formerly #05-020-00-11  
**ZONE DISTRICT:** R-2U  
**PARCEL ID:** 502005033  
**LOT SIZE:** 7004 sq ft

**REQUEST:** A Variance to allow a single family home rear stairway and landing to encroach 3.5 feet into the required rear yard fifteen foot setback.

### SYNOPSIS OF REQUEST

The subject property is located in the Sawyer Ridge neighborhood on Pueblo’s North Side and was recently constructed in winter of 2023. The applicant is requesting a variance of a 3.5-foot encroachment into the south fifteen-foot rear yard setback to accommodate an elevated stairway and landing. City Staff identified the encroachment while conducting the Certificate of Occupancy inspection.

### ANALYSIS OF REQUEST

The applicant was approved to construct a new single-family home on June 21, 2022. The site plan indicated that the rear portion of the home would be constructed 15.22 feet from the rear property line. Staff assumed the rear wall would be at grade and a walk out patio would be permissible. When staff revisited the property for the Certificate of Occupancy inspection, they noted a modest grade change leaving the rear back door four feet above grade. To access the rear yard a four-foot tall, 3.5 foot by 10-foot stairway and landing was constructed resulting in a 3.5-foot encroachment into the rear-yard setback. There is a ten ft. drainage easement at the rear of the lot and the encroachment does not enter that area. Pueblo Municipal Code Sec-17-4-23(d)(1) only allows uncovered decks 30 inches or below to encroach into yards, since the deck is 48 inches it requires a variance. Since the deck is not covered and only covers a small area it will not negatively impact surrounding properties.

### ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	R-2U	Single Family Homes
East	R-2U	Single Family Homes
South	R-2U	Single Family Homes
West	R-2U	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. The reduced rear yard setback will reduce light and air to adjacent properties as this lot. The stairs and landing are uncovered and will not negatively impact the 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. The addition will not negatively affect the general planning of the city. The uncovered stairway and landing will not negatively impact any surrounding properties.**

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

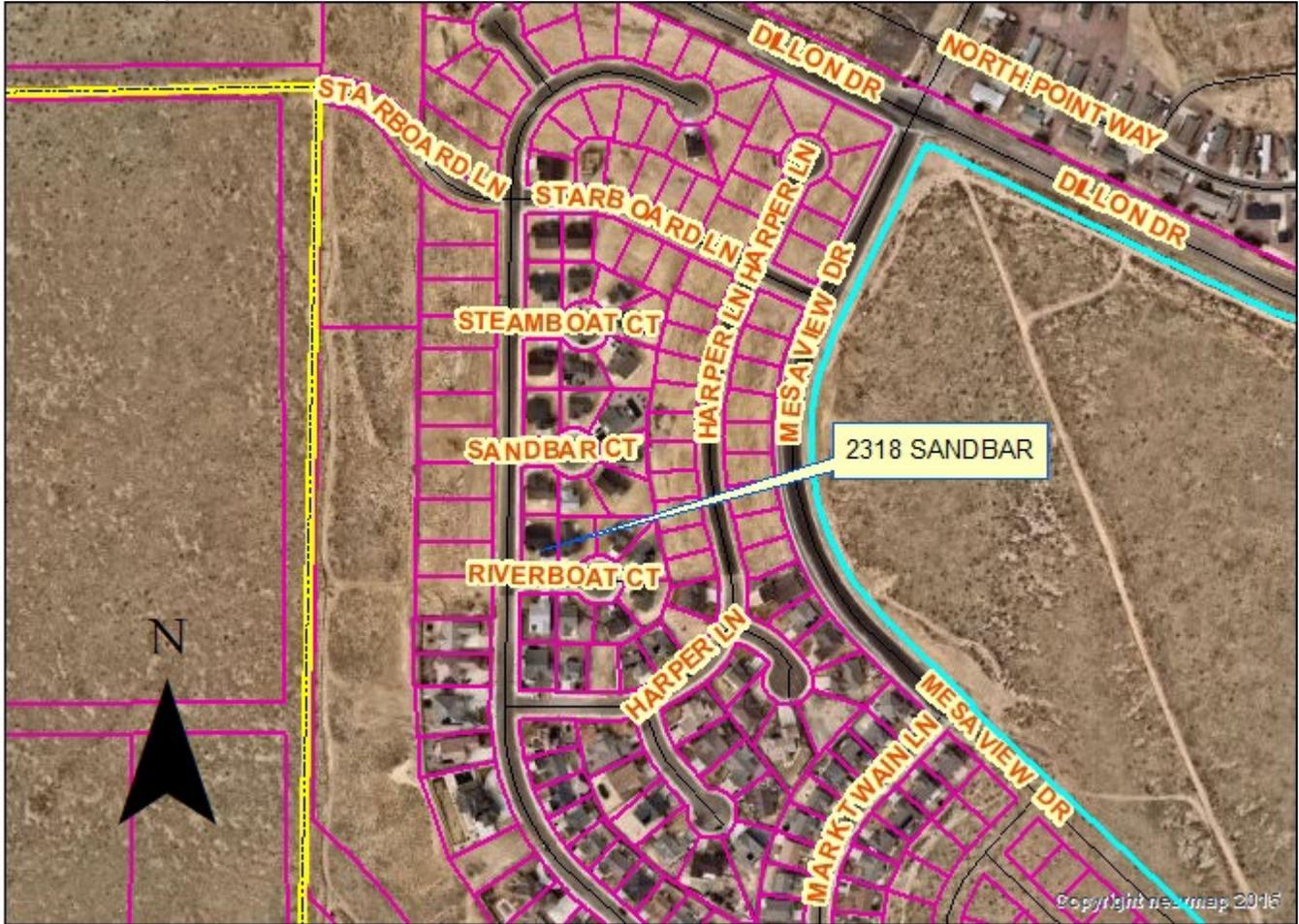
**Comments: Affirmative Finding. Failure to receive this variance would prohibit rear egress and access to the new home making it difficult to sell or utilize. The existing floorplan does not allow for a new deck or entryway to be added to the eastern façade.**

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 rear wall is exactly at the setback distance and once a slight grade was introduced there is no way to safely access the rear of the property without a stair and landing.**

**PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION**

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



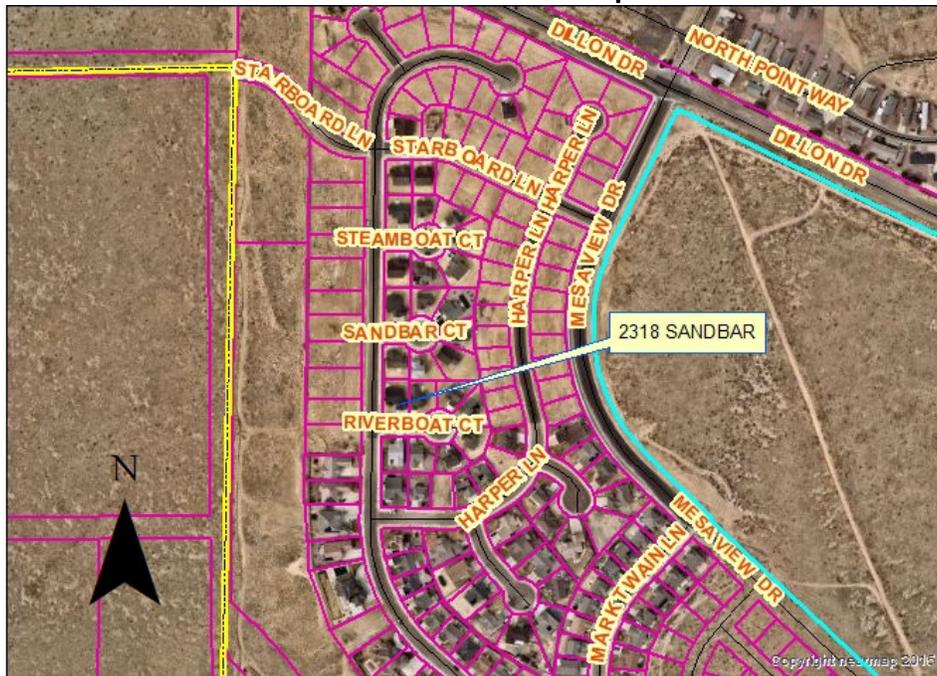
**ATTACHMENTS**

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

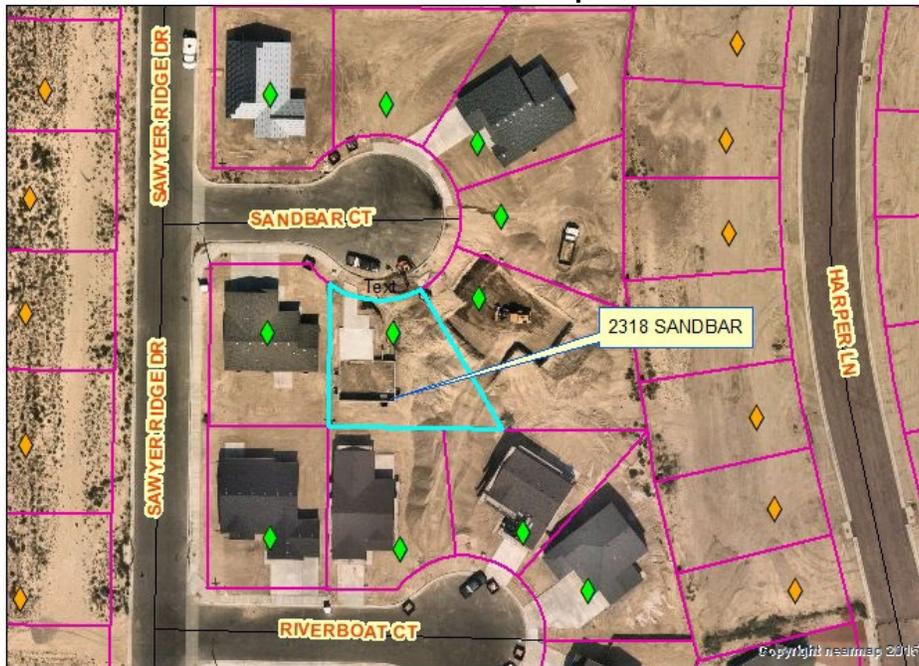
**Exhibit A. Standard Permit Conditions**

<b>Standard Permit Conditions</b> Date of Issuance of Permit: <b>4/25/2022</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>4/25/2023</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.

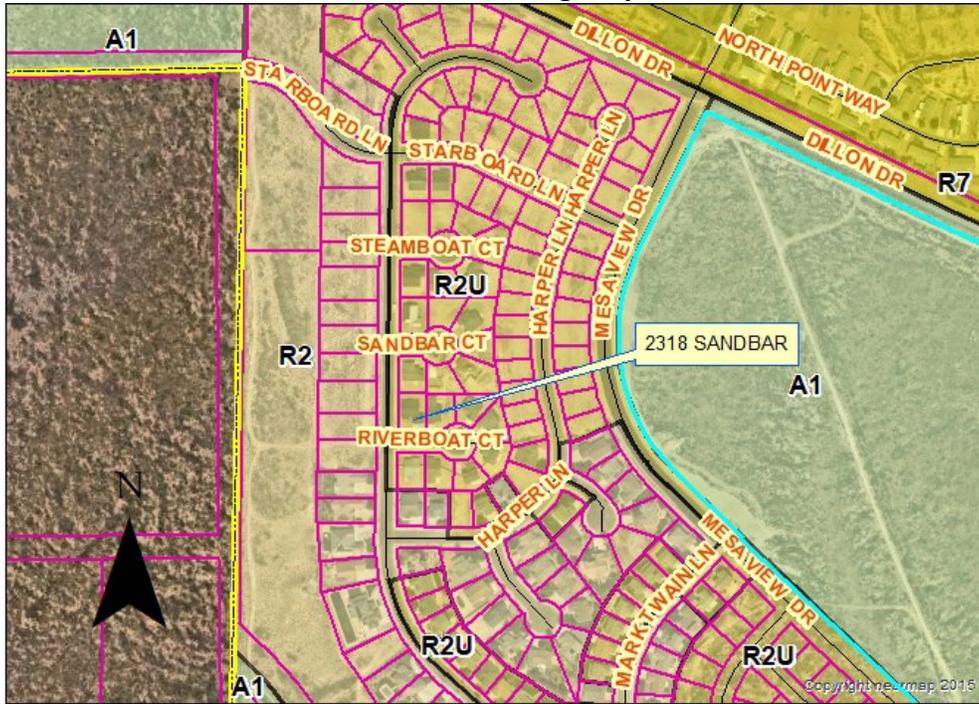
**Exhibit B. Location Map**



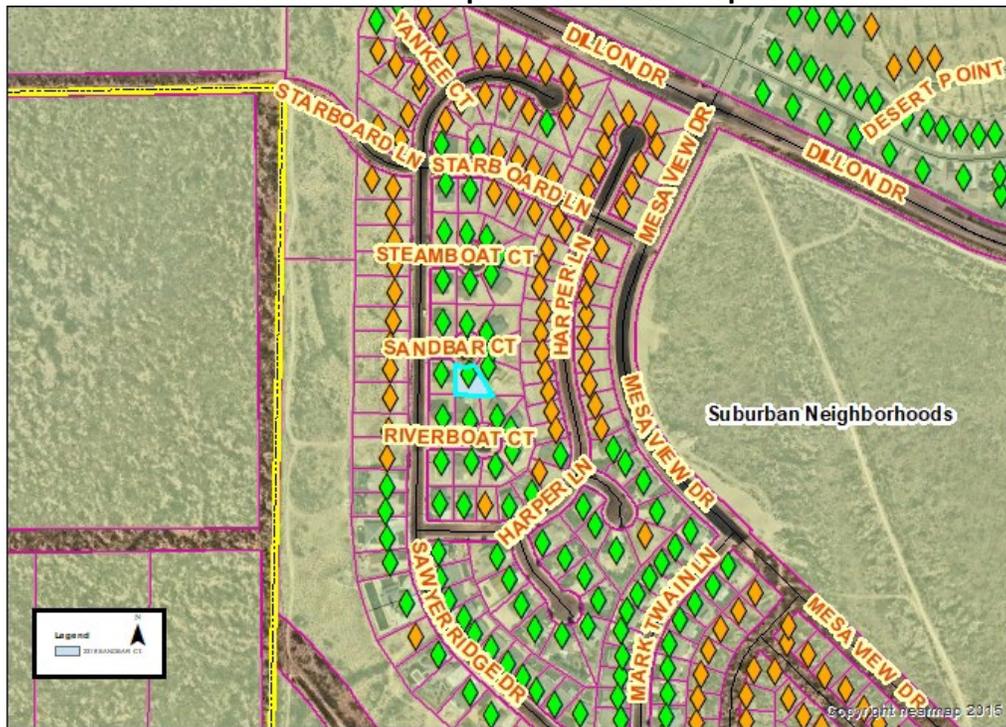
**Exhibit C. Site Map**



**Exhibit D. Zoning Map**



**Exhibit E. Comprehensive Plan Map**



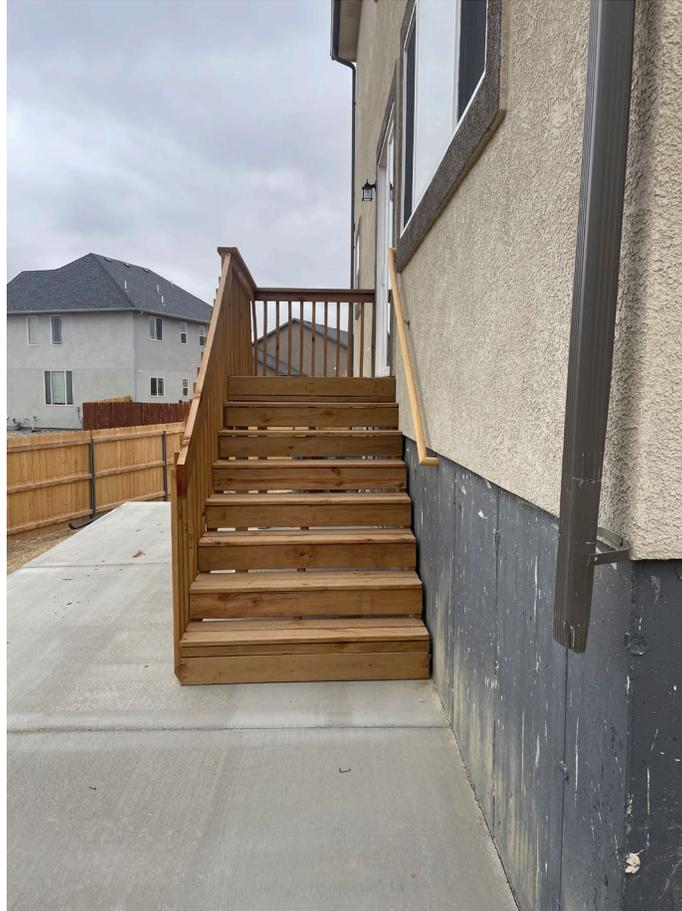
**Exhibit F. Photographs**



**Overview of 2318 Sandbar Ct.**



**View of the deck and stairs and side yard**



**View of the landing and stairs, landing is 4' wide.**



**Close up of the landing and elevation change to grade level**

Exhibit G. Application

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City of Pueblo PLACE

03/14/2023

23-52

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Mar 14, 2023

Applicant

Augie Pannunzio
modorisio@premierhomesinc.com
200 W CITY CENTER DR #200
PUEBLO, CO 81003
719-584-2800 x100

Primary Location

2318 SANDBAR CT
PUEBLO, CO 81008

Owner:

PANNUNZIO INC
200 W CITY CENTER DR STE 200 PUEBLO , CO 81003-1024

Internal

ZBA Case Number

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Planner Assigned

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ZBA

Hearing Date

04/25/2023

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:

--

Is a 1-year inspection required?

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Scope of Work

https://puebloco.viewpointcloud.io/#!/explore/records/42091/printable?act=true&app=true&att=true&emp=true&int=true&loc=true&sec=1011981%2C10... 1/3

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OpenGov

**Type of Request**

Variance

**Variance Type**

Setback

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

Patio stairs are outside building setback by 3 feet

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

Residential

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

Need variance approval to get stairs approved so we can exit home through sliding door

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

We assumed the stairs were not considered to be part of the building structure as we needed to build them to exit back sliding door due to the elevation set up.

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

 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\\_\(Greenwich\\_Mean\\_Time\).pdf](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_Time).pdf))

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

 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\\_\(Greenwich\\_Mean\\_Time\).pdf](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_Time).pdf))  
 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\\_\(Greenwich\\_Mean\\_Time\).pdf](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_Time).pdf))

**Are there any concurrent zoning requests?**

No

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**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.**

We do not feel any of the items listed above will be affected.

**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.**

Does not affect any of these items.

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

Without variance approval we will have to remove sliding glass door and there would be no access to the back yard.

**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.**

Without variance approval we will have to remove sliding glass door and there would be no access to the back yard.

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**Terms**

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

Yes

**Applicant/Property Owner Signature**

Pannunzio Inc dba Premier Homes Inc by Maurene O'Dorisio  
03/14/2023

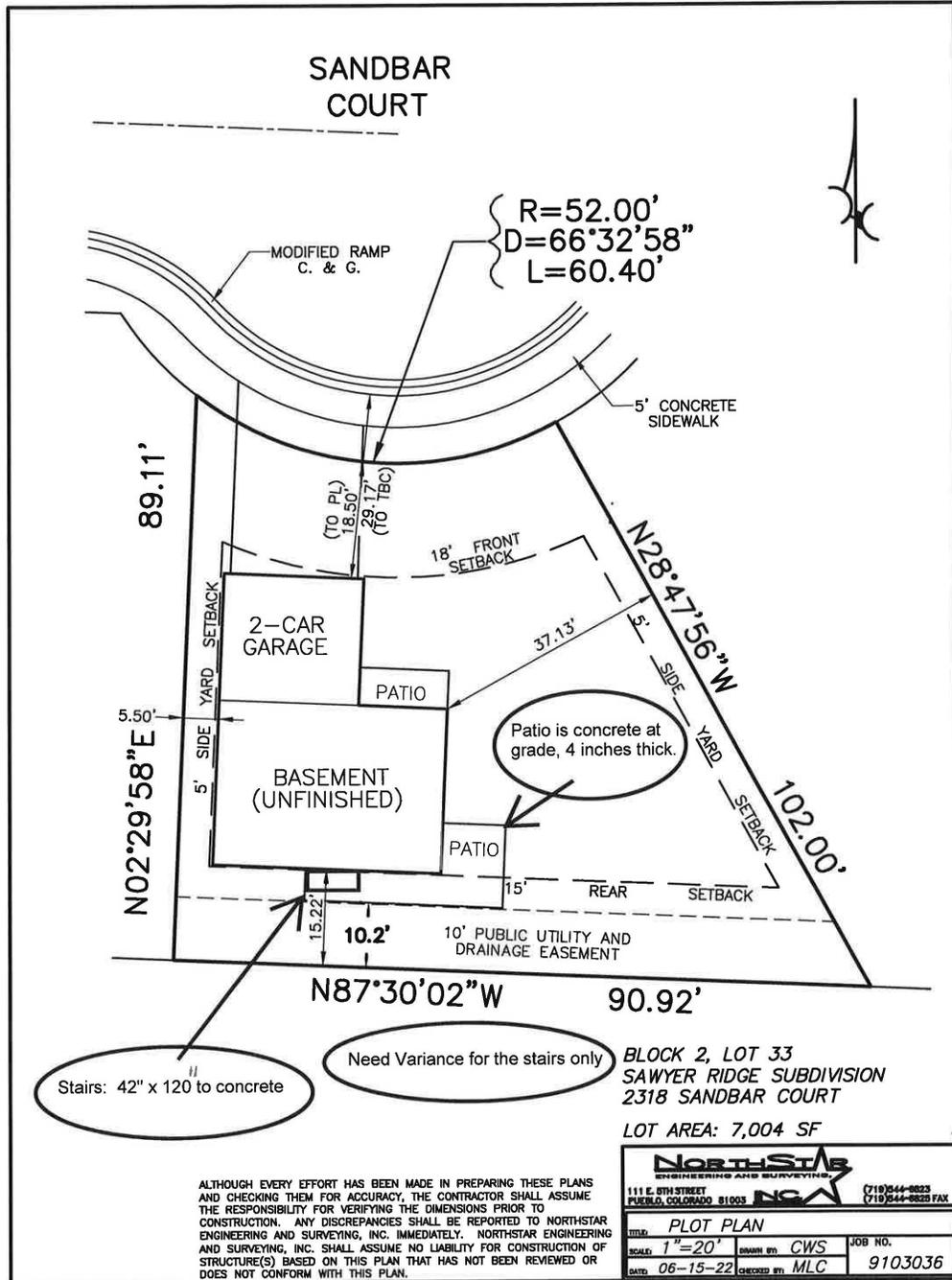
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**Attachments**



<https://puebloco.viewpointcloud.io/#/explore/records/42091/printable?act=true&app=true&att=true&emp=true&int=true&loc=true&sec=1011981%2C10...> 2/3

Exhibit H. Supporting Documents



Revised site plan

