

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-23-20

Hearing Date: 5/23/2023

TO: City of Pueblo Zoning Board of Appeals
FROM: Bart Mikitowicz, Senior Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 5 Baybridge Ct, Pueblo, CO 81004
APPLICANT: Robin Stanton
PROPERTY OWNER: Andrew L Garduno
YEAR BUILT: 1978
LEGAL DESCRIPTION: LOT 23 BLK 408 BELMONT 53RD FORMERLY #04-184-30-019
ZONE DISTRICT: Single-Family Residential (R-2) Zone District
PARCEL ID: 418430020
LOT SIZE: 7,000

REQUEST:	Variance to reduce the rear yard setback from fifteen (15) feet to six (6) feet in a Single Family Residential (R-2) Zone District
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REQUEST BACKGROUND

The applicant is requesting a Variance to reduce the rear yard setback from fifteen (15) feet to six (6) feet in a Single Family Residential (R-2) Zone District. The property owner, Mr. Garduno, is proposing to construct a 304 square foot addition to the northwestern portion of the principal structure. The proposed addition encroaches into the rear-yard setback by six (6) feet. In accordance with 17-4-23(a)(3) of the Pueblo Municipal Code (PMC), the applicant is required to obtain a variance because the addition is proposed in a portion of the required rear yard setback.

ANALYSIS

The subject property is located in the Bonforte and Mac Naughton Subdivision, South of US HWY 47. The house has a stucco exterior, terracotta roof, and a large stucco wall surrounding the house and perimeter of the property. The property consists of a (7,000) square foot lot with a two thousand seven hundred eighty-two (2,782) square foot single family home built in 1978 facing Baybridge Court. The proposed addition of 304 square feet will sit flush with the existing rear and northern portion of the house and will increase the size of the footprint to three thousand eighty-four (3,084) square feet. According to the applicant they wish to add an additional bedroom to increase the aesthetics and monetary value of the house. According to plans this addition will be architecturally compatible with the existing structure.

The Zoning Board of Appeals approved a variance to allow the rear portion of the home to encroach nine-feet into the required 15-foot rear-yard setback in 2017 (ZBA-17-40). Prior to 2017, the property owner dissolved the rear parcel line, because he owned the property located directly behind 5 Baybridge at 6 Ironbridge Lane and was permitted to construct the existing rear addition. In 2017, the property owner decided to separate 5 Baybridge from 6 Ironbridge and was required to request a variance for the addition that encroached 9-feet into the setback. The proposed addition will not extend any further than the existing encroachment into the rear-yard setback and will basically square up the rear-portion of the home.

ZONING DISTRICT AND LAND USE

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

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 the variance would not reduce light and air in the form of new shaded areas in the properties within 100 feet of the property.

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 would not jeopardize general planning of the city with respect to land use, streets, or highways.

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

Comments: Negative finding. The property is currently developed with a three-bedroom three-bathroom house and attached garage.

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 subject property was built to code in 1978. The 7,000 sq. ft. lot is larger than the district minimum of 5,000 square feet. However, allowing the property owner to construct the

existing rear addition six feet from the lot line created a hardship when the property owner decided to split the parcels into two separate properties as originally subdivided and developed. Permitting the addition six feet from the rear lot line created a hardship when the parcel line was reestablished along the rear lot line. A rearrangement of property boundaries, moving the rear lot line to a place that maintained the 15-foot rear yard setback for both 5 Baybridge and 6 Ironbridge Lane, should have been required prior to permitting the existing rear addition.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

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

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-23-20	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 5/23/2023
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

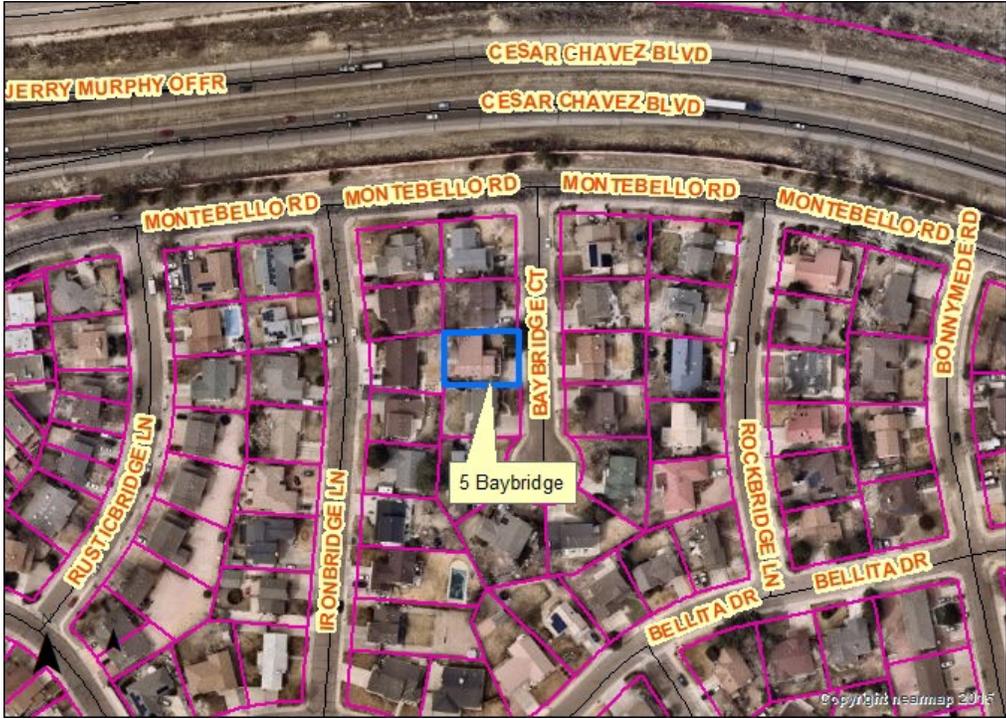


Exhibit C. Aerial Map



Exhibit D. Zoning Map



Exhibit E. Comprehensive Plan Map



Exhibit F. Public Notice



Exhibit G. Site Photos



H. Application



05/01/2023

23-86

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: May 1, 2023

Applicant

Robin Stanton
rstanton@4cardinalpoints.net
4601 Eagleridge Place Suite 110
Pueblo, CO 81008
719-253-0874

Primary Location

5 BAYBRIDGE CT
PUEBLO, CO 81001

Owner:

GARDUNO ANDREW L REVOCABLE LIVING ANDREW L GARDUNO TR,
5 BAYBRIDGE CT PUEBLO , CO 81001-1301

Internal

ZBA Case Number

ZBA-23-20

Planner Assigned

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Address Validation by GIS?

ZBA

Hearing Date

05/23/2023

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:

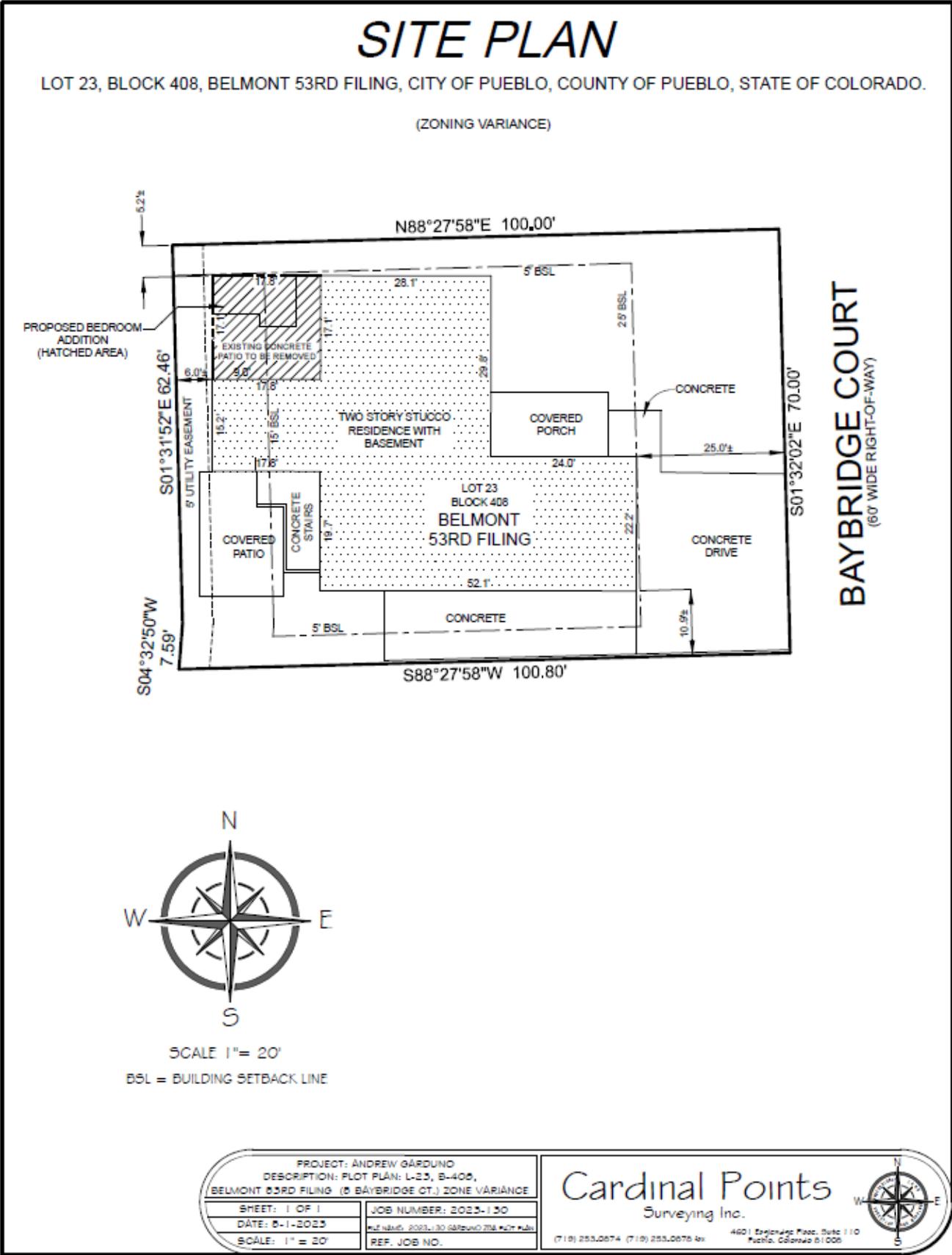
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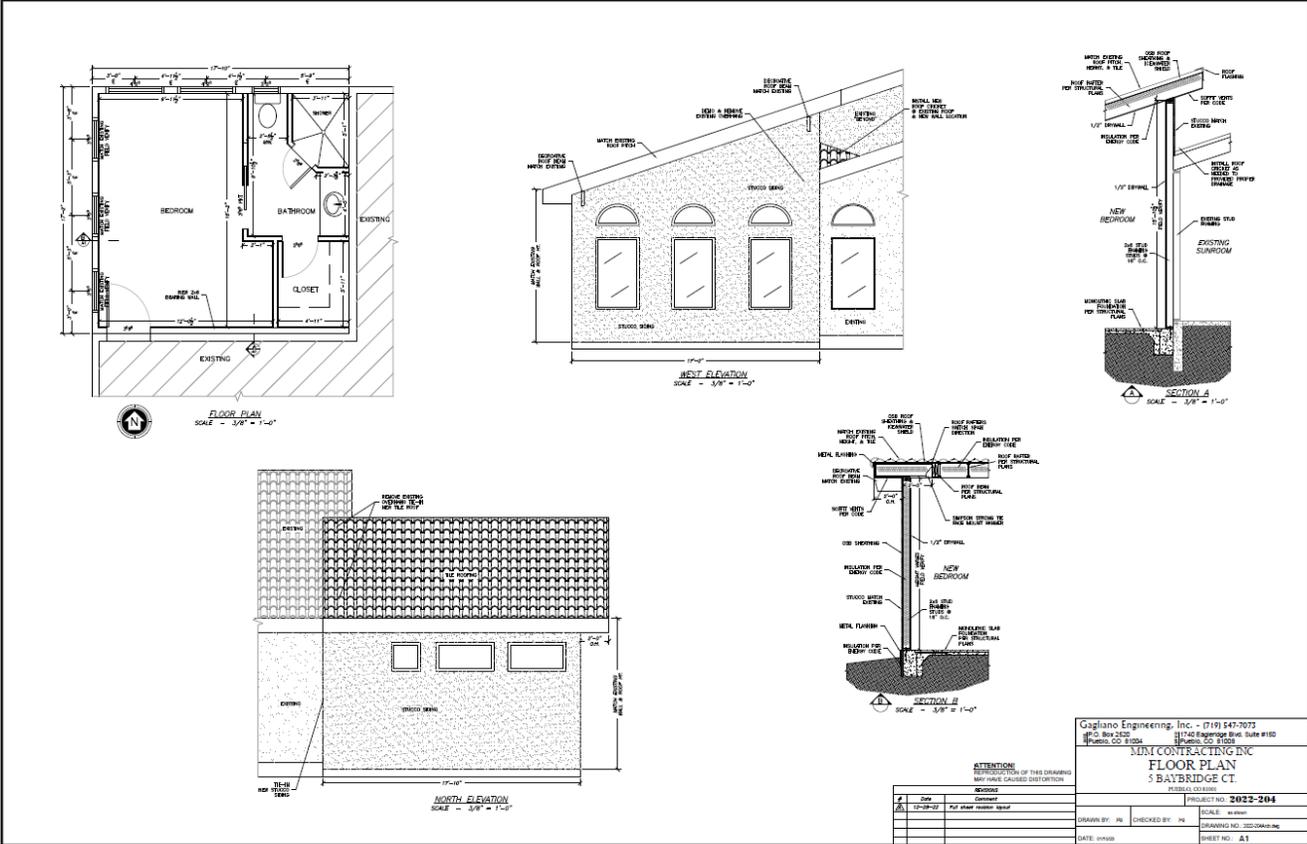
Public Notice zoning poster must be displayed UNTIL:

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Is a 1-year inspection required?

Exhibit I. Supporting Documents





Gagliano Engineering, Inc. - (719) 547-7073 P.O. Box 2352 Pueblo, CO 81024		31742 Baybridge Blvd, Suite #150 Pueblo, CO 81024	
MM CONTRACTING INC FLOOR PLAN 3 BAYBRIDGE CT			
PROJECT NO. 2022-204 REVISED 04/2022		SCALE: as shown	
DRAWING BY: PA		CHECKED BY: HA	
DATE: 03/2022		DRAWING NO. 2022-204-01	
SHEET NO. 21			

NARRATIVE

Location:

The address of the property is 5 Baybridge Court, Pueblo, Colorado located South of Colorado Highway No. 47 on the north side of Belmont.

Legal Description:

The property is described as Lots 23, Block 408, Belmont 53rd.

Explanation of Request:

Mr. Garduno has owned the property at 5 Baybridge Court since 1980 and also owns the adjoining property to the west, 6 Ironbridge Lane. The property is in the R-2 Single Family Residential Zone District with a 15 foot minimum rear yard setback. In 2017 Mr. Garduno requested and received approval for a rear yard setback of 6 feet in lieu of the 15 foot minimum Zoning Board of Appeals Case No. 17-40.

Mr. Garduno would like to construct an addition to the rear of his existing residence at 5 Baybridge Court. The addition would not extend any further back than the portion that was granted variance in Case No. 17-40. Mr. Garduno is requesting a variance to the rear yard setback to allow a 6 foot rear yard setback in lieu of the 15 foot minimum.

This variance, being the same as the existing variance, would not constitute a nuisance or reduce the monetary value of the adjoining properties.

This is a neighborhood that is fully developed with all of the infrastructure in place, so a variance at the rear of the property would not jeopardize the land use or affect the existing streets.

When the house was originally constructed, it was built too far back on the lot. The requested variance is not greater than the existing variance but will include the new addition. Mr. Garduno wishes to add the addition to his house to further improve the aesthetic and monetary value of his residence.

Property Owner Affidavit

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

Property Owner:			
Name: <u>ANDREW L. GARDUNO</u>		Company:	
Address: <u>5 BAYBRIDGE CT.</u>			
City: <u>PUEBLO</u>		State: <u>CO</u>	Zip: <u>81001</u>
Phone: <u>719-924-0079</u>	Email: <u>ANDREW_GARDUNO @ HOTMAIL.COM</u>		
Applicant:			
Name: <u>RANDY G. REEVES</u>		Company: <u>CARDINAL POINTS SURVEYING, INC</u>	
Phone: <u>719-253-0874</u>	Email: <u>RREEVES@4CARDINALPOINTS.NET</u>		
Property Address: <u>5 BAYBRIDGE CT. PUEBLO, CO 81001</u>			

I, ANDREW L. GARDUNO, hereby state that I am the owner of record of the property located at 5 BAYBRIDGE CT. PUEBLO, CO 81001, Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application for a ZONING VARIANCE (SETBACK) at said location.
(application type)

Andrew L. Garduno 4-12-2023
 Signature of Property Owner Date