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Lisa Bailey
Secretary

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Georgia Way

ZBA-23-16

Hearing Date: 5/23/2023

TO: City of Pueblo Zoning Board of Appeals
FROM: Mikaylin Hackley, Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 1822 N Greenwood St, Pueblo, CO 81003
APPLICANT: James Sanchez
PROPERTY OWNER: J and A Sanchez Family LLC
YEAR BUILT: 1902
LEGAL DESCRIPTION: A PARCEL OF LAND BEING A POR OF LOTS 1,2,3 + 4 BLK 28 DUNDEE PLACE MORE PART. DESC AS: BEG AT THE NW COR SD LOT 1; TH N 89 DEG 23 MIN 02 SEC E ALG N LINE OF SD LOT 1, A DIST OF 88.69 FT TH S 00 DEG 47 MIN 04 SEC W, A DIST OF 83.84 FT; TH S 89 DEG 25 MIN 01 SEC W, A DIST OF 88.87 FT TO A PT ON W LINE OF SD BLK 28; TH N 00 DEG 39 MIN 52 SEC W ALG SD W LINE, A DIST OF 83.79 FT TO PT OF BEG. (ALSO KNOWN AS: PARCEL A) FORMERLY 05-251-29-002
ZONE DISTRICT: Single-Family Residential (R-2) Zone District
PARCEL ID: 525129007
LOT SIZE: 7434

REQUEST:	Variance to reduce the front yard setback adjacent to W 19 th St. from twenty-five (25) feet to twelve and a half (12.5) 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 front yard setback adjacent to W 19th St. from twenty-five (25) feet to twelve and a half (12.5) feet in order to construct a seven hundred and twenty (720) square foot garage. The property is located at the corner of N Greenwood St. and W 19th St. in a single-family residential (R-2) zone district, which requires a twenty-five (25) foot front setback and a twelve and a half (12.5) foot second front yard setback. Currently, the northern front that faces W 19th St. meets the larger front setback requirement, and the western front that faces N Greenwood St. meets the half-length front setback. If the variance is approved, the setback of the northern front would be reduced to accommodate the proposed twenty-four (24) feet by thirty (30) feet garage.

ANALYSIS

The property, built in 1902 and remodeled in 1950, has a two hundred and forty (240) square foot attached garage. This area is not unusually small for a typical single-vehicle garage, but it is the only paved off-street parking option on the property. If the variance is approved, the applicant hopes to construct a garage within the front setback to provide additional parking. This garage would be accessed by a driveway on the northern side of the property. This northern front is what would traditionally be recognized as the owner's backyard, as the space is fenced in and not being used as the main access point. In practice, the western front is utilized like a front yard, as the property is addressed to that street and has the primary entrance. Because of this layout, the garage addition would be unlikely to cause any inconvenience or disturbance to neighboring properties.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Single-Family Residential (R-2) Zone District	Single-Family Homes
East	Single-Family Residential (R-2) Zone District	Single-Family Homes
South	Single-Family Residential (R-2) Zone District	Single-Family Homes
West	Multiple Residential and Office (R-5) Zone District	Multi-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. An additional parking structure in the applicant’s fenced-in yard is unlikely to decrease light or air to neighboring 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. Adding a garage in the proposed location will increase usage of the property’s north driveway on W 19th St., but this is unlikely to cause any significant traffic concerns.

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

Comments: Affirmative finding. The existing garage on the property can only accommodate one small car, so off-street parking is limited.

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 property’s location as a corner lot presents a disadvantage as the applicant’s de facto backyard is classified as a front yard.

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. Aerial Map
- C. Zoning Map
- D. Comprehensive Plan Map
- E. Public Notice Photo
- F. Site Photographs
- G. Application
- H. Supporting documentation

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: ZBA-23-16	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 5/23/2024
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

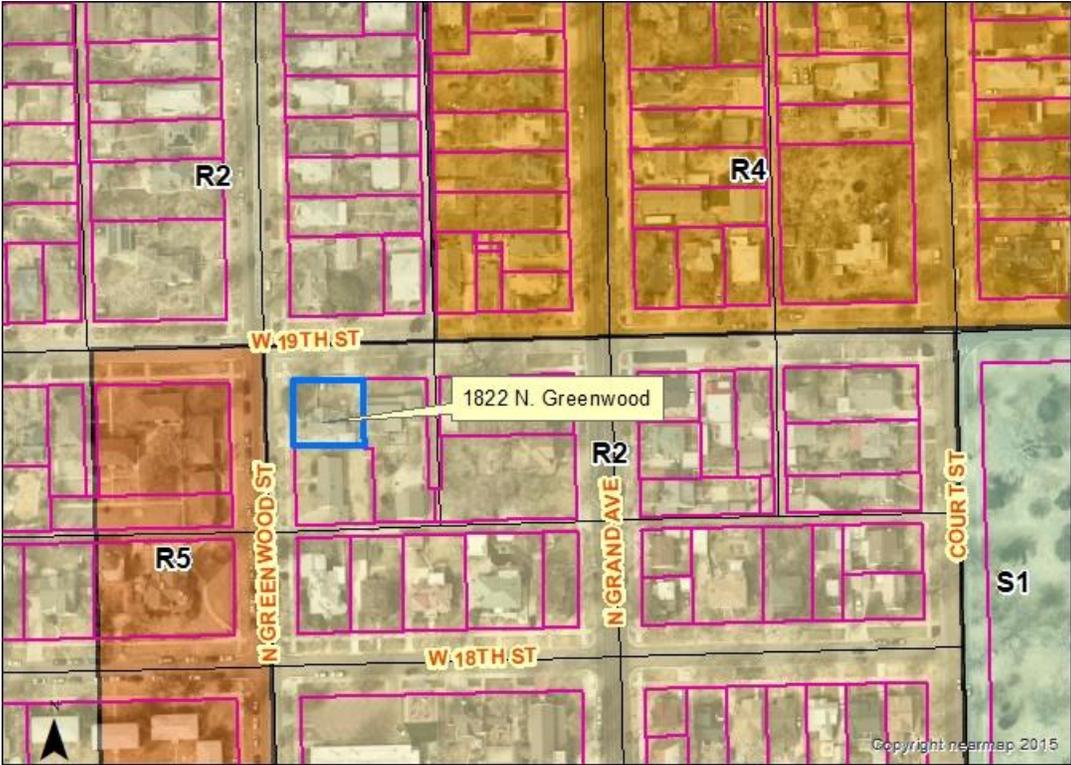


Exhibit E. Comprehensive Plan Map



Exhibit F. Public Notice



Exhibit G. Site Photos





H. Application



04/24/2023

23-77

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Apr 24, 2023

Applicant

James Sanchez
japhilsan@msn.com
1023 S Greenbrier Dr
Pueblo , Co 81007
7192409909

Primary Location

1822 N GREENWOOD ST
PUEBLO, CO 81003

Owner:

J AND A SANCHEZ FAMILY LLC
1023 S GREENBRIER DR PUEBLO WEST , CO 81007-5108

Internal

ZBA Case Number

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Planner Assigned

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ZBA

Hearing Date

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Hearing Results

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Board Conditions

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Appeal Term End Date

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Permit Completion Date

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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

<https://puebloco.viewpointcloud.io/#/explore/records/43187/printable?act=true&app=true&att=true&emp=true&int=true&loc=true&sec=1011981%2C10...> 1/3

Exhibit I. Supporting Documents

