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Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-23-18

Hearing Date: 5/23/2023

TO: City of Pueblo Zoning Board of Appeals
FROM: Jay-Michael Baker, Planner
THROUGH: Scott Hobson, Land Use Administrative Officer
LOCATION: 3509 Wapiti Lane, Pueblo, CO 81005
APPLICANT: Brian Robinson
PROPERTY OWNER: Sky Creek Homes, Ltd.
YEAR BUILT: 2022
LEGAL DESCRIPTION: LOT 8, BLOCK 1, SETTLERS VILLAGE FILING NO.6
ZONE DISTRICT: Single Family Residential (R-2U) Zone District
PARCEL ID:
LOT SIZE: 6,838 SQ. FT.

REQUEST:	Variance to reduce the front garage setback from twenty (20) feet to eighteen (18) feet
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REQUEST BACKGROUND

The applicant is requesting a variance to reduce the front garage setback from twenty (20) feet to eighteen (18) feet. In a single family residential (R-2U) zone district the minimum front yard setback is eighteen (18) feet, but the garage and the required off-street parking space for the lot shall be at least twenty (20) feet from the back of the public sidewalk, Section 17-4-4, (g), (1), a. of the Pueblo Municipal Code. The site plan submitted with the building permit request indicated that the garage would be setback 20-feet from the sidewalk; however, the home and garage were not constructed according to plan, and the garage sits 18 feet, 6 inches from the back of sidewalk, which was identified when staff conducted the Certificate of Occupancy inspection on 3513 Wapiti Lane.

ANALYSIS

This is one of two identical requests from the same builder for properties adjacent to one another.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Single-Family Residential (R-2) Zone District	Vacant Lot
East	Single Family Residential (R-2U) Zone District	Vacant Lot
South	Single Family Residential (R-2U) Zone District	Vacant Lot
West	Single Family Residential (R-2U) Zone District	3513 Wapiti, Developed Lot

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

211 E D Street | Pueblo, Colorado 81003 | Tel: (719) 553-2259 | Fax: (719) 553-2611 | www.pueblo.us

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 primary setback requirement of 18’ was not violated, and the parking space in front of the garage still exceeds common parking requirements within the City. This location js new construction.

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: Neutral finding. The single-family residence was not constructed per plan.

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. The single-family residence was not constructed per plan.

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. 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 23-18	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 05/23/2024
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. Zoning Map

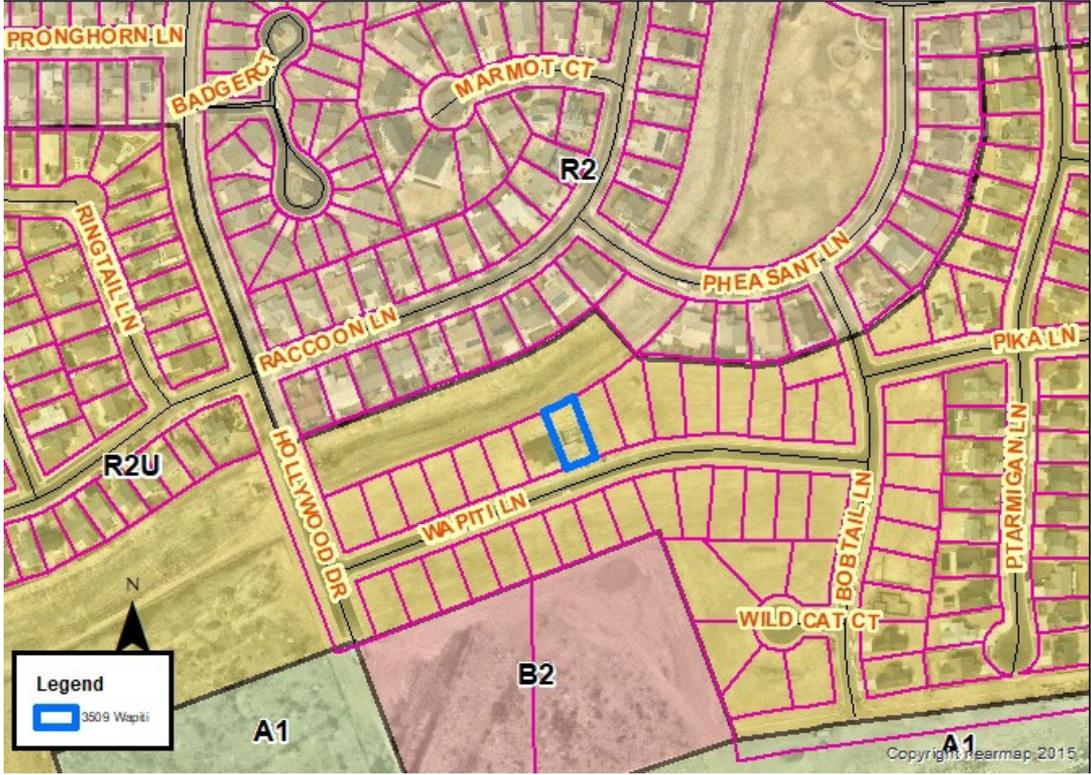


Exhibit D. Comprehensive Map



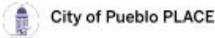
Exhibit E. Public Notice



Exhibit G. Site Photo



Exhibit F. Application



05/01/2023

23-82

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Apr 28, 2023

Applicant

Brian Robinson
brian@skycreekhomes.com
215 S Purcell Blvd
Pueblo West, CO 81007
7192510997

Primary Location

3509 WAPITI LN
PUEBLO, CO 81005

Owner:

SKY CREEK HOMES LTD
215 S PURCELL BLVD PUEBLO WEST , CO 81007-5083

Internal

ZBA Case Number
ZBA-23-18

Planner Assigned
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Address Validation by GIS?

ZBA
Hearing Date
05/23/2023

Hearing Results
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Board Conditions
--

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:

Exhibit G. Supporting Documents

