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Georgia Way

ZBA-23-23

Hearing Date: 8/22/2023

TO: City of Pueblo Zoning Board of Appeals
FROM: Bart Mikitowicz
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 1402 E. 11th St, Pueblo, CO 81001
APPLICANT: Jesus Marquez
PROPERTY OWNER: Maria Cortes Hernandez
YEAR BUILT: 1903
LEGAL DESCRIPTION: LOTS 1 + 2 BLK 92 FLETCHER HILL ADD 2ND
ZONE DISTRICT: Single Family Residential (R-2) Zone District
PARCEL ID: 429316009
LOT SIZE: 720

REQUEST: A Variance to reduce the second front yard setback from twelve and a half (12.5) feet to six (6) feet in a Single Family Residential (R-2) Zone District

REQUEST BACKGROUND & ANALYSIS

1402 E. 11th St is a 720-sf. Single Family Home built in 1903. The building is located in the East Pueblo Hights Subdivision, east of Mitchell Park. The applicant is requesting a Variance to reduce the second front yard setback from twelve and a half (12.5) feet to six (6) feet in a Single Family Residential (R-2) Zone District. In accordance with 17-4-23(a)(3) of the Pueblo Municipal Code (PMC), the applicant is required to obtain a Variance to complete this project.

The subject property sites on a corner lot adjacent to Mitchell Park light and air to neighboring properties would not be effected nor will it negatively impact city planning efforts. The current house was built in 1903 and does not conform with modern placement standards. The owner has already shown significant investment in the rehabilitation of this property including pouring of new sidewalks in the right-of-way. The planning department sees no negative externalities in the granting of this variance.

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	Government Use (S-1) Zone District	Mitchell Park

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 patio addition will be built on the west side of the property facing the right-of-way with Mitchell Park located across the street. Light and air will not be affected by granting this variance.

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 patio addition will not negatively impact general planning of the city of locations of streets.

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

Comments: Affirmative finding. Strict adherence would not allow for the reconstruction and addition of the patio. Which would prevent improvements the owner is trying to make to the property.

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 was built in 1903 and not placed in the setbacks as currently defined in Title XVII, and location as a corner lot presents a disadvantage in the setback calculations

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-23-23	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 8/22/2024
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 Plan Map



Exhibit E. Public Notice



Exhibit F. Site Photos



Exhibit G. Application

6/5/23, 10:18 AM

23-104



City of Pueblo PLACE

6/5/2023

23-104

Zoning Board of Appeals -
Special Use Permit &
Variances
Status: Active
Submitted On: 6/5/2023

Primary Location

Applicant



Owner
CORTES MARIA HERNANDEZ
MARQUEZ JESUS ,
1402 E 11TH ST PUEBLO , CO
81001-3113

Internal

ZBA Case Number

Planner Assigned

ZBA-23-23

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Address Validation by GIS?

ZBA

Hearing Date

Hearing Results

07/25/2023

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Board Conditions

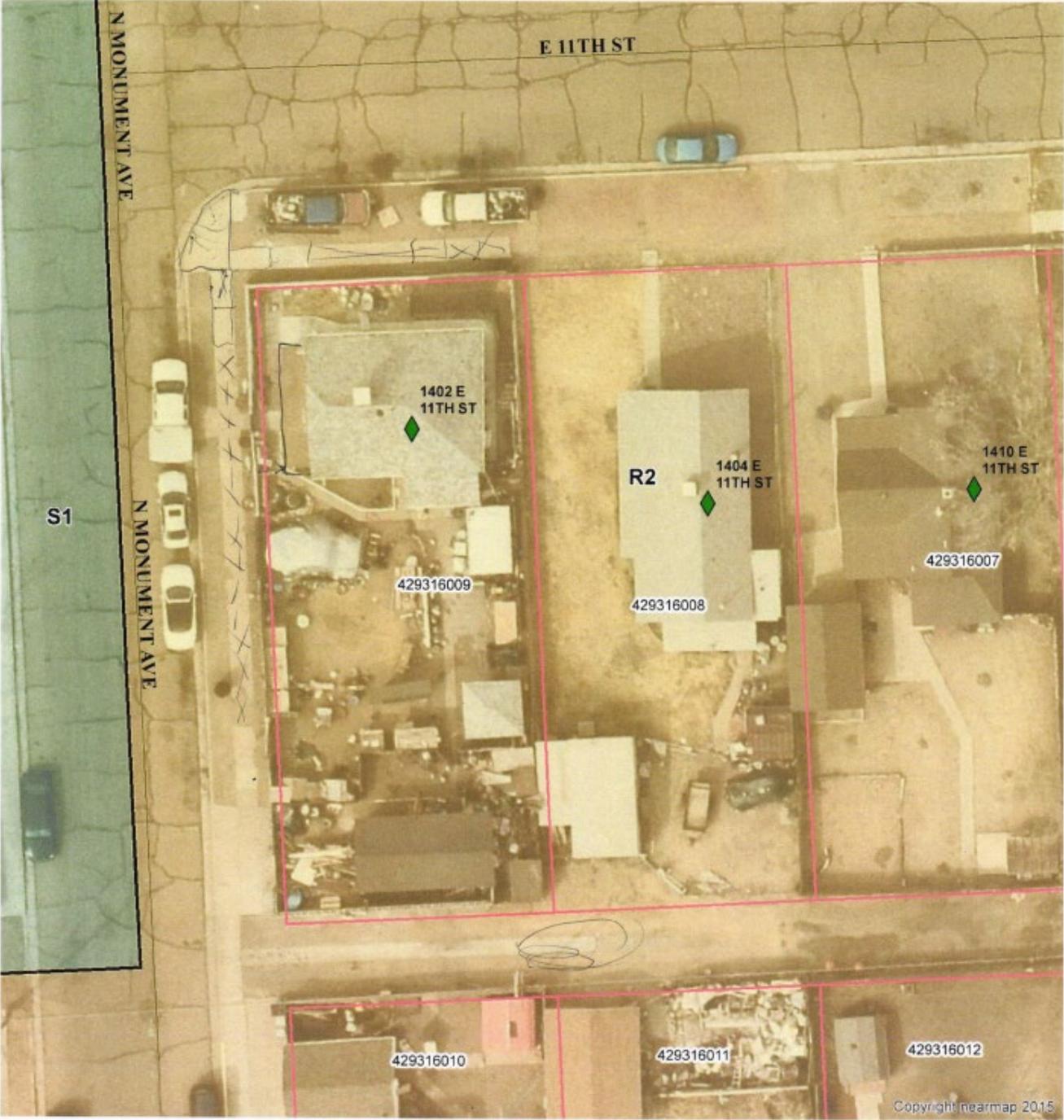
Appeal Term End Date

Permit Completion Date

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Exhibit H. Supporting Documents



Variance to reduce front yard setback from 25' to 5' 6"

PLOT PLAN
402 E. 11th

* Tear down current covered patios & rebuild

