

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-23-43

Hearing Date: 10/24/2023

TO: City of Pueblo Zoning Board of Appeals
FROM: Wade Broadhead, Sr. Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: **608 Veta Avenue**
APPLICANT: **Thomas Persson II**
PROPERTY OWNER: Thomas Persson II
YEAR BUILT: 1926
LEGAL DESCRIPTION: Lots 40+41, Block 2, Summit PLC
ZONE DISTRICT: Single Family Residential (R-2) Zone District
PARCEL ID: **1502202018**
LOT SIZE: **6,250 square feet**

REQUEST: A Variance to allow a second accessory structure over two hundred (200) square feet in a One Family Residential (R-2) Zone District

DESCRIPTION OF REQUEST

The applicant is requesting a variance to allow a second detached accessory structure on their lot that exceeds two hundred (200) square feet. The applicant currently has an approximately two hundred and twenty-five (225) square foot detached garage erected in 1926. Chapter 17-4-23 (c) (2) of the municipal code dictates that only one detached accessory structure over two hundred (200) square feet shall be allowed per principal structure on a residential lot. The new garage will be constructed approximately 42-feet from the front property line, maintaining the required front-yard setback. The applicant is proposing to build a new “modern garage” to provide usable, covered, off-street parking for the property.

ANALYSIS

The principal residential structure on the property was built in 1926 and is situated towards the rear of the lot with one small, detached garage accessible from the alley. The applicant is proposing to construct a 14 by 20-foot (280 square feet) garage that will be architecturally compatible with the existing residence. The garage will have a similar gable end design, horizontal siding, and painted to match the house (elevation plans attached to this application). The proposed accessory structure will not encroach into any required setbacks, nor will it exceed the 50-percent lot coverage maximum or 15-percent lot area maximum for accessory structures. Furthermore, the new garage will observe similar setback lines as the surrounding residential development. The variance will preserve the historic garage for additional storage, which, according to the property owner, is needed because the residence is only 841 square feet.

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	Single Family Residential (R-2) Zone District	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 location of the proposed garage is unlikely to affect neighboring properties or reduce property values.

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 new structure would not impede current land use plans, public streets, or rights-of-way.

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 one-car garage on the property is small considering the size of the lot, and the property would benefit from additional covered parking.

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 alley house and setting of the residence makes it difficult to expand the existing nonconforming garage in the rear yard.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

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

- A. Add decorative wooden gable end/bargeboard to match house and paint to match.

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, ZBA-23-43 Date of Issuance of Permit: 10/24/2023	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 10/24/2024
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

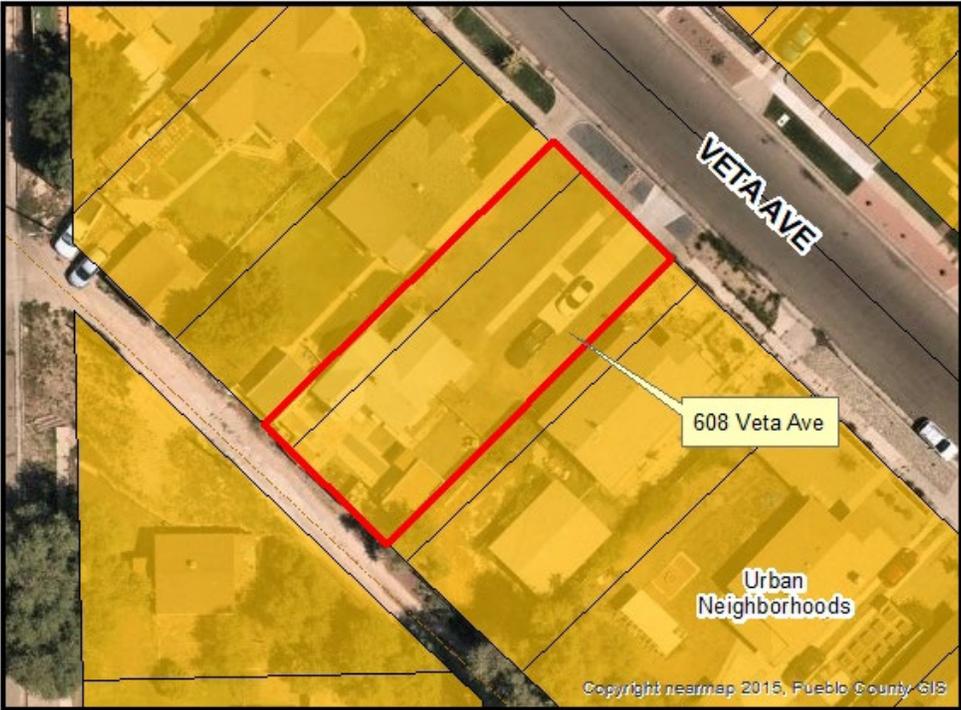


Exhibit F. Public Notice



Exhibit G. Site Photos



Overview of the site and location of the new garage.



View from the alley of existing garage.



View of the existing garage looking south.

H. Application

9/26/23, 10:59 AM

23-207



City of Pueblo PLACE

9/26/2023

23-207
Zoning Board of Appeals -
Special Use Permit &
Variances
Status: Active
Submitted On: 9/26/2023

Primary Location
608 VETA AVE
PUEBLO, CO 81004
Owner
PERSSON THOMAS II
608 VETA AVE PUEBLO , CO
81004-1354

Applicant
 Thomas Persson
 720-404-7001
 homeandagain@yahoo.com
 608 Veta Avenue
Pueblo, co 81004

Internal

ZBA Case Number
ZBA-23-43

Planner Assigned
-

Address Validation by GIS?

ZBA

Hearing Date
10/24/2023

Hearing Results
-

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

🔒 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?

—

Scope of Work

Type of Request*

Variance

Variance Type*

Other

Other (please specify)*

addition accessory structure

9/26/23, 10:59 AM

23-207

Provide a short description of the proposed request:*

additional accessory structure/garage

What is the general use of the property*

Residential

Detailed explanation of the request as listed above. *

modern usable garage with entrance from main driveway which is located in the front of the home

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

home sets back from street approx 85 foot leaving a large set back for garage adjacent to main entrance to the home/ better access better security more usable.

Are there any concurrent zoning requests?*

No

Variance Justification of Facts

**Give details to support how your variance won't (1) reduce light and air for nearby properties, (2) otherwise ?
bother nearby properties, or (3) lower neighborhood market values.***

it will set back further from street than adjacent houses, also is a minimum of ten foot from adjacent properties

**Give details to support how your variance won't negatively affect the intended use of your property, ?
surrounding properties, public streets, and rights-of-way.***

should not effect lighting and sightlines from neighboring properties

How would your variance improve the use and development of the property?* ?

will enhance street appeal as well as functionality of property

<https://puebloco.workflow.opengov.com/#/explore/records/49598/react-form-details/49598>

3/6

Exhibit I. Supporting Documents

9/26/23, 10:59 AM

23-207

Why does the code as-written present you with a particularly unique challenge?* 

set back of the home and funtionality of existing garage

Terms

Is the applicant and property owner the same?*

Yes

Applicant/Property Owner Signature*

 Thomas A. Persson II
Sep 26, 2023

Attachments

- Site plan** **REQUIRED**

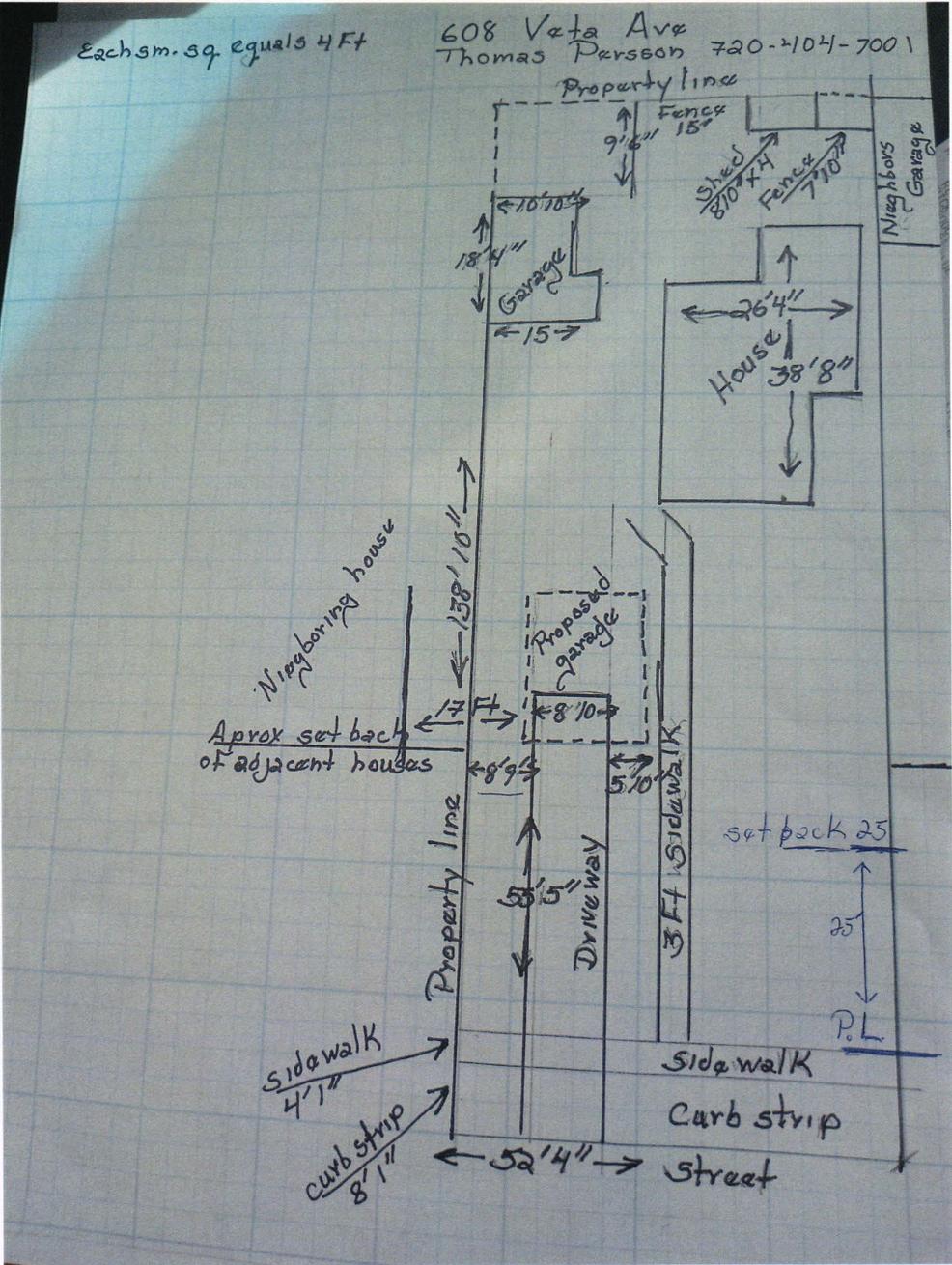
ws.net/vpsite plan.pdf
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- Photographs**

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History

Date	Activity
9/26/2023, 9:53:24 AM	Thomas Persson started a draft of Record 23-207
9/26/2023, 10:32:04 AM	Thomas Persson submitted Record 23-207
9/26/2023, 10:32:05 AM	approval step Fee Reviewwas assigned to Planning Front Counter on Record 23-207
9/26/2023, 10:32:06 AM	changed the deadline to Sep 28, 2023 on approval step Fee Review on Record 23-207

I. Supporting Documentation



Site plan

Sales Order - 277656



The Shed Yard
 (719) 590-7433
 info@theshedyard.com

Order Information

Store	The Shed Yard	Order Type	Sale
Sales Person	Matthew Warren P:(719) 590-7433	Product Type	Building
Order Date	07/28/2023	Product Build	Build to order
Est. Delivery Period	09/08/2023 - 09/22/2023		

Bill To | **Ship To**

Name	Thomas Persson	Name	Thomas Persson
Phone	(720) 404-7001	Phone	(720) 404-7001
Email	homeandagain@yahoo.com	Email	homeandagain@yahoo.com
Address	608 Veta Ave. Pueblo, Colorado 81004	Address	608 Veta Ave. Pueblo, Colorado 81004

Item	Color	Qty	Price	Total	Tax
14x20x7 Single Car Garage (SN:SCG1883)		1	\$8,729.00	\$8,729.00	✓
LP Smart Side	Custom Paint (Code)	1	Included		✓
LP Trim	Custom Paint (Code)	1	Included		✓
Shingle Roof	SIERRA GRAY (Shingles)	1	Included		✓
① 8' x 7' Overhead Door (Non-Insulated) (Onsite Install additional)		1	\$1,310.00	\$1,310.00	✓
② 3' Prehung 6 Panel Door		1	\$498.00	\$498.00	✓
③ 72x10 Transom Window (Single Pane)		4	\$101.00	\$404.00	✓
Mono Slab (4" slab up to 24" deep) (Final price to be determined after site visit)		1	\$4,480.00	\$4,480.00	✓
Custom Paint Color (We Supply Paint)		1	\$456.40	\$456.40	✓
Floorless for concrete (Built onsite)		1	\$700.00	\$700.00	✓
Drawings & Truss Certs for all Standard sheds (Does Not Include Permit Fee or Engineering)		1	\$200.00	\$200.00	✓
Apply For Permits, Standard Sheds (Does Not Include Permit Fee or Engineering)		1	\$650.00	\$650.00	✓

Note: the ① refers to the index number on the plan view.

Sub-total \$17,427.40
 Sales Tax (7.6%) \$1,324.48
Order Total \$18,751.88

Sale Notes

None

Purchase Method Information

Purchase Method	Purchase Outright	Order Total	\$18,751.88
Company	The Shed Yard	Payment Applied	\$4,687.97
		Balance Due	\$14,063.91

Terms and Conditions

3D Images may not be to scale - *Customization may change these specs.* Foundation—4x4 pressure treated runners - Floor Joists 2x4 - 16" oc (Garage floor 8" oc) - Engineered Water resistant Sub Floor - Wall—2x4 - 16" oc, Wall Height 7'4"(Quaker, 6'4" on back wall, Economy 6'4", Animal Shelter ceiling height 8'4") - Roof —Engineered Roof Trusses - 15lb Felt Paper (Exclude Economy)- Roof Sheathing—7/16" OSB, drip edge on roof perimeter - Shingles—30 year architectural - Venting—both gables —LP Smartside siding and trim - Paint—Primer plus 2 coats--The Shed Yard is not responsible for permitting unless specified. Customer Understands building does not meet residential building code to use as a dwelling unless specified. All cancellations will be refunded less 5% processing fee.

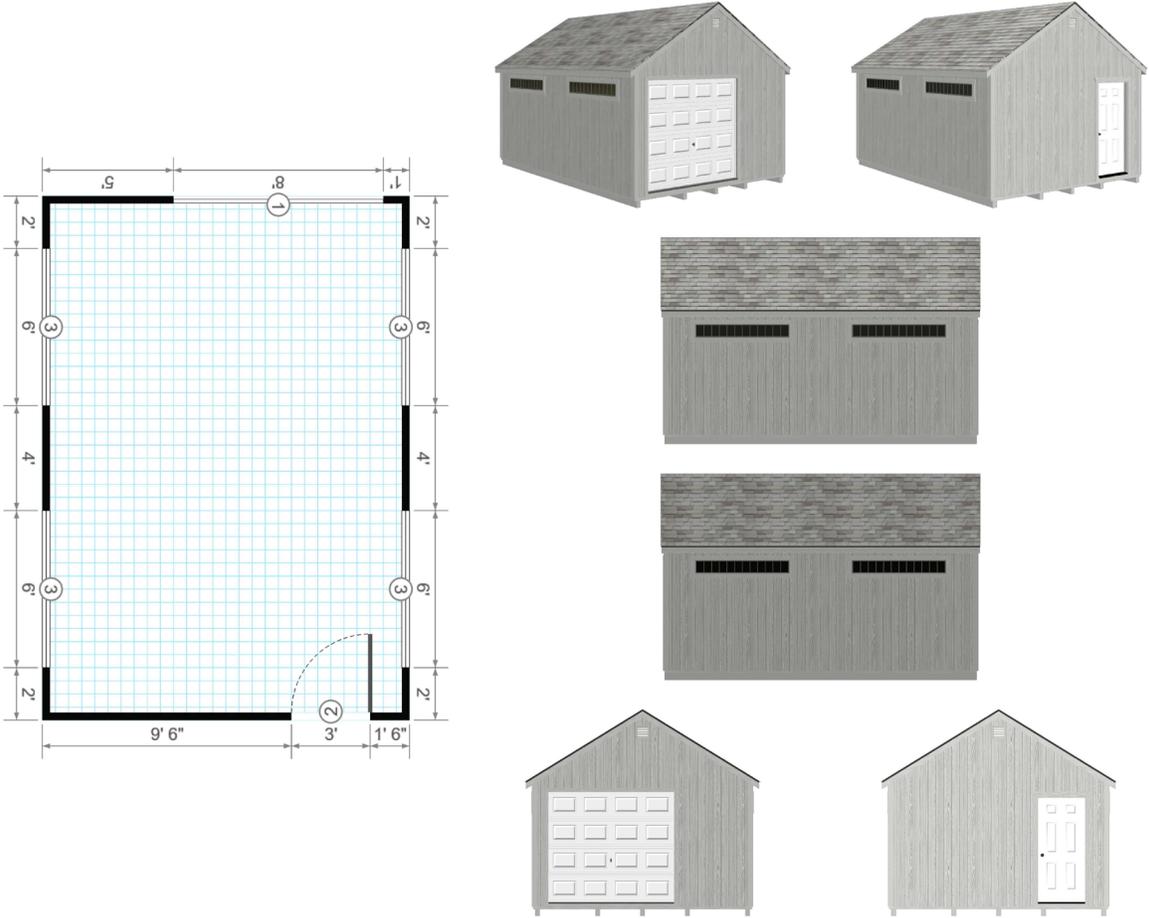
Payment schedule	
Initial Down payment	\$ 4,687.97
Draw #1 after permits are approved	
Draw #2 Start of Foundation	\$ 4,480.00
Draw #3 Completion of Foundation	\$ -
Draw #4 Completion of Framing	\$ 8,583.91
Inspection Completed	\$ 1,000.00
Total	\$18,751.88

Sales Order - 277656



The Shed Yard
(719) 590-7433
info@theshedyard.com

Building Configuration



Terms and Conditions

3D Images may not be to scale - *Customization may change these specs.* Foundation—4x4 pressure treated runners - Floor Joists 2x4 - 16" oc (Garage floor 8" oc) - Engineered Water resistant Sub Floor - Wall—2x4 - 16" oc, Wall Height 7'4"(Quaker, 6'4" on back wall, Economy 6'4", Animal Shelter ceiling height 8'4") - Roof —Engineered Roof Trusses - 15lb Felt Paper (Exclude Economy)- Roof Sheathing—7/16" OSB, drip edge on roof perimeter - Shingles—30 year architectural - Venting—both gables —LP Smartside siding and trim - Paint—Primer plus 2 coats--The Shed Yard is not responsible for permitting unless specified. Customer Understands building does not meet residential building code to use as a dwelling unless specified. All cancellations will be refunded less 5% processing fee.

Contact
Signature _____

Date _____

