

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-23-46

Hearing Date: 1/23/2024

| | |
|---------------------------|--|
| TO: | City of Pueblo Zoning Board of Appeals |
| FROM: | Bart Mikitowicz |
| THROUGH: | Scott Hobson, Land Use Administrative Official |
| LOCATION: | 1130 Cypress St, Pueblo, CO 81003 |
| APPLICANT: | Alfred Sanchez |
| PROPERTY OWNER: | Alfred Sanchez |
| YEAR BUILT: | 1900 |
| LEGAL DESCRIPTION: | LOT 15 BLK 45 STONE + THATCHER SUB |
| ZONE DISTRICT: | Mixed Residential (R-4) Zone District |
| PARCEL ID: | 1501327012 |
| LOT SIZE: | 4,305 sqft |
| REQUEST: | Variance to reduce the front yard setback and both side yard setbacks in a Mixed Residential (R-4) Zone District |

REQUEST BACKGROUND

The applicant is requesting a Variance to reduce the front yard setback and both side yard setbacks in a Mixed Residential (R-4) Zone District. The subject single-family residence was built in 1900 on a 35-foot lot that does not meet the 50-foot width requirement for the R-4 Zone District. The residence was constructed prior to the current zoning regulations and has never met the twenty-five-foot (25') front yard setback or five-foot (5') side yard setback along the northern property line. The setbacks for the original structure are approximately a sixteen-foot front yard setback and three-foot side yard setback along the northern property line. The southern side yard setback appears to have been at least five feet when the residence was originally constructed. In 2023 the applicant was cited by the City's Code Enforcement Department, for unpermitted additions to the western portion of the principal structure, adjacent to Cypress St., that extend into the front and southern side-yard setback.

ANALYSIS

1130 Cypress St, Pueblo is an 855 sqft Single Family Residence built in the Thatcher Subdivision, located Northwest of Bessemer Park. While the applicant claims in their application that "the current patio/awning has been soundly in place since 1990 without issue or complaint" research revealed that additions and modifications to the property begin appearing in photo imagery between 2012 and 2015 and have continued to the present. These additions are constructed of various materials including; unpainted timber, sheet metal roofing, unpainted stucco, and plywood. The southern portion of the porch extends five feet into the southern side yard setback with eaves that hang over the fence and property line which create significant cross lot draining issue. The western portion of the porch extends seven feet into the existing 16-foot front yard setback. Contrary to the applicant's submittal there is no evidence that these modifications began in the 1990's.

ZONING DISTRICT AND LAND USE

| | | |
|-------|---|-------------------------|
| Zone: | | Developed with: |
| North | Mixed Residential (R-4) Zone District | Single Family Residence |
| East | Neighborhood Business (B-1) Zone District | Steel City Dogs |
| South | Mixed Residential (R-4) Zone District | Single Family Residence |
| West | Mixed Residential (R-4) Zone District | Single Family Residence |

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 | Cross lot draining is not permitted. |
| 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: Negative Finding. Granting the variance will reduce natural light on the adjacent southern parcel; additionally all stormwater and snow melt is directed onto the adjacent southern property, which is not owned by the applicant. While the parcel located south of the subject property is undeveloped, future development will be impacted by the porch addition.

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: Neutral Finding. The proposed variance will allow the front setback to be reduced to approximately nine feet. The single-family residences located north of the subject residence have consistent 16-foot setbacks providing a uniform aesthetic; the proposed variance will deviate dramatically from the existing uniformity.

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

Comments: Negative finding. 2012 photos from Google Street View, indicate the residence had a covered porch to provide shelter and shade to the front entrance, while still maintaining the prevailing 16-foot front yard setback found within the neighborhood.

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 subject property is on a narrow lot at 35-feet, which would make any additions to the side of the home challenging without a variance.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses to approve this variance, staff recommends the following staff condition and Standard Permit Conditions 1 through 13:

1. Any structural encroachments onto adjoining properties must be modified to provide a minimum 2' setback.
2. Gutters must be installed which redirect stormwater back onto the subject property.
3. All additions must be made architecturally compatible with the principle structure; including the use of stucco, matching paint, and roofing materials.

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-23-46 | |
|---|---|
| 1. | Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 1/23/2025 |
| 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





Exhibit H. Application

10/19/23, 2:49 PM

23-223



City of Pueblo PLACE

10/19/2023

23-223

Zoning Board of Appeals - Special Use
Permit & Variances

Status: Active

Submitted On: 10/19/2023

Primary Location

1130 CYPRESS ST
PUEBLO, CO 81004

Owner

SANCHEZ ALFRED D
1130 CYPRESS ST PUEBLO , CO 81004

Applicant

Alfred Sanchez

719-821-0401

cop40@msn.com

1130 Cypress St
Pueblo, CO 81004

Internal

ZBA Case Number

ZBA-23-46

Planner Assigned

-

Address Validation by GIS?

ZBA

Hearing Date

11/28/2023

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

-

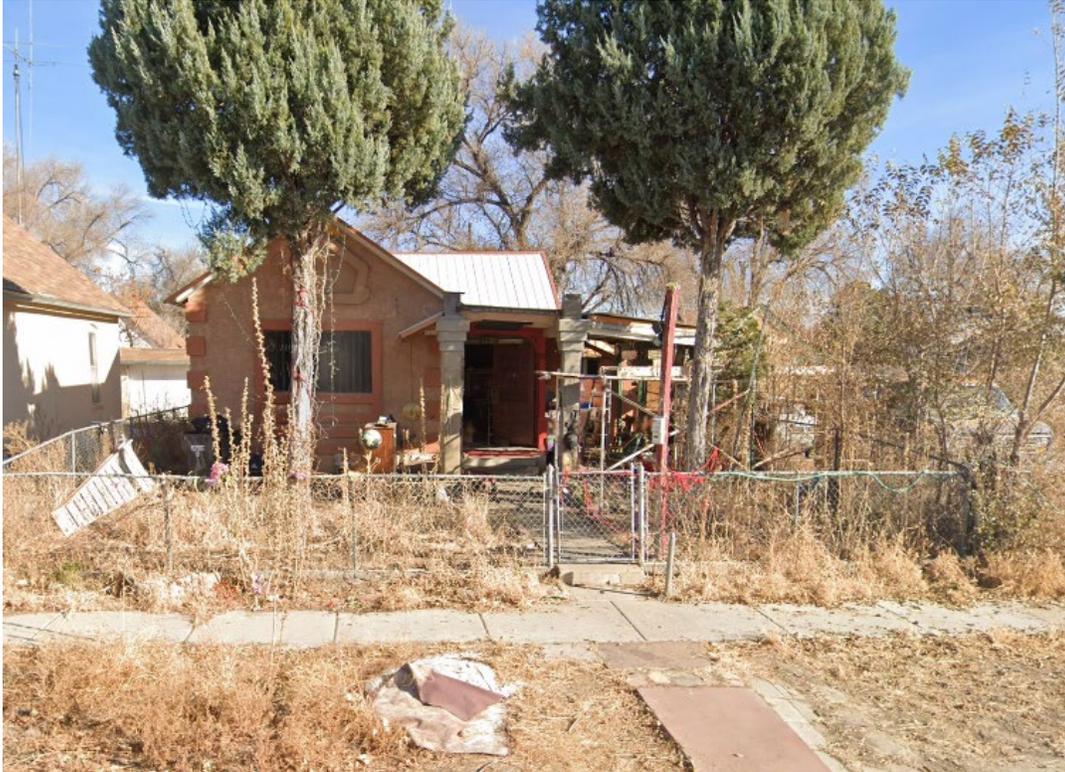
Public Notice Costs



2012



2019



2022