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Georgia Way

ZBA-24-08

Hearing Date: 2/27/2024

TO: City of Pueblo Zoning Board of Appeals
FROM: Mikaylin Hackley
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 2402 Acero Ave
APPLICANT: Mark Duran
PROPERTY OWNER: Mark Duran
YEAR BUILT: 1954
LEGAL DESCRIPTION: LOT 1 BLK 9 MAHONEY SUB 2ND
ZONE DISTRICT: One and Two-Family Residential (R-3) Zone District
PARCEL ID: 1514208035
LOT SIZE: 5877

REQUEST: Variance to reduce the front yard setback from twenty-five (25) feet to fifteen (15) feet in a One and Two-Family Residential (R-3) Zone District

DESCRIPTION OF REQUEST

The applicant is requesting a front-yard setback variance from 25 feet to 15 feet to facilitate the replacement of an existing covered front porch. This case was brought to the attention of the planning department through an accessory structure building permit application. Pueblo Regional Building Department issued a routing sheet in January, at which time city planning did an initial review of the structure and determined that a variance would be required to complete the project with the specifications submitted.

The subject property currently has a 165 square foot patio cover with a white, metal roof. Should this variance be granted, the applicant intends to demolish this structure and replace it with a 175 square foot shingled, gable roof covering that better matches the visual characteristics of the existing house.

ANALYSIS

Staff finds this front-yard setback variance appropriate, as redevelopment of the front porch would both improve the function and aesthetic of the property. Additionally, there is a prevailing pattern in the surrounding neighborhood of established structures that extend into current front setbacks, so the proposed patio structure would not visually stand out or appear out of place among adjacent properties.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	One and Two-Family Residential (R-3) Zone District	Single-Family Homes
East	One and Two-Family Residential (R-3) Zone District	Single-Family Homes
South	One and Two-Family Residential (R-3) Zone District	Single-Family Homes
West	One and Two-Family Residential (R-3) 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 previous, similar porch cover was built with the home, and the new structure will only extend 2 feet further. Also, the improved design and materials of the new cover will make the structure more architecturally compatible with the residential structure.

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 structure will not impact general land use or impede any traffic sightlines.

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

Comments: Affirmative finding. Covered patios are highly desirable and add to the architectural interest of a home, and the improvements the applicant wants to make to the structure would not be possible without a variance.

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. Since the house was built before 1968, the covered patio is an established structure; however, since the applicant is looking to change its size, it must now be brought up to current code, which the original house was not built to reflect.

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 Documents

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 2/27/2024	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 2/27/2025
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. Aerial Map



Exhibit C. Zoning Map



Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice



Exhibit F. Site Photos



Exhibit G. Application



City of Pueblo PLACE

1/26/2024

24-25
Zoning Board of Appeals -
Special Use Permit &
Variances
Status: Active
Submitted On: 1/26/2024

Primary Location
2402 ACERO AVE
PUEBLO, CO 81004
Owner
QUINT EILEEN L/DURAN
MARK A/DURAN DELEON
NANCYA ,
ACERO AVE 2402 PUEBLO ,
CO 81004-4106

Applicant
 Mark Duran
 719-565-8139
 4durans@gmail.com
 1757 27th Ln
Pueblo, CO 81006

Internal

ZBA Case Number
ZBA-24-08

Planner Assigned
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CONSTRUCTION BUILDING PLANS

