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Georgia Way

ZBA-24-11

To: City of Pueblo Zoning Board of Appeals
From: Jay-Michael Baker, Planner
Through: Scott Hobson, Land Use Administrative Officer
Date: 3/26/2024
Request: Variance to reduce the rear yard setback from fifteen (15) feet to seven (7) feet, and the front yard setback from twenty-five (25) feet to seventeen (17) feet, in a Mixed Residential (R-4) District.
Site Location: 1310 Georgann Ct., Pueblo, CO 81001
Legal Description: LOT 54 BLK 6 RIVERS RUN SUBDIVISION
Year Built: NA
Applicant: Tony Mihelich
Property Owner: Aaron Haaga c/o Legends Subdivision, LLC
Zone District: Mixed Use (R-4) Residential District

BACKGROUND AND ANALYSIS

The applicant is requesting a variance to reduce the rear yard setback from fifteen (15) feet to seven (7) feet, and the front yard setback from twenty-five (25) feet to seventeen (17) feet. In a Mixed Use (R-4) Residential District, the minimum rear setback is fifteen (15) feet and the minimum front yard setback is twenty-five (25) feet. The site plan submitted indicates that six (6) of seven (7) parcels on the Georgann Ct. cul-de-sac are shallow and cannot accommodate a house and a usable driveway.

The applicant notes that the 25' setback on a cul-de-sac is often hard to maintain unless the cul-de-sac lots are deeper than normal, because of the way it is measured from the tangent points of the circle. Typical parcels in an R-4 district are at least 100 feet in depth, and this allows for the accommodation of the house and the required setbacks. At its shallowest point, the parcel in question is 80 feet; and it is 92 feet at its longest point.

After our review, staff do not feel that the light and air will be reduced on adjacent properties. A reduction in setbacks will have a minimal impact on the public right-of-way. Setback reductions at 1310 Georgann will create a variation in the uniform aesthetics of setbacks adjacent to the cul-de-sac, however the overall planning of the city will not be negatively affected by the approval of this variance. The building design could be modified to fit the parcel better; however, that could add a significant financial burden to the developer. Finally, the shallow depth of the parcel, and cul-de-sac layout creates a hardship when trying to place certain models of homes in this subdivision.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Mixed Residential (R-4) District	undeveloped
East	Mixed Residential (R-4) District	undeveloped
South	Single Family (R-2) Residential	undeveloped
West	Mixed Residential (R-4) District	undeveloped

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 LIMITED USE PERMIT

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. This location js new construction and all adjacent parcels are undeveloped.

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. Staff finds that the property could be developed with a smaller house or primary structure, but this would create an undo hardship for the applicant, requiring him to alter plans for the greater development.

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. It appears that there are at least five (5) other parcels that face a similar situation on this same cul-de-sac. The 25' setback on a cul-de-sac is often hard to maintain unless the cul-de-sac lots are deeper than normal, because of the way it is measured from the tangent points of the circle.

ATTACHMENTS

- A. Standard Permit Conditions
- B. Zoning Map
- C. Comprehensive Plan Map
- D. Public Notice Photo
- E. Site Photographs
- F. Application

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 03/26/2024	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 03/26/2025
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. Zoning Map

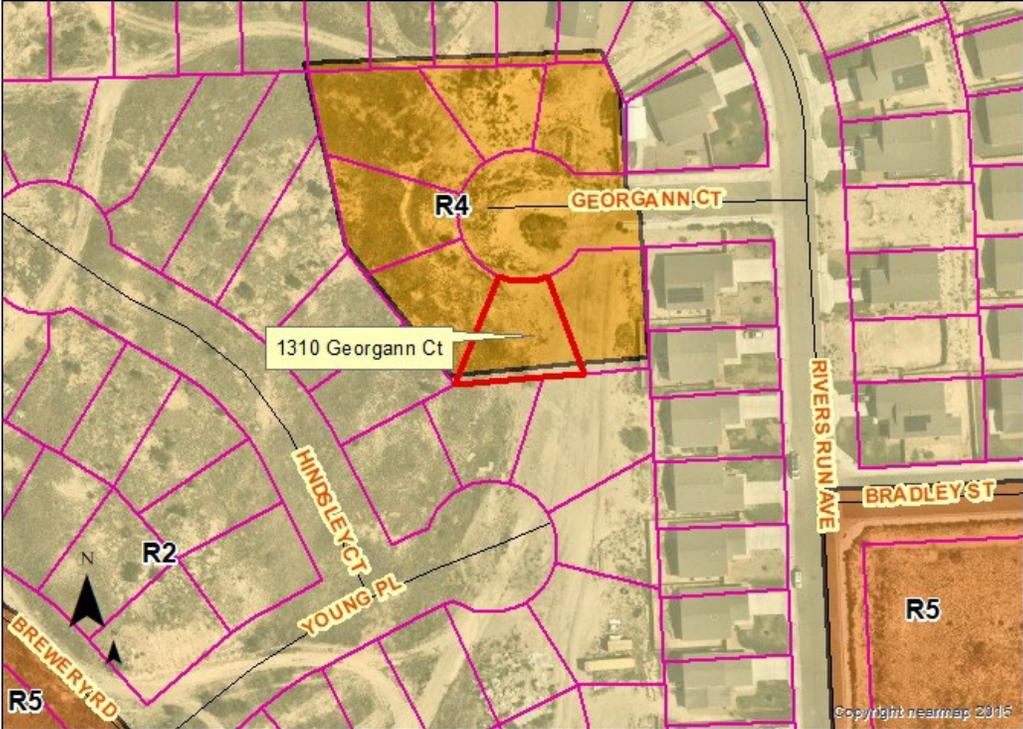


Exhibit C. Comprehensive Plan Map



Exhibit D. Public Notice



Exhibit E. Site Photos





F. Application

2/2/24, 11:53 AM

24-32



City of Pueblo PLACE

2/2/2024

24-32

Zoning Board of Appeals -
Special Use Permit &
Variances
Status: Active
Submitted On: 2/2/2024

Primary Location

1310 GEORGANN CT
PUEBLO, CO 81001

Owner

LEGENDS SUBDIVISION LLC
6375 S HIGHLAND DR SALT
LAKE CITY , UT 84121-6561

Applicant

Tony Mihelich
 719-696-8274
 tony@dkheng.com
 2441 S Prairie Ave
Pueblo, CO 81005

Internal

ZBA Case Number

ZBA-24-11

Planner Assigned

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Address Validation by GIS?

ZBA

Hearing Date

03/26/2024

Hearing Results

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Board Conditions

Appeal Term End Date

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Permit Completion Date

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