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Lisa Bailey
Secretary

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Georgia Way

ZBA-24-16

Hearing Date: 3/26/2024

TO: City of Pueblo Zoning Board of Appeals
FROM: Bart Mikitowicz
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 520 Carlile Ave, Pueblo, CO 81005
APPLICANT: Brian Robinson
PROPERTY OWNER: Brian Robinson
YEAR BUILT: 1969
LEGAL DESCRIPTION: LOTS 15 TO 18 INCL + N 5 FT OF VAC ALLEY LYING ADJ TO SD LOTS + 66 FT VAC CARLILE AVE ADJ ON N SD LOTS BLK 17 CARLILE PARKS SUPPLEMENTAL PLAT ALSO THE WLY 18 FT OF LOT 19
ZONE DISTRICT: Single Family Residential (R-1) Zone District
PARCEL ID: 534402002
LOT SIZE: 1945

REQUEST: Variance to allow an accessory structure larger than one thousand five hundred (1,500) square feet and larger than one hundred percent (100%) of the footprint of the principal structure in a Single Family Residential (R-1) Zone District

REQUEST BACKGROUND

520 Carlile Ave. is a 1,945 sq ft ranch-style single-family residence with a 1,101 sq ft detached three-car garage, that includes a restroom and storage space. The lot is an 18,909 sq ft lot found in the northeast corner of the Aberdeen neighborhood. The home and existing garage were built in 1969 and are accessed by an ingress/egress easement (Book1402, Page 357) as Carlile Ave., adjacent to Lots 1-14 and half of lot 15, was vacated in 1963. The applicant, Mr. Robinson, wishes to expand the existing garage at the rear of the property by 1,008 sq. ft.; 468 sq ft to the west for an additional garage bay; 540 sq ft to the east to for a "Living Area Indoor / Outdoor Addition". The proposed outdoor/indoor living area will serve as a pool house, fitness area, and general entertainment area with a golf simulator and tennis practice area. The addition will open to the back yard through a 12-foot glass door. The fourth garage bay will be used for storage of the property owner's truck and trailer, the family owns six vehicles. The resulting detached accessory structure would be 2,109 sq ft.

According to Sec. 17-4-23 (c)(1) "No detached accessory structure or combination of structures shall exceed fifteen percent (15%) of the lot area, up to a maximum of one thousand five hundred (1,500) square feet, or one hundred percent (100%) of the footprint of the principal structure, whichever is smaller." Therefore, the proposed structure requires a Variance before being issued a building permit.

ANALYSIS

The proposed additions would create a circumstance where the detached accessory structure exceeds the municipal code established size limit for accessory structures. The parcel is adjacent to a City owned open space, connected to Carlile Ave by an easement and private drive, and has no alley access, making it relatively remote in its development. The expansion of the garage, as the owner requests, is not anticipated to affect light and air available to adjacent properties or impede the future development of the city. However, the construction of a

4th garage bay on an existing 1,101 sq ft garage is a personal preference of the property owner, the garage currently accommodates three vehicles.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Government Use (S-1) Zone District	City Park
East	Single Family Residential (R-1) Zone District	Single Family Homes
South	Single Family Residential (R-1) Zone District	Single Family Homes
West	Single Family Residential (R-1) 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. Granting the variance would not reduce light and air in the form of new shaded areas in the properties within 100 feet of the property. The structure meets the setback requirements for the zone district.

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. Strict adherence to the code would limit the expansion of the detached accessory structure to 399 sq ft instead of 1,008 sq ft. The applicant has expressed that it would be costly and inconvenient to attach the garage to the principal structure.

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: Negative finding. The subject property, meets all off-street parking requirements, and does not suffer from a unique or singular disadvantage as there is already a 1,101 sq ft, 3 car garage.

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:

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-24-16	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 3/26/2025
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. Site Map

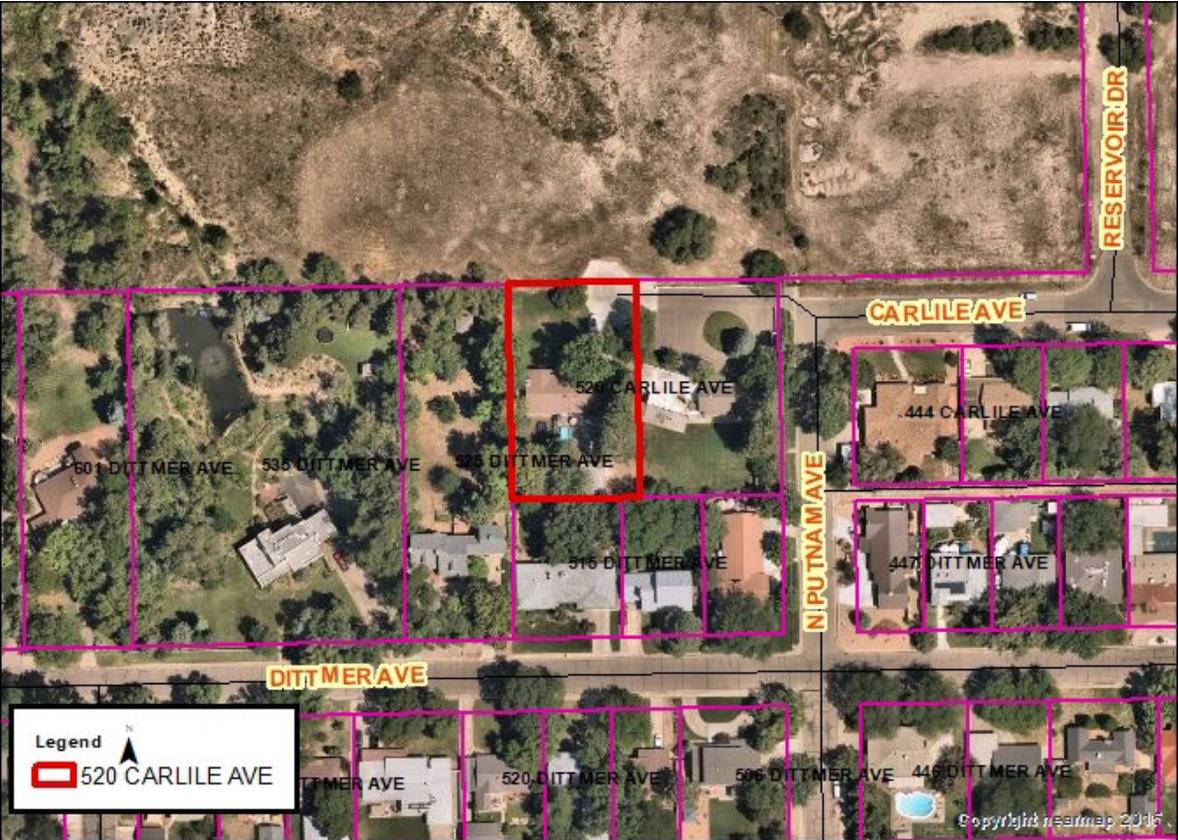


Exhibit D. Zoning Map

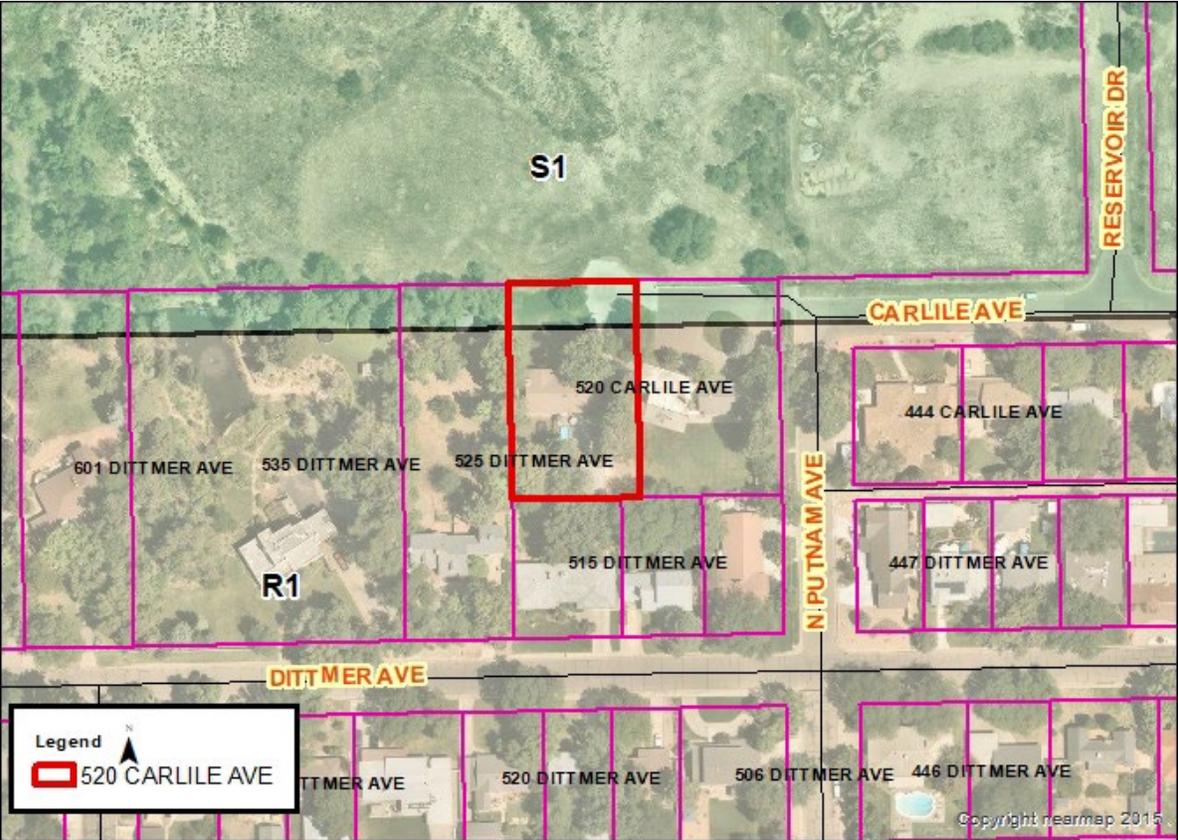


Exhibit E. Comprehensive Plan Map



Exhibit F. Public Notice
Exhibit G. Site Photos

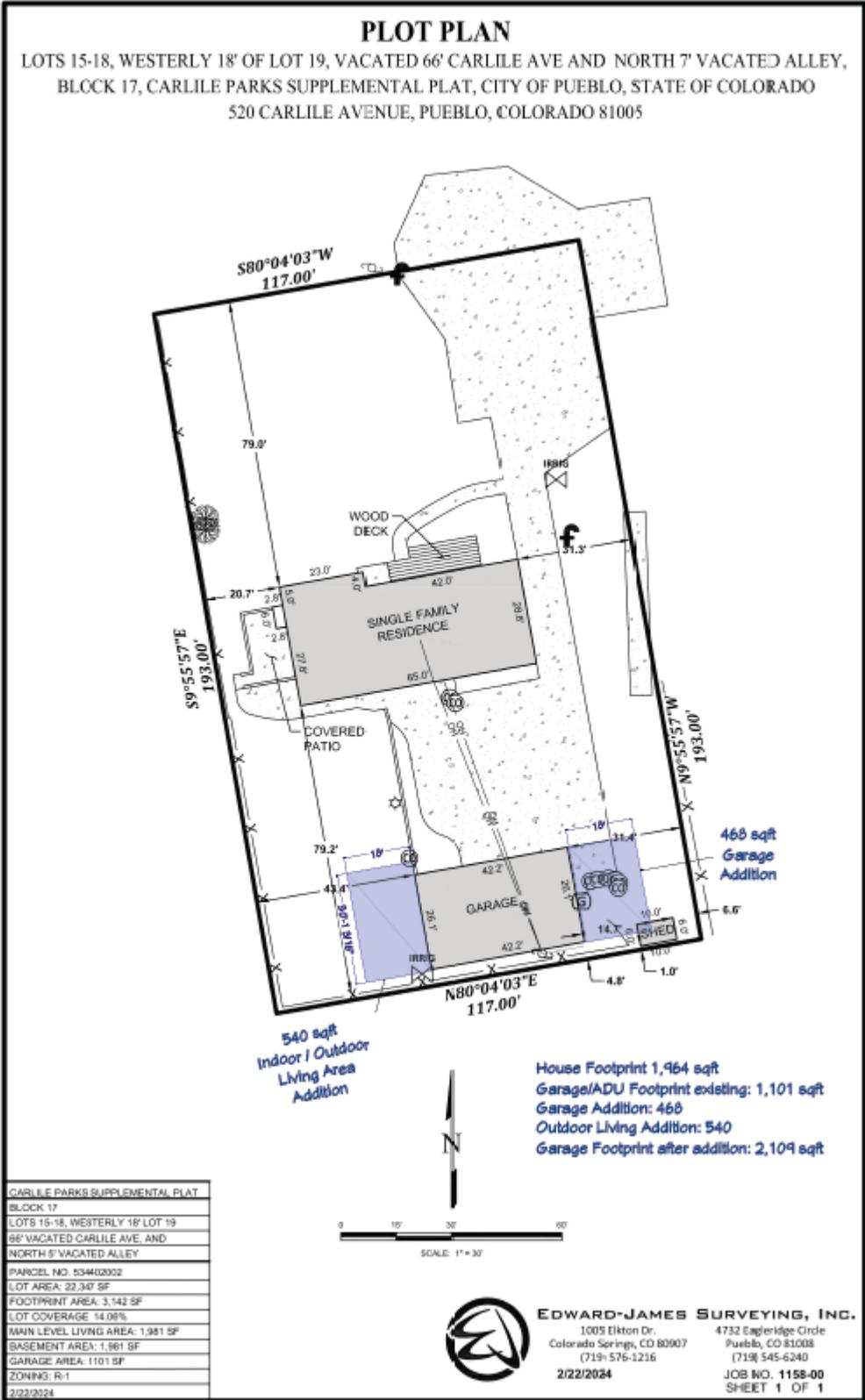


Exhibit H. Application

1/10/24, 2:42 PM

24-13



City of Pueblo PLACE

1/10/2024

24-13

Zoning Board of Appeals -
Special Use Permit &
Variances

Status: Active
Submitted On: 1/10/2024

Primary Location

634 GOODNIGHT AVE
PUEBLO, CO 81005

Owner

1LEGACY INVESTMENTS LLC
E EVANS AVE 918 Pueblo, CO
81004

Applicant

Casey Prutch
 720-427-8471
casey@cocannabisexchange.com
 635 W. Corona Ave
Unit 25/27
Pueblo, CO 81004

Internal

ZBA Case Number

ZBA-24-02

Planner Assigned

-

Address Validation by GIS?

ZBA

Hearing Date

02/27/2024

Hearing Results

-

Board Conditions

Appeal Term End Date

-

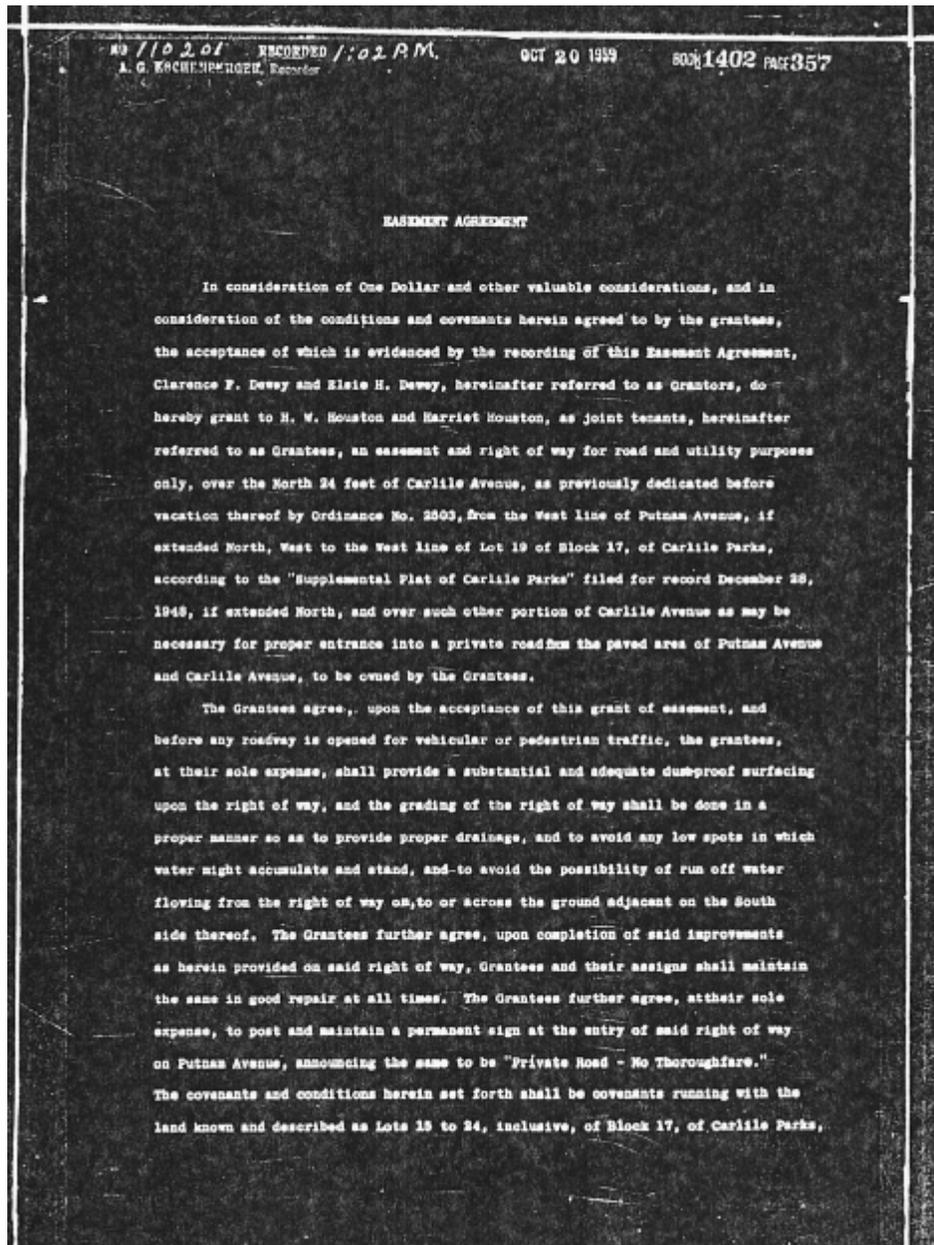
Permit Completion Date

-

Specially Requested Hearing



Exhibit I. Supporting Documents



From: Brian Robinson
Sent: Monday, March 18, 2024 1:55 PM
To: Beritt Odom
Cc: Bart Mikitowicz
Subject: RE: 520 Carlile Ave
Attachments: [520 Carlile Ave - Addition 03.18.pdf](#)

Hi,

Thanks for helping me understand my existing property situation more. I wanted to send the revised plans for my proposed addition as well as give further details on what we are wishing to build and why.

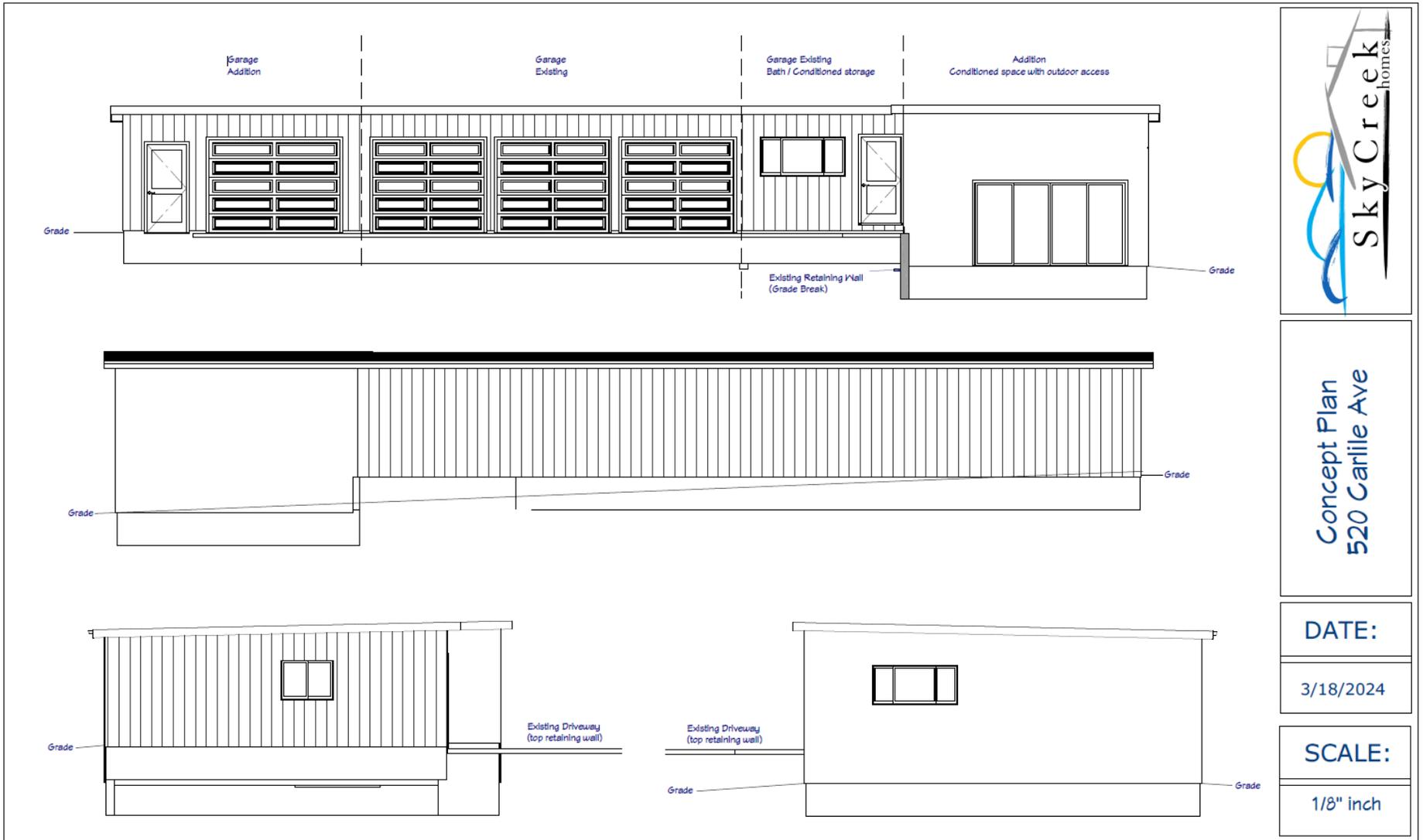
Please note this plan set is post construction for the existing conditioned area while the original set represents as-is pre-construction condition. First there is no cooking area, and no bedroom in the revised plans. This is not a dwelling unit. That is not my intent. Second I've detailed out the floor plan page a bit to show the outdoor space and what the indoor space is proposed for. Through the 12 foot glass door they are intended to interact as one indoor / outdoor space.

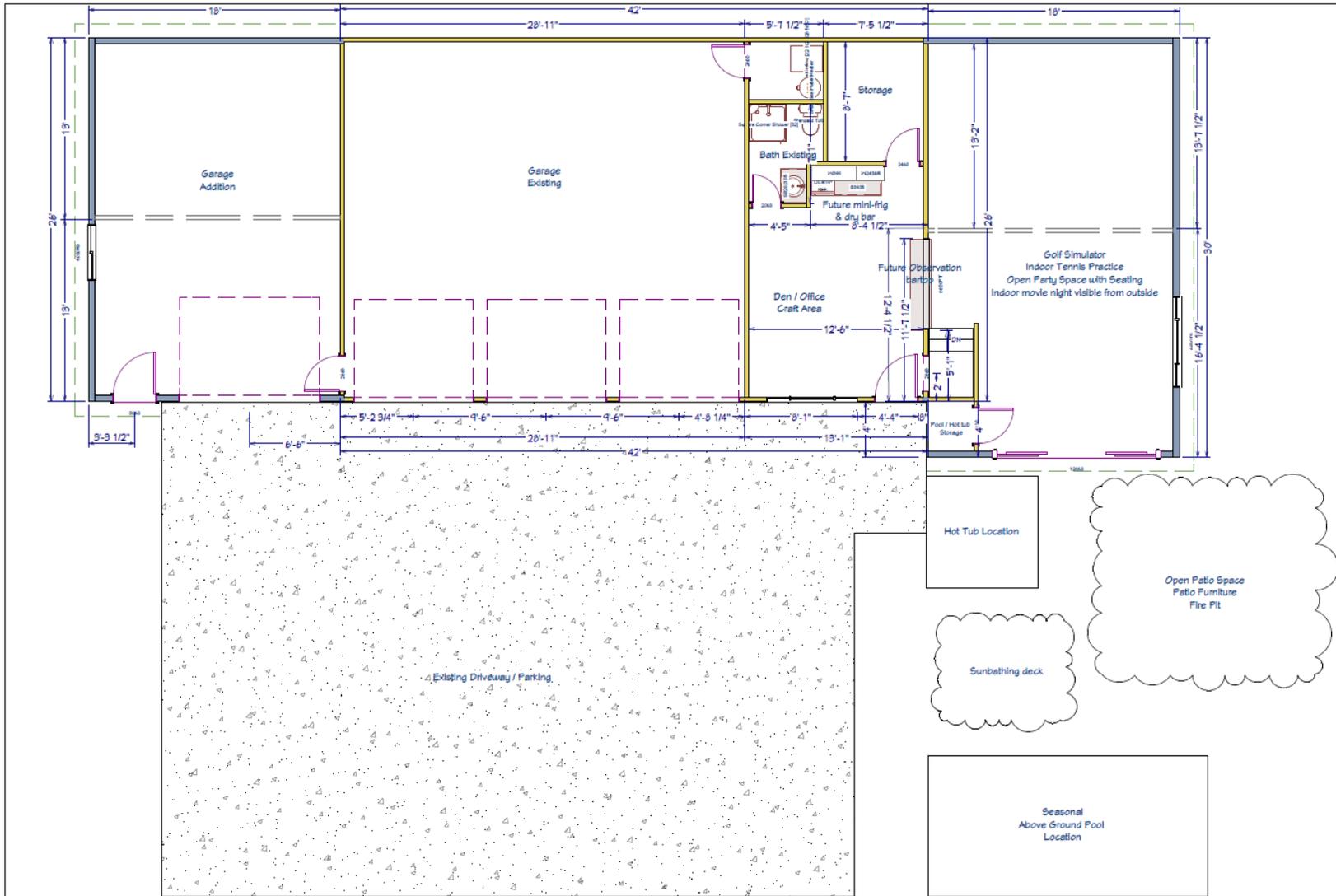
The space will work as a pool house, golf simulator, tennis practice area, fitness area, and a general open entertainment area that opens at grade with our new outdoor uses. It will also allow us to convert the existing slightly remodeled space into a home/office area. We are hoping to open up the enjoyment of our backyard by having a conditioned area that opens at grade to the back yard facilitating the use of all the outdoor activities in conjunction with the proposed indoor activities. Hopefully this allows for year round enjoyment of both the outdoor and indoor space. Currently our house does not do that. It also does not have 10' ceilings which enable indoor fitness and sports practice. The new structure will also help with shade lines.

The fourth garage bay is to try to put more of my existing storage into inside space. I am a contractor who has trailers and a truck that park where the garage edition is proposed to go. I am trying to get more of my stuff inside as well as create less of an eye sore. I can get rid of the shed and trailer and store their contents inside with space left over for a vehicle with the proposed garage addition. Finally we own 6 cars. Having an additional indoor parking space would be a boon.

Let me know if I can clarify anything further. We've been around to talk to our neighbors. They were supportive and didn't bring up any concerns with me. We are excited to get started and hopefully have the majority of this done in time for the summer.

Thanks, Brian







Concept Plan
520 Carlie Ave

DATE:
3/18/2024

SCALE:
1/8" inch