

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-24-20

Hearing Date: 5/29/2024

TO: City of Pueblo Zoning Board of Appeals
FROM: Bart Mikitowicz
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 2927 2nd Ave. Pueblo, CO 81003
APPLICANT: Jose Garcia
PROPERTY OWNER: Jose Garcia
YEAR BUILT: 1940
LEGAL DESCRIPTION: LOTS 21 + 22 BLK 6 GRANDVIEW PL
ZONE DISTRICT: Single-Family Residential (R-2) Zone District
PARCEL ID: 524220004
LOT SIZE: 6,250

REQUEST: Variance to reduce the side and rear yard setback from five feet (5') to two feet (2') to allow for a detached accessory structure in a Single-family Residential (R-2) Zone District

BACKGROUND AND ANALYSIS

2927 2nd Ave is a 1,133 sq ft ranch-style single-family home built in 1940 on a 6,250 sq ft lot in the Central Park neighborhood southeast of the Pueblo Country Club. The applicant, Mr. Garcia, would like to construct a 418 sq ft detached garage in the northwest corner of the property adjacent to the alley. While the principle structure meets the single-family home placement standards; the actual off-center placement of the home presents some challenges in also placing a detached garage at this location. Furthermore, due to concerns about a low-hanging overhead powerline, the applicant is requesting a Variance so that they may place the garage within the rear and side yard setbacks; reducing them from five feet (5') to two feet (2') for the side and rear. To construct the garage without a variance would require the applicant to reroute overhead or underground existing powerlines which could be a costly burden. The placement of the new structure should have a minimal effect on light and air to the property to the north and does not raise other major concerns about negatively impacting the surrounding neighborhood.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Single-Family Residential (R-2) District	Single-Family Homes
East	Single-Family Residential (R-2) District	Single-Family Homes
South	Single-Family Residential (R-2) District	Single-Family Homes
West	Single-Family Residential (R-2) 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: Neutral finding. The new garage structure will be closer to the fence and property line than generally prescribed, which could potentially reduce some light in the neighbor’s side-yard setback. There should be no impacts to light and air on the property located to the south.

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 hinder the residential land use of the area or impact streets.

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 title would require two five-foot setbacks. The applicant would be required to relocate the power line preventing them from meeting this requirement. This could be a costly and arduous process.

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 subject property was built in 1940, prior to the current zoning code. It was constructed without a detached garage. While the principal structure does meet the single family home placements standards; because the home was constructed at a slight angle, constructing a garage closer to the front of the property is challenging.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

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

1. All gutters and downspouts must direct water back onto the subject property and away from the neighboring property to the north

ATTACHMENTS

- A. Standard Permit Conditions
- B. Aerial Map
- C. Zoning Map
- D. Comprehensive Plan Map
- E. Public Notice Photo
- F. Site Photos
- G. Application
- H. Supporting Documents

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 5/29/2024	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 5/29/2025
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

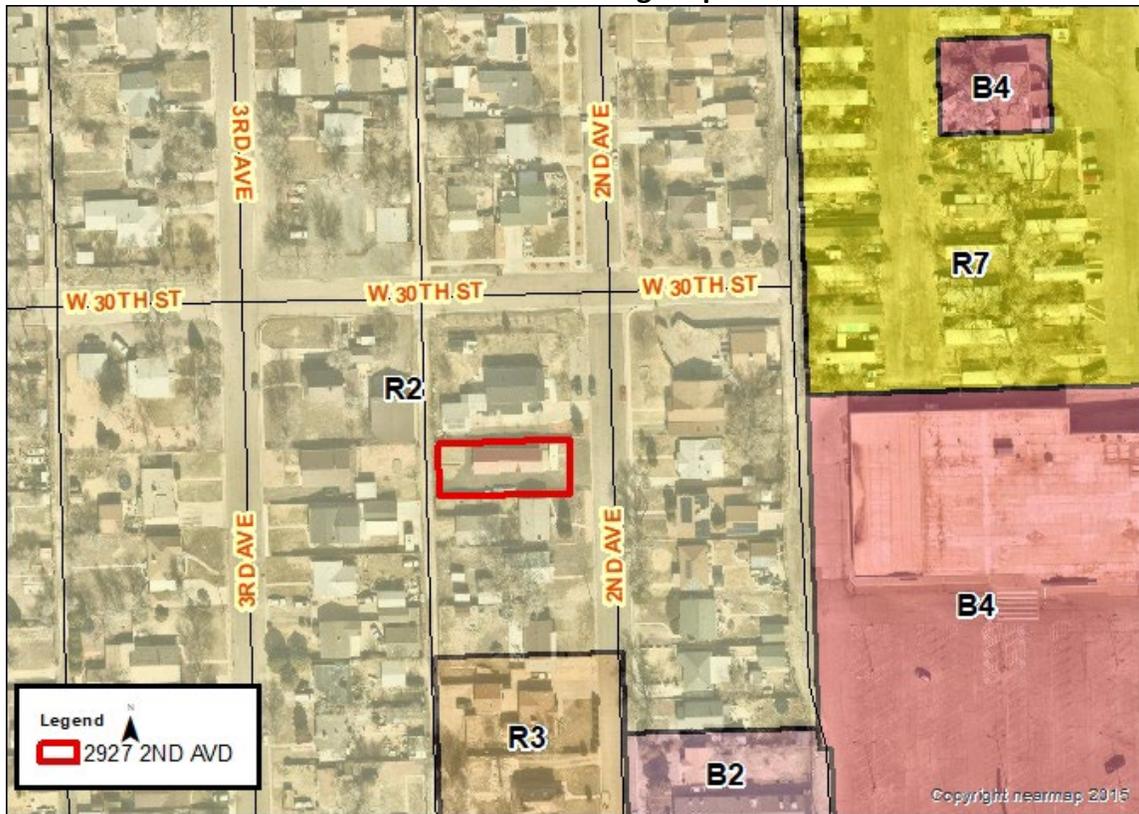


Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice



Zoning Board of Appeals
Exhibit F. Site Photos



Exhibit G. Application

3/26/24, 12:42 PM

24-58



City of Pueblo PLACE

3/26/2024

24-58

Zoning Board of Appeals -
Special Use Permit &
Variances

Status: Active

Submitted On: 3/26/2024

Primary Location

2927 2ND AVE
PUEBLO, CO 81008

Owner

GARCIA JOSE C GARCIA
VIOLA,
9004 ALVERA AVE SW
ALBUQUERQUE, NM 87121-
8827

Applicant

jose garcia
 505-459-6827
 josecirio@comcast.net
 2927 2nd ave
pueblo, col 81008

Internal

ZBA Case Number

ZBA-24-20

Planner Assigned

-

Address Validation by GIS?

ZBA

Hearing Date

04/23/2024

Hearing Results

-

Board Conditions

Appeal Term End Date

-

Permit Completion Date

-

