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Georgia Way

ZBA-24-35

Hearing Date: 6/25/2024

TO: City of Pueblo Zoning Board of Appeals
FROM: Mikaylin Hackley
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 716 McCulley Ave.
APPLICANT: Dustin Hardgrove
PROPERTY OWNER: Dustin Hardgrove
YEAR BUILT: 1900
LEGAL DESCRIPTION: W 32 FT LOTS 1 TO 3 BLK 73 STONE + THATCHER SUB
ZONE DISTRICT: One- and Two-Family Residential (R-3) Zone District
PARCEL ID: 1512228001
LOT SIZE: 2880

REQUEST:	Variance to reduce second front setback in a One- and Two-Family Residential (R-3) Zone District
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BACKGROUND AND REQUEST

The applicant is requesting a setback variance in order to rebuild a garage in the backyard of the property at an increased size. Staff found evidence that the garage was built in the 50s (See Exhibit F for Google imagery of the old garage as of November 2022) at 13' wide by 23' long, or about 300 square feet. This original garage caught fire in 2023 and was destroyed. According to Section 17-3-4, (2), of the Pueblo Municipal Code, the property owner could petition the Administrative Official to allow for reconstruction of the the garage at its original size within 12 months of the damage. However, since the applicant wants to rebuild the structure at 22' wide, now a larger 506 square feet, they are requesting a second-front setback variance from 12' 6" to 0' in order to reconstruct the garage with the same orientation but this increased size.

ANALYSIS

When the applicant initially submitted this variance request, staff presumed that a setback variance would be needed at both the eastern and southern property lines to construct the garage at the desired size, as aerial imagery appeared to show an alley running adjacent to the southern property line. However, Planning and Public Works staff researched the alley and discovered that it is not actually a subdivided, platted alley. It appears that two adjacent properties, 714 McCulley and 710 McCulley, have 10 feet reserved for an alley in their legal descriptions. The subject property and 712 McCulley, conversely, do not have an alley reservation in their legal descriptions. It is the opinion of the Public Works Department that the alley is not a legal alley, and therefore no variance is necessary for the southern property line.

Since the lot is on a corner, current setback requirements would dictate that the garage would have to be built 12' 6" from property line, as the lot frontage on Cedar St. would be classified as a "second front." Considering the narrow 33' width of the lot, enforcing this current setback requirement would create an undue burden on the property owner. Thus, the applicant is requesting this setback variance to decrease the front setback requirement from 12' 6" to 0'.

Considering the age and deterioration of the previous garage, rebuilding the structure and making it more architecturally compatible with the home will not only increase the property’s value for the owner, but will also improve the aesthetic of the neighborhood. The applicant believes that the increased size would improve the development of the property, and staff does not anticipate any negative outcomes from allowing the larger structure to be built at 0’ setback.

ZONE DISTRICT AND LAND USE

Zone:		Developed with:
North	Government Use (S-1) District	Bessemer Park
East	One and Two-Family Residential (R-3) District	One and two-family homes
South	One and Two-Family Residential (R-3) District	One and two-family homes
West	Mixed Residential (R-4) District	Minnequa Park Apartments

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 proposed setback would not decrease the distance between the garage and the neighboring property. Additionally, the prevailing setback pattern of the houses fronting Cedar St. is around 10 feet, so the garage having no setback to the street will not be visually dissonant.

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. There is an existing curb cut on Cedar St. and several other properties in the area take access from the street.

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

Comments: Affirmative finding. The existing garage foundation can be repurposed with a new structure, and the proposed bigger size will make it better suited for modern cars.

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. This subject lot was subdivided prior to current code and the home was not built to current setbacks.

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 Photos
- G. Application
- H. Supporting Documents

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 6/25/2024	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 6/25/2025
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

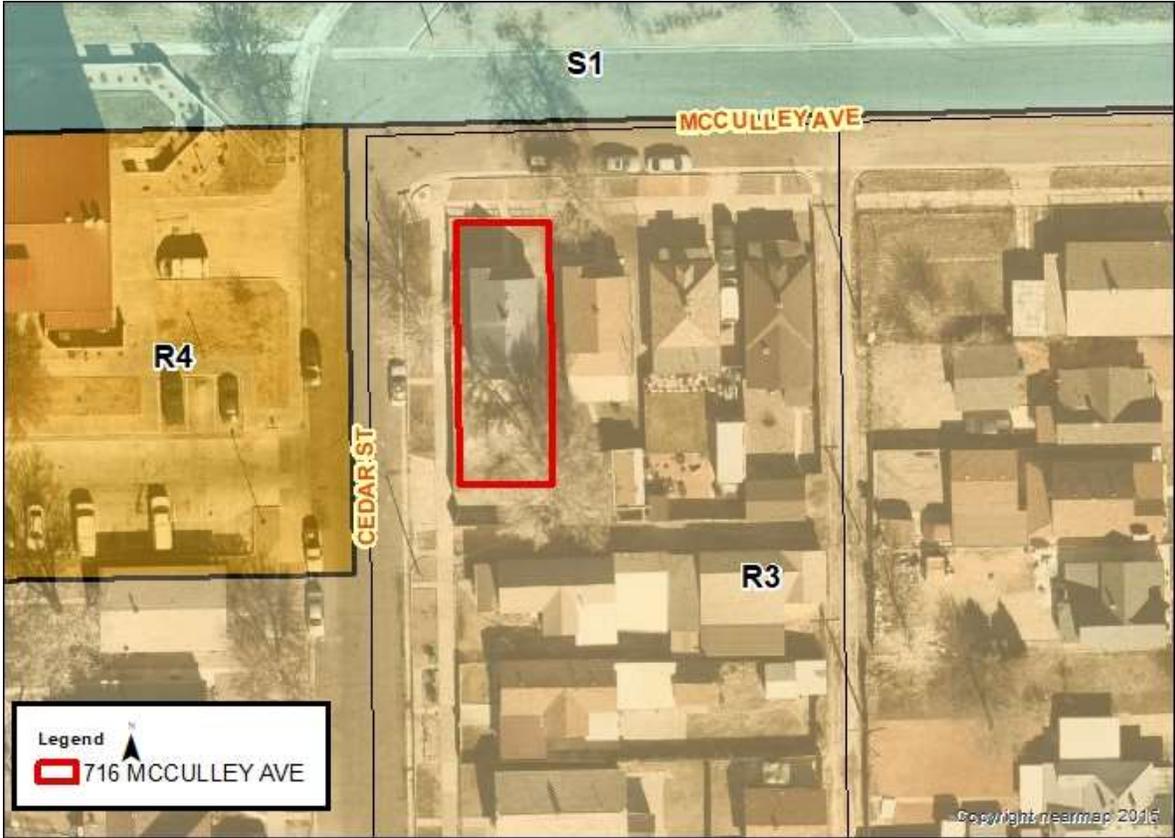


Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice



Exhibit F. Site Photos





Exhibit G. Application



City of Pueblo PLACE

5/31/2024

24-115

Zoning Board of Appeals -
Special Use Permit &
Variances

Status: Active

Submitted On: 5/31/2024

Primary Location

716 MCCULLEY AVE
PUEBLO, CO 81004

Owner

Dustin Hardgrove
28003 Iris Dr. Evergreen , CO
80439

Applicant

Dustin Hardgrove
 303-565-9360
 dhardgrove@hotmail.com
 28003 Iris Dr.
Evergreen, CO 80439

H. Supporting Documents

