

ZBA-24-41

Hearing Date: 7/23/2024

TO: City of Pueblo Zoning Board of Appeals
FROM: Mikaylin Hackley
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 5127 Lynn Meadows Dr.
APPLICANT: Previn Marquez
PROPERTY OWNER: Previn Marquez
YEAR BUILT: 2015
LEGAL DESCRIPTION: LOT 8 BLK 2 WEST LEE HILLS FILING NO 1 FORMERLY #15-092-00-010 THRU 012 + 197 + 15-092-05-015 + 016 + 15-092-22-008
ZONE DISTRICT: Single-Family Residential (R-2) Zone District
PARCEL ID: 1509225008
LOT SIZE: 10421

REQUEST:	Variance to reduce a side-yard setback in a Single-Family Residential (R-2) Zone District
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BACKGROUND

The applicant is requesting a setback variance from 5' to 3' 7" on their western property line in order to bring a new pergola structure into compliance. The applicant submitted an accessory structure application to the Planning Department on June 21st for a 12' by 38' Residential Awning, at which time he was informed that the structure could not be built as proposed as it encroached into the required 5' side setback. Since construction of the structure had already begun (See Exhibit F), the applicant opted to apply for a variance in hopes of permitting it as-is. The structure was classified by Regional Building as a residential awning, and the applicant attests that it grants privacy as his backyard is visible from the neighboring property's top floor. There is an existing 8' privacy fence between the two properties.

REQUEST AND ANALYSIS

Current lot coverage with the home and existing detached pergola is 35% of the total 10,400 square foot lot. With the addition of the subject 456 square foot pergola, the lot coverage will increase to 40%, which is under the maximum 50% lot coverage requirement for the R-2 zone district. Section 17-4-23 c. (13) of the PMC allows the Administrative Official to waive architectural compatibility requirements for accent structures such as pergolas, gazebos, and canopies so long as they are maintained in a manner that does not detract from the aesthetics of the neighborhood. The structure is narrowly visible from the street (See Exhibit F) and staff does not find that it would constitute a nuisance to the neighborhood. While staff foresees no adverse effects from the granting of this variance, the property does not appear to face any unique hardship.

ZONE DISTRICT AND LAND USE

Zone:		Developed with:
North	Single-Family Residential (R-2) Zone District	Single-family homes
East	Single-Family Residential (R-2) Zone District	Single-family homes
South	Single-Family Residential (R-2) Zone District	Single-family homes

West	Single-Family Residential (R-2) Zone District	Single-family homes
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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	Stop Work Order and Violation Notice issued on 6/11/2024 for building without permits needs to be cleared prior to PRBD Approval. To clear the violation, Routing and Permitting process needs to be completed and inspections performed
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 structure is not overtly visible from the street and staff does not believe the structure constitutes a nuisance.

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 proposed structure is not intended to be accessed by vehicles, so streets will not be affected.

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

Comments: Neutral finding. There is ample space for an awning in the backyard that would still allow the applicant the shade and privacy desired without encroaching into the western side setback.

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. The property suffers no disadvantage unique from any other properties in the area.

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: 7/23/2024	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 7/23/2025
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



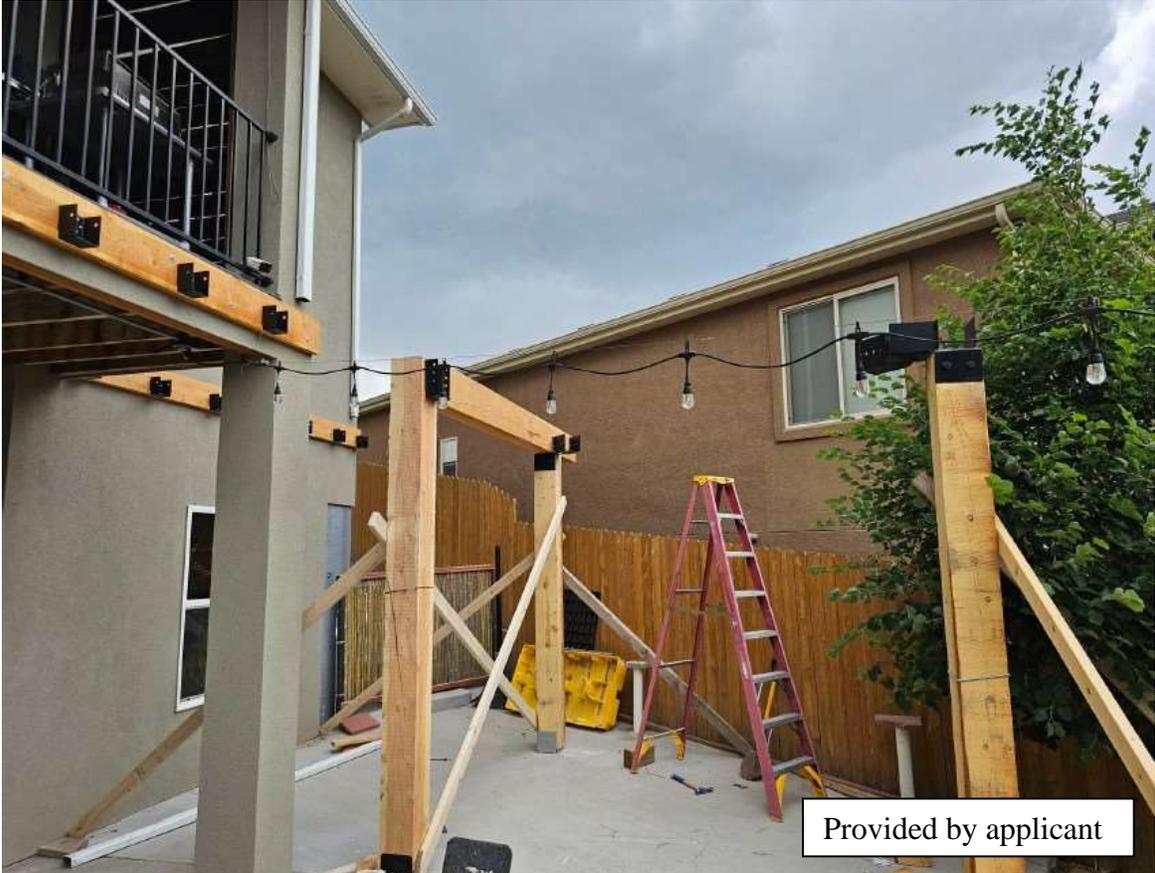
Exhibit E. Public Notice



Exhibit F. Site Photos



Taken from Lynn Meadows Dr sidewalk 7/15/24



Provided by applicant

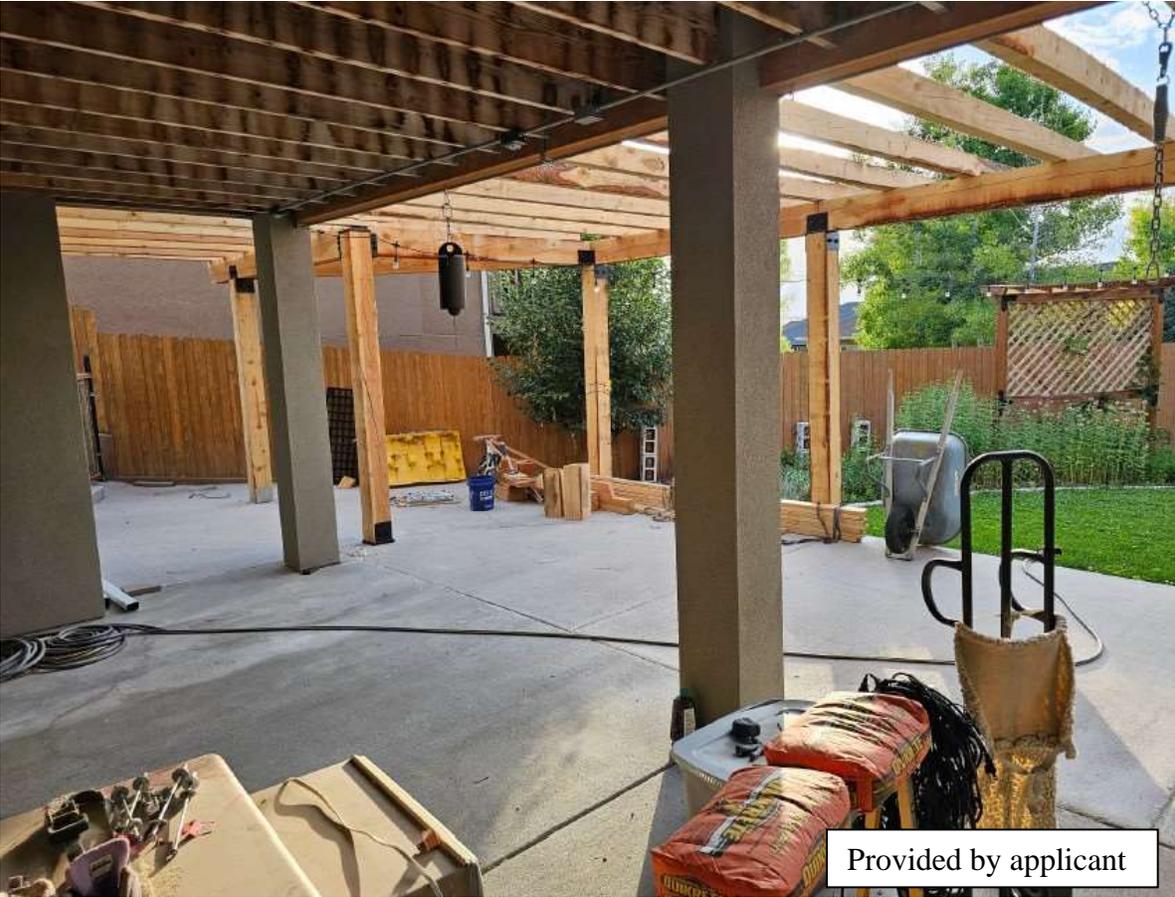
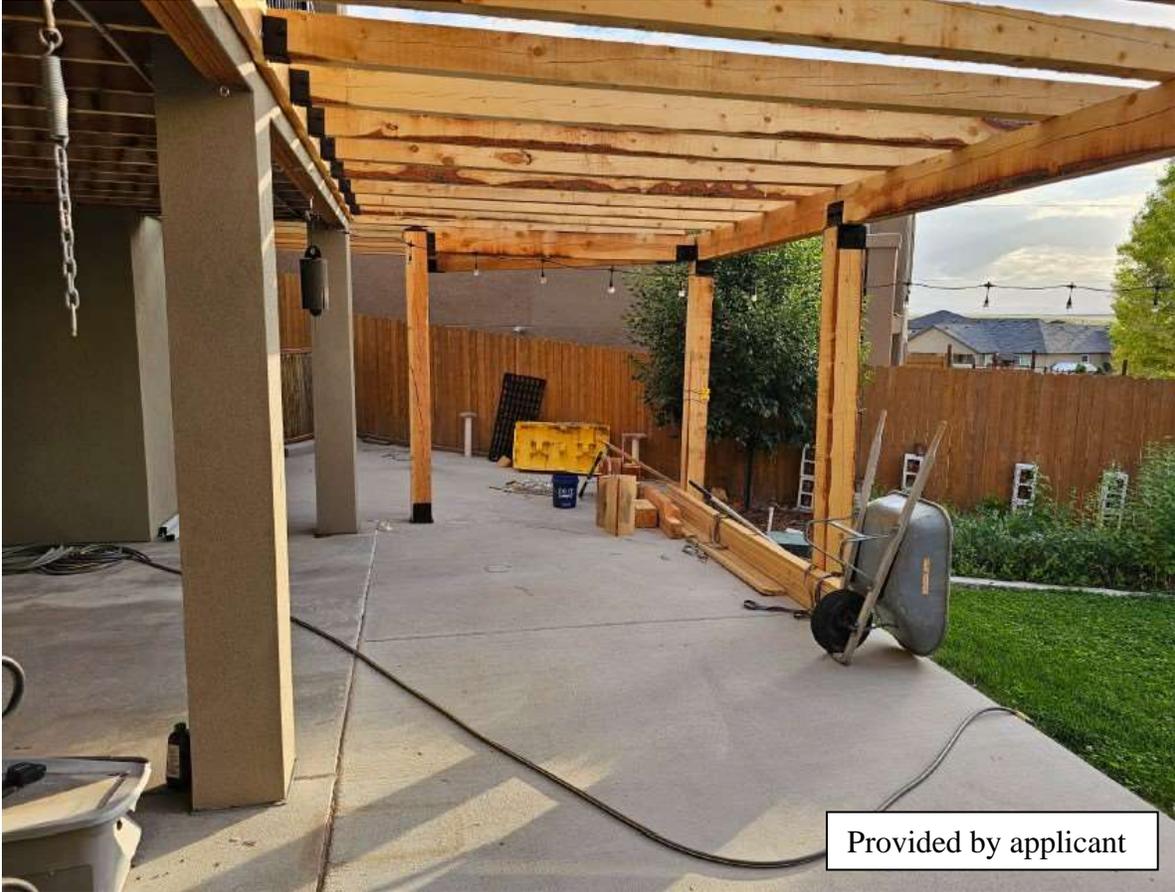


Exhibit G. Application



City of Pueblo PLACE

July 2, 2024

24-136

Zoning Board of Appeals
- Special Use Permit &
Variances

Status: Active
Submitted On: 6/26/2024

Primary Location

5127 LYNN MEADOWS DR
PUEBLO, CO 81005

Owner

Previn T Marquez
5127 LYNN MEADOWS DR 5127
Lynn Meadows Drive Pueblo, CO
81005

Applicant

Previn Marquez
 719-924-6900
 ptmarquez@msn.com
 5127 Lynn Meadows Drive
Pueblo, CO 81005

Internal

ZBA Case Number

ZBA-24-41

Planner Assigned

Planner 5

H. Supporting Documents

SITE PLAN

Address: 5127 Lynn Meadows Dr

Pueblo, CO 81005

Parcel ID: 1509225008

Lot area: 0.24 Acres

Plot Size: 11"x17"

Drawing scale: 1"=20'



• Where is the deck
• Rafter - 2" x 4"
• Stairs - 10" x 6"
• Posts - 8" x 8"
• Total cost: ~\$3500.00

Sawn Lard
≈ 1350 total
Wind load v.R.F.T
is minimal since

