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Georgia Way

ZBA-24-47

Hearing Date: 8/27/2024

TO: City of Pueblo Zoning Board of Appeals
FROM: Mikaylin Hackley
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: **3225 Northridge Dr.**
APPLICANT: **Adrian Martinez**
PROPERTY OWNER: Adrian Martinez
YEAR BUILT: 1979
LEGAL DESCRIPTION: LOT 41 BLK 10 COUNTRY CLUB HEIGHTS 7TH
ZONE DISTRICT: Single-Family Residential (R-1) Zone District
PARCEL ID: 514421034
LOT SIZE: 16890

REQUEST:	Variance to reduce the front yard setback in a Single-Family Residential (R-1) Zone District
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BACKGROUND

The applicant is requesting a variance to reduce their front yard setback from 25' to 5' to accommodate a partially built 24' by 18' detached garage. Construction began on this structure in early June of this year, at which time code enforcement was contacted. Pueblo Regional Building Department issued a stop-work order on the project as no building permit had been issued. The applicant then obtained a routing sheet from Regional Building and applied for an accessory structure permit on June 25th, at which time planning staff found that the structure was out of compliance with setback requirements of the Single-Family Residential (R-1) Zone District and a variance would need to be issued in order to keep the structure as-is.

ANALYSIS

The subject accessory structure meets all other setback requirements and its addition to the property brings lot coverage to 20%, well under the maximum 50% for the zone district. The applicant indicated in their application that they intended to finish the structure with the same materials and colors as their home. They also contemplated adding a privacy fence with a gate to screen the garage from the right-of-way, but staff would not support this as a tall fence in the front of the property could hinder sightlines for drivers backing their cars out onto the street.

The shape of the lot and the lack of a secondary alley access limits potential locations on the property to add any additional covered parking; however, there is an existing attached 588 square foot two-car garage, driveway space for additional vehicles, and on-street parking along Northridge Dr. Thus, as discussed in the findings of fact, staff does not find that the shape of the lot is enough of a unique or singular disadvantage to warrant such a large variation in front setback relative to the rest of the neighborhood.

Should the Board make the necessary finds of fact to approve this variance, staff proposes that the garage should be held to a higher design standard than typically required of accessory structures as the reduced setback makes it more visible to the neighborhood. Staff recommends in the conditions that at least one window with white

trim, matching the home, be added to the garage to provide architectural interest and higher compatibility with the existing primary structure.

ZONE DISTRICT AND LAND USE

Zone:		Developed with:
North	Single-Family Residential (R-1) Zone District	Single-family homes
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: Neutral finding. The reduction of the setback variance would likely impact the neighbor to the east, as the structure’s location would shade the front yard of the neighboring lot in the afternoons and evenings, which is not typical of the neighborhood as all other properties conform with the 25’ front setback.

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: Negative finding. General planning of the residential block would be disrupted by the granting of this variance as all structures along Northridge Dr. between Morris Ave. and Mountain View Dr. appear to maintain the required 25’ front yard setback. The subject property is located within the suburban-style Country Club Heights Subdivision, which was intended to provide large, 7000+ square foot lots for single-family homes. The proposed 5’ front yard setback is a significant variation from the required 25’ front-yard setback and would undermine the uniform aesthetic of the street.

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

Comments: Negative finding. There is existing covered parking in the 588 square foot attached garage as well as driveway space and street parking.

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 applicant attests that the layout of lot would not allow a new garage to be placed anywhere else on the property; however, the amount of existing covered parking space is comparative to other properties in the area.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board makes the necessary finding of fact to approve this variance, staff recommends Standard Permit Conditions 1 through 13 and the following staff conditions:

1. The structure should be made architecturally compatible with the principal structure including the siding material and color and the roofing material and color.
2. At least one window with white compositional trim shall be added to the accessory structure.

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: 8/27/2024	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 8/27/2025
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

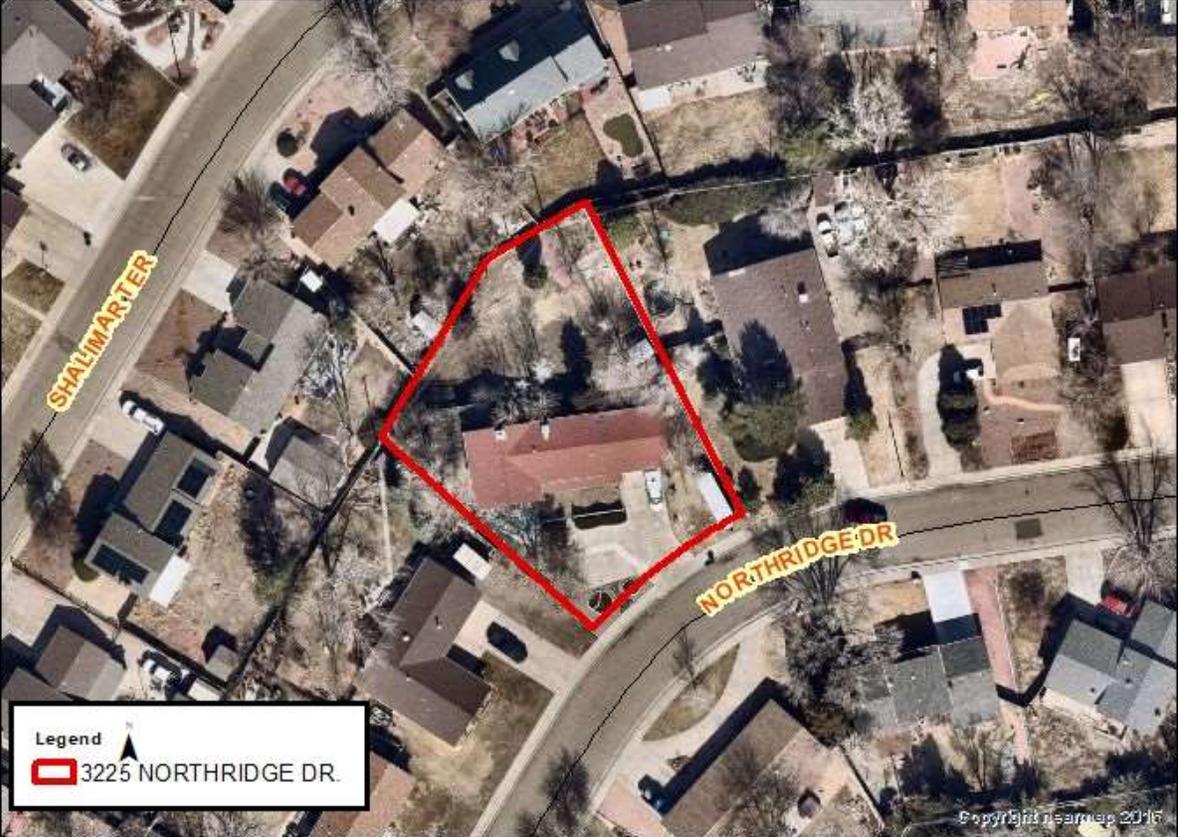


Exhibit C. Zoning Map



Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice



Exhibit F. Site Photos





Exhibit G. Application

 **City of Pueblo PLACE**

July 11, 2024

24-144
 Zoning Board of Appeals
 - Special Use Permit &
 Variances
 Status: Active
 Submitted On: 7/3/2024

Primary Location
 3225 NORTHRIDGE DR
 PUEBLO, CO 81008

Owner
 MARTINEZ JACKIE LEE
 3225 NORTHRIDGE DR PUEBLO
 , CO 81008-1509

Applicant

 Adrian Martinez
 720-935-9216
 agemart0218@gmail.com
 1704 bonnybrae lane
 Pueblo, CO 81001

Internal

 **ZBA Case Number**
 ZBA-24-47

 **Planner Assigned**
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H. Supporting Documents

