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Georgia Way

ZBA-24-48

Hearing Date: 8/27/2024

TO: City of Pueblo Zoning Board of Appeals
FROM: Bart Mikitowicz
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 7 Avon Ct, Pueblo, CO 81005
APPLICANT: Gary Hall
PROPERTY OWNER: Gary Hall
YEAR BUILT: 1995
LEGAL DESCRIPTION: LOT 13 BLK 1 REGENCY RIDGE 1ST FORMERLY PARTS OF 15-090-05-003; -13-010; -14-001
ZONE DISTRICT: Single-family Residential (R-2) Zone District
PARCEL ID: 1509403013
LOT SIZE: 6,882 sq. ft.

REQUEST: Variance to reduce the sideyard setback from five feet (5') to two feet (2') in a Single-family Residential (R-2) Zone District

REQUEST BACKGROUND AND ANALYSIS

7 Avon Court is a two-story 1,660 sq ft single-family home built in 1995. The house sits on a 6,882 sq ft parcel in the Regency Ridge subdivision north of Roncalli Middle School. The applicant was cited by the City of Pueblo Code Enforcement on January 11th, 2024 (CE-24-86) for having a shed placed too close to the side-yard property line in the side-yard setback. The applicant, Mr. Hall, would like to keep the shed where it is currently located and is requesting a three-foot reduction of the side yard setback from five feet to two feet.

This shed has been in place for at least twelve years according to research and was in place prior to the purchase of property of Mr. Hall. The shed is one-hundred twelve sq ft located northeast of the principal structure. The shed is two feet from the property line that is shared with the neighbor to the east. The five-foot setback is in place to ensure light and air to adjacent properties are not impeded by structures on the neighboring properties. The property does not suffer from any singular or unique disadvantage preventing them from adhering to 17-4-23 (a) (3) which states, "no accessory structure shall be built or placed within any required front, side or rear yard setback." However, the shed has been there for at least twelve years and was there prior to the purchase of Mr. Hall.

ZONING 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

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. Granting the variance may increase the shadow on the neighboring property because it is approximately 3-5 feet taller (at the peak) than the fence.

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: Negative finding. Strict adherence to the code would require the shed to be relocated at least three feet to the west, which there is room for.

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 site itself does not suffer from a unique or singular disadvantage. However, the shed was there when the owner purchased the property and can be seen in photographs dating back to 2012.

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:

1. A gutter and down spout should be added to the east side of the shed's roof to direct stormwater from the shed back onto the subject property.

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-24-48	
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. Site Map



Exhibit D. Zoning Map

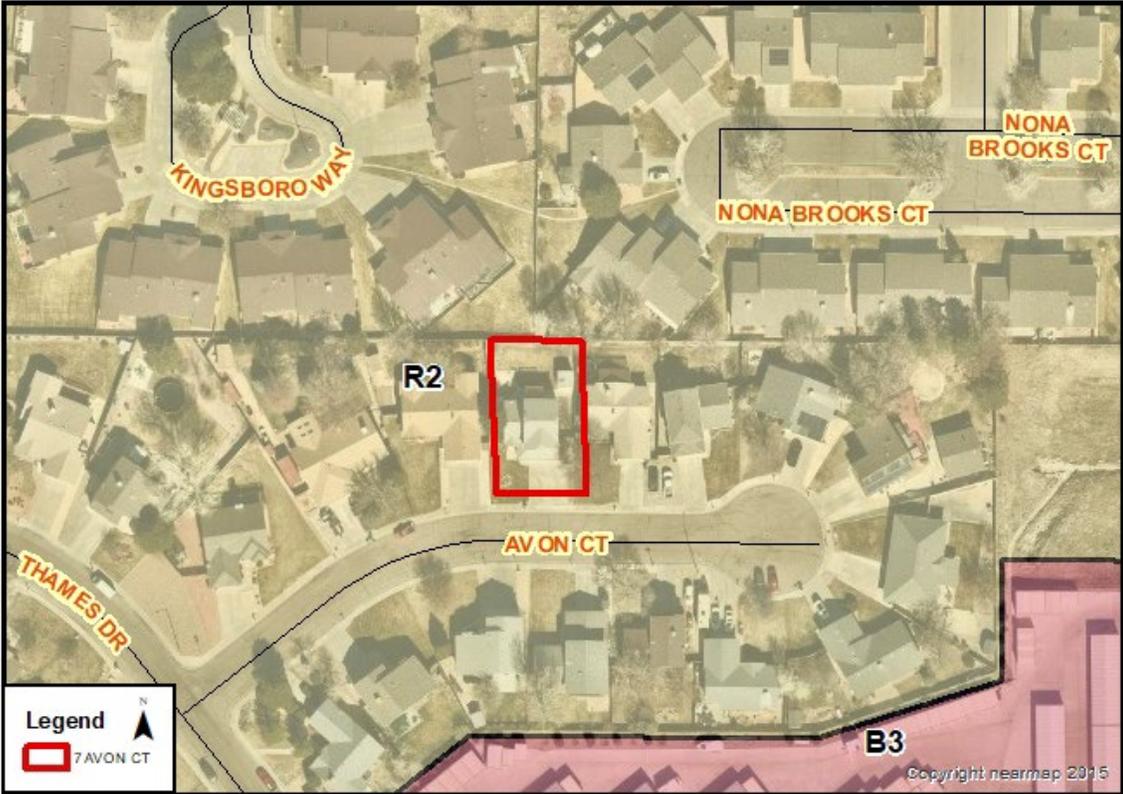


Exhibit E. Comprehensive Plan Map

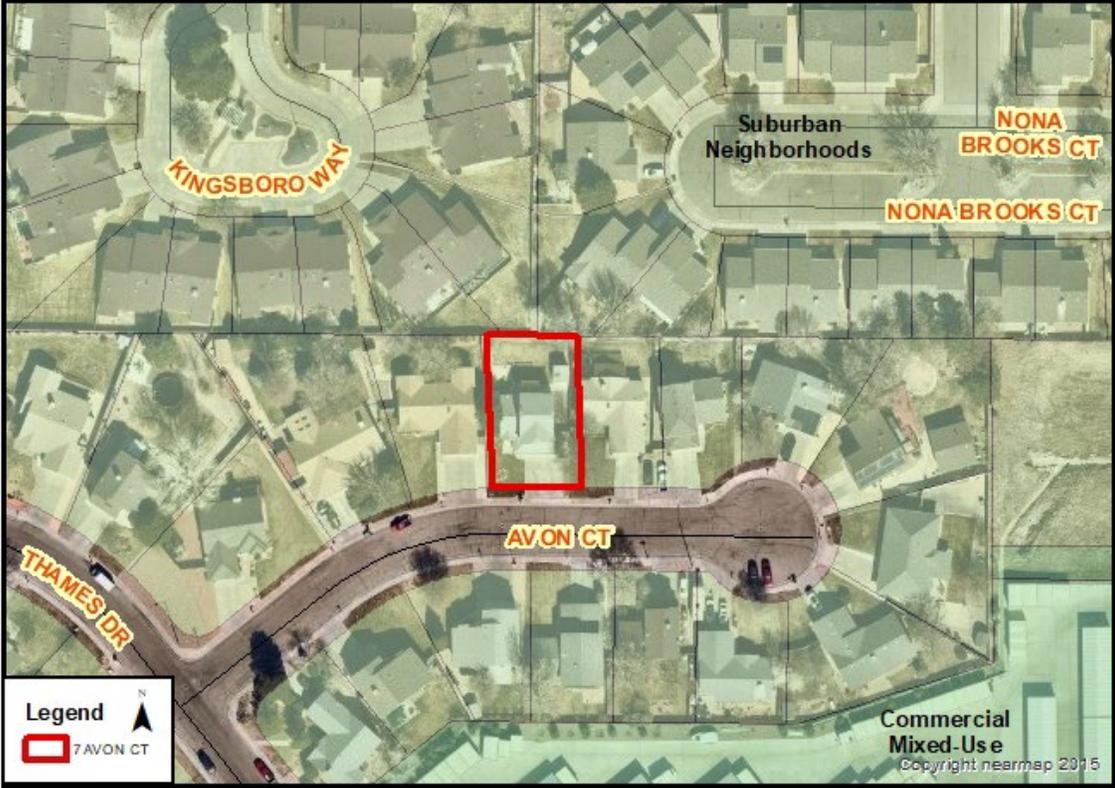


Exhibit F. Public Notice



Exhibit G. Site Photos



Exhibit H. Application

7/31/24, 8:52 AM

24-156

 City of Pueblo PLACE

July 31, 2024

24-156
Zoning Board of Appeals - Special Use Permit & Variances
Status: Active
Submitted On: 7/30/2024

Primary Location
7 AVON CT
PUEBLO, CO 81005
Owner
HALL GARY / ARMIJO ASHLEY
7 AVON CT PUEBLO , CO
81005-3511

Applicant
 Gary Hall
 719-664-9846
 errornetworkerror@gmail.com
 7 Avon CT
Pueblo , Colorado 81005

Internal

 ZBA Case Number
ZBA-24-48

 Planner Assigned
-

 Address Validation by GIS?

ZBA

 Hearing Date
08/27/2024

 Hearing Results
-

 Board Conditions

 Appeal Term End Date
-

 Permit Completion Date
-

 Specially Requested Hearing

Exhibit I. Supporting Documents

