

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-24-58

Hearing Date: 10/22/2024

TO: City of Pueblo Zoning Board of Appeals
FROM: Hannah Prinzi
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 1119 W. 29th St, Pueblo, CO 81008
APPLICANT: Mahlon Stone
PROPERTY OWNER: Juanita and Mahlon Stone
YEAR BUILT: 1952
LEGAL DESCRIPTION: LOTS 1 TO 5 INC BLK 1 HILLSIDE
ZONE DISTRICT: Single-Family Residential (R-1) Zone District
PARCEL ID: 524138002
LOT SIZE: 14,347 sq. ft.

REQUEST:	Variance to allow a detached accessory structure that exceeds 1,500 square feet and waive architectural compatibility for a greenhouse in a Single-Family Residential (R-1) Zone District
-----------------	---

BACKGROUND

Parcel #524238002 is a 14,347.14 sq. ft. parcel in the northeast corner of the Hillside Subdivision just south of the Pueblo Country Club. The parcel is in a Single-Family Residential (R-1) Zone District. The owner and applicant, Mahlon Stone, is requesting two variances to construct an 18'x24.2' greenhouse between their house and storage shed. Aerial imagery shows the greenhouse frame on the property, which accurately reflects the proposed size of the greenhouse. Mahlon submitted an application to build the greenhouse on September 3rd, 2024. Upon review, staff found that two variances would be required to permit the structure as proposed: the first to waive architectural compatibility and the second to allow the combined square footage of their accessory structures to exceed one thousand five hundred (1,500) square feet.

As mentioned, the proposed site plan shows an 18' x 24.2' greenhouse abutting the storage shed. The applicant mentioned in their application that the greenhouse is a detached, independent structure. However, they also mentioned that the greenhouse would meet up with the house to utilize its gutters. From the staff's perspective, the greenhouse would be considered attached. This does not change the 1,500 square feet maximum.

ANALYSIS

Per Sec. 17-4-23 of the Pueblo Municipal Code (PMC), The Zoning Board of Appeals may grant a variance to the architectural compatibility requirement for greenhouse structures accessory to single-family residential uses. The Code also defines greenhouses as primarily "Glass or glasslike" (Sec 17-2-1); therefore, they are oftentimes unable to be architecturally compatible with the principle residential structure because they require transparent, glasslike materials to sustain plant life inside.

Sec. 17-4-23 of the PMC also sets limits on the maximum square footage for accessory structures. It states that “No detached accessory structure or combination of structures shall exceed fifteen percent (15%) of the lot area, up to a maximum of one thousand five hundred (1,500) square feet, or one hundred percent (100%) of the footprint of the principal structure, whichever is smaller.” While the combined square footage of the existing shed and proposed greenhouse is less than 15% of the lot area and 100% of the footprint of the principal structure, it is one thousand five hundred sixty-five (1,565) square feet – 65 square feet over the maximum. The applicant would be unable to adhere to the 1,500 sq ft. maximum for accessory structures without reducing either the size of their existing shed or their proposed greenhouse.

Therefore, the property requires variances for both architectural compatibility and total accessory structure area to come into compliance as is.

ZONE DISTRICT AND LAND USE

Zone:		Developed with:
North	Single-Family Residential (R-1) Zone District	Single-Family Homes and the Pueblo Country Club
East	Mixed Residential (R-4) Zone District	Multifamily Home
South	Single-Family Residential (R-2) Zone District	Single-Family Homes
West	Single-Family (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: Affirmative finding. The greenhouse sits between the applicant’s house and storage shed, and the property is fully fenced in, limiting negative impacts on surrounding properties. It should not constitute 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 greenhouse is not accessible by car, so streets and highways would not be affected. 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: Affirmative finding. Glass greenhouses cannot meet architectural compatibility requirements since they use transparent walls and roofing to provide sufficient light and heat for plants to grow. The property also cannot adhere to the 1,500 sq. ft. maximum for accessory structures without either reducing the size of the existing shed or the proposed greenhouse. Furthermore, the use of these accessory structures is very different as one is for growing food, while the other is for residential storage.

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: Negative finding. A greenhouse is a unique accessory structure because it cannot use the same architectural materials as the house without preventing the greenhouse from sufficiently growing plants.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board makes the necessary findings of fact 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: 10/22/2024	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 10/22/2025
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

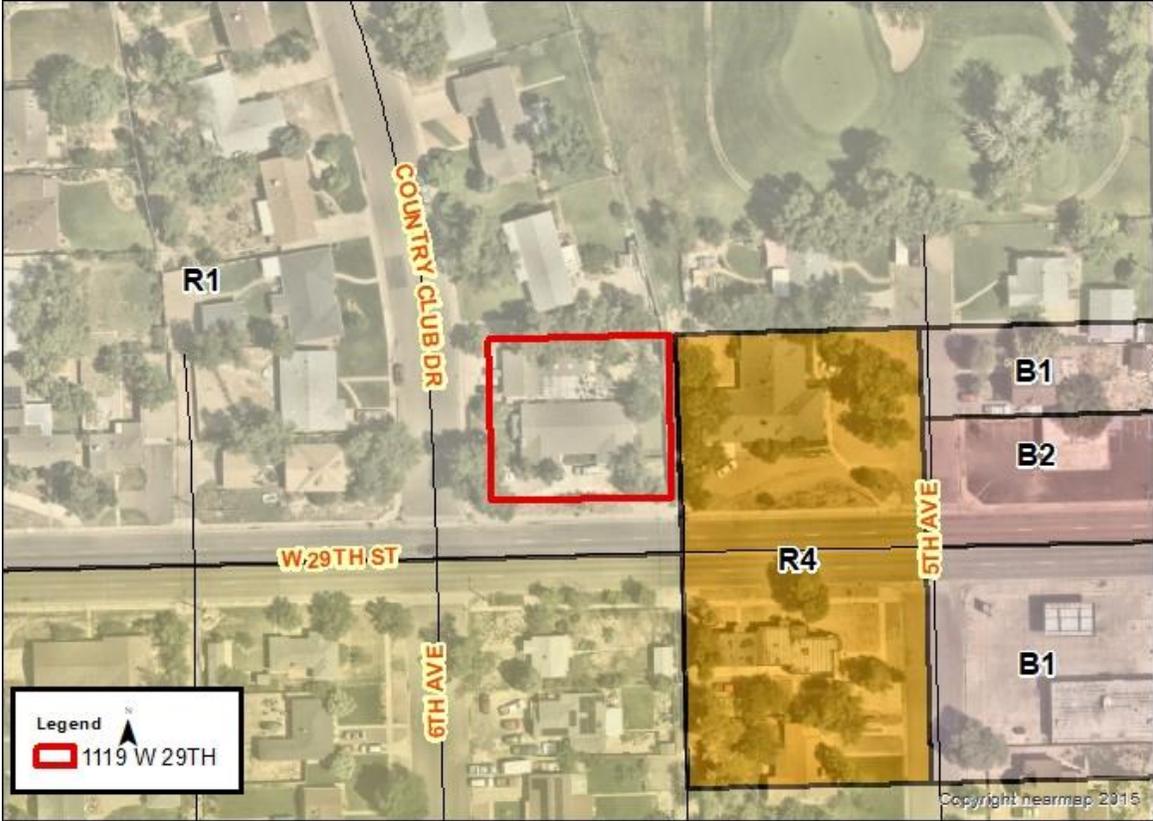


Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice





Exhibit F. Site Photos



Exhibit G. Application

 City of Pueblo PLACE

September 24, 2024

24-182
Zoning Board of Appeals
- Special Use Permit &
Variances
Status: Active
Submitted On: 9/24/2024

Primary Location
1119 W 29TH ST
PUEBLO, CO 81008
Owner
STONE JUANITA/STONE
MAHLON
1119 W 29TH ST PUEBLO , CO
81008-1123

Applicant
 Mahlon Stone
 720-545-5697
 mahlon_stone@icloud.com
 1119 w 29th st
Pueblo, Co 81008

Internal

 ZBA Case Number

ZBA-24-58

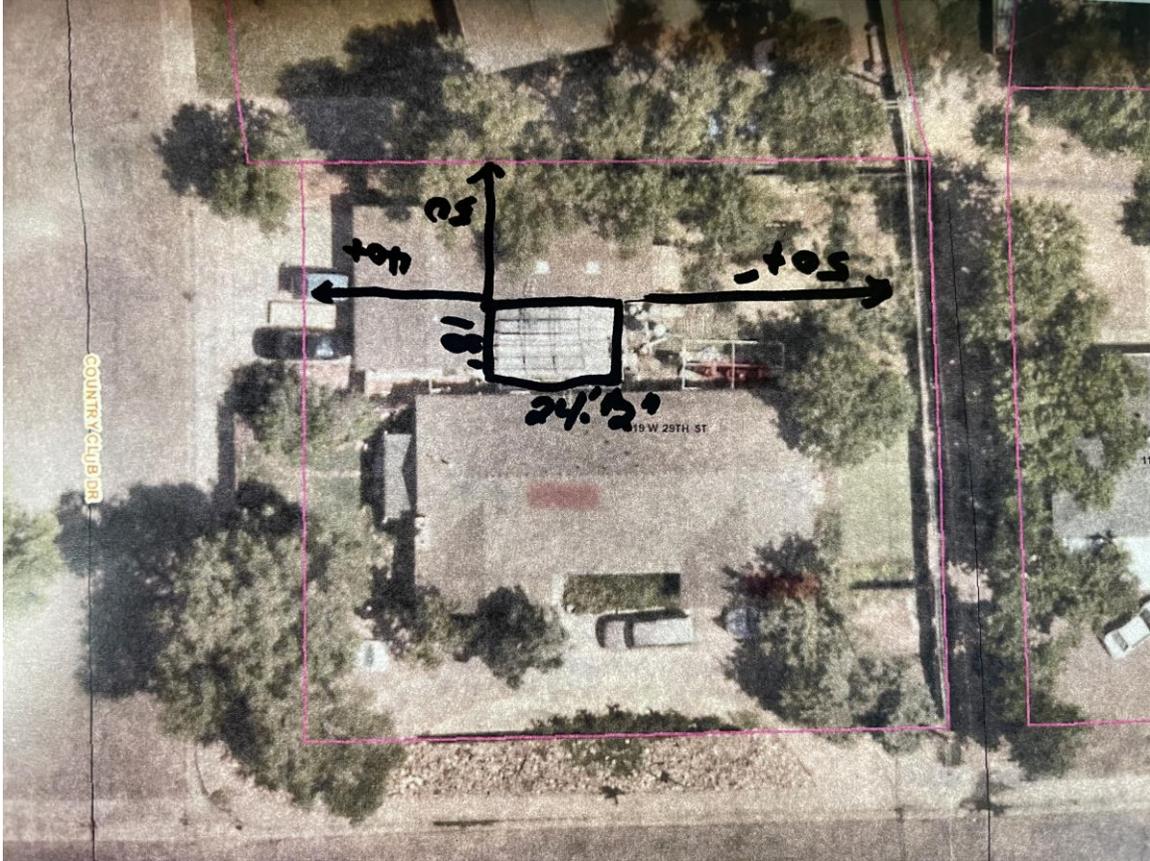
 Planner Assigned

-

 Address Validation by GIS?

ZBA

H. Supporting Documents



8 7 6 5 4 3 2 1

THE INFORMATION CONTAINED IN THIS DRAWING IS THE SOLE PROPERTY OF VERSATUBE BUILDING SYSTEMS AND REPRODUCTION IN PART OR WHOLE WITHOUT THE WRITTEN PERMISSION OF VERSATUBE BUILDING SYSTEMS IS PROHIBITED.
 MODEL 32 BUILDERS' GUIDE (REV. 02/2023) IS THE "MANUAL" ON THE CALCULATION OF LOADS FOR RESIDENTIAL ROOF STRUCTURES.
 © VERSATUBE BUILDING SYSTEMS 2024

MAHLON STONE
 1119 W 29TH ST.
 PUEBLO, CO 81008
 18' X 24'-2" X 12'

SEAL:

DESIGN CRITERIA:
 CODE COMPLIANCE: 2021 IBC
 OCCUPANCY GROUP: U-1
 RISK CATEGORY: I
 3:12 PITCH
 1. DEAD LOAD: 2 PSF
 2. ROOF LIVE LOAD: 20 PSF
 GROUND SNOW LOAD: 20 PSF
 3. WIND LOAD: 115 MPH, EXPOSURE (C)
 4. SEISMIC CATEGORY: B
 5. ON CENTER FRAME SPACING: 4'
 ROOF HAT CHANNEL SPACING: 24 5/16"
 SIDE HAT CHANNEL SPACING: 43 13/16"

MATERIALS:
 1. SIDE POSTS, RAFTERS, PEAKS, EAVE SIDE DOOR JAMBS, AND HEADERS, BASE RAILS, HEIGHT EXTENSIONS: 2" X 3" 14 GA 1015 STEEL, 58 KSI
 2. END WALL COMPONENTS, COLLAR TIE: 2" X 2" 15 GA 1015 STEEL, 58 KSI
 3. TRUSS VERTICAL, GABLE END GIRTS, NAILER TUBES: 1 1/2" X 1 1/2" 18 GA 1008 STEEL, 50 KSI
 4. HAT CHANNEL (ROOF PURLINS, EAVE SIDE GIRTS): 18 GA, 1010 STEEL, 50 KSI
 5. BRACKETS: BK-30, BK-51, BK-40, BK-41: 14GA, 50 KSI STEEL
 BK-10, BK-20: 12GA, 50 KSI STEEL
 BK-BPR-24: 16GA, 50 KSI STEEL

DRAWING INDEX:
 1. COVER PAGE
 2. ELEVATIONS
 3. GABLE ENCLOSURE DETAILS
 4. ROOF WALL SECTION DETAILS
 5. ANCHOR DETAILS

PROJECT: VERSATUBE SUMMIT BUILDING
 TITLE: 18' X 24'-2" X 12' SUMMIT
 DWG NO: VB2180412063WD-R_1787352
 DRAWN BY: E. BARTIGES DATE: 8/13/2024

8 7 6 5 4 3 2 1