
ZBA-24-56

Hearing Date: 11/26/2024

TO:	City of Pueblo Zoning Board of Appeals
FROM:	Mikaylin Hackley
THROUGH:	Scott Hobson, Land Use Administrative Official
LOCATION:	26 Loyola Ln.
APPLICANT:	Gary Anzuini
PROPERTY OWNER:	Debby Foresta
YEAR BUILT:	1964
LEGAL DESCRIPTION:	LOT 7 BLK 30 SUNSET PK 22ND
ZONE DISTRICT:	Single-Family Residential (R-1) Zone District
PARCEL ID:	1503326006
LOT SIZE:	7860
REQUEST:	Variance to reduce a side-yard setback in a Single-Family Residential (R-1) Zone District

BACKGROUND

The applicant is requesting a variance to reduce their southern side-yard setback from 5' to 1' in order to construct an 8' by 26', 208 square-foot attached garage addition. The existing home, built in 1964, has an existing 312 square foot attached garage that can accommodate one car. The driveway in front of the existing garage has been widened by roughly 9' and now abuts the southern property line, but the current curb cut only spans the length of the original, single-car wide garage.

REQUEST AND ANALYSIS

At the time the applicant submitted this variance request, staff required that an Improvement Location Certificate (ILC) be rendered by a surveyor in order to confirm that the applicant had 9' of space to their southern property line as well to confirm the ownership of the pink-toned concrete poured between the subject property and the lot to the immediate south. The ILC (see Exhibit H) confirms the exact property lines and verifies that the base of the structure would be one foot away front the southern property line.

The subject property abuts other properties on its northern, southern, and eastern property lines, so the only frontage that has access to a public right-of-way is the front yard. Thus, the only space that could potentially accommodate a garage or carport is within a side setback. However, this is not uncommon for the neighborhood as there are no alleys in the area, so all of the homes have this same disadvantage. Some properties on the street have attached two-car garages, but roughly the same number of homes, including the two immediately adjacent to the subject property, only have space for a one-car garage.

The provided plans for the garage (see Exhibit H) show that the applicant intends to match the existing materials of the home on the new addition, including the stucco, stone wainscot siding, and roof material, so staff has no concerns with architectural compatibility.

Though the proposed addition would not be taller than the existing home, the proposed one-foot side yard setback has the potential to decrease light and air to the residence located directly south of the subject property

(24 Loyola Ln). The residence to the south has a window on its northern wall, and the proposed garage addition could decrease light to that window.

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. Both the house and garage are single-story with a low 3/12 roof slope, but the home to the immediate south of the subject property has a small window on its northern wall, and the proposed garage addition could decrease light to that window. Aesthetically, the new structure will be architecturally compatible with the existing house with a stone wainscot and stucco as the existing home does.

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 front yard setback will be maintained, so staff has no safety concerns with this structure being accessed by vehicles and the aesthetics of the neighborhood will not be disrupted as the new garage would be in line with the existing one.

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 an existing 312 square foot attached garage on the property, providing covered parking for one vehicle, but the granting of this variance would allow for an additional space of desirable covered 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. This property does not abut an alley, so the only available lot area that could accommodate a new structure is within the southern side setback. However, this is not unique for residential lots in this neighborhood.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

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

1. The proposed garage plan elevations must be amended prior to submission for building permit review to accurately reflect the elevation fronting the Loyola Ln ROW as the “West” elevation instead of “North” and the elevation facing 24 Loyola Ln as “South” instead of “West.”

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: 11/26/2024	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 11/26/2025
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 9, 2024

24-176

Zoning Board of Appeals
- Special Use Permit &
Variances

Status: Active
Submitted On: 9/6/2024

Primary Location

26 LOYOLA LN
PUEBLO, CO 81005

Owner

FORESTA DEBBY L LIFE
ESTATE/BUGH
26 LOYOLA LN PUEBLO , CO
81005-1923

Applicant

 Gary Anzuini
 719-251-6870
 ganzuini@comcast.net
 9 Dittmer Circle
PUEBLO, CO 81005

Internal

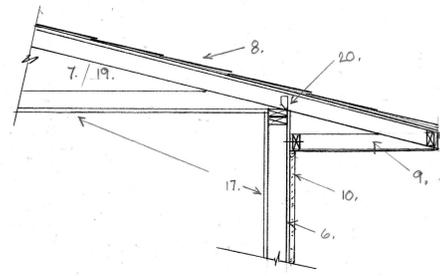
 **ZBA Case Number**

ZBA-24-56

 **Planner Assigned**

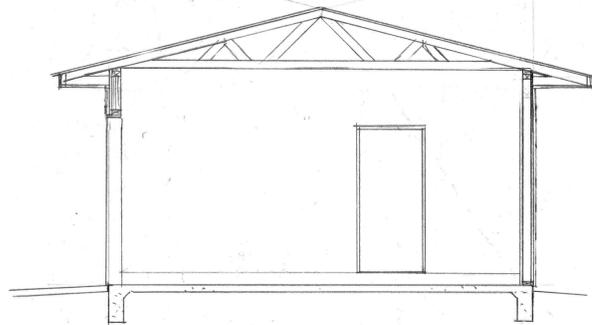
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H. Supporting Documents

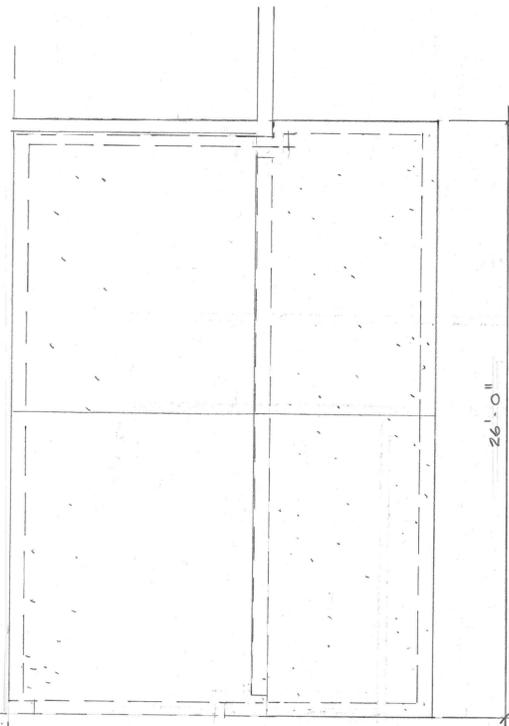


- 12. Monolithic foundation - 4" concrete floor with 8" wide integral footer.
- 13. Two each #4 rebar top and bottom.
- 14. #4 vertical @ 24" c/c.
- 15. 1/2" x 12" long with 3" hook anchor bolt @ 36" c/c.
- 16. Pressure treated 2x4 bottom plate.
- 17. 5/8" type 'x' gyp. brd.
- 19. Vent attic per code.
- 20. Simpson hurricane clip both sides - all roof trusses

SECTION
3/4" = 1'-0"



SECTION
1/4" = 1'-0"



FOUNDATION PLAN

3/4" = 1'-0"
20'-0"



FLOOR PLAN

1/4" = 1'-0"
20'-0"

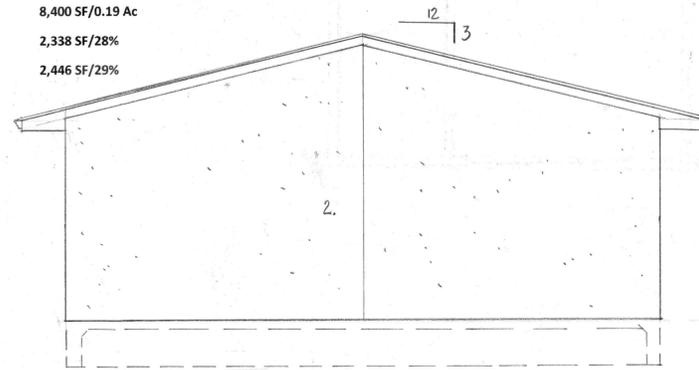
Site Data

Tax ID	1503326006
Address	26 Loyola Lane
Legal	120 Sunset Park + Pitts School
Zone	R-1
Lot Size	8,400 SF/0.19 Ac
Lot Coverage - Existing	2,338 SF/28%
Lot Coverage - Proposed	2,446 SF/29%



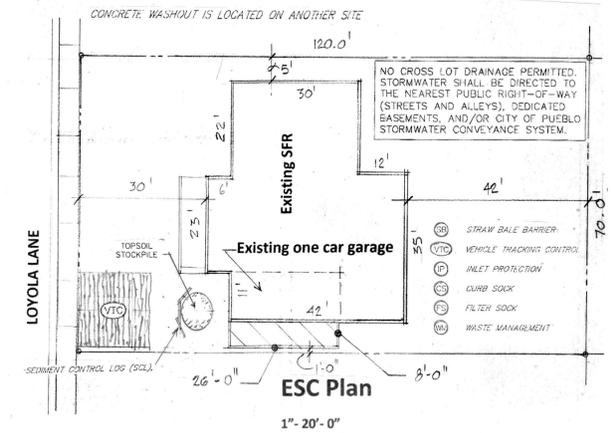
NORTH ELEVATION

3/4" = 1'-0"



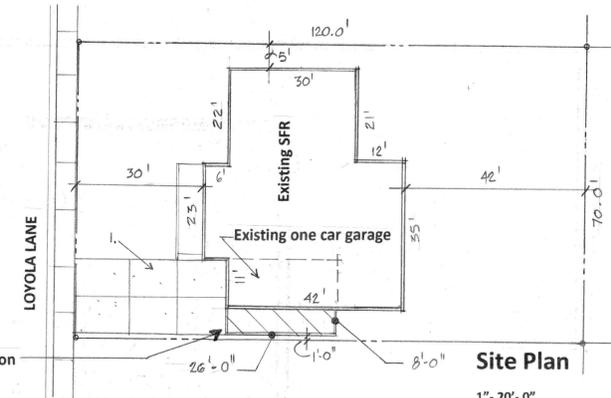
WEST ELEVATION

3/4" = 1'-0"



ESC Plan

1" = 20'-0"

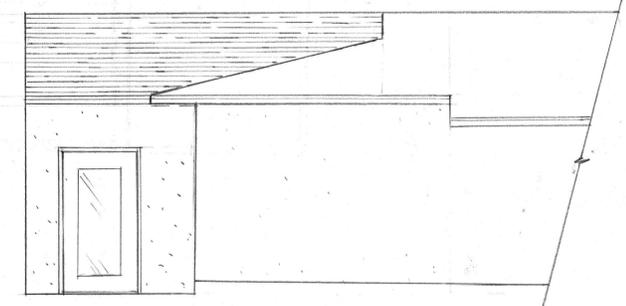


Site Plan

1" = 20'-0"

NOTES:

1. Remove existing driveway, add gravel for construction VTC.
2. One Hour rated exterior wall see detail.
3. Remove existing garage floor.
4. Remove existing west garage wall shore up structure as required.
5. New exterior wall construction - 2x4 wood studs @ 24" c/c.
6. 1/2" OSB sheathing on exterior of 2x4 studs.
7. Install pre-engineered trusses at 24" c/c with 7/16 T&G OSB sheathing.
8. Install asphalt shingles to match.
9. Detail soffit to match existing construction.
10. Exterior stucco color and finish to match existing.
11. Stone wainscot to match existing on north elevation.



EAST ELEVATION

3/4" = 1'-0"

Anzuini Development

9 Dittmer Circle
ganzuini@comcast.net
Pueblo, Colorado 81005
719 251 6870

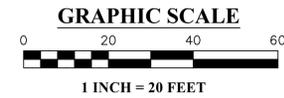
GARAGE ADDITION

26 Loyola Lane
Pueblo, Colorado

LAND SURVEY PLAT

FORESTA

LOT 7 IN BLOCK 30 OF SUNSET PARK TWENTY-SECOND FILING, IN THE SW 1/4 QUARTER OF SECTION 3, TOWNSHIP 21 SOUTH, OF RANGE 65 WEST, OF THE 6th PRINCIPAL MERIDIAN, WITHIN THE CITY AND COUNTY OF PUEBLO, STATE OF COLORADO.



VICINITY MAP
NOT TO SCALE

LEGAL DESCRIPTION (from Reference 2).
LOT 7, BLOCK 30, SUNSET PARK, 22nd FILING, PUEBLO, COLORADO.

(The surveyed area of the above described parcel contains 8050 square feet, or approximately 0.185 acres).

REFERENCES

- (Subdivision Plat) of SUNSET PARK TWENTY-SECOND FILING, recorded January 8, 1964 at Book 1535, Page 908, Reception No. 243700 in the records of Pueblo County.
- (Deed of Life Estate), recorded February 1, 2021 at Reception No. 2211072 in the records of Pueblo County.

NATURE OF DOCUMENT STATEMENT

This document is not an ALTA/NSPS Land Title Survey, Improvement Survey, or Improvement Location Certificate (ILC) The selected improvements depicted hereon are shown at the client's request.

EASEMENTS AND RIGHTS OF WAY STATEMENT

The client did not wish to research and show rights of ways or easements of record, if any, affecting the surveyed parcel.

COLORADO STATE PLANE SOUTH ZONE

Ground Scale Factor - N/A (survey performed with Total Station)
Relative Positional Precision: N/A

PLAT UNIT OF LINEAR MEASUREMENT

The US Survey Foot

BASIS OF BEARINGS

(Assumed) and being N 00°33'44" W 975.25' between a #4 rebar cap missing, found marking the Southwest corner common to Lots 9 and 10 in Block 31 and a #5 rebar found marking the corner common to Lots 25 and 26 in Block 28 on the West side of Loyola Lane, within Sunset Park Twenty-second Filing, City and County, of Pueblo, Colorado. (Using Reference 1, the calculated course for this line bears N 00°33'39" W for a distance of 975.01 feet.)

LEGEND

NOT ALL INFORMATION CONTAINED IN THE LEGEND MAY BE USEFUL TO THE SURVEY PLAT.

- = PLSS corner monument as described
- = found #4 rebar monument as described
- = found #5 rebar monument as described
- = set #5 rebar 18 inches long, with blue plastic cap, LS 33649
- = edge of asphalt
- = asphalt
- = concrete
- = orientation lines are gray in color and dashed
- = line established or retraced by this survey
- = fence line barbed wire
- = fence line chain link
- = easement as described
- = record calls or information

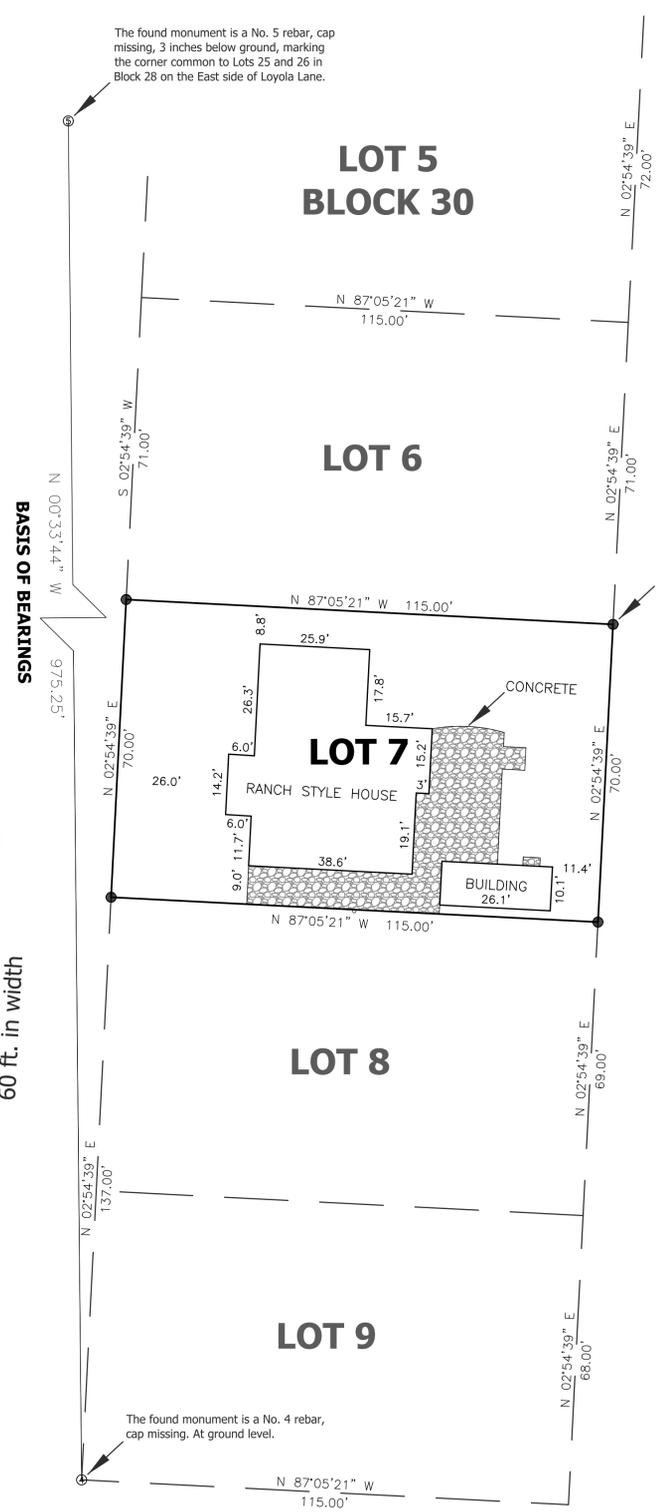
NOTICE IN REFERENCE TO ABBREVIATIONS:
ON PARCEL AND ALIQUOT PART LABELS, N = NORTH, E = EAST, S = SOUTH, W = WEST, T = TOWNSHIP, R = RANGE, No. = NUMBER, ' = US SURVEY FOOT, " = INCH, B.L.M. = BUREAU OF LAND MANAGEMENT, G.L.O. = GOVERNMENT LAND OFFICE, PLSS = PUBLIC LAND SURVEY SYSTEM, ALJ = ADMINISTRATIVE LAW JUDGE, N/A = NON-APPLICABLE.

NOTICE IN REFERENCE TO APPROPRIATE RESEARCH Section 4 C.R. 730-1-1.6 (E) (2):
REASONABLE AND USUAL EFFORTS HAVE BEEN TAKEN TO SECURE DOCUMENTS OF RECORD AND POSSIBLE UN-RECORDED DOCUMENTS AS WELL. IN PARTICULAR, THE REFERENCES NUMERICALLY LISTED HERE ARE FOR INFORMATIONAL PURPOSES ONLY AND SHOULD NOT BE TAKEN TO MEAN OR BE CONFUSED WITH BEING THE TOTALITY OF ALL THE DOCUMENTS OF AUTHORITIES OBTAINED, CONSIDERED OR UTILIZED DURING THE RETRACEMENT OF THE BOUNDARY.

NOTICE IN REFERENCE TO DUBIOUS MONUMENTATION:
WHEN A PLAT OF RECORD DOES NOT INDICATE CALLED FOR MONUMENTATION WITHOUT THE BENEFIT OF KNOWING THE TYPE OF MONUMENTATION USED BY THE FIRST AND/OR ORIGINAL SURVEYOR, IT IS QUESTIONABLE WHAT MAY OR MAY NOT BE CONSIDERED ORIGINAL MONUMENTATION OR FEATURES PLACED TO PERPETUATE THE ORIGINAL SURVEYORS INTENT. THEREFORE, APPARENT MONUMENTS OR FEATURES FOUND DURING THE SURVEYING PROCESS MAY BE CONSIDERED DUBIOUS PARTICULARLY WHERE THERE IS A SIGNIFICANT DEVIATION FROM THE RECORD.

SURVEYORS CERTIFICATE

I, Aaron B. Swart, a Professional Land Surveyor licensed in the State of Colorado, hereby state for and on behalf of GeoMark PLS LLC, do certify this Land Survey Plat and indicated surveying depiction there-on, and was performed by me and/or under my responsible charge, in accordance with the applicable standards of practice of the State of Colorado, 38-51-102 (12) to the best of my knowledge, information, and belief as of this date, 11/04/2024, and I am not aware of any facts or circumstances which might cause this certificate statement to be false or misleading. This certificate statement is not a guaranty or warranty, either expressed or implied.
Digitally signed by Aaron B. (Britt) Swart, Colorado PLS 33649
Date: 2024-10-02



CLERK AND RECORDER

Submitted to _____ County Clerk and Recorder
for recording on this _____ day of _____, 20____
Reception NO. _____ Book _____ Page _____

Signed: _____
Recorder

BOUNDARY CLOSURE REPORT

Course	Bearing	Distance	PT#	Northing	Easting	Description
211-212	N 02°54'39" E	70.00	212	4609.80	2178.25	lot cor calc
212-213	S 87°05'21" E	115.00	213	4679.71	2181.80	lot cor calc
213-214	S 02°54'39" W	70.00	214	4673.87	2296.65	lot cor calc
214-211	N 87°05'21" W	115.00	211	4603.96	2293.10	lot cor calc
Closure error distance > 0.000 Error Bearing > N 90°00'00" E						
Closure Precision > 1 in 1.3E+16 Total Distance Traversed > 370.00						
8050.00						
0.18						

REVISIONS	By	Date

PHYSICAL ADDRESS OF PROPERTY SURVEY
26 LOYOLA LANE
PUEBLO, COLORADO 81005

DEBBIE FORESTA, JERRY BUGH, AND RICHARD FORESTA LOT 7 IN BLOCK 30 OF SUNSET PARK TWENTY-SECOND FILING, LOCATED IN SW 4 OF SECTION 3, TOWNSHIP 21 SOUTH, RANGE 65 WEST OF THE 6th PRINCIPAL MERIDIAN, PUEBLO COUNTY, COLORADO.

CLIENT NAME AND ADDRESS
Rick and Debbie Foresta,
26 Loyola Lane, Pueblo, Colorado 81005

GEOMARK LAND SURVEYING LLC
PO Box 11001 Pueblo, CO 81001
(719) 248-3680
geomark@geomarkmail.com
geomarksurveying.com

1
SHEET
1 of 1

REFERENCE TO SHADING:
GRAY LINES AND TEXT IN THE DRAWING REPRESENT SECONDARY INFORMATION. BLACK LINES AND TEXT REPRESENT PRIMARY INFORMATION.

REFERENCE TO IMPROVEMENTS:
THIS DOCUMENT IS NOT AN ALTA/NSPS SURVEY, IMPROVEMENT SURVEY OR IMPROVEMENT LOCATION CERTIFICATE (ILC). ANY IMPROVEMENTS SHOWN GRAPHICALLY ON THIS BOUNDARY SURVEY PLAT ARE FOR THE PURPOSES OF THE CLIENT.

According to Colorado Law, Statute (2016) 13-80-105: "you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon".

OFFICE FILE - C0221214-142867
FIELD CREW - A. B. Swart / M. D. Phillips
FIELD DATES - Between 10/29/2024-11/04/2024
PLAT NOTES - Mitch Phillips PLS #38414
APPROVED - A.B. Swart PLS #33649
CONTACT - Jerry D. Bugh (719)460-0336

DEEDED OWNERS NAME
Debbie L. Foresta, Jerry Bugh and Richard Foresta,
26 Loyola Lane,
Pueblo, Colorado 81005

LOT 7 IN BLOCK 30, SUNSET PARK TWENTY-SECOND FILING, LOCATED IN SW 1/4 OF SECTION 3, TOWNSHIP 21 SOUTH, RANGE 65 WEST OF THE 6th PRINCIPAL MERIDIAN, PUEBLO COUNTY, COLORADO.