

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-24-62

Hearing Date: 11/26/2024

TO:	City of Pueblo Zoning Board of Appeals
FROM:	Hannah Prinzi
THROUGH:	Scott Hobson
LOCATION:	1804 E 17th St, Pueblo, CO, 81001
APPLICANT:	Hector Palacios
PROPERTY OWNER:	Hector Palacios
YEAR BUILT:	N/A
LEGAL DESCRIPTION:	LOTS 7, 8, 9 + THE W 15 FT OF 10 BLK 124 EAST PUEBLO HEIGHTS SUB 2ND FORMERLY #04291-21-005 + 019
ZONE DISTRICT:	Single-Family Residential (R-2) Zone District
PARCEL ID:	429121021
LOT SIZE:	0.25 acres
REQUEST:	Variance to reduce the front-yard setback requirements in a Single-Family Residential (R-2) Zone District.

BACKGROUND

The applicant is requesting a variance to reduce the front-yard setbacks from 25' to 15' to rebuild a house on an existing foundation that does not meet current setback requirements. The subject property is a 0.25-acre vacant lot located south of Highway 50 in the East Pueblo Heights Subdivision in a Single-Family Residential (R-2) Zone District. Based on Polk City Directories, a house was present at the subject property as recently as 2021 and as far back as 1957. The house existed prior to the adoption of the current Code, so the house was considered a legal non-conforming structure until it was demolished by the applicant. The applicant explained that they could not recall exactly when the house was demolished, but Street View imagery from Google Maps confirmed a house existed in June 2012 but was removed by June 2023 (See Exhibit F). Since the house was not rebuilt in under a year of demolition with Administrative Approval, the house at the subject property lost its legal non-conforming status. Therefore, the applicant is required to request a variance to reduce the front-yard setback requirements if they are to use the previous home's foundation and rebuild the house as it was.

The minimum front-yard setback in Single-Family Residential (R-2) Zone Districts is twenty-five feet. Front-yard setbacks are determined based on where the front lot line adjoins a public right-of-way or private street. The East Pueblo Heights Subdivision plat details an eighty-foot right-of-way adjacent to the front property line of the subject property. Based off this information, staff estimates the distance between the foundation and the front property line is roughly 25 feet (See Exhibit H). This means the applicant is requesting an estimated ten-foot reduction in the required 25-foot front-yard setback.

REQUEST AND ANALYSIS

Should this variance be granted and the applicant is able to utilize the existing foundation to rebuild the house, it would meet the required side- and rear-setback requirements. The proposed site plan depicts a roughly 700 sq. ft. house, bringing the lot coverage to 6% -- well under the 50% percent maximum lot coverage. Building a house on the vacant lot supports the overall development of the neighborhood. Additionally, utilizing existing

foundation to build a house makes redevelopment a more affordable venture. If the variance request is approved, the applicant would still need to pull all relevant permits for construction or modification.

ZONE DISTRICT AND LAND USE

Zone:		Developed with:
North	Single-Family Residential (R-2) Zone District	Residence, Single-Family
East	Mixed-Residential (R-4) Zone District	Residence, Two-Family and Multi-Family
South	Single-Family Residential (R-2) Zone District	Residence, Single-Family
West	Single-Family Residential (R-2) Zone District	Residence, Single-Family

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	Regional Building has no objections to the application. Permits (routing, and plan review where needed) will be required for any new construction or modification.
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.

Affirmative finding. The variance will not significantly reduce light and air to adjacent properties. The proposed house is smaller than its neighboring properties and is within side- and rear-setback requirements.

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.

Affirmative finding. The variance would allow the applicant to rebuild the house where it previously existed on the property, facilitating infill residential development. This supports the general planning of the City since this property would be redeveloped.

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

Neutral Finding. Strict adherence to this Title would not inhibit appropriate development of the property as the lot is big enough to build a house further back without reducing setback requirements; however, doing so

would mean the existing foundation could not be utilized, and construction of a new house on the lot will be more costly.

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.

Negative finding. The property suffers no unique disadvantage uncommon to other properties in the area. The lot is rectangular, with an area over 11,000 sq. ft. to use for development.

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
 - i. Site Plan
 - ii. Estimated Property Lines, made by Staff.

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

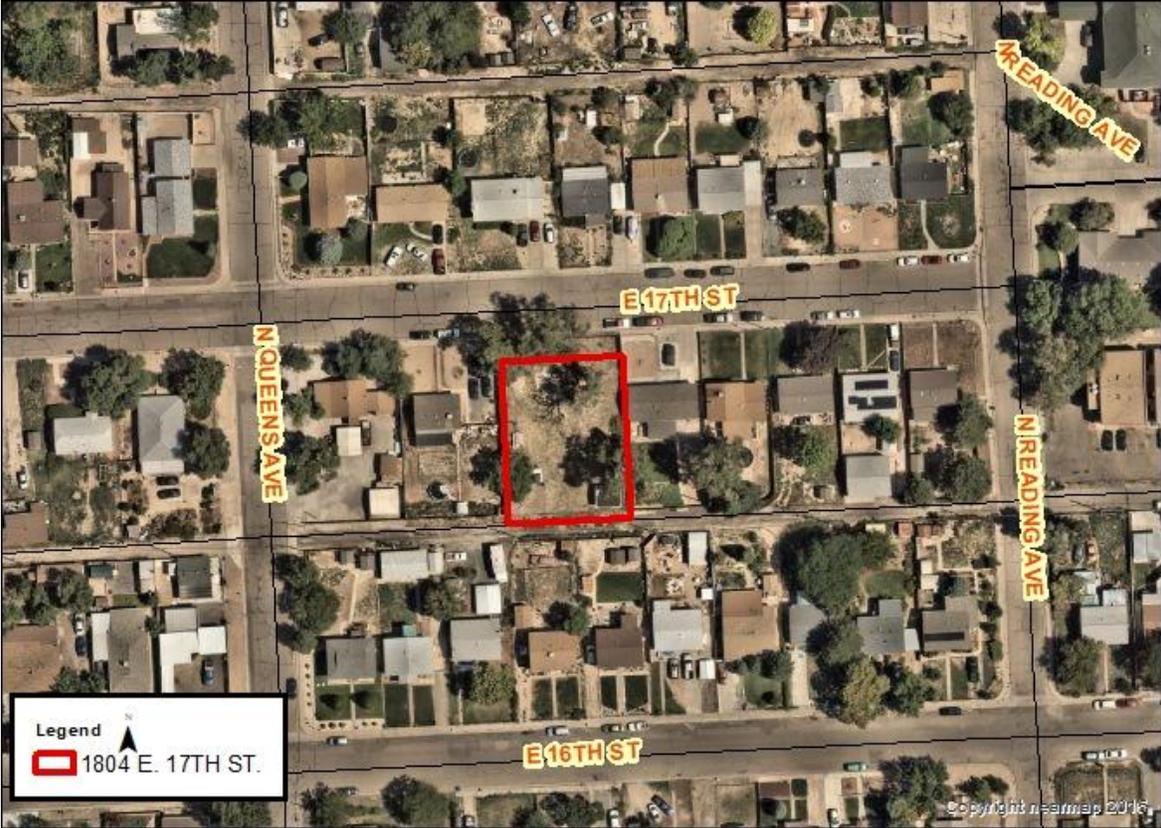


Exhibit C. Zoning Map



Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice



Exhibit F. Site Photos



Dated November 2024



Dated June 2023 (Google Street View)



Dated June 2012 (Google Street View)

Exhibit G. Application

 **City of Pueblo PLACE**

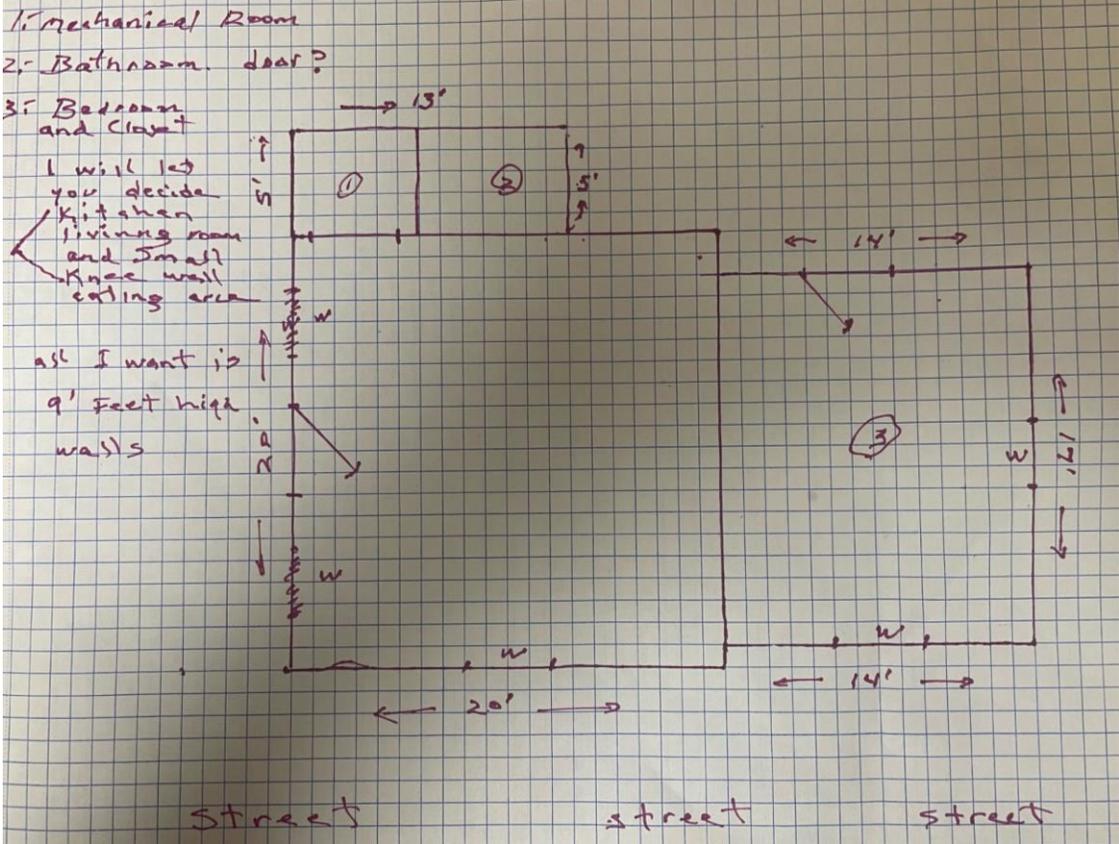
October 16, 2024

24-195
Zoning Board of Appeals
- Special Use Permit &
Variances
Status: Active
Submitted On: 10/16/2024

Primary Location
1804 E 17TH ST
PUEBLO, CO 81001
Owner
PALACIOS HECTOR
6036 POUDRE WAY COLORADO
SPRINGS , CO 80923-3477

Applicant
 Hector Palacios
 719-352-8005
 hgpalacios1@hotmail.com
 1804 e 17th St
Pueblo, CO 81001

H. Supporting Documents



Site Plan



Estimated Property Lines, Made by Staff