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Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

Zoning Board of Appeals

ZBA-25-22

Hearing Date: 6/24/2025

TO: City of Pueblo Zoning Board of Appeals
FROM: Riane Ledford
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 1311 Georgann Ct.
APPLICANT: Anthony J. Mihelich
PROPERTY OWNER: Anthony J. Mihelich
YEAR BUILT: N/A
LEGAL DESCRIPTION: LOT 59 BLK 6 RIVERS RUN SUBDIVISION FORMERLY #04-314-29-003 + 04-314-30-001 + 04-314-31-001 + 04-314-32-001 + 04-314-41-001 + 04-314-42-002 + 04-314-43-001 + 04-314-51-001 + 04-323-00-018 THRU 021
ZONE DISTRICT: Mixed Residential (R-4) Zone District
PARCEL ID: 432324054
LOT SIZE: 5382 Sq. Ft.

REQUEST: Variance to reduce required front-yard and rear-yard setbacks in a Mixed Residential (R-4) Zone District.

BACKGROUND

1311 Georgann Ct. is a proposed 1,820 sq. ft. future residence located in the Rivers Run Subdivision north of the Arkansas River and east of Interstate 25. The lot itself is a 5,382 sq. ft. parcel located on a cul-de-sac. The rear yard is predominantly a drainage easement with the northwestern corner of the home placed 10 feet from the rear property line. The lot has an irregular shape and is shorter in depth than typical R-4 lots which are at least 100 feet in depth, allowing for the accommodation of the house and the required setbacks. The district standard for the front yard setback in an R-4 zone district is 25', and the district standard for a rear yard setback is 15'. Site plans indicate that the placement of the proposed house meets side setback requirements but encroaches into the front yard setback by 8.23', leaving only 16.77' between the proposed home and the western foremost corner property line. At the eastern foremost corner, the home encroaches into the front yard setback by 4' leaving 21.02' between the property line and residence. To proceed with construction, the applicant is requesting a variance to reduce the front-yard and rear-yard setbacks in a Single-Family Residential (R-4) Zone District.

STAFF ANALYSIS

Staff feels that the light and air will not be reduced on adjacent properties a reduction in setback may have a minimal effect on the public right-of-way. Generally, a reduced front-yard setback for a single property will create a variation in the uniform aesthetics of setbacks along a street; however, the subject cul-de-sac includes several shallow lots, and it is anticipated that the lot directly west will also require a front yard variance prior to development. 1310 Georgann Ct., located directly south of the subject property received a front yard variance in 2024, due to the shallow irregular shaped lot. Despite the existing, proposed and anticipated variances along Georgann Ct., the overall planning of the city will not be negatively affected by the approval of this variance. The

building design could be modified to fit the parcel better; however, that could add a significant financial burden to the developer. The shallow depth of the lot, and cul-de-sac layout creates a hardship when trying to place certain models of homes in this subdivision; varying from the typical home design for just this home would be very costly to the developer and homeowner. The shape of the lot is not unique to this parcel. Two other homes in this subdivision, 1310 Georgann Ct. and 706 Pineda Ct., have already received a front yard variance due to similar parcel shapes with lots lacking adequate depth. These homes both were the same design and square footage as the proposed home on 1311 Georgeann Ct. Two other parcels on Georgann Ct. are likely to experience the same issue when they are developed and will most likely need a front yard setback variance as well.

SURROUNDING ZONE DISTRICTS AND LAND USES

	Zone:	Developed with:
North	Single Family Residential (R-2)	Single family residential homes
East	Single Family Residential (R-2)	Single family residential homes
South	Mixed Residential District (R-4)	Single family residential homes
West	Mixed Residential District (R-4)	Not developed

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.

REVIEWING AGENCIES

City Code Enforcement	No comment
City Parks and Recreation Department	No comment
City Public Works Department	No comment
City Stormwater Department	No comment
City Transportation	No comment
City Wastewater Department	No comment
Fire Department	No comment
Pueblo Board of Water Works	No comment
Pueblo City/County Health	No comment
Pueblo Regional Building 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 encroachment into the front yard setback will not reduce light and air to adjacent properties.

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: Neutral finding. Staff finds that the property could be developed with a smaller house or primary structure, but this would create an undue hardship for the applicant, requiring him to alter plans for just this home.

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. It appears that there are at least four (4) other parcels that face a similar situation on this same cul-de-sac. Th irregular shape of this lot is not uncommon for this area. When the subdivision was recorded in 2023, staff foresaw that the lots would be difficult to build on; however, they met the standards for the zone district and were permissible.

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 only.

ATTACHMENTS

- A. Standard Permit Conditions
- B. Aerial Map
- C. Zoning Map
- D. Comprehensive Plan Map
- E. Public Notice Photo
- F. Site Photos
- G-H. Application & Supporting Documents

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 6/24/2025	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 6/24/2026
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

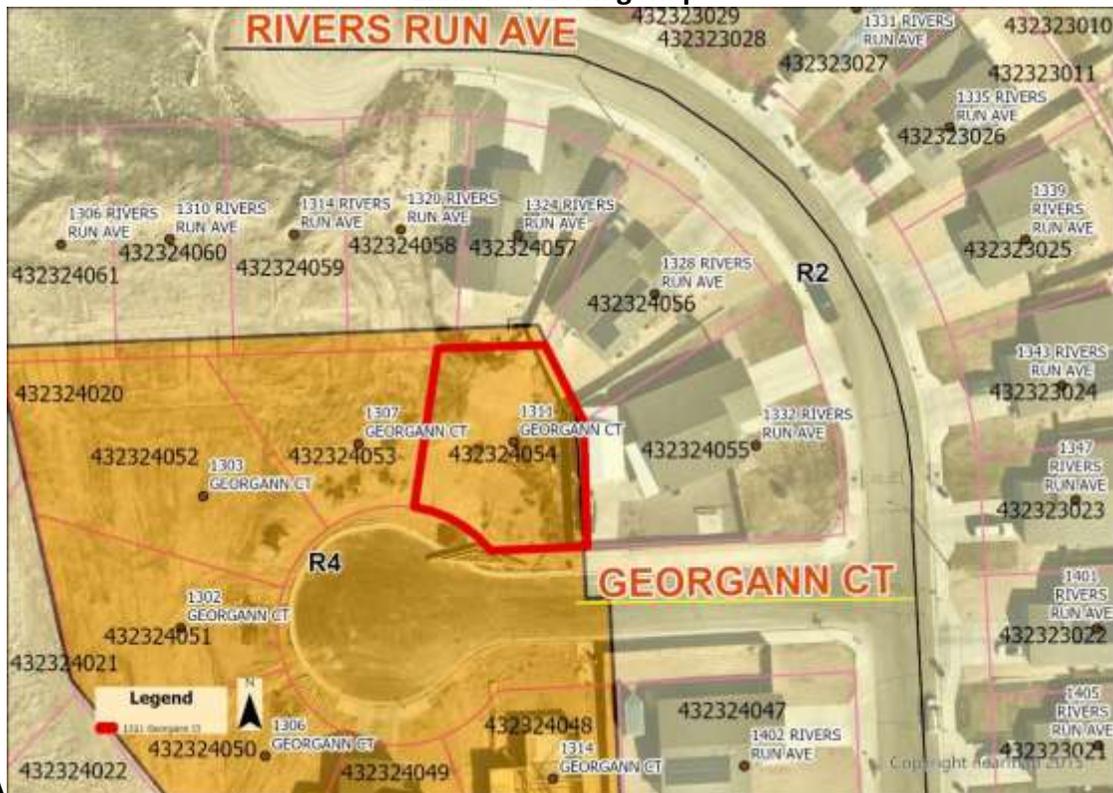


Exhibit D. Comprehensive Plan Map

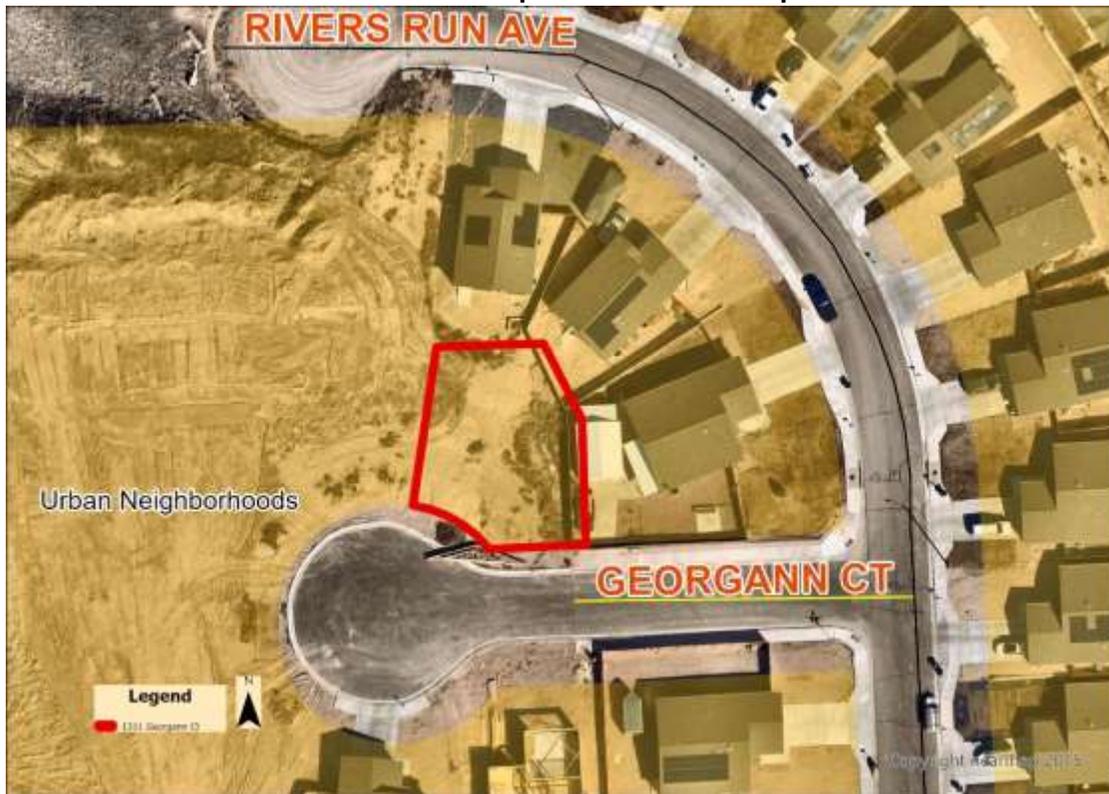


Exhibit E. Public Notice



Exhibit F. Site Photo



Exhibits G-H. Application & Supporting Documents

25-110

Zoning Board of Appeals
- Special Use Permit &
Variances

Status: Active
Submitted On: 5/27/2025

Primary Location

1311 GEORGANN CT
PUEBLO, CO 81001

Owner

LEGENDS SUBDIVISION LLC
6375 S HIGHLAND DR 2441
South Prairie Avenue SALT
LAKE CITY , UT 84121-6561

Applicant

 Tony Mihelich
 719-696-8274
 tony@dkheng.com
 2441 S Prairie Ave
Pueblo, CO 81005

Internal

 ZBA Case Number

 Planner Assigned

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 Address Validation by GIS?

ZBA

 Hearing Date

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 Hearing Results

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 Board Conditions

 Appeal Term End Date

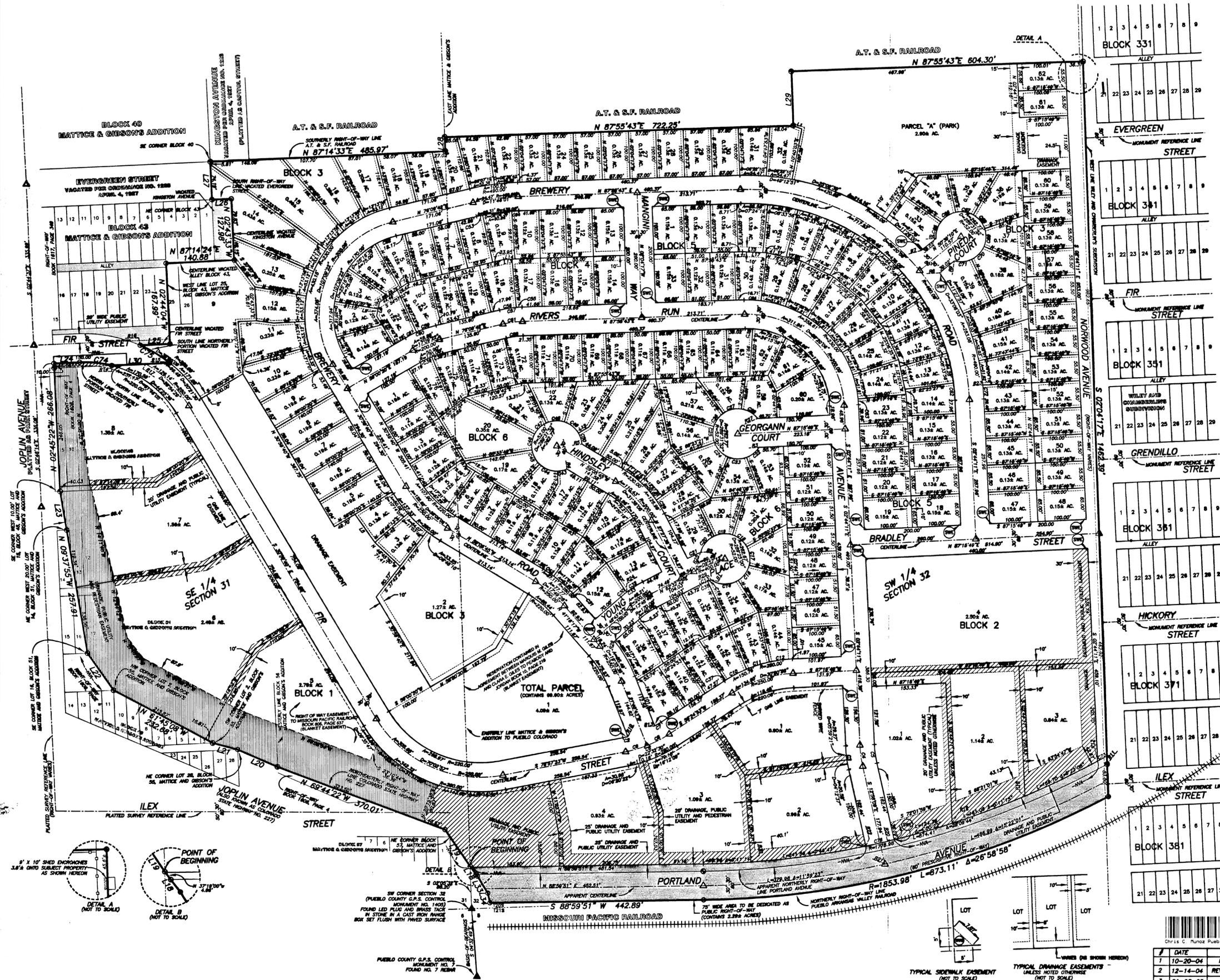
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 Permit Completion Date

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RIVER'S RUN SUBDIVISION

A PORTION OF MATTICE AND GIBSON'S ADDITION, BEING A PORTION OF THE SE 1/4 OF SECTION 31 AND A PORTION OF THE SW 1/4 OF SECTION 32, TOWNSHIP 20 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN. CITY OF PUEBLO, PUEBLO COUNTY, COLORADO.

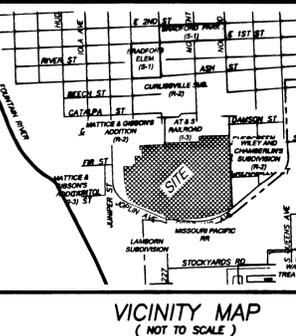


CURVE TABLE				CURVE TABLE			
CURVE NO.	ARC LENGTH	DELTA	RADIUS	CURVE NO.	ARC LENGTH	DELTA	RADIUS
C1	8.00'	01°14'40"	230.00'	C43	20.04'	22°04'33"	52.00'
C2	10.74'	02°31'11"	230.00'	C44	40.37'	45°01'12"	52.00'
C3	48.84'	10°11'58"	230.00'	C45	33.77'	37°12'18"	52.00'
C4	44.90'	10°11'58"	230.00'	C46	33.77'	37°12'18"	52.00'
C5	38.16'	10°11'58"	230.00'	C47	33.77'	37°12'18"	52.00'
C6	38.16'	10°11'58"	230.00'	C48	38.29'	42°08'23"	52.00'
C7	15.62'	02°04'08"	230.00'	C49	38.29'	42°08'23"	52.00'
C8	51.85'	11°34'24"	230.00'	C50	23.88'	28°37'08"	52.00'
C9	48.40'	10°13'47"	230.00'	C51	41.07'	11°48'01"	200.00'
C10	50.00'	10°13'47"	230.00'	C52	48.83'	15°47'01"	170.00'
C11	50.00'	10°13'47"	230.00'	C53	13.11'	01°44'42"	430.00'
C12	48.03'	09°49'38"	230.00'	C54	14.34'	01°54'38"	430.00'
C13	23.41'	03°37'28"	370.00'	C55	11.78'	02°50'30"	230.00'
C14	60.32'	08°27'48"	52.00'	C56	38.38'	08°01'11"	230.00'
C15	38.41'	43°25'58"	52.00'	C57	47.24'	11°48'01"	230.00'
C16	7.32'	01°08'03"	370.00'	C58	34.81'	11°48'01"	170.00'
C17	38.41'	43°25'58"	52.00'	C59	42.84'	10°37'18"	230.00'
C18	38.41'	43°25'58"	52.00'	C60	48.87'	17°09'22"	230.00'
C19	44.70'	48°18'50"	52.00'	C61	38.38'	04°30'22"	430.00'
C20	30.78'	04°01'18"	430.00'	C62	11.80'	02°58'34"	230.00'
C21	33.40'	34°48'04"	52.00'	C63	38.20'	04°48'11"	230.00'
C22	38.41'	43°25'58"	52.00'	C64	38.20'	04°48'11"	230.00'
C23	38.41'	43°25'58"	52.00'	C65	38.20'	04°48'11"	230.00'
C24	42.38'	48°40'34"	52.00'	C66	37.80'	41°48'18"	52.00'
C25	33.77'	37°12'18"	52.00'	C67	37.80'	41°48'18"	52.00'
C26	33.77'	37°12'18"	52.00'	C68	37.80'	41°48'18"	52.00'
C27	38.08'	43°57'18"	52.00'	C69	37.80'	41°48'18"	52.00'
C28	40.18'	44°18'30"	52.00'	C70	37.80'	41°48'18"	52.00'
C29	23.01'	07°59'58"	230.00'	C71	36.84'	04°42'00"	52.00'
C30	14.08'	02°43'00"	230.00'	C72	28.28'	03°22'50"	400.00'
C31	7.07'	01°26'50"	230.00'	C73	21.73'	00°42'01"	1778.00'
C32	40.48'	10°08'00"	230.00'	C74	68.58'	17°20'28"	220.00'
C33	55.44'	13°48'40"	230.00'	C75	71.58'	14°38'38"	280.00'
C34	21.88'	07°17'50"	170.00'	C76	60.00'	01°50'57"	1778.00'
C35	15.33'	02°58'34"	170.00'				
C36	18.08'	02°58'34"	170.00'				
C37	2.73'	00°33'52"	280.00'				
C38	23.87'	08°04'41"	170.00'				
C39	28.84'	09°04'41"	170.00'				
C40	20.81'	08°22'04"	230.00'				
C41	20.80'	08°12'28"	230.00'				
C42	28.13'	05°30'52"	280.00'				

LINE NO.	BEARING	DISTANCE
L1	N 82°41'18" W	12.37'
L2	N 82°22'50" W	35.73'
L3	S 08°48'04" W	64.43'
L4	S 87°14'15" W	36.00'
L5	N 35°40'38" W	70.70'
L6	S 11°18'17" E	28.00'
L7	S 11°38'42" W	28.27'
L8	S 11°38'42" W	28.27'
L9	N 01°48'48" W	25.00'
L10	N 01°48'48" W	25.00'
L11	N 01°48'48" W	25.00'
L12	N 01°48'48" W	25.00'
L13	N 01°48'48" W	25.00'
L14	N 01°48'48" W	25.00'
L15	N 01°48'48" W	25.00'
L16	N 01°48'48" W	25.00'
L17	N 01°48'48" W	25.00'
L18	N 01°48'48" W	25.00'
L19	N 01°48'48" W	25.00'
L20	N 01°48'48" W	25.00'
L21	N 01°48'48" W	25.00'
L22	N 01°48'48" W	25.00'
L23	N 01°48'48" W	25.00'
L24	N 01°48'48" W	25.00'
L25	N 01°48'48" W	25.00'
L26	N 01°48'48" W	25.00'
L27	N 01°48'48" W	25.00'
L28	N 01°48'48" W	25.00'
L29	N 01°48'48" W	25.00'
L30	N 01°48'48" W	25.00'
L31	N 01°48'48" W	25.00'
L32	N 01°48'48" W	25.00'
L33	N 01°48'48" W	25.00'
L34	N 01°48'48" W	25.00'

MONUMENT ALLEYS AND MONUMENTS LOCATED PER ORDINANCE NO. 13178

- = FOUND NO. 4 BEARS WITH YELLOW PLASTIC CAP P.L.S. NO. 18128
- = SET NO. 4 BEARS WITH YELLOW PLASTIC CAP P.L.S. NO. 18128
- ▲ = FOUND CONCRETE MONUMENT WITH LEAD AND BRASS TACK IN CAST IRON MONUMENT BOX
- △ = SET CONCRETE MONUMENT WITH LEAD AND BRASS TACK IN CAST IRON MONUMENT BOX



Margini Reeves, Inc.
 Professional Engineers and Professional Land Surveyors
 4718 North Elizabeth St. - Pueblo, CO
 (719) 544-0865 Fax (719) 544-0878

OWNER/TITLE: MIKE BRADLEY (RIVER'S RUN INC.)
 JOB DESCRIPTION: C.S.M. INVESTMENTS, L.L.C./RIVER'S RUN SUB

DATE: 8-15-04
 SCALE: 1" = 100'
 SHEET NO. 2 OF 2

1651798
 Page 2 of 2
 12/08/2005 11:35P
 Chris C. Muñoz PuebloCityClickRecr PLT R 21.00 D 8.00

DATE	REVISIONS (COMMENTS)	CHECKED BY
10-20-04	REVISED L-6 LOT AREAS	
12-14-04	REVISED DE/PUE SOUTH LINE	
01-03-05	REVISED BLK 1 LOT #	

