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Georgia Way

## Zoning Board of Appeals

### ZBA-25-58

Hearing Date: 1/27/2026

**TO:** City of Pueblo Zoning Board of Appeals  
**FROM:** Wade Broadhead, Sr. Planner  
**THROUGH:** Beritt Odom, Land Use Administrative Official  
**LOCATION:** 1307 Georgann Ct.  
**APPLICANT:** Jaci Taibi, DK Horn Engineering  
**PROPERTY OWNER:** Legends Subdivision LLC  
**YEAR BUILT:** NA  
**LEGAL DESCRIPTION:** Lot 54, Block 6, Rivers Run Subdivision  
**ZONE DISTRICT:** R-4, Mixed Residential District  
**PARCEL ID:** **0432324053**  
**LOT SIZE:** 4702 Sq. Ft.

<b>REQUEST:</b>	Variance to allow a new single-family home to encroach into the required twenty-five-foot front yard setback and the required fifteen-foot rear yard setback in a Mixed Residential District (R-4) Zone District..
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#### BACKGROUND

1307 Georgann Ct. is a proposed 1,423 sq. ft. proposed residence located in the Rivers Run Subdivision north of the Arkansas River and east of Interstate 25. The lot itself is 4,702 sq. ft. and is located on a cul-de-sac. The lot has an irregular shape and is shorter in depth than typical R-4 lots which are generally 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 15' and encroaches five feet into the required rear 15' setback. The property contains a 10' rear yard drainage easement, so the home cannot be placed any further back on the lot. 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

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 Georgann Ct. cul-de-sac consists of several irregularly shaped lots resulting in variances being granted for front and rear setbacks at 1310 and 1311 Georgann Ct., which are located directly south of the subject property. The previous variances, granted to 1310 and 1311 Georgann Ct., have established a pattern of reduced front yard setbacks adjacent to this cul-de-sac; because of this, staff is not concerned about breaking up a uniform setback pattern along the cul-de-sac. Additionally, the remaining lots 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. The five-foot rear-yard setback reduction is not anticipated to create a nuisance to the

neighboring properties to the north due to the northern lots being located four feet higher than the subject property.

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.

**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 and rear yard setback will not reduce light and air to adjacent properties. Adjacent lots to the north have a slightly higher elevation than the subject lot.**

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 three (3) other parcels that face a similar situation on this same cul-de-sac. The 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. Site plan
- H. Application & Supporting Documents

**Exhibit A. Standard Permit Conditions**

<b>Standard Permit Conditions</b> Date of Issuance of Permit: <b>1/27/2026</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>1/27/2027</b>
2.	<b>Required Revisions</b> 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.	<b>Changes</b> 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.	<b>Property Inspection</b> 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.	<b>Certificate of Occupancy</b> 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.	<b>Completion and Maintenance of Improvements and Landscaping</b> 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.	<b>Building Permit; Other Permits</b> Permit holder is solely responsible for obtaining <u>BUILDING PERMIT</u> and all other applicable local, state and federal permits.
8.	<b>Off-Site Drainage</b> 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.	<b>Appeals</b> 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.	<b>Errors</b> 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.	<b>Transfer of Ownership</b> 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.	<b>Violations/Penalties</b> 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.	<b>Incorporation and Reference of All Plans Presented to the Zoning Board of Appeals.</b> 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

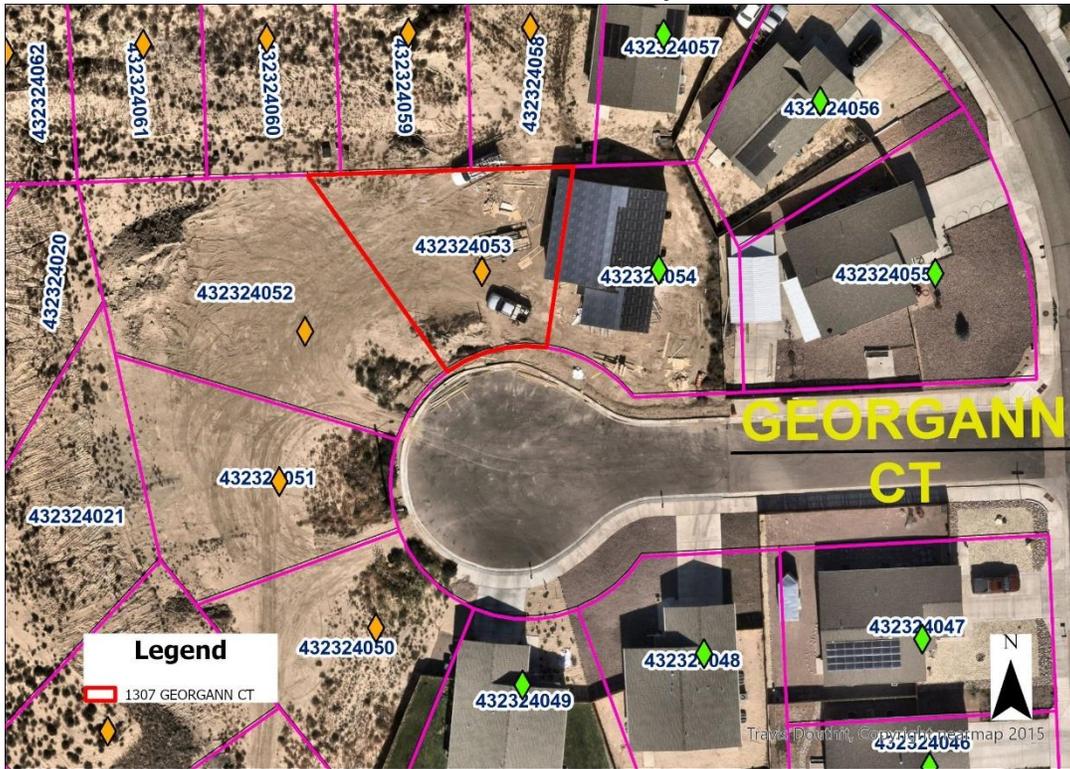


Exhibit C. Zoning Map

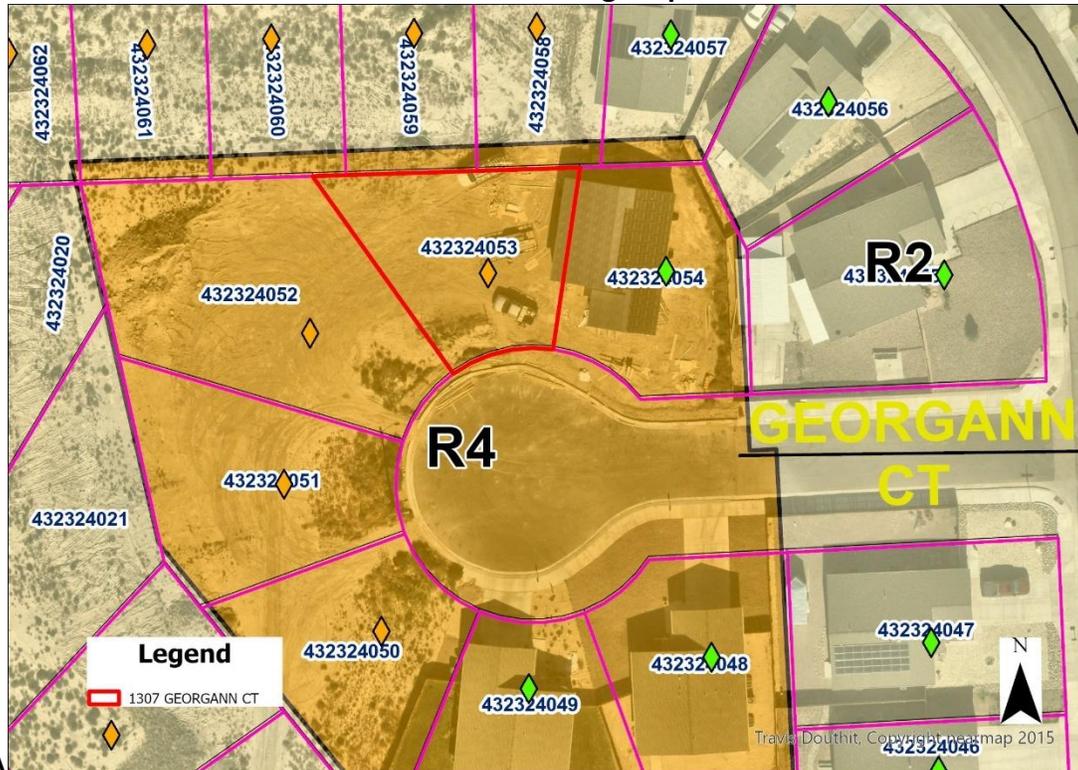


Exhibit D. Comprehensive Plan Map



**Exhibit E. Public Notice**



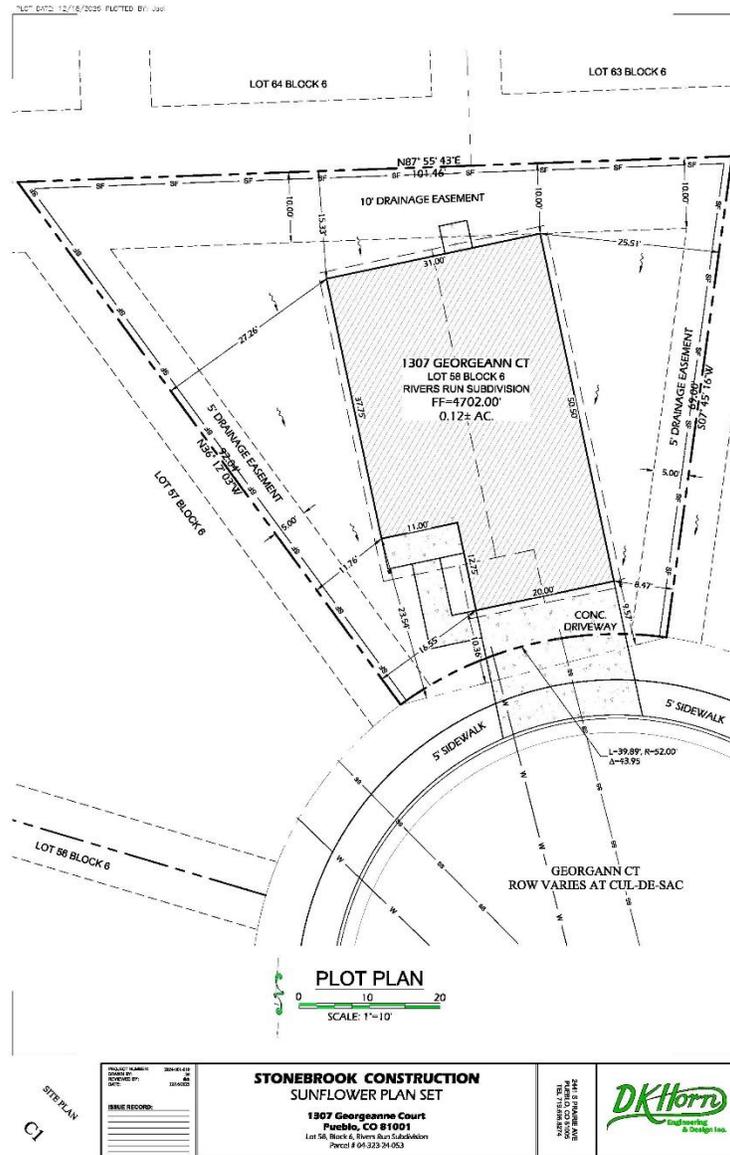
**Proof of posting and site overview**

**Exhibit F. Site Photo**



**Overview of the site and 1311 Georgann in the background**

### Exhibits G. Site Plan



## **H. Application & Supporting Documents**

To visit all attachments, please contact the Planning Department at [planninglanduse@pueblo.us](mailto:planninglanduse@pueblo.us) or visit our office at 211 E. D. Street.