

RESOLUTION NO. P&D 19-026

THE BOARD OF COUNTY COMMISSIONERS
SITTING AS THE ZONING BOARD OF APPEALS
OF PUEBLO COUNTY, COLORADO

A RESOLUTION APPROVING ZONING VARIANCE NO. 2019-003 RECOGNIZING
TWO (2) EXISTING ACCESSORY STRUCTURES WITH DEFICIENT SIDE YARD
SETBACKS ON A PARCEL OF LAND WHICH CARRIES A PHYSICAL ADDRESS OF
30368 EVERETT ROAD, IS CURRENTLY LEGALLY DESCRIBED AS PARCEL B,
LOT LINE REARRANGEMENT NO. 2002-004 AND IS LOCATED WITHIN AN A-3,
AGRICULTURAL ZONE DISTRICT, PUEBLO COUNTY, COLORADO

WHEREAS, Mimi Morgan (Owner/Applicant) has requested a variance from Title 17, LAND USE, Division I. ZONING, Chapter 17.16, *Agricultural Three (A-3) and Four (A-4) Districts*, specifically Section 100 (Side yard setback) of the Pueblo County Code to recognize the deficient side yard setbacks for two (2) accessory structures within an A-3, Agricultural (minimum 1 acre) Zone District; and

WHEREAS, the property, physically addressed as 30368 Everett Road, is located on the south side of Everett Road between Lane 30 and Lane 30½ in the St. Charles Mesa and legally described within that Warranty Deed recorded on February 22, 2007 as Reception No. 1715035 being more particularly described as follows:

Parcel B, Lot Line Rearrangement No. 2002-004, Pueblo County, Colorado; and

WHEREAS, the property subject to the zoning variance request is currently a 3.0± acre parcel of land, but is currently included within a subdivision proposal (Mimi Subdivision Preliminary Plan No. 2019-003); and

WHEREAS, should the owner/applicant proceed with the finalization of the proposed subdivision (Mimi Subdivision), then the zoning variance will be applied/limited to Lot 1, Mimi Subdivision; and

WHEREAS, the requested variance from the development standards of Title 17, LAND USE, Division I. ZONING, Chapter 17.16, *Agricultural Three (A-3) and Four (A-4) Districts*, specifically Section 100 (*Side yard setback*) of the Pueblo County Code, is as follows:

Minimum Required Side Yard Setback

5 feet

Minimum Required Side Yard Setback

5 feet

Side Yard Setback as
Requested by Variance

1.8 feet (shed)

Side Yard Setback as
Requested by Variance

3.9 feet (barn)

WHEREAS, Section 17.140.160 of the Pueblo County Code provides for a variance for parcels that suffer a unique or singular disadvantage not shared by other parcels in the neighborhood, that will not have an injurious effect upon the existing or future use of adjacent parcels, and will not adversely alter the general character of the neighborhood; and

RESOLUTION NO. P&D 19- 026 (CONT.)

WHEREAS, a public hearing, preceded by proper public notice, was opened by the Board of County Commissioners, sitting as the Zoning Board of Appeals, on June 13, 2019 and continued to the June 18, 2019 public hearing; and

WHEREAS, a public hearing was opened by the Board of County Commissioners, sitting as the Zoning Board of Appeals on June 18, 2019, at which time, all those present at the hearing who desired to be heard were heard and their testimony recorded; and

WHEREAS, the Zoning Board of Appeals has reviewed and taken administrative notice of the application, documents, evidence presented at the hearing, and the contents of the Planning Director's file and finds as follows:

- A. The variance application does not include a request for, nor would the granting of approval allow, a use other than those currently permitted in the A-3 Zone District.
- B. The variance is necessary to recognize the structural setback encroachments for existing structures which have existed since 2002 or earlier.
- C. Other zoning variances for setback encroachments have been issued in the A-3 Zone District. The current land owner purchased the property in 2007 and is unable to document the date of construction for either of the structures; therefore, the request to recognize the existing structures' setback deficiencies has been submitted.
- D. The surrounding properties are residentially developed and any additional development upon those same parcels will need to conform to the development standards of the A-3 Zone District as well. The parcel subject to the zoning variance request is adequate in terms of lot area, width, and depth; it's the existing structures that do not meet the standards; however, they have been in existence for 17+ years and have not had an injurious effect on the use of adjacent parcels.
- E. The intent of the zoning variance request is to address the deficient setback for two (2) accessory structures. Staff does not believe that the granting of this variance will injure or adversely alter the general character of the neighborhood.
- F. The variance is in harmony with the intent, purpose, and spirit of the Pueblo County Code, Title 17, LAND USE, Division I. ZONING.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, sitting as the Zoning Board of Appeals, of Pueblo County, Colorado, that Zoning Variance No. 2019-032 be and is hereby **APPROVED** with the following conditions:

- 1. The approval of Zoning Variance No. 2019-003 shall apply to the existing 3.0± acre parcel of land currently known as Parcel B, Lot Line Rearrangement No. 2002-004 and be limited to the following:
 - a) An existing accessory structure (shed) with a side yard setback (west side) of 1.8 feet in lieu of the minimum required 5 feet; and
 - b) An existing principal structure (barn) with a side yard setback (west side) of 3.9 feet in lieu of the minimum required 5 feet.

RESOLUTION NO. P&D 19- 026 (CONT.)

NOTATION: Should the owner/applicant proceed with the finalization with the proposed subdivision (Mimi Subdivision), then the approval of Zoning Variance No. 2019-003 shall be applied/limited to Lot 1, Mimi Subdivision ONLY.

2. All future development must comply with the development standards of the A-3, Agricultural (minimum 1 acre) Zone District.

PASSED AND ADOPTED this 18th day of June 2019, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
SITTING AS THE ZONING BOARD OF APPEALS
OF PUEBLO COUNTY, COLORADO:**

By: _____

Garrison Ortiz, Chairman

ATTEST: _____

By: _____

Gilbert Ortiz, County Clerk