

RESOLUTION NO. P&D 19- 040

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

A RESOLUTION APPROVING ZONING VARIANCE NO. 2019-007 RECOGNIZING THE DEFICIENT SIDE YARD SETBACK OF AN EXISTING ACCESSORY STRUCTURE (DETACHED GARAGE) AND AN EXISTING SOLID FENCE WITH AN OVERALL HEIGHT OF SIX (6) FEET IN LIEU OF THE MAXIMUM PERMITTED HEIGHT OF TWO AND ONE-HALF (2½) FEET WITH A ZERO (0) FOOT SETBACK IN LIEU OF THE MINIMUM REQUIRED 15-FOOT SIDE YARD SETBACK ALONG HILLSIDE ROAD AND LOS TRUJILLOS LANE ON A PARCEL OF LAND WITH A PHYSICAL ADDRESS OF 1194 30½ LANE, LEGALLY DESCRIBED AS LOT 7, QUINTANA SUBDIVISION IN AN A-4, AGRICULTURAL (MINIMUM ½ ACRE) ZONE DISTRICT, PUEBLO COUNTY, COLORADO

WHEREAS, Eric and Kim Jimenez (owners/applicants) have requested a variance from Title 17, LAND USE, Division I. ZONING of the Pueblo County Code as follows:

- 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 an existing accessory structure (detached garage) with a side yard setback (south side) of 5 feet in lieu of the minimum required 15 feet for a parcel of land with street frontage.
- Chapter 17.120, Supplementary Regulations, specifically Section 070 (Corner Parcel) of the Pueblo County Code to recognize an existing accessory structure (detached garage) with a side yard setback of 5 feet in lieu of the minimum required 15 feet.
- Chapter 17.120, Supplementary Regulations, specifically Section 160 (Fences, walls and hedges) of the Pueblo County Code, specifically Paragraphs B.1. and 3. of the Pueblo County Code to allow a solid fence with an overall height of six (6) feet in lieu of the maximum permitted height of two and one-half (2½) feet to be located along the south and east property lines with a zero (0) foot setback in lieu of the minimum required 15-foot side yard setback along Hillside Road and Los Trujillos Lane in the St. Charles Mesa area; and

WHEREAS, the property is physically addressed as 1194 30½ Lane, is located northwest of the intersection of Hillside Road and Los Trujillos Lane, and is legally described as follows:

Lot 7, Quintana Subdivision, Pueblo County, Colorado; 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
With Street Frontage

15 feet

Side Yard Setback as
Requested by Variance

5 feet (detached garage)

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WHEREAS, the requested variance from the development standards of Title 17, LAND USE, Division I. ZONING, Chapter 17.120 Supplementary Regulations, specifically Section 160 (Fences, walls and hedges), Paragraphs B.1. and 3. of the Pueblo County Code, is as follows:

<u>Maximum Height of a Solid Wall/Fence with Street Frontage</u>	<u>Height as Requested by Variance</u>
2½ feet	6 feet
<u>Minimum Setback of Solid Wall/Fence with Street Frontage</u>	<u>Setback as Requested by Variance</u>
Fifteen (15) feet	Zero (0) feet

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

WHEREAS, a public hearing, preceded by proper public notice, was heard by the Board of County Commissioners, sitting as the Zoning Board of Appeals, on October 10, 2019 and, 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 currently permitted or existing in the A-4 Zone District.
- B. As a through parcel and a corner parcel, the property is subject to additional setback requirements for structures alongside property lines with street frontage.
- C. The Variance will not grant privileges inconsistent with limitations shared by other parcels in the zone district.
- D. The Variance will not have an injurious effect on the existing or future use of adjacent parcels.
- E. This Variance will not injure or adversely alter the general character of the neighborhood in which the variance request is proposed.
- F. The Variance is in harmony with the intent, purpose, and spirit of the Pueblo County Code.

RESOLUTION NO. P&D 19- 040 (CONT.)

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. 2019-007 be and is hereby **APPROVED** with the following conditions:

1. The approval of Zoning Variance No. 2019-007 shall be limited to the following:
 - a) An existing accessory structure (detached garage) with a side yard setback (south side) of 5 feet in lieu of the minimum required 15 feet as displayed in Exhibit 2 of the September 25, 2019 Staff Report.
 - b) An existing solid fence with an overall height of six (6) feet in lieu of the maximum permitted height of two and one-half (2½) feet to be located along the south and east property lines with a zero (0) foot setback in lieu of the minimum required 15-foot side yard setback along Hillside Road and Los Trujillos Lane as displayed in Exhibit 2 of the September 25, 2019 Staff Report.
2. Any additional construction must comply with the requirements of Title 17, LAND USE, Division I. ZONING, Chapter 17.16, AGRICULTURAL THREE (A-3) AND FOUR (A-4) DISTRICTS of the Pueblo County Code.

PASSED AND ADOPTED this 10th day of October 2019, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO:**

By: 
Garrison M. Ortiz, Chairman

ATTEST:

By: 
Gilbert Ortiz, County Clerk