

RESOLUTION NO. P&D 19- 048

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

A RESOLUTION APPROVING ZONING VARIANCE NO. 2019-009 ALLOWING AN "OPEN FENCE" TO BE LOCATED WITHIN THE FRONT YARD SETBACK AREA AT A HEIGHT OF SIX (6) FEET IN LIEU OF THE MAXIMUM ALLOWABLE HEIGHT OF FOUR (4) FEET WITHIN THE I-2, LIGHT INDUSTRIAL ZONE DISTRICT ON A PARCEL OF LAND LEGALLY DESCRIBED AS LOT 40, COLORADO CITY, UNIT 19 (AMENDED), PUEBLO COUNTY, COLORADO

WHEREAS, P's in a Pod Storage, LLC, c/o Kayla McKinley (Applicant/Representative) has requested a zoning variance from Title 17, LAND USE, Division I. ZONING, Chapter 17.120, *Supplementary Regulations*, specifically Section 160 (*Fences, walls and hedges*), Paragraph 2. (Open Fences) of the Pueblo County Code to allow an "open fence" to be located within the front yard setback area at a height of six (6) feet in lieu of the maximum allowable height of four (4) feet; and

WHEREAS, the property is physically addressed as 4564 West Graneros Road, is located on the south side of West Graneros Road, approximately 230 feet west of its intersection with Copeland Circle in the Colorado City are, and is legally described as follows:

Lot 40, Colorado City, Unit 19 (Amended), Pueblo County, Colorado; and

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 November 14, 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 those currently permitted in the I-2, Light Industrial Zone District.
- B. The parcel is located in the I-2 Zone District which permits uses that may require more security measures than those uses listed in other zone districts. The proposed six (6) foot open fence would secure the perimeter of the property, similar to several other properties along West Graneros Road. Other parcels in the neighborhood may have similar disadvantages, and similar methods to resolve the zoning violations.
- C. The Variance will not grant privileges inconsistent with limitations shared by other parcels in the surrounding I-2 Zone District.
- D. The Variance will not have an injurious effect on the existing or future use of adjacent parcels.

- E. The Variance will not injure or adversely alter the general character of the neighborhood in which the variance request is proposed.
- F. Staff finds the requested Variance to be consistent with the intent, purpose, and spirit of the Pueblo County Code.

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. 2019-009 be and is hereby **APPROVED** with the following conditions:

1. The approval of Zoning Variance No. 2019-009 shall be limited to the following:
 - a) A six (6) foot open fence in lieu of the maximum permitted height of four (4) feet located within the front yard setback area along West Graneros Road.
2. The owner/applicant shall obtain all required permit(s) through the appropriate agency/department. Any additional construction must comply with the requirements of Title 17, LAND USE, Division I. ZONING, Chapter 17.72, LIGHT INDUSTRIAL DISTRICT of the Pueblo County Code.

PASSED AND ADOPTED this 14th day of November 2019, in Pueblo County, Colorado.

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

By: 
Garrison M. Ortiz, Chairman

ATTEST:

By: 
Gilbert Ortiz, County Clerk