

**RESOLUTION NO. P&D 18- 017**

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

**A RESOLUTION APPROVING ZONING VARIANCE NO. 2018-003 RECOGNIZING A PARCEL OF LAND WITH A LOT AREA OF 0.195± ACRE IN LIEU OF THE MINIMUM REQUIRED 0.50 ACRE, A LOT WIDTH OF 68 FEET AND A LOT DEPTH OF 125 FEET BOTH IN LIEU OF THE MINIMUM REQUIRED 140 FEET IN AN A-4, AGRICULTURAL ZONE DISTRICT LOCATED WITHIN A PORTION OF LOT 8, JEWELFIELD SUBDIVISION, PUEBLO COUNTY, COLORADO**

**WHEREAS**, Debra E. Nieto (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 040 (Lot Area) and Section 050 (Lot Dimensions) of the Pueblo County Code to recognize a parcel of land with a lot area 0.195± acre in lieu of the minimum required 0.50 acre, a lot width of 68 feet and a lot depth of 125 feet both in lieu of the minimum required 140 feet in an A-4, Agricultural Zone District; and

**WHEREAS**, the parcel to which the variance has been applied for carries a physical address of 1221 Holly Street, is located on the west side of Holly Street approximately 1,000 feet south of its intersection with Highway 50 East (Santa Fe Drive) in the Blende area, and is legally described within that Quit Claim Deed filed for record on August 28, 2017 as Reception No. 2080512 which read as follows:

*The North 68 feet of the East 125 feet of Lot 8, Jewelfield*

**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 040 (Lot Area) and Section 050 (Lot Dimensions) of the Pueblo County Code, are as follows:

<u>Minimum Required Lot Area</u>	<u>Lot Area as Requested by Variance</u>
0.50 acre	0.195± acre
<u>Minimum Required Lot Width</u>	<u>Lot Width as Requested by Variance</u>
140 feet	68 feet
<u>Minimum Required Lot Depth</u>	<u>Lot Depth as Requested by Variance</u>
140 feet	125 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 opened by the Board of County Commissioners, sitting as the Zoning Board of Appeals, on May 9, 2018, and continued to the May 16, 2018 public hearing; and

**RESOLUTION NO. P&D 18-017 (CONT.)**

**WHEREAS**, a public hearing was held by the Board of County Commissioners, sitting as the Zoning Board of Appeals, on May 16, 2018 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 in the A-4 Zone District.
- B. The variance is necessary to recognize the deficient lot area, width, and depth of a parcel of land which has existed for 50 years.
- C. Other zoning variances for lot area and dimension deficiencies have been issued in the A-4 Zone District, specifically directly south of the subject property.
- D. There are several parcels in the immediate area that do not comply with the development standard as imposed by the A-4 Zone District. The granting of this variance will have no adverse impacts on development upon the adjoining parcels.
- E. The subject property as well as those in close proximity have been in the same configuration since 1930 and/or the 1960s. The 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, Title 17, LAND USE.

**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. 2018-003 be and is hereby **APPROVED** with the following conditions:

- 1. The approval of Zoning Variance No. 2018-003 shall be for a parcel of land containing 0.195± acre in lieu of the minimum required 0.50 acre, a lot width of 68 feet and a lot depth of 125 feet both in lieu of the minimum required 140 feet.
- 2. All future development on the parcel must comply with the development standards of the A-4, Agricultural (minimum ½ acre) Zone District.

**PASSED AND ADOPTED** this 16TH day of MAY 2018, in Pueblo County, Colorado.

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

By: Terry A. Hart  
Terry A. Hart, Chairman

**ATTEST:**

By: Gilbert Ortiz  
Gilbert Ortiz, County Clerk