

RESOLUTION NO. P&D 18-016

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

**A RESOLUTION APPROVING ZONING VARIANCE NO. 2018-002 RECOGNIZING LOT 1 OF
MORGAN SUBDIVISION WITH A LOT AREA OF 0.88± ACRE IN LIEU OF THE MINIMUM
REQUIRED 1 ACRE IN AN A-3, AGRICULTURAL ZONE DISTRICT LOCATED WITHIN A
PORTION OF SECTION 1, TOWNSHIP 21 SOUTH, RANGE 64 WEST OF THE 6TH P.M., PUEBLO
COUNTY, COLORADO**

WHEREAS, Travis Morgan (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) of the Pueblo County Code to recognize a parcel of land with a lot area 0.88± acre in lieu of the minimum required 1 acre, in an A-3, Agricultural Zone District; and

WHEREAS, the parcel to which the variance has been applied for carries a physical address of 29230 Daniel Road, is located at the southeast corner of the intersection of Daniel Road and 29¼ Lane, and is legally described in that Warranty Deed filed for record on January 19, 1988 as Reception No. 853502 in Book 2383 at Page 264 being more particularly described as follows:

A portion of Lot 2 in Block 66, St. Charles Mesa, according to the recorded plat thereof, more particularly described as follows:

Beginning at a point on the South line of said Lot a distance of 501.12 feet East of the Southwest corner of said Lot 2; thence Northerly parallel to the West line of said Lot 2 a distance of 525 feet; thence Easterly parallel to the said South line of the said Lot 2 a distance of 165.94 feet; thence Southerly parallel to said West line of the said Lot 2 a distance of 525 feet to a point on the said South line of the said Lot 2; thence Westerly along the said South line of the said Lot 2 a distance of 165.94 feet, more or less to the point of beginning, County of Pueblo, State of 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 040 (Lot Area) of the Pueblo County Code, is as follows:

Minimum Required Lot Area

1 acre

Lot Area as Requested by Variance

0.88± acre

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 18-016 (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 May 9, 2018, and continued to the May 16, 2018 public hearing; and

WHEREAS, a public hearing, preceded by proper public notice, 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 those currently permitted AND existing in the A-3, Agricultural (minimum 1 acre) Zone District.
- B. The parcel is not unique nor does it suffer any singular disadvantages. The parcel's deficiencies were created due to road right-of-way dedication along the north and west boundary of the subdivision. The Department of Engineering and Public Works supports the zoning variance to accommodate the reduced acreage of this lot.
- C. Although staff has not researched their history, there are other parcels in the immediate area that do not conform to the minimum lot area requirements of the A-3 Zone District designation.

Other zoning variances for lot area deficiencies have been requested and subsequently issued in the same zone district in other areas of Pueblo County.

- D. Right-of-way is being dedicated due to Daniel Road and 29¼ Lane having deficient right-of-way for their classification. The variance will not have an injurious effect on the existing or future use of the adjacent parcels.
- E. The surrounding area is developed with single-family residences in an agricultural area. The granting of this variance will not injure or adversely alter the general character of the neighborhood in which the variance is sought.
- 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. 2018-002 be and is hereby **APPROVED** with the following conditions:

- 1. Approval of Zoning Variance No. 2018-002 shall be limited to a 0.88± acre parcel in lieu of the minimum required 1 acre in an A-3, Agricultural Zone District.
- 2. All future development must comply with the development standards of the A-3, Agricultural (minimum 1 acre) Zone District.

RESOLUTION NO. P&D 18- 016 (CONT.)

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, Chairman

ATTEST:

By: _____

Gilbert Ortiz, County Clerk