

Weston Burrer
Chair

Rudy Martinez
Vice Chair

PUEBLO

Zoning Board of Appeals

Ralph Scaplo
Secretary

Mike Castellucci

Rod Johnson

Zoning Board of Appeals
City of Pueblo, Colorado
Tuesday, May 24, 2011-7:00 p.m.
Interim City Council Chambers-301 W. "B" Street

Minutes

MEETING CALLED TO ORDER

The meeting was called to order at 7:00 p.m. with Chairperson Weston Burrer presiding.

Board Members Present: Ralph Scaplo, Rudy Martinez

Board Members Absent: Rod Johnson (resigned) and Mike Castellucci

Staff Members Present: Jeff Bailey, P.E., Assistant City Manager for Development Services; Carrie Muchow, Planner; Ramona Baca, Court Reporter; and Paul Willumstad, Board Attorney.

APPROVAL OF MINUTES

Motion to approve the minutes from the April 26, 2011 meeting by Scaplo, second by Martinez.

Motion passed 3-0.

APPROVAL OF AGENDA

Motion to approve the modified agenda for the May 24, 2011 meeting by Scaplo, second by Martinez.

Motion passed 3-0.

PUBLIC HEARINGS AND ACTION

CONSENT AGENDA

Variances

1. 018-2011 2211 N. Elizabeth (Todd Clerkin) R-2

A **Variance** to allow a new garage to not be architecturally compatible with the primary structure.

BACKGROUND

Staff Report by Carrie Muchow.

Synopsis

The subject property is located in the Northside Neighborhood near the intersection of Elizabeth St. and 22nd St. The applicant is requesting a variance from Section 17-4-23 (c) (5) of the Pueblo Municipal Code (PMC), to allow a new garage to have a flat roof when the primary structure has a pitched roof. The applicant is proposing a twenty eight feet (28') deep by twenty six feet (26') wide, sixteen foot (16') tall garage. The applicant wants the flat roof in order to lower costs on the project.

The garage meets all setbacks and other architectural compatibility standards.

Analysis

Currently the property does not have any covered parking so the applicant wants to remedy this by building the garage. Having a flat roof instead of a pitched one will help with the budget and allow him to have the garage.

The property is in a historic area where, if a garage had been previously built on the property, it probably would have had a flat roof. So while the standard now is to have garages with roofs matching the primary structure, what the applicant is proposing matches the norm in this neighborhood. This type of architectural compatibility variance is reasonable considering the age of neighborhood and the existing development pattern.

RECOMMENDED MOTION

Staff recommends **APPROVAL** with the following conditions:

1. Standard permit conditions 1-13.
2. All storm water must be directed away from neighboring properties.
3. The rest of the garage architecture must be compatible to the primary structure as defined in the PMC 17-4-23 (c) (5).
4. The garage must be no more than sixteen feet (16') tall including any parapet walls.

COMMISSION ACTION

Motion to approve by Martinez, second by Scaplo with the following conditions:

1. Standard permit conditions 1-13.
2. All storm water must be directed away from neighboring properties.
3. The rest of the garage architecture must be compatible to the primary structure as defined in the PMC 17-4-23 (c) (5).
4. The garage must be no more than sixteen feet (16') tall including any parapet walls.

Motion passed 3-0.

2. 019-2011 1432 Cedar Street (Olivia Olivas) R-3

A **Variance** to allow an existing shed to encroach into the side and rear yard setbacks and a new carport to encroach into the side setback.

BACKGROUND

Staff Report by Carrie Muchow.

Synopsis

The subject property is located in the Bessemer Neighborhood near the intersection of Pine St. and Division Ave. The applicant is requesting a variance from Section 17-4-2 of the Pueblo Municipal Code (PMC), to allow an existing shed to sit at a zero foot (0') setback for both the side and rear yard and to allow a carport addition, attached to the shed, to extend into the side yard setback. The proposed carport is twelve feet (12') wide, twenty one feet (21') long, and is two feet (2') from the North side property line and two feet (2') from the rear property line. The rear setback does not require a variance because according to Section 17-4-23 (c) (3) of the Code, a rear setback for a garage or carport may be lessened to two feet (2') in cases where the prevailing building pattern warrants it.

Currently the property does not have any covered parking.

Analysis

With no covered parking, the owner's vehicle is open to the weather elements and with the damaging conditions Pueblo can get, the owner is concerned.

This lot is significantly narrower than others in the neighborhood which means that there is not room for a carport anywhere except in the back of the property. In order to keep the shed, which is needed for storage, the carport must be attached, which is why the shed must also get a variance. In order for the carport to be wide enough to enter and exit the vehicle safely, it will need to encroach into the side yard setback by the proposed two feet (2').

Considering the lot size, there is no choice of where to put the carport if this house is ever to have covered parking.

RECOMMENDED MOTION

Staff recommends **APPROVAL** with the following conditions:

1. Standard permit conditions 1-13.
2. All storm water must drain away from neighboring properties.

COMMISSION ACTION

Motion to approve by Martinez, second by Scaplo with the following condition(s):

1. Standard permit conditions 1-13.
2. All storm water must drain away from neighboring properties.

Motion passed 3-0.

3. 024-2011 2631 Emilia Street (Edward Ortiz) R-2

A **Variance** to allow a new carport to encroach into the side setback.

BACKGROUND

Staff Report by Carrie Muchow.

Synopsis

The subject property is located in the Beulah Heights Neighborhood near the intersection of Emilia St. and Pueblo Blvd. The applicant is requesting a variance from Section 17-4-2 of the Pueblo Municipal Code (PMC), to allow an attached carport addition to extend into the side yard setback. The proposed carport is fifteen-feet (15') wide and thirty-three feet, three inches (33'3") deep which places it two-feet (2') from the southern property line. The front of the carport will be parallel with the front of the house maintaining a twenty-five foot (25') front yard setback.

Currently the property does not have any covered parking.

Analysis

With no covered parking, the owner's vehicle is open to the weather elements and has been getting damaged because of this. The carport is wider than the average carport but will allow for easier loading and unloading of their family vehicle. With two feet to the property line, there will be plenty of room to maintain the structure without burdening the neighboring property. The carport can not be placed behind the house, out of setbacks because the property has a necessary shed. If they were to place it back there, not attached to the house the property would require a variance for more than one accessory structure.

RECOMMENDED MOTION

Staff recommends APPROVAL with the following conditions:

1. Standard permit conditions 1-13.
2. The carport must be architecturally compatible with the home and not enclosed.
3. The maximum encroachment shall be two feet (2') including rain gutters and downspouts.
4. All storm water must be directed away from the neighboring property.

COMMISSION ACTION

Motion to approve by Martinez, second by Scaplo with the following condition(s):

1. Standard permit conditions 1-13.
2. The carport must be architecturally compatible with the home and not enclosed.
3. The maximum encroachment shall be two feet (2') including rain gutters and downspouts.
4. All storm water must be directed away from the neighboring property.

Motion passed 3-0.

4. 025-2011 1625 Pike Avenue (Vigil Framing) R-2

A **Variance** to allow a new porch cover to encroach into the front yard setback.

BACKGROUND

Staff Report by Carrie Muchow.

Synopsis

The subject property is located in the Eastside Neighborhood near the intersection of Norwood Ave. and E. 16th St. The applicant is requesting a variance from Section 17-4-2 of the Pueblo Municipal Code (PMC), to allow a new front porch cover encroach into the front setback by eight feet (8'). The cover will extend from the North, front corner of the house over to just the other side of the door a total of eighteen feet (18'). This placement will allow people parked in the driveway to walk to the front door under cover.

Analysis

Many other houses in the neighborhood have front porches, all of which are encroaching into the setback by about the same amount as is proposed here. The proposed porch, therefore, fits with the character and built environment of the neighborhood.

Adding a front porch into the front setback is also not as imposing an encroachment as adding a living space addition. Porches are open and leave the feeling of the full amount of space between the house and property line while allowing for a covered entry way.

The front porch, in addition to being useful for keeping guests out of the weather at your door, can be a good architectural feature and can enhance the social aspects of a neighborhood by bringing people to the fronts of homes to interact with neighbors.

RECOMMENDED MOTION

Staff recommends **APPROVAL** with the following conditions:

1. Standard permit conditions 1-13.
2. The porch may never be enclosed.

COMMISSION ACTION

Motion to approve by Martinez, second by Scaplo with the following condition(s):

1. Standard permit conditions 1-13.
2. The porch may never be enclosed.

Motion passed 3-0.

5. 029-2011 247 Melrose Avenue (Michael Purcell) R-1

A **Variance** to allow a new second accessory structure.

BACKGROUND

Staff Report by Carrie Muchow.

Synopsis

The subject property is located in the Aberdeen Neighborhood near the intersection of Argyle St. and Carlile Ave. The applicant is requesting a variance from Section 17-4-22 (c) (2) of the Pueblo Municipal Code (PMC), to allow a second accessory structure to be built on the property. The current accessory structure is a detached garage that was built about four (4) years ago and the proposed accessory structure is an eighteen foot by eighteen foot (18' x 18') pergola. The proposed structure would match the coloring and architectural feel of the existing home and would be approximately ten feet (10') in height. The wood beams across the top will be three inch by ten inch (3" x 10") fir lumber. The pergola would meet all setback requirements.

Analysis

The applicant has chosen the West side of the property (along Argyle) to place a fireplace / outdoor kitchen area that will be attached to the house and the pergola is a part of this outdoor living space. This outdoor living area can not be placed in the rear of the home because the placement of the home leaves no true backyard. If the outdoor space was placed on the other side of the home it would cause more impact on the neighbor than the proposed street-side corner of the property. The pergola cannot be attached to the home because there is an existing deck attached to the house in this area and there is no way to attach it to the fireplace walls and be aesthetically appealing.

A pergola is the most open structure an owner could build on a property with no railings, no walls, and even an open roof, so it has significantly less impact than even some covered decks. The proposed structure meets all setback requirements, including the twelve and a half feet (12.5') second front yard setback.

RECOMMENDED MOTION

Staff recommends **APPROVAL** with the following conditions:

1. Standard permit conditions 1-13.
2. All plans approved by the Board must also be approved by the Regional Building Department and all changes to the plans in the future must be approved by the Regional Building Department and the Department of Planning and Community Development prior to construction.
3. All structures must be outside of any easements.
4. All storm water must be directed away from neighboring properties.

COMMISSION ACTION

Motion to approve by Martinez, second by Scaplo with the following condition(s):

1. Standard permit conditions 1-13.
2. All plans approved by the Board must also be approved by the Regional Building Department and all changes to the plans in the future must be approved by the Regional Building Department and the Department of Planning and Community Development prior to construction.
3. All structures must be outside of any easements.

4. All storm water must be directed away from neighboring properties.

Motion passed 3-0.

6. 030-2011 1164 Eagleridge Blvd. (CLID, LLC) B-3

A **Variance** to allow a parking space reduction for an existing building.

(Continued to June 28, 2011 Hearing)

REGULAR AGENDA

Variances

7. 022-2011 2928 7th Avenue (James and Jacquelynn Sharp) R-1

A **Variance** to allow a new garage to encroach into the side yard setback.

(Continued to June 28, 2011 Hearing)

APPEALS

8. 021-2011 1102 Claremont Avenue (William and Diana Roberts) R-3

An **Appeal** to the determination that a fabric carport is not allowed and must be removed.

(Continued to June 28, 2011 Hearing)

ADJOURN

There being no further business the meeting was adjourned at 7:10 p.m.