

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-20-32 Request for Extension

To: City of Pueblo Zoning Board of Appeals

From: Danielle Baxter, Planner

Through: Scott Hobson, Land Use Administrative Official

Date: September 28, 2021

Subject: **An extension request for a Variance to reduce the side yard setback from five feet (5') to zero feet (0') in a Single Family Residential (R-2) Zone District**

Location: 1720 N. Elizabeth St, Pueblo, CO 81003
(LOTS 7+8 BLK 10 BARTLETT + MILLER'S ADD).

Applicant: Alfredo Vargas
1720 N. Elizabeth St, Pueblo, CO 81003

Property Owner: Same as applicant

Zone District: Single Family Residential (R-2) Zone District

CLARIFICATION OF PURPOSE

The applicant, Alfredo Vargas, has requested a one-year extension of the conditions pertaining to the Variance to allow a reduced side yard setback from five feet (5') to zero feet (0') in a Single Family Residential (R-2) Zone District. The Variance was originally granted August 25, 2020.

The applicant intends to construct a carport in front of the existing garage. However, the side yard setback for which the variance is requested is immediately adjacent to an alley, which because of grading is separated from the property with a retaining wall. The principal structure was built in 1951 and appears to be built with a zero-foot (0') setback.

The applicant is requesting a one-year extension to complete the carport mainly due to the impacts of the Covid-19 pandemic. Due to the pandemic the applicant's work schedule has changed and so have his personal finances. In addition, he has reached out to multiple general contractors and is not receiving returned phone calls. The general contractor hired to construct the attached carport has stopped returning phone calls. For this reason, the applicant must begin the interview process again to find a general contractor to construct the carport.

Staff recommends a one-year extension for the construction of the carport. The original staff report requested three staff conditions, in addition to the thirteen standard conditions, which the Planning Dept asks the Board condition.

FINDINGS OF FACT FOR USE BY REVIEW REQUIREMENTS

The request for an extension does not change the previous findings of fact.

FACTORS CONSIDERED IN GRANTING AN EXTENSION FOR A VARIANCE

The request for an extension does not change the factors considered.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

Staff recommends approval of the extension with the same conditions per the original staff report:

1. The carport shall be built in such a way that gutters, eaves, and downspouts do not encroach into the alley.
2. The carport shall be architecturally compatible to the principal structure in regard to roof color, material, pitch, and siding color and material.
3. The applicant must provide an Improvement Location Certificate with site plan and site elevations for staff to determine that improvements do not encroach into the alley.

Yvonne Lujan-Slak
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Mike Castellucci

Sarah French

To: City of Pueblo Zoning Board of Appeals
From: Chelsea Stromberg, Planner
Through: Scott Hobson, Land Use Administrative Official
Date: 8/25/2020
Request: **A Variance to reduce the side yard setback from five (5) feet to zero (0) feet in a Single Family Residential (R-2 Zone) District**

Site Location 1720 N. Elizabeth St. Pueblo, CO 81003
Legal Description LOTS 7 + 8 BLK 10 BARTLETT + MILLER'S ADD

Applicant 0
 0

Owner Alfredo Vargas

1720 N. Elizabeth St. Pueblo, CO 81003
Zone District Single Family Residential (R-2 Zone) District

BACKGROUND:

The applicant is requesting a zero foot side yard setback in order to construct a carport. The side yard for which the variance is requested is immediately adjacent to an alley, however, due to a grade change between the property and the alley, the driveway is separated from the alley by a retaining wall. It is on this wall that the applicant has constructed the vertical support posts for the carport.

The applicant was issued a stop work order by Pueblo Regional Building Department for beginning construction without a building permit.

The principal structure, constructed in 1951, appears to be built with a zero foot setback, and appears to have eaves which encroach into the alley.

The alley is platted at sixteen (16') feet in width, staff measured eighteen (18') feet between the two retaining walls on the north and south side of the alley. From this, staff assumes that the retaining wall has a one-foot side yard setback, however, an Improvement Location Certificate would be needed for a final determination.

ZONING DISTRICT AND LAND USE:

	Zone:	Developed with:
North	R-2 Single Family Residential	Single family residential
East	R-2 Single Family Residential	multifamily residential, vacant
South	R-2 Single Family Residential	Single family residential
West	R-2 Single Family Residential	Single family residential

PUBLIC NOTICE

The property was publicly noticed in accordance with the Pueblo Municipal Code. Specifically, the hearing was published in the Pueblo Chieftain, surrounding property owners within 100 feet of the property were noticed by mailed, and a sign was placed on the site (Attachment E). These notices occurred at least 10 days prior to the hearing.

OTHER AGENCIES

Code Compliance	No comment
Law Enforcement	No comment
City Engineering	No comment
Fire Protection	No comment
Energy	No comment
Telecommunication	No comment
Parks and Recreation	No comment
Stormwater	No comment
Wastewater	No comment
Waterworks	No comment

FINDINGS OF FACT FOR VARIANCE REQUIREMENTS

- 1 The variance will not: reduce the required light and air to adjacent properties; constitute a nuisance to the properties within one hundred (100) feet of the property for which the variance is requested; or substantially reduce the monetary value of properties within one hundred (100) feet of the property for which the variance is requested.

comments:

Affirmative finding. The requested variance will not constitute a nuisance to adjacent properties

- 2 The variance will not affect general planning of the City with respect to land use and the location of streets and highways will not be jeopardized.

comments:

Neutral finding. If the carport is constructed so that the vertical supports have a zero foot setback then the eaves will encroach into the alley unless a minimum of a one foot setback is determined by an Improvement Location Certificate.

3 Strict adherence to this Title would not secure appropriate development of the property for which the variance is requested.

comments:

Affirmative finding. Adherence to the five (5') setback would make the existing garage inaccessible.

4 The property for which the variance is requested suffers a unique or singular disadvantage, not common to other property in the district, through the operation of this Title.

comments:

Affirmative finding. The subject property is a corner lot (on the north side of the property) which has more restrictive setback requirements, which limits building area.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

Should the Zoning Board of Appeals find it appropriate to grant the variance, staff recommends the following conditions along with standard permit conditions 1-13:

STAFF CONDITIONS

- 1 the carport shall be built in such a way that gutters, eaves, and downspouts do not encroach into the alley.
- 2 The carport shall be architecturally compatible to the principal structure in regard to roof color, material, pitch, and siding color and material.
- 3 The applicant must provide an Improvement Location Certificate with site plan and site elevations for staff to determine that improvements do not encroach into the alley.

STANDARD PERMIT CONDITIONS

Date of issuance of permit: 8/25/2020

- 1 **Time Limits:** Zoning permit shall become invalid unless work or action authorized by permit is fully executed by:
8/25/2021
- 2 **Required Revisions:** Any revisions or additions to plans required as a result of approval must be submitted and stamped "approved" prior to the sign-off of the building permit routing slip or business license.
- 3 **Changes:** The project shall be completed as shown on the plans, which have been stamped "approved" and dated by the Department of Planning and Community Development. The project shall not deviate from the approved plans without prior written approval from the Department of Planning and Community Development.
- 4 **Property Inspection:** By acceptance of this permit, Permit holder authorizes City Officials and/or their authorized representatives, access to the subject property for purpose of observing work in progress, inspecting and/or measuring the property or improvements as long as the use authorized by this permit remains in effect.

- 5 **Certificate of Occupancy:** A certificate of occupancy must be issued by Regional Building PRIOR to use and/or occupancy of the subject premises. Prior to issuance, the Department of Planning and Community Development must certify that work has been completed in accordance with approved plans and that applicable conditions have been met. The Permit holder may be required to provide a Letter of Credit to obtain a Certificate of Occupancy prior to completion of all required improvements.
- 6 **Completion and Maintenance of Improvements and Landscaping:** Permit holder or successor in interest is responsible for completing all improvements shown on approved plans. By acceptance of this permit, Permit holder agrees to maintain all improvements in a satisfactory condition. Any landscaping installed according to the approved plan which becomes diseased or dies shall be replaced by similar species and size no later than the first available planting season.
- 7 **Building Permit; Other Permits:** Permit holder is solely responsible for obtaining BUILDING PERMIT and all other applicable local, state and federal permits.
- 8 **Off-Site Drainage:** Issuance of this permit does not authorize the discharge of stormwater runoff or other surface drainage from the subject premises onto adjoining property or properties.
- 9 **Appeals** of a decision of the Land Use Administrator can occur up to thirty (30) days following such decision. Appeals of Zoning Board of Appeals decisions can occur up to thirty (30) days following final decision. Any work done in connection with this permit prior to the expiration of all applicable appeal periods is done SOLELY at the risk of the Permit holder.
- 10 **Errors:** Permit holder is solely responsible for the accuracy of all information contained in the Zoning Permit form and in accompanying documentation. Any errors contained therein may invalidate the Zoning Permit and may result in issuance of a code violation citation and prosecution.
- 11 **Transfer of Ownership:** In the event of a transfer of ownership, partial or whole, of the subject premises, the transferee shall become Permit holder and subject to compliance with the terms and conditions of this permit.
- 12 **Violations/Penalties:** A violation of any of the conditions of this permit or of any provision of the Pueblo Municipal Code may result in a penalty of up to three hundred dollars (\$300) per day.
- 13 **Incorporation and Reference of All Plans Presented to the Zoning Board of Appeals:** This approval incorporates by reference all plans and drawings presented and all verbal representations by the applicant at Zoning Board of Appeals meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions or regulations

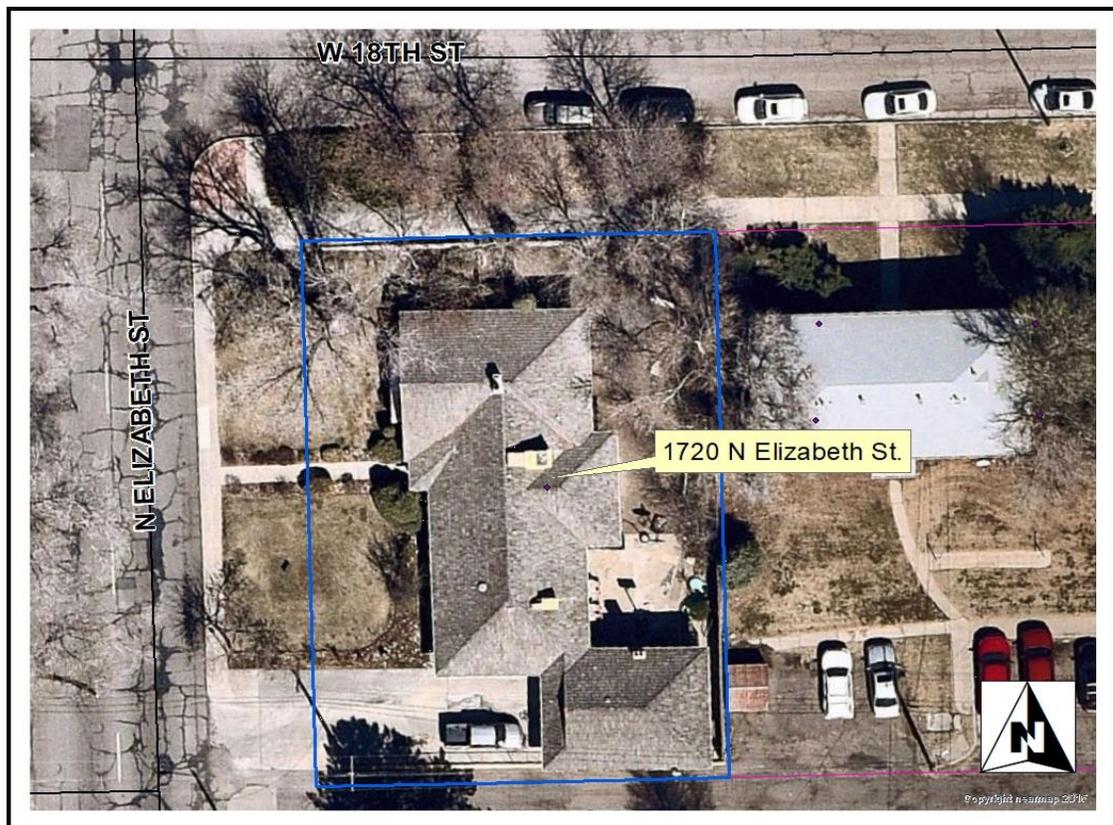
ATTACHMENTS

- A. Location Map
- B. Site Map
- C. Zoning Map
- D. Public Notice Photo
- E. Site Photographs
- F. Application
- G. Supporting documentation

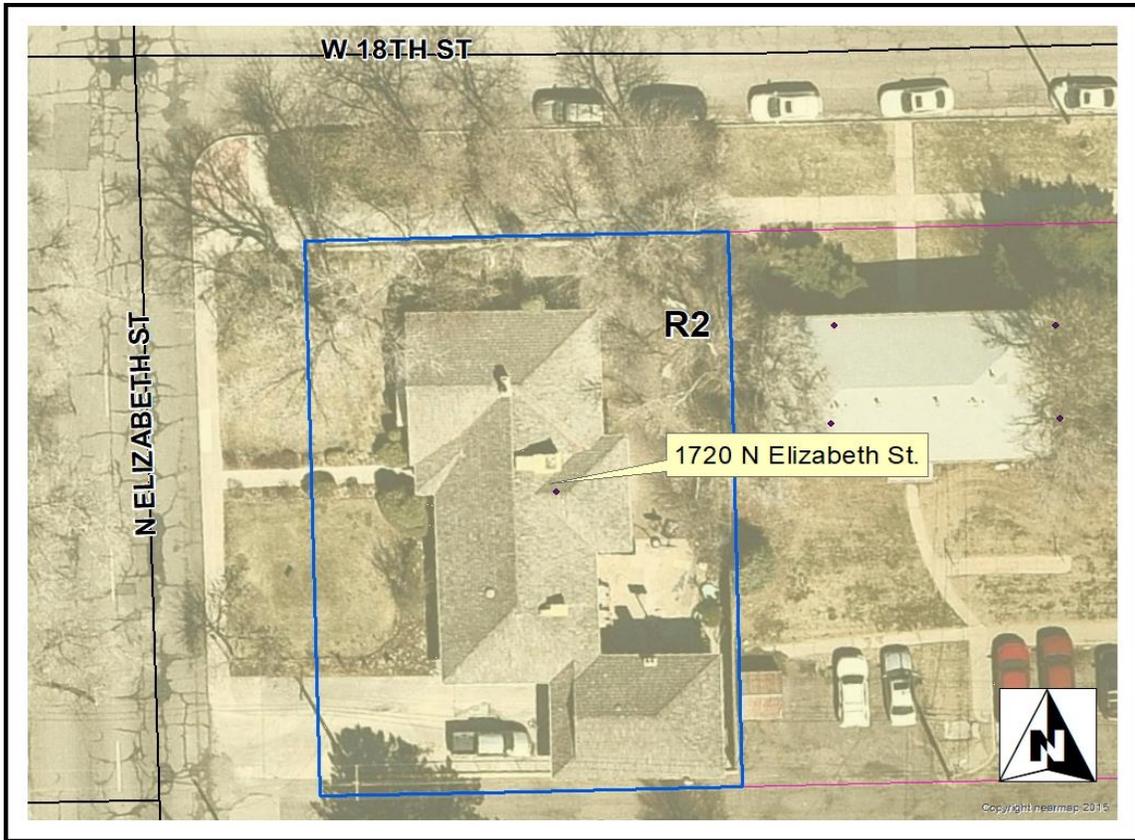
A. LOCATION MAP



B. SITE MAP



C. ZONING MAP



D. PUBLIC NOTICE PHOTO



E. SITE PHOTOGRAPHS











7-27-2020
Zoning Board / Asking for
"0" Variance

Planning & Community Development

211 East D Street | Pueblo, Colorado 81003 | Tel 719-553-2259 | Fax 719-553-2359 | TTY 719-553-2611 | www.pueblo.us

Zoning Board of Appeals Application

Please type or print clearly. Illegible applications will not be accepted. Case #:

Contact Info	Property Owner:		Applicant (If different from property owner):	
	Name: <u>Alfredo Vargas</u>		Name: <u>Same</u>	
	Address: <u>1720 No Elizabeth</u>		Company:	
	City, State & Zip: <u>Pueblo (081003)</u>		Address:	
	Phone: <u>(719) 250 0487</u>		City, State & Zip:	
Property Info	Email: <u>my 5 joses@gmail.com</u>		Phone: ()	Cell: ()
	Email:			
	<i>The applicant will be the primary contact unless otherwise noted.</i>			
Property Info	Project Location: <u>1720 No Elizabeth St</u>			
	Legal Description:			
	Parcel No:		Existing Zone:	
	Property Size:			
Project Information	General Information			
	Provide a short description of the proposed request: (separate narrative as Attachment A also required)			
	<u>Carport - 0 Variance</u>			
	What is the general use of the property: <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Multi-Family <input type="checkbox"/> Other _____			
	Scope of work: <input type="checkbox"/> Special Use Permit (Limited Use Permit):			
	<input type="radio"/> Use by Review <input type="radio"/> Home Daycare <input type="radio"/> Home Occupation (Total # of children: _____) <input type="radio"/> Other: _____			
<input checked="" type="checkbox"/> Variance:				
<input checked="" type="checkbox"/> Setback <input type="checkbox"/> Parking <input type="checkbox"/> Landscape <input type="checkbox"/> Lighting <input type="checkbox"/> Height <input type="checkbox"/> Signs <input type="checkbox"/> Other: _____				
<input type="checkbox"/> Appeal:				
<input type="radio"/> ZBA Decision (Case Number: ZBA-_____-_____)				
<input type="radio"/> Administrative Official Determination				
<input type="radio"/> Other: _____				
<input type="checkbox"/> Other: _____				

(Continued from Page 1)

Attachments	Attachment Checklist:	
	<p>The following list of attachments are required to accompany all applications:</p> <ul style="list-style-type: none"> <input type="checkbox"/> A. Detailed explanation of the request as listed above. Be specific. <input type="checkbox"/> B. Justification of facts required for the request. Be specific <input type="checkbox"/> C. Site plan, if variance. Must depict requested variance on plan. <input type="checkbox"/> D. Applicable application (i.e. business license, Home Occupation Questionnaire). <input type="checkbox"/> E. Photographs. <input type="checkbox"/> F. Additional information that you believe justifies the request. <input type="checkbox"/> G. Copy of determination letter, if appealing Administrative Official Determination. <input type="checkbox"/> H. Pueblo County Assessor's Property Information print out (www.co.pueblo.co.us) 	
Terms	By signing below, the Property Owner and Applicant are representing that each understands and agrees to the following terms:	
	<ol style="list-style-type: none"> 1. Authorized personnel from the City of Pueblo, are hereby granted the right to enter the subject property for the purposes of reviewing and processing the application. 2. There are no known hazards or vicious animals present on the subject property. 3. All requisite fees have been paid to the City of Pueblo. 4. All information in this application, and all attachments, are true and accurate to the best of my knowledge. 5. The City of Pueblo is under no obligation to approve the request contained in this application. No promises of approval are conveyed with the acceptance of this application. 6. It is highly recommended that a licensed surveyor complete a property survey before any construction takes place. The property owner is responsible for any construction that takes place within the boundaries of their property. The city may require any construction built outside of the property legal boundaries or within any setbacks (by intent or error), to be removed at the owners' expense. 	
Signatures	Property Owner	
	Print Name:	<i>Alfredo Vargas</i>
	Signature:	<i>Alfredo Vargas</i> Date: 7-31-2020
	Applicant, if different from Property Owner	
Signatures	Print Name:	
	Signature:	Date:

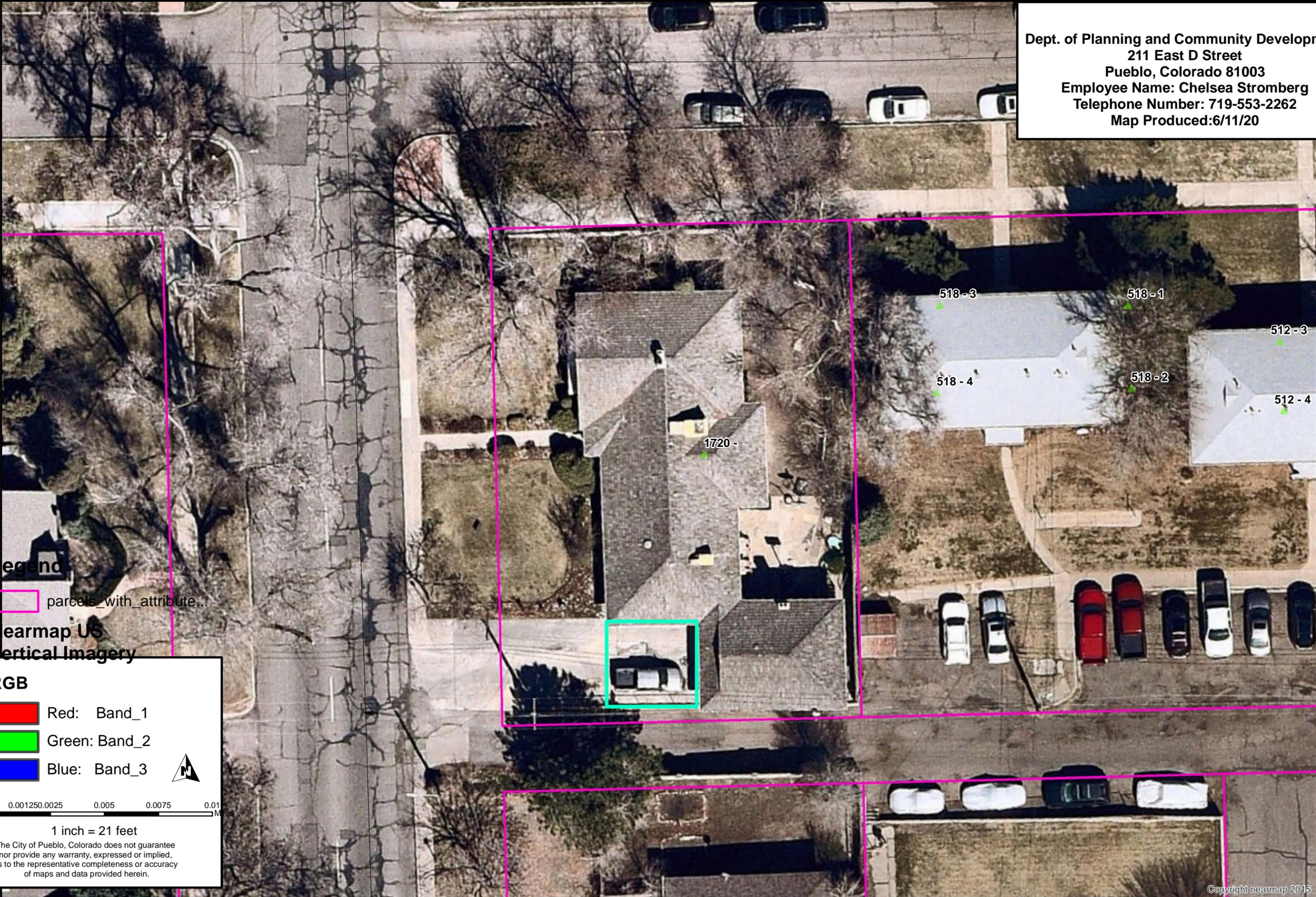
Office Use Only	Zoning Compliance (Completed by City Staff)	
	Application received by:	Date:
	Application checked for completeness by:	Date:
	Case Manager:	Fee Paid:
	Hearing date:	<input type="checkbox"/> Approved
Case #:	<input type="checkbox"/> Denied	
	<input type="checkbox"/> Approved w/conditions	

7-31-2020

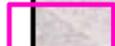
- a Carport will be constructed over existing parking space
- b Adjacent lots are multi-family & parking adjacent to the alley
- c Corner lot restricts building area
- d Corner lot restricts building area



Dept. of Planning and Community Development
211 East D Street
Pueblo, Colorado 81003
Employee Name: Chelsea Stromberg
Telephone Number: 719-553-2262
Map Produced: 6/11/20



Legend

 parcels_with_attribute...

Nearmap US
Vertical Imagery

RGB

-  Red: Band_1
-  Green: Band_2
-  Blue: Band_3



0 0.001250.0025 0.005 0.0075 0.01 Miles

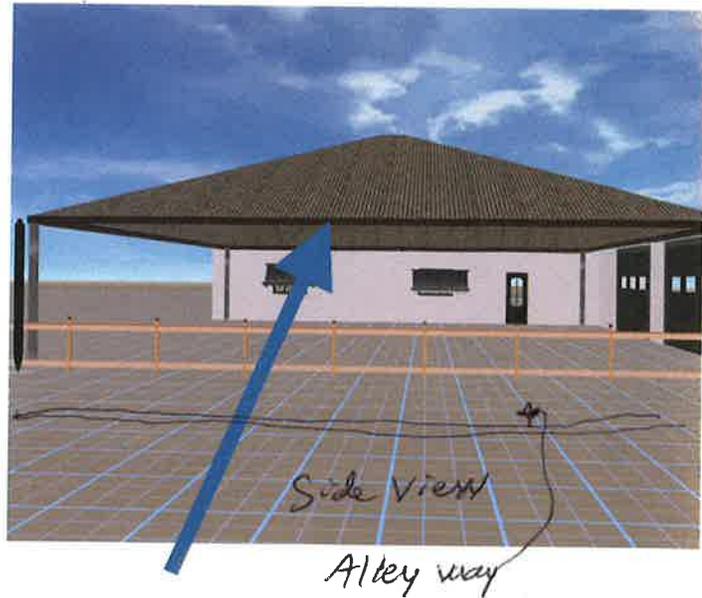
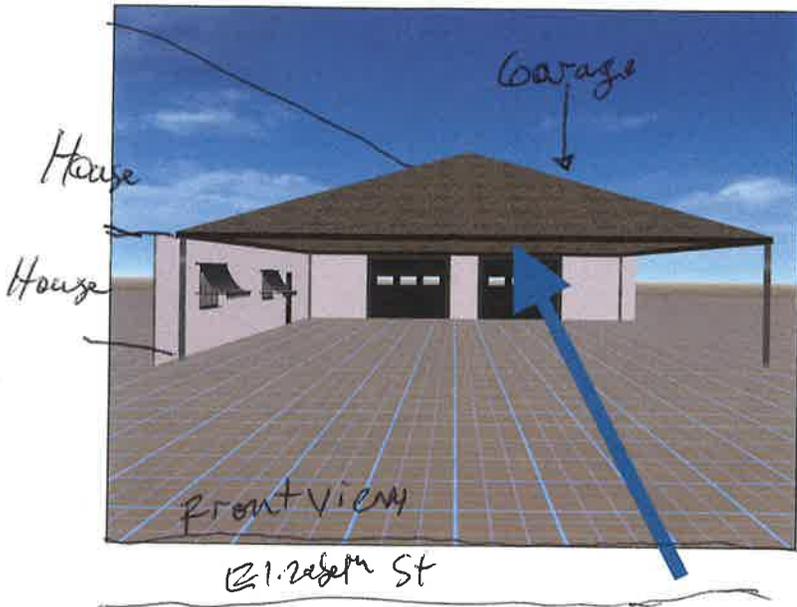
1 inch = 21 feet

The City of Pueblo, Colorado does not guarantee
nor provide any warranty, expressed or implied,
as to the representative completeness or accuracy
of maps and data provided herein.

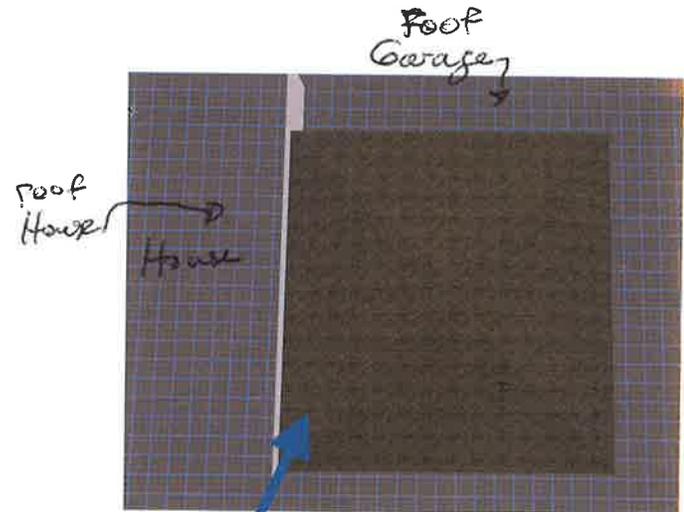
08-2020

①

Proposal for Carport
1720 No Elizabeth St
Pueblo CO 81003



Gutters



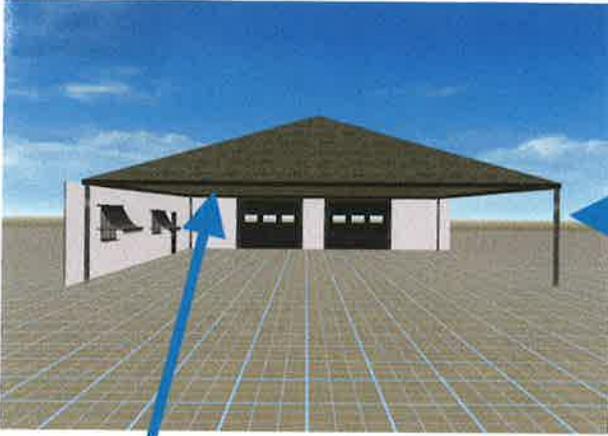
Oakridge Estate Gray Laminate
Architectural Shingles

ZBA-20-32

②

08-2020
Proposal for Carport

1720 No Elizabeth St
Pueblo CO 81003



Post are 6x4 x10

6 x10 x 20 1/2

Or

6 x 10 x 19

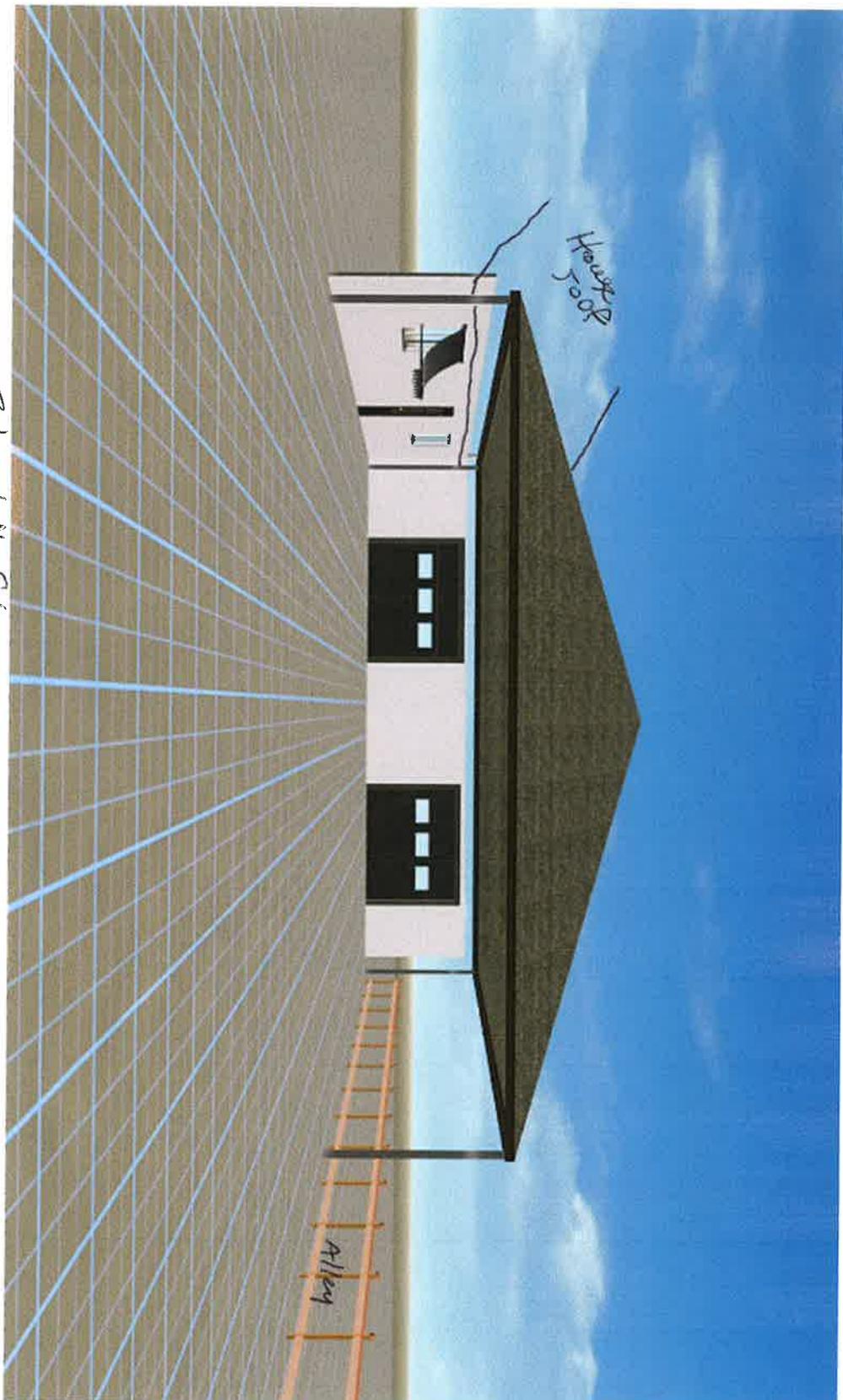
3

08-2020
Proposal for Carpet
1720 N. Elizabeth St
Pueblo CO 81003



④

@8-2020
Proposal for Carport
1720 No. Elizabeth St
Pueblo CO 81003



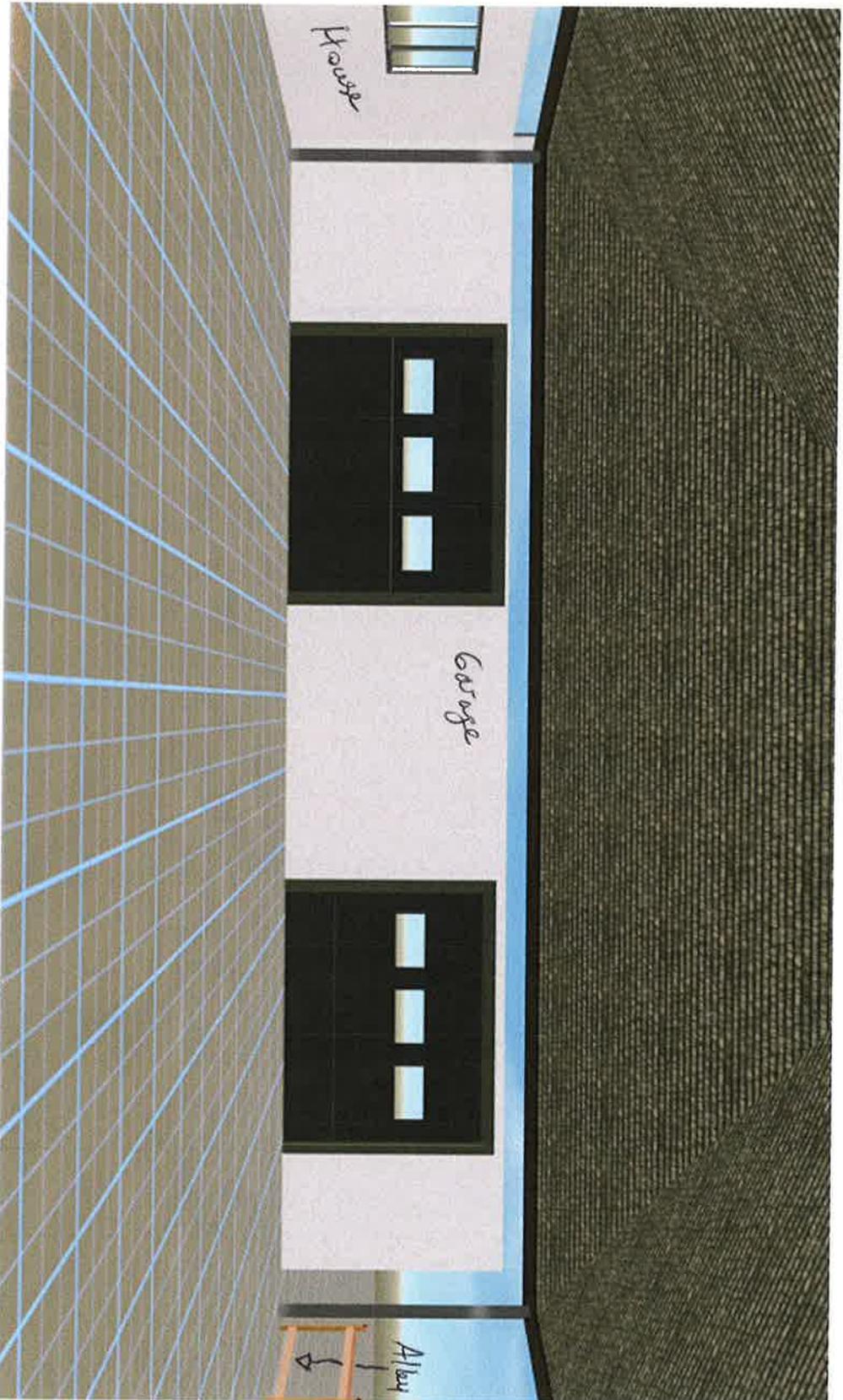
Elizabeth St

Alley

Hwy 508

5

08-2020
Proposal for Carport
1720 No Elizabeth St
Pueblo CO 81003

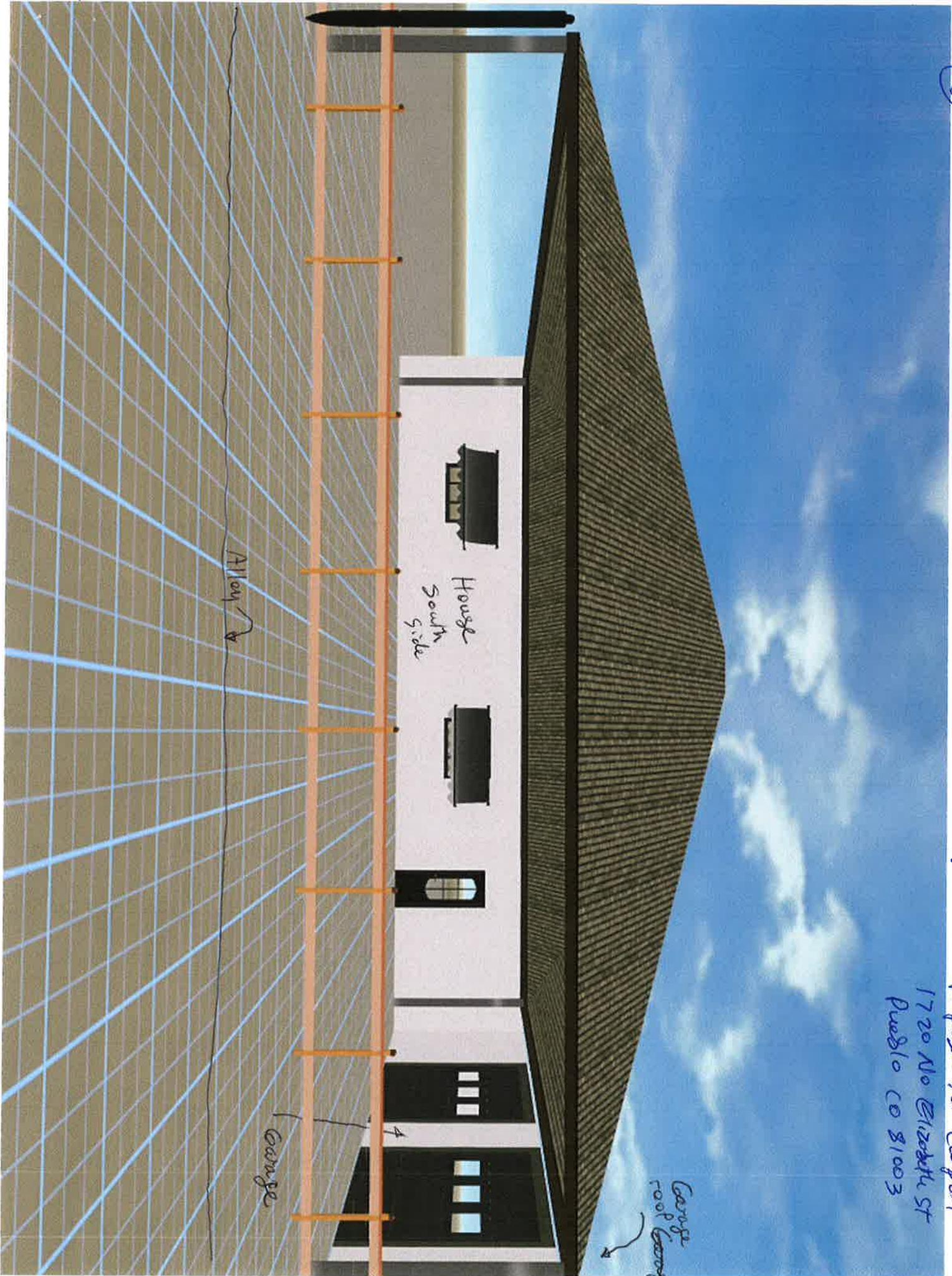


6

08-2020

Proposal for Carport

1720 No Elizabeth St
Pueblo CO 81003



House
South
side

Garage
roof garage

Allway

Garage

Chelsea Stromberg

From: Trudy F Thomas <trudyfthomas@gmail.com>
Sent: Tuesday, August 25, 2020 8:47 AM
To: Planning Submittals
Subject: [External] Fwd: Application ZBA 20-32, Attention : Chelsey

External email. Please use caution.

We are resending with corrected e-mail address

Begin forwarded message:

From: Trudy F Thomas <trudyfthomas@gmail.com>
Date: August 23, 2020 at 7:37:05 PM MDT
To: planningsubmittal@pueblo.us
Cc: withomas@comcast.net
Subject: Application ZBA 20-32, Attention : Chelsey

Please enter this e-mail into the record for Application ZBA 20-32, a variance request by Mr. Alfredo Vargas at his home at 1720 N. Elizabeth St., Pueblo, CO.

Mr. Vargas wants to build a carport over his driveway in the 5' side yard setback of his property. He owns multiple vehicles: five cars plus an RV. He currently has 2 to 3 cars parked on Elizabeth and 18th Streets at any time.

Having served as a past member of the Planning and Zoning Board and the Zoning Board of Appeals for 12 years, I applaud Pueblo's standards. Snow loads, wind conditions and many other specifications will be considered, along with co-ordination with the design of the home and look of the neighborhood. Since Mr. Vargas was caught trying to build this carport without a variance and without a permit, we feel heavy scrutiny is essential. We do not want a repeat of his past history of not following the rules.

We have seen no pictures of what the structure would look like, nor do we know its dimensions and how many of his cars it would hold. What we do see now is a non-conforming garage with no side setback. The granting of the variance would increase the non-conformity of the existing structure.

My wife does not want the non-conformity increased. It establishes a bad precedent for the historic neighborhood. My wife and I are concerned that the carport will not "fit" in the neighborhood. Furthermore, the carport does not resolve Mr. Vargas' parking issues. His garage has no direct access to the alley, only to his driveway- - or thru his proposed carport to his driveway.

Thank you for your consideration.

Sincerely,
WI and Trudy F. Thomas

1701 N Elizabeth St.
Pueblo, CO 81003