

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-22-09

Hearing Date: April 26, 2022

TO:	City of Pueblo Zoning Board of Appeals
FROM:	Danielle Baxter, Planner
THROUGH:	Scott Hobson, Land Use Administrative Official
LOCATION:	2001 West St, Pueblo, CO 81003
APPLICANT:	Erin Ashby
PROPERTY OWNER:	Erin Ashby
YEAR BUILT:	1913
LEGAL DESCRIPTION:	LOTS 17 + 18 STOVERS SUB OF BLK 17 DUNDEE PL + BLK 7 SANTA FE LAND IMPROVEMENT COMPANYS SUBDIVISION
ZONE DISTRICT:	Single Fmaily Residential (R-2 Zone) District
PARCEL ID:	525109008
LOT SIZE:	4,887 sqft
REQUEST:	Variance to reduce the required second front and side yard setbacks in a Single Family Residential (R-2 Zone) District

SYNOPSIS OF REQUEST

The applicant is requesting a variance to reduce the second front yard and side yard setback in a Single Family Residential (R-2) Zone District. The residence is located in the Stover and Santa Fe Land Improvement Company Subdivisions, which is located northwest of Mineral Palace Park. The applicant is requesting a variance to allow a three-foot (3') side yard setback instead of the required five-foot (5') side yard setback and a two foot (2') second front yard setback instead of the required twelve and a half feet (12.5') to install a metal carport on the property. In accordance with 17-4-23(a)(3) of the Pueblo Municipal Code (PMC), the applicant is required to obtain a variance because the accessory structure would be built in the required second front and side yard setbacks.

ANALYSIS OF REQUEST

The subject property is a 4,887 square foot residential lot with a 1,297 square foot single family residence constructed on the property in 1913. The applicant is requesting a variance to install a 400 square foot metal carport on the southwest corner of the property. The lot in question meets all requirements for a metal carport as outlined in Sec 17-4-23(d)(5) except for one requirement, which stipulates the carport must be built outside of any setbacks. The residence is located on the corner of West St and W 20th St., so the property is required to have a front yard setback (25') at West St and a second front yard setback (12.5') along W 20th St. The north and west property lines both require a five-foot side yard setback. The proposed location of the carport is along W 20th St, which is the only possible location because of existing improvements to the property. The carport will be located two-feet (2') off the south property line along W 20th St and three-feet (3') from the west property line.

The residence does not have an existing garage or carport for vehicle storage. There is a garage located directly behind the applicant's property along W 20th St, which is owned by the neighbor to the north, at 2003 West St. The garage is located on a flag shaped parcel that extends south behind the applicant's property and was constructed from lot line to lot line and has a zero-foot (0') setback from the applicant's property. The garage appears to have been constructed prior to 1950.

The property in question also does not have platted rear alley access, which is otherwise common to this subdivision. The residences located on the west side of West St from W 20th St to W 22nd St do not have alley access because they back up to Pueblo Pioneer Cemetery and the future site of the K8 Expeditionary School (formerly Heroes Academy). Most of the surrounding neighborhood was subdivided based on the traditional grid layout, providing alley and street access to most single-family residences.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Single-family Residential (R-2) Zone District	Single-family Residential
East	Single-family Residential (R-2) Zone District	West St; Single-family Residential
South	Single-family Residential (R-2) Zone District	W 20 th St; Single-family Residential
West	Governmental Use (S-1) Zone District	Future K8 Expeditionary School site; Formerly Heroes Academy & Freed Middle School

COMPREHENSIVE PLAN

The comprehensive plan depicts Urban Residential for this parcel. Urban Residential neighborhoods are found predominantly within the city limits of Pueblo and the urbanizing areas in the City’s immediate periphery. They are generally located on a grid roadway network that interconnects a large portion of the urban area. The existing mixture of housing types that range from single family detached housing to duplexes and multi-family housing will be continued with emphasis on maintaining the existing housing stock and in-fill development. Where appropriate, community scale commercial services will be created to provide the necessary day-to-day needs of residents within walking distance. Development in these Urban Neighborhoods is typically at densities of 4 to 7 units per acre and often reflects the traditional urban residential layout used in the early development of Pueblo. As the City of Pueblo expands to the north, south and southwest, a continuation of these Urban Residential Areas should be continued. Interconnected neighborhoods, sanitary sewer and neighborhood parks should be an integral part of the development.

PUBLIC NOTICE

The property was publicly noticed in accordance with Title 17 Section 17-5-33(2) of the City of Pueblo Municipal Code. Specifically, the hearing was published in the Pueblo Chieftain, surrounding property owners within 100 feet of the property were notified by mail, and a sign was placed on the site (See Attachment E). These notices occurred at least 10 days prior to the hearing.

OTHER AGENCIES

Pueblo City/County Health	No comment received
City Transportation	No comment received
Pueblo Regional Building Department	No comment received
Fire Department	No comment received
City Public Works Department	No comment received
City Stormwater Department	No comment received
City Code Enforcement	No comment received
Pueblo Board of Water Works	No comment received
City Wastewater Department	No comment received
City Parks and Recreation Department	No comment received

CONDITIONS REQUIRED FOR VARIANCE

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 proposed location of the carport will be adjacent to the neighbor's existing garage along W 20th St. The applicant states that the installation of the carport will provide a clear line of site for all pedestrian and vehicular traffic.

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: Affirmative finding. This variance will not negatively affect land use planning or the location of streets and highways.

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

Comments: Affirmative finding. The property does not have rear alley access, which is common for only a couple blocks along West St from W 20th St to W 22nd St. These properties without rear alley access back up to Pueblo Pioneer Cemetery and the future site of the K8 Expeditionary School (formerly Heroes Academy). Most of the surrounding neighborhood was subdivided based on the traditional grid layout, providing alley and street access to most single-family residences. Because of the location of the house, there is not adequate width along the southern property line to accommodate off-street parking for two vehicles outside required setbacks.

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 parcel is 50 feet wide along West St., which meets R-2 minimum lot width requirements. The lot is approximately 98 feet in length along W 20th St. Therefore, the lot in question (4,887 square feet) does not meet current R-2 minimum lot size requirements, which is 5,000 square feet. Also, this block does not have a rear alley access, which is not common for all other parcels in this area.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses to approve this Variance staff recommends Standard Permit Conditions 1 through 13.

ATTACHMENTS

- A. Standard Permit Conditions
- B. Location Map
- C. Site Map
- D. Zoning Map
- E. Comprehensive Plan Map
- F. Public Notice Photo
- G. Site Photographs
- H. Application
- I. Supporting documentation

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 04/26/2022	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 04/26/2023
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 <u>PRIOR</u> 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 <u>BUILDING PERMIT</u> 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 <u>SOLELY</u> 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.

Exhibit B. Location Map



Exhibit C. Site Map

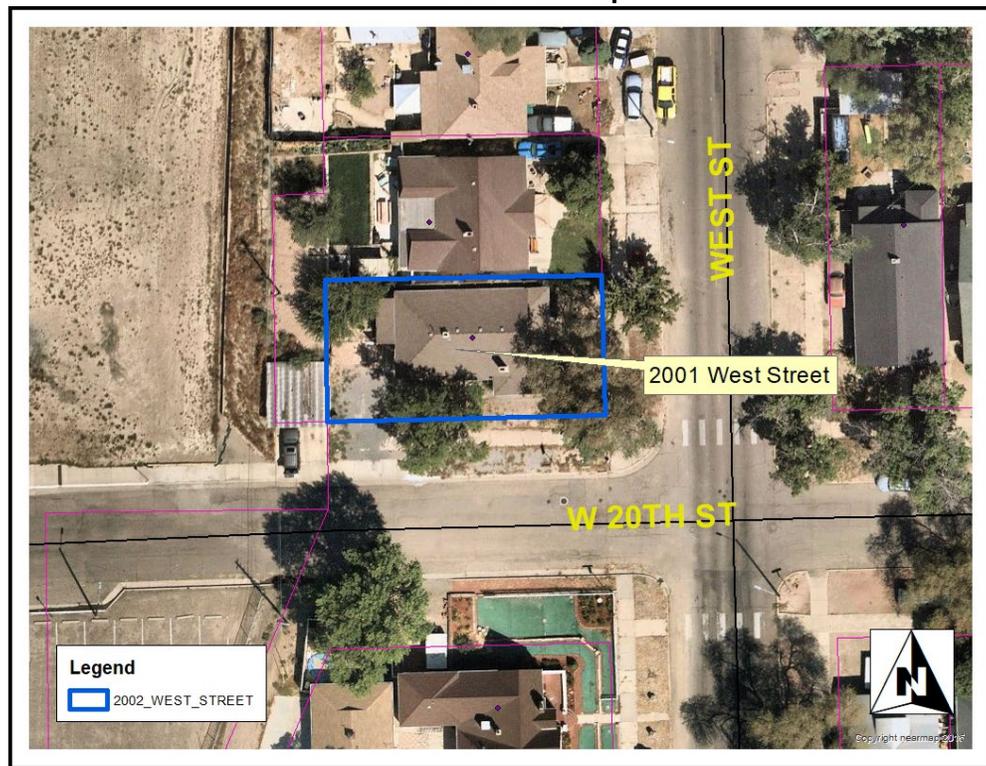


Exhibit D. Zoning Map

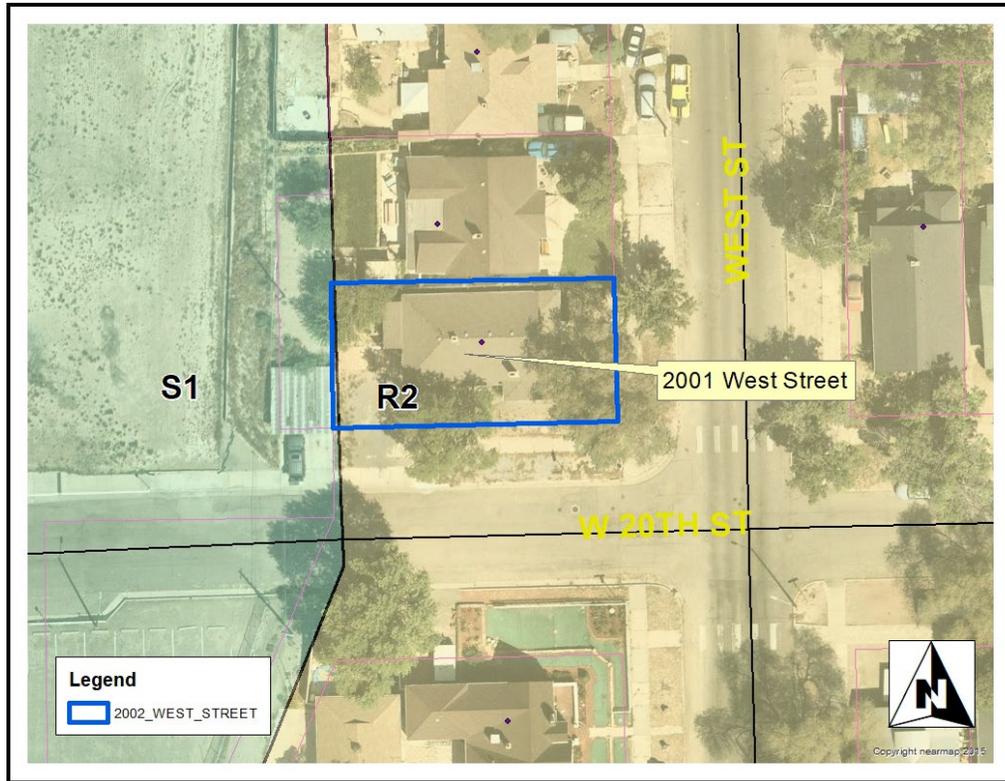


Exhibit E. Comprehensive Plan Map

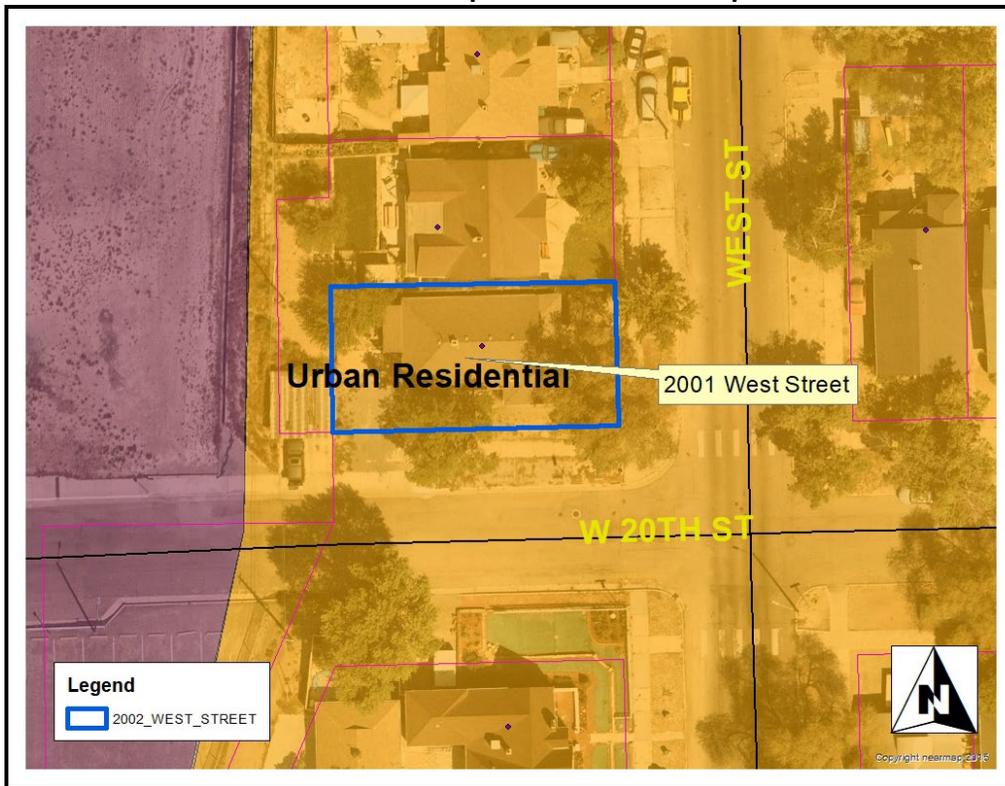


Exhibit F. Public Notice



Taken from W 20th St facing north.

G. Site Pictures



Taken from W 20th facing northwest



Taken from W 20th facing east.



Taken from West facing west.



Taken from West facing west.

Exhibit H. Application

2/28/22, 3:05 PM

OpenGov



City of Pueblo PLACE

02/28/2022

22-26

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Feb 23, 2022

Applicant

Erin Ashby
dr.erin.l.ashby@gmail.com
2001 West St
Pueblo, CO 81003
7193517329

Location

2001 WEST ST
PUEBLO, CO 81003

Owner:

ASHBY ERIN
2001 WEST ST PUEBLO , CO 81003-4064

Internal

ZBA Case Number
ZBA-22-09

Planner Assigned
Planner 1

ZBA

Hearing Date
03/22/2022

Hearing Results

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Board Conditions

--

Appeal Term End Date

--

Permit Completion Date

--

Specially Requested Hearing

Public Notice

Number of Posters
1

Number of Postcards Sent

7

Cost of Newspaper Notice

--

Public Notice Costs

8

Other Fees:

--

Public Notice costs must be paid by:

--

Public notice zoning poster must be displayed BY:

--

Public Notice zoning poster must be displayed UNTIL:

--

Scope of Work

Type of Request
Variance

Variance Type
Setback

Provide a short description of the proposed request:

adjust setback requirements to allow for a carport

What is the general use of the property

Residential

Detailed explanation of the request as listed above.

I would like a variance to the setback requirements to the property lines at the rear and side of my property due to severe limitations as to parking. I would like the setback between my neighbors concrete garage and the metal carport I am proposing to be 3 feet. I would like the set back from property line on 20th street to be 2 feet.

Justification of facts required for the request. Be specific.

A. The proposed location of carport will provide a nuisance to the adjacent property (garage for 2003 West) and it will enhance the value of my property which enhances the value of all properties in the neighborhood. B. There will be no encroachment onto public property such as sidewalks or 20th street.

C. Strict adherence to the title would not allow for any parking cover to be erected at this location.

D. This property suffers a distinct disadvantage as the neighbor's property wraps around it disallowing for a garage or carport to be built behind the property. Many of the properties in the area have access to an alley and parking behind their homes that this home cannot have due to the odd annexation of property behind it.

Please see the attached document for assistance with Justification of Facts:

[ZBA Use by Review Assistance](https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Use_by_Review_HANDOUT_06-2020_Thu_Jul_22_2021_15:43:00_GMT+0000_(Greenwich_Mean_Ti...)
(https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Use_by_Review_HANDOUT_06-2020_Thu_Jul_22_2021_15:43:00_GMT+0000_(Greenwich_Mean_Ti...)

Please see the attached document for assistance with Justification of Facts:

[ZBA Non-Residential Variance Assistance](https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Non-Residential_Variance_HANDOUT_06-2020_Thu_Jul_22_2021_15:42:48_GMT+0000_(Greenwich_Mean_Ti...)
(https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Non-Residential_Variance_HANDOUT_06-2020_Thu_Jul_22_2021_15:42:48_GMT+0000_(Greenwich_Mean_Ti...)

[ZBA Residential Variance Assistance](https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Residential_Variance_HANDOUT_06-2020_Thu_Jul_22_2021_15:42:55_GMT+0000_(Greenwich_Mean_Ti...)
(https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Residential_Variance_HANDOUT_06-2020_Thu_Jul_22_2021_15:42:55_GMT+0000_(Greenwich_Mean_Ti...)

Are there any concurrent zoning requests?

No

Variance Justification of Facts

Describe how the granting of a 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.

A. The proposed location of carport will provide a nuisance to the adjacent property (garage for 2003 West) and it will enhance the value of my property which enhances the value of all properties in the neighborhood. It will enhance the area by encouraging off street parking and limit parking to 2 vehicles. It will not block light or air to any properties with human occupancy.

Describe how the general planning of the City with respect to land use, density of use and the location of streets and highways will not be jeopardized.

B. There will be no encroachment onto public property such as sidewalks or 20th street. It will encourage off street parking reducing road use for parking.

Describe how strict adherence to this Title would not secure appropriate development of the property for which the variance is requested.

C. Strict adherence to the title would not allow for any parking cover to be erected at this location. Parking structures are typically 20 feet in length and 20 feet wide and the current parking space is 26 feet wide by 22 feet deep.

Describe how 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.

D. This property suffers a distinct disadvantage as the neighbor's property wraps around it, disallowing for a garage or carport to be built behind the property. Many of the properties in the area have access to an alley and parking behind their homes that this home cannot have due to the odd annexation of property behind it.

Terms

Is the applicant and property owner the same?

Yes

Applicant/Property Owner Signature

Erin L. Ashby
02/22/2022

Attachments

 updated plot plan .pdf
Uploaded by Erin Ashby on Feb 22, 2022 at 8:23 pm



IMG_3269.jpeg
Uploaded by Erin Ashby on Feb 23, 2022 at 7:05 am



IMG_3270.jpeg
Uploaded by Erin Ashby on Feb 23, 2022 at 7:05 am



IMG_3271.jpeg
Uploaded by Erin Ashby on Feb 23, 2022 at 7:05 am

History

Date	Activity
Feb 22, 2022 at 7:57 pm	Erin Ashby started a draft of Record 22-26
Feb 23, 2022 at 7:05 am	Erin Ashby added attachment IMG_3271.jpeg to Record 22-26
Feb 23, 2022 at 7:06 am	Erin Ashby submitted Record 22-26
Feb 23, 2022 at 7:06 am	approval step Fee Review was assigned to Planning Front Counter on Record 22-26
Feb 23, 2022 at 7:06 am	changed the deadline to Feb 25, 2022 on approval step Fee Review on Record 22-26
Feb 23, 2022 at 8:21 am	Carol Martinez assigned approval step Fee Review to Carol Martinez on Record 22-26
Feb 23, 2022 at 8:22 am	Carol Martinez approved approval step Fee Review on Record 22-26
Feb 23, 2022 at 6:34 pm	completed payment step Application Fee on Record 22-26
Feb 23, 2022 at 6:34 pm	approval step Intake Review was assigned to Planning Front Counter on Record 22-26
Feb 23, 2022 at 6:34 pm	approval step Land Use Tech Review was assigned to Karen Elgin on Record 22-26
Feb 23, 2022 at 6:34 pm	approval step Case Assignment was assigned to Beritt Odom on Record 22-26
Feb 23, 2022 at 6:34 pm	changed the deadline to Feb 25, 2022 on approval step Case Assignment on Record 22-26
Feb 24, 2022 at 8:03 am	Carol Martinez assigned approval step Intake Review to Carol Martinez on Record 22-26
Feb 24, 2022 at 8:03 am	Carol Martinez approved approval step Intake Review on Record 22-26
Feb 24, 2022 at 8:38 am	Beritt Odom approved approval step Case Assignment on Record 22-26
Feb 24, 2022 at 8:38 am	Beritt Odom changed Planner Assigned from "" to "Planner 1" on Record 22-26
Feb 28, 2022 at 12:52 pm	Karen Elgin changed Hearing Date from "" to "03/22/2022" on Record 22-26
Feb 28, 2022 at 12:52 pm	Karen Elgin changed ZBA Case Number from "" to "ZBA-22-09" on Record 22-26
Feb 28, 2022 at 12:54 pm	Karen Elgin changed Number of Posters from "" to "1" on Record 22-26
Feb 28, 2022 at 12:54 pm	Karen Elgin changed Public Notice Costs from "0" to "1" on Record 22-26
Feb 28, 2022 at 3:04 pm	Karen Elgin changed Number of Postcards Sent from "" to "7" on Record 22-26
Feb 28, 2022 at 3:04 pm	Karen Elgin changed Public Notice Costs from "1" to "8" on Record 22-26
Feb 28, 2022 at 3:05 pm	Karen Elgin approved approval step Land Use Tech Review on Record 22-26
Feb 28, 2022 at 3:05 pm	approval step Planning (Zoning) Initial Review of Submittal was assigned to Danielle Baxter on Record 22-26

Timeline

Label	Status	Activated	Completed	Assignee	Due Date
 Fee Review	Complete	Feb 23, 2022 at 7:06 am	Feb 23, 2022 at 8:22 am	Carol Martinez	02/24/2022

Label	Status	Activated	Completed	Assignee	Due Date
 Application Fee	Paid	Feb 23, 2022 at 8:22 am	Feb 23, 2022 at 6:34 pm	-	-
 Intake Review	Complete	Feb 23, 2022 at 6:34 pm	Feb 24, 2022 at 8:03 am	Carol Martinez	-
 Case Assignment	Complete	Feb 23, 2022 at 6:34 pm	Feb 24, 2022 at 8:38 am	Beritt Odom	02/24/2022
 Land Use Tech Review	Complete	Feb 23, 2022 at 6:34 pm	Feb 28, 2022 at 3:05 pm	Karen Elgin	-
 Planning (Zoning) Initial Review of Submittal	Active	Feb 28, 2022 at 3:05 pm	-	Danielle Baxter	-
 Public Notice	Inactive	-	-	-	-
 Public Notice Memo	Inactive	-	-	-	-
 Public Notice Fee	Inactive	-	-	-	-
 Staff Report and Agenda Distribution	Inactive	-	-	-	-
 ZBA Hearing Outcome	Inactive	-	-	-	-
 Review Permit	Inactive	-	-	-	-
 Final Inspection	Inactive	-	-	-	-

Exhibit I. Supporting Documents

