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Georgia Way

ZBA-22-38

Hearing Date: 8/23/2022

TO: City of Pueblo Zoning Board of Appeals
FROM: Theron Verna, Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 619 W 9TH ST, PUEBLO, CO 81003-2202
APPLICANT: Marc Reilly
PROPERTY OWNER: Marc Reilly/Margaret Dohm
YEAR BUILT: 1927
LEGAL DESCRIPTION: LOT 11 BLK 45 COUNTY ADD
ZONE DISTRICT: Multiple-Residential and Office (R-5) Zone District

PARCEL ID: 525436008

LOT SIZE: 1783 sq. ft.

REQUEST: Variance to reduce the side setback from five feet (5') to one foot (1') and the front setback from twenty-five feet (25') to eleven feet (11') in a Multiple-Residential and Office (R-5) Zone District.

SYNOPSIS OF REQUEST

The applicant, Marc Reilly, intends to build a carport adjacent to his residence at 619 W 9th Street to provide adequate covered storage of his vehicles and to provide sheltered entry into the residence. This property is in a Multiple-Residential and Office (R-5) Zone District. The minimum side setback in a R-5 district is 5' and the minimum front setback is 25'. However, the proposed carport will not meet the side setback requirements in an R-5 district. Therefore, the applicant is requesting a variance to reduce the side yard setback from five feet (5') to one foot (1') and the front setback from twenty-five feet (25') to eleven feet (11') in a Multiple-Residential and Office (R-5) Zone District.

ANALYSIS OF REQUEST

This property is in a Multiple-Residential and Office (R-5) Zone District and is surrounded by industrial properties. The lot width is 44', while the minimum lot width in an R-5 Zone District is 50', thus making the lot a legal non-conforming lot. The width of the driveway is 13' 3". There is a low retaining wall that marks the boundary line of the property. The applicant states that the setback of 5' would allow a carport a width of 8'3", too little space for an overhang large enough to park his cars and easily enter and exit the home while remaining out of the elements. He states that there is no other location on the property to erect a safe covering for his cars. There is a fence and an existing shed in the backyard adjacent to the alley that restricts vehicular access to the back of the property by way of the alley. The driveway is the only viable location, and to properly construct an overhang that is utilitarian and designed to fit the existing home's architecture, a minimum of 12' width is required. He is requesting this variance to provide a total of 12'3" width to build the overhang, thus fulfilling his desired width. This property was built in 1927, making the principal structure a legal non-conforming structure because it does not meet the required 25' front yard setback and 5' side yard setback along the western property line. The applicant is proposing to construct the attached carport flush with the house façade, which is setback 11' from the front property line. Therefore, a front and side yard setback variance are required to construct the proposed carport. The applicant states that the design for the carport would allow for the drainage of any stormwater to flow onto his property, therefore not affecting the adjacent industrial property.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Light Industrial (I-2) Zone District	Apartment complex
East	Light Industrial (I-2) Zone District	Precision Hydraulics
South	Light Industrial (I-2) Zone District	Xfinity
West	Light Industrial (I-2) Zone District	G&G Industrial

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 F). These notices occurred at least 10 days prior to the hearing.

OTHER AGENCIES

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

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 properties adjacent to the site are industrial buildings and are not anticipated to experience nuisances stemming from the proposed carport.

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 jeopardize transportation or land use regarding the district in which this property is located.

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

Comments: Affirmative Finding. Due to the legal nonconforming lot and structure, adherence would not secure appropriate development of the property. Due to the fence and existing shed in the backyard, vehicular access from the alley to the back of the property is not feasible.

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 lot is a legal nonconforming lot. The lot width is 44', while the minimum lot width in an R-5 Zone District is 50'. The principal structure is also a legal nonconforming structure. The front setback for an R-5 district is 25', while this principal structure is located at approximately 12' from the property line. The lot is also surrounded by industrial properties.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

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

1. The proposed structure shall be constructed in a manner that will provide for the direction of stormwater on to the site and not directed towards the adjacent property, as stated in the application.
2. The proposed structure shall be constructed to be architecturally compatible with the principal structure, which includes similar material, details, color, and pitch of both the siding and roof material, as stated in the application.

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: 8/24/2022	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 8/24/2023
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

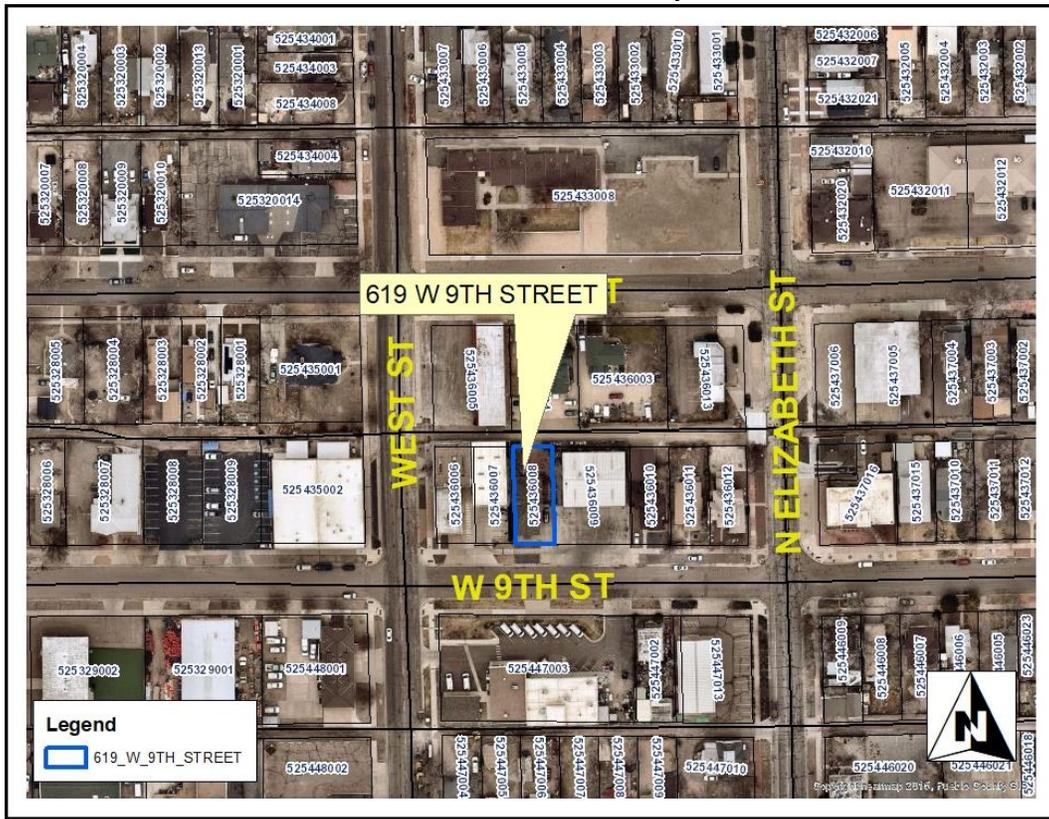


Exhibit C. Site Map



Exhibit D. Zoning Map

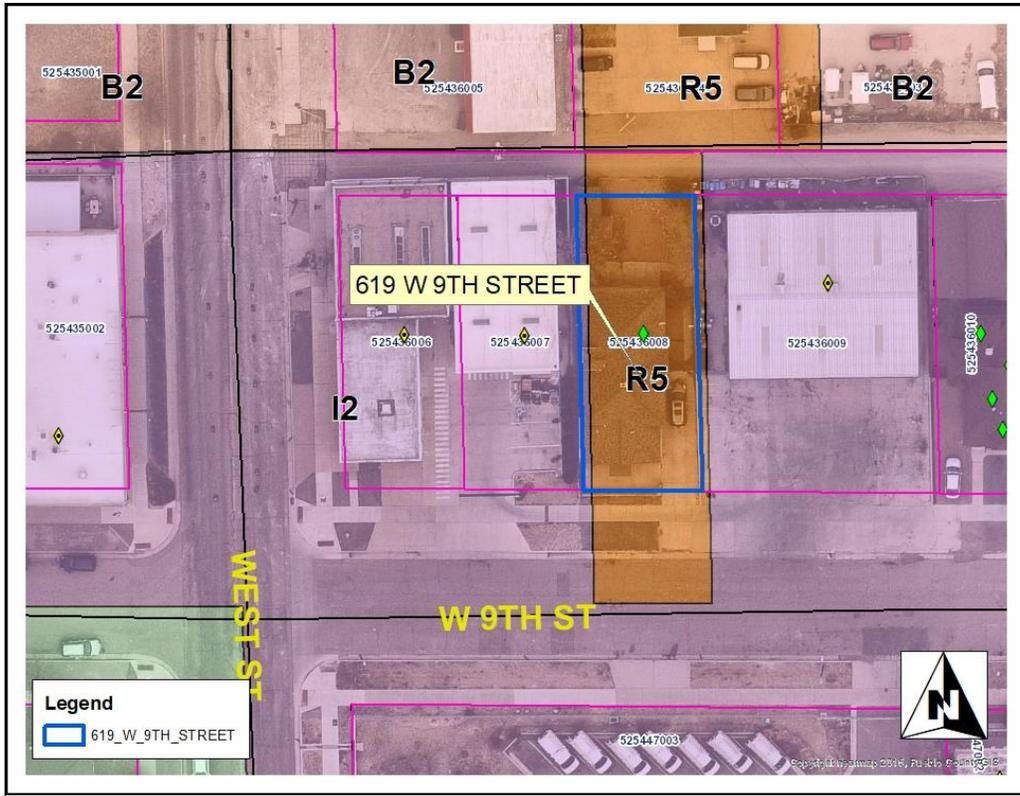


Exhibit E. Comprehensive Plan Map

