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Chair

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Lisa Bailey
Secretary

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Georgia Way

ZBA-22-47

Hearing Date: 11/22/2022

TO: City of Pueblo Zoning Board of Appeals
FROM: Bart Mikitowicz, Senior Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 2423 Kara Ct, Pueblo, CO 81004
APPLICANT: Phillip Herrera
PROPERTY OWNER: Phillip Herrera
YEAR BUILT: 1999
LEGAL DESCRIPTION: LOT 44 REPLAT OF LOT 5 OF THE PLAT OF ORMANDALE
ZONE DISTRICT: Manufactured Home Residential (R-8) Zone District
PARCEL ID: 1511315044
STRUCTURE SIZE: 1,890 sqft

REQUEST: Variance to reduce the side yard setback from five feet (5') to one foot (1') and a Variance to reduce the front yard setback from twenty feet (20') to ten feet (10') in a Manufactured Home Residential (R-8) Zone District.

SYNOPSIS OF REQUEST

2423 Kara Court is a one thousand eight hundred ninety (1,890 sqft) square foot manufactured home constructed in 1999, on a six thousand two hundred and fifty (6,250 sqft) square foot parcel. The home is in the Lakeshore Estates Subdivision, west of Lake Minnequa. The applicant, Mr. Herrera, is requesting to build a two hundred (200 sqft) square foot car port in the southwest portion of the parcel. However, plans for the proposed structure show that encroaches four (4') feet into the side-yard setback and ten (10') feet into the front-yard setback. Therefore, a Variance is required before they may obtain a building permit. In accordance with with section 17-5-34 "The Zoning Board of Appeals shall have power to authorize upon appeal in specific cases such variance from the terms of this Title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Title would result in unnecessary hardship."

ANALYSIS

The plans indicate a ten foot by twenty-foot carport located in the southwest section of the property. The applicant indicates this is the only area on the property that will accommodate the structure. Plans show placement of the carport adjacent to the west elevation of the home abutting an existing patio to the north. The carport would encroach four feet into the five-foot side-yard side setback and ten feet into the twenty-foot front yard setback. The new structure may diminish light to some sections of the neighbor's front yard, and gutters will need to be installed to prevent stormwater runoff from entering the neighbor's property.

The applicant is requesting a 10-foot front yard and four-foot side yard setback variance to accommodate the proposed 10 by 20-foot carport, to prevent having to modify the existing porch and irrigation system. This residential home was placed in 1999 and is located on standard 50-foot-wide lot. The home is approximately 30-foot wide leaving 20-feet for side-yard setbacks and accessory parking structures. The setback along the eastern property line is approximately seven feet, leaving a 13-foot setback along the western portion of the lot. The

applicant intends to construct the carport four feet from the home, leaving the four-foot sidewalk uncovered and placing the carport one foot from the western property line and 10-feet from the front property line.

Section 17-4-23 (d)(4) d., of the Pueblo Municipal Code, states that “No part of the structure may be placed in front of the building setback established by the location of the principal structure.” If approved, a variance to allow the carport in the front-yard setback may establish a precedent, for accessory structures being constructed in the front yard setback. However, a standard one car, carport, is approximately 12 by 20-feet; because of the site constraints, the applicant is proposing to construct a smaller than standard carport.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Mixed Residential (R-4) Zone District	Apartments
East	Manufactured Home Residential (R-8) Zone District	Manufactured Homes
South	Manufactured Home Residential (R-8) Zone District	Manufactured Homes
West	Manufactured Home Residential (R-8) Zone District	Manufactured Homes

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
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: Neutral Finding. Granting of the variance may reduce light and air in the form of new shaded areas on the adjacent property to the west. However, this is not anticipated to reduce the monetary values of said property and it has been conditioned that gutters will need to redirect water back onto the subject property.

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. This Variance will not wholly have negative affect on general planning of the city however would set a precedent, in terms of allowing a substantial encroachment into the front yard setback.

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

Comments: Negative finding. Strict adherence to the code would prohibit the carport from being built, however with the side yard variance it would be able to be constructed behind the front yard set-back or at a shallower depth still allowing for only one car to be stored.

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: Negative finding. This residential home was built 1999 and is on standard lot that could have included vehicle storage in its original placement. The requested variance is a discretionary choice of the owner whereas the size of the requested structure significantly encroaches into the front yard setback.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

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

1. The new accessory structure must be architecturally similar to the existing structures.
2. The structure must include gutters and downspouts along the west elevations in which all stormwater and debris is directed onto the subject property and no structural encroachment occurs.

ATTACHMENTS

- A. Standard Permit Conditions
- B. Site Map
- C. Aerial 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: ZBA-22-47	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 11/22/2023
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 D. Zoning Map

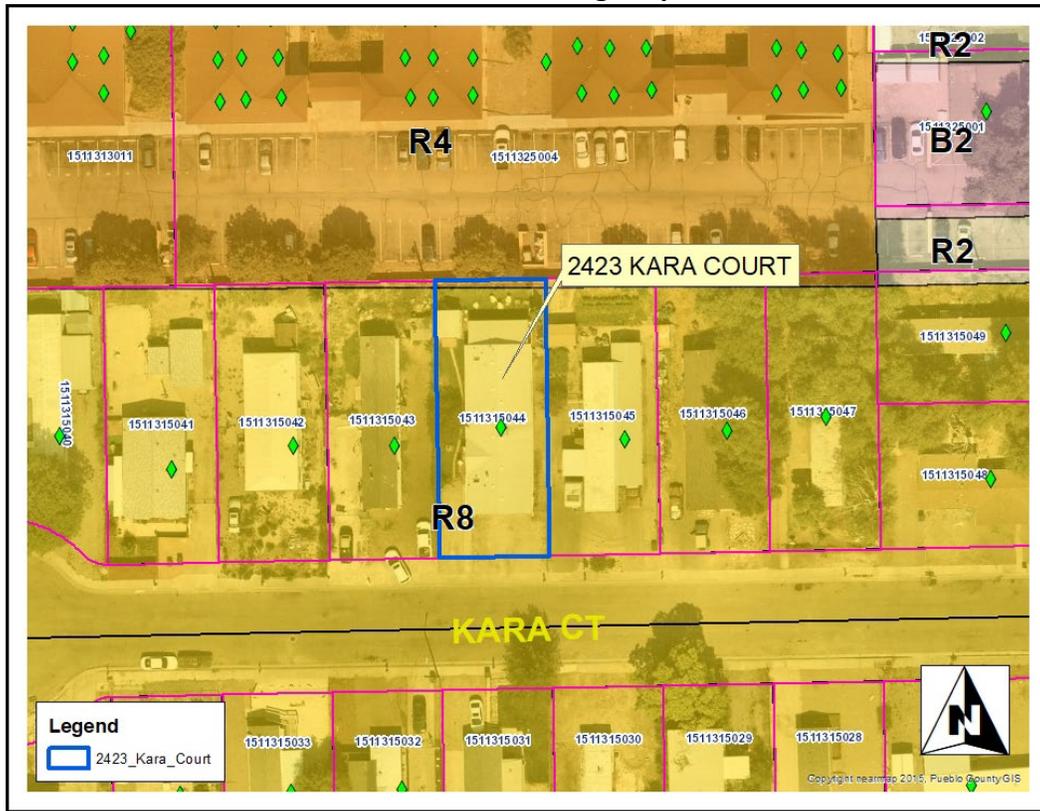


Exhibit E. Comprehensive Plan Map

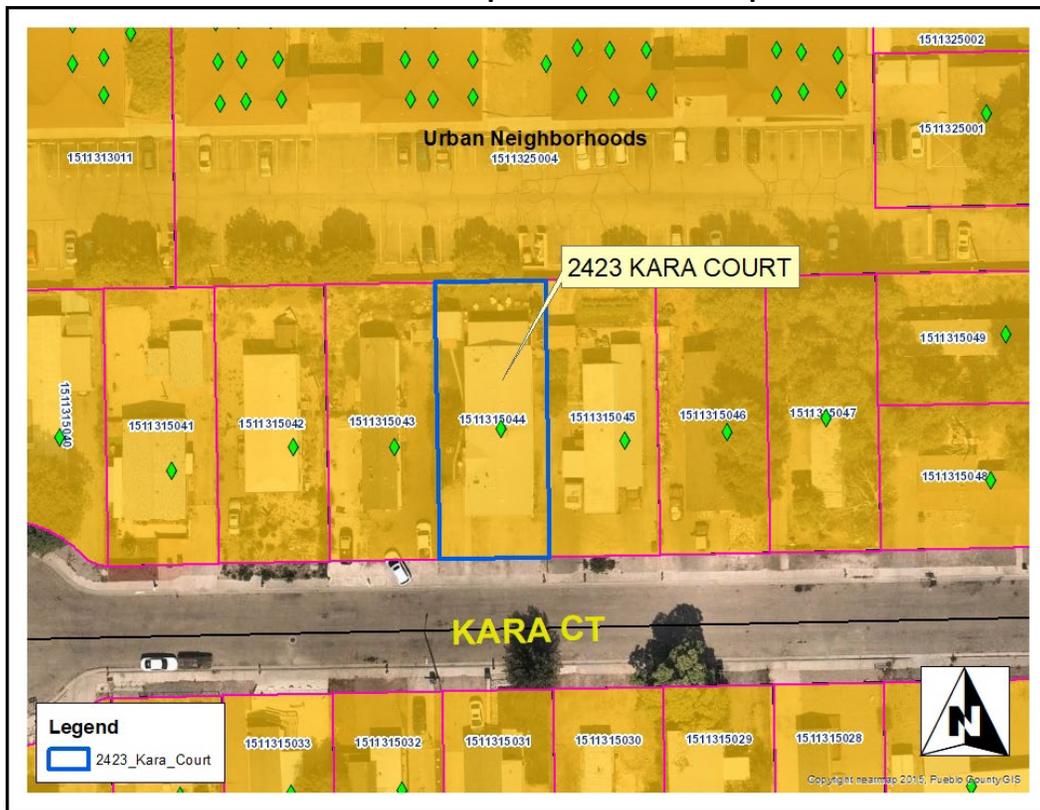


Exhibit F. Public Notice

Exhibit G. Site Photos



10/26/2022

22-172

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Oct 26, 2022

Applicant

Phillip Herrera
nph0403@gmail.com
2423 Kara Ct
Pueblo, co 81004
7195600522

Primary Location

2423 KARA CT
PUEBLO, CO 81004

Owner:

HERRERA PHILLIP L/HERRERA NANCY P
2423 KARA CT PUEBLO , CO 81004-3689

Internal

ZBA Case Number
ZBA-22-47

Planner Assigned
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ZBA

Hearing Date
11/22/2022

Hearing Results

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Board Conditions

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Appeal Term End Date

--

Permit Completion Date

--

Specially Requested Hearing

Public Notice

Number of Posters

--

Number of Postcards Sent

--

Cost of Newspaper Notice

--

Public Notice Costs

0

Other Fees:

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Public Notice costs must be paid by:

--

Public notice zoning poster must be displayed BY:

--

Public Notice zoning poster must be displayed UNTIL:

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Is a 1-year inspection required?

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Exhibit I. Supporting Documents

