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Vice Chair



Lisa Bailey
Secretary

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Georgia Way

ZBA-23-28

Hearing Date: 7/25/2023

TO: City of Pueblo Zoning Board of Appeals
FROM: Mikaylin Hackley, Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 1605 Mesa Pl
APPLICANT: Tom Ledesma
PROPERTY OWNER: Tom Ledesma
YEAR BUILT: 1926
LEGAL DESCRIPTION: LOTS 5-6-7-8 BLK 5 MESA SUB
ZONE DISTRICT: One and Two Family Residential (R-3) Zone District
PARCEL ID: 1502112003
LOT SIZE: 13,260

REQUEST:	A Variance to allow a second accessory structure over two hundred (200) square feet in a One and Two Family Residential (R-3) Zone District
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DESCRIPTION OF REQUEST

The applicant is requesting a variance to allow a second detached accessory structure on their lot that exceeds two hundred (200) square feet. The applicant currently has an approximately two hundred and forty-two (242) square foot detached garage on the property and is proposing an additional detached carport at four hundred (400) square feet. Chapter 17-4-23 (c) (2) of the municipal code dictates that only one detached accessory structure over two hundred (200) square feet shall be allowed per principal structure on a lot. The new garage would be constructed in the owner's large side yard. The applicant wishes to build this carport structure to provide more covered off-street parking spaces for the property.

ANALYSIS

The principal structure on the property in question was built in 1926 and was not designed with any attached parking, and the existing one-car detached garage was not designed to accommodate larger vehicles. The proposed structure would not encroach into any required setbacks, nor would it exceed the lot coverage maximum or maximum gross area of accessory structures allowed relative to principal structure area.

The applicant originally applied to construct a metal carport but submitted new plans for a stick-built structure after being informed that metal would not be permitted. This accommodation and the updated plans assure staff that architectural compatibility standards will be met. Taking this into consideration along with the applicant's hardship, staff recommends approval of this project.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	One and Two Family Residential (R-3) Zone District	Single-Family Homes
East	One and Two Family Residential (R-3) Zone District	Single-Family Homes
South	One and Two Family Residential (R-3) Zone District	Single-Family Homes
West	One and Two Family Residential (R-3) Zone District	Single-Family 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: Affirmative finding. The location of the proposed carport is unlikely to affect neighboring properties or reduce property values.

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. The new structure would not impede current land use plans, public streets, or rights-of-way.

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

Comments: Affirmative finding. The existing one-car garage on the property is small considering the size of the lot, and the property would benefit from additional covered parking.

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 existing detached structure over 200 square feet is very small relative to the size of the lot, so the limitation of only one structure of this size seems unnecessary.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

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

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: 7/25/2023	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 7/25/2024
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. Site Map

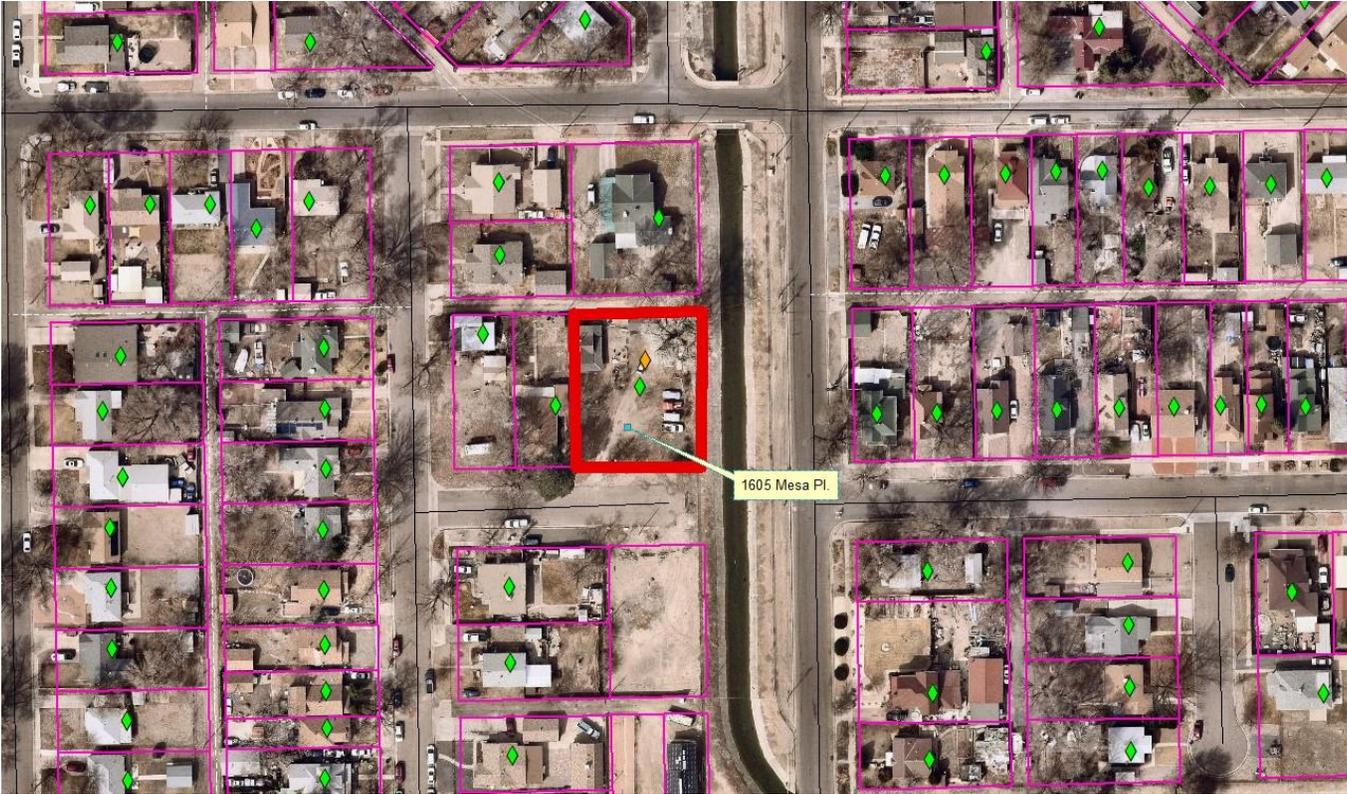


Exhibit C. Aerial Map



Exhibit D. Zoning Map



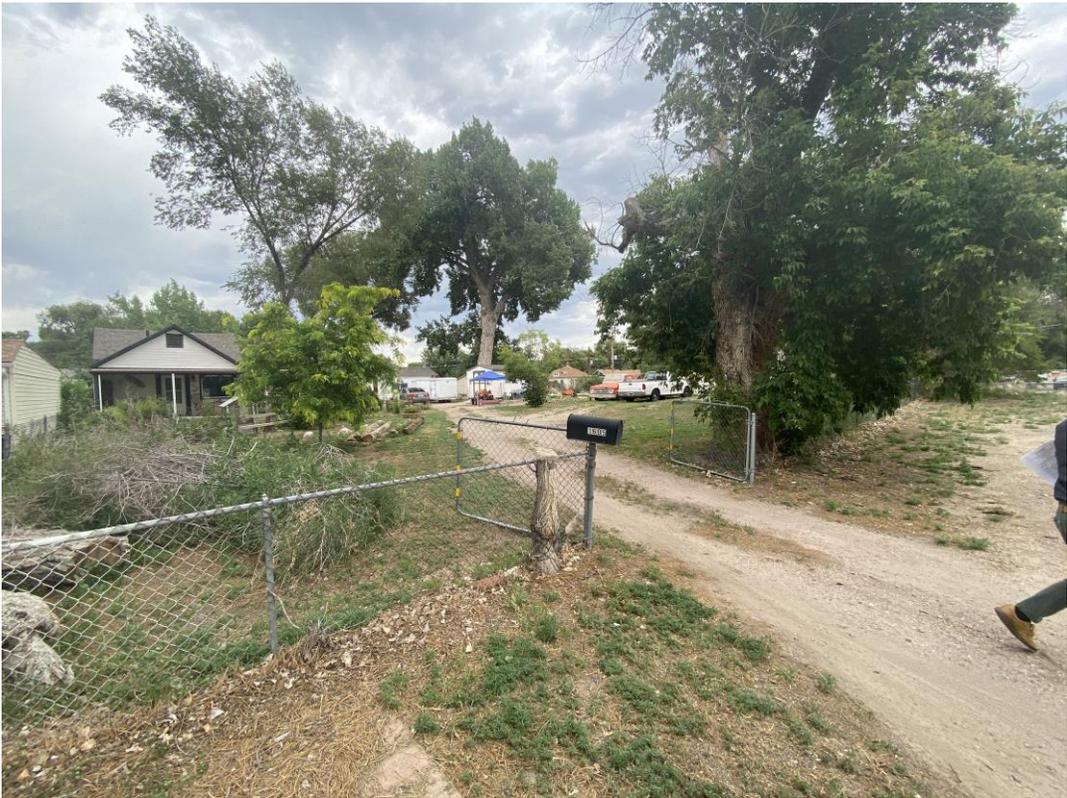
Exhibit E. Comprehensive Plan Map



Exhibit F. Public Notice



Exhibit G. Site Photos



H. Application

 City of Pueblo PLACE

6/28/2023

23-119
Zoning Board of Appeals -
Special Use Permit &
Variances
Status: Active
Submitted On: 6/27/2023

Primary Location
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Owner

Applicant



Tom
Ledesma



719-717-
2797

thomaskelly586@yahoo.com



1605
mesa pl.
Pueblo, Colorado 81004

Internal

 ZBA Case Number	 Planner Assigned
ZBA-23-28	-

 Address Validation by GIS?

ZBA

 Hearing Date	 Hearing Results
07/25/2023	-

Exhibit I. Supporting Documents

