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Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-23-49

Hearing Date: 1/23/2024

TO: City of Pueblo Zoning Board of Appeals
FROM: Mikaylin Hackley
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 2110 E 8th St, Pueblo, CO 81001
APPLICANT: Linda Espinosa
PROPERTY OWNER: Teresa Tapia
YEAR BUILT: 1950
LEGAL DESCRIPTION: LOTS 11 + 12 BLK 217 ARLINGTON HEIGHTS
ZONE DISTRICT: Single-Family Residential (R-2) District
PARCEL ID: 429434007
LOT SIZE: 5970

REQUEST:	A variance to reduce the side yard setback from five (5) feet to zero (0) feet in an R-2 Single-Family Residential District
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DESCRIPTION OF REQUEST

The applicant is requesting a variance to reduce the minimum side-yard setbacks in an R-2 residential district from five (5) feet to zero (0) feet for an existing covered carport in the front yard and from five (5) feet to three and a half (3.5) feet for an existing storage shed in the back yard. Aerial map images show that the shed was built in late 2021 and the carport was built sometime between March and September of 2022.

This setback issue was brought to the attention of the planning office after a Code Enforcement notice of violation was issued on November 27, 2023. A stay of enforcement was issued on December 12th until this variance application could be heard. Should this variance be granted, the applicant will need to follow up by submitting site plans through Pueblo Regional Building Department and go through the permitting process to bring the structures into compliance.

ANALYSIS

According to 17-4-23 (c) (5) of the municipal code, accessory structures over 200 square feet require a building permit and must be reviewed by the Planning department for architectural compatibility with the principal structure. Architectural compatibility is defined as using similar siding materials and color as well as similar roofing materials, color, and pitch, which the structures appear to meet.

The applicant reported that the carport is 20' by 17', or 340 square feet, and the shed is 14' by 12', or 168 square feet. The 168 square foot shed measurement was affirmed using digital measurement of the most recent aerial photo the city has of the property taken on August 4th of 2023, but current photos from the site (see Exhibit F) show that an addition has been built since then, so the gross area of the shed should be recalculated by the applicant to include the addition.

Provided the structures are properly permitted, staff has no concerns regarding the 3.5-foot setback variance for the shed in the backyard. The carport abutting the property line, however, slopes towards the neighboring property and may be draining stormwater across property lines. City Stormwater (see comment below) does not

perform a formal review of accessory structures under 1000 square feet, but cross-lot drainage is prohibited for construction of any size. In order to maintain the 0’ setback on the carport, staff recommends the condition that gutters be installed to appropriately direct stormwater away from the neighboring lot.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Single-Family Residential (R-2) District	Single-Family Homes
East	Single-Family Residential (R-2) District	Single-Family Homes
South	Single-Family Residential (R-2) District	Single-Family Homes
West	Single-Family Residential (R-2) 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, via Stormwater Coordinator John Sakariason	“We typically do not comment on anything that disturbs less than 1000 square feet. This is per our Drainage Criteria Manual. On any new construction, we do not allow any cross-lot drainage, the owner needs to direct the stormwater to the street or the alley. If they are having trouble with runoff from the new structure, we would recommend gutters that direct the water to the street or alley depending on the slope of the lot.”
City Code Enforcement	Notice of violation issued 11-27-23. Stay of Enforcement issued until variance hearing
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. The slope of the carport has the potential to drain stormwater onto the adjacent property, however, there have been no complaints of nuisance in the 16-22 months that the structure has been in place. Nonetheless this issue is addressed in staff conditions.

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. Neither the carport or shed would hinder the residential land use of the area or impact streets.

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

Comments: Neutral finding. The principal structure does not include any parking structures, so a carport is appropriate to provide highly desirable covered parking; however, there is ample room in the rear yard abutting the alley for a covered parking structure.

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: Neutral finding. The lack of covered parking does make allowance of a carport appropriate, but the lot is a standard size for an R-2 district, so maintaining side yard setbacks would not prohibit the existence of the carport.

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:

1. A gutter must be installed along the western side of the carport to ensure that all stormwater and debris remain on Lot 11, Block 217 Arlington Heights Subdivision.
2. The carport must be modified so that the gutter installation and any future maintenance of the carport does not encroach onto the adjacent western property.

ATTACHMENTS

- A. Standard Permit Conditions
- B. Aerial Map
- C. Zoning Map
- D. Comprehensive Plan Map
- E. Public Notice Photo
- F. Site Photos
- G. Application
- H. Supporting Documents

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 1/23/2024	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 1/23/2025
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. Aerial Map



Exhibit C. Zoning Map



Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice



Exhibit F. Site Photos







Exhibit G. Application



City of Pueblo PLACE

12/12/2023

23-241

Zoning Board of Appeals -
Special Use Permit &
Variances

Status: Active

Submitted On: 12/11/2023

Primary Location

2110 E 8TH ST
PUEBLO, CO 81001

Owner

TAPIA TERESA B
2110 E 8TH ST PUEBLO , CO
81001-3642

Applicant

linda espinosa
 575-496-1164
80lindaespinosa@gmail.com
 2110 e 8th
Pueblo, CO 81001

Internal

ZBA Case Number

ZBA-23-49

Planner Assigned

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Address Validation by GIS?

ZBA

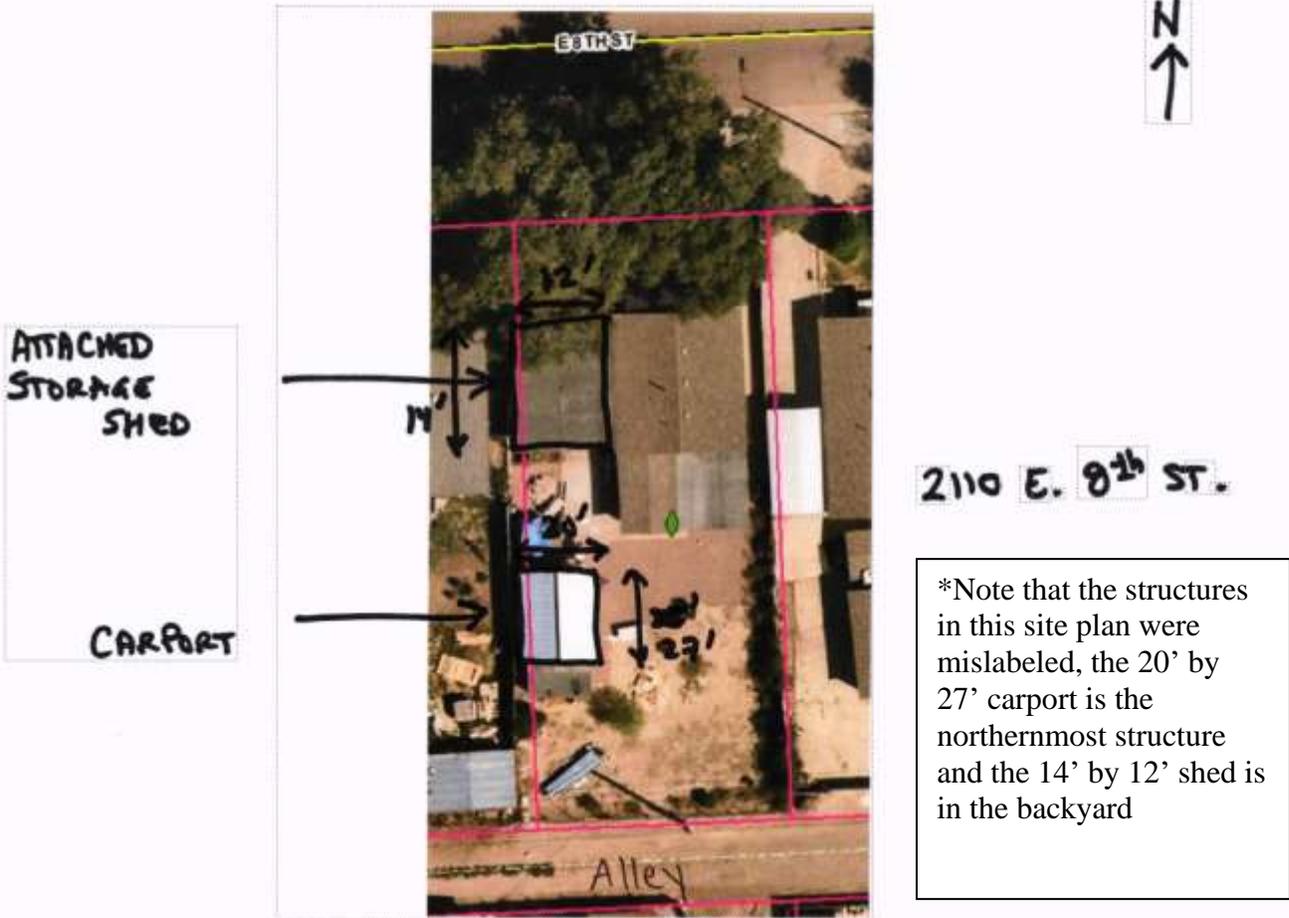
Hearing Date

01/23/2024

Hearing Results

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H. Supporting Documents





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

Property Owner Affidavit

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

Property Owner:			
Name: TERESA TAPIA		Company:	
Address: 2110 E 8th ST			
City: pueblo		State: Colorado	Zip: 81001
Phone: 719 994 3580	Email:		
Applicant:			
Name:		Company:	
Phone:	Email:		
Property Address:			

I, TERESA TAPIA, hereby state that I am the owner of record of the property located at 2110 E. 8th ST., Pueblo, CO., Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application for a VARIANCE at said location.
(application type)

Teresa Tapia 12-11-23
 Signature of Property Owner Date