

Mike Castellucci  
Chair

Steve Anselmo  
Vice Chair



Lisa Bailey  
Secretary

Yvonne Lujan-Slak

Georgia Way

# ZBA-24-28

Hearing Date: 5/29/2024

**TO:** City of Pueblo Zoning Board of Appeals  
**FROM:** Mikaylin Hackley  
**THROUGH:** Scott Hobson, Land Use Administrative Official  
**LOCATION:** 815 E Ash St., Pueblo, CO 81001  
**APPLICANT:** Jimmy LeDoux  
**PROPERTY OWNER:** Jimmy LeDoux  
**YEAR BUILT:** 1909  
**LEGAL DESCRIPTION:** LOTS 22 + 23 BLK 20 MATTICES ADD  
**ZONE DISTRICT:** Single-Family Residential (R-2) Zone District  
**PARCEL ID:** 431144011  
**LOT SIZE:** 6100

**REQUEST:** Variance to reduce a side-yard setback from five (5) feet to four and a half (4.5) feet and to allow a second accessory structure over two hundred (200) square feet in a Single-Family Residential (R-2) Zone District

## BACKGROUND AND REQUEST

The applicant is requesting a variance to allow for a second accessory structure over 200 square feet that is 4' 6" from the eastern property line. The applicant received a citation from Code Enforcement on April 19<sup>th</sup>, 2024, that referenced the construction of a new enclosed 20' by 22' carport in the backyard. Aerial imagery verifies that the carport was built between August 4<sup>th</sup>, 2023, and February 20<sup>th</sup>, 2024. This variance is being requested to allow the structure to remain as-is, with a 6" encroachment into the eastern side yard setback. Also, a variance is needed to allow for the additional detached structure larger than 200 square feet, as there is already an existing 18' by 20' carport in the backyard.

## ANALYSIS

Staff has no concerns with the setback reduction for the new carport. The applicant intends to stucco the side of the structure when completed and paint it the same color as the home, so it will be architecturally compatible with the principal structure as required by code. A building permit application was submitted in tandem with the variance application, and the other necessary city reviewing departments have already approved the structure.

The other consideration is the allowance of a second accessory structure larger than 200 square feet. Aerial imagery and the photos in Exhibit F show all of the current structures on the property. The structure furthest north consists of an existing shed as well as an improvised additional covered parking space extended from the shed's roof line and walled with extra fencing materials. The property owner intends to demolish the additional covered parking area that extends east from the shed. Without this addition, the shed would be under 200 square feet and architecturally compatible with the home, thus in compliance. Therefore, staff has conditioned that the addition to the northern shed be removed prior to approving the building permit for the subject carport.

The applicant recently acquired the parcel to the west of 815 E. Ash to increase his yard space. The property owner inquired about combining the existing parcel and the newly acquired parcel to the west into one parcel, this action has yet to be completed. Sec. 17-4-23 (c) (1) of the PMC states that no detached structure or

combination of structures shall exceed 15% of lot area or 100% of the principal structure, whichever is smaller. Based on this calculation, if accounting only for the main lot with the home and accessory structures on it, the combined floor area of all detached structures cannot exceed 915 square feet, which the existing structures have already exceeded. However, if the area is calculated including the newly acquired lot as well, the structures would no longer be out of compliance with this requirement. Thus, staff has conditioned that the applicant must combine their two parcels of ownership into one legal lot of record.

**ZONE DISTRICT AND LAND USE**

Zone:		Developed with:
North	Mixed Residential (R-4) Zone District	Single-Family homes
East	Single-Family Residential (R-2) Zone District	Single-Family homes
South	Government Use (S-1) Zone District	Plaza Verde Park
West	Single-Family Residential (R-2) 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 encroachment in the side yard setback is minimal and the carport was constructed in line with the principal structure. There is also a tall privacy fence around the entirety of the 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: Affirmative finding. The applicant intends to access the carport from a gate on their private driveway that extends into the backyard, so no traffic flow or sight lines would be impacted.**

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

**Comments: Neutral finding. There is existing covered parking on the property, however, the existing carport is only approximately 17-feet by 20-feet, which is challenging to house more than one large modern vehicle.**

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 subject property suffers no unique hardship, but moving the structure would pose a burden on the applicant.**

#### **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. The applicant shall combine parcel 431144011 (815 E. Ash) with parcel 431144010 into one parcel.
2. The extended roof and extended fenced walls attached to the northern most shed should be removed, reducing that structure's area from 380 square feet to 160 square feet.
3. All accessory structures on the property, including the newly built carport, shall be made architecturally compatible with the principal structure.

#### **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**

<b>Standard Permit Conditions</b> Date of Issuance of Permit: <b>5/29/2024</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>5/29/2025</b>
2.	<b>Required Revisions</b> 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.	<b>Changes</b> 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.	<b>Property Inspection</b> 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.	<b>Certificate of Occupancy</b> 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.	<b>Completion and Maintenance of Improvements and Landscaping</b> 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.	<b>Building Permit; Other Permits</b> Permit holder is solely responsible for obtaining <u>BUILDING PERMIT</u> and all other applicable local, state and federal permits.
8.	<b>Off-Site Drainage</b> 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.	<b>Appeals</b> 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.	<b>Errors</b> 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.	<b>Transfer of Ownership</b> 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.	<b>Violations/Penalties</b> 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.	<b>Incorporation and Reference of All Plans Presented to the Zoning Board of Appeals.</b> 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

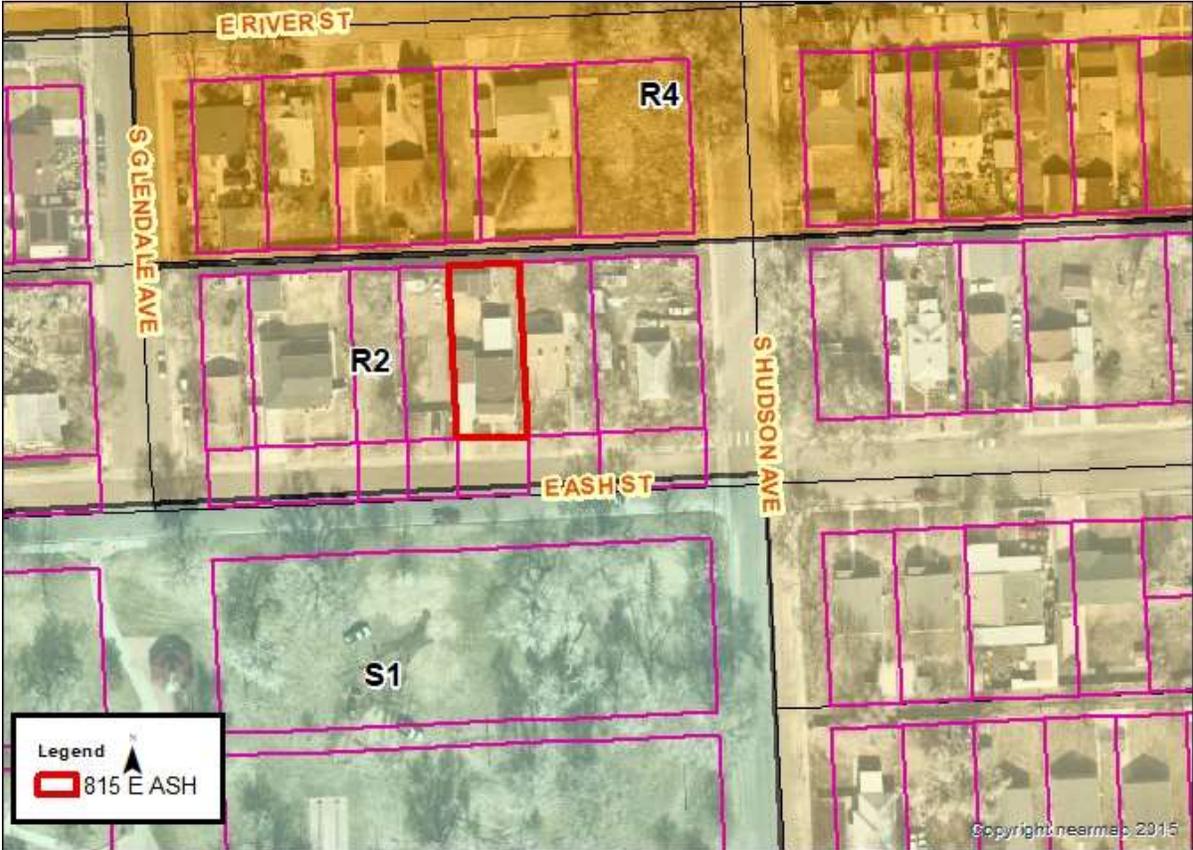


Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice

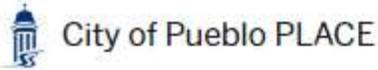


Exhibit F. Site Photos





Exhibit G. Application



5/21/2024

24-81  
Zoning Board of Appeals -  
Special Use Permit &  
Variances  
Status: Active  
Submitted On: 4/19/2024

Primary Location  
815 E ASH ST  
PUEBLO, CO 81001  
Owner  
LEDOUX JIMMY MOSIER  
KAREN ,  
815 E ASH ST PUEBLO , CO  
81001-4303

Applicant  
Jimmy LeDoux  
719-504-2888  
jimmyledoux553@gmail.com  
815 east ash  
Pueblo, CO 81001

Internal

Hide

ZBA Case Number

Planner Assigned

ZBA-24-28

Planner 5

H. Supporting Documents

