

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-24-33

Hearing Date: 6/25/2024

TO: City of Pueblo Zoning Board of Appeals
FROM: Mikaylin Hackley
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 60 Briarwood Cir.
APPLICANT: Carlos Armenta
PROPERTY OWNER: Carlos Armenta
YEAR BUILT: 1974
LEGAL DESCRIPTION: LOT 17 BLK 2 REGENCY PARK 1ST
ZONE DISTRICT: Single-Family Residential (R-2) Zone District
PARCEL ID: 1504412017
LOT SIZE: 6965

REQUEST:	Variance to reduce both side yard setbacks in a Single-Family Residential (R-2) Zone District
-----------------	---

BACKGROUND AND REQUEST

The applicant is requesting two setback variances of 5' to 0' on both sides of their property to allow for a 10' by 20' carport on the west side and two small sheds on the east side. Both accessory structures are fenced off from the street. Aerial imagery shows that the carport was constructed between March and August of 2023, and the two sheds on the east side of the home were placed between September of 2021 and September of 2022. No building permits would have been required for two sheds, as neither are larger than 200 square feet in area. The carport, however, was large enough to necessitate a building permit. The applicant did submit an application for an accessory structure on October 4th, 2023, but it was not completed as neither city Planning nor Public Works departments signed off on the permit. Should this variance be approved, staff will revisit the original application and the applicant will be responsible for completing the building permit through Pueblo Regional Building Department.

ANALYSIS

The carport has gutters installed, and the applicant attests that all stormwater flows southward and does not cross into the neighboring lot. Staff does not find that the applicant faces any unique or hardship or that the variance is necessary for development of the property.

ZONE DISTRICT AND LAND USE

Zone:		Developed with:
North	Single-Family Residential (R-2) Zone District	Single-family homes
East	Single-Family Residential (R-2) Zone District	Single-family homes
South	Single-Family Residential (R-2) Zone District	Single-family homes
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.

REVIEWING DEPARTMENTS

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: Negative finding. The carport is built at a 0’ setback, and overhang of the roof and the installed gutters appears to be encroaching into the neighboring 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 carport is accessed through a gate on the owner’s private driveway, so the right-of-way should not be affected.

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

Comments: Neutral finding. The home has an attached 22’ by 20’ foot garage that can accommodate two vehicles.

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 property faces no unique hardship relative to similar properties in the area.

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 recommended conditions:

1. The applicant must provide an improvement location certificate (ILC) showing the exact location of the structural improvements in relationship to the property line. The ILC will be reviewed with the building permit application.
2. If the ILC determines the accessory structures encroaches upon the neighboring property, the applicant must obtain an encroachment easement for the encroachment. The easement must provide, at a

minimum, two additional feet in width and the entire length of the structure, to allow maintenance of the improvements on the neighboring 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: 6/25/2024	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 6/25/2025
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

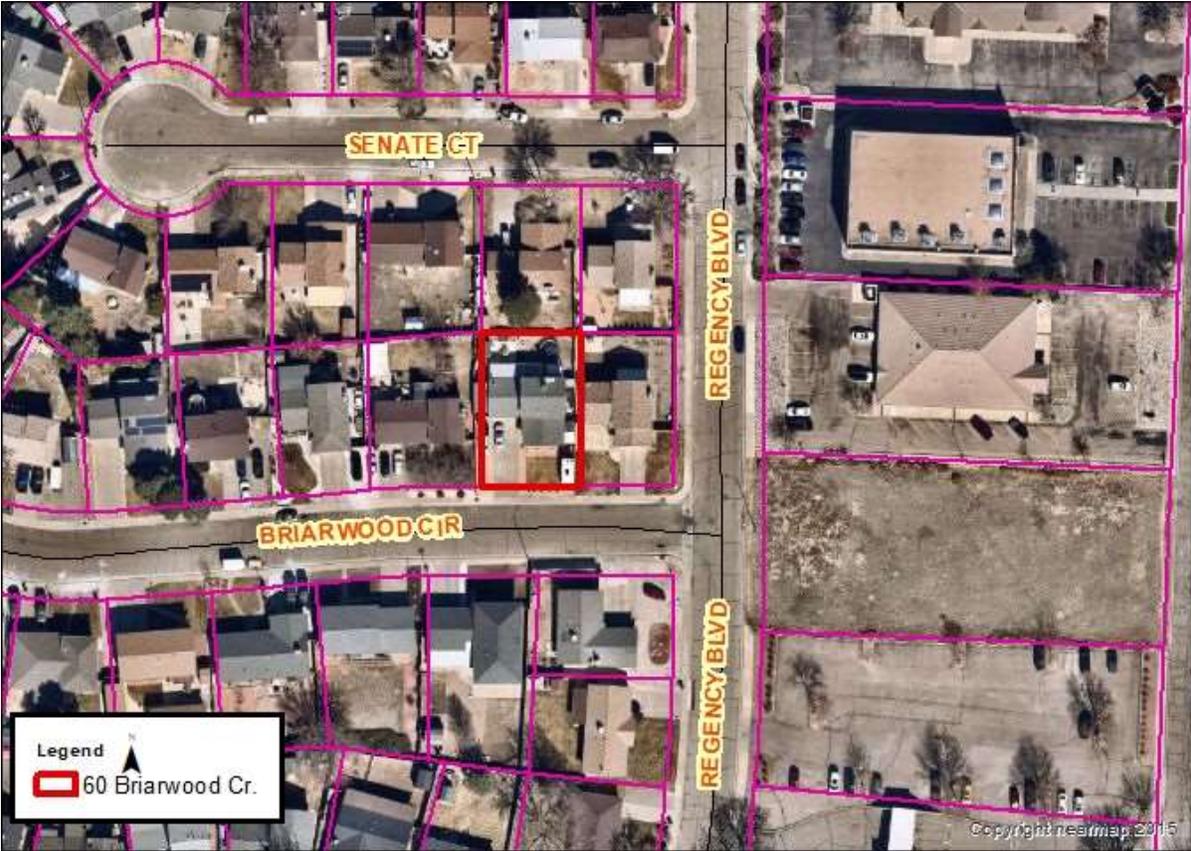


Exhibit C. Zoning Map



Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice



Exhibit F. Site Photos





Exhibit G. Application

 **City of Pueblo PLACE**

5/14/2024

24-97
Zoning Board of Appeals -
Special Use Permit &
Variances
Status: Active
Submitted On: 5/14/2024

Primary Location
60 BRIARWOOD CIR
PUEBLO, CO 81005
Owner
ARMENTA CARLOS D
60 BRIARWOOD CIR PUEBLO
, CO 81005-1801

Applicant
 Carlos Armenta
 719-334-6435
carlosarmenta11@yahoo.com
 60 Briarwood circle
Pueblo, Colorado 81005

Internal

 **ZBA Case Number**

ZBA-24-33

 **Planner Assigned**

—

H. Supporting Documents

