

# ZBA-24-34

Hearing Date: 6/25/2024

<b>TO:</b>	City of Pueblo Zoning Board of Appeals
<b>FROM:</b>	Mikaylin Hackley
<b>THROUGH:</b>	Scott Hobson, Land Use Administrative Official
<b>LOCATION:</b>	<b>5127 Sonoma Dr.</b>
<b>APPLICANT:</b>	<b>Michael Ortega</b>
<b>PROPERTY OWNER:</b>	Michael Ortega
<b>YEAR BUILT:</b>	2004
<b>LEGAL DESCRIPTION:</b>	LOT 12 BLK 50 EL CAMINO SUB 16TH FILING FORMERLY #15-212-00-028
<b>ZONE DISTRICT:</b>	Single-Family Residential (R-1) Zone District
<b>PARCEL ID:</b>	1521257010
<b>LOT SIZE:</b>	9026
<b>REQUEST:</b>	Variance to reduce a side yard setback in a Single-Family Residential (R-1) Zone District

## BACKGROUND

The applicant is requesting a variance from a 5' side setback to a 2' 6" side setback to accommodate an open, attached, 220 square foot carport. Partial construction has already been completed on the structure (see Exhibit F for site as of June 18) with no building permit pending or issued. Should this variance be approved, the applicant will be responsible for submitting a building permit application to Pueblo Regional Building Department.

## ANALYSIS

The proposed structure would be 11' wide by 20' long with 8' tall posts secured with roughly 2 feet of concrete. The posts are encased in white vinyl that matched the white trim on the house and the white fence it would be adjacent to. The proposed carport would have a slant roof unlike the principal structure, but the roof material would match the home. Gutters will be installed at the edge of the roof slant to keep stormwater contained on the lot.

The applicant intends to use the carport only for parking and attests that they do not intend to enclose the structure for any other use like storage or living space. The home was built with an attached garage, which the County Assessor lists as 816 square feet. This garage size can accommodate between two to three cars depending on their size.

## ZONE DISTRICT AND LAND USE

Zone:		Developed with:
North	Single-Family Residential (R-1) Zone District	Single-family homes
East	Single-Family Residential (R-1) Zone District	Single-family homes
South	Single-Family Residential (R-1) Zone District	Single-family homes
West	Single-Family Residential (R-1) 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 subject property and the neighboring lot are separated by a fence and the applicant intends to install gutters that would prevent stormwater from draining to the other lot. The residential structure is two stories; therefore, staff anticipates little change to light and air from existing conditions as the house is taller than the proposed carport and will continue to cast a greater shadow.**

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 accessible from the private driveway and should not affect the right-of-way.**

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 was built with an attached garage that can accommodate two to three cars.**

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. There is no unique disadvantage for this property relative to similar lots in the neighborhood.**

**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. 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>6/25/2024</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>6/25/2025</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

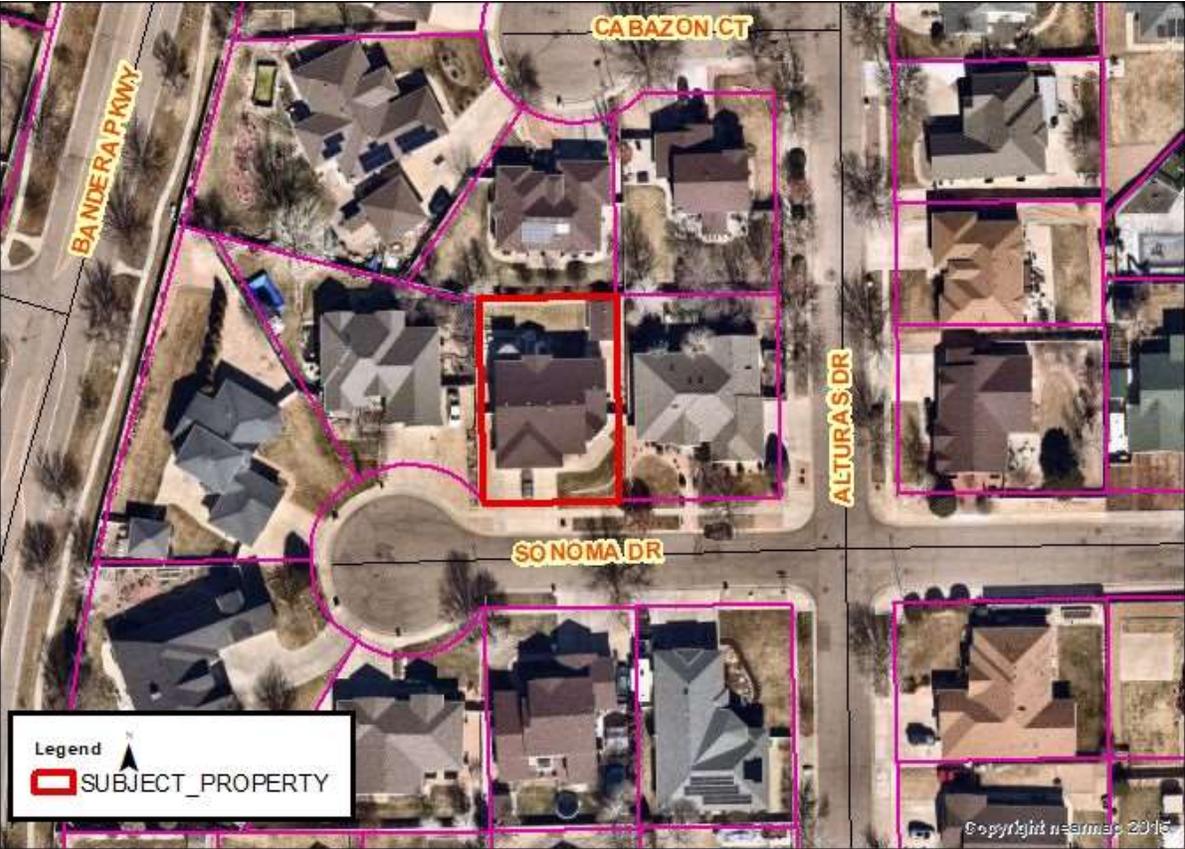


Exhibit C. Zoning Map



**Exhibit D. Comprehensive Plan Map**



**Exhibit E. Public Notice**



Exhibit F. Site Photos



Exhibit G. Application



City of Pueblo PLACE

5/22/2024

24-109

Zoning Board of Appeals -  
Special Use Permit &  
Variances

Status: Active

Submitted On: 5/22/2024

Primary Location

5127 SONOMA DR  
PUEBLO, CO 81005

Owner

ORTEGA MICHAEL  
A/ORTEGA VERONICA  
5127 SONOMA DR PUEBLO ,  
CO 81005-3929

Applicant

Michael Ortega  
 719-248-9571  
 voshark@yahoo.com  
 5127 Sonoma Dr  
Pueblo, CO 81005

Internal

ZBA Case Number

ZBA-24-34

Planner Assigned

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H. Supporting Documents

