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Lisa Bailey
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Georgia Way

ZBA-24-49

TO: City of Pueblo Zoning Board of Appeals
FROM: Bart Mikitowicz
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 1837 E. 18th St, Pueblo, CO 81001
APPLICANT: Claudio Martinez
PROPERTY OWNER: Claudio Martinez
YEAR BUILT: 1976
LEGAL DESCRIPTION: LOTS 39 + 40 BLK 104 EAST PUEBLO HEIGHTS SUB 2ND
ZONE DISTRICT: Single-Family (R-2) Zone District
PARCEL ID: 429108017
LOT SIZE: 6,000 sq ft
CONCURRENT REQUEST: N/A

REQUEST:	Variance to reduce the second-front and side yard setback in a Single-Family Residential (R-2) Zone District
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BACKGROUND AND ANALYSIS OF REQUEST

1837 E 18th Street is a 768 sq ft single-family home on a 6,000 sq ft lot built in 1976. The property is in the East Pueblo Heights Neighborhood south of East High School. The applicant would like to build a 384 sq ft carport in the northeast corner of the property. The plans submitted by the applicant show the placement of the carport sitting 3'6" from the second-front property line (adjacent to N. Reading Ave.) and 2'6" from the side property line (adjacent to the alley). To allow the applicant to place the carport in this specific location the applicant must be approved for a variance for the side and second front setback before receiving a building permit.

The applicant has applied to place a prefabricated metal carport at the rear of their property. Section 17-4-23 (d)(5), of the Municipal Code allows prefabricated metal carports on a single-family residential lot if there are no other parking structures, the carport is located behind the home, and the lot was subdivided prior to 1972. The subject property was subdivided in 1890, the proposed carport is located behind the principal structure, and the property does not have any other vehicle parking structures. This is a low traffic area of the city with the proposed carport adjacent to an alley at the rear of the property and N. Reading Ave to the east which comes to a dead-end a hundred feet to the north of the subject parcel. Strict adherence to the code would require that the carport be placed 12'6" from the second front property line, adjacent to N. Reading Ave. and 5' from the side property line adjacent to the alley. While this may be possible by altering the placement of the carport, the owner, according to the site plan, prefers to line up the proposed carport with the existing 200 sq ft shed which accounts for the side yard setback encroachment. Furthermore, the property to the north also has a garage unit and accessory structure built to the side property line (adjacent to the alley), similar to what the applicant is requesting, creating a consistent appearance along the eastern portion of the alley.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Single-Family Residential (R-2) Zone District	Single-family homes
East	Mixed-Residential (R-4) Zone District	Undeveloped land
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.

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. Granting the variance would not reduce light and air in the form of new shaded areas in the properties within 100 feet of the property. The location of the structure although placed in the set-back area, is a corner lot, it is adjacent to an 18-foot alley at the rear of the property separating it from the neighboring property to the north which also has a garage and shed built to the property line. N. Reading Ave to the east which comes to a dead-end a hundred feet to the north of the subject parcel, and there is undeveloped parcel to the east.

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 proposed carport does not impact any public rights of way. This variance would not jeopardize the general planning of the city concerning land use, streets, or highways.

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

Comments: Neutral finding. Strict adherence to the code would require that the carport be placed 12’6” from the second front and 5 from the side property line adjacent to the alley. While this may be possible it would seriously disrupt the aesthetic of existing landscaping and not meet the owners wishes.

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: Negative finding. There is enough room to place the carport outside the required setbacks. However, the age of the home, the lack of a garage, and the fact that it is on a corner lot with a second front all contribute to a hardship that is common to other properties in the district, including the property to the north of the subject property.

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:

ATTACHMENTS

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

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 9/24/2024	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 9/24/2025
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

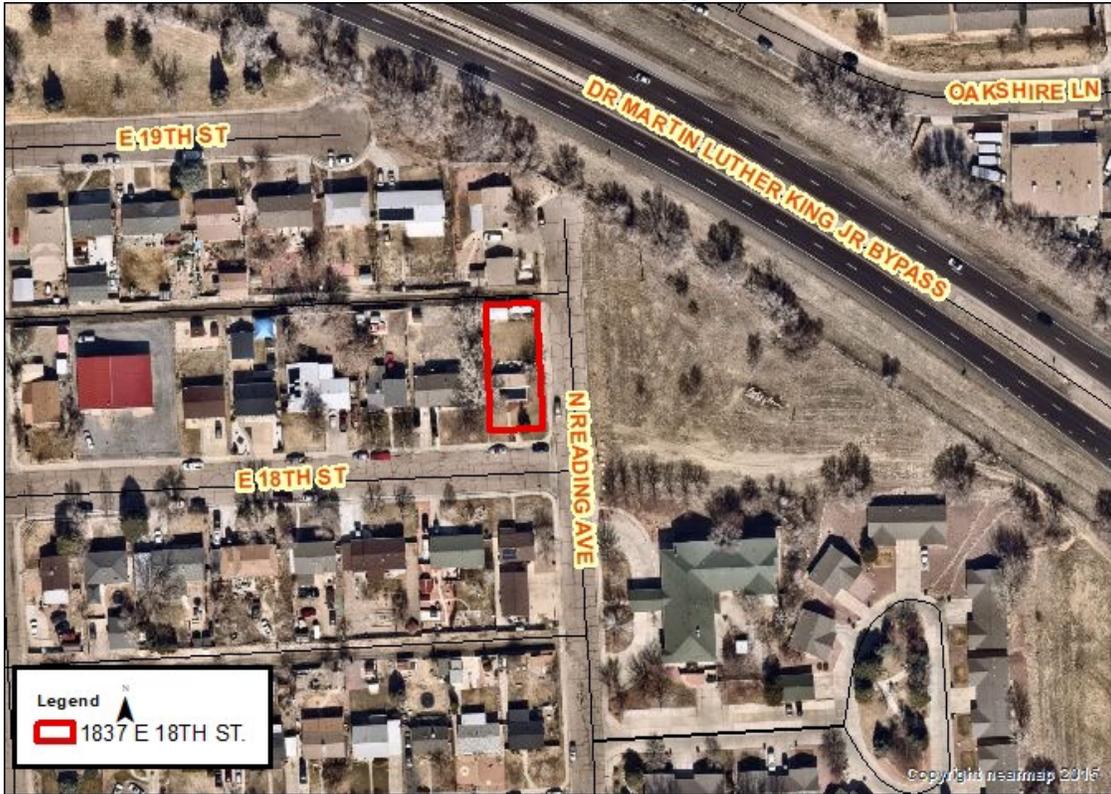


Exhibit C. Zoning Map

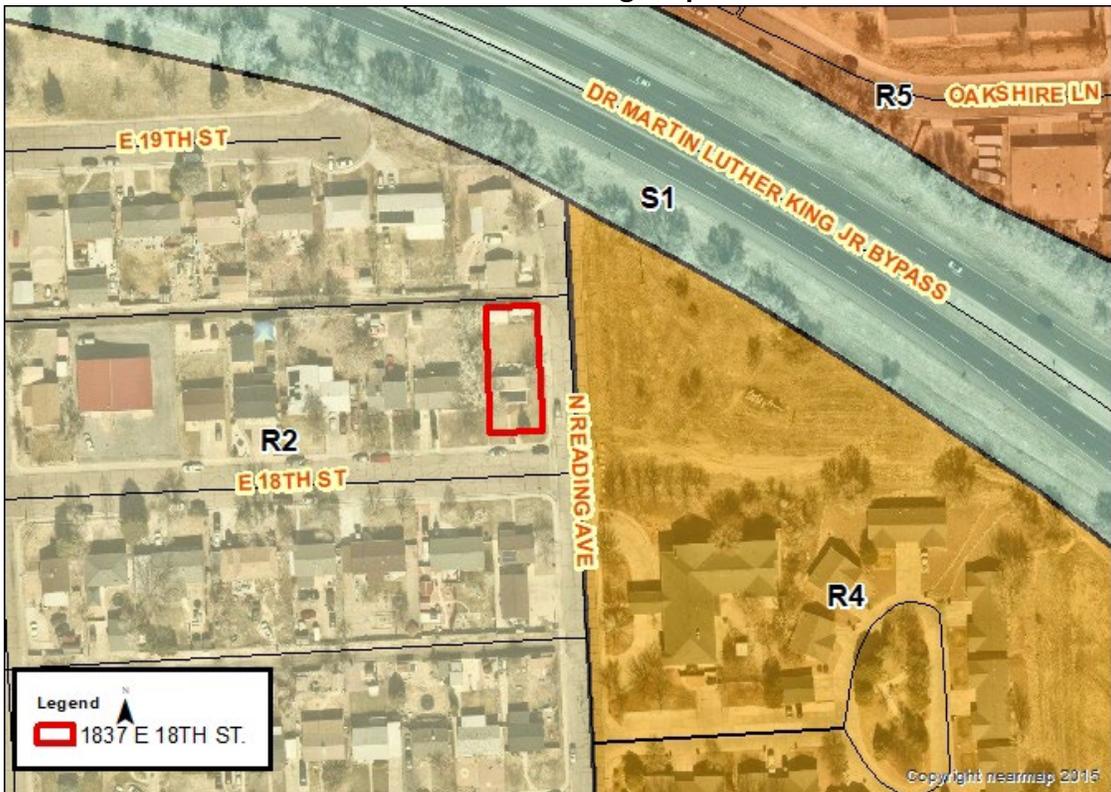


Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice



Exhibit F. Site Photos

211 E D Street | Pueblo, Colorado 81003 | Tel: (719) 553-2259 | Fax: (719) 553-2611 | www.pueblo.us



G. Application

24-158
Zoning Board of
Appeals - Special Use
Permit & Variances
Status: Active
Submitted On: 8/13/2024

Primary Location
1837 E 18TH ST
PUEBLO, CO 81001
Owner
MARTINEZ CLAUDIO
A/MARTINEZ ANA C
1837 E 18TH ST PUEBLO , CO
81001-2717

Applicant
 Claudio Martinez
 719-545-2076
 claudioamartinez81001@gmail.com
 1837
13th
Pueblo, CO 81001

Internal

 ZBA Case Number

ZBA-24-49

 Planner Assigned

Planner 3

 Address Validation by GIS?

ZBA

 Hearing Date

09/24/2024

 Hearing Results

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 Board Conditions

 Appeal Term End Date

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 Permit Completion Date

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H. Supporting documentation.

