

ZBA-24-61

Hearing Date: 11/26/2024

TO:	City of Pueblo Zoning Board of Appeals
FROM:	Mikaylin Hackley
THROUGH:	Scott Hobson, Land Use Administrative Official
LOCATION:	3400 Elmwood Cir.
APPLICANT:	Katherine Morgan
PROPERTY OWNER:	Katherine Morgan
YEAR BUILT:	1961
LEGAL DESCRIPTION:	LOT 44 BLK 7 LYNN GARDENS 9TH
ZONE DISTRICT:	Single-Family Residential (R-2) Zone District
PARCEL ID:	1515131035
LOT SIZE:	5735
REQUEST:	Variance to reduce a side-yard setback in a Single-Family Residential (R-2) Zone District

BACKGROUND

The applicant is requesting a variance for a side yard setback from 5’ to 2’ in order to construct an 18’ by 20’ square foot carport. The existing home is 14’ tall, and the proposed carport structure would be 7’ tall. If approved, this carport would be the only covered parking structure on the property. Only the northern front property line abuts a public right-of-way, so there are no other locations on the property that could reasonably accommodate a parking structure.

REQUEST AND ANALYSIS

In the findings of fact, staff posits that the shape of the lot, which is narrower at the front, presents a hardship in maintaining 5’ side setbacks, and considering the 5’-6’ tall privacy fence between the subject property and the neighboring lot to the east as well as how to carport will be accessed, the granting of the variance is unlikely to negatively impact the surrounding streets or neighborhood.

The proposed carport would be a prefabricated metal pole structure, which is only allowed within city limits if it complies with the conditions in Sec. 17-4-23(d)(5) of the Pueblo Municipal code, which are 1) the property has no existing covered parking structures, 2) the lot was subdivided before 1972, 3) the structure is maintained so that it does not detract from the aesthetics of the neighborhood, 4) the carport is located behind the principal structure, and 5) should the property owner ever apply for a building permit for another accessory structure, the metal carport would have to be removed before another permit could be granted. To meet condition 3 of these exceptions for metal structures, staff recommends conditioning the colors of the metal carport match the colors of the principal structure.

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.

OTHER AGENCIES

Pueblo City/County Health	No comment
City Transportation	No comment
Pueblo Regional Building Department	Regional Building has the following stipulations: Routing, Permits, and possibly Plan Review are required. Reduced setback does not alleviate fire rated construction requirements. Existing open permits also need to be completed.
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 proposed carport would be shorter than the existing home and is unlikely to affect nearby properties.

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 would be accessed from the front driveway and would maintain front setbacks, so there would be no obstruction to vision for cars backing out of the carport.

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

Comments: Neutral finding. The existing home was built with no covered parking, and there are no other frontages on the subject lot that abut a public right-of-way, so this location, within the setback, would be the only location to construct a covered parking structure; however, a smaller structure could be built that could accommodate at least one vehicle without encroaching into the typical 5' side setback.

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: Affirmative finding. The lot narrows as it approaches Elmwood Cir. due to the curve in the street. Only 3 out of 18 lots in the area are affected by the curve resulting in irregular shaped lots in which the lot width adjacent to the street is narrower than the rear portion of the lot. Because of the irregular shaped lot, the proposed southern end of the carport will meet the 5' setback and only the northern end would get as close to 2' from the eastern property line.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board makes the necessary findings of fact to approve this variance, staff recommends Standard Permit Conditions 1 through 13 and the following:

1. The metal roof of the carport should match in color to the existing home and the support poles should be white to better match the façade of the home.

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: 11/26/2024	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 11/26/2025
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

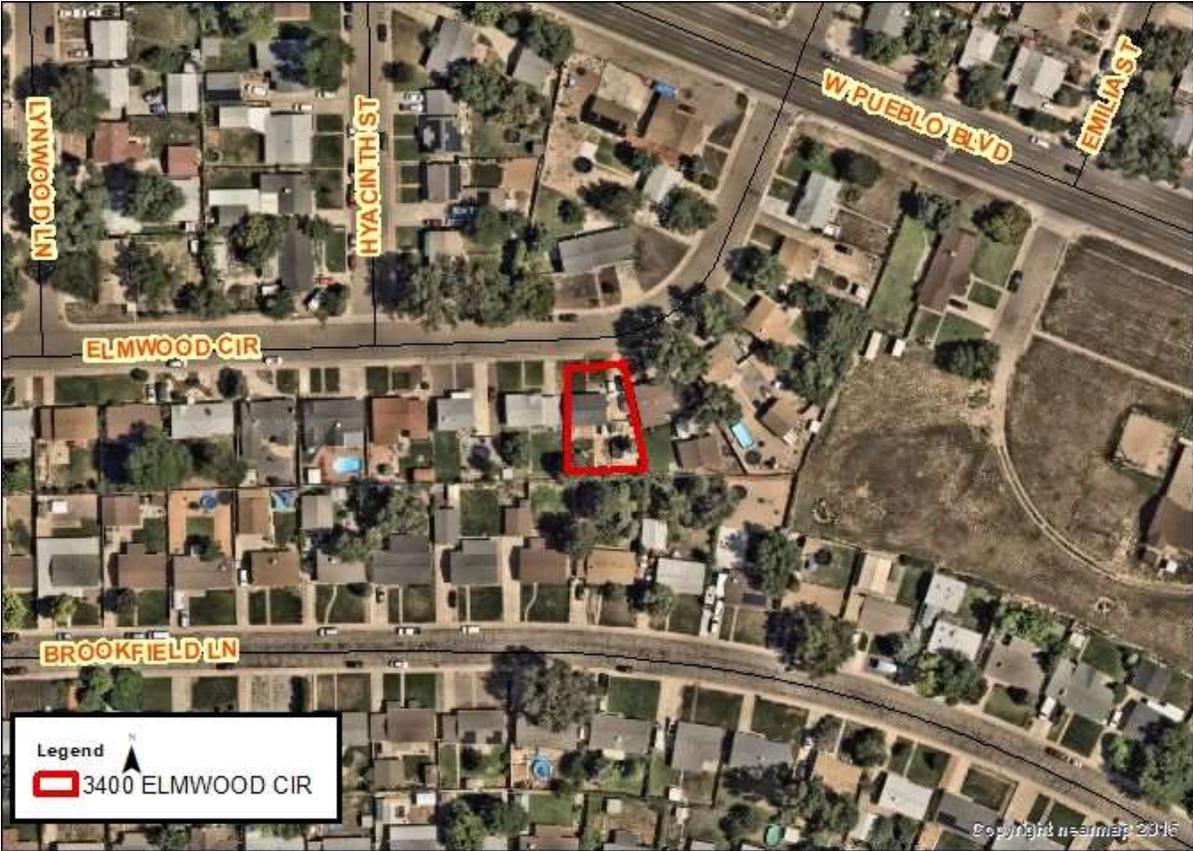


Exhibit C. Zoning Map



Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice



Exhibit F. Site Photos





Exhibit G. Application

 **City of Pueblo PLACE**

October 8, 2024

24-189
Zoning Board of Appeals
- Special Use Permit &
Variances
Status: Active
Submitted On: 10/8/2024

Primary Location
3400 ELMWOOD CIR
PUEBLO, CO 81005

Owner
MORGAN KATHERINE
J/MORGAN FREEMAN
3400 ELMWOOD CIR PUEBLO ,
CO 81005-3305

Applicant
 Katherine Morgan
 719-717-0858
 roscoman1@icloud.com
 3400 Elmwood Cir
Pueblo, CO 81005

Internal

 **ZBA Case Number**
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 **Planner Assigned**
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H. Supporting Documents

