

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-25-16

Hearing Date: 3/25/2025

TO: City of Pueblo Zoning Board of Appeals
FROM: Hannah Prinzi
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 2603 Cheyenne Ave
APPLICANT: Donna Montoya
PROPERTY OWNER: Donna Montoya
YEAR BUILT: 1935
LEGAL DESCRIPTION: LOTS 18 + 19 BLK 84 FAIRMOUNT PARK 2ND
ZONE DISTRICT: Single Family Residential (R-2) Zone District
PARCEL ID: 523302006
LOT SIZE: 0.12 Acres

REQUEST:	Variance from Pueblo Municipal Code Section 17-4-23, (d), (5) regarding prefabricated metal carports.
-----------------	---

BACKGROUND

The applicant is requesting a variance to allow a prefabricated metal carport to be built in front of the principal structure at 2603 Cheyenne Ave. The subject property is a 0.12-acre corner lot Zone Single-Family Residential (R-2), generally located west of Langoni Sports Complex and north of W 26th St. The property is developed with an approximate 950 sq. ft. house built in 1935 and an approximate 90 sq. ft. shed. The house and shed are placed in the northwest corner of the lot; the rest of the lot is vacant. The applicant intends to place the metal carport east of the shed, in line with the curb cut on W 26th St (See Exhibit H. Site Plan).

The Pueblo Municipal Code lays out five specific requirements that a property must meet for a metal carport to be approved for construction, (Section 17-4-23, (d), (5), (a-e)). The subject property satisfies the following four requirements:

1. The property contains a single-family residence that does not currently have any parking structure on site.
2. The lot is in a subdivision created before February 1, 1972. The subject property is in the Fairmount Park subdivision, which was probably platted late 1800s or early 1900s.
3. The structure is maintained in a way that does not detract from the aesthetics of the neighborhood.
4. If the property owner later applies for a building permit to construct any accessory structure, the prefabricated metal carport shall be removed.

The subject property does not satisfy the 5th requirement, which stipulates that the carport is constructed behind the principal structure and not in any setbacks. Since the single-family home was constructed within the western portion of the lot, adjacent to the alley, there is no land area available for a carport or any other accessory structure to be constructed behind the principal structure and away from the public right of way, resulting in a physical hardship for the property owner.

STAFF ANALYSIS

The location of the home creates a unique disadvantage for the applicant. As mentioned above, the home was constructed in 1935, adjacent to the northern and western property lines on a corner lot, meaning there is no

area behind the house to place a carport. Even though there is approximately 1,800 sq. ft. of buildable area in front of the house, strict adherence to the Code renders this area obsolete for the purposes of placing a prefabricated metal carport on the subject property. This is one of the only houses built adjacent to the alley in the neighborhood; all surrounding lots have a backyard. While the proposed carport would block the south-facing view of the property to the north, there is a prevailing pattern of metal carports in this neighborhood. 2527 Denver Blvd, 2410 W 26th St., 2526 W 26th St., and 2525 Cheyenne Ave all have a metal carport on the property. Plus, the proposed carport would provide a covered designated, off-street parking space for the home.

ZONE DISTRICT AND LAND USE

Zone:		Developed with:
North	Single-Family Residential (R-2) Zone District	Duplexes and 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	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: Neutral finding. The carport will likely reduce the afternoon sun exposure on the south side of the duplex located north of the subject property. The duplex to the north was constructed in 1952 with windows and the entry door oriented to the south-side property line and the subject properties front yard. Generally, the entry door and common area windows of residences are oriented to the street -- not adjacent 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 provide a designated, covered, off-street parking space for the house. There is also a prevailing pattern of metal carports in the neighborhood. Examples include 2527 Denver Blvd, 2410 W 26th St., 2529 W. 26th St, and 2525 Cheyenne Ave.

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

Comments: Affirmative finding. The house is built in the northwest corner of the lot abutting the alley. Even though there is approximately 1,800 sq. ft. of buildable area in front of the house, strict adherence to this Title would mean the applicant could not place the carport anywhere on the lot since it could not be behind the home.

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. While the lot is not irregular, the placement of the house certainly is. This is the only house adjacent to the alley in the vicinity, creating a singular disadvantage not common to other property in the district.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board makes the necessary findings of fact 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. Site Plan

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 3/25/2025	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 3/25/2026
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

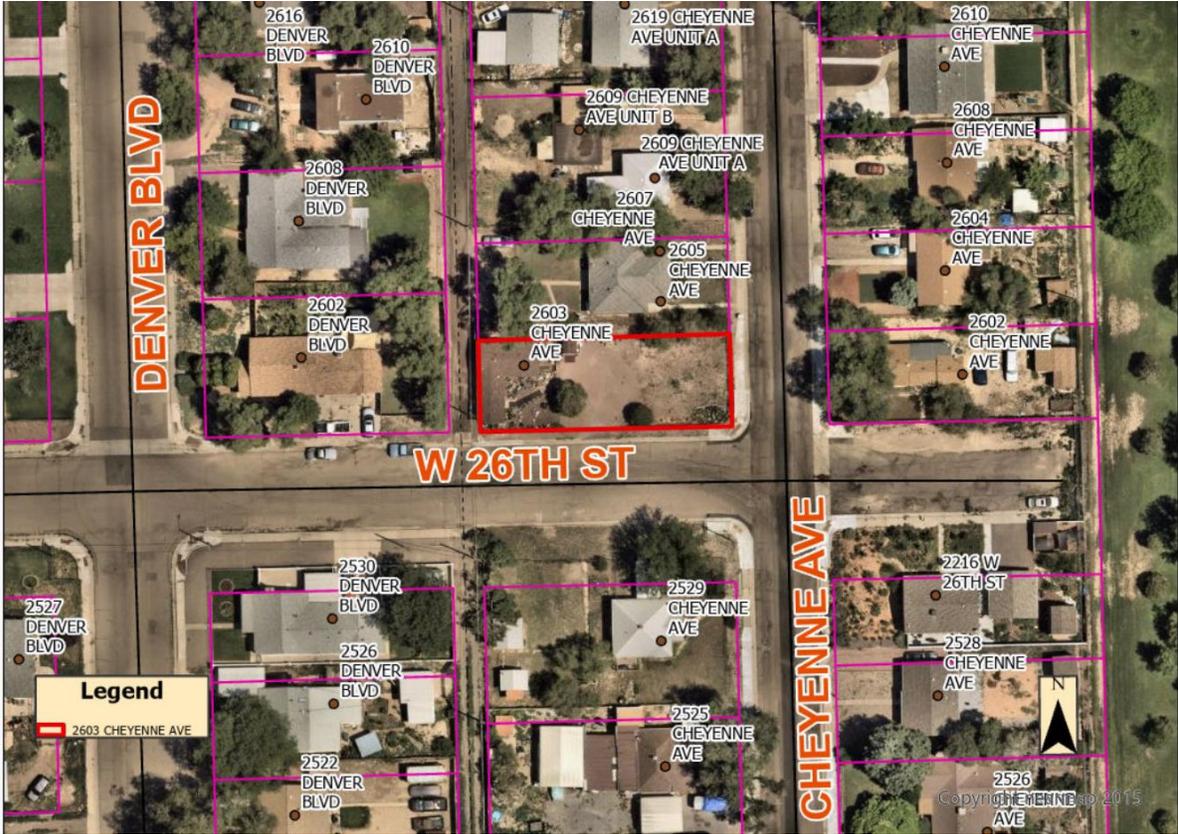


Exhibit C. Zoning Map

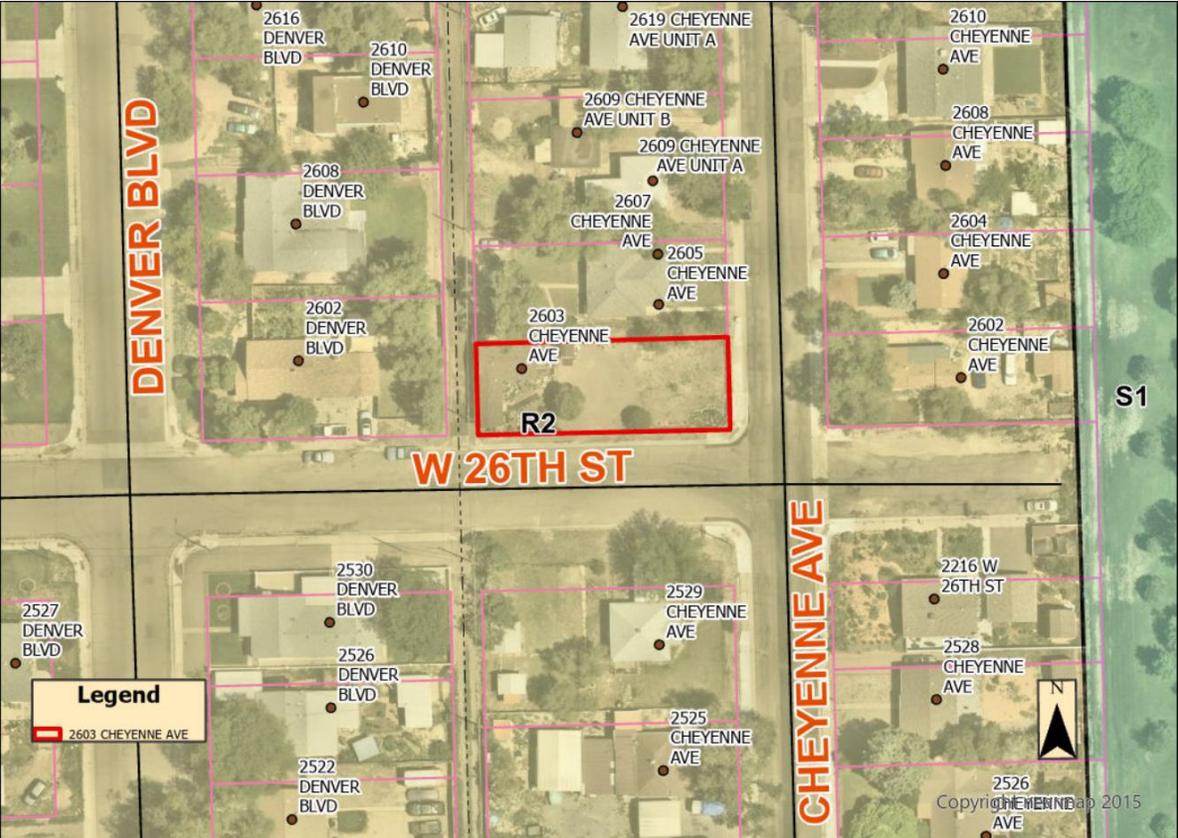


Exhibit D. Comprehensive Plan Map

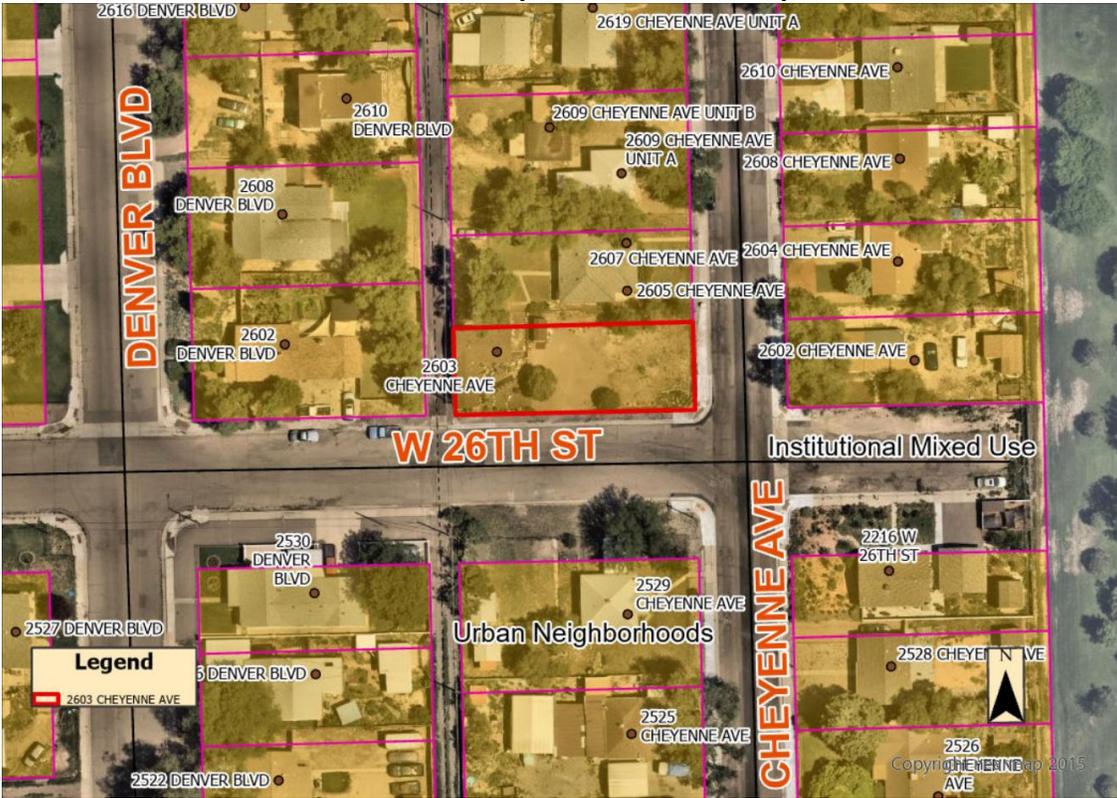


Exhibit E. Public Notice



Exhibit F. Site Photos



Proposed Location of Carport



Neighboring Property with Metal Carport



Duplex to the North of Subject Property

Exhibit G. Application

 **City of Pueblo PLACE**

February 25, 2025

25-30

Zoning Board of Appeals -
Special Use Permit &
Variances

Status: Active
Submitted On: 2/25/2025

Primary Location

2603 CHEYENNE AVE
PUEBLO, CO 81003

Owner

MONTOYA DONNA MAE
2603 CHEYENNE AVE PUEBLO ,
CO 81003-1436

Applicant

 Donna Montoya_Hudran
 719-557-1267
 gramadon@outlook.com
 2603 Cheyenne
Pueblo, Co 81003

H. Site Plan

