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Georgia Way

## ZBA-25-12

Hearing Date: 3/25/2025

**TO:** City of Pueblo Zoning Board of Appeals  
**FROM:** Mikaylin Hackley  
**THROUGH:** Scott Hobson, Land Use Administrative Official  
**LOCATION:** 1918 E 3rd St  
**APPLICANT:** Deborah Perez  
**PROPERTY OWNER:** Deborah Perez  
**YEAR BUILT:** 1942  
**LEGAL DESCRIPTION:** LOTS 15 + 16 BLK 265 EAST PUEBLO HEIGHTS SUB 2ND  
**ZONE DISTRICT:** Single-Family Residential (R-2) Zone District  
**PARCEL ID:** 432120002  
**LOT SIZE:** 6000

**REQUEST:** Variance from Pueblo Municipal Code Section 17-4-23 (c) (2) regarding the number of allowed detached accessory structures over 200 sq. ft. and to reduce required front and side-yard setbacks in a Single-Family Residential (R-2) Zone District

### BACKGROUND

The applicant is requesting three variances: both a front and side-yard setback reduction from 25' to 17' and from 5' to 0.5' respectively to accommodate a 216 sq. ft. carport in front of the principal structure, and an allowance to have two detached accessory structures larger than 200 sq. ft. in area.

In December of 2024, a code enforcement notice was issued regarding the side setbacks of existing accessory structures in the front and back yards and the lack of compatibility of the carport in the front yard. However, the 264 sq. ft. garage in the rear of the home was built at a roughly 2.5' setback at the time the home was constructed, so it is a legal non-conforming structure and does not require a variance. The carport in the front yard, however, was erected in 2001 by the current owner's parents and cannot remain on the property as-is without the approval of this setback variance and the allowance of a second accessory structure larger than 200 sq. ft. Regional Building Department could not find record of a permit ever being granted for the carport.

### STAFF ANALYSIS

There is a prevailing pattern in the neighborhood of both principal and accessory structures built with less than a 5' side-yard setback to property lines, as many homes and accessory structures were built in this neighborhood before the current code was adopted in 1968 and are legally non-conforming.

Prefabricated metal carports are only allowed in Residential districts if the subject property meets several criteria, two of which are that there cannot be any other covered parking structures on the property and that the carport must be placed behind the principal structure. The 264 sq. ft. garage on the southeast corner of the property is too small to accommodate the property owner's vehicle and is therefore currently being used only for storage, it is fitted with a garage door and the County assessor classifies it as a garage. Placing a new covered parking structure in the rear-yard would be challenging due to the location of the current garage structure as

constructed originally with the home and a small 14’x14’ shed added in late 2022. The applicant’s preference is to keep the metal carport in its current location as it has been since it was purchased in 2001, just modify it to be architecturally compatible with the residence. The applicant has already demonstrated their intent to modify the existing carport (see attachments for roofing quote and shingle specs) and should the variance be granted; they would have 1 year to complete this roof modification to be in compliance with their variance. With architectural compatibility requirements met, only the setbacks are under consideration in this case.

**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: No permits were issued for the carport, Permits (and plan review where needed) may be required for any new construction or modification. Minimum setback measured from property lines for non-fire rated structure is 5 foot. If less than that required distance, a min. 1 hour fire rating is required for walls and projections per IRC Table 302.1(1).
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. Stormwater mitigation is a condition for approval as to not create a nuisance for the adjacent property, and the architectural compatibility modifications conditioned will ensure that the carport is not visually disruptive to the neighborhood. The carport has been in place for approximately 24 years, so allowing the carport to remain in place will not introduce a reduction in light and air to the eastern 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 roughly 30 ft. from the sidewalk abutting E 3<sup>rd</sup> St; typical required back up distance for garages is 18 ft., so staff foresees no issues with the reduced front yard setback in respect to safety in 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. There are other locations on the lot that could accommodate a covered parking structure, so strict adherence to code would not prohibit the desired development, but there is a prevailing pattern in the neighborhood of both principal and accessory structures built with less than a 5' side setback to property lines; specifically, 1908 E. 3<sup>rd</sup> Street has two accessory structures within the front and side-yard setbacks, and 1904 E. 3<sup>rd</sup> Street appears to have a reduced front yard setback, creating a non-uniform appearance along the southern side of the 1900 block of E. 3<sup>rd</sup> Street.**

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. Accessory structure code dictates that no properties with an existing covered parking structure can be approved for a prefabricated metal carport, but the existing garage is too small to accommodate the property owner's modern vehicle and outdoor storage needs.**

#### **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 carport must be modified to be architecturally compatible with the home in roofing material and color as well as painting the supporting poles either the same shade of white as the home or black to compliment the metal trimmings on the porch.
2. No stormwater can drain onto the property adjacent to the carport, 1920 E 3<sup>rd</sup> St.

#### **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

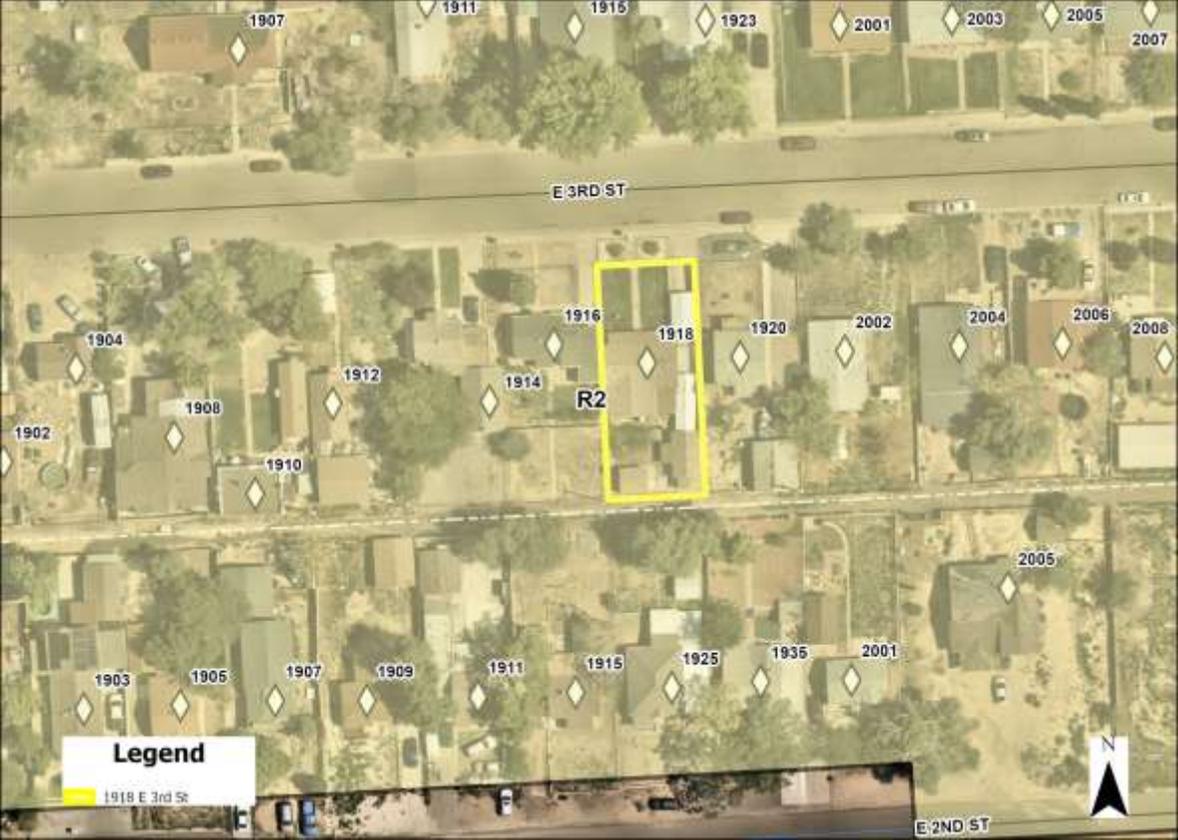
**Exhibit A. Standard Permit Conditions**

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



Google Street View, June 2023





Exhibit G. Application

 City of Pueblo PLACE

January 23, 2025

**25-14**  
Zoning Board of Appeals  
- Special Use Permit &  
Variances  
Status: Active  
Submitted On: 1/10/2025

**Primary Location**  
1918 E 3RD ST  
PUEBLO, CO 81001  
**Owner**  
PEREZ ELEAZAR B JR/PEREZ  
DEBORAH A  
1918 E 3RD ST PUEBLO , CO  
81001-4143

**Applicant**  
 Deborah Perez  
 719-557-9166  
 littlestarperez@yahoo.com  
 1918 E 3rd St  
Pueblo, CO 81001

H. Supporting Documents



216 sq. ft.

gone.

380 sq. ft.

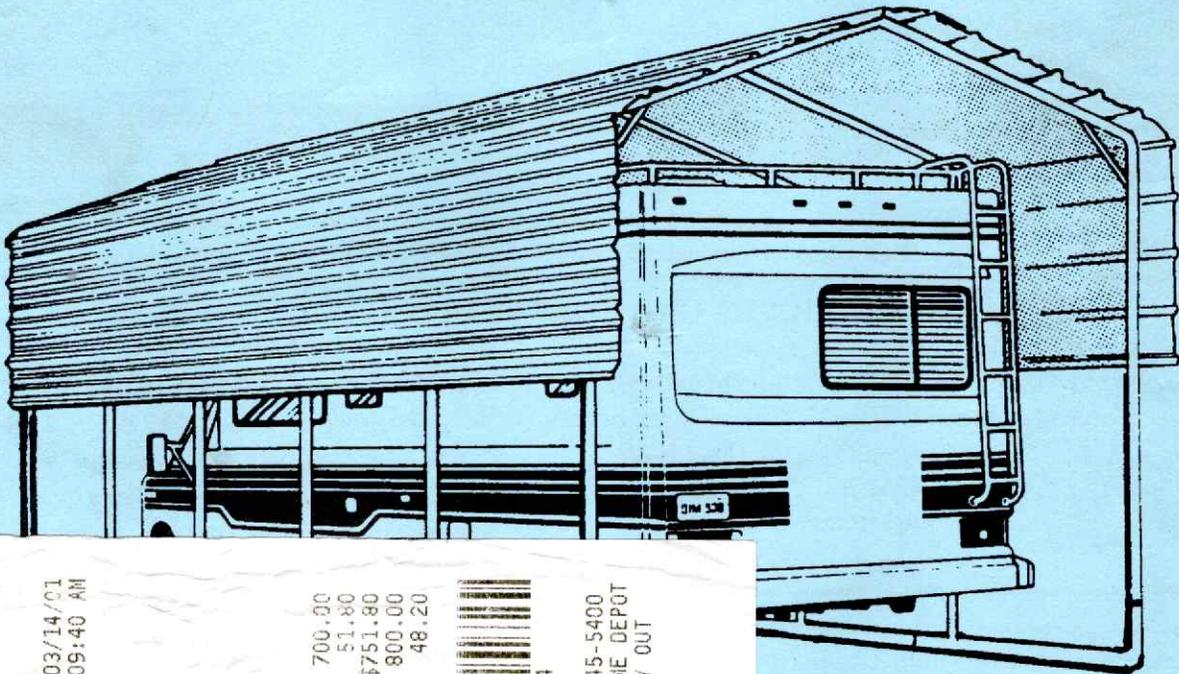
$216 + 380 + 196 = 796$

• house footprint: 1,270

• lot size: 6,098.4 sq. ft.

# 25 # Snow Load

## PANTHER CREEK CARPORTS



THE HOME DEPOT 1511  
BEST PRODUCTS AND PRICES  
YOUR KITCHEN DESIGN PROS

SALE 1511 00003 79172 03/14/01  
11 274 09:40 AM



15331 CARPORT 700.00  
2700.00  
TAX CO 7.400 51.80  
TOTAL \$751.80  
CASH 800.00  
CHANGE DUE 48.20



1511 03 79172 03/14/01 6464

STORE MANAGER-HECTOR HERNANDEZ 545-5400  
THANK YOU FOR SHOPPING AT THE HOME DEPOT  
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PUEBLO, CO

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PROPOSAL SUBMITTED TO <b>Debbie Perez</b>	PHONE <b>719 557-9166</b>	DATE <b>3-5-25</b>
STREET <b>1918 E 3rd st</b>	INSURANCE	START
CITY, STATE AND ZIP <b>Pueblo Co 81001</b>	CLAIM #	COMPL.

WE HEREBY SUBMIT SPECIFICATIONS AND ESTIMATES FOR:

RECOVER ROOF WITH \_\_\_\_\_  
 TEAR OFF \_\_\_\_\_  
 REFELT WITH \_\_\_\_\_  
 STYLE OF SHINGLES \_\_\_\_\_  
 COLOR OF SHINGLES \_\_\_\_\_  
 NEW VALLEYS \_\_\_\_\_  
 REPLACE ROOF JACKS WHERE NEEDED \_\_\_\_\_  
 INSTALL \_\_\_\_\_ FELT METAL EDGING \_\_\_\_\_

- \_\_\_ 1. SEAL AROUND ALL VENTS, PIPES AND FLASHINGS.
- \_\_\_ 2. CLEAN UP AND HAUL AWAY ALL ROOFING DEBRIS.
- \_\_\_ 3. CLEAN ALL GUTTERS.

SPECIAL INSTRUCTIONS:

*Construct car port 13' x 20'  
 Build sub roof with 2"x6" planks  
 sheet roof with 7/16 OSB decking  
 9 pcs osb  
 Install 30 yr over decking  
 Felt + Drip edge  
 USE 1" Coril nails*

*No Permit needed*



### PROVIDE A LIFETIME GUARANTEE ON WORKMANSHIP

UNDER THE TERMS OF THIS CONTRACT THE LABOR WARRANTY IS NOT EFFECTIVE UNTIL PAYMENT IS MADE IN FULL. THIS CONTRACT CONSTITUTES THE ENTIRE UNDERSTANDING OF THE PARTIES, AND NO OTHER UNDERSTANDING, COLLATERAL, OR OTHERWISE, SHALL BE BINDING UNLESS IN WRITING SIGNED BY BOTH PARTIES. REPLACEMENT OF DETERIORATED DECKING, FASCIA BOARDS, ROOF JACKS, VENTILATORS, FLASHING OR OTHER MATERIALS, UNLESS OTHERWISE STATED IN THIS CONTRACT, ARE NOT INCLUDED AND WILL BE CHARGED AS AN EXTRA ON A TIME AND MATERIAL BASIS.

WE PROPOSE HEREBY TO FURNISH PERMITS, TAXES, MATERIAL AND LABOR — COMPLETE IN ACCORDANCE WITH ABOVE SPECIFICATIONS, FOR THE SUM OF:

\$ 3400<sup>00</sup>

**\*PAYMENT TO BE MADE UPON COMPLETION\***

AUTHORIZED SIGNATURE: *Ron Sch...*

*Rock - 719-778-1071*

ACCEPTANCE OF PROPOSAL - THIS PROPOSAL BECOMES THE LEGAL AND BINDING CONTRACT 72 HOURS FROM THE DATE OF ACCEPTANCE. 1.5% PER MONTH INTEREST WILL BE ADDED TO ALL ACCOUNTS 30 DAYS PAST DUE. IN ADDITION, COSTS AND REASONABLE ATTORNEY FEES FOR COLLECTION MAY BE CHARGED ON ANY ACCOUNT PAST DUE OVER 30 DAYS. PAYMENT WILL BE MADE AS OUTLINED ABOVE. FAILURE TO PAY CAN CONSTITUTE A MECHANICAL LIEN FILED AGAINST THE PROPERTY. CANCELLATION OF THE CONTRACT MAY BE ACHIEVED BY PAYING A CANCELLATION FEE IN THE AMOUNT OF 20% OF THE CONTRACT PRICE.

SIGNATURE \_\_\_\_\_ SIGNATURE \_\_\_\_\_

### WAIVER OF LIEN

KNOW ALL MEN BY THESE PRESENTS: That \_\_\_\_\_

for and in consideration of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_)

and other good and valuable considerations, to be paid, the receipt whereof is hereby acknowledged, do hereby waive, release, remise and relinquish any and all right to claim any lien or liens for work done or material furnished, or any kind of class lien whatsoever on the following described property:

Customer Signature

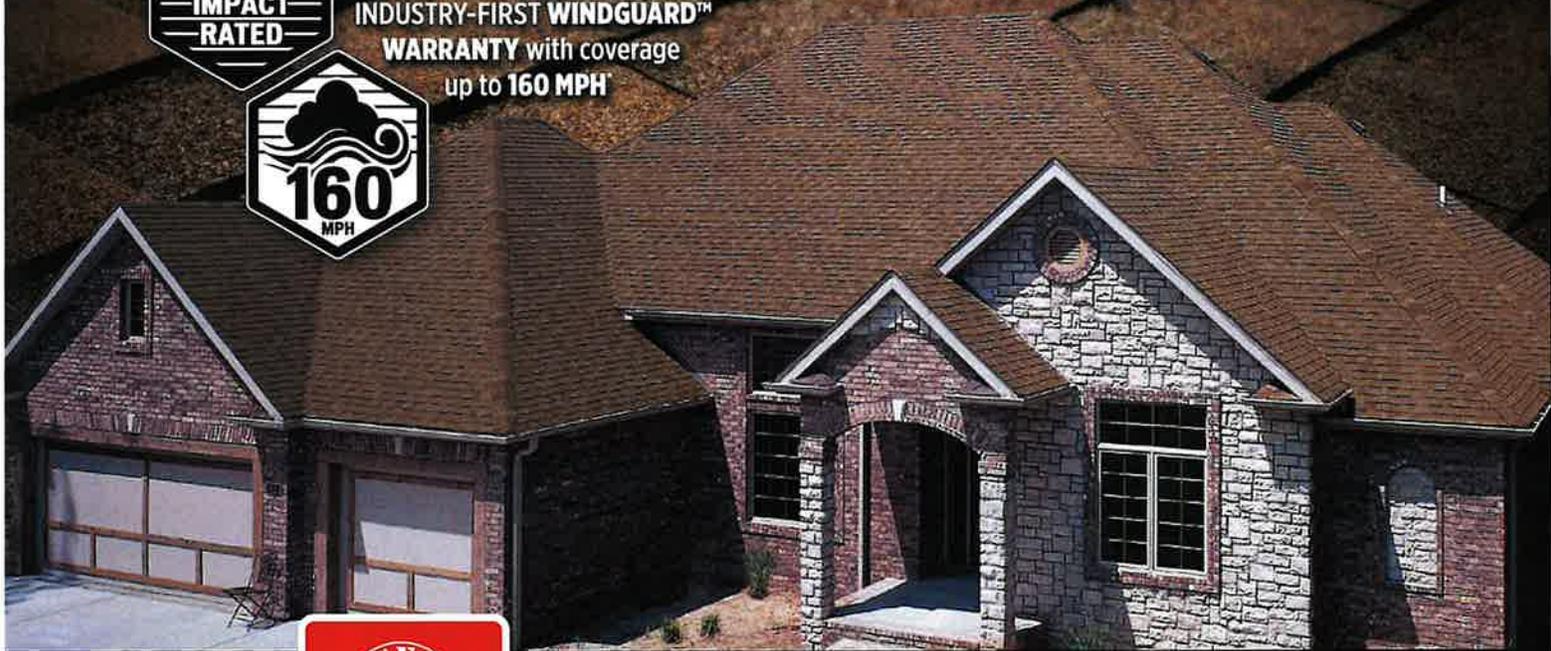
Contractor's Signature

# TITAN<sup>XT</sup>

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The most INNOVATIVE SHINGLE on the market is now **CLASS 3 IMPACT RATED**\* FEATURING an INDUSTRY-FIRST **WINDGUARD™** WARRANTY with coverage up to **160 MPH**



**Voted 2024 Product of the Year**

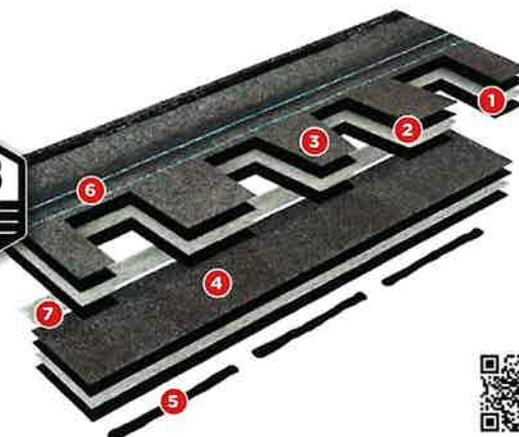
in the Home Protection Category.  
Survey of 40,000 consumers by Kantar

[tamko.com/poy](http://tamko.com/poy)

## WHERE INNOVATION MEETS EXTREME TECHNOLOGY<sup>®</sup>

### WINDGUARD™

expands TAMKO's standard warranty, providing coverage up to **160 MPH**, with only four nails installed in the Rapid Fire Zone<sup>®</sup> nailing zone with use of TAMKO<sup>®</sup> Starter.† Inspired by the combined performance of our AnchorLock™ layer and Advanced Fusion™ sealants to help the shingle hold fast.



#### TITAN XT<sup>®</sup> SHINGLES FEATURE:

- 1 POWER CORE\*
- 2 ULTRAMAX WEATHERING™ LAYER
- 3 PROTECTIVE GRANULES
- 4 APEX COLOR™ TECHNOLOGY
- 5 ADVANCED FUSION™ SEALANTS
- 6 RAPID FIRE ZONE™ NAIL ZONE
- 7 ANCHORLOCK™ LAYER



Find out more about Titan XT innovative technologies.

\*PLEASE CONSULT TAMKO'S LIMITED WARRANTY AND APPLICATION INSTRUCTIONS FOR ANY REQUIREMENTS OR LIMITATIONS. †TITAN XT<sup>®</sup> SHINGLES ARE CLASSIFIED BY UL FOR COMPLIANCE WITH UL 2218 CLASS 3 IMPACT RESISTANCE.

# TITAN XT<sup>®</sup>



**TAMKO**<sup>®</sup>  
BUILDING PRODUCTS LLC

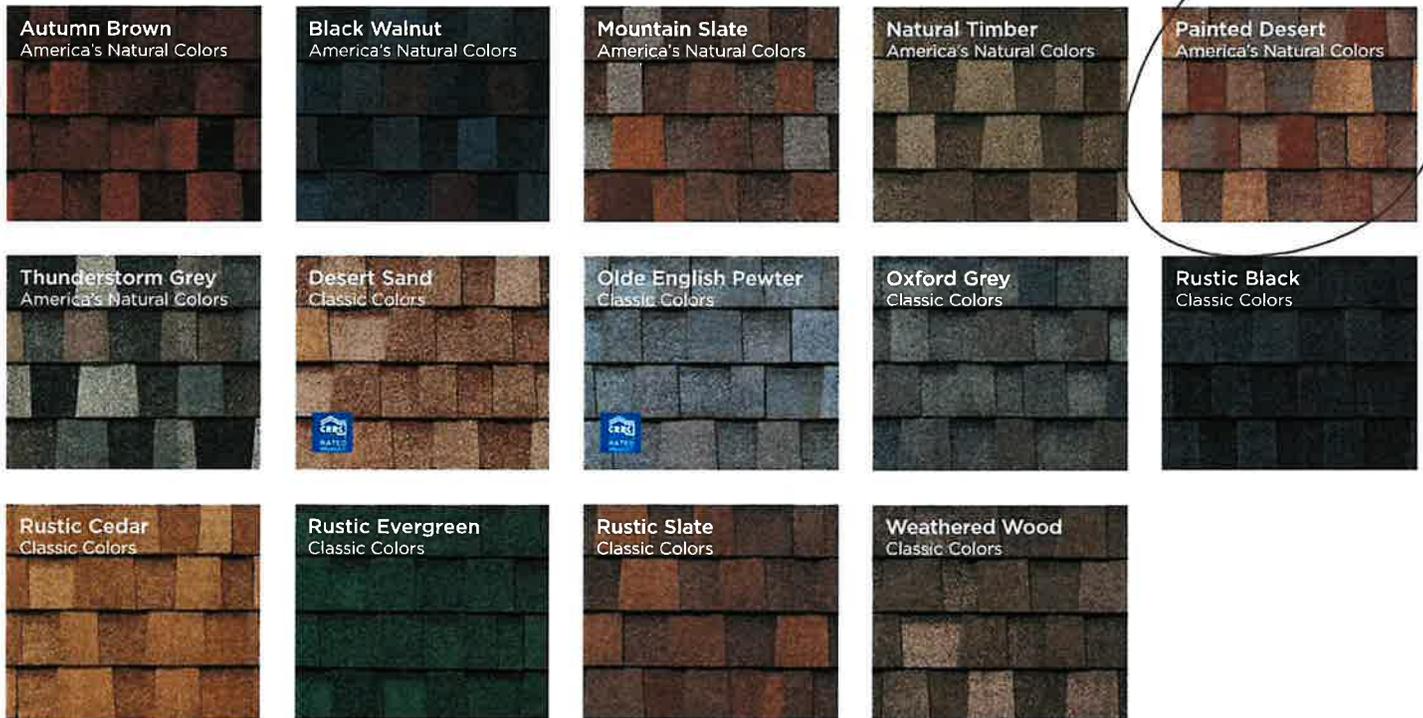
1-800-641-4691  
tamko.com

WHERE INNOVATION MEETS EXTREME TECHNOLOGY<sup>™</sup>

Titan XT<sup>®</sup> shingles feature some of the most advanced innovative technology in the industry. With powerful engineering, Titan XT shingles are designed to offer an advantage for both homeowners and contractors, combining in-demand product features into one **Extreme Technology** shingle designed to help weather extreme conditions.

**PROLINE**<sup>™</sup>

## TITAN XT<sup>®</sup> PREMIUM COLOR OPTIONS



Prior to making your final color selection, TAMKO recommends viewing an actual roof installation. See [tamko.com/colorselection](http://tamko.com/colorselection) for complete details.

Certain colors and products may not be available in your area. Information included in this item was current at the time of printing. To obtain a copy of the most current version of this item, visit us online at [tamko.com](http://tamko.com) or call us at 1-800-641-4691.

### Titan XT<sup>®</sup> shingles meet the following classifications

**UL Listed for:**  
Class A Fire Resistance

**UL Classified:**  
Wind Resistance  
Impact Resistance  
ASTM D3462 and ICC-ES  
Acceptance Criteria AC438

**Tested in Compliance with:**  
UL 790/ASTM E 108, Class A  
ASTM D3161, Class F  
ASTM D7158, Class H  
UL 2218 Class 3 Impact Resistance<sup>†</sup>  
ASTM D3462  
ICC-ES Acceptance Criteria AC438

**UL Evaluation Reports:**  
UL Evaluation Report  
ER2919-01  
UL Evaluation Report  
ER2919-02

**Florida Building Code  
Product Approval**  
FL 18355  
FL 35321  
**Miami-Dade County  
Product Control Approved**

Desert Sand and Olde English Pewter are listed by the Cool Roof Rating Council<sup>®</sup> (CRRC).

<sup>†</sup>Titan XT<sup>®</sup> shingles are classified by UL for compliance with UL 2218 Class 3 impact resistance.



TAMKO provides a limited warranty for many products, that includes a binding arbitration clause. See [tamko.com/limitedwarranties](http://tamko.com/limitedwarranties) for complete details.

PHILLIPSBURG 41001608 0624  
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**January 13, 2025**

**To whom this may concern:**

**My Name is:**

**James Lee Ortega**

**920 E 3rd Street**

**Pueblo, Colorado 81001**

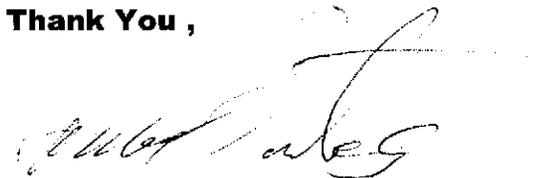
**Cell:719/717-5649**

**This letter is to inform you that on the West side of my property, 1920 E 3rd Street,**

**the Metal Carport (towards the front ) and the Rear Garage on 1918 E 3rd Street , (My Neighbor on the West side of my Property) , does not in any way obstruct or block anything on my side of my property.**

**I have no issues at all...**

**Thank You ,**

A handwritten signature in black ink, appearing to read 'James Lee Ortega', written over a horizontal line.

**James Lee Ortega**