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Georgia Way

## ZBA-25-20

Hearing Date: 5/28/2025

**TO:** City of Pueblo Zoning Board of Appeals  
**FROM:** Mikaylin Hackley  
**THROUGH:** Scott Hobson, Land Use Administrative Official  
**LOCATION:** 1806 Hollywood Dr  
**APPLICANT:** Dave Horner  
**PROPERTY OWNER:** Teresa Borton  
**YEAR BUILT:** 1956  
**LEGAL DESCRIPTION:** LOT 3 BLK 19 HIGHLAND PARK 5TH  
**ZONE DISTRICT:** Single-Family Residential (R-2) Zone District  
**PARCEL ID:** 1510302003  
**LOT SIZE:** 7020

**REQUEST:** Variance to reduce the required side-yard setback in a Single-Family Residential (R-2) Zone District

### BACKGROUND

The applicant is requesting a variance to reduce the required side-yard setback from 5' to 1' to accommodate a 14' by 18' attached carport. The subject property is an approx. 7000 sq. ft. lot with an approx. 1300 sq. ft. home originally built in 1956. There is an existing 576 sq. ft. detached garage that is a legal non-conforming structure as it was constructed at the same time as the home with a 1-foot side setback to the southern property line. The applicant is requesting this variance in order to accommodate a new carport that will be attached to the southern portion of the home and line up with the existing non-conforming garage, both having a 1-foot side-yard setback. According to the applicant, the proposed carport will add value to the property by providing more covered parking.

### STAFF ANALYSIS

The application states that constructing a nine-foot-wide carport, which would meet the required 5-foot setback, would not allow proper ingress/egress to a vehicle parked in the carport. The applicant states further that the support post for a reduced width carport would prevent emergency services, such as fire trucks, from accessing the rear-yard. A reduced width carport would most likely not prevent emergency services from accessing the back yard; however, it would create a significant obstacle in utilizing the two-car detached garage. Vehicles parked in the garage would have to attempt to maneuver around the post when entering and exiting the garage, which is likely not feasible.

Should the side-setback reduction be granted, staff recommends conditioning the variance so that gutters, or some other drainage mechanism, be installed on the carport to ensure that no cross-lot drainage occurs on the neighboring property. All stormwater improvements must be located on the subject property, and the property owners must be able to maintain the stormwater improvements from the subject property.

### 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	Government Use (S-1) Zone District	South High School

**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: A variance does not remove the requirements for fire-rated construction based on distance to a property line. Minimum setback measured from property lines for non-fire rated structure is 5 feet. If the structure is less than that required distance, a minimum 1-hour fire rating is required for the structure and projections per IRC Table 302.1(1). Plans or details showing construction may need to be submitted prior to any permits being issued.
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: Negative finding. The residence located directly south of the subject property has two windows on the north side of the home. The proposed carport would be constructed approximately six feet from the windows with a roof line above the windows, which will likely reduce light to the northern windows.**

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. There is adequate space for a vehicle to pull into the proposed carport location, so streets would not be affected.**

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 576 sq. ft. detached garage already provides the residence with covered, off-street parking, and it is a standard size for a two-car garage. However, a smaller carport that meets the 5’ setback requirement would create a significant obstacle in utilizing the two-car detached garage.**

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 are no other reasonable locations on this lot to construct additional covered parking; however, there is already an existing detached garage.**

**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. Stormwater cannot drain onto the neighboring property, so gutters or another drainage-directing mechanism must be installed to keep drainage contained to the subject lot. All stormwater improvements must be located on the subject property and the property owners must be able to maintain the stormwater improvements from the subject property.

**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>5/28/2025</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>5/28/2026</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 Photo



Exhibit G. Application

 City of Pueblo PLACE

April 30, 2025

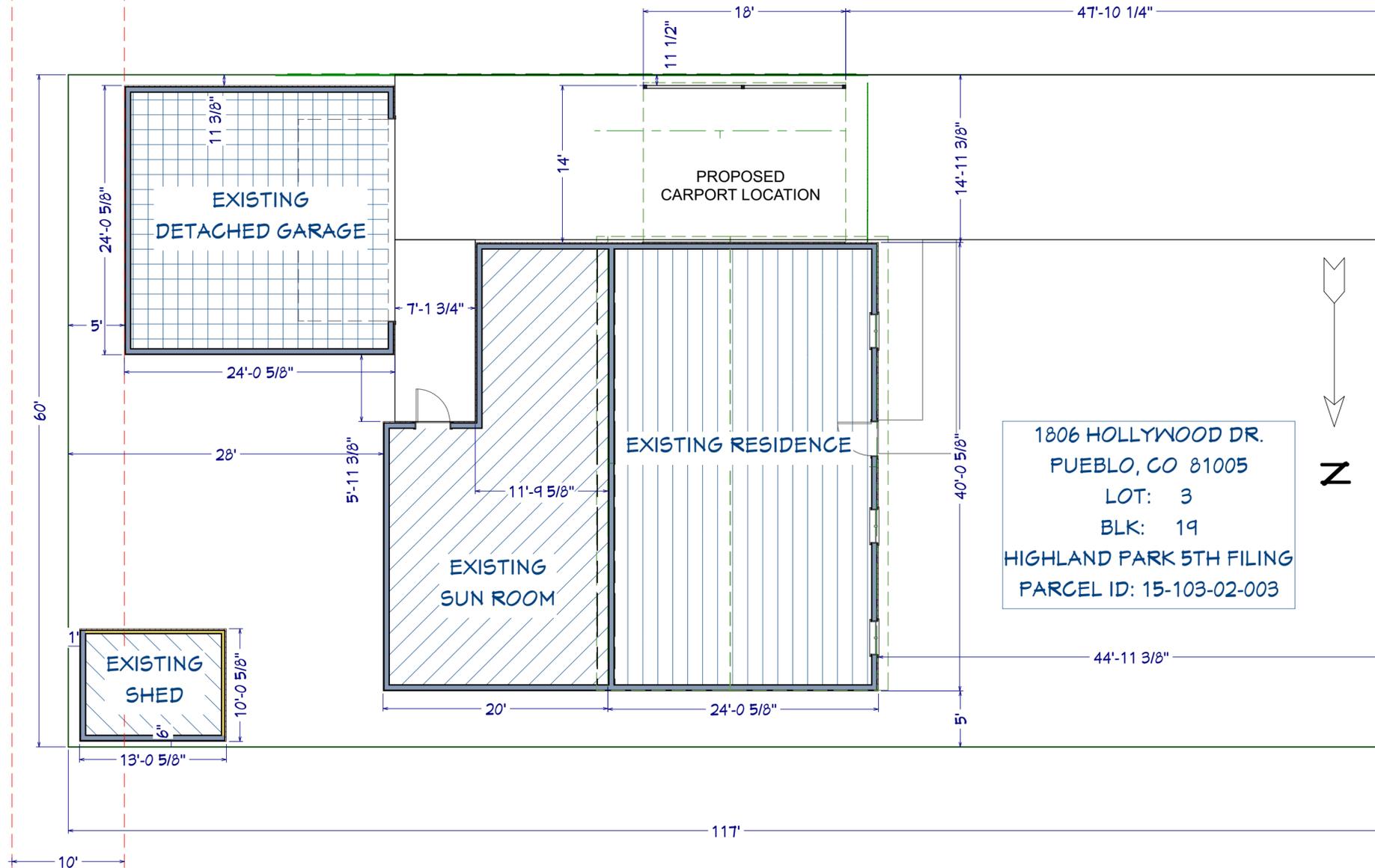
**25-87**  
 Zoning Board of  
 Appeals - Special Use  
 Permit & Variances  
 Status: Active  
 Submitted On: 4/29/2025

**Primary Location**  
 1806 HOLLYWOOD DR  
 PUEBLO, CO 81005

**Owner**  
 BORTON TERESA  
 1806 HOLLYWOOD DR  
 PUEBLO , CO 81005-2512

**Applicant**  
 Dave Horner  
 719-281-9053  
 Admin@hornerhomescolorado.com  
 1855 N. Buckboard Ave  
 Pueblo West, CO 81007

H. Supporting Documents



1806 HOLLYWOOD DR.  
 PUEBLO, CO 81005  
 LOT: 3  
 BLK: 19  
 HIGHLAND PARK 5TH FILING  
 PARCEL ID: 15-103-02-003

HOLLYWOOD DRIVE

10 FOOT  
 SETBACK

NO.	DESCRIPTION	BY	DATE

**PLOT PLAN**

**BORTON CARPORT PROJECT**  
 1806 HOLLYWOOD DRIVE  
 PUEBLO, CO 81005

**HORNER HOMES**  
 1855 N. BUCKBOARD AVENUE  
 PUEBLO WEST, CO 81007  
 719-281-9053

DATE:

04/07/2025

SCALE:

1" : 8'

SHEET:

**A-1**

## Property Owner Affidavit

Please type or **print** clearly. Illegible applications will not be accepted.

<b>Property Owner:</b>		
Name: TERESA BORTON		Company:
Address: 1806 HOLLYWOOD DR.		
City: PUEBLO		State: CO Zip: 81005
Phone: (719) 406-9150	Email:	
<b>Applicant:</b>		
Name: DAVE HORNER		Company: HORNER HOMES
Phone: 7192819053	Email: ADMIN@HORNERHOMESCOLORADO.COM	
Property Address: 1806 HOLLYWOOD DR., 81005		

I, TERESA BORTON, hereby state that I am the owner of record of the property located at 1806 HOLLYWOOD DR, PUEBLO, CO 81005, Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application for a VARIANCE at said location.  
(application type)

  
 \_\_\_\_\_  
 Signature of Property Owner

4-29-2025  
 \_\_\_\_\_  
 Date