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## Zoning Board of Appeals

### ZBA-25-46

Hearing Date: 11/25/2025

<b>TO:</b>	City of Pueblo Zoning Board of Appeals
<b>FROM:</b>	Hannah Prinzi, Planner
<b>THROUGH:</b>	Beritt Odom, Land Use Administrative Official
<b>LOCATION:</b>	1824 Comanche Rd.
<b>APPLICANT:</b>	Justin Crump, Western Ridge Homes
<b>PROPERTY OWNER:</b>	Conrad Schanze
<b>YEAR BUILT:</b>	1957
<b>LEGAL DESCRIPTION:</b>	Lot 12 of Block 117, Belmont 9th
<b>ZONE DISTRICT:</b>	Single-Family (R-1) Residential Zone District
<b>PARCEL ID:</b>	419136010
<b>LOT SIZE:</b>	0.17 acres
<b>REQUEST:</b>	Variance to reduce the side-yard setback requirement in a Single-Family (R-1) Zone District

#### BACKGROUND

The applicant is requesting a variance to reduce the side-yard setback requirement along the northeastern property line from 5' to 0' at 1824 Comanche Rd. to replace an existing, attached carport. The subject property is a 0.17-acre lot within a Single-Family Residential (R-1) Zone District. It is developed with a 1,350 sq. ft., one-story residence and an attached garage built in 1957, an attached wooden deck, and two sheds. Between 2012 and 2016, an 11.3' x 24.1' (264 sq. ft.), attached carport was added to the northeastern side of the residence. This carport sits roughly 0.2 feet or 2.4 inches away from the northeastern property line. Staff did not find records of a building permit or variance for the carport. Staff also did not find record of a formal complaint filed on the carport.

The applicant applied for a building permit in September 2025 to replace the existing carport with one that is 495 sq. ft. in size. The site plan shows the proposed carport where the existing one is and extending further into the rear yard. The carport requires a building permit because it is larger than 200 sq. ft.; however, it could not be permitted at the proposed location without a variance because it encroaches into the side-yard setback area. Staff informed the applicant of this, and they submitted a variance request shortly after.

#### STAFF ANALYSIS

The applicant provided an Improvement Location Certificate to confirm the proposed carport would not extend into the neighboring property. The lot is 72' wide, and the residence spans 54.4' of this lot width, leaving only 11.5' between the residence and the northeastern property line. The proposed carport has a width of 11.2', leaving 0.3 feet or 3.6 inches in-between the structure and property line. The standard width of a one-vehicle carport is 12 feet to allow passengers to enter and exit the vehicle. There is no opportunity to further reduce the width of the proposed carport without being unable to accommodate a modern vehicle. Staff recognizes that the only alternative location where the carport could fit without encroaching into the side-yard setback area would

be behind the home in a corner already occupied by a shed. Due to the close proximity to the neighboring property, staff recommends conditioning the variance so that no part of the carport may encroach or overhang into the neighboring property, including the carport’s poles, eaves, and gutters.

The existing carport has gutters attached on its side, closest to the neighboring property. The proposed carport will have a center gable that aligns with the gable of the residence, directing stormwater to the front and rear of the property. The applicant proposes to attach gutters to the front and rear of the carport, insuring stormwater will stay on site. Staff still recommends conditioning the variance to ensure the gutters are located on the front and rear of the carport – not on the side adjacent to the neighboring property.

**SURROUNDING ZONE DISTRICTS AND LAND USES**

	Zone District:	Developed with:
North	Single-Family Residential (R-1) Zone District	Single-family residence
East	Single-Family Residential (R-1) Zone District	Single-family residence
South	Single-Family Residential (R-1) Zone District	Single-family residence
West	Single-Family Residential (R-1) Zone District	Single-family residence

**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.

**REVIEWING AGENCIES**

City Code Enforcement	No comment
City Parks and Recreation Department	No comment
City Public Works Department	No comment
City Stormwater Department	No comment
City Transportation	No comment
City Wastewater Department	No comment
Fire Department	No comment
Pueblo Board of Water Works	No comment
Pueblo City/County Health	No comment
Pueblo Regional Building 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. There are 14 properties within 100 feet of the subject property. The adjacent property to the northeast, 1826 Comanche Rd., would be most impacted should this variance request be granted. It contains a window facing the subject property, and the proposed carport would be placed directly in front of this window. There would only be approximately 6’ between the attached carport and adjacent property. However, the proposed carport would not be any closer to the neighboring property than the existing carport, and staff did not find any record of formal complaints regarding the existing carport.**

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 variance would not affect general planning of the city. Of the 14 properties within 100 feet of the subject property, 7 of them contain a carport on the side of the residence that encroaches into the side-yard setback. Thus, there is a neighborhood pattern of attached carports in the side-yard setback. Additionally, the driveway leading into the proposed carport is at least 50 ft away from the adjacent properties' driveways. Staff does not foresee any safety or visibility issue should the variance request be granted.**

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

**Comments: Neutral finding. The subject property is 72 feet wide, and the residence spans 54.4' of the lot width. It would be impossible to place a functional carport on either side of the residence without encroaching into the side-yard setbacks. At the same time, the subject property already contains a 300 sq. ft. attached garage according to the Pueblo County Assessor's records. This garage provides the required off-street parking space for the residence and is located outside of setbacks.**

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. The property does not suffer a unique disadvantage not common to other properties in the district. It *does* suffer a disadvantage in that the residence spans most of the lot width; however, this is a common lot layout for many properties in this area.**

#### **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 additional staff conditions 1 and 2.

1. No part of the carport may encroach or overhang into the neighboring property, including the carport's poles, eaves, and gutters.
2. No stormwater may be directed onto the neighboring property. Gutters must be located on the front and rear of the carport – not on the side adjacent to the neighboring property.

#### **ATTACHMENTS**

- A. Standard Permit Conditions
- B. Aerial Map
- C. Zoning Map
- D. Comprehensive Plan Map
- E. Public Notice Photo
- F. Site Photos
- G. Supporting Documents: Application, Improvement Location Certificate, and Site Plan

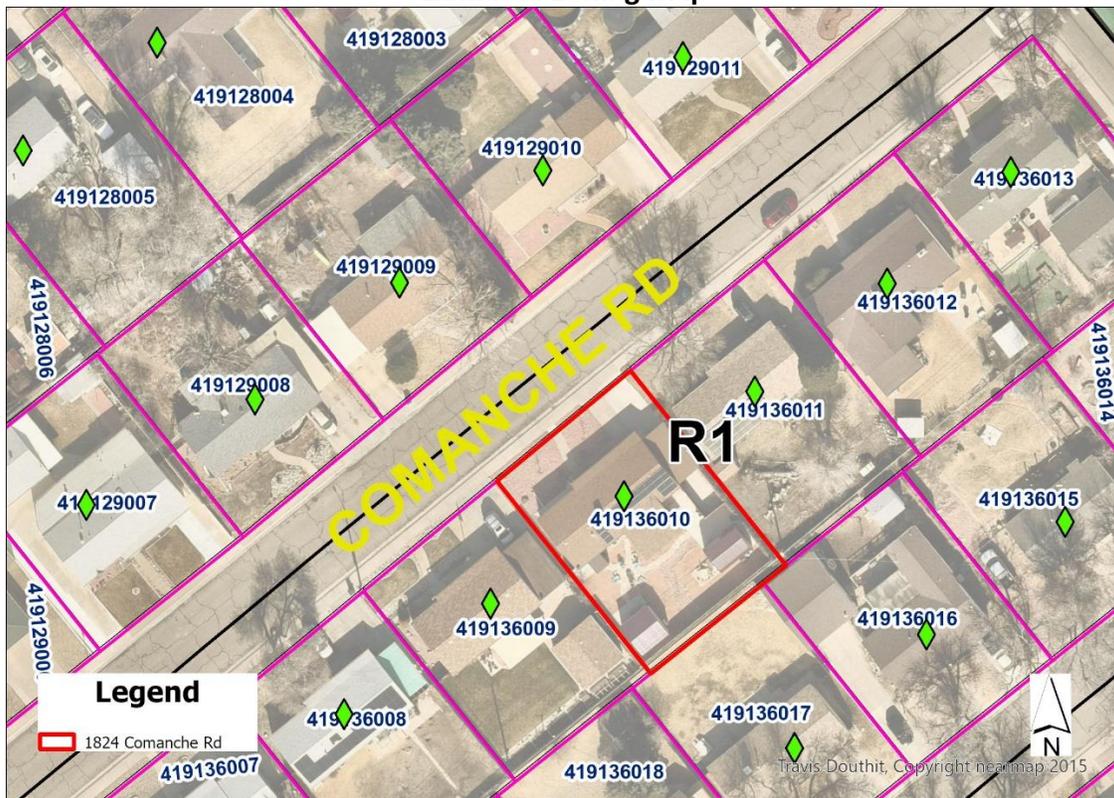
**Exhibit A. Standard Permit Conditions**

<b>Standard Permit Conditions</b> Date of Issuance of Permit: <b>11/25/2025</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>11/25/2026</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.

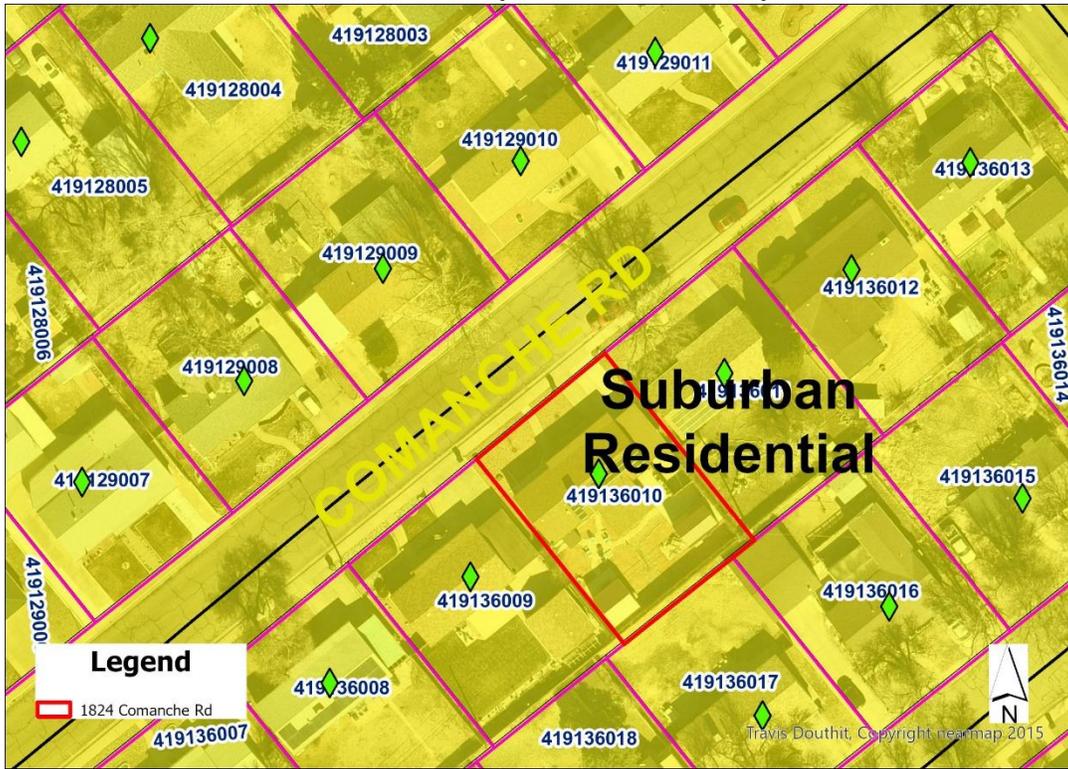
Exhibit B. Aerial Map



Exhibit C. Zoning Map



**Exhibit D. Comprehensive Plan Map**



**Exhibit E. Public Notice**



**Exhibit F. Site Photos**

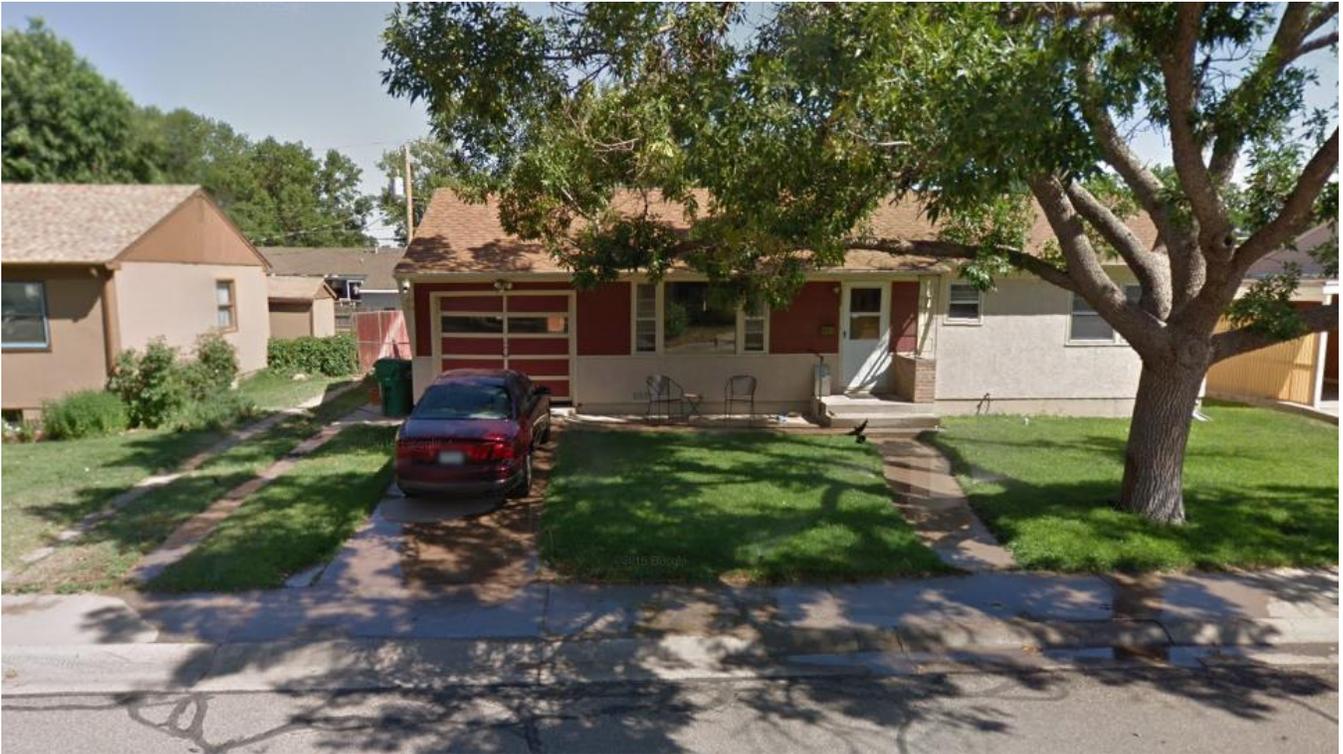


Image of the subject property in June 2012 before a carport was added  
(Google Maps)



Image of the subject property in October 2022 showing the existing carport and expanded driveway  
(Google Maps)



Image of the adjacent property's window near the existing carport (Google Maps)



Image of the existing carport

**Exhibits G. Supporting Documents: Application, Improvement Location Certificate, Plot Plan, and Site Plan**

To view the supporting documents, please reach out to the Planning & Community Development Department at 211 E D St., or at (719) 55302259.