

Mike Castellucci  
Chair

Steve Anselmo  
Vice Chair



Lisa Bailey  
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Yvonne Lujan-Slak

Georgia Way

## ZBA-23-15

Hearing Date: 5/23/2023

**TO:** City of Pueblo Zoning Board of Appeals  
**FROM:** Mikaylin Hackley, Planner  
**THROUGH:** Scott Hobson, Land Use Administrative Official  
**LOCATION:** 1302 W Abriendo Ave, Pueblo, CO 81004  
**APPLICANT:** Jason Cunningham  
**PROPERTY OWNER:** Jason Cunningham  
**YEAR BUILT:** 1949  
**LEGAL DESCRIPTION:** LOTS 23 + 24 BLK 3 ABERDEEN  
**ZONE DISTRICT:** Single-Family Residential (R-1) Zone District  
**PARCEL ID:** 535207008  
**LOT SIZE:** 6250

**REQUEST:** Variance to allow a second accessory structure over two hundred (200) square feet in a Single-Family Residence (R-1) Zone District

### DESCRIPTION OF REQUEST

The applicant is requesting a variance to allow a second detached accessory structure on their lot that exceeds two hundred (200) square feet. The applicant currently has an approximately five hundred (500) square foot detached garage on the property and are proposing a second detached garage at three hundred and thirty-six (336) square feet. Chapter 17-4-23 (c) (2) dictates that only one detached accessory structure over two hundred (200) square feet shall be allowed per principal structure on a lot. The new garage would be constructed in the owner's fenced-in backyard adjacent to a public alley. The applicant hopes to use this new accessory structure for additional off-street parking and storage.

### ANALYSIS

The principal structure on the property in question was built in 1949 and was not designed with any attached or detached parking. The proposed structure would not exceed the lot coverage maximum, or the maximum gross area of accessory structures allowed relative to principal structure area. The garage will be constructed four feet from the rear property line, sitting in line with the current garage. Both the current and potential new structures are permitted to be within the rear setback because 17-4-23 (c) (3) allows for a one-story detached structure to be as close as two (2) feet from the property line if there is a prevailing pattern, within the neighborhood, of detached accessory structures constructed within two feet of the property line. The properties located west of the subject site have detached accessory structures constructed at the rear property line adjacent to the alley. The proposed garage would be accessed through an alley to the south of the property, so it not likely to interfere with the current traffic flow or public rights-of-way. Staff has no particular concerns with this addition but has seen no strong evidence of a particularly unique hardship or disadvantage in this case.

**ZONING DISTRICT AND LAND USE**

Zone:		Developed with:
North	Multiple Residential and Office (R-5) Zone District	Vacant Lot
East	Single-Family Residential (R-1) Zone District	Single-Family Homes
South	Single-Family Residential (R-1) Zone District	Single-Family Homes
West	Single-Family Residential (R-1) 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: Affirmative finding. If the accessory structure is used for parking and storage as the applicant attests, there should be no light or air-related burden on surrounding properties with the addition of this structure.**

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 new structure would not impede current land use plans, public streets, or rights-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. The property has an existing accessory structure for parking and storage use, so an additional structure would not radically improve appropriate development of the property.**

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. Similar properties in this neighborhood have the same lot space to utilize and are also limited in development by the title in question.**

**PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION**

If the Board chooses to approve this variance, staff recommends Standard Permit Conditions 1 through 13 and the following:

1. The accessory structure must meet architectural compatibility standards as outlined in 17-4-23 (c) (5), which states that structures must be architecturally similar to the principal structure in details like siding materials and color as well as roofing material, color, and pitch. The shed plans in exhibit I do not reflect this standard, so the Board may condition that more architecturally similar plans be submitted.

**ATTACHMENTS**

- A. Standard Permit Conditions
- B. Site Map
- C. Aerial Map
- D. Zoning Map
- E. Comprehensive Plan Map
- F. Public Notice Photo
- G. Site Photographs
- H. Application
- I. Supporting documentation

**Exhibit A. Standard Permit Conditions**

<b>Standard Permit Conditions</b> Date of Issuance of Permit: <b>ZBA-23-15</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>5/23/2024</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. Site Map

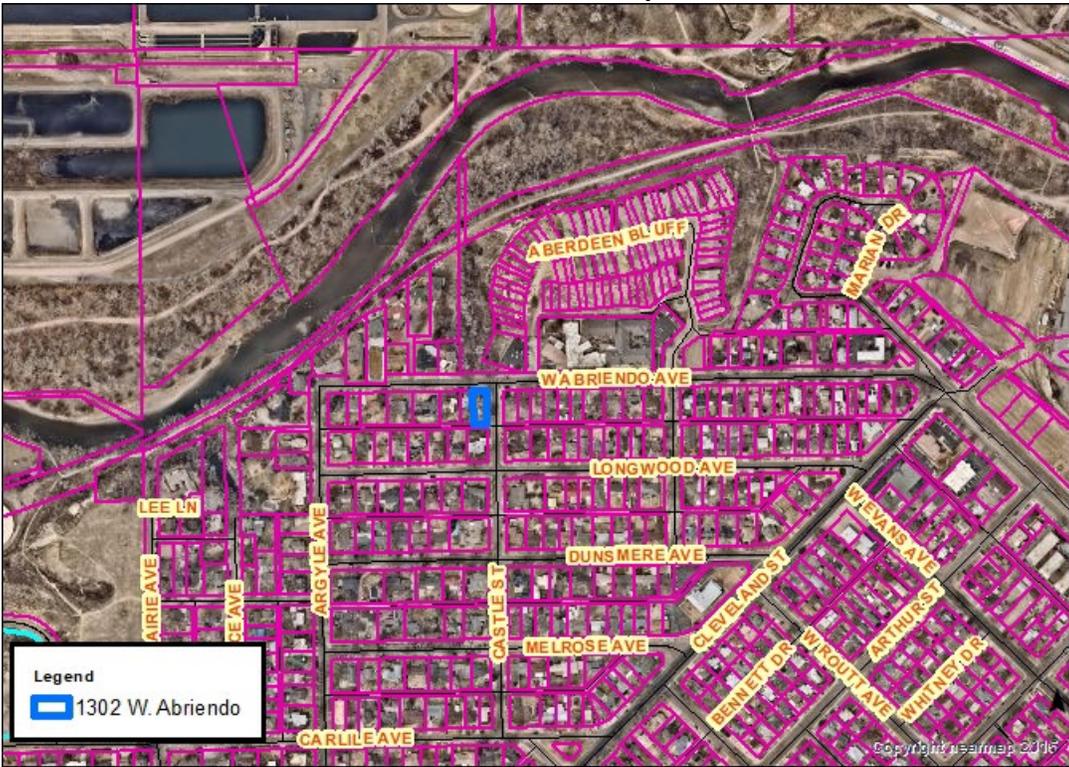


Exhibit C. Aerial Map

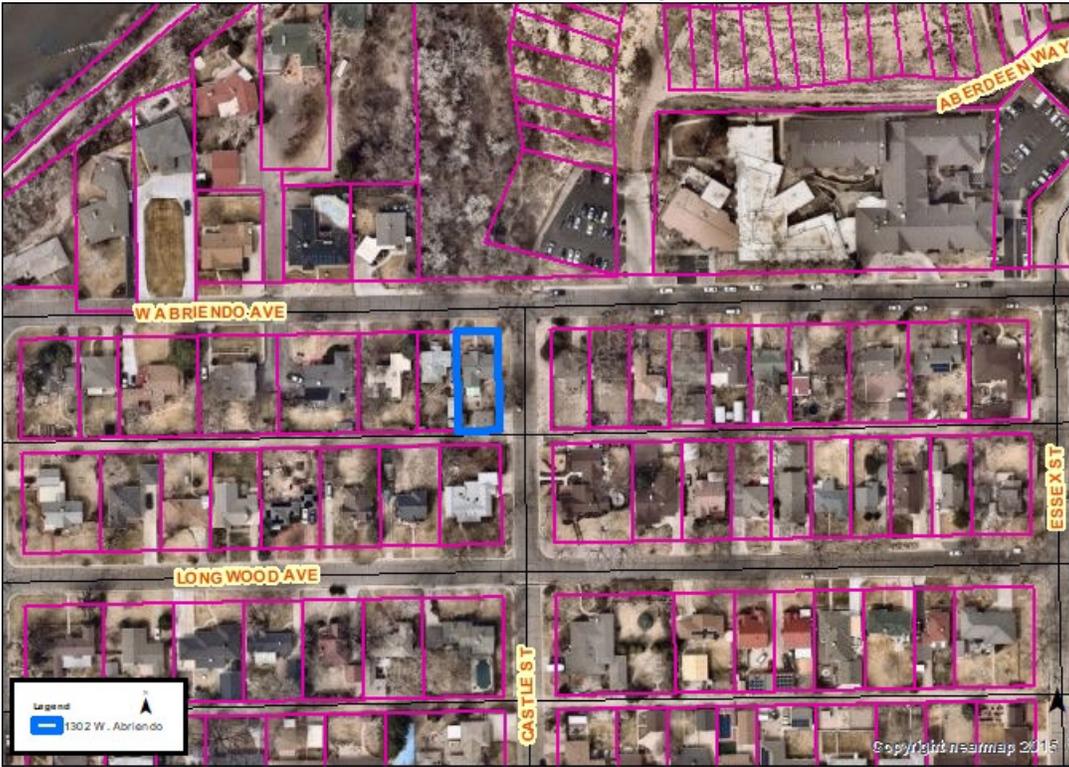


Exhibit D. Zoning Map

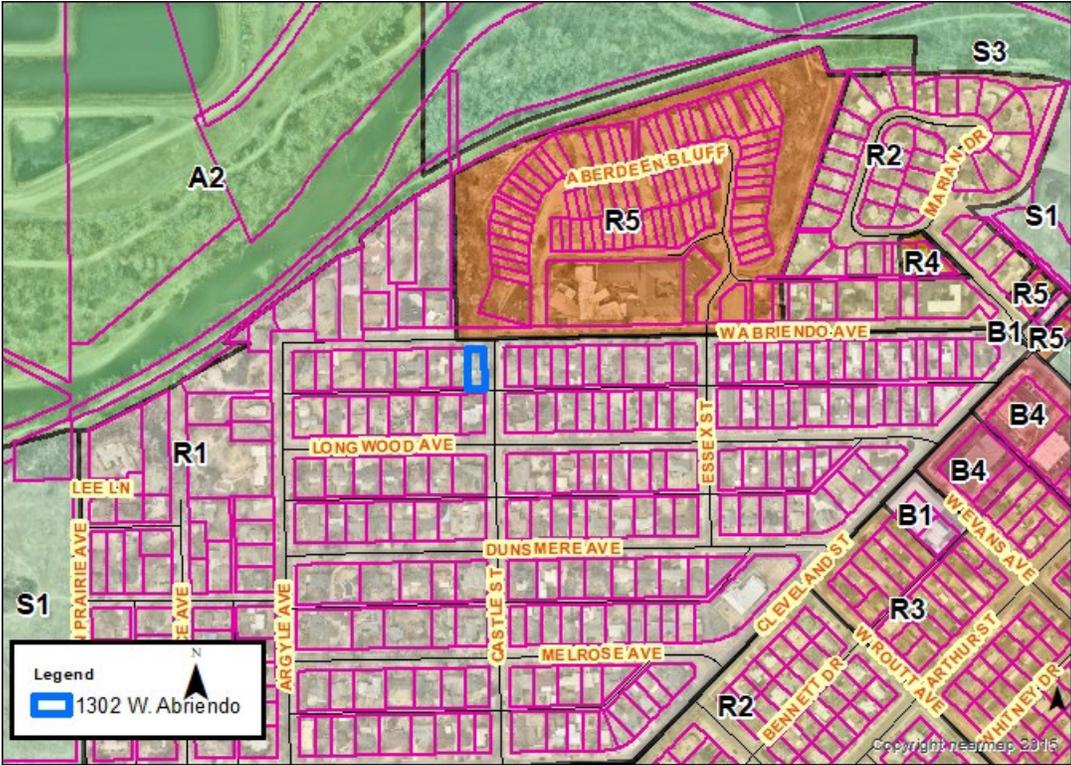
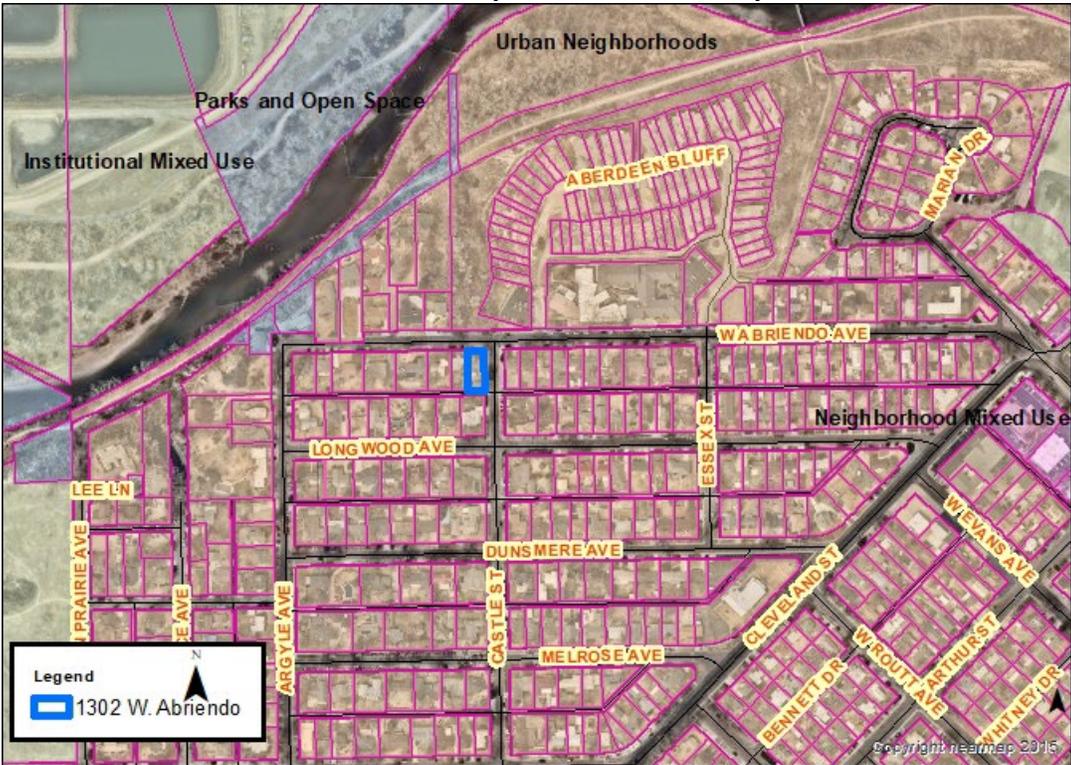


Exhibit E. Comprehensive Plan Map



**Exhibit F. Public Notice**



**Exhibit G. Site Photos**





H. Application



City of Pueblo PLACE

5/15/2023

23-75

Zoning Board of Appeals -  
Special Use Permit &  
Variances

Status: Active

Submitted On: 4/19/2023

Primary Location

1302 W ABRIENDO AVE  
PUEBLO, CO 81004

Owner

CUNNINGHAM JASON E  
CUNNINGHAM TABITHA A,  
W ABRIENDO AVE 1302  
PUEBLO , CO 81004-1006

Applicant

Jason Cunningham  
 719-240-2027  
 jason@inglesupply.com  
 1302 W Abriendo Ave  
Pueblo, CO 81004

Internal

ZBA Case Number

ZBA-23-15

Planner Assigned

Planner 5

Address Validation by GIS?

ZBA

Hearing Date

05/23/2023

Hearing Results

-

Board Conditions

Appeal Term End Date

06/23/2023

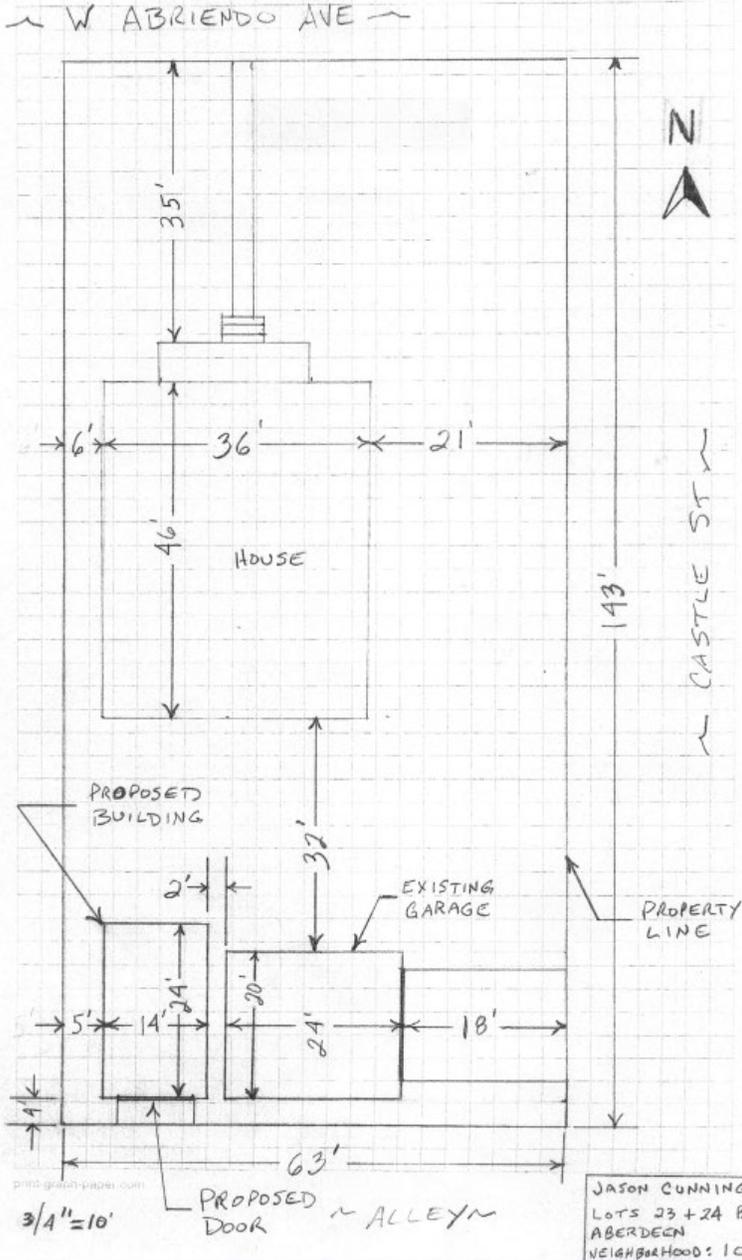
Permit Completion Date

05/23/2024

Exhibit I. Supporting Documents

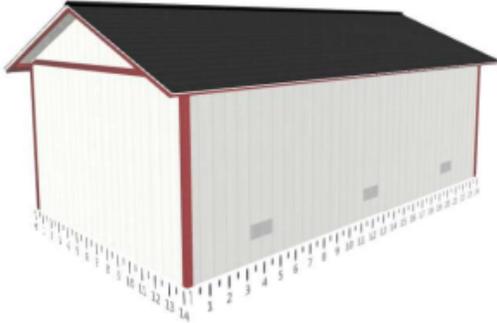
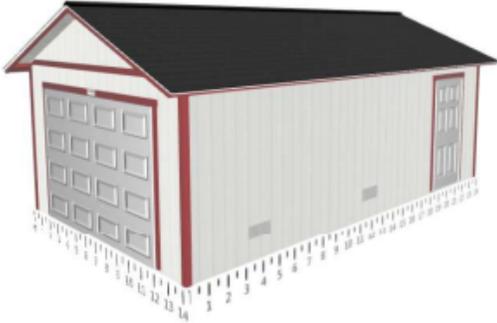
PROJECT: PROPOSED BUILDING  
ADDRESS: 1302 W. ABRIENDO AVE

4/16/23

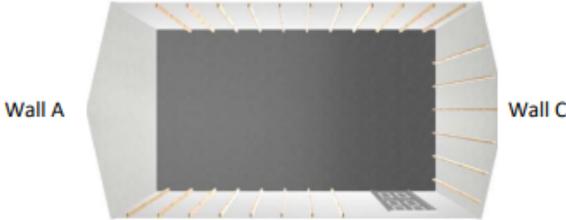




Jason Cunningham  
1302 West Abriendo Avenue  
Pueblo CO 81004  
Q-2096077



Wall D



Wall B

**Base Details**

**Building Size & Style**  
Premier Pro Ranch Garage - 14' wide by 24' long  
**Door**  
Overhead Garage Door (10' x 7'),  
**Door**  
6-Panel Residential Door (Right Hand Inswing),  
**Paint Selection**  
Base: Delicate White, Trim: Red Gumball  
**Roof Selection**  
Charcoal Dimensional Premium Shingle  
**Drip Edge**  
White  
**Is a permit required for this job?**  
Yes  
**Who is pulling the permit?**  
Tuff Shed

**Options Details**

**Vents**  
5 Ea 16"x8" Wall Vent - White

**Jobsite/Installer Details**

**Do you plan to insulate this building after Tuff Shed installs it?**  
No  
**Is there a power outlet within 100 feet of installation location?**  
Yes  
**The building location must be level to properly install the building. How level is the install location?**  
Slab provided by customer will be within 1/8" tolerance on square, level, exterior dimensions to match the building size (per customer agreement).  
**Will there be 18" of unobstructed workspace around the perimeter of all four walls?**  
Yes  
**Can the installers park their pickup truck & trailer within approximately 200' of your installation site?**  
Yes  
**Substrate Shed will be installed on?**  
Concrete without Shed Floor