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Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-23-44

Hearing Date: 10/24/2023

TO: City of Pueblo Zoning Board of Appeals
FROM: Mikaylin Hackley, Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 3006 W 28th St.
APPLICANT: Tuff Shed inc.
PROPERTY OWNER: Ken Schumate
YEAR BUILT: 1956
LEGAL DESCRIPTION: LOTS 2 + 3 BLK 2 TEMPLE ACRES FORMERLY #05-220-02-009 + 010
ZONE DISTRICT: Single-Family Residential (R-2) Zone District
PARCEL ID: 522002032
LOT SIZE: 13,260

REQUEST: A variance to allow for a second accessory structure over two hundred (200) square feet in a Single-Family Residential (R-2) 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 six hundred and thirty (630) square foot detached garage on the property and is proposing an additional detached shed at three hundred and twenty-four (324) square feet. Chapter 17-4-23 (c) (2) of the municipal code dictates that only one detached accessory structure over two hundred (200) square feet shall be allowed per principal structure on a lot. The new structure would be constructed in the backyard. The applicant uses their current accessory structure for covered parking spaces and wishes to build the new shed to use as a workshop.

ANALYSIS

The principal structure on the property was built in 1956 and has no attached covered parking. The front yard of the property is enclosed in a chain-link fence, with access to the existing detached garage through the driveway west of the house. The proposed shed would not be accessed by vehicle, as the applicant has indicated that it would be used for storage and as a workspace. The property covers the area of two typical lots, so there is adequate space for the structure without encroaching into any required setbacks or lot coverage maximums.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Single-Family Residential (R-2) District	Single-Family Homes
East	Single-Family Residential (R-2) District	Single-Family Homes
South	Pueblo County Jurisdiction	Single-Family Homes
West	Single-Family Residential (R-2) 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. The one-story structure set behind the house and in the fenced-off yard would not negatively impact neighboring 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. Staff has no concerns regarding the residential land use, and the applicant does not intend to access the structure with a vehicle, so there would be no affect on 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: Affirmative finding. The limit of one accessory structure does not impede the residential use of the property, the proposed accessory structure does effectively capitalize on the large size of the lot.

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 unique disadvantages for this property, but staff has no concerns with granting the variance.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses 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 Photographs
- G. Application
- H. Supporting Documents

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 10/24/2023	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 10/24/2024
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

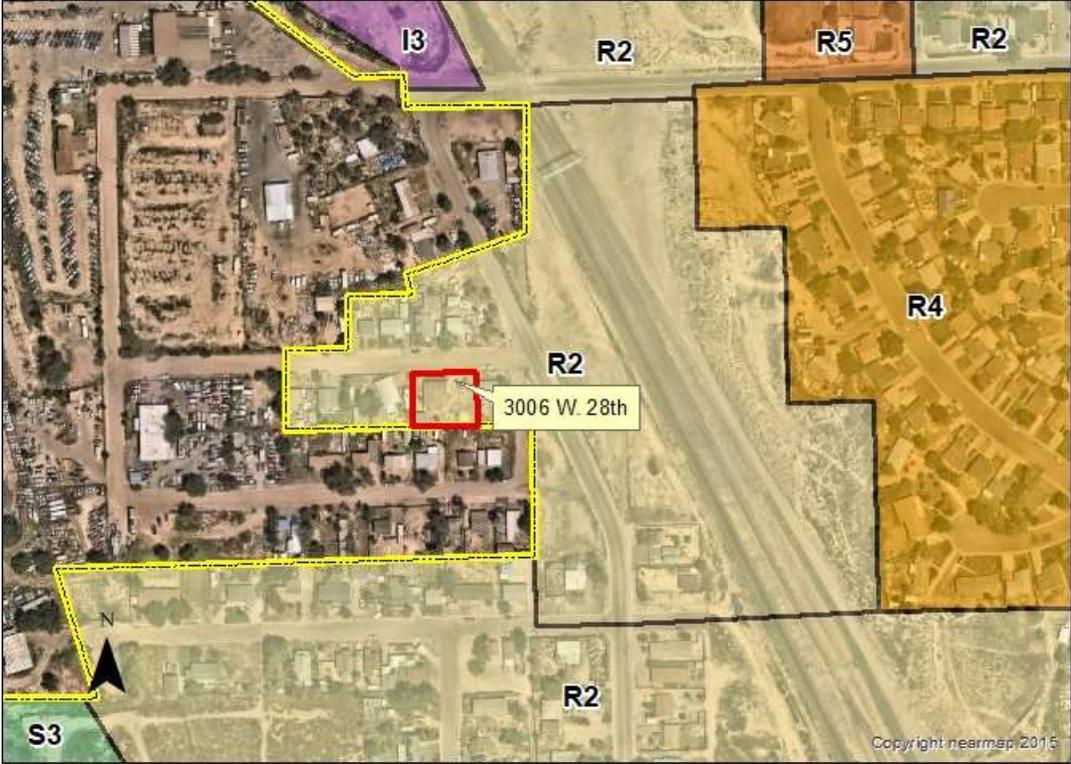


Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice



Exhibit F. Site Photos



Exhibit G. Application



City of Pueblo PLACE

9/28/2023

23-209

Zoning Board of Appeals -
Special Use Permit &
Variances

Status: Active

Submitted On: 9/28/2023

Primary Location

3006 W 28TH ST
PUEBLO, CO 81003

Owner

SHUMATE LYDIA CLAUDEAN
1190 Q ST PENROSE , CO
81240-9006

Applicant

TuffShed Tuff Shed INC

719-640-9875

@ toringdulph@tuffshed.com

1313 E Cheyenne RD
Colorado Springs, CO
80905

Internal

ZBA Case Number

ZBA-23-44

Planner Assigned

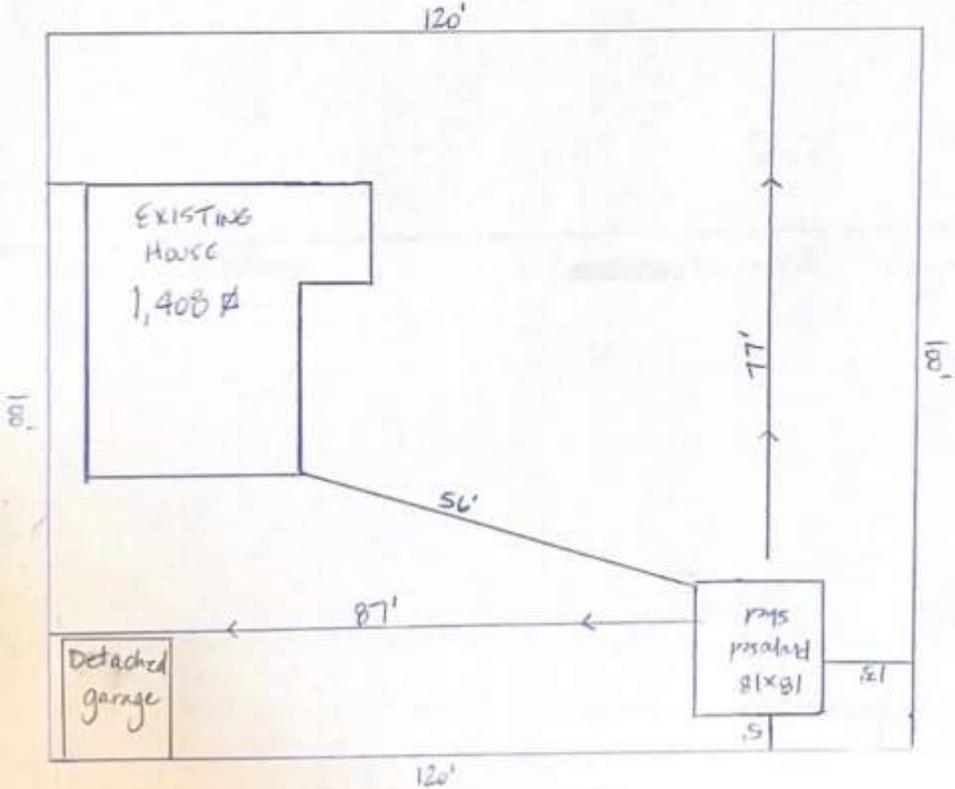
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Address Validation by GIS?

ZBA

H. Supporting Documents

Proposed Tuff Shed Detached Workshop/Accessory Structure: 18'x18'=324 sq ft
 Owner: Lydia Claudean Shumate
 Address: 3006 W. 28th St., Pueblo, Co., 81003
 Parcel #: 522002032
 Legal Description: Lots 2+3 BLK 2 Temple Acres Formerly #05-220-02-009+010
 Property Record ID: 1083314
 Lot Size: 12,000 sq ft
 Existing House: 1,408 sq ft
 Proposed Detached Accessory Structure: 18'x18'= 324
 Proposed Lot Coverage: 14% 1" = 20' W. 28th St.





Planning & Community Development

211 East D Street | Pueblo, Colorado 81003 | Tel 719-553-2259 | Fax 719-553-2359 | TTY 719-553-2611 | www.pueblo.us

Property Owner Affidavit

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

Property Owner:			
Name: Ken Schumate		Company: Tuff Shed	
Address: 3006 West 28th St			
City: Pueblo		State: Colorado	Zip: 81003
Phone: 719 717-8079	Email: kenschumate1@gmail.com		
Applicant:			
Name: Tuff Shed		Company: Tuff Shed	
Phone: 719 640-9875	Email: toringdulph@tuffshed.com		
Property Address: 3006 West 28th St Pueblo CO 81003			

I, Ken Schumate, hereby state that I am the owner of record of the property located at 3006 West 28th St Pueblo CO 81003, Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application for a 18x18 Tuff Shed Structure at said location.
(application type)

Signature of Property Owner Date