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Chair

Steve Anselmo  
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Lisa Bailey  
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Yvonne Lujan-Slak

Georgia Way

## ZBA-23-42

Hearing Date: 10/24/2023

**TO:** City of Pueblo Zoning Board of Appeals  
**FROM:** Bart Mikitowicz  
**THROUGH:** Scott Hobson, Land Use Administrative Official  
**LOCATION:** 704 W. 29th St, Pueblo, CO 81003  
**APPLICANT:** Mauricio Trujillo  
**PROPERTY OWNER:** Donna Rasheid  
**YEAR BUILT:** 1955  
**LEGAL DESCRIPTION:** E 70 OF LOTS 18 + 19 BLK 4 SOMERLID HEIGHTS ADD + E 70 OF LOTS 16 + 17 BLK 4 SOMERLID HEIGHTS ADD  
**ZONE DISTRICT:** Regional Business (B-4) Zone District  
**PARCEL ID:** 524112002  
**LOT SIZE:** 734

**REQUEST:** A Variance to permit a permanent shipping container in a Regional Business (B-4) Zone District

### REQUEST BACKGROUND

The applicant is requesting a variance to keep a permanent shipping container on the property located at 704 W. 29th St. Currently the shipping container (160 sqft) is stored on property to the west of the subject property (710 W. 29th St). The applicant would like to relocate the shipping container behind Los Carnales Restaurant at 704 W 29th St. and keep it there permanently. According to section 17-4-23 (c) (11) b. "The Zoning Board of Appeals may grant a variance to permit permanent shipping containers in commercial zone districts. The Zoning Board of Appeals shall have the authority to add reasonable conditions of approval related to mitigating the negative impact of the container. These conditions may include but are not limited to painting the container to match the principal structure, prohibit the use of signage on the container, fully screen the container by an opaque fence, clad the container to be architecturally compatible with the principal structure, require the container to be placed so it is not visible from a public or private right-of-way, and/or residential properties." Therefore, the applicant is required to obtain a variance before placing the shipping container.

### ANALYSIS

704 W. 29th St is a 734 sqft. commercial building built in 1955. The building is located in the Somerlid Heights Addition, South of the Pueblo Country Club. The applicant is requesting a Variance to permit a permanent shipping container in a Regional Business (B-4) Zone District. In accordance with 17-4-23 (c) (11) b. of the Pueblo Municipal Code (PMC), the applicant is required to obtain a Variance to complete this project. The applicant would like to use this container as additional storage of restaurant supplies. The subject property is surrounded by commercial properties, and the shipping container would not have a significant adverse effect on the character of the neighborhood. The shipping container will be placed at the rear of the property outside of the setback areas; however, the narrow end of the container will be visible from West Street. Conditions recommended by staff include the prohibition of signage on the container and that it be painted to match the principle structure.

**ZONING DISTRICT AND LAND USE**

Zone:		Developed with:
North	Regional Business (B-4) Zone District	Vacant Grocery Store
East	Regional Business (B-4) Zone District	Vapor Source
South	Regional Business (B-4) Zone District	Commercial Building
West	Regional Business (B-4) Zone District	Commercial Building

**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. Granting the variance would not reduce light and air in the form of new shaded areas in the properties within 100 feet of the 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. This variance would not jeopardize general planning of the city with respect to land use, streets, or highways.**

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

**Comments: Neutral finding. Strict adherence to the code would require the applicant to construct a storage unit wholly architecturally compatible with the principle structure. However, the code does allow for the permanent placement of shipping containers with a variance, of which the applicant has applied.**

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 subject property does not suffer from a unique or singular disadvantage, and a storage unit could be constructed and placed without needing a variance.**

**PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION**

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

1. Paint the shipping container to match the principal structure, off-white cream with orange and green accent colors.
2. No signage or advertisement is to be placed on the shipping container.

**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-23-42</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>10/24/2024</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



Exhibit H. Application

9/20/23, 4:41 PM

23-201



City of Pueblo PLACE

9/20/2023

23-201  
Zoning Board of Appeals -  
Special Use Permit &  
Variances  
Status: Active  
Submitted On: 9/20/2023

Primary Location  
704 W 29TH ST  
PUEBLO, CO 81003  
Owner  
RASHEID DONNA MARIE  
PO BOX 19989 COLORADO  
CITY , CO 81019-0989

Applicant  
Mauricio Trujillo  
719-242-1846  
alonso.tru@icloud.com  
5100 Peregrine Dr  
Pueblo, Co 81005

Internal

ZBA Case Number

ZBA-23-41

Planner Assigned

-

Address Validation by GIS?

ZBA

Hearing Date

10/24/2023

Hearing Results

-

Board Conditions

Appeal Term End Date

-

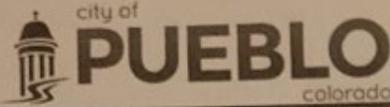
Permit Completion Date

-

Exhibit I. Supporting Documents

SITE PLAN  
704 W 29th St  
Pueblo, CO 81003  
Parcel ID: 524112002  
Lot area: 0.16 Acres  
Paper Size: 11"x17"





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.

<b>Property Owner:</b>			
Name:	Donna Rasheid	Company:	
Address:	PO Box 19989 (19 North Parkway)		
City:	Colo City Colo.	State:	Colo. Zip: 81019
Phone:	719-250-5556	Email:	donnarasheid@hotmail.com
<b>Applicant:</b>			
Name:	Mauricio Trujillo	Company:	Las Carnales
Phone:	719-242-1846	Email:	
Property Address: 704 W. 29th St.			

I, Donna Rasheid, hereby state that I am the owner of record of the property located at 704 W. 29th St., Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application for a Storage Container at said location.  
(application type)

Donna Rasheid 9/13/23  
 Signature of Property Owner Date