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Chair

Steve Anselmo  
Vice Chair



Lisa Bailey  
Secretary

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Georgia Way

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## ZBA-24-06

Hearing Date: 2/27/2024

**TO:** City of Pueblo Zoning Board of Appeals  
**FROM:** Mikaylin Hackley  
**THROUGH:** Scott Hobson, Land Use Administrative Official  
**LOCATION:** 1706 Brimmer Ave  
**APPLICANT:** Lisa Pacheco  
**PROPERTY OWNER:** Deuyu Ribal  
**YEAR BUILT:** 1954  
**LEGAL DESCRIPTION:** LOT 28 BLK 7 CORKISH-SACKMAN-LITTELL NO 2  
**ZONE DISTRICT:** One and Two-Family Residential (R-3) Zone District  
**PARCEL ID:** 1510124028  
**LOT SIZE:** 4996

<b>REQUEST:</b>	Variance to reduce required parking spaces from one (1) to zero (0) in a One and Two-Family Residential (R-3) Zone District
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### DESCRIPTION OF REQUEST

The applicant is requesting a variance for a reduction in required parking spaces to convert a covered carport into storage space. Staff is additionally requesting that the Board affirm an existing setback variance to reflect the applicant's updated request.

Section 17-4-42 (a) of the Municipal Code dictates that all one and two-family homes must have at least one off-street parking space per dwelling unit, but that "no portion of the building site which is required for front or side yard setbacks shall be used as a part of the required off-street parking spaces." Since the only parking space on the property that was outside of the front setback was the covered carport, the enclosure of the structure and its change of use requires a parking variance.

This property received a variance on September 3, 1985, to reduce the required side yard setback from 5' to 2' 8" specifically for the construction of a carport (see exhibit H). Now, since the homeowner has enclosed the structure with walls, the structure can no longer be defined as a carport, so the Board will need to establish that the setback variance for a carport can be extended to include the new use.

### ANALYSIS

Staff foresees no adverse effects from the reduction in off-street parking spaces. The front driveway, though it does sit within the front-yard setback, has ample room for a single resident parking space. There is also on-street parking along Brimmer Avenue for any additional vehicles.

Staff also has no concerns regarding honoring the previous setback variance and applying it to the new storage use.

**ZONING DISTRICT AND LAND USE**

Zone:		Developed with:
North	One and Two-Family Residential (R-3) Zone District	Single-Family Homes
East	One and Two-Family Residential (R-3) Zone District	Single-Family Homes
South	One and Two-Family Residential (R-3) Zone District	Single-Family Homes
West	One and Two-Family Residential (R-3) 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. The reduction of a single parking space should not constitute a nuisance or cause any reduction of value for surrounding 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. The reduction of a parking space will not affect general land use or streets.**

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

**Comments: Affirmative finding. The enclosure of the existing carport provides desirable storage space for this older house, and the redevelopment of the structure better suits the new homebuyer’s needs.**

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 hardships or disadvantages for this property, but staff foresees no adverse effects from allowing this redevelopment.**

**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 new storage structure must meet architectural compatibility standards for accessory structures, meaning the use of similar material and color to the principal structure.

**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**

<b>Standard Permit Conditions</b> Date of Issuance of Permit: <b>2/27/2024</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>2/27/2025</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

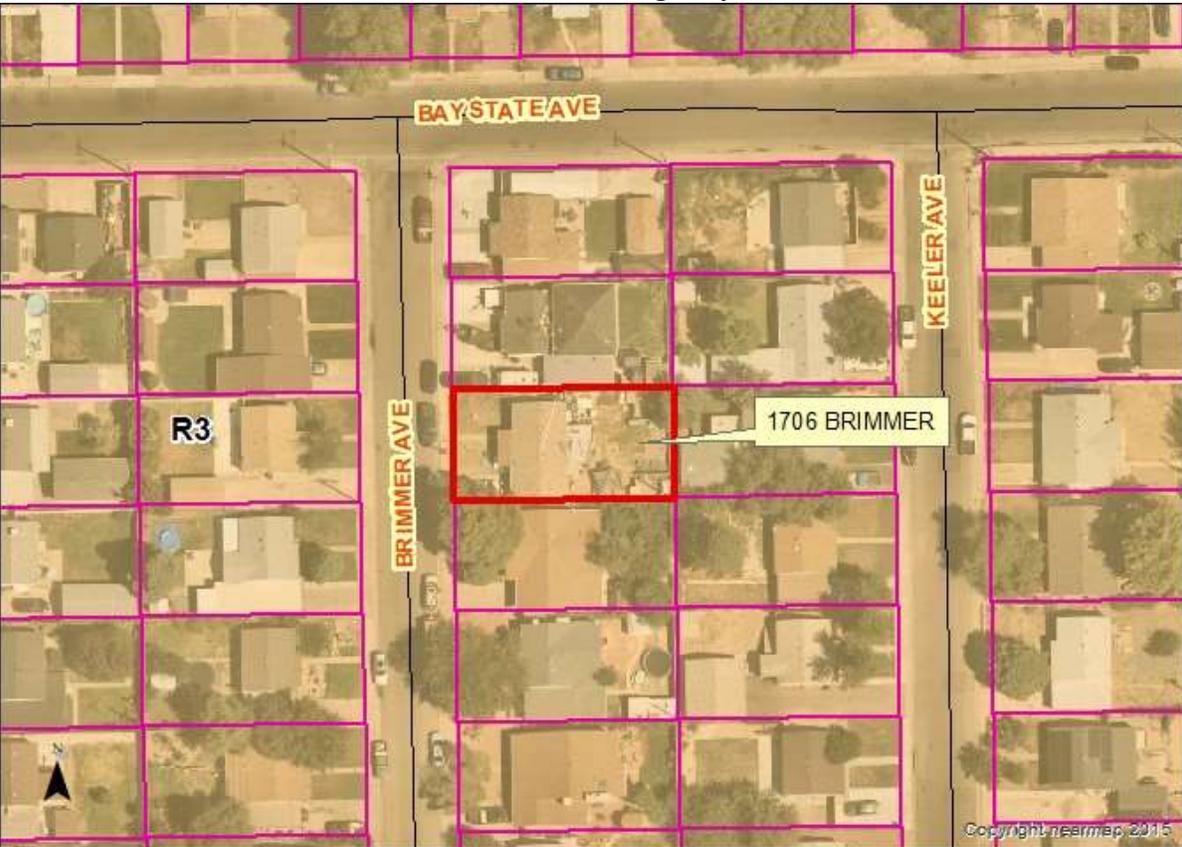


Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice



Exhibit F. Site Photos



Exhibit G. Application



City of Pueblo PLACE

1/23/2024

24-24  
Zoning Board of Appeals -  
Special Use Permit &  
Variances  
Status: Active  
Submitted On: 1/23/2024

Primary Location  
1706 BRIMMER AVE  
PUEBLO, CO 81005  
Owner  
RIBAL DENYA  
3932 CARLILE AVE PUEBLO ,  
CO 81005-1116

Applicant  
Lisa Pacheco  
719-506-4853  
lisa.apacheco44@gmail.com  
1706 Brimmer Ave  
Pueblo, Colorado 81005

Internal

ZBA Case Number  
ZBA-24-06  
Planner Assigned  
-

Address Validation by GIS?

ZBA

Hearing Date  
02/27/2024  
Hearing Results  
-

### H. Supporting Documents

1706 BRIMMER AVENUE

Kenneth L. Martinez

CASE # 59-85

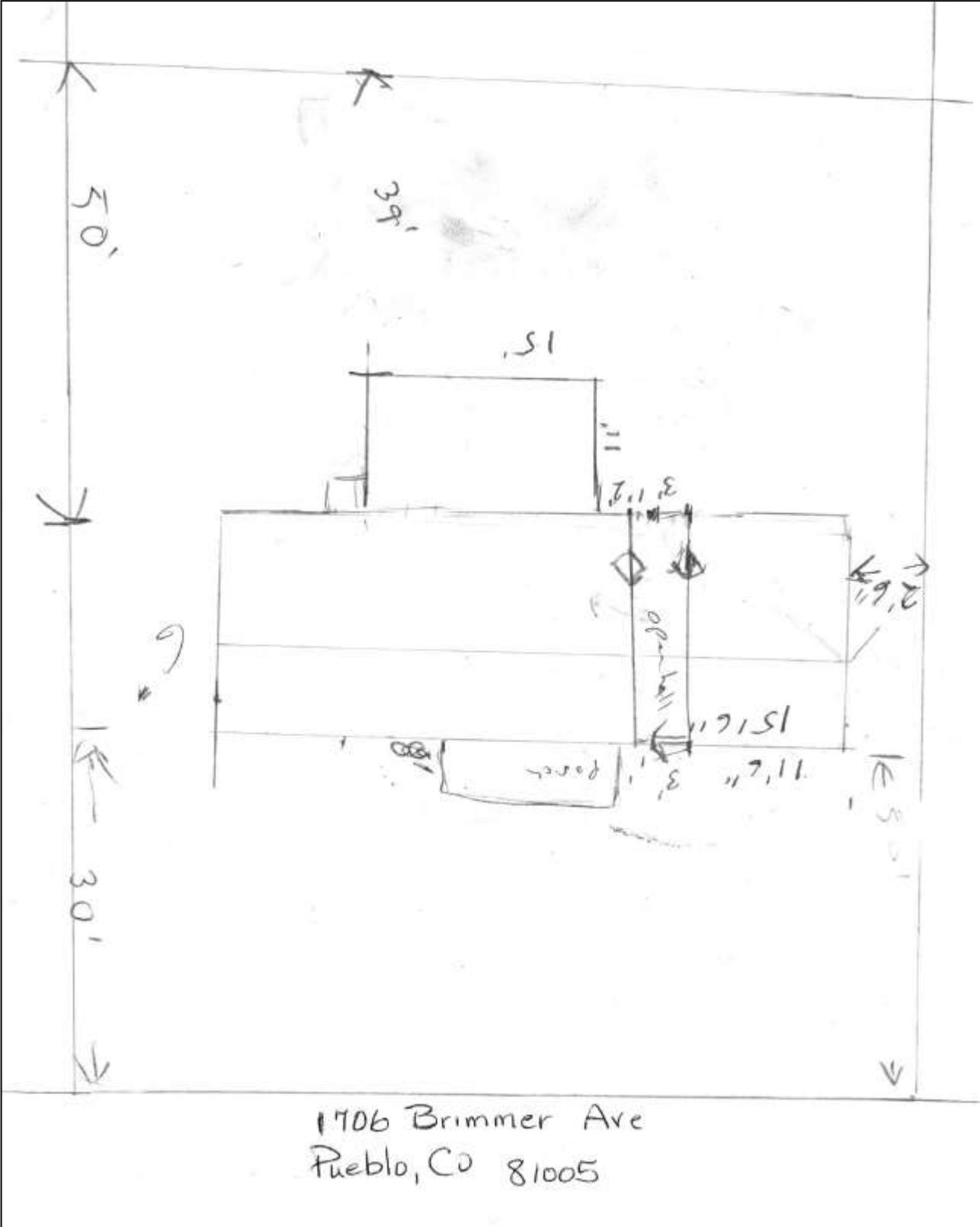
8/13/85

Application has been made to permit the construction of a carport which will extend 2 feet, 4 inches into the required side yard setback.

9/3/85

Kenneth L. Martinez, applicant, appeared & testified in support of the application. There was no opposition.

After discussion, Mr. Glavan, seconded by Mr. Banner, moved to grant the variance subject to the condition that gutters and downspouts be provided to channel the drainage water to the applicant's property. Motion carried 5-0





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: <u>Denya Ribal</u>		Company:	
Address: <u>3932 Carlisle Ave</u>			
City: <u>Pueblo CO</u>		State: <u>CO</u>	Zip: <u>81005</u>
Phone: <u>702 770 0702</u>	Email: <u>dcribal@pueblo.com</u>		
<b>Applicant:</b>			
Name: <u>Lisa A. Pacheco</u>		Company:	
Phone: <u>719 506-4853</u>	Email: <u>lisa.a.pacheco44@gmail.com</u>		
Property Address: <u>1706 Brimmer Ave</u>			

I, Denya Ribal, hereby state that I am the owner of record of the property located at 1706 Brimmer Ave, 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] 12-12-23  
 Signature of Property Owner Date