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Steve Anselmo  
Vice Chair



Lisa Bailey  
Secretary

Yvonne Lujan-Slak

Georgia Way

## ZBA-25-02

Hearing Date: 1/28/2025

**TO:** City of Pueblo Zoning Board of Appeals  
**FROM:** Hannah Prinzi, Planner  
**THROUGH:** Scott Hobson, Land Use Administrative Official  
**LOCATION:** 1321 W Abriendo Ave  
**APPLICANT:** Darrell Braden  
**PROPERTY OWNER:** Darrell Braden  
**YEAR BUILT:** 1967  
**LEGAL DESCRIPTION:** Lot 1 Aberdeen Bluffs  
**ZONE DISTRICT:** Single-Family Residential (R-1) Zone District  
**PARCEL ID:** 535220001  
**LOT SIZE:** 10454.40

**REQUEST:** Variance to reduce side-yard setback requirements in a Single-Family Residential (R-1) Zone District to bring an existing 12x12 shed into compliance.

### BACKGROUND

The applicant is requesting a variance to reduce the side-yard setback requirements to 28" to bring an existing 12x12 shed into compliance. The subject property is a 0.24-acre parcel in a Single-Family Residential (R-2) Zone District generally located south of the Arkansas River and west of the Dutch Clark Stadium. The property is developed with a 1,195 sq. ft. house built in 1967, an attached garaged, and the shed along the west property line. There is approximately 30' between the house and the back property line; however, the house sits on a hill. There is a 16' drop at the back of the property that is fenced off, reducing the building area of the property (See Exhibit H Lidar Map). The applicant applied for a variance after Code Enforcement received a complaint on October 24<sup>th</sup>, 2024, that the shed sits too close to the side property line. It is approximately 28" from the block fence on the western property line.

### REQUEST AND ANALYSIS

Since the area of the shed is less than 200 sq. ft., the structure does not require a building permit prior to installation; however, it still must meet the minimum 5' side yard setback to comply with Code (Sec 17-4-23, (c), (3)). The shed is approximately 28" from the fence on the western property line, so it would need to move approximately 3' to the east to comply. The shed could move without running into another structure, but it would then be moved out of the yard's hardscape and into the lawn. Options to relocate the shed to the northern portion of the yard are limited because of the steep topography behind the house. The shed sits behind the attached garage, obscuring it from public view. It therefore does not negatively impact land use since the shed cannot be directly accessed by the street. The shed is also behind a fence on the western property line, but the fence is 7' high while the shed is 13' high. The structure is visible over the fence, which may constitute a nuisance for the neighbors to the west.

The shed is tall enough that it must be architecturally compatible with the house, per Section 17-4-23, (c), (5). The shed is painted reddish-brown color, similar to the color of the door on the attached garage, but the house itself is painted a darker brown. To further improve architectural compatibility, staff recommends conditioning

the variance permit so that the accessory structure includes design features to match the house, such as dark gray trim and new roof.

**ZONE DISTRICT AND LAND USE**

Zone:		Developed with:
North	A-2. Agricultural Two Zone District	Arkansas River and Northside Reservoir
East	R-5, Multiple Residential and Office Zone District	Chateau at Sharmar Assisted Living
South	R-1, Single-Family Residential Zone District	Single-Family Homes
West	R-1, Single-Family Residential 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	Minimum setback measured from property lines for non-fire rated structure is 5 feet. If less than that required distance, a minimum 1-hour fire rating is required for walls and projections per IRC Table 302.1(1).
Fire Department	No comment
City Public Works Department	No comment
City Stormwater Department	No comment
City Code Enforcement	This was a complaint received by CE. Not in favor of variance due to the fact that it is creating a neighborhood problem resulting in complaints to the City.
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: Neutral finding.** The sheds sit behind the attached garage to the south and the fence to the west, obscuring the structure from public view. However, the shed is 13’ high and is visible from the rear-yard of the neighboring property to the west, which may reduce light and air to the neighboring 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.** The variance would not affect general planning of the city regarding land use, streets, and highways since the sheds sit behind the attached garage and therefore cannot be accessed by streets or vehicles.

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

**Comments: Neutral finding.** The shed could hypothetically move east 3' to comply with Code as there are no other structures in the way. However, the shed would then be moved out of the rear-yard's hardscape and into the lawn portion of the yard. Options to relocate the shed to the northern portion of the yard are limited because of the steep topography behind the house.

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: Affirmative finding.** The property suffers a unique disadvantage as the steep topography behind the house reduces usable area by approximately 1700 sq. ft.

#### **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 the following staff condition:

1. The accessory structure is tall enough that it must be architecturally compatible with the principal structure per Section 17-4-23, (C), (5). The structure's color does match the garage door. To further improve architectural compatibility, the accessory structure will be altered to include design features that match the house, such as dark gray trim and new roof.

#### **ATTACHMENTS**

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

**Exhibit A. Standard Permit Conditions**

<b>Standard Permit Conditions</b> Date of Issuance of Permit: <b>1/28/2025</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>1/28/2026</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

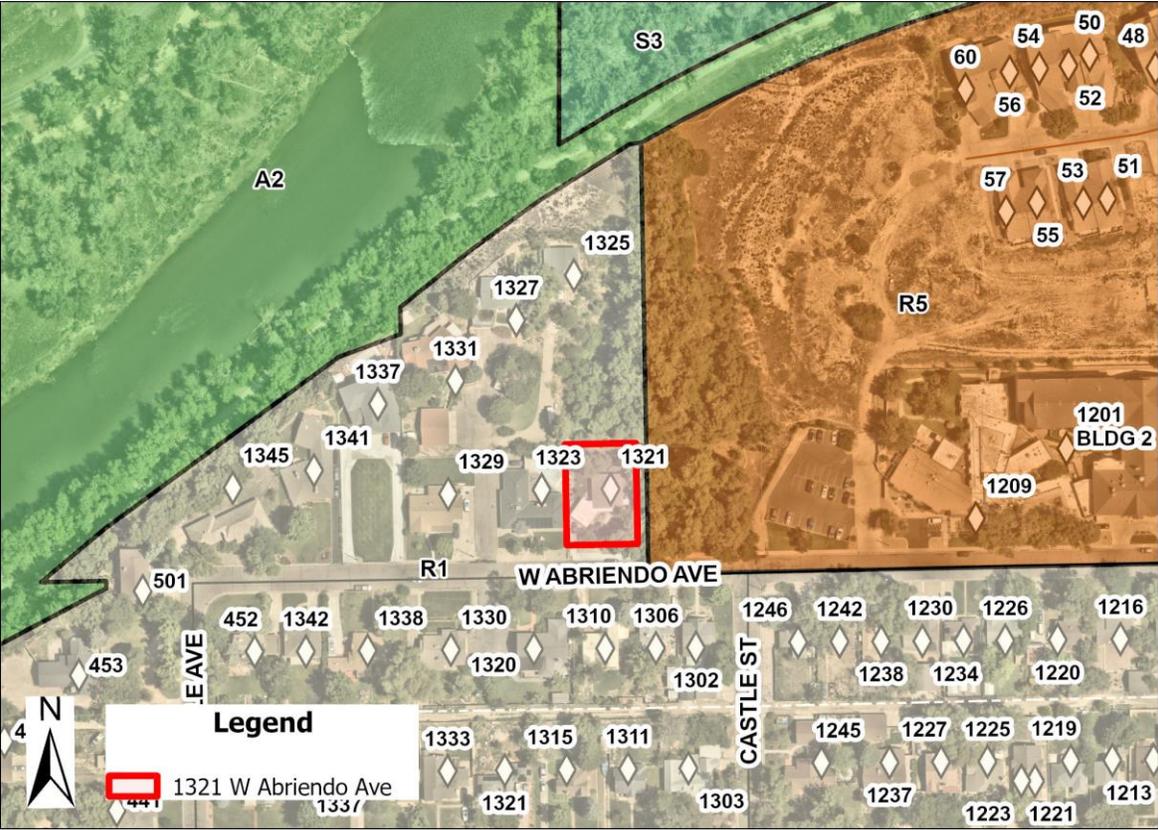
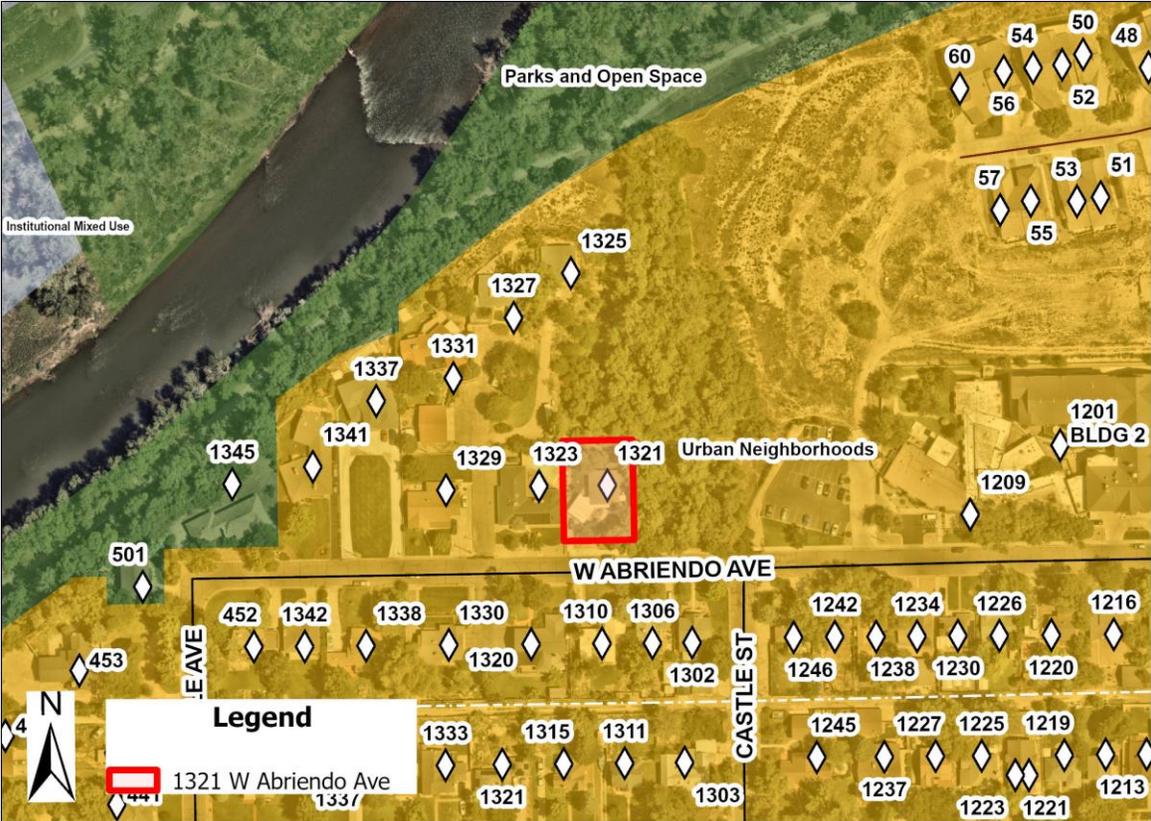


Exhibit D. Comprehensive Plan Map



**Exhibit E. Public Notice**



**Exhibit F. Site Photos**





Exhibit G. Application

11/15/24, 2:43 PM

24-216

City of Pueblo PLACE

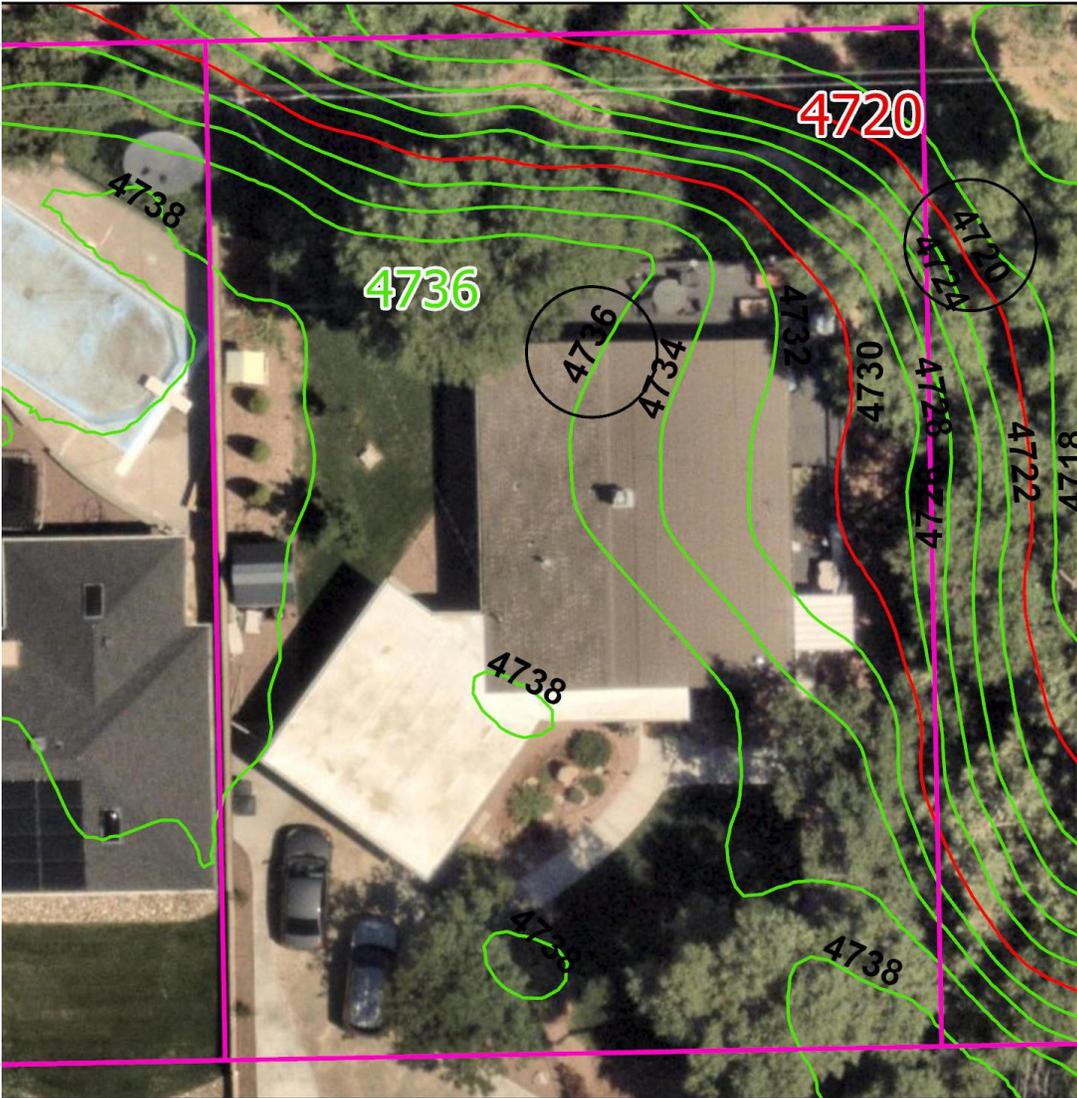
November 15, 2024

24-216
Zoning Board of Appeals
- Special Use Permit &
Variances
Status: Active
Submitted On: 11/15/2024

Primary Location
1321 W ABRIENDO AVE
PUEBLO, CO 81004
Owner
BRADEN DARRELL/BRADEN
DARLA
1321 W ABRIENDO AVE PUEBLO ,
CO 81004-1005

Applicant
Darrell Braden
321-474-3971
darrell\_braden@msn.com
1321 W abriendo Ave
Pueblo, CO 81004

H. Lidar Map



I. Site Plan

