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Georgia Way

ZBA-25-04

Hearing Date: 1/28/2025

TO: City of Pueblo Zoning Board of Appeals
FROM: Hannah Prinzi
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 213 Spring St
APPLICANT: Randy Tafoya
PROPERTY OWNER: Randy Tafoya
YEAR BUILT: 1922
LEGAL DESCRIPTION: SWLY 13 1/2 FT LOT 22 ALL 23 BLK 109 SOUTH PUEBLO
ZONE DISTRICT: Mixed Residential (R-4) Zone District
PARCEL ID: 536404014
LOT SIZE: 0.12 acres

REQUEST: Variance to reduce side- and rear-yard setbacks and to allow an accessory structure larger than the principal structure in a Mixed Residential (R-4) Zone District to facilitate the development of a 30' x 30' metal garage.

BACKGROUND

The applicant is requesting three variances to reduce side- and rear-yard setbacks and to allow an accessory structure larger than the principal structure at 213 Spring St to facilitate the development of a 30' x 30' metal garage. The subject property is a 0.12-acre parcel in a Mixed Residential (R-4) Zone District generally located west of S Santa Fe Ave near Blo Back Art Gallery. The property is developed with an 839 sq. ft. home built in 1922. Currently, there are two accessory structures in the backyard next to an unfinished garage. The applicant indicated they intend to remove the two accessory structures located in the northeast corner of the lot to expand and complete the unfinished garage (See Exhibit H Site Plan). The proposed garage will be 17' high and sits 1' from the eastern property line and 6' from the western property lines.

REQUEST AND ANALYSIS

The subject property is in an established South Pueblo neighborhood, which was characteristically platted with narrow lots in a grid pattern. The subject property has an approximate lot width of 38', which makes infill development difficult. The proposed garage is 17' high, so the structure should sit 15' from the rear property line per Section 17-5-23, (c), (4); however, it would be difficult to do so because of the aforementioned narrow shape of the lot. Indeed, there is a neighborhood pattern of placing accessory structures on the rear property lines along the alley. Placing the proposed garage along the rear property line would match the prevailing pattern of the neighborhood. However, a 17' high garage is much taller than the surrounding accessory structures. Similarly, the proposed garage is larger than the home, and a metal garage cannot be architecturally compatible with the home. The size and height of the proposed garage may reduce light and air to adjacent properties. If the Board grants the variance request, staff recommends conditioning the variance permit so that the garage is architecturally compatible with the house. The applicant would also be responsible for working with Pueblo Regional Building Department to comply with fire safety standards when they pull building permits (See PRBD's comments and staff condition 2 below).

ZONE DISTRICT AND LAND USE

Zone:		Developed with:
North	Mixed Residential (R-4) Zone District	Single-Family Homes
East	Mixed Residential (R-4) Zone District	Single-Family Homes
South	Mixed Residential (R-4) Zone District	Single-Family Homes
West	Mixed Residential (R-4) 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	Routing, permits, and possible review of fire separation details are required. Minimum setback measured from property lines for non-fire rated structure is 5 feet. If less than that required distance, a min. 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	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: Neutral finding. While the proposed garage backs up to the alley, it is 17’ high. This height may reduce required light and air to adjacent 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: Neutral finding. The prevailing pattern of the neighborhood is to build accessory structures against the back property line abutting the alley. The placement of the metal garage is uniform with the rest of the neighborhood. However, no other accessory structures are as tall as the proposed garage, and the garage is larger than the house located on the subject property.

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

Comments: Affirmative finding. The subject property is in an older neighborhood of Pueblo, characterized by narrow lots. The subject property has a lot width of 38', which is 12' less than the required 50' lot width in a R-4 Zone District. It is difficult to construct a garage of this magnitude while adhering to the setback requirements.

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. The subject property is thin and narrow, which is a common characteristic of property in established neighborhoods in the City. However, these lots are considerably narrower than lots in newer neighborhoods. While this disadvantage is common to other properties in established neighborhoods, it is a unique disadvantage compared to residential neighborhoods subdivided after the 1950s.

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 conditions.

1. Accessory structures must be architecturally compatible with the house; therefore, either the façade of the home must be converted to metal siding, or the garage must be stuccoed to match the house. The roofing materials of both the garage and home must be the same.
2. The applicant will work with Pueblo Regional Building Department to address fire safety at the time of pulling a building permit.

ATTACHMENTS

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

Exhibit A. Standard Permit Conditions

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

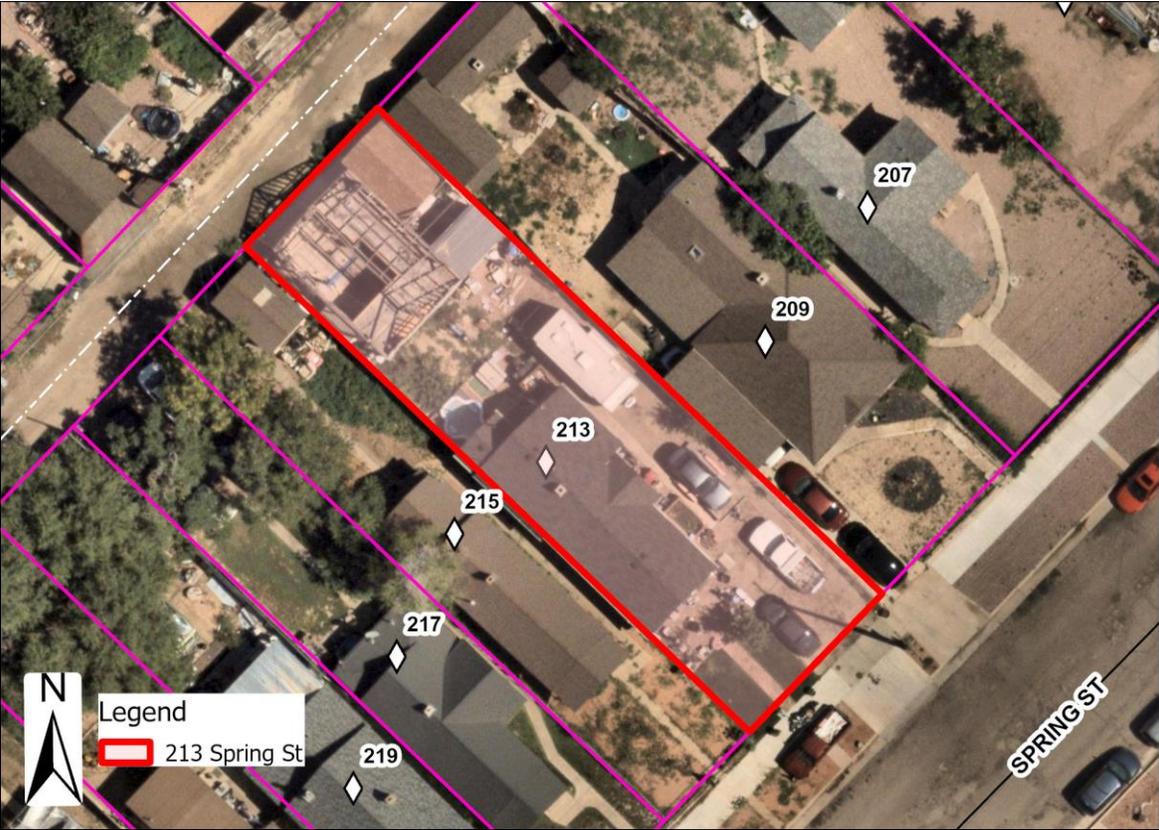


Exhibit E. Public Notice and Site Photo



Exhibit F. Application

12/18/24, 9:36 AM

24-235

 **City of Pueblo PLACE**

December 18, 2024

24-235
Zoning Board of Appeals
- Special Use Permit &
Variances
Status: Active
Submitted On: 12/18/2024

Primary Location
213 SPRING ST
PUEBLO, CO 81003
Owner
TAFOYA RUDY/TAFOYA
GEORGIA
36743 E US HWY 50 PUEBLO ,
CO 81006-2706

Applicant
 randy tafoya
 719-671-2044
 randytafoya1969@gmail.com
 213 spring st.
pueblo, co 81003

G. Site Plan

