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## ZBA-25-11

Hearing Date: 2/25/2025

**TO:** City of Pueblo Zoning Board of Appeals  
**FROM:** Mikaylin Hackley  
**THROUGH:** Scott Hobson, Land Use Administrative Official  
**LOCATION:** 1715 W 29th St  
**APPLICANT:** Rick Higgins  
**PROPERTY OWNER:** A + R HIGGINS ENTERPRISES LLC  
**YEAR BUILT:** 1963  
**LEGAL DESCRIPTION:** LOTS 21-22-23-24 BLK 160 FAIRMOUNT PARK 1ST  
**ZONE DISTRICT:** Sub-Regional Business (B-2) Zone District  
**PARCEL ID:** 523117013  
**LOT SIZE:** 12488

<b>REQUEST:</b>	Variance to allow two permanent shipping containers in a Sub-Regional Business (B-2) Zone District
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### BACKGROUND

The applicant is requesting a variance in order to permit the placement of two permanent 8' x 40' shipping containers on their commercial lot in a Sub-Regional Business (B-2) Zone District. The subject property is an auto repair business with an approx. 2,500 square foot structure built on a 12,500 square foot lot. The proposed containers would store auto parts and equipment and would be secured with locks, as the applicant attests that the primary reason for requesting this variance is to prevent theft of these high-value items needed for their business.

### STAFF ANALYSIS

The proposed shipping containers would be located on the northeastern side of the building, where they would be visually obstructed from both Morris Ave and W 29<sup>th</sup> St. The applicant also shows in the proposed site plan that the containers would be placed at least 5 feet from the neighboring property to the north, which would be standard for an accessory structure of this size. Placing these containers on the property would not trigger landscaping improvements for the entirety of the site, as their total area would be under 1000 square feet. The shipping containers (as pictured in the attachments) appear to be a light tan color that is very similar, but slightly lighter, than the tan shade on the principal structure. If the Board deems it appropriate to do so, this variance could be conditioned on the containers being repainted in the exact same color as the main building; it is staff's opinion that the colors are very similar, which may not warrant repainting of the containers at this time. However, the containers must be maintained in a manner that does not detract from the aesthetics of the neighborhood (i.e., maintaining the container's exterior).

**ZONE DISTRICT AND LAND USE**

Zone:		Developed with:
North	Single-Family Residential (R-2) Zone District	Single-family homes
East	Single-Family Residential (R-2) Zone District	Single-family homes
South	Sub-Regional Business (B-2) Zone District	Liquidation store
West	Neighborhood Business (B-1) Zone District	Car detailing shop; closed

**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 shipping containers would be placed on the side of the building and behind a recently constructed privacy fence. They are a light tan color, and the principal structure is a darker shade, so the Board may recommend that they be painted to match the principal structure exactly if deemed appropriate to do so.**

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 containers would not be accessible by vehicles and therefore would not affect 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: Neutral finding. A permanent, architecturally compatible accessory structure could be built to meet the property’s need for additional storage; however, staff foresees no adverse effects of approving this variance for shipping containers.**

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: Not Applicable. The language of section 17-4-23 (C) (11) b. states that a Variance can be requested to keep permanent shipping containers at a commercial location.**

**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 containers and privacy fence must be maintained in a manner that does not detract from the aesthetics of the neighborhood in perpetuity.

**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. Supporting Documents

**Exhibit A. Standard Permit Conditions**

<b>Standard Permit Conditions</b> Date of Issuance of Permit: <b>2/25/2025</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>2/25/2026</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

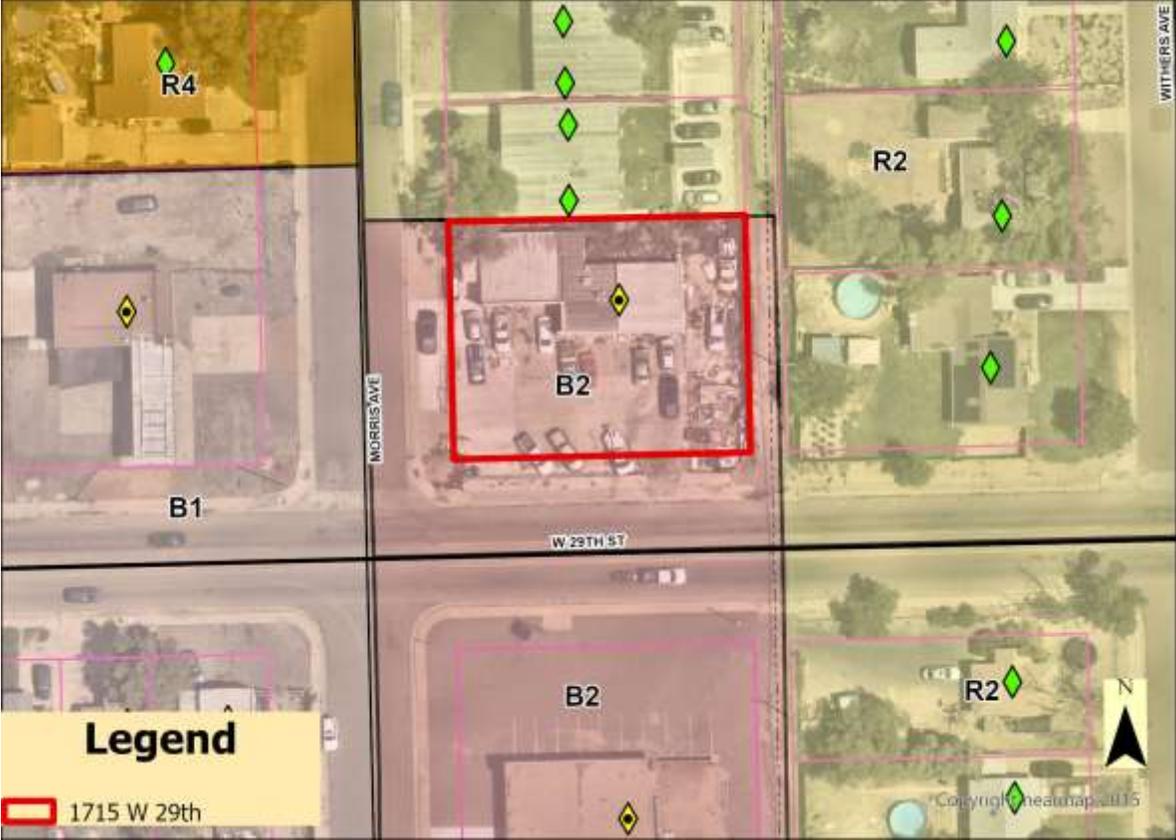


Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice



Exhibit F. Site Photos





Exhibit G. Application



January 23, 2025

**25-13**  
Zoning Board of Appeals - Special Use Permit & Variances  
Status: Active  
Submitted On: 1/9/2025

**Primary Location**  
1715 W 29TH ST  
PUEBLO, CO 81008

**Owner**  
Geared up Auto Sales LLC  
2216 PERRY AVE 2216 Perry Ave  
PUEBLO , CO 81003

**Applicant**  
Rick higgins  
719-778-4049  
gearedupautocare@comcast.net  
2216 Perry Ave  
Pueblo, CO 81003

H. Supporting Documents



