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Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-25-18

Hearing Date: 5/28/2025

TO: City of Pueblo Zoning Board of Appeals
FROM: Hannah Prinzi
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 1419 Greene Ave
APPLICANT: Chris Archuleta
PROPERTY OWNER: Chris Archuleta
YEAR BUILT: 1957
LEGAL DESCRIPTION: W 10 FT OF LOT 34 + ALL 35-36 HAZLEHURST'S SUB
ZONE DISTRICT: One- and Two-Family Residential District
PARCEL ID: 1502406012
LOT SIZE: 0.17 acres

REQUEST: Variance to allow a second accessory structure larger than 200 sq. ft. in a One- and Two-Family Residential (R-3) Zone District.

BACKGROUND

The applicant is requesting a variance to allow a second accessory structure larger than 200 sq. ft. at 1419 Greene Ave. The subject property is located north of Campbell's Flowers & Greenhouses in a One- and Two-Family Residential (R-3) Zone District. It is a 0.17-acre lot developed with a single-family home built in 1957, a 528 sq. ft. detached garage, and two small sheds (less than 200 sq. ft. in area) located behind the garage. The existing detached garage does not meet current side-yard setback requirements, but it was constructed at the same time as the home; therefore, it is a legal non-conforming structure. The backyard abuts an alley, and a fence separates the subject property from the alley. The applicant intends to use the proposed accessory structure for storage and place it 10' to the right of the existing detached garage, outside required setbacks (See Exhibit H. Site Plan). The applicant also clarified that the proposed accessory structure would be approximately 14' high. However, it is 320 sq. ft. large, and the Pueblo Municipal Code only allows one detached accessory structure larger than 200 sq. ft. for each principal structure on site (Sec. 17-4-23., (c), (2)).

STAFF ANALYSIS

Should the accessory structure be built as proposed, it would be placed 10' east of the western property line and 9' from the rear property line—maintaining setback requirements. The adjacent property to the west has a detached accessory structure in their backyard; however, neither structure is near the shared property line. Indeed, many of the surrounding properties contain a detached accessory structure behind the house near the alley. Several properties contain more than one detached accessory structure: 1415 Greene Ave, 1417 Greene Ave, 31 Small Ave, and 45 Small Ave illustrate this neighborhood pattern (See Exhibit I). The applicant is aware of architectural compatibility requirements and intends to build the proposed accessory structure so that its siding material, siding color, roof material, and roof color match that of the house. The subject property consists of a standard 60' x 124' rectangular lot, similar to the surrounding residential lots and parcels. The applicant is requesting the detached accessory structure variance to provide additional storage to support the residential use. The modest size of the home, approximately 1,174 sq. ft., may limit opportunities to use the residence for storage. Should the variance request be denied, the applicant would be unable to obtain a building permit for a detached accessory structure larger than 200 sq. ft. without first removing the detached garage.

ZONE DISTRICT AND LAND USE

Zone District:		Developed with:
North	One- and Two-Family Residential (R-3)	Single-Family Homes
East	One- and Two-Family Residential (R-3) Residential Charter Neighborhood (RCN)	Single-Family Homes
South	One- and Two-Family Residential (R-3) Central Business (B-4)	Single-Family Homes Florist
West	One- and Two-Family Residential (R-3)	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	Regional Building has no objections to the application. Permits (and plan review where needed) will be required for any new construction or modification. A variance does not remove the requirements for fire-rated construction based on distance to a property line. Plans or details showing construction may need to be submitted prior to any permits being issued.
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 proposed accessory structure will be placed 10’ from the western property line and 9’ from the rear property line. It will also be less than 16’ tall. It will not 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: Affirmative finding. Several properties contain two or more detached accessory structures: 1415 Greene Ave, 1417 Greene Ave, 31 Small Ave, and 45 Small Ave illustrate this neighborhood pattern.

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

Comments: Affirmative finding. The applicant could not build a second accessory structure of this scale without first removing the detached garage. The proposed accessory structure is not intended for parking. According to the applicant, the shed will be used for storage to support the residential use. The modest footprint of the house may limit opportunities to use existing structures for storage.

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 property does not suffer a unique disadvantage not common to other property in the district.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board makes the necessary findings of fact to approve this variance, staff recommends only Standard Permit Conditions 1 through 13.

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. Site Pan
- I. Properties With 2 Or More Detached Accessory Structures

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 5/28/2025	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 5/28/2026
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

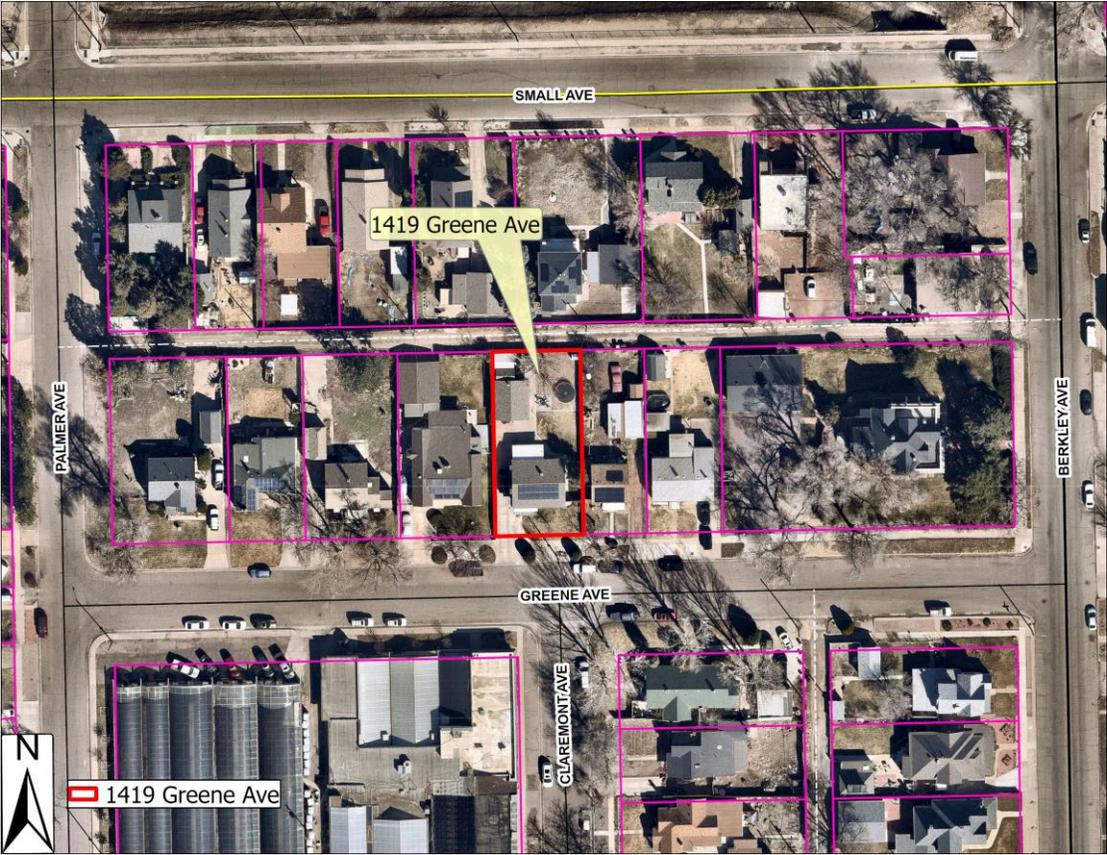
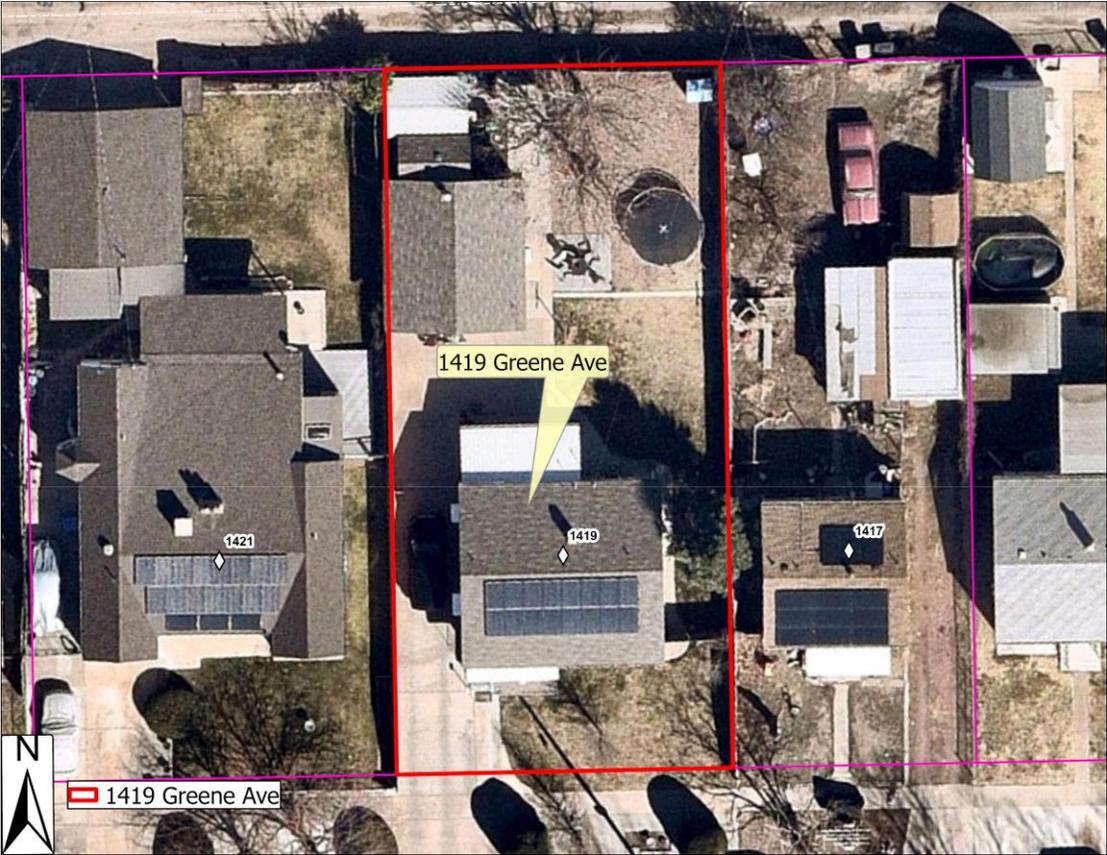


Exhibit C. Zoning Map

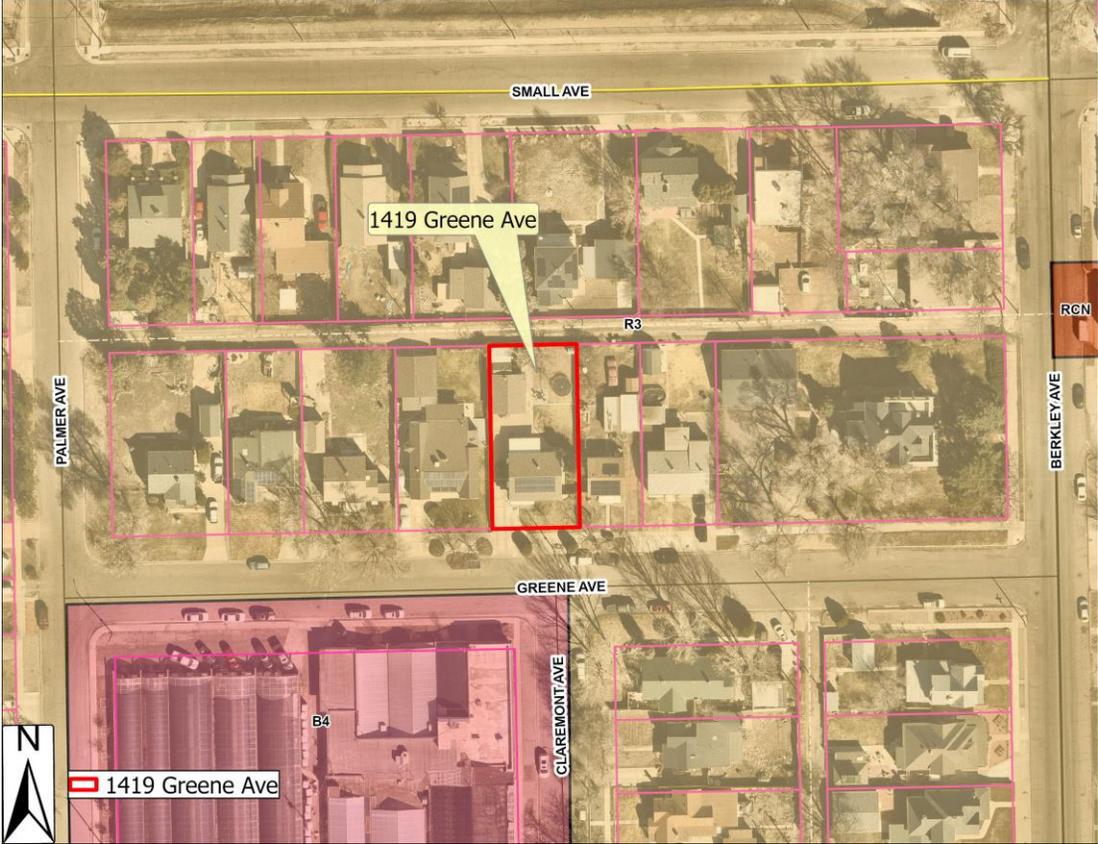


Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice



Exhibit F. Site Photos



Exhibit G. Application



April 21, 2025

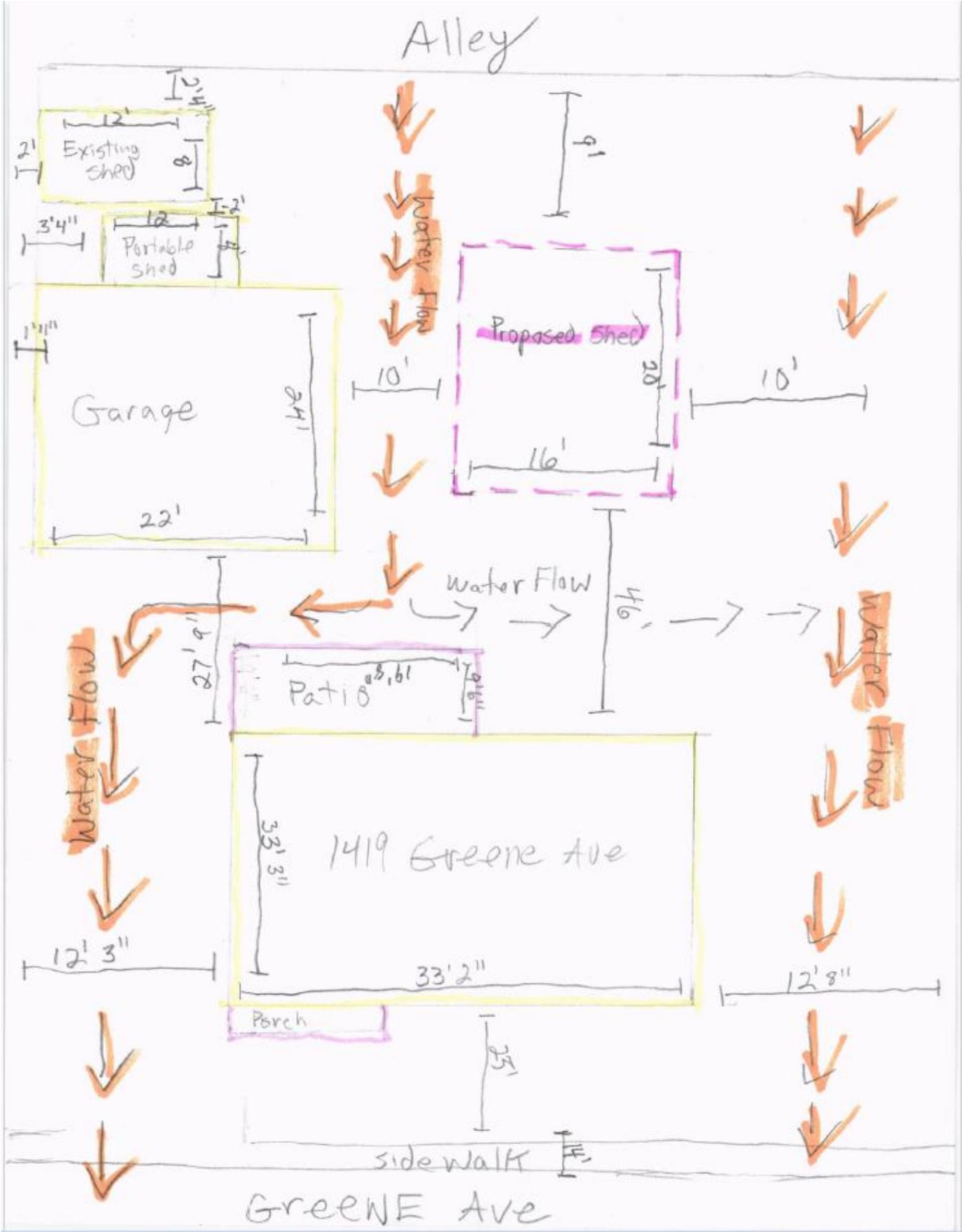
25-81
Zoning Board of
Appeals - Special Use
Permit & Variances
Status: Active
Submitted On: 4/21/2025

Primary Location
1419 GREENE AVE
PUEBLO, CO 81004

Owner
ARCHULETA CHRIS
D/ARCHULETA ANITA R
1419 GREENE AVE PUEBLO ,
CO 81004-2452

Applicant
 chris archuleta
 719-253-2935
 archuletaswasteservice@gmail.com
 1419 Greene Ave
Pueblo, Co 81004

H. Site Plan



I. Properties With 2 Or More Detached Accessory Structures

