

Mike Castellucci  
Chair

Andrew Ruybal



Lisa Bailey  
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Yvonne Lujan-Slak

Georgia Way

## Zoning Board of Appeals

### ZBA-25-24

Hearing Date: 7/22/2025

**TO:** City of Pueblo Zoning Board of Appeals  
**FROM:** Riane Ledford  
**THROUGH:** Scott Hobson, Land Use Administrative Official  
**LOCATION:** 710 Acero Ave  
**APPLICANT:** John Sinks  
**PROPERTY OWNER:** John Sinks  
**YEAR BUILT:** 1948  
**LEGAL DESCRIPTION:** LOTS 5-6 + N 16 FT OF 7 BLK 12 SUMMIT PL  
**ZONE DISTRICT:** Single Family Residential (R-2) Zone District  
**PARCEL ID:** 1502220003  
**LOT SIZE:** 8007 Sq. Ft.

**REQUEST:** Variance to reduce the rear-yard setback requirement and allow a second accessory structure larger than 200 sq. ft. in a Single-Family Residential (R-2) Zone District.

#### BACKGROUND

The applicant is requesting a variance to allow a second accessory structure larger than 200 sq. ft. at 710 Acero Ave. The applicant is also requesting a variance to place the proposed structure 3.5 feet from the rear property line, adjacent to the alley, which is closer than the five feet allowed by code. The subject property is located north of the Colorado State Fair Grounds and east of South Prairie Avenue in a Single-Family Residential (R-2) Zone District. It is an 8007 sq ft. lot developed with a single-family home built in 1948 and a 308 sq. ft. detached garage located behind the home. The existing detached garage does not meet current side-yard setback requirements, but it was constructed the same year as the home; therefore, it is a legal nonconforming structure. The backyard abuts an alley, and a fence separates the subject property from the alley. The applicant intends to use the proposed new structure as a garage and work area for himself, allowing his wife to use the existing garage for her car. The proposed structure will be a 14' tall, 24' x 36' garage, totaling 864 sq. ft of gross floor area. It will be placed five feet from the south property line fence and 3.5 feet from the rear property line. The structure will have a garage door with entrance from the alley on the rear of the structure. Currently, the Pueblo Municipal Code allows for only one accessory structure larger than 200 Sq. ft. to be on the property, and that the structure needs to be placed outside of setbacks (Sec. 17-4-23., (a), (3) and Sec. 17-4-23., (c), (2)).

#### STAFF ANALYSIS

Should the proposed structure be built as planned, it will be placed three and one-half feet west of the rear property line and five feet north of the southern property line. The property is screened by a privacy fence on both the rear and southern property lines, limiting the proposed structure's impact on neighboring properties. The neighbor directly south of the subject property has written a letter in support of the applicant's proposed project (see attachments), and the neighbor directly to the north has a garage similar in size and position on the lot as the proposed one at the subject property. The proposed garage is not anticipated to have negative effects

on the neighboring properties to the north or south because it will be constructed towards the rear-property line and not adjacent to the neighboring accessory structures. The proposed garage will be architecturally compatible with the existing home, consisting of the same exterior materials, roofing, and color scheme. There are also other homes in the neighborhood that have more than one accessory structure, including 719 Belmont Ave and 2303 Rice Ave. Because of the location of the existing garage, the property owner will be unable to place the proposed structure out of the setbacks without changing the design plan of the structure. 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 existing detached garage.

**SURROUNDING ZONE DISTRICTS AND LAND USES**

|       | Zone District:                  | Developed with:          |
|-------|---------------------------------|--------------------------|
| North | Single-Family Residential (R-2) | One and two-family homes |
| East  | Single-Family Residential (R-2) | Single- family homes     |
| South | Single-Family Residential (R-2) | Single- family homes     |
| West  | Single-Family Residential (R-2) | 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.

**REVIEWING AGENCIES**

|                                      |   |
|--------------------------------------|---|
| City Code Enforcement                | No comment  |
| City Parks and Recreation Department | No comment  |
| City Public Works Department         | No comment  |
| City Stormwater Department           | No comment  |
| City Transportation                  | No comment  |
| City Wastewater Department           | No comment  |
| Fire Department                      | No comment  |
| Pueblo Board of Water Works          | No comment  |
| Pueblo City/County Health            | No comment  |
| Pueblo Regional Building Department  | Regional Building has no objections to the application. Minimum setback measured from property lines or between structures 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). |

**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 structure will be less than 16 feet tall and is placed close to the rear of the property. It will also be architecturally compatible with the home, having matching materials and colors. It will not reduce required light or air to neighboring properties. There is a privacy fence**

**screening the property from the rear and sides of the property. The proposed structure is also further back on the lot than the garage and will not be parallel with the garage to the south.**

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: 711 Belmont Ave, 719 Belmont Ave, and 2303 Rice Ave illustrate this neighborhood pattern. Furthermore, many of these structures are built close to the alley.**

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

**Comments: Neutral finding. The property is developed with a single-family home and one off-street parking space as required by the zoning code. However, the existing single-car garage does not meet the modern needs of a multiple vehicle household.**

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 Standard Permit Conditions 1 through 13 only.

#### **ATTACHMENTS**

- A. Standard Permit Conditions
- B. Aerial Map
- C. Zoning Map
- D. Comprehensive Plan Map
- E. Public Notice Photo
- F. Site Photos
- G. Site Plan
- H. Application
- I. Email from Applicant- clarifying setbacks
- J. Letter of Support- 714 Acero Ave.

**Exhibit A. Standard Permit Conditions**

| <b>Standard Permit Conditions</b><br>Date of Issuance of Permit: <b>7/22/2025</b> |   |
|---|---|
| 1.  | <b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>7/22/2026</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.   |

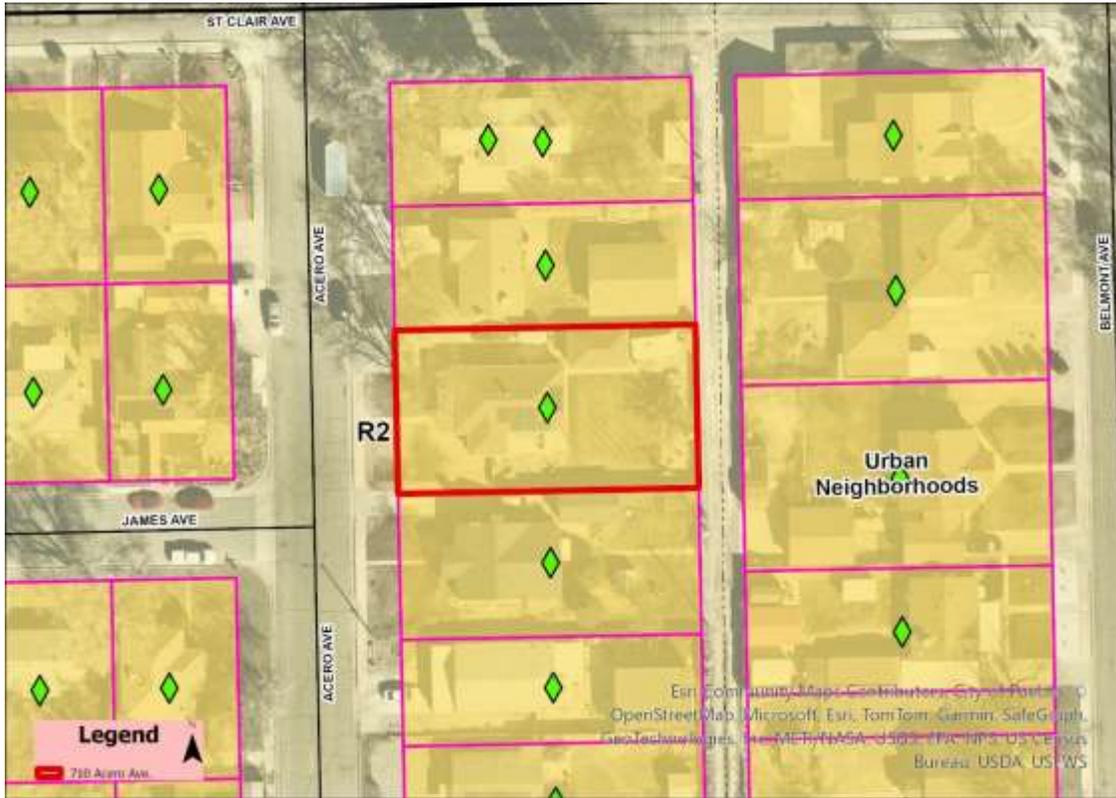
### Exhibit B. Aerial Map



### Exhibit C. Zoning Map



**Exhibit D. Comprehensive Plan Map**



**Exhibit E. Public Notice**



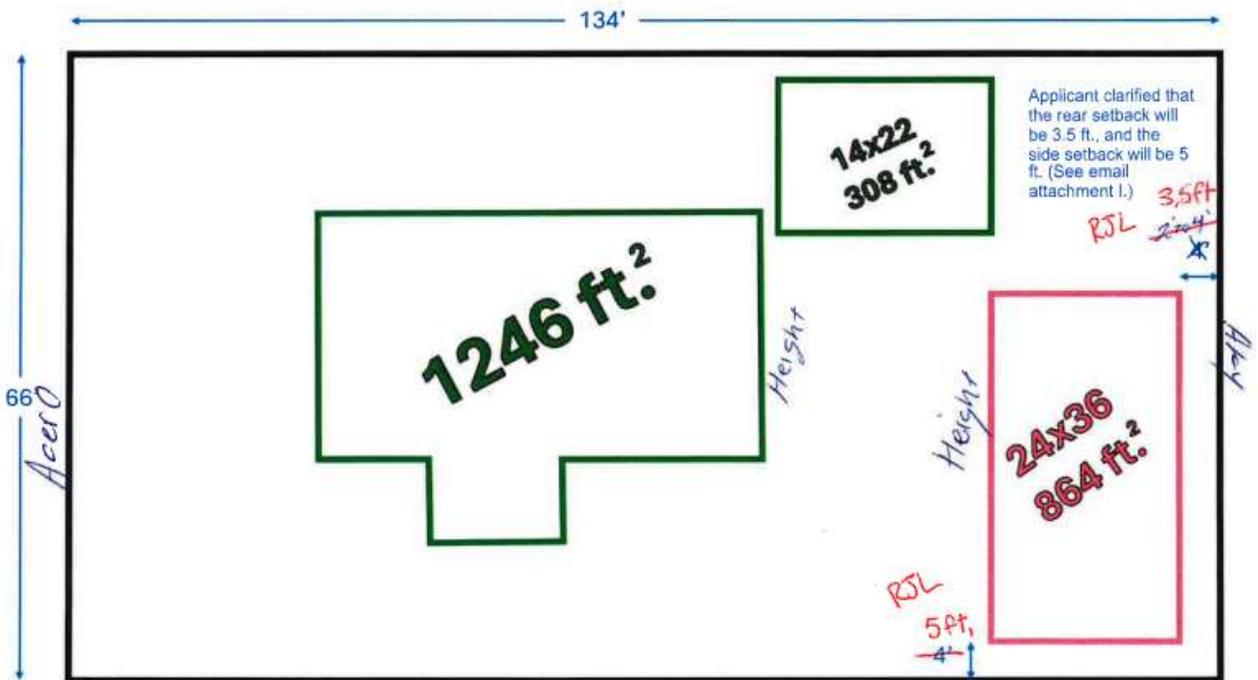
**Exhibit F. Site Photos**



Exhibit G Site Plan



- |            |  |               |  |
|------------|--|---------------|--|
| Gas Line   |  | Property Line |  |
| Water Line |  | Dwelling Line |  |
| Sewer Line |  | New Dwelling  |  |
| Power Line |  |               |  |



To view all attachments, please contact the Planning and Community Development Department at [planninglanduse@pueblo.us](mailto:planninglanduse@pueblo.us) or visit our office at 211 E D St.