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Georgia Way

## Zoning Board of Appeals

### ZBA-25-23

Hearing Date: 7/22/2025

<b>TO:</b>	City of Pueblo Zoning Board of Appeals
<b>FROM:</b>	Mikaylin Hackley
<b>THROUGH:</b>	Scott Hobson, Land Use Administrative Official
<b>LOCATION:</b>	4112-16 Thatcher Ave
<b>APPLICANT:</b>	Timothy McDowell
<b>PROPERTY OWNER:</b>	Timothy McDowell
<b>YEAR BUILT:</b>	1955
<b>LEGAL DESCRIPTION:</b>	S 167.3 FT OF N 186.3 FT OF LOT 10 BLK 2 W D B LAND CO SUB NO 1
<b>ZONE DISTRICT:</b>	Highway and Arterial Business (B-3) Zone District
<b>PARCEL ID:</b>	1504102025
<b>LOT SIZE:</b>	26065
<b>REQUEST:</b>	Special Use Permit to allow a storage facility, outdoor in a Highway and Arterial Business (B-3) Zone District

#### BACKGROUND

The applicant is requesting a Special Use Permit to allow for an outdoor storage facility at 4112 & 4116 Thatcher Ave, both of which are on the same parcel. The property was granted Special Use Permits for a caretaker’s residence in 1995 as well as for a boat and RV storage facility in 1998, but now the applicant wishes to modify that use to the broad definition of outdoor storage facility to permit a wider range of items for storage as well as, specifically, permanent shipping containers.

The property received notice of violation from Code Enforcement in late 2024 regarding inoperable vehicles, litter, and the placement of permanent shipping containers without authorization from the Planning Department. To solve the zoning violation, the applicant was initially instructed to apply for a variance for permanent shipping containers. However, upon further research and the discovery that the applicant’s initial Special Use Permit only noted storage of boats and RVs, staff determined that a better course of action was to reapply for a new SUP for an outdoor storage facility as that better suited the applicant’s intended use of the property. Should this SUP be approved, the reclassification of the site into an outdoor storage facility will make the shipping containers compliant, but it is still the responsibility of the applicant to rectify the other elements of the ongoing Code Enforcement violation.

#### STAFF ANALYSIS

The Pueblo Municipal Code (PMC) defines storage facility, outdoor as “a facility for the exterior stockpiling or safekeeping of materials, products, vehicles, recreational vehicles, cargo containers, trailers, and the like” (Sec. 17-2-2, (141), (a)). Outdoor storage facilities are permitted in Industrial and Business Park Zone Districts by right and in B-3, B-4, and CCN Districts by review. Comparatively, a salvage yard is defined in the PMC as a place in which salvage is “collected, received, stored, accumulated, sold, or otherwise handled,” with salvage described as “any personal property which is or may be salvaged for reuse, resale, reduction or similar disposition, or which is possessed, transported, owned, collected, accumulated, dismantled, or assorted for any of the aforementioned

purposes.” Salvage yards or salvage shops are only permissible in the City as a use by review in Industrial I-2 or I-3 districts. Because the subject property is located in a B-3 district, the applicant’s use of the property must conform with the definition of an outdoor storage facility rather than a salvage yard, thus no salvage items can be stored on-site even if the SUP for outdoor storage is granted.

Additionally, staff has recommended other conditions on this Special Use Permit that will help distinguish the property as a storage use rather than salvage yard use. Since the initial code violation, the property owner installed beige slates in the existing chain link fence encircling the property, and staff recommends conditioning the SUP that the slates must be maintained in good condition and be replaced should they fall into disrepair. Also, staff has recommended the condition that the two existing structures on the property either be demolished or cosmetically improved, as well as that the commercial dumpster on the property must be moved out of sight of the right-of-way as is required for commercial properties.

**SURROUNDING ZONE DISTRICTS AND LAND USES**

	Zone:	Developed with:
North	Government Use (S-1) Zone District	Thatcher Ave & Pueblo County Limit
East	Highway and Arterial Business (B-3) Zone District	Lake Pueblo Storage (Boat & RVs)
South	One and Two-Family Residential (R-3) Zone District	One-Family Residences
West	Highway and Arterial Business (B-3) Zone District	Chazwiks Motorcycle Repair

**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	Code Enforcement Manager Karen Wilson met with Planning staff when application was submitted and collaborated on recommended staff conditions and is in support of the SUP contingent on said conditions being adopted.
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	No comment

**CONDITIONS REQUIRED FOR SPECIAL USE PERMIT**

1. Ingress and egress to property and proposed structures thereon with reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.  
**Comments: Affirmative finding. Accesses are existing off of Thatcher Ave and Orange St., and the outdoor storage use will not necessitate substantial traffic in and out of the site.**
2. Off-street parking and loading areas where required, with particular attention to the economic noise, glare or odor effects of the use by review on adjoining properties and properties generally in the district.  
**Comments: Affirmative Finding. No off-street parking for customers will be necessitated by the proposed use as only the property owner will be using the site for storage.**
3. Refuse and service areas, with reference to the items above.  
**Comments: Negative finding. The site's commercial dumpster is not screened from the right-of-way and sits roughly 10 feet from the public sidewalk. This is addressed in the conditions that the applicant is to move the dumpster inside of the fence or provide some other screening mechanism.**
4. Utilities, with reference to the location's availability and compatibility.  
**Comments: Affirmative finding. No change in utilities is necessitated by the proposed use.**
5. Screening and buffering with reference to type, dimensions, and character.  
**Comments: Neutral finding. The PMC does not specifically define screening requirements for the proposed use. The site is contained by a chain link fence with beige slates, which is typically not considered sufficient for screening purposes; however, the conditions of this SUP dictate that the slates must be maintained in good condition and be replaced should they fall into disrepair.**
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect and compatibility and harmony with properties in the district.  
**Comments: Neutral Finding. There is an existing freestanding sign on the northwest corner of the property that has fallen into disrepair and is not currently being utilized as there is no business being conducted on the property.**
7. Required yards and other open space.  
**Comments: Affirmative finding. No yards or other open space are required for this use.**
8. General compatibility with adjacent properties and other properties in the district.  
**Comments: Neutral finding. The surrounding neighborhood has a mix of zoning and use types, including single-family residences, a motorcycle repair shop, a billboard, a boat storage facility, and a used car dealership. Though the Future Land Use Plan recommends this area for more residential uses, the current zoning and character of the neighborhood is more in line with high-intensity business use, so an outdoor storage facility would not be inappropriate for the area provided that all conditions are met and maintained in visually nondisruptive manner.**

**PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION**

If the Board makes the necessary findings of fact to approve this special use permit, staff recommends Standard Permit Conditions 1 through 13 and the following:

1. All outstanding Code Enforcement violations must be addressed and continuously maintained to keep the Special Use Permit in good standing.
2. The chain link fence with slats around the property must remain in good condition and the slats be replaced should they fall into disrepair.
3. No salvage items can be stored outdoors on-site or in any way visible from outside the property.
4. All shipping containers should be painted a consistent color and maintained in such manner.
5. The property's dumpster cannot be stored adjacent to the pedestrian sidewalk and must be moved inside the fence line or screened by a solid opaque wall or fence.
6. The two structures on the premises addressed 4112 and 4116 respectively must be demolished or cosmetically rehabilitated in a manner that does not detract from the aesthetics of the neighborhood.
7. The freestanding sign in the southwest corner of the property must conform with Sec. 17-10-10 (a-d) of the sign code regarding maintenance of signs as well the visual upkeep of unused signs, namely that their sign area be replaced with a neutral-colored background panel.
8. No hazardous or odorous materials can be stored on-site.
9. Should any business take place on the premises, the applicant must obtain a business license.

**ATTACHMENTS**

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

**Exhibit A. Standard Permit Conditions**

<b>Standard Permit Conditions</b> 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**







**Exhibits G-H. Application & Supporting Documents**

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.