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Zoning Board of Appeals

ZBA-25-30

Hearing Date: 8/26/2025

TO: City of Pueblo Zoning Board of Appeals
FROM: Hannah Prinzi, Planner
THROUGH: Beritt Odom, Interim Land Use Administrative Official
LOCATION: 1050 Beulah Ave
APPLICANT: Patrick Hernandez, Done Right Roofing & Exteriors Inc
PROPERTY OWNER: Frances Kuhlman
YEAR BUILT: 1929
LEGAL DESCRIPTION: S 45 FT OF W 125 FT OF LOT 10 BLK 3 COLLEGE HILL SUB 6TH
ZONE DISTRICT: Single-Family (R-2) Zone District
PARCEL ID: 1502411019
LOT SIZE: 0.13 acres

REQUEST: Variance to reduce the front-yard setback requirement and allow two accessory structures larger than 200 sq. ft. in a Single-Family (R-2) Zone District

BACKGROUND

The applicant is requesting two variances to allow a carport and attached awning at the subject property commonly known as 1050 Beulah Ave. The first variance is to reduce the second front-yard setback requirement from 12.5' to approximately 5'. The second is to allow a second an accessory structure larger than 200 sq. ft. on the lot. The subject property is a 0.13-acre corner lot located in a Single-Family Residential (R-2) Zone District. The lot contains a 732 sq. ft. one-family residence built in 1929 and a 216 sq. ft. detached garage. The applicant intends to build a 20'x20' carport and 8' x 13' attached awning in front of the existing garage and adjacent to the existing residence to provide the property owner with a covered walkway to their vehicles (See Exhibit E. Site Plan). The proposed location of the awning and carport would encroach into the front-yard setback, necessitating a variance to do so. Additionally, only one detached accessory structure larger than 200 sq. ft. is allowed for each principal structure on a lot (Section 17-4-23., (c), (2)).

STAFF ANALYSIS

The subject property is a 45' x 125' corner lot. Corner lots are unique in that they front two streets and therefore have two front-yard setback areas. The first front-yard is adjacent to Beulah Ave and requires a 25' setback measured from the western property line. The second front-yard is adjacent to W Arroyo Ave and requires a 12.5' setback measured from the southern property line (Sec. 17-2-1., (61)). Thus, the carport and awning could not be placed in a way that provides a covered walkway from the residence's front door without encroaching into the second front-yard setback area. (See Exhibit F. for

buildable area outside of setback requirements.) Additionally, the subject property is more narrow than modern lots, which are generally 50' wide or greater.

The proposed location of the carport and awning would not reduce required light or air to surrounding properties. The existing detached garage separates the proposed structures from the neighbor to the north. An alley separates the subject property from the neighbor to the east. However, staff recommends conditioning the variance permit so that the carport and awning poles and roof are painted to match the house's exterior siding color and roof color.

SURROUNDING ZONE DISTRICTS AND LAND USES

	Zone District:	Developed with:
North	Single-Family (R-2) Residential Zone District	Single-family homes
East	Single-Family (R-2) Residential Zone District	Single-family homes
South	Single-Family (R-2) Residential Zone District	Single-family homes
West	Single-Family (R-2) Residential 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 G). 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	No comment. Routing and permits (and plan review where needed) will be required for any new construction or modification. Permits are required to be issued to a contractor holding a general contractor license in this jurisdiction for this scope of work.

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 carport and awning would not block any open space between the existing structures and neighboring properties. The existing garage separates the proposed structures from the neighbor to the north, and an alley separates the subject property from the neighbor to the west.

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 carport would provide the owner another covered off-street parking space. However, the existing garage already provides the required off-street parking space for the residence.

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

Comments: Neutral finding. The proposed structures could be placed on the eastern portion of the lot to avoid encroaching into required setback areas. However, doing so would void the intended purpose of providing a covered walkway from the side door of the residence to the proposed carport.

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: Affirmative finding. The existing residence was built in 1929, long before current code standards. The subject property is more narrow than modern lots and does not meet the current minimum lot width of 50'.

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 carport poles must be painted to match the residence's exterior siding color and the roof must have a similar color as the existing residence's roof color.

ATTACHMENTS

- A. Standard Permit Conditions
- B. Aerial Map
- C. Zoning Map
- D. Comprehensive Plan Map
- E. Site Plan
- F. Illustration of Area Outside Of Yard Setback Requirements
- G. Public Notice Photo
- H. Site Photos
- I. Application and Property Owner Affidavit

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 8/26/2025	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 8/26/2026
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

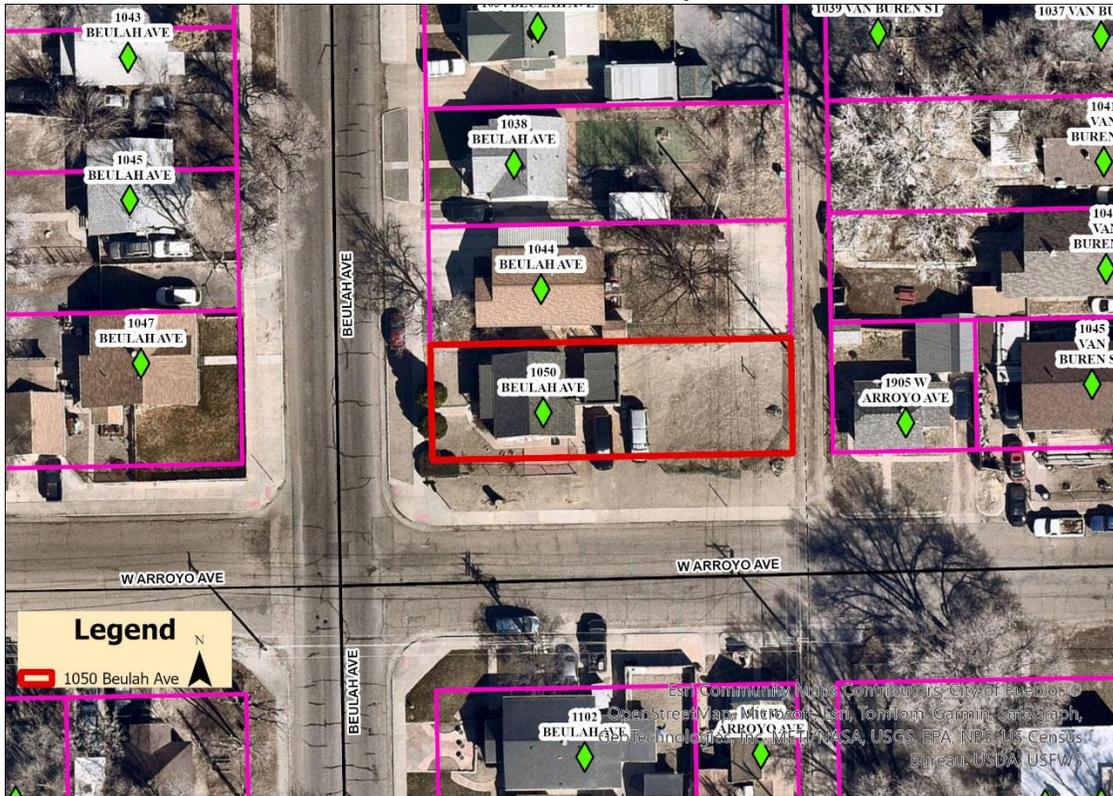


Exhibit C. Zoning Map

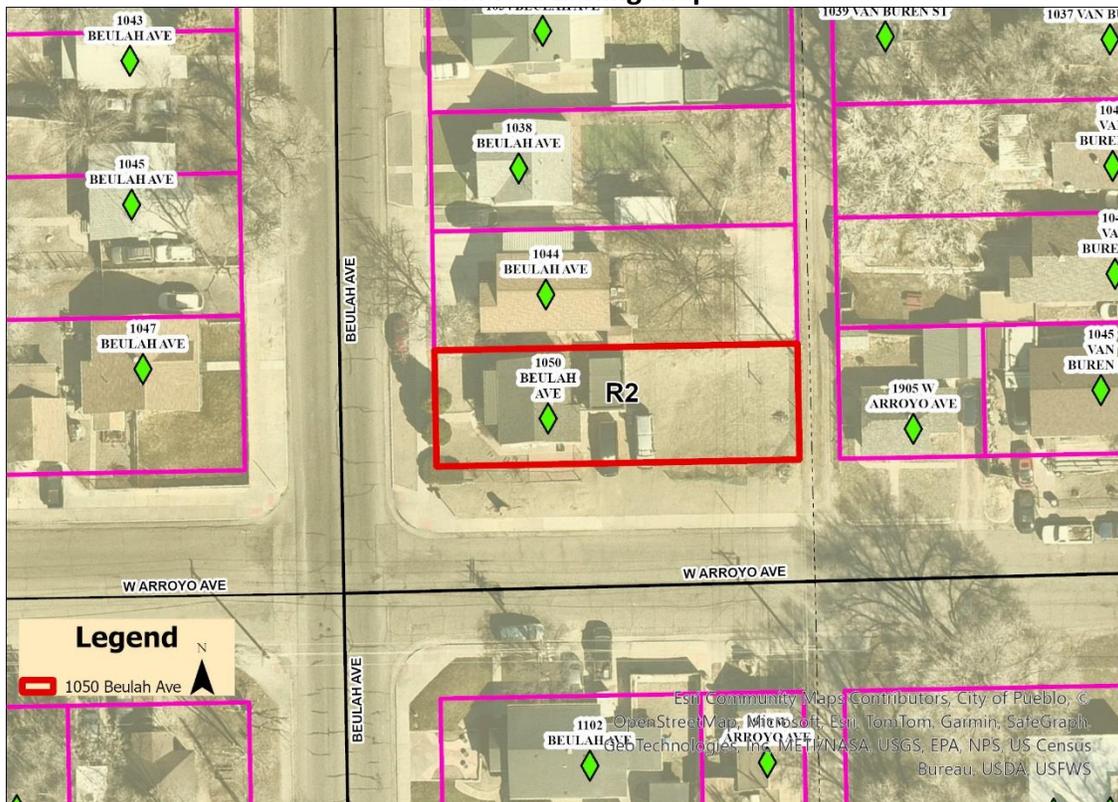


Exhibit F. Illustration of Buildable Area



Exhibit G. Public Notice



Exhibit H. Site Photos



Exhibits I. Application and Property Owner Affidavit

To view Exhibit I. Application and Property Owner Affidavit, please reach out to the Planning & Community Development Department at (719) 553-2259 or visit us at 211 E D Street.