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Zoning Board of Appeals

ZBA-25-34

Hearing Date: 9/23/2025

TO:	City of Pueblo Zoning Board of Appeals
FROM:	Hannah Prinzi, Planner
THROUGH:	Beritt Odom, Director of Planning and Community Development
LOCATION:	1112 Pueblo Boulevard Way
APPLICANT:	Sandra Gotfred
PROPERTY OWNER:	Assistance League of Pueblo Inc.
YEAR BUILT:	2000
LEGAL DESCRIPTION:	Lot 2 Block 102, Regency Park Business Center, Filing No. 2 less the N 68 Ft. sold by WD
ZONE DISTRICT:	Subregional Business (B-2) Zone District
PARCEL ID:	1504426003
LOT SIZE:	0.66 acres
REQUEST:	Variance to allow a permanent shipping container in a Subregional Business (B-2) Zone District

BACKGROUND

The applicant is requesting a variance to allow a permanent shipping container in a Subregional Business (B-2) Zone District. The subject property is located at 1112 Pueblo Blvd Way, south of Rutgers Ave and north of Dutch Bros Coffee. It is a 0.66-acre lot and contains an approximate 6,500 sq ft commercial building. This building was built in 2000 and constructed primarily with brick. It is painted white with blue trim. In 2023, the Assistance League of Pueblo purchased the property and has since used the building as a Bargain Box thrift store. The Assistance League received a variance in 2023 to reduce the landscaping standards for the site (ZBA-23-37). There is a 10' x 12' shed west of the store that is utilized to store overflow donations and items that will be recycled. The Assistance League purchased an off-white, 8' x 10' Connex shipping container to provide further storage for their donations and placed it in their parking lot. The permanent shipping container is small enough that it does not require a building permit; however, it does require a variance from the Zoning Board of Appeals (Section 17-4-23., (c), (11)). Code Enforcement delivered a Notice of Violation to the Assistance League for a permanent shipping container without a variance permit on August 5th, 2025. The applicant submitted this variance request soon after.

STAFF ANALYSIS

The subject property is adjacent to commercial properties to the north, south, and west. There are single-family residences to the east; however, they are physically separated from the subject property by S Pueblo Blvd, and all residences have a privacy fence between the street and their backyard. Though the placement of the shipping container reduces the number of available parking spaces by one, the subject property still meets the required number of off-street spaces for the retail use. The container does not block traffic into the property or the building entrance. The shipping container could not be placed out of view from the streets because the property fronts S Pueblo Blvd and Pueblo Blvd Way on three of the four sides. Per the Municipal Code, the Board may condition the variance permit to mitigate any potential negative effects. These conditions include, but are not limited to, painting the container to match the principal structure, prohibiting signage on the container, screening the container, requiring the container to be placed so it is not visible from the right of way, or even cladding the

container to meet architectural compatibility standards. Staff finds that permitting the shipping container as-is would have little physical or visual impacts. Instead, staff recommends a condition that the shipping container remain a color similar to the principal structure.

SURROUNDING ZONE DISTRICTS AND LAND USES

	Zone District:	Developed with:
North	Subregional Business (B-2) Zone District	Convenience Store
East	Single-Family Residential (R-1) Zone District	Pet store, hair removal service
South	Subregional Business (B-2) Zone District	Bank
West	Subregional Business (B-2) Zone District	Single-family residences

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	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 variance will not reduce required light and air to adjacent properties or constitute a nuisance to properties within 100 feet of the property. The properties to the north, south, and west are all commercial. The residences to the west are separated by S Pueblo Blvd as well as a privacy fence between the street and backyards.

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. General planning of the city with respect to land use, streets, and highways will not be jeopardized. The shipping container is placed near the center of the parking lot and does not block traffic into the site or building. The container provides extra storage space for the thrift store.

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

Comments: Neutral finding. Strict adherence to this Title would require the applicant to replace the shipping container with an accessory structure that is architecturally compatible with the principal structure. Doing so would be more cost prohibitive than a shipping container, as the commercial building is made of brick.

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 property fronts S Pueblo Blvd and Pueblo Blvd Way on three of the four sides of the lot. This limits opportunities to place accessory structures out of public view.

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 color of the permanent shipping container must remain similar to that of the principal structure.

ATTACHMENTS

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

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 9/23/2025	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 9/23/2026
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





Privacy fences along S Pueblo Blvd.

Exhibits G. Supporting Documents: Application and Site Plan

To view the supporting documents, please reach out to the Planning & Community Development Department at 211 E D St, or at (719) 553-2259.