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Zoning Board of Appeals

ZBA-25-35

Hearing Date: 9/23/2025

TO: City of Pueblo Zoning Board of Appeals
FROM: Riane Ledford, Planner
THROUGH: Beritt Odom, Land Use Administrative Official
LOCATION: 1711 Lake Ave
APPLICANT: Jesse Berkshire
PROPERTY OWNER: Lawrence Gene Eubank
YEAR BUILT: 1913
LEGAL DESCRIPTION: N 1/2 LOT 23 ALL 24-25 + S 1/2 OF 26 BLK 17 MINNEQUA ADD
ZONE DISTRICT: Single-Family Residential (R-2)
PARCEL ID: 1511131010
LOT SIZE: 8301 square feet

REQUEST:	Variance to allow a second accessory structure larger than 200 sq. ft. in a Single-Family Residential (R-2) Zone District
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BACKGROUND

The applicant is requesting a variance to allow a second accessory structure over 200 sq. ft. in a Single-Family Residential (R-2) Zone District. The subject property is generally located north of the St. Mary Corwin Hospital and west of Interstate 25 between Windsor Ave. and Smith Ave. The property is an 8,301 sq. ft. lot containing a legal nonconforming multi-family residence built in 1913 and a 632 sq. ft. detached garage. The existing detached garage does not meet current rear-yard setback requirements, but it was constructed the same year as the home; therefore, it is also a legal nonconforming structure. In late July 2025, the applicant applied for a commercial accessory structure building permit to build a carport with solar panels mounted to the roof. After reviewing the application, staff informed the applicant that they will need to apply for a variance, as this would be a second accessory structure larger than 200 sq. ft. on the property. The site plan shows the proposed carport placed 10.5' in front of the existing garage and 5'10" from the southern property line. In the application, the applicant states that the proposed carport will provide a covered area for the residents of the multi-family apartment to park, and the solar panels on its roof will reduce the strain of increasing utilities prices for the property owner.

STAFF ANALYSIS

Should the structure be built as proposed, it will be placed 5'10" from the southern side-yard property line and 10.5' from the existing detached garage. The proposed carport structure will also meet front-yard setbacks as it is located approximately 60' from Lake Ave. The structure will be compliant with all setback requirements. Staff is conditioning that no stormwater can drain from the proposed structure onto the property adjacent to the carport, and that the carport poles must be painted to match the residence's exterior siding color. There is a neighborhood pattern of several properties containing two or more detached accessory structures. Staff finds that approval of this variance will not affect the general planning of the city with respect to land use. While solar panels could be placed on the existing multi-family residence or the detached garage, building a new carport would allow for additional covered parking for the tenants of the residence. 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:	Developed with:
North	Single-Family Residential (R-2)	One-family homes
East	Single-Family Residential (R-2)	One-family homes
South	Single-Family Residential (R-2)	One and two-family homes
West	Single-Family Residential (R-2)	One-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	All drive surfaces connecting the road to the carport must be permanent in character and be paved with asphalt concrete, Portland cement concrete or pavers.
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 will revise their plan review status under review 25-70974, as Revisions Required until the site information is clarified. If the site is different than originally submitted, a revised site plan will be required to be resubmitted for review.

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 located outside of all required setbacks and towards the rear of the lot, in front of the existing detached garage. Stormwater mitigation is a condition for approval as to not create a nuisance for the adjacent property, and the architectural compatibility modifications conditioned will ensure that the carport is not visually disruptive to the neighborhood.

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, located in the immediate vicinity, contain two or more detached accessory structures: 1719 Lake Ave, 1715 Lake Ave, and 1714 Lake 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: Neutral finding. The property is developed with a 632 sq. ft. detached garage which provides an option for covered, off-street parking. Solar panels could also be placed on the existing home or the detached garage.

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 and additional conditions 1 through 3.

1. The carport support poles must be painted to match the residence's exterior siding color.
2. All building permit conditions will need to be addressed prior to final sign off on the carport.
3. No stormwater can drain onto the property adjacent to the carport, 1715 Lake Ave.

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

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

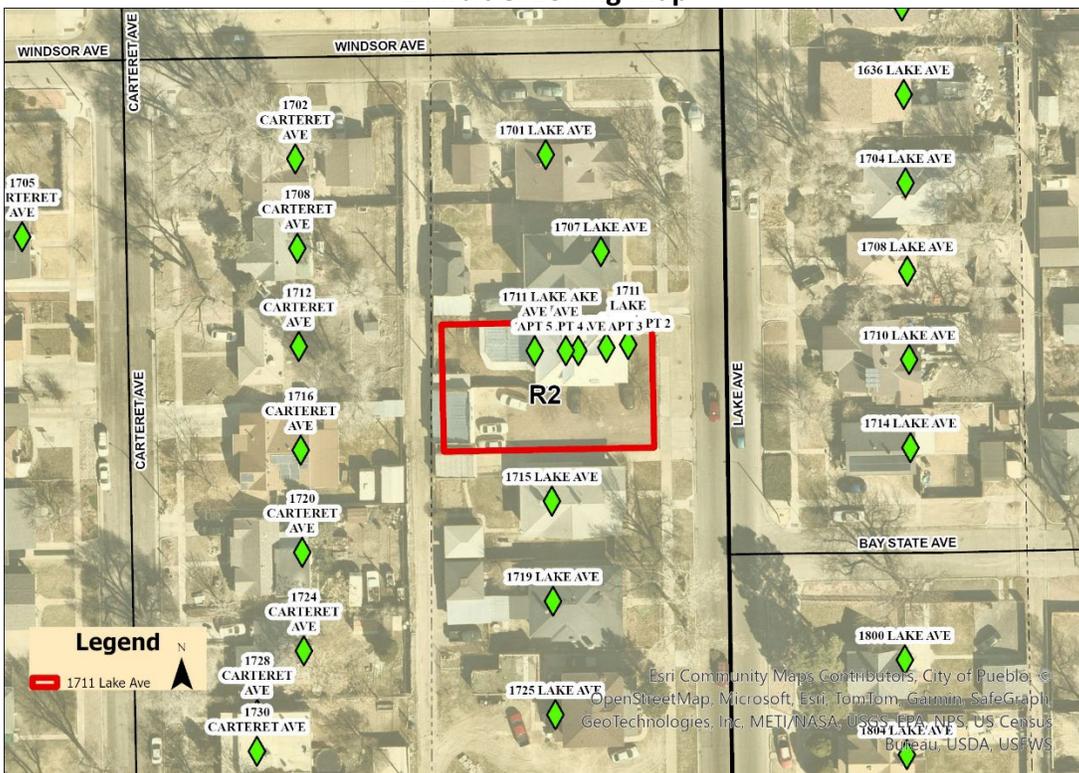


Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice



Exhibit F. Site Photos





Exhibits G-H. Application & Supporting Documents

To view all attachments, please reach to the Planning Department at planninglanduse@pueblo.us, 719-553-2259, or visit us in person at 211 E D St.