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Zoning Board of Appeals

ZBA-25-38

Hearing Date: 10/28/2025

TO: City of Pueblo Zoning Board of Appeals
FROM: Mikaylin Hackley, Planner
THROUGH: Beritt Odom, Land Use Administrative Official
LOCATION: **444 Carlile Ave.**
APPLICANT: Emily Borrego
PROPERTY OWNER: Emily Borrego
YEAR BUILT: 1958
LEGAL DESCRIPTION: LOTS 1 TO 4 BLK 11 CARLILE PARKS SUPPLEMENTAL PLAT
ZONE DISTRICT: Single-Family Residential (R-1) Zone District
PARCEL ID: 534401006
LOT SIZE: 12,373 square feet

REQUEST: Variance to reduce required second-front and rear yard setbacks in a Single-Family Residential (R-1) Zone District

BACKGROUND

The applicant is requesting to reduce a second-front yard setback from 15' to 0' and a rear-yard setback from 2' to 0' in order to construct a 20' by 30' garage in the southwest corner of their property abutting an alley. The subject property is a corner lot with frontage along both N. Putnam Ave and Carlile Ave, and the applicant wants to construct a garage that can be accessed from N. Putnam Ave. The existing home has a 575 square-foot attached garage, but the applicant states in their application that the purpose of the new garage would be to park their RV trailer in, which is currently parked in the backyard with a tarp cover over it. Should the setback variances be granted, the applicant would need to obtain a building permit for the garage, which will be otherwise compliant with all other applicable regulations such as architectural compatibility and lot coverage maximums.

STAFF ANALYSIS

As established in Section 17-2-1 (61) (2) of the Pueblo Municipal Code, the second-front setback for corner lots is set at half the depth required for the front setback. Thus, the second-yard setback for the western side of the property is 12.5' by right. The applicant states in their application that setting their proposed garage back 12.5 feet would take up too much space in their relatively small backyard. At its proposed size, the garage would have to be made architecturally compatible with the home, so it will not create a visual nuisance. The property that would be closest to the proposed structure is 447 Dittmer Ave which is located across the alley. Staff does not anticipate that light or air would be impeded any more by the garage being 2' from the rear property line, which would be allowed by right, then being 0' from the rear property line. Two other properties across the alleyway, 439 and 435 Dittmer Ave, have existing garages that appear to have a 0' setback from the alley as well, so there is a prevailing pattern of reduced setbacks. Though staff did not find that the subject property necessarily suffers from a unique or singular hardship, the findings of fact suggest that the granting of the requested setback variances is unlikely to cause any adverse effects for the neighborhood.

SURROUNDING ZONE DISTRICTS AND LAND USES

	Zone:	Developed with:
North	Government Use (S-1) Zone District	Undeveloped
East	Single-Family Residential (R-1) Zone District	Single-family homes
South	Single-Family Residential (R-1) Zone District	Single-family homes
West	Single-Family Residential (R-1) 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 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

- 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. At its proposed size, the garage would have to be made architecturally compatible with the home, so it will not create a visual nuisance. The property that would be closest to the proposed structure is 447 Ditmer Ave which is located across the alley. Staff does not anticipate that light or air would be impeded any more by the garage being 2' from the rear property line, which would be allowed by right, then being 0' from the rear property line.
- 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. The garage would be accessed from the west side of the property, and City Transportation department did not object to the placement of a garage along N. Putnam Ave with no setback.
- Strict adherence to this Title would not secure appropriate development of the property for which the variance is requested.

Comments: Neutral finding. Maintaining the allowed setbacks would not prevent appropriate development of the property because there is an existing 575 square-foot attached garage, which is considered standard for a single-family home.

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: Neutral finding. This subject lot is larger than most in the immediate neighborhood, but corner lots are subjected to stricter setback requirements than other lots, which could constitute a singular disadvantage.

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. If the setback reductions are granted, the maximum permissible height of the garage shall be no taller than 16 feet.

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: 10/28/2025	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 10/28/2026
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

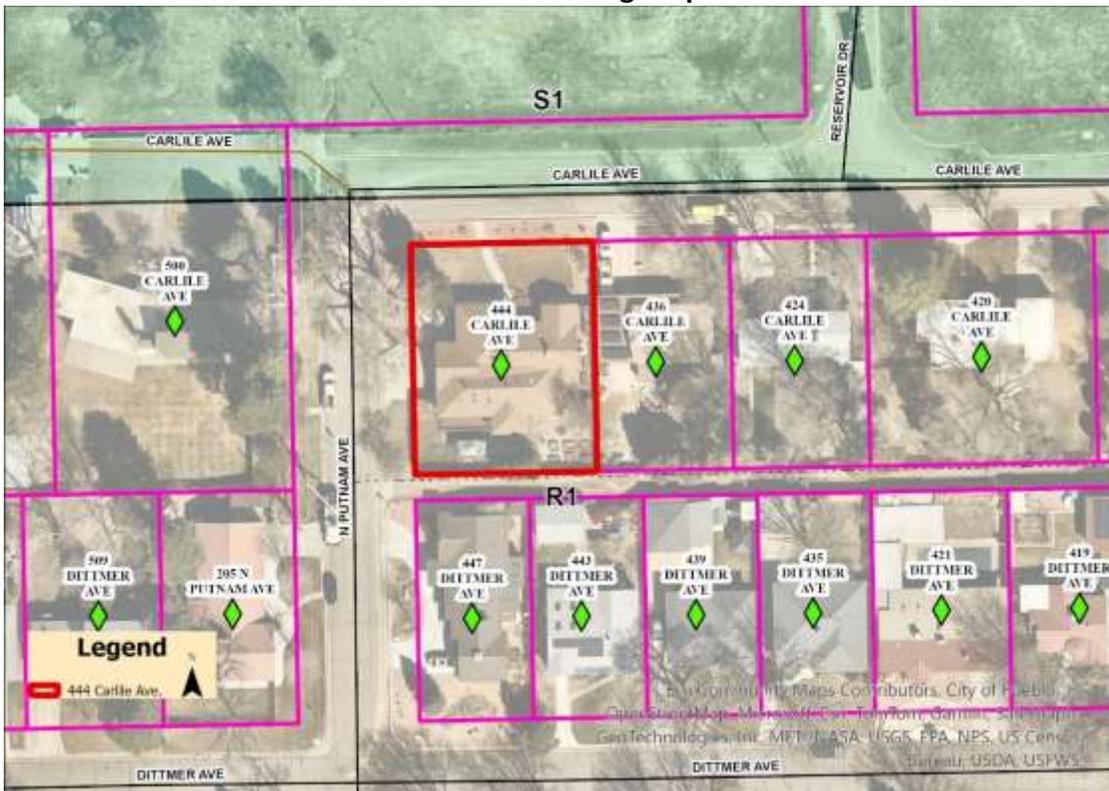


Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice



Exhibit F. Site Photos



Exhibits G-H. Application & Supporting Documents

To view all attachments, please contact City planning at planninglanduse@pueblo.us or visit our office at 211 E D St.