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Zoning Board of Appeals

ZBA-25-37

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: **1102 Lake Ave.**
APPLICANT: Jesse Masset
PROPERTY OWNER: Sarah Burch
YEAR BUILT: 1900
LEGAL DESCRIPTION: LOTS 17 + 18 BLK 6 COLLEGE HILL SUB 2ND
ZONE DISTRICT: One- and Two-Family Residential (R-3) Zone District
PARCEL ID: 1501325008
LOT SIZE: 6,563 square feet

REQUEST: Variance to reduce required second-front setback in a One- and Two-Family Residential (R-3) Zone District

BACKGROUND

The applicant is requesting a variance to reduce the second-front setback at 1102 Lake Ave from 10' to 0' in order to construct a 20' by 24' garage. The subject property is a corner lot with frontage along both Lake Ave. and Arroyo Ave. The applicant would like to construct a garage that can be accessed from Arroyo Ave. The property was originally built in 1900 and there are currently no covered parking spaces, but there is an existing curb cut in the proposed location of the new garage that was one used to access a parking structure that was built in the same location (see Exhibit F). Should the setback variance 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

Though the typical front-yard setback in the R-3 Zone District is 25', the prevailing front-yard pattern on Lake Ave establishes the setback at 20'. 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-front setback for 1102 Lake Ave is 10' by right. The applicant was granted a prior setback variance from 10' to 5' on August 23, 2022, in order to construct a pool along the same property line as the requested garage. Staff finds that granting this setback variance will have no detrimental effects on neighboring properties or the general planning of the City, and that a new parking structure would be appropriate for this older house with no existing covered parking.

SURROUNDING ZONE DISTRICTS AND LAND USES

	Zone:	Developed with:
North	Mixed Residential (R-4) District	Single-family homes
East	Mixed Residential (R-4) District	Single-family homes
South	One and Two-Family Residential (R-3) District	Single-family homes

West	One and Two-Family Residential (R-3) District	Single-family homes
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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. The garage would not impose on any nearby properties, and many of the structures along W. Arroyo Ave—the street where the garage would be facing—have smaller front setbacks, so the garage would not create a visual discrepancy in the neighborhood.
- 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. There is an existing curb cut at the proposed garage location, and the City Transportation department did not object to the placement of a garage along W. Arroyo 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. The home was built in 1900 and currently has no covered parking, so the addition of a garage would be appropriate development for the property. There is space along the east side of the lot for an alley-loaded garage, but it would require the applicant to relocate an existing storage shed.
- 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 of a standard size and shape for the 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 only.

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

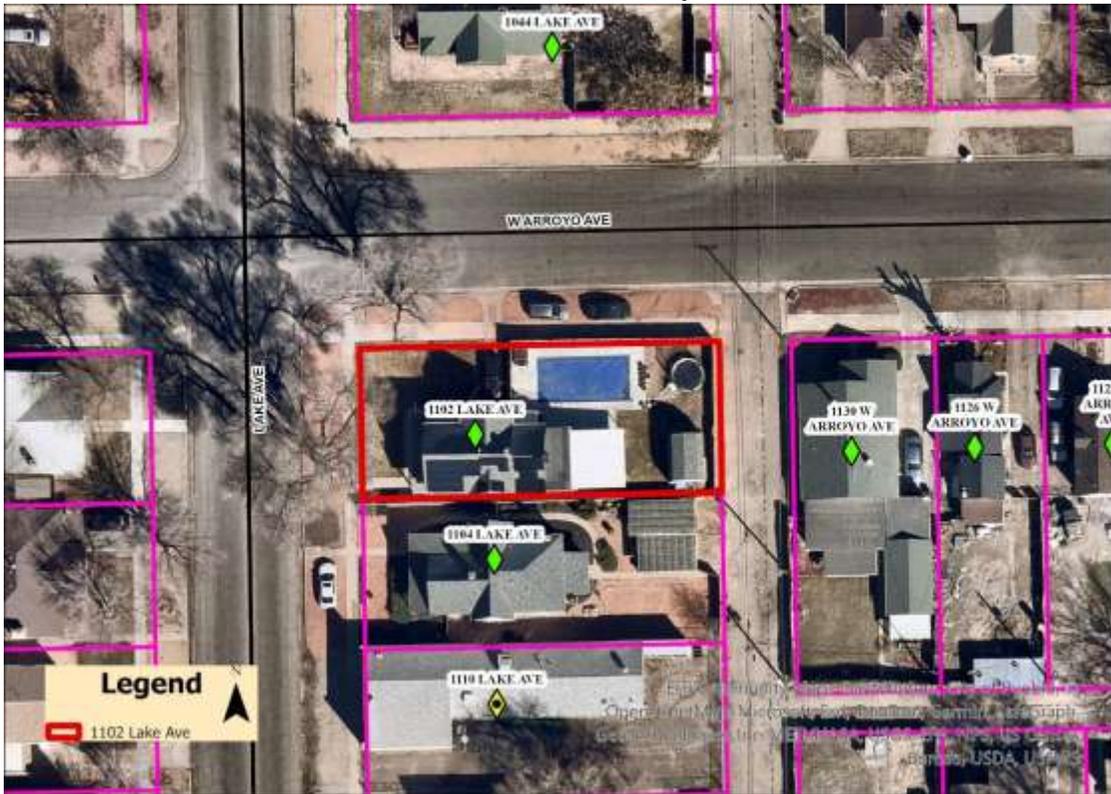


Exhibit C. Zoning Map



Exhibit D. Comprehensive Plan Map

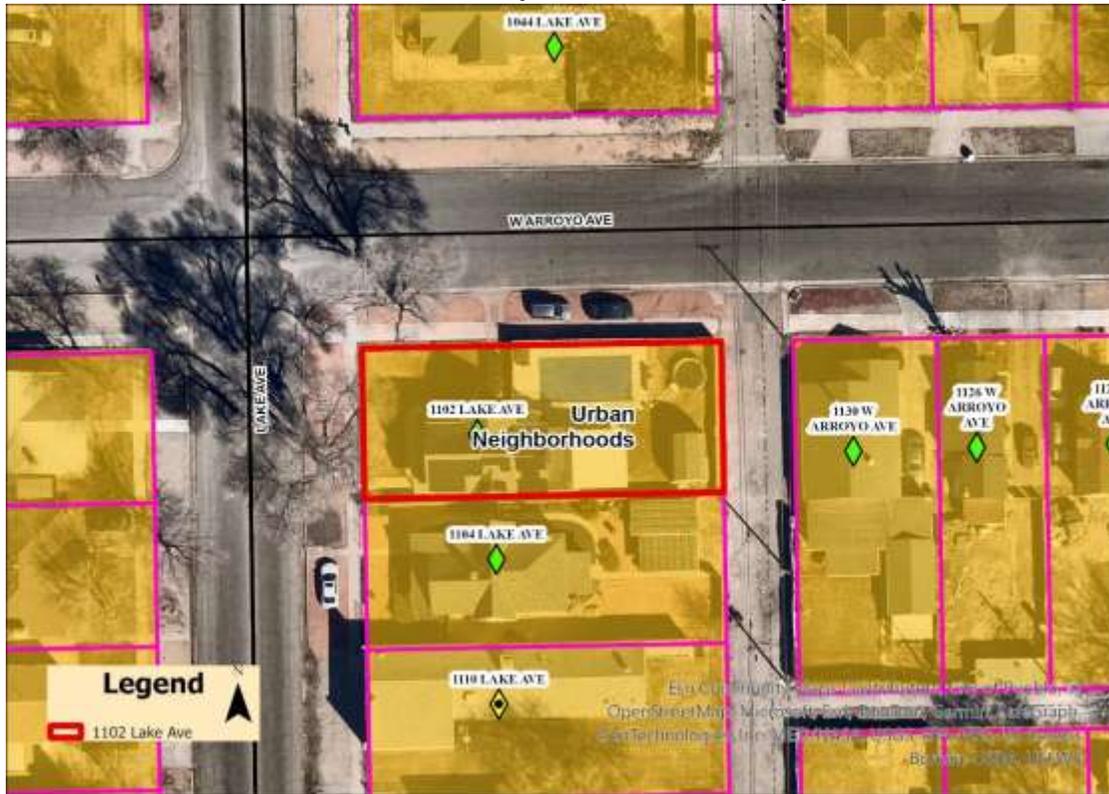


Exhibit E. Public Notice



Exhibit F. Site Photo



Previous garage since demoed by owners
Google Maps, Aug. 2012

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.