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Zoning Board of Appeals

ZBA-25-36

Hearing Date: 10/28/2025

TO: City of Pueblo Zoning Board of Appeals
FROM: Hannah Prinzi, Planner
THROUGH: Beritt Odom, Land Use Administrative Official
LOCATION: 1936 W 21st St
APPLICANT: Noe Aguirre
PROPERTY OWNER: Valeria Aguirre
YEAR BUILT: 1948
LEGAL DESCRIPTION: Lots 15 to 18, Blk 64 Irving Park
ZONE DISTRICT: Single-Family Residential (R-2) Zone District
PARCEL ID: 526212001
LOT SIZE: 0.23 acres

REQUEST: Variance to allow a detached accessory structure larger than the footprint of the principal structure and to reduce the side-yard setback requirement from 5' to 3'.

BACKGROUND

The applicant is requesting two variances: one to allow an accessory structure larger than the footprint of the principal structure at the subject property, 1936 W 21st St., and a second to reduce the side-yard setback from 5' to 3'. The subject property is located within a Single-Family Residential (R-2) Zone District east of Tuxedo Blvd. and west of Atlanta Ave. The property is developed with a 24' x 30' (720 sq. ft.) single-family residence built in 1948 and two accessory structures. The accessory structures combined have a roughly 600 sq. ft. footprint. The applicant indicated that the accessory structures are in disrepair and will be removed and replaced by the proposed accessory structure. The applicant stated that the new structure would be large enough to hold all existing storage and vehicles currently visible on the property. Per Sec. 17-4-23 (c) (1) of the Code, accessory structures cannot be larger than 100% the footprint of the principal structure. Since the proposed accessory structure is 30' x 33' (990 sq. ft.), the structure could not be permitted at the proposed size without a variance. Additionally, it could not be placed as proposed without an additional variance because it encroaches into the required side-yard setback area along the western property line.

STAFF ANALYSIS

Per the Pueblo Municipal Code, all accessory structures must be clearly incidental and customarily used in connection with the principal use (Sec. 17-4-23., (a)). The principal use of the subject property is residential; however, the residence is boarded up and requires repair before the residential use can be reinstated. Thus, the primary use is currently inactive. Should the variance request be granted, staff recommends conditioning the permit on the residential primary use being restored. Staff also recommends a second condition so that the two existing accessory structures be demolished. Otherwise, a third variance would be required to allow more than one accessory structure larger than 200 sq. ft. Removing the existing accessory structures and restoring the residence will reduce the number of accessory structures located on site, create front-yard open space, reduce clutter, and reinstate the primary use of the property.

The proposed location of the new accessory structure is 5' to the west of the existing residence, meeting the fire separation distance requirement between buildings to safeguard them against fire hazards. However, preserving the 5' separation distance means that, at its desired size, the proposed accessory structure would be only 3' from the western property line and would encroach into the side-yard setback area. The western property line is adjacent to an alley, separating the subject property from adjacent lots by 15'. The subject property is also surrounded by a fence, screening the proposed accessory structure from view. It would maintain all other setback area requirements.

The unique lot shape restricts alternative locations for the proposed structure. The subject property fronts an alley along the western and southern property lines. Furthermore, the front property line is approximately 106 linear feet. The rear property line is approximately 34 linear feet, meaning the front property line is 3 times longer than the rear. Even though the rear-setback requirement is reduced to 2' because it is adjacent to an alley, the applicant could not easily take advantage of the reduced setback area due to the lot's narrowness.

SURROUNDING ZONE DISTRICTS AND LAND USES

| | Zone: | Developed with: |
|-------|-----------------------------------------------|---------------------------------------|
| North | Single-Family Residential (R-2) Zone District | Single-family residences and a duplex |
| East | Single-Family Residential (R-2) Zone District | Single-family residences |
| South | Single-Family Residential (R-2) Zone District | Single-family residences |
| West | Single-Family Residential (R-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 objections. Separate Routing and Permits (and Plan Review, where needed) will be required for each structure being demolished and any new construction or modification. |

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 variances would not reduce required light and air, constitute a nuisance to, or substantially reduce the monetary value of adjacent properties. The applicant intends to demolish the two accessory structures that are in disrepair and located within the front-yard setback with the proposed accessory structure placed outside of the front-yard setback and in line with the residence. Replacing the existing accessory structures with the proposed garage will provide one location for all outdoor storage needs. Furthermore, the proposed accessory structure is separated from neighbors to the east and south by a fence and alley. While the proposed accessory structure is roughly 330 sq ft. larger than the combined footprint of the existing accessory structures, it would only raise total lot coverage to 17%.

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. The variance would not negatively impact general planning of the city with respect to land use, streets, and highways. The accessory structure would provide covered, off-street parking and space for storage for the residence within a more stable structure than the existing accessory structures on the subject property.

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 the Title would limit the size of the accessory structure to be no greater than the residence, which has a footprint of 720 sq. ft. This residence was built in 1948 and is considerably smaller than other residences near the subject property. For comparison, both residences at 1920 and 1916 W 21st have footprints of 1,064 sq ft.

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 subject property suffers a unique disadvantage due to its irregular shape and frontage. The front property line is approximately 3 times longer than the rear. Even though the rear-setback requirement is reduced to 2' because of the alley, the applicant could not easily take advantage of the reduced setback area due to the lot's narrowness.

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 conditions:

1. The two existing accessory structures must be demolished within one year of variance approval.
2. The residence must be restored by repairing and repainting the exterior façades and roof and the residential use must be re-established within one year of the variance approval.

ATTACHMENTS

- A. Standard Permit Conditions
- B. Aerial Map
- C. Zoning Map
- D. Comprehensive Plan Map
- E. Public Notice Photo
- F. Site Photos
- G. Site Plan
- H. Setback Area Requirements
- I. Supporting Documents (Application)

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

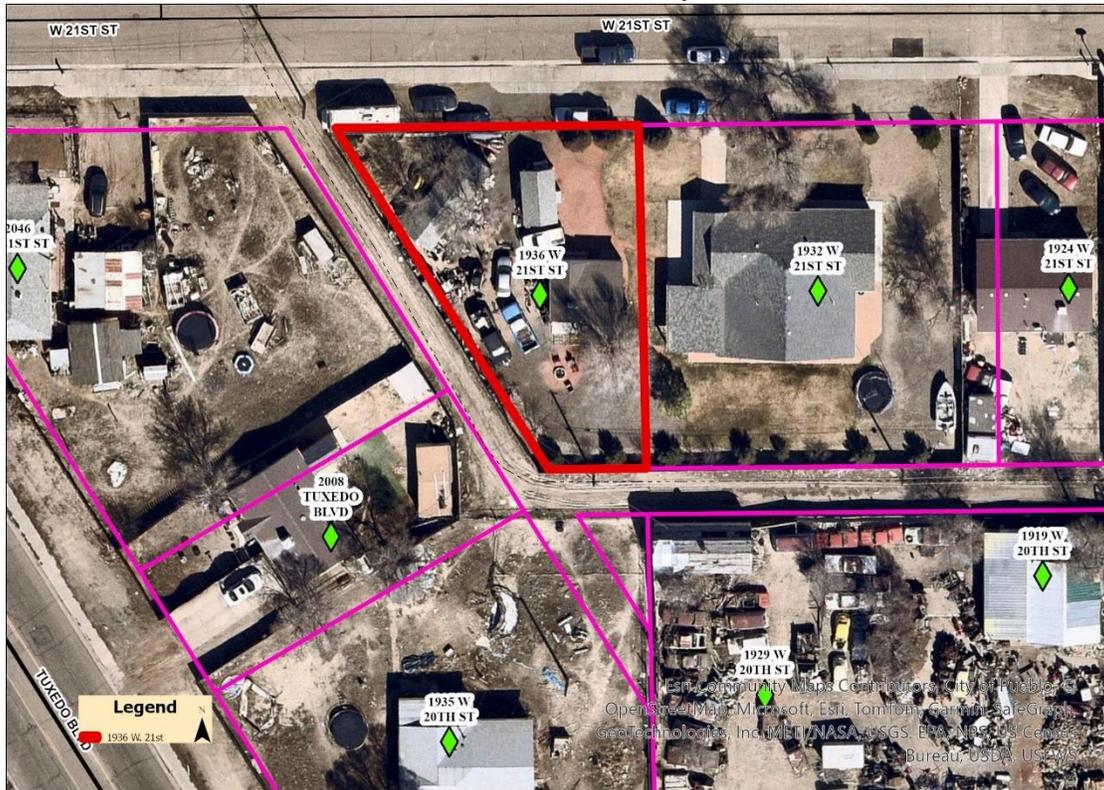


Exhibit C. Zoning Map

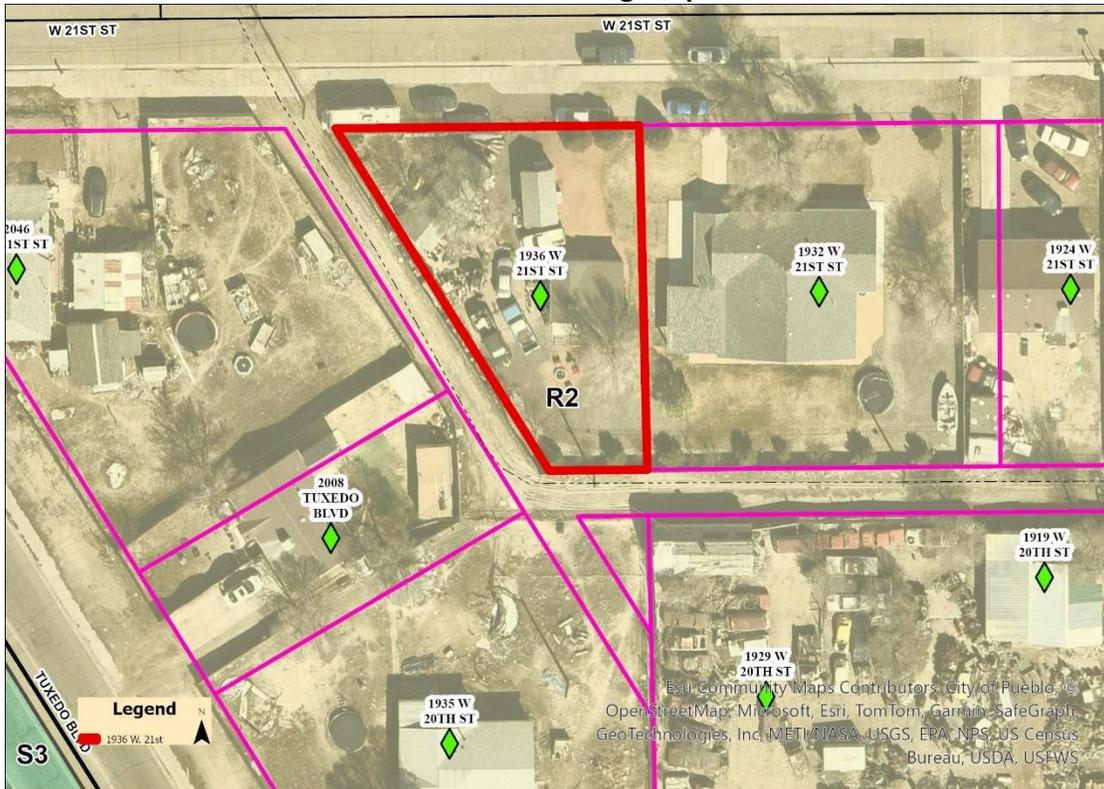


Exhibit D. Comprehensive Plan Map

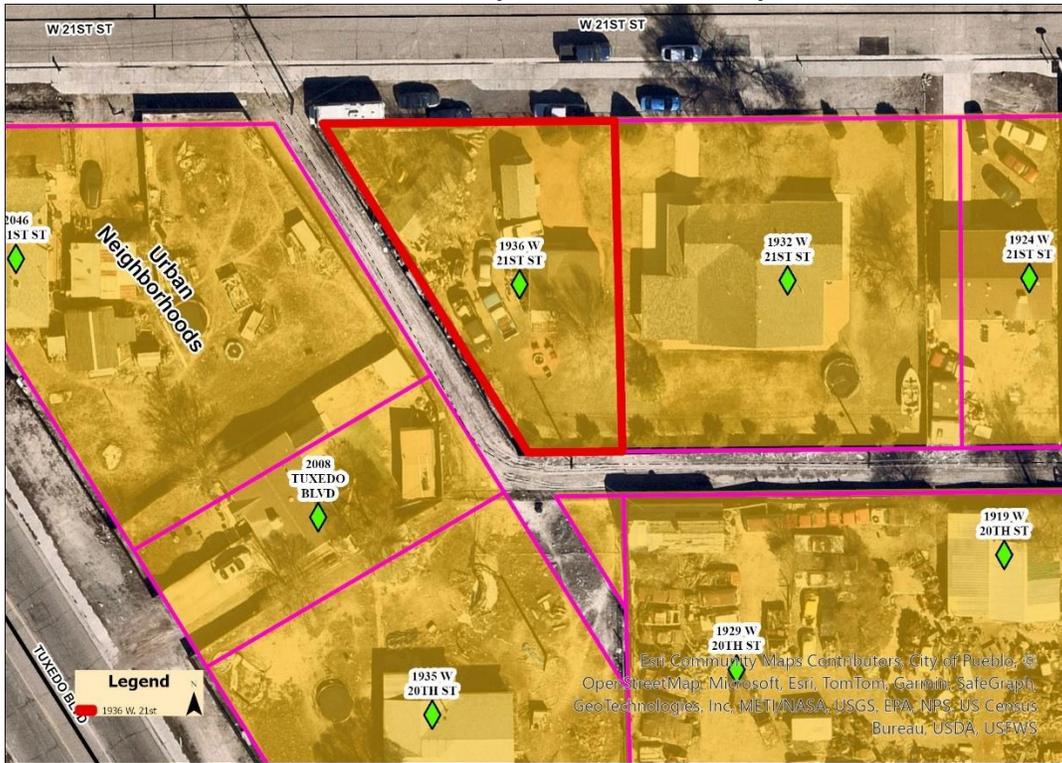


Exhibit E. Public Notice



Exhibit F. Site Photos



Existing Residence to be Restored



1st Accessory Structure to be Demolished



2nd Accessory Structure to be Demolished

Exhibits G. Site Plan

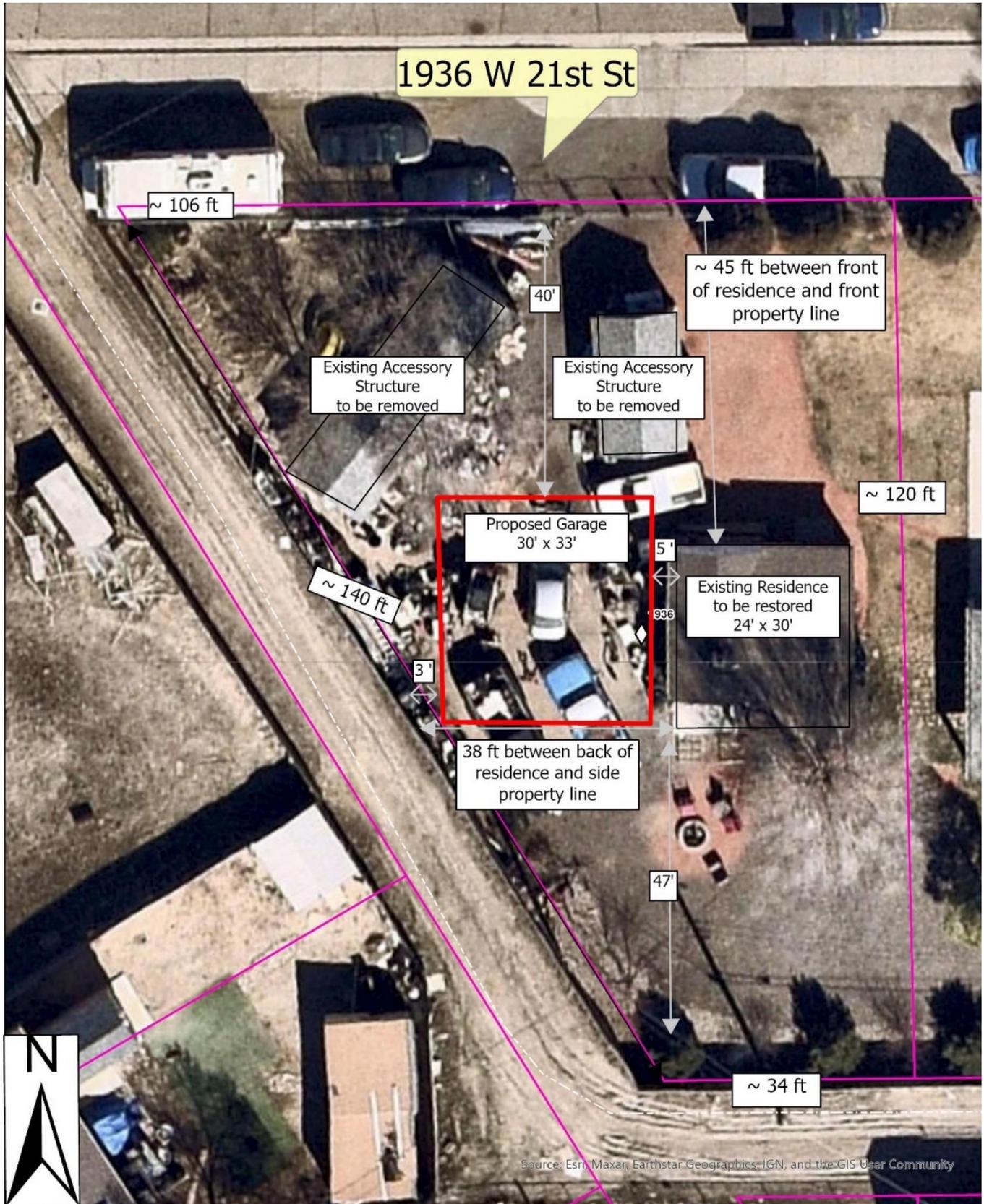


Exhibit H. Setbacks



Exhibit I. Supporting Document (Application)

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