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Zoning Board of Appeals

ZBA-25-55

Hearing Date: 12/23/2025

TO: City of Pueblo Zoning Board of Appeals
FROM: Wade Broadhead, Sr. Planner
THROUGH: Beritt Odom, Land Use Administrative Official
LOCATION: 2908 Cascade Ave
APPLICANT: Rene Silva
PROPERTY OWNER: JAMES KINGS CONSTRUCTION LLC
YEAR BUILT: 1921
LEGAL DESCRIPTION: PARCEL B - BEG AT A POINT ON THE N LINE OF LOT 28 BLK 162 FAIRMOUNT PARK COUNTY OF PUEBLO STATE OF COLORADO ACCORDING TO THE PLAT THEREOF RECORDED AT RECEPTION NO. 32305 OF THE PUEBLO COUNTY RECORDS FROM WHICH THE NW CORNER OF LOT 28 BEARS S 89° 52' 25" W A DIST OF 77.36 FEET; THENCE CONTINUING ON SAID N LINE TO THE NE CORNER OF SAID LOT 28 N 89° 52' 25" E A DIST OF 47.64 FEET; THENCE ON THE E LINES OF LOTS 24 25 26 27 AND 28 BLOCK 162 OF SAID FAIRMOUNT PARK TO THE SE CORNER OF LOT 24 S 00° 00' 20" E A DIST OF 125.00 FEET; THENCE ON THE S LINE OF SAID LOT 24 TO THE E RIGHT OF WAY LINE OF CASCADE AVENUE S 89° 52' 25" W A DIST OF 125.01 FEET; THENCE ON SAID E RIGHT OF WAY LINE N 00° 00' 00" E A DIST OF 50.00 FEET; N 89° 52' 25" E A DIST OF 77.36 FEET; THENCE N 00° 00' 00" E A DIST OF 75.00 FEET TO THE POINT OF BEG. SUBJECT TO A PRIVATE UTILITY EASEMENT FOR THE USE OF PARCEL "A" AS SHOWN ON THE ATTACHED PLAT SAID PARCEL "B" CONTAINS 9818 SQ FT +/- FORMERLY # 05-231-15-017
ZONE DISTRICT: Single-Family Residential (R-2) Zone District
PARCEL ID: 523115021
LOT SIZE: 9,830 sq. ft.
REQUEST: Special Use Permit to allow a duplex in a Single-Family Residential (R-2) Zone District

BACKGROUND

The subject property is located near the intersection of W. 29th Street and Cascade Avenue in Pueblo’s Country Club neighborhood. The now 2,400 sq. ft. structure was erected in 1921 as an accessory structure showing no residential status as late as 1932. The structure was addressed as a separate address, 2912 ½ Cascade, by 1957 and again in 1968 according to Polk City Directories. In 2020, the original primary structure, 2912 Cascade, and the structure in question, 2912 ½, were divided with a rearrangement of property boundaries (RPB-20-05). The property in question, 2912 ½ Cascade, was readdressed 2908 Cascade as a stand-alone single-family residence. Due to the rearrangement of property boundaries action, two variances were granted for the new reduced rear-yard setback for 2912 Cascade (ZBA 20-24) and the rear (alley) setback on 2908 Cascade Ave (ZBA-20-25). The applicant is now requesting to remodel the existing building (no footprint expansion) into a duplex.

STAFF ANALYSIS

The property at 2908 Cascade is considered an alley house located on a L shaped parcel that was created with RPB-20-05. The subject residence is situated on Parcel B, which is approximately 9,818 sq. ft. providing sufficient area for parking and outdoor residential amenities. Pueblo Municipal Code 17-4-42(a) requires one-family and two-family residences to provide one off-street parking space for each dwelling unit. The site plan shows the two required spaces will be paved and installed in front of the building, because the building does not face the Cascade right of way, the proposed parking location is permissible according to the Municipal Code. The property has ample space in front of the building and along the southern property line to install the required parking spaces as well as visitor parking on site. The property has access from a curb cut along Cascade Avenue as well as from the alley to the east, allowing through lot access, however, the owner has fenced alley access currently. This section of the Northside neighborhood is developed with single-family homes dating from the 1890s to the 1980s, and there are no duplexes on the 2900 block of Cascade. However, there is one duplex a block south in the 2800 block, another is located a block northeast, and three duplexes are located two blocks to the west on Morris Avenue. Although the primary development pattern is single-family residential, there are limited duplex, multifamily, office, and small commercial uses located along 29th Street, one to three blocks to the south and east of the subject property. The large lot size for this area ensures that any increased density and parking can be contained on site without impacts to on-street parking and adjoining neighbors.

SURROUNDING ZONE DISTRICTS AND LAND USES

| | Zone: | Developed with: |
|-------|--------------------------------|--|
| North | R-2, Single-Family Residential | Single-family homes |
| East | R-1, Single-Family Residential | Vacant single-family home and a church |
| South | R-2, Single-Family Residential | Single-family homes |
| West | R-2, Single-Family Residential | 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 SPECIAL USE PERMIT

1. Ingress and egress to property and proposed structures thereon with reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

Comments: Affirmative finding. The property has a curb cut along Cascade Avenue.

2. Off-street parking and loading areas where required, with particular attention to the economic noise, glare or odor effects of the use by review on adjoining properties and properties generally in the district.

Comments: Affirmative Finding. The property is over 9,000 sq. ft. and has areas to pave for parking in front of the home and along the southern property line boundary.

3. Refuse and service areas, with reference to the items above.

Comments: Affirmative finding. The site plan shows that the trash will be placed aside the building and rolled to Cascade Ave for weekly collection.

4. Utilities, with reference to the location's availability and compatibility.

Comments: Affirmative finding. Utilities are existing with no anticipated changes.

5. Screening and buffering with reference to type, dimensions, and character.

Comments: Affirmative finding. The proposed building has been present since 1921 with residential occupancy since at least 1957. The owner has provided a new wooden fence on all sides of the property except the street frontage on Cascade.

6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect and compatibility and harmony with properties in the district.

Comments: Affirmative Finding. No proposed signs.

7. Required yards and other open space.

Comments: Affirmative finding. The property meets setbacks except in the rear along the alley, and that reduced setback (0') was granted with ZBA 20-25. The minimum size required for a two family residence in an R-2 Zone district is

8. General compatibility with adjacent properties and other properties in the district.

Comments: Neutral finding. Although duplexes are not present on the 2900 Block of Cascade, one is located a block south, and another duplex is located a block East, and three more duplexes are located two blocks to the west. The area is primarily single-family residential, but there are some duplexes in the area, and scattered office and commercial operations along 29th Street.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board makes the necessary findings of fact to approve this special use permit, staff recommends Standard Permit Conditions 1 through 13 only and staff conditions below:

Two 9' x 18' paved parking spots must be constructed on site and , located outside of all required setbacks. The parking spaces must meet all requirements established by sec. 17-4-42, (a) of the Pueblo Municipal Code.

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: 12/23/2025 | |
|--|---|
| 1. | Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 12/23/2026 |
| 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

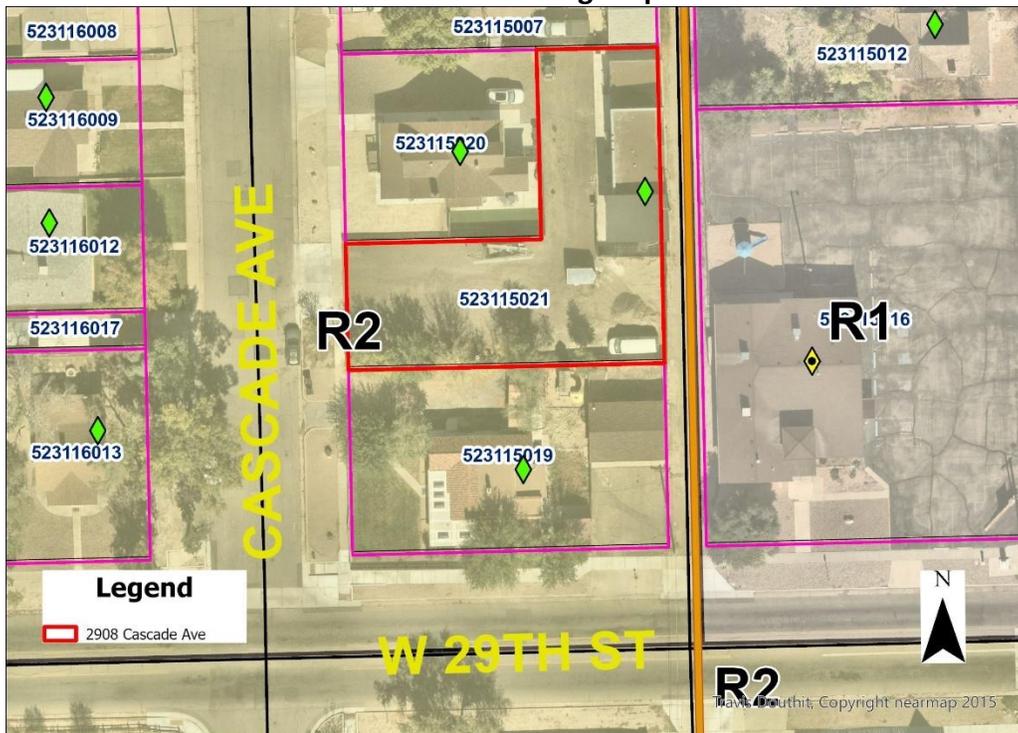


Exhibit D. Future Land Use Map

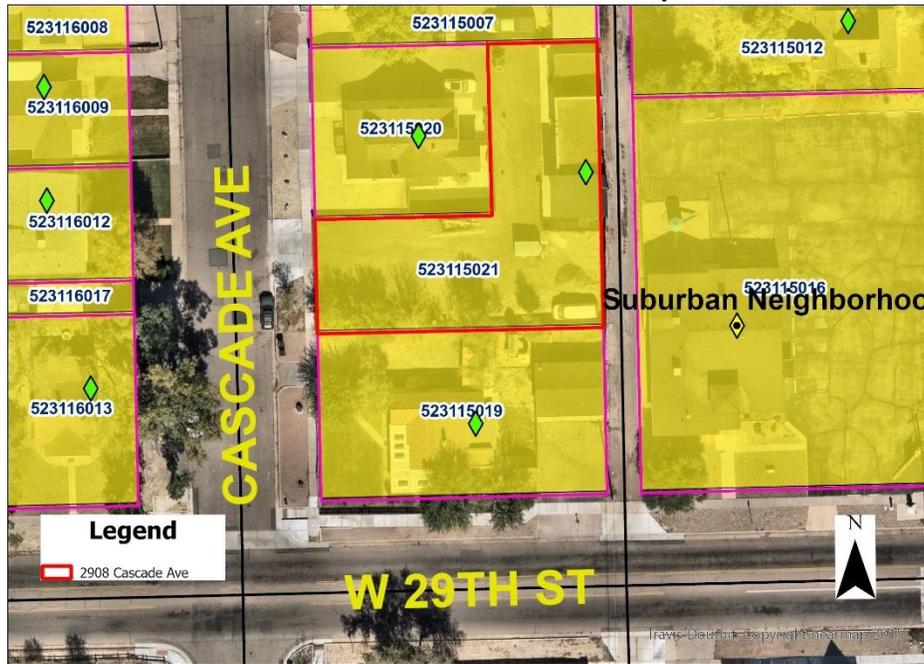


Exhibit E. Public Notice



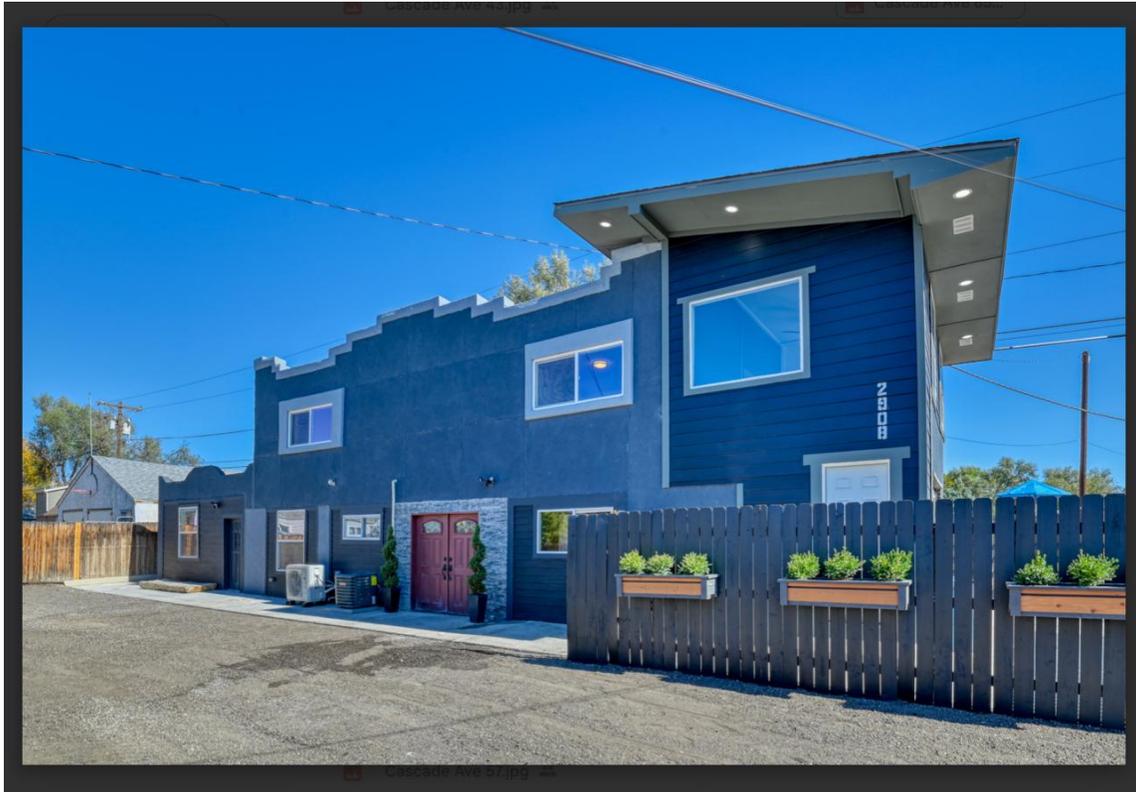
Exhibit F. Site Photos



Overview of 2912 (foreground) and 2908 Cascade (background)



Overview of the building



Overview of the home showing both front doors face north.



209 Cascade viewed from the alley looking north.



Overview of the drive cut and parking area at 2908 Cascade Avenue.



View of the building from across High Street to the east looking west.

Exhibits G-H. Application & Supporting Documents

To view attachments, please contact the Planning department at planninglanduse@pueblo.us or visit the office at 211 E. D. Street.