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## Zoning Board of Appeals

### ZBA-26-04

Hearing Date: 2/24/2026

<b>TO:</b>	City of Pueblo Zoning Board of Appeals
<b>FROM:</b>	Mikaylin Hackley, Planner
<b>THROUGH:</b>	Beritt Odom, Land Use Administrative Official
<b>LOCATION:</b>	<b>3805 Devonshire Ln</b>
<b>APPLICANT:</b>	Leduvina Marmolejo
<b>PROPERTY OWNER:</b>	Leduvina Marmolejo
<b>YEAR BUILT:</b>	1970
<b>LEGAL DESCRIPTION:</b>	LOT 16 BLK 71 HIGHLAND PARK 20TH
<b>ZONE DISTRICT:</b>	Single-Family Residential (R-2) Zone District
<b>PARCEL ID:</b>	1515307105
<b>LOT SIZE:</b>	6,000 sq. ft.
<b>REQUEST:</b>	Variance to reduce required side-yard setbacks in a Single-Family Residential Zone District

#### BACKGROUND

The applicant is requesting a side-yard setback reduction from 5’ to 2’ to accommodate an attached shed structure and from 5’ to 0’ for a patio shade cover on the western side of the subject lot.

There are two additional concurrent ZBA variance applications, ZBA-25-50 and ZBA-26-03, for other nonconforming situations on the property. The applicant applied for an accessory structure permit for a new front porch addition on October 20 of 2025, at which time Planning staff informed then that a front setback variance would be required to permit the new structure. During the inspection for that case, staff observed that the existing attached garage door had been removed and replaced with a window, suggesting that the garage had been converted into living space, and that the existing structures on the western side of the home did not conform with side setback requirements. The applicant then submitted variance requests for each of these additional items.

The applicant’s site plan shows a small existing shed that sits 2’ from property line as well as a 17’ by 8’ screen-top cover that shades the covered rear porch that appears to sit directly on the western property line. Google maps and the City’s aerial imagery record show that the shade cover was constructed between 2012 and 2016, and the attached shed structure was added in the last year.

#### STAFF ANALYSIS

The attached storage structure and the shade cover are unlikely to constitute any nuisance to the surrounding properties. Neither structure blocks light nor air to any windows for the home to the west. Neither structure is accessible by vehicle, so they will not affect public streets. Staff has conditioned that stormwater drainage must be addressed, as cross-lot drainage cannot be permitted. Per the comment given by SOCO building department, the applicant will be responsible for obtaining any permits required for the side-yard structures, including conforming with any fire-rating requirements for the building materials.

**SURROUNDING ZONE DISTRICTS AND LAND USES**

	Zone:	Developed with:
North	Single-Family Residential (R-2) Zone District	Single-family homes
East	Single-Family Residential (R-2) Zone District	Single-family homes
South	Single-Family Residential (R-2) Zone District	Single-family homes
West	Single-Family Residential (R-2) 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
SOCO Building Department	Southern Colorado Building Department has no objections to the application. Permits and Routings are required for these projects. A variance from the City of Pueblo does not remove the requirements for fire-rated construction from the building code. Please contact Southern Colorado Building Department to help with permitting.

**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. With the staff condition that stormwater drainage must be contained, the reduction in setbacks on the western property line is unlikely to constitute a nuisance to neighboring properties.**

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 structures in the side yard will not affect the general planning of the city nor streets as the structures are not accessible by vehicle.**

3. Strict adherence to this Title would not secure appropriate development of the property for which the variance is requested.

**Comments: Neutral finding. There are other locations on the property that could accommodate a storage shed while still maintaining setbacks, and shade could be provided for the back patio by enclosing the western wall rather than the existing shade structure that is not within the required side setback.**

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. There are no singular disadvantages for this property in regard to structures placed in the side setback.**

#### **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:

1. All stormwater must remain on the subject lot and cannot drain onto another property. A mechanism to contain stormwater must be installed and maintained without overhanging into the neighboring property.
2. The shade structure may never be enclosed or converted into living space.
3. The storage shed structure may never be converted into living space.

#### **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**

<b>Standard Permit Conditions</b> Date of Issuance of Permit: <b>2/24/2026</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>2/24/2027</b>
2.	<b>Required Revisions</b> 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.	<b>Changes</b> 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.	<b>Property Inspection</b> 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.	<b>Certificate of Occupancy</b> 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.	<b>Completion and Maintenance of Improvements and Landscaping</b> 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.	<b>Building Permit; Other Permits</b> Permit holder is solely responsible for obtaining <u>BUILDING PERMIT</u> and all other applicable local, state and federal permits.
8.	<b>Off-Site Drainage</b> 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.	<b>Appeals</b> 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.	<b>Errors</b> 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.	<b>Transfer of Ownership</b> 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.	<b>Violations/Penalties</b> 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.	<b>Incorporation and Reference of All Plans Presented to the Zoning Board of Appeals.</b> 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

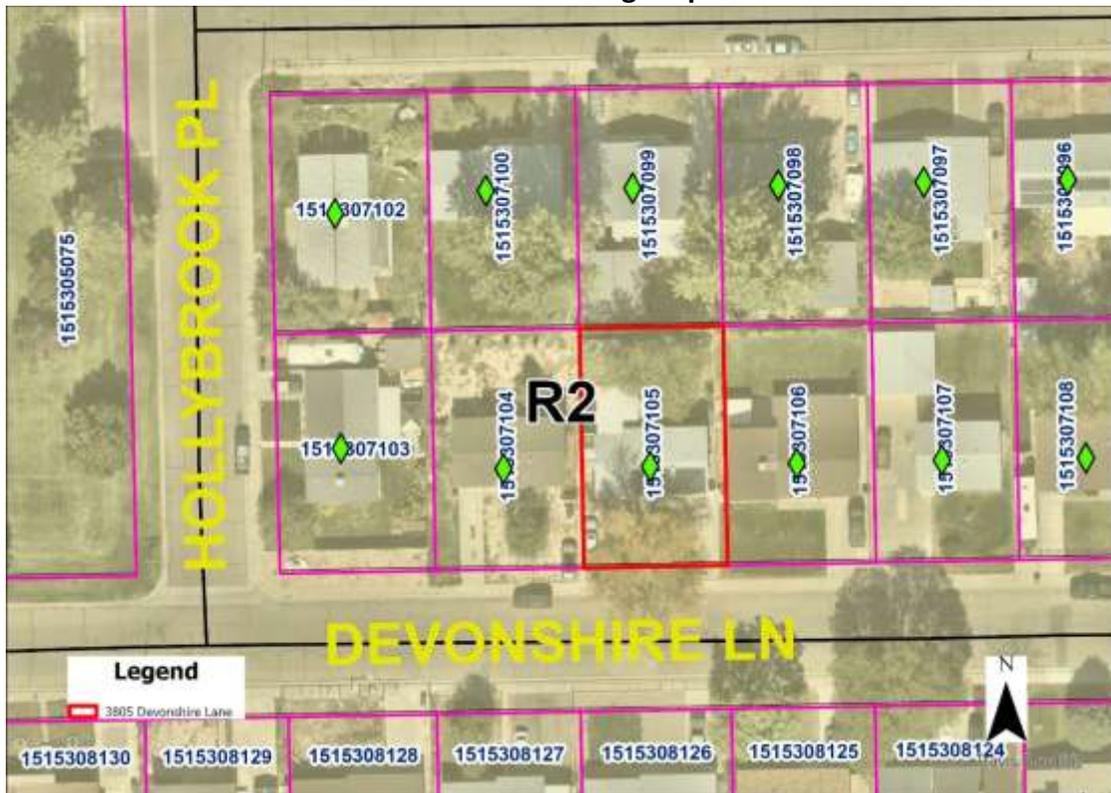


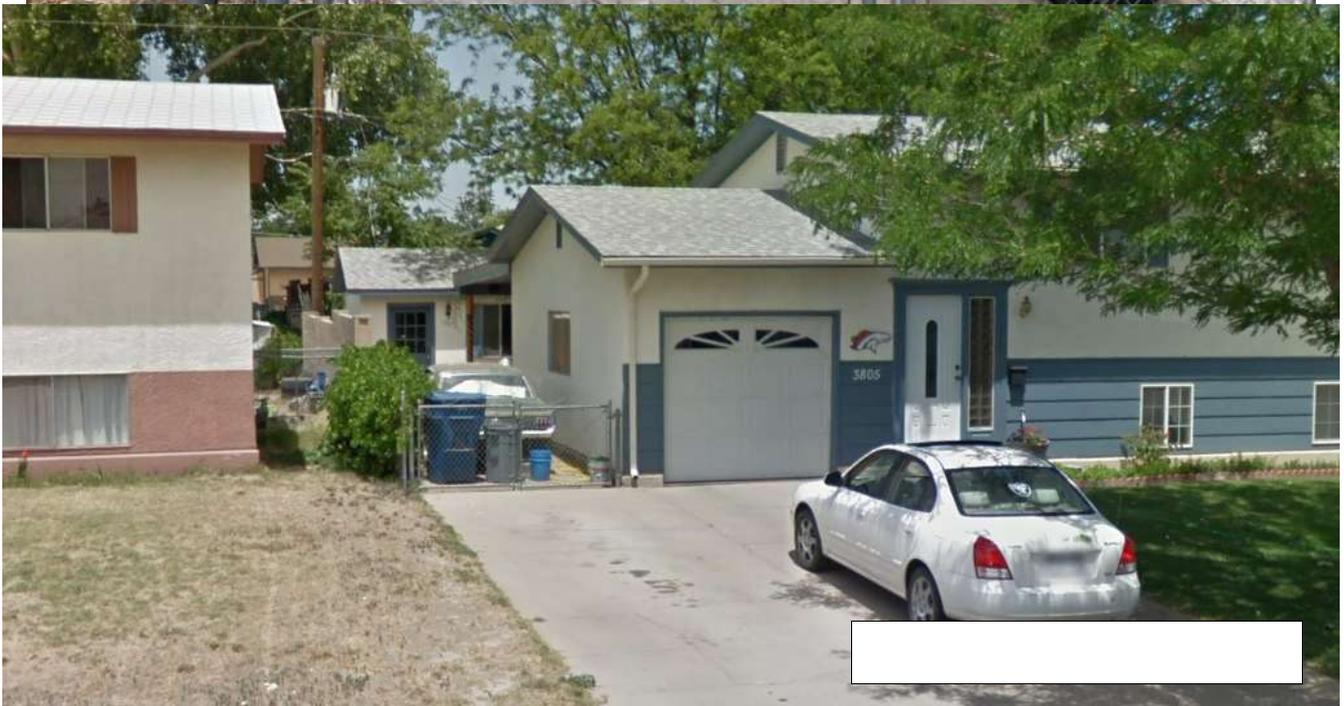
Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice

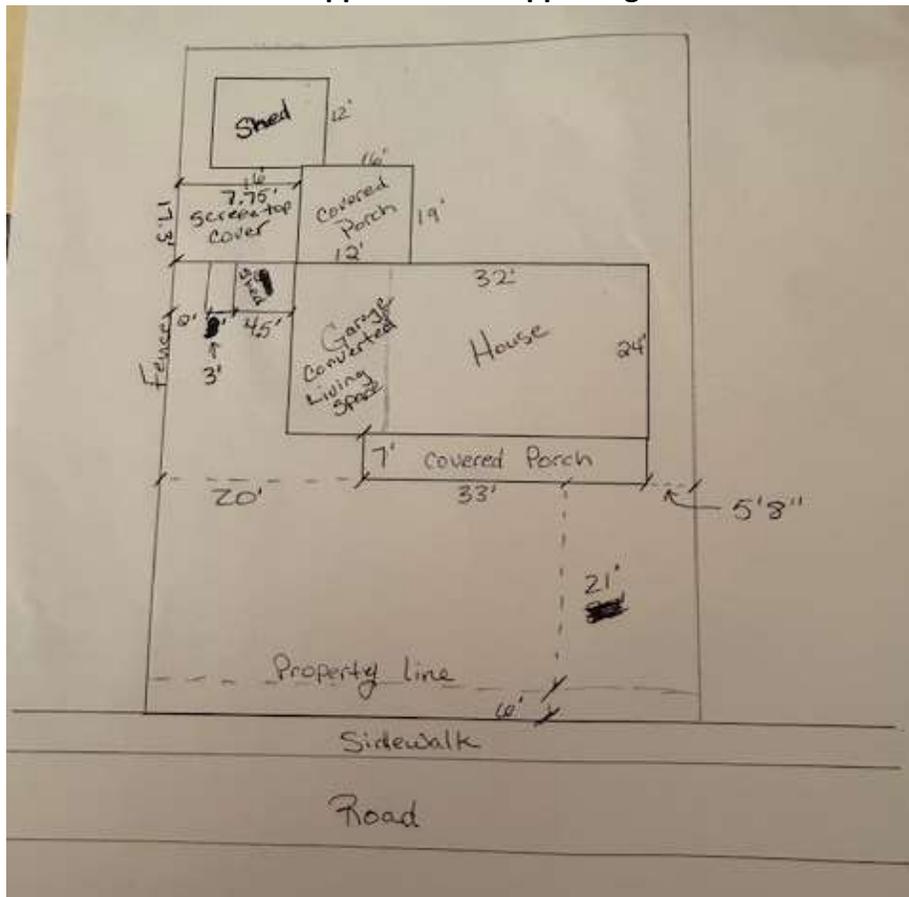


Exhibit F. Site Photos





**Exhibits G-H. Application & Supporting Documents**



To view all attachments, please contact Planning at [planninglanduse@pueblo.us](mailto:planninglanduse@pueblo.us) or visit us at 101 W Riverwalk Pl.