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Zoning Board of Appeals

ZBA-26-03

Hearing Date: 2/24/2026

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

REQUEST:	Variance to reduce required parking spaces from 1 to 0 in a Single-Family Residential (R-2) Zone District
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BACKGROUND

The applicant is requesting a variance to reduce the required number of off-street parking spaces for their single-family residence from 1 space to 0 spaces.

There are two additional concurrent ZBA variance applications, ZBA-25-50 and ZBA-26-04, 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 them that a front setback variance would be required to permit the new structure. During the inspection for that case, staff observed existing structures on the western side of the home that did not conform with side setback requirements, and that the existing attached garage door had been removed and replaced with a window, suggesting that the garage had been converted into living space. The applicant then submitted variance requests for each of these additional items.

This variance application is for a parking reduction, as Sec. 17-4-42 of the Pueblo Municipal Code requires that single-family homes have at least one improved parking space that sits outside of all setbacks, and by converting the garage, the property no longer has a designated parking space.

STAFF ANALYSIS

As stated in their application, the property owner converted the attached garage into an additional bedroom suite as that use was more conducive to their needs than an off-street parking space. Their 18' wide driveway can comfortably fit two vehicles, and Devonshire Ln is wide enough for parallel parking on both sides of the street. Staff does not foresee any adverse effects from permitting this garage conversion by waiving the required improved parking space outside of setbacks.

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
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. Waiving the required parking space will not constitute a nuisance to the neighborhood because there are still ample opportunities for parking elsewhere on the property.
- 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. Devonshire Ln. is wide enough to accommodate parallel parking on both sides of the street, so allowing one property to forgo an off-street parking space will not negatively affect the use of the public street.
- Strict adherence to this Title would not secure appropriate development of the property for which the variance is requested.

Comments: Affirmative finding. The applicant indicated that their need for an additional bedroom suite was far greater than their need for covered parking, so adhering to code and requiring this space would not allow for appropriate development of the applicant's property.

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. The subject property does not necessarily suffer any unique disadvantages regarding off-street parking spaces.

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: 2/24/2026	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 2/24/2027
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

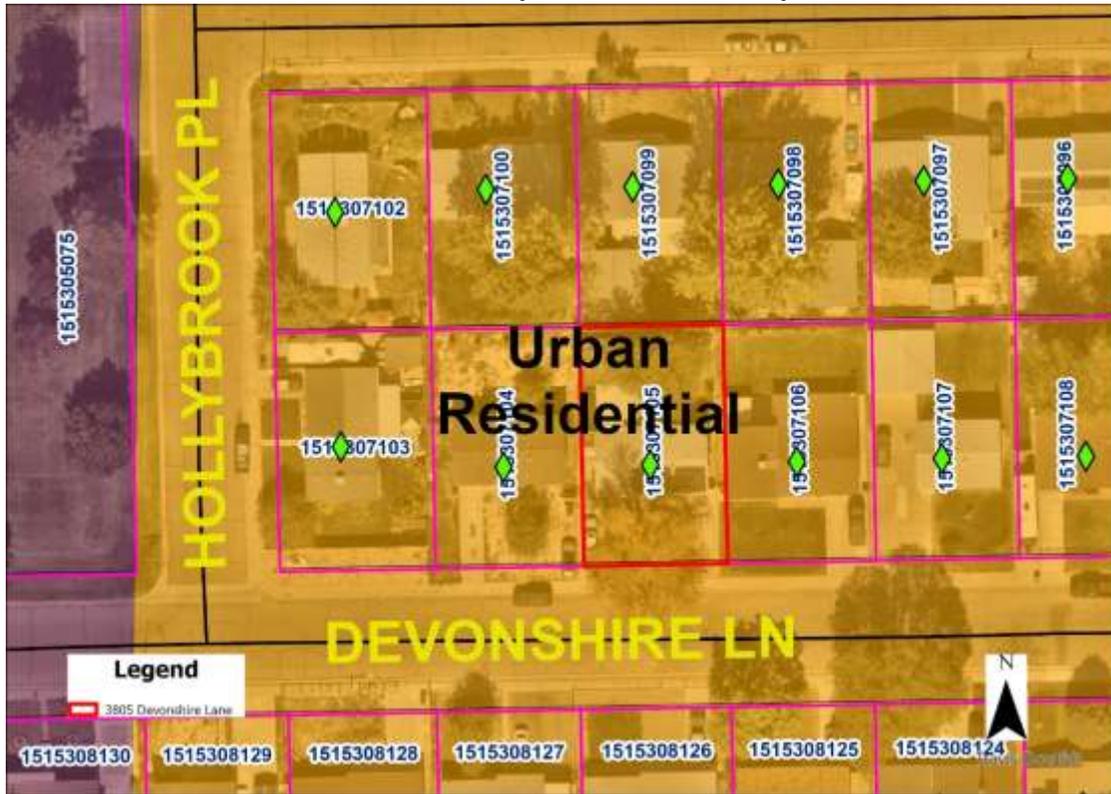


Exhibit E. Public Notice



Exhibit F. Site Photos



Exhibits G-H. Application & Supporting Documents

To view all attachments, please contact Planning at planninglanduse@pueblo.us or visit us at 101 W Riverwalk Pl.