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## Zoning Board of Appeals

### ZBA-26-05

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:** 3011 W 12th St.  
**APPLICANT:** Mike Ward  
**PROPERTY OWNER:** Mike Ward  
**YEAR BUILT:** N/A  
**LEGAL DESCRIPTION:** LOTS 31 TO 40 INC BLK 23 WESTSIDE ADD FORMERLY #05270-49-003  
**ZONE DISTRICT:** Industrial (I-2) Zone District  
**PARCEL ID:** 527307003  
**LOT SIZE:** 31, 917 sq. ft.

**REQUEST:** Variance in accordance with Sec. 9-7-18 of the Pueblo Municipal Code regarding enclosure of salvage yards premises

#### BACKGROUND

The applicant is requesting a variance for the fencing material of a salvage yard pursuant to Sec. 9-7-18 of the Pueblo Municipal Code. They intend to use beige-painted metal sheets as their fencing material around the 3011 W 12th as it matches the material used at the established salvage business directly to the west of the subject property, addressed 3017 W 12th St. A Special Use Permit for a salvage yard at the subject property was issued at the January 27, 2026 hearing of the Zoning Board of Appeals. For the purpose of safety and screening, the PMC requires that salvage yards be enclosed per the following standards (Sec. 9-7-16):

- (a) "It shall be unlawful for any person to maintain a salvage yard or salvage shop in the City or any place for the storage of wrecked or unusable automobiles awaiting repairs unless such business or storage is carried on entirely inside a building or unless the premises on which such business or storage is carried on be entirely enclosed by a solid fence at least seven (7) feet in height. Such fence shall be a masonry wall, a wooden fence or an ornamental hedge. Variances may be permitted as prescribed in Section 9-7-18. Such fence shall be maintained in a neat, substantial, safe condition. Gates for access to said premises shall swing inwardly, and such gates shall be kept closed when the premises are not open for business."

Variances may be granted regarding the material of the fence as described in Sec. 9-7-28:

- (a) "It shall be possible for a person to obtain a variance allowing an alternate method of enclosure in substitution for the wall, fence or hedge, provided that the alternative method of enclosure shall fulfill the intent of Sections 9-7-13 to 9-7-25 to keep out children or other persons attempting to enter salvage yards illegally, to keep such areas free from rats and vermin, and to effectively screen such yards from public view. Variance permits may be issued by the Zoning Board of Appeals after

application has been made in compliance with procedures for variance set forth in the Zoning Code. Any permit for such a variance shall be specific as to design, materials, completion date and level of maintenance necessary to achieve the objectives of this provision. No variance shall be issued which will eliminate or in any way diminish the requirements of this Section. The Zoning Board of Appeals shall also have power to decide appeals as to the necessity for enclosure.”

Per these sections of code, a metal fence would not be acceptable by right as a screening mechanism for a salvage yard, but the Zoning Board of Appeals has the authority to permit the metal fence.

#### STAFF ANALYSIS

Staff has no concerns with permitting the metal fence as a screening mechanism for the approved Salvage Yard. Other industrial properties in the area, including the property under the same ownership to the immediate west of the subject property, are screened with metal fences. The material of the fence would have no impact on general planning of the city, and the metal material is more durable and equally as appropriate for the area as a wooden fence. The tow yard to the west, which is under the same ownership as the subject property, has an existing metal fence, so permitting this lot to be screened with a metal fence will be visually compatible with the established neighborhood. The site is secluded from residences and other non-industrial commercial businesses in the area, so it is unlikely to constitute a nuisance for the area.

#### SURROUNDING ZONE DISTRICTS AND LAND USES

	Zone:	Developed with:
North	Industrial (I-2) Zone District	Undeveloped lot
East	Agricultural Four (A-4) Zone District	Undeveloped lot
South	Industrial (I-2) Zone District	Undeveloped lot
West	Industrial (I-2) Zone District	Salvage yard

#### 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 the following stipulations: Any fence over 7 feet tall requires routing, a plot plan, and engineering. A variance from the City of Pueblo does not remove the requirements from the building code.

## 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. Other industrial properties in the area, including the property under the same ownership to the immediate west of the subject property, are screened with metal fences.**

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 material of the fence would have no impact on general planning of the city or streets or highways.**

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

**Comments: Affirmative finding. This vacant lot is an appropriate site to develop a salvage yard, and a metal screening fence is more durable than a wooden one, so it will serve the property better.**

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 site directly to the west of the subject property already has metal fencing, so introducing a new fence material will be more visually disruptive than permitting the fence material that is already commonplace in the area.**

## 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**

<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 Riverwalk Pl.