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Zoning Board of Appeals

ZBA-25-50

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: 0.14 acres

REQUEST:	Variance to reduce required front yard setback in a Single-Family Residential (R-2) Zone District
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BACKGROUND

The applicant is requesting a front setback reduction from 25' to 21' in order to construct an attached accessory structure onto the front of their home. The structure would be a 7' by 33', or 231 sq. ft., unenclosed patio. The applicant first submitted their request for this structure on October 20, 2025, at which time Planning and Public Works staff reviewed the application and found that the site plan as proposed showed the new structure encroaching 4 feet into the front setback. This variance application was then submitted on November 11, 2025, and the building permit application for the accessory structure was placed on hold until the variance hearing was decided. Upon inspection of the front porch structure, staff noted two other non-conforming structures, and encouraged the applicant to apply for variances for other work that had been completed on the property to bring the entire site into compliance at once, thus concurrent applications ZBA-26-03 and ZBA-26-04 for a reduction in required off-street parking spaces and a reduction in side setbacks, respectively.

STAFF ANALYSIS

Staff has no concerns with the proposed front setback variance. The desired front patio structure would be unenclosed, and staff recommends conditioning the application so that the structure can never be enclosed in the future. This would protect against reductions in light and air to nearby properties. Additionally, the structure will be required to have architecturally compatible shingles that match the existing home if the pitch of the roof is greater than 2:12, so the structure will not visually detract from the neighborhood. The general pattern of homes in the subject neighborhood is single-family homes with front-loaded garages built very close to the 25' front setbacks and 5' side setbacks. This would prevent any homeowners in the area from adding any new structures on the front or rear of their homes, so staff does not find that there is a unique disadvantage present. Regardless, the granting of the requested variance should cause no adverse effects.

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

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 proposed structure would be an unenclosed front patio, which would not impact light and air to adjacent 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 front porch structure would not be accessible by vehicle and therefore would not impact city streets or general planning.
3. Strict adherence to this Title would not secure appropriate development of the property for which the variance is requested.
Comments: Affirmative finding. The home is built just outside of the front setback, so no structures or new architectural features could be built onto the front of the home without a setback variance.

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. The subject property's home with a front-loaded garage is built right at the 25' front setback and 5' side setbacks, limiting any new structures or additions to the rear yard only, but this layout follows the general pattern of homes in the immediate neighborhood; thus, it does constitute a unique hardship.

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 condition:

1. The front porch structure may never be enclosed.

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



Exhibit G. Site Plan

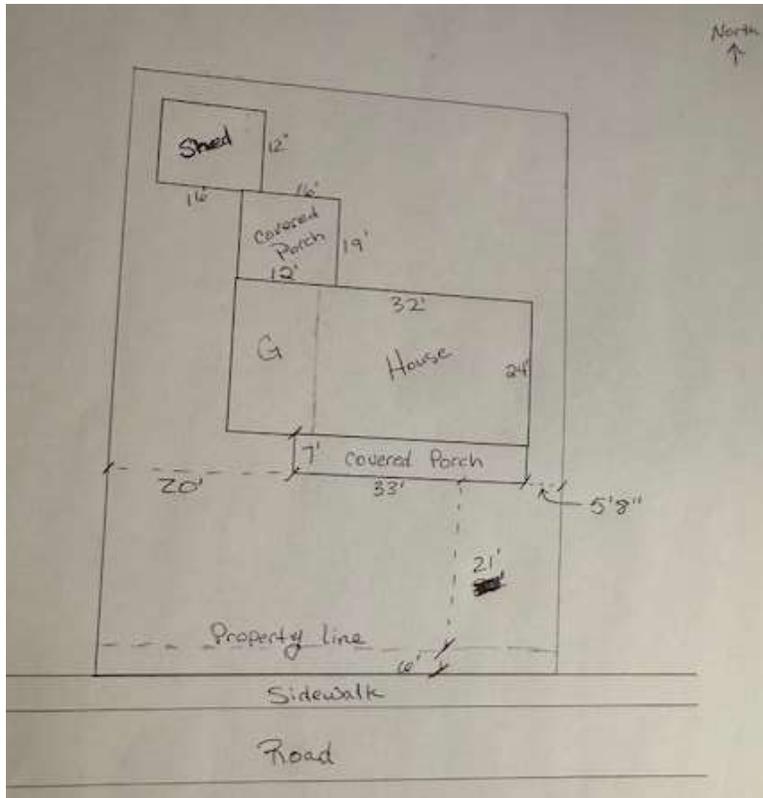


Exhibit G. Application

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