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Georgia Way

## ZBA-23-24

Hearing Date: 8/22/2023

**TO:** City of Pueblo Zoning Board of Appeals  
**FROM:** Wade Broadhead  
**THROUGH:** Scott Hobson, Land Use Administrative Official  
**LOCATION:** 945 E Routh Ave.  
**APPLICANT:** Weston Burrer  
**PROPERTY OWNER:** Keith Wilhite, Just Rite Properties LLC  
**YEAR BUILT:** Pre 1893, remodeled in 1950  
**LEGAL DESCRIPTION:** S 23 FT LOT 13 BLK 29 BESSEMER  
**ZONE DISTRICT:** Mixed Residential District (R-4)  
**PARCEL ID:** 1501306012  
**LOT SIZE:** 2,829

**REQUEST:** A Variance to reduce the required minimum lot area for a four family dwelling unit structure in a Mixed Residential (R-4) District, pending rezoning to Residential Charter Neighborhood (RCN).

### REQUEST BACKGROUND

The applicant is requesting to reduce the minimum lot area required for a four-family residential apartment building from 6,000 sq ft to 4,059 sq ft. The applicant, Weston Burrer and Just Rite Properties LLC., are proposing to convert a vacant neighborhood two-story mixed-use building into an apartment complex in the Bessemer neighborhood. The applicant currently has 2,829 Sq ft of lot area and will be receiving an additional 10-feet in width from a vacation of a portion of Summit Avenue bringing their lot size to 4,059 sq ft, which is 1,974 sq ft short of the required lot area for a four residential unit structure in the R-4 and RCN Zone Districts. Two additional variances will also be required from the Zoning Board of Appeals to construct a second story addition on the rear of the structure to facilitate the development of four residential units within the structure. The applicant is requesting the following variances ZBA 23-32, for a reduction of parking spaces and ZBA-23-33 to reduce setbacks.

### ANALYSIS

The property at 945 E. Routh first appears on Sanborn Fire Insurance maps in 1893 and served as a neighborhood mixed use building for over one hundred years. The property was at various times a retail shop, mortuary, and housed a long running fraternal hall, The Eureka Lodge, which historically contained one residential unit on the second floor. The new owner purchased the building from the Eureka Lodge in 2015 and seeks to convert the building into a four-unit apartment building. The change of use from mixed use / single family residential to multifamily requires compliance with all zoning codes. Due to the small lot size and small lot width, two additional zoning actions occurred: a right of way vacation and one variance for the rezoning.

The Planning and Zoning Commission approved a right-of-way vacation (V-23-02) in May 2023 which will grant 945 E. Routh 10 feet of Summit Avenue. The Planning and Zoning Commission conditioned City Council approval of the Vacation on approval of the variance to reduce the lot area. The commission also approved a rezoning (Z-23-08) of the property from R-4, Mixed Residential to RCN, Residential Charter Neighborhood at their August

regular meeting. With the vacation approved, the lot will be 33’ wide and will meet the minimum lot width for the RCN Zone District, but still be 1,974 short of meeting lot area requirements for a four-family structure.

Summit Avenue historically was an east west small commercial street, with commercial buildings occupying many corner lots. Some of these buildings occupy a large percentage of the lot area like 945 E. Routt. Furthermore, the site is located in the Established Development Area, approved by City Council, which allows an applicant to request a 100-percent off-street parking variance to accommodate historical building patterns that don’t fully meet current zoning regulations. In this case the small lot size was in effect since at least 1900 and not the result of the applicant. One of the most important issues in a reduction of lot size is lot coverage. With the street vacation approved the lot coverage will be 57%. Code allows for 50% lot coverage and up to 75% lot coverage by review. The Land Use Administrator, Scott Hobson, reviewed and approved the additional lot coverage for this project due to the preexisting nature of the lot coverage. The proposed project will not increase the first-floor footprint lot coverage. The variance will facilitate the development of additional housing units which is one of the goals of the 2022 Pueblo Regional Comprehensive Plan.

**ZONING DISTRICT AND LAND USE**

Zone:		Developed with:
North	Mixed Residential (R-4) Zone District	Single-Family Homes
East	Multiple Residential and Office (R-5) Zone District	Parking lot for Victory Outreach Church.
South	Mixed Residential (R-4) Zone District	Single-Family Homes
West	Mixed Residential (R-4) 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.

**OTHER AGENCIES**

Pueblo City/County Health	No comment
City Transportation	No comment
Pueblo Regional Building Department	No comment
Fire Department	No comment
City Public Works Department	No comment
City Stormwater Department	No comment
City Code Enforcement	No comment
Pueblo Board of Water Works	No comment
City Wastewater Department	No comment
City Parks and Recreation 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: Neutral finding. The proposed project will add a new second story over the rear of the building, potentially reducing light and air to the rear of the adjacent property.**

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. This variance will facilitate the redevelopment of vacant property and further city comprehensive goals of providing additional housing.**

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

**Comments: Neutral finding. Adherence to this title would still allow residential redevelopment on this property just not to the density desired by the applicant.**

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 property is only 23' wide and the building was constructed before 1893 creating non-conforming situations before the applicant took possession.**

#### **PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION**

If the Board chooses to approve this variance, staff recommends only Standard Permit Conditions 1 through 13.

#### **ATTACHMENTS**

- A. Standard Permit Conditions
- B. Aerial Map
- C. Zoning Map
- D. Comprehensive Plan Map
- E. Public Notice Photo
- F. Site Photographs
- G. Application
- H. Supporting documentation

**Exhibit A. Standard Permit Conditions**

<b>Standard Permit Conditions</b> Date of Issuance of Permit: <b>8/22/2023</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>8/22/2024</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

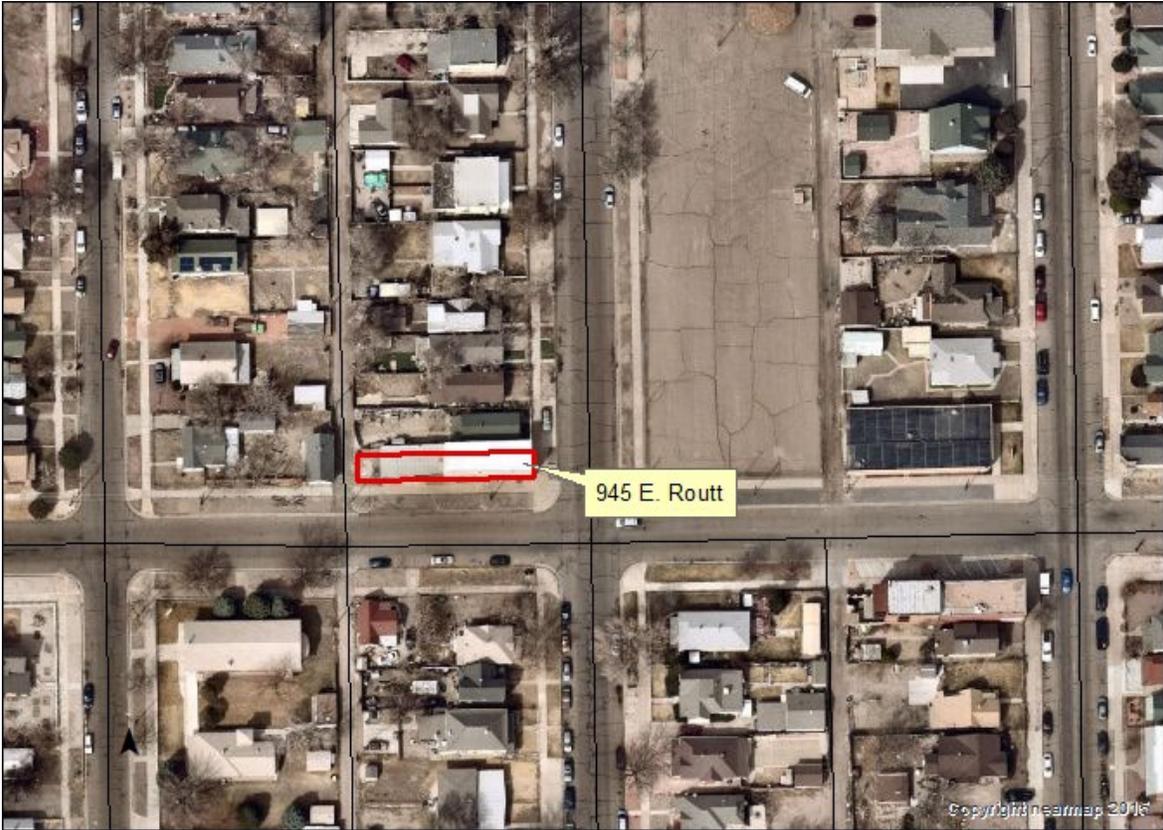
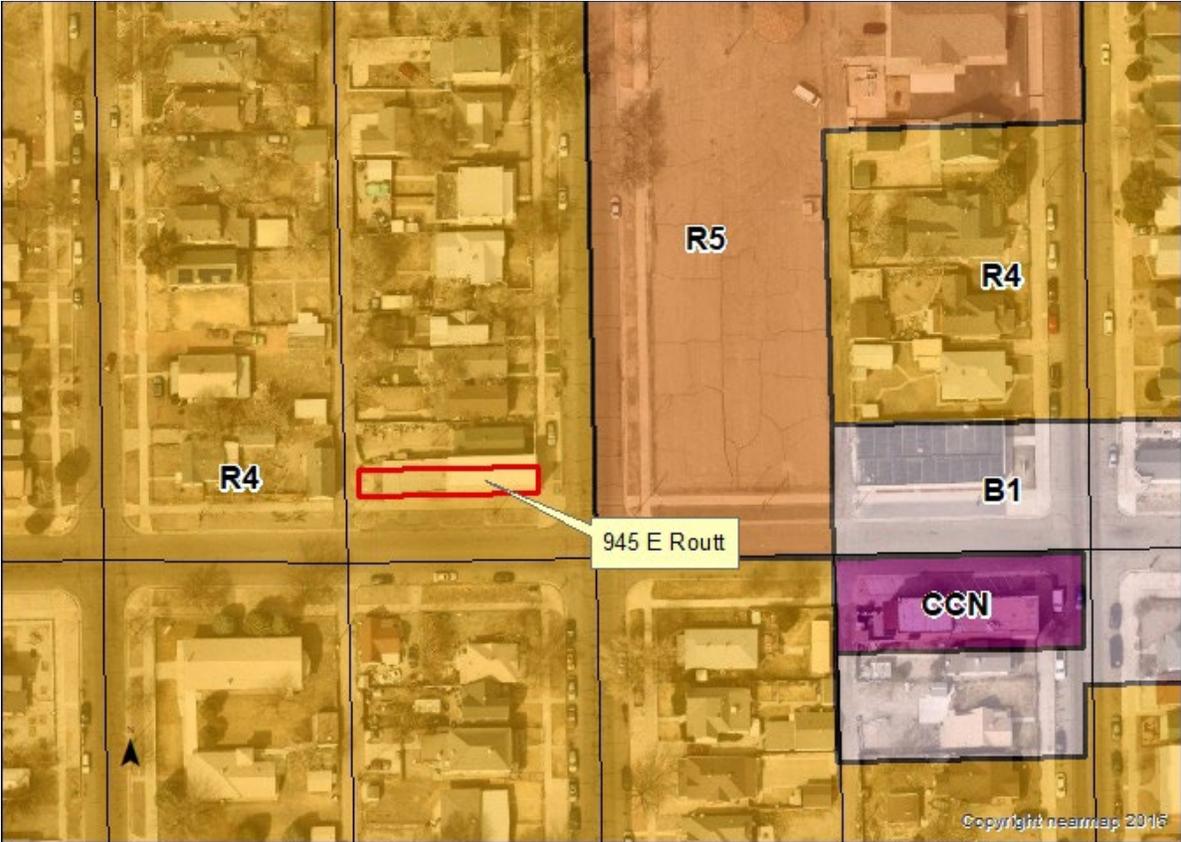


Exhibit C. Zoning Map



**Exhibit D. Comprehensive Plan Map**



**Exhibit E. Public Notice**



**Exhibit F. Site Photos**



**Overview of the property facing west.**



**View showing north side yard setback.**



**View of the property looking north from Summit Avenue.**



**View of property and angle parking looking east.**

G. Application

6/7/23, 11:15 AM

23-105



City of Pueblo PLACE

6/7/2023

23-105  
Zoning Board of Appeals -  
Special Use Permit &  
Variances  
Status: Active  
Submitted On: 6/6/2023

Primary Location  
945 E ROUTT AVE  
PUEBLO, CO 81004  
Owner  
JUST RITE PROPERTIES LLC  
2132 VINEWOOD LN PUEBLO  
, CO 81005-2730

Applicant  
 Weston Burrer  
 719-250-4257  
 weston.burrer@gmail.com  
 3335 Bobcat Lane  
Pueblo, CO 81005

Internal

ZBA Case Number

ZBA-23-24

Planner Assigned

-

Address Validation by GIS?

ZBA

Hearing Date

07/25/2023

Hearing Results

-

Board Conditions

Appeal Term End Date

-

Permit Completion Date

-

6/7/23, 11:15 AM

23-105

**Other (please specify)\***

Variance from required lot area of 1500 SF per residential unit

**Provide a short description of the proposed request:\***

Variance to allow a minimum lot requirements for a four-plex in a RCN to be 4000 sq ft instead of the required 6000 sq ft. Variance to allow a minimum lot requirements for a four-plex in a RCN to be 4000 sq ft instead of the required 6000 sq ft. The developer wants to convert the existing building into a 4-unit residential property.

**What is the general use of the property\***

Residential

**Detailed explanation of the request as listed above. \***

With the pending vacation of the right of way along Summit Ave. the property would still require a variance from the PMC requirement to have 1500 SF per dwelling unit. The property size with the vacation would be 4059 SF. The variance down to 1000 SF per unit would allow appropriate development along with rezone to RCN.

**Justification of facts required for the request. Be specific.\***

1. The proposed use for which the variance is requested will not reduce the required air and light to adjacent properties nor constitute a nuisance to the properties or reduce the monetary value of the properties within a 100 ft radius. 2. This variance would not jeopardize the general planning of the City. 3. Strict adherence to the Title would impose a hardship and would not secure appropriate development. 4. The property does suffer a unique or singular disadvantage not common to other properties in the district.

**Are there any concurrent zoning requests?\***

Yes

**Provide information on the concurrent request\***

Rezone from R-4 to RCN

