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Steve Anselmo
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Lisa Bailey
Secretary

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Georgia Way

ZBA-23-32

Hearing Date: 8/22/2023

TO: City of Pueblo Zoning Board of Appeals
FROM: Wade Broadhead, Sr. Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 945 E Routt Ave.
APPLICANT: Weston Burrer
PROPERTY OWNER: Keith Wilhite
YEAR BUILT: 1950
LEGAL DESCRIPTION: S 23 FT LOT 13 BLK 29 BESSEMER
ZONE DISTRICT: Mixed Residential (R-4) Zone District
PARCEL ID: 1501306012
LOT SIZE: 2200

REQUEST:	A variance to reduce the number of required off-street parking spaces from six (6) to zero (0) in a Mixed Residential (R-4) Zone District (Residential Charter Neighborhood (RCN) Zone District pending rezoning)
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REQUEST BACKGROUND

The applicant is looking to establish four residential units within an existing structure at 945 E Routt Ave. The structure is currently unused, and redevelopment into high-density housing furthers the goals of the Pueblo Comprehensive Plan, 2022, Guiding Principal 1. The existing structure, built prior to 1900, covers approximately 57-percent of the parcel and does not meet front, second front, or side yard setbacks, leaving approximately 340 square feet of unimproved area within the parcel. Unfortunately, the unimproved portion of the parcel is not accessible by vehicles from the alley due to a power pole guide wire extending approximately 13 feet across the rear parcel line. The site is also located in the Established Development Boundary, the Municipal Code allows an applicant to seek a 100-percent parking variance within the Established Development Boundary. This parking variance is being requested concurrently with a variance for lot size (ZBA-23-24), a variance for building setbacks (ZBA-23-33), and a Planning and Zoning Commission case to rezone the property area (Z-23-08).

ANALYSIS

Current parking standards as outlined in Sec. 17-4-42 (b) require 1.5 off-street parking spaces for each dwelling unit on a property. Four dwelling units are required to have 6 off-street parking spaces. Considering the hardship of the non-conforming structure, the site cannot provide these required spaces. The property at 945 E. Routt sits at the northwest corner of East Routt Ave. and Summit Ave. The applicant attests that the 122-feet of frontage along Summit Ave. provides adequate on-street parking to accommodate parking for the proposed residences. A standard parallel parking space is approximately 22 feet long by eight feet wide. Based on these dimensions, approximately five cars can park along Summit Ave. and possibly one car along East Routt Ave.

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 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: Affirmative finding. On-street parking is already prevalent in the neighborhood, a review of historic aerial photography, of the site, does not show cars parking adjacent to 945 E. Routt along Summit Ave.

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 parking variance will not affect the general planning of the City with respect to streets and 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 property will not accommodate off-street parking, regardless of use, due to the overall lot coverage and the power pole guy wire obstructing the 340 sq. ft. unimproved portion of the parcel.

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. Redevelopment of this parcel is difficult because of its small size and corner location. The most effective use of the land is to utilize the existing structure.

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

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

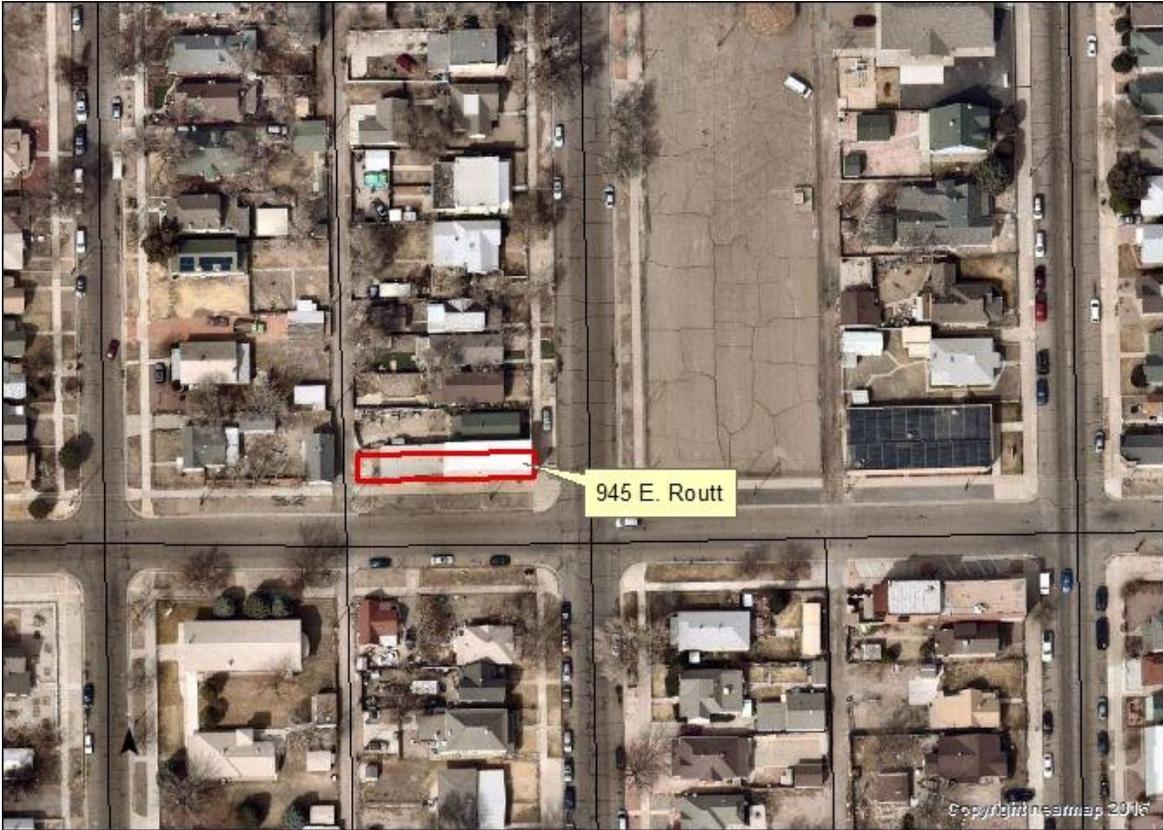


Exhibit C. Zoning Map



Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice



Exhibit F. Site Photos



G. Application



City of Pueblo PLACE

7/25/2023

23-146

Zoning Board of Appeals -
Special Use Permit &
Variances

Status: Active
Submitted On: 7/24/2023

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-23-32

Planner Assigned

-

Address Validation by GIS?

ZBA

Hearing Date

08/22/2023

Hearing Results

-

Board Conditions

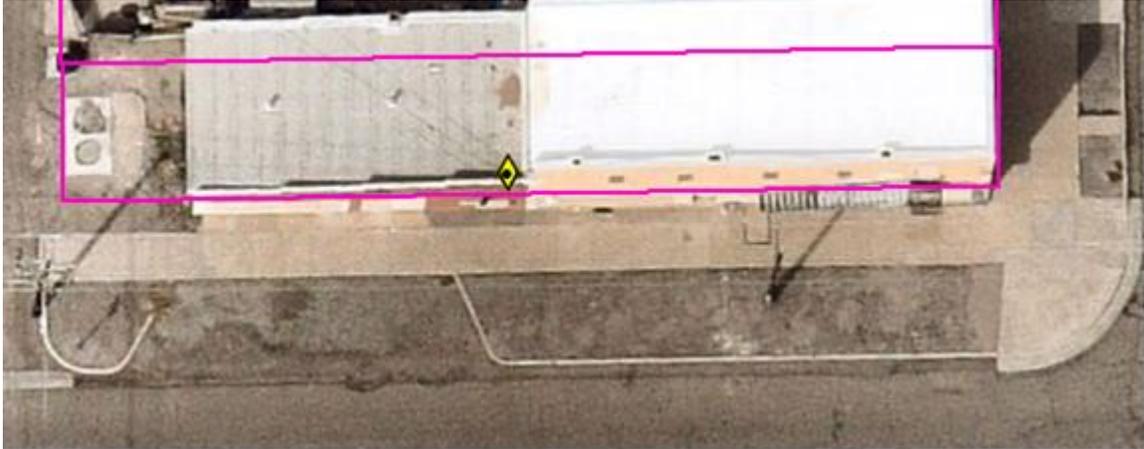
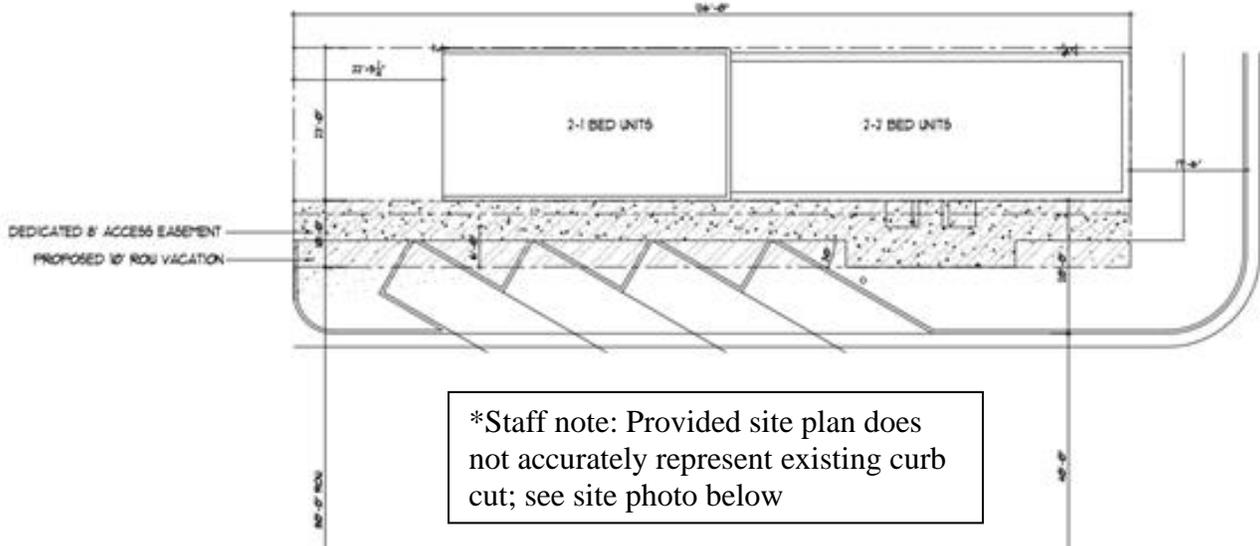
Appeal Term End Date

-

Permit Completion Date

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Exhibit H. Supporting Documents





Planning & Community Development

211 East D Street | Pueblo, Colorado 81003 | Tel 719-553-2259 | Fax 719-553-2359 | TTY 719-553-2611 | www.pueblo.us

Property Owner Affidavit

Please type or print clearly. Illegible applications will not be accepted.

Property Owner:			
Name: <u>Keith Wilhite</u>		Company: <u>Just Rite Properties</u>	
Address: <u>2132 Vinewood Ln</u>			
City: <u>Pueblo</u>		State: <u>Colo</u>	Zip: <u>81005</u>
Phone: <u>719-252-8865</u>	Email: <u>KWilhite5419@gmail.com</u>		
Applicant:			
Name: <u>Keith Wilhite</u>		Company: <u>Just Rite Properties</u>	
Phone: <u>719-252-8865</u>	Email: <u>KWilhite5419@gmail.com</u>		
Property Address: <u>945 E. Routt</u>			

I, Keith Wilhite, hereby state that I am the owner of record of the property located at 945 E. Routt, Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application for a _____ at said location.
(application type)

Keith Wilhite 6-1-23
 Signature of Property Owner Date