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Chair

Steve Anselmo  
Vice Chair



Lisa Bailey  
Secretary

Yvonne Lujan-Slak

Georgia Way

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## ZBA-23-33

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**

<b>REQUEST:</b>	A variance to reduce the front yard setback from Eight feet (8) feet to zero (0) feet and the side yard setback from (5) feet to two inches 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. This setback variance is being requested concurrently with a variance for lot size (ZBA-23-24), a variance for reduced parking spaces (ZBA-23-32), and a Planning and Zoning Commission case to rezone the property area (Z-23-08).

### ANALYSIS

The existing structure at 945 E Routt Ave was constructed prior to 1900 and does not comply with current setback requirements in the proposed Residential Charter Neighborhood (RCN) Zone District. The RCN district requires a front yard setback equal to the average of the existing building front-yard setbacks within the block. The existing structure is constructed adjacent to the front parcel line; all other structures within the 1900 Block of E. Routt are setback between 21 and 10 feet from the property line. The existing zero-foot setback does not meet the average requirement. The required side-yard setback in an RCN Zone District is 5 feet; the current structure is approximately 2 inches from the northern side-yard property line. While no other nearby structures are built up to the front and side property lines, there is a general trend of non-conforming structures in the vicinity falling short of the required setbacks. The building does not interfere with the neighborhood sidewalks and there have been no known issues regarding light and air to neighboring properties in the existing lifespan of the building.

**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. There is a prevailing pattern in the neighborhood of non-conforming setbacks and there have been no reported issues with the building as-is.**

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 setback variance will not jeopardize the general planning of the City with respect to land use and the location of streets and highways. The variance will facilitate development of four residential units in a neighborhood developed with higher density single family residences. The previous and surrounding R-4 Zoning allows for multifamily residential uses by right.**

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

**Comments: Neutral finding. This property could be developed with a multifamily residential use by right, the proposed addition to the rear portion of the structure requires the setback variance because it will increase the existing non-conformity.**

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**

<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

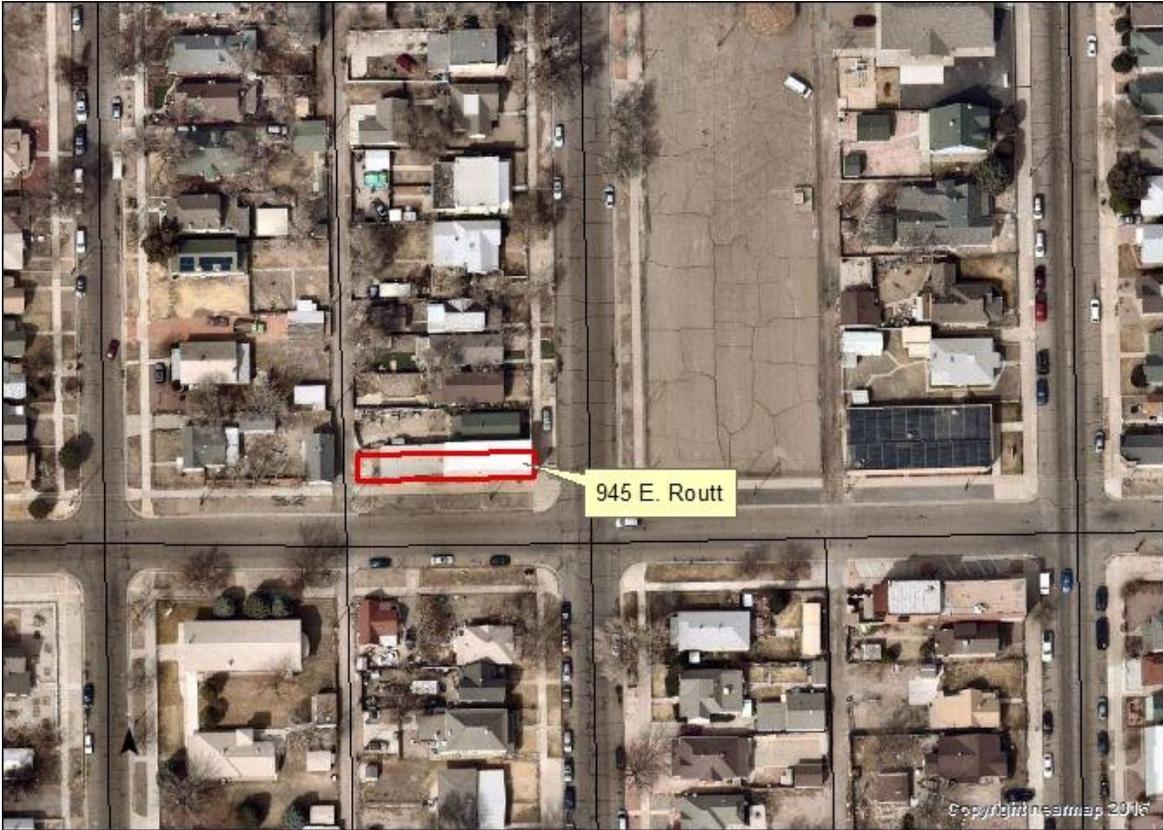
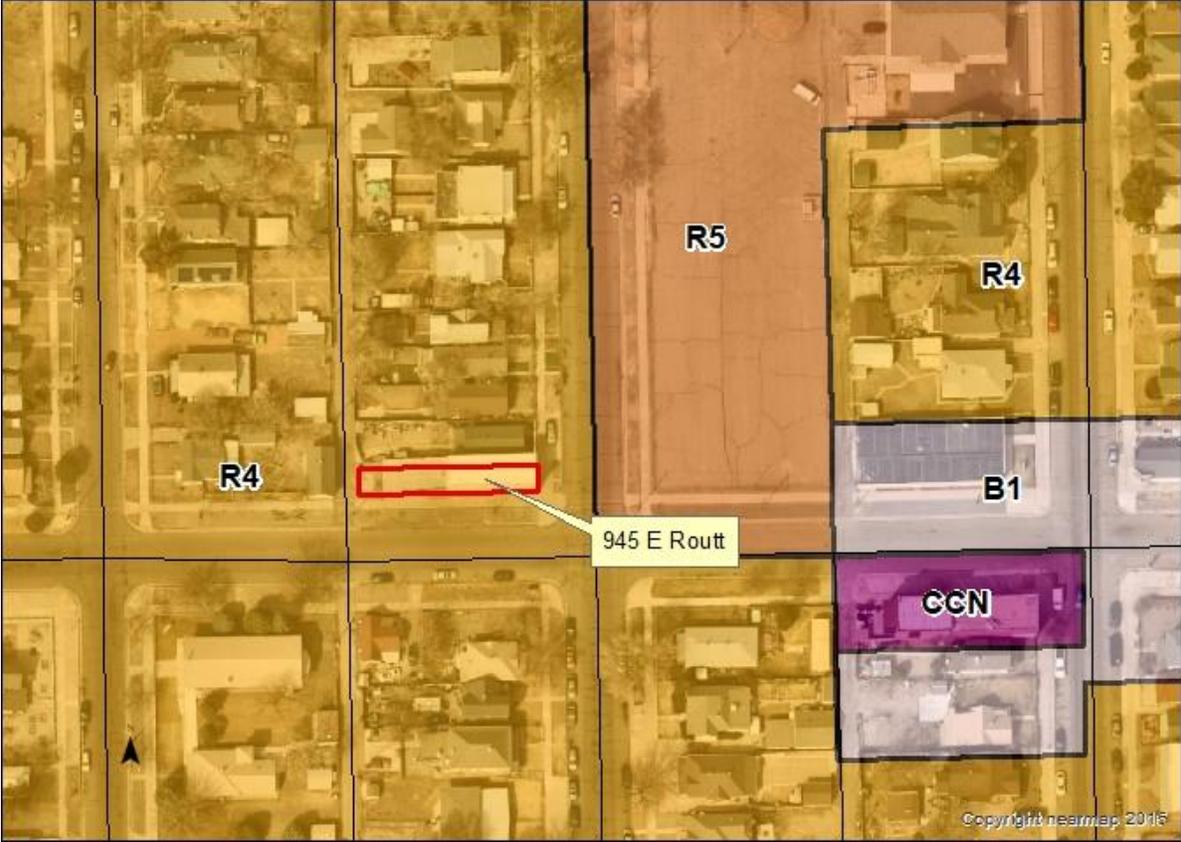


Exhibit C. Zoning Map



**Exhibit D. Comprehensive Plan Map**



**Exhibit E. Public Notice**



Exhibit F. Site Photos



G. Application



City of Pueblo PLACE

7/25/2023

23-147  
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  
+1 719-250-4257  
weston@wcburrerarchitect.com  
3335 Bobcat Lane  
Pueblo, CO 81005

Internal

ZBA Case Number

ZBA-23-33

Planner Assigned

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Address Validation by GIS?

ZBA

Hearing Date

08/22/2023

Hearing Results

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Board Conditions

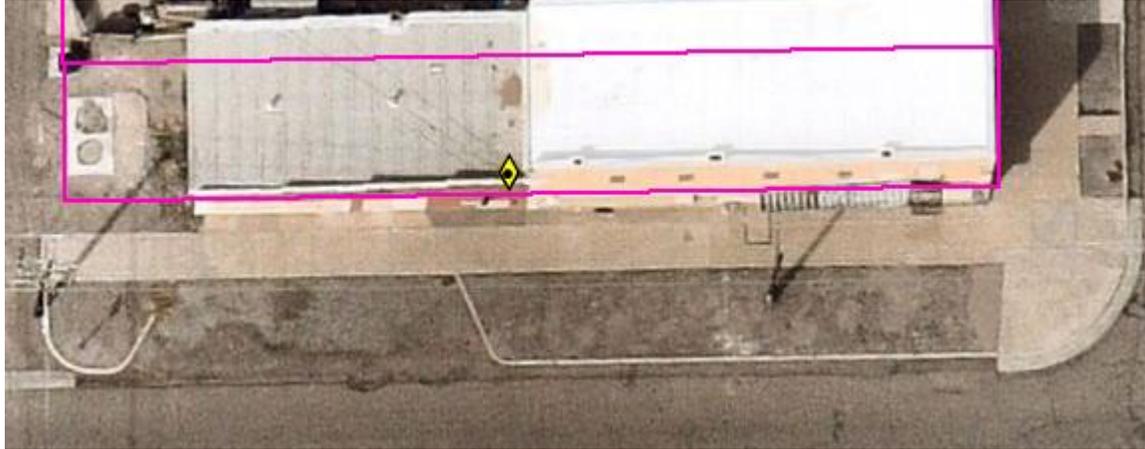
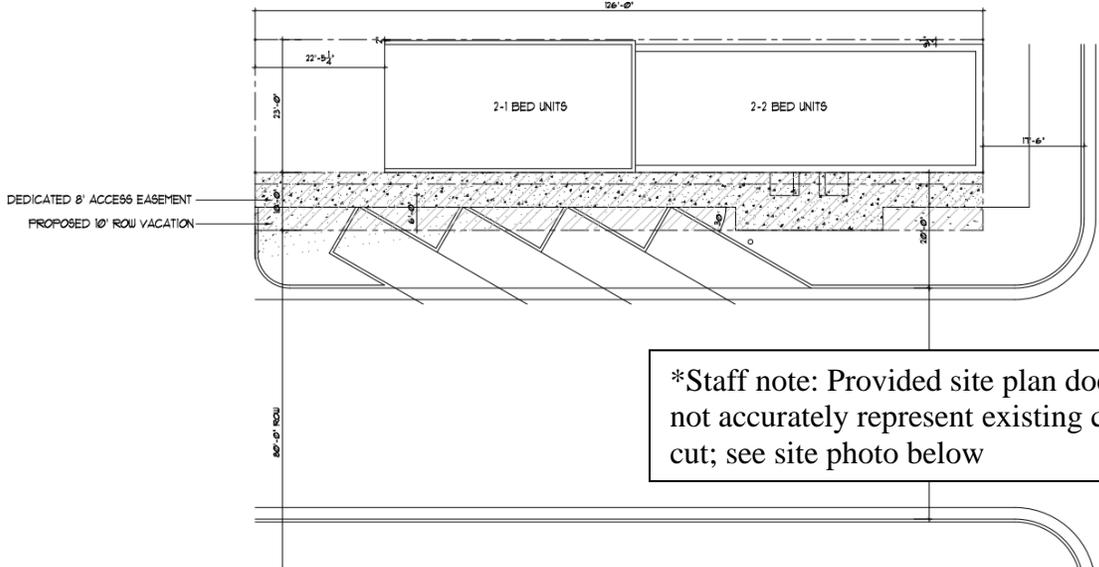
Appeal Term End Date

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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.

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

I, *Keith Wilhite*, hereby state that I am the owner of record of the property located at *945 E. Roatt*, 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