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## Zoning Board of Appeals

### ZBA-25-49

Hearing Date: 12/23/2025

<b>TO:</b>	City of Pueblo Zoning Board of Appeals
<b>FROM:</b>	Riane Ledford, Planner
<b>THROUGH:</b>	Beritt Odom, Land Use Administrative Official
<b>LOCATION:</b>	503 Summit Ave
<b>APPLICANT:</b>	Weston Burrer
<b>PROPERTY OWNER:</b>	JUST RITE PROPERTIES LLC
<b>YEAR BUILT:</b>	1893
<b>LEGAL DESCRIPTION:</b>	S 23 FT LOT 13 BLK 29 BESSEMER ALSO N 10' OF VACATED SUMMIT AVE ADJ FORMERLY #15-013-06-012
<b>ZONE DISTRICT:</b>	Residential Charter Neighborhood (RCN)
<b>PARCEL ID:</b>	1501306027
<b>LOT SIZE:</b>	4,059 sq. ft.
<b>REQUEST:</b>	Variance to reduce the front-yard setback from 10 feet to 0 feet and the side-yard setback from 5 feet to 2 inches in a Residential Charter Neighborhood (RCN) Zone District

#### EXPLANATION OF REQUEST

The applicant is requesting a variance to reduce the front-yard setback from 10' to 0' and the side-yard setback from 5' to 2" in a Residential Charter Neighborhood (RCN) Zone District to facilitate redevelopment and reuse of the subject property as a multi-family residence. The scope of the project is entirely internal; there is no proposed addition to the existing building.

#### BACKGROUND

The property at 503 Summit Ave., previously addressed as 945 E. Routt Ave., first appears on Sanborn Fire Insurance maps in 1893 and served as a neighborhood mixed-use building including, at various times, a retail shop, a mortuary, and a fraternal hall called The Eureka Lodge, which historically contained one residential unit on the second floor. Currently, the building sits vacant and unused. The current owner purchased the building from the Eureka Lodge in 2015 and seeks to redevelop the building by converting it into a fourplex. The change of use from mixed-use to multi-family requires compliance with all applicable and current provisions in Title 17 of the Pueblo Municipal Code. The subject property faces several challenges to do so: it exceeds the maximum allowed lot coverage, it does not meet the minimum lot area required for a fourplex, it does not meet front-yard or side-yard setbacks, and it does not provide any off-street parking spaces. Therefore, this variance is being requested concurrently with variances for parking (ZBA-25-47), lot size (ZBA-25-48), and a Special Use Permit to allow a multi-family residence in an RCN Zone District (ZBA-25-54).

#### PREVIOUS ACTIONS

The applicant previously requested and received the aforementioned variances to facilitate the conversion from mixed-use to multi-family in 2023. However, the work authorized by the permits were not fully executed by the one-year deadline, and the applicant did not apply for an extension. Thus, the previous permits became invalid,

and the applicant was required to reapply. The applicant also requested to rezone the property from a Mixed Residential (R-4) Zone District to Residential Charter Neighborhood (RCN) and vacate 10’ of Summit Ave to increase the subject property’s lot width in 2023 (Z-23-08 and V-23-02), both of which were approved by City Council. The applicant also received an Administrative Determination to allow the additional lot coverage.

**STAFF ANALYSIS OF THE SETBACK VARIANCE**

The subject property is a corner lot with 4,059 sq. ft. of lot area. The existing building, built long before the current Zoning Code was adopted, has a 2,282 sq. ft. footprint and covers approximately 56% of the lot. If the existing building remained as a commercial building, it would meet the front-yard setback requirement (Sec. 17-4-4., (f), (3), (b)). However, converting it into a multi-family residence means the exception for commercial buildings on corner lots no longer applies. Instead, the front-yard setback in an RCN Zone District is determined by the average of the existing building setbacks on adjacent lots (Sec. 17-4-4., (f), (3), (a)). The existing buildings within the 1900 Block of E. Routt Ave. are set back between 10’ and 20’ from E Routt Ave. In contrast, the existing building at the subject property has a zero-foot setback from E Routt Ave; it sits right at the eastern property line.

The side-yard setback in an RCN Zone District for the subject property is 5 feet (Sec. 17-4-4., (f), (4)). The subject property does not meet this requirement along the northern property line because the existing building is only roughly 2” away from the property line.

The subject property does meet the second-front and side-yard setback requirements adjacent to W. Summit Ave. and the alley. Because the subject property is a corner lot, it has a “second-front” setback requirement along W Summit Ave. The second-front setback is half of the required front-yard setback (Sec. 17-2-1., (61)). In this context, the second-front setback should be between 5’ and 10’ – half of the average of the adjacent building’s front setbacks. The subject property meets the second-front setback as the existing building is roughly 13’ away from the southern property line. Similarly, the subject property meets the setback requirements along the western property line. Corner lots do not have a rear yard – only front, second-front, and side yards. The minimum setback distance is 5’ setback from the alley, and there is roughly 18’ between the alley and building.

The scope of this project does not expand or otherwise increase the existing building’s footprint; it will not increase the existing nonconformities. Staff did not find any record of a complaint filed against the subject property. The scope of this project *does* trigger Multifamily Housing Development Design Standards (Sec. 17-4-14), which will require the applicant to dress up the building’s facades with contrasting colors, windows, and other design features to create an inviting, interesting, and livable space. Staff believes the required enhancements to the building facades will improve the subject property’s appearance. The general intent of the RCN Zone District is to encourage redevelopment of historic, non-conforming properties in Pueblo’s older neighborhoods, which staff finds would be accomplished with the granting of this variance.

**SURROUNDING ZONE DISTRICTS AND LAND USES**

	Zone District:	Developed with:
North	Mixed Residential District (R-4)	One and two-family residences
East	Multiple-residential and Office District (R-5), Mixed Residential District (R-4), Neighborhood Business District (B-1), Commercial Charter Neighborhood (CCN)	Religious institution, One and two-family residences, Religious institution, one-family residences, Multi-family residence
South	Mixed Residential District (R-4)	One and two-family residences, Religious institution
West	Mixed Residential District (R-4)	One-family residences, Multi-family residence

**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	Regional Building has no objections to the application. Plan review, routing, and Permits will be required for any new construction or modification.

**CONDITIONS REQUIRED FOR VARIANCE**

- 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 scope of this project does not expand or increase the building footprint. The applicant is required to enhance the building facades with design elements which are intended to create an inviting, interesting, and livable space.**
- 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 general planning of the City with respect to land use and the location of streets and highways. No vehicles are expected to access the site. The variance will facilitate the redevelopment of a vacant building into a fourplex, furthering the goals identified in the 2022 Regional Comprehensive Plan.**
- Strict adherence to this Title would not secure appropriate development of the property for which the variance is requested.

**Comments: Affirmative finding. Strict adherence to this Title would not allow the existing building to be redeveloped without a variance. Even though the subject property would not need a variance for the front-yard setback if it remained commercial, it would still need a variance for the side-yard along the northern property line.**

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 subject property was originally platted in 1887 with a 23' lot width, long before current Zoning Code provisions. Similarly, the building was constructed before or during 1893, creating non-conforming situations long before the applicant and owner came into possession of the subject property.**

#### **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 recommended staff condition.

- Approval of the variance reducing the required front-yard and side-yard setbacks is contingent upon the following requests being approved by the Zoning Board of Appeals: ZBA-25-47, Parking Variance; ZBA-25-48, Lot Area Variance; and ZBA-25-54, Special Use Permit to allow a multifamily residential use.

#### **ATTACHMENTS**

- A. Standard Permit Conditions
- B. Aerial Map
- C. Zoning Map
- D. Comprehensive Plan Map
- E. Public Notice Photo
- F. Site Photos
- G. Supporting Documents: Application, Property Owner Affidavit, and Site Plan

**Exhibit A. Standard Permit Conditions**

<b>Standard Permit Conditions</b> Date of Issuance of Permit: <b>12/23/2025</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>12/23/2026</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

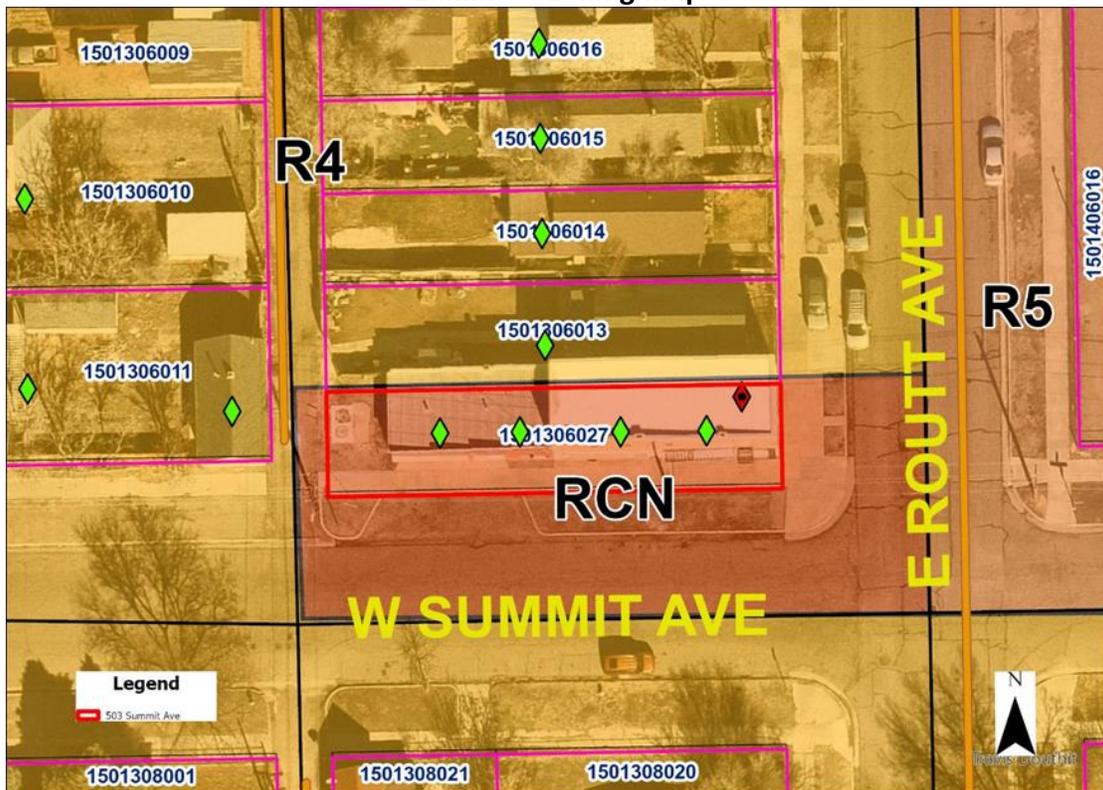


Exhibit D. Comprehensive Plan Map

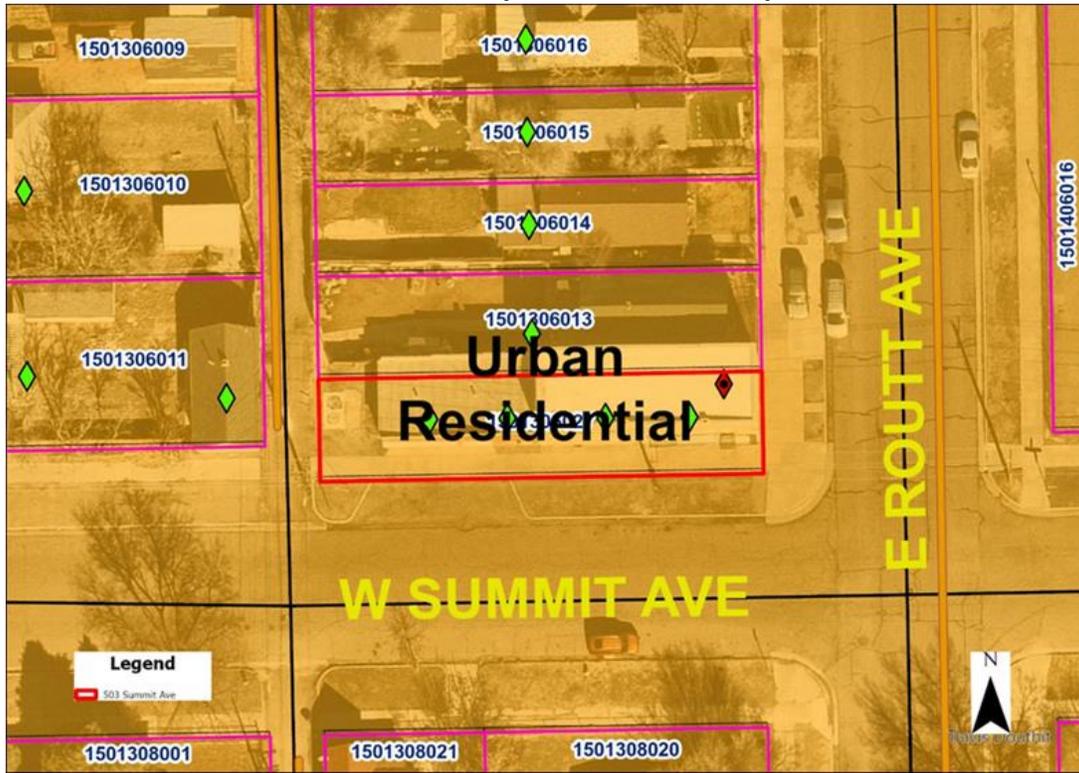


Exhibit E. Public Notice



**Exhibit F. Site Photos**



West façade adjacent to Summit Ave



South Façade facing Summit Ave



Back of Property as seen from the alley



Northern Property Line as seen from the alley



Northern Property Line as seen from E Routt Ave

**Exhibits G. Supporting Documents:** Application, Property Owner Affidavit, and Site Plan  
To view the Supporting Documents, please visit the Planning & Community Development Department at  
211 E D. St. or at (719) 553-2259.