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Zoning Board of Appeals

ZBA-25-48

Hearing Date: 12/23/2025

TO:	City of Pueblo Zoning Board of Appeals
FROM:	Riane Ledford, Planner
THROUGH:	Beritt Odom, Land Use Administrative Official
LOCATION:	503 Summit Ave
APPLICANT:	Weston Burrer
PROPERTY OWNER:	JUST RITE PROPERTIES LLC
YEAR BUILT:	1893
LEGAL DESCRIPTION:	S 23 FT LOT 13 BLK 29 BESSEMER ALSO N 10' OF VACATED SUMMIT AVE ADJ FORMERLY #15-013-06-012
ZONE DISTRICT:	Residential Charter Neighborhood (RCN)
PARCEL ID:	1501306027
LOT SIZE:	4,059 sq. ft.
REQUEST:	Variance to reduce the required minimum lot area for a multi-family residence containing four dwelling units in a Residential Charter Neighborhood (RCN) District

EXPLANATION OF REQUEST

The applicant is requesting a variance to reduce the minimum lot area required for a multi-family residence with four dwelling units in a Residential Charter Neighborhood (RCN) Zone District from 6,000 sq. ft. of lot area to 4,059 sq. ft. to facilitate the conversion of an existing mixed-use building to 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, mortuary, and 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), building setbacks (ZBA-25-49), 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 MINIMUM LOT AREA VARIANCE

With the 10’ vacation of Summit Ave., the subject property has a lot width of 33 ft. and lot area of 4,059 sq. ft. While the subject property now meets the minimum lot width required by the RCN Zone District, it still fails to meet the minimum lot size specific to a multi-family residence. Per Section 17-4-4., (f), (1), “three (3) to five (5) family dwelling unit structures shall have one thousand five hundred (1,500) square feet of land per dwelling unit.” The applicant is proposing a fourplex, which requires a minimum lot size of 6,000 sq. ft. The subject property is 1,974 sq. ft. short.

The subject property was originally platted in 1887 as part of the Amended Plat of the Town of Bessemer with a 2,829 sq. ft. lot size (23’ width x 123’ length). Summit Ave. was a historic, east-west, small commercial street with commercial buildings occupying many corner lots. Smaller lot sizes were standard long before the current Zoning Code was adopted. The subject property meets the lot size requirements for a single-family residence or duplex; however, the applicant attests that lower-density housing would not be cost effective. Additional lot area could not realistically be acquired by the applicant as the surrounding properties are developed and actively in use or are platted as rights-of-way.

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 and 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: Neutral finding. The scope of the project is entirely internal; there is no proposed addition, expansion, or other change to the existing building. While it sits very close to the adjacent property to the north; however, granting this variance would not *increase or enlarge* this potential nuisance.
- 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 support general planning of the City because it will facilitate the redevelopment of vacant property, furthering goals identified in the 2022 Regional Comprehensive Plan to provide additional housing.
- Strict adherence to this Title would not secure appropriate development of the property for which the variance is requested.

Comments: Neutral finding. Strict adherence to this Title would limit the applicant's ability to redevelop the subject property as a multi-family residence. Without the granting of this variance, the highest density allowed is a duplex in the existing building.
- 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 during or before 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 staff recommended condition:

- Approval of the variance reducing the required lot area is contingent upon the following requests being approved by the Zoning Board of Appeals: ZBA-25-47, Parking Variance; ZBA-25-49, Setback 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, Bessemer Subdivision, Property Owner Affidavit, and Site Plan

Exhibit A. Standard Permit Conditions

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

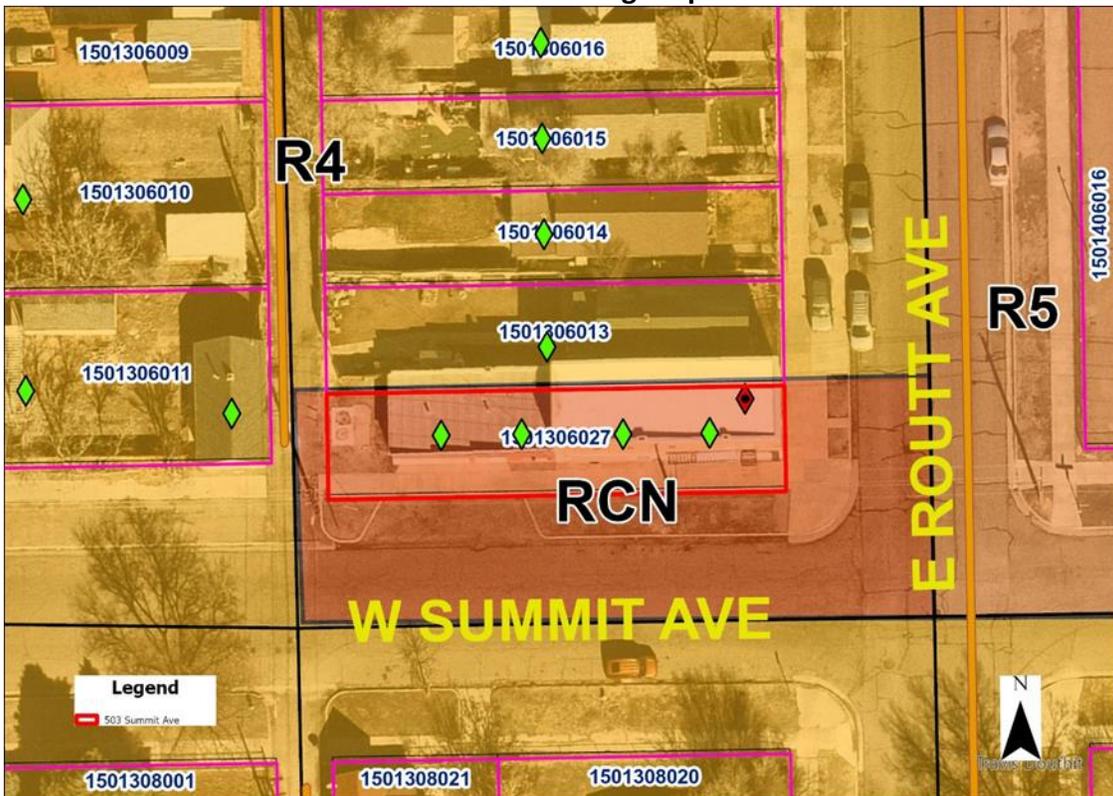


Exhibit D. Comprehensive Plan Map

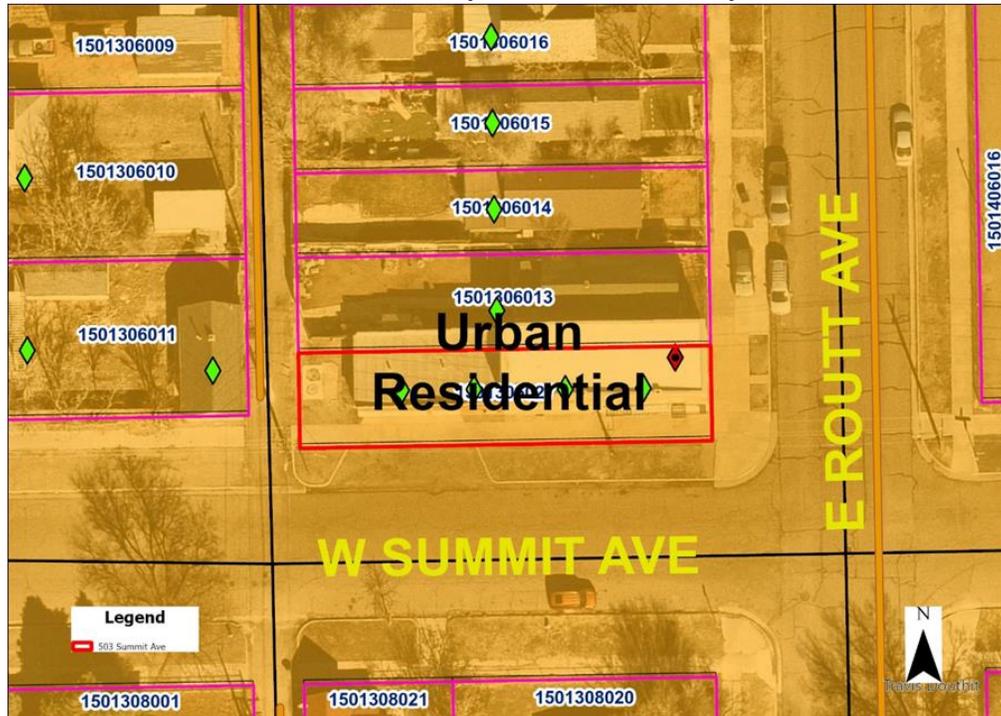


Exhibit E. Public Notice



Exhibit F. Site Photos



Exhibits G. Supporting Documents: Application, Bessemer Subdivision, Property Owner Affidavit, and Site Plan

To view the Support Documents, please visit the Planning & Community Development Department at 211 E D. St. or at (719) 553-2259.