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Zoning Board of Appeals

ZBA-25-47

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 number of required off-street parking spaces from six (6) to zero (0) in a Residential Charter Neighborhood (RCN) Zone District

EXPLANATION OF REQUEST

The applicant, Weston Burrer, and owner, Just Rite Properties LLC., are requesting a 100% parking variance from 6 required spaces to 0 in order to convert a mixed-use building at 503 Summit Ave. into a multi-family residence containing four dwelling units in a Residential Charter Neighborhood (RCN) Zone District. 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 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 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 parking variance is being requested concurrently with variances for lot size (ZBA-25-48), building setbacks (ZBA-25-49), and a Special Use Permit (ZBA-25-54) to allow a multi-family residence in a Residential Charter Neighborhood (RCN) Zone District.

PREVIOUS ACTIONS

The applicant previously requested and received this 100% parking variance and the other aforementioned variances to facilitate the conversion from mixed-use to multi-family residential in 2023. However, the work authorized by the permits was 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 PARKING VARIANCE

The minimum off-street parking standards for multi-family residences as outlined in Sec. 17-4-42 (b) require 1.5 off-street parking spaces for each dwelling unit on a property; therefore, the proposed fourplex is required to provide six (6) off-street parking spaces. However, the building occupies nearly 60% of the lot, and the remaining open space is not accessible by vehicle due to a power pole guy wire extending across the rear of the property. Even if this space was accessible, it is not large enough to safely accommodate six (6) vehicles. Since the subject property is in the Established Development Boundary (Section 17-4-44, (a), (1)), the code allows the applicant to seek a 100% parking variance.

The applicant attests that there is ample on-street parking to accommodate future residences and their guests. A standard, parallel parking space is 8’ wide by 22’ long. The subject property has 123’ of frontage along Summit Ave. and 33’ of frontage along E Routt Ave. Based on these dimensions, 5 cars can safely park on Summit Ave., and 1 car can safely park on E Route Ave. Additionally, most of the block east of the subject property is developed as a parking lot to serve the Victory Outreach Church. Future residences of 503 Summit Ave could not use the parking lot as it is private property; however, the absence of residences on the east side of E Routt Ave. means less people are competing for on-street parking space on this, street and these on-street spaces are likely not used as frequently as other on-street parking blocks in residential neighborhoods.

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 parking variance would not constitute a nuisance to the properties within 100 feet of the subject property. A review of available aerial images of the site shows little to no cars parking along Summit Ave. or E. Routt Ave. adjacent to the subject property. Furthermore, the absence of residences on the east side of E Routt Ave. means that these on-street spaces are likely not used as frequently as other on-street parking blocks in residential neighborhoods.
- 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. On-street parking is prevalent in the neighborhood.
- Strict adherence to this Title would not secure appropriate development of the property for which the variance is requested.

Comments: Affirmative finding. This property cannot accommodate off-street parking regardless of use due to the historic building occupying nearly 60% of the lot area and the power pole guy wire obstructing the only open space on the property. The structure was constructed in 1893 prior to the institution of parking requirements.
- 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 suffers a unique disadvantage due the constraints created by the historic building and lot size. Redevelopment and reuse of the subject property would be difficult, and utilizing the existing building instead of demolishing it preserves its unique history and is more economically feasible for the applicant.

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 off-street parking spaces is contingent upon the following requests being approved by the Zoning Board of Appeals: ZBA-25-48, lot area 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, 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

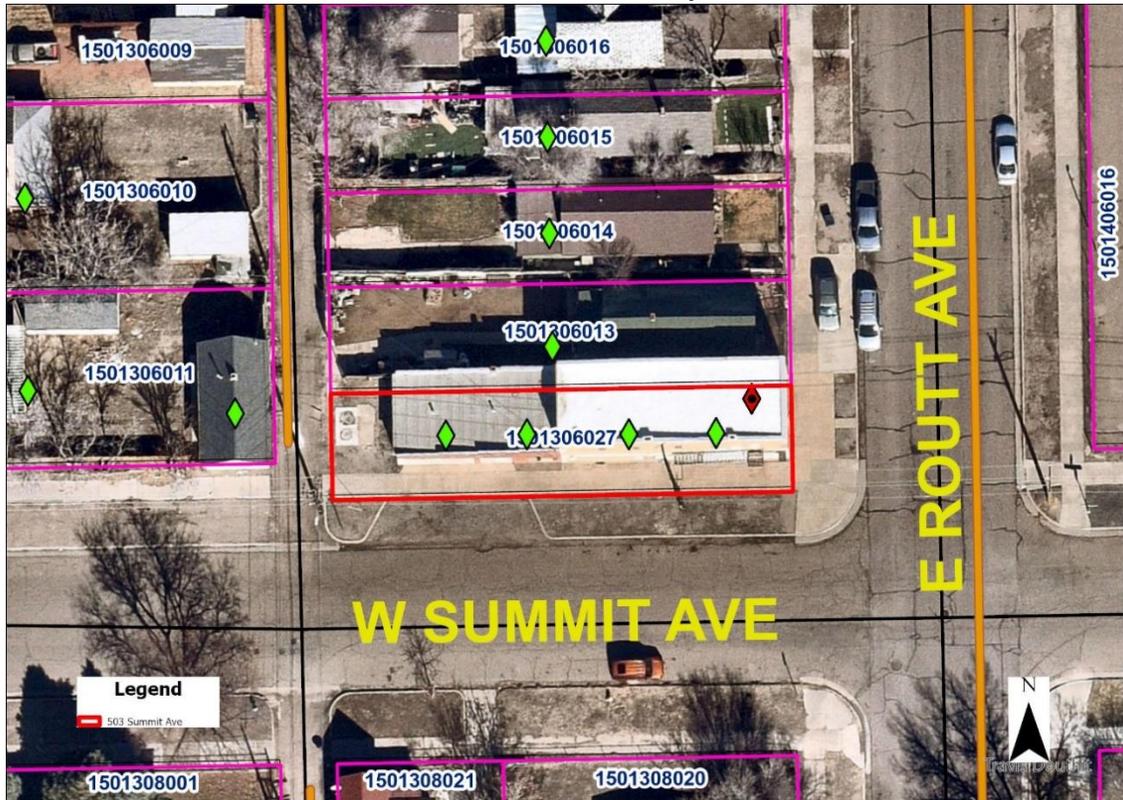


Exhibit C. Zoning Map

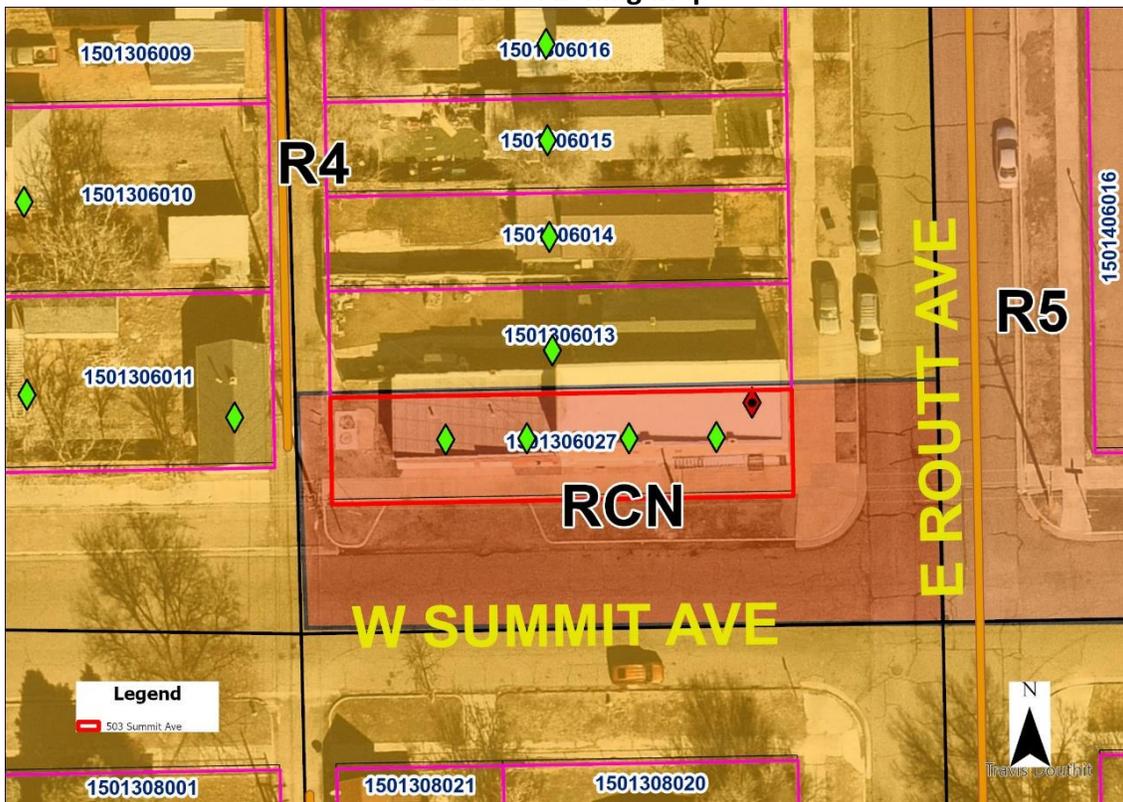


Exhibit D. Comprehensive Plan Map

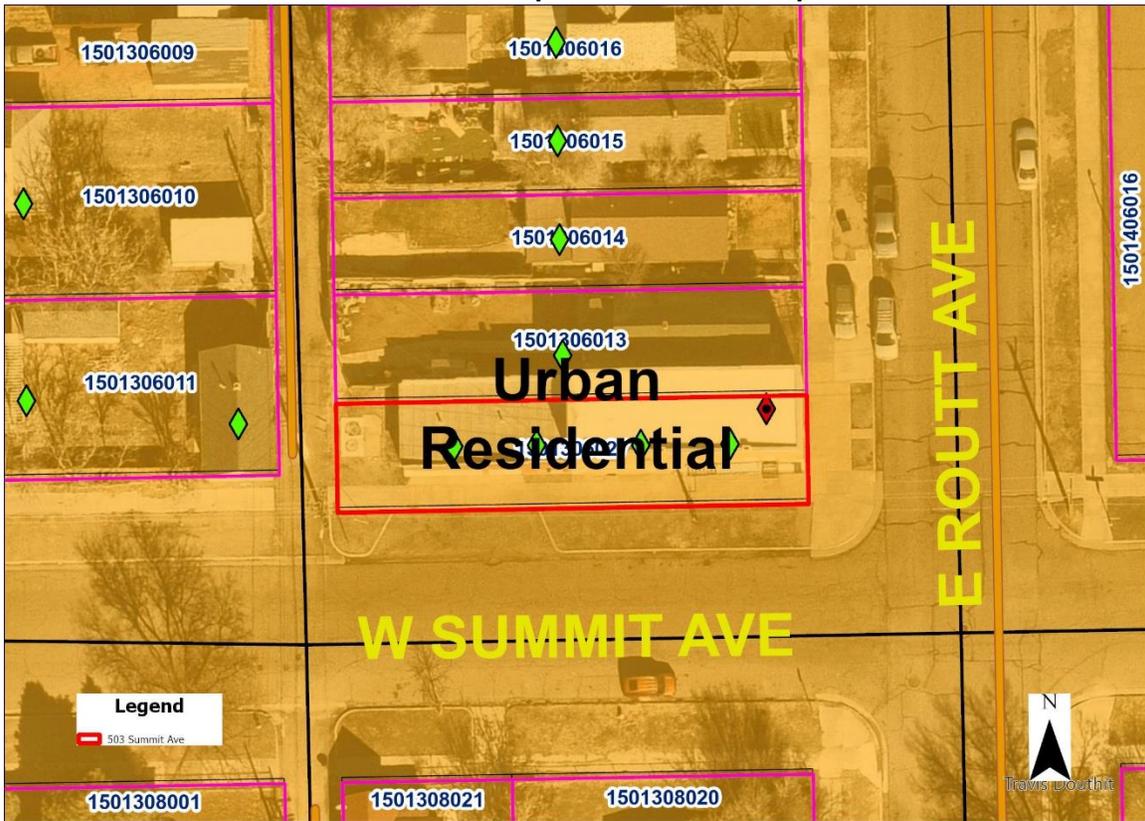


Exhibit E. Public Notice



Exhibit F. Site Photos

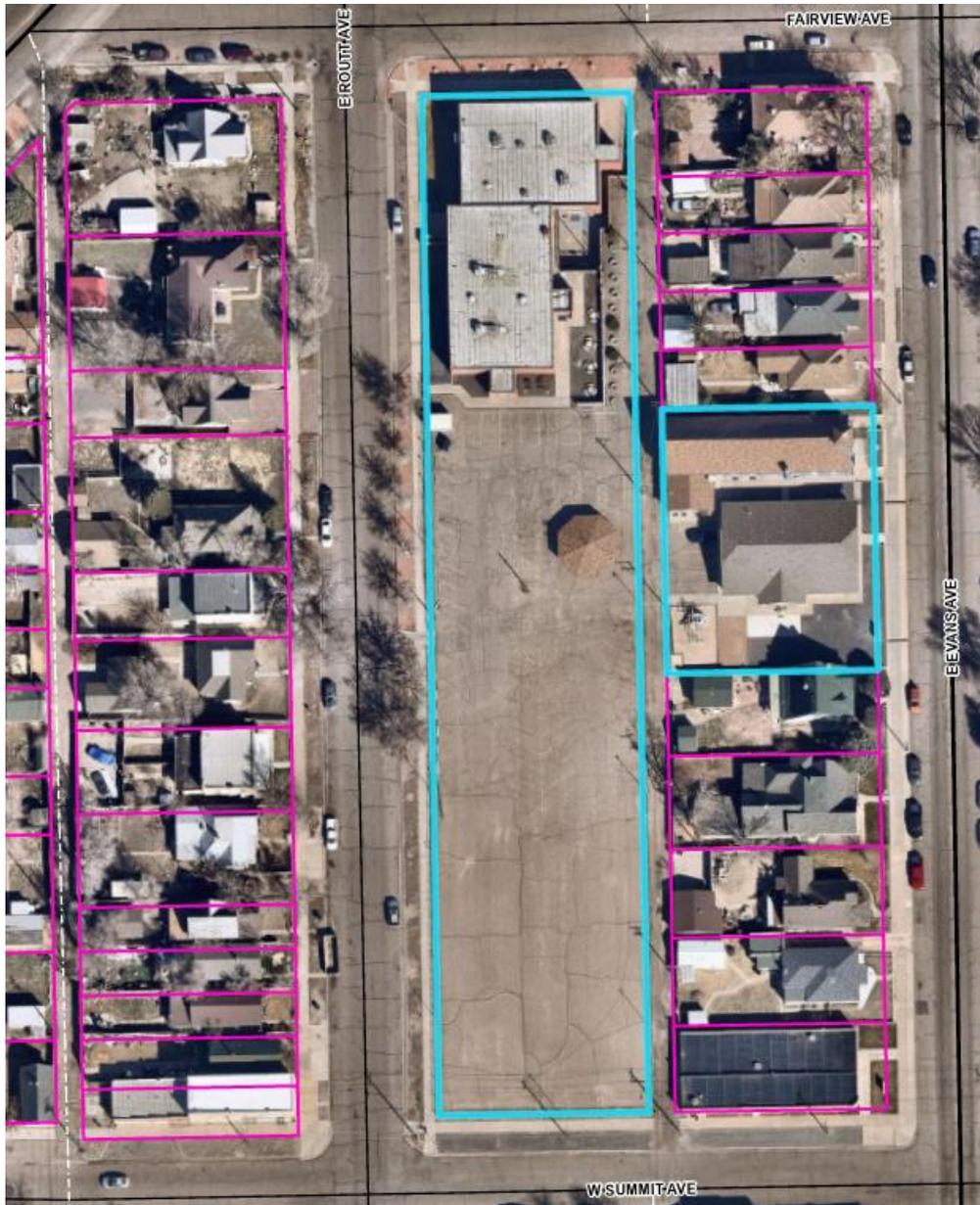




Aerial image of the property taken in March 2025 showing no cars parked on the streets adjacent to the subject property.



Aerial image of the property taken in September 2020 showing no cars parked on the streets adjacent to the subject property.



Aerial image of Victory Outreach Church's Property, east of 503 Summit Ave. Taken in March of 2025.

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

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