

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-22-45

Hearing Date: 10/25/2022

TO:	City of Pueblo Zoning Board of Appeals
FROM:	Bart Mikitowicz, Senior Planner
THROUGH:	Scott Hobson, Land Use Administrative Official
LOCATION:	1901 N. Greenwood St, Pueblo, CO 81003
APPLICANT:	Dean Gilbertsen
PROPERTY OWNER:	Dean Gilbertsen
YEAR BUILT:	1889
LEGAL DESCRIPTION:	LOTS 17 TO 21 BLK 22 DUNDEE PL
ZONE DISTRICT:	Single Family Residential (R-2) Zone District
PARCEL ID:	ZBA-22-45
LOT SIZE:	20,824 sqft
REQUEST:	Special Use Permit for a Bed and breakfast home in a Single Family Residential (R-2) Zone District

SYNOPSIS OF REQUEST

The applicant, Mr. Gilbertsen, desires to establish a Bed and Breakfast Home at 1901 N Greenwood St. A Bed and Breakfast Home means an owner-occupied and -operated, detached, single-family residence where no more than three (3) guest bedrooms are rented to the general public on a nightly basis and where a breakfast meal is provided only to registered guests. According to section 17-4-51 (c), a Bed and Breakfast Home is a use by review in a Single-family Residential (R-2) Zone District, therefore the applicant is required to obtain a Special Use Permit at this location.

ANALYSIS OF REQUEST

1901 N. Greenwood St is a single-family home located in the Dundee Place Subdivision, east Colorado Mental Health Institute. The house is three stories with five bedrooms, three of which would be for rent, with a large common area with a parlor, dining area and garden room on the first floor. The principle structure is on a corner lot and does not encroach into the front or second-front setbacks. The Bed and Breakfast use will not result in any additions to the existing structure. Access for off-street parking (ingress and egress) will be taken from the alley adjacent to the rear lot line. Based on Sec 17-4-10(b)(3), which outlines the Bed and Breakfast parking performance standards, one (1) on-site paved parking space is required for each guest unit in addition to the required parking outlined for the zone district. There are three off-street parking spaces on the concrete pad in front of the garage which is outside of the setback area. Trash collection will be done through residential totes. No screening or buffering would be required. The applicant intends on having one, two-sided metal sign, measuring less than 24" by 24". The sign will only read, "Downen House Bed & Breakfast" and "Established 1889". The sign will be screen printed and mounted on a small metal frame that will be on lawn, near the corner of N. Greenwood Street and 19th Street on the subject property, not in the right-of-way. This is permitted under section 17-4-10 (b) (4) of the Bed and Breakfast Home Performance Standards.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Single-family Residential (R-2) Zone District	Single-family Residential
East	Single-family Residential (R-2) Zone District	Single-family Residential
South	Multiple Residential (R-5) Zone District	Multifamily
West	Single-family Residential (R-2) Zone District	Single-family Residential

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 LIMITED USE PERMIT

1. Ingress and egress to property and proposed structures thereon with reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

Comments: Affirmative Finding. There is ingress and egress located off N Greenwood St and 19th St.

2. Off-street parking and loading areas where required, with particular attention to the economic noise, glare or odor effects of the use by review on adjoining properties and properties generally in the district.

Comments: Affirmative Finding. Plans indicated three off-street, paved parking spaces located outside of the required setbacks on the concrete pad next to the garage next to the alley.

3. Refuse and service areas, with reference to the items above.

Comments: Affirmative finding. All refuse will be collected and maintained on-site in residential tots.

4. Utilities, with reference to the location's availability and compatibility.

Comments: Affirmative finding. Utilities are already established at this location.

5. Screening and buffering with reference to type, dimensions, and character.

Comment Affirmative finding. The proposed bed and breakfast home is located on a corner lot; N Greenwood to the east, 19th St to the south, an alley to the west and significant landscaping buffer between the subject property and the residential property to the north.

6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect and compatibility and harmony with properties in the district.

Comments: Affirmative The applicant intends on having one, two-sided metal sign, measuring less than 24" by 24". The sign will only read, "Downen House Bed & Breakfast" and "Established 1889". The sign will be screen printed and mounted on a small metal frame that will be on lawn, near the corner of N. Greenwood Street and 19th Street on the subject property, not in the right-of-way. This is permitted under section 17-4-10 (b) (4) of the Bed and Breakfast Home Performance Standards.

7. Required yards and other open space.

Comment: Affirmative finding. The applicant must comply with required yards and setback for this site.

8. General compatibility with adjacent properties and other properties in the district.

Comments: Affirmative finding. The three-story Victorian home is on a large corner lot, which mitigates any intrusions to adjacent property owners. The site is ideal for A bed and breakfast home which could be considered a neighborhood serving business compatible with the Urban Neighborhood future land use for this site.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses to approve this Special Use Permit staff recommends Standard Permit Conditions 1 through 13 including the recommendations below.

STAFF CONDITIONS

1. The Applicant must comply with all provisions of Sec. 17-4-10 Bed and breakfast home performance Standards. (See Attached)

ATTACHMENTS

- A. Standard Permit Conditions
- B. Site Map
- C. Aerial Map
- D. Zoning Map
- E. Comprehensive Plan Map
- F. Public Notice Photo
- G. Site Photographs
- H. Application
- I. Supporting documentation

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: ZBA-22-45	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 10/25/2023
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. Site Map



Exhibit C. Aerial Map



Exhibit D. Zoning Map

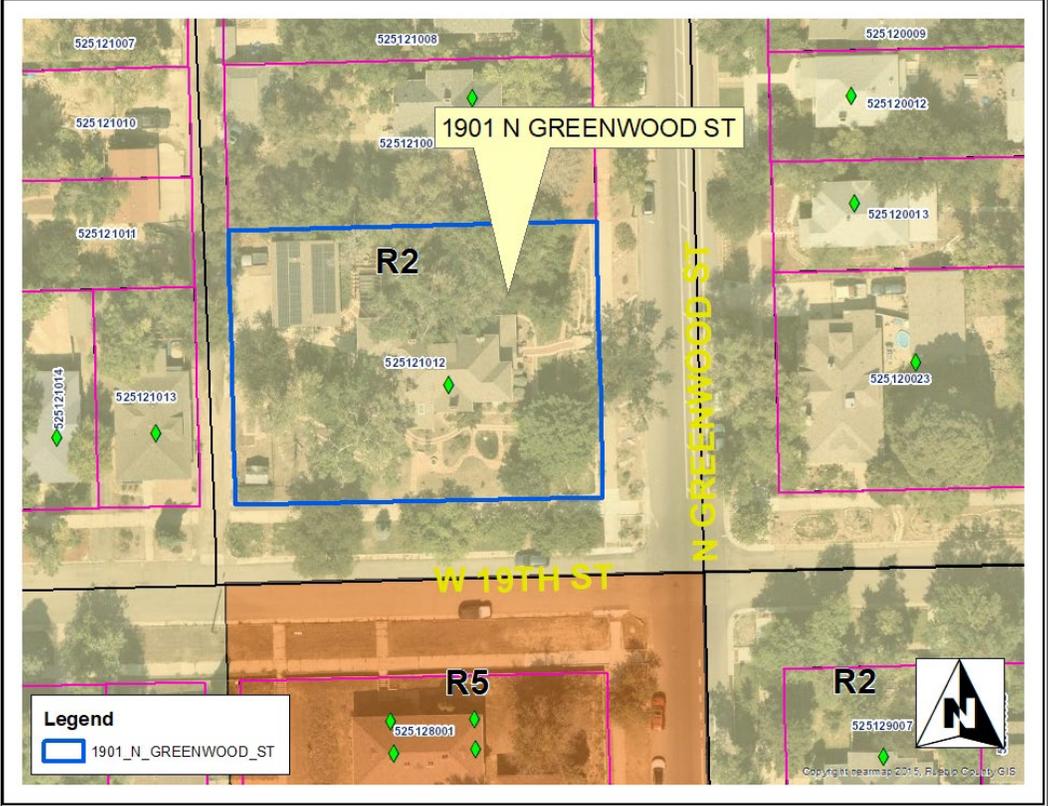


Exhibit E. Comprehensive Plan Map

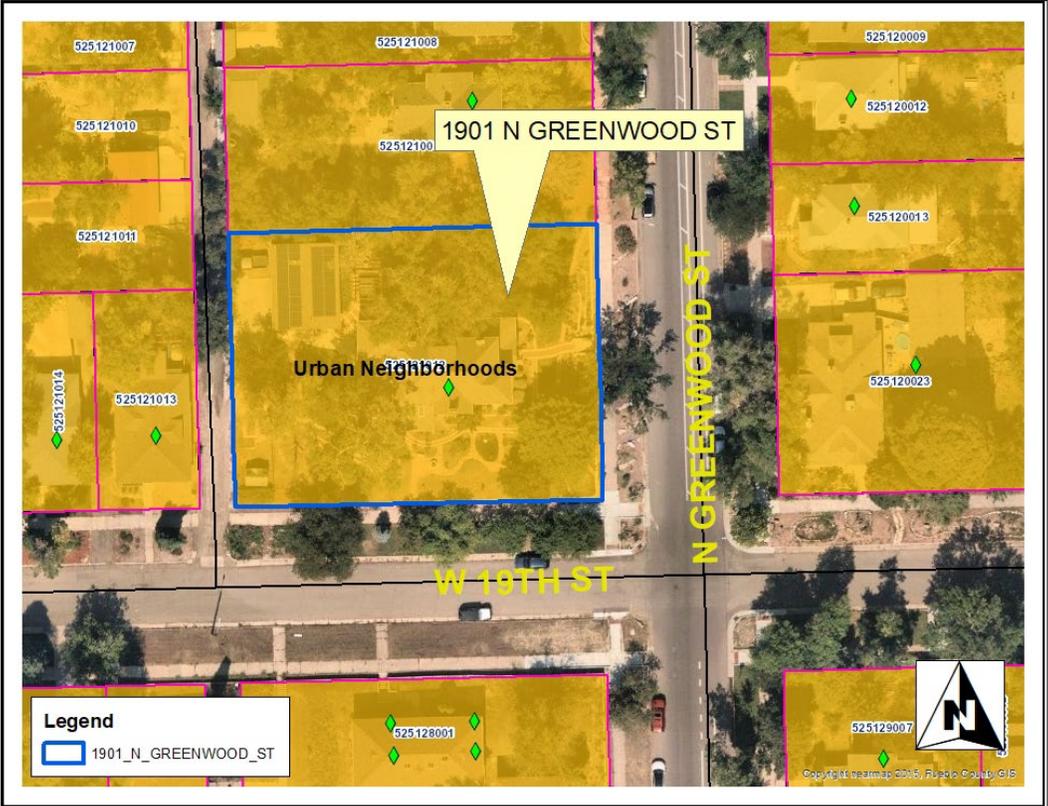


Exhibit F. Public Notice



Exhibit G. Site Photos



H. Application



09/27/2022

22-162

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Sep 27, 2022

Applicant

Dean Gilbertsen
downenhousebandb@gmail.com
1901 N. Greenwood Street
Pueblo, CO 81003
719-492-5336

Primary Location

1901 N GREENWOOD ST
PUEBLO, CO 81003

Owner:

GILBERTSEN DEAN SCOTT
1901 N GREENWOOD ST PUEBLO , CO 81003-2642

Internal

ZBA Case Number
ZBA-22-45

Planner Assigned
--

ZBA

Hearing Date
10/25/2022

Hearing Results

--

Board Conditions

--

Appeal Term End Date

--

Permit Completion Date

--

Specially Requested Hearing

Public Notice

Number of Posters

--

Number of Postcards Sent

--

Cost of Newspaper Notice

--

Public Notice Costs

0

Other Fees:

--

Public Notice costs must be paid by:

--

Public notice zoning poster must be displayed BY:

--

Public Notice zoning poster must be displayed UNTIL:

--

Is a 1-year inspection required?

Exhibit I. Supporting Documents

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Downen House Bed & Breakfast, LLC

is a

Limited Liability Company

formed or registered on 09/15/2022 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20221893705 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 09/13/2022 that have been posted, and by documents delivered to this office electronically through 09/15/2022 @ 14:38:06 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 09/15/2022 @ 14:38:06 in accordance with applicable law. This certificate is assigned Confirmation Number 14317168 .



Jena Griswold

Secretary of State of the State of Colorado

*****End of Certificate*****
Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."



Colorado Secretary of State
ID#: 20221893705
Document #: 20221893705
Filed on: 09/15/2022 02:34:42 PM
Paid: \$1.00

Articles of Organization for a Limited Liability Company
filed pursuant to § 7-90-301 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

The domestic entity name of the limited liability company is Downen House Bed & Breakfast, LLC

The principal office street address is 1901 N Greenwood St
Pueblo CO 81003-2642
US

The principal office mailing address is 1901 N Greenwood St
Pueblo CO 81003-2642
US

The name of the registered agent is Dean Scott Gilbertsen

The registered agent's street address is 1901 N Greenwood St
Pueblo CO 81003-2642
US

The registered agent's mailing address is 1901 N Greenwood St
Pueblo CO 81003-2642
US

The person above has agreed to be appointed as the registered agent for this entity.

The management of the limited liability company is vested in Members

There is at least one member of the limited liability company.

Person(s) forming the limited liability company

Dean Scott Gilbertsen
1901 N Greenwood St
Pueblo CO 81003-2642
US

Tamara Lynn Gilbertsen
1901 N Greenwood St
Pueblo CO 81003-2642
US



Order No.: 320-F08980-22

Doc Fee: \$63.00

GENERAL WARRANTY DEED

THIS DEED, Made this 17th day of June, 2022, between

Amanda Lee Guerrero NKA Amanda Lee Guerrero Soto

grantor, and

Dean Scott Gilbertsen

whose legal address is 1901 North Greenwood Street, Pueblo, CO 81003-2642,

grantees:

WITNESS, That the grantor, for and in consideration of the sum of Six Hundred Thirty Thousand And No/100 Dollars (\$630,000.00), the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantees, their heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Pueblo, State of COLORADO, described as follows:

Lots 17, 18, 19, 20, and 21, Block 22, Dundee Place, County Pueblo, State of Colorado.

also known by street and number as 1901 North Greenwood Street, Pueblo, CO 81003-2642

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantees, their heirs and assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and agree to and with the grantees, their heirs and assigns, that at the time of the ensembling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except for taxes for the current year, a lien but not yet due and payable, subject to statutory exceptions as defined in CRS 38-30-113, revised.

The grantor shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantees, their heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

GRANTOR:

[Handwritten signature of Amanda Lee Guerrero Soto]

Amanda Lee Guerrero NKA Amanda Lee Guerrero Soto

STATE OF COLORADO

COUNTY OF PUEBLO

The foregoing instrument was acknowledged before me this 17th day of June, 2022, by Amanda Lee Guerrero NKA Amanda Lee Guerrero Soto,

[Handwritten signature of Notary Public]

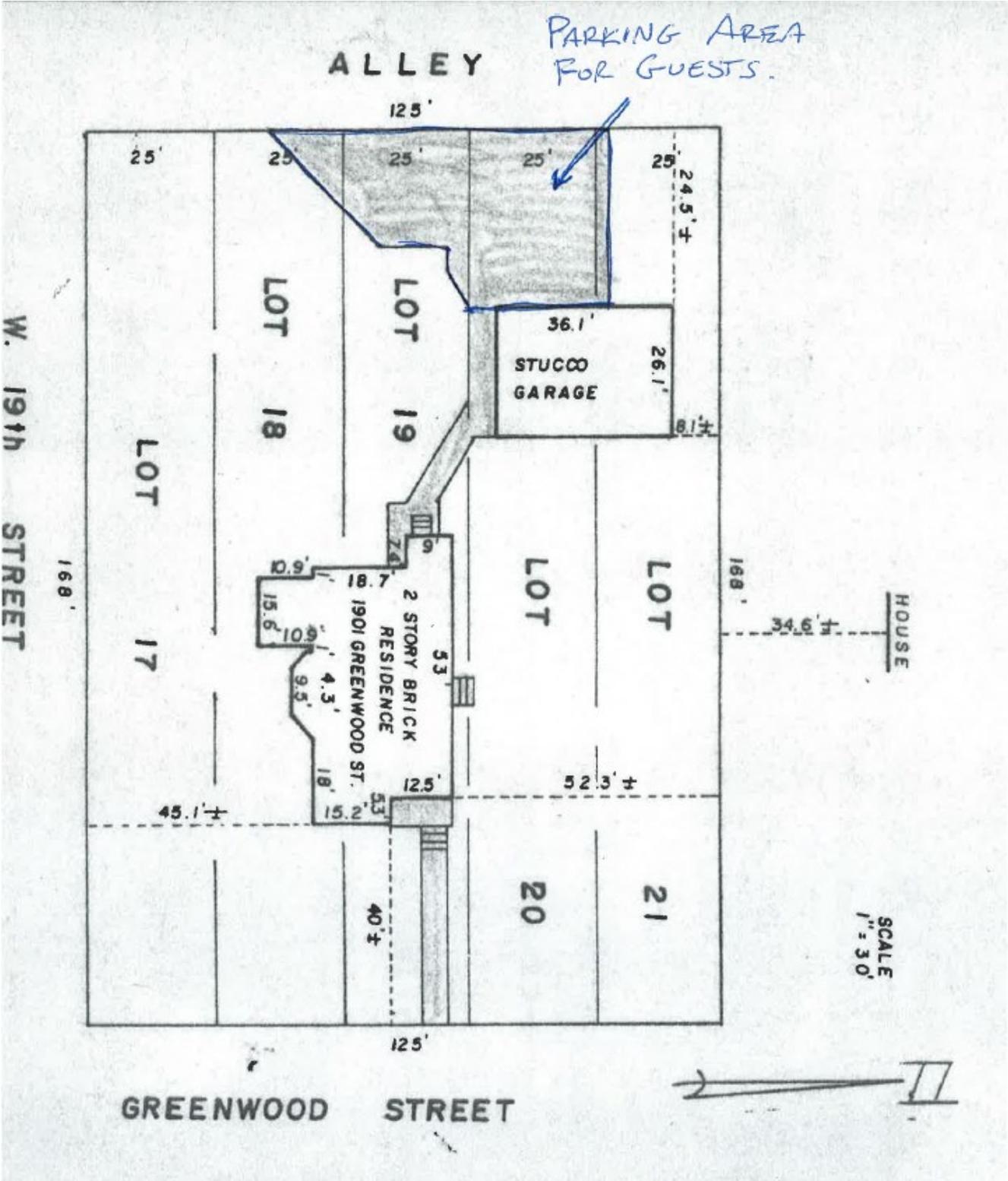
Notary Public

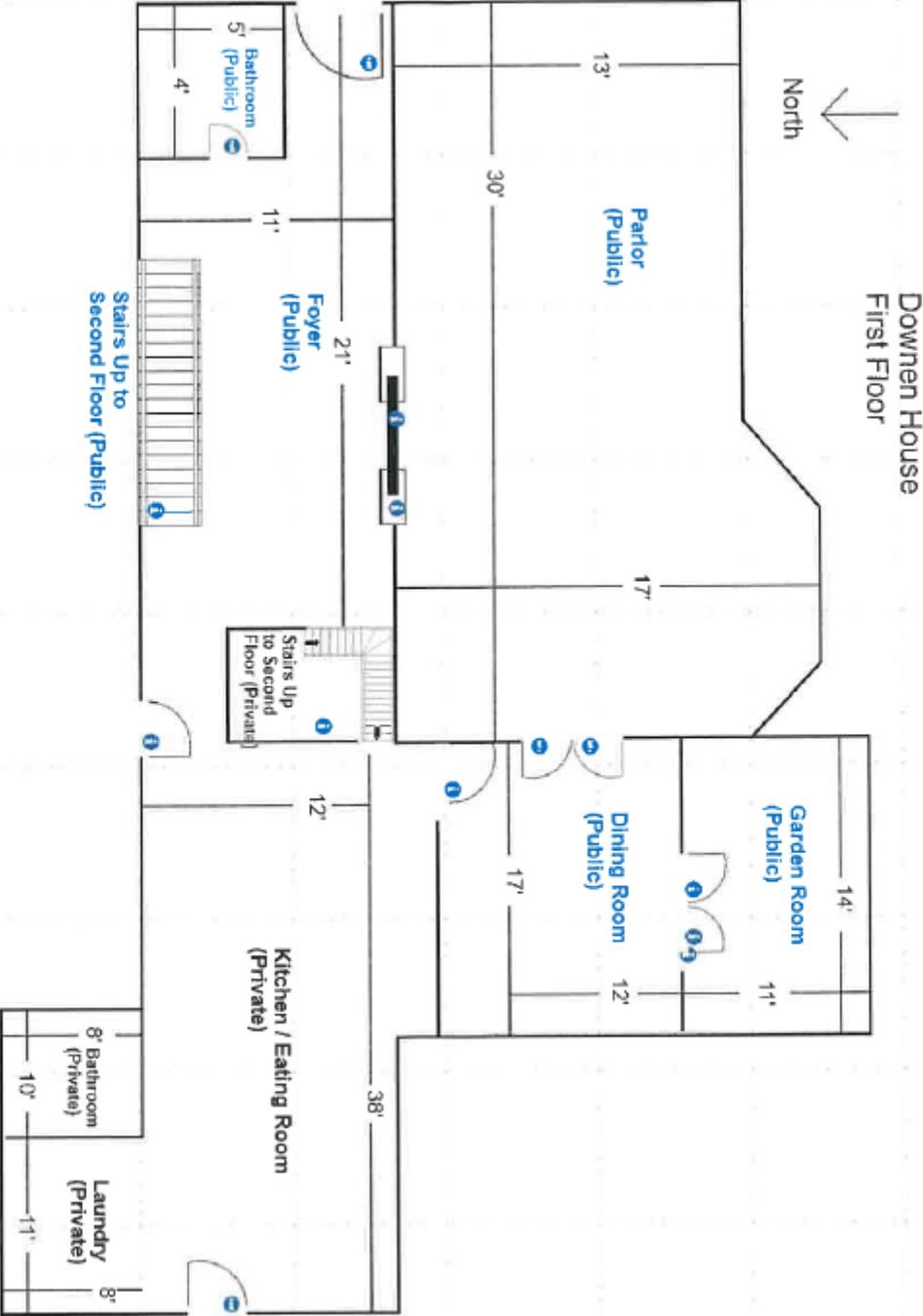
My Commission Expires: 7-21-2025

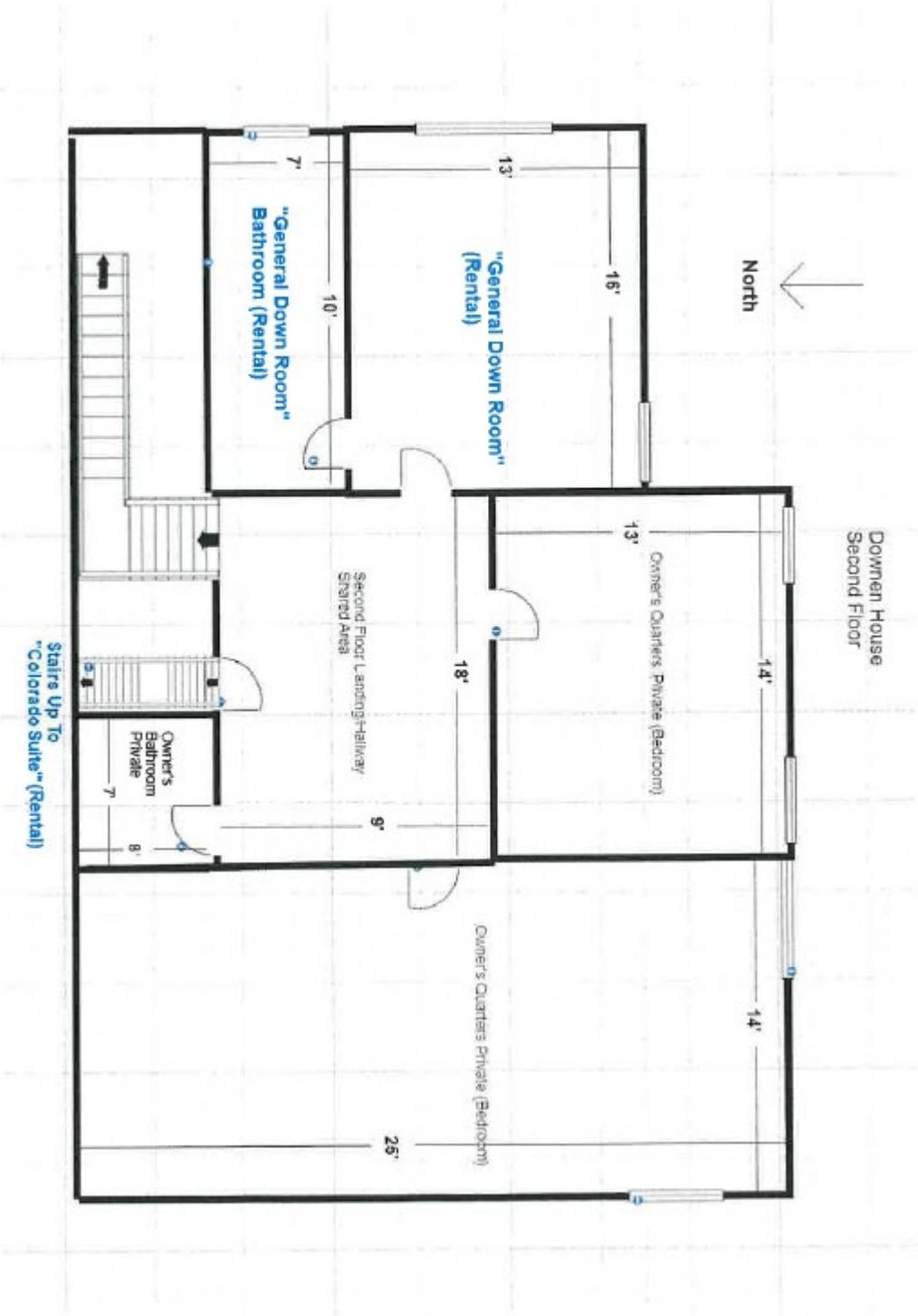


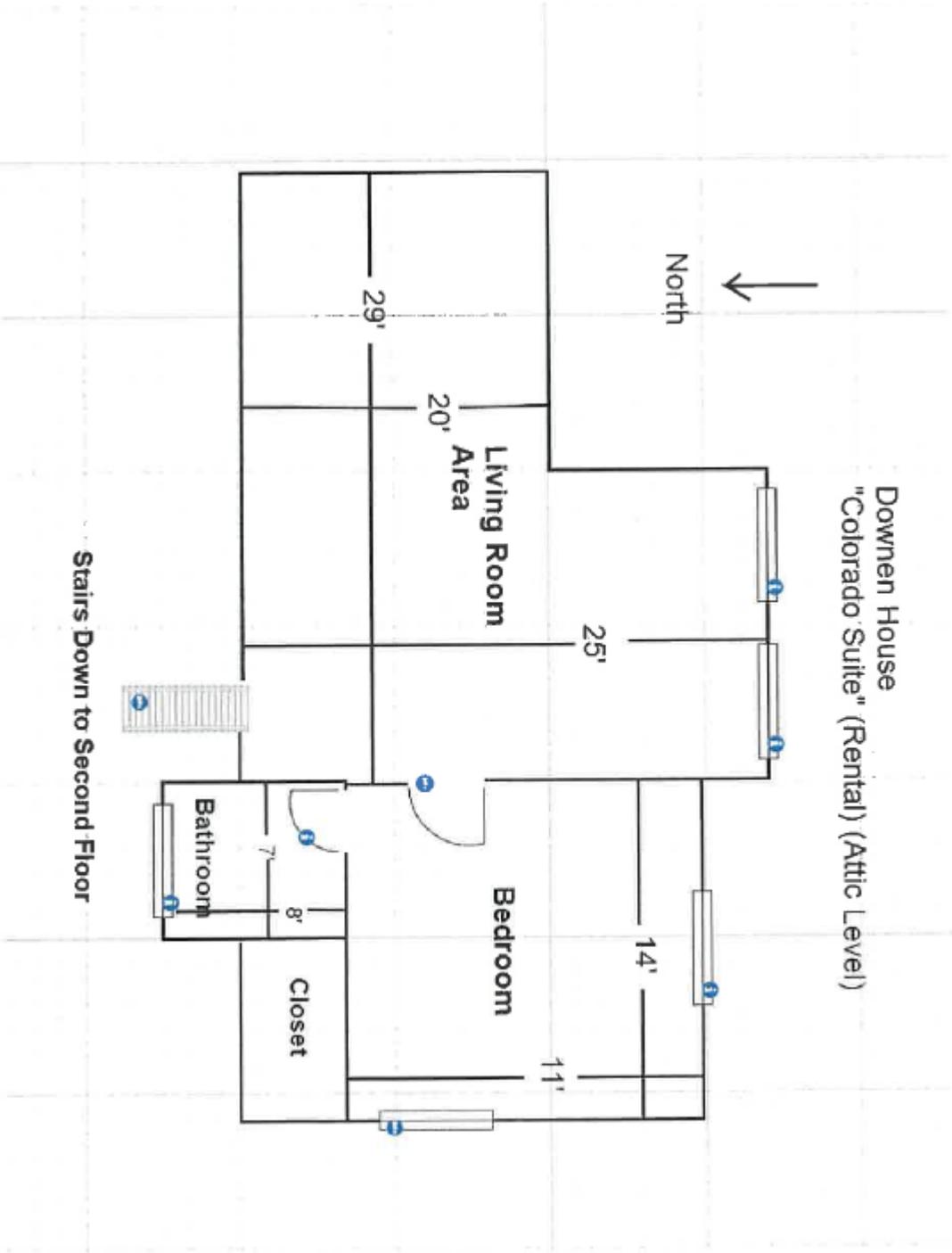
(SEAL)

Deed (General Warranty - Legal)









Sec. 17-4-10. - Bed and breakfast home performance standards.

- (a) Administration. Any person wishing to operate a bed and breakfast home shall upon a form provided by the City give the following information to the Director of the Department of Zoning Administration:
 - (1) Proof of ownership.
 - (2) Building layout showing locations of guest bedrooms, common areas and owner/resident's living quarters.
 - (3) Proposed parking.
 - (4) Proof of compliance with all applicable state and City health, building and fire codes.
 - (5) Application fee as set by resolution of City Council.
- (b) Regulations.
 - (1) Bed and breakfast homes operating under a special use permit may be reviewed by the Zoning Board of Appeals within twelve (12) months of approval at the discretion of the Board. The permit is subject to review by the Board on a complaint basis as determined by the Director of the Department of Zoning Administration.
 - (2) The operator shall provide and maintain a guest register. Such register shall be available for inspection by City officials and law enforcement authorities. The maximum stay for guests shall not exceed thirty (30) consecutive days.
 - (3) The owner of a bed and breakfast home shall provide one (1) on-site paved parking for each guest unit in addition to the required parking for the zone district in which the home is located. Such parking shall preserve the residential character of the property and surrounding neighborhood. The City Traffic Engineer shall review and approve the parking layout submitted with the application.
 - (4) A bed and breakfast home shall be restricted to two (2) non-self-illuminated signs limited to no more than four (4) square feet for each sign. The sign(s) shall be limited to the name, address and telephone number of the bed and breakfast home. The location and design of any sign must be approved by the City Director of the Department of Zoning Administration or the Director's designee.
 - (5) The bed and breakfast home shall be in compliance with all applicable health, fire, building and safety regulations. After initial approval, periodic safety and health inspections shall be performed by inspectors from the City/County Health Department, the Regional Building Department and the Fire Department. Such inspections shall also verify the following safety equipment and measures are present or enforced:
 - a. Smoke alarms are located upon all floors;
 - b. Fire extinguishers are located upon all floors;
 - c. Fire escape routes are present, if deemed necessary; and
 - d. No cooking shall be permitted in guest rooms.
 - (6) The bed and breakfast home shall acquire and maintain a valid City business license.

- (c) Restrictions. All bed and breakfast homes shall:
- (1) Be owner occupied in a detached, single-family residence with at least one thousand six hundred (1,600) square feet of net usable floor area.
 - (2) Have no more than three (3) guest units in the principal structure only.
 - (3) Have no other bed and breakfast facilities located within one hundred fifty (150) feet of the exterior property boundaries of the home.
 - (4) Have no exterior alterations to accommodate its use, such as additions or additional entries.
 - (5) Have no other commercial functions allowed such as meetings, receptions and similar functions. Home based businesses shall not be permitted.
 - (6) Have only a breakfast meal served only to registered guests. Dining and other facilities shall not be open to the public.
 - (7) Shall have a refuse area screened from the view of persons from adjacent properties and public rights-of-way.
- (d) Other factors and considerations for approval by the Zoning Board of Appeals. All bed and breakfast homes:
- (1) Shall not constitute an annoyance or nuisance to surrounding residents by reason of noise, smoke, odor, electrical disturbance, night lighting or the creation of unreasonable traffic to the premises.
 - (2) Shall not create an adverse impact on the residential character of the surrounding neighborhood.
 - (3) Shall be compatible and harmonious with surrounding land uses.

(Ord. No. 6228, 7-28-97; Ord. No. 8933 §7, 11-23-15)