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Zoning Board of Appeals

ZBA-25-28

Hearing Date: 8/26/2025

TO: City of Pueblo Zoning Board of Appeals
FROM: Riane Ledford, Planner
THROUGH: Beritt Odom, Land Use Administrative Official
LOCATION: **311 W Pitkin Ave.**
APPLICANT: Zane Grant
PROPERTY OWNER: Grant Family Investments LLC.
YEAR BUILT: 1928
LEGAL DESCRIPTION: NW 75 FT LOTS 17-18 + SW 15 FT OF NWLY 65 FT OF 19 BLK
ZONE DISTRICT: One and Two-Family Residential district (R-3)
PARCEL ID: 535415011
LOT SIZE: 4185

REQUEST: Special Use Permit to allow for a bed and breakfast inn in a One and Two-Family Residential (R-3) Zone District

BACKGROUND

The applicant is requesting a special use permit for a bed and breakfast inn at 311 W. Pitkin Ave. The subject property is a 4,185 sq. ft. lot developed with a single-family detached home built in 1928. The home is generally located in the Mesa Junction Neighborhood between Van Buren Street and Jackson Ave. The applicant has owned the home since 2003 as an investment property, and prior to using the home as a short-term rental, the home was a traditional rental home. By utilizing the home as a short-term rental, the applicant states in their application that this gives them more control over the allowable uses of the property and the overall maintenance and repair of the property. The Pueblo Municipal Code defines a Bed-and-Breakfast Inn as, “a commercial enterprise which rents out more than three bedrooms to the general public. Such facility may offer meeting facilities and meals to the general public but would be subject to all laws and regulations governing the operation of a restaurant.” Sec. 17-2-2. (20) b. The owner will not be preparing meals for guests, although there will be a kitchen for guests to utilize on their own. Stays will be for less than 27 consecutive days and only six guests are allowed in the home at one time. Additional rules include quiet time from 10pm-7am, no pets allowed, and no parties, visitors, or non-registered guests allowed. The applicant received a code enforcement complaint about an illegally zoned business in June of 2025, at which time staff informed them that a Special Use Permit would be required in order to operate as a bed and breakfast inn.

STAFF ANALYSIS

As discussed in the findings of fact, staff finds that access to the property, trash collection, utilities, and open space are suitable at this location for the proposed use. However, because this is a commercial use, staff recommends a buffer be instituted at the site, separating the rear and side-yards from the adjacent neighbors to the north and south.

Surrounding uses near the property are primarily single-family residences with two-family residences nearby as well. There are other commercial uses near the subject property including the Citadel assisted living facility located to the south of the property. There are also two Bed-and-breakfast inns nearby; the Abriendo Inn, which is two blocks from the property, and the Orman mansion which is about three blocks from the property. Because of the proposed lodging use of the property, a six-foot minimum, fully opaque fence is recommended to screen the property from the residences immediately adjacent to the property.

There is no on-site parking on the property, and off-street parking requirements must typically be met in order to allow a change of use. Code dictates that at least one improved, permanent parking space should be provided per four expected occupants of the facility. There is an existing attached garage, but it is not accessible to guests of the bed and breakfast and is used for storage rather than parking. With that said, staff recommends that one paved parking space be provided on the property, or guests be able to utilize the attached garage as parking. Should there be more than one vehicle at the property at a time, there is on-street parking in front of 311 W. Pitkin Ave. allowing up to three vehicles to park in front of the residence without parking in front of any other residences.

SURROUNDING ZONE DISTRICTS AND LAND USES

	Zone:	Developed with:
North	One and Two-Family Residential District (R-3)	One and two-family homes
East	One and Two-Family Residential District (R-3)	One-family homes
South	One and Two-Family Residential District (R-3), Multiple-Residential and office district (R-5)	One-family homes Assisted living home
West	One and Two-Family Residential District (R-3)	One-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.

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	No comment

CONDITIONS REQUIRED FOR SPECIAL 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. The property can be accessed from W. Pitkin Ave. and from the alley located adjacent to the northwestern portion of the home.

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: Negative finding. No off-street parking is provided on site. The residence has an attached garage and rear-yard; however, the applicant states that guests do not have access to the garage or rear-yard.

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

Comments: Affirmative finding. The property receives trash collection service from a small, residential-sized bin that is kept at the rear of the property and is collected in the alley.

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

Comments: Affirmative finding. The building has existing electricity, water, gas, and wastewater service and the proposed use will not necessitate any change in utilities.

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

Comments: Negative finding. There are no screening mechanisms currently in place at 311 W. Pitkin Ave. to separate the proposed use from the nearby residences.

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 Finding. There will be no signs on the property except the home address numbers.

7. Required yards and other open space.

Comments: Affirmative finding. R-3 zone district requires a 15-ft rear-yard setback, which they meet.

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

Comments: Neutral finding. Staff finds that the proposed use is similar to other commercial uses already established in the neighborhood, including two other bed-and-breakfast inns and the Citadel assisted living home. However, most of the immediate surrounding properties are single-family residences.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board makes the necessary findings of fact to approve this special use permit, staff recommends Standard Permit Conditions 1 through 13 and staff conditions 1- 3.

STAFF CONDITIONS

1. To provide a buffer between the lodging use and established residences, the applicant must install a minimum six (6) foot tall, opaque fence, enclosing the rear-yard, as shown on the attached fencing plan.
2. One paved parking spot at 9 ft. by 18 ft., located outside of all required setbacks must be provided. The parking space must meet all requirements established by sec. 17-4-42, (a) of the code.
3. Quiet hours must be maintained from 10pm-7am and no more than eight overnight adult guests are allowed at one time.

ATTACHMENTS

- A. Standard Permit Conditions
- B. Aerial Map
- C. Zoning Map
- D. Comprehensive Plan Map
- E. Public Notice Photo
- F. Site Photos
- G. Site Plan
- H. 311 W. Pitkin Parking Email
- I. Application

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 8/26/2025	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 8/26/2026
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. Site Plan

311 W. Pitkin, Pueblo, CO 81004

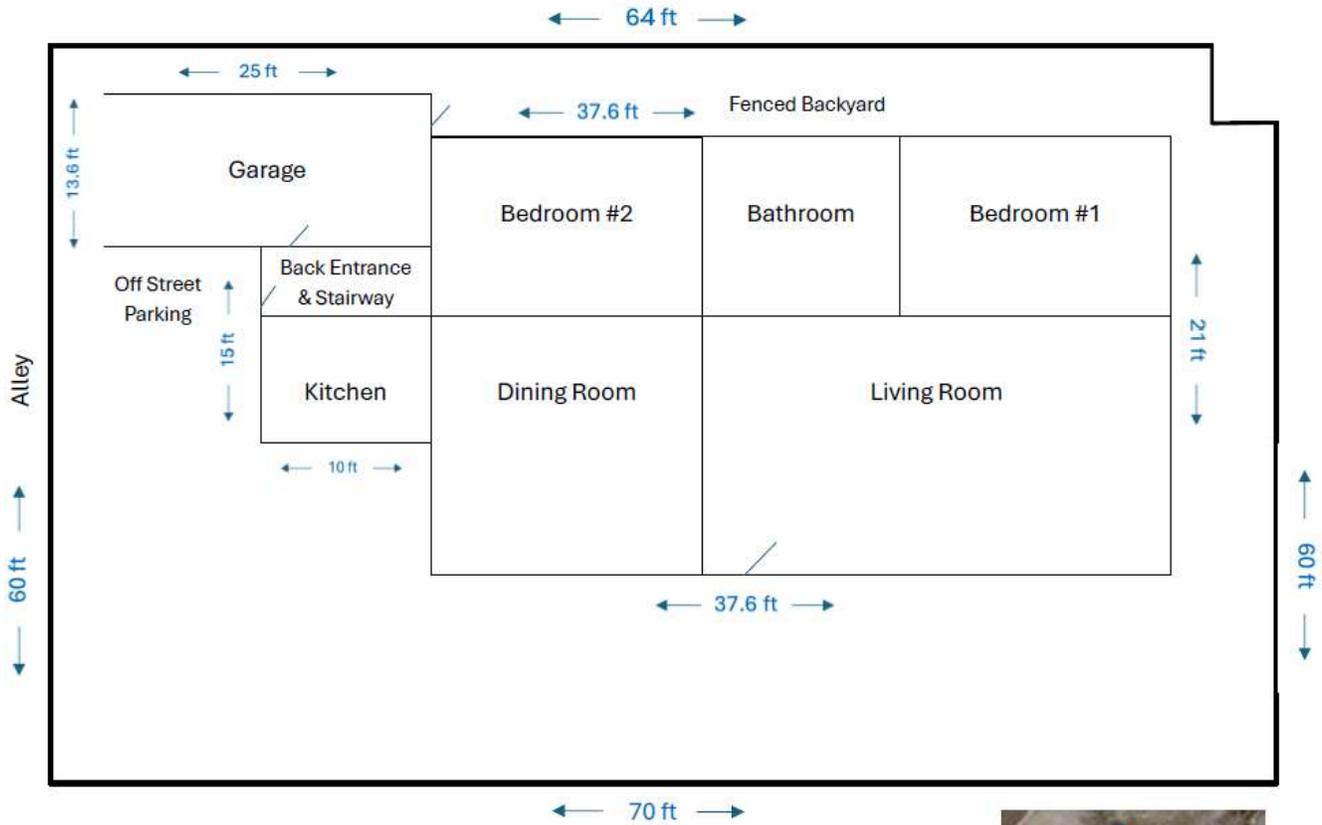


Exhibit H. 311 W. Pitkin Parking Email

Exhibit I. Application

To view remaining attachments, please contact Planning and Community Development at planninglanduse@pueblo.us, 719-553-2259, or visit us at 211 E D St.