

Mike Castellucci  
Chair

Steve Anselmo  
Vice Chair



Lisa Bailey  
Secretary

Yvonne Lujan-Slak

Georgia Way

## ZBA-22-16

Hearing Date: May 24, 2022

**TO:** City of Pueblo Zoning Board of Appeals  
**FROM:** Danielle Baxter, Planner  
**THROUGH:** Scott Hobson, Land Use Administrative Official  
**LOCATION:** 1531 E 10<sup>th</sup> St, Pueblo, CO 81001  
**APPLICANT:** Martha Montano  
**PROPERTY OWNER:** Martha Montano  
**YEAR BUILT:** 1927  
**LEGAL DESCRIPTION:** E 24 FT LOT 39 ALL 40 BLK 181 EAST PUEBLO HEIGHTS ADD; E 24 FT LOT 39 ALL 40 BLK 181 EAST PUEBLO HEIGHTS SUB 2<sup>ND</sup>  
**ZONE DISTRICT:** Single Family Residential (R-2 Zone) District  
**PARCEL ID:** 429317016  
**LOT SIZE:** 5,880 sq ft

**REQUEST:** Limited Use Permit to allow a beauty salon, barbershop as a home based business in a Single Family Residential (R-2 Zone) District.

### SYNOPSIS OF REQUEST

The applicant is requesting a Limited Use Permit to allow a beauty salon, barbershop as a home-based business in a Single Family Residential (R-2 Zone) District, which is a conditional use in that district (Sec 17-4-51(c)(72). In accordance with Section 17-4-51(e)(23)(o) of the Pueblo Municipal Code (PMC), the applicant is required to obtain a Limited Use Permit, because they cannot comply with all the conditions needed to obtain a Conditional Use Permit for a home-based business, specifically having clients on the premises.

### ANALYSIS OF REQUEST

1531 E 10<sup>th</sup> St is a 5,880 square foot residential lot with a 1,222 square foot house built in 1927. The property is located in the East Pueblo Heights Subdivision, east of Mitchell Park. The applicant is requesting a Limited Use Permit to allow a beauty salon, barbershop as a home-based business. The home is located on the northwest corner of E 10<sup>th</sup> Street and N Ogden Ave. The home's main entrance is located on E 10<sup>th</sup> St and the driveway is located along N Ogden Ave, which provides access to an existing single car detached garage and patio.

The applicant states she is now partially retired after being a hairdresser for 35 years. Ms. Montano states she would like to still see select clients on a part-time basis from her home. Ms. Montano will schedule one customer at a time, without overlap, and sees one to three clients per day. She also states that her business hours range from 8:00 am to 2:30 pm, three days a week. The clients the applicant is requesting be allowed to come to her home have been her clients for 20 to 30 years and she is not taking on any more clients. The clients will enter from the front door of her home and would likely park on E 10<sup>th</sup> Street. The applicant is not proposing any signs on the property, and she will utilize her residential trash service for all refuse.

### 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	Single-family Residential (R-2) Zone District	E 10 <sup>th</sup> St; Single-family Residential
West	Single-family Residential (R-2) Zone District	Single-family Residential

**COMPREHENSIVE PLAN**

The *Urban Residential* neighborhoods are found predominantly within the city limits of Pueblo and the urbanizing areas in the City’s immediate periphery. Examples include Mesa Junction, Eastside, Bessemer, Northside, Aberdeen, State Park, and Hyde Park. They are generally located on a grid roadway network that interconnects a large portion of the urban area. The existing mixture of housing types that range from single family detached housing to duplexes and multi-family housing will be continued with emphasis on maintaining the existing housing stock and in-fill development. Where appropriate, community scale commercial services will be created to provide the necessary day-to-day needs of residents within walking distance. Development in these *Urban Neighborhoods* is typically at densities of 4 to 7 units per acre and often reflects the traditional urban residential layout used in the early development of Pueblo. As the City of Pueblo expands to the north, south and southwest, a continuation of these *Urban Residential Areas* should be continued. Interconnected neighborhoods, sanitary sewer and neighborhood parks should be an integral part of the development.

**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 F). These notices occurred at least 10 days prior to the hearing.

**OTHER AGENCIES**

Pueblo City/County Health	No comment received
City Transportation	No comment received
Pueblo Regional Building Department	No comment received
Fire Department	No comment received
City Public Works Department	No comment received
City Stormwater Department	No comment received
City Code Enforcement	No comment received
Pueblo Board of Water Works	No comment received
City Wastewater Department	No comment received
City Parks and Recreation Department	No comment received

**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. The site is located on a corner lot and has access off N Ogden Ave and E 10<sup>th</sup> 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: Neutral finding. The parcel has a single car driveway located behind the primary structure. The driveway appears to be gated so clients will need to utilize on-street parking in front of the residence only. However, since Ms. Montano is only seeing one client at a time this will not be a burden to the surrounding neighborhood characteristics.**

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

**Comments: Affirmative finding. The applicant will use an on-site residential trash container for refuse, which is picked up weekly.**

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

**Comments: Affirmative finding. Sewer, electrical, and water service are available to the property.**

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

**Comments: Affirmative finding. There is a cinderblock and chain link fence and wrought iron fence surrounding the property, there is also a gated driveway.**

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 are no signs proposed for the property. The conditions of the home-based business also state no signage is permitted (Sec 51(e)(23)(i)).**

7. Required yards and other open space.

**Comments: Affirmative finding. Yards and open space are adequate. All business will be conducted indoors.**

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

**Comments: Affirmative finding. The proposed home-based business is compatible with the adjacent properties as the exterior of the home will have no indication of an on-site business and there will only be one client on the premise at a time. The applicant states there is adequate on-street parking around her home.**

#### **PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION**

If the Board chooses to approve this Limited Use Permit staff recommends Standard Permit Conditions 1 through 13 as well as the following staff conditions:

1. Business hours will not exceed 8:00 am through 5:00 pm, three days a week.
2. There will not be more than one client on-site at a time.
3. Clients must park directly adjacent to the applicant's home. Clients cannot park in front of other residences, which would impede neighbor's access to park in front of their own homes.

#### **ATTACHMENTS**

- A. Standard Permit Conditions
- B. Location Map
- C. Site 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**

<b>Standard Permit Conditions</b> Date of Issuance of Permit: <b>5/24/2022</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>5/24/2023</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.

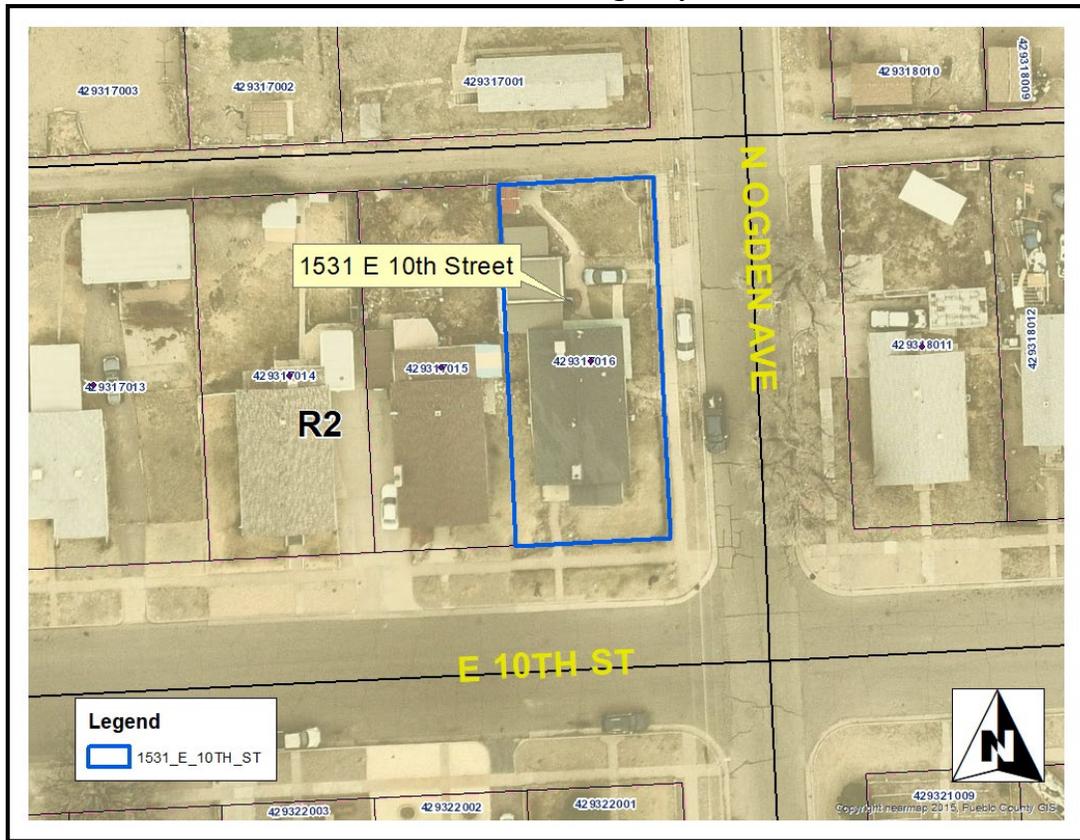
Exhibit B. Location Map



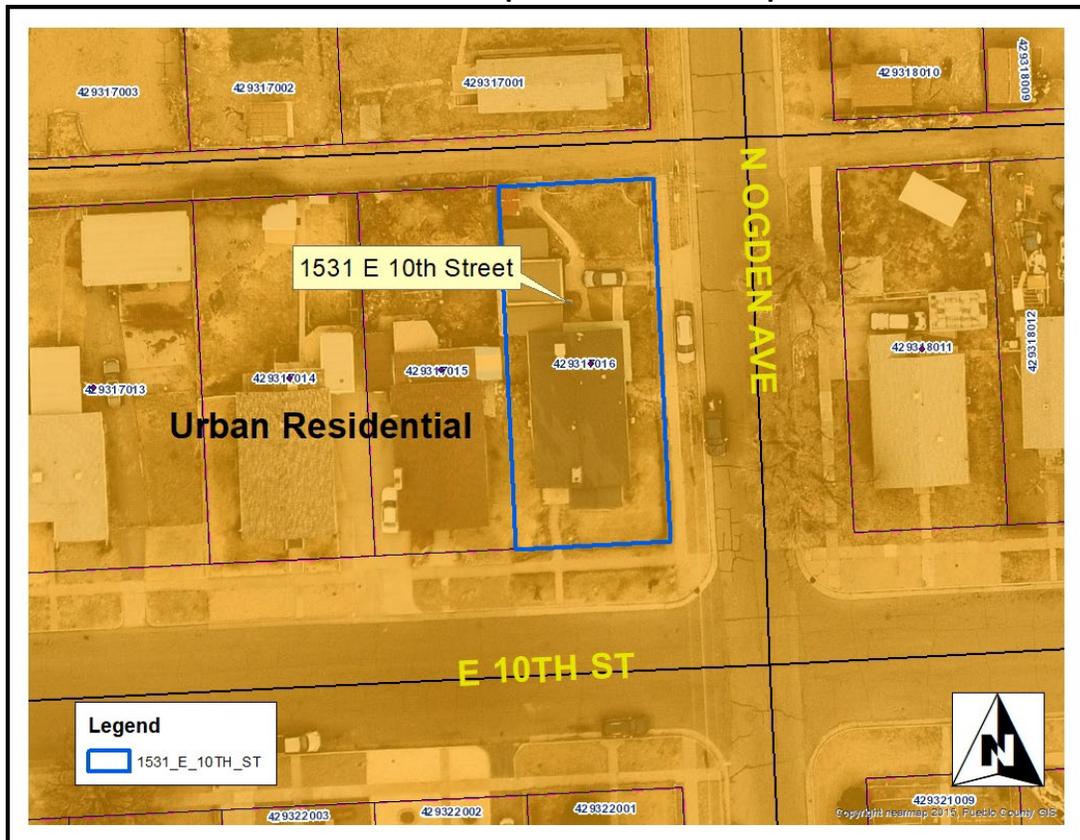
Exhibit C. Site Map



**Exhibit D. Zoning Map**



**Exhibit E. Comprehensive Plan Map**



**Exhibit F. Public Notice**



Taken from E 10<sup>th</sup> St.

**Exhibit G. Site Pictures**



Taken from corner of N Ogden & E 10<sup>th</sup> St facing northwest.



Taken from corner of N Ogden & E 10<sup>th</sup> St facing west.



Taken from N Ogden facing south.



Taken from corner of N Ogden & E 10<sup>th</sup> St facing north.

Exhibit H. Application Completed in OpenGov

4/11/22, 10:44 AM

OpenGov



City of Pueblo PLACE

04/11/2022

22-57

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Apr 11, 2022

Applicant

Martha Montano  
marthajmontao@gmail.com  
1531 E 10th St  
Pueblo, CO 81001  
719-568-2276

Location

1531 E 10TH ST  
PUEBLO, CO 81001

Owner:

MONTANO ROBERT/MONTANO MARTHA J  
1531 E 10TH ST PUEBLO , CO 81001-3204

Internal

ZBA Case Number

ZBA-22-16

Planner Assigned

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ZBA

Hearing Date

05/24/2022

Hearing Results

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Board Conditions

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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:

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Scope of Work

Type of Request

Use by Review (Special/ Limited Use Permit)

Type of Use by Review

Special Use Permit

<https://puebloco.viewpointcloud.io/#/explore/records/29795/printable?act=true&app=true&att=true&emp=true&int=true&loc=true&sec=1011981%2C10...> 1/3

**Provide a short description of the proposed request:**

Home based business for Hair Styling

**What is the general use of the property**

Residential

**Detailed explanation of the request as listed above.**

Home Based Business for Hair Styling Business

**Justification of facts required for the request. Be specific.**

Want to do small hair styling business at home. 1 customer at a time.

Please see the attached document for assistance with Justification of Facts:

[ZBA Use by Review Assistance  
\(https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA\\_Use\\_by\\_Review\\_HANDOUT\\_06-2020\\_Thu\\_Jul\\_22\\_2021\\_15:43:00\\_GMT+0000\\_\(Greenwich\\_Mean\\_T](https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Use_by_Review_HANDOUT_06-2020_Thu_Jul_22_2021_15:43:00_GMT+0000_(Greenwich_Mean_T)

Please see the attached document for assistance with Justification of Facts:

[ZBA Non-Residential Variance Assistance  
\(https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA\\_Non-Residential\\_Variance\\_HANDOUT\\_06-2020\\_Thu\\_Jul\\_22\\_2021\\_15:42:48\\_GMT+0000\\_\(Greenwich\\_Mean\\_T](https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Non-Residential_Variance_HANDOUT_06-2020_Thu_Jul_22_2021_15:42:48_GMT+0000_(Greenwich_Mean_T)

[ZBA Residential Variance Assistance  
\(https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA\\_Residential\\_Variance\\_HANDOUT\\_\\_06-2020\\_Thu\\_Jul\\_22\\_2021\\_15:42:55\\_GMT+0000\\_\(Greenwich\\_Mean\\_T](https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Residential_Variance_HANDOUT__06-2020_Thu_Jul_22_2021_15:42:55_GMT+0000_(Greenwich_Mean_T)

**Are there any concurrent zoning requests?**

No

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**Use by Review Justification of Facts**

**Describe the ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.**

Front door faces the street

**Describe off-street parking and loading areas where required, with particular attention to the items in Subparagraph a above and the economic noise, glare or odor effects of the use by review on adjoining properties and properties generally in the district.**

street parking on 10th st.

**Describe refuse and service areas, with particular reference to the items in the two questions above.**

n/a

**Describe utilities, with reference to the location's availability and compatibility.**

n/a

**Describe screening and buffering with reference to type, dimensions and character.**

n/a

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

no proposed signs

**Describe how you will comply with the required yards and other open space.**

n/a

**Describe the general compatibility with adjacent properties and other property in the district.**

limited people low level use

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**Terms**

**Is the applicant and property owner the same?**

Yes

**Applicant/Property Owner Signature**

martha j montano  
04/11/2022

**Attachments**

 10thst.pdf  
Uploaded by Martha Montano on Apr 11, 2022 at 9:33 am

**History**

Date	Activity
Apr 11, 2022 at 9:11 am	Martha Montano started a draft of Record 22-57
Apr 11, 2022 at 9:38 am	Martha Montano submitted Record 22-57
Apr 11, 2022 at 9:38 am	changed the dead line to Apr 13, 2022 on approval step Fee Review on Record 22-57
Apr 11, 2022 at 9:38 am	approval step Fee Review was assigned to Planning Front Counter on Record 22-57
Apr 11, 2022 at 9:38 am	changed the dead line to Apr 13, 2022 on approval step Fee Review on Record 22-57
Apr 11, 2022 at 9:40 am	Carol Martinez assigned approval step Fee Review to Carol Martinez on Record 22-57
Apr 11, 2022 at 9:41 am	Carol Martinez approved approval step Fee Review on Record 22-57
Apr 11, 2022 at 9:44 am	completed payment step Application Fee on Record 22-57
Apr 11, 2022 at 9:44 am	approval step Intake Review was assigned to Planning Front Counter on Record 22-57
Apr 11, 2022 at 9:44 am	approval step Land Use Tech Review was assigned to Karen Elgin on Record 22-57
Apr 11, 2022 at 9:44 am	approval step Case Assignment was assigned to Beritt Odom on Record 22-57
Apr 11, 2022 at 9:44 am	changed the dead line to Apr 12, 2022 on approval step Case Assignment on Record 22-57
Apr 11, 2022 at 9:53 am	Carol Martinez assigned approval step Intake Review to Carol Martinez on Record 22-57
Apr 11, 2022 at 9:53 am	Carol Martinez approved approval step Intake Review on Record 22-57
Apr 11, 2022 at 10:18 am	Karen Elgin changed ZBA Case Number from "" to "ZBA-22-16" on Record 22-57
Apr 11, 2022 at 10:18 am	Karen Elgin changed Hearing Date from "" to "05/24/2022" on Record 22-57

**Timeline**

Label	Status	Activated	Completed	Assignee	Due Date
 Fee Review	Complete	Apr 11, 2022 at 9:38 am	Apr 11, 2022 at 9:41 am	Carol Martinez	04/12/2022
 Application Fee	Paid	Apr 11, 2022 at 9:41 am	Apr 11, 2022 at 9:44 am	-	-
 Intake Review	Complete	Apr 11, 2022 at 9:44 am	Apr 11, 2022 at 9:53 am	Carol Martinez	-
 Land Use Tech Review	Active	Apr 11, 2022 at 9:44 am	-	Karen Elgin	-
 Case Assignment	Active	Apr 11, 2022 at 9:44 am	-	Beritt Odom	04/11/2022
 Planning (Zoning) Initial Review of Submittal	Inactive	-	-	-	-
 Public Notice	Inactive	-	-	-	-
 Public Notice Memo	Inactive	-	-	-	-
 Public Notice Fee	Inactive	-	-	-	-
 Staff Report and Agenda Distribution	Inactive	-	-	-	-
 ZBA Hearing Outcome	Inactive	-	-	-	-
 Permit Issuance	Inactive	-	-	-	-
 Final Inspection	Inactive	-	-	-	-

Exhibit I. Supporting Documents

TO WHOM IT MAY CONCERN,  
my name is Martha J. Montano, I have  
been in the hairdressing business for  
35 yrs most of my clients have been with  
me from 20 to 30 yr. They range from  
40 to 94 yrs old. I AM PARTIALLY RETIRED  
NOW BUT WANT TO CONTINUE WORKING PART TIME  
FROM MY HOME. IT WOULD BE FROM A FRONT  
ENTRANCE ON THE FRONT PART OF MY HOUSE.  
MY STREET OFF 10th AND OGDEN IS PRETTY  
QUIET, AND SINCE I WOULD ONLY BE DOING  
1 TO 3 PEOPLE IN ONE DAY, ONE AT A TIME  
BECAUSE I SPACE THEM OUT SO IT WILL  
ONLY BE ONE PERSON AT A TIME. PARKING IN  
FRONT OF MY HOUSE WOULD NOT BE A PROBLEM  
BECAUSE NO ONE EVER PARKS THERE. MY HOURS  
WOULD BE FROM 8:00 TO 2:30 3 DAYS  
A WK. AND WILL NOT BE TAKING ANY MORE CLIENTS.  
Thank you MARtha J. Montano

Neighbors Signatures for letting you know  
it would not be a problem

