

Mike Castellucci  
Chair

Steve Anselmo  
Vice Chair



Lisa Bailey  
Secretary

Yvonne Lujan-Slak

Georgia Way

## ZBA-23-02

**To:** City of Pueblo Zoning Board of Appeals  
**From:** Bart Mikitowicz, Senior Planner  
**Through:** Scott Hobson, Land Use Administrative Official  
**Date:** 2/28/2023  
**Request:** **A Limited Use Permit to allow a Homebased Business (Beauty Salon) in a Single-family (R-2) Zone District**  
**Site Location:** 2020 W 20th St, Pueblo, CO 81003  
**Legal Description:** LOTS 1 + 2 BLK 67 ROSEDELL SUB  
**Year Built:** 1997  
**Applicant:** Santhanee Chicwchan  
**Property Owner:** Santhanee Chicwchan  
**Zone District:** Single Family (R-2) Zone District

### BACKGROUND AND ANALYSIS

The applicant, Ms. Chicwchan, would like to establish a home-based business, specifically, a beauty salon in a Single-family (R-2) Residential Zone district. A home-based business means an accessory use carried on in a single or two-family residential structure only by the residents thereof; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit, does not change the character thereof, or affects the residential character of the neighborhood. However, a home-based business is a Conditional Use Permit in a R-2 zone district and according to Sec. 17-4-5, (e), (23), the home-based business is not allowed to be conducted in an accessory structure and customers or clients are not permitted to visit the home. Since the beauty salon is proposed to be located in the detached garage behind the home and the applicant will have clients visiting the residential property; it cannot meet the conditions and receive the Conditional Use Permit. Nevertheless, Sec. 17-4-5 (e) (23) o. states that "Noncompliance with the above requirements will require a limited use permit;" thus, the applicant is applying for a Limited Use Permit (LUP) at this location.

2020 W 20th St is a one thousand one hundred three square foot (1,104 sqft) single-family home built in 1997. Located on the west side in the Rosedell Subdivision. The subject property is a one-story ranch home building on the corner of 20th Street and Adee Ave. and the rear portion of the home is entirely enclosed by a 6-foot opaque fence. The beauty salon use would wholly be contained within the detached garage located behind the home and adjacent to the alley. Customers will enter the salon from the side gate, adjacent to Adee Ave. The applicant is proposing a three-foot by three-foot sign to be placed on the entrance gate to direct customers into the salon. . According to the applicant, all customers will be served by appointment only and the hours of operation will be 9:00 a.m. to 7:00 p.m., Monday through Saturday. The applicant anticipates four to five customers per day. There are no proposed modifications to the residence or garage.

### ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Flood Plain (S-3) Zone District	Single Family Residence
East	Flood Plain (S-3) Zone District	Single Family Residence
South	Single-family Residential (R-2) Zone District	Single Family Residence
West	Single-family Residential (R-2) Zone District	Single 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.

**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. The salon will be accessed via Adee Ave.**

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, which is gated. The applicant intends for her customers to park along Adee Ave. to access the salon through the side gate. The site has a 120-foot frontage along Adee Ave, which is adequate room for one client to park at a time.**

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

**Comments: Affirmative finding. All refuse is collected and maintained on-site through residential touts.**

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

**Comments: Affirmative finding; utilities are established, but there is no plan for any additional structures, water, or electrical service.**

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

**Comments: Affirmative finding. This is a wholly interior use, no screening or buffering is required.**

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; the applicant is proposing a three foot by three-foot sign, which is generally consistent with the size of a political yard sign. The sign will be located along Adee Ave. directing customers to the salon and is not intended to be used as an advertisement for passing traffic.**

7. Required yards and other open space.

**Comments: Affirmative finding. This is a wholly interior use, yards and open spaces will not be affected.**

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

**Comments: Affirmative finding. The proposed beauty salon will have no negative effects on the surround properties.**

**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:

1. No person other than members of the family residing on the premises shall be engaged in the business.
2. Hazardous chemicals or materials shall not be permitted.
3. There shall be no change in the outside appearance of the building or premises, other visible evidence of the conduct of such home business.
4. No outside storage, display or work and there shall be no visual evidence of a business being conducted on the premises.
5. No activity shall be carried on and no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In case of electrical interferences, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
6. Commercial vehicles are not permitted to be stored at the residence.
7. Only one customer allowed, by appointment, at the salon at one time.
8. Only one sign is permitted at a maximum size of three feet by three feet.
9. Hours and days of operation are limited to Monday through Saturday, 9:00 a.m. to 7:00 p.m.

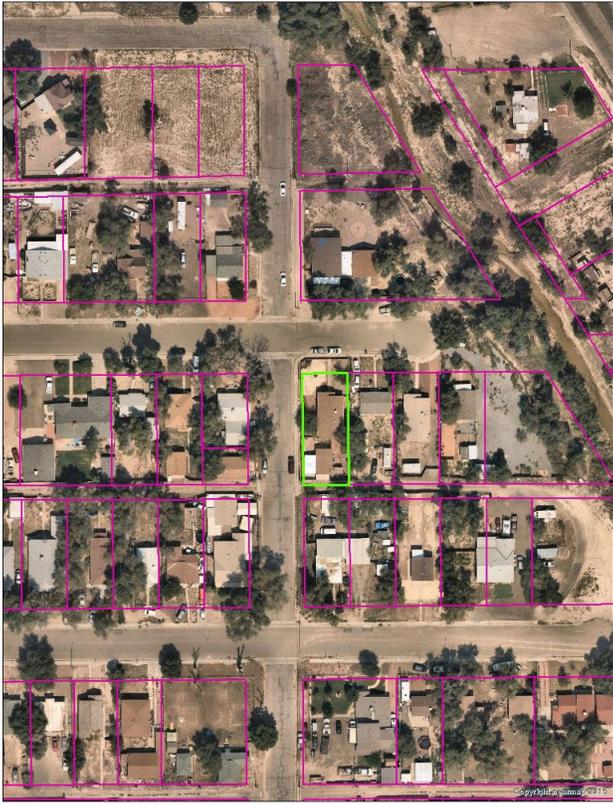
**ATTACHMENTS**

- 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**

<b>Standard Permit Conditions</b> Date of Issuance of Permit: <b>2/28/2023</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>2/28/2024</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.

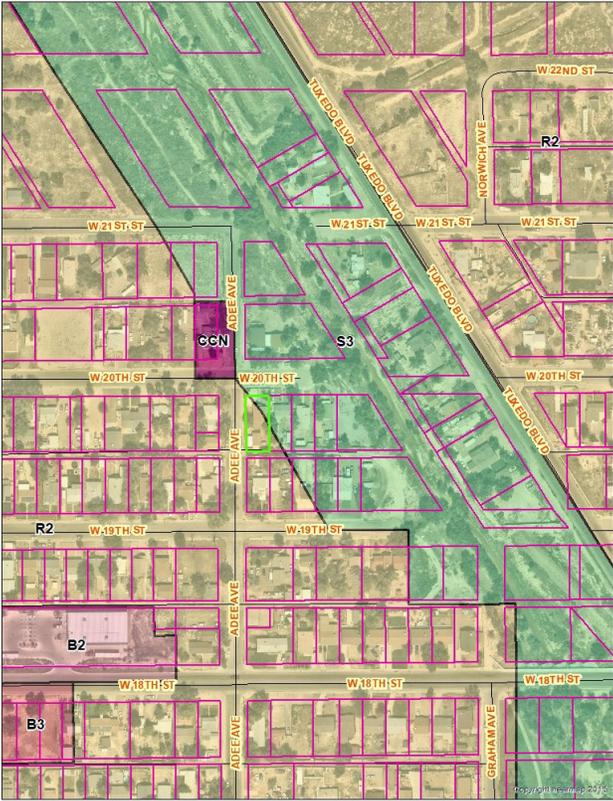
**Exhibit B. Site Map**



**Exhibit C. Aerial Map**



**Exhibit D. Zoning Map (Zoning Map Amendments Recommended)**



**Exhibit E. Comprehensive Plan Map**



**Exhibit F. Public Notice**



**Exhibit G. Site Photos**



All photos taken from W 20<sup>th</sup> St

Exhibit H. Application



01/04/2023

23-2

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Jan 4, 2023

Applicant

Santhanee Chiawchan
schiawchan@yahoo.com
2020 W.
20 Th Street
Pueblo, COLORADO 81003
7192140409

Primary Location

2020 W 20TH ST
PUEBLO, CO 81003

Owner:

Santhanee Chiawchan
2020 West 20 Th Street PUEBLO , CO 81003-3827

Internal

ZBA Case Number

ZBA-23-02

Planner Assigned

--

ZBA

Hearing Date

02/28/2023

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

