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## ZBA-23-26

**To:** City of Pueblo Zoning Board of Appeals  
**From:** Bart Mikitowicz  
**Through:** Scott Hobson, Land Use Administrative Official  
**Date:** 7/25/2023  
**Request:** **A Limited Use Permit to allow for a Home Based Business in a Single Family Residential (R-2) Zone District**  
**Site Location:** 2227 N Elizabeth St, Pueblo CO 81003  
**Legal Description:** **N 1/2 LOT 31 ALL 32 DANIELS + OTHERS RESUB**  
**Year Built:** 1925  
**Applicant:** Kimberlee Balagat  
**Property Owner:** Kimberlee Balagat  
**Zone District:** Single Family Residential (R-2) Zone District

### BACKGROUND AND ANALYSIS OF REQUEST

2227 N Elizabeth St, Pueblo CO 81003 is a 1,314-sf. Single Family Home built in 1925. The applicant is requesting a Limited Use Permit to allow for a Home-based Business (Therapy) 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.

The residence was built in 1925 and does not meet the district standards for setbacks and the lot does not meet the R-2 standards for width; therefore, the lot is legal non-conforming based on the location of the structure and the width of the lot. A very small, attached garage was constructed with the home and is located adjacent to 23<sup>rd</sup> Street within the second front yard setback. At some point, the previous owners of the residence converted the attached garage into living space. The applicant intends to expand the use of the property to include operating a home-based therapy business that would have appointments for clients within the home. The applicant feels the business could be a valuable addition to the neighborhood. Staff have recommended conditions of hours of operation and signage.

### ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Single-Family Residential (R-2) Zone District	Single-family homes
East	Single-Family Residential (R-2) Zone District	Single-family homes
South	Single-Family Residential (R-2) Zone District	Single-family homes
West	Single-Family Residential (R-2) Zone District	Single-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.

**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 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: Neutral finding. While there is clear pedestrian access to the property, there is no available vehicular access or off-street parking for the site.**

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. There is no off-street parking currently constructed on the property for either the resident of the home or for the therapy business clients. The applicant has applied for a concurrent parking variance to bring the property into compliance with the residential code.**

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

**Comments: Affirmative finding. The applicant intends to use a typical residential trash can and services.**

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

**Comments: Affirmative finding. The applicant attests that utilities are already being serviced to the property.**

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

**Comments: Affirmative finding. The property would be the same as residential properties in the area.**

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 has submitted an application for the approval of a small 3' x 3' monument sign which would be permitted.**

7. Required yards and other open space.

**Comments: Affirmative finding. The existing structure on the parcel conforms with lot coverage and open space requirements.**

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

**Comments: Neutral finding. The proposed use of the structure as a single-family home is generally compatible with neighboring properties. While it is directly adjacent to other single-family homes the area, this section of the city is associated with a neighborhood containing other medical offices.**

**PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION**

If the Board chooses to approve this Special Use Permit staff recommends Standard Permit Conditions 1 through 13 and the following conditions:

1. Hours of operation are limited to 7:00 AM to 7:00 PM
2. Number of onsite clients is limited to one at a time

**ATTACHMENTS**

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

**Exhibit A. Standard Permit Conditions**

<b>Standard Permit Conditions</b> Date of Issuance of Permit: <b>7/25/2023</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>7/25/2024</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. Zoning Map



**Exhibit D. Comprehensive Plan Map**



**Exhibit F. Public Notice**



**Exhibit G. Site Photos**





Exhibit H. Application



City of Pueblo PLACE

6/14/2023

**23-111**

Zoning Board of Appeals -  
Special Use Permit &  
Variances  
Status: Active  
Submitted On: 6/14/2023

**Primary Location**

2227 N ELIZABETH ST  
PUEBLO, CO 81003

**Owner**

Kim Balagat  
420 S Pin High Dr 420 S Pin  
High Dr, 420 S Pin High Dr  
Pueblo West, CO 81007

**Applicant**

Kim Balagat  
 719-582-0959  
 balagatkim@gmail.com  
 2227 N Elizabeth St.  
Pueblo , CO 81003

**Internal**

**ZBA Case Number**

ZBA-23-26

**Planner Assigned**

-

**Address Validation by GIS?**

**ZBA**

**Hearing Date**

07/25/2023

**Hearing Results**

-

**Board Conditions**

**Appeal Term End Date**

-

**Permit Completion Date**

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Exhibit I. Supporting Documents



# SIGN RENDERING

