

ZBA-23-38

To: City of Pueblo Zoning Board of Appeals
From: Mikaylin Hackley, Planner
Through: Scott Hobson, Director of Planning
Date: 9/26/2023
Request: **A Limited Use Permit to allow for a home-based business in a Single-Family Residential (R-2) Zone District**
Site Location: 2109 W. 13th St, Pueblo, CO 81003
Legal Description: LOTS 31 + 32 BLK 16 ADEE CHAMBERLIN + WILEYS 2ND
Year Built: 1963
Applicant: Robert Stening
Property Owner: Laura Stening
Zone District: Single-Family Residential (R-2) Zone District

REQUEST BACKGROUND

The applicant is requesting a limited use permit to operate a home-based business for music lessons and instrument repair. The business would be entirely operated out of the residential property at 2109 W. 13th St., a single-family home owned by the applicant's wife surrounded by other residential properties. Mr. Stening is already engaged in the local community doing instrument repairs and is applying for a business license to expand this work and provide private music lessons.

ANALYSIS OF REQUEST

A home-based business is a conditional use in an R-2 district; however, because the applicant intends to have customers come to the home, a condition that falls outside the scope of home-based business conditions (17-4-51 (d) (23) a limited use permit is required. Mr. Stening explained that he would have no more than one customer on the premise at a time, both for instrument drop off and pickup and the private music lessons. There is adequate off-street parking to accommodate a customer vehicle. No one else will be conducting business on the property, and Mr. Stening indicated that all business would be conducted between 9am and 6pm on any given day of the week. Based on the proposed nature and scope of the business, staff does not have any concerns with granting this limited use permit.

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 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. Vehicle and pedestrian traffic would be affected no differently by occasional guests to 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: Affirmative finding. The carport and paved driveway provide adequate off-street parking to accommodate one customer at a time.

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

Comments: Affirmative finding. The residence already receives typical residential trash services and the proposed used would not generate any significant additional refuse.

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

Comments: Affirmative finding. The residence already receives typical residential utilities and the proposed used would not significantly affect utility usage.

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

Comments: Affirmative finding. The property will still operate primarily as a residence and does not need to provide any buffering to neighboring properties.

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 does not intend to install any signs.

7. Required yards and other open space.

Comments: Affirmative finding. The proposed use would occur entirely inside the property, so yards and open spaces would not be affected.

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

Comments: Neutral finding. Adjacent properties are all zoned residential. However, the nature of the proposed business should not interfere with the characteristics of a residential neighborhood.

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:

1. Hours of operation are limited to the hours of 9:00 a.m. to 6:00 p.m.
2. No more than two customers will be on the premises at a time.

ATTACHMENTS

- A. Standard Permit Conditions
- B. Aerial 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

Standard Permit Conditions Date of Issuance of Permit: 9/26/2023	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 9/26/2024
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 Photo



Exhibit G. Application

MUNICIPAL GOVERNMENT **City of Pueblo PLACE** OFFICE 9/5/2023

<p>23-172 Zoning Board of Appeals - Special Use Permit & Variances Status: Active Submitted On: 8/31/2023</p>	<p>Primary Location 2109 W 13TH ST PUEBLO, CO 81003</p> <p>Owner Laura Stening W 13TH ST 2109 PUEBLO , CO 81003</p>	<p>Applicant Robert Stening 719-553-7918 steningmusic@gmail.com 2109 W 13TH ST Pueblo, CO 81003</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Internal

ZBA Case Number	Planner Assigned
ZBA-23-38	Planner 5
Address Validation by GIS?	
<input type="checkbox"/>	
ZBA	
Hearing Date	Hearing Results
09/26/2023	-

Exhibit H. Supporting Documents

