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ZBA-24-07

To: City of Pueblo Zoning Board of Appeals
From: Beritt Odom
Through: Scott Hobson, Land Use Administrative Official
Date: June 25, 2024
Request: **A Limited Use Permit to allow commercial signage for a home-based business in a Single Family Residential (R-2) Zone District**
Site Location: 2029 N. Elizabeth St., Pueblo, CO 81003
Legal Description: N ½ Lot 30, All of Lots 31 and 32, Block 18 Dundee Pl
Year Built: 1903
Applicant: Daniel Sandoval
Property Owner: Daniel Sandoval
Zone District: Single Family Residential (R-2) Zone District

BACKGROUND AND ANALYSIS

The applicant, Mr. Sandoval, is requesting a Limited Use Permit to allow a commercial sign advertising their residential painting business to be located in the front yard of their residence. The applicant applied for a home-based business, which is allowed as a conditional use in the R-2 Zone District. Home-based business conditions include the restriction that “signage is not permitted unless located on a vehicle and is less than two square feet,” (Section 17-4-51, (e) of the Pueblo Municipal Code). A limited use permit is required if the home-based business applicant is unable to comply with all conditions. Because the applicant would like to have a commercial sign in their front yard, they are requesting a limited use permit to allow the proposed sign with their home-based business.

The applicant is proposing a four-foot by eight-foot sign, which will be located in the western portion of the front yard. According to the site plan, it appears that the sign will be located entirely within the property boundaries and will not inhibit sightlines for pedestrians or motorists. The municipal code conditions for a home-based business restrict the conducting of business in accessory structures, outside displays and commercial storage of equipment, activities that create noise, odor, or glare, the parking of commercial vehicles at the residence, employees and customers coming to the home, and on-site sale of materials and supplies. If the applicant complies with all of these other applicable conditions, the only indication of a business being located within the residence would be the proposed sign.

ZONING DISTRICT AND LAND USE

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

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 property has a driveway adjacent to the southern property line, accessed from N. Elizabeth Street.

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 property has parking areas behind the home, which is accessed from the driveway leading to Elizabeth St. The proposed home-based business is a residential painting business; therefore the applicant will be traveling to customers’ homes to conduct business. No glare, noise or odor is anticipated to stem from the proposed painting business.

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

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

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: Negative finding; the applicant is proposing a four-foot by eight-foot sign, which is larger than typical political or real estate signs both commonly found in residential neighborhoods. There is no other commercial signage within the immediate neighborhood.

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: Neutral finding. The home-based business conditions generally prohibit activities that indicate a business is being conducted within the residence; however, the commercial sign advertising their

painting business will indicate that a business is taking place at the residential property, which conflicts with the intent of the home based business conditions. The business is a residential painting business; therefore, all painting will take place off-site.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses to approve this Limited Use Permit staff recommends Standard Permit Conditions 1 through 13 and the proposed staff condition:

1. The sign must be completely contained within the private property and may not inhibit the sightlines of pedestrians, bicyclists, or motorists.

ATTACHMENTS

- A. Standard Permit Conditions
- B. Site Map
- C. Zoning Map
- F. Public Notice Photo
- G. Site Photos
- H. Application
- I. Supporting Documents

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 6/25/2024	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 6/25/2025
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. Site Map

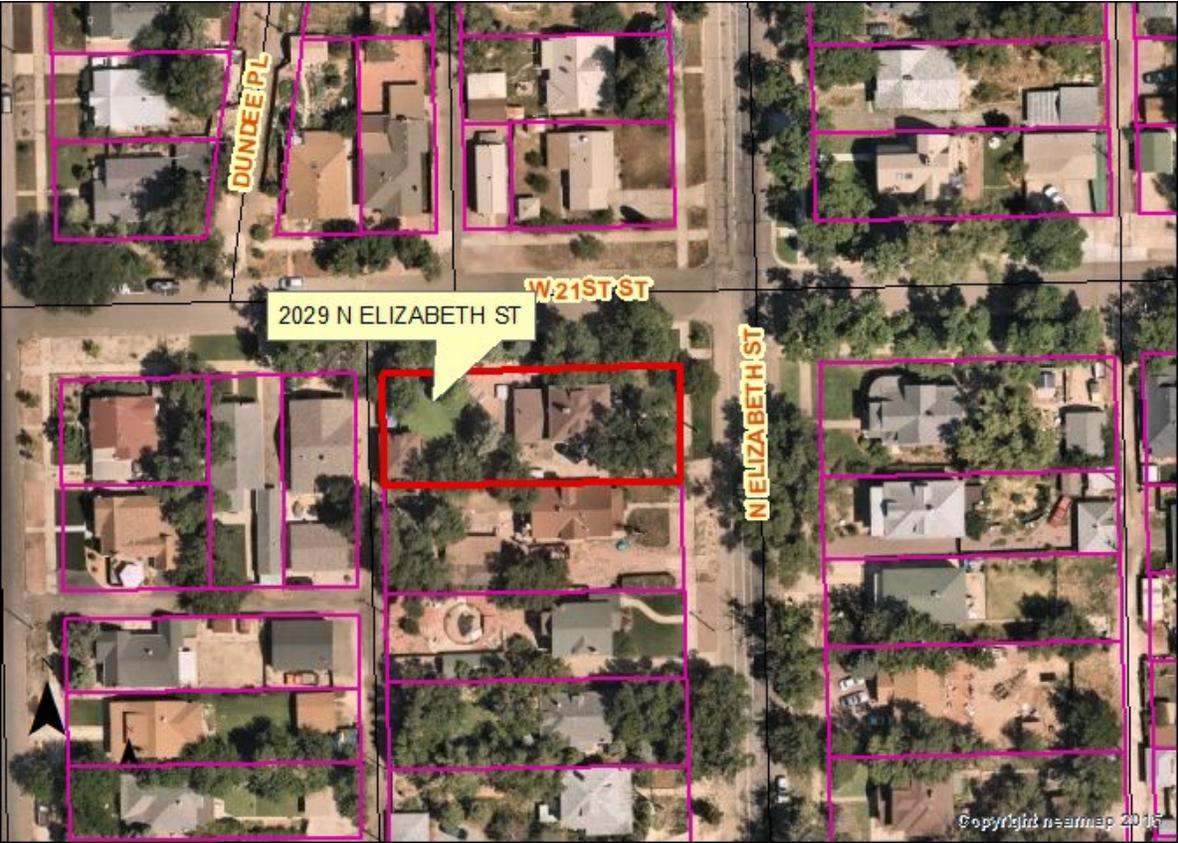


Exhibit C. Zoning Map

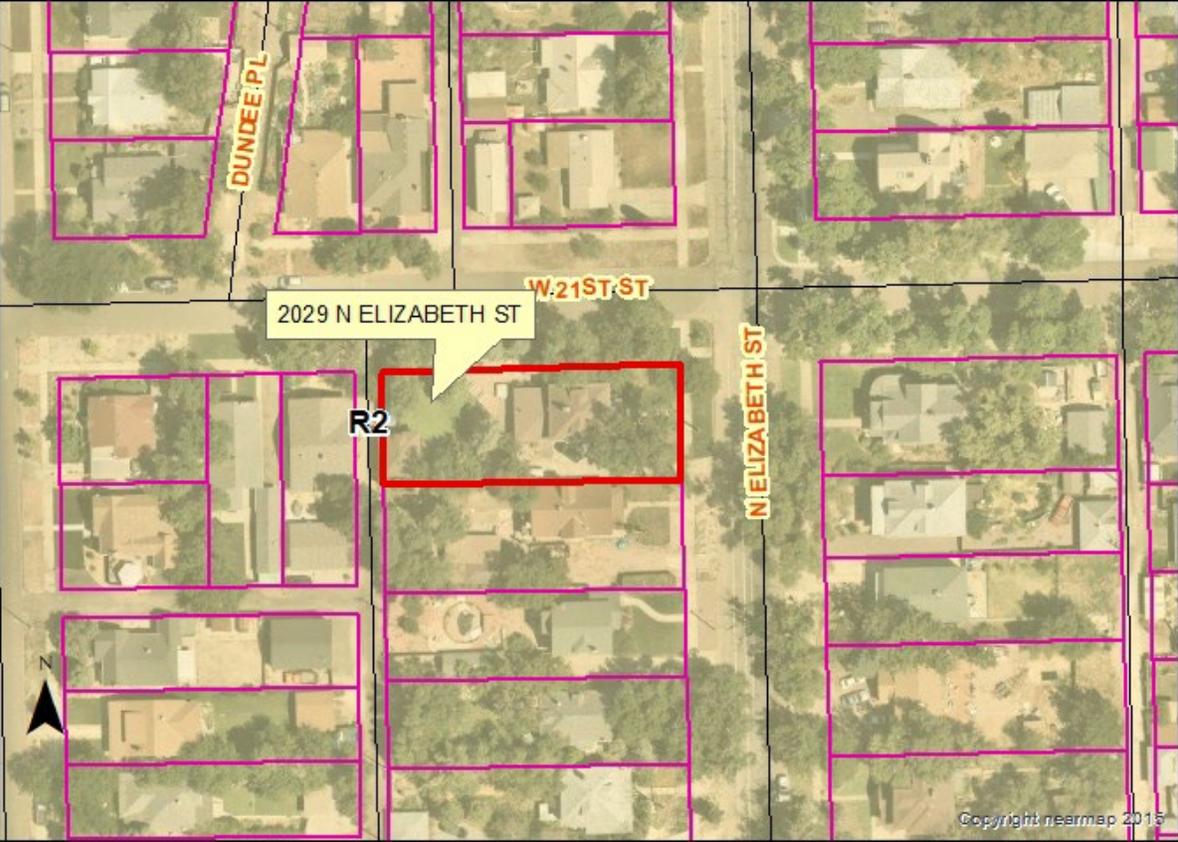


Exhibit C. Comp Plan Map



Exhibit F. Public Notice



Exhibit G. Site Photos



Exhibit H. Application



City of Pueblo PLACE

1/23/2024

24-23
Zoning Board of Appeals -
Special Use Permit &
Variances
Status: Active
Submitted On: 1/23/2024

Primary Location
2029 N ELIZABETH ST
PUEBLO, CO 81003
Owner
SANDOVAL DANIEL J
2029 N ELIZABETH ST
PUEBLO , CO 81003-4058

Applicant
Daniel Sandoval
719-358-8418
reflections.22@me.com
2029 N. Elizabeth Street
Pueblo, CO 81003

Internal

ZBA Case Number

ZBA-24-07

Planner Assigned

-

Address Validation by GIS?

ZBA

Hearing Date

02/27/2024

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

🔒 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?

—

Scope of Work

Type of Request*

Use by Review (Special/ Limited Use Permit)

Type of Use by Review*

Special Use Permit

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

na

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

na

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.*

yard sign visable from the street

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

na

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

Due to small size it will be compatible to the residential neighborhood

Terms

Is the applicant and property owner the same?*

Yes

Applicant/Property Owner Signature*

 Daniel Sandoval
Jan 23, 2024

Attachments



Site plan
brochure-design-template-mockup-vector_53876-61567.avif
Uploaded by Daniel Sandoval on Jan 23, 2024 at 2:46 PM

REQUIRED

Exhibit I Supporting Documents



Yard sign location

N ELIZABETH ST

W 21ST ST

W 21ST ST

