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Georgia Way

ZBA-24-42

Hearing Date: 7/23/2024

TO: City of Pueblo Zoning Board of Appeals
FROM: Mikaylin Hackley
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 10 Nona Brooks Dr. Unit E
APPLICANT: Pattie Fimple
PROPERTY OWNER: Pattie Fimple
YEAR BUILT: 2000
LEGAL DESCRIPTION: LOT 5 BLK 1 NONA BROOKS PLACE, A SPECIAL AREA PLAN + 1/26 INT IN PAR A, B, C, + D FORMERLY 15-091-21-001 THRU -005
ZONE DISTRICT: Mixed Residential (R-4) Zone District
PARCEL ID: 1509134005
LOT SIZE: 4173

REQUEST:	Limited Use Permit to allow for a Home-Based Business in a Mixed Residential (R-4) Zone District
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BACKGROUND

The applicant is requesting a limited use permit to operate a home-based business for piano lessons. The business would be entirely operated out of the residential property at 10 Nona Brooks Dr. Suite E, a residential property that the applicant owns and lives in. The applicant has already begun the application process to obtain a business license, and should this Limited Use Permit be approved, they will be responsible for completing that application to come into compliance.

ANALYSIS

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. The applicant attests that no more than one student would be on the property at a time receiving lessons. The homeowner parks their personal vehicle in the attached garage, so there is an off-street parking space in the driveway available for that customer. No one but the homeowner will be conducting business on the property, and the applicant indicated that lessons are only given Wednesday and Friday afternoons, ending by 5:00p.m. Based on the nature and scope of the business, the proposed use appears to be appropriate for the property as the impact is similar to any other residential property hosting occasional visitors at home.

ZONE DISTRICT AND LAND USE

Zone:		Developed with:
North	Mixed Residential (R-4) Zone District	One- and Two- Family Homes
East	Mixed Residential (R-4) Zone District	One- and Two- Family Homes
South	Single-Family Residential (R-2) Zone District	Single-Family Homes
West	Mixed Residential (R-4) Zone District	One- and Two- 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: Affirmative finding. The proposed use would not increase local traffic any more than any other residential property hosting the occasional guest.

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 applicant parks their personal car inside the attached garage, so there is an off-street parking space for patrons in the driveway.

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

Comments: Affirmative finding. The property has standard residential trash service, and the proposed used would not generate an increase in waste.

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 or lighting.

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 Special Use Permit staff recommends Standard Permit Conditions 1 through 13 and the following staff condition:

1. Hours of operation shall be limited to 12:00p.m. to 7:00p.m. on weeknights only.

ATTACHMENTS

- A. Standard Permit Conditions
- B. Site Map
- C. Aerial Map
- D. Zoning Map
- E. Comprehensive Plan 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: 7/23/2024	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 7/23/2025
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 D. Zoning Map



Exhibit E. Comprehensive Plan Map



Exhibit F. Public Notice



Exhibit G. Site Photos



Exhibit H. Application



City of Pueblo PLACE

June 27, 2024

24-137
Zoning Board of Appeals
- Special Use Permit &
Variances
Status: Active
Submitted On: 6/27/2024

Primary Location
10 NONA BROOKS DR Unit UNIT
E
PUEBLO, CO 81005
Owner
FIMPLE PATTIE G LIFE
ESTATE/FIMPLE
10 NONA BROOKS DR UNIT E
PUEBLO , CO 81005-2188

Applicant
Pattie Fimple
719-404-0505
pattiefimple@gmail.com
10 Nona Brooks Dr Unit E
Pueblo, Co 81005

Internal

ZBA Case Number
ZBA-24-42

Planner Assigned
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Exhibit I. Supporting Documents

City of Pueblo logo and address: FINANCE DEPARTMENT/SALES TAX DIVISION, P.O. BOX 1427, PUEBLO, CO 81002. Includes checkboxes for SALES AND USE, USE TAX, and EXEMPT. Handwritten business information for Pattie Fimple, including address 10 Nona Brooks Place Unit E, Pueblo CO 81005.