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## Zoning Board of Appeals

### ZBA-26-09

Hearing Date: 3/24/2026

**TO:** City of Pueblo Zoning Board of Appeals  
**FROM:** Beritt Odom, Director  
**THROUGH:** Beritt Odom, Land Use Administrative Official  
**LOCATION:** 524 W Grant Ave  
**APPLICANT:** Frieda Parker  
**PROPERTY OWNER:** Frieda Parker and Kari Flesch  
**YEAR BUILT:** 1940  
**LEGAL DESCRIPTION:** SELY 63.45 FT OF NWLY 126.90 FT OF LOTS 1 TO 4 BLK 72 COLORADO COAL + IRON COMPANYS ADDITION NO 1  
**ZONE DISTRICT:** Single-Family Residential (R-2) Zone District  
**PARCEL ID:** 535404002  
**LOT SIZE:** 6,534 sq ft

<b>REQUEST:</b>	Limited Use Permit to allow a Home-Based Business in a One- and Two-Family Residential (R-2) Zone District
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#### BACKGROUND

The applicant is requesting a limited use permit to operate a home-based Chinese energetic business, in which clients are treated within the home. According to the applicant, she treats one client at a time by appointment, and each treatment session lasts between one and two hours. The treatments are similar to massage treatments; the client is treated on a massage table in a dimly lit room with soft instrumental music. The applicant states that her clientele will be similar to a friend visiting the home and the sessions will not produce any sound, light, odor, or other visible evidence that a business is being conducted from the home. The exterior of the house will not be modified, and clients may park either in the driveway or on-street along Grant Ave.

#### STAFF ANALYSIS

A home-based business is a conditional use in an R-2 Zone District; however, because the applicant intends to have customers come to the home for treatment, the use does not comply with the home-based business conditions as stated in Section 17-4-51, (e), (23), l., which prohibits customers or clients from visiting the home for services or goods. Because the applicant wishes to treat one client at a time at the home, she is applying for a Limited Use Permit as allowed by 17-4-51, (e), (23), o. The applicant attests that customers of the Chinese energetic business may park in the residential driveway, which is approximately 70+ feet long, or on-street along Grant Ave. in front of the home. The applicant states that the appearance of the residence will not be altered to indicate that a business is taking place within the home, and no signs will be posted on the home or residential property.

Because the proposed business is operated by appointment only one client is seen at each time, and at least two off-street parking spaces are provided on the private property, staff does not anticipate negative externalities stemming from the proposed Chinese energetic home-based business request.

**SURROUNDING ZONE DISTRICTS AND LAND USES**

	Zone:	Developed with:
North	R-2 and R-3, Single Family Residential and One- and Two-Family Residential District	Single-family residential homes
East	R-3, Single Family Residential	Single-family residential homes
South	R-2, Single Family Residential	Single-family residential homes
West	R-2, Single Family Residential	Single-family residential 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.

**REVIEWING AGENCIES**

City Code Enforcement	No comment
City Parks and Recreation Department	No comment
City Public Works Department	No comment
City Stormwater Department	No comment
City Transportation	No comment
City Wastewater Department	No comment
Fire Department	No comment
Pueblo Board of Water Works	No comment
Pueblo City/County Health	No comment
Pueblo Regional Building Department	No comment

**CONDITIONS REQUIRED FOR SPECIAL USE PERMIT**

- 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. Ingress and egress to the property is provided via a 70+ foot paved driveway located adjacent to the northern property line. There isn't a paved path leading from the sidewalk adjacent to Grant Ave. to the front door; however, clients parking on Grant Ave. can use the driveway to access the front and rear doors of the residence. The proposed use will not have an impact on traffic flow and control in case of catastrophe.**
- 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 residence has a legal non-conforming single-car garage and carport that are accessed from a long driveway, approximately 30-feet of which is located outside of the front setback. The applicant states that clients may park in the driveway or on Grant Ave. The driveway provides a minimum of two parking spaces outside of the front setback and parking structures. The ample parking afforded by the site will ensure noise and glare affecting neighboring properties is minimized.**
- Refuse and service areas, with reference to the items above.  
**Comments: Affirmative finding. A residential refuse tote is located by the garage and is wheeled to Grant Ave. for weekly pick-up service.**

4. Utilities, with reference to the location's availability and compatibility.  
**Comments: Affirmative finding. All residential utilities are in place and actively connected.**
5. Screening and buffering with reference to type, dimensions, and character.  
**Comments: Affirmative finding. The proposed Chinese energetic treatments are located in the residence, with one client coming to the home at a time for treatment. Screening and buffering are not necessary for the proposed use as noise, odor, and glare will not be generated from the proposed business.**
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. According to the applicant, the house and business will not have any exterior signs.**
7. Required yards and other open space.  
**Comments: Affirmative finding. The front, rear, and southern side-yards are open as required by the municipal code. A legal non-conforming one-car garage and carport are located in the northern side-yard setback.**
8. General compatibility with adjacent properties and other properties in the district.  
**Comments: Affirmative finding. The proposed Chinese energetic business is not anticipated to change the residential character of the residence or neighborhood. Patients are seen by appointment one at a time, which is not anticipated to increase traffic or parking congestion at the site.**

#### **PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION**

If the Board makes the necessary findings of fact to approve this special use permit, staff recommends Standard Permit Conditions 1 through 13 and the following home-based business conditions:

1. No person other than the 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. The business may not be conducted in an accessory structure; however, an accessory structure may be used for storage of items normally found at a single-family residence.
5. No outside storage, display or work and there shall be no visual evidence of a business being conducted on the premises.
6. 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.
7. Commercial vehicles are not permitted to be stored at the residence.
8. Signage is not permitted unless located on a vehicle and is less than two (2) square feet.
9. The Chinese energetic business, located within the residence, must be clearly incidental and subordinate to its use for residential purposes by its occupants.
10. Not more than 25% of the net floor area of the dwelling unit shall be used in the conduct of the business.
11. Only one Chinese energetic business client may be seen at one time and all clientele must be seen by appointments, a walk in service is not permitted.
12. Business hours are limited to 7:00 a.m. to 7:00 p.m. daily

**ATTACHMENTS**

A. Standard Permit Conditions

B. Aerial Map

C. Zoning Map

D. Comprehensive Plan Map

E. Public Notice Photo

F. Site Photos

G-H. Application & Supporting Documents

**Exhibit A. Standard Permit Conditions**

<b>Standard Permit Conditions</b> Date of Issuance of Permit: <b>3/24/2026</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>3/24/2027</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. Aerial Map

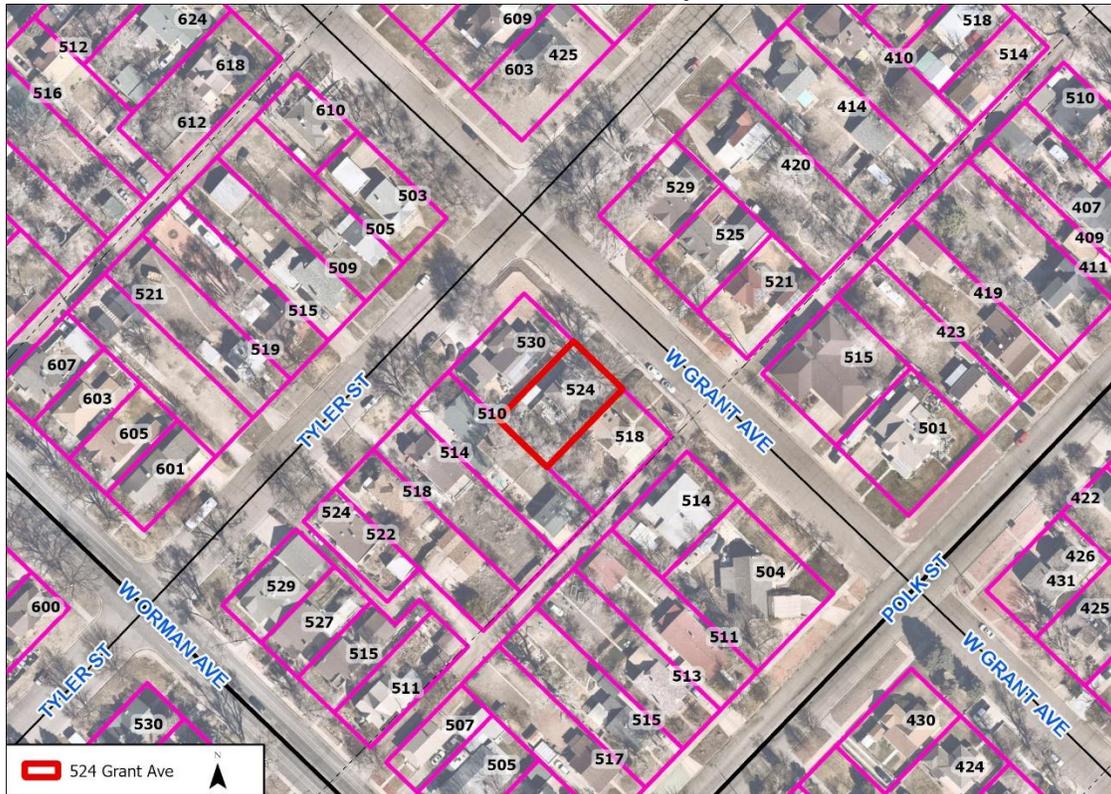
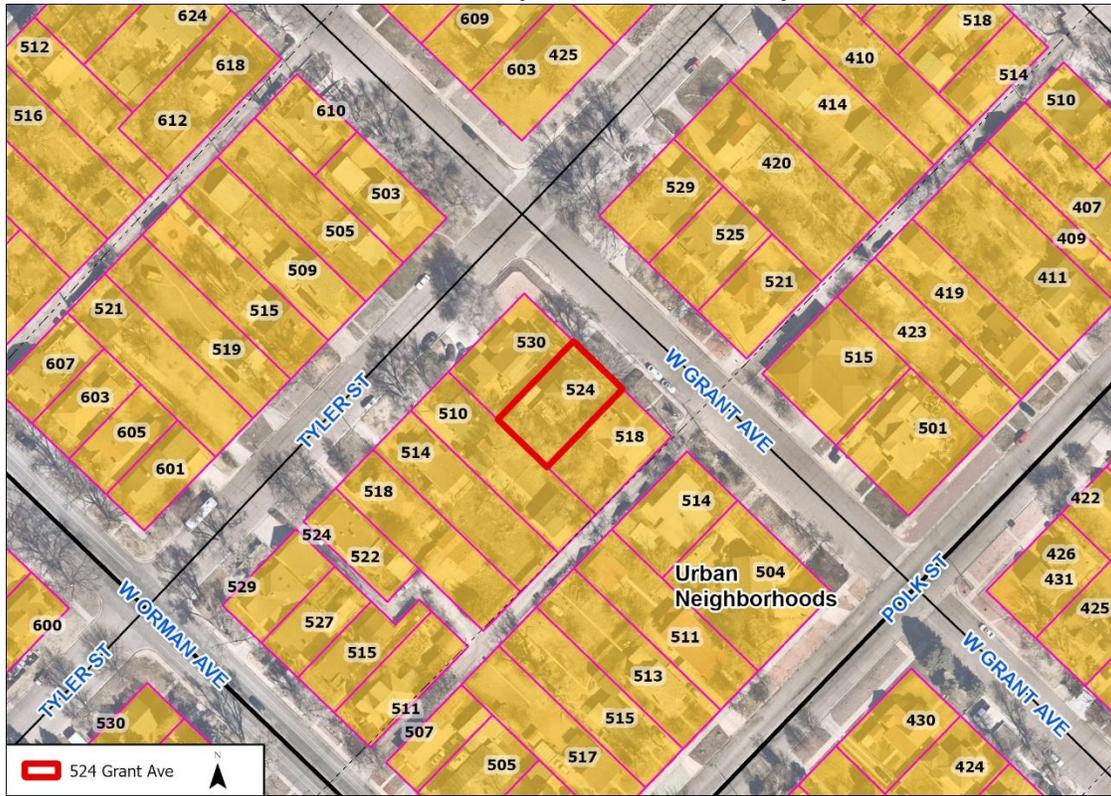


Exhibit C. Zoning Map



### Exhibit D. Comprehensive Plan Map



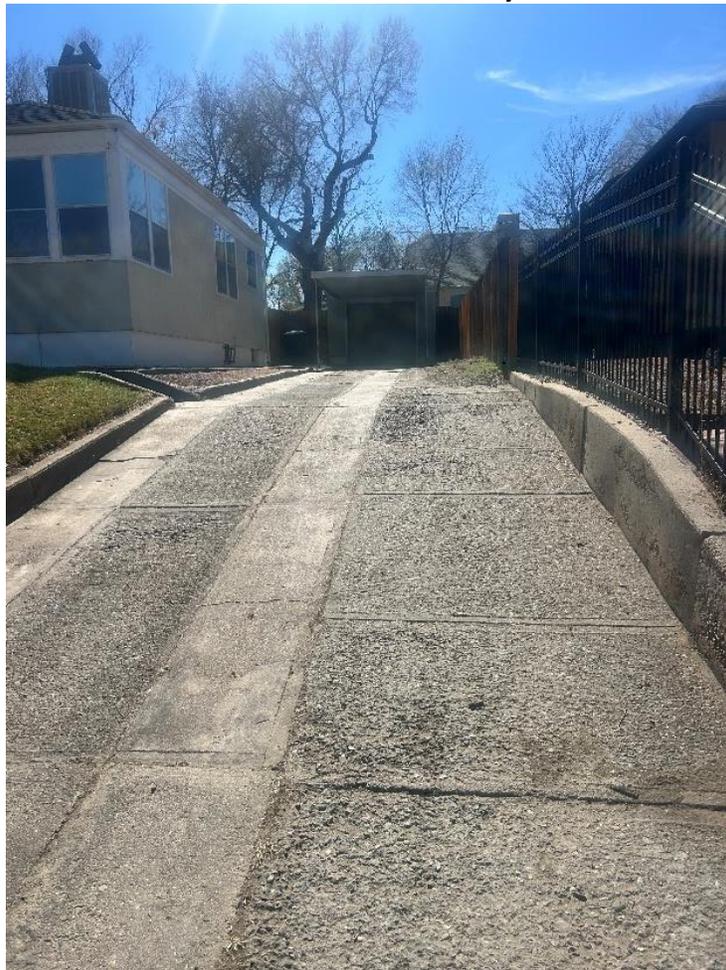
### Exhibit E. Public Notice



**Exhibit F. Site Photos-view of residence from Grant Ave.**



**Exhibit F. Site Photos-view of driveway from Grant Ave.**



**Exhibit F. Site Photos-view of residential backdoor and refuse tote from driveway**



**Exhibits G-H. Application & Supporting Documents**

To view the Application and Supporting Documents, please contact Planning at [planninglanduse@pueblo.us](mailto:planninglanduse@pueblo.us) or visit us at 101 W. Riverwalk Place.