

# **Resolution No. 2013-02**

## **APPROVING A WAIVER PERMIT FOR DEBRA WHITMORE**

**WHEREAS**, Debra Whitmore has applied for a Waiver Permit in accordance with Sec. 4-9 of the Creede Land Use Code to operate Whitmore's bookkeeping and financial planning businesses ("Application") in a residence located at 112 E. First Street, lots 3 & 4 in Block 5, South Creede ("Property") and do not intend to use such Property for residential use; and

**WHEREAS**, the Property is currently zoned Residential District, Single-Family (R-1) which does not permit professional offices and financial services; and

**WHEREAS**, the Creede Planning & Zoning Commission considered this Application at their December 11<sup>th</sup>, 2012 meeting and took action to recommend approval of such Conditional Use by the Board of Trustees; and

**WHEREAS**, the Board of Trustees conducted a public hearing on February 5, 2013 after providing notice and considered all information and public comments before taking action on such application; and

**WHEREAS**, Section 4-9(c) of the Creede Land Use Code sets forth Waiver Criteria for Approval and the Board of Trustees finds that the Application meets the criteria for review because character of the proposed bookkeeping and financial planning businesses will not generate significant customer visits, traffic or business deliveries in excess of customary residential use and therefore will not alter the essential residential character of the neighborhood nor shall diminish the value, use or enjoyment of adjacent properties.

### **NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, A COLORADO TOWN, THAT:**

The Board of Trustees hereby grants a Waiver Permit to permit Debra Whitmore (Whitmore") to operate her bookkeeping and financial planning businesses at 112 E. First Street, South Creede, zoned "R-1" with the following conditions:

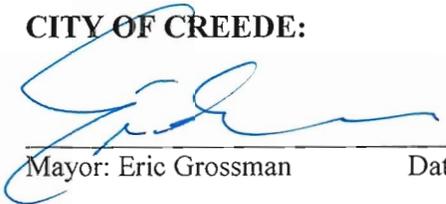
1. Whitmore shall provide to the City of Creede proof of ownership of the Property by providing a copy of the deed or a title insurance commitment before the commencement of the business use.
2. The term of this Waiver Permit shall commence with the date of when Whitmore obtains legal ownership and shall terminate upon the earlier to occur of any conveyance of the Property or upon the discontinuance of both the bookkeeping and financial planning businesses.

3. The Waiver Permit applies to the current structure only. Any change with the current footprint or expansion of the use area requires approval of the Board of Trustees.
4. The Waiver Permit shall permit a maximum of one and a half (1½) outside employees in addition to Debra Whitmore.
5. The Waiver Permit shall permit one (1) exterior sign displaying the name of the businesses which shall not exceed two (2) square feet in total area and which shall not be internally lighted.
6. The Waiver Permit may be revoked for failure to comply with the conditions stated herein after conducting a hearing on such revocation and providing written notice to Whitmore of the time and date of the hearing at least ten (10) days in advance and describing the nature of the alleged violations.

**APPROVED AND ADOPTED BY THE BOARD OF TRUSTEES THIS 5<sup>th</sup> DAY OF FEBRUARY, 2013**

**CITY OF CREEDE:**

**ATTEST:**

  
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Mayor: Eric Grossman                      Date      2/8/13

  
\_\_\_\_\_  
Clerk, Randi DePriest                      Date      2/8/13