

Administrative Hearing Staff Report

Meeting Date: March 20, 2019



**FILE NUMBER/
PROJECT NAME:** HOC-19-002

LOCATION: 7867 S. Prospector Drive

REQUEST: Conditional use approval to operate a home skincare spa business

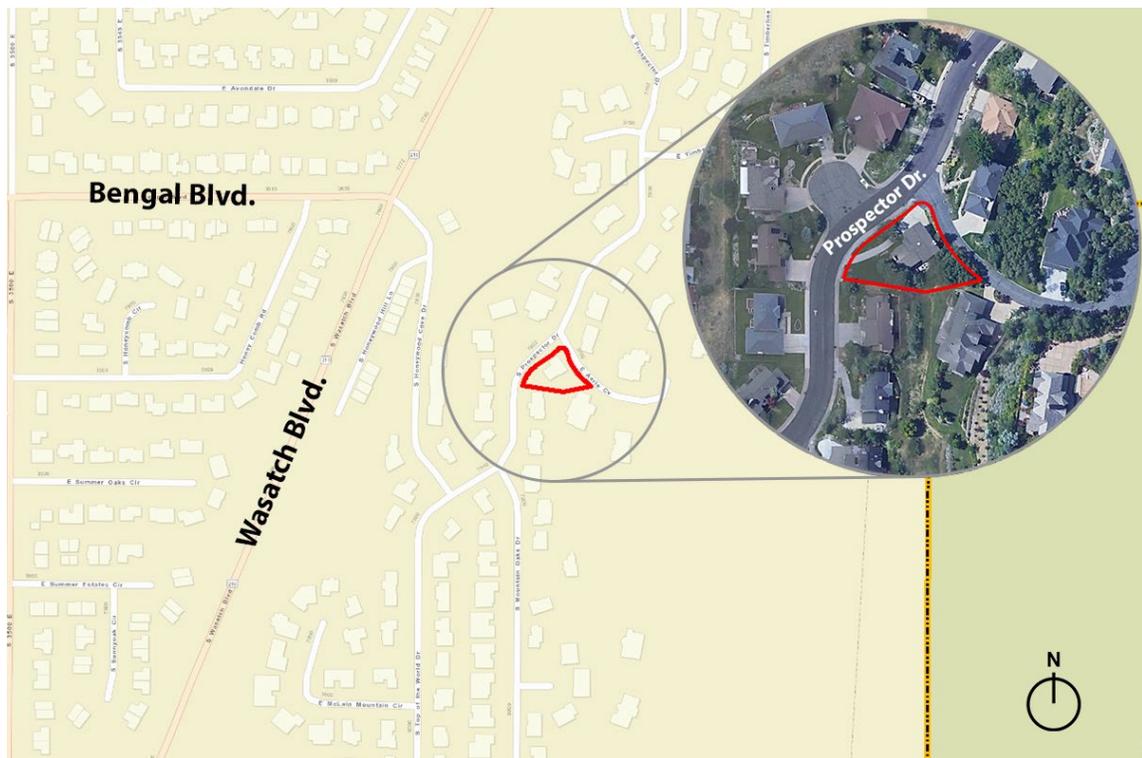
OWNER: Linda & Rodney Folkmann

APPLICANT: Linda Folkmann

RECOMMENDATION: APPROVE WITH CONDITIONS

APPLICANT'S PROPOSAL

The applicant is proposing to operate a home-based skincare spa Monday through Saturday from 9:00 a.m. to 8:00 p.m. The applicant is the only employee of the business and will see three clients per day with treatment sessions lasting two hours.



BACKGROUND

Zoning

The zoning designation of the property is R-1-8 (Single-Family Residential). Home occupations with clients are listed as a conditional use in the R-1-8 zone, as referenced is 19.26.030.E. Home occupations are allowed only if the proposed business is clearly secondary and incidental to the primary use of the property as the applicant's permanent and full-time place of residence.

Home healthcare clinics are considered home occupations. Requirements for home occupations are listed under section 19.76.040 F of the zoning ordinance.

F. Home occupations.

- 1. "Home occupation" means, (unless otherwise provided in this code) any use conducted entirely within a dwelling and carried on by one person residing in the dwelling unit and one additional person who may, or may not, reside in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes, and in connection with which there is no display nor stock in trade, "stock in trade" being any item offered for sale which was not produced on the premises.*
- 2. The home occupation shall not include the sale of commodities except those produced on the premises; provided, however, that original or reproductions of works of art designed or created by the artist operating a home occupation may be stored and sold on the premises. "Reproduction of works of art" includes, but is not limited to printed reproduction, casting, and sound recordings.*
- 3. The home occupation shall not involve the use of any accessory building, yard space or activity outside the main building if the use of accessory buildings or outside activity, for the purpose of carrying on a home occupation, violates the rule of the use being clearly incidental and secondary to the use of the dwelling or dwelling purposes.*
- 4. The director shall determine whether additional parking, in addition to the two spaces required per dwelling unit, is required for a home occupation and shall also determine the number and location of such additional parking spaces.*
- 5. The director will review all home occupations for compliance with the above items. If the proposed home occupation cannot meet any one of the above items, the director shall not approve the home occupation.*

Staff Analysis: The proposed home skincare spa will be required to conform in perpetuity to all of the above requirements, as found in the zoning ordinance. Violation of any of these requirements may lead to revocation of any conditional use permit and/or business license on the property.

Noticing

Property owners within 300 feet of the subject property were mailed notices at least 10 days prior to the public hearing, as required by 19.84.050.

IMPACT ANALYSIS

Applicant Narrative

The applicant has submitted the following narrative to address potential impacts to the neighborhood:

“The nature of my home business is corrective skincare treatments. I perform facials, chemical peels, microneedling and medical grade LED light treatments. My hours of operation are held between the hours of 9a to possibly 8pm Monday thru Saturday. I only see 3 clients a day. Each treatment is oftentimes 2 hours. I am the only employee of my skincare spa. I have a 100ft driveway that pulls through in each direction both north and south as well as extra parking on the property.”

The applicant has indicated that off-street parking will be provided on the driveway, that there will be only one customer at a time, and that there will be no additional employees working in the home.

Staff Analysis: The applicant’s narrative addresses client parking, employees, and hours of operation. Based on the materials submitted with the application, staff finds that the proposed home occupation will be incidental and secondary to the use of the property as a single-family residence.

CONDITIONS OF APPROVAL

1. The applicant shall adhere to the typical hours of 9:00am-8:00pm, Monday through Saturday, as described in the written narrative in the official project file and in the staff report dated 03/20/2019;

FINDINGS

1. The proposed home business, in meeting the above conditions of approval, conforms to applicable home occupation requirements found in the Cottonwood Heights Zoning Ordinance (Title 19) and Business License Ordinance (Title 5), including each of the standards set forth in section 19.84.080 (Conditional Uses – Determination);
2. Because the proposed home business use will occur in a designated area within the house with limited hours of operation, it is found that the business use will be clearly incidental and secondary to the primary use of the property as a single-family residence and any perceived negative impacts will be mitigated by the conditions of approval.

ATTACHMENTS

1. Applicant’s photos & site plan