

Administrative Hearing Staff Report

Meeting Date: October 31, 2018



**FILE NUMBER/
PROJECT NAME:** HOC-18-006

LOCATION: 7090 S. De Ville Drive (Parcel # 22-28-227-015)

REQUEST: Conditional use approval to operate a home occupation with clients

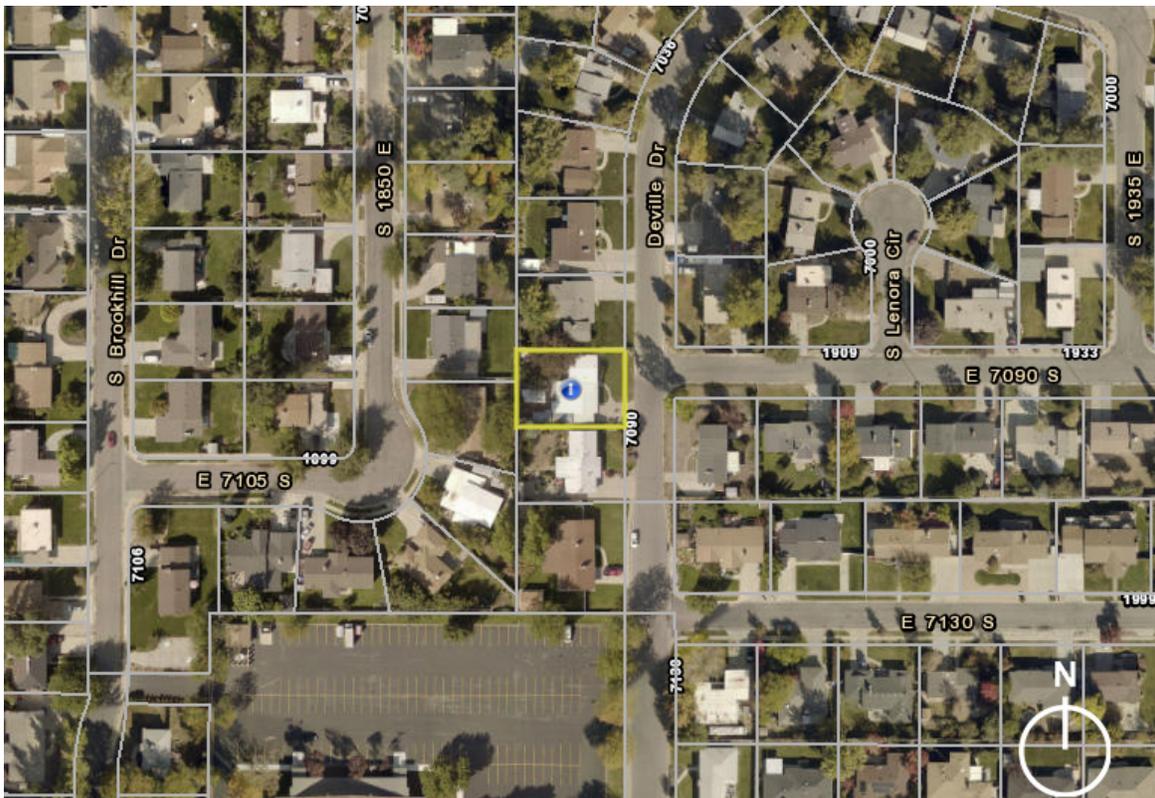
OWNER: Conra Weber

APPLICANT: Conra Weber

RECOMMENDATION: APPROVE, pursuant to attached conditions of approval

APPLICANT'S PROPOSAL

The applicant is proposing to operate a home-based custom dress sewing business Monday – Saturday from 10:00 am to 2:00 pm. She expects an average of 2-3 client visits per day.



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. 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.*
- 7. "Home occupation with clients" means a home occupation, not otherwise expressly prohibited by this code, where one or more persons visit the dwelling to conduct business on more than a very occasional, sporadic basis. A home occupation with clients requires a conditional use permit.*

Staff Analysis: The proposed home business 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 indicated that she will be the only employee working in the home. There are two parking spaces under the carport and room for about four additional cars in the driveway. There is no anticipated noise or traffic impact to the neighborhood.

Staff Analysis: The applicant's narrative addresses parking, hours of operation, noise, and traffic. 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 hours of operation as described in the written narrative;
2. There shall be no more than one non-resident employee;
3. Off-street parking shall be provided for clients on the driveway of the subject property;
4. The applicant shall complete the necessary steps to obtain a city business license.

FINDINGS

1. The proposed home occupation, in meeting the above conditions of approval, conforms to applicable home occupation requirements, as found in the Cottonwood Heights Zoning Ordinance (Title 19) and Business License Ordinance (Title 5);
2. The proposed home occupation, in meeting the above conditions of approval, can be found to be clearly incidental and secondary to the primary use of the property as a single-family residence;
3. The proposed conditions of approval act to mitigate any perceived negative impacts created by the applicant's proposal;
4. The proposed use is a conditional use in a residential zone (19.76.040.F.7);
5. The use will not be detrimental to the health, safety, comfort, order or general welfare of persons residing or working in the vicinity;
6. The use will comply with the intent, spirit, and regulations of the zoning ordinance and is compatible with and implements the planning goals and objectives of the city;
7. The use will be harmonious with the neighboring uses in the zoning district in which it is to be located;
8. Any potential nuisances which would not be in harmony with the neighboring uses have been addressed in the applicant's narrative, and will be abated by the conditions imposed in this report;
9. The use will not negatively affect property values, the environment, or the tax base for the city;
10. The use complies with the city's general plan;