

## Department of Planning and Zoning

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### MEMORANDUM

To: Development Review Board  
From: Mary O'Neil, AICP, Principal Planner  
Date: October 18, 2016  
RE: ZP 17-0281HO 106 Deforest Heights

**Note: These are staff comments only. Decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**



**File:** ZP 17-0281HO  
**Location:** 106 Deforest Heights  
**Zone:** RL **Ward:** 6  
**Date application accepted:** September 1, 2016  
**Request:** Home occupation for sewing studio.

#### **Background:**

- **Zoning Permit 14-0674HO;** Home occupation for silk screen business. Application withdrawn May 19, 2014.
- **Zoning Permit 14-06743CA;** Replace basement window at rear with new larger window to meet egress. Space to remain non-habitable. Approved January 2014.
- **Zoning permit 14-0230CA;** Modify existing second storey porch railing. Approved August, 2013.
- **Zoning Permit 82-524;** Construct a 1/12 pitch roof over existing flat roof. Approved December 1982.

**Overview:** The application proposes utilization of 130 sf. for a home sewing/fiber studio. No retail activities are proposed; no clients will come to the residence, no outside employees or customer hours.

**Recommendation:** Consent approval per the following findings and conditions:

#### **I. Findings**

#### **Article 3: Applications and Reviews**

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**(a) Conditional Use Review Standards** (as adopted by City Council 8.10.2015)

*Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:*

1. *Existing or planned public utilities, facilities, or services are capable of supporting the proposed use in addition to the existing uses in the area.*

As a limited home activity, no unusual or detrimental demand on city utilities or facilities is imagined. **Affirmative finding.**

2. *The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development Plan;*

This is a low density residential area; there will be no evidence of the small scale activity proposed within the attached submission documents.

From the Municipal Development Plan:

*Promote and support locally owned and controlled small businesses including home occupations appropriate to the character of the neighborhood.” [MDP, Economic Development Plan, p. VI-2.]* **Affirmative finding.**

3. *The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

Home sewing is a very low-impact, no nuisance activity that will not generate noise, odor, dust, heat or vibration. **Affirmative finding.**

4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation, safety for all modes; and adequate transportation demand management strategies;*

Although the subject property is interconnected with the City’s road/sidewalk network, no additional demand will be placed on transportation infrastructure as a result of the requested home occupation. **Affirmative finding.**

*and*

5. *The utilization of renewable energy resources;*

The application will not prevent the utilization of wind, water, solar, geothermal, or any other renewable energy resource. **Affirmative finding.**

*and*

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances.*

The applicant is referred to consult with the Assessor’s office to confirm whether the activity will require registration under business personal property. There are no identified conflicts with City bylaws, city or state ordinances.

**(c) Conditions of Approval**

*In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:*

1. *Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area;*  
There are no identified nuisance or performance factors requiring such action.  
**Affirmative finding.**
2. *Time limits for construction.*  
No construction is proposed. Not applicable.
3. *Hours of operation and/or construction to reduce the impact on surrounding properties.*  
As a residential home occupation, activities may be conducted at any time during typical residency, which is without limit. As all home occupation activity will be interior to the structure and no outside evidence of the home occupation will be perceived, no hours of operation are warranted. Not applicable.
4. *That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions,*  
This is a typical standard of Conditional Use Review. Any expansion or alteration will be reviewed under regulations in effect at that time. **Affirmative finding.**  
*and*
5. *Such additional reasonable performance standards, conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*  
This is at the discretion of the DRB.

**Article 5: Citywide General Regulations**

**Part 4: Special Use Regulations**

**Sec. 5.4.6, Home Occupations**

*1. A home occupation shall be conducted solely by resident occupants plus no more than one additional full-time equivalent employee in RL and WRL districts and no more than two (2) full-time equivalent employees in other districts. The home occupation shall be conducted entirely within an existing dwelling unit and/or one enclosed accessory structure.*

The applicant indicates the involvement of one (owner) resident. The home occupation is proposed for a 130 sf sewing room. No outside employees are proposed. The property is within the RL zoning district. **Affirmative finding.**

*2. No more than thirty-five percent (35%) of the floor area of said residence, including accessory structures, up to a maximum of seven hundred fifty (750) square feet, whichever is less, shall be used for such purpose.*

The Assessor gives gross floor area of the house (including the basement) as 4222 sq. feet. The proposed area for the home occupation is 130 square feet – for a dedication of approximately 3% of the gross floor area for the proposed home occupation. **Affirmative finding.**

*3. No home occupation shall require alterations, construction or equipment that would change the fire rating of the structure or the fire district in which the structure is located.*

No site changes are included in this proposal. No equipment that results in a change to the fire rating is allowed. **Affirmative finding.**

*4. There shall be no outside storage of any kind related to the home occupation.*

No outside storage is proposed. **Affirmative finding.**

*5. There shall be no exterior evidence of the conduct of a home occupation except for: Occasional garage/lawn/yard type sales (up to twice a year not to exceed two (2) days each); and*

*One non-illuminated attached parallel sign that shall not exceed two (2) square feet. No other signs shall be permitted.*

No garage/lawn/yard type sales are included in this proposal. No outdoor signs are proposed. **Affirmative finding.**

*6. No home occupation may increase vehicular traffic flow or parking by more than one additional vehicle at a time for customers or deliveries. All parking shall be located off-street and shall maintain the required front yard setback per Article 5.*

As only the resident owner is proposed to be engaged in the home occupation, no additional traffic is proposed. No deliveries or commercial vehicles will be used in the exercise of the home occupation. **Affirmative finding.**

*7. No home occupation shall create sounds, noise, dust, vibration, smell, smoke, heat, humidity, glare, radiation, electrical interference, fire hazard or any other hazard, nuisance or unsightliness which is discernible from any adjacent dwelling unit.*

The home occupation is proposed for a first floor interior room. No nuisance, hazard or unsightliness is anticipated with the exercise of the home occupation. **Affirmative finding.**

*8. The home occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part.*

The home occupation as proposed to be conducted entirely within the existing residential structure. In that, the activity is clearly secondary and incidental to the primary residential use of the property. **Affirmative finding.**

*9. Delivery of products and materials related to the home occupation by vehicles other than automobiles shall occur no more than once per day.*

No deliveries are proposed, as indicated on the Home Occupation Questionnaire completed by the applicant. **Affirmative finding.**

*10. With the exception of one delivery per day, as specified in subparagraph (9), no more than one commercial vehicle shall be allowed on the premises at any one time; and*

As noted above, no deliveries are projected, and no commercial vehicles will be associated with the proposed home occupation. **Affirmative finding.**

*11. There shall be no sale of goods except for goods fabricated on the premises as part of an approved home occupation.*

No sale of goods on the premises is proposed. **Affirmative finding.**

## **II. Conditions of Approval:**

1. This home occupation is subject to all of the requirements of Sec. 5.4.6, *Home Occupations*, of the Comprehensive Development Ordinance.
2. The applicant is advised to consult with the Office of the Assessor with regards to the Business Personal Property requirements.
3. No additional equipment or materials that results in a change to the fire rating shall be allowed.
4. There shall be no sale of raw materials or other goods from the property as part of the approved home occupation.
5. There shall be no outside storage of any kind related to the home occupation.
6. There shall be no exterior evidence of the conduct of the home occupation, except for as noted in 5.4.6 (b), 5, above.
7. The home occupation may not increase vehicular traffic flow or parking by more than one additional vehicle at a time for customers or deliveries. All parking shall be located off-street and shall maintain the required front yard setback per Article 5.
8. The home occupation shall not create sounds, noise, dust, vibration, smell, smoke, heat, humidity, glare, radiation, electrical interference, fire hazard or any other hazard, nuisance or unsightliness which is discernible from any adjacent dwelling unit.
9. Standard Permit Conditions 1-15.

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