



Administrative Hearing Staff Report Hearing Date: January 16, 2019

ITEM # 1 J. Nicole Stevens requests a Conditional Use Permit for a Major Home Occupation to increase the number of students taking self-defense from two per hour to six per hour, located at 1077 S Canyon Meadow Drive in the R3(PD) Zone. Provost South neighborhood. Brian Maxfield (801) 852-6429 PLCUP20180409

<p><u>Applicant:</u> STEVENS, J NICOLE</p> <p><u>Staff Coordinator:</u> Brian Maxfield</p> <p><u>Property Owner:</u> STEVENS, J NICOLE <u>Parcel ID#:</u>36:992:0074</p> <p><u>Zone:</u> R3PD <u>Acreage:</u>0.02 <u>Number of Properties:</u> 1 <u>Number of Lots:</u>1</p> <p><u>ALTERNATIVE ACTIONS</u></p> <p>1. Continue to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is February 6, 2019 5:00 P.M.</i></p> <p>3. Deny the requested variance. <i>This action <u>would not be consistent with the recommendations of the Staff Report.</u> The Board of Adjustment should <u>state new findings.</u></i></p>	<p><u>Current Legal Use:</u> Residential</p> <p><u>Relevant History:</u> The residence has a current minor home occupation for classes with no more than 2 students.</p> <p><u>Neighborhood Issues:</u> None reported to date.</p> <p><u>Summary of Key Issues:</u> Adequate parking; disruption to adjoining residences.</p> <p><u>Staff Recommendation:</u> Approve the requested appeal subject to the attached conditions. <i>This action <u>would be consistent with the recommendations of the Staff Report.</u></i></p>
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OVERVIEW

This item is a request for a major home occupation involving Self Defense Training classes. The current minor home occupation allows for the training, but for more than 2 students at a time. A major home occupation would allow up to 6 students per hour.

In order to evaluate the possible parking and/or disruption impacts, it is necessary to understand the nature of the residential unit involved. The use would be located in a two-bedroom residential unit that is part of an 8-unit building. The two-story building

includes six 3-bedroom and two 2-bedroom units. Two of the 3-bedroom units are ground floor units at the rear of the building (east side), with two additional 3-bedroom units above them. On west half of the ground floor at the front of the building there are 8 separate garages: a 2-car garage for each of the 3-bedroom units; and a one-car garage for each of the 2-bedroom units. Individual, interior stairways provide access to the 6 units on the 2nd floor. Only the two second-floor, 3-bedroom units on the east side of the building are above another unit. The remaining four units are above the garage area. Besides the garage areas, numerous surface parking spaces are provided throughout the development, for both residents and visitors.

RELEVANT HISTORY

None

FINDINGS OF FACT

- The R3 Zone permits Major Home Occupations as an accessory use.
- Up to six (6) customers per hour may come to a dwelling unit between the hours of 8:00 a.m. and 5:00 p.m. and up to two (2) customers per hour between the hours of 5:00 p.m. and 9:00 p.m.; provided that customers do not unreasonably disturb the peace and quiet of the neighborhood.

APPLICABLE ZONING CODES

- 14.12A. R3 - Medium Multiple Residential Zone.
- 14.41.060 Major Home Occupations

CONCLUSIONS

Staff believes the two impacts most likely to occur due to the proposed use would be excessive disturbance to adjoining residential units and the need for parking. Regarding the impact on adjoining units, staff believes because of the individual interior stairway and the fact the unit is over a garage area, results in minimal if any impact on adjoining residents.

Regarding parking: With a maximum allowance for 6 adult students and one employee, there could be a need for 7 additional parking places when the home occupation is in

operation during daytime hours. However, from staff observations made in the late morning and early afternoon, there appears to be numerous nearby parking spaces available. Although the applicant has stated they would like to have evening classes, evening use (5:00 p.m. to 9:00 p.m.) is restricted to only 2 students per hour, even for a major home occupation. Even though evening parking is very limited, staff believes there would be no excessive impact from the use of 2 visitor parking spaces during the evening. Staff has made no Saturday observations regarding parking availability during that time period.

RECOMMENDATION

Approve the requested Major Home Occupation for J. Nicole Stevens at 1077 Canyon Meadow Drive, Unit #4, with the following conditions:

1. Submit written permission from the Homeowners Association regarding the use of parking spaces for clients.
2. Meet all requirements of Chapter 14.41.060.

APPLICANT AGREEMENT TO CONDITIONS

Pursuant to Section 14.04.050 of the Provo City Code, relating to Staff Action on Planning Commission Matters, by signing below, the applicant agrees to the recommended conditions. If the applicant does not agree to the recommended conditions, the applicant may request to have the item heard by the Planning Commission.

(x) _____ Date _____

ATTACHMENTS

Air Photo of Site
Copy of Section 14.41.060. Major Home Occupations
Applicant's Submission
Floor Plans of Building



14.41.060. Major Home Occupations.

“Major home occupation” means a home occupation which meets the standards listed in Section [14.41.040](#), Provo City Code, except as specifically modified by the Community Development Department as provided herein.

Pursuant to approval of a conditional use permit, the Community Development Department may authorize an increase in the intensity of a home occupation, as follows:

- (1) Up to six (6) customers per hour may come to a dwelling unit between the hours of 8:00 a.m. and 5:00 p.m. and up to two (2) customers per hour between the hours of 5:00 p.m. and 9:00 p.m.; provided, that customers do not unreasonably disturb the peace and quiet of the neighborhood.
- (2) A larger commercial vehicle up to a gross vehicle weight rating of seventeen thousand five hundred (17,500) pounds may be used, provided it is parked on private property and adequately screened.
- (3) Outside employees not residing on the premises may be allowed during daytime business hours (8:00 a.m. to 5:00 p.m.) subject to the conditions of either Subsection [\(3\)\(a\)](#) or [\(3\)\(b\)](#) of this Section:
 - (a) No more than one (1) outside employees at one time for a dwelling unit located on a lot or parcel which is at least eight thousand (8,000) square feet in area. One (1) additional employee may be allowed for each additional increment of thirty thousand (30,000) square feet in the area of the lot or parcel.
 - (b) As an alternative to Subsection [\(3\)\(a\)](#) of this Section, a home occupation that does not bring customers to the premises may have up to two (2) outside employees at one time for a dwelling unit located on a lot or parcel which is at least eight thousand (8,000) square feet in size, provided sufficient off-street parking is provided. One (1) additional employee may be allowed for each additional increment of thirty thousand (30,000) square feet in the area of the lot or parcel.
 - (c) A home occupation that does not bring customers to the premises may have extended hours for outside employees, from 8:00 a.m. to 9:00 p.m., subject to the conditions of Subsection [\(3\)\(b\)](#) of this Section.
- (4) Promotional meetings for the purpose of selling merchandise, taking orders, or training exceed the limits on customers and employees in this Section, but may not be held more than four (4) times per month and shall be limited to a combined total of twelve (12) customers and employees. (Enacted 1993-02, Am 1995-37, Am 2005-38, Am 2018-28)

1. Drawings

- Electronic Plans in PDF format (disk, USB, email) that show:
- Site Plan:
 - Square footage of existing building to be occupied by the use.
 - 1058 Sq Ft
 - Use of existing and proposed structures (i.e., office, school, retail, etc.).
 - Currently this building is my home. I propose also using it to teach self-defense classes.
 - Location of the trash storage container location, size, and enclosure plans.
 - The trash is a normal sized Provo City Sanitation container. It is normally kept in the garage. The business will not increase the amount of trash from the home.
- Parking Plan:
 - Location of parking spaces provided for the business under consideration.
 - The unit is in a condominium area. All parking spaces are available to any visitors. Because the area is generally occupied by students and young professionals, parking spaces aren't used as much during the day but much more often at night. The classes would be completed by 8:00 pm (and I can make that earlier if needed). Here is a map of available parking:

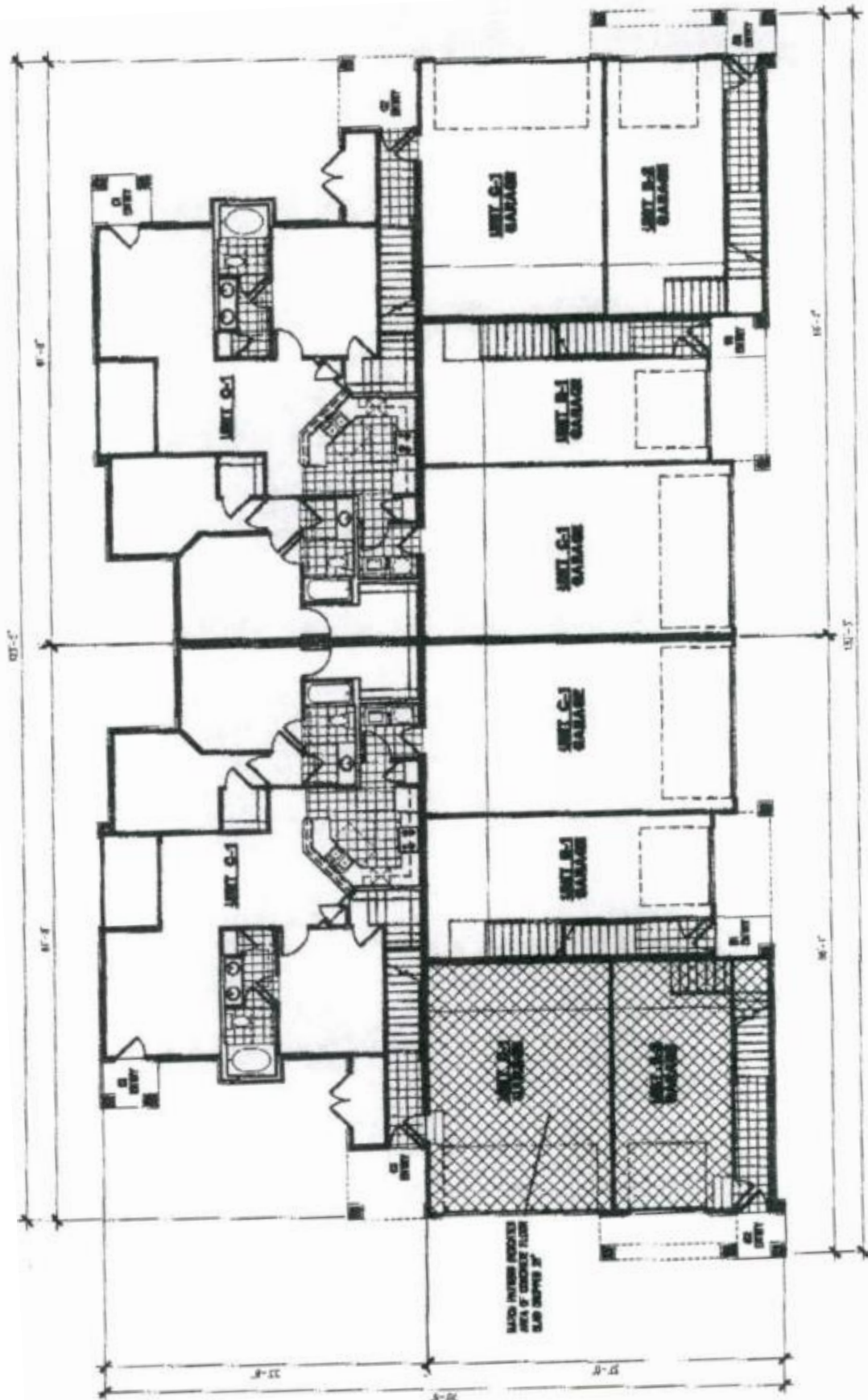


- Parking space count.
 - At least 6 parking spaces are available.
- Landscaping Plan:
 - Location of landscaped area showing existing and proposed landscaping.
 - No changes would be made to landscaping.

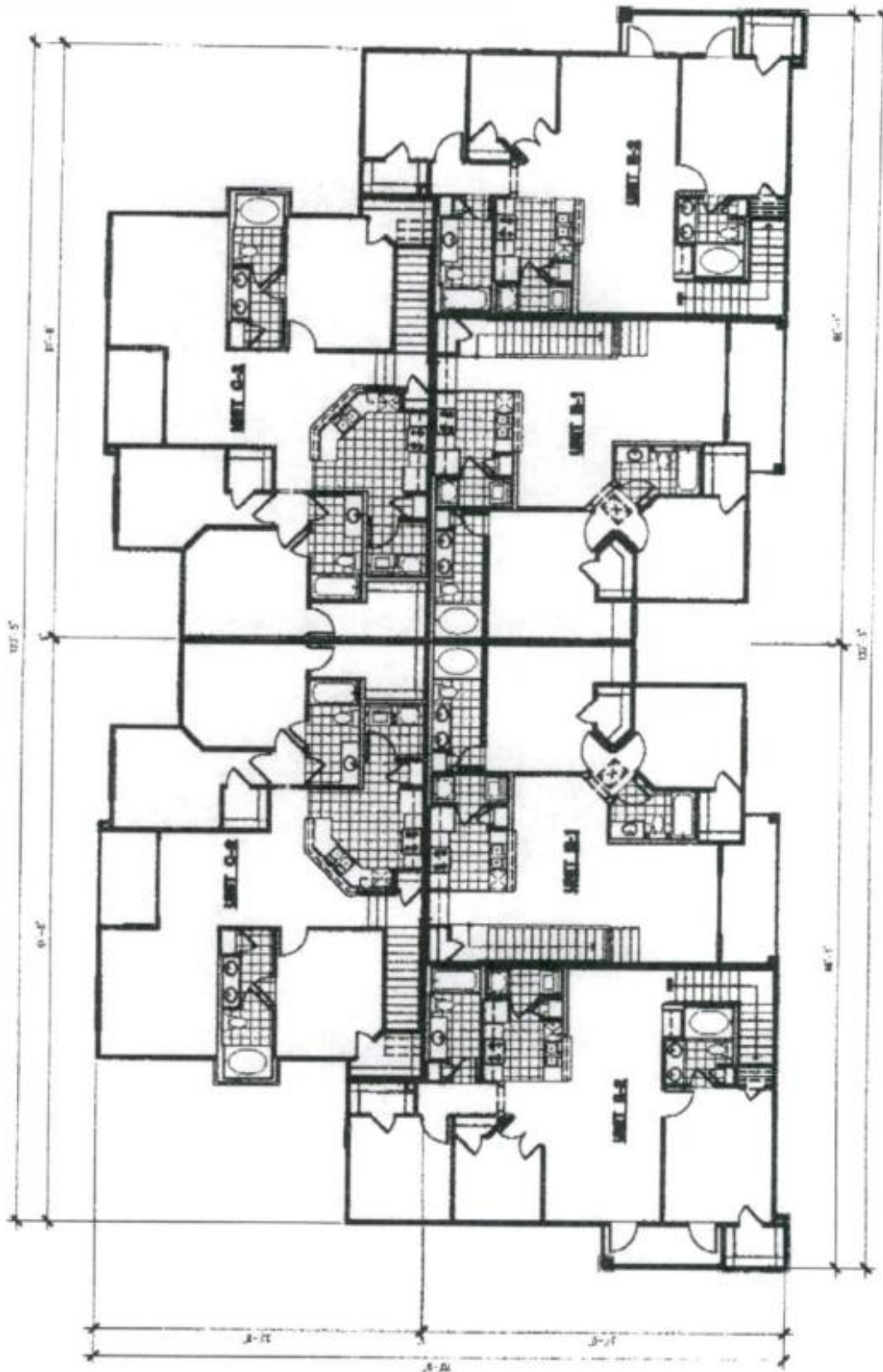
- **Building Drawings:**
 - Exterior elevations of existing building.
 - See below a picture of the existing building. No changes would be made to existing building.



- **Business Description:**
 - Please provide an accurate and complete description of your proposed business activities. This description should be simple, straightforward and exclude advertising jargon.
 - The business is to teach self-defense classes. These classes would be held either in the evenings during the week or during the day on Saturdays.



FIRST FLOOR



SECOND FLOOR