

Mapleton City Planning Commission Staff Report

Meeting Date: January 12, 2012

Item: 2

Applicant: Jesse Duncan

Zone: RA-2

Parcel #: 55:677:0004

Prepared by: Matt Brady

Council Action Required: No

REQUEST

Jesse Duncan requests approval of a home occupation permit for *Duncan Brothers, Inc.*, a snowmobile motor repair business, located at 430 East 1200 North in the RA-2 Zone.

FINDINGS OF FACT:

1. The Applicant is proposing a snowmobile motor repair business in the garage of his home. See Attachment #1 for a description of the proposed home occupation submitted by the Applicant.
2. There is an existing approved home occupation in the home – a tutoring business called “Samantha Duncan.” It was approved by the Planning Commission on July 26, 2007.

STAFF ANALYSIS:

1. According to Mapleton City records, the total floor area of the home, including the attached garage is approximately 6,215 square feet. The Samantha Duncan tutoring home occupation takes up approximately 136.16 square feet, or 2.19% of the home. The shop area in the attached garage where the motor repair business is proposed to take place is approximately 84.33 square feet, which would bring the total for the 2 home occupations to approximately 220.49 square feet, or 3.55% of the home. Mapleton City Code 18.84.380(D)(3) states: “*The home occupation shall occupy not more than the equivalent of twenty five percent (25%) of the living area of the dwelling or five hundred (500) square feet, whichever is less. This shall also apply to detached structures.*” The applicant would meet this requirement.
2. When the Applicant applied for this home occupation, Staff was not comfortable that this permit could be approved administratively by Staff, due to questions on whether the proposed home occupation meets all of the requirements of Mapleton City Code 18.84.380: HOME OCCUPATIONS in regards to hazardous materials, noise, and possibly being contrary to the intent of the RA-2 Zone. The Applicant has been referred to the Planning Commission by Staff as per Mapleton City Code 18.84.380(G)(7): “*The planning and zoning department shall not be bound to grant administrative approvals for home occupations. If for any reason the planning and zoning director, at his/her discretion, decides not to grant administrative approval, the applicant must then seek approval from the planning commission.*”
3. Mapleton City Code 18.84.380(A) states, in part: “*Purpose: The purpose of this section shall be: 1. To allow the establishment and conduct of a modest level of business activity within dwellings within the city provided that such activities will be conducted under conditions and at levels of operation that will not adversely affect, undermine, injure or otherwise significantly depreciate the residential character of the area*”.
4. Mapleton City Code 18.84.380(D)(8) states: “*The home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not have the effect of changing the character of the building or the attendant*

- yard area from that of a dwelling.”
5. Mapleton City Code 18.84.380(D)(12) states: “*The activities of the home occupation shall not involve the use of hazardous materials or chemicals in amounts that will increase the hazard of fire, explosion or safety to the structure or occupants of the dwelling or adjacent dwellings.*”
 6. Mapleton City Code 18.84.380(D)(13) states: “*The operation of the home occupation shall not produce any noise, smoke, glare, light, fumes, dust, electronic interference or similar condition which is readily discernible outside the dwelling.*”
 7. Mapleton City Code 18.84.380(D)(14) also states: “*The physical appearance, traffic, and other activities in connection with the home occupation will not be contrary to the intent of the zone in which the home occupation is located and will not depreciate surrounding property values or the quality of the area for residential purposes as determined by the city.*” The intent of the RA-2 Zone is stated in Mapleton City Code 18.36.010: PURPOSE AND OBJECTIVES (for the RA-2 Zone) states: “*The residential-minor agricultural (RA-2) zone is established for the primary purpose of allowing single-family residential homes on medium sized lots. Incidental and minor agricultural uses are allowed on larger lots with twenty thousand (20,000) square feet or greater of land.*” The Planning Commission should discuss whether the proposed home occupation meets “*the intent of the zone in which the home occupation is located and will not depreciate surrounding property values or the quality of the area for residential purposes*”.
 8. Mapleton City Code 18.84.380(E): Planning Commission May Attach Conditions states: “*In order to more fully achieve the purposes of this section and to protect the health, safety and quality of the residential environment in the area the planning commission may attach conditions to the establishment and/or operation of a home occupation not inconsistent with the standards hereinabove stated.*”

RECOMMENDED ACTION:

Staff recommends approval of the proposed home occupation with the following conditions:

1. Only the snowmobile motors shall be brought to the site for repair. No other snowmobile parts (frames, bodies, etc.) shall be brought to the site.
2. A maximum of 3 snowmobile motors shall be stored on site at one time, and they must be stored within the area shown on the site plan submitted by the applicant – see Attachment #1.
3. “*The activities of the home occupation shall not involve the use of hazardous materials or chemicals in amounts that will increase the hazard of fire, explosion or safety to the structure or occupants of the dwelling or adjacent dwellings.*” Any “*hazardous materials or chemicals*” used in the home occupation must conform to International Fire Code requirements in type and amount being stored, and must be approved by the Fire Inspector.
4. No grease, oil, solvents, or other waste products from the engine or cleaning processes shall be discharged into the City’s sewer

system, storm drain system, solid waste garbage system, or percolated into the ground. Any such waste products shall be disposed of off-site at disposal county, state, or federal approved disposal facilities.

5. *“The operation of the home occupation shall not produce any noise, smoke, glare, light, fumes, dust, electronic interference or similar condition which is readily discernible outside the dwelling.”*
6. The Applicant must pass an inspection by the Fire Inspector.
7. The Applicant shall abide by all other conditions which he has represented in Attachment #1. Any operational changes must be approved by the Planning Commission.
8. The Applicant shall abide by all other requirements of Mapleton City Code 18.84.380: HOME OCCUPATIONS.

ALTERNATIVE ACTIONS:

1. The Planning Commission may deny the Home Occupation Permit. Reasons for denial should be stated in the motion.
2. Continue to a Future Meeting Date: This action could be based upon findings that additional information is required prior to rendering a decision or to further consider information.

ATTACHMENTS:

1. Description of the proposed home occupation submitted by the Applicant
2. Mapleton City Code 18.84.380: HOME OCCUPATIONS

VICINITY MAP:



SITE PHOTO:



Looking southeast at the Duncan Home – 430 East 1200 North

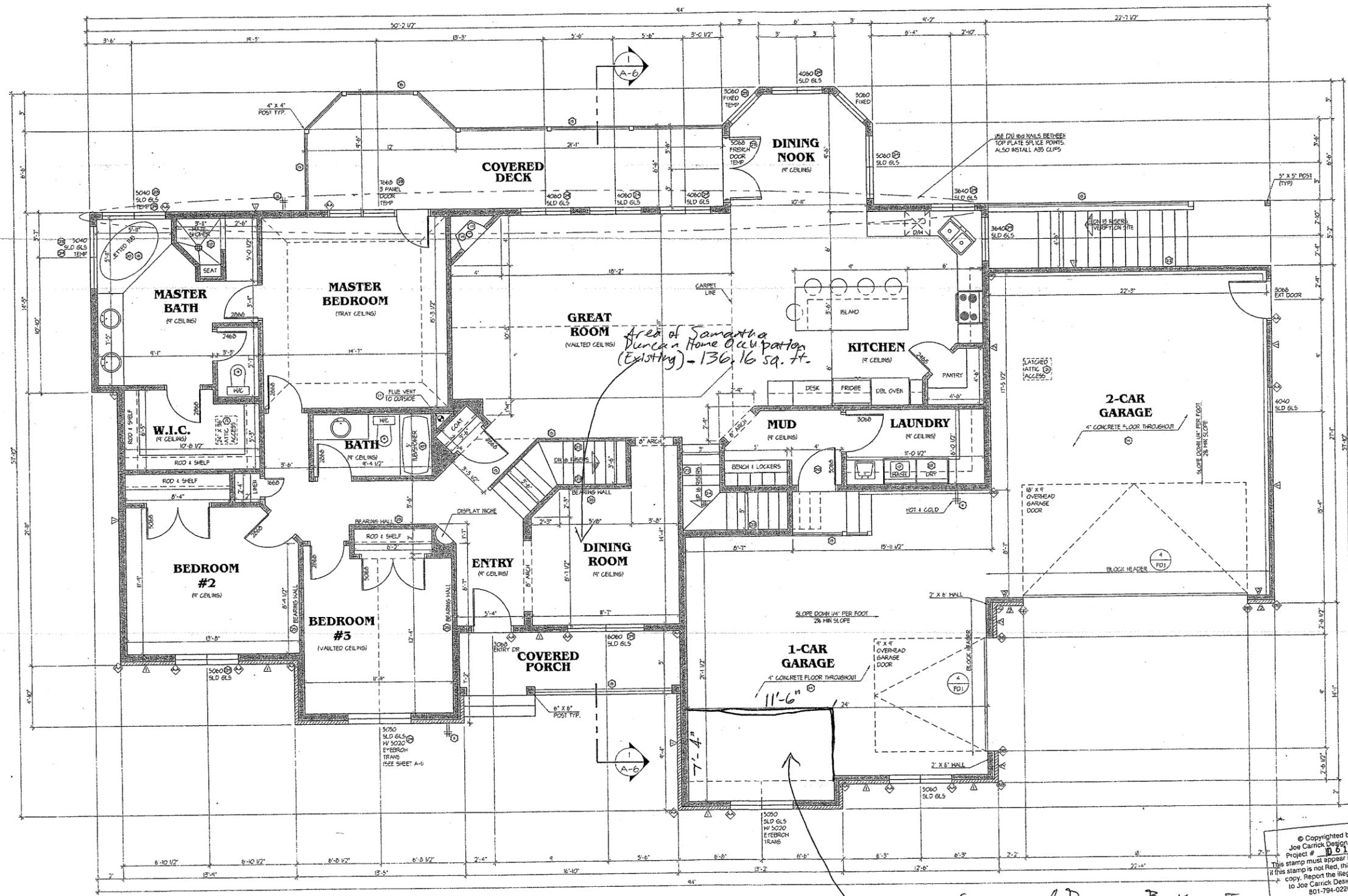
ATTACHMENT # 1

Matt,

Here is a summary of what my business will consist of.

Duncan brothers will be a Internet based company and will sell snowmobile motors mainly through eBay. These motors will never be ran as they will never even be mounted into a chassis. Also in putting these motors together the tools used are all battery operated and noise cannot be heard from outside garage. The cleaning method used in degreasing these motors will use normal dish soap similar to a dish washer. All items will be shipped using ups or USPS. It will not require people to visit the home. The hours that the work will be done will be mostly Saturday's and a couple nights a week and in the morning. The primary operation of the business is exchanging snowmobile motors that have blown up with a new one.

Thanks jesse



- GENERAL AND REFERRED NOTES**
- GENERAL CONTRACTOR AND SUB CONTRACTORS SHALL VERIFY ALL DIMENSIONS ON SITE AND REPORT ANY DISCREPANCIES TO DESIGNER PRIOR TO CONSTRUCTION.
 - DRAWINGS ARE INCOMPLETE WITHOUT ATTACHED ENGINEERING SPECS.
 - ALL WORK SHALL BE IN STRICT ACCORDANCE WITH THE LATEST EDITION OF THE INTERNATIONAL RESIDENTIAL, CODE AND LOCAL ORDINANCES.
 - ALL EXTERIOR WALLS ARE 2" x 8" STUDS @ 16" O.C. W/ R-19 INSULATION BETWEEN.
 - ALL PLUMBING WALLS ARE DIMENSIONED TO FINISHED WALLS AND ARE 4" W/.
 - ALL INTERIOR WALLS ARE DIMENSIONED TO FINISHED WALLS AND ARE 4" W/.
 - BRICK AND STONE ARE DIMENSIONED AT 4" ADJUST AS REQ'D TO 2" FOR CALIBRATED STONE (VERIFY W/ MANUFACTURER).
 - ALL STILES AND TYPES OF INTERIOR FINISH (I.E. DOORS, HARDWARE, HINGES, PAINT, FLOOR COVERINGS, AND APPLIANCES ETC.) SHALL BE DETERMINED BY OWNER OR CONTRACTOR AS APPLICABLE.
 - ALL TOILETS SHALL BE 18" HIGH UNR SEC. FINISH.
 - ALL TUBS & SHOWERS SHALL HAVE 25" HIGH UNR SEC. FINISH.
 - ALL HOSE REELS, INCLUDING AUTO WISHER VALVE IN GARAGE, MUST BE BACK-FLOW PROTECTIVE.
 - PROVIDE DRAIN PAN FOR WISHER.
 - VENT DRYER TO OUTSIDE UNR SEC. 6" DIA. OR PER MANUF. SPEC.
 - SHEET ROCK: ALL WALLS WITH MUDRUM 5/8" GYP BOARD ON GARAGE SIDE AND SHEET ROCK ALL CEILING & BEAMS WITH MUDRUM (2) LAYERS 5/8" GYP BOARD.
 - PROVIDE 2" HIGH RAILS W/ GUARD PATTERN SUCH THAT A 4" DIAMETER SPHERE CANNOT PASS THROUGH AND HORIZONTAL RAILS ARE ALLOWED FACE IN SEC. R301.
 - PROVIDE JETTED TUB MOTOR ACCESS.
 - PROVIDE GREASE COLLECTIBLE AIR TO ALL GAS APPLIANCES.
 - PROVIDE SEDING STRIPS FOR WATER FEATURES.
 - 1" CLEARANCE GAS PIPERACE BEHIND PER MANUF. SPEC. PROVIDE GAS SHUTOFF VALVE INTERIOR OF FIREPLACE UNR SEC. 62420.
 - PROVIDE 22" x 30" ATIC ACCESS AND LATCHED ATIC ACCESS AS SHOWN UNR SEC. R301.1.
 - PROVIDE CONTINUOUS HORIZONTAL UNR SEC. R301.5A SEE DETAIL D OR SHEET A-1.
 - PROVIDE SAFETY GLAZING UNR SEC. R308.
 - PROVIDE 1/2" GYP BOARD ON WALLS AND CEILING BEHIND STAIRS UNR SEC. R304.8.
 - DECKING HALL - SEE DETAIL D OR A-1.
 - PROVIDE ALL EXTERIOR GROUNDING WITH FLASHING, GROUND FLASHING AND GROUNDERS WITH THE PROPER TYPE OF SEALANT. SEALING AND REINSTALLATION OF HINGES MUST BE W/ MANUFACTURER'S INSTRUCTIONS.
 - SEE GENERAL FINISHING NOTES ON SHEET A-2.
 - USE 1/8" DIA NAILS PER TOP PLATE LAP SPICE CONNECTION FOR SHEAR WALLS AND BEARING WALLS - SEE SPEC.
 - VERIFY ALL HINGING MEET EXPRESS AS PER MANUF. MANUFACTURER SPECS - SEE SPEC. R302.

SHEAR WALL SCHEDULE	
MARK	DESCRIPTION
1	1/2" x 8" UNR WALL @ 16" O.C. EDGES AND 17" O.C. FIELD BLOCKS
2	1/2" x 8" UNR WALL @ 16" O.C. EDGES AND 17" O.C. FIELD BLOCKS

FOUNDATION BOLD-DOWNS & BRACED BOLD-DOWNS	
MARK	DESCRIPTION
1	STEEL BRACE
2	STEEL BRACE
3	STEEL BRACE

FILE NAME
06185

825 NORTH 100th AVE
SPANISH TRAIL, FL 33411
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FAX: 801-794-0222
WWW.JC-DESIGN.COM



SQUARE FOOTAGE
2380

SHEET
A-2

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1 MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"

ATTACHMENT # 2

18.84.380: HOME OCCUPATIONS:

A. Purpose: The purpose of this section shall be:

1. To allow the establishment and conduct of a modest level of business activity within dwellings within the city provided that such activities will be conducted under conditions and at levels of operation that will not adversely affect, undermine, injure or otherwise significantly depreciate the residential character of the area; and
2. To set forth the minimum conditions and criteria considered necessary to ensure that all business activity carried out within residential areas will remain incidental and to effectively implement the purposes set forth above.

B. Application Of Section; Exceptions: The provisions of this section shall apply to all persons, firms, or corporations which conduct or propose to conduct any business, service, professional activity, qualifying as a home occupation from any dwelling located in any zoning district in the city allowing residential dwellings as a permitted use. Provided that this section shall not apply to:

1. The infrequent and incidental sale of personal property (subject to subsection [18.22.040F](#) of this title).
2. The activities associated with the production of agricultural commodities and the incidental sale of such commodities produced on the premises.

C. Procedure For Approval Of A Home Occupation: Prior to the establishment of any home occupation an application for a home occupation permit shall be submitted to and approved by the planning commission. Said application shall be on forms furnished by the city and shall contain the following information:

1. The name of the applicant.
2. The location of the proposed home occupation.
3. A detailed description of the proposed activity.
4. An outline of the conditions and criteria required to be met in order to qualify as a home occupation and a written or graphic statement indicating how the proposed activity will comply with the required conditions and criteria.
5. A statement, signed by the applicant, that the home occupation will be established and conducted in accordance with the conditions and criteria of the ordinance and any conditions of approval attached by the planning commission.
6. Drawing of the home showing the area in which the home occupation will be performed.
7. A written notification to all property owners within a three hundred foot (300') radius of the property where the home occupation will be located. Said notification shall explain in detail the

proposed home occupation and the activities that will be involved. In lieu of this requirement, the applicant may gather the signatures of all residents within three hundred feet (300') of the property where the proposed home occupation will be located. The signatures must be those of the head of household (18 years of age or older). The signatures must be located on a sheet of paper that explains the home occupation as described above. The paper must also state that the signature is for notification only, and that signing the notification does not waive any rights to oppose the proposed home occupation at the planning commission meeting.

The planning commission may delegate to the planning and zoning director the responsibility to review all requests for a home occupation permit and to conduct such research and investigations as are required to determine compliance with the terms of this section and to submit a report of findings and recommendations for each application to the planning commission.

When, upon a review of the findings and report, the planning commission determines that the proposed use will be established and operated in accordance with the criteria hereinafter set forth¹ and will be consistent with the intent provisions of the code relating to home occupations², they shall pass a motion approving the establishment of the proposed home occupation. The effect of such approval shall be: 1) to authorize the establishment of the home occupation, subject to continued compliance with the representations set forth in the application and any conditions which may be attached by the planning commission and 2) to authorize the issuance of a business license.

D. Conditions And Criteria: All home occupations shall be subject to full compliance with the following conditions and criteria:

1. Home occupations shall be listed as a permitted or conditional use in the zone.
2. The home occupation shall be conducted entirely within a completely enclosed structure on the property. Detached structures where a home occupation is being conducted must be located within fifteen feet (15') of the residential dwelling.
3. The home occupation shall occupy not more than the equivalent of twenty five percent (25%) of the living area of the dwelling or five hundred (500) square feet, whichever is less. This shall also apply to detached structures.
4. The activities of the home occupation shall be conducted by members of the residing family. Provided that not more than one person, not a member of the residing family, may be engaged in the home occupation.
5. Any sale of goods not produced as part of the home occupation shall constitute a clearly incidental part of the operation of the home occupation. There shall be no display of goods produced by the home occupation observable from outside the dwelling.
6. No commercial vehicles shall be stored at the premises except one delivery truck which shall not exceed ten thousand (10,000) GVW rated capacity.
7. Not more than six (6) cars (including those owned by the resident family) may be parked at the residence at any one time and such vehicles shall be parked within the driveway or in front of the residence. Clients of the home occupation shall not park or store vehicles at the premises overnight.

8. The home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not have the effect of changing the character of the building or the attendant yard area from that of a dwelling.
 9. Signs shall be limited to one nonilluminated identification nameplate not larger in area than four (4) square feet. Electric or electronic signs shall not be permitted. No on site advertising signs shall be permitted. The sign must be attached to the building where the home occupation is to take place.
 10. The home occupation shall be registered with the license agency of the city and shall maintain a current business license in accordance with city regulations.
 11. Entrance to the home occupation from outside shall be through the same entrance normally used by the residing family except when a separate entrance may be required by regulation of the state health department or other public agency. The garage door shall not be used to satisfy this requirement.
 12. The activities of the home occupation shall not involve the use of hazardous materials or chemicals in amounts that will increase the hazard of fire, explosion or safety to the structure or occupants of the dwelling or adjacent dwellings.
 13. The operation of the home occupation shall not produce any noise, smoke, glare, light, fumes, dust, electronic interference or similar condition which is readily discernible outside the dwelling.
 14. The physical appearance, traffic, and other activities in connection with the home occupation will not be contrary to the intent of the zone in which the home occupation is located and will not depreciate surrounding property values or the quality of the area for residential purposes as determined by the city.
 15. The home occupation shall be operated in compliance with any applicable city or state requirements.
 16. The home occupation applicant must either be the bona fide owner of the home (as shown on the current Utah County tax assessment rolls) or if the applicant is renting or leasing the home, the homeowner must provide written permission allowing the applicant to conduct a business in the home. Said letter of permission must be signed and notarized by the homeowner.
- E. Planning Commission May Attach Conditions: In order to more fully achieve the purposes of this section and to protect the health, safety and quality of the residential environment in the area the planning commission may attach conditions to the establishment and/or operation of a home occupation not inconsistent with the standards hereinabove stated.
- F. Continuing Obligation; Business License Required: All home occupations shall be operated in compliance with the conditions and criteria hereinabove set forth and any conditions which may be attached by the planning commission as part of the approval. Upon approval by the planning commission the applicant shall be eligible to obtain a city business license. Issuance of the business license shall be conditioned upon continued performance of the conditions of approval

and said license may be revoked or refused renewal upon a determination made by the planning commission, following notice and hearing on the matter, that the owner and/or operator has failed to maintain or operate the home occupation in accordance with the conditions of approval.

G. Administrative Approval: Administrative approval for a home occupation may be granted by the planning and zoning director, if the home occupation can meet the following criteria:

1. The applicant must be able to meet all of the listed requirements and criteria for the home occupation in subsection D of this section. However, the stricter requirements in this section shall apply to administrative approvals.
2. The home occupation is conducted entirely within the home or main residential structure.
3. The home occupation does not involve direct sales of goods, crafts or otherwise, and will not have clientele visiting the home business.
4. The home occupation does not involve the making or manufacturing of goods, crafts, or otherwise.
5. The activities of the home occupation shall be conducted by members of the residing family only. No other person(s) may be engaged in the home occupation.
6. The planning and zoning director shall review all administrative approvals on an annual basis when the business license is up for renewal. If it is the finding of the planning director that the business has expanded beyond what the administrative approvals allow, then the business license and home occupation must be approved by the planning commission.
7. The planning and zoning department shall not be bound to grant administrative approvals for home occupations. If for any reason the planning and zoning director, at his/her discretion, decides not to grant administrative approval, the applicant must then seek approval from the planning commission.

H. Background Checks: Background checks will be conducted on all applications for home occupations.

I. Appeals From Decisions Of The Planning Commission: Any decision made by the planning commission under authority of this section may be appealed by application to the city council.

The approval of the home occupation permit shall be valid for the remainder of the year in which it is first granted. Thereafter the approval will be extended for successive one year periods, commencing on January 1 of the calendar year provided: 1) that the home occupation is found to be substantially the same as initially approved and 2) that the home occupation has remained active as evidenced by the acquisition of a valid business license for the previous year. (Ord. 2004-08, 6-2-2004, eff. 7-2-2004)

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1](#): See subsection D of this section.

[Footnote 2](#): See subsection A of this section.