

Mapleton City Planning Commission Staff Report

Meeting Date: May 12, 2011

Item: 3

Applicant: Byron Kirk Bertelsen

Parcel #: 26:064:0017

Prepared by: Matt Brady

Council Action Required: No

REQUEST

Byron Kirk Bertelsen requests a Home Occupation Permit for *Bert's Guns*, a gun-smithing business located at 615 East 300 North in the R-1-B Zone.

FINDINGS OF FACT:

1. Home occupations that involve clientele visiting the business must be approved by the Planning Commission.
2. The applicant is proposing a gun-smithing home occupation. See Attachment #1 for information submitted by the Applicant.
3. The Planning Commission may attach conditions to the Home Occupation Permit which relate to health, safety, and quality of the residential environment. (see Attachment #2 Mapleton City Code 18.84.380(E): Planning Commission May Attach Conditions).
4. The home currently has a 1-car garage, with interior room to the side of the parking space which the Applicant is proposing to use for his home occupation.

STAFF ANALYSIS:

1. The Police Chief has reviewed the proposal, and recommends that no ammunition or black powder be stored for the business on the subject property. The Police Chief also needs to verify approval of a Federal Firearms License.
2. An inspection by the Fire Inspector is pending. Staff is recommending as a condition that the Applicant pass the Fire Inspector's inspection.
3. According to Utah County records, the total floor area of the home, including the attached garage, is approximately 2,664 square feet. The shop area in the attached garage where the gunsmithing is to take place is approximately 91 square feet, or approximately 3.4% 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 meets this requirement.
4. Mapleton City Code 18.84.380(D)(11) states: "*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.*" Staff recommends that the Fire Inspector determine an entrance for the home occupation.
5. Mapleton City Code 18.84.380(D)(14) 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 Planning Commission needs to decide whether the proposed application meets the above requirement, or whether more information is

needed (i.e. opinions from licensed appraisers).

RECOMMENDED ACTION:

Staff recommends approval of the home occupation with Conditions.

CONDITIONS OF APPROVAL:

Police Chief:

1. No ammunition or black powder for the business shall be stored at the subject property.
2. The Applicant shall provide an approved Federal Firearms License for review.

Fire Department Inspector:

1. Applicant must pass an inspection from the Fire Inspector.

Planning:

1. The Applicant must abide by the conditions he has represented in his letter received by Mapleton City on May 3, 2011. Any modifications in business practices shall be approved by the Planning Commission, subject to an application and applicable fee to re-appear before the Planning Commission.
2. That Clients shall enter the home through an entrance designated by the Fire Inspector.
3. That the work area in the garage shall not interfere with the parking space for 1 car.
4. The Applicant must abide by all other requirements set forth in 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. Home Occupation Permit Application
2. Mapleton City Code 18.84.380: HOME OCCUPATIONS

VICINITY MAP:



SITE PHOTO:



Looking northeast at the Bertelsen home from the intersection of 600 East & 300 North