



Staff Report for Administrative Approval

Weber County Planning Division

10/14/15

Synopsis

Application Information

Application Request: Consideration and action on a request for a home occupation for instructional activities (athletic instruction) in an accessory building on a property located at 2393 S. 3500 W.

Type of Decision: Administrative

Applicant: Kregg and Kami Thomassen

File Number: TBD

Property Information

Approximate Address: 2393 S. 3500 W.

Project Area: Approximately 4.9 acres

Zoning: A-1 zone

Existing Land Use: Residential

Proposed Land Use: Home occupation for instructional activities in an accessory building.

Parcel ID: 15-078-0084

Township, Range, Section: T6N, R2W, Section 28

Current adjacent Land Use

North: Residential	South: Residential
East: Residential	West: Agricultural

Staff Information

Report Presenter: Charlie Ewert
cewert@co.weber.ut.us
801-399-8763

Report Reviewer: SW

Applicable Ordinances

- Weber County Land Use Code, Title 104 (Zones), Chapter 5 - Agricultural Zone (A-1 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 13 (Home Occupation; Short Term Vendors; Temporary Outdoor Sales; Farmers Markets) Sections 2 - (Home Occupations)

Background

The applicants are requesting a land use permit for a home occupation to teach athletic instructional activities in an accessory building. The applicants are the subject of a recent ordinance change¹ that enables home occupations to have instructional activities in outdoor yard area and/or accessory buildings. Approval of this application would provide for their intent of requesting the ordinance amendment.

The applicant already has a large accessory building onsite that contains a basketball court and batting cage.

Review Criteria

This application is being reviewed for compliance with the allowed uses in the A-1 zone and with the requirements and regulations of the Home Occupation ordinance.

A-1 Zoning. Pursuant to Weber County Land Use Code (LUC) §104-5-3, a home occupation is a permitted use in the A-1 zone. Permitted uses are administrative uses and approval is required provided the use complies with standards and requirements of the LUC, as may be applicable.

Standards. The relevant standards for a home occupation can be found in LUC §108-13-2. Considerations for review of this application include increased traffic, noise and lighting, hours of operation, visiting clientele, parking, heavy truck traffic, number of pupils, and signage.

¹ See County Ordinance 2015-14, adopted August 25, 2015.

Traffic. The home occupation can be expected to increase traffic in the area at the beginning and end of the instructional activities. The ordinance limits to the number of pupils at any one time which will limit the increased traffic. The site is located along 3500 West, which is a collector street. The increased traffic is not anticipated to be significant enough to cause traffic problems.

Parking. The home occupation is anticipated to need additional parking. The ordinance requires one space per two non-driver age client, or one per driver age client. If the applicant maximizes the number of pupils being instructed (which is not more than eight) then at least four spaces are required. However, in the event there are additional patrons driving to the site and staying with the pupils through the instruction then at least eight spaces are required. If the applicant uses the two allowed employees then another two spaces are required.

The total number of parking spaces required may range between four spaces and ten spaces, depending on the business activities. This does not include the two parking spaces required for the residence, as is required in LUC §108-8-2.

This site has two driveways, one for the residence and another for the detached garage. The driveway for the detached garage is at least 175 feet by 55 feet (see attached site plan). This area is sufficient to provide for 10 parking spaces.

Noise. The ordinance restricts home occupation noises to 60 decibels or less. The instructional activities are proposed to be confined to the large accessory building. This building is insulated, which will limit the noise. The applicant asserts that the noise will not exceed the 60 decibel threshold as measured from the property line. If any outdoor instructional activities are conducted in the future the applicants will need to be cautious of the noise levels.

Lighting. The accessory building that will house the instructional activities already exists. There is limited existing exterior lighting that is shielded and oriented toward the ground. There are no proposed lighting changes as a result of the home occupation. If additional lighting or new fixtures is anticipated for future business purposes it shall be downward directional and shielded in a manner that complies with the lumen requirements of the LUC.

Hours of operation. The applicants anticipate the hours of operation to be between 4:00 PM and 9:00 PM on weekdays and 8:00 AM and 9:00 PM on weekends. The ordinance limits the hours of operation to be between 8:00 AM and 9:00 PM.

Visiting clientele. The ordinance restricts the number of home occupations with visiting clientele to no more than one per residence. No other home occupations with existing clientele are allowed at the site.

Heavy truck traffic. There is no proposed truck traffic to and from the site. In the event the home occupation increases truck traffic to the site a re-review of the home occupation should be required.

Number of pupils. The ordinance limits the number of pupils that can be instructed at any given time to eight. While it can be anticipated that parents or guardians may be present during practices, at no time can instructional activities become spectator activities like competitions, recitals, tournaments or any other performances oriented toward spectator entertainment.

Special area requirements. The ordinance requires that instructional activities in outdoor yard area and/or accessory buildings be on a site that is a minimum of three acres. The applicant's site is approximately 4.9 acres and is sufficiently sized for the use.

Signage. No signage is being proposed at this time. If signage is desired in the future a new land use permits is required for it.

Staff Recommendation

Staff recommends approval of the Thomassen home occupation for instructional activities in outdoor yard area and/or accessory buildings. Approval is contingent of the applicant maintaining compliance with the following requirements:

1. The home occupation shall maintain compliance with the requirements of LUC §108-13.
2. If traffic, including truck traffic, and parking demand increases beyond that anticipated in this review the permit be re-reviewed for ordinance compliance.
3. The applicants shall monitor the noise levels of their home occupation to verify compliance with the 60 decibel noise limit.
4. Any changes to lighting as a result of the home occupation shall be downward directional, fully shielded, and not create more than two foot-candles of illumination over ambient light levels, as measured from the property line.
5. No other home occupation the draws visiting clientele may be conducted at the residence.

6. At no time shall instructional activities become spectator activities like competitions, recitals, tournaments or any other performances oriented toward spectator entertainment.
7. If the property is further subdivided in the future a re-review of the home occupation shall be required.
8. A land use permit shall be required prior to any signage for the home occupation at the site.
9. All other county, state, and federal laws shall be upheld.

Staff recommendation is based on the following findings:

1. The site is located in the A-1 zone
2. A home occupation is permitted in the A-1 zone, provided compliance with relevant standards.
3. Given adherence to the application proposal and the requirements listed in this recommendation the home occupation complies with relevant standards.

Administrative Approval

Administrative approval of the home occupation is hereby granted based upon its compliance with the Weber County Land Use Code and the findings listed in this staff report.

Date of Administrative Approval: October 14, 2015



Sean Wilkinson
Weber County Planning Director

Exhibits

1. Application, written narrative, and site plan.
2. Location map.
3. Site photos.



Weber County

Weber County Planning Division
www.co.weber.ut.us/planning
2380 Washington Blvd., Suite 240
Ogden, Utah 84401-1473
Voice: (801) 399-8791
Fax: (801) 399-8862

This application can be filled out online at the following Planning Division web site: www.co.weber.ut.us/planning.
Copies of the applicable Weber County Land Use Codes and other helpful information are also available at this web site.

Home Occupation; Short Term Vendors; Temporary Outdoor Sales; Farmer's Markets Land Use Permit Application

Application submittals are recommended to be submitted with an appointment.
(801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted/Completed 9/24/15	Fees (office Use) 50 ⁰⁰	Receipt Number (office Use) 4609
-------------------------------------	---------------------------------------	-------------------------------------

Property Owner/Lessee Contact Information

Name Kregg & Kami Thomassen	Mailing Address 2393 S. 3500 W. Taylor 84401
Phone 8015404078	Fax
Email Address Kreggt@gmail.com	Preferred Method of written correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Property Information

Property Owner Kregg & Kami Thomassen	Address same as above	Land Serial number(s)		
Subdivision Name	Lot Number	Current Zoning	Acreage 4.9....	Frontage

Type of Business to be conducted
athletic instruction



Home Occupation; Short Term Vendors; Temporary Outdoor Sales; Farmer's Markets

The purpose and intent of this chapter is to allow persons residing in dwellings in residential, forest, and agricultural zones, to provide a service, operate certain kinds of small businesses, or maintain a professional, or business office while not changing the character of the neighborhood.

Staff member assigned to process application: _____

APPLICATION DEADLINE: Once the application is deemed complete by the Planning Division staff it will be forwarded to the Weber County Business License Division.

Required Conditions

A home occupation must meet all of the following conditions and requirements:

1. A land use permit is required in order to verify zoning requirements and setbacks.
2. A home occupation may be carried on in a dwelling unit by the resident(s) who actually reside on the premises; except that 2 non-resident employees may be allowed having complied with the following standards:
 - a. The minimum lot size shall be one acre.
 - b. Parking standards will comply with Land Use Code Title 108 Standards Chapter 8, the parking ordinance for residential dwellings, and in addition shall require one parking space for each non-resident employee and one for each visiting clientele.
3. The home occupation shall retain the general character and appearance of a residential dwelling and not change the general character of the neighborhood except for approved signage and vehicle parking.
4. Home occupations shall be allowed provided that the home occupation is limited in extent, incidental and secondary to the use of the dwelling unit for residential purposes, and does not substantially increase foot and vehicular traffic, parking, noises, lighting, vibration, smoke, or anything that is uncommon to the established character of the neighborhood to such a degree as to constitute an annoyance to the residents of the immediate area.
5. The home occupation shall not occupy more than 400 square feet or 25 percent, whichever is less, of the ground floor area of the home. This does not apply for child day care.
6. The home occupation shall not use any space in an attached or unattached garage, accessory building, yard or any space on the premises outside of the dwelling. Child day care may have an outdoor yard space.
7. The home occupation must obtain an annual business license.
8. The home occupation shall not be open to the public at times earlier than 8:00 a.m. or later than 9:00 p.m. The hours of operation for child day care shall not begin any earlier than 6:00 a.m., or operate later than 10 p.m. seven days a week.
9. Home occupations with visiting clientele will be subject to the following standards:
 - a. Parking standards will comply with the Land Use Code Title 108 Standards Chapter 8, the parking ordinance for residential dwellings, and in addition shall require one parking space for each visiting clientele.



- b. No more than one home occupation with visiting clientele shall be permitted within any single dwelling.
 - c. No home occupation with visiting clientele shall be allowed in multi-family dwelling units consisting of four units or more.
 - 10. Home occupations shall provide adequate off-street parking as specified in Title 108 Standards Chapter 8 of the Weber County Land Use Code.
 - 11. There shall be no storage or parking on the premises or on the adjacent streets in the vicinity of the premises of tractor trailers, semi-trucks, or other heavy equipment used in an off-premise business for which the dwelling is being used as a home occupation office except that not more than one truck of one-ton capacity or less may be parked on premise during off work hours at night. A work trailer up to 22 feet in length may be parked at night as part of the home occupation business. All trucks and trailers used as part of the home occupation business shall be licensed and registered, and parked in accordance with Land Use Code Title 108 Standards Chapter 8.
 - 12. The home occupation approval may be revoked by the Planning Commission if the home occupation does not remain in compliance with this ordinance.
 - 13. The property owner's written authorization shall be submitted as part of the application for home occupation.
 - 14. Home occupations that require bodily contact with patrons or equipment that create a potential for contamination between residents and clients are not allowed, e.g., tanning salons and tattoo parlors.
- C. Signs
- One (1) flat sign or name plate not exceeding two (2) square feet attached to the house or mail box may be permitted. A land use permit is required. Any modification made to the permitted sign requires a new land use permit. No freestanding or banner signs shall be permitted.

Short term vendor consists of the sales of goods and/or services from a trailer, mobile store, or kiosk on a commercially zoned property. Application for a short term vendor is subject to the following requirements:

- A. A design review application.
- B. Site plan.
- C. Required application fees. (Fees are the same for Design Review application for a home occupation with visiting clientele).
- D. Water and sanitation facility plans to be approved by the Health Department.
- E. Signage plan.
- F. A building permit for temporary power.
- G. A land use permit shall be obtained for a short term vendor.

A short term vendor's business license expires one hundred and twenty (120) consecutive days after the date of issuance.

Temporary outdoor sales site consist of the sale of seasonal goods (e.g. Christmas tree lot, pumpkins, or fireworks), that are associated with a recognized holiday, on a commercially zoned property. An application for a temporary outdoor site is subject to the following requirements:

- A. A design review application.
- B. Site plan.
- C. Required application fees. (Fees are the same for Design Review application for a home occupation with visiting clientele).
- D. Water and sanitation facility plans to be approved by the Health Department.
- E. Signage plan.
- F. The sales lot area shall not exceed 10 percent of the parking area on an improved commercial lot.

APPLICATION FOR HOME OCCUPATION LICENSE AT 2393 SOUTH 3500 WEST, TAYLOR UT 84401

Sec 108-13-2

(a) Understood

(b) N/A

(c)

1. An application is being included, with a site plan including boundaries and buildings.
2. We are interested in using the accessory gym for athletic instruction. We give our authorization for this home occupation.
3. We understand that an annual business license will be required.

(d)

1. We are on just under 5 acres
2. Understood
3. a. N/A
b. Applying for license for Instructional activities

4. N/A

5-7. There is ample parking for the gym area. The noise and lighting is contained inside the gym. It is insulated, which helps buffer the noise. The building sits back off the road 54 feet, and has a pasture in the front and south side of the building, which is a buffer from other property owners. The distance of the building to the south property line is 50 feet. The exterior is lit with motion lights, which are downward directional and shielded.

8. We will run instruction normally from 4-9pm on weekdays, and starting no earlier than 8am on weekends.

9. N/A

10. Plenty of off street parking (see attached photo)

11. N/A

12. N/A

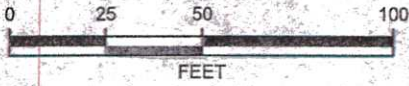
13. We will be running instructional time in the gym, not tournaments or leagues.

14. Understood

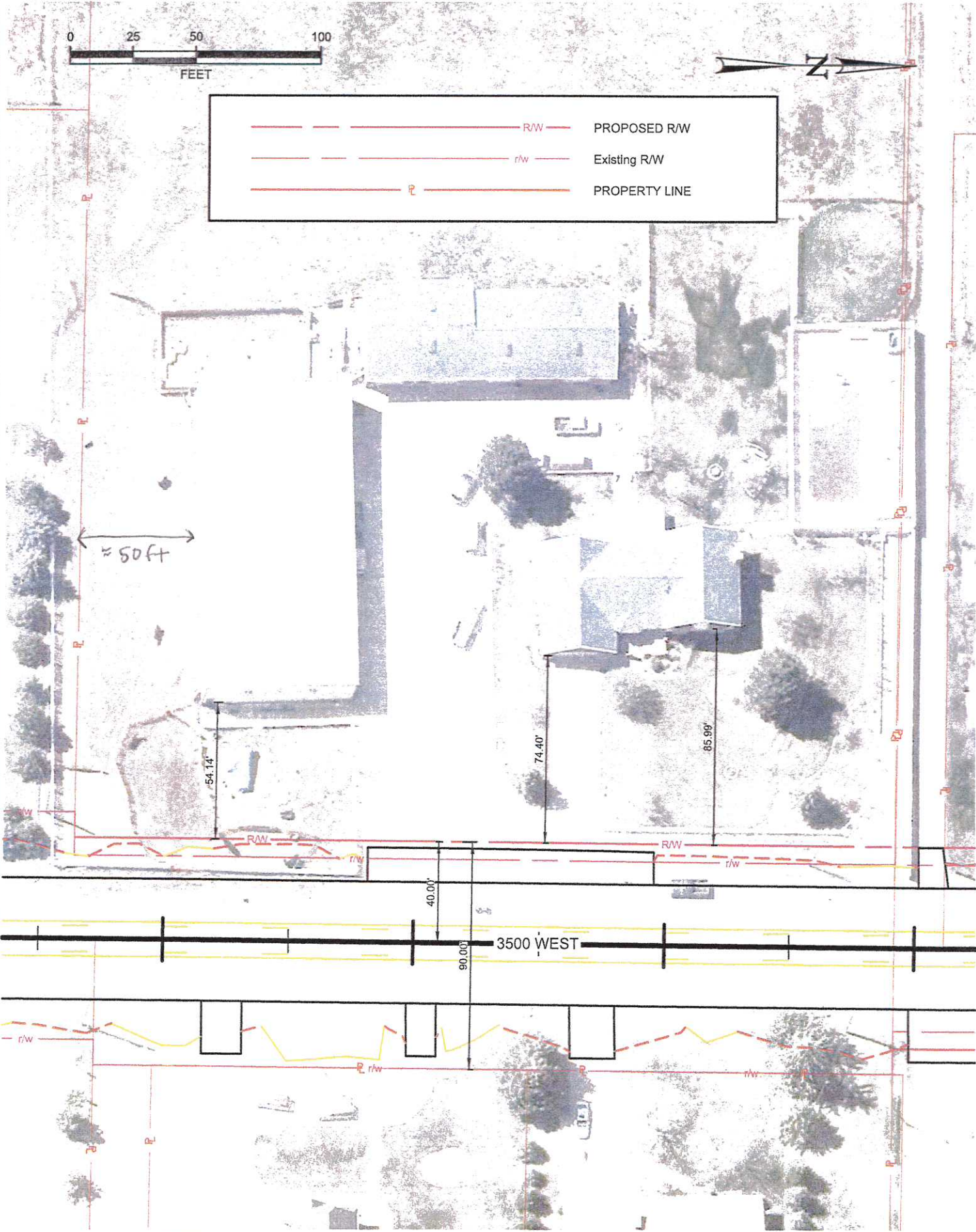
(e) As of yet, we do not have a sign for the business. We understand the allowed sign requirements, and need for a land use permit for the sign.

(f) Understood

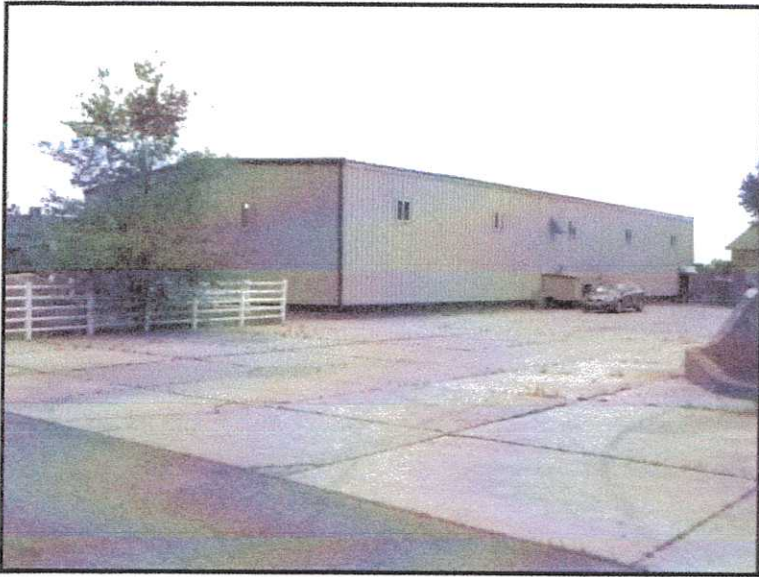
(g) Understood



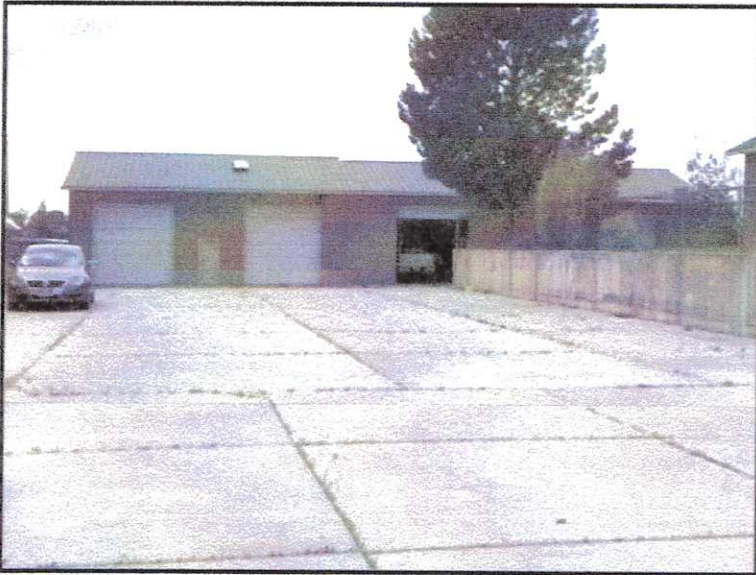
	PROPOSED R/W
	Existing R/W
	PROPERTY LINE



Outbuilding



Shop



parking - cement
appx 50' x 150'



Subject Interior

2393 S 3500 W

Sales Price 0

Gross Living Area 2,072

Total Rooms 8

Total Bedrooms 3

Total Bathrooms 3.0

Location N;Res;

View N;Res;

Site 5 ac

Quality Q3

Age 27

Outbuilding Interior

Thomassen Site



October 14, 2015

Parcels



Zoning Area

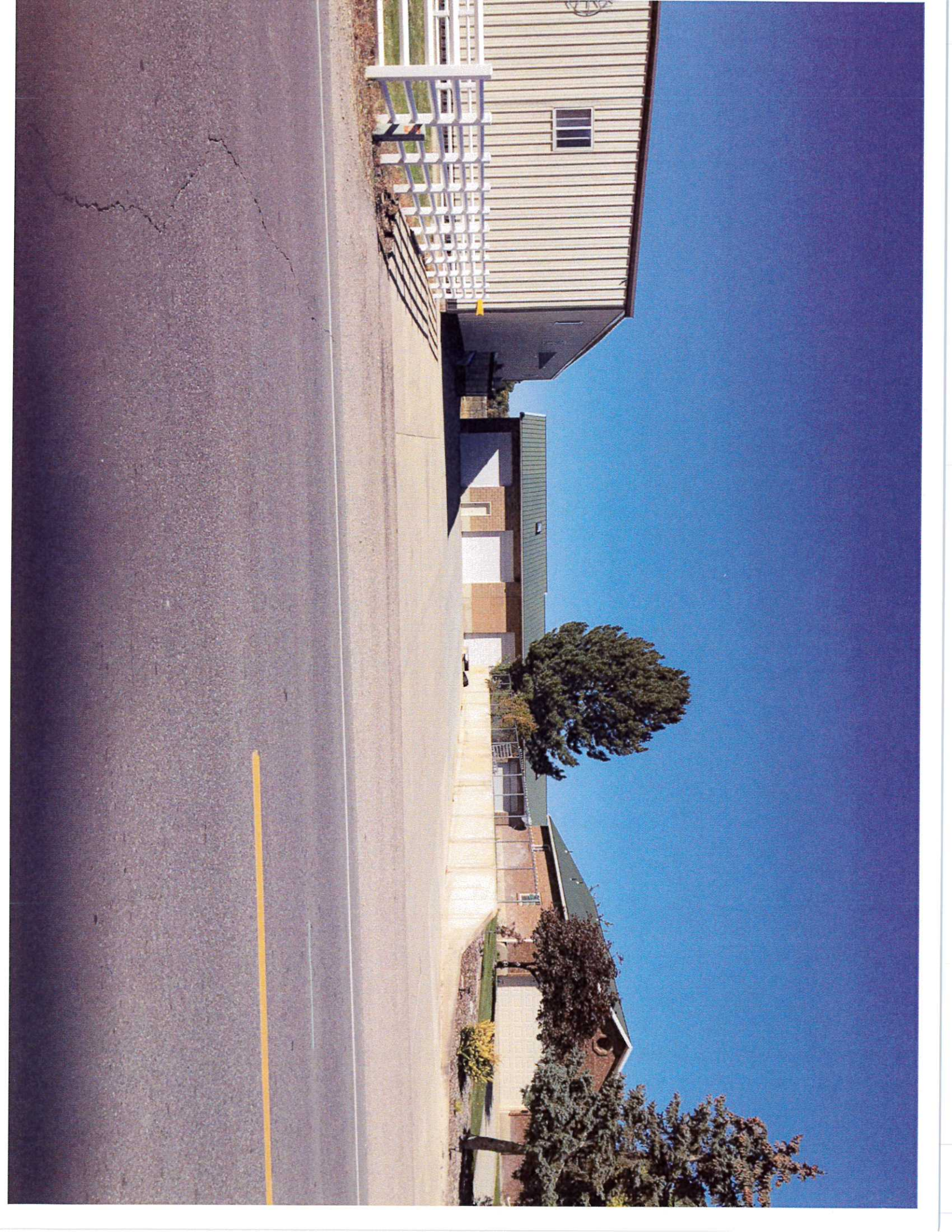
Street Labels

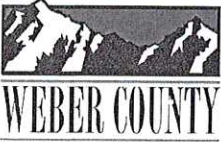
City Labels



1:9,028
Image courtesy of USGS Earthstar Geographics SIO © 2015 Microsoft Corporation © 2015 HERE © AND







WEBER COUNTY CMS RECEIPTING SYSTEM
OFFICIAL RECEIPT

*** REPRINT ***

Date: 21-SEP-2015

Receipt Nbr: 4609

ID# 33170

Employee / Department: SHERRIE - 4181 - PLANNING
Monies Received From: KAMI THOMASSEN
Template: PUBLIC WORKS
Description: BUSINESS LICENSE - NEW HOME OCCUP.

The following amount of money has been received and allocated to the various accounts listed below:

Total Currency	\$	_____	.00
Total Coin	\$	_____	.00
Total Debit/Credit Card	\$	_____	85.00
Pre-deposit	\$	_____	.00
Total Checks	\$	_____	.00
Grand Total	\$	=====	85.00

FILE COPY

Account Number	Account Name	Comments	Total
2015-08-4181-3419-0550-000	OTHER FEES - ZONING FEES (LA		50.00
2015-08-4241-3210-0000-000	BUSINESS LICENSES		35.00
TOTAL \$			85.00

Check Amounts

Total Checks:

Total Check Amounts: \$.00

*** SAVE THIS RECEIPT FOR YOUR RECORDS ***



BUSINESS LICENSE APPLICATION

Application for a NEW License

Weber County

2015

For Office Use Only	
License No.:	<u>NW</u>
Receipt No.:	<u>46009</u>
Date Received:	<u>9/21/15</u>
License Fees:	
Business License Fee	<u>35.00</u>
Land Use Fee	<u>50.00</u>
Total Fees:	<u>85.00</u>

Business Name: Thomassen Gym

Mailing Address: 2393 S. 3500 W. City: Taylor State: UT Zip: 84401

Business Address: 2393 S. 3500 W. City: Taylor State: UT Zip: 84401

Email Address: kami@chesapeakefunding.com Business Phone: 8015404078 State Lic. #: _____

Applicant Name: Kregg & Kami Thomassen Applicant Phone: 8015404078

Applicant Address: same as above City: _____ State: _____ Zip: _____

Home Occupation Business License

FILE COPY

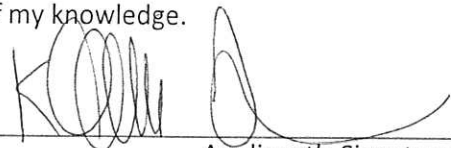
For the use of a portion of a dwelling as conducted in the home and which is clearly incidental and accessory to the primary use of the dwelling for living purposes and which also meets all of the conditions and requirements of Land Use Code Section 108 Chapter 13.

I/We hereby apply for a license to conduct business in the unincorporated area of Weber County Utah, for the term of 12 months commencing on the 1st day of January, 2015, under the provisions of the ordinance of Weber County relating to business licenses.

As the applicant, please fully describe the type of business that will be conducted:

Athletic Instruction

License applications to Weber County require approval of the departments listed below. All licenses will be issued upon satisfactory completion of application requirements and approved by the Weber County Commission. The statements made on this application are true and correct to the best of my knowledge.



 Applicant's Signature

.....

Weber County Code of Ordinance Sec. 14-6-1. - Penalty for late payment. If any license fee is not paid within 45 days of the due date, a penalty of 25 percent of the amount of such license fee shall be added to the original amount thereof, and if not paid within three months of the due date, an additional penalty of 25 percent shall be added to the original amount thereof. All penalties provided for in this section shall be collected and the payment thereof enforced in the same manner as the license fees are collected and payment thereof enforced. No license shall issue until all penalties legally assessed have been paid in full.

.....

_____ Planning Division Approval Date _____

_____ Building Inspection Approval Date _____

_____ Fire District Approval Date _____

_____ Health Department Approval Date _____

Return completed application to:

Weber County Business License
 2380 Washington Blvd., Suite 240
 Ogden UT 84401
 Ph: 801-399-8374