



MEMORANDUM

City of Beaverton

Community Development Department

To: Interested Parties
From: City of Beaverton Planning Division
Date: July 31, 2015
cc: HO2015-0002 – Scherer Home Occupation
Subject: *Notice of Decision for HO2015-0002*

Please find attached the notice of decision for HO2015-0002 – Scherer Home Occupation. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for HO2015-0002 – Scherer Home Occupation is final, unless appealed within twelve (12) calendar days following the date of the decision. The procedures for appeal of a Type 2 Decision are specified in Section 50.65 of the Beaverton Development Code. The appeal shall include the following in order for it to be accepted by the Director:

- The case file number designated by the City.
- The name and signature of each appellant.
- Reference to the written evidence provided to the decision making authority by the appellant that is contrary to the decision.
- If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.
- The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
- The appeal fee of \$250.00, as established by resolution of the City Council.

The appeal closing date for HO2015-0002 – Scherer Home Occupation is **4:00 p.m., Monday, August 10, 2015.**

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The case files may be reviewed at the Beaverton Planning Division, Community Development Department, 4th Floor, City Hall, 12725 SW Millikan Way between 7:30 a.m. and 4:00 p.m., Monday through Friday, except holidays. For more information about the case file, please contact Steve Regner, Assistant Planner, at (503) 526-2675.

NOTICE OF DIRECTOR'S DECISION

DATE: July 31, 2015

TO: All Interested Parties

FROM: Steve Regner, Assistant Planner

PROPOSAL: HO2015-0002 – Scherer Home Occupation

LOCATION: 14250 SW Bonnie Brae
Tax Lot 00521 of Washington County Map 1S116CC

SUMMARY: The applicant is seeking Home Occupation Two approval to operate an animal chiropractic office from their home. All customers will arrive by appointment only, served on a one-on-one basis. A maximum of eight customers will visit the site per day. There will be no other employees than the homeowner, and will operate 8:00am to 8:00pm, Monday through Sunday.

APPLICANT/
PROPERTY OWNER: Kalina Scherer
Portland Animal Chiropractic
14250 SW Bonnie Brae Street
Beaverton, OR 97005

RECOMMENDATIONS: **APPROVAL of HO2015-0002 - Scherer Home Occupation**, subject to conditions identified at the end of this report.

BACKGROUND FACTS

Key Application Dates

<u>Application</u>	<u>Submittal Date</u>	<u>Deemed Complete</u>	<u>Final Written Decision Date</u>	<u>240-Day*</u>
HO2015-0002	May 25, 2015	June 24, 2015	July 31, 2015	February 19, 2016

* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

Existing Conditions Table

Zoning	Urban Standard Density R7	
Current Development	Single Family Residential	
Site Size	0.2 acres	
NAC	Central Beaverton	
Surrounding Uses	<u>Zoning:</u> North: Urban Standard Density (R7) South: Urban Standard Density (R7) East: Urban Standard Density (R7) West: Urban Standard Density (R7)	<u>Uses:</u> North: Detached Dwelling South: Detached Dwelling East: Detached Dwelling West: Detached Dwelling

DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS

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Attachment A: HO2015-0002 Scherer Home Occupation

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Attachment B: Conditions of Approval

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Exhibit 1: Site Plan

Exhibit 2: Public comments

No Public Comments Received

**ANALYSIS AND FINDINGS FOR
HOME OCCUPATION TWO APPROVAL
HO2015-0002 – Scherer Home Occupation**

Section 40.40.05 Home Occupation: Purpose

The purpose of the Home Occupation application is to provide recognition of the needs or desires of many people to engage in small scale business ventures at home. It recognizes the potential advantages for reducing commuter travel when people work at home. It is also recognized that such uses, if not carefully regulated, may be incompatible with the purposes of residential districts. It is the intent of this section that these uses be allowed so long as they are not in violation of the terms of this section and do not alter the residential character of the neighborhood, infringe upon the right of neighboring residents to the peaceful enjoyment of their neighborhood homes, or otherwise be detrimental to the community at large. This Section is carried out by the approval criteria listed herein.

Section 40.40.15.2.C lists the criteria in order to approve a Home Occupation application; the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. *The proposal satisfies the threshold requirements for a Home Occupation Two application.*

Facts and Findings:

The applicant proposes to operate an animal chiropractic office out of their home. Business activities will be located in a portion of the applicant's home as shown on the site plan (Exhibit 1). The applicant states that customers will arrive by appointment only with no overlap of appointments and with no more than eight customers per day.

Therefore, staff finds that the proposal meets the criterion for approval.

2. *All City application fees related to the application under consideration by the decision making authority have been submitted.*

Facts and Findings:

The City of Beaverton received the appropriate fee of \$516.00 for a Home Occupation Two application.

Therefore, staff finds that the proposal meets the criterion for approval.

3. *The proposed home occupation is being undertaken by an occupant of the residence.*

Facts and Findings:

The applicant states that the property owner resides in the house and will operate the business.

Therefore, staff finds that the proposal meets the criterion for approval

4. *The proposed home occupation is participating in and is consistent with the City's Business License Program and other agency licensing requirements as appropriate to the proposed use.*

Facts and Findings:

The applicant states that the existing business has obtained a Business License with the City of Beaverton. Staff concurs, finding the address of the proposed Home Occupation has Business License number 26380.

Therefore, staff finds that the proposal meets the criterion for approval.

5. *The proposed home occupation shall be operated entirely within the dwelling, a conforming accessory structure, or both. No exterior storage of materials or equipment shall occur on the premises.*

Facts and Findings:

The applicant has stated that the on-site operation shall be conducted within an accessory structure in the rear yard. Clients will have access to the bathroom within the main residence. Staff concurs with the applicant's statement.

Therefore, staff finds that the proposal meets the criterion for approval.

6. *The proposed home occupation will not change the use classification of the dwelling unit or accessory structures as determined by the City Building Official applying the State Building Code.*

Facts and Findings:

The primary use at this site will continue to be classified as residential, with no proposed change of occupancy. As such, the residence will be exempt from applicable accessibility requirements as administered through the Oregon Residential Specialty Code.

Therefore, staff finds that the proposal meets the criterion for approval.

7. *The proposed home occupation and associated storage of materials and products shall not occupy more than 700 gross square feet of floor area.*

Facts and Findings:

The applicant has stated that the home occupation will occupy approximately 160-square feet of the accessory structure and primary residence. This area is further shown on the applicant's site plan (Exhibit 1).

Therefore, staff finds that the proposal meets the criterion for approval.

8. *The subject property will continue to be used and maintained as a residence and will conform to all requirements of this and other City Codes as they pertain to residential property.*

Facts and Findings:

The applicant states that the subject property will continue to be used and maintained as a residence as permitted in the R7 zoning district.

Therefore, staff finds that the proposal meets the criterion for approval.

9. *The home occupation, including deliveries from other businesses, shall not include the use of tractor trailers, fork lifts, or similar heavy equipment.*

Facts and Findings:

The applicant has stated that the proposed home occupation does not require the use of tractor trailers, fork lifts, or similar heavy equipment.

Therefore, staff finds that the proposal meets the criterion for approval.

10. *There shall be no noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line resulting from the operation of the home occupation.*

Facts and Findings:

The applicant has stated that the home occupation will exude no noise, vibration, smoke, dust, heat or glare as a result of its operation. Staff concurs with the applicant's statement.

Therefore, staff finds that the proposal meets the criterion for approval.

11. *There shall be no exterior storage of vehicles of any kind used for the business except that one (1) commercially licensed vehicle, which is not larger than a 3/4 ton pick-up, passenger van, or other vehicle of similar size, may be parked outside on the subject property, provided such parking complies with applicable parking restrictions.*

Facts and Findings:

The applicant has stated that the proposed home occupation will not require exterior vehicle storage for business use.

Therefore, staff finds that the proposal meets the criterion for approval.

12. *The proposal will not involve storage or distribution of toxic or flammable materials, spray painting or spray finishing operations, or similar activities that involve toxic or flammable materials which in the judgment of the Fire Marshall pose a health or safety risk to the residence, its occupants or surrounding properties.*

Facts and Findings:

The applicant has stated that the home occupation will not involve storage of any toxic or flammable materials.

Therefore, staff finds that the proposal meets the criterion for approval.

13. *There is no signage associated with the proposed home occupation aside from a name plate as allowed by Section 60.40.15 of this Code.*

Facts and Findings:

The applicant has stated that the only signage associated with the Home Occupation will be a name plate, not to exceed two square feet, as allowed by Section 60.40.15.4 of the City of Beaverton Development Code.

Therefore, staff finds that the proposal meets the criterion for approval.

14. *Exterior remodeling will not alter the residential character of the building.*

Facts and Findings:

The applicant has indicated in the application that there will be no exterior alterations to the building. The house will retain its character and primary use as a residence. Staff concurs.

Therefore, staff finds that the proposal meets the criterion for approval.

15. *Excluding required residential parking, adequate off-street parking exists to accommodate vehicular traffic for any employee, customer, or both.*

Facts and Findings:

No outside employees are proposed as part of the home occupation at this time. This site is a single-family residence and the minimum required parking is one space. The site contains four parking spaces, two within the garage and two

directly in front of the garage in the driveway.

As per Chapter 60.30 (Off-Street Parking), one parking space is required for each detached dwelling unit. Therefore, two exterior parking spaces exist on site to accommodate customer parking for this Home Occupation.

Therefore, staff finds that the proposal meets the criterion for approval.

16. *The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an adjustment, planned unit development, or variance which shall be already approved or considered concurrently with the subject proposal.*

Facts and Findings:

Home Occupations are a permitted use in the R7 zone. The existing dwelling in which the home occupation will take place is consistent with all applicable site development standards for the R7 zone. No adjustments, planned unit developments or variances are proposed or necessary.

Therefore, staff finds that the proposal meets the criterion for approval.

17. *The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.*

Facts and Findings:

The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements). No exterior modifications are proposed as part of this application. The residential occupancy of the structure will not change due to the proposed home occupation. Off-street parking standards have been met as per the findings for Criterion 15. The site does not contain any protected trees, significant natural resource areas, or other protected areas. No improvements or dedications are required as part of the Home Occupation approval.

Therefore, staff finds that the proposal meets the criterion for approval.

18. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.*

Facts and Findings:

All applicable application submittal requirements have been submitted with the Home Occupation application.

Therefore, staff finds that the proposal meets the criterion for approval.

19. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in proper sequence.*

Facts and Findings:

No further applications are necessary with the Home Occupation application. Should any future documentation be needed it shall be provided to the City in proper sequence.

Therefore, staff finds that the proposal meets the criterion for approval.

SUMMARY OF FINDINGS: For the reasons identified above, staff finds that the request for Home Occupation approval is supported within the approval criteria findings, noted above, for Chapter 40, Section 40.40.15.2.C of the Development Code.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **HO2015-0002 – Scherer Home Occupation**, subject to the applicable conditions identified in Attachment B.

CONDITIONS OF APPROVAL FOR HO2015-0002

1. The home occupation shall be conducted by an occupant of the residence. (Planning Division/SR)
2. The home occupation shall not employ more than one employee or volunteer who is not a resident of the premises. (Planning Division/SR)
3. The proposed home occupation shall participate in and be consistent with the City's Business License Program and other agency licenses as appropriate to the approved use. (Finance Dept/ KG)
4. The proposed home occupation shall be operated entirely within the dwelling. Additionally the area of the home occupation shall not exceed 700 square feet. (Planning Division/SR)
5. No exterior storage of materials or equipment shall occur on the premises. (Planning Division/SR)
6. The proposed home occupation shall not change the use classification of the dwelling unit or accessory structure, as determined by the City Building Official applying the State Building Code. (Building Division/ BR)
7. The subject property shall continue to be used and maintained as a residence and shall conform to all requirements of this and other City Codes as they pertain to residential property. (Planning Division/SR)
8. There shall be no signage associated with the proposed home occupation other than a two square foot name plate as allowed by Section 60.40.15.4 of the Development Code. (Planning Division/SR)
9. The site shall be kept clean at all times and all trash shall be stored within the building or within an opaque exterior enclosure. (Planning Division/SR)
10. There shall be no noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line resulting from the operation of the home occupation. (Planning Division/SR)
11. The proposed home occupation shall not change the residential character of the dwelling unit. The service is limited to activities identified in approving this Home Occupation. (Planning Division/SR)
12. Applicant shall schedule client appointments with a maximum of eight customers per day. Boarding of animals is prohibited. (Planning Division/SR)