

BOARD OF ADJUSTMENT STAFF REPORT

Bergen's Life Coaching Business

Case #420-08-137

Special Exception request for an conditional home occupation at 2125 E. Yuma Street

July 21, 2008



Planning and Zoning Division
Department of Community
Development

Applicant:

Liselot Bergen

Staff:

Katia Pace, Associate Planner
535-6354
katia.pace@slcgov.com

Tax ID:

16-22-105-002

Current Zone:

R-1/12,000 (Single Family Residential District)

Master Plan Designation:

Low Density Residential

Council District:

Council District 7
Councilmember Soren Simonsen

Acres:

0.29 acres

Current Use:

Residential

Applicable Land Use

Regulations:

21A.36.030 Home Occupations
21A.52 Special Exceptions

Attachments:

- A. Consent Form
- B. Letters
- C. Enforcement History

REQUEST

Liselot Bergen is requesting the Board of Adjustment approval for a special exception to operate a home business as a life coach. Her residence is located in the R-1/12,000 Single Family Residential zoning district.

Paige Paulsen, the property owner of record at 2125 Yuma E. Street, where Ms. Bergen resides has consented to this request and her signature can be found on Attachment A of this Staff Report.

PROJECT HISTORY

A requirement for approval for a Routine and Uncontested Matter is for the abutting property owners to sign a consent form indicating that they do not oppose the request. The applicant was unable to get all the required signatures from the abutting property owners. Consequently, this request will now be reviewed as a regular Special Exception.

PUBLIC NOTICE

Notice of the special exception was mailed to all property owners within eighty five (85') feet of the subject property on July 3, 2008. The subject property was posted by the city with a notice of public hearing sign on July 10, 2008. Community council review is not required by city code. Also, the agenda was sent to interested parties including Community Council chairs, Planning's list serve, and the agenda was posted on the Salt Lake City's website.

POTENTIAL MOTIONS

Approval

From the evidence and testimony presented and pursuant to the plans submitted, I move that the Board of Adjustment grant the special exception for the proposed conditional home occupation at 2125 Yuma Street in the R-1/12,000 zoning district. The approval is granted because:

1. The home occupation is in compliance with district purposes;
2. The home occupation will not diminish neighboring property values;
3. The home occupation will not have a material adverse effect upon the character of the area;
4. The home occupation is compatible with surrounding development;
5. There will be no damage to natural and scenic features of the property;
6. No pollution of air, water, soil, or noise is evident by the request; and
7. There are no additional standards imposed on this proposal.

Denial

From the evidence and testimony presented and pursuant to the plans submitted, I move that the Board of Adjustment deny the proposed conditional home occupation at 2125 Yuma Street in the R-1/12,000 zoning district. The denial is based on the finding that this home business is not compatible with the neighborhood.

VICINITY MAP



1. Paige Paulsen - 2125 Yuma Street
2. Korean Presbyterian - 2018 East 2100 South
3. Margery Sorensen - 2135 Yuma Street
4. Darwin Bingham - 2122 South 2060 East
5. JV & Marie McDonald - 2128 South 2060 East
6. Jonathan & Lindsey Little - 2132 Yuma Street
7. Rex & Stacie Sears - 2126 Yuma Street

Overview

Background Information

Liselot Bergen has been self-employed as a life coach and is looking to move her business to her residence. She proposes to have between 1 to 7 clients a day from 6:00 am to 10:00 pm, one client at a time. Her clients would park on the driveway, and there would be no signs in front of the house.

In the past the applicant has held activities at her residence that has generated extra traffic and parking on the street. The property owners across the street at 2126 Yuma Street, Stacie and Rex Sears, have objected to these activities. After considering the past history of repetitive and recurring zoning ordinance violations by the applicant, Mr. and Mrs. Sears are skeptical that Ms. Bergen will limit her activities to the terms allowed by this home occupation. As a result, they are unwilling to sign the consent form endorsing the applicant's present plans. Instead they have written a letter that was included with the application. (See Attachment B.)

Public Comment

Included with the application, there are 6 signatures from adjacent property owners, including the property owner of record, in favor of this request. The adjacent property owner at 2122 South 2060 East, on the rear of Ms. Bergen's residence, has not sign the consent form. Although the applicant made several efforts to contact this property owner, there was no response.

Analysis

General Standards for Special Exceptions

The standards of review for a special exception are set forth in Section 21A.52.060 of the Salt Lake City Zoning Ordinance. The standards are as follows:

Standard A Compliance With Ordinance And District Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.

Analysis: Section 21A.36.030 "Home Occupations" allows the establishment of home occupations in all residential districts and ensure that the home occupations are compatible with the residential district in which they are located and have no negative impact upon the surrounding neighborhood.

Standard B No Substantial Impairment of Property Value: The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.

Analysis: Section 21A.36.030 (H) lists the following standards to be maintained by the business owner to guarantee that property values will not diminish or be impaired.

1. The home occupation must be clearly incidental and secondary to the primary use of the dwelling for residential purposes;
2. The area of the residence, used for home occupations shall remain in character with the rest of the home except for such minor alterations necessary to conduct an approved home occupation;
3. The home occupation shall not be conducted in, nor in any way use, the garage, carport, any accessory building or any portion of the yard. A home occupation license to distribute produce grown on the premises for off premises sales may be conducted in the rear yard and include the use of accessory buildings but may not occupy required parking areas;
4. The home occupation work conducted at the residence shall not involve any employees other than persons lawfully living in the residence;
5. The residence must be the principal residence of the applicant;
6. Other than the applicant's personal transportation there shall be no vehicles or equipment stored outdoors, or in a garage or accessory building on the property associated with the home occupation which would not normally be found at a residence;
7. Delivery of merchandise, goods, or equipment, to the site of the home occupation, shall be made by a vehicle typically employed in residential deliveries. No deliveries to the site of the home occupation by semi tractor/trailer truck shall be permitted. Loading and deliveries to the site of the home occupation shall be limited to the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M.;
8. No mechanical or electrical apparatus, equipment or tools shall be permitted in the home occupation except those which are commonly associated with a residential use or as are customary to home crafts, and which do not exceed 220 volts or which are customary to an approved conditional home occupation;

9. Tools, items, equipment or occupations which are offensive or noxious by reason of the emission of odor, smoke, gas, dust, vibration, magnetic or electrical interference, noise, or other similar impacts extending beyond the property line of the lot where the occupation is located, are prohibited;
10. Stock in trade, inventory or other merchandise shall be allowed to be kept only in the interior space of the dwelling;
11. No outdoor storage is permitted in conjunction with the occupation other than produce for off premises sales as outlined in subsection H3 of this section;
12. Other than allowed conditional home occupations, no clients or customers shall come to the home nor shall any additional vehicular traffic or parking needs be generated;
13. For conditional home occupations, no more than one client may be served at one time and no more than one place of vehicular parking shall be occupied by a client at any time;
14. The home occupation shall not require any internal alterations, other than those necessary for an approved home occupation, nor any external alterations to the residence, nor provide any visible evidence from the exterior that the building is being used for any other purpose than that of a residence;
15. Only one nonilluminated nameplate, with a maximum sign face as specified in Section 21A.46 of the Zoning Ordinance, stating the name of the business or occupant and mounted flat against the building, shall be allowed;
16. The home occupation shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses; and
17. No direct sales of products are made from the home whether or not incidental to the home occupation.

Standard C No Undue Adverse Impact: The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.

Analysis: The above standards were created to insure that material adverse effect upon the character of the area or the public health, safety and general will be preserved.

Standard D Compatible with Surrounding Development: The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.

Analysis: The nature of home occupations is to be compatible with the residential district in which they are located and to have no negative impact upon the surrounding neighborhood.

Standard E No Destruction of Significant Features: The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.

Analysis: No destruction, loss or damage of natural, scenic or historic features of significant importance is evident by the request.

Standard F No Material Pollution of Environment: The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.

Analysis: No potential pollution of air, water, soil, or noise is evident by the request.

Standard G Compliance with Standards: The proposed use and development complies with all additional standards imposed on it pursuant to Section 21A.52.100 of this Chapter.

Analysis: There are no additional standards imposed on this proposal in Section 21A.52.100 of the Zoning Ordinance.

General Standards for Home Occupations

Home occupations shall comply with the standards set forth in Section 21A.36.030 (I) of the Salt Lake City Zoning Ordinance. The standards are as follows:

Standard 1 Compliance with Standards: All provisions of this title are satisfied.

Analysis: This request complies with all provisions set on Section 21A.36.030.

Standard 2 Character of Neighborhood: The home occupation will be in keeping with the character of the neighborhood and will not adversely affect the desirability or stability of the neighborhood.

(See Standards B, C, and D above)

Standard 3 No Parking Impact: The home occupation does not diminish the use and enjoyment of adjacent properties or create an adverse parking impact on adjacent streets or properties.

Analysis: The applicant proposes to have between 1 to 7 clients a day from 6:00 am to 10:00 pm, one client at a time. Her clients would park on the driveway.

Standard 4 No Future Impact on Residence: The home occupation will not negatively impact the future use of the property as a residence.

Analysis:

1. The home occupation will be secondary to the primary use of the dwelling for residential purposes.
2. The area of the residence, used for home occupations shall remain in character with the rest of the home except for such minor alterations necessary to conduct an approved home occupation.
3. The home occupation shall not require any internal alterations, other than those necessary for an approved home occupation, nor any external alterations to the residence, nor provide any visible evidence from the exterior that the building is being used for any other purpose than that of a residence.

Standard 5 No Adverse Impact on Health, Safety and Welfare: The home occupation will not adversely affect the public health, safety or welfare.

Analysis: The home occupation shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.

Standard 6 Compliance with Codes: The home occupation conforms to all fire, building, plumbing, electrical and health codes.

Analysis: The home occupation will not exceed the requirements for fire, building, plumbing, electrical, and health codes for a residence.

Attachment A Consent Form

July 7, 2008

To Whom it May concern:

I give my permission for Liselot Bergen to have her office + practice room @ 2125 So. Yuma. She has my complete support in meeting with clients at this address.

Respectfully,

Paige Paulsen

Attachment B Letters

5/28/08

Dear City & Neighbors,

My name is Liselot Bergen and I have been a self-employed life coach for the past 10 years. I am now looking to move my office to my home due to the extra space that I now have available with my son moving out for college. I deal strictly with 1 on 1 life-coaching sessions. I have no more than 7 clients in one day. My clients can park in my driveway or rarely they might have to park on the street in front of my house. There will be no signs necessary so there will be no markings of a business on the outside of my home. My hours of operations can vary depending on when clients schedule. They can range anywhere between 6 am and 10 pm. If there any further questions as to my occupation, client, or application I would be happy to answer them. Thank you very much for your time.

Liselot Bergen
2125 S. Yuma St.
SLC, UT 84109
801-556-3537 (C)

06/04/2008

Dear City,

I have attempted to contact every one of my neighbors. To the north (2018 E. 2100 S.) of me there is a Korean Presbyterian Church and the owner of the building I can not get a hold of. The neighbor to the NE (2122 S. 2060 E.) I have tried to contact 3 times but he has not been home. I spoke to his neighbor and she said he is very hard to get a hold of him and that he rarely stays there. I have left a copy of the letter I gave to all my neighbors in his mail box and it was still there the 3rd time I went back one week later. I hope this doesn't slow the process because I have tried everything I can to contact him. Thank you.

A handwritten signature in black ink, appearing to read 'LH Bergen', with a long horizontal stroke extending to the right.

Liselot H. Bergen

Stacie and Rex Sears
2126 Yuma Street
Salt Lake City, Utah, 84109

June 2, 2008

Liselot Bergen
2125 Yuma Street
Salt Lake City, Utah, 84109

**RE: Application of Liselot Bergen for Conditional Home Occupation
Permit for 2125 Yuma Street**


Ms. Bergen,

Thank you for your note of May 28, 2008, explaining your plans to conduct a life-coaching business out of your home.

We have never opposed any legal uses of your home. We *have* opposed the illegal use of your home for business activities in violation of the zoning ordinance. We will continue to oppose violations in the future, if and when they occur.

In view of the past history of repetitive and recurring zoning ordinance violations, and related concealments and more active deceptions, we are skeptical you will limit yourself to the terms and activities set forth in your note. Because we are skeptical, we are unwilling to sign a petition endorsing your present plans.

However, we do not intend actively to oppose your application for a conditional home occupation permit. Moreover, if your application is granted, we will not oppose activities conforming both to your note and to the terms and conditions of the permit.

Sincerely,

Stacie and Rex Sears

cc: Nick Britton
Salt Lake City Planning and Zoning Enforcement

Attachment C Enforcement History

**DIVISION OF HOUSING AND NEIGHBORHOOD DEVELOPMENT
SERVICE REQUEST**

7/7/2008

INFORMATION

Case #: 158950

Sidwell #: 16-22-105-002-0000

HAND District:

Address: 2125 S YUMA ST (2040 E)

Council District:

Owner Info: PAULSEN, PAIGE
2125 S YUMA ST SALT LAKE CITY UT 84109-1107

Status: RESOLVED

Input date: 02/27/2007

Inspector: WEINHEIMER, CRAIG

Input by: ZC7932

Complete date: 6/20/2007

REQUEST / COMMENT

Complainant says that classes are starting up again. cz

VIOLATIONS

CE20 - BUSINESS IN HOMES OR WITHOUT LICENSE

WORK ACTIONS

Action	Inspector	Action Description	Date - Time	Mailed	Date
AD 10 - FINAL	70	I received a letter from the property owner dated June 9 2007 stating that they are planning continued meetings for deeksha at the property but will no longer be asking for donations or exchanging of money for goods or services. This practice will remove the element needed for continued enforcement, OK to complete this case. The complainant called and is planning a civil case, he said he may establish evidence of money exchange in the future and will send it to us. He is planning to GRAMA request our notices and I directed him to the recorder's office.	08/20/07 --	<input type="checkbox"/>	
AD 13 -	70	Had a meeting with Kevin Lopiccolo and Nole Walkingshaw, it was determined that this meeting fits the criteria for regulation like a home occupation. Will send 14 day warning letter. I later spoke to the property owner Paige Poulsen, she they would move or stop exchanging money.	05/30/07 --	<input type="checkbox"/>	
AD 10 - FINAL	20	I spoke with Kevin LoPiccolo. He researched the internet site and found no address of Yuma Street on web. Randy, Kevin and I determined that there is not a business being run from this address and in the definition of the zoning ordinances. I left this determination on the complainants phone mail box. I also released the certificate of present condition on the title. I will not send the five day warning letter and will not pursue this complaint further. This case is closed. dh	04/12/07 -- 16:20	<input type="checkbox"/>	
AD 22 - PHONE	20	The owner (Paige) called to let me know she will contact Kevin about an administrative decision on the business use. She stated she has hired an attorney because she feels she is being harassed. dh	03/22/07 -- 10:15	<input type="checkbox"/>	04/16/2007

**DIVISION OF HOUSING AND NEIGHBORHOOD DEVELOPMENT
SERVICE REQUEST**

7/7/2008

INFORMATION

Case #: 158950

Sidwell #: 16-22-105-002-0000

HAND District:

Address: 2125 S YUMA ST (2040 E)

Council District:

Owner Info : PAULSEN, PAIGE
2125 S YUMA ST SALT LAKE CITY UT 84109-1107

Status: RESOLVED

Input date: 02/27/2007

Inspector: WEINHEIMER, CRAIG

Input by: ZC7932

Complete date: 6/20/2007

WORK ACTIONS

Action	Inspector	Action Description	Date - Time	Mailed	Date
AD 13 -	20	I received a letter detailing what she is doing at her home. I gave a copy to Craig as well as Kevin LoPiccolo for an interpretation. I left work with attorney to contact Kevin to see if he needs more explanation. dh	03/20/07 -- 07:45	<input type="checkbox"/>	04/16/2007
AD 23 -	54	Posted notice and order to the front door. dh	03/15/07 -- 14:30	<input type="checkbox"/>	
AD 27 - ZONE 1	20	Sent a letter to the owner that a present condition was placed on the title. dh	03/15/07 -- 08:22	<input type="checkbox"/>	04/16/2007
AD 29 -	20	I placed a present condition on the property. dh	03/14/07 -- 17:30	<input type="checkbox"/>	04/16/2007
AD 06 - CIVIL	20	The zoning letter has expired. No word or letter about business has been submitted to Salt Lake City Corporation. I prepared a civil zoning notice and order to send to the property owner. dh	03/14/07 -- 17:15	<input type="checkbox"/>	04/16/2007
AD 22 - PHONE	20	The owner agreed to send in a letter for the City's consideration for what is being conducted at property. I will submit information when received to Kevin. dh	02/28/07 -- 16:10	<input type="checkbox"/>	03/13/2007
AD 13 -	20	I sent over the last complainant's information to Kevin for his information before they contact him. dh	02/28/07 -- 08:00	<input type="checkbox"/>	03/13/2007
AD 22 - PHONE	20	The owner left a message to contact her about her property. I left a message to call me back. dh	02/28/07 -- 07:35	<input type="checkbox"/>	02/28/2007
AD 13 -	20	The complainant sent in email and license plate #s for the file. She will contact Kevin LoPiccolo to set up an appointment. I explained that I had sent a letter to the owner and occupants and will await that information until the time expires. cz	02/27/07 -- 15:20	<input type="checkbox"/>	03/14/2007
AD 18 - INITIAL	20	I sent a letter to the tenants and the owner to send in requested information to me about their business. cz	02/27/07 -- 09:10	<input type="checkbox"/>	03/05/2007

**DIVISION OF HOUSING AND NEIGHBORHOOD DEVELOPMENT
SERVICE REQUEST**

7/7/2008

INFORMATION

Case #: 125341

Sidwell #: 16-22-105-002-0000

HAND District:

Address: 2125 S YUMA ST (2040 E)

Council District:

Owner Info: PAULSEN, PAIGE
2125 S YUMA ST SALT LAKE CITY UT 84109-1107

Status: RESOLVED

Input date: 07/28/2004

Inspector: REICH, SHERRIE

Input by: hd5034

Complete date: 11/5/2004

REQUEST / COMMENT

Illegal business in home. dh

VIOLATIONS

CE20 - BUSINESS IN HOMES OR WITHOUT LICENSE

WORK ACTIONS

Action	Inspector	Action Description	Date - Time	Mailed	Date
AD 10 - FINAL	20	The complainant has not called in after four months with any evidence of any home business. I am now finaling this case. dh	11/05/04 - 09:20	<input type="checkbox"/>	
AD 18 - INITIAL	20	The complainant called and is now again gathering evidence that her neighbor is starting to hold business meetings at her home. She will submit this proof to the City when it has been compiled. dh	07/29/04 - 10:10	<input type="checkbox"/>	

DIVISION OF HOUSING AND NEIGHBORHOOD DEVELOPMENT

S E R V I C E R E Q U E S T

7/7/2008

INFORMATION

Case #: 114481

Sidwell #: 16-22-105-002-0000

HAND District:

Address: 2125 S YUMA ST (2040 E)

Council District:

Owner Info: PAULSEN, PAIGE
2125 S YUMA ST SALT LAKE CITY UT 84109-1107

Status: RESOLVED

Input date: 02/27/2003

Inspector: REICH, SHERRIE

Input by: hd5034

Complete date: 3/25/2003

REQUEST / COMMENT

Illegal home business. dh

VIOLATIONS

CE20 - BUSINESS IN HOMES OR WITHOUT LICENSE

WORK ACTIONS

Action	Inspector	Action Description	Date - Time	Mailed	Date
AD 10 - FINAL	20	There has been no more complaints about this business still being conducted. I left a message with the complainant, this case will be closed, but to contact me if it becomes another problem in the future. dh	03/25/03 -- 09:45	<input type="checkbox"/>	
AD 22 - PHONE	20	The owner called for clarification of what she can do at her home per the Conditional Home Occupation License. I explained again that only one person with the license could only be in attendance. I again suggested renting a commercial building in a commercial zone to conduct this business. I will hold this case open a couple of weeks to make sure no more meetings in the home are held. dh	03/12/03 -- 09:40	<input type="checkbox"/>	03/28/2003
AD 18 - INITIAL	20	I went to the property with the police and met the owner. I explained she is in violation of an illegal home business. I explained and gave her the requirements for a conditional home occupation license and told her to discontinue this activity until approval has been given by Salt Lake City. I left her an inspection slip with this information. dh	03/08/03 -- 08:00	<input type="checkbox"/>	03/18/2003
AD 13 -	20	The complainant brought in copies of business activity advertisements in SLC Tribune and on the Internet. I took pictures of the structure for the file. dh	03/05/03 -- 10:00	<input type="checkbox"/>	03/18/2003
AD 22 - PHONE	20	I called the complainant to find out more about the business being run from home. She stated it s a meditation business that has been run 5 nights in a row. There has been numerous cars parked in the street and numerous people going into the home. she will get a picture of the sign they put on the doors and will take pictures of the vehicles. she will give them to me for evidence. There is no a business license issued from the city for this business. lh		<input type="checkbox"/>	