

**CITY OF DELAWARE
BOARD OF ZONING APPEALS
AGENDA**

**CITY COUNCIL CHAMBERS
1 S. SANDUSKY ST.
7:00 P.M.**

REGULAR MEETING

October 10, 2018

1. ROLL CALL
2. APPROVAL of the Motion Summary of the Board of Zoning Appeals meeting held on June 13, 2018, as recorded and transcribed.
3. REGULAR BUSINESS
 - A. 2018-2381: A request by Heather Stake for approval of a Conditional Use Permit for a Major Home Occupation at 344 Rockmill Street on approximately 0.17 acre and zoned R-3 (One-Family Residential District).
4. BOARD MEMBER COMMENTS AND DISCUSSION
5. NEXT REGULAR MEETING: November 14, 2018
6. ADJOURNMENT

BOARD OF ZONING APPEALS
MOTION SUMMARY
June 13, 2018

ITEM 1. Roll Call

Chairman Dick called the meeting to order at 7:00 p.m.

Members Present: Beth Fisher, Adam Vaughn, Todd Daughenbauh, Robert Whitmore, Vice-Chairman Paul Junk, and Chairman Matt Dick.

Members Absent: Councilmember George Hellinger

Staff Present: Lance Schultz, Zoning Administrator, Jordan Selmek, Zoning Officer

Motion to Excuse: Ms. Fisher motioned to excuse Councilmember Hellinger, seconded by Mr. Vaughn. Motion approved by a 6-0 vote.

ITEM 2. Approval of the Motion Summary of the Board of Zoning Appeals meeting held on March 8, 2017, as recorded and transcribed.

Motion: Vice-Chairman Junk moved to approve the Motion Summary for the Board of Zoning Appeals held on March 8, 2017 meeting, seconded by Mr. Daughenbaugh. Motion approved by a 5-0-1 (Whitmore) vote.

ITEM 3. REGULAR BUSINESS

A. 2018-1296: A request by Ryan Homes for approval of an off-premise sign at 535 Sunbury Road on approximately 1.01 acres zoned B-3 (Community Business District) and located just east of the Sunbury Road and Bowtown Road intersection for the Old Colony Subdivision.

Mr. Schultz provided a staff report that included the property location and proposed signage. He explained that the applicant is currently developing in the nearby subdivision, Old Colony Estates and that the proposed signage would be located on private property.

The applicant was not present and there was no public present to swear in. The Commission voiced concerns on setting a precedent in the area for other development. Mr. Schultz reviewed the staff recommendations and discussed that the proposed sign does not meet city requirements, thus requiring the variance.

Motion: Vice-Chairman Junk moved to deny application 2018-1296, along with finding beyond a reasonable doubt that the following decision factors necessary

for approval of a Variance according to Chapter 1128 of the Planning & Zoning Code are not met, seconded by Ms. Fisher. Motion approved by a 6-0 vote.

ITEM 4. BOARD MEMBER COMMENTS AND DISCUSSION

ITEM 5. NEXT REGULAR MEETING: July 11, 2018

ITEM 6. ADJOURNMENT

Motion: Mr. Daughenbaugh moved to adjourn the Board of Zoning Appeals meeting, seconded by Vice-Chairman Junk. Motion was approved by a 6-0 vote. The Board of Zoning Appeals meeting adjourned at 7:22 p.m.

Matt Dick, Chairman

Elaine McCloskey, Clerk



PLANNING COMMISSION/STAFF REPORT

CASE NUMBER: 2018-2381

REQUEST: Conditional Use Permit

PROJECT: Major Home Occupation

MEETING DATE: October 10, 2018

APPLICANT/OWNER

Heather Stake
344 Rockmill Street
Delaware, Ohio 43015

REQUEST

2018-2381: A request by Heather Stake for approval of a Conditional Use Permit for a Major Home Occupation at 344 Rockmill Street on approximately 0.17 acre and zoned R-3 (One-Family Residential District).

PROPERTY LOCATION & DESCRIPTION

The existing house is located at 344 Rockmill Street in the Willowbrook East subdivision, south of West William Street and east of Houk Road. The subject property is zoned R-3 (One-Family Residential District) as are the properties to the north, south, east, and west.

BACKGROUND

The site is approximately 0.174 acres with an approximately 2,880 square foot home. The house was constructed within the Willowbrook East subdivision in 2016 per the Delaware County Auditor's Office. The plat for the Willowbrook East subdivision was approved in 2002 by City Council and is now fully built-out. The applicant is proposing to operate a major home occupation hair salon at her residence. In addition, the site has been well maintained and there are currently no outstanding building or zoning issues.

STAFF ANALYSIS

- **ZONING: Section 1134.02 Residential District Regulations – Major Home Occupation:** Per Schedule 1134.02 a home occupation use such as hair salon in a R-3 zoning district requires Conditional Use Permit approval by the Board of Zoning Appeals according to the procedures set forth in Chapter 1129.
 - Per Chapter 1154.02 of the zoning code, home occupations that may have a noticeable impact on the surrounding residential area, such as a hair salon, shall achieve compliance with the "Standards for Major Home Occupations" and "General Regulations for All Home Occupations" which both require Conditional Use Permit approval by the Board of Zoning Appeals.
 - Furthermore, a Conditions Use Permit shall achieve compliance with Section 1148.02 "General Criteria for All Conditional Uses".
- **SITE CONFIGURATION:** The approximate 2,880 square foot existing house is located within the Willowbrook East Subdivision. The exterior changes would include the construction of a new side entrance (which would replace an existing window) along the east side of the house and a sidewalk connecting the side entrance to the driveway because the State apparently requires a separate entrance for a hair salon located within a house. The site has a three car garage and driveway that would provide a minimum of two off-street parking spaces for this use in addition to meeting the minimum parking requirements for the house itself. The hair salon would only service one customer at a time. Also, the applicant expects 4 to 6 clients a day that would not exceed the limit of 8 customers a day. In addition, the owner indicated she would have customers 3 to 5 days a week.

- **CONDITIONAL USE PERMIT REVIEW**

- **STANDARDS FOR MAJOR HOME OCCUPATIONS**

1. Signage as permitted pursuant to Section 1165.05.
 - *There is no signage proposed.*
2. Two (2) off-street parking spaces shall be provided, unless additional spaces are required by the Board of Zoning Appeals. Required parking shall not be provided in the front yard, except for the driveway (which may be used to fulfill this requirement).
 - *There is an existing three car garage and driveway that could accommodate the required two off-street parking spaces. The hair salon would only accommodate one customer at a time which will likely negate the need for any additional parking spaces.*
3. On-site customer/client contact is limited to one appointment at any time not to exceed eight (8) visits per day, except day care facilities, which may have more than eight (8), if approved by the Board of Zoning Appeals.
 - *The owner is planning on only having 4 to 6 customers a day which meets the maximum standards of 8 customers per day. The owner indicated they would only have customers 3 to 5 days a week. The Board might consider some reasonable hours of operation restrictions as well.*
4. Major home occupations are permitted two (2) employees who are not residents of the household and may have additional employees who are not residents of the household, if approved by the Board of Zoning Appeals.
 - *The proposed hair salon only includes one employee and it would be the owner of the house.*

- **GENERAL REGULATIONS FOR ALL HOME OCCUPATIONS**

1. No more than twenty-five percent (25%) of the gross area of such residence may be used for the home occupation (bed-and-breakfast and day care uses are exempt from this provision) and no more than 400 square feet of the residence may be used for the home occupation. No more than 600 square feet of either an attached garage or detached accessory building, but not both, may be used for the home occupation. Due to its nature, day care may be conducted throughout the residence.
 - *The proposed hair salon will only take up 10% of the area of the house for an approximate 288 square feet, which meets the maximum standards.*
2. No use shall require either internal or external alterations or involve construction features or use of electrical or mechanical equipment that would result in a lower fire rating of the structure.
 - *The proposed external alterations, sidewalk and side entrance, will not result in a lower fire rating per the Chief Building Official.*
3. Except for drop-off activities, the use may increase vehicular traffic flow and parking by no more than two (2) additional vehicles at a time.
 - *The proposed hair salon will only accommodate one customer at a time. The existing three car garage and driveway can accommodate two off-street parking spaces.*
4. In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or by the emission of sounds, noise, vibration, dust, smell, smoke, glare, electrical interference, or any other hazard or nuisance to any greater extent than experienced in an average residential neighborhood.
 - *The proposed hair salon will result in the construction of a sidewalk and entrance door (which would replace an existing window) along the east side of the home that would differ from the surrounding neighborhood. However, sidewalks and side entrances are features that are not uncommon to other residential homes and subdivisions. The proposed hair salon can meet this regulation if the proposed external features are designed to blend in with the surrounding neighborhood. However, the owner has to*

ensure that the proposed sidewalk achieves compliance with ADA per the Chief Building official. In addition there is a 10 utility easement for a water line (5 on each side of the property line) along the eastern property line and any sidewalk and/or porch stoop located with the easement would require engineering and utility department approval..

5. There shall be no exterior storage, display, use or activity of any kind related to the home occupation.
 - *There will be no exterior storage, display, or activity other than the proposed sidewalk and side door (this includes no signage).*
 6. There shall be no commodities sold or services rendered that require receipt or delivery of merchandise, goods, or equipment other than by passenger motor vehicle, parcel delivery service, or U.S. mail service. No deliveries by tractor/trailer trucks are permitted.
 - *The proposed hair salon is a professional service that will not require deliveries by tractor/trailer trucks.*
 7. Storage of combustible or flammable matter, accumulation of rubbish, wastepaper, cartons, or boxes, in excess of normal home activities is prohibited.
 - *The proposed hair salon will not likely accumulate such matter and/or debris.*
 8. The repair, detailing, and/or painting of automobiles, trucks, recreational vehicles, trailers, motorcycles and/or boats are prohibited.
 - *The proposed use will not include the repair, detailing, or painting of any vehicles.*
- **GENERAL REVIEW CRITERIA FOR ALL CONDITIONAL USE PERMITS**
1. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area.
 - *The proposed sidewalk and side entrance would be unique for this neighborhood; however, the sidewalk and entrance appears to be constructed in a manner that would be harmonious with the existing neighborhood.*
 2. Will not be detrimental to property values in the immediate vicinity.
 - *The proposed use would not likely be detrimental to property values in the immediate vicinity with recommended staff conditions.*
 3. Will not restrict or adversely affect the existing use of the adjacent property owners.
 - *The proposed use would not likely adversely impact adjacent property owners.*
 4. Will be designed and constructed so that all access drives, access points to public streets, driveways, parking and service areas shall be in compliance with the regulations set forth in Chapter 1161.
 - *The existing driveway would accommodate the proposed use and the regulations on maximum customers would likely prevent an adverse effect on traffic.*
 5. Will be properly landscaped in accordance with Chapter 1166.
 - *The proposed use does not require any landscaping.*
 6. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare.
 - *The proposed use will not likely be detrimental to or endanger the public health, safety, or general welfare of the neighborhood or community.*
 7. That the establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - *The proposed use would not likely impede improvements of the surroundings properties.*
 8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
 - *The existing utilities, access road, drainage and facilities would be sufficient for the proposed use.*
 9. That adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets and to maximize public safety.

- *The proposed use will not adversely impact traffic when limited to a maximum of 8 customers per day.*
- 10. That the establishment of the conditional use will not be detrimental to the economic welfare of the community by creating excessive additional requirements or public cost for public facilities such as police, fire and schools.
 - *The proposed use would not adversely impact the economic welfare of the community.*
- 11. That there is minimal potential for future hardship on the conditional uses that could result from the proposed use being surrounded by uses permitted by right that may be incompatible.
 - *The surrounding residential uses would not create a hardship for the proposed hair salon.*

CONCLUSION

Staff would support the Conditional Use Permit request, if the adjacent neighbors are not significantly opposed, because the hair salons appears to substantially achieve compliance with the “Standards for Major Home Occupations, “General Regulations for All Home Occupations” and “General Review Criteria for All Conditional Use Permits” with the recommended staff conditions.

STAFF RECOMMENDATION (2018-2381 – CONDITIONAL USE PERMIT)

Staff recommends approval of a request by Heather Stake for a Conditional Use Permit for a Major Home Occupation at 344 Rockmill Street on approximately 0.17 acres and zoned R-3 (One-Family Residential District) with the following conditions that:

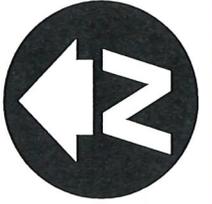
1. No on-site signage or advertising for the hair salon shall be permitted.
2. There shall be no additional exterior lighting for the hair salon in excess of the building code and ADA requirements.
3. The subject home occupation shall be limited to a hair salon only - no other home occupation use shall be permitted.
4. The number of hair salon customers shall not exceed 8 per day.
5. The proposed sidewalk on the east side of the house to the side entrance door shall achieve compliance with ADA standards per the Chief Building Official.
6. Any portion of the proposed sidewalk and/or porch stoop that is located within the 10 foot wide utility easement for a water line along the eastern property line (5 feet on each side of the property line) shall require approval from both the engineering and utility department.
7. The homeowner’s association (if any) shall approve the home occupation request.

COMMISSION NOTES:

MOTION: _____ *1st* _____ *2nd* *approved* *denied* *tabled* _____

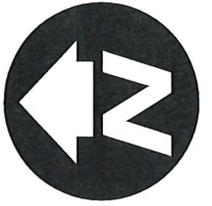
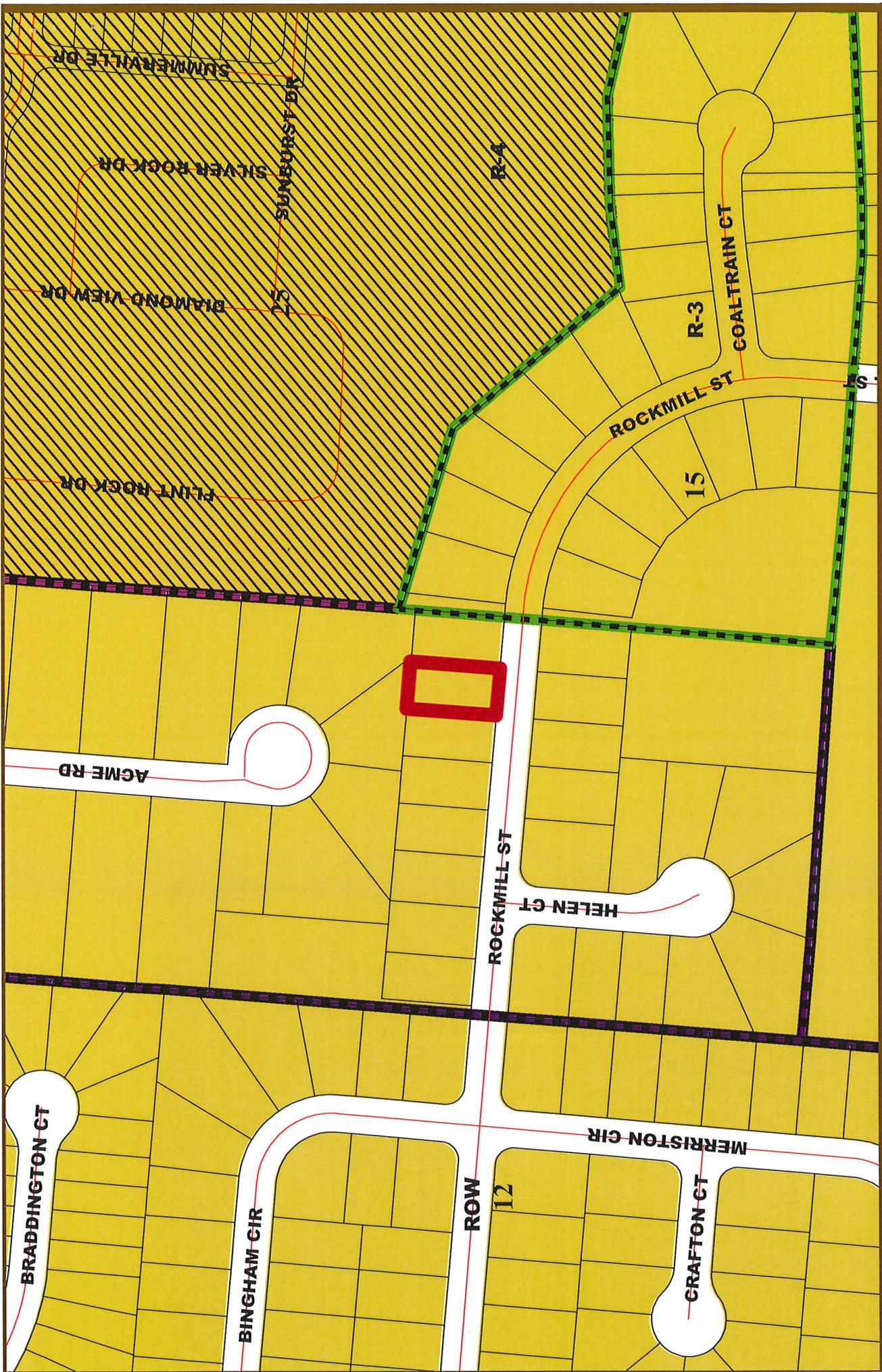
CONDITIONS/MISCELLANEOUS:

FILE: MAJOR HOME OCCUPATION
ORIGINAL: 10/04/18
REVISED:



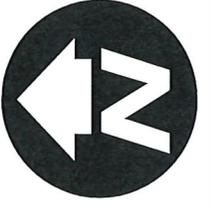
2018-2381
Conditional Use Permit
Major Home Occupation - 344 Rockmill Street
Location Map





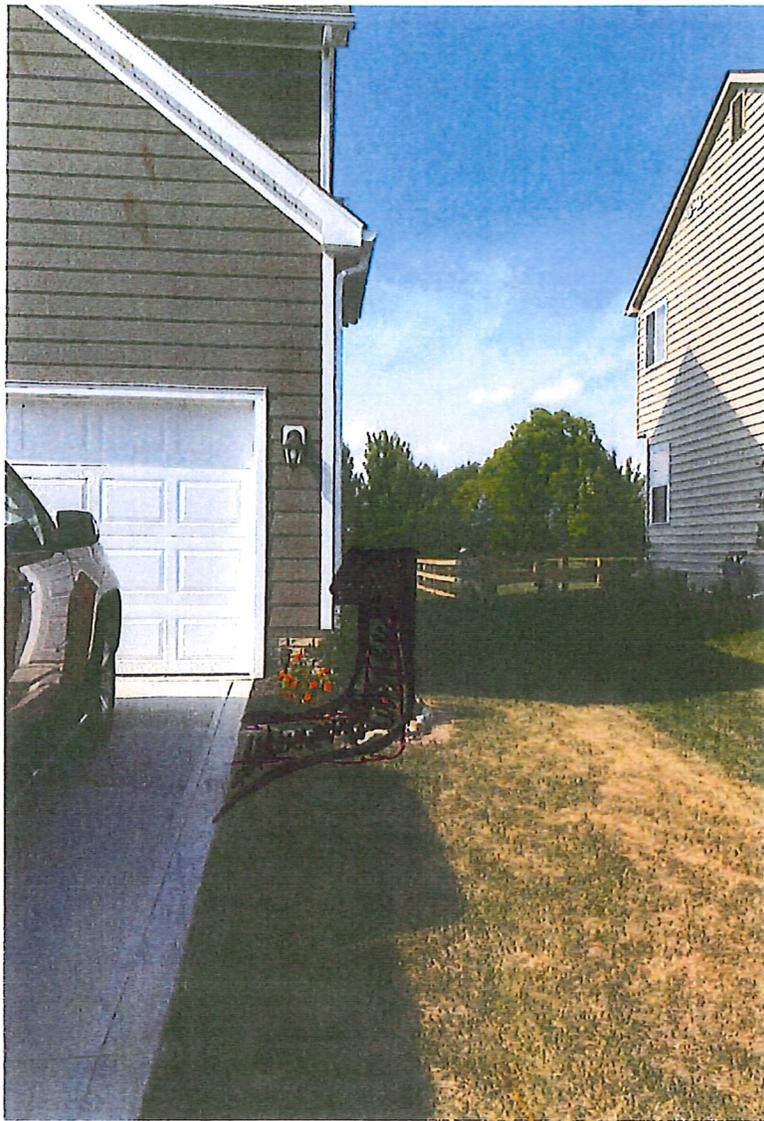
2018-2381
 Conditional Use Permit
 Major Home Occupation - 344 Rockmill Street
 Zoning Map





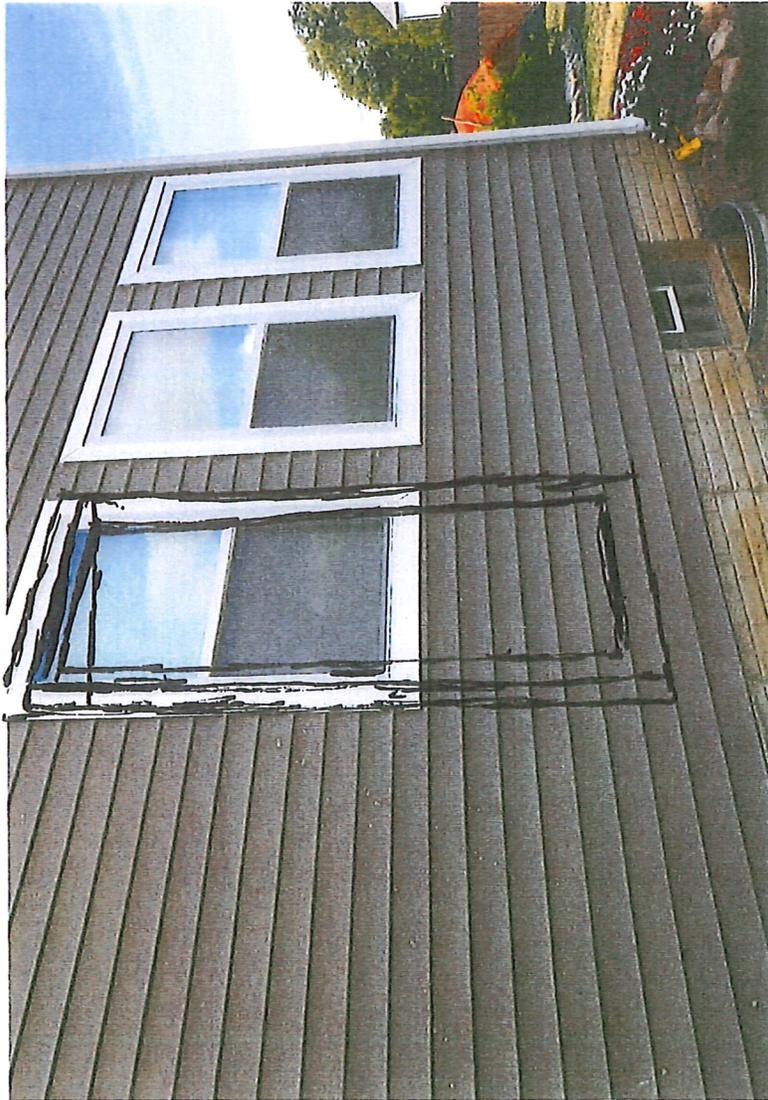
2018-2381
Conditional Use Permit
Major Home Occupation - 344 Rockmill Street
Aerial (2016) Map





22 inches out from our house
(2 feet)

Small sidewalk (what regulation)
leading to



32inch by 80inch door
that looks like a
window

Hello

My name is Heather Stake. I have been a hair stylist in Worthington Ohio for 15 years at a up scale salon and spa. I am wanting to make a change and bring my talent to Delaware! I am requesting permission to have a discreet, respectful, successful home studio where I will be doing hair cutting and coloring services!! I have spoken to the Ohio state board of cosmetology and know the requirements I have to do to have my home studio!! Below I have descriptions on how I will be meeting all regulations stated under the major home occupation chapter 1154.

I will be having no signage.

I will be using our 3 car garage driveway to be providing the 2 off street parking spots.

I will be only having 4 to 6 clients a day not exceeding the limit of 8 and will be operating 3 to 5 days a week.

I will be the only one working in my studio.

Only 10% of my home will be being used for my studio which will sit in the back right side of my home.

There will not be increase in traffic flow I will only be having 1 client at a time therefore I will have 1 car parked in my driveway.

The only change I will be making to my home for Ohio state board of cosmetology to have my business license will be installing a small walk path from my driveway to the back right corner of my home and a window removed and

a door installed for access to my studio. I intend to get a home modification permit from the city. We do not have an HOA in our section of our neighborhood to seek approval for these changes.

I will not be having any storage, deliveries, displays or outdoor activities.

I hope this provides you with a detailed description of the studio that I'm wanting to have! Even though this will be a small business I really want to be respectful to our neighborhood and follow every rule that the city of Delaware needs me to follow! Thank you for your time!!

Heather Stake

To the City of Delaware zoning board and city council.

We are the neighbors of Heather Stake. We are writing to you to let you know we approve of Heather's plan to have a hair studio in the back of her home. She has told us and showed us what she has submitted to you, and we support her plans.

340 Rockmill street

Delores G. Weckert

348 Rockmill street

John M. Mink



**CITY OF DELAWARE, OHIO
PLANNING & COMMUNITY DEVELOPMENT
MASTER APPLICATION FORM**



Project # _____ Case # 2018-2381

Planning Commission

- | | | |
|--|---|---|
| <input type="checkbox"/> Amended Final Development Plan | <input type="checkbox"/> Final Development Plan Extension | <input type="checkbox"/> Substitution of a Non-Conforming Use |
| <input type="checkbox"/> Amended Final Subdivision Plat | <input type="checkbox"/> Final Subdivision Plat | <input type="checkbox"/> Vacation-Alley |
| <input type="checkbox"/> Amended Preliminary Development Plan | <input type="checkbox"/> Final Subdivision Plat Extension | <input type="checkbox"/> Vacation-Easement |
| <input type="checkbox"/> Amended Preliminary Subdivision Plat | <input type="checkbox"/> Floodplain Permit | <input type="checkbox"/> Vacation-Street |
| <input type="checkbox"/> Annexation Review | <input type="checkbox"/> Lot Split | <u>Board of Zoning Appeals</u> |
| <input type="checkbox"/> Combined Preliminary & Final Development Plan | <input type="checkbox"/> Pre-annexation Agreement | <input type="checkbox"/> Appeal Administrative Decision or Interpretation |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Preliminary Development Plan | <input checked="" type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Concept Plan | <input type="checkbox"/> Preliminary Dev Plan Extension | <input type="checkbox"/> Substitution of Equal or Less Non-Conforming Use |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Preliminary Sub Plat | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Determination of Similar Use | <input type="checkbox"/> Preliminary Sub Plat Extension | |
| <input type="checkbox"/> Development Plan Exemption | <input type="checkbox"/> Rezoning | |
| <input type="checkbox"/> Final Development Plan | <input type="checkbox"/> Subdivision Variance | |

Subdivision/Project Name _____ Address _____

Acreage _____ Square Footage _____ Number of Lots _____ Number of Units _____

Zoning District/Land Use _____ Proposed Zoning/Land Use _____ Parcel # _____

Applicant Name Heather Stake Contact Person Heather Stake

Applicant Address 347 Rockmill street

Phone (401) 272-0693 Fax _____ E-mail Heatherstake1@gmail.com

Owner Name _____ Contact Person _____

Owner Address _____

Phone _____ Fax _____ E-mail _____

Engineer/Architect/Attorney _____ Contact Person _____

Address _____

Phone _____ Fax _____ E-mail _____

The undersigned, do hereby verify the truth and correctness of all facts and information presented with this application and authorize field inspections by City Staff.

Heather Stake
Owner Signature

Heather Stake
Owner Printed Name

Heather Stake
Agent Signature

Heather Stake
Agent Printed Name

Sworn to before me and subscribed in my presence this 17 day of AUGUST, 20 .



THEODORE C MILLER
NOTARY PUBLIC - OHIO
MY COMMISSION EXPIRES 3-30-2019

Theodore C Miller
Notary Public