

Cedar City Board of Adjustments
Minutes
May 1st, 2023

The Cedar City Board of Adjustments held a meeting on Monday, March 6th, 2023, at 5:15 p.m. in the City Council Chambers, 10 North Main Street, Cedar City, Utah.

PRESENT: Chairperson Janet McCrea, John Ashby; Chris Bearson; Mark Mumford; Dorian Page; Carter Wilkey; City Attorney, Randall McUne; Chief Building Official, Drew Jackson; Executive Asst, Natasha Nava.

EXCUSED: Chad Carter.

OTHERS PRESENT:

1. **CALL TO ORDER:** Janet: welcomed everyone. Drew: led everyone in the Pledge of Allegiance.
2. **APPROVAL OF MINUTES:** Chris motions to approve the Minutes from the April 3rd meeting; second by John; all in favor unanimous decision.
3. **APPROVAL OF FINDINGS OF FACT:** Carter motions to approve the Findings of Fact from the April 3rd meeting; second by John; all in favor unanimous decision.
4. **Request for Home Occupation Massage Therapy Business at property located at 541 South 300 East/ Balanced Body Zone/ Thomas Russell Bradley:** Thomas I would like to work from home from about 9:00 a.m. to 6:00 p.m., with some weekends, performing massage therapy under my massage therapy license. I do my own scheduling and I would be the only employee. Carter can you see any way your business might interfere with your neighbors enjoyment of their own property? Thomas absolutely not. In fact, the neighbors are excited about it.
 1. The home occupation is conducted entirely within a dwelling and is carried on by members of the family residing in the dwelling. Employees other than family members residing in the dwelling are permitted as long as the following conditions are complied with: Thomas yes. Just me. No other employees.
 2. The home occupation does not involve the use of any accessory buildings or yard space for storage or activities outside of the dwelling not normally associated with residential use, except for Nursery Schools, in which case it is presumed that rear yard space is utilized, and the rear yard space must be completely fenced with at least a six-foot (6') high fence. Thomas no.
 3. No commercial vehicles are used except one delivery truck which does not exceed one (1) ton capacity. Thomas no.
 4. The home occupation does not include a drive-through. Thomas no.
 5. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling. Thomas yes. Randall do your clients overlap? How likely would it be for you to have multiple clients waiting at a time? Thomas no, not typically. I may have 1 waiting. However, even that would not be very often. I schedule at least 30-minutes in-between clients.
 6. Do you intend to have a sign? Thomas not in my immediate plans. Eventually. Janet please talk to Drew when you are ready to do so.
 7. Not more than the equivalent of twenty-five percent (25%) of the ground floor area of the dwelling is devoted to the home occupation. Nursery schools and daycare centers may use up to twenty-five percent (25%) of the ground floor area and one other floor of the home. Nursery schools and day care centers need not designate a particular twenty-five percent (25%) of the two-floor area; however, the actual 25% of the two-floor area shall be utilized to calculate the maximum number of children allowed in the dwelling pursuant to Section 26-IX(E)(11)(b). Ground floor area is defined as the square footage computed in the outside measurements of the dwelling portion of the home on the ground floor level. Basement or basement level floor space shall not be used in computing ground floor area. Drew we have 1,350 square-feet for the ground floor area, they are using 110 square-feet of the ground floor. He is well within the allowable 337.5 square-feet.
 8. The home occupation shall apply for, receive, and maintain a Cedar City business license. Thomas yes. I currently have a business license and will update the address upon approval today.

9. The activities in connection with the home occupation are not contrary to the objectives and characteristics of the zone in which the home occupation is located. **Dorian** what is the zone? **Drew** R22. **Janet** do you see your business interfering with the rights of the other properties in that zone? **Thomas** absolutely not.
10. Off-street parking will be provided. **Drew** he needs 4 stalls, he has 5.
11. The Building Inspector shall have conducted an on-site inspection and shall make a report of his findings to the Board of Adjustments. **Drew** done on our side, yes.
12. Notice by the applicant shall be given to all property owners of record within a 300-foot radius from the boundary of the proposed home occupation. Said notice shall be sent certified mail or hand-delivered to the property owners in accordance with the most current Iron County Assessment Roll no later than five (5) days before the board of adjustments meeting. Proof of the certified mail and/or a certificate documenting hand delivery to property owners as required herein shall be delivered to the City Building Official prior to the board of adjustments meeting. **Randall** he is good.
13. The applicant certifies that the home occupation will not violate any CC&R's that regulate the dwelling. **Janet** do you have any CC&R's? **Thomas** no.

Carter motions to approve the home occupation. Second by Dorian. All in favor unanimous decision.

5. **Request for Home Occupation Bakery Business at property located at 2123 North Riverwood Lane/ Sweet and Knotty Bakery/ Julia Stolworthy:** **Julia** I use to have a storefront bakery on Main Street. This will be like what I did before only scaled down. No employees, just me. I miss baking. They will be custom presale orders that are picked up from my home. I'm not anticipating more than 10 a day, once or twice a week. I would give them a window of time to pick up the order. **Carter** because they're paying in advance, would you even need to be there? **Julia** no. **Carter** how long do you anticipate customers to be at the property? **Julia** a few minutes.
 1. The home occupation is conducted entirely within a dwelling and is carried on by members of the family residing in the dwelling. Employees other than family members residing in the dwelling are permitted as long as the following conditions are complied with: **Julia** yes.
 2. The home occupation does not involve the use of any accessory buildings or yard space for storage or activities outside of the dwelling not normally associated with residential use, except for Nursery Schools, in which case it is presumed that rear yard space is utilized, and the rear yard space must be completely fenced with at least a six-foot (6') high fence. **Julia** correct.
 3. No commercial vehicles are used except one delivery truck which does not exceed one (1) ton capacity. **Julia** correct.
 4. The home occupation does not include a drive-through. **Julia** correct.
 5. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling. **Julia** correct.
 6. Do you intend to have a sign? **Julia** no.
 7. Not more than the equivalent of twenty-five percent (25%) of the ground floor area of the dwelling is devoted to the home occupation. Nursery schools and daycare centers may use up to twenty-five percent (25%) of the ground floor area and one other floor of the home. Nursery schools and day care centers need not designate a particular twenty-five percent (25%) of the two-floor area; however, the actual 25% of the two-floor area shall be utilized to calculate the maximum number of children allowed in the dwelling pursuant to Section 26-IX(E)(11)(b). Ground floor area is defined as the square footage computed in the outside measurements of the dwelling portion of the home on the ground floor level. Basement or basement level floor space shall not be used in computing ground floor area. **Drew** we measured it at 1,350 square-feet on the ground floor, giving her 337.5 square-feet for the business. She is planning to use 260 square-feet of the kitchen, and 120 square-feet of the pantry for office space. **Julia** that 120 is the entire office, I only have a table with some stuff on it. **Randall** we need to

narrow it down to what she will actually be using for the business. **Julia** I just have a bakery table that stores my flour and sugar. **Randall** you can place conditions upon the approval that she is not allowed to exceed the 337.5 square-feet between the kitchen and office. She is only allowed to use half of the office for the business.

8. The home occupation shall apply for, receive, and maintain a Cedar City business license. **Julia** yes.
9. The activities in connection with the home occupation are not contrary to the objectives and characteristics of the zone in which the home occupation is located. **Julia** correct. **Drew** she is in R1.
10. Off-street parking will be provided. **Drew** she needs 4 stalls, has 7. Well within the requirement.
11. The Building Inspector shall have conducted an on-site inspection and shall make a report of his findings to the Board of Adjustments. **Drew** she is good.
12. Notice by the applicant shall be given to all property owners of record within a 300-foot radius from the boundary of the proposed home occupation. Said notice shall be sent certified mail or hand-delivered to the property owners in accordance with the most current Iron County Assessment Roll no later than five (5) days before the board of adjustments meeting. Proof of the certified mail and/or a certificate documenting hand delivery to property owners as required herein shall be delivered to the City Building Official prior to the board of adjustments meeting. **Randall** there was one property owner where my records differed from the current owner. She was able to get them notified, and she is good.
13. The applicant certifies that the home occupation will not violate any CC&R's that regulate the dwelling. **Julia** correct. We do have CC&R's but they do not have an issue with this.

Carter motions to approve the home occupation with the condition that no more than half of the office space be used for storage. Second by Mark. All in favor unanimous decision.

Janet do you have any business cards? **Julia** not on me. **Dorian** how do you get the word out? **Julia** by word of mouth. You can find me online. **Dorian** in these home occupations, we consider the square-footage, however we do not consider the time spent on the business. If I did CPA work from my home, in my home office. What percentage of time is anticipated to be used towards the business? Are we expecting them to be working full-time from home? **Randall** we do not define it in our ordinance. You could ask how much they intend to work, and how often, like how they ask for your taxes. We have not done that because most home occupations can meet this without getting into the specific details.

ADJOURN: The meeting adjourned at 5:37 p.m.



Natasha Nava
Executive Assistant

