Case 026-24: Special Use Permit

3502 S Park Ave – Special Use Permit – A request for a Special Use Permit to operate a Home Beauty Salon – Jennifer Hicks

Jennifer Hicks, 3502 S Park Ave represented the case. Dr. Rosenberg asked if the applicant had spoken to the neighbors on either side. Ms. Hicks said that she has a vacant rental to the North of her and Beverly to the South of her. Ms. Hicks stated Beverly is in support of her and wishes her luck. Ms. Hicks said the person to the East is in favor. Ms. Hicks said that the neighbor to the East of her on Finley asked if he could put a gate there to walk over and get his hair done. Mr. Kimble asked about parking. Ms. Hicks said there is a 2-car garage and a driveway that can fit 4 parking spaces.

Mr. Kimble asked if anyone would like to speak in favor.

Mr. Kimble asked if anyone would like to speak in opposition.

Ms. Rhonda Fanning and her husband James stated that they had not been approached and asked if they approved. Ms. Fanning stated that it was a rental, but they only do 2 years. The property request joins their property. Ms. Rhonda disputed the parking situation. It is a quiet residential area. The driveway is always filled with cars, not with the garage. They have been working at their property for the last 3 months. Ms. Fanning said that there should not be a precedent to put commercial in a residential area. It will devalue their property and make it more unsafe. She does not want to live in a commercial neighborhood. She said there is someone across the street who wanted to turn the home into an Air BnB, and they opposed as well. Ms. Fanning said she does not know how anyone can approve this. There is no alley or access from the West.

Ms. Phillips asked if there is a difference between commercial and a special use permit. Ms. Phillips asked if we have set a precedent for a special use permit for a nail salon.

Mr. Bellairs stated that we have set a precedent. Mr. Bellairs elaborated that we are not changing the zoning of the property. Home occupations are an accessory use to residential. Home occupations are permitted by right, but certain home occupations like a day care or salon that have traffic associated with their hours of operation and how many guests they plan on having so that you can limit how much disturbance there is. There is a difference between allowing something as an accessory use to the primary use still being residential versus bringing something in as a commercial district.

Ms. Fanning asked what if they requested for a commercial sign. Will the residents be notified?

Mr. Bellairs responded there are conditions for the size of the sign. The applicant has not requested any signage but any signage but that if they were to do so it must comply with the sign standards and comply with the sign standards.

Ms. Fanning asked what was allowed. How will the guests be notified?

Mr. Bellairs stated that it must be non-illuminated, no more than 2 square feet and within 10′ of the interest. They cannot put it out by the street to advertise as cars as they drive by, it is more pedestrian oriented. There are more conservative restrictions on how large the sign can be and where it can be placed.

Ms. Fanning asked about on street parking.

Mr. Bellairs stated that on street parking is permitted but that we do look at off street parking, in addition to the 2 parking spaces required for the single-family use. The applicant provided at least 2 spaces. 2 in the driveway and 2 in the garage. That is the intent behind parking provision. However, on street parking is still allowed, the same way that if someone has guests and they need to park in the street they are able to.

Ms. Fanning said it is not the same as if she had guests. She shows up early for her hair appointment. Ms. Fanning there is probably 3 cars waiting because she shows up early for her hair appointment. How can we see what the rules for the special use permit are? This goes to Council on August 5.

Mr. Bellairs stated that if this does pass, he can provide her with the conditions of the special use permit.

Ms. Phillips asked Ms. Fanning if she said they didn′t get notice or they did. Ms. Fanning said they did receive notice from the City but they were not approached by the neighbors. Ms. Fanning said she would have left a note.

Ms. Fanning said the neighbors have Dobermans. She said they barked and asked the neighbor why they were barking. He said it is because they do not know you. She asked how that will affect the customers. She is concerned about it disrupting the quietness of the neighborhood.

Mr. Bellairs said that we have some new Commissioners tonight, and that he can provide the conditions of the special use permit. Mr. Bellairs reminded the commissioners that they can add or remove conditions to the special use permit. Mr. Bellairs proceeded to read the full list of conditions in the staff report.

Dr. Rosenberg stated it is a nice residential area. He would not have a lot of concerns if she was going to use a room in her home. In the application they proposed to build a fairly substantial building in the backyard. Dr. Rosenberg said he would be more for this if it was a room in the house.

Mr. Bellairs said that one of the conditions of the special use permit is to follow all of the regulations under Appendix 29-A of the zoning code. The applicant was informed that the building has to be residential in character an. It would be the same if they built an accessory dwelling unit or detached garage. It has to follow the same residential compatibility standards that any accessory building what have to in terms of outward appearance.

Dr. Rosenberg said he would feel better if the applicant came with letters from the neighboring property owners in favor.

Jennifer Hicks said that the reason for the size of the building is because she is providing a handicap accessible bathroom. She said she has a little barn for lawn mowing storage. There are several people with multiple out buildings. She is not looking to add anything obscene.

Mr. Kimble asked if the property is a rental.

Ms. Fanning, at 2058 S Loma Linda Dr, Loma Linda responded that they purchased the property with the intent of retirement, and they just sold their business in March. They have not used it. They do not allow pets or smokers with their tenants and are very particular. They maintained it for years and it is a big investment. Ms. Fanning said mixing commercial with residential it devalues the property. Ms. Fanning said she is not opposed to a home salon, she might even go there, obviously not now, they have been nice, and she does not know them, but there is not an issue. She just does not like mixing residential with commercial. If the house was on Schifferdecker, she does not think she would oppose it. The last tenants liked it because it was quiet. She did not know about the outbuilding so she does not have an opinion on that, but she will inquire more.

Ms. Klue-Michael said she goes to a massage therapist and her office is at her home location and it is on a cul-de-sac. She has on and off-street parking. There are no issues with the neighbors and no loudness. Kids screaming in the yard are going to be louder. She is not asking to build a cabana she is asking to build a business. Ms. Klue-Michael does not see an issue with the noise or parking.

Ms. Fanning said she has used home businesses as well, but she is not here as a client of customer. She has no problem if you provide a service she is paying for. She is here as a property owner, an investor. She is probably less concerned about the noise. She is more concerned with making it commercial. Ms. Fanning said she would comment on the building in the back, but she does not know enough about that. She imagined that something would need to present something to the City.

Mr. Bellairs stated that the building permit and application will come later. Mr. Bellairs reiterated it was communicated to the applicant that the building cannot look like a commercial building, it must match the house. As far as the 12x20 building they are proposing, we have not received any official documents, but before they can proceed with investing money into the new building, they need the use approved.

Ms. Fanning said her, and her husband may not have any opposition if they had known ahead of time. She said when you read that once you allow this, or you allowed to fudge on that a little bit. They are unaware of what happens. All they know is that they purchased property in the City and what they are told by realtors. They are willing to review if they can get all of that prior to the August meeting. They are concerned with the building in the back since there are no alleys. Will there be a walkthrough? She is still asking if everyone understood what is in the letter?

Ms. Phillips asked Tyler didn't he send like 15 letters. Was Ms. Fanning the only one who responded?

Mr. Bellairs said that Ms. Fanning was the only one who responded. They also include a phone number in the letters to call and ask questions, as we do not expect the recipients to have all of the answers.

Mr. Kimble asked if there was anyone else who wished to speak in opposition of this case.

Mr. Kimble asked if there was a motion for this case.

MS. PHILLIPS MOVED THAT CASE 026-24 BE APPROVED AND FORWARDED TO THE CITY COUNCIL FOR APPROVAL. MS. KLUE-MICHAEL SECONDED THE MOTION. MOTION CARRIED. (5 IN FAVOR, 1 NAY, 1 ABSENT)