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**Development Review Committee**

1020 East Pioneer Road

Draper, UT 84020

July 26, 2021

**To:** Draper City Planning Commission  
Business Date: August 12, 2021

**From:** Development Review Committee

**Prepared By:** Travis Van Ekelenburg, Planner II  
Planning Division  
Community Development Department  
801-576-6522, [travis.vanekelenburg@draperutah.gov](mailto:travis.vanekelenburg@draperutah.gov)

**Re: Advmaker –Home Occupation Conditional Use Permit Request**

Application No.: USE-0049-2021

Applicant: Priti Hansia

Project Location: 376 E Thornberry Dr.

Current Zoning: R3 (Single Family Residential, 13,000 square foot lot minimum)  
Zone

Acreage: 0.21 Acres (Approximately 9,148 ft<sup>2</sup>)

Request: Request for approval of a Home Occupation Conditional Use Permit in the R3 zone regarding a home business creating metal art sculptures for sale.

**BACKGROUND AND SUMMARY**

This application is a request for approval of a Home Occupation Conditional Use Permit for approximately 0.21 acres located on the south side of Thornberry Dr., at approximately 376 E Thornberry Dr. (Exhibit B). The property is currently zoned R3. The applicant is requesting that a Home Occupation Conditional Use Permit be approved to allow for a home based business creating metal art sculptures for sale.

The single family home is part of the Cranberry Hill 6 PUD, and the home was built in approximately 1996.

**ANALYSIS**



**General Plan and Zoning.** The Land Use Map of the General Plan calls for the Residential Medium Density land use designation for the subject property (Exhibit C). This category is characterized as follows:

*Residential Medium Density*

LAND USE DESCRIPTION		
<b>CHARACTERISTICS</b>	<ul style="list-style-type: none"> <li>• Preservation of large tracts of open space, rather than open space contained primarily in individual subdivision lots</li> <li>• Variations and mixing of lot sizes, setbacks, and residential development forms</li> <li>• Minimal fronting of homes on major streets</li> <li>• Provision for trails that allow interconnectivity to other existing or proposed trails</li> <li>• Discourage “piecemeal” infrastructure installation</li> <li>• Trees and abundant landscaping, encouraging low water use and native plants</li> </ul>	
<b>LAND USE MIX</b>	Primary <ul style="list-style-type: none"> <li>• Single-family detached homes</li> </ul>	Secondary <ul style="list-style-type: none"> <li>• Parks</li> <li>• Churches</li> <li>• Schools</li> <li>• Open Space</li> </ul>
<b>DENSITY</b>	<ul style="list-style-type: none"> <li>• Density range: 2-4 dwelling units per acre</li> </ul>	
<b>COMPATIBLE ZONING</b>	<ul style="list-style-type: none"> <li>• Residential Agricultural (RA2)</li> <li>• Single-family Residential (R3)</li> <li>• Single-family Residential (R4)</li> <li>• Master Planned Community (MPC)</li> </ul>	
<b>OTHER CRITERIA</b>	<ul style="list-style-type: none"> <li>• Preservation of environmental features usually requires a master-planned or cluster development. Increased densities within these areas would be allowed only with compliance to specified performance standards and impact mitigation measures</li> </ul>	

The property has been assigned the R3 zoning designation (Exhibit D). According to Draper City Municipal Code (DCMC) Section 9-8-020 the purpose of the R3 zone is to *“permit medium density residential development without special mitigation requirements. This zone is intended to provide incentives to foster residential development with little impact on its surroundings and on municipal services, and to generally preserve the semirural character called for in the density element of the general plan.”* The entire property is surrounded by the R3 zone.

**Home Occupation Request.** The purpose of the home occupations regulations can be found in DCMC Section 9-34-010. The intent is to allow for limited business activities in residential areas without disturbing the residential character of the neighborhood. Home Occupation Conditional Use Permits are subject to the standards in DCMC Section 9-34-040 and pursuant to the requirements in DCMC Section 9-5-080.

*DCMC Section 9-34-010:*

*The purpose of this chapter is to establish use and development regulations for home*

*occupations. These regulations are intended to ensure that limited business activities allowed in a residential zone do not disturb the residential character of a neighborhood.*

DCMC Section 9-34-050 lists uses allowed in residential zones. The applicant makes art sculptures out of metal, and sells them out of the home. The applicant seeks to have the HOCUP approved as a Cottage Business. The Planning Commission should look at the definition of a cottage business and assess whether the facts presented by the applicant support approval under this standard.

*DCMC 9-3-040: Definitions:*

*COTTAGE BUSINESS: A business where products are created in the home. The products are unique in nature, such as handicraft, art, and jewelry. Limited food production can also be considered. Anything that uses a material, a mixture of materials or a quantity of materials that could be classified by the fire marshal or building official as dangerous or hazardous will not be allowed.*

The applicant's materials are stored in the garage and the rear yard (Exhibit F). The garage houses the equipment used for the metal art such as tools for grinding, cutting, welding, etc. The applicant states that he sells the art and does it additionally for a hobby.

Citizen Comment. Several Citizens have commented in regard to the proposed Home Occupation and are attached in Exhibit G.

Home Occupation. The DCMC Section 9-34-040 outlines development standards applicable to all home occupations. Those criteria, along with information specific to the subject request, can be found below. The applicant's submittal to the criteria can be found in Exhibit E of this report.

- A. *Ownership: The home occupation shall be owned and operated by a person who resides in the dwelling where the home occupation is located. Such person shall be the primary provider of the labor, work, or service provided in the home occupation.*

Applicants Response: Only I work on the metal sculptures that I sometimes sell. In my "Advmaker LLC" I am the sole member.

Staff Analysis: The applicant owns the home and is the business owner.

- B. *Business License: A business license for the home occupation shall be obtained from and continually maintained with the city pursuant to [title 6, chapter 11](#) of this code.*

Applicants Response: I plan to get one if I continue to work on sculptures for sale. I have purchased a warehouse in another city, and most likely will take my

business operations there after next April next year (waiting for the tenant to move out). I will still continue to use my home garage for personal projects.

Staff Analysis: The applicant will obtain a business license for any business operated on site until such a time that the business is relocated to another location. A condition of approval has been included requiring the license.

- C. *Employees: Members of the family of the owner who reside in the dwelling may be employed in the home occupation. Nonfamily or nonresident employees shall be limited to one person.*

Applicants Response: There are no employees. Sometimes my friends come over to borrow my tools to fix or work on their personal projects. I do not charge them and no business activity takes place with them. I do not take help from anyone for my business work.

Staff Analysis: The applicant will be the only employee for the business.

- D. *Inspection: All facilities shall comply with fire, building, plumbing, electrical and all other city, county, state and federal codes. Inspections during reasonable hours by city officials may occur as necessary to assure compliance with regulations.*

Applicants Response: Agreed.

Staff Analysis: If the proposed HOCUP is approved, inspections will be conducted as needed for the Home Occupation Conditional Use Permit, Building Occupancy, and Business License to ensure compliance with the DCMC and the International Fire Code (IFC).

Fire Review. The fire marshal has reviewed the application and has substantial concerns in regard to the proposed Home Occupation business. The comments in their entirety can be found in Exhibit A.

- E. *Inventory: No stock in trade, inventory, or other merchandise to exceed two hundred fifty (250) square feet shall be kept on the premises. No outside storage is allowed.*

Applicants Response: All metal stock needed for business items are only purchased on demand and kept inside the garage during use. There is some metal in a rack in the back yard and that is strictly for hobby/personal projects. I will also attach a schematic of how I divided my garage space for business and hobby use. The schematic shows that I am able to limit the business use space within the allotted 250sqft.

Staff Analysis: Draper City staff, including Code Enforcement, has visited the property to see the scope of the potential business. Staff has visually determined that the applicant is utilizing more than the allowed square footage and area allowed by the DCMC Section 9-34-040(E) for Home Occupations (Exhibit H). The applicant is allowed up to 250 ft<sup>2</sup> for all business activity and storage. Staff observed during the inspections several areas of open metal stock and equipment in the rear yard and in rear detached structures. These areas equal roughly 100ft<sup>2</sup>, in addition to the garage space. The garage appeared to be entirely used by metal working equipment and there was no area available for vehicle use. The applicant needs to demonstrate compliance with code requirements.

*F. Modification Of Structures Or Yards: There shall be no visible evidence from the exterior of a dwelling that it is being used for any other purpose than that of a dwelling. No activities shall be carried on outside the dwelling in the yard for the benefit of or incidental to the home occupation. No front yard area shall be altered to provide parking required for a home occupation.*

Applicants Response: Agreed.

Staff Analysis: The applicant initially had business activities in the side facing driveway but has stated they have since moved into the garage. The applicant bears the burden of showing the Planning Commission that all business activities will be conducted entirely within the garage

*G. Nuisance: Tools, items, equipment, or activities conducted within the dwelling which is offensive or noxious by reason of the emission of odor, smoke, gas, vibration, magnetic interference, or noise shall be prohibited.*

Applicants Response: When I need to use tools like a grinder, I keep the garage door at least half closed and have found that it keeps the noise perceived from outside at an acceptable level.

Staff Analysis: Staff has not witnessed the machine activity from the applicants business for a general noise analysis nor has a decibel analysis been submitted for the noise outside the garage by the applicant.

*H. Secondary Use: The home occupation shall be clearly incidental and secondary to the primary use of the dwelling for residential purposes. The home occupation shall not disrupt the normal residential character of the neighborhood in which the residence is located. Not more than twenty five percent (25%) of the dwelling unit shall be used for the home occupation.*

Applicants Response: Agreed.

Staff Analysis: The applicant's home is approximately 2763 ft<sup>2</sup>, and Home Occupations are allowed to utilize 25% of the home's square footage for their Home Occupation. The applicant has submitted that they are utilizing 228 ft<sup>2</sup> of the garage for business use and approximately 172 ft<sup>2</sup> for hobby use of the garage. The applicant has stated that the hobby use and the business use utilize the same equipment as they are the same activity, which makes differentiation between the business and the hobby use very difficult since there is no clear separation between the two.

I. *Signs: All signage in a residential area must comply with [chapter 26](#), "Signs", of this title.*

Applicants Response: There are no signs kept in the premises.

Staff Analysis: Per DCMC Section 9-26-070(B)(1) home occupations are allowed to have signage equaling a maximum of 2 square feet in size, with the sign attached to the plane on the building. No signage has been applied for, or observed during site inspections. If the applicants desire to add signage in the future, it will have to comply with the sign code. A condition of approval has been included requiring compliance with DCMC Section 9-26-070(B)(1).

J. *Traffic, Parking, And Access: No home occupation use shall generate pedestrian, parking, or vehicular traffic in excess of that customarily associated with the zone in which the use is located. All parking shall be provided and maintained on site with adequate provision for drop off traffic.*

Applicants Response: My business is to sell sculptures online and no customer visits our home.

Staff Analysis: The applicant states that they are the only employee of the business and no customers visit the home. The City has received complaints from neighbors about traffic congestion at the property. No business traffic was observed during the staff inspections. In addition, the business request will eliminate the properties two car garage from being utilized as a parking area. The DCMC Section 9-25-050(G) states that the required two parking spaces for single-family homes be located within an enclosed garage.

K. *Vehicles: Other than the business owner's personal transportation, there shall be no vehicles or equipment on the property associated with the home occupation which would not normally be found at a residence. No signage for the home occupation shall be allowed on vehicles.*

Applicants Response: Agreed.

Staff Analysis: The applicant is allowed to use their private vehicle for transport of business items, but there is no off-site parking allowed and no vehicle signage is allowed.

- L. *Yards: Yards surrounding the dwelling and accessory buildings shall not be used for any activities or storage of any materials associated with the home occupation.*

Applicants Response: Agreed, only personal use items are kept in back yard.

Staff Analysis: It is very difficult for staff to discern between “hobby” items in the rear yard and “business storage” items in the rear yard, so it is staff’s determination that the outside storage of materials could be related to the business and is outside the scope of this development standard. The applicant will need to convey clear distinction between business and hobby use and any activities and storage should be prohibited in the yard.

- M. *Customers: No customers allowed. Children accessing a limited daycare or limited preschool facility shall not be considered customers.*

Applicants Response: Agreed, no customers visit our home.

Staff Analysis: The applicant has stated that customers do not come to the residence and staff has not witnessed any customers coming to the residence. Staff did see that the applicant does have a van and a flat trailer, and the applicant would need to convey exactly how the products are delivered to customers.

- N. *Utility Demand: The home occupation shall not cause a demand for public utilities in excess of that necessarily and customarily provided for residential uses.*

Applicants Response: Agreed.

Staff Analysis: Most of the tools that the applicant uses for the business uses electricity. Utility demand could still be the same demand as the surrounding residential uses.

- O. *Main Structure: The home occupations shall be conducted, located, and contained within the primary structure on the property.*

Applicants Response: Agreed.



Staff Analysis: The business activity takes place in the attached two car garage of the home, and the applicant has been directed by code enforcement that all business activity needs to take place in the enclosed garage and not in the open driveway.

*P. Single-Family And Multiple-Family Dwellings: Home occupations listed as permitted or conditional within this title may be permitted in a single-family or a multiple-family dwelling, subject to the standards found within this section and section [9-34-060](#) of this chapter. Businesses within multiple-family dwellings shall provide an approval letter from the respective homeowners' association, or management company in the case of apartments, if the business proposes any employees, customers or business vehicles.*

Applicants Response: Agreed.

Staff Analysis: The subject property is a single-family residence, so an approval letter is not needed in this case.

*Q. Licensure: Any home occupation involving childcare shall comply with all applicable state and local laws and regulations regarding residential childcare, including, but not limited to, provisions of the Utah child care licensing act, as set forth in Utah Code Annotated section 26-39-101 et seq., as amended, and the residential certificate childcare standards as set forth in the Utah administrative code section R430-50-1 et seq., as amended. In addition, cottage food production operations are regulated and inspected by the Utah department of agriculture. Any food related home occupation under their jurisdiction must comply with these regulations.*

Applicants Response: Agreed.

Staffs Response: Childcare is not applicable for this application.

Criteria For Approval. The criteria for review and potential approval of a conditional use permit request is found in Section 9-5-080(E) of the DCMC. This section depicts the standard of review for such requests as:

- E. Approval Standards: The standards of this subsection shall apply to the issuance of a conditional use permit:
1. A conditional use permit may be issued for a use to be located within a zone where the particular conditional use is allowed by the use regulations of the zone.
  2. Reasonable conditions may be imposed as necessary to substantially mitigate reasonably anticipated detrimental effects of the proposed use. These



- conditions may include conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this section. Such conditions shall be expressly set forth in the motion authorizing the conditional use permit.
3. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.
  4. The following factors shall be reviewed and considered in determining whether a conditional use permit application should be approved, approved with conditions, or denied because reasonable conditions cannot be imposed to achieve compliance with applicable standards:
    - a. The harmony and compliance of the proposed use with the objectives and requirements of the city's general plan and this title;
    - b. The suitability of the specific property for the proposed use;
    - c. Whether the proposed use or facility may be injurious to potential or existing development in the vicinity;
    - d. The economic impact of the proposed facility or use on the surrounding area;
    - e. The aesthetic impact of the proposed facility or use on the surrounding area;
    - f. The safeguards proposed or provided to ensure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation;
    - g. The safeguards provided or proposed to prevent noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use; and
    - h. The impact of the proposed facility or use on the health, safety, and welfare of the city, the area, and persons owning or leasing property in the area.
  5. The planning commission may request additional information as may be reasonably needed to determine whether the requirements of this subsection E can be met.

## **REVIEWS**

*Planning Division Review.* The Draper City Planning Division has completed their review of the Home Occupation Conditional Use Permit submission. Comments from this division, if any, can be found in Exhibit A.

*Engineering and Public Works Divisions Review.* The Draper City Engineering and Public Works Divisions have completed their reviews of the Home Occupation Conditional Use Permit submission. Comments from these divisions, if any, can be found in Exhibit A.

*Building Division Review.* The Draper City Building Division has completed their review of the Home Occupation Conditional Use Permit submission. Comments from this division, if any, can be found in Exhibit A.

*Fire Division Review.* The Draper City Fire Marshal has completed his review of the Home Occupation Conditional Use Permit submission. Comments from this division, if any, can be found in Exhibit A.

*Noticing.* Notice has been properly issued in the manner outlined in the City and State Codes.

### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission review the request, receive public comment, and make a decision based on the findings listed below and the criteria for approval, or denial, as listed within the staff report.

If the Planning Commission decides to approve the request, staff recommends that they include the following conditions of approval:

1. That all requirements of the Draper City Engineering, Public Works, Building, Planning, and Fire Divisions are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
2. Comply with all the requirements of DCMC 9-34-040, except for alterations to the standards enumerated in that subsection specifically approved by the Planning Commission.
3. That all work for the business is conducted within the approved 250 ft<sup>2</sup> area inside the garage.
4. That the garage door is lined with sound proofing material for noise mitigation.
5. That the garage is vented properly for painting per the International Fire Code and International Building Code.
6. That all outside storage is placed within the detached structure (shed) in the rear yard and that there is no outside storage on the property.
7. That the PC impose reasonable hours of operation in light of the identified detrimental effects of the use.
8. Per DCMC Section 9-34-040(D) inspections will be conducted as needed for the Home Occupation Conditional Use Permit, Building Occupancy, and Business License.
9. The business shall obtain and maintain a Draper City business license.

The findings for approval as are follows:

1. Reasonable mitigation measures have been placed on the conditional use to alleviate anticipated detrimental effects, including traffic, noise, and parking.

The findings for denial as are follows:

1. Reasonable mitigation measures cannot be placed on the conditional use to alleviate anticipated detrimental effects, including traffic, noise, and parking.

### **MODEL MOTIONS**

Sample Motion for Approval – I move that we approve the Home Occupation Conditional Use Permit , as requested by Priti Hansia for Advmaker LLC, application USE-0049-2021, based on the findings and subject to the conditions listed in the Staff Report dated July 26, 2021.

Sample Motion for Modified Approval– I move that we approve the Home Occupation Conditional Use Permit , as requested by Priti Hansia for Advmaker LLC, application USE-0049-2021, based on the findings and subject to the conditions listed in the Staff Report dated July 26, 2021 and as modified by the findings and conditions below:

1. List any additional findings and conditions...

Sample Motion for Denial – I move that we deny the Home Occupation Conditional Use Permit , as requested by Priti Hansia for Advmaker LLC, application USE-0049-2021, based on the findings and subject to the conditions listed in the Staff Report dated July 26, 2021.

## DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT

We, the undersigned, as duly appointed members of the Draper City Development Review Committee, do acknowledge that the application which provides the subject for this staff report has been reviewed by the Committee and has been found to be appropriate for review by the Draper City Planning Commission and/or City Council.

**Chris Diep**

Digitally signed by Chris Diep  
DN: C=US,  
E=christopher.diep@draper.utah.gov,  
O=Draper City, CN=Chris Diep  
Date: 2021.08.06 14:49:47-06'00'

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Draper City Public Works Department

**Don Buckley**

Digitally signed by Don Buckley  
DN: C=US, E=don.buckley@draper.ut.us,  
O=Draper City Fire Department, OU=Fire  
Marshal, CN=Don Buckley  
Date: 2021.08.05 10:53:52-06'00'

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Draper City Fire Department



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Draper City Building Division

**Jennifer Jastremsky**

Digitally signed by Jennifer Jastremsky  
DN: C=US, E=jennifer.jastremsky@draperutah.gov,  
O=Planning Division, OU=Draper City, CN=Jennifer  
Jastremsky  
Date: 2021.08.05 13:11:09-06'00'

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Draper City Planning Division

**Mike Barker**

Digitally signed by Mike Barker  
Date: 2021.08.06 13:58:24  
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Draper City Legal Counsel

## **EXHIBIT A DEPARTMENT REVIEWS**

REVIEWS ARE NOT MEANT TO BE AN ALL INCLUSIVE LIST OF POSSIBLE COMMENTS OR CONDITIONS.

### Planning Division Review.

Staff Determination for Approval Standards. Staff has determined considering the analysis above that the applicant is deficient in several areas for the DCMC's criteria for development and approval:

1. The applicant appears to be unable to meet DCMC area requirements for the HOCUP due to the activity on the property utilizing the entire garage and a large portion of the rear yard.
2. The applicant has equipment that without a proper noise analysis could potentially change the character of the neighborhood as the industrial nature of the equipment may cause a potential nuisance for adjacent neighbors.
3. The applicant has been unable to clearly discern between business and hobby use as the two are the same activity, making analysis for compliance very difficult.
4. The applicant may have equipment and/or activity that is not allowed in residential areas per the IFC.

### Engineering and Public Works Divisions Review.

We have reviewed the subject home occupation conditional use permit (CUP) application according to the standards of the Draper City Municipal Code. It is our understanding that the applicant is requesting a conditional use permit to operate an artistic metal shop at their residence. Accordingly, we offer the following comments related to the engineering findings, including the following:

1. The present and future requirements for transportation, traffic, water, sewer, and other utilities for the subject site do not appear to be detrimentally impacted as described. Given the location and proposed use, the use is not anticipated to generate a significant impact to water, sewer, or other utilities.
2. The number of trips generated by potential employee(s), none presently anticipated other than the home owner/principal artist, will not have a detrimental impact to traffic in the area due to the nature of the residence and the capacity of the fronting public residential street at the subject site.

3. The applicant indicated that all the metalwork occurs in the garage. In the case the garage is not available for vehicle parking, all onsite parking should be in the driveway to avoid causing any issues by on-street parking.

Building Division Review.

1. No Comments.

Fire Division Review.

Comments:

The Draper City Fire Department has reviewed this application and has reviewed photos of the work going on onsite. This is not consistent with a home occupancy this is more a commercial occupancy. A standard single family home in the International Fire Code (IFC) is called an R-3 type of occupancy. What I have reviewed seems to be more of a Manufacturing type of occupancy and metal fabrication is considered an F-2 occupancy type in the IFC. The single family dwelling is not designed to meet this type of commercial use. Below you will see some of the fire code requirements that will need to be met in order for the business to operate. This is not all of them but quite a few and this does not address any Building Code requirements.

1. 2404.9 Limited spraying spaces. Limited spraying spaces shall comply with Sections 2404.9.1 through 2404.9.4.
  - ❖ Limited spraying spaces are to accommodate uses that are limited in their frequency and amounts of hazardous materials used. As mentioned previously, this operation is intended more for small touch-up work found in a maintenance shop.
2. 2404.9.1 Job size. The aggregate surface area to be sprayed SHALL NOT exceed 9 square feet (0.84 m<sup>2</sup>) (This would be a 3 foot by 3 foot area).
  - ❖ Limiting the work piece size limits the amount of flammable vapors that are produced in such an area. This is again to accommodate small incidental-type spraying processes found in typical manufacturing or mercantile occupancies.
3. 2404.9.2 Frequency. Spraying operations shall not be of a continuous nature.
  - ❖ As mentioned previously, the limited spraying setup is to accommodate small incidental-type processes. If the processes are continuous, a spray booth,

spray room or spraying space that has more stringent requirements and is better regulated from a fire prevention and fire protection standpoint must be used.

4. 2404.9.3 Ventilation. Positive mechanical ventilation providing not fewer than six complete air changes per hour shall be installed. Such system shall meet the requirements of this code for handling flammable vapor areas. Explosion venting is not required.
  - ❖ Six air changes per hour is the requirement for limited spraying areas; however, if the quantity of hazardous-material in the room or control area in which the limited spraying space is located exceeds the MAQ for hazardous materials given in Chapter 50 or 57, both exhaust ventilation requirements in those chapters for flammable vapors and the requirement in this section have to be met. A typical example would be a plating shop where allowable quantities of corrosives and toxics are exceeded (Group H-4) and where the exhaust ventilation at a rate of 1 cfm per square foot [ $0.00508 \text{ m}^3/(\text{s} \cdot \text{m}^2)$ ] of floor area is required. If a limited spraying space is located in such a room, the most restrictive requirement has to be met; that is, the greater of 1 cfm per square foot [ $0.00508 \text{ m}^3/(\text{s} \cdot \text{m}^2)$ ] or six air changes per hour. The vapor density of the material (whether vapors are heavier or lighter than air) should be taken into account when considering the location of exhaust inlets. Additionally, because IMC Section 502.7.2 is identical to this section, conformance to the general requirements of IMC Section 502, especially Section 502.1.1 (the inlet to an exhaust system shall be located in the area of heaviest concentration of contaminants), is recommended.
5. 2404.9.4 Electrical wiring. Electrical wiring within 10 feet (3048 mm) of the floor and 20 feet (6096 mm) horizontally of the limited spraying space shall be designed for Class I, Division 2 locations in accordance with NFPA 70.
  - ❖ Processes in limited spraying spaces may still result in some vapor generation. Because they are generally heavier than air, vapors in spray processes typically accumulate near the floor. These vapors may travel long distances undetected before causing a flash fire. To limit the ignition sources, wiring must be installed to meet Class I, Division 2 requirements within 10 feet (3048 mm) of the floor and 20 feet (6096 mm) horizontally.
6. 604.5 Extension Cords Extension and flexible cords SHALL NOT be a substitute for permanent wiring and SHALL be listed and labeled in accordance with UL817. Extension cords SHALL be used only with portable appliances.

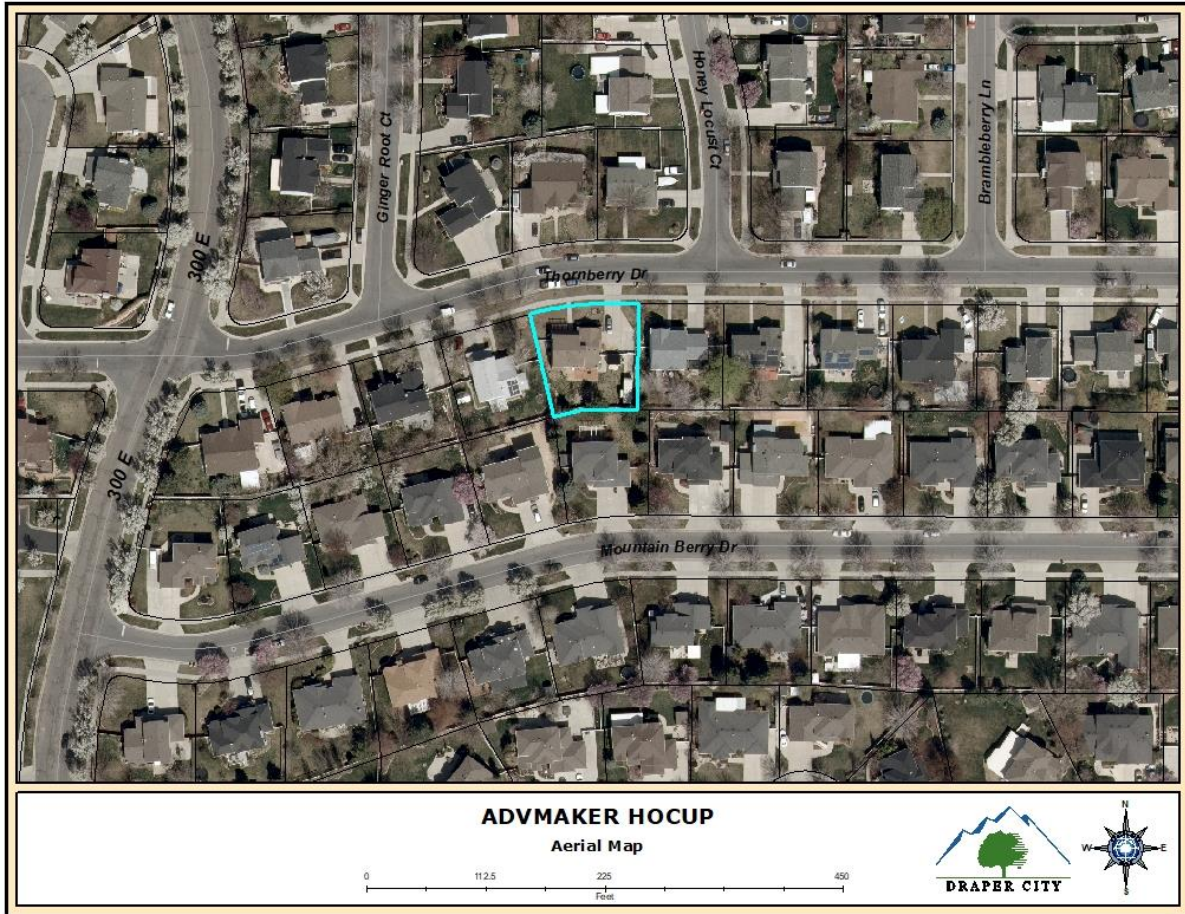


7. Any and all operations that include welding of any type or similar operation shall be subject to meeting the requirements of the 2018 International Fire Code Chapter 35.
8. 2A-10BC Fire Extinguishers required. The extinguisher needs to be a serviceable type meaning metal head and metal neck. Extinguishers need to be located in a conspicuous location where they will be readily accessible and immediately available for use. Placed every 75 feet of travel. If in cabinet or not the extinguisher or cabinet needs to be mounted so that the top is not more than five (5) feet above the floor.
9. Visible Addressing Required. New and existing buildings shall have approved address numbers plainly legible and visible from the street fronting the property. These numbers shall contrast with their background.

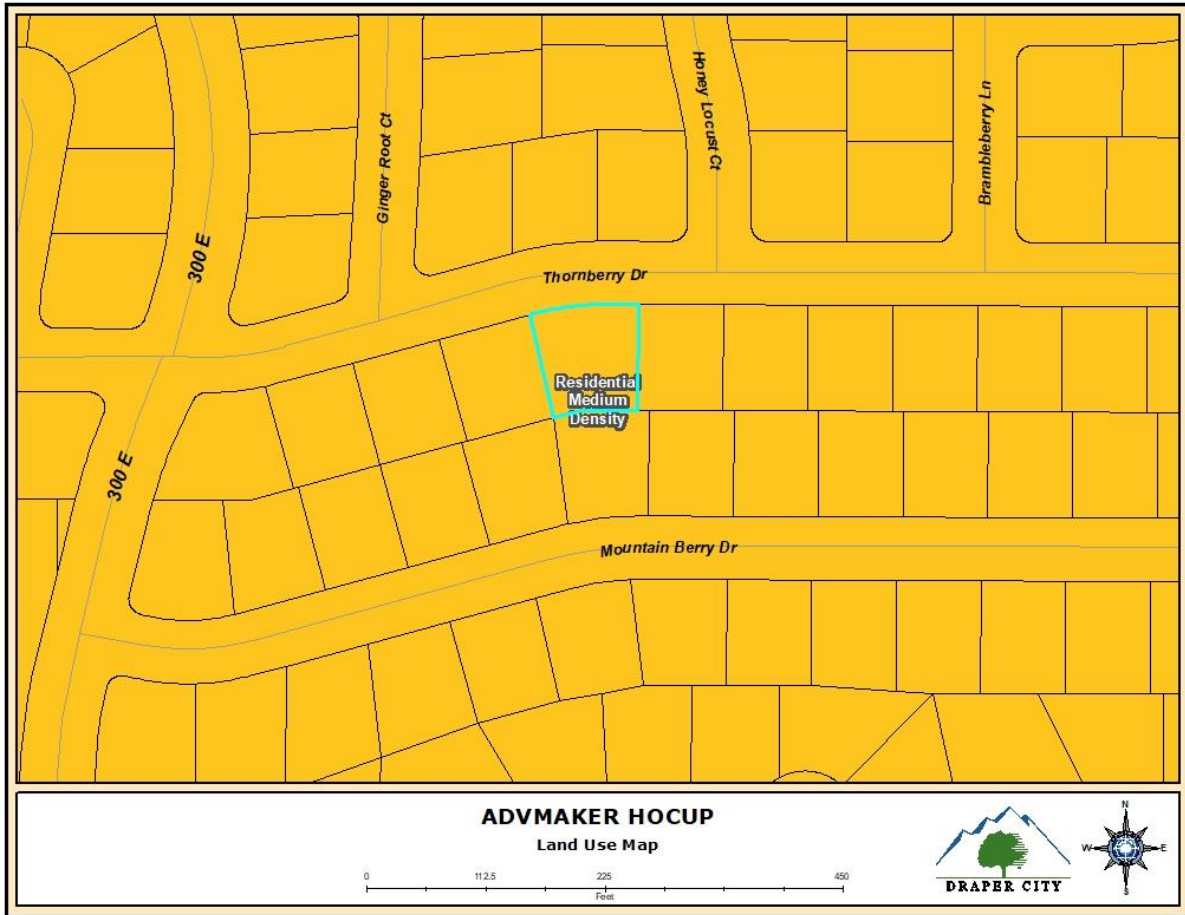
**Notes:**

Plan approval or review shall not, be construed to relieve from or lessen the responsibility of any person designing, owning, operating or controlling any building. Damages to persons or property caused by defects, fire, improper installation, or other emergency conditions that occur in or on the building property shall not hold the Draper City Fire Department as assuming any liability.

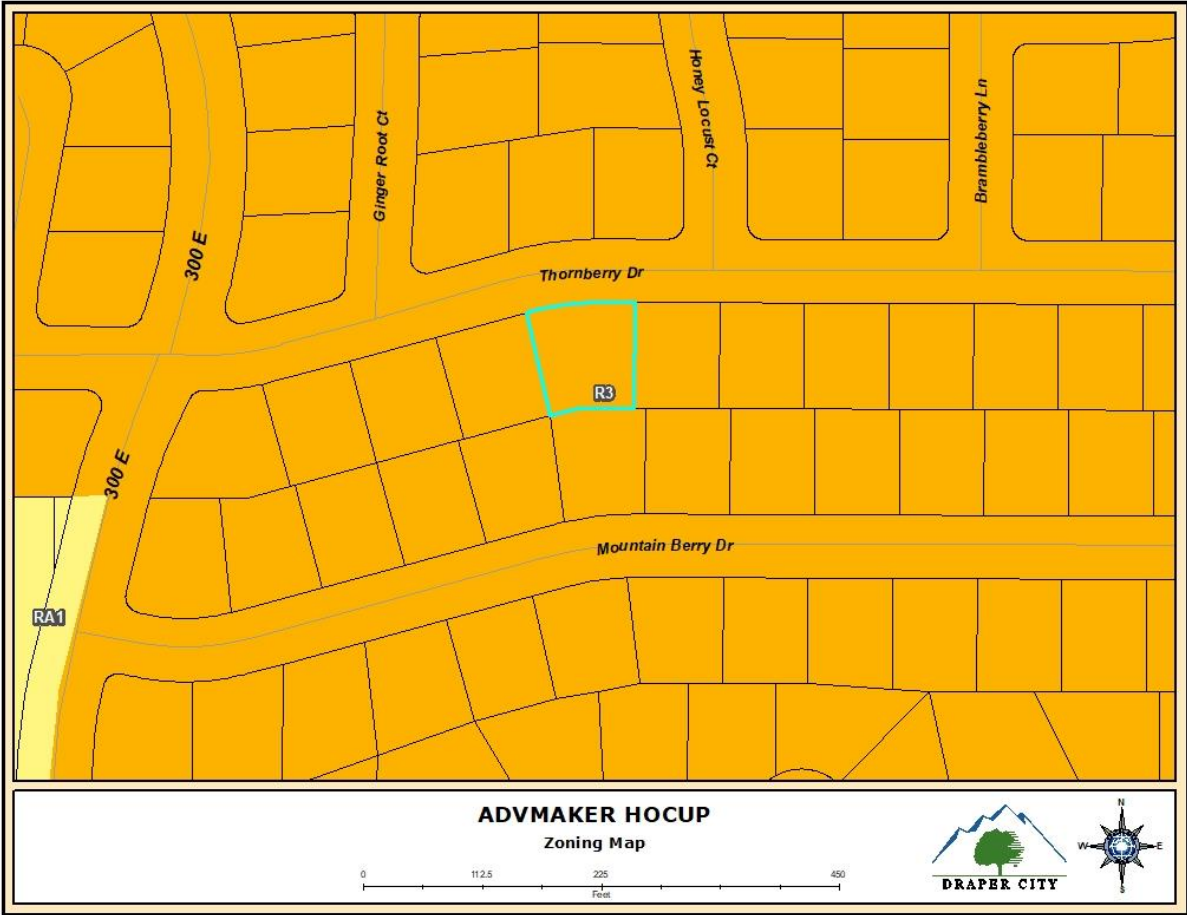
**EXHIBIT B**  
**AERIAL MAP**



# EXHIBIT C LAND USE MAP



**EXHIBIT D**  
**ZONING MAP**



**EXHIBIT E**  
**APPLICANT QUESTIONS**

**9-34-040: DEVELOPMENT STANDARDS; PERMITTED USE:**

The development standards set forth in this section shall apply to any home occupation allowed as a permitted use:

A. **Ownership:** The home occupation shall be owned and operated by a person who resides in the dwelling where the home occupation is located. Such person shall be the primary provider of the labor, work, or service provided in the home occupation.

Only I work on the metal sculptures that I sometimes sell. In my "Advmaker LLC" I am the sole member.

B. **Business License:** A business license for the home occupation shall be obtained from and continually maintained with the city pursuant to title 6, chapter 11 of this code.

I plan to get one if I continue to work on sculptures for sale. I have purchased a warehouse in another city, and most likely will take my business operations there after April next year (waiting for the tenant to move out). I will still continue to use my home garage for personal projects.

C. **Employees:** Members of the family of the owner who reside in the dwelling may be employed in the home occupation. Nonfamily or nonresident employees shall be limited to one person.

There are no employees. Sometimes my friends come over to borrow my tools to fix or work on their personal projects. I do not charge them and no business activity takes place with them. I do not take help from anyone for my business work.

D. **Inspection:** All facilities shall comply with fire, building, plumbing, electrical and all other city, county, state and federal codes. Inspections during reasonable hours by city officials may occur as necessary to assure compliance with regulations.

Agreed.

E. **Inventory:** No stock in trade, inventory, or other merchandise to exceed two hundred fifty (250) square feet shall be kept on the premises. No outside storage is allowed. (Ord. 909, 7-21-2009)

All metal stock needed for business items are only purchased on demand and kept inside the garage during use. There is some metal in a rack in the back yard and that is strictly for hobby/personal projects. I will also attach a schematic of how I divided my garage space for business and hobby use. The schematic shows that I am able to limit the business use space within the allotted 250sqft.

**F. Modification Of Structures Or Yards:** There shall be no visible evidence from the exterior of a dwelling that it is being used for any other purpose than that of a dwelling. No activities shall be carried on outside the dwelling in the yard for the benefit of or incidental to the home occupation. No front yard area shall be altered to provide parking required for a home occupation. (Ord. 1132, 2-17-2015)

Agreed.

**G. Nuisance:** Tools, items, equipment, or activities conducted within the dwelling which is offensive or noxious by reason of the emission of odor, smoke, gas, vibration, magnetic interference, or noise shall be prohibited.

When I need to use tools like a grinder, I keep the garage door at least half closed and have found that it keeps the noise perceived from outside at an acceptable level.

**H. Secondary Use:** The home occupation shall be clearly incidental and secondary to the primary use of the dwelling for residential purposes. The home occupation shall not disrupt the normal residential character of the neighborhood in which the residence is located. Not more than twenty five percent (25%) of the dwelling unit shall be used for the home occupation.

Agreed.

**I. Signs:** All signage in a residential area must comply with chapter 26, "Signs", of this title.

There are no signs kept in the premises.



**J. Traffic, Parking, And Access:** No home occupation use shall generate pedestrian, parking, or vehicular traffic in excess of that customarily associated with the zone in which the use is located. All parking shall be provided and maintained on site with adequate provision for drop off traffic.

**My business is to sell sculptures online and no customer visits our home.**

**K. Vehicles:** Other than the business owner's personal transportation, there shall be no vehicles or equipment on the property associated with the home occupation which would not normally be found at a residence. No signage for the home occupation shall be allowed on vehicles.

**Agreed.**

**L. Yards:** Yards surrounding the dwelling and accessory buildings shall not be used for any activities or storage of any materials associated with the home occupation.

**Agreed, only personal use items are kept in back yard.**

**M. Customers:** No customers allowed. Children accessing a limited daycare or limited preschool facility shall not be considered customers.

**Agreed, no customers visit our home.**

**N. Utility Demand:** The home occupation shall not cause a demand for public utilities in excess of that necessarily and customarily provided for residential uses.

**Agreed.**

**O. Main Structure:** The home occupations shall be conducted, located, and contained within the primary structure on the property. (Ord. 909, 7-21-2009)

**Agreed.**

**P. Single-Family And Multiple-Family Dwellings:** Home occupations listed as permitted or conditional within this title may be permitted in a single-family or a multiple-family dwelling, subject to the standards found within this section and section 9-34-060 of this chapter. Businesses within multiple-family dwellings shall provide an approval letter from the respective homeowners' association, or management company in the case of apartments, if the business proposes any employees, customers or business vehicles. (Ord. 1132, 2-17-2015)

**Agreed.**

**Q. Licensure:** Any home occupation involving childcare shall comply with all applicable state and local laws and regulations regarding residential childcare, including, but not limited to, provisions of the Utah child care licensing act, as set forth in Utah Code Annotated section 26-39-101 et seq., as amended, and the residential certificate childcare standards as set forth in the Utah administrative code section R430-50-1 et seq., as amended. In addition, cottage food production operations are regulated and inspected by the Utah department of agriculture. Any food related home occupation under their jurisdiction must comply with these regulations. (Ord. 909, 7-21-2009)

**Agreed.**

**EXHIBIT F**  
**HOME OCCUPATION USE AREA**

## Schematic of space use in garage

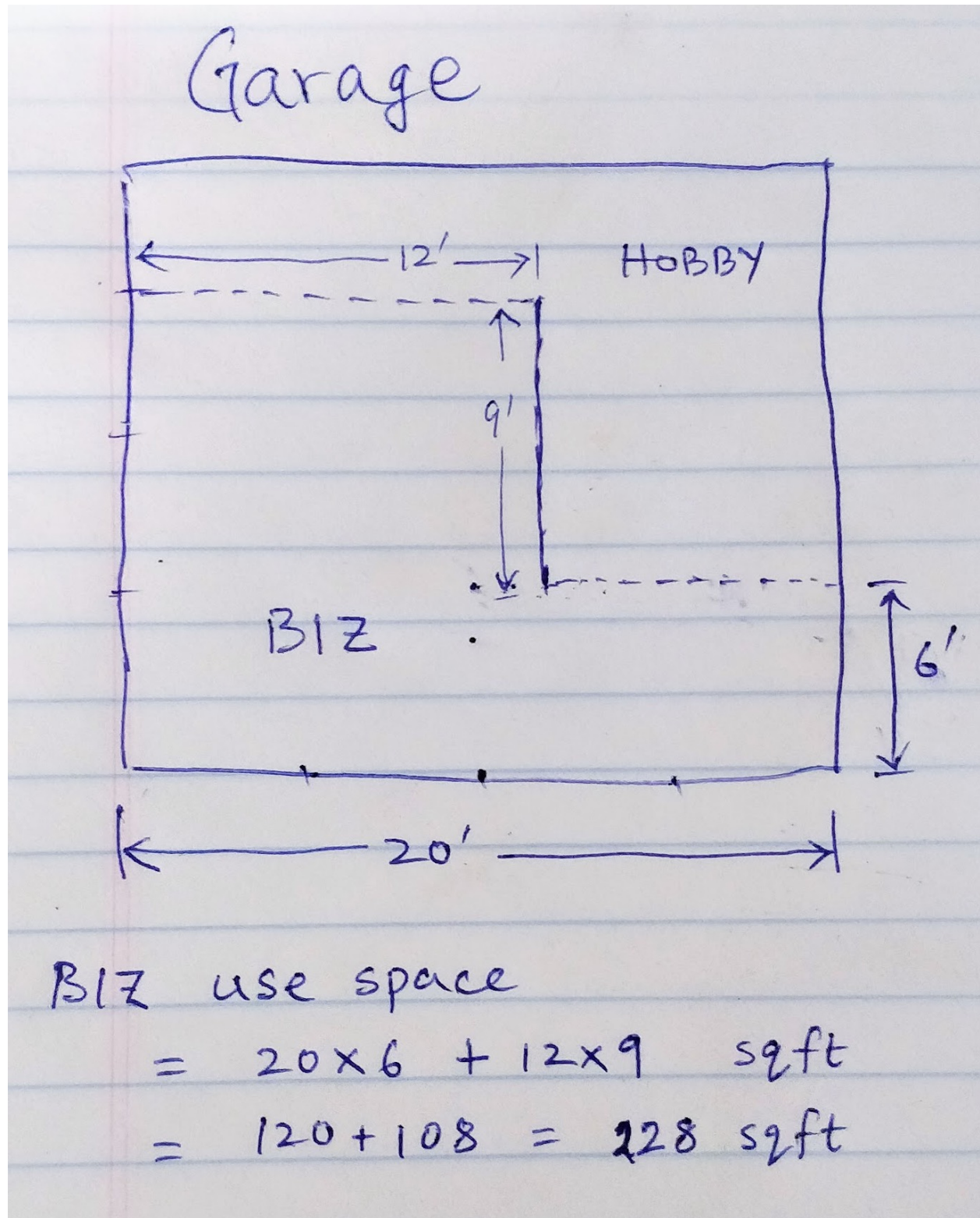


Figure: The bottom boundary is the garage door.

**EXHIBIT G**  
**CITIZEN COMMENTS**

**From:** Lori Brussock <Lori.Brussock@imail.org>  
**Sent:** Wednesday, August 4, 2021 3:39 PM  
**To:** Travis Van Ekelenburg  
**Subject:** Public Hearing - USE - 0049-2021 (Priti Hansla)

Hello, I am writing you in regards to the public hearing scheduled for August 12<sup>th</sup> at 6:30 pm for the Home Occupation Conditional Use Permit that the resident on 376 Thornberry Dr has applied for. Because of Covid I will not be attending but understood we could e-mail.

I live in the neighborhood on Honey Locust Ct which is the circle that is just past this home. Whether I am leaving or coming home I have to pass this home and I am 100% against this home having a business running out of the home, but am very concerned with the type of business that they are applying for. I am unfamiliar with all hazards of welding but do believe that a fire hazard would be a great concern for me, their garage is full of stuff, the garage is made out of wood, sheetrock and insulation which as you know are all flammable and I believe that if a spark would get away there could be a fire and with their garage being so full that fire will go up fast and consume the home which then put all the surrounding homes in danger.

I know from driving by or walking with husband it is loud when he is welding and emits a weird smelly odor, to me it is an uneasy feeling to see tanks all over and sparks flying all over when he is welding, if I can hear and smell from my car or when walking then the houses surrounding must have it much worse. One day I witnessed the owner pour a barrel of what I believe was water out onto his driveway just outside the garage and I watch it run down to the gutter, this was rust colored which also stained his driveway. I would think the discoloration of the water is some kind of byproduct from the welding but unsure but I can't imagine that can be good for the environment going into the sewer.. I have witnessed the fence line on the east side of the home have sheets of metal pieces piled up and covered with a tarp sometimes. None of these things look good or can be safe to have just piled around but the piles will surely grow if a license is granted, also how can this not reflect on the value of homes in the neighborhood? For sure having a welding business in the middle of a neighborhood would only make our home values go down.

This neighbor also has people that stay or rent from them, I know this as the old owners (The Hernandez's) work with me and told me the couple have no children but did plan to have renters. There are always at least three cars in the front of this house parked on the road, not even in winter do they utilize the driveway, there is a small curve in the road just before this home so it is as if the road is already a little narrow there, with the three cars that are always there and now possible patrons that is too much traffic in and out of our neighborhood, this homeowner already has no regard for others in the neighborhood by not having the renter use the driveway, he has put a two lane road to a one lane, it does not seem like Draper city cares as I personally complained to city in the winter but nothing happened, not one time in two years have they ever pulled their cars off the road during a snow storm, with a business license out of their home this would only mean more traffic on the road which is dangerous and unfair to other home owners driving on road and living in the neighborhood.

I feel that any business in a residential neighbor that could require people coming and going from your home is not good for the any home owners. I feel there is an appropriate place for these businesses and in the middle of a very busy residential neighborhood with tons of little children is not the proper place for this.

When we looked to buy our home in this neighborhood about 5 years ago it would of made all the difference in the world to me if I would of saw a welding business at the top of my street, I feel as a homeowners that our rights would be being taken away if this homeowner was allowed to run this type of business out of his home.

I am asking that you please consider the residents that are opposed to this and deny the homeowners request.

Thank you for your time.

**Lori Brussock**

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**From:** Elisa Higham <elisa.h@comcast.net>  
**Sent:** Thursday, August 5, 2021 2:42 PM  
**To:** Travis Van Ekelenburg  
**Subject:** Public Hearing input - App#USE-0049-2021 Cranberry Hill neighborhood

Dear Sir,

On behalf of my family, I want to express my concerns about having a welding business in our neighborhood.

I have concerns regarding safety. While welding in an appropriate area with certified welders etc has its own risks, this activity in a garage in a neighborhood not zoned for commercial or industrial is inherently dangerous.

I am sure the people applying for this variance are very nice and responsible, but the control they have over traffic and children and curiosity seekers cannot be controlled. My concerns include (but are not limited to)

- 1). Traffic and lots of extra cars on the narrow street, especially at the intersection area that a business would bring - including the owners vehicles which are not able to be parked in the garage due to the fact the garage is full of equipment.
- 2) I am sure they have certified welders and safety measures in place, but as a business grows, specifically in a small area like this, there are no guarantees that the additional people they might hire are certified to work with acetylene and Oxygen and fire - these are hazardous items and when mishandled cause severe consequences.
- 3). One of the main things that makes our neighborhood attractive is that it is a residential area. Metal and welding torches on this level are major equipment. Being a small business, they are not under the supervision of OSHA or any other safety organization. Even the most innocent and well intentioned people are subject to unforeseen hazards when dealing with industrial processes. Even with a "home welder" the hazards are real - multiply that by business sizes...
- 4). We have several small children in the area - kids are curious and unfortunately they don't always heed their parents advice to stay away from dangerous places - they don't see the dangers. This could result in a very sad outcome for all parties - I am sure the owners wouldn't want harm to come to anyone. Yes accidents happen, but there isn't a reason to increase the odds in an area with small children, seniors and pets. Aside from the hazardous nature of welding, the traffic and parking cause blind spots where children appear "out of nowhere".

Basically our family feels this is just not an appropriate business for our little suburban neighborhood and I hope you will take these concerns into account.

Please feel free to reach out if you want any clarification? I appreciate Draper City taking time to consider our feelings and needs.

Marty and Elisa Higham

801-558-0742

[elisa.h@comcast.net](mailto:elisa.h@comcast.net)

**From:** Bridget Johansen <bridgetmjohansen@gmail.com>  
**Sent:** Tuesday, August 3, 2021 12:02 AM  
**To:** Travis Van Ekelenburg  
**Subject:** Regarding App. # USE-0049-2021

Hello Travis,

I received the notice of public hearing regarding the request for a Conditional Use Permit at 376 Thornberry Drive.

As a neighbor who lives close by and walks or drives by this home on a regular basis, I have great concern for what they are trying to accomplish. I do not believe our neighborhood is the appropriate location for operating an industrial business. My concerns are the loud noise, the fire hazard, the toxic fumes and the chemical runoff, to name a few. I also have concerns regarding the additional traffic that this business may ensue. I do not know Priti or Joy, so this has nothing to do with my like or dislike for them personally.

As the city makes their decision regarding this matter, I would like to state my strong opposition to this permit being granted.

Thank you for your consideration.

Sincerely,

Bridget Johansen

**From:** AJ Pepper <adrianpepper@gmail.com>  
**Sent:** Sunday, June 6, 2021 6:15 PM  
**To:** \* Code Enforcement; ralphsmailbag1@aol.com  
**Cc:** Mike Barker; Spencer DuShane; David Dobbins; Jennifer Jastremsky; Travis Van Ekelburg; Kirk Anderson; Don Buckley; Lucas Fowler  
**Subject:** Wolferts Correspondence to Draper City (6.6.2021)  
**Attachments:** Wolferts Correspondence to Draper City (6.6.2021).pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please see the attached correspondence to Draper City from Ralph and Judy Wolferts.

Thank you,

**From:** Jacob Reese <jacobnreese5@gmail.com>  
**Sent:** Monday, August 2, 2021 10:41 PM  
**To:** Travis Van Ekelenburg  
**Subject:** APP# USE-0049-2021 - Iron art Guy in Cranberry Hill

Travis,

I am a resident living with my wife and 2 small children just around the corner from the Hasania residence. I was planning on attending the public hearing on Thursday, August 12<sup>th</sup> but will be traveling for work.

In your position, I'm sure you get a bunch of angry people screaming and yelling. I will try to give you the most reasonable explanation as to why this shouldn't even be considered in our neighborhood. Here are 3 reasons which I have felt for the last 2 years since this guy moved in.

1. The type of business he is currently running. If he owned a scrapbook business, that's another story. This is a full-on industrial grinding and welding operation. We often hear grinding in the early hours of the morning. His driveway, garage, and fence is all turning orange from the rust and welding going on. The constant noises are clear evidence that this is NOT a business that should be in a residential neighborhood. He belongs on industrial ave in north salt lake.
2. Traffic and camper vans. It is not uncommon to drive by his home and see 3-5 new cars parked out front of his home every day. Unfortunately, the crowd that is brought with his business is not family friendly and often involves having 2 camping vans with people living in them parked in his driveway every weekend. I believe he is using air bnb and renting out this space. With two small children, we have to be extra careful with our children outside.
3. The guy is an absolute jerk. I have observed his kind neighbor ask nicely for him to stop grinding in the early morning. Priti in turn, yells and screams at him and takes no consideration to the requests made. The grinding affects our "quiet use and enjoyment", and does not belong in draper Utah.

Families come to this neighborhood to raise their children as we have done. This permit does not belong in a residential neighborhood and I am frustrated that this is even a topic of discussion.

I respectfully voice my opi

nion against Priti receiving any permit to run his iron art business.

p.s. have you ever seen a heart shaped tennis raquet? Look no further than 376 e Thornberry drive!!!

Jacob Reese  
801-520-4165  
11518 South Honey Locust Court Draper Utah 84020

**From:** Carol Simon <simon5856@gmail.com>  
**Sent:** Tuesday, August 3, 2021 6:04 PM  
**To:** Travis Van Ekelenburg  
**Subject:** Comment on request for business permit use in residential neighborhood, cranberry hill by Priti Hansia at 376 E. Thor berry Dr.

As a resident of Cranberry Hill neighborhood, I strongly oppose the above request to conduct a welding business in our residential neighborhood.

The welding that is being performed already is noisy, unsightly, and smelly, and brings increased traffic through the neighborhood. This neighbor should rent a shop suited for this type of business in a business location. He also seems to be using his front yard as an advertising lot, as it is filled with large welded metal artwork already. I fear with his business, his front yard will become a large lot of welded metal.

I believe this type of business will add potential fire danger to the neighborhood and will negatively impact nearby home values as well. A residential neighborhood on the middle of town is just not safe or suited for this activity.

Thank you,  
Carol Simon  
261 Cranberry Hill Dr, Draper  
801-910-5728

**From:** Cari Passey <outlook\_9C99BA9E902B87E2@outlook.com> on behalf of Cari Passey <cari@caripassey.com>  
**Sent:** Friday, August 6, 2021 12:46 PM  
**To:** Travis Van Ekelenburg  
**Subject:** CONDITIONAL USE PERMIT: 376 Thornberry Dr, Draper UT  
**Attachments:** • 376 Thornberry Dr.docx

To Travis & Draper Planning Commission:

Concerning the application for **CONDITIONAL USE PERMIT:**

- Cranberry Hill Neighborhood Subdivision
- 376 Thornberry Dr, Draper UT
- For Industrial Use purposes

Many feel that Draper City should protect ALL of its residents: homeowners, residents, business owners, and industrial businesses. This being said... please allow residents to live in protected residential areas, and have businesses (especially industrial businesses) be designated and protected in business areas (as well as their clientele).

Many from our neighborhood plan on being at the Draper Planning Commission to see how Draper City will help support ALL of its residents.

These are the **MAIN CONCERNS:** (but not all the concerns)

- Neighborhoods should be protected from all:
  - safety hazards, chemical hazards, waste hazards, traffic hazards, etc.
- Businesses that cannot be hidden from the street should move their businesses from residential areas to business appropriate areas
- Businesses with high traffic should have a parking area for all customers, not a neighborhood street on a main access road
- Businesses with a store front belong in a business district
- Industrial businesses belong in an approved industrial park area:
  - Have a hazard disposal area for waste
  - Safety features in place for dangerous machinery
  - Storage areas and space for all equipment, material and products, etc.
  - Which offers store front and parking access
  - A safe place for all types of potential customers to come and see their product

## **ISSUES WITH SAFETY:**

INDUSTRIAL BUSINESS IN A BEDROOM COMMUNITY

Home owners at 376 Thornberry Dr are running an industrial business:

**DANGEROUS:**

- There are no safety or oversight laws set up in our residential neighborhood for an industrial business, to protect our families and homes.
- Homeowner constructs large iron and steel objects with **no proper way to dispose waste and byproduct:**
  - runoff from the cutting and welding of iron, steel, other metals, etc.
  - additional runoff from the coatings and finishing materials that are applied to the metal.
  - backyard is filled with material, supplies, debris and scraps from the metal working business
  - chemicals draining into our land and community water system
    - leaching chemicals or toxins into the soil
    - we have vegetable gardens planted nearby
    - we are eating the food we have in our gardens
  - waste chemicals and waste scrap in our landfill vs. proper disposal set up for these kinds of hazard materials.
  - fire hazards
  - flames, sparks and fumes
  - dangerous and noisy machinery
- Concerns about large iron and steel objects being made and displayed
  - many over 5" tall
  - all finished products are located in the front yard,
  - also a hazard if any were to tip over onto kids
- Welds and repairs metal structures in his driveway and garage
  - OUT FRONT AND IN FULL VIEW, WITH EASY ACCESS
    - Children can easily wander around in all of this because it is
    - In the front yard, driveway and garage
  - Entire garage is filled with large pieces of machinery, parts, equipment, etc. DANGEROUS for everyone, except himself.
  - Garage is left open most of the time... children, curious onlookers or mischievous teenagers can easily see and approach.

#### FIRE SAFETY HAZARD:

- Our homes are relatively close to one another
- In the event of a fire it could spread very quickly to surrounding homes.
- EMT and Fire response trucks would have difficulty reaching the areas

#### TRAFFIC AND PARKING ISSUES DUE TO BUSINESS AT HOUSE

- Thornberry Drive is a **main access street** in Cranberry Hills neighborhood:
  - It allows us to reach many other streets and courts.
  - For many of us, Thornberry is the ONLY way we can get to our homes.
- Traffic – this is a child friendly neighborhood with many children playing.
- This neighborhood was set up with children in mind



- Meandering streets, lots of curves, courts and circles
- NOT set up on a GRID with wide streets for traffic.
- Intentionally set up for homes with families
- Parks nearby, bike and child friendly
- Park strip out in front with wide sidewalks.
- Clearly a neighborhood and **NOT an Industrial Park**

#### SAFETY CONCERNS:

- There are too many cars out front, blocking the street, creating many blind spots where children cannot be seen.
  - Obstructed view and diminished visibility for drivers
  - CANNOT see around all the parked cars, SUVs & vans.
  - Kids likely to walk between the vehicles to cross the street.
  - Sidewalks blocked for walkers
  - Dangerous for the children living next door and down the street.
- Cars can only go pass this house VERY SLOWLY, single file to make sure there are no children present due to MANY CARS parked on **both sides of the street**.
- Cars must drive VERY SLOWLY so as not to hit the cars lined up on both sides of the street.
- Emergency vehicles CANNOT safely pass in front of this house.
- Regular traffic has difficulty safely passing in front of this house.

#### ADDITIONAL POTENTIAL CONCERNS:

- What kind of clientele are now coming into our neighborhood to see their storefront, out in their front yard.
  - Are they safe citizens
  - Are they concerned with the welfare of our children, our homes, our streets, etc.
  - Will the homeowner be hiring others as his business picks up
    - If so, are they safe citizens
    - Will they be concerned with the welfare of our children, our homes, our streets, etc.

Cari Passey

[Cari@CariPassey.com](mailto:Cari@CariPassey.com)

801-638-7494

**From:** Gerika Logan  
**Sent:** Monday, May 10, 2021 12:38 PM  
**To:** Travis Van Ekelenburg  
**Subject:** Constituent Complaint : HOCUP | USE-0049-2021

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Travis,

The constituent complaint was from Ralph Wolferts who lives at 833 E Thornberry Dr. His number is (801)523-8105.

Best,



**Gerika Logan**

**Planning Coordinator | Community Development Department**

1020 E. Pioneer Road, Draper, UT 84020

Office: 801-576-6551 | [gerika.logan@draperutah.gov](mailto:gerika.logan@draperutah.gov) | [draperutah.gov](http://draperutah.gov)

**\*\*Please note new email and website\*\***

**DRAPER CITY IS OPEN TO THE PUBLIC FROM 8:00 AM – 5:00 PM, MONDAY-FRIDAY.**

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**From:** Josh Peterson <joshypetersons@gmail.com>  
**Sent:** Monday, August 2, 2021 11:22 PM  
**To:** Travis Van Ekelenburg  
**Subject:** Cranberry Hill Permit - DO NOT ALLOW

To whom it may concern,

Please add me to the list of the many in the cranberry hill neighborhood against USE-0049-2021 at 376 E Thornberry Drive. We do not want this business in our neighborhood and I will not support it any longer. Our sidewalks are orange and the 24/7 grinding needs to stop!

I live off of Thornberry and do not approve.

Thank you for taking immediate action on this matter.

-Josh Peterson

TO: DRAPER City  
Community Development  
Code Enforcement

RE: Complaint Regarding Commercial  
Advertising in front yard of  
home in residential AREA

Date: May 20, 2021

From: Judith Wolferts  
388 E. Thornberry Drive  
Draper, UT 84020

Home: 801-523-8105

Cell - 801-558-5094  
+  
TEXT

25 pages + coversheet

Coversheet

**COMPLAINT CONCERNING CODE AND ZONING VIOLATION:  
ADVERTISING FOR COMMERCIAL SALES ITEMS IN FRONT YARD AND IN THE  
PARKING STRIP ADJACENT TO MAILBOX**

**Address: 376 E. Thornberry Drive**

**Reason: Non-compliant commercial business advertising in residential front yard.**

**COMPLAINT:** The resident lives in an exclusively residential area. There are many children in the residential area. Resident has an LLC In Utah and has a business that involves at a minimum welding and cutting metal and fabricating items that he then sells online. The business is Advmaker, LLC. A copy of this LLC's registration with the State is enclosed. The resident apparently sells his wares and then ships them to customers and potentially has done so since 2019, when resident began residing in the neighborhood.

Proof that resident is operating a business involving metal welding and cutting, fabrication, and perhaps other things is attached. Proof that resident is storing (on his property) metal and other stock, is attached as photos. Proof that the work is done both in and outside the garage in the home's driveway is shown in attached photos, including showing extensive rust staining on the driveway and a large amount of equipment in garage.

It is unclear whether the resident has ever received approval to operate the business out of his garage (or elsewhere).

Attached are copies of advertising posted online on Etsy and elsewhere showing the advertising for resident's wares for sale, as well as testimonials from customers.

Regardless of whether resident has approval to operate the business, advertising/signs/items for sale have been improperly placed throughout his

①

front yard. They are not in keeping with the residential nature of the area and must be removed.

Resident's brand appears to be a backdrop of Utah mountains similar to those on Utah license plates, and advertising documents showing two such brands that presently are placed in his front yard are included with this complaint.

These are large rusted metal cutouts of the mountains. The peaks on the mountains are sharp and potentially dangerous. Also, what appears to be a plant stand shown for sale on Etsy for \$450 (in Etsy advertising attached) now is located in the park strip next to his mailbox. Other metal (and wood objects) which appear to be advertising of wares are also located on resident's (dirt) front yard. Other items were in the front yard in the past but apparently have been sold.



## ADVMAKER LLC

[Update this Business](#)**Entity Number:** 11817286-0160**Company Type:** LLC - Domestic**Address:** 376 E Thornberry Dr Draper, UT 84020**State of Origin:****Registered Agent:** Joy Dutta**Registered Agent Address:**

376 E Thornberry Dr

Draper, UT 84020

[View Management Team](#)**Status:** Active[Purchase Certificate of Existence](#)**Status:** Active  as of 06/16/2020**Renew By:** 06/30/2022**Status Description:** Current

The "Current" status represents that a renewal has been filed, within the most recent renewal period, with the Division of Corporations and Commercial Code.

**Employment Verification:** Not Registered with Verify Utah[History](#)[View Filed Documents](#)**Registration Date:** 06/16/2020**Last Renewed:** 04/27/2021[Additional Information](#)**NAICS Code:** 3329 **NAICS Title:** 3329-Other Fabricated Metal Product Manu

&lt;&lt; Back to Search Results

Business Name:

A

Sign in (/login/?

next=%2Fpages%2Fadvmaker-llc-draper-ut%2F&is\_logged\_out=true)



## Advmaker LLC

♥ 1 Recommendation

Woodworking(/topic/18490)

Craft maker(/topic/17988)

♥ Recommend



Overview(/pages/advmaker-llc-draper-ut/)

Recommendations(/pages/advmaker-llc-draper-ut/recommendations/)

Our story

↓ BRAND

↑ Located in front yard →

B



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A map of a residential area in St. Louis, Missouri. A green location pin is placed on Thornberry Dr, between S 300 E and S 150 E. The map shows several streets including E 11400 S, E 11375 S, S 150 E, Sugar Berry Rd, Olive Berry Ln, Cranberry Hill Dr, Brambleberry Ln, Mountain Berry Dr, High Berry Ln, Twin Ridge Dr, and S Shadow View Ln. Landmarks and businesses are marked with icons and text: Little Caesars Pizza (orange fork and knife icon), United States Postal Service (blue envelope icon), and Gateway Academy (blue graduation cap icon). The Google logo is in the bottom left, and 'Map data ©2021' is in the bottom right.

✉ [joy@adv-maker.com](mailto:joy@adv-maker.com)  
(mailto:joy@adv-maker.com)

C

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Did you mean: **ad maker** draper



Advmaker LLC - 1 Recommendat...  
nextdoor.com



Advmaker LLC - 1 Recommendat...  
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*located  
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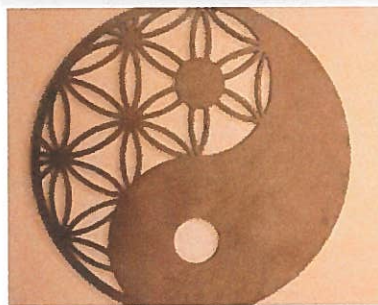
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F



AdvMaker

Draper, Utah

15 Sales



Advertisement Brand  
in front VAND

Search items



All 15

📄 Request Custom Order

✉ Contact shop owner

15 Sales

34 Admirers

[Report this shop to Etsy](#)

## Featured items



Geometric Metal Sculpture: Instability

\$600.00 FREE shipping



Geometric metal sculpture: Stacked Trefoils

\$5,100.00 FREE shipping

## All Items



Charred wood and steel stool

\$260.00 FREE shipping



Abstract geometric metal sculpture: Porous

\$250.00 FREE shipping



5/10/21  
placed  
in  
front  
VAND

by mailbox  
in PARK STRIP



\$200.00 FREE shipping



Geometric pattern metal planter pots in a pentagon layout

\$450.00 FREE shipping



Contemporary log and steel night stand

\$250.00 FREE shipping



Contemporary and industrial night stand

\$280.00 FREE shipping



Geometric metal sculpture: Stacked Trefoils

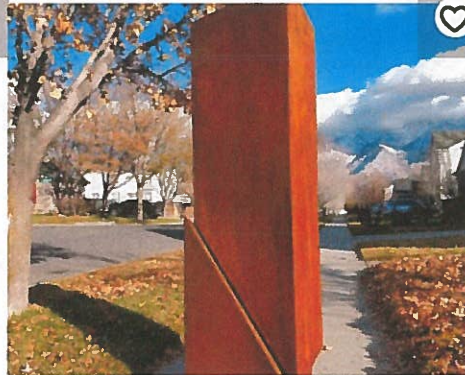
\$5,100.00 FREE shipping

Only 1 available and it's in 1 person's cart



Modern metal mailbox with sculpture elements

\$1,500.00 FREE shipping



Metal sculpture: "Levitation", modern outdoor decor

\$1,500.00 FREE shipping

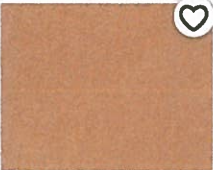
Only 1 left



Geometric Metal Sculpture: Instability

\$600.00 FREE shipping

Only 1 left



Yin Yang sign in steel

\$95.00 FREE shipping



SquatJoy - Enable full squat posture on regular western toilets

\$249.00



Metal sculpture: "Balanced", modern outdoor decor

\$2,700.00 FREE shipping



Geometric metal sculpture - Trefoil

\$1,400.00 FREE shipping



Table lamp from repurposed auto parts



Metal sculpture: fault line

\$450.00 FREE shipping

## Reviews

Sort by: Recommended ▾

Average item review ★★★★★ (4)

See reviews that mention:

Shipping 2

Customer service 2



Karl on Mar 10, 2021

★★★★★

Absolutely wonderful work of art. Exactly what I wanted!!!

Purchased item:

Steel soccer ball (truncated icosahedron)



Paul Pritchard on Dec 2, 2020

★★★★★

It was great working with Joy on this custom project. He kept me updated almost daily during the build process and did a remarkable job on arranging and coordinating the shipment. He went way above and beyond my expectations. If there were 10 stars I would give him 10. He is a very talented artist and craftsman, and a superstar at customer service. His creativity of the project was amazing. I got computer renderings all along as we discussed the design I wanted. Thanks, Joy !!! I get photos after we mount your work on pedestals along the Great Allegheny Passage bike trail in Pennsylvania.

Purchased item:

Custom Order: Levitation, Balanced

Jay on Jul 22, 2020

★★★★★

Excellent sculpture!!

I ordered a custom size and he made it happen! He gave me finish options and updated me during the process.

The sculpture looked great in our backyard with black tiles.

Extremely satisfied!!



Purchased item:

Trefoil - metal sculpture for the yard - rust finish



Cynthia Mandujan on Jul 6, 2020

★★★★★

The piece is unusual and fits my backyard decor perfectly. The sculpture was well packaged and arrived on time. Joy was great to work with and hope to buy more pieces in the future.

Purchased item:

Trefoil - metal sculpture for the yard - rust finish

About AdvMaker

Sales

15

On Etsy since

2016

Inspiration through art

I am a software developer by profession. I enjoy writing code but deep down I crave to create

*Testimonials*

*h*

tangible works of art. Working with metal gives me that satisfaction. I love the ability to turn scrap metal into something meaningful.

 Instagram

### Shop policies

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Accepted payment methods




Accepts Etsy Gift Cards and Etsy Credits






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J





**Joy Dutta**

Advmaker LLC

📍 Draper, UT, USA

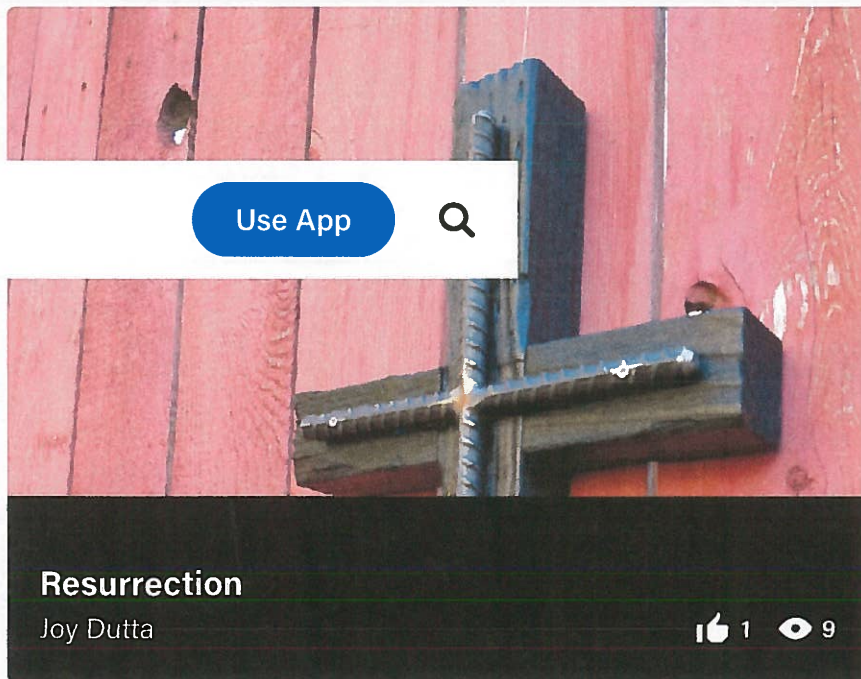
+ Follow

✉ Message

Info

Work

Appreciations

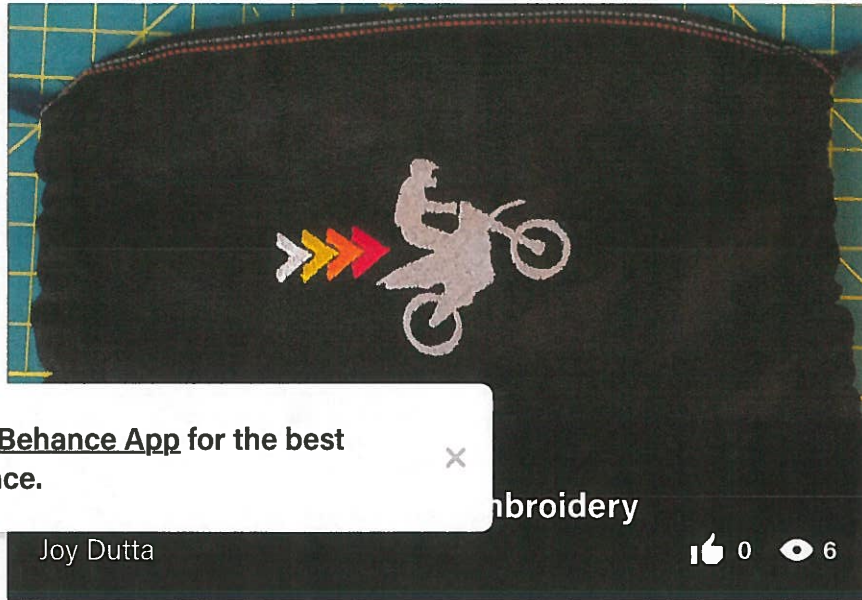


≡ Bē

Use App



R



L



①

House example of neighborhood - DEXT door to 376



Photo of residents top of driveway - materials + rust





Materials & Rust in driveway

②



Concrete at 388 Thornberry home  
Materials (rebar + aluminum  
work materials stored on  
properly line on resident's prop.



③

material stored on grass in front of  
garage



materials stored in front of  
resident's garage door

④

materials stored in back yard After  
Draper inspection (first inspection)





⑤

materials on driveway visible from street



partly finished item, in front of fence visible

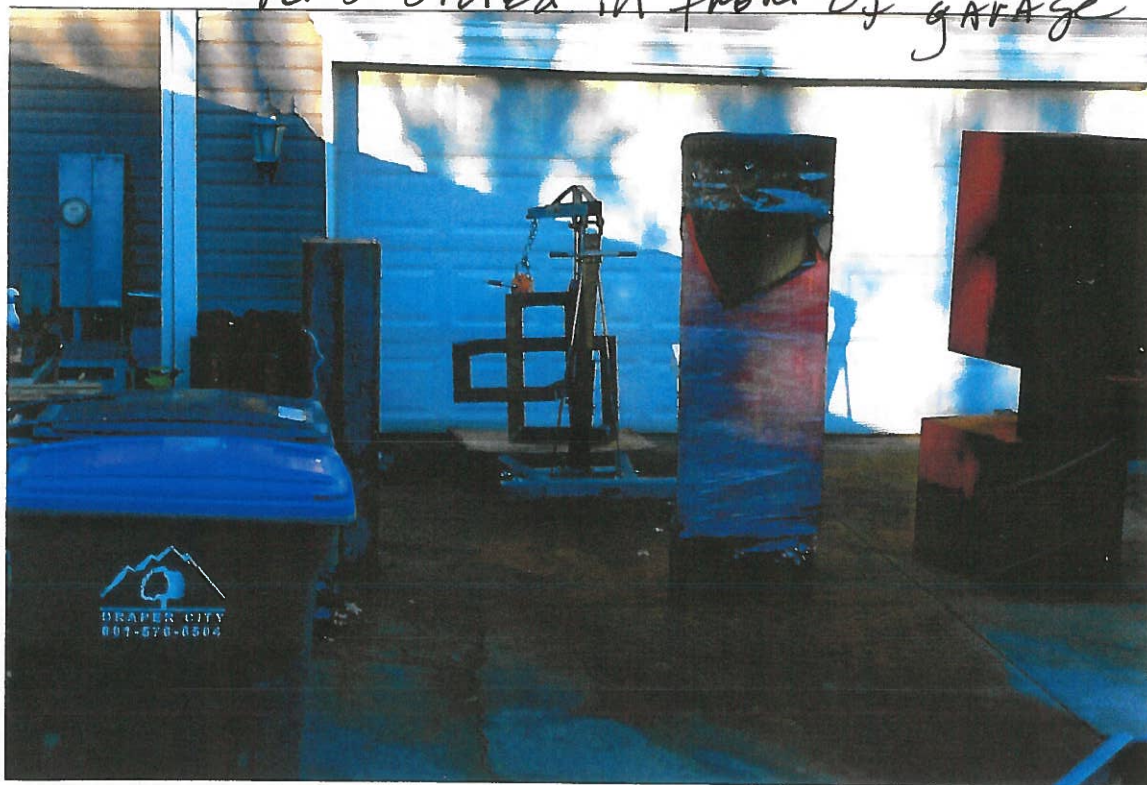
from  
street





(6)

items stored in front of garage



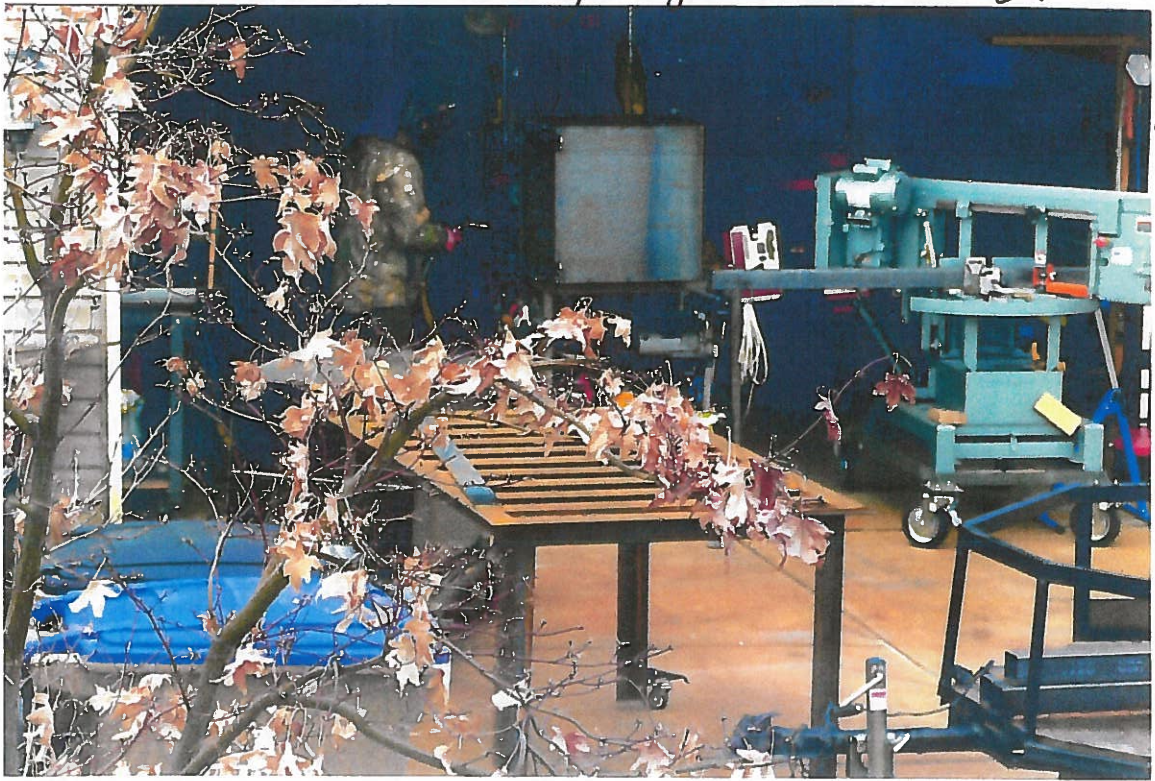
items stored in front of fence visible from street



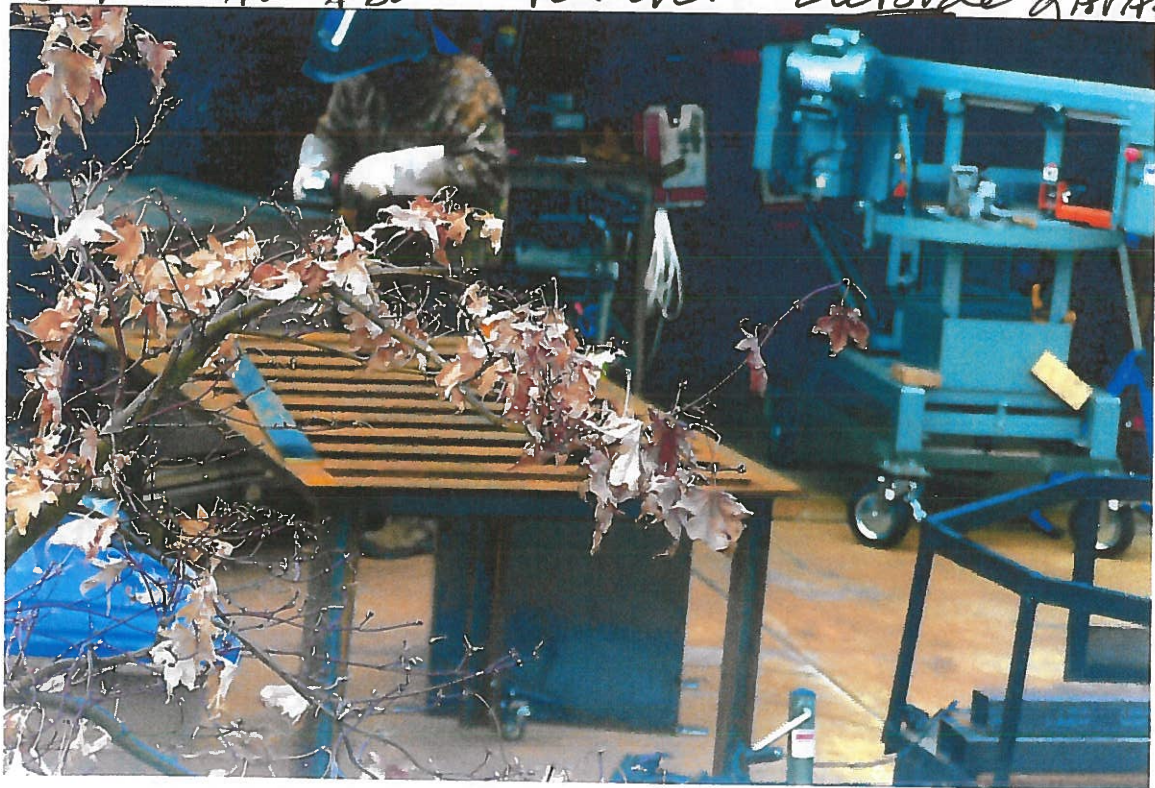


(7)

items moved out of garage and into driveway  
to look



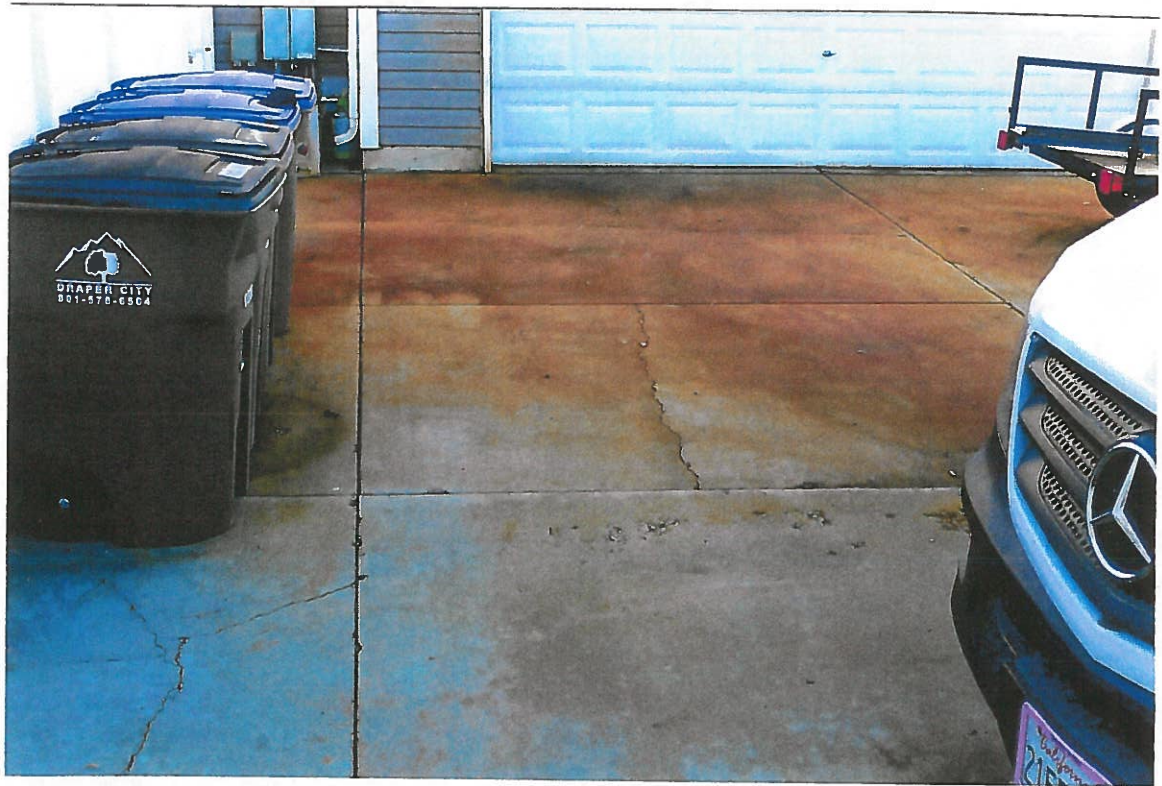
SAME AS ABOVE - resident outside garage &  
lobby





driveway in front of garage showing rusty water run off from work

(8)



Stream of rusty water from construction now runs down driveway



(9)

Rusty  
Water  
from  
Work



Rusty water from fabrication work  
Running from driveway onto  
sidewalk

(10)

customer PARKING on sidewalk



customer PARKING on sidewalk





(11)

Customers PARKING ON SIDEWALK



Same



AJ Pepper, Esq.  
E. Thornberry Drive  
Draper, Utah 84020

August 4, 2021

Draper City  
Attn: Planning Commission  
1020 E. Pioneer Road  
Draper, Utah 84020

Re: Conditional Use Permit Application - 376 E. Thornberry Drive, Draper, Utah 84020

Dear Members of the Planning Commission:

I am writing to you to oppose a Conditional Use Permit for the welding and fabrication manufacturing business located at 376 E. Thornberry Drive, Draper, Utah 84020 (the “**Property**”). Please note that vehicle welding repair work also occurs at the Property.

### **Permitted Use Analysis**

The Property is located within the Cranberry Hill subdivision and is zoned as R3. The City Code includes a definition for “manufacturing, general,” which is defined as the “manufacture of finished products or parts, predominantly from previously prepared materials, including processing, *fabrication*, *assembly*, *treatment* and packaging, and incidental storage, *sales* and/or distribution of such products.” (emphasis added). Of relevance, the definition of “manufacturing, limited” indicates that such activities would have “no *noise*, odor, vibration, or *other impacts discernible outside a building*.” (emphasis added).

The welding and fabrication activities occurring at the Property consist of the processing, fabrication, assembly and treatment of metals, which are subsequently packaged, stored and eventually sold from the Property. Note that most of the foregoing activities have occurred outside the dwelling structure, completely discernable from the street. As such, the uses occurring at the Property are best captured by the definition of “manufacturing, general.”

Pursuant to Table 9-10-1 of the City Code, which provides for the Permitted and Conditional Uses allowed in Residential Zones, no such “manufacturing, general” or “manufacturing, limited” are allowed in any residential zone, including the R3 zone. Therefore, the welding and fabrication manufacturing uses occurring at the Property should be prohibited.

### **Home Occupation Analysis**

Furthermore, the welding and fabrication manufacturing uses occurring at the Property do not fit within any of the eight enumerated home occupations allowed for under Section 9-34-050. However, the applicant has tried to argue that the “manufacturing” activities occurring at the Property result in art, and therefore the business is actually a “cottage business” deserving of a

“home occupation” designation and associated conditional use permit. However, this attempt to recharacterize the activities fails for multiple reasons.

First, the definition of “cottage business” is “a business where products are created *in the home*.” Additionally, the definition of cottage business provides three examples of products created in such a business: “handicraft, art, and jewelry.” The Latin canon of statutory interpretation of “noscitur a sociis” requires that where a word is ambiguous, its meaning may be determined by reference to the rest of the statute. Here, to the extent that “art” is ambiguous, the Planning Commission may look at the words “handicraft” and “jewelry” to determine what was intended by “art.” The definition of handicraft according to [vocabulary.com/dictionary](http://vocabulary.com/dictionary) states that “things that are made with machines or on a large scale *aren't* considered handicrafts” and instead handicrafts may include items such as “pottery, handwoven blankets, handmade jewelry, and quilts stitched by hand.” Additionally, the same website indicates that “jewelry” includes items such as “a bracelet, ring, necklace, or earrings.”

It is clear that “art” produced in a cottage business was intended to mean small ornamental pieces, not massive metal works weighing hundreds of pounds and standing six or more feet tall that have been created by industrial welders and other commercial machines used in metal working industries.

Second, the manufacturing activities occurring at the Property do not comply with the baseline requirements of Title 9, Chapter 34 (Home Occupations). As an initial matter, the definition of a “Home Occupation” is a “commercial or other nonresidential use conducted *within* a dwelling unit that is *incidental* and secondary to the use of the dwelling unit for residential purposes.” (emphasis added). It is hard to imagine how a welding and fabrication manufacturing operation use occurring outside the dwelling unit could be “incidental” to the use of a dwelling unit for residential purposes.

Further, Chapter 34 indicates that its purpose is to “ensure that limited business activities allowed in a residential zone *do not disturb the residential character* of a neighborhood.” (emphasis added). As noted below and in the attached pictures, the activities occurring at the Property have greatly altered and disturbed the residential character of the neighborhood.

Third, even if the welding and fabrication manufacturing operation use was (i) occurring within the dwelling unit, (ii) was incidental to the use of the dwelling unit for residential purposes, and (iii) did not disturb the residential character of the neighborhood, the use would still have to comply with the development standards set forth in Section 9-34-040, which it does not.

### **Analysis of § 9-34-040: Development Standards**

Pursuant to Section 9-34-030, all home occupation uses must comply with the development standards of Section 9-34-040. Section 9-34-040 sets certain requirements in subparts A through Q. As discussed hereinafter, the uses occurring at the Property fundamentally fail to adhere to the requirements of subparts D, E, F, G, J, L, M and O of Section 9-34-040.

Section 9-34-040(D) requires that all facilities “shall comply with fire, building, plumbing, electrical and all other city, county, state and federal codes” with inspections to assure compliance with regulations.” A cursory review of OSHA standards, Part 1926 subpart J indicate that the current use does not comply, namely with the requirements around fire prevention and ventilation. Further, the requirements of the International Fire Code for Compressed Gases are likewise not being adhered to, namely the requirements around storage of such gases. Additionally, it is hard to believe that the use of paint-on industrial oxidizers in the driveway and resultant chemical runoff as shown in Exhibit A could be allowable under various health and safety codes, and is especially problematic given (i) the City’s obligation to comply with its Small Municipal Separate Storm Sewer System (MS4) permit and (ii) the City’s strong interest in protecting the countless young children that play in the area.

Section 9-34-040(E) requires that “no stock in trade, inventory, or other merchandise to exceed two hundred fifty (250) square feet shall be kept on the premises” and that “*no outside storage is allowed.*” (emphasis added). The entire garage of approximately 500 square feet is choked full of materials, inventory and in-process merchandise. Additionally, merchandise sold for sale online is displayed throughout the front yard, and inventory storage is occurring outside and in the backyard. Evidence of the foregoing is shown in Exhibit B.

Section 9-34-040(F) requires that (i) “there shall be no visible evidence from the exterior of a dwelling that it is being used for any other purpose than that of a dwelling,” (ii) “no activities shall be carried on outside the dwelling in the yard for the benefit of or incidental to the home occupation,” and (iii) “no front yard area shall be altered to provide parking required for a home occupation.” As shown in Exhibit C, it is completely apparent from the exterior that this business is being operated, with activities being carried on outside the dwelling, and with parking oftentimes occurring in the front yard of the home. In fact, the activities outside the home are occurring seven days per week, for anywhere from 10 to 16 hours per day.

Section 9-34-040(G) requires that “tools, items, equipment, or activities conducted within the dwelling which is offensive or noxious by reason of the emission of odor, *smoke*, gas, vibration, magnetic interference, or *noise* shall be prohibited. Welding and related activities that generate smoke and sparks, and the noise from use of an angle grinder are regularly present, as shown in Exhibit D.

Section 9-34-040(J) requires that “no home occupation use shall generate pedestrian, parking, or vehicular traffic in excess of that customarily associated with the zone in which the use is located.” Numerous cars are oftentimes parked in the driveway, on the street, and in the yard, making it difficult for cars to pass on the street (except in single file) and kids often have to step into the street when the sidewalks are blocked, all as shown in Exhibit E.

Section 9-34-040(L) requires that “yards surrounding the dwelling and accessory buildings shall not be used for any activities or storage of any materials associated with the home occupation.”



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Page 4

As shown in Exhibit F, the yards surrounding the Property are used for business activities, including welding, painting, grinding, oxidizing, material storage, abandoned product storage and associated display of finished products.

Section 9-34-040(M) states “no customers allowed” in connection with the home occupation. Upon information and belief, numerous customers often visit the Property, as shown in Exhibit G.

Section 9-34-040(O) requires that the home occupation “be conducted, located, and contained within the primary structure on the property.” As shown in Exhibit H, the welding and fabrication manufacturing operation and non-art vehicle repair and welding uses are conducted in the front yard, drive way and backyard.

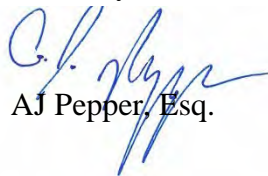
### **Conclusion**

Put simply, the welding and fabrication manufacturing uses and activities occurring at the Property are commercial uses that are incompatible with the nature of a residential neighborhood and do not constitute one of the eight enumerated uses that may be labeled as a home occupation. Further, the uses occurring at the Property fail to satisfy the basic requirements of a home occupation because: (i) the uses are occurring outside the dwelling unit, (ii) the uses are not incidental to the use of the dwelling unit for residential purposes, and (iii) the uses are disturbing the residential character of the neighborhood. Additionally, a CUP under Section 9-34-060 should not be granted because it would require a near wholesale gutting of the requirements set forth in Section 9-34-040.

The purposes of the regulations and restrictions of the City Code, as set forth in Section 9-1-030, clearly demonstrate that the welding and fabrication manufacturing operation uses occurring are not capable of complying with the requirements of the City Code applicable to the Property, regardless of any possible conditions imposed, and should therefore be prohibited.

Should you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "A.J. Pepper", is written over the typed name.

AJ Pepper, Esq.

**EXHIBIT A**  
**Section 9-34-040(D) Violations**



Exhibit A



Exhibit A



**EXHIBIT B**  
**Section 9-34-040(E) Violations**





Exhibit B

August 4, 2021

Page 8




**nextdoor**Sign in



376 E Thornberry Dr  
Draper, UT 84020

✉ [joy@adv-maker.com](mailto:joy@adv-maker.com)



**Advmaker LLC**

❤️ 1 Recommendation

Woodworking Craft maker

👍 Recommend 💬 Contact

Overview Recommendations

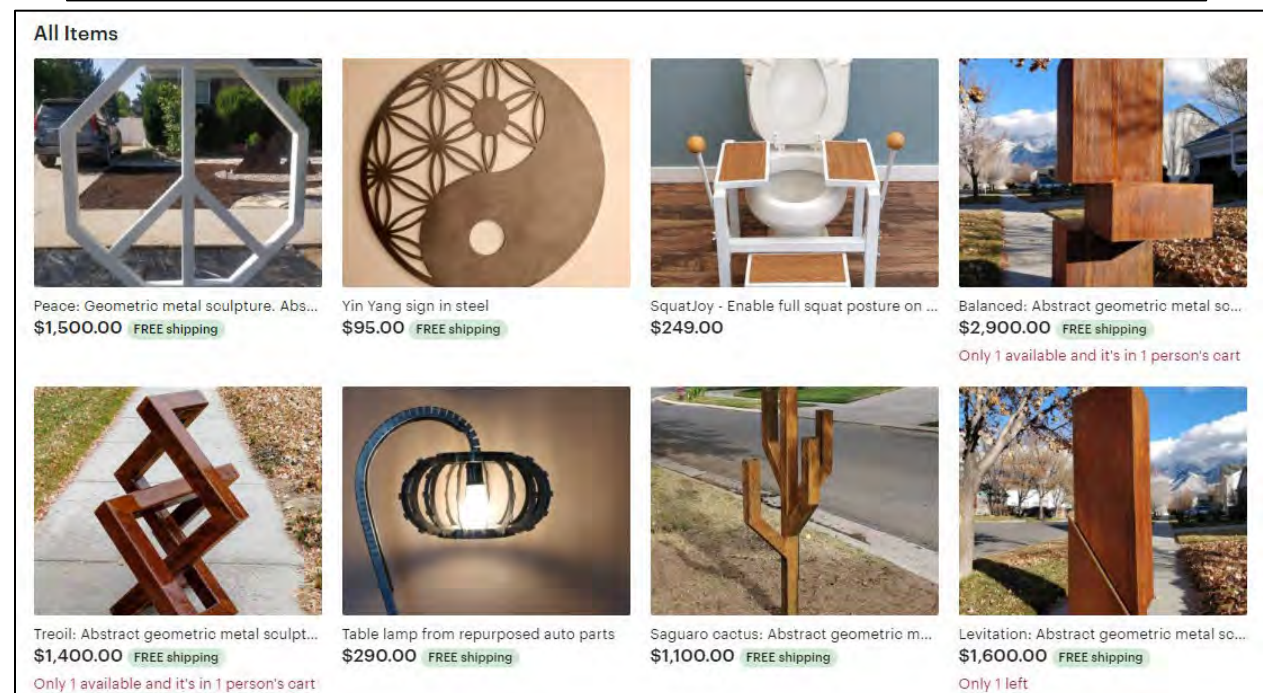
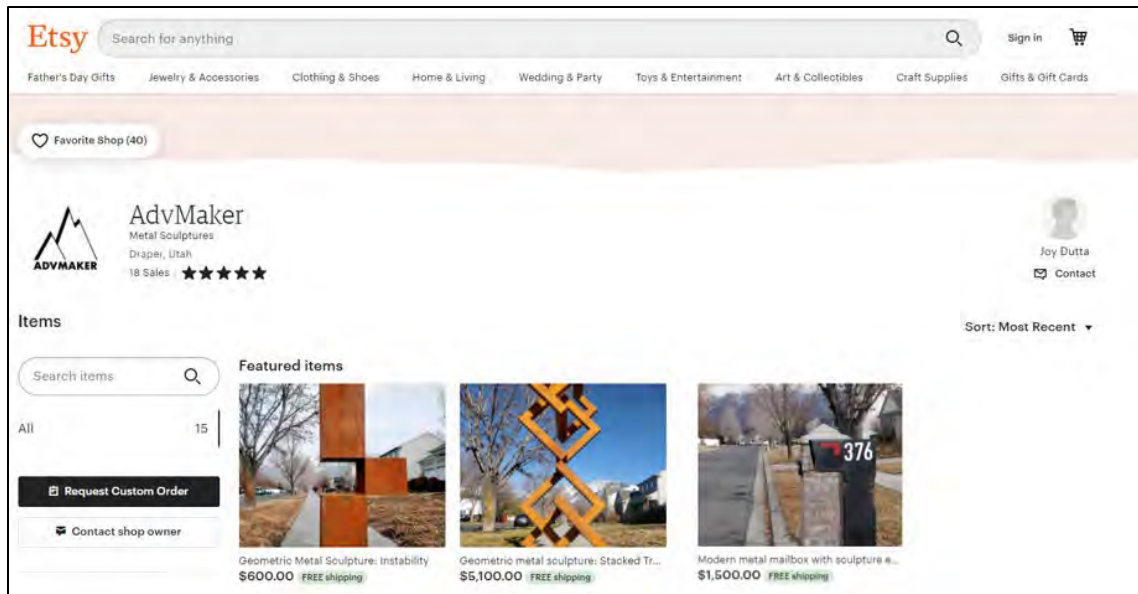
**Our story**

I am a hang glider pilot. Few years back I got a SUV for transport of hang gliders and needed to build a front rack. A fellow pilot motivated me to build it myself. That was my first exposure to welding and metal fabrication. I have tinkered with woodworking for many years before as a hobby and metal was an instant addiction. The rest is history. I have been making metal stuff and specializing in sculptures at this point of time.



August 4, 2021

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**EXHIBIT C**  
**Section 9-34-040(F) Violations**



Exhibit C















**EXHIBIT D**  
**Section 9-34-040(G) Violations**



Exhibit D

**EXHIBIT E**  
**Section 9-34-040(J) Violations**

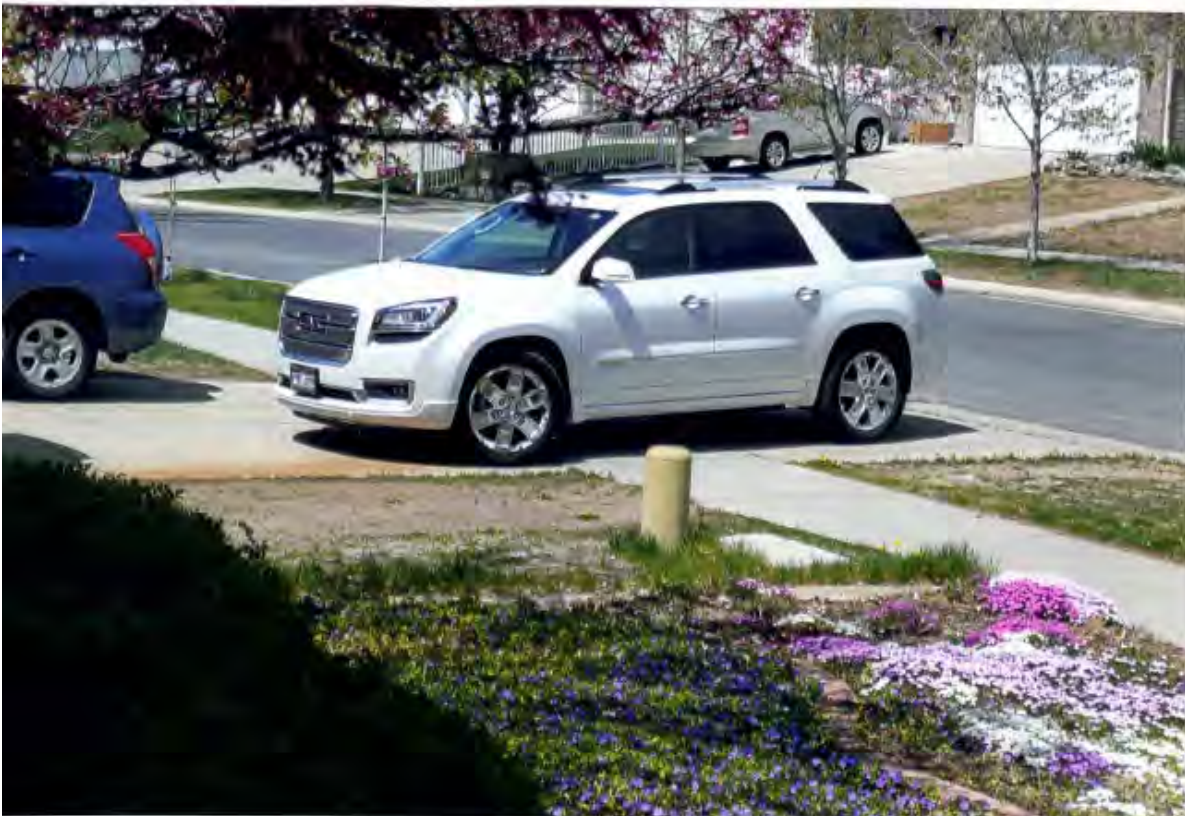


Exhibit E





Exhibit E



Exhibit E



**EXHIBIT F**  
**Section 9-34-040(L) Violations**



Exhibit F





**EXHIBIT G**  
**Section 9-34-040(M) Violations**



**EXHIBIT H**  
**Section 9-34-040(O) Violations**



Exhibit H





Exhibit H





**From:** Lynda Bigelow <walter2111@gmail.com>  
**Sent:** Wednesday, August 4, 2021 12:31 PM  
**To:** Travis Van Ekelenburg  
**Subject:** 376 Thornberry Dr

Dear Travis:

I spoke to you yesterday at City Hall regarding the application for a conditional use permit at 376 Thornberry Dr. I appreciate your taking the time to help me understand the process and I am glad to hear that you will convey the concerns of myself and other neighbors to the Draper Planning Commission.

I hope that the Commission denies the Conditional use permit. I live close by and I am very worried about what the homeowner has been doing in the past and what he would like to do in the future. He has been running an industrial business without proper oversight in a residential neighborhood. This has created safety issues arising from chemical runoff and fire hazards as well as traffic hazards arising from the unusually high number of cars and vans parked in the driveway and in front of the house on Thornberry Dr. This has led to obstructed sidewalks, diminished visibility for drivers, the reduction of traffic lanes from two down to just one on a street that serves as a major access road for the Cranberry Hill neighborhood. This also creates potential danger for the many young children that live in the neighborhood who may not be able to see traffic, and, due to so many parked cars and large vans, drivers being unable to see small children.

Even more concerning is the nature of the homeowner's business. He constructs large iron and steel objects and welds and repairs metal structures in his driveway. The entire garage is filled with large pieces of equipment related to this and the garage is left open most of the time. The machinery is noisy and creates fumes and flames. There is runoff from the cutting and welding of iron, steel and other metals, runoff from the coatings that are then applied to the metal. These chemicals are now draining into our community water system. The chemicals and scrap are going into our landfill. There is nothing to prevent young children from possibly exploring this set-up. Our homes are relatively close to one another- in the event of a fire it could spread very quickly to surrounding homes. The backyard is filled with debris from the metal working, which could be leaching chemicals or toxins into the soil.

This is not a business that belongs in a residential, family-friendly neighborhood. There are safety hazards, chemical hazards, and traffic hazards that cannot be managed in a residential neighborhood. This is a business that belongs in an industrial park.

Thank you for conveying my concerns to the Commission,  
Lynda Bigelow

**From:** Tamara Stokes <tamarastokes@yahoo.com>  
**Sent:** Tuesday, August 3, 2021 12:02 AM  
**To:** Travis Van Ekelenburg  
**Subject:** Permit for 376 Thornberry

As a fellow resident in Cranberry Hill neighborhood I'd prefer that the permit for residence 376 Thornberry be denied so they cannot run a commercial business out of their home.  
Thank you,

Tamara Stokes  
11582 Olive Berry