



MEMORANDUM

City of Beaverton

Community Development Department

To: Interested Parties
From: City of Beaverton Planning Division
Date: April 26, 2023
Subject: **Notice of Decision for HO2023-0001 Elizabeth Ryan LLC**

Please find attached the notice of decision for **HO2023-0001 Elizabeth Ryan LLC**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for HO2023-0001 Elizabeth Ryan LLC is final, unless appealed within twelve (12) calendar days following the date of the decision. The procedures for appeal of a Type 2 Decision are specified in Section 50.65 of the Beaverton Development Code. The appeal shall include the following for it to be accepted by the Director:

- The case file number designated by the City.
- The name and signature of each appellant.
- Reference to the written evidence provided to the decision-making authority by the appellant that is contrary to the decision.
- If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision-making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.
- The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
- The appeal fee of \$250.00, as established by resolution of the City Council.

The appeal closing date for HO2023-0001 Elizabeth Ryan LLC is 4:30 p.m., May 8, 2023.

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. For more information or to view the case file, please contact Stephanie Lonsdale, Assistant Planner, at (503) 351-2767 or slonsdale@beavertonoregon.gov



STAFF REPORT

DATE: April 26, 2023

TO: All Interested Parties

FROM: Stephanie Lonsdale, Assistant Planner

PROPOSAL: HO2023-0001 Elizabeth Ryan LLC

LOCATION: 8830 SW Rebecca Ln
Beaverton, OR 97008
Tax Lot 1S127BC of Washington County Map 04700

SUMMARY: The applicant requests Type Two Home Occupation approval for a massage business in a detached single-family residence in the Residential Mixed C zone (RMC). There will be one customer at a time by appointment only and there will be no more than 8 clients per day. There will be no employees other than the resident/homeowner. Hours of operation are between 9:00 AM and 6:30 PM daily.

PROPERTY OWNER: Elizabeth Ryan & Christopher Hynes
8830 SW Rebecca Ln
Beaverton, OR 97008

DECISION: **APPROVAL of HO2023-0001 – Elizabeth Ryan LLC Home Occupation**, subject to conditions identified at the end of this report.

BACKGROUND FACTS

Key Application Dates

<u>Application</u>	<u>Submittal Date</u>	<u>Deemed Complete</u>	<u>120-Day</u>	<u>365-Day*</u>
HO2023-0001	March 1, 2023	March 14, 2023	July 12, 2023	March 13, 2024

* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

Existing Conditions Table

Zoning	RMC (Residential Mixed C)	
Current Development	Single Family Residential	
Site Size	0.23 acres	
NAC	Greenway	
Surrounding Zoning and Uses	<u>Zoning:</u> North: RMC (Residential Mixed C) South: RMC (Residential Mixed C) East: RMC (Residential Mixed C) West: RMC (Residential Mixed C)	<u>Uses:</u> North: Single Family Residential South: Single Family Residential East: Single Family Residential West: Single Family Residential

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Exhibits

Exhibit 1. Applicant Materials (On File at City Hall)

Exhibit 1.1 Site Plan

Exhibit 1.2 Applicant Narrative

Exhibit 1.3 Application Form

**ANALYSIS AND FINDINGS FOR
HOME OCCUPATION TWO APPROVAL
HO2023-0001 – Elizabeth Ryan LLC Home Occupation**

Section 40.40.05 Home Occupation: Purpose

The purpose of the Home Occupation application is to provide recognition of the needs or desires of many people to engage in small scale business ventures at home. It recognizes the potential advantages for reducing commuter travel when people work at home. It is also recognized that such uses, if not carefully regulated, may be incompatible with the purposes of residential districts. It is the intent of this section that these uses be allowed so long as they are not in violation of the terms of this section and do not alter the residential character of the neighborhood, infringe upon the right of neighboring residents to the peaceful enjoyment of their neighborhood homes, or otherwise be detrimental to the community at large. This Section is carried out by the approval criteria listed herein.

Section 40.40.15.2.C lists the criteria to approve a Home Occupation application; the decision-making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

- 1. The proposal satisfies the threshold requirements for a Home Occupation Two application.***

The applicant proposes to operate a massage business in their private residence. Customers will visit the site by appointment.

Threshold 1: A home occupation is proposed where outside customers or employees visit the premises.

Therefore, staff finds that the proposal meets the criterion for approval.

- 2. All City application fees related to the application under consideration by the decision-making authority have been submitted.***

The City of Beaverton received the appropriate fee of \$2,042.25 for a Home Occupation Two application.

Therefore, staff finds that the proposal meets the criterion for approval.

- 3. The proposed home occupation shall have a maximum of one (1) volunteer or employee who is not a resident on the premises.***

The applicant's proposal doesn't include any outside volunteers or employees. The only employee of the Home Occupation is the resident/owner of the property, Elizabeth Ryan.

Therefore, staff finds the proposal meets the criterion for approval.

- 4. *The proposed home occupation shall have no more than 8 daily customers or clients on the premises.***

The applicant's proposal states no more than six (6) customers will be scheduled each day by appointment only. The applicant can have up to eight (8) customers visit the site daily by code. To ensure that in the future, the applicant does not exceed the maximum number of customers permitted with this application, staff proposes a condition of approval (Condition No. 3) that all customers will arrive by appointment only, with a maximum of eight (8) customers per day.

Therefore, staff finds that the proposal, as conditioned, meets the criterion for approval.

- 5. *All customer and client visits to the proposed home occupation shall occur only between the hours of 7:00 a.m. and 10:00 p.m.***

The applicant states that customers will arrive by appointment only which will only occur between the hours of 9:00 AM and 6:30 PM. Staff finds that the proposed home occupation operation shall be limited to the hours of 7:00 a.m. to 10:00 p.m.

Therefore, staff finds that the proposal meets the criterion for approval.

- 6. *If on-site parking is provided, a plan for additional parking may be approved if:***

a. Not more than a total of 4 on-site parking spaces for the combined residential and home occupation uses are proposed.

b. The parking spaces, driveway, street access, landscaping, storm water drainage, and screening comply with this Code and other city standards.

The applicant states, there is an existing driveway (29'5" x 18') which will accommodate two cars side by side. Client and resident parking will utilize the driveway space on site. Staff concurs that the provided on-site parking is satisfactory.

Therefore, staff finds that the proposal meets the criterion for approval.

- 7. *Excluding regular U. S. Postal Service delivery, the home occupation shall not require more than two (2) trips per day for delivery or pick up to the residence between the hours of 8:00 a.m. and 6:00 p.m. There shall be no deliveries or pick-ups between the hours of 6:00 p.m. and 8:00 a.m.***

The U.S. Postal Service will deliver mail daily. The applicant states there will be no

added deliveries to the home as a result of the home occupation between the hours of 6:00 p.m. and 8:00 a.m. Staff finds that the proposed business does not exceed the maximum delivery or pick-ups to the residence.

Therefore, staff finds that the proposal meets the criterion for approval.

8. *The proposed home occupation is being undertaken by an occupant of the residence.*

The applicant states that the proposed home occupation is being undertaken by Elizabeth Ryan, occupant of the residence. Staff finds that there will not be any additional employees of the home occupation.

Therefore, staff finds that the proposal meets the criterion for approval.

9. *The proposed home occupation is participating in and is consistent with the City's Business License Program and other agency licensing requirements as appropriate to the proposed use.*

The applicant states that Elizabeth Ryan LLC has applied for a Business License. As a condition of approval (Condition No. 1), the applicant will continue to maintain an active City of Beaverton Business License.

Therefore, staff finds that the proposal, as conditioned, meets the criterion for approval.

10. *The on-site operation of the proposed home occupation shall be conducted entirely within the dwelling, a conforming accessory structure, or both. No exterior storage of materials or equipment shall occur on the premises.*

The applicant proposes conducting the home occupation entirely within the existing single-family residence. Furthermore, the applicant states that all operations related to the home occupation will occur wholly within the existing floor space of the residence, as seen on the approved plans (Exhibit 1.1). Staff finds that the home occupation will occur entirely within the dwelling.

Therefore, staff finds that the proposal meets the criterion for approval.

11. *The proposed home occupation and associated storage of materials and products shall not occupy more than 700 gross square feet of floor area.*

The applicant has stated that the home occupation will occupy an internal floor area of approximately 559 square feet. This area is further shown in the applicant's approved plans (Exhibit 1.1). Staff concurs that the area associated with the home occupation is under 700 square feet.

Therefore, staff finds that the proposal meets the criterion for approval.

- 12. *The subject property will continue to be used and maintained as a residence and the proposed home occupation will not change the use classification of the dwelling unit or accessory structures as determined by the City Building Official. The proposal will conform to all requirements of this and other City Codes as they pertain to residential property.***

The applicant states that the primary use of the structure will remain residential. Staff finds that the structure is not proposed to have a change in use classification or occupancy rating.

Therefore, staff finds that the proposal meets the criterion for approval.

- 13. *The home occupation, including deliveries from other businesses, shall not include the use of tractor-trailers, forklifts, or similar heavy equipment.***

The applicant states that the proposed home occupation does not require deliveries from other businesses using tractor-trailers, forklifts, or similar heavy equipment. Deliveries for the home occupation occur via regular residential delivery such as USPS, UPS, or FedEx. Staff concurs that the massage service proposed does not require the use of heavy equipment.

Therefore, staff finds that the proposal meets the criterion for approval.

- 14. *There shall be no noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line resulting from the operation of the home occupation.***

The applicant states that the home occupation will create no noise, vibration, smoke, dust, heat or glare beyond the property line as a result of its operation. Staff concurs with the applicant's statement.

Therefore, staff finds that the proposal meets the criterion for approval.

- 15. *There shall be no exterior storage of vehicles of any kind used for the business except that one (1) commercially licensed vehicle, which is not larger than a 3/4-ton pick-up, passenger van, or other vehicle of similar size, may be parked outside on the subject property, provided such parking complies with applicable parking restrictions.***

The applicant has stated that the proposed home occupation has no commercial vehicles associated with the use. Staff agrees that the scope of activities proposed do not require any commercial vehicles.

Therefore, staff finds that the proposal meets the criterion for approval.

- 16. *The proposal will not involve storage or distribution of toxic or flammable materials, spray painting or spray finishing operations, or similar activities that involve toxic or flammable materials which in the judgment of the Fire Marshall pose a health or safety risk to the residence, its occupants or surrounding properties.***

The applicant has stated that they will not use or store toxic or flammable materials. Staff agrees that the scope of Home Occupation activities proposed do not involve toxic or flammable materials.

Therefore, staff finds that the proposal meets the criterion for approval.

- 17. *There is no signage associated with the proposed home occupation aside from a name plate as allowed by Section 60.40.15 of this Code.***

The applicant has stated that there will be no signage for the business.

Therefore, staff finds that the proposal meets the criterion for approval.

- 18. *Exterior remodeling will not alter the residential character of the building.***

The applicant states that there will be no exterior remodeling that will alter the residential character of the building associated with the proposed home occupation. Staff agrees the proposed use will not alter the residential characteristic of the existing single-family residence.

Therefore, staff finds that the proposal meets the criterion for approval.

- 19. *Excluding required residential parking, adequate off-street parking exists to accommodate vehicular traffic for any employee, customer, or both.***

The applicant has provided a site plan demonstrating the presence of a driveway wide and long enough to support two vehicles, showing two (2) off-street parking spaces exist on site. The property also has an attached garage with the potential to store vehicles.

The subject property falls within one half mile of frequent transit service and per Oregon Administrative Rule OAR 660-012-0440 no minimum parking may be required. State law supersedes City of Beaverton Development Code (BDC) requirements and therefore, staff finds that the city's off-street parking standards of Section 60.30 of the BDC are not applicable and no parking spaces are required per OAR 660-012-0440.

Therefore, staff finds that the criterion is not applicable.

- 20. *The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an adjustment, planned unit development, or variance which shall be already approved or considered concurrently with the subject proposal.***

Home Occupations are a permitted use in the RMC zone. The existing dwelling in which the home occupation will take place is consistent with all applicable site development standards for the RMC zone. No adjustment, planned unit development or variance is proposed or necessary.

Therefore, staff finds that the proposal meets the criterion for approval.

- 21. *The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.***

The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements). The residential occupancy of the structure will not change due to the proposed home occupation. The site does not contain any protected trees, significant natural resource areas, or other protected areas. Staff finds that no improvements or dedications are required as part of the Home Occupation approval.

Therefore, staff finds that the proposal meets the criterion for approval.

- 22. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.***

All applicable application submittal requirements have been submitted with the Home Occupation application.

Therefore, staff finds that the proposal meets the criterion for approval.

- 23. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in proper sequence.***

The applicant has agreed to submit any applications and documents related to the Home Occupation Two permit as required. Staff finds there is no additional documentation required at this time.

Therefore, staff finds that the proposal meets the criterion for approval.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **HO2023-0001 Elizabeth Ryan LLC Home Occupation**, subject to the applicable conditions identified in Attachment B.

CONDITIONS OF APPROVAL FOR HO2023-0001

1. The proposed home occupation shall participate in and be consistent with the City's Business License Program and other agency licenses as appropriate to the approved use. (Planning Division/SL)
2. All activity shall be carried out in accordance with the plans and narrative dated stamped as approved by the Director on December 19, 2022 which can be found on file at City Hall (Planning Division/SL).
3. All customers will arrive by appointment only, with a maximum of eight customers per day. (Planning Division/SL).