

(Amended by Staff)

In the matter of the decision of the)
City Planning Commission to approve)
the Determination of a Home)
Occupation Permit for a law office on)
0.07 ± developed acres in the)
Multiple Family (R-3A) zone (P92-180)

NOTICE OF DECISION
AND
FINDINGS OF FACT

On September 10, 1992, the Planning Commission heard and considered public testimony regarding the above entitlement. Based on verbal and documentary evidence at said hearing, the Commission indicated its intent to approve the Determination of the Home Occupation Permit to allow the home occupation to have clients, customers, and employees to come to the home, and to allow employees other than residents of the dwelling unit subject to conditions and based upon Findings of Fact which follow:

Conditions:

1. The Home Occupation Permit shall be in effect for a term of five (5) years. The Home Occupation Permit shall expire on September 24, 1997.
2. The Home Occupation Permit shall be only be valid for Mr. Barbeau's sole practice as an attorney, and is non-transferrable.
3. Only one non-resident employee shall be allowed.
4. Only one resident employee shall be allowed.
5. No more than an average of five (5) clients shall be allowed to visit the home during any one week period.
6. The owner, Mr. Barbeau, shall submit annually, due on October 1, 1993, a report to the Planning Director which documents the number of clients which he has represented in the past year and if or when such clients visited his home.
7. The owner, Mr. Barbeau, shall reside in the residence.
8. The office shall not exceed ten (10) percent (137.5 sq. ft.) of the floor area of the residence and be located in the area designated dining room/conference on Exhibit B.
9. Prior to issuance of an exterior or interior building permit the applicant shall submit plans for the review and approval of the Design Review/Preservation staff.
10. No signage shall be allowed.

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Findings of Fact

1. The project, as conditioned, will not adversely affect the public health, safety and general welfare of the surrounding residential neighborhood, in that
 - a. the home occupation permit shall be limited to two employees;
 - b. the home will be occupied by the owner of the property in which his law practice will be conducted;
 - c. *the business has been operating at this location for approximately 20 years without a negative impact on the neighborhood, and; (Amended by Staff)*
 - d. *the home occupation provides a commercial service to the midtown area. (Amended by Staff)*

2. The project is an unusual situation of hardship in that:
 - a. the law practice is very limited in scope and
 - b. the applicant would be forced to end his legal practice prematurely and loose his livelihood.

Augustine Ellimstad
Approved by the Planning Commission
on September 24, 1992
for the September 10, 1992 meeting.

Mike [Signature]
Chairperson