

ITEM V-B: HOME OCCUPATION PERMIT REVOCATION HEARING (SIGN OF LIGHT) – 9499 HIGHLAND PARK DRIVE – FILE # ZCC-000433.

REQUEST

The Planning Department requests that the Planning Commission hold a public hearing to discuss violations of the Home Occupation Permit for Sign of Light sign business and the ongoing violations and code enforcement actions related to the storing of commercial vehicles and business related material in a residential neighborhood in conjunction with the home based business.

Property Owner – William Batterman, Sign of Light

SUMMARY RECOMMENDATION

The Planning Department recommends that the Planning Commission take the following actions:

- A. Adopt the Finding of Fact; and
- B. Recommend that the City Council revoke the Home Occupation Permit for Sign of Light.

SUMMARY OF OUTSTANDING ISSUES

For 4 years there have been complaints, violations, and code enforcement actions associated with a Home Occupation. The property owner has dismissed staff's repeated requests to comply with the conditions of the Home Occupation Permit. Based on the history and lack of compliance and per the Zoning Ordinance, the Planning Department seeks to initiate the process to revoke the Sign of Light Home Occupation Permit.

BACKGROUND

In November of 2007, the Code Enforcement Division began receiving complaints from neighbors regarding two commercial vehicles and other business related material stored in the driveway in association with a home based business for a sign contractor (Sign of Light). To date, the City has received a total of nine complaints and issued 19 citations in association with violations related to the home business (see Attachment 1). Due to the repeated complaints, the Code Enforcement Division has been proactively monitoring the situation. In May 2011, after repeated efforts at enforcement did not achieve resolution, the issue was forwarded to the Planning Department to pursue permit revocation.



Photo Dated 4/22/11

Staff has since mailed out two letters and placed numerous phone calls to discuss the situation with Mr. Batterman. Staff was contacted on June 30th and was told by the property owner that the commercial vehicles were being stored at a commercial location and no longer at the residence (see Attachment 2).

At that time, staff asked for further verification through a lease or other formal form of written documentation and to date has not received any additional information. In addition, Code Enforcement officers have been out to the site several times since June 30th and observed one of the vehicles (a boom truck) parked at the home on a regular basis (see Attachment 3).

Figure 1: Vicinity Map



A Home Occupation is an accessory, nonresidential business activity carried on within a dwelling by its inhabitants, incidental to the residential use of the dwelling, that does not change the character of the surrounding residential area by generating more traffic, noise, or storage of material than would normally be expected in a residential zone. To ensure compatibility with the neighborhood, Home Occupations require approval of a permit that has corresponding conditions of approval. These conditions are designed to protect and maintain the residential character of neighborhoods while recognizing that certain professional and limited business activities have been traditionally carried on in the home. However, home occupations that are inconsistent with the conditions of the permit are prohibited.

Grounds for Revocation: Per the Zoning Ordinance, Chapter 19.88 (see Attachment 4), failure to comply with the conditions of approval of the permit place the homeowner at risk of losing the Home Occupation, as a Home Occupation is not permitted if the character of the neighborhood is changed due to work-related activities, vehicles, and/or storage. As previously stated, on-going violations have been occurring for 4 years with no sustained resolution and the following outlines the permit conditions that are currently being violated.



EVALUATION

A Home Occupation shall be subject to the conditions and criteria outlined in Section 19.42.050 (see Attachment 5). As noted below, the following details the current performance standards/conditions that are being violated and a detailed description of the violation.

- **Not more than one (1) vehicle specifically designated to be used for a Home Occupation shall be parked at the subject residence at any time. Such allowed vehicle shall not be larger than a standard pickup or delivery van. No commercial vehicles or trailers shall be parked at the residence at any time.**

The commercial grade boom truck, approximately 7' x 10' violates the above-referenced Home Occupation standard pertaining to commercial vehicles. In addition, the vehicle is prohibited per the home occupation standards from parking on the adjacent residential street.

- **The Zoning Ordinance also states that no Home Occupation activity shall occur outside at any time, nor shall any equipment or material relating to the Home Occupation be parked or stored outside the residence.**

The miscellaneous construction materials (as seen in the previous photo taken on April 22, 2011) that are occasionally stored in the driveway violates this standard. The materials shall be stored inside and shall not alter or change the outside appearance of the premises with visible evidence of the conduct of the home occupation.

Home/Business Owner's Response: According to Mr. Batterman, the majority of the complaints are a result of a neighborly feud and are unwarranted. He claims he is no longer storing his vehicle at his residence and believes that he has the right to occasionally stop by his home throughout the day. He has stated that he has resolved the issues of storing outdoor material at his home and now keeps all work related supplies within his garage.

Mr. Batterman has had several conversations with representatives from the Police Department, Code Enforcement Division, and Planning Department regarding these complaints. City staff from these departments have attempted to work with Mr. Batterman over the years to resolve the issues; however, the violations continue to occur and are never fully resolved. As such, the home business is in violation of the conditions of the home occupation permit. According to the most recent site inspection on July 19, 2011, Mr. Batterman's home business is currently in violation of the conditions of the Home Occupation Permit and the outstanding issues noted within this staff report.

CONCLUSION

Given the nature of the complaints, the pictures documenting the vehicles, and the length of time it has been occurring, the operation of the home based business is inconsistent with the conditions of the Home Occupation Permit and incompatible with the residential character of the neighborhood. As such, in absence of sustained corrective action by the property owner to resolve the violations and comply with the conditions of the permit, the Planning Department finds no other alternative than to recommend the revocation of the Home Occupation Permit for Sign of Light.

FINDINGS

Section 19.88 of the City of Roseville Zoning Ordinance provides that a permit may be revoked upon a finding that one or more conditions have been violated or not complied with. Based on the evidence and the analysis contained in this staff report and with the project conditions, the required finding can be made for the Home Occupation Permit Revocation as follows:

1. **One (1) or more of the conditions upon which the permit was approved have been violated, or have not been complied with. Therefore, the revocation of the permit shall be initiated by order of the Planning Commission.**

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Guidelines Section 15301(e) pertaining to existing structures and pursuant to Section 305 of the City of Roseville CEQA Implementing Procedures.

RECOMMENDATION

The Planning Department recommends that the Planning Commission take the following actions:

- A. Adopt the Finding of Fact; and
- B. Recommend that the City Council revoke the Home Occupation Permit for Sign of Light.

ATTACHMENTS

- 1. Complaint History
- 2. Letters to Home Owner/Home Owner's Response
- 3. Photos of Violations
- 4. Zoning Ordinance Section 19.88 (Revocation Procedure)
- 5. Zoning Ordinance Section 19.42.050 (Home Occupation Performance Standards)
- 6. Home Occupation Permit

Note to Applicant and/or Developer: Please contact the Planning Department staff at (916) 774-5276 prior to the Commission meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Commission in court, you may be limited to raising only those issues which you or someone else raised at the public hearing held for this project, or in written correspondence delivered to the Planning Director at, or prior to, the public hearing.