



July 7, 2022

## MEMORANDUM

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**To:** Planning Commission  
**From:** Community Development Department  
**Subject:** Pure Chakra (Conditional Use Permit – Category II Home Occupation) CUP06022022-006340  
1487 East Thistle Down Dr. Zoned SD(R-1-30A)  
[Community #22]

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**HEARING NOTICE:** *This item has been noticed to property owners within 500 feet of the subject area.*

### DESCRIPTION OF REQUEST

The applicant, John and Melinda Pham are requesting a Conditional Use Permit for a Category II Home Occupation for the property located at 1487 East Thistle Down Dr. The applicant is proposing to store shipping materials and business inventory such as bath salts, candles, bath bombs in the previously proposed structure. The applicant will not be having anyone come to the home and all products will be shipped to customers. (See Exhibit #1 - Application Materials).

### BACKGROUND

The property is 0.8 acres, (37,848 square feet) in an SD(R-1-30A) zone. The subject property is lot 229 in the Bell Canyon Acres 2 Subdivision and is adjacent to single family homes zoned SD(R-1-30A) on all sides.

### NOTICE

A neighborhood meeting was held on June 20, 2022. Eight residents attended the meeting and had concerns about commercial business uses. Notices were mailed to property owners within a 500-foot radius of the subject parcel in advance of the Planning Commission meeting.

### ANALYSIS

Section 21-11-05(F)(6) of the Sandy City Development Code identifies regulations for any home occupation which proposes or conducts activities within an outbuilding, accessory

building, attached or detached garage. The following guidelines shall be used to determine the maximum impacts permitted:

1. The applicant for the Home Occupation Business License shall designate the areas of the home, attached/detached garage or accessory structure that will be used for the home occupation. If approved, the home occupation may be conducted only in the designated area.
2. No more than a maximum of 200 sq. ft., or in the alternative, no more than 50% of the total floor space (whichever is greater) of any accessory structure or attached or detached garage may be used for a home occupation unless there are specific exceptions granted by the Planning Commission.
3. Any home occupation uses in an attached or detached garage may not eliminate minimum parking requirements for the particular zone wherein the home occupation is located.
4. Any accessory structure used for a home occupation must maintain the architectural aesthetics or compatibility of the home and the immediate neighborhood.
5. The home occupation may utilize one unanimated, non-illuminated flat sign to be attached to the accessory structure where the home occupation is being conducted in lieu of a sign attached to the home or in a window. The sign may not have an area greater than one square foot.

*The applicant is proposing to use less than 50% of the total floor space for business storage with no customers coming to the home and has no intentions of operating the business out of the structure.*

#### **COMPLIANCE WITH SECTION 21-33-04**

Staff response in *italics*.

##### **Conditions.**

In order to achieve compliance with the standards set forth herein, the City may impose conditions that address standards 21-33-04 “1” to “15”, as contained in the Sandy City Development Code. This proposed conditional use meets or satisfies all of Conditions “1” through “15”, except the following conditions that merit discussion or additional consideration by the Planning Commission:

13. Identifying a time for regular review and monitoring, as determined necessary, to ensure the use continues to operate in compliance with all conditions and requirements of approval.

*Compliance with conditions is reviewed during the building permit process.*

14. Measures to ensure compliance with all conditions and requirements of approval including but not limited to bonds, letters of credit, improvement agreements, agreements to conditions, road maintenance funds, restrictive

covenants.

*To be reviewed upon legitimate complaint.*

15. Such other conditions determined reasonable and necessary by the City to allow the operation of the proposed conditional use, at the proposed location in compliance with the requirements of this Code.

*That the applicant complies with all applicable Building & Safety, and Fire & Life Codes.*

### **CONCERNS**

Staff has no concerns

### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve a Conditional Use Permit for John and Melinda Pham for a Category II Home Occupation inside the detached garage/barn the property located at 1487 East Thistledown Dr. based on the following finding and subject to the conditions below:

#### **Finding**

1. The type of Home Occupation is allowed as a Category II Home Occupation

#### **Conditions**

1. That the proposed structure complies with all applicable Building & Safety, and Fire & Life Codes.
2. That the applicant be responsible for meeting all provisions of the Sandy City Development Code, and all conditions of approval imposed by the Planning Commission.
3. All business storage and materials be stored inside the allowable square footage inside the detached structure. No outside storage is allowed.
4. That this Conditional Use Permit be reviewed upon legitimate complaint.

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Brynn Bohlender, *Zoning Technician*

S:\Users\PLN\STAFFRPT\2022\CUP04072022-006301 Kirchner Accessory Structure

**Exhibit #3- Vicinity Map**





Subject Property

**CUP06022022-006340**  
**Pure Chakra Home Occupation**  
**1487 E. Thistledown Dr.**



PRODUCED BY BRYNN BOHLENDER  
THE COMMUNITY DEVELOPMENT DEPARTMENT