

BLACK POINT BEACH CLUB ASSOCIATION
OFFICE OF THE ZONING OFFICER

SUBJECT: HOME OCCUPATION FOR A DOG GROOMER IN THE RESIDENTIAL ZONE

SECTION I -- DEFINITIONS (BPBCA ZONING REGS)

Structure.

Anything constructed or erected, the use of which requires location on, under or above the ground or attached to something having location on the ground, provided that patios, walkways and driveways constructed at ground level shall not be *structures* for the purposes of these regulations.

Building.

Any *structure* with walls and a roof securely affixed to the land and entirely separated on all sides from any other *structure* and which is designed for the shelter, enclosure, or protection of persons, animals or chattels.

Chattels. (WEBSTER'S NEW WORLD DICTIONARY COLLEGE EDITION)

n.1. an article of personal or movable property as distinguished from real property: furniture, automobiles, livestock, farm equipment, etc. are chattels.

Dwelling, One Family.

A detached *building* [designed] for or occupied by one (1) *family*.

Accessory Building.

A detached subordinate *building* located on the same *lot* with the principal *building* and devoted to an *accessory use*, but not used for human habitation.

Accessory Use

A use subordinate to and customarily incidental to the principal use of a *lot* or *building* and on the same *lot*.

SECTION III – DISTRICTS

The area of the Black Point Beach Club Association is hereby divided into two districts and zones, they being a residence district and a business district.

Residence district.

All the zoned area of the Black Point Beach Club Association except the business district as hereinafter defined. This shall include all the land within the territorial limits of the Black Point Beach Club as described in a map made by Daboll & Crandall, received for filing May 27, 1931 and placed on file in the Town Clerk's office in the Town of East Lyme, Connecticut.

Business District.

N/A

Permitted Uses.

The following uses of *buildings* and/or land and no others are permitted in the residence district:

1. One single *family* detached *dwelling*. N/A
2. A clubhouse or community *building* N/A
3. Signs not more than six (6) square feet N/A
4. Home Occupation Service or Profession

The operation of a home occupation, service or profession in the residence district shall be permitted subject to the following requirements:

- a. Such home occupation, service or profession includes, but is not limited to, the office or studio of an architect, artist, economist, engineer, insurance agent, lawyer, photographer, or real estate broker. Such uses as physician' offices, restaurants, tearooms, funeral homes, barbershops, beauty parlors, tourist homes, animal hospitals, any activities which constitute the manufacture of goods or products for sale, and any uses which require more than incidental traffic of clients to the *dwelling*, shall not be deemed to be a home occupation, service or profession.
- b. The total area devoted to the home occupation shall be located within the dwelling and shall not exceed twenty-five (25) per cent of the *floor area* of the single *family dwelling*.
- c. No one who is not a resident of the single *family dwelling* shall be employed or otherwise engaged in the home occupation at that address.
- d. No sign, display or advertising of the home occupation on the *lot* shall be permitted.

- e. No outside storage associated with the home occupation shall be permitted.**
- f. No offensive noise, vibration, smoke, dust, odors, heat, or glare shall be produced, no health or safety hazard shall be created, and no interference with radio or television reception in the neighborhood shall be produced by the home occupation.**
- g. Before any home occupation, service or profession in the residence district may be initiated, a Home Occupation Zoning Application must be submitted to the Zoning Enforcement Officer with the requisite fee, and approved.**

ZEO's OPINION

The house in question meets the definitions for Structure, Building and Dwelling – Single Family. It also contains an Accessory Use, Garage which is attached to the Dwelling – Single Family.

The Accessory Use is allowed to be located on the same lot either in a detached or attached Accessory Building but is not allowed to contain a Home Occupation. The Home Occupation must be located within the Dwelling but occupy no more than 25% of the floor area of the Dwelling.

Item 4 (f) contains specific performance standards which must also be met even if located in the Dwelling, such as, no offensive noise. This item needs to be reviewed by the Commission to establish the objective standards to use if the use is allowed in the Dwelling.

CONCLUSION

I look forward to reviewing this position at the next BPBCA Zoning meeting.