

BOARD of ADJUSTMENT



Joe Bazzoli
Board Chair
BOA@ci.moscow.id.us

Public Hearing
~ Agenda ~

Aimee Hennrich
Staff Liaison
208.883.7095

<https://www.ci.moscow.id.us/581/Agendas-and-Minutes>

Tuesday
May 18, 2021

7:00 PM

Council Chambers
206 E Third Street

WELCOME AND ATTENDANCE

REGULAR AGENDA

1. Approval of April 29, 2021 Minutes (ACTION ITEM)

PROPOSED ACTIONS: Approve minutes as presented; approve minutes with amendments; or provide staff further direction.

2. Public Hearing: Proposal for a Conditional Use Permit at 1500 S Main Street – LUP2021-0018 (ACTION ITEM)

Conditional Use Permit application for a Type 2 Accessory Home Occupation to conduct a Personal Care Service (hair salon) within the Agriculture/Forestry Zoning District (AF) per MCC 4-3-4.

PROPOSED ACTIONS: Conduct the public hearing upon the proposed conditional use permit request and upon consideration of any testimony presented, recommend that the City of Moscow Board of Adjustment put forth a recommendation for approval to the Latah County Zoning Commission and direct Staff to prepare a reasoned statement of relevant criteria and standards; or recommend approval of with conditions and direct Staff to prepare a reasoned statement of relevant criteria and standards; or recommend denial the conditional use permit request and direct Staff to prepare a reasoned statement of relevant criteria and standards; or take other action as deemed appropriate.

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

ADJOURN

NOTICE: Moscow City Council and Commission meetings can be televised, videotaped, and/or recorded. Individuals attending the meeting who require special assistance to accommodate physical, hearing, or other impairments, please contact the City Clerk, at (208) 883-7015 or TDD 883-7019, as soon as possible so that arrangements may be made.

BOARD of ADJUSTMENT



Joe Bazzoli
Board Chair
BOA@ci.moscow.id.us

Public Hearing
~ Minutes~

Aimee Hennrich
Staff Liaison
208.883.7095

<http://www.ci.moscow.id.us/354/Board-of-Adjustment>

Thursday
April 29, 2021

5:30 PM

Council Chambers
206 E Third Street

Bazzoli called the meeting to order at 5:34 PM

MEMBERS PRESENT: Joe Bazzoli (virtual), Chair; Steve Bush, Marshall Comstock, Tim Thomson
MEMBERS ABSENT: Annette Bieghler, Mark Monson, Laurene Sorenson
STAFF: Jennifer Fleischman, Aimee Hennrich

REGULAR AGENDA

1. Approval of April 22, 2021 Minutes (ACTION ITEM)

Comstock moved for approval of the minutes as presented, seconded by Bush. Vote by Acclamation; Ayes: Unanimous (4). Nays: None. Abstentions: None. Motion carried.

2. Approval of Reasoned Statement of Relevant Criteria and Standards (ACTION ITEM)

A Conditional Use Permit application for an accessory cottage in excess of 900 square feet located at 2350 Trail Road within the Agricultural/Forestry Zoning District (AF) in the Area of City Impact, per Latah County Code 03.01.02(14)(H).

Bush moved to approve the Relevant Criteria and Standards as presented, seconded by Comstock. Vote by Acclamation; Ayes: Unanimous (4). Nays: None. Abstentions: None. Motion carried.

1. Approval of Reasoned Statement of Relevant Criteria and Standards (ACTION ITEM)

A Conditional Use Permit application for a K-12 Private School located at 2305 S Main Street within the Motor Business Zoning District (MB), per Moscow City Code 4-3-4.

Comstock moved to approve the Relevant Criteria and Standards as presented, seconded by Bush. Vote by Acclamation; Ayes: Unanimous (4). Nays: None. Abstentions: None. Motion carried.

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

Next public hearing is scheduled for Tuesday, May 18th at 7:00 PM.

The meeting adjourned at 5:39 PM

Joe Bazzoli, Chair

Date

**CITY OF MOSCOW
COMMUNITY PLANNING AND DESIGN
STAFF REPORT**

HEARING DATE: Tuesday, May 18th, 2021

GENERAL INFORMATION

Hearing Body: Board of Adjustment

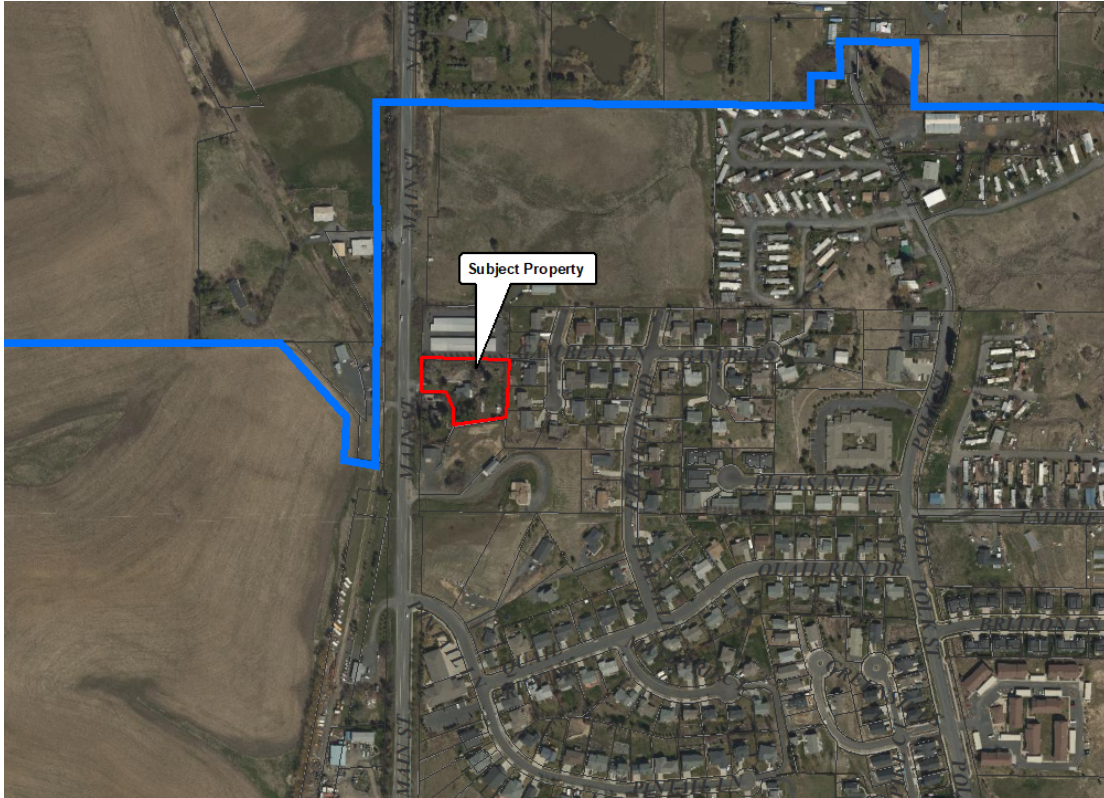
Subject: LUP2021-0018 – Conditional Use Permit application for a Type 2 Accessory Home Occupation to conduct a Personal Care Service (hair salon) within the Agriculture/Forestry Zoning District (AF) per MCC 4-3-4

Attachments:

- A. Public Hearing Notice
- B. Conditional Use Application
- C. Site Plan with Floor Plans

Prepared by: Aimee Hennrich

Proposal: The applicant, Toni Latham, has applied for a Conditional Use Permit (CUP) for a Type II Accessory Home Occupation located at 1500 N Main Street. The applicant is proposing to operate a hair salon business out of her home, with one additional employee. The personal care facility hours of operation will be Tuesday through Saturday from 9AM to 5PM and will offer services such as, haircuts, hair color, perms, pedicures and waxing. The proposed personal care facility will operate out of the existing basement and be approximately 500 square feet in size. The proposed salon will have two hair wash sinks and one restroom for customer use. The subject property is within the Agriculture/Forestry (AF) Zoning District. Accessory-home occupations that provide on-site customer service within the AF Zoning District are required to obtain a CUP in order to operate.



Vicinity Map



Subject Property

Site and Area Land Use: The subject property is approximately 1.04 acres in size and has 108 feet of frontage along Main Street. The surrounding uses to the east and south are residential. To the north is A Plus Storage. West across Main Street (HWY 95) is a property owned by Time Warner Cable.

Comprehensive Plan: Chapter 2, Land Use and Community Character, Future Land Use, designates the subject property as Auto-Urban Residential. The Auto-Urban Residential designated areas,

LUP2021-0018 - 1500 N. Main Street - CUP
May 18th, 2021

developed for low- to moderate-density residential uses at densities between three to six units per acre which could include a mix of detached single-family, twin home, and townhome residential dwellings. Appropriate current zoning for Auto Urban Residential designated areas include Low Density Residential (R-1), Moderate Density Single Family Residential (R-2), and Medium Density Residential (R-3) in order to include a mixture of attached and detached dwellings where appropriate.”

Chapter 3, Community Mobility, identifies Highway 95 as a National Highway.

A goal of chapter 6, Economic Development, is to, “Enhance and strengthen the regional economy utilizing the strengths and assets of the region.”

Accessory Home Occupation Performance Standards:

Outdoor Activities: All activities shall be conducted wholly within the principal structure or a permitted accessory structure thereto. External storage or display of goods or equipment shall be prohibited. There are no outdoor activities proposed in this application. The applicant has provided a floor plan of the basement of the primary residence where all services will be provided and proposes no display of goods or equipment.

Appearance of Structure and Site: The dwelling and subject property shall remain residential in character and the Accessory Home Occupation use shall not be discernable from the exterior of the principal structure or permitted accessory structure thereto. No alterations of the structure or subject property which would change the residential appearance of the dwelling and subject property shall be permitted. Examples of such prohibited alterations include construction of parking lots, paving of setbacks, external signage not otherwise permitted by this Code, or adding commercial exterior lighting. The application and site plan show no exterior alterations to the site that would change the residential character or make the accessory home occupation use discernable from the outside of the principal structure.

Vehicles: No more than one (1) vehicle shall be discernable as being used in association with the Accessory Home Occupation. The maximum size of such vehicle used in association with the Accessory Home Occupation shall be no more than one (1) ton capacity and shall not include any trailer. There are no vehicles associated with the accessory home occupation. The site provides ample room for the personal vehicle of the homeowner, one additional employee and customers.

Deliveries: Deliveries and/or pick-ups of supplies or products associated with the Accessory Home Occupation shall be allowed only between 8:00 a.m. and 6:00 p.m. local time. There are no deliveries being proposed as a part of the application. In the future if deliveries are necessary, the applicant agrees to comply with this standard.

Nuisances: Unless otherwise permitted by law, no Accessory Home Occupation shall produce any detectable fumes, odors, dust, heat, noise, vibration, glare, electro-magnetic

field, electrical interference, or other effects outside the dwelling which is incompatible with the characteristics of the residential Zoning District or is otherwise a violation of this Code. There will be no nuisances generated by this accessory home occupation.

Input from other Departments/Agencies: None

RECOMMENDATION

Staff recommends approval for the proposed Conditional Use Permit application for a Type 2 Accessory Home Occupation to conduct a Personal Care Service (hair salon) at 1500 N. Main Street with no conditions.

The Board shall direct staff to develop Relevant Criteria and Standards to be reviewed at a following meeting.

NOTICE OF PUBLIC HEARING

Proposal for Conditional Use Permit at 1500 N. Main Street
Permit Application LUP2021-0018

A public hearing at which you may be present and speak will be conducted before the Board of Adjustment of the City of Moscow at which time the following proposal will be considered:

Conditional Use Permit application for a Type 2 Accessory Home Occupation to conduct a Personal Care Service (hair salon) within the Agriculture/Forestry Zoning District (AF) per MCC 4-3-4.

HEARING DATE: Tuesday, May 18, 2021

HEARING LOCATION: Council Chambers on the Second Floor of Moscow City Hall
206 East Third Street, Moscow, Idaho

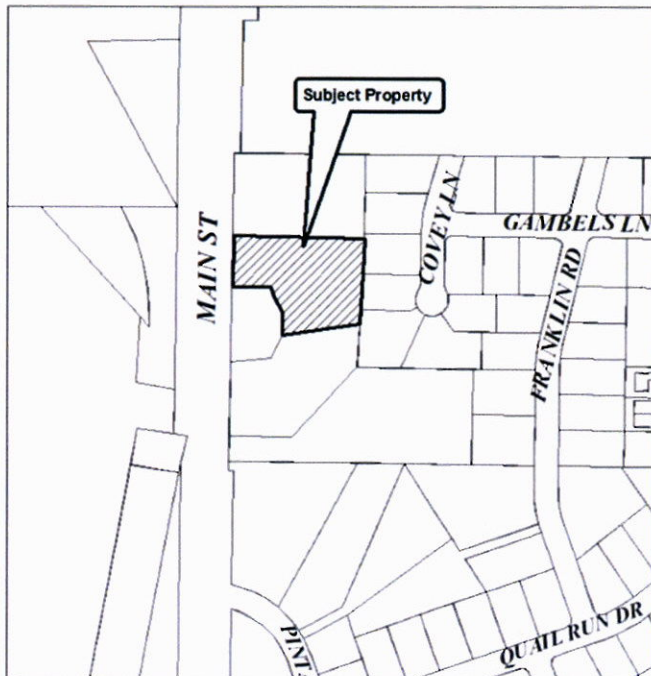
MEETING TIME: 7:00pm

Note: Meeting start time is not necessarily indicative of hearing start time for the proposal advertised in this notice. Multiple hearings and/or agenda items may make it difficult to determine hearing start time, which could occur late in the meeting.

The file containing information on this matter is available for public review at the Community Planning & Design Department located in the Paul Mann Building at 221 East Second Street, Moscow, Idaho. Call 883-7035 to get a meeting agenda and further information about the matter.

Verbal testimony at the hearing is generally limited to three (3) minutes time. Minor amounts of written materials (less than two (2) pages) may be submitted to the hearing body at any time prior to the close of comments, as determined by the hearing body. More in-depth written materials require at least five (5) calendar days for review prior to the hearing. You may obtain further information about the public hearing process and procedures on the City's Website at:

<http://id-moscow.civicplus.com/593/Public-Hearing-Notices>



Laurie M. Hopkins, Moscow City Clerk


Jennifer Fleischman, Deputy City Clerk

Publish: Saturday, May 1, 2021



**CITY OF MOSCOW
COMMUNITY DEVELOPMENT**
Ph: 208-883-7035
Fax: 208-883-7033
jfleischman@ci.moscow.id.us

For City Use Only			
Date Received		4/16/21	
Dept	Fee Type	Fees	Paid
CD	Application Fee	\$500	4/16/21
Receipt Number		LUP2021-0018	

APPLICATION FOR CONDITIONAL USE PERMIT

(Please type or print plainly with blue ink.)

GENERAL INFORMATION

1. Applicant

Name: Toni Latham Telephone: (208) 669-1357
1500 N. Main St. / 1500 Hwy 95 N Moscow, ID 83843
 (mailing) (home address) (physical) tnlatham18@gmail.com

Relationship to affected property (please check one):

Owner ☒ Purchaser ☐ Lessee ☐ Other ☐ (explain below)

2. Owner of Affected Property (if other than applicant)

Name: _____ Telephone: _____

 (home address)

3. Location of Affected Property: See attached Exhibit A for description

Legal Description: _____
 (subdivision) (block) (lot)

If described by Metes and Bounds, please attach deed on a separate sheet.

4. Proposal: The applicant proposes the following use and/or construction for the above-described property:

A Hair Salon Studio for an established Cosmetologist who
has 20 years experience and has her own Clientelle.
The business would be conducted out of the basement of
the home.

The proposed activities and use shall be shown on an attached site plan drawn to a standard engineer's or architect's scale. The site plan shall show, label and dimension all property lines and easements, existing and proposed buildings, parking lot and driveway(s), fencing and landscaping. A site topography map shall be provided when appropriate.

5. Authorization: Section Title 4 3-4 of the Moscow Zoning Ordinance authorizes the proposed use, subject to a Conditional Use Permit.

6. **Operating Characteristics:** Detail the operating characteristics of the proposed use. In other words, provide specific information which describes and defines how the proposed use will be conducted and what will be involved in the day to day operations of the proposed use. Applicable information may include hours of operation, number of people (employees, customers, students, etc.) involved, traffic and/or delivery information, services provided, equipment or machinery which may be involved, or any other information which helps describe and define the proposed use and impacts which it may have.

A Hair Salon with hours being Tues-Sat. 9 am - 5 pm. There will be up to (2) licensed Hair Stylists and their Clients will stop in to have services done such as haircuts, colors, perms, pedicures & waxing.

7. Before the Moscow Board of Adjustment may issue a Conditional Use Permit, the Board must first make findings of compliance with the following seven relevant criteria and standards. Please indicate in the spaces provided below what you believe to be justification showing compliance with each of the relevant criteria and standards.

Criteria #1. THE PROPOSED USE IS A CONDITIONALLY PERMITTED USE WITHIN THE ZONING DISTRICT.

Justification and compliance with criteria #1: Personal Care Services with one onsite employee, where onsite customer service is provided and where the conduct of the use does not change the character or nature of the dwelling or surrounding area is considered a Type II Accessory

Criteria #2. THE CHARACTER OF THE PROPOSED USE WILL BE IN HARMONY WITH THE NEIGHBORHOOD AND SURROUNDING LAND USES.

Justification and compliance with criteria #2: We live next door to A+ Storage units. We have only one other neighbor close to our home entrance. The noise will not be greater than the noise levels from traffic on Hwy 95. Our driveway is graveled to prevent dust.

Criteria #3. THE PROPOSED USE AS APPROVED, OR AS APPROVED WITH CONDITIONS, WILL NOT GENERATE NUISANCES THAT WOULD BE INJURIOUS OR DETRIMENTAL TO ADJOINING PROPERTIES OR THE NEIGHBORHOOD (INCLUDING BUT NOT LIMITED TO NOISE, DUST, GLARE, VIBRATIONS, ODORS AND THE LIKE).

Justification and compliance with criteria #3: All Clients will access our own personal driveway. All business will be conducted inside the basement of my home with a separate entrance. All noise from clients and odors from chemical services should not be an issue.

Criteria #4. THE LOCATION, DESIGN, AND SIZE OF THE PROPOSED USE WILL BE ADEQUATELY SERVED BY EXISTING STREETS, PUBLIC FACILITIES AND SERVICES.

Justification and compliance with criteria #4: The highway is kept plowed by the highway department and we are able to keep our driveway plowed as well. We have access to City garbage and our own well for water and septic tank which we maintain. We have electricity through Avista. Our lot size is on an acre with plenty of room to park. Clients can access this location easily.

Criteria # 7. continued

Home Occupation and is a conditionally permitted use in residential zones.

Criteria #5. THE PROPOSED USE WILL NOT ENDANGER THE PUBLIC HEALTH OR SAFETY IF LOCATED WHERE PROPOSED.

Justification and compliance with criteria #5: The Hair Salon will be in compliance with the Idaho Administrative Code of the Bureau of Occupational Licenses through a primary establishment license which includes plans and specifications complying with the Cosmetology board of

Continued →
on back

Criteria #6. THE PROPOSED USE MEETS ALL APPLICABLE DEVELOPMENT STANDARDS OF THE ZONING CODE.

Justification and compliance with criteria #6: The business is being conducted within an existing home and no alterations are being made to the structure and it will not change the nature of the character of the neighborhood or use of the structure. The nature

Continued →
on back

Criteria #7. THE PROPOSED USE WILL NOT BE IN CONFLICT WITH THE COMPREHENSIVE PLAN.

Justification and compliance with criteria #7: I do not believe this is a conflict because the use is consistent with what the City's Comprehensive Plan is for current and future use.

CONDITIONS OF APPROVAL

The Board of Adjustment may impose conditions including, but not limited to, those (1) minimizing adverse impact on other development; (2) controlling the sequence and timing of development; (3) controlling the duration of development; (4) assuring that development is maintained properly; (5) designating the exact location and nature of development; (6) requiring the provision for onsite or offsite public facilities or services; (7) requiring more restrictive standards than those generally required in an ordinance; and/or (8) requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.

COMPLIANCE

1. In the event of failure to comply with the plans proof by the Board of Adjustment, or with any conditions imposed upon the Conditional Use Permit, the permit shall be immediately revoked and shall be automatically null and void.
2. Where plans are submitted and approved as part of the application for a Conditional Use Permit, modifications of the original plans may be required by the Board as a condition of approval.
3. Where plans approved by the Board of Adjustment are modified following such approval, such plan modifications must be submitted to and determined by City staff to be in substantial conformance with the plans approved by the Board. If plan modifications are not in substantial conformance, the plan modifications must be resubmitted to the Board for an additional public hearing as an amendment to the Conditional Use Permit application.

Criteria #5 continued:

Safety and disinfection requirements. See attached description page: Idaho Administrative code IDAPA 24.28.01 Barber / Cosmetology Licensing board rules.

Criteria #6 continued: of the business will be clients coming to my hair salon through my basement entrance to get their hair done. I usually have around 6 customers per day. With another Stylist working, this could be up to 12 clients per day.

REVOCATIONS

If a Building Permit and/or Certificate of Occupancy pertaining to the Conditional Use Permit is not obtained for the subject property within one year from the date of the Board of Adjustment's final decision, the Conditional Use Permit shall be immediately revoked and shall be automatically null and void. If the use and/or occupancy for which the Conditional Use Permit is approved ceases for a period of twelve consecutive months, unless otherwise provided for in the Conditional Use Permit, then the Conditional Use Permit shall be immediately revoked and shall be automatically null and void.

Application Submittal:

This application must be completed and submitted with the below described items to the Moscow Community Development Director at least twenty-one days prior to the hearing at which the application is to be considered by the Board or the application will not be processed.

The following items must be submitted with this application before it will be processed:

1. Application Fee
2. Site Plan, drawn to scale
3. Floor Plans, drawn to scale
4. Elevation Drawings, drawn to scale (for new construction only)

I understand this information is a public record and may be posted to a public website.

Louie Latham
Applicant's Signature

04-12-21
Date

Owner's Signature

Date

MTI-15044

EXHIBIT A

Situated in the County of Latah, State of Idaho and is described as follows:

A parcel of land located in the NW1/4 SW1/4 of Section 5, Township 39 North, Range 5 W.B.M. and being more particularly described as follows:

Beginning at the Southwest corner of said Section 5; thence N 00°12'12" W. 1655.82 feet along the Section line; thence East 38.73 feet to the TRUE POINT OF BEGINNING; thence N. 00°17'00" W. 107.84 feet; thence S. 89°14'45" E. 277.27 feet; thence S. 02 degrees 01'47" W. 183.54 feet; thence S. 81°42'53" W. 166.67 feet; thence N. 01°30'56" W. 51.36 feet; thence N. 30°06'23" W. 58.56 feet; thence N. 89°01'44" W. 74.56 feet to the TRUE POINT OF BEGINNING.

423048

T 39 N, R 5 W, S 5

Monson Associates
 Land Survey Consultants
 1051 FORKS ROAD DEARY, IDAHO 83823
 (208) 677-7720

NOTES

1. Dates of Bearings is identical with that shown on ROS #368825
2. The Land Division for Parcel 1 was approved by the City of Moscow on 10/27/2016

LEGEND

- FOUND MCBAR & CAP PL/LS 3003
- SET MCBAR & CAP PLS 7013
- () SECOND DIMENSION

Scale 1" = 50'

SURVEYOR'S CERTIFICATE

I, RONALD F. MONSON, A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF IDAHO, DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAT WAS PERFORMED BY ME OR UNDER MY SUPERVISION IN ACCORDANCE WITH THE LAWS OF THE STATE OF IDAHO, AT THE REQUEST OF ARTHUR & OVETA FRANKLIN. THE SURVEY WAS COMPLETED IN SEPTEMBER, 1996.

DATE: 09/16/96 BY:

Ronald F. Monson
 RONALD F. MONSON, PLS 7013



RECORD OF SURVEY

For: Arthur & Oveta Franklin
 Pln of The NW1/4 of The SW1/4
 Section 5, T39N, R5W, B.M.
 City of Moscow
 Latah County, Idaho

Recieved 04-16-2021

COUNTY RECORDERS CERTIFICATE

INSTRUMENT NO.: 423048

FILED AT THE REQUEST OF: Ronald F. Monson

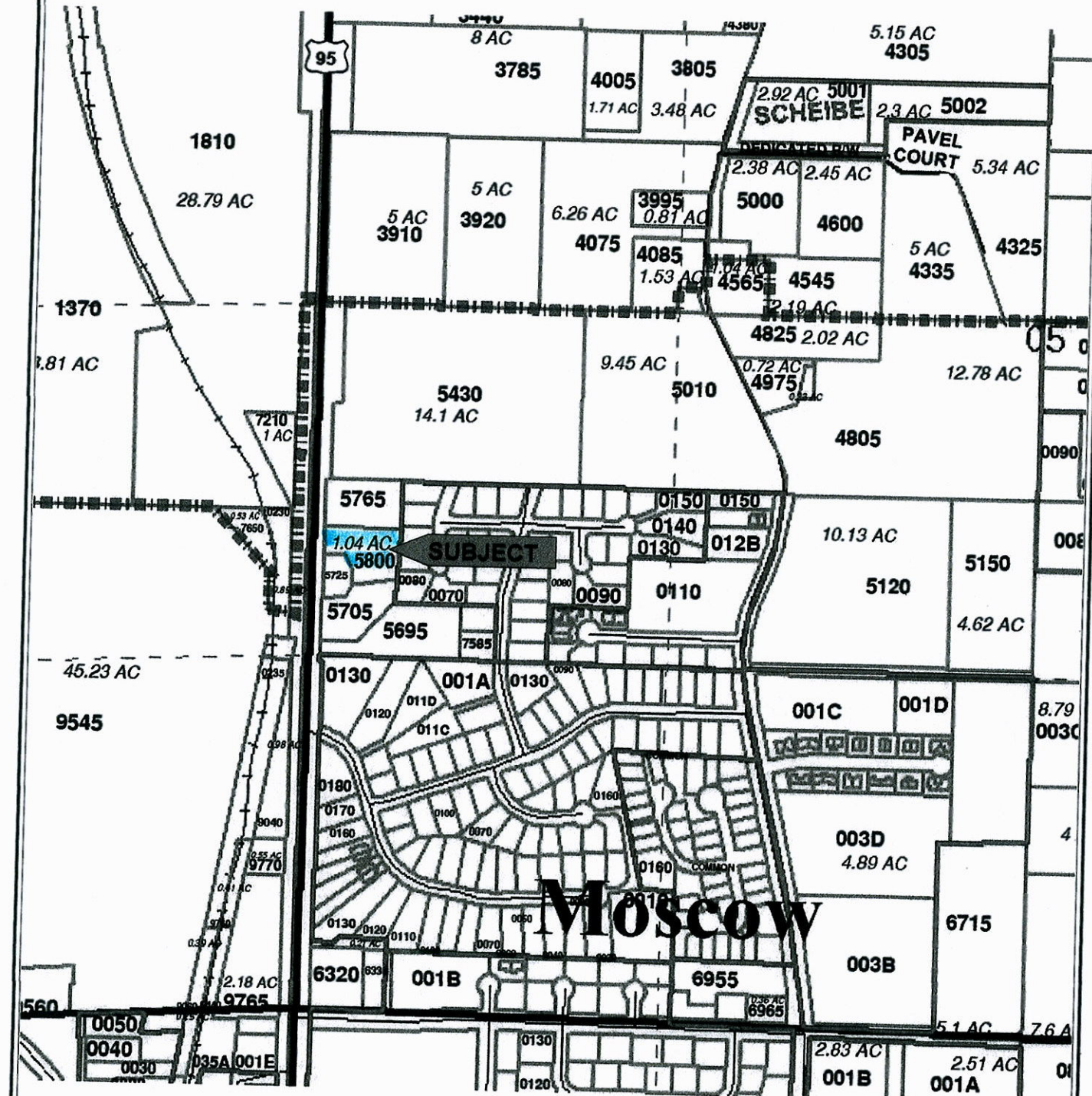
AT 3:24 O'CLOCK P.M. THIS 3rd DAY OF SEPTEMBER, 1996

BY: SUDAN PETERSON

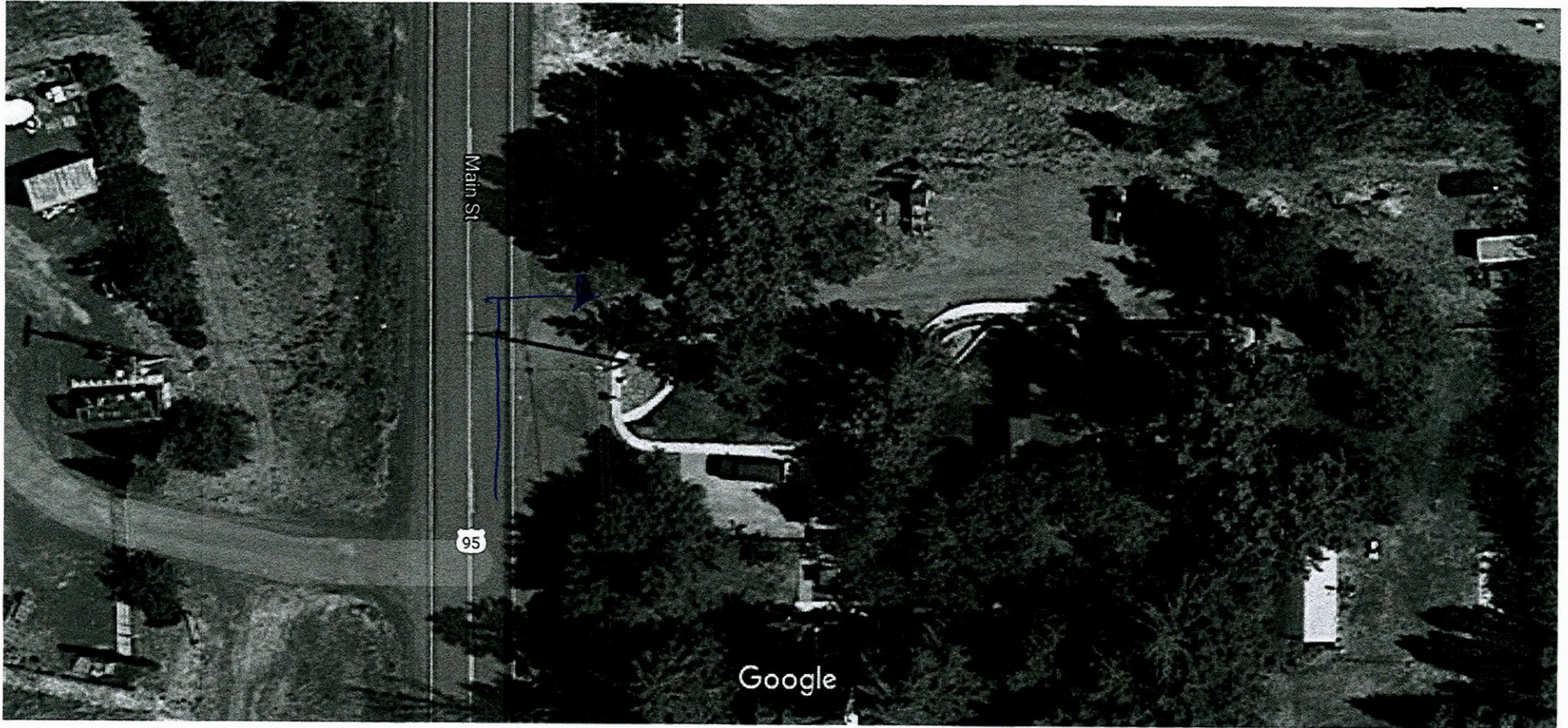
LATAH COUNTY RECORDER

BOOK 14, PAGE 1

DATE: SEPT, 1996 DWG: FRANKLIN JOB NO. SHEET 1 OF 1

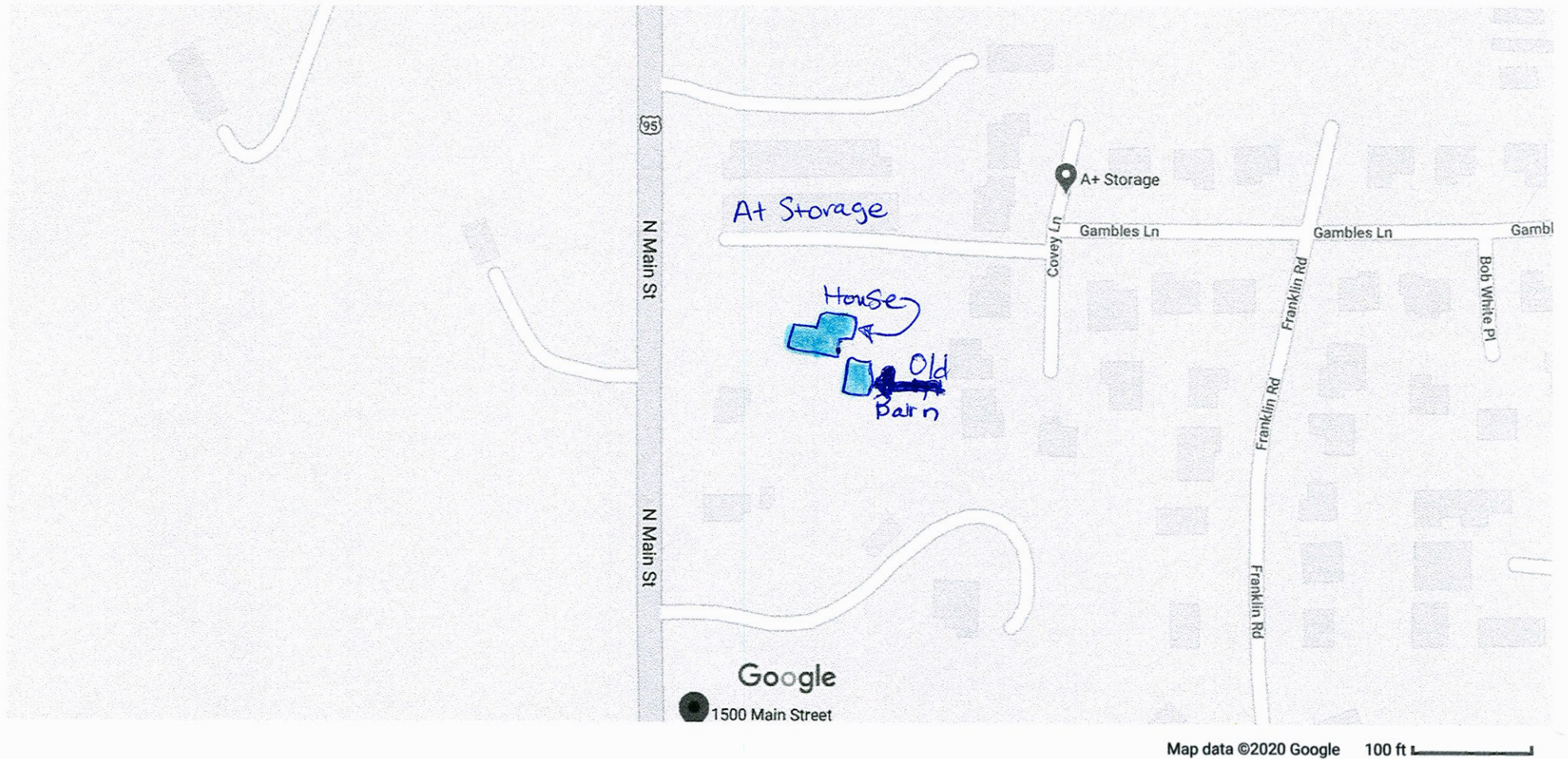


Google Maps 1500 N Main St



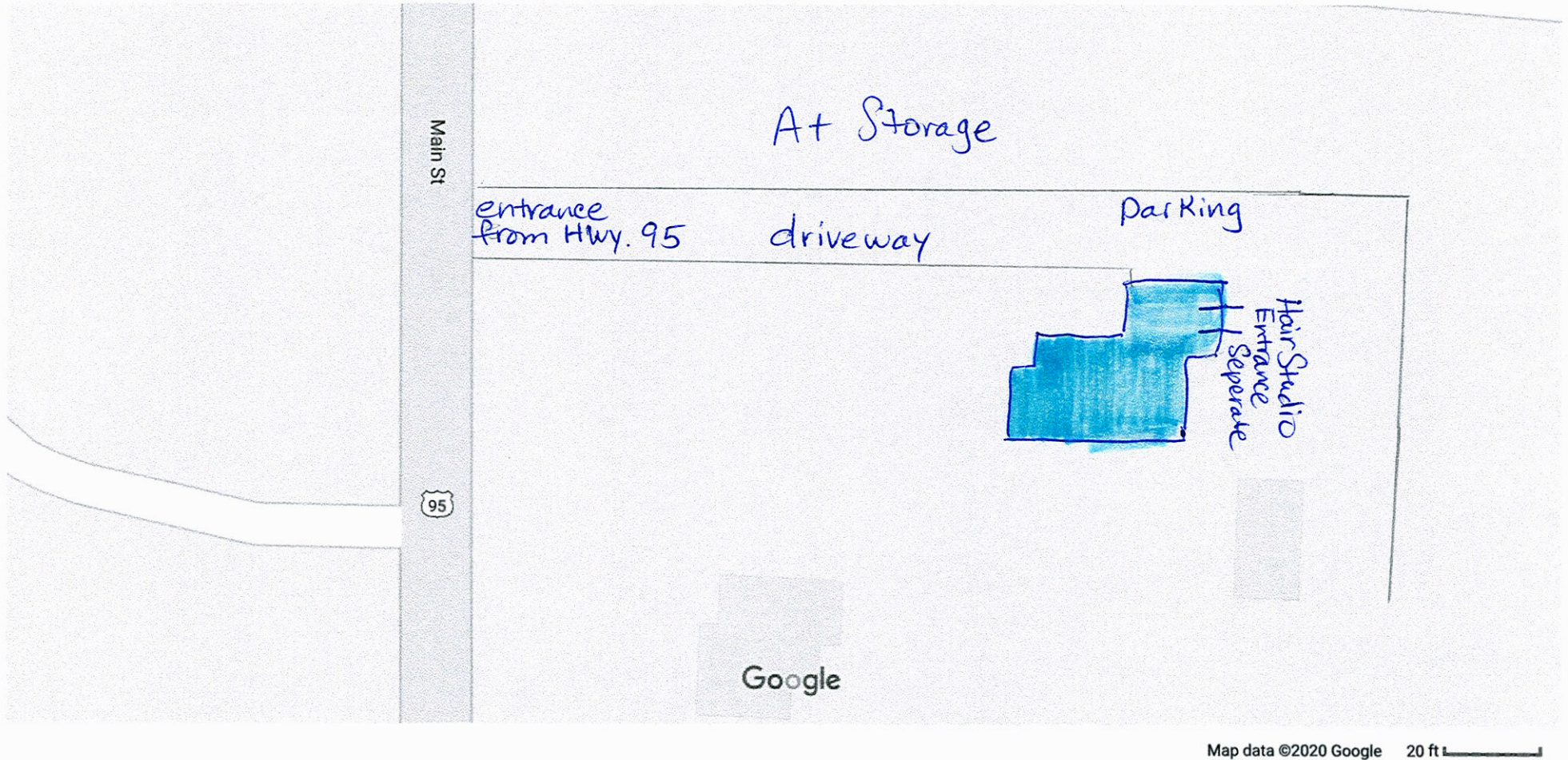
Map data ©2020 , Map data ©2020 20 ft

Google Maps



Recieved 04-16-2021

Google Maps 1500 N Main St



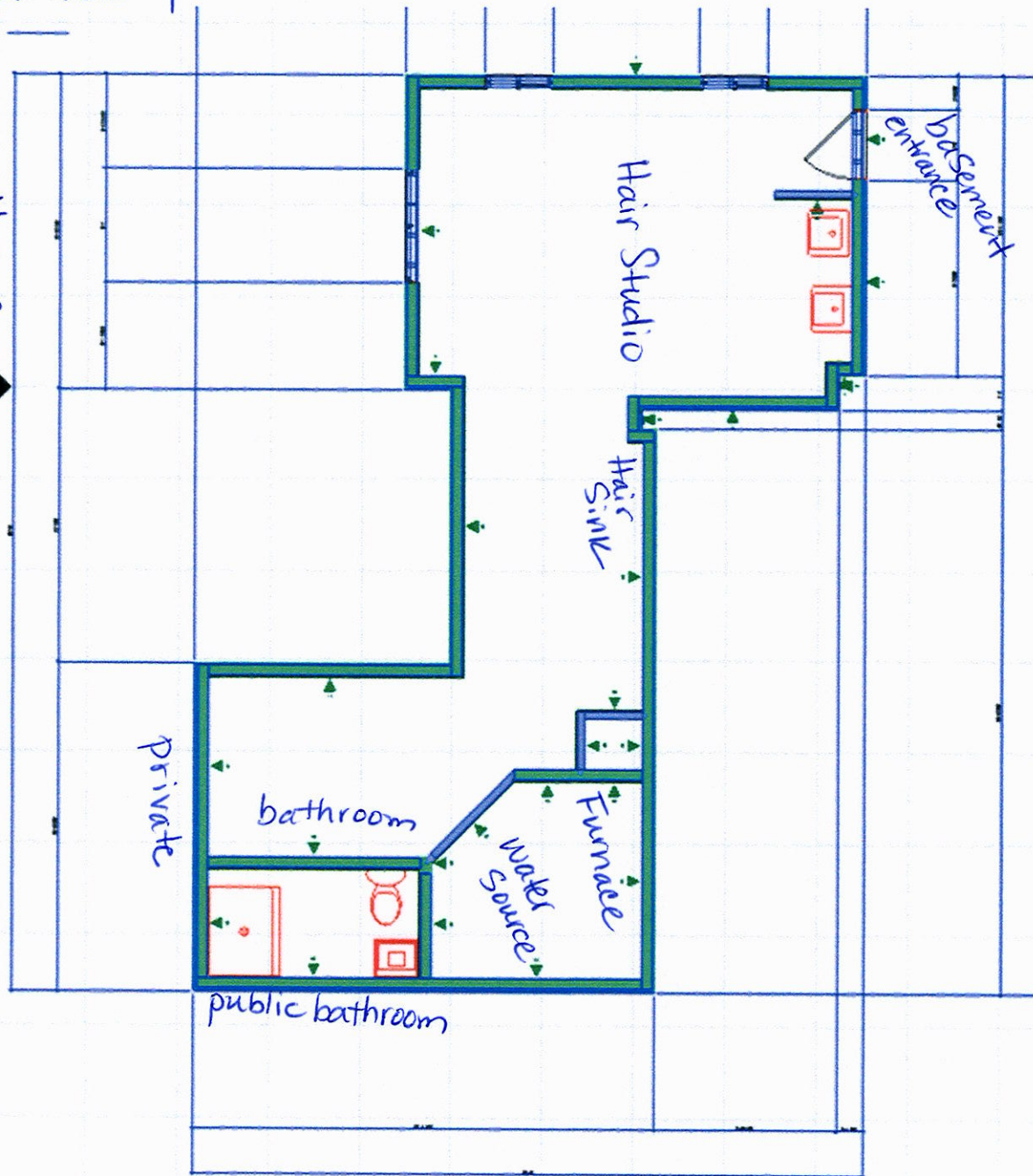
entrance from
Hwy 95

driveway

parking lot

LUP2021-0018

Home
IV



Recieved 04-16-2021

325. LICENSURE AND OPERATION OF PRIMARY AND CONTIGUOUS ESTABLISHMENTS.

Except as otherwise provided in statute and these rules, a licensed individual must practice within a licensed establishment. An establishment may be licensed as a primary establishment or a contiguous establishment that operates within a primary establishment. (4-1-19)

01. Primary Establishment License. A primary establishment license may be issued and annually renewed only under the following conditions: (4-1-19)

a. Application for establishment license shall be made on forms furnished by the Board and shall include plans and specifications complying with the Board's safety and disinfection requirements. The fully completed application form, with the required fees, must be submitted to the Board and a license issued prior to the opening or operation of any barber or cosmetology primary establishment; and (4-1-19)

b. There is a clearly defined and designated working floor space of adequate dimension to allow the safe and sanitary practice of any one (1) or combination of defined practices of cosmetology or barber-styling for all individual stations that may be in operation in addition to any restroom and access areas; and (4-1-19)

c. There is an approved hot and cold running water source and drainage system that is available to any contiguous establishment or other establishment or facility that may exist; and must be within the perimeters of the licensed establishment and separate from the toilet facilities; and (4-1-19)

d. There are restroom facilities conveniently located and accessible from within the building in which the primary establishment is located and which shall be accessible from the primary area and to all areas designated for the operation of contiguous establishments. Restroom facilities shall contain an approved hot and cold running water source and approved drainage system. The water source shall be in addition to the work area facilities; and (4-1-19)

e. Any areas designated by the primary establishment for the operation of contiguous establishments shall be clearly defined and fixed, and shall provide adequate dimension to allow the safe and sanitary practice of any one or a combination of the defined practices of cosmetology or barber-styling for all stations that may be operated in that area. (4-1-19)

f. The holder of the primary establishment license is responsible for complying with the safety and disinfection requirements and all other applicable statutes and rules for the designated licensed area of the primary establishment, including areas that are cooperatively or jointly used as "common areas" such as shampoo bowls, restrooms, entrance or reception areas. (4-1-19)

02. Contiguous Establishment License. A contiguous establishment license may be issued and annually renewed only under the following conditions: (4-1-19)

a. Application for establishment license shall be made on forms furnished by the Board. The fully completed application form, with the required fees, must be submitted to the Board and a license issued prior to the opening or operation of any barber or cosmetology contiguous establishment; and (4-1-19)

b. The contiguous establishment is associated with a currently licensed primary establishment and a holder of the primary establishment license provides proof that the primary shop is equipped to meet the safety and disinfection requirements and rules of the Board; and (4-1-19)

c. The contiguous establishment shall only operate in the contiguous establishment designated areas within the associated primary establishment. (4-1-19)

d. The holder of the contiguous establishment license will be responsible for complying with the safety and disinfection requirements and all other applicable statutes and rules for the contiguous designated area where it operates. (4-1-19)

03. Businesses Other Than a Licensed Establishment or Facility. Businesses other than one

IDAHO ADMINISTRATIVE CODE
Bureau of Occupational Licenses

IDAPA 24.28.01 – Barber/Cosmetology
Services Licensing Board Rules

licensed under Chapter 58, Title 54, Idaho Code, and living quarters shall be separate and apart. Home establishments must provide a separate outside entrance directly into the establishment and substantial partitions or walls shall extend from the floor to not less than seven (7) feet high, separating the establishment from adjoining rooms used for business or domestic purposes. All doors to an establishment from adjacent rooms shall be closed. (4-1-19)

04. Conditions for Issuance. No primary establishment license may be issued which includes or overlaps all or any portion of an existing establishment license. (4-1-19)

326. ESTABLISHMENT CHANGES IN OWNERSHIP OR LOCATION.

Whenever a change of ownership or fixed location of an establishment occurs, an original license fee must be paid and compliance with all rules concerning a new establishment must be met before a new license will be issued. Establishment licenses are not transferable. (4-1-19)

01. Board Must Be Informed of All Changes. The Board must be informed in writing of any and all changes of ownership and location of establishments. (4-1-19)

02. Deletion of an Owner. Deletion of an owner in a multiple ownership may be effected by filing a written statement with the Board signed by the person withdrawing and the remaining owner(s). (4-1-19)

03. Transfer of Ownership. If the transfer involves change of corporate structure or deleting one (1) or more owners, a written notarized statement signed by all former owners as registered with the Board shall be accepted. (4-1-19)

04. Addition of an Owner. Addition of an owner to a multiple ownership constitutes a change in ownership and the requirements for a new establishment apply. (4-1-19)

05. Out of Business. Whenever any establishment ceases operation at the licensed location, the owner(s) or authorized agent of the establishment shall notify the Board by submitting: (4-1-19)

a. A signed letter by the owner(s) or authorized agent advising that the establishment is out of business; or (4-1-19)

b. The establishment license bearing the signature of the owner(s) or authorized agent and marked out-of-business; or (4-1-19)

c. For a contiguous establishment license, a signed statement by the associated primary establishment advising that the contiguous establishment is out of business. (4-1-19)

d. In the event that the Board has not been notified about the cessation of operations pursuant to this rule and documentation or evidence has been obtained that an establishment has ceased operation at the licensed location, the Board may cancel the establishment license upon a thirty (30) day written notice to the owner(s) or authorized agent of the establishment. (4-1-19)

06. License Status. A new primary establishment license will not be issued for any location that is currently licensed as a primary establishment at the time of application. (4-1-19)

327. RETAIL COSMETICS DEALER LICENSE.

The Board may grant a retail cosmetic dealer license to allow the application of cosmetic products to customers' faces in connection with the sale of the products. An applicant for a retail cosmetic dealer license must complete an application as set forth in Section 200 of these rules, pay the required fee, and meet the following requirements: (4-1-19)

01. Requirements. All retail cosmetic dealers shall provide an area within the business premises for disinfection and storage of equipment and supplies necessary to perform any cosmetic application services provided. The business premises must have: (4-1-19)

a. Access to hot and cold running water; (4-1-19)