



**Land Use Appeals Board
Wayne Skabelund and Sons Roofing
Business License denial appeal**

REPORT SUMMARY...

<i>Project Name:</i>	Wayne Skabelund and Sons Home Business Appeal
<i>Appellant:</i>	Trevor & Shaina Buttars
<i>Project Address:</i>	465 East 100 North
<i>Request:</i>	Appeal
<i>Current Zoning:</i>	Traditional Neighborhood Residential (NR-6)
<i>Type of Action:</i>	Quasi-Judicial
<i>Date of Hearing:</i>	March 20, 2017
<i>Submitted By:</i>	Amber Pollan, Senior Planner

INTRODUCTION

This appeal to the Logan City Land Use Appeals Board (LUAP) is to determine whether or not the Logan City Planning & Zoning Division staff acted appropriately and within their authority on a zoning compliance review for a Business License that was denied February 6, 2017.

The business license application amendment for Wayne Skabelund and Sons Roofing was denied zoning approval based on the finding that owner and operator of the business does not reside at the dwelling where the home occupation is located. Land Development Code (LDC) §17.43.020, regarding Home Occupations, states that: "The home occupation shall be owned and operated by a person who resides in the dwelling where the home occupation is located." The applicant is appealing the decision of staff to continue operation of a family business and that Staff has erred in not recognizing the use should be grandfathered on the site. The LDC Table 17.46.020 directs an appeal of staff decisions be heard by the Land Use Appeal Board and provides authority in §17.57.035(A)1.5.

PROCESS INFORMATION

A Business License application amendment was brought to the Business License clerk, Stacy Christoffersen, on December 29, 2016, for Wayne Skabelund and Sons Roofing. The applicants were Trevor and Shaina Buttars, amending the ownership to themselves as Wayne Skabelund and Sons Roofing, LLC. This business has been licensed in Logan City since 1990 (Occupational License 90-01524) as a home occupation at 465 East 100 North. Trevor and Shaina Buttars indicated their residence in Riverside, Utah, and that they would not be residing at 465 East 100 North. Ms. Christoffersen told them that was not allowed but she would have Planning staff take a look at the application information. Amber Pollan (Planning staff), reviewed the application for zoning compliance and for archive information on the property.

The Municipal code provides the License application procedure in §5.16.030: "Applicants for a license required by this chapter must obtain permission for the issuance of a home occupation permit from the city zoning administrator. The zoning administrator shall review each request in view of the definitions of permitted home occupations as outlined in the zoning ordinance. Upon presenting an approved permit from the zoning administrator to the division, the applicant shall receive from, fill out and file with the division a business license application as required under the provisions of Chapter 5.02 of this title." Municipal Code §5.16.060 further states that "Home occupations shall comply with all zoning requirements."

The Land Development Code (LDC) is Logan City's zoning ordinance. The LDC defines a home occupation as "any activity carried out for gain or requiring a business license by a

resident and which is conducted as a customary, incidental, and accessory use in the resident's dwelling unit. A home occupation is owned and run by a resident of the dwelling in which the business takes place." (§17.61 Home Occupation)

Planning staff contacted Trevor Buttars on January 24, 2017. He confirmed that they would not be living at 465 East 100 North but intended to continue operating the business from there. Planning staff indicated the application would not be accepted as the license would not be approved as the zone only allows a home occupation. This business does not conform to the allowances for a home-based business as the business owner/operator does not reside at the location. The application couldn't be considered for a commercial business since the NR-6 residential zone does not allow for a contractor office or storage yard use. Mr. Buttars said he would refer the matter to James Skabelund, the previous business owner. A follow-up phone call was received from James Skabelund that day. He indicated he'd been involved with the business for 35 years and that the business was grandfathered as it had been in operation at that location for nearly 90 years. He requested the application be processed.

The application was submitted for review. Business licenses are not transferable between owners. A new license application number of 16733 was assigned to the review. Planning staff did further archive research and went over review with the Department. Staff determined that the business license request did not meet the requirements for a home occupation and denied zoning approval of the business license. A letter was sent to the Buttars on February 6, 2017. The Buttars sent a request for an appeal to James Geier on February 14, 2017. Mr. Geier is the Neighborhood Improvement Manager over Business Licensing. As the denial was based on a land use decision, the Buttars were referred to file an appeal with the Land Use Appeal Board. Their application was received February 24, 2017.

APPELLANTS' POSITION

Trevor and Shaina Buttars submitted an appeal statement giving their history of the property and business. The appellants' position is that the business has always been a family business and should be allowed to continue. Wayne Skabelund's family owned the property since the 1870's. Wayne Skabelund was born in 1917 and Wayne Skabelund and Sons Roofing has been at this location since 1934. About 1999, the business was taken over by sons, James Skabelund and his brother. James Skabelund has not lived there for a number of years and has been the owner since that time. The applicant, Shaina Buttars, is Wayne Skabelund's granddaughter and grew up at this home. While the City listed it as a home occupation, it is a family business and grandfathered. They have not had any problems with the neighbors. The site is for business storage of two (2) dump trucks, work trucks, a tar kettle, tools and materials.

STAFF'S POSITION

Planning staff's position is that the correct determination was made. Logan City has business license records from 1988 through the present. Business license 90-01524 was issued in January 1990 for Wayne Skabelund & Sons Roofing. The license type was listed as a home business. There was a business and mailing address of 465 East 100 North and a business phone number of 435-752-3656. The contact listed is James W. Skabelund; partner. The license was renewed on the property annually through 2016. The Municipal Code regarding Business Licenses states: "There shall be no transfers of licenses from one person to another." (5.02.300) The Buttars application is reviewed as a new business license application and is subject to zoning review and the applicable codes.

Staff agrees that Wayne Skabelund lived at this location and was a roofing contractor. When zoning was adopted in 1950, the contracting by Mr. Skabelund would have been grandfathered as a home occupation. Any changes to the business operations since that time would have necessitated compliance with zoning Code regarding home occupations in residential neighborhoods. Polk Directories indicate that Wayne Skabelund and Sons Roofing was established in 1971. When the business license was acquired in 1990, it is classified as a home

business so it would appear that was how it was represented. Mr. Wayne Skabelund did reside at 465 East 100 North at the time and was the owner. The City was not made aware of changes to the ownership or operations since that time or we would have had the opportunity to review it prior to the current amendment.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on March 10 and 11, 2017, and the Utah Public Meeting website on March 10, 2017. Public notices were mailed to all property owners within 300 feet of the project site on March 6, 2017. A neighbor called and indicated support for the business to continue at this location.

RECOMMENDED FINDINGS FOR DENIAL

The Land Use Appeals Board bases its decisions on the following findings:

1. The proposed appeal does not provide information that the procedure for receiving zoning approval was met.
2. The Logan City Municipal Code 5.02.300 does not allow the transfer of a business license from one person to another.
3. A "Home Occupation" has been defined in the Land Development Code since 1950. Definitions indicate that the owner/operator reside on site. The LDC 17.61 definition for "Home Occupation" is clear in its intent and meaning.
4. Logan City Planning staff did not error in their review of the application.
5. The LDC 17.43 regarding Home Occupations and Municipal Code 5.16 were adopted in a public hearing process by the Logan City Municipal Council with the intent to regulate home occupations and limit commercial business operations in residential areas.

Attachments:

- Land Use Appeals Board Application packet
- Occupational License (OL) 16-01524, 2016 Logan City Business License for Wayne Skabelund and Sons Roofing
- Business License amendment application submitted December 29, 2016 by Trevor and Shaina Buttars
- Correspondence regarding the application

This staff report is an analysis of the application based on adopted city documents, standard city development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Land Use Appeal Board meeting. Additional information may be revealed by participants at the Land Use Appeal Board meeting which may modify the staff report and become the Certificate of Decision. The Director of Community Development reserves the right to supplement the material in the report with additional information at the Land Use Appeal Board meeting.



APPLICATION FOR PROJECT REVIEW

☐ Planning Commission ☒ Land Use Appeal Board ☐ Administrative Review

Date Received 2-24-17	Received By DZ	Receipt Number	Zone NR-6	Application Number LUAP 17-001
---------------------------------	--------------------------	----------------	---------------------	--

Type of Application (Check all that apply):				
<input type="checkbox"/> Design Review	<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Subdivision	<input type="checkbox"/> Zone Change	<input type="checkbox"/> Administrative Design Review
<input type="checkbox"/> Code Amendment	<input checked="" type="checkbox"/> Appeal	<input type="checkbox"/> Variance	<input type="checkbox"/> 4950' Design Review	<input type="checkbox"/> Other _____

PROJECT NAME
Wayne Skabelund & Sons Roofing

PROJECT ADDRESS 1165 100 North Logan, Utah 84321	COUNTY PLAT TAX ID # 06 - 082 - 0010 06 - 082 - 0028
--	--

AUTHORIZED AGENT FOR PROPERTY OWNER (Must be accurate and complete) Trevor + Shina Buffers	MAIN PHONE # 435-281-2262
--	-------------------------------------

MAILING ADDRESS P.O. Box 223	CITY Riverdale	STATE Utah	ZIP 84334
--	--------------------------	----------------------	---------------------

EMAIL ADDRESS
WSSR 34166 Mail.com

PROPERTY OWNER OF RECORD (Must be listed) James W. Skabelund	MAIN PHONE # 435-454-2210
--	-------------------------------------

MAILING ADDRESS 1165 100 North Logan, Utah 84321	CITY Logan	STATE Utah	ZIP 84321
--	----------------------	----------------------	---------------------

EMAIL ADDRESS
NONE

DESCRIBE THE PROPOSED PROJECT AS IT SHOULD BE PRESENTED (Include as much detail as possible - attach a separate sheet if needed) see attached sheet	Total Lot Size (acres) 0.37 ac residential 0.29 ac vacant
	Size of Proposed New Building (square feet)
	Number of Proposed New Units/Lots

- NO SITE ACTIVITY MAY OCCUR UNTIL AFTER APPROPRIATE COMMITTEE APPROVAL -

I certify that the information contained in this application and all supporting plans are correct and accurate. I also certify that I am authorized to sign all further legal documents and permits on behalf of the property owner.	Signature of Property Owner's Authorized Agent Shaina Buffers
--	---

I certify that I am the property owner on record of the subject property and that I consent to the submittal of this project. I understand that all further legal documents and permits will be sent to my authorized agent listed above.	Signature of Property Owner James W. Skabelund
---	--

To whom it may concern:

February 18th, 2017

Reference Appeal (OL17-16733)

Wayne Skabelund & Sons Roofing LLC

Wayne Skabelund & Sons Roofing has been same location since 1934. That right there says the reason why it should be grandfathered in. The original owner was Wayne Skabelund he was born in this family home in 1917, the property has been in the same family since the 1870's his mother's family has owned the property. After 65 yrs of being owner of the family business his son James W Skabelund took over the family business, and has been the owner with his brother for the last 17 yrs and continued at the same location. James has retired because of age. James has not lived at this location since he was a young person. It would be ridiculous to expect every family member to move to the property every time ownership is changed to a new family member. Shaina Buttars is Wayne's granddaughter who also grew up there. Shaina and her husband Trevor purchased the family business and want to continue to run the business here. It has always been a family business and we know for several years this was not listed as a home occupation, this is what the city called it. We have had no problems with any neighbors over the years. We ask that this remain as the location so Trevor and Shaina Buttars can continue this family business. Most neighbors we talked to are appalled at this decision. This property should be grandfathered for the length of time this business has operated there. The property contains two dump trucks, some other work trucks, tar kettle, tools and some materials. We do know business with clients at this location as we work on people's roofs. Most items are set back in the middle of the property in a field and are not easily noticed. We appeal the city's decision and have been in contact with our family's attorney on this matter.

Respectfully, Trevor and Shaina
Buttars

(06-082)

TAX UNIT 27



**Cache County
Tax Roll Report
Parcel Number: 06-082-0010**

Mar 13, 2017

Taxpayer Name & Address Parcel: <u>06-082-0010</u> Entry: <u>1098267</u> Name: <u>SKABELUND, LOIS S TR</u> Address 1: <u>Protected Information</u> City, State, Zip: <u> </u> District: <u>027 LOGAN CITY</u>	Owners 1 - <u>SKABELUND, LOIS S TR</u> (Entry 1098267) (Book/Page 1791/417) 2 - <u>SKABELUND, JAMES W</u> (Entry 1098267) (Book/Page 1791/417) 3 - <u>SKABELUND, MARTIN WAYNE</u> (Entry 465496) (Book/Page 327/777)
Property Address Property Address: <u>n/a</u> Property City: Tax Rate: <u>0.01448</u>	

Pursuant to state statute, the Assessor's Office does not complete adjustments to the Tax Rolls until May 21, 2017. Please be aware that any values for the Tax Year 2017 may change until that date.

Property Information

	----- 2017 -----	----- 2016 -----
	ACRES MARKET TAXABLE	MARKET TAXABLE
BR - BUILDING RESIDENTIAL :	0.00 119,000 65,450	119,000 65,450
LR - LAND RESIDENTIAL :	0.38 49,000 26,950	41,000 22,550
TOTALS :	0.38 168,000 92,400	160,000 88,000

Building & Tax Information

	2017	2016
Square Footage: 1890	Taxes: \$1,337.95	\$1,274.24
Year Built: 1915	Special Tax: \$0.00	\$0.00
Building Type: SFR	Rollback: \$0.00	\$0.00
	Penalty: \$0.00	\$0.00
	Abatements: \$0.00	\$0.00
	Payments: \$0.00	(\$1,274.24)
	Balance Due: \$1,337.95	\$0.00

Parcel History

BNDRY LN W/0009 10/16;

Legal Description

----- 2017 -----

PT LOT 6 BLK 22 PLAT A LOGAN FARM SVY BEG AT PT 10 RDS W OF INTERSEC W LINE OF 500 E ST WITH N LINE 100 N ST, N 12 RDS W 5 RDS S 12 RDS E 5 RDS TO BEG SE/4 SEC 34 T 12N R 1E SUBJ TO BNDRY LN AGREEMENT W/0009 ENT 1157953: THE W LN OF SD PARCEL IS N 1°59'11" E 198.0 FT ALG BNDRY FENCE

** No Greenbelt Information **

** No Back Tax Owing **

**Cache County
Tax Roll Report
Parcel Number: 06-082-0028**

Mar 13, 2017

<p style="text-align: center;">Taxpayer Name & Address</p> <p>Parcel: <u>06-082-0028</u></p> <p>Entry: <u>677227</u> </p> <p>Name: <u>SKABELUND, WAYNE & LOIS S TRS</u></p> <p>Address 1: <u>465 E 100 N</u></p> <p>City, State, Zip: <u>LOGAN , UT 84321-4731</u></p> <p>District: <u>027 LOGAN CITY</u></p>	<p style="text-align: center;">Owners</p> <p>1 - <u>SKABELUND, WAYNE & LOIS S TRS</u> (Entry 677227) (Book/Page 792/984)</p>																																
<p style="text-align: center;">Property Address</p> <p>Property Address:</p> <p>Property City:</p> <p>Tax Rate: 0.01448</p>																																	
<p>Pursuant to state statute, the Assessor's Office does not complete adjustments to the Tax Rolls until May 21, 2017. Please be aware that any values for the Tax Year 2017 may change until that date.</p> <p>Property Information</p> <table style="margin: auto;"> <tr> <td></td> <td style="text-align: center;">----- 2017 -----</td> <td style="text-align: center;">----- 2016 -----</td> </tr> <tr> <td></td> <td style="text-align: center;">ACRES</td> <td style="text-align: center;">MARKET TAXABLE MARKET TAXABLE</td> </tr> <tr> <td>LV - LAND VACANT :</td> <td style="text-align: center;">0.27 9,900 9,900</td> <td style="text-align: center;">7,500 7,500</td> </tr> <tr> <td>TOTALS :</td> <td style="text-align: center;">0.27 9,900 9,900</td> <td style="text-align: center;">7,500 7,500</td> </tr> </table>			----- 2017 -----	----- 2016 -----		ACRES	MARKET TAXABLE MARKET TAXABLE	LV - LAND VACANT :	0.27 9,900 9,900	7,500 7,500	TOTALS :	0.27 9,900 9,900	7,500 7,500																				
	----- 2017 -----	----- 2016 -----																															
	ACRES	MARKET TAXABLE MARKET TAXABLE																															
LV - LAND VACANT :	0.27 9,900 9,900	7,500 7,500																															
TOTALS :	0.27 9,900 9,900	7,500 7,500																															
<p>Building & Tax Information</p> <table style="margin: auto;"> <tr> <td></td> <td></td> <td style="text-align: center;">2017</td> <td style="text-align: center;">2016</td> </tr> <tr> <td>Square Footage: 0</td> <td>Taxes:</td> <td style="text-align: right;">\$143.35</td> <td style="text-align: right;">\$108.60</td> </tr> <tr> <td>Year Built: 0</td> <td>Special Tax:</td> <td style="text-align: right;">\$0.00</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>Building Type:</td> <td>Rollback:</td> <td style="text-align: right;">\$0.00</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td></td> <td>Penalty:</td> <td style="text-align: right;">\$0.00</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td></td> <td>Abatements:</td> <td style="text-align: right;">\$0.00</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td></td> <td>Payments:</td> <td style="text-align: right;">\$0.00</td> <td style="text-align: right;">(\$108.60)</td> </tr> <tr> <td></td> <td>Balance Due:</td> <td style="text-align: right;">\$143.35</td> <td style="text-align: right;">\$0.00</td> </tr> </table>				2017	2016	Square Footage: 0	Taxes:	\$143.35	\$108.60	Year Built: 0	Special Tax:	\$0.00	\$0.00	Building Type:	Rollback:	\$0.00	\$0.00		Penalty:	\$0.00	\$0.00		Abatements:	\$0.00	\$0.00		Payments:	\$0.00	(\$108.60)		Balance Due:	\$143.35	\$0.00
		2017	2016																														
Square Footage: 0	Taxes:	\$143.35	\$108.60																														
Year Built: 0	Special Tax:	\$0.00	\$0.00																														
Building Type:	Rollback:	\$0.00	\$0.00																														
	Penalty:	\$0.00	\$0.00																														
	Abatements:	\$0.00	\$0.00																														
	Payments:	\$0.00	(\$108.60)																														
	Balance Due:	\$143.35	\$0.00																														
<p>Legal Description</p> <p>----- 2017 -----</p> <p>BEG AT A PT 2.5 CHS W OF A PT 3 CHSN OF INTERSEC.OF W LNE OF 5TH E STR WITH THE N LNE OF 1ST N LOT 6 BLK 22 PLAT A LOGAN FARM SVY N 165 FT W 1.08 CHS S 165 FT E 1.08 CHS TO BEG SE/4 SEC 34 T 12N R 1E</p>																																	
<p>** No Greenbelt Information **</p>																																	
<p>** No Back Tax Owing **</p>																																	
<p>** No Parcel History Information **</p>																																	



Expires: 12/31/2016

Business License

WAYNE SKABELUND & SONS ROOFING

JAMES W SKABELUND; PARTNER

465 E 100 N

LOGAN, UT 84321


Business Licensing
Administrator

LICENSE: OL-16-01524

DOING BUSINESS AS:

BUSINESS LOCATION: 465 E 100 N

BUSINESS PHONE: (435) 752-3656

CLASSIFICATION: Minor - Home, Ind, Seasonal, Event

SUB-CLASSIFICATION:

NAICS: Other Building Finishing Contractors

RESTRICTIONS/COMMENTS:

**BUSINESS LICENSING IS REGULATED BY TITLE 5 OF LOGAN MUNICIPAL CODE,
WHICH IS AVAILABLE IN ITS ENTIRETY AT WWW.LOGANUTAH.ORG.**



**DIVISION OF
BUSINESS LICENSING**
290 North 100 West, Logan, Utah 84321
Ph: 435-716-9230 / Fax: 435-716-9001
www.loganutah.org

Category:
☐ Commercial
☐ Commercial - Secondary
☒ Home Occupation
☐ Independent Contractor
☐ Other

Type:
☐ New Application
☒ Application
Amendment

☐ Location
☐ Name
☒ Ownership
☐ Business description

BUSINESS LICENSE APPLICATION

For businesses with a permanent physical location in Logan city limits.

License No. 01-16-01524

Date Received 12-29-16

SECTION I: Business Information

Business Name: Wayne Skabelund 3 Sons Roofing

"Doing Business As": ☐ Same as "Business Name"

Business Location: 405 East 100 North Logan, UT 843 21
Street Address (include unit #)

Mailing Address: ☒ Same as "Business Location"
ATTN: _____ Street (include unit #) / PO Box Address _____ City, State, Zip _____

Bus. Phone 1: 435-752-3656 **Bus. Phone 2:** _____ **Fax:** _____

Website: _____ **Email:** WSSR34@gmail.com

Utah State Tax Commission Sales Tax Number: _____

State and/or Federal Regulatory License(s) (This is **NOT** the FEIN number. Please include agency name and number.) ☐ Not applicable.
License 1: State Business License number 234478-5501 Contractor with LTRF License 2: Trevor Butters

NAICS Code: S280 **Proposed start date:** Jan 1st, 2017

NAICS look-up website: www.naics.com/search.htm

SECTION II: Business Description - General (Complete the Commercial OR the Home Occupation section AND the far-right column)

Commercial		Home Occupation		This business includes:	
Yes	No	Yes	No	Yes	No
Is this a secondary use at this location? <input type="checkbox"/> Yes, in _____ <input type="checkbox"/> No				Please Note: There shall be no visible evidence of the conduct of a home occupation when viewed from the street or from an adjacent lot.	
Sq.ft. of bus. location: _____				On-site employees? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, up to how many? _____ Full-time _____ Part-time working hours? _____	
Building/plaza name: _____				On-site customers? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, up to how many per day? _____ up to how many per week? _____ where will they park? _____	
Up to how many employees? (not owners) _____ Full-time _____ Part-time				On-site business will be performed from a: <input type="checkbox"/> Home office <input type="checkbox"/> Garage / storage room <input type="checkbox"/> Desk and chair <input type="checkbox"/> Carport / driveway <input type="checkbox"/> Shed/out-building <input type="checkbox"/> Vehicle <input type="checkbox"/> Other: _____	
Total parking stalls: for the building: _____ designated for your business: _____				Do you intend to set-up off-site? (ie. in parking lots, at festivals, within stores) <input type="checkbox"/> Yes <input type="checkbox"/> No	
Hours of operation: _____				Does this business have discharge(s) that go somewhere other than directly into the sanitary sewer system? Need an explanation? Contact Public Works at 435-716-9153.	
Type of operation: (mark all that apply) <input type="checkbox"/> Sales/Service: Customers typically come on-site <input type="checkbox"/> Sales/Service: Customers rarely come on-site <input type="checkbox"/> Business is primarily conducted off-site <input type="checkbox"/> Fresh food service and/or preparation <input type="checkbox"/> Manufacturing <input type="checkbox"/> Accommodations <input type="checkbox"/> Event center <input type="checkbox"/> Other: _____				Separate Sign Permit required <input type="checkbox"/> Constructing a new sign <input type="checkbox"/> Changing an existing sign <input type="checkbox"/> Door-to-door residential solicitation <input type="checkbox"/> Use of City right-of-way (ie. sidewalk) <input type="checkbox"/> Live entertainment on-site <input type="checkbox"/> Fireworks sales on-site <input type="checkbox"/> Vending machines on-site <input type="checkbox"/> On-site secondary businesses <input type="checkbox"/> On-site events (ie. community party, parking lot/sidewalk sales) <input type="checkbox"/> Hazardous materials use and storage <input type="checkbox"/> Used merchandise transactions <input type="checkbox"/> Changes to existing garbage service <input type="checkbox"/> Electrical, plumbing, structural, or mechanical changes to the site	
Previous use of location: _____					

**This is a two-page application.

SECTION III: Business Description - Specific (Outline the use of the business location, storage of materials, etc.)

Location is Trevor Butters grandparents home address (both deceased)

SECTION IV: Ownership & Contacts (Please Note: Every application must have at least one Application Contact and one Emergency Contact)Contact Name: Trevor Butters

Contact Role(s): (mark all that apply)

☒ Application Contact☒ Ownership☐ Agent☐ Local Manager☐ After-Hours Emergency Contact☐ Licensing Rep /ie. Accounting☐ Other Officer or EmployeeHome Address: 15950 N 5200 W

Street Address (include unit #) / PO Box

Riverside UT 84334

City, State, Zip

Contact Ph 1: 435-760-5562

Contact Ph 2: _____

Date of Birth: 02-02-84and, Driver Lic. #: 165455805(State: UT or, Passport #: _____)Contact Name: Shaina Butters

Contact Role(s): (mark all that apply)

☐ Application Contact☐ Ownership☐ Agent☐ Local Manager☒ After-Hours Emergency Contact☐ Licensing Rep /ie. Accounting☐ Other Officer or EmployeeHome Address: 15950 N 5200 W

Street Address (include unit #) / PO Box

Riverside UT 84334

City, State, Zip

Contact Ph 1: 435-881-6260

Contact Ph 2: _____

Date of Birth: 08-16-85

and, Driver Lic. #: _____

(State: _____) or, Passport #: _____

☐ See attached page(s) for additional contacts**SECTION V: Amendment**

Previous Business Name: _____

☐ Not applicable

Previous Business Location: _____

☐ Not applicable**SECTION VI: Notifications and Verification of Authority**

1) **Mandatory review process** - This application does not constitute a business license. All applications are subject to the review process mandated by Title 5 of the Municipal Code. Incomplete applications will not be processed. Decisions on applications will take 15 business days (minimum), and are made based on:

- (i) the information provided on the application materials, and
- (ii) reviews inspections performed, as required.

2) **Additional Requirements** - Under the Municipal Code, additional Business License application requirements are necessitated for some business types.

3) **Denial of License** - Application denial or subsequent license suspension or revocation are most often the result of:

- (i) an inaccurate or incomplete application, or failure to update information with the division, and/or
- (ii) non-compliance with the Municipal Code, Land Development Code, and/or applicable building, fire, and environmental codes.

4) **Other regulatory bodies** - It is the applicant's responsibility to determine and comply with any requirements from other regulatory agencies.

5) **Signage** - Permanent signage requires a separate Sign Permit application, which is administered by the Division of Planning and Zoning (435-716-9036).

6) **Building alterations** - All alterations to buildings or spaces, including electrical, plumbing, and mechanical alterations, require a separate building permit and compliance inspection as established by Logan Municipal Code. Building permits are administered by the Division of Building and Safety (435-716-9030).

7) **Officer background checks** - The application process includes a Logan Police local background check for each business principal or officer.

I affirm that: (i) I am an authorized agent of the business for which application is being made, and (ii) the information on this form and on all application materials is both complete and accurate to the best of my knowledge.

T. V. Butters

Signature

Printed Name

12-29-16

Date

**Application Fees:	Commercial	Alcohol Consent	Minor	Amendments / Transfer	Change to a like category	Change to a lower category	Change to a higher category
	Level 1 - less than 10,000 sqft. - \$150 Level 2 - 10,000 sqft or more - \$250	(includes Bus. License) \$300	Home Occupations, Commercial Secondary, Independent Contractors \$75		C-1 to C-1 C-2 to C-2 M-1 to M-1 \$20	C-2 to C-1 C-2 to M-1 C-1 to M-1 \$20	C-1 to C-2 - \$120* M-1 to C-1 - \$95* M-1 to C-2 - \$195*

****PAYMENT OF FEES WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON BUSINESS DAYS.**

State of Utah
Department of Commerce
Division of Corporations and Commercial Code
I hereby certify that the foregoing has been filed
and approved on this 22 day of July 2016
in accordance with the provisions of the Utah
Limited Liability Company Act.
This Certificate is valid.

AMENDMENT

Date: 07/22/2016
Receipt Number: 6504263
Amount Paid: \$37.00

5795382-0160

JUL 22 10:01:52

Filed to 2 Date 8-5-16 **FIRST AMENDED AND RESTATED
CERTIFICATE OF ORGANIZATION**



Kathy Berg
Kathy Berg
Division Director

OF

RECEIVED

JUL 22 2016

WAYNE SKABELUND & SONS ROOFING, LLC

Utah Div. of Corp. & Comm. Code

(A Utah Limited Liability Company)

The undersigned natural persons acting as the Managers of this Utah Limited Liability Company (hereinafter "Company") under the Utah Limited Liability Company Act, adopt the following Amended and Restated Certificate of Organization for such Company, and completely and in its entirety amends, supersedes, and replaces the Articles of Organization dated the 1st of January 1978.

ARTICLE I.

1.01. The name of the Company is WAYNE SKABELUND & SONS ROOFING, LLC.

ARTICLE II.

2.01. The period of this Company's duration is ninety-nine (99) years, beginning on the date of filing this First Amended and Restated Certificate of Organization.

ARTICLE III.

PURPOSES

3.01. The purposes for which the Company is organized are to conduct any and all lawful businesses for which Limited Liability Companies may be organized under the Utah Limited Liability Company Act, including but not limited to:

- (a) To offer roofing services, construction and repair.
- (b) To enter into any lawful arrangement for sharing profits, union of interest, reciprocal association or cooperative association with any corporation, partnership, limited liability company, individual, or other legal entity for the carrying on of any business, or to enter into any general or limited partnership for the carrying on of any business;

(c) To engage in such other business operations and investments as are deemed prudent by the Member of the Company;

(d) To conduct business anywhere in the world; and

(e) To otherwise serve the convenience of the Member of the Company in carrying out and engaging in the above described purposes of the Company.

In pursuit of these purposes, the Company will have all the powers granted to it by law.

ARTICLE IV.

DESIGNATED OFFICE AND REGISTERED AGENT

4.01. The name of the Company's new registered agent and the street address of the Company's designated office are as follows:

TREVOR V. BUTTARS
15950 North 5200 West
Riverside, Utah 84334

ARTICLE V.

MANAGEMENT

5.01. Managers. The business and affairs of the Company shall be managed by its Managers. As of the date of this document the Managers of the Company are:

TREVOR V. BUTTARS
15950 North 5200 West
Riverside, Utah 84334

SHAINA LYN BUTTARS
15950 North 5200 West
Riverside, Utah 84334

ARTICLE VI.

LIABILITY OF MEMBERS

6.01. The Members of the Company shall not be liable for any of the debts or obligations of the Company.

ARTICLE VII.

AMENDMENT

7.01. This Certificate of Organization may be amended by the affirmative vote of the Member(s) holding a majority of the distributive shares of the Company, at a meeting of the Member(s) called for that purpose upon giving of not more than thirty (30) days nor less than seven (7) days notice to all such Member(s) of record; provided, however, that such a meeting may be called without notice when notice is waived in writing by all Member(s) of the Company.


This First Amended and Restated Certificate of Organization was unanimously approved by the Members holding one hundred percent (100%) of the Members' interests in the Company by unanimous consent as of and to be effective the 1st day of July, 2016.

Members have pledged their Membership Interest and the Company has pledged all of its Assets to JAMES W. SKABELUND and VERNON SKABELUND, 1164 Mountain Road, Logan, Utah 84321, and no amendments to this Certificate may be made without the written consent of JAMES W. SKABELUND and VERNON SKABELUND.

IN WITNESS WHEREOF, the Members have hereunto set their hands this 1st day of July, 2016.

MANAGERS:


TREVOR V. BUTTARS, Manager


SHAINA LYN BUTTARS, Manager

February 6, 2017

Trevor Butters
Shaina Butters
15950 North 5200 West
Riverside, Utah 84334

RE: Business License amendment application (OL17-16733) for Wayne Skabelund and Sons Roofing, 465 East 100 North, Logan UT; TIN: 06-082-0010

Mr. Butters and Ms. Butters:

A Business License application amendment was submitted December 29, 2016, for Wayne Skabelund and Sons Roofing, OL 16-01524. This business has previously been licensed in Logan City as a home occupation at 465 East 100 North. Per the application and our conversation, you are not residents of 465 East 100 North, Logan. The Land Development Code §17.43.020 states that: "The home occupation shall be owned and operated by a person who resides in the dwelling where the home occupation is located." As the application for the new business license (OL 17-16733) does meet the requirements for a home occupation, it is denied based on the finding that owner and operator of the business does not reside at the dwelling where the home occupation is located. Business operation cannot continue at this location. Your check was not processed and is included as a return.

If you are not satisfied with the above decision, please contact James Geier regarding the appeal process. You have fifteen (15) days from the date of this letter (action date) to file an appeal. James Geier is the Neighborhood Improvement Manager and oversees business license administration. He can be reached by phone at 435-716-9027, email at james.geier@loganutah.org, or at Logan City Hall. Please contact the Community Development Department at (435)716-9036 with any questions regarding this request or about zoning and where this type of business may be located in Logan City.

Sincerely,



Amber Pollan, AICP
Senior Planner, Community Development Department

Attachment:
Check #220
Logan City Municipal Code Section 5.02.160

CC:
Stacy Christoffersen, Business License Clerk
James Geier, Neighborhood Improvement Manager
Mike DeSimone, Community Development Director
Kymber Housley, City Attorney

FILE COPY



Stacy Christoffersen <stacy.christoffersen@loganutah.org>

Re: Appeal

1 message

James Geier <james.geier@loganutah.org>

Tue, Feb 14, 2017 at 2:05 PM

To: Trevor Butters <wssr34@gmail.com>

Cc: Amber Reeder <amber.pollan@loganutah.org>, Stacy Christoffersen <stacy.christoffersen@loganutah.org>

Your hearing appeal regarding Wayne Skabelund & Sons Roofing, business license application OL #17-16733, was received this date, February 14, 2017.

We will notify you when the hearing is scheduled. Thank you.

On Tue, Feb 14, 2017 at 1:56 PM, Trevor Butters <wssr34@gmail.com> wrote:

To whom it may concern: This is a request appeal for the business license of Wayne Skabelund & Sons Roofing LLC. Located at 465 E 100 N in Logan. The letter we received has a date of February 6th, 2016 with identification number of OL17-16733. There are many reasons for this appeal. First one being this has been a family operating business back as far as 1934 and should be grandfathered in to stay. When we purchased this business in JULY 2016 it was understood it would stay at this location. All this location is used for is to store some material, equipment a few trucks and a tar kettle. Where we roof people's houses our customers do not come to this location for business. This application was denied because we don't live at the property. Prior to us owning this business our uncle's owned this business ran it there and didn't reside there. As of now this house is vacant no one lives there.

Sincerely,

Trevor and Shaina Butters

P.O. Box 223 Riverside, Ut 84334

(435)881-6260

Sent from my iPad

James Geier

Neighborhood Improvement Manager

Community Development Department

City of Logan

435-716-9027