

**SOUTH JORDAN CITY  
PLANNING COMMISSION STAFF REPORT**

**Meeting Date: 12/12/2023**

---

**Issue:                   CONDITIONAL USE PERMIT FOR DETACHED ACCESSORY GARAGE**

**File No.:**                   **PLCUP202300195**  
**Property Address:**   9792 S Temple Dr, South Jordan, UT 84095  
**Applicant:**               Ben Child (Property Owner)  
**Submitted By:**         Miguel Aguilera, Planner I

---

**Staff Recommendation (Motion Ready):**

I move that the Planning Commission **approve** the Conditional Use Permit (File No. **PLCUP202300195**), with the condition of having an opaque west attic window, based on the Findings and Conclusions listed in the staff report.

---

**CONDITIONAL USE REVIEW STANDARDS:**

A conditional use shall not be established or commenced without a conditional use permit approved by the Planning Commission or City Council in conformance with the requirements of City Code §17.18.050; and other pertinent laws and ordinances. Unless amended, revoked, or otherwise specified, the permit shall be indefinite and shall run with the land.

The Planning Commission shall approve a conditional use permit application if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed conditional use in accordance with applicable standards. The Planning Commission may deny a conditional use permit application if the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards.

City Code §17.18.050 also provides standards for compliance and revocation:

1. A conditional use may be commenced and operated only upon:
    - a. Compliance with all conditions of an applicable conditional use permit;
    - b. Observance of all requirements of this title relating to maintenance of improvements and conduct of the use or business as approved; and
    - c. Compliance with all applicable local, State, and Federal laws.
  2. A conditional use permit may be revoked by the City Council at any time due to the permittee's failure to commence or operate the conditional use in accordance with the requirements of subsection 11 of this section.
-

## **BACKGROUND:**

The applicant is requesting that the Planning Commission review and approve a conditional use permit (CUP) for a detached accessory garage located at 9792 S Temple Dr. The subject property is zoned A-5, has an area of 0.43 acres, and is included in the King Benjamins Court 2 subdivision.

The proposal is to construct a detached garage that has a larger footprint and is taller than the existing home. City Code §17.30.020.I.3 allows the Planning Commission to approve this garage design through a CUP. The proposed garage will be 23 feet and 6 inches high with a 1,480 square foot footprint. The existing home on the subject property 18 feet high and a 1,266 square foot footprint. Currently, the property has an existing detached garage with a footprint of 624 square feet, according to county records. The proposed garage will be built adjacent to the existing garage.

Structural elements of the proposed garage include a garage and storage space on the main level, and an attic on the second level. The attic will have two windows, one on the east side and one on the west side of the structure. The attic window on the west will be 10 feet from the rear property line, closer than the 20 foot minimum required setback for windows on second stories of detached structures. City Code §17.30.020.I.3.c also allows the Planning Commission to approve the location of this window through a CUP.

Building coverage is not a concern on this property. Including the proposed detached garage, the total building footprint on this property would be 3,370 square feet. This coverage is 18% of the property and within the allowed coverage for the A-5 Zone. One detrimental effect found is the window on the west side of the attic will be within 20 feet of the rear property line. This would allow a clear view of the neighboring property's rear yard. To mitigate this, the applicant has agreed to make the west attic window opaque. No other detrimental effects were found.

## **FINDINGS, CONCLUSION, & RECOMMENDATION**

### **FINDINGS:**

- The proposed attic window on the left (west) elevation will be approximately 15 feet 9 inches above grade and will be 10 feet from the property line. This setback is less than the required 20 foot distance, unless approved by the Planning Commission as per City Code §17.40.020.I(3c).
- The subject property has a (10') Public Utility Easement located on the south property line. The proposed detached garage will not be encroaching into this easement and will not require Easement Release & Encroachment Letters from the Utility Providers.
- The King Benjamins Court 2 recorded subdivision, of which this property is part of, has large two-story homes next to the subject property. The addition of this detached structure will not impede upon the aesthetic or character of existing structures within the subdivision.

- Without a CUP, the applicant is able to build up to a maximum height of 18 feet and at a footprint maximum of 1,266 square feet to still comply with City Zoning & Development Standards applicable to the subject property.

**Conclusion:**

Based on the application materials and the findings listed in this report, staff concludes that the proposed application is consistent with City Code pertaining and should be approved.

**Recommendation:**

Staff recommends that the Planning Commission take comments at the public hearing, and **approve** the Conditional Use Permit Application (File No. **PLCUP202300195**) with the condition of having an opaque west attic window, based on the findings listed in this report.

**ALTERNATIVES TO RECOMMENDATION:**

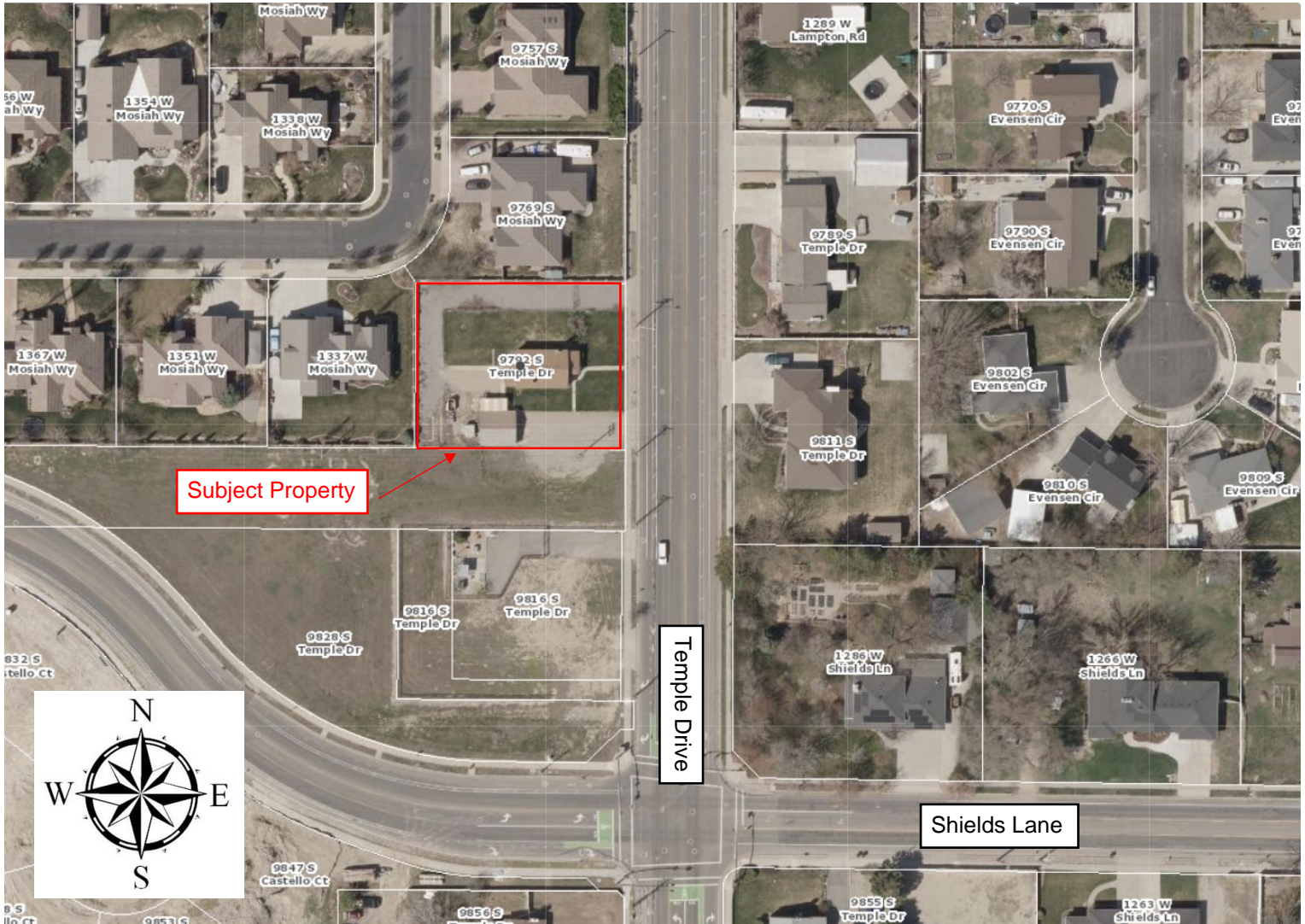
- Approve the Conditional Use Permit with reasonable conditions imposed
- Deny the Conditional Use Permit, if detrimental effects are identified, and cannot be reasonably mitigated via imposition of reasonable conditions
- Require additional examination, and motion to table for a future meeting

**SUPPORT MATERIALS:**

- Location Map
- Current Zoning Map
- Site Plan
- Building Elevation & Layout

\_\_\_\_\_*Miguel Aguilera*\_\_\_\_\_  
Miguel Aguilera, Planner I  
Planning Department

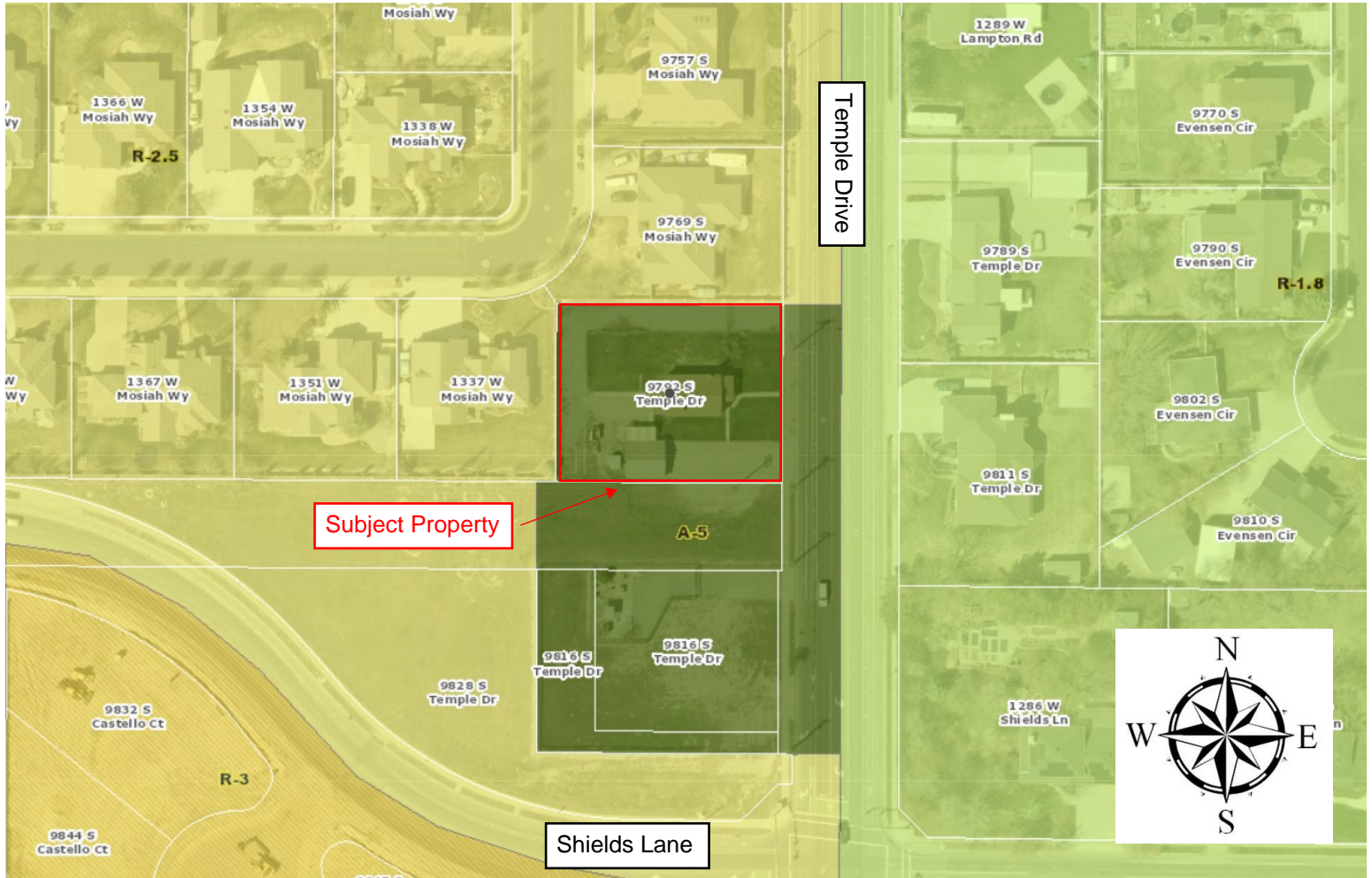
Location Map  
*South Jordan City*  
Detached Garage Conditional Use  
Permit



# Zoning Map

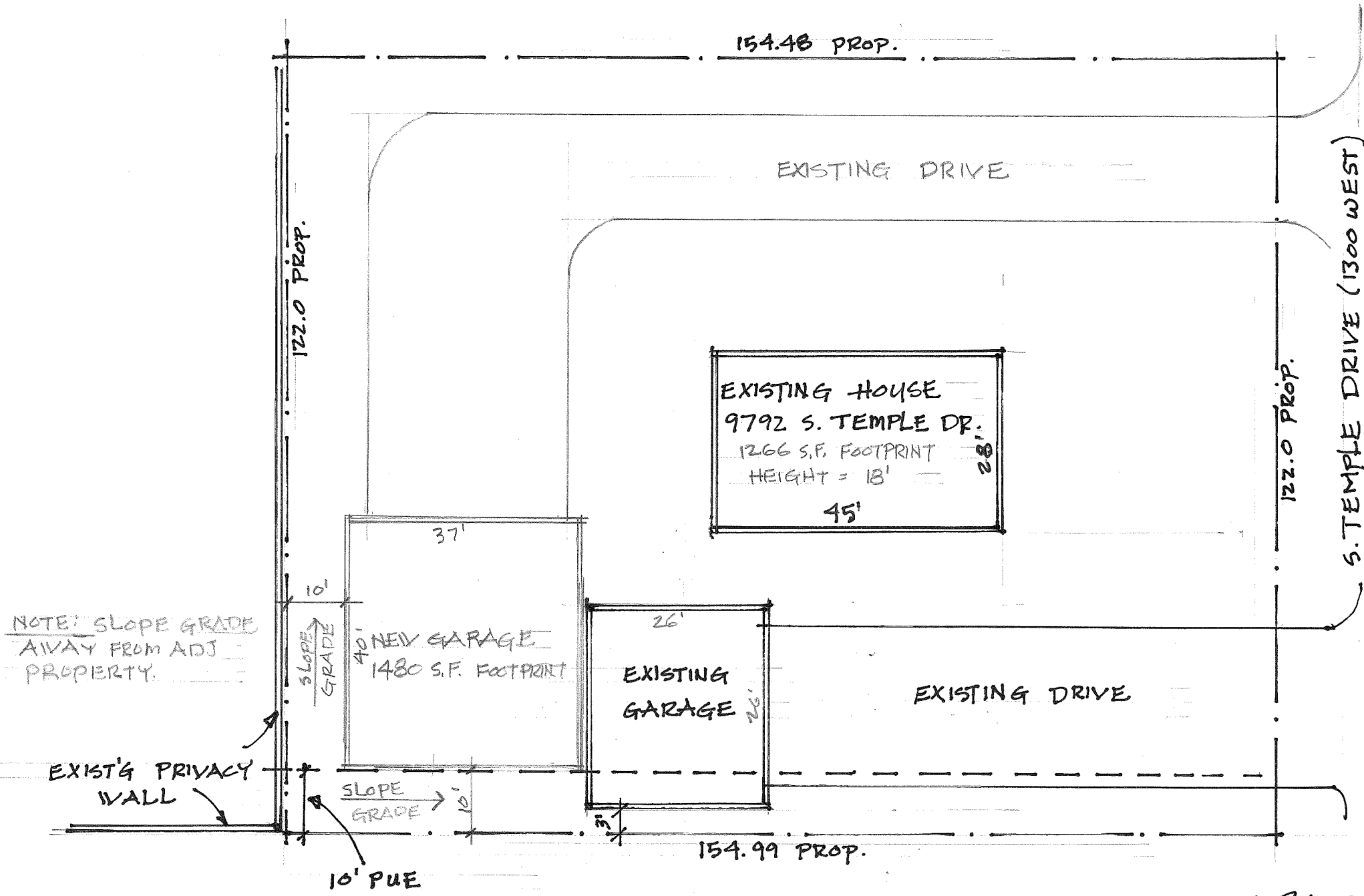
## South Jordan City

### Detached Garage Conditional Use Permit

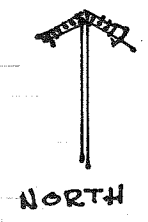


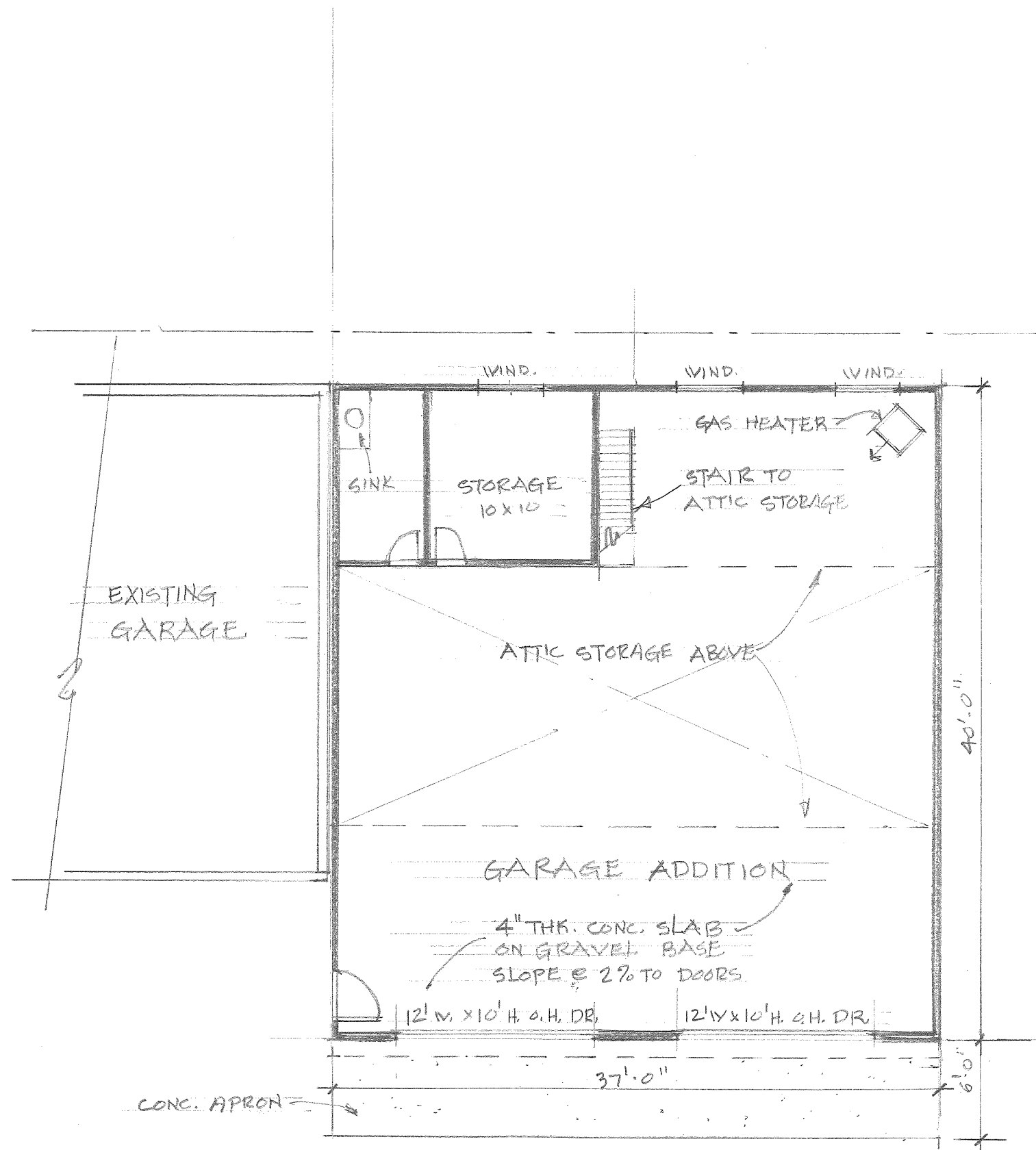
Land Use Map  
South Jordan City  
Detached Garage Conditional Use  
Permit





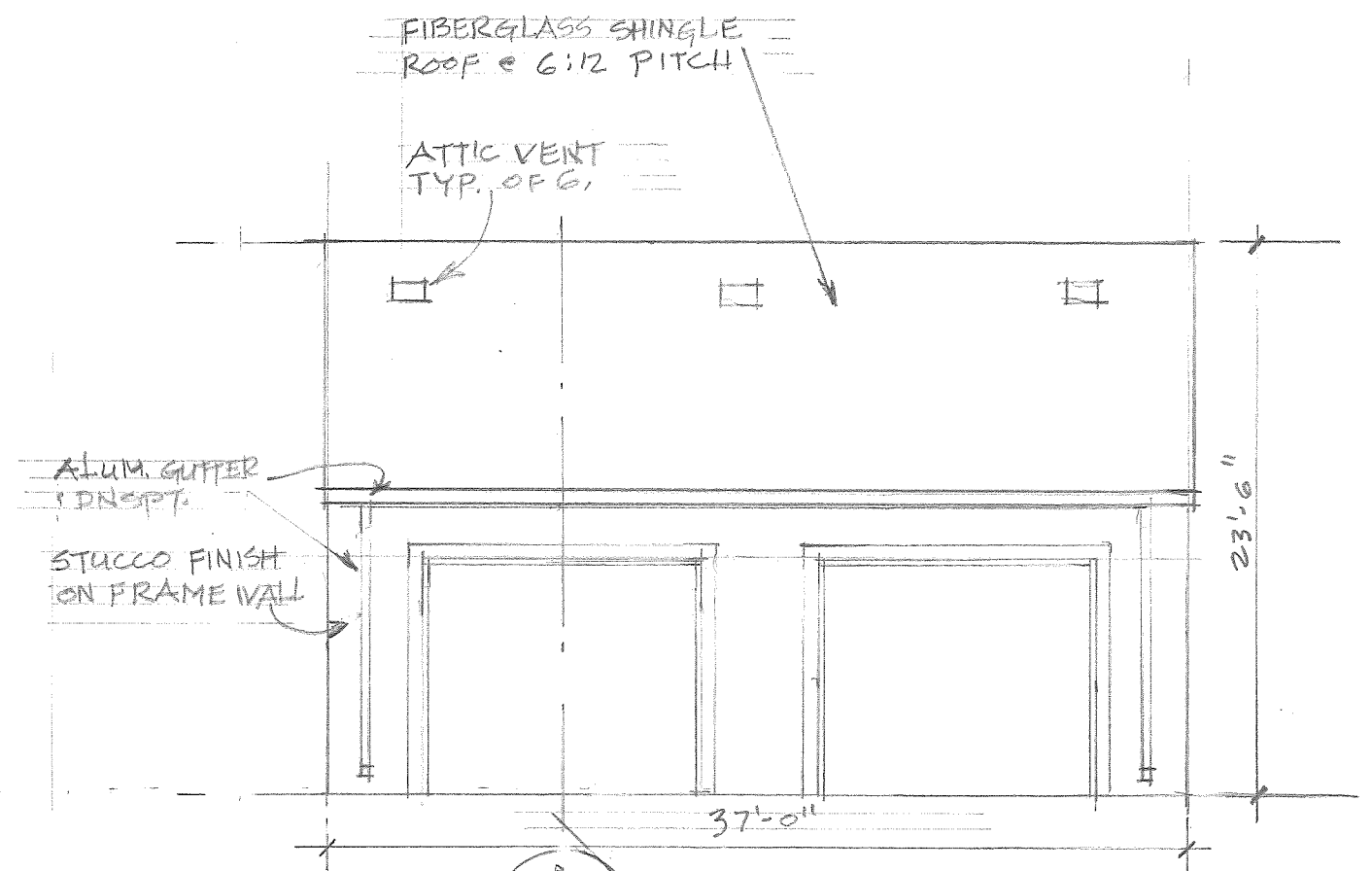
GARAGE ADDITION  
9792 S. TEMPLE DR.  
SO. JORDAN, UT.  
SCALE: 1" = 20'-0"  
REVISED 10.30.23





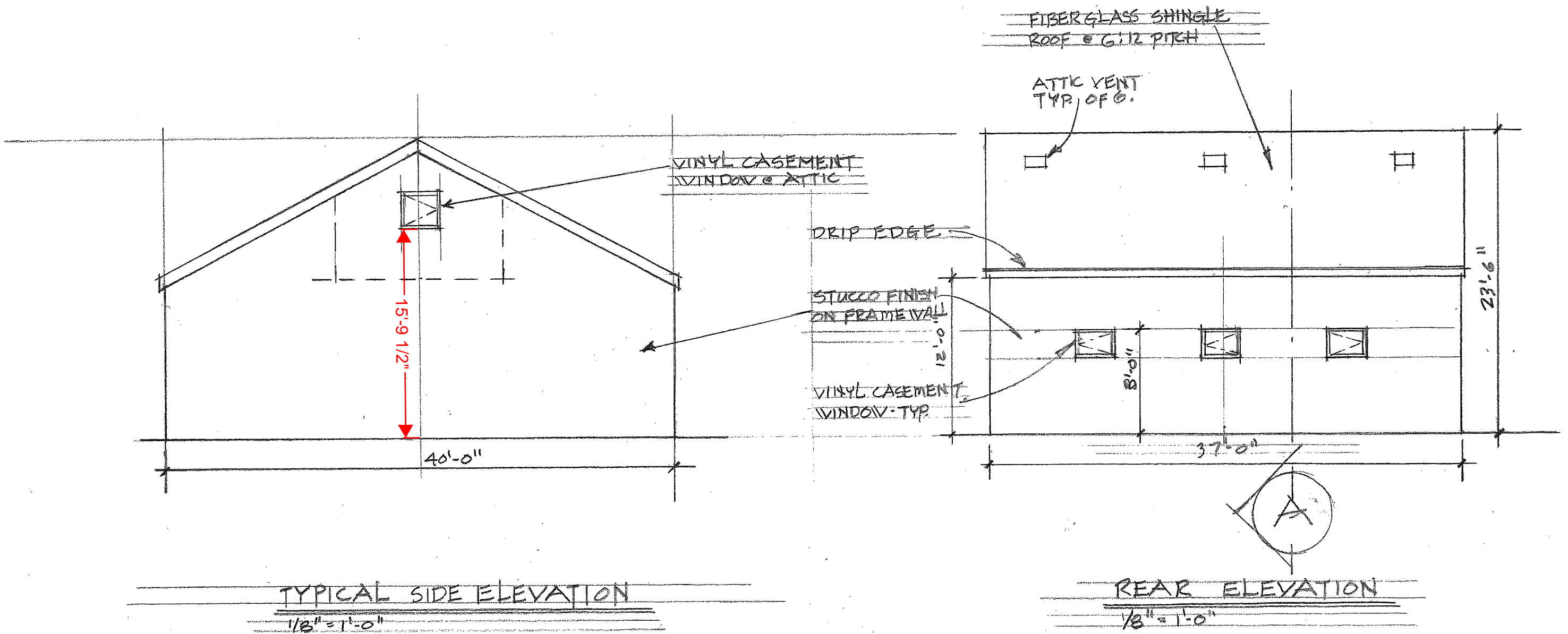
FLOOR PLAN

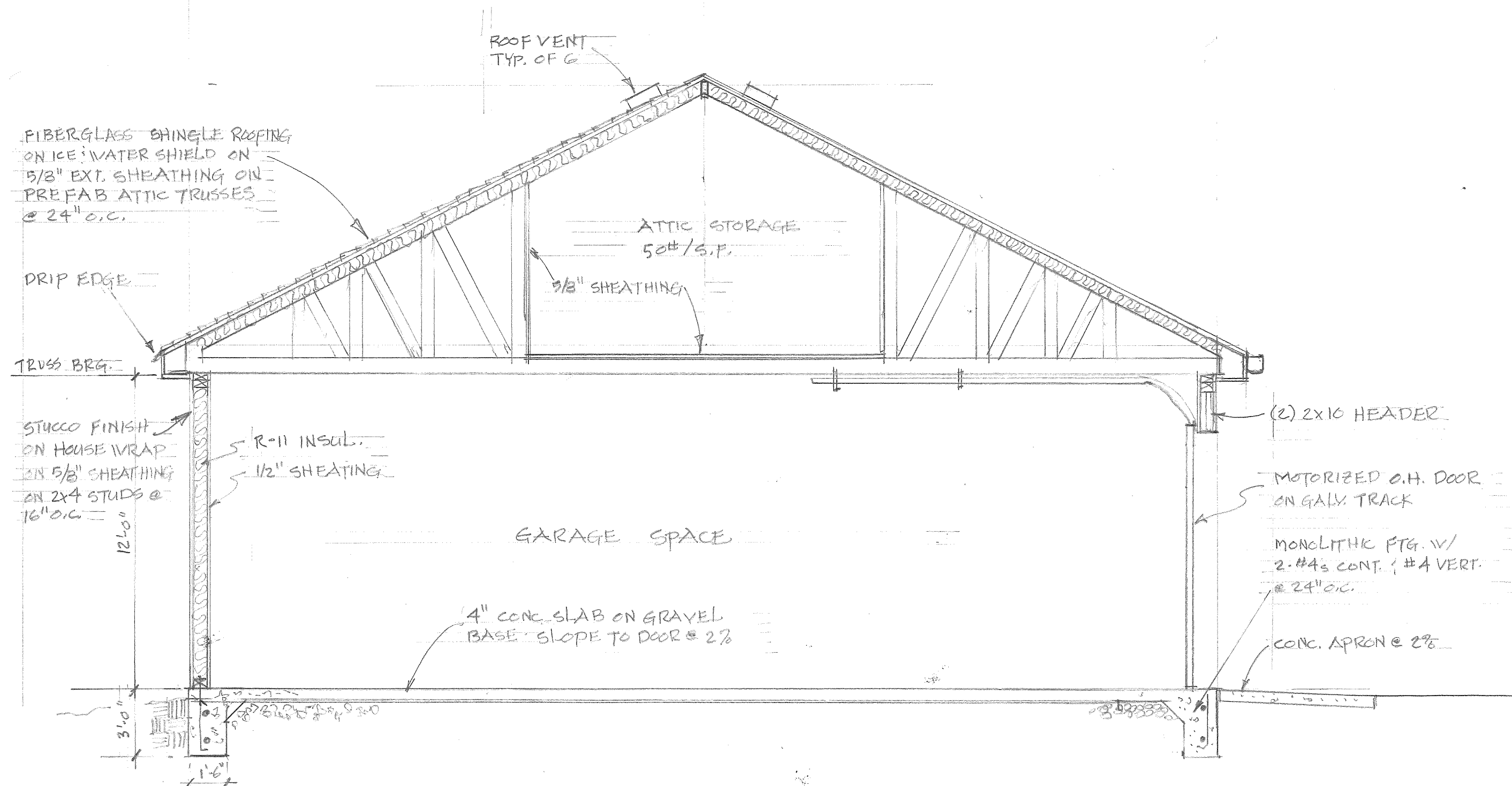
SCALE: 1/8" = 1'-0"



FRONT ELEVATION

SCALE: 1/8" = 1'-0"





TYPICAL CROSS SECTION

SCALE: 1/4" = 1'-0"