

Meeting Date: 12/13/2022

File No.: PLCUP202200207
Property Address: 9495 S. 2200 W.
Applicant: Juan Ramirez; Morton Buildings
Property Owners: Stacy Walther & Gregory Walther
Submitted By: Andrew McDonald, Planner I

ACREAGE: (0.58) Acre
CURRENT ZONING: Residential (R-2.5)
CURRENT/FUTURE LAND USE: Stable Neighborhood (SN)
NEIGHBORING ZONING/LAND USE: North: Single-Family Residential (R-2.5)/ (SN)
East: Single-Family Residential (R-2.5)/ (SN)
West: Single-Family Residential (R-2.5)/ (SN)
South: Single-Family Residential (R-1.8)/ (SN)

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 II of this section.

ACCESSORY BUILDINGS CONDITIONAL USE REVIEW:

Applications for a conditional use permit under City Code §17.40.020.I3(a-c) shall demonstrate that the proposed accessory building is consistent with the character of the surrounding area, which analysis includes, but is not limited to, consideration of nearby structures and uses and applicable declarations of conditions, covenants and restrictions ("CC&Rs").

BACKGROUND:

The applicant, on behalf of the property owner, is requesting that the Planning Commission review and approve a conditional use permit for a detached garage. The proposal is to construct a detached garage in the side yard of the property. The property is not part of a recorded subdivision, and there are no known easements or CC&Rs recorded on the property that would affect this project. The applicant is requesting conditional use approval for the architectural standards for accessory buildings in the R-2.5 Zone.

ANALYSIS, CONCLUSION & RECOMMENDATION:

Analysis:

- The existing home was constructed in 1973, according to County records, and is approximately 15-feet tall and 1,346 ft². Because the garage will be slightly taller than the home at just over 19-feet at the highest peak, and slightly larger in size at 1,680 ft² (30'x56'), the Planning Commission must review the garage as a CUP (*See* City Code §17.30.020.I3).
- Access to the property is off 9495 South. The garage doors are oriented towards 9495 south and towards the interior of the property.
- The plans for the garage do not show habitable space, but there is shown electrical and HVAC connections typically associated with detached garages.
- The proposed construction material is wood with metal panels.
- The garage is intended to have an open, unfinished floor plan and an unfinished mezzanine/loft space in the rafters.

- There is one fixed window proposed in the east elevation that faces east towards an existing accessory structure and the adjacent Cannon Park Lane.
- In the front yard of the home, there is an open irrigation and drainage ditch that transitions to a piped line at the side yard line. The ditch is not actively used but there is a 20-foot easement. Public Works required the property owners to obtain a letter from the Utah & Salt Lake Canal Company to document the use and operations of the canal, which is included in the supporting materials.
- The side yard placement of this building requires that the minimum setbacks be equal to those applicable to the main home. These are ten feet to the south and 25-feet to the east. Normally, a subdivision plat would establish a 15-foot ROW, in favor of the City, to preserve adequate access to storm drain lines and irrigation ditches. Since this property is not part of a recorded subdivision, no easements or ROWs have been established that staff can find record of. After visiting the property, Public Works is confident that ten feet will provide adequate access to the storm drain line if needed.

Conclusion:

Staff concludes that approval of the proposed detached garage would be consistent with the development standards permitted by right in City Code §17.40.020 for the R-2.5 Zone. After reviewing the application materials and conducting an analysis, staff determines that the proposed application would not create any detrimental effects that would warrant the imposition of conditions of approval, as outlined in the conditional use review standards.

Recommendation:

Staff recommends that the Planning Commission take comments at the public hearing, and **approve** the conditional use permit application (File No. PLCUP202200207) without conditions.

ALTERNATIVES TO RECOMMENDATION:

- Approve the conditional use permit with reasonable conditions imposed to mitigate detrimental effects
- 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

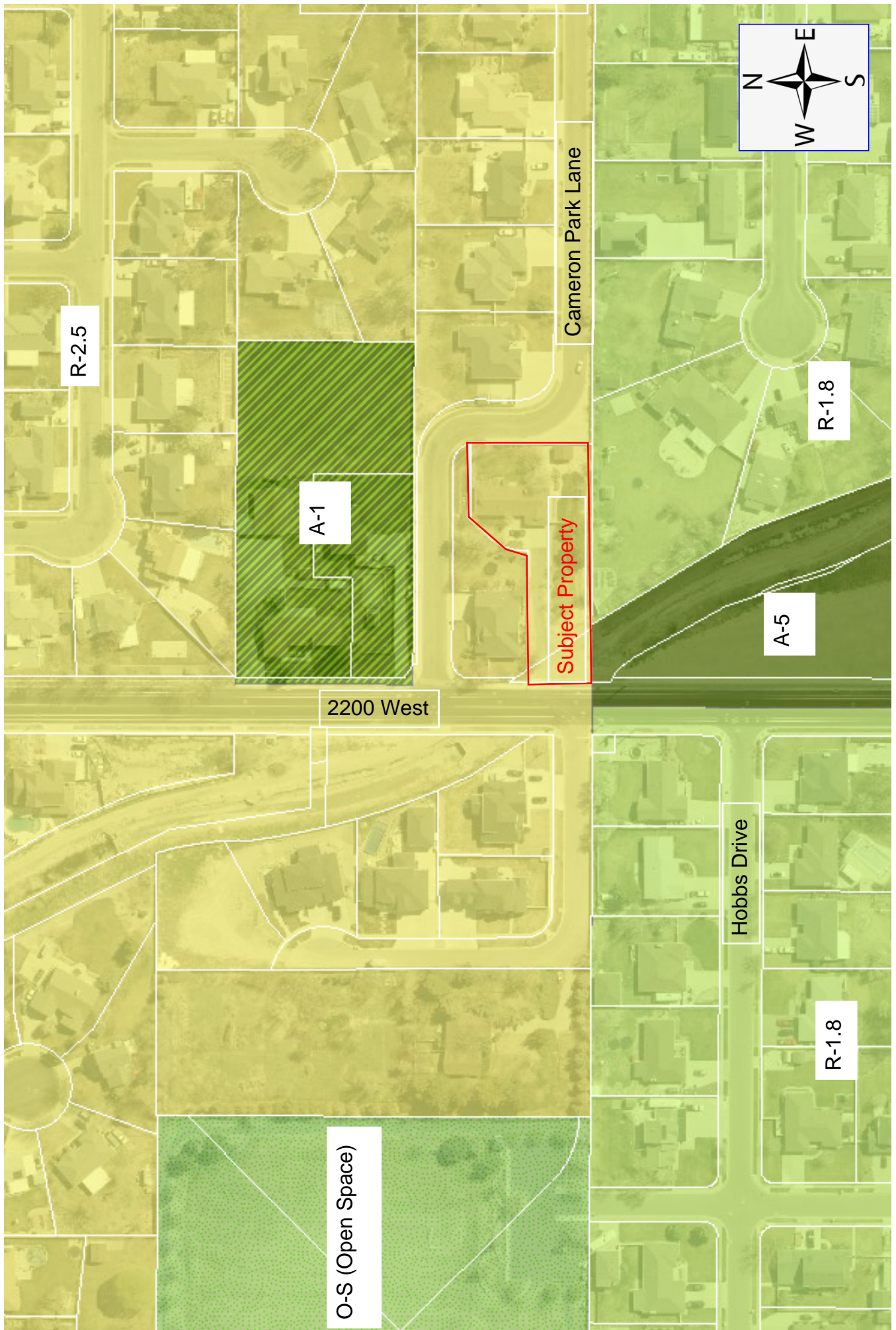
SUPPORT MATERIALS:

- Location & Zoning Map
- Site Plan
- Building Elevations & Renditions
- Floor/Column Plan
- Utah & Salt Lake Canal Company Letter

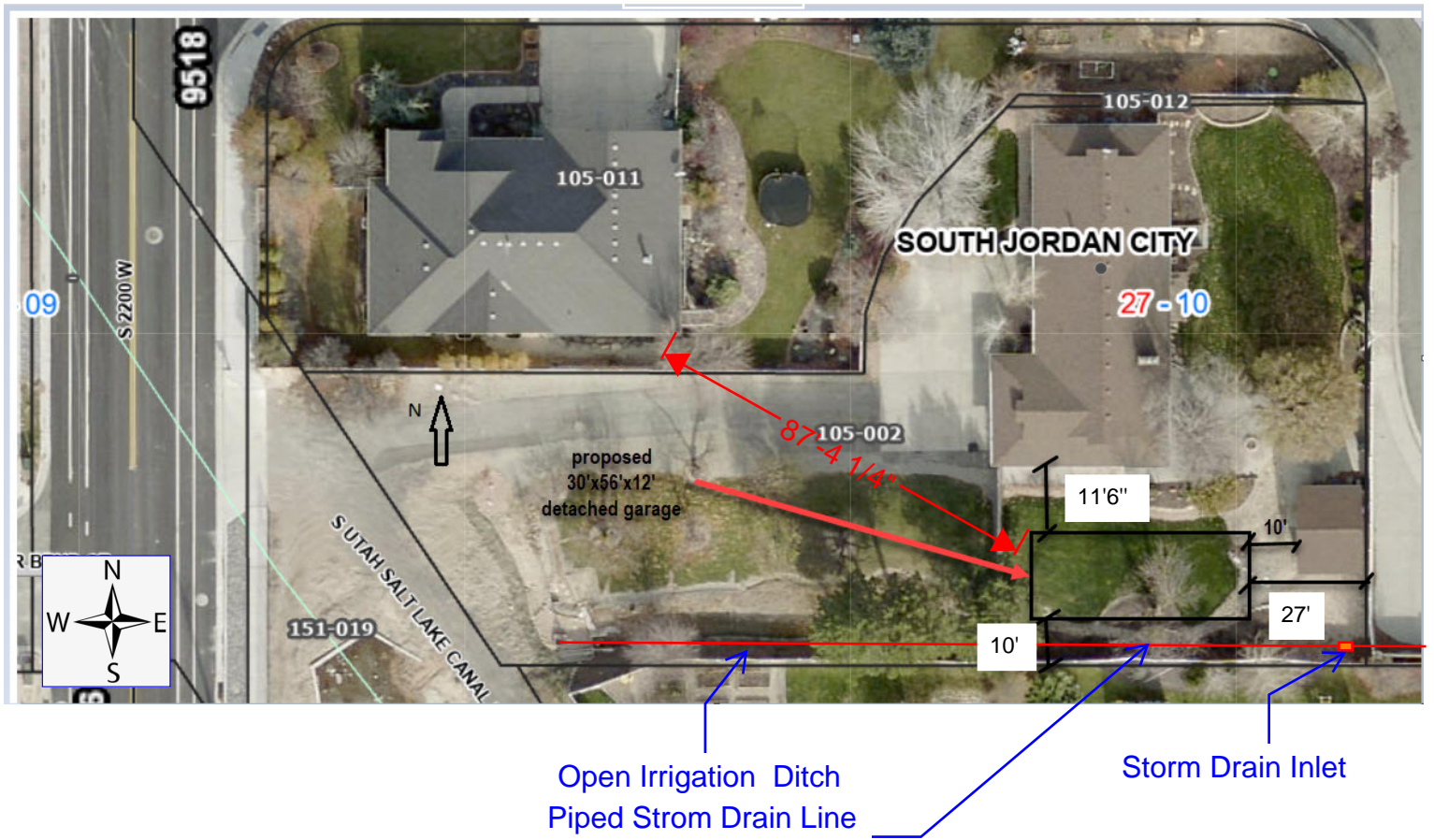
Andrew McDonald

ANDREW MCDONALD, PLANNER I
PLANNING & ZONING DEPARTMENT
CITY OF SOUTH JORDAN

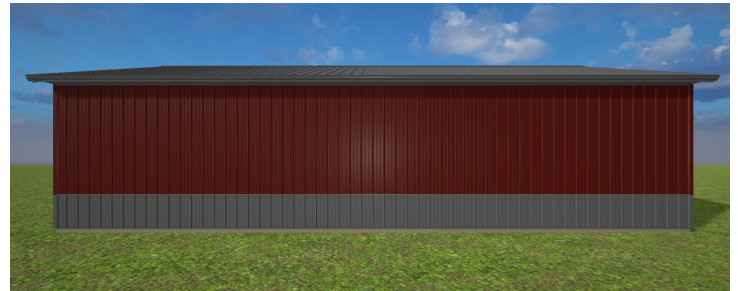
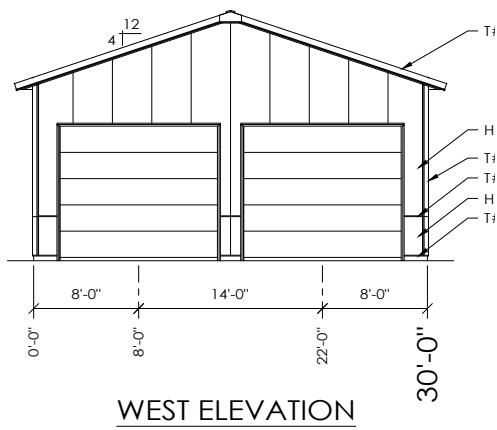
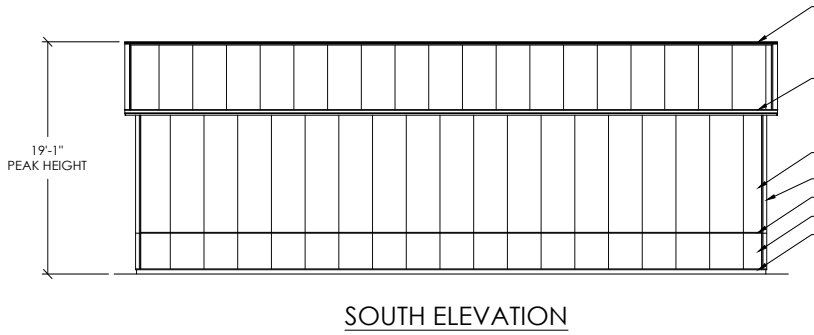
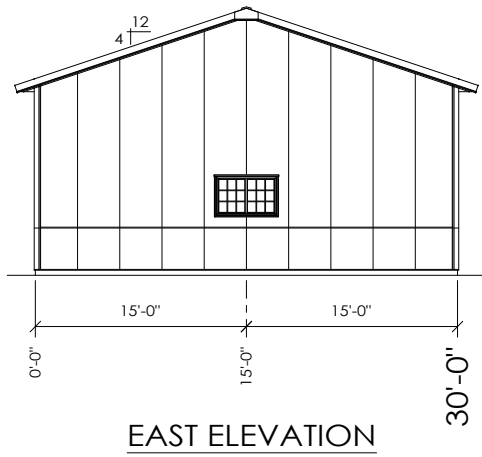
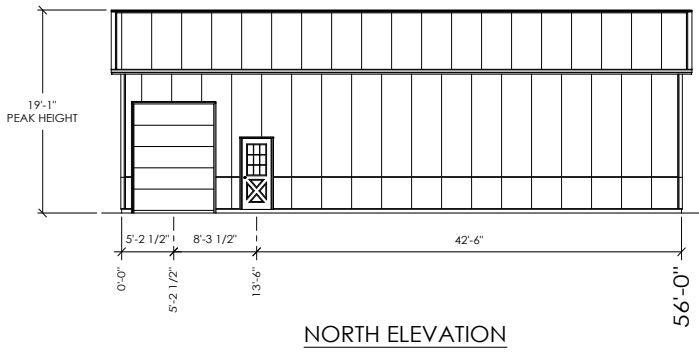
Location & Zoning Map



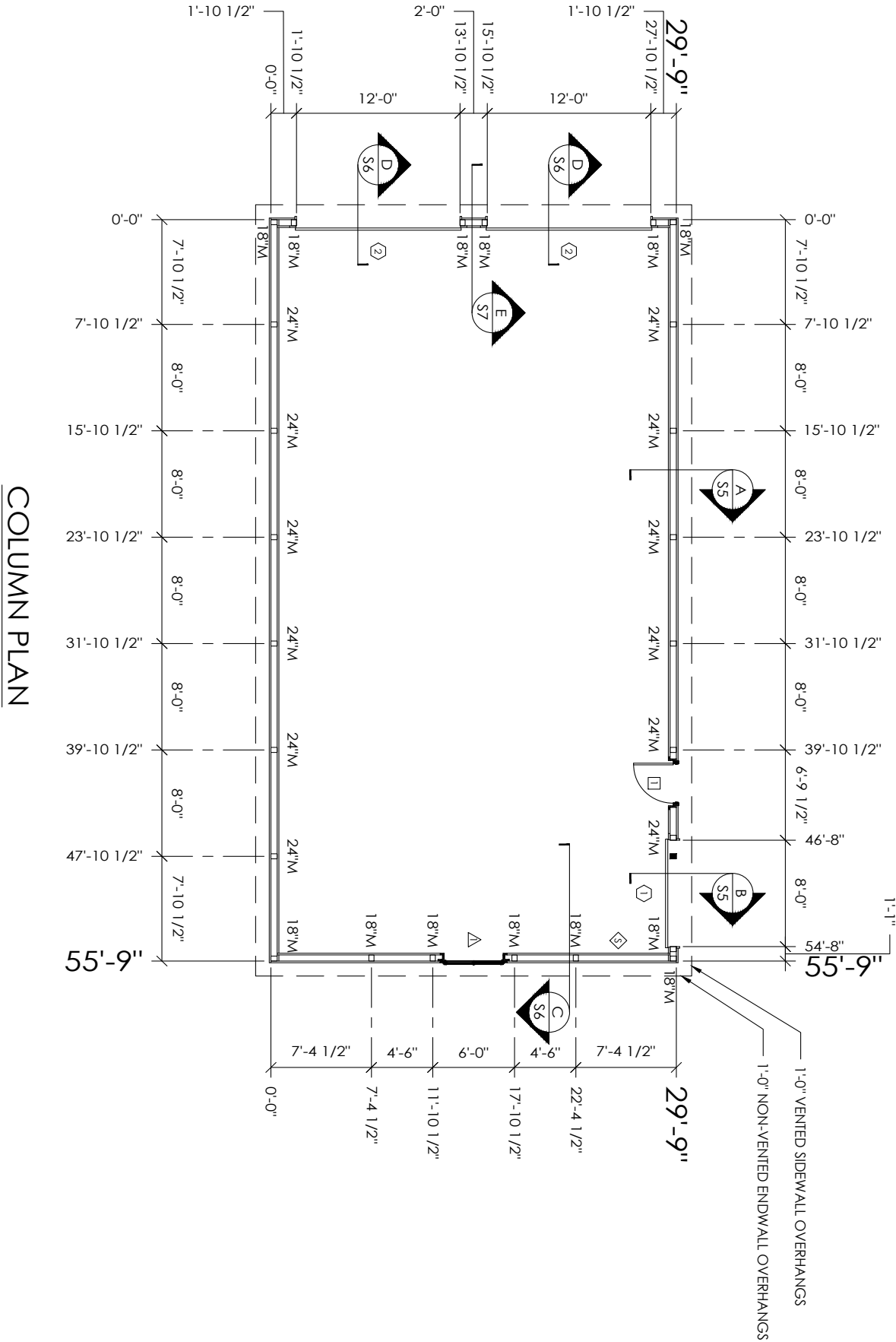
Site Plan



Building Elevations & Renderings



Open Space Floor Plan



1542 W Homecoming Ave
South Jordan, UT 84095
801-550-3795

March 29, 2022

Gary & Stacy Walther
9495 South 2200 West
South Jordan, UT 84095

RE: Canal Right of Away

Dear Gary & Stacy,

This letter is to confirm our conversation of March 23 concerning the location of a building you intend to build on your property. You were concerned about interference with the canal.

The building will be 30 ft X 50 ft and will be located in your back yard (orchard). Water is supplied from wier number 20A. The Canal Company easement in your area is 20 ft from the road side canal crest. You will be clear of the easement.

You should be aware that the underground pipe going east along your South fence could at some time in the future need repair work and it would be good if you haven't located the building over the pipe.

I would remind you that the Canal Company is not responsible for any work beyond the head gate where water is supplied.

THANK YOU FOR CHECKING WITH US. PLEASE CALL IF YOU HAVE ANY QUESTIONS.

Sincerely,

Don Carlson



CC:: Nelson Petersen
3292 Star Fire Rd.
South Jordan, UT 84095

Kawley Thacker
10996 South Redwood Rode
South Jordan, UT 84095