

# SOUTH JORDAN CITY PLANNING COMMISSION REPORT

Meeting Date: 4/12/22

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**Issue:** CURTIS DETACHED GARAGE  
CONDITIONAL USE PERMIT

**Address:** 10475 South 3010 West

**File No.:** PLCUP202200042

**Applicant:** Jeffrey Curtis

**Submitted By:** David Mann, Planner II

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**Staff Recommendation (Motion Ready):**

**Approve** file no. PLCUP202200042 for a detached garage, located at 10475 South 3010 West.

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**ACREAGE:** 0.44 acres

**CURRENT ZONE:** R-1.8 (Residential)

**CURRENT USE:** Single Family Residential

**FUTURE LAND USE PLAN:** Stable Neighborhood

**NEIGHBORING**

**LU DESIGNATIONS/**

**(ZONING)/USES**

North	- Stable Neighborhood, (R-1.8) / Single Family Residential
South	- Stable Neighborhood, (R-1.8) / Single Family Residential
East	- Stable Neighborhood, (R-1.8) / Single Family Residential
West	- Stable Neighborhood, (R-1.8) / Single Family Residential

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**CONDITIONAL USE REVIEW:**

A use is conditional because it may have unique characteristics that detrimentally affect the zone and therefore are not compatible with other uses in the zone, but could be compatible if certain conditions are required that mitigate the detrimental effect.

To impose a condition, the detrimental effect must be identified and be based on substantial evidence, not simply a suspicion or unfounded concern. Any condition must be the least restrictive method to mitigate the detrimental effect. Further, under City Code Section 17.18.050.I:

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 I.1 of this section.
- 3. No conditional use permit shall be revoked until after a public hearing is held before the city council. The permittee shall be notified in writing of such hearing. The notification shall state the grounds for complaint, or reasons for revocation, and the time and location of the hearing. At the hearing, the permittee shall be given an opportunity to be heard and may call witnesses and present evidence on his or her behalf. Upon conclusion of the hearing, the city council shall determine whether or not the permit should be revoked.

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#### **BACKGROUND & ANALYSIS:**

The Applicant is seeking approval for a Conditional Use Permit to construct a detached garage on lot 34 of the Wheadon Acres subdivision that does not meet the standard requirements. According to Section 17.30.020.I.3 of the South Jordan Municipal Code, accessory structures in the R-1.8 zone shall not be taller or have footprints that exceed 100% of the footprint of the main house, unless it is approved by the Planning Commission. The standard of approval is as follows:

Applications for a conditional use permit under subsections I3a, I3b and I3c of this section 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").

(Municipal Code § 17.30.020.I.3.e.)

The house has a footprint area of approximately 1650 square feet and is 14 feet tall. The proposed detached garage is shown with a footprint of 42 feet x 42 feet (1764 sq. ft.) and is 21 feet tall. The site plan shows the proposed garage 10 feet away from the rear property line and 8 feet away from the side property line. The back yard of the subject property is adjacent to the back yards of his neighbors, who also have large detached structures in their back yards, and has sufficient room to construct a large detached garage. Visibility from a public right-of-way will be limited due to the 60 foot setback from 3010 West and existing trees that line the street side property line. The structure should also improve the general appearance of the property because it will house various vehicles and trailers that are currently stored openly in the Applicant's back yard.

## **STAFF FINDINGS, CONCLUSIONS & RECOMMENDATIONS:**

### **Findings:**

- Staff reviewed the application for potential detrimental effects and did not discover that the proposed building would create any, as defined by state law and the City Code.

### **Conclusion:**

Based on the application materials and the findings listed above, the proposal is consistent with the City's General Plan and with the purposes and objectives of the pertinent sections of the City's Planning and Land Use Code.

### **Recommendation:**

Staff recommends that the Planning Commission take comments at the public hearing and approve the Conditional Use Permit Application File No. PLCUP202200042 for a detached garage proposed at 10475 South 3010 West unless, during the hearing, facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by Staff.

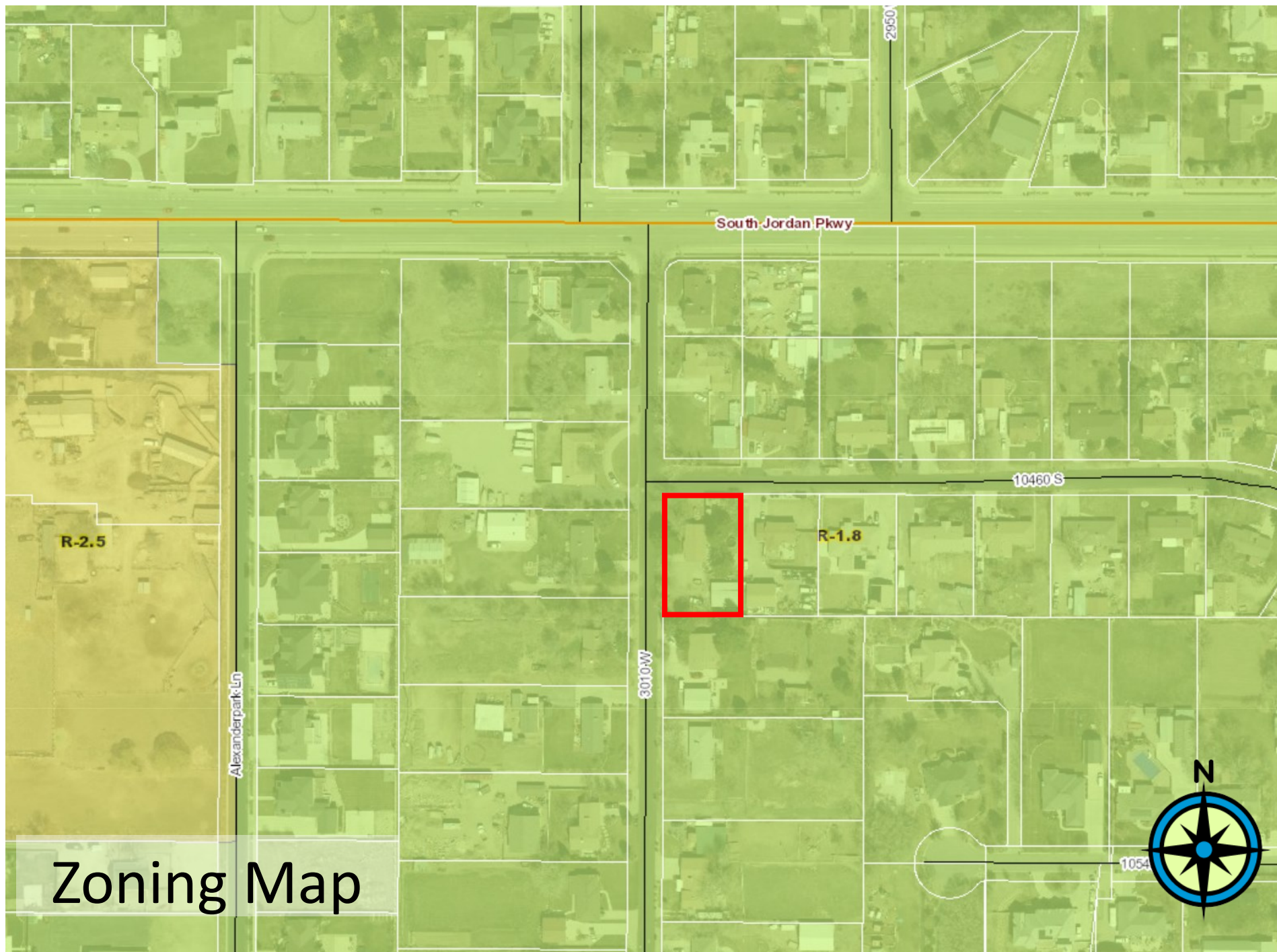
### **ALTERNATIVES:**

- Deny the Conditional Use Permit
- Modify the conditions for approval.
- Schedule the decision for a later date.

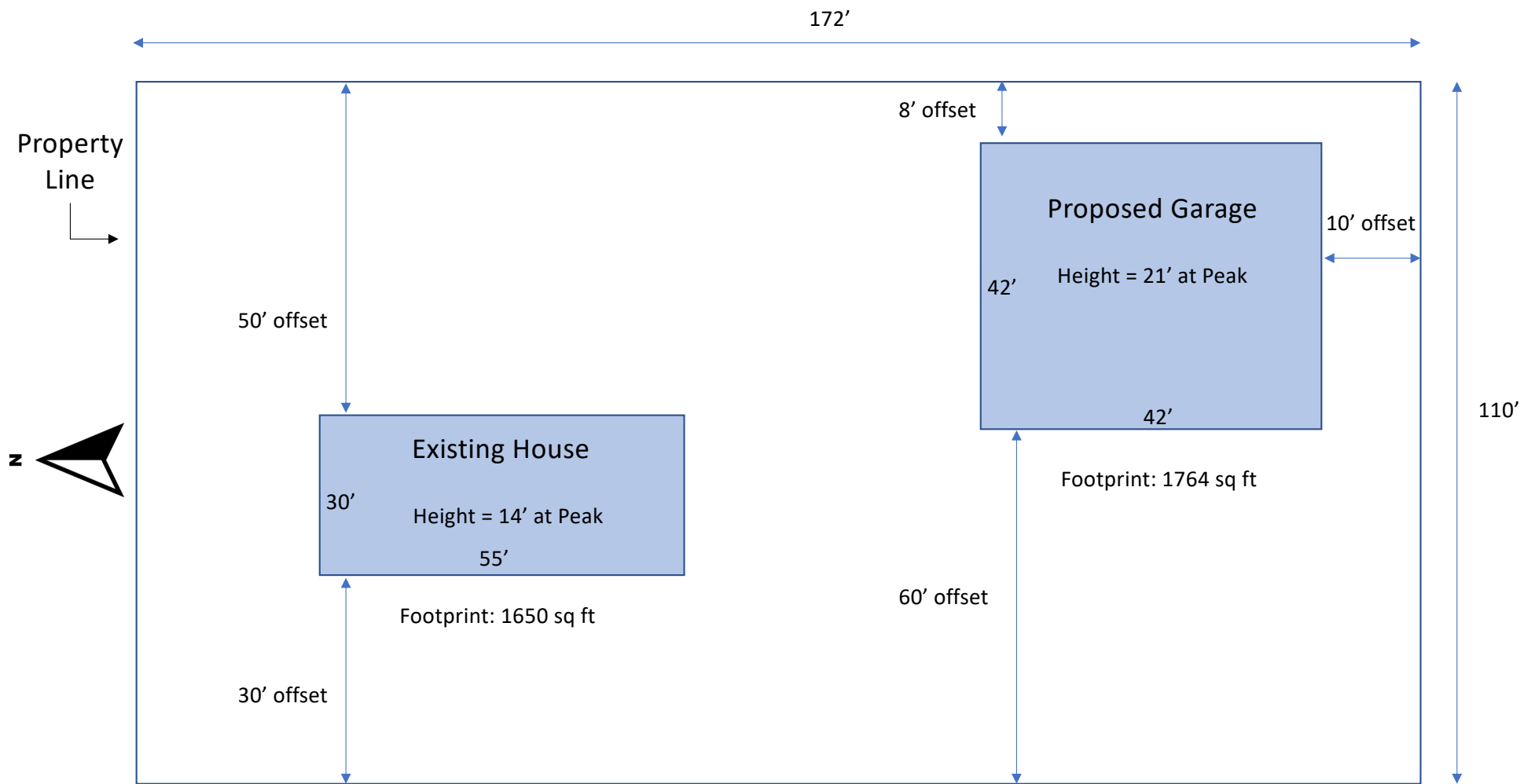
### **SUPPORT MATERIALS:**

- Location Map
- Zoning Map
- Site Plan
- Elevations
- Section 17.40.020.I.3 of the Municipal Code





Zoning Map

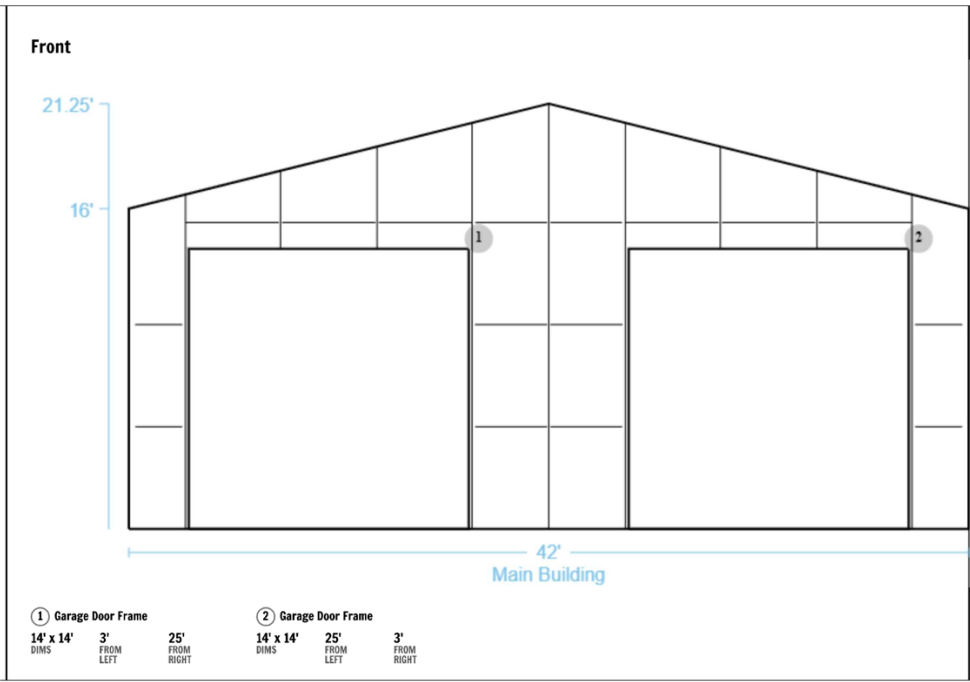
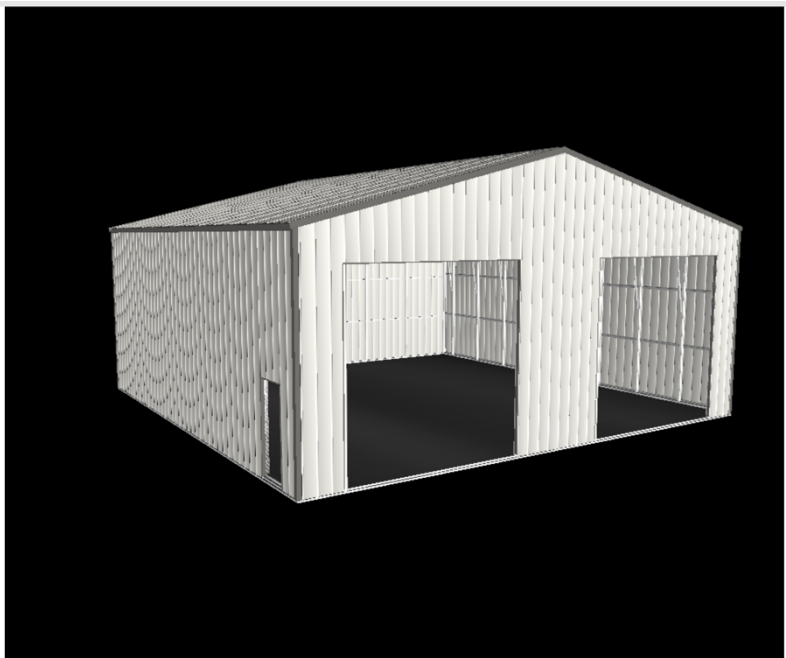


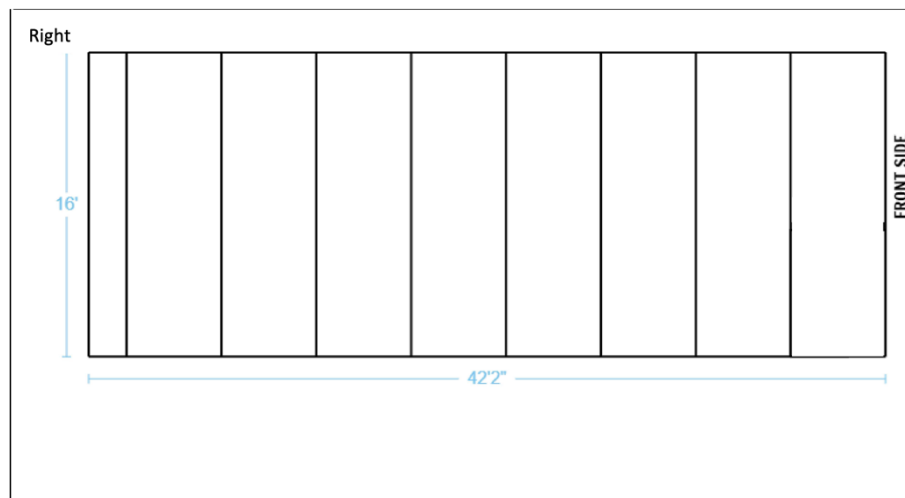
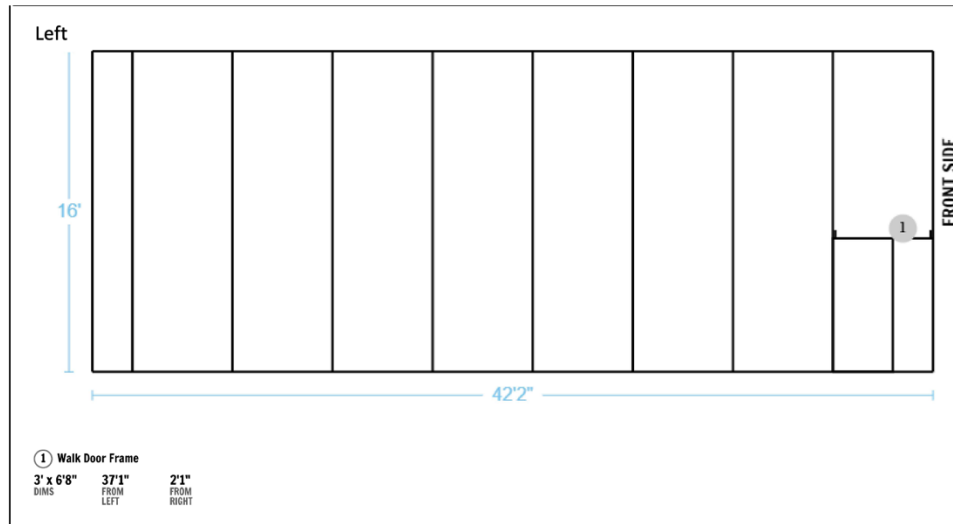
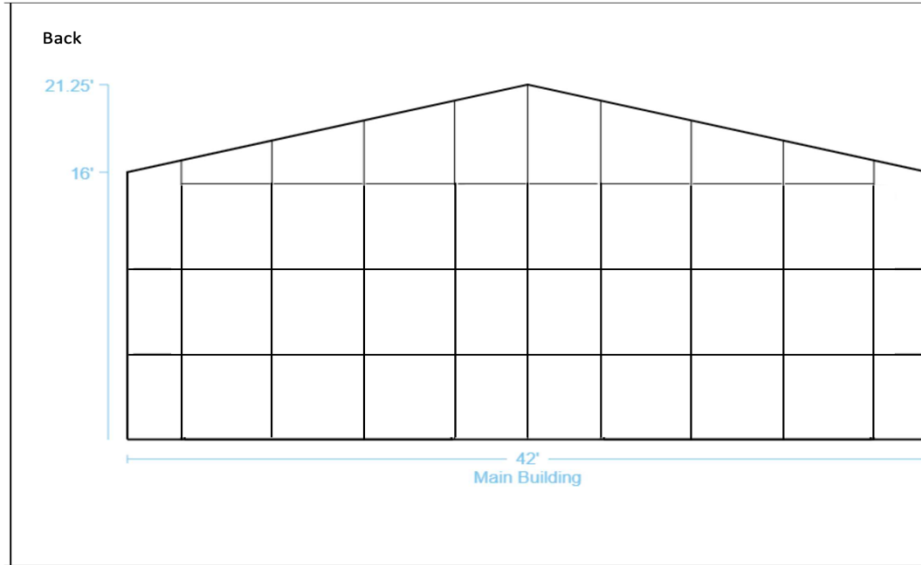
Parcel # 27-16-178-001  
10475 South 3010 West Weadon Acres Subdivision

# Architectural & Structural Plans

## 1. Elevations

Building is shown without garage doors and walk-in door. Those will be installed once the building is erected.





## 17.40.020: DEVELOPMENT AND DESIGN STANDARDS:

### 3. Architectural Standards For Accessory Buildings:

a. Accessory buildings may not be higher than the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall an accessory building be greater than twenty five feet (25') high.

b. The footprint of accessory buildings in the R-2.5, R-3, R-4, R-5 and R-M Zones shall not exceed sixty percent (60%) of the footprint of the main building, including the footprint of an attached garage, except that the Planning Commission may approve a conditional use permit for an accessory building with a footprint that is greater than sixty percent (60%) but in no case shall exceed the footprint of the main building. In the R-1.8 Zone, the footprint of an accessory building, such as a barn or a stable, shall not exceed the footprint of the main building, except with a conditional use permit approved by the Planning Commission.

c. Any portion of an accessory building within twenty feet (20') of a property line shall meet the following requirements, except as approved by the Planning Commission as a conditional use permit:

(1) Openings (e.g., windows and doors) that are visible from the property line shall not be located in an exterior wall when the floor height exceeds four feet (4') above grade.

(2) The average wall height shall not exceed sixteen feet (16') above grade.

d. Accessory buildings with a footprint exceeding two hundred (200) square feet shall be constructed with a minimum one to twelve (1:12) roof pitch in the R-1.8 Zone, and a minimum three to twelve (3:12) roof pitch over a majority of the structure in all other Residential Zones.

e. Applications for a conditional use permit under subsections I3a, I3b and I3c of this section 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"). Written notice shall be provided to all property owners located within the subdivision plat of the subject property and to all property owners otherwise located within three hundred feet (300') of the subject property. Notice shall be provided no less than ten (10) days prior to the scheduled Planning Commission meeting.