

## **SOUTH JORDAN CITY**

### **PLANNING COMMISSION STAFF REPORT**

**Meeting Date: 10/11/2022**

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**Issue:**           **ACCESSORY BUILDING:  
CONDITIONAL USE PERMIT FOR THE ARCHITECTURAL STANDARDS OF  
ACCESSORY BUILDINGS IN A-5 ZONE**

**File No.:**           PLCUP202200182  
**Property Address:** 2530 W. 10950 S.  
**Applicant:**       Robbie Pope; L.R. Pope Engineering, Inc.  
**Property Owner:** Jackie Devaul  
**Submitted By:**   Andrew McDonald, Planner I

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#### **Staff Recommendation (Motion Ready):**

**Approve** the Conditional Use Permit (File No. **PLCUP202200182**) based on the Findings and Conclusions listed in this report, including the following conditions of approval:

1. The property owner is limited to (3) horses on the property at any time, and is not to exceed the allotted (60) farm animal points as regulated in §17.130.040.030.
2. If at some point in the future the property owner creates habitable space in this accessory structure; the property owner will apply for, and obtain the required building and guesthouse ADU permits.

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<b>ACREAGE:</b>	(1.0) Acre
<b>CURRENT ZONING:</b>	Agricultural (A-5)
<b>CURRENT/FUTURE LAND USE:</b>	Stable Neighborhood (SN)
<b>NEIGHBORING ZONING/LAND USE:</b>	North: Single-Family Residential (R-1.8) East: Agricultural (A-5) West: Single-Family Residential (R-1.8) South: Single-Family Residential (R-1.8)

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#### **CONDITIONAL USE REVIEW STANDARDS:**

Any land use that presents any detrimental effects to the underlying zone and neighboring properties shall be reviewed and approved by means of a conditional use permit. A conditional use shall not be established or commenced without the approval of the Planning Commission or City Council. The permit shall be indefinite and run with the land unless otherwise indicated by the governing body. Imposed conditions shall be rooted in substantial evidence, and be the least restrictive way to mitigate any identified detrimental effects.

## **ACCESSORY BUILDINGS CONDITIONAL USE REVIEW:**

Applications for a conditional use shall demonstrate that the proposal is consistent with the character of the underlying zone and surrounding area. Analysis includes, but is not limited to, consideration of nearby structures, uses, and applicable declarations of conditions, covenants & restrictions (“CC&Rs”).

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## **BACKGROUND:**

The applicant, on behalf of the property owner, is proposing to construct a multi-purpose garage & barn in the rear-yard of the property. The property is not part of a recorded subdivision, and has no known easements or CC&Rs recorded on the property. The applicant is requesting conditional use approval for the architectural standards for accessory buildings in the A-5 Zone.

## **ISSUES:**

1. Municipal Code §17.30.020.I3a, “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”.
2. Municipal Code §17.30.020.I3b, “The footprint of an accessory building in Agricultural Zones shall not exceed the footprint of the main building, including the footprint of an attached garage, except as approved by the Planning Commission as a conditional use permit”.
3. Municipal Code §17.30.020.I3c, “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...(2) The average wall height shall not exceed sixteen feet (16') above grade”.

## **STAFF FINDINGS, CONCLUSION & RECOMMENDATION:**

### **Findings:**

- This building will replace existing structures that are in disrepair. The applicant and property owner have been informed of the requirement for demolition permits.
- The building is in compliance with development standards of the A-5 Zone.
- The multi-purpose building is intended to shelter horses owned by the property owner.
- This property qualifies for (60) farm animal points as regulated by §17.130.040.030.
- Horses are classified as large animals and are allocated (20) points each. The property owner would be allowed at most (3) horses on this property, and no other farm animals (excluding bees and pigeons), without being in violation of §17.130.040.030.
- Other intended uses for this building include the storage of recreational vehicles and equipment related to the keeping of horses. There will be no business use of this building.
- Apart from two properties to the south, there are no surrounding properties with structures as large as this application proposes.
- The two identified structures are smaller than the structure proposed in this application by roughly 250-1,200 square feet.

- Both of these identified structures were permitted.
- The proposed building will include: electrical, plumbing, and HVAC utilities with no habitable space. The inclusion of habitable space would require an application and review for a guesthouse ADU permit. This property would be able to have a detached accessory guesthouse subject to the requirements of §17.30.020 and §17.130.030.
- The plans indicate (3) garage doors openings, (2) man doors, and (2) windows on the south and east elevations. The placement of these doors and openings orients those inwards and staff does not perceive them as creating a detrimental effect to the neighboring residential properties.
- The existing building is a classic brick facade and shingle roof rambler
- The approximate height of the existing main structure is (17’).
- The proposed height (22’4”) exceeds main structure by (5’4”), and thus requires a Conditional Use Permit.
- The footprint of the existing building (including attached garage) is 2,087 square feet.
- The footprint of accessory structures in the A-5 Zone must be equal to or less than the footprint of the main building (including attached garages). The footprint of the proposed building exceeds the main footprint by roughly 4,313 square feet, and thus requires a Conditional Use Permit.
- The property owner insists that a smaller footprint would not provide adequate space needed for the intended mixed-use purposes.
- Staff sees no detrimental effects in building one large building instead of multiple smaller buildings.
- The average wall height for accessory buildings in the A-5 zone cannot exceed an average height of (16’). The average wall height for this proposed building is (18’), and thus requires a Conditional Use Permit.
- New facts presented during the public hearing which contradict these findings would warrant further investigation by Staff.

### **Conclusions:**

Staff concludes that approval of the proposed multi-purpose garage & barn would be consistent with the development standards of the A-5 Zone; and the standards in place for accessory building and conditional use review. The proposed use and design of this application is characteristic of building designs seen the Agricultural Zones. The proposal is also consistent with the current and future land-use designation for this property as defined in The General Plan. Staff holds that any detrimental effects perceived from approval of this application could be mitigated by imposing the conditions listed in the staff recommendation for approval.

### **Recommendation:**

Staff recommends that the Planning Commission take comments at the public hearing and **Approve** the Conditional Use Permit Application (File No. PLCUP202200182) with the following conditions:

1. The property owner is limited to (3) horses on the property at any time, and is not to exceed the allotted (60) farm animal points as regulated in §17.130.040.030.

2. If at some point in the future the property owner creates habitable space in this accessory structure; the property owner will apply for, and obtain the required building and guesthouse ADU permits.

**ALTERNATIVES:**

- Approve the Conditional Use Permit as proposed.
- Modify or include additional conditions for approval.
- Schedule the decision for a later date.

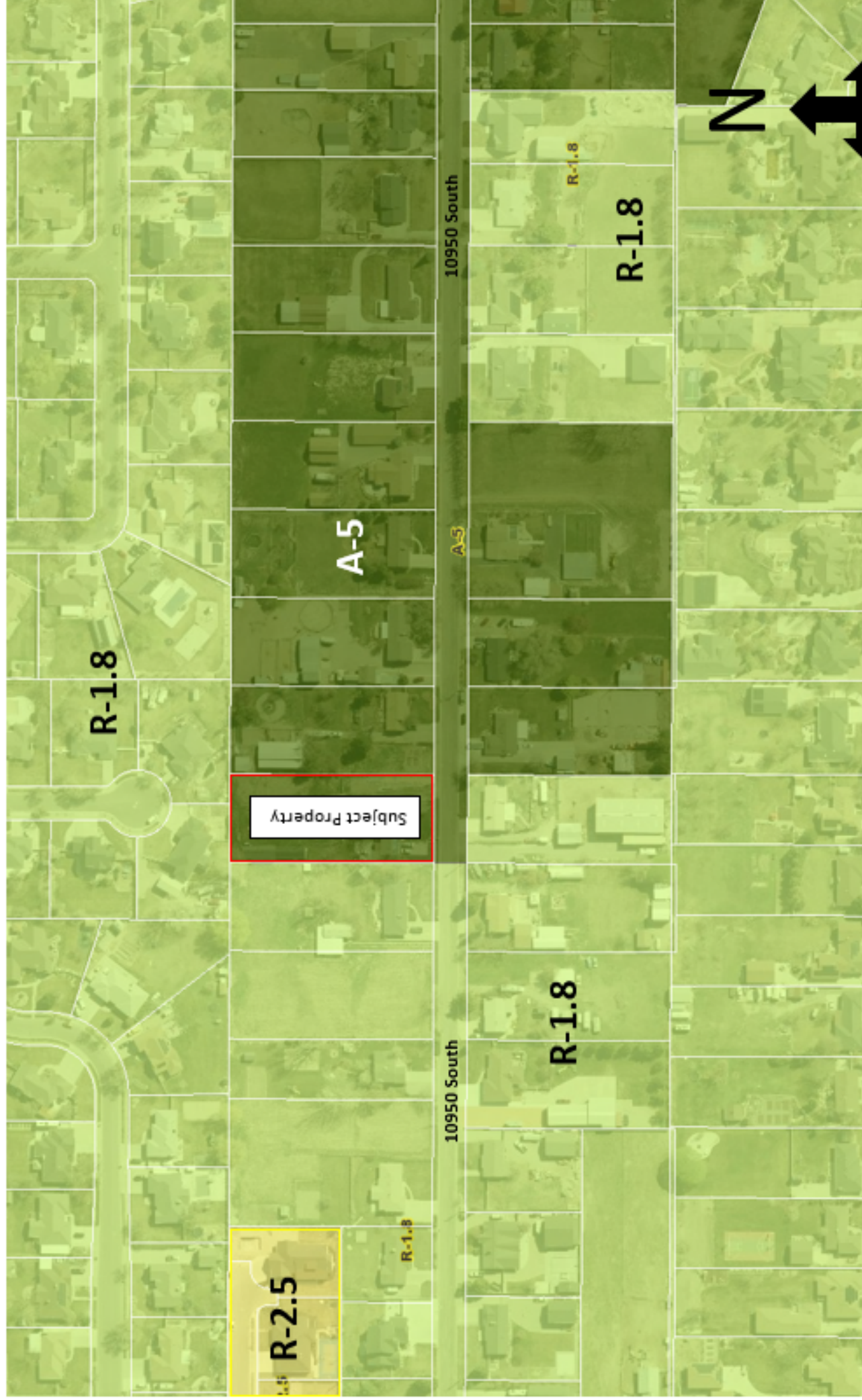
**SUPPORT MATERIALS:**

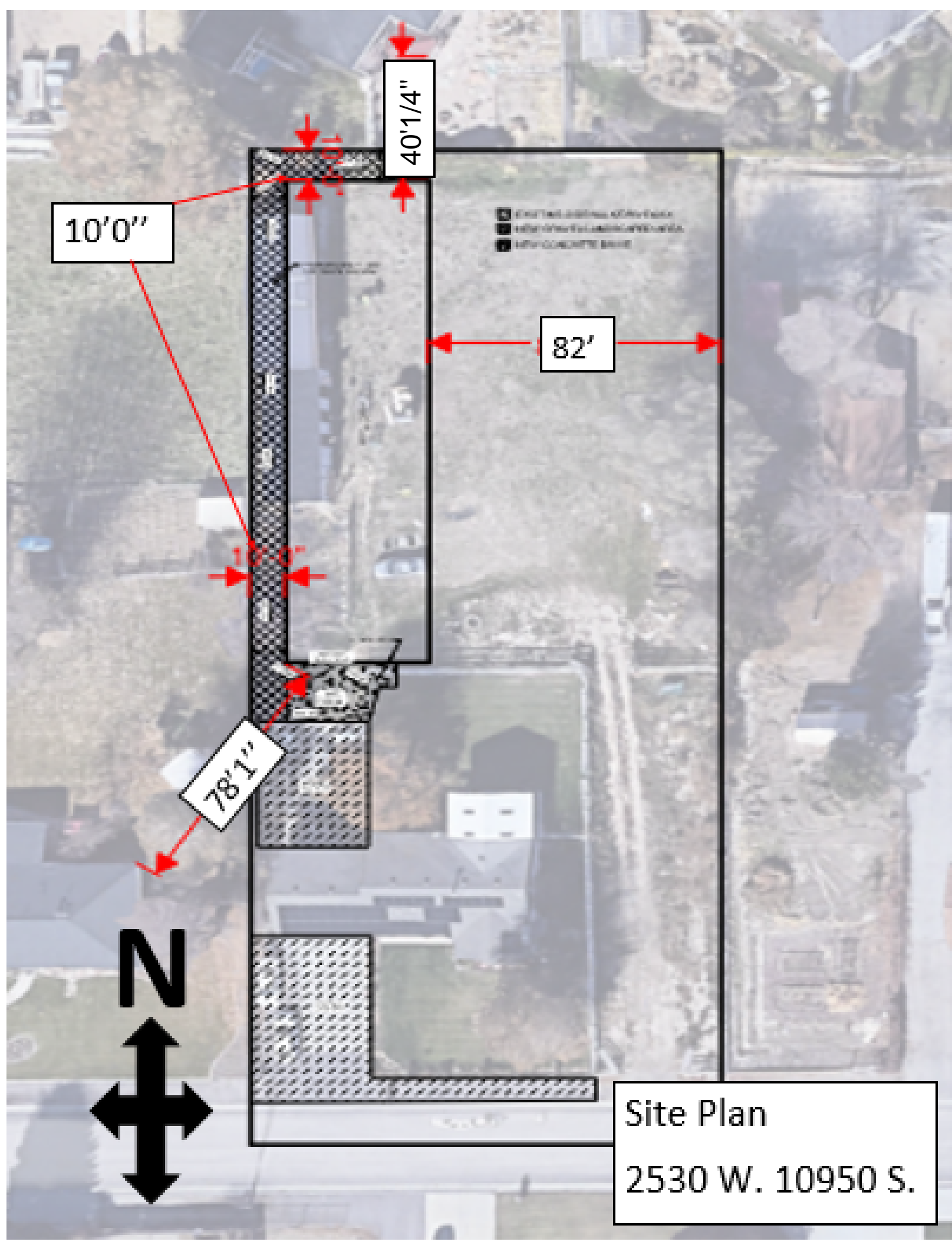
- Zoning Map
- Site Plan
- Building Drawings



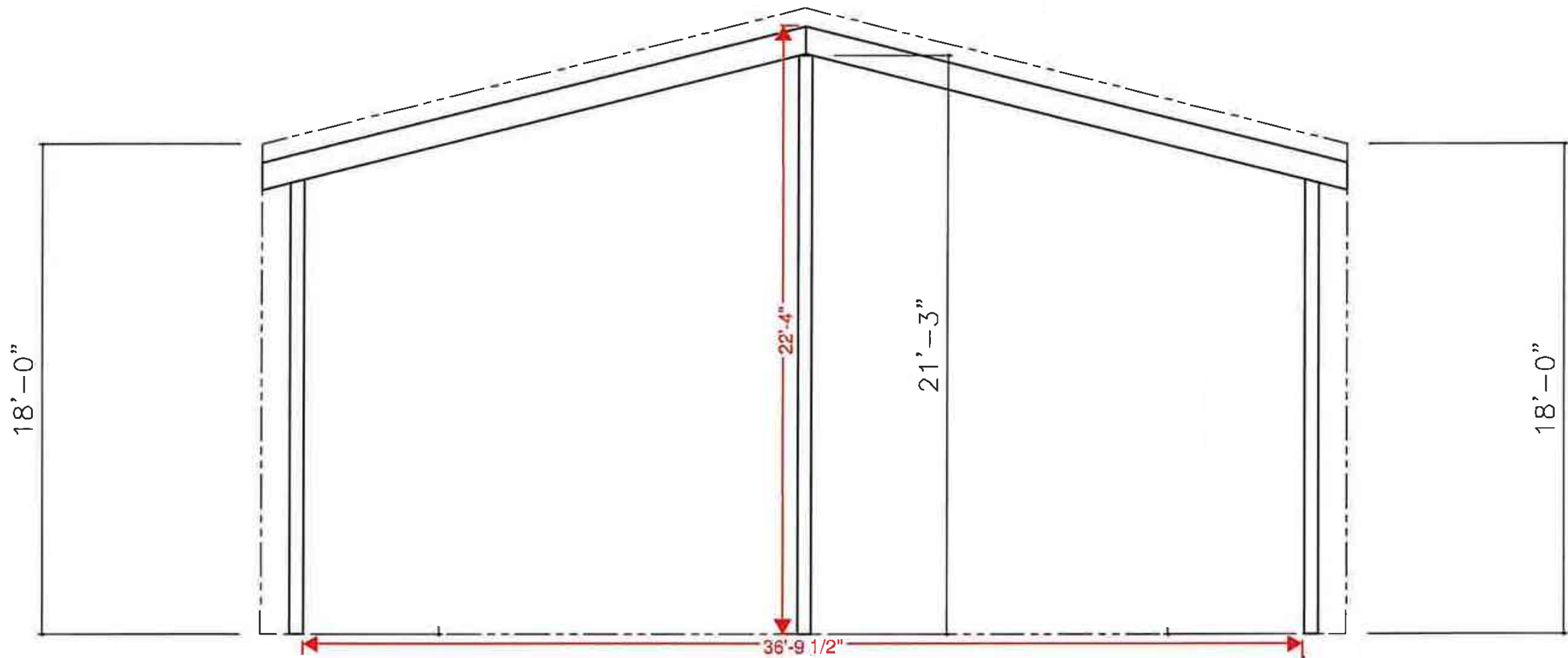
— ANDREW MCDONALD, PLANNER I  
PLANNING & ZONING DEPARTMENT  
CITY OF SOUTH JORDAN

# Zoning Map

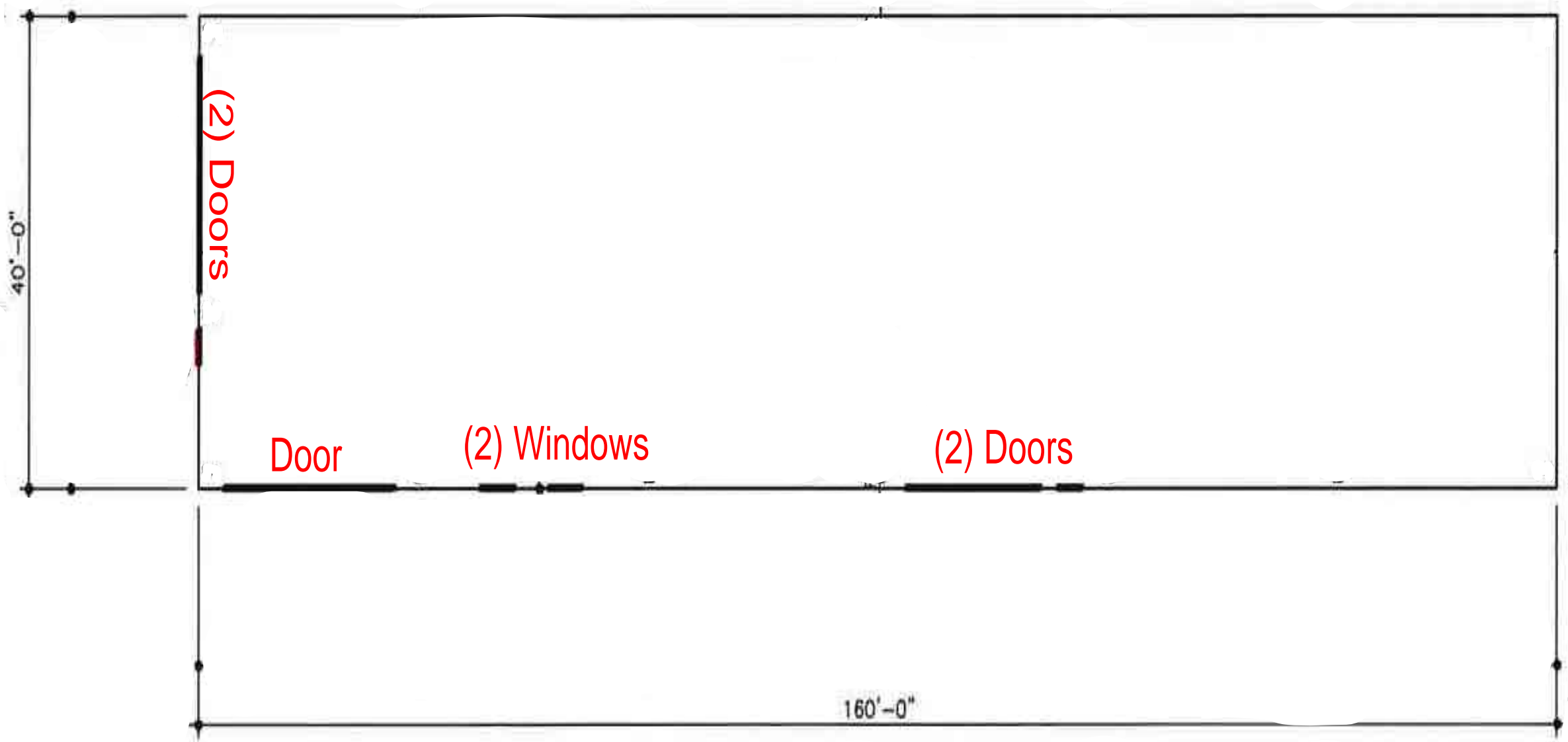




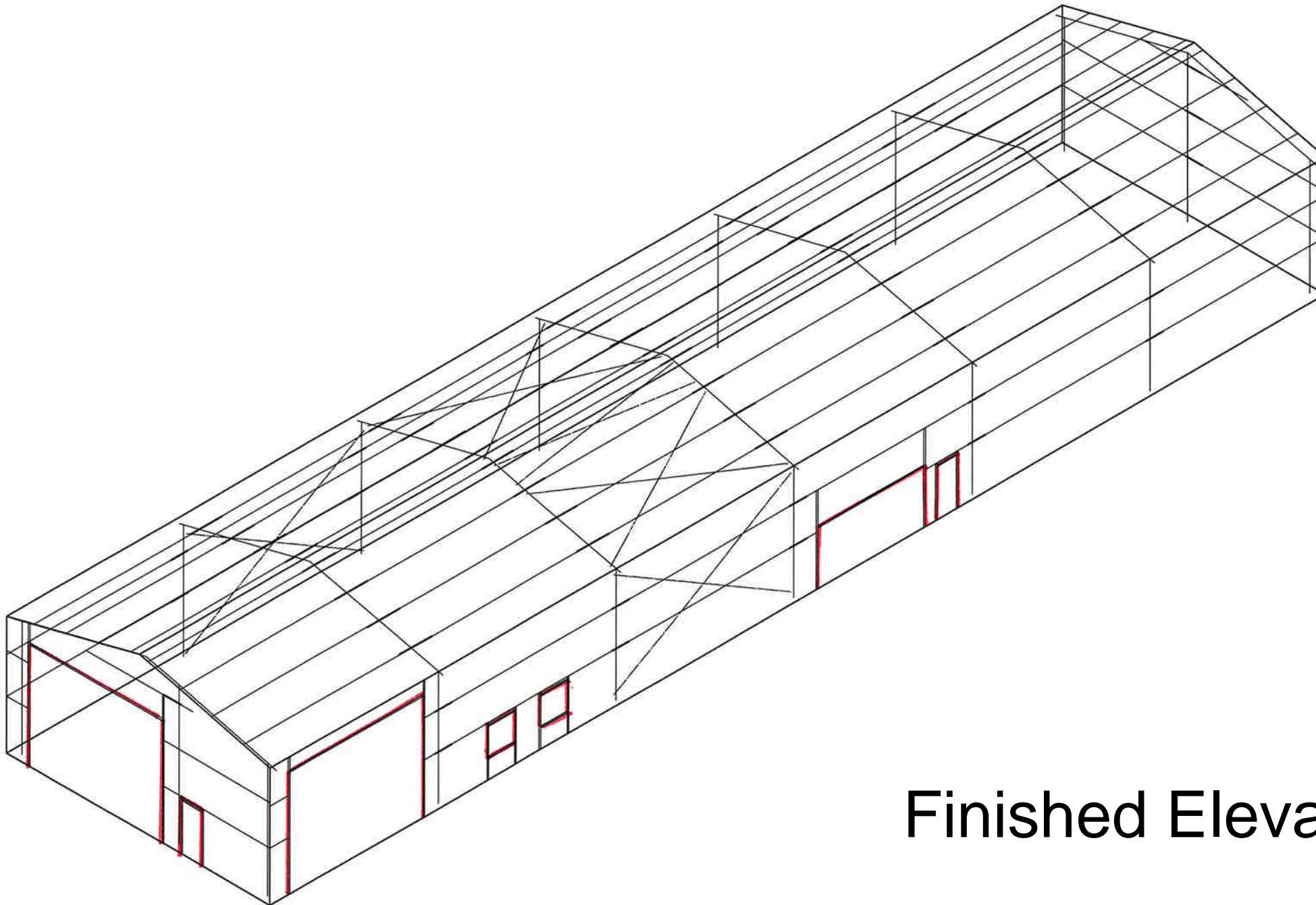
Site Plan  
2530 W. 10950 S.



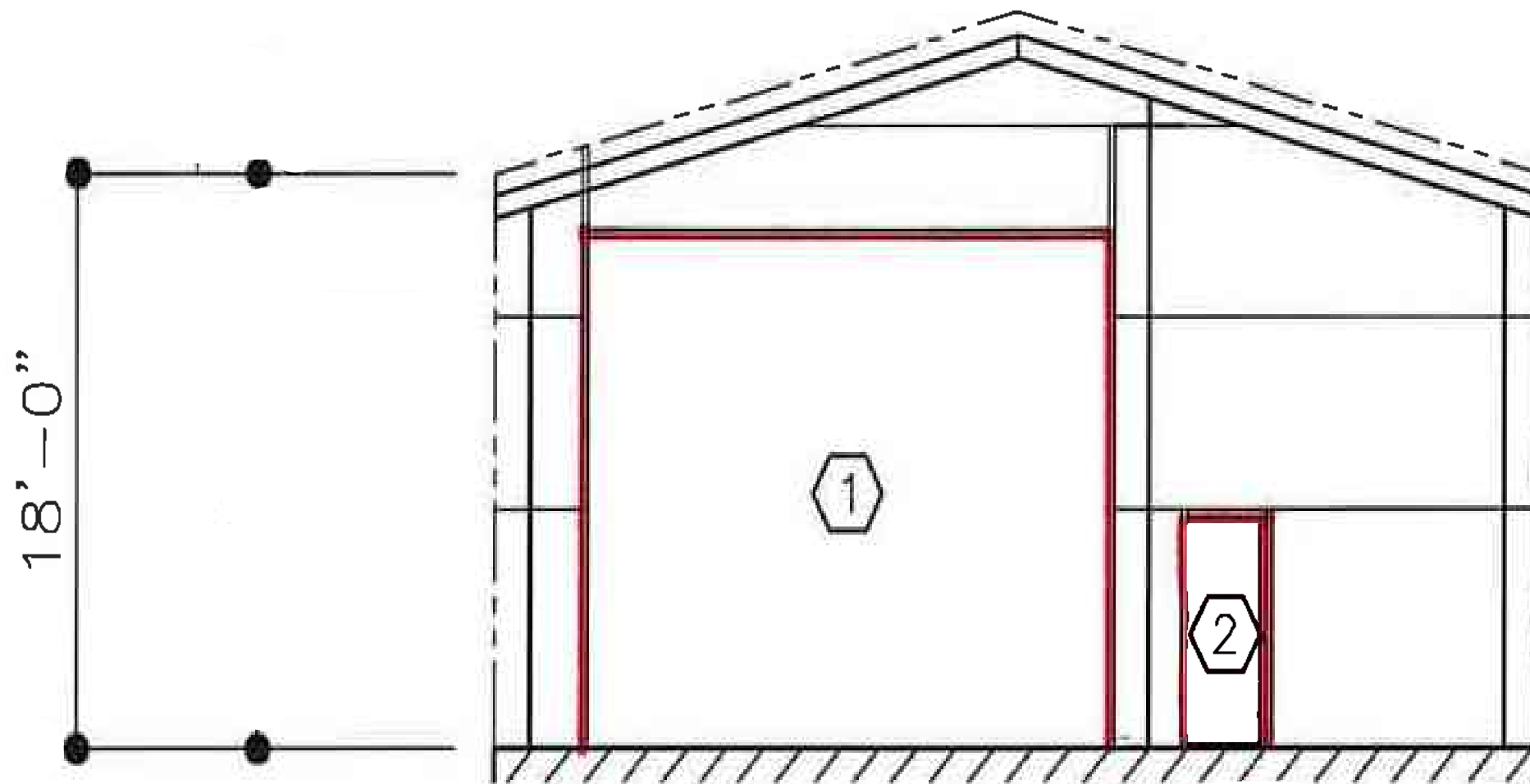
Elevation Height



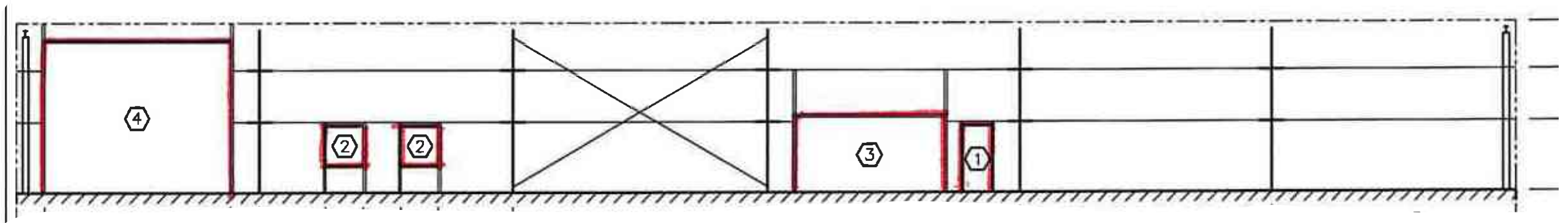




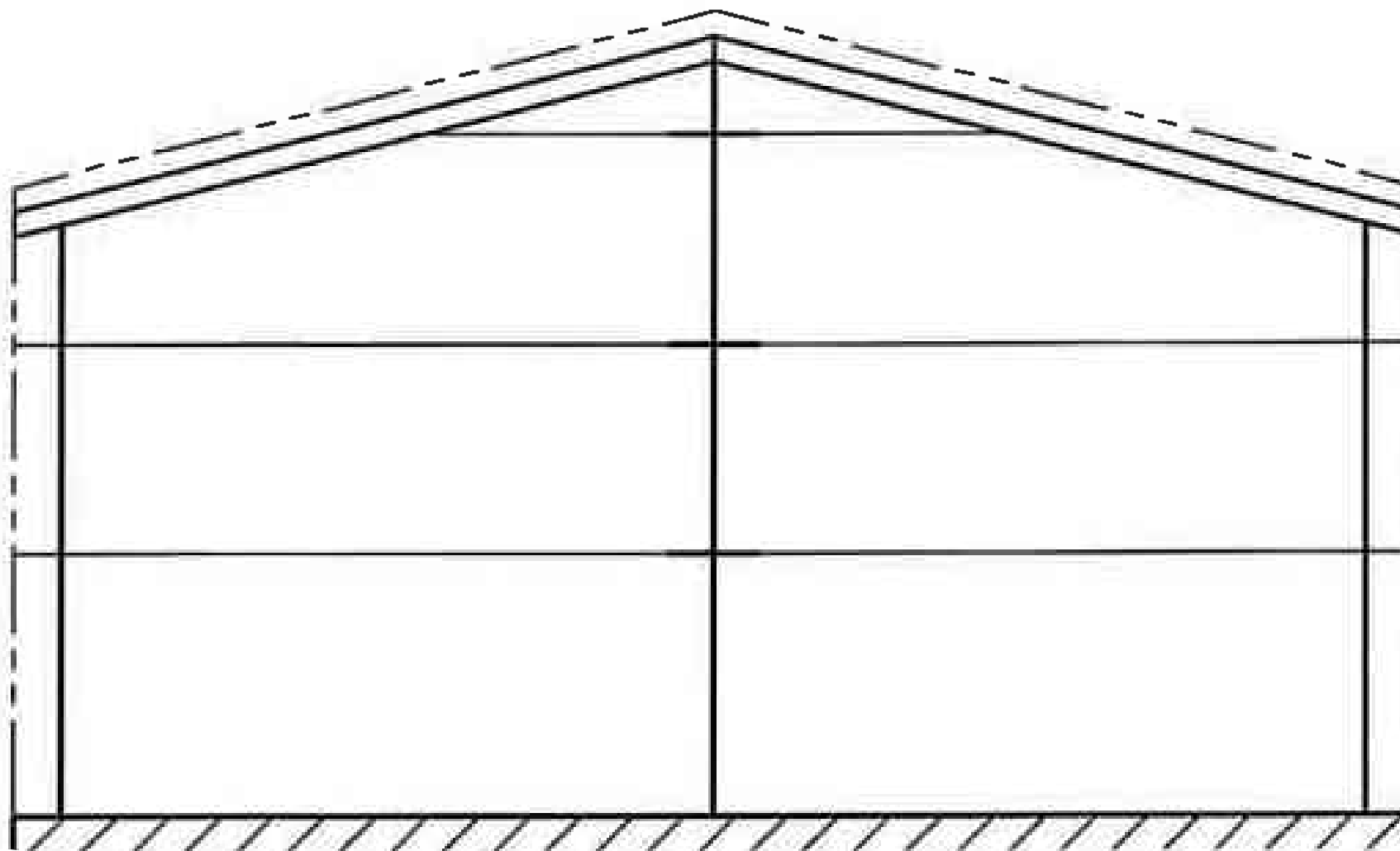
Finished Elevations



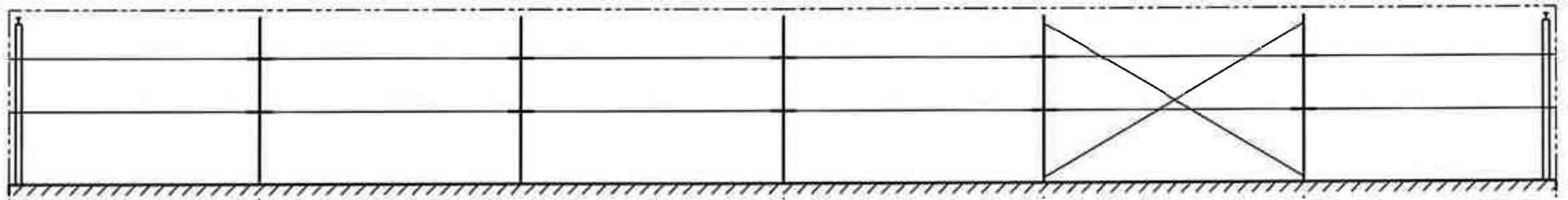
South Elevation



East Elevation



North Elevation



West Elevation