

# **SOUTH JORDAN CITY PLANNING COMMISSION REPORT**

**Meeting Date: 06/25/2024**

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**Issue:**           **ACCESSORY BUILDING:  
CONDITIONAL USE PERMIT FOR THE ARCHITECTURAL STANDARDS OF  
ACCESSORY BUILDINGS IN R-3 ZONE**

**File No.:**           PLCUP202400087  
**Property Address:** 4051 W. Liberty Creek Drive  
**Applicant:**       Brett Catmull  
**Property Owner:** Brett Catmull & Rhonda Catmull  
**Submitted By:**   Andrew McDonald, Planner I

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

I motion to **approve** the Conditional Use Permit (File No. **PLCUP202400087**) based on the findings and conclusions listed in the Staff Report.

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<b>ACREAGE:</b>	(.24) Acre
<b>CURRENT ZONING:</b>	Residential (R-3, 3 Units per Acre)
<b>CURRENT/FUTURE LAND USE:</b>	Stable Neighborhood (SN)
<b>NEIGHBORING ZONING/LAND USE:</b>	North: Single-Family Residential (R-3) East: Single-Family Residential (R-3) West: Single-Family Residential (R-3) South: Single-Family Residential (R-3)

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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 is proposing to construct a 1,500 sf<sup>2</sup> (50' x 30') detached garage building in the south-east corner of the subject property. The property is Lot 26 of the Liberty Creek Phase 1 Subdivision, and has no known Covenants, Conditions, & Restrictions (CC&Rs) recorded on the property. If CC&Rs exist, it is a civil matter between the property owner and enforcing party(s) to resolve.

There is (10') Public Utility Easement along the south property line. The applicant will be required to obtain Easement Release & Encroachment letters as part of the Building permit review.

The applicant is requesting conditional use approval for the architectural standards for accessory buildings in the R-3 Zone. The applicant is requesting the Commission review an exception to the following:

1. The footprint of the accessory buildings shall not exceed 60% the footprint of the main building (including the footprint of an attached garage)

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

### **Findings:**

- The applicant has provided a written statement providing additional background on the applicant's intent for the building (See Supporting Materials).
- Access to the building will be the existing driveway approach from Liberty Creek Drive, and the (24') wide side yard. The side-yard driveway access from Liberty Creek Drive to the proposed building will be required to be paved with masonry, asphalt, or concrete.
- It is the intent to use the building for personal storage, and will not be operating a commercial retail business out of the garage. The applicant would be allowed to sell their crafted carvings. If no customers were coming to the home, the applicant would be exempt from needing a business license. A business license would be required if any number of customers were coming to the home, and it would be limited to a maximum of six vehicles (round-trip) per day.
- Accessory buildings in the surrounding area consist of mainly sheds and detached garages built within the parameters of City Code.
- The proposed building will include: electrical, plumbing, and HVAC utilities with no habitable space.
- The R-3 Zone does not permit guesthouse ADUs.
- The plans indicate two garage door openings and one man door on the north elevation (See Supporting Materials). 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. There is no second-story level or windows proposed in this application.

- The existing home is a classic brick facade and shingle roof with an overall height of roughly (18'-23'). The proposed height (16'8") does not exceed the height of the main dwelling.
- The proposed height would require a minimum setback of (4') to the property lines. The application proposes setbacks of (4') from the south property line, and (4') from the east property lines.
- The footprint of accessory buildings in the R-3 Zone cannot exceed 60% of the footprint of the main building. The footprint of the main building is 1,636 sf<sup>2</sup>. The accessory building, without a CUP, could not exceed 981 sf<sup>2</sup>. The footprint of the proposed building exceeds the 60% restriction by roughly 519 sf<sup>2</sup>.
- The footprint of the proposed building is less the footprint of the main building, and is allowed to be constructed via a conditional use permit.
- Properties in the R-3 are allowed to cover 40% of the property with buildings and structures. With construction of the proposed building, the building coverage of the property would be roughly 30%.
- The average wall height does not exceed (16').
- The standard roof pitch is 3:12, which is the minimum required for the R-3 Zone.
- Staff cannot identify any detrimental effects that would result from the construction of this building. The proposed building meets the conditional use review standards.

### **Conclusions:**

Staff holds that no detrimental effects could be identified as a result of approving this application. New facts presented during the public hearing which contradict these findings would warrant further investigation by Staff.

### **Recommendation:**

Staff recommends that the Planning Commission hear comments at the public hearing and **Approve** the application, unless comments made at the hearing justify further investigation by Staff.

### **ALTERNATIVES:**

- Approve the application as proposed by the applicant, and presented by Staff.
- Approve the application with reasonable conditions imposed to mitigate detrimental effects identified with substantial evidence provided on the record.
- Motion to further investigate substantial evidence provided on the record, and schedule for a later commission meeting date.

**SUPPORT MATERIALS:**

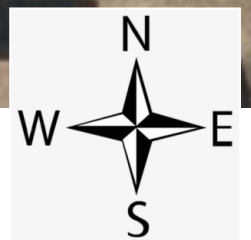
- Location Map
- Zoning Map
- Letter from the Applicant
- Site Plan
- Building Elevation Renderings
- Public Mailing Notice

A handwritten signature in black ink that reads "Andrew McDonald". The signature is written in a cursive, flowing style.

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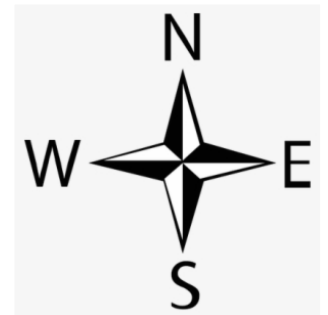
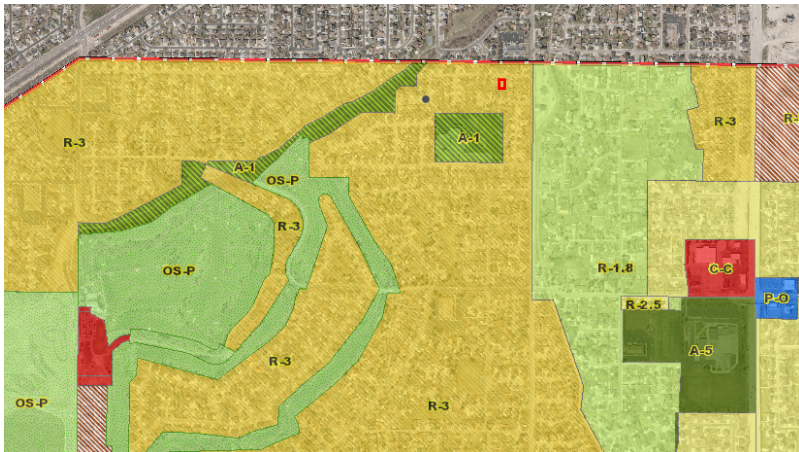
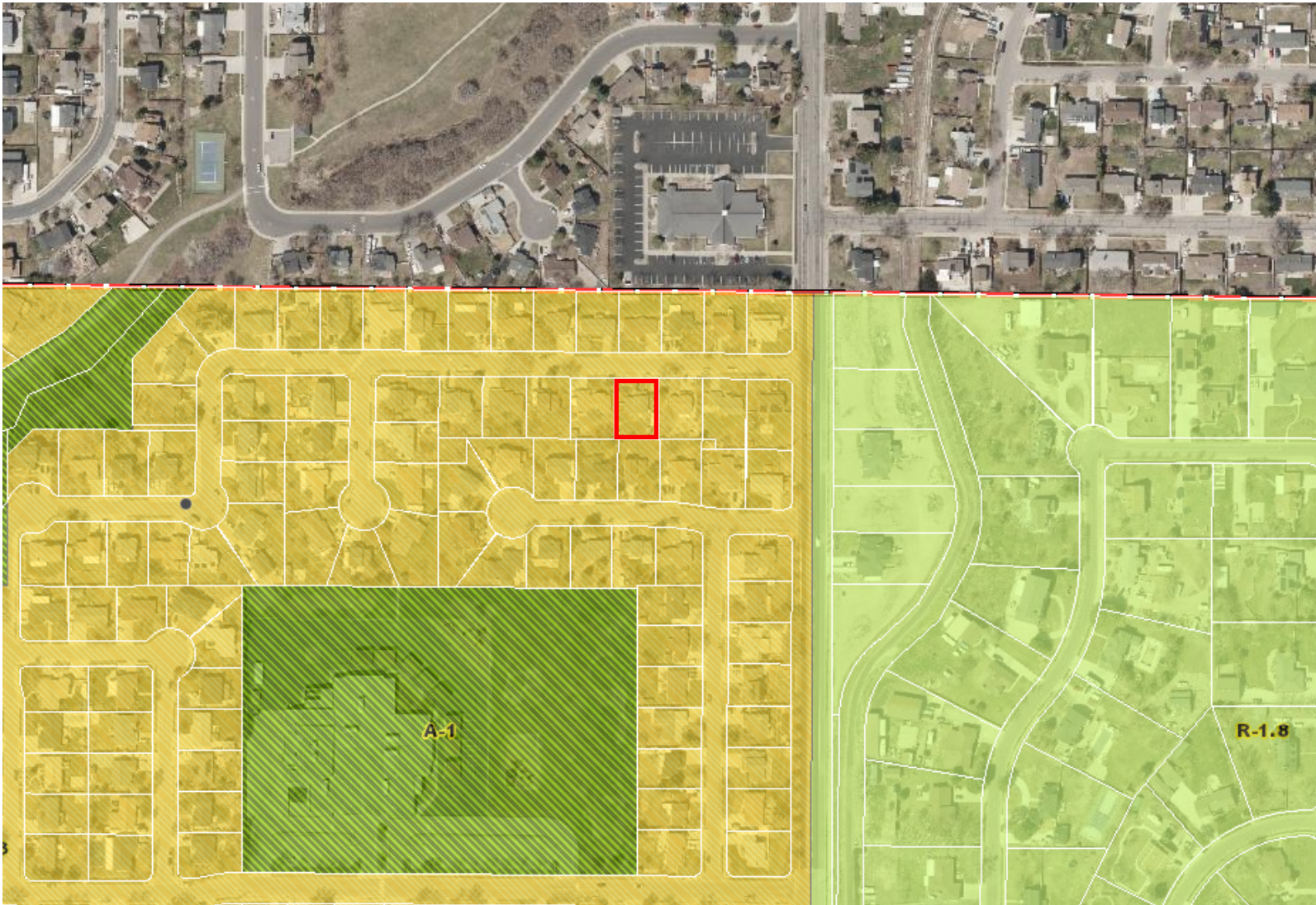
Andrew McDonald, AICP  
Planner I, Planning Department

# Location Map



Source: City of South Jordan Online GIS map as of June 2024.

# Current Zoning Map



May 16, 2024

Brett Catmull  
4051 W. Liberty Creek Dr.  
South Jordan, Utah 84009

RE: Reasons for Conditional Use Permit Request

We have many reasons for requesting a conditional permit for a larger detached garage. The list below will detail such reasons. Also, it's taken this long to have some money.

1. We have been storing our boat at an inside facility for 18 months and the cost of doing so just keeps going up. Right now, we pay \$350 per month to keep the boat inside & they're talking about an increase this coming July. We'd rather put the money into a nice garage to save money & have easier access. The boat's total length is 29'.10" long. It's an expensive boat that needs to be inside.
2. I've been an electrician for over 42 years and have a great deal of tools & some equipment that currently take up space in our garage that's attached to the house. We've never been able to pull our vehicle in due to the tools etc. It would be nice as we're getting older / wiser to have the vehicle(s) in the garage, especially for winter.
3. 4 years ago, my mother needed to move in with us due to health concerns. We needed to move her and her belongings in, so our basement storage was moved out to an off-site storage unit at \$170.00 a month.
4. I'm also a semi-pro wood carver & enjoy competing, but space is so limited that it makes it almost impossible for me to have the space necessary to do an adequate job & be able to compete in more competitions. So, this too comes with equipment & the need for organized space to be as efficient as possible. I plan on retiring in the next 8 years or so & plan on this being a big part of what I do during retirement. But I need some space...
5. Along with my carvings I at times incorporate "leather" & it too has a few pieces of equipment.

As you can tell, we need more enclosed space to keep our boat in good condition. I need to move several things out of the garage attached to the house & some outside items to clean things up and become more organized. Your approval of this detached garage would be an enormous help for us going forward to make our life better in many ways.

Thanks again for your consideration,

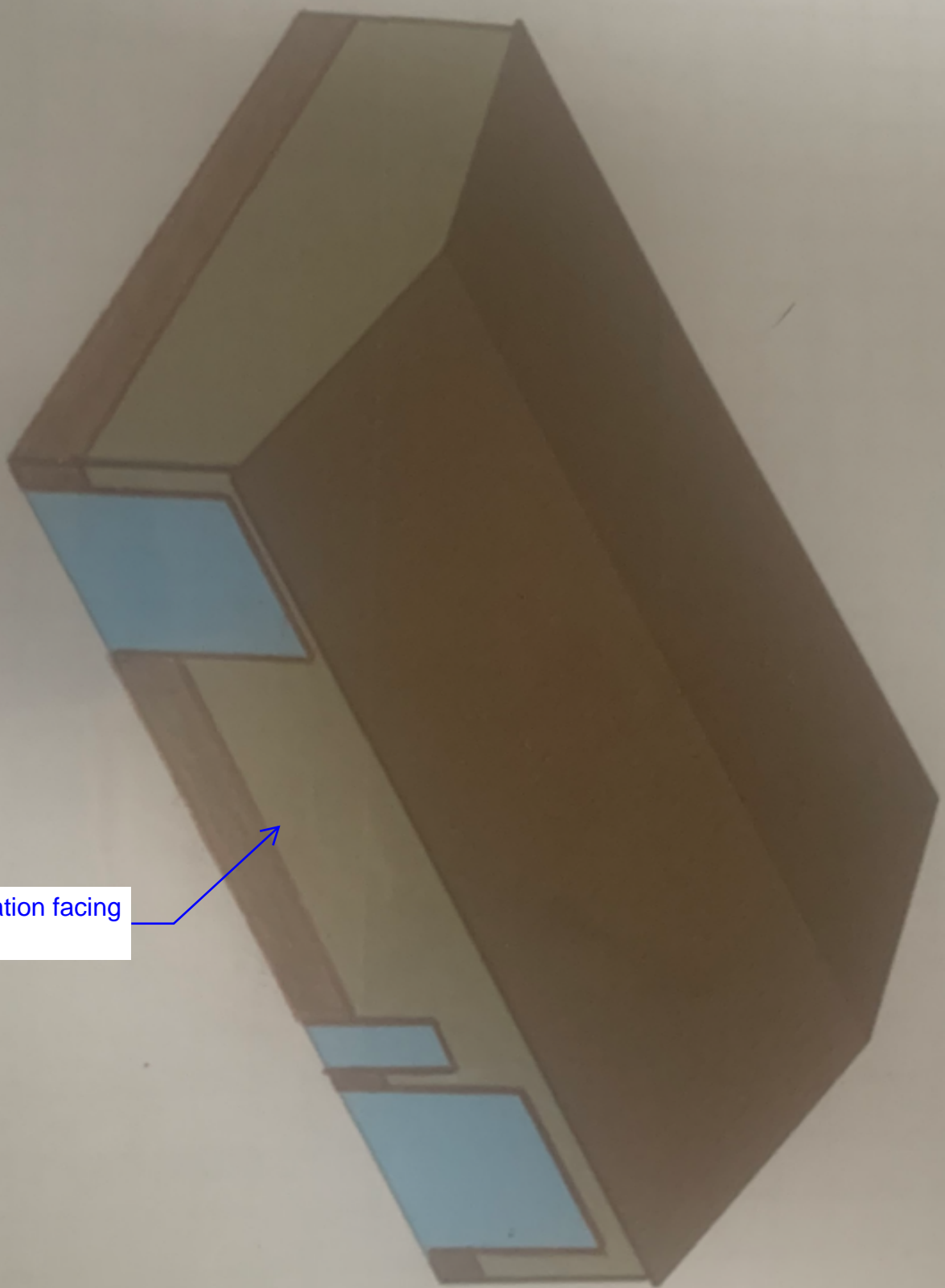
Brett & Ronda Catmull

(Residents of South Jordan for over 30 years)

# Site Plan



# Building Rendering



North Elevation facing  
home

Dawn R. Ramsey, *Mayor*  
Patrick Harris, *Council Member*  
Kathie L. Johnson, *Council Member*  
Donald J. Shelton, *Council Member*  
Tamara Zander, *Council Member*  
Jason T. McGuire, *Council Member*



PH: 801.446-HELP @SouthJordanUT

## **NOTICE OF PUBLIC HEARING**

June 14, 2024

Dear Recipient:

Brett Catmull has filed an application (File #**PLCUP202400087**) for property located at **4051 W. Liberty Creek Drive**. The applicant is requesting that the South Jordan City Planning Commission review a conditional use permit for the architectural standards for accessory buildings in the R-3 Zone, as listed in City Code § 17.40.020.I(3b).

You are receiving this notice because Salt Lake County records indicate that you own property that is within 300' (feet) of the subject property; or are listed as an affected entity. A map showing the property location is attached to this notice.

A public hearing regarding this proposal will be held before the South Jordan City Planning Commission **at 6:30 p.m. on Tuesday June 25, 2024** in the South Jordan City Council Chambers (Basement of City Hall; 1600 W. Towne Center Drive). All interested parties are invited to attend. The published agenda and packet can be accessed online at [<https://www.sjc.utah.gov/254/Planning-Commission>] **by 12:00 p.m. on June 21, 2024.**

Virtual attendance can be done by following instructions provided at: **<http://www.sjc.utah.gov/planning-commission/>**. Virtual attendance is contingent upon an individual's internet connection, not the City. Virtual attendance does not permit participation in the public hearing. In-person attendance is required for participation in the public hearing.

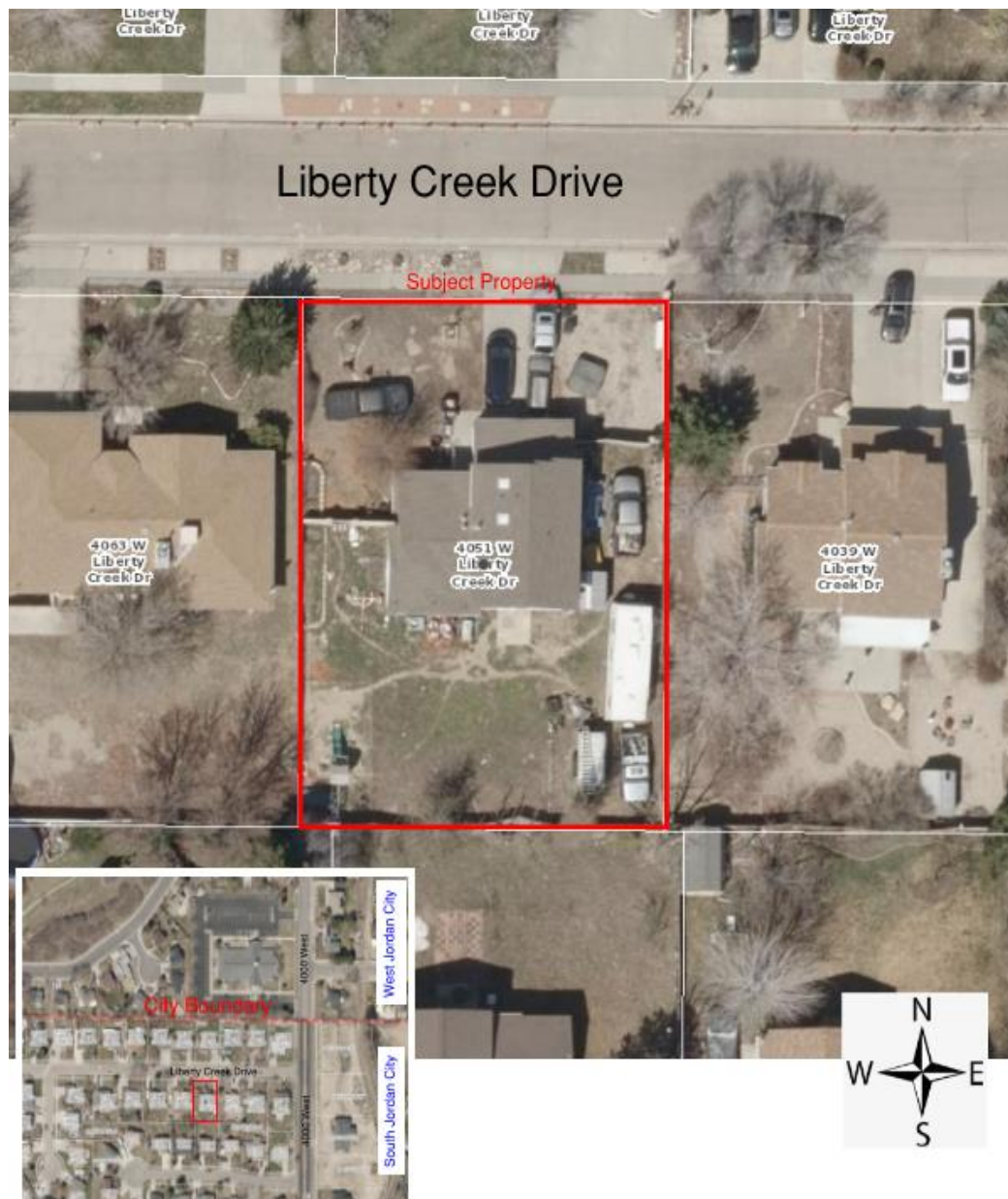
Public comments and concerns may be submitted in writing by mail or by emailing Andrew McDonald at [amcdonald@sjc.utah.gov](mailto:amcdonald@sjc.utah.gov), **by 12:00 p.m. on June 25, 2024.** This ensures that any comments received can be reviewed by City Staff and the Commission, and included in the record prior to the meeting. Any

emails or signed letters received will be placed on record. **There is a 10 MB file size limit on emails received.** Comments may also be given, and added to the record, during the item's public hearing portion of the meeting.

Should you desire further information, you may contact the South Jordan Planning & Zoning Department: **(801) 446-HELP** during regular business hours or by contacting the email provided.

Respectfully,  
Andrew McDonald, AICP  
City of South Jordan Planning Department

Location Map of Subject Property



Source: City of South Jordan Online GIS map as of June 2024.