

SOUTH JORDAN CITY

PLANNING COMMISSION REPORT

Meeting Date: 06/25/2024

Issue: **ACCESSORY BUILDING:
CONDITIONAL USE PERMIT FOR THE ARCHITECTURAL STANDARDS OF
ACCESSORY BUILDINGS IN R-1.8 ZONE**

File No.: PLCUP202400106
Property Address: 2544 W. Van Ross Drive
Applicant: Ricardo Rodrigues
Property Owner: Ricardo Rodrigues
Submitted By: Andrew McDonald, Planner I

Staff Recommendation (Motion Ready):

I motion to **approve** the conditional use permit (File No. **PLCUP202400106**) based on the Findings and Conclusions listed in this report.

ACREAGE:	(.77) Acre
CURRENT ZONING:	Residential (R-1.8, 1.8 Units per Acre)
CURRENT/FUTURE LAND USE:	Stable Neighborhood (SN)
NEIGHBORING ZONING/LAND USE:	North: Single-Family Residential (R-1.8) East: Single-Family Residential (R-1.8) West: Single-Family Residential (R-1.8) South: Single-Family Residential (R-1.8)

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").

BACKGROUND:

The applicant, on behalf of the property owner, is proposing to construct a 3,200 sf² (80' x 40') detached garage building, Accessory Dwelling Unit (ADU) space. The ADU is being built for the applicant's aging parents, and eventual son. The garage space will be for the applicant's personal storage of vehicles and miscellaneous items. The supporting materials contains a letter from the applicant discussing their justification for the CUP request.

The property is Lot 13 of the Van Ross Estates Amendment 4 subdivision. There are no known Covenants, conditions, and restrictions (CC&Rs) recorded on the property. If there are CC&Rs, it would be a private, civil matter between the applicant and the enforcing party.

There is a 20-foot Drainage (DE) and Public Utility Easement (PUE) along the north/rear property line and a 7-foot DE and PUE bisecting the property east to west. The proposed building does not conflict with either of these easements; and Staff is not requiring additional action be taken by the applicant.

The applicant is requesting conditional use approval for the architectural standards for accessory buildings in the R-1.8 Zone. The applicant is requesting the Commission review an exception to the following Code Provisions:

1. Accessory buildings may not be taller than the main building (§17.40.020(I)(3a));
2. The footprint of accessory buildings shall not exceed the footprint of the main building (§17.40.020(I)(3b));
3. Any portions of accessory buildings within (20') of a property line shall not have openings (windows & doors) that are visible from the property line and located in an exterior wall where the floor height exceeds (4') above grade (§17.40.020(I)(3c)(1).

STAFF FINDINGS, CONCLUSION & RECOMMENDATION:

Findings:

- Access to the building will use an existing approach (roughly 13-15 feet wide) on Van Ross Rive, along the east side of the property. The existing driveway access is paved with asphalt. The existing side driveway will be extended north to the new garage ADU, and paved with concrete (See Site Plan).
- There will be no business use of this building. The property owner does not intend to shelter farm animals in the proposed building. There are no farm animals currently on the property.
- Accessory buildings are common to the neighborhood. The Commission approved a CUP for a similar request north-east of the subject property roughly two years ago, and has recently approved a CUP for a similar request in May 2024.
- The east half of the building will be a 2,000 sf² garage space for storage of the applicant's personal property. There are buildings currently located along the east property line. These buildings will be taken down, and their contents transferred to the garage space.

- The west half of the building will have a 1,200 sf² ADU on the main floor. The subject property qualifies to have a detached ADU guesthouse. The maximum size allowed would roughly 1,286.6 sf². The applicant is proposing 1,200 sf². The applicant has submitted the application for the required ADU permit.
- The plans indicate two garage doors and two man doors on the south elevation, along with one garage door on the north elevation (See Supporting Materials). The placement of these doors are oriented inwards. The garage door on the north elevation is 10-feet high, and is screened from view by a 6-foot fence between the garage and the adjacent properties to the north. The distance between the garage door and the neighboring homes to the north is roughly 245-feet. Staff does not find substantial evidence to warrant these openings as a detrimental effect of allowing the building's construction. No substantial evidence of harm has been provided to Staff.
- The existing home is a classic brick facade and shingle roof rambler with an overall height of roughly 17-feet. The proposed height (24'1 1/4") exceeds main structure by roughly 7-feet, and thus requires a Conditional Use Permit.
- Guesthouse ADUs are required to be architecturally compatible with the main building. The exterior materials of the proposed building will be shingles and lap siding. The main building is dark shingles and white painted brick. The applicant has expressed their intent to match the color schemes.
- A guesthouse ADU is required to be at least 10-feet from all property lines. In addition, Guesthouses must still meet the minimum setback requirements for accessory buildings relative to the overall height proposed. The proposed height would require a setback of 12-feet to the property lines. The east and north setbacks comply with code requirements. The applicant has been informed that the west property line setbacks will have to increased by 2-feet for building permit approval.
- The building does propose have a second-story with windows. Any portions of a building that are within 20-feet of a property (and have windows on second levels) require a CUP. The west elevation has two windows on the second story that are within 20-feet of the west property line. These windows are meant to be transparent to allow for natural light, and reduce energy consumption during daylight hours. No substantial evidence to warrant the windows being a detrimental effect of the buildings construction has been provided to Staff or can be found by Staff.
- The footprint of accessory structures in the R-1.8 Zone must be equal to or less than the footprint of the main building (including attached garages). The footprint of the existing building (including the attached garage) is 2,626 sf². The overall footprint of the proposed building exceeds the main footprint by roughly 574 sf², and thus requires a Conditional Use Permit.
- Staff finds no detrimental effects in building one large building instead of multiple smaller buildings.

- Properties in the R-1.8 are allowed to cover 40% of the property with buildings and structures. With construction of the proposed building, the building coverage would be roughly 17%.
- The roof pitch meets the minimum requirements of the R-1.8 Zone.
- The average wall height meets the requirements of the R-1.8 Zone.
- The applicant has been in contact with their neighbors while designing this building, and has been mindful of the adjacent property owners.

Conclusions:

The proposed building is in compliance with development standards of the R-1.8 Zone. Staff concludes that approval of the application would be consistent The General Plan, and the surrounding neighborhood. 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.
- Motion to further investigate the application, and schedule for a future Commission meeting.

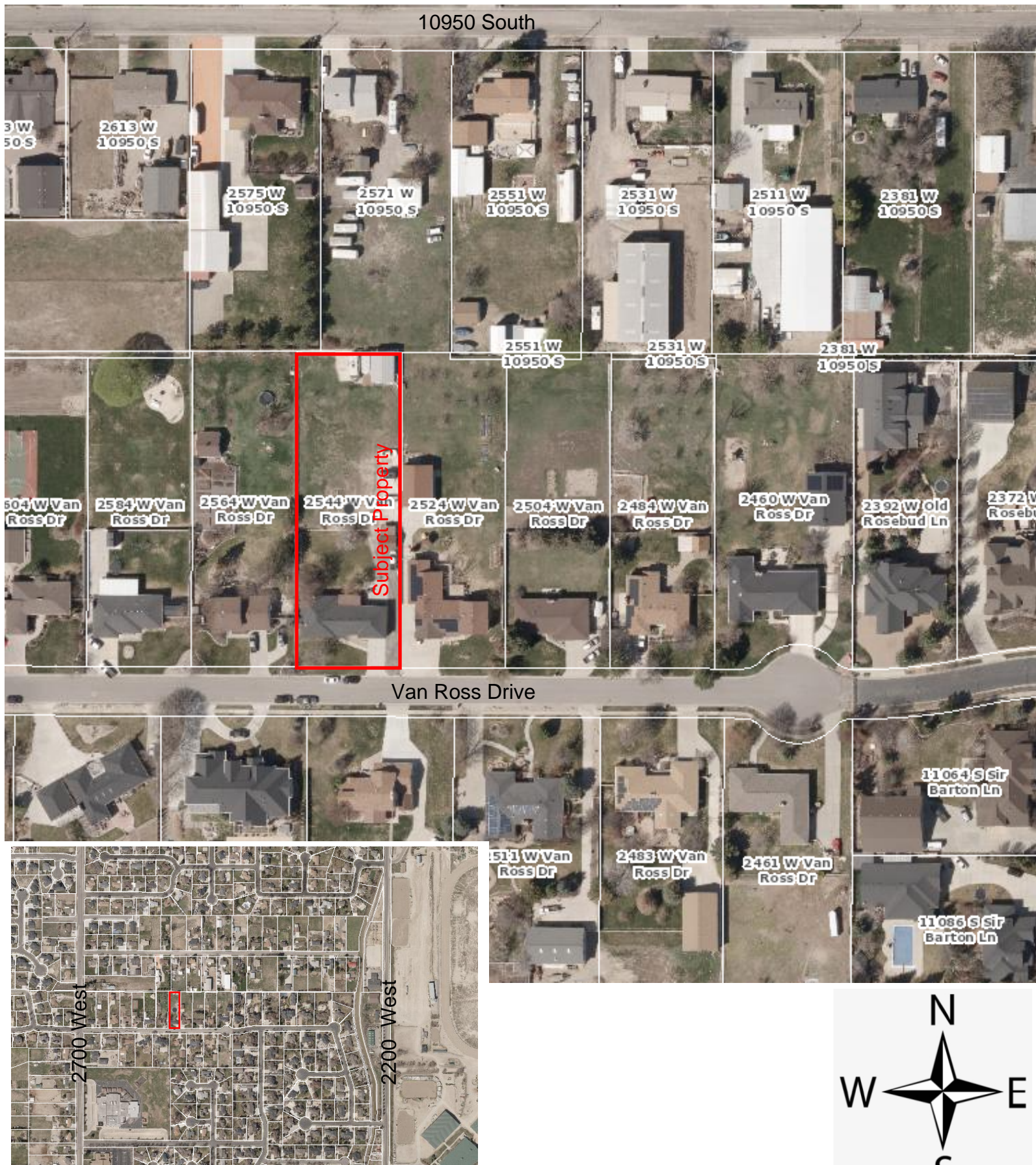
SUPPORTTING MATERIALS:

- | | |
|----------------------|---------------------------------|
| • Location Map | • Letter from Applicant |
| • Current Zoning Map | • Applicant's Response to Staff |
| • Site Plan | • Public Mailing Notice |
| • Floor Plans | • ADU Affidavit |
| • Building Elevation | • Owner's Affidavit |



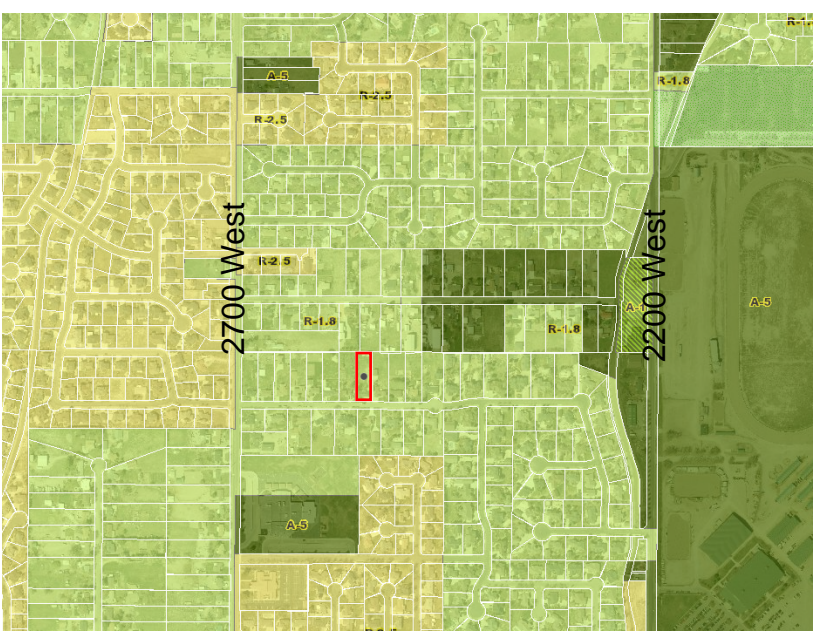
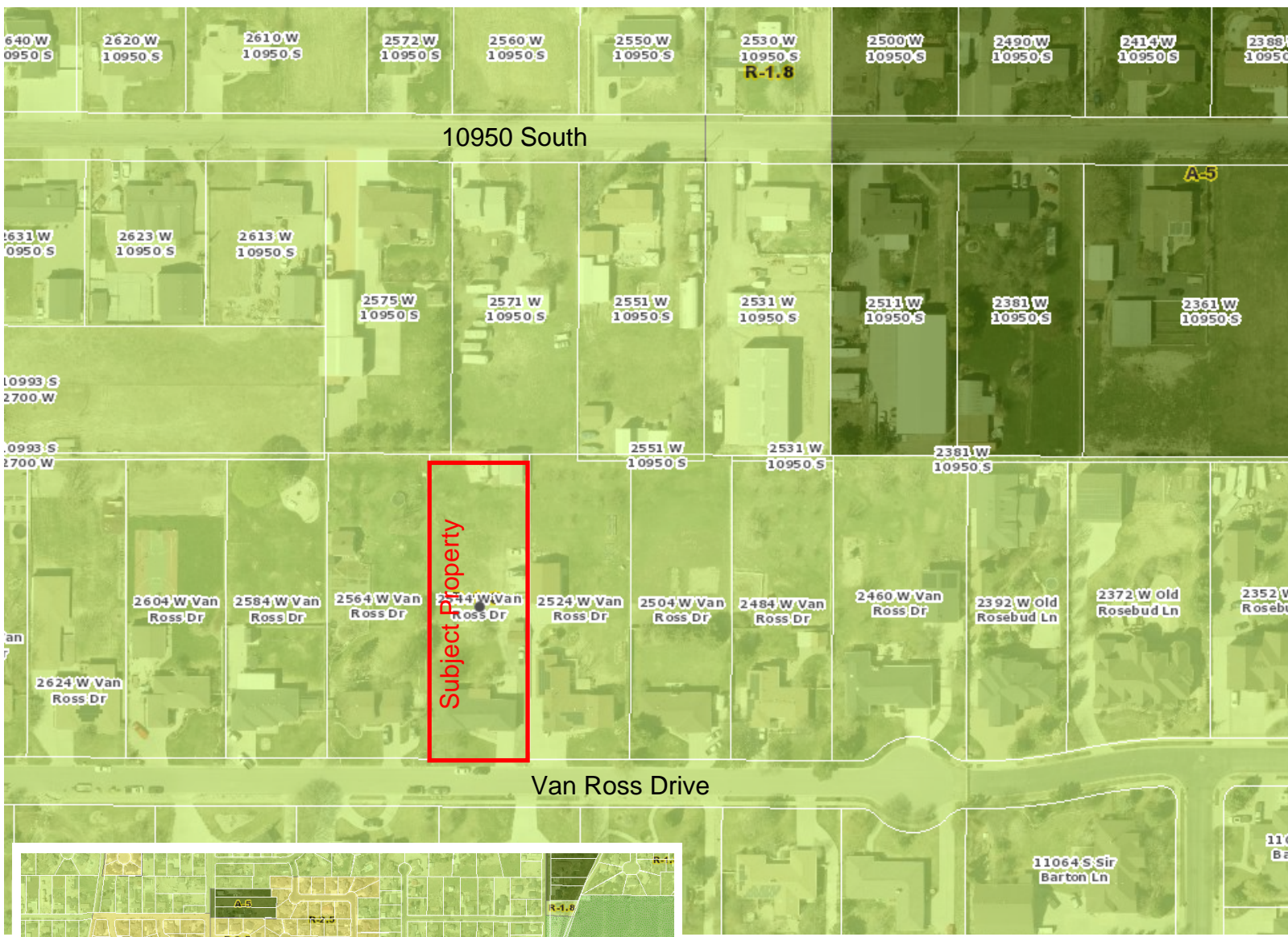
Andrew McDonald, AICP
Planner I, Planning Department

Location Map



Source: City of South Jordan Online GIS Map as of June 2024

Current Zoning Map



NOTES:
1. FINISH GRADE SHALL HAVE A SLOPE AWAY FROM THE BUILDING OF 6" MINIMUM FOR THE FIRST TEN FEET AND A 2% SLOPE THEREAFTER. ALL DRAINAGE FROM LOT SHALL DRAIN INTO AN APPROVED DRAINAGE SYSTEM. ALL EARTH FILL TO RECEIVE CONCRETE FLOORS, WALKS, DRIVES, ETC., SHALL BE SETTLED AND TAMPED TO 90% MINIMUM COMPACTION.

RODRIGUES RESIDENCE

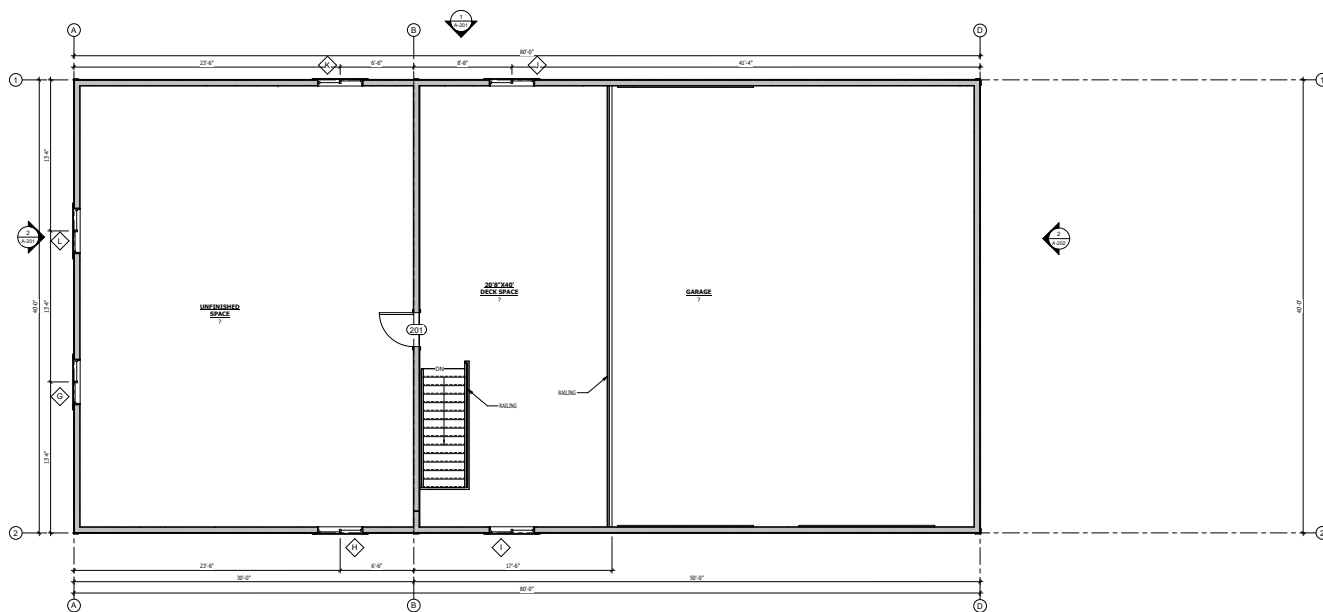
2544 W Van Ross Dr
South Jordan, UT 84095
Rick Rodriguez

[illegible]

PROJECT #: 108
DRAWN BY: Author
CHECKED BY: Checker
ISSUED: 06.10.2024

SECOND FLOOR PLAN

A-102



1 SECOND LEVEL

1
442-443

1
NORTH

PRELIMINARY

RODRIGUES RESIDENCE

2544 W Van Ross Dr
South Jordan, UT 84095
Rick Rodrigues

DATE	DESCRIPTION

PROJECT #:	158
DRAWN BY:	map
CHECKED BY:	—
ISSUED:	06.10.2024

ROOF PLAN

A-103

- GENERAL NOTES:**
- ICE AND WATER SHELLS FROM EAVES TO 3" UNDER WALL LINE AND IN ALL VALLEYS.
 - SHOULD WINDS POSSIBLE ROOF PENETRATIONS BY THE TIME OCCUR ON THE INSIDE OF THE ROOF.
 - SHOULD WINDS BE AT A 15-MPH WIND.
 - TRUSS PACKAGES REQUIRES CEILING AND CHAIRS APPROVAL PRIOR TO MANUFACTURING.
 - SHOULD WINDS BE AT A 15-MPH WIND.
 - SHOULD WINDS BE AT A 15-MPH WIND.
 - SHOULD WINDS BE AT A 15-MPH WIND.

VENTILATION NOTES:

VENTILATION WITH LOUNG SPACE ONLY CHAIRS ROOF TO BE WINDTIL.

TOTAL ROOF AREA = 1,571 SF

CALCULATION: 1,571 SF

TOTAL REQUIRED VENTILATION = 378 SQ. IN. INTAKE, 378 SQ. IN. EXHAUST

PROVIDE 31.5 SQ. FT. OF VENTILATION IN BOTH SUPPORT AND RIDGE

PROVIDE 31.5 SQ. FT. OF COBRA BRAN COUPLER (18 SQ. IN. W/ 18")

PROVIDE 31.5 SQ. FT. OF COBRA BRAN RIG

CALCULATION TO BE FIELD VERIFIED.

WIND THIS IS A RECOMMENDATION.

CONTRACTOR TO VERIFY TYPE OF WIND WITH OWNERS PRIOR TO ORDERING.

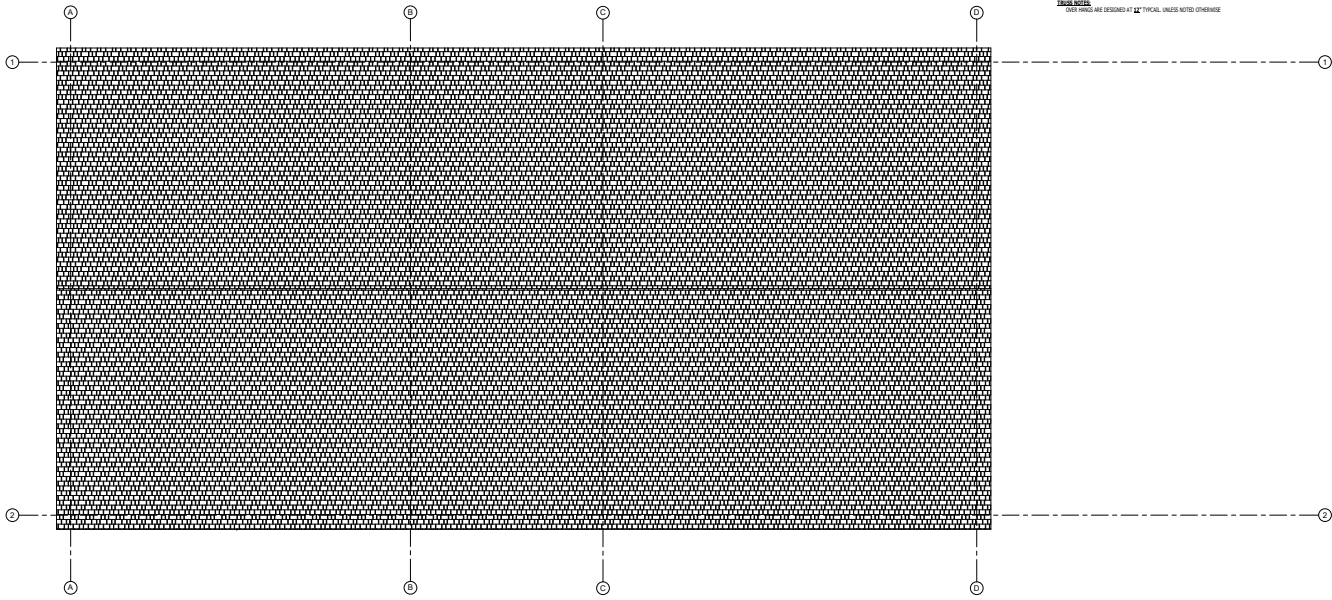
SHOULD WINDS:

ARCHITECTURAL ASPHALT SHINGLES OVER 5/8" PLY OR EQUAL.

OWNERS SHALL SELECT COLOR FROM MANUFACTURERS STANDARD COLORS.

SHOULD WINDS:

OWNERS SHALL SELECT COLOR FROM MANUFACTURERS STANDARD COLORS.



1 ROOF PLAN
1/4" = 1'-0"

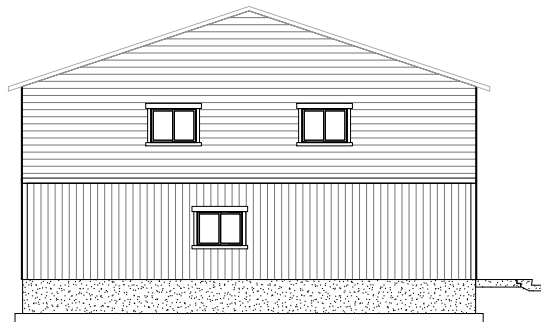
1
NORTH



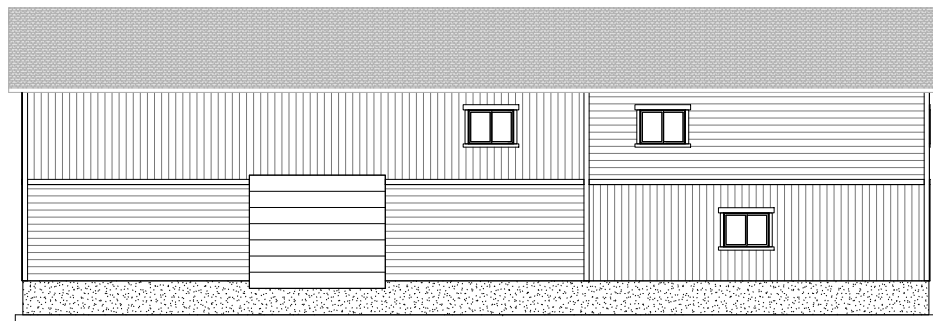
2544 W Van Ross Dr
South Jordan, UT 84095
Rick Rodrigues

PROJECT #: 108
DRAWN BY: nsp
CHECKED BY: --
ISSUED: 06.10.2024

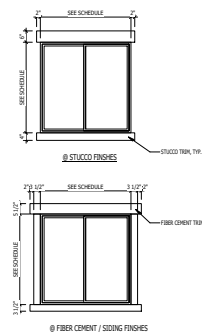
A-201



② WEST
1/4" = 1/4"



① NORTH
1/8" = 1' 0"



Letter from Applicant/Property Owner

We would like to build a garage/apartment combo in the yard. The apartment will have 3 bedrooms and 2 bathrooms (1,200sq/ft) and the rest of the garage will have 2,000sq/ft, totaling 3,200 sq/ft. The size of the building will be 574 sq/ft larger than the allowed based on the size of the primary residence.

Justification for the CUP: The apartment is being built for my aging parents (late 70s) and eventually my disabled son (cerebral palsy). Both purposes require the apartment to be on the main floor because they are not able to climb stairs (in the event the apartment was upstairs). My garage and storage area will be limited in size for the purpose of storing vehicles and RV. Asking to increase the size by 574 sq/ft would allow me to have main level space for my personal items.

From: Rick Rodrigues [REDACTED]
Sent: Wednesday, June 12, 2024 7:02 AM
To: Andrew McDonald
Subject: Re: CUP Application PLCUP202400106 Review Questions

Good morning Andrew,

Here are the answers to the 3 questions:

1. The intent for the windows on the west elevation was to have them transparent and able to open. If there is an issue with that, let me know, we can easily adjust.
2. Color Scheme - similar to the main house. FYI, we painted the house white last month. Now that I think of it, I hope it's not an issue.
3. One RV door 12wx12h and two 12wx10h (front and back)

We can easily shift the property by 2 ft to the east.

We'll make sure to have the changes to the drawing done when we needed.

Thanks for the feedback.

Rick
[REDACTED]

On Tue, Jun 11, 2024 at 3:16 PM Andrew McDonald <AMcDonald@sjc.utah.gov> wrote:

Good Afternoon Rick,

I have completed the review of the application, and the CUP is needed for three reasons:

1. The overall height of the building exceeds the overall height of the main building
2. The overall footprint of the building exceeds the footprint of the main building
3. The second story above the apartment has windows in the west elevation that are in a portion of the building within (20') of the property line.

I do have some follow up questions for the report. Please respond to them in this email so that I have a written response from yourself, being the applicant/property owner.

1. Will the windows on the second story above the apartment, in the west elevation, be transparent and able to be opened?
2. What color scheme do you intend to have the exterior have?
3. What is the height of the three garage doors?

Something else that we should note and discuss for the building permit are the setbacks, particularly the setback on the west property line. The application proposes a minimum setback of (10') from the west property line. Although that is the minimum default requirement for guesthouse ADUs, they must also meet the requirements of accessory buildings. In this circumstance, the overall height being proposed is over (24'), which means that the setback on the west property line would need to be at least (12') because accessory buildings are required to have a minimum of (3') plus one foot for every foot that the height exceeds (16'). This would mean that the building would need to shift (2') east. It looks like the setback on the east property line is large enough to handle the decrease and still meet the minimum requirement. Right now, I don't need new plans for the two windows or the site plan setbacks. I can make the note in the report and mention any differences in the presentation. When it comes to the building permit, the site plan will need to be updated and the notes about the detail spec notes of the two windows, if they stay, will need to be updated.

Andrew McDonald, AICP | Planner I | City of South Jordan

1600 W. Towne Center Drive

South Jordan City, Utah 84095

M-Th 8 A.M – 6 P.M. | Friday 8 A.M. – 12 P.M.

O: 801.253.5203 Ext. 5029 | F: 801.254.3393



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:

Ricardo Rodrigues has filed an application (File #**PLCUP202400106**) for property located at **2544 W. Van Ross 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-1.8 Zone, as listed in City Code §17.40.020(I).

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.

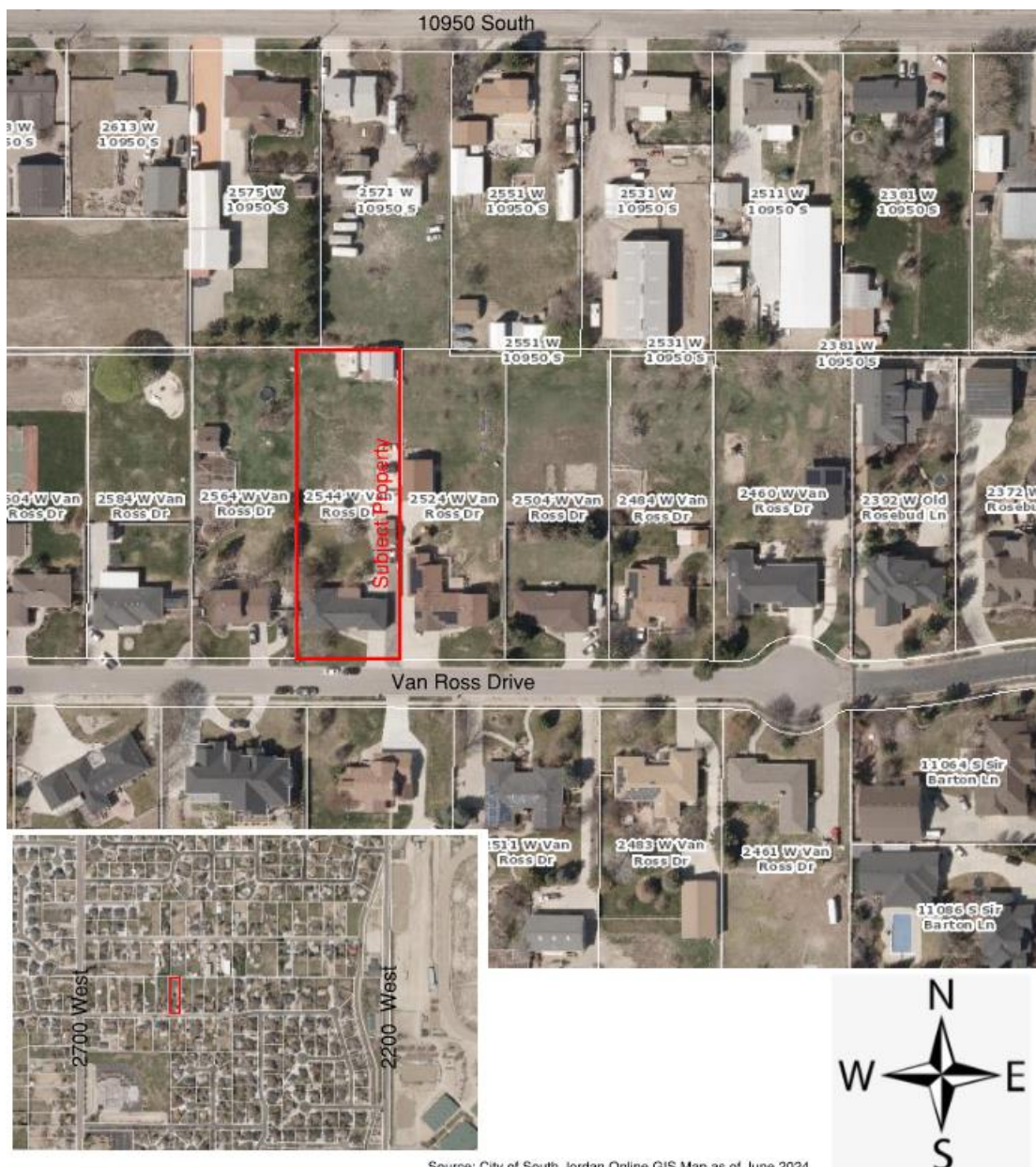
Public comments and concerns may be submitted in writing by mail or by emailing Andrew McDonald at amcdonald@sjc.utah.gov, **by 12:00 p.m. on June 25, 2024.** This ensures that any comments received can be reviewed by City Staff and the Commission, and included in the record prior to the meeting. Any

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



14252349 B: 11497 P: 9544 Total Pages: 2
06/13/2024 03:43 PM By: Jattermann Fees: \$40.00
Rashelle Hobbs, Recorder, Salt Lake County, Utah
Return To: SOUTH JORDAN
1600 W TOWNE CENTER DR SOUTH JORDAN, UT 84095




RICARDO RODRIGUEZ is the landowner of record of real property (the "subject property") located at 2544 W. Van ROSS DR. in the City of South Jordan, Utah (the "City"). The landowner is applying to construct an Accessory Dwelling Unit (as that term is defined in the ordinances of South Jordan City) on the subject property. I am either the owner or co-owner of the subject property or I am the beneficiary of a trust that owns the subject property or I am an owner of a legal entity that owns the subject property. As a condition of receiving all necessary permits and entitlements to construct and use an Accessory Dwelling Unit on the subject property I personally pledge that myself and any co-owners will comply with all regulations of the Accessory Dwelling Unit Floating Zone as set forth in the ordinances of the City and will personally occupy the property as a full time resident. As a further condition of receiving all necessary permits and entitlements to construct and use an Accessory Dwelling Unit on the subject property I authorize annual inspections of the Accessory Dwelling Unit by authorized South Jordan representatives. I understand that this affidavit must be signed, notarized and recorded at the Salt Lake County Recorder's Office before any permit is issued allowing the construction or use of the proposed Accessory Dwelling Unit.


(signature of property owner)

Dated this 11th day of June, 2024
State of Utah)
County of Salt Lake) ss

On the 11th day of June, 2024, personally appeared before me Ricardo Rodriguez the signer(s) of the above instrument, who duly subscribed and swore before me that they executed the same.

 T. HOLBROOK
NOTARY PUBLIC • STATE OF UTAH
COMMISSION NO. 715726
COMM. EXP. 12/11/2024



DocQuery

Parcel Number • 27-21-201-050-0000

Active Parcel Number

Acreage • 0.7700

Address • 2544 W VAN ROSS DR • SOUTH JORDAN • 84095

Owner of Record

RODRIGUES, RICARDO P

A handwritten signature in black ink, appearing to be 'RP' or similar initials.

Legal Description • Property Description For Taxation Purposes Only

LOT 13, VAN ROSS ESTATES AMD 4. 5678-0242 5716-2001 9096-5286 9486-2235 9884-1163 9942-6704

OWNER'S AFFIDAVIT

This Owner's Affidavit (this "Affidavit") is made by Ricardo Rodriguez (the "Owner") who is the legal and right property owner(s) of the following parcel(s): 2544 W. 16th St. South Jordan UT 84095 (the "Property").

The Owner acknowledges that N/A (the "Representative") is authorized to represent Owner's interests in the Property for the following purposes (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Rezone the Property | <input type="checkbox"/> Variance Request |
| <input type="checkbox"/> Change Property's Future Land Use designation | <input checked="" type="checkbox"/> Accessory Dwelling Unit |
| <input type="checkbox"/> Development Agreement | <input type="checkbox"/> Reasonable Accommodation Request |
| <input type="checkbox"/> Subdivision or Subdivision Amendment | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Site Plan (may include a minor site plan or site plan amendment) | _____ |
| <input type="checkbox"/> Small Residential Development | _____ |
| <input checked="" type="checkbox"/> Conditional Use Permit | _____ |

The Owner understands that this authorization allows the Representative to submit applications to the City of South Jordan for the above-checked purposes.

OWNER SIGNATURE

Ricardo Rodriguez

OWNER SIGNATURE

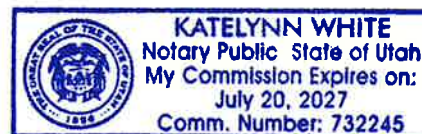
State of UTAH

County of Salt Lake

On the 13 day of June, 2024, personally appeared before me Ricardo Rodriguez, the signer of the above instrument, who duly subscribed and swore before me that he executed the same.

Katelynn White

Notary Public



(seal)