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

File No.:	PLCUP202400128		
Property Address:	9557 S. 3770 W.		
Applicant:	Leon Bryant Widdison		
Property Owner:	Leon Bryant Widdison		
Submitted By:	Andrew McDonald, Planner II		

Staff Recommendation (Motion Ready): I move to **approve** the conditional use permit (File No. **PLCUP202400128**) based on the Findings and Conclusions listed in this report.

ACREAGE: CURRENT ZONING: CURRENT/FUTURE LAND USE:

NEIGHBORING ZONING/LAND USE:

Approx. 1.02 Acre Residential (R-1.8, 1.8 Units per Acre) Stable Neighborhood (SN)

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 is proposing to construct a 2,816 ft² (44' x 64') detached accessory garage building. 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 proposed plans are also included.

The property is Lot 9 of the Clover Hills 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.

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 provision:

1. The footprint of accessory buildings shall not exceed the footprint of the main building (City Code §17.40.020(I)(3b)).

PUBLIC NOTICE:

City Code §17.04.060.B requires public notice be provided to the owner of record for properties located within 300' (feet) of the subject property. City Code Title §17.40.020(I)(3e) requires that all property owners within the subject property subdivision receive notice. A copy of the required mailing notice has been included in the supporting materials. A map of the notice recipients has also been included.

STAFF FINDINGS, CONCLUSION & RECOMMENDATION:

Findings:

- Access to the building will use existing lot frontage along 3770 West, a private road.
- The property line follows the center line of 3770 West.
- There will be no business use of this building. The property owner does not intend to have living space (see supporting materials).
- Accessory buildings are common to the neighborhood. The applicant has provided examples of neighborhood garages that compare to the building proposed (see the letter from applicant).
- There are larger homes in the area that would be able to construct the proposed building without needing a CUP.
- The building exceeds the minimum setback requirements.
- The garage has a second-story storage loft, and a below grade basement. Both are intended for storage of personal items.
- The existing home has an overall height of just over 25'. The overall height of the garage is proposed to be 24'.

- 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 1,448 ft². The overall footprint of the proposed building exceeds the main footprint by roughly 1,368 ft², and thus requires a conditional use permit.
- Staff finds no detrimental effects in building one large building instead of multiple smaller buildings, that the property owner would otherwise be permitted to construct.
- The Clover Hills Subdivision has large lots all exceeding one acre.
- The subject property has the smallest main home footprint in the subdivision. The home has a foot print of 1,448 ft². The other homes in the subdivision are at least twice the footprint of the subject property.
- It is common for large lots to build large accessory 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 10%.
- 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 building will be constructed from foundations up, instead of using pre-fabricated, preassembled metal materials.

Conclusions:

The proposed building is in compliance with development standards of the R-1.8 Zone. Staff holds that no detrimental effects could be identified as a result of approving this application.

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 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:

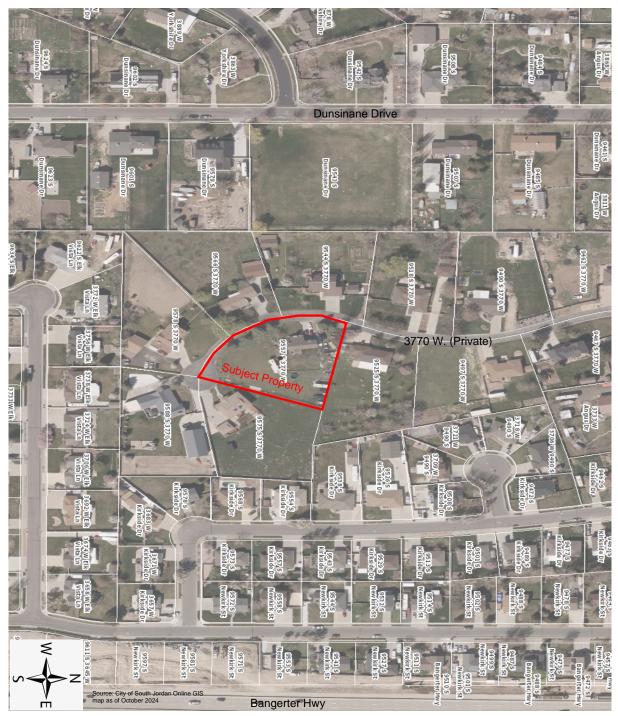
- Location Map
- Current Zoning Map
- Clover Hills Subdivision Plat
- Site Plan
- Floor Plans
- Building Elevation

- Letter from Applicant
- Applicant's Response to Staff
- Title 17.40 "City Code Provisions for R-1.8 Zone"
- Public Mailing Notice

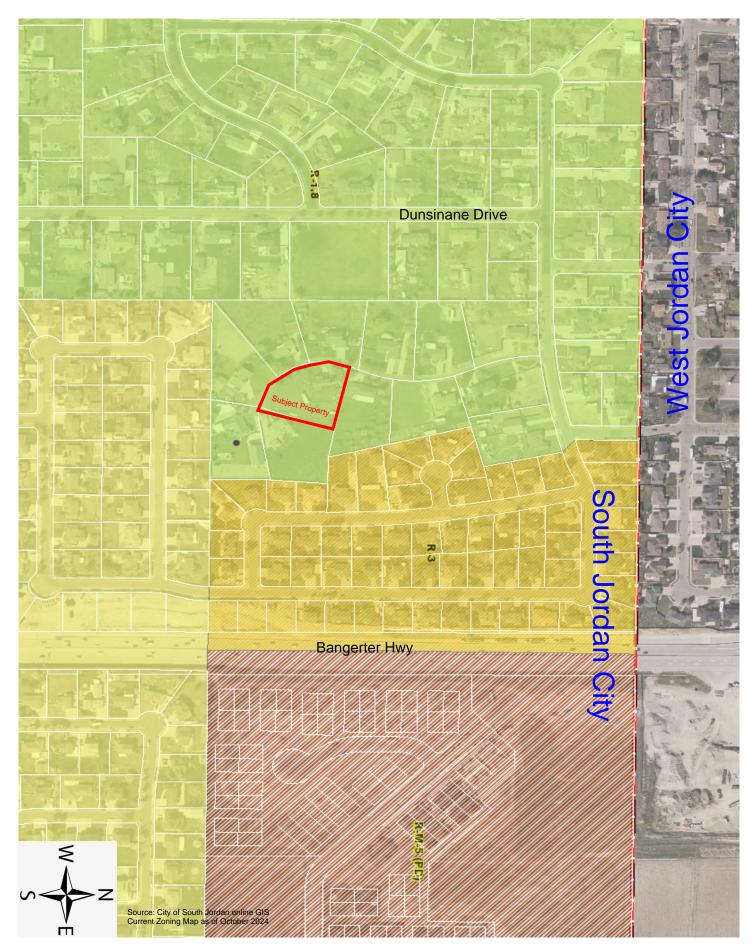
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Andrew McDonald, AICP Planner II, Planning Department

Location Map

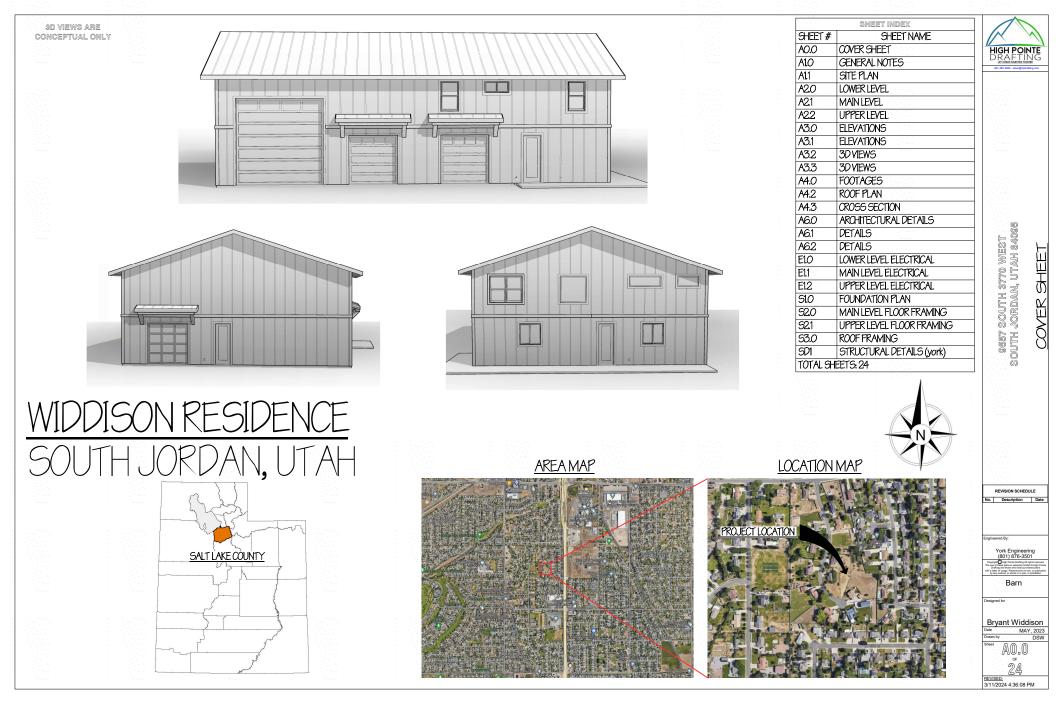


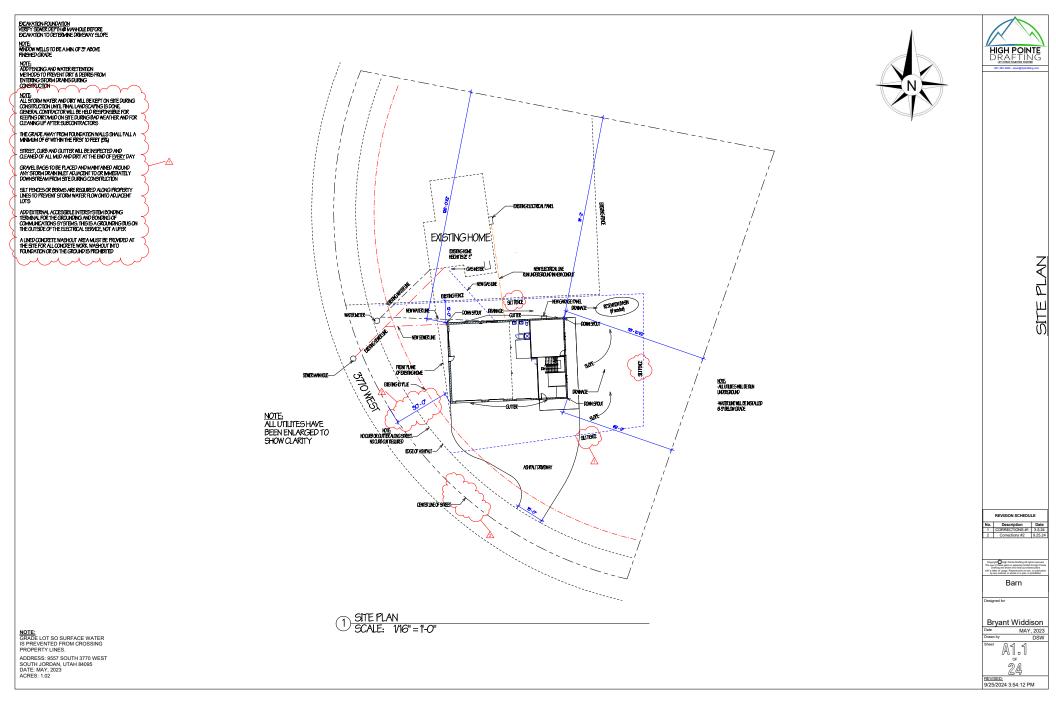
Current Zoning Map

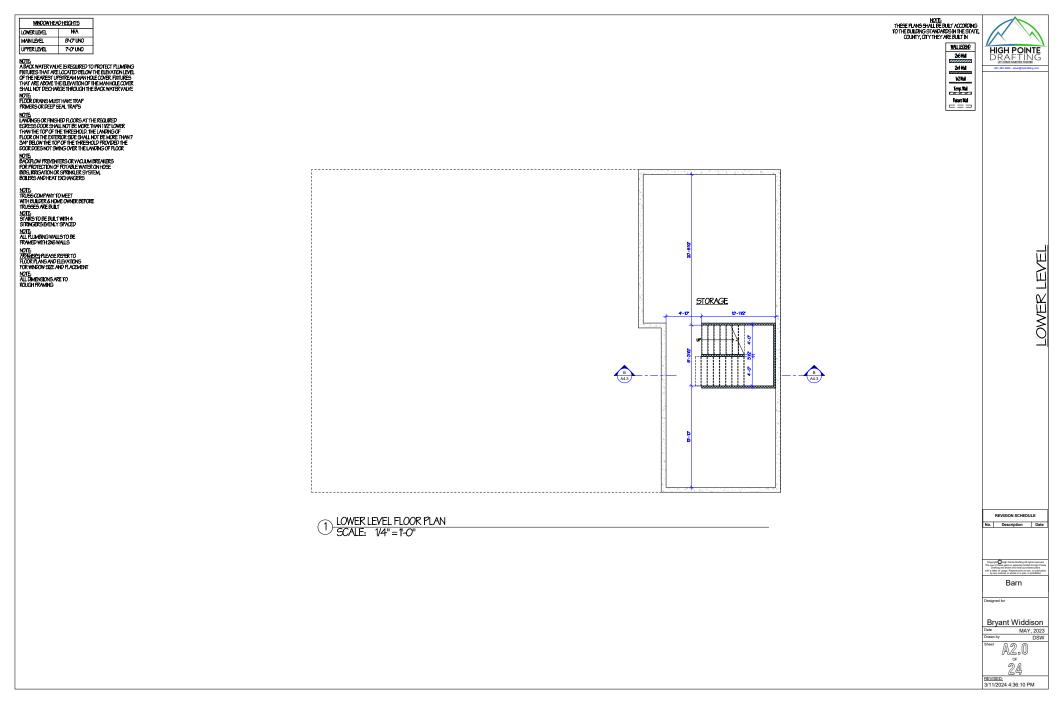


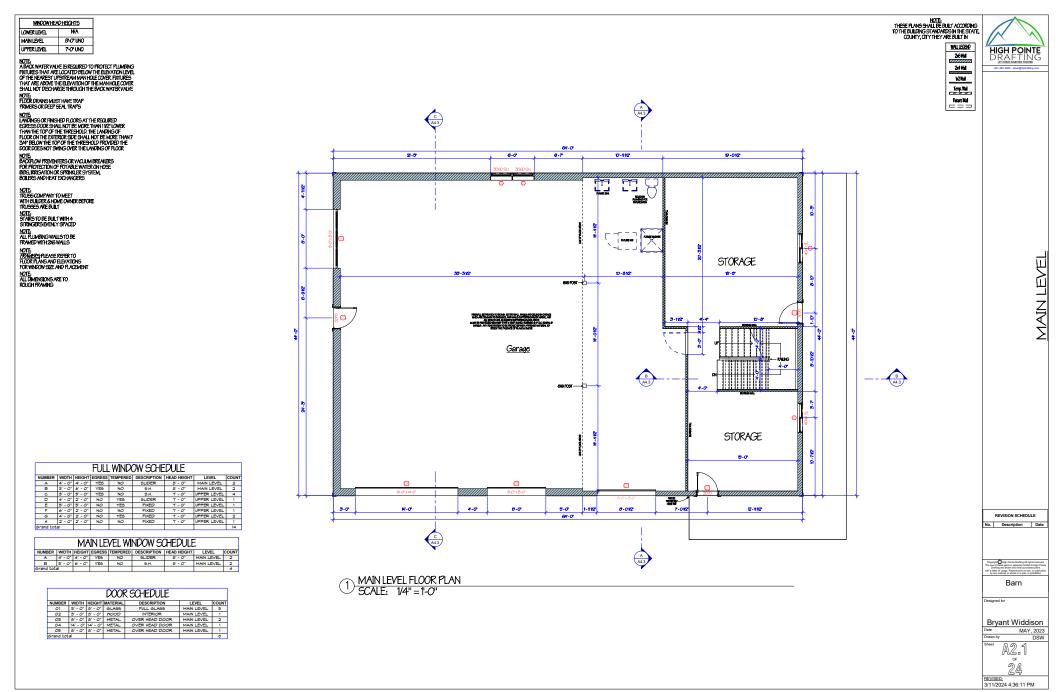
Clover Hills Subdivision

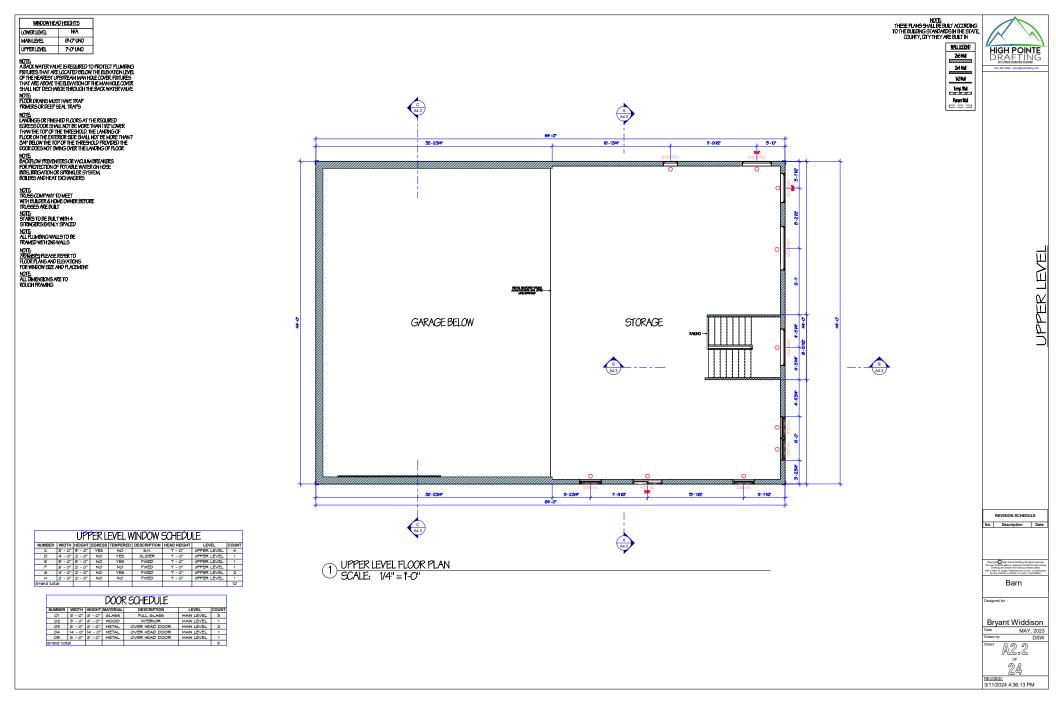
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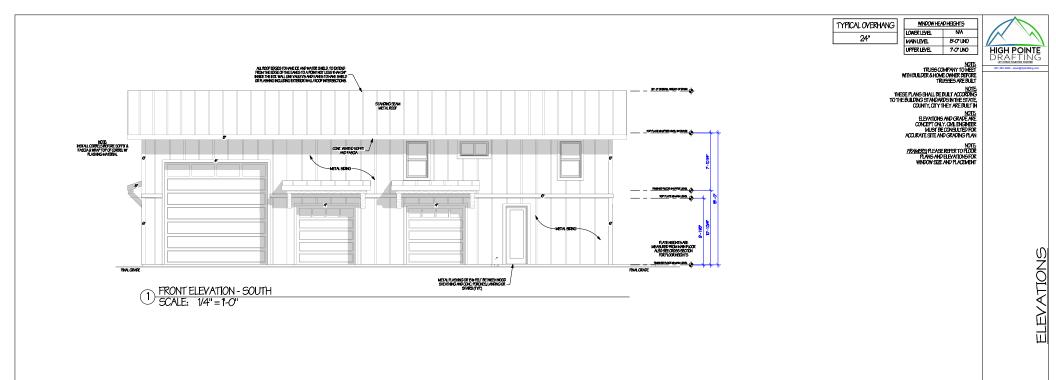


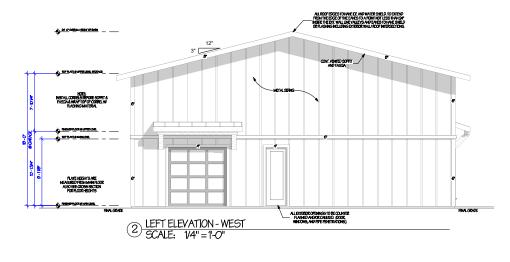


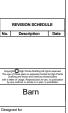




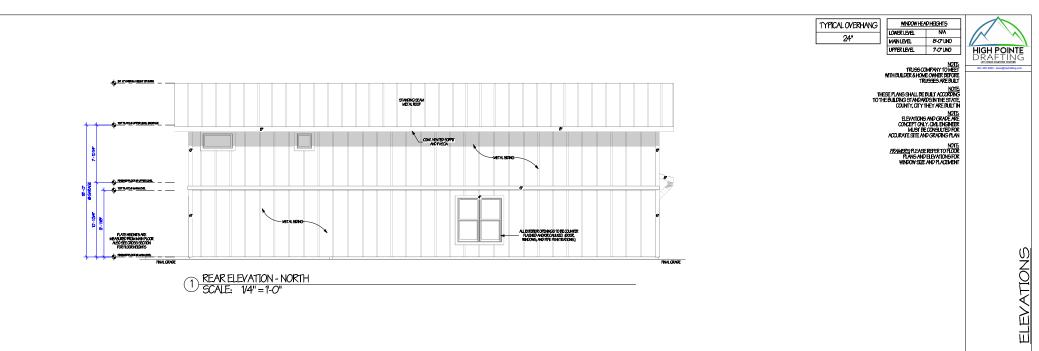


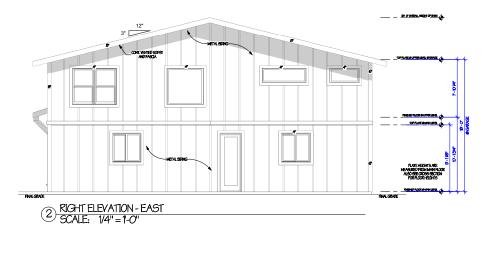






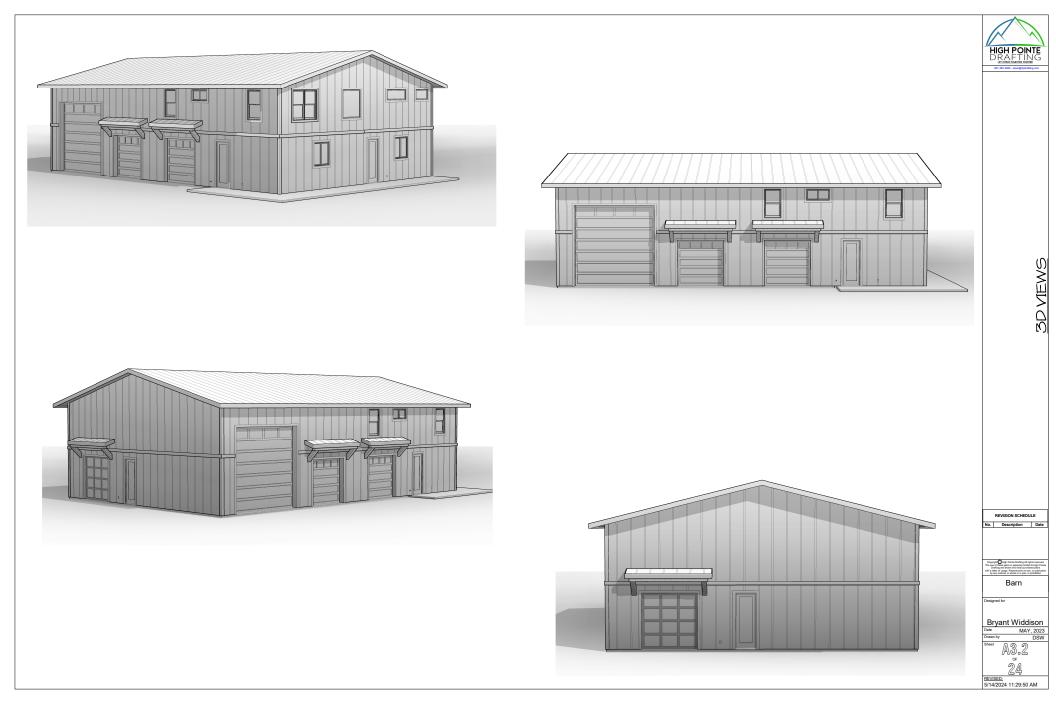


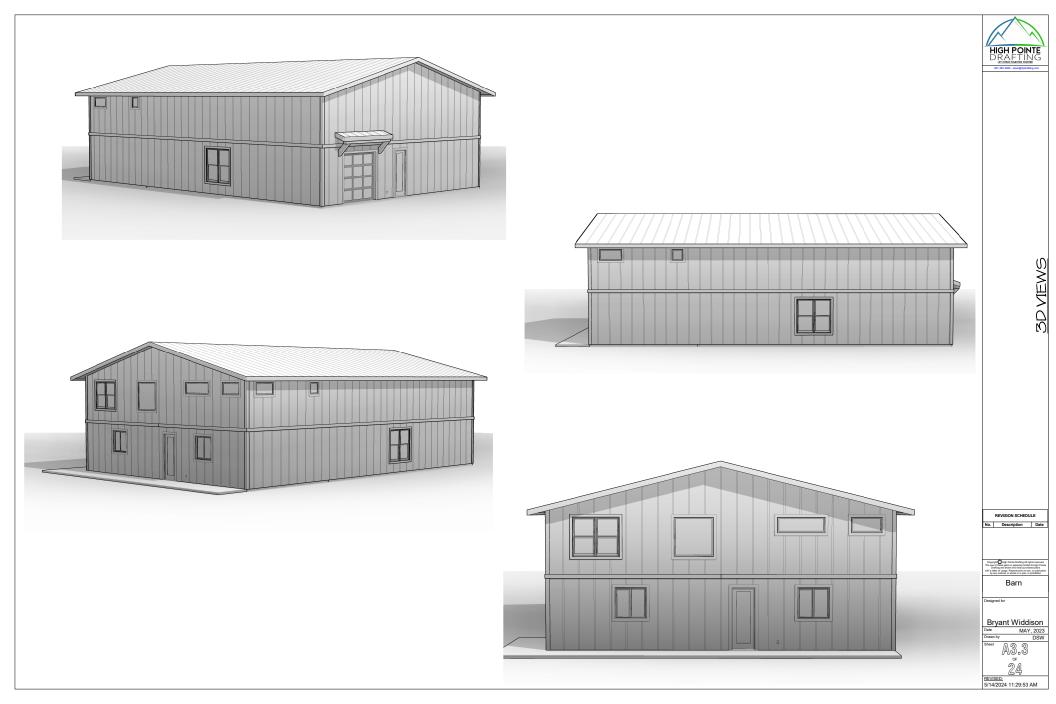


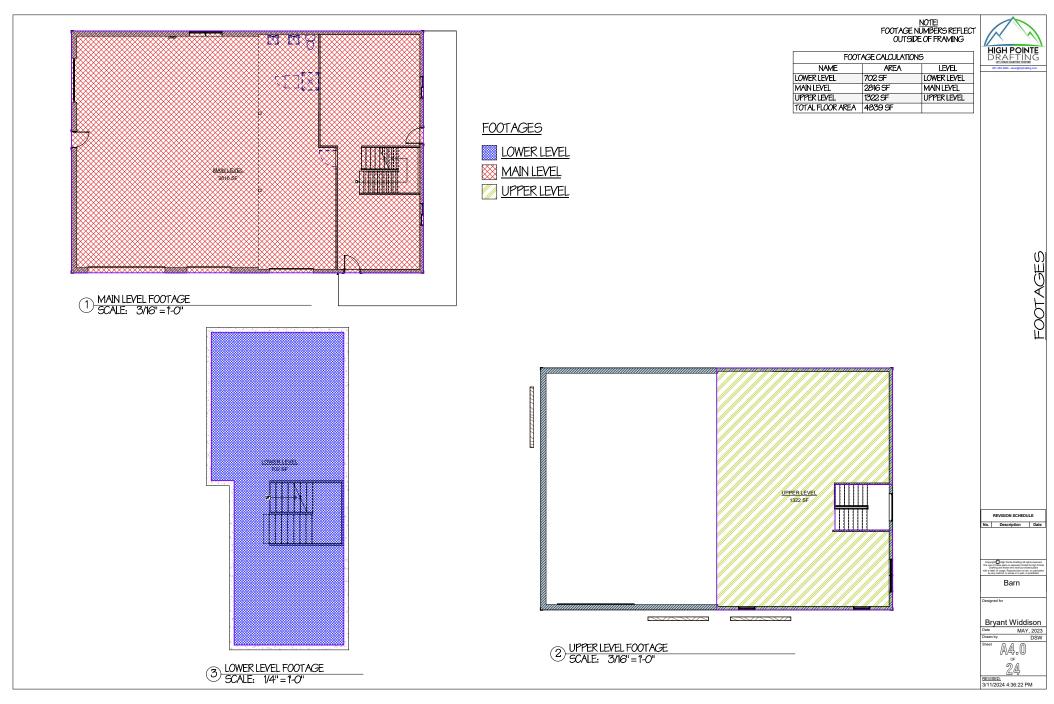


Barn
Designed for
Bryant Widdison
Date
MAY, 2023
Drawn by DSW

Sheet A3.1 or 24 <u>REVISED:</u> 5/14/2024 11:29:48 AM







Letter from Applicant

I am seeking your approval for my plans to build a detached garage that exceeds the size limitations currently in place. I believe that by allowing me to construct a larger garage, I will be able to improve the overall aesthetics and functionality of my property. This new garage will provide the space and storage that is required to accommodate the evolving needs of my property. The larger garage will provide increased storage space for essential items such as, tools, equipment and recreational vehicles, contributing to a more organized and efficient living space which will ultimately enhancing the value of my home. Also, the structure will improve the curb appeal of my property and align with the modern standards of property development in our community. By approving my plans you not only support the enhancement of my property but also contribute to the overall improvement of our neighborhood. In addition, many homes in my neighborhood have detached garages and there are several that have buildings that are similar in size then the one I am planning. I respectfully ask for your consideration in approving my request for this project.

Leon Bryant Widdison Property Owner 9557 S. 3770 W.

Applicant Responses

TO: Leon Bryant Widdison DATE: August 02, 2024 FROM: City of South Jordan SUBJECT: Detached Garage Conditional Use Permit (PLCUP202400128)

Please see the reviewed documents under the "Documents and Images" tab on the online city portal, which have been marked up to show any required corrections. Resubmit corrected drawings using the "New Version" button in the appropriate submittal item spot. Ensure that you're uploading the entire set of plans, not just pages with corrections. Any added sheets should be added at the end of the plans so that redlines will remain in their proper locations. Please note that additional redlines may be shown upon resubmitted plans during subsequent reviews. Please contact Staff with any questions.

Items to be addressed prior to approval:

Planning Review Completed By: Andrew McDonald (amcdonald@sjc.utah.gov)

The application includes comments from the applicant stating that this building would "improve the overall aesthetics and functionality" of the property. Please elaborate on how that would be done? What functionality do you now consider having now that is not favorable?

A detached garage is essential to enhance both the functionality and aesthetic appeal of my property. Currently, my vehicles are exposed to the elements, leading to accelerated wear and tear. A garage would not only protect my vehicles but also provide valuable storage space for tools, equipment, and outdoor gear, creating a more organized and efficient living environment. Additionally, a well-designed detached garage can significantly improve the overall curb appeal of my home, adding value and character to the property.

Staff has reviewed aerial imagery of the property and can see many automobiles, trailers, RV's/Motor Homes, trucks, and trash/debris kept outdoors. What do you have currently on the property as of July 2024? Are these all planned to be kept inside the garage? Please know that a property is only permitted to have up to two non-operable vehicles regardless if they are stored outdoors or indoors.

Yes, as previously mentioned, The garage will be used to store and work on my automobiles and other items currently on my property.

The existing home has a two car built in garage. Is it able to house two parked cars? Or is it full of the items you reference needing a new home so that you can park your cars inside the garage?

Currently my garage is able to fit one car but my intention is clean the garage and move the enclosed items to the new detached garage to create space for two.

At the time the subdivision was created (Clover Hills), and the first homes began to be constructed, there was an HOA with governing CCRs. Does the HOA still exist? Please know that the City does not enforce CCRs. They are entirely private and civil matters between the applicable property owner/parties. If they exist, and they have provisions that apply restrictions to your proposed building, enforcement would be up to community members and how they choose to enforce. The City would not be involved.

The applicant includes in the application that "many homes in my neighborhood have detached garages and there are several that have buildings that are similar in size". The proposed building is almost twice the size of the home. Staff has reviewed the area, and cannot find any properties with detached garages that are as large as what is being proposed. Please provide the addresses or location of the properties that you are referring to so that Staff may include them in review to better understand your proposal, and its compatible and consistent with the character of the surrounding area?

9588 S 3770 W, South Jordan (70x40 detached garage shown on Google maps)3733 Angus Dr., South Jordan (60x40 detached garage shown on Google maps)9579 Dunsinane Dr., South Jordan (just recently completed a 60X40 detached garage. Not shown on Google maps)

The applicant has submitted three building permits to construct the proposed building. In each of these applications, the location of the proposed garage changes. Please explain why the garage has been relocated from the rear yard of the property to closer to the road (3770 West). With size of the property being 1.02 acres, was there a reason the garage could not be located in the north east area of the property.

After the first submission I was informed that the setback of the building were to close in relation to the hight and the type of windows that I have included. Because of that I determined that the building would be better suited on the side of my house instead of the rear.

Please correct the Site Plan to show the proposed setbacks of the garage from the foundations to the property lines. The fences being used are not the property lines, and the front property line extends to the center line of 3770 West. Include on the Site Plan the setbacks from the garage to the north, east, and south.

Please correct the Site Plan to clarify where the front (29' 1 1/2") setback is being based from. Applications are required to demonstrate setbacks to the property lines, wherever they may be.

Please provide additional detail on alternative sizes you have considered in your design. How were smaller garage sizes incapable to meet your needs? What about them made it an unsuitable option?

I originally considered different size buildings and determined that the proposed size is optimal with regards to my needs and budget. I would have applied for a larger building if my budget allowed as I feel I still could use more indoor space.

Will this garage, now or at any point in the future, include any habitable apartment space? Do you or will you have the intent to rent any habitable space for a period that is longer than thirty calendar days?

I do not have any intentions to make any portion of it habitable.

Is this proposed garage a prefabricated material package purchased from a company? or is it being built from scratch from the ground up?

The proposed garage will be built from scratch by an experienced contractor. This is due to not being able to find a prefab kit that fit my needs and design elements.

Will the exterior metal siding of the proposed garage be painted with a color scheme that is compatible to the exiting home to better blend with the exiting character of the property, and the neighborhood?

Yes, the garage will be painted with the same colors as my existing home to further

enhance the aesthetics and continuity of the neighborhood.

Architectural standards for buildings in general (main or accessory) require that the chosen materials be "durable, high-quality, and low maintenance." How does the proposed material satisfy this requirement? Will the exterior be treated or coated so that it may holdup to continuous elemental exposure and require the least amount of maintenance as time progresses.

The proposed garage will be made from the same material used in standard home construction. The exterior will be covered with metal siding and painted with the same paint as my home.

Please provide the type of windows that will be used throughout the garage, particularly the second level. Will they visibly transparent and able to be opened allowing a person to look out from either the main or second level?

The type of windows that will be used are a vinyl window from Home Depot. More specifically the 50 Series Low-E Argon Glass Single Hung White Vinyl Fin Window, Screen Incl

The windows will be transparent and able to be opened

Please change the Site Plan to include the full width of the road (3770 West), the 10' PUE, and the distance from the front property line (center line of 3770 West) to the building's foundations. The proposed location of the garage requires that the minimum setback to the closet foundation point of the garage to the front property line be at least (30'). The proposed (29' 1 1/2") does not meet this requirement. Amend the location of the garage a little to the east so that the setback is at least (30') at the closet point between the proposed garage and the front property line. There is no exception to this code requirement.

Why do these plans no longer include a second level balcony, and now include a below grade basement in half the building?

After some consideration I determined that a basement would be a good addion to the garage for additional storage. Due to that addition I removed the balcony because of financial constraints.

Include on the Site Plan, for reference and clarity, the distance the existing home is

setback from the back edge of the asphalt road and from the center line of 3770 West.

Presently, 3770 West is a private road with no improvements. If, at some point in time, 3770 West is dedicated as a public Right-of-Way and improved with curb, gutter, and sidewalks the distance between what would be the new edge of the Right-of-Way and the garage in its proposed location would be roughly (22'). To prevent any potential problems in the future regarding the proposed garage, would the applicant/property owner be open to considering increasing the front setback to (38') so that if the road did ever become public, doing so would not impact the detached garage?

I would like to keep the proposed garage with the current legal setback as to preserve as much "back yard" space as possible and deal with any issues with the improvement of the road if they ever arise.

CUP applications for larger footprints must demonstrate consistency with the character of the surrounding area. Please elaborate on how this proposal demonstrates the requirement of consistency and capability. This could include discussing the size of homes and garages in the comparable R-1.8 Zone in South Jordan City.

The proposed garage has a style that is consistent with the style of homes in the surrounding area. The surrounding area is characterized by a mix of traditional and contemporary styles. The proposed garage has a traditional style.

In addition to being consistent with the character of the surrounding area, the proposed garage is also capable of meeting my needs as the property owner. The garage is large enough to accommodate multiple vehicles as well as including storage space for tools and equipment. The garage is a good fit for the property and is expected to have a positive impact on the neighborhood.

In the surrounding neighborhood, it's common to find homes that are larger than mine, often with spacious layouts and additional features. Many of these homes also have detached garages, providing space for parking vehicles and storing belongings. Examples of Similar Buildings in area

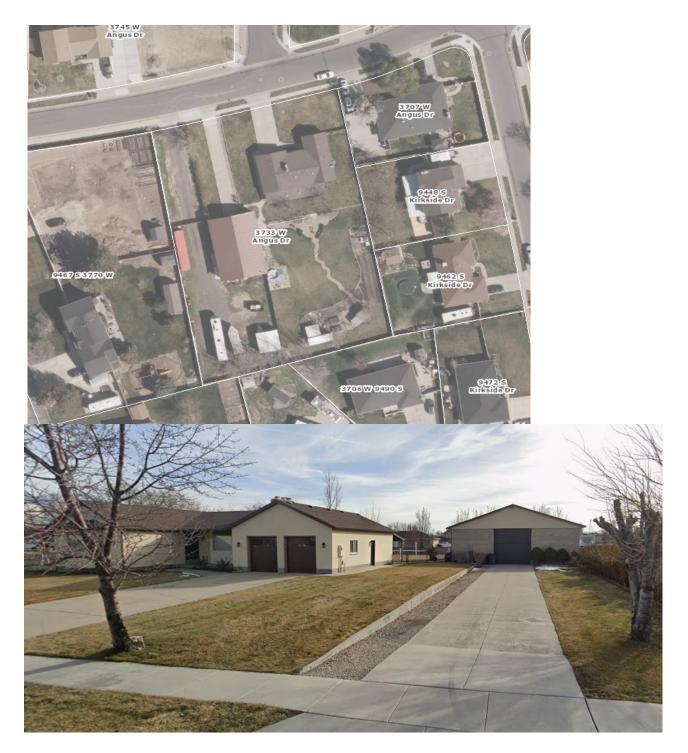
9588 S. 3770 W.

Home Size: 3,066 sf. Garage Size: 2,244 sf. (34' x 66') Building Permit issued 2004.



9558 S. 3770 W.

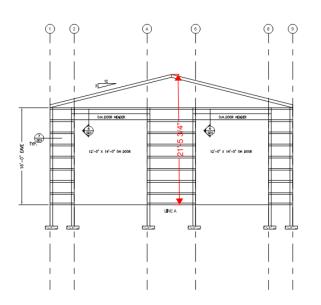
Home: 2,268 sf. Garage: 2,400 sf. (40' x 60'), Building Permit issued 1988

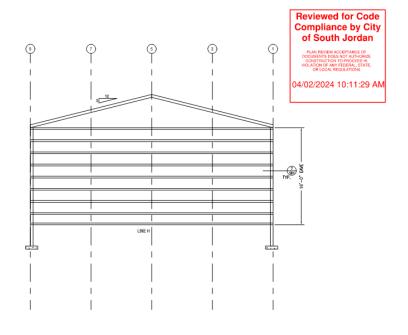


9579 S. Dunsinane Drive

Home: 3,040 sf. Garage: 2,800 sf. (40' x 70')







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

October 31, 2024

Dear Recipient:

Leon Bryant has filed an application (File **#PLCUP202400128**) for property located at <u>**9557 S. 3770 W...**</u> 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 <u>at 6:30 p.m. on Tuesday November 12, 2024</u> 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] <u>by 12:00 p.m. on November 8, 2024.</u>

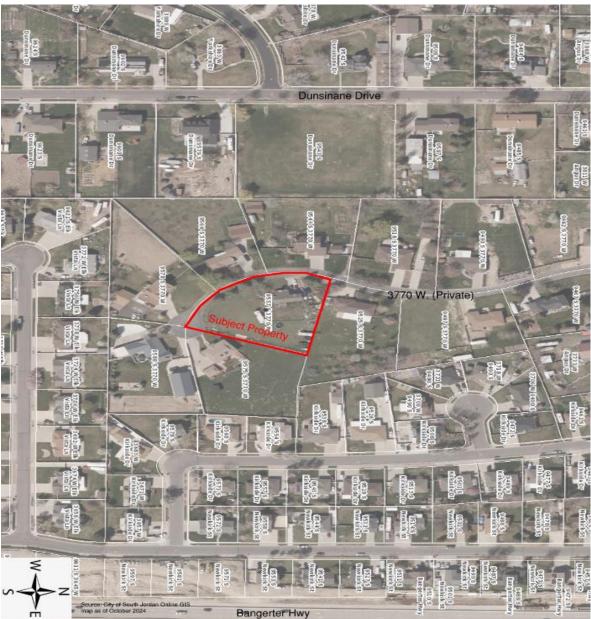
Virtual attendance can be done by following instructions provided at: <u>http://ww.sjc.utah.gov/planning-commission/</u>. Virtual attendance is contingent upon on individual's internet connection, not the City. Virtual attendance does not permit participation in the public hearing. In-person attendance 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 <u>amcdonald@sjc.utah.gov</u>, <u>by 12:00 p.m. on</u> <u>November 12, 2024.</u> 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. <u>There</u> <u>is a 10 MB file size limit on emails received</u>. 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 Planner II, Planning Department

Location Map of Subject Property



Map of Mailing Notice Recipients

Green shaded properties are within 300' of subject property highlighted in yellow.

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Blue Outline indicates recipients in the Clover Hills Subdivision

