

SOUTH JORDAN CITY PLANNING COMMISSION REPORT

Meeting Date: 08/13/2024

Issue: MISTY GUESTHOUSE
CONDITIONAL USE PERMIT AND ACCESSORY DWELLING UNIT
Address: 2737 West Misty Oaks Dr.
File No: PLCUP202400142
PLADU202400126
Applicant: Mary Nielson

Submitted by: Damir Drozdek, Planner III

Staff Recommendation (Motion Ready): I move that the Planning Commission **approve** application:

- PLCUP202400142 to allow for second floor windows and the proposed average wall height; and
- PLADU202400126 to allow an accessory dwelling unit (guesthouse) proposed size.

ACREAGE:	Approximately 0.34 acres
CURRENT ZONE:	R-2.5 (Single-family residential, 2.5 lots per acre) Zone
CURRENT USE:	Residential
FUTURE LAND USE PLAN:	SN (Stable Neighborhood)
NEIGHBORING ZONES/USES:	North – R-2.5 / Misty Oaks Dr. South – R-2.5 / Single-family home West – R-2.5 / Single-family home East – R-2.5 / Single-family home

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 on a use, the detrimental effect must be identified and be based on upon substantial evidence, not simply a suspicion or unfounded concern. Any condition must be the least restrictive method to mitigate the detrimental effect.

The Planning Commission shall approve a conditional use permit application if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed conditional use in accordance with applicable standards.

The Planning Commission may deny a conditional use permit application if the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards. Further, City Code § 17.18.050 provides:

I. COMPLIANCE AND REVOCATION:

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 A 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.

STANDARD OF REVIEW:

17.130.030.020: REVIEW PROCESS

C. Guesthouse Planning Commission Approval: In addition to the requirements of subsections A and B of this section, guesthouses that propose a floor area greater than thirty five percent (35%) of the living area for the primary dwelling or one thousand five hundred (1,500) square feet shall require review and approval by the Planning Commission.

BACKGROUND:

The applicant has applied for Conditional Use Permit (CUP) and Accessory Dwelling Unit (ADU) permit to construct a detached building located at 2737 W. Misty Oaks Dr. The proposed building will be located in the southwest corner of the property. The property is surrounded by other single-family residential properties similar in size and layout.

The proposed building is two stories tall. The main floor consists of a kitchen area, living room, a bathroom and two bedrooms. The second floor contains a loft and a bathroom. There are windows on the second floor that will face south and west. They are within 20' of property lines. Additionally, the proposed structure will have an average wall height exceeding 16' in height, which also requires an approval through the CUP process (See City Code § 17.40.020.I.3). The average wall height will measure roughly 18' to the peak.

The ADU permit application is regarding the proposed ADU size. According to the County records, the home contains 2,995 sq. ft. of living space. The Planning Commission is required to review and approve all guest homes exceeding 1,500 sq. ft., or 35% of the main dwelling living area. In this particular case, 35% of the home is 1,048 sq. ft. The proposed ADU contains 1,272 sq. ft. of living space and that exceeds the allowed 35% as required by the City Code (See City Code § 17.130.030.020:C.).

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATION:

Findings:

- To the best of staff's knowledge, the applicant owns at least three properties in the City.
- The applicant is listed on the title together with Emeline Thornton and Russell Thornton as the owners of the property.
- Emeline Thornton filed the ADU affidavit with the City. Emeline will reside on the property full-time.
- Staff has not identified any potential detrimental effects that the Guesthouse may cause if approved as long as the residency and all other City ADU requirements continue to be met.

Conclusion:

- The proposed Guesthouse does not appear to violate any health, safety or welfare standards if approved as proposed. In addition, staff was not able to identify any detrimental effects to the adjacent properties or the general area.

Recommendation:

- Based on the Findings and Conclusions listed above, Staff recommends that the Planning Commission take comments at the public hearing and **approve** the Application, 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:

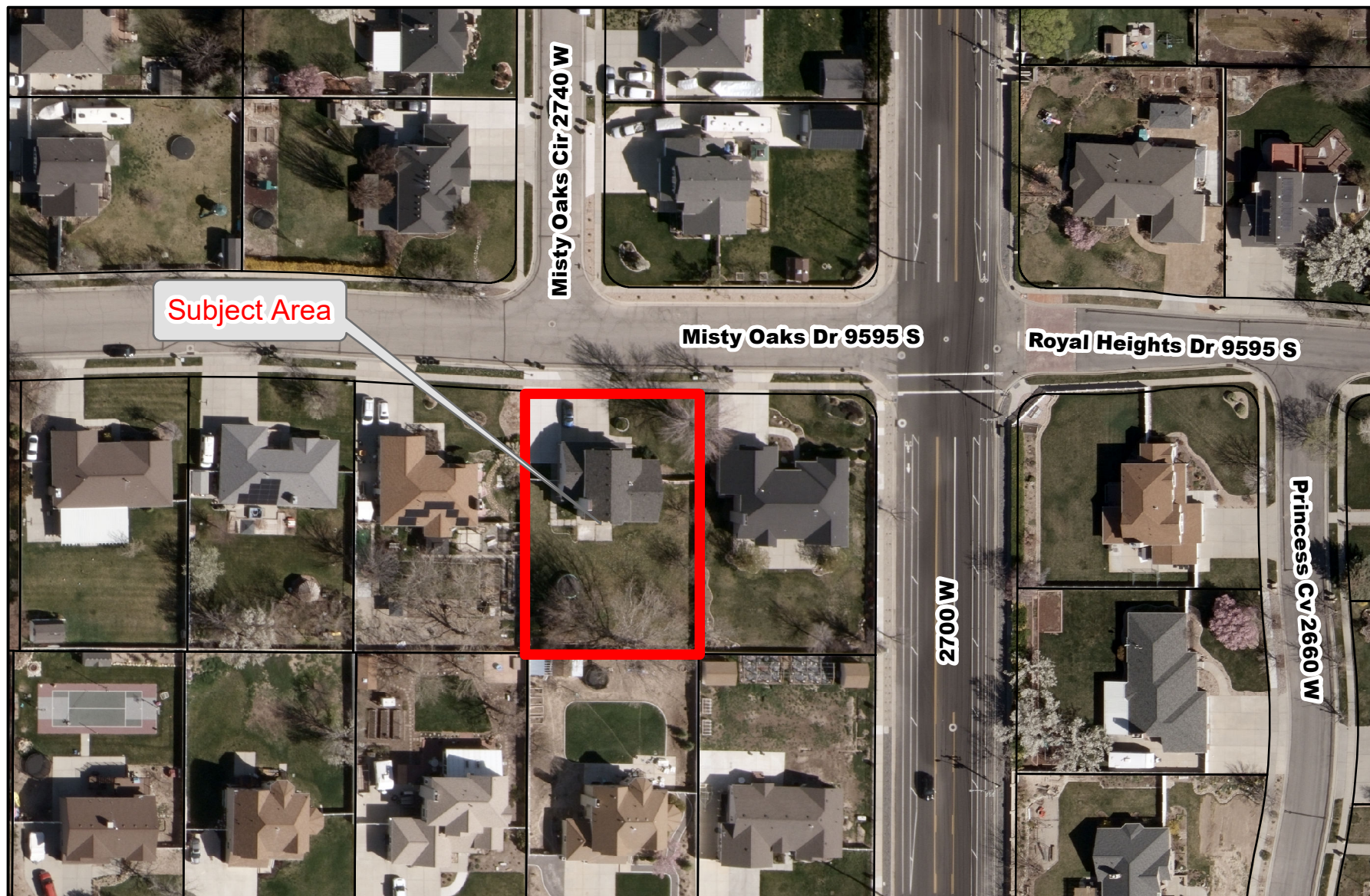
- Approve an amended Application.
- Deny the Application.
- Schedule the Application for a decision at some future date.


SUPPORT MATERIALS:

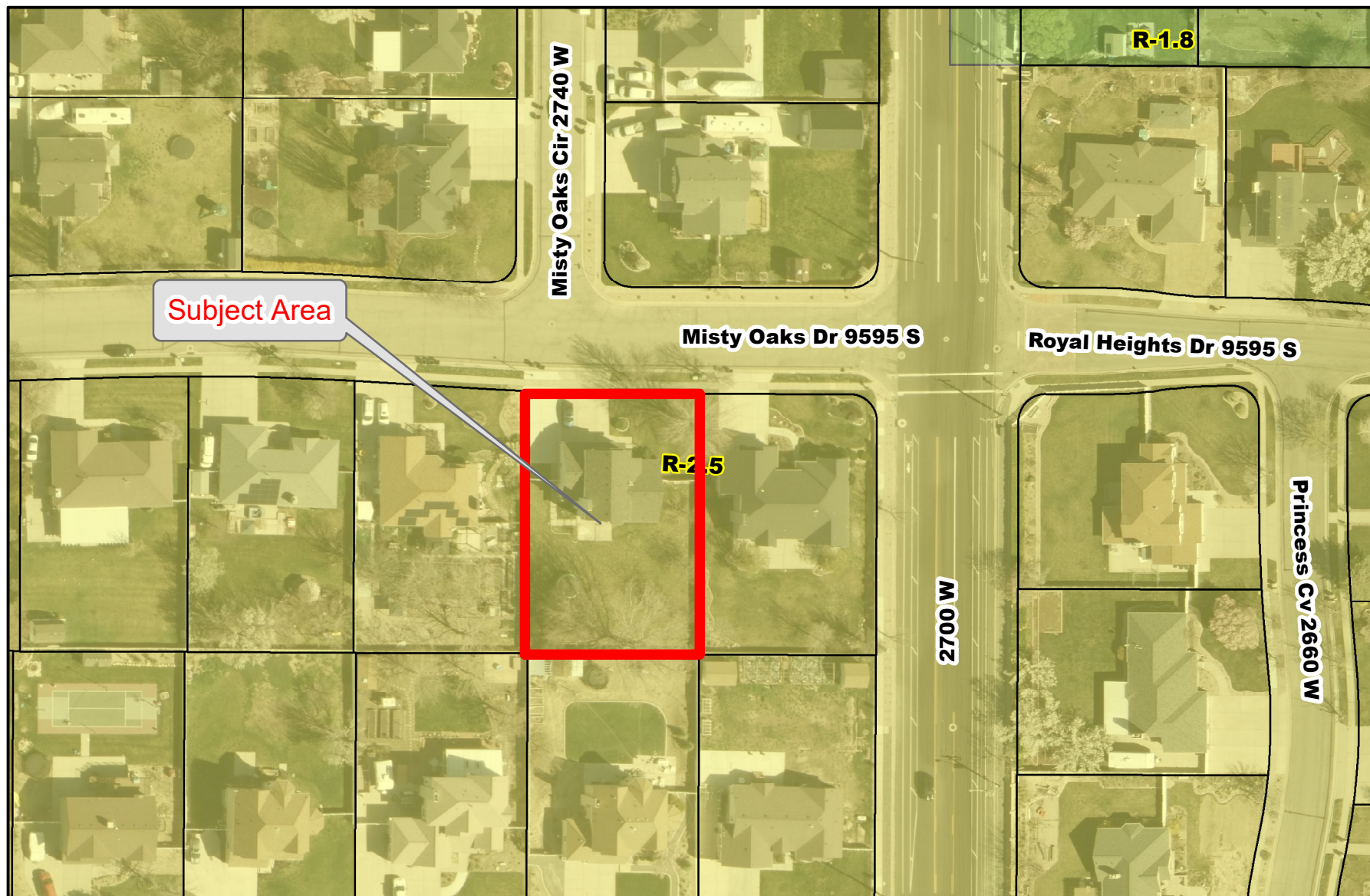
- | | |
|--------------|-----------------|
| • Aerial Map | • Elevations |
| • Zoning Map | • Floor Plans |
| • Site Plan | • ADU Affidavit |




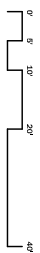
Damir Drozdek, AICP
Planner III



<p>Legend</p> <p>STREETS</p> <p>PARCELS</p>	<p>Aerial Map</p> <p><i>City of South Jordan</i></p>	<p>0 25 50 100 150 200 Feet</p> <p>Aerial Imagery 2024</p> 
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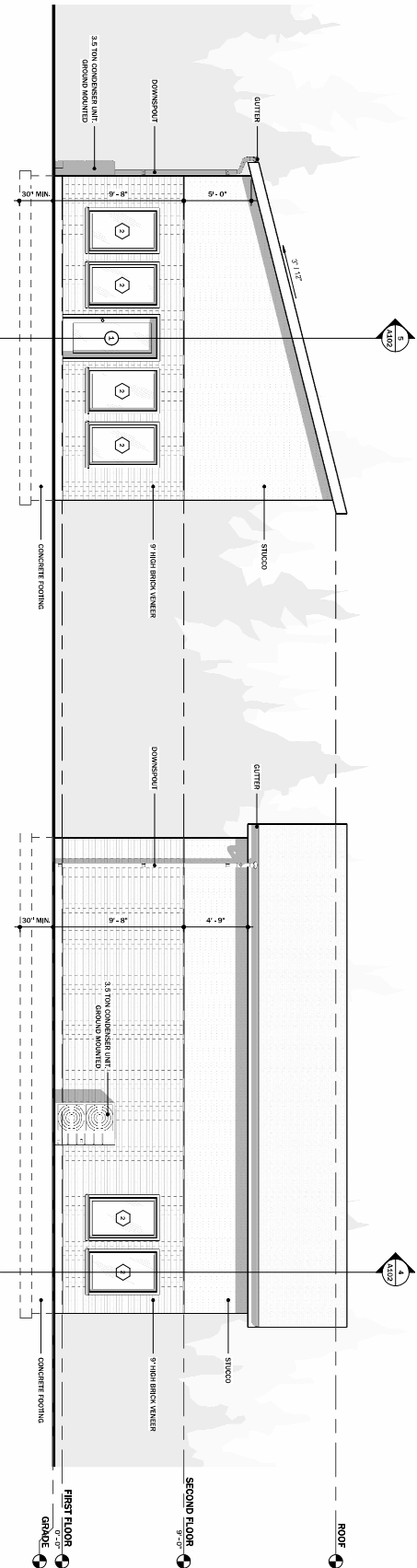
<p>Legend</p> <p>STREETS</p> <p>PARCELS</p>	<h2>Zoning Map</h2> <p><i>City of South Jordan</i></p>	<p>0 25 50 100 150 200 Feet</p> <p>Aerial Imagery 2024</p> 
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STUDIO CABIN
2737 W Misty Oaks Dr S, South Jordan, UT 84095

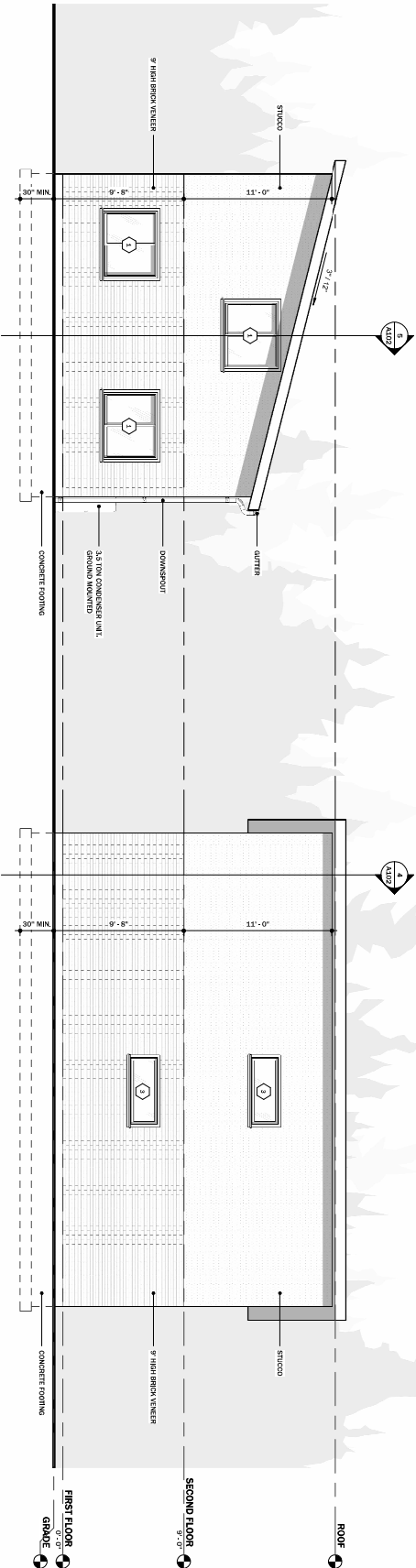
PROJECT NO.	
SCALE	1" = 10'-0"
DATE	07/23/24
DRAWN BY	
CHECKED BY	
SHEET TITLE	SITE PLAN

C100



1 FRONT ELEVATION
SCALE: 1/4" = 1'-0"

2 LEFT ELEVATION
SCALE: 1/4" = 1'-0"



3 REAR ELEVATION
SCALE: 1/4" = 1'-0"

4 RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

SCALE:

CONTRACT:

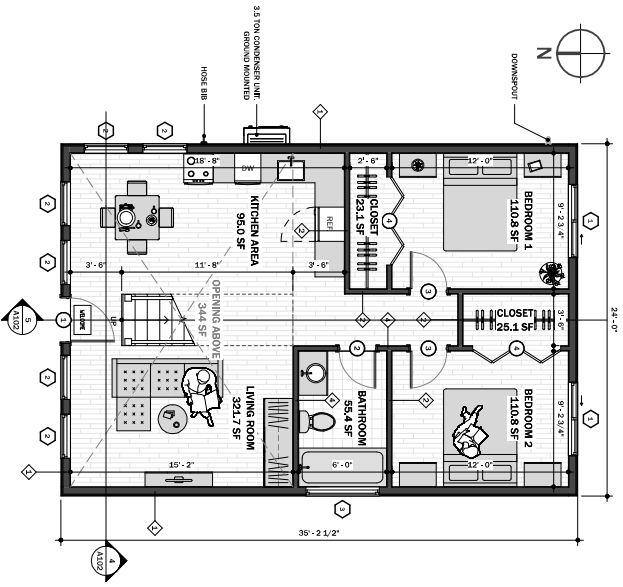
PROJECT:

STUDIO CABIN
2737 W Misty Oaks Dr S, South Jordan, UT 84095

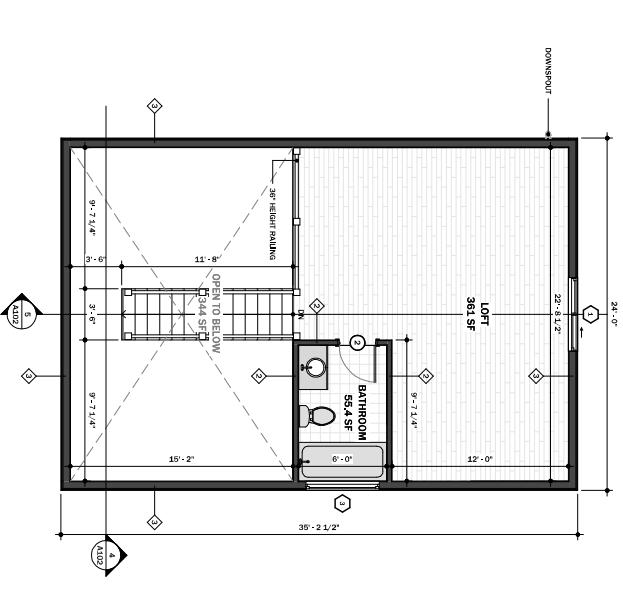
REVISIONS	
MARK	DATE DESCRIPTION

PROJECT NO.	1-4" = 1'-0"
SCALE	01/23/24
DATE	01/23/24
DRAWN BY	
CHECKED BY	
SHEET TITLE	ELEVATIONS

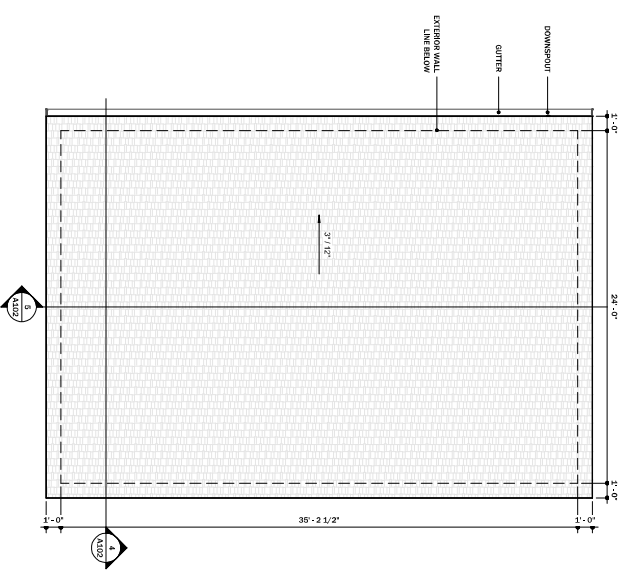
SHEET NO.
A101



1 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

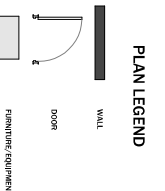


2 SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



3 ROOF PLAN
SCALE: 1/4" = 1'-0"

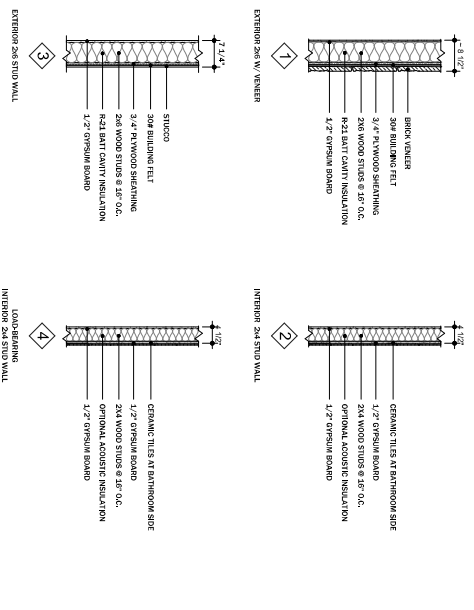
- CONSTRUCTION NOTES**
- THICKEN INTERIOR WALL TO 24" WOOD STUDS @ 16" O.C. WITH 1/2" GYPSUM BOARD TO BOTH SIDES, UNLESS NOTED.
 - DOORWAYS SHOWN ARE FROM FINISHED FLOOR TO FINISHED FLOOR.
 - USE MOISTURE RESISTANT PLYWOOD AT ALL WET LOCATIONS.
 - DOORS ARE TO BE LOCATED 6" FROM THE NEAREST PERPENDICULAR WALL OR CENTERED ON WALL, UNLESS NOTED.
 - DOORS AT CORNERS SHALL BE LOCATED AT THE CENTER OF THE ENTIRE CORNER.
 - THIS DRAWING IS BEING PROVIDED AS A GRAPHIC REPRESENTATION OF THE INFORMATION LAYOUT. ASSOCIATED PLANS, ELEVATIONS, AND OTHER RELATED INFORMATION WILL BE PROVIDED BY A DETAILING WORKSHOP.



DOOR SCHEDULE									
MARK	MATERIAL	TYPE	NORMAL SIZE			FRAME			HARDWARE
			WIDTH	HEIGHT	THICKNESS	MATERIAL	JAMB	HEAD	
1	WOOD	SINGLE SWING	3'-0"	7'-0"	1 1/2"	WOOD	1 1/2"	1 1/2"	DOOR
2	WOOD	SINGLE SWING	2'-6"	7'-0"	1 1/2"	WOOD	1 1/2"	1 1/2"	DOOR
3	WOOD	SINGLE SWING	2'-6"	7'-0"	1 1/2"	WOOD	1 1/2"	1 1/2"	DOOR
4	WOOD	SLIDING	6'-0"	7'-0"	1 1/2"	WOOD	1 1/2"	1 1/2"	DOOR

WINDOW SCHEDULE									
MARK	MATERIAL	TYPE	NORMAL SIZE			FRAME			HARDWARE
			WIDTH	HEIGHT	THICKNESS	MATERIAL	JAMB	HEAD	
1	WOOD	DOUBLE SLIDING	7'-0"	7'-0"	1 1/2"	WOOD	1 1/2"	1 1/2"	DOOR
2	WOOD	DOUBLE SLIDING	7'-0"	7'-0"	1 1/2"	WOOD	1 1/2"	1 1/2"	DOOR
3	WOOD	DOUBLE SLIDING	7'-0"	7'-0"	1 1/2"	WOOD	1 1/2"	1 1/2"	DOOR

4 WALL TYPES
SCALE: 3/4" = 1'-0"



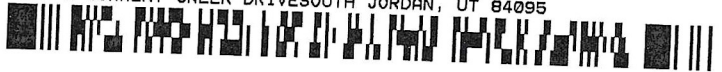
STUDIO CABIN
2737 W Misty Oaks Dr S, South Jordan, UT 84095

PLANS AND WALL TYPES

A100

WHEN RECORDED RETURN TO:
CITY OF SOUTH JORDAN
1600 W TOWNE CENTER DRIVE
SOUTH JORDAN, UT 84095

14267617 B: 11506 P: 5182 Total Pages: 2
07/23/2024 11:55 AM By: aallen Fees: \$40.00
Rashelle Hobbs, Recorder, Salt Lake County, Utah
Return To: MARY NIELSON
3072 W CURRENT CREEK DRIVESOUTH JORDAN, UT 84095



Accessory Dwelling Unit Affidavit

Emeline Thornton is the landowner of record of real property (the "subject property") located at 2737 W. Misty Oaks Drive 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 18 day of JULY, 2024

State of Utah Utah,

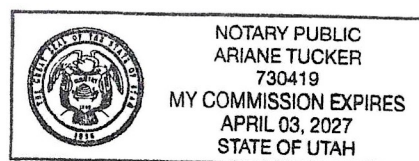
)ss

County of Salt Lake)

On the 18 day of JULY, 2024, personally appeared before me Emeline Thornton the signer(s) of the above instrument, who duly subscribed and swore before me that they executed the same.

NOTARY PUBLIC

Residing in Salt Lake County, Utah



OWNER'S AFFIDAVIT

This Owner's Affidavit (this "Affidavit") is made by Emeline Thornton (the "Owner") who is the legal and right property owner(s) of the following parcel(s): 2737 W. Misty Oaks Drive, South Jordan, UT 84095 (the "Property").

The Owner acknowledges that _____ (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 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 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

Emeline Thornton

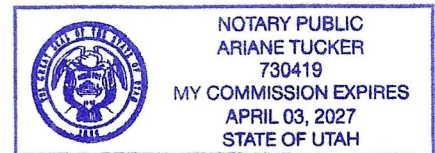
OWNER SIGNATURE

State of Utah)
County of Salt Lake)

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Ariane Tucker

Notary Public



(seal)

WHEN RECORDED RETURN TO:
CITY OF SOUTH JORDAN
1600 W TOWNE CENTER DRIVE
SOUTH JORDAN, UT 84095

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(signature of property owner)

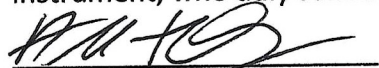
Dated this 18 day of JULY, 2024

State of Utah Utah

)ss

County of Salt Lake)

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