



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Appeals Hearing Officer

From: Amy Thompson, amy.thompson@slcgov.com or 801-535-7281

Date: March 3, 2020 (Publication Date)

Re: PLNAPP2020-00034 – Appeal of an Administrative Interpretation Related to Building Coverage – *Administrative Interpretation PLNZAD2019-01072*

Appeal of Administrative Decision

PROPERTY ADDRESS: 1978 S Windsor Street

PARCEL ID: 16-17-359-020

PARCEL DISTRICT: R-1/7000 (Single Family Residential District)

ZONING ORDINANCE SECTIONS:

- 21A.02.030 Purpose and Intent of the Zoning Ordinance
- 21A.40.200.E.3
- 21A.40.050.B.2
- 21A.62 Definitions

APPELLANT: Joseph Wolf, represented by Brent Bateman

INTERPRETATION ISSUE:

Whether building coverage is measured from all exterior building walls, or just the area of the building that touches the ground. The interpretation is associated with a proposed accessory building with a second level Accessory Dwelling Unit (ADU) at approximately 1978 S. Windsor Street.

ZONING ADMINISTRATOR'S DETERMINATION:

Salt Lake City considers the entire building when calculating building coverage. This includes areas of the building that provide coverage over the ground, not just the portion of the building that touches the ground. The building coverage for the proposed accessory structure is calculated from the perimeter of all exterior walls of the building, including the cantilevered portion.

APPEAL:

The appellant claims that the Administrative Interpretation issued on December 23, 2019 errs in the following ways:

1. Correct Application of the Principles of Ordinance Interpretation Require Allowing the Use
2. The Cantilevered ADU Design has Already been Approved and Cannot Now be Changed by the City

This is an appeal of an Administrative Interpretation. Therefore, the standard of review for the appeal shall be de novo. The Appeals Hearing Officer shall review the matter appealed anew, based upon applicable procedures and standards for approval and shall give no deference to the original decision.

In accordance with 21A.16.030.D.1, A public hearing must be held prior to the Appeals Hearing Officer making a decision.

PROJECT DESCRIPTION/BACKGROUND:

Joseph Wolf, the owner of the property at 1978 S Windsor Street, has applied to build an accessory building on his property which includes a second story accessory dwelling unit (ADU). On July 31, 2019 the Salt Lake City Planning Commission granted Conditional Use approval for the ADU.

The property is located in the R-1/7000 Single-Family Residential zoning district. Sections 21A.40.200E3 and 21A.40.050B2 of the zoning ordinance limit the building coverage of accessory structures to a maximum of 720 square feet in this zone. The second story of the proposed accessory structure is offset from the first story, so a portion of the second story is cantilevered. The plans submitted with the conditional use application showed in writing that the accessory structure was 720 square feet in size. Following the conditional use approval and during the building permit review process, the proposed building was determined to exceed the maximum 720 SF building coverage.

The appellant submitted an application for an Administrative Interpretation regarding building coverage. The applicant states that the building footprint (used to calculate building coverage) should be “the measurement from exterior wall to exterior wall of a structure that touches grade.”

In response to the interpretation request, Planning Staff issued an administrative interpretation ([Attachment A](#)) that the structure, as proposed, exceeds the allowable building coverage for accessory buildings. The administrative decision found that Salt Lake City considers the entire building when calculating building coverage. This includes areas of the building that provide coverage over the ground, not just the portion of the building that touches the ground. The building coverage for the proposed accessory structure is calculated from the perimeter of all exterior walls of the building, including the cantilevered portion. The Administrative Interpretation is the subject of this appeal.

RESPONSE TO APPEAL:

To assist the Hearing Officer in reviewing the appeal, the Planning Division and the Salt Lake City Attorney’s Office have provided the following responses to the appellant’s claims. The appellant’s quoted claims are included in italics. The appellants appeal application and information related to these claims is located in [Attachment B](#).

Claim 1: Correct Application of the Principles of Ordinance Interpretation Require Allowing the Use

The appellant claims that the city’s Administrative Interpretation regarding building coverage ignores some of the principles of ordinance interpretation under Utah law. The full appeal language submitted by the appellant is located in [Attachment B](#).

Salt Lake City Attorney’s Office Response to Claim 1:

Appellant contends that this matter involves a battle of the city’s interpretation versus Appellant’s interpretation. (See Appellant’s January 2, 2020 Appeal Letter, p. 2 (“If the City’s interpretation is correct, then the ADU will exceed 720 square feet. If Mr. Wolf’s interpretation is correct, then the ADU will be less than the 720 square foot limit.”)). However, Section 21A.12.020 of the *Salt Lake City Code* makes it clear that the authority to interpret the city’s land use regulations belongs

to the city's zoning administrator, who may delegate that authority to planning staff per Section 21A.06.060. Moreover, Utah Code Subsection 10-9a-707(4) establishes that the municipal land use appeal authority's role is to "(a) *determine the correctness of the land use authority's interpretation* and application of the plain meaning of the [municipality's] land use regulations; and (b) interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application." (Emphasis added). Thus, Appellant's purported interpretation is irrelevant. The city contends that its interpretation of the plain meaning of that term as discussed in the December 23, 2019 interpretation letter at issue plainly restricts Appellant's proposed ADU structure.

The city does agree with Appellant that this matter "requires application of...interpretation principles" (Appellant's January 2, 2020 Appeal Letter, p. 3) and the city further agrees that Appellant's citation to Carrier v. Salt Lake County, 104 P.3d 1208 (Utah 2004) (*abrogated on other grounds by Outfront Media, LLC v. Salt Lake City Corp.*, 416 P.3d 389 (Utah 2017)) provides useful guidance to the hearing officer in determining whether the city's interpretation of "building coverage" is correct. The court in Carrier held that,

In interpreting the meaning of a statute or ordinance, we begin first by looking to the plain language of the ordinance. Biddle v. Wash. Terrace City, 1999 UT 110, ¶ 14, 993 P.2d 875. When examining the plain language, we must assume that each term included in the ordinance was used advisedly. *Id.* Additionally, "statutory construction presumes that the expression of one should be interpreted as the exclusion of another." *Id.* Thus, we should give effect to any omission in the ordinance language by presuming that the omission is purposeful. *Id.*

Carrier, 104 P.3d at 1216.

This matter hinges on the interpretation of "building coverage" as that term is provided in Subsection 21A.40.050.B.2.a. That subsection provides that in certain zoning districts--including the district in which Appellant's property is situated--"the maximum building coverage of all accessory buildings...shall not exceed fifty percent (50%) of the building footprint of the principal structure up to a maximum of seven hundred twenty (720) square feet for a single-family dwelling...." (*Salt Lake City Code* Subsection 21A.40.050.B.2.a).

This applicable language highlights the fact that "building coverage" and "footprint" have two very distinct meanings, although "footprint" is not specifically defined in Title 21A. The Salt Lake City Council is presumed to have used the distinct terms "building coverage" and "footprint" advisedly when it employed these two terms, rather than using either of those terms multiple times in that subsection. In that section, the amount of accessory building coverage allowed is derived from determining the footprint area of the principal structure. The footprint of the accessory building is not at issue and neither is the building coverage of the principal structure. The city council's use of these two terms is no different than the Salt Lake County Council's use of the different terms "mineral extraction" and "gravel pit" in its ordinances as discussed in Carrier and falls squarely within that court's affirmation of the principle that "statutory construction presumes that the expression of one should be interpreted as the exclusion of another." Carrier, 104 P.3d at 1216.

To cast doubt on the city's interpretation of "building coverage", including its reference to the ordinance definition of "building" and Webster's Dictionary's definition of "coverage", Appellant points to the fact that Webster's Dictionary contains many possible meanings of the word coverage. That is true, but "[t]he fundamental consideration in interpreting legislation, whether

at the state or local level, is legislative intent.” *Ferre v. Salt Lake City*, 444 P.3d 567, 571 (Utah Ct. App. 2019) (citing *Springville Citizens for a Better Community v. Springville*, 979 P.2d 332 (Utah 1999) (See also, *Carrier*, 104 P.3d at 1216-1217 (“[w]hen interpreting a[n ordinance], it is axiomatic that this court’s primary goal ‘is to give effect to the [county’s] intent in light of the purpose that the [ordinance] was meant to achieve.’” (citations omitted))).

Appellant argues that “[e]ven if the City’s interpretation is reasonable, unless it meets that standard of *plainly restricts*, then the developer prevails. Even though Appellant acknowledges in his appeal letter that interpretation principles are appropriate here, his argument seems to suggest that traditional statutory construction principles, including the legislative intent principle, have been modified by the Utah Legislature’s 2017 inclusion of “plain meaning” and “to favor a land use application” verbiage in Chapter 10-9a of the Utah Code. The 2019 *Ferre* decision is clearly at odds with that suggestion.

Claim 2: *The Cantilevered ADU Design has Already been Approved and Cannot Now be Changed by the City*

The appellant claims that because the Planning Commission granted Conditional Use approval for the ADU, the proposed design is vested due to the Utah Vesting rule. The full appeal language submitted by the appellant is located in [Attachment B](#). The appellant states the following regarding this claim:

Mr. Wolf has received a conditional use permit ("CUP") for his ADU on August 5, 2019 (Attachment 2). The design and renderings of the ADU were a required part of the CUP application (Attachment 3) and were considered for approval at that time. The application clearly depicted the cantilevered design. No condition was imposed then requiring removal of the overhanging portions, nor reduction of the size of the structure.

This essentially ends the discussion. Due to the Utah vesting rule, a city may not approve a development, and then require changes later to the approved portions.

The Utah vesting rule is found in the UTAH CODE § 10-9a-509. It states:

- 1)(a)(i) An applicant who has submitted a complete land use application as described in Subsection (1)(c), including the payment of all application fees, is entitled to substantive review of the application under the land use regulations:*
 - (A) in effect on the date that the application is complete; and*
 - (B) applicable to the application or to the information shown on the application*

Several important details of the building, plans, and materials were certainly left to be considered at building permit application and did not vest at CUP. However, the law cited above prevents the City from claiming that the only thing approved was a use for some kind of undetermined ADU. If that were the case, then the City would not need to request any specifics about the type of ADU. One could just apply for an ADU and worry about providing the elevation drawings later. The ADU design was required on the CUP approval. It was provided. It was reviewed. Accordingly, it vested. Finally, it was approved. The City cannot now require a complete redesign in order to grant a building permit.

Staff Response to Claim 2: The appellants claim related to vested rights was not part of the Administrative Interpretation that is the subject of this appeal. Nonetheless, the City has provided a response to this claim.

Throughout the appeal, the appellant states that the Planning Commission reviewed the cantilevered design of the accessory building and approved it. The cantilevered design of the structure is not at issue nor was that a point of consideration by the Planning Commission. The plans submitted with the Conditional Use application specifically stated that the building was 720 square feet. When more detailed plans were submitted through the building permit process, it was determined that the building exceeded the coverage limitation.

Staff acknowledges that a site plan meeting the Salt Lake City zoning ordinance requirements of 21A.58.060 as well as other information and documentation deemed necessary for proper review and analysis of the conditional use standards in 21A.54.080 is required as part of the conditional use application. The purpose of the Conditional Use process is to review a particular land use to ensure its compatibility with the surrounding area. The purpose of the Conditional Use regulations, as state in Section 21A.54.010 is as follows:

A. A conditional use is a land use which, because of its unique characteristics or potential impact on the municipality, surrounding neighbors or adjacent land uses, may not be compatible or may be compatible only if certain conditions are required that mitigate or eliminate the negative impacts. Conditional uses are allowed unless appropriate conditions cannot be applied which, in the judgment of the planning commission, or administrative hearing officer, would mitigate adverse impacts that may arise by introducing a conditional use on the particular site.

B. Approval of a conditional use requires review of its location, design, configuration, and impact to determine the desirability of allowing it on a site. Whether the use is appropriate requires weighing of public need and benefit against the local impact, taking into account the applicant's proposals to mitigate adverse impacts through site planning, development techniques, and public improvements.

As shown in the Conditional Use purpose statement, review of the conditional use requires review of how the use will be situated on a site, which requires review of a site plan and elevation drawings. This does not imply; however, that the Planning Commission has the authority to reduce minimum standards (such as building setbacks) or approve greater maximum limitations (such as building coverage) through the conditional use process. The Planning Commission could condition their approval by requiring a building to be setback further from the required minimum or limiting the building size if they found that the condition mitigated an anticipated detrimental impact.

The Planning Commission's authority on conditional uses is limited to approving uses listed as conditional uses in the land use tables in accordance with regulations applicable to the district in which the property is located. Section 21A.54.020 of the Salt Lake City zoning ordinance states the following regarding the planning commission's authority on conditional use decisions:

21A.54.020 AUTHORITY:

The planning commission, or in the case of administrative conditional uses, the planning director or designee, may, in accordance with the procedures and standards set out in this chapter and other regulations applicable to the district in which the property is located, approve uses listed as conditional uses in the tables of permitted and conditional uses of this title for each category of zoning district or districts. (Ord. 14-12, 2012) (emphasis added)

Furthermore, as stated in section 21A.54.110 of the Salt Lake City zoning ordinance, the planning commission's approval of the conditional use application for the ADU does not authorize the construction of the ADU. Rather, the approval authorizes the filing and processing of applications for applicable approvals and permits.

21A.54.110: EFFECT OF APPROVAL OF CONDITIONAL USE:

The approval of a proposed conditional use by the planning commission, or, in the case of administrative conditional uses, the planning director or designee, shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the city, including, but not limited to, a building permit, certificate of occupancy and subdivision approval.

The Zoning Ordinance provides two methods for obtaining modifications to development standards; the variance and planned development processes. Both processes have specific standards of review to determine the appropriateness of a development standard modification. The ADU applicant did not apply for either of these processes; therefore, a modification to the building coverage development standard could not have been approved.

The appellant states that the plan reviewed by the Planning Commission is "vested" based on the cited state code section. This section of State code merely states that the applicant is entitled to substantive review of the application. Staff conducted a review of the plans submitted, which noted in writing on the plan that the building is 720 square feet (see submitted plans showing compliance in [Attachment A-1](#)).

The appellant fails to cite the next section in State code, which states the following:

(ii) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays application fees, unless:

(A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or

(B) in the manner provided by local ordinance and before the applicant submits the application, the municipality formally initiates proceedings to amend the municipality's land use regulations in a manner that would prohibit approval of the application as submitted.

As stated previously, the Planning Commission has the authority to approve the conditional use only. In this case the Planning Commission approved the conditional use, which is the land use decision for which an application was submitted; therefore, the use is vested according to the code section stated above. During the building permit review process it was determined that the accessory building with the ADU exceeded the maximum building coverage, which means that it did not conform to the requirements of the applicable development standards in effect when the applicant submitted the application; therefore, the applicant is not entitled to approval of the design of the accessory building.

NEXT STEPS:

If the administrative decision is upheld, the decision related to how building coverage is calculated stands. If the appeals hearing officer disagrees with the appellants claim that because the Planning Commission granted conditional use approval for the ADU, the proposed design is vested due to the Utah Vesting rule, the appellant will need to revise the design of the ADU to meet the maximum building coverage regulations.

If the administrative decision related to building coverage is upheld, but the appeals hearing officer agrees with the appellant's claim that because the Planning Commission granted conditional use approval for the ADU, the proposed design is vested due to the Utah Vesting rule, the administrative decision regarding how building coverage is calculated would stand, however the applicant would be able to move forward with the plans that were submitted with the conditional use application.

If the administrative decision is overturned, building coverage for the proposed ADU will be calculated as just the area of the building that touches the ground, rather than from all exterior building walls.

The decision of the appeals hearing officer can be appealed to Third District Court within 30 days of the decision.

ATTACHMENTS:

- A.** [Administrative Decision Letter](#)
 - 1.** [Administrative Interpretation Application & Documentation](#)
- B.** [Appeal Application and Claims](#)

ATTACHMENT A: Administrative Decision Letter

December 23, 2019

**ADMINISTRATIVE INTERPRETATION
DECISION AND FINDINGS
PLNZAD2019-01072**



REQUEST:

A request for an administrative interpretation regarding building coverage. The interpretation is associated with a proposed accessory building with a second level Accessory Dwelling Unit (ADU) at 1978 S. Windsor Street. The property is located in the R-1/7000 Single-Family Residential zoning district. Sections 21A.40.200E3 and 21A.40.050B2 of the Zoning Ordinance limit the building coverage of accessory structures to a maximum of 720 square feet in this zone. The second story of the proposed accessory structure is offset from the first story, so a portion of the second story is cantilevered. Through the building permit review process, the proposed building was determined to exceed the allowable building coverage because the building is measured from all exterior building walls, not just the area that touches the ground. The applicant states that the building footprint (used to calculate building coverage) should be "the measurement from exterior wall to exterior wall of a structure that touches grade."

DECISION:

The structure, as proposed, exceeds the allowable building coverage for accessory buildings. Salt Lake City considers the entire building when calculating building coverage. This includes areas of the building that provide coverage over the ground, not just the portion of the building that touches the ground. The building coverage for the proposed accessory structure is calculated from the perimeter of all exterior walls of the building, including the cantilevered portion.

FINDINGS:

The appellant's request is for an interpretation of "building footprint", however, the standard in question does not relate to the footprint of the ADU, rather it is a requirement relating to the "building coverage".

The proposed accessory building is a two-story structure containing a garage on the ground level and an ADU on the second level. The second story is off-set from the first story and cantilevered. If the first story were viewed separately, the building coverage would be calculated at 674 square feet, but the building coverage for the entire structure as seen from plan view (from the top down) is approximately 810 square feet.



Illustration of Proposed Accessory Building

The size allowances for accessory buildings and ADU's are stipulated in two sections of the Zoning Ordinance. Section 21A.40.200E3a of the ADU ordinance states:

Bulk Requirements: Shall comply with all applicable general yard, bulk, and height limitations found in section 21A.40.050 of this chapter and any accessory building regulation found in the underlying zoning district or any applicable overlay zoning district unless otherwise regulated by this section.

Section 21A.40.050B2a of the Accessory Uses, Buildings and Structures ordinance states:

In the FR, R-1, R-2 and SR residential districts the maximum building coverage of all accessory buildings, excluding hoop houses, greenhouses, and cold frames associated solely with growing food and/or plants, shall not exceed fifty percent (50%) of the building footprint of the principal structure up to a maximum of seven hundred twenty (720) square feet for a single-family dwelling and one thousand (1,000) square feet for a two-family dwelling. (emphasis added)

The applicant's interpretation of the Zoning Ordinance is that building footprint is calculated as "the measurement from exterior wall to exterior wall of a structure that touches grade." Therefore, the applicant claims that the proposed building meets the size limitation stated in the ordinance. This however would not affect the standard in question, which is actually building coverage.

The reason for building coverage limitations is to implement the Purpose and Intent of the Zoning Ordinance (Section 21A.02.030) and one of the specific purposes of the zoning regulations is to "provide adequate light and air" (Section 21A.02.030C). For this reason, Salt Lake City has consistently calculated the building coverage to include the perimeter of the entire building, not just the portion of a building that touches the ground.

In addition to implementing the purpose of the Zoning Ordinance, the ordinance provides direction on how the building coverage is calculated. Section 21A.62 – Definitions defines "Building Coverage" as follows:

BUILDING COVERAGE: That percentage of the lot covered by principal or accessory buildings.

The Zoning Ordinance defines "Building" as:

BUILDING: A structure with a roof, intended for shelter or enclosure.

The entire building is a structure with a roof; therefore, by definition of "Building Coverage", the entire building must be taken into account when calculating the building coverage.

There is no definition of "coverage" in the Zoning Ordinance. Section 21A.62.010 of the Zoning Ordinance states:

For the purposes of this title, certain terms and words are defined and are used in this title in that defined context. Any words in this title not defined in this chapter shall be as defined in "Webster's Collegiate Dictionary". (emphasis added)

Merriam-Webster's Collegiate Dictionary, 11th Edition (Webster's) provides the following definition related to "coverage."

Coverage - 3: the act or fact of covering

Covering - something that covers or conceals

Cover - 2: something that is placed over or about another thing

These definitions, in conjunction with the definition of the term "building" supports Salt Lake City's interpretation that the entire building, including the cantilevered portion must be included in the building coverage calculation. As shown in the following diagrams, the cantilevered portion is part of the "building" and provides coverage over the lot below.

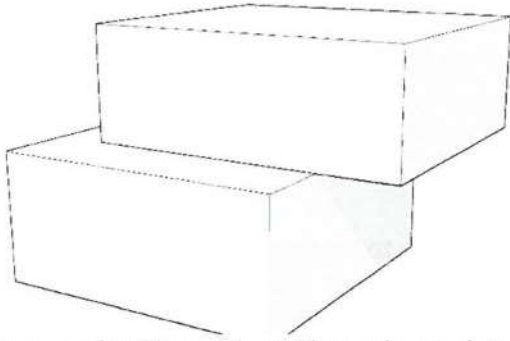
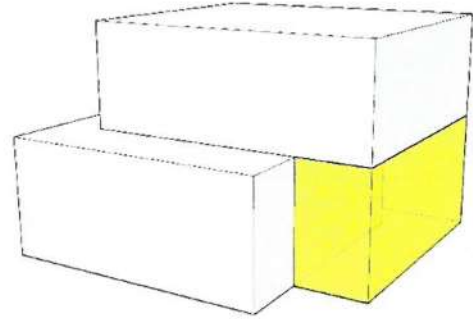


Diagram of building with cantilevered second story



Cantilevered portion of building provides coverage over area in yellow, so it is included in building coverage

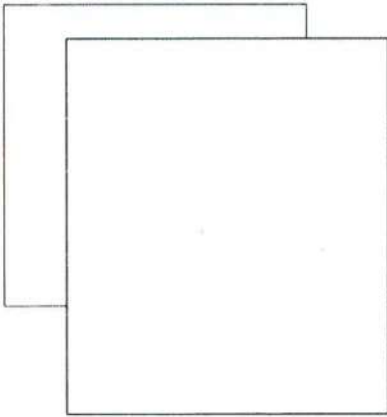


Diagram of building in "plan view" (viewing the building from the top)

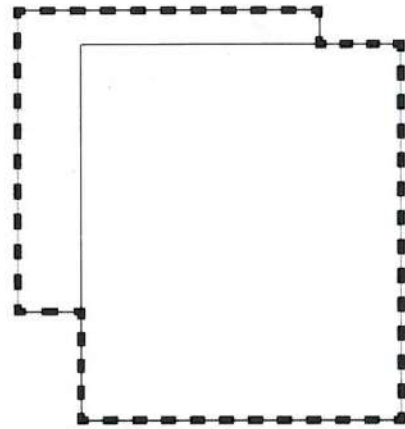


Diagram of building in plan view. The dashed line represents the area of the lot that the building covers.

On July 31, 2019 the ADU proposal received Conditional Use Approval from the Planning Commission. Conditional Use approval only authorizes the use requested and not a specific design or construction method. Indicated in the Conditional Use Staff report was that upon approval, the applicant would need to submit plans for building permits. In addition to building code requirements, that process is used to ensure that all provisions of the zoning code, including building coverage, are met with final plans.

If you have any questions regarding this interpretation, please contact Eric Daems at (801) 535-7236 or by email at eric.daems@slcgov.com.

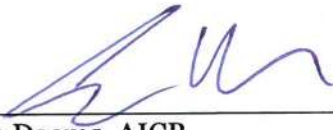
APPEAL PROCESS:

An applicant or any other person or entity adversely affected by a decision administering or interpreting this Title may appeal to the Appeals Hearing Officer. Notice of appeal shall be filed within ten (10) days of the administrative decision. The appeal shall be filed with the Planning Division and shall specify the decision appealed and the reasons the appellant claims the decision to be in error. Applications for appeals are located on the Planning Division website at <https://www.slc.gov/planning/applications/> along with information about the applicable fee. Appeals may be filed in person or by mail at:

In Person: Salt Lake City Corp Planning Counter 451 S State Street, Room 215 Salt Lake City, UT		US Mail: Salt Lake City Corp Planning Counter PO Box 145471 Salt Lake City, UT 84114-5417
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NOTICE:

Please be advised that a determination finding a particular use to be a permitted use or a conditional use shall not authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure. It shall merely authorize the preparation, filing, and processing of applications for any approvals and permits that may be required by the codes and ordinances of the City including, but not limited to, a zoning certificate, a building permit, and a certificate of occupancy, subdivision approval, and a site plan approval.



Eric Daems, AICP
Principal Planner

- cc: Nick Norris, Planning Director
Joel Paterson, Zoning Administrator
Greg Mikolash, Development Review Supervisor
Posted to Web
Applicable Recognized Organizations

ATTACHMENT A - 1: Administrative Interpretation Application



Administrative Interpretation

SALT LAKE CITY PLANNING

OFFICE USE ONLY

Project #:	Received By:	Date Received:	Zoning:
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Project Name:

PLEASE PROVIDE THE FOLLOWING INFORMATION

Address of Subject Property:
1978 S. Windsor Street, Salt Lake City, UT 84105

Name of Applicant:	Phone:
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Address of Applicant:

E-mail of Applicant:	Cell/Fax:
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Applicant's Interest in Subject Property:
 Owner Contractor Architect Other:

Name of Property Owner (if different from applicant):
Joseph Wolf

E-mail of Property Owner:	Phone:
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Proposed Property Use:

Please note that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.

AVAILABLE CONSULTATION

Planners are available for consultation prior to submitting this application. Please call (801) 535-7700 if you have any questions regarding the requirements of this application.

WHERE TO FILE THE COMPLETE APPLICATION


<i>Mailing Address:</i> Planning Counter PO Box 145471 Salt Lake City, UT 84114	<i>In Person:</i> Planning Counter 451 South State Street, Room 215 Telephone: (801) 535-7700
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REQUIRED FEE

Filing fee of **\$65**, an additional **\$61 per hour** will be charged if research extends beyond first hour. Fees are non-refundable.

SIGNATURE

If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent: 	Date:
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SUBMITTAL REQUIREMENTS

Staff Review

Please provide the following information (attach additional sheet/s as necessary)

- a. The provision(s) and section number(s) of the Zoning Ordinance for which an interpretation is sought.
- b. The facts of the specific situation giving rise to the request for an interpretation.
- c. The precise interpretation the applicant believes to be correct.
- d. When a Use Interpretation is sought:
 - Please state what use classification you think is most similar to your proposed use.
 - Please provide a complete description of your proposed use and how you feel it will be compatible with the Zoning District. Include any documents or information that you feel would be helpful in making an interpretation.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

_____ I acknowledge that Salt Lake City requires the items above to be submitted before my application can be processed. I understand that Planning will not accept my application unless all of the following items are included in the submittal package.

11.12.2019

Administrative Interpretation

Project: 1978 S Windsor Street Adu and Garage

Project #: BLD2019-09026

A. Provision and Section Number of Zoning Ordinance:

21A.40.200: Accessory Dwelling Unit

3.a. Bulk Requirements.

21A.40.050.B.2. Building Coverage – Building footprint.

21A.62.040: Definition of terms: Definition of Building Footprint: None defined in current code.

- B. 1. We received comments during the Permit Review process that ask us to resize our design because the building footprint for the accessory structure (garage + adu) is said to exceed the maximum allowable building footprint. Please see the attached Zoning Comments Worksheet.
2. When we first developed this design, we had an over-the counter meeting with a planner in which we described our approach. Since we are allowed to put the ADU above an Accessory Use, in this case a proposed Garage, we showed shifting the ADU to cantilever over the east side of the Garage, so we could have the ADU meet the required 10' rear yard setback. We also cantilevered the ADU over the south to allow for exterior stair access to ADU. We proposed that the ground floor Garage would have a 720 SF footprint, to meet the requirements of outlined in 21A.40.050.B.2. Since the upper volume does not touch the ground, we proposed not counting that as part of the Accessory Structure's Building Footprint. We constrained the upper level to 650 SF, as required by 21A.40.200.
3. We received positive feedback from the Planner at that time, so we proceeded to Conditional Use.
4. We went through Conditional Use and did not received any comments from Zoning at that time. We therefore assumed that we had correctly interpreted the code and that the design was approved as shown. We have attached the staff report as well as the Approval for Conditional Use.
5. We have now been asked to re-design the structure to meet with this new reviewer's interpretation of building footprint.
- C. We are asking that our interpretation of building footprint – which is the measurement from exterior wall to exterior wall of a structure that touches grade, be used for the interpretation of building footprint. For this particular project, we feel it is consistent with the original feedback we were given when we meet with planners and developed this proposal. We do not count overhangs, or exterior unenclosed spaces, such as balconies, decks or stairs. We would capture these items in the calculation for Lot Coverage. This is how the project has been shown since the

submission for Conditional Use, and we feel we have been consistent in our representation of how we have been interpreting building footprint.

D. We are not looking for a Use Interpretation



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Eric Daems, AICP, Principal Planner, eric.daems@slcgov.com or 801-535-7236
Date: July 31, 2019
Re: Accessory Dwelling Unit – Conditional Use (PLNPCM2019-00312)

Conditional Use

PROPERTY ADDRESS: 1978 S Windsor Street
PARCEL ID: 16-17-359-020-0000
MASTER PLAN: Sugar House
ZONING DISTRICT: R-1/7,000 (Single Family Residential)

REQUEST: Dwight Yee, representative for Joseph Wolf, owner of the property, is requesting Conditional Use approval to construct a detached Accessory Dwelling Unit (ADU) to the rear of the single-family home at 1978 Windsor Street. The property is located in the R-1/7,000 single-family residential zoning district which requires conditional use approval from the Planning Commission for the construction of an ADU.

RECOMMENDATION: Planning Staff finds the project generally meets the applicable standards of approval for an ADU and therefore recommends the Planning Commission approve the Conditional Use.

ATTACHMENTS:

- A. [Vicinity Map](#)
- B. [Plan Set](#)
- C. [Property and Vicinity Photos](#)
- D. [ADU Zoning Standards](#)
- E. [Conditional Use Standards](#)
- F. [Public Process & Comments](#)
- G. [Department Review Comments](#)

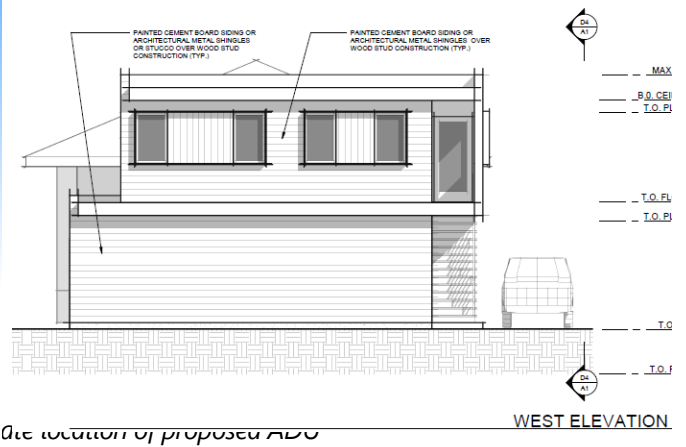
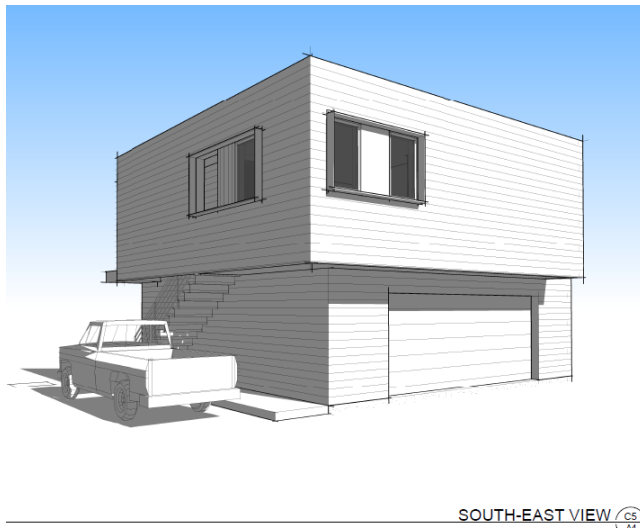
PROJECT DESCRIPTION:

This proposal is for the construction of a detached ADU which will be located to the rear of the single-family home at 1978 S Windsor Street. The detached structure will include a two-car garage for the main home, with the one-bedroom ADU located above. The property is 7,841 square feet and the main home is 1,675 square feet. The proposed ADU will be 637 square feet.

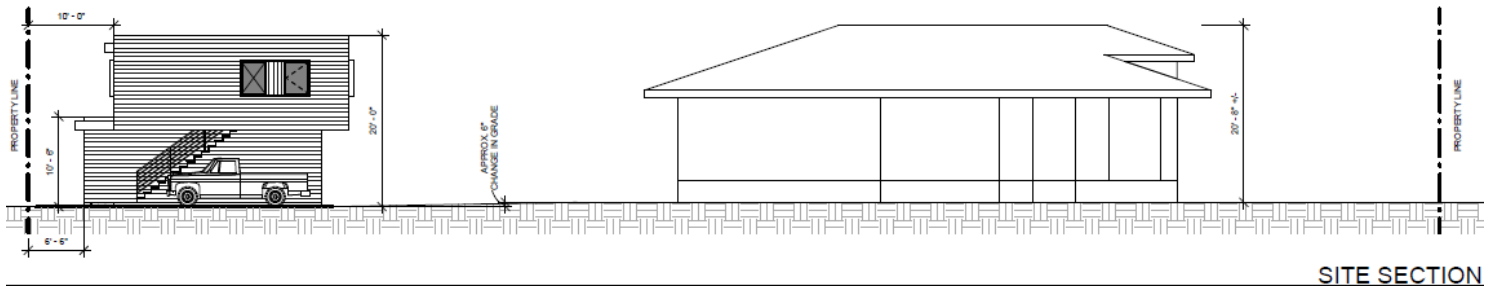
The structure is proposed as a simple modern design with a flat roof. The second story is cantilevered to create additional setbacks from the adjoining properties and to allow for the integration of an exterior stairwell. The ADU will be 10' from both the side and rear property lines. One parking stall for the ADU is proposed adjacent to the structure even though the property is located within a 1/4 mile of a fixed transit stop and would not require additional parking. The parking would be accessed from the main driveway for the property off Windsor Street. The building is proposed with a height of 20', where the main home is 20' 8". The primary exterior material will be fiber-cement siding with casement

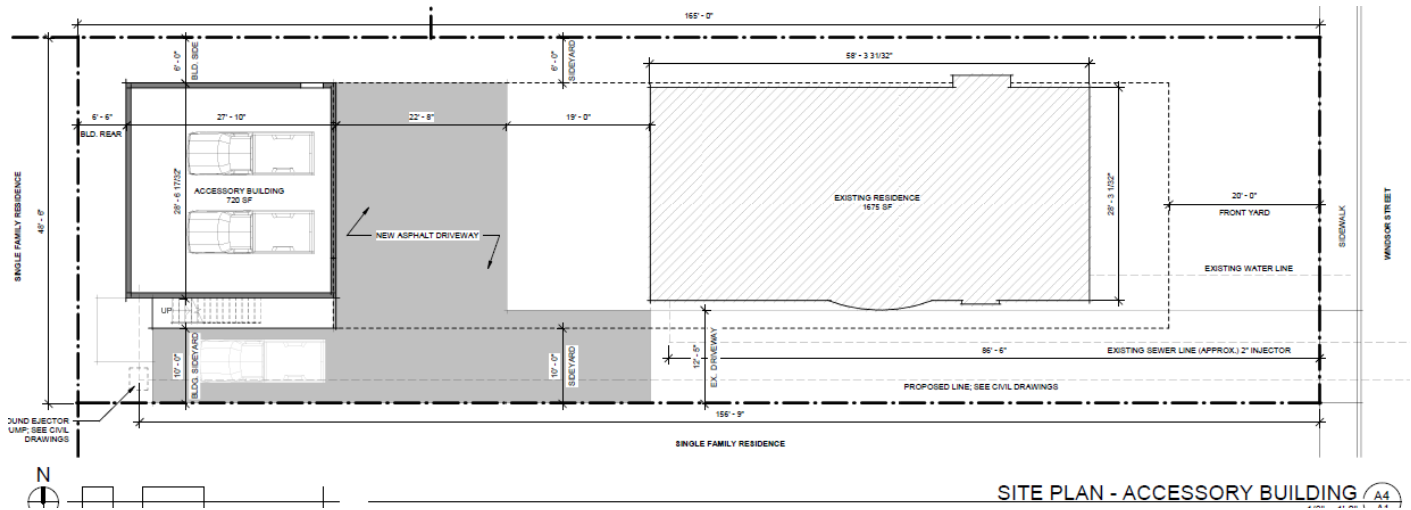
windows. The entrance to the ADU is provided by a stairwell that is partially exposed at the ground level and faces the rear of the property.

The property is located on a spur of Windsor Street which terminates with a secondary entrance to a nearby apartment complex to the north. The adjacent area includes single-family homes, apartments, a healthcare facility to the east, and commercial properties.



Conceptual renderings submitted with application. Front elevation facing rear of home (left), view of west elevation (right) site section (below)





Proposed site plan

PLANNING COMMISSION REVIEW:

The property is in the R-1/7,000 zoning district, which is a single-family zoning district. A Conditional Use process is required for any ADU's located in a single-family zone. For complete analysis and findings in relation to the Conditional Use standards please refer to Attachment E.

NEXT STEPS:

Approval of Conditional Use

If the request is approved, the applicant will need to comply with the conditions of approval, including any of the conditions required by other City departments and any added by the Planning Commission. The applicant will be able to submit plans for building permits and certificates of occupancy for the buildings will only be issued once all the conditions of approval are met including the registration process requirements outlined in 21A.40.200.F of the zoning ordinance.

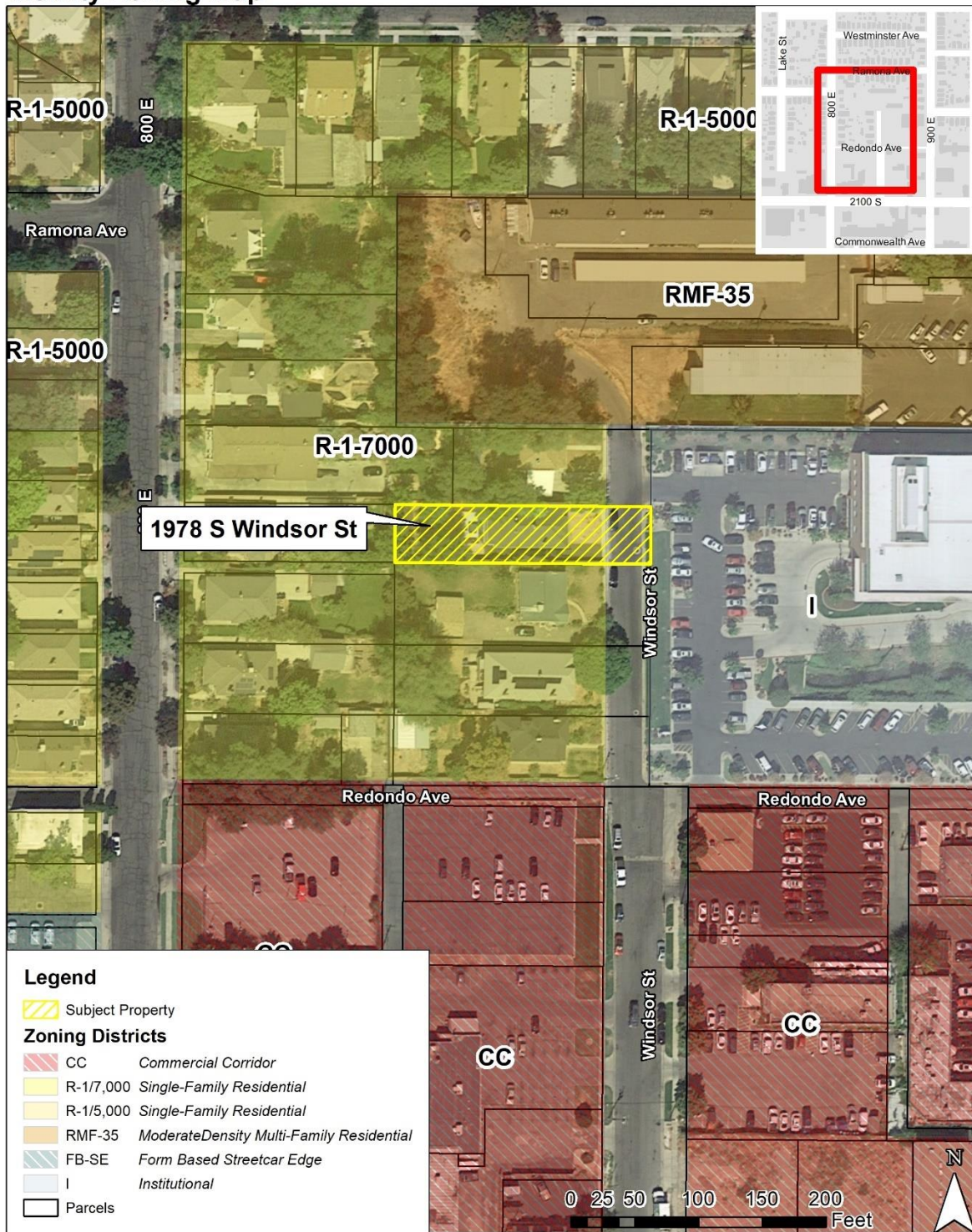
Denial of Conditional Use

State and City code require that a Conditional Use be approved if reasonable conditions can be imposed on the use to mitigate any reasonably anticipated detrimental effects of the use. A conditional use can only be denied if the Planning Commission finds that reasonably anticipated detrimental effects cannot be mitigated with the imposition of reasonable conditions.

If the Planning requests are denied, the applicant would not be able to construct an ADU. An accessory structure could still be constructed on the property subject to meeting zoning requirements, however, it could not be used as an accessory dwelling. Accessory structures in the R-1/7,000 zoning district must be located a minimum of 1 FT from the side and rear property lines, meet the lot coverage requirements, and the permitted maximum height for a pitched roof accessory building is 17 FT to the midpoint or 12 FT for a flat roof.

ATTACHMENT A – VICINITY MAP

Vicinity Zoning Map



Salt Lake City Planning Division, 4/12/2019

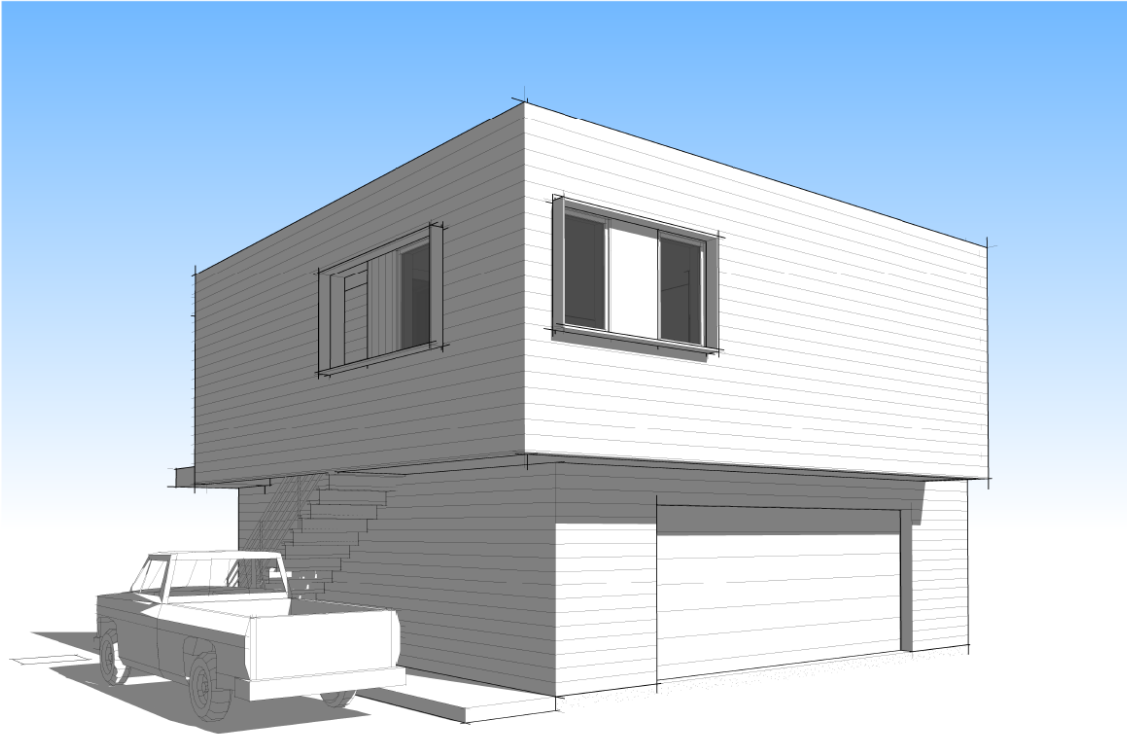
ATTACHMENT B – PLAN SET

WINDSOR STREET ADU

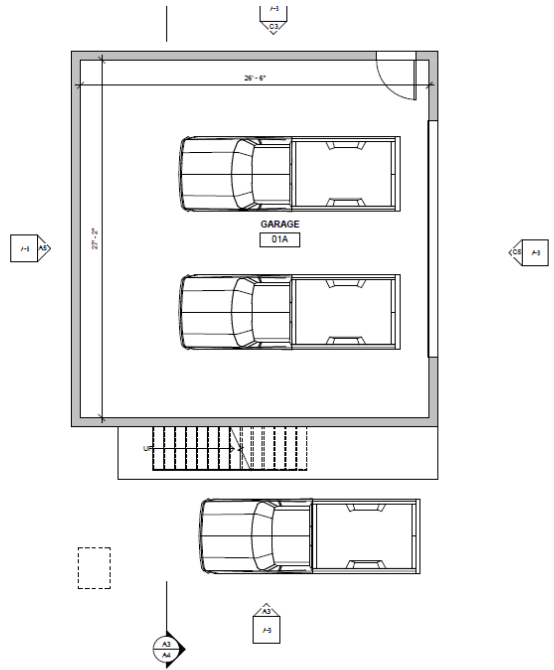
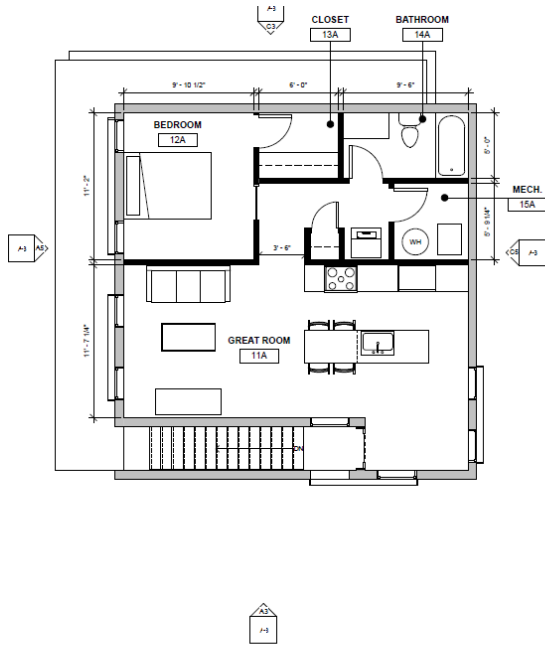
1978 Windsor Street Salt Lake City UT 84105

OWNERS: Joseph Wolf

CONDITIONAL USE | 03.30.2019

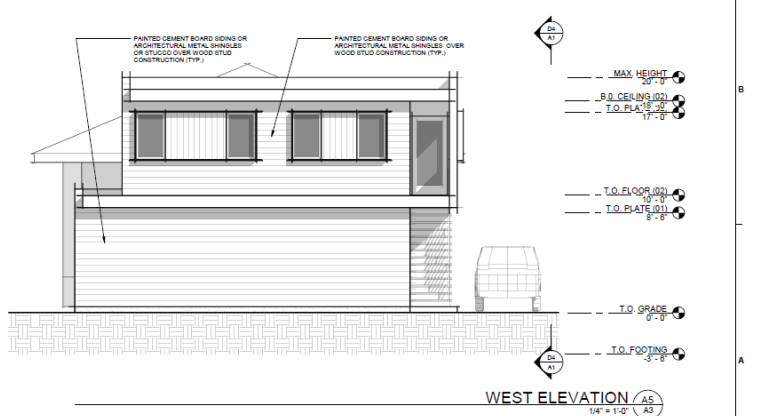
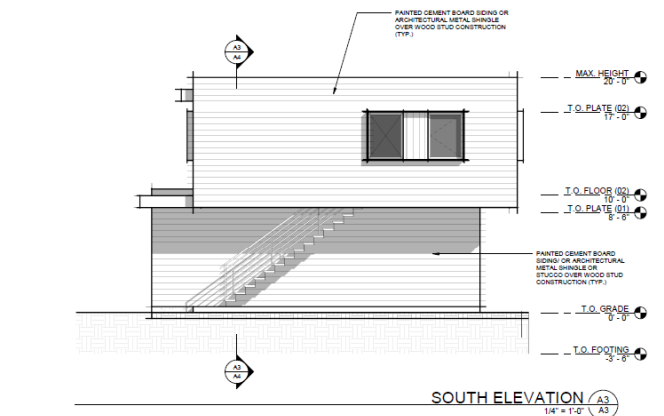
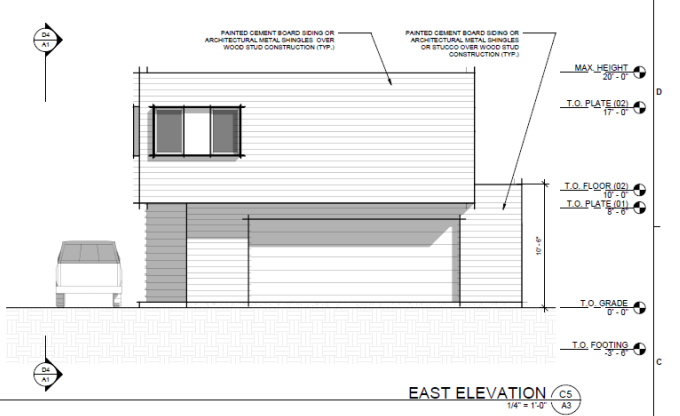
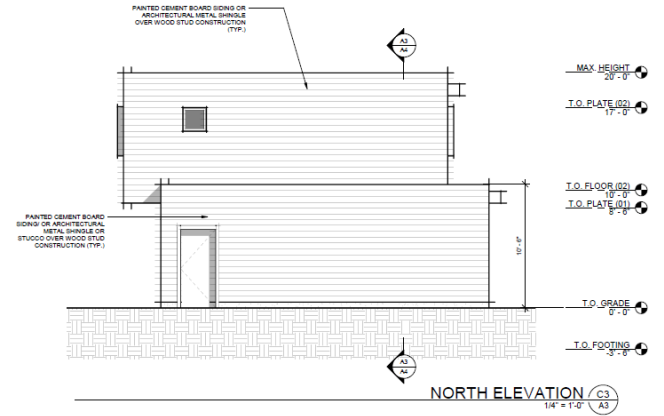


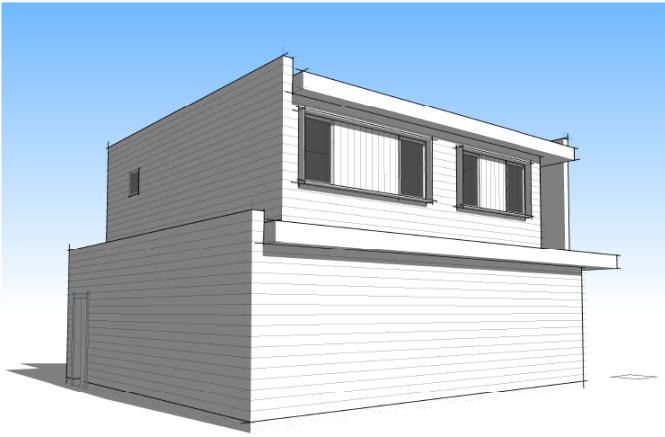
DRAWING LIST	
Sheet Number	Sheet Name
A0	COVER SHEET
A1	ARCHITECTURAL SITE PLAN
A2	FLOOR PLANS
A3	ELEVATIONS - OPTION A
A4	SECTION & VIEWS - OPTION A
C102	CIVIL SITE PLAN
C201	CIVIL DETAILS



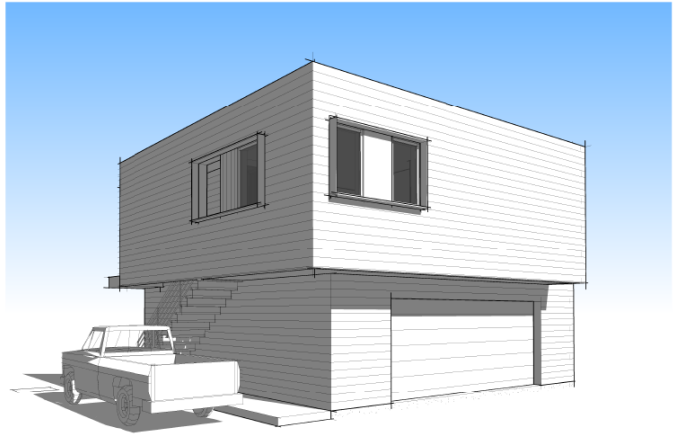
ADU FLOOR PLAN (A3/A2)
1/4" = 1'-0"

GARAGE FLOOR PLAN (A5/A2)
1/4" = 1'-0"

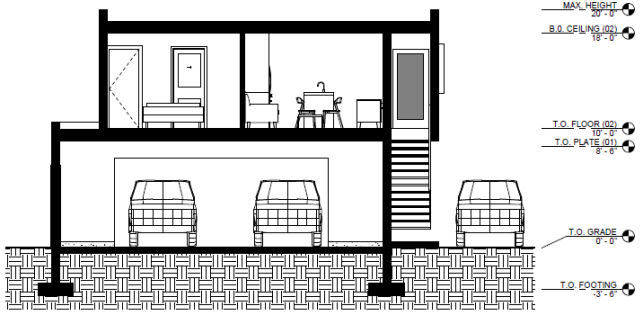




NORTH WEST VIEW C3
A4

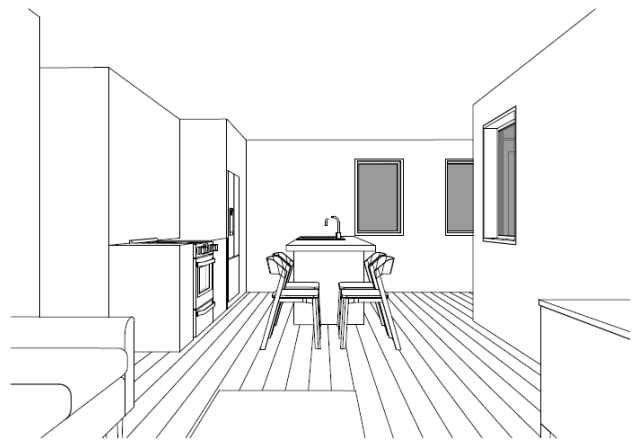


SOUTH-EAST VIEW C5
A4



- MAX. HEIGHT 20'-0"
- B.O. CEILING (02) 18'-0"
- T.O. FLOOR (02) 10'-0"
- T.O. PLATE (01) 8'-0"
- T.O. GRADE 0'-0"
- T.O. FOOTING -3'-0"

N-S SECTION A3
A4
1/4" = 1'-0"



INTERIOR VIEW A5
A4

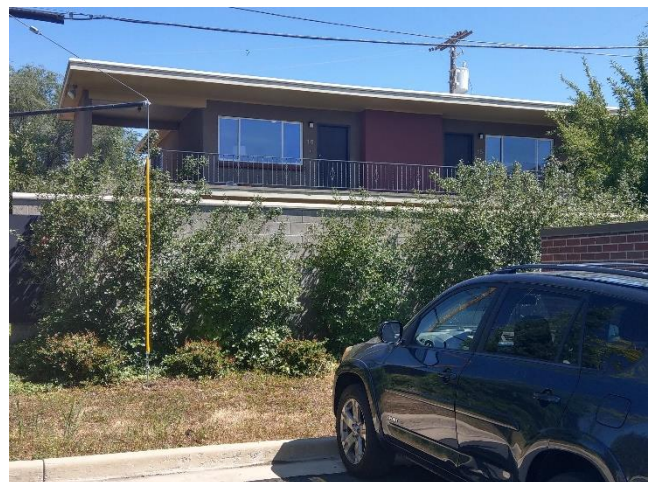
ATTACHMENT C – PROPERTY AND VICINITY PHOTOS



Primary house on the subject property – View looking west



Surrounding development on the west side of Windsor Street



Surrounding development to the north and east

ATTACHMENT D – ZONING STANDARDS FOR ADU’S

21A.40.200 – Accessory Dwelling Units

ADU STANDARDS	PROPOSED	COMPLIES Y/N
<p>SIZE ADU footprint can be 50% of the footprint of the primary house up to a maximum of 650 SF.</p>	<p>Primary house is approximately 1,675 SF</p> <p>The footprint of the proposed ADU is approximately 637 SF</p>	<p>Complies</p>
<p>MAXIMUM COVERAGE The surface coverage of all principal and accessory buildings shall not exceed 40% of the lot.</p>	<p>Lot size is 7,841 SF. 40% of the lot is 3,136 SF.</p> <p>Primary House - 1,675 SF Proposed ADU/Garage - 720 SF Total coverage - 2,312 SF.</p> <p>The surface coverage all principal and accessory buildings (including the proposed ADU) is 31% of the lot.</p>	<p>Complies</p>
<p>HEIGHT 17' or the height of the single-family dwelling on the property, whichever is less.</p> <p>*If the principal dwelling is over 17 feet in height, the ADU may be equal in height up to a maximum of 24' if 10 foot side and rear yard setbacks are provided. The setback for additional height may be reduced to 4' if the side or rear lot line is adjacent to an alley.</p>	<p>Height of house: 20' 8" Height of proposed ADU: 20'</p> <p>*The single-family dwelling on the property is taller than 17', so the applicant can request an ADU with a height equal to the height of the house on the property.</p>	<p>Complies</p>
<p>SETBACKS Minimum of 4' from any side or rear lot line.</p>	<p>The ADU is proposed to be cantilevered so that it is located 10' from the side and rear setbacks. The garage which it will sit upon is located within 6' of the side (north) and rear (west) property lines.</p>	<p>Complies</p>
<p>SEPARATION Located 10' from any primary dwelling on the property or adjacent property</p>	<p>Located approximately 47' from the primary house on the property and the closest house on an adjacent property is approximately 38'.</p>	<p>Complies</p>

<p>ENTRANCE LOCATIONS The entrance to an ADU in an accessory building shall be located:</p> <ul style="list-style-type: none"> • Facing an alley, public street, or facing the rear façade of the single-family dwelling on the same property, unless located at least 10' from property lines 	<p>The ADU is located at least 10' from all property lines and the entrance will face the rear of the property to allow for an open stairwell to the ADU and to provide additional wall space for a window to face the rear of the single-family home.</p>	<p>Complies</p>
<p>REQUIREMENTS FOR WINDOWS</p> <ul style="list-style-type: none"> • Windows shall be no larger than necessary to comply with the minimum Building Code requirements for egress where required. Skylights, clerestory windows, or obscured glazing shall be used when facing a side or rear property line to comply with minimum Building Code requirements for air and light on building elevations that are within ten feet (10') of a side or rear property line unless the side or rear property line is adjacent to an alley. • Except as required in subsection E3g(1) of this section, windows shall maintain a similar dimension and design as the windows found on the principal structure. 	<p>The ADU is located at least 10' from all property lines and will utilize casement windows that are 30" wide by 48" high to meet egress requirements for habitable space.</p> <p>Windows are similar in shape and size to those on the principal structure.</p>	<p>Complies</p>
<p>PARKING Minimum of one parking space on site.</p> <p>*This requirement may be waived if there is legal on street parking along the street frontage of the property OR if it's within ¼ mile of a transit stop.</p>	<p>One parking space provided on site.</p> <p>*On-site parking could be waived because they have one legal street parking space and they are also located within ¼ mile of transit.</p>	<p>Complies</p>

ATTACHMENT E – CONDITIONAL USE STANDARDS

21A.54.080 Standards for Conditional Use

Approval Standards: A conditional use shall be approved unless the planning commission, or in the case of administrative conditional uses, the planning director or designee, concludes that the following standards cannot be met:

1. The use complies with applicable provisions of this title;

Analysis: The proposed ADU use is located in the R-1/7,000 zoning district which allows for an ADU to be approved through the conditional use process subject to meeting the specific regulations for an ADU in section 21A.40.200 of the zoning ordinance. As analyzed in Attachment D, the ADU complies with the requirements of 21A.40.200.

Finding: The proposed use will comply with the applicable provisions of the Salt Lake City Zoning Ordinance.

2. The use is compatible, or with conditions of approval can be made compatible, with surrounding uses;

Analysis: The proposed ADU is anticipated in the R-1/7,000 zoning district and is considered a use that is potentially compatible with adjacent and surrounding residential uses by being listed as a conditional use in the land use table. The ADU meets all the requirements in terms of setbacks and separation requirements between adjacent houses and the primary house on the property.

Finding: The proposed development and use is generally compatible with the surrounding uses.

3. The use is consistent with applicable adopted city planning policies, documents, and master plans; and

Analysis: The proposal is located within the Sugar House Community Master Planning Area. The area is largely comprised of single-family dwellings with architectural styles ranging from cottages to bungalows. The master plan designates the future land use of this area to remain as low density residential. The existing zoning on the property is R-1/7,000, single family residential.

The purpose of the R-1/7,000 Single-Family Residential District is to provide for conventional single-family residential neighborhoods with lots not less than seven thousand (7,000) square feet in size. This district is appropriate in areas of the City as identified in the applicable community Master Plan. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

The purpose of accessory dwelling units are to:

- 1) Create new housing units while respecting the appearance and scale of single-family residential development;
- 2) Provide more housing choices in residential districts;
- 3) Allow more efficient use of existing housing stock, public infrastructure, and the embodied energy contained within existing structures;

- 4) Provide housing options for family caregivers, adult children, aging parents, and families seeking smaller households;
- 5) Offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services;
- 6) Broaden the range of affordable housing throughout the City;
- 7) Support sustainability objectives by increasing housing close to jobs, schools, and services, thereby reducing greenhouse gas emissions and fossil fuel consumption;
- 8) Support transit oriented development and reduce auto usage by increasing density near transit; and
- 9) Support the economic viability of historic properties and the City's historic preservation goals by allowing accessory dwellings in historic structures.

The proposed ADU is consistent with the following Residential Land Use Goals included in the Sugar House Community Master Plan:

- Encourage new medium-density housing opportunities in appropriate locations in Sugar House.
- Provide a diversity of housing types, sizes, and prices within the community.

The proposal is also consistent with the goals and policies outlined in *Growing SLC: A Five-Year Housing Plan* which aims to increase housing options, promote diverse housing stock, and allow for additional units while minimizing neighborhood impacts.

Finding: The uses are consistent with applicable adopted city planning policies, documents, and master plans.

4. **The anticipated detrimental effects of a proposed use can be mitigated by the imposition of reasonable conditions (refer to Detrimental Impacts Chart below for details).**

21a.54.080B Detrimental Effects Determination

In analyzing the anticipated detrimental effects of a proposed use, the planning commission shall determine compliance with each of the following:

Criteria	Finding	Rationale
1. This title specifically authorizes the use where it is located	Complies	The proposed ADU is an accessory residential use and is allowed as a conditional use within the R-1/7,000 zoning district. The proposed ADU complies with all specific regulations for an ADU including size, height, setbacks, distance to other houses, etc. as outlined in <u>Attachment D</u> .
2. The use is consistent with applicable policies set forth in adopted citywide, community, and small area master plans and future land use maps	Complies	The uses are located in an area zoned and designated by the associated master plan for low density residential. This land use designation allows moderate sized lots (i.e., 3,000-10,000 square feet) where single-family detached homes are the dominant land use. Low-density includes single-family attached and detached

		<p> dwellings as permissible on a single residential lot subject to zoning.</p> <p>As discussed under Conditional Use standard 3 above, the proposed ADU is consistent with the purpose of the ADU ordinance, several residential land use policies in the Sugar House Master Plan and supports goals outlined in Growing SLC: a Five Year Housing Plan by providing more housing options, and creating a new housing unit that respects the scale of the neighborhood.</p>
<p>3. The use is well-suited to the character of the site, and adjacent uses as shown by an analysis of the intensity, size, and scale of the use compared to existing uses in the surrounding area</p>	<p>Complies</p>	<p>Uses surrounding the property are generally single-family residential with some multi-family housing two properties to the north. The lots in this area are generally narrow and deep which provides some separation from the proposed ADU from the house on the property as well as adjacent primary residences. The proposal complies with the size requirements for an ADU which can be up to 50% of the footprint of the primary house up to 650 SF and is compatible with the scale of surrounding accessory buildings and adjacent uses.</p>
<p>4. The mass, scale, style, design, and architectural detailing of the surrounding structures as they relate to the proposed have been considered</p>	<p>Complies</p>	<p>The ADU will be located to the rear of the property and will not be visible from the public realm. The ADU will be slightly shorter than the single-family home in front. The scale is similar to that of nearby accessory structures. The main home has a pitched roof, where the ADU will feature a flat roof. The surrounding area includes other accessory structures, commercial buildings, and an apartment building that all have flat roofs. The ADU will include 10' separations from adjoining properties which have existing mature trees and landscaping. The separation and vegetation will serve to screen the building from adjoining residential properties.</p>
<p>5. Access points and driveways are designed to minimize grading of natural topography, direct vehicular traffic onto major streets, and not impede traffic flows</p>	<p>Complies</p>	<p>The main house on the subject property has a driveway located off Windsor Street. The driveway will serve both the existing home and the proposed ADU and will not impede traffic flows.</p>
<p>6. The internal circulation system is designed to mitigate adverse impacts</p>	<p>Complies</p>	<p>The proposed ADU will use the same driveway as the main home, which will have 2 parking stalls provided below the ADU. The</p>

<p>on adjacent property from motorized, non-motorized, and pedestrian traffic</p>		<p>circulation system will not create any adverse impacts for adjacent properties. The ADU is also located within ¼ mile of a transit stop and has street parking on the street adjacent to the property so off-street parking for the ADU could be waived.</p>
<p>7. The site is designed to enable access and circulation for pedestrian and bicycles</p>	<p>Complies</p>	<p>The site is designed for pedestrian and bicycle access in that pedestrians and bicycles will be able to access the ADU by the driveway.</p>
<p>8. Access to the site does not unreasonably impact the service level of any abutting or adjacent street</p>	<p>Complies</p>	<p>Vehicular access to the site is existing and an additional parking space has been provided on the subject property to accommodate the ADU. The parking space for the ADU will be accessed from the same driveway as the parking for the main home. No unreasonable impact to the service level of the street is anticipated.</p>
<p>9. The location and design of off-street parking complies with applicable standards of this code</p>	<p>Complies</p>	<p>As discussed in other areas of this analysis, one parking space is provided on the south portion of the parcel adjacent to the proposed ADU and can be accessed from the driveway. Additionally, parking for the ADU could be waived because of the sites close proximity to transit and the on-street parking that is available in front of the property.</p>
<p>10. Utility capacity is sufficient to support the use at normal service levels</p>	<p>Complies</p>	<p>The Public Utilities department provided comments on the project. A utility plan will need to be submitted for review and compliance will be ensured during the building permitting process.</p>
<p>11. The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts</p>	<p>Complies</p>	<p>The surrounding properties are all residential uses and the proposed use is also residential. The proposed ADU may result in increased activity in the rear yard of the subject property but is located at least 10' from all property lines. The closest primary residence to the subject ADU is approximately 47'.</p>
<p>12. The use meets City sustainability plans, does not significantly impact the quality of surrounding air and water, encroach into a river or stream, or introduce any hazard or environmental damage to any adjacent property, including cigarette smoke</p>	<p>Complies</p>	<p>The use does not significantly impact sustainability plans. The project supports sustainability objectives by increasing housing close to jobs, schools, and services, thereby reducing greenhouse gas emissions and fossil fuel consumption.</p>
<p>13. The hours of operation and delivery of the use are compatible with surrounding uses</p>	<p>Complies</p>	<p>The proposed use is an accessory residential structure and is compatible with the surrounding uses are also residential.</p>

14. Signs and lighting are compatible with, and do not negatively impact surrounding uses	Complies	Signs are not associated with this proposal. Any lighting on the accessory structure is not expected to have a negative impact on the surrounding uses or otherwise cause a nuisance.
15. The proposed use does not undermine preservation of historic resources and structures	Complies	The property is not located within a Local or National Historic District and the proposal does not involve removal or any historic resources or structures.

Finding: In analyzing the anticipated detrimental effects of the proposed use, Staff finds that the request complies with the criteria listed above.

ATTACHMENT G – PUBLIC PROCESS & COMMENTS

Public Notice, Meetings, Comments

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project since the applications were submitted:

- April 12, 2019 – Notice of the project was provided to the Sugar House Community Council as well as property owners and residents within 300 feet of the proposal.
- May 20, 2019 – The applicant and Planning Staff attended the Sugar House Community Council meeting. During the meeting, attendees asked general questions about the ADU height, distance from adjacent property lines, privacy, parking, as well as owner occupancy requirements. A letter of support and summary of the meeting was submitted by the Sugar House Community Council and is included as an attachment to this report.

Notice of the public hearing for the proposal included:

Public hearing notice mailed on July 18, 2019

Public hearing notice posted on July 18, 2019

Public notice posted on City and State websites and Planning Division list serve on July 18, 2019

Public Input:

In addition to the following letter provided by the Sugarhouse Community Council, as of the publication of this Staff Report, Staff has received one phone call in support of the project.

May 29, 2019

TO: Salt Lake City Planning Commission

FROM: Judi Short, Vice Chair and Land Use Chair
Sugar House Community Council

RE: 1978 Windsor Street Accessory Dwelling Unit
PLNPCM2019-00312



This proposal for a detached Accessory Dwelling Unit was on the May 20 meeting of the Sugar House Community Council Land Use and Zoning Committee. We put flyers on the porches of the neighbors on the block, as well as the block to the west. Several neighbors came, but there was not a lot of discussion. Another neighbor sent an email asking if there was any way to keep them from installing a window that looks directly into her back yard. The few comments received are on the back of this letter.

Dwight Yee was the architect for this project, and he used slides and explained the layout of the ADU, access to the unit, how the parking will work, and the materials to be used. They will be similar to the materials of the house, although he suspected that the colors would be different. One person objected to the modern design, and asked why they couldn't use a pitched roof, to make it more in keeping with the rest of the neighborhood. The answer was that it wouldn't be high enough to be habitable. The regulations state that the height of the ADU cannot exceed the height of the existing home, whichever is less. Further if the home is over 17 feet, the ADU may be 17 feet or up to 24 feet for a pitched roof, or 20 for a flat roof. Perhaps the Commission should monitor these proposals, and if this seems to be a continuing problem, that height might need to be increased to allow for some traditional styles to be built.

There were questions from the audience, and Mr. Yee answered them to their satisfaction. One asked about whether the windows of the ADU were looking into the back yards of the neighboring parcels, which is always a concern. People who have lived someplace for a long time have an expectation of privacy. I advised one neighbor to plant some trees now, so they would be taller by the time this is built.

We were told that the owner of the property will live in the main house. We find that this proposal generally meets all the requirements of the new ordinance, and ask that you approve this request. We know that your approval is the first step, and that the applicant will have to meet all other city requirements such as utilities, etc, before construction can begin. This is a good way for the city to add one more housing unit, while at the same time, the property owner also gains a two-car garage. Whether this unit will be considered "affordable" remains to be seen.

See enclosed comments

COMMENTS FROM THE PUBLIC ABOUT 1978 WINDSOR ADU

From: Chuck Krivanek <CHARLESFKRIVANEK@GMAIL.COM>
Subject: Downington Rezone Website Feedback

Message Body:

I would have loved to hear from the petitioner themselves. Unfortunately, the notice I was sent said the meeting was at 6:30 pm and I sat through an hour of unrelated items before I was told I missed the petitioner because the meeting started at 6pm. I have attempted to reach out to the petitioner directly and have not been able to reach out to him. This causes me concern about this project.

Chuck, I am truly sorry. When I have more than one item I try to put a time on there so people don't have to wait through an item they are not interested in. Tonight the first item got tied up in traffic and was 15 minutes late so we started with the second item because there were already about 10 people there. Next time I will just say 6:00 and people will have to wait, if their item is last. It is hard to know if we will have 8 people or 20 at these meetings.

The architect is Dwight Yee, he presented the project tonight. His email is dwight@processpolic.com phone 607.379.3209 He seemed pretty responsive tonight. If you have comments after talking with him, you can send me an email and I will include your comments in the letter I send to the Planning Commission.

Judi



Chuck Krivanek

May 20, 2019, 8:55 PM (9 days ago)

to me

I'm not sure the owner really lives here. I find it odd that he wasn't there considering he has to live there. I will share this with the city council. It seems a low bar to get an ADU through the council.

From Melissa: Neighbor to the south - Is there anything we can do to get them to not have a window into our backyard?

If any comments are received after publication of the Staff Report, they will be forwarded to the Commission and included in the public record.

ADU 1st REVIEW COMMENTS

PLANNING DIVISION COMMENTS

Comments by: Eric Daems

Email: eric.daems@slcgov.com

Phone: 801-535-7236

Status: Complete

1. No Corrections

PUBLIC UTILITY COMMENTS

Comments by: Jason Draper

Email: jason.draper@slcgov.com

Phone: 801-483-6751

Status: Make Corrections

- Approval of Conditional use does not provide utilities permits or building permits.
- Submit complete building plans including a site development plan. Include existing and proposed utilities.
- Sewer lateral as show is not acceptable. Pressure lines are not allowed in the public way. Policy for ejector pumps is that at least one level must gravity drain to the sanitary sewer.
- Ejector pump should pump to a manhole or cleanout on property and then gravity drain to the public system.
- Sewer laterals must be 10' from water services, meters or laterals and 5' from all other utilities.

BUILDING REVIEW COMMENTS

Comments by: NA

Email: NA

Phone: NA

Status: Pending

No corrections at this point. Comments may be associated with the project at the time of the building permit submittal and review

ZONING REVIEW COMMENTS

Comments by: Alan Michelsen

Email: alan.michelsen@slcgov.com

Phone: 801-535-7142

Status: Complete

No zoning related issues at this time. Comments may be associated with the project at the time of the building permit submittal and review.

ENGINEERING REVIEW COMMENTS

Comments by: Scott Weiler
Email: scott.weiler@slcgov.com
Phone: 801-535-6159
Status: Complete
No objections

TRANSPORTATION REVIEW COMMENTS

Comments by: Michael Barry
Email: michael.barry@slcgov.com
Phone: 801-535-7147
Status: Complete
The off-street parking requirement is satisfied.

FIRE REVIEW COMMENTS

Comments by: Edward Itchon
Email: edward.itchon@slcgov.com
Phone: 801-535-6636
Status: Comments
No Corrections

POLICE REVIEW COMMENTS

Comments by: Scott Teerlink
Email: scott.teerlink@slcgov.com
Phone: 801-799-3631
Status: Complete
No Comments



August 5, 2019

Dwight Yee
3055 S Grace Street
Salt Lake City, UT 84109

RE: Record of Decision for application PLNPCM2019-00312 for a Conditional Use for an ADU
Location: 1978 S Windsor Street

Dear Dwight,

On July 31, 2019, the Salt Lake City Planning Commission granted conditional use approval for an ADU to the rear of the property at 1978 S Windsor Street. The property is in the R-1/7,000 (Single-Family Residential) zoning district.

The approval allows for an ADU in accordance with submitted plans and after obtaining a building permit. The decision of the Planning Commission was based on the information contained in the staff report, the project details provided by you, and the discussion of the Planning Commission. Copies of this information are available online here:

<https://www.slcc.gov/planning/planning-commission-agendas-minutes/>

The decision considers the general purpose of the zoning ordinance as well as the purpose of the zoning district where the proposal is located. The purpose of the applicable zoning district states:

R-1/7,000 –Single-Family Residential District: The purpose of the R-1/7,000 Single-Family Residential District is to provide for conventional single-family residential neighborhoods with lots not less than seven thousand (7,000) square feet in size. This district is appropriate in areas of the City as identified in the applicable community Master Plan. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood

The purpose of accessory dwelling units are to:

- 1) Create new housing units while respecting the appearance and scale of single-family residential development;
- 2) Provide more housing choices in residential districts;
- 3) Allow more efficient use of existing housing stock, public infrastructure, and the embodied energy contained within existing structures;
- 4) Provide housing options for family caregivers, adult children, aging parents, and families seeking smaller households;
- 5) Offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services;
- 6) Broaden the range of affordable housing throughout the City;
- 7) Support sustainability objectives by increasing housing close to jobs, schools, and services, thereby reducing greenhouse gas emissions and fossil fuel consumption;
- 8) Support transit-oriented development and reduce auto usage by increasing density near transit; and

- 9) Support the economic viability of historic properties and the City's historic preservation goals by allowing accessory dwellings in historic structures.

Conditional Use:

A conditional use is a land use which, because of its unique characteristics or potential impact on the municipality, surrounding neighbors or adjacent land uses, may not be compatible or may be compatible only if certain conditions are required that mitigate or eliminate the negative impacts. Conditional uses are allowed unless appropriate conditions cannot be applied which, in the judgment of the planning commission, or administrative hearing officer, would mitigate adverse impacts that may arise by introducing a conditional use on the particular site.

The Planning Commission made several findings related to the proposal and standards of approval. These findings can be found in the staff report referenced above and will be in the meeting minutes once they are available for public review.

This Record of Decision letter is provided to you indicating the date action was taken to approve the request, the 10-day appeal period, and to what body an appeal can be made.

The conditional use shall expire in one year unless a building permit has been issued or complete building plans have been submitted to the division of building services and licensing within that period and is thereafter diligently pursued to completion, or unless a certificate of occupancy is issued and a use commenced within that period, or unless a longer time is requested and granted by the planning commission. Any request for a time extension shall be required not less than 30 days prior to the 12-month time period. The approval of a proposed conditional use by the planning commission shall authorize only the particular use for which it was issued.

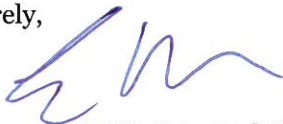
Appeal by an Affected Party:

There is a 10-day appeal period in which any affected party can appeal the Planning Commission's decision. This appeal period is required in the City's Zoning Ordinance and allows time for any affected party to protest the decision, if they so choose. The appeal would be heard by the Administrative Hearing Officer. Any appeal, including the filing fee, must be submitted by the close of business on **Monday, August 12, 2019**.

The decision of the Planning Commission is located on the Planning Division's website at: <http://www.slcdocs.com/Planning/Planning%20Commission/2019/PC.07.31.19ROD.pdf>

If you have additional questions on this approval, please feel free to contact me at (801) 535-7236 or by email at eric.daems@slcgov.com.

Sincerely,



Eric Daems, AICP, Principal Planner
Salt Lake City Planning Division

Cc: File: PLNPCM2019-00312

Initial ZONING PLAN REVIEW

(Based on the Salt Lake City ordinance Title 21A)

Date: 10/24/2019

Log No: BLD2019-09026

Zoning District/Overlay: R – 1/7000 / N/A

Project Name: Garage and ADU

Address(es): 1978 S. Windsor

APPLICANT CONTACT INFORMATION:

Name(s): David Seaman

Email: info@dfsconstructs.com

Phone: 801-824-2554

Reviewed by: Scott Browning

Email: Scott.Browning@SLCGOV.com

Phone: 801-535-7283

If you have any questions or comments, email is the preferred method of contact.

To discuss this review in person, please call or email a request for an appointment with your reviewer.

Permit and zoning information is available by visiting the Building Services and Civil Enforcement website at:

<http://www.slegov.com/building>

This building permit application at the above located address has been reviewed for compliance with the Salt Lake City zoning code. The comments below indicate that corrections, clarification or additional details are required. Please provide revised plans and supporting documents along with a written response to each comment.



Zoning Review Comments:

1. Normally, before plans are submitted/excepted for an ADU, a DRT meeting is required. This is a very informative meeting and gives people the chance to learn about the “do’s and don’ts” of an ADU. At this point in time, the DRT meeting is optional, but still recommended due to the information. The DRT application, if you decide to attend, link is: http://www.slcdocs.com/building/DRT_App_9-19.pdf.
2. A deed restriction will be required as a part of the registration process according to section 21A.40.200.F.2. A blank deed restriction application has been uploaded to the city required forms folder. Please follow the instructions closely and fill out the form completely and upload a receipt/the completed deed restriction showing that it has been recorded and returned to the planning director for his signature.

3. There will be the need for an impact fees sheet. Please fill it out for the construction of 1 new residence. The worksheet can be found at:
http://www.slcdocs.com/building/ImpactFeeAssessmentForm_4_19_2017.pdf. Please fill it out completely and upload it to the city required forms folder of project documents.
4. A zoning certificate will be written for a single-family dwelling with an ADU in the rear yard and a business license will be required according to section 21A.40.200.F.1.A (1 & 2).
5. The accessory building/detached garage size is permitted at 50% of the footprint of the principal building or 720 ft.² maximum. According to county records (main level = 1414 ft.²) the square footage is not what is stated on the plans. Please fix this. Also, being that the ADU and the detached garage are attached to each other, the footprint of the entire building may only be 650 ft.² maximum. The footprint of the building is any portion of the building that is overhanging/cantilevered over the lower level. The building has a footprint of approximately 770 ft.² because of the cantilevers. Also, because the stairs change in elevation more than 4', the stairway is required to be included in the square footage of the ADU (making the ADU larger than the maximum of 650 ft.² permitted). Please fix this.
6. The floor plans sheet (0005_AE101_Floor Plans.pdf) scale does not match and the measurements which are shown for the size of the building and are therefore not the same as shown on the site plan sheet (0004_AS101_Architectural Site Plan + Code Analysis.pdf). Please make sure that the scale and measurements match.
7. On the elevations sheet, please make some space for the level/string measurement labeled "T.O. Parapet (03)" so that the measurement is fully visible and not skewed by the words – "T.O. DECK (03)".
8. The back out area for the garage is correct. However, it might happen that, when the vehicles are trying to maneuver into/out of the garage for parking reasons, the vehicles may be going over the edge of the asphalt driving surface (being that it is not angled for maneuvering). The permit may need to be amended to add additional hard surfacing for where vehicles actually travel.
9. There may be further zoning review comments to follow.

This concludes our **initial** Zoning Review.

After **all** reviewers have completed their task, please respond in the following manner:

For electronic reviews in Project Dox, please reply to this review by downloading a response letter into the  [Review Comment Responses](#) folder and revised or added drawings to the  [Drawings](#) folder.

For paper drawing reviews, please reply to this review by providing a response letter and two copies of revised or added drawings and/or related documents to the submitted plan package on file in this office.

Thank you.

ATTACHMENT B: Appeal Application & Claims



Appeal of a Decision

PLN2AD2020-00034

OFFICE USE ONLY

Project # Being Appealed: PLN2AD2019-01072	Received By: A Anglin	Date Received: 1/14/20
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Appealed decision made by:

Planning Commission Administrative Decision Historic Landmark Commission

Appeal will be forwarded to:

Planning Commission Appeal Hearing Officer Historic Landmark Commission

Project Name: ADU Footprint

PLEASE PROVIDE THE FOLLOWING INFORMATION

Decision Appealed: Administrative Interpretation dated Dec 23 2019

Address of Subject Property: 1978 S Windsor Street

Name of Appellant: Brent N Bateman, Attorney for Joseph Wolf	Phone: 801-375-6600
--	---------------------

Address of Appellant: 3301 N Thanksgiving Way ste 400 Lehi UT 84043

E-mail of Appellant: bbateman@djplaw.com	Cell/Fax:
--	-----------

Name of Property Owner (if different from appellant): Joseph Wolf

E-mail of Property Owner: [REDACTED]	Phone:
--------------------------------------	--------

Appellant's Interest in Subject Property: Attorney for owner

AVAILABLE CONSULTATION

Please call (801) 535-7700 if you have any questions regarding the requirements of this application.

APPEAL PERIODS

An appeal shall be submitted within ten (10) days of the decision.


REQUIRED FEE

Filing fee of \$259, plus additional fee for required public notices.
 Additional fees for multiple (51 notices) = total

SIGNATURE

If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

SALT LAKE CITY PLANNING

Signature of Owner or Agent: 	Date: Jan 2 2020
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SUBMITTAL REQUIREMENT

A written description of the alleged error and the reason for this appeal.

WHERE TO FILE THE COMPLETE APPLICATION

<i>Mailing Address:</i> Planning Counter PO Box 145471 Salt Lake City, UT 84114	<i>In Person:</i> Planning Counter 451 South State Street, Room 215 Telephone: (801) 535-7700
---	---

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

 I acknowledge that Salt Lake City requires the items above to be submitted before my application can be processed. I understand that Planning will not accept my application unless all of the following items are included in the submittal package.

Additional Guidelines for Those Appealing a Planning Commission or Landmarks Commission Decision

A person who challenges a decision by the Planning Commission or the Landmarks Commission bears the burden of showing that the decision made by the commission was in error.

The hearing officer, according to state statute, must assume that the decision is correct and only reverse it if it is illegal or not supported by substantial evidence in the record.

“Substantial evidence” means information that is relevant to the decision and credible. Substantial evidence does not include public clamor and emotion. It involves facts and not mere speculation. A witness with particular expertise can provide substantial evidence, but conjecture and public opinion alone are not substantial evidence.

The “record” includes information, including the application by the person seeking approval, the staff report, the minutes of the meeting, and any information submitted to the commission by members of the public, the applicant or others, before the decision was made. It does not include facts or opinion, even expert opinion, expressed after the decision is made or which was not available to the commission at the time the decision was made.

A decision is “illegal” if it is contrary to local ordinance, state statute or case law, or federal law. An applicant is entitled to approval if the application complies with the law, so a person challenging a denial should show that the application complied with the law; a person challenging an approval should show that the application did not conform to the relevant law. Issues of legality are not restricted to the record of the decision, but the facts supporting or opposing the decision are limited to those in the record.

With regard to the factual information and evidence that supports a decision, the person bringing the appeal, according to a long line of decisions handed down by the Utah State Supreme Court and the Court of Appeals, has a burden to “marshal the evidence” and then to demonstrate that the evidence which has been marshaled is not sufficient to support the decision.

The appellant is therefore to:

1. Identify the alleged facts which are the basis for the decision, and any information available to the commission when the decision is made that supports the decision. Spell it out. For example, your statement might begin with: “The following information and evidence may have been relied upon by the Commission to support their decision . . .”
2. Show why that basis, including facts and opinion expressed to the commission is either irrelevant or not credible. Your next statement might begin with: “The information and evidence which may have been relied upon cannot sustain the decision because . . .”

If the evidence supporting the decision is not marshaled and responded to, the hearing officer cannot grant your appeal. It may be wise to seek the advice of an attorney experienced in local land use regulation to assist you.



ATTORNEYS AT LAW

DURHAM JONES & PINEGAR, P.C.
111 South Main, Suite 2400
Salt Lake City, Utah 84111
801.415.3000
801.415.3500 Fax
www.djplaw.com

BRENT N. BATEMAN
Attorney at Law
bbateman@djplaw.com

January 2, 2020

VIA HAND DELIVERY

Planning Counter
451 South State Street, Room 215
PO Box 145471
Salt Lake City, UT 84114

Re: Appeal of Administrative Interpretation
Joseph Wolf, 1978 S Windsor St
PLNZAD2019-01072

Dear Planning Staff:

This law firm represents Joseph Wolf in connection with the proposed accessory dwelling unit (“ADU”) at 1978 Windsor Street. Pursuant to Chapter 21A.16 of the Salt Lake City Code, please accept this letter and its attachments as the official appeal of the Administrative Interpretation decision dated December 23, 2019, concerning the “building coverage” of the ADU.

The Administrative Interpretation’s conclusions are illegal. They directly violate both the principles of ordinance interpretation and direct provisions of the Utah Code. Accordingly, after considering the following, we ask that the Administrative Interpretation be overturned and a building permit granted.

Background:

Joseph Wolf has applied to build an accessory building (garage) on his lot, which will include a second-story ADU. The ADU is cantilevered and slightly offset from the first story, as shown on Attachment 1, the Administrative Interpretation. On July 21st, 2019, Salt Lake City granted a conditional use permit (“CUP”) for the ADU, included herein as Attachment 2. Attachment 3 is a copy of Mr. Wolf’s CUP application. Note that the conditional use permit application (Attachment 3) contained numerous renderings and specific dimensions of the planned ADU, clearly showing the cantilevered design. This design has not changed from that approved in the CUP.

Despite this approval, when Mr. Wolf applied for a building permit, the City denied the request. This denial was based upon planning staff’s interpretation of the term “building coverage.” Mr. Wolf then requested an official Administrative Interpretation. The City issued its Administrative

Interpretation on December 23, 2019, wherein the City explained its reasoning, but did not change its position. Thus this appeal.

I. Correct Application of the Principles of Ordinance Interpretation Require Allowing the Use

In its Administrative Interpretation, the City cobbles together a definition of the term “building coverage” that results in the denial of Mr. Wolf’s building permit application. In doing so, however, the City ignores some of the well-known principles of ordinance interpretation.

Under Utah law, when interpreting an ordinance, the City is first obligated to “apply the plain language” of its land use ordinances to a land use application. UTAH CODE § 10-9a-306(1); *see Carrier v. Salt Lake County*, 2004 UT 98 ¶30. If the plain language of an ordinance is sufficiently clear, the analysis ends there. *General Construction & Development, Inc. v. Peterson Plumbing Supply*, 2011 UT 1, ¶ 8. If on the other hand, if the ordinance “does not plainly restrict” the proposed use, the rule is unequivocal: the city must interpret and apply the ordinances “to favor the land use application.” UTAH CODE § 10-9a-306(2). In other words, zoning ordinances should be interpreted in favor of allowing a property owner’s desired use, since such ordinances are in derogation of an owner’s use of land. *Carrier*, 2004 UT 98 ¶31.

The meaning of the term “building coverage” in the Salt Lake City ordinance is far from clear. This term is found in subsection 21.A.40.050(B)(2)(a):

In the FR, R-1, R-2 and SR residential districts the maximum *building coverage* of all accessory buildings, excluding hoop houses, greenhouses, and cold frames associated solely with growing food and/or plants, shall not exceed fifty percent (50%) of the building footprint of the principal structure up to a maximum of seven hundred twenty (720) square feet for a single-family dwelling and one thousand (1,000) square feet for a two-family dwelling.

Salt Lake City Code 21.A.40.050(B)(2)(a) (emphasis added). Conceding for purposes of this appeal that this sentence applies to Mr. Wolf’s proposal (the property is in the R-1 zone), the maximum building coverage available is 720 square feet. If the City’s interpretation is correct, then the ADU will exceed 720 square feet. If Mr. Wolf’s interpretation is correct, then the ADU will be less than the 720 square foot limit.

The City argues that “building coverage” is calculated from “the perimeter of all exterior walls of the building, including the cantilevered portion.” Administrative Interpretation, paragraph 2. In other words, the City has calculated building coverage from a direct top down view, without regard to what actually touches the ground. Mr. Wolf argues that the term “building coverage” means everything actually in contact with the ground. In other words, those portions actually covering the ground that eliminate the ability to otherwise use the ground.

The correctness of these interpretations does not depend on which one an individual prefers.

Determining which is correct requires application of the interpretation principles. If Salt Lake City had exercised its legislative authority to define a term in a way that *plainly restricts* development, then Salt Lake City would prevail. However, the Salt Lake City code definition of *Building Coverage* does not include the language cited in the Administrative Interpretation, and does not match Salt Lake City’s interpretation. Salt Lake City’s definition section, Salt Lake City Code 21.A.62 – Definitions, defines *Building Coverage* as “That percentage of the lot covered by principal or accessory buildings.” This is not helpful. This says nothing more than building coverage is land covered by buildings. If Salt Lake City had intended this definition to mean “the perimeter of all exterior walls of a building,” or to be calculated from a top down view, they could certainly have said so. Either way, this definition does not “plainly restrict” Mr. Wolf’s desired design.

Since the definition offers no guidance, we resort to the plain meaning. As pointed out by the City, “Any words in this title not defined in this chapter shall be as defined in ‘*Webster’s Collegiate Dictionary*.’” Salt Lake City Code Section 21.A.62.010. This is an appropriate approach to finding the plain meaning.

However, Webster’s dictionary (<https://www.merriam-webster.com/dictionary/covers>) offers 24 different definitions of the word “cover.” Summarized, the relevant definitions to both parties include:

No.	Definition	Example
Verb 2b	to lie over	a blanket covering her legs
3	to lay or spread something over	Cover the seedbed with straw.
4a	to spread over	Snow covered the hills.
4b	to appear here and there on the surface of	a region covered with lakes
5	to place or set a cover or covering over	Cover the pot.
Noun 1	something that protects, shelters, or guards:	A natural shelter for an animal Also the factors that provide such shelter
2	something that is placed over or about another thing	LID, TOP, ROOF
3	something that conceals or obscures	under cover of darkness

No distinction is made here between actual coverage and top-down coverage. The plain meaning of the dictionary definition could easily support either parties’ interpretation. The dictionary does not resolve the question.

Utah law clearly states that unless the City code *plainly restricts* the application, the code must be interpreted in a manner that favors the developer. Even if the City’s interpretation is reasonable, unless it meets that standard of *plainly restricts*, then the developer prevails. The *Building Coverage* definition in the Salt Lake City Code does not plainly restrict the cantilevered design. Accordingly, the building permit application must be granted.

II. The Cantilevered ADU Design has Already been Approved and Cannot Now be Changed By the City

In addition to the above, the City has already approved Mr. Wolf's cantilevered design. They cannot now require him to change it. Mr. Wolf has received a conditional use permit ("CUP") for his ADU on August 5, 2019 (Attachment 2). The design and renderings of the ADU were a required part of the CUP application (Attachment 3), and were considered for approval at that time. The application clearly depicted the cantilevered design. No condition was imposed then requiring removal of the overhanging portions, nor reduction of the size of the structure.

This essentially ends the discussion. Due to the Utah vesting rule, a city may not approve a development, and then require changes later to the approved portions.

The Utah vesting rule is found in the UTAH CODE § 10-9a-509. It states:

- (1)(a)(i) An applicant who has submitted a complete land use application as described in Subsection (1)(c), including the payment of all application fees, is entitled to substantive review of the application under the land use regulations:
- (A) in effect on the date that the application is complete; and
 - (B) ***applicable to the application or to the information shown on the application.***

UTAH CODE § 10-9a-509(1)(a)(i) (emphasis added). The highlighted language above is a fairly new addition to the code, and is intended to answer the question of "what vests?" Every planned detail in a development certainly cannot vest as soon as the first application is submitted. But the question of what does nor does not vest caused some confusion for many years. The legislature finally determined that an applicant vests in what is shown on a particular application. Information reserved for later applications does not vest until that later application. But when an application is submitted, the Utah Legislature has determined that the information shown thereon vests, and accordingly, after approval the developer can go forward.

This is the law in Utah. It's also equitable, and represents the best public policy. Vesting is intended to permit an applicant to go forward, investing time and funds, without the rug being pulled out from under them midstream. See *Western Land Equities v. City of Logan*, 617 P.2d 388 (Utah 1980). Here, the application was fully approved including the cantilevered design, and Mr. Wolf went forward with this plans. Now, he is being told that his approval means nothing, and he must start over and redesign his ADU.

Although this is a conditional *use* application, and the approval represents an approval of the right to use land in a particular way, consideration of the use presupposes and necessitates a submission of the design. Salt Lake City requires that plans and elevation drawings be included in the CUP application. Salt Lake City would not have considered or approved the CUP without considering the design for the ADU. This is exactly the situation that the new statutory language intended to clarify – what vests? Vesting occurs with regard to the information shown on the application. This relieves

Salt Lake City Planning Counter

January 2, 2019

Page 5

the uncertainty of showing information on an application, but later having to pick and choose which information on the application vested.

Several important details of the building, plans, and materials were certainly left to be considered at building permit application and did not vest at CUP. However, the law cited above prevents the City from claiming that the only thing approved was a *use* for some kind of undetermined ADU. If that were the case, then the City would not need to request any specifics about the type of ADU. One could just apply for an ADU and worry about providing the elevation drawings later. The ADU design was required on the CUP approval. It was provided. It was reviewed. Accordingly, it vested. Finally, it was approved. The City cannot now require a complete redesign in order to grant a building permit.

Accordingly, we ask that you overturn the Administrative Interpretation, and approve the building permit for my client. I look forward to hearing from you as soon as possible. If you would like any further information or explanations, please let me know as soon as you can.

Very truly yours,

DURHAM JONES & PINEGAR, P.C.

A handwritten signature in black ink, appearing to read "Brent N. Bateman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brent N. Bateman

December 23, 2019

**ADMINISTRATIVE INTERPRETATION
DECISION AND FINDINGS
PLNZAD2019-01072**



REQUEST:

A request for an administrative interpretation regarding building coverage. The interpretation is associated with a proposed accessory building with a second level Accessory Dwelling Unit (ADU) at 1978 S. Windsor Street. The property is located in the R-1/7000 Single-Family Residential zoning district. Sections 21A.40.200E3 and 21A.40.050B2 of the Zoning Ordinance limit the building coverage of accessory structures to a maximum of 720 square feet in this zone. The second story of the proposed accessory structure is offset from the first story, so a portion of the second story is cantilevered. Through the building permit review process, the proposed building was determined to exceed the allowable building coverage because the building is measured from all exterior building walls, not just the area that touches the ground. The applicant states that the building footprint (used to calculate building coverage) should be “the measurement from exterior wall to exterior wall of a structure that touches grade.”

DECISION:

The structure, as proposed, exceeds the allowable building coverage for accessory buildings. Salt Lake City considers the entire building when calculating building coverage. This includes areas of the building that provide coverage over the ground, not just the portion of the building that touches the ground. The building coverage for the proposed accessory structure is calculated from the perimeter of all exterior walls of the building, including the cantilevered portion.

FINDINGS:

The appellant’s request is for an interpretation of “building footprint”, however, the standard in question does not relate to the footprint of the ADU, rather it is a requirement relating to the “building coverage”.

The proposed accessory building is a two-story structure containing a garage on the ground level and an ADU on the second level. The second story is off-set from the first story and cantilevered. If the first story were viewed separately, the building coverage would be calculated at 674 square feet, but the building coverage for the entire structure as seen from plan view (from the top down) is approximately 810 square feet.

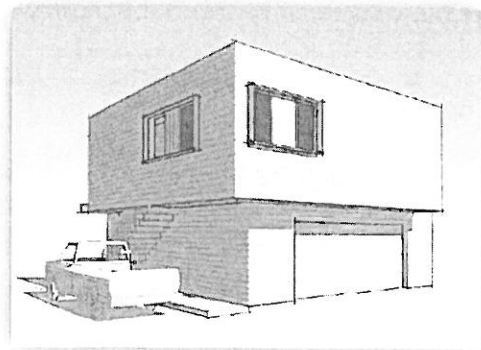


Illustration of Proposed Accessory Building

The size allowances for accessory buildings and ADU’s are stipulated in two sections of the Zoning Ordinance. Section 21A.40.200E3a of the ADU ordinance states:

Bulk Requirements: Shall comply with all applicable general yard, bulk, and height limitations found in section 21A.40.050 of this chapter and any accessory building regulation found in the underlying zoning district or any applicable overlay zoning district unless otherwise regulated by this section.

Section 21A.40.050B2a of the Accessory Uses, Buildings and Structures ordinance states:

In the FR, R-1, R-2 and SR residential districts the maximum building coverage of all accessory buildings, excluding hoop houses, greenhouses, and cold frames associated solely with growing food and/or plants, shall not exceed fifty percent (50%) of the building footprint of the principal structure up to a maximum of seven hundred twenty (720) square feet for a single-family dwelling and one thousand (1,000) square feet for a two-family dwelling. (emphasis added)

The applicant's interpretation of the Zoning Ordinance is that building footprint is calculated as "the measurement from exterior wall to exterior wall of a structure that touches grade." Therefore, the applicant claims that the proposed building meets the size limitation stated in the ordinance. This however would not affect the standard in question, which is actually building coverage.

The reason for building coverage limitations is to implement the Purpose and Intent of the Zoning Ordinance (Section 21A.02.030) and one of the specific purposes of the zoning regulations is to "provide adequate light and air" (Section 21A.02.030C). For this reason, Salt Lake City has consistently calculated the building coverage to include the perimeter of the entire building, not just the portion of a building that touches the ground.

In addition to implementing the purpose of the Zoning Ordinance, the ordinance provides direction on how the building coverage is calculated. Section 21A.62 – Definitions defines "Building Coverage" as follows:

BUILDING COVERAGE: That percentage of the lot covered by principal or accessory buildings.

The Zoning Ordinance defines "Building" as:

BUILDING: A structure with a roof, intended for shelter or enclosure.

The entire building is a structure with a roof; therefore, by definition of "Building Coverage", the entire building must be taken into account when calculating the building coverage.

There is no definition of "coverage" in the Zoning Ordinance. Section 21A.62.010 of the Zoning Ordinance states:

For the purposes of this title, certain terms and words are defined and are used in this title in that defined context. Any words in this title not defined in this chapter shall be as defined in "Webster's Collegiate Dictionary". (emphasis added)

Merriam-Webster's Collegiate Dictionary, 11th Edition (Webster's) provides the following definition related to "coverage."

Coverage - 3: the act or fact of covering

Covering - something that covers or conceals

Cover - 2: something that is placed over or about another thing

These definitions, in conjunction with the definition of the term "building" supports Salt Lake City's interpretation that the entire building, including the cantilevered portion must be included in the building coverage calculation. As shown in the following diagrams, the cantilevered portion is part of the "building" and provides coverage over the lot below.

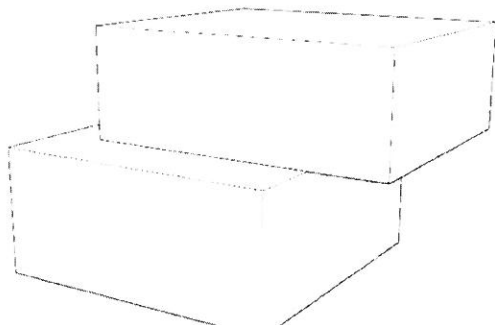
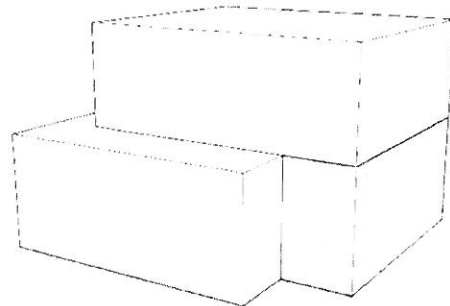


Diagram of building with cantilevered second story



Cantilevered portion of building provides coverage over area in yellow, so it is included in building coverage

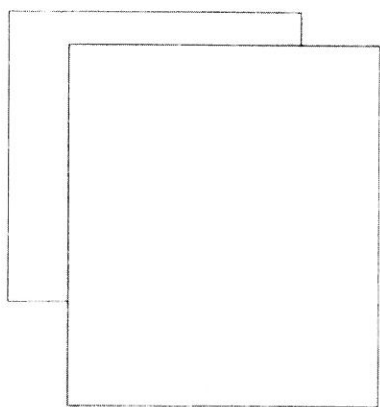


Diagram of building in "plan view" (viewing the building from the top)

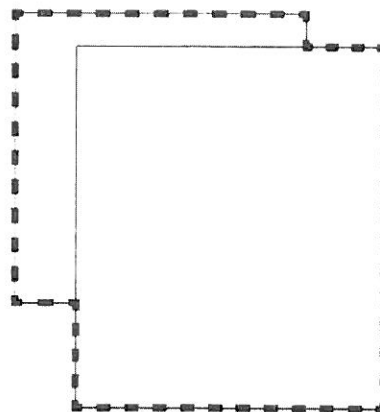


Diagram of building in plan view. The dashed line represents the area of the lot that the building covers.

On July 31, 2019 the ADU proposal received Conditional Use Approval from the Planning Commission. Conditional Use approval only authorizes the use requested and not a specific design or construction method. Indicated in the Conditional Use Staff report was that upon approval, the applicant would need to submit plans for building permits. In addition to building code requirements, that process is used to ensure that all provisions of the zoning code, including building coverage, are met with final plans.

If you have any questions regarding this interpretation, please contact Eric Daems at (801) 535-7236 or by email at eric.daems@slcgov.com.

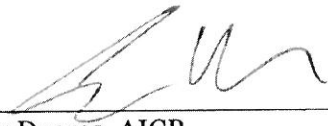
APPEAL PROCESS:

An applicant or any other person or entity adversely affected by a decision administering or interpreting this Title may appeal to the Appeals Hearing Officer. Notice of appeal shall be filed within ten (10) days of the administrative decision. The appeal shall be filed with the Planning Division and shall specify the decision appealed and the reasons the appellant claims the decision to be in error. Applications for appeals are located on the Planning Division website at <https://www.slc.gov/planning/applications/> along with information about the applicable fee. Appeals may be filed in person or by mail at:

In Person: Salt Lake City Corp Planning Counter 451 S State Street, Room 215 Salt Lake City, UT		US Mail: Salt Lake City Corp Planning Counter PO Box 145471 Salt Lake City, UT 84114- 5417
--	--	--

NOTICE:

Please be advised that a determination finding a particular use to be a permitted use or a conditional use shall not authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure. It shall merely authorize the preparation, filing, and processing of applications for any approvals and permits that may be required by the codes and ordinances of the City including, but not limited to, a zoning certificate, a building permit, and a certificate of occupancy, subdivision approval, and a site plan approval.



Eric Daems, AICP
Principal Planner

- cc: Nick Norris, Planning Director
Joel Paterson, Zoning Administrator
Greg Mikolash, Development Review Supervisor
Posted to Web
Applicable Recognized Organizations



August 5, 2019

Dwight Yee
3055 S Grace Street
Salt Lake City, UT 84109

RE: Record of Decision for application PLNPCM2019-00312 for a Conditional Use for an ADU
Location: 1978 S Windsor Street

Dear Dwight,

On July 31, 2019, the Salt Lake City Planning Commission granted conditional use approval for an ADU to the rear of the property at 1978 S Windsor Street. The property is in the R-1/7,000 (Single-Family Residential) zoning district.

The approval allows for an ADU in accordance with submitted plans and after obtaining a building permit. The decision of the Planning Commission was based on the information contained in the staff report, the project details provided by you, and the discussion of the Planning Commission. Copies of this information are available online here:

<https://www.slc.gov/planning/planning-commission-agendas-minutes/>

The decision considers the general purpose of the zoning ordinance as well as the purpose of the zoning district where the proposal is located. The purpose of the applicable zoning district states:

R-1/7,000 –Single-Family Residential District: The purpose of the R-1/7,000 Single-Family Residential District is to provide for conventional single-family residential neighborhoods with lots not less than seven thousand (7,000) square feet in size. This district is appropriate in areas of the City as identified in the applicable community Master Plan. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood

The purpose of accessory dwelling units are to:

- 1) Create new housing units while respecting the appearance and scale of single-family residential development;
- 2) Provide more housing choices in residential districts;
- 3) Allow more efficient use of existing housing stock, public infrastructure, and the embodied energy contained within existing structures;
- 4) Provide housing options for family caregivers, adult children, aging parents, and families seeking smaller households;
- 5) Offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services;
- 6) Broaden the range of affordable housing throughout the City;
- 7) Support sustainability objectives by increasing housing close to jobs, schools, and services, thereby reducing greenhouse gas emissions and fossil fuel consumption;
- 8) Support transit-oriented development and reduce auto usage by increasing density near transit; and

- 9) Support the economic viability of historic properties and the City's historic preservation goals by allowing accessory dwellings in historic structures.

Conditional Use:

A conditional use is a land use which, because of its unique characteristics or potential impact on the municipality, surrounding neighbors or adjacent land uses, may not be compatible or may be compatible only if certain conditions are required that mitigate or eliminate the negative impacts. Conditional uses are allowed unless appropriate conditions cannot be applied which, in the judgment of the planning commission, or administrative hearing officer, would mitigate adverse impacts that may arise by introducing a conditional use on the particular site.

The Planning Commission made several findings related to the proposal and standards of approval. These findings can be found in the staff report referenced above and will be in the meeting minutes once they are available for public review.

This Record of Decision letter is provided to you indicating the date action was taken to approve the request, the 10-day appeal period, and to what body an appeal can be made.

The conditional use shall expire in one year unless a building permit has been issued or complete building plans have been submitted to the division of building services and licensing within that period and is thereafter diligently pursued to completion, or unless a certificate of occupancy is issued and a use commenced within that period, or unless a longer time is requested and granted by the planning commission. Any request for a time extension shall be required not less than 30 days prior to the 12-month time period. The approval of a proposed conditional use by the planning commission shall authorize only the particular use for which it was issued.

Appeal by an Affected Party:

There is a 10-day appeal period in which any affected party can appeal the Planning Commission's decision. This appeal period is required in the City's Zoning Ordinance and allows time for any affected party to protest the decision, if they so choose. The appeal would be heard by the Administrative Hearing Officer. Any appeal, including the filing fee, must be submitted by the close of business on **Monday, August 12, 2019**.

The decision of the Planning Commission is located on the Planning Division's website at:

<http://www.slcdocs.com/Planning/Planning%20Commission/2019/PC.07.31.19ROD.pdf>

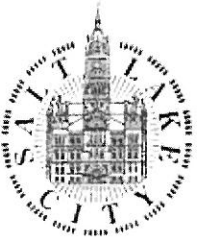
If you have additional questions on this approval, please feel free to contact me at (801) 535-7236 or by email at eric.daems@slcgov.com.

Sincerely,



Eric Daems, AICP, Principal Planner
Salt Lake City Planning Division

Cc: File: PLNPCM2019-00312



Conditional Use

SALT LAKE CITY PLANNING

OFFICE USE ONLY

Project #:	Received By:	Date Received:	Zoning:
------------	--------------	----------------	---------

Project Name:

PLEASE PROVIDE THE FOLLOWING INFORMATION

Request:
Addition of Accessory Building with Accessory Dwelling Unit

Address of Subject Property:
1978 Windsor Street, SLC UT 84105

Name of Applicant: Dwight Yee	Phone: 607-379-3209
----------------------------------	------------------------

Address of Applicant:
3055 S Grace Street, SLC UT 84109

E-mail of Applicant: dwight@processpllc.com	Cell/Fax: 607-379-3209
--	---------------------------

Applicant's Interest in Subject Property:

Owner Contractor Architect Other:

Name of Property Owner (if different from applicant):
Joseph Wolf

E-mail of Property Owner: joseph.g.wolf@gmail.com	Phone: 312.909.3330
--	------------------------

Please note that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.

AVAILABLE CONSULTATION

Planners are available for consultation prior to submitting this application. Please call (801) 535-7700 if you have any questions regarding the requirements of this application.

WHERE TO FILE THE COMPLETE APPLICATION

<i>Mailing Address:</i> Planning Counter PO Box 145471 Salt Lake City, UT 84114	<i>In Person:</i> Planning Counter 451 South State Street, Room 215 Telephone: (801) 535-7700
---	---

REQUIRED FEE

Filing fee of **\$758**
Plus additional cost of postage for mailing notice.

SIGNATURE

If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent:	Date:
------------------------------	-------

SUBMITTAL REQUIREMENTS

Staff Review

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1. Project Description (please attach additional sheet)
Written description of your proposal |
|
 | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2. Conditional Use Information (please attach additional sheet)
If applicable, what is the anticipated operating/delivery hours associated with the proposed use |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | What are the land uses adjacent to the property (abutting and across-the-street properties) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | How many employees are expected to work on-site during the highest shift |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | If applicable, how many seats will be provided as part of the conditional use |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Have you discussed the project with nearby property owners?
If so, what responses have you received? |
|
 | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 3. Minimum Plan Requirements |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | One paper copy (24" x 36") of each plan and elevation drawing |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | A digital (PDF) copy of the each plan and elevation drawing |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | One 11 x 17 inch reduced copy of each plan and elevation drawing |
|
 | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 4. Site Plan
Site plan (see Site Plan Requirements flyer for further details) |
|
 | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5. Elevation Drawing (if applicable)
Detailed elevation, sections and profile drawings with dimensions drawn to scale |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Type of construction and list the primary exterior construction materials |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Number, size, and type of dwelling units in each building, and the overall dwelling unit density |

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

I acknowledge that Salt Lake City requires the items above to be submitted before my application can be processed. I understand that Planning will not accept my application unless all of the following items are included in the submittal package.

conditional use application
windsor street accessory building + accessory dwelling unit
april 1, 2019

process studio pllc
3055 s. grace street
salt lake city, utah 84109
p . 8 0 1 . 9 0 6 . 0 8 6 6

Project Location: 1978 Windsor Street

Project Description:

The Owner of the property would like to add an Accessory Building, which will act as the Owner's detached garage. There will be an Accessory Dwelling Unit placed above the garage. Please see the attached drawings, which show conformance to setbacks, size and height.

The property is located within a 1/4 mile radius from the Sugarmont S-line light rail station. As such, it is assumed and additional off-street parking for the Accessory Dwelling Unit is not required. We have provided a single off-street spot as a convenience space for the Accessory Dwelling Unit.

Conditional Use Information:

1. As an Accessory Dwelling Unit, there are no anticipated operating/delivery hours.
2. Adjacent to the north, west and south property lines are single-family residences on property zoned "R-1-7000". Across the street, there is an IHC Family Clinic, which sits on a property zoned "I".
3. As an Accessory Dwelling Unit, there are no employees expected. The unit proposed is a 1-bedroom residence.
4. Seats are not applicable to this application.
5. This project has not been discussed with nearby property owners.

Plan Requirements:

1. • See Drawings attached.

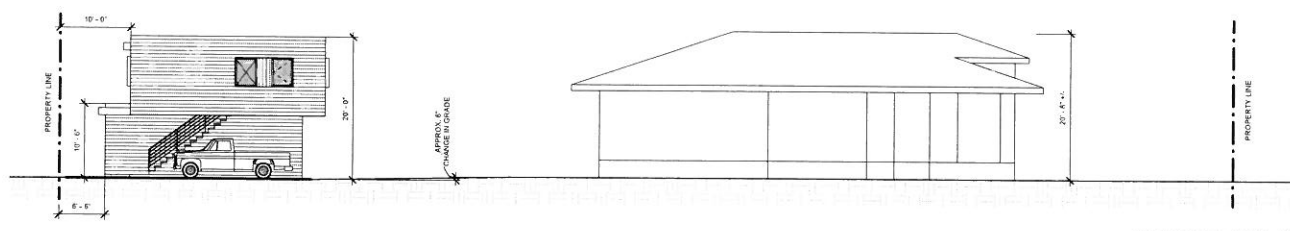
Site Plan:

1. • See Drawing A1 attached.

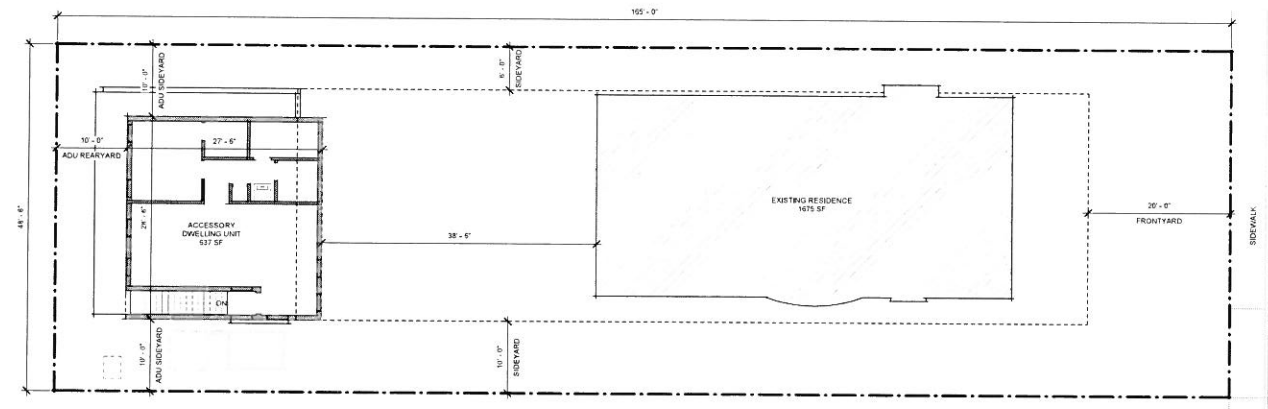
Elevation Drawings:

1. • See Drawings attached.
2. • See Drawings attached. Wood stud construction with exterior cladding of either 1) painted cement board siding, 2) architectural metal shingle, or 3) stucco.
3. • Addition of an Accessory Dwelling Unit of 637 SF.

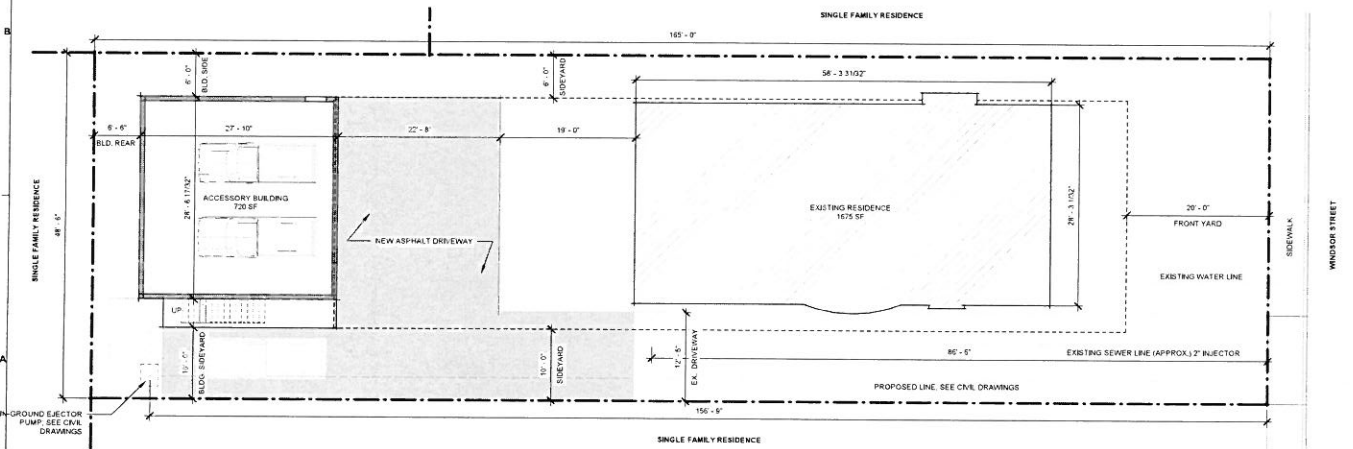
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SITE SECTION D4
1/8" = 1'-0" A1



SITE PLAN - ADU B4
1/8" = 1'-0" A1



SITE PLAN - ACCESSORY BUILDING A4
1/8" = 1'-0" A1

CODE & ZONING ANALYSIS:

APPLICABLE CODES PER SALT LAKE CITY BUILDING SERVICES:

- 2015 INTERNATIONAL RESIDENTIAL CODE (IRC)
- 2014 NATIONAL ELECTRIC CODE (NEC)
- 2010 INTERNATIONAL PLUMBING CODE (IPC)
- 2010 INTERNATIONAL MECHANICAL CODE (IMC)
- 2015 INTERNATIONAL ENERGY CONSERVATION CODE (IECC) FOR RESIDENTIAL

SALT LAKE CITY ZONING:

PROJECT INFORMATION:

- 1919 WINDSOR STREET SALT LAKE CITY, UTAH 84105
- PARCEL #161-11600020000
- LEGAL DESCRIPTION: CDM 24 RDS W & 2.83 RDS N FR SE COR LOT 19 BLK 25
- AC PLAT ASK FIELD SUR W 10 RDS S 48.5 FT E 10 RDS N 48.5 FT TO BEG 10279-4771 10251-5892 10255-8255 10269-6803 10780-2218 10505-6722 10610-5892

PROJECT DESCRIPTION:

- ADDITION OF DETACHED ACCESSORY BUILDING WITH ACCESSORY DWELLING UNIT. EXISTING RESIDENCE IS NOT INCLUDED IN SCOPE OF WORK.

ZONING:

- R1-7000
- LOT AREA
- MINIMUM LOT AREA = 7,000 SF
- EXISTING LOT AREA = 7,841 SF OR 18 ACRE
- LOT WIDTH
- MINIMUM LOT WIDTH = 50
- EXISTING LOT WIDTH = 48'-6"
- LOT DEPTH
- EXISTING LOT DEPTH = 165

ACCESSORY BUILDING:

- REAR YARD
- MINIMUM REAR YARD = MIN 1' FROM PROP. LINE
- 10' FROM PRINCIPAL RESIDENCE ON ADJACENT LOT
- PROPOSED REAR YARD = 6'-0"
- INTERIOR SIDE YARD
- MINIMUM SIDE YARDS = 6" ONE SIDE, 10" OTHER
- PROPOSED SIDE YARDS = 6" NORTH, 10" SOUTH
- BUILDING SIZE
- MAXIMUM SIZE = 50% OF PRINCIPAL STRUCTURE
- 720 SF MAX
- PRINCIPAL BUILDING = 1675 SF
- PROPOSED SIZE = 9% OF PRINCIPAL = 637 SF, 720 SF MAX, 720 SF
- BUILDING HEIGHT
- MAXIMUM BUILDING HEIGHT = 17' (MATCHED ROOF)
- PROPOSED BUILDING HEIGHT = 10'-0" (SEE ELEVATION)

ACCESSORY DWELLING UNIT:

- REAR YARD
- MINIMUM REAR YARD = 4' 10" FOR BUILDING HEIGHT TO EQUAL PRINCIPAL RESIDENCE
- 10'
- PROPOSED REAR YARD = 4' 10" FOR BUILDING HEIGHT TO EQUAL PRINCIPAL RESIDENCE
- 10'
- INTERIOR SIDE YARD
- MINIMUM SIDE YARD = 4' 10" FOR BUILDING HEIGHT TO EQUAL PRINCIPAL RESIDENCE
- 10'
- PROPOSED SIDE YARD = 4' 10"
- BUILDING SIZE
- MAXIMUM SIZE = 850 SF
- PROPOSED SIZE = 637 SF
- BUILDING HEIGHT
- PRINCIPAL BUILDING HEIGHT = 20'-0"
- PROPOSED BUILDING HEIGHT = 20'-0" (SEE ELEVATION)

BUILDING COVERAGE

- MAXIMUM COVERAGE = 49% (PRINCIPAL + ACCESSORY STRUCTURES)
- 1,675 SF
- PRINCIPAL STRUCTURE + ACCESSORY BUILDING/ADU = 720 SF
- EXISTING TOTAL COVERAGE = 2,395 SF
- EXISTING LOT AREA = 7,841 SF
- EXISTING BUILDING COVERAGE = 2,395 SF / 7,841 SF = 31%

P R O C E E S S

3045 + 31st Street
Salt Lake City, Utah 84105
6775.932.6364
www.progressstudio.com

No.	Description	Date

WINDSOR STREET
ADU
ARCHITECTURAL SITE
PLAN

Project Status: CONDITIONAL USE
Project Number: 18_0017
Date: 03.30.2019
Drawn by: DE
Checked by: DY

A1

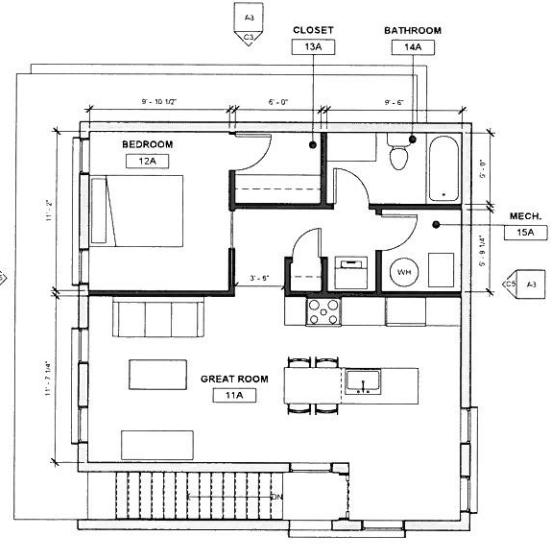
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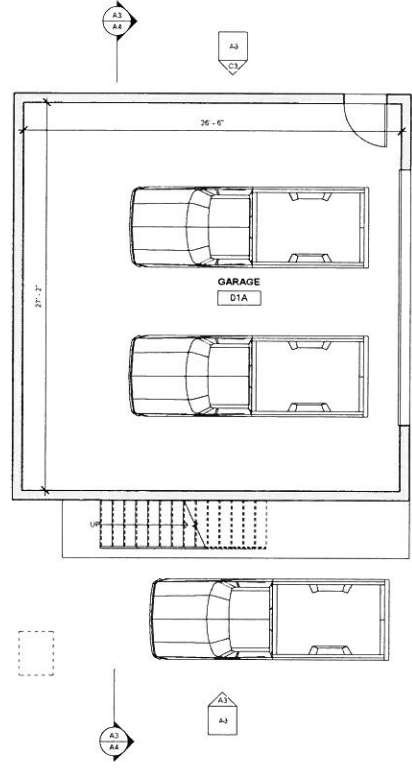
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P R O C E S S

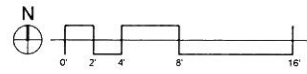
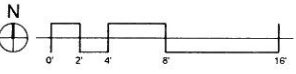
 2025 • process studio
 400 Lake Street, Suite #1000
 Waco, TX 76798
 www.processstudio.com



ADU FLOOR PLAN $\frac{1}{4}" = 1'-0"$
 A3 / A2



GARAGE FLOOR PLAN $\frac{1}{4}" = 1'-0"$
 A5 / A2



No.	Description	Date

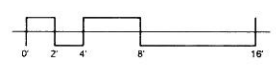
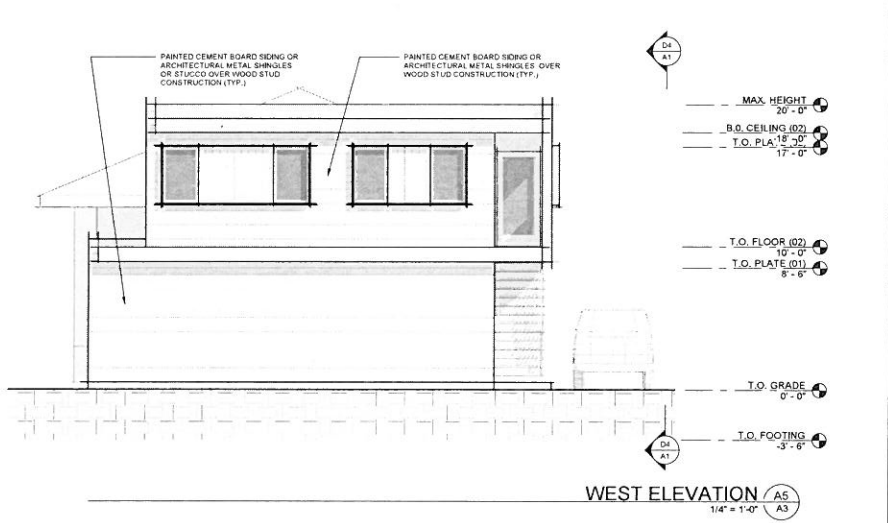
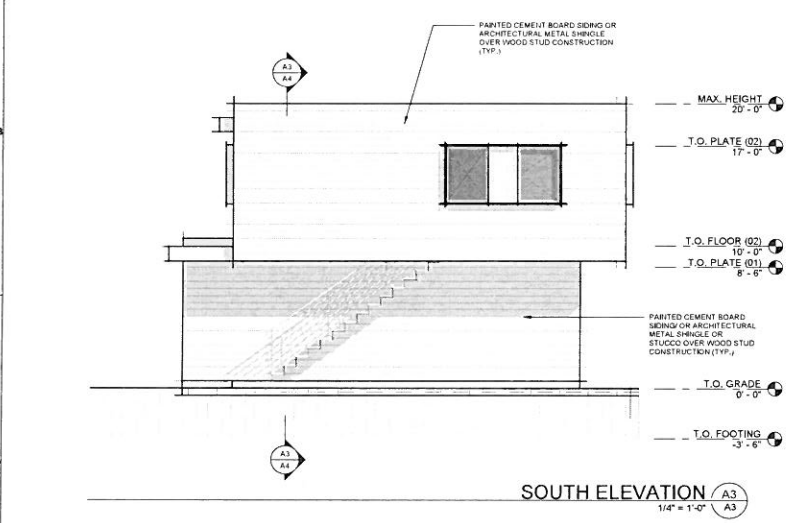
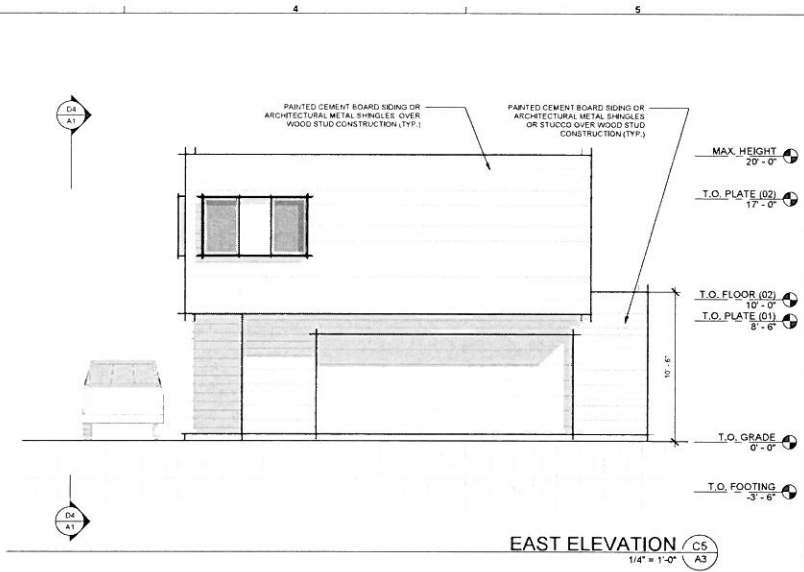
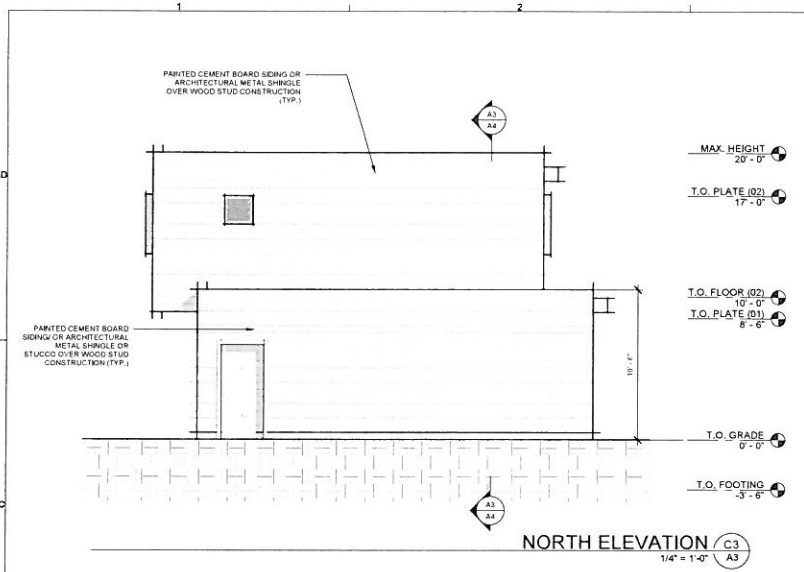
WINDSOR STREET ADU FLOOR PLANS

Project Status	CONDITIONAL USE
Project Number	16_0017
Date	03.30.2019
Drawn by	DE
Checked by	DY

A2

Scale: $\frac{1}{4}" = 1'-0"$

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P R O C E S S

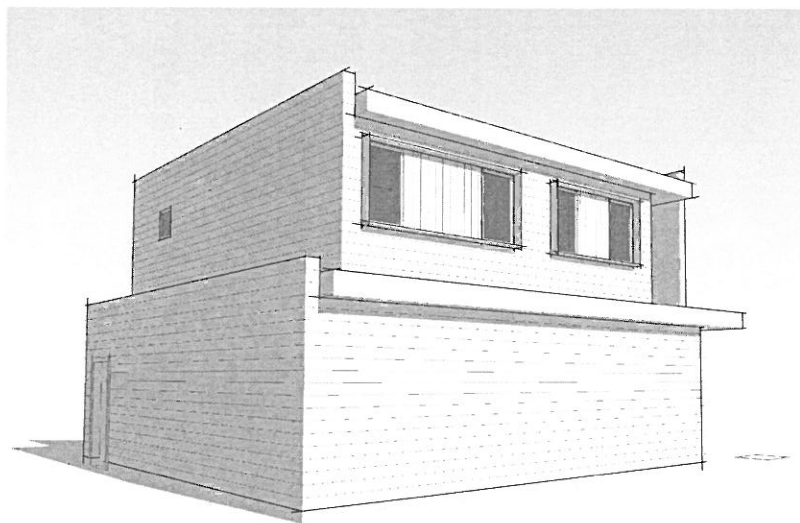
3055 • 222nd Street
 Ashland, OR 97102
 503.312.6544
 www.pricess.com

No.	Description	Date

**WINDSOR STREET
 ADU
 ELEVATIONS -
 OPTION A**

Project Status	CONDITIONAL USE
Project Number	18_0017
Date	03.30.2019
Drawn by	DE
Checked by	DY
A3	
Scale	1/4" = 1'-0"

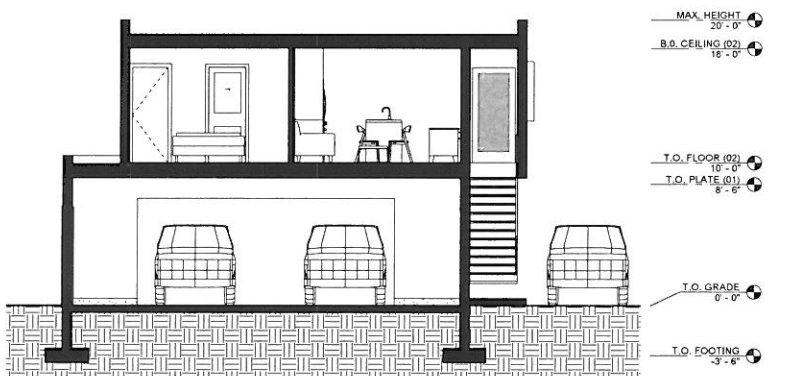
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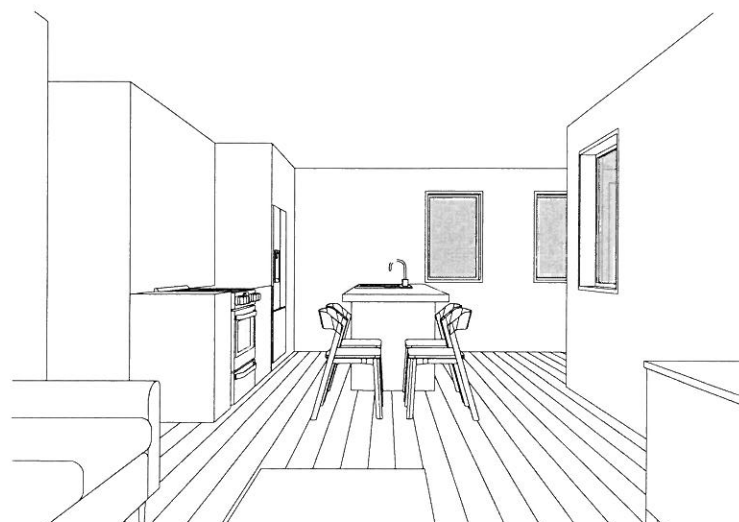
NORTH WEST VIEW C3
A4



SOUTH-EAST VIEW C5
A4



N-S SECTION A3
A4
1/4" = 1'-0"



INTERIOR VIEW A5
A4

P R O C E S S

3055 • gale street
salt lake city, utah 84119
• 877.732.6564
www.processpl.com

No.	Description	Date

WINDSOR STREET
ADU
SECTION & VIEWS -
OPTION A

Project Status: **CONDITIONAL USE**
Project Number: 18_0017
Date: 03.30.2019
Drawn By: DE
Checked by: DY

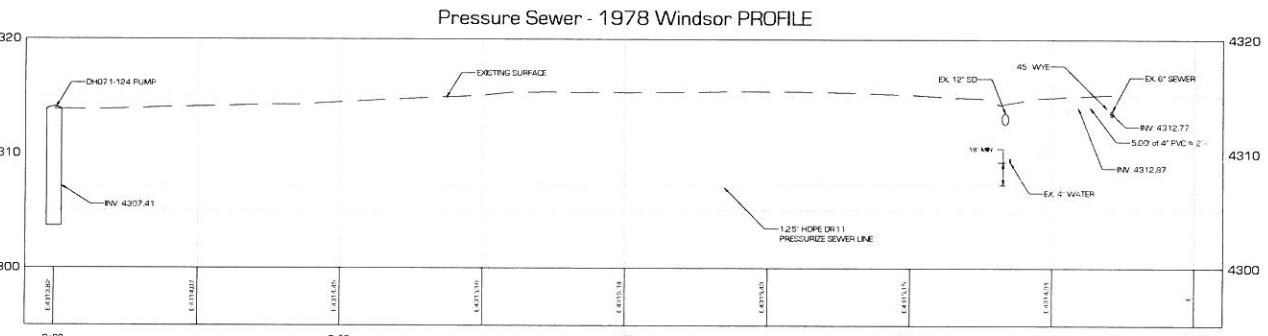
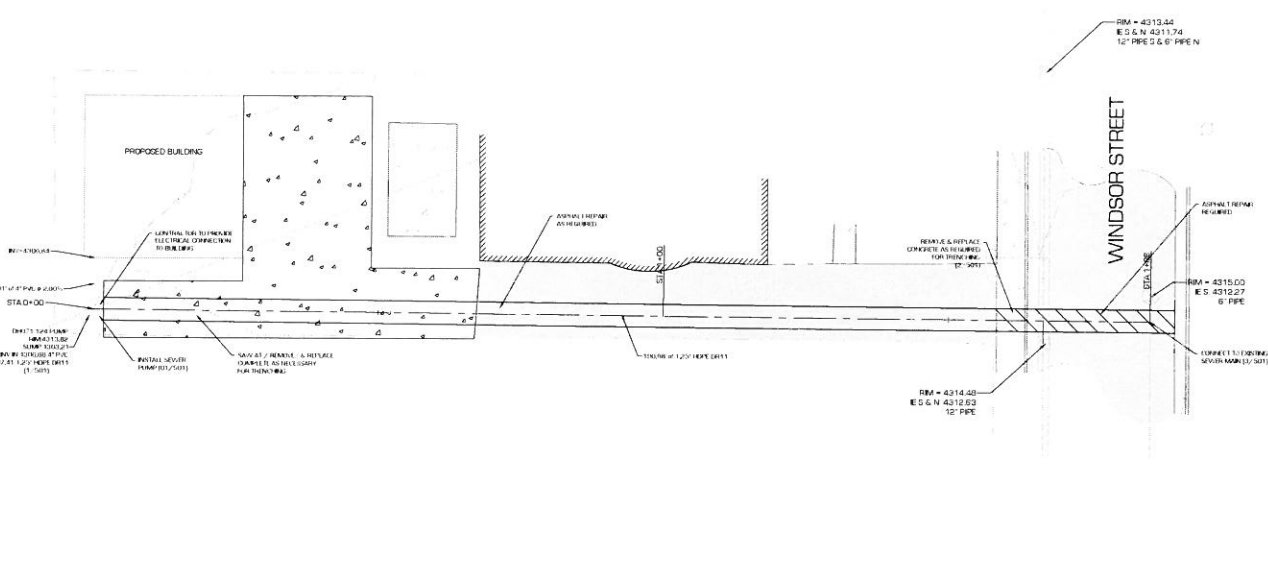
A4
Scale: 1/4" = 1'-0"

MARK.	DATE	DESCRIPTION

PROJECT # 19301
 DRAWN BY CHLHND
 PROJECT MANAGER AGERBEG
 ISSUED 02.08.19

GENERAL NOTES:

1. ALL UTILITIES TO BE LOCATED BY EXISTING SURVEY DATA SHALL BE SHOWN AS DOTTED LINES. THE STANDARD AND OPERATIONAL PROCEDURES FOR THE IDENTIFICATION OF UTILITIES SHALL BE AS PER THE STANDARD OPERATIONAL PROCEDURES FOR THE IDENTIFICATION OF UTILITIES (SOP) AS SET FORTH BY THE INTERNATIONAL STANDARDS ORGANIZATION (ISO) AND THE UTILITIES INDUSTRY ASSOCIATION (UIA). THESE PROCEDURES SHALL BE USED TO IDENTIFY AND LOCATE ALL UTILITIES AND TO BE SHOWN AS DOTTED LINES ON THE PLAN. THE LOCATION OF UTILITIES SHALL BE CONFIRMED BY EXISTING SURVEY DATA OR BY EXISTING AS-BUILT RECORDS. THE LOCATION OF UTILITIES SHALL BE CONFIRMED BY EXISTING SURVEY DATA OR BY EXISTING AS-BUILT RECORDS. THE LOCATION OF UTILITIES SHALL BE CONFIRMED BY EXISTING SURVEY DATA OR BY EXISTING AS-BUILT RECORDS.
2. WORK SHALL BE ACCORDING TO THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF UTILITIES AND TO THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF UTILITIES AS SET FORTH BY THE INTERNATIONAL STANDARDS ORGANIZATION (ISO) AND THE UTILITIES INDUSTRY ASSOCIATION (UIA).
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.
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SYMBOL LEGEND

SYMBOLS IN GRAY DENOTE EXISTING FEATURES
 BLACK ON GRAY DENOTE PROPOSED FEATURES

SEWER PIPING

- (Symbol) EXISTING PIPE FORWARD
- (Symbol) EXISTING WATER METER
- (Symbol) EXISTING SEWER MANHOLE
- (Symbol) EXISTING STORM DRAINAGE MANHOLE
- (Symbol) EXISTING LEACH PILE

LEGEND

- (Symbol) EXISTING WATER
- (Symbol) EXISTING UNDERGROUND
- (Symbol) EXISTING SURFACE GRASS
- (Symbol) EXISTING PAVEMENT
- (Symbol) EXISTING DRIVE
- (Symbol) EXISTING ASPHALT
- (Symbol) EXISTING CONCRETE
- (Symbol) EXISTING 24" GROUND WATER PILE
- (Symbol) EXISTING CHARACTERISTIC
- (Symbol) EXISTING SURFACE CONTOUR
- (Symbol) EXISTING ASPHALT LAKE CLAY
- (Symbol) EXISTING ASPHALT LAKE CLAY
- (Symbol) PROPOSED WATER
- (Symbol) PROPOSED UNDERGROUND
- (Symbol) PROPOSED DRIVE
- (Symbol) PROPOSED ASPHALT
- (Symbol) PROPOSED CONCRETE
- (Symbol) PROPOSED 24" GROUND WATER PILE
- (Symbol) PROPOSED SURFACE CONTOUR
- (Symbol) PROPOSED ASPHALT LAKE CLAY
- (Symbol) PROPOSED ASPHALT LAKE CLAY
- (Symbol) PROPOSED WATER
- (Symbol) PROPOSED UNDERGROUND
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- (Symbol) PROPOSED SURFACE CONTOUR
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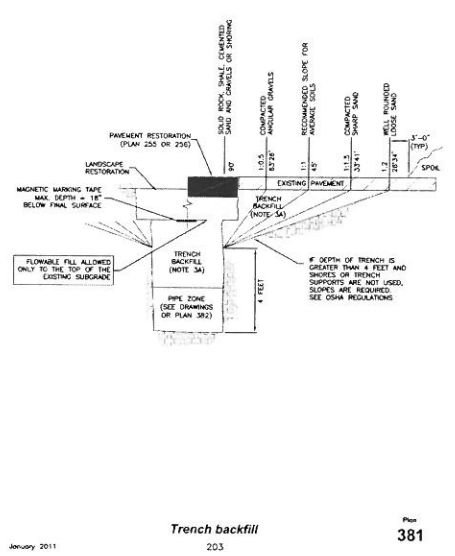
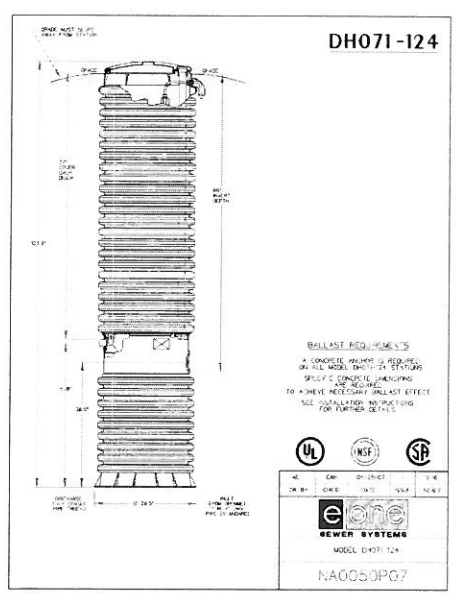
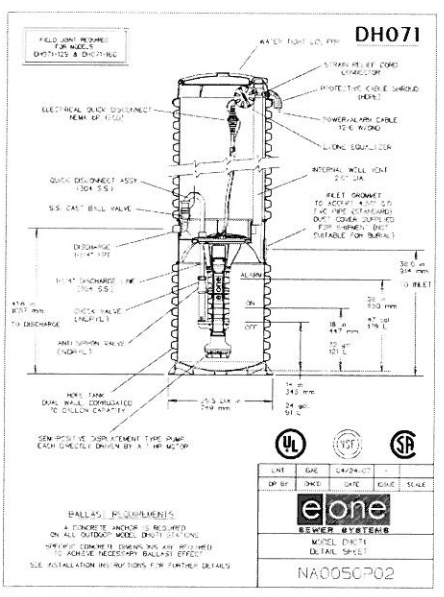
MARK. DATE	DESCRIPTION

PROJECT #	18-221
DRAWN BY	CHURCH
PROJECT MANAGER	A. DEBBLES
ISSUED	03.05.19

DETAILS

C-501

THE USER ASSUMES ALL RESPONSIBILITY FOR THE PROPER USE OF CIVIL SOLUTIONS GROUP PRODUCTS. THESE PRODUCTS ARE NOT TO BE USED FOR ANY OTHER APPLICATIONS THAN THOSE FOR WHICH THEY WERE DESIGNED. THE PROJECT FOR WHICH THESE PRODUCTS ARE BEING USED MUST BE DESIGNED BY A LICENSED PROFESSIONAL ENGINEER. THE ORIGINAL MANUFACTURER OF CIVIL SOLUTIONS GROUP PRODUCTS SHALL BE THE SOURCE OF ANY INFORMATION REGARDING THE PRODUCTS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITY. CIVIL SOLUTIONS GROUP PRODUCTS ARE NOT TO BE USED IN CONJUNCTION WITH ANY OTHER PRODUCTS UNLESS OTHERWISE SPECIFIED IN THE USER MANUAL. THESE PRODUCTS ARE NOT TO BE USED IN CONJUNCTION WITH ANY OTHER PRODUCTS UNLESS OTHERWISE SPECIFIED IN THE USER MANUAL.



1 C501 DH 071 SEWER PUMP NOT TO SCALE

2 C501 TRENCH BACKFILL NOT TO SCALE

