



# Staff Report

PLANNING DIVISION  
DEPARTMENT *of* COMMUNITY *and* NEIGHBORHOODS

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To: Salt Lake City Planning Commission

From: Krissy Gilmore, Principal Planner, [Kristina.Gilmore@slcgov.com](mailto:Kristina.Gilmore@slcgov.com) or 801-535-7780

Date: Published August 5, 2020

Re: Attached Accessory Dwelling Unit – Conditional Use (PLNPCM2020-00421)

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## Conditional Use

**PROPERTY ADDRESS:** Approximately 1336 S 1000 E  
**PARCEL ID:** 16-08-384-020-0000  
**MASTER PLAN:** Central Community  
**ZONING DISTRICT:** R-1/5000 (Single Family Residential)

**REQUEST:** Paul Swenson, the property owner, is requesting Conditional Use approval for an attached accessory dwelling unit (ADU) which will be located in the room above the garage of a new home being constructed at approximately 1336 S 1000 E. The attached ADU would be approximately 670 square feet. The property is zoned R-1/5,000 Single-Family Residential, which requires Conditional Use approval for the construction of an ADU.

**RECOMMENDATION:** Planning Staff finds the project generally meets the applicable standards of approval and therefore recommends the Planning Commission approve the Conditional Use for the ADU with the conditions of approval below. Final approval of the details noted in the following conditions shall be delegated to Planning Staff:

1. Compliance with all Department/Division comments and conditions as noted in Attachment H.
2. The property owner shall comply with the registration process as outlined in section 21A.40.200F of the Salt Lake City Zoning Ordinance.
3. Rental dwellings must be rented for a period of one month or longer as outlined in chapter 5.14 of the Salt Lake City Rental Dwellings Ordinance. Short term rentals of a period less than one month shall not be permitted.
4. Final approval for the development shall be delegated to Planning staff based on the applicant's compliance with the standards and conditions of approval as noted within this staff report.

### ATTACHMENTS:

- A. [Vicinity Map](#)

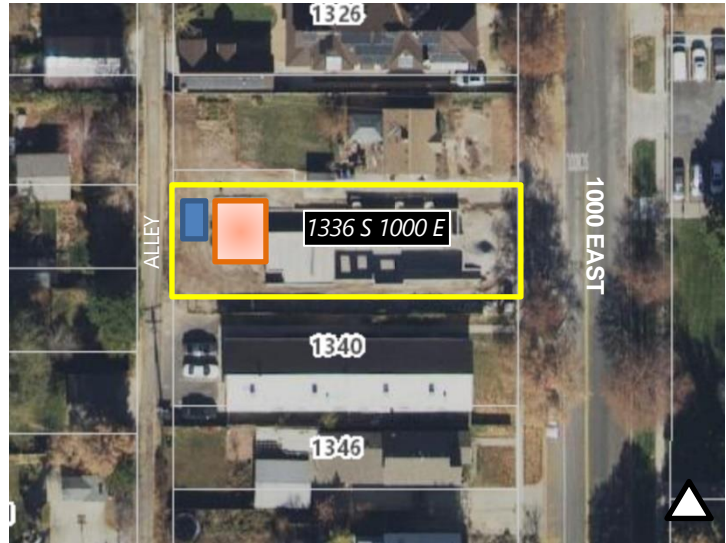
- B. [Plan Set](#)
- C. [Additional Information Provided by Applicant](#)
- D. [Property and Vicinity Photos](#)
- E. [ADU Zoning Standards](#)
- F. [Conditional Use Standards](#)
- G. [Public Process & Comments](#)
- H. [Department Review Comments](#)

## PROJECT DESCRIPTION:

The proposed project is for approval of an ADU in the room above the attached garage at the property located at approximately 1336 S 1000 E. The new home currently under construction is approximately 7,000 square feet with a footprint of approximately 3,540 square feet. The subject parcel is located on the west side of 1000 East, across the street from Emerson Elementary School.

The proposed attached ADU would be located in the room above the attached garage at the rear of the home. The ADU would be approximately 670 square feet, which is 10% of the gross square footage of the home. The ADU is accessed by a staircase located inside the garage. A door to the garage is located on the west façade of the garage, facing the rear lot line.

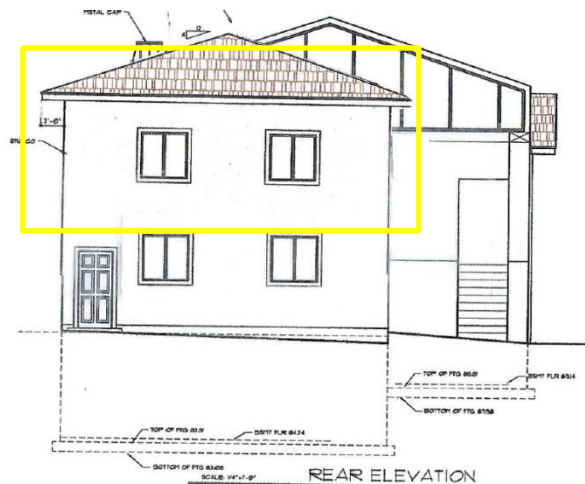
The parking for the house is accommodated by two (2) off-street parking spaces within the garage accessed by a driveway that runs through the site connecting 1000 East to the rear alleyway. The parking space for the proposed ADU would be located off-street just west of the garage. There is also space to have a legal spot in front of the home on 1000 East. The subject property is also located within one-quarter (1/4) mile of a transit stop, with the nearest bus stop located one block east at approximately 1330 South 1100 East.



- Approximate location of proposed ADU over garage
- ADU Parking



Rear of home under construction with ADU location outlined in yellow.



Rear elevation showing location of ADU over the garage.

**PLANNING COMMISSION REVIEW:**

The property is located in the R-1/5000 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 F](#).

**NEXT STEPS:****Approval of Conditional Use**

If the request is approved, the applicant will need to 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.

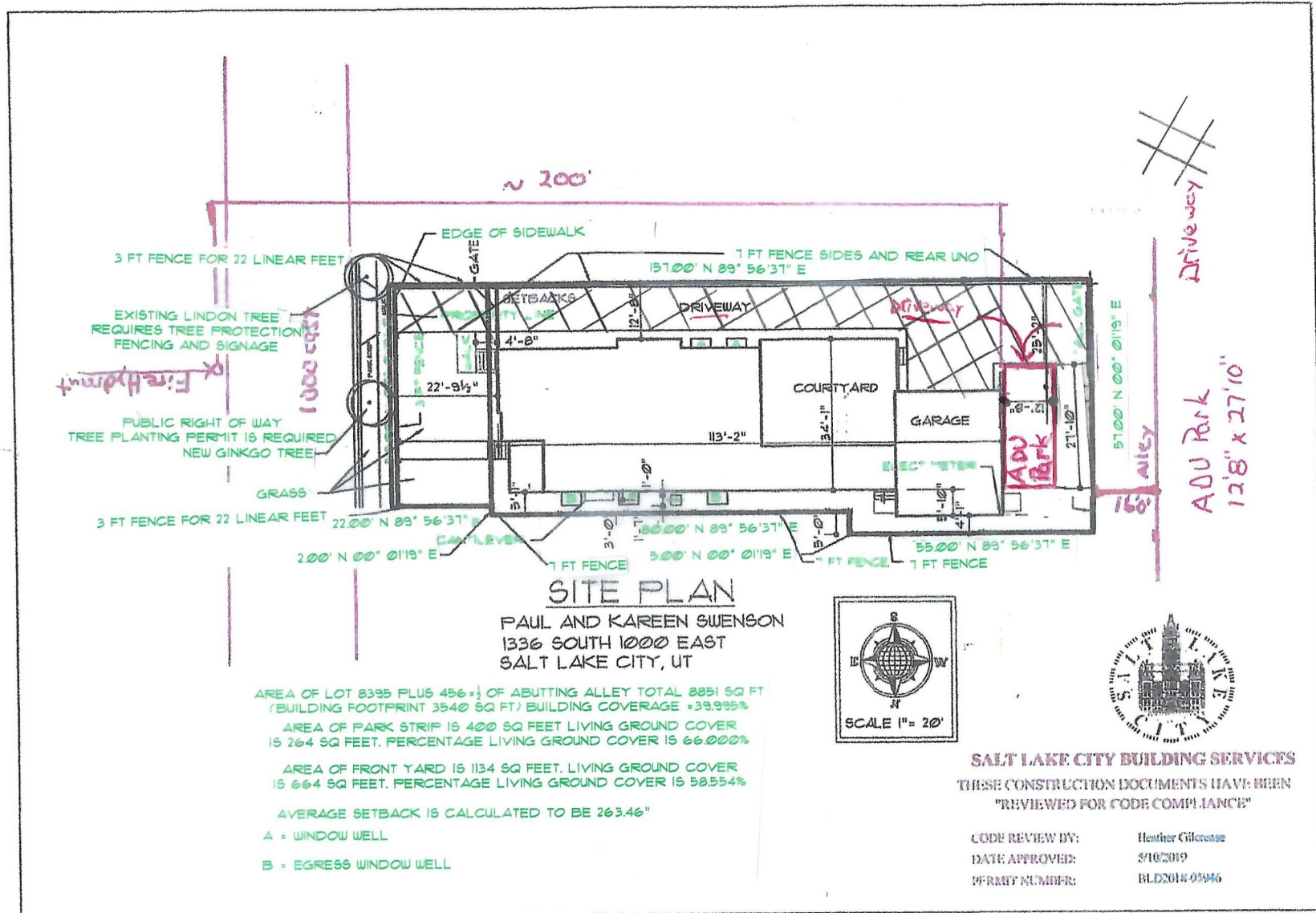
**Denial of Conditional Use**

State and City code requires 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 use the space above the garage as an ADU.

# ATTACHMENT A – VICINITY MAP

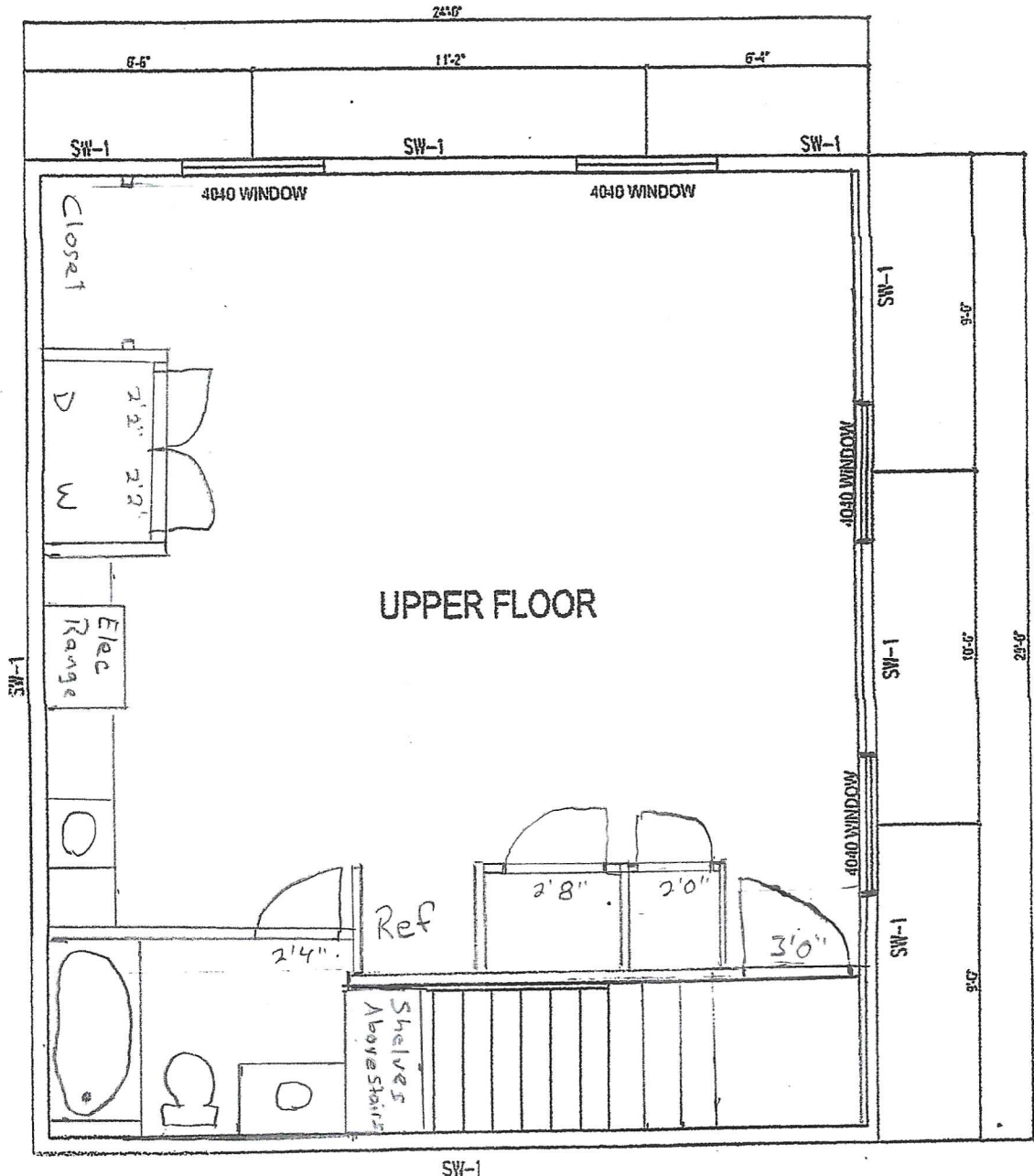


## **ATTACHMENT B – PLAN SET**



PAUL & KAREEN  
SWENSON  
RESIDENCE

1336 S. 1000 E.  
SALT LAKE CITY, UTAH



GARAGE SECOND FLOOR PLAN

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

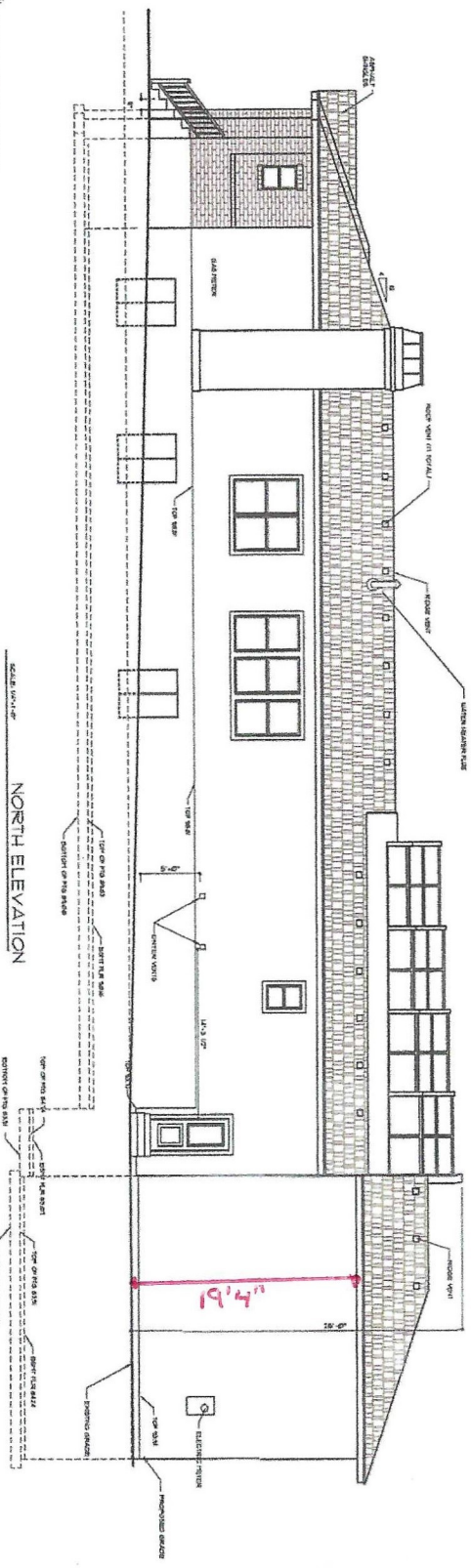
SHEET #

2A of 9

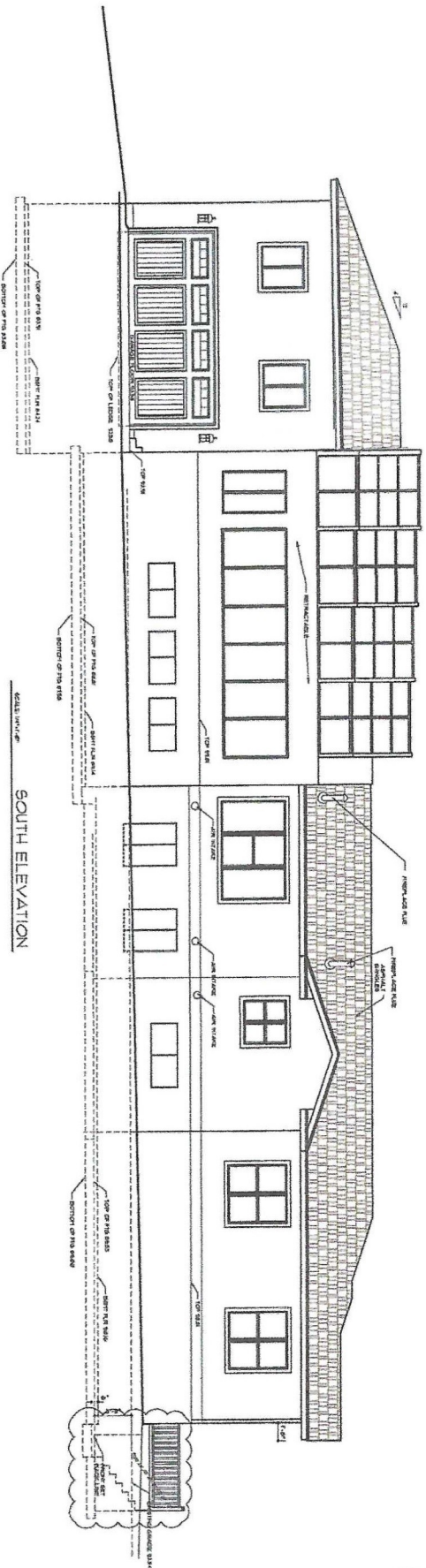


NOTE:  
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.  
 2. FINISH GRADE IS INDICATED BY A DOTTED LINE.  
 3. EXISTING CONDITIONS ARE SHOWN FOR REFERENCE.  
 4. SEE SHEET 4A OF 3 FOR OTHER VIEWS.

NORTH ELEVATION



SOUTH ELEVATION



PAUL & KAREN  
 SWENSON  
 RESIDENCE  
 1336 S. 1200 E.  
 SALT LAKE CITY, UTAH

**ATTACHMENT C – ADDITIONAL INFORMATION PROVIDED BY  
APPLICANT**

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## CONDITIONAL USE SUMMARY

### 1. Project Description

Residential for personal use. BLD2018-05946 permit includes construction of a personal home which includes a room above the garage called "Attic/Upper Room". BLD2020-03788 "Swenson Residence Room" includes documents describing the layout of the "Attic/Upper Room". The purpose for the room is a place for our adult son to call home. He does seasonal/sales type work and needs his own spot when he returns to us.

### 2. Conditional Use Information

**Anticipated operating/delivery hours** – Not applicable except that he would be living there when at home and storing his belongings there.

**Land uses adjacent to property** – Residential and a public school across the street

**Employees expected** – not applicable/none

**How many seats** – not applicable/none

**Have you discussed the project with nearby property owners** – yes with some. The response has been very positive.

### 3. Minimum Plan Requirements

Electronic plans have been submitted into ProjectDox

### 4. Site Plan

Site plan submitted into ProjectDox, see 001 ATTIC – 0001 Site Plan ...

### 5. Elevation Drawing

Detailed elevation – see plans submitted into ProjectDox

Type of construction – see plans submitted into ProjectDox

Number, size, and type of dwelling – Residential single family home with ADU over garage, see plans submitted into ProjectDox

### Conceptual Site Plan:

- Property Lines – Property lines shown are current actual property lines and are recorded with Salt Lake County. SL Co Assessor site shows 2 Tax Parcel ID Numbers. Address was changed from 1334 So 1000 E to 1336 South 1000 East through Salt Lake City. Not all online sites have been updated.
- Size and footprint of all structures – size & footprint has not changed from BLD2018-05946
- Adjacent streets, sidewalks and alleyways – All shown on site plan. Gates also shown where accessed.
- Hard-surfaced areas – shown

- Front, side, and rear yard setback dimensions from the property line – shown, front 22' 9 1/2" north side 5' 1" north side behind garage 4' 1" rear 21' 1/2" south side 12' 8"
- Landscaped areas – front yard and parkstrip shown
- Fire hydrant location – no fire hydrant in front yard, nearest fire hydrant is directly across the street and shown on site plan submitted
- Building floor plans, sections and elevations – see submitted plans for BLD2020-03788 (BLD2018-05946 permitted by SL City)

## **ATTACHMENT D – PROPERTY AND VICINITY PHOTOS**



*View of primary home on subject property*



*View of driveway*



*View of attached garage at rear of home with ADU above*



*View of home to the north of subject property*



*View of apartment building south of subject property*

## ATTACHMENT E – ZONING STANDARDS FOR ADU'S

### 21A.40.200 – Accessory Dwelling Units

Standard	Proposed	Findings
<b>Size</b> <i>No accessory dwelling unit shall occupy more than fifty percent (50%) of the gross square footage of the single-family dwelling. The square footage of an attached garage shall not be included in the gross square footage unless the accessory dwelling unit is located in a basement that includes habitable space below the garage.</i>	Principal dwelling is approximately 7,080 SF.  Fifty percent (50%) of principal dwelling equals approximately 3,540 SF.  Proposed ADU is approximately <b>760 SF</b> .	Complies
<b>Maximum Coverage</b> <i>The surface coverage of all principal and accessory buildings shall not exceed forty percent (40%) of the lot.</i>	Lot size is approximately 8,851 SF.  Forty percent (40%) of the lot is approximately 3,540 SF.  Primary Dwelling Footprint: 3,540 SF  Total Coverage: 3,540 SF  The surface coverage of all principal and accessory buildings is approximately <b>40%</b> of the lot.	Complies
<b>Entrance Locations</b> <i>Entrances to an accessory dwelling unit that are located within a single family dwelling shall only be permitted in the following locations:</i> <ol style="list-style-type: none"> <li><i>1. An existing entrance to the single family dwelling;</i></li> <li><i>2. When located on a building facade that faces a corner side yard, the entrance shall be set back a minimum of twenty feet (20') from the front building facade;</i></li> <li><i>3. Exterior stairs leading to an entrance above the first level of the principal structure shall only be located on the rear elevation of the building;</i></li> </ol>	The entrance for the proposed ADU is oriented toward the rear [west] property line. The entrance is approximately <b>23'</b> from the rear property line.	Complies

<p>4. Side entrances to an accessory dwelling unit are not considered a principal entry to the building and are exempt from subsection 21A.24.010H, "Side Entry Buildings", of this title;</p> <p>5. Located on the rear facade of the dwelling;</p> <p>6. Located in a side yard provided the side yard is at least eight feet (8') in width. Stairs leading to an ADU in the basement are permitted to encroach into the side yard.</p>		
<p><b>Parking</b> An ADU shall require a minimum of one on-site parking space.</p> <p>The parking requirement may be waived if:</p> <p>(1) Legally located on street parking is available along the street frontage of the subject property; or</p> <p>(2) The subject property is located within one-quarter (1/4) mile of transit stop.</p>	<p>The principal dwelling has two (2) off-street parking spaces located within the garage.</p> <p>A parking space for the ADU is provided at the rear of the property, adjacent to the attached garage. It will be accessed via the same driveway that provides garage access for the home.</p> <p>The ADU parking requirement could be waived as there is a legally located on-street parking available along 1100 E and the subject property is located within a 1/4 mile of a transit stop, however, off-street parking is proposed.</p>	<p>Complies</p>

## ATTACHMENT F – CONDITIONAL USE STANDARDS

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### 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-1/5000 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 E](#), 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 will be located in the existing room above the attached garage of the home and, unlike detached ADUs which are located within a separate structure on the property, this ADU will have no visual impact on this property or surrounding properties. The proposed ADU meets all the requirements in terms of size, entrance location, and parking.

**Finding:** The proposed ADU and use is generally compatible with the surrounding uses and effects that could result in incompatibility have been mitigated with proposed privacy fencing along interior side yards and the rear yard between adjacent properties. The fencing was granted a Special Exception in 2018 for a 7' privacy fence along the rear and side lot lines.

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

**Analysis:** The proposal is located in the East Liberty Park neighborhood within the Central Community Master Planning Area. By 1925, most of the area was filled in with modest single-family dwellings with architectural styles ranging from cottages to bungalows. The master plan designates the future land use of this area as low density residential and the existing zoning on the property is R-1/5000, single family residential.

*The purpose of the R-1/5,000 Single-Family Residential District is to provide for conventional single-family residential neighborhoods. 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 Central Community Master Plan:

- Encourage the creation and maintenance of a variety of housing opportunities that meet social needs and income levels of a diverse population.
- Ensure preservation of low-density residential neighborhoods.
- Encourage a mix of rental properties for those who cannot afford or do not choose home ownership.
- Support the efforts of the Housing Division and the Redevelopment Agency to provide residential construction in all qualifying neighborhoods within the Central 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
<b>1. This title specifically authorizes the use where it is located</b>	<b>Complies</b>	The proposed ADU is an accessory residential use and is allowed as a conditional use within the R-1/5000 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 <a href="#">Attachment E</a> .

<p><b>2. The use is consistent with applicable policies set forth in adopted citywide, community, and small area master plans and future land use maps</b></p>	<p><b>Complies</b></p>	<p>The uses are located in an area zoned and designated by the associated master plan for low-density residential.</p> <p>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 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 Central Community 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><b>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</b></p>	<p><b>Complies</b></p>	<p>Uses surrounding the property are generally single family residential with some small-scale apartment buildings. The lots in this area are generally narrow and deep and the ADU is buffered by a rear alleyway, which provides some separation between uses. The proposal complies with the size requirements for an attached ADU, which can be 50% of the the principal dwelling.</p>
<p><b>4. The mass, scale, style, design, and architectural detailing of the surrounding structures as they relate to the proposed have been considered</b></p>	<p><b>Complies</b></p>	<p>The proposed ADU is located within the principal structure and would be compatible with surrounding structures. Location of the proposed ADU in the basement would lessen the impact on adjacent properties.</p>
<p><b>5. Access points and driveways are designed to minimize grading of natural topography, direct vehicular traffic onto major streets, and not impede traffic flows</b></p>	<p><b>Complies</b></p>	<p>The primarily dwelling on the subject property has a driveway accessed from 1000 East or from the rear alleyway. No new access points are proposed, and the proposal would not impede traffic flows.</p>
<p><b>6. The internal circulation system is designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic</b></p>	<p><b>Complies</b></p>	<p>The proposed ADU will be accessed from the proposed driveway. One off-street parking stall is proposed on the site for the ADU adjacent to the garage. It's not anticipated that the addition of the accessory unit will create any adverse impacts in terms of</p>

		motorized, non-motorized and pedestrian traffic.
<b>7. The site is designed to enable access and circulation for pedestrian and bicycles</b>	<b>Complies</b>	The site is designed for pedestrian access and the ADU parking is located directly adjacent to the entrance to the garage.
<b>8. Access to the site does not unreasonably impact the service level of any abutting or adjacent street</b>	<b>Complies</b>	Vehicular access to the site is existing. No unreasonable impacts to the service level of the alley or adjacent streets is anticipated.
<b>9. The location and design of off-street parking complies with applicable standards of this code</b>	<b>Complies</b>	As discussed in other areas of this analysis, one parking space is provided adjacent to the proposed ADU and can be accessed from the rear alleyway or 1000 East. Additionally, parking for the ADU could be waived because of the on-street parking that is available in front of the property 1000 East. It is also within ¼ mile of a public transit stop.
<b>10. Utility capacity is sufficient to support the use at normal service levels</b>	<b>Complies</b>	The Public Utilities department did not provide comments on the project, however, the utility plan would be reviewed for compliance during building permit review.
<b>11. The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts</b>	<b>Complies</b>	The surrounding properties are all residential uses and the proposed use is also residential. The property is also buffered by a privacy fence.
<b>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</b>	<b>Complies</b>	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.
<b>13. The hours of operation and delivery of the use are compatible with surrounding uses</b>	<b>Complies</b>	The proposed use is an accessory residential structure and is compatible with the surrounding uses are also residential.
<b>14. Signs and lighting are compatible with, and do not negatively impact surrounding uses</b>	<b>Complies</b>	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.
<b>15. The proposed use does not undermine preservation of historic resources and structures</b>	<b>Complies</b>	The property is not located within a Local or National Historic District and the proposal does not involve the removal of 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**

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### **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:

- June 15, 2020 – Notice of the project was provided to the East Liberty Park Community Council as well as property owners and residents within 300 FT of the development. Staff did not receive comments from the Community Council.
- Public hearing notice mailed on July 30, 2020
- Public hearing notice posted on July 30, 2020
- Public notice posted on City and State websites and Planning Division list serve on July 30, 2020

### **Public Input:**

Staff has received one public comment against the project. That comment is attached below. If any comments are received after publication of the Staff Report, they will be forwarded to the Commission and included in the public record.

**From:** [REDACTED]  
**To:** [Gilmore, Kristina](#)  
**Cc:** [jason.stevenson@gmail.com](mailto:jason.stevenson@gmail.com); [elpcoslc@gmail.com](mailto:elpcoslc@gmail.com)  
**Subject:** (EXTERNAL) Opposition to Conditional Use request  
**Date:** Friday, July 10, 2020 12:41:41 PM

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Hi Kristina—

I recently received a letter about a conditional use request for the property on 1336 South 1000 East. I live close to the property and have opposition to this application.

While I'm happy to see the former structure on this lot torn down, the structure that's replacing it is a mess.

- \* Construction on the project has started and stopped several times with very little progress being made to the new construction since early spring. I wonder if or when this home will get completed. It doesn't seem like a well-managed project.

- \* The new structure is overbuilt for its lot. It seems that the homeowner has purchased part of an adjacent lot in order to build the new structure.

- \* Asking for a conditional use permit on a property that isn't even complete seems like a scam. This home was built around the concept of an ADU, but the owner is only asking for the conditional use permit after getting their original zoning approved.

- \* At least four other multi-family units use the alley for their primary parking and access points.

I don't think that we should be encouraging or rewarding property owners to overbuild for the neighborhood and/or skirt zoning rules. We have several multi-family units on this block already with plenty of traffic in the alley. We don't need more of either.

—Shon

## ATTACHMENT H – DEPARTMENT REVIEW COMMENTS

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Note: This application was received after the initial building permit was granted. Therefore, many of the reviewers referenced their original comments submitted with the building permit. The applicant has already addressed those comments received during their building permit review.

**Engineering:** (Scott Weiler at [scott.weiler@slcgov.com](mailto:scott.weiler@slcgov.com) or 801-535-6159)

No objections to the proposal.

**Transportation:** (Michael Barry at [michael.barry@slcgov.com](mailto:michael.barry@slcgov.com) or 801-535-7147)

No comments. RE:BLD2020-03788 & BLD2018-05946

**Public Utilities:** (Jason Draper at [jason.draper@slcgov.com](mailto:jason.draper@slcgov.com))

No comments received.

**Fire:** (Ted Itchon 801-535-6636 or [ted.itchon@slcgov.com](mailto:ted.itchon@slcgov.com))

No comments. RE:BLD2020-03788 & BLD2018-05946

**Zoning:** (Scott Browning 801-535-6000 or [Scott.Browning@slcgov.com](mailto:Scott.Browning@slcgov.com))

1. Impact 1. 2 windows are showing 4' from the property line – no windows are permitted less than 10' according to section 21A.40.200.E.3.g.1 (with exceptions)

***Planning Response:***

The window criteria referenced only applies to detached ADU's. The windows as proposed for the attached ADU comply.

2. Parking pad needs to be legally sized – 21A.40.200.E.1.g
3. Site plan needs to show hard surfacing to parking area from property line – 21A.44.020.B
4. Special exception for 7' tall fence adjacent to alley?
5. Transportation will need to "okay" this because the parking exits directly adjacent to an alley with a fence adjoining it.

***Planning Response:***

The applicant has updated the site plan to respond and address these comments. A Special Exception was granted in 2018 for the 7' tall fence.

**Building:** (Jason Rogers [Jason.rogers@slcgov.com](mailto:Jason.rogers@slcgov.com))

No comments. RE:BLD2020-03788 & BLD2018-05946