



MEMORANDUM

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Linda Mitchell, Principal Planner, linda.mitchell@slcgov.com

Date: March 24, 2021

Re: Conditional Use Approval Time Extension Request – 1807 South 1900 East

ACTION REQUIRED: Vote on granting a time extension for a Conditional Use approval for an accessory dwelling unit (ADU) at 1807 South 1900 East.

RECOMMENDATION: Grant a one-year time extension for the Conditional Use to expire on Thursday, April 21, 2021.

BACKGROUND/DISCUSSION: On April 22, 2020, the Planning Commission approved the Conditional Use for the construction of a detached ADU at approximately 1807 South 1900 East. The property owner has experienced several setbacks due to the COVID-19 pandemic and additional time is needed to proceed with the project.

Conditional Use approvals expire one year from the date of approval “*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*” set forth in section 21A.54.120 of Salt Lake City Zoning Ordinance. The applicant has not submitted building plans to the Building Services Division and has not obtained any building permits for work on the development at this time. As such, a time extension request is required to maintain the original Conditional Use approval.

The Planning Commission may grant time extensions for Conditional Use approvals for up to one additional year. A one-year extension would push the expiration date of approval to Thursday, April 21, 2022. If the extension is granted, the applicant will need to obtain a building permit or submit complete building plans to Building Services Division before that date; otherwise, request for another time extension.

ATTACHMENTS:

- A. [Time Extension Request Letter](#)
- B. [Original Record of Decision Letter](#)
- C. [Original Staff Report](#)

ATTACHMENT A: TIME EXTENSION REQUEST LETTER

[This page is intentionally left blank]

Salt Lake City, Planning Commission
451 S State St
Salt Lake City, Utah 84111

RE: Request extension of ADU approval
(1807 S 1900 E, approved April 22, 2020, #PLNPCM2019-01065)

March 9, 2021

Dear SLC Planning Commission,

I request extension of the Planning Commission's ADU approval for my property, for one year, or at least until the end of this year.

Our team has suffered several setbacks due to Covid 19 delays, as well as interruptions in the supply chain and extraordinarily high construction costs. These have impacted schedule, budget and financing. Consequently, we have delayed plan submission until this spring, with groundbreaking planned for early summer.

I appreciate your understanding.

Thank you,
Susan Klinker

1807 S 1900 E
Salt Lake City, Utah 84108

██████████
████████████████████

ATTACHMENT B: ORIGINAL RECORD OF DECISION LETTER

[This page is intentionally left blank]



DEPARTMENT of COMMUNITY and NEIGHBORHOODS

ERIN MENDENHALL
MAYOR

NICK NORRIS
DIRECTOR

April 24, 2020

Susan Klinker
1807 South 1900 East
Salt Lake City, UT 84108

RE: Record of Decision for Petition PLNPCM2019-001065 Conditional Use for an Accessory Dwelling Unit (ADU) at approximately 1807 South 1900 East

Dear Susan Klinker:

On April 22, 2020, the Salt Lake City Planning Commission approved a conditional use petition for your proposed ADU located at approximately 1807 South 1900 East. The decision of the Planning Commission was based on the information contained in the staff report, testimony and plans presented during the meeting, and the discussion of the Planning Commission.

The Salt Lake City Planning Commission made a decision to approve the request, with the following draft motion:

“Based on the findings listed in the staff report, the information presented, and input received during the public hearing, I [Commissioner Scheer] move that the Planning Commission approve the Conditional Use request (PLNPCM2019-01065) for an accessory dwelling unit for the reason that it is consistent with the spirit of the ADU ordinance; in that, it meets the conditions.

Subject to the following conditions:

1. Subject to the Compliance with all Department/Division comments and conditions as noted in Attachment I.
2. The property owner shall comply with the registration process as outlined in section 21A.40.200F of the Salt Lake City Zoning Ordinance”

The motion passed unanimously.

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

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 the Condition Use is stated in 21A.54.010:

- 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. (Ord. 14-12, 2012)*

This 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.

Approvals for Conditional Use **expire in 12 months** of the date of this Record of Decision 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 thirty (30) days prior to the twelve (12) month time period.

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 Appeals Hearing Officer. Any appeal, including the filing fee, must be submitted by the close of business on **Monday, May 4, 2020**.

The minutes of the Planning Commission meeting is tentatively scheduled to be adopted on May 13, 2020. A copy of the adopted minutes will be posted on the Planning Division's webpage the day after they are adopted at <https://www.slc.gov/planning/public-meetings/planning-commission-agendas-minutes/>.

If you have any questions, please contact me at 801-535-7751 or linda.mitchell@slcgov.com.

Sincerely,



Linda Mitchell
Principal Planner

Enclosure:
Record of Decision

cc: File

ATTACHMENT C: ORIGINAL STAFF REPORT

[This page is intentionally left blank]



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Linda Mitchell, Principal Planner, linda.mitchell@slcgov.com

Date: April 16, 2020

Re: PLNPCM2019-01065 – *Detached Accessory Dwelling Unit*

Conditional Use

PROPERTY ADDRESS: 1807 South 1900 East
PARCEL ID: 16-16-431-006-0000
MASTER PLAN: Sugar House – Low Density Residential
ZONING DISTRICT: R-1/7,000 Single-Family Residential

REQUEST: A request by Susan Klinker, property owner, for Conditional Use approval for a detached 2-story accessory dwelling unit (ADU) on a corner lot property located at approximately 1807 South 1900 East. The detached ADU would have a building footprint of approximately 391 square feet and a total square footage of approximately 646 square feet. One (1) parking space would be provided on-street for the ADU. The property is zoned R-1/7,000 Single-Family Residential, which requires Conditional Use approval for the construction of an ADU.

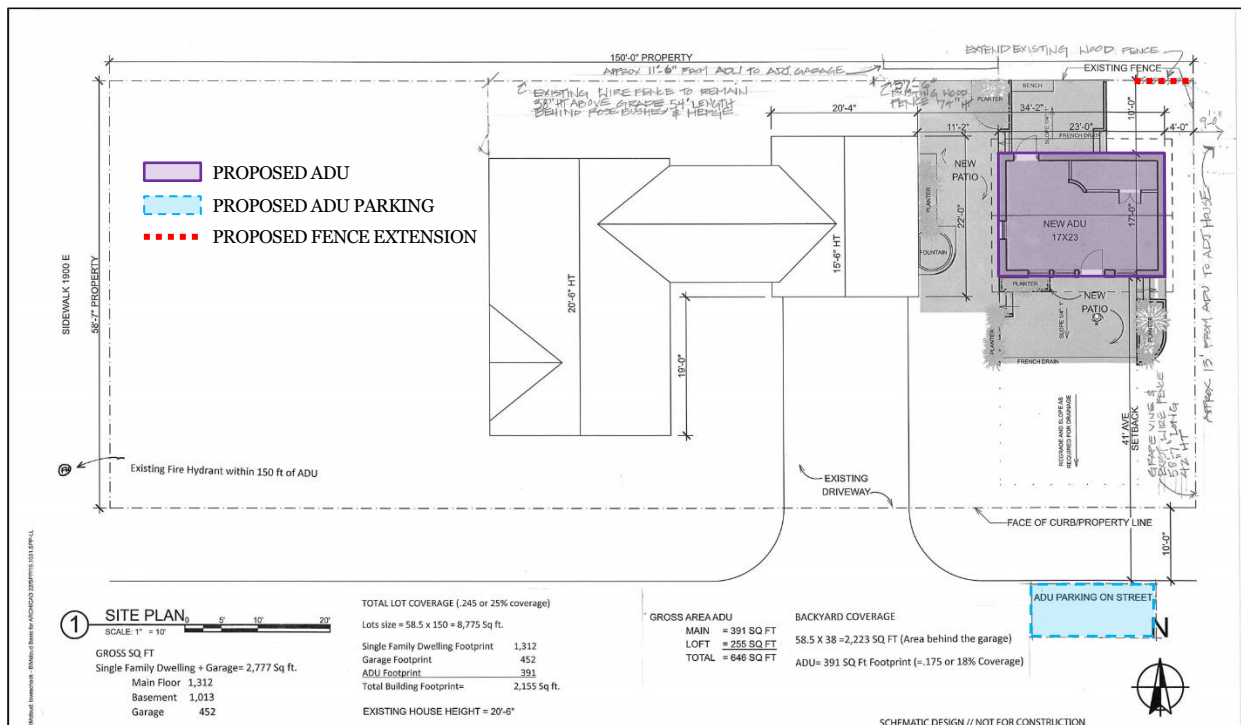
RECOMMENDATION: Based on the information in this staff report, Staff recommends that the Planning Commission deny the Conditional Use request for a detached accessory dwelling unit. The reason for the recommendation of denial is explained in the Key Issue section of this report.

ATTACHMENTS:

- A. [Vicinity Map](#)
- B. [Plans](#)
- C. [Additional Applicant Information](#)
- D. [City Records](#)
- E. [Site Visit Photographs](#)
- F. [Analysis of Standards - Accessory Dwelling Units](#)
- G. [Analysis of Standards – Conditional Use](#)
- H. [Public Process and Comments](#)
- I. [Department Review Comments](#)

PROJECT DESCRIPTION:

This petition for a Conditional Use is for a detached ADU to be placed in the rear yard of the existing single-family dwelling located at approximately 1807 South 1900 East. The subject parcel is located on the northeast corner of 1900 East and Downing Avenue.



The proposed detached ADU would be located in the northeast corner of the rear yard. The building footprint is approximately 391 square feet with gross area of 646 square feet. It would be a two-story structure containing one (1) bedroom and one (1) bathroom with a pitched roof measured approximately between 17 feet to 18 feet 8 inches in height. The entrance to the proposed detached ADU faces the public street, Downington Avenue. In addition, the patio areas would be approximately 1'-8" below established grade.

The parking for the existing house is accommodated by two (2) off-street parking spaces within the attached garage and two (2) additional parking spaces are available on the existing driveway. The parking space for the proposed detached ADU would be legally located on-street along Downington Avenue. The subject property is also located within one-quarter (1/4) mile of a transit stop, with the nearest bus stops located on 1900 South between Logan Avenue and 1700 South.

KEY ISSUE:

A key issue is listed below has been identified through the analysis of the project.

Issue 1. One [Accessory Dwelling Unit] Per Lot

Issue 1. One [Accessory Dwelling Unit] Per Lot

Staff received several comments from neighbors that the applicant currently has an illegal dwelling unit in the basement. The basement level has a kitchen, living room, bedroom, closet space, and bathroom. As shown in Figures 1 and 2 on the following page, the basement level shares an entrance into the building with the main floor and also has a door without a locking hardware at the top and bottom of the stairs between the basement area and the main floor.

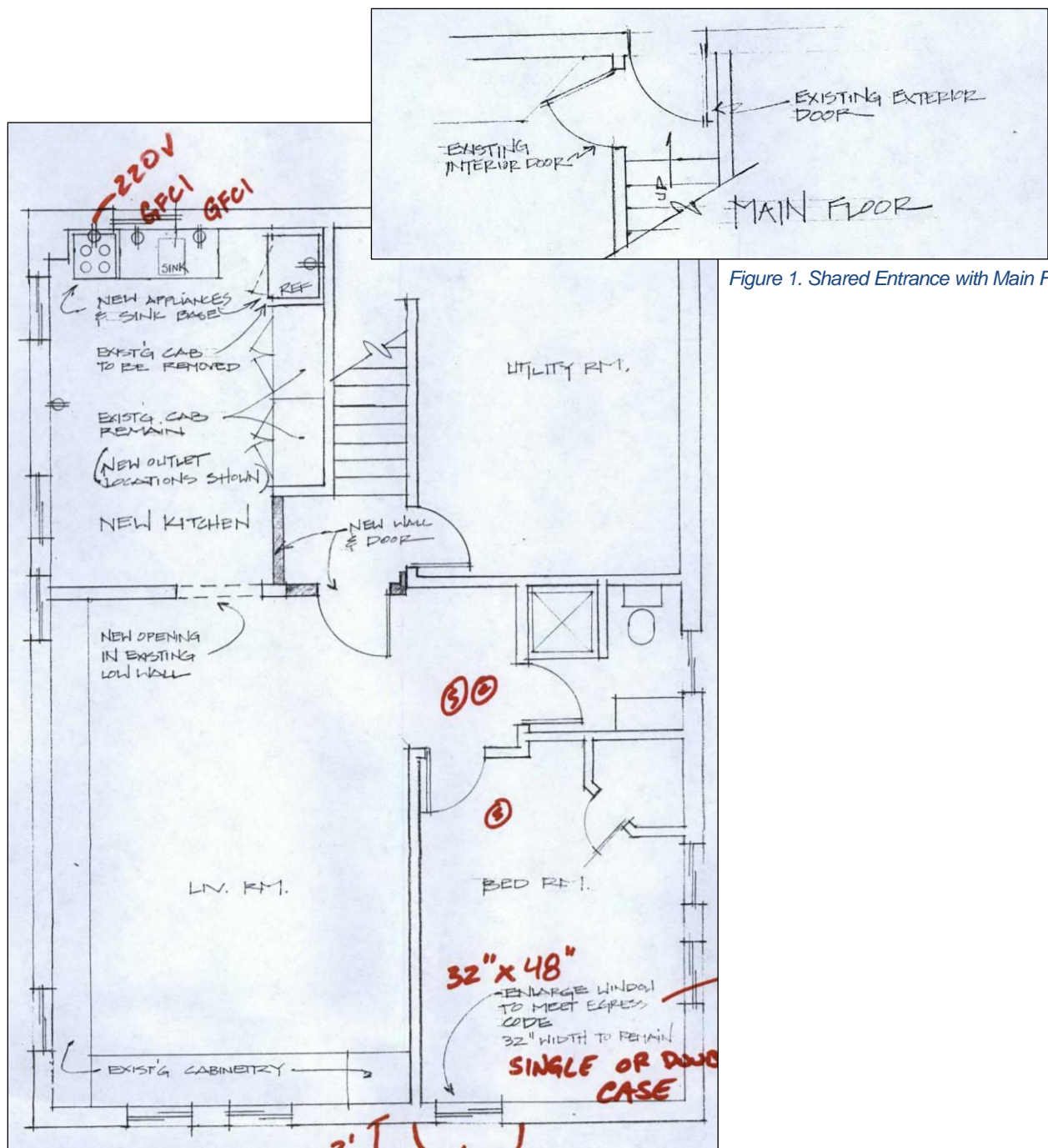


Figure 2. Basement Floor Plan

The improvements to the basement were completed in 2013 under building permit BLD2012-09354. There is no fire separation between the basement level and the main floor. The fire alarm system is hardwired as a single system throughout the entire home. Furnace and air conditioning are a single unit as the basement does not have a separate system and is not independently controlled.

There has been two (2) housing and zoning enforcement (HAZE) cases reported for an illegal dwelling on the subject property. The first HAZE case reported in 2014 (case id HAZ2014-00270) was initiated by a complainant who noticed a sign out front indicating an "in law apartment for rent" ([Attachment D](#)). The second HAZE case reported earlier this year in January (case id HAZ2020-00017) was

PLNPCM2019-01065

prompted by concerns that an additional dwelling unit (i.e., ADU) is being requested, when an additional dwelling unit already exists in the basement. The HAZE cases were closed upon verification of the use as a single-family dwelling by 1) verifying the number of tenants meet the definition of *family* as defined in the Zoning Ordinance (see definition below) and 2) verifying the absence of a locking hardware on doors between the basement area and main floor or remains free flowing between spaces ([Attachment D](#)). Currently, the basement is being rented out to an individual.

Below is a general outline of the applicant's narrative stating why the basement is not a duplex or separate unit ([Attachment C](#)).

- The basement space does not meet building, fire or zoning code for a separate dwelling unit.
- Civil enforcement cases have interpreted the use is a single-family dwelling.
- There are no locked doors between the basement level and main floor or restriction of free flow between spaces.
- There are not more than three (3) unrelated people living in the home.

Staff acknowledges that previous interpretations on what constitutes a separate dwelling unit would imply the existing single-family home does not contain an illegal basement apartment. It is a challenge to enforce this situation where the zoning and building regulations do not prohibit an additional kitchen in a dwelling. The following definitions provide clarification on what constitutes as a single-family dwelling.

DWELLING, SINGLE-FAMILY: A detached building containing only one dwelling unit surrounded by yards that is built on site or is a modular home dwelling that resembles site built dwellings. Mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, or other forms of temporary housing or portable housing are not included in this definition. All living areas of a single-family dwelling shall be accessible and occupied by the entire family.

FAMILY: A. One or more persons related by blood, marriage, adoption, or legal guardianship, including foster children, living together as a single housekeeping unit in a dwelling unit; or

B. A group of not more than three (3) persons not related by blood, marriage, adoption, or legal guardianship living together as a single housekeeping unit in a dwelling unit; or

C. Two (2) unrelated persons and their children living together as a single housekeeping unit in a dwelling unit.

The term "family" shall not be construed to mean a club, group home, residential support dwelling, a lodge or a fraternity/sorority house.

DWELLING: A building or portion thereof, which is designated for residential purposes of a family for occupancy on a monthly basis and which is a self-contained unit with kitchen and bathroom facilities. The term "dwelling" excludes living space within hotels, bed and breakfast establishments, apartment hotels, boarding houses and lodging houses.

In reviewing the basement's floorplan and current use with the above-mentioned definitions, the basement could be considered an additional dwelling unit. During the zoning enforcement process, the property owner showed that there is free flow (i.e., no locked doors) between the alleged separate unit and main unit and that the occupants conform to the zoning definition of "family". Therefore, the city determined that the structure on the property is considered a single-family dwelling.

The property owner is now asking for approval for an additional dwelling unit on the property. This brings up the issue of the existing use of the home and how it conforms to the standards related to ADU. An ADU is defined as:

DWELLING, ACCESSORY UNIT: A type of accessory use that includes a residential unit that is located on the same lot as a single-family attached or detached dwelling unit, either internal to or attached to the single-family unit or in a detached structure. The accessory dwelling unit shall be a complete housekeeping unit with a shared or separate entrance, and separate kitchen, sleeping area, closet space, and bathroom facilities. (emphasis added)

As stated in the definition, an ADU is a housekeeping unit with a shared or separate entrance and contains a kitchen sleeping area, closet space, and bathroom facilities. The basement of the subject home meets this definition; therefore, staff contends that the basement currently functions as an ADU.

Section 21A.40.200E.1.a of the Zoning Ordinance states:

One Per Lot: City may permit one accessory dwelling unit for each lot that contains a single-family dwelling.

As stated above, the Zoning Ordinance limits the number of ADU's on a property to one and, as previously mention, it is Staff's opinion that the basement of the home currently functions as an ADU. Therefore, the request does not meet the basic zoning criteria to receive approval for an ADU, which is in conflict with several Conditional Use standards (see [Attachment G – Analysis of Standards](#)). In order to approve the Conditional Use, the Planning Commission would need to find that the basement area is not considered an existing ADU or the Planning Commission could place a condition on the approval that requires that one of the elements that makes the basement a complete housekeeping unit be removed.

DISCUSSION:

The property is zoned R-1/7,000 Single-Family Residential. A Conditional Use approval is required for any ADUs that are located in a single-family zoning district. For complete analysis and findings for compliance with zoning standards for Accessory Dwelling Units and Conditional Use standards, please refer to [Attachment F](#) and [Attachment G](#).

The proposed detached ADU generally meets the dimensional and design regulations. However, in staff's review of the basement level according to the applicant, city records and Zoning Ordinance definitions, it is determined the basement of the single-family dwelling currently functions as an ADU.

Based on the current use of the basement, it is determined the proposed ADU does not meet the general requirement applicable to all ADUs that places a limit of one (1) ADU per lot. Therefore, allowing an additional unit would be inconsistent with the intent of the R-1/7,000 Single-Family Residential district and Sugar House Master Plan (Low Density Residential) to preserve and protect the dominant, single-family characteristics and specifically, violates the following ADU conditional use standard as found in Section 21A.40.200.

E.1.a One Per Lot: City may permit one accessory dwelling unit for each lot that contains a single-family dwelling.

Accessory dwelling units in single-family zones are allowed but subject to restrictions designed to limit impacts and protect neighborhood characteristics. The intent of allowing ADUs are that they may provide a diversity of housing types, sizes, and prices within the community without changing the character and quality of single-family areas. The approval of the proposed ADU would violate the intent and requirement of the ADU ordinance.

NEXT STEPS:

Denial of Conditional Use

If denied, the applicant would not be permitted to construct an ADU. An accessory building would be permitted on the property subject to compliance with the development standards and requirements of the R-1/7,000 zoning district; however, no portion of the building may be used as a dwelling unit.

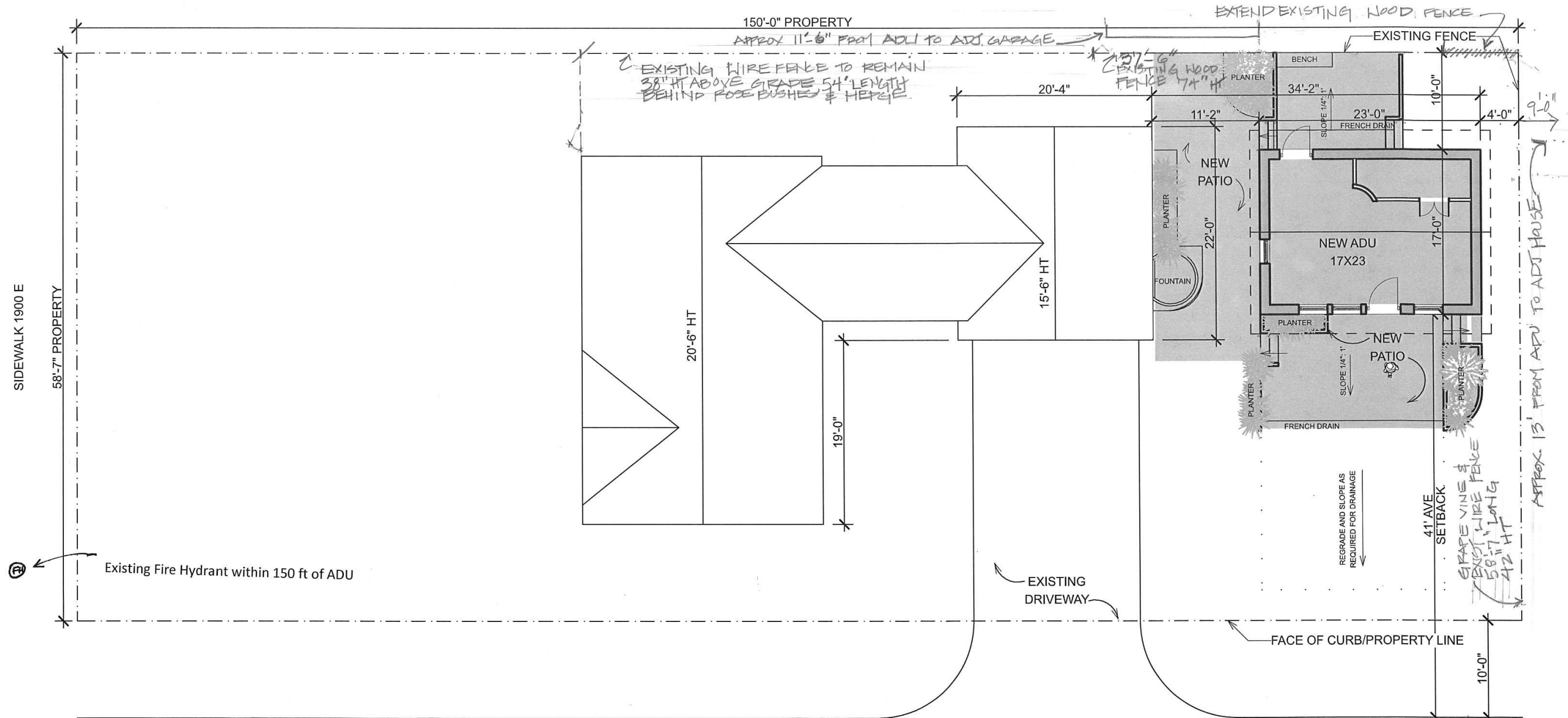
Approval of Conditional Use

If approved, the applicant may proceed with the project, subject to all conditions imposed by City departments and/or the Planning Commission and will be required to obtain all necessary permits. Building permits and certificate of occupancy for the building would only be issued contingent upon all conditions of approval are met, including the registration process requirements outlined in 21A.40.200F of the zoning ordinance.

ATTACHMENT A: VICINITY MAP



ATTACHMENT B: PLANS



1 SITE PLAN
SCALE: 1" = 10'

GROSS SQ FT
Single Family Dwelling + Garage = 2,777 Sq ft.
Main Floor 1,312
Basement 1,013
Garage 452

TOTAL LOT COVERAGE (.245 or 25% coverage)
Lots size = 58.5 x 150 = 8,775 Sq ft.
Single Family Dwelling Footprint 1,312
Garage Footprint 452
ADU Footprint 391
Total Building Footprint = 2,155 Sq ft.
EXISTING HOUSE HEIGHT = 20'-6"

GROSS AREA ADU
MAIN = 391 SQ FT
LOFT = 255 SQ FT
TOTAL = 646 SQ FT

BACKYARD COVERAGE
58.5 X 38 = 2,223 SQ FT (Area behind the garage)
ADU = 391 SQ Ft Footprint (= .175 or 18% Coverage)

SCHEMATIC DESIGN // NOT FOR CONSTRUCTION

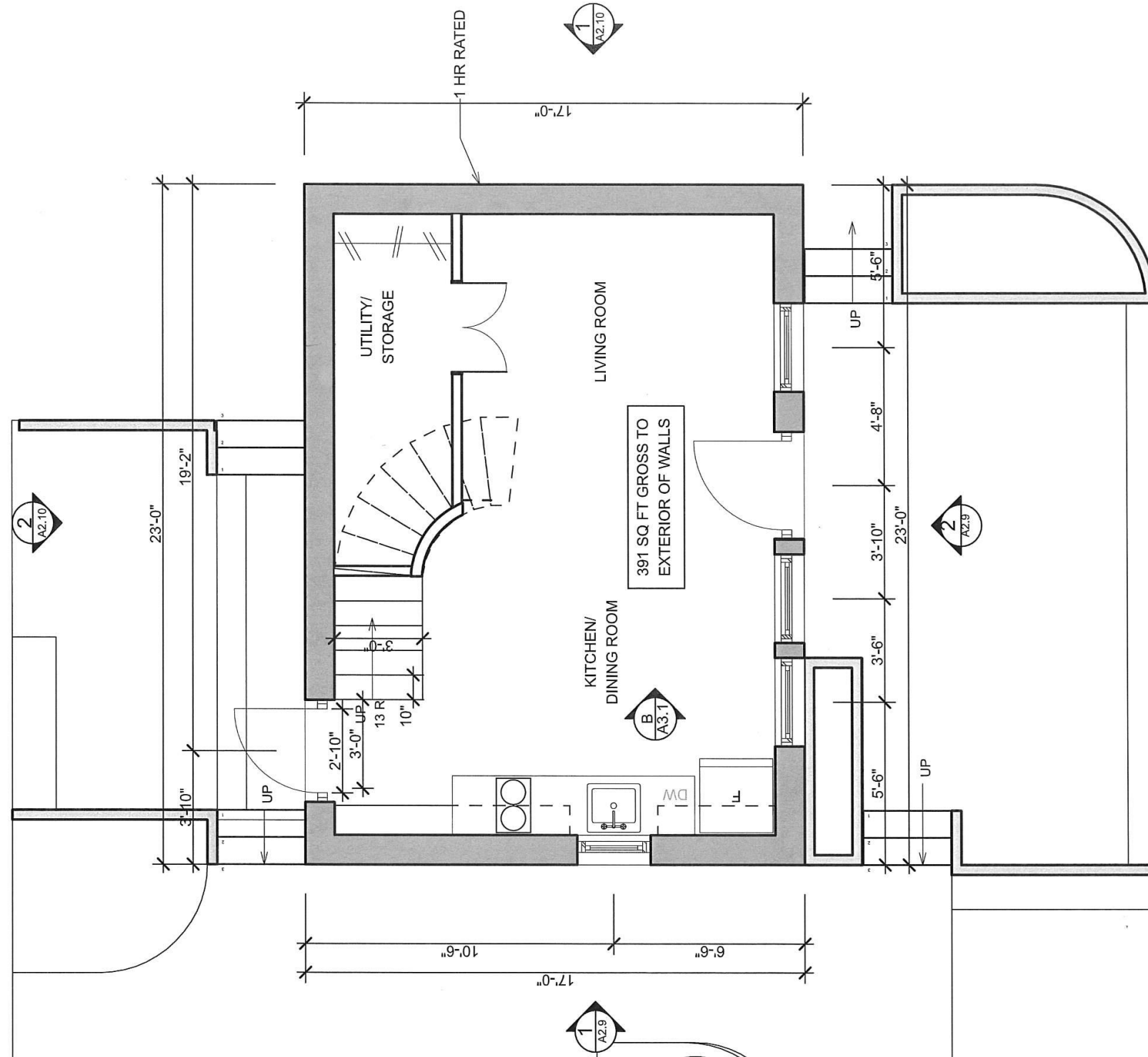


Lindsay Schack & Lindsey Love
info@loveschack.com
1.406.282.4277

619 N. Church Ave, Unit 3
Bozeman, MT 59715
www.loveschack.com

KLINKER ADU | Salt Lake City UT
Wednesday, February 12, 2020

A1.13



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

SCHEMATIC DESIGN // NOT FOR CONSTRUCTION



LOVE | SCHACK
ARCHITECTURE

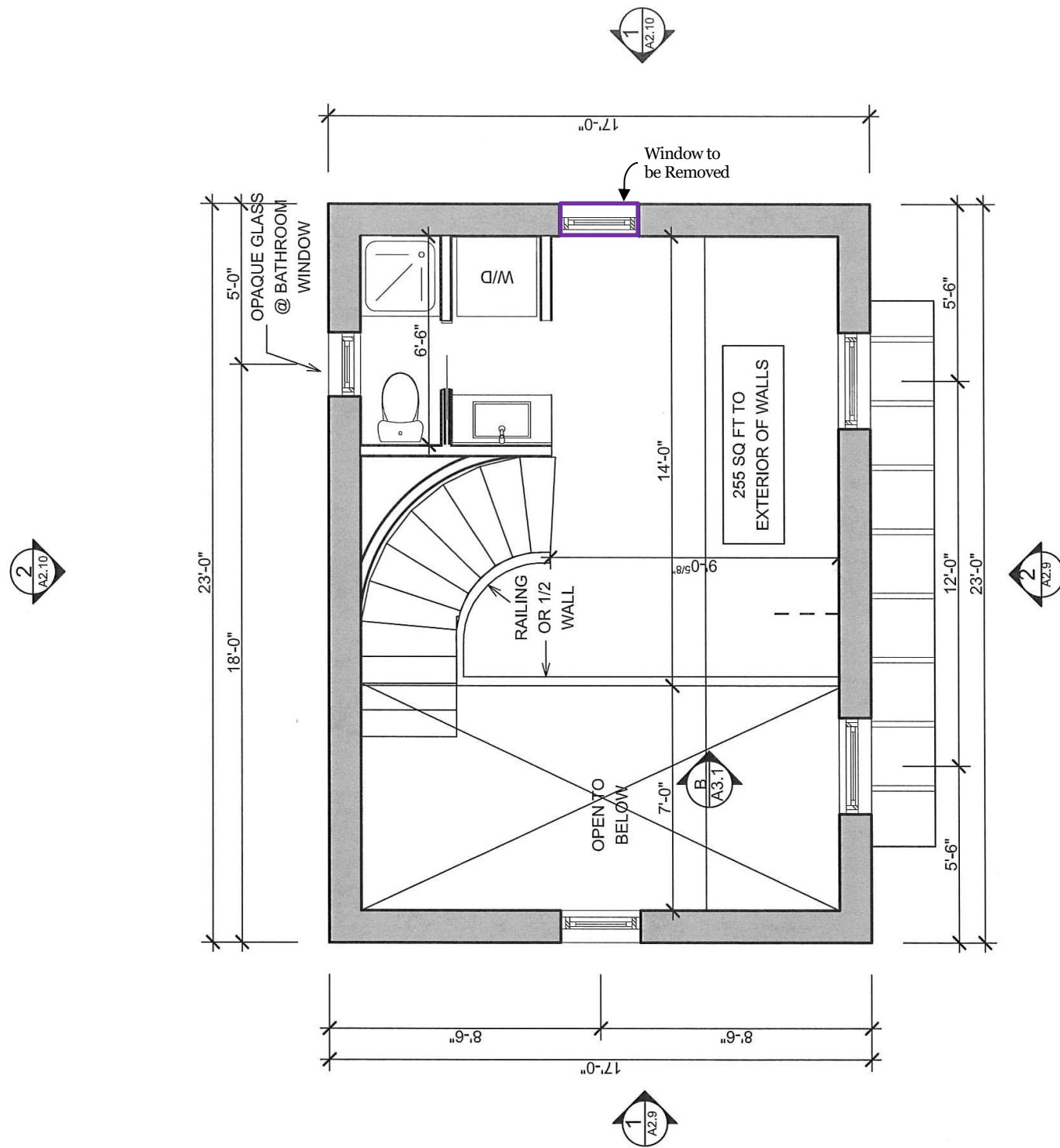
Lindsay Schack & Lindsey Love
info@loveschack.com
1.406.282.4277

619 N. Church Ave, Unit 3
Bozeman, MT 59715
www.loveschack.com

KLINKER ADU | Salt Lake City UT
Wednesday, February 12, 2020



A1.14



1 OPEN LOFT BEDROOM
SCALE: 1/4" = 1'-0"

SCHEMATIC DESIGN // NOT FOR CONSTRUCTION



A1.15

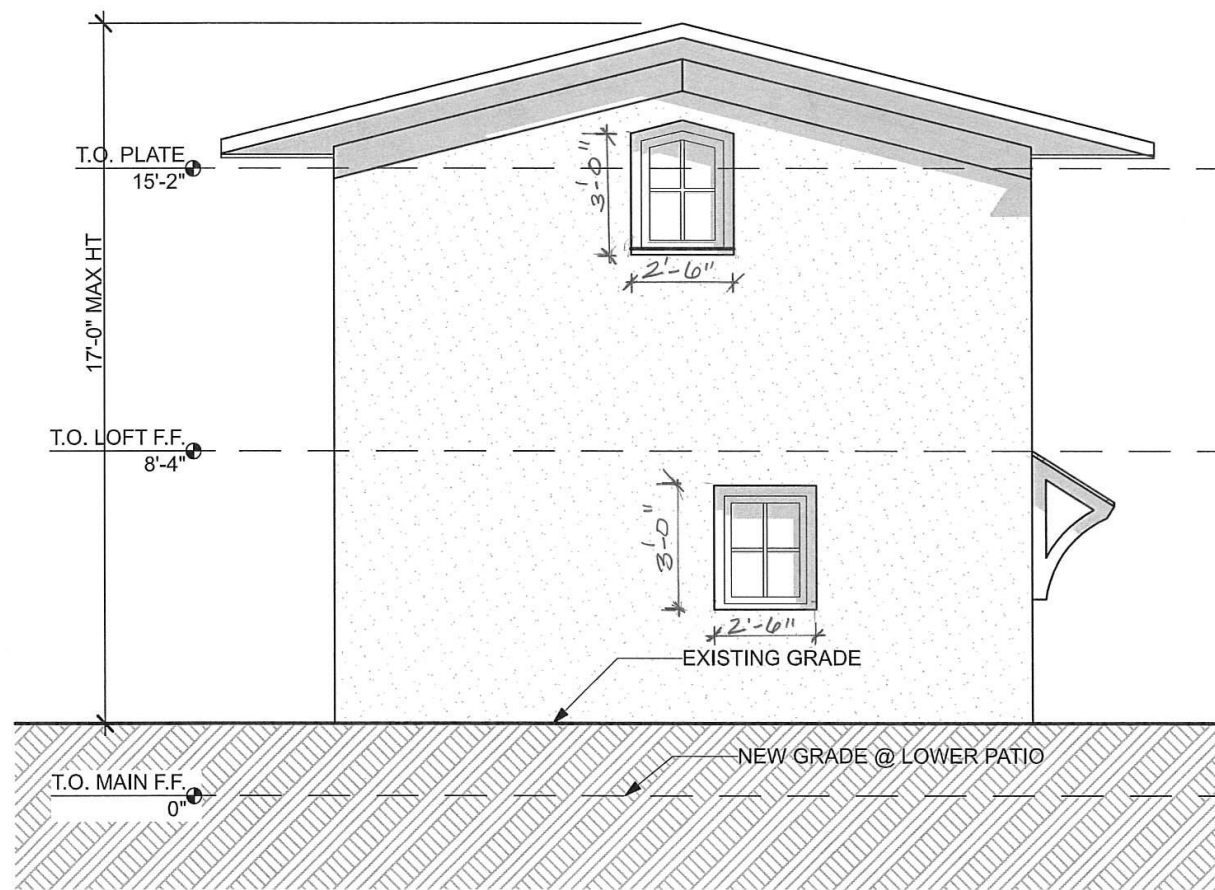


LOVE | SCHACK
ARCHITECTURE

Lindsay Schack & Lindsey Love
info@loveschack.com
1.406.282.4277

619 N. Church Ave, Unit 3
Bozeman, MT 59715
www.loveschack.com

KLINKER ADU | Salt Lake City UT
Wednesday, February 12, 2020



① WEST ELEVATION
SCALE: 1/4" = 1'-0"



② SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

SCHEMATIC DESIGN // NOT FOR CONSTRUCTION



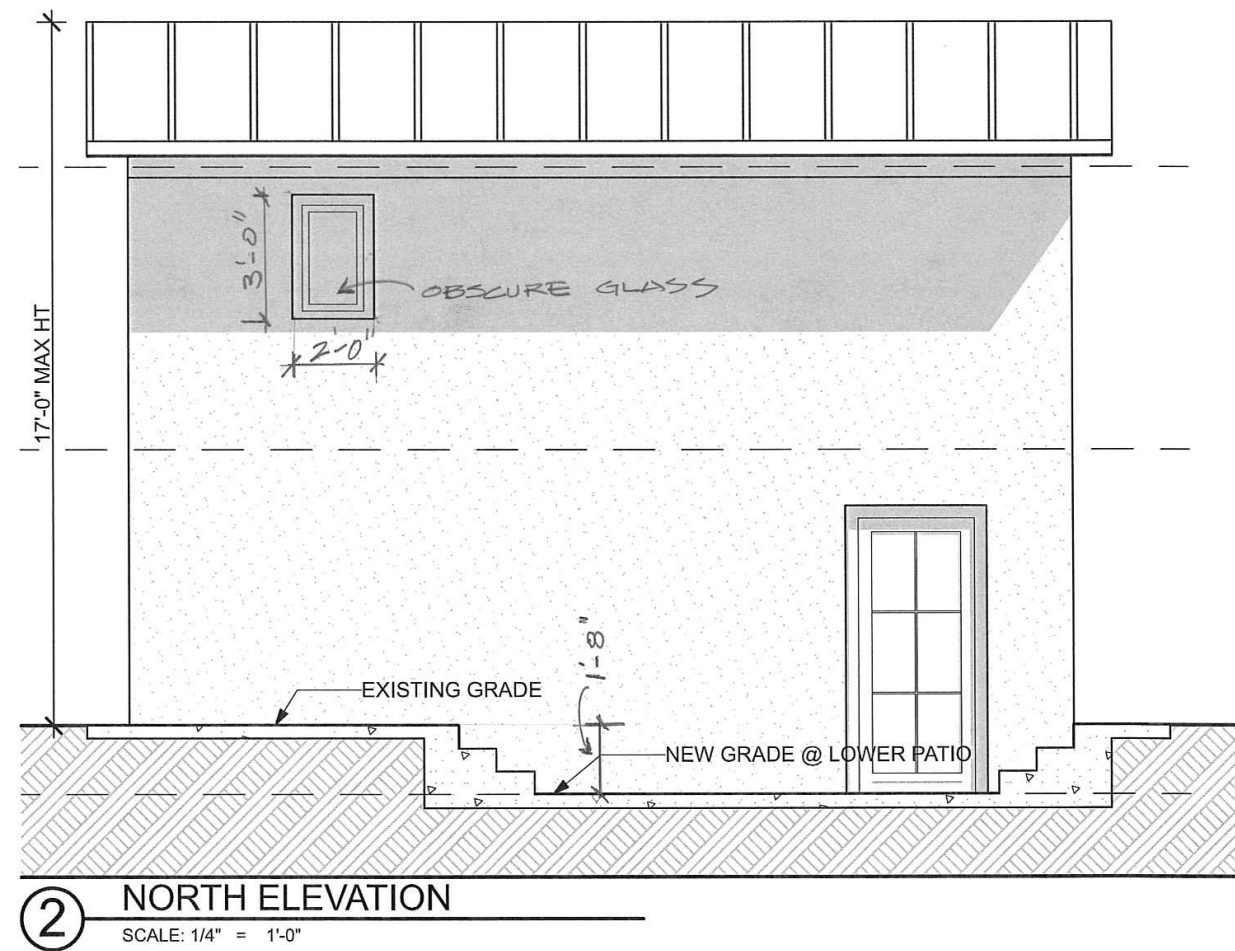
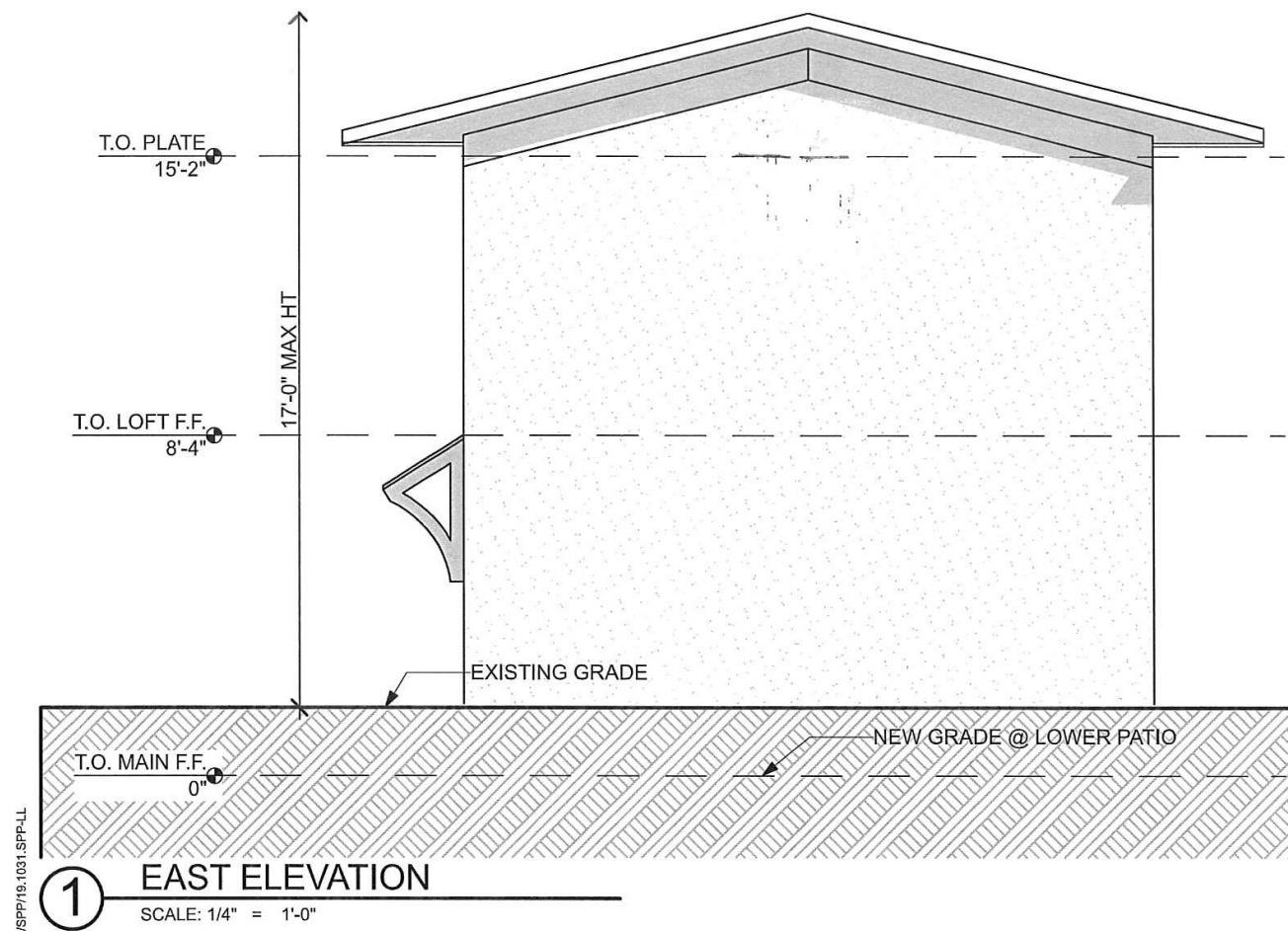
LOVE | SCHACK
ARCHITECTURE

Lindsay Schack & Lindsey Love
info@loveschack.com
1.406.282.4277

619 N. Church Ave, Unit 3
Bozeman, MT 59715
www.loveschack.com

KLINKER ADU | Salt Lake City UT
Wednesday, February 12, 2020

A2.9



SCHEMATIC DESIGN // NOT FOR CONSTRUCTION

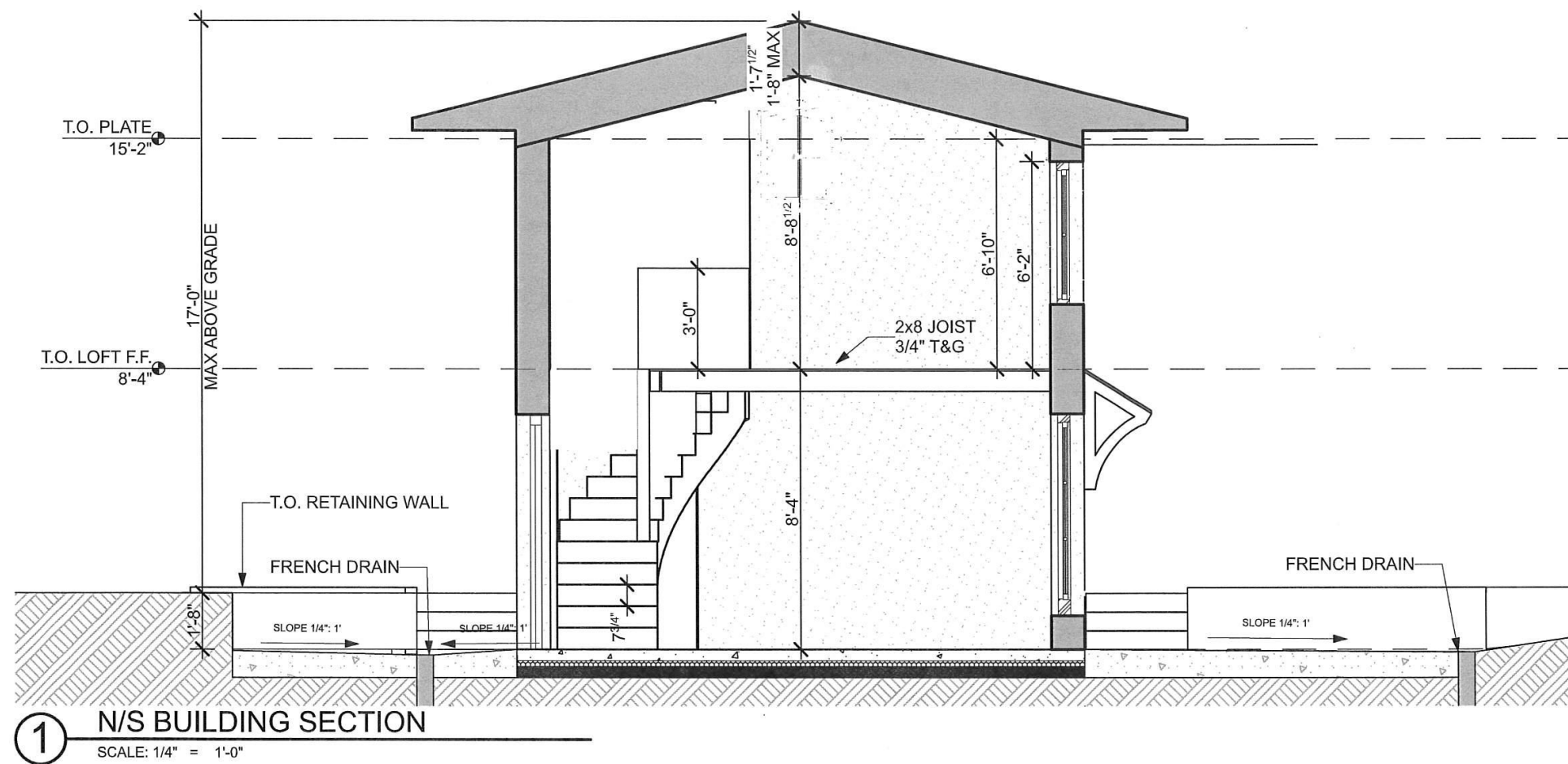


Lindsay Schack & Lindsey Love
info@loveschack.com
1.406.282.4277

619 N. Church Ave, Unit 3
Bozeman, MT 59715
www.loveschack.com

KLINKER ADU | Salt Lake City UT
Wednesday, February 12, 2020

A2.10



SCHEMATIC DESIGN // NOT FOR CONSTRUCTION

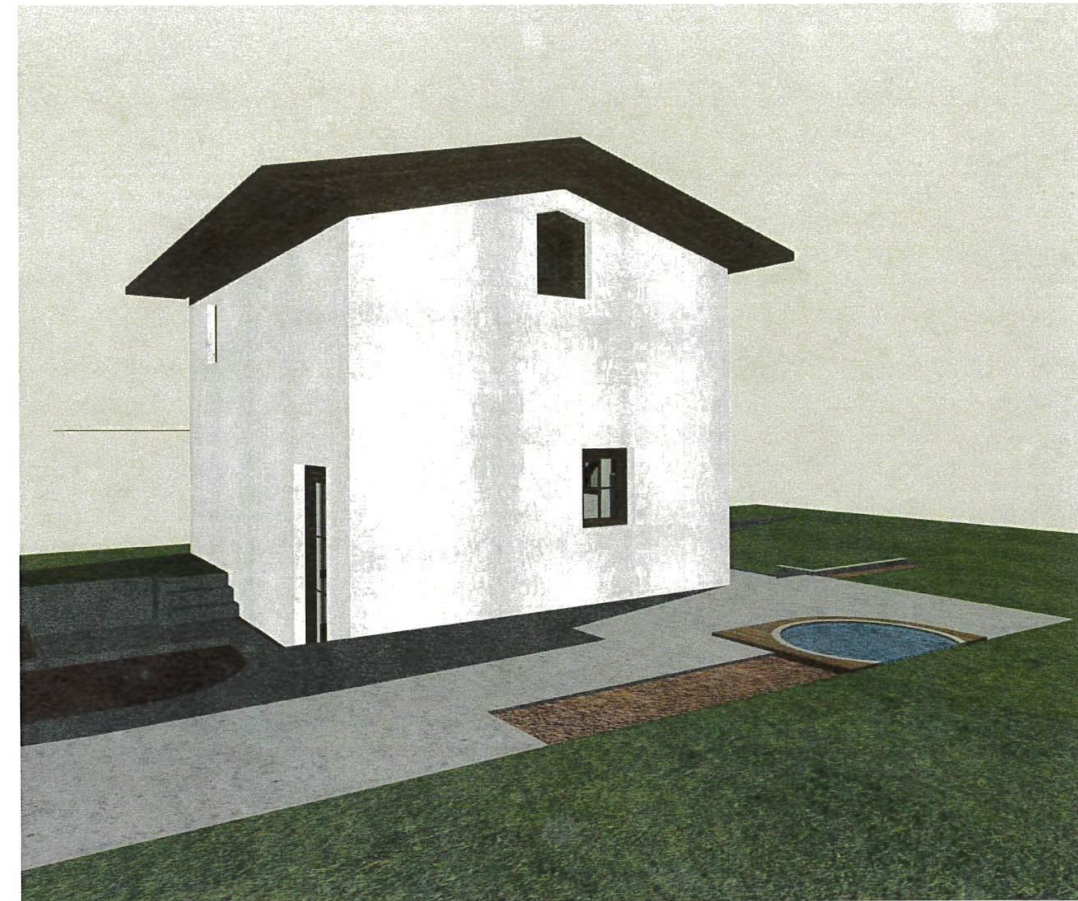


Lindsay Schack & Lindsey Love
info@loveschack.com
1.406.282.4277

619 N. Church Ave, Unit 3
Bozeman, MT 59715
www.loveschack.com

KLINKER ADU | Salt Lake City UT
Wednesday, February 12, 2020

A3.1



3-D Sketches do not represent final finish or color choices choice.



NOTE: WINDOW SILL ABOVE PLANTER

SCHEMATIC DESIGN // NOT FOR CONSTRUCTION

BIMcloud: loveschack - BIMcloud Basic for ARCHICAD 22/SPP/19.1031.SPP-LL



Lindsay Schack & Lindsey Love
info@loveschack.com
1.406.282.4277

619 N. Church Ave, Unit 3
Bozeman, MT 59715
www.loveschack.com

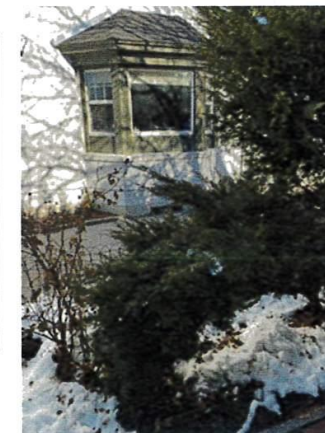
KLINKER ADU | Salt Lake City UT
Wednesday, February 12, 2020

A1.12



Windows on the existing house are a combination of traditional styles with mullions. They include fixed pane, double hung, and casement windows in both wood and vinyl. Many have been replaced over the years since the original construction date in 1939. Typical Double Hung Window is 30 or 36" wide x 4'6" Ht.

Windows in the ADU will be more energy efficient and will be consistent in style, size and color, and will vary in function.



Klinker ADU 1807 S 1900 E, Salt Lake City, Utah 84108

ATTACHMENT C: ADDITIONAL APPLICANT INFORMATION

Statement for Planning Commission:

Susan Klinker, 1807 S 1900 E, Application for Conditional Use Permit for an ADU.

As a homeowner in Salt Lake City, I request consideration of my application for a Conditional Use Permit (CUP) to build an Accessory Dwelling Unit (ADU) on my Sugarhouse property. My goal is to create a flexible separate living space that can be used by myself, my children, or as a long-term rental to provide financial security allowing me, and my children, to age in place in the neighborhood we love. The passive solar design is being developed as a prototype for achieving net zero carbon & net zero energy, while demonstrating the use of natural building materials in an efficient small scale urban living space. The design uses highly insulated structural insulated panels, but unlike common SIPs that contain foam insulation with a high carbon footprint, the natural building product I am demonstrating uses a rapidly renewable and carbon sequestering organic insulation, with lime plaster exterior and gypsum and clay plaster interior wall finishes. The ADU design is 2 storeys, set 1'-8" below grade, with a 391 square foot exterior footprint on the first floor plus an open sleeping loft. It will have a concrete slab floor for thermal mass and concrete stem walls below grade. (Due to inability to update due to Covid-19, submitted plans inaccurately still show a window on the second floor east side. None is currently proposed. The East elevation is correct and the floor plan is incorrect.)

As a corner property, my backyard provides an ideal location for an ADU, considering most ADUs are tucked at the rear of a lot, this one will have excellent street access and good curb appeal. The proposal respects front yard setbacks on both street fronts. My backyard area is very visible to neighbors and those passing by on Downington, which, perhaps is one of the main reasons neighbors have been vocal about the loss of open space in the neighborhood. My property, however visible, is still private property, not public space. The existing driveway has space available for 2 cars to park, plus an existing 2 car garage. In addition there is abundant parking on the street. The proposed 2-storey design meets the max 17 ft ht above grade allowed, and if approved, will be the 6th 2-storey structure on the block. (See photo page attached).

I am proud of the proposal I have submitted for consideration and feel that it aligns with many of the city's goals to increase high quality, affordable housing opportunities. Here are a few of the key city policies this proposal supports:

Plan Salt Lake – Policy Background

The city adopted Plan Salt Lake as a forward-thinking citywide vision in 2015, with key principles and policy recommendations that have guided my efforts in developing this ADU proposal. Following are several of the key policies from the city's vision — taken from the Neighborhoods (p.), Growth (p.), Housing (p.), Air Quality (p.) and Beautiful City (p.31), and Equity (p.37) sections of the Plan — and my desired outcomes in line with these policies. I am trying to do my part in contributing to this vision. I believe that if each homeowner does their

part, together we can achieve these broad goals. Please note that the numbers below correspond to the numbered sections and numbered initiatives of the Plan.

1.4 – Support neighborhood identity and diversity. My proposed ADU ads diverse housing types while maintaining a scale, form, massing and setbacks compatible with existing homes.

1.5 – Support policies that provide people a choice to stay in their home and neighborhood as they grow older and household demographics change. My ADU proposal recognizes the demographic changes already happening in my own household, and provides me with possibilities to age in place, support my children and family, and provide meaningful neighborhood lifestyle opportunities for other future residents.

1.8 – Encourage and support local businesses and neighborhood business districts. As the population has declined in our neighborhood, with many homes the previously served large families now housing smaller households and individuals, adding adult living opportunities adds limited density to support local businesses that rely on adults with discretionary income.

2.3 – Promote infill and redevelopment of underutilized land. With smaller households and fewer young children, including in my own home, my proposed ADU accommodates a modest infill that is compatible with the surrounding neighborhood.

2.5 – Reduce consumption of natural resources, including water. My proposed ADU will reduce the required water use for irrigating lawn that is not used much.

2.6 – Accommodate and promote an increase in the city's population. My proposed ADU will accommodate a small household and increase population in a neighborhood where population has declined over the past several decades.

3.1 – Ensure access to affordable housing citywide (including rental and very low income). My proposed ADU will provide a relatively affordable living option, close to neighborhood and city destinations.

3.2 – Increase the number of medium density housing types and options. My ADU proposal is an important form of "missing middle" housing at a modest density.

3.3 – Encourage housing options that accommodate aging in place. This is an intention for this property, to provide an option for aging in place for both me, my family, and other future residents.

3.4 – Direct new growth toward areas with existing infrastructure and services that have the potential to be people-oriented. This new accessory residence will completely rely on existing infrastructure.

3.5 – *Enable moderate density increases within existing neighborhoods where appropriate.* My ADU is exactly this, a modest density increase in an existing neighborhood, compatible with the surrounding neighborhood.

3.6 – *Promote energy efficient housing and rehabilitation of existing housing stock.* My proposed ADU will not only be highly energy efficient, but also approach “net zero” from both a carbon and an energy operations standpoint.

5.1 – *Reduce greenhouse gas emissions.* As noted, my proposed ADU will approach “net zero” from both a carbon emissions and an energy operation standpoint.

5.6 – *Support and promote renewable energy resources.* My proposed ADU will utilize both passive solar design, and incorporate active renewable energy systems.

5.8 – *Incorporate climate adaptation strategies into City planning processes.* My proposed ADU is intended to demonstrate the practicality of not only renewable energy systems at a residential scale, but introducing low carbon and carbon sequestering building products that will prototype and showcase new building products that I hope will be transformative to our adoption of more climate responsive solutions.

8.5 – *Support and encourage architecture, development, and infrastructure that... Is sustainable, using high quality materials and building standards.* My proposed ADU, as noted previously, will utilize innovative and highly energy efficient building materials, systems and processes that are extremely durable, indigenous to our climate and region, and that will contribute new prototypes for sustainable living in our city.

11.4 – *Support policies that provide housing choices, including affordability, accessibility and aging in place.* My ADU proposal meets all of these objectives. It offers choice for rental outside of a large apartment, is affordable by its smaller size, and is accessible to a wonderful neighborhood and lifestyle.

11.8 – *Educate the public on the importance of nondiscrimination, equity, and respect.* This project has generated an unusual excitement and unexpected controversy. I realize that there are certain growing pains that come with change, and you might hear from some neighbors who are afraid of what proposed changes might mean in the future, based on perceptions that may be biased, exclusionary or inaccurate. However, if the city is serious with its stated intentions and the policies it desires to follow to create a livable city, then I hope the city will allow me to be a partner in achieving our shared future success. This project is a great opportunity to advocate for my rights as a private property owner with a nontraditional household, to educate what nondiscrimination, equity, and respect mean in a diverse community, and to demonstrate how we accomplish the above goals and objectives to create a city that works for everyone.

In addition to Plan Salt Lake, I have also carefully reviewed the Sugar House Master Plan (adopted 2005) and the East Bench Master Plan (adopted 2017) — since my home is near the

boundary of these two planning districts — and find that these plans articulate numerous goals and objectives substantially similar to those in Plan Salt Lake. I won't further elaborate here but encourage your careful consideration of the consistency between my proposed ADU and numerous stated goals of these two plans.

Narrative regarding status of the existing house as a Single Family Dwelling

After separating from my husband in 2009, I lived alone sharing my 2300 sq ft, 4 br, 2 bath home only 50% of the time with my 2 sons in elementary school. In 2012, I applied for and was granted a permit to remodel my finished basement so a roommate could comfortably share the home and household expenses.

The remodel added a kitchenette, a door, and an egress window to allow for a legally habitable bedroom on the lower level. There is no locked separation and no fire separation between the upper and lower floors. Fire alarm systems up and down are hardwired as a single household system. Likewise the furnace and air conditioning systems are a single unit with only one thermostat control for the whole house. The minor changes I made to the space in 2012 did not change the Single Family Dwelling (SFD) status of my home, and do not come close to meeting the physical requirements for a duplex or a separate licensed dwelling unit, nor would it be allowed in my R-1/7,000 zoning district. Likewise, existing conditions in my home do not meet the physical requirements for an interior ADU (See excerpt requirements attached).

Since 2012 I have legally shared my home with others who are not in my immediate family per section 21A.62.040, defining the terms Dwelling/Single Family, and Family as *"a group of not more than (3) persons not related by blood, marriage, adoption, or legal guardianship living together as a single housekeeping unit in a dwelling unit"*, and *"All living areas of a single-family dwelling shall be accessible and occupied by the entire family"*.

As a single woman and a responsible mother, I am extremely discerning about who I invite into my home. Over the past seven years, my kids and I have enjoyed sharing our residence with trustworthy, accomplished, & kind individuals that have enriched our lives, and had a positive influence on our family, household and community. In each case they have been young professionals, who prefer living in a traditional neighborhood setting rather than an apartment complex. My roommates, who have each stayed about 2 years, have strengthened my sense of personal security and that of my boys (as there is another responsible adult in the house), and provided meaningful social engagement, companionship, and positive role models for my kids. We have mutually benefited by sharing household expenses.

Over time, the dynamics of how my roommates socially engage with my family have varied from highly interactive to private. At times, we have shared meals, holiday celebrations, movie nights, daily pet care and household chores, including gardening, repairs, (meeting the plumber, & troubleshooting internet services), collecting mail, taking out the trash, and shoveling snow. Though we generally respect self-imposed boundaries of privacy, flow between all spaces in the home is open and unrestricted by locks or physical barriers. Interpersonal dynamics of human

interaction, and personal choice regarding how we choose to move within our home, and at what times, as I understand it, is not regulated by ordinance or definitions.

Especially in these challenging times of Covid-19 and the recent earthquake, I feel so grateful for the presence of our current roommate in our home. She and I both gain increased security because we are looking out for each other, sharing ideas and priorities about how to respond in emergencies and sharing resources. As a single female head of household at this time, I would be much more vulnerable without her presence. I feel confident that our current habitation scenario within my home provides a healthy social safety net in both of our lives.

Permits for my 2012 and 2017 remodels are both on file with the city, and were inspected and approved for occupancy. In 2014 and again in 2019/20, complaints were filed that I was operating an illegal dwelling unit at my property. In each case, my property was inspected by a Civil Enforcement Officer and cleared of violation. Records of those inspections are attached, stating specifically that "*inspection to verify use as SFD*" was completed and the complaint was cleared.

From my first visit to the planning office in early 2019 to inquire about my eligibility for an ADU on my property, I have disclosed the fact that I share my home with others, outside of my immediate family, and share household expenses accordingly. I was repeatedly told, that as long as I have not changed the definition of my house as a "single family dwelling", and as long as I had no more than 3 unrelated people living unrestricted within my home", I am compliant with regulations for SFD's, and therefore am eligible to apply for a CUP to develop a detached ADU on my property.

Earlier this month I inquired with the Business Licensing Office and Landlord Services, and have again confirmed that according to ongoing practice and interpretation of regulations by city staff, the status of roommate/rental activity within my home is compliant with regulations for a SFD and that my existing house is not eligible for a licensed rental unit without significant additional construction to meet the newly adopted standards for an interior ADU.

On March 13, I met with P&Z officials, Scott Browning, and Greg Mikolash to again review my application's eligibility for an ADU. They confirmed that by current zoning standards, my home is defined and functioning as a SFD so long as there is no locked separation or restriction of free flow between spaces, and that correspondingly, I am eligible to apply for a CUP to build an ADU on my property. They also emphasized that previous remodel permit applications were approved by the city and did not change the status of my SFD. In fact, if the remodel details would have redefined the home as a duplex or creating a new separate dwelling unit, it would have been illegal, and the application for permit would have been rejected.

As I understand it, some ambiguities in ordinance language related to my current room mate should be considered as part of my CUP application. Certain definitions are clearly defined in section 21A.62 as noted above. However, there is no definition for what a "housekeeping unit" means.

Lack of definition, per 1A.62.010, defaults to Webster's Dictionary, which states:

Definition of *housekeeping*

1a: the management of a house and home affairs...

b: the work or activity of cleaning and preparing rooms for customers (as in a hotel) —often used before another noun : the department or employees responsible for doing such work. .

2: the care and management of property and the provision of equipment and services.

3: the routine tasks that must be done in order for a system to function or to function efficiently.

Sharing my home with a roommate clearly falls within these basic "housekeeping" definitions of "managing home affairs", "care and management of property, equipment and services" and "routine tasks for a system to function efficiently". At a deeper interpersonal level, our sharing of the home mutually supports our lives in many additional ways.

My property has always been owner occupied, and I have no intention or desire to participate in nightly rental scenarios, which are illegal in Salt Lake City.

Rigorous consultation with city planning officials, professional architects & engineers, and attorneys over the past year has resulted in the CUP application currently submitted for your review and approval. Much time and financial resources have been expended to bring forward a high quality application that meets and exceeds city goals for sustainability, increasing density in traditional neighborhoods, and adding more affordable housing opportunities for young families, while increasing homeowners capacity to age in place.

I respectfully request discernment and approval of my application for a conditional use permit for a detached accessory dwelling unit on my property, consistent with all current requirements and regulations relating to the property.

Thank you,

Susan Klinker

Klinker CUP Application for new ADU at 1807 S 1900 E

The existing Single-Family Dwelling does not meet the requirements for an attached ADU.

Items noted in Red do not currently comply.

Salt Lake City ADU Requirements for: EXISTING SPACE CONVERSION & BASEMENT CONVERSION

REGULATIONS: You can build a maximum of one ADU if your property has a single-family dwelling.

SIZE The size of your ADU cannot exceed 50% of your home's gross square footage. The square footage of your detached garage cannot be included in your home's gross square footage.

PARKING Provide a minimum of one parking space in addition to existing parking on your property. Parking requirements can be waived if a legal on-street parking space is located in front of your property or if you live within a 1/4 mile of a transit stop.

GENERAL REQUIREMENTS FOR ATTACHED ADUS

A licensed general contractor must take out the building permit for a second dwelling unit (Utah Code 58-55-301 and 58-55-305).

PUBLIC UTILITIES Check for drain grade and slope (major up-front issue).

FIRE DEPARTMENT Fire department access: 150 feet maximum from public right of way to any point along any wall of the proposed new dwelling unit.

BUILDING CODE • Fire separation including both vertical and horizontal assemblies (R302.3). All through and membrane penetrations to be protected (R302.4)

- With an added story or conversion of storage space to habitable space, seismic upgrade may be required.
- Separate heating systems (M1602.2). * All ducts to be within the individual fire areas or dampered at penetrations.
- All ducts, including dryer ducts and fan exhausts to be within the individual fire areas. • Separate and accessible natural gas shut offs (G2420.1.3).
- Separate and accessible water shut offs (P2903.9.1). Independent water heater systems must be downstream of these shut offs.*
- Separate and accessible sewer clean outs (P3305.2.10).
- Separate and accessible power disconnects (E3601.6.2). Independent panels and over-current devices must be downstream of these disconnects.*
- Separate means of egress, but can be off of a shared interior entry. Each should comply with dimensions for the required egress (R311).

*Each mechanical system or electrical panel must be independently accessed for service from the respective dwelling unit.

Klinker CUP Application for an ADU

There are 5 existing, 2-storey homes on our block, (photographed below) and 18 more on the 4 blocks immediately adjacent to and surrounding our block.



Abundant parking space is available on Downington. Photos sample varying days and times.



Sat Feb 28 at 12:30pm



Tues March 10 at 6:30pm



Sun. March 29, 6pm



Sat Feb 29, 7pm

Neighbor across the street commonly have 6+ cars and a camper at their home, Parking on both 1900 E & Downington.



Sunday March 8 at 6pm



Sat Feb 29 at 11pm



Monday March 2 at 6pm



Civil Enforcement History Report

1807 S 1900 E

HAZ2014-00270

Description of Work: Z 1807 S 1900 East

Complaint Description:

Sidwell # 16-16-431-006-0000

Address 1807 S 1900 E

Council District: 6

Owner Info:

Status: Closed

Date Created:

2/13/2014

Inspector: Gent, Carol

Created By:

GC2761

Date	Task/Inspection	Status/Result	Action By
2/28/2014	Compliance	Closed	Admin, Accela
<u>COMMENTS</u>			
Task Comment closed by batch script			
2/27/2014	Case Inspection	Compliant	Gent, Carol
<u>COMMENTS</u>			
Inspection Request Comment Meet [REDACTED] - inspection to verify use as SFD			
2/27/2014	Case Inspection	Compliant	Gent, Carol
<u>COMMENTS</u>			
Inspection Result Comment Date: 2/27/2014 Met [REDACTED] and did an interior inspection to verify use as SFD.			
2/27/2014	Case Inspections	Compliant	Gent, Carol
<u>COMMENTS</u>			
Task Comment Updated by Script			
2/20/2014	Case Inspection	In Progress	Gent, Carol
<u>COMMENTS</u>			
Inspection Request Comment phone conversation			

2/20/2014	Case Inspection	In Progress	Gent, Carol
COMMENTS			
Inspection Result Comment [REDACTED] called [REDACTED]. She said that the basement is open to the rest of the home. We discussed no more than 3 unrelated people in the SFD and how to obtain a rental business license. We set an inspection time for next week Thursday at 11:45 so can verify the use.			
2/20/2014	Case Inspections	In Progress	Gent, Carol
COMMENTS			
Task Comment Updated by Script			
2/18/2014	Case Inspections	In Progress	Gent, Carol
COMMENTS			
Task Comment Updated by Script			
2/14/2014	Case Inspection	In Progress	Gent, Carol
COMMENTS			
Inspection Request Comment			
2/14/2014	Case Inspection	In Progress	Gent, Carol
COMMENTS			
Inspection Result Comment Mailed 14 day Zoning Warning letter, cited violation[s] are: illegal unit and no rental business license			
2/13/2014	Case Inspection	In Progress	Gent, Carol
COMMENTS			
Inspection Request Comment illegal unit for rent			
2/13/2014	Case Inspection	In Progress	Gent, Carol
COMMENTS			
Inspection Result Comment Date: 2/13/2014 Sign out front for a In law apartment for rent. History of property shows legal use as SFD. No rental license on file. Will send a warning letter			
2/13/2014	Case Initialization	Completed	Gent, Carol
COMMENTS			
Task Comment Updated by Script			
2/13/2014	Case Inspections	In Progress	Gent, Carol
COMMENTS			
Task Comment Updated by Script			

	<i>Case Inspection</i>	<i>Rescheduled</i>	<i>Gent, Carol</i>
<u>COMMENTS</u>			
<u>Inspection Request Comment</u> Has property owner applied for legalization?			



Civil Enforcement History Report

1807 S 1900 E

HAZ2020-00017

Description of Work: illegal unit

Complaint Description:

Sidwell # 16-16-431-006-0000

Address 1807 S 1900 E

Council District: 6

Owner Info:

Status: Closed

Date Created:

1/6/2020

Inspector: Lepore, Julie

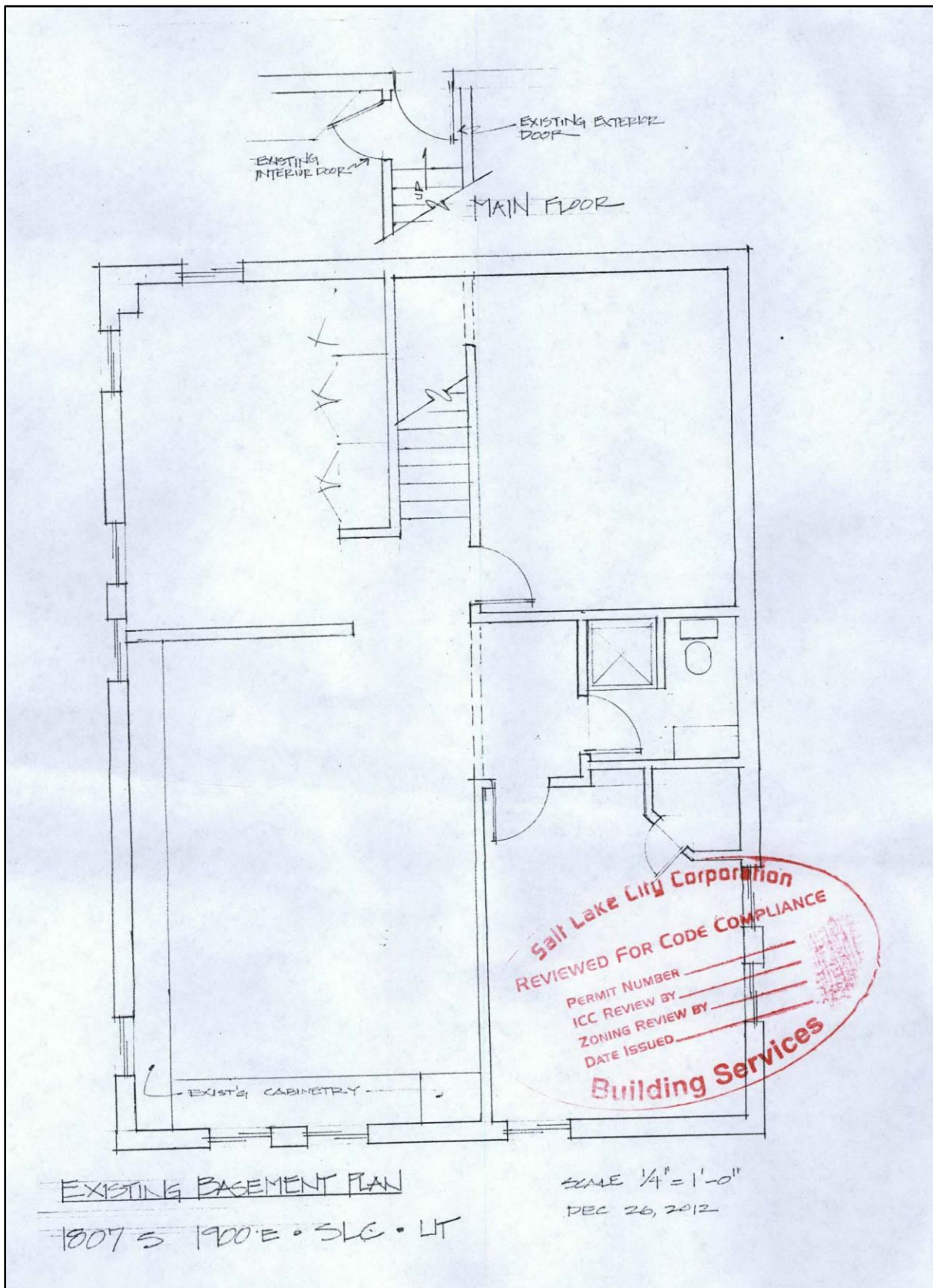
Created By:

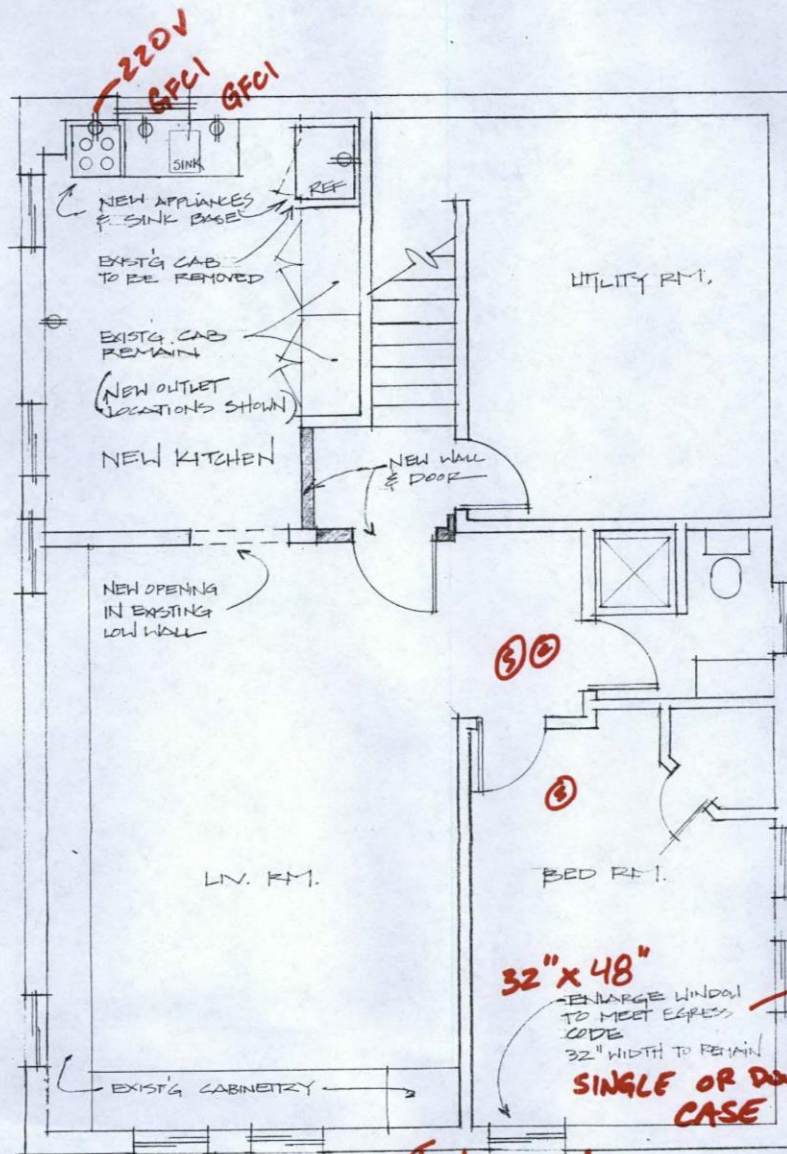
LJ4132

Date	Task/Inspection	Status/Result	Action By
1/6/2020	Case Inspection	Compliant	Lepore, Julie
COMMENTS			
<u>Inspection Request Comment</u>			
1/6/2020	Case Inspection	Compliant	Lepore, Julie
COMMENTS			
<u>Inspection Result Comment</u>			
MET WITH THE OWNER. SHE SHOWED ME THE 2 DOORS ONE AT THE BOTTOM OF THE STAIRS AND ONE AT THE TOP. THERE ARE NO LOCKS. THERE IS A KEY PAD DOOR TO GET IN THE HOUSE BUT THAT IS ALL. CLOSE CASE.			
1/6/2020	Case Initialization	Completed	Lepore, Julie
COMMENTS			
<u>Task Comment</u>			
EMSE - ASA:HAZE/*/*/*			
1/6/2020	Case Inspections	Compliant	Lepore, Julie
COMMENTS			
<u>Task Comment</u>			
EMSE - IRSA:HAZE/*/*/*			

1/6/2020	Case Inspections	In Progress	Lepore, Julie
<u>COMMENTS</u>			
Task Comment EMSE - IRSA:HAZE/**/*/*			
1/6/2020	Compliance	Closed	Lepore, Julie
<u>COMMENTS</u>			
Task Comment EMSE - IRSA:HAZE/**/*/*			
12/23/2019	Case Inspection	In Progress	Lepore, Julie
<u>COMMENTS</u>			
Inspection Request Comment			
12/23/2019	Case Inspection	In Progress	Lepore, Julie
<u>COMMENTS</u>			
Inspection Result Comment I RECEIVED A COUPLE OF COMPLAINTS OF THE HOUSE BEING TURNED INTO A DUPLEX. I LEFT A GREEN HANG TAG AND THE OWNER CALLED AND SET UP AN APPOINTMENT. WILL MEET OWNER 01/06/2020.			

ATTACHMENT D: CITY RECORDS





CONSTRUCTION PLAN

1807 S MOORE • SLC • UT

3'

SCALE 1/4" = 1'-0"

DEC 2011
9th Salt Lake City Corporation
 REVIEWED FOR CODE COMPLIANCE
 PERMIT NUMBER _____
 ICC REVIEW BY _____
 ZONING REVIEW BY _____
 DATE ISSUED _____
Building Services

*** SMOKE DETECTOR AND CARBON MONOXIDE
 DETECTOR TO BE HARDWIRED W/
 BATTERY BACK UP.**

**APPROVED
 WATER, SEWER & DRAINAGE
 BY SLC PUBLIC UTILITIES**

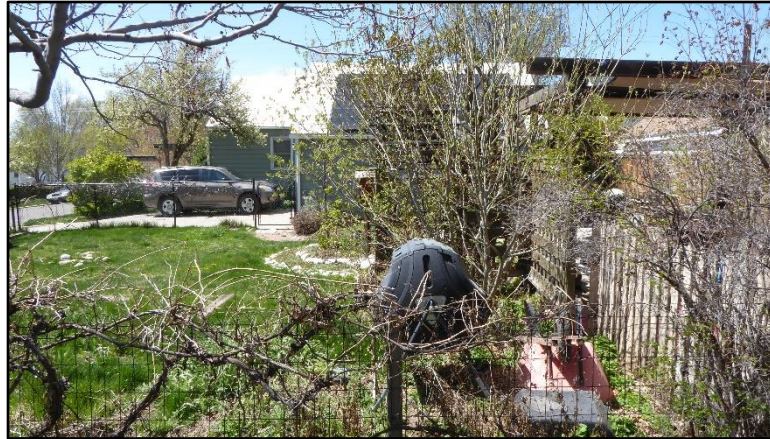
[Signature]
 12/28/12



ATTACHMENT E: SITE VISIT PHOTOGRAPHS



Top Left:
Facing the
northeast corner
from adjacent
property to the east



Top Right:
Facing directly east
of the proposed
ADU



Bottom Left:
Facing the
northeast corner
from the existing
driveway



Bottom Right:
Facing the rear yard
of the subject
property from
Downington
Avenue



Top:
View of the subject property and adjacent property to the east near the corner of 1900 East and Downington Avenue



Bottom:
View of the subject property and adjacent property, approximately two (2) houses east from the subject property

ATTACHMENT F: ANALYSIS OF STANDARDS - ACCESSORY DWELLING UNITS

21A.40.200: Accessory Dwelling Units

Standard	Proposed	Findings
One Per Lot <i>City may permit one accessory dwelling unit for each lot that contains a single-family dwelling.</i>	Based on the definition of an ADU and the current use of the basement, Staff contends the basement of the single-family dwelling currently functions as an ADU. Therefore, the proposed ADU does not meet the general requirement that places a limit of one (1) ADU per lot.	Does Not Comply
Size <i>An ADU shall not have a footprint that is greater than fifty percent (50%) of the footprint of the principal dwelling, and shall not exceed six hundred fifty (650) square feet (SF).</i>	Principal dwelling is approximately 2,325 SF. Fifty percent (50%) of principal dwelling equals approximately 1,162 SF. Proposed ADU is approximately 646 SF .	Complies
Maximum Coverage <i>The surface coverage of all principal and accessory buildings shall not exceed forty percent (40%) of the lot.</i> <i>[Rear] Yard Coverage: In residential districts, any portion of an accessory building, excluding hoop houses, greenhouses, and cold frames associated solely with growing food and/or plants, shall occupy not more than fifty percent (50%) of the total area located between the rear façade of the principal building and the rear lot line.</i>	Lot size is approximately 8,775 SF. Forty percent (40%) of the lot is approximately 3,510 SF. Primary Dwelling: 1,312 SF Proposed ADU: 391 SF Attached Garage: 452 SF Total Coverage: 2,155 SF The surface coverage of all principal and accessory buildings (including the proposed ADU) is approximately 25% of the lot. Rear yard area: 2,223 SF Proposed ADU: 391 SF Yard Coverage: 18%	Complies
Building Height <i>The maximum height of an accessory building containing an ADU shall not exceed the height of the single family dwelling on the property or exceed seventeen feet (17') in height, whichever is less.</i>	Height of the pitched roof for the proposed ADU is approximately 17'-0" measured from established grade.	Complies
Side or Rear Yard Setbacks <i>New Accessory Buildings [ADU] shall be located a minimum of four feet (4') from any side or rear lot line.</i>	Side [North] Lot Line: 10 feet Corner Side [South] Lot Line: 31'-7" Rear [North] Lot Line: 4 feet	Complies

<p>Separation <i>All ADUs [located in an accessory building] shall be located a minimum of ten feet (10') from the single family dwelling located on the same parcel and any single family dwelling on an adjacent property.</i></p>	<p>The proposed ADU is approximately 11'-2" from the principal dwelling on the same parcel.</p> <p>The nearest single-family dwelling on an adjacent property to the east is approximately 13'.</p>	<p>Complies</p>
<p>Entrance Locations <i>The entrance to an ADU in an accessory building shall be located:</i></p> <ul style="list-style-type: none"> <i>(1) Facing an alley, public street or facing the rear facade of the single family dwelling on the same property.</i> <i>(2) Facing a side or rear property line provided the entrance is located a minimum of ten feet (10') from the side or rear property line.</i> <i>(3) Exterior stairs leading to an entrance shall be located a minimum of ten feet (10') from a side or rear property line unless the applicable side or rear property line is adjacent to an alley in which case the minimum setback for the accessory building applies to the stairs.</i> 	<p>The entrance for the proposed ADU is oriented towards Downingtown Avenue. The entrance is approximately 31'-7" from the corner side property line.</p>	<p>Complies</p>
<p>Requirement for Windows <i>Windows on an accessory building containing an ADU shall comply with the following standards:</i></p> <ul style="list-style-type: none"> <i>(1) Windows shall be no larger than necessary to comply with the minimum Building Code requirements for egress where required.</i> <i>(2) 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.</i> <i>(3) Except as required in subsection E3g(1) of this section, windows shall maintain a similar</i> 	<p>The proposed windows are similar in size and style as the windows found on the principal structure.</p> <p>There are no windows proposed facing the side or rear property line that are within ten feet (10') of a side or rear property line.</p>	<p>Complies</p>

<p><i>dimension and design as the windows found on the principal structure.</i></p>		
<p>Parking <i>An ADU shall require a minimum of one on-site parking space.</i></p> <p><i>The parking requirement may be waived if:</i></p> <p><i>(1) Legally located on street parking is available along the street frontage of the subject property; or</i></p> <p><i>(2) The subject property is located within one-quarter (1/4) mile of transit stop.</i></p>	<p>The principal dwelling has two (2) off-street parking spaces in the existing attached garage.</p> <p>The ADU parking requirement may be waived as there is a legally located on-street parking available along Downingtown Avenue and the subject property is located within a 1/4 mile of a transit stop.</p>	<p>Complies</p>

ATTACHMENT G: ANALYSIS OF STANDARDS – CONDITIONAL USE

21A.54.080: Standards for Conditional Uses

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 E](#), the ADU does **not** comply with the requirements of 21A.40.200.

Finding: The proposed use will **not** 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 use is a detached residential unit that should be readily compatible with surrounding uses, which are all single-family homes. The proposed ADU meets the requirements in terms of setbacks and separation requirements between adjacent houses and the principal dwelling on the property but does not meet the general requirement for an ADU that limits one per lot.

Finding: The proposed use is not compatible with the surrounding uses as there is an existing ADU on the property.

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

Analysis: The proposal is located in the Low-Density Residential neighborhood as established by the Sugar House Master Plan. The master plan designates the future land use of this area as low density residential and the existing zoning on the property is R-1/7,000 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 Master Plan:

- Strengthen and support existing neighborhoods by:
 - Considering appropriate adjacent land uses;
- Design new developments with the following in mind:
 - Creating more affordable housing;
- Provide a diversity of housing types, sizes, and prices in the community as a whole.

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 proposed use is consistent with the goals and policies to creating a diverse housing stock. However, allowing an additional unit would be inconsistent with the intent of the R-1/7,000 Single-Family Residential district and Sugar House Master Plan (Low Density Residential) to preserve and protect the dominant, single-family characteristics and specifically, violates the following ADU regulatory intention and conditional use standard as found in Section 21A.40.200.

A.1. Create new housing units while respecting the appearance and scale of single-family residential development;

E.1.a One Per Lot: City may permit one accessory dwelling unit for each lot that contains a single-family dwelling.

4. The anticipated detrimental effects of a proposed use can be mitigated by the imposition of reasonable conditions (refer to Detrimental Effects Determination analysis below).

21A.54.080B: Detrimental Effects Determination

In analyzing the anticipated detrimental effects of a proposed use, the planning commission, or in the case of administrative conditional uses, the planning director or designee, shall determine compliance with each of the following:

Standards	Finding	Rationale
1. This title specifically authorizes the use where it is located;	Does Not Comply	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 does not comply with all specific regulations for an ADU including one per lot, size, height, setbacks, distance to other houses, etc. as outlined in Attachment F .
2. The use is consistent with applicable policies set forth in adopted citywide, community, and small area master plans and future land use maps;	Does Not Comply	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., 5,000-8,000 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 requirements. Accessory dwelling units in single-family zones are allowed but subject to restrictions designed to limit impacts and protect neighborhood characteristics. The intent of allowing ADUs are that they may provide a diversity of housing types, sizes, and prices within the community without changing the character and quality of single-family areas. The approval of the proposed ADU would violate the intent and requirement of the ADU ordinance and characteristics of the single-family zone.
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;	Complies	Uses surrounding the subject property are generally single-family residential properties. The residential lots in this area are large enough to provide separation between the proposed ADU and the principal dwelling 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.
4. The mass, scale, style, design, and architectural detailing of the surrounding structures as they relate to the proposed have been considered;	Complies	As discussed above, the scale of the proposal is compatible with the principal dwelling on the property as well as surrounding structures. The proposal also meets the building footprint and height requirements for

		an ADU. The proposed ADU would have a building height of 17 feet, where a maximum height of 17 feet is allowed. The subject property is a corner lot; therefore, the proposed ADU is located closer to the side and rear property lines that would minimize impacts from the street view.
5. Access points and driveways are designed to minimize grading of natural topography, direct vehicular traffic onto major streets, and not impede traffic flows;	Complies	The main house on the subject property has a driveway located off Downingtown Avenue. The proposed ADU will utilize the legally located on-street parking. No new access points are proposed and the proposal would not impede traffic flows.
6. The internal circulation system is designed to mitigate adverse impacts on adjacent property from motorized, nonmotorized, and pedestrian traffic;	Complies	The proposed ADU would be accessed from Downingtown Avenue. The proposed ADU is also located within ¼ mile of the transit stops located on 1900 South between Logan Avenue and 1700 South and has a legally located on-street parking. It is not anticipated that the proposed ADU would create any adverse impacts in terms of motorized, nonmotorized and pedestrian traffic.
7. The site is designed to enable access and circulation for pedestrian and bicycles;	Complies	The site is designed for pedestrian and bicycle access. The site plan shows a path from the parking space to the proposed ADU.
8. Access to the site does not unreasonably impact the service level of any abutting or adjacent street;	Complies	There is vehicular access to the site. No unreasonable impacts to the service level of the adjacent streets is anticipated.
9. The location and design of off-street parking complies with applicable standards of this code;	Complies	One (1) parking space would be legally located on street parking along Downingtown Avenue for the proposed ADU. Additionally, parking for the proposed ADU may be waived because of the availability of on-street parking in front of the subject property or ¼ mile proximity to a transit stop.
10. Utility capacity is sufficient to support the use at normal service levels;	Complies	The Public Utilities department provided comments on the project (see Attachment I). As proposed, the utility plan would be reviewed for compliance during building permit review.

11. The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts;	Complies	The proposed ADU may result in increased activity in the rear yard of the subject property. This must be taken into account for potential impacts to the abutting properties that are single family residences. The property currently has a solid wood fence and wired fence with hedges along the property lines. The applicant is proposing to extend the wood fence to replace the wired fence along the north property line. This would provide additional screening from the adjacent property to the north.
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;	Complies	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.
13. The hours of operation and delivery of the use are compatible with surrounding uses;	Complies	The proposed use is an accessory residential structure and is compatible with the surrounding uses that are also residential.
14. Signs and lighting are compatible with, and do not negatively impact surrounding uses; and	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 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 ADU, Staff finds that with the conditions identified in the analysis, the request does not comply with all the criteria listed above.

ATTACHMENT H: PUBLIC PROCESS AND COMMENTS

Meetings:

- Sugar House Community Council held a Land Use and Community Committee meeting on January 13, 2020. The Sugar House Community Council has provided meeting notes (attached) and is concerned about “the spirit of the ADU ordinance is being violated if the [basement] apartment in house AND the ADU are both allowed to coexist on this property”.

Public Notice:

- Early notice of application mailed on December 10, 2019
- Public hearing notice mailed on April 10, 2020
- Public hearing sign posted on the property on April 10, 2020
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites on April 10, 2020

Public Comments:

Several public comments were received during the early noticing period, which all were generally in opposition of the project for the following reasons/concerns:

1. Alleged use of the principal building’s basement as a separate dwelling unit
2. Proximity of proposed ADU to adjacent property lines
3. Proposed two-story ADU is out of character with the surrounding one-story single-family dwellings
4. Privacy concerns from adjacent property owners
5. Impact on the existing limited on-street parking

Any public comments received up to the public hearing meeting will be forwarded to the Planning Commission and included in the public record.

January 21, 2020



TO: Salt Lake City Planning Commission

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

RE: Accessory Dwelling Unit at 1807 South 1900 East

We asked the applicant to come to the January 13 Land Use and Zoning Committee meeting to discuss her application. There were about eight LUZ members and 6-8 neighbors present. Because the planner had already notified the neighbors about this project, and SHCC had put flyers on the porches of the close neighbors, I already had quite a number of comments and questions.

The first thing the neighbors brought up was that there was already an Accessory Dwelling Unit in the house although maybe it was in the form of a rental unit in the basement rather than an officially sanctioned ADU put in after the ordinance was approved. This appears to be a request for a second accessory dwelling unit on the parcel.

This is a corner lot and the way the city is defining the location where this can be built, the neighbors feel this puts the ADU too close to the street and the neighboring property line. The back-yard side of the neighboring house is considered a side yard. The 1807 lot already has a shed and a garage, the shed is to be removed. It appears that even though there will be a 4' setback on the south, the applicant is planning to put a concrete patio between the ADU and the property line. That edge of the parcel is defined by a hedge, rather than a fence. The neighbors are concerned that the applicant's dog could come through the fence or the neighbor's children might go over to the other yard, and worry about the unsafe environment for their children. The applicant has no plans to put a fence in that area.

They worry the property will be a revolving door of short-term rentals. There is no parking on the parcel, the ADU occupant will need to park on the street. The person renting the apartment is already parking on the street. Neighbors say there is no parking on the street most of the time. When I went by, there was lots of parking, but I didn't go by at 9 p.m. when everyone was home in the neighborhood

They are concerned that the two story ADU is too tall, because most everything in the neighborhood and the main house on the parcel is only one story. They are concerned about the lack of privacy in their back yard with a two story building so close to the lot line. The applicant has said she would consider putting in obscure glass.

To us, the lot looks small and squished as it is, without adding another building. We recommend that, if you should choose to approve it, a privacy fence be installed between the applicant's property and the neighbors to the south, to contain children and dogs and provide a sense of security. Second story windows should be obscure glass, or better still, skylight windows could be installed in the ceiling. This would allow for light and air to circulate for the occupant, and provide privacy for both parties. We believe the spirit of the ADU ordinance is being violated if the apartment in the house AND the ADU are both allowed to coexist on this property. We recommend one, or the other, but not both.

COMMENTS 1807 SOUTH 1900 EAST ACCESSORY DWELLING UNIT

From: Liz <
Date: December 18, 2019 at 2:34:37 PM MST
To: linda.mitchell@slcgov.com, [REDACTED]
Subject: ADU 1807 South 1900 East PLNPCM2019-01065

Regarding:
Notice of Application
Conditional Use for a Detached Accessory Dwelling Unit
1807 South 1900 East

As adjacent landowners directly east of proposed ADU, we adamantly oppose approval of, and even consideration for ADU at said address.

Current uses for 1807 S 1900 E already include an accessory unit. This unit contributes to on street parking issues in the neighborhood, especially a problem with snow removal.

The proposed ADU plan of 2 storeys does not conform to city requirements, does not provide minimum 10 foot setbacks, does not provide additional parking, and would be adjacent to our living/sleeping area.

We feel these factors would impact us considerably, both in life style as well as market value. Living quarters and associated noise, parking, odor, etc. for ADU would be closer to our house than to the neighbors multi-dwelling "primary residence" of 1807 South 1900 East.

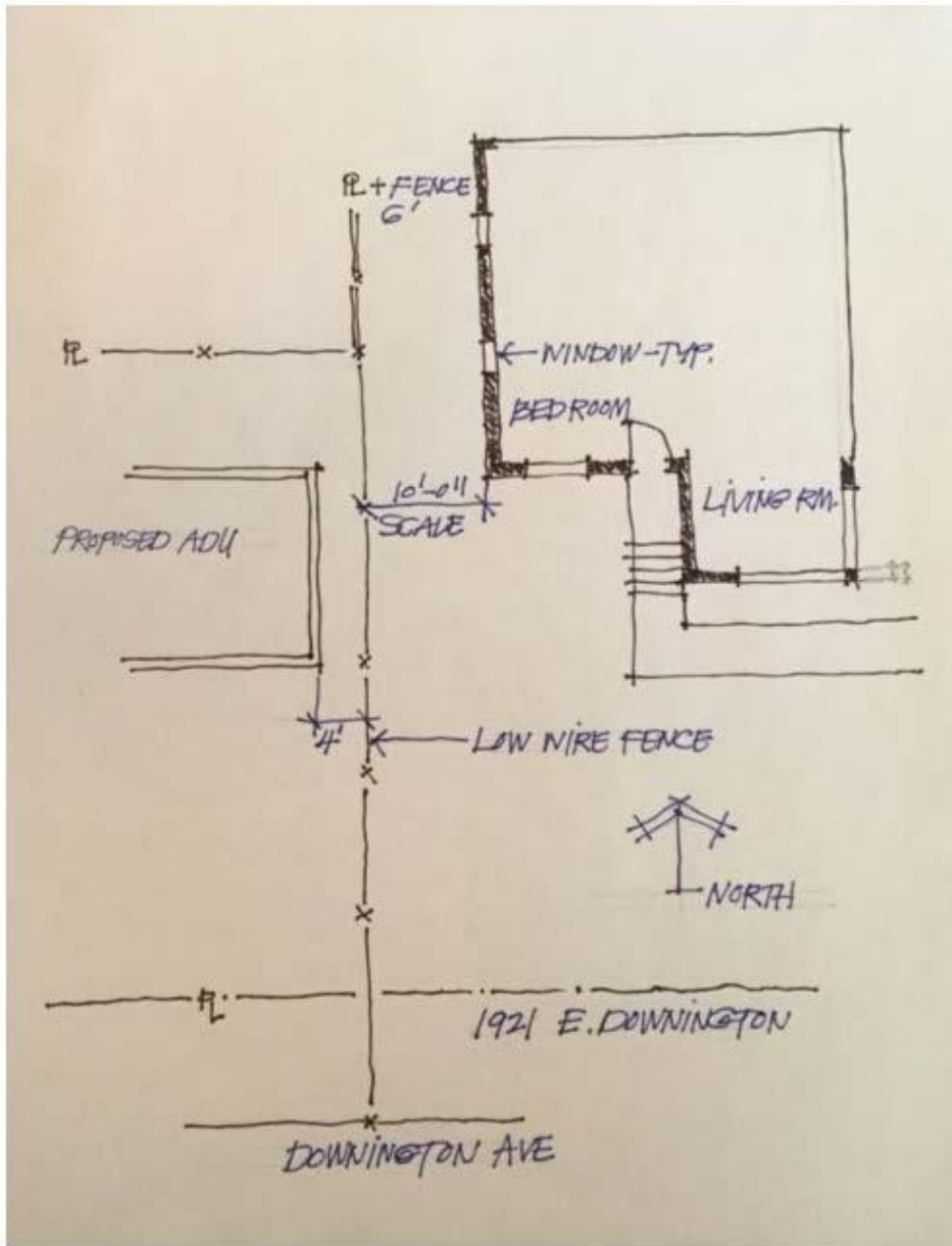
Thank you. Liz Josephson and Mike Becker

From: Liz
Date: December 19, 2019 at 9:45:42 AM MST
To: [REDACTED] linda.mitchell@slcgov.com
Subject: PLNPCM2019-01065

Attached is a scale drawing of our residence with proposed ADU at Klinker residence.
We will be unavailable Jan 7 thru 22. Please contact us if we can meet at your office, or here on site.
Thank you

Dear Judi:

I went over to 1807 S and 1900 East and happened to run into the next door neighbors who are opposed to the ADU. They are understandably upset as it will be very close to their house. Because the ADU house is on a corner lot the back yard w side of the neighboring house is considered a side yard. It does not seem to be a very large lot and it has a shed and g stuff which makes it look smaller. It will be a pretty substantial ADU with 2 stories. The neighbors also said she already



Landon/Linda,

My name is Chris Lewe and I recently received a notice that an adjoining property has requested to construct an Accessory Dwelling Unit. I am the homeowner of 1805 S 1900 E, just north of the 1807 property where Susan Klinker is proposing building a 2 story ADU. You were both listed on the neighborhood notice as being able to provide more information. I have several questions and concerns with the proposal that I have outlined below:

- This homeowner has been renting out her basement for the last 5 years. Looking at the ADU supplemental information on the SLC website, it looks like you can only have 1 ADU per property. I would assume a basement rental with segregated access would qualify as an ADU, so I am curious if that was disclosed in the permit application process. If so, is there a supplemental project to remove the basement apartment? How does the city ensure that she is not subletting multiple ADUs on her property? How many rental units can you have in this zoning district before this would be classified as a commercial business?
- The proposed site plan looks like there will be a secluded patio immediately behind the ADU and adjoining my south property line. I have two young children that frequently play in my back yard. With no ability to vet potential tenants I am worried that this would present a liability with disrespectful occupants. Moreover, the short term nature of rental properties creates an insecurity regarding who will be watching my children as they play.
- I am concerned that the ADU will be used for short term rentals. How will the city prevent this from becoming an AirBnB or VRBO? This is a quiet family neighborhood and not conducive to the rotating caravan of party goers that these rentals attract. While the homeowner does live on the property, she frequently travels and there is no confidence that she would be present to police such behavior.
- The proposed site plan lists this as a two story ADU, even though the main home on the property and all other adjoining homes in the neighborhood are single story. How is this suitable for the neighborhood? Shouldn't the main home, at a minimum be a two story, before proposing to build a two story ADU adjacent to the home?
- The letter mentioned a city council meeting to review the matter, when and where is that planned to occur?

Thank you for your consideration on the above concerns. I moved my family here specifically for the residential family neighborhood. While I understand the drive for additional housing, approving this project would only provide an economic benefit for the homeowner while asking the surrounding neighborhood to bear all of the negative external costs. To be a viable community, the city should be supporting its young family residents. Adding single rental units to established residential plots will only continue to entice young families like ours to move to the surrounding suburbs. There are plenty of blighted urban areas in the city that could benefit from renewal through additional apartment units. The city should not be looking to supplant its current thriving single family areas with rental units to address a perceived housing crisis. I look forward to hearing from you.

Thanks,

Chris Lewe

From: Gail Phelps <
Date: December 27, 2019 at 1:38:42 PM MST
To:

Subject: PLNPCM2019-01065 Conditional Use

I have received notice of a proposed project at 1807 South 1900 East. My husband and I have lived at 1831 South 1900 East for nearly 30 years. Neighbors to our South have both built huge garages/lofts over the years, as a result, our view of the mountains is blocked and our privacy in our backyard is compromised. The thought of a two story building being built further diminishes our views (to the North) and looks into our backyard. We purchased this home on a quiet street and over the years my quiet street has become a speeders main drag. Additional traffic and on street parking needs only adds to the feeling of living on a busy street. For these reasons, we, Walt and Gail Phelps, do not support the proposed project.
Sent from my iPad

From: David Morris <
Date: December 24, 2019 at 1:29:27 AM MST
To: **Subject: Accessory Dwelling Unit 1807 south 1900 east SLC, Utah**

Linda and Landon

I am a property owner that lives 2 doors north of the proposed ADU on 1900 east. I live at 1793 south 1900 east had h years. I see no need for the property change at 1807 south. This would add to traffic and car parking; and add to an e Downington Ave. Currently there is much congestion on the corner of Downington and 1900 east and this will add to th into this neighborhood years ago with the appeal of the tree lined streets and the charm of the homes and neighborhood outbuilding, visible from the street would be an eye sore and not fit into the identity of the neighborhood.

I also feel for the the Beckers that live in the home just east of the proposed construction. This is a two story building th their west window will now see a wall of the structure.

Another issue I have is that the property owner already have tenants living in the basement and this will add to the num living, driving automobiles , parking and using the infrastructure of the neighborhood.

Also my neighbor that lives between myself and Susan had asked for her permission to build a fence and was told no t there is a large hedge between their properties and what was wanted was to secure the backyard for their children. Sh request and now wants this large outbuilding visible to all the walk and drive down Downington Ave.

I would hope that you will reconsider the request and help the whole of that community and our property values; instead owner. The Beckers who again live just east of the proposal have been here for 30 or more years, great neighbors and advantage of with this. I think they should have the most say in this given they will have a two story building feet away home.

I would hope you will take this opinion into consideration. I am available and any time to answer additional questions.

Thank you,

Dave Morris
1793 South 1900 East

From: Liz <
Date: January 9, 2020 at 11:47:21 AM EST
To:
Subject: Klinker ADU PLNPCM2019-01065

To all Planning Departments, Staff, Commissioners:

We are writing in regard to the proposed ADU by Susan Klinker at 1807 South 1900 East, PLNPCM2019-01065.

Ms. Klinker already has an ADU in her primary residence. This unit currently uses on street parking.

Our primary residence at 1921 East Downington would be the most negatively impacted home in the neighborhood.

The proposed ADU does nothing to increase our property value, we strongly feel it would most certainly negatively impact our home's worth. We bought our home in 1991 because of the charm of the street. One story homes, consistent side yard setbacks, etc. The proposed unit fails to respect the appearance, scale and use on Downington Avenue. These homes are all one-story frontages, with minimum 20 foot separation from each other. Additionally, all homes were built with bedrooms situated opposite drives, providing buffers to sleeping areas. Kind of an original PUD back in the 1940s! This configuration gives bedrooms approximately 55' from adjacent homes. The ADU proposed would land 14' from our sleeping area. Geez! Additionally, the ADU would be over 30' from Ms. Klinkers sleeping area, with her garage providing buffer to her living areas.

We feel also that the reduction of sunlight, the increase in noise (usual door slamming, dogs barking, AC/heating unit, etc), the increase in smell (BBQ, etc), is unacceptable.

After spending far too much of our time and effort researching this issue, some of our other concerns are as follows:

Definition of ADU: said primary residence ALREADY has an ADU, if it walks like, talks like...

Perhaps a tightening of regulations and further inspection by the Civil Enforcement Officer would be a benefit throughout the city

Proof of minimum 50% ownership of property

Proximity to power poles and lines

Snow shedding onto our property

Corner lot setbacks

Street parking

Pet control

Thank you for your consideration. Mike and Liz Becker

From: Josh Stewart <

Subject: 1807 S 1900 East ADU Website Feedback

We live in downington - our street has become overwhelmingly filled with not only rentals but some on our street are running illegal Airbnb rentals.

As a resident I already have reservations over the lack of permanent residents and the already negative effect on the neighborhood.

I would not have reservations if this unit was like a home for an elderly relative or family member. But to add more rentals in this area would be a detriment to the safety of the children and perceived value of our neighborhood.

ADU: I don't think that property is suited for an ADU. The corner location and side yard as a back yard just does not seem like the ideal property layout. Especially after hearing from her neighbors. That being said, I don't think the city cares and will approve one anyways. So, in that case, I would say the owner focus on the 1 story design as a fair compromise (although I don't know why you'd want to piss off all your neighbors for the sake of a couple of hundred bucks every month). Brandon Hill

Linda/Judi,

Thank you for your prompt responses over the holidays. I did reach out to Julie on the status of the current basement ADU. I have copied her on this email in case there is an update. In reviewing the building plans in preparation for tomorrow's meeting I have some additional questions:

The plans list a second story window that will look down in to my backyard. Will this window be a frosted type or clear pane? It looks like it ties in to a bathroom, so I think the privacy provided by frosted glass would be appreciated on both sides.

On the site plans for backyard coverage, it does not list the current side yard garden shed sitting in the northeast corner. Based on the ADU dimensions proposed, and its absence from the plans, I would assume it is being removed. Can you please verify if this shed is removed as part of the project? It currently serves as a privacy fence between the properties. Its removal would necessitate the building of a new section of fence. Is this included in the plans? I would be happy to provide pictures if that would help, since it is not shown on the plans.

Moreover, there is only a privacy fence for a short section of the property, noted as existing fence in the site plans. I would like to propose that if this permit is approved, that the privacy fence be extended for the duration of the property boundary as part of the conditional use. Since the occupants of the ADU will have full access to the property, I would expect some form of privacy fence would be required to adequately screen and separate the adjoining properties as part of the approval criteria.

Do I need to re-enter all of these comments on the project website, or are you compiling them for review? Thanks, Chris

Judi/Linda,

Thank you for the opportunity to learn more about the ADU project last evening. I have some additional comments from the discussion:

I wanted to provide some additional details around what Susan is referring to as her proposed "green screen." Given that by her own admission there will be multiple renters throughout the main home and also the ADU, it is imperative that the city require a privacy divider between the surrounding properties. Her reliance on landscaping will not be acceptable. In the attached photos, you can see what she referenced as her "green screen" and "beautification" projects during her opening statement. The large trees shown are mostly dead at eye level and tangled up in her electrical service. While the future fire source is not relevant to this project, it does provide some context to her vision of a "green screen." The door shown is where She and her current tenants enter and exit the premises, clearly within full view from my kitchen window and close proximity to my driveway. The unkempt landscaping provides no privacy and the legacy metal fence is only around 2.5 feet tall. It can easily be stepped over by any adult or medium size dog. Given the unchecked amount of unrelated adults, their guests, and pets that will be canvassing the property on a regular basis, this will present a security and privacy risk to my children who frequently ride their bikes up and down the driveway. She confirmed that all tenants will have unrestricted access to her entire property, so I would like to request a privacy fence for the entire length of her north property boundary as part of the conditional use. I hope the city will recognize the need for a privacy barrier as she is clearly going to operate her residence as a multi family high density property with short term temporary residents. This is distinctly different than the single family character of the neighborhood, which is the reason why we moved here.

Additionally, her plan to not place a fence where the garden shed currently sits is completely unacceptable. She has a dog that roams her property and this will become an issue on day 1 of the

project if it is approved. Relying only on landscaping is another safety and security risk to my property, and a major liability for her since it will not prevent her multiple residents, their guests, and pets from roaming into my backyard where my children frequently play.

She seemed non-committal about an opaque window on the back of the second story plan. The detailed plans show this window between a toilet and walk-in shower. How would this be acceptable? I do not want to see her tenants during their bathroom routines, nor do my children. This is another issue created by the two story structure proposal.

An additional plan for a 1 story unit was handed out. Is this also being reviewed now or will that be a separate process? Should we submit comments for that plan also? It is confusing that she is requesting a permit with multiple plans. How will we know which design is actually being proposed and reviewed?

I have heard that the only man supporting ADUs was a former council member, Soren Simonsen, who supports the ADU legislation, does not live in the neighborhood impacted by this project, and has an economic interest as an architect designing these structures. It would appear that this is a conflict of interest and I request his comments be omitted. It is sad that he has to show up to council meetings to be the only supporter for a bad idea.

From the discussion, the property owner kept referencing how none of these plans were what she wanted due to the limitations of a corner lot. It seems that she recognizes that this is not a good application for an ADU, but is trying to force it anyway. With the opposition of all the surrounding homes, I hope the city will recognize that this is not a good use of the ADU concept, especially given that she already operates a de facto ADU out of her basement. By approving this project, the city would be green lighting a multi family triplex in the middle of single family residential neighborhood.

Thanks, Chris Lewe

ADU: I don't think that property is suited for an ADU. The corner location and side yard as a back yard just does not seem like the ideal property layout. Especially after hearing from her neighbors. That being said, I don't think the city cares and will approve one anyways. So, in that case, I would say the owner focus on the 1 story design as a fair compromise (although I don't know why you'd want to piss off all your neighbors for the sake of a couple of hundred bucks every month). Brandon Hill

I was very angry to hear that 2 story ADU's will be allowed. It upsets me even more that renters are not only going to be living in the ADU (comment made that the two story would be more inline with a couple and possibly children) and are intending to use on-street parking not only for renters in the house but also for the ADU. So, with owner, her son, renter in the house, plus possibly two tenants in ADU this could mean up to 5 cars tied to one property which will defiantly clog up the street parking, making it a nightmare on garbage day and for snow plows clearing the roads.

I also thought that ADU's were being allowed to creat affordable housing solutions but all that I keep hearing is that the dwellings are being built to create extra income for the homeowner.

I am going to get with some of my realtor friends to see why they think that ADU's increase property values in the area. I do not think this is true. I have asked around and everyone that I have spoken to said that if they were looking to buy a house that any house with an ADU Nextdoor would be a big "no". Sue Watson

Mitchell, Linda

From: Liz [REDACTED]
Sent: Wednesday, December 18, 2019 2:35 PM
To: Mitchell, Linda; Minnestotaute76@gmail.com
Subject: (EXTERNAL) ADU 1807 South 1900 East PLNPCM2019-01065

Follow Up Flag: Follow up
Flag Status: Flagged

Regarding:
Notice of Application
Conditional Use for a Detached Accessory Dwelling Unit
1807 South 1900 East

As adjacent landowners directly east of proposed ADU, we adamantly oppose approval of, and even consideration for ADU at said address.

Current uses for 1807 S 1900 E already include an accessory unit. This unit contributes to on street parking issues in the neighborhood, especially a problem with snow removal.

The proposed ADU plan of 2 storeys does not conform to city requirements, does not provide minimum 10 foot setbacks, does not provide additional parking, and would be adjacent to our living/sleeping area.

We feel these factors would impact us considerably, both in life style as well as market value. Living quarters and associated noise, parking, odor, etc. for ADU would be closer to our house than to the neighbors multi-dwelling "primary residence" of 1807 South 1900 East.

Thank you.

Liz Josephson and Mike Becker

Sent from my iPad

Mitchell, Linda

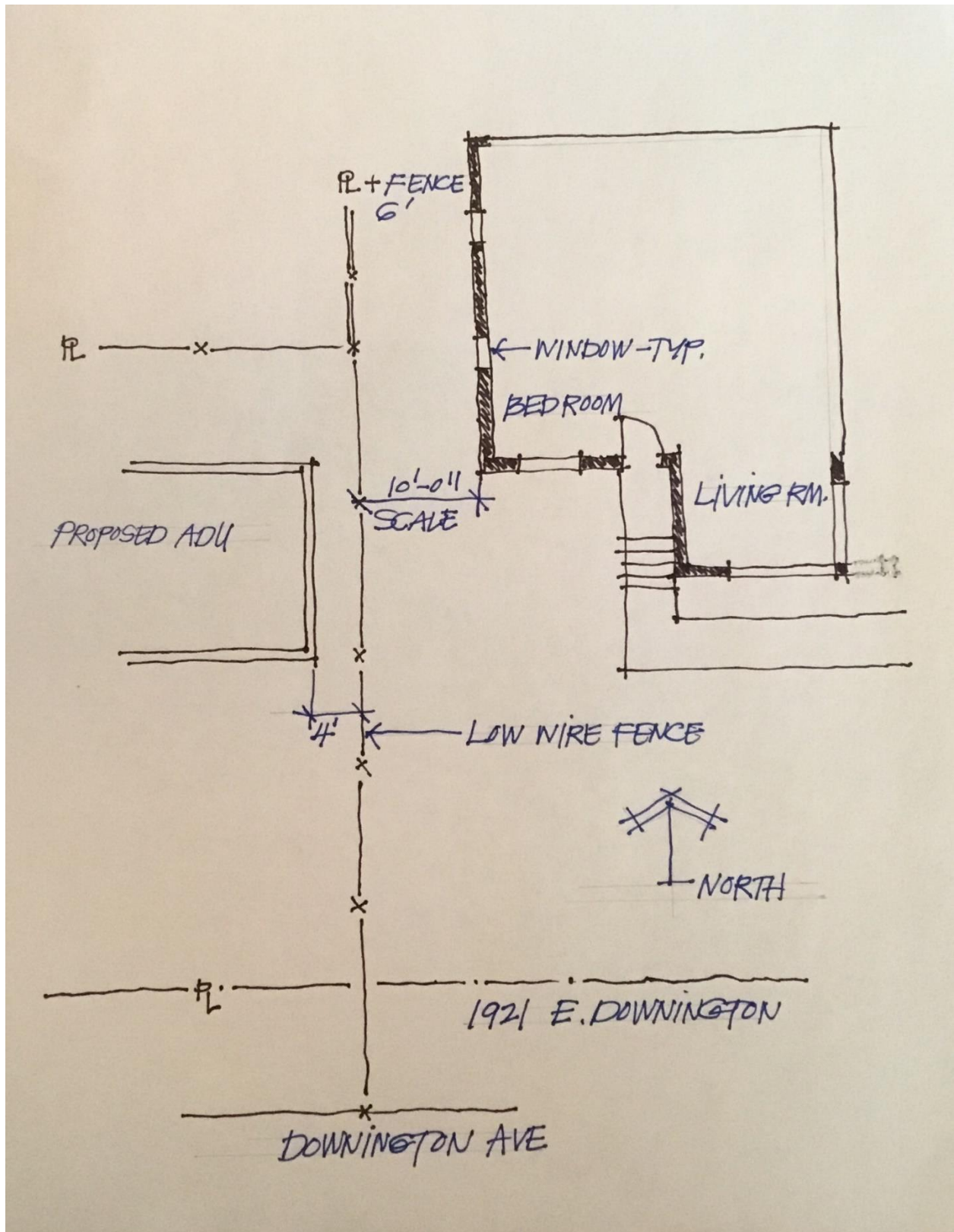
From: Liz [REDACTED]
Sent: Thursday, December 19, 2019 9:46 AM
To: Sugar House CC Chair; Mitchell, Linda
Subject: (EXTERNAL) PLNPCM2019-01065
Attachments: IMG_4028.jpg; ATT00001.txt

Follow Up Flag: Flag for follow up
Flag Status: Completed

Attached is a scale drawing of our residence with proposed ADU at Klinker residence.

We will be unavailable Jan 7 thru 22. Please contact us if we can meet at your office, or here on site.

Thank you



Mitchell, Linda

From: chris l [REDACTED]
Sent: Sunday, December 22, 2019 10:29 PM
To: Sugar House CC Chair; Mitchell, Linda
Subject: (EXTERNAL) ADU Permit Application - PLNPCM2019-01065 Conditional Use - Request for Information

Follow Up Flag: Follow up
Flag Status: Completed

Landon/Linda,

My name is Chris Lewe and I recently received a notice that an adjoining property has requested to construct an Accessory Dwelling Unit. I am the homeowner of 1805 S 1900 E, just north of the 1807 property where Susan Klinker is proposing building a 2 story ADU. You were both listed on the neighborhood notice as being able to provide more information. I have several questions and concerns with the proposal that I have outlined below:

- This homeowner has been renting out her basement for the last 5 years. Looking at the ADU supplemental information on the SLC website, it looks like you can only have 1 ADU per property. I would assume a basement rental with segregated access would qualify as an ADU, so I am curious if that was disclosed in the permit application process. If so, is there a supplemental project to remove the basement apartment? How does the city ensure that she is not subletting multiple ADUs on her property? How many rental units can you have in this zoning district before this would be classified as a commercial business?
- The proposed site plan looks like there will be a secluded patio immediately behind the ADU and adjoining my south property line. I have two young children that frequently play in my back yard. With no ability to vet potential tenants I am worried that this would present a liability with disrespectful occupants. Moreover, the short term nature of rental properties creates an insecurity regarding who will be watching my children as they play.
- I am concerned that the ADU will be used for short term rentals. How will the city prevent this from becoming an AirBnB or VRBO? This is a quiet family neighborhood and not conducive to the rotating caravan of party goers that these rentals attract. While the homeowner does live on the property, she frequently travels and there is no confidence that she would be present to police such behavior.
- The proposed site plan lists this as a two story ADU, even though the main home on the property and all other adjoining homes in the neighborhood are single story. How is this suitable for the neighborhood? Shouldn't the main home, at a minimum be a two story, before proposing to build a two story ADU adjacent to the home?
- The letter mentioned a city council meeting to review the matter, when and where is that planned to occur?

Thank you for your consideration on the above concerns. I moved my family here specifically for the residential family neighborhood. While I understand the drive for additional housing, approving this project would only provide an economic benefit for the homeowner while asking the surrounding neighborhood to bear all of the negative external costs. To be a viable community, the city should be supporting its young family residents. Adding single rental units to established residential plots will only continue to entice young families like ours to move to the surrounding suburbs. There are plenty of blighted urban areas in the city that could benefit from renewal through additional apartment units. The city should not be looking to supplant its current thriving single family areas with rental units to address a perceived housing crisis. I look forward to hearing from you.

Thanks,

Chris Lewe
[REDACTED]

Mitchell, Linda

From: David Morris [REDACTED]
Sent: Tuesday, December 24, 2019 1:29 AM
To: Sugar House CC Chair; Mitchell, Linda
Subject: (EXTERNAL) Accessory Dwelling Unit 1807 south 1900 east SLC, Utah

Follow Up Flag: Follow up
Flag Status: Completed

Linda and Landon

I am a property owner that lives 2 doors north of the proposed ADU on 1900 east. I live at 1793 south 1900 east and have for over 24 years. I see no need for the property change at 1807 south. This would add to traffic and car parking; and add to an existing problem on Downington Ave. Currently there is much congestion on the corner of Downington and 1900 east and this will add to the problem. I bought into this neighborhood years ago with the appeal of the tree lined streets and the charm of the homes and neighborhood. This outbuilding, visible from the street would be an eyesore and not fit into the identity of the neighborhood.

I also feel for the Beckers that live in the home just east of the proposed construction. This is a two story building and as they look out of their west window will now see a wall of the structure.

Another issue I have is that the property owner already has tenants living in the basement and this will add to the number of individuals living, driving automobiles, parking and using the infrastructure of the neighborhood.

Also my neighbor that lives between myself and Susan had asked for her permission to build a fence and was told no to a fence. Currently there is a large hedge between their properties and what was wanted was to secure the backyard for their children. She said no to that request and now wants this large outbuilding visible to all the walk and drive down Downington Ave.

I would hope that you will reconsider the request and help the whole of that community and our property values; instead of ONE property owner. The Beckers who again live just east of the proposal have been here for 30 or more years, great neighbors and I feel will be taken advantage of with this. I think they should have the most say in this given they will have a two story building feet away from their existing home.

I would hope you will take this opinion into consideration. I am available any time to answer additional questions.

Thank you,

Dave Morris
1793 South 1900 East
Salt Lake City, Utah 84108
[REDACTED]

Mitchell, Linda

From: Cathy Nelson [REDACTED]
Sent: Thursday, December 26, 2019 11:17 AM
To: Mitchell, Linda
Subject: (EXTERNAL) ADU Application

Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Mitchell I am Cathy Nelson a neighbor of Susan Klinker. I reside at 1922 E. Downingtown Ave. I am responding to the request from Ms. Klinker to have an ADU constructed at 1807 South 1900 East. My home is across the street at 1922 E. Downingtown Ave. I strongly object to having this project go forward.

I feel that it doesn't fit with the size of our existing homes and will destroy the view of the area. Having the new dwelling will also cause more parking of vehicles on my street.

Sincerely, Cathy Nelson

Mitchell, Linda

From: chris l [REDACTED]
Sent: Sunday, January 12, 2020 10:30 PM
To: Mitchell, Linda
Cc: Judi Short; Sugar House CC Chair; Lepore, Julie
Subject: Re: (EXTERNAL) Re: ADU Permit Application - PLNPCM2019-01065 Conditional Use - Request for Information

Linda/Judi,

Thank you for your prompt responses over the holidays. I did reach out to Julie on the status of the current basement ADU. I have copied her on this email in case there is an update. In reviewing the building plans in preparation for tomorrow's meeting I have some additional questions:

The plans list a second story window that will look down in to my backyard. Will this window be a frosted type or clear pane? It looks like it ties in to a bathroom, so I think the privacy provided by frosted glass would be appreciated on both sides.

On the site plans for backyard coverage, it does not list the current side yard garden shed sitting in the northeast corner. Based on the ADU dimensions proposed, and its absence from the plans, I would assume it is being removed. Can you please verify if this shed is removed as part of the project? It currently serves as a privacy fence between the properties. Its removal would necessitate the building of a new section of fence. Is this included in the plans? I would be happy to provide pictures if that would help, since it is not shown on the plans.

Moreover, there is only a privacy fence for a short section of the property, noted as existing fence in the site plans. I would like to propose that if this permit is approved, that the privacy fence be extended for the duration of the property boundary as part of the conditional use. Since the occupants of the ADU will have full access to the property, I would expect some form of privacy fence would be required to adequately screen and separate the adjoining properties as part of the approval criteria.

Do I need to re-enter all of these comments on the project website, or are you compiling them for review?

Thanks,

Chris

Mitchell, Linda

From: Liz [REDACTED]
Sent: Tuesday, January 14, 2020 12:21 PM
To: Mitchell, Linda
Subject: (EXTERNAL) Re: Upcoming Community Council Meeting - Klinker Accessory Dwelling Unit (ADU) - January 13th at 6:00 PM

Follow Up Flag: Follow up
Flag Status: Flagged

DRAFT

We have spoken with some neighbors who were present at last night's meeting regarding the Klinker ADU. Having had previous commitments we were unable to attend. Are there minutes from meeting available please?

The commentary relayed to us is that ALL effected neighbors are strongly opposed. The only positive comment was stated by Mr. Sorensen. What is his stake in this issue? Again, we feel STRONGLY that this proposal would negatively impact us.

Negatively impacts the value of our home
Negatively impact appearance and scale of neighborhood
Negatively impacts parking
Negatively impacts sunlight
Negatively impacts noise
Negatively impacts odor
Negatively impacts life

Would be too close without sprinkled fire system




Would require us to install air conditioning system (approx. \$15,000) to drown noise etc.

WE are SO OPPOSED to proposal. Not suitable for location, not needed to satisfy owner's need as this has never been a basis of good planning, disruptive to neighborhood, not mandated to provide anything but a market unit, etc., etc., etc.

Ms. Klinker already has an ADU, period. If this "roommate" could be further defined for us, as this "roommate" has a separate lockable entrance, separate kitchen, etc. wondering if this "roommate" freely (without doors) opens their space to Ms. Klinker and her children. Our opinion, it's bit of a game Ms. Klinker plays with definitions and doors.

Sincerely,
Liz and Mike Becker

Sent from my iPad

Subject	Re: (EXTERNAL) Re: ADU Permit Application - PLNPCM2019-01065 Conditional Use - Request for Information
From	chris.l
To	Judi Short
Cc	Mitchell, Linda; Sugar House CC Chair
Sent	Tuesday, January 14, 2020 9:25 PM
Attachments	  

Judi/Linda,

Thank you for the opportunity to learn more about the ADU project last evening. I have some additional comments from the discussion:

I wanted to provide some additional details around what Susan is referring to as her proposed "green screen." Given that by her own admission there will be multiple renters throughout the main home and also the ADU, it is imperative that the city require a privacy divider between the surrounding properties. Her reliance on landscaping will not be acceptable. In the attached photos, you can see what she referenced as her "green screen" and "beautification" projects during her opening statement. The large trees shown are mostly dead at eye level and tangled up in her electrical service. While the future fire source is not relevant to this project, it does provide some context to her vision of a "green screen." The door shown is where She and her current tenants enter and exit the premises, clearly within full view from my kitchen window and close proximity to my driveway. The unkempt landscaping provides no privacy and the legacy metal fence is only around 2.5 feet tall. It can easily be stepped over by any adult or medium size dog. Given the unchecked amount of unrelated adults, their guests, and pets that will be canvassing the property on a regular basis, this will present a security and privacy risk to my children who frequently ride their bikes up and down the driveway. She confirmed that all tenants will have unrestricted access to her entire property, so I would like to request a privacy fence for the entire length of her north property boundary as part of the conditional use. I hope the city will recognize the need for a privacy barrier as she is clearly going to operate her residence as a multi family high density property with short term temporary residents. This is distinctly different than the single family character of the neighborhood, which is the reason why we moved here.

Additionally, her plan to not place a fence where the garden shed currently sits is completely unacceptable. She has a dog that roams her property and this will become an issue on day 1 of the project if it is approved. Relying only on landscaping is another safety and security risk to my property, and a major liability for her since it will not prevent her multiple residents, their guests, and pets from roaming into my backyard where my children frequently play.

She seemed non-committal about an opaque window on the back of the second story plan. The detailed plans show this window between a toilet and walk-in shower. How would this be acceptable? I do not want to see her tenants during their bathroom routines, nor do my children. This is another issue created by the two story structure proposal.

An additional plan for a 1 story unit was handed out. Is this also being reviewed now or will that be a separate process? Should we submit comments for that plan also? It is confusing that she is requesting a permit with multiple plans. How will we know which design is actually being proposed and reviewed?

I have heard that the only man supporting ADUs was a former council member, Soren Simonsen, who supports the ADU legislation, does not live in the neighborhood impacted by this project, and has an economic interest as an architect designing these structures. It would appear that this is a conflict of interest and I request his comments be omitted. It is sad that he has to show up to council meetings to be the only supporter for a bad idea.

From the discussion, the property owner kept referencing how none of these plans were what she wanted due to the

limitations of a corner lot. It seems that she recognizes that this is not a good application for an ADU, but is trying to force it anyway. With the opposition of all the surrounding homes, I hope the city will recognize that this is not a good use of the ADU concept, especially given that she already operates a de facto ADU out of her basement. By approving this project, the city would be green lighting a multi family triplex in the middle of single family residential neighborhood.

Thanks,

Chris Lewe



2/03/2020

Linda,

Just a quick note in response to Susan Klinker's two (2) story ADU that she plans to build in her back/side yard.

Susan has been a good neighbor and always tries to maintain her yard and home, but I was a little dismayed to get the letter informing me she intended to build a two story ADU in her back yard. I am against a two-story building as it would change the look, feel and character of the neighborhood, not to mention the increase of traffic on our small side street as well as increased parking. (Which is already an issue on Downington) Then we will have the construction vehicles causing issues too! If she wants to have rentals, she might look into purchasing a duplex in another area of town and not trying to commercialize our nice neighborhood.

Thank you for your time in this matter And letting me express my opinion.

Gene Moss

1819 South 1900 East

Salt Lake City Utah 84108

Mitchell, Linda

From: Barbara Thurgood [REDACTED]
Sent: Tuesday, February 11, 2020 4:14 PM
To: minnesotante76@gmail.com; Mitchell, Linda
Subject: (EXTERNAL) Proposed ADU at 1807 South 1900 East, PLNPCM 2019-01065

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Clark and Ms. Mitchell - I write this email to share my concerns about the proposed Accessory Dwelling Unit at the above referenced address. This block of Downington Avenue is a single home neighborhood and people purchased their homes (at great expense) in this area to enjoy the benefits of a single home neighborhood. I am adamantly opposed to the proposed ADU. What if everyone on the street put up an ADU? The already problematic street parking issue would be impossible. Increased traffic, etc. on this small street would be unbearable. The people to the East of the ADU dwelling won't have the privacy that they paid for when they purchased their home. SLC has an abundance of rental units and apartments that need to be filled. Hopefully this particular ADU request will be rejected. Thank you for your time and consideration.

Barbara W. Thurgood

[REDACTED]



ATTACHMENT I: DEPARTMENT REVIEW COMMENTS

Building (William Warlick at william.warlick@slcgov.com or 801-535-7292)

No comments.

Engineering (Scott Weiler at scott.weiler@slcgov.com or 801-535-6159)

No comments.

Fire (Doug Bateman at douglas.bateman@slcgov.com)

1. Fire hydrants shall be located to within 600-feet of all first story exterior portions of the building. Provide the location and distances of existing or proposed fire hydrants.

Public Utilities (Jason Draper at jason.draper@slcgov.com or 801-483-6751)

1. A public Utilities Development Permit will be required for this. A Complete site utility plan must be submitted for review.
2. A new sewer lateral will be required for the ADU and should be connected to the sewer in Downingtown Ave.
The ADU must be connected to the main residential water service.
3. This area is subject to seasonal flooding – especially high intensity summer storms. French drains may be overwhelmed in this condition. It is recommended to not have access or openings below grade to avoid flooding of the lower level.

Transportation (Michael Barry at michael.barry@slcgov.com or 801-535-7147)

One additional parking space is required for the ADU. On street parking can be used for the ADU along the frontage of the property.

Zoning (Kevin Hamilton at kevin.hamilton@slcgov.com or 801-535-7120)

1. South elevation shows 2 doors, floor plan shows 1. East (rear yard) setback is 4' because it is an entirely new building under 17' in height and no windows are proposed.
2. Square footage of footprint of existing dwelling is needed to determine coverage allowance.