



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Krissy Gilmore, Senior Planner, kristina.gilmore@slcgov.com or 801-535-7780
Date: December 8, 2021
Re: PLNPCM2021-00533 – *Detached Accessory Dwelling Unit*

Conditional Use

PROPERTY ADDRESS: 1849 East 1300 South
PARCEL ID: 16-09-478-020-0000
MASTER PLAN: East Bench – Neighborhood Node
ZONING DISTRICT: R-1/5,000 Single-Family Residential and the Yalecrest Compatible Infill Overlay Zone

REQUEST: Clayton Morgan, property owner, is requesting Conditional Use approval to build an Accessory Dwelling Unit (ADU) over a detached garage at the above listed address. The ADU would measure approximately 416 square feet in size and 22 feet in height. The property is zoned R-1/5,000 Single-Family Residential, which requires Conditional Use approval for the construction of an ADU.

RECOMMENDATION: Planning Staff finds the project generally meets the applicable standards of approval. Therefore, recommends the Planning Commission approve the Conditional Use for the ADU with the following conditions:

1. The rebuild and replacement of the existing garage is subject to meeting the rebuild requirements of 21A.38.050: Noncomplying Structures and all other applicable zoning standards.

ATTACHMENTS:

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

PROJECT DESCRIPTION:

This petition for a Conditional Use is for a new ADU over a detached 2-car garage located at approximately 1849 E 1300 S. There is currently a detached garage on site that will be rebuilt at the existing footprint (subject to meeting the rebuild requirements of 21A.38.050: Noncomplying Structures and other applicable zoning standards) but is now proposed to have the addition of the ADU above.

Size, Coverage, and Height

The ADU is approximately 416 square feet and cantilevers over the garage which has a floor area of 459 square feet. The total footprint of both the garage and ADU together would be approximately 566 square feet. The structure has a pitched roof measured approximately 22 feet in height.

Building Entrance and Access

The ADU entrance is accessed inside the garage. The garage doors face the rear façade of the principal structure. The pedestrian access would go through the driveway from 1300 South.



Aerial Photo of Subject Property

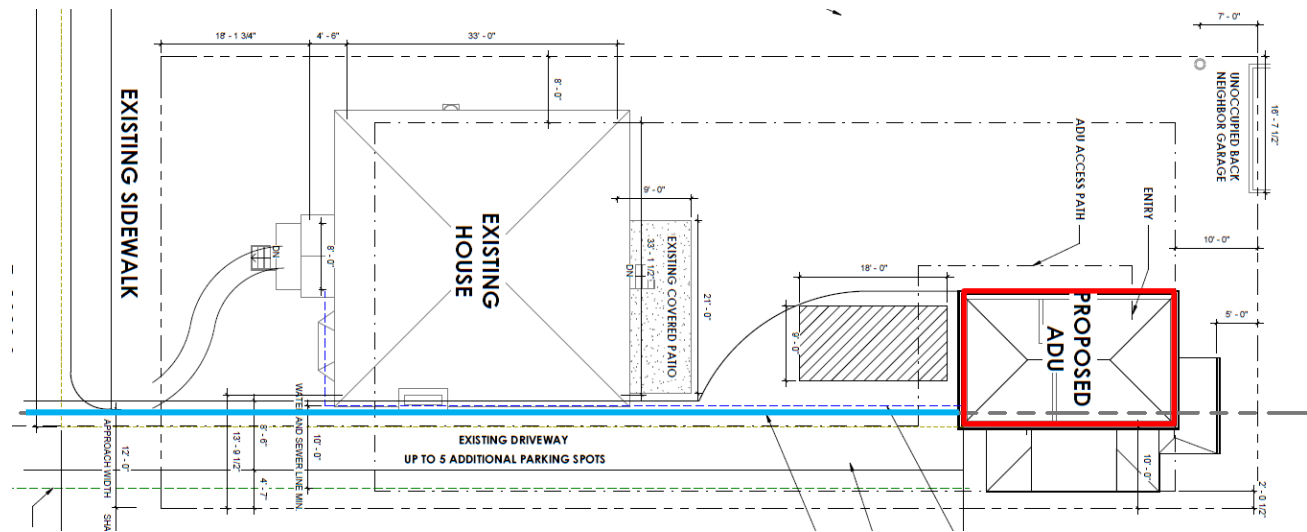


Figure 1. Site Plan

 Proposed ADU
 Pedestrian Walkway



Windows

All windows within 10' of the property line will be obscured.

Parking

The parking for the existing house is accommodated by two (2) off-street parking spaces in the existing detached garage. The garage is proposed to be rebuilt at the existing footprint and will continue to accommodate the primary dwelling parking. The ADU would utilize a space in front of the garage. Additional parking is also available in the driveway.

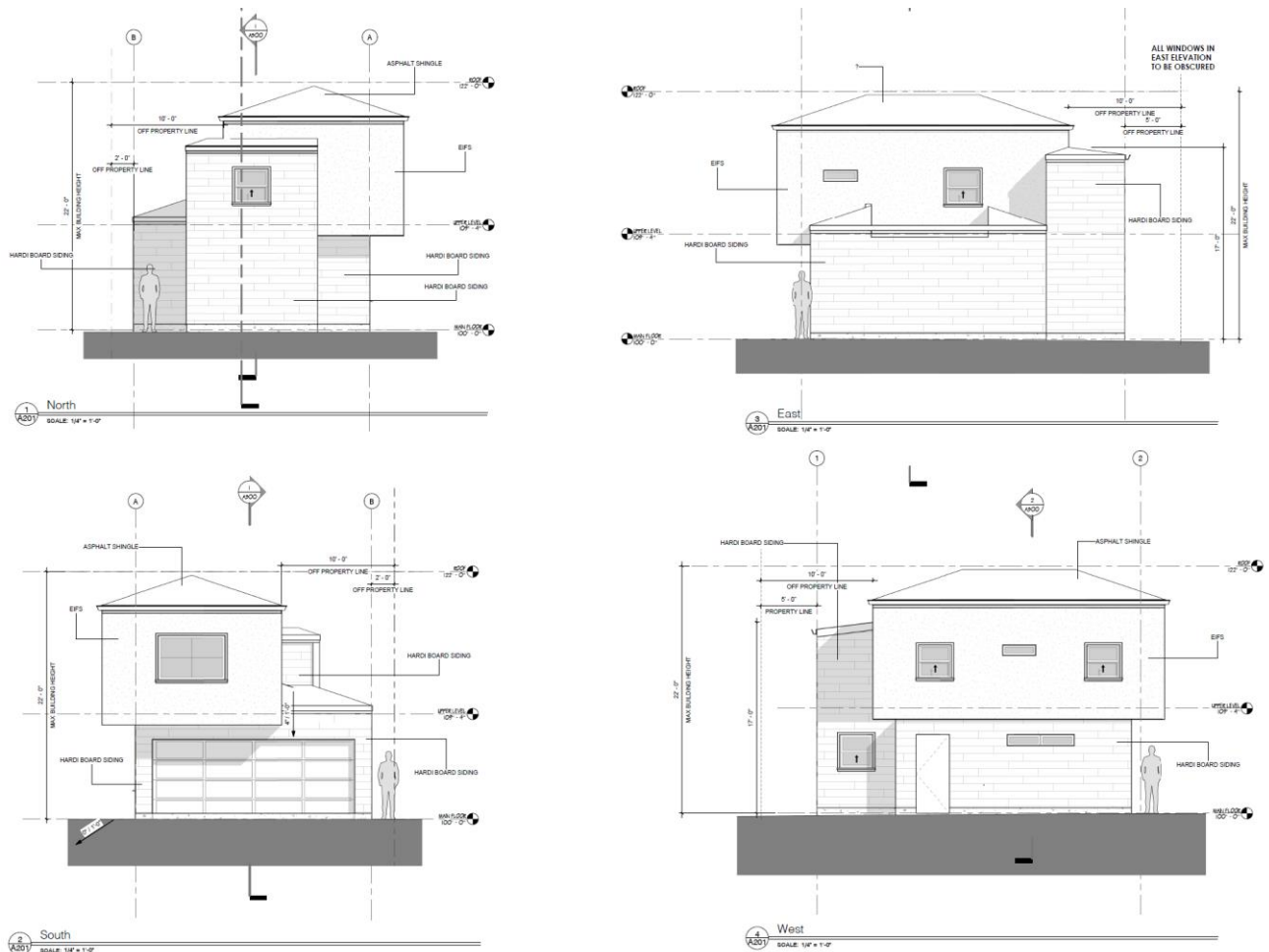


Figure 2. ADU and Garage Elevations

KEY CONSIDERATIONS:

1. Yalecrest Compatible Infill Overlay Zone & Structure Height

The proposed ADU is located within the Yalecrest Compatible Infill Overlay Zone (YCI). While the overlay zone has stricter accessory building zoning requirements than the ADU ordinance, ADU's are not subject to the YCI accessory building requirements due to the specific language in the ADU ordinance bolded below. While the YCI speaks to conflicts between the YCI and the underlying zoning district, and that the stricter YCI standards would prevail, it does not speak to other sections of the code, such as the ADU ordinance. Meaning the ADU standards are found in a different chapter of the code and the YCI standards are not applicable.

*ADU Ordinance 21A.40.200.E.3.a. Bulk Requirements: Shall comply with all applicable general yard, bulk, and height limitations found in section [21A.40.050](#) of this chapter and any accessory building regulation found in the underlying zoning district or any applicable overlay zoning district **unless otherwise regulated by this section.***

Therefore, the proposed ADU may be equal to the height of the single-family dwelling on site, up to a maximum of 24'. In this case, the single-family dwelling is 22' and the ADU is also proposed at 22'. The ADU must be setback 10' from the side and rear property lines, which is why the ADU is cantilevered, as the applicant intends to keep the existing footprint of the garage.

2. Parking Location

The Zoning Ordinance requires one (1) parking space for an ADU. The required parking space may be located on the property or on the street, if legal on-street parking space is available in the front of the property. In this case, the proposed parking for the ADU will be located onsite in front of the garage.

3. Housing Goals

The proposed ADU is consistent with the goals and policies outlined within The Growing SLC Housing Plan. One of the goals outlined in the Housing Plan includes increasing housing options. Accessory dwelling units provide and promote diverse housing stock through providing additional units, while minimizing neighborhood impacts. The proposed ADU is in line with the goals established within the Housing Plan. Housing goals are also addressed under Standard 3 within [Attachment E](#).

4. East Bench Master Plan

The proposed ADU is consistent with the following Residential Land Use Goals/Policies ([Attachment E](#)) included in the East Bench Master Plan:

- Development and infrastructure improvements create friendly, safe, and welcoming neighborhoods that encourage interaction through all stages of life;
- Provide a diverse mix of housing choices for all stages of life and income ranges;

While the plan does speak briefly to accessory dwelling units and prefers for them to be located within the primary dwelling, accessory dwelling units support the city's goals and policies by increasing housing options and providing a diverse housing stock through additional small dwelling unit that create only minimal impacts to the neighborhood.

PLANNING COMMISSION REVIEW:

The property is zoned R-1/5,000 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 D](#) and [Attachment E](#).

NEXT STEPS:

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.

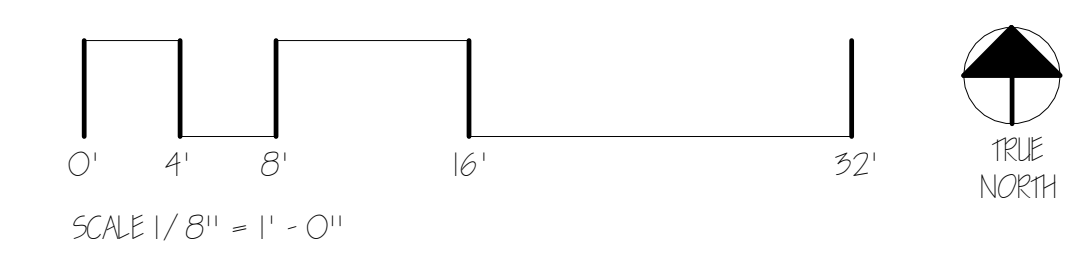
Denial of Conditional Use

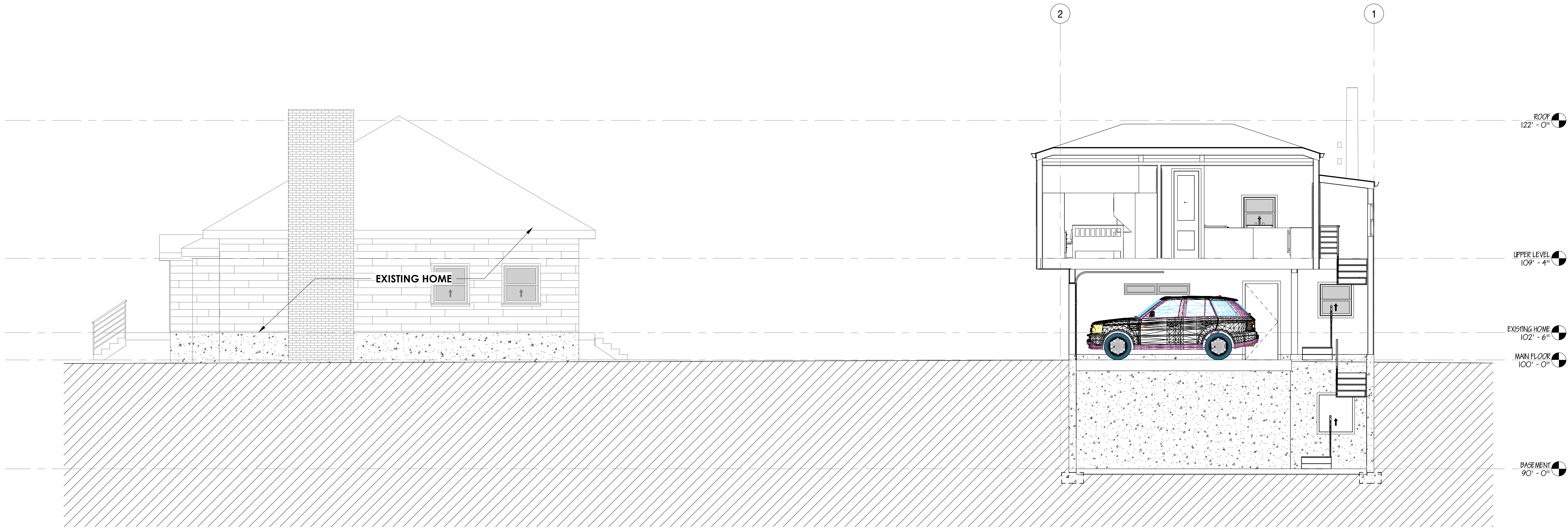
State and City code require that a Conditional Use be approved if reasonable conditions can be imposed on the use to mitigate any reasonably anticipated detrimental effects of the use. A Conditional Use can only be denied if the Planning Commission finds that reasonably anticipated detrimental effects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

If denied, the applicant would not be permitted to construct an ADU.

ATTACHMENT B: PLANS

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1
A002

SITE SECTION

SCALE: 3/16" = 1'-0"

PROGRESS SET

PRINTED DATE

11/5/2021 10:59:55 AM

LAYTON DAVIS
ARCHITECTS

2005 EAST 2700 | SOUTH SUITE 200
SALT LAKE CITY, UTAH 84109
P.801.487.0715 | F.801.487.0716

MORGAN GARAGE

1849 E. 1300 S.
SLC, UT 84108

CHRONOLOGY

PROJECT NO.

20.191

DWN BY / CHK BY

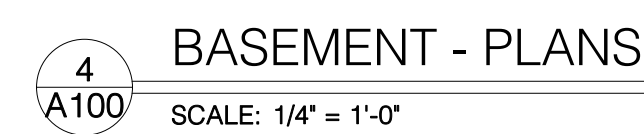
RSM/JLD

TITLE

SITE SECTION

24X36 SHEET #

A002



**NOTE: EXISTING BUILDING
FOOTPRINT TO REMAIN**

PROGRESS SET

PRINTED DATE
11/5/2021 10:59:57 AM

LAYTON DAVIS
ARCHITECTS

22005 EAST 2700 | SOUTH SUITE 200
SALT LAKE CITY, UTAH 84109
P: 801.487.0715 | F: 801.487.0716

MORGAN GARAGE

1849 E. 1300 S.
SLC, UT 84108

CHRONOLOGY

PROJECT NO.

20.191

DWN BY / CHK BY

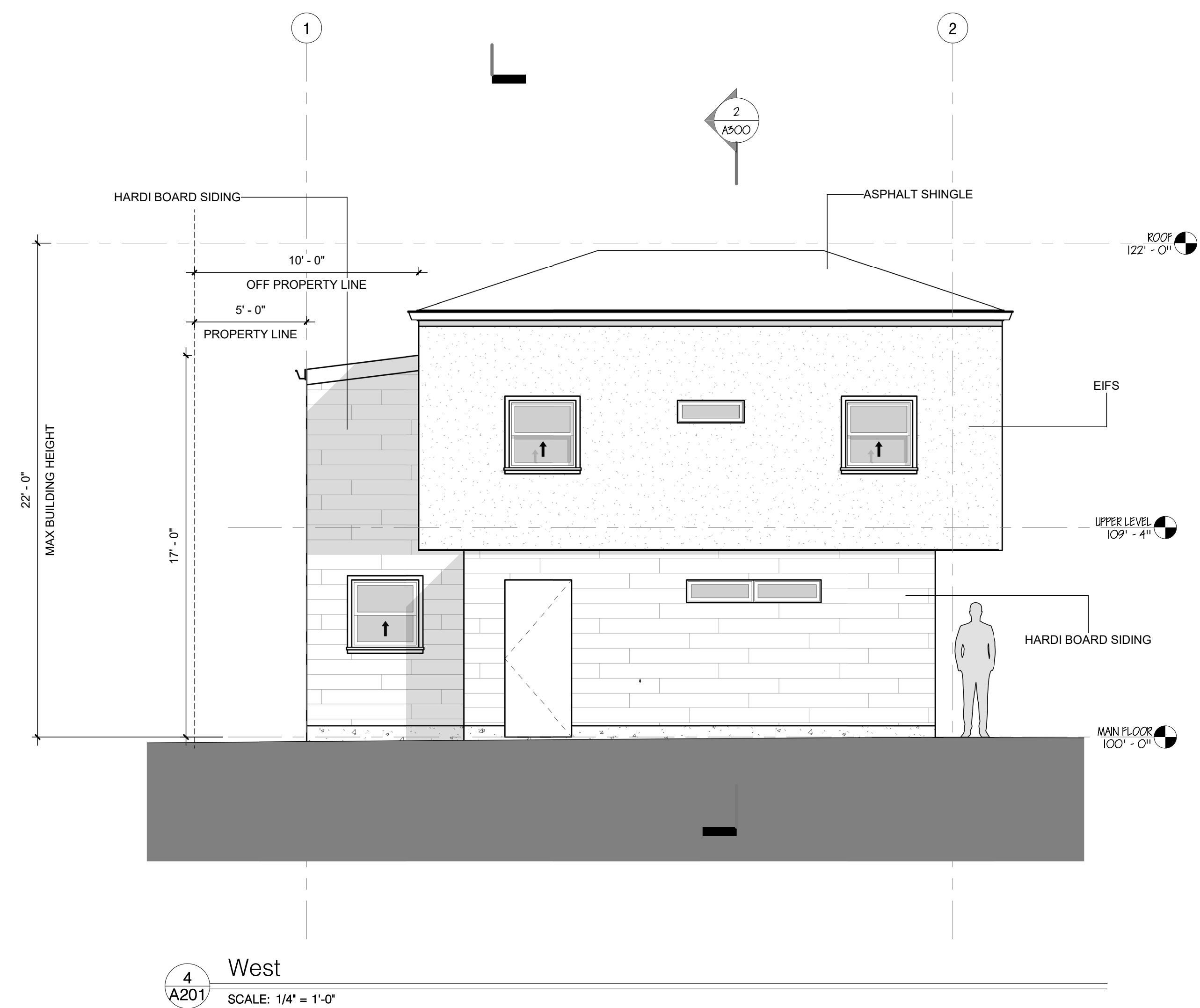
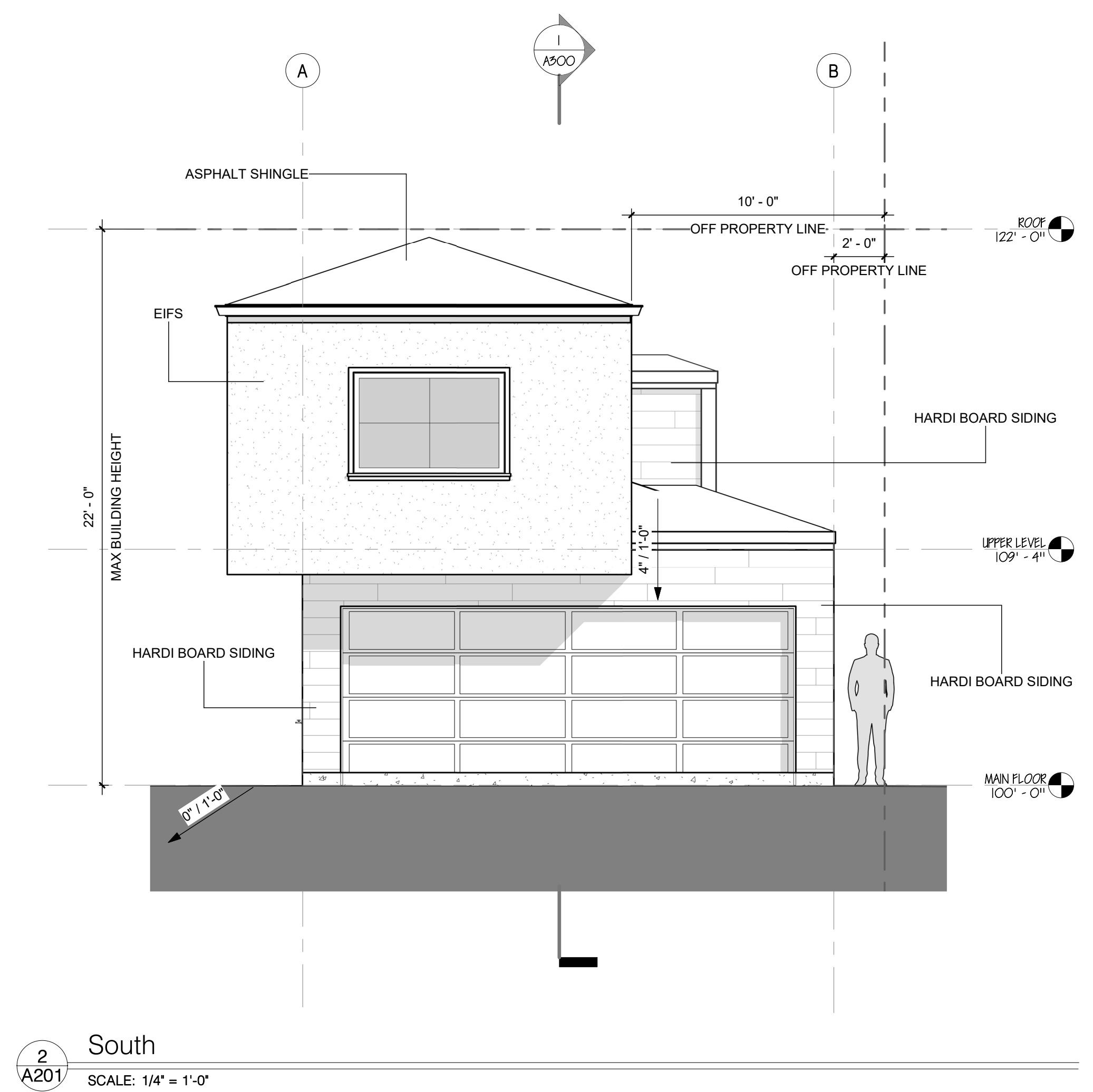
MB/JLD

TITLE

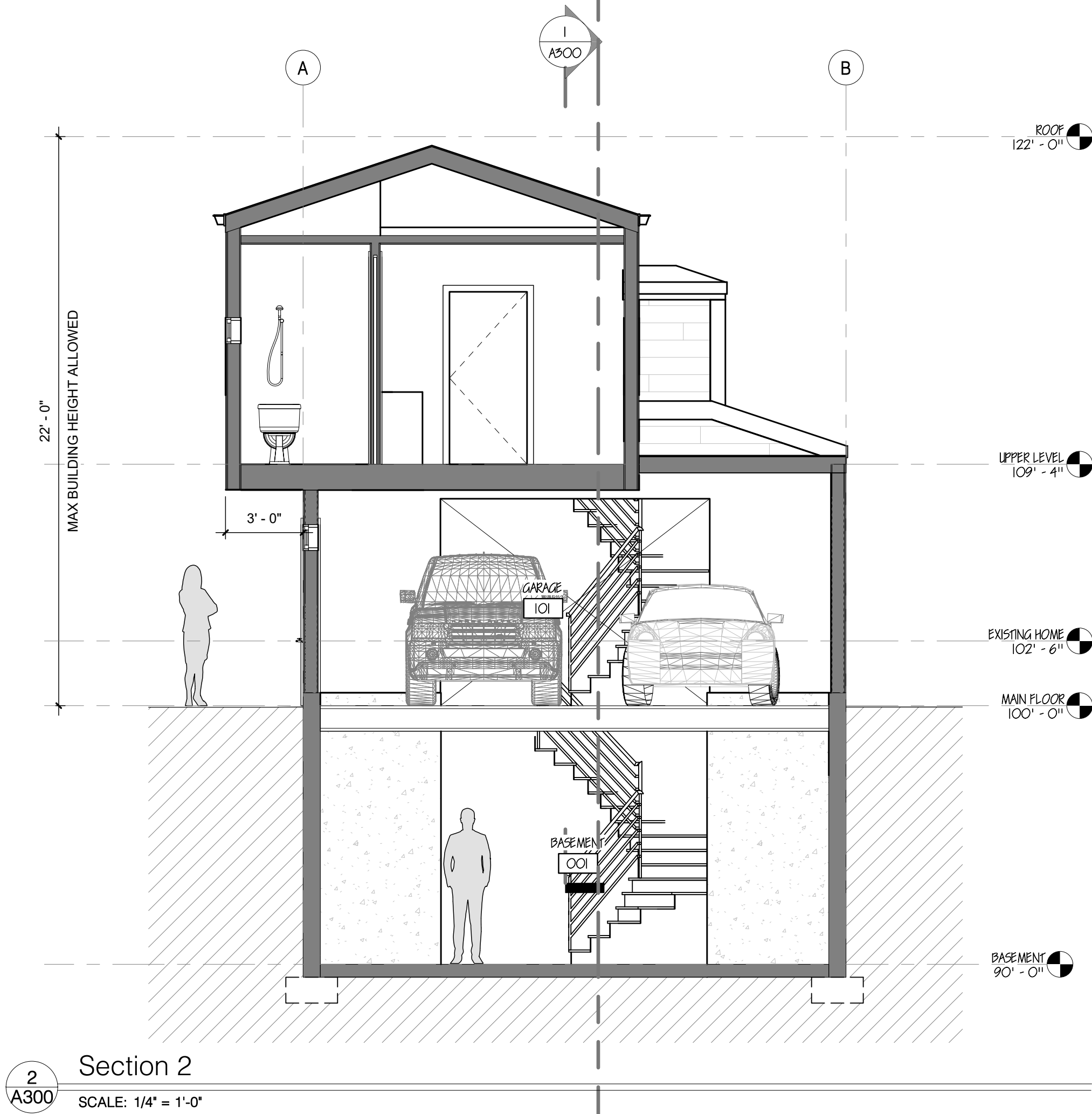
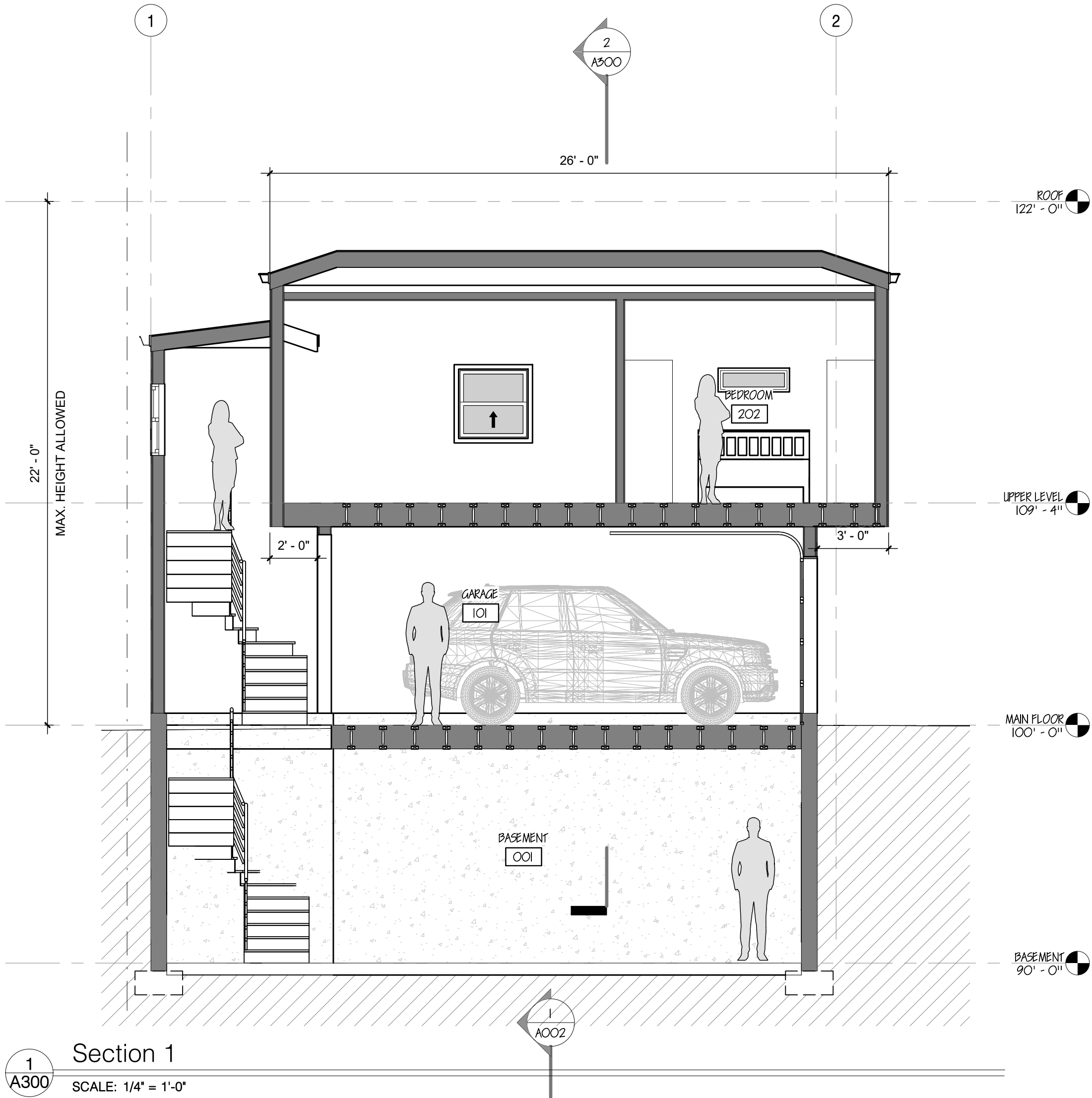
ARCHITECTURAL
PLANS

24X36 SHEET #

A100



A201



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PROGRESS SET

PRINTED DATE
11/5/2021 11:00:22 AM

LAYTONDAVIS

A R C H I T E C T S

2005 EAST 2700 | SOUTH SUITE 200
SALT LAKE CITY, UTAH 84109
P.801.487.0715 | F.801.487.0716

MORGAN GARAGE

1849 E. 1300 S.
SLC, UT 84108

CHRONOLOGY

PROJECT NO.
20.191

DWN BY / CHK BY
MB/JLD

TITLE
BUILDING
SECTIONS

24X36 SHEET #
A300

ATTACHMENT C: SITE VISIT PHOTOGRAPHS



Top Left:
Primary dwelling



Top Right:
Adjacent home to the east



Bottom Left:
Existing accessory structure looking east



Bottom Middle:
View of accessory structure from street



Bottom Right:
Existing accessory structure

ATTACHMENT D: ANALYSIS OF STANDARDS - ACCESSORY DWELLING UNITS

21A.40.200: Accessory Dwelling Units

Standard	Proposed	Findings
Size <i>A [detached] 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 1,131 SF. Fifty percent (50%) of principal dwelling equals approximately 566 SF. Proposed ADU is approximately 416 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 6,874 SF. Forty percent (40%) of the lot is approximately 2,749 SF. Primary Dwelling: 1,131 SF Garage & ADU: 566 SF Total Coverage: 1,697 SF The surface coverage of all principal and accessory buildings (including the proposed ADU) is approximately 24% of the lot. Rear yard area: 3,705 SF Garage w/ADU: 566 SF Yard Coverage: 15%	Complies
Building Height <i>Exception: If the single family dwelling on the property is over seventeen feet (17') in height, an accessory building containing an accessory dwelling unit may be equal to the height of the single family dwelling up to a maximum building height of twenty four feet (24') for an accessory building with a pitched roof or twenty feet (20') for an accessory building with a flat roof provided the accessory building is set back a minimum of ten feet (10') from a side or rear property line. The setback for additional height may be reduced to four feet (4') if the side or rear lot line is adjacent to an alley.</i>	The height of primary dwelling is approximately 22' . The ADU over the detached garage is proposed to be 22' .	Complies
Side or Rear Yard Setbacks <i>A second story addition to an existing accessory building is permitted provided the second story has a minimum setback of ten feet (10') from a side or rear property line and the second story addition</i>	Side [East] Lot Line: 10 feet Existing Rear [North] Lot Line: 10 feet	Complies

<i>complies with all applicable regulations for accessory dwelling units located on a second floor of a detached accessory building. If the side or rear lot line is adjacent to an alley, the setback may be reduced to four feet (4').</i>		
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>The proposed ADU is approximately 40 feet from the principal dwelling on the same parcel.</p> <p>The nearest single-family dwelling on an adjacent property is more than 10' from the ADU.</p>	Complies
Entrance Locations <i>The entrance to an ADU in an accessory building shall be located:</i> <ol 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 located within the garage.</p>	Complies
Requirement for Windows <i>Windows on an accessory building containing an ADU shall comply with the following standards:</i> <ol 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</i> 	<p>All windows within 10' of a property line will be obscured or glazed. The windows are similar dimension and design as the windows found on the principal structure.</p>	Complies

<p><i>within ten feet (10') of a side or rear property line unless the side or rear property line is adjacent to an alley.</i></p> <p><i>(3) Except as required in subsection E3g(1) of this section, windows shall maintain a similar dimension and design as the windows found on the principal structure.</i></p>		
<p>Parking <i>An accessory dwelling unit shall require a minimum of one on-site parking space. If the property has an existing driveway, the driveway area located between the property line with an adjacent street and a legally located off-street parking area can satisfy the parking requirement if the parking requirement for the principal use is complied with and the driveway area has a space that is at least twenty feet (20') deep by eight feet (8') wide. The parking may be waived if:</i></p> <p><i>(1) Legally located on street parking is available along the street frontage of the subject property;</i></p>	<p>The principal dwelling has two (2) off-street parking spaces in the detached 2-car garage with access from 1300 South.</p> <p>The proposal would provide one (1) onsite parking space in front of the garage.</p>	<p>Complies</p>

ATTACHMENT E: 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-1/5,000 zoning district, which allows for an ADU to be approved through the conditional use process, subject to meeting the specific regulations for an ADU in section 21A.40.200 of the zoning ordinance. As analyzed in [Attachment D](#), the ADU complies with the requirements of 21A.40.200.

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

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

Analysis: The proposed ADU use is a small residential unit that should be readily compatible with surrounding uses, which are all single-family homes. The proposed ADU meets all the requirements in terms of setbacks and separation requirements between adjacent houses and the principal dwelling on the property.

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

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

Analysis: The proposal is located in a neighborhood node as established by the East Bench 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-1/5,000 Single-Family Residential.

The purpose of accessory dwelling units is 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 goals/policies included in the East Bench Master Plan:

- Development and infrastructure improvements create friendly, safe, and welcoming neighborhoods that encourage interaction through all stages of life;
- Provide a diverse mix of housing choices for all stages of life and income ranges;

Additionally, the East Bench Master Plan incorporates the **Salt Lake City Community Housing Plan** by reference, which supports new, compatible residential development to support the City's housing goals. The proposal is also consistent with the goals and policies outlined in **Growing SLC: A Five Year Housing Plan** which aims to increase housing options, promote diverse housing stock, and allow for additional units while minimizing neighborhood impacts.

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

4. The anticipated detrimental effects of a proposed use can be mitigated by the imposition of reasonable conditions (refer to Detrimental 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;	Complies	The proposed ADU is an accessory residential use and is allowed as a conditional use within the R-1/5,000 zoning district. The proposed ADU complies with all specific regulations for an ADU including size, height, setbacks, distance to other houses, etc. as outlined in Attachment D .
2. The use is consistent with applicable policies set forth in adopted citywide, community, and small area master plans and future land use maps;	Complies	The uses are located in an area zoned and designated by the associated master plan for low density residential. This land use designation allows moderate sized lots (i.e., 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.

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	The ADU is proposed at 22', which is taller than general accessory structures allowed in the Yalecrest Compatible Overlay Zone (15' height limit), but is at the same height as the primary dwelling on the subject property and below the maximum height allowed for primary dwellings (27.5 height limit). The scale of the proposal is compatible with the principal dwelling on the property as well as surrounding structures. The second story is also setback 10' from the property lines. Therefore, the proposal would have minimal impacts to the existing neighborhood characteristic. Please see Key Consideration 1 for more details.
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 proposed ADU would utilize one parking spot in front of the detached garage. The use of the existing on-street parking on 1300 South is not anticipated to increase direct vehicular traffic onto major streets or impede traffic flow.
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 accessible from 1300 South. 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. There is a path from the proposed ADU through the driveway leading out to 1300 South.
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	Off-street parking complies with the applicable standards.
10. Utility capacity is sufficient to support the use at normal service levels;	Complies	The Public Utilities department did not have any comments on the project.
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 appear to be single family residences. There is an existing fence along the rear property line that would provide screening from the adjacent property.
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 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 complies with the criteria listed above.

ATTACHMENT F: PUBLIC PROCESS AND COMMENTS

Public Meetings:

- Yalecrest Community Council meeting on October 14, 2021. The Yalecrest Community Council has not provided meeting notes or a letter at published date of this staff report. The Community Council did indicate concerns with the height of the structure. If a letter is received prior to the public hearing it will be forwarded to the Planning Commission.

Public Notice:

- Early notice of application mailed on July 21, 2021
- Public hearing notice mailed on November 23, 2021
- Public hearing sign posted on the property November 24, 2021

Public Comments:

As of the publication of this Staff Report, Staff has received several comment regarding the proposal (attached). The comments are primarily concerned with the height of the structure and overall compatibility.

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

From: [LYNN Pershing](#)
To: [Gilmore, Kristina](#)
Subject: Re: (EXTERNAL) Case number PLNPCM2021-00533
Date: Tuesday, November 30, 2021 9:12:38 AM

Kristina

Here are the photos.

Thank you for the notice. If these don't come through, I'll send directly to you another way.

Please confirm you have received

Lynn



Sent from my iPhone

On Nov 30, 2021, at 8:48 AM, LYNN Pershing [REDACTED] > wrote:

Here you go.

On Tue, Nov 30, 2021 at 8:13 AM Gilmore, Kristina
<Kristina.Gilmore@slcgov.com> wrote:

Lynn,

Thank you for your comments. Can you please resend the photos? They are not loading for some reason.

Thank you,

KRISSY GILMORE, AICP

Senior Planner

Planning Division

DEPARTMENT of COMMUNITY and NEIGHBORHOODS

SALT LAKE CITY CORPORATION

TEL 801-535-7780

From: LYNN Pershing [REDACTED]
Sent: Monday, November 29, 2021 5:07 PM
To: Gilmore, Kristina <Kristina.Gilmore@slcgov.com>
Subject: Re: (EXTERNAL) Case number PLNPCM2021-00533

Kristina

Below are photos of the principal dwelling structure on the proposed ADU /garage.

Note that the house has a hipped roof and the height of the side walls is much less than 22'. A garage/2nd story ADU with a 22' height on that site is clearly an incompatible design. Other houses on the street face are similar in design and height. Coty code clearly states that the ADU should be Inferior in height to the principal housing structure. The effective side wall height is much less than 22'.

The proposed structure, as currently configured, would stick out like a "silo" and

would overwhelm the principal structure as well as the streetface. It is clearly incompatible.

In addition the current garage is a single car garage. A 2 car garage with a footprint of 400us sf AND a second story ADU would DWARF the principal structure in mass and scale. This is clearly incompatible

Surely the City does not encourage such building to compromise abutting neighbors properties. The word "Compatible" now has a definition in the City Code. I strongly encourage the City to use it here.

Please include this statement in the public record

Thank you

Lynn K Pershingi



On Mon, Nov 29, 2021 at 1:54 PM LYNN Pershing <[REDACTED]> wrote:

Yes please include this string of emails in the public record

Lynn

On Mon, Nov 29, 2021 at 9:40 AM Gilmore, Kristina
<Kristina.Gilmore@slcgov.com> wrote:

Lynn,

Civil Enforcement is generally complaint based, so someone would need to let Civil Enforcement know of the violation. Thank you for your point on

the ADU needing to be inferior. I'm not sure if we have interpreted it as stories vs height, but I see what you are saying. I'll look into it.

Would you like this string of emails to be included in the public record as well?

Thank you,

KRISSY GILMORE, AICP

Senior Planner

Planning Division

DEPARTMENT of COMMUNITY and NEIGHBORHOODS

SALT LAKE CITY CORPORATION

TEL 801-535-7780

"Disclaimer: The Planning Division strives to give the best customer service possible and to respond to questions as accurately as possible based upon the information provided. However, answers given at the counter and/or prior to application are not binding and they are not a substitute for formal Final Action, which may only occur in response to a complete application to the Planning Division. Those relying on verbal input or preliminary written feedback do so at their own risk and do not vest any property with development rights."

From: LYNN Pershing <[REDACTED]>
Sent: Monday, November 29, 2021 9:20 AM
To: Gilmore, Kristina <Kristina.Gilmore@slcgov.com>
Subject: Re: (EXTERNAL) Case number PLNPCM2021-00533

Hello Kristina

Thanks for your clarification.

-How does the City become aware of the need for Civil enforcement?

-The code provided clearly states that the ADU must be inferior to the principal structure in height. The house height is 22', so the ADU height must be less than 22'. From the code and your experience on approved ADUs of 22' or higher, would dictate that the principal dwelling structure (house) be 2 stories of greater than 22' That is NOT the case in the proposed ADU scenario

I remain opposed to the proposed ADU and must be mitigated in height

Lynn K Pershing

Yalecrest

On Mon, Nov 29, 2021 at 9:10 AM Gilmore, Kristina
<Kristina.Gilmore@slcgov.com> wrote:

Lynn,

Please see my responses below.

Thank you,

KRISSY GILMORE, AICP

Senior Planner

Planning Division

DEPARTMENT of COMMUNITY and NEIGHBORHOODS

TEL 801-535-7780

From: LYNN Pershing [REDACTED]
Sent: Monday, November 29, 2021 8:53 AM
To: Gilmore, Kristina <Kristina.Gilmore@slcgov.com>
Subject: Re: (EXTERNAL) Case number PLNPCM2021-00533

Thank you for the clarification. Could you also please clarify

-What is the height of the house?

-22'

-What additional buildings on a property are considered "accessory" in SLC Code (non dwelling and dwelling)?

- The definition in section 21A.62.40 is as follows:
ACCESSORY BUILDING OR STRUCTURE: A subordinate building or structure, located on the same lot with the main building, occupied by or devoted to an accessory use. When an accessory building or structure is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.

-how many approved ADUs with 22' heights exist in the City?

- I do not know the answer, as we do not track each ADU and its height. ADUs can be up to 24' in height depending on the height of the primary dwelling and I know several second story ADUs have been approved.

-how does the City prevent use of an ADU as short term rental such as an AirBnB or VRBO?

- This is done through Civil Enforcement. If the owner is operating the ADU as a short term rental they would be subject to enforcement, which would include fines and revoking their Conditional Use permit if they do not come into compliance.

I remain OPPOSED to the height of the proposed ADU and must be

mitigated to a lower height

Lynn K Pershing

Yalecrest

On Mon, Nov 29, 2021 at 8:33 AM Gilmore, Kristina
<Kristina.Gilmore@slcgov.com> wrote:

Lynn,

Thank you for your comments. I have saved them as part of the public record for the project. The height at the ridge of the roof of the house is 22'. After discussing with the Zoning Administrator and the City Attorney's Office, it was determined that while the overlay zone has stricter accessory building zoning requirements than the ADU ordinance, ADU's are not subject to the YCI accessory building requirements due to the specific language in the ADU ordinance bolded below. While the YCI speaks to conflicts between the YCI and the underlying zoning district, and that the stricter YCI standards would prevail, it does not speak to other sections of the code, such as the ADU ordinance. Meaning the ADU standards are found in a different chapter of the code the YCI standards are not applicable.

*21A.40.200.E.3.a. Bulk Requirements: Shall comply with all applicable general yard, bulk, and height limitations found in section [21A.40.050](#) of this chapter and any accessory building regulation found in the underlying zoning district or any applicable overlay zoning district **unless otherwise regulated by this section.***

Please let me know if you have any questions.

Thank you,

KRISSY GILMORE, AICP

Senior Planner

Planning Division

DEPARTMENT of COMMUNITY and NEIGHBORHOODS

SALT LAKE CITY CORPORATION

TEL 801-535-7780

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From: LYNN Pershing [REDACTED]
Sent: Tuesday, November 23, 2021 4:33 PM
To: Gilmore, Kristina <Kristina.Gilmore@slcgov.com>
Subject: (EXTERNAL) Case number PLNPCM2021-00533

I am in stalwart opposition to 22' ft height ADU on a second floor of a garage in the proposed conditional use submission.

The Yalecrest Compatible Infill Overlay which supersedes the ADU ordinance in SLC states the height of a garage is limited to 15'. And is currently Interpreted as the height at the ridge line.

The garage with ADU should always be inferior in height to the main house structure. What is the height at the roof ridge of the house?

Lynn K Pershing

Pres

KEEPYalecrest

--

Lynn K. Pershing, Ph.D.

From: [Jan Hemming](#)
To: [Gilmore, Kristina](#)
Subject: (EXTERNAL) Fwd: NEWS: Yalecrest Overlay has no authority over ADUs
Date: Monday, November 29, 2021 11:27:53 AM
Attachments: [ADU_MORGAN_211105_20.191.pdf](#)

Krissy: There was a lot of discussion back and forth with members of KEEP Yalecrest this morning after receiving your email. We disagree with the legal interpretation that the City Attorney and Zoning Administrator have rendered in this case. We believe the YIO trumps the ADU — even citing the section code you forwarded to us. We intend to explain this in more detail before the December 8 hearing before the Planning Commission.

Respectfully,

Janet (Jan) Hemming
Chair
Yalecrest Neighborhood Council
Vice-President
KEEP Yalecrest

From: "Gilmore, Kristina" <Kristina.Gilmore@slcgov.com>
Subject: RE: (EXTERNAL) Fwd: ADU 1300 S
Date: November 29, 2021 at 8:26:57 AM MST
To: Jan Hemming [REDACTED]

Hi Jan,

Attached is the updated plan set. The biggest change is that the applicant was required to set the ADU portion of the structure 10' back from the property line. The garage was allowed to stay at the existing footprint. The size of the ADU is also slightly smaller.

One thing to note -- A concern was raised that the ADU couldn't be 22' in height because it is located in the Yalecrest Compatible Infill Overlay Zone. After discussing with the Zoning Administrator and the City Attorney's Office, it was determined that while the overlay zone has stricter accessory building zoning requirements than the ADU ordinance, ADU's are not subject to the YCI accessory building requirements due to the specific language in the ADU ordinance bolded below. While the YCI speaks to conflicts between the YCI and the underlying zoning district, and that the stricter YCI standards would prevail, it does not speak to other sections of the code, such as the ADU ordinance. Meaning the ADU standards are found in a different chapter of the code the YCI standards are not applicable.

21A.40.200.E.3.a. Bulk Requirements: Shall comply with all applicable general yard, bulk, and height limitations

found in section [21A.40.050](#) of this chapter and any accessory building regulation found in the underlying zoning district or any applicable overlay zoning district **unless otherwise regulated by this section.**

Please let me know if you have any questions.

Thank you,

KRISSY GILMORE, AICP

Senior Planner
Planning Division

DEPARTMENT of COMMUNITY and NEIGHBORHOODS
SALT LAKE CITY CORPORATION

TEL 801-535-7780

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From: Jan Hemming <[REDACTED]>

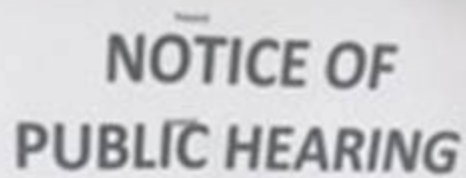
Sent: Friday, November 26, 2021 12:20 PM

To: Gilmore, Kristina <Kristina.Gilmore@slcgov.com>

Subject: (EXTERNAL) Fwd: ADU 1300 S

Krissy: A neighbor took a photo of this "Notice of Public Hearing" about the ADU proposed for 1849 East 1300 South — within the Yalecrest Neighborhood boundaries. Are there any new updates or plans? The YNC was briefed on the matter in October, but we haven't heard anything since then. Originally, the owner planned a basement with the ADU reaching 22 feet high. We just want to see if anything has changed. How do we review the proposal? Is there a link?

Janet (Jan) Hemming
Chair
Yalecrest Neighborhood Council



1849 E 1300 S

CASE NUMBER FLNPCM2021-00533

[illegible]

Available in the following formats:

• **Hardcover** - \$19.95 (US) / \$24.95 (CAN) / \$29.95 (UK) / \$34.95 (AUS) / \$39.95 (NZ) / \$44.95 (IN) / \$49.95 (JP) / \$54.95 (KR) / \$59.95 (TW) / \$64.95 (HK) / \$69.95 (SG) / \$74.95 (TH) / \$79.95 (VN) / \$84.95 (PH) / \$89.95 (MY) / \$94.95 (ID) / \$99.95 (AU) / \$104.95 (NZ) / \$109.95 (IN) / \$114.95 (JP) / \$119.95 (KR) / \$124.95 (TW) / \$129.95 (HK) / \$134.95 (SG) / \$139.95 (TH) / \$144.95 (VN) / \$149.95 (PH) / \$154.95 (MY) / \$159.95 (ID) / \$164.95 (AU) / \$169.95 (NZ) / \$174.95 (IN) / \$179.95 (JP) / \$184.95 (KR) / \$189.95 (TW) / \$194.95 (HK) / \$199.95 (SG) / \$204.95 (TH) / \$209.95 (VN) / \$214.95 (PH) / \$219.95 (MY) / \$224.95 (ID) / \$229.95 (AU) / \$234.95 (NZ) / \$239.95 (IN) / \$244.95 (JP) / \$249.95 (KR) / \$254.95 (TW) / \$259.95 (HK) / \$264.95 (SG) / \$269.95 (TH) / \$274.95 (VN) / \$279.95 (PH) / \$284.95 (MY) / \$289.95 (ID) / \$294.95 (AU) / \$299.95 (NZ) / \$304.95 (IN) / \$309.95 (JP) / \$314.95 (KR) / \$319.95 (TW) / \$324.95 (HK) / 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... ..

Sent from my iPhone

From: [REDACTED]
To: [Gilmore, Kristina](#)
Subject: (EXTERNAL) Case #: PLNPCM2021-00533
Date: Wednesday, August 4, 2021 1:21:25 PM

Hi Krissy -

Thanks for taking my call earlier. The only real concern I have with Clayton Morgan's ADU is the potential for parking issues. It has been rumored among my neighbors that we may be at risk of losing parking on one side of our street due to the "Livable Streets" initiative by the city.

I live in the immediate vicinity of Mr. Morgan so my concern is that if his ADU introduces 2 more cars to his lot, and he already has 2-4 continuously parked on and around his property, how will these additional cars influence available street parking? In the notice it states that he is planning a 2-car garage with an additional 5 spaces on his driveway. Although that may be true, how likely is it that all 7 cars will be parked only in the garage and driveway? It's not unfathomable that with his 4-bedroom home and ADU unit, he could easily have a need to park 5+ cars. If parking is taken away by the city, it's generally understood that we'll all have to share the new limitation regardless of which side loses their parking. Right now, we typically have about 7 cars park on the street between Mr. Morgan and all of his neighbors within a 1-house perimeter from him.

If possible, I don't want to be recognized with this concern as I'm not specifically attacking Mr. Morgan's request and don't want to cause a rift with my neighbor. I just want the concern to be addressed that if his permit is granted in addition to Livable Streets taking 50% of the street parking away, we're all going to be negatively impacted by that.

Thank you.

--

[REDACTED]

[REDACTED]

ATTACHMENT G: DEPARTMENT REVIEW COMMENTS

Building (Steven Collett at steven.collett@slcgov.com or 801-535-7289)

The building can be built. However, a full code review/ will be required and some changes made to the building. Engineered plans will have to be submitted. Building will need to conform to adopted codes and our design criteria. Applicant would have to apply for permits. The project would not be any different at this location than it would in other locations in the city.

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

I don't see any problem from a parking perspective. They have an existing driveway which should accommodate the parking requirement and tandem parking is allowed for single (and two) family homes. Please let me know if you have any questions.