



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for Conditional Use Permit CUP 2016-01 approval for an accessory apartment attached to a single family dwelling, located at 6429 E 1900 N, Eden.

Decision Type: Administrative

Agenda Date: Tuesday, January 26, 2016

Applicant: Derek Pontius

File Number: CUP 2016-01

Property Information

Approximate Address: 6429 E 1900 N, Eden UT.

Project Area: 3.0 acres

Zoning: Agricultural Valley Zone AV-3

Existing Land Use: Residence

Proposed Land Use: Residence

Parcel ID: 20-054-0005

Township, Range, Section: T6N, R1E, Section 1

Adjacent Land Use

North: Residential	South: Pineview/ Shoreline
East: Residential	West: Residential

Staff Information

Report Presenter: Ben Hatfield
bhatfield@co.weber.ut.us
801-399-8766

Report Reviewer: JG

Applicable Ordinances

- Weber County Land Use Code Title 104 Zones Chapter 6 Agricultural Valley Zone (AV-3)
- Weber County Land Use Code Title 104 Zones Chapter 10 Shoreline Zone (S-1)
- Weber County Land Use Code Title 108 Standards Chapter 4 (Conditional Uses)
- Weber County Land Use Code Title 108 Standards Chapter 19 (Accessory Apartments)

Background

The applicant is requesting approval of a Conditional Use Permit CUP 2015-23 for an accessory apartment attached to an existing single family dwelling. The home and property is currently in the Agricultural Valley (AV-3) and Shoreline (S-1) Zone, and located at 6429 E 1900 N Eden, UT. An accessory apartment is permitted as a conditional use in any zone in which single family dwellings are allowed.

The newly constructed home on the 3.0 acre property was designed and built so as it could comply with the zoning standards regarding accessory apartments. The 800 square foot, 2 bedroom apartment is located on half of the second story of the home. Exhibit B contains the site and house plans which highlight the apartment portion of the home. The applicant in Exhibit C has provided a narrative demonstrating the applications compliance to the standards of the code.

The home is serviced by Eden Water and a private septic system which anticipated the bedrooms of the apartment.

Conditional Use: The proposed apartment is attached to an existing single family dwelling. Adequate additional parking is available on this property. Any potential harmful effects of the apartment have been addressed and mitigated.

Summary of Planning Commission Considerations

Is the project layout and building design consistent with applicable Weber County Ordinances?

Conformance to the General Plan

This site plan conforms to the General Plan by meeting the outline of permitted land uses of the zone in which it is located; all of the applicable requirements of Land Use Codes have been met.

Conditions of Approval

- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Building Inspection Division
- Requirements of the Weber Fire District
- Requirements of the Weber Morgan Health Department

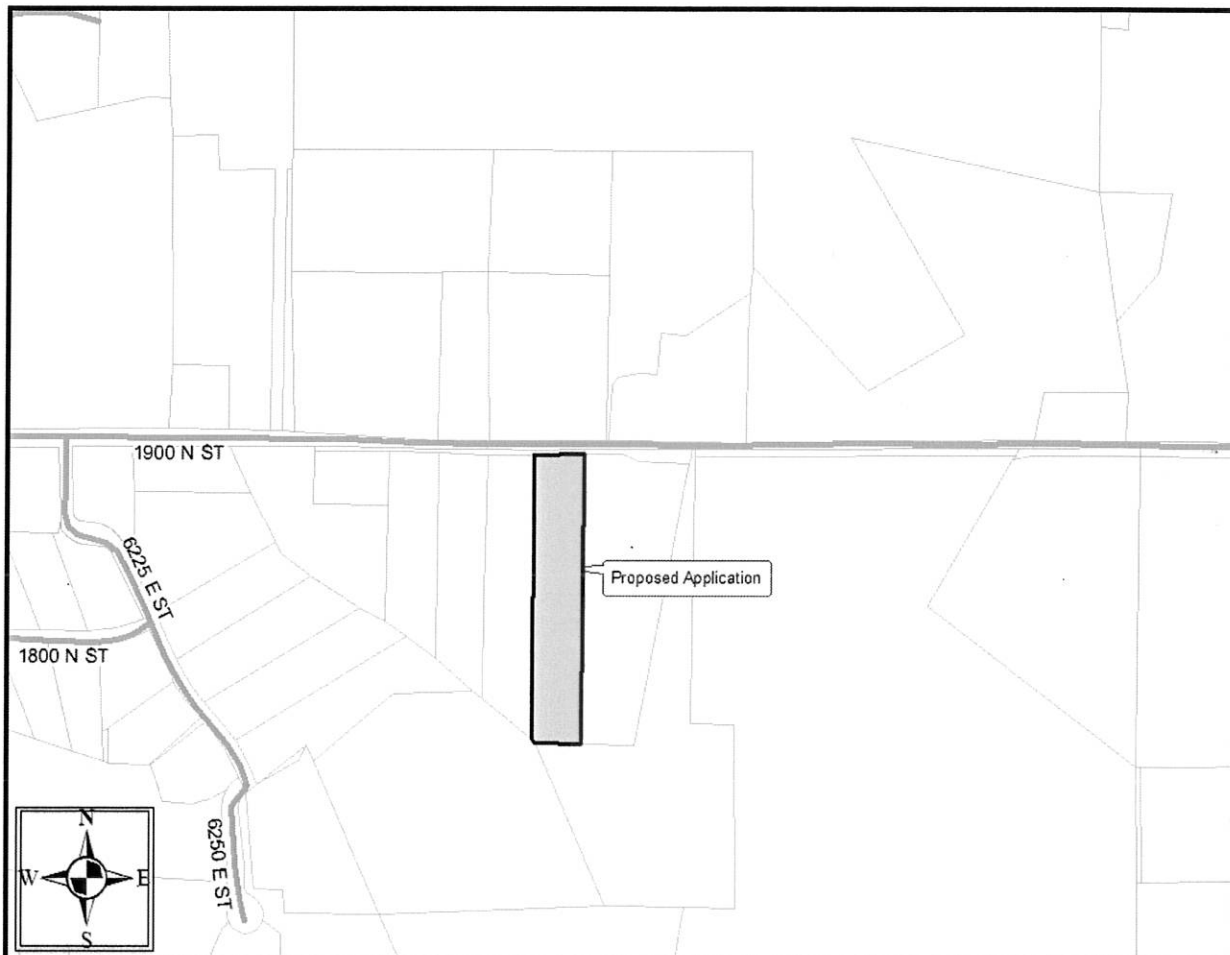
Staff Recommendation

Staff recommends approval of this conditional use application for an accessory apartment attached to a single family dwelling. The recommendation is subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is based on the following findings:

- The proposed accessory apartment is permitted as a conditional use in any zone in which single family dwellings are allowed, and meets the applicable code standards.
- The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished.

Exhibits

- A. Application
- B. Site and house plans
- C. Narrative of code compliance



Weber County Conditional Use Permit Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted / Completed 1/7/2016	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
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Property Owner Contact Information

Name of Property Owner(s) Derek Pontius & Sarah Renee Pontius		Mailing Address of Property Owner(s) PO BOX 1022 Eden, UT 84310	
Phone 801-829-7122	Fax		
Email Address (required) derek@pontius.us		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s)		Mailing Address of Authorized Person	
Phone	Fax		
Email Address		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Property Information

Project Name Pontius Accessory Apartment	Total Acreage 3.0	Current Zoning AV-3
Approximate Address 6429 E 1900 N Eden, UT 84310	Land Serial Number(s) 200540005	

Proposed Use
Accessory Apartment attached to Primary Residence

Project Narrative
We have constructed a home on the parcel that includes an accessory apartment. We are filing for a conditional use permit so that the apartment can be rented out as an accessory apartment.

Exhibit A-1

Basis for Issuance of Conditional Use Permit

Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise. There are no anticipated impacts.

That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use. Yes, the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards.

The home is new construction, and has been reviewed by Weber county Engineering, Building Inspection, Environmental Health and Planning.

The septic system, approved by Environmental Health, that is installed for the residence has been sized for 7 bedrooms, which accounts for the 5 bedrooms in the home + 2 bedrooms in the accessory apartment.

Exhibit A-2

Property Owner Affidavit

I (We), Derek Pontius + Sarah Renee Pontius depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

[Signature]
(Property Owner)

[Signature]
(Property Owner)

Subscribed and sworn to me this 7th day of January, 20 16

(Notary)

Authorized Representative Affidavit

I (We), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

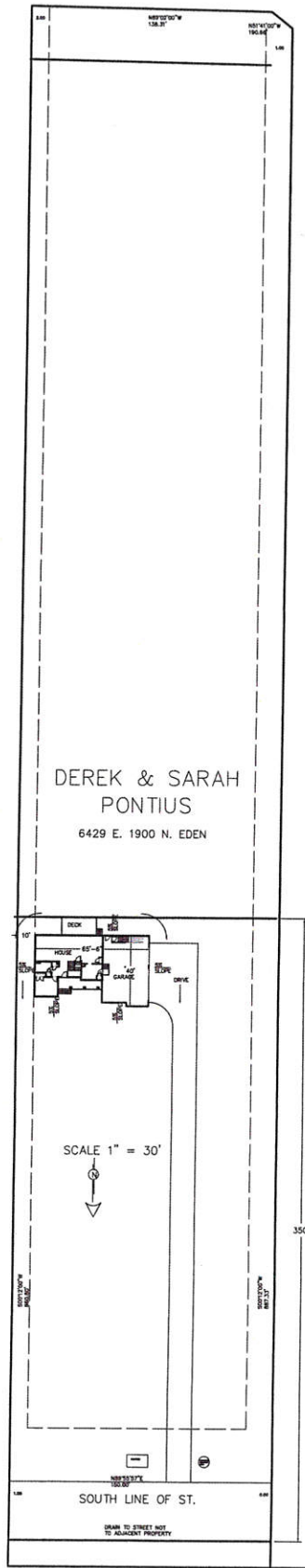
(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20 _____, personally appeared before me _____, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

(Notary)

Exhibit A-3



ALL STOP WATER AND DIRT WILL BE KEPT ON THE DRAINAGE CONSTRUCTION WILL BE RESPONSIBLE FOR KEEPING DRIVEWAY ON THE DRAINAGE AND FOR CLEANING UP AFTER SUBCONTRACTORS

THE GRADE AWAY FROM FOUNDATION WALLS SHALL FALL A MINIMUM OF 6 INCHES WITHIN THE FIRST 10 FEET SEE PAR. 2

STREET CURBS AND GUTTERS WILL BE REPAIRED AND CLEANED OF ALL MUD AND DIRT AT THE END OF EVERY DAY

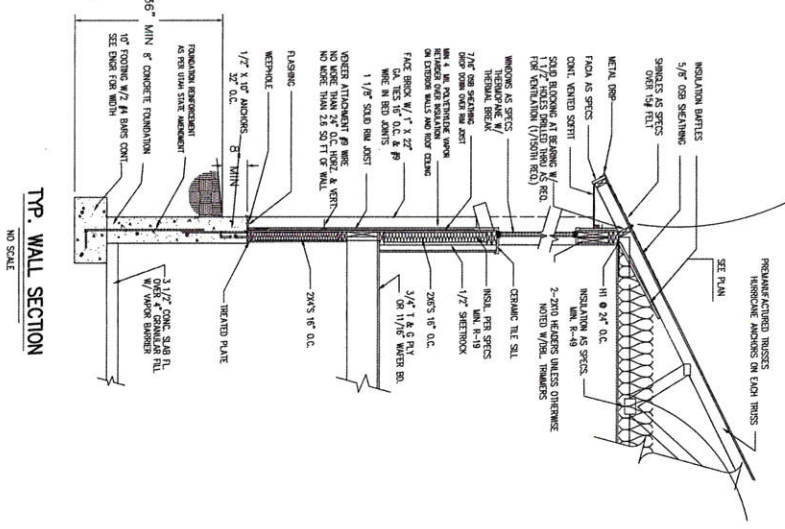
GRAVEL BAGS TO BE PLACED AND MAINTAINED AROUND AND STOP DRAIN INLET AROUND TO PREVENT UNDESIRABLE DRAINAGE FROM SITE DURING CONSTRUCTION

REBAR OR BRACKETS MAY BE REQUIRED AROUND PROPERTY LINES TO PREVENT STOP WATER FLOW INTO ADJACENT LOTS. FINAL DRAINAGE SHALL BE MADE WITH ADJACENT LOTS

A LAND CONSTITUTE WITHOUT WILL NOT BE PROVIDED AT THE SITE FOR ALL UTILITIES WITHIN THE PERIMETER OF THE FOUNDATION OR ON THE GROUND IS PROHIBITED

Exhibit B-1

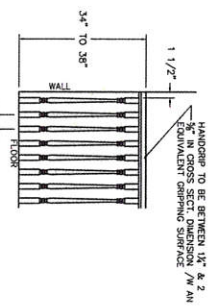
An ice barrier that consists of at least two layers of underlayment cemented together or of a self-adhering polymer modified bitumen sheet, shall be used in lieu of normal underlayment and extend from the eave's edge to a point at least 24 inches inside the exterior wall line of the building.



1. 2x6 SIPS
2. 1/2\"/>

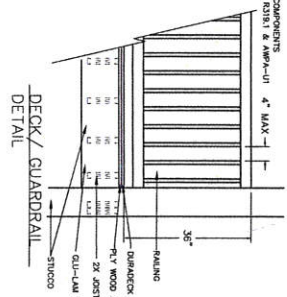
TPR WALL SECTION
NO SCALE

NOTE:
3\"/>

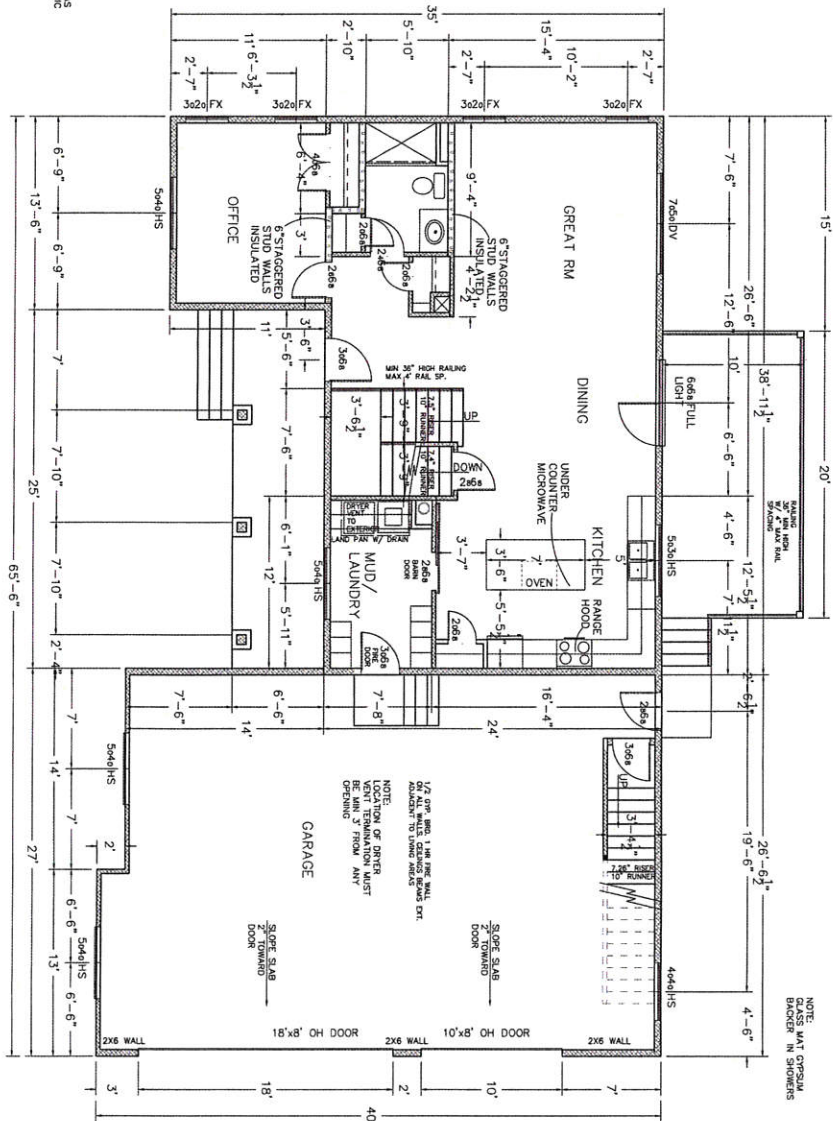


RAILING DETAIL
NOTES: 1. RAILING TO BE BETWEEN 1 1/2\"/>

NOTE:
DOORS MUST HAVE A LEVEL LANDING ON INTERIOR AND A MAX OF ONE STEP DOWN TO EXTERIOR. A THRESH 10\"/>



DECK/GUARDRAIL DETAIL



MAIN FLOOR PLAN
SCALE 1/4\"/>

MAFI DESIGNS
 Designer: Shana Mafi
 2143 N. Morgan Wy. Dr.
 Morgan UT 84050
 (801) 829-3345

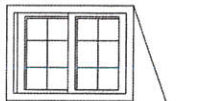
DEREK & SARAH PONIUS
 6429 E. 1900 N. EDEN

GENERAL CONTRACTOR IS LIABLE FOR ALL MATERIALS, LABOR, AND SUBCONTRACTORS. ALL MATERIALS AND LABOR SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT. NO WORK SHALL BE COVERED UP WITHOUT THE ARCHITECT'S PERMISSION. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

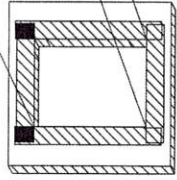
York Engineering INC
 Structural Design And Analysis
 2329 W. Spring Hollow Rd.
 Morgan, Utah 84050
 (801)876-3501

PLAN #
 2-2798-15

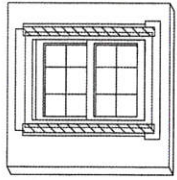
Exhibit B-2



INSTALL WINDOW

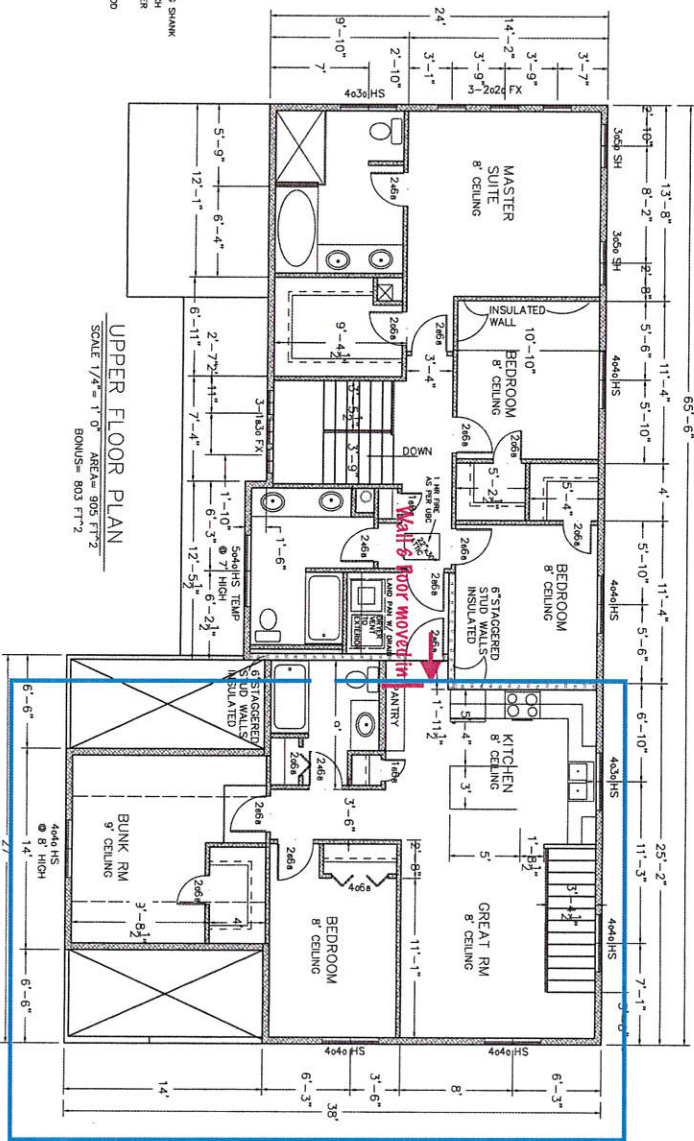
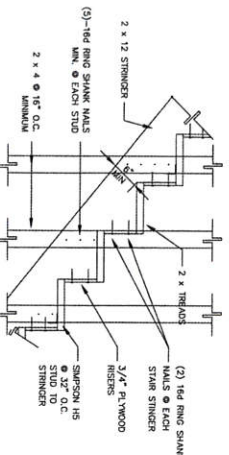


INSTALL JAMB FLASHING



INSTALL HEAD FLASHING

- NOTES
1. SURFACES SHALL BE CLEAN AND DRY AND PRIME.
 2. FLASHINGS SHOULD BE A MINIMUM OF 6" WIDE. THE FLASHING SHALL COVER WINDOW FLANGE AND LAP ONTO SHEETING A MINIMUM OF 3".
 3. COVER FLASHINGS WITH MINIMUM 1" PROVIDE SHINGLED OVERLAPS.
 4. OVERLAPS SHALL BE A MINIMUM OF 2".



NOTE: THE ENGINEER ASSUMES THAT OTHER STRUCTURAL COMPONENTS LISTED IN THE SECTION SHALL BE MET OR THAT A 2" DEEP LAYER OF CONCRETE SHALL BE PROVIDED TO SUPPORT THE WALLS AND FLOOR. THE ENGINEER ASSUMES THAT THE SITE IS STABLE. OWNER SHALL VERIFY THIS WITH THE CONSULT ENGINEER FOR FURTHER ANALYSIS AND DESIGN.

NOTE: WALL TYPES INDICATED ON THE PERIOD

- WALL TYPE 1: 8" CMU WITH 1/2" GYPSUM BOARD
- WALL TYPE 2: 8" CMU WITH 1/2" GYPSUM BOARD AND 1/2" INSULATION
- WALL TYPE 3: 8" CMU WITH 1/2" GYPSUM BOARD AND 1/2" INSULATION AND 1/2" EXTERIOR FINISH
- WINDOW WALLS: 8" CMU WITH 1/2" GYPSUM BOARD AND 1/2" INSULATION AND 1/2" EXTERIOR FINISH
- SHALL HAVE FINISH LARGER

MAFI DESIGNS
Designer: Shana Mafi
2143 N. Morgan Vly Dr.
Morgan Ut 84050
(801) 829-3345

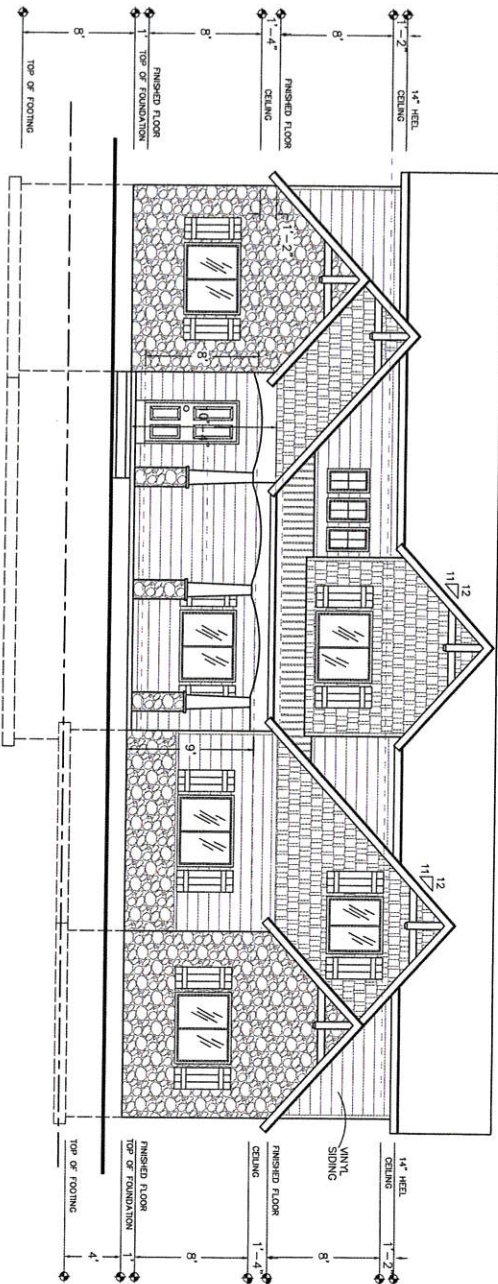
DEREK & SARAH PONTUS
6429 E. 1900 N. EDEN

GENERAL CONTRACTOR IS LIABLE TO VERIFY ALL DIMENSIONS, NOTES, AND ACCURACY OF PLAN BEFORE PROCEEDING WITH CONSTRUCTION. THE ENGINEER ASSUMES THAT THE SITE IS STABLE. OWNER SHALL VERIFY THIS WITH THE CONSULT ENGINEER FOR FURTHER ANALYSIS AND DESIGN.

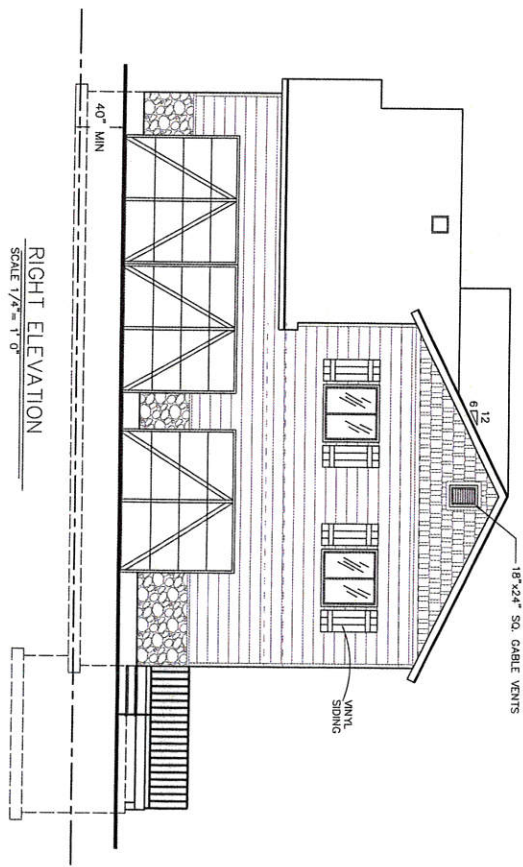
York Engineering INC
Structural Design And Analysis
2329 W. Spring Hollow Rd.
Morgan, Utah 84050
(801)876-3501

PLAN #
2-2798-15

Exhibit B-3



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



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

25' RA ARCHITECT
ASPHALT SHINGLE ROOF

1/9

MAFI DESIGNS
 Designer: Shana Mafi
 2143 N. Morgan Vly Dr.
 Morgan UT 84050
 (801) 829-3345

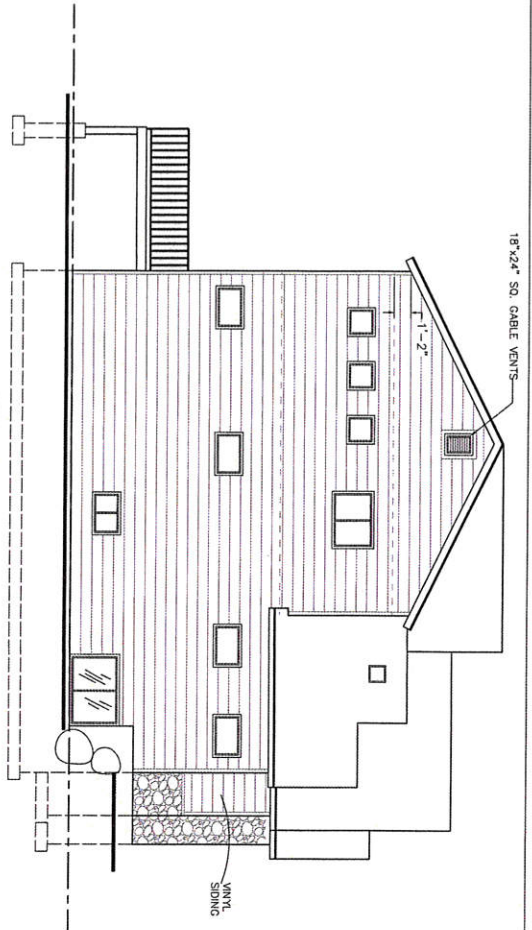
DEREK & SARAH PONTUS
 6429 E. 1900 N. EDEN

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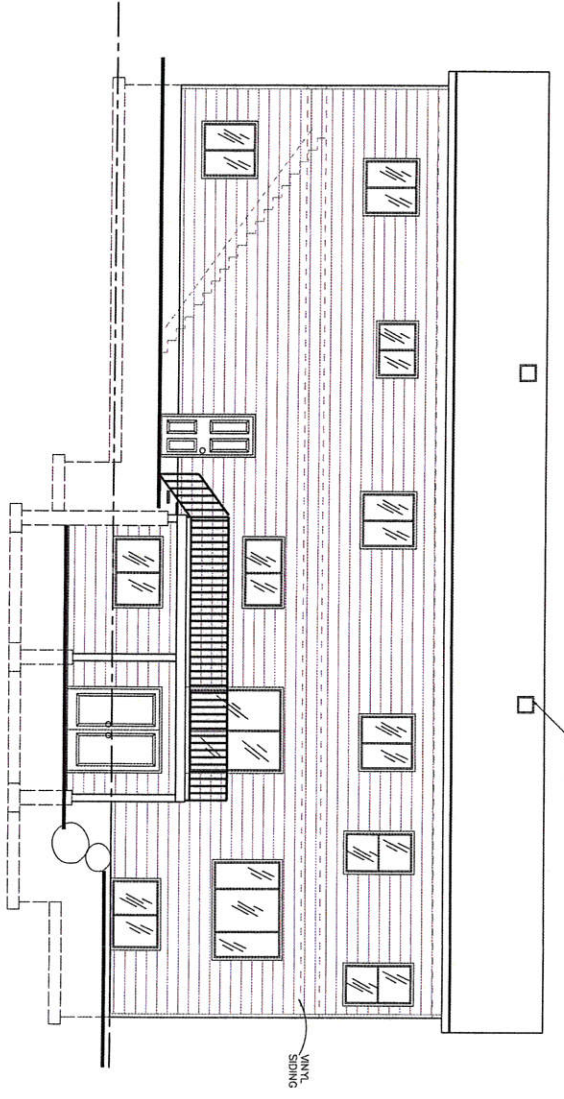
York Engineering INC
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PLAN #
2-2798-15

Exhibit B-4



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



BACK ELEVATION
SCALE 1/4" = 1'-0"

12" TRIPLE 4 CENTER VENT ALUMINUM SOFFIT REQUIREMENTS		2140 sq. ft.
ATTIC AREA -		1027 sq. in.
AREA / 300" REQUIRED AREA IN SQ. FT.		616 sq. in.
REQUIRED AREA IN SQ. IN.		137 in. ft.
60X INTAKE SOFFIT VENTILATION (4.5 SQ IN/LIN FT)		514 sq/in
50X EXHAUST ROOF VENTILATION		
VENT REQUIRED PER ATTIC SECTION		480 sq/in
AREA / 300" REQUIRED AREA IN SQ. FT.	TYPE	REQUIRED PER
2140	LOUVERS	4
220	SOFFIT	2
147 sq/in		196
		234

MAFI DESIGNS
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 2143 N. Morgan Vly Dr.
 Morgan UT 84050
 (801) 829-3345

DEREK & SARAH PONTUS
 6429 E. 1900 N. EDEN

GENERAL CONTRACTOR IS LIABLE TO VERIFY ALL DIMENSIONS, NOTES AND ACCURACY OF PLAN, SETTING, CONSTRUCTION RECORDS, ALL WRITTEN DIMENSIONS AND NOTES SHALL BE APPROVED BY AN ENGINEER OR ARCHITECT. MAFI DESIGNS HOLDS NO RESPONSIBILITY TO ANY CHANGE MADE BY ANYONE OTHER THAN MAFI DESIGNS.

York Engineering INC
 Structural Design And Analysis
 2329 W. Spring Hollow Rd.
 Morgan, Utah 84050
 (801)876-3501

PLAN #
 2-2798-15

Exhibit B-5

6429 E 1900 N
Eden, UT 84310

Compliance with Ordinance

All of the following items have been accounted for in the construction & design of the accessory apartment.

42 2 Conditional Use

Accessory Apartments may be permitted, by Conditional Use Permit, in any zone in which single family residential dwelling units are allowed, under the following specifications;

1. Relationship to principal use; appearance. An apartment may be established only accessory to a permitted dwelling. The apartment unit shall have common wall(s), roof, and/or floor(s) with the principal dwelling. The minimum width shall be twenty feet (20) ft. with the liveable floor area of the main home, with an opening from the accessory apartment to the main home, into a common living area of the main home. The opening can be closed off by a door. Basement apartments meet this requirement with the common floor. The stairs which lead to the main floor and open up into the common living space of the main home can be closed off by a door. The accessory apartment opening into a garage or storage is not considered livable space. The outward appearance of the accessory dwelling shall be consistent with the design and character of the principal dwelling in its construction, materials and finish treatment. There shall be no more than one apartment accessory to a permitted dwelling. There shall be no separate address, mailbox or utilities. **All of these items are accounted for.**
2. Floor area. Living area of an accessory apartment shall contain a minimum of four hundred (400) square feet and shall not exceed a maximum of eight hundred (800) square feet; there shall be no more than two (2) bedrooms in such apartments. In no case shall the floor area exceed twenty five (25) percent of the gross livable floor area of the total structure. **The apartment is 800 square feet and has 2 bedrooms.**
3. Location. An accessory apartment shall be so located upon a lot to comply with all dimensional requirements of the zoning district for new construction. An apartment located within the perimeter of an existing (by location) non conforming dwelling, shall not be subject to such requirements. No apartment shall be located in a basement or cellar unless such basements or cellar constitutes a walk out basement. Additions for the purpose of an accessory apartment shall be made only above or to the side or rear of the principal dwelling.
4. Access. An accessory apartment shall have a minimum of one (1) separate external door access from the principal dwelling located on either the side or the rear of the principal dwelling. **The apartment has an exit to the rear of the dwelling, which is a separate access from the principal dwelling.**
5. Amenities. An accessory apartment shall contain separate amenities from the principal dwelling: kitchen facilities, full bath, electric panel with separate disconnect, telephone service. **These amenities are in place and separate from the principal dwelling.**

Exhibit C-1

6. Parking. In addition to the two (2) parking spaces required for the principal dwelling, two (2) off street parking spaces shall be provided for an accessory apartment in a designated location on the premises. Such spaces shall be on an area prepared to accommodate vehicle parking. ***There are 2 parking spaces available.***

42 3 General Provisions

In addition to the section above, the following general provisions shall apply:

1. Either the principal dwelling or accessory apartment shall be occupied by the owner of the premises at all times, excepting reasonable vacation absences.
2. Nothing shall prevent the owner of the premises from deed restricting aspects of the use of the apartment as long as such restrictions legally conform to any local, state or federal law or regulation.
3. There shall be no limitation on age of structure, time of ownership, or construction of additions to establish an accessory apartment, except as provided in this section.
4. All provisions of the State of Utah Building Code, as amended from time to time, including the securing of requisite building Land Use Permits, Building Permits, and certificates of occupancy, together with the requirements of all other applicable construction codes or regulations, shall be met to establish an accessory apartment.
5. The Fire Marshal shall review and approve any proposal to establish an accessory apartment to assure adequate fire safety.
6. The Morgan Weber Environmental Health Department or Sewer Service provider shall review and approve any proposal to establish an accessory apartment to assure the premises conforms to the minimum requirements for sewage disposal.

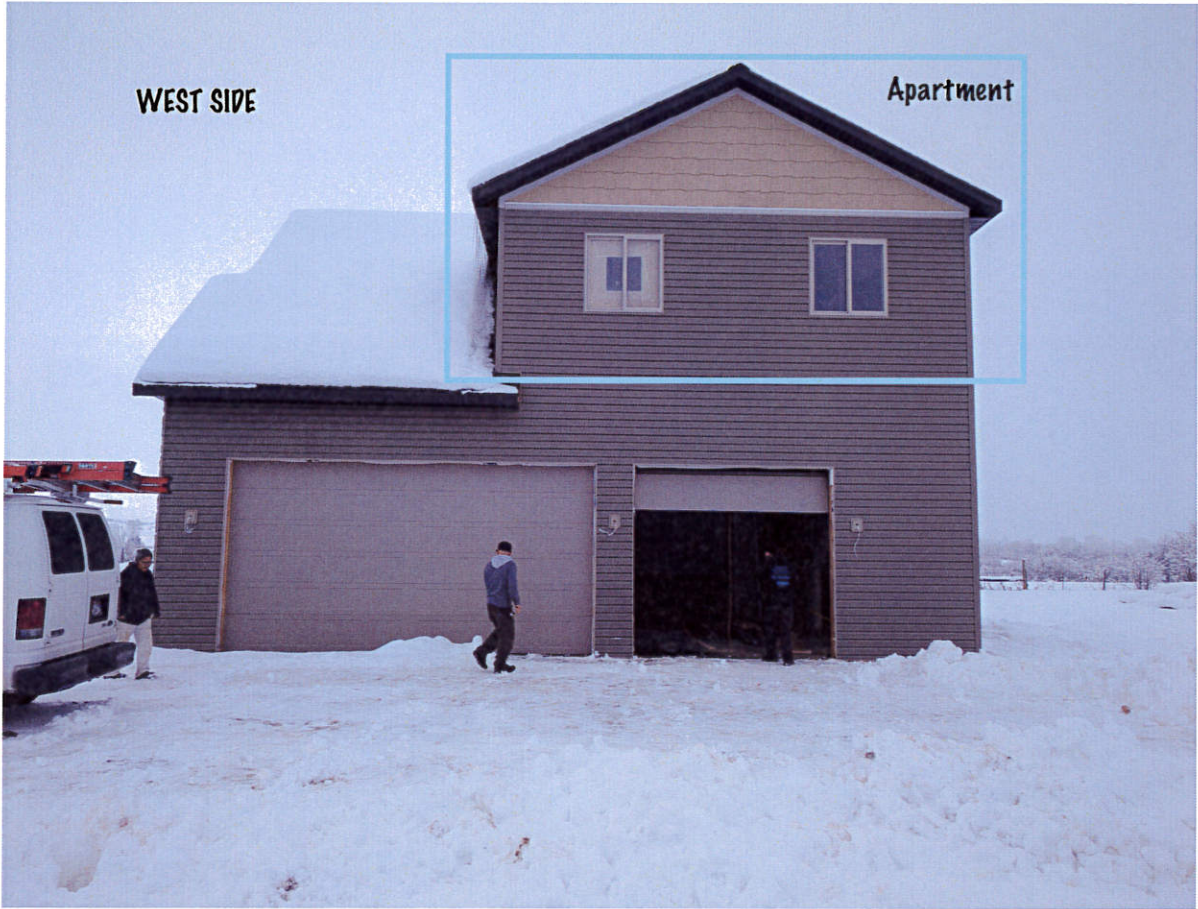
Exhibit C-2

NORTH SIDE (FRONT)

Apartment



Exhibit C-3



WEST SIDE

Apartment

Exhibit C-4



Exhibit C-5



Exhibit C-6