



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a conditional use permit application for an accessory apartment located at 4884 E 2800 N, Eden

Type of Decision: Administrative

Agenda Date: Tuesday, March 03, 2020

Applicant: Landon Hallows

File Number: CUP# 2020-02

Property Information

Approximate Address: 4884 E 2800 N

Project Area: 0.97 acres

Zoning: AV-3

Existing Land Use: Single-family Residential

Proposed Land Use: Single-family Residential with accessory apartment

Parcel ID: 22-067-0003

Township, Range, Section: Township 7 North, Range 1 East, Section 27

Adjacent Land Use

North: Residential	South: Residential
East: Residential	West: Residential

Staff Information

Report Presenter: **Steve Burton**
 sburton@co.weber.ut.us
 801-399-8766

Report Reviewer: RG

Applicable Ordinances

- Title 101, Chapter 1, General Provisions, Definitions
- Title 104, Chapter 6, Agricultural Valley (AV-3) Zone
- Title 108, Chapter 1 Design Review
- Title 108, Chapter 4 Conditional Uses
- Title 108, Chapter 8 Parking and Loading Space, Vehicle Traffic and Access Regulations
- Title 108, Chapter 19 Accessory Apartments

Summary and Background

The applicant is requesting approval of a conditional use permit for an accessory apartment located at 4884 E 2800 N, Eden. The proposal is to turn an existing walk out basement into an accessory apartment to rent out as a dwelling. The proposal complies with the applicable ordinances of the Weber County Land Use Code and has received approvals from all review agencies. The following is an analysis of the proposal reviewed against the applicable ordinances.

Analysis

Zoning: The subject property is located within the agricultural valley (AV-3). The purpose and intent of the AV-3 zone is described as follows:

The purpose of the AV-3 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment.

LUC 108-19-2 explains the requirements for accessory apartments within zones that allow single family dwellings. Below each criteria an explanation of how this application meets the criteria is provided:

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:

- (a) *Relationship to principal use; appearance.* An apartment may be established only accessory to a permitted dwelling. The apartment unit shall have common walls, roof, and/or floors with the principal dwelling. The minimum width shall be 20 feet with the livable 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.

The proposed accessory apartment is an existing walkout basement and meets the requirement of “shared common living area” with the common floor of the primary dwelling. The applicant has stated that there will be no separate address, mailbox or utilities.

- (b) *Floor area.* Living area of an accessory apartment shall contain a minimum of 400 square feet and shall not exceed a maximum of 800 square feet; there shall be no more than two bedrooms in such apartments. In no case shall the floor area exceed 25 percent of the gross livable floor area of the total structure.

The floor area of the accessory apartment is 795 square feet, and 25 percent of the livable floor area of the entire home is 796 square feet.

- (c) *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) nonconforming 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.

The proposed accessory apartment is an existing walkout basement which does not require new construction.

- (d) *Access.* An accessory apartment shall have a minimum of one separate external door access from the principal dwelling located on either the side or the rear of the principal dwelling.

Access to the accessory apartment is through an external door at the rear of the principal dwelling.

- (e) *Amenities.* An accessory apartment shall contain separate amenities from the principal dwelling: kitchen facilities, full bath, electric panel with separate disconnect, telephone service.

The proposed accessory apartment contains a bedroom, living area, full bathroom, and kitchen separate from the principal dwelling, as shown on Exhibit B.

- (f) *Parking.* In addition to the two parking spaces required for the principal dwelling, two 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. In the Ogden Valley Destination and Resort Zone, this requirement shall be subject to modification by an approved parking plan pursuant to section 108-8-13.

The proposal includes two off street parking spaces, as shown on the Exhibit C.

Given the demonstrated compliance with the above criteria, the Planning Division anticipates no detrimental effects to the site or surrounding areas, and no additional conditions are recommended.

Review Agencies: The Fire District, Engineering division, and Health Department must give approval of the project before the conditional use permit is issued.

Summary of Planning Commission Considerations

In order for a conditional use to be approved it must meet the requirements of applicable ordinances listed in this staff report, which include the requirements listed in LUC §108-4-4, under "Decision Requirements", which states:

a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to substantially mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards of this chapter, or relevant standards or requirements of any other chapter of this Land Use Code. When considering any of the standards, the land use authority shall consider the reasonably anticipated detrimental effects of the proposed use in the context of current conditions and, to the extent supported by law, the policy recommendations of the applicable general plan.

b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

The Planning Commission will need to determine if the request for an accessory apartment has met the requirements of the applicable Uniform Land Use Code of Weber County. The Planning Commission may impose additional conditions in order to ensure full compliance with the required standards. In making a decision, the Planning Commission should consider the following questions:

- Does the submittal meet the Uniform Land Use Code of Weber County? If no, then what conditions could be added in order to comply?
- Have the "Decision Requirements" and other applicable ordinances been met?

Staff Recommendation

The Planning Division recommends approval of file# CUP 2020-02. This recommendation for approval is subject to all review agency requirements.

This recommendation is based on the following findings:

1. The proposed use, if conditions are imposed, will not be detrimental to public health, safety, or welfare.
2. The proposed use, if conditions are imposed, will comply with applicable County ordinances.
3. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Application and narrative
- B. Building floor plan
- C. Parking plan

Map 1



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	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
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Property Owner Contact Information

Name of Property Owner(s) Landon Hallows		Mailing Address of Property Owner(s) 4884 E 2800 N Eden UT 84310	
Phone 4352012861	Fax		
Email Address (required) landover50@gmail.com		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) Same		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 Accessory Apartment	Total Acreage	Current Zoning
Approximate Address 4884 E 2800 N Eden UT 84310	Land Serial Number(s) 220670003	

Proposed Use
Accessory Apartment

Project Narrative
Desire to gain conditional use permit for accessory apartment located in the basement of our home.

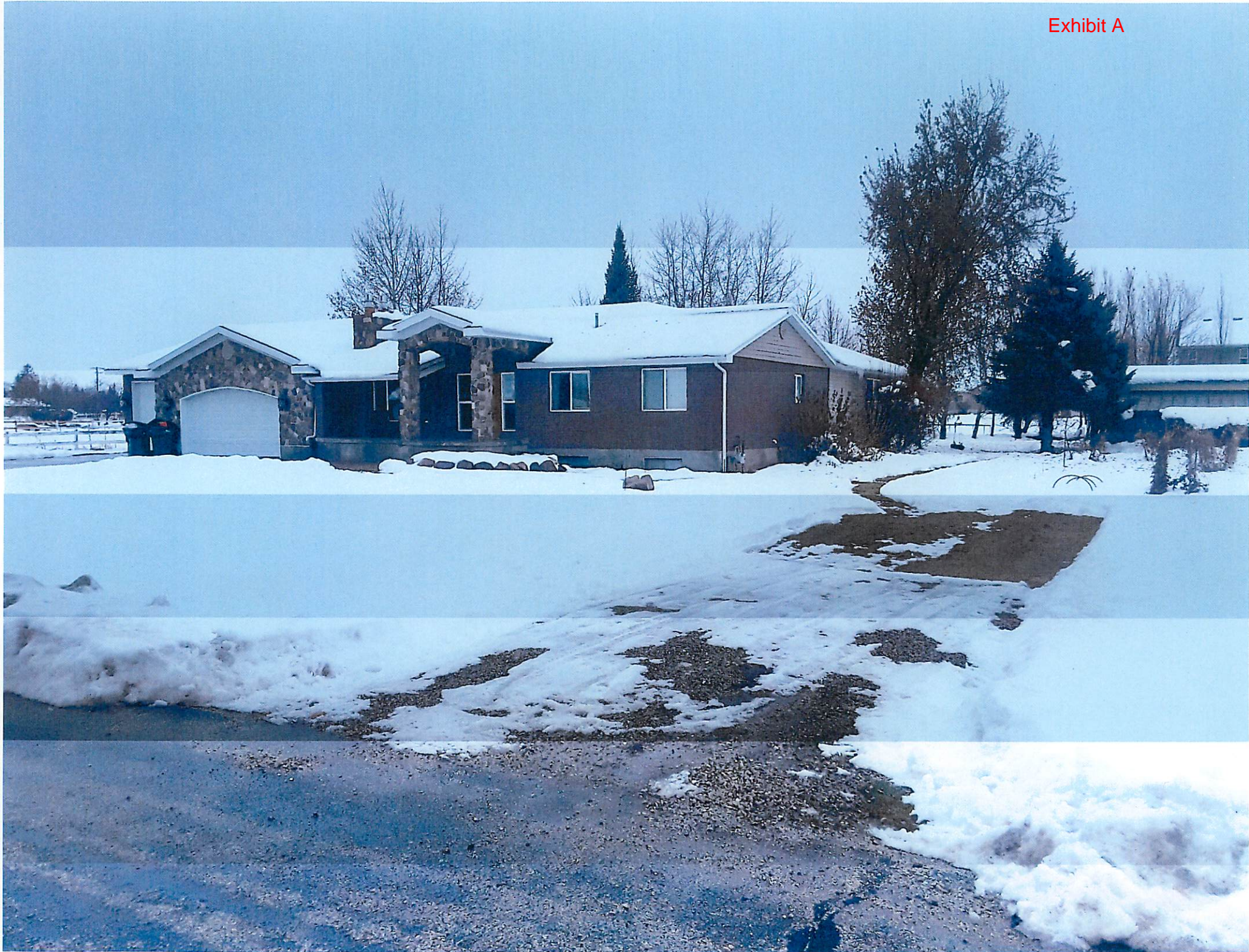
Basis for Issuance of Conditional Use Permit

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 foreseeable detrimental effects caused by having an accessory apartment at our location. Per "Sec. 108-19-2. - Conditional use." of the county code, "Accessory apartments may be permitted, by conditional use permit, in any zone in which single-family residential dwelling units are allowed." The increase in traffic will be negligible and there will be no other impacts due to the accessory apartment.

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

As stated previously, Weber County Code allows accessory apartments in all zones where where single family residential dwelling units are allowed. Further, the apartment meets all requirements and standards as set forth in Chapter 19-Accessory Apartments of the Weber County Code.





4884



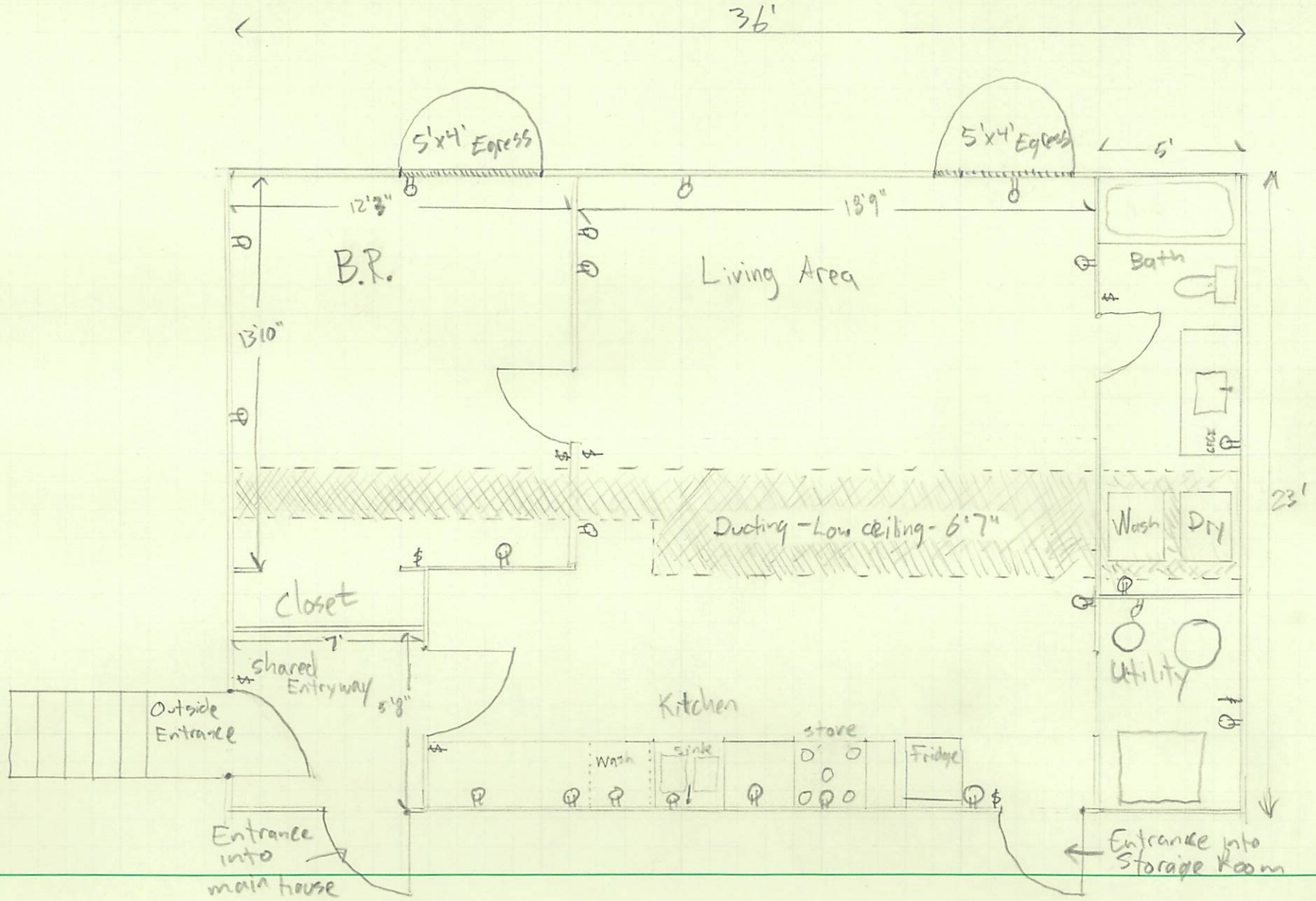
Exhibit A

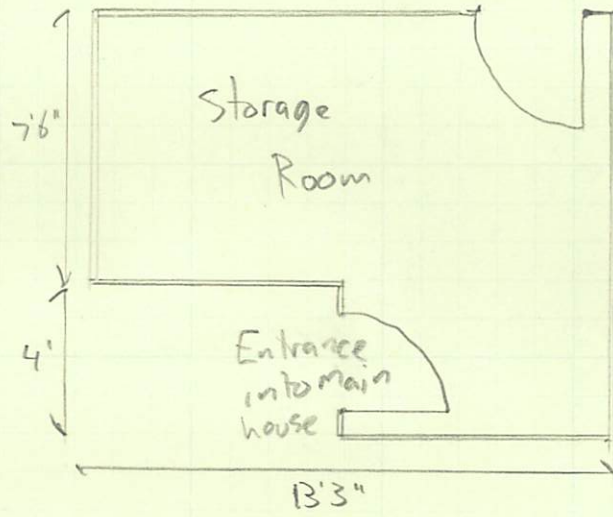


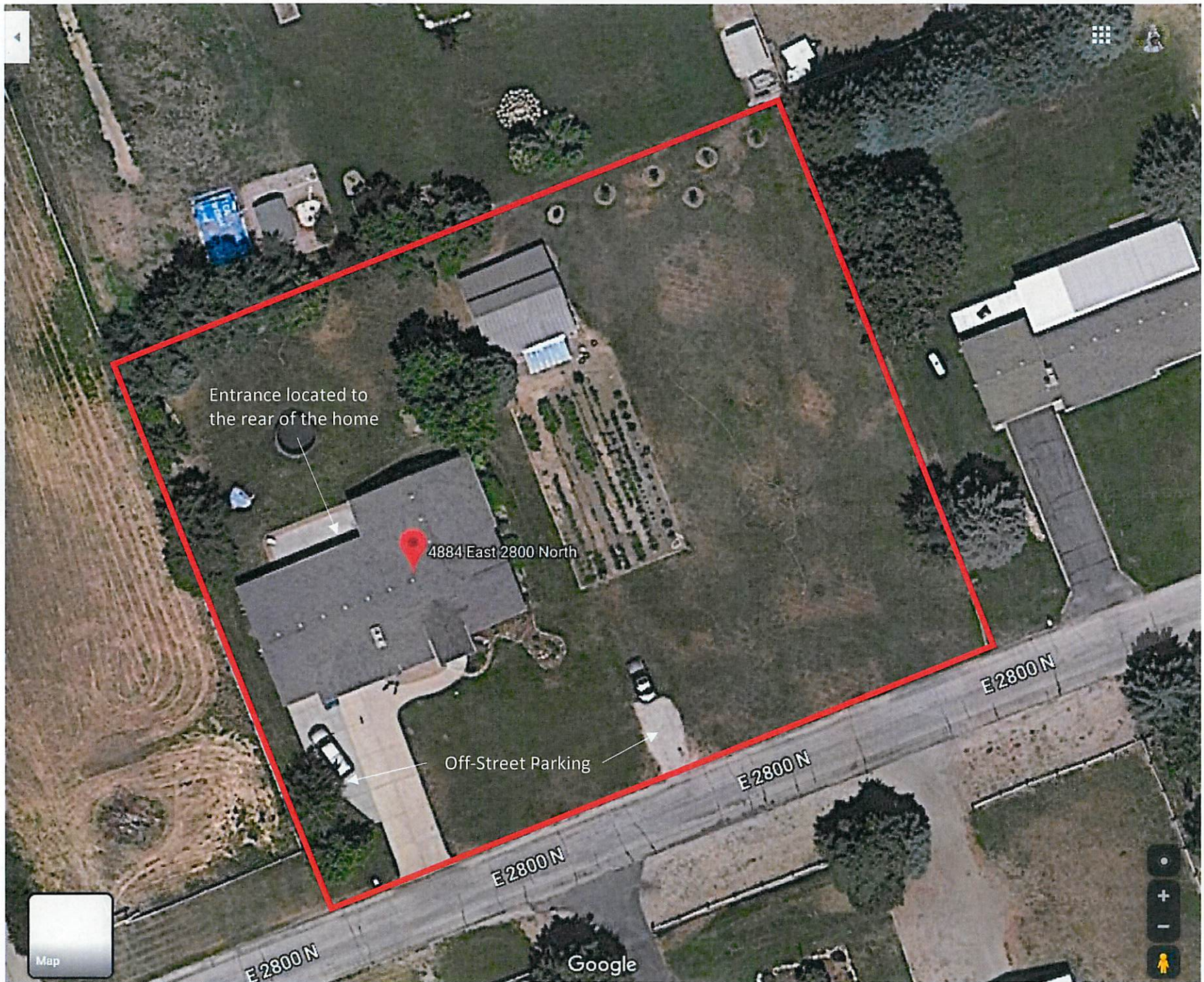


Accessory Apartment
795 sq ft

Hallows
4884 E 2800 N
Eden VT 84316







Entrance located to the rear of the home

4884 East 2800 North

Off-Street Parking

E 2800 N

E 2800 N

E 2800 N

E 2800 N

Map

Google