



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action for a conditional use request for a basement accessory apartment within an existing single-family dwelling located at 2259 S. 3750 W., Ogden
Agenda Date:	Tuesday, December 08, 2020
Applicant:	Dale McCrary, Owner
File Number:	CUP 2020-16

Property Information

Approximate Address:	2259 S 3750 W, Ogden
Project Area:	1.1 Acres
Zoning:	A-1
Existing Land Use:	Residential
Proposed Land Use:	Residential/Accessory Apartment
Parcel ID:	15-724-0001
Township, Range, Section:	T6N, R2W, Section 28, SE 1/4

Adjacent Land Use

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

Staff Information

Report Presenter:	Scott Perkes sperkes@co.weber.ut.us 801-399-8772
Report Reviewer:	SB

Applicable Ordinances

- Title 108-19 Accessory Apartments
- Title 108, Chapter 4 Conditional Uses

Summary and Background

The applicant is requesting approval of a conditional use permit for an accessory apartment located at 2259 S 3750 W, Ogden (see **Exhibit A**). The applicant is currently building a single-family home on Lot 1 of the Summerset Farms Phase 1 subdivision. The proposal is to convert a portion of the home's 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 both Fire and Engineering. The following is an analysis of the proposal reviewed against the applicable ordinances.

Analysis

General Plan: The proposal conforms to the West Central Weber County General Plan by promoting affordable housing options while maintaining the rural character of the A-1 zone.

Zoning: The subject property is located in the Agricultural A-1 Zone.

The purpose and intent of the A-1 zone is identified in the LUC §104-5-1 as:

"The purpose of the A-1 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."

Water & Wastewater: The applicant has submitted will-serve letters from both Taylor West Weber Water and Central Weber Sewer for both culinary water and wastewater connection/service (See **Exhibit B**).

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 a portion of a 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 797.25 square feet. The total livable floor area of the home is 3,770 sq. ft. Twenty-five percent of the livable floor area of the entire home is 942.5 square feet. As such, the proposed accessory apartment does not exceed the 25% of gross livable area restriction.

- (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 a portion of a walkout basement which does not require new construction or any additions to the existing structure.

- (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 is a studio apartment complete with living area, full bathroom, and kitchen separate from the principal dwelling, as shown on Exhibit C.

- (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 up to three 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.

Review Agencies: The Fire District and Engineering division have given approval of the project.

Western Weber Planning Commission Recommendation

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

In addition to any Western Weber Planning Commission recommendations of approval, the Planning Division recommends the following additional conditions of approval:

1. The applicant will need to submit an addendum to their open building permit for the single-family home and have it approved through the Building Department.
2. The accessory apartment shall have a separate electric panel with separate disconnect.
3. Either the principal dwelling or accessory apartment shall be occupied by the owner of the premises at all times, excepting reasonable vacation absences.
4. Upon receipt of a conditional use permit, and prior to issuance of a certificate of occupancy by the chief building official, the county zoning enforcement officer shall inspect the premises.
5. An issued conditional use permit shall be reviewed for renewal every two years.
6. Per Sec. 108-19-5 of the Land Use Code, and prior to the issuance of a certificate of occupancy, the owner shall provide a copy of the initial rental agreement indicating either the monthly or annual rent of the unit. Rental agreements shall be reviewed every two years with the CUP renewal in order to assure that the affordability of the accessory apartment is upheld and to keep records on numbers and availability of affordable housing.

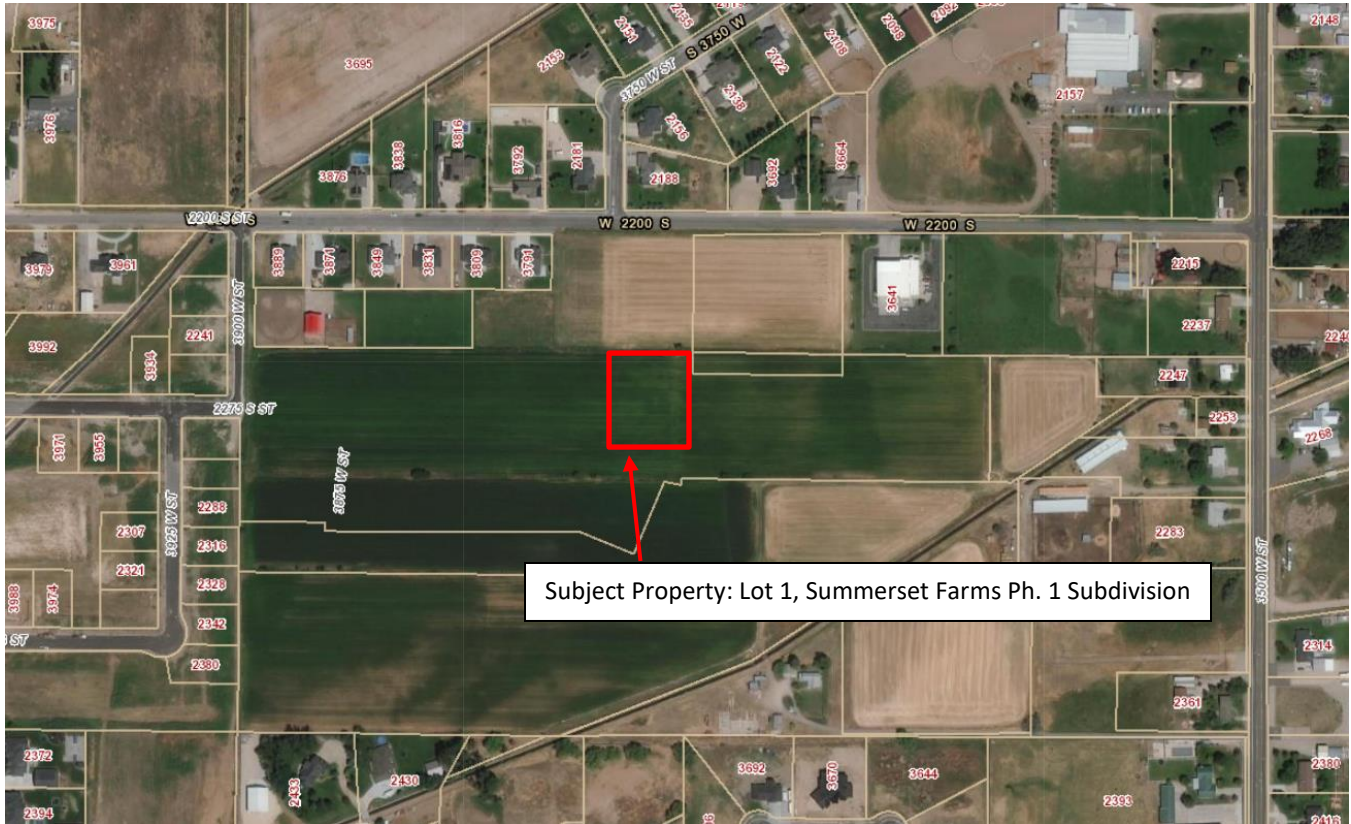
This recommendation is based on the following findings:

1. The proposed use as proposed, will not be detrimental to public health, safety, or welfare.
2. The proposed use, as proposed complies 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. Project Application & Narrative
- B. Feasibility Letters (Water & Sewer)
- C. Accessory Apartment Plan

Location Map



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 10/26/2020	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
Property Owner Contact Information			
Name of Property Owner(s) Dale McCrary		Mailing Address of Property Owner(s) 2313 w 1700 S Syracuse, Utah 84075	
Phone 801-675-0691	Fax NA		
Email Address (required) dmccrar@yahoo.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)		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 Dale McCrary		Total Acreage 1.10	Current Zoning R-1
Approximate Address 2259 S 3750 W Taylor, Utah 84401 <i>(Lot 1 Summerset)</i>		Land Serial Number(s) 15-724-0001	
Proposed Use Rental of Basement			
Project Narrative i would like to Rent out a portion of my Basement, this rental will provide someone a safe enviroment and quit town to live in. They will be 10 min from the Freeway and close to the heart of Ogden. The Basement apartment will be approx. 800' sq ft of living space. They will have their own parking which will be located by their entrance. This apartment will be new with quality appliances, cabinetry and flooring. This apartment will be a place they tenent would be proud to call 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.

This Conditional Permit request won't have any of the negative impacts listed above.

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, everything associated with the apartment will be in compliance with Weber County's Zoning

Property Owner Affidavit

I (We), Dale McCrary, 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.

Dale McCrary

(Property Owner)

(Property Owner)

Subscribed and sworn to before me this 16 day of August, 2020



AMT

(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)



2815 WEST 3300 SOUTH
WEST HAVEN, UTAH 84401
801-731-1668
11/3/2020

Weber County Planning Commission
2380 Washington Boulevard
Ogden, Utah 84401

To Whom It May Concern:

This is to inform you that ***preliminary*** approval has been given and the District has the capacity to provide culinary water only for a conditional use apartment at the approximate address 2259 S. 3750 W. Taylor, Utah.

Requirements:

- All requirements have previously been met.
- Taylor West Weber Water District reserves the right to make or revise changes as needed or as advised by the district engineer or the district attorney.
- Final approval is subject to meeting all of the requirements of the District and all fees being paid and received. This letter expires six months from the date it is issued.

Expires 5/3/2021

Sincerely, 

Ryan Rogers – Manager
Taylor West Weber Water Improvement District



Central Weber Sewer Improvement District

November 3, 2020

Scott Perkes
Weber County Planning Commission
2380 Washington Blvd #240, Ogden, UT 84401

SU: Will Serve Letter Request, 2259 South 3750 West, Taylor, UT

Scott,

Mr. Dale McCrary has requested a will serve letter for incorporating an apartment into the basement of his home located at 2259 South 3750 West, Taylor (Weber County) Utah. The home is reported to be currently under construction and connection made to the sewer service already with proper approvals. We offer the following comments regarding Central Weber providing sanitary sewer service.

1. Central Weber has the capacity to treat the sanitary sewer flow from this apartment.
2. No additional connection is anticipated to the sewer system. If any connection is made directly into Central Weber's line the connection must be inspected by Central Weber while the work is being done. A minimum of 48 hour notice for inspection shall be given to Central Weber prior to any work associated with the connection.
3. Central Weber will not take ownership or responsibility for the condition, ownership or maintenance of the proposed sanitary sewer lines (gravity or pressure) or system that will be installed to serve this subdivision.
4. The connection of any sump pumps (or similar type pumps) to the sanitary sewer system is prohibited during or after construction. Central Weber's Wastewater Control Rules and Regulations state:

Prohibited Discharge into Sanitary Sewer. No person shall discharge or cause or make a connection which would allowed to be discharged any storm water, surface water, groundwater, roof water runoff or subsurface drainage to any sanitary sewer.

5. It is our understanding that the parcel has been annexed into Central Weber Sewer Improvement District.
6. Impact fees will need to be paid to Central Weber Sewer Improvement District no later than the issuance of any building permits.

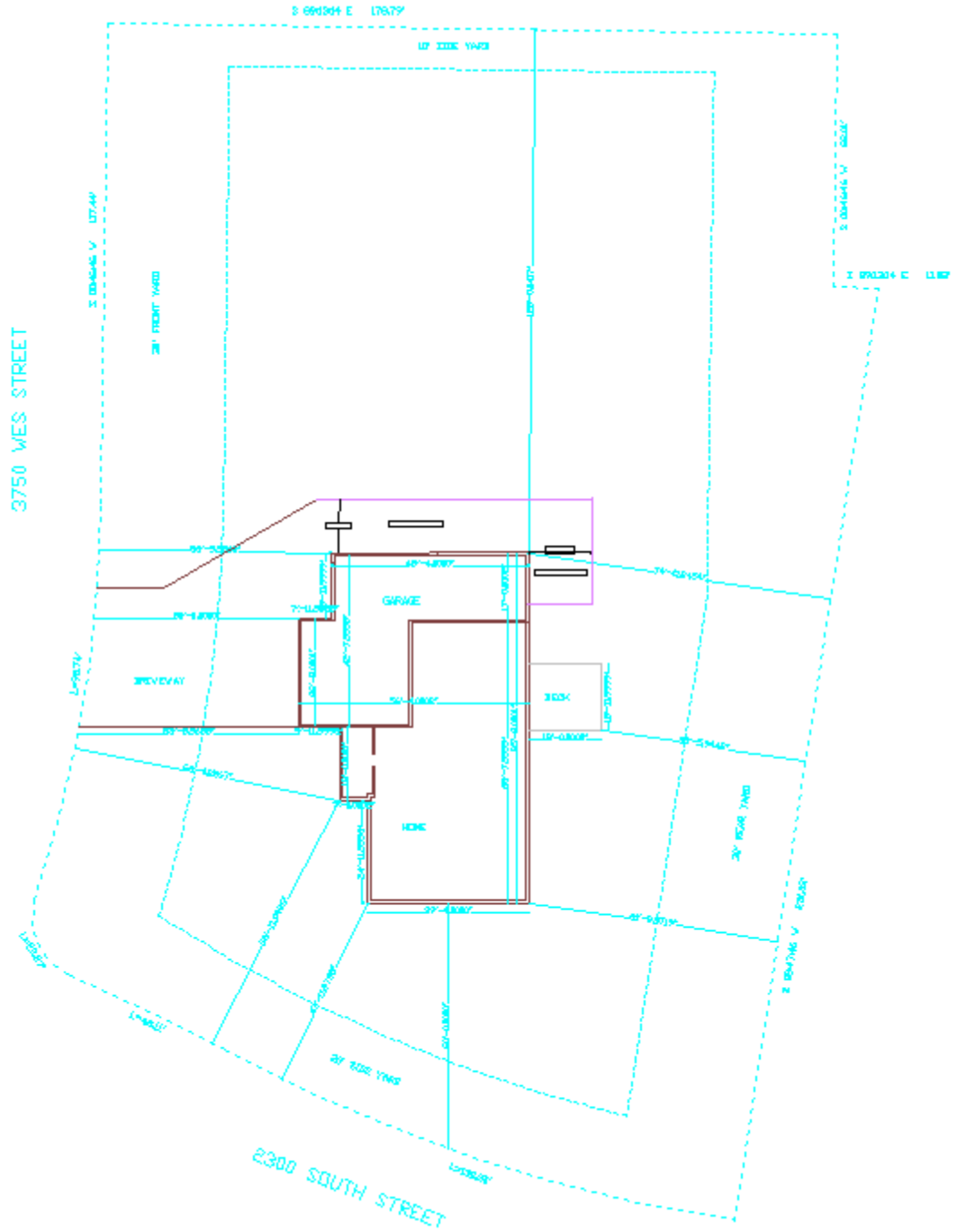
If you have any further questions or need additional information please let us know.

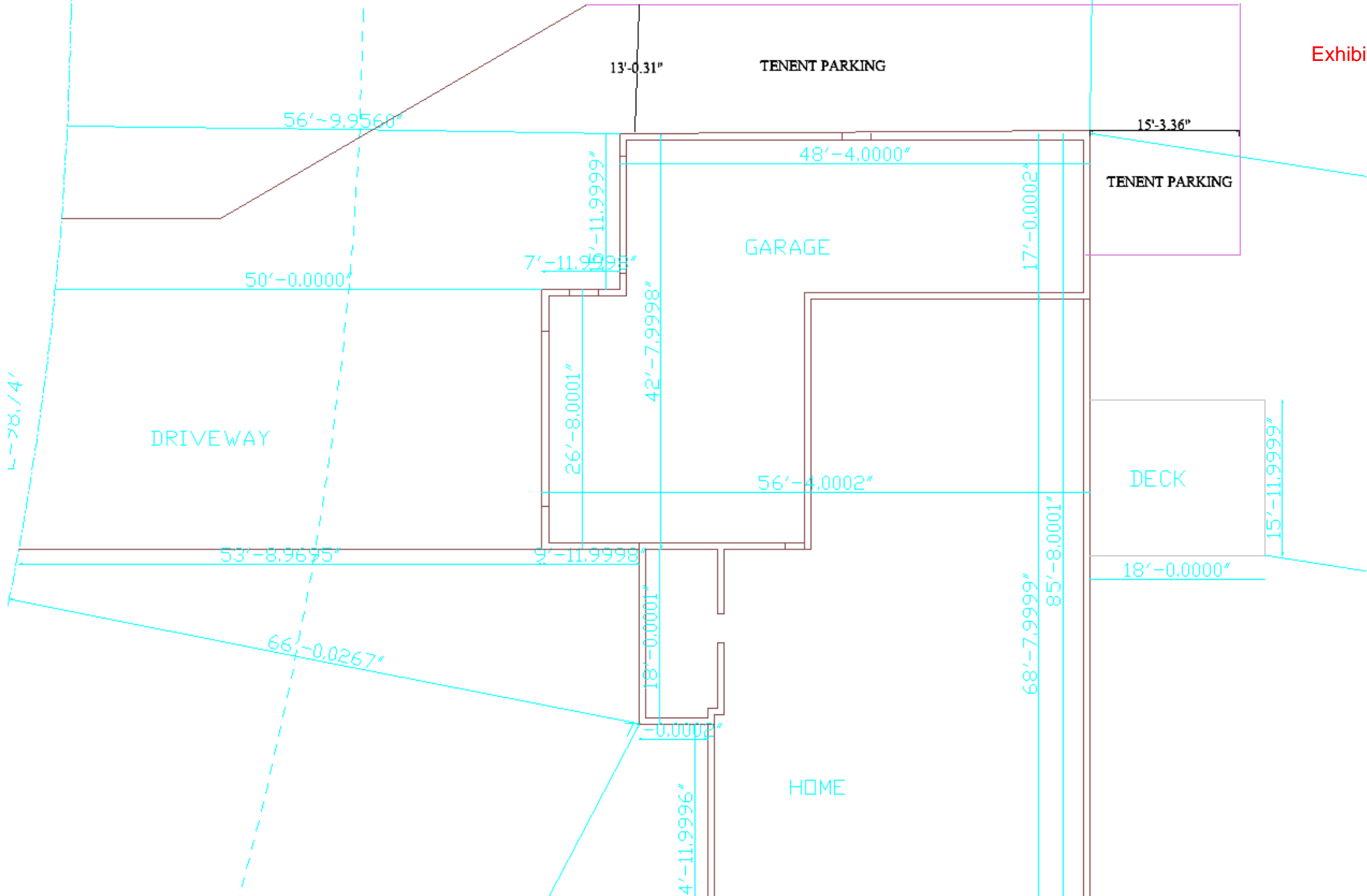
Sincerely,

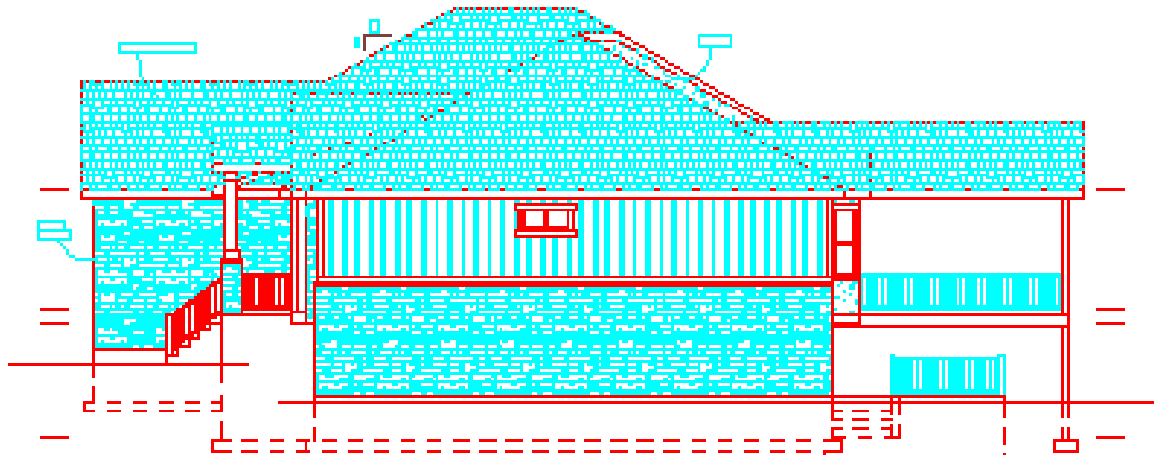
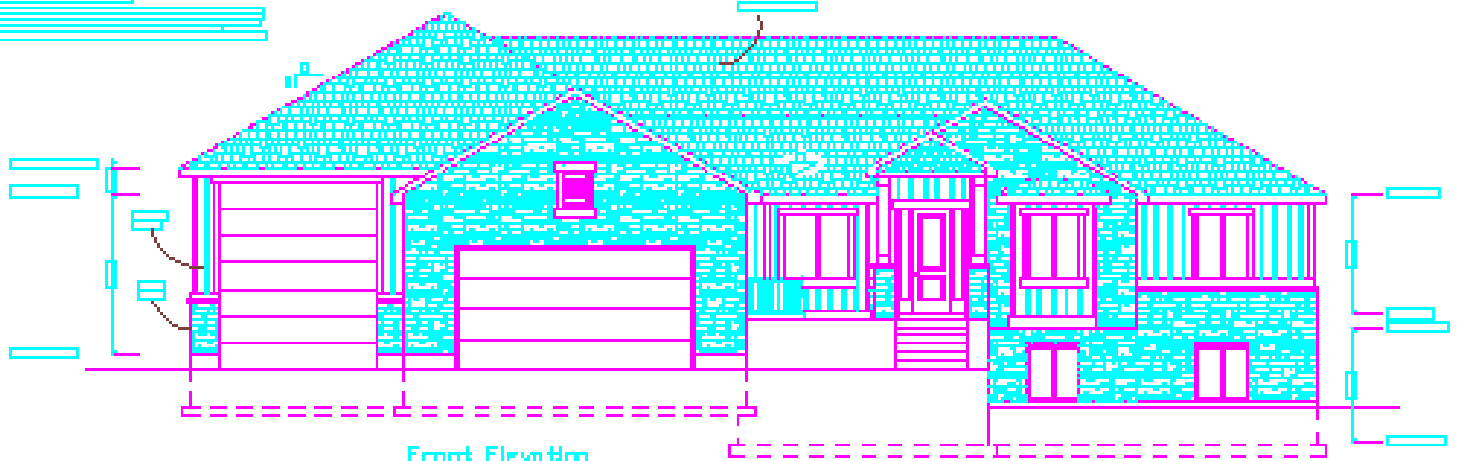
A handwritten signature in blue ink that reads "Kevin Hall". The signature is written in a cursive style.

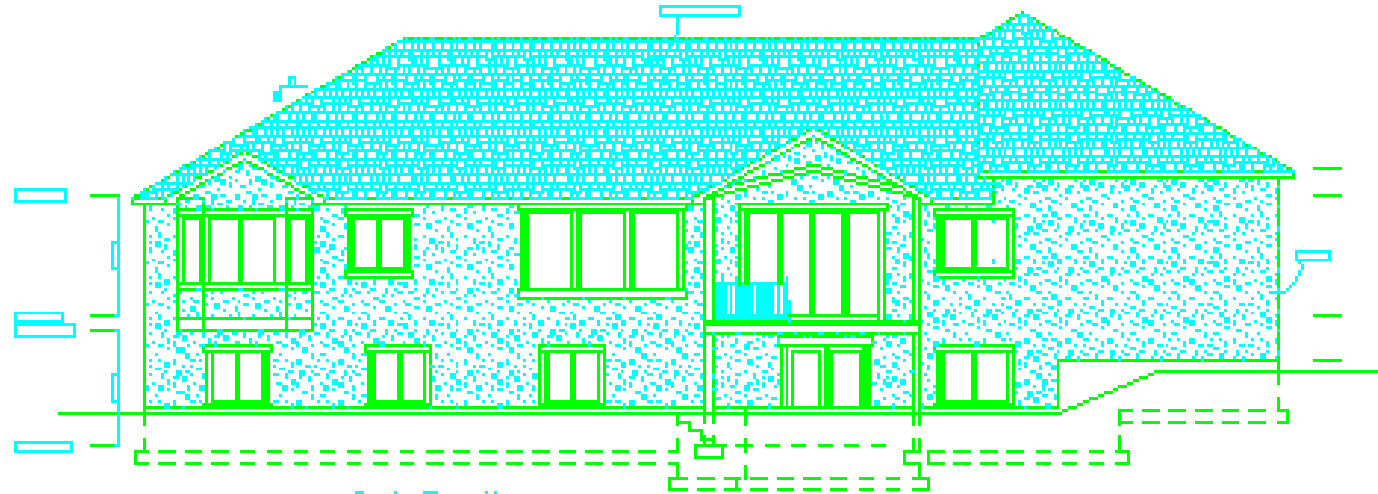
Kevin Hall, P. E.
General Manager

cc: Chad Meyerhoffer, Weber County
Dale McCrary
Steve Burton Weber County

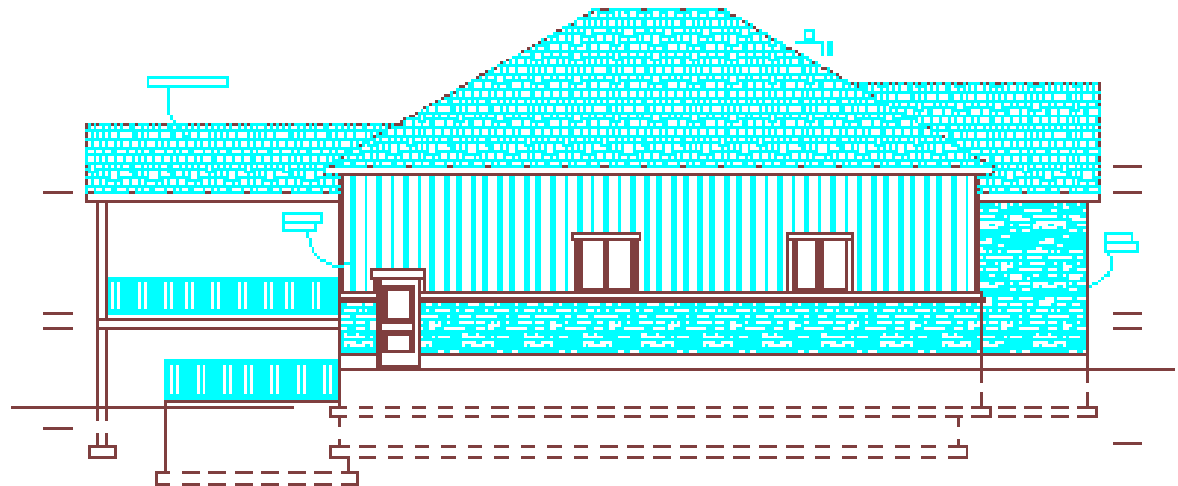




<p>PLAN NOTES</p>		<p>Homesites Dale McCreary 801.275-0882</p>
<p>FOUNDATION</p>	<p>Right Elevation</p>	<p>General Construction</p>
<p>FRONT ELEVATION</p>		<p>McCreary Residence Lot #1 Summerdale Farms 2200 South 3700 West Taylors, Utah</p>
	<p>Front Elevation</p>	<p>1/2" = 1'-0"</p>
		<p>CREATIVE LINE</p>
		<p>Creative Line 116 S. 1000 E. Salt Lake City, UT 84111-1100</p>



Back Elevation



Left Elevation

DATE: 10/10/2017 1:10:00 PM

10/10/2017

Homeowner:
Mike McCrory
811-675-0887

General Contractor:

McCrory RESIDENCE
Lot #1, Summer Farm
2289 South 3700 West
Taylor, Utah

1/1
Back Elevation

Creative
Line
Architects
10/10/2017

