

Single-family dwellings are considered a permitted use in the RE-15 zone, therefore accessory apartments are conditionally allowed in this zone. The applicant and her family will be considered one family unit allocated to the principal dwelling. The accessory apartment can house one or more persons related by blood, marriage or adoption or a group of not more than four unrelated persons. As part of the general provisions for accessory apartments in the WCLUC §108-19-3 the applicant must occupy the premises at all times, excepting reasonable vacation absences.

As part of the WCLUC §108-19 certain review criteria has been established to ensure specific standards are met. The proposal has been reviewed against the following standards:

Relationship to principle use; appearance: An accessory apartment must share a common wall, roof and/or floor as the principle dwelling unit. All interior accesses to the accessory apartment may be closed off by a door. There shall be no separate address, mailbox or utilities.

The applicant would like to utilize a portion of the basement to establish the accessory apartment, therefore meeting this requirement. The outward appearance of the principle dwelling will remain consistent with the original design and character of the neighborhood.

Floor area: The apartment cannot contain more than two bedrooms, and must contain a minimum living area of 400 square feet, not to exceed 25% of the gross livable floor area of the total structure or a maximum floor area of 800 square feet.

The proposal has dedicated a kitchen, laundry room, two bedrooms, a full bathroom, coat closet and a front/living room as the accessory apartment area. The main floor of the proposed dwelling contains approximately 1,541 square feet of livable space and a two car garage (see Exhibit A). The basement is approximately 1,674 square feet of livable space with a gross livable area of the structure is approximately 3,215 square feet (see Exhibit B). The applicant will occupy the main floor plus approximately 1,115 square feet of the basement. The proposed accessory apartment is approximately 559 square feet which does not exceed either the 25% of the gross livable floor area of the total structure or a maximum of 800 square feet.

Location: An accessory apartment shall be located within a dwelling that complies with the zoning district. Basement apartments cannot be allowed unless a walk-out basement is present. The proposal appears to conform to the RE-15 zone in which it lies. The proposed apartment can be accessed by an external staircase located along the front of the home (see Exhibit C). There is also an additional staircase located in the interior of the home that will be utilized to access the owner's portion of the basement.

Access: WCLUC §108-19-2(4) states:

"An accessory apartment shall have a minimum of one separate external door access from the principal dwelling located on either the side or rear of the principal dwelling."

The proposed accessory apartment access from the walk-out basement is located along the front of the dwelling (see Exhibit C). The applicant will need to obtain approval for one of the following three options in order to meet this required standard:

1. Apply for and receive a building permit for a separate external door access along the side or rear of the principal dwelling; or
2. Apply for and receive a variance from the Board of Appeals for the current location of the separate external access; or
3. Apply for and receive approval to amend the County Ordinance to allow for the one separate external door access for the principal dwelling to be located on the front of the principal dwelling.

Staff has included a condition of approval to ensure that this standard has been met

Amenities: The accessory apartment must contain kitchen facilities, a full bath, an electric panel with separate disconnects and telephone service. These amenities must be separate in nature from the operations of the principal dwelling. The applicant has provided drawings and photos of the property and dwelling that clearly illustrate the required amenities for the accessory apartment (see Exhibit C).

Parking: In order to ensure that vehicles will not be parked along the street, two off-street parking spaces must be provided for the accessory apartment in addition to the two parking spaces that are required for the principal dwelling. The applicant has provided for the additional parking to be located along the front of the home adjacent to the walk-out basement access (see Exhibit D). The parking area is surrounded by landscaping including a substantial amount of trees that adequately screens the view from the neighboring property and roadway.

Conformance to the General Plan

The proposed use conforms to the Ogden Valley General Plan by preserving private property rights and the rural characteristics of the Valley by encouraging development within existing community areas. The additional growth is compatible with the existing lifestyle and does not detract from the natural aesthetics of the Valley.

Summary of Planning Commission Considerations

The following provisions shall apply to the establishment of an accessory apartment according to the WCLUC §108-19-4:

“(1) A person seeking to establish an accessory apartment shall file an application for a conditional use permit and pay the associated filing fee. The application is to be accompanied by complete floor plans, elevations, and interior layout drawn to scale, including alterations to be made to the existing dwelling exterior. Also, photographs of the dwelling exterior are to be submitted with the application. The application shall then be reviewed and either approved or denied by the township planning commission in which jurisdiction the property lies.

(2) Upon receipt of a conditional use permit and building permit, and prior to issuance of a certificate of occupancy by the chief building official, the county zoning enforcement officer shall inspect the premises. The conditional use permit shall be reviewed for renewal every two years.”

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 WCLUC §108-4-4 under “Criteria for Issuance of Conditional Use Permit” which state:

Conditional Uses shall be approved on a case-by case basis. The planning commission shall not authorize a conditional use permit unless evidence is present to establish:

- 1. 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.*
- 2. That the proposed use will comply with the regulations and conditions specified in the Land Use Code and other applicable agency standards of use.*

The Planning Commission will need to determine if the proposal for an accessory apartment meets the requirements of the applicable Weber County Land Use Codes. 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 specifications and general provisions required by WCLUC §108-19 pertaining to accessory apartments? If no, then what conditions could be added in order to comply?
- Have the “Criteria for Issuance of Conditional Use Permit” and other applicable ordinances been met?

Staff Recommendation

Staff recommends approval of file# CUP 2014-22, a conditional use permit request for an accessory apartment located at 3778 North Willowbrook Lane Eden, UT. This recommendation for approval is subject to all review agency requirements and based on the findings and conditions of approval as listed below:

1. The proposed use provides for affordable housing for the citizens of the County.
2. The proposed use conforms to the Ogden Valley General Plan.
3. The proposed use, if conditions are imposed, will not be detrimental to the public health, safety, or welfare.
4. The proposed use, if conditions are imposed, will comply with applicable County ordinances.
5. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Conditions of Approval

- There shall be no separate address, mailbox or utilities.
- The owner will occupy the premises at all times, excepting reasonable vacation absence.
- The owner will obtain a Certificate of Occupancy for the principal dwelling and the accessory apartment.
- The owner will apply for and receive approval for one of the following options regarding the access to the accessory apartment:
 - Apply for and receive approval for a building permit for a separate external door access along the side or rear of the principal dwelling; or
 - Apply for and receive approval for a variance from the Board of Appeals for the current location of the separate external access; or
 - Apply for and receive approval to amend the County Ordinance to allow for the one separate external door access for the principal dwelling to be located on the front of the principal dwelling.
- At no time shall more than one family unit reside in the principal dwelling and one family unit reside in the accessory apartment.
- The conditional use permit will be reviewed and renewed every two years to ensure compliance with the Weber County Codes.
- Any home occupation operated within the principal dwelling or accessory apartment will receive approval for a business license and any additional required permits from Weber County prior to any operations commencing on site.
- Requirements of the Weber County Building Inspection Division
- Requirements and recommendations of the Weber Fire District
- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Health Department

Exhibits

- A. Main Floor Plans
- B. Basement Floor Plans
- C. Location of, Access to and Amenities for the Accessory Apartment
- D. Parking

Map 1



Map 2



Exhibit A-Main Floor Plans

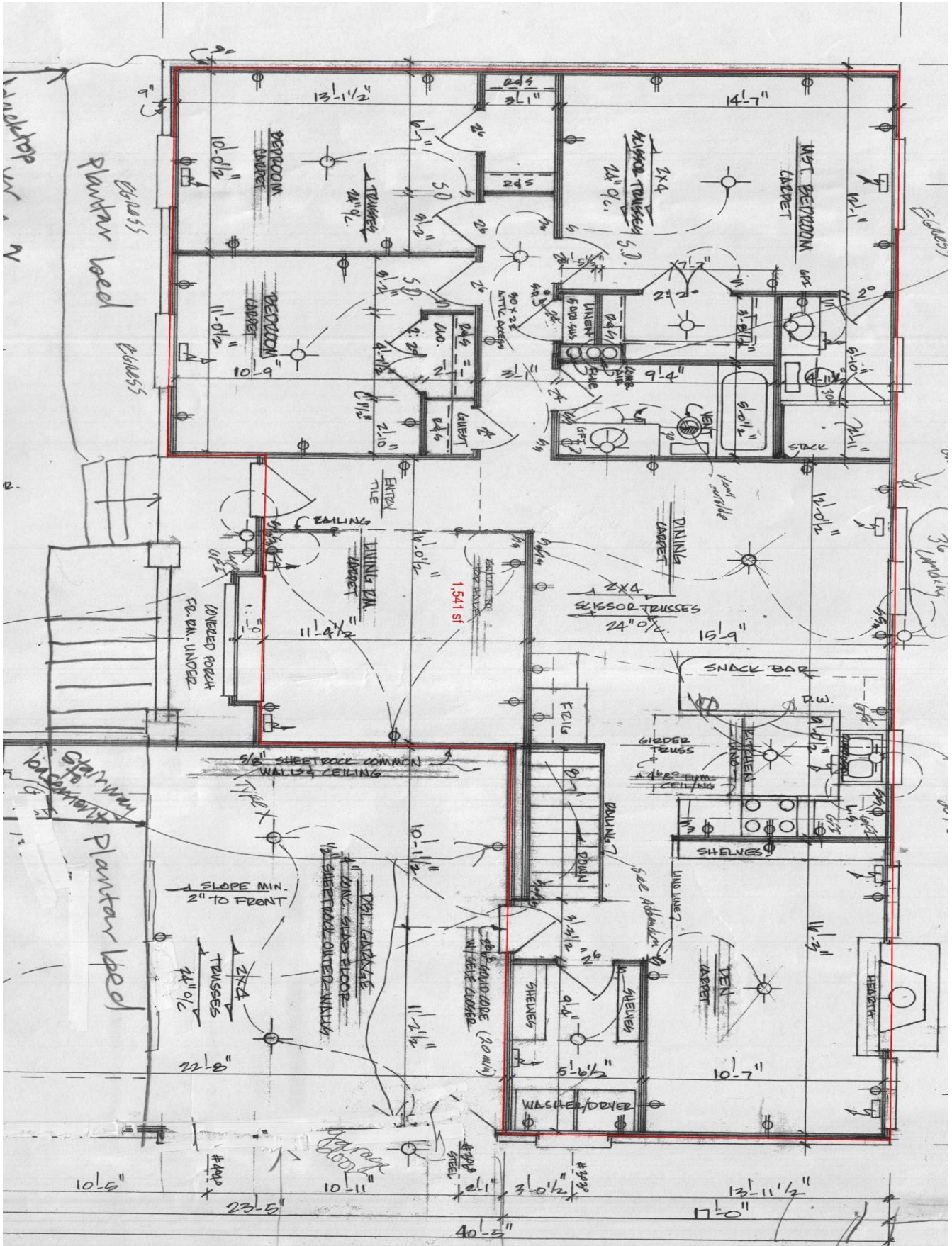


Exhibit C-Location of, Access to and Amenities for Accessory Apartment

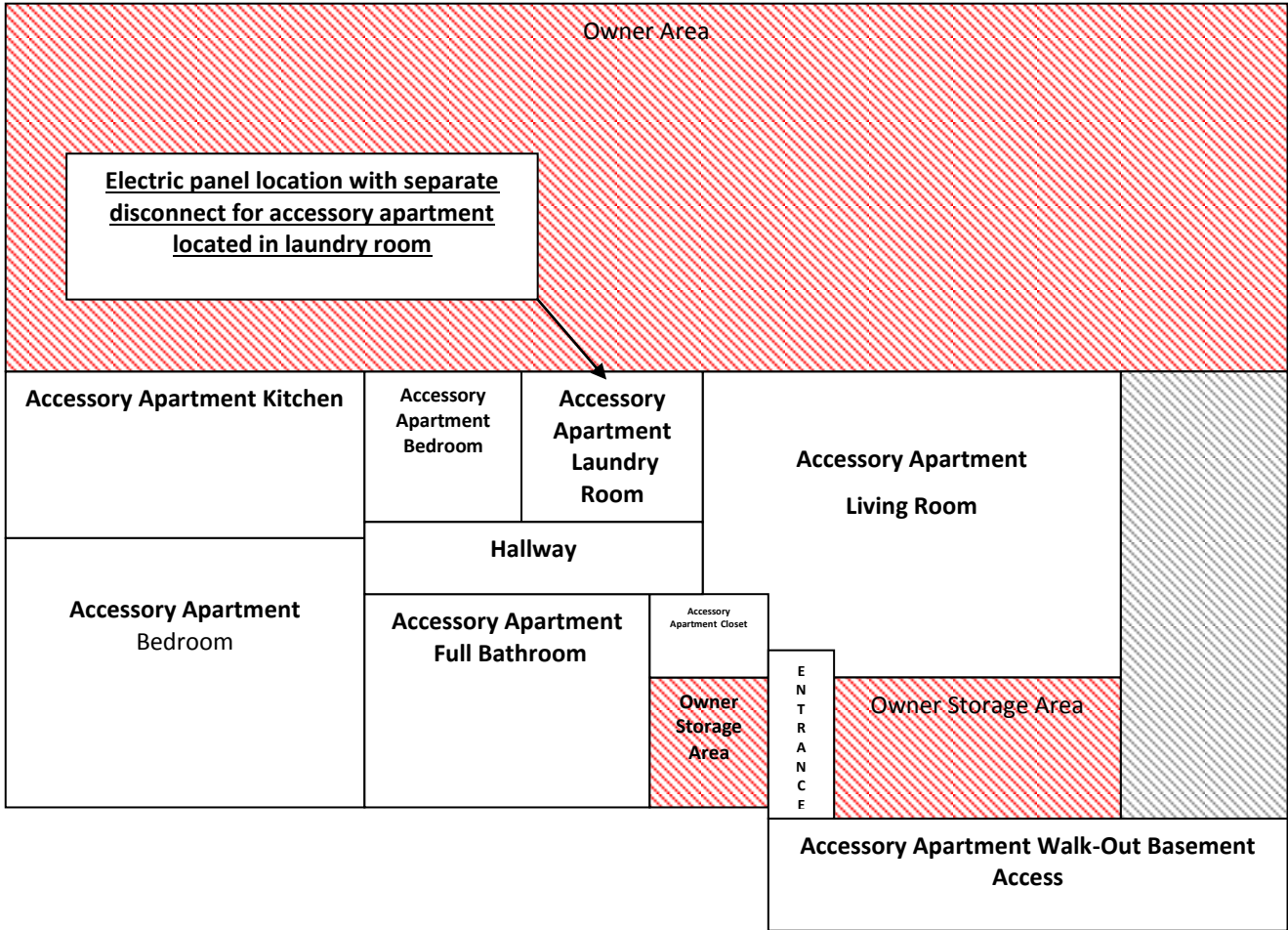


Exhibit D - Parking

