June 20, 2019

TO: Salt Lake City Planning Commission

From: Judi Short, Vice Chair and Land Use Chair

 Sugar House Community Council

RE: PLNPC2019-00263 Conditional Use Request

 Accessory Dwelling Unit 2250 South 1800 East

The Sugar House Community Council Land Use and Zoning Committee (LUZ) reviewed this at the June 17, 2019 meeting. Prior to that, we put flyers with photos on the porches of the neighbors surrounding this property, and distributed the plans to members of the LUZ committee via our website. Twelve people were at the meeting, one was a neighbor of this project. Lance Frame (owner) and Peter Fillerup (architect) answered questions.

The petition is for a new detached accessory structure that contains an Accessory Dwelling Unit (ADU). The new structure would have a footprint measuring 649 square feet and 17 feet in height, with 1 bedroom and 1 ½ bathrooms, plus a living and kitchen area. Part of the plans given to us include, but are not for consideration, include drawings for a roof connection between existing home and garage, and garage/construction of a new detached garage.

The ADU ordinance is very clear: The size of your ADU cannot exceed 50% of your home’s square footage. In this case, the square footage of the home is about 1000. Therefore, the allowed ADU is 500. However, the petitioner has figured out that he can put a breezeway between the house and garage, and thus his ADU ca be 50% of the square footage of the two parcels combined. According to Ashley Scaife, this is common practice, and Zoning Administrator Joel Paterson helped them figure out how to do it, by converting their proposed open-air pergola to a breezeway structure that would comply.

Here are the definitions provided by Ashley:

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.

 BUILDING CONNECTION: Two (2) or more buildings which are connected in a substantial manner or by common interior space including internal pedestrian circulation. Where two (2) buildings are attached in this manner, they shall be considered a single building and shall be subject to all yard requirements of a single building. Determination of building connection shall be through the site plan review process.

GARAGE, ATTACHED: "Attached garage" means an accessory building which has a roof or wall of which fifty percent (50%) or more is attached and in common with a dwelling. Where the accessory building is attached to a dwelling in this manner, it shall be considered part of the dwelling and shall be subject to all yard requirements of the main building.

The intent of the brand-new ADU ordinance was to limit the size of the ADU’s so we didn’t end up with a lot full of two buildings plus garages of the same size, and fill up most of the parcel with buildings. This work-around seems to be against the spirit of the new ordinance. And surely one approved project like this will lead to everyone else doing the same thing.

In this case, the owner will live in the new building over garage, and the existing home plus garage will be rented out. The height complies, the neighbor present did not object, the size complies, using the above definition. There is plenty of parking. Because of the 10,000 square foot lot size, the setbacks are ample. Entrance locations are all correct. Distance from the neighbor’s home is ample. And, the windows comply. This meets all requirements. However, we fail to see why if the definition of an accessory building or structure is already in use, why wasn’t it included In the new ordinance? This omission makes the requirements misleading. And, I will say again that this new ordinance is not going to produce much affordable housing. This one will not be affordable.