



STAFF REPORT

To: East Side Planning Commission
From: Ray Milliner, County Planner
Date of Meeting: October 15, 2020
Type of Item: Conditional Use Permit- Public Hearing, Possible Action
Process: Administrative Review

RECOMMENDATION: Staff recommends that the Planning Commission review and approve the proposed accessory building exceeding 2,000 square feet according to the findings of fact, conclusions of law and conditions of approval in this staff report.

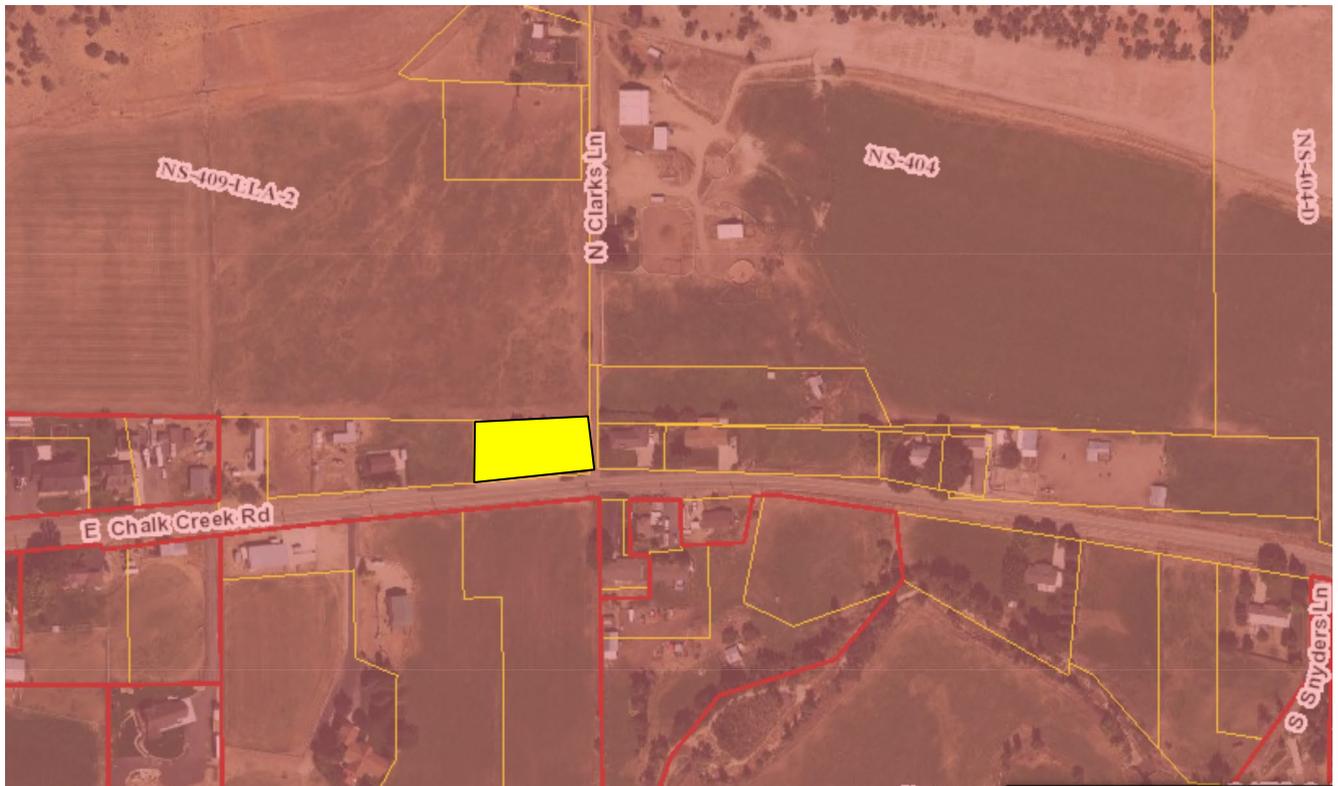
Project Description

Project Name: Staples Garage
Applicant(s): Wes Staples
Property Owner(s): Wes Staples
Location: 795 East Chalk Creek Road
Zone District: Agricultural - 5 (AG-5)
Existing Use: Agricultural
Parcel Number and Size: Parcel #NS-408-1, .50 Acres
Type of Process: Administrative
Land Use Authority: East Side Planning Commission

Proposal

The applicant, Wes Staples, is requesting conditional use approval to build a 1,200 square foot addition to an existing 2,100 square foot accessory building on a single-family lot at 795 East Chalk Creek Road, Coalville Utah. The building is intended for personal storage, and garage space.

Vicinity Map



Background

The applicant, Wes Staples, is requesting approval of a 1,200 square foot addition to an existing 2,100 square foot accessory building on a conforming grandfathered parcel. Section 11-3-14 of the Development Code states that accessory buildings greater than 2,000 square feet in the AG-5 zone are a conditional use subject to review and approval by the Planning Commission. There is an existing single-family home on the lot. Access to the home and the accessory building would be from an existing driveway on Chalk Creek Road. No commercial use is proposed.

The existing building is located approximately 12 feet from the applicant's property line. In order to fit the addition onto his property and meet the required 12 foot setback, the applicant will need to purchase approximately 20' of the adjacent parcel and combine it with his property through a boundary line adjustment. Per Chapter 4 of the Eastern Summit County Development Code a boundary line adjustment is an administrative process that allows a property owner to move property lines between parcels that have not been subdivided.

The applicant has an agreement with the adjacent property owner to purchase the land, but has not completed the boundary line adjustment because he would like to have confirmation that he can build the addition prior to spending the money to buy the land. To accommodate

this concern, the applicant is requesting that the Commission approve the CUP for the addition in the proposed location with a condition of approval stating that no building permit will be issued until such time as the boundary line adjustment is completed.

The 20-foot purchase of the adjoining parcel will not create any unconforming parcels.

Analysis and Findings

The Planning Commission may approve, approve with conditions, or deny a conditional use based upon written findings of fact according to each of the following standards. It is the responsibility of the applicant to provide written and graphic evidence demonstrating compliance:

Standard 1: The proposed use, as conditioned, shall be appropriate in the location, considering the nature of the use, its relationship to surrounding uses and its impact on the natural environment.

COMPLIES

Analysis: The building is located an upland area with no known wetlands or year-round streams. Once the boundary line adjustment is completed, the building will meet all setback requirements and height requirements in the Development Code. Uses proposed in the building (storage and residential) are compatible with those in the general area (residential, agriculture). As a result, the potential negative impacts of the building (noise, smells, etc.) on surrounding residences and properties will be minimized. The location of the building and the size of the lot mitigate the negative impacts of the accessory building on surrounding uses and the natural environment.

Standard 2: The proposed use shall be in general compliance with the Development Evaluations Standards in Chapter 2 of this Title. **COMPLIES**

Analysis: Staff review has reviewed the petition for compliance with the standards established in chapter 2 of the Eastern Summit County Development Code, and found the following:

| Code Requirement | Analysis | Finding |
|---------------------|---|-----------------|
| 1. Agriculture | The use will neither hinder nor eliminate any existing agricultural operations in the area. It will not hinder the existing irrigation systems in the area. | COMPLIES |
| 2. Water and Sewage | The use was reviewed by the County Health Department for compliance with septic and water issues. It was determined that the site has adequate | COMPLIES |

| | | |
|---|--|-----------------|
| | septic and water capabilities to handle the new building. | |
| 3. Natural Resources | The site is generally flat with no streams or wetlands. The use will have minimal effect on natural resources. | COMPLIES |
| 4. County Infrastructure, Facilities and Services | The impact of the building on County infrastructure as it relates to traffic volume, and other public services will be minimal. | COMPLIES |
| 5. Infrastructure Design and Maintenance | Due to the small scale of the use, it is not anticipated that any maintenance or improvements will be necessary on Woodland Drive. | COMPLIES |

Standard 3: The applicant shall present evidence to show approval of the landowner for the particular use, unless the land is owned by the applicant and, in such case, applicant shall submit proof of ownership. **COMPLIES**

Analysis: County records indicate that the applicant is the owner of the property and he has consented to the application.

Standard 5: There are reasonable conditions that can be imposed which mitigate the reasonably anticipated detrimental effects of the proposed use.

Analysis: The proposed use is a personal shop, tack shed and storage area. Staff has no evidence that the applicant will store dangerous materials or conduct hazardous activities in the accessory building. If the applicant were to conduct such operations, action would be taken by the County Code Enforcement Officer to eliminate the threat.

Recommendation

Staff recommends that the Planning Commission review and approve the proposed accessory building exceeding 2,000 square feet according to the findings of fact, conclusions of law and conditions of approval in this staff report.

Findings of Fact

1. The proposed project is located at 795 East Chalk Creek Road, Coalville Utah.
2. The property is in the Agriculture-5 (AG-5) zone.
3. Accessory buildings and uses to the principal residential dwelling unit or subdivision, exceeding 2,000 square feet are a conditional use in the AG-5 zone.
4. The lot is .50 acres in size.
5. Access to the property is from Chalk Creek Road.
6. The applicant is requesting approval of a 1,200 square foot addition to an existing 2,100 square foot accessory building on a conforming grandfathered parcel.

7. The proposed addition will be approximately 17 feet in height.
8. Height in the AG-5 zone is 32 feet above grade.
9. The existing building is located approximately 12 feet from the applicant's property line.
10. In order to fit the addition onto his property and meet the required 12 foot setback, the applicant will need to purchase approximately 20' of the adjacent parcel and combine it with his property through a boundary line adjustment.
11. Per Chapter 4 of the Eastern Summit County Development Code a boundary line adjustment is an administrative process that allows a property owner to move property lines between parcels that have not been subdivided.
12. Neither of the affected parcels have been subdivided.
13. The 20-foot purchase of the adjoining parcel will not create any unconforming parcels.
14. The application was routed to affected county departments, state agencies and service providers, no issues were raised.

Conclusions of Law

1. The proposed Conditional Use as conditioned complies with all requirements of the Eastern Summit County Development Code.
2. The use is appropriately located with respect to public facilities, it is adjacent to an existing county road, and has adequate water and septic.
3. The modification as conditioned is consistent with the standards established in chapter 2 of the Eastern Summit County Development Code.
4. The use is not detrimental to public health, safety and welfare, as the roads and public services in the area are enough to accommodate the increase in intensity of the use.
5. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. No building permits for this addition shall be issued until such time as a boundary line adjustment is Recorded with the Summit County Recorder that moves the property line sufficiently to accommodate the addition and the Code required setback of 12 feet on the side.
2. If the boundary line adjustment is not completed within 6 months of this approval the approval shall become null and void.
3. The proposed accessory building is for private use by the property owner. No commercial use is allowed.

Attachments

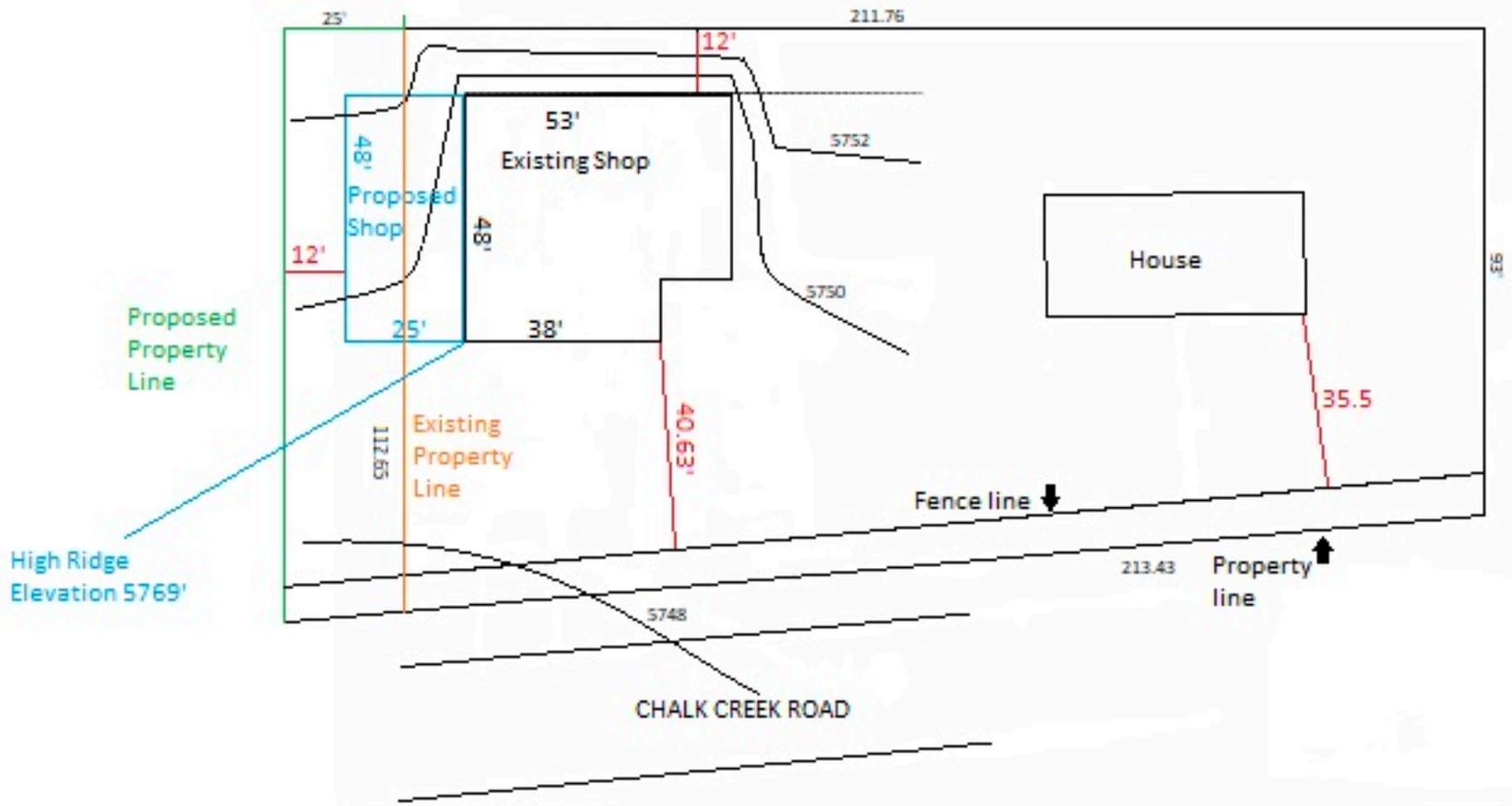
Exhibit A – Proposed Plans

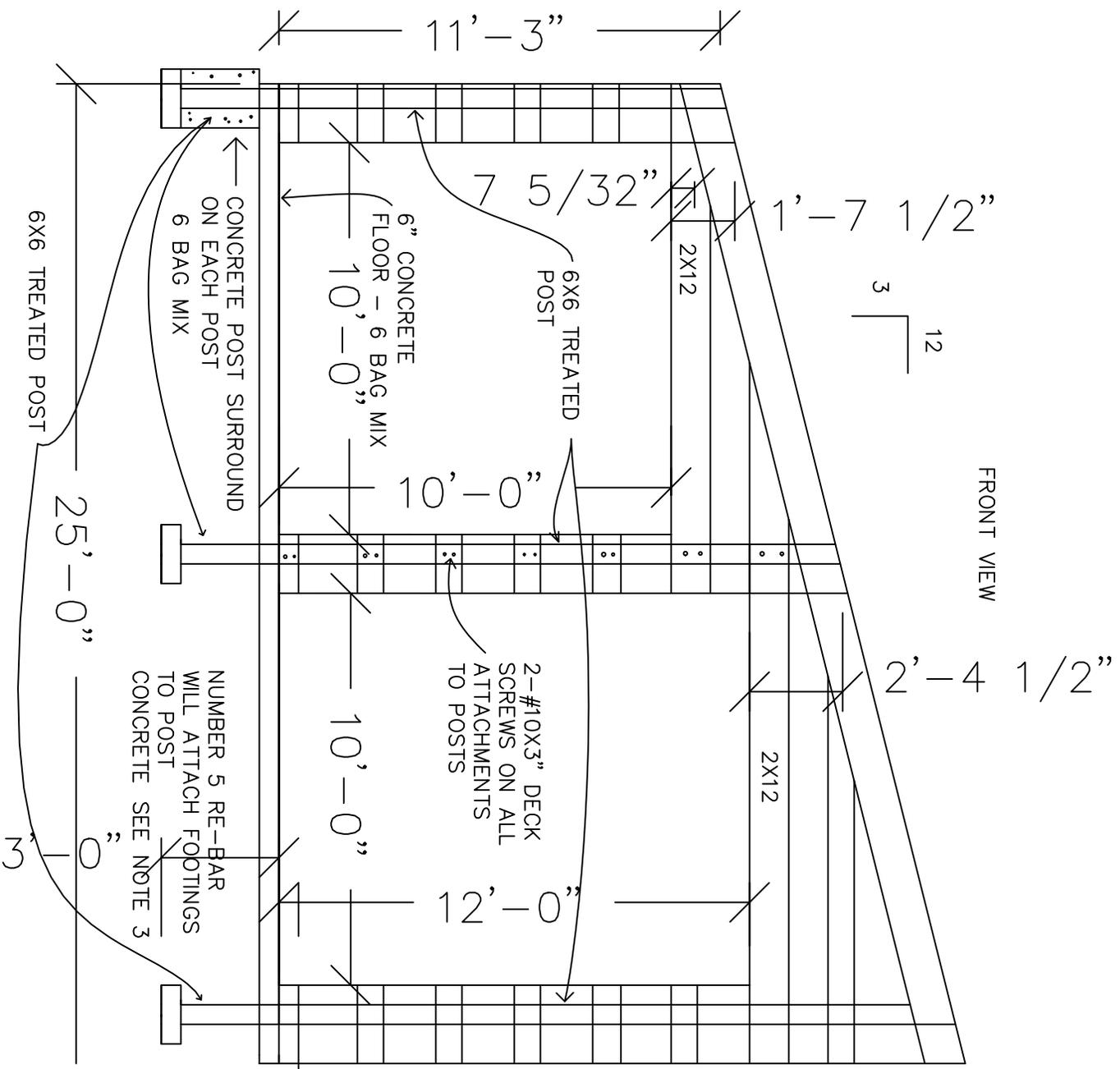


Site Plan
NS-408-1

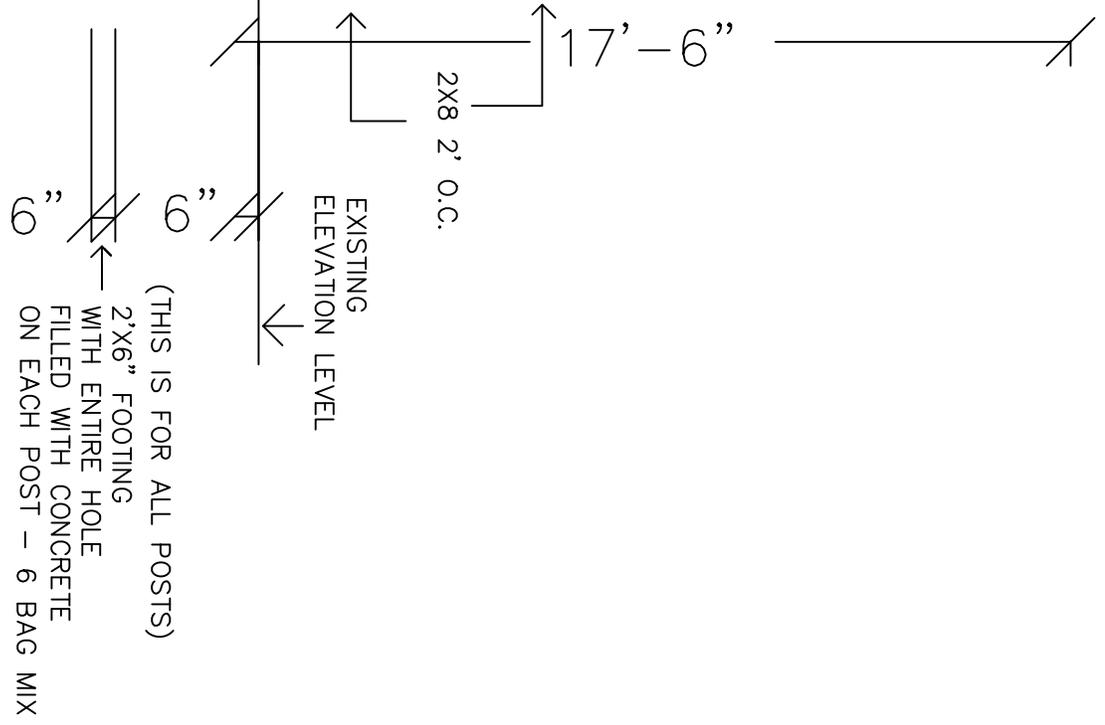
Wesley & Kristen Staples
Garage Addition

Located in Northeast Quarter of Section 11, 12N, R5E, SLB&M
Chalk Creek, Summit County, Utah

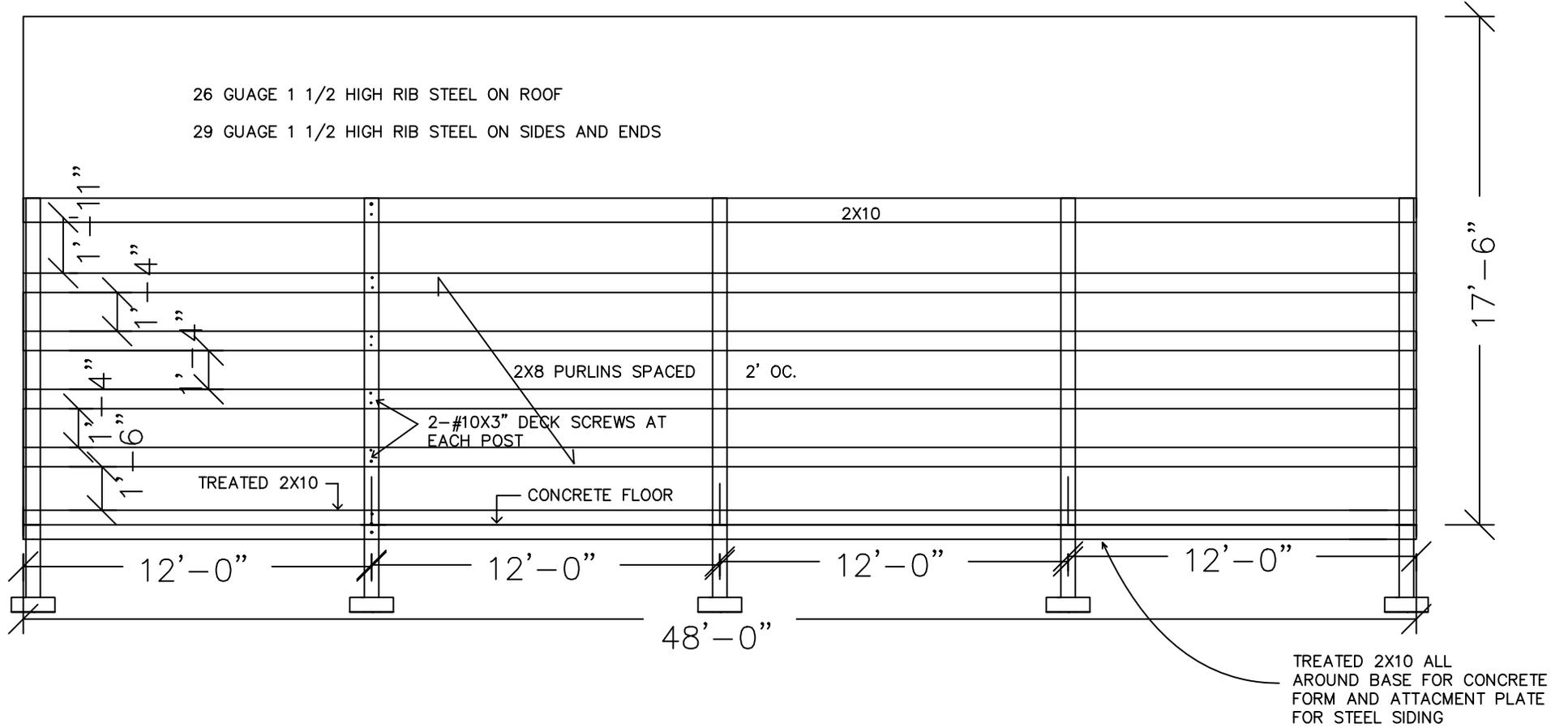




FRONT VIEW



SIDE VIEW



Untitled Map

Write a description for your map.

Legend

 795 E Chalk Creek Rd

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