

1 **Providence City Administrative Land Use Authority (ALUA) Minutes**

2 **Wednesday, March 30, 2022 2:35 PM**

3 Providence City Office Building 164 North Gateway Drive, Providence, UT 84332

4 **This meeting was live streamed on Providence City's YouTube Channel**

5
6 **Call to Order:** Skarlet Bankhead, Chair

7 **Members in Attendance:** Skarlet Bankhead, Rob Stapley, Max Pierce

8 **Others in Attendance:** Tyler Cameron, Mitch Turley, Dave Beckett, Brent Cromar

9 **Excused:** Ryan Snow, Diane Campbell

10
11 **Public Hearing was opened:**

- 12 • B Cromar said that it was a nice building but that it was in the wrong place. He did not want the easement
- 13 allowed. He brought up home value. He said that it blocked the view of homeowners and that there
- 14 were significant parking issues. He also brought up the access in and out and saw it to be a fire hazard.
- 15 He asked again to please not allow the easement to go through.
- 16 • S Bankhead reminded everyone that there were ways to comment through the Providence email and
- 17 phone. She had received a call from Janet Wyman who was supportive of the project.

18
19 **Public Hearing was closed.**

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21 **Item 1– Conditional Use – Accessory Dwelling Unit:** The Providence City Administrative Land Use Authority will

22 consider for approval a request by Dave Beckett for an Accessory Dwelling Unit located at 495 E. 1000 S.

23 Providence, UT. [EXHIBIT](#)

24
25 **Background Information:**

26 A complete application was received March 11, 2022 and contained:

- 27 1. Providence City Conditional Use Application.
- 28 2. Payment of \$100 fee, March 10, 2022.
- 29 3. Applicant's request, names and addresses of adjacent neighbors, copy of the recorded subdivision plat,
- 30 certificate of occupancy and the building specification for the existing detached accessory building.
- 31 4. A site plan showing the area within the building for the proposed ADU (approximately 720" in the west
- 32 end and using 25% of the building area).
- 33 5. The owner provided the following statement:
 - 34 a. Request: The existing detached garage has an office that I would like to convert into an (ADU)
 - 35 Accessory Dwelling Unit. It was built to Cache County and Utah State Building codes and was
 - 36 approved for occupancy by Cache County. The building meets set back standards (rear and side)
 - 37 identified in requirements are set at 15 feet. The rear setbacks for the building range from 12-14
 - 38 feet from the property line. Therefore, I am requesting a condition approval for the ADU for the
 - 39 building.
- 40 6. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure March 15, 2022.

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42 **FINDINGS OF FACT:**

- 43 1. UCA 10-9a-507. Conditional Uses allow a municipality to adopt a land use ordinance that includes
- 44 conditional uses and provisions for conditional uses that require compliance with standards set for in an
- 45 applicable ordinance.
- 46 2. PCC Certificate of Compliance and Occupancy lists the requirements for the certificate of compliance and
- 47 occupancy. There certificate shall state that the building or the proposed use of land complies with the
- 48 provisions of this Title...
- 49 3. PCC 10-3-5 Conditional Use Permits allow the City to impose reasonable conditions: to mitigate the
- 50 reasonably anticipated detrimental effects of the proposed use on the health, safety, or general welfare of
- 51 persons residing, working, or conducting business in the vicinity; to mitigate injury to property in the
- 52 vicinity; to mitigate any risk to safety of persons or property because of vehicular traffic or parking, large

- 53 gatherings of people, or other causes.
- 54 4. PCC 10-13-1 states, it is the policy of Providence City to promote and encourage the creation of legal ADUs
- 55 in a manner that enhances residential neighborhoods while respecting the existing look and scale of the
- 56 single-family dwellings. The intent of this ordinance is to provide for a broader range of affordable housing
- 57 options...
- 58 5. PCC 10-13-2 defines an ADU as *a second dwelling unit which is a self-contained dwelling unit located on an*
- 59 *owner-occupied lot or parcel. It is in a detached building which maintains complete independent living*
- 60 *facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and*
- 61 *sanitation, including a separate kitchen.*
- 62 6. PCC 10-13-4 lists the owner-occupied requirement.
- 63 7. PCC 10-13-6 lists the maximum size of an ADU as less than 50% of the total square footage of the primary
- 64 residence, but not more than 1,200 square feet.
- 65 8. PCC 10-13-9 states: Building Setbacks. New ADUs are subject to the same ordinances that apply to the
- 66 principal dwelling unit as far as zoning and setbacks. Existing structures that do not meet setback
- 67 requirements may be approved on a conditional basis. Adjacent property owners will be notified, and a
- 68 public hearing will be held before the Administrative Land Use Authority, which will either approve or deny
- 69 the conditional use.
- 70 9. PCC 10-1-6 requires notice be given to adjacent property owners by mailing notice to the record owner of
- 71 each parcel and posting notice on the property.
- 72

73 **CONCLUSIONS OF LAW:**

- 74 1. Providence City has adopted land use ordinances that include conditional uses and provisions for
- 75 conditional uses.
- 76 2. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
- 77 detrimental effects of the proposed use.
- 78 3. Providence City mailed notices and posted notice on the property notifying property owners of the date,
- 79 time, and place of a public hearing to consider the Applicant's request.
- 80 4. The site plan shows a cement parking area. The driveway width to access the parking area exceeds the
- 81 maximum width shown on Public Works Standards and Specifications Drawing No. C-5 (see drawing on
- 82 page 3)
- 83 5. The request meets the requirements of the Codes listed in the Findings of Fact with the following
- 84 conditions:
- 85

86 **CONDITIONS:**

- 87 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
- 88 codes, and ordinances.
- 89 2. This conditional use is for the accessory dwelling unit only as shown on the site plan dated March 10,
- 90 2022.
- 91 3. Within 30 days of securing approval for construction of an ADU, the owner shall record against the deed
- 92 to the subject property, a deed restriction running in favor of Providence City limiting occupancy of either
- 93 the principal dwelling unit or the ADU to the owner of the property. Proof that such a restriction has been
- 94 recorded shall be provided to the City prior to issuance of the occupancy permit for the ADU.
- 95 4. Prior to receiving certificate of occupancy, the driveway approach needs to be compliant with the Public
- 96 Works Standards and Specifications.
- 97 5. Approval by the City of any application or paperwork submitted does not alleviate the owners and/or
- 98 their agents from their responsibility to understand and conform to local, state, and federal laws.
- 99 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
- 100 6. The applicant will meet all building and fire code requirements.
- 101 7. The applicant's ADU sq. footage is approved for up to 1200 Sq. Feet per PCC 10-13-6.
- 102

103 **Comments:**

- 104 • S Bankhead read from the staff report.

- 105 • S Bankhead read from the owner’s statement.
- 106 • S Bankhead stated that there are two different types of accessory dwelling units in Providence. She went
- 107 over codes. Zoning and building setbacks were also covered.
- 108 • S Bankhead stated that conditional use is approving or denying conditions and not making a lot of changes
- 109 on the item, so it is not in their authority to turn Mr. Beckett down unless his ability to have an accessory
- 110 dwelling in this area is not appropriate.
- 111 • D Beckett described his plans for the building and parking. He said the ADU would be a grandma
- 112 apartment. He also talked about fire escape routes and then setbacks from when the whole project had
- 113 first started.
- 114 • S Bankhead pointed out that in the 10-13-7 code it states the new additional dwelling unit could not take
- 115 up more than 25 percent of the yard. D Beckett’s building was right at 25 percent so nothing could be
- 116 added to the exterior in the future.
- 117 • The original site plan was discussed with the size of the driveway, as well as the conditions and
- 118 permissions surrounding that. There was some research into the original plans along with the new plans.
- 119 A discussion followed including meeting city codes. Nothing that does not meet city code can be
- 120 approved. Some of the city codes had recently been modified.
- 121 • R Stapley’s biggest concern with big driveways is the complaints he gets when it snows. It takes more
- 122 time to clear it. Complications were discussed especially with the park strips.
- 123 • S Bankhead read from Code 10-3-5: Conditional Use Permits. There was a discussion about the conditions
- 124 and the ordinances that the council had agreed upon in order to make decisions such as this item.
- 125 • After further discussion, conditions were added per motion by the Administrative Land Use Authority.

127 **Motion to approve it based on those conditions : — M. Pierce, second — R. Stapley**

128 **Vote:**

129 **Yea: S. Bankhead, R. Stapley, M. Pierce**

130 **Nay:**

131 **Abstained:**

132 **Excused:**

134 **Motion to adjourn: — R. Stapley, second — M. Pierce**

135 **Vote:**

136 **Yea: S. Bankhead, R. Stapley, M. Pierce**

137 **Nay:**

138 **Abstained:**

139 **Excused:**

141 Meeting adjourned at approximately 4:02 PM

142 Minutes prepared by Kris Hobbs Clemente

144 
 Skarlet Bankhead, Chair

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