

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**  
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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 if 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.  
41

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.

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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:

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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.

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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

145 \_\_\_\_\_  
 146 Skarlet Bankhead, Chair