SOUTH JORDAN
UTAH

PH: 801.254.3742 EMAIL: info@sjc.utah.gov FAX: 801.254.3393

June 26, 2014

Kent Nelson
[redacted]
South Jordan, Utah 84095

Re: GRAMA Records Request Received June 20, 2014

I am responding to your Record Request asking for:

Request #1: Permit for Accessory Living Unit located at:

- 2084 Lawrence Circle
  South Jordan, Utah 84095

Reply #1: **Approved – 32 pages of building records**

Payment amount for records is: $ 8.00

Please let me know if you have any questions,

Sincerely,

Anna West, CMC
City Recorder

CITY OF SOUTH JORDAN
GRAMA Record Request
Fax: 801-254-3393

SOUTH JORDAN UTAH

The following form should be completely filled out and returned to the City Recorder's office. The City is allowed 10 business days in which to respond to your request. Presently, South Jordan City Charges .50¢ per page. The City may assess other fees for records compiled in a form other than that maintained. Research or Services Fee may be charged as provided by Utah Code 63G-2-203.

Requestor's Name: Kent Nelson

Address: [redacted] City: South Jordan

State: UT Zip: 84095 Daytime Phone: [redacted] Fax: –

In accordance with the Governmental Records Access Management Act, I am seeking the following record(s) specifically described as: [redacted] PERMIT FOR ACCESSORY LIVING UNIT [redacted] ON ADDRESS 2084 LAURENCE CIRCLE.

which I believe are collected, filed and/or used by the City of South Jordan, 1600 W. Towne Center Drive, South Jordan, Utah 84095 (801) 254-3742.

✓ I would like to view/inspect the record(s).

____ I would like to receive a copy of the record(s) described above. I understand that the City charges a fee for copies of records and the copies will be provided subject to fees being paid. I authorize cost of up to $_. If costs are greater than the amount I have specified, I further understand that the office will contact me and will not respond to a request for copies if I have not authorized adequate costs.

Kent Nelson — Signature

20 June 14 — Date

==========

CITY'S RESPONSE TO RECORD REQUEST – FOR OFFICE USE ONLY

X APPROVED – Requestor notified on June 26, 20 14

____ DENIED – Written denial sent on ____, 20 __

____ Requestor notified that this office does not maintain record; and, if known, was also notified of name and address of agency that does maintain record on ____, 20 __

____ Extension of time for extraordinary circumstances. Required notice sent ____, 20 __

COPY FEES: $ 8.00. If waived, approved by: ____

Signature

June 26-14 — Date

City of South Jordan
Building Division
1600 W Towne Center Drive
South Jordan, UT 84065
801-254-3742
http://www.southjordancity.org

Permit #	43964
Project #	2012-15890
Permit Cat.	Building Permit
Permit Type	Garage/Storage/Barn
Issue Date	5/16/2013

Construction Permit

Address	Assesors Parcel No.	Tract Parcel Map Number	Lot Number
2084 LAWRENCE CIR W, Apt. (9580 S)	2710105005		

Description of work.

DETACHED GARAGE WITH GUEST HOUSE

Building Value	Occupancy	Contruction	Units	Sprinkler	Square Feet	Garage Sq. Ft.
$112,000.00	SF Residential	Type V B	1	False	1500 00	

Current Owners	Address	Telephone	Email
GAVIN WENZEL	2084 LAWRENCE CIRCLE SOUTH JORDAN UT 84095	801-333-8686	X@X COM
Contractor	**Address**	**Telephone**	**Email**
* OWNER BUILDER	UT	000-0000	X@X COM
Lic. Information		Exp Date:	
Applicant	**Address**	**Telephone**	**Email**
* OWNER BUILDER	UT	000-0000	X@X COM
Lic. Information		Exp Date	

Fees

Fee Group	Fee Type Desc	Unit Cost	Quantity	Fee Amount	Payment Amount	Balance
Garage/Storage/Outbuilding				$1,976.57	$1,976.57	$0.00
	PLUMB: WaterHeater	13 50	1 00	$13.50	$13 50	$0.00
	State Fee	.01	1,482 59	$14.83	$14.83	$0.00
	BLDG Add/Alter PME Plan Check	.15	198 80	$29 82	$29 82	$0 00
	MECH: Furnace/Air Conditioner	16 00	2 00	$32 00	$32 00	$0 00
	PLUMB: Drain	10 55	6 00	$63 30	$63 30	$0 00
	ELEC: Finished SF	.06	1,500.00	$90.00	$90 00	$0 00
	BLDG Add/Alter Plan Check	.35	1,283.79	$449.33	$449 33	$0.00
	Valuation	00	00	$1,283.79	$1,283 79	$0.00
Totals				**$1,976.57**	**$1,976.57**	**$0.00**

Receipt Summary

Receipt ID	Payment	Type	Paid By	LOGINID	Date Time
11030	$1,976.57	Credit Card	WENZEL INC/GAVIN WENZEL	sruark	5/16/2013 1.34 PM
Totals	**$1,976.57**				

Scott L. Osborne, *Mayor*
Mark Seethaler, *Council Member*
Chuck Newton, *Council Member*
Brian Butters, *Council Member*
Steve Barnes, *Council Member*
Larry Short, *Council Member*

John H. Geilmann, *City Manager*

SOUTH JORDAN
UTAH

PH: 801.254.3742 EMAIL: info@sjc.utah.gov FAX: 801.254.3393

September 12, 2012

Notice of Approval
Accessory Living Unit Permit

This document is to provide notice that following City staff and Planning Commission review, an Accessory Living Unit permit was approved, in accordance with submitted documents (File #: ALU-2012.05), for a basement apartment at 2084 W. Lawrence Circle while occupied by the current homeowner, Gavin Wenzel. The approval is subject to compliance with the Accessory Living Unit Floating Zone and the following requirements as approved by the Planning Commission:

1. *The floor area of the guesthouse is not to exceed 35% of the floor area of the primary dwelling.*
2. *Canon Park Lane is not to be used as vehicular or pedestrian access for the guesthouse.*
3. *All vehicles owned by occupants of the guesthouse are to be parked off the street.*
4. *Exterior colors to be consistent with the primary dwelling.*
5. *The basement is to be converted to an 'extended living area' by maintaining free-flow access with the rest of the primary dwelling (i.e. – the door to the basement apartment is removed).*

For questions or comments regarding this application, please contact the Planning Division at City Hall (801 254-3742) at 1600 W. Towne Center Drive (10610 S.).

Sincerely,

S. Jacob Warner (Jake)
Planner II
Community Development Department

Scott L. Osborne, *Mayor*
Mark Seethaler, *Council Member*
Chuck Newton, *Council Member*
Brian Butters, *Council Member*
Steve Barnes, *Council Member*
Larry Short, *Council Member*

John H. Geilmann, *City Manager*

SOUTH JORDAN
UTAH

PH: 801.254.3742 EMAIL: info@sjc.utah.gov FAX: 801.254.3393

NOTICE OF PUBLIC MEETING

Aug. 27, 2012

Dear Property Owner:

Gavin Wenzel has filed an application for an **Accessory Living Unit permit** on property he owns located at **2084 W. Lawrence Circle**. Accessory Living Units are allowed in single-family zones by permit only. Accessory Living Units that involve changes to the exterior of the existing home (additions, guest houses, etc.) and/or exceed 35% of the floor area of the primary dwelling are required to be reviewed by the South Jordan City Planning Commission at a public meeting. The proposed application involves a guesthouse which exceeds 35% of the floor area of the home.

The proposal will be reviewed during a public meeting to be held before the South Jordan Planning Commission at **6:30 p.m., Tuesday, September 11, 2012** at the South Jordan City Offices, 1600 W. Towne Center Drive. All interested parties are invited to attend. Public meetings, as opposed to public hearings, do not necessarily allow the opportunity for the public to comment. **Any party desiring to provide input on this issue should contact City staff before September 11th.**

You are receiving this notice because Salt Lake County records indicate that you own property within 300 feet of the subject property or your agency may be affected by the proposal. You are invited to review the Planning Commission agenda at City Hall or at the City's web site, www.sjc.utah.gov. A copy of an aerial map for the subject propertie has been attached to this notice.

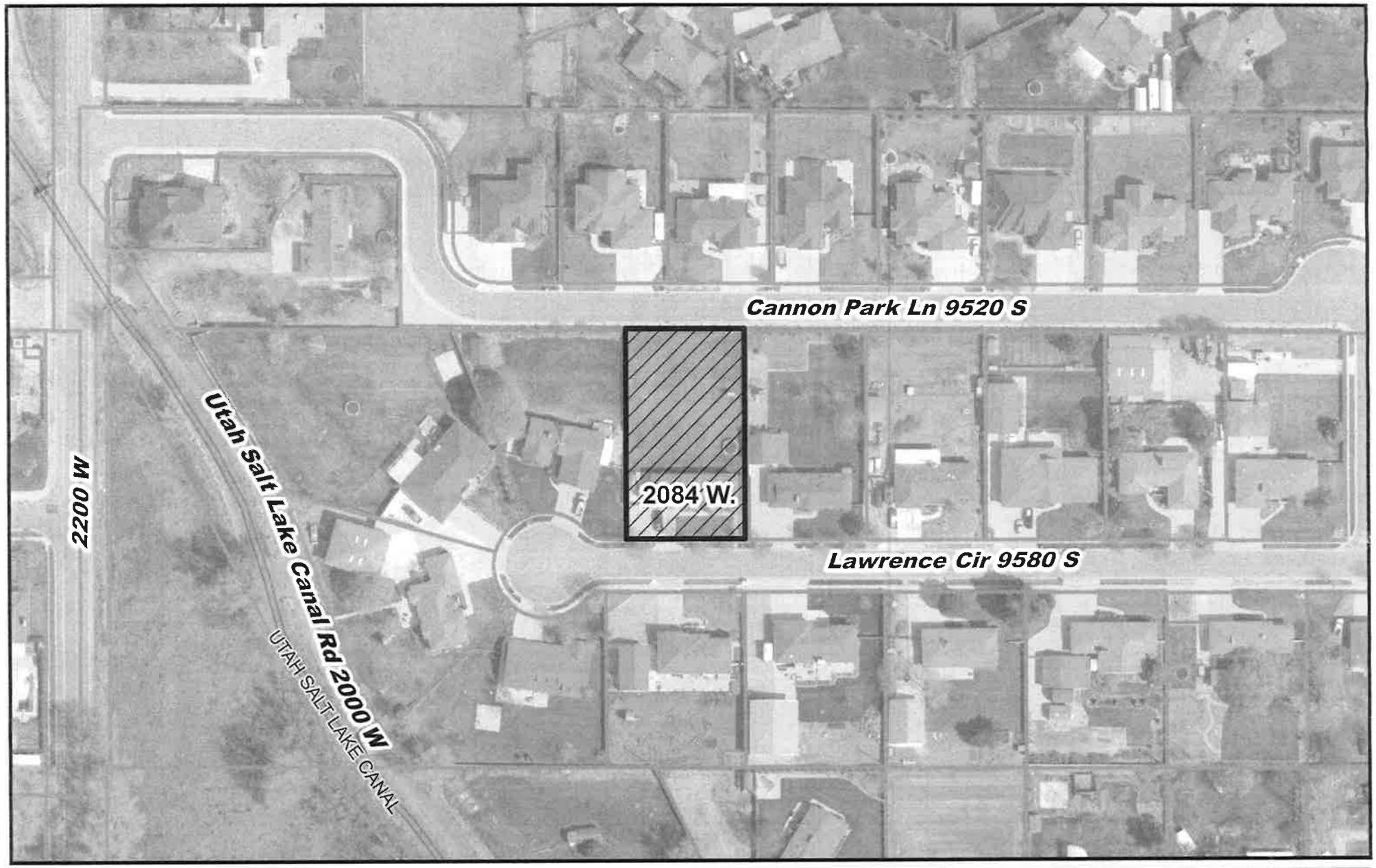
Should you desire further information, you may contact:

Project Applicant/Agent: **Gavin Wenzel** Phone: **801 333-8686**

or the Planning and Zoning Staff at the City offices or by telephone at (801) 254-3742 during regular business hours.

Sincerely,

S. Jacob Warner (Jake)
Planner II
Community Development Department
Email: jawarner@sjc.utah.gov



Legend

CITY BOUNDARY

PARCELS

AERIAL MAP

Wenzel ALU

2084 W. Lawrence Circle

Aerial Dated Nov. 2011

150 Feet

Scott L. Osborne, *Mayor*
Mark Seethaler, *Council Member*
Chuck Newton, *Council Member*
Brian Butters, *Council Member*
Steve Barnes, *Council Member*
Larry Short, *Council Member*

John H. Geilmann, *City Manager*

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Sincerely,

S. Jacob Warner (Jake)
Planner II
Community Development Department
Email: jawarner@sjc.utah.gov

27101010220000
RESIDENT
9504 S VALLEY SPRING CIR
SOUTH JORDAN UT 84095

27101010230000
RESIDENT
9516 S VALLEY SPRING CIR
SOUTH JORDAN UT 84095

27101010240000
RESIDENT
9515 S VALLEY SPRING CIR
SOUTH JORDAN UT 84095

27101010300000
RESIDENT
9518 S SPRING HARVEST CIR
SOUTH JORDAN UT 84095

27101010350000
RESIDENT
9479 S 2200 W
SOUTH JORDAN UT 84095

27101010390000
RESIDENT
2154 W CANNON PARK LN
SOUTH JORDAN UT 84095

27101010400000
RESIDENT
2132 W CANNON PARK LN
SOUTH JORDAN UT 84095

27101010410000
RESIDENT
2118 W CANNON PARK LN
SOUTH JORDAN UT 84095

27101010420000
RESIDENT
2086 W CANNON PARK LN
SOUTH JORDAN UT 84095

27101010430000
RESIDENT
2064 W CANNON PARK LN
SOUTH JORDAN UT 84095

27101010440000
RESIDENT
2042 W CANNON PARK LN
SOUTH JORDAN UT 84095

27101050020000
RESIDENT
9495 S 2200 W
SOUTH JORDAN UT 84095

27101050030000
RESIDENT
2126 W LAWRENCE CIR
SOUTH JORDAN UT 84095

27101050040000
RESIDENT
2102 W LAWRENCE CIR
SOUTH JORDAN UT 84095

27101050050000
RESIDENT
2084 W LAWRENCE CIR
SOUTH JORDAN UT 84095

27101050060000
RESIDENT
2062 W LAWRENCE CIR
SOUTH JORDAN UT 84095

27101050070000
RESIDENT
2040 W LAWRENCE CIR
SOUTH JORDAN UT 84095

27101050080000
RESIDENT
2028 W LAWRENCE CIR
SOUTH JORDAN UT 84095

27101050110000
RESIDENT
2173 W CANNON PARK LN
SOUTH JORDAN UT 84095

27101050120000
RESIDENT
9495 S 2200 W
SOUTH JORDAN UT 84095

27101510010000
RESIDENT
PO BOX 1181
WEST JORDAN UT 84084

27101510020000
RESIDENT
2117 W LAWRENCE CIR
SOUTH JORDAN UT 84095

27101510030000
RESIDENT
2105 W LAWRENCE CIR
SOUTH JORDAN UT 84095

27101510040000
RESIDENT
2087 W LAWRENCE CIR
SOUTH JORDAN UT 84095

27101510050000
RESIDENT
2063 W LAWRENCE CIR
SOUTH JORDAN UT 84095

27101510060000
RESIDENT
2037 W LAWRENCE CIR
SOUTH JORDAN UT 84095

27101510070000
RESIDENT
2013 W LAWRENCE CIR
SOUTH JORDAN UT 84095

27101510110000
RESIDENT
2054 W 9640 S
SOUTH JORDAN UT 84095

27101510120000
RESIDENT
2054 W 9640 S
SOUTH JORDAN UT 84095

27101510170000
RESIDENT
2074 W 9640 S
SOUTH JORDAN UT 84095

27101510120000
RESIDENT
2054 W 9640 S
SOUTH JORDAN UT 84095

WENZEL INC
2084 W LAWRENCE CIR
SOUTH JORDAN, UT 84095

498
97-7751/3243
24

8-27-12
Date

Pay to the Order of South Jordan $ 13.05

Thirteen dollars and 05/100 Dollars

Security Features Details on Back.

AMERICA FIRST CREDIT UNION
America First Federal Credit Union
P.O. Box 9199
Ogden, UT 84409
www.americafirst.com

For Stamps for Permit

⑆324377516⑆746007313307⑈ 0498

4095

Gavin Wenzel

CITY OF SOUTH JORDAN
REVENUE STATEMENT

RECEIVED FROM: Gavin Wenzel

DATE: Aug. 27, 12

ACCOUNT #	DESCRIPTION	AMOUNT
	Postage	13.05
	TOTAL	13.05

COMMENTS:

CHECK # 498

CHECK ☑
CASH ☐
DB. CARD ☐
CR. CARD ☐

RECEIVED BY: [signature]

PROJECT COMMENT SHEET

Project: Wenzel ALA - PC Review

Date	Comments
8/28	Mailed notices
9/6	Packet given to Area
9/11	Approved by PC w/ 35% restriction

Warren MacNeil

2063 Lawrence Circle

South Jordan UT 84095

September 9, 2012

S. Jacob Warner
South Jordan City
1600 West Towne Center Drive
South Jordan City UT 84095

Re: Gavin Wenzel Permit Application

Dear Mr. Warner:

This letter is in regards to Mr. Gavin Wenzel's application for a permit to construct an Accessory Living Unit on the property he owns at 2084 West Lawrence Circle.

Mr. Wenzel currently has tenants occupying an apartment in the basement of his primary residence. If his current request for an Accessory Living Unit permit is approved, Mr. Wenzel would be bringing yet another tenant onto his property. According to the Residential Area Covenants dated November 14, 1978, no building shall be erected, altered, placed or permitted to remain on any lot other than a detached single-family dwelling, not to exceed two stories in height, a private garage or carport for not more than three cars, and accessory buildings as are approved by the Architectural Control Committee. Mr. Wenzel is currently in violation of the single-family dwelling covenant.

In the updated Residential Area Covenants dated July 1988 covering Lawrence Estates Subdivision the covenant state that it is the intent of the record homeowners to keep all dwellings brick ramblers. If Mr. Wenzel's current application is approved, it would violate the updated 1988 Residential Area Covenants.

For your convenience, attached is a copy of the 1978 and updated 1988 Lawrence Estates Subdivision covenants.

Therefore, I am opposed to Mr. Wenzel's application being approved.

Sincerely,

Warren J. MacNeil

3196983

CONDITIONS AND RESTRICTIONS EXECUTED BY GOLDEN R. MUIR AND JANICE J. MUIR, his wife, covering Lawrence Estates Subdivision No. 1, lots 1 through 35, according to the official plat thereof recorded in the office of the County Recorder of Salt Lake County, Utah.

RESIDENTIAL AREA COVENANTS

1. LAND USE AND BUILDING TYPE. No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than detached single-family dwelling, not to exceed two stories in height, a private garage or carport for not more than three cars, and such other accessory buildings as are approved by the architectural control committee.
2. ARCHITECTURAL CONTROL. No building shall be erected, placed, or altered on any lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the architectural control committee as to quality of workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography, other residences and finish grade elevation. No fence or wall shall be erected, placed or altered on any lot nearer to any street than the minimum setback line unless similarly approved. Approval shall be as provided in part C (Architectural control committee).
3. DWELLING COST, QUALITY AND SIZE. No dwelling shall be permitted on any lot at a cost of less than $45,000.00, including the lot, based upon the cost levels prevailing on the date of these covenants recording, it being the intention and purpose of the covenants to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost herein for the minimum permitted dwelling size. The ground floor area of the main structure, exclusive of one-story open porches and garages, shall be not less than 1,200 square feet for a one-story dwelling, nor less than 1,100 square feet for a dwelling of more than one story.

1200 sq ft

4. BUILDING LOCATION
   (a) No building shall be located on any lot nearer to the front lot line or nearer to the side street line than the minimum building setback lines shown on the recorded plat. In any event no building shall be located on any lot nearer than 30 feet to the front lot line, or nearer than 20 feet to any side street line.
   (b) No building shall be located nearer than 8 feet to an interior lot line, except that a one foot yard shall be required for a garage or other permitted accessory building located 50 feet or more from the minimum setback line.
   (c) For the purpose of this covenant, eaves, steps, and open porches shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any portion of a building, on a lot to encroach upon another lot.
5. LOT AREA AND WIDTH. No dwelling shall be erected or placed on any lot having a width of less than 90 feet at the minimum setback line.
6. EASEMENTS. Easements for installation and maintenance of utilities, drainage facilities are reserved as shown on the recorded plat and over the rear five feet of each lot. Within these easements, no structure, plating or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage or irrigation channels in the easements, or which may obstruct or retard the flow of water through channels in the easements. The easement area of each lot and all the improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.
7. NUISANCES. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.
   (a) No clothes drying or storage of any articles is permitted in the carports unless in the enclosed areas designated for the purpose.
   (b) No storage of any articles, material, equipment or vehicles of any nature is permitted in the front yard portion of any lot except that regularly used passenger cars and light pick-up trucks can be parked on driveway areas. Trailers, trucks, campers, boats and all types of accessory equipment are permitted to be stored or repaired only in garages, carports or on the rear yard areas of each lot.
   (c) Each lot is to be developed and maintained by its owner in an attractive, safe and sanitary manner.
   (d) Permitted pets, poultry and livestock are to be adequately housed or stabled in sanitary facilities to prevent offensive odors, insects and disease. Predatory and destructive animals or fowl are to be adequately restricted to prevent marauding nuisance or damage to other property owners.
8. TEMPORARY STRUCTURES. No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.

4171 : 197

9. SIGNS. No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five sq. feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

10. OIL AND MINING OPERATIONS. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

11. PETS, livestock and fowl which are generally associated with estate type living and which are kept only for family use and/or food production and not for any commercial purpose are permitted on all lots except that mink, swine are not permitted on any lot either temporarily or permanently. All permitted animals and fowl are to be adequately maintained in a sanitary and healthful manner.

12. GARBAGE AND REFUSE DISPOSAL. No lot shall be used or maintained as a dumping ground for rubbish. Trash garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

13. SIGHT DISTANCE AT INTERSECTIONS. No fence, wall hedge or shrub planting which obstructs sight lines at elevations between 2 and 6 feet above the roadways shall be placed or permitted to remain on any corner within the tri-angular area formed by the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sight-line limitations shall apply on any lot within 10 feet from the interesection of a street property line with the edge of a drive-way pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such lines.

(C) ARCHITECTURAL CONTROL COMMITTEE

1. MEMBERSHIP. The architectural control committee is composed of Joseph Rice, A.R. Perschon of Salt Lake City, Utah, and Golden R. Muir of Clover, Utah. A majority of the committee may designate a representative to act for it. In the event fo death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor. Neither the members of the committee, nor its designated representative shall be entitled to any compensation for services to this covenant. At any time, the then record owners of a majority of the lots shall have the power through a duly recorded instrument to change the membership of the committee or to withdraw from the committee or restore it to any of its powers and duties.

2. PROCEDURE. The committee's approval or disapproval as required in these covenants shall be in writing. In the event the committee, or its designated representative, fails to approve or disapprove within 30 days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

(D) TERM. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of forty years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.

2. COVENANTS ENFORCED. Endorcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or recover damages. Enforcement may be by the architectural control committee or by any affected property owner or owners. The Town of West Jordan has full power to enforce these covenants in the event of failure of the committee to do so.

3. SEVERABILITY. Invalidation of any one of these covenants by judgment or court order shall in no wise effect any of the other provisions which shall remain in full force and effect.

****

Golden R. Muir — Golden R. Muir

Janice J. Muir — Janice J. Muir

STATE OF UTAH
COUNTY OF SALT LAKE

On the 1st day of November, A.D. 1978 personally appeared before me Golden R. Muir and Janice J. Muir, his wife, the signers of the within instrument, who duly acknowledged to me that they [illegible] the same.

COMMISSION EXPIRES MAY 15, 1981 STATE OF UTAH

Ralph [illegible]
Notary Public.

My commission expires May 15, 1981 Residing in Orem, Utah

771 PAGE 198

NOV 14 1978

Recorded _____ at 12 43 P m.

Request of Golden Muir

KATIE L. DIXON Recorder

Sal. Lake County, Utah

$ 22.00 By Patricia R Brown

REF. _____

Box 15 Russell Lane

Clover, Utah

84069

DOC. 4771 PAGE 189

4649416
13 JULY 86 01:00 PM
KATIE L. DIXON
RECORDER, SALT LAKE COUNTY, UTAH
CRAIG R ERICKSON
REC BY: REBECCA GRAY , DEPUTY

CHANGE OF ARCHITECTURAL CONTROL COMMITTEE

COMES NOW the owners of record of the:

Lawrence Estate Subdivision #1 Lots 1 through 35 according to the official plat thereof, recorded in the office of the County Recorder of Salt Lake County, Utah

and pursuant to that certain Covenant Agreement wherein Restrictive Covenants are provided on said lots, dated November 1, 1978, recorded December 14, 1978 as Entry #3196983 of Book 4771 at Page 197. This document represents a change in the membership of the Architectural Control Committee in accordance with the provisions of paragraph (C) of said document.

Attached hereto and by this reference made a part hereof are signatures of a majority of the property owners of the lots herein described. The new members of the Architectural Control Committee shall be:

1) Craig R. Erickson, 2037 Lawrence Circle, South Jordan
2) Bob Cowley, 2028 Lawrence Circle, South Jordan
3) Bert Kolman, 1787 Lawrence Circle, South Jordan

In executing the Agreement, and filing this change, it is the intent of the record homeowners' to keep all dwellings brick ramblers, in keeping with the harmony of the external design with existing structures as recorded in the covenants herein referred to.

Said Architectural Control Committee further wishes to correct an error originally filed with the Covenant Agreement known as entry #3196983. Paragraph (D)2 states as follows:

Covenants enforced.

Endorsements shall be by proceeding at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or recover damages.

4649416

BOOK 5946 PAGE 2272

Enforcement may be by the Architectural Control Committee or by any affected property owner or owners. The town of West Jordan has full power to enforce these covenants in the event of failure of the Committee to do so.

The real property known as the Lawrence Estates Subdivision #1 Lots 1 through 35 are situated in the City of South Jordan. Therefore, paragraph (D)2 should read as follows:

Covenants enforced.

Endorsements shall be by proceeding at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or recover damages. Enforcement may be by the Architectural Control Committee or by any affected property owner or owners. The town of South Jordan has full power to enforce these covenants in the event of failure of the Committee to do so.

DATED this 30th day of June, 1988.

After first being duly sworn upon oath personally appeared before me Craig R. Erickson, and stated to me that he has read the foregoing document and that it is accurate to the best of his knowledge. Said Craig R. Erickson further represented to me that the attached list of record owners of the Lawrence Estates Subdivision #1 Lots 1 through 35, according to the official plat thereof, recorded in the office of the County Recorder of Salt Lake County, Utah, represent a majority of those currently holding an interest in said real property, and that the signatures found on said documents were executed by the record owners therein named.

Subscribed and sworn to before me this 30th day of June, 1988.

Craig Robert Erickson

NOTARY PUBLIC
Residing at:
Salt Lake County

My commission expires:
June 17, 1990

BOOK 6045 PAGE 2273

After first being duly sworn upon oath personally appeared before me Bob Cowley, and stated to me that he has read the foregoing document and that it is accurate to the best of his knowledge. Said Bob Cowley further represented to me that the attached list of record owners of the Lawrence Estates Subdivision #1 Lots 1 through 35, according to the official plat thereof, recorded in the office of the County Recorder of Salt Lake County, Utah, represent a majority of those currently holding an interest in said real property, and that the signatures found on said documents were executed by the record owners therein named.

Subscribed and sworn to before me this 30th day of June, 1988.

Bob Cowley

My commission expires: 4/17/92

NOTARY PUBLIC
Residing at: Salt Lake County

After first being duly sworn upon oath personally appeared before me Bert Kolman, and stated to me that he has read the foregoing document and that it is accurate to the best of his knowledge. Said Bert Kolman further represented to me that the attached list of record owners of the Lawrence Estates Subdivision #1 Lots 1 through 35, according to the official plat thereof, recorded in the office of the County Recorder of Salt Lake County, Utah, represent a majority of those currently holding an interest in said real property, and that the signatures found on said documents were executed by the record owners therein named.

Subscribed and sworn to before me this 30th day of June, 1988.

Bert Kolman

My commission expires: 4/17/92

NOTARY PUBLIC
Residing at: Salt Lake County

CHEY*LAWRENCE.DOC

MM 6046 MM 2274

We the recorded owners of Lawrence Estates want to change the membership of the Architectural Control Committee to Craig R. Erickson, Bob Cowley & Bert Kolman all of Lawrence Estates in South Jordan City.

It is the intent of the recorded home owners to keep all dwellings brick ramblers, in keeping with the "harmony of external design with existing structures", as recorded in the covenants.

[illegible] Colbert	1767 W Lawrence Circle
[illegible]	~~[illegible]~~ 2040 W 9580 So.
[illegible]	2062 W. 9580 So.
[illegible]	2105 Lawrence Circle
David L. Whelman	1813 W. Lawrence Circle
Rene M. Johnson	2102 W. Lawrence Circle
[illegible]	2013 W. Lawrence Circle
[illegible]	2008 W. Lawrence Circle
Edgar M. Hopen	1954 " "
[illegible]	1963 W 9580 S
[illegible]	1863 W. 9580 So " "
Dorothy Webster	1837 W. Lawrence Cir
[illegible]	" " " "
[illegible] L. McQuillan	1986 Lawrence CR
[illegible]	1786 W LAWRENCE CR
[illegible]	1868 Lawrence
[illegible]	1892 Lawrence Cir
[illegible] S. Burke	1912 Lawrence Circle
[illegible]	1934 Lawrence Circle
[illegible]	1913 Lawrence Cir
[illegible]	1899 W Lawrence Cir
[illegible]	1848 Lawrence Cir

Craig R. Erickson 2037 Lawrence
Craig R. Erickson 254-2818

Bob Cowley 2028 Lawrence
Bob Cowley 254-5930

Bert Kolman 1787 Lawrence
Bert Kolman 254-1787

[illegible] 1826 W 9580 So

Notary Public

My Commission Expires 01-21-91

BOOK 6046 PAGE 2275

APPROVED

SOUTH JORDAN

CITY OF SOUTH JORDAN ■ PLANNING & ZONING
1600 W. TOWNE CENTER DRIVE ■ SOUTH JORDAN UT 84095
TEL. (801) 254-3742 ■ FAX. (801) 253-5235

PLANNING & ZONING APPLICATION

CHECK ONE:

Appeal		Minor Site Plan Amendment		Site Plan	
Concept		Land Use Amendment		Other ALU	✓
CUP		Rezoning			

#ALU-2012-95

Project Name: Wenzel Accessory Living unit

Property Owner Name: Gavin Wenzel

Address: 2084 Lawrence Circle

Phone (business, home or cell): 801-333-8686 Email or Fax: gavin.wenzel@gmail.com

Agent Name: _____ Business: _____

Address: _____

Phone (business, home or cell): _____ Email or Fax: _____

Engineer/Surveyor/Architect

Name: _____ Cert. Number _____

Firm Name: _____ Address: _____

Phone (business, home or cell): _____ Email or Fax: _____

Subject Property Information:

Address/Location: SAME Zone District: R-1.8

Property I.D. # (Sidwell) _____ Property Size (acres): 0.51

Proposed Use of Property: _____

If Rezoning or Land Use Change:

Proposed change from: _____ to: _____

Fee: N/A
Date Paid: 8/15/12
Received By: Jake Ln
F/COMMON/APPLICATIONS/GENERAL APP.DOC

JAKE

OWNERS AFFIDAVIT

I(we), Gavin Wenzel, am(are) the rightful owner(s) of property involved in this application. I acknowledge by my signature below that

n/a
(print name of agent)

is authorized to represent me(us) and my(our) interests as my(our) agent in the processes involved with this application. Further, I(we) agree to let the above named agent negotiate on my(our) behalf and I(we) acknowledge my(our) understanding that I(we) will be bound by all conditions specified in any approval of this Planning & Zoning application that is before the City of South Jordan. The foregoing statements and answers herein contained and the statements and answers contained in the attached plans and exhibits, to the best of my(our) knowledge and belief are true and correct.

(signature of property owner)

(signature of property owner)

Dated this 15th day of Aug, 2012

State of Utah)
) ss
County of Salt Lake)

On the 15th day of Aug, 2012, personally appeared before me Gavin Wenzel the signer(s) of the above instrument, who duly subscribed and swore before me that they executed the same.

NOTARY PUBLIC
Residing in Salt Lake County, Utah
Commission expires: 5/22/14

ANGIE J LUND-BIX
NOTARY PUBLIC-STATE OF UTAH
COMMISSION# 582582
COMM. EXP. 05-22-2014

8-15-12

I Gavin Wenzel have read the accessory living unit ordinance, I am familiar with the ordinance. I intend to comply with the ordinance and I intend to occupy the property.

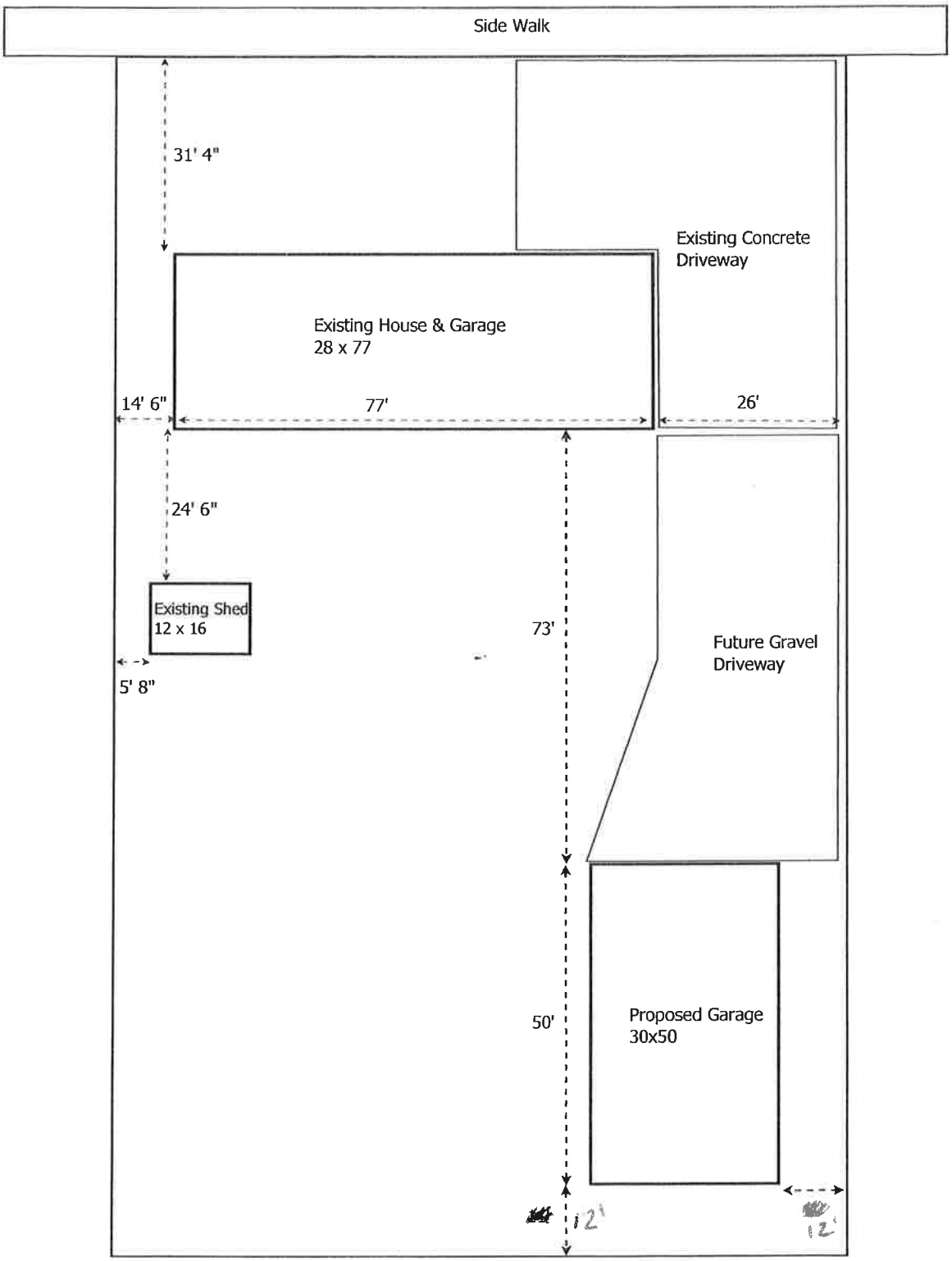
Regards

Gavin Wenzel

In the County of SL, State of Utah, on this 15th day of Aug, 2012, a notary public, personally appeared Gavin Wenzel proved on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same.

Notary Signature and seal

ANGIE J LUND-BIX
NOTARY PUBLIC-STATE OF UTAH
COMMISSION# 582582
COMM. EXP. 05-22-2014



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Property Address: 2084 Lawrence Circle, South Jordan, UT 84095

SOUTH JORDAN CITY
PLANNING COMMISSION REPORT

Meeting Date: Sept. 11, 2012

Issue: **WENZEL ACCESSORY LIVING UNIT**
Guesthouse exceeding with a floor area exceeding 35% of the primary dwelling
Address: 2084 w. Lawrence Circle
File No: ALU-2012.05
Applicant: Gavin Wenzel

Submitted By: Jake Warner, Planner II

Staff Recommendation (Motion Ready):

Approve file ALU-2012.05, allowing a guesthouse on property located at 2084 W. Lawrence Circle while owned by Gavin Wenzel, with the following requirements:

1. The floor area of the guesthouse is not to exceed 35% of the floor area of the primary dwelling.
2. Canon Park Lane is not to be used as vehicular or pedestrian access for the guesthouse.
3. All vehicles owned by occupants of the guesthouse are to be parked off the street.
4. Exterior colors to be consistent with the primary dwelling.
5. The basement is to be converted to an 'extended living area' by maintaining free-flow access with the rest of the primary dwelling (i.e. – the door to the basement apartment is removed).

ADDRESS:	2084 W. Lawrence Circle	
ACREAGE:	0.51	
CURRENT LU DESIGNATION	Rural Residential	
CURRENT ZONE:	R-1.8	
CURRENT USE:	Single-family Residential	
NEIGHBORING LU DESIGNATIONS (ZONING)/USES	North -	Low Density Residential (LD) (R-2.5)/Single-family Residential across Cannon Park Lane
	South -	Rural Residential (Rural) (R-1.8)/Single-family Residential
	West -	Rural Residential (Rural) (R-1.8)/Single-family Residential
	East -	Rural Residential (Rural) (R-1.8)/Single-family Residential

ACCESSORY LIVING UNIT REVIEW CRITERIA:

On April 17, 2012 the City Council adopted the Accessory Living Unit (ALU) Floating Zone (17.130.030). The ALU Zone regulates the review and approval of Accessory Living Units (extended living areas, accessory apartments, guesthouses) in single-family zones. Planning Commission approval is required for all accessory apartments which affect the exterior of the existing home, all guesthouses, and any ALU, where a permit is required, which proposes a floor area in excess of 35% of the primary dwelling or exceeding a floor area of 1,500 square feet. The ordinance outlines the following standards for Planning Commission review and approval:

- **Exterior Appearance** – "Any new construction or alteration of the exterior of the existing structure required to add an accessory living unit shall be designed so that the appearance of the lot, building structure, and landscaping shall retain the character of a single-family neighborhood."
- **Architectural Compatibility** – "An accessory living unit with proposed construction or remodeling shall be designed and constructed to be compatible with the exterior of the primary dwelling (i.e. exterior materials, colors, roof pitch, etc.)
- **Additional Requirements** – "The Planning Commission may impose other appropriate requirements, more stringent than those requirements contained within this chapter, if deemed necessary to ensure the public health, safety, and welfare."

(17.130.030.020(C))

BACKGROUND:

The applicant and homeowner, Gavin Wenzel, has submitted an application for an accessory living unit (ALU), a guesthouse, located at 2084 W. Lawrence Circle. The application was submitted in conjunction with a building permit for the same structure. The Applicant is proposing to build a 1,500 square foot guesthouse above a 1,500 square foot garage in the rear yard of the home near the north-west corner of the property. Planning Commission review is required for all guesthouses.

County records show the total square feet of the home to be 3,086 (Main: 1,560 sq. ft., Basement: 1,526 sq. ft.). The guesthouse, at 1500 square feet, would be 48.6% of the floor area of the primary dwelling. The Accessory Living Unit Floating Zone allows for guesthouses to be *"no more than 35% of the living area of the primary dwelling or be greater than 1500 square feet, which ever is less, unless, in the opinion of the Planning Commission, a greater amount of floor area is warranted."* (17.130.030.020(A)(2))

STAFF FINDINGS, CONCLUSION & RECOMMENDATION:

Facts & Findings:

- Accessory Living Unit permits are required for all accessory apartments (i.e.-basement apartments) and guesthouses.
- Guesthouses are only allowed in the A-5, A-1, and R-1.8 Zones and only on properties not less than 14,520 feet (1/3 acre).
- Planning Commission review and approval is necessary for all guesthouses and when an accessory living unit exceeds 35% of the primary dwelling or 1,500 square feet.
- The same structure, without a guesthouse, would be allowed in the R-1.8 zone.
- As per section 17.130.030.020(A) of the municipal code, guesthouses must "remain subordinate and incidental to the primary dwelling."
- The lot is double-fronted, backing up to Cannon Park Lane.
- Guesthouses are required to have a minimum setback of 10' from a side or rear property line, however, the R-1.8 Zone requires that a 24'4" structure, as proposed, maintain a minimum setback of 12'. The site plan submitted shows a 12' setback from the side and rear property lines.
- 25' (from roof peak to average grade) is the maximum height for detached accessory structures in the R-1.8 Zone.
- The proposed structure is approximately 75' from the nearest house not on the same property.

- The majority of homes on Lawrence Circle also have accessory structures.
- Calls were received from neighbors notifying staff that the basement is currently being used as an apartment. The Applicant has confirmed and stated that his intent was to have the basement renter move into the guesthouse. The applicant was also willing to remove the interior door to the apartment.
- By removing the door separating the basement apartment it becomes an 'extended living area' and is considered a part of the primary dwelling. Extended living areas are allowed by right, not needing an Accessory Living Unit permit, and are subject to meeting the following definition of a 'Family or Household' as part of the primary dwelling:

  "One or more persons related by blood, marriage, adoption, or approved foster care, and up to two (2) unrelated persons; or a group of not more than four (4) unrelated persons occupying a dwelling or a group of persons as defined by state law as elderly or disabled." (17.08.010)

Conclusions:
By converting the basement to an extending living area and moving the tenant to the guesthouse, the Accessory Living Unit application is consistent with the R-1.8 Zone and the Accessory Living Unit Floating Zone, except that the floor area exceeds 35% of the primary dwelling. At the minimum setback, near maximum height, and with concerns from nearby property owners, it is does not appear "warranted" to grant an exception to the floor area requirement in this case.

Recommendation:
Based on the Facts, Findings and Conclusions listed above, Staff recommends that the Planning Commission **approve** the Accessory Living Unit Permit application for an accessory apartment located at 2084 W. Lawrence Circle with additional requirements, unless, during the meeting, facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by Staff.

FISCAL IMPACT:
No direct and significant fiscal impact is anticipated.

ALTERNATIVES:
- Approve the application.
- Approve the application with revised requirements.
- Deny the application.
- Schedule the application for a decision at some future date.

SUPPORT MATERIALS:
- Aerial Map
- Site Plan
- Floor Plan
- Exterior Elevations

Submitted by: _____
S. Jacob Warner (Jake), Planner II

Legend

CITY BOUNDARY

PARCELS

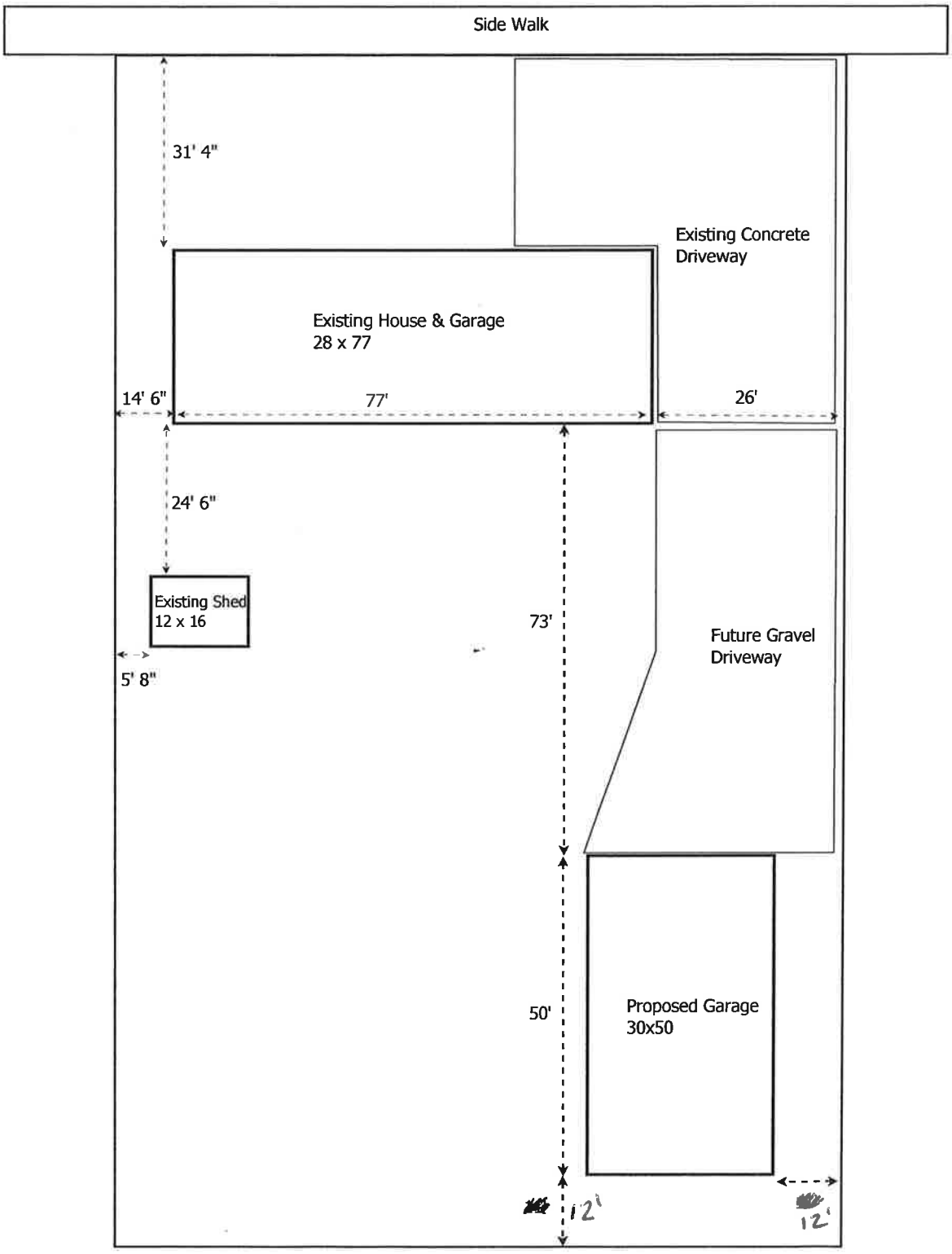
AERIAL MAP

Wenzel ALU

2084 W. Lawrence Circle

Aerial Dated Nov. 2011

100 Feet



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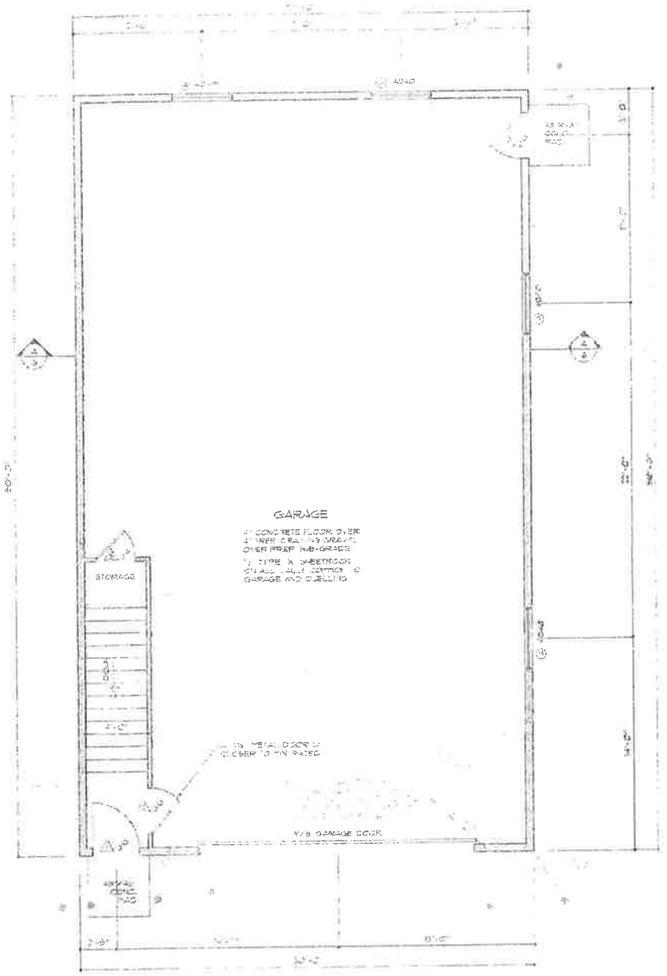
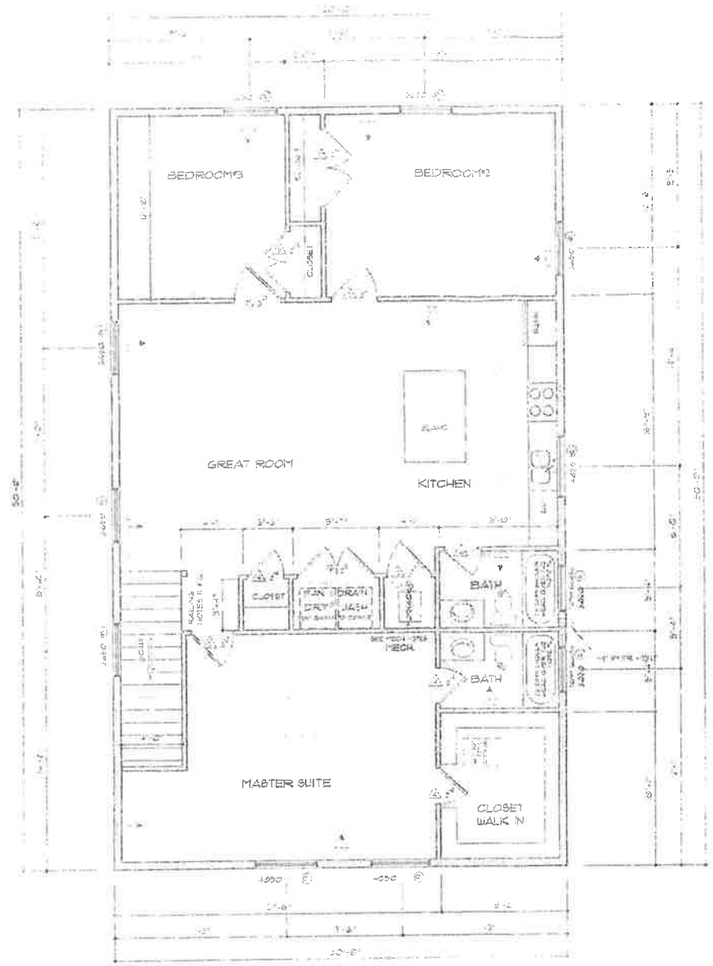
Property Address: 2084 Lawrence Circle, South Jordan, UT 84095



GARAGE PLAN
1500 SQUARE FEET



UPPER FLOOR PLAN
SQUARE FEET

NOTE

GAVIN WENZEL
3364 LAWRENCE CIR
SOUTH JORDAN

gwn .com

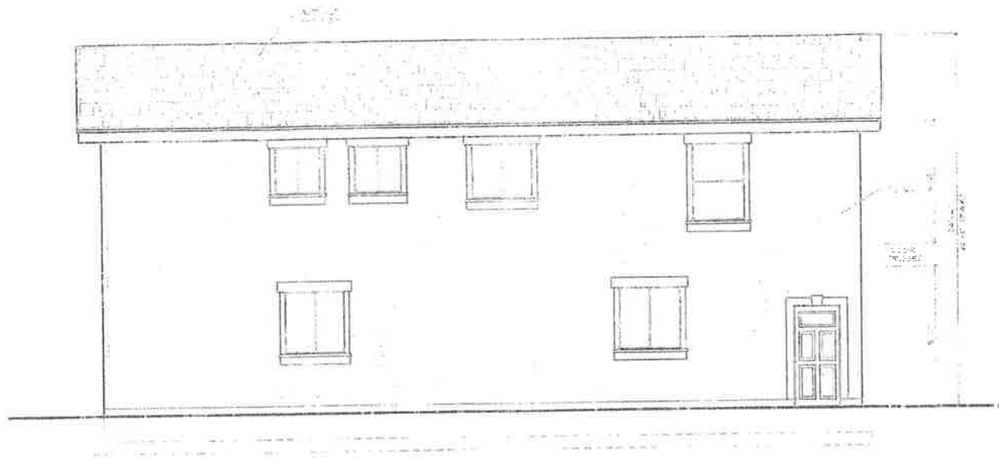
TECHNI-GRAPHIC SERVICES INC.
64 East 6400 South, Suite #215
Salt Lake City, UT 84107
(801) 268-9249
TGSplans@gmail.com

TECHNI GRAPHIC SERVICES

DATE 8/30/12
DRAWN BY CURTIS

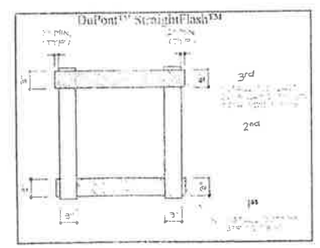
PLAN NUMBER
GARAGE

SHEET NUMBER
2 OF 5

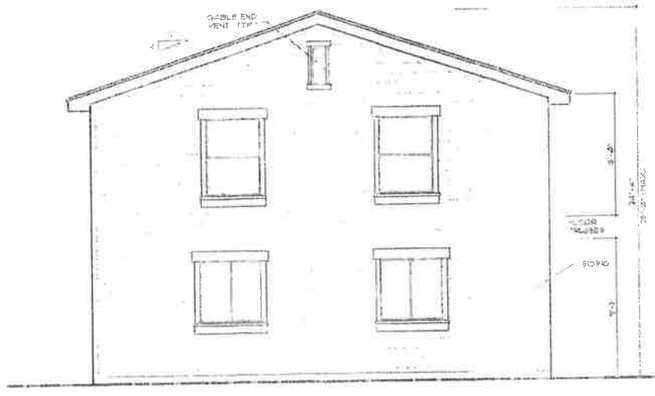


RIGHT SIDE ELEVATION

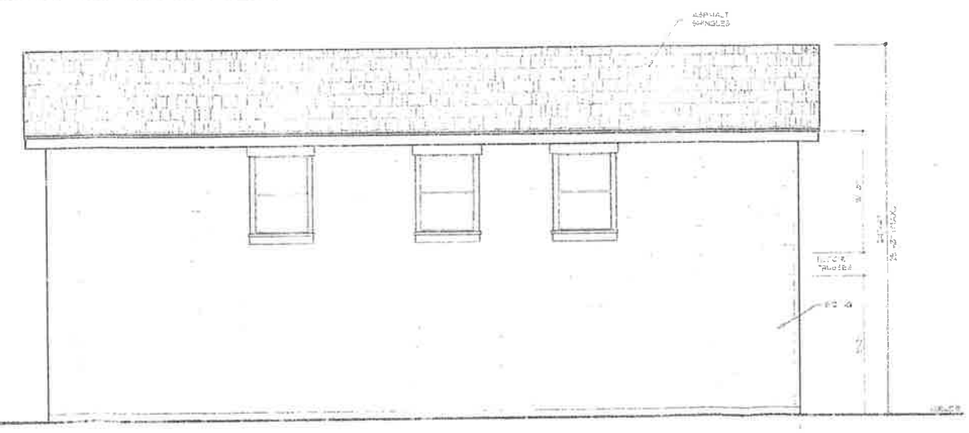
FRONT ELEVATION



WINDOW FLASHING DETAIL



REAR ELEVATION



LEFT SIDE ELEVATION

TECHNI-GRAPHIC SERVICES INC.
64 East 6400 South, Suite #215
Salt Lake City, UT 84107
(801) 268-9249
TGSplans@gmail.com

GARAGE

3 OF 5

V. PUBLIC HEARINGS AND POTENTIAL **ADMINISTRATIVE ACTION ITEMS

**Administrative Action = Less Discretion, Substantial Evidence (Objective Standard)

D.1. Issue: **WENZEL ACCESSORY LIVING UNIT GUESTHOUSE WITH A FLOOR AREA EXCEEDING 35% OF THE PRIMARY DWELLING**
Address: 2084 W. Lawrence Circle
File No: ALU-2012.05
Applicant: Gavin Wenzel

Community Development Director George Shaw reviewed the background information from the staff report on this item. When the City adopted our General Plan a couple of years ago, one of the issues was, what do we do about housing in the community. We have a need for transitional housing, we have a need for multi-generational families to be accommodated and we have a need for more affordable housing. We sent out a survey, we did workshops, we had public meetings on this issue and what the Planning Commission and City Council came up with was the idea of allowing under strict guidelines to allow what we call accessory units to be built in single family neighborhoods. The ordinance that we have created to address that need is very specific and highly regulated. There are actually two issues we are trying to address. One is we have a plethora of basement apartments in our City and the way our ordinance is written, if you have a separate contained area in your home that has a bathroom, kitchen and sleeping areas, you have a separate dwelling unit. By definition, we have a lot of homes in our community that technically did not meet our zoning ordinance. A secondary issue was, a lot of those units are being finished off without building permits and there are some issues about whether or not those finished basements were meeting life safety codes. This ordinance was adopted to try to address those issues. The intent being that as you drive by a home that may have one of these accessory living units approved, which if they are a guest house that is detached from the existing dwelling, or if they are doing any type of modification to the existing dwelling exterior, it requires the applicant to come to the Planning Commission. That is why this item is before you tonight. It requires the applicant to meet certain guidelines so that when you drive through the community or through a subdivision, you really don't have any indication that there may be an accessory unit on the property. There would not be separate mail boxes, not separate utility meters, not separate visibly entrances that are highly visible. As you go through the neighborhood you would think that it is a single family neighborhood. This is a great need in our community where you need to have a mother-in-law come stay for a period of time or a boomerang kid needs to come live with you and we just didn't have the provisions in our ordinance to make that legal; now we do. This one tonight is a guest house proposed to be located at 2084 West on Lawrence Circle. It is on a ½ acre lot and they are proposing to construct a detached garage in the rear of the property and proposing to install a guest house above that garage. One of the many requirements in the zone in order to qualify for one of these uses is that the square footage of the proposed accessory unit cannot exceed 35% of the livable area of the dwelling. The reason for that is to keep the unit as an accessory use not a primary use. We are not comfortable with exceeding the 35% for a number of reasons. One has to do with the elevations of the structure and it has an appearance of a dwelling than it does an accessory structure. We are recommending approval of the guest house accessory living unit with the five (5) requirements listed in the staff report.

Chairman Naylor said in the ordinance is specifies they can't be more than 35% of the dwelling unit or 1,500 square feet; is that correct.

Director Shaw said yes. It is 35% of the livable area of the primary dwelling, which could include multiple floors. If you consider that it includes the basement then the issue with primary vs. accessory becomes even more apparent. If you choose to limit the square footage, that would cut the square footage of the unit area above the garage down to closer to 1,000 sq. ft.

Gavin Wenzel, 2084 W. Lawrence Circle, South Jordan (Applicant) – Nothing to add.

Commissioner Auger said we have been informed that your basement has been used as an accessory living unit; why are you building another one.

Mr. Wenzel said right now we mostly live in the upstairs. There are five of us and one of my three upstairs bedrooms I use as an office, so there are five of us living in two bedrooms. We would like to expand and have our entire house basically.

Commissioner Auger said so you are going to do away with the accessory unit in the basement and then you will do what with the other unit above the garage.

Mr. Wenzel said right now we only have one single gentleman that lives in one bedroom in the downstairs. Basically we will have him move out there.

Chairman Naylor opened the Public Hearing. None. He closed the Public Hearing.

Director Shaw said we have had a few phone calls on this issue and one in particular was involved with a neighbor that is concerned about covenants. Cities have ordinances and residential developments have restrictive covenants that run with the land. When we wrote this ordinance we knew that there was a potential conflict with what the City ordinance may allow and what private covenants may allow. We do not enforce restrictive covenants. There could be an issue with this gentleman and his restrictive covenants. For the record, whatever motion the Planning Commission makes tonight if you approve this it could be held up in court. I wanted to enter this information into the record for tonight that we did receive information from at least one property owner that was opposed to what is being proposed here on this item tonight.

Commissioner Auger asked to view the aerial map on this again to see where the proposed garage would be located. It was shown on the overhead that the garage is proposed to be located on the very back portion of the lot.

Commissioner Mabey said just for clarification it is not to exceed 35% but yet it says they are proposing a 1,500 sq. ft., so what we are saying is the most that they could do is 1,080 sq. ft. as the max.

Director Shaw said the code gives the Planning Commission the ability to modify the 35% and you can put whatever number you want on there. As garages go, the square root of that footprint is 38 feet by 38 feet and that is a pretty big garage. When you put another unit on top it concerns staff. We want to make sure that we are not unduly impacting the neighbors and yet we still want to have folks to have the ability to this in a responsible way to meet the housing needs that we have in our community.

Mr. Wenzel said the accessory garage at the end of the cul-de-sac is 50' x 40' and I am proposing 30' x 50.' I would be surprised if it was anything less than the maximum height requirement. He said there are a variety of garage structures in the area and everyone has a minimum of ½ acre.

Chairman Naylor said my concern is the 1500 sq. feet. This floor plan shows 3 bedrooms.

Commissioner Haymore said I am a bit torn on this because even though it is big, if you don't build the living space into the building it meets code in all aspects and we are not changing the exterior look of the building by building a living space inside. It is going to look the same to all the neighbors and everyone

else around. The only difference is that when you walk inside there will be an upstairs apartment. Could it be built to the same height even without the accessory unit inside.

City Planner Schindler said the maximum height for accessory buildings is 25 feet and I believe he is proposing that height.

Commissioner Mabey said a 35 foot building that is one story looks a lot different than a 35 foot building that is two stories.

City Planner Schindler said it will meet the building codes and it is 25 feet for this building. The only reason he is coming here before you tonight is not to get approval to build a building, it is to have it as a guest house on that second floor. If you don't approve the guest house at the size he wants, he can still build a 30' x 50' two story garage that is 25' tall and just not have anyone living up there; there is nothing you could do about that.

Assistant City Attorney Loose said the ordinance says when dealing the accessory living unit itself, not with the building but the unit says: "*the floor space of the accessory living unit shall comprise no more than 35% of the living area of the primary dwelling or be greater than 1,500 sq. ft., whichever is less, unless in the opinion of the Planning Commission a greater amount of floor area is warranted. In all cases an accessory living unit shall remain subordinate and incidental to the primary dwelling. Not accessory living unit shall have more than 3 bedrooms*." The hard and fast rule you have is three bedrooms and subordinate. You can allow if it is warranted and express why you think it is warranted if you decide to do that.

Commissioner Mabey said with the main home having just over 1500 sq. ft. on its main level on a rambler and the accessory building having 1500 sq. ft. on one floor, it does not feel subordinate to me. It is the same size as the home without a basement.

Chairman Naylor said looking at the lot and how the building is located there is plenty of property back there in the back.

Commissioner Auger said the code says not more than 1500 and the square footage is 1526 of the main home. Can't we reduce that a bit so we can keep it subordinate to the home and still allow him to build it and keep it at a maximum of 25 feet high. A 1080 place to live is kind of small.

Commissioner Johnson said it is an accessory building. It is supposed to be meant as more of a temporary use. I think we should stick with the code.

Commissioner Winder said I think 1080 is plenty big. I think we should stick with the code.

Chairman Naylor said this doesn't feel like an accessory use to me; it's as big as the house. I am inclined to approve something less than 1500 sq. ft.

Assistant City Attorney Loose said we cannot deny any application on the basis of CC&R's. Whether he has entered into a contract that says he can do this on his property or not is irrelevant to the Land Use question you are answering to.

Commissioner Mabey said this is one of the first ones we've done and I would like to keep to the 35%. I know that when we are talking accessory buildings, I've got three married kids and all three of them live in less than 1000 sq. feet and one of them is a house. I know for accessory living it may not be a large

spread with three bedrooms but that is not what the intent of our ordinance is. It is to allow small accessory buildings that won't impact the neighborhood.

Assistant City Attorney Loose said I am just thinking here how I would defend this if were challenged. The size of this lot, the type of accessory units already permitted at the other homes in the area, further that he could build the same building and he just has to make the accessory living part of that same building smaller, because either way you go he is allowed by ordinance to build a 30' x 50' accessory building. You are just deciding whether the living portion is the 1080 sq. ft. or up to 1500. It is going to have the same outside dimensions either way. Those could be the things that in your opinion warrant allowing you to go higher up to the 1500 sq. feet for living space.

D.2. Potential Action Item – (See V. D.1.)

Commissioner Mabey made a motion to approve File ALU-2012.05, allowing a guesthouse on property located at 2084 W. Lawrence Circle while owned by Gavin Wenzel with the five (5) requirements listed in the staff report:

1. **The floor area of the guesthouse is not to exceed 35% of the floor area of the primary dwelling.**
2. **Canon Park Lane is not to be used as vehicular or pedestrian access for the guesthouse.**
3. **All vehicles owned by occupants of the guesthouse are to be parked off the street.**
4. **Exterior colors to be consistent with the primary dwelling.**
5. **The basement is to be converted to an 'extended living area' by maintaining free-flow access with the rest of the primary dwelling (i.e.- the door to the basement apartment is removed).**

Commissioner Johnson seconded the motion.

Assistant City Attorney Loose said one point to consider. Since he can build a building that is bigger than what you are allowing for accessory use, that he not allow doors or internal doors from one area to another. There needs to be a way for enforcement to know whether it is being used or not.

Commissioner Mabey said are you saying that the living area needs to be separate from any other area that may be there?

Assistant City Attorney Loose said yes. Because it could be rented out to others that would require a license procedure for it, the City needs some way to inspect to know how much is supposed to be living area and how much is not.

City Planner Schindler the living area has to have a separate access to it. One access for the living unit and a separate exterior access for the storage.

Commissioner Mabey said does that need to be part of my motion or is that part of the ordinance that should be in there saying if you have a living unit this is what defines it.

Assistant City Attorney Loose said it wasn't pre thought of in the ordinance, but it might be something you want to add to those five required items.

Commissioner Johnson said I would like to make a substitute motion that we add item number six (6) which says that an accessory unit doesn't have direct access to any excess space, that they are separate areas and have separate entrances. Commissioner Haymore seconded the substitute motion.

Roll Call Vote was unanimous 6-0 in favor. Commissioner Beverly Evans absent.

E.1. Issue: **EDDINGTON ACCESSORY LIVING UNIT**
ACCESSORY APARTMENT WITH EXTERIOR MODIFICATIONS
Address: 2582 W. Singletree Lane
File No: ALU-2012.06
Applicant: Richard Luce in behalf of Richard & Karanina Eddington

City Planner Greg Schindler reviewed the background information from the staff report on this item.

Richard Eddington, (Applicant) along with my wife here, we are the property owners. Richard Luce could not make it tonight. This is to create an accessory unit for my parents to assist them. We are trying to bring it into compliance. Things got ahead of us and we hired Richard Luce as our General Contractor to try and make sure everything was properly followed and done according to City ordinance and building codes.

Chairman Naylor asked the applicant if he understood the requirements he would need to meet to have this approved.

Mr. Eddington said yes. Since everything has been on hold we have not been able to add any landscaping so that is not showing in the front area. As outlined in the letter I submitted to the Commission it is our intent to comply fully with each and every condition listed.

Chairman Naylor opened the Public Hearing. None. He closed the Public Hearing.

E.2. Potential Action Item – (See V. E.1.)

Commissioner Auger made a motion to approve File ALU-2012.06, establishing an accessory living unit permit for an accessory apartment, including approval of the exterior modifications, at 2582 W. singletree Lane while owned by Richard and Karanina Eddington, with the following requirements:

1. **That landscaping (berms, shrubs, etc.) be provided to entirely screen the front walk-out entrance from visibility from the street, and**
2. **That no signage, addressing, mailbox, or any other indication is provided, exterior to the home, as evidence of an accessory apartment.**
3. **Obtain a building permit and a certificate of occupancy from the Building Department.**

Commissioner Johnson seconded the motion. Roll Call Vote was unanimous 6-0 in favor. Commissioner Beverly Evans absent.

F.1. Issue: **SITE PLAN AND CONDITIONAL USE PERMIT**
CENTENNIAL CAR WASH (AUTOMATIC CAR WASH)
Address: 1026 W. South Jordan Parkway
File No: SP-2012.25
Applicant: Nichols-Naylor Architects

Chairman Naylor said I have interest in this item so I will recuse myself at this time.

City Planner Greg Schindler reviewed the background information from the staff report on this item.