

# Mapleton City Board of Adjustment Staff Report

Meeting Date: December 18, 2008

**Item #:** 1

**Applicant:**

Patricia & Gary Ellis

**Zone:** A-2

**Parcel #:** 46:313:0001

**Prepared by:** Matt Brady

**REQUEST:**

Patricia & Gary Ellis appeal a Staff decision to require a hallway next to a garage connection to an accessory apartment or second kitchen / bedroom area as a condition for the issuance of a building permit. The subject property is located generally at 1140 West 2620 South, in the A-2 (Agricultural-Residential) Zone.

**BACKGROUND:**

1. On September 15, 2008, Gary & Patricia Ellis applied for a building permit to remodel an existing detached barn on their property to include a family room, kitchen, laundry room, 4 bedrooms, and 3 bathrooms. They were unaware of the ordinance requirements for detached accessory apartments, including size limitations of 1,000 square feet for detached accessory apartments (the proposed apartment was larger than 1,000 square feet).
2. Staff met with the Ellises on September 17, 2008 to discuss the requirements of the accessory apartment ordinance for detached buildings. The Ellises informed Staff that they only want to have family members live in the remodeled barn. They inquired whether they could, instead of doing a detached accessory apartment in the barn, build an addition that would connect their existing house to the barn. Staff informed the Ellises that yes, this was possible, and that the remodeled barn would then be considered part of the home, and that they could sign a 2<sup>nd</sup> kitchen agreement in accordance with Mapleton City Code 18.84.415: SECOND KITCHENS PERMITTED.
3. On November 14, 2008, the Ellises submitted revised plans that included a new garage and "breezeway" connection from the existing home to the existing barn, with interior remodeling of the barn including a second kitchen, bedrooms, and other living space (see Attachment #2 for proposed plans). The connection between the home and barn, however, did not include any finished living space. It included a "BREEZWAY" with a concrete floor, leading to a concrete-floored garage, and then to a garage that is currently attached to the existing home. It does not have any kind of finished hallway or other normal living space connections to the living space of the home.
4. On November 17, 2008, Staff spoke with Patricia Ellis and informed her that there would need to be some kind of finished living space between the existing barn and the existing home, as the plans submitted on November 14, 2008 appeared to Staff to be functionally like a duplex (duplexes are not permitted or conditionally permitted in the A-2 Zone). Staff informed her that at minimum this would require a hallway with carpet, tile, or some other living space flooring.
5. On November 18, 2008, Patricia & Gary Ellis filed an appeal of Staff's decision mentioned in #4 above. It is important to note that this appeal is regarding the connection between the existing home and a second kitchen / bedroom area. It is not an appeal regarding an accessory apartment. Appeals regarding accessory apartments go to the City Council.
6. Mapleton City Code 18.84.415: SECOND KITCHENS PERMITTED states:  
*"A. Second kitchens shall be permitted in any single-family residential detached dwelling unit, in any zone, as long as the following requirements are met:*
  1. *The residence shall not be considered as two (2) dwelling units, and shall have only one front entrance.*
  2. *The residence shall have only one address.*
  3. *An interior access shall be maintained to all parts of the residence to assure*

*that an accessory unit or apartment is not created. There shall be no keyed and dead bolt locks, or other manner of limiting or restricting access from the second kitchen to the remainder of the residence.*

*4. The residence shall have no more than one electrical meter, and no more than one water or sewer hookup.*

*5. A second kitchen shall exist only as part of the primary structure and shall not be installed in an accessory or "out" building.*

*6. Upon a twenty four (24) hour notice of request made by Mapleton City planning and zoning director or building official, the residence owner shall allow, within reasonable hours, an inspection of the residence which has a second kitchen, in order to determine compliance with this section.*

*7. The residence owner shall sign a written document prescribed by Mapleton City which declares that the residence will not be converted into two (2) or more units. The signature on such a document shall be notarized and the document shall be recorded with the Utah County recorder's office prior to issuance of a building permit. Once a second kitchen is approved under the above criteria, both present and future owners of the residence shall limit use of the single-family residence to a family only.*

*8. If the property owner, or a later applicant wishes to apply for an owner occupied accessory apartment pursuant to section 18.84.410 of this chapter, the limitations of the second kitchen agreement, if located in the accessory apartment, shall become null and void.*

*9. Construction of any such kitchen shall meet international building code standards.*

*B. A second kitchen shall not be established in a single-family residential structure which contains an accessory apartment, whether or not such accessory apartment was established pursuant to section 18.84.410 of this chapter.*

*C. Outbuildings, such as detached garages or barns, shall not be permitted a kitchen, however, a "wet bar kitchenette" shall be allowed for parcels of property that have a home located on the same lot or parcel. For the purpose of this section a "wet bar kitchenette" shall be defined as a one or two (2) bay sink, a refrigerator, cabinets, and temporary cooking utensils, such as a microwave, or toaster oven for the preparation of snacks. Stoves shall be prohibited. The "wet bar kitchenette" shall not be intended for use to prepare meals on a regular basis, and shall be considered as a facility for family entertainment. In no case shall an outbuilding be considered separate living quarters. Outbuildings that resemble separate living quarters, such as a building with bedrooms, bathrooms, and a kitchen or "wet bar kitchenette", shall be prohibited. Outbuildings with a washroom (sink) and a toilet, shall not be considered a "bathroom". (Ord. 2003-28, 11-5-2003, eff. 12-11-2003)"*

**STAFF ANALYSIS:**

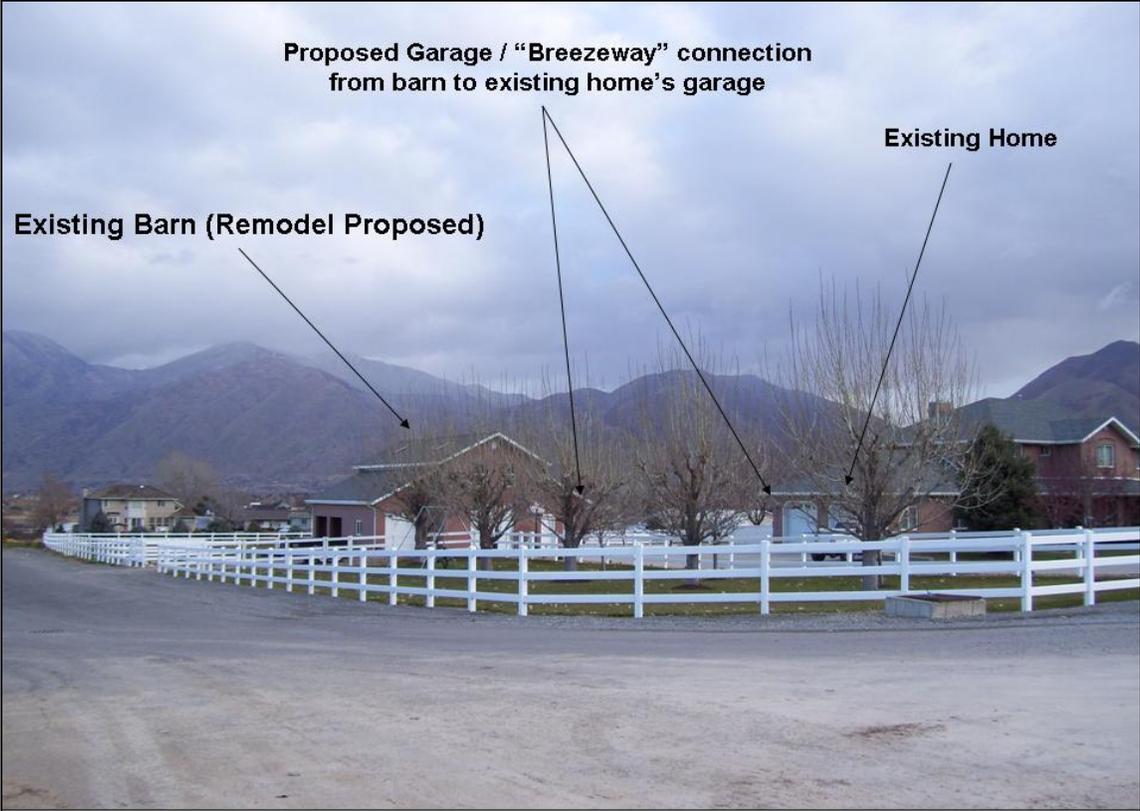
It is the opinion of Staff that the building permit plans submitted by the applicant constitute a duplex, which is not a permitted or conditional use in the A-2 Zone. Pat Carbajal has stated that if calling the addition an accessory apartment will help their case, then they would apply for an accessory apartment to avoid having to put in the hallway or other living space connection. It is the opinion of Staff, however, that even

	<p>if the applicant were to apply for an accessory apartment, they would still need to provide a hallway or other living space connection from their home to the barn. Mapleton City Code 18.84.415(A)(3) states: “An interior access shall be maintained to all parts of the residence to assure that an accessory unit or apartment is not created. There shall be no keyed and dead bolt locks, or other manner of limiting or restricting access from the second kitchen to the remainder of the residence.” It is the opinion of Staff that a connection consisting of a concrete-floored “breezeway” and garages do not constitute an “interior access” because they are not finished living space.</p> <p><b><u>STAFF RECOMMENDATION:</u></b> Staff recommends denial of the appeal.</p> <p><b><u>BOARD OF ADJUSTMENT DISCUSSION ITEMS:</u></b> 1. Would the applicant’s proposal for a building permit create a duplex?</p> <p><b><u>ATTACHMENTS:</u></b> 1. Information submitted by the Applicants. 2. Proposed Building Permit Plans with Notes by Staff.</p>
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**VICINITY MAP:**



**SITE PHOTOS:**



Looking northeast at the Ellis property – 1140 West 2620 South



Looking north at the Ellis property



**Proposed Garage / “Breezeway” connection  
from barn to existing home’s garage**

**Looking east at the Ellis property**

November 18, 2008

Gary & Pat Ellis  
1140 West 2620 South  
Mapleton, Utah 84663  
489-7271

Mapleton City Board of Adjustment;

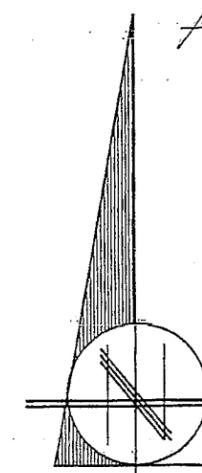
We wish to address the board concerning a second kitchen bedroom area that we would like to add to our home. Due to economic circumstances and various other concerns we feel that it has become necessary for us to finish additional living space at our home to provide for our daughter who is a single parent. We began this process months ago. We asked for a copy of the city codes and have had plans drawn up that we felt met the codes we were given. The plan service we used also felt that we were meeting the requirements. When we applied for our permit we were informed by Mr. Brady that his "interpretation of the code" was different than what was actually written and that we would not be able to proceed. It is our desire to maintain an attractive outward appearance to our home, provide the additional parking that is requested by the city as well as the additional living space that we need. The changes that they are requesting would compromise the plan and restrict access from one area to another. We are not in favor of making these changes and would like to request that an adjustment to his "interpretation of the code" be allowed. We thank you for taking time to consider our request.

Sincerely;



Gary and Pat Ellis

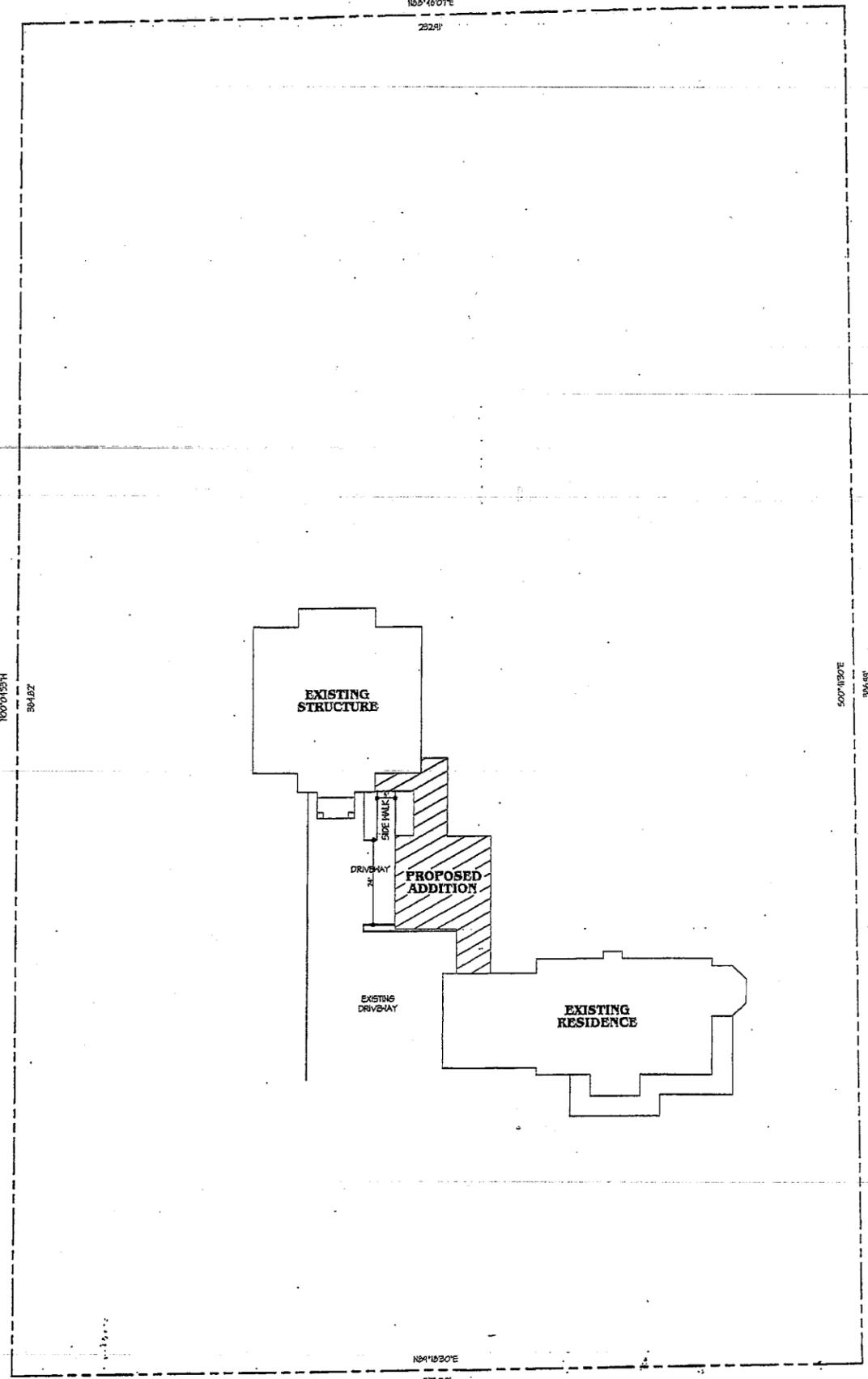
Attachment #2



# SITE PLAN

SCALE: 1/8" = 1'-0"

1200 WEST



LOCATION	
CITY	HARLETON
TRACT	HARLEVESTA
BLK	A
LOT	1
ADDRESS	1140 WEST 2620 SOUTH

NOTES:

1. LOT TO BE GRADED SUCH THAT DRAINAGE WILL NOT DRAIN ONTO ADJACENT PROPERTIES.
2. GENERAL CONTRACTOR IS RESPONSIBLE FOR ALL SITE WORK (I.E. EXCAVATION, BACKFILL, GRADE, COMPACTION, ETC.) ALL WORK MUST FOLLOW IAW IRC AND LOCAL CODES.

2620 SOUTH

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100% COMPLETE

SPANNING TIME: 1/11/05

FILE NO: 05-023

WWW.JCD-DESIGN.COM

FILE NAME: 08095

JOE CARRICK DESIGN INC.  
DESIGN INC.  
CUSTOM HOME DESIGN

SHEET SD-1

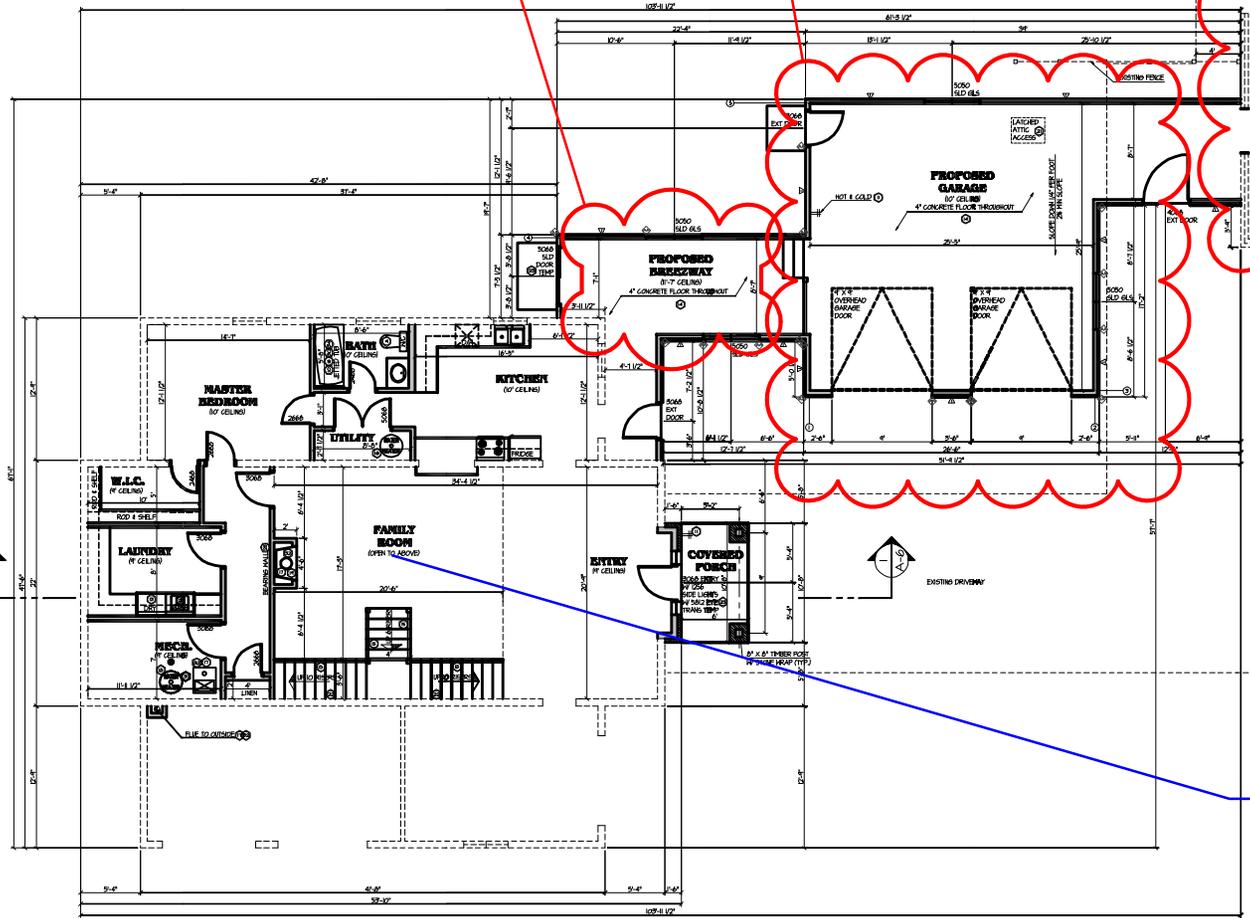


Concrete Floor in Proposed "Breezeway"

New Garage

Connects to Home Through Existing Garage

Existing Barn to be Remodeled



GENERAL NOTES			
1	GENERAL CONTRACTOR AND SUB CONTRACTORS SHALL VERIFY ALL DIMENSIONS ON SITE AND REPORT ANY DISCREPANCIES TO DESIGNER PRIOR TO CONSTRUCTION.		
2	CONCRETE WORK SHALL BE PERFORMED ACCORDING TO THE LATEST EDITION OF THE INTERNATIONAL BUILDING CODES AND LOCAL ORDINANCES.		
3	ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE INTERNATIONAL BUILDING CODES AND LOCAL ORDINANCES.		
4	ALL DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.		
5	ALL FINISHES SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.		
6	ALL FINISHES SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.		
7	BRICK AND STONE ARE TO BE AS SHOWN UNLESS OTHERWISE NOTED.		
8	ALL UTILITIES AND TYPES OF FINISHES SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.		
9	ALL UTILITIES SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.		
10	ALL TUBS & SHOWERS SHALL HAVE 2" SLOPE TOWARD DRAIN.		
11	ALL FLOORS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.		
12	PROVIDE DRAIN PAN FOR WATER HEATER.		
13	VERIFY EXISTING CONDITIONS AND REPORT ANY DISCREPANCIES TO DESIGNER PRIOR TO CONSTRUCTION.		
14	PROVIDE 2" X 4" STUDS FOR ALL PARTITIONS AND WALLS UNLESS OTHERWISE NOTED.		
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1 MAIN FLOOR PLAN  
A-2 SCALE: 1/8" = 1'-0"

FILE NAME: 00000

DATE: 11/15/2024

OF ARRICK DESIGN INC.

SQUARE FOOTAGE: 1000

SHEET: A-2

