

# Planning Commission Staff Report

## **File #1SI-RA-000420-2024**

**Consideration to Grant a Request for a  
Reasonable Accommodation for the Property  
Located at 4729 S Turnberry Cove in  
Taylorsville, Utah.**



### Department of Community Development

|                                  |                                                                                                                    |
|----------------------------------|--------------------------------------------------------------------------------------------------------------------|
| <b>Meeting Date:</b>             | March 12, 2024                                                                                                     |
| <b>Agenda Item:</b>              | Consideration to Grant a Request for a Reasonable Accommodation for the Property Located at 4729 S Turnberry Cove. |
| <b>Subject Property Address:</b> | 4729 S Turnberry Cove                                                                                              |
| <b>Applicant:</b>                | Todd Jasper                                                                                                        |
| <b>Applicant Agent:</b>          | N/A                                                                                                                |
| <b>Author:</b>                   | Terryne Bergeson, Planner I                                                                                        |
| <b>Zoning Designation:</b>       | R-1-8                                                                                                              |
| <b>General Plan Designation:</b> | Low Density Residential                                                                                            |
| <b>Parcel #:</b>                 | 21111280700000                                                                                                     |
| <b>Applicable Ordinances:</b>    | 13.03.030, 13.11.070, 13.20.050, 13.36.190                                                                         |
| <b>Agenda item #:</b>            | 3                                                                                                                  |

### **Attachments:**

**Exhibit A: Zoning Map**  
**Exhibit B: General Plan Map**  
**Exhibit C: Site Map**  
**Exhibit D: Vicinity Map**

**Exhibit E: Applicant Request**  
**Exhibit F: Site Plan (original)**  
**Exhibit G: Site Plan (requested)**  
**Exhibit H: Site Photos**

## Summary:

Brad Reynolds Construction company has been constructing a single-family home on Lot 12 of the Meadows on 48<sup>th</sup> subdivision. City staff was onsite for a building inspection and determined that the paved area of the driveway, park strips, and width of curb cut for the driveway exceeded what was illustrated on the approved plans. City staff reviewed Land Development Code standards and discussed the deviations with the builder and future homeowner. The applicant explained that additional pavement was installed to accommodate the special needs of their daughter. Taylorsville Land Development Code designates the Planning Commission as the Land Use Authority with the responsibility to review and issue approve or deny requests for reasonable accommodations. The applicant has submitted the reasonable accommodation application with documents to review with the request.

## Adjacent Land Uses

| North               | South               | East             | West                |
|---------------------|---------------------|------------------|---------------------|
| Residential (R-1-8) | Residential (R-1-8) | Mobile Home (MH) | Residential (R-1-8) |

## Public Comment

This type of application does not have any requirements for public noticing or a public hearing.

## Analysis

### Land Development Code

Site plan and photos (Exhibits G, H) show the areas of pavement in the park strip and front yard. Per standards for park strips in [Section 13.25.010\(C\)\(3\)](#), paved pedestrian pathways are encouraged and count toward the 75% pavement limit for park strips. Subsection 6 of the park strip ordinance allows flexibility for site-specific conditions and allows the director to modify the standards. Park strips are fully paved and integrated into the driveway. During the review process it was stated that the park strip pavement was installed to accommodate the special access ramps used on transportation vehicles. Staff reviewed the new site plan and the director granted approval to allow the existing park strip concrete to remain.

The Taylorsville Land Development Code provides standards for residential development in single-family zones, including off-street parking requirements that limit the percentage of area that can be covered by a paved surface. [Section 13.20.050\(C\)](#) states: *The maximum area of hard surface for the purpose of parking vehicles on a residential lot shall be restricted to not more than twenty percent (20%) of the front yard excluding the driveway providing access to the primary attached or detached garage...*

The pavement limitation standard is intended to preserve the residential character of neighborhoods. The standards work together to allow a certain percentage to be impervious surface, coupled with other requirements for the remainder of the area to be landscaped which helps to create a neighborhood aesthetic. The limit on pavement also contributes to mitigating storm water runoff and can help to reduce the urban heat island effect in neighborhoods. For the subject property, the home has a 1,065 square foot driveway leading to a three-car garage. The front yard area (excluding a portion as described above) is 1,313 square feet. Per development standards the property may have up to 263 square feet of additional pavement, which when applied to the site plan would be about the same area as paving from the driveway to the north property line, providing space for an additional vehicle and access to the paved side yard.

As stated in the summary, the deviation from site plans was noticed when city staff was conducting an inspection and the property owner (Brad Reynolds Construction) submitted updated plans to illustrate and seek approval for existing conditions. The “requested” site plan (Exhibit G) shows green hatching that was the originally approved paved area. The red outline added represents what is existing. Site photos compared to the existing site plan show that the curb cut which is currently at the property line is proposed to be restored to the originally approved width. No reduction in the amount of pavement in the front yard is proposed. The area that extends to the south of driveway puts the total area of concrete for the front yard area at 54.1%. During the review the applicant explained their circumstances and that their daughter requires transportation services provided by specialized vehicles (Exhibit E). The extra concrete was poured to ensure adequate space for the vehicles to be able to maneuver in and out of the driveway. Aside from circular driveways, the Land Development Code does not provide criteria to allow an exception to the amount of pavement that is allowed on residential properties.

The applicant is requesting that the Planning Commission consider increasing the allowed paved area on this property to be increased from 20% of the front yard area to 54.1%. Staff reviewed the proposal and requested comments from the city engineer relating to storm water retention and there were no concerns with stormwater runoff. Staff feels that the request does not meet the criteria for prohibited accommodations as it is not seeking to waive a requirement, but to increase the limit of pavement, which is reflected in the conditions of approval. The relevant definitions and criteria are listed below.

*13.39.190 REASONABLE ACCOMMODATION: A change in a rule, policy, practice, or service necessary to afford a person equal opportunity to use and enjoy a dwelling. As used in this definition:*

*A. "Reasonable" means a requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability.*

*B. "Necessary" means the applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice.*

*C. "Equal opportunity" means achieving equal results as between a person with a disability and a nondisabled person.*

*13.11.070(G)(4) Prohibited Accommodations: The requested accommodation must relate to the use of the property so that it may be enjoyed as other similarly situated properties. An example would include a reduction in setback requirements for the installation of handicapped accessibility improvements. An accommodation cannot be granted to waive a zoning requirement, general setback reduction requests not related to the occupants, increase the profitability of the facility, or increase the maximum number of unrelated occupants above eight (8) plus two (2) additional persons acting as house parents or guardians.*

### **General Plan**

Approval of this request will not impact the number of dwelling units and has no impact on the low-density residential designation. The request aligns with [Goal 7.3](#) in the current General Plan which identifies the importance of housing that meets the needs “for residents of all income levels, age groups, and abilities”.

## **Findings**

1. Brad Reynolds Construction is building a home for the Jasper family at 4729 S Turnberry Cove in Taylorsville, Utah.
2. The subject property is zoned R-1-8.
3. The property is designated as low-density residential in the Taylorsville General Plan.
4. Site plan illustrates paved area that exceeds the 20% paved area limits for front yards in a single-family zone and paved park strips.
5. The increased pavement area was installed to accommodate specialized transportation vehicles for a member of the family.
6. Per Section 13.25.010(C)(6), the director has modified the standards for park strip landscaping to address site-specific conditions.
7. Todd Jasper has submitted a reasonable accommodation application to allow an increase in paved area from 20% to 54.1% for the front yard of the subject property.
8. 13.03.030(A)(3)(c)(5) designates the Planning Commission as the Land Use Authority to review and make decisions related to reasonable accommodations.

## **Staff Recommendations**

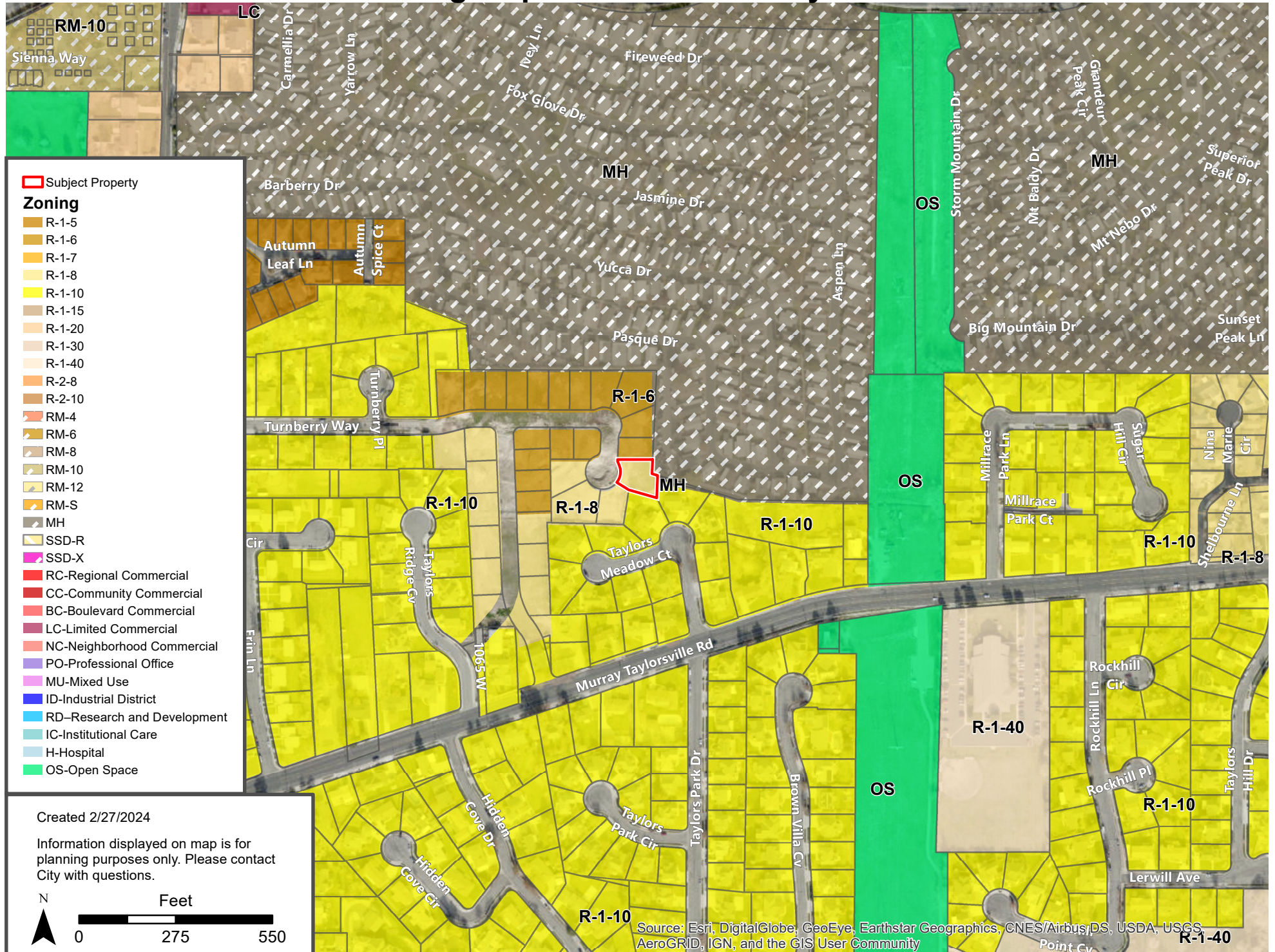
Staff recommends that the Planning Commission review the staff report and supporting documents and determine if the request should be granted. The Planning Commission may find that some percentage of concrete other than 54.1% is appropriate, as reflected in the potential motions below.

## **Potential Motions**

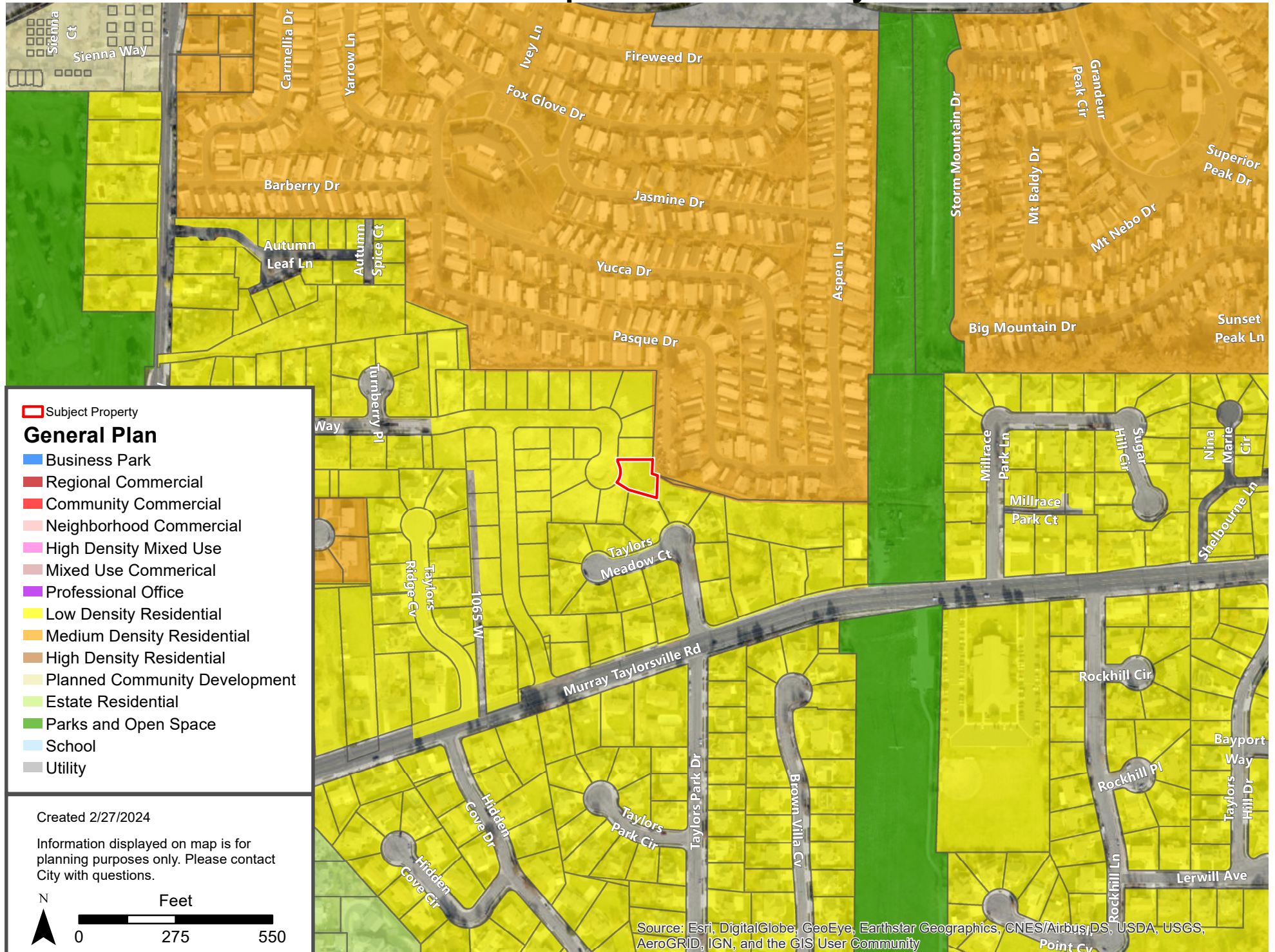
I move that we approve File #1SI-24 – SI-RA-000420-2024 request for a reasonable accommodation to allow the limit of the paved area in the front yard, excluding the driveway providing access to the garage, be increased from 20% to 54.1% for the property located at 4729 S Turnberry Cove in Taylorsville, Utah, subject to the findings and conditions in the staff report.

I move that we approve File #1SI-24 – SI-RA-000420-2024 request for a reasonable accommodation to allow the limit of paved area in the front yard, excluding the driveway providing access to the garage, be increased from 20% (to some other determined percentage) for the property located at 4729 S Turnberry Cove in Taylorsville, Utah, subject to the findings and conditions in the staff report.

# Zoning Map: 4729 S. Turnberry Cove



# General Plan Map: 4729 S. Turnberry Cove



## Site Map: 4729 S. Turnberry Cove



## Vicinity Map: 4729 S. Turnberry Cove



**EXHIBIT E**

**February 26, 2024**

**Taylorsville City  
Reasonable Accommodation**

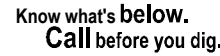
**Todd and Rosita Jasper  
4729 S Turnberry Cove  
Lot 12 - Meadows on 48th  
Brad Reynolds Construction**

**To whom it may concern,**

**We respectfully request an important Accommodation for the driveway width on Lot 12, in the Brad Reynolds development. This request would greatly benefit our handicap daughter whom we care for. She is a Paraplegic with special needs. The driveway has been reinforced for buses to enter and give uncomplicated access for our daughter to load and unload. The wider access will also allow accommodation for transportation when maneuvering within the Cul de sac with 5 other homes and street parking being limited. Weather can also be a factor with snow removal and pushing larger amounts of snow to the end of the Cul de sac. The reinforced concrete and width will provide the flexibility for her transportation needs and allow Buses to maneuver year-round. Once a week, trash is picked up from the street which can limit access with the Cans placed at the curbs. We hope you will approve this Accommodation to meet her special needs for access to and from the home.**

**Sincerely,**

**Todd and Rosita Jasper  
801-381-4144**



CALL BLUESTAKES  
@ 811 AT LEAST 48 HOURS  
PRIOR TO THE  
COMMENCEMENT OF ANY  
CONSTRUCTION.

**NOTES:**

1. EXCAVATION MATERIALS ASSOCIATED WITH THIS AREA ARE CONSIDERED TO BE "COMMON" CUT AND FILL.
2. THE NUMBER OF STEPS SHOWN IS AN ENGINEER'S ESTIMATE AND IS FOR GRAPHICAL PURPOSES ONLY, IT MAY OR MAY NOT BE THE ACTUAL NUMBER OF STEPS REQUIRED.
3. CONTOURS ARE 1' INTERVALS.
4. BUILDING FOOTPRINTS SHOWN ON THESE PLANS REPRESENT DIMENSIONS AND LINE WORK FOR GENERAL REFERENCE ONLY. THE BUILDER IS RESPONSIBLE FOR THE CORRECT BUILDING FOOTPRINT DIMENSIONS AND LINE WORK AND IS TO ENSURE FOUNDATION CONSTRUCTION PLANS MATCH THIS LINE WORK.
5. IF NOT STATED ON THE PLANS, THE CONTRACTOR SHALL ESTABLISH FINISHED GRADE A MINIMUM OF 6-INCHES FROM T.O.F. AND A MINIMUM OF 6-INCHES DROP IN THE NEXT 10 FEET FROM THE FINISHED GRADE AT THE FOUNDATION WALL.
6. ALL STATED GRADES ARE MINIMUM GRADES.
7. USE SWALES PER DETAILS SHOWN BELOW AS NEEDED TO MAINTAIN DRAINAGE WITHIN PROPERTY BOUNDARY.
8. FINISH GRADE ELEVATIONS INCLUDES THE 4" OF TOPSOIL THAT WILL BE INSTALLED BY HOME OWNER FOR LANDSCAPING.
9. WINDOW WELLS TO BE INSTALLED A MINIMUM OF 3" ABOVE FINISHED GRADE.
10. ALL RAIN GUTTERS TO DRAIN FORWARD, WHERE POSSIBLE.
11. MINIMUM 5% SLOPE TO BE MAINTAINED AT LEAST 10' AWAY FROM STRUCTURE, WITH EXCEPTION OF CONCRETE PATIOS.

**ABBREVIATIONS:**

|      |                       |     |                 |     |                    |
|------|-----------------------|-----|-----------------|-----|--------------------|
| BFF  | BASEMENT FINISH FLOOR | FG  | FINISHED GRADE  | TBC | TOP BACK OF CURB   |
| BOG  | BACK OF GARAGE        | FL  | FLOW LINE       | TOC | TOP OF CONCRETE    |
| BW   | BOTTOM OF WALL        | FOG | FRONT OF GARAGE | TOF | TOP OF FOUNDATION  |
| BOS  | BOTTOM OF STEP        | GB  | GRADE BREAK     | TS  | TOP OF STEP        |
| CONC | CONCRETE              | HP  | HIGH POINT      | TW  | TOP OF WALL        |
| DWY  | DRIVEWAY              | LP  | LOW POINT       | TWW | TOP OF WINDOW WELL |
| EOA  | EDGE OF ASPHALT       | PL  | PROPERTY LINE   |     |                    |
| FF   | FINISHED FLOOR        | SW  | SIDEWALK        |     |                    |



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**FOR:**  
**BRAD REYNOLDS CONSTR.**  
**P.O. BOX 17958**  
**SALT LAKE CITY, UTAH**  
**CONTACT:**  
**BRAD REYNOLDS**  
**PHONE: 801.281.2200**  
**FAX:**

**MEADOWS ON 48TH  
PLOT PLANS  
4729 TURNBERRY COVE  
TAYLORSVILLE, UTAH**

## PLOT PLAN

PROJECT #  
10559

DATE  
2/9/23

DRAWN BY  
AH

PROJECT MANAGER  
RQE

## LOT 12

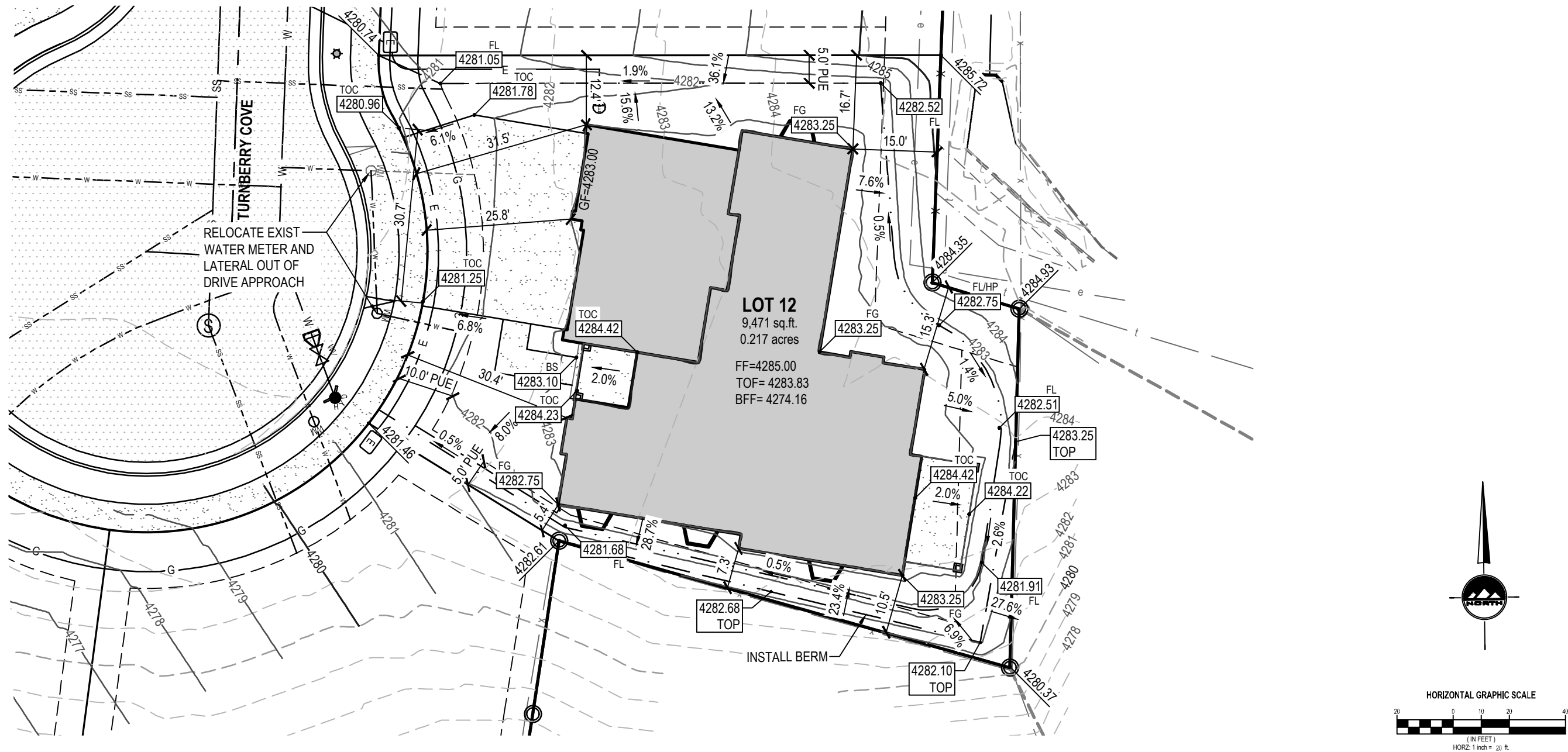


EXHIBIT G

