Planning Commission Staff Report

File #2SI24- SI-RA-000431-2024

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

CITY OF TAYLORSVILLE UTAH

Department of Community Development

Meeting Date:	May 14, 2024
Agenda Item:	Consideration to Grant a Request for a Reasonable Accommodation to Grant an Increase to Maximum Driveway Width for the Property Located at 4729 S Turnberry Cove.
Subject Property Address:	4729 S Turnberry Cove
Applicant:	Todd Jasper
Applicant Agent:	N/A
Author:	Terryne Bergeson, Planner I
Zoning Designation:	R-1-8
General Plan Designation:	Low Density Residential
Parcel #:	21111280700000
Applicable Ordinances:	13.03.030, 13.11.070, 13.20.050, 13.36.190
Agenda item #:	**3**

Attachments:

Exhibit A: Zoning Map
Exhibit B: General Plan Map
Exhibit C: Site Map
Exhibit D: Vicinity Map
Exhibit E: Site Plan (PC Approved File#1S24)
Exhibit F: Applicant Request
Exhibit G: Paratransit Bus
Exhibit H: Site Plan (existing/ requested)
Exhibit I: Site Photo

Summary:

Brad Reynolds Construction has built a home for Todd and Rosita Jasper at 4729 S Turnberry Cove. During regular onsite inspections city inspectors noticed deviations from the original approved site plan relating to the width of the drive approach and the amount of poured concrete at the property. The Jaspers submitted a reasonable accommodation application requesting that the Planning Commission allow an exception to certain city standards that would accommodate the special needs of their daughter. The applicants were instructed to submit documents to support the request, which included a site plan and a written explanation. The documents were included in a staff report and presentation reviewed by the Planning Commission on March 12, 2024. The Planning Commission voted 5-2 with the following motion:

"I move that we approve File #1SI24 – 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."

Upon receiving the approval letter, the applicants realized that the submitted and approved site plan had not been adjusted to show the correct curb cut; therefore a wider drive approach was not included in the request. The applicants have now submitted a new application for a reasonable accommodation request, which will be presented in this report. The applicants are requesting an exception to standard driveway width to allow the existing, wider drive approach to remain.

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

As stated in the summary, the Planning Commission approved the previous request relating to increased paved area (File# 1SI24-000419-2024). However, the request did not include an exception to driveway width. The applicants have expressed that a wider drive approach has been installed to accommodate the transport van for their daughter. The request was submitted with an explanation (Ex F) as well as a new, dimensioned site plan that illustrates the existing distance from end to end of the approach, measured in a straight-line is 38.1 feet wide (Ex H). An onsite measurement was taken, and curve width of the approach (at the street, flare to flare) is 40.5. The width exceeds the maximum established in Section 13.21.030(A): "*Driveways shall be provided for all residential building lots. The drive approach for the driveway shall be a minimum width of twelve feet (12') and shall not exceed the maximum width of thirty five feet (35')…"* Taylorsville Land Development Code designates the Planning Commission as the decision-making authority for reasonable accommodation requests.

Land Development Code

Code Reference	Review Criteria	Analysis
From Section 13.21.030 Subdivision Standards: Residential Driveways		
13.21.030(A)	*Driveways shall be provided for all residential building lots. The drive approach for the driveway shall be a minimum width of twelve feet (12') and shall not exceed the maximum width of thirty five feet (35'). A secondary drive approach may be permitted upon review and approval by the city engineer.*	This measurement is taken from edge-of-flare to edge-of-flare. Exhibit H shows a straight-line width of 38.1 feet. The curve width based on measurement taken at the site is 40.5 feet. Does not comply.
From Section 14.12.110 Standards for Roadway Development: Single-family Dwellings		
14.12.110(B)(6)	*On new construction for a home with a three (3) car garage, the driveway approach width at the property line may be a maximum of thirty feet (30').*	This measurement is taken from edge to edge of the drive approach behind the sidewalk. Based on measurement taken at the site, this curve width is 40 feet. Does not comply.
From Section 13.11.070 Special Use Standards: Residential Facility for Elderly Persons or Persons With a Disability		

Code Reference	Review Criteria	Analysis
13.11.070(G)(1)	*Accommodation Required: None of the requirements of this section shall be interpreted to limit any accommodation which is reasonable and necessary to allow the establishment or occupancy of a residential facility for persons with a disability.*	NA
13.11.070(G)(2)	*Application: Any person or entity wanting an accommodation shall make application to the Planning Commission and shall articulate in writing the nature of the requested accommodation and the basis for the request.*	NA
13.11.070(G)(3)	*Appeal: If an accommodation request is denied, the decision may be appealed to the Hearing Officer in the manner provided for appeals of administrative decisions set forth in this title.*	NA
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.*	The request does not meet the prohibited accommodations criteria.
13.11.070(H)(3)	*The Planning Commission shall render a decision on each application for a reasonable accommodation within sixty (60) days. The decision shall be based on evidence of record demonstrating all of the following:*	Planning Commission is the deciding body.

Code Reference	Review Criteria	Analysis
13.11.070(H)(3)(a)	*The 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.*	See “Reasonable” below.
13.11.070(H)(3)(b)	*That but for the accommodation, one or more persons with a disability will be denied an equal opportunity to enjoy housing of their choice.*	See “Necessary” below.
13.11.070(H)(3)(c)	*That equal results will be achieved as between the person with a disability requesting the accommodation and a nondisabled person.*	See “Equal Opportunity” below.
From Section 13.36.190 Definitions: Reasonable Accommodation		
13.36.190	*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:*	

Code Reference	Review Criteria	Analysis
13.36.190(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.*	Allowing an increase to the maximum drive approach will allow vehicular access across nearly the entire front yard of the home. While the additional pavement has been approved in a previous application, the commission should consider if there is an intent that is undermined by allowing an increase in the drive approach width. A curb may act as a border giving the look of a front "yard" although the extra pavement has already been approved with a previous request.
13.36.190(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.*	The written explanation (Ex F) cites bad weather days, potential snow blocking road, and vehicles for future construction in cul-de-sac as hinderances to providing service for their daughter. In these situations, the bus may need to pull into the driveway. While an increased width would make it easier for a bus to do so, the applicants did not provide evidence that without the accommodation the bus will be unable to provide services. Based on the dimensions provided by applicant, a standard approach provides space for the bus to pull into the driveway. If the request is denied and the approach is required to be standard width, the bus may need to provide services from the curb. To use the driveway, reconfiguring residents' off-street parking may be required to allow the bus to maneuver into and out of a standard-width driveway. The commission should consider the exhibits and discuss if denial of the increased driveway width will deny the resident equal opportunity to use and enjoy the property.

Code Reference	Review Criteria	Analysis
13.36.190(C)	*"Equal opportunity" means achieving equal results as between a person with a disability and a nondisabled person.*	A person without a disability who rides public transit typically meets the bus at a designated stop at the curb. However, the applicants' daughter uses a wheelchair for mobility; debris and curbs are cited as a potential hinderance to accessing the transit. UTA's Paratransit Rider's Guide does state that paratransit vehicles meet many riders at the curb. Explanation, site plan, and dimensions of bus were provided for the commission to consider with the request.

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 current General Plan identifies the need for housing that meets the needs "for residents of all income levels, age groups, and abilities" in Goal 7.3.

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. The Planning Commission approved a request to increase the paved area of the front yard at the subject property on March 12, 2024 (File #1SI24 – SI-RA-000420-2024).
5. Todd Jasper has submitted a reasonable accommodation application and supporting documents to request an increase to drive approach width from 30 feet to 38.1 feet.
6. Reasonable accommodation is defined in the Taylorsville LDC as a change in a rule, policy, practice, or service necessary to afford a person equal opportunity to use and enjoy a dwelling.
7. 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 to determine if the request should be granted.

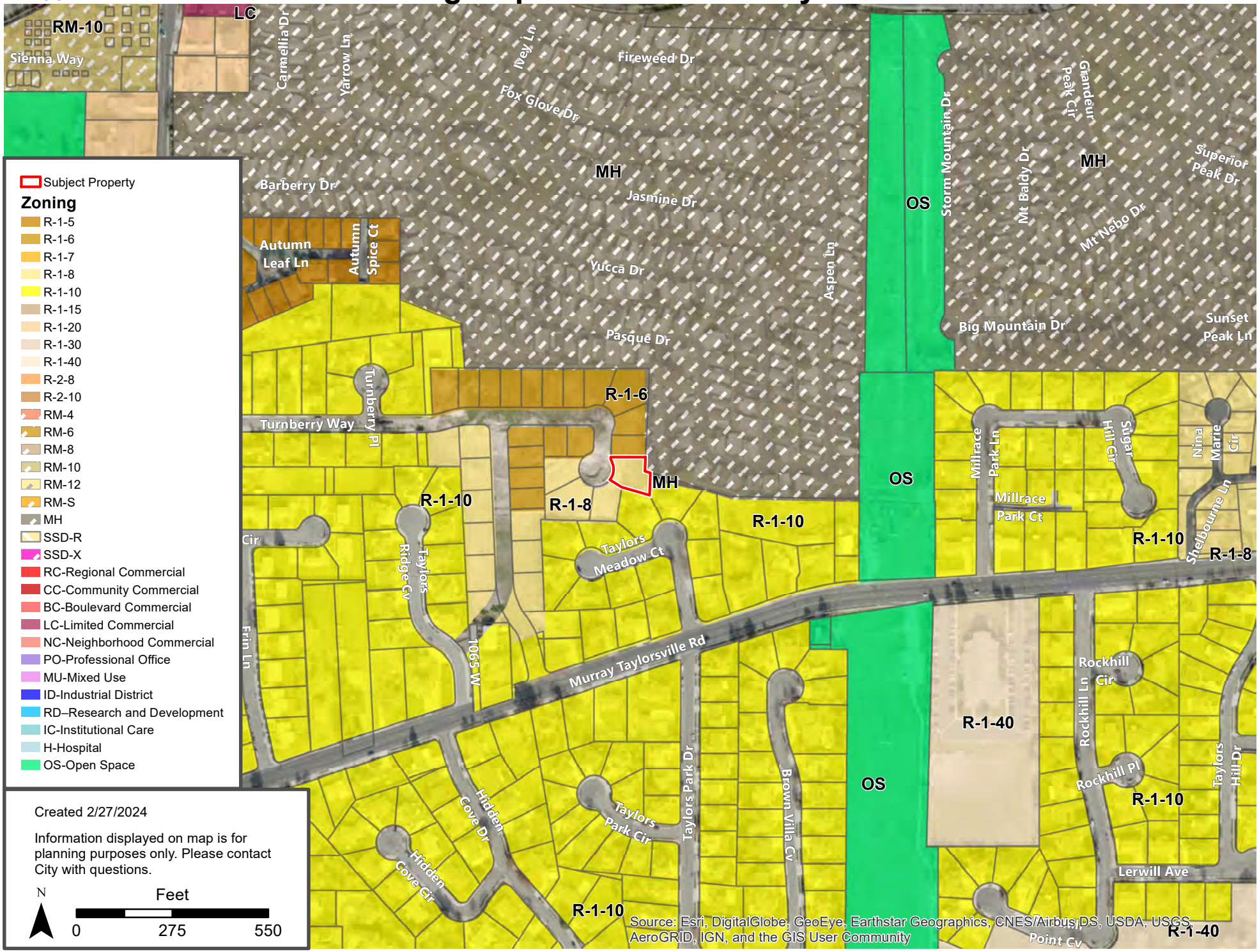
Potential Motions

Approval
I move that we approve File #2SI24 – SI-RA-000420-2024 request for a reasonable accommodation to allow the maximum drive approach width to be increased from 30 feet to 38.1 feet for the property at 4729 S Turnberry Cove, in Taylorsville, Utah, based on the findings in this staff report.

Denial
I move that we deny File #2SI24 – SI-RA-000420-2024 request for a reasonable accommodation to allow the maximum drive approach width to be increased from 30 feet to 38.1 feet for the property at 4729 S Turnberry Cove, in Taylorsville, Utah, based on the findings in this staff report.

Exhibit A

Zoning Map: 4729 S. Turnberry Cove



Subject Property

Zoning

- R-1-5
- R-1-6
- R-1-7
- R-1-8
- R-1-10
- R-1-15
- R-1-20
- R-1-30
- R-1-40
- R-2-8
- R-2-10
- RM-4
- RM-6
- RM-8
- RM-10
- RM-12
- RM-S
- MH
- SSD-R
- SSD-X
- RC-Regional Commercial
- CC-Community Commercial
- BC-Boulevard Commercial
- LC-Limited Commercial
- NC-Neighborhood Commercial
- PO-Professional Office
- MU-Mixed Use
- ID-Industrial District
- RD–Research and Development
- IC-Institutional Care
- H-Hospital
- OS-Open Space

Created 2/27/2024

Information displayed on map is for planning purposes only. Please contact City with questions.

N

Feet

0 275 550

Exhibit B

General Plan Map: 4729 S. Turnberry Cove

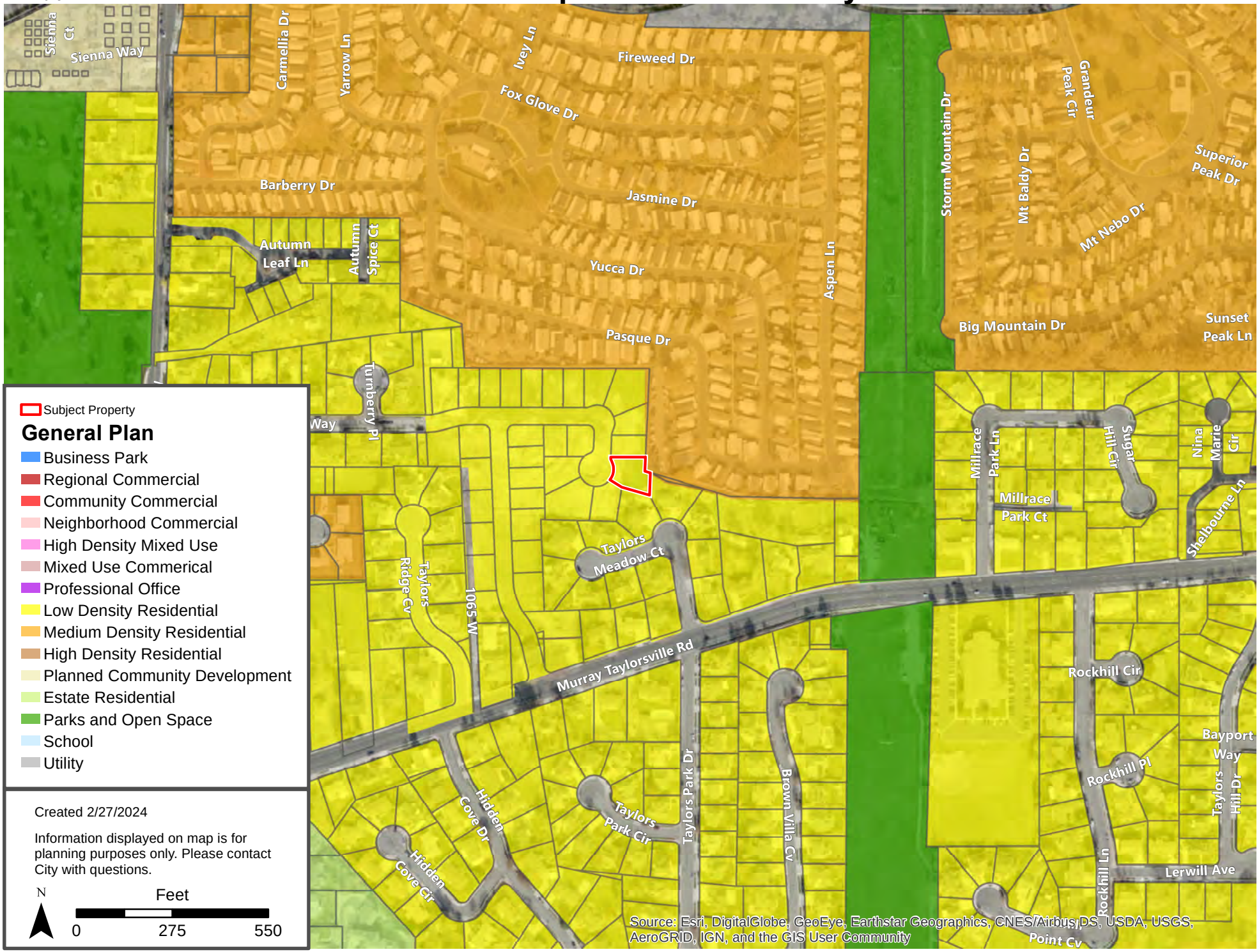


Exhibit C

Site Map: 4729 S. Turnberry Cove

Exhibit D

Vicinity Map: 4729 S. Turnberry Cove

Exhibit E Site Plan (PC Approved File#1S24)

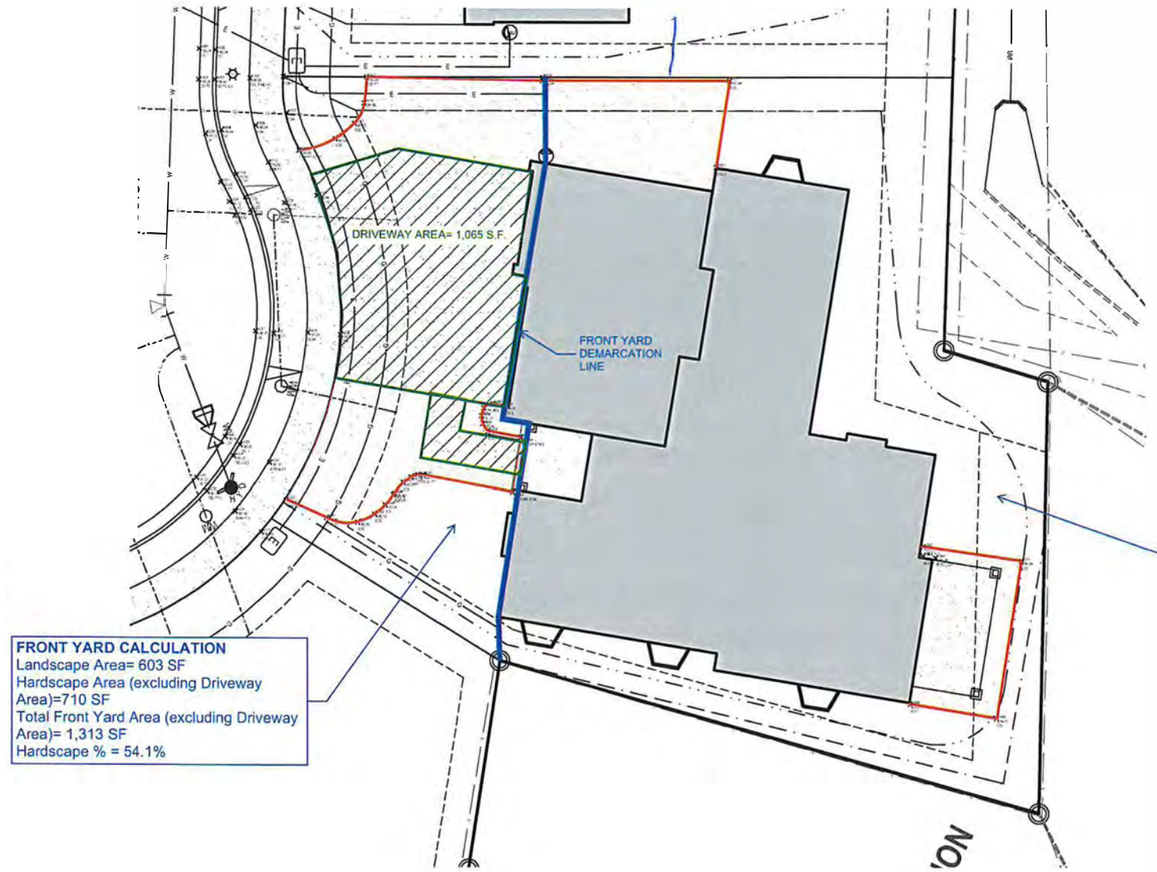


Exhibit F: Applicant Request

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 handicapped 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. 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.

***Amendment to include Approach**

April 24, 2024

We are asking for Reasonable Accommodation to change the width of the Approach to the driveway. Additional width to the Approach is needed for the following reasons.

1. **Bus Transportation. Whitney attends a community school for special needs adults. Transportation access is needed year-round to and from the school. The wider approach and driveway have been reinforced to allow the bus to enter a safe loading area off the street and gives care givers easier loading. On poor weather days the ability to reduce the distance from a covered garage area to the loading or unloading of the bus for our daughter is important. Curbs can restrict wheelchairs. Handicap areas are free of any curbs or roadside loading. The widened area provides bus access to a smooth flat surface without rocks or debris to push the wheelchair.**

Exhibit F: Applicant Request

Winter snow can prevent access of loading and unloading into the street due to the frozen surface with Cul de Sac plowing and piling of snow. Whitney needs access to school.

2. Safety for Access. The bus can pull into the driveway to increase safety when lifting Whitney. There are 4 homes left to be built within the Cul de Sac and congestion could be over the next 2+ years. It is difficult now to get around when the Cul de Sac has construction equipment and parked cars. This request will allow safety and access for Whitney to attend school. Please kindly consider this request.

Sincerely,

Todd and Rosita Jasper

801-381-4144

Exhibit G: Paratransit Bus

Bus Dimensions

L 22ft W 8ft Wheelbase 13ft.

Exhibit H: Site Plan (existing/ requested)

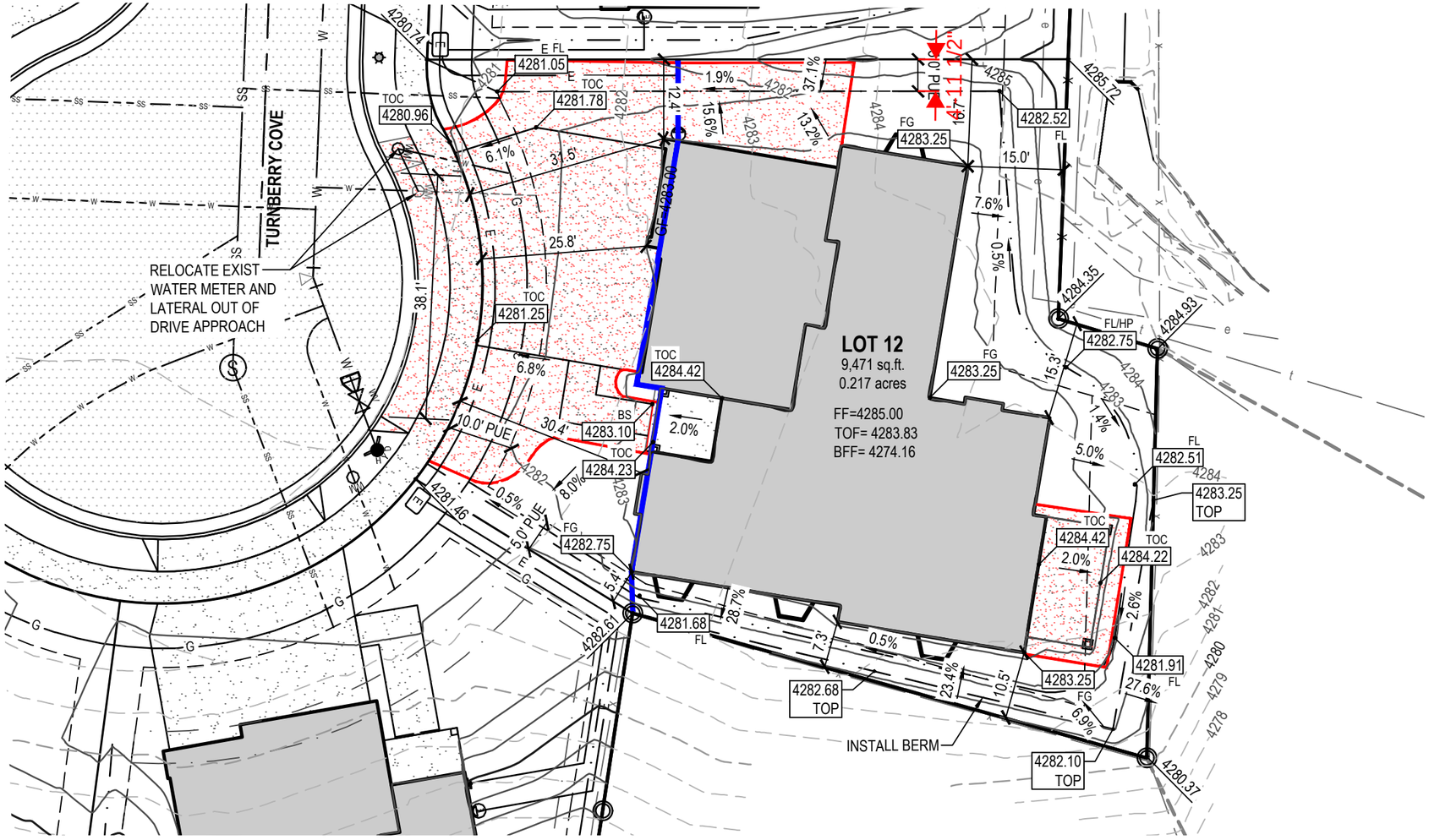
811 Know what's below. Call before you dig.

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

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 FINSH 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	TOS	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		



HORIZONTAL GRAPHIC SCALE

20 0 10 20 40

(IN FEET)
HORZ. 1 inch = 20 ft.

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BRAD REYNOLDS
PHONE: **801.281.2200**
FAX:

MEADOWS ON 48TH
PLOT PLAN
4729 TURNBERRY COVE
TAYLORSVILLE, UTAH

PLOT PLAN

PROJECT # 10559
DATE 4/25/24
DRAWN BY JCH
PROJECT MANAGER RQE

LOT 12

Exhibit I: Site Photo