



---

**LUHO-25-012**

---

## **Land Use Hearing Staff Report**

**Meeting Date:** 11/19/2025

**Applicant:** Meleana Tuimoala

**Re:** ADU Conversion

**Property Address:** 2861 S 2700 E

**Zone:** R-1-8

**Prepared By:** Zack Wendel

### **REQUEST AND SYNOPSIS**

---

The applicant is seeking approval to convert an existing non-complying accessory structure into an accessory dwelling unit (ADU) located at 2861 S 2700 E.

The existing accessory structure is about 4 feet from the rear property line. Millcreek's Accessory Dwelling Ordinance requires detached ADUs to be at least 5 feet from the rear and side property line for heights up to 14 feet. ([MKZ 18.71](#))

As required by Millcreek's ADU Conversion Code for noncomplying structures, the applicant previously submitted for a Nonconformities Determination letter requesting the existing detached garage be given legal nonconforming status to be converted into an ADU. Based on Staff's research and information provided by the applicant, the Planning Director issued legal nonconforming status on February 6<sup>th</sup>, 2025.

The Land Use Hearing Officer may allow for a legal noncomplying structure to be converted into an accessory dwelling unit (ADU) pursuant to Millcreek's ADU Code ([MKZ 18.21.130](#)). On June 12<sup>th</sup> 2025, the applicant did apply to get the structure declared legal nonconforming pursuant to Millcreek's Nonconformities Code ([MKZ 18.60.090](#)).

#### 18.21.130 Existing Buildings

A detached building, that is noncomplying and was legally established as determined under MKZ 18.60, Nonconformities, may be converted, or expanded for the purpose of converting, or enlarged for the purpose of converting, to an accessory dwelling unit upon permit authorized by the Land Use Hearing Office provided that the Land Use Hearing Officer shall find:

1. The side or rear setbacks of the detached building are not further reduced to accommodate the ADU;
2. The detached building does not have a light source projecting onto an abutting property;
3. The facade of the detached building located within five feet (5') and facing an abutting property line, does not have any balconies, porches, landings, stairs, doors, or windows;
4. For properties with rear yards that abut an RM, C-1, or C Zone, the detached building does not exceed 24 feet in height;
5. For all properties, located abutting a Residential Zone Boundary or a legally-established residential dwelling, the detached building does not protrude higher than the measured height of the existing noncomplying structure being expanded;
6. Does not create any new visual impacts that a fence or wall cannot otherwise mitigate;
7. The detached ADU can accommodate all required parking on the property, and does not violate or diminish the required off-street parking standards, including parking requirements of this title;
8. Does not violate applicable standards and regulations outlined in the applicable zoning district;
9. The structure or proposed expansion of the structure is not within any recorded easement;
10. Does not result in runoff or drainage from the accessory building onto an abutting property;
11. The detached building shall meet all other requirements of MKZ 18.71.090, except as provided otherwise in this section; and
12. Meets the applicable sections of the adopted building and fire codes of the City.

The Land Use Hearing Officer may impose conditions and limitations upon issuance of a permit for an addition to, enlargement of, moving of, or reconstruction of a structure as necessary to prevent or mitigate adverse effects on other properties located in the neighborhood of the subject property, consistent with the standards of this Title.

## **FINDINGS, CONCLUSIONS, & RECOMMENDATION**

### **Findings:**

1. Non-conforming structures may be converted into an ADU according to the terms set forth in the land use ordinance. [MKZ 18.21.130](#)
2. The garage has received legal nonconforming status.
3. The property is currently located within the R-1-8 Zone.
4. According to the Office of the Salt Lake County Assessors, the home appears to have been originally built in 1950.
5. According to the provided building permit for the garage, it appears to have been originally built in 2002.
6. The footprint of the existing garage will not be expanded for the ADU.
7. Current Millcreek Code requires that detached ADUs to be 5 feet from the rear and side property line. The existing structure is only about 4 feet from the east rear property line and about 15 feet from the south side property line.
8. The property will still meet the one covered parking requirement for the main residence.

**Conclusions:**

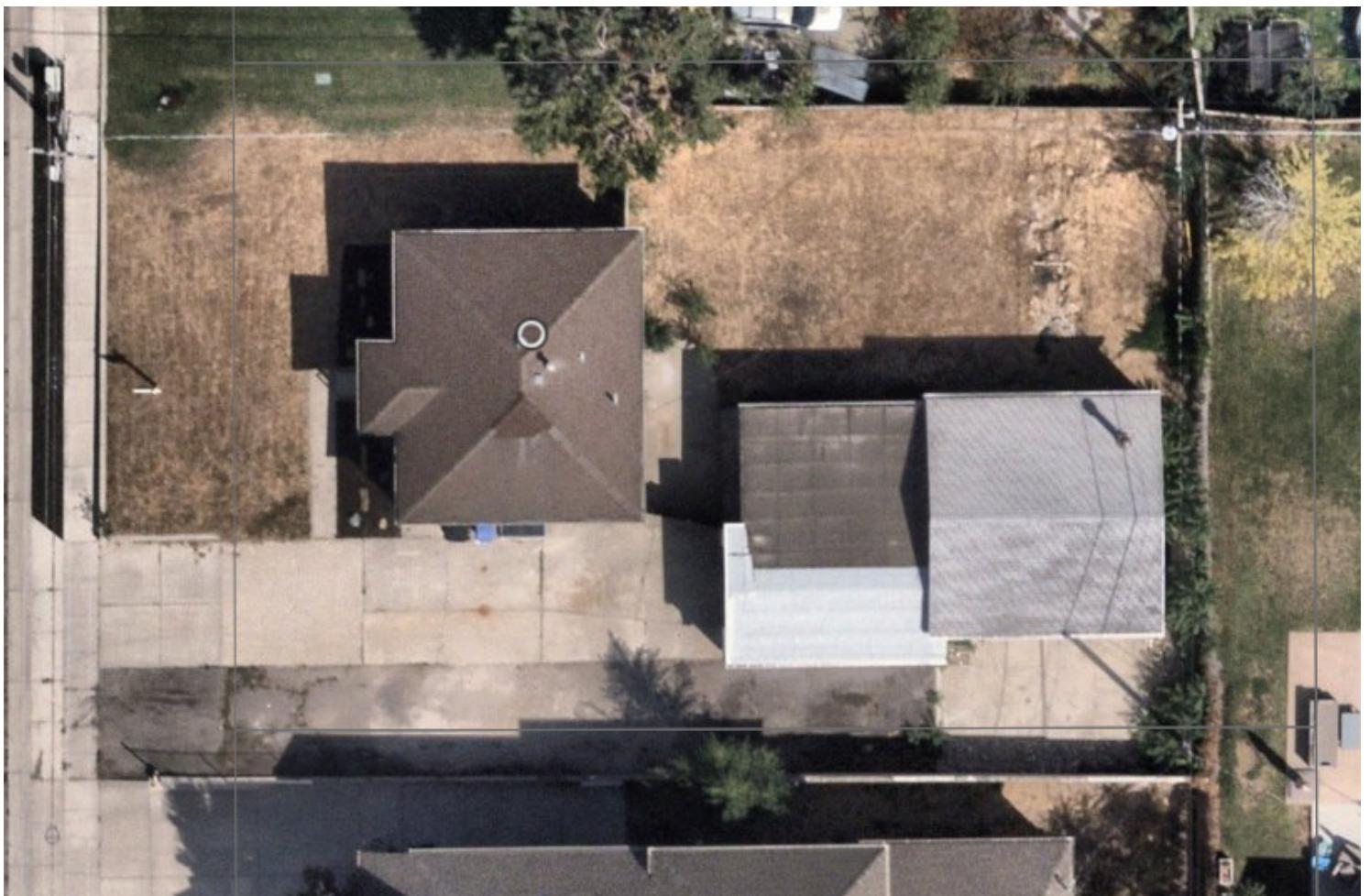
1. The scope of work for the conversion of the existing garage into an ADU will comply with the approval criteria listed in [MKZ 18.21.130](#).
2. In Staff's opinion the conversion will not be detrimental to the health, safety and general welfare of persons residing within a reasonable distance of the subject property, nor does it impose any unreasonable burden upon the lands located in the vicinity of the nonconforming structure.

*An applicant, Millcreek, or an adversely affected party may appeal any final decision made by the Land Use Authority regarding the administration or interpretation of this Code. Appeals shall follow the procedure as set forth in Section 18.04.010 of the Millcreek Code and must be filed within 10 business days of the issuance of a written administrative decision.*

**SUPPORTING DOCUMENTS**

---

- Areial Imagery
- Letter of Intent
- Plan Set
- Nonconformities Determination Letter



# Letter to Hearing Officer – Accessory Dwelling Unit (ADU) Proposal To: Hearing Officer, Millcreek

Millcreek City Planning Department

**From:** Meleana & Setaleki Tuimoala

**Property Address:** 2861 S 2700 E, Salt Lake City, UT 84109

**Date:** 11/04/2025

**Subject:** Request for Approval to Convert Existing Garage into an Accessory Dwelling Unit (ADU)

Dear Hearing Officer, We are writing to respectfully request approval to convert the existing detached garage located at 2861 S 2700 E, Salt Lake City, UT 84109 into an Accessory Dwelling Unit (ADU) in accordance with Millcreek City's ADU ordinance (Millcreek Code §19.04.293 & §19.71). The goal of this project is to create a small, self-contained living space that complements the primary residence, provides additional housing flexibility, and aligns with Millcreek's objective of encouraging diverse and attainable housing options.

## Project Proposal and Purpose:

Our plan involves repurposing the existing garage into a functional living unit with one-bedroom layout, including a small kitchen, bathroom, and living area. The ADU will be built to meet all applicable building, fire, and zoning requirements. The intent is to house a family member, the primary home is very small, while maintaining the residential character of the neighborhood.

## Integration with the Existing Property:

The conversion will retain the current garage footprint and roofline, preserving the visual scale and appearance consistent with nearby homes. The exterior design, materials, and color scheme will match the primary dwelling to ensure architectural cohesion. Existing landscaping and fencing will remain to maintain privacy and curb appeal.

## Parking and Access:

The property features a large driveway that easily accommodates multiple off-street parking spaces, along with a one-car garage located in front of the home. This configuration provides ample parking for both the main residence and the proposed ADU, ensuring compliance with Millcreek's parking requirements and preventing any impact on neighborhood street parking. The ADU will have a separate, clearly defined entrance accessed from the side yard, offering convenient and safe access for occupants while maintaining clear separation from the main home.

**Design and Appearance:**

The ADU's design will integrate with the existing home's exterior, including similar roof pitch, window style, and materials. Lighting and window placement will be designed to respect neighboring properties and minimize light spillover, ensuring the unit fits naturally within the existing residential context.

**Intended Use:**

The ADU will be used as residence for a family member. We do not intend to use the unit for short-term rentals. We appreciate the opportunity to present this proposal and are committed to ensuring that the project benefits both our household and the surrounding community. Please let us know if any additional documentation, site plans, or information would assist in your review. Thank you for your time and consideration.

Sincerely,

Meleana & Setaleki Tuimoala  
(385) 227-4522  
[tuimoalainvestment@gmail.com](mailto:tuimoalainvestment@gmail.com)



# AARON DRAFTING

WV C, UT (801)815-8953

WVC, UT (801)815-8953

SETALEKI & HELEANA TUMOALA

2601 SO. 2700 E  
MURRAY UTAH

WILHELM ULLMANN

10-26-23

71-23

A-1

A-1

A-1

**LEGEND**

- Existing Conc. Wall
- Existing Studs
- New 2x4's C 6 1/2" (V)
- Treated R or CH Conc.
- Demo
- 110 OUTLET
- 220 OUTLET
- GFI OUTLET
- GFI GROUND FAULT INTERR.
- MOTOR
- SWITCH
- FAN
- ① SMOKE DETECTOR - WIRELESS IN SERIES
- ④ CARBON MONOXIDE DETECTOR
- PAR LIGHT

**NOTES**

EGRESS WINDOWS SHALL BE NOT LESS THAN 5.7 SQ.FT. CLEAR  
WINDOW WELL SHALL NOT LESS THAN 9 SQ.FT  
LADDER TO BE INSTALLED IF DEEPER THAN 3' 8" A.F.  
GILL HT. MAX HT. = 3' 8"

ALL CONSTRUCTION SHALL COMPLY W LOCAL CODES AND 2021 IBC CODES

**SETALEKI & MELEANA TUIMOALA**  
2801 30, 2700 E  
MILCREEK, UTAH

**10-26-23**  
**71-23**  
**A-1**

**AARON DRAFTING**  
WVC, UT (801)815-8953

## Millcreek City Council

Jeff Silvestrini, Mayor  
Silvia Catten, District 1  
Thom DeSirant, District 2  
Cheri Jackson, District 3  
Bev Uipi, District 4



## Millcreek City Hall

1330 East Chambers Avenue  
Millcreek, Utah 84106  
801-214-2700  
[millcreekut.gov](http://millcreekut.gov)

6 February 2025

Meleana Tuimoala  
14762 South Springtime Road  
Draper, Utah 84020

RE: Noncomplying Structure Declaration for a Detached Garage  
2861 South 2700 East  
Parcel No. 16-26-104-002  
Zoning: R-1-8  
File No. MSC-24-001

Dear Meleana,

On December 11, 2024, you submitted an application to have a detached garage located at the above-referenced address declared a noncomplying structure, pursuant to §19.88.150 of the Millcreek Code, which states:

*Whenever a structure is in violation of the height or setback provisions of this title, the owner may file an application with the director or director's designee to have the structure declared noncomplying. The director or director's designee shall approve the application when the evidence clearly establishes the following:*

- A. *The structure has existed at its current location, with the same size, height and setbacks for at least ten years;*
- B. *The structure is found by the building official or designee to pose no threat to the health or safety of persons in or around the structure, and;*
- C. *The City has not taken enforcement action for the violation for a period exceeding five consecutive years during which the violation existed.*

Your request to have the detached garage declared a noncomplying structure is **hereby approved**, based on the following findings:

- A. Aerial photography and street view imagery dating from late 2014 establishes that the structure has existed at its current location with the same size, height, and setbacks for at least 10 years. There is no indication from the imagery that the structure was expanded in terms of height or area in that time. A summary of the aerial photography and street view imagery available to the city is attached as Exhibit "A".
- B. The structure has been found by the building official to pose no threat to the health or safety of persons in or around the structure. The applicant provided the city with a Structural

Investigation Report from McNeil Engineering, and that report found the structure to be in fair condition, indicating that it does not appear to present an immediate life safety risk. The Millcreek Building Official found the report to be acceptable to the Building Department. The Report and the Building Official's approval are attached as Exhibit "B".

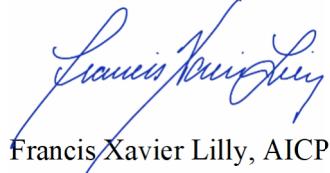
C. Millcreek has no record of any enforcement action of a violation relating to the structure in the last five years.

This noncomplying structure declaration does not relieve the applicant or owner from the obligation of obtaining any required land use or building permits, or from complying with all applicable land use regulations in the R-1-8 zone. Additions to or reconstruction of a noncomplying structure are subject to the standards set forth in Chapter 19.88 of the Millcreek Code. Conversions of a noncomplying structure into an accessory dwelling unit are subject to the standards set forth in § 19.89.100 of the Millcreek Code

#### **Appeal of This Decision**

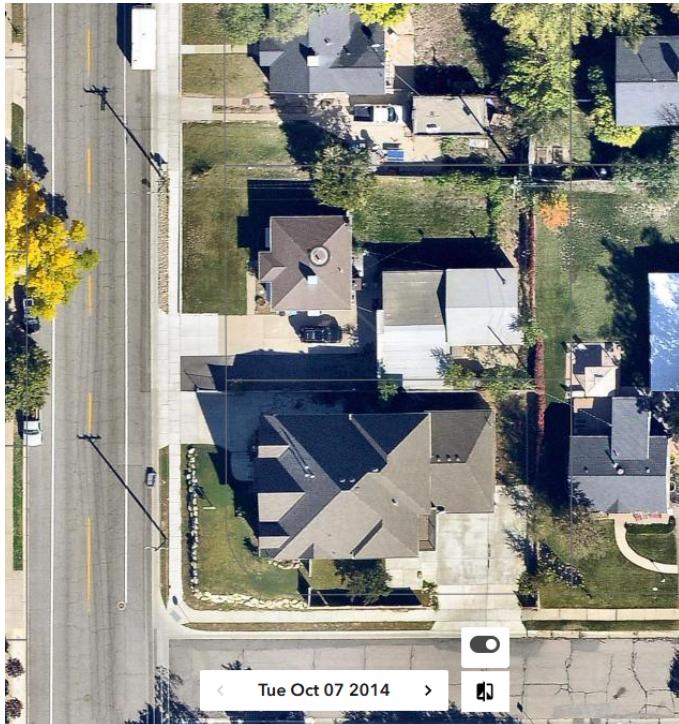
Pursuant to §19.92.040 of the Millcreek Code, any person desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of land they own, or any person adversely affected by a decision applying the land use ordinances, may file an appeal to the Land Use Hearing Officer. The party taking the appeal shall file the appeal with the City Recorder's Office within **ten business days** after the land use authority issues its written decision. The appeal must include the filing of an application and payment of a fee as provided in the consolidated fee schedule.

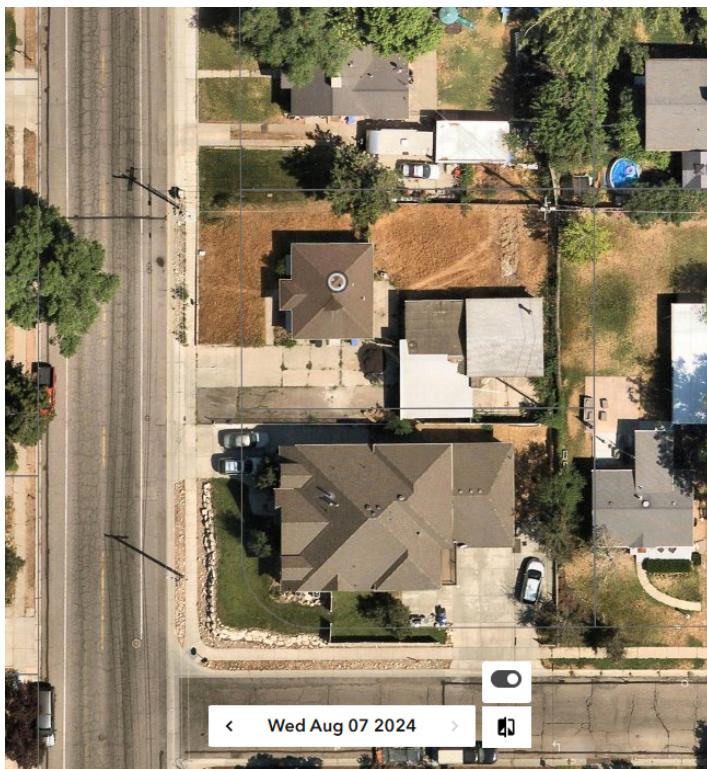
Respectfully,



Francis Xavier Lilly, AICP  
Planning Director

**EXHIBIT “A” – AERIAL PHOTOGRAPHY AND STREET VIEW IMAGES**







8610 South Sandy Parkway, Suite 200 Sandy, Utah 84070 801.255.7700 [mcneilengineering.com](http://mcneilengineering.com)

January 24, 2025

Tuimoala Investment  
2861 S 2700 E  
MILLCREEK UT

RE: 2861 S 2700 E – Garage Investigation Report  
MES Job Number: 25055  
Structural Investigation Report

Dear Superintendent :

On January 24, 2025, at your request, Tevi Lawson, made a structural observation visit to the above listed address. The purpose of this investigation was to observe the garage window header and the garage roof trusses and provide an opinion on their conditions. The observations, conclusions and recommendations in this report are the result of a visual review of those areas of the structure that were visible to the naked eye at the time of the visit.

### **OBSERVATIONS & RECOMMENDATIONS**

The structure observed is a single-story timber framed garage located at the back of the residence. The exterior walls of the garage are supported on 8-inch-thick concrete stem wall supported on concrete footing. According to "Zillow" company website the residence was constructed in 1950.

The roof trusses observed are spaced at 24" on center and appear in good condition. The exterior walls consist of 2x6 stud wall spaced 16" on center. The timber walls are fastened to the 8-inch foundation wall with 1/2 inch anchor bolts spaced at 32 inch on center. The garage slab observed has some 1/4" longitudinal cracks. Some of the existing door and window headers were not exposed at the time of the visits, however they appeared to be performing adequately since the time of the original construction.

The existing ceiling shows some wear and tear , maintenance is necessary to prevent further deterioration and prolong its useful life.

1983-2025

Over 30 Years of Providing Quality Engineering & Surveying  
[www.mcneilengineering.com](http://www.mcneilengineering.com)



PHOTO 1 – EXTERIR OF RESIDENCE GARAGE



PHOTO 2 – INTERIOR OF RESIDENCE GARAGE



PHOTO 3 – INTERIOR OF RESIDENCE GARAGE



FIGURE: 4 – INSIDE VIEW OF GARAGE

The garage appeared to have been performing adequately since the original construction and does not appear to **present an immediate life safety risk**. It is our opinion the garage structure is in "FAIR" condition meaning that it is performing adequately at this time but exhibits deferred maintenance. Maintenance is necessary to prevent further deterioration and prolong its useful life.

The cracks observed in the slab are normal, however the crack maybe repaired.

### **LIMITATIONS AND EXCLUSION OF WARRANTY**

This report and the professional opinions obtained herein represent our attempt to satisfy the specific request and limited scope with which we were commissioned and asked to perform. It is based on the information we were given or were otherwise able to obtain and what we could physically observe, to which we applied our experience and expertise. New information or findings may naturally alter our assessment. Nothing contained herein should be construed as a guarantee or warranty. If new information becomes available contrary to the information we received, what we assumed, or what we could observe, we reserve the right to amend our findings and recommendations.

We trust this report meets your requirements. Please do not hesitate to call should you have any questions or require further observation visits.

Sincerely,



Tetevi Lawson  
Staff Engineer

Cell: (801) 8371282



Walter Travis P.E  
Staff Engineer

## Zackery Wendel

---

**From:** Jim Hardy  
**Sent:** Tuesday, January 28, 2025 2:38 PM  
**To:** Zackery Wendel  
**Subject:** RE: [Ext] 2861 S 2700 E- Detached ADU Application

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello Zack,

This report is acceptable to the building department. We support a noncomplying status for a garage conversion to an ADU. She will be required to obtain a building permit before the start of construction. If you have any other questions, please let me know.

Thanks,

**Jim Hardy, CBO**  
**Director of Building Services**  
**Office: 801.214.2724**  
[millcreekut.gov](http://millcreekut.gov)



---

**From:** Zackery Wendel <zwendel@millcreekut.gov>  
**Sent:** Tuesday, January 28, 2025 12:21 PM  
**To:** Jim Hardy <jhardy@millcreekut.gov>  
**Subject:** FW: [Ext] 2861 S 2700 E- Detached ADU Application

Hey Jim,

Here is that inspection report for the detached garage that we have been discussing the last few weeks. Let me know if this works for you to determine if the structure is safe so that she can receive noncomplying status so she can convert the garage into an ADU.

Thanks!

**Zack Wendel**  
**Planning Permit Technician**  
**Office: 801.214.2607**  
[millcreekut.gov](http://millcreekut.gov)