



3330 S 1300 E  
Millcreek UT  
84106  
801-214-2700

File # LUHO-23-002

## Land Use Hearing Officer Summary, Analysis, and Recommendation

**Request Type:** Detached Accessory Dwelling Unit Conversion  
**Parcel ID:** 16-32-454-012  
**Property Address:** 1001 E Hillview Dr  
**Zone:** R-1-10, RCOZ  
**Applicant:** Martin Roguschka  
**Prepared By:** Katie Larsen, Planner I

### SUMMARY DESCRIPTION

Martin Roguschka, (applicant) owns a home in which a previous owner obtained a building permit in 1953 to construct an accessory structure within the rear yard area of their property located at 1001 E Hillview Dr. The accessory structure was originally built as a hobby shop, per the description on the original building permit.

The accessory structure is approximately 10 feet tall and is located less than 1 foot from the nearest side (west), property line and 5 feet from the rear (north), property line.

The applicant is proposing to convert the accessory structure into an accessory dwelling unit (ADU).

### PLANNING STAFF ANALYSIS

1. Pursuant to Millcreek City code, “A detached building, that is noncomplying and was legally established as determined under 19.89.100 (B), 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...”, subject to certain criteria (see MKC 19.89.100 D.2).
2. Existing buildings in Millcreek that were permitted prior to September 17, 2021, that are intended to be used as an ADU and cannot meet the standards set forth in this chapter must file an application to have a structure declared a noncomplying structure under MKZ 19.88.150 and then follow the application process set forth below to have the use allowed through special exception.

3. The property owner shall have the burden of establishing that the building was legally created. The director or director's designee shall review application in the following procedure:
  - a. Owner or applicant seeking determination shall file an application with the City and pay all applicable fees, including any additional fees incurred resulting from staff providing research.
  - b. Application shall include evidence that clearly establishes the existing building lawfully existed at the time it was created.
  - c. Acceptable evidence may include:
  - d. Historical zoning maps clearly identifying the use and structure existed.
  - e. Historical zoning code supporting historical zoning maps.
  - f. Previously issued building permits.**
4. Based on the documentation provided, the accessory structure appears to have been legally permitted in 1953.
  - a. When permitted, the current zoning required a 1-foot setback from side and rear property lines, though, the structure was permitted to be located on the property line.
  - b. There is no record of a variance or special exception.
  - c. The ADU code currently requires a minimum 5-foot setback on side and rear property lines.
5. If approved, the proposed structure would need to meet all other ADU requirements, (i.e. parking, window and door location, exterior lighting, building permit, etc.)
6. No windows are to be on facades within 15' of nearby properties, if windows are to be installed:
  - a. They shall be installed as skylights.
  - b. Windows are permitted on the South and East facing facades.
7. Pursuant to MKC 19.89.100.E. "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."

#### **PLANNING STAFF RECOMMENDATION**

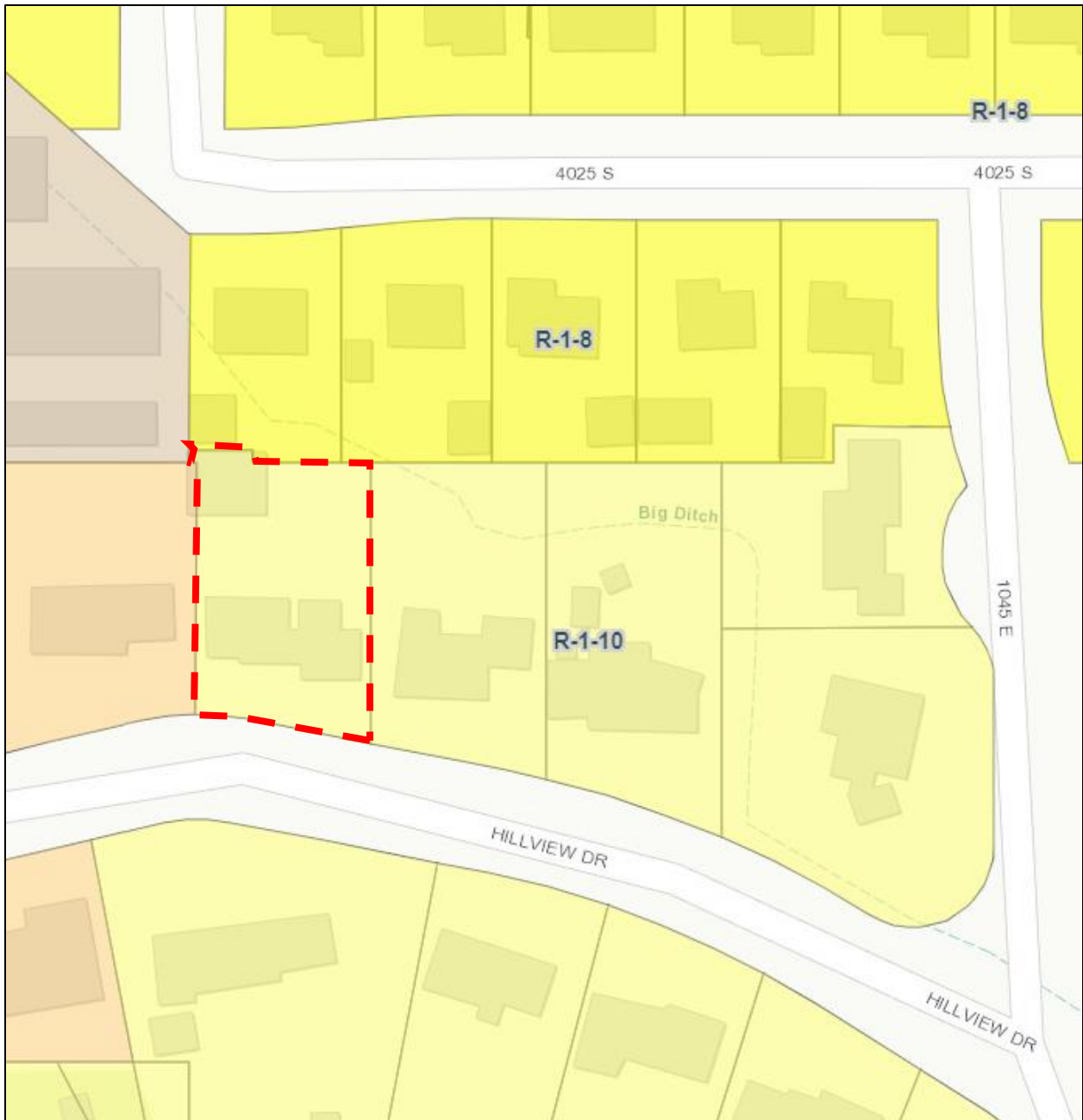
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- Planning staff is recommending approval of the existing building conversion file number LUHO-23-002, subject to all Building Conversion and Accessory Dwelling Unit requirements being met, per MKC **19.89**

#### **Attached Documents:**

- **Zoning/Location Map**
- **1953 Zoning Code, Salt Lake County**
- **Building Permit, 1953**
- **Photographs**
- **Applicant's Letter of Intent**

# Zoning Map



## Zoning Code circa 1953.

### 8-18-4. SIDE YARD REGULATIONS.

The minimum side yard for any dwelling shall be eight (8) feet and the total width of the two required side yards shall be not less than eighteen (18) feet. Other main buildings shall have a minimum side yard of twenty (20) feet and the total width of the two yards shall be not less than forty (40) feet. The minimum side yard for a private garage shall be eight (8) feet, except that private garages and other accessory buildings located at least six (6) feet in the rear of the main building shall have a minimum side yard of not less than one (1) foot, provided that no private garage or other accessory building shall be located closer than ten (10) feet to a dwelling on an adjacent lot. On corner lots, the side yard which faces on a street for both main and accessory buildings shall be not less than twenty (20) feet or the average of existing buildings where fifty (50) per cent or more of the frontage is developed, but in no case less than fifteen (15) feet or be required to be more than twenty (20) feet.

Building Permit, 1953.

**SALT LAKE COUNTY-ENGINEERING & SURVEYING DEPT.**

**APPLICATION FOR BUILDING PERMIT** ROOM 306

Permit No. 7255 Date of Application Oct 16-1953

Location 1601 Hill View Drive  
Exact Number and Street Zone

Owner Arister O. Hansen 1120 Milton Ave City  
Name Address

Architect or Designer \_\_\_\_\_  
Name Address

Gen. or Bldg. Contractor Wm Baxter 3877 South 3200 West  
Name Address

Estimated Cost \$19,000<sup>00</sup> Home - \$9,000<sup>00</sup> Hobby Shop.  
Complete valuation, including plumbing, heating, electrical, labor, etc.

Legal Description Lot # 84  
Mt View addition #2

	New Bldg.	IF NOT A COMPLETE NEW BUILDING			
		<del>Substitution</del>	Remodeling	Repairs	Old Bldg.
To Be Used for If House or Apt. State No. of Families	Res. 2	Hobby Shop	10' Hobby Shop 25'		
Foundations	Conc				
Exterior Walls	Frame	Frame			
Partitions	Drum wall				
Floors	Wood				
Roof	Asbestos				
Area (Floor)	1100 sq ft.				
Area (Lot)	84 x 136	20 x 30	8' Home		15'
No. of Stories	1				
No. of Rooms	5 + 1/2 Bath				
Remarks or Description	attached garage				
	Hill View Drive				

South Façade



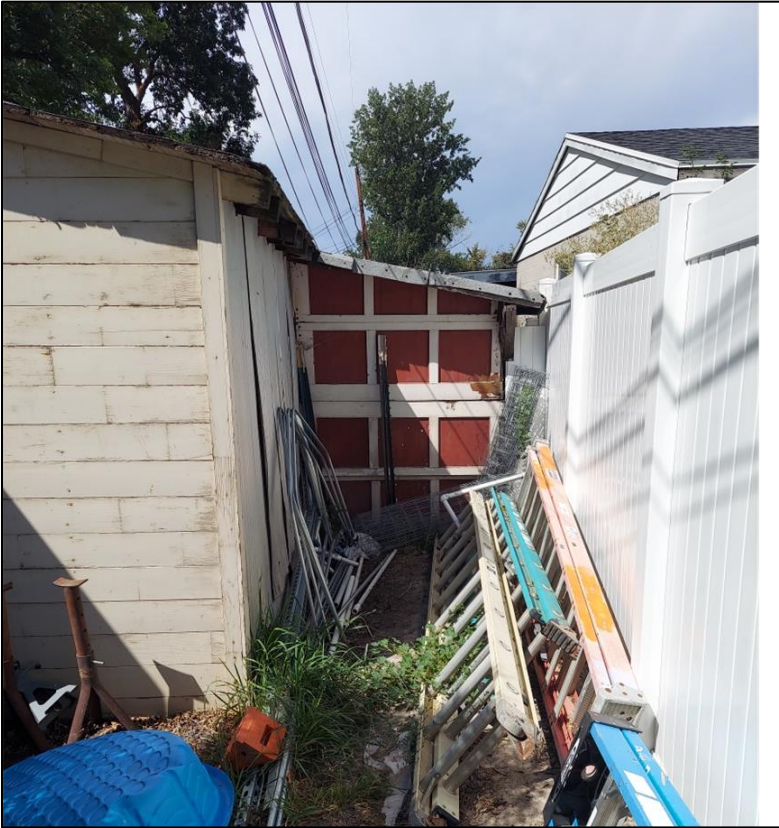
West Setback



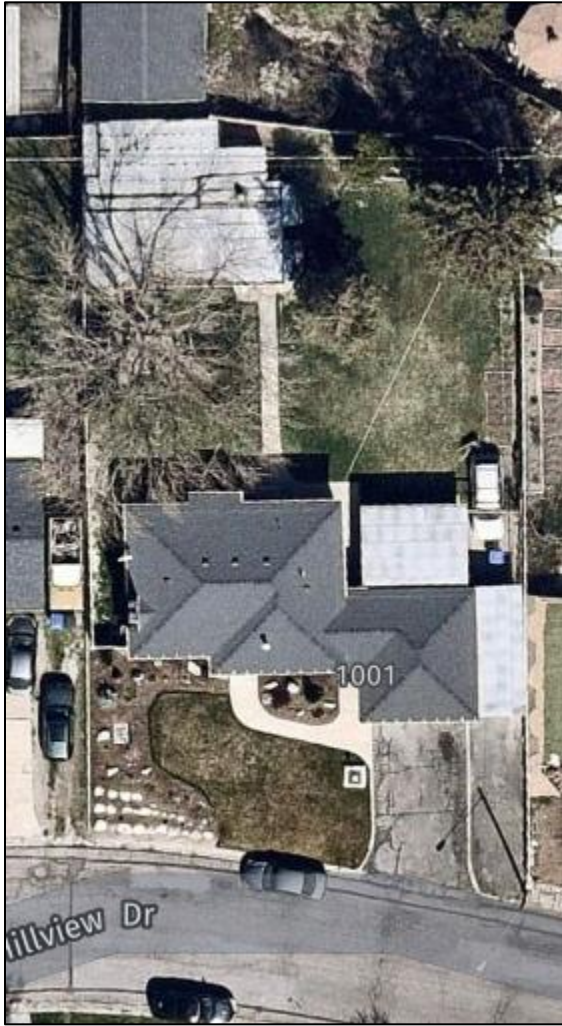
East Façade



North Setback



Aerial View





**2/15/2023**

**Millcreek City  
Land Use Committee**

**To Whom it may concern,**

**Thank you for taking our application to speak to the Land Use Committee.**

**We have lived at 1001 E Hillview Drive for over nine years. When we purchased this property, there was an existing structure in the backyard. This building was intended to be a hobby shop by the original owners as indicated on the initial building permit in 1953. We do not use this building for anything other than storage and would like to convert the existing structure into a 625 square feet one bedroom, one bath, with a kitchenette ADU. There is an additional extension of 5 feet west of the living space that is separated by a wall. This area sits next to the property line and can be used as a storage unit for yard equipment.**

**After an inspection by our General Contractor, it is determined that we will need to make structural repairs, add a new roof, new windows, a new door, a kitchen and bathroom.**

**We appreciate your consideration for this application.**

**Sincerely,**

**Martin & Nancy Roguschka  
1001 E Hillview Dr.  
Millcreek, UT 84124**