



LUHO-25-008

Land Use Hearing Staff Report

Meeting Date: 7/10/2025

Applicant: Zoe Parmeter

Re: ADU Conversion

Property Address: 809 E 4280 S

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 809 E 4280 S.

The existing accessory structure is 1 foot from the north rear property line and 12 feet 6 inches from the east side 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](#))

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 12th 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:

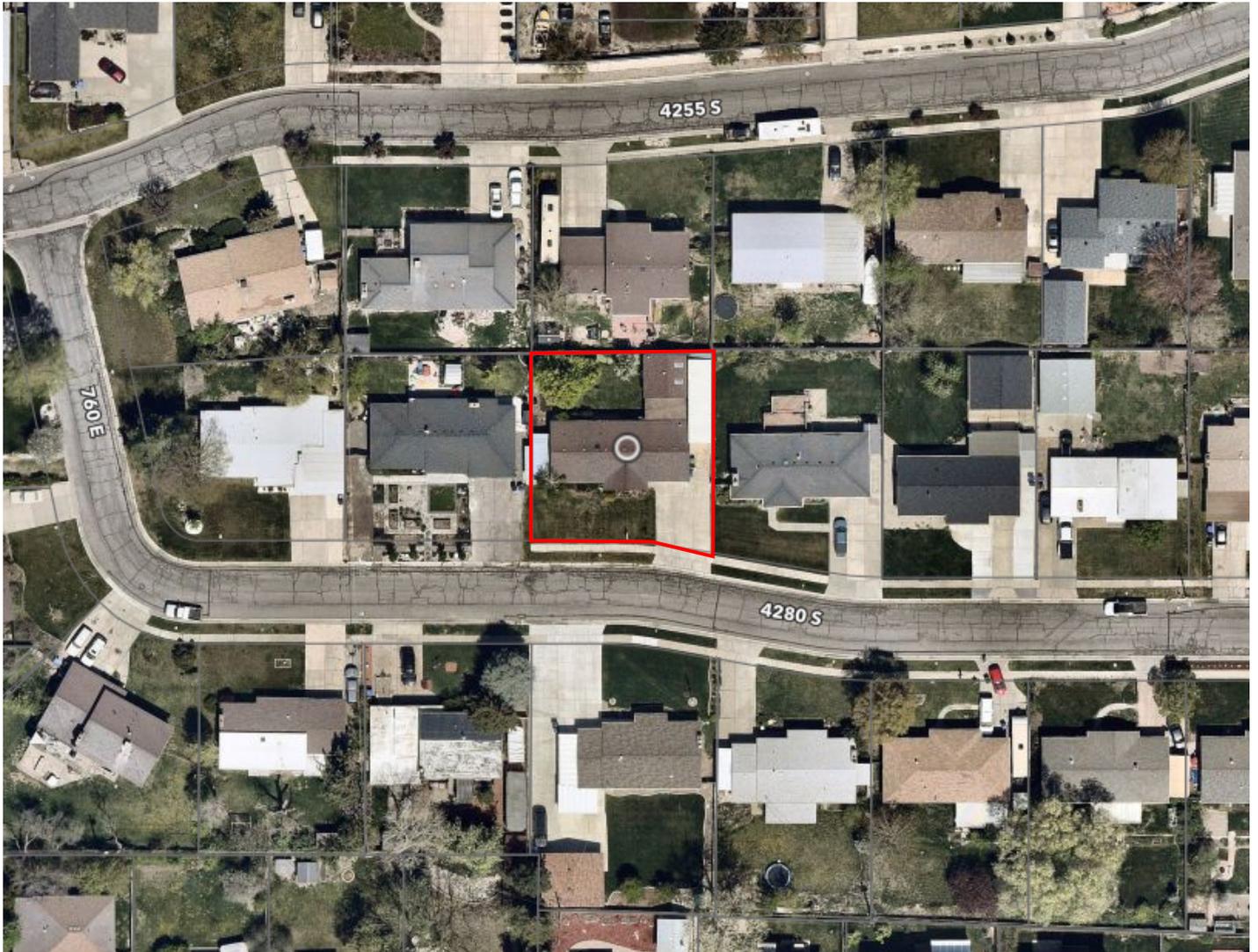
1. Non-conforming structures may be converted into an ADU according to the terms set forth in the land use ordinance. [MKZ 18.21.130](#)
2. The property is currently located within the R-1-8 Zone.
3. According to the Office of the Salt Lake County Recorder, the home appears to have been originally built in 1962.
4. According to the provided building permit for the garage, it appears to have been originally built in 2000.
5. The footprint of the existing garage will not be expanded.
6. Current Millcreek Code requires that detached ADUs to be 5 feet from the rear and side property line. The existing structure is only 1 foot from the north rear property line and 12 feet 6 inches from the east side property line.
7. 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. 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.

SUPPORTING DOCUMENTS

- Aerial Imagery
- Letter of Intent
- Plan Set
- Nonconformities Determination Letter
- Additional Documents



Dear Hearing Officer,

I, Zoe Parmeter, am submitting this proposal to convert a former woodshop in my backyard to an Accessory Dwelling Unit (ADU) for single or dual occupancy. I'm recently divorced, and having the ADU onsite will offset my mortgage cost and allow me to stay in this wonderful neighborhood.

The following requirements are already met and need no alterations:

The side or rear setbacks of the detached building are not further reduced to accommodate the ADU.

The detached building does not have a light source projecting onto an abutting property.

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.

For properties with rear yards that abut an RM, C-1, or C Zone, the detached building does not exceed 24 feet in height. (Zoned as R-1-8).

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.

Does not create any new visual impacts that a fence or wall cannot otherwise mitigate.

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.

Does not violate applicable standards and regulations outlined in the applicable zoning district.

The structure or proposed expansion of the structure is not within any recorded easement.

Does not result in runoff or drainage from the accessory building onto an abutting property.

The detached building shall meet all other requirements of MKZ 18.71.090, except as provided otherwise in this section; and meets the applicable sections of the adopted building and fire codes of the City.

The only necessary adjustments are to ins water and sewer lines (both tied in to the existing water/sewer of the house) by a licensed contractor. I will also expand the size of one window to meet the requirements of MKZ 18.71.090 and ensure the tenant has a secondary emergency exit.

Thank you for your consideration. Don't hesitate to reach out with any further questions, I eagerly await your response!

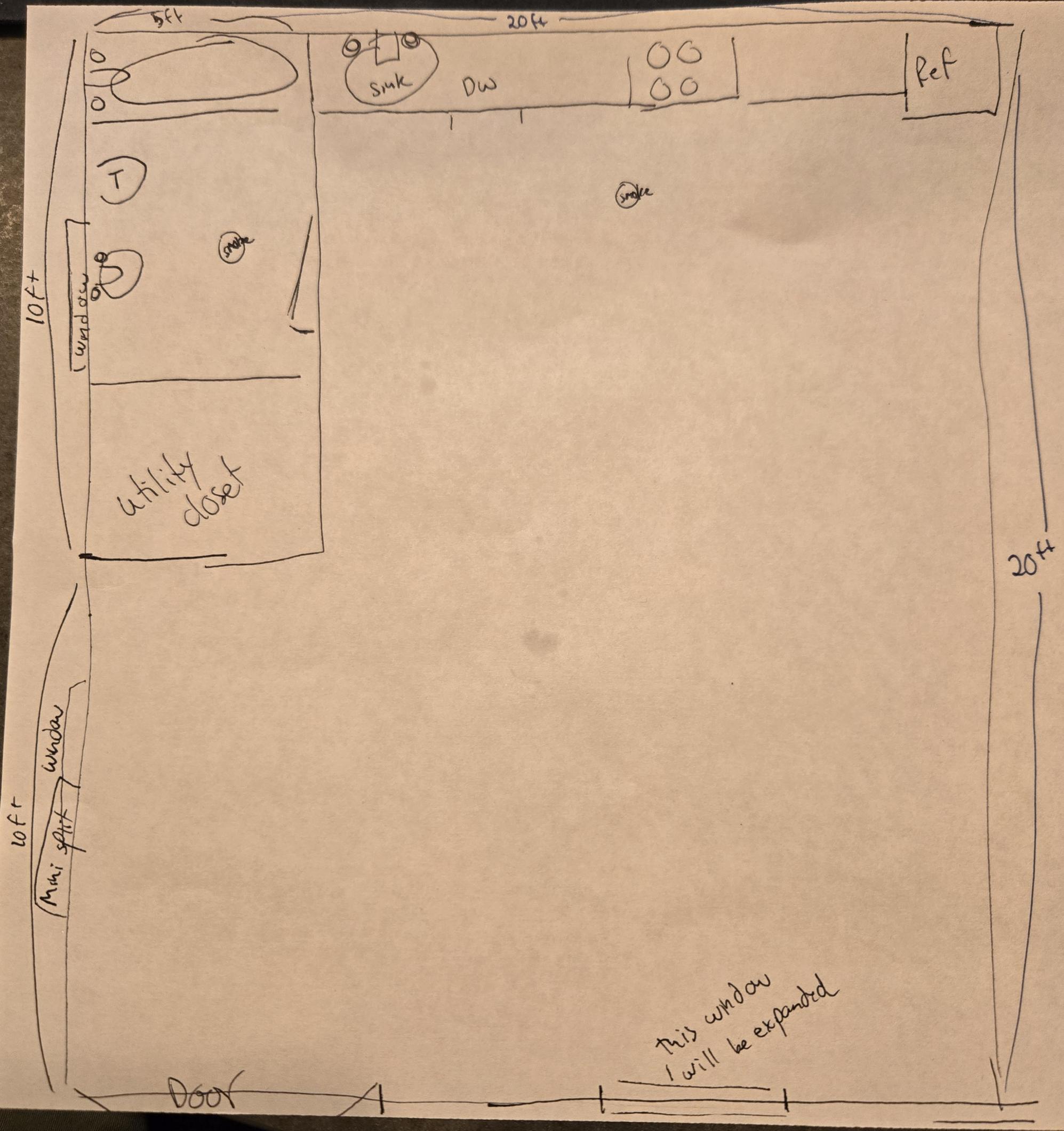
Zoe Parmeter

zoeparmeter@gmail.com

218-355-8752







5ft

20ft

Ref

smk

Dw

OO
OO

T

Window

smoke

utility closet

smoke

20ft

10ft

Mini split window

Door

this window I will be expanded



**Planning and Zoning
Nonconformities Determination Letter**

Date: 6/17/2025
Applicant: Zoe Parmeter
Property Address: 809 East 4280 South
Parcel No.: 22-05-107-010-0000
Zone: R-1-8
File No.: MSC-25-002

Dear Zoe,

On June 12th, 2025, you applied for a nonconformities determination to have a noncomplying accessory structure reviewed and given legal nonconforming status. The property is located at 809 E 4280 S and falls within Millcreek's Single-Household Residential Zone (R-1-8). Under Millcreek's current Zoning Ordinance, the R-1-8 Zone permits detached single-family dwellings with accessory structures and Accessory Dwelling Units (ADU). [MKZ 18.36](#). The existing accessory structure does not meet the Millcreek's current Accessory Structures ordinance in regard to the setbacks as the structure currently sits 1 foot away from the rear property line. Millcreek's code requires accessory structures up to 14 feet in height must be setback at least 30 inches away from the rear and side property line. [MKZ 18.59](#). You are also looking to convert this accessory structure into an accessory dwelling unit (ADU) of which the structure cannot meet the setback requirements as well. Detached ADUs are required to have at least a 5-foot setback from the rear and side property lines. [MKZ 18.71](#).

To receive the nonconformities determination, an applicant must include evidence that clearly establishes the subject use or structure lawfully existed before its current land use designation. [MKZ 18.60.090](#). The evidence provided by the applicant and the findings from staff are as follows.

According to the records from the Salt Lake County Assessor, and information provided by you, the home was constructed in 1962 and the accessory structure was built around 2000. Click [HERE](#) for the Salt Lake County Assessor's webpage.

The historic zoning ordinance from 1998 permitted accessory structures to be built 1 foot away from the property line. You have provided a building permit for the detached accessory structure showing that the structure was reviewed and approved by Salt Lake County on July 11, 2000. And as shown on the plans approved by the County the accessory structure met this 1-foot setback requirement as required by the zoning ordinance of the time. The historic zoning ordinance is attached as Exhibit A, and the building permit approved by Salt Lake County is attached as Exhibit B.

Millcreek City Hall
1330 E Chambers Ave
Millcreek, Utah 84106
millcreekut.gov



Planning & Zoning
(801) 214-2700
planner@millcreekut.gov

Based on the evidence and findings listed above, Millcreek staff has determined that the evidence provided sufficiently establishes that the accessory structure lawfully existed before the current land use regulations.

If you have any questions concerning this letter, please feel free to contact Millcreek Planning and Zoning at: (801) 214-2700 or planner@millcreekut.gov.

Any person adversely affected by a final decision of the Planning Director or other official enforcing the provisions of this chapter may appeal that decision to the appeal authority as set forth in [MKZ 18.04](#). A notice of appeal must be filed with the Planning Director within ten (10) business days of the issuance of a written administrative decision from a Land Use Authority.

Sincerely,

A handwritten signature in black ink that reads "Zack Wendel". The signature is written in a cursive, flowing style.

Zack Wendel, Planner

Chapter 19.14

**R-1-3, R-1-4, R-1-5, R-1-6, R-1-7,
R-1-8, R-1-10, R-1-15, R-1-21, R-1-43
SINGLE-FAMILY RESIDENTIAL ZONES**

Sections:

- 19.14.010 Purpose of provisions.
- 19.14.020 Permitted uses.
- 19.14.030 Conditional uses.
- 19.14.040 Lot areas and widths.
- 19.14.050 Yards.
- 19.14.060 Building height.
- 19.14.070 Coverage of rear yards.
- 19.14.080 Informational.

19.14.010 Purpose of provisions.

The purpose of the R-1 zones is to establish single-family neighborhoods which provide persons who reside therein a comfortable, health, safe and pleasant environment. (Ord. 1285 § 2 (part), 1994)

19.14.020 Permitted uses.

Permitted uses in the R-1 zones are as follows:

Zone	Permitted Uses
All R-1 zones	<ul style="list-style-type: none"> — Accessory uses and buildings customarily incidental to a permitted use provided the total square footage of all accessory buildings does not exceed eight hundred square feet on lots under one-half acre or one thousand two hundred square feet on lots one-half acre or larger; — Agriculture; — Home day care/preschool, subject to Section 19.04.293; — Household pets.
R-1-6, R-1-7, R-1-8, R-1-10, R-1-15	<ul style="list-style-type: none"> — Single-family dwelling.
R-1-21, R-1-43	<ul style="list-style-type: none"> — Animals and fowl for family food production; — Guesthouse, the square footage must be less than one thousand two hundred square feet;

- Maximum of four horses for private use only, not for rental;
- Single-family dwelling.

(Ord. No. 1285 § 2 (part), 1994)

19.14.030 Conditional uses.

Conditional uses in the R-1 zones are as follows:

Zone	Conditional Uses
All R-1 zones	<ul style="list-style-type: none"> — Accessory uses and buildings customarily incidental to a conditional use. Any accessory building or buildings where the total square footage exceeds eight hundred square feet on lots under one half-acre or one thousand two hundred square feet on lots one-half acre or larger; — Cemetery; — Day care/preschool center, subject to Section 19.76.260; — Golf course; — Home day care/preschool, subject to Section 19.04.293; — Home occupation; — Planned unit development; — Private educational institutions having an academic curriculum similar to that ordinarily given in public schools; — Private nonprofit recreational grounds and facilities; — Public and quasi-public uses; — Residential facility for elderly persons; — Temporary buildings for uses incidental to construction work, which building must be removed upon the completion of the construction work. If such buildings are not removed within ninety days upon completion of construction work or thirty days after notice, the building will be removed by the county at the expense of the owner.

R-1-3, R-1-4, — Single-family dwelling.

R-1-5 — Single-family project developments

The planning commission may approve a detailed development plan for the entire single-family project in an R-1-3, R-1-4, R-1-5 zone, pursuant to Chapter 19.84 of this title. Thereafter, the development services division director may, as authorized by the planning commission, approve use permits for individual residential uses, provided that the plans comply with all requirements and conditions of the approved development plan.

R-1-6, R-1-7, R-1-8, R-1-10, R-1-15 — Nursery and greenhouse, provided that there is no retail sales;

— Pigeons, subject to city-county health department regulations;
 — Residential health care facility for up to five residents on streets less than eighty feet in width, and up to ten residents on streets eighty feet and wider, excluding the facility operator and his/her related family with a maximum of one nonresident part-time relief employee on the premises at any one time unless additional staffing is required by the Utah Department of Health,

which use shall not change the residential appearance and character of the property;

— Sportsman's kennel with a minimum lot area of one acre.

R-1-21, R-1-43

— Bed and breakfast homestay;
 — Nursery and greenhouse; provided, that there is no retail sales;

— Pigeons, subject to city-county health department regulations;

— Residential health care facility for up to five residents on streets less than eighty feet in width, and up to ten residents on streets eighty feet and wider, excluding the facility operator and his/her related family with a maximum of one nonresident part-time relief employee on the premises at any one time unless additional staffing is required by the Utah Department of Health, which use shall not change the residential appearance and character of the property;

— Sportsman's kennel with a minimum lot area of one acre.

(Ord. 1338 § 2 (part), 1996; Ord. 1285 § 2 (part), 1994)

19.14.040 Lot areas and widths.

The minimum lot area and width requirements are as follows:

Zone	Minimum Lot Area	Minimum Lot Width
R-1-3	3,000 square feet	25 feet at a distance 20 feet from the front lot line
R-1-4	4,000 square feet	Same as above
R-1-5	5,000 square feet	Same as above
R-1-6	6,000 square feet	60 feet at a distance 25 feet from the front lot line
R-1-7	7,000 square feet	65 feet at a distance 25 feet from the front lot line
R-1-8	8,000 square feet	Same as above
R-1-10	10,000 square feet	80 feet at a distance 30 feet back from the front lot line

19.14.040

Zone	Minimum Lot Area	Minimum Lot Width
R-1-15	15,000 square feet	Same as above
R-1-21	21,780 square feet (½ acre)	100 feet at a distance 30 feet from the front lot line
R-1-43	43,560 square feet (1 acre)	Same as above

(Ord. 1285 § 2 (part), 1994)

19.14.050 Yards.

A. The minimum yard requirements for a dwelling unit are as follows:

Zone	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard	
			Without garage	With garage
All R-1 zones		On corner lots 20 feet from a public street		
R-1-3, R-1-4, R-1-5	20 feet	5 feet unless attached to a dwelling on an adjacent lot	20 feet	15 feet
R-1-6, R-1-7, R-1-8	25 feet	5 feet one side and 11 feet on the garage or driveway side <u>or</u> Without garage With garage 8 feet minimum 8 feet total of both sideyards to be 18 feet	30 feet	15 feet
R-1-10, R-1-15, R-1-21	30 feet	Without garage With garage 10 feet minimum 10 feet total of both sideyards to be 24 feet	Same as above	
R-1-43	30 feet	Without garage With garage 15 feet 15 feet	Same as above	

B. The minimum yard requirements for an accessory building are as follows:

Zone	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
All R-1 zones		Corner lots 20 feet from the public street and 10 feet from property line if adjacent to the sideyard of a dwelling on an adjacent lot	
R-1-3, R-1-4, R-1-5, R-1-6, R-1-7, R-1-8, R-1-10, R-1-15	Must be in the rear yard and 6 feet away from the dwelling.	1 foot	1 foot
R-1-21, R-1-43	30 feet	If the accessory building is in the side or front yard of the main building it must meet the side yard requirements of the main building, otherwise 1 foot	1 foot

C. The minimum yard requirements for a main building other than residential are as follows:

Zone	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
R-1-3, R-1-4, R-1-5	20 feet	20 feet	20 feet
R-1-6, R-1-7, R-1-8	25 feet	20 feet	30 feet
R-1-10, R-1-15, R-1-21, R-1-43	30 feet	20 feet	30 feet

(Ord. 1285 § 2 (part), 1994)

19.14.060

19.14.060 Building height.

Except as otherwise specifically provided in this title no building or structure shall exceed the following height (see Section 19.04.095 (A) for definition of "height"):

A. Main Buildings.

1. Thirty feet on property where the slope of the original ground surface exceeds fifteen percent or the property is located in the hillside protection zone. The slope shall be determined using a line drawn from the highest point of elevation to the lowest point of elevation on the perimeter of a box which encircles the foundation line of the building or structure. Said box shall extend for a distance of fifteen feet or to the property line, whichever is less, around the foundation line of the building or structure. The elevation shall be determined using a certified topographic survey with a maximum contour interval of two feet.

2. Thirty-five feet on properties other than those listed in number one of this subsection.

3. No dwelling shall contain less than one story.

B. Accessory buildings.

1. Sixteen feet. (Ord. 1285 § 2 (part), 1994)

19.14.070 Coverage of rear yards.

No accessory building or group of accessory buildings shall cover more than twenty-five percent of the rear yard. (Ord. 1285 § 2 (part), 1994)

19.14.080 Informational.

For additional information refer to the zoning ordinance and in particular the following sections:

19.76.020 Occupancy permit.

19.04.560 Yard.

19.76.080 Lots and buildings on private rights-of-ways.

19.76.100 Sale of space needed to meet requirements.

19.76.140 Private garage or carport—Reduced yards.

19.76.190 Height limitations—Exceptions.

19.76.200 Additional height allowed when.

19.76.210 Off-site improvements.

19.76.290 Single-family or two-family dwellings—Standards.

19.80.040 Number of spaces required. (Ord. 1285 § 2 (part), 1994)

6582

DEPARTMENT OF PUBLIC WORKS
2001 S. State St. #N3600,
Salt Lake City, UT 84190-4050

SALT LAKE COUNTY
DEVELOPMENT SERVICES DIVISION
BUILDING PERMIT

Application #

706989

Inspection Requests: 468-2163
Code Questions: 468-2000
Fax: 468-2169

(This application becomes a permit upon required approvals and acceptance of required fees.)

Property Address 809 EAST 4280 SOUTH

Applicant John M. Gordon Phone 266-5980

Applicant Address 809 EAST 4280 SOUTH City/Zip: SLC 84107

Fax number: 801-269-0093 e-mail address: BUCDRONT@VII.COM

Property Owner Same Phone _____ Fax _____

Owners Address Same City/Zip: _____

LICENSED CONTRACTOR DECLARATION: **CHECK ONE**

OWNER-BUILDER DECLARATION

I hereby affirm that all work will be performed by contractors licensed under the Construction Trades Licensing Act (58-55, UCA) whose licenses are in full force and effect.

If contractors have not been selected at the time of the application for this permit, the permit is issued only on the condition that currently licensed contractors shall be selected by the applicant, that the applicant shall provide the names and license numbers of the contractors to Salt Lake County, and shall enter the same names and numbers on the permit before they begin their work.

This permit shall become null and void if work is not commenced within 180 days, or if work is suspended or abandoned for a period of 180 days or more at any time after the work has commenced. Commencement or continuation of work shall be verified only by inspection reports from Salt Lake County inspectors. All required inspections shall be requested at least on working day before they are to be made. Inspections are required before any work is covered. Please call if you need further information about when an inspection is required.

I hereby certify that I have read and examined this permit and that the information provided by me is true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

I hereby claim exemption from the requirement for licensing under the Construction Trades Licensing Act (58-55, UCA) because work will be performed by the owner of the property for his/her private, non-commercial, non-public use. Any work not performed by the owner will be performed by a contractor licensed under the Construction Trades Licensing Act, and the names and license numbers of the contractors shall be provided to Salt Lake County, and shall be entered on the permit before their work is begun.

Applicant Signature: [Signature] Date: 7-11-00 Print Name: John M. Gordon

CONTRACTORS/DESIGNERS

Name	State License #	Phone #
General _____	_____	() _____
Electrical _____	_____	() _____
Mechanical _____	_____	() _____
Plumbing _____	_____	() _____
Architect/Engineer _____	_____	() _____

Office Use Only

Project Planning#: _____

Cardfile #: _____

Valuation 9960.00

Construction Type V-A

Occupant Load _____

Group/Division Garage Square Feet 400

Fire Sprinklers

Office Use Only

Applicant Type: Singlefam Twofamres Multifam Nonresbldg Nonresnonb Preinspect

Electrical Plumbing Mechanical Demolition Grading

Type Of Work: New Add Remodl Basmnt Elec PtoP Serchg

TI Sign Retwal Demo

Description Of Work: _____

Site/Property Address: 809 E 4280 S. Lot #: _____

Coordinate: _____ Subdivision/Business Name: _____

HAZARDS

Liquefaction	H	M	L	VL	Over Pressure	0.5	0.4	0.3	0.2	None
Flood Plain	Yes	No			Fault Rupture	Yes	No			
FCOZ	Yes	No			Avalanche	Yes	No			

Community Council 8 Zone R-1-8 Parcel # _____

Minimum Setbacks or See Approved Site Plan Front yard _____ Side yard _____

Corner Lot Y N Manufactured Home Y N Rear yard _____ Side yard _____

Zoning Comments Detached Accessory Building

Approved [Signature] Date 7-11-00

Building Code Comments/Deferrals _____

Approved [Signature] Date 7-11-00

APPLICATION TYPE FEES

Building 181.25

Plan Check 30.00

Park Impact _____

Electrical _____

Mechanical _____

Plumbing _____

Grading _____

Demolition _____

Pre-inspection _____

State Surcharge 1.81

Prepaid PC ()

Transaction #: _____

Rec'd by: _____

TOTAL \$ 213.06

Transaction #: 91414

Rec'd by: Valden



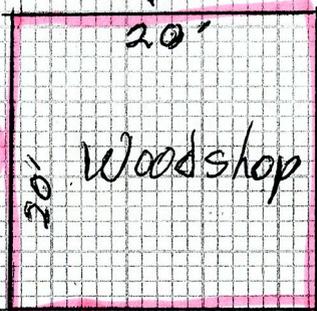
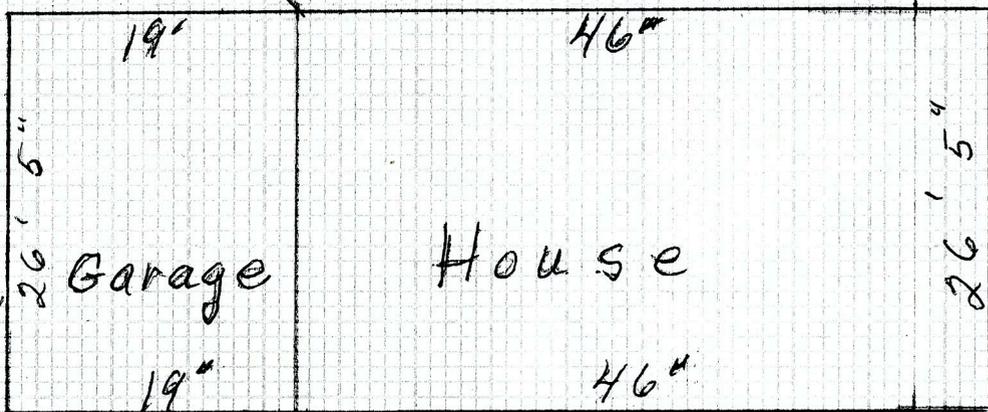
John M. Gordon
809 E. 4280 So
Salt Lake City, UT 84107

SALT LAKE COUNTY
BUILDING INSPECTION

JUL 11 2000

APPROVED

Driveway



Salt Lake County
Development Services Division

Zoning Approved

PL:

Detached Accessory Building

By:

Date:

7-11-00

Zone: R-1-8

88 ft

15
101

← 13' →

Driveway

26'

Garage

House

← 13ft →

20'

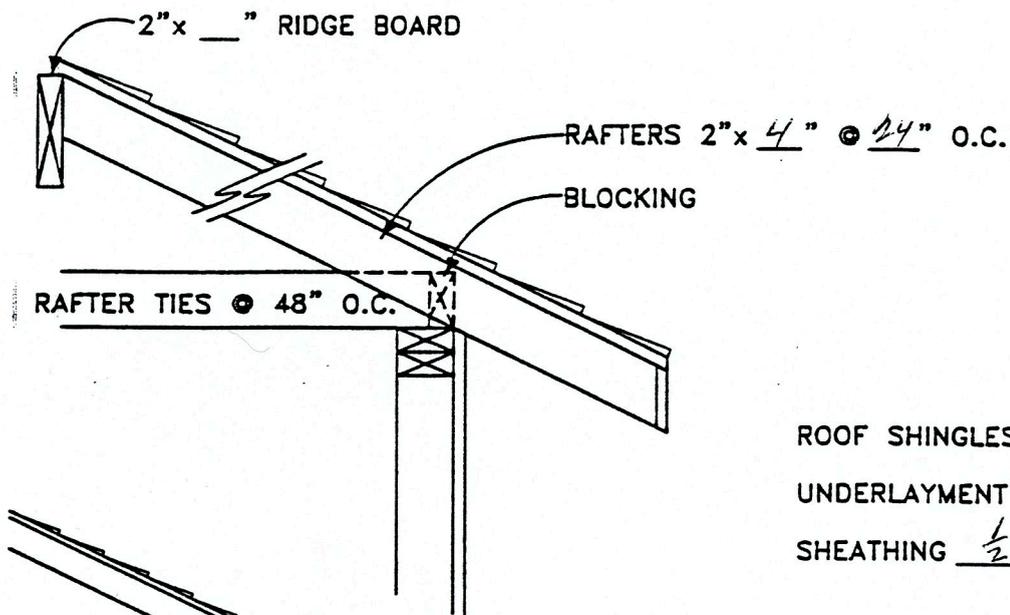
Woodshop

12' 6"

20'

141

DETACHED FRAME GARAGE



ROOF SHINGLES Asphalt

UNDERLAYMENT 15

SHEATHING 1/2" WAFCOR BOARD

TRUSS @ 24" O.C.
SEE DETAIL

12

SIZE OF HEADER OVER
DOOR OPENING 6'

WHEN BUILDING IS LESS THAN 3' TO
PROPERTY LINE, INSTALL "TYPE X"
SHEETROCK ON THE EXTERIOR OF THE
WALL. COVER WITH #15 FELT AND
SIDING. NO WINDOWS OR DOORS ARE
ALLOWED IN WALL WHEN BUILDING IS
CLOSER THAN 3' TO PROPERTY LINE.

STUDS 2x 4 @ 16 O.C.

EXTERIOR SIDING

BRACING

2x 4 REDWOOD PLATE WITH
1/2" x 10" ANCHOR BOLT @ 32" O.C.

3 1/2" MONOLITHIC CONCRETE SLAB

FINISH GRADE

**SALT LAKE COUNTY
BUILDING INSPECTION**

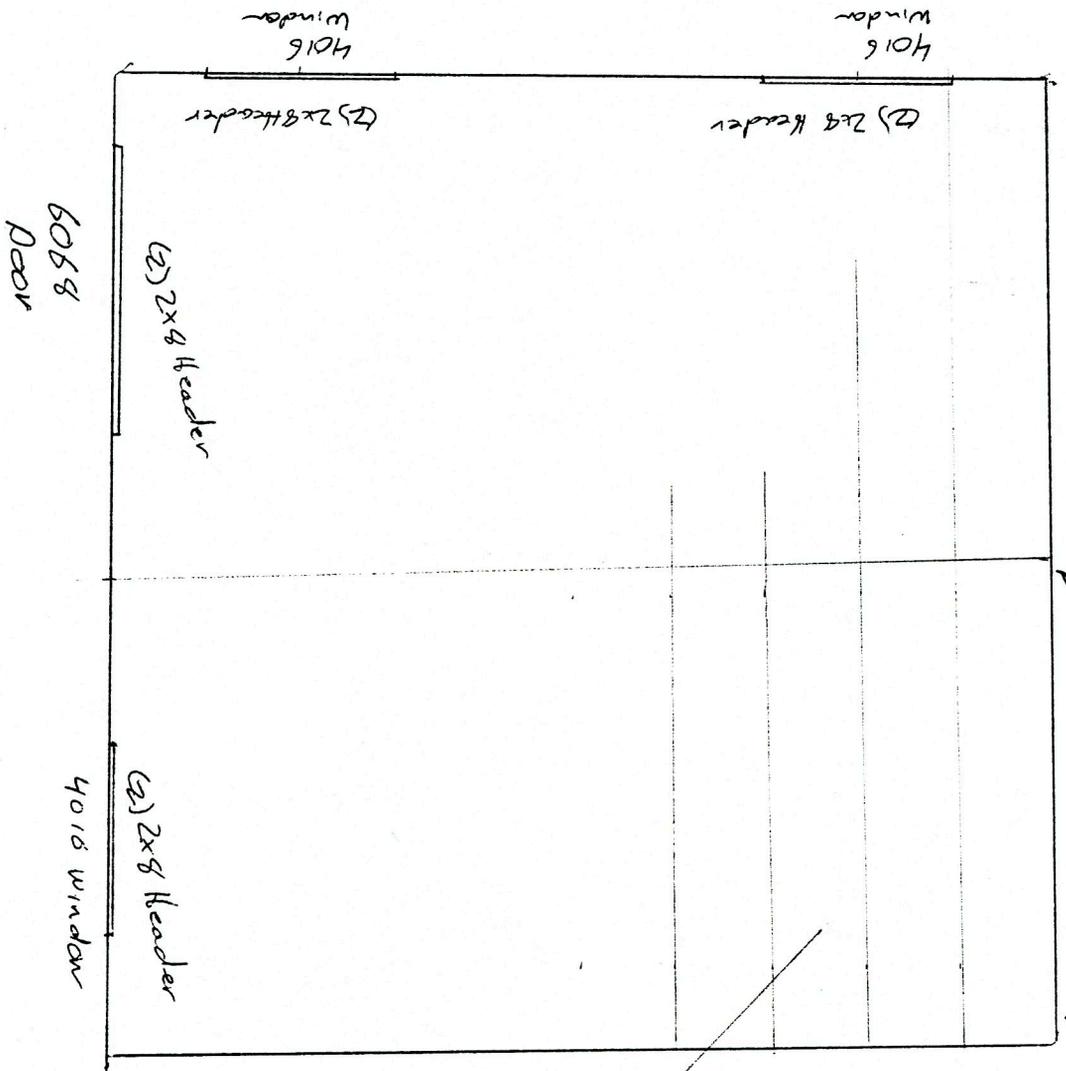
(2) #4 BARS CONTINUOUS

JUL 11 2000

APPROVED

NOT TO SCALE

By



Property Line

1/2" Fire Wall Type X
5/8" Sheetrock on Exterior

Pre-fab Trusses @ 24" O.C.

**SALT LAKE COUNTY
BUILDING INSPECTION**

JUL 11 2000

APPROVED

By _____

