



Special Exception for Accessory Structures Application

Property Owner or Applicant's Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Cell Number: _____ E-mail: _____

Select the applicable condition for a Special Exception allowed as per 10-34-6(B):

☐ **Lot has unique characteristics:**

- ☐ Irregular lot shape (pie, reverse pie, flag lot, etc.)
- ☐ Topography which creates a unique situation
- ☐ Flexibility in determining side, rear, or front yards
- ☐ The lot is adjacent to other commercial, industrial, or open space land uses on at least two (2) sides

☐ **Use of the proposed building is strictly agricultural**

- Applicant must provide evidence of absolute need for higher, or larger building to accommodate equipment used specific to the property for agricultural purposes.

☐ **Additional height for accessory structure is desired strictly for architectural purposes only.**

☐ **If the rear yard does not allow for a two (2) car garage that accommodates the requirement for single family parking.**

- A maximum size of 520 square feet is allowed.

☐ **The property is a corner lot which has one of the following conditions:**

1. Rear yard setback is less than twenty-five (25) feet; OR
2. For lots greater than 10,000 square feet, the subject property has a rear yard which is a minimum of twenty (20) feet shallower than the nearest adjacent lot with the same orientation.

State the specific exception from the City ordinance 10-34:

For irregular shaped lots, please provide a response to the following:

1. How does the irregularity of the lot shape restrict, or limit the placement of an accessory structure compared to a regular shaped lot of similar size?
2. Clearly state the hardship the City ordinance places on the property pertaining to the accessory structure.
3. The exception cannot be considered to exceed the size, or height of any accessory structure.
4. What impact does the exception place on adjacent property owners, which would not be typical if the lot was a regular shape?

Please provide the following information for review (partial submittals *will not be* processed):

- ☐ Site plan of property including the following:
- Property line dimensions
 - Location and dimensions of all existing structures
 - Proposed location and footprint of proposed accessory structure with dimensioned setbacks
 - Slope of property, specifically where the proposed accessory structure is to be located, and surrounding topography if applicable
- ☐ Elevation of the proposed structure including the following:
- Height of structure from existing grade to peak of roof
 - Proposed exterior materials of all sides of the building
 - Indication of where the property slope meets the elevation of the building

Signature: _____ Date: _____

For Herriman Use Only

Filing Number: _____ Date of Submittal: _____ Filing Fee: _____

Receipt Number: _____ Check Number: _____ Accepted by: _____

HERRIMAN CITY, TITLE 10, LAND DEVELOPMENT CODE

10-34-6: SPECIAL EXCEPTIONS

- A. In order to allow flexibility for specific unique circumstances addressed in Section B below, an application for a special exception to specific requirements of this chapter may be approved. In determining the appropriateness and potential impacts of a special exception, additional mitigating requirements, conditions, and limitations may be imposed to prevent or minimize adverse effects on adjoining properties. These mitigating conditions may include, but are not limited to, the use, construction, operation, appearance, location, screening, and landscaping, as may be required as part of a special exception.
- B. When allowed:
1. Application for a special exception to the provisions required for accessory structures as established by this Chapter (10-34) shall **only** be allowed under the following circumstances:
 - (a) The applicant's lot has unique characteristics which may include:
 - (i) Irregular lot shape (see definitions)
 - (ii) Topography which creates a unique situation
 - (iii) Flexibility in determining side/rear/front yards.
 - (iv) Lot adjacency to other commercial/industrial/ open space land uses on at least two (2) sides of the property.
 2. When the use of the building is strictly for Agricultural purposes and the applicant can demonstrate the following:
 - (a) Absolute need for higher, or larger building to accommodate equipment used specific to the property for agriculture.
 3. Additional height of an accessory structure which is not intended for agricultural use shall be allowed for architectural purposes only.
 4. In cases of required parking, if a rear yard does not allow for a two car garage that accommodates the requirement for single family parking, a structure no larger than 520 square feet shall be allowed for said use.
 5. Corner lots as follows:
 - (a) If the rear yard is less than twenty-five (25) feet.
 - (b) For corner lots $\geq 10,000$ square feet:
 - (i) If the existing rear yard setback is more than twenty (20) feet shallower than the nearest adjacent interior lot with the same orientation a special exception can be considered.
 - (c) When a special exception for a corner lot is permitted, the applicant may include the rear and larger side yard in the calculation to determine the maximum size for an accessory structure. No additional exemptions are permitted with this exception for architectural (except agricultural), setback requirements.

- (d) Special exceptions for corner lots shall be approved by the Planning Director.
The Planning Director may request Planning Commission consideration when extenuating conditions exist.

- C. The Planning Commission shall approve a special exception to the specific requirements of this chapter, except as provided in this chapter, with conditions and limitations as may be appropriate. Adjoining property owners shall receive notice of said hearing for a special exception no less than ten (10) days prior to the public hearing.
- D. The following shall be considered by the Planning Commission in determining the appropriateness of a special exception:
1. The special exception does not materially impact the goals and policies of the City's General Plan.
 2. The special exception is not in conflict with adopted restrictive covenants governing the property.
 3. The proposed exception for the structure is in keeping with the development block pattern of the area.
 4. The special exception will not have an adverse effect upon public health, safety, or general welfare of the community.
 5. Additional height and size greater than the maximum allowed can be mitigated by:
 - a. Requiring additional setback from the property line or adjacent buildings
 - b. Requiring all sides of the accessory structure to match the home or comply with 10-34-4(A)(1).
 - c. Requiring additional landscaping buffers and plantings to screen the building from adjacent properties.
 - d. Impacts to adjoining properties can be mitigated by adjusting architectural elements, i.e. reducing or eliminating doors, windows, etc. that are visible from adjoining properties and streets.
 6. The accessory structure does not violate the sight visibility triangle on corner lots.
 7. Other development requirements could be required that will further mitigate and are directly associated with the impact of the special exception.
 8. In cases where an exception is requested due to an irregularly shaped lot, the Commission shall consider the following:

- a. Whether the irregularity of the lot shape restricts, or limits the placement of an accessory structure compared to a regular lot of similar size.
- b. It shall be the burden of the applicant to clearly demonstrate the hardship due to the shape of the lot.
- c. The requested exception cannot be considered to exceed the size, or height of any accessory structure except as provided in this chapter.
- d. Whether the impact of the exception will place an undue impact on adjacent properties which would not be typical if the lot was a regular shape.

APPLICANT'S AFFIDAVIT

State of Utah)
City of Herriman)

I (we), _____, being duly sworn, depose and say that I (we) am (are) the owner(s) or authorized agent(s) of owner, of property involved in the attached application and that the statements and answers contained herein in the attached plans and other exhibits thoroughly, to the best of my (our) ability, present the argument in behalf of the application requested herewith and that the foregoing statements and information above referred to are in all respects true and correct to the best of my (our) knowledge and belief.

Signed _____

STATE OF UTAH)
 §
COUNTY OF SALT LAKE)

On this _____ of _____, in the year 20____, before me _____, personally appeared _____, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document in my presence.

Notary Signature

*May be owner of record, contract owner, party to valid earnest money agreement, option holder or have other legal control of the property.

AGENT AUTHORIZATION

I (we), _____, the owner(s) of the real property at _____ Herriman, Utah, do hereby appoint _____ as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize _____ to appear on my (our) behalf before any City Boards considering this application.

Signed _____

STATE OF UTAH)
 §
COUNTY OF SALT LAKE)

On this _____ of _____, in the year 20____, before me _____, personally appeared _____, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document in my presence.

Notary Signature