

# **SUP10-6, Jason & Penny Pettit Special Use Permit Application for An Accessory Dwelling Unit (ADU) in a R3 Zoning District**

## **Proposed Use and Location**

The applicants, Jason and Penny Pettit, are requesting a special use permit to utilize an existing accessory building as an Accessory Dwelling Unit (ADU). The Town Code defines an ADU as “a detached secondary residency containing provisions for sleeping, cooking and sanitation which is located on the same lot as the primary residence.”

The subject lot is zoned “R3” (High Density Residential), and in the R3 zoning district an ADU is a use allowable by special permit. In the spring of 2009, ADUs were added to the Town Code as “uses allowable by special permit” in the R3 and R4 zoning districts. This ADU request is the Town’s first since adopting the ADU ordinance.

The applicants reside in the single-family dwelling located on an approximately one (1) acre lot; the dwelling’s postal address is 111 North Court Street. Additionally, the applicants own an adjacent dwelling/lot located on Jackson Street (see attached map).

## **Background**

In 1997, Jason and Penny Pettit purchased the subject property. In addition to the primary residence, the property contained two (2) accessory buildings/structures. One accessory building is currently utilized as a garage, and the other (the subject of this request) is utilized for a recreation room and storage area. Though it is unknown when the accessory building was constructed, Mr. Pettit believes it was constructed in the early 1900s just after the primary dwelling. Mr. Pettit stated that the building was originally utilized for curing meats.

If approved, Mr. Pettit has indicated that his mother-in-law will reside in the ADU. Per the Town Code, the owner(s) of the property – where the ADU is located – must either live in the primary residence or the ADU.

## **Code Requirements**

As stated above, in the spring of 2009 the Town Council adopted the ADU ordinance. In conjunction with an ADU definition, the following “supplemental” regulations were adopted as well:

### ***516. Accessory Dwelling Units***

*(a) Accessory Dwelling Units are allowable only by special use permit in the following zoning districts: R3 (High Density Residential) and R4 (High Density Residential).*

- (b) Only one accessory dwelling unit allowable per lot.*
- (c) The accessory dwelling units must be located on the same lot of the primary dwelling.*
- (d) The proposed accessory dwelling unit is required to be an existing and permanent structured and constructed prior to December 31, 2008.*
- (e) The accessory dwelling unit is required to meet all relevant building codes and contain provisions for sleeping, cooking and sanitation.*
- (f) The accessory dwelling unit must have a dedicated single off-street parking space (measuring 10' x 20').*
- (g) The property owner must reside in either the primary residence of accessory dwelling unit.*
- (h) No more than two (2) individuals can reside in an accessory dwelling unit at any given time.*
- (i) An accessory dwelling unit may not exceed fifty percent (50 %) of the gross square footage occupied by the lot's primary dwelling.*
- (j) The accessory dwelling unit is required to have its own separate meter for water and sewer service.*
- (k) The accessory dwelling unit is required to conform to additional regulations as recommended by the Town's Planning Commission, and required by the Town Council.*

The proposed ADU would meet all the above supplemental regulations. Although, it is recommended that supplemental regulation "j" be revised/amended for this application, and similar applications in the future.

Mr. Pettit indicated that prior to purchasing the property the subject accessory building had existing water and sewer connections. The water line extends from, and is metered from, Mr. Pettit's house. Several years ago Mr. Pettit upgraded the accessory building's galvanized water/sewer pipes in favor of "PVC" pipes. During the Planning Commission's site visit to the property, Mr. Pettit revealed where the water/sewer connections enter the accessory building.

When the ADU ordinance was initially adopted it was not anticipated that existing accessory buildings/structures would contain existing water/sewer connections – as is the case of this accessory building. And because this existing accessory building contains water/sewer connections it is believed it would be appropriate to consider the existing connections to be "grandfathered", and therefore exempt from this particular supplemental regulation. Regardless, water utilized by this potential ADU would be metered via the existing water meter located at the applicants' house, and the applicants would be billed for any increases in water usage caused by the ADU.

In order to exempt this proposed ADU (and others like it) from supplemental regulation “j” this portion of the Town Code would need to be amended to include the following language (new language underlined): (j) An accessory dwelling unit is required to have its own separate meter for water and sewer service, unless the proposed accessory dwelling unit has an existing water and sewer connection established prior to December 31, 2008.

Amending the Town Code so that (potential) ADUs, with existing water/sewer connections, are not required to be metered separately would not circumvent the intent of the said regulations; instead it is believed that allowing for this exception would be reasonable, and likely a rare occurrence.

## **Other Considerations**

- An objective in the Town’s Comprehensive Plan states “encourage affordable housing options for a variety of populations and income ranges.” Further, the Comprehensive Plan encourages “Accessory Dwelling Units in certain zoning districts by special use permit.” It is believed that this request for an ADU meets the intent of the Comprehensive Plan, and will help achieve the objectives set forth in the Town’s Comprehensive Plan.
- As stated, the applicants own an adjacent lot which is located on Jackson Street. By car, the ADU’s tenant would access the unit by the entrance located on Jackson Street, and ample parking would be provided behind the proposed ADU (please see attached map for greater detail).
- If inclined to approve this application, the Planning Commission is encouraged to consider the following motions: 1) Approve the application with a recommendation that the Town Code be amended so to exempt the proposed ADU from establishing a separate meter for water and sewer service, or 2) Approve the application with the recommendation that the proposed ADU have a separate meter for water and sewer service.

## **Summary**

The applicants’ accessory building appears to be an ideal structure and location for an ADU. If properly located, it is believed that ADUs could be beneficial by 1) providing an attractive housing option for aging relatives, 2) increasing property values, 3) providing affordable rental opportunities, 4) providing increased rental income options, and 5) adding use/value to underutilized buildings. The Town’s Comprehensive Plan supports the development of this type of housing, and it is believed that approving this special use permit application would positively impact the surrounding neighborhood, and provide an optimum example of an ADU.