

Madison County Planning and Zoning

Application Summary and Staff Report

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| Application Type: | CONDITIONAL USE PERMIT |
| Applicant: | Dave & Robin Wold |
| Surveyor/Engineer: | N/A |
| Location: | 976 E Butte Road, Menan |
| Date for Consideration: | October 26, 2022 |

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| Project Description: | The applicant is applying for a Conditional Use Permit to construct primary residence on a 5.8 acre lot in the Menan Butte Subdivision. The parcel is Zoned Trans Ag. There is already a primary home on the lot. The building permit application is for a 1,500 manufactured home. It will be served by the existing well, and a new septic system. The proposed structure will be located in the northern corner of the lot, with its own driveway off of East Butte Road. |
| Staff Recommendation: | Staff recommends a provisional approval of the CUP, pending the currently proposed amendment to Madison County Code relative to accessory dwelling units. While the proposed building will have its own septic system, the nature of the site, especially the slope, as the new building is located downhill of the primary house, it would not make sense to require the new building to share a septic system with the main house, as effluent would need to be pumped uphill to the existing septic. Were this a smaller lot, say less than 2 acres, it may be an issue. But on a 5.8 acre lot, the lot size is conducive to the second septic. Additionally, in light of the code changes under consideration, this application would meet all of the proposed criteria of the proposed change, and would be approved administratively. The PZC may consider a provisional approval, pending approval of the proposed change to County Code relative to accessory dwelling units. |

Possible Motions

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| <p><u>Approval</u> I move to recommend APPROVAL of the application from Dave and Robin Wold for a Conditional Use Permit for Accessory Building with Living Space as proposed in application materials received October 4, 2022, with the following conditions:</p> <ol style="list-style-type: none"> 1. 2. | <p><u>Denial</u> I move to recommend DENIAL of the application from Dave and Robin Wold for a Conditional Use Permit for Accessory Building with Living Space as proposed in application materials received October 4, 2022, for the following reasons:</p> <ol style="list-style-type: none"> 1. 2. | <p><u>Tabled</u> I move to TABLE the application from Dave and Robin Wold for a Conditional Use Permit for Accessory Building with Living Space as proposed in application materials received October 4, 2022, and request additional information from the applicant, including:</p> <ol style="list-style-type: none"> 1. 2. |
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Description/Definition of Current and Proposed Zoning – Madison County Code Section 101-137

Sec 101-137 Standards Applicable To Conditional Uses

The commission shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location will:

1. *In fact, constitute a conditional use as established in this part for the zoning designation involved, in that it is not already defined as a permitted use;*

2. *Be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan and/or this part;*
3. *Be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;*
4. *Not be hazardous or disturbing to existing or future neighboring allowed uses;*
5. *Be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;*
6. *Not create excessive additional requirements at public cost for public facilities or services, and will not be detrimental to the economic welfare of the community;*
7. *Not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;*
8. *Have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and*
9. *Not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.*

(Prior Code, title 10, § 1.4.3; Ord. No. 384, § 1.4.3, 3-12-2012)

In consideration of accessory dwellings on lots within subdivisions, the following section of Madison County Code also applies

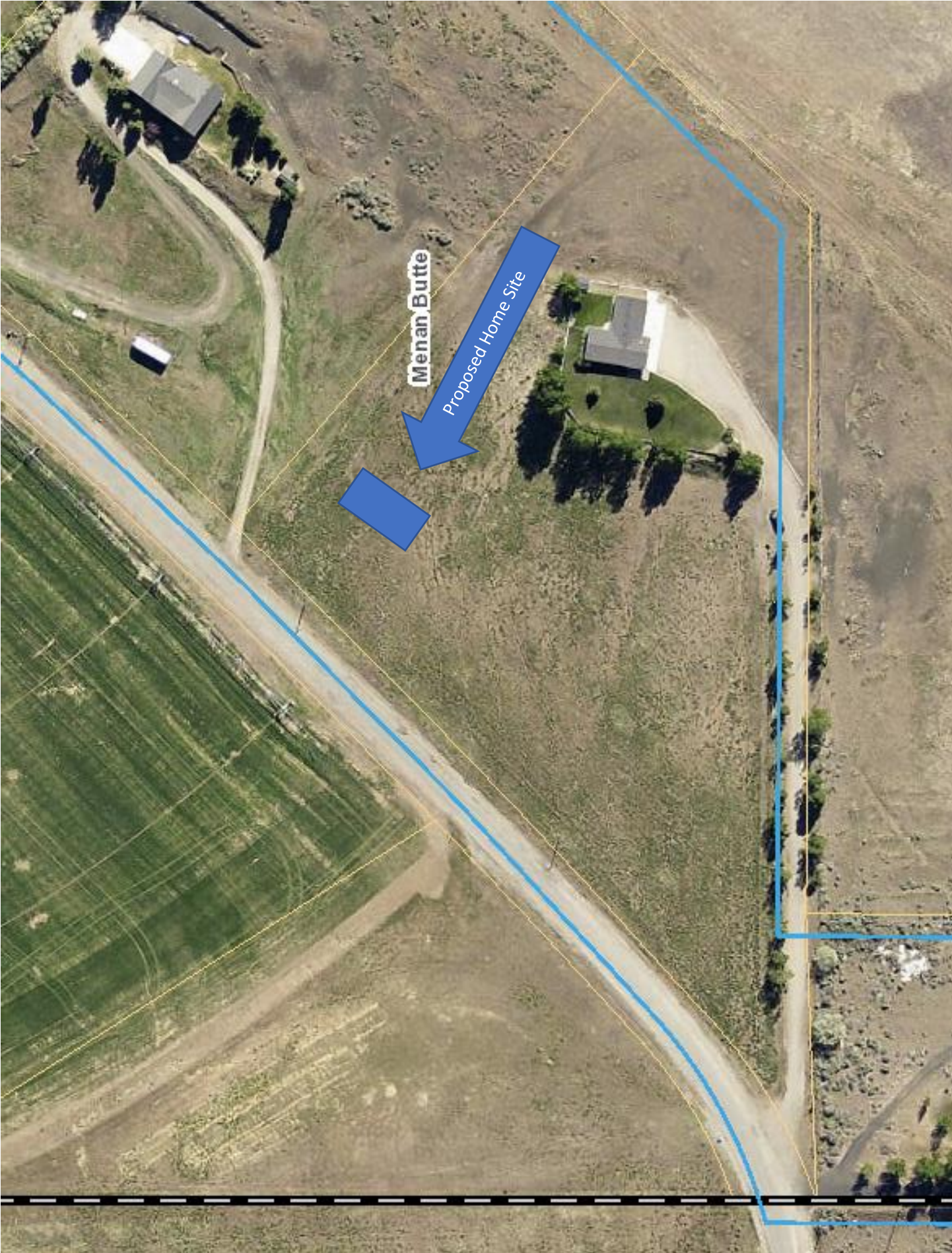
Sec 115-63 Lots

Lots shall conform to the following requirements:

1. *Side lot lines.* Side lot lines shall be essentially at right angles to straight streets and shall conform to the radius of curved streets.
2. *Shape.* Narrow, deep lots shall be avoided.
3. *Corner lots.* Corner lots shall have sufficient extra width to permit appropriate building setback from either streets or orientation to both streets.
4. *Uninhabitable areas.* Uninhabitable areas including lands subject to instability or flooding, or which shall otherwise be deemed to be uninhabitable, shall not be platted for residential purposes or for any other use that may increase or create a danger to health, life or property, or which may increase or create a surface failure or flood hazard. Such land within a subdivision shall be set aside for other use such as parks or other open space.
5. *Backup lots.* Lots with their rear lot line adjacent to a county road shall be prohibited.
6. ***Number of dwellings.*** There shall not be more than 1 dwelling constructed on each subdivided lot. **With a conditional use permit a detached garage may be allowed to have a living space with no more than 3 bedrooms. This will be counted as separate living space for septic sizing but septic must be part of the primary residence's septic system. This living area may only be occupied by a single family and shall only be allowed if in conformance with the covenants of the subdivision.**

Zoning – The subject property is in the Trans Ag Zone.





Menan, Butte

Proposed Home Site