

Alta Planning Commission

Staff Report



To: Alta Planning Commission

From: Staff

Re: Request to amend the Sugarplum Planned Unit Development Phase 1 Condominium Plat to allow expansion of Unit 6 by 13'3" into the common area, and an addition of a 14'3" deck into HOA common area, as well as updating all previous amendments to private and common areas.

Date: October 24, 2023

Attachments: Condominium Plat Amendment Application Key Materials; Complete Application

Key Application Materials attachment includes:

1. *Description of applicant's proposal to expand his unit into the existing common area by 13'3" and extend the deck on condominium homeowners association common area*
2. *Proposed amended condominium plat, Sugarplum Phase 1 Condominiums*
3. *Architectural drawings of proposed addition to Sugarplum Townhouses Unit 6*
4. *Aerial photos of Sugarplum Townhouses*
5. *Emails from HOA members approving proposed amended condominium plat*

Tierra Investments, LLC, and its manager Patrick Hogle, (applicant) requested a building permit to expand Unit 6 of the Phase 1, Sugarplum Planned Unit Development (SPPUD) by expanding 13'3" into the current deck then expanding the deck by 14'3". The total proposed increased footprint is 247 square feet on the interior of the structure, and 266 feet on the exterior. Phase 1, commonly known as the Sugarplum Townhouses, is a seven-unit phase in which the owners own only the interior space of their units, with the surrounding area, decks, drives, opens space being common area controlled by the Homeowners Association (HOA). The Town denied applicant's initial request as the expansion extended beyond the private ownership of the interior of the unit into the existing deck, which is part of HOA common area.

Applicant informed the town that other units in the SPPUD had expanded privately owned interior space into deck/common areas in the past. To rectify this situation and allow applicant to proceed with his expansion plans, applicant conducted a survey of all 7 units of the phase. The updated survey makes distinct the privately owned interior area from the HOA-owned exterior common area, such as the decks. Applicant's current request to expand the interior space into the common area of the deck was also included in the survey.

The HOA has approved the applicant's request and had approved the previous expansions as well. The current request does expand into the common area of the deck but is still within the parcel line for Phase 1 and does not encroach on any common area for the entire SPPUD. The application letter, site plans identifying the unit location, and plans showing the proposed expansion are attached.

While this has been a complicated issue for the applicant and his surveyor, it is not a complicated issue for the planning commission. Approving this request, which includes the previous expansions shown in the updated condominium plat survey, would address past expansions into HOA common area, as well as allowing the applicant's current expansion request. Applicant's current request fits into the area of the phase as do the previous expansions and does not negatively affect the PUD.

Staff recommends approving applicant's request as submitted, including the amended condominium plat, which will allow the recording of the updated survey to accurately show the status of the privately owned interior area and the exterior common area for this phase, which will bring the entire phase into compliance.