



JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

MONICA ZOLTANSKI
MAYOR

SHANE E. PACE
CHIEF ADMINISTRATIVE
OFFICER

Staff Report Memorandum December 14, 2023

To:	Planning Commission	
From:	Community Development Department	
Subject:	Doug Luiten Accessory Structure (Conditional Use Permit) 10174 S. Majestic Canyon Rd. [The Dell, Community #29]	CUP11082023-006653 R-1-10, SAO Zone .34 Acres

Public Meeting Notice: This item has been noticed to property owners within 500 feet of the subject area, on public websites, and at public locations.

Request

The applicant, Doug Luiten along with the project engineer, Tyler Mecham, is requesting approval of a conditional use permit to allow for a detached garage with additional height at the property located at 10174 S. Majestic Canyon Rd. The proposed structure is a 747 square foot detached garage and is 26 feet tall to the peak of the roof as measured from the rear of the structure. The design of the exterior and roof will match the exterior of the main dwelling. (See Exhibit A and B). The applicant is proposing to pave the gravel driveway for access to the garage.

Background

The subject property is approximately .34 acres (14,810 square feet) in the R-1-10 zone. The subject property is lot 63 in the Majestic Canyon Estates #2 subdivision. Properties to the north, south, and east are single family homes zoned R-1-10. The property to the west is a vacant parcel in unincorporated Salt Lake County.

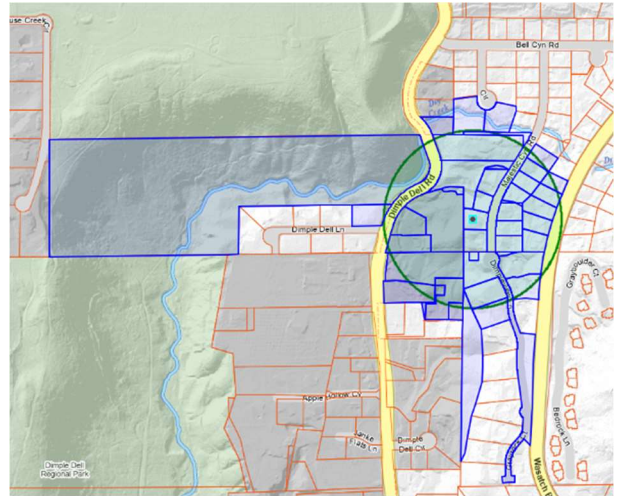


CUP11082023-006653
Conditional Use Permit
10174 S Majestic Canyon Rd
Sandy City, UT
Community Development Department

Public Notice and Outreach

This item has been noticed to property owners within 500 feet of the subject area by mail. A neighborhood meeting was held on November 28th and two neighbors attended. The following comments were made about the detached garage.

1. Supportive of the garage and wanted to know how high the garage was in relation to the house.
2. Wanted to know how much scrub oak would be removed from the front of the property and the location of the garage.
3. Questions about how the garage would look from a street view perspective and the elevation of the garage.
4. Questions about the timeline for the CUP and when they were expecting to apply for a building permit and begin construction.



In addition, one email was received about the request (Exhibit C).

Analysis

The applicant plans to build an accessory structure in the side yard that will be used as a detached garage. The property does not have an existing garage or any other accessory structures. This would bring the home into compliance with Sec. 21-20-5 of the Sandy City Land Development Code, which requires that all homes on R-1-6 or larger zones provide a two-car garage for daily storage of personal vehicles.

The proposed structure is 747 square feet and 26 feet in height to the peak as measured from the rear. They are proposing to place the structure 9.5 feet from the south property line, 40 feet from the front property line, and 53 feet from the rear property line (See Exhibit B). The applicant is proposing to match the exterior with the existing exterior of the home. The driveway of the home is currently a gravel driveway, and the applicant is proposing to pave the driveway with asphalt.



Building Height

Section 21-11-2(a)(3)(c) of Sandy City Development Code states that the accessory building can be approved up to the height of the primary dwelling through a conditional use permit. Structures in the side yard must meet the minimum setback for a primary dwelling in order to request additional height. The setback from the front property line for the primary dwelling in the R-1-10 zone is 30 feet. The proposed structure is setback 40 feet from the front property line. The height of the proposed structure is 26 feet tall to the peak of the roof as measured from the rear of the structure. The front of the structure is proposed to be 22 feet tall. The structure is proposed to be setback 9.5 feet from the south property line. This meets the minimum setback of 8' for a main dwelling in the R-1-10 zone and no additional setback requirements are required.

Sensitive Area Overlay

The home is located in a Sensitive Area Overlay zone for slopes exceeding 30%. The proposed location of the shed meets the minimum setback distances from protected slopes areas. Sandy City Engineer, Ryan Kump, has reviewed the plans and noted that revisions to the driveway slope are needed. Down sloping driveways are generally not allowed, but this is an existing condition of the existing home. The proposed driveway needs a minimum of 2% away from the structure for a minimum of 10 feet. This will require revising the French drain and the garage door and moving to a low point/waterway

a minimum of 10 feet from the face of the garage that drains into the yard. Driveway slopes greater than 12% are not allowed, but this is also an existing condition. The proposed driveway has a 17.4% slope. Ryan Kump is recommending heating elements in the driveway or raising the garage floor elevation to reduce the slope.

Conditional Use Standards

The City may impose conditions on a conditional use based on certain standards of review found in section 21-33-04 of Sandy City Land Development Code. The following items from that list are applicable to this particular request and merit discussion or additional consideration by the Planning Commission (staff analysis is found below in *italics*):

Sec. 21-33-4. Conditions.

In order to achieve compliance with the standards set forth herein, the City may impose conditions that address:

- (1) Size, configuration and location of the site and the proposed site plan layout.

The proposed accessory structure is 26 feet tall to peak and will be 747 square feet. The structure will be sited 9.5 feet from the south property line.

- (2) Proposed site ingress and egress to existing and proposed roads and streets.

The garage will be accessed by the existing driveway that will be newly paved.

- (6) Mass, size, number, location, design, exterior features, materials, and colors of buildings, structures and other facilities.

The proposed accessory structure roof materials, pitch, and building materials will be consistent with the existing home

- (14) Measures to assure compliance with all conditions and requirements of approval, including, but not limited to, bonds, letters of credit, improvement agreements, agreements to conditions, road maintenance funds, and restrictive covenants.

To be reviewed upon legitimate complaint.

- (15) Such other conditions determined reasonable and necessary by the City to allow the operation of the proposed conditional use, at the proposed location in compliance with the requirements of this title.

That the applicant complies with all Building & Safety, and Fire & Life Codes.

Staff Concerns

Staff has no additional concerns with the proposed structure.

Recommendation

Staff recommends that the Planning Commission approve a Conditional Use Permit for additional height as described in the staff report for the property located at 10174 S. Majestic Canyon Rd. based on the following findings and subject to the following conditions:

Findings:

1. There are no other detached accessory structures on the property.
2. Adding a detached garage brings the home into compliance with Sec. 21-20-5 Off Street Parking Requirements.

Conditions:

1. That the proposed accessory structure obtain necessary building permits and be located as per the enclosed site plan.
2. That the accessory structure be constructed of similar materials as the main dwelling.
3. That the driveway and grading revisions are made per the City Engineer recommendations.

4. That heating elements in the driveway be installed to allow for an existing driveway over 12%.
5. That the applicant complies with all Building & Safety, and Fire & Life Codes.
6. That the applicant be responsible for meeting all provisions of the Sandy City Development Code, and all conditions of approval imposed by the Planning Commission.
7. That this Conditional Use Permit be reviewed upon legitimate complaint.

Planner:



Sarah Stringham
Planner

File Name: S:\Users\PLN\STAFFRPT\2023\CUP11082023-006653 - Doug Luiten Accessory Structure

Exhibit "A"



BENCHMARK
ENGINEERING & LAND SURVEYING, LLC
9138 South State Street, Suite 100
Sandy, Utah 84070
Office 801.542.7192
Fax 801.542.7195

November 8, 2023

Sandy City
10000 S Centennial Pkwy
Sandy City, UT 84070

Re: Luiten Garage
10174 Majestic Canyon Rd.
Sandy City, UT 84070

Proposed Conditional Use:

The Luitens' want to add a 747 square foot detached garage to their residence located at 10174 Majestic Canyon Road in Sandy. Along with the garage they want to pave their gravel driveway. The construction of the garage is not prohibited by local zoning regulations. In fact, new construction within the zone is required to include a two-car garage.

This project should not impact traffic along Majestic Canyon Road or cross over into any of the adjacent properties.

Currently there is a city stormwater pipe that enters the East side of the property as an overflow for Majestic Canyon Road. A swale has been included in the site design to route the overflow drainage around the new construction and toward the back of the property where it merges back into its original path. The swale is designed to match the cross-sectional area of the city storm pipe so that it can handle a comparable flow.

The grading and drainage plan provided details a drainage swale to capture the new stormwater produced from the garage to prevent it from passing onto the neighboring property to the south.

The Luitens' have the utmost respect for their neighbors and community, therefore while constructing these improvements they plan on keeping construction activities within the normal business hours.

Sincerely,

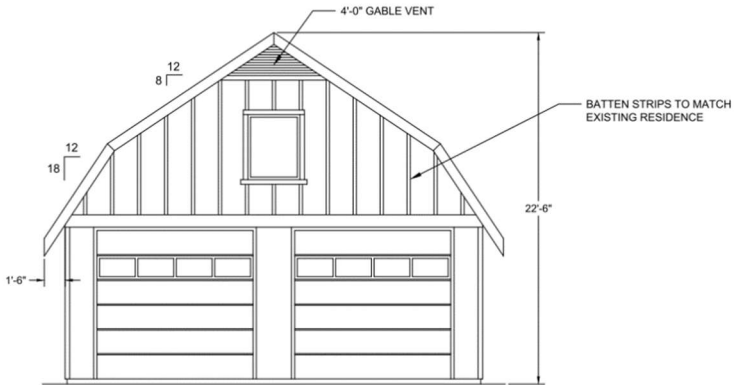
A handwritten signature in black ink that reads "Allison G. Albert".

Allison G. Albert, P.E.
Project Manager

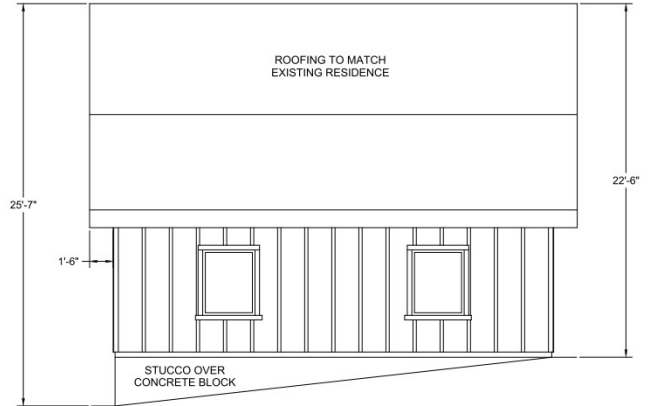
Exhibit "A" continued



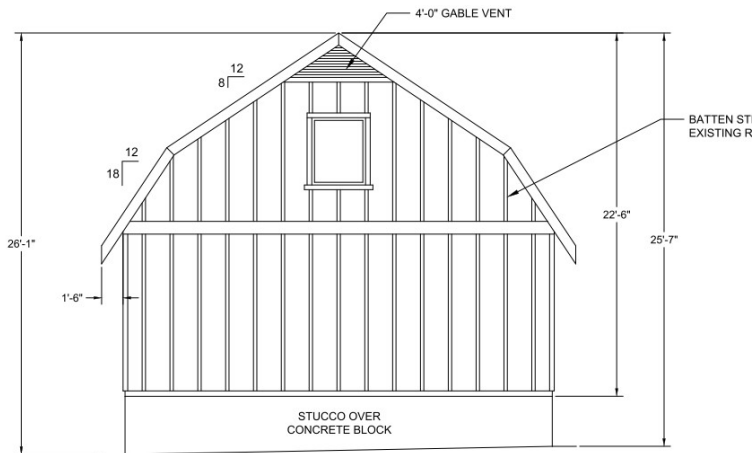
Exhibit "A" continued



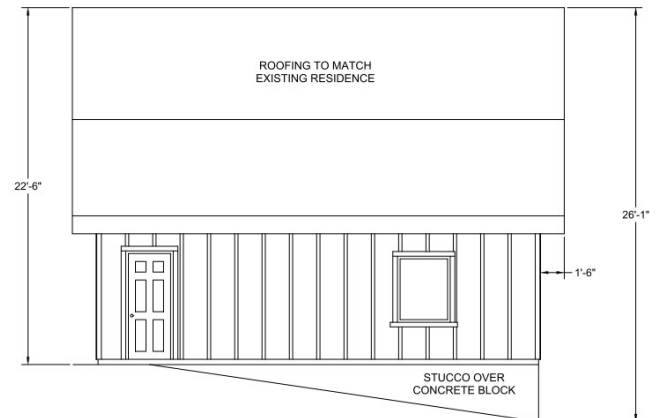
FRONT ELEVATION
1/4" = 1'-0"
SHEET 3



LEFT SIDE ELEVATION
1/4" = 1'-0"
SHEET 4



REAR ELEVATION
1/4" = 1'-0"
SHEET 5



RIGHT SIDE ELEVATION
1/4" = 1'-0"
SHEET 6

Exhibit "B"

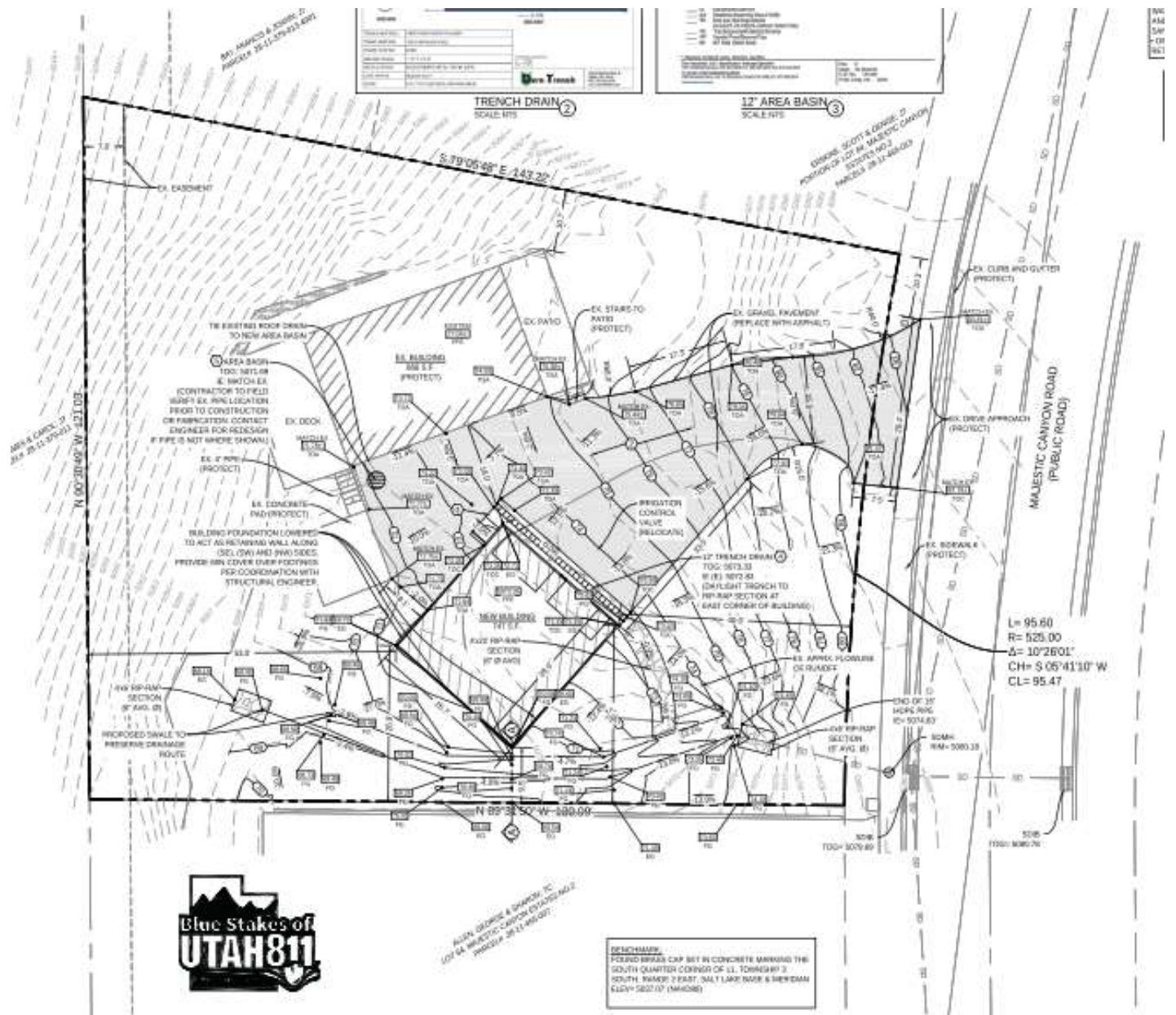


Exhibit "C"

-----Original Message-----

From: Dr. William Harman <wharman513@icloud.com>

Sent: Friday, December 1, 2023 10:24 PM

To: Sarah Stringham <sstringham@sandy.utah.gov>

Cc: William Harman <oceanphoenix13@gmail.com>; Brenda Harman <oceanphoenix13@gmail.com>

Subject: [EXTERNAL] Re: Conditional Use Permit at 10174 S Majestic Canyon Road

Hello again! One of our neighbors attended the meeting and told me that the proposed structure is a garage. That being the case, I no longer am requesting a recording or plan for the structure. Thanks! William Harman

> On Dec 1, 2023, at 10:13 PM, Dr. William Harman <wharman513@icloud.com> wrote:

Greetings!

I was out of town for the Thanksgiving holiday. I stopped our mail and delivery did not restart until the day of the meeting to hear the plans for 10174 S Majestic Canyon Road. I did not open the notice until this evening.

This property is adjacent to ours and we are very interested to learn details about plans for construction of an additional structure. Is a recording of the meeting available? If not, do you have a drawing of the proposed structure that we could view?

I appreciate your time reviewing this request.

Best Regards,

William Harman
10142 S Majestic Canyon Road
Sandy, UT 840921
wharman513@icloud.com