



JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

February 20, 2020

To: Planning Commission
From: Community Development Department
Subject: Haddadin Accessory Apartment
11457 S. Gracey Ln.
[Community #25- The Bluff]

CUP-01-20-5788
Zoned PUD(3)

HEARING NOTICE: *This item has been noticed to property owners within 500 feet of the subject property.*

PROPERTY CASE HISTORY	
Case Number	Case Summary
None	

DESCRIPTION OF REQUEST

The applicant, Renae Haddadin is requesting a Conditional Use Permit to allow for an accessory apartment on the property located at 11457 S. Gracey Ln. (See Exhibit #1 – Application Materials). The property is 8,600 square feet, and is located in a PUD (3) zone. The property is part of the Brandon Canyon Subdivision. The surrounding properties are single-family homes zoned PUD (3).

The property contains a 3,796 square foot home with a 1,213 square foot basement. The applicant is proposing to renovate 712 square feet of the basement into an apartment, with the remaining 501 square feet of the basement to be used by the home owner (See Exhibit #2 – Basement Configuration).

The home is on the east side of Gracey Ln between Katey Court and 11370 S. Access to the property is via an approximately 950 square foot driveway on the east side of Gracey Ln . The tenant has a designated parking space inside of the three car garage. Access to the proposed apartment will be via an existing paved walkway on the south side (side yard) that leads to an entrance on the east (rear) side of the home. The proposed accessory apartment comprises 18% of the overall home square footage.

ANALYSIS

Per Section 21-11-01 of the Sandy City Land Development Code, the purpose of the accessory apartment standards are to:

- A. Provide regulations and design standards for accessory apartments related to single-family dwellings in residential zone districts. The accessory apartment enables housing units to be available to moderate income households, provide economic relief to homeowners who might otherwise be forced to leave a neighborhood, and make living units available for households at a variety of stages of the life cycle.
- B. **General Requirements.** The following requirements must be met in order to have either an accessory apartment, extended living area, or a guesthouse.
 1. **Residence Required.** The owner(s) of the residence shall live in the dwelling in which the accessory apartment/extended living area was created, and a letter of application sworn before a notary public shall be provided by the owner(s) stating that such owners will occupy the said dwelling, except for bona fide temporary absences.
 2. **Number Permitted Within Each Single Family Dwelling.** Only one accessory apartment/extended living area shall be created within a single-family dwelling, and said area shall clearly be a subordinate part of the dwelling. The accessory apartment/extended living area shall not occupy any accessory buildings. No lot or parcel shall contain more than one guesthouse.
 3. **Home to Retain Single Family Dwelling Appearance.** The accessory apartment/extended living area shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family residence, including retention and enhancement of landscaping.
 4. **Utility Meters and Addressing.** It shall be prohibited to install separate utility meters and separate addresses.
 5. **Building Code Compliance Required.** The design and size of the accessory area shall conform to all applicable standards in the City's adopted Fire, Building, and Health Codes. The applicant shall obtain all necessary building permits prior to construction of the accessory apartment, extended living area, or guesthouse.
 6. **Parking.** At least one off-street parking space shall be available for use by the occupant(s) of the accessory apartment, extended living area, or guesthouse. This space shall be in addition to those required for residents of the main portion of the dwelling and shall comply with the City's adopted residential parking standards. Any additional vehicles of the occupants must be accommodated on-site. On-street parking shall be reserved for visitors only.

7. **Mobile Homes.** It shall be prohibited to construct an accessory apartment/extended living area within a mobile home.

8. **Transferability.** Upon sale of the home or change of primary occupant, the approval for an accessory apartment/extended living area shall expire, that is, the approval is not transferable.

C. **Additional Requirements for Approval of an Accessory Apartment.** Accessory apartments are allowed only with approval of a Conditional Use. Such use shall not exempt the applicant from meeting other applicable ordinances, covenants, codes, or laws recognized by Sandy City. The following standards must be met in order to grant a Conditional Use:

1. **Entrances.** All entrances for an accessory apartment shall be located on the side or in the rear of the dwelling.

2. **Maximum Size Permitted.** In no case shall an accessory apartment comprise more than 30 percent of the building's total floor area nor be greater than 800 square feet nor have more than 2 bedrooms, unless, in the opinion of the Planning Commission a greater or lesser amount of floor area is warranted by the circumstances of the particular building. An accessory apartment is a complete, separate housing unit that shall be within the original dwelling unit.

3. **Occupancy Restrictions.** The occupants of the accessory apartment shall be related to each other by blood, marriage, or adoption; or up to two unrelated individuals who are living as a single housekeeping unit. The occupants of the accessory apartment shall not sub-lease any portion of the accessory apartment to other individuals.

4. **Recordation.** Approval for an accessory apartment shall be recorded with the Salt Lake County Recorder's Office, including any special conditions of approval to guarantee compliance with the approval. A copy shall be kept on file with the Building Department.

5. **Duration of Approval.**

a. **Approval Non-Transferable.** Upon sale of the home or change of primary occupant, the Conditional Use shall expire and is not transferable.

b. **Length of Approval - Renewal Options.** The effective period of the Conditional Use for accessory apartments shall be two years from the date of the original approval. At the end of every two years, renewal may be granted upon receipt by the Director of certification by the property owner that the property remains the principal residence of the owner, and that all other original conditions continue to be met. Notification shall be sent to the owner for response. Failure to obtain such certification may be the basis for revocation of the Conditional Use. The Planning Commission, in its sole

discretion, may require a new application and a demonstration of compliance with all conditions necessary for a Conditional Use.

6. Other Requirements. Any other appropriate or more stringent conditions deemed necessary for accessory apartments in protecting public health, safety, welfare, and the single-family character of the neighborhood shall be established by the Planning Commission.

The proposed basement apartment is 712 square feet, and 18% of the total square footage of the home. The size of the apartment is smaller than the 800 square feet requirement in **Section 21-11-01** of the Sandy City Land Development Code.

NOTICE

A neighborhood meeting was held on Wednesday, February 5, 2020 (*Exhibit 3- Neighborhood Meeting*). Three neighbors attended the meeting with the following concerns:

1. Privacy – The applicants home sits about five feet above that of the neighbors directly south of them. This height allows anyone walking on that path to see into the kitchen window of that neighbor. Neighbors felt that any potential tenants should walk around the north side of the home.
2. Liability – As the proposed walkway is on the southwest side of the home there were concerns that someone could fall and sue the adjacent property owner.

STAFF CONCERNS

Staff feels that since the walkway and the entrance existed prior to the proposed change that no impact mitigation measures are necessary. Staff has no concerns.

COMPLIANCE WITH SECTION 21-33-04

Staff response in *italics*.

Conditions. In order to achieve compliance with the standards set forth herein, the City may impose conditions, which address standards 21-33-04 “1” to “15”, as contained in the Sandy City Development Code. This proposed conditional use meets or satisfies all of Conditions “1” through “15”, except the following conditions, which merit discussion or additional consideration by the Planning Commission:

1. Size, configuration and location of the site and proposed site plan layout.
The applicant is requesting a 712 square foot basement apartment, which is 18% of the overall home square footage. This is within the 30% requirement found in Section 21-11-01 of the Sandy City Land Development Code.
4. Design, location and amount of off-street parking, loading areas and solid waste disposal and collection areas.

The property contains a three car garage and a 950 square foot driveway. The applicant has tenant is designated the third car garage and the driveway space directly behind it for the apartment tenant.

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 Code.

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

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve a Conditional Use Permit for Renae Haddadin to allow for a 712 square foot accessory apartment on the property located at 11457 S. Gracey Ln. This is based on the following findings and conditions:

Findings

1. The proposed use meets the intent of the accessory apartment section of the Sandy City Land Development Code.
2. The applicant understands and is willing to comply with the Sandy City Land Development Code and conditions of approval.
3. The appearance will remain that of a single-family dwelling.

Conditions

1. That the applicant complies with all Building & Safety, and Fire & Life Codes.
2. That the applicant be responsible for meeting all provisions of the Sandy City Land Development Code, and all conditions of approval imposed by the Planning Commission.
3. That the applicant submit for a building permit not exceeding the square footage approved by the Planning Commission.
4. That this Conditional Use Permit be reviewed upon legitimate complaint.

Planner: Claire Hague Reviewed by: EM
Claire Hague, Zoning Technician
S:\USERS\PLN\STAFFRPT\2020\CUP-01-20-5788 Haddadin Accessory Apartment

Exhibit #1 – Application Materials

To Whom it may Concern:

We would like to finish our unfinished basement to use as an Accessory Dwelling Unit for rent for additional income to pay off our home. We already have an entrance that walks out to the backyard and a walkway to that door. We have a three-car garage with a wide driveway to provide a parking area to the tenant.

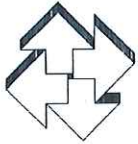
We will finish the basement with 2 bedrooms, a washer/dryer area, kitchen, dining, living room and storage. It will have separate heating/air conditioning as required.

Thanks,

Renaë Haddadin

801-573-2557

Exhibit #2 – Basement Configuration

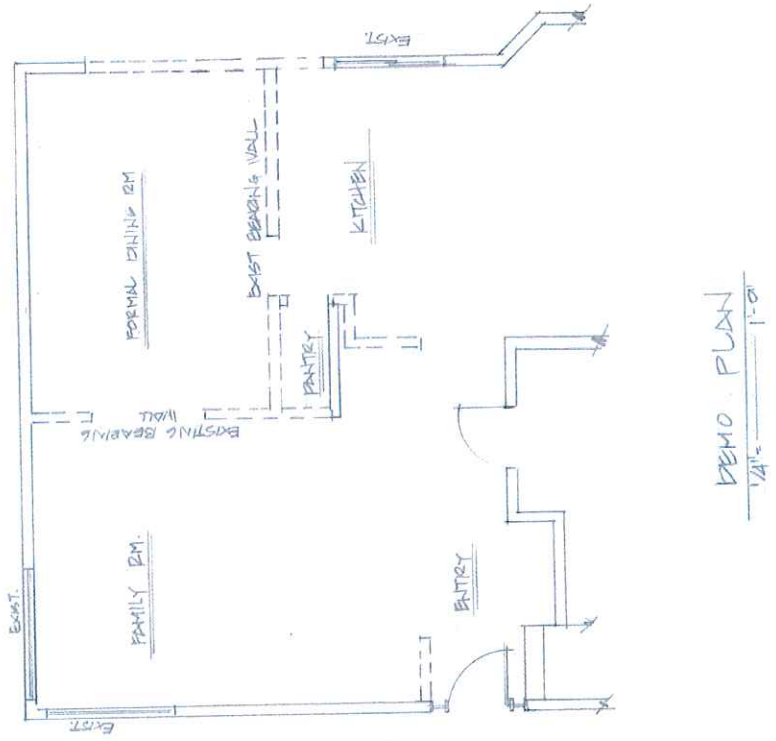
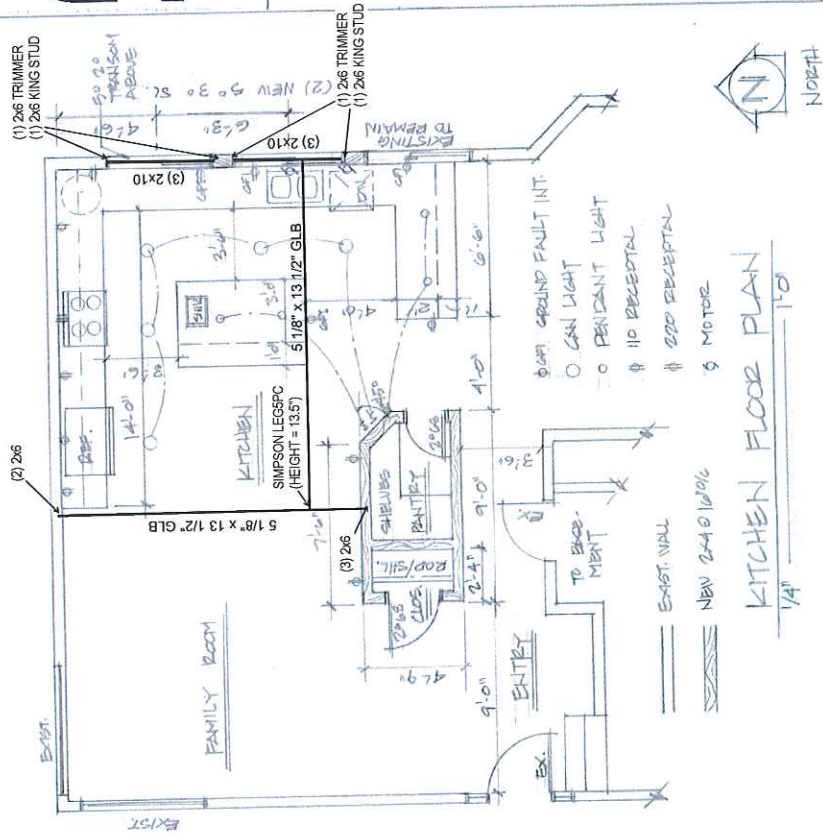


AD&D
 AARON DRAFTING & DESIGN
 W.V.C., VT. (801)250-5018



SIM & RENDE WADDADIN
 11457 GREYER LN.
 SANDY, VT.

11-27-19
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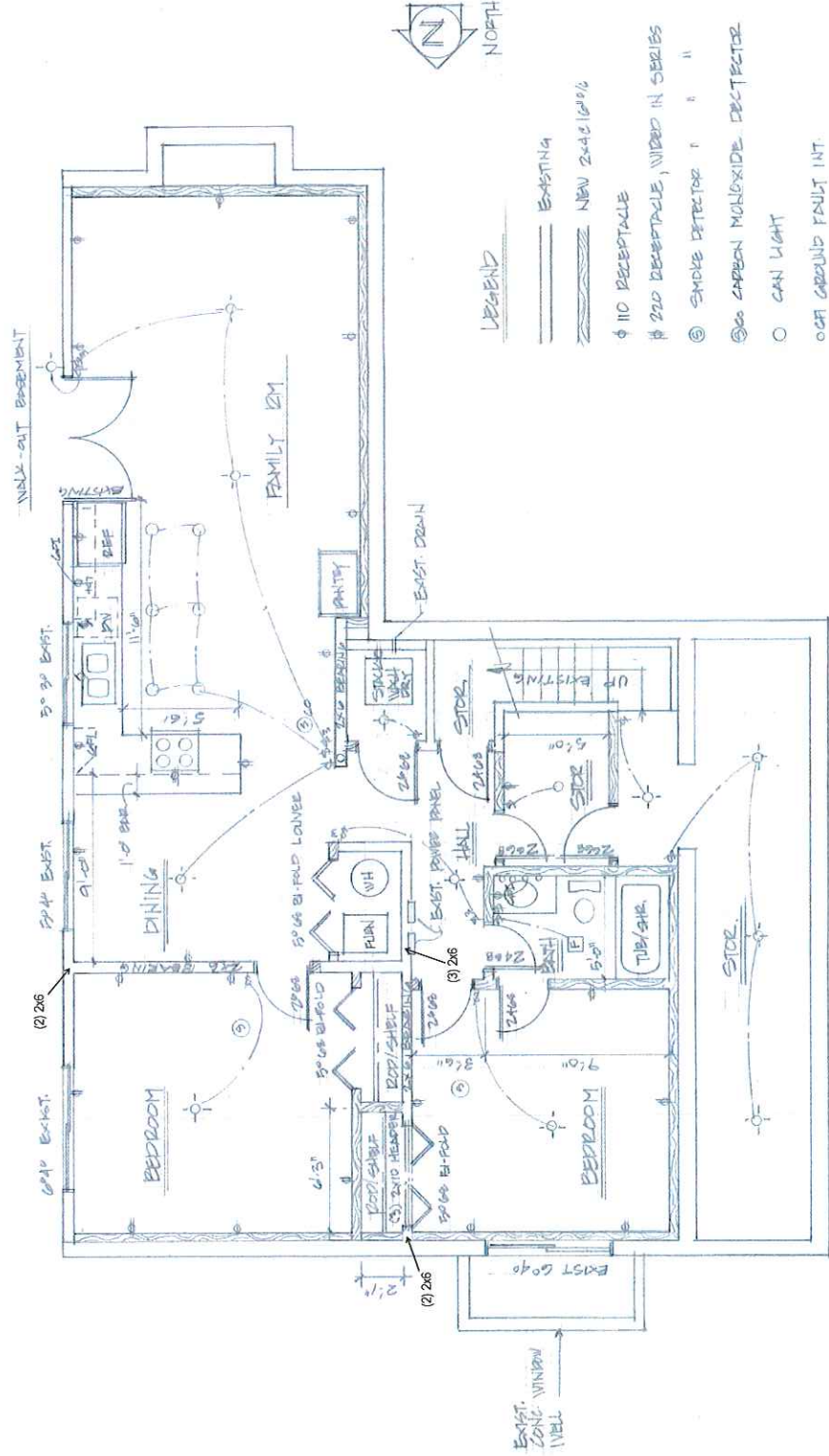


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LIM & RENAE HADDADIN
 11457 GRAYCT. LN
 SANDY, VT

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LEGEND

- EXISTING
- ▨ NEW 2x4 @ 16" O/C
- ⊕ # 110 RECEPTACLE
- ⊕ # 220 RECEPTACLE, WIRED IN SERIES
- ⊙ SMOKE DETECTOR
- ⊙ SMOKE DETECTOR
- ⊙ CARBON MONOXIDE DETECTOR
- CAN LIGHT
- GF CIRCUIT FAULT INT.

BASEMENT FLOOR PLAN S MOTOR
 1/4" = 1'-0"

NOTE:
 USE GROUND FAULT
 INTERRUPTERS IN BEDROOMS

Exhibit #3 – Neighborhood Meeting

Neighborhood Meeting – Community (#25) Sign-In Sheet
(2-5-2020)

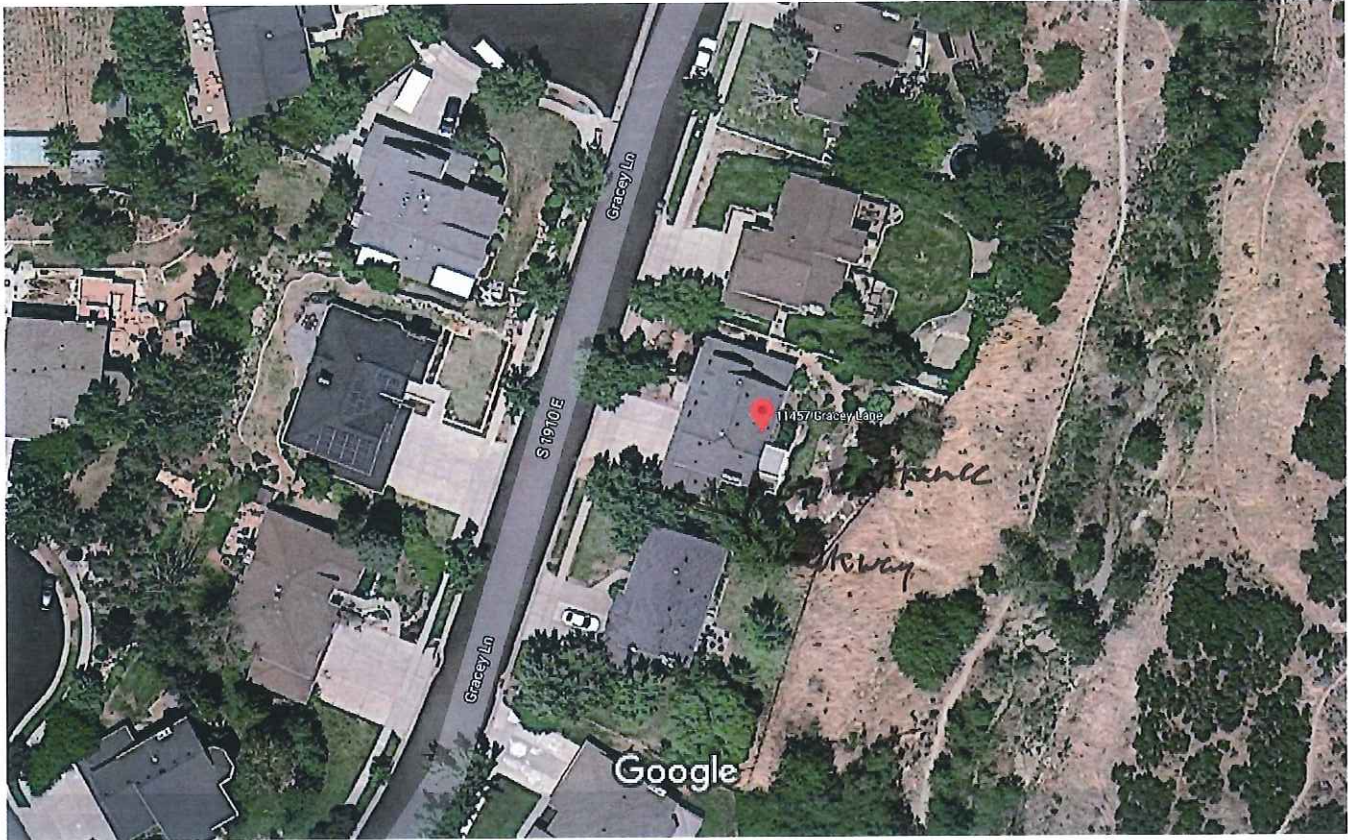
	Name	Email	Cell Phone Number
1	Lisa Houk H	lis.houkH321@gmail.com	801 558-5802
2	Steve Houk H	SteveHoukH321@gmail.com	801-524-9823
3	Jennifer Pappas	juwitt@amsocp@yahoo.com H462@calary.com	801-897-5369
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			

requested
start of
report



Exhibit #4 – Site Plan

Google Maps 11457 Gracey Ln








Imagery ©2020 State of Utah, Map data ©2020 20 ft



11457 Gracey Ln

Sandy, UT 84092

-  Directions
-  Save
-  Nearby
-  Send to your phone
-  Share