



SANDY CITY COMMUNITY DEVELOPMENT

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COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

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CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

October 18, 2018

To: Planning Commission
From: Community Development Department
Subject: West Accessory Apartment
 9988 S. Eastdell Dr.
 [Falcon Hill, Community #21]

CUP-09-18-5493
 Zoned R-1-8

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, Angela West, is requesting a Conditional Use Permit to allow for an accessory apartment on the property located at 9988 South Eastdell Drive (See Exhibit #1 – Application Material). The property is 0.21 acres (9,148 square feet), and is located in the R-1-8 zone district. Surrounding properties to the north and west are single-family homes zoned R-1-8. To the south are single-family homes zoned R-1-10. To the east of the property, across Eastdell Drive, is the Park Lane Elementary School zoned R-1-10.

According to the Salt Lake County Assessor’s records, the property contains a 2,540 square foot single-story home with a 1,260 square foot basement. The applicant is proposing to construct a 914 square foot, 2-bedroom, basement apartment (See Exhibit #2 – Basement Configuration). The applicant would like to rent the basement to traveling nurses. The proposed accessory apartment comprises 36% of the overall home square footage. The property already has an off-street parking spot on the south side of the property (See Exhibit #3 – Off-Street Parking).

ANALYSIS

Per **Section 15A-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.

Within the past two years, the Planning Commission has approved five accessory apartments. The average size of the basement apartment that has been approved is 956 square feet and the average overall building floor area is 30%.

Address	Approval	Home Size	Basement Apt. Size	Percentage
12189 Nicklaus Rd.	6/21/2018	5,422	1,200	22%
410 E. 8800 S.	5/17/2018	4,409	776	18%
8016 S. Oakwood Vista Cv.	11/16/2017	4,419	1,040	24%
8070 S. 535 E.	7/20/2017	2,156	862	40%
10565 S. 420 E.	11/8/2016	1,795	900	50%
		Avg.	956	30%

The proposed accessory apartment is smaller than the average basement apartment approved by the Planning Commission. However, the overall percentage of floor area of 36% is larger than the 30% average that has been approved by the Planning Commission.

NOTICE

A neighborhood meeting was held on Tuesday, October 9, 2018. No neighbors attended the meeting. Notices were mailed to property owners within a 500-foot radius of the subject parcels in advance of the Planning Commission meeting.

STAFF CONCERNS

The location of the basement apartment entrance is problematic as the home lies on a corner lot, with front yards on the east and south of the property. Per **Section 15A-11-01.C.1**, entrances for basement apartments must be located in the side or rear yard of the property. Upon inspection of the home by staff, the side yard (north side) of the home cannot allow cutting in to the foundation for a separate entrance due to the location of existing utility lines. Thus, the location of the separate entrance must be located in the rear yard (west side of the home). With the proposed entry being on the rear of the home, this may require a modified configuration of the apartment layout so the entrance is not through the bedroom.

Per **Section 15A-11-01.C.2** of the Sandy City Land Development Code, an accessory apartment should not comprise more than 30 percent of the building's total floor area, nor be greater than 800 square feet. Eliminating access to the second bedroom for the downstairs tenant could reduce the livable space of the basement apartment to 745 square feet. Staff would recommend that the applicant work with staff on an appropriate layout based on the approved square footage of the apartment.

COMPLIANCE WITH SECTION 15A-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 15A-33-03 “A” to “O”, as contained in the Sandy City Development Code. This proposed conditional use meets or satisfies all of Conditions “A” through “O”, except the following conditions, which merit discussion or additional consideration by the Planning Commission:

A. Size, configuration and location of the site and proposed site plan layout.
The applicant is requesting a 914 square foot basement apartment that is 114 square feet larger than the 800 square foot requirement. Per Section 15A-11-01.C.2 of the Sandy City Land Development Code, the applicant will need to justify the requested larger size to the Planning Commission. The proposed entrance will be on the back side of the home.

D. Design, location and amount of off-street parking, loading areas and solid waste disposal and collection areas.
The property contains a 944 square foot parking area that can park three cars off-street. This includes the driveway for the primary attached garage additional parking on the side of the home. The driveway was constructed with the home.

O. 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 Angela West to allow for an 800 square foot accessory apartment on the property located at 9988 South Eastdell Drive. 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. That 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 showing a maximum 800 square foot configuration of the basement, unless otherwise determined by the Planning Commission.
4. That this Conditional Use Permit be reviewed upon legitimate complaint.

Planner:  Reviewed by: 

Wade Sanner, Planner

File Name: SAUSERS\PLN\STAFFRPT\2018\CUP-09-18-5493 West Accessory Apartment

Exhibit #1 – Application Materials

September 18, 2018

Angela West and Debbie Haynie (co-owners)
9988 S Eastdell Dr
Sandy, UT 84092

To Whom It May Concern:

This property is an updated rambler that is 4 bedrooms and 3 bathrooms for a total of 2540 square feet. The basement will be converted into an apartment.

This letter is to assist the staff and the planning commission understand we are requesting a conditional use permit for our property. We are attempting to convert the basement into an apartment for rental purposes. We will be utilizing several websites to invite a traveling nurses to use the furnished 2 bedroom apartment from 1 month to 4 months at a time. There are 700 plus traveling nurses that come to work in the Salt Lake area each year. Since Alta View Hospital is only 5 minutes away, this location will be an ideal place for them to commute to work. It is also central if nurses need to travel north or south to various hospitals.

We are proposing to install an exterior door in the back of the property. We will also install a washer and dryer unit in the garage so that laundry can be done separately by homeowner. There is already an existing laundry unit in the basement. We are also hoping to make the HVAC system separate for the tenant in order for them to adjust heating as needed in the basement.

Sincerely,
Angela West
Debbie Haynie

Exhibit #2 – Basement Configuration

773 SF

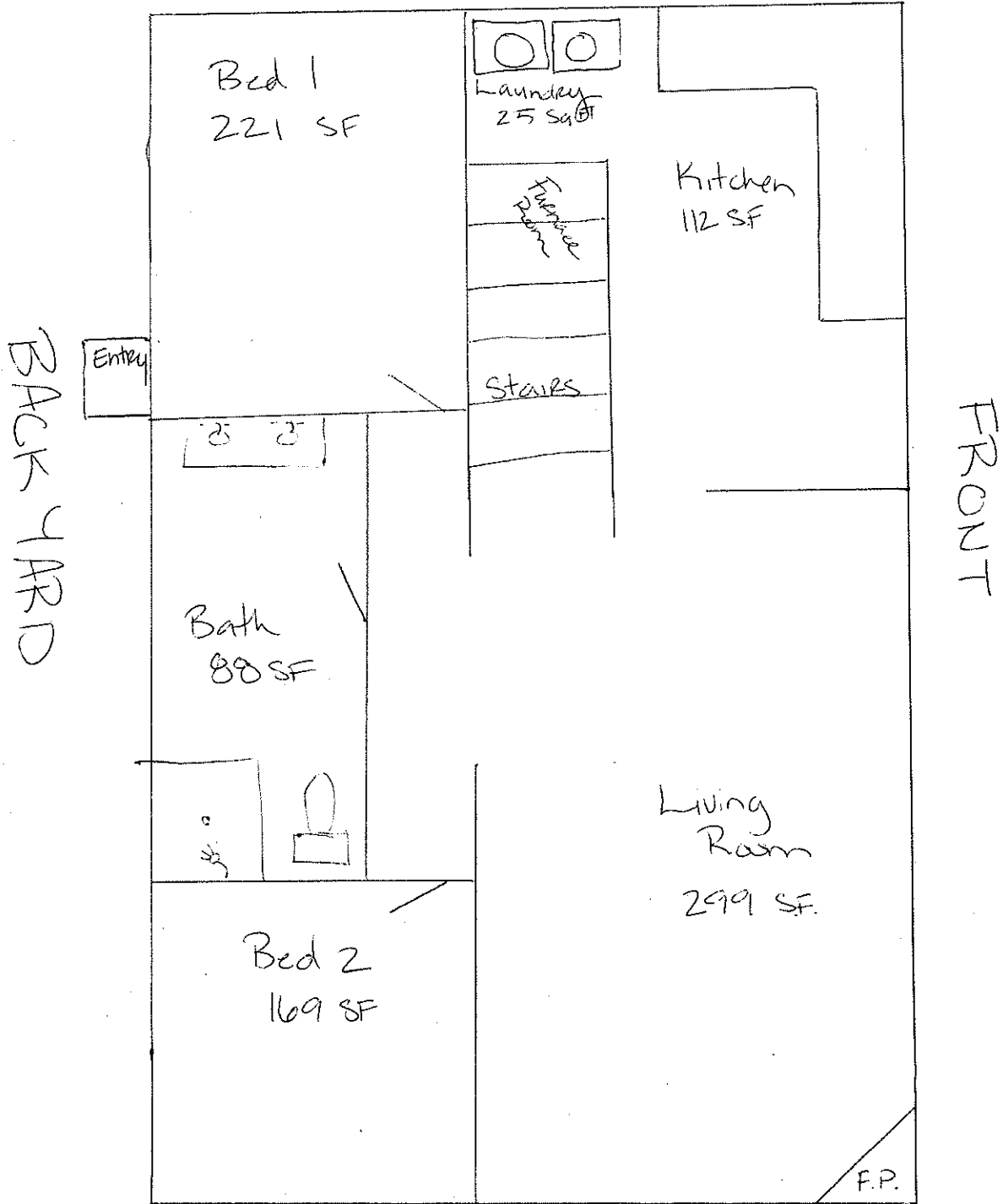


Exhibit #3 – Off-Street Parking

West Accessory Apartment



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Feet

