



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

November 7, 2019

To: Planning Commission
From: Community Development Department
Subject: Leach Accessory Apartment
8933 S. 500 E.
[Community #4-Historic Sandy]

CUP-09-19-5729
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, Annette Leach is requesting a Conditional Use Permit to allow for an accessory apartment on the property located at 8933 S. 500 E. (*See Exhibit #1 – Application Materials*). The property is 9,000 square feet, and is located in the R-1-8 zone. The property is part of the Mingo Park Subdivision. The surrounding properties are single-family homes zoned R-1-8.

The property contains a 2,600 square foot home with a 1,161 square foot basement. The applicant is proposing to renovate 638 square feet of the basement into an apartment, with the remaining 523 square feet of the basement to be used by the home owner (*See Exhibit #2 – Basement Configuration*).

The home is on a corner lot along 500 E. and Mingo Park Dr. Access to the property is via a 650 square foot driveway from 500 E. Access to the apartment will be via a proposed paved walkway on the north side (side yard) of the home. The proposed accessory apartment comprises 25% 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 638 square feet, and 25% 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 Tuesday, October 15, 2019 and four neighbors attended the meeting. Notices were mailed to property owners within a 500-foot radius of the subject parcel in advance of the Planning Commission meeting. (*See Exhibit #3-Neighborhood Meeting*)

The concerns raised during the neighborhood meeting were regarding parking and background checks on tenants. The applicant, Annette Leach, addressed the parking concern stating that there would only be one tenant at any given time and they would share her driveway. The proposed apartment is a one bedroom apartment and the applicant does not want more than one person living there at a time. The applicant also addressed that she is currently looking into what she can do for background checks. Neighbors felt their concerns had been addressed and were okay with the proposed apartment.

STAFF CONCERNS

In order to comply with the regulations for an accessory apartment, the applicant will be required to provide one off-street parking space in addition to the two required for the home. The applicant is aware of this and is willing to comply.

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 638 square foot basement apartment, which is 25% 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.

Applicant will need to provide one off-street parking space in addition to the two required for the home.

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 Annette Leach to allow for a 638 square foot accessory apartment on the property located at 8933 S. 500 E. 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.
5. That the applicant provide one additional off-street parking space.

Planner: 
Claire Hague, Zoning Technician

Reviewed by: 

S:\USERS\PLN\STAFFRPT\2019\CUP-09-19-5729 Leach Accessory Apartment

Exhibit #1 – Application Materials

Annette Leach
8933 south 500 east
Sandy, Utah 84070

Dear Wade Sanner,

I am a fourteen year resident of Sandy. I am preparing for my retirement and need additional income so I would like to build a basement apartment. I already have a fully finished basement and would need to add a kitchen and outside entrance. This entrance would be below ground and on the north side of the house. I am on a corner lot. The space is 638 square feet and includes a bedroom, bathroom, kitchen and laundry room. The total basement is 1161 square feet and the remainder would be mine. I am acting as the General Contractor and would pull all the required permits. I have met with Britney Ward a transportation engineer for Sandy and worked out the parking options. The occupant will share my driveway. Please take this plan under review. I am willing to meet all requirements and regulations.

Sincerely,

Annette

Exhibit #2 – Basement Configuration

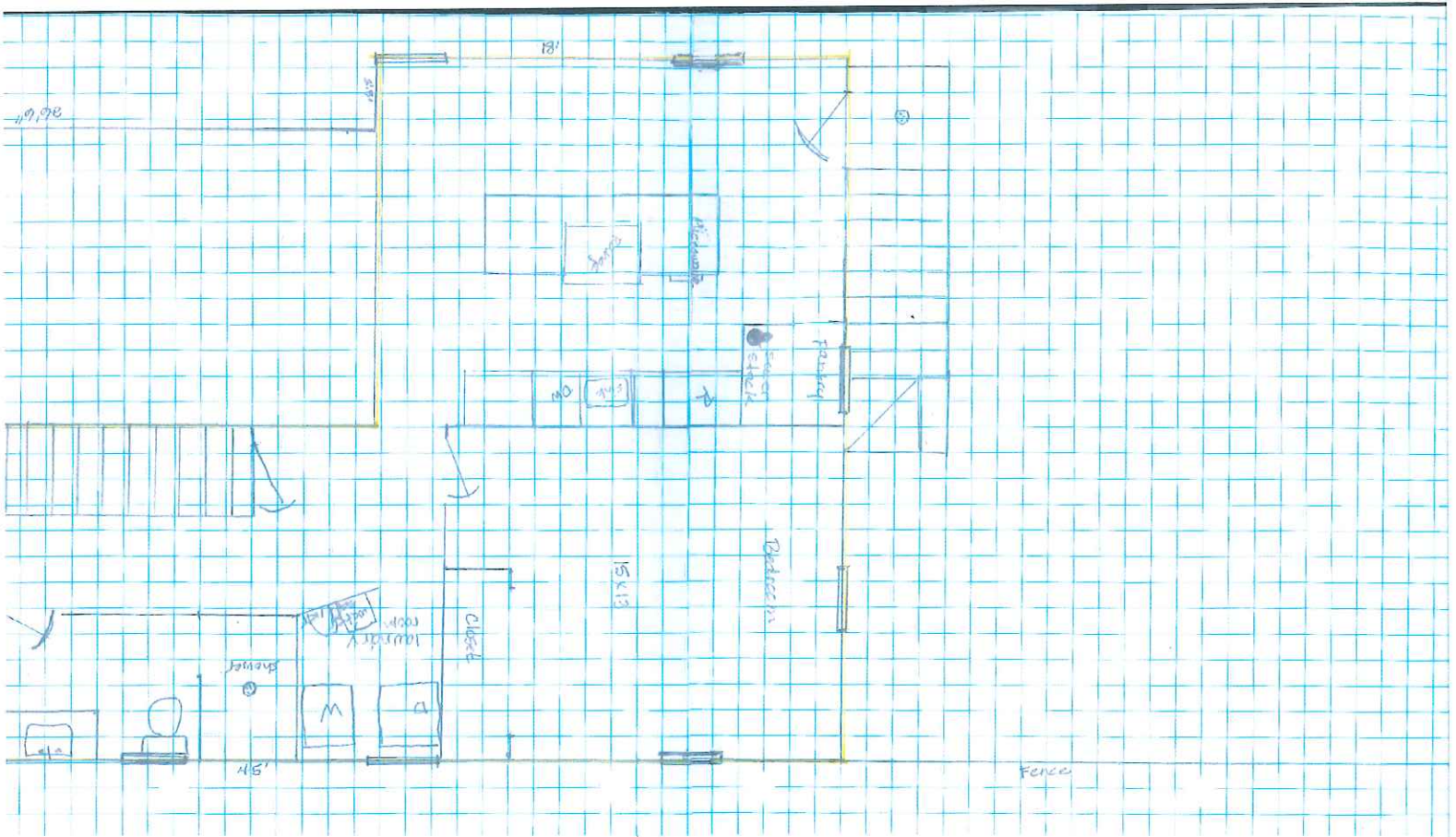


Exhibit #3 – Neighborhood Meeting



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

Notice of Neighborhood Meeting

Dear Property Owner or Current Resident,

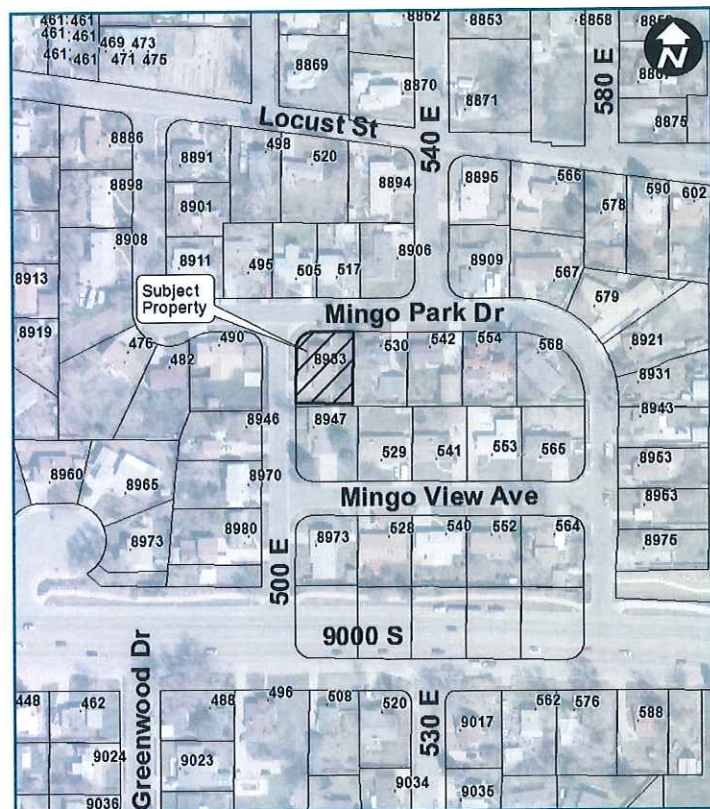
On **Tuesday, October 15, 2019**, at approximately **7:00 p.m.** in **Room 220 at Sandy City Hall (10000 Centennial Parkway)** the Sandy City Community Development Department will hold a neighborhood meeting. The applicant, Annette Leach, will be applying for a Conditional Use Permit to allow for a basement apartment on the property located at **8933 S. 500 E.** This meeting will be held to discuss the application, and allow for public input.

This item will be heard by the Sandy City Planning Commission on November 7, 2019. A future notice will be mailed to you prior to that date to notify you of that public meeting.

If you have questions or comments concerning this proposal, please attend this neighborhood meeting, or please contact Wade Sanner Planner, at 801-568-7269 or by email at: wsanner@sandy.utah.gov. This courtesy notice is being sent to known property owners within 500 feet of this proposal. Please pass this information on to others who may be interested.

Thank you,

SANDY CITY PLANNING DIVISION



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Leach Accessory Apartment
8933 S. 500 E.

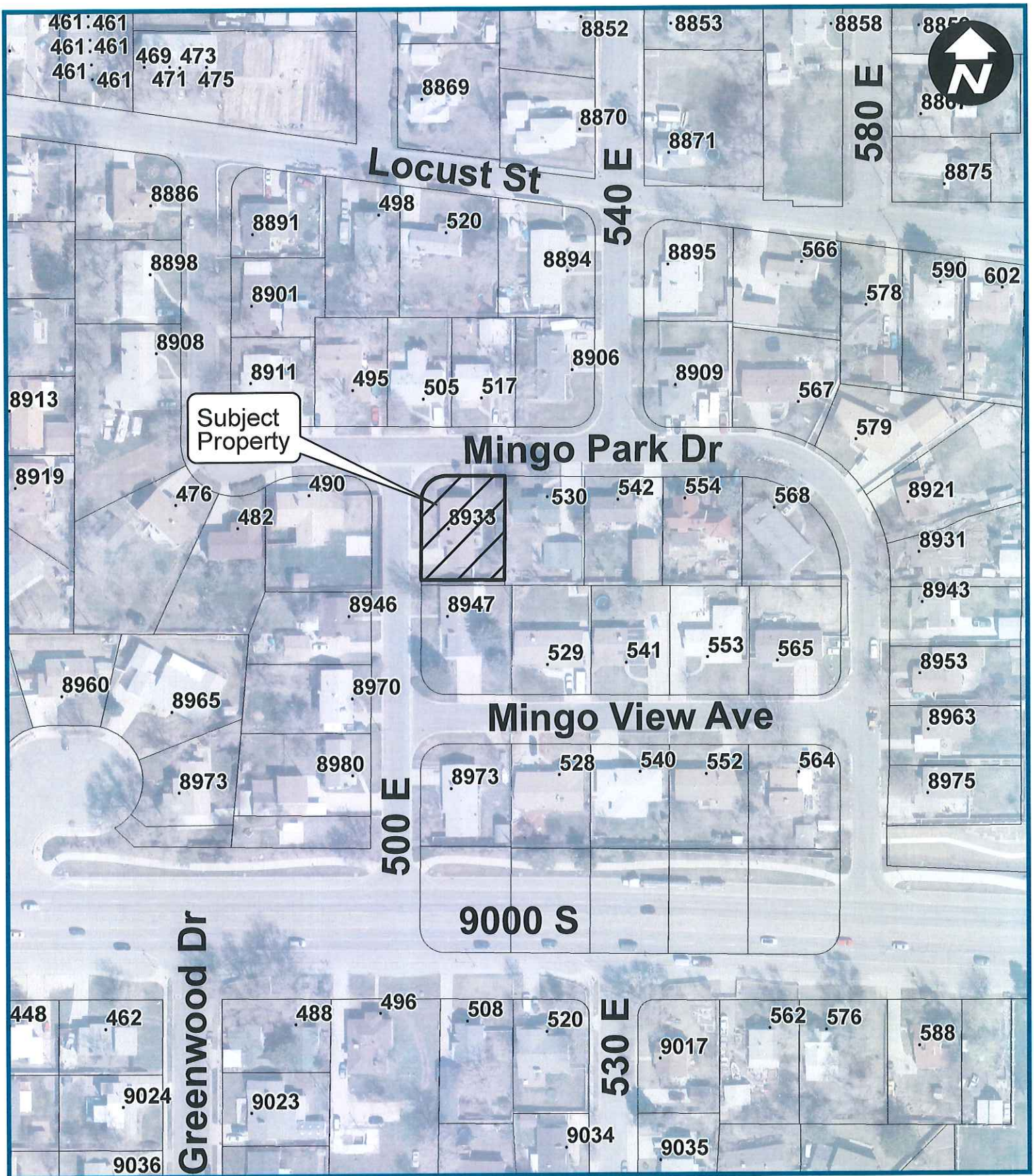
PRODUCED BY WADE SANNER
THE COMMUNITY DEVELOPMENT DEPARTMENT

Neighborhood Meeting – Community (Historic Sandy #4) Sign-In Sheet

~~(Insert Date)~~ 10-15-19

	Name	Email	Cell Phone Number
1	Jeanette V. Price		801 897 8857
2	Jeff Malcolm		385-215-0904
3	Chris Hill / Kari Hill		385 321 4449
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