



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

September 19, 2019

To: Planning Commission
From: Community Development Department
Subject: Fischer Accessory Apartment
 9199 Quail Hollow Dr.
 [Community #19 – Mountain Views]

CUP-08-19-5716
 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, Matt Fischer, is requesting a Conditional Use Permit to allow for an accessory apartment on the property located at 9199 Quail Hollow Drive (*See Exhibit #1 – Application Materials*). The property is 8,050 square feet, and is located in the R-1-8 zone. The property is part of the Quail Hollow No. 4 Subdivision. The surrounding properties are single-family homes zoned R-1-8.

According to the Salt Lake County Assessor’s records, the property contains a 3,544 square foot home with a 1,152 square foot basement. The applicant is proposing to renovate the basement to install a 600 square foot accessory apartment, with the remaining 552 square foot to be used by the property owner (*See Exhibit #2 – Basement Configuration*).

The home is located mid-block between Partridge Cove and Teal Way on Quail Hollow Drive. The applicant is proposing to install an off-street parking stall adjacent to the 550 square foot driveway, on the south side of the driveway along the property line. Access to the apartment will be on the north side (side yard) of the home. The proposed accessory apartment comprises 17% of the overall square footage of the home.

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.

NOTICE

A neighborhood meeting was held on Tuesday, September 3, 2019. No 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. The applicant also submitted signatures of support attached to this staff report (*See Exhibit #3 – Neighbor's Signatures*).

STAFF CONCERNS

Per **Section 15A-11-01(C)(2)** of the Sandy City Land Development Code, an accessory apartment should not be greater than 800 square feet. The applicant is proposing a 600 square foot accessory apartment which is beneath the 30% floor area threshold also required by this section. The proposed accessory apartment meets the provisions of this Section of the Code. Staff has no concerns.

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 600 square foot accessory apartment that is 200 square feet smaller than the 800 square foot requirement.

D. Design, location and amount of off-street parking, loading areas and solid waste disposal and collection areas.
The property contains a 550 square foot driveway. The applicant is proposing to install an additional off-street parking stall adjacent to the existing driveway.

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 Matt Fischer to allow for a 600 square foot accessory apartment on the property located at 9199 Quail

Hollow 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. 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 to renovate and install the accessory apartment.
4. That this Conditional Use Permit be reviewed upon legitimate complaint.

Planner: 

Reviewed by: 

Wade Sanner AICP, Planner

File Name: S:\USERS\PLN\STAFFRPT\2019\CUP-08-19-5716 Fischer Accessory Apartment

Exhibit #1 – Application Materials

Dear, Planning Commission,

As my wife and I started planning our move from Washington, DC, to Utah. We had a few goals to find a community where they would where they allow basement rentals and short-term rentals as we look at the future population trends. I called all the cities on the East bench of SLC and Sandy was the only one that checked all of our boxes. Then we started looking for a house in Sandy as close to the canyon as possible because we love skiing.

At seven months pregnant we came from 800 sq. ft apartment three stoplights from the pentagon; we found a house that was 3500sqft, in a great neighborhood to raise a family, but at current it is way bigger than we needed. It did, however, have an unfinished basement, and we were hoping to get approval to have part of it converted into a rental.

As our friends came to visit, we told them our plans for the basement, two of them have already expressed interest in renting if we got approval. One is a dentist in California who is looking for a place to land on the weekends in Utah. The other was a Georgetown professor who is looking for a place to live in Utah this fall. So, if we are approved, we will have to make a tough decision and see which one of our friends will get the apartment.

Then we started planning and designing the apartment, the following was included in our plan.

1. The apartment will be less 800sq ft.
2. We will be using 5/8 in the drywall as a fire barrier on ceilings and dividing walls.
3. It will have a separate HVAC system.
4. It will have separate entrance, which as you can see from our plans, will be tucked away behind a fence in our side yard.
5. We have adequate parking for an extra cars in the driveway.

Once we had our plan set, we wanted to make sure it would have minimal impact on the neighborhood, so I spoke with the immediate neighbors within 500 feet from our house to make sure they would be okay if we built a basement apartment, all of them were happy to give us their signed approval.

Now we are seeking the approval from the planning commission to build out a 600 sq. foot apartment in part of our basement.

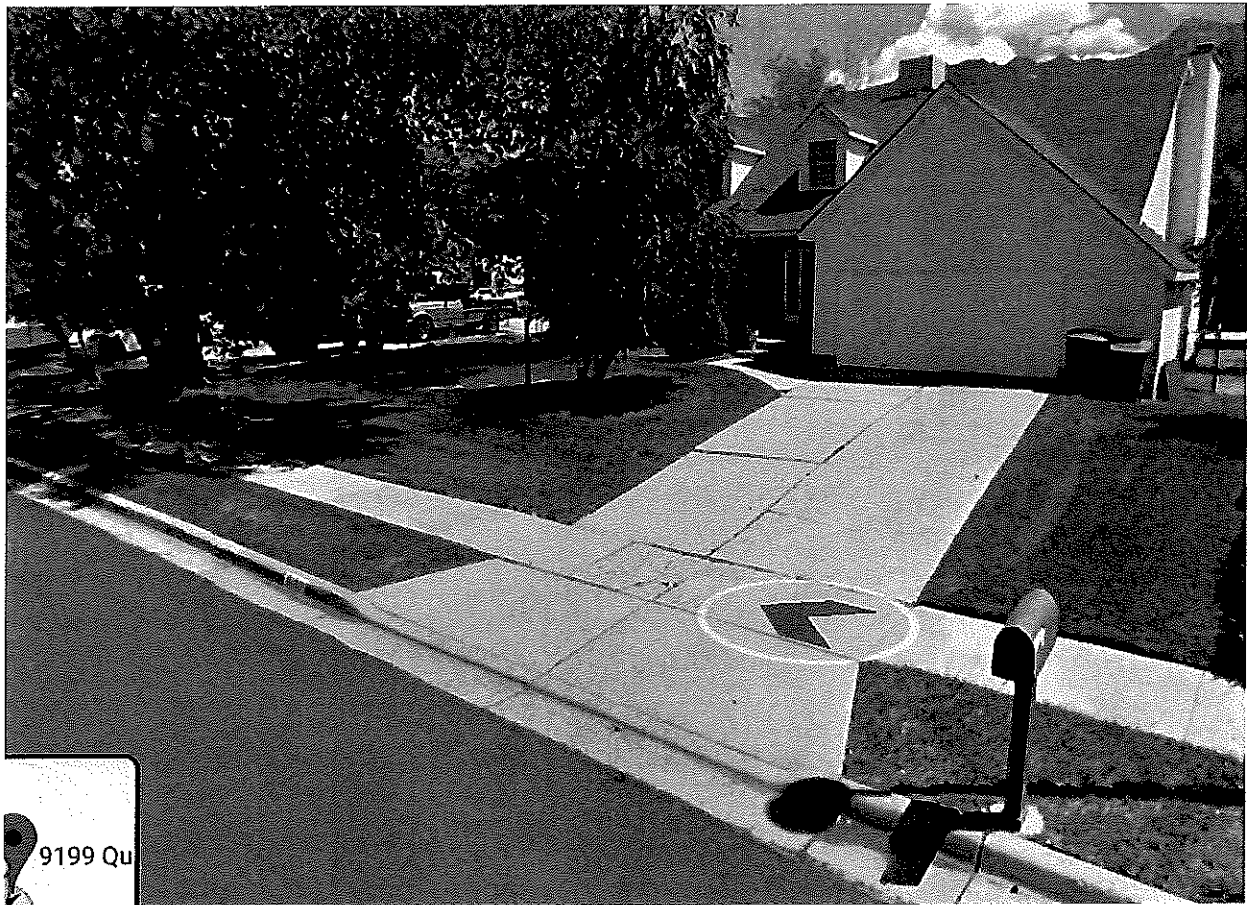
Thank you for taking the time to read this and consider our application.

Sincerely,



Matt Fischer

9199 S. Quail Hollow Dr. Sandy Utah



Basement Apt. Plan.

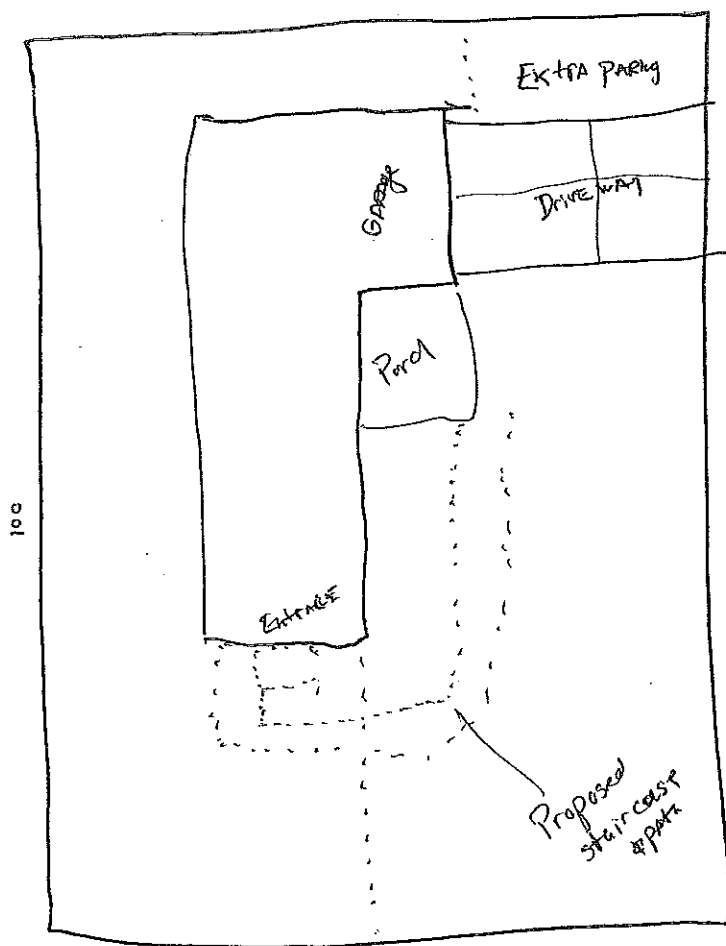
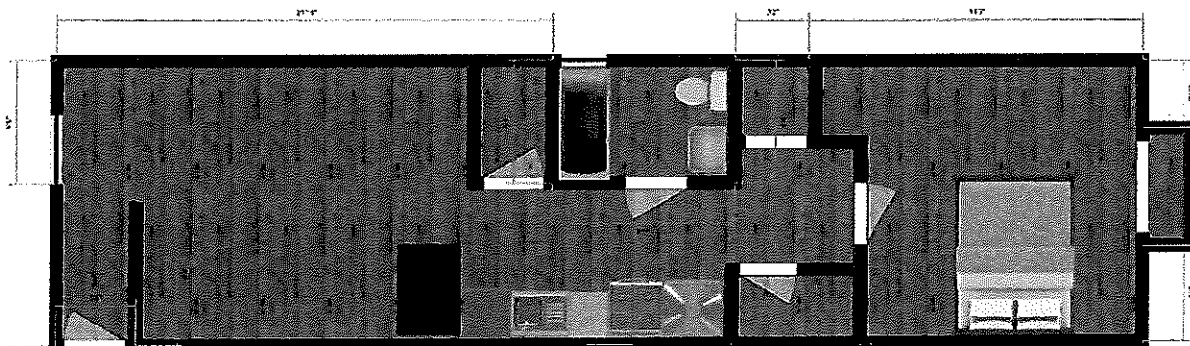
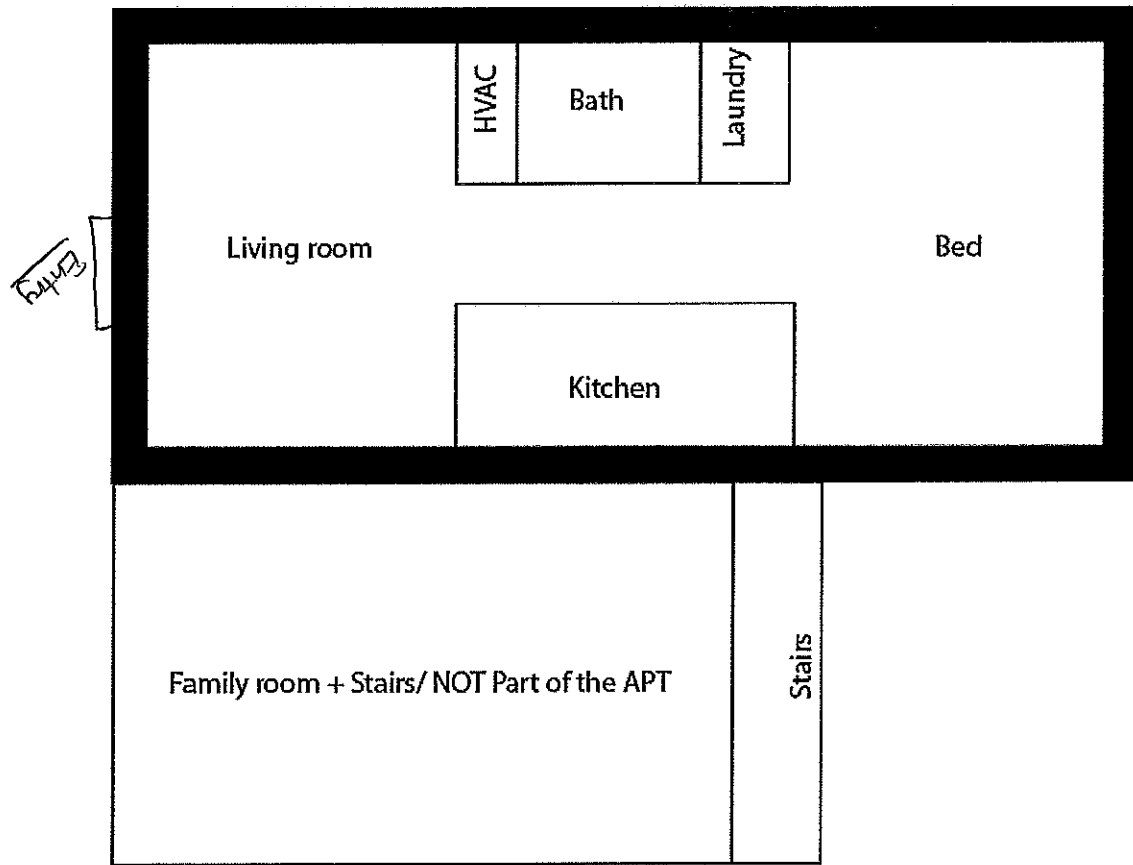


Exhibit #2 – Basement Configuration



We are looking to turn approx. 600 feet of our basement into an apartment. Our basement is currently Unfinished. We are in the process of building it out in doing so we will be putting a separate furnace in the apt, we will be using 5/8 Drywall in the ceiling and dividing walls as a fire burrier. In addition, we will be cutting in an exterior entrance

Private entrance.

9199 Quail Hollow Dr. Sandy UT.

Proposed
Side entrance
to Basement APT

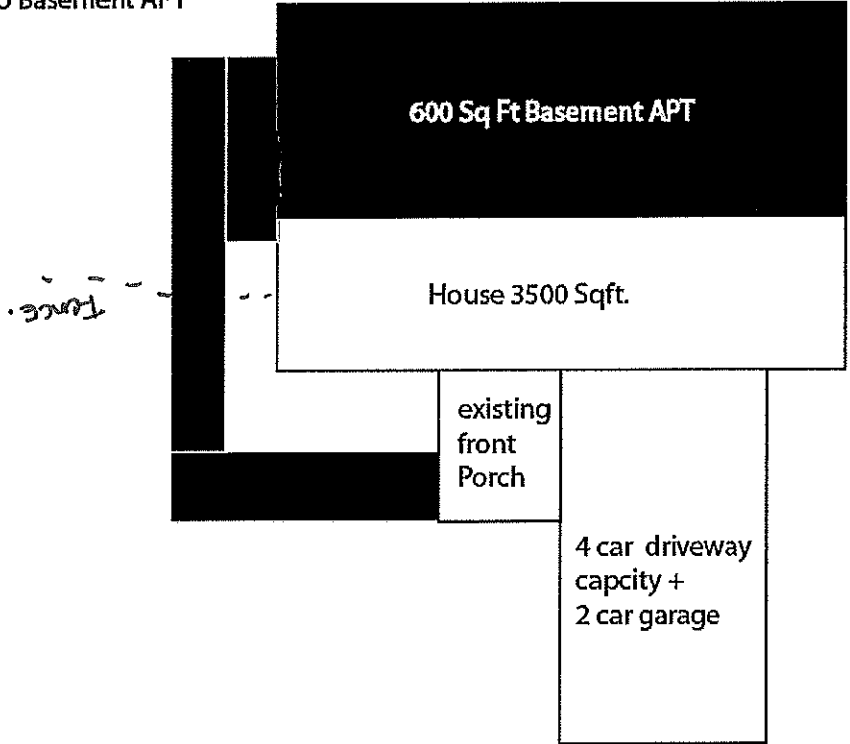
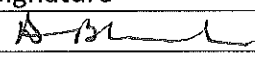
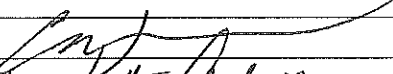
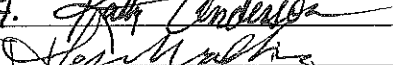
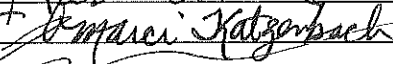
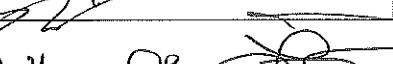



Exhibit #3 – Neighbor's Signatures

Dear neighbors,

As you know we are looking to put a 1 bedroom Apt in our basement. As part of the process with Sandy city we would like to preemptively get your signature that you would approve our plan to have a basement apartment. Thank you, Matt & Heidi.

Ref #	Name	Address	Signature
	Ajit & Anjali	9206 Glenn Abbey Way	
	Carey Simon	9174 S. Quail Hollow	
	KATHY ANDERSON	2693 E. Teal Way Sandy, UT.	
	Heidi Walker	9198 Glen Alder Sandy, UT	
	Marcia Katzbach	9188 S. Glenn Abbey Sandy, UT	
	Tom Johnson	9176 S. Quail Hollow	

9176 Johnson
Thomas J. Hittkofen 9171 S. Quail Hollow DR 