



JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR
KURT BRADBURN
MAYOR
MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

May 21, 2020

To: Planning Commission
From: Community Development Department
Subject: Platt Guesthouse and Home Occupation
11140 S. 115 E.
(Community #11- Crescent)
CUP-10-19-5746
1.36 Acres
Zoned R-1-40A

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

Table with 2 columns: Case Number, Case Summary. Row 1: CUP-10-19-5746, Conditional Use Permit request to allow for an individual accessory structure to exceed 1500 square feet. 1920 square foot pole barn was approved on December 19, 2019 for storage of hay, horses, a horse trailer, RV, and yard equipment.

DESCRIPTION OF REQUEST

The applicants, Jeff and Brydie Platt, are requesting a Conditional Use Permit to allow for a 389 square foot guesthouse as well as a 232 square office inside of an existing 1980 square foot pole barn (See Exhibit #1 – Application Materials) located at 11140 S. 115 E. The property is located on a private lane accessed on 115 E.

The two uses are separated with a wall with no door between them. The proposed guest house will comprise of a laundry room, bathroom, wet bar, and open recreation room. The proposed use is for a man cave and for extended family when they visit. The applicant is aware that the proposed guesthouse cannot be used for income generation. The proposed office is for a property management accounting home occupation. This proposed office is 232 square feet with separate office spaces. (See Exhibit #2– Site Plan and Construction Drawings)

The property is zoned R-1-40A. The property is not listed as part of a subdivision. The property is 1.36 acres (59,241 square feet). The property is surrounded on the north, east, and south by residential properties zoned R-1-40A. To the west, the property is adjacent

to the Crescent Cemetery. The proposed guesthouse and home office are accessed inside the barn.

NOTICE

Neighbors within a 500-foot radius of the property were notified of a neighborhood meeting, which was held on May 12, 2020. Six neighbors attended the meeting and had the following concerns:

1. That the accessory structure could be utilized for future traffic generating home occupations.
2. That the guesthouse could be utilized as a rental unit by future property owners.
3. That enough parking be provided on site for the property owners and their visitors.

ANALYSIS

Section 21-11-1 of the Sandy City Land Development Code states that the purpose of providing regulations and design standard for guesthouse is to make living units available which are appropriate for households at a variety of stages in the life cycle.

21-11-1(e)(1) a guesthouse may be allowed with approval of a conditional use. Such use shall not exempt the applicant from meeting other applicable ordinances, codes, or laws recognized by Sandy City. The following standards must be met in order to grant a conditional use:

1) **Occupancy Restriction.** A guesthouse shall be used only by the occupants of the principal dwelling or their nonpaying guest. *The applicant is aware of this requirement and has agreed to sign an affidavit stating that the guesthouse will only be used by the owner and nonpaying guests.*

2) **Lot Size.** A guesthouse will only be considered for a conditional use on a lot containing at least 20,000 square feet which has an existing owner-occupied single-family dwelling unit, or where a building permit has been issued and construction is in process for the single-family dwelling on a lot 20,000 square feet or larger. *The proposed guesthouse will be located on a 59,241 square foot lot.*

3. **Location.** Guesthouse setbacks shall be no less than ten feet from the side and rear property lines and six feet from the primary dwelling unit. If a guesthouse is attached to an existing accessory structure the living space of the guesthouse shall be ten feet from the property line. The guesthouse may be located within the rear (the area lying between the rear lot line and rear wall of the primary dwelling extended to the side lot lines) of the primary dwelling or within the side yard, provided that the guesthouse is located behind the front plane of the home. If the guesthouse is located within the side yard, the side yard setback shall be the same as the minimum in the zoning district in which the lot is located.

The proposed guesthouse location is inside of an existing pole barn. The pole barn is currently 10 feet from the rear yard and over 100 feet from both side yards.

4. **Maximum Size Permitted.** In no case shall a guesthouse comprise more than 400 square feet and have no more than one bedroom. This square footage will be considered part of the allowable square footage for the respective zone.

As the guesthouse is a conversion rather than an addition it does not increase the square footage of accessory structures permitted on the property. The applicant is not proposing any bedrooms in the guesthouse.

5. **Height.** A guesthouse shall be limited to a single story. *The proposed guesthouse is only one story.*

6. **Kitchen Facilities.** There shall be no kitchen or cooking facilities within a guesthouse. A microwave, compact refrigerator (less than 7.75 cubic feet and 36 inches or less in height), counter length not exceeding six feet and a wet bar sink (12 inches wide or less) are permitted.

The proposed guesthouse contains a wet bar and a counter. The applicant is aware that they are not permitted to create a kitchen inside of a guesthouse.

7. **Site Plan.** A site plan and architectural elevations shall be submitted to the Community Development Department to determine compliance with the requirements herein prior to approval of a conditional use. The site plan shall be drawn to scale, clearly showing the location of all existing and proposed structures, walls, parking, driveways, and walkways.

8. **Conversion.** Existing accessory structure (shed, garage, workshop, etc.) may be converted to a guesthouse, provided that the proposed guesthouse complies with all title standards and the adopted Building Code. The number of required off-street parking stall shall not be eliminated with the conversion of an accessory garage.

The proposed guesthouse is a conversion of a section of the existing pole barn. There is sufficient off street parking provided with the attached two car garage. The applicant has provided an engineering letter (See Exhibit #3- Engineering Letter) that states it is safe to construct the guesthouse inside of the pole barn.

9. **Basements.** No basements will be allowed within a guesthouse.

No basement has been requested in the proposed plans.

10. **Recordation.** Approval for a guesthouse shall be recorded with the Salt Lake County Recorder's Office including any special conditions of approval to guarantee compliance with the approval. Proof of recordation shall be submitted

to the Community Development Department prior to issuance of a building permit. A recorded copy shall be kept on file with the Community Development Department.

11. **Inspections.** Yearly inspections may be required to determine compliance if determined appropriate to the Director or Chief Building Official.

Section 21-11-05(F)(6) of the Sandy City Development Code identifies regulations for any home occupation which proposes or conducts activities within an outbuilding, accessory building, attached or detached garage. The following guidelines shall be used to determine the maximum impacts permitted:

1. The applicant for the Home Occupation Business License shall designate the areas of the home, attached/detached garage or accessory structure that will be used for the home occupation. If approved, the home occupation may be conducted only in the designated area.
2. No more than a maximum of 200 sq. ft., or in the alternative, no more than 50% of the total floor space (whichever is greater) of any accessory structure, or attached or detached garage may be used for a home occupation unless there are specific exceptions granted by the Planning Commission.
3. Any home occupation uses in an attached or detached garage may not eliminate minimum parking requirements for the particular zone wherein the home occupation is located.
4. Any accessory structure used for a home occupation must maintain the architectural aesthetics or compatibility of the home and the immediate neighborhood.
5. The home occupation may utilize one unanimated, non-illuminated flat sign to be attached to the accessory structure where the home occupation is being conducted in lieu of a sign attached to the home or in a window. The sign may not have an area greater than one square foot.

The proposed home occupation requires a conditional use permit because it is being operated outside of the home. The total square footage of the proposed home occupation is 232 square feet. The office is over the 200 square foot but is significantly less than 50% of the floor space of the accessory structure.

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 that 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 that merit discussion or additional consideration by the Planning Commission:

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

The proposed guesthouse will be inside of the existing pole barn on the northwest side of the interior of the barn. The guesthouse will be comprised of a rec room, laundry room, bathroom, and wet bar.

2. Proposed site ingress and egress to existing and proposed roads and streets;

The entrance to the existing accessory structure is via a gravel driveway on the north side of the home. Entrances to both the proposed guesthouse and home occupation are on the inside of the structure.

13. Identifying a time for regular review and monitoring, as determined necessary, to ensure the use continues to operate in compliance with all conditions and requirements of approval;

This Conditional Use Permit should be monitored after final approval has been given for the building permit due to previous issues with compliance.

14. Measures to ensure 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, restrictive covenants;

Applicant must submit an affidavit stating that she will not rent out the guesthouse.

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.

CONCERNS

A Conditional Use Permit was granted to this property on December 19, 2019 in order to construct a pole barn. The barn was approved to be used to store horses, a horse trailer, an RV, and yard equipment. The applicant then pulled a building permit and the applicant had a final inspection on March 12, 2020. A gas permit was then pulled for the barn March 25, 2020. When the inspector went out to the site he reported that there were walls being constructed on the inside of the pole barn and a stop work order was issued on April 16, 2020.

After receiving a final approval the applicant began additional construction. Staff would not have been informed of the situation had the applicant not needed a gas line permit. Staff is concerned that issuing a new Conditional Use Permit may yield similar results. The City would like to do yearly inspections as determined by the Director or Chief Building Official in order to prevent future expansion not permitted by this Conditional Use Permit.

In addition, Staff is concerned that the guesthouse may be rented out as a short or long term rental and recommends that the applicant sign an affidavit stating that they will not utilize the guesthouse as a rental unit.

COMPATIBILITY

The surrounding neighborhood does have a number of accessory structures but none are being utilized for guesthomes or home occupations. The proposed home occupation is an office use that is not traffic generating and is compatible with the residential use of the neighborhood.

STAFF RECOMMENDATION

Staff recommends approval of the Conditional Use Permit for Brydie Platt for the property located at 11140 S. 115 E. to allow for a guesthouse and a home occupation as described in the application materials based on the findings and subject to the following conditions.

Findings

1. This type of Home Occupation is allowed as a Category II Home Occupation.
2. Staff finds that the proposed guesthouse meets the intent of **Section 21-11-01(e)** of the Sandy City Development Code regarding guesthouses.

Conditions

1. That the proposed structure comply with all applicable Building & Safety, and Fire & Life Codes.
2. That the applicant sign an affidavit stating that they will not rent out the property. The affidavit will then be recorded at the Salt Lake County recorder's office.
3. Homeowner allow for yearly inspections as determined by the Director/Building Official.
4. That the guesthouse not exceed 400 square feet.
5. That all areas designated for vehicular access and parking be paved with hard surface.
6. That this Conditional Use Permit be reviewed upon legitimate complaint.

Planner: Claire Hague

Claire Hague, Planner

Reviewed by: PM

S:\USERS\PLN\STAFFRPT\2020\CUP-05-20-5848 Platt Barn and Home Occupation

Exhibit #1 – Application Materials

Jeff and Brydie Platt
11140 South 115 East
Sandy, UT 84070
801-808-7175

April 27, 2020

Community Development
Sandy City
10000 Centennial Parkway
Sandy, UT 84070
Member of Planning and Zoning Commission,

We are adding a 2 room office with its own separate entrance from inside our barn with a fire rated door. I have a business call JBC Real Estate Services, LLC. I provide HOA administrative accounting services and property maintenance coordination. I have outgrown this little office and my husband is still working from home as mandated by his company with our present COVID-19 situation. With our busy house, I need a space that I can work and keep files without having to move my file boxes from room to room up and down the stairs from our storage room.

Our current set up of our home:

We have 2 bedrooms upstairs one is our master, and the other is a 9' x 8' that is used an office/laundry overflow. Our washer and dryer are in the hall bathroom which is a half bath and there is not place for storing laundry. It was previously our nursery/laundry overflow and it is too small even for a twin bed.

Downstairs we have 2 bedrooms, one we have our four children in and the other we have used as a guest room. We are now moving our boys into that room since our children are 11-Madeline, 8-Claire, 6-Jack and 4-Pierce have out grown two sets of bunk beds and one closet. They now need their space one for the girls that is larger as they are growing.

We are also adding an open recreation room that we can use for family gatherings, man cave and a place for family to stay when visiting. For clarification, this will in now way to be used as a rental or VRBO. My understanding is that we will need to sign an affidavit as part of the approval process for the two conditional use permits.

We are applying for two conditional use permits, one for the office and one for the guest residence. We are applying for these as recommended by the planning department to apply for conditional uses that would fall in the current zoning options available to us under the code.

Please feel free to call me and we look forward to meeting with you and our neighbors to address any questions if needed.

Our support from our neighbors has been wonderful and it is appreciated. We are excited for the opportunity to meet to and move forward to finish our project.

Thank you so much,

Brydie Platt

Exhibit #2 – Site Plan and Construction Drawing

Site Plan -
Drawn to Scale

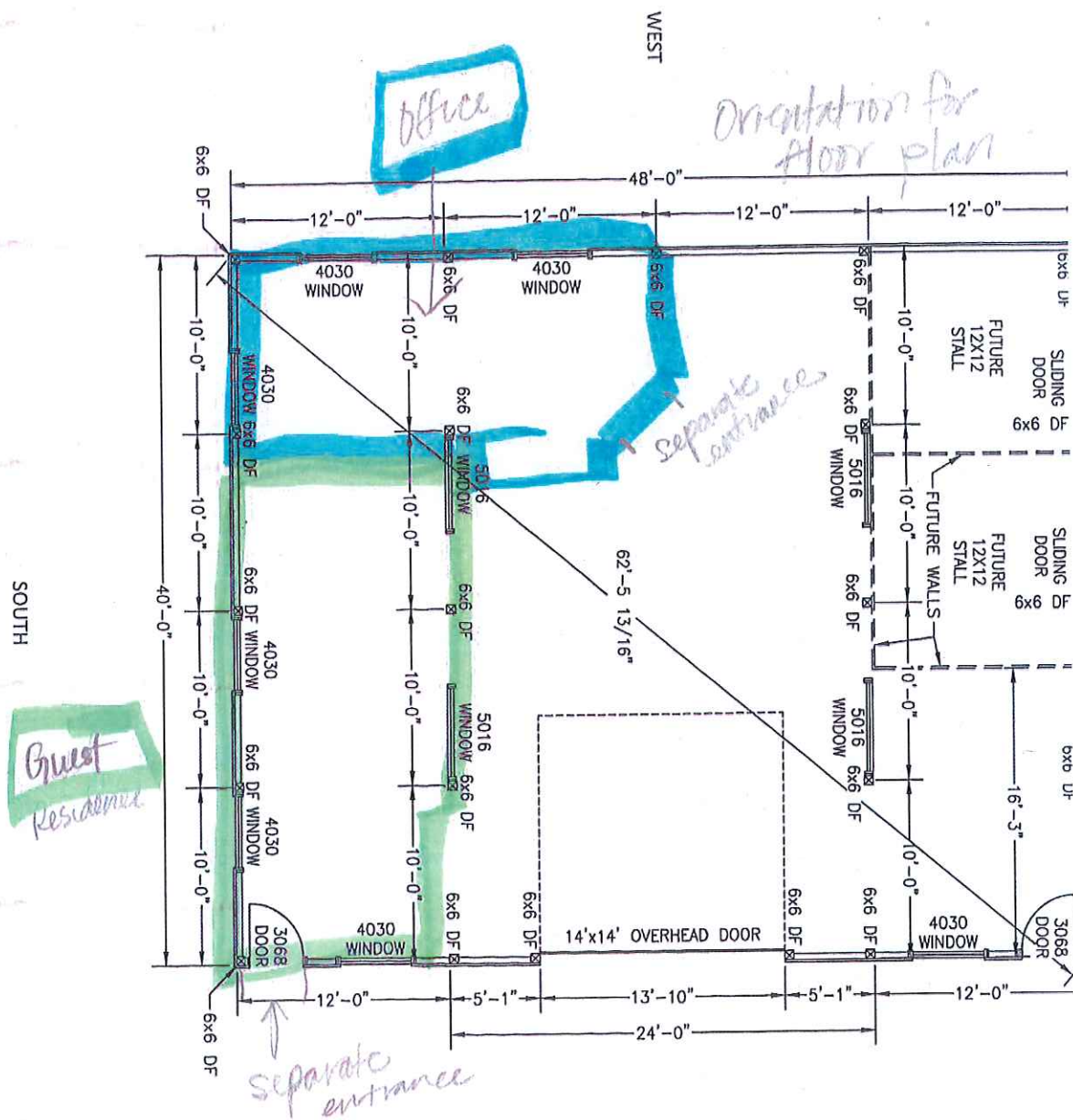
West



East

Barn

1,920 SF



- NOTES:
1. 6x6 DF: 6x6
 2. EMBED POS ON SHEET
 3. ROOF: 29 (
 4. WALLS: CON

Orientation for Floor Plan

Office

Guest Residence

WEST

SOUTH

EAST

separate entrance

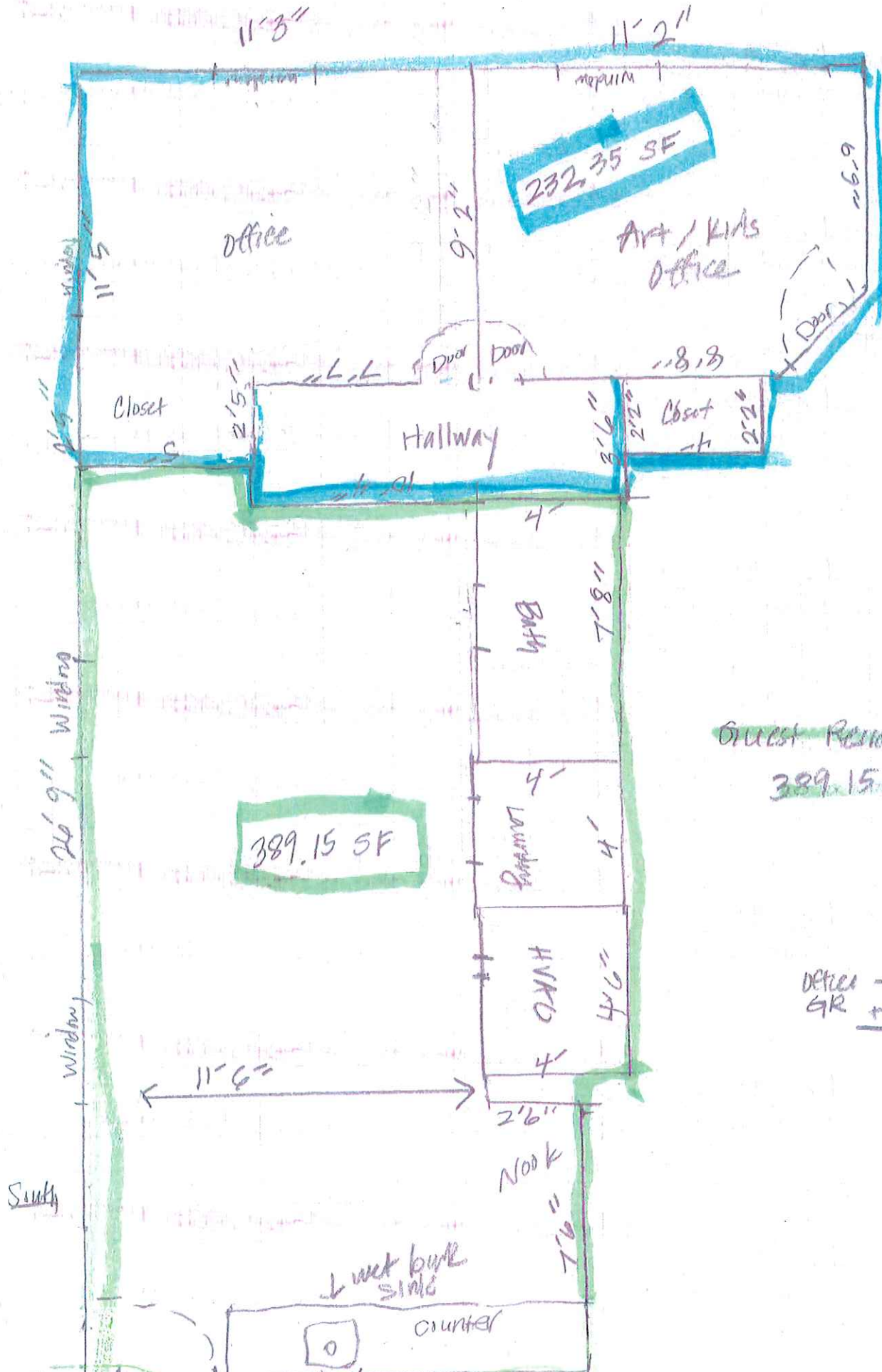
separate entrance

NOTES:

1. 6x6 DF: 6x6
2. EMBED POS ON SHEET
3. ROOF: 29 (
4. WALLS: CON

WEST

Total SF 621.5



Office
232.35 SF

Exterior 30' x 80'
Fire code rated door

Guest Residence
389.15 SF

Office - 232.35
GR + 389.15
621.5 SF Total SF

NORTH

Exhibit #3 – Engineering Letter



April 27, 2019

Beehive Buildings
3038 N 750 E
Layton, UT 84041

Re: Brydie Platt Building – Interior

To Whom It May Concern,

Mountain Point Engineering, PLLC has provided plans and structural calculations to Beehive Buildings for the Brydie Platt Building.

We understand the interior of the building has been partially finished. Pictures have been sent to us that show the framing of the interior improvements (including ceiling joists bearing on stud walls that run between the main posts of the building). We have reviewed pictures of the framing of the interior of the building and the overall structure of the building has not been compromised.

We have not reviewed or provided recommendations for any of the interior improvements that are not shown on the plans we provided.

Please feel free to contact us if any questions arise.

Sincerely,
Mountain Point Engineering, PLLC

J. Derek Lloyd, P.E.
Engineer

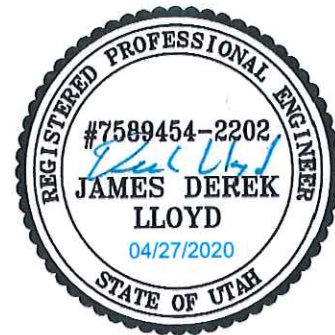
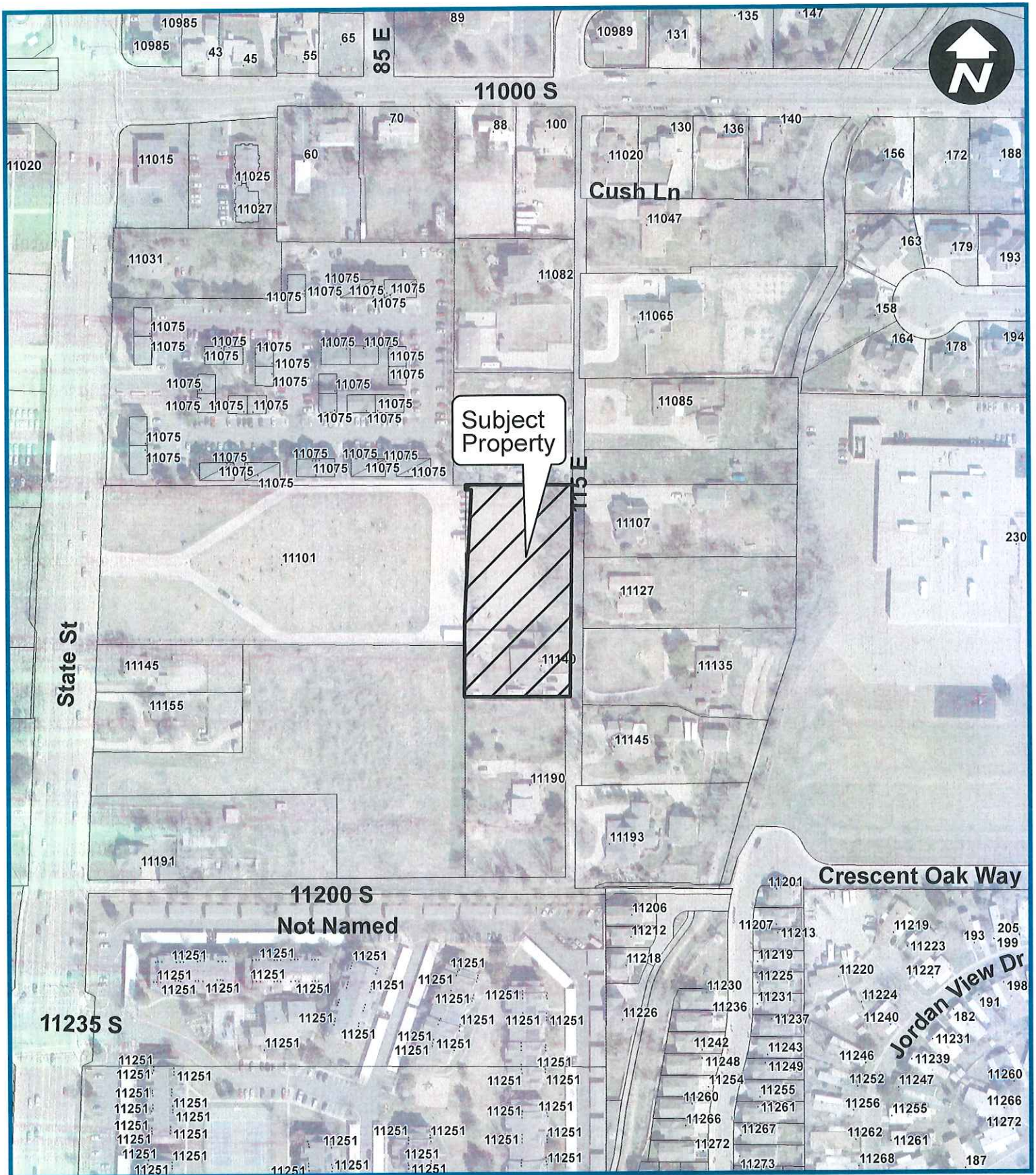


Exhibit #4 – Vicinity Map



CUP-05-20-5848
Platt Home Occupation and Guest House
1140 S 115 E

