



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN
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: Madsen Accessory Apartment
 9019 S. North Forty Rd.
 [Mountain View, Community #19]

CUP-09-18-5485
 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 applicants, Jon and Karen Madsen, are requesting a Conditional Use Permit to allow for an accessory apartment on the property located at 9019 South North Forty Road (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 are single-family homes zoned R-1-8.

According to the Salt Lake County Assessor’s records, the property contains a 3,978 square foot 2-story home with a 984 square foot basement. The applicant is proposing to renovate the basement in to a 821 square foot apartment. In order to keep the basement apartment close to 800 square feet, the applicant is proposing to portion off a 163 square foot furnace/storage room (See Exhibit #2 – Basement Configuration). The property already has an off-street parking spot on the south side of the property (See Exhibit #3 – Off-Street Parking). The applicant is looking to potentially use this as a short-term rental apartment. The proposed accessory apartment comprises 22% of the overall home square footage.

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 Wednesday, October 10, 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

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. This request is slightly over the 800 square feet, but staff is comfortable with the request. This larger size can be approved by the Planning Commission, if the Commissioners feel the request is warranted by the circumstances of the dwelling.

The applicant states that the proposed configuration is a sensible layout for the basement apartment. In an effort to reduce the size of the basement apartment and not encompass the entire basement, the applicant is proposing to section off a furnace/storage room that is accessed only by the property owner. The applicant argues that the larger size is justified due to the configuration of the basement, and the location of the entrance.

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 821 square foot basement apartment that is 21 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 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 1,424 square foot parking area that can park three to four cars off-street. This includes the driveway for the primary attached garage and 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 Jon and Karen Madsen to allow for an accessory apartment on the property located at 9019 South North Forty Road for 821 square feet as may be approved by the Planning Commission. 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:  Reviewed by: 

Wade Sanner, Planner

File Name: S:\USERS\PLN\STAFFRPT\2018\CUP-09-18-5485 Madsen Accessory Apartment

Exhibit #1 – Application Materials

Sandy City,

To whom it may concern,

My husband and I are both semi-retired and have lived in our home in Sandy Utah for the past 35 years. We love our area and love our neighbors and have a desire to remain in our home as long as we can. We have 5 married children and 17 grandchildren and we have now moved into the empty nester era. Our current home has almost 4000 square feet of finished living space and we would like to convert 900 square feet of our basement into a single dwelling apartment with an outside entrance. The 900 sq feet living space would warrant us a full size open concept kitchen & living room, 1 large bedroom, 1 full size bathroom and ½ bathroom combined with a laundry room. Long term, if Sandy City passes the ordinance, we would like to rent the apartment out on a short term basis. If the ordinance doesn't pass, we would like to rent the apartment out on a long term contract to allow extra income as we enter our retirement years. We want to stay compliant with Sandy City as we move forward with our plans and for that reason we are making the first steps to do so.

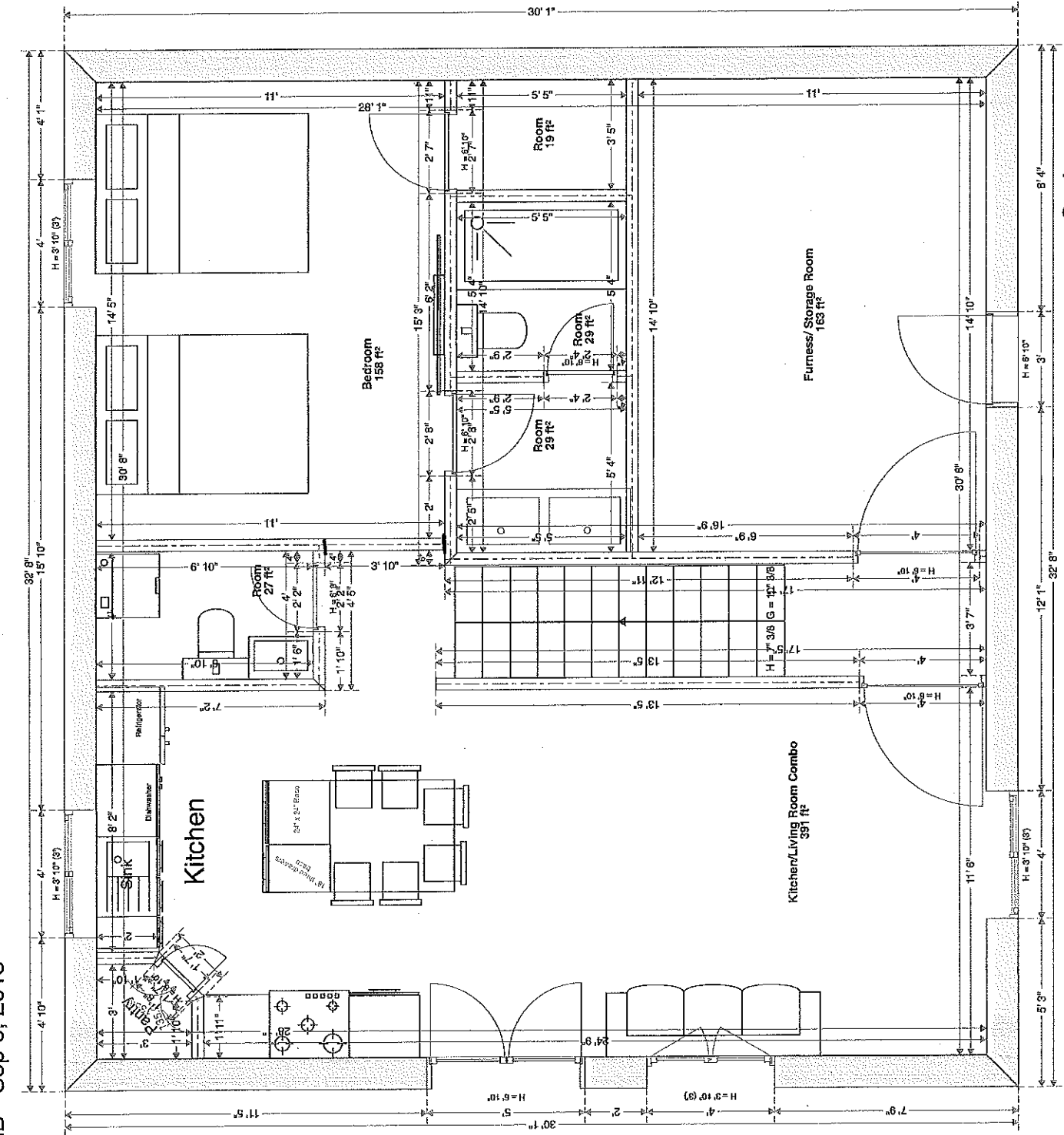
I have included our floor plan for the basement apartment and where we would like to have the outside entrance door placed. We would like to cut into the foundation this fall to install an outside entrance in preparation to an inside renovation in the winter months of 2019.

Jon & Karen Madsen

9019 S. Northforty Road, Sandy Utah 84093

801-455-6366 / Karen's cell; 801-597-1039/Jon's cell; 801-943-5762

Exhibit #2 – Basement Configuration



Scale

0

10ft

Exhibit #3 – Off-Street Parking

Madsen Apartment Parking Area



1,424 sq. ft. of available parking area

