

# SANDY CITY COMMUNITY DEVELOPMENT

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COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATTHEW HUISH  
CHIEF ADMINISTRATIVE OFFICER

## MEMORANDUM

November 21, 2019

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**To:** Planning Commission  
**From:** Community Development Department  
**Subject:** Brimley Home Occupation (Conditional Use for Garage use) CUP-10-19-5753  
Zoned R-1-8  
8269 S. Fallbrook Circle  
*(Community #6-High Point)*

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**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	

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### DESCRIPTION OF REQUEST

The applicant, Russell Brimley, is requesting a Conditional Use Permit to operate a home-based welding business within an existing attached two-car garage and a 90 square foot office space located at 8269 S. Fallbrook Circle. *(See Exhibit 1: Application Materials)* The applicant is proposing to utilize the garage to create the metal components for metal design and art. He is proposing that the office space be used for the financial fillings and conducting day to day business. *(Exhibit 2: Proposed Plans)*

The home occupation business will occupy the entire garage only during the proposed operating hours of 4:30 PM and 8:00 PM for approximately 2 hours at a time. The primary use of the garage will remain the storage of vehicles. The welding operations will take place with the garage door closed in order to mitigate light and sound pollution. The applicant is also proposing to insulate and coat the walls with steel.

All projects are unique and done on a case by case basis. There will be no deliveries to the property as the applicant picks out the materials himself. No more than one customer vehicle will be on the property at any given time and no more than eight per day.

The property is located in the Enchanted Meadows subdivision on a .24 acre (10,454 square feet) lot on the corner lot of a five lot cul-de-sac. The home is zoned R-1-8 and is surrounded by R-1-8 properties. The front of the home faces the cul-de-sac and is accessed on the southeast side of Fallbrook Circle south of Fallbrook Way. (*Exhibit 3: Site Plan*)

### NOTICE

A neighborhood meeting was held on November 12, 2019. Notices were mailed to property owners within 500 feet of the subject property. No neighbors attended the meeting. At the time of writing this report, staff has not received any comments for this application.

### ANALYSIS

**Section 21-11-05(F)(5)** of the Sandy City Development Code states that any home occupation utilizing a work shop for repairs including welding, carpentry, sheet metal work, furniture manufacturing, upholstery, and other similar manufacturing activities, is classified as a Category II Home Occupation. Category II Home Occupations must be reviewed by the Planning Commission and granted a Conditional Use Permit before pursuing a Home Occupation Business License through the Business License Office.

In this case the applicant will be drilling, welding, and plasma cutting for steel and aluminum in his attached garage. The applicant wishes to use the entirety of the garage during any welding operations but assures us that he will be able to fit at least one car in the garage with all welding equipment when it's not in use.

**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 applicant is proposing to use the entirety of his garage when welding. His proposed operating hours are from 4:30 PM to 8:00 PM with approximately half the time being used for day to day office tasks. The proposed home occupation will not be the applicant's primary occupation and is an ancillary use for the garage. It is at the discretion of the Planning Commission if the applicant is permitted to utilize more than 50% of the total floor space in his garage.

#### 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:

3. The adequacy, provision, relocation or protection of public facilities and amenities, including roads and streets, culinary water, secondary water, sanitary sewer, storm drainage, public safety and fire protections, and other utilities;  
*The proposed business should not impact these facilities.*
4. Design, location and amount of off-street parking, loading areas and solid waste disposal and collection areas;  
*Waste material will be stored internally. Any waste material will be disposed of off-site.*
5. Site circulation patterns for vehicular, pedestrian and other traffic;  
*Visiting vehicles should park in the driveway of the home and not block the public sidewalk or right-of-way.*
9. Fencing, screening and landscape treatments and other features designed to increase the attractiveness and safety of the site and protect adjoining property owners from noise, visual and other impacts;  
*All activities will be performed inside of the garage/residence.*
10. Measures directed at minimizing or eliminating possible nuisance factors including, but not limited to noise, vibrations, smoke, dust, dirt, debris, plant materials, odors, gases, noxious matter, heat, glare, electromagnetic disturbances, and radiation;  
*Noise generated by the business should not exceed that of acceptable decibel levels during hours of operation. Noise mitigation will be done by insulating the garage with steel and closing the door during business hours.*
12. The regulation of operating hours for activities affecting normal schedules and functions;  
*Proposed business hours are limited to Monday to Friday 4:30 PM to 8:00 PM.*
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;  
*To be reviewed upon legitimate complaint.*

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**

Three concerns were raised by staff for the proposed use: 1) the generation of noise by the grinding and working of metal, 2) mitigating any potential fire hazards, and 3) storage of materials.

Staff recommends that the garage door be closed during business operations to mitigate any noise impact to the surrounding properties. Staff also raised concerns of a potential fire hazard of using a plasma cutter. In conversation with the Fire Department, staff has determined that the applicant will need to have the property inspected by the Fire Department prior to issuing a business license to operate on the property.

All excess material and any waste material should be stored inside the garage and/or be removed from the property. No outside storage should be allowed on the property.

### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve a Conditional Use Permit for Russell Brimley for a Category II Home Occupation inside the attached garage for the property located at 8269 S. Fallbrook Circle based on the findings and subject to the following conditions.

### **Findings**

1. The type of Home Occupation is allowed as a Category II Home Occupation.
2. Staff held a neighborhood meeting and no concerns were raised.
3. Applicant is willing to mitigate the impact through steel insulation and using noise efficient tools.

### **Conditions**

1. That the applicant not operate outside of the proposed hours of 4:30 PM and 8:00 PM, unless approved by Planning Commission.
2. That a fire inspection by the Fire Department be completed prior to issuance of the business license.
3. That the garage remain primarily used for the storage of vehicles with the home occupation being an ancillary use.
4. That the applicant be responsible for meeting all of the provisions of the Sandy City Development Code, and all conditions of approval imposed by the Planning Commission.
5. That the applicant complies with all Building & Safety, and Fire & Life Codes.

6. That this Conditional Use Permit be reviewed upon legitimate complaint.
7. That the Planning Commission determines the allowable square footage of the business operation inside the garage.
8. That the garage door be closed during business operations.
9. All excess material and any waste material be stored inside the garage and/or be removed from the property. No outside storage is allowed.

Planner: *Claire Hague* Reviewed by: *TGM*  
Claire Hague, Zoning Technician  
S:\USERS\PLN\STAFFRPT\2019\CUP-10-19-5753 Brimley Welding

**Exhibit #1 – Application Materials**

Conditional Use Permit for 8269 S. Fallbrook Circle.

Dear Planning Commission,

I hereby request conditional use of part of my home property, 8269 S. Fallbrook Circle, Sandy UT 84094. The proposed areas of the home are: the garage/workshop and the office. These spaces will be used exclusively by B3 Fabrication LLC. (Please see final page for dimensions and locations of desired spaces)

B3 Fabrication LLC will utilize the office space to conduct day to day business. All mail, email, and computer aided design will take place in this space. Financial filings will be stored in this space as well.

B3 Fabrication LLC will utilize the garage/workshop space to manufacture metal components. The following processes will be used: Drilling, grinding, welding, and plasma cutting for steel and aluminum. The walls will be insulated and coated in steel roofing. This will provide fire safety and sound dampening. The garage door will remain closed during any welding operation, to keep bright lights and fumes from entering the neighborhood. A filter fan will be placed on the window to filter any fumes before they enter the atmosphere. Plasma cutting will be performed on a water table to absorb 99% of fumes. Very little fumes will be created from welding or plasma cutting and no bright lights will be seen from outside the garage/workshop. The sound decibels will be kept to a minimum, as noise efficient tools will be purchased and the walls and garage door will be insulated.

Business hours will be Monday-Friday 4:30pm -8:00pm. About half of that time will be spent in the office.

B3 Fabrication LLC will not accept customer walk in's, except for neighbors that would like B3 Fabrication LLC to work on a project. Because of this, neighborhood vehicle traffic will not increase. I will be picking up all my materials with my truck. As a result, no deliveries of semi-trucks will be entering the neighborhood.

In summary, I request to use my personal space and skillset to earn some side money to support my family. The processes used are not uncommon in many home metal workshops. All safety precautions will be taken to provide a clean, safe, working environment. The neighborhood won't be bothered by noise, particulate, or sound pollutions, as measures will be taken to minimize these effects. I hope this space can be utilized to bring some neighbors dreams to life, as we can take on projects they wouldn't be able to do on their own.

Thank you for your time and consideration.

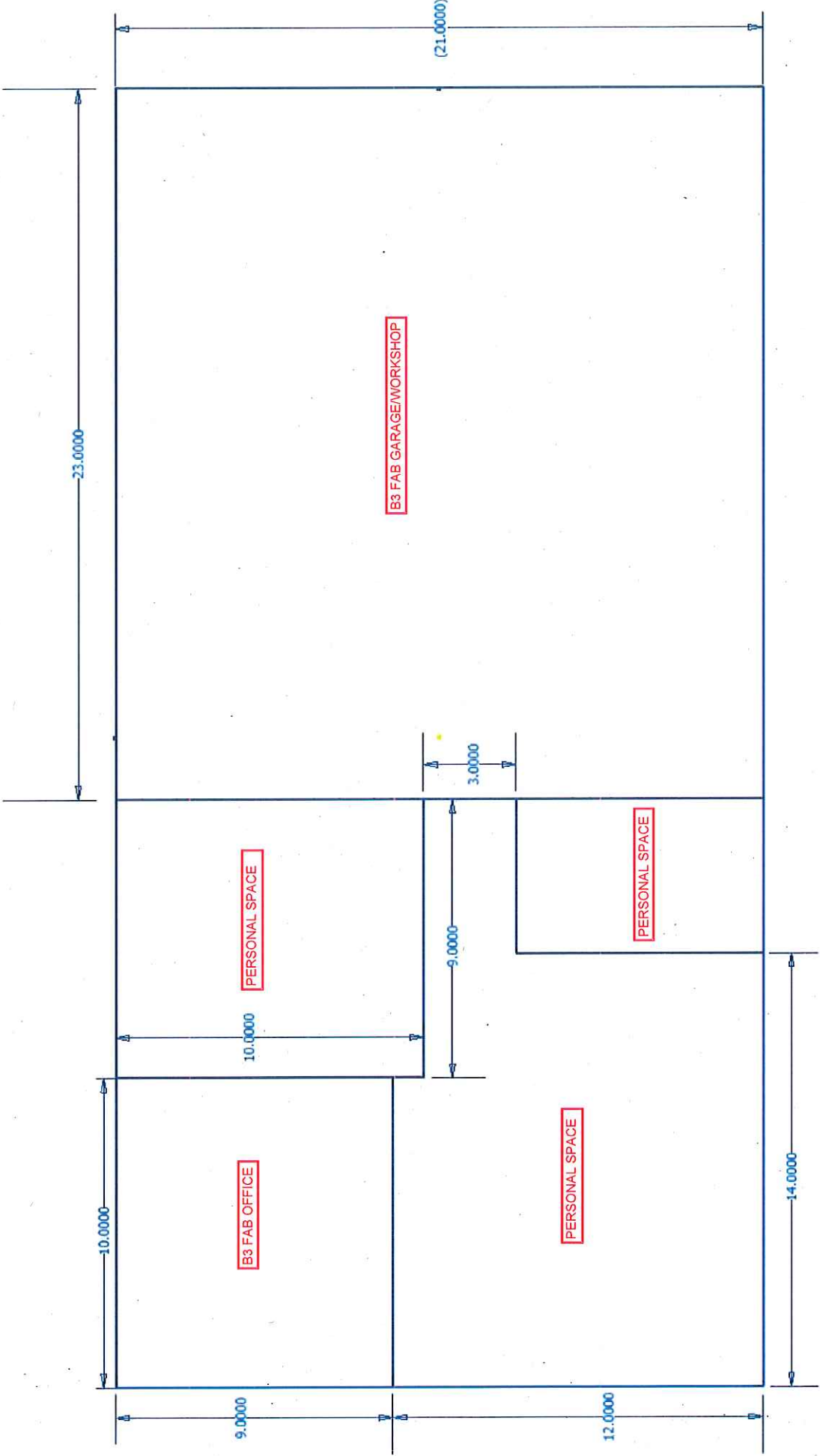
Sincerely,

Russell Brimley  
Managing Member  
B3 Fabrication LLC

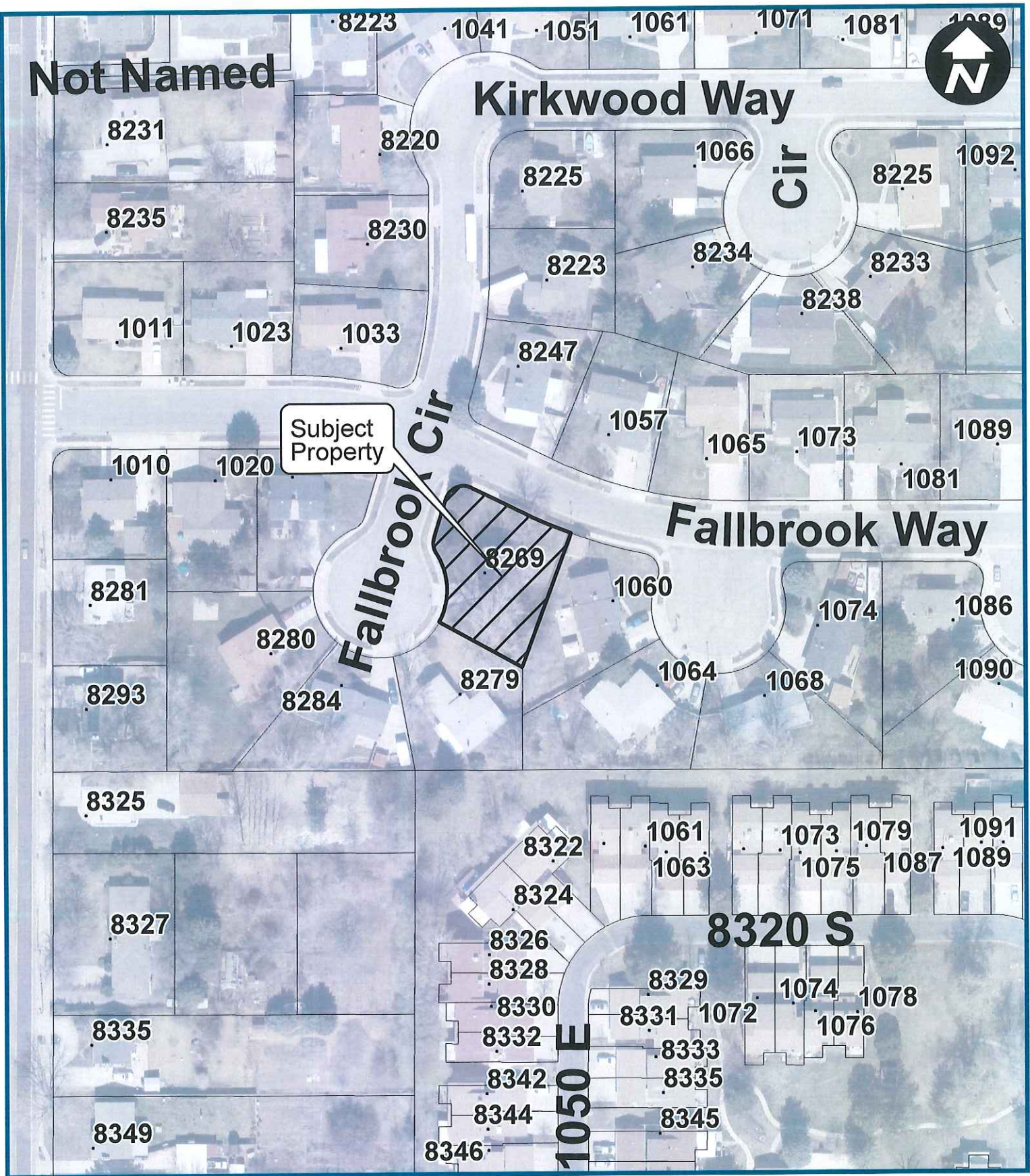
**Exhibit #2 – Proposed Plans**



**B3 FABRICATION LAYOUT**



**Exhibit #3 – Site Plan**



**CUP-10-19-5753**  
**Brimley Welding**  
**8269 S. Fallbrook Cir.**

PRODUCED BY CLAIRE HAGUE  
 THE COMMUNITY DEVELOPMENT DEPARTMENT

