



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

October 3, 2019

To: Planning Commission
From: Community Development Department
Subject: Brown Accessory Apartment
490 E. 10735 S.
[Community #11 – Crescent]

CUP-08-19-5717
Zoned R-1-40A

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	Crescent Estates #3, Lot 6 Amended

DESCRIPTION OF REQUEST

The applicant, Sheldon and Michelle Brown, are requesting a Conditional Use Permit to allow for an accessory apartment on the property located at 490 East 10735 South (*See Exhibit #1 – Application Materials*). The property is a legal non-conforming lot with 21,780 square feet, located in the R-1-40A zone. The City approved a subdivision of the property in 1977. Properties to the south are large lot single-family homes zoned R-1-20A, and the remaining surrounding properties are large lot single-family homes zoned R-1-20A.

The property is located mid-block between 455 East and 580 East. The lot does not have a home, but does have a 1,500 square foot accessory structure. This structure will be removed from the property in order to construct the new home. The applicant is proposing to construct a 3,938 square foot home with a 2,201 square foot basement. The applicant is proposing to install a 667 square foot accessory apartment in the basement, with the remaining 1,534 square feet of the basement to be used by the property owner (*See Exhibit #2 – Basement Configuration*). The proposed accessory apartment comprises 11% of the overall square footage of the home.

The applicant is proposing to install a driveway on the east side of the property, with an off-street parking stall on the east side of the future driveway. The future accessory apartment entrance

will be on the south (rear) side of the home. The applicant's immediate plans will be to use the apartment for family with the future intent to rent out the apartment.

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.

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 667 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.

NOTICE

A neighborhood meeting was held on Tuesday, September 12, 2019. Nine neighbors attended the meeting (*See Exhibit #3 – Neighborhood Meeting Summary*). Notices were mailed to property owners within a 500-foot radius of the subject parcel in advance of the Planning Commission meeting.

STAFF CONCERNS

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 667 square foot accessory apartment that is 133 square feet smaller than the 800 square foot requirement. The proposed entrance will be on the south (rear) side of the new home.

D. Design, location and amount of off-street parking, loading areas and solid waste disposal and collection areas.
The applicant is proposing to install a driveway on the east side of the property. The applicant is proposing to install an additional off-street parking stall adjacent to the new 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 Sheldon and Michelle Brown to allow for a 667 square foot accessory apartment on the property located at 490 East 10735 South. 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: SAUSERS\PLN\STAFFRPT\2019\CUP-08-19-5717 Brown Accessory Apartment

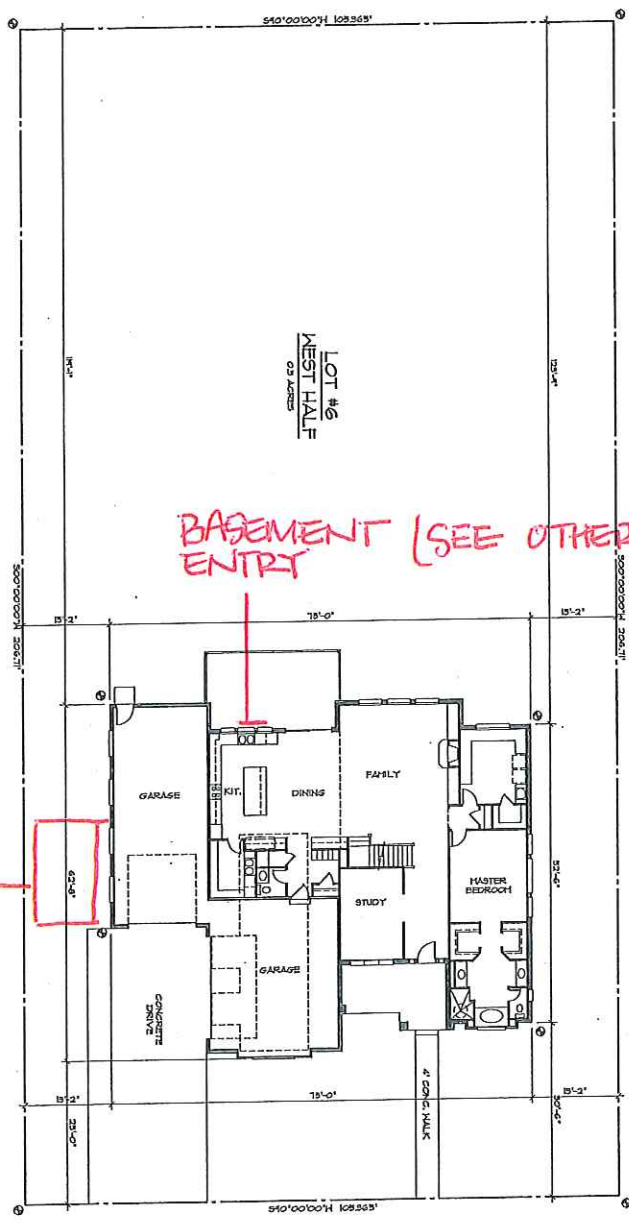
Exhibit #1 – Application Materials

To Whom It May Concern,

We are applying for a conditional use permit for the purpose of having an accessory apartment. We believe that we are within the guidelines that the city has set. The apartment is under 800 square feet, It has a separate entrance, and has off street parking. It is not our intent to rent it out at the present time as we are planning on having it available for family members. However, we would like to have that option in the future. Thank you for your consideration.

Sheldon and Michelle Brown

5,800



SITE PLAN
SCALE: 1/8" = 1'-0"

OFF STREET
PARKING

440 E. 10735 S.
SANDY, UTAH



ELEVATIONS LISTED
TOP OF FIN. FLOOR
GARAGE = 8'-0"
MAIN FLOOR = 10'-0"
FINISH FLOOR = 10'-0"

SERVICE PLUMB SHALL DRAIN AWAY
TO ADJACENT LOT OR TO STREET OR
TO ANY APPROVED DRAINAGE SYSTEM
TO BE PROVIDED BY THE OWNER. THE
OWNER SHALL BE RESPONSIBLE FOR
THE GRADE AND FRESH WASTE DRAINAGE
SYSTEMS. THE GRADE SHALL BE
NOTED WITHIN THE FIRST 15' OF
THE LOT.

THIS SITE PLAN IS BASED ON UNDERGROUND RECORDS
TO DETERMINE EXISTING UTILITIES. THE
OWNER SHALL BE RESPONSIBLE FOR
VERIFYING THE LOCATION AND DEPTH
OF ALL UTILITIES PRIOR TO CONSTRUCTION.
THE GRADE SHALL BE NOTED WITHIN
THE FIRST 15' OF THE LOT. THE
OWNER SHALL BE RESPONSIBLE FOR
OBTAINING ALL NECESSARY PERMITS
AND APPROVALS FROM ALL LOCAL GOVERNMENTS
BEFORE CONSTRUCTION.

S SHEET

PLAN R-2068a-025

MICHELLE BROWN
CRESCENT ESTATES
LOT #6 - SANDY
DATE: 14 MAY 2018

Heartstone Home Design
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Tel: 801-444-1325 www.heartstonehd.com

Exhibit #2 – Basement Configuration

FOOTING SHALL BE CONCRETE TO BE 3000 PSI FOR EXPOSED TOP OF FOOTING TO TOP OF SLAB ON GROUND. REINFORCEMENT SHALL BE #4 BARS.

FOUNDATION NOTES:

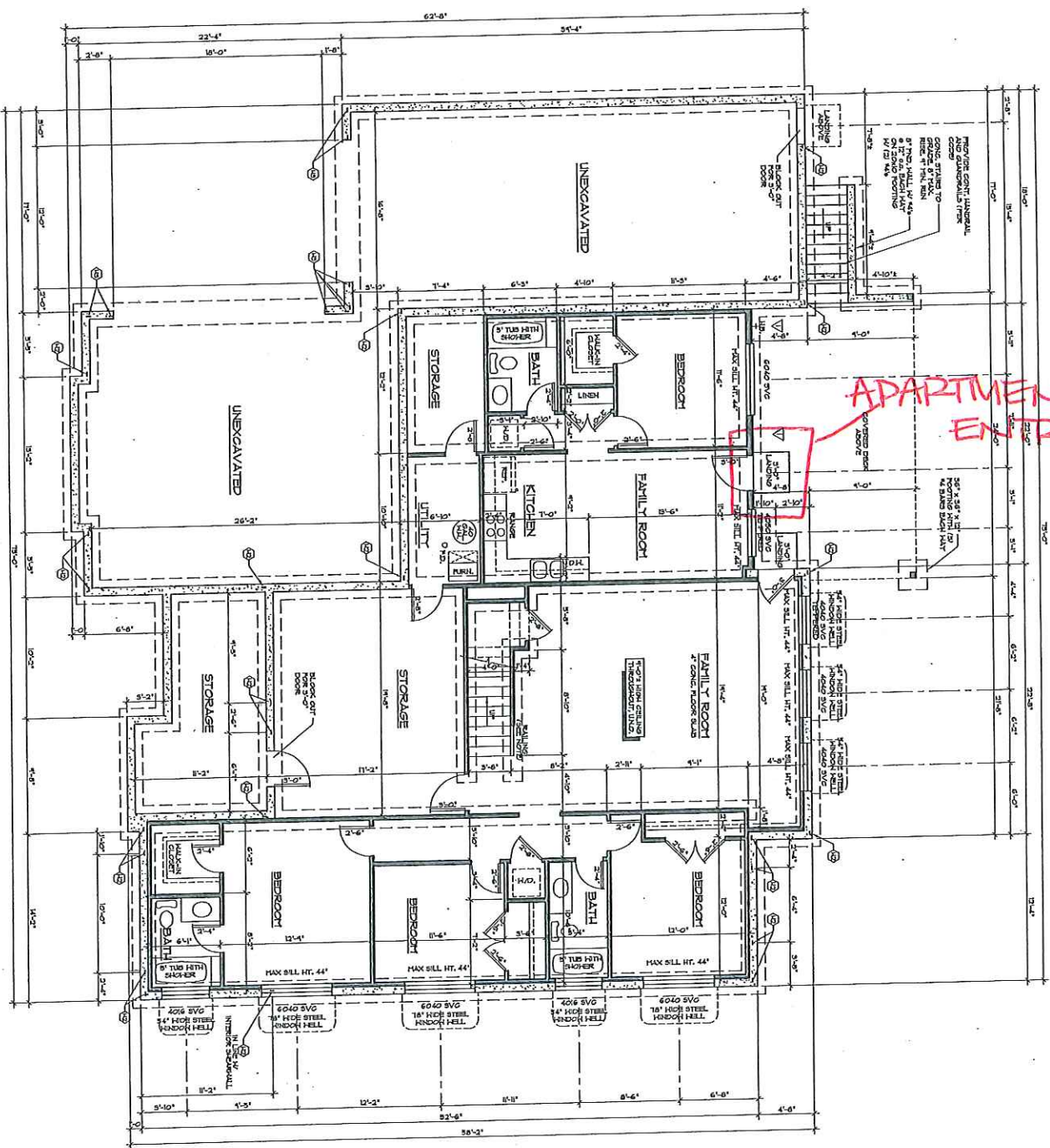
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FOOTING NOTES:

1. ALL FOUNDATION FOOTINGS SHALL BE CONTINUOUS AND SHALL BE CONCRETE TO BE 3000 PSI FOR EXPOSED TOP OF FOOTING TO TOP OF SLAB ON GROUND. REINFORCEMENT SHALL BE #4 BARS.
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FOOTING AND FOUNDATION PLAN
SCALE: 1/4"=1'-0"

Exhibit #3 – Neighborhood Meeting Summary



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Neighborhood Meeting Summary – Community 11, Crescent

Date: 09/12/2019

Location: Planning Conference Room

Community #/Name: Crescent – Community #11

Community Coordinator: Brian Noel

Project Name: Accessory Structure

Number of Attendees: 9

Applicants: Sheldon and Michelle Brown

Number of Invitees: 58

Length of Meeting: 1 hour

Notice Radius: 500 ft.

Project Description: The applicant is proposing to install a 667 sq. ft. basement apartment in a future home on a vacant lot of record.

Community Comments:

1. Question regarding rules of having a basement apartment and what to do if a basement apartment is built illegally. Staff explained the Sandy City Land Use Code and code compliance actions.
2. Can the apartment have a short-term rental? Staff explained short-term rental section of code.
3. What is the minimum square footage of a basement apartment? Staff: No minimum, code states 800 sq. ft. and 30% of home.
4. Does the basement have to be fire rated? Yes
5. Where will the applicant park their tenant? Applicant: the new driveway will be on the east side of the property, and the off-street parking will be adjacent to the new driveway.
6. Issue with parking: The road is too narrow and during the winter it is hard for snow plows to get down street. Want to ensure no on-street parking.
7. What is the purpose of the basement apartment? Applicant: Initially will be used for adult children, but then will rent out in the future.
8. Issue: Do not want short-term rentals in neighborhood.
9. Is there an interior door? Applicant: No.
10. Only one exit from the home? Applicant: Yes, exterior entrance/exit, and window wells have to be installed.
11. How many people will be allowed to live there? Staff: Explained code and definition of family.