



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

September 17, 2020

To: Planning Commission
From: Community Development Department
Subject: Bowen Accessory Structure (Conditional Use - Increased square footage, and to allow a single structure to be over 1500 square feet)
3245 E. Bell Oaks Cir.
[Community #30]

CUP-08-20-5885
Zoned R-1-15

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, John Bowen, is requesting a Conditional Use Permit (CUP) in order to allow for an individual structure to exceed 1500 square feet, and to allow for the proposed new structure to be 1800 square feet. (See *Exhibit #1- Application Materials*). The property is located on the north side of Bell Oaks Circle on a private drive just northeast of Bell Oaks Drive.

The proposed accessory structure will be 40 feet wide by 45 feet (1800 square feet), 20 feet in height and located on the northwest corner of the property. (See *Exhibit #2 – Building Renderings*). The proposed structure will be utilized as a garage and workshop. With the garage space being approximately 1,000 square feet and the lofted workshop being approximately 800 square feet. The proposed materials are to match that of the existing home with white siding and black asphalt shingles.

The property is zoned R-1-15 and is part of the Bell Oaks subdivision. The property is 0.89 acres (38, 768 square feet). The property is surrounded by residential single-family homes zoned R-1-

15. Access to the proposed structure is via a proposed driveway on the south, west side of the property off of the existing circular driveway.

NOTICE

A neighborhood meeting was held on August 5 at 7:00 PM by the Community Development Department and lasted approximately 1 hour. Approximately 10 neighbors attended the meeting. The number of neighbors is approximated because a number of neighbors utilized the same device to login into Zoom and had technical difficulties during the meeting. They had the following concerns:

1. The proposed structure could be utilized as a short- or long-term rental space.
2. The proposed structure could be utilized as a dwelling space for the applicant's friends or family.
3. The project would generate construction noise and that the construction vehicles could damage the private drive.
4. The structure could be utilized for commercial purposes.
5. That the structure is too large for the neighborhood.
6. That the applicant has several cars on their property and this project would allow more cars to fit on the property.
7. The property has ample parking and any additional garage space is excessive.
8. That due to the slope of the land that the garage would end up being much higher than 20 feet.

Due to the technical difficulties staff sent out a meeting summary to the device that had logged in with multiple neighbors. In addition to the neighborhood meeting staff received a number of emails with questions and concerns regarding the project. Concerns were primarily regarding the size and purpose of the structure. Staff asked all those with questions if they wanted to have anything sent on to the Planning Commission. One respondent requested to have an email forwarded on to the Planning Commission. (Staff will forward this email to Commissioners).

ANALYSIS

Section 21-11-2-(a)(2)(a)(2) of the Sandy City Development Code states that no single accessory structure shall exceed 1,500 square feet, unless the Planning Commission approves a larger size through the Conditional Use Permit process. *The proposed accessory structure is 1,800 square feet requiring Planning Commission approval.*

Section 21-11-2.(a)(2)(a) of the Sandy City Development Code states that the combined square footage of all accessory structures in the rear yard of a lot that's between 20,000 – 39,999 square feet shall not exceed 1,500 square feet (unless otherwise approved by the Planning Commission through a CUP) or 25% whichever is the lesser measurement. *The property is 0.89 acres or approximately 38,768 square feet. The proposed 1,800 square foot garage would comprise approximately 12% of the total square footage of the rear yard.*

Section 21-11-2-2(a)(2)(d) of the Sandy City Development Code states the total maximum square footage of all accessory structures on the property may be increased up to 25% larger than the permitted size upon receipt of a Conditional Use Permit from the Sandy City Planning Commission. *There are currently a total of three accessory structures on the property. These*

accessory structures include a gazebo, a small garage, and a shed. The gazebo and small garage are going to be demolished and the shed will be attached to the home. With the proposed accessory structure, the total square footage of accessory structures on the property will be 1800 square feet.

Section **21-11-2(g)** of the Sandy City Land Development Code states that detached garages or any detached structure 240 square feet or larger shall be set substantially within the rear of the home. They shall not be permitted in the side yard, except for minor encroachments as determined by the Director, or unless the structure meets or exceeds the minimum setbacks of the primary dwelling. These structures will not be allowed to have an additional access to the public right-of-way closest to the structure, unless the Transportation Engineer reviews and approves the location based upon established standards of this code and after considering safety of pedestrians and vehicular access.

The proposed structure is not set substantially within the rear of the home but there is sufficient space to meet the setbacks of the primary dwelling. The applicant has been informed that the proposed site plan will not meet the rear setback of the primary dwelling and must be a minimum of 30 feet.

Maximum Height. Per Section **21-11-02(a)(3)** of the Sandy City Land Development Code the maximum building height for a permitted dwelling within the R-1-15 zone is 20 feet in the rear yard and 10 feet in the side yard. Unless, the structure meets the minimum setbacks of the primary dwelling then it may be built to the maximum height of the rear yard. *The proposed height of the structure is 20' which is the maximum height that an accessory structure in the R-1-15 zone may be built to. The structure is proposed to be built on a slope with a portion of the proposed structure being underground. If the applicant builds the structure it must still meet engineering requirements and must average no more than 20 feet from average finished grade.*

Additional Setback Requirement. Per Section **21-11-02(a)(3)(b)** of the Sandy City Land Development Code detached structures exceeding 15 ft. in height shall increase the minimum setback one foot for each additional foot of height up to the minimum setback for the primary dwelling. The Planning Commission, through a Conditional Use Permit process may also waive this requirement. *Based upon the current proposed location, the accessory structure must meet all setbacks for the primary dwelling and must be at least 10' on the west side and 30' from the rear.*

Architectural Guidelines Generally, accessory structures and buildings shall be designed and constructed as to be compatible with the architectural components of the main dwelling or building. This structure is designed to be architecturally compatible with the main dwelling.

Code Violations and Remediations

Fencing- Per Section **21-28-3 (f)(1)(2)** of the Sandy City Land Development Code the height of a fence shall be measured from the highest grade and the combined height of a fence and retaining wall shall not exceed 11 feet, unless otherwise allowed herein.

Fencing is taken into consideration on this project due to a complaint of a code violation of the fencing height. The applicant is aware of this issue and is working with the Code Enforcement Department in order to address the issue.

Carport – Per Section 21-24-4(d) of the Sandy City Land Development Code all structures attached to the dwelling for the purpose of protecting or otherwise covering the vehicle shall comply with Building Codes for the structure and with existing zoning regulations for minimum distance between main dwelling structure and side property lines.

The applicant constructed an attached carport without a building permit. The applicant is aware that this is an issue and is working to retroactively pull a building permit with the Building Department.

Accessory Structures- Per Section 21-11-2(c) of the Sandy City Land Development code all accessory structures must be a minimum of six feet from the main dwelling unit. The applicant currently has an approximately 100 square foot accessory structure about two feet directly to the rear of the home.

The applicant is aware of this issue and is working with the Building Department to pull a building permit in order to attach the structure to the home. The applicant is aware that if this structure is detached he does not meet the distance requirement of six feet nor the overall square footage allotment for the lot.

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:

1. Size, configuration and location of the site and proposed site plan layout.
The location of the detached garage must be a minimum of 10 feet from the side property line and 30 feet from the rear in order to meet the setbacks of the primary dwelling.
2. Proposed site ingress and egress to existing and proposed roads and streets.
Future vehicular access to the garage will start on the existing driveway on the south side of the home and extend northwest. The applicant is aware of the hard surface requirement for the parking of vehicles.
6. Mass, size, number, location, design, exterior features, materials, colors of buildings, structures and other facilities.
The proposed detached garage will match the architectural features of the home.

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.

That the applicant complies with all Building & Safety, and Fire & Life Codes.

STAFF CONCERNS

Staff is concerned about the sloping on the property. While the property is not located in the Sensitive Area Overlay Zone there are some areas of significant sloping. The property was reviewed by the City Engineer who deemed that it was buildable but that the applicant would need to take care to stay within city engineering requirements. (*Exhibit 3 – Engineer Letter*).

In addition, staff is concerned with the loft area that the area would be potentially utilized as a living space. The applicant is currently proposing to utilize the space as a workshop and is proposed to have a hook up for a sink. The applicant is aware that this is a concern and has agreed to leave the space unenclosed.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve a Conditional Use Permit for John Bowen for the property located at 3245 E. Bell Oaks Circle to allow for an accessory structure as described in the application materials based on the findings and subject to the following conditions.

Findings

1. The applicant's property is on a private drive that contains nine lots. The chart below shows the lot size and square footage of all properties on the private drive.

| Address | Lot Acreage | Square Footage |
|------------------------|-------------|----------------|
| 3219 E. Bell Oaks Cir. | .63 | 27,442 |
| 9881 S. Bell Oaks Dr | .58 | 25,264 |
| 3238 E. Bell Oaks Cir | .70 | 30,492 |
| 3258 E. Bell Oaks Cir. | .59 | 25,700 |
| 3272 E. Bell Oaks Cir. | .71 | 30,927 |
| 3282 E. Bell Oaks Cir. | .92 | 40,075 |
| 3285 E. Bell Oaks Cir. | .60 | 26,136 |
| 3245 E. Bell Oaks Cir. | .89 | 38,768 |
| Average Lot Size | .62 | 27,007 |

The applicant's property at .89 acres of 38,768 square feet is approximately 40% larger than the average lot size in on the private drive. While staff found did not find any structures comparable in size to the proposed structure, the lot is much

larger than the average property in the surrounding neighborhood and has the capacity to accommodate the use.

2. The applicant understands and is willing to comply with the Sandy City Land Development Code and conditions of approval.

Conditions

1. That the applicant sign a notarized affidavit stating that they will not utilize the structure as a rental unit.
2. That the structure not be used for a home occupation or for the applicant's commercial business.
3. That the existing gazebo and small garage be demolished.
4. That the shed either be attached to the primary structure or demolished.
5. That a retroactive permit be pulled for the carport, which must meet all setback requirements.
6. That the Planning Commission determine if the proposed size of the structure and architectural materials are compatible with the immediate surroundings, nature of the zone, and impact upon adjacent properties.
7. That the applicant complies with all Building & Safety, and Fire & Life Codes.
8. 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.
9. That the height of the structure exceed no more than 20 feet from average finished grade.
10. That the applicant work with Code Enforcement on all code violations
11. That this Conditional Use Permit be reviewed upon legitimate complaint.

Planner: _____

Claire Hague, Planner

S:\USERS\PLN\STAFFRPT\2020\CUP-08-20-5885 Bowen Accessory Structure

Reviewed by: _____

Exhibit #1 – Application Materials

John & Patty Bowen
3245 East Bell Oaks Circle
Sandy, UT 84092

Claire Hague
Planner
Sandy Community Development
10000 Centennial Parkway
Sandy, UT 84070

Dear Claire,

I am wanting to replace a current outbuilding (small garage) with a new, larger one that will include a workshop. The existing building is 12' above grade and is 10' from our west property line. The new building will average 15' above grade and be moved about 4 feet further into the property to accommodate the desired access from the front (south). It will be positioned on a slight angle to the property line so the closest corner will now be 14' on the west corner of the with the average distance being over 20' and close to 30' on the back corner to the west property line and over 25' from the back (north) property line. It important to note the lot is heavily wooded so although the building will be much bigger, it will actually be less visible than the current building is by being moved further away.

The site has a significant slope so the new garage/workshop will have a garage that is dug down on the south end with stairs up the workshop area. This workshop area will end up on the current grade of a large cement pad that is now a basketball court.

As planned it is an 1800 sq. ft building with the garage area below comprising 1000 sq. ft and the workshop above 800 sq. ft. The workshop has access via a stairway on the interior from the garage and walk-in access from the current basketball court pad.

It will be a simple A frame type roof building using stick frame construction with wood siding that matches the color and style on the current home. It is also the same that is on the current small garage.

Access to the building will flow off of our current circular driveway. There is already a natural path in place with an existing double swing gate that is used already for access to the back of the property. Currently it is all grass and a new cement path driveway will be installed. Other than the grass, none of the front landscape will be changed and since the front is also heavily wooded, you really won't be able to see the new driveway from the street. It won't be until you have entered the property on the circular drive that it will become visible.

I have included some basic sketches of the proposed design and site layout. Great attention has been made to make sure the new building is adhering to the existing character of the property. Please let us know if you have any further questions.

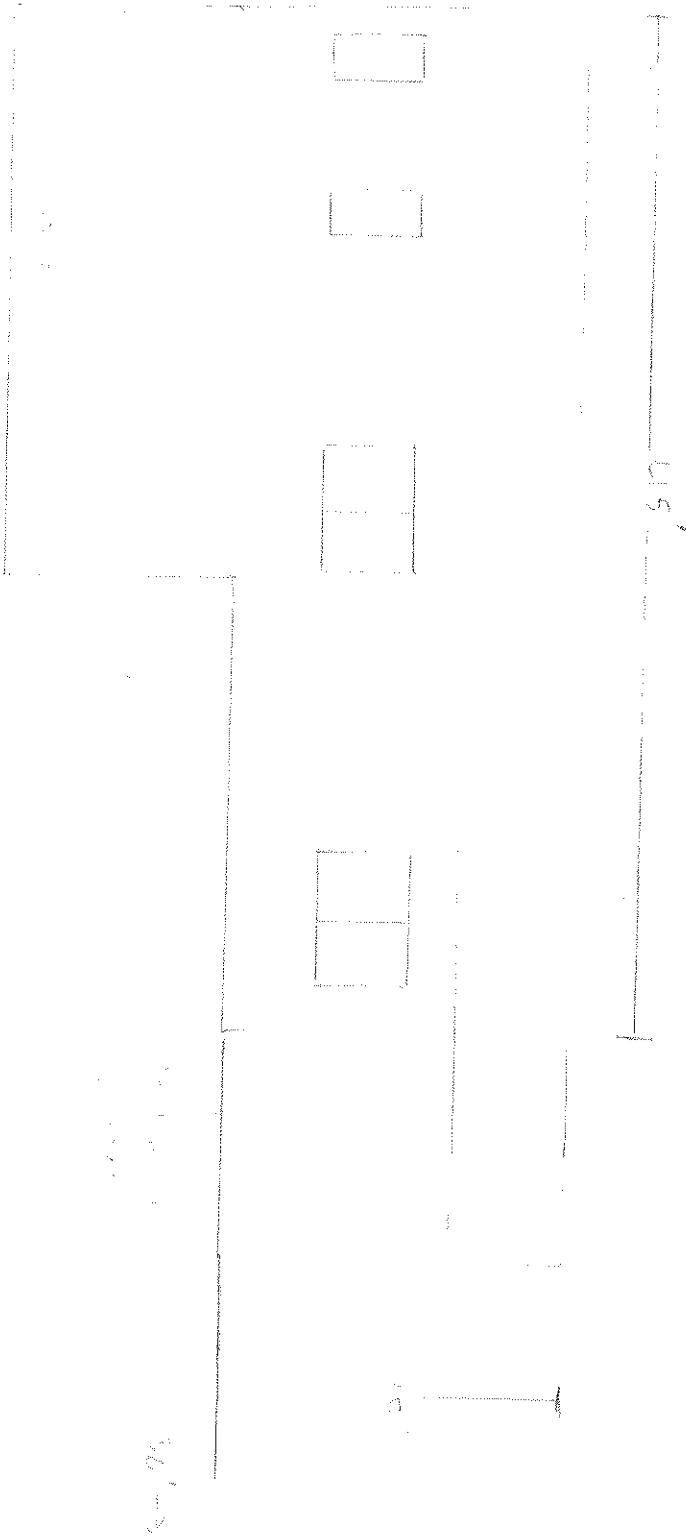
Sincerely,

John & Patty Bowen

Exhibit #2 – Building Renderings

500 V.V. Road
(1st)

Removal of
Waste

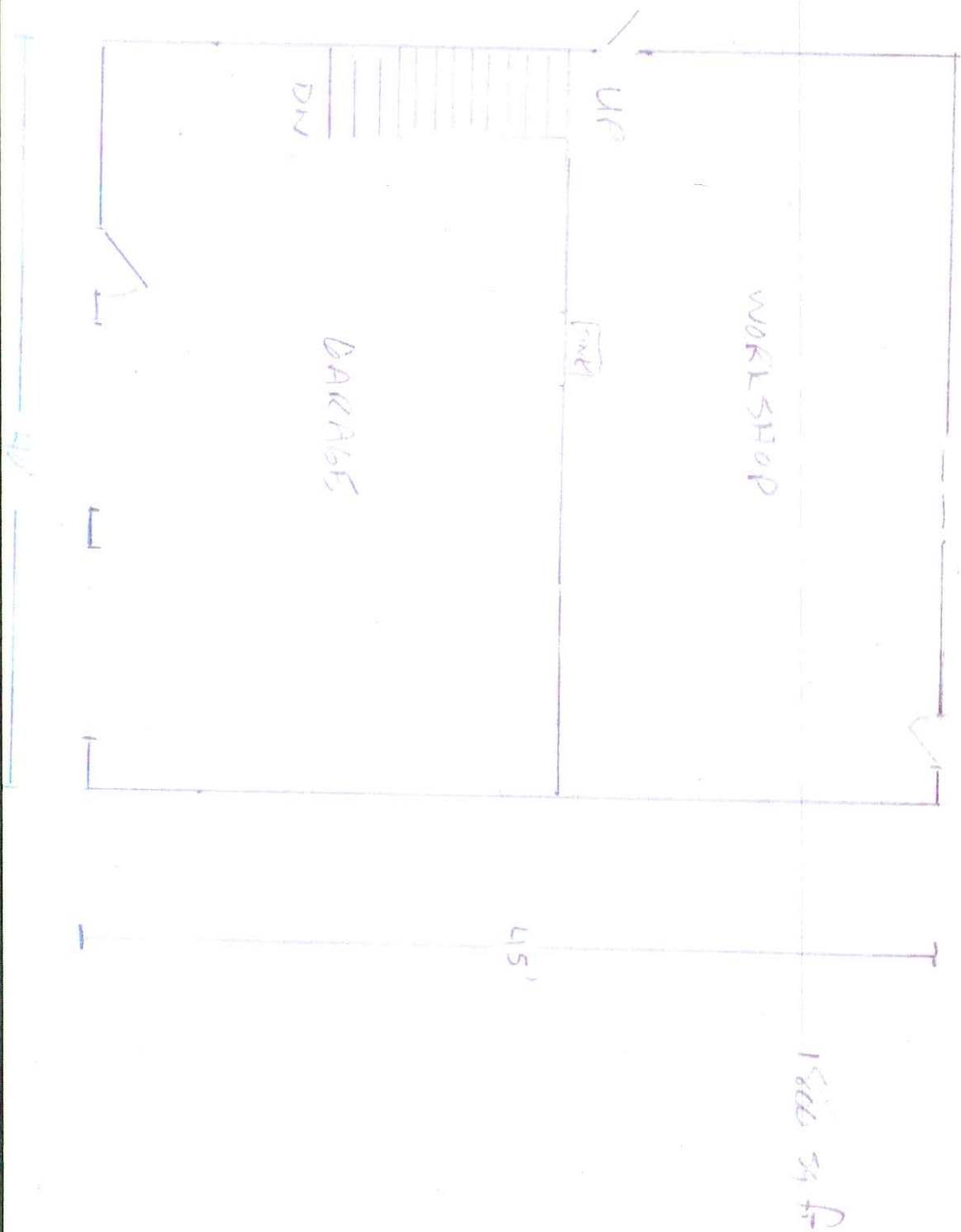


SUB ELEVATION
(WEST)



Top View

Basement
(workshop)



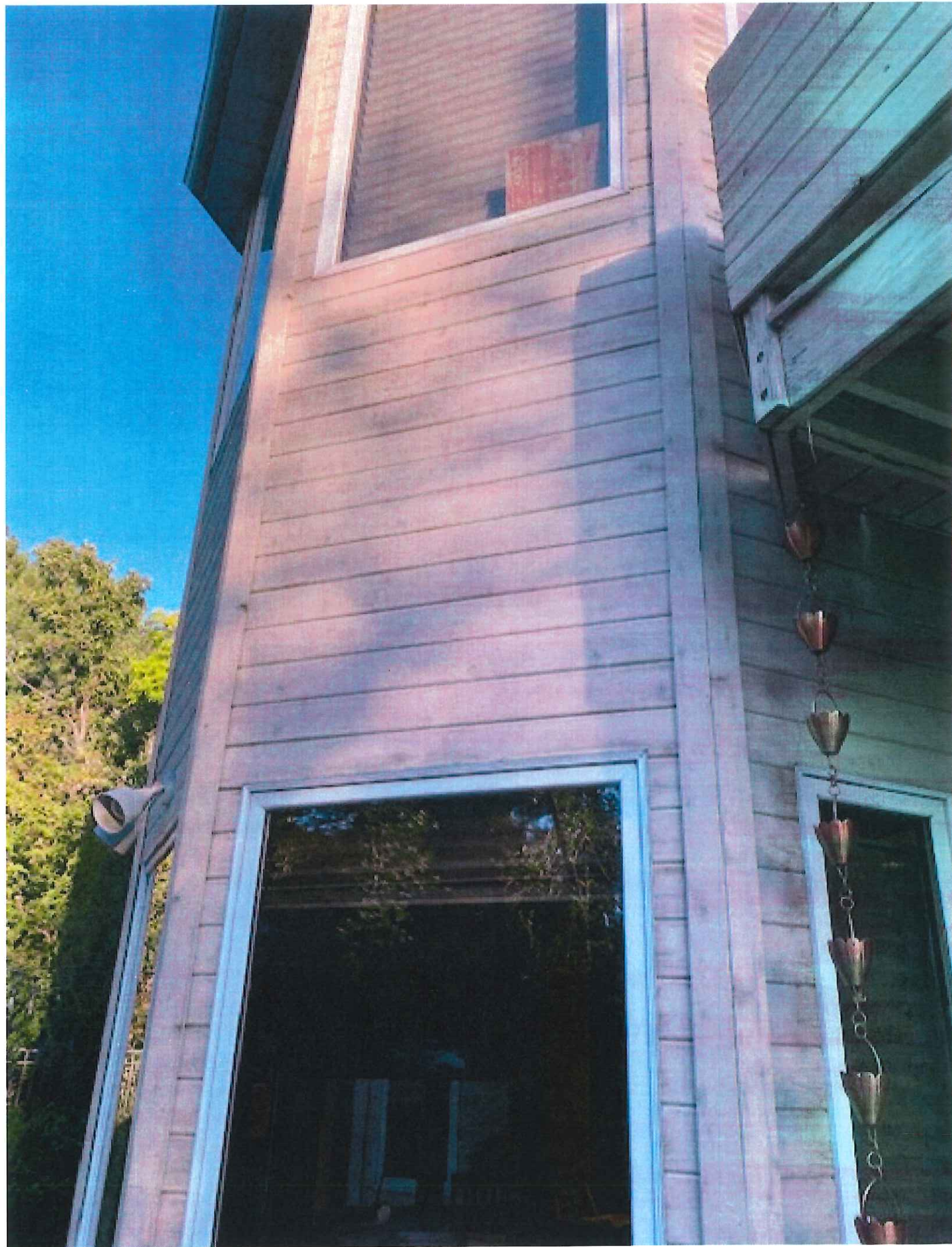
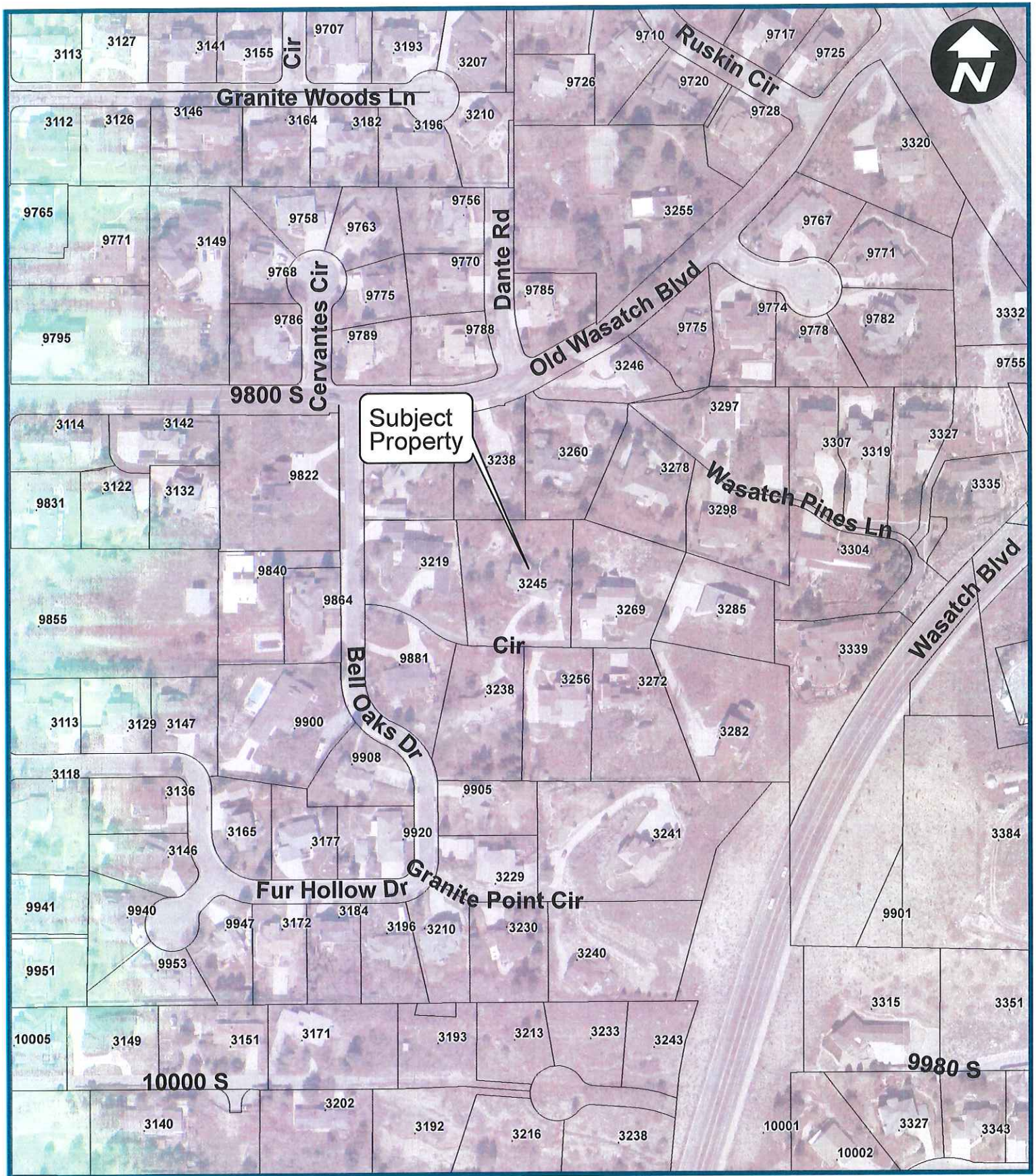


Exhibit #3 – Engineer Letter



These contours are 2'. I'm showing about 8' vertical elevation over about 100' horizontal elevation, for about 8% slope. This is buildable, but care needs to be taken that no portion of the driveway exceeds 12%. This means large, flat areas of the drive then short steep drops cannot be built. (This is a common problem.) For the permit, use the building stamp that says "Driveway Slope Min 2% Max 12%", then the burden of grading and complying with this falls on the owner/contractor.

Exhibit #4 – Vicinity Map



CUP-08-20-5885
Bowen Accessory Structure
3245 E Bell Oaks Cir



PRODUCED BY DAVID RODGERS
THE COMMUNITY DEVELOPMENT DEPARTMENT