



SANDY CITY COMMUNITY DEVELOPMENT

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MEMORANDUM

May 16, 2019

To: Planning Commission
From: Community Development Department
Subject: Stohel Accessory Apartment
1108 E. 11780 S.
[Community #14]

CUP-04-19-5643
Zoned SD(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 applicant, Randy and Rayma Stohel, are requesting a Conditional Use Permit to allow for an accessory apartment on the property located at 1108 East 11780 South (*See Exhibit #1 – Application Materials*). The property is 8,020 square feet, and is located in the SD(R-1-8) zone. The property is part of the Ridgeview #5 Subdivision. The surrounding properties are single-family homes zoned SD(R-1-8).

According to the Salt Lake County Assessor’s records, the property contains a 3,134 square foot home with a 1,556 square foot basement. 500 square feet of the basement is finished. The applicant is proposing to finish 846 square feet of the basement into an apartment, with the remaining 710 square feet of the basement to be used for storage (*See Exhibit #2 – Basement Configuration*). The basement apartment would be installed by a licensed contractor.

The home is located mid-block at the T-Intersection of 11780 South and Eagle Ridge Drive. On the east side of the driveway, along the east property line, is an existing paved 300 square foot third parking stall. Access to the apartment will be on the east side (side yard) of the home. The proposed accessory apartment comprises 27% 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 Tuesday, May 1, 2019. No neighbors attended the meeting. Notices were mailed to property owners within a 500-foot radius of the subject parcel 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 be greater than 800 square feet. This request is over 800 square feet, but beneath the 30% floor area threshold also required by this section. This larger size can be approved by the Planning Commission, if the Commissioners feel the request is warranted by the circumstances of the dwelling. Though the proposed accessory apartment is smaller than the average basement apartment that has been approved by the Planning Commission in the last three years, the applicant will still need to justify the larger size to the Planning Commission.

Address	Approval	Home Size	Basement Apt. Size	Percentage
10565 S. 420 E.	11/8/2016	1,795	900	50%
8070 S. 535 E.	7/20/2017	2,156	862	40%
8016 S. Oakwood Vista Cv.	11/16/2017	4,419	1,040	24%
410 E. 8800 S.	5/17/2018	4,409	776	18%
12189 Nicklaus Rd.	6/21/2018	5,422	1,200	22%
9988 S. Eastdell Dr.	10/18/2018	2,540	914	36%
2360 Segó Lily Dr.	11/1/2018	4,486	1,000	22%
2376 E. Summerfield Ln.	12/6/2018	4,662	1,998	43%
319 E. Segó Lily Dr.	12/6/2018	2,040	869	43%
	Average:	3,548	1,062	33%
1108 E. 11780 S.	Proposed:	3,134	846	24%

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 846 square foot basement apartment which is 46 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 larger size to the Planning Commission.

D. Design, location and amount of off-street parking, loading areas and solid waste disposal and collection areas.

The property contains a 650 square foot driveway with three off-street parking spaces.

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 Randy and Rayma Stohel to allow for an 800 square foot accessory apartment on the property located at 1108 East 11780 South unless, in the opinion of the Planning Commission, an 846 square foot accessory apartment is warranted by the circumstances of the particular building. 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 AICP, Planner

File Name: S:\USERS\PLN\STAFFRPT\2019\CUP-04-19-5643 Stohel Accessory Apartment

Exhibit #1 – Application Materials

To: Wade Sanner
From: Rayma Stohel

As per your request here is a description of what our plans are for the basement in our home.

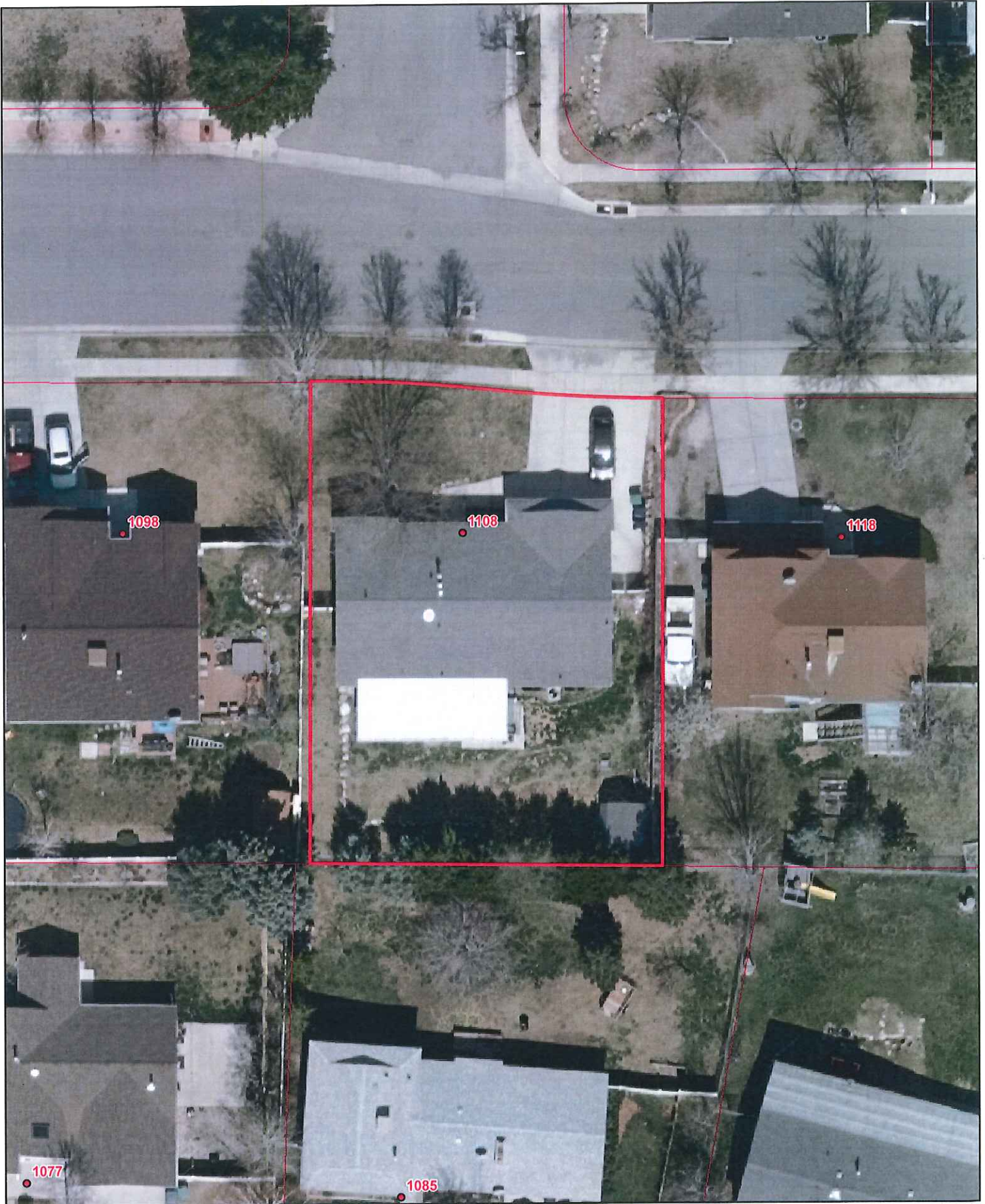
We are requesting the permits necessary to finish our basement to be used as a rental. The apartment will consist of two bedrooms, a laundry area, one and a half baths, a full kitchen and living area.

We are working with a licensed contractor and plan to complete the following improvements;
Cutting the concrete putting in a separate entrance.
Finishing the open area with a kitchen and living area
Adding a laundry room and half bath
The full bathroom and bedrooms are already finished

There is a third bedroom that will be for our use and remain locked.

Thank you for your consideration on this issue and please contact me if you need any other information.

Rayma Stohel



0 5 10 20 30 40 Feet



Exhibit #2 – Basement Configuration

