



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

June 6, 2019

To: Planning Commission
From: Community Development Department
Subject: Morgan Accessory Apartment
8540 S. Sun Valley Dr.
[Community #18]

CUP-05-19-5651
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 applicant, Reggie Morgan is requesting a Conditional Use Permit to allow for an accessory apartment on the property located at 8540 South Sun Valley Drive (*See Exhibit #1 – Application Materials*). The property is 10,000 square feet, and is located in the R-1-8 zone. The property is part of the Quail Valley #5 Subdivision. The surrounding properties are single-family homes zoned R-1-8.

The property contains a 4,131 square foot home with a 2,041 square foot basement. The applicant is proposing to renovate 500 square feet of the basement into an apartment, with the remaining 1,541 square feet of the basement to be used by the home owner (*See Exhibit #2 – Basement Configuration*).

The home is on an interior lot along Sun Valley Drive. Access to the property is via a 670 square foot driveway from Sun Valley Drive. On the north side of the driveway, is an existing paved third parking stall. Access to the apartment will be via an existing paved walkway on the north side (side yard) of the home. The proposed accessory apartment comprises 12% 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.

The proposed basement apartment is 500 square feet, and 12% of the total square footage of the home. The size of the apartment is smaller than the 800 square feet requirement in **Section 15A-11-01** of the Sandy City Land Development Code. In addition, the proposed basement apartment is smaller than any basement apartment approved by the Planning Commission in the last few years.

NOTICE

A neighborhood meeting was held on Wednesday, May 15, 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 received two phone calls regarding the proposed basement apartment, during the noticing period for the neighborhood meeting. Both individuals were opposed to the proposed basement for the following reasons: 1) One individual objected to the city allowing basement apartments in a single-family home, and the density that it brings to the neighborhood. 2) The other phone call reported the work being done by the applicant in excavating the foundation of the home for the separate entrance. This complaint was forwarded on to the Building Department who issued a stop work order. This individual was opposed to the proposed basement apartment due to the applicant beginning construction without a permit. In addition, the individual was opposed to the additional on-street parking, densification of the neighborhood, as well as changing the character of the single-family neighborhood.

STAFF CONCERNS

After the applicant had applied for the conditional use permit, he began to excavate along the foundation of the home to install a separate entrance. A complaint was made to the Building Department who issued a stop work order for the excavation. The applicant contacted staff who instructed the applicant that no construction could take place prior to the issuance of a conditional use permit. The applicant agreed to wait to do any further renovations until a proper permit has been issued (*See Exhibit #3 – Stop Work Order*).

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 500 square foot basement apartment, which is 12% of the overall home square footage. This is within the 30% requirement found in Section 15A-11-01 of the Sandy City Land Development Code.

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

The property contains a 670 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 Reggie Morgan to allow for a 500 square foot accessory apartment on the property located at 8540 South Sun Valley Drive. 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: 
Wade Sanner AICP, Planner


Reviewed by: 

Exhibit #1 – Application Materials

To: Sandy City Community Development Department

RE: Conditional Use Permit

From:

Reggie Morgan
8540 S. Sun Valley Drive
Sandy UT, 84093

We are requesting a Conditional Use Permit to allow us rent a basement apartment.

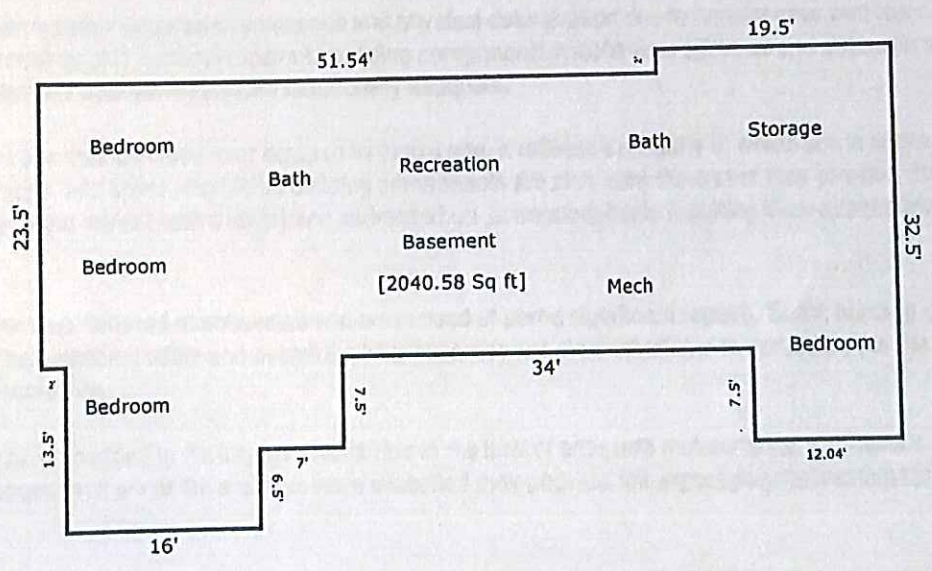
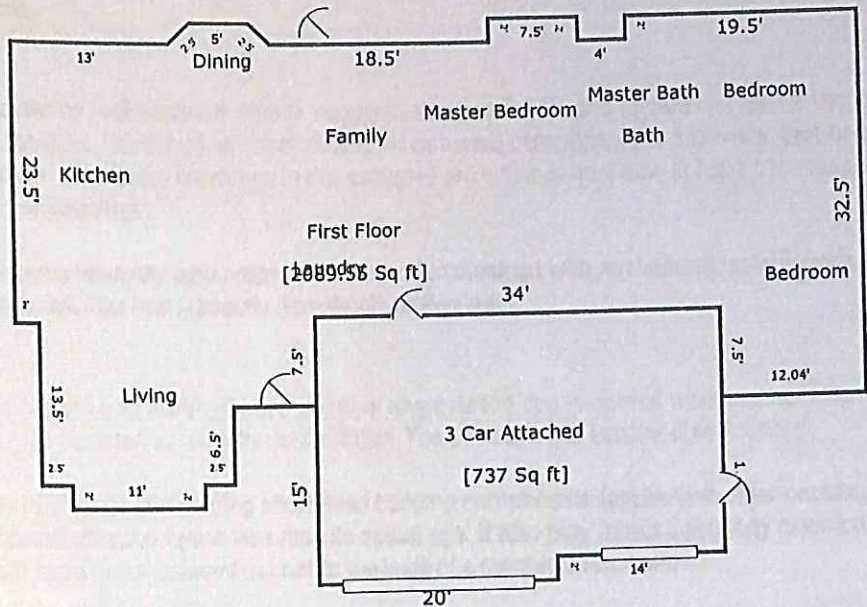
- 4,130 sqft... Total Home
- 2,000 sqft... Basement
- 500 sqft... Proposed apartment
- Off street parking is available
- Separate access is available

We would like the opportunity to have our children live with us so they can save for a home in the future. With the cost of housing and rent going up in Utah this will provide them the opportunity to live in a great neighborhood and save for a home. This is something that our parents afforded us and we would like to do the same for ours. During the times that our children do not need to live with us we would like to rent to friends and family to help supplement our income. We currently have children living with us so our standards for those we allow to live in the apartment will be very high.

The design of the apartment will not make any changes to the look of the house. The entrance is on the side of the house with off street parking available. There should be no impact to traffic flow on our street.

We appreciate your consideration.

Thanks,
Reggie and Rachele Morgan



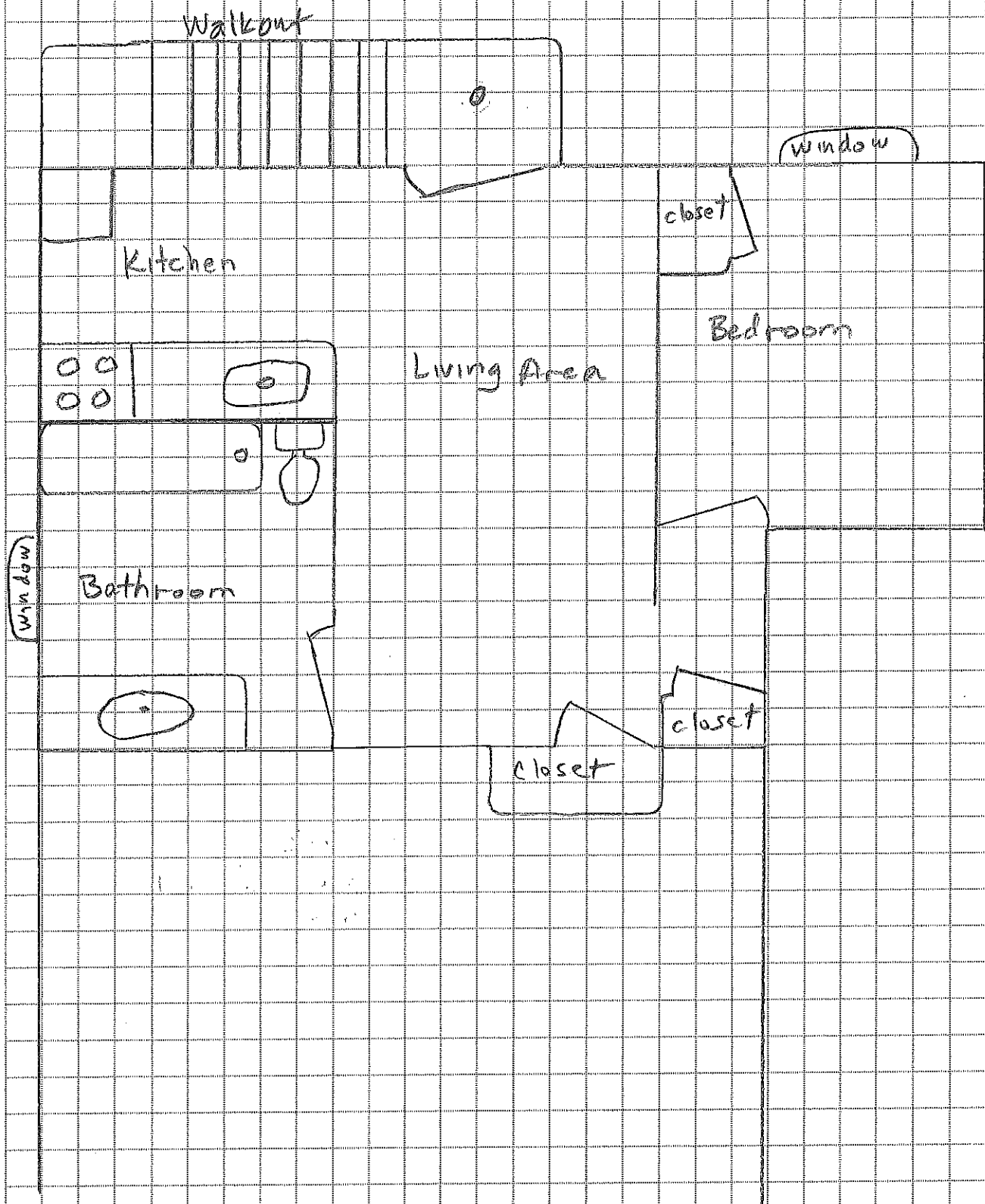
TOTAL Sketch by a la mode, Inc.

Area Calculations Summary

	Area	Calculation Details
Living Area	2089.55 Sq ft	7.5 x 2 =
First Floor		0.5 x 1.77 x 1.77 = 1.
		0.5 x 1.77 x 1.77 = 1.
		5 x 1.77 = 8.
		11 x 2 =
		16 x 6.5 = 1
		12.04 x 7.5 = 90
		23 x 7 = 1
		25 x 0.5 = 1
		71.04 x 23 = 1633
		19.5 x 2 =
Total Living Area (Rounded):	2090 Sq ft	
Non-living Area	2040.58 Sq ft	16 x 6.5 =
Basement		23 x 7 = 50
		23.5 x 25 = 610
		23 x 26.54 = 180
		25 x 7.46 = 186
		32.5 x 12.04 = 391
3 Car Attached	737 Sq ft	34 x 20.5 =
		20 x 2 =

Exhibit #2 – Basement Configuration

Approximate 500 sq ft



— Reggie Morgan 8540 S. Sun Valley Dr. Sandy UT 84093
801 834 9556

Exhibit #3 – Stop Work Order

SANDY CITY

STOP WORK NOTICE

AVISO DE INTERRUPCION DE TRABAJO

THE STRUCTURE AND PREMISES AT THIS LOCATION HAVE BEEN INSPECTED THIS DAY AND THE FOLLOWING VIOLATIONS OF THE APPLICABLE INTERNATIONAL CODES AND/OR SANDY CITY ORDINANCES HAVE BEEN NOTED.

Los permisos y la estructura de esta localidad han sido inspeccionados el día de hoy, por lo que, las siguientes violaciones aplicables a los códigos de internacional y/o las ordenanzas correspondientes de la Ciudad de Sandy, han sido señalados

OWNER / CONTRACTOR Owner

LOT _____ SUBDIVISION _____

ADDRESS 2540 S. Scribbley Dr

VIOLATIONS _____

ISSUED TO _____ PERMIT # _____

ISSUED BY: A. Ray DATE 5-10-19 TIME 12:30

YOU ARE HEREBY NOTIFIED THAT YOU MUST STOP ALL WORK. THIS NOTICE WILL REMAIN IN EFFECT UNTIL ALL VIOLATIONS HAVE BEEN CORRECTED AND PERMITS AND APPROVALS OBTAINED, AFTER WHICH A RE-INSPECTION SHALL BE CALLED FOR.

Se le notifica que debe de INTERRUMPIR TOTALMENTE TODO TRABAJO. Esta notificación será vigente hasta que todas las violaciones hayan sido corregidas y se hayan obtenido las aprobaciones y los permisos requeridos, después de lo cual se efectuará una re-inspección.

FOR ASSISTANCE PLEASE CALL SANDY CITY BUILDING & SAFETY
568-7251

SI TIENE ALGUNA PREGUNTA O DESEA ASISTENCIA POR FAVOR LLAME A LA OFICINA DE CONSTRUCCIÓN y SEGURIDAD DE LA CIUDAD DE SANDY AL SIGUIENTE TELÉFONO: 568-7251.

Any person, firm, or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions this Code is committed, continued or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$1000 or imprisonment for not more than 90 days, or by both such fine and imprisonment.

La persona, empresa o corporación que viole cualquiera de los requerimientos de este Código será considerada culpable de delito. Mientras cualquier violación a los requerimientos de este Código se continúen cometiendo, cada persona será considerada culpable de ofensa por cada día o porción del día en que se cometa o se permita dicha violación. La persona será castigada con una multa de hasta \$1,000 o por encarcelamiento de hasta 90 días, o por los dos, ya sean encarcelamiento o multa.

UNLAWFUL TO REMOVE OR DEFACE THIS NOTICE

ES CONTRA LA LEY DE RETIRAR O DESFIGURAR ESTE AVISO.