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## Staff Report Memorandum December 19, 2024

To: Planning Commission  
From: Community Development Department  
Subject: Harrington Accessory Structure (Conditional Use Permit)  
9622 S. Annalyn Dr.  
[Community #5]

CUP11202024-006890  
R-1-8  
.22 acres

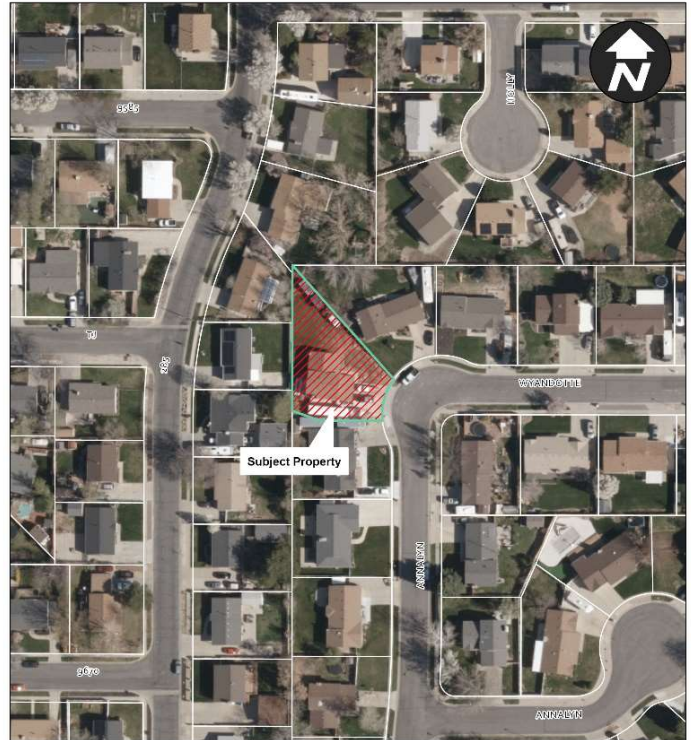
**Public Meeting Notice:** This item has been noticed to property owners within 500 feet of the subject area, on public websites, and at public locations.

### Request

The applicant, Greg Harrington is requesting approval of a conditional use permit for an accessory structure with additional size and height for a property located at 9622 S. Annalyn Dr. The request is to build an accessory structure that is 936 square feet and 16 feet three inches high. The design of the exterior and roof is proposed to match the exterior of the main dwelling. See application materials and details in Exhibit A and B.

### Background

The subject property is approximately .22 acres (9,605 square feet) in the R-1-8 zone. The subject property is lot 9 of the David Street 1 subdivision. The properties to the north, south, east, and west are single family residential zoned R-1-8.

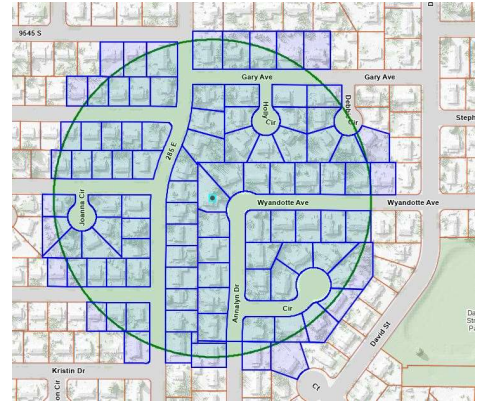


CUP11202024-006890  
Conditional Use Permit  
9622 S. Annalyn Dr.  
Community Development Department

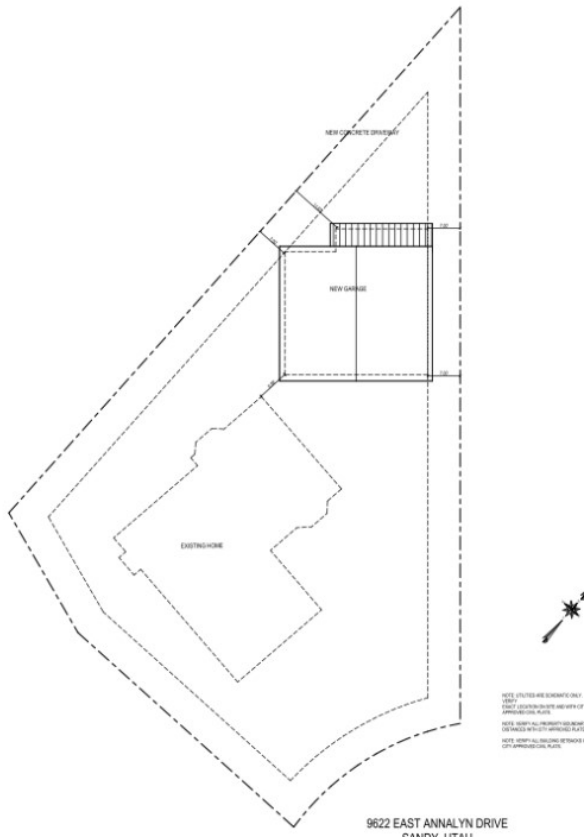
**Public Notice and Outreach**

This item has been noticed to property owners within 500 feet of the subject area by mail. A neighborhood meeting was held on December 9<sup>th</sup> and eight neighbors attended. The following comments were made:

1. Wanted to see the site plan and asked about drainage. Asked to see the building and know which direction the door was facing.
2. Phil Bocchino read letter that was dropped off at city hall (see exhibit C for letter and photos).
3. Previous owner had lots of weeds in the backyard. Greg has cleaned up the weeds. Appreciates the work Greg has done to clean up the yard. Neighbor is glad the trees in the front yard were cut down; she was worried about them damaging her house or fence.
4. Greg has cleaned up the house, it was a mess before he purchased it. They would like to see the trailers and boat off the street. This will help clean up the street corner.
5. The house is in better condition than it was previously. Garage will be the best thing for those neighbors impacted.
6. Concerned about the height and view from the backyard of the home looking onto the accessory structure.
7. Questions about employees parking near the home.
8. Question about the approval and if not approved where the cars and boat will be stored.
9. Concern about the noise pollution from cars.



In addition, three phone calls, one letter, and two emails have been received. (See Exhibit C).



**Analysis**

The applicant is proposing to build an accessory structure in the rear yard that will be used as a garage and storage for a boat, cars, razors, etc. The proposed structure is 936 square feet and is 16 feet and three inches tall. The applicant is proposing to match the exterior materials with the existing exterior of the main dwelling. There is a seven-foot public utility easement on the rear and side property lines. The applicant was not able to secure easement letters from all necessary utility companies. The proposed building must remain outside of those easements. Trailers and a boat previously parked in the rear and side yard will be stored in the proposed accessory structure, helping to bring the property into compliance.

The applicant is proposing to xeriscape the front yard with at least 33% plant coverage. For hard surface coverage the Sandy City Land Development Code 21-24-4(b) states that hard surface coverage is restricted to no more than 20% of the front yard, excluding the driveway providing access to the primary attached garage, 35% of the rear yard and one of the two side yards associated with the lot. The applicant cannot have concrete in front of the proposed structure as the other side yard of the home has concrete. A hard surface driveway is not required to access the property and may be incorporated into the landscape plan.

**Building Size**

The applicant is proposing to build an accessory structure that is 936 square feet. In Section 21-11-2(a)(2)(d) of the Sandy

City Development Code it states that the total maximum square footage of all accessory buildings on the property may be increased up to 25% larger with permission from the Planning Commission. The applicant’s property is in the R-1-8 zone and is approximately 9,605 square feet and is allowed up to two accessory structures with a maximum size of 750 square feet and no more than 25% of the rear yard. The applicant is requesting a 25% increase in size for the accessory structure to 936 square feet. The proposed accessory structure would comprise approximately 20% of the rear yard.

**Building Height and Setbacks**

The proposed structure is 16 feet and three inches high to the peak of the roof. Accessory structures in the R-1-8 zone are allowed to be built up to 15 feet in height. Section 21-11-2(a)(3)(c) of the Sandy City Development Code states that a building may be built taller, up to the maximum building height for a permitted dwelling within the zone in which it is located, upon receipt of a conditional use permit from the Planning Commission. In Section 21-11-2(a)(3)(b) of the Sandy City Land Development Code it states that a detached structure exceeding 15 feet in height shall increase the minimum setback one foot for each on foot of additional height, unless otherwise approved by Planning Commission. The proposed structure is set back seven feet from both the rear and side property lines. These setbacks are required to stay out of the easement along both property lines. The seven-foot setbacks exceed what would be required in this case. (See Exhibit B for site plan).

Address	Accessory Structure (sq. ft.)	Rear Yard Area (sq. ft.)	Rear Yard Percentage
9633 S. 285 E.	725	2,900	25%
9653 S. 285 E	500	3,325	15%
9577 S. 285 E.	750	3,991	18%
367 E. Annalyn Cir.	750	9,388	7%
Project Address	Accessory Structure	Rear Yard Area	Rear Yard Percentage
9622 S Annalyn Dr.	936	4,831	20%

**Conditional Use Standards**

The City may impose conditions on a conditional use based on certain standards of review found in section 21-33-04 of Sandy City Land Development Code. The following items from that list are applicable to this particular request and merit discussion or additional consideration by the Planning Commission (staff analysis is found below in *italics*):

**Sec. 21-33-4. Conditions.**

In order to achieve compliance with the standards set forth herein, the City may impose conditions that address:

- (1) Size, configuration and location of the site and the proposed site plan layout.

*The proposed structure would be in the rear yard, 16 feet and three inches tall to peak and would be 936 square feet. The structure would be sited seven feet from the rear and side property lines.*

- (2) Proposed site ingress and egress to existing and proposed roads and streets.

*There is no proposed driveway access to the accessory structure.*

- (6) Mass, size, number, location, design, exterior features, materials, and colors of buildings, structures and other facilities.

*The proposed accessory structure, roof materials, and building materials will be consistent with the existing home.*

- (14) Measures to assure compliance with all conditions and requirements of approval, including, but not limited to, bonds, letters of credit, improvement agreements, agreements to conditions, road maintenance funds, and restrictive covenants.

*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 title.

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

### **Staff Concerns**

Staff is concerned about business vehicles and employees potentially parked at the property. There have been multiple concerns raised about business vehicles on the property. The Sandy City Land Development Code in Section 21-24-4(f)(1) states that one business vehicle may be parked in the side or rear yard of a property. If the vehicle is used in conjunction with a home office or other business use, a business license would be required. Any outdoor use for a business, including using the proposed accessory structure, would not be allowed unless a conditional use permit for a home occupation is approved by the Planning Commission.

The other concern is the applicant's letter indicates "zero scaped landscaping", which would mean no live plant materials and only mulch (either rock or bark). That would not comply with city code, as we do require live plant materials that would provide at least 33% ground coverage of the landscaped area.

### **Recommendation**

Staff recommends that the Planning Commission approve a Conditional Use Permit for an accessory structure with additional height and size as described in the staff report for the property located at 9622 S. Annalyn Dr. based on the following findings and subject to the following conditions:

### **Findings:**

1. The proposed structure is consistent with rear yard area coverage for accessory structures.
2. The site plan indicates additional setback beyond the minimum requirements.
3. Staff finds that the proposed structure meets the intent of Section 21-11-2 provided the applicant complies with the proposed conditions.

### **Conditions:**

1. That the structure be located as per the enclosed site plan and is built to 936 square feet and 16 feet three inches high from finished grade to peak of roof.
2. Property maintenance and landscaping requirements contained in the Sandy City Land Development Code must be met, including live plant materials that cover at least 33% of the non-hardscaped surface areas.
3. Property cannot be used for business activities unless it complies with all business licensing requirements of the City.
4. Hardscape requirement of not more than 20% for the front yard, 35% of the rear yard, and only one side yard must be met. They may drive over the landscaped area to access the garage, but there can't be a hard surface driveway to access the structure.
5. Parking vehicles on any non-hard surface area is prohibited. There shall be no parking on the landscaped or gravel mulch areas, in particular in front of detached structure or in the landscaped front yard area.
6. That the applicant complies with all Building & Safety, and Fire & Life Codes.
7. That the applicant be responsible for meeting all provisions of the Sandy City Development Code, and all conditions of approval imposed by the Planning Commission.
8. That this Conditional Use Permit be reviewed upon a legitimate complaint.

Planner:



Sarag Stringham  
Planner

File Name: S:\USERS\PLN\STAFFRPT\2024\CUP11202024-006890 HARRINGTON ACC. STRUCTURE\STAFF REPORT  
TEMPLATE - CUP.DOCX



Exhibit "A"

Planning Commission

Re: Conditional Use Permit

To Whom it may concern:

I am asking for a permit for extra square footage for accessory storage.

I am asking to build it in the north rear of the house. The building will be 893 square feet and a height of 16'3". The building will be built with gray stucco to match existing house with black roof.

It will have a gravel driveway to the building area.

The front yard will have all new zero scaped landscaping.

I do not feel there will be any negative impact to the neighborhood as the structure is in the rear of the home, it will look like the existing house with all new zero scaped landscaping to the front yard.

Thank You,

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Greg Harrington

Exhibit "B"

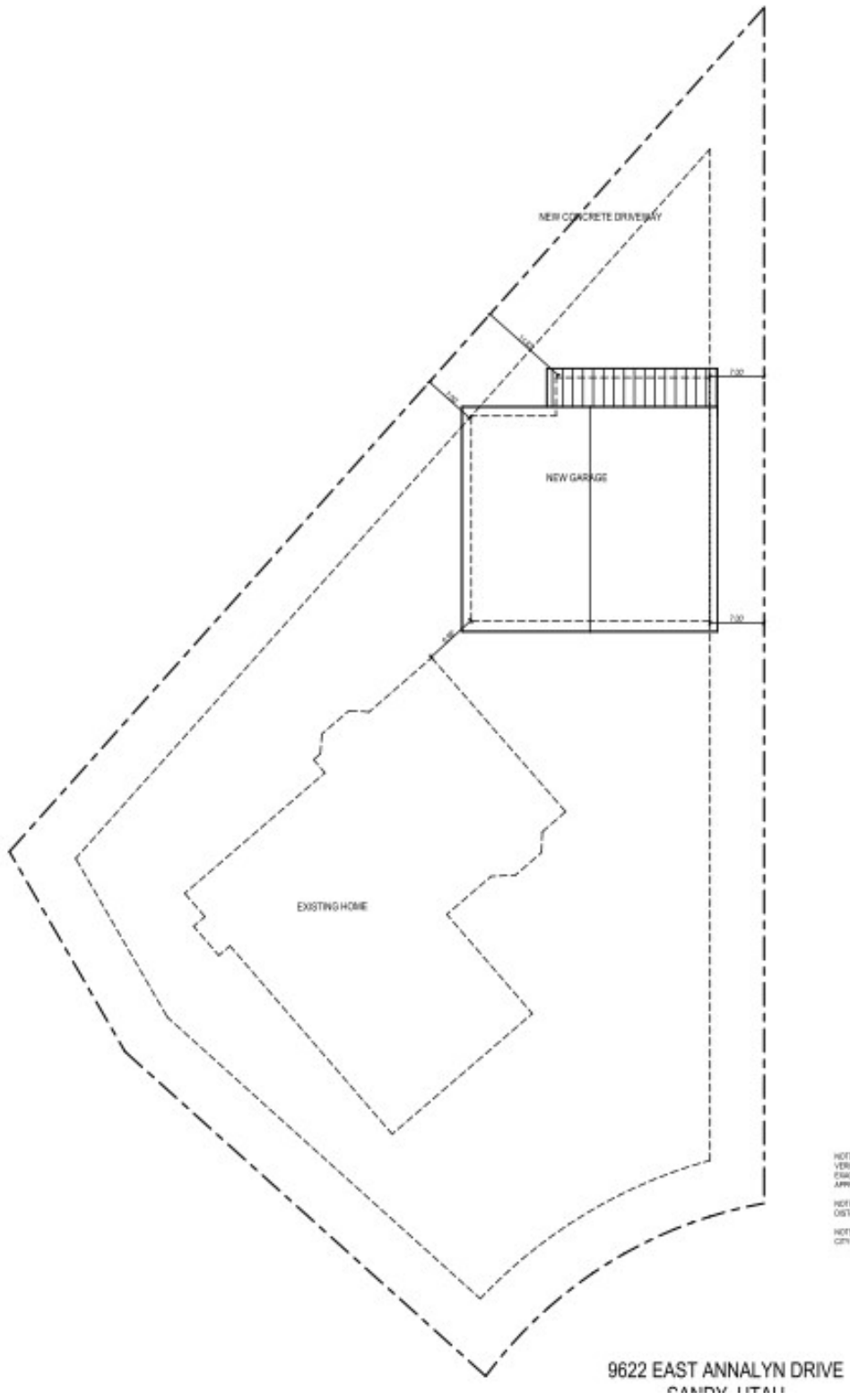
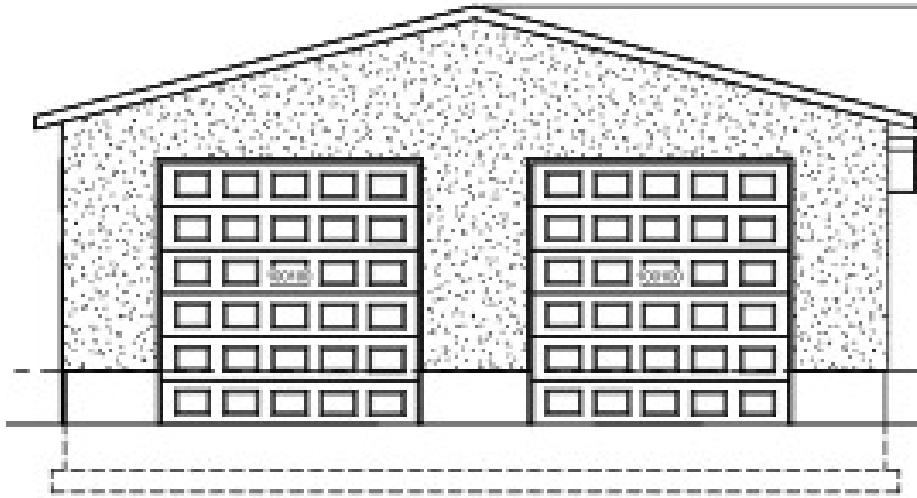
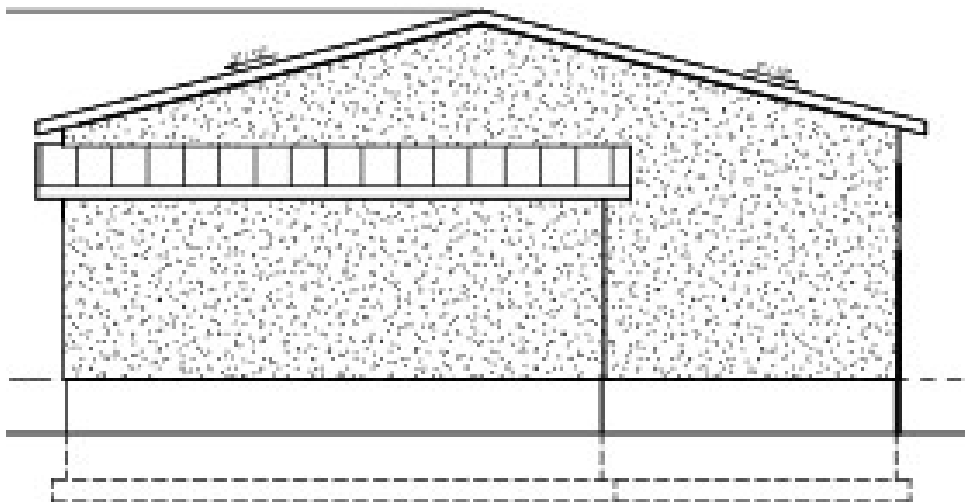


Exhibit "B" Continued



**FRONT ELEVATION**  
SCALE: 1/4" = 1'-0"



**REAR ELEVATION**  
SCALE: 1/4" = 1'-0"



Exhibit "B" continued

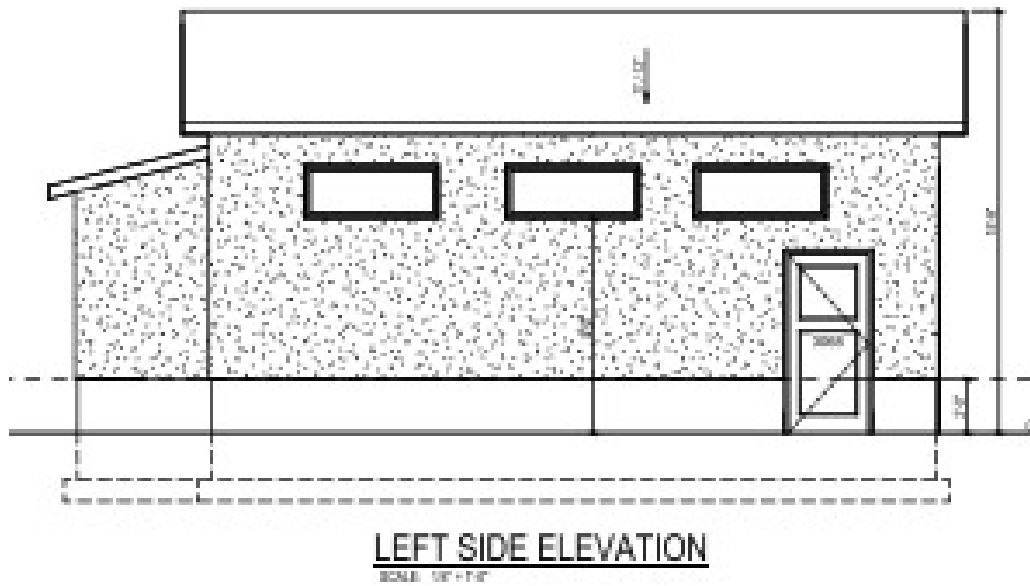
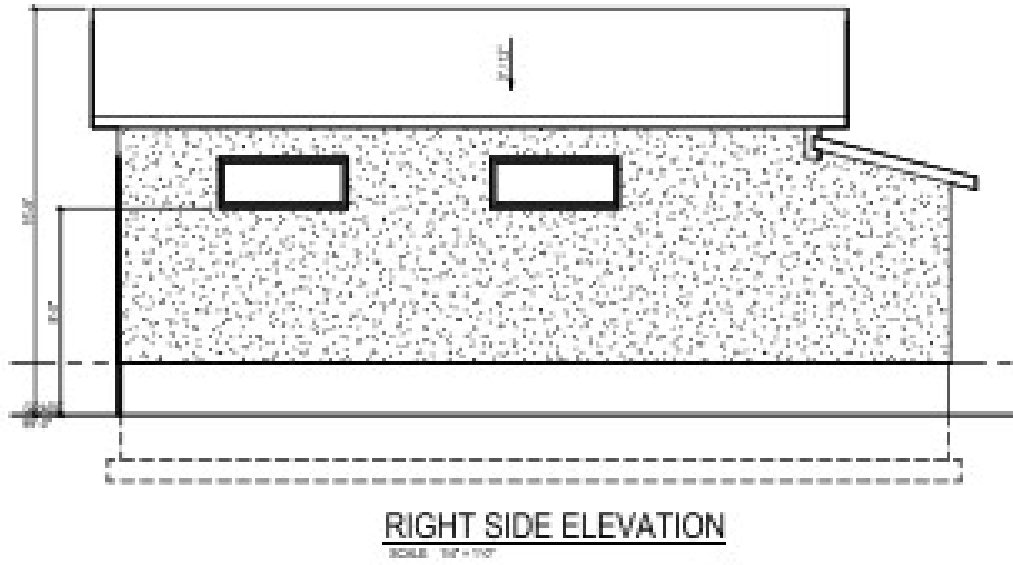


Exhibit "C"  
See following pages for comments

## Exhibit "C"

### Phone Calls

- Linda Martinez Seville –He has three big trailers. Concerns about a possible business. Other neighbors have these concerns, and she encouraged those neighbors to call me to if they had concerns.
- Phil and Carol Bocchino – 9613 S 285 E. 801 571-2150 -Took the front fence out and has a hole out front. All the trailers are out on dirt. He thinks the building is too big and there is not space for everything on his lot. Wants to know what it's for – commercial storage, workshop, etc. It looks like he has commercial trailers for business. This will have a major impact on their property. Phil and Carol 's sunroom is not more than 40 feet and its very close.
- William Bustos – Called to understand where the garage would be going and how big it would be. Is related to Phil Bocchino and wanted to get some clarification about the garage.

## **Letter from Phil Bocchino**

Concerned Property Owners of Sandy City

Date: 12/05/24

Subject: Concerns Regarding Conditional Use Permit Request for 9622 Annalyn Drive

Dear Member of the Community Development Department,

We, the concerned property owner of Sandy City, are writing to express our concerns regarding the conditional use permit application submitted by Greg Harrington for the property located at 9622 Annalyn Drive. The application requests approval to build a 936 square-foot accessory structure in the rear yard.

Key Concerns:

### 1. Impact on Surrounding Residential Properties

The requested structure, nearly equivalent in size to the surrounding homes (most of which are approximately 1,245 square feet), would significantly alter the character and aesthetics of the neighborhood.

The proposed building, combined with the existing use of the property, will likely diminish daily vistas, reduce the quality of life for neighboring residents, and could contribute to future reduction in property values.

### 2. Existing Property Usage

Upon acquiring the property, Greg Harrington removed the front privacy fence, cut down trees, cleared a garden plot to create street access and space for parking and storing two rows of industrial-grade trailers and commercial equipment.

These actions have altered the visual and functional character of the property, contributing to the loss of grass and a general decline of aesthetic value for the surrounding community.

Questions for Consideration:

How does the proposed accessory structure align with zoning and community development standards for this neighborhood?

What safeguards or conditions will be implemented to minimize negative impacts on surrounding residential properties, including visual aesthetics and property values?

Closing Thoughts:

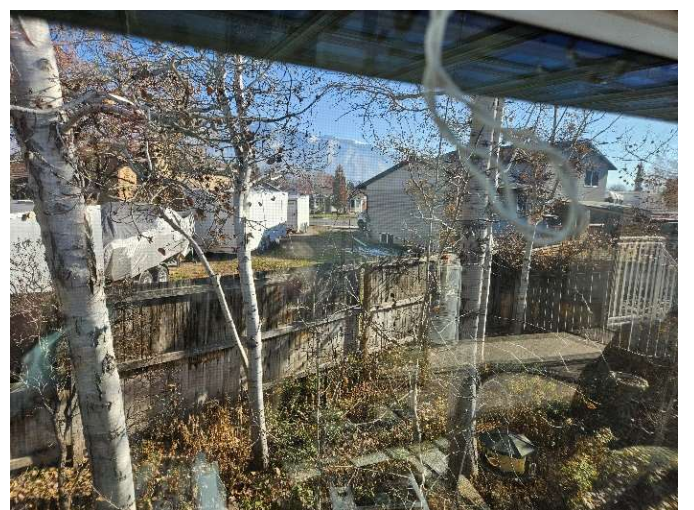
While we understand the need for property improvements, we believe it is vital to consider the broader implications of such developments on the surrounding community. As the saying goes,

"beauty is in the eye of the beholder," but the collective well-being of our community should remain a priority.

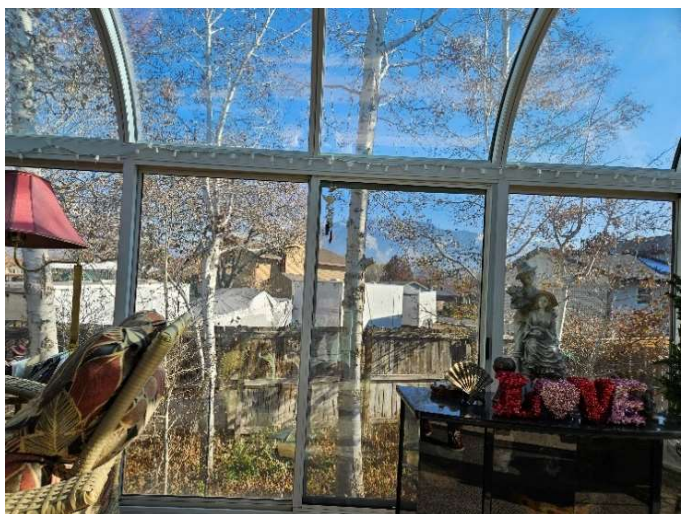
We respectfully request that the Community Development Department carefully evaluate this application and consider the concerns of the affected property owners. Thank you for your time and attention.

Sincerely,  
On Behalf of Concerned Property Owners of Sandy City  
Phil Bocchino

Pictures sent from Phil Bocchino











## Sarah Stringham

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**From:** Blake Yates <blakeayates11@gmail.com>  
**Sent:** Wednesday, December 4, 2024 2:47 PM  
**To:** Sarah Stringham  
**Subject:** [EXTERNAL] Greg Harrington's oversized garage proposal

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**CAUTION:** Do not click links, open attachments, or reply, unless you recognize the sender's email address!

My name is Blake Yates and I live at 9680 Annalyn Dr, Sandy.

This email is in response to Greg Harrington's proposal to build an 936 sq ft accessory structure in the rear of his property at 9622 S Annalyn Dr.

I would like to express some comments since I have prior obligations and will not be able to attend the scheduled zoom meeting on December 9th.

First, the Harringtons have been running their construction business from the home next door to the proposed address. They have had employees parking on the street on both sides of their property and around the corner all year round for several years. It blocks the view of on-coming cars, pedestrians, and children in the neighborhood, not to mention their neighbors homes. I would hate to have someone hurt or killed because of the blocked view that the business vehicles and the employees' vehicles create. Many blind spots make it difficult to see at times above and beyond normal neighborhood parking. THAT WOULD BE A TERRIBLE SORE SPOT FOR SANDY CITY TO HAVE ON CITY RECORDS BECAUSE THE CITY HAS NOT TAKEN ACTION. They should be running their business from a non-residential location on property ZONED for such a business. I have to admit that I have not checked to see if they have registered their business from their home address - but the many vehicles are and have been a tremendous aggravation to us as a neighborhood.

Second: I DO NOT have a problem with the Harringtons pursuing their hobby of creating race cars, which is what my understanding of the proposed structure would be being built for. I would like them to observe any curfew for noise created by the rewing engines of those said race-cars after a designated time in the evening. (We have experienced this noise from their previous residence over the past couple of years.)

Next, I hope with the way the property is situated, that they do not park their many vehicles on the street. Their street-front area is small with it being a corner lot, but they have done well to clear the backyard space to support their interests. Good on them!

Thanks for the avenue to respond to this request for input.

Sincerely,  
Blake Yates

## Sarah Stringham

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**From:** Julie Lundgren <julie.lundgren65@gmail.com>  
**Sent:** Monday, December 9, 2024 2:22 PM  
**To:** Sarah Stringham  
**Subject:** [EXTERNAL] Neighborhood meeting tonight regarding Annalyn Drive proposal  
**Attachments:** IMG\_9288.jpg; IMG\_9303.jpg; IMG\_9292.jpg

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**CAUTION:** Do not click links, open attachments, or reply, unless you recognize the sender's email address!

Sarah,

Thanks for taking the time to read my email. I stopped by your office to visit with you about this matter but learned that you work from home today. No worries, I'll address my concerns here.

I am writing to address my concerns about this outbuilding Mr. Harrington wants to build on his property. I am opposed to his proposal as I am concerned what the addition will do to our neighborhood. It is my understanding that Mr. Harrington wants to use this addition to work on his race cars. The noise when he works on his cars already is unbearable. I know he shouldn't be revving the engines, but I also understand that sometimes that is necessary when working on engines. I have tried to be understanding in the past, but building a garage just to work on these cars can only increase the noise problems.

I believe a building that large will be unsightly and give our neighborhood an industrial feel that will not help property values. Fortunately for me I am a ways down and the building will be less visible at my property.

My other concerns are with Mr. Harrington's previous behaviors that will also only become worse. I am aware that other neighbors have mentioned the parking issues and the safety concerns they present. I would like to add my concerns about all the extra cars that could be parked on our street right at a dangerous corner with lots of children at play. Turning the corner from Wyandotte to Annalyn is frequently a concern with all the cars blocking your vision and taking the street down to a single travel lane. Currently his truck is parked right across from my driveway making pulling out dangerous for me and my family. It has been parked there for days. See first attached picture. He frequently parks his trucks on the street for days on end.

The second two pictures show Mr. Harrington's disregard for other laws and regulations. As a city employee, I attend/complete the mandatory water training each year and am aware that trucks leaving a construction site should be following regulations to keep our water clean. As you can see, he has clearly not cleaned off the tires of his truck after leaving his construction site. As a general contractor, I believe he should be aware of these regulations.

Another concern is that I believe some of the parking issues are because he is running his contractor business from his home. Many workers come to his home each day and park along our street to ride together to a job site. This only adds to the safety issues.

While personally Mr. Harrington is a generally personable individual he has a long history of disregarding parking regulations, noise ordinances, and just otherwise being inconsiderate of neighbors.

All of these issues contribute to my opposition to having this building in our neighborhood.

Thank you again for your time,

Julie Lundgren  
9658 Annalyn Drive

Photos from Julie Lundgren

