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COMMUNITY DEVELOPMENT
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MEMORANDUM

June 4, 2020

To: Planning Commission
From: Community Development Department
Subject: Hunt Accessory Apartment (Conditional Use Permit) CUP-05-20-5854
 10069 S. Rockview Dr. Zoned R-1-10
[Community #21- Falcon Hill]

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 applicants, Elwin and Lynette Hunt are requesting a Conditional Use Permit to allow for an accessory apartment on the property located at 10069 S. Rockview Dr. (*See Exhibit #1 – Application Materials*). The property is 10,018 square feet and is located in the R-1-10 zone. The property is part of the Granite View Estates 2 B Subdivision. The surrounding properties are single-family homes zoned R-1-10.

The property contains a 4,127 square foot home with a 1,207 square foot basement. The basement is currently unfinished and the applicant is proposing to renovate the basement into a 2 bedroom 2 bathroom apartment (*See Exhibit #2 – Plans*).

The home is on the northeast side of Rockview Dr about a block south of 10000 S. Access to the property is via an approximately 1500 square foot driveway on the northeast side of Rockview Dr. The property has a three car garage and a parking pad. The tenant has a designated parking space on the parking pad. Access to the proposed apartment will be via an existing paved walkway on the south (side yard) of the home.

ANALYSIS

Per Section 21-11-01 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 1207 square feet, and 29% of the total square footage of the home. The size of the apartment is larger than 800 square feet but less than 30% of the total square footage of the home. Per **section 21-11-01 (c) (2)** the Planning Commission can approve a larger accessory apartment provided that in their opinion a greater amount of floor area is warranted by the circumstances of the particular building.

NOTICE

A neighborhood meeting was held on Wednesday, May 27, 2020 (*Exhibit 3- Neighborhood Meeting*). One neighbor attended the meeting and had concerns about parking. Upon learning that the applicants had a three car garage and an additional parking pad the neighbor was no longer concerned.

STAFF CONCERNS

Per Section 21-11-01(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, and at the 30% floor area threshold allowed 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 larger than the average basement apartment that have been approved by the Planning Commission in the last two years, the applicant will need to justify the larger size to the Planning Commission.

Address	Approval	Home Size	Basement Apt. Size	Percentage
410 E. 8800 S.	05/17/2018	4409	776	18%
9019 S. North Forty Rd.	10/18/2018	3,978	984	22%
9988 S. Eastdell Dr.	10/18/2018	2,540	914	35%
2360 Segó Lily Dr.	11/1/2018	4,486	1,000	22%
319 E. Segó Lily Dr.	12/06/2018	2,040	869	43%
2376 E. Summerfiled In.	12/06/2018	4,662	1,107	24%
1108 E. 11780 S.	05/16/2019	3,134	846	27%
8540 S. Sun Valley Dr.	06/06/2019	4,131	500	12%
1924 E. 10980 S	06/20/2019	3,468	1,057	30%
3285 Bell Oaks Cir	07/18/2019	5,116	1,151	22%
9199 Quail Hollow Dr	09/19/2019	3,544	600	17%
490 E. 10735 S.	10/03/2019	3,938	667	17%

8933 S. 500 E	11/7/2019	2,600	638	25%
1850 E. 10980 S.	02/06/2020	3,196	500	13%
11457 S. Gracey Ln	02/20/2020	3,796	712	19%
	Average:	3669	821	23%
10069 S. Rockview Dr.	Proposed:	4,127	1,207	29%

Staff is concerned with the size the apartment being larger than the average apartment approved by the Planning Commission. Staff recognizes that it is within the Planning Commissions purview to determine whether or not a size increase is warranted based on the circumstances of the dwelling but has provided the following option as a possible alternative if the Planning Commission sees fit:

Option 1

Enclose the second bedroom and bathroom adjacent to the stairs to be utilized for the homeowners. This would create a one bedroom one bathroom apartment. This option would decrease the size of the accessory apartment by 155 square feet. They could also potentially decrease the size of the living room to be closer to the 800 square feet. This change would result in a 1,052 square foot accessory apartment and would comprise 25% of the total square footage of the home.

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 applicants are requesting a 1207 square foot basement apartment, which is 29% of the overall home square footage. This is within the 30% requirement found in Section 21-11-01 of the Sandy City Development Code. This does however, require additional approval by the Planning Commission because it is over 800 square feet.

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

The property contains a three car garage, an additional parking pad, and an overall driveway square footage of approximately 1500 square feet. The applicants have designated the additional parking space as tenant parking.

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 RECOMMENDATION

Staff recommends that the Planning Commission approve a Conditional Use Permit for Lynette and Elwin Hunt to allow for an 800 square foot accessory apartment on the property located at 10069 S. Rockview Dr. Unless, in the opinion of the Planning Commission, a 1207 square foot accessory apartment is warranted by the circumstances of the particular dwelling. 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: Claire Hague
Claire Hague, Planner

Reviewed by: FM

Exhibit #1 – Application Materials

To the Planning Commission:

We are requesting a conditional use permit so that we can finish our basement as an accessory apartment. We would like to have this apartment so that this space in our home can be more usable. Our plan is to primarily use it for family as we have recently had 3 of our children get married and we know that buying a first time home will be difficult for them. We hope to let them stay there to save for a home when the time comes. We also have aging relatives that may need to have a different place to stay where help can be available to them. When this apartment is not needed for family, we would like to rent it out to people who would like to come and vacation in our city as an additional source of income. As we get older, we are realizing that we need to have additional resources coming in to help finance our retirement years. This is why we decided to finish it as an accessory apartment. We are trying to plan out this basement with the future in mind so that it can be done correctly from the beginning.

We have discussed our plans with several of our neighbors and there has not been any resistance to our plan.

There should not be any impact to our neighbors or the neighborhood because there is ample parking in our driveway. We have 4 lanes of parking and a 3 car garage. We will be living upstairs so we will be monitoring our tenants to ensure it is a good experience for all.

We realize that the apartment is slightly bigger than your normal acceptance but it is just the footprint of our home. We will have 2 bedrooms, 2 bathrooms, kitchen and family room. The square footage is 1207.

We appreciate your time in considering this application for a conditional use permit. We hope it will be a benefit to everyone concerned.

Thank you,

Lynnette and Elwin Hunt

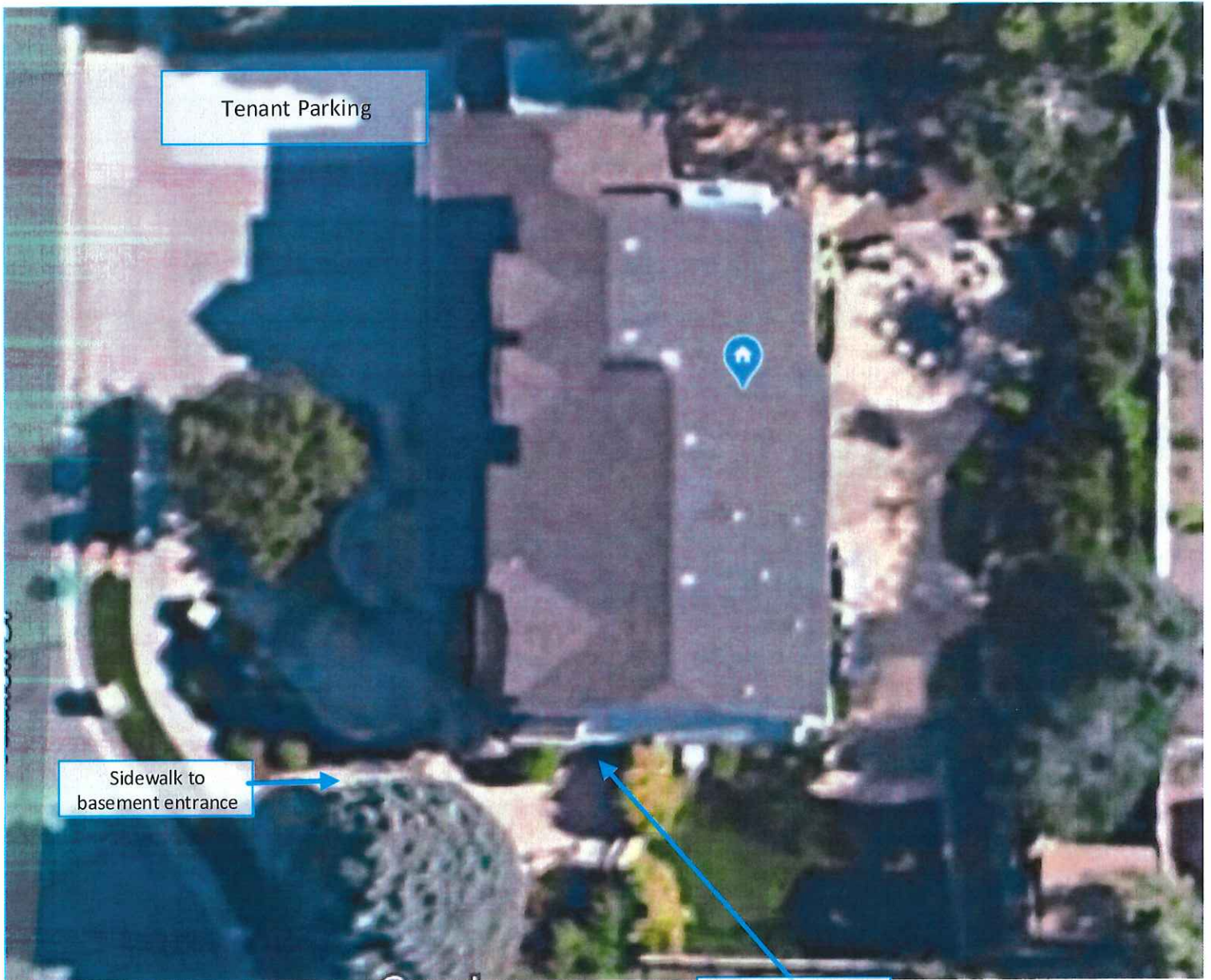
Exhibit #2 – Plans



Tenant Parking

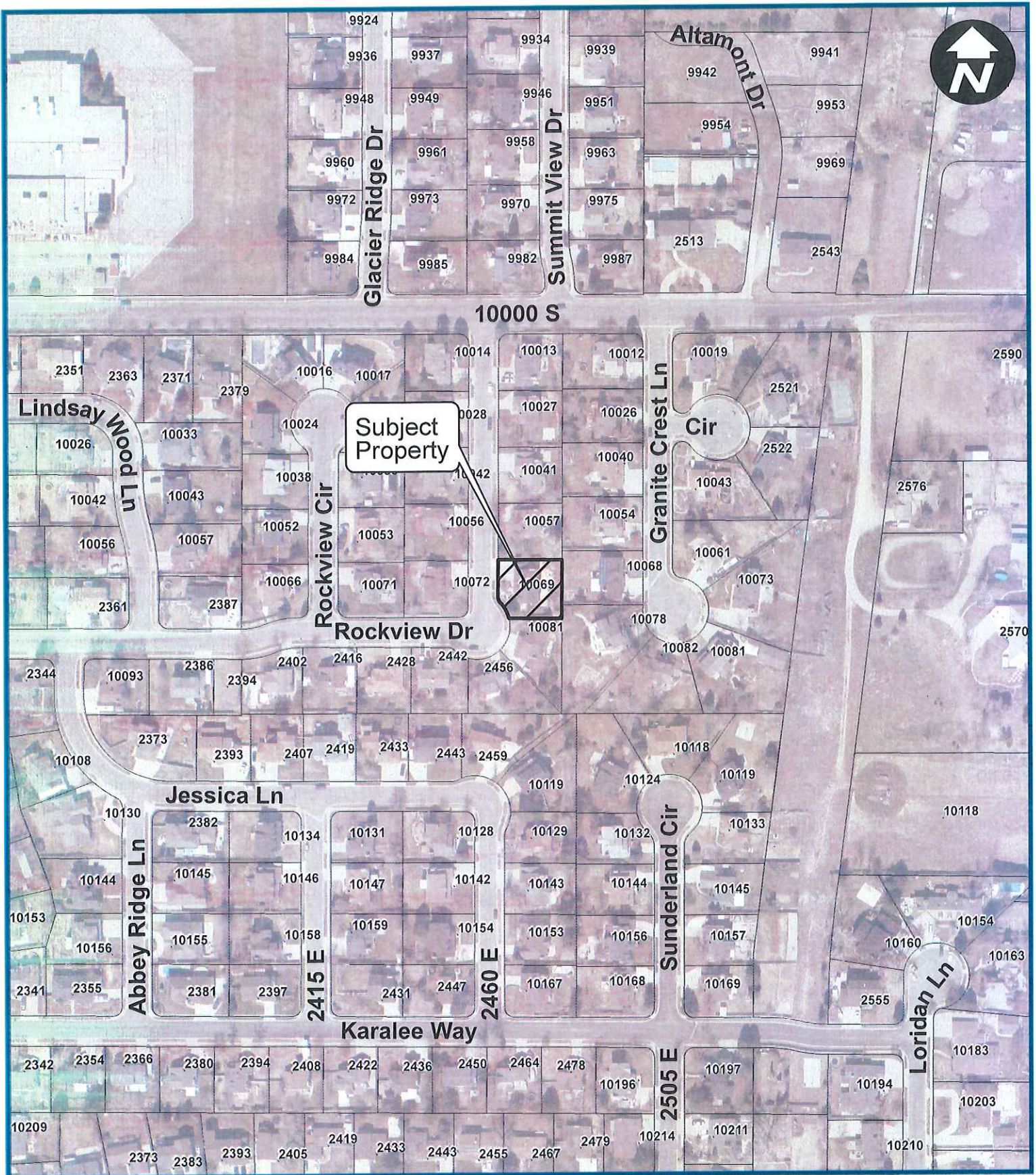
Sidewalk to basement entrance

10069 Rockview Drive
Sandy, Utah



10069 Rockview Dr.
Sandy, Utah

Exhibit #3 – Vicinity Map



Subject Property

CUP-05-20-5854
Hunt Accessory Apartment
10069 S. Rockview Drive

