



# SANDY CITY COMMUNITY DEVELOPMENT

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COMMUNITY DEVELOPMENT  
DIRECTOR

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MAYOR

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CHIEF ADMINISTRATIVE OFFICER

## MEMORANDUM

April 19, 2018

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**To:** Planning Commission  
**From:** Community Development Department  
**Subject:** Try It Out Motorsport Category II Home Occupation  
 47 E. Main St.  
*(Historic Sandy, Community #4)*

CUP-04-18-5384  
Zoned R-1-7.5(HS)

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**HEARING NOTICE:** *This item has been noticed to property owners within 500 feet of the subject property.*

PROPERTY CASE HISTORY	
Case Number	Case Summary
	<i>None</i>

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### DESCRIPTION OF REQUEST

The applicant, Tim Zupancic, is requesting a Conditional Use Permit to operate a Category II Home Occupation business on the property located at 47 East Main Street. The property is located on the northeast corner of 40 East and Main Street. The property is 0.23 acres (10,019 square feet), and is located in the R-1-7(HS) zone district. Surrounding homes are single-family homes zoned R-1-7.5(HS).

The applicant is proposing to operate a business, Try It Out Motorsport, in a detached 600 square foot garage located in the northwest corner of the property. As part of the business, the applicant rents two Off Highway Vehicles (OHV) with a trailer from his home. The applicant is also proposing to service the vehicles in the detached garage when they are not rented out to customers. The applicant is proposing to park the trailer on the south side of the garage. The applicant does have a covered carport on the east side of the home for his personal vehicles. The business will operate Monday to Friday from 12:00 PM – 6:00 PM and Saturday from 10:00 AM – 2:00 PM (*See Exhibit #1 – Application Materials*).

**ANALYSIS**

The purpose of the home occupation business section of the Sandy City Land Development Code is to:

1. Provide an opportunity for home occupations as an accessory use when they are compatible with neighborhoods in which they are located. A home occupation shall not be construed to mean an employee working in his home in the service of an employer whose principal place of business is licensed at another location.
2. Guide business activities which are not compatible with neighborhoods to appropriate commercial zones.
3. Safeguard peace, quiet, and domestic tranquility within all residential neighborhoods. Protect residents from the adverse effects of business uses being conducted in residential areas from noise, nuisance, traffic, fire hazards and other possible business uses that create significant impacts on a neighborhood.
4. Provide a means to enforce and regulate the businesses that are licensable through the authority of the Business License regulations of the Revised Ordinances of Sandy City (ROSC), and if necessary terminate home occupations if violations of the ordinances regulating home occupations occur.

Per section **15A-11-05(D)(11)** of the Sandy City Land Development Code, one trailer may be used in association with a home occupation business. Trailers allowed in conjunction with a home occupation are as follows:

1. An open or enclosed trailer with a body length of 20 feet or less, excluding the tongue.
2. Materials/equipment shall not be stored outside of the trailer.
3. The trailer shall be placed in the side or rear yard behind a fence, or garaged on private property and not within the front yard of the dwelling. If the home is located on a corner lot, the trailer shall not be stored on the street side of the house unless it is out of the required front yard setback. If the topography of the lot prohibits the parking of the trailer on the side or rear yard, the trailer must be stored off-site.
4. The trailer must be well maintained and must not present negative impacts for adjacent neighbors including, but not limited to odors, dust, or parking location.
5. All areas utilized for the parking of trailers shall be paved with a hard surface, e.g., concrete, asphalt, brick, or other water impenetrable surface. This includes the side and rear yard of the home. It is prohibited to park upon areas that have been landscaped or are reserved for future landscaping.
6. A site plan shall be included with all business license applications indicating where the trailer will be stored outside of the front yard.

Per section **15A-11-05(E)(11)** a home occupation license involving renting recreational vehicles from personal property in a single-family residential zone is classified as a Category I Home Occupation and does not require a conditional use permit. However, the proposed business must comply with the following requirements:

1. A property owner/resident living in the home may rent one (1) recreational vehicle that is owned by the owner/resident. Where more than one recreational vehicle can fit on a recreational trailer, the owner may rent a maximum of two (2) recreational vehicles.
2. Any recreational vehicle must be parked according to the Residential Parking Requirements and Restrictions within this Code, except that any recreational vehicle that

is being rented from the home must be parked on a hard surface (concrete, asphalt, brick, or other impenetrable surface). In addition, the maximum area of hard surface for the purpose of parking a recreational vehicle shall be complied with. Advertising on the recreational vehicle is prohibited.

3. Servicing the recreational vehicle shall be limited to those activities which will comply with the Noise Ordinance and the Property Maintenance Ordinance contained within the Sandy City Code.
4. Any customer renting the recreational vehicle shall not leave their own car on the street, but may place their vehicle on the homeowners property in compliance with all Residential Parking Requirements during the time the recreational vehicle is being rented.

Regarding the location of any **Business Not Conducted within a Home**, per section **15A-11-05(F)(6)**:

1. The applicant for a Home Occupation Business License shall designate the areas of the home, attached/detached garage or accessory structure that will be used for the home occupation. If approved, the home occupation may be conducted only in the designated area.
2. No more than a maximum of 200 square feet, or in the alternative, no more than 50 percent of the total floor space (whichever is greater) of an accessory structure, or attached or detached garage may be used for a home occupation unless there are specific exceptions granted by the Planning Commission.
3. Any home occupation uses in an attached or detached garage may not eliminate minimum parking requirements for the particular zone wherein the home occupation is located.
4. Any home occupation uses in an attached or detached garage may not eliminate minimum parking requirements for the particular zone wherein the home occupation is located.
5. Any accessory structure used for a home occupation must maintain the architectural aesthetics or compatibility of the home and the immediate neighborhood.
6. The home occupation may utilize one unanimated, non-illuminated flat sign to be attached to the accessory structure where the home occupation is being conducted in lieu of a sign attached to the home or in the window. The sign may not have an area greater than one square foot.

#### **NOTICE**

A neighborhood meeting was held on Tuesday, April 10, 2018. No neighbors attended the meeting. Notices were mailed to property owners within a 500-foot radius of the subject parcels in advance of the Planning Commission meeting as per Sandy City Land Development Code requirements.

#### **STAFF CONCERNS**

Staff is concerned with trailers associated with the business and off highway vehicles being parked in the yard and/or in front of the detached garage visible from Main Street and 40 East. In discussing this concern with the applicant, he is willing to comply with the Sandy City Land Development Code and park the trailers inside the garage and behind the fence on hard surface.

**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:

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

*That the applicant comply with Section 15A-11-05(D)(11) of the Sandy City Land Development Code, and park the trailer in the detached garage or on hard surface behind a fence and not within the front yard of the dwelling.*

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 grant Conditional Use Approval to Tim Zupancic, located at 47 East Main Street, subject to the following findings and conditions:

**Findings**

1. The proposed use meets the intent of the Home Occupation 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. That the business will take place in a detached garage that is not the primary garage for the property

**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 this Conditional Use Permit be reviewed upon legitimate complaint.
4. That trailers and/or OHV vehicles be parked in the rear or side yard on hard surface, and be screened behind a fence or parked inside the garage.
5. That the applicant comply with the noise ordinance relative to servicing of off highway vehicles.

Planner:

Reviewed by:

Wade Sanner, Planner

File Name: S:\USERS\PLN\STAFFRPT\2018\CUP-04-18-5384 Try It Out Motorsport

**Exhibit #1 – Application Materials**

## Application Letter

To whom it may concern,

I am requesting permission to operate a small OHV rental business from my home. I am pursuing the home occupation to enable me to fulfill this goal because I do not have the resources at this time to operate a business from a traditional commercial property. The business (Try It Out Motorsports) is a rental company designed to provide affordable rental machines to individuals and families. At this stage, I am limited to just a couple machines which would be the very popular side by side machines i.e. the Polaris RZR. Due to the limited allowable space and machines I am allowed to rent I would have minimal impact on traffic. The business would operate Mon-Fri from approximate hours of 12-6, and possibly Saturday's 10-2. The customers would only be coming to the home to pickup and drop off the rental machines. I would operate the business through the detached two car garage located on the side of my house, which the garage faces 40 East. This is a low traffic street, and having everything on the side will not detract from atmosphere of Historic Sandy. I have spoken with several neighbors already and expressed my goals of starting a small business at my home and all have given positive feedback. The opportunity to be in business sharing a sport that my family and I love with others has been a dream of mine for many years.

Thank you,  
Tim Zupancic



Proposed detached garage with off-highway vehicles parked inside.





Proposed detached garage with trailers parked outside.