



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

November 7, 2019

To: Planning Commission
From: Community Development Department
Subject: Reilly Accessory Structure
1956 E. Brandon Park Pl.
[Community #26]

CUP-09-19-5725
Zone: R-1-12
0.36 Acres

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

PROPERTY CASE HISTORY	
Case Number	Case Summary
CUP-05-11-1796	Applicant was granted a conditional use permit to increase the height of his detached garage to 18'6"

DESCRIPTION OF REQUEST

The applicant, Bryan Reilly, is requesting a Conditional Use Permit (CUP) in order to add an 18'6" high addition on the north side of his existing detached garage and to increase the amount of total square footage of accessory structures on this lot. The property is located at 1956 E. Brandon Park Place. The property is 0.36 acres (15,682 square feet), and is zoned, R-1-12. The property lies at the end of a cul-de-sac surrounded by single family homes zoned R-1-12.

Existing on the property is a 498 square foot, 18'6" tall detached garage. The applicant is proposing to construct an addition on the north side of the detached garage. The addition will add 485 square feet to the existing detached garage and will continue the 18'6" height. It is proposed, that the total square footage of the detached garage after the addition will be 983 square feet. There is another accessory structure on the northeast corner of the lot that is approximately 190 sq. ft. combined, both structures are over the allowable square footage for a 15,000 sq. ft. lot.

The proposed structure will be accessed via an existing driveway on the south side of the property. It will maintain the same architecture as the existing detached garage. The applicant currently has some tree buffering from his adjacent neighbor to the south and the applicant is not proposing to add more buffering.

NOTICE

A neighborhood meeting was held on September 24, 2019. Notices were mailed to property owners within a 500-foot radius of the subject property. Five neighbors attended the meeting and eleven more sent in letters and emails. (See Exhibit #1) The following issues were raised by the adjacent property owners:

1. The amount of structures currently on the applicant's property.
2. The use of the space as a home occupation.
3. The size and scope of the expansion.

ANALYSIS

Section 21-11-02(2)(a) of the Sandy City Land Development Code states that accessory structures in the rear yard of a lot 15,000 square feet to 19,999 square feet are allowed a maximum square footage of 1,000 square feet or 25% of the rear yard. The proposed garage would constitute 12% of the rear yard and total 983 square feet. The accessory structure on the northeast corner of the property is approximately 190 square feet. The total square footage of all structures on the property is 1173 square feet or 14 % of the rear yard. With a CUP the total square footage allowable is 1250 sq. ft.

Section 21-11-02(3) (a) of the Sandy City Land Development Code states that accessory structures, that have a zoning classification of R-1-12 or smaller, in the rear yard are allowed to have a maximum height of 15 feet. The applicant is proposing that the height of the addition be increased to 18'6" in order for the roof to match with the existing accessory structure.

Increased Height. Per **Section 21-11-02(2)(d)** of the Sandy City Land Development Code 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 Sandy City Planning Commission. In considering the height of the structure, the Planning Commission shall consider the scale of the building in relation to the immediate surroundings, the nature of the zone and land uses in the immediate vicinity, architectural design, landscaping, access, proposed use, impact upon adjacent properties, in addition to other criteria normally considered during the Conditional Use Permit process. The Planning Commission may require additional setback from the side and rear property lines as a condition of approval. The proposed height of 18'6" is within the allowable increase in an R-1-12 zoned property with Planning Commission approval.

There is a large accessory structure located within 500 ft. of the property. It is approximately 875 square feet and located at 11193 S. Brandon Park Place.

Additional Setback Requirement. Per **Section 21-11-02(3)(b)** of the Sandy City Land Development Code structures exceeding 15 ft. in height shall increase the minimum setback one foot for each foot of additional height up to the minimum setback for the primary dwelling. The Planning Commission, through a Conditional Use Permit process may also waive this requirement. With the proposed height, the minimum setbacks to the side or rear property line is 5'6". The site plan shows a setback of nine feet to the existing detached garage, with the addition having the closest setback of 10".

COMPLIANCE WITH SECTION 21-33-03

Staff response in *italics*.

Conditions.

In order to achieve compliance with the standards set forth herein, the City may impose conditions that 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 that merit discussion or additional consideration by the Planning Commission:

1. Size, configuration and location of the site and the proposed site plan.

The proposed addition will be added to the existing detached garage in the southwest corner of the property. The proposed structure will be accessed via an existing driveway on the south side of the property.

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

The proposed addition to the garage is 485 square feet which would increase the size of the structure to 983 square feet. The maximum square footage allowed with a conditional use permit is 1250 square feet. The proposed garage and existing shed's total square footage are allowed with a CUP approval.

13. Identifying a time for regular review and monitoring, as determined necessary, to ensure the use continues to operate in compliance with all conditions and requirements of approval;

Compliance with conditions is reviewed during the building permit process.

14. Measures to ensure 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, 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 Code.

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

CONCERNS

The applicant currently holds a business license as a general contractor. Staff is concerned that this addition will be used for a home occupation. Home occupation within an accessory bldg., attached or detached garage must obtain a separate conditional use permit. Staff has talked with the applicant about this concern and he has informed us that he will not operate a business out of this accessory structure.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve a Conditional Use Permit for additional height and size of accessory structures for the property located at 1956 E. Brandon Park Place, based on the following findings and conditions:

Finding

1. Staff finds that the proposed accessory structure meets the intent of **Section 21-11-02** of the Sandy City Development Code regarding accessory structures in the R-1-12 zoned properties.

Conditions

1. Not operate a home occupation out of the detached garage unless the applicant obtains a separate CUP.
2. That the proposed structure comply with all applicable Building & Safety, and Fire & Life Codes.
3. 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.
4. That this Conditional Use Permit be reviewed upon legitimate complaint.
5. That the applicant construct the structure according to the renderings provided at 18'6" in height, or as approved by the Planning Commission.

Planner: Claire Hague
Claire Hague, Zoning Tech

Reviewed by: FM

File Name: S:\USERS\PLN\STAFFRPT\2019\CUP-02-19-5607 Dasenbrock Accessory Structure

Exhibit #1 – Neighborhood Meeting



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

Neighborhood Meeting Summary – Community (26 #)

Date: 09/24/2019

Location: Planning Conference Room

Community #/Name: 26

Community Coordinator:

Project Name: Accessory Structure

Number of Attendees:

Applicants:

Number of Invitees: 79

Length of Meeting:

Notice Radius: 500 ft.

Project Description: An expansion of an existing detached garage for the purpose of a workshop space

Community Comments:

1. Questions about what the existing garage is currently being used for. Mr. Reilly answered that it is used as a garage for his personal vehicles.
2. Neighbor asked if the expansion would be used for commercial purposes. Mr. Reilly, No.
3. Mr. Sanner asked what the trailer on Mr. Riley's property was used for. Mr. Reilly responded that he keeps his racecars there.
4. Neighbor asked about the accessory structure on the lot. Mr. Reilly responded that it is a small shed under 200 sq. ft.
5. Neighbor expressed concern about the amount of structures on the property.
6. Neighbor asked if the walls of the structure were 18 ft. Mr. Reilly responded that the walls would only be 10 ft.

Conditional Use Permit Request

TO: Sandy City Planning Division
Sandy City Community Development

SUBJ: Conditional Use Permit Request by
Bryan Reilly, 1956 E. Brandon Park Place

DATE: 9-19-19

FROM: Sandy City residents near subject address.

Reference is made to the 9-15-19 letter from Sandy City Planning Division sent to residents near the Reilly residence. This city letter requests neighborhood input on the above request. On 9-18-19, Sandy City planner, Wendy Sanner, stated that this handwritten document, with residents' input, will replace the need of residents from appearing at the two neighborhood meetings mentioned in the city letter.

The below listed residents, living near the Reilly residence, have read the city letter and understood the issues. Each below resident has given below their vote, their information and comments on the Conditional Use Permit request.

	Name	Address	Phone #	NO/YES/Comment
NO X	Dean & Ginny Jarvis	1121 S. Wynette Ln	[REDACTED]	NO Can be continued
NO X	Mike & Lynn Hancock	1935 Brandon Park	[REDACTED]	if any? No Call me.
NO	Greg Oredson	1173 S. Brandon Park Dr.	501-571-1314	NO
NO	X Thara O'Connor	11219 S. Brandon Park Dr	[REDACTED]	NO
NO	X Rhonda Clayton	1932 Brandon Park Pl.	[REDACTED]	NO
NO	X JEN: MARLO ANDERSEN	1957 E. BRANDON PARK PL	[REDACTED]	NO
NO X	Kirk and Whitney Haselden	11224 Wynette Ln	[REDACTED]	NO NO
NO X	STEVE & TERRI PROCTOR	1947 E. BRANDON PK	[REDACTED]	NO NO

Claire Hague

From: Steven Proctor <stputah@yahoo.com>
Sent: Thursday, September 26, 2019 3:59 PM
To: Claire Hague
Subject: Conditional Use Permit, Reilly residence, 1956 Brandon Park Place, Sandy, Utah, 84092

Hi Clare,

I am responding to your voice mail request for more details on my "NO" vote on the above issue.

I am the neighbor who looks everyday toward their property and I see all the issues. I have not complained about any of the below items before. I am not "that neighbor" who calls and calls about complaints. This is the first time I have ever complained about a neighbor.

1. None of the neighbors in this cul-de-sac approve of their request. NONE!
2. The construction is on-going at the Reilly residence. Project after project. There are times that nothing is going on, but that is only a temporary lull. While these projects are in-progress, there is nowhere to park. The cul-de-sac gets slammed with various types of construction equipment and our cul-de-sac is overrun. If his permit request is approved, we will suffer with a slammed cul-de-sac again for an unknown period of time. We have been through this before. No more!
3. He already has two, two-car garages within a small "pie shaped" lot. How much is enough?
4. Right now there is a 5-car, enclosed trailer parked where this requested permit is to be built. Where will that huge trailer go? It has already been parked in front of other homes in the cul-de-sac.
5. His "pie shaped" lot with a single car width driveway, makes all his vehicles stacked up in one line. When one vehicle wants to get out, all the other cars need to be adjusted. Amazing to watch.
6. He has passenger vehicles, trucks, boats, work trailers, RV trailer, side by side, golf cart, and motorcycle. All these vehicles are not there everyday, but they rotate. My point, there is nowhere to park all these vehicles. His neighbors are upset that, many times, these items are parked in front of other people's homes. You should ask this guy about the exhaust on his street driven race car. If you ask him to start it up, it will cause you hearing damage. He likes to race in and out of the cul-de-sac. Just ask any of the neighbors. Totally illegal per UHP noise guidelines. Neighbors from blocks away have asked me what the noise is from.
7. He is trying to cram all this stuff into a lot that does not fit his needs. Since it does not fit his needs, the cul-de-sac is negatively impacted and he wants to build more and more. If he is granted this Conditional Permit, I fear other neighbors will claim "precedence" and now the neighborhood is changed forever.
8. The snow plow trucks cannot regularly navigate our cul-de-sac due to all these vehicles.
9. The mail carriers have complained to me about all this.
10. The fire hydrant in front of their house is often blocked. Heaven help us if we ever need help during a house fire.
11. Same thing with the weekly trash trucks. You should see what they have to do to get all the trash cans that are often left between their cars. The trash truck operators exit their trucks to move the trash cans so their machine can reach them.
10. A school bus picking up a handicapped boy here cannot navigate the cul-de-sac. The bus driver has to perform a maneuver to reach this child.
11. They have a large dog that appears aggressive as it runs up to you. Some neighbors have repeatedly called Animal Services.
12. I realize that some of these bullet points might not directly impact your decision for this Conditional Use Permit. I am just trying to give you folks a peek at what we deal with on a daily basis over here. Having another garage will only allow him to have more vehicles and toys at this location. I have peacefully lived here for 28 years and I have not seen anything like this before. All the neighbors agree with my bullet points. You may ask them to verify this.

Steve Proctor
1947 E. Brandon Park Place
Sandy, Utah 84092

(If you are going to release my email, you should redact my personal information.)

Wade Sanner

From: bmcder7405@aol.com
Sent: Saturday, September 14, 2019 3:49 PM
To: Wade Sanner
Subject: Bryan Reilly permit

Mr. Sanner,

Thank you for your letter notifying us of Bryan Reilly's permit request. My husband and I live at 11186 Wyngate Lane, and we are very much opposed to the building of this structure.

All of the homes in our neighborhood are similarly built and maintained. They all provide for 2-3 cars and a recreational vehicle or boat to easily fit into the home's existing space.

An 18 foot high detached garage would be an eyesore in this community. Our question would also be - what are Mr. Reilly's plans for this space? The space is not zoned for a business. We are also concerned with decreasing property values as a result of this structure.

Thank you for letting us know about this situation!

Barbara & Patrick McDermott

Wade Sanner

From: Suzanne Calhoun LAST_NAME <suzannecalhoun@comcast.net>
Sent: Sunday, September 22, 2019 11:36 PM
To: Wade Sanner
Subject: Conditional use permit for 1965 Brandon Park Place

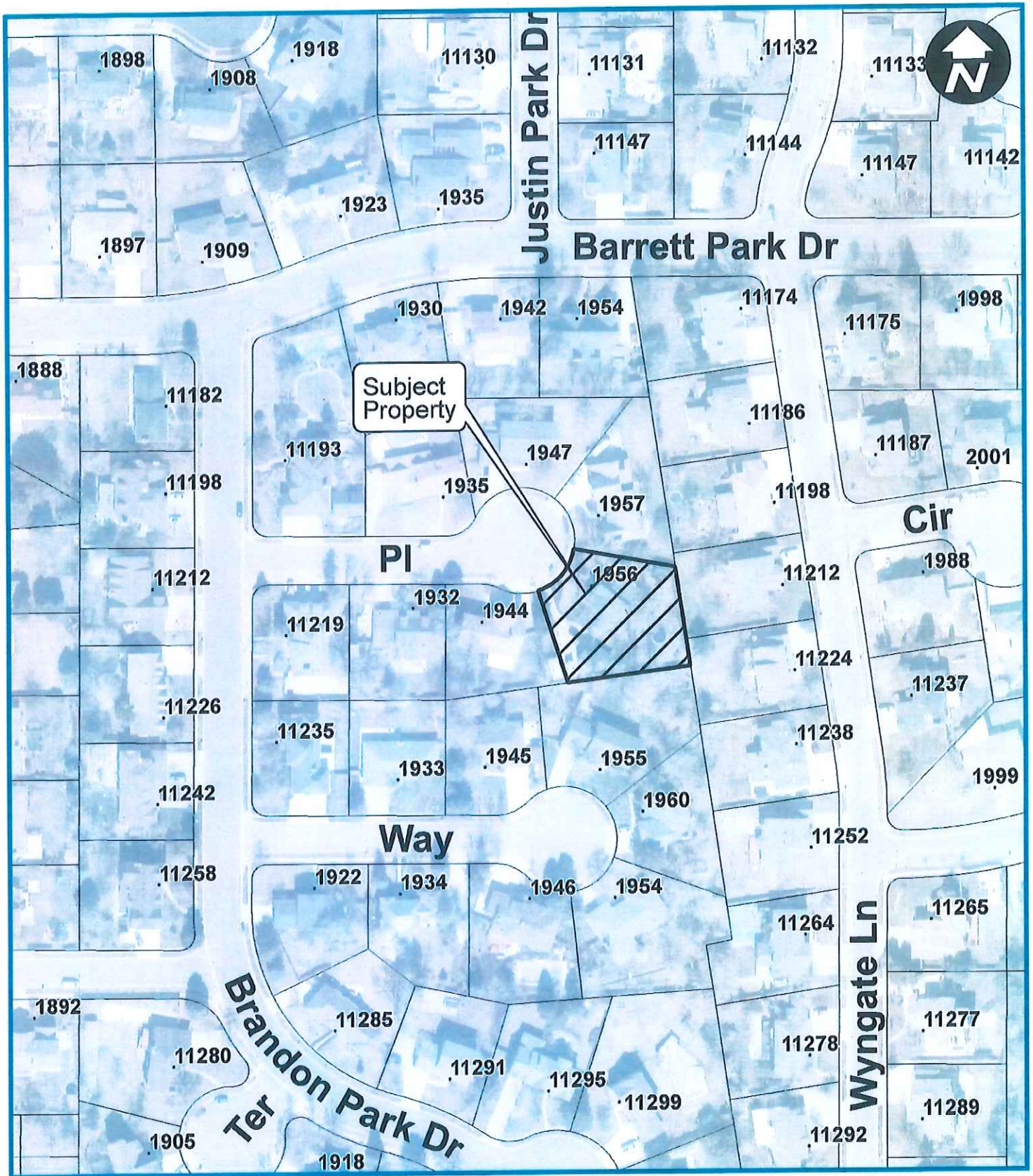
Dear Mr. Sanner,

One lot separates us from the lot under consideration for a conditional use permit for the construction of an 18 foot high detached garage. We strongly oppose the granting of this permit. It is out of place in this residential area and will negatively effect our neighborhood. Thank you for your consideration.

Chris and Suzanne Calhoun

1960 Brandon Park Way

Exhibit #2 – Vicinity Map



CUP-09-19-5725
Reilly Accessory Structure
1956 E. Brandon Park Pl.

PRODUCED BY WADE SANNER
 THE COMMUNITY DEVELOPMENT DEPARTMENT

Exhibit #3 – Site Plan

