



# SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

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MAYOR

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CHIEF ADMINISTRATIVE OFFICER

## MEMORANDUM

June 20, 2019

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**To:** Planning Commission  
**From:** Community Development Department  
**Subject:** Bourdough Accessory Apartment  
1924 E. 10980 S.  
[Community #26]

CUP-05-19-5656  
Zoned R-1-40A

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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
None	

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### DESCRIPTION OF REQUEST

The applicant, Britta Bourdaugh, is requesting a Conditional Use Permit to allow for an accessory apartment on the property located at 1924 East 10980 South (*See Exhibit #1 – Application Materials*). The property is 1.01 acres (43,791 square feet), and is located in the R-1-40A zone. The property is part of the Dimple Dell Heights Subdivision. Surrounding properties are large lot single-family homes zoned R-1-40A, properties to the south are single family homes zoned R-1-12.

According to the Salt Lake County Assessor’s records, the property contains a 3,468 square foot home with a 1,738 square foot basement. Attached to the home is a 528 square foot two-car garage. In addition, attached to the garage is a 288 square foot carport. The attached garage is accessed via an 865 square foot (50-foot long) driveway from 10980 South. Adjacent to the west of the driveway is a 55-foot long gravel driveway that accesses the attached carport. The gravel driveway and parking stall under the carport provide 1,025 square feet of additional off-street parking. The adjacent driveway and parking stall will need to be paved (*See Exhibit #2 – Driveway Configuration*). Access to the apartment is on the south side of the home in the rear yard.

The applicant has been renting the basement for the past nine years. A neighbor reported the basement apartment to the Code Enforcement Department. The applicant has applied for the Conditional Use Permit to bring the basement apartment in compliance. The property contains a 1,057 square foot basement apartment (*See Exhibit #3 – Basement Configuration*). The existing apartment comprises 30% 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.

**NOTICE**

A neighborhood meeting was held on Tuesday, May 28, 2019. Five neighbors attended the meeting. A neighborhood meeting summary is attached to this staff report (*See Exhibit #4 – Neighborhood Meeting Summary*). Notices were mailed to property owners within a 500-foot radius of the subject parcel in advance of the Planning Commission meeting.

**STAFF CONCERNS**

Per **Section 15A-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 also 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 has been approved by the Planning Commission in the last three years, the applicant will need to justify the larger size to the Planning Commission.

Address	Approval	Home Size	Basement Apt. Size	Percentage
10565 S. 420 E.	11/8/2016	1,795	900	50%
8070 S. 535 E.	7/20/2017	2,156	862	40%
8016 S. Oakwood Vista Cv.	11/16/2017	4,419	1,040	24%
410 E. 8800 S.	5/17/2018	4,409	776	18%
12189 Nicklaus Rd.	6/21/2018	5,422	1,200	22%
9988 S. Eastdell Dr.	10/18/2018	2,540	914	36%
2360 Segoe Lily Dr.	11/1/2018	4,486	1,000	22%
2376 E. Summerfield Ln.	12/6/2018	4,662	1,998	43%
319 E. Segoe Lily Dr.	12/6/2018	2,040	869	43%
1108 E. 11780 S.	05/16/19	3134	846	24%
	<b>Average:</b>	<b>3,506</b>	<b>1,041</b>	<b>32%</b>
<b>1924 E. 10980 S.</b>	<b>Proposed:</b>	<b>3,468</b>	<b>1,057</b>	<b>30%</b>

Staff is concerned with the size of the apartment being larger than the average apartment approved by the Planning Commission. Staff has been to the property and inspected the basement apartment. Upon discussion with the applicant, and an effort to bring the apartment into compliance, the applicant has a couple of options to reduce the basement apartment square footage (*See Exhibit #5 – Basement Renovation Options*):

Option I: The existing furnace room is not completely enclosed and has a portion walled off with the furnace and water heater open to the laundry room. In order to meet building code, the furnace/laundry room will need to be separate rooms walled off with separate entrances. This renovation will reduce the overall size of the basement apartment by 100 square feet. Option 1 will be required in order to bring the basement in compliance with the building code. This renovation will reduce the basement apartment to 957 square feet.

Option II: A 143 square foot (11' x 13') storage room exists on the north side of the basement apartment. The applicant has proposed to not allow the storage room to be accessed by the tenant in order to reduce the habitable space of the basement apartment. This proposal would reduce the square footage of the apartment even further. However, to ensure this room is not accessible by the tenant, a large portion of the basement would need to be sectioned off including: a hallway, closet, 132 square foot (11' x 12') bedroom, the 143 square foot (11' x 13') storage room, and a 240 square foot (15' x 16') family room. This would require a major renovation of the basement. Staff is not requiring this renovation unless the Planning Commission deems it necessary to reduce the overall square footage of the apartment to 800 square feet. This option would bring the basement apartment to approximately 658 square feet.

The existing carport driveway is a gravel drive with access on to 10980 South. Per **Section 15A-11-01(B)(6)** of the Sandy City Land Development Code, the applicant must provide one off-street parking spot for the tenant. In addition, per **Section 15A-24-04** of the Sandy City Land Development Code, off-street parking must be paved in residential neighborhoods. The existing 1,025 square foot gravel driveway and parking stall will need to be paved.

Staff has raised the concern with the applicant that they were operating the basement apartment for nine years without a Conditional Use Permit. The applicant understands staff's concerns, and they are pursuing the Conditional Use Permit in order to bring the basement in compliance.

#### **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 1,057 square foot basement apartment, which is 257 square feet larger than the 800 square foot requirement. The applicant will be required to separate the furnace room from the laundry room. This would reduce the square footage of the apartment by 100 square feet.*

*Upon separating the furnace room from the laundry room, the basement apartment will be 957 square feet, 157 square feet larger than the 800 square foot requirement. Per **Section 15A-11-01(C)(2)** of the Sandy City Land Development Code, the applicant will need to justify the larger size to the Planning Commission.*

D. Design, location and amount of off-street parking, loading areas and solid waste disposal and collection areas.  
*The property contains a 1,025 square foot gravel driveway/parking stall. This will need to be paved to ensure compliance with **Section 15A-24-04** of the Sandy City Land Development Code.*

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 Britta Bourdough to allow for an 800 square foot accessory apartment on the property located at 1924 East 10980 South unless, in the opinion of the Planning Commission, 957 square foot accessory apartment is warranted by the circumstances of the particular building. 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 the applicant pave the gravel driveway and parking stall under the attached

carport on the west side of the property.

5. That the furnace room be walled off and separated entirely from the laundry room, in compliance with the building code.
6. That this Conditional Use Permit be reviewed upon legitimate complaint.

Planner: 

Reviewed by: 

Wade Sanner AICP, Planner

File Name: S:\USERS\PLNSTAFFRPT\2019\CUP-05-19-5656 Bourdough Accessory Apartment

**Exhibit #1 – Application Materials**



Sandy City Planning Commission:

We originally bought our house in 2008. It was obviously once very well loved and cared for, but had fallen into neglect for around a decade. One of the reasons we bought this house was the layout of the basement and finished it with the intention of renting it. Numerous things were brought up to code that weren't up to code when we bought the house. Some renovations have been done through licensed contractors and the rest was done by us.

It recently came to our attention (via a visit from Sandy City Code Enforcement Officer Mark Wooten) that the renting of our basement apartment does not meet code. The renting of our basement is not something that we felt we kept secret and quite honestly, we didn't know there was any code violations associated with it. Mark visited us on Friday, May 10th and as soon as time allowed that day, I first reached out to Wade. I was finally able to meet with him the morning of Monday, May 13th.

Our current tenant (one person and two dogs) has been down there for a little over three years. We have been renting it for around nine years. I was told that the Planning Commission doesn't need specifics as to the type of tenants, I just want to point out that we do, as it involves the sharing of a house. There is absolutely no desire to turn it into a short term rental.

The apartment has off-street parking via a carport on the west side of the house. It leads to stairs to the basement on the southwest side of the house with a separate entrance. When you walk in, it enters the kitchen/dining area. The apartment also includes a bathroom, a living room, and two bedrooms. One room is locked and we use for storage. The total square footage of the basement is approximately 1201 square feet. The basement apartment is 1057 square feet. We would like to ask the Planning Commission to consider the circumstances and layout of the basement and consider permitting the apartment as it is, 1057 square feet. We could lock the second bedroom and/or reconfigure the utility room (although it does work nice for storage along the southwest side and contains a washer/dryer to bring is closer to 800 square feet.

We are working with Wade and keeping Mark in the loop and hope that the Planning Commission sees that we are trying to be open and honest. Wade informed me that we would have to make sure the apartment met code and compliance, which we understand.

We feel blessed to live in this pocket of Sandy and surrounded by some of the most wonderful neighbors. I tell my friends that I live on coolest street in Sandy. This is something I've been telling my friends for years, well before the visit of Officer Wooten. We try hard to be quiet and respectful neighbors who add to the neighborhood and are hoping the Planning Commission will grant us a Conditional Use Permit for our basement apartment.

## Wade Sanner

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**From:** B GUIVER BEVERLY GUIVER FOR <beverlyguiver@q.com>  
**Sent:** Tuesday, May 28, 2019 4:25 AM  
**To:** Wade Sanner  
**Subject:** Bourdagh Accessory Apartment 1924 E 10980 S

Good Morning

I am the neighbor to the direct west of Britta Bourdagh at 1918 E. I am writing with regards to her request for an Accessory Apartment in her home.

I have lived in my home for over 45 years and Britta has been my neighbor for over 9 years. The house has always had a finished basement as the house was previously my father's house. There is an outside entrance, fenced yard, plenty of **driveways** and a double carport (two cars end to end fit this). Our properties are far away from each other which allows privacy as well as friendly communication. I have never seen her cars or any cars parked on the street.

**I have no objections to an Accessory Apartment at this home. They are wonderful neighbors and their lifestyle will only allow for the best of quality renters.**

Please grant this request for them.

Beverly Guiver  
1918 East 10980 South  
Sandy, Utah 84092

**Exhibit #2 – Driveway Configuration**



1917

1924

Existing 1,025 sq. ft.  
Grave Driveway/Parking Stall

Existing 865 sq. ft.  
Paved Driveway

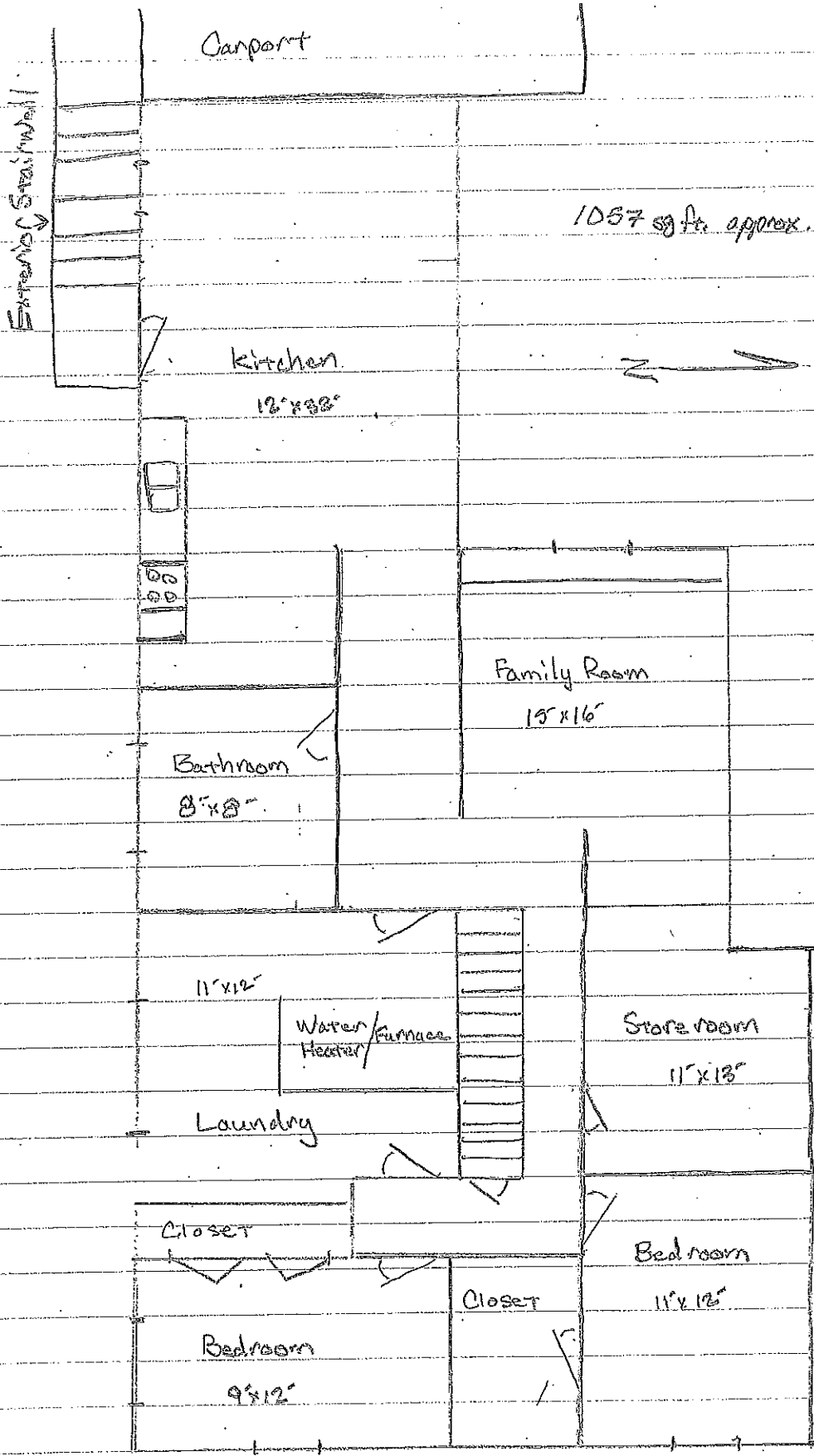
288 sq. ft.  
Carport

Accessory  
apartment  
entrance

0 5 10 20 30 40  
Feet



**Exhibit #3 – Basement Configuration**



**Exhibit #4 -- Neighborhood Meeting Summary**



# SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATTHEW HUISH  
CHIEF ADMINISTRATIVE OFFICER

## Neighborhood Meeting Summary – Community #26

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**Date:** May 28, 2019

**Location:** 1924 E. 10980 S.

**Community #/Name:** Community #26

**Community Coordinator:** Cory Bodily

**Project Name:** Bourdough Accessory Structure

**Number of Attendees:** 5

**Applicants:** Britta Bourdough and Corey Cowan

**Number of Invitees:** 56

**Length of Meeting:** 1 Hr.

**Notice Radius:** 500 ft.

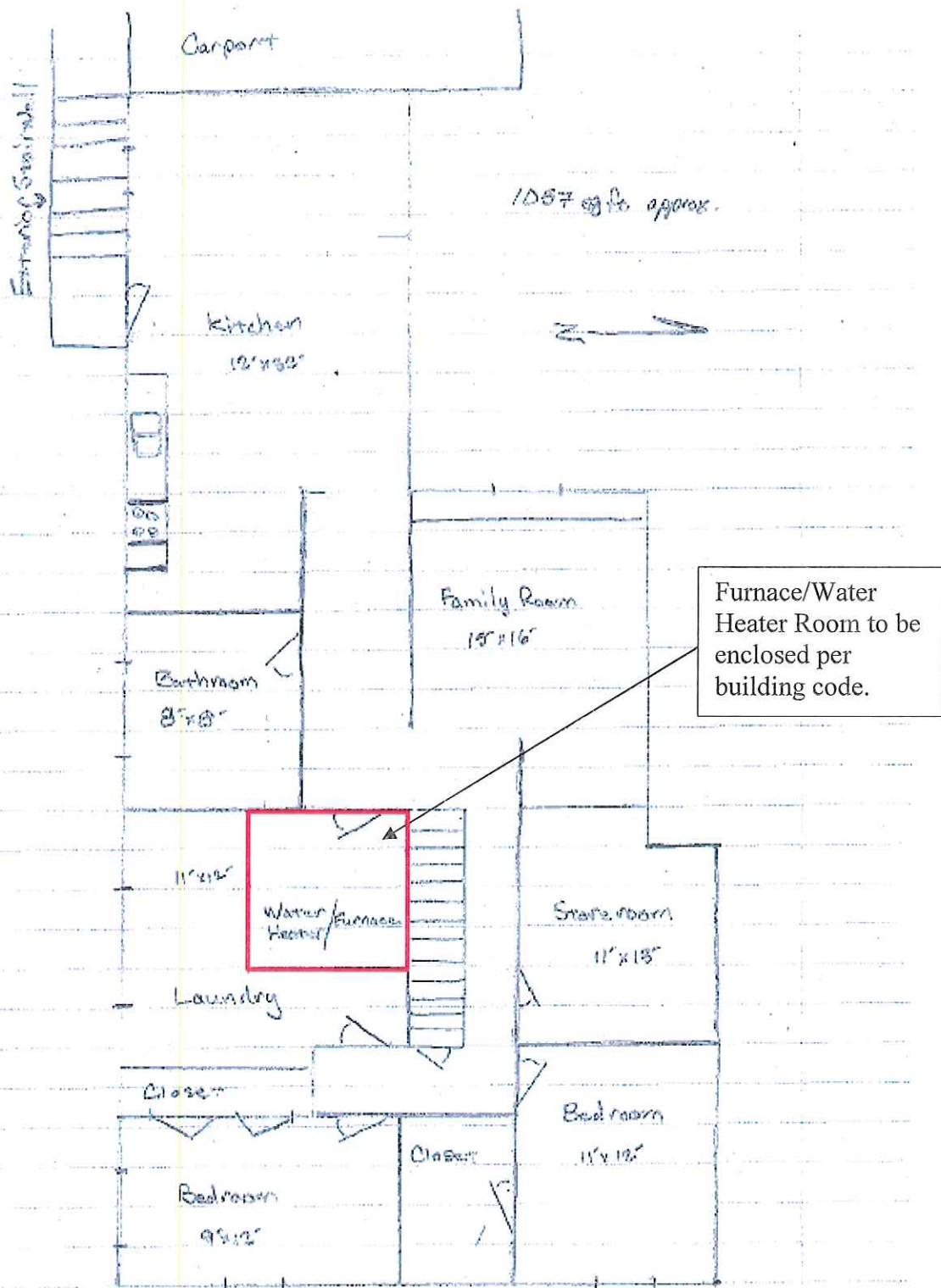
**Project Description:** The applicant is proposing to construct a 1,057 sq. ft. basement apartment.

### **Community Comments:**

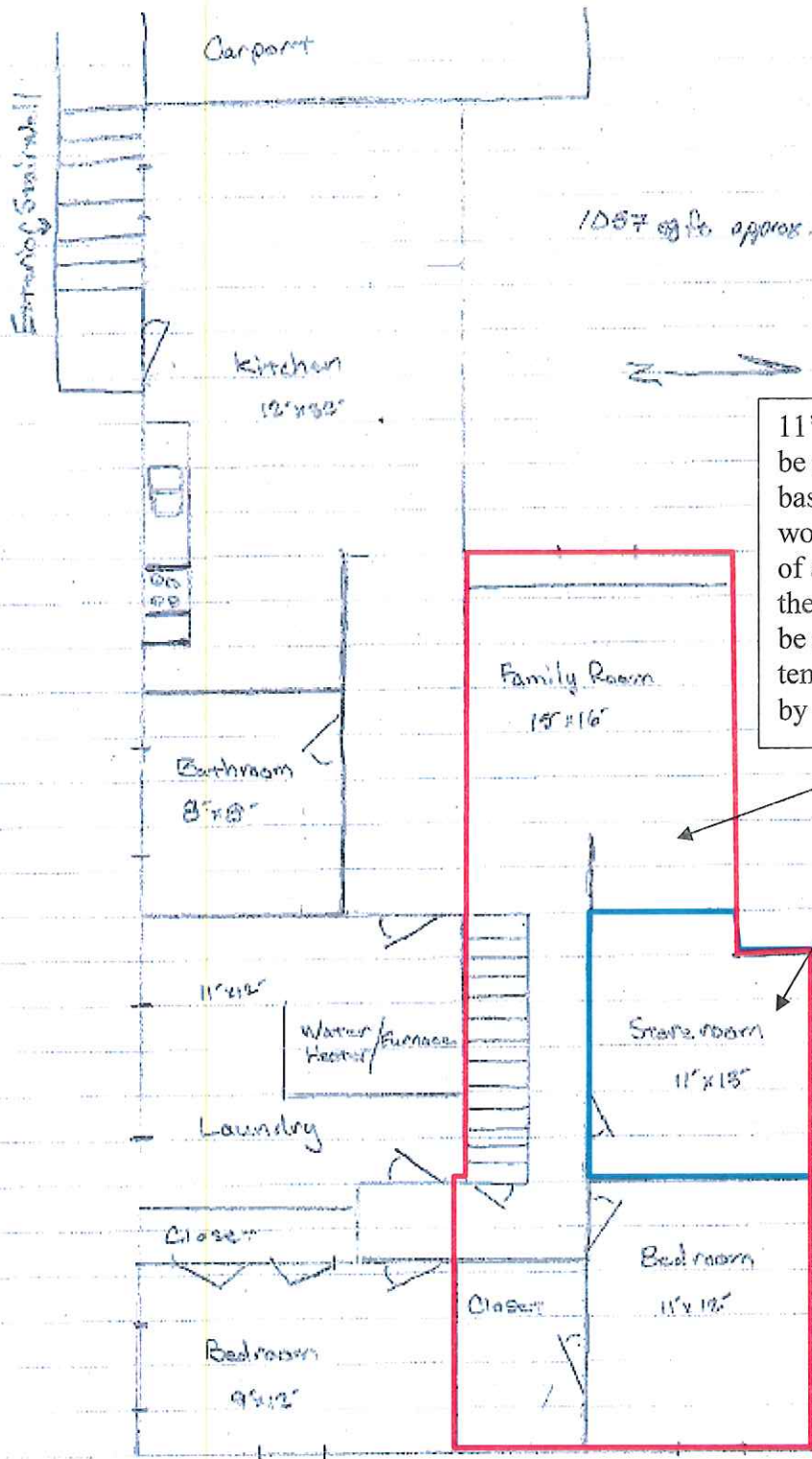
1. Opposed: Zoning is for single-family residential and not for multi-family. Initial bylaws state that that no rentals. Street and homes along 10980 S. are single-family homes. Some home occupations taking place along the street. Mother-in-law adds potential for air-bnb issue. Keep integrity of the street for single-family single dwelling. Do not want to set precedence that anyone with a walkout basement can have a basement.
2. Property owner occupied makes a difference.
3. Can understand the burden of young families and additional income, but do not want the street to turn to rentals.
4. Issue that property owner would move and the home would become full rental.
5. Does not bother one neighbor.
6. Narrow street and street parking would be difficult. Do not want to see parking overnight.
7. Important for property owner to know renter.



**Exhibit #5 - Basement Renovation Options**



**Option 1:** This option will be required in order to bring the basement in compliance with the building code. This renovation will reduce the basement apartment to 957 square feet.



11' x 13' Storage Room to be sectioned off from the basement tenant. This would require the separation of a substantial section of the basement apartment to be sectioned off by the tenant and only accessible by the property owner.

**Option 2:** This option is under the discretion of the Planning Commission. This option would bring the basement apartment under the 800 square foot requirement. This renovation would reduce the basement apartment to 658 square feet.