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OFFICER

Staff Report Memorandum September 7, 2023

To: Planning Commission
From: Community Development Department
Subject: Shawn Olsen Sport Shed (Conditional Use Permit)
8350 S. Red River Rd.
[Community #18]

CUP07262023-006574
PUD(2)
1.02 acres

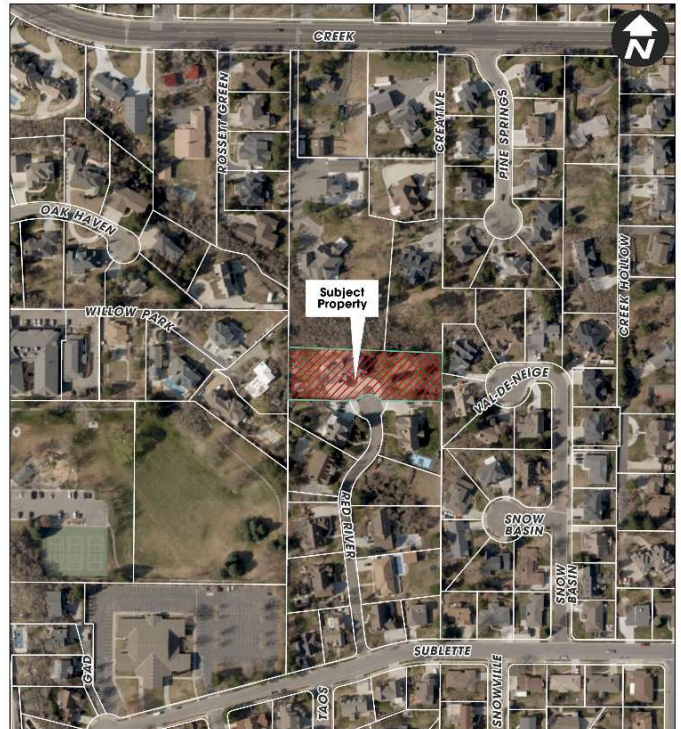
Public Meeting Notice: This item has been noticed to property owners within 500 feet of the subject area, on public websites and at public locations.

Request

The applicant and property owner, Shawn Olsen, is requesting approval of a conditional use permit to allow for an accessory structure at 8350 Red River Road (see applicant letter, Exhibit A). The applicant is seeking a conditional use permit for an accessory building over 1,500 square feet, over 20 feet tall, and reducing the setbacks. The proposed use of the structure is for an indoor sports court. The main dwelling exterior will be updated so the accessory structure will be congruent with those updates (See Exhibit B).

Background

The subject property is approximately one acre (44,431 square feet) in the PUD(2) zone. It is within the Ulrich Mini subdivision. To the south are single family homes in the PUD(2) zone, to the west and north are single family homes in unincorporated Salt Lake County, and to the east are single family homes in the R-1-12 zone.



Public Notice and Outreach

This item has been noticed to the property owners within 500 feet of the subject area by mail. A neighborhood

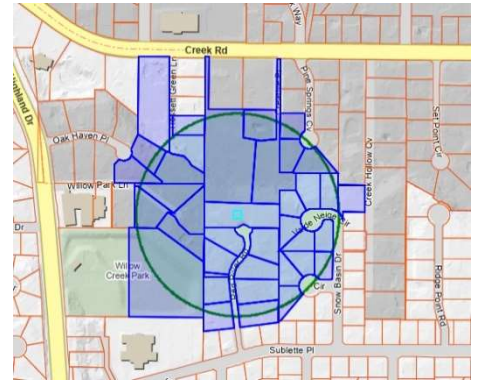


CUP07262023-006574
Conditional Use
8350 RED RIVER RD
Sandy City, UT
Community Development Department

meeting was held on August 22nd. There was one attendee. They had some general questions about the structure and were supportive of the proposed requests. Two emails were sent about the project (Exhibit C).

Analysis

The applicant’s plans indicate they intend to build an accessory structure that will be used as an indoor sports court in the northwest corner of the property. The proposed structure is 1,984 square feet and 23 feet in height. They are proposing to place the structure 3 feet from the north property line and 5 feet from the west property line (See Exhibit D). There is an existing accessory building on the property that is going to be removed. The applicant is proposing to update the exterior of the home to Hardie shingle style materials and match the accessory structures proposed siding. The house and accessory structure will be painted the same to create a cohesive look. Metal awnings and porch coverings will be added to two doors on the back of the house and will be the same metal roofing that is planned for the accessory structure.



Building Size

The proposed structure is 1,984 square feet. Section 21-11-2(a)(2)(a)(2) of the Sandy City Development Code states that no single accessory building shall exceed 1,500 square feet, unless the planning Commission approves a larger size through the conditional use permit process. The combined square feet of all accessory structures shall not exceed 2,000 square feet in lots 40,000 square feet or larger or 25% of the rear yard area whichever is the lesser measurement. The property is approximately one acre or 44,431 square feet. The proposed structure is 32 wide and 62 feet long (1,984 square feet). The proposed sports shed would comprise less than approximately 25% of the total square footage of the rear yard. There is an existing accessory structure that the applicant said will be demolished prior to construction of the proposed structure such that they will not exceed the maximum square footage requirement.



Below is a list of accessory structures and their size in the nearby vicinity a well as a comparison with the proposed structure.

| Address | Accessory Structure | Rear Yard Area | Rear Yard Percentage |
|-------------------------|---------------------|----------------|----------------------|
| 8387 S. Red River Rd. | 950 | 12,670 | 7% |
| 8375 S. Red River Rd. | 183 | 12,883 | 1% |
| 2136 E. Willow Park Ln. | 345 | 7,180 | 4% |
| 2130 E. Willow Park Ln. | 461 | 10,550 | 4% |
| 2120 E. Willow Park Ln. | 2,200 | 9,885 | 22% |
| Project Address | Accessory Structure | Rear Yard Area | Rear Yard Percentage |
| 8350 Red River Rd. | 1,984 | 20,735 | 9% |

Building Height and Setbacks

The proposed structure would be twenty-three feet tall to the peak of the roof. Section 21-11-2(a)(3)(c) of Sandy City Development Code states that the accessory building could be approved up to the height of the primary dwelling through a conditional use permit. The Planning Commission may require additional setbacks in exchange for the height request. In Section 21-11-2(a)(3)(b) 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. In this case, the



applicant is proposing to have those setbacks reduced. The setbacks that would be required for an accessory structure that is 23 in height would be 11 feet. The applicant is requesting reduced setbacks to allow for a 3 foot setback from the north property line (8 foot reduction) and 5 foot setback from the west property line (6 foot reduction) (See Exhibit D).

Architectural Design

Section 21-11-2(a)(4)(c) of the Sandy City Development Code states that generally, accessory structures shall be designed and constructed as to be compatible with the architectural components of the main dwelling or building. The proposed materials of the accessory structure are not congruent with the materials of the main dwelling. The applicant is proposing to update the exterior of the main dwelling to Hardie shingle style materials and match the accessory structures proposed siding. The house and accessory structure will be painted the same color to create a cohesive look. Metal awnings and porch coverings will be added to two doors on the back of the main dwelling and will be the same metal roofing that is proposed for the accessory structure.

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, 23 feet tall to peak and would be 1,984 square feet. The structure would be sited 3 feet from the rear property line and 5 feet from the side property line.

- (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, pitch, 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 that the current proposed materials don't match those of the existing main dwelling. The applicant is planning to change the materials of the main dwelling so that the accessory structure will match.

Recommendation

Staff recommends that the Planning Commission approve a Conditional Use Permit for an accessory structure with additional height, square footage, and reduced setbacks as described in the staff report for the property located at 8350 S. Red River Road based on the following findings and subject to the following conditions:

Findings:

1. The PUD(2) zone is most closely associated with the R-1-20 zone.

2. There is one other accessory structure that will be demolished before construction of proposed accessory structure.
3. The proposed structure would be consistent with rear yard area coverage of accessory structures in the area.
4. Staff finds that the proposed structure meets the intent of Section 21-11-2 provided the applicant complies with the following conditions:

Conditions:

1. That the structure be located as per the enclosed site plan.
2. That the proposed structure be constructed with fiber cement board and metal roofing as per the applicant's example images.
3. That the main dwelling incorporate similar materials that are planned for the accessory structure. A building permit for the main home remodel must be submitted at the same time as the accessory building.
4. That the current accessory structure located in the southwest corner be demolished prior to construction of the proposed structure.
5. That the applicant complies with all Building & Safety, and Fire & Life Codes.
6. 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.
7. That this Conditional Use Permit be reviewed upon a legitimate complaint.

Planner:



Sarah Stringham
Planner

File Name: S:\Users\PLN\STAFFRPT\2023\CUP07262023-006574 - Shawn Olsen Sports Shed

Exhibit "A"

Subject: Planned Construction of a Sports Shed

Dear Sandy City,

I hope this letter finds you well. I am writing to inform you about our upcoming construction project. As responsible homeowners, we believe in open communication and want to ensure that our project does not cause any inconvenience to our neighbors.

We are seeking conditional use to build a garage like structure that would house an indoor basketball and pickleball court. The structure would ultimately stand 23 feet tall, 32 feet wide, and 62 feet long totaling 1,984 square feet. Our conditional use requests would be to build a structure larger than 1,500 square feet (though still smaller than 2,000 square feet) and to ideally end up with setbacks 5 feet from the west property line and 3 feet from the north property line.

With the height of the building being 23 feet (8 feet over the 15-foot height limit), we would normally be required to have the setbacks be 11 feet on the west and north property line. We feel this would be a worse situation for us and for our neighbors that may care about the structure as it would likely be more visible and noticeable. We've detailed below why smaller setbacks would be more beneficial to us and our neighbors.

Setback from the North Property Line:

We are seeking permission to position the structure just 3 feet from the north property line. It's important to mention that no structure or home is visible on the direct north side of our property line, nor could any home likely exist in this area as it is the top of a hill and in the backyard of the homes north of our property. By placing it closer to this north fence, we can create a seamless, functional space while maintaining ample distance from any existing structures, ensuring a tranquil atmosphere for our neighbors. Further, this allows it to be much more difficult to see from the front of the house.

Setback from the West Fence:

Similarly, we kindly request permission to have the structure set 5 feet from the west fence. The neighbor on this side, whom we have already spoken to, has an abundance of foliage and he assured us that he has no concerns about the building height or its proximity to his property. His support and understanding are heartening, as we aim to build a structure that will blend in as much as possible. Further, this would help push the building further away from other neighbors on our street seeing it.

Planned Use of the Structure:

We are excited to share our plans for the construction of a garage like structure to house an indoor basketball and pickleball court. The primary purpose of this structure is to provide our family with a space where we can enjoy these recreational activities throughout the year. The court will be enclosed within the structure, including insulation and heat, allowing us to play in any weather conditions while minimizing any noise and potential disturbances to our neighbors. We view building this structure as a much better alternative for our neighbors than an outdoor court, which would come with lights that could be on at various hours, noise that will inevitably come from basketball games played by loud boys, and the annoying sounds that pickleball games produce for those nearby.

Exhibit " A" continued

Choice of Materials:

To ensure the new structure complements our existing home and aligns with its architectural aesthetics, we have carefully selected building materials. The exterior of the structure will feature either Hardie siding or shingle material and will be painted the exact same color used on our house, creating a cohesive and harmonious appearance (see pictures provided for the examples of what the final product will look like). Further, we have already engaged a contractor to add Hardie shingles to the front of our house and to paint our entire home exterior to the color that will be painted on the structure. In addition, we will be adding metal roof awnings/porch coverings on two spots on the back of our home that will be the same metal roofing material used on the structure.

Our goal is to seamlessly integrate the new construction with the current look and feel of our property. Further, we will landscape around the structure with beautiful trees, flowers, etc. We will also be adding the same copper gutters that exist on our home to the added structure (see picture of our home exterior). Our existing home was built in 1990 and, though we are slowly updating the exterior, we believe the final product of this new structure will ultimately look more updated than our existing home exterior.

Structure Use and Intent:

It is essential to clarify that the indoor court will not be utilized as a dwelling in any manner. The interior will be designed with concrete floors, housing only the basketball hoop and pickleball net. No overnight stays will take place within this structure. The court's purpose is purely recreational, aiming to have an activity space for family and friends.

Possible Neighborhood Impacts:

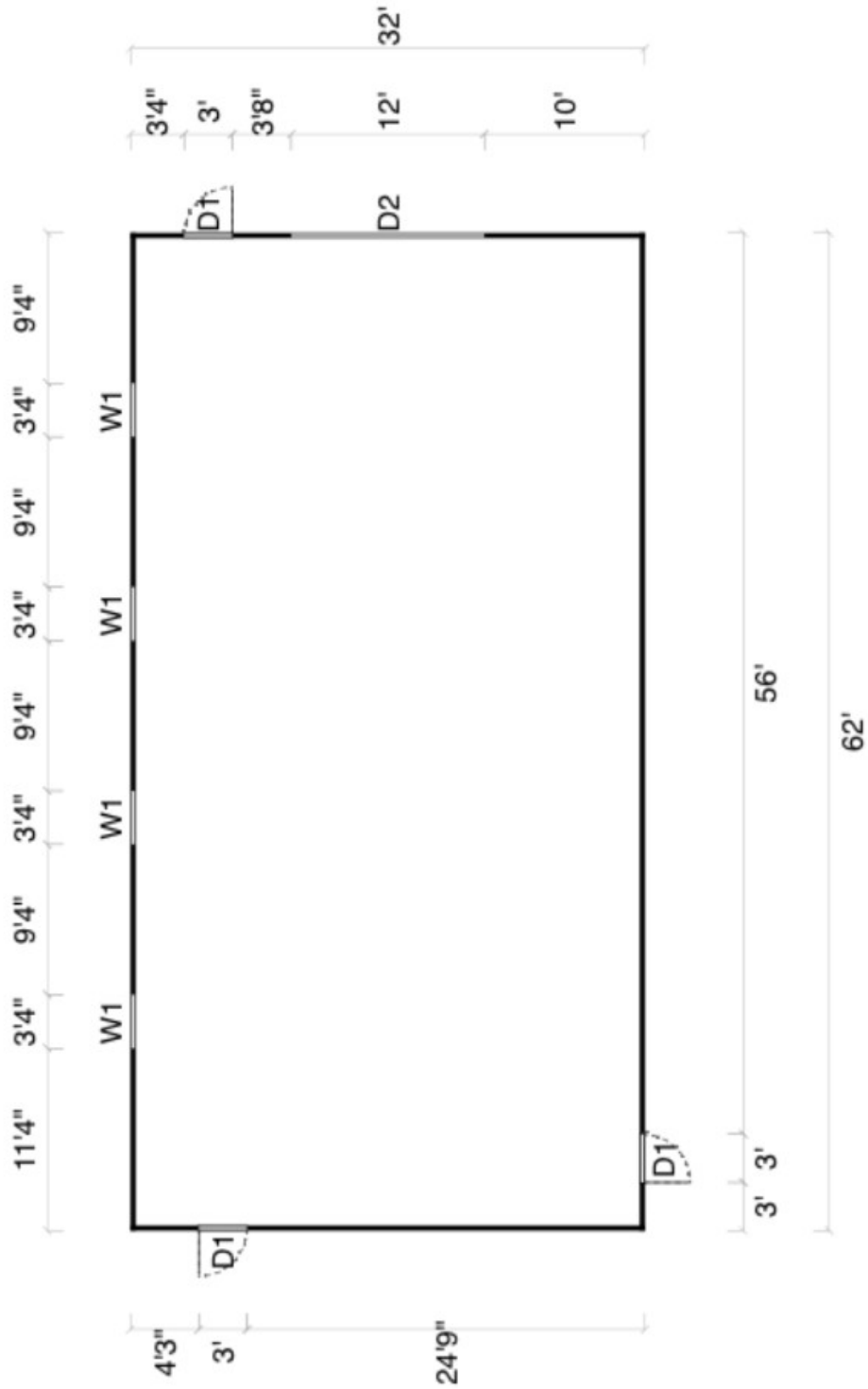
We are mindful of the impact our project might have on our neighbors. To address any potential concerns regarding noise levels or visual disruption during the construction process, we will take necessary precautions and follow all local regulations. We have also planned appropriate landscaping around the court to maintain the aesthetic appeal of our property and ensure it blends harmoniously with the surroundings. Also, as mentioned, the structure will be insulated to prevent noise traveling. Again, from our perspective, we firmly believe that the proposed new structure will not have a negative impact on our neighbors when compared to an outdoor basketball and pickleball court. The potential noise and light pollution that typically accompany outdoor courts would be avoided, making the new structure a more considerate and beneficial choice for everyone involved.

We are open to discussing any aspects of the construction to alleviate any potential disturbances. Thank you for your understanding and support. We look forward to completing this project responsibly and in harmony with our community.

Sincerely,
Shawn & Nina Olsen

Exhibit "B"

BACK



FRONT

Exhibit "B" continued

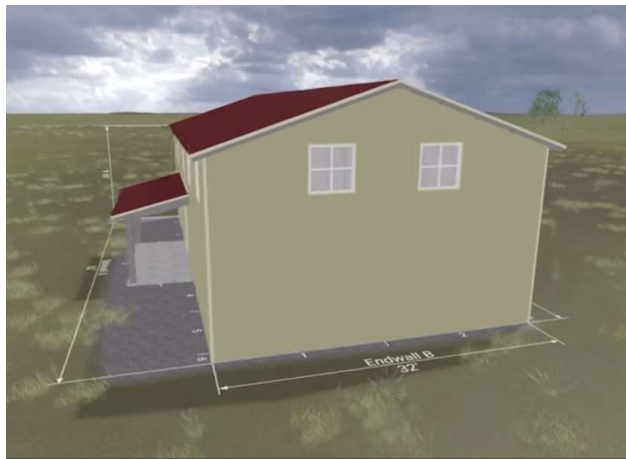
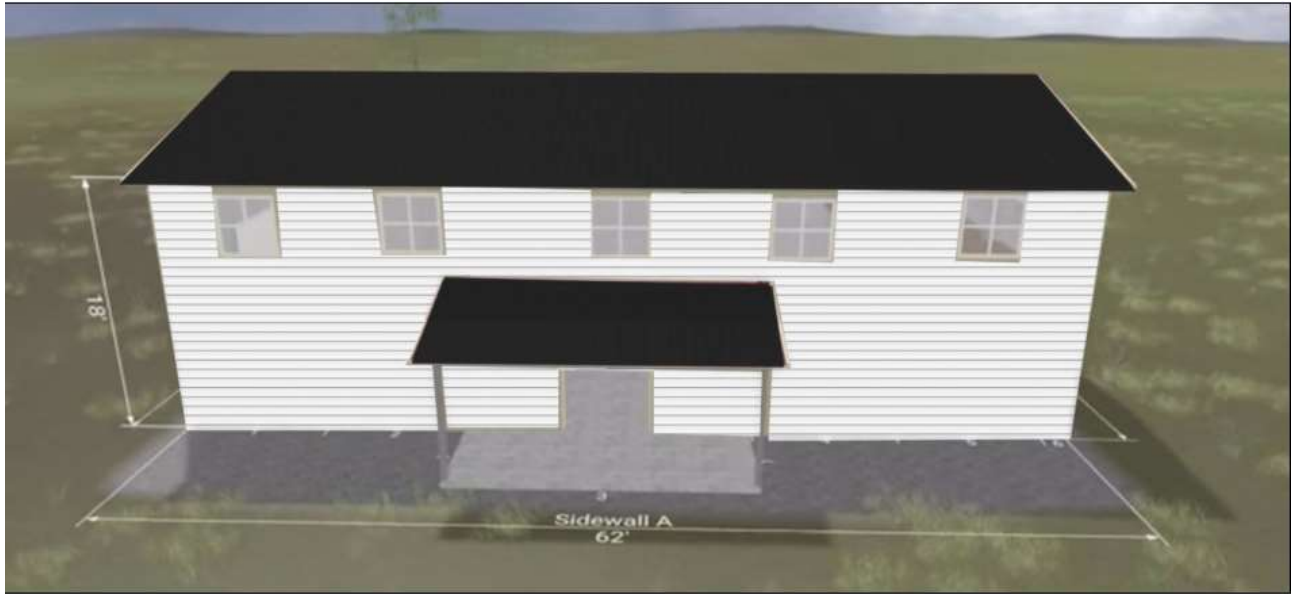


Exhibit "B" continued



Exhibit "B" continued

EXAMPLE PICTURES



Exhibit "B" continued



Exhibit "C"

August 22nd Neighborhood Meeting

One person attended the meeting. They had questions about what the structure was and were supportive of the project.

-----Original Message-----

From: JAMES MAC*INNES <j_cmacinnes@msn.com>

Sent: Friday, August 18, 2023 2:08 PM

To: Sarah Stringham <sstringham@sandy.utah.gov>

Subject: [EXTERNAL] Shawn Olsen-conditional use permit,neighborhood meeting

I am against this proposal. This sounds like a 2story 2,000 sq ft addition. We do not need this eyesore along Red River Rd.

Sent from my iPad

-----Original Message-----

From: Carissa Jones <cpjones21@gmail.com>

Sent: Tuesday, August 22, 2023 8:39 PM

To: Sarah Stringham <sstringham@sandy.utah.gov>

Subject: [EXTERNAL] Neighborhood meeting

Hi Sarah,

I live at 2213 Valde Neige Cir, and it sounds like my immediate neighbors and I were all unable to attend the neighborhood meeting tonight regarding the proposed permitting at 8350 Red River Rd. Are there more details you could share about what the structure is and where on the property they are asking to put it?

Thank you,
Carissa Jones
801-671-0428

Hi Carissa,

The structure is going to be used as a sports court and will be fully insulated for year round use and to help reduce noise. The proposed structure is going to go in the north west corner of his yard. If you have other questions let me know. Thanks!

Best,
Sarah

Exhibit "C" continued

Sarah Stringham
Planner
10000 S. Centennial Pkwy. | Sandy, UT 84070
o: 801.568.6055 | f: 801.568.7278
sstringham@sandy.utah.gov

From: Dan Preece <danpreecedpm@gmail.com>
Sent: Thursday, August 31, 2023 5:06 PM
To: Sarah Stringham <sstringham@sandy.utah.gov>
Subject: [EXTERNAL] Plot map

Hi, was invited to participate in a meeting regarding my neighbors proposal to build next to my property... see the attached image. I was wondering if there is some kind of plot map that shows where on the property the building is being proposed ?

Thanks!

Dan Preece

UMS
Foot & Ankle Specialists

On Fri, Sep 1, 2023, 8:33 AM Sarah Stringham <sstringham@sandy.utah.gov> wrote:

Hi Dan,

They are proposing to put the structure in the northwest corner of their property. They are requesting reduced setbacks that is shown in the picture below.

From: Dan Preece <danpreecedpm@gmail.com>
Sent: Friday, September 1, 2023 8:34 AM
To: Sarah Stringham <sstringham@sandy.utah.gov>
Subject: Re: [EXTERNAL] Plot map

Cool. Thank you.

Dan Preece

UMS
Foot & Ankle Specialists

Exhibit "D"

Required – 11' setbacks



Requesting from Planning Commission – 5' side and 3' rear setbacks

