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## Staff Report Memorandum December 19, 2024

To: Planning Commission  
From: Community Development Department  
Subject: Jason K Circle Subdivision Amendment  
182 E. 9000 S.  
[Community #4, Historic Sandy]

SUB04102024-006745  
SPX09052024-006838  
R-1-8 Zone  
1.93 Acres, 1 New Lot

**Public Meeting Notice:** This item has been noticed to property owners within 500 feet of the subject area, on public websites, and a sign posted on site.

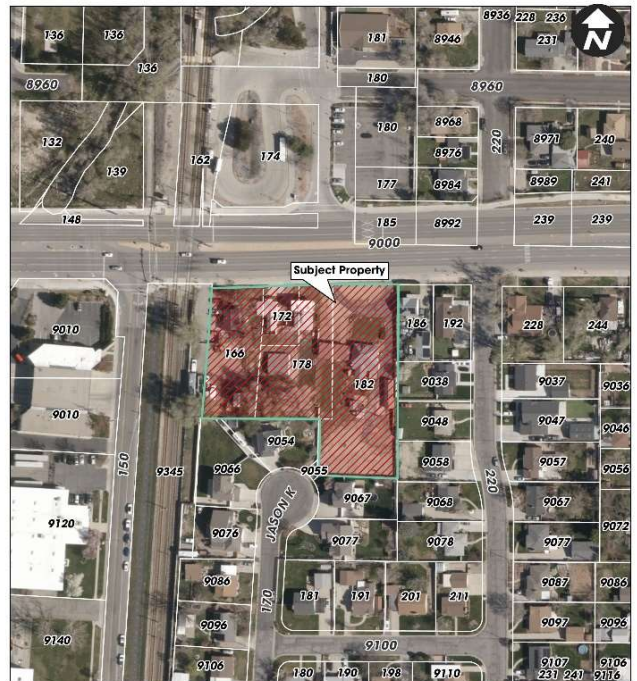
### Request

The applicant, Jill Kinder, representing the property owners Clint Wright, Dan & Virginia Alger, and Daren & Jill Kinder, is requesting preliminary subdivision approval and two special exceptions: one to create a flag lot and another to recognize the existence of a lot that has less than the minimum square footage in the zone. The proposal consists of a total of five parcels that have four existing detached single-family homes that would result in the creation of a total of five lots (one of which would be a flag lot with access from Jason K Circle) and realigned property boundaries to meet zoning requirements for the other existing homes that front along 9000 South (see Exhibit "A" for Application Materials).

### Background

The subject and surrounding properties are zoned R-1-8. Single family homes are east and west of the development. The UTA Trax line runs along the western edge while 9000 south is to the north.

The eastern property was created as part of the Jason K Circle Subdivision in 2002. The remaining properties are considered lots of record and are currently described by meets and bounds legal descriptions are not part of a subdivision plat.



SUB04102024-006745  
Subdivision Amendment  
182, 172, 166, 178 E 9000 S

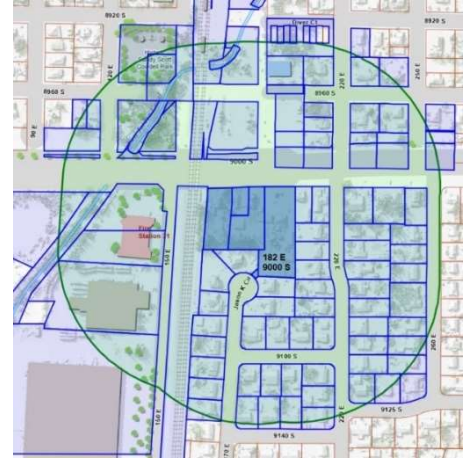
Sandy City, UT  
Community Development Department

Property Case History	
Case Number	Case Summary
S#01-02	Jason K Circle Subdivision

**Public Notice and Outreach**

Notices were mailed to property owners within 500 feet of the subject property and affected entities. The notice was posted to the Utah Public Notice website and the city website. A physical copy of the notice was posted at City Hall, and a public notice sign was placed on the subject property.

Staff held a virtual neighborhood meeting via Zoom on December 10, 2024. Residents asked about potential building plans and how the connection to Jason K Circle would be accomplished. There was also a lengthy discussion over the property line discrepancies along the west side of the project area (see minutes in Exhibit "B").



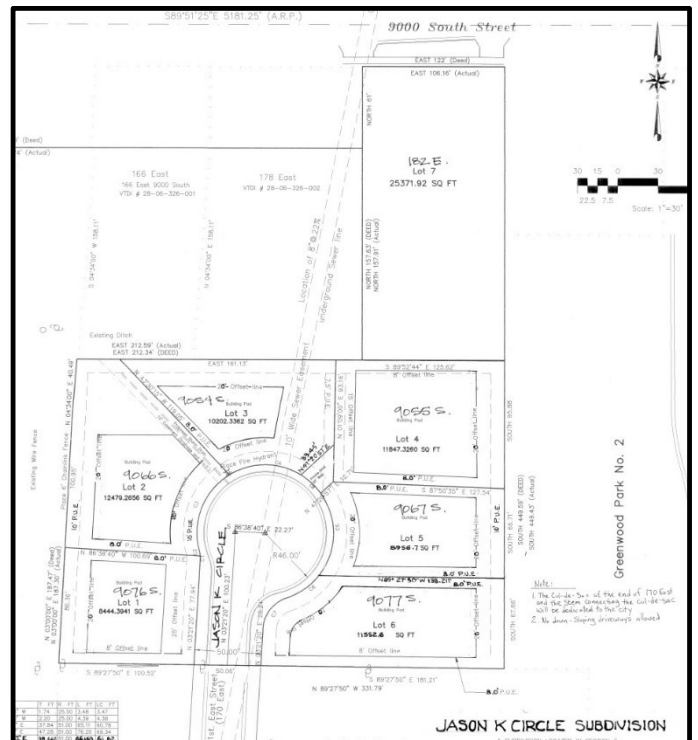
**Analysis**

The applicant is proposing to create one new building lot in this subdivision. The other lots are for existing single family homes that are fronted along 9000 South. The new proposed lot would use the existing undersized parcel along Jason K Circle to access the excess property of the property addressed as 182 E. 9000 S. Doing so will create a flag lot. The northern property line of this property will then be restored to the original intent of the Jason K Circle Subdivision. This line was removed through a Quit Claim Deed many years ago. Many existing property lines are shown to run through structures from an apparent survey projection issue. These lines will be corrected and realigned to conform to the setback requirements of the zone through this proposed subdivision plat. Several accessory structures also will need to be demolished or modified to conform with zoning requirements.

**Flag Lot**

Section 21-21-22 of the Sandy City Development Code allows flag lots to be used if approved as a special exception by the Planning Commission. The intent of the Jason K Subdivision was to provide access through a flag lot, but the lots were never consolidated. The code lists several criteria to be used by the Planning Commission when determining whether or not to approve the use of flag lots. The criteria that likely require the most consideration from the Planning Commission are as follows (see [section 21-21-22](#)):

- 1) A flag or L-shaped lot shall be comprised of a staff portion contiguous with the flag portion thereof.
- 2) The staff portion of said lot shall be regulated as a private lane and shall front on and be contiguous to a dedicated public street or private street.
- 3) No building or construction, except for driveways, shall be allowed on the staff portion of said lot, unless the minimum width thereof is the same or greater than the minimum width for a lot as allowed in the underlying zone (excluding entrance features and streetlights).
- 4) The front side of the flag portion of said lots shall be deemed to be that side nearest to the dedicated public



street or private street upon which the staff portion fronts, unless otherwise determined by staff on a case-by-case basis.

- 5) The staff portion of said lots shall be deemed to end, and the flag portion of said lots shall be deemed to commence at the extension of the front lot line.
- 6) The square footage located in the flag portion of said lot, which shall be exclusive of the square footage located in the staff portion of said lot, shall be the same or greater than the minimum square footage as required in the underlying zone.
- 7) The front, side and rear yard requirements of the flag portion of said lots shall be the same as is required in the underlying zone.
- 8) The approved building envelope shall be illustrated upon the final plat.

Response to 1-3: The staff portion of the flag lots is 20 feet wide and between 12 and 33 feet long which meets this requirement.

Response to 4: The frontage of the lot will be considered the west side facing Jason K Circle.

Response to 7 and 8: Buildable areas will be shown on the plat and will reflect the requirements of the underlying zone.

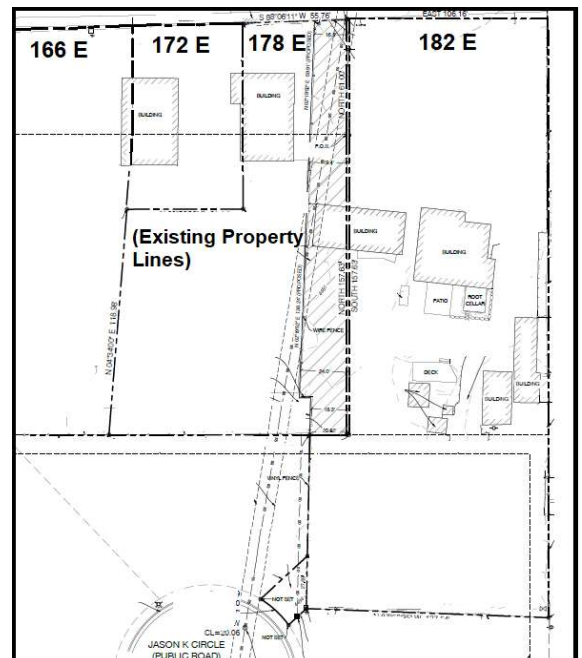
#### Recognizing an Existing Undersized Parcel

The property addressed as 172 E. 9000 S. is currently only 5,686 square feet in size and is 58 feet wide, both of which are less than is permissible in the zone (8,000 square feet and 70 feet respectively). Through a special exception, the Planning Commission can review and approve such lots if the original parcel it was created from was at least 1-1/2 times in area and width at the time when Sandy's zoning ordinance was adopted. This lot was initially part of 178 E. 9000 S. The two lots together meet this requirement, allowing the smaller lot to be legally recognized.

#### Staff Concerns

For lot 100 (166 E. 9000 S.), the proposed plat shows an east side yard setback that is less than eight feet from the home. This must be corrected to the proper distance prior to the plat recording.

For lot 7A (182 E. 9000 S.), the proposed plat shows a garage also located closer than eight feet from the west side yard. It is also encroaching upon an existing sewer easement. This structure will need to be demolished or modified to comply with setback requirements as well as not to encroach on the easement.



### **Staff Recommendations**

#### **Motion #1 Special Exceptions**

Staff recommends that the Planning Commission approve two special exceptions to create a flag lot off Jason K Circle and allow for the continued existence of a non-complying undersized lot within the R-1-8 zoning district based on the following findings:

#### **Findings:**

1. That the proposed subdivision is an infill development.
2. That the proposed configuration equitably balances the needs of the public and presents the most efficient use of the land.
3. That the requests meet the criteria of the code as shown in the analysis of the staff report.

**Motion #2 Subdivision Amendment**

Staff recommends that the Planning Commission determine that preliminary subdivision review for the Jason K Circle Subdivision Amended & Extended located at 182 E. 9000 S. is substantially complete based on the following findings and subject to the following conditions:

**Findings:**

1. That the proposed configuration equitably balances the needs of the public and presents the most efficient use of the land.
2. That the proposed lot sizes and frontages conform to the requirements of the R-1-8 zone.
3. That the various City Departments and Divisions have preliminarily approved the proposed subdivision plat.

**Conditions:**

1. That the applicant complies with each department's comments and redlines throughout the final review process and that all issues be resolved before the subdivision can be recorded.
2. That all residential lots comply with all requirements of the R-1-8 zone.
3. That the property line between lots 100 and 102 be corrected to allow for an eight-foot side yard setback from the home on lot 100.
4. That the garage located in the west side yard of lot 7A be demolished or modified to comply with the eight-foot side yard requirement of the zone.

Planner:



Thomas Irvin  
Senior Planner

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Exhibit "B"

## Neighborhood Meeting Summary

**Meeting Date:** December 10, 2024  
**Neighborhood:** Historic Sandy #4  
**Project:** Jason K Circle Subdivision Amendment  
**Applicant:** Jill Kinder

### Project Summary

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The proposal is a Preliminary Subdivision review a 6-lot subdivision amendment along with Special Exception review for the creation of a flag lot and continued allowance for an undersized lot within the zone.

The property is zoned R-1-8 and has single family homes to the east and the south. The TRAX line runs along the west side and 9000 S is to the north.

### Meeting Minutes

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The neighborhood meeting was conducted online, via Zoom with approximately six participants.

Wendy Davis began the comment period by asking if the applicant intended to build anything on lot 4A once access to Jason K Circle was provided. She also wanted to know where snow would be piled during the winter months and where the future homeowners would place their trash cans.

Jill Kinder, the property owner, responded that she intended to sell the lot for someone else to build a home upon. Trash cans would be placed along the cul-de-sac where everyone else places them and the snow removal crews would have to come up with an alternative to piling snow in front of the access point.

Kevin Harper asked how much disturbance he should expect when the connection is made. As the storm drain in front has been abandoned, he should not expect any disturbance to his property.

Wendy Davis asked about the ambiguous property line along the UTA corridor. She has been in contact with UTA and Sandy City on who owns the property and who is responsible for maintaining it. UTA believes they own a 15-foot strip along the full length of the proposal which even includes property currently shown as part of 166 E 9000 S.

Staff responded that they would research this issue further and get back with them on the property ownership question. Other neighbors asked if their fencing would be disturbed. Other than the vinyl fence adjacent to the proposed lot 4A, no fencing should be disturbed.