



# SANDY CITY COMMUNITY DEVELOPMENT

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## Staff Report Memorandum April 18, 2024

To: Planning Commission  
From: Community Development Department  
Subject: Gardner Accessory Structure (Conditional Use Permit)  
8536 S. Stargazer Cir.  
[Community #18, Willow Creek]

CUP03132024-006730  
R-1-8 zone  
.37 acres

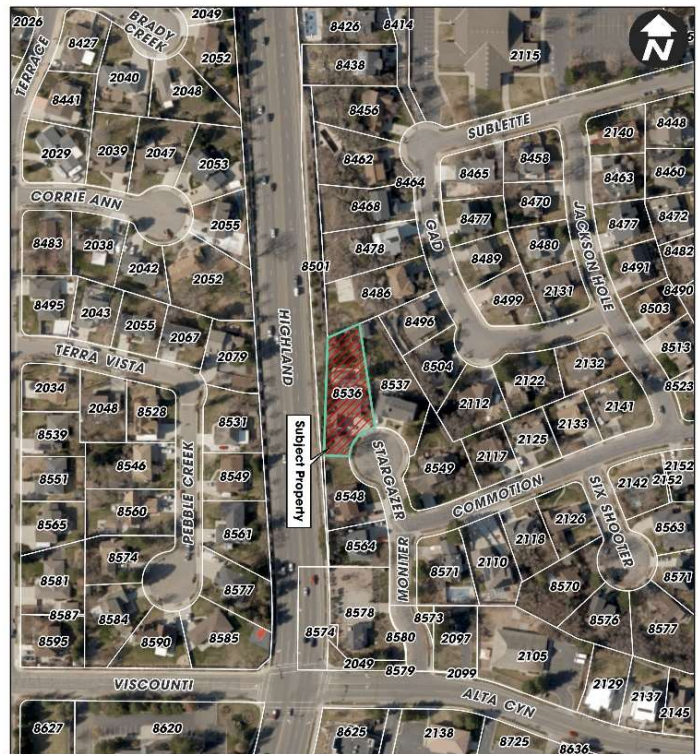
**Public Meeting Notice:** This item has been noticed to property owners within 500 feet of the subject area, on public websites, and at public locations.

### Request

The applicant, Anson Li, on behalf of the property owner, Carina Gardner, is requesting approval of a conditional use permit to allow for an accessory structure with additional height for a property located at 8536 S. Stargazer Cir. The proposed structure is a 384 square foot accessory structure that is 16 feet 2 inches tall. The design of the exterior and roof is proposed to match the exterior of the main dwelling. See application materials for details (see Exhibits A, B, and C)

### Background

The subject proper is approximately .37 acres (16,117 square feet) in the R-1-8 zone. The subject property is lot 21 in the Quail Valley 6 subdivision. Properties to the north, south, east, and west are single family residential zoned R-1-8.



CUP03132024-006730  
Conditional Use Permit  
8536 S STARGAZER CIR

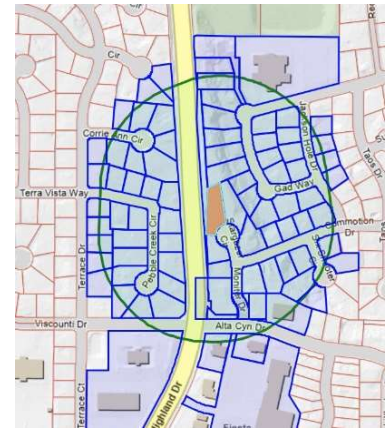
Sandy City, UT  
Community Development Department

### Public Notice and Outreach

This item has been noticed to property owners within 500 feet of the subject area by mail. A neighborhood meeting was held on April 2nd and one neighbor attended. No phone calls or emails have been received.

### Analysis

The applicant is proposing to build an accessory structure in the rear yard that will be used as a home office. The proposed structure is 384 square feet and 16 feet and 2 inches in height. The structure has a main floor with a room for office space, areas for storage, and a half bath with a sink and toilet. There is a second level with a ceiling height of seven feet that will be used for storage (see Exhibit C). The applicant is proposing to match the exterior materials with the existing exterior of the home. There is another 100 square foot accessory structure on the property that is used as a shed. The existing and proposed accessory structures have a total of 484 square feet. The property is 16,117 square feet and is allowed up to 1,000 square feet for accessory structures.



### Building Height

The proposed structure is 16 feet and 2 inches tall to the peak of the roof. 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. The proposed structure is set back 14 feet from the western property line and 10 feet from the rear property line. These setbacks exceed what would be beyond the required additional setbacks from Section 21-22-2(a)(3)(b) (See Exhibit B for site plan).

### 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, 16 feet tall to peak and would be 384 square feet. The structure would be sited 10 feet from the rear property line and 14 feet from the west 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, 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.*

*That the applicant record an affidavit to affirm that this structure will not be used as an accessory apartment.*

**Staff Concerns**

Staff is concerned that with plumbing and finishing this as habitable space proposed within this structure that this could be used or converted to a detached accessory apartment, which is not allowed in the city. The applicant has informed staff that this is not their intention. An affidavit needs to be recorded to affirm that this structure will not be used for an accessory apartment use.

**Recommendation**

Staff recommends that the Planning Commission approve a Conditional Use Permit for an accessory structure with additional height as described in the staff report for the property located at 8536 S. Stargazer Cir. based on the following findings and subject to the following conditions:

**Findings:**

1. There is an existing 100 square foot accessory structure on the property that will remain.
2. The proposed and existing structure would be consistent with rear yard area coverage of accessory structures in the area.
3. 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 structure shall not be used as an accessory dwelling unit and record an affidavit on the property affirming the same.
3. That the applicant complies with all Building & Safety, and Fire & Life Codes.
4. 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.
5. That this Conditional Use Permit be reviewed upon a legitimate complaint.

Planner:



Sarah Stringham  
Planner

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## Exhibit "A"

## Carina Gardner 8536 Stargazer Circle Kit Shed Install Permit Summary:

- 16x24ft Shed Kit, 384 Sqft
- Total Height 16'-2"
- Roadbase and Pour Concrete Foundation 8" thick with rebar 17'x25' as in shed documentation
- 4" Pad with wire mesh everywhere else, plus additional pad space to edge of property line
- Framed and built in accordance with shed documentation
- 130 MPH max wind load and 45 lbs. snow load rating

We already have the Shed, but didn't realize it will be slightly over the 15' restriction for R1 Zoning.

There is 1 additional shed on the property with a size of 10x10 for 100sqft. The new shed will add 384 sqft. We'd like to keep the shed height as is instead of modifying the kit.



Exhibit "B"



Exhibit "C"

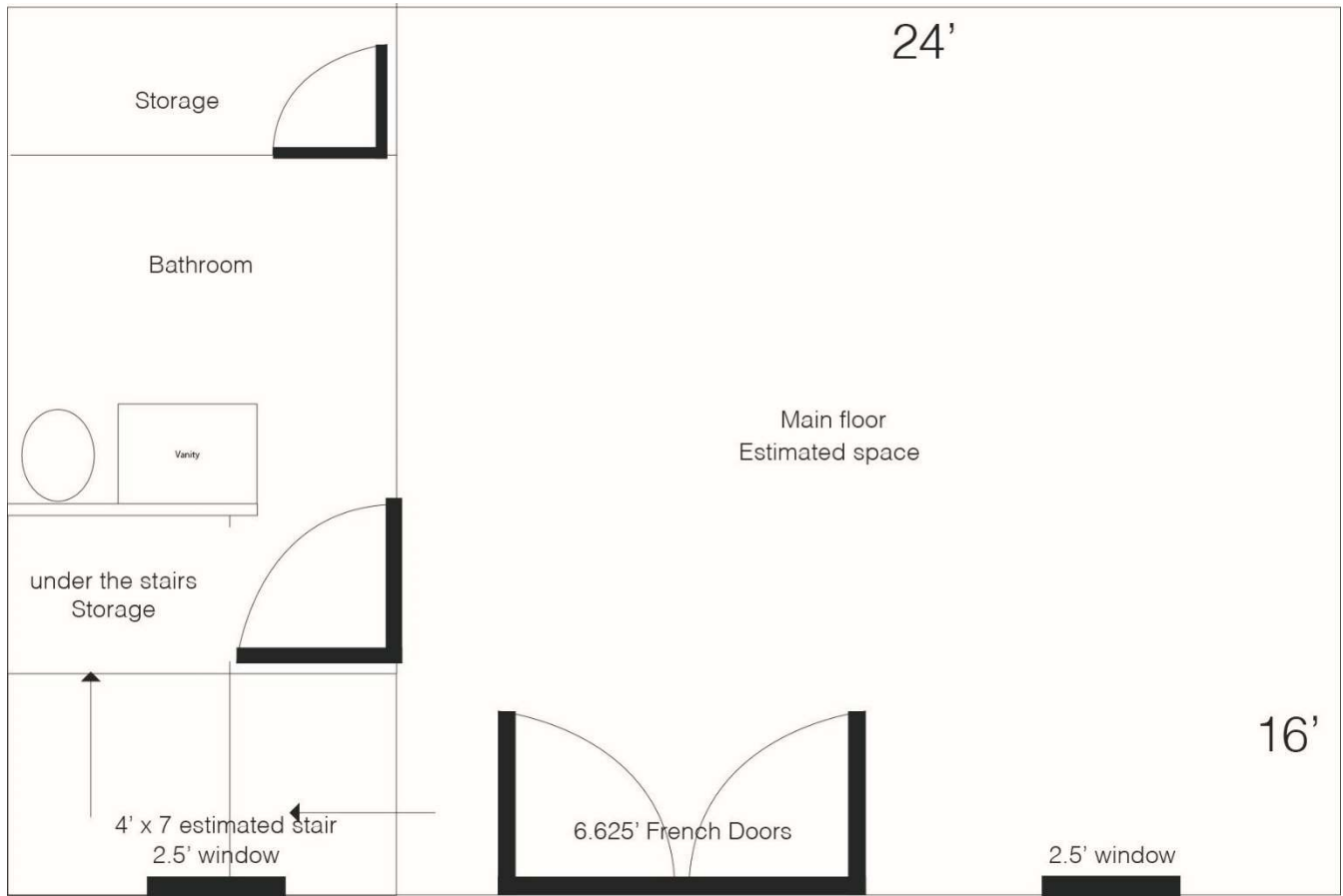




Exhibit "C" continued

