



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

July 5, 2018

To: Planning Commission
From: Community Development Department
Subject: Simashov Accessory Structure
10911 S. Bowden St.
(Crescent, Community #11)

CUP-06-18-5431
Zoned R-1-20A

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

DESCRIPTION OF REQUEST

The applicant, Vladimir Simashov, is requesting a setback waiver to allow for an accessory structure on the property located at 10911 South Bowden Street. The property is 0.46 acres (20,038 square feet), and located in the R-1-20A zone district. Properties to the north, south, and west are single-family homes zoned R-1-20A. Properties to the east are single-family homes zoned SD(R-1-8) PUD.

The applicant is proposing to construct a detached garage on the southeast corner of the property (See Exhibit #1 – Application Materials). The proposed structure will be 1,500 square feet (50' x 30') and be 20 feet in height. The proposed garage will match the exterior of the home with brown stucco, decorative rocks, and brown garage door. The size and scale of the proposed structure does NOT require a conditional use permit. However, structures exceeding 15 feet in height require an additional setback of one foot, per every foot in height past the 2-foot setback minimum. Thus, a 20-foot high structure requires a 7-foot setback minimum from the rear and side yards. The applicant is requesting that the minimum setback of 7 feet be waived to a 3-foot setback on the side (south) property line and rear (east) property line. The detached garage will be used to park a camp trailer.

ANALYSIS

The property is zoned R-1-20A, and is 20,038 square feet. Per Section 15A-11-02.A.1 the minimum setbacks for a detached accessory structure is 2 feet from the rear and side property lines. Further, per Section 15A-11-02.A.3 (a) of the Sandy City Land Development Code, allows for properties that are zoned R-1-15 or larger are allowed a maximum height of 20 feet. In addition, per Section 15A-11-02.A.3 (b) of the Sandy City Land Development Code, detached garages exceeding 15 feet in height shall increase the minimum setback one foot for each one foot of additional height up to the minimum setback. The Planning Commission through a Conditional Use Permit process may waive this requirement.

The minimum setback for the detached garage is 7 feet from the property line: 2 feet minimum, plus an additional 5 feet for each foot over 15 feet. The applicant is requesting a 4-foot setback waiver to allow the detached garage to be 3 feet from the rear and side yards.

A ten-foot utility easement runs along the rear (east) property line. The proposed structure will be built within this easement. The applicant has obtained easement letters from the affected utility companies. No easement exists along the side (south) property line.

There is a 2 to 4 foot grade change from the home to the east to the proposed garage (*See Exhibit #2 – Topographic/Distance Map*). The proposed garage will sit lower than the adjacent property to the east. The proposed garage will be 23 feet from the existing home to the south allowing significant distance between the structure and the home on the adjacent property.

NOTICE

A neighborhood meeting was held on Wednesday, June 21, 2018. Two neighbors attended the meeting (*See Exhibit #3 – Neighborhood Meeting Summary*). Neighbors expressed support of the garage, but were concerned if a future home occupation would utilize the garage. Notices were mailed to property owners within a 500-foot radius of the subject parcels in advance of the Planning Commission meeting.

STAFF CONCERNS

Staff is concerned with the potential of the structure to be imposing to the adjacent neighbors due to the height of the structure. However, there is a 2 to 4 foot grade change to the properties to the east. The grade change will allow some buffer to the properties to the east. The home to the south is 23 feet from the applicant's property line allowing significant distance between the structure and the home on the adjacent property.

Neighbors have expressed concerns with the potential of a Home Occupation being located in the accessory structure. Per Section 15A-11-05.F.6 home occupations not conducted within a home must acquire a conditional use permit. Home occupations that take place in accessory structures are limited to 200 square feet of the garage, or in the alternative, no more than 50 percent of the total floor space, whichever is greater.

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 location of the detached garage will be 3 feet from the property line and 20 feet in height. The proposed garage will be 23 feet from the home to the south. The garage will sit 2 to 4 feet below the grade of the property to the east.

B. Proposed site ingress and egress to existing and proposed roads and streets.

Access to the garage will utilize the existing curb cut to the west on to Bowden Street.

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

The proposed detached garage will match the existing home including: building materials, colors, roof pitch, and overall design of the home.

I. Fencing, screening and landscaping treatments and other features designed to increase the attractiveness and safety of the site and protect adjoining property owners from noise, visual, and other impacts.

To help screen the 20-foot tall-detached garage from the property to the east, there is a 2 to 4 foot grade change from the home to the east. The distance from the home to the south is 23 feet.

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 Vladimir Simashov to allow a 4-foot setback waiver in order to construct a detached garage 3 feet from the property line, on the property located at 10911 South Bowden Street. This is based on the following findings and conditions:

Findings

1. The proposed use meets the intent of the accessory structure 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.

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 this Conditional Use Permit be reviewed upon legitimate complaint.
4. That if a Home Occupation business take place in the accessory structure, a separate Conditional Use Permit be acquired by the property owner.

Planner: Reviewed by:  _____

Wade Sanner, Planner

File Name: S:\USERS\PLN\STAFFRPT\2018\CUP-06-18-5429 Simashov Accessory Structure

Exhibit #1 – Application Materials

Vladimir Simashov
10911 S Bowden Street
Sandy, UT 84070
simashovfamily@msn.com
Cell: 801-815-7455

Planning Commission
Community Development
10000 Centennial Parkway
Sandy, Utah 84070

6/6/2018

LETTER DESCRIBING THE PROPOSED CONDITIONAL USE

I want to build a detached garage on the East – South corner of my property. My property lot is not square, and the southern property line is across.

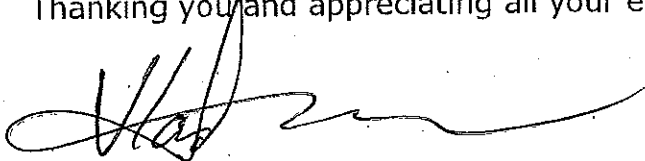
Based on the size of the future garage the setback should be 7'. Because of the angle of southern property line I can't meet 7' setback requirement. At the same time I can't shift my garage to the North because of existing landscaping, concrete driveway, sprinkler lines, etc..

The neighboring house on the South is 20' away from the property line. The neighboring two houses on the East (behind my backyard) elevation is 2-3' higher than my property elevation. So, my garage wouldn't be imposing to them.

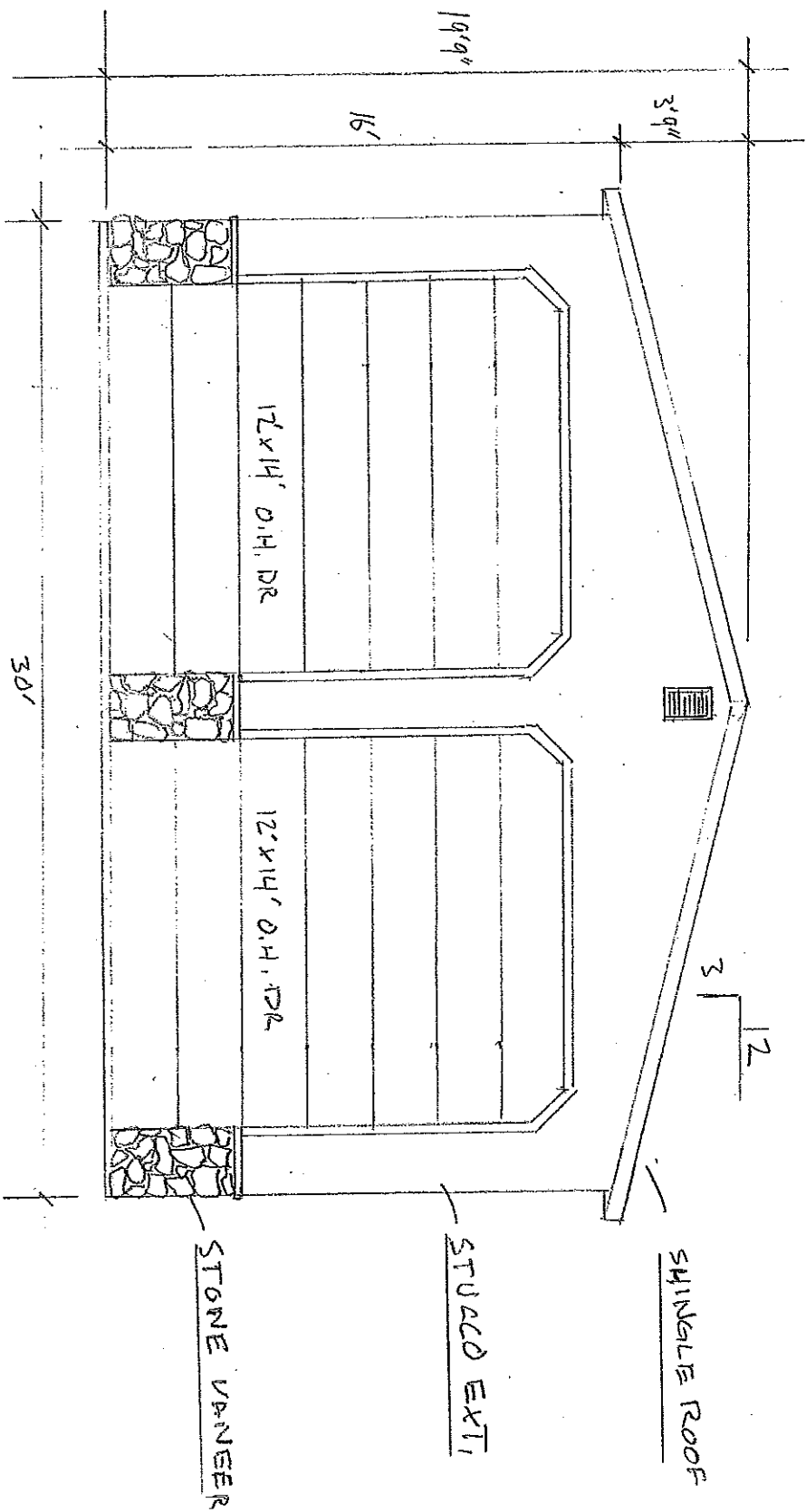
The garage will be 50' x 30', and 20' in height. It has to be that size to be able to fit the camper of 43' 10" in length. The color of exterior will match my existing house – the same mocha brown stucco and the same decorative rocks, and the same dark brown color garage doors.

Please approve my Conditional Use Permit Request to reduce allowed setback for my future garage.

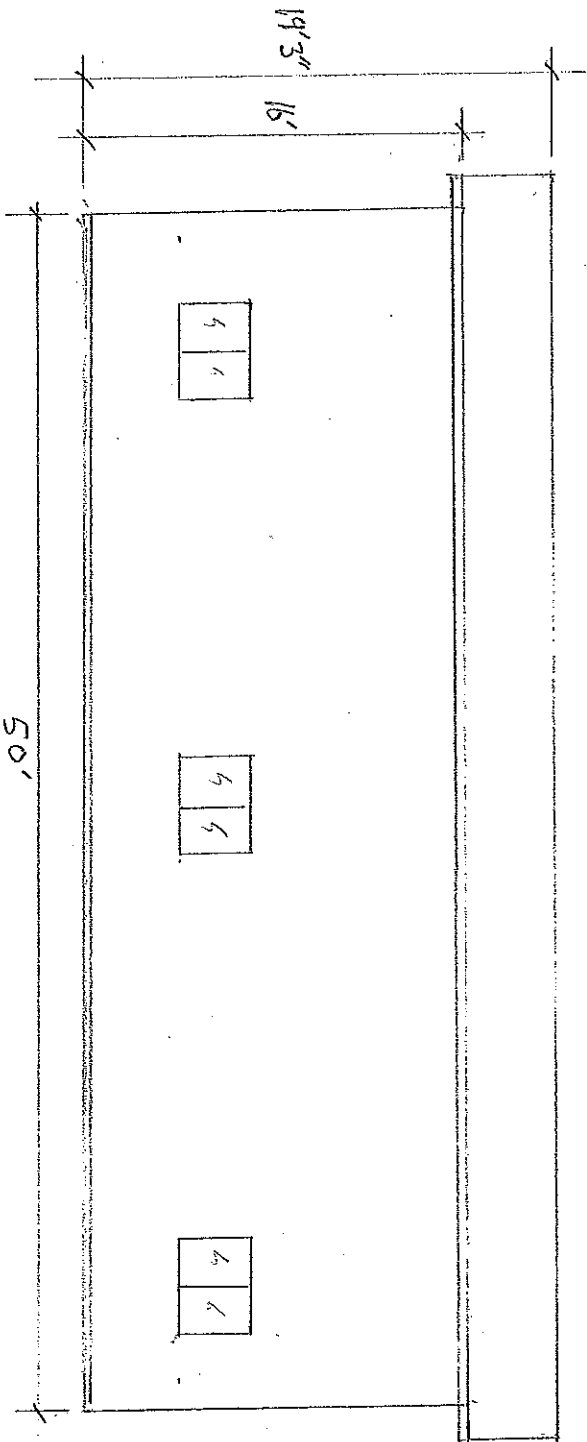
Thanking you and appreciating all your effort,



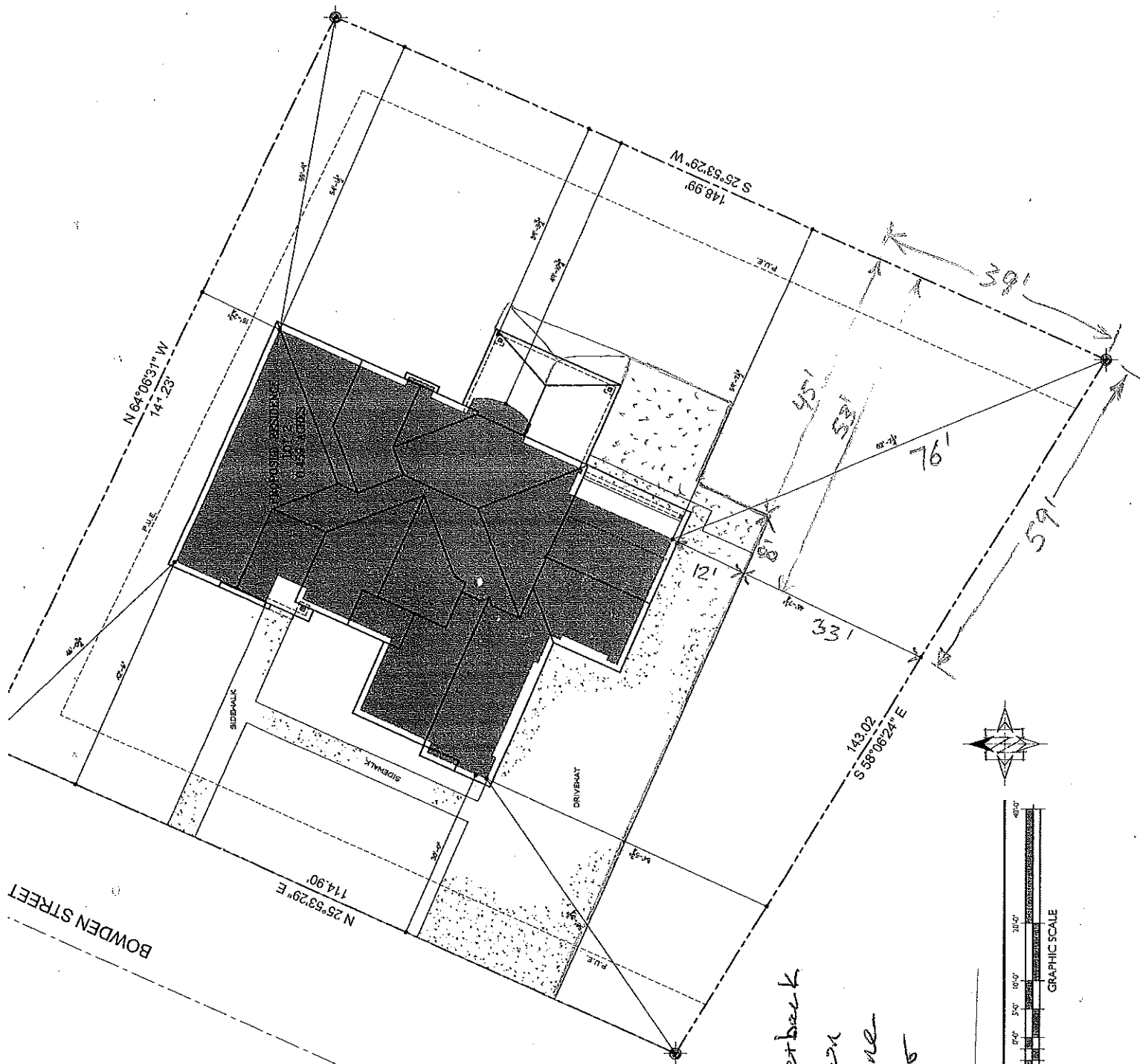
Vladimir Simashov



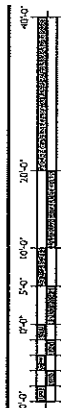
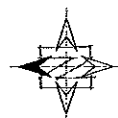
FRONT ELEVATION



$\frac{1}{8}'' = 1'-0''$
 SIDE ELEVATION



-3' overall Setback
 waives down
 property line
 -3' from rear



GRAPHIC SCALE

ITE PLAN

1/8" = 1'-0"

(E)

boulders retaining walls Terrace
2 levels with planted trees & bushes

12' between house & garage

GRASS

Concrete

Garage
50' x 30'

20' away from property line

South House Neighbor

Borden Street

(N)

(S)

(W)

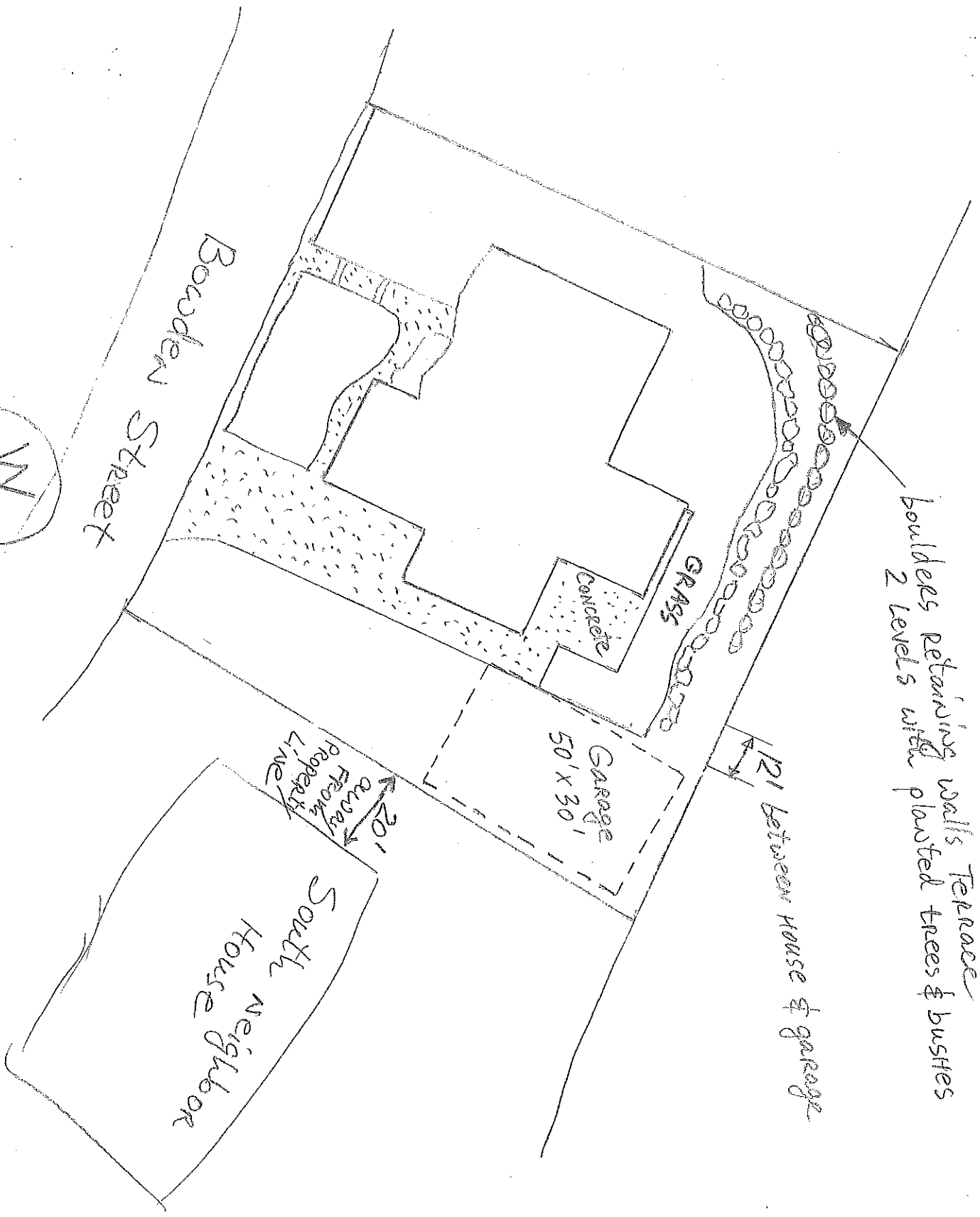


Exhibit #2 – Topographic/Distance Map

Topography/Distance Map



0 10 20 40 60 80 Feet



Exhibit #3 – Neighborhood Meeting Summary



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JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

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MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

Community #11 Meeting Summary

Date: Wednesday, 6/20/18

Location: Sandy City Hall

Community #/Name: 25, The Bluff

Community Coordinator: Brian Noel

Project Name: Simashov Accessory Structure

Number of Attendees: 2

Applicants: Vladimir Simashov

Number of Invitees: 68 Properties

Length of Meeting: 30 minutes

Notice Radius: 500 ft.

Project Description: Applicant's intent is to seek a setback waiver of 4 feet (total setback is proposed at 3 feet) from the rear and side yards for a future detached garage.

Community Comments:

1. What is the height of the structure? 19'9"
2. What is the reason for the request? The applicant responded that: The reason for request is to park motor home, storage, and increase value of home, and that he will do landscaping with the construction as well.
3. Are you using the detached garage for a home occupation business? The applicant responded: "No".
4. Are you planning to have lighting on the rear of structure, or any new lighting in to the neighbor's yard? The applicant responded: "No".
5. A neighbor requested to look over the renderings of the proposed garage, which staff provided.
6. Will it look like existing home? The applicant responded: That the detached garage will match the existing home in design and color.
7. Could the detached garage ever be used for a Home Occupation? Staff read Section 15A-11-05 of the Sandy City Land Development Code.
8. Question about retirement community vacant lot at the corner of 11000 S. and 700 E.
9. Neighbors expressed support of the project.