



# SANDY CITY COMMUNITY DEVELOPMENT

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MAYOR

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CHIEF ADMINISTRATIVE OFFICER

## MEMORANDUM

November 1, 2018

**To:** Planning Commission  
**From:** Community Development Department  
**Subject:** Ahmadian Accessory Apartment  
1528 E. 8640 S.  
[Falcon Park, Community #21]

CUP-04-18-5395  
Zoned R-1-8

**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, Shamim Ahmadian, is requesting a Conditional Use Permit to allow for an accessory apartment on the property located at 1528 East 8640 South (*See Exhibit #1 – Application Material*). The property is 0.24 acres (10,454 square feet), and is located in the R-1-8 zone district. Properties to the east and south are single-family homes zoned R-1-8. The property to the west is a four-plex zoned R-2-10. The property to the north is a duplex zoned R-2-10.

According to the Salt Lake County Assessor's records, the property contains a 3,904 square foot single-story home with a 1,952 square foot basement. The applicant is proposing to construct a 640 square foot, 2-bedroom, accessory apartment (*See Exhibit #2 – Basement Configuration*). The proposed accessory apartment comprises 23% of the overall home square footage. The property has a 930 square foot second driveway on the east side of the property. Per aerial analysis, the driveway was installed in 2004. The second driveway ends at the park strip, and has no curb cut.

It is unclear when the basement apartment was constructed as no permit was found by staff. The property was annexed into Sandy City in July of 1971. According to the Salt Lake County

Assessor's website, the home was built in 1964. The applicant bought the home and started renting out the basement. Two code violations were issued in 2011 and 2017 regarding the renting of an accessory apartment without a conditional use permit. Upon receiving the second citation, the applicant contacted staff to inquire about a conditional use permit. Planning staff and a building inspector visited the site to assess the accessory apartment.

During this preliminary inspection, staff communicated to the applicant a number of items that would need to be addressed. These items included: 1) a separate entrance in the rear or side yard, not in the front yard; 2) closing the front entrance in the front of the home; 3) reducing the square footage of the apartment to 800 square feet; and 4) off-street parking issues.

## 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 Monday, April 23, 2018. Two neighbors attended the meeting. The neighbors inquired about the rules regarding basement apartments. They were in support of the application. Notices were mailed to property owners within a 500-foot radius of the subject parcels in advance of the Planning Commission meeting.

## STAFF CONCERNS

The apartment had been finished with an entrance on the front of the home, which did not comply with the Sandy City Development Code. However, the applicant has installed a separate entrance in the rear yard, and closed off the basement entrance in the front of the home. Per **Section 15A-11-01.C.1**, entrances for basement apartments must be located in the side or rear yard of the property.

Staff is concerned with the multiple code violations in 2011 and 2017. However, the applicant has shown intent to comply with the current ordinance and obtain a conditional use permit.

Staff is also concerned with the secondary driveway. Upon review by the Public Works Department, the existing secondary driveway does not meet the 30-foot driveway separation requirement and will not be able to be used for off-street parking for the basement apartment (*See Exhibit #3 – Off-Street Parking*). The applicant must ensure that there is sufficient parking on the west side of the existing driveway.

## 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 640 square foot basement apartment that is 160 square feet smaller than the 800 square foot requirement. The proposed entrance will be on the back side of the home.*

D. Design, location and amount of off-street parking, loading areas and solid waste disposal and collection areas.  
*There is a 930 square foot second driveway on the east side of the property. The second driveway ends at the existing sidewalk. The existing driveway does not meet the separation requirements from the property to the east, and thus cannot be used. However, there is sufficient space on the west side of the primary driveway that can be used.*

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 Shamim Ahmadian to allow for a 640 square foot accessory apartment on the property located at 1528 East 8640 South. This is based on the following findings and conditions:

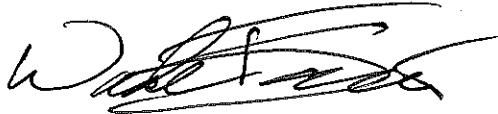
### **Findings**


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. That 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 for a 640 square foot configuration of the basement, unless otherwise determined by the Planning Commission.
4. That the applicant not use the secondary driveway on the east side of the property for parking.

5. The applicant provide at least one off-street paved parking space on the west side of the driveway.
6. That this Conditional Use Permit be reviewed upon legitimate complaint.

Planner: 

Reviewed by: 

Wade Sanner, Planner

File Name: SAUSERS\PLN\STAFFRPT\2018\CUP-04-18-5395 Shamim Ahmadian Basement Apartment

**Exhibit #1 – Application Materials**

# Conditional use permit for basement apartment

This is home owner Siavash Ahmmadian residence of sandy city, I'm applying for conditional use permit for my basement apartment, My basement is qualified with sandy city codes. I would like to get this permit for my basement apartment which is complete unit comes with 2 bedrooms one bathroom kitchen dining room, storage and front parking spots.

Bedroom one: 130 square feet

Bedroom two: 90square feet

Kitchen: 75 square feet

Dining room: 300

Bathroom: 25 square feet

Storage one: 10 square feet

Storage two: 10 square feet

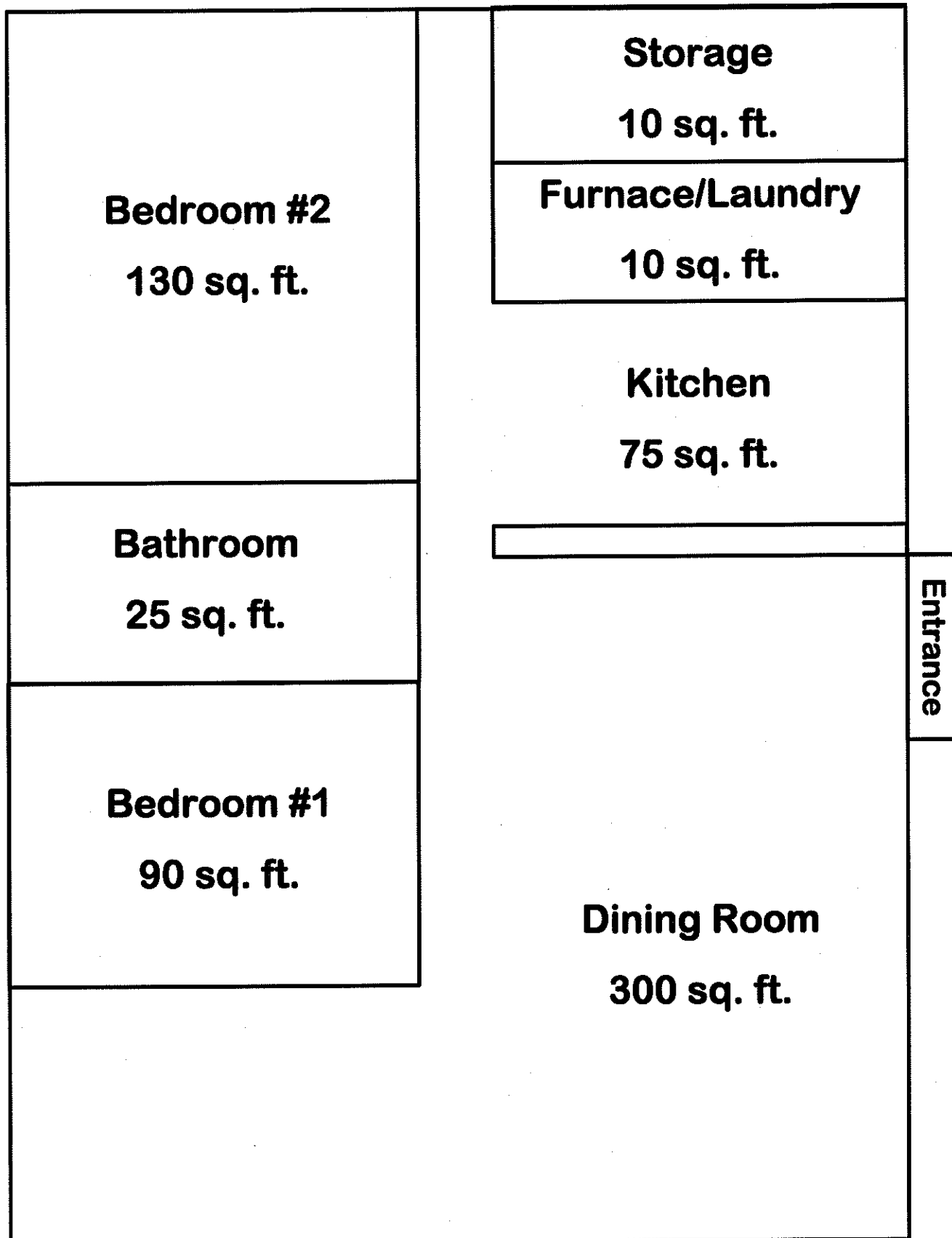
Total of 640 square feet , also there is 2 separate entry one in front and one from the back both car garages are located in front of the house and there is second driveway in side total of 4 car parking spots , basement has separate water heater and furnace.

Address is: 1528 east 8640 south sandy Utah 84093

for any other info please contact me at 8017083516



**Exhibit #2 – Basement Configuration**



**Exhibit #3 – Off-Street Parking**

# Secondary Driveway Issues

The future curb cut would not meet the 30' driveway separation required by the Public Works Department.

Existing secondary driveway.

