



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

November 1, 2018

To: Planning Commission
From: Community Development Department
Subject: Broyles Accessory Apartment
2360 Sego Lily Dr.
[Falcon Hill, Community #21]

CUP-10-18-5495
Zoned R-1-9

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 applicants, Charles and Brandy Broyles, are requesting a Conditional Use Permit to allow for an accessory apartment on the property located at 2360 Sego Lily Dr. (See Exhibit #1 – Application Materials). The property is 0.28 (12,197 square feet), and is located in the R-1-9 zone. The surrounding properties to the west, north and east are single-family homes zoned R-1-9. The property to the south is Dimple Dell Park zoned SD(OS).

According to the Salt Lake County Assessor's records, the property contains a 4,486 square foot 2-story home with a 1,200 square foot basement. The applicant is proposing to renovate the basement in to a 2-bedroom 1,000 square foot basement apartment (See Exhibit #2 – Basement Configuration). In order to keep the basement apartment close to 800 square feet, the applicant is proposing to portion off 200 square feet of the basement for a workshop and storage rooms. The property does not have an off-street parking area. However, the applicant is proposing to install a 10-foot wide driveway to access the parking area in the rear of the property (See Exhibit #3 – Off-Street Parking). The proposed accessory apartment comprises 22% of the overall home square footage.

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 Thursday, October 25, 2018. Three neighbors and the applicants attended the meeting (*See Exhibit #4 – Neighborhood Meeting*). Notices were mailed to property owners within a 500-foot radius of the subject parcels in advance of the Planning Commission meeting.

STAFF CONCERNS

Per **Section 15A-11-01.C.2** of the Sandy City Land Development Code, an accessory apartment should not comprise more than 30 percent of the building's total floor area, nor be greater than 800 square feet. This request is over the 800 square feet, but staff is comfortable with the request. This larger size can be approved by the Planning Commission, if the Commissioners feel the request is warranted by the circumstances of the dwelling.

The applicant states that the proposed configuration is a sensible layout for the basement apartment. In an effort to reduce the size of the basement apartment and not encompass the entire basement, the applicant is proposing to section off a storage room and workshop that is accessed only by the property owner. The applicant argues that the larger size is justified due to the configuration of the basement.

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 1,000 square foot basement apartment that is 200 square feet larger than the 800 square foot requirement. Per **Section 15A-11-01.C.2** of the Sandy City Land Development Code, the applicant will need to justify the requested larger size to the Planning Commission. The proposed apartment entrance will be on the south side (rear) of the home.*

D. Design, location and amount of off-street parking, loading areas and solid waste disposal and collection areas.

The property does not contain an off-street parking space. However, the applicant has agreed to install a driveway on the west side of the property.

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 Charles and Brandy Broyles to allow for an accessory apartment on the property located at 2360 Sego Lily Drive for 1,000 square feet as may be approved by the Planning Commission. 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. 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 not exceeding the square footage approved by the Planning Commission.
4. That the applicant install a driveway and parking area on the west side of the property.
5. That this Conditional Use Permit be reviewed upon legitimate complaint.

Planner: 

Reviewed by: 

Wade Sanner, Planner

File Name: S:\USERS\PLN\STAFFRPT\2018\CUP-10-18-5495 Broyles Accessory Apartment

Exhibit #1 – Application Materials

Brandy and Charles Broyles
2360 Sego Lily Dr.
Sandy, UT 84092

Sandy City
10000 Centennial Pkwy
Sandy, UT 84070

To Whom it may concern,

We intend to use the two-bedroom 1000 sqft basement apartment at our residence at 2360 Sego Lily Dr., which is 4700 sqft, as a valid accessory apartment for either long-term or short-term rentals.

Previous owners added and, as we understand, rented out this two-bedroom apartment. However, we are in the process of renovating and upgrading the space to comply with current Sandy City building codes for an accessory apartment. We will be able to meet the city's code by adding a 1/2inch firewall to the ceiling, replacing existing doors adjacent to our main living area with fire doors, as well as separating our heating systems.

In addition to meeting building codes, our property has adequate off-street parking with the owners having four parking spots and the apartment having two off-street parking spots. In addition to providing our renters with adequate parking, they will be forbidden from parking vehicles on the street in front of our house. The entrance to our basement apartment is in the back of our home.

We meet all other accessory apartment requirements including providing adequate smoke detectors and carbon monoxide detectors, legal emergency egress windows, showing a history of proper building permits, and having the entrance to the apartment in the back of our home. In addition to meeting all of these requirements, we have also had an initial inspection done by Wade Sanner and Nelson Hooten. Having met all of these requirements, we would like to be considered for a conditional use permit to rent out our accessory apartment.

We appreciate your consideration.

Brandy Broyles + Charles Broyles

Brandy and Charles Broyles

10/1/18

Exhibit #2 – Basement Configuration

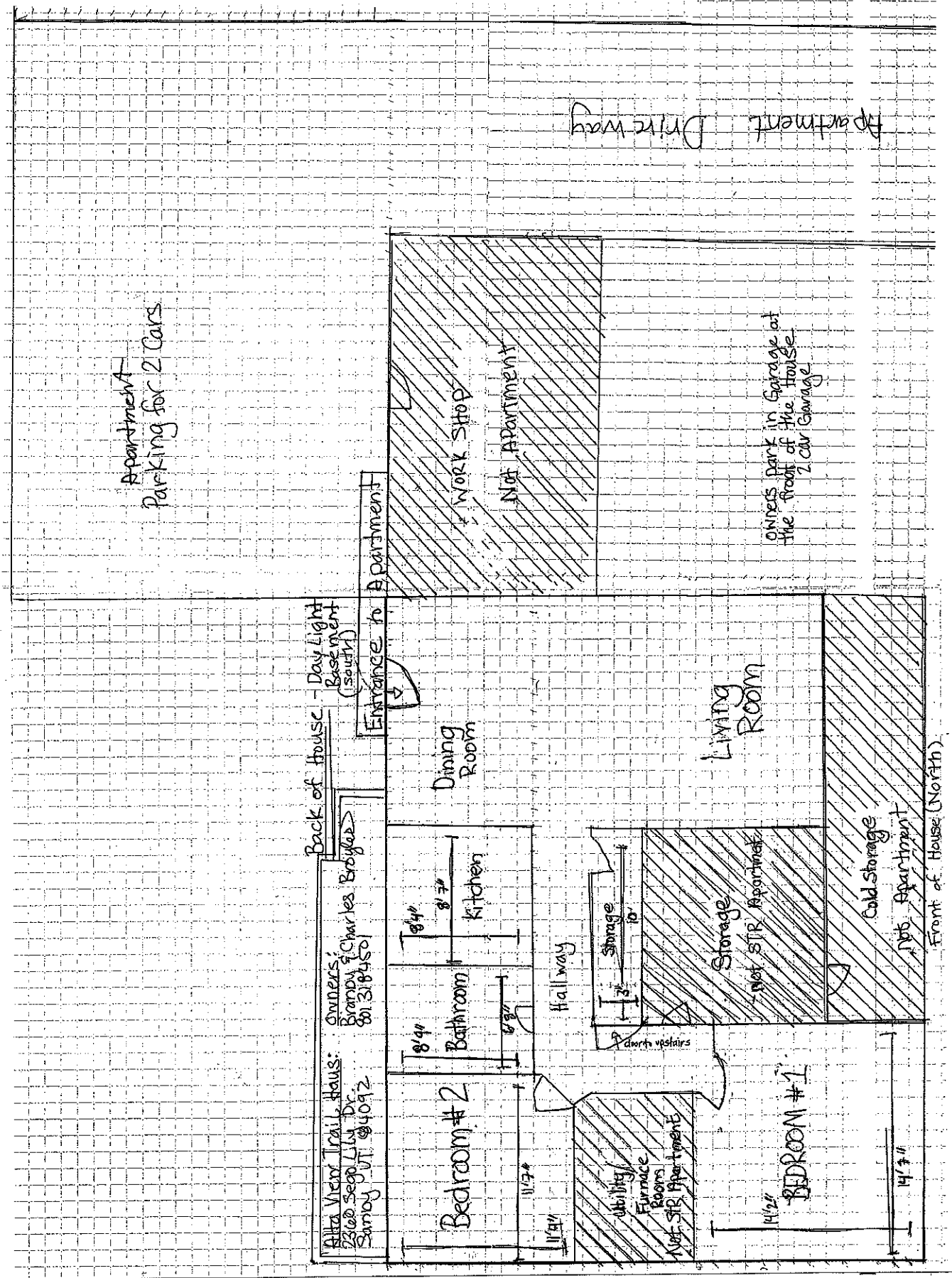


Exhibit #3 – Off-Street Parking

Proposed Parking Area

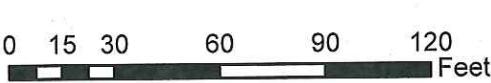
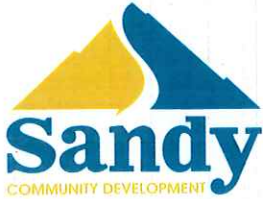


Exhibit #4 – Neighborhood Meeting



SANDY CITY COMMUNITY DEVELOPMENT

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COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

Community #21, Falcon Hill Neighborhood Meeting

Date: Thursday, October 25, 2018

Time: 7:00 PM

Location: Room 221, Planning Conference Room

Proposal:

A neighborhood meeting was held by staff regarding the proposed accessory apartment for the property located at 2360 Sego Lily Drive.

Staff: Wade Sanner, Planner 801-568-7269

Applicants: Charles and Brandy Broyles

Attendance:

In attendance were three neighbors: Anne Fritz, Reva Ovard, and Joyce Walker.

Summary:

The primary concerns raised by the surrounding neighbors were issues regarding: the potential for short-term rentals, noise, traffic, potential for significant amount of people to the neighborhood, details of the CUP regulations, and fire hazard of the Dimple Dell Park.

Comments:

1. Applicant discussed where previous owner left off and renting basement. Finishing basement and renovate. Don't know who will live in apartment still weighing options.
2. Important to bring up to code.(Neighbor comment). (Applicant) Not changing the configuration, but bringing up to code.
3. What are the plans for it? Is short Term Rental an option? Yes, they are weighing these options. Could be family, long term rentals. Rental is a definite.
4. Some questions have been raised by neighbors regarding what is being done.
5. Have you discussed with neighbors? The intent of what you are requesting. Had adjacent neighbors know about the future driveway? Yes they are aware.
6. If have international rentals, would you make them aware of flammability of Dimple Dell? Yes, applicant is concerned with fires and issues. Applicant works in hospitality industry and is cognoscente of issues with travelers.

7. One neighbor had an experience with ski rentals throwing cigarettes in the neighbor's yard. Had experience with teaching Applicant is aware of being courtesy issues.
8. Questions regarding STRs and regulations. Staff answered code section.
9. If have issues with loud STRs, what are you going to do? Applicant will tell them to calm down or call police. Will evict if problems.
10. Earnings are greater with STR. Concerns with creating a business sense. Concerns with excessive traffic.
11. Why do CUP? To eliminate liability.
12. If an STR will bring in significant amount of people to the neighborhood.
13. If accessory apartment property is sold, what happens to the CUP? New property owner will lose the CUP and have to get a new CUP.
14. Are you doing background check?
15. How will you meet separate heating system? Staff has inspected, applicant is willing to comply with city code.
16. Want significant time for noticing.
17. Off-street parking and snow plows.
18. Neighbors do have concerns and want the neighborhood to stay as good as it has been.