

**FINDINGS OF FACT and FINAL ORDER
TYPE I ADJUSTMENT**

DATE: November 6, 2020

FILE NO.: 20-044 ADJ

APPLICANT/OWNER: Laura Gray

LOCATION: 18350 Ross Avenue

LEGAL: T2S R4E Section 13DC Tax lot 214 (Lot 2, Sagewood subdivision)

DECISION: Approved with conditions

EXHIBITS:

Applicant's Submission

- A. Land Use Application
- B. Narrative
- C. Site Plan

Agency Review Comments

- D. Building Official (November 5, 2020)

Additional Documents Submitted by Staff

- E. Historic Residential Development Standards
- F. Partition Plat for the Sagewood subdivision (Plat 2440)

FINDINGS OF FACT

1. These findings are based on the applicant's submittal received on October 14, 2020. This application was deemed complete on November 4, 2020.
2. The applicant requests a Type I Adjustment to Section 17.74.10 to allow a reduction to the rear yard setback for a proposed prefabricated steel accessory structure. The proposed adjustment would reduce the required rear yard setback distance for the proposed accessory structure to 13.5 feet. The land use application (Exhibit A) and narrative (Exhibit B) state that the reasons for the requested adjustment is that the applicant wants to allow 4-5 feet of clearance on all sides of the building. Per the submitted land use application (Exhibit A) and narrative (Exhibit B), maintaining a 15-foot setback would only provide 3.5 feet of clearance between the accessory structure and the existing residence.

3. The subject property is zoned Single-Family Residential (SFR) and is part of the Sagewood subdivision, which was platted in 1979 (Exhibit F). Staff has determined that setback standards will be applied based on the setback requirements that were in place at the time the lot was created.

Chapter 17.34 – Single-Family Residential (SFR)

4. The subject property is zoned SFR, Single-Family Residential.
5. The subject lot was platted within the Sagewood subdivision in 1979 (Exhibit F). At the time of subdivision approval, Section 17.34.30 required buildings in the SFR zone to be setback a minimum of 15 feet from the rear yard property line and 5 feet from the side property line (Exhibit E).

Chapter 17.74 – Accessory Development

6. Section 17.74.10 contains setback requirements for residential accessory structures. A detached accessory structure shall be separated from the primary structure by at least six (6) feet. An accessory structure located closer than six (6) feet from the primary structure shall be considered attached and is required to comply with the same setbacks as the primary structure. The submitted site plan (Exhibit C) details the proposed accessory structure approximately 5.5 feet from the second-story overhang of the existing house. Therefore, the accessory structure is considered attached and is required to comply with the same setbacks as the primary structure, specifically a 15-foot rear setback and 5-foot side setback. The applicant is proposing to locate the accessory structure at 5 feet to the nearest side yard setback and at 13.5 feet to the rear yard setback. The 13.5-foot rear yard setback is 1.5 feet (or 10 percent) less than the required 15-foot rear yard setback; therefore, the applicant is requesting a Type I Adjustment.
7. Section 17.74.10(B) contains general standards for residential accessory structures. Per Section 17.74.10(B.3), **the roof of the structure shall be constructed so that water runoff from the structure does not flow onto an abutting parcel.** The proposed accessory structure is 360 square feet (18 feet by 20 feet). Per Section 17.74.10(B.5), **the total accumulative square footage of all accessory structures on an individual lot shall not exceed 1,200 square feet.** The applicant did not submit details on the height of the proposed accessory structure. Per Section 17.74.10(B.6), **no accessory structure shall exceed a maximum height of 16 feet.**

Chapter 17.66 – Adjustments and Variances

8. The applicant is requesting an adjustment to the rear yard setback to allow placement of an accessory structure closer than 15 feet to the rear property line. The accessory structure is proposed to extend 1.5 feet into the required 15-foot rear yard setback. Thus, the request is to encroach 10 percent into the required rear yard setback, which can be processed as a Type I Adjustment.
9. The Type I Adjustment procedure allows the Director to grant or deny an adjustment request that involves only the expansion or reduction of a quantifiable provision of the Development Code by not more than 10 percent.

10. Adjustment Criteria A. The reduction in rear yard setback will not be contrary to the purposes of the Sandy Development Code, the policies of the Comprehensive Plan, or any other applicable policies and standards adopted by the City. Typically, six feet of separation would be required between structures for fire purposes. However, per the Building Official (Exhibit D), the requirement for structures within the required fire separation zone, is that the structure be fire-resistance rated. Since the accessory structure is steel, it is non-combustible, and exceeds the fire-resistance rating required. Criteria A is met.
11. Adjustment Criteria B. The reduction in rear yard setback will not substantially reduce the amount of privacy enjoyed by the residents of neighboring structures. Per the submitted narrative (Exhibit B) the property directly adjacent to the rear property line of the subject property is an overflow parking area for the Cascade Crest Apartments and there are no dwelling units. No surrounding property owners shall be encumbered by the structure being 1.5 feet closer to the rear property line. Criteria B is met.
12. Adjustment Criteria C. The reduction in rear yard setback will not adversely affect existing physical systems and natural systems such as traffic, drainage, dramatic landforms or parks. Public and private utilities will not be affected by the setback adjustment. Staff recommends the applicant complete a utility locate prior to any construction. Criteria C is met.
13. Adjustment Criteria D. Criterion D states: “Architectural features of the proposed development will be compatible to the design character of existing structures on adjoining properties and on the proposed development site.” The proposed accessory structure is a prefabricated steel structure. To maintain architectural compatibility, **the applicant shall paint the accessory structure to match or compliment the primary residence. The applicant shall submit the proposed color for staff review and approval.** A building permit will need to be submitted to construct the proposed accessory structure. An approved adjustment is necessary to grant the siting of the accessory structure as proposed and to maintain 4-5 feet of clearance on all sides. With submittal of a building permit and architecturally compatible paint, Criteria D will be met.

DECISION

The applicant's request for a Type I Adjustment to the rear yard setback is **approved** in conformance with the criteria outlined in the Sandy Development Code, Section 17.66.40. The applicant is permitted to reduce the rear yard setback to 13.5 feet for the accessory structure at 18350 Ross Avenue. All conditions of approval shall be met.

CONDITIONS OF APPROVAL

1. The applicant shall obtain a building permit from the City of Sandy prior to construction of the accessory structure. Staff recommends the applicant complete a utility locate prior to any construction.

2. The applicant shall paint the accessory structure to match or compliment the primary residence. The applicant shall submit the proposed color for staff review and approval.
3. The accessory structure shall adhere to the general standards for residential accessory structures including the following:
 - The roof of the structure shall be constructed so that water runoff from the structure does not flow onto an abutting parcel.
 - The total accumulative square footage of all accessory structures on an individual lot shall not exceed 1,200 square feet.
 - No accessory structure shall exceed a maximum height of 16 feet.
4. The City may revoke this Type I Adjustment if conditions of approval are not met. Approval does not grant authority for the unrestricted use of the structure or site.



Emily Meharg
Senior Planner

RIGHT OF APPEAL

A decision on a land use proposal or permit may be appealed to the Planning Commission by an affected party by filing an appeal with the Director within twelve (12) days of notice of the decision. The notice of appeal shall indicate the nature of the interpretation that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the Code.

An application for an appeal shall contain:

1. An identification of the decision sought to be reviewed, including the date of the decision;
2. A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings;
3. The specific grounds relied upon for review;
4. If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed in Chapter 17.28.50; and,
5. Payment of required filing fees.