

## **FINDINGS OF FACT and FINAL ORDER TYPE II ADJUSTMENT**

<b>DATE:</b>	February 23, 2024
<b>FILE NO.:</b>	24-007 ADJ
<b>TAX MAP AND LOT:</b>	T2S R4E Section 13CA Tax Lot 8810
<b>ADDRESS:</b>	38971 and 38973 Creekside Loop
<b>APPLICATION:</b>	Type II – Adjustment
<b>APPLICABLE CRITERIA:</b>	Section 17.66.40 Type I and II Adjustment criteria
<b>PROJECT NAME:</b>	Trimble Loop PUD-Lot 9 Setback Adjustment
<b>OWNER/APPLICANT:</b>	Trimble Rentals LLC
<b>ZONING:</b>	High Density Residential (R-3)
<b>STAFF CONTACT:</b>	Patrick Depa, Senior Planner

### **BACKGROUND**

The applicant is proposing to construct a duplex on Lot 9 of the Trimble Loop PUD, otherwise known as 38971 and 38973 Creekside Loop. This request is to adjust the requirement for the front yard setback by a reduction of 1.3 feet; from 10 feet to 8.7 feet. This adjustment amounts to a 13 percent reduction in the setback, which is below the 20 percent allowed per Section 17.66.30 of the Development Code. This adjustment will allow the developer to proceed with the proposed building plan intended for Lot 9 (Plan D-406) without having to make major revisions to the building's design.

The above-referenced proposal was reviewed as a Type II Adjustment. The following exhibits, findings of fact, and conditions explain the proposal and the conditions of approval.

### **EXHIBITS**

#### **Applicant's Submission**

- A. Land Use Application
- B. Narratives (Front Yard)
- C. Site Plan/ Building Plan D-406

#### **Additional Documents Submitted by Staff**

- D. Trimble Planned Development Type III Land Division Decision

### **FINDINGS OF FACT**

1. These findings are based on the applicant's submittal received on February 1, 2024.
2. On February 2, 2024, notification of the proposal was mailed to property owners within 300 feet of the subject property and an affidavit of mailing was completed. No comments were received.

3. The applicant previously received approval for the Trimble Planned Development Type III Land Division (File No. 06-022 PUD).
4. The recorded plat #4287 (Exhibit D) consists of a total of fifteen (15) lots, fourteen of the lots were approved as duplex lots. The subject property's location is in the southeast corner of Creekside Loop adjacent to the designated open space in Tract A.
5. Finding #90 in the approved PUD (File No. 06-022 PUD) final order stipulates that the rear yard setbacks on Lots 7 and 8 will be 10-feet and Lots 9 and 14 to be 13-feet. Maintaining the stipulated 13-foot rear yard setback on Lot 9 is the reason for the requested adjustment.
6. The applicant is asking for one (1) Type II Adjustment to the front yard setback of Lot 9 to accommodate City Council's agreed upon 13-foot rear yard setback.
7. The reduced setback will allow the construction of a 32-foot-wide duplex on the lot.

#### Chapter 17.40 – High Density Residential (R-3)

8. The subject property is zoned R-3, High Density Residential.
9. Section 17.40.30 - Development Standards, contains setback requirements for the R-3 zoning district, including a required minimum 10-foot front setback and 15-foot rear setback. However, the rear yard setback for Lot 9 was approved at 13 feet through the approval of File No. 06-022 PUD.

#### Chapter 17.66 – Adjustments and Variances

10. The applicant is requesting an adjustment to the front yard setback. The requested front yard setback is 8.7 feet, which is a 1.3-foot reduction or a 13 percent reduction from the required 10-foot front yard setback; thus, can be processed as a Type II Adjustment.
11. The Type II Adjustment procedure allows the Director or his/her designee to grant or deny an adjustment request that involves only the expansion or reduction of a quantifiable provision of the Sandy Development Code by not more than 20 percent.
12. Adjustment Criteria A. Criterion A states: "The proposed development will not be contrary to the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City." The reduction to the front yard setback by 13 percent will not be contrary to the purposes of the Sandy Development Code or the policies of the Comprehensive Plan. The proposed 8.7-foot front yard setback will not be out of scale with the larger building plans on larger lots. ***Criteria A is met.***
13. Adjustment Criteria B. Criterion B states: "The proposed development will not substantially reduce the amount of privacy enjoyed by users of nearby structures when compared to the same development located as specified by this Code." The front yard setback reduction of 1.3 feet will not substantially affect privacy enjoyed by the residents of neighboring structures. No surrounding property owners will be encumbered by the

structure being 1.3 feet closer to the front property line and street right of way. **Criteria B is met.**

14. Adjustment Criteria C. Criterion C states: “The proposed development will not adversely affect existing physical systems and natural systems, such as traffic, drainage, dramatic land forms, or parks.” The reduction to the front 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 negatively affected by the adjustment. There are no retention trees, wetlands, or streams on the subject lot. **Criteria C is met.**

15. 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 reduction to the front yard setback to accommodate the specific building plan of a 32-foot-wide home will not impact the proposed duplex’s ability to be compatible with buildings on adjoining properties. The subdivision was approved as a Planned Unit Development with all of the building plans and footprints designed to be compatible. A building permit will need to be submitted to construct the proposed home, which will need to be designed in accordance with the Sandy Style residential design standards in Section 17.90.150. **Criteria D is met.**

### **DECISION**

The applicant's request for a Type II Adjustment to the front yard setback is **approved with conditions** in conformance with the criteria outlined in the Sandy Development Code, Section 17.66.40. The applicant is permitted to reduce the front yard setback to 8.7 feet for 38971 and 38973 Creekside Loop (Lot 9). All conditions of approval shall be met.

### **CONDITIONS OF APPROVAL**

1. The applicant shall obtain the appropriate permits from the City of Sandy prior to construction of the residential dwelling.
2. All remaining conditions of the final order for File No. 06-022 PUD shall be met.
3. The City may revoke this Type II Adjustment if conditions of approval are not met. Approval does not grant authority for the unrestricted use of the structure or site.



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Patrick Depa  
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 at least the following:

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 Section 17.28.50;
5. Payment of required filing fees. Payment of required filing fees is jurisdictional and must accompany an appeal at the time it is filed;
6. The name and mailing address of the person or entity appealing the decision; and
7. List and two sets of mailing labels for property owners within 300 feet of the subject property (for appeal of a Type I decision), 500 feet of the subject property for appeal of a Type II, III, or IV decision, or 1,000 feet for appeal of an annexation request. The property owner list and labels shall be obtained from a Title Company no more than seven days prior to submitting the appeal.