



Community Development
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Special Exception Application Requirements

Revised November 2008

Planning Commission Authority

The Planning Commission may review and decide special exceptions to the terms of the Sandy City Development Code, provided that such special exceptions on which the Planning Commission shall be authorized to pass are limited to certain special exceptions. The following text is from the Sandy City Development Code. It provides the framework under which the Planning Commission must consider a special exception request:

NOTE: Some special exceptions are reviewed by the Community Development Director. Generally the following requirements will remain the same. Please contact staff to confirm the proper procedure for handling the specific special exception request.

15A-03-03(A)(4)(d) Special Exceptions

- d. The Planning Commission may review and decide special exceptions to the terms of the Sandy City Development Code, provided that such special exceptions on which the Planning Commission shall be authorized to pass shall be limited to the following:
- (1) Authorize the alteration, movement or enlargement of or addition to a building or structure or sign occupied by a nonconforming use, provided it can be shown by the applicant that:
 - (a) The building, structure or sign is legally nonconforming; and
 - (b) The alteration, movement, enlargement or addition is in keeping with the intent of this Code; and
 - (c) That the proposed alteration, movement, enlargement or addition will not impose undue burden upon the lands located in the vicinity of the nonconforming use or structure.
 - (d) That the proposed deviation from code requirements is the minimum needed to achieve a reasonable use of the property, which use is to be justified by written findings of the Planning Commission.
 - (e) That all requirements governing nonconforming signs will be adhered to.
 - (2) Permit the building on a nonconforming lot, where it can be shown by the applicant that:
 - (a) The lot is legally nonconforming.
 - (b) The construction of a building upon the nonconforming lot will be in harmony with one or more of the purposes of this Title as stated in Section 15A-01-03 hereof and shall be in keeping with the intent of this ordinance.
 - (c) The proposed building will not impose undue burden upon the lands located in the vicinity of the nonconforming lot.
 - (3) Where a parcel of land was at least 1-1/2 times as wide and 1-1/2 times as large in area as required for a lot in the district at the time this Code was adopted, permit the division of the parcel into two lots. The person requesting the special exception must show that the land in question qualifies for this exception.
 - (4) Where a zone boundary line divides a lot which was in single ownership at the time of passage of this Code, the Planning Commission may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

- (5) Permit the installation of an electrical transmission line above ground provided the Planning Commission finds that exposure to electrical magnetic fields and other risks and adverse impact to land value and aesthetics will be reasonably mitigated by prudent avoidances measures.
- (a) The term "prudent avoidance" shall refer to those practices and standards which serve to minimize degradation of community aesthetics and real property values, and avoid exposure to electrical and magnetic fields and other public risks. Such practices and standards include, but are not limited to purchasing additional right-of-way, altering line configuration, selection of alternative routes, utilizing or enlarging capacity in existing substations or transmission facilities, undergrounding, shielding, public education, research and testing, and discouraging siting near sensitive areas and structures such as residences, hospitals, churches, libraries, parks, child-care centers, and schools.
 - (b) The person or entity proposing to install transmission lines shall bear the burden of showing reasonable mitigation by prudent avoidance.
- (6) Permit a structure which is attached to the dwelling structure ("attached structure") to extend into the required side yard setback provided the owner/applicant complies with the following:
- (a) Establishes that the attached structure existed at the time of the adoption of this section (05/21/96);
 - (b) The attached structure complies with all other requirements of this Development Code, the Uniform Building Code (UBC), the Uniform Fire Code (UFC), and other applicable city, state or federal laws;
 - (c) The attached structure conforms and is aesthetically compatible with the design, color and materials of the dwelling structure to which it is attached;
 - (d) The current owner/applicant purchases a building permit which will provide that all appropriate inspections will be made; and
 - (e) The current owner/applicant complies with all requirements, established pursuant to the inspections or by law, necessary to comply with the UBC, UFC and other city, state or federal laws.
 - (f) Extension of an attached structure into the side yard setback will be allowed on one side of the dwelling only. In order to obtain approval for an attached structure to extend into one side yard setback, all structures encroaching into the other side setback must be removed and the setback maintained free of obstructions (exclusive of fencing) for fire access into the rear of the dwelling.
 - (g) After issuance of a permit for an attached structure hereunder, the dwelling structure may not be altered, enlarged, added to or moved unless and until the attached structure is removed and all structures on the property thereafter comply with the side yard setback regulations.
 - (h) After issuance of a permit hereunder, the attached structure shall not be altered, enlarged, added to, moved or its use changed. If such enlargement, alteration, addition, movement or change of use occurs, the attached structure must be restored to the configuration and use upon which the permit was issued or it must be removed entirely.
 - (i) A photograph of the dwelling structure and its attached structure shall be submitted with the application for a special exception.
 - (j) After approval of a special exception and issuance of a building permit and after inspections are made and all requirements complied with, the City will issue a Notice of Compliance which will set forth the conditions under which the approval and permit were issued. The Notice of Compliance must be filed with the County Recorder and proof of that filing must be submitted to the Department.
- (7) Before taking action on any special exception request, the Planning Commission shall review it at a public meeting. In the event that the Planning Commission decides to authorize a building permit, it shall have the power to specify the exact location, ground area, height, and other details and conditions of extent and character and also the duration of the building, structure, or part thereof to be permitted.

Application Requirements

Complete the required application requirements for the Planning Commission (see the requirement checklist on the following page). In preparing your application and associated materials, be as detailed and specific as possible. Incomplete or

inadequate information may result in your case being delayed or possibly denied. **The Planning Commission cannot grant a special exception simply because an applicant has requested it.** The burden of proof rests upon you as the applicant to show that each of the required criteria are met. If you fail to support your request, the Planning Commission cannot approve your application.

Information Required For a Complete Submittal

1. _____ **Completed General Development Application** if the request will be reviewed by the Planning Commission. (Including proof of ownership of property or proof that applicant is a certified agent for property owner).
2. _____ Submit a **Plot Plan** drawn **to scale** on a minimum size paper of 8.5" x 11". The Plot Plan must include the following information (when applicable):
 - a. Actual lot dimension.
 - b. Size and locations of existing and proposed structures and improvements, including fences, driveways, and storage sheds.
 - c. Distances between all improvements and property lines.
3. _____ **Building elevations, floor plans and any other pertinent information** (when applicable).
4. _____ In a detailed **letter to the Planning Commission**, please answer the questions as outlined below to outline your request. Be as detailed as possible. Include all relevant information that will support your position.
 - a. What type of special exception are you seeking?
 - b. State the section of the Development Code where it permits the special exception requested. Indicate how your request is compliant with each requirement of that section.
 - c. State why you desire to obtain and/or the purpose of the special exception described above.
 - d. A brief statement of any previous variance or other legal actions taken against or on the subject property, the nature of these actions, and whether the action requested was granted or denied.
 - e. State any other details about this appeal of which you want to make the Planning Commission aware.

NOTE: If you do not understand the questions or do not know the answer, please contact the Zoning Administrator for assistance. CITY EMPLOYEES CANNOT PROVIDE YOU WITH LEGAL ADVICE OR ADVISE OF YOU CHANCES OF SUCCEEDING.
5. _____ **Legal Description and Address** of Property (when applicable)
6. _____ **Other Information** which will aid the Planning Commission in making a proper determination (as may be determined by the Planning Staff):
7. _____ **Property plat** with aerial photographs (Sidwell maps) from the Salt Lake County Recorder's Office. Your property should be clearly marked in red.
8. _____ **Names and Addresses of all Property Owners** of Current Record, including your own, within 300 feet in all directions of the proposed project area, typed on mailing labels. (This information is available from the Salt Lake County Recorder's Office, 2001 South State Street, Government Center, North Building, Salt Lake City, Utah).
9. **Filing Fees:** _____ **\$275.00** - Non-Refundable (Verify fee with Staff)

Please remember that the information you submit will be the basis for review by the Planning Commission. Be as complete as possible. You may submit additional information as needed such as photographs, affidavits, or further written responses. If you have any questions, please contact Brian McCuiston at (801) 568-7268, Sandy City Zoning Administrator.

NOTE: It is required that each case up for hearing be presented and argued before the Planning Commission either by the petitioner or an authorized agent. If no one appears to argue your application, the Planning Commission may still hear the case and take action in your absence.

If for some reason you are unable to attend the meeting due to a personal emergency, you must call the Zoning Administrator at (801) 568-7268 no later than 5:00 p.m. on the day of the hearing. If no arrangements are made, the Planning Commission will hear and decide your case with or without your presence.