

Appeal Narrative File No. 24-021 TEMP

Items Submitted with this Application

- Completed Notice of Intent to Appeal Form
- Appeal Narrative
- Mailing Labels for Properties within 500 feet

Introduction

Gerry Engler, of Dubarko Development Corp, as property owner and applicant of the Tickle Creek Village Condominium project appeals Conditions 1 and 2 of File No. 24-021 TEMP. These Conditions allow only a single temporary job trailer to be located on the site and require the applicant to remove the second trailer within 30 days of the date of this decision (April 22, 2024). This document represents the applicant's initial comments to establish this appeal. Additional comments and information may be provided at a later date.

At the request of the City, on or about March 13, 2024 the applicant submitted a Type II Temporary Structure Permit application with fee requesting approval to site two temporary structures on the subject property to aid in the construction of the Tickle Creek Village Condominium project. These structures include two trailers, one used as a temporary office and a second for dry storage only. As stated in this application, the applicant made this request for two temporary structures because he believes both of these structures are necessary to ensure the successful completion of his project. The application was deemed complete by the City on March 20, 2024.

Following completion of the application, the City mailed notices to property owners within 500 feet of the site. Two property owners provided comments in response to the notice and both commenters recommended the application be approved.

On April 22, 2024 the City of Sandy issued a Final Order for this application limiting the applicant's request to one trailer only. Specifically, Condition 1 allows the applicant to "locate one temporary job site trailer per the submitted site plan" and Condition 2 details that "the second trailer presented in the application shall be removed within 30 days of this decision."

Conditions of Approval

1. The applicant is permitted to locate one temporary job site trailer per the submitted site plan at 37101 Dubarko Road (Tickle Creek Village), retroactively beginning on March 13, 2024, through March 12, 2025.
2. The second trailer presented in the application shall be removed within 30 days of this decision. No other structures are allowed with approval of this temporary use permit.

The reason(s) stated in the Final Order for this decision is found in Finding 7 and 8 of the Final Order:

7. Typical residential developments of this size usually have only one construction trailer and often use their first building for additional storage and occasionally a model for sales. The development has had multiple trailers on it in the past which have been reported as not being well maintained.
8. The City is only willing to approve one trailer at this time to stay consistent with other development projects.

Grounds for the Appeal

The applicant has appealed this decision due to the hardship that it creates. As noted in the applicant's request, one of the temporary structures (trailers) will be used as a temporary office and the second for dry storage purposes only. The applicant is concerned that requiring removal of either of these trailers creates an unnecessary hardship, inconvenience, and expense as he works to construct the approved, multi-million dollar housing project.

The applicant has been in the construction trade and project development business for over 40 years and his Foreman working on the site also has similar experience. It was with this experience that the applicant determined it was necessary to have both an onsite office and storage structure on the site. Factors that contributed to the applicant's request included the reality of working in varying onsite weather conditions and his history of dealing with theft and vandalism on the site. For these reasons, the applicant concluded it was necessary to have both a storage space to secure tools and equipment and a secure office space for his onsite Foreman to work out of. The applicant also felt that his request for two temporary structures was reasonable given the size and complexity of the project.

As detailed in Section 17.74.60, "temporary structures in connection with the building or sale of dwellings and land, and construction of industrial or commercial facilities may be permitted, for a period not to exceed one year, provided a temporary permit is first obtained ...". The applicant has requested two temporary structures.

Conclusion

The applicant has appealed File No. 24-021 TEMP, specifically Conditions 1 and 2 of this Final Order because he believes that limiting the job site to only one temporary structure creates an unnecessary hardship, inconvenience, and expense as he works to construct this project. The applicant requests the Planning Commission modify Conditions 1 and 2 of the Final Order to allow two temporary structures as requested.