

BOARD OF ADJUSTMENT STAFF REPORT

Petition 420-07-270: Special Exception to allow a height exception for an approved single family dwelling at 423 G Street
December 4, 2007



Planning and Zoning Division
Department of Community
Development

Applicant:

Salt Lake City Corporation

Staff:

Kevin LoPiccolo, Program
Manager, 535-6003 or
kevin.lopiccolo@slcgov.com

Current Zone:

SR-1A

Council District: 3

Eric Jergensen

Acresage:

0.17 (7,405 square feet)

Current Use:

Single-family dwelling

**Applicable Land Use
Regulations:**

- 21A.24.080D6(a)
- 21A.52

Attachments:

- A. Site Plan
- B. Streetscape
- C. Elevations
- D. Photos
- E. GACC

REQUEST

Staff is requesting that the Board review the City approved building height for a single family dwelling that exceeds the zone height by approximately 2 feet 4 inches.

Background

The property at 423 G Street was issued a building permit in error from the Salt Lake City Corporation for the construction of a new single-family dwelling in February 2007. The City issued a permit to allow the property owner to construct a new single-family dwelling at a height of 25 feet 4 inches. The height limit for the SR-1A zoning district is 23 feet. The height limit approval was based on averaging the development pattern of the three tallest buildings along the block face. Staff should have required that the additional building height be reviewed as a special exception, but Staff made a determination that the development pattern was established and issued a building permit. The special exception process for increased height is established only when a development pattern occurs and then is required to either go to an Administrative Hearing or the Board of Adjustment for review and approval.

PUBLIC NOTICE

1. **Publication:** At least fourteen (14) calendar days in advance of each public hearing on an application for a special exception or for a variance, or to consider an appeal from a decision of the zoning administrator.
2. **Mailing:** Notice by first class mail shall be provided a minimum of fourteen (14) calendar days in advance of the public hearing to all owners of the land, as shown on the latest published property tax records of the county assessor, included in the application for a special exception, variance, or an appeal of a decision by the zoning administrator, as well as to all owners of land, as shown on the latest published property tax records of the county assessor, within eighty five feet (85') feet.
3. **Posting:** The land subject to an application was posted on November 21, 2007 by the City with a sign giving notice of the public hearing at least ten (10) calendar days.

RECOMMENDED MOTIONS:

Approval: From the evidence and testimony presented and pursuant to the plans submitted, I move that the Board grant the special exception at 423 G Street to allow a portion of a roof ridgeline along the southern portion of the single family residence to exceed the building height up to 25 feet 4 inches along the south portion of the south roof ridgeline in the SR-1A Zoning District because:

1. The general design and roof pitch is typical of many homes in the area and is compatible with the existing block face.
2. The proposal will not have a material adverse effect upon the character of the area.
3. The proposal will be compatible with surrounding development.

Denial: From the evidence and testimony presented and pursuant to the plans submitted, I move that the Board deny the special exception at 423 G Street, to allow a portion of a roof ridgeline above the 23 foot height limit of the SR-1A Zoning District because:

1. The Salt Lake City Corporation issued the building permit in error and results in a development pattern that fails to meet the special exception standards to achieve compatibility with the surrounding neighborhood.
2. The proposal is not compatible with the established block face in that it exceeds the height of the base zoning district.

Issues to Note

At the time the permit was issued, Staff determined that the development pattern was established based on the three tallest single family dwellings along the block face of G Street and made a determination that a special exception was not warranted. This would have been true if the pattern was established, but the average of building height of all dwellings was not taken into account prior to the issuance of a building permit, only the three tallest dwellings. However, Staff did not have the discretion to make this determination without a public hearing. Staff is now aware that the permit was issued in error and finds that the Board of Adjustment should hear this request for the following reasons:

1. Review of height exception is not appropriate for Staff when the City made the error.
2. The dwelling is nearly constructed and finds that the appropriate governing body is the Board of Adjustment.

It is Staff's position that this application request should have gone through the special exception process.

The excess height is only evident along the south portion of the roof ridgeline. Staff would like the Board to make a determination on whether they find the request to be consistent with the established development pattern along the block face.

GENERAL STANDARDS OF REVIEW

21A.24.080.D.6 Additional Building Height:

For properties outside of the H Historic Preservation Overlay District, additional building height may be granted as a special exception by an Administrative Hearing Officer, subject to the special exception standards in 21A.52 and if the proposed building height is in keeping with the development pattern on the block face. The Administrative Hearing Officer will approve, approve with conditions, deny or refer the application to the Board of Adjustment to be considered as a special exception pursuant to Chapter 21A.52 of this Title. Any

person adversely affected by a decision of the Administrative Hearing Officer may appeal the decision to the Board of Adjustment.

Analysis: This case was not heard by an Administrative Hearing officer or the Board of Adjustment. As mentioned in the Staff Report, a building permit was issued knowing that the building exceeded the zone height of 23 feet, but determined that the development pattern was established, and therefore, did not require a special exception for the additional height along the southern portion of the roof ridgeline.

The standards of review for a special exception are set forth in Section 21A.52.060 of the Salt Lake City Zoning Ordinance. The standards are as follows:

21A.52.060 General Standards And Considerations For Special Exceptions:

No application for a special exception shall be approved unless the Board of Adjustment determines that the proposed special exception is appropriate in the location proposed based upon its consideration of the general standards set forth below and, where applicable, the specific conditions for certain special exceptions.

Standard A. Compliance With Ordinance And District Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.

Analysis: The purpose of the Compatible Infill process is to provide standards for new construction, additions and alterations of principal and accessory residential structures within the community. The goal is to encourage compatibility between new construction, additions or alterations and the existing character and scale of the surrounding neighborhood. The zoning ordinance promotes a desirable residential neighborhood by maintaining aesthetically pleasing environments, safety, privacy, and neighborhood character. The standards allow for flexibility of design while providing compatibility with existing development patterns.

To ensure compatibility, regulations have been adopted limiting the height of the exterior walls and roofs of new structures and additions to structures. The dwelling has been reviewed as to its compliance with the SR-1A District regulations and City Staff found the request to comply; however, this was done without going through the appropriate process to determine the formula to allow for additional height.

The Board needs to determine if the additional 2 feet 4 inches along the south portion of the ridgeline is compliant with the standards of the zoning district and does not pose any detrimental architectural design impacts that would harm the neighborhood.

Standard B. No Substantial Impairment of Property Value: The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.

Analysis: The building is situated on a downhill lot. Staff conducted a visual survey of the properties along G Street and finds that the dwelling is compatible in terms of scale, mass, and architectural detail to the existing homes along the block. A shorter home or a home that stepped down the hill would provide similar impact at the street frontage. Since the additional 2 feet 4 inches is along the roof ridge, staff finds that the excess height will not create any more obstruction than if the dwelling was built to 23 feet.

The Board needs to determine if they concur with this conclusion that the additional height will not create any more obstruction than what already exists and create further impairment to neighborhood property values.

Standard C. No Undue Adverse Impact: The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.

Analysis: The home is typical of other homes in the neighborhood in terms of architectural style, gable fronts with porches when viewed from the street.

Standard D. Compatible with Surrounding Development: The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.

Analysis: An effort was made for the dwelling design to be similar in scale to neighboring homes. The Board needs to determine if the dwelling as constructed is compatible with the development of the neighborhood.

Standard E. No Destruction of Significant Features: The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.

Analysis: Staff finds no evidence of the presence of natural, scenic or historic features of significant importance on the site.

Standard F. No Material Pollution of Environment: The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.

Analysis: No potential pollution is evident.

Standard G. Compliance with Standards: The proposed use and development complies with all additional standards imposed on it pursuant to Section 21A.52.100 of this Chapter.

Analysis: There are no additional standards imposed on the case pursuant to Section 21A.52.100 of the Zoning Ordinance.

Public Comments:

City Staff received a comment form from the Greater Avenues Community Council and provided answers to the Council back in October 2007. The attached form is shown as Attachment D.

ATTACHMENT B – STREETSCAPE ELEVATION

ATTACHMENT C – BUILDING ELEVATIONS

