

BOARD OF ADJUSTMENT STAFF REPORT



Petition No. 420-08-074 Special Exception for Increased Height of an Accessory Building Located at 1621 South 1500 East.

Planning & Zoning Division
Department of Community &
Economic Development

PUBLIC HEARING DATE: June 16, 2008

Applicant:

Amir Cornell

Staff:

Michael Maloy, 535-7118,
michael.maloy@slcgov.com

Tax ID:

16-16-178-001

Current Zone:

R-1/5,000 Single-Family
Residential District

Master Plan Designation:

Low Density 4-8 Units per
Gross Acre, East Bench
Master Plan, (adopted April
1987)

Council District:

District 6, Councilmember
J. T. Martin

Lot size:

0.13 of an acre

Current Use:

Single Family Dwelling

Applicable Land Use

Regulations:

- 21A.40.050.C.2
Accessory Building
Height
- 21A.52 Special
Exceptions

Attachments:

- A. Special Exception
Request with
Signatures
- B. Site Plan
- C. Photographs of
Accessory Building

REQUEST: Amir Cornell has submitted a Special Exception Request to exceed the permitted height of an accessory building in the R-1/5,000 Single-Family Residential District. The subject property is located at 1621 South 1500 East and contains a single-family dwelling that is currently being remodeled and a recently constructed accessory building that exceeds the permitted height limit. The maximum height for accessory buildings within the R-1/5,000 zoning district is 17'; however the applicant requests approval of a height increase to 18'. The purpose for the accessory building is to provide off-street vehicle parking and storage for the single-family dwelling.

PUBLIC NOTICE: Staff has complied with the following Public Notice requirements as contained within section 21A.10.020 (Public Hearing Notice Requirements) of the Salt Lake City Code:

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, the city shall publish a notice of such public hearing in a newspaper of general circulation in Salt Lake City.
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') or three hundred feet (300') if the proposal involves construction of a new principal building (exclusive of intervening streets), of the periphery of the land subject to the application for a special exception for a variance, or a decision by the zoning administrator. Notice shall be given to each individual property owner if an affected property is held in condominium ownership.
3. Posting: The land subject to an application shall be posted by the city with a sign giving notice of the public hearing at least ten (10) calendar days in advance of the public hearing.

RECOMMENDED MOTIONS: Staff has prepared the following motions for consideration:

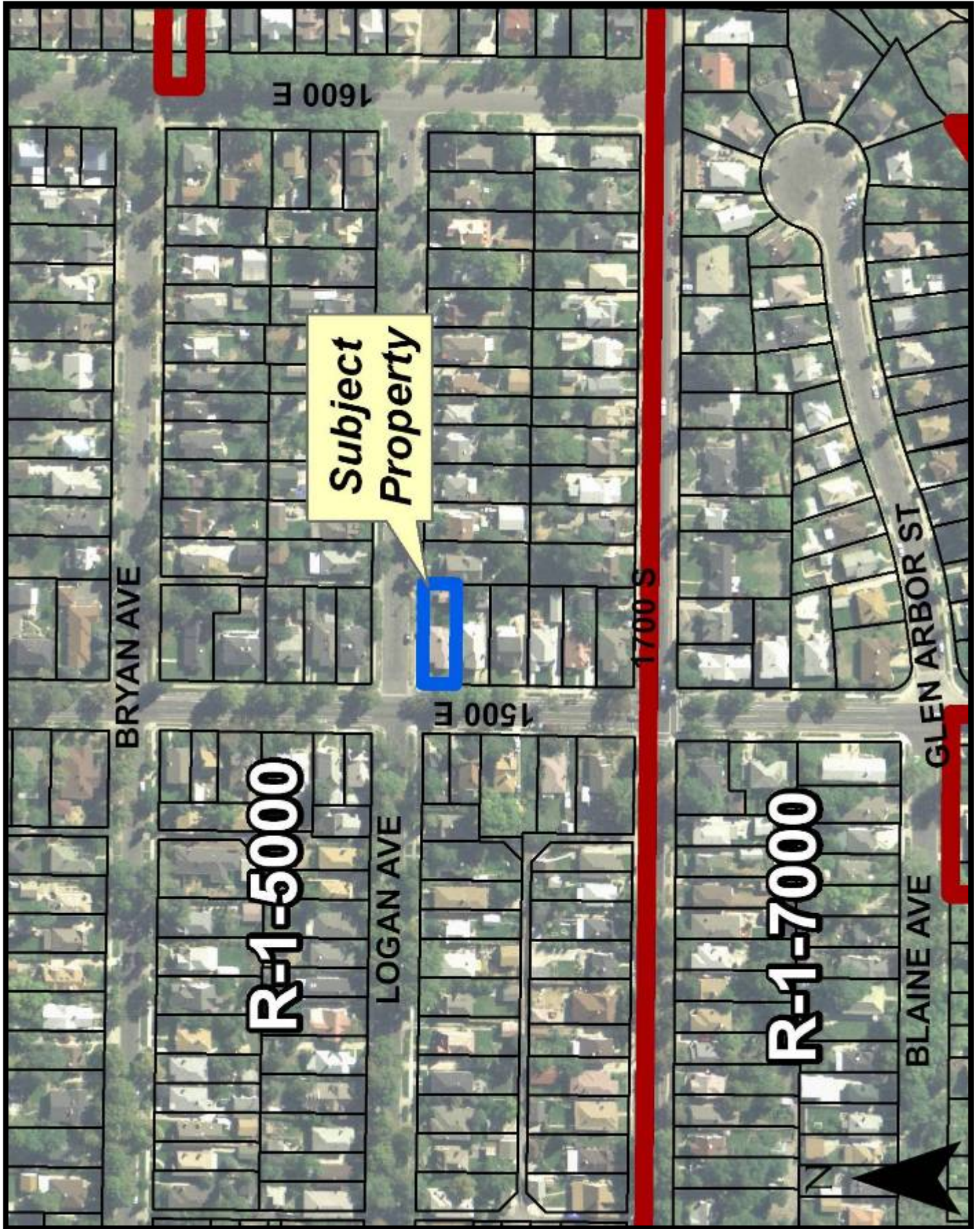
Approval. From the evidence and testimony presented and pursuant to the plans submitted, I move that the Board grant the special exception to allow the construction of an accessory building with height of 18' for the following reasons:

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- G. Compliance With Standards: The proposed use and development complies with all additional standards imposed on it pursuant to section 21A.52.100.

Denial. From the evidence and testimony presented and pursuant to the plans submitted, I move that the Board deny the special exception to allow the construction of an accessory building with height of 18' for the following reasons:

- A. The proposed use and development will not 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.
- B. The proposed use and development will substantially diminish or impair the value of the property within the neighborhood in which it is located.
- C. The proposed use and development will have a material adverse effect upon the character of the area or the public health, safety and general welfare.
- D. The proposed special exception will not 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.
- E. The proposed use and development will result in the destruction, loss or damage of natural, scenic or historic features of significant importance.
- F. The proposed use and development will cause material air, water, soil or noise pollution or other types of pollution.
- G. The proposed use and development does not comply with all additional standards imposed on it pursuant to section 21A.52.100.

VICINITY MAP



Overview

The applicant has recently constructed an accessory building that measures approximately 18' to the peak of the roof, which exceeds the height limit of 17' as established by City Code 21A.40.050.C.2 (Accessory Building Height). The purpose for the accessory building is to provide off-street vehicle parking and attic storage for the single-family dwelling currently being remodeled and expanded on the subject property (see Attachment C – Photographs of Accessory Building).

On January 28, 2008 the applicant obtained a building permit (# 80128011) to construct a new accessory building on an “existing footing and foundation” system (see Attachment B – Site Plan). According to the applicant, the contractor unfortunately failed to realize that the height of wall studs (96" instead of 92") and roof rafters delivered to the site did not comply with construction plans, which variations resulted in the excess height. Following receipt of an anonymous complaint concerning construction activities on the site, Larry Butcher, Development Review Supervisor in Building Services and Business Licensing, conducted a site inspection and with the cooperation of the applicant measured the height of the accessory building and discovered it was not in compliance with building permit plans and exceeded zoning regulations.

Following the previously noted inspection, the applicant submitted a Special Exception Request for increased height of an accessory building on April 9, 2008.

Comments

Public Comments: Staff received telephone messages from the following residents in support of the Special Exception Request:

- Robert Lopez, 1519 East Logan Avenue
- Robert Pepper 1520 East Logan Avenue
- Doug Bonner, 1524 East Logan Avenue
- Sarah Buese, 1627 South 1500 East
- David Kessinger, 1631 South 1500 East
- Steve Oliver, 1632 South 1500 East

Also, the applicant submitted a petition of support that includes the signatures of 11 adjacent or nearby residents (see Attachment A – Special Exception Request with Signatures).

Although staff received one telephone call expressing concern with the height of the single-family dwelling being remodeled and expanded, staff did not receive any public comment in opposition to the proposed Special Exception Request for increased height of the accessory building.

City Department Comments: Special Exception requests are not typically reviewed by other City departments; however Barry Walsh, Engineering Technician VI in the Transportation Division, provided the following comment:

- The height proposal has no impact to the public right-of-way transportation corridor as presented. The existing fence needs to be revised to comply with the required clear zone. The clear zone is defined as an area measuring 10' x 10' at the intersection of the driveway and the public sidewalk with no obstructions over 30" high.

Community Council Comments: Special Exceptions are not reviewed by community councils.

Staff Analysis and Findings

20.52.060 General Standards and Considerations for Special Exceptions:

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 subject property is located in the R-1-5,000 zoning district, which restricts detached accessory building height to 17' when measured to the peak of a pitched roof. The proposed accessory building exceeds the height limit by one foot. The purpose of the height limits for accessory buildings is to keep the size of the accessory buildings subordinate to the principal buildings. Although the height increase exceeds maximum district standard, the accessory building height is less than the proposed two-story single family dwelling on the subject property. Therefore the increased accessory building height would be in harmony with the purposes of the ordinance.

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 recently constructed accessory building has replaced an older accessory building. As such the accessory building will not diminish or impair the value of the property, but will likely increase the value of the subject property and within the neighborhood.

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: Allowing the height increase for the accessory building will serve as precedent for additional requests from property owners within the area to exceed accessory building height limits. Subsequently, this may affect the character of the area that is predominantly one story accessory buildings that comply with the height limit. Whether this impact is considered material and adverse is unclear.

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: The proposed accessory building would be one of a few accessory buildings in the neighborhood that exceed the height limit. The majority of accessory buildings or detached garages along the block face comply with the height limit. Although the applicant did not provide a detailed survey of accessory buildings on the block, staff believes that there may be one other accessory building (located at 1531 East Logan Avenue) with a height similar to the Special Exception Request.

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: No natural, scenic or historic features of significant importance are known to be on or adjacent to the site of the proposed accessory building.

F. 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: The proposed accessory building will not cause any air, water, soil or noise pollution

G. Compliance with Any Additional Standards: The proposed use and development comply with all additional standards imposed on it pursuant to section 21A.52.100 of this chapter. (Ord. 26-95 § 2(26-5), 1995).

Analysis: Additional standards are not imposed by section 21A.52.100 for accessory buildings that exceed height limits.

ATTACHMENT A – SPECIAL EXCEPTION REQUEST WITH SIGNATURES

ATTACHMENT B – SITE PLAN

ATTACHMENT C – PHOTOGRAPHS OF ACCESSORY BUILDING