



# Staff Report

PLANNING DIVISION  
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Appeals Hearing Officer

From: Joel Paterson, Zoning Administrator (801-535-6141 or joel.paterson@slcgov.com)  
Greg Mikolash, Development Review Supervisor (801-535-6181 or gregory.mikolash@slcgov.com)

Date: February 8, 2018

Re: PLNAPP2017-00954 Appeal of an administrative decision to issue a building permit for additions to the house at 835 E 18th Avenue

## Appeal of Administrative Decision

**PROPERTY ADDRESS:** 835 E 18th Avenue

**PARCEL ID:** 09-29-327-025

**ZONING DISTRICT/ORDINANCE SECTION:** 21A.24.040 FR-3/12,000 Foothills Residential District; 21A.24.040.E1 Minimum Front Yard Requirements

**APPELLANTS:** Pilar and Chris Dechet, represented by Craig Mariger

**PROPERTY OWNER:** Samuel Cheshier and Darci Hebenstreit

**BUILDING PERMIT APPLICANT:** Scott Broussard, prior property owner, represented by Kent Wallin

**INTERPRETATION ISSUE:** The issue of this appeal relates to the calculation of the minimum front yard setback for additions proposed to the house at 835 E 18th Avenue which is located in the FR-3/12,000 Foothills Residential District. The issues include the definition of Block Face and the properties that should be included in the calculation of the average front yard setback. In addition, the Chris and Pilar Dechet, the appellants, make claims regarding the accuracy of the surveys submitted by the building permit applicant, Scott Broussard. The Dechets own the property at 849 E 18th Avenue directly east of the home at 835 East 18th Avenue. The Dechets claim that the average front yard setback accepted by the City will allow the additions to the house at 835 E 18th Avenue to be closer to the street than should be allowed.

Scott Broussard submitted building plans for a remodel/additions to the home in July 2016. The application included a calculation of the average front yard building set back prepared by the GML Group. This calculation was accepted and a building permit was issued with a 20'6" setback based on the average setback of 5 homes which included 785, 795, 805, 835, and 849 East 18th Avenue; or Lots 9, 10 11, 13, and 14 of the Northercrest Subdivision (Plat E). After construction was started, neighbors in the area complained that the required front yard setback was being violated and contended that the information submitted for the average front yard setback was erroneous and did not match survey information from a previous survey conducted at the Dechets' lot in 2008.





- for the appellant. The first was prepared by the McNeil Group for a 2008 remodel of the appellants' home. The second survey was prepared at the request of the appellant by Diamond Land Surveying in response to the survey prepared by HA Entellus.
3. The Dechets claim that the City erred in permitting the vertical additions of the Broussard remodel and expansion over the garage with a setback from the sidewalk of less than 36.7 feet which the Dechets claim is the actual average front yard setback that should have been required by the City. Alternatively, the Dechets claim the City erred in permitting the vertical additions of the Broussard remodel expansion over the garage to have less than a setback from the sidewalk of 32 feet if the shortened block face is accepted and that the additions to the house will be allowed closer to the street than allowed.

#### **PLANNING DIVISION RESPONSE TO APPEAL:**

To assist the Hearing Officer in reviewing the appeal, the Planning Division has provided the following response to the Dechets claims.

**Claim 1: The Dechets claim that the City erred in using a shortened block face which excluded two properties that should be included in a 1,000 foot block face, to calculate the average front yard setback applicable to the expansion and remodel of the home at 835 E 18th Avenue.**

The subject property is located in the FR-3/12,000 Foothills Residential district. The Zoning Ordinance includes the following standard for the minimum front yard requirement (21A.24.040E1):

Front Yard: The minimum depth of the front yard for all principal buildings shall be equal to the average of the front yards of existing buildings within the block face. Where there are no existing buildings within the block face, the minimum depth shall be twenty feet (20'). Where the minimum front yard is specified in the recorded subdivision plat, the requirement specified on the plat shall prevail. For buildings legally existing on April 12, 1995, the required front yard shall be no greater than the established setback line of the existing building.

The Zoning Ordinance includes the following definition of the term Block Face in 21A.62.040:

**BLOCK FACE:** All of the lots facing one side of a street between two (2) intersecting streets. Corner properties shall be considered part of two (2) block faces, one for each of the two (2) intersecting streets. In no case shall a block face exceed one thousand feet (1,000').

In this area, 18th Avenue extends over 2,000 feet west from Little Valley Road to Hilltop Road in three distinct sections, two with lots oriented to the south and the middle section with lots oriented to the southwest. The block face in question extends along the north side of Eighteen Avenue from 905 E 18th Avenue at the corner of Little Valley Road west towards the lot at 747 E 18th Avenue. Along this segment, eight of the nine lots have been developed and are part of Plat E of the Northcrest Subdivision. This subdivision plat does not specify a minimum front yard setback so the setback is determined by the calculation of an average for the block face. In many cases, where there are plats that are plotted with curvilinear lots, the plat indicated the minimum front yard setback, this was done to reduce confusion when constructing on the lot. In the case of Plat E of the

Northcrest Subdivision, no front yard average or buildable lot areas were given. The house at 835 E 18th Avenue legally existed prior to April 12, 1995. The attached garage which has a setback of approximately 20 feet was granted by a variance approved by the Board of Adjustment in 1980 (Board of Adjustment Case No. 8486). The front façade does not establish the minimum setback for this property because the variance was specifically granted for the garage to improve automobile access; the variance did not apply to the rest of the residential structure. This interpretation was upheld by the Appeals Hearing Officer under application PLNAPP2017-00012).

When Mr. Broussard originally submitted the building permit application, the Building Services Division accepted the shortened block face that included five homes located between 785 E and 849 East 18th Avenue (excluding the vacant lot at 825 E 18th Avenue). Although this block face is less than 1,000 feet in length, Lots 7 and 8 at 747 E and 765 E 18th Avenue, were not included because the Building Services Division determined that the orientation of Lots 7 and 8, located beyond a curve in the alignment of 18th Avenue, did not impact the visual compatibility of the development of the homes on lots 9 through 15. This consideration was made in part because of language in the Purpose Statement of the FR-3/12,000 district that the district “is to promote environmentally sensitive and visually compatible development of lots not less than 12,000 square feet in size. . .” Additionally, the curve in the street is sufficient enough and the orientation of the lots change between Lots 8 and 9 as one travels west along 18th Avenue that Lots 7 and 8 at 747 E and 765 E 18th Avenue do not visually relate to the homes to the east. The setback of the homes on Lots 7 and 8 are not visually apparent until one travels past Lot 9 when heading in a westerly direction.

### 1,000 foot Block Face





## Shortened Block Face



The definition noted above defines Block Face, in part, to include properties between two intersecting streets with a qualifier that the block face shall not exceed 1,000 feet. The Zoning Ordinance does not define intersecting streets or address what the equivalent of an intersecting street is or how to address bending or winding streets where use of the 1,000 foot dimension would consider lots that would not be impacted. The 1,000 foot dimension is a maximum dimension, not a minimum standard. The 1,000 foot dimension reference has been, by policy, used as a base length for determining front yard setback averaging; however, as is apparent on this and many other curvilinear streets, it is up to interpretation as to when individual homes on a block face are no longer impacted visually. In this case, the Development Review Planner issued the building permit believing that the submitted front yard average calculation was reasonable and compliant based on the information provided, meeting the purpose and intent of the FR-3 zone. A Development Review Planner will not issue a permit if it is known that a setback, or any other zoning requirement is obviously or egregiously noncompliant with the Code. Also, permits are reviewed and issued on a case-by-case basis based on ordinance and policy at that time.

**Claim 2: The Dechets claim that the City erred in accepting the average front yard survey data prepared by HA Entellus for the setback of improvements presently constructed on the lots at 795 E and 805 E 18th Avenue (Lots 10 and 11, Block 1, Northcrest Subdivision Plat E). The Dechets claim that the setbacks for these properties is significantly greater than presented in the survey.**

All parties agree that the original calculation of the average front yard setback prepared by GML was erroneous and did not accurately measure the setbacks of the lots surveyed. When the accuracy of the GML survey came into question, the Building Services Division

issued a stop work order and required that Mr. Broussard submit revised calculations of the average front yard setback. Mr. Broussard was given a hand-out to provide guidance for determining this average front yard setback. HA Entellus, Inc. was hired by Scott Broussard to conduct a survey and calculate the average front yard setback. The data submitted included a professional stamp and the data and calculations were accepted by the City.

There is a significant difference in the reported front yard setback for lots 10 and 11 as noted in the Dechets' documentation. In addition to the survey data supplied by HA Entellus, the Dechets submitted documentation from a survey they used to obtain a building permit for an additions to their home at 849 E 18th Avenue in 2008. That survey was prepared by the McNeil Group.

After reviewing the revised average front yard setback data submitted by Mr. Broussard, the Dechets hired Diamond Land Surveying to conduct another survey because of the differences in setbacks on lots 10 and 11 that they identified between their 2008 survey prepared by the McNeil Group and the survey prepared by HA Entellus.

As mentioned in Claim 1, building permits are reviewed and issued on a case-by-case basis based on ordinance and policy at that time. Zoning reviews for setbacks are conducted on good-faith that the information being provided is correct and truthful, where permit information on other properties (such as surveys) are not reviewed to determine conflicts. It is the responsibility of Scott Broussard, and his representatives (architect, surveyor, contractor) to prove that the scope of work as being conducted is code compliant as per the permitted plans, where inspections later confirm such compliance. The contesting of information can generally be remedied through the inspection process, where permits can be updated to bring a noncompliance back to within code.

By the time that the Dechets raised issues about the survey discrepancies, the original building permit had already been issued and construction was well underway. The Building Services division informed the Dechets that the discrepancies could be addressed through the appeal process; however, by the time the Dechets originally complained to the City about the front yard setback issue in October of 2016, the appeal period for contesting the original permit issued in July of 2016 had expired. Dechets have 10 days upon a determination (this being issuance of the permit itself) to file an appeal. In several meetings and telephone conversations with Building Services and Planning Division staff, it was discussed that an appeal *would* be able to be filed with respect to the issuance of an updated permit once this occurred. As mentioned previously, the updated permit was issued on October 30, 2017, where subsequently an appeal was filed on November 14, 2017.

**Claim 3: The Dechets claim that the City erred in permitting the vertical additions of the Broussard remodel and expansion over the garage with a setback from the sidewalk of less than 36.7 feet. Alternatively, the Dechets claim the City erred in permitting the vertical additions of the Broussard addition over the garage with a setback from the sidewalk of less than 32 feet if the shortened block face is accepted. The Dechets also claim that the house at 835 E Eighteen Avenue is a noncomplying structure and any alteration or enlargement is subject to the regulations in 21A38.050 Noncomplying Structures.**



The Dechets are making the claim that the survey accepted by the Building Services Division is flawed and that the correct average front yard setback for the property at 835 E 18th Avenue is not 28 feet but should be 36.7 feet based the Diamond Land Survey which used a 1,000 foot block face or, if the shortened block face is accepted, then 32 feet. The reasons given to support this claim contend that the subject house is a noncomplying structure because it does not comply with the average front yard setback currently required by the FR-3/12,000 district.

Zoning Ordinance section 21A.38.050 regulates noncomplying structures and prohibits alterations or enlargement of a noncomplying structure that creates any new noncompliance or increases the degree of an existing noncompliance. The Dechets claim that the additions to the subject house violate this section of the Zoning Ordinance because the additions do not meet the required average front yard setback and extend into the required front yard, increasing the degree of noncompliance. The Dechets further claim that an in line addition, (a horizontal addition that is made in line with an existing noncomplying element of a building) could not be approved in this situation because it would be vertical in nature and 21A.38.050B prohibits such in line additions.

The following sections of the Zoning Ordinance are relevant to this discussion:

**21A.38.050: NONCOMPLYING STRUCTURES:**

No noncomplying structure may be moved, enlarged or altered, except in the manner provided in this section or unless required by law. Modifications to a noncomplying structure that is subject to the historic preservation overlay district requirements shall also meet the applicable supplemental regulations and standards of section [21A.34.020](#), "H Historic Preservation Overlay District", of this title.

- A. Repair, Maintenance Or Alterations: Any noncomplying structure may be repaired, maintained or altered, except that no such repair, maintenance or alteration shall either create any new noncompliance or increase the degree of the existing noncompliance of all or any part of such structure. For purposes of this subsection, the addition of a solar energy device to a building is not a structural alteration. Small solar energy collection systems are subject to section [21A.40.190](#) of this title.
- B. Enlargement: A noncomplying structure may be enlarged if such enlargement and its location comply with the standards of the zoning district in which it is located. Horizontal in line additions or extensions to existing noncomplying building portions are considered not creating a new nonconformance and are subject to special exception standards and approval of subsection [21A.52.030A15](#) of this title. Vertical in line additions or extensions to existing noncomplying building portions are considered creating a new nonconformance and are not permitted.

When the Building Services Division accepted the average front yard setback data prepared by HA Entellus, it found that the proposed additions met the average front yard setback requirement and therefore the house at 835 E Eighteen Avenue and the proposed additions were complying to the required front yard setback and no new noncompliance

would be created nor would the degree of any existing noncompliance be increased. Additions that meet the required setback would not be considered to be a vertical in line addition because the proposed additions were found to be in a complying location.

### **Summary:**

In, summary, the City has accepted the calculation of the average front yard setback required by 21A.24.040E1 because:

- The average front yard setback calculation was based on a survey prepared and stamped by a professional engineering and surveying company. The City does not contest surveys prepared by a licensed professional.
- The Building Services Division accepted the shortened block face because the 1,000 foot block face dimension is a maximum standard not a minimum standard. The building permit was issued based on the Purpose Statement of the FR-3 zoning district declaring that the district "is to promote environmentally sensitive and visually compatible development of lots not less than 12,000 square feet in size. . ." Additionally, the curve in the street is sufficient enough and the orientation of the lots change between Lots 8 and 9 as one travels west along 18th Avenue. The setback of the homes on Lots 7 and 8 are not visually apparent until one travels past Lot 9 when heading in a westerly direction.
- The definition of Block Face does not anticipate or provide direction for streets that curve. Furthermore, Lots 7 and 8 have a different orientation than Lots 9 through 15 and as a result, do not impact the visual compatibility of the homes included in the shortened block face.

This is an appeal of an Administrative Interpretation. Therefore, the standard of review for the appeal shall be de novo. The Appeals Hearing Officer shall review the matter appealed anew, based upon applicable procedures and standards for approval, and shall give no deference to the original decision. A public hearing must be held prior to the Appeal Hearing Officer making a decision.

### **NEXT STEPS:**

If the administrative decision is upheld, the property owners at 835 E 18th Avenue can proceed with construction and finalize the additions in accordance with the approved plans and subject to all required inspections. If the decision is over turned, the building plans would be required to comply with the average front yard setback calculated in accordance with the Appeal Hearing Officer's decision and the City would not be able to approve any additional inspections of the additions to the home at 835 E 18th Avenue until it is modified to comply with this decision.

Any person adversely affected by the final decision made by the appeals hearing officer may file a petition for review of the decision with the district court within thirty (30) days after the decision is rendered.

### **PUBLIC PROCESS:**

An appeal of administrative decision requires that a public hearing be held. The intent of this is to allow the public to comment on the issue at hand. The subject property was posted with a sign advertising the public hearing, a notice was mailed to all property owners within 300 feet of the subject property, and an email announcement of the public hearing was sent out to all people who have



requested to receive notice about public meetings managed by the Planning Division. The email list includes all Recognized Organizations, including all Community Councils.

**ATTACHMENTS:**

- A.** Aerial Photograph of Site
- B.** Appeal Application and Documentation of Evidence
- C.** Photographs
- D.** Building Permit Information
- E.** Department Comments
- F.** Public Input



 **835 E 18th Avenue**



## **ATTACHMENT B: Appeal Application and Documentation**

## APPEAL OF A DECISION

Subject Decision: The decision being appealed in this Appeal of a Decision is the Salt Lake City administrative decision to approve the revised construction plans for a remodel and expansion of the residence located at 835 East 18<sup>th</sup> Avenue, Salt Lake City, Utah, with a 28-foot front yard setback, and the Salt Lake City administrative decision to issue a permit for construction in accordance with the revised construction plans.

Address of Subject Property: 835 East 18<sup>th</sup> Avenue, Salt Lake City, Utah

Name of Appellants: Chris and Pilar Dechet

### I. Introduction.

Chris and Pilar Dechet (the “Dechets” or “Appellants”) are the owners of the house and property located at 849 East 18<sup>th</sup> Avenue, Salt Lake City, Utah (the “Dechet Residence”). The Dechet Residence is located next door to and immediately east of the home and property with the address of 835 East 18<sup>th</sup> Avenue, Salt Lake City, Utah (the “Subject Property”). The Subject Property is currently owned by Scott Broussard (“Broussard”) or a business entity controlled by Broussard for the purpose of remodeling and expanding an existing residence for purposes of resale. The home located on the Subject Property being expanded and remodeled by Broussard was built by Gerald E. McCoy (“McCoy”) in or about 1980-1981 (the “McCoy Residence”).

Salt Lake City Corporation (the “City”) issued a building permit to Broussard in 2016 after approving Broussard’s original construction plans (the “Original Construction Plans”) for an addition and remodel of the McCoy Residence. On or about November 14, 2016, the City posted a Stop Work Notice at the Subject Property for the reason that Broussard had misrepresented the applicable front yard setback for the remodel and expansion of the McCoy Residence in the Original Construction Plans. On November 2, 2017, the Dechets observed that construction had recommenced at the Subject Property. On November 3, 2017, the Dechets met with the City Permits and Planning and Zoning personnel to ascertain what the City had approved for the remodel and expansion of the McCoy Residence. The Dechets were informed that the City had approved and issued a permit for revised construction plans (the “Revised Construction Plans”) for the expansion and remodel of the McCoy Residence with a 28-foot front yard setback. The City officials told the Dechets that they could appeal the Administrative Decision of the City to approve and permit the Revised Construction Plans on or before November 14, 2017.

This Appeal of a Decision appeals the City’s administrative decision to approve and permit the Revised Construction Plans and to permit an expansion and remodel of the McCoy Residence with a 28-foot front yard setback (the “Subject Decision”). The Salt Lake City Zoning Ordinances require a minimum front yard setback for the expansion and remodel of the McCoy Residence of 36.7 feet, the average front yard setback of a 1,000-foot block face (Lots 7, 8, 9, 10, 11, 12, 13, 14 and 15). Alternatively, the Salt Lake City Zoning Ordinances require a minimum front yard setback for the expansion and remodel of the McCoy Residence of 32 feet, the average front yard setback of a shortened block face that excludes Lots 7 and 8 (the “Shortened Block Face”).



II. Relevant Facts.

1. On November 10, 1980, McCoy, the then owner of the Subject Property, was granted a variance by the Salt Lake City Board of Adjustments to construct a residence on the Subject Property "with a carport setback 20' from the front property line instead of the required 30'" (Case No. 8486).
2. The 1964 Salt Lake City Zoning Ordinances were in effect at the time of the permitting and construction of the McCoy residence on the Subject Property in or about 1980-1981. Section 51-12-4 of the Salt Lake City Zoning Ordinances (1964) required a minimum front yard setback of all main buildings equaling "the average of the existing buildings within the same block frontage, except that a front yard need not more than thirty (30) feet in depth." McCoy constructed his residence in or about 1980-1981 with a 30-foot front yard setback, excepting only the garage, which was constructed with a 20.5-foot setback as permitted by the variance granted by the Salt Lake City Board of Adjustments.
3. In or about 2016, Broussard purchased the Subject Property for the purpose of remodeling and expanding the McCoy residence and reselling the remodeled and expanded residence for a profit. In other words, Broussard purchased the Subject Property to "flip it".
4. After McCoy constructed the residence on the Subject Property, but prior to Broussard's purchase of the Subject Property, the zoning for the Subject Property changed from "R-1" to "FR-3/12000". The Salt Lake City Zoning Ordinances were amended several times between 1980-1981 and 2016. When Broussard purchased the Subject Property, the required front yard setback for the Subject Property was prescribed by Section 21A.24.040E1 of the Salt Lake City Zoning Ordinances, which states as follows:

Front Yard: The minimum depth of the front yard for all principal buildings shall be equal to the average of the front yards of existing buildings within the block face. Where there are no existing buildings within the block face, the minimum depth shall be twenty feet (20'). Where the minimum front yard is specified in the recorded subdivision plat, the requirement specified on the plat shall prevail.

The Subdivision Plat of the Northcrest Subdivision Plat E does not prescribe a required front yard setback for any of the lots in the Subdivision, including Lot 13, the Subject Property. A copy of the Subdivision Plat is attached as Exhibit 1.

5. In 2008, Dechets remodeled their residence next door and to the east of the Subject Property. At that time, the City required the Dechets to submit survey data establishing the depth of front yards of the existing buildings within the block face, which at that time the City interpreted to extend from Little Valley

Road and thence west 1,000 feet (causing the block face to include Lots 7 and 8). The McNeil Group submitted the McNeil Group Survey dated September 9, 2008, averaging 39 feet. The Dechets were required by the City for the remodel of their residence to comply with the 39-foot setback. Attached as Exhibit 2 is the McNeil Group's report of survey measurements.<sup>1</sup>

6. In or about 2016, Broussard applied to the City for a building permit to construct the Original Construction Plans. The Original Construction Plans showed a calculation of the required front yard setback prepared by GML Group. The GML Group is comprised of home designers, not licensed land surveyors. The lots purported to be measured by the GML Group to make a calculation of the average front yard setback in the block face were not identified by address on the Original Construction Plans. The GML calculated average front yard setback of 20.5 feet reported in the Original Construction Plans was purportedly based on measurements for the Shortened Block Face extending from Little Valley Road to Lot 9 (excluding Lots 7 and 8). The City's Permit personnel permitted the Shortened Block Face despite the fact there were no intersecting streets within 1,000 feet of Little Valley Road. However, even assuming the use of the Shortened Block Face was appropriate and that GML's measurements were accurate (they deviate materially from all other surveys of the block face), the accurate calculation of the average setback using the GML Group's measurements is 24.7 feet, not 20.5 feet reported on the Original Construction Plans.
7. The Dechets and other neighbors thereupon complained to the City that the Broussard remodel and addition was being constructed within the required front yard setback applicable to the zoning district. The City requested from Broussard survey data from a licensed land surveyor establishing the average front yard setback in the Shortened Block Face. When Broussard failed to submit survey data promptly, the City posted a Stop Work Notice at the Subject Property on November 14, 2016. Broussard then submitted to the City the HA Entellus ("HA") Survey dated November 16, 2016. Attached as Exhibit 3 is a copy of the HA Survey data. The HA Survey data varies substantially from the GML Group measurements, as well as from the McNeil Group Survey data, with respect to two properties (Lot 10, 795 18<sup>th</sup> Avenue; and Lot 11, 805 18<sup>th</sup> Avenue). Using the HA Survey data, the average front yard setback in the Shortened Block Face is 28 feet.
8. Portions of the Broussard remodel and addition at the Subject Property have been constructed within the 28 foot required front yard setback as calculated by HA. To resolve the encroachments of the Broussard remodel and addition into the required front yard setback as calculated by HA, Broussard sought an Administrative Interpretation from the Zoning Administrator that the 1980 variance granted by the Board of Adjustment to McCoy pertained to the entire

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<sup>1</sup> McNeil Group's measurement for 849 East 18<sup>th</sup> Avenue (Dechets' residence) shows a 48-foot setback. Since that time, Dechets have remodeled their residence, such that their current setback is 40.7 feet, as reflected in the Diamond Land Surveying data discussed below. Other residences within the block face have remained unchanged.



McCoy Residence, such that the applicable front yard setback for the remodel and addition was 20 feet. The Zoning Administrator issued an Administrative Interpretation (Petition PLNZAD 2017-00012) rejecting Broussard's contention that the 1980 variance permitted more than the garage to be constructed as near as 20 feet to the back of the sidewalk. Broussard appealed the Zoning Administrator's Decision and Findings. On April 18, 2017, Mary J. Woodhead, Appeals Hearing Officer, issued a Decision affirming the interpretation given by the Zoning Administrator. Broussard did not appeal the Decision of the Appeals Hearing Officer.

9. The Dechets were informed that the City had instructed Broussard that one option for him to proceed with the remodel and addition of the McCoy Residence was to conform the existing structures of the remodel and addition to the 28-foot front yard setback as calculated by HA. The Dechets then complained to the City that the HA Survey data appeared materially inaccurate when compared to the McNeil Group Survey data. The Dechets further complained to the City that the average front yard setback for the expansion and remodel of the McCoy Residence required the use of a 1,000-foot block face, not the Shortened Block Face used by HA.
10. The Dechets retained Diamond Land Surveying to conduct yet another survey of the front yard setbacks within the block face. Attached as Exhibit 4 is the Diamond Land Surveying Survey data. The Diamond Land Surveying Survey data shows material differences in measurements when compared to the HA Survey data with respect to two lots (Lot 10, 795 18<sup>th</sup> Avenue; and Lot 11, 805 18<sup>th</sup> Avenue). Using the Diamond Land Surveying Survey data, the average front yard setback in the Shortened Block Face is 31.95 feet (hereinafter "32 feet"), not 28 feet. Using the Diamond Land Surveying Survey data, the average front yard setback in the 1,000-foot block face is 36.71 feet (hereinafter "36.7 feet"). Attached as Exhibit 5 is a summary of all of the survey data for the 1,000-foot block face and the Shortened Block Face.
11. The City has issued guidelines for Front Yard Averaging that are attached as Exhibit 6. Diamond Land Surveying was furnished with the City's guidelines prior to its survey and has confirmed to the Dechets that the City's guidelines were used in generating its survey data.
12. Broussard has expanded the McCoy Residence to the south (towards the street) on the eastern portion of the remodel and addition by constructing new structure over the garage and then extending that new structure to the center "silo" of the residence. Attached as Exhibit 7 are photographs of the McCoy Residence prior to Broussard's purchase of the Subject Property. Note that there was a narrow one story "shed structure" built over the garage with a presumed setback of 30 feet. Only the "silo" extends as close to the street, also presumably with a 30-foot setback. The remainder of the McCoy Residence is setback further than 30 feet. The entrance to the McCoy Residence is at the first level of the

residence. On the western side of the “silo,” there is an elevated deck setback further from the street than the “silo.”

13. Attached as Exhibit 8 are photographs of the Broussard remodel and addition as it sat immediately prior to the City’s approval and permitting of the Revised Construction Plans. Notice that Broussard had retained the same shed structure over the garage (presumably set back 30 feet). But Broussard constructed a two-story addition east of the “silo” much closer to the street than the shed structure. Notice further that west of the “silo” Broussard had constructed a new entrance accessing the second level of the residence. To do this, Broussard constructed a brick wall, stairs and a landing, all extending closer to the street than the “silo” (which now, after the remodel and addition is 28.5 feet from the backside of the sidewalk, not 30 feet).<sup>2</sup> Further to the west of this new entry, Broussard constructed an elevated deck and stone columns which extend closer to the street than the “silo.” The two-story addition on the east and the new entryway, deck, and stone walls on the west significantly decreased the views from the Dechets’ residence to the Great Salt Lake to the west. A demonstration of the impact upon the views from the Dechets’ residence is shown by the photographs attached in Exhibit 9.
14. On Thursday, November 2, 2017, the Dechets first saw that construction had recommenced at the Subject Property. On November 3, 2017, the Dechets met with the City Permits and Planning and Zoning personnel to ascertain what the City had approved for the remodel and addition of the McCoy Residence. The Dechets were informed that the City had approved and issued a permit for the Revised Construction Plans of the expansion and remodel of the McCoy Residence with a required 28-foot front yard setback. The City officials told the Dechets that they could appeal the administrative decision of the City to approve and permit the Revised Construction Plans with a 28-foot required front yard setback on or before November 14, 2017.

### III. Subject Decision.

This Appeal of a Decision appeals the City’s administrative decision to approve and permit the Revised Construction Plans for the expansion and remodel of the McCoy Residence with a required 28-foot front yard setback.

### IV. Errors.

The Subject Decision is based on the following errors:

Error No. 1: The Dechets contend that the Subject Decision erred in using the Shortened Block Face, and not the 1,000-foot Block Face, to calculate the average front yard setback applicable to the expansion and remodel of the McCoy Residence.

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<sup>2</sup> See the Diamond Land Surveying Survey attached as Exhibit 4.



Reasons for the Dechets' Claim of Error:

1. The Subject Property is currently zoned FR-3/12,000 Foothills Residential District. Section 21A.24.040E1, Salt Lake City Ordinances states:

Front Yard: The minimum depth of the front yard for all principal buildings shall be equal to the average of the front yards of existing buildings within the block face. Where there are no existing buildings within the block face, the minimum depth shall be twenty feet (20'). Where the minimum front yard is specified in the recorded subdivision plat, the requirement specified on the plat shall prevail.

2. The recorded Subdivision Plat does not prescribe a minimum front yard setback for any of the lots of the subdivision. The recorded Subdivision Plat is attached as Exhibit 1. The required front yard setback is therefore "equal to the average of the front yards of existing buildings within the block face."
3. The "block face" is defined in Section 21A.62.040 (Definition of "block face") of the Salt Lake City Zoning Ordinances, as follows:

BLOCK FACE: All of the lots facing one side of a street between two (2) intersecting streets. Corner properties shall be considered part of two (2) block faces, one for each of the two (2) intersecting streets. In no case shall a block face exceed 1,000 feet (1,000').

4. There are no intersecting streets in 16<sup>th</sup> Avenue between Little Valley Road and Lot 7. See, Subdivision Plat attached as Exhibit 1. The distance on 18<sup>th</sup> Avenue from Little Valley Road to the western boundary of Lot 7 is 900 feet, less than the 1,000 foot maximum block face. The applicable block face for the expansion and remodel of the McCoy Residence includes Lots 7, 8, 9, 10, 11, 12, 13, 14, and 15. While 18<sup>th</sup> Avenue takes a slight bend to the north near the midpoint of Lot 9, this bend is not but 32° 08', as shown on the recorded Subdivision Plat. This bend is hardly an intersecting street or the equivalent of an intersecting street (a bend of 90°). There is no basis in the Salt Lake City Zoning Ordinances to use the Shortened Block Face. The Subject Decision has used the Shortened Block Face to calculate the average setback applicable to the Broussard remodel and expansion.

Error No. 2: The Dechets contend that the Subject Decision erred in using the HA Survey data for the setback of improvements presently constructed on Lots 10 and 11.

Reasons for the Dechets' Claim of Error:

1. Broussard submitted the GML data to the City to justify the 20.5-foot average front yard setback used in the Original Construction Plans. Broussard admits that the GML data is erroneous.

2. There have been three certified surveys (this excludes the GMC Group) by professional land surveyors of the setbacks of improvements on Lots 10 and 11. Substantial differences exist between the survey data submitted by Broussard from HA for these lots and the survey data submitted by the Dechets from the McNeil Group and Diamond Land Surveying for these lots. *See* Exhibit 5 for a summary and comparison of the survey data. These differences cannot be explained by tolerances of survey equipment.
3. Regarding Lot 10, the McNeil Group measured a 35-foot front yard setback and Diamond Land Surveying measured a 34.2-foot front yard setback. HA measured a 25.2-foot front yard setback (a difference of 9 feet or more), an obvious error.
4. Regarding Lot 11, the McNeil Group measured a 32-foot front yard setback and Diamond Land Surveying measured a 30.7-foot front yard setback. HA measured a 20.3-foot front yard setback (a difference of 10 feet or more), an obvious error.
5. Rather than undertake some action to ascertain the reason for the deviations in the survey data regarding Lots 10 and 11, or verify the actual setback of improvements constructed on Lots 10 and 11 in accordance with the City's guidelines, the City simply accepted Broussard's survey data and ignored the Dechets' survey data. The City could have ascertained if one or more of the surveys did not follow the City's guidelines set forth in Exhibit 6. The City could have conducted its own survey of these two lots. The City could have required that HA resurvey Lots 10 and 11 or explained the deviation between HA's Survey data for Lots 10 and 11 and the Diamond Land Surveying Survey data for Lots 10 and 11. The City did none of this. The City erred in accepting without inquiry or verification the HA Survey data for Lots 10 and 11 when it differed materially from the survey data obtained by the Dechets. The HA Survey data for Lots 10 and 11 is obviously erroneous.

Error No. 3: the Dechets contend that the Subject Decision erred in permitting the vertical additions of the Broussard remodel and expansion over the garage to have less than a setback from the sidewalk of 36.7 feet. Alternatively, the Dechets contend that the Subject Decision erred in permitting the vertical additions of the Broussard remodel and expansion over the garage to have less than a setback from the sidewalk of 32 feet.

Reasons for the Dechets' Claim of Error:

1. When McCoy constructed the McCoy Residence in or about 1980-1981, the Subject Property was zoned R-1. Section 51-12-4 of the Salt Lake City Zoning Ordinances (1964) required a 30-foot front yard setback when the McCoy Residence was constructed. Other than the garage (for which McCoy obtained a variance to construct with a 20.5-foot setback), McCoy built the McCoy Residence with a 30-foot front yard setback.
2. When the Subject Property was rezoned FR-3/1,200 and became subject to Section 21A.24.040E1 of the Salt Lake City Zoning Ordinances for minimum



front yard setbacks, the McCoy Residence became a “noncomplying structure” within the meaning of Sections 21A.38.010A2 and 21A.62.040 (Definition of “noncomplying structure”). Section 21A.24.040E1 applicable to the Subject Property today does not specify a maximum required front yard setback as did Section 51-12-4 applicable to the Subject Property when the McCoy Residence was built.

3. Sections 21A.38.050 and 21A.38.050A prohibit Broussard from engaging in a remodel or addition of a noncomplying structure that creates a new non-compliance or increases the degree of the existing non-compliance of any portion of the structure. Specifically, Broussard is prohibited by the Salt Lake City Zoning Ordinances from constructing new structure not existing in the noncomplying structure over the garage and extending west to the “silo” without the 36.7-foot front yard setback required by currently applicable Salt Lake City Zoning Ordinances. Furthermore, Broussard is prohibited from constructing a vertical in-line addition to this noncomplying structure by Section 21A.3A.050B. That section states:

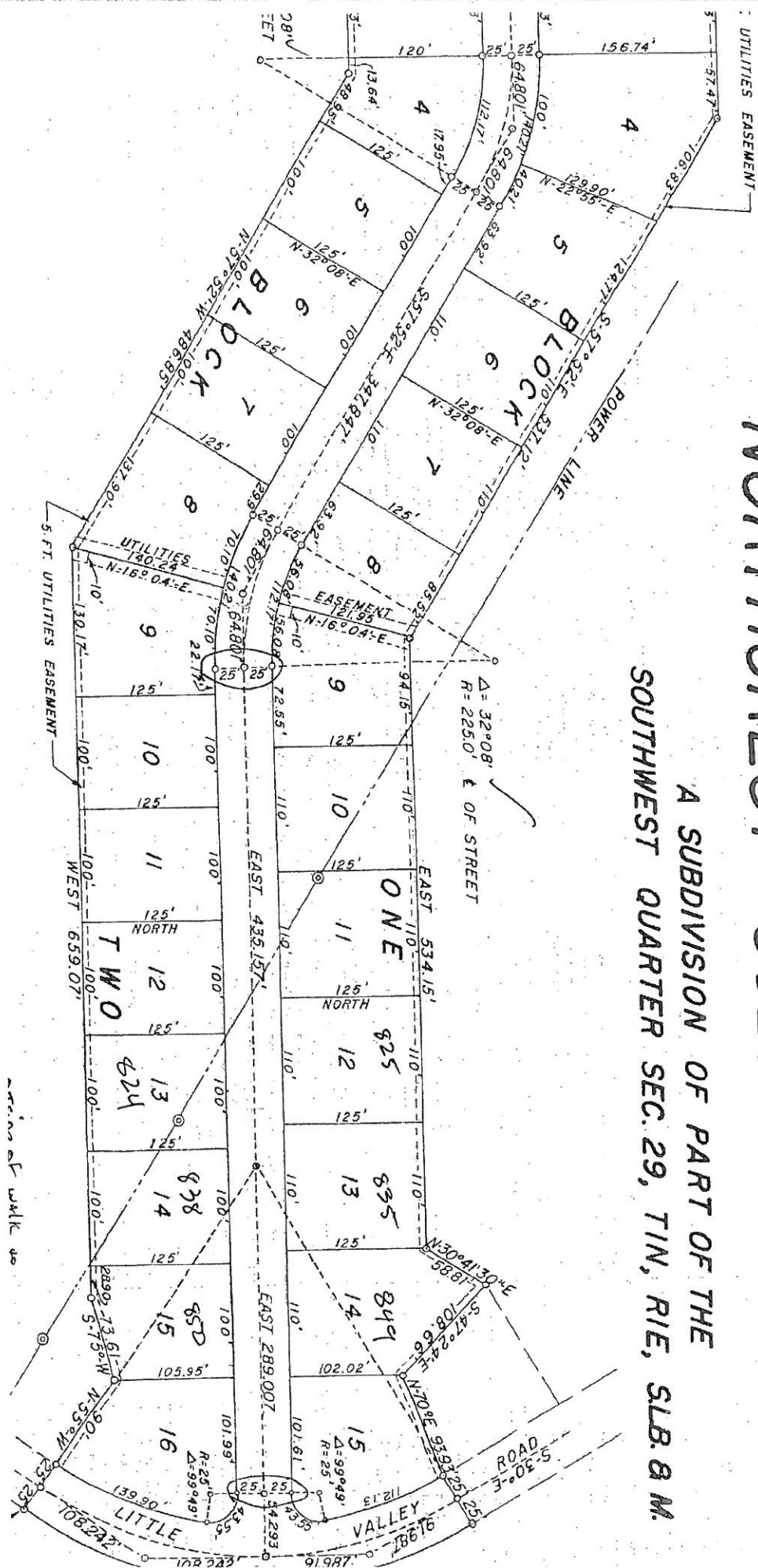
Vertical in line additions or extensions to existing noncomplying building portions are considered creating nonconformance and are not permitted.

#### V. Conclusion.

The Subject Decision is based on three errors in the interpretation and application of the Salt Lake City Zoning Ordinances. The Subject Decision should be vacated with direction to the Salt Lake City Permits and Planning personnel that any permit for construction of the Broussard remodel and expansion of the McCoy Residence must comply with a 36.7 foot required front yard setback, as applicable to the horizontal and vertical expansion of the noncomplying McCoy Residence. Alternatively, the Salt Lake City Permits and Planning personnel should be directed that any permit for construction of the Broussard remodel and expansion of the McCoy Residence must comply with a 32 foot required front yard setback, as applicable to the horizontal and vertical expansion of the noncomplying McCoy Residence.

# **EXHIBIT 1**

A SUBDIVISION OF PART OF THE  
SOUTHWEST QUARTER SEC. 29, T1N, R1E, S1B. & M.





# **EXHIBIT 2**

# McNEIL GROUP

*Designing for the Future Since 1983*

6895 South 900 East Midvale, Utah 84047 Tel 801-255-7700 Fax 801-255-8071

September 10, 2008

Marco Bagnasacco

RE: 18<sup>th</sup> Avenue West of Little Valley Road  
Proposal for Surveying Services

Dear Marco,

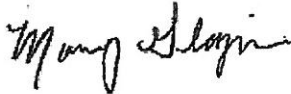
Thank you for giving us the opportunity to give you a proposal on this project. As requested, we propose to provide surveying services for an estimated fee of \$400.00.

Our scope of services will include:

- Measure the distance from the back of the sidewalk to existing homes of eight parcels along the north side of 18<sup>th</sup> Avenue west of Little Valley Road to obtain an average setback;
- Create a table showing the distances and a calculated average distance.

We look forward to working with you on this project. If this proposal is acceptable, please sign and return the enclosed Professional Services Agreement giving us written authorization to proceed. If you have any questions or need additional information, please do not hesitate to call.

Sincerely yours,



For: Michael D. Hoffman, P.L.S., P.E.I.  
Manager, McNeil Engineering – Surveying, L.C.

MDH/mg

Enclosure

Celebrating our 25<sup>th</sup> Anniversary

S:\Proposals\PROPOSALS SURVEYING\MarcoBagnasacco-Prp.doc

[www.mcneil-group.com](http://www.mcneil-group.com)

## 18th AVENUE

### Front Setback Measurements

Address		Measurements
		Feet
1	905 Little Valley	21
2	849 18th	48
3	835 18th	21
4	Empty Lot	
5	805 18th	32
6	795 18th	35
7	785 18th	48
8	765 18th	54
9	747 18th	50

Average
Feet
39

Note: All measurements were taken from the back of sidewalk to the closest corner on each house.

I, Michael D. Hoffman, depose and say that I am a duly registered land surveyor according to the rules and regulations of the State of Utah. I further state that the above listed setback measurements were taken under my supervision and the results of those measurements are shown hereon.





# **EXHIBIT 3**

**SIBBICK CHART**

APPROXIMATE AVERAGE DIST FROM NEARWALL	
780' EAST	46.6
790' EAST	76.2
800' EAST	70.3
810' EAST	20.8
820' EAST	35.9
830' EAST	17.4
AIRTELINER AT TOWERN	28.0

SETBACK CHART

**EIGHTEENTH AVENUE**

2002

755 E

8205 E

825 E

1005

1959

305 E

11-11-1964

**TOP QUALITY PLY**

1. 1990年1月1日以前

**REPORT ON**

**SUBJECT:**

**DATE:**

**BY:**

**FOR:**

SCOTT BRULSVARD

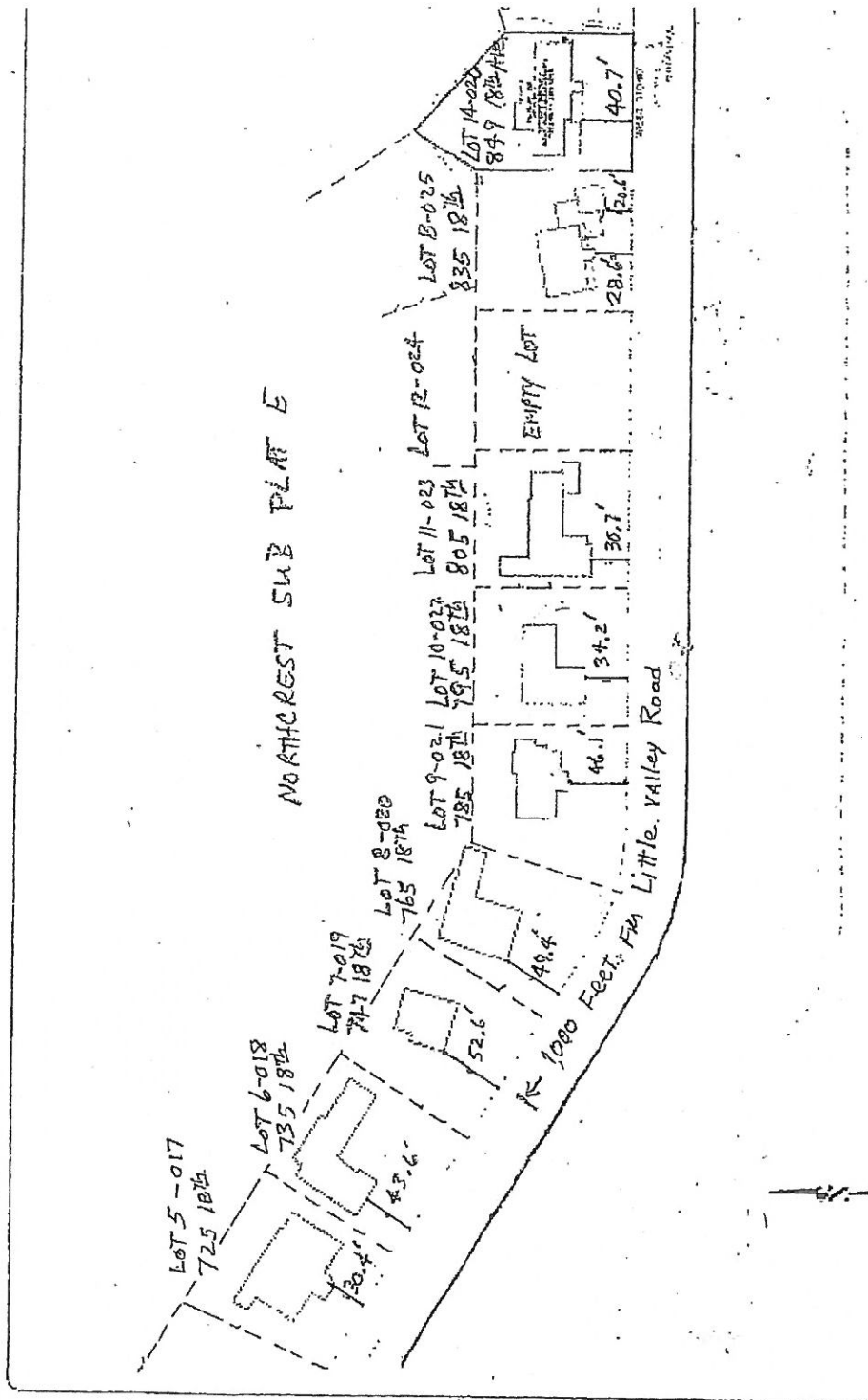
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN  
OTHERWISE BY THIS DATE 01-12-2010  
BY 1-00000000000000000000000000000000

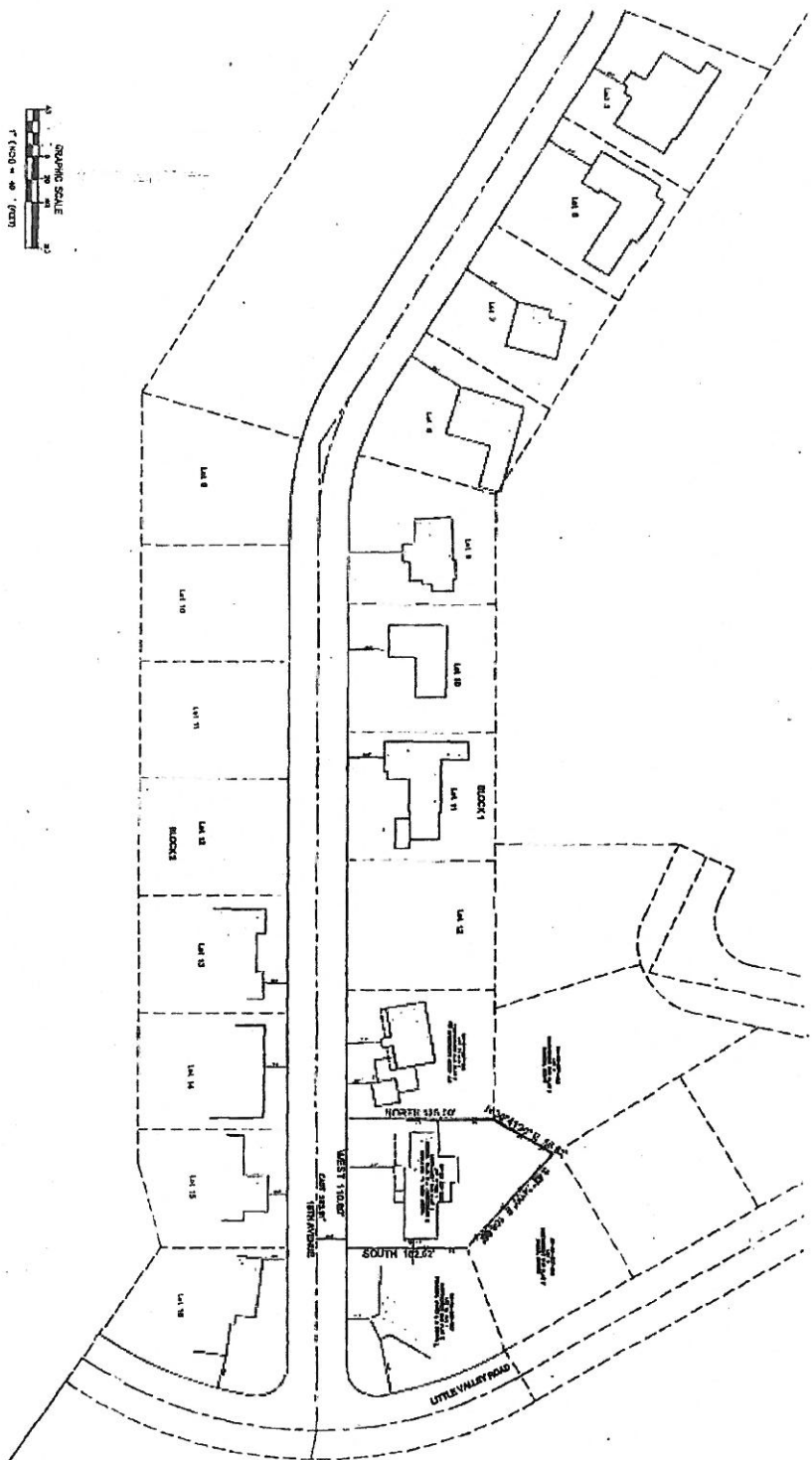
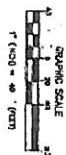
H.A. 53

# EXHIBIT 4



Sent from my iPhone





LOCATED IN THE SUBDIVISION  
 TRACTS OF A MAP, SALT LAKE CITY,  
 AND FOR THE RECORD.

1 of 1 DATE: 11-1-2011 DRAWN BY: [blank]	DATE: 11-1-2011 DRAWN BY: [blank]	SETBACK EXHIBIT 849 EAST 18TH AVENUE SALT LAKE CITY, UTAH  DECHET	DIAMOND LAND SURVEYING, LLC 1111 South 2000 West Suite 100 Salt Lake City, UT 84119 Phone: 313.333.3333 Email: info@diamondlandsurveying.com		<table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> </tr> <tr> <td>1</td> <td>11-1-2011</td> <td>[blank]</td> </tr> <tr> <td>2</td> <td></td> <td></td> </tr> <tr> <td>3</td> <td></td> <td></td> </tr> <tr> <td>4</td> <td></td> <td></td> </tr> <tr> <td>5</td> <td></td> <td></td> </tr> <tr> <td>6</td> <td></td> <td></td> </tr> <tr> <td>7</td> <td></td> <td></td> </tr> <tr> <td>8</td> <td></td> <td></td> </tr> <tr> <td>9</td> <td></td> <td></td> </tr> <tr> <td>10</td> <td></td> <td></td> </tr> </table>	NO.	DATE	BY	1	11-1-2011	[blank]	2			3			4			5			6			7			8			9			10		
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# **EXHIBIT 5**



## SUMMARY OF SURVEY DATA

### I. 1,000 FOOT BLOCK FACE

Lot No.	Address	McNeil Group 9-19-08	GML Group 2016 <sup>1</sup>	HA Entellus 11-11-16	Diamond Land Surveying 5-26-17
7	747 18 <sup>th</sup> Ave.	50 feet	NA	NA	52.6 feet
8	765 18 <sup>th</sup> Ave.	54 feet	NA	NA	49.4 feet
9	785 18 <sup>th</sup> Ave.	48 feet	41 feet	46.6 feet	46.1 feet
10	795 18 <sup>th</sup> Ave.	35 feet	25 feet	25.2 feet	34.2 feet
11	805 18 <sup>th</sup> Ave.	32 feet	20.5 feet	20.3 feet	30.7 feet
12	Vacant Lot	NA	NA	NA	NA
13	835 18 <sup>th</sup> Ave.	21 feet	20.5 feet	20.8 feet	20.6 feet
14	849 18 <sup>th</sup> Ave.	48 feet <sup>2</sup>	25 feet	35.9 feet	40.7 feet
15	905 Little Valley Rd.	21 feet	16 feet	19.4 feet	19.4 feet
Average Setback <sup>3</sup>		38.6 feet	NA	NA	36.7 feet

<sup>1</sup> The GML Group survey data was contained on the Original Construction Plans submitted by Broussard for a building permit and did not provide the address for the measurements. The data has been assigned an address most closely related to measurements by other parties.

<sup>2</sup> The McNeil Group survey data was collected before the remodel of the Dechets' residence at 849 18<sup>th</sup> Ave.

<sup>3</sup> Average is rounded to the nearest 1/10 of a foot.

## SUMMARY OF SURVEY DATA

### II. SHORTENED BLOCK FACE

Lot No.	Address	McNeil Group 9-19-08	GML Group 2016 <sup>1</sup>	L&H Associates 11-11-16	Diamond Land Surveying 5-26-17
9	785 18 <sup>th</sup> Ave.	48 feet	41 feet	46.6 feet	46.1 feet
10	795 18 <sup>th</sup> Ave.	35 feet	25 feet	25.2 feet	34.2 feet
11	805 18 <sup>th</sup> Ave.	32 feet	20.5 feet	20.3 feet	30.7 feet
12	Vacant Lot	NA	NA	NA	NA
13	835 18 <sup>th</sup> Ave.	21 feet	20.5 feet	20.8 feet	20.6 feet
14	849 18 <sup>th</sup> Ave.	48 feet <sup>2</sup>	25 feet	35.9 feet	40.7 feet
15	905 Little Valley Rd.	21 feet	16 feet	19.4 feet	19.4 feet
Average Setback <sup>3</sup>		34.1 feet	24.7 feet <sup>4</sup>	28 feet	32 feet

<sup>1</sup> The GML Group survey data was contained on the Original Construction Plans submitted by Broussard for a building permit and did not provide the address for the measurements. The data has been assigned an address most closely related to measurements by other parties.

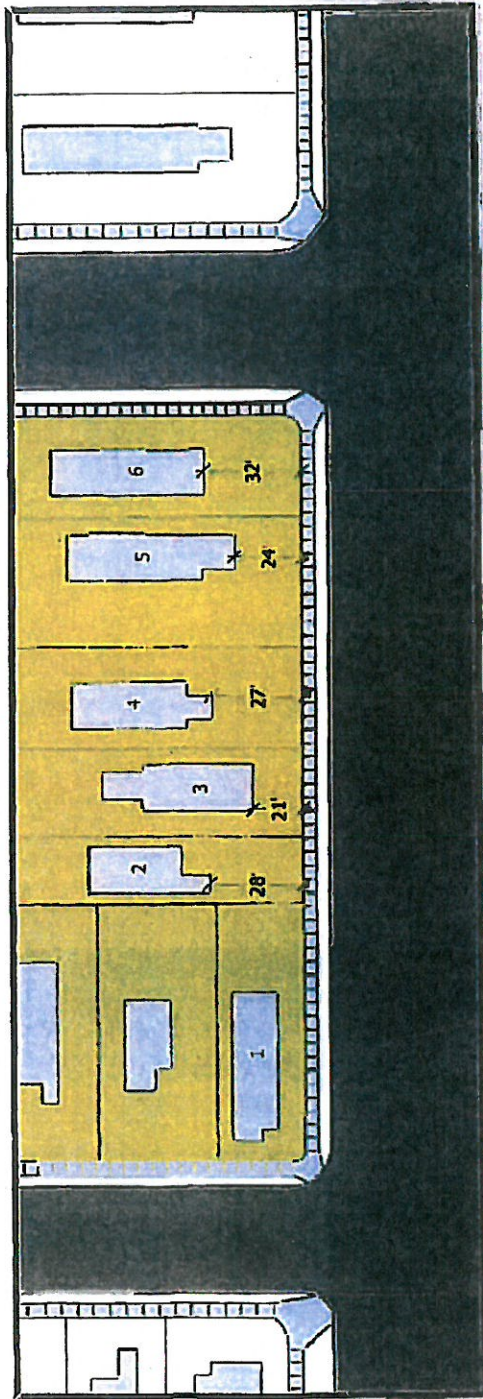
<sup>2</sup> The McNeil Group survey data was collected before the remodel of the Dechets' residence at 849 18<sup>th</sup> Ave.

<sup>3</sup> Average is rounded to nearest 1/10 of a foot.

<sup>4</sup> The Original Construction Plans submitted by Broussard for a building permit represented this average to be 20.5 feet. The City used 20.5 feet as the average setback of the block face when issuing the original building permit.

# **EXHIBIT 6**

## Front Yard Averaging



Address	Setback (Ft.)
House #1	Not included
House #2	28'
House #3	21'
House #4	27'
House #5	24'
House #6	32'
<b>Total:</b>	<b>132'</b>
AVG. 132/5 =	26.4'

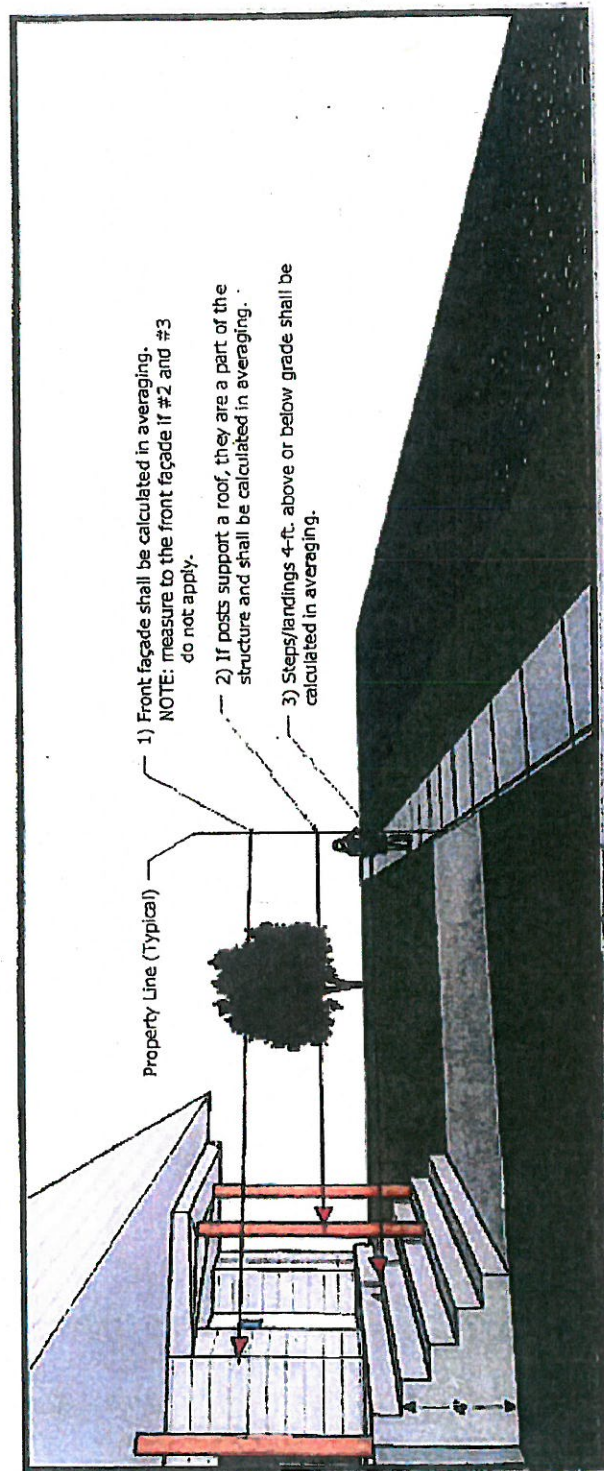
*For the purpose of calculating front yard averaging, the following applies:*

*All of the lots facing one side of a street between two (2) intersecting streets. In no case shall a block face exceed one thousand feet (1,000').*

*Front yard means a yard extending between side lot lines and between the front lot line and the required front yard setback line.*



## Front Yard Averaging

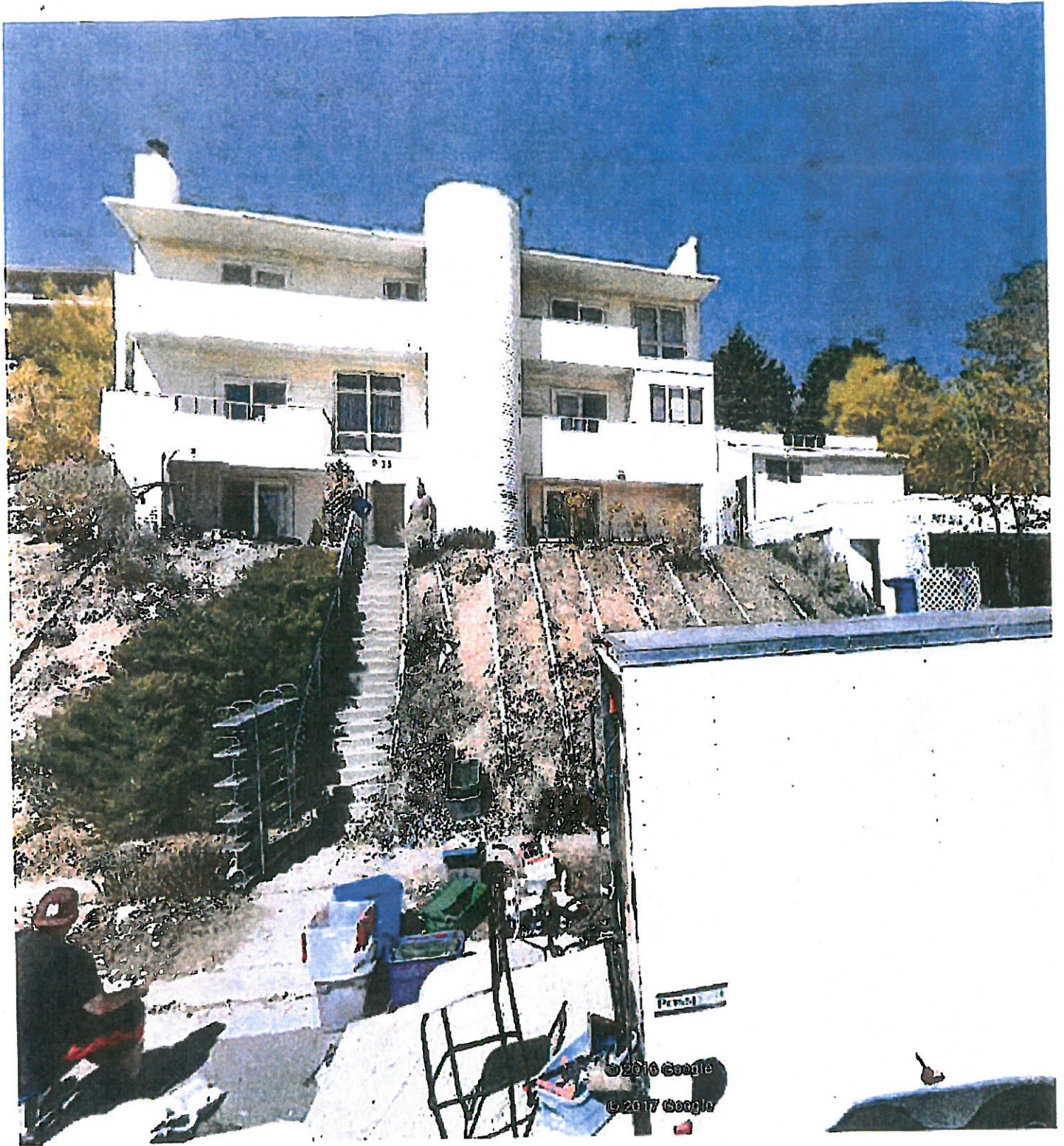


The minimum depth of the front yard for all principal buildings shall be equal to the average of the front yards of existing buildings within the block face. Where there are no existing buildings within the block face, the minimum depth shall be twenty feet (20'). Where the minimum front yard is specified in the recorded subdivision plat, the requirement specified on the plat shall prevail. For buildings legally existing on April 12, 1995, within the R-1-5,000, SR-1 and SR-1A zones, the required front yard shall be no greater than the established setback line of the building.

## Front Yard Averaging

# **EXHIBIT 7**



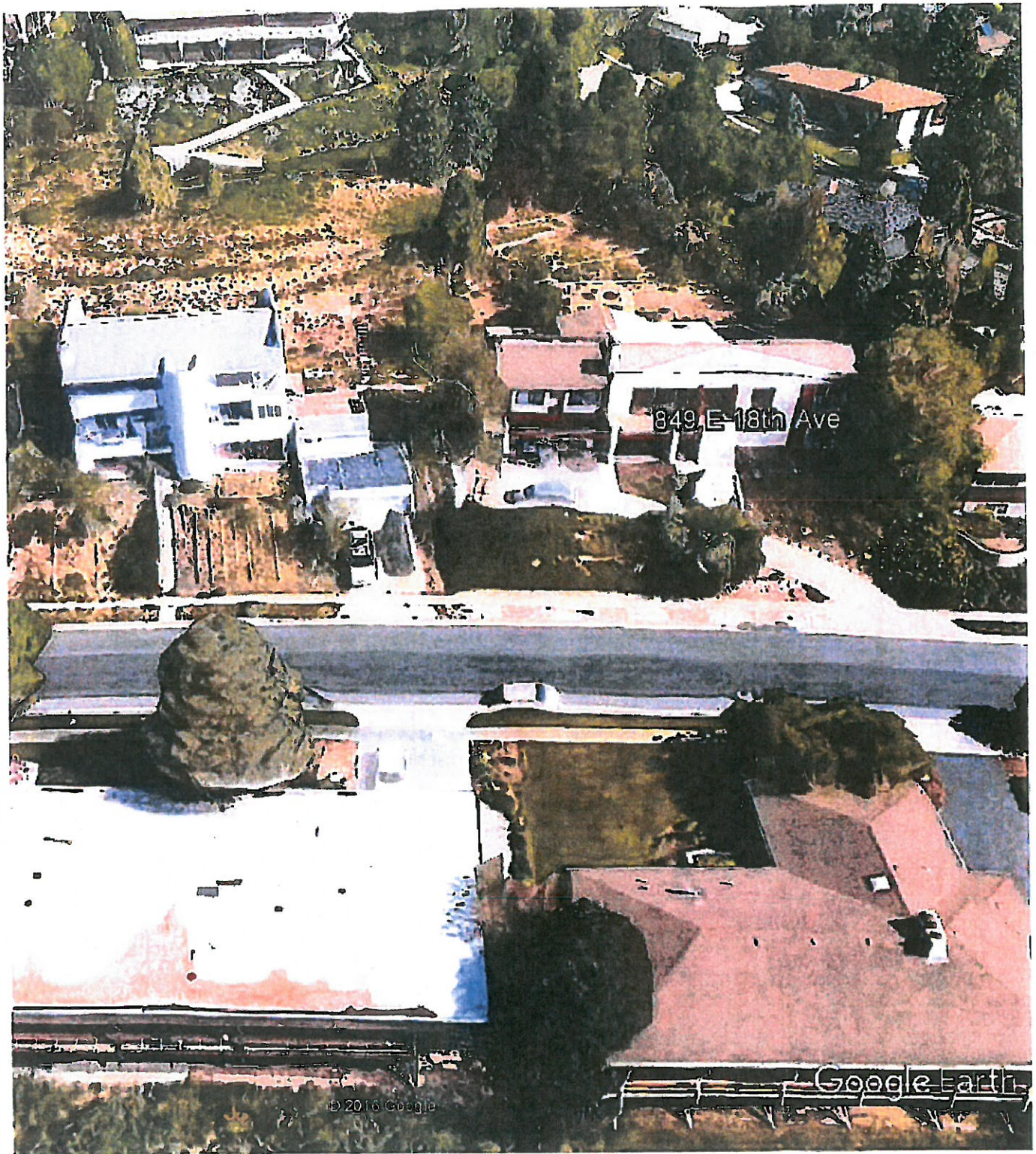


Google Earth

feet  
meters

10

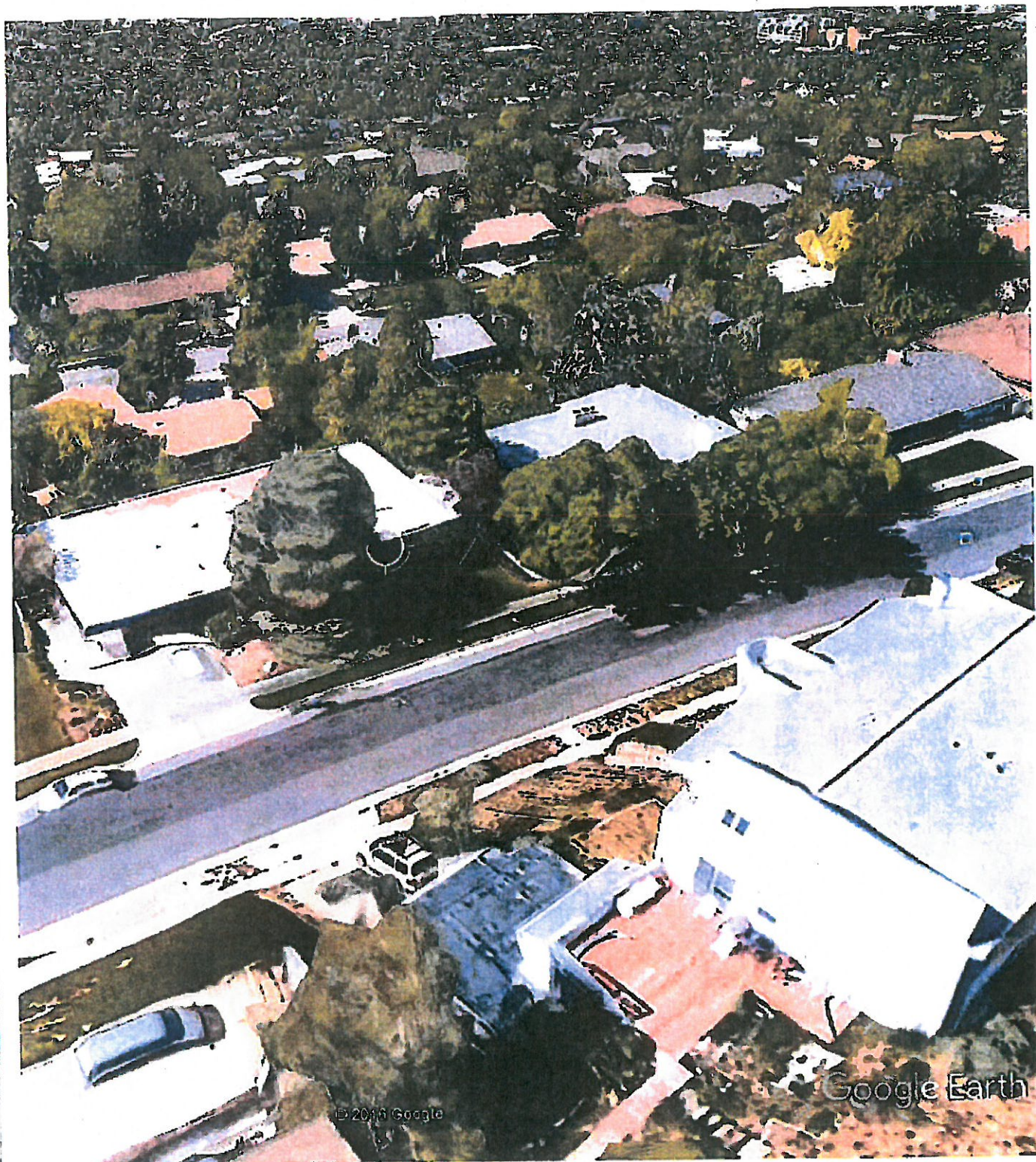




feet 100  
meters 30







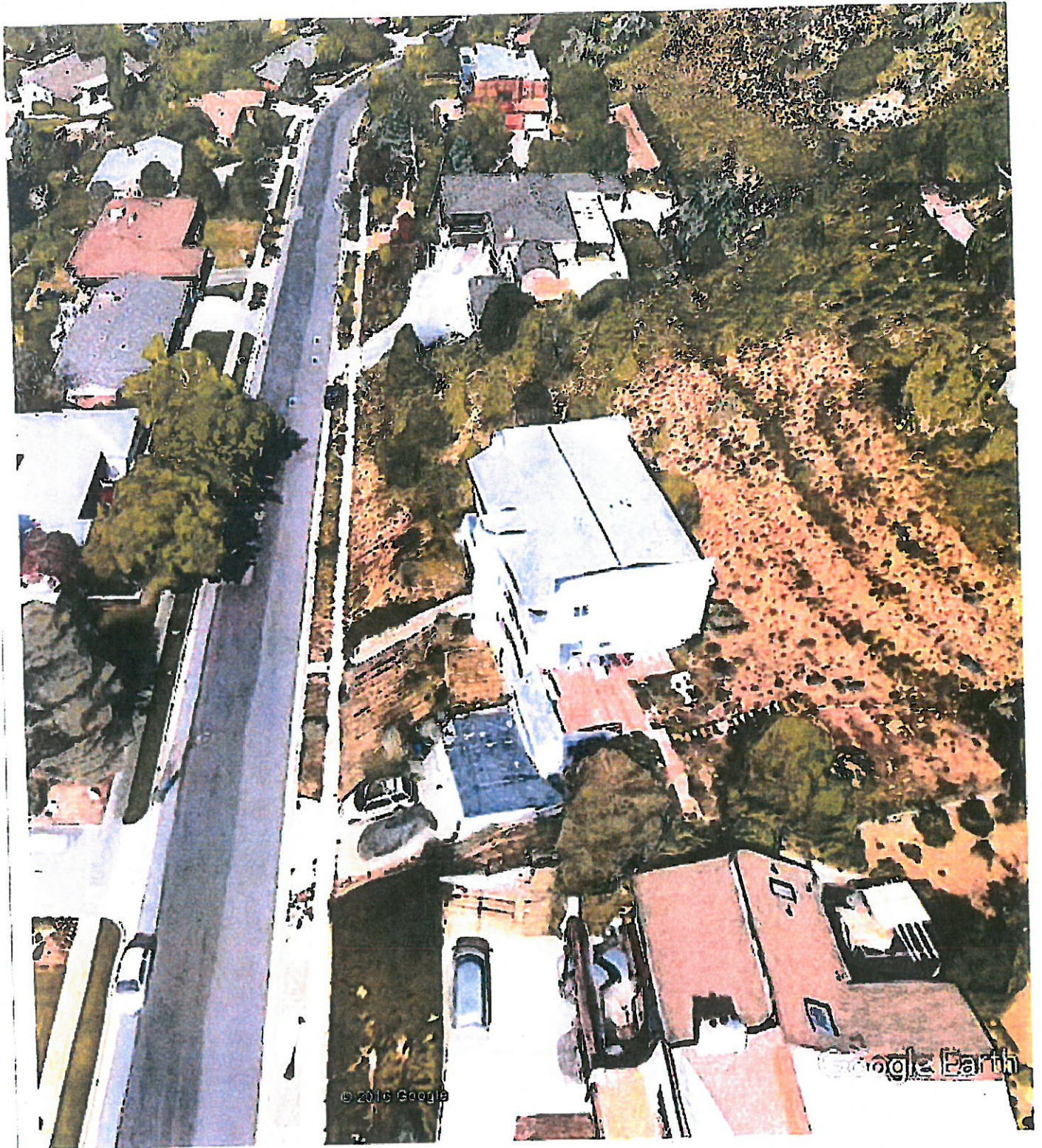
feet  
meters

20

80







© 2016 Google

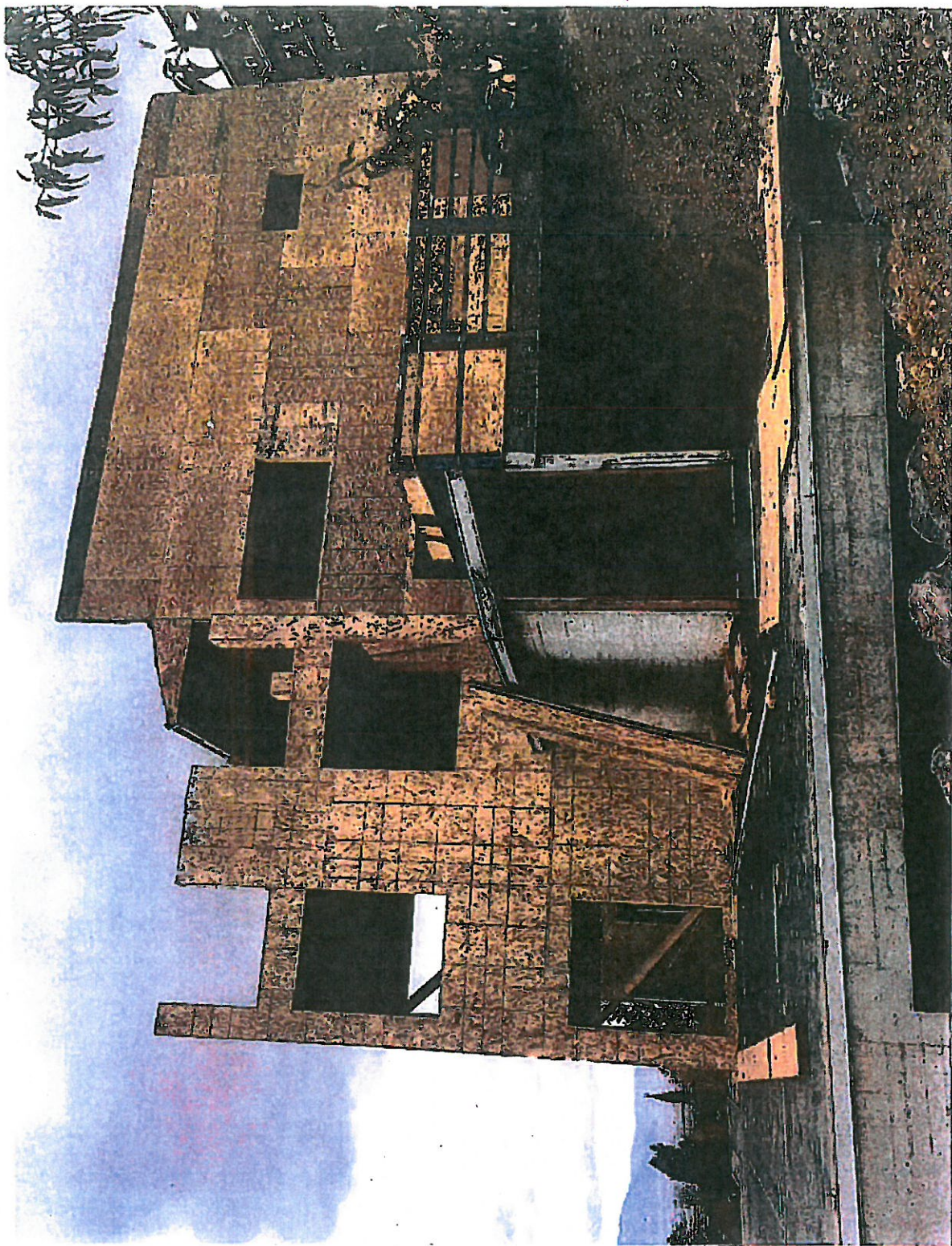
Google Earth

feet  
meters

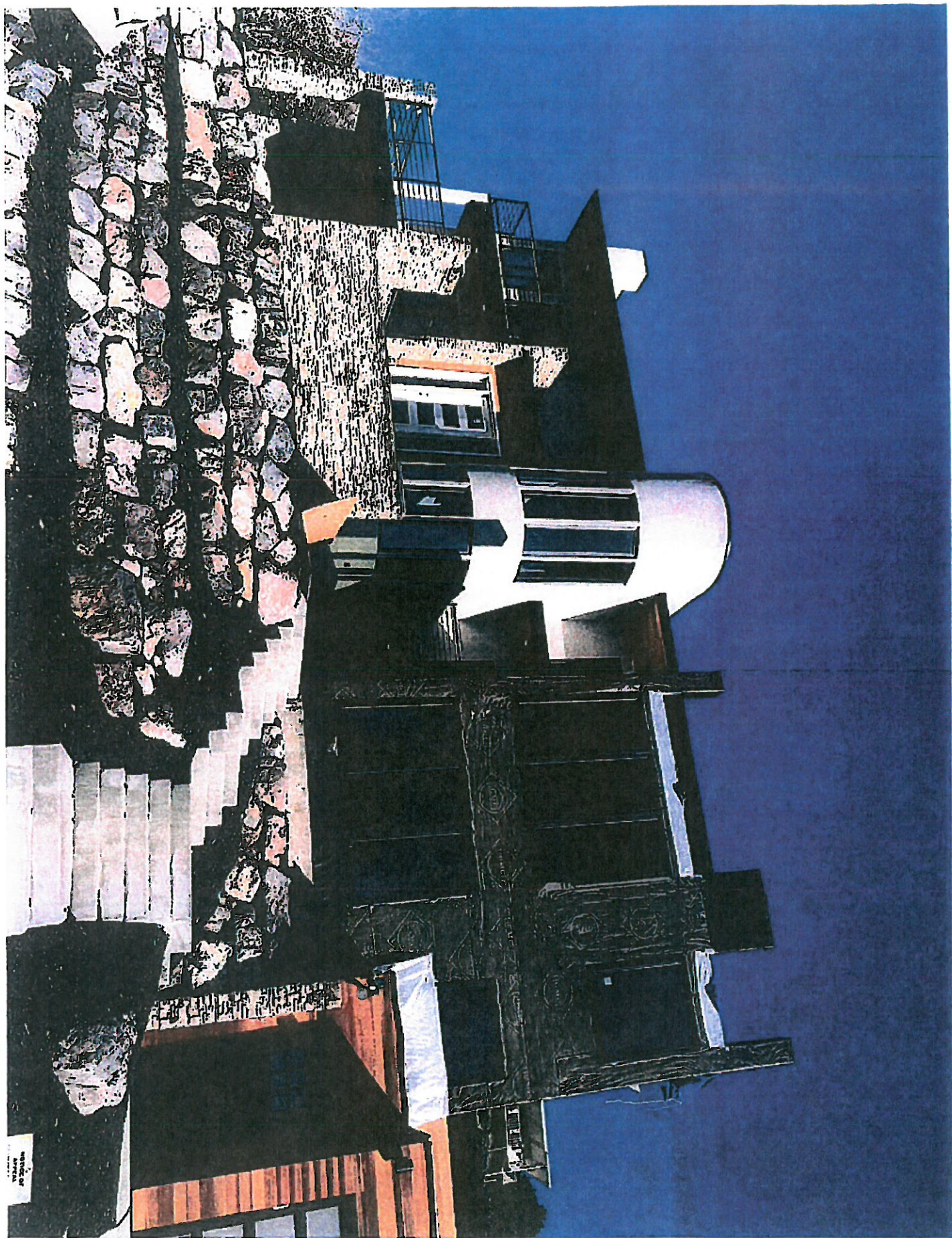
100  
30

# **EXHIBIT 8**





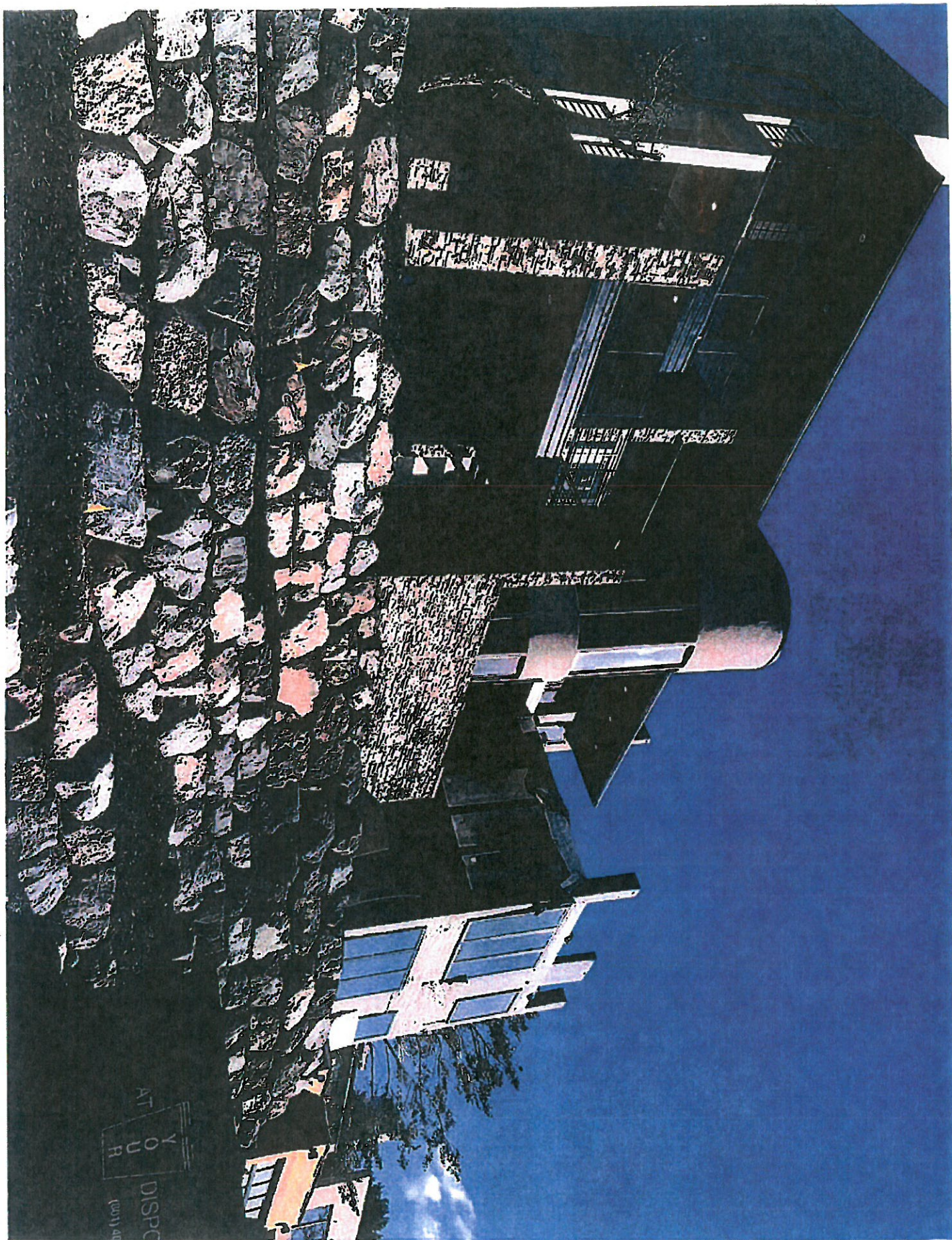






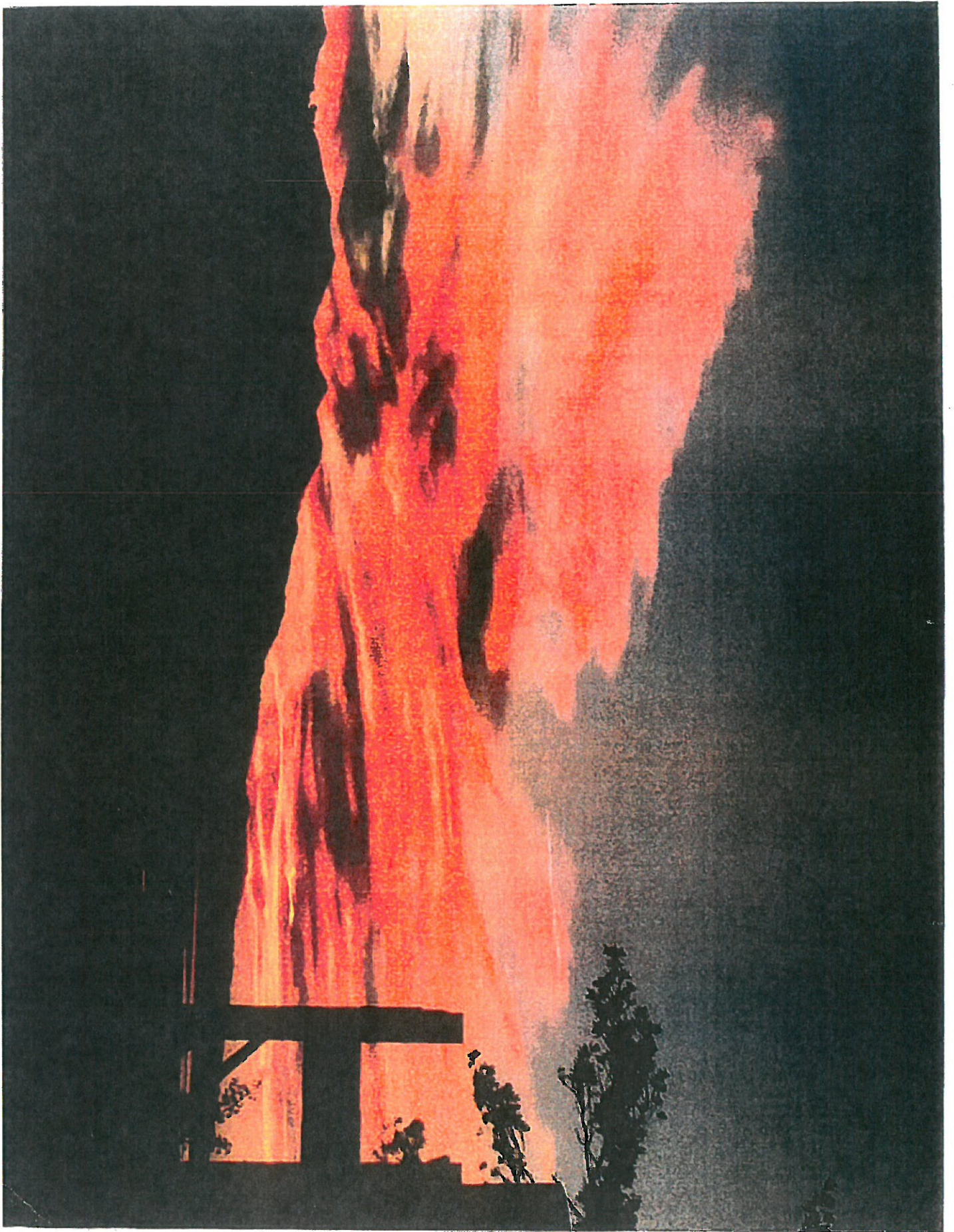




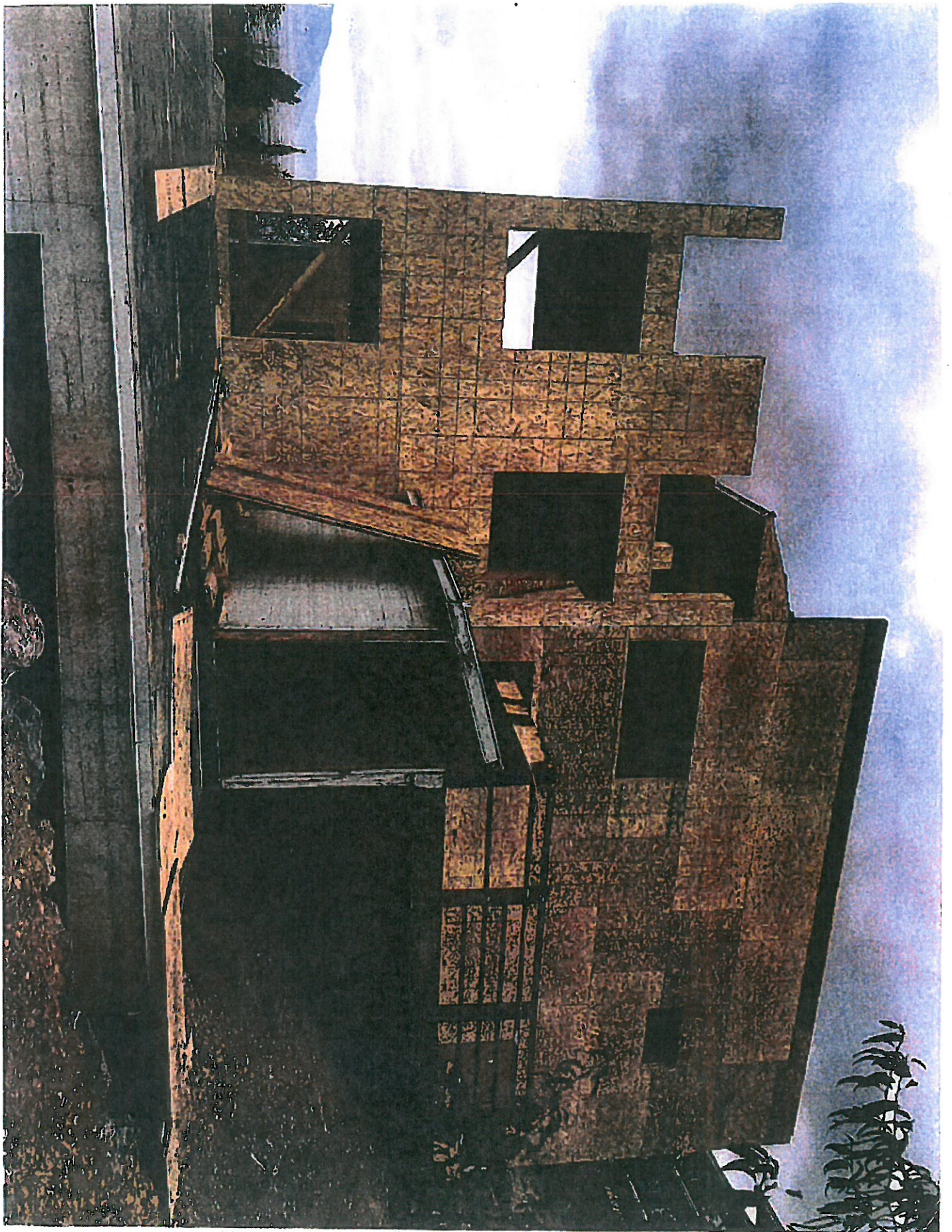




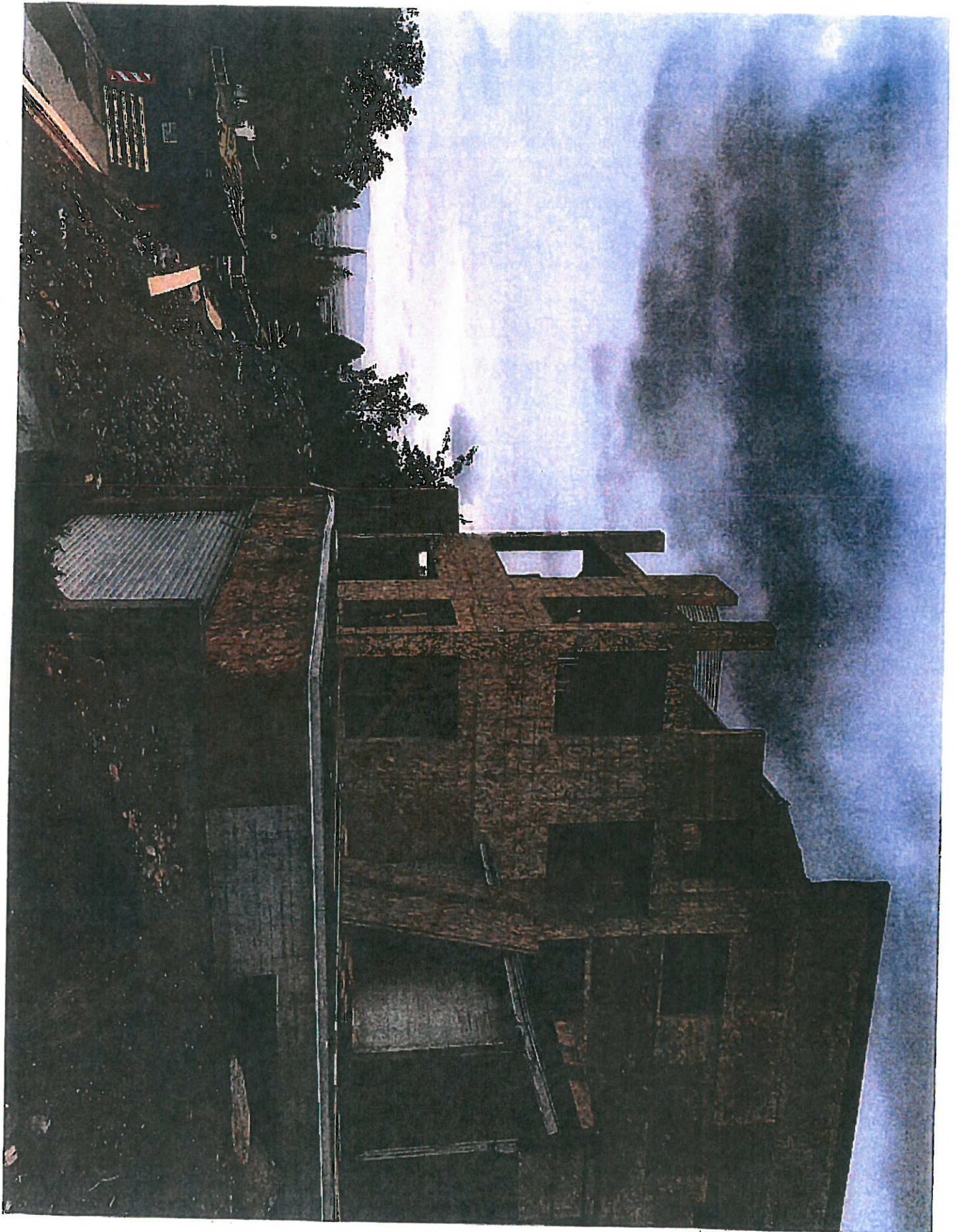
# **EXHIBIT 9**





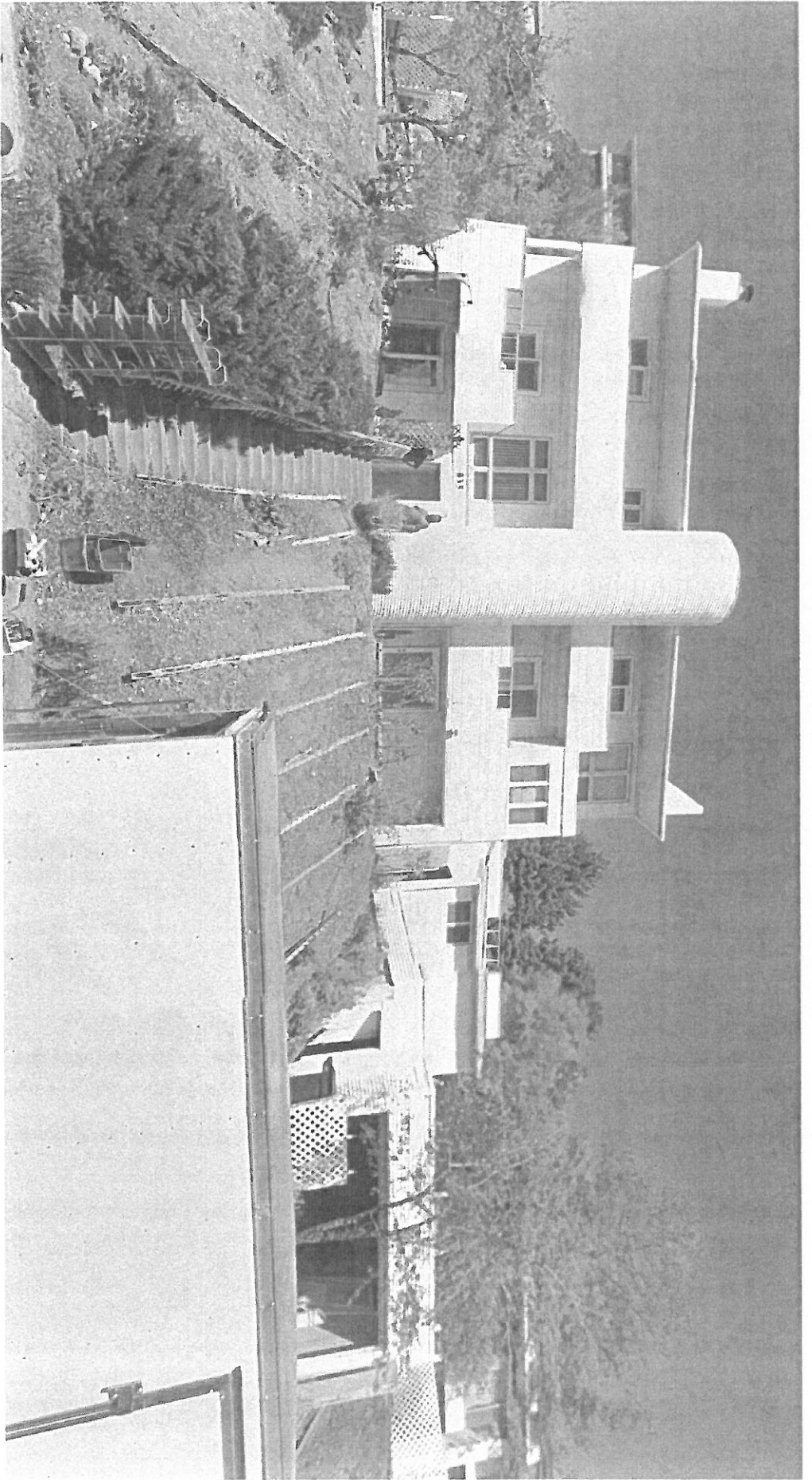




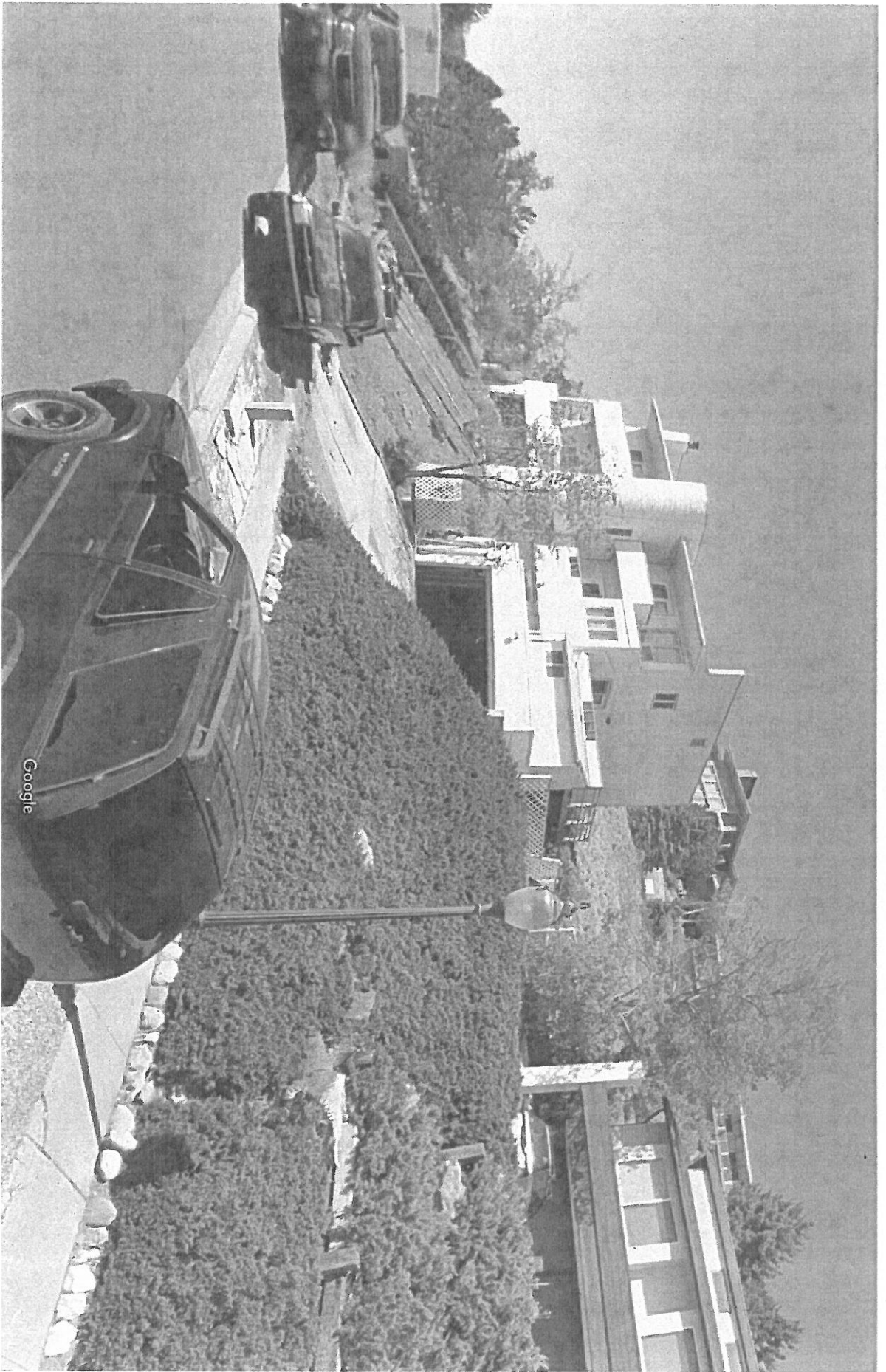


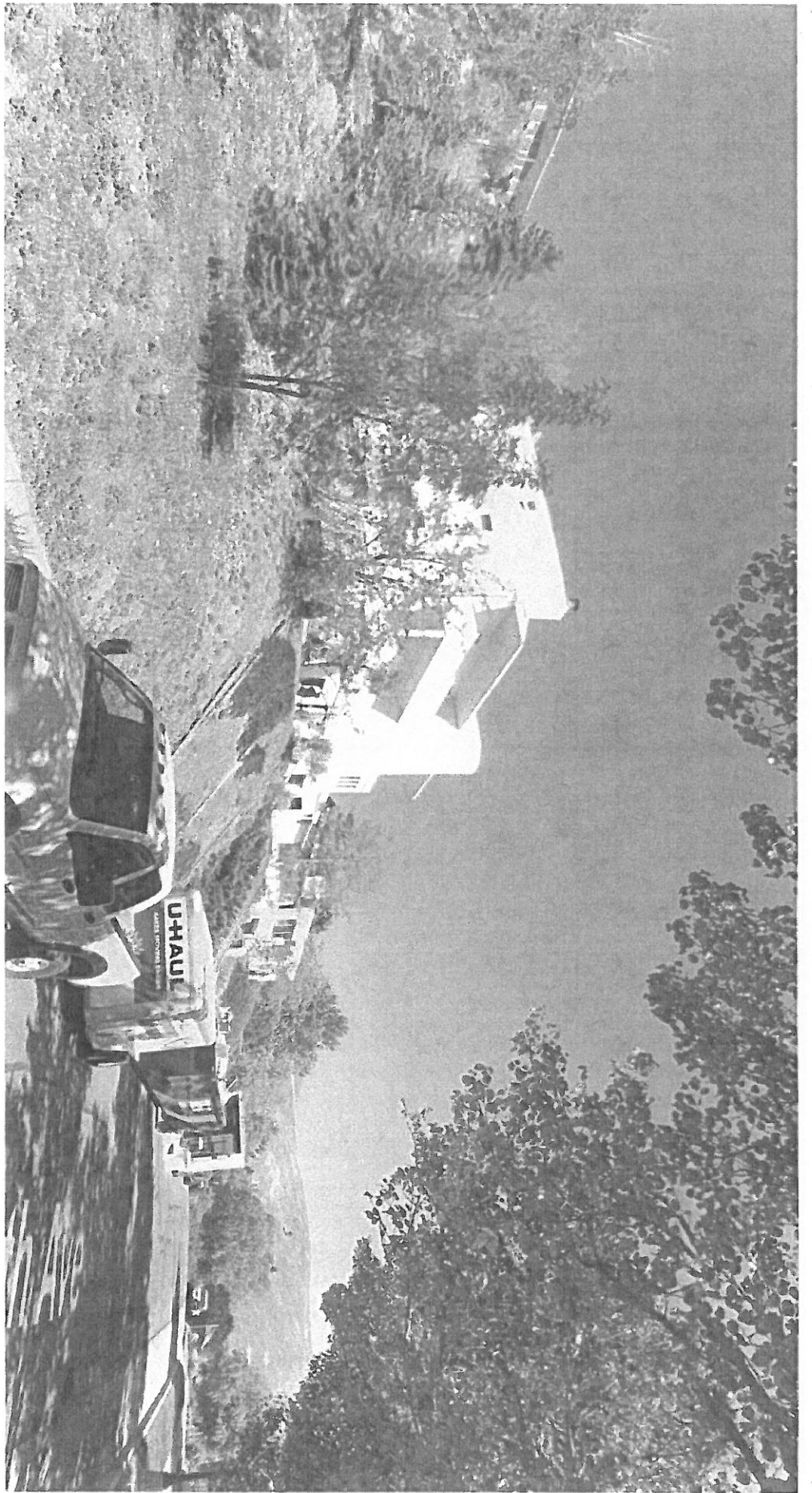
## **ATTACHMENT C: Photographs**



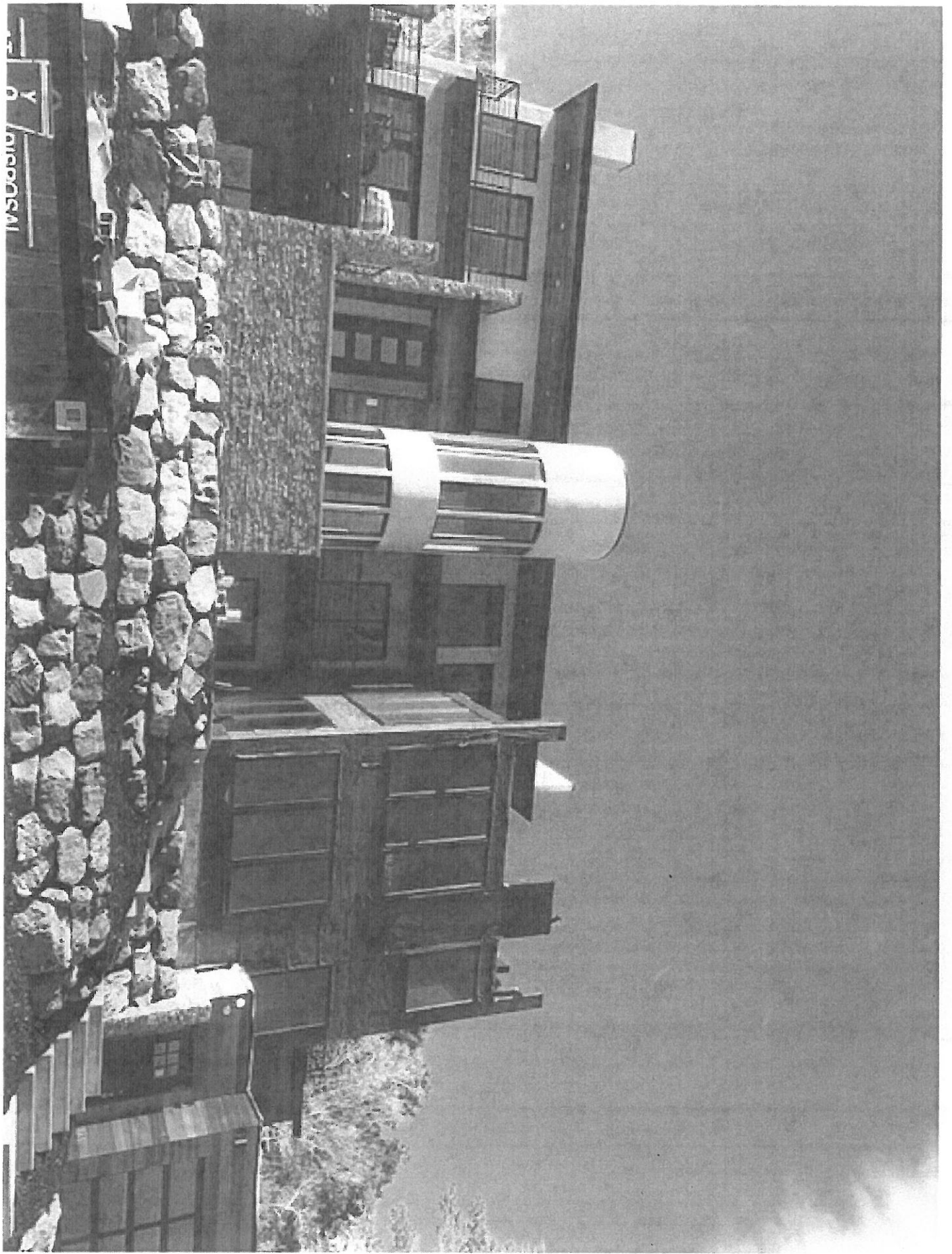


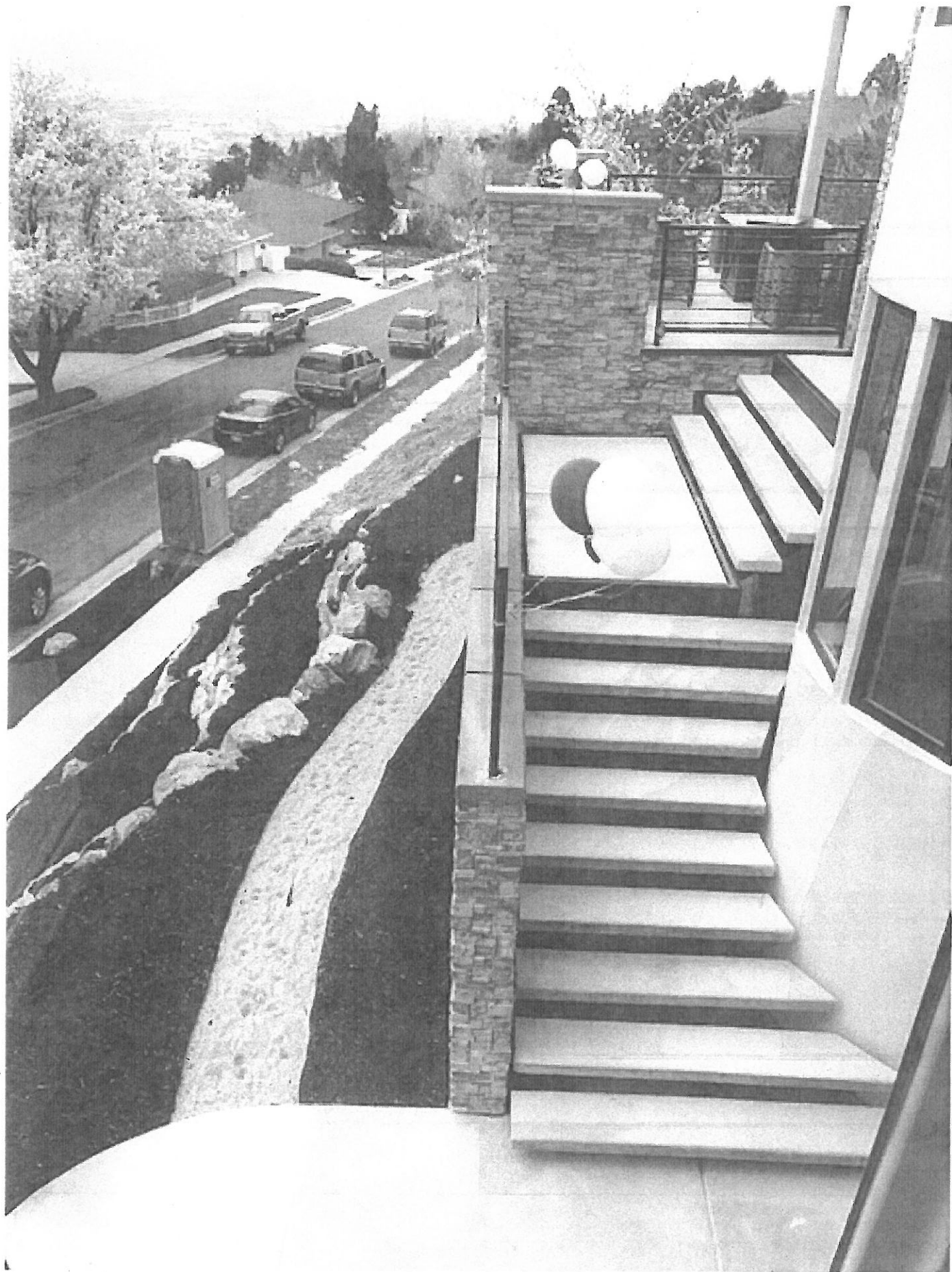
Google Street View Sept. 2015









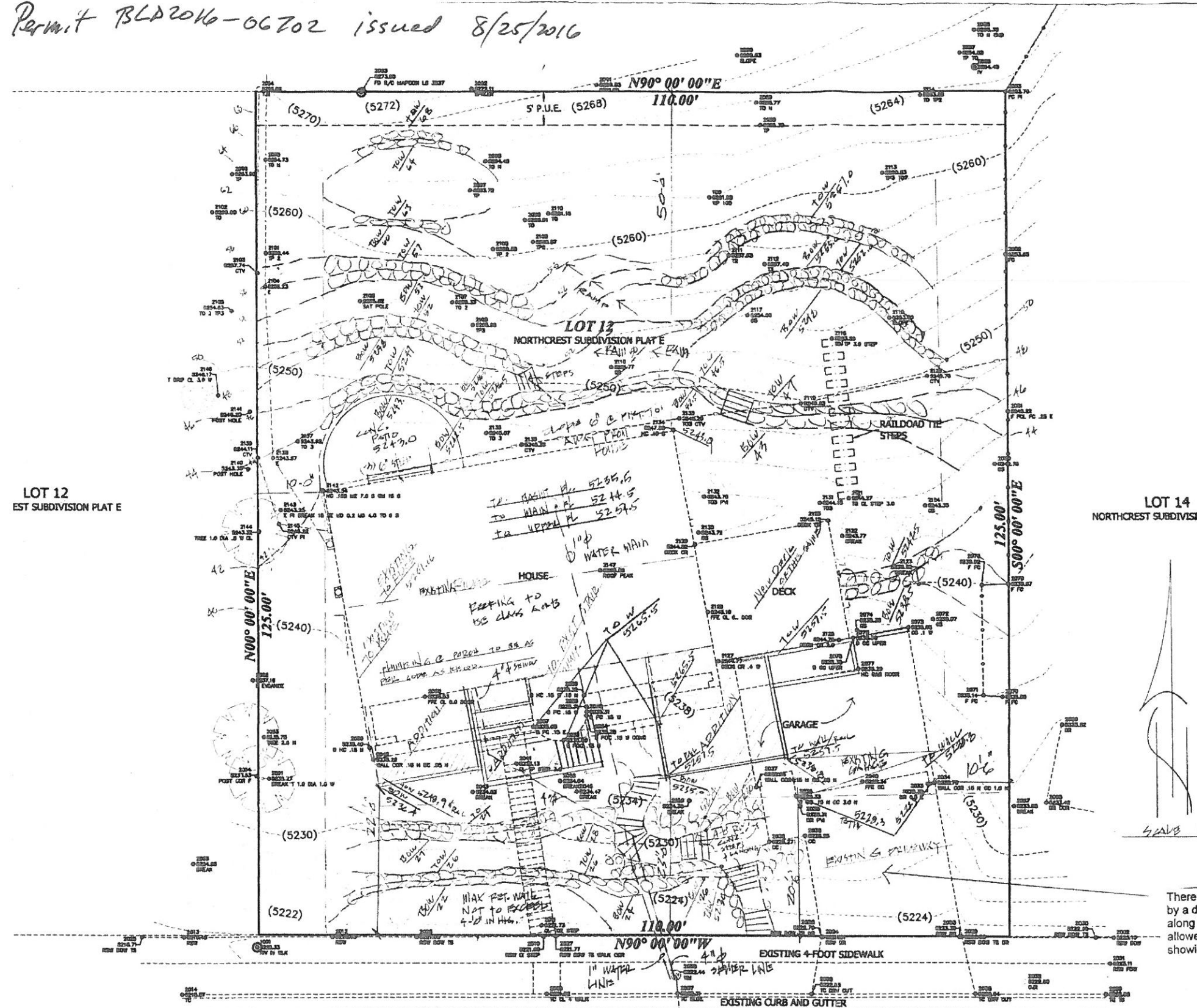


**ATTACHMENT D: Building Permit Information**





Permit BLD2016-06702 issued 8/25/2016



**SITE PLAN NOTES:**

1. ALL IMPROVEMENTS SHALL COMPLY WITH THE STANDARDS AND REGULATIONS OF THE INTERNATIONAL RESIDENTIAL CODE 2006 (IRC), AND ALL CITY OR COUNTY REGULATIONS. CONTACT PUBLIC WORKS OFFICE BEFORE BEGINNING WORK.
2. OWNER/OWNER SHALL SECURE ALL PERMIT PRIOR TO DOING ANY WORK ON SITE AND IN THE PUBLIC RIGHT OF WAY, TRAFFIC PLANS, BONDING, AND ANY INSURANCE WILL BE REQUIRED.
3. CONTRACTOR SHALL FIELD VERIFY LOCATION, SIZE AND AVAILABILITY OF EXISTING UTILITIES. UTILITIES DAMAGED DURING CONSTRUCTION SHALL BE REPAIRED BY THE CONTRACTOR AT HIS EXPENSE.
4. CURBS AND GUTTER SHALL BE APWA STANDARD DRAWING NO. 205 TYPE "A" OR APPROVED EQUIV.
5. ALL GRADING SHALL BE DONE UNDER THE SUPERVISION OF A QUALIFIED SOILS ENGINEER WHO SHALL VERIFY THAT ALL FILL HAS BEEN PLACED IN ACCORDANCE WITH PROVISIONS IN THE IRC.
6. COMPACTION TEST REPORTS SHALL BE MADE AVAILABLE TO THE ENGINEER WITHIN A 24 HOUR PERIOD OF A REQUEST. FINAL REPORTS AS SPECIFIED IN THE IRC SHALL BE SUBMITTED TO THE ENGINEER WITHIN TEN DAYS AFTER COMPLETION OF GRADING.
7. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CHECK CONDITIONS AT THE SITE BEFORE STARTING WORK AND SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY DISCREPANCIES.
8. TYPICAL DETAILS SHALL APPLY IN GENERAL CONSTRUCTION UNLESS SPECIFICALLY DETAILED. WHERE NO DETAILS ARE GIVEN, CONSTRUCTION WILL BE AS FOR SIMILAR WORK. DO NOT SCALE DRAWINGS.
9. ANY OMISSION OR CONFLICTS BETWEEN THE VARIOUS ELEMENTS OF THE WORKING DRAWINGS AND / OR SPECIFICATIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER BEFORE PROCEEDING WITH ANY WORK INVOLVED.
10. PIPE BEDDING SHALL BE 3" MAXIMUM AGGREGATE. USE 3" MAXIMUM SIZE ROAD BASE FOR FILL MATERIAL. COMPACT TO 95% STANDARD PROCTOR DENSITY. MAXIMUM LIFT IS 8".
11. SHOULD GROUND WATER BE INCURRED DURING EXCAVATION, A QUALIFIED SOILS ENGINEER SHALL BE RETAINED TO DESIGN AND APPROVE A CONTINUOUS TRENCH DRAIN AT FOUNDATION ON SITE.
12. CONTRACTOR SHALL VERIFY THE DEPTH OF THE EXISTING SEWER LATERAL BEFORE CONSTRUCTION TO VERIFY THAT CONNECTION IS POSSIBLE WITH HOUSE ELEVATION SHOWN.
13. ALL STORM WATER AND DIRT WILL BE KEPT ON SITE DURING CONSTRUCTION UNTIL FINAL LANDSCAPING IS DONE.
14. GENERAL CONTRACTOR WILL BE HELD RESPONSIBLE FOR KEEPING MUD / DIRT ON SITE DURING BAD WEATHER AND FOR CLEANING UP AFTER SUBCONTRACTORS.
15. STREET, CURB AND GUTTER WILL BE INSPECTED AND CLEANED OF ALL MUD AND DIRT AT THE END OF EVERY DAY.
16. STRAW WASTLES (OR EQ.) TO BE PLACED AND MAINTAINED AROUND ANY STORM DRAIN INLET ADJACENT TO OR IMMEDIATELY DOWNSTREAM FROM SITE DURING CONSTRUCTION.
17. BERMS OR SWELLS MAY BE REQ'D ALONG PROPERTY LINES TO PREVENT STORM WATER FLOW ONTO ADJACENT LOTS. FINAL GRADING SHALL BLEND WITH ADJACENT LOTS.

18. ARCH SHINKLES SHALL BE EAST TONS
19. ALL SLIDING MATERIAL TO BE EAST TONS
20. LIGHT REFLECTIVE VALUE NOT TO EXCEED 18%
21. ROOF COVERING TO BE CLASS "A"

**AVERAGE SET BACK**

FRONT SET	20.5
REAR SET	20.5
" " " "	16
" " " "	25
" " " "	41
" " " "	75
TOTAL	121.5
AVERAGE	20.5

There is a 10' sight distance area on each side of the driveway (a triangular area formed by a diagonal line connecting two points as measured 10' from the intersection point, and along the sidewalk and driveway). No boulders, steps, etc. exceeding 30" in height are allowed within this area. Please document this site distance area on the site plan and showing compliance.

TO LOT 12 REF. 1315D  
 REF. OF HORIZ. REF. 3449  
 COVER 25%

**18TH AVENUE**

RESIDENCE OF SCOTT BROUGHTON  
 LOT #13 NORTHCREST SUBDIVISION E  
 835 EAST 18TH AVE LLC

**GML DESIGN GROUP**  
**GREG M. LARSEN**  
 Custom Home Designer • Home, Condominium & Multi Family Projects  
 Additions & Remodels • Land Planning • Green & Energy Efficient  
 office [801]292-6263 www.gmlarsendesign.com  
 cell [801]589-3331 gmlarsendesign@hotmail.com

**SITE PLAN - GRADING PLAN**  
 1"=10'-0"



**Elevation 8/2016**

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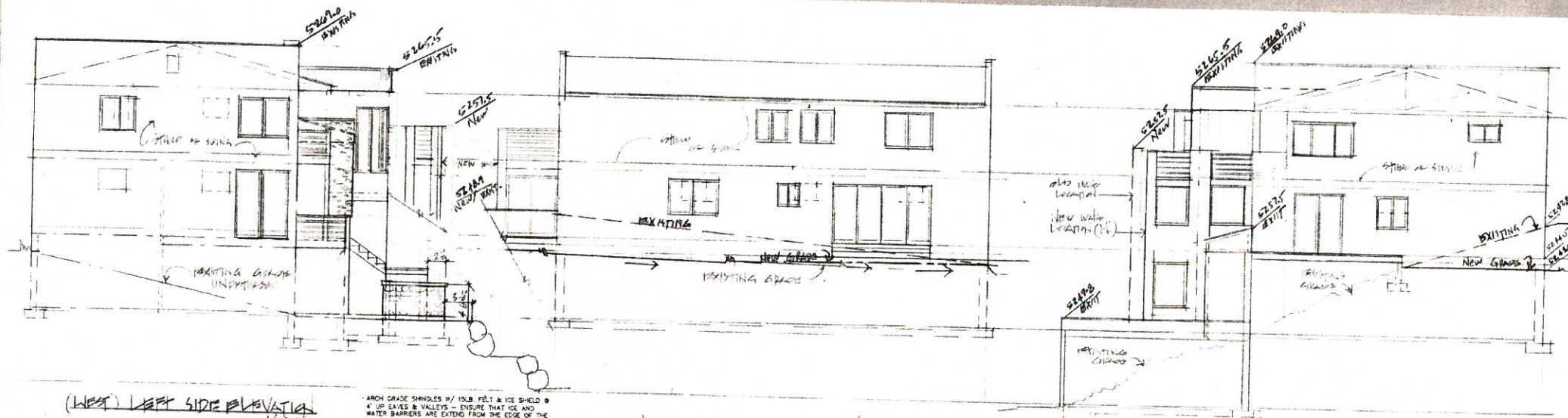






**Elevations 10/2017**

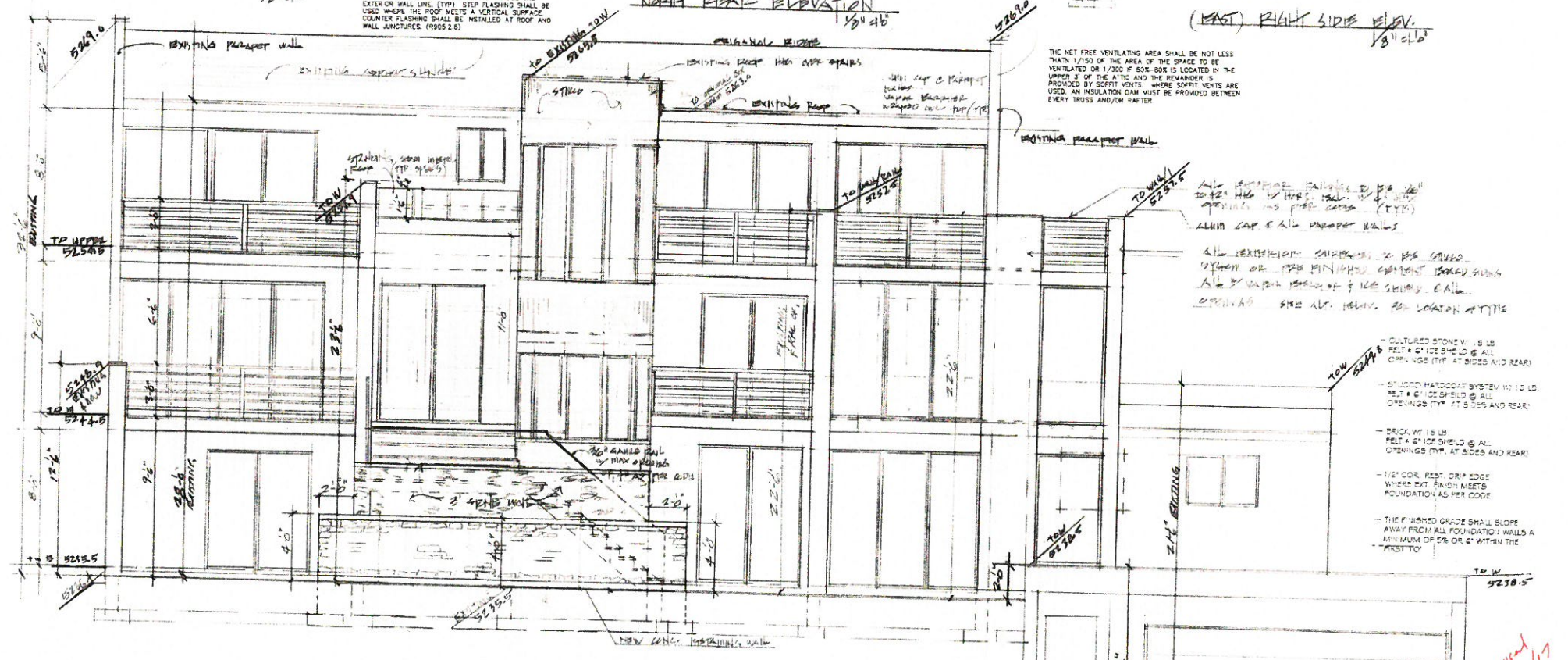
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(WEST) LEFT SIDE ELEVATION  
1/8" = 1'-0"

NORTH ELEVATION  
1/8" = 1'-0"

(EAST) RIGHT SIDE ELEV.  
1/8" = 1'-0"



(SOUTH) FRONT EXT. ELEVATION  
1/4" = 1'-0"

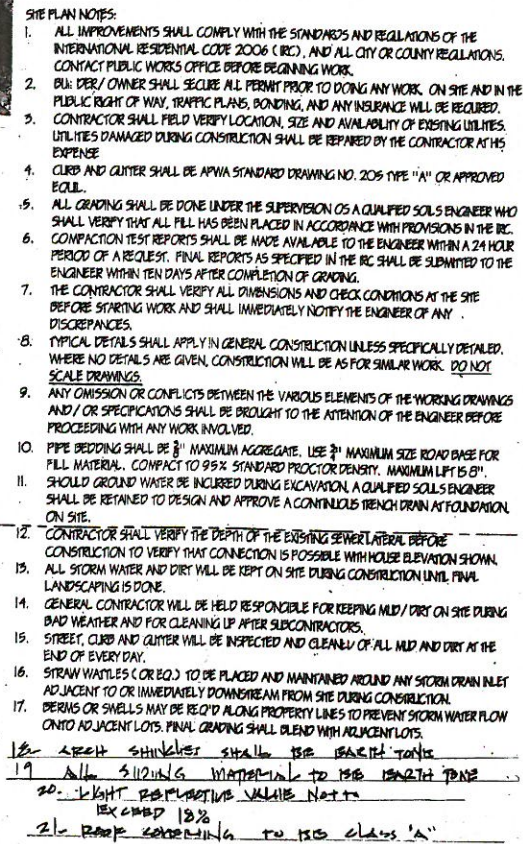
(SIDING/STUCCO NOT SHOWN)

Revised  
10/20/17  
(SOUTH) SK

**Site / Grading Plan 11/2017**

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AVERAGE SET BACK	
MINIBEST	20.5
HOME #2	20.5
" #3	16
" #4	25
" #5	41
HOME #6	25
TOTAL	124.5
AVERAGE	24.9

There is a 10' sight distance area on each side of the driveway (a triangular area formed by a diagonal line connecting two points as measured 10' from the intersection point, and along the sidewalk and driveway). No boulders, steps, etc. exceeding 30" in height are allowed within this area. Please document this site distance area on the site plan and showing compliance.

## TOPOGRAPHIC PLAN

THIS DRAWING IS FOR TOPOGRAPHICAL INFORMATION ONLY. ALL  
BOUNDARIES AND EASEMENTS ARE APPROXIMATE AND ARE BASED  
SOLELY ON THE INFORMATION AVAILABLE ON THE SUBDIVISION  
PLAT

### LEGEND

PROPERTY LINE \_\_\_\_\_  
ADJACENT PROPERTY \_\_\_\_\_  
ROAD CENTERLINE \_\_\_\_\_  
EASEMENT LINE \_\_\_\_\_  
RAILROAD TIE \_\_\_\_\_  
CURB, GUTTER, SIDEWALK \_\_\_\_\_  
FENCE LINE \_\_\_\_\_

181 North 200 West, Suite #4  
Bountiful, Utah 84010  
Phone 801-298-2236  
Fax 801-298-5983



HHA Entellus™

TOPOGRAPHIC SURVEY  
**GREG LARSEN**

835 18TH AVENUE  
LOT 12 NORTHCREST SUBDIVISION PLATE  
LOCATED IN THESEW 1/4 OF SECTION 29, T. 1 N., R. 1 E., S. 1 R. & M.  
SALT LAKE CITY, SALT LAKE COUNTY, UTAH

DRAWN BY	JH	DATE	06/23/2016
APPROVED	VRI	DATE	[DATE]
REV.	BY	DATE	
SHEET	C200		
SHEET NAME	TOPO		
DRAWING NAME	1021010-TOPO.dwg		
PROJECT NO.	1021010		

**GML DESIGN GROUP**

**GREG M. LARSEN**

Custom Home Designer • Home, Condominium & Multi Family Projects  
Additions & Remodels • Land Planning • Green & Energy Efficient

office [801]292-6263 [www.gmlarsendesign.com](http://www.gmlarsendesign.com)  
cell [801]589-3331 [gmlarsendesign@hotmail.com](mailto:gmlarsendesign@hotmail.com)

100 N. 200 W. Suite 107, Southfield, UT 84090



**Elevation 11/2017**

---

Ex 10 p 6 - Asymptotic Methods

EXTRA FLOOR HALLWAY STAIRS

VENTILATED OR 1/300 IF 50%-80% IS LOCATED IN THE UPPER 3' OF THE ATTIC AND THE REMAINDER IS PROVIDED BY SOFFIT VENTS. WHERE SOFFIT VENTS ARE USED, AN INSULATION DAM MUST BE PROVIDED BETWEEN EVERY TRUSS AND/OR RAFTER.

EXISTING PARAPET WALL

1042 HIG W/H  
ALLIUM LAD 5 h

ALBERTA-10  
 28/10/10  
 ALBERTA-10  
 28/10/10

RECEIVED  
NOV 14 —  
By +



REVISED 11-14-17



PROPOSED BAY WINDOW AMENDMENT TO ALREADY APPROVED PLAN  
(SOUTH) FRONT EXT. ELEVATION  $\frac{1}{4}" = 1'-0"$  (SIDING/STUCCO NOT SHOWN)

14



**As-Built Site Plan 12/14/2017**

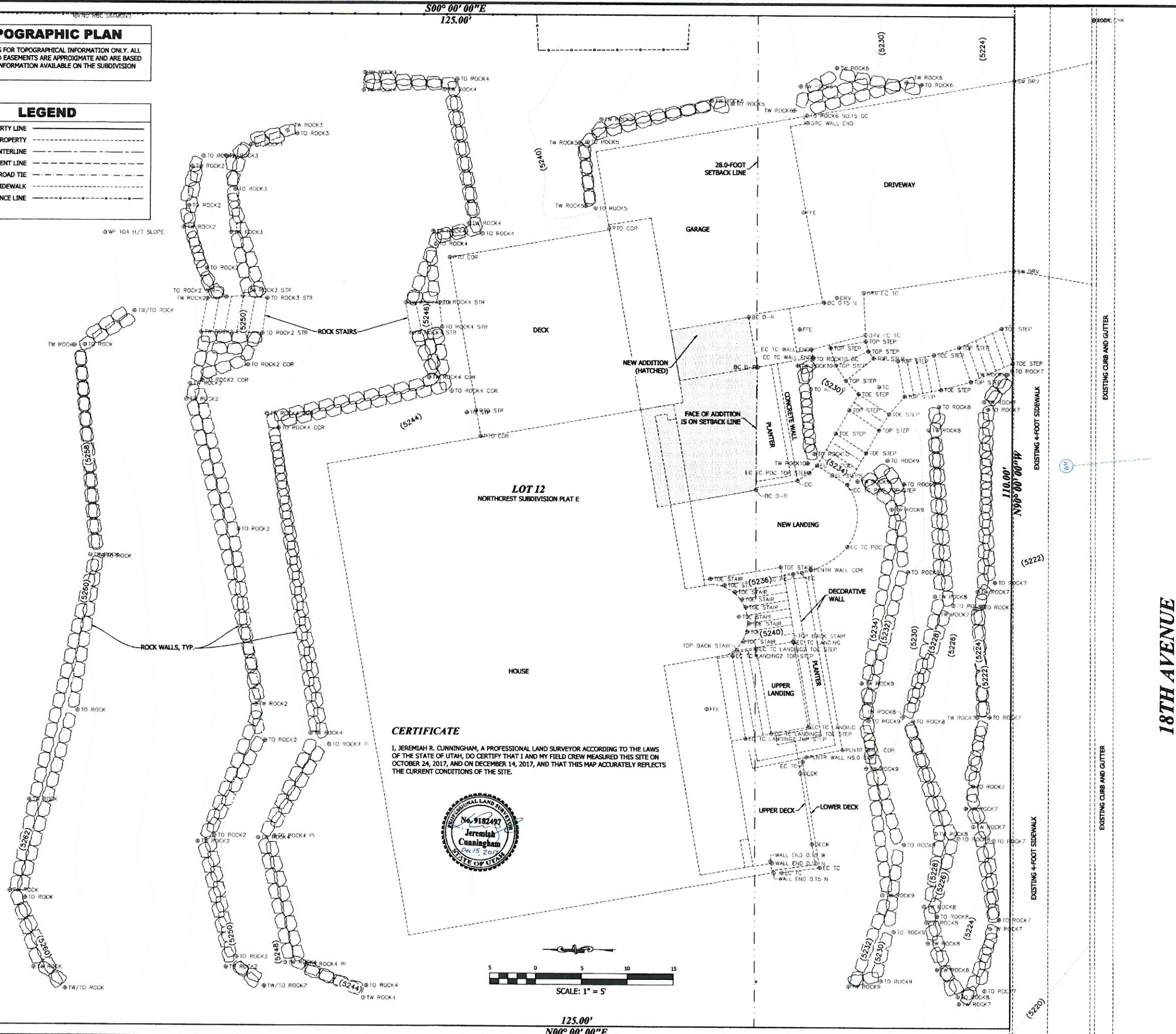
---

# TOPOGRAPHIC PLAN

THIS DRAWING IS FOR TOPOGRAPHICAL INFORMATION ONLY. ALL BOUNDARIES AND EASEMENTS ARE APPROXIMATE AND ARE BASED SOLELY ON THE INFORMATION AVAILABLE ON THE SUBDIVISION PLAT.

## LEGEND

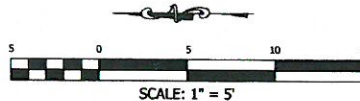
PROPERTY LINE	---
ADJACENT PROPERTY	---
ROAD CENTERLINE	---
EASEMENT LINE	---
RAILROAD TIE	---
CURB, GUTTER, SIDEWALK	---
FENCE LINE	---



**LOT 12**  
NORTHCREST SUBDIVISION PLAT E

## CERTIFICATE

I, JEREMIAH R. CUNNINGHAM, A PROFESSIONAL LAND SURVEYOR ACCORDING TO THE LAWS OF THE STATE OF UTAH, DO CERTIFY THAT I AND MY FIELD CREW MEASURED THIS SITE ON OCTOBER 24, 2017, AND ON DECEMBER 14, 2017, AND THAT THIS MAP ACCURATELY REFLECTS THE CURRENT CONDITIONS OF THE SITE.



125.00'  
N00° 00' 00"E

18TH AVENUE

ASBUILT TOPOGRAPHIC SURVEY

SCOTT BROUSSARD

835 18TH AVENUE  
LOT 12 NORTHCREST SUBDIVISION PLAT E  
LOCATED IN THE SW 1/4 OF SECTION 29, T. 1 N., R. 1 E., S. 1 R. & M.  
SALT LAKE CITY, SALT LAKE COUNTY, UTAH

DRAWN BY	JRC	DATE	12/14/2017
APPROVED		DATE	
REV.		BY	
SHEET	X901		
SHEET NAME	ASBUILT 14DEC17		
DRAWING NAME	1021010-TOPO.dwg		
PROJECT NO.	1021010		



181 North 200 West, Suite #4  
Bountiful, Utah 84010  
Phone 801-298-2236  
Fax 801-298-5983



## **ATTACHMENT E: Department Comments**

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## Paterson, Joel

---

**From:** Maloy, Michael  
**Sent:** Thursday, June 22, 2017 9:03 AM  
**To:** Reberg, Mike  
**Cc:** Norris, Nick; Paterson, Joel; Mikolash, Gregory  
**Subject:** RE: 835 E 18th Ave

On **July 15, 2016**, Mr. Scott Broussard applied for building permit BLD2016-06702 to remodel the subject property, which included an addition to the front façade of the existing single-family dwelling. The building permit was issued August 25, 2016, by Salt Lake City Building Services. Building permit plans also included the front yard setback measurements of five unidentified lots and the subject property. The plans noted that the average front yard setback for the 18<sup>th</sup> Avenue block face is 20'-6".

On **September 8, 2016**, Mr. Broussard submitted Special Exception petition PLNPCM2016-00699 for an inline addition and grade changes. Mr. Broussard eventually withdrew his petition (citing a change of plans) on **November 1, 2016**.

In response to continued concerns expressed by residents regarding the front yard setback of the proposed addition, Building Services and Planning Division staff met with Mr. Broussard on **October 31, 2016**, and requested additional information regarding measurement and calculation of the front yard setback as noted in building permit BLD2016-06702.

On **November 14, 2016**, Mr. Leslie Koch, Salt Lake City Building Inspector Supervisor, issued a partial stop work order for "framing and windows" on the subject property. Mr. Koch also noted that "other trades may proceed at own risk in unaffected areas."

On **November 28, 2016**, Mr. Von Hill, a licensed Professional Land Surveyor with H&A Entellus hired by the appellant, wrote a letter that concluded the average front yard setback for the subject property is 28'-0". According to the survey, the front yard setback of the attached garage is approximately 20'-10". The front yard setback of the proposed front façade addition is 23'-6", which is 4'-6" less than the average front yard setback of the applicable block face on 18<sup>th</sup> Avenue.

On **January 9, 2017**, Mr. Broussard submitted application PLNZAD2017-00012 for an administrative interpretation regarding the following:

"When the variance for (the subject) property was granted in 1980 for a 20' setback for the carport, did that variance also include a 20' setback for the principal building?"

In response to the application for administrative interpretation, the Salt Lake City Planning Division published a decision on **February 23, 2017**, that concluded:

1. The November 10, 1980, variance granted by the Salt Lake City Board of Adjustment is limited to reducing the front yard setback of the attached carport (or garage) only, and
2. The November 10, 1980, variance granted by the Salt Lake City Board of Adjustment does not establish the front yard setback for the subject property.

On **March 6, 2017**, Mr. Broussard filed application PLNAPP2017-00164 to appeal the administrative interpretation.

On **April 5, 2017**, Mrs. Mary Woodhead, Salt Lake City Appeals Hearing Officer, conducted a public hearing on the appeal, and on April 18, 2017, Mrs. Woodhead upheld the administrative decision.

At this point in time, there are no "planning" petitions pending, however the applicant is working with Building Services (Greg Mikolash and Ken Brown) to modify the partially built (nearly complete?) structure to bring it into compliance with zoning. I have also been informed by Building Services that a set of masonry stairs (concrete and rock?) built within the front yard may require a "special exception" (I believe for a grade change) but Mr. Broussard has not submitted a petition for that yet.



Sincerely,

MICHAEL MALOY AICP  
Senior Planner

PLANNING DIVISION  
COMMUNITY and NEIGHBORHOODS  
SALT LAKE CITY CORPORATION

EMAIL: [michael.maloy@slcgov.com](mailto:michael.maloy@slcgov.com)  
TEL 801-535-7118  
FAX 801-535-6174

[WWW.SLCGOV.COM](http://WWW.SLCGOV.COM)

---

**From:** Norris, Nick  
**Sent:** Monday, June 19, 2017 5:43 PM  
**To:** Maloy, Michael <[Michael.Maloy@slcgov.com](mailto:Michael.Maloy@slcgov.com)>  
**Subject:** Re: 1835 E 18th Ave

Can you provide a brief summary of the issue and our involvement for Mike Reberg?

Sent from my iPhone

On Jun 19, 2017, at 5:40 PM, Maloy, Michael <[Michael.Maloy@slcgov.com](mailto:Michael.Maloy@slcgov.com)> wrote:

I am not sure why the property owner's attorney is requesting this meeting, but Joel and I have been very involved in this site (as you know). However, right now I don't believe Planning is processing a petition for this property; but we have been expecting another Special Exception (for construction of a stairway within the front yard setback) to be submitted. I think the biggest issue for this property is the surveying, calculating, and applying the front yard setback for this property. The neighbors having been pushing Greg and Ken Brown very hard to reject the owners survey as inaccurate, but I am not sure what the owner and his attorney wish to discuss at this point in time. Greg and Ken may know more (because they have been trying to work with the owner to resubmit building plans to bring the property into compliance).

Sent from my iPhone

On Jun 19, 2017, at 5:24 PM, Norris, Nick <[Nick.Norris@slcgov.com](mailto:Nick.Norris@slcgov.com)> wrote:

Any ideas what this could be about?

Sent from my iPhone

Begin forwarded message:

**From:** "Reberg, Mike" <[Mike.Reberg@slcgov.com](mailto:Mike.Reberg@slcgov.com)>  
**Date:** June 19, 2017 at 5:03:31 PM MDT  
**To:** "Norris, Nick" <[Nick.Norris@slcgov.com](mailto:Nick.Norris@slcgov.com)>  
**Subject:** FW: 1835 E 18th Ave

Can you check into this? See what's up with address?

MIKE REBERG  
DIRECTOR

DEPARTMENT of COMMUNITY and NEIGHBORHOODS  
SALT LAKE CITY CORPORATION

TEL 801-535-7707  
FAX 801-535-6005

[WWW.SLCGOV.COM/CED](http://WWW.SLCGOV.COM/CED)

---

**From:** Heidorn, Tina  
**Sent:** Monday, June 19, 2017 4:13 PM  
**To:** Reberg, Mike <[Mike.Reberg@slcgov.com](mailto:Mike.Reberg@slcgov.com)>  
**Cc:** Butler, Simone <[Simone.Butler@slcgov.com](mailto:Simone.Butler@slcgov.com)>  
**Subject:** 1835 E 18th Ave

Hi Mike,

Hoping you can help. The attorney (Kent Wallin) for the homeowner (Scott Broussard) at 1835 E 18<sup>th</sup> Ave is insisting on meeting with the Mayor to discuss "zoning issues".  
Can you see what's up?

Thank you much,  
Tina

Tina Heidorn  
Executive Assistant to the Chief of Staff  
ACE Fund Coordinator  
O: 801-535-6244  
M: 385-272-0468

OFFICE of the MAYOR  
SALT LAKE CITY CORPORATION

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[WWW.SLCMAYOR/ACE.COM](http://WWW.SLCMAYOR/ACE.COM)  
[WWW.SLCGOV.COM](http://WWW.SLCGOV.COM)



## Brown, Ken

---

**From:** Brown, Ken  
**Sent:** Tuesday, October 11, 2016 9:33 AM  
**To:** Maloy, Michael  
**Subject:** RE: PLNPCM2016-00699: Review Special Exception at 835 E 18th Ave

Michael,

A review of this special exception request to modify the approved documents for building permit BLD2016-06702 are as follows:

- 21A.24.010 P.1.b limits the building height to twenty eight feet (28') as measured from established grade for the addition to the existing exterior walls at the interior stairway and box beam. Based on the plans submitted for BLD2016-06702 and this special exception request; the established grade is identified as 5235.5 and the top of existing roof, which they are proposing to match, as 5265.5. This is a height of thirty feet (30') that they are wanting to match.
- 21A.24.010 P.1.b limits the front vertical walls to twenty five feet (25') as measured from finished grade for the addition to the existing exterior walls at the interior stairway and box beam. Based on the plans submitted for BLD2016-06702 and this special exception request; the established and finished grade is identified as 5235.5 and the top of existing wall, which they are proposing to match, as 5265.5. This is a height of thirty feet (30') that they are wanting to match.
- The special exception request indicates that approval is being sought for grade changes in the rear yard in excess of four feet (4'). No grade changes in excess of four feet (4') in the rear yard setback area are noted on the Site Plan/Grading Plan presented. 21A.24.010 P.6.a limits grade changes within the buildable area of the lot to six feet (6'). No grade changes in excess of six feet (6') are noted within the buildable area of the lot on the Site Plan/Grading Plan presented. Clarification is needed.

KEN BROWN  
Senior Development Review Planner

BUILDING SERVICES DIVISION  
DEPARTMENT of COMMUNITY and NEIGHBORHOODS  
SALT LAKE CITY CORPORATION

TEL 801-535-6179  
FAX 801-535-7750

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**From:** Maloy, Michael  
**Sent:** Thursday, October 06, 2016 9:28 PM  
**To:** Brown, Ken <Ken.Brown@slcgov.com>  
**Subject:** PLNPCM2016-00699: Review Special Exception at 835 E 18th Ave

Ken,

Would you mind having one of our plan reviewers look at the zoning issues associated with this application? I understand that there already is a building permit application for this, so maybe someone has already reviewed this and can give me zoning comments ASAP? Thank you!

Sincerely,

**Brown, Ken**

**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:**

Brown, Ken  
Monday, November 14, 2016 9:38 AM  
Scott Broussard  
Mikolash, Gregory; Maloy, Michael  
RE: Front Yard Setback?

Scott,

In determining the average setback: The front yard setback of each site would be measured at the point that the principal structure is closest to the back of sidewalk or back of street curb for each site, however; Table 21A.36.020B allows certain obstructions into required yards, such as eaves projecting 2 feet or less - bay windows that are 1 story high, not more than 10 feet long, project 2 feet or less - stairs and required landings 4 feet or less above or below grade - etc. The elements within this table would not be used in determining the front yard setback unless they exceed the limitations provided. For example: Eaves projecting more than 2 feet would be measured at the point that they project more than 2 feet - bay windows that are more than 1 story high, more than 10 feet long, or project more than 2 feet would be included - stairs and required landings more than 4 feet above or below grade would be included - etc.

I hope this helps.

KEN BROWN  
Senior Development Review Planner

BUILDING SERVICES DIVISION  
DEPARTMENT of COMMUNITY and NEIGHBORHOODS  
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TEL 801-535-6179  
FAX 801-535-7750

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**From:** Maloy, Michael  
**Sent:** Thursday, November 10, 2016 5:07 PM  
**To:** Scott Broussard <scottbroussardrealty@gmail.com>  
**Cc:** Brown, Ken <Ken.Brown@slcgov.com>; Mikolash, Gregory <gregory.mikolash@slcgov.com>  
**Subject:** RE: Front Yard Setback?  
**Importance:** High

Scott,

I am not sure what specific reference that might be, but hopefully Ken Brown or Greg Mikolash can s that info.

FYI - City Hall is closed Friday for Veteran's Day, but hopefully we can get this resolved next weel

Sincerely,

MICHAEL MALOY AICP  
Senior Planner

PLANNING DIVISION  
COMMUNITY and NEIGHBORHOODS



SALT LAKE CITY CORPORATION

TEL 801-535-7118  
FAX 801-535-6174

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**From:** Scott Broussard [<mailto:scottbroussardrealty@gmail.com>]  
**Sent:** Wednesday, November 09, 2016 4:25 PM  
**To:** Maloy, Michael <[Michael.Maloy@slcgov.com](mailto:Michael.Maloy@slcgov.com)>  
**Subject:** Re: Front Yard Setback?

Oh I'm so sorry. This info was meant for another Michael. I meant to email you today to ask for the description on setbacks. In our meeting the other gentlemen said there's some language that speaks to the definition of setbacks... I.e. Eaves, pop outs, etc. I'm pulling measurements for both on each house to be safe. I want to give correct information. Can you send me this?

On Nov 9, 2016 4:20 PM, "Maloy, Michael" <[Michael.Maloy@slcgov.com](mailto:Michael.Maloy@slcgov.com)> wrote:

Scott,

This document DOES NOT address front yard setback for the block face.

Sincerely,

MICHAEL MALOY AICP

Senior Planner

PLANNING DIVISION

COMMUNITY and NEIGHBORHOODS

SALT LAKE CITY CORPORATION

TEL [801-535-7118](tel:801-535-7118)

FAX [801-535-6174](tel:801-535-6174)

[WWW.SLCGOV.COM](http://WWW.SLCGOV.COM)

From: Scott Broussard [mailto:scottbroussardrealty@gmail.com]  
Sent: Wednesday, November 09, 2016 4:16 PM  
To: Maloy, Michael <Michael.Maloy@slcgov.com>  
Subject: RE: RE: My direct document if you read the other three items on the list it pertains to the headers and the  
headers we talked about

actu-

Nov 9, 2016 3:32 PM, "Maloy, Michael" <Michael.Maloy@slcgov.com> wrote:

Scott:

I think that you sent me the wrong attachment (something about hold downs).

We have been waiting for your front yard setback measurements and corresponding street addresses. Have you finished that yet? I have been hearing from neighbors that you have continued to construct the front yard addition even though we told you that we were concerned that the setback calculations you provided may be incorrect. If they are wrong, it may become necessary to modify your project even though part of it has been built. I know you were concerned about this too, so we are all anxious to get this issue resolved.

What is the status of the setback information?

Sincerely,

MICHAEL MALOY AICP  
Senior Planner

PLANNING DIVISION  
COMMUNITY and NEIGHBORHOODS  
SALT LAKE CITY CORPORATION

TEL 801-535-7118

[www.SLCGOV.COM](http://www.SLCGOV.COM)

**From:** Scott Broussard [mailto:[scottbroussardrealty@gmail.com](mailto:scottbroussardrealty@gmail.com)]  
**Sent:** Wednesday, November 09, 2016 3:16 PM  
**To:** Maloy, Michael <[Michael.Maloy@slcgov.com](mailto:Michael.Maloy@slcgov.com)>  
**Subject:** Fwd: Re: RE: My contact info

See attached. Let me know this is good for you.

----- Forwarded message -----  
**From:** "Steven" <[engineeringwest@msn.com](mailto:engineeringwest@msn.com)>  
**Date:** Nov 9, 2016 8:59 AM  
**Subject:** Re: RE: My contact info  
**To:** "Scott Broussard" <[scottbroussardrealty@gmail.com](mailto:scottbroussardrealty@gmail.com)>  
**Cc:**

Scott,

I just added a handwritten address, and initialed it. Hopefully this works.

Steve

---

**From:** Scott Broussard <[scottbroussardrealty@gmail.com](mailto:scottbroussardrealty@gmail.com)>  
**Sent:** Tuesday, November 8, 2016 5:40:53 PM  
**To:** Steven  
**Subject:** Fwd: RE: My contact info

See below please put the property address on the letter thank you

----- Forwarded message -----  
**From:** "Madrigal, Shane" <[Shane.Madrigal@slcgov.com](mailto:Shane.Madrigal@slcgov.com)>  
**Date:** Nov 8, 2016 3:20 PM  
**Subject:** RE: My contact info  
**To:** "Scott Broussard" <[scottbroussardrealty@gmail.com](mailto:scottbroussardrealty@gmail.com)>  
**Cc:**



Scott

This letter will need to have the address in question stated at the top (not the Broussard residence)

**From:** Scott Broussard [mailto:[scottbroussardrealty@gmail.com](mailto:scottbroussardrealty@gmail.com)]

**Sent:** Tuesday, November 08, 2016 12:42 PM

**To:** Madrigal, Shane <[Shane.Madrigal@slcgov.com](mailto:Shane.Madrigal@slcgov.com)>

**Subject:** Fwd: My contact info

Shane,

Here is the letter from the engineer signing off on the window and door openings for 835 E 18th Ave. SLC, UT. Let me know if you need me to provide this letter another way or to another contact besides you.

Thanks

--

Scott Broussard-Realtor

Equity Real Estate

9192 S 300 W., #17

Sandy, UT 84070

801.590.9002 office

801.910.9864 Scott's cell

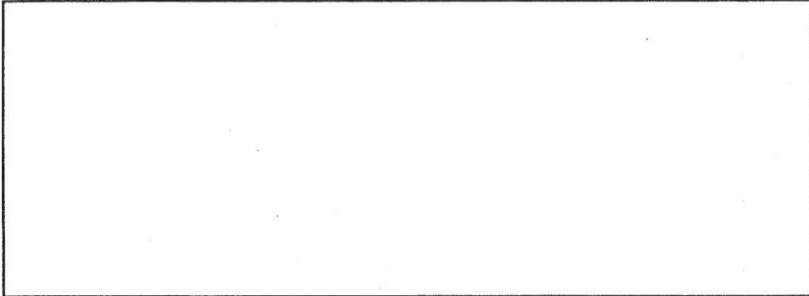
801.303.6581 fax

[Scottbroussardrealty@gmail.com](mailto:Scottbroussardrealty@gmail.com)

[reassistant1@gmail.com](mailto:reassistant1@gmail.com) My assistant Lori's email

**Website:** [www.utahhomeowner.com](http://www.utahhomeowner.com)

**Social:** [Facebook](#) [Twitter](#) [Linkedin](#)



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*Referrals are a large part of my business! Receive \$100 for any successful referral*

## **Brown, Ken**

---

**From:** Brown, Ken  
**Sent:** Wednesday, February 01, 2017 1:52 PM  
**To:** Maloy, Michael  
**Cc:** Mikolash, Gregory  
**Subject:** RE: Survey for 835 E 18th Ave?

Michael,

This new average setback document may be found within the Documents folder of WIN2016-11022 or in the City Required forms folder/Document folder of BLD2016-06702.

KEN BROWN  
Senior Development Review Planner

BUILDING SERVICES DIVISION  
DEPARTMENT of COMMUNITY and NEIGHBORHOODS  
SALT LAKE CITY CORPORATION

TEL 801-535-6179  
FAX 801-535-7750

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**From:** Maloy, Michael  
**Sent:** Wednesday, February 01, 2017 12:30 PM  
**To:** Mikolash, Gregory <gregory.mikolash@slcgov.com>; Brown, Ken <Ken.Brown@slcgov.com>  
**Subject:** Survey for 835 E 18th Ave?

Will one of you please send me a copy of Scott Broussard's "official" block face survey of front yard setbacks?  
Thank you!

Sincerely,

MICHAEL MALOY AICP  
Senior Planner

PLANNING DIVISION  
COMMUNITY and NEIGHBORHOODS  
SALT LAKE CITY CORPORATION

EMAIL [michael.maloy@slcgov.com](mailto:michael.maloy@slcgov.com)  
TEL 801-535-7118  
FAX 801-535-6174

[WWW.SLCGOV.COM](http://WWW.SLCGOV.COM)



## Brown, Ken

---

**From:** Brown, Ken  
**Sent:** Wednesday, February 01, 2017 4:09 PM  
**To:** Maloy, Michael  
**Cc:** Paterson, Joel  
**Subject:** RE: Survey for 835 E 18th Ave?

Michael,

There is no zoning ordinance language addressing how we measure a block face when there is a curve in the street except that the definition for "Block Face" seems to indicate that we go from intersection to intersection and that in no case shall a block face exceed one thousand feet (1,000').

It has been determined in numerous IRT discussions that this one thousand feet (1,000') is not a minimum dimensional requirement, but a maximum. It has been determined in numerous IRT discussions that there is no direction as to where to commence the one thousand feet (1,000') measurement (is it 500' each side of the subject property or is it whatever is available on one side of the subject property with the remainder on the other side). It has been determined in numerous IRT discussions that it does not make sense, in every case where a street curves, to consider that the houses on one side of the curve have an impact on those on the other side of the curve.

You will want to contact Joel Paterson regarding the many IRT discussions that we have had regarding this issue and any policy that we have.

Regarding this particular site; you will need to know that the applicant was not required to provide information for those properties on the other side of the curve along 18<sup>th</sup> Ave. because it was felt that the properties on the other side of the curve would not be impacted by this proposal. Because of this determination the applicant was not required to provide information on these properties with the new average setback documentation.

KEN BROWN  
Senior Development Review Planner

BUILDING SERVICES DIVISION  
DEPARTMENT of COMMUNITY and NEIGHBORHOODS  
SALT LAKE CITY CORPORATION

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FAX 801-535-7750

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**From:** Maloy, Michael  
**Sent:** Wednesday, February 01, 2017 2:04 PM  
**To:** Brown, Ken <Ken.Brown@slcgov.com>  
**Subject:** RE: Survey for 835 E 18th Ave?

Thank you. Got it.

Relative to this issue, what is the language or standard we use to determine how we measure a block face when there is a curve in the street? And where does the language/description/measurement for the "policy" or "standard" come from?

I will be writing the "administrative interpretation" filed by Broussard so I need to be crystal clear (and accurate) on this issue.

ks for your assistance on this one!

Thank you,  
Sincerely,

MICHAEL MALOY AICP  
Senior Planner

PLANNING DIVISION  
COMMUNITY and NEIGHBORHOODS  
SALT LAKE CITY CORPORATION

EMAIL [michael.maloy@slcgov.com](mailto:michael.maloy@slcgov.com)  
TEL 801-535-7118  
FAX 801-535-6174

[WWW.SLCGOV.COM](http://WWW.SLCGOV.COM)

**From:** Brown, Ken  
**Sent:** Wednesday, February 01, 2017 1:52 PM  
**To:** Maloy, Michael <[Michael.Maloy@slcgov.com](mailto:Michael.Maloy@slcgov.com)>  
**Cc:** Mikolash, Gregory <[gregory.mikolash@slcgov.com](mailto:gregory.mikolash@slcgov.com)>  
**Subject:** RE: Survey for 835 E 18th Ave?

Michael,

This new average setback document may be found within the Documents folder of WIN2016-11022 or in the City Required forms folder/Document folder of BLD2016-06702.

KEN BROWN  
Senior Development Review Planner

BUILDING SERVICES DIVISION  
DEPARTMENT of COMMUNITY and NEIGHBORHOODS  
SALT LAKE CITY CORPORATION

TEL 801-535-6179  
FAX 801-535-7750

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**From:** Maloy, Michael  
**Sent:** Wednesday, February 01, 2017 12:30 PM  
**To:** Mikolash, Gregory <[gregory.mikolash@slcgov.com](mailto:gregory.mikolash@slcgov.com)>; Brown, Ken <[Ken.Brown@slcgov.com](mailto:Ken.Brown@slcgov.com)>  
**Subject:** Survey for 835 E 18th Ave?

Will one of you please send me a copy of Scott Broussard's "official" block face survey  
Thank you!

Sincerely,

MICHAEL MALOY AICP  
Senior Planner

PLANNING DIVISION  
COMMUNITY and NEIGHBORHOODS  
SALT LAKE CITY CORPORATION

EMAIL [michael.maloy@slcgov.com](mailto:michael.maloy@slcgov.com)  
TEL 801-535-7118

## Brown, Ken

---

**From:** Brown, Ken  
**Sent:** Thursday, May 18, 2017 2:37 PM  
**To:** 'zadokconstruction@gmail.com'  
**Cc:** Gilcrease, Heather; Paterson, Joel; Mikolash, Gregory; Maloy, Michael  
**Subject:** REI Investments Bay Window for BLD2016-06702

Scott,

I have reviewed your bay window proposal with Joel Paterson – Planning Programs Supervisor, the zoning reviewers and the building code reviewer. We are all in agreement that, provided the bay window is designed pursuant to Table 21A.36.020 Obstructions In Required Yards; it would be viewed as a permitted obstruction in the front yard setback.

As you are aware; all plan sheets that are affected by the corrected front yard setback of twenty eight feet (28') must be revised and submitted for review (architectural drawings, including footing and foundation plans, cross section plans, details, electrical, plumbing and mechanical plans). This revised plan review will be conducted within the ProjectDox electronic plan review program so that we can electronically compare the previously approved plans with the revised plans (we no longer have access to the paper plans). Heather Gilcrease will soon be contacting you to invite you to the program. If you need training in this program, please contact her at 801-535-7163 to schedule this training.

The revised plans shall clarify and document the following (\* unless approved as a special exception):

- 1) Site Plan – Grading Plan :
  - a) Modification of the Average Setback Table to include the address and setback information of each property as determined by Von R. Hill – Professional Land Surveyor, stamped and dated November 28, 2016.
  - b) All original and proposed elements of the building.
  - c) The twenty eight feet (28') front yard setback line drawn across the lot, for use in review of grade changes, encroachments, etc.
  - d) The grade within the twenty eight foot (28') front yard setback area shall not be altered above or below established grade more than four feet (4') at any point (\*).
  - e) The established grade within the buildable area of the lot shall not be modified more than six feet (6' \*).
  - f) All cuts and fills in excess of two feet (2') shall be supported by retaining walls if required by the zoning administrator. Any stacking of rocks to create a rock wall in excess of a thirty percent (30%) slope, that is intended to retain soil, shall be considered a retaining wall. No retaining wall may exceed four feet (4') in height above the established grade except as provided in subsections P6a, P6b and P6c of 21A.24.010. In a terrace of retaining walls, each four foot (4') vertical retaining wall must be separated by a minimum of three (3) horizontal feet, and any six foot (6') retaining wall must be separated from any other retaining wall by a minimum of five (5) horizontal feet. The horizontal area between terraced retaining walls shall be landscaped with vegetation. All retaining walls, in excess of four feet (4') in height shall be approved by an engineer licensed by the state, and the engineer's approval shall be consistent with the provisions of a geotechnical report. The zoning administrator may require an engineer's approval for retaining walls less than four feet (4') that there are sufficient risk factors, such as slope, soil stability, or proximity to structures on adjacent property.
  - g) No steps and required landings greater than four feet (4') above or below grade in the twenty eight foot (28') front yard setback area.
  - h) No deck extending into the twenty eight foot (28') front yard setback area.
  - i) No bay window extending more than two feet (2') into the twenty eight foot (28') front yard setback area.
  - j) The maximum building height shall be twenty eight feet (28') measured from established grade (\*). Please verify existing and proposed grades at each inside and outside corner of the building as well as ridge line elevations.



- k) The front vertical building walls shall not exceed twenty five feet (25') measured from finished grade. Please verify existing and proposed grades at each vertical building wall.
- l) Front yards and interior side yards shall be completely landscaped except for driveways, walkways and patios/decks.
- 2) Elevation Drawings:
  - a) All original and proposed elements of the building.
  - b) The twenty eight feet (28') front yard setback line as it relates to the left and right side elevations.
  - c) Grades (existing & proposed) shall be shown where they strike the existing and proposed foundation walls (including the front entry stair walls and deck support columns).
  - d) Spot elevations for existing and proposed grades shall be shown at each inside and outside corner of the building along with the front vertical building wall elevation datum.
  - e) No steps and required landings greater than four feet (4') above or below grade in the twenty eight foot (28') front yard setback area.
  - f) No deck extending into the twenty eight foot (28') front yard setback area.
  - g) No bay window extending more than two feet (2') into the twenty eight foot (28') front yard setback area.
  - h) The maximum building height shall be twenty eight feet (28') measured from established grade (\*). Please verify existing and proposed grades at each inside and outside corner of the building as well as ridgeline elevations.

KEN BROWN  
Senior Development Review Planner

BUILDING SERVICES DIVISION  
DEPARTMENT of COMMUNITY and NEIGHBORHOODS  
SALT LAKE CITY CORPORATION

TEL 801-535-6179  
FAX 801-535-7750

[WWW.SLCGOV.COM](http://WWW.SLCGOV.COM)

**Brown, Ken**

---

**From:** Brown, Ken  
**Sent:** Tuesday, October 11, 2016 9:44 AM  
**To:** Maloy, Michael  
**Subject:** RE: PLNPCM2016-00699: Review Special Exception at 835 E 18th Ave

Michael,

A review of this special exception request to modify the approved documents for building permit BLD2016-06702 are as follows:

- 21A.24.010 P.1.b limits the building height to twenty eight feet (28') as measured from established grade for the addition to the existing exterior walls at the interior stairway and box beam. Based on the plans submitted for BLD2016-06702 and this special exception request; the established grade is identified as 5235.5 and the top of existing roof, which they are proposing to match, as 5265.5. This is a height of thirty feet (30') that they are wanting to match.
- 21A.24.010 P.1.b limits the front vertical walls to twenty five feet (25') as measured from finished grade for the addition to the existing exterior walls at the interior stairway and box beam. Based on the plans submitted for BLD2016-06702 and this special exception request; the established and finished grade is identified as 5235.5 and the top of existing wall, which they are proposing to match, as 5265.5. This is a height of thirty feet (30') that they are wanting to match.
- The special exception request indicates that approval is being sought for grade changes in the front and rear yard in excess of four feet (4'). No grade changes in excess of four feet (4') in the front or rear yard setback areas are noted on the Site Plan/Grading Plan presented. 21A.24.010 P.6.a limits grade changes within the buildable area of the lot to six feet (6'). No grade changes in excess of six feet (6') are noted within the buildable area of the lot on the Site Plan/Grading Plan presented. Clarification is needed.

KEN BROWN  
Senior Development Review Planner

BUILDING SERVICES DIVISION  
DEPARTMENT of COMMUNITY and NEIGHBORHOODS  
SALT LAKE CITY CORPORATION

TEL 801-535-6179  
FAX 801-535-7750

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**From:** Maloy, Michael  
**Sent:** Thursday, October 06, 2016 9:28 PM  
**To:** Brown, Ken <Ken.Brown@slcgov.com>  
**Subject:** PLNPCM2016-00699: Review Special Exception at 835 E 18th Ave

Ken,

Would you mind having one of our plan reviewers look at the zoning issues associated with this application? I understand that there already is a building permit application for this, so maybe someone has already reviewed this and can give me zoning comments ASAP? Thank you!

Sincerely,

MICHAEL MALOY AICP  
Senior Planner

PLANNING DIVISION  
COMMUNITY *and* NEIGHBORHOODS  
SALT LAKE CITY CORPORATION

TEL 801-535-7118  
FAX 801-535-6174

[WWW.SLCGOV.COM](http://WWW.SLCGOV.COM)

**From:** Maloy, Michael  
**Sent:** Thursday, October 06, 2016 9:25 PM  
**To:** Barry, Michael <Michael.Barry@slcgov.com>  
**Subject:** PLNPCM2016-00699: Review Special Exception at 835 E 18th Ave

Barry,

Please review the attached Special Exception application for an "inline addition" and "grade change" with "over-height retaining walls" at 835 E 18<sup>th</sup> Avenue. Please respond by October 19, 2016. Thank you!

Sincerely,

MICHAEL MALOY AICP  
Senior Planner

PLANNING DIVISION  
COMMUNITY *and* NEIGHBORHOODS  
SALT LAKE CITY CORPORATION

TEL 801-535-7118  
FAX 801-535-6174

[WWW.SLCGOV.COM](http://WWW.SLCGOV.COM)



## Brown, Ken

---

**From:** Brown, Ken  
**Sent:** Friday, May 26, 2017 8:55 AM  
**To:** 'Scott Broussard'; 'zadokconstruction@gmail.com'  
**Cc:** Mikolash, Gregory; Paterson, Joel; Maloy, Michael  
**Subject:** RE: REI Investments Bay Window for BLD2016-06702

Scott,

You will find the answer to your questions in your email below, right after the question.

KEN BROWN  
Senior Development Review Planner

BUILDING SERVICES DIVISION  
DEPARTMENT of COMMUNITY and NEIGHBORHOODS  
SALT LAKE CITY CORPORATION

TEL 801-535-6179  
FAX 801-535-7750

[WWW.SLCGOV.COM](http://WWW.SLCGOV.COM)

**From:** Scott Broussard [mailto:scottbroussardrealty@gmail.com]  
**Sent:** Thursday, May 25, 2017 11:08 AM  
**To:** Brown, Ken <Ken.Brown@slcgov.com>  
**Subject:** Fwd: REI Investments Bay Window for BLD2016-06702

Ken,

Who can meet me at the property to discuss what is considered 'established' grade? You mentioned the following "No retaining wall may exceed four feet (4') in height above the established grade except as provided in subsections P6a, P6b and P6c of 21A.24.010" Can you please include that language in your email response? I'm not sure how to access that information.

Nobody need meet you at the site to determine "established grade". Established grade is the grade of a property prior to the most recent proposed construction activity and has been documented by GML Design on the Site Plan & Grading Plan, the C200 Topo, and the Elevation Drawings included in your BLD2016-06702 permit package. It is the same elevations that you used to resolve grade change issues for the new patio in the side yard setback, the retaining walls in the front, side, and rear yards and the front wall height as identified in the earliest zoning reviews of the project.

P6a, P6b and P6c of 21A.24.010 can be accessed at  
[http://www.sterlingcodifiers.com/codebook/index.php?book\\_id=672](http://www.sterlingcodifiers.com/codebook/index.php?book_id=672).

If someone were to build on the vacant lot to the West of my property what would their block-face be? I assume its the same as my defined block face, correct? Which would be the same six houses I used? In other words 905 Little Valley down to 785 E. If someone were to build on the vacant lot to the west of your property, the front yard setback, as well as all other setbacks, general provisions, specific provisions, and policy of the zone at the time the lot is developed would have to be met.

Thanks

----- Forwarded message -----

From: **Ben Smith** <[ben@buildzadok.com](mailto:ben@buildzadok.com)>

Date: Thu, May 18, 2017 at 2:47 PM

Subject: Fwd: REI Investments Bay Window for BLD2016-06702

To: Scott Broussard <[scottbroussardrealty@gmail.com](mailto:scottbroussardrealty@gmail.com)>

Ben Smith

801-856-1558

via mobile

----- Forwarded message -----

From: "Brown, Ken" <[Ken.Brown@slcgov.com](mailto:Ken.Brown@slcgov.com)>

Date: May 18, 2017 2:37 PM

Subject: REI Investments Bay Window for BLD2016-06702

To: "[zadokconstruction@gmail.com](mailto:zadokconstruction@gmail.com)" <[zadokconstruction@gmail.com](mailto:zadokconstruction@gmail.com)>

Cc: "Gilcrease, Heather" <[Heather.Gilcrease@slcgov.com](mailto:Heather.Gilcrease@slcgov.com)>, "Paterson, Joel" <[joel.paterson@slcgov.com](mailto:joel.paterson@slcgov.com)>, "Mikolash, Gregory" <[gregory.mikolash@slcgov.com](mailto:gregory.mikolash@slcgov.com)>, "Maloy, Michael" <[Michael.Maloy@slcgov.com](mailto:Michael.Maloy@slcgov.com)>

Scott,

I have reviewed your bay window proposal with Joel Paterson – Planning Programs Supervisor, the zoning reviewers and the building code reviewer. We are all in agreement that, provided the bay window is designed pursuant to Table 21A.36.020 Obstructions In Required Yards; it would be viewed as a permitted obstruction in the front yard setback.

As you are aware; all plan sheets that are affected by the corrected front yard setback of twenty eight feet (28') must be revised and submitted for review (architectural drawings, including footing and foundation plans, cross section plans, details, electrical, plumbing and mechanical plans). This revised plan review will be conducted within the ProjectDox electronic plan review program so that we can electronically compare the previously approved plans with the revised plans (we no longer have access to the paper plans). Heather Gilcrease will soon be contacting you to invite you to the program. If you need training in this program, please contact her at 801-535-7163 to schedule this training.

The revised plans shall clarify and document the following (\* unless approved as a special exception):

1) Site Plan – Grading Plan :

a) Modification of the Average Setback Table to include the address and setback information of each property as determined by Von R. Hill – Professional Land Surveyor, stamped and dated November 28, 2016.

b) All original and proposed elements of the building.

- c) The twenty eight feet (28') front yard setback line drawn across the lot, for use in review of grade changes, encroachments, etc.
  - d) The grade within the twenty eight foot (28') front yard setback area shall not be altered above or below established grade more than four feet (4') at any point (\*).
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  - g) No steps and required landings greater than four feet (4') above or below grade in the twenty eight foot (28') front yard setback area.
  - h) No deck extending into the twenty eight foot (28') front yard setback area.
  - i) No bay window extending more than two feet (2') into the twenty eight foot (28') front yard setback area.
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  - k) The front vertical building walls shall not exceed twenty five feet (25') measured from finished grade. Please verify existing and proposed grades at each vertical building wall.
  - l) Front yards and interior side yards shall be completely landscaped except for driveways, walkways and patios/decks.
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  - c) Grades (existing & proposed) shall be shown where they strike the existing and proposed foundation walls (including the front entry stair walls and deck support columns).



- d) Spot elevations for existing and proposed grades shall be shown at each inside and outside corner of the building along with the front vertical building wall elevation datum.
- e) No steps and required landings greater than four feet (4') above or below grade in the twenty eight foot (28') front yard setback area.
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- g) No bay window extending more than two feet (2') into the twenty eight foot (28') front yard setback area.
- h) The maximum building height shall be twenty eight feet (28') measured from established grade (\*). Please verify existing and proposed grades at each inside and outside corner of the building as well as ridgeline elevations.

KEN BROWN

Senior Development Review Planner

BUILDING SERVICES DIVISION

DEPARTMENT of COMMUNITY and NEIGHBORHOODS

SALT LAKE CITY CORPORATION

TEL 801-535-6179

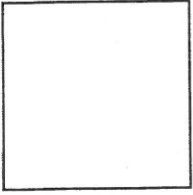
FAX 801-535-7750

WWW.SLCGOV.COM

--

Scott Broussard  
Roost Real Estate | Equity Real Estate  
9192 S 300 W., #17 | Sandy, UT 84070  
T: 801.910.9864  
O: 801.590.9002  
Scott@Roostutah.com

Roostutah.com



## Brown, Ken

---

**From:** Mikolash, Gregory  
**Sent:** Thursday, June 22, 2017 9:06 AM  
**To:** Brown, Ken  
**Subject:** FW: 835 E 18th Ave

FYI:

Greg Mikolash  
Development Review Supervisor

BUILDING SERVICES DIVISION  
Department of Community & Neighborhoods  
SALT LAKE CITY CORPORATION

TEL 801-535-6181  
FAX 801-535-7750

**From:** Maloy, Michael  
**Sent:** Thursday, June 22, 2017 9:03 AM  
**To:** Reberg, Mike <Mike.Reberg@slcgov.com>  
**Cc:** Norris, Nick <Nick.Norris@slcgov.com>; Paterson, Joel <joel.paterson@slcgov.com>; Mikolash, Gregory <gregory.mikolash@slcgov.com>  
**Subject:** RE: 835 E 18th Ave

On **July 15, 2016**, Mr. Scott Broussard applied for building permit BLD2016-06702 to remodel the subject property, which included an addition to the front façade of the existing single-family dwelling. The building permit was issued August 25, 2016, by Salt Lake City Building Services. Building permit plans also included the front yard setback measurements of five unidentified lots and the subject property. The plans noted that the average front yard setback for the 18<sup>th</sup> Avenue block face is 20'-6".

On **September 8, 2016**, Mr. Broussard submitted Special Exception petition PLNPCM2016-00699 for an inline addition and grade changes. Mr. Broussard eventually withdrew his petition (citing a change of plans) on **November 1, 2016**.

In response to continued concerns expressed by residents regarding the front yard setback of the proposed addition, Building Services and Planning Division staff met with Mr. Broussard on **October 31, 2016**, and requested additional information regarding measurement and calculation of the front yard setback as noted in building permit BLD2016-06702.

On **November 14, 2016**, Mr. Leslie Koch, Salt Lake City Building Inspector Supervisor, issued a partial stop work order for "framing and windows" on the subject property. Mr. Koch also noted that "other trades may proceed at own risk in unaffected areas."

On **November 28, 2016**, Mr. Von Hill, a licensed Professional Land Surveyor with H&A Entellus hired by the appellant, wrote a letter that concluded the average front yard setback for the subject property is 28'-0". According to the survey, the front yard setback of the attached garage is approximately 20'-10". The front yard setback of the proposed front façade addition is 23'-6", which is 4'-6" less than the average front yard setback of the applicable block face on 18<sup>th</sup> Avenue.

On **January 9, 2017**, Mr. Broussard submitted application PLNZAD2017-00012 for an administrative interpretation regarding the following:

"When the variance for (the subject) property was granted in 1980 for a 20' setback for the carport, did that variance also include a 20' setback for the principal building?"



On Jun 19, 2017, at 5:24 PM, Norris, Nick <[Nick.Norris@slcgov.com](mailto:Nick.Norris@slcgov.com)> wrote:

Any ideas what this could be about?

Sent from my iPhone

Begin forwarded message:

**From:** "Reberg, Mike" <[Mike.Reberg@slcgov.com](mailto:Mike.Reberg@slcgov.com)>  
**Date:** June 19, 2017 at 5:03:31 PM MDT  
**To:** "Norris, Nick" <[Nick.Norris@slcgov.com](mailto:Nick.Norris@slcgov.com)>  
**Subject:** FW: 1835 E 18th Ave

Can you check into this? See what's up with address?

MIKE REBERG  
DIRECTOR

DEPARTMENT of COMMUNITY and NEIGHBORHOODS  
SALT LAKE CITY CORPORATION

TEL 801-535-7707  
FAX 801-535-6005

[WWW.SLCGOV.COM/CED](http://WWW.SLCGOV.COM/CED)

**From:** Heidorn, Tina  
**Sent:** Monday, June 19, 2017 4:13 PM  
**To:** Reberg, Mike <[Mike.Reberg@slcgov.com](mailto:Mike.Reberg@slcgov.com)>  
**Cc:** Butler, Simone <[Simone.Butler@slcgov.com](mailto:Simone.Butler@slcgov.com)>  
**Subject:** 1835 E 18th Ave

Hi Mike,

Hoping you can help. The attorney (Kent Wallin) for the homeowner (Scott Broussard) at 1835 E 18<sup>th</sup> Ave is insisting on meeting with the Mayor to discuss "zoning issues".  
Can you see what's up?

Thank you much,  
Tina

Tina Heidorn  
Executive Assistant to the Chief of Staff  
ACE Fund Coordinator  
O: 801-535-6244  
M: 385-272-0468

OFFICE of the MAYOR  
SALT LAKE CITY CORPORATION

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[WWW.SLCMAYOR/ACE.COM](http://WWW.SLCMAYOR/ACE.COM)  
[WWW.SLCGOV.COM](http://WWW.SLCGOV.COM)

## Brown, Ken

---

**From:** Brown, Ken  
**Sent:** Friday, September 29, 2017 2:17 PM  
**To:** 'Scott@Roostutah.com'  
**Cc:** Mikolash, Gregory; Paterson, Joel  
**Subject:** FW: 835 E 18th Ave

**Importance:** High

Scott,

As you know, Table 21A.36.020B allows steps and required landings in the require front yard, provided they are 4 feet or less above or below grade. I believe you know what steps and landings are, so I won't bother you with the definitions of these elements.

Table 21A.36.020B also allows fences or walls subject to applicable height restrictions of chapter 21A.40.

A "Wall" as defined by Webster's New Collegiate Dictionary is as follows:

- 1**     **a** :a high thick masonry structure forming a long rampart or an enclosure chiefly for defense —often used in plural
- b** :a masonry fence around a garden, park, or estate
- c** :a structure that serves to hold back pressure (as of water or sliding earth)
- 2**     :one of the sides of a room or building connecting floor and ceiling or foundation and roof
- 3**     :the side of a footpath next to buildings
- 4**     :an extreme or desperate position or a state of defeat, failure, or ruin - the surrounded troops had their backs against the *wall*
- 5**     :a material layer enclosing space - the *wall* of a container - heart *walls*
- 6**     :something resembling a wall (as in appearance, function, or effect); *especially*: something that acts as a barrier or defense - a *wall* of reserve - tariff *wall*

A "Guardrail" as defined by Webster's New Collegiate Dictionary is as follows:

          :a railing guarding usually against danger or trespass; *especially* :a barrier placed along the edge of a highway at dangerous points.

The building code definition of a "Guardrail", called "guard" in the 2015 International Residential Code, and the requirement for this component is as follows:

A building component or a system of building components located near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to the lower level. Chapter 2

R312.1.1 Where required.

Guards shall be located along open-sided walking surfaces, including stairs, ramps and landings, that are located more than 30 inches (762 mm) measured vertically to the floor or grade below at any point within 36 inches (914 mm) horizontally to the edge of the open side. Insect screening shall not be considered as a guard.

R312.1.2 Height.

Required guards at open-sided walking surfaces, including stairs, porches, balconies or landings, shall be not less than 36 inches (914 mm) in height as measured vertically above the adjacent walking surface or the line connecting the leading edges of the treads.

Exceptions:

1. Guards on the open sides of stairs shall have a height not less than 34 inches (864 mm) measured vertically from a line connecting the leading edges of the treads.

2. Where the top of the guard serves as a handrail on the open sides of stairs, the top of the guard shall be not less than 34 inches (864 mm) and not more than 38 inches (965 mm) as measured vertically from a line connecting the leading edges of the treads.

R312.1.3 Opening limitations.

Required guards shall not have openings from the walking surface to the required guard height that allow passage of a sphere 4 inches (102 mm) in diameter.

Exceptions:

1. The triangular openings at the open side of stair, formed by the riser, tread and bottom rail of a guard, shall not allow passage of a sphere 6 inches (153 mm) in diameter.
2. Guards on the open side of stairs shall not have openings that allow passage of a sphere 43/8 inches (111 mm) in diameter.

As you can see, a guardrail only applies to open sides of elevated walking surfaces. If a wall is provided along the side of a stairway or landing, there is no "open side" that would require "a railing guarding usually against danger" and this element would be considered a wall.

KEN BROWN  
Senior Development Review Planner

BUILDING SERVICES DIVISION  
DEPARTMENT of COMMUNITY and NEIGHBORHOODS  
SALT LAKE CITY CORPORATION

TEL 801-535-6179  
FAX 801-535-7750

[WWW.SLCGOV.COM/BUILDING](http://WWW.SLCGOV.COM/BUILDING)

**From:** Scott Broussard [<mailto:scottbroussardrealty@gmail.com>]  
**Sent:** Wednesday, September 27, 2017 4:33 PM  
**To:** Paterson, Joel <[joel.paterson@slcgov.com](mailto:joel.paterson@slcgov.com)>; Brown, Ken <[Ken.Brown@slcgov.com](mailto:Ken.Brown@slcgov.com)>; Mikolash, Gregory <[gregory.mikolash@slcgov.com](mailto:gregory.mikolash@slcgov.com)>  
**Subject:** 835 E 18th Ave

Ken,

Did you determine if the portion of the middle landing will be acceptable as a guardrail?

--

Scott Broussard  
Roost Real Estate | Equity Real Estate  
9192 S 300 W., #17 | Sandy, UT 84070  
T: [801.910.9864](tel:801.910.9864)  
O: [801.590.9002](tel:801.590.9002)  
[Scott@Roostutah.com](mailto:Scott@Roostutah.com)  
[Roostutah.com](http://Roostutah.com)



**Brown, Ken**

---

**From:** Mikolash, Gregory  
**Sent:** Monday, July 17, 2017 12:52 PM  
**To:** Brown, Ken  
**Subject:** FW: 835 18th Ave. options  
**Attachments:** 835 E. 18th Ave options 7-17.docx

FYI:

Greg Mikolash  
Development Review Supervisor

BUILDING SERVICES DIVISION  
Department of Community & Neighborhoods  
SALT LAKE CITY CORPORATION

TEL 801-535-6181  
FAX 801-535-7750

---

**From:** Mikolash, Gregory  
**Sent:** Monday, July 17, 2017 12:50 PM  
**To:** Paterson, Joel <joel.paterson@slcgov.com>  
**Subject:** 835 18th Ave. options

Here is my first draft:

Greg Mikolash  
Development Review Supervisor

BUILDING SERVICES DIVISION  
Department of Community & Neighborhoods  
SALT LAKE CITY CORPORATION

TEL 801-535-6181  
FAX 801-535-7750

**Re: Options for 835 E. 18<sup>th</sup> Ave. relative to questions about setback averaging and the interpretation of blockface.**

- Option 1: Apply for an Administrative Interpretation for how the City has determined to interpret:
  - Setback averaging
  - The meaning and calculation of "blockface"

In accordance with 21A.16 of the Municipal Code, an Appeal of an Administrative Decision may be filed with the City where any person(s) allege an error in any administrative, historic landmark or planning commission decision.

- Option 2: Apply for a Variance in accordance with 21A.18 of the Municipal Code.
- Option 3: Amend the Building Permit BLD2016-06702 to bring the setbacks of the new construction into compliance with a correct setback average.

A question arose pertaining to the modification of other property setbacks within your same blockface, and if this would change the average for 835 E. 18<sup>th</sup> Ave.? The answer is it would if this modification: 1.) was first permitted and met their own setback averaging requirement; 2.) the building permit for this modification obtained a final inspection and approval; 3.) the existing building permit (BLD2016-06702) were amended to show the new setback information 4.) the average setback was measured for construction at or above 4' in height. Note that even decreasing one specific property's setback by 5' feet would only change the *average* setback very slightly.

January 8, 2018

Re: Permit # BLD2016-06702 (835 E 18<sup>th</sup> Ave)

To Whom It May Concern;

On January 5, 2018, our field crew visited this site to verify compliance of new construction regarding the city-approved, 28.0-foot front setback. We were informed of changes in the structure since a prior visit on December 15, 2017. We compared our observations and measurements to the following documents:

- A. The approved site plan (revised 10/30/2017)
- B. The bay window amendments (revised 11/14/2017)
- C. A building inspection report outlining the approved obstructions within the setback (Inspection Date and Time: "2017-12-20 / 13:42:30")

We certify the following: 1) the main addition to the building meets the 28.0-foot setback requirement; 2) the concrete retention wall measured 4.0 feet, and stone wall measures 2.2 feet, both meeting the standard from item "C" above; 3) Guard rails along the stairs measure 3.0 feet, meeting the standard from item "C" above; 4) The overhang of the bay window on the main addition measures 1.9 feet, meeting the standard from item "C" above; 5) The front deck on the front of the house is in its original position as per our measurements from May 2016, meeting the standard from item "C" above.



181 North 200 West  
Suite 4  
Bountiful, Utah  
84010

Tel 801.298.2236  
Web [www.entellus.com](http://www.entellus.com)

Sincerely,

  
Jeremiah Cunningham





## Paterson, Joel

---

**From:** Mikolash, Gregory  
**Sent:** Thursday, February 08, 2018 9:05 AM  
**To:** Paterson, Joel  
**Subject:** FW: Front Yard Setback?

Email from Scott confirming 20' averaging mistake.

Greg Mikolash  
Development Review Supervisor

BUILDING SERVICES DIVISION  
Department of Community & Neighborhoods  
SALT LAKE CITY CORPORATION

TEL 801-535-6181  
FAX 801-535-7750

---

**From:** Brown, Ken  
**Sent:** Friday, November 18, 2016 11:00 AM  
**To:** Maloy, Michael <Michael.Maloy@slcgov.com>  
**Cc:** Anderson, Ken <Kenneth.Anderson@slcgov.com>; Mikolash, Gregory <gregory.mikolash@slcgov.com>; Koch, Les <Leslie.Koch@slcgov.com>; Scott Broussard <scottbroussardrealty@gmail.com>  
**Subject:** RE: Front Yard Setback?

Michael,

After our discussion yesterday, I thought that I should check to see that Mr. Broussard was informed of management's decision on the setback information, and it appears that he has not, therefore; he is cc'd in this correspondence.

To All,

In the message of November 14, 2016 from Greg Mikolash - Development Review Supervisor to myself and Michael Maloy, it states the following:

"Based on the contested nature of this construction and setbacks, I think we need to request that the measurements be stamped and certified by Mr. Broussard's licensed engineer."

KEN BROWN  
Senior Development Review Planner

BUILDING SERVICES DIVISION  
DEPARTMENT of COMMUNITY and NEIGHBORHOODS  
SALT LAKE CITY CORPORATION

TEL 801-535-6179  
FAX 801-535-7750

[WWW.SLCGOV.COM](http://WWW.SLCGOV.COM)

---

**From:** Mikolash, Gregory  
**Sent:** Monday, November 14, 2016 4:58 PM  
**To:** Maloy, Michael <Michael.Maloy@slcgov.com>; Brown, Ken <Ken.Brown@slcgov.com>

**Cc:** Anderson, Ken <Kenneth.Anderson@slcgov.com>

**Subject:** RE: Front Yard Setback?

All,

Based on the contested nature of this construction and setbacks, I think we need to request that the measurements be stamped and certified by Mr. Broussard's licensed engineer.

Greg Mikolash  
Development Review Supervisor

BUILDING SERVICES DIVISION  
Department of Community & Neighborhoods  
SALT LAKE CITY CORPORATION

TEL 801-535-6181  
FAX 801-535-7750

---

**From:** Maloy, Michael  
**Sent:** Monday, November 14, 2016 4:43 PM  
**To:** Scott Broussard <[scottbroussardrealty@gmail.com](mailto:scottbroussardrealty@gmail.com)>  
**Subject:** RE: Front Yard Setback?

Scott,

Thank you for the additional information. I have forwarded your email to Ken Brown (whom you know reviewed your original plans in Building Services) and Ken's supervisor (Greg Mikolash).

I am sure Ken (or someone else in Building Services) will get back with you ASAP.

Thanks again!

Sincerely,

MICHAEL MALOY AICP  
Senior Planner

PLANNING DIVISION  
COMMUNITY and NEIGHBORHOODS  
SALT LAKE CITY CORPORATION

TEL 801-535-7118  
FAX 801-535-6174

[WWW.SLCGOV.COM](http://WWW.SLCGOV.COM)

---

**From:** Scott Broussard [<mailto:scottbroussardrealty@gmail.com>]  
**Sent:** Monday, November 14, 2016 4:20 PM  
**To:** Maloy, Michael <[Michael.Maloy@slcgov.com](mailto:Michael.Maloy@slcgov.com)>  
**Subject:** Re: Front Yard Setback?

Michael,

Below are the addresses to the original setback measurements I provided my designer that are on the stamped plans. Just so you know the new addition built measures 24'8" from sidewalk.

905 Little Valley 20'

849 18th Ave 35'  
835 E 18th Ave 20'  
805 18th Ave. 16'  
795 18th Ave. 24' 5"  
785 E 18th Ave. 41'

I was asked by my designer/architect to pull measurements for setbacks. I spoke to zoning and was provided a detail that we referenced when creating the setbacks. With the help of some homeowners I pulled measurements using a tape measure and tried to take into the account the slope/grade of the hillside and shrubs interfering with a straight line. I also asked the city where to pull the measurements from. I was told to use the sidewalk as the reference point and then the closest portion of the building as the 'setback' measurement to record. The closest point to the street was confusing to me so I did the best I could. I had to make some assumptions as to what would be considered the structure as there each property has its own set of designs. It seems after double checking what has been described to me now my measurements are incorrect.

I originally had 25.5 feet (see attachment) for my average setback but was told I needed to include the subject property. So we added that and resubmitted. My new measurement was 20'6" which is what I submitted. I can now see that it should have been 21'11" based on the numbers I provided and not 20.5. But again this was/is not correct based on the number of homes we measured. I've attached copies of those two setback drawings. The first we initially provided and then made the correction on the second and final drawing. The second approved plan after adding the subject property shows 25.5 but in fact should be 24.5. As I double check both of those both totals the averages are wrong. I'm not sure how this happened. I've ran numbers thinking I divided by 7 homes and not 6 but the average is off. I am still confused as to what point I should be measuring as eaves that are greater than two feet come into play on a lot of homes.

In addition to these six homes I was asked to measure I have since measured most of the other homes within the surrounding area to get a better idea what other setbacks are. Am I restricted to the seven homes directly to the East and West of my property? I was told it might be helpful to pull setback measurements for the other homes in the area and on this street. It seems there are dozens and dozens of homes that have a setback closer than 26'. Based on what I measured on 18th ave and Northmont Way as well as some of the streets to the North and North-East of the subject property. There are 15 homes on 18th ave and Northmont Way on the same side of the street that are closer than 26' from the sidewalk. There are a total of 31 homes on the North side of 18th ave and Northmont.

They include:

729 E 18th Ave. 21'6"  
669 e 18th Ave -21' with eve. 26' without  
657 E 18th Ave- 25'11"  
633 E 18th Ave- 23'  
561 E Northmont Way 23'4"  
545 e Northmont Way 25'1"  
529 e Northmont Way 25'1"  
519 Northmont Way 26' 7"  
509 Northmont Way 23 6"  
499 Northmont Way 23 1"  
489 Northmont Way 23 11"  
479 Northmont Way 19'  
469 Northmont Way 25 11"  
459 Northmont Way 25 7"



447 Northmont Way 21' 1"

I also measured setbacks on NorthCrest, Terrace Hills, EdgeHill and Little Valley. They are adjacent streets to the subject property. Several homes if not the majority of those homes are closer than 26'.

#### Terrace Hills

992- 19'11"  
997-21.4"  
1013-17'4"  
1027-24'7"  
1036-24'7"  
1008 19'9"

#### Edge Hill

760 15'  
770- 14'  
784- 16'5"  
800- 18' 2"  
820- 20'8"  
835- 22' 4"  
845- 22' 3"  
854- 26'6"  
920- 24'3"  
930- 27'  
942- 27'7"  
954- 23'1"

#### Little Valley

937 e 22'6"  
925 e 23'10"  
905 e 24'3"

Below is a description of how I measured these six properties. Looking at the description of the table you provided it seems some of these would apply.

- 905 Little Valley- 20' setback. Actually measures 19'10"
- 849 18th ave 35' (I notice that the report provided by the neighbor shows that 849 e 18th ave was/is 48'. I assume this is before he remodeled and added the front portion of his entry and pillars as it now measures 35'. The average setback appears to be different than the report)
- 835 e 18th ave- 20' setback.
- empty lot
- 805 e 18th ave- 24' (It was difficult to measure this with all the retaining walls and height adjustment. The measurement I came up with was 24' based off the attached garage foundation wall. It could vary up to 29'. The neighbors report shows 32'.

- 795 e 18th ave- 24' 5" setback. I pulled my measurement from this point. It appears from the description the redwood deck could be used as a reference point to pull setback from.) I measured from the attached deck as it was enclosed and appears to be attached to the home and has an enclosed area for storage.)
- 785 e 18th ave 41' (measured to the new gray structure protruding from home. This was hard to get an accurate measurement given the steepness of the hill and that I couldnt' pull a straight line due to the shrubs/trees. I see the neighbors report shows 48'.

On Wed, Nov 9, 2016 at 4:20 PM, Maloy, Michael <[Michael.Maloy@slcgov.com](mailto:Michael.Maloy@slcgov.com)> wrote:

Scott,

This document DOES NOT address front yard setback for the block face.

Sincerely,

MICHAEL MALOY AICP

Senior Planner

PLANNING DIVISION

COMMUNITY *and* NEIGHBORHOODS

SALT LAKE CITY CORPORATION

TEL [801-535-7118](tel:801-535-7118)

FAX [801-535-6174](tel:801-535-6174)

[WWW.SLCGOV.COM](http://WWW.SLCGOV.COM)

**From:** Scott Broussard [<mailto:scottbroussardrealty@gmail.com>]

**Sent:** Wednesday, November 09, 2016 4:16 PM

**To:** Maloy, Michael <[Michael.Maloy@slcgov.com](mailto:Michael.Maloy@slcgov.com)>

**Subject:** RE: Re: RE: My contact info

actually it's the correct document if you read the other three items on the list it pertains to the headers and the King stud trimmers we talked about

On Nov 9, 2016 3:32 PM, "Maloy, Michael" <[Michael.Maloy@slcgov.com](mailto:Michael.Maloy@slcgov.com)> wrote:

Scott:

I think that you sent me the wrong attachment (something about hold downs).

We have been waiting for your front yard setback measurements and corresponding street addresses. Have you finished that yet? I have been hearing from neighbors that you have continued to construct the front yard addition even though we told you that we were concerned that the setback calculations you provided may be incorrect. If they are wrong, it may become necessary to modify your project even though part of it has been built. I know you were concerned about this too, so we are all anxious to get this issue resolved.

What is the status of the setback information?

Sincerely,

MICHAEL MALOY AICP

Senior Planner

PLANNING DIVISION

COMMUNITY *and* NEIGHBORHOODS

SALT LAKE CITY CORPORATION

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**From:** Scott Broussard [mailto:[scottbroussardrealty@gmail.com](mailto:scottbroussardrealty@gmail.com)]  
**Sent:** Wednesday, November 09, 2016 3:16 PM  
**To:** Maloy, Michael <[Michael.Maloy@slcgov.com](mailto:Michael.Maloy@slcgov.com)>  
**Subject:** Fwd: Re: RE: My contact info

See attached. Let me know this is good for you.

----- Forwarded message -----

**From:** "Steven" <[engineeringwest@msn.com](mailto:engineeringwest@msn.com)>  
**Date:** Nov 9, 2016 8:59 AM  
**Subject:** Re: RE: My contact info  
**To:** "Scott Broussard" <[scottbroussardrealty@gmail.com](mailto:scottbroussardrealty@gmail.com)>  
**Cc:**

Scott,

I just added a handwritten address, and initialed it. Hopefully this works.

Steve

---

**From:** Scott Broussard <[scottbroussardrealty@gmail.com](mailto:scottbroussardrealty@gmail.com)>  
**Sent:** Tuesday, November 8, 2016 5:40:53 PM  
**To:** Steven  
**Subject:** Fwd: RE: My contact info

See below please put the property address on the letter thank you

----- Forwarded message -----

**From:** "Madrigal, Shane" <[Shane.Madrigal@slcgov.com](mailto:Shane.Madrigal@slcgov.com)>  
**Date:** Nov 8, 2016 3:20 PM  
**Subject:** RE: My contact info  
**To:** "Scott Broussard" <[scottbroussardrealty@gmail.com](mailto:scottbroussardrealty@gmail.com)>  
**Cc:**

Scott

This letter will need to have the address in question stated at the top (not the Broussard residence)

**From:** Scott Broussard [mailto:[scottbroussardrealty@gmail.com](mailto:scottbroussardrealty@gmail.com)]

**Sent:** Tuesday, November 08, 2016 12:42 PM

**To:** Madrigal, Shane <[Shane.Madrigal@slcgov.com](mailto:Shane.Madrigal@slcgov.com)>

**Subject:** Fwd: My contact info

Shane,

Here is the letter from the engineer signing off on the window and door openings for 835 E 18th Ave. SLC, UT. Let me know if you need me to provide this letter another way or to another contact besides you.

Thanks

--

Scott Broussard-Realtor

Equity Real Estate

9192 S 300 W., #17

Sandy, UT 84070

801.590.9002 office

801.910.9864 Scott's cell

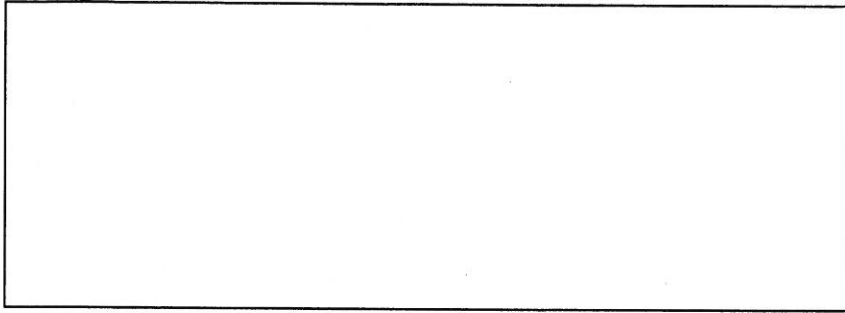
801.303.6581 fax

[Scottbroussardrealty@gmail.com](mailto:Scottbroussardrealty@gmail.com)

[reassistant1@gmail.com](mailto:reassistant1@gmail.com) My assistant Lori's email

**Website:** [www.utahhomeowner.com](http://www.utahhomeowner.com)

**Social:** [Facebook](#) [Twitter](#) [Linkedin](#)



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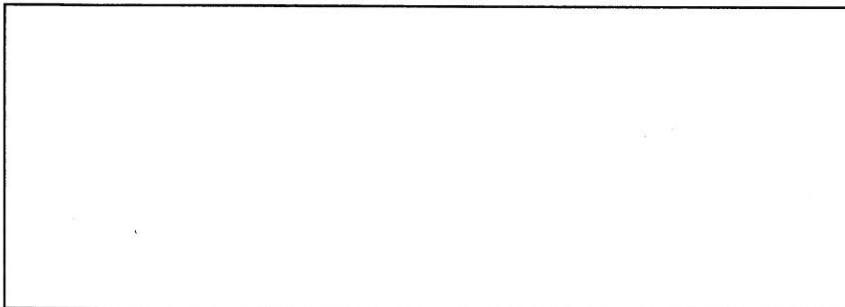
--

Scott Broussard-Realtor  
Equity Real Estate  
9192 S 300 W., #17  
Sandy, UT 84070  
801.590.9002 office  
801.910.9864 Scott's cell  
801.303.6581 fax  
Scottbroussardrealty@gmail.com

reassistant1@gmail.com My assistant Lori's email

**Website:** [www.utahhomeowner.com](http://www.utahhomeowner.com)

**Social:** Facebook Twitter Linkedin



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## **ATTACHMENT F: Public Comments**

---

**Paterson, Joel**

---

**From:** Lee White <eleewhite@gmail.com>  
**Sent:** Wednesday, January 31, 2018 11:34 AM  
**To:** Paterson, Joel  
**Cc:** Darci; Samuel Cheshier  
**Subject:** Please reference Permit#BLD2016-6702 (835 18th Avenue)

Intelligent. Innovative.  
Inclusive.

January 8, 2018

Re: Permit # BLD2016-06702 (835 E 18<sup>th</sup> Ave)

To Whom It May Concern;

On January 5, 2018, our field crew visited this site to verify compliance of new construction regarding the city-approved, 28.0 foot front setback. We were informed of changes in the structure since a prior visit on December 15, 2017. We compared our observations and measurements to the following documents:

- A. The approved site plan (revised 10/30/2017)
- B. The bay window amendments (revised 11/14/2017)
- C. A building inspection report outlining the approved obstructions within the setback (Inspection Date and Time: "2017-12-20 / 13:42:30")



We certify the following: 1) the main addition to the building meets the 28.0-foot setback requirement; 2) the concrete retention wall measured 4.0 feet, and stone wall measures 2.2 feet, both meeting the standard from item "C" above; 3) Guard rails along the stairs measure 3.0 feet, meeting the standard from item "C" above; 4) The overhang of the bay window on the main addition measures 1.9 feet, meeting the standard from item "C" above; 5) The front deck on the front of the house is in its original position as per our measurements from May 2016, meeting the standard from item "C" above.

Sincerely,

*Jeremiah Cunningham*  
Jeremiah Cunningham, PLS



181 North 200 West  
Suite 4  
Bountiful, Utah  
84003

Tel: 801.298.2236  
Web: www.entellus.com