



# Staff Report

PLANNING DIVISION  
DEPARTMENT OF COMMUNITY & NEIGHBORHOODS

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**To:** Salt Lake City Planning Commission  
**From:** Linda Mitchell, (385) 386-2763 or [linda.mitchell@slcgov.com](mailto:linda.mitchell@slcgov.com)  
**Date:** September 17, 2021  
**Re:** PLNPCM2021-00372 1484 E Tomahawk Drive Special Exception

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## Special Exception

**PROPERTY ADDRESS:** 1484 E Tomahawk Drive  
**PARCEL ID:** 09-33-127-037-0000  
**MASTER PLAN:** Avenues Master Plan  
**ZONING DISTRICT:** FR-3/12,000 Foothills Residential District

**REQUEST:** Mitchell Peterson, property owner, is requesting special exception approval to construct a new single-family detached structure that exceeds the maximum permitted building height and maximum allowable grade changes in the FR-3/12,000 Foothills Residential District. The subject property is located at 1484 E Tomahawk Drive and is undeveloped. The additional building height ranges between 1.5 and 5.5 feet along the northeast and east building façades. The grade changes require approval to exceed 6 feet within the buildable area and 4 feet within the required front and rear yard areas for a portion of the driveway and to create a backyard patio. The Planning Commission has final decision-making authority for requested special exceptions.

**RECOMMENDATION:** Based on the information in this staff report, it is Planning Staff's opinion that the requested special exceptions for additional building height and grade changes in the FR-3/12,000 zoning district complies with the standards of approval and recommends approval.

### ATTACHMENTS:

- A. [Application Materials](#)
- B. [Site Photographs](#)
- C. [FR-3 Lot and Bulk Requirements](#)
- D. [Analysis of Special Exception Standards](#)
- E. [Analysis of Standards for Additional Height](#)
- F. [Public Process and Comments](#)
- G. [Department Review Comments](#)
- H. [Vicinity Map](#)

## PROJECT DESCRIPTION:

The applicant is requesting approval for the special exceptions in order to construct a new three-story single-family residence that is approximately 4,000 square feet in size. Due to the size of the subject lot, 15,681 square feet, the proposed construction covers approximately 16% of the subject property. The proposed design will comply with the FR zoning district design requirements found in Chapter 21A.24.010.P3 which includes exterior building colors, exterior glass, roof materials and colors, mechanical equipment, exterior lighting, and fence material. Additionally, the applicant is also proposing to maintain most of the trees on the east one-third of the property to minimize the disturbance of the natural elevation changes and vegetation; as well as retaining the two pine trees along the front lot line to provide a visual buffer (see *Figure 1* below).

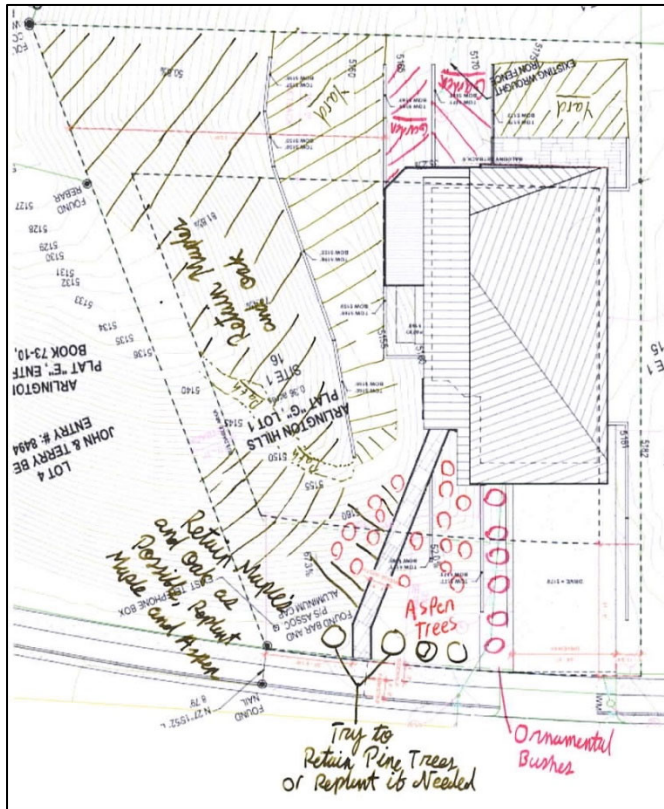


Figure 1 Preliminary Landscape Plan (Left); Two Pine Trees to be Retained (Right)

The subject property is a vacant lot 1 in the Arlington Hills Plat 'G', recorded in 1975. The Arlington Hills Subdivision encompasses both the north and south sides of Tomahawk Drive. Tomahawk Drive is located within the Foothills of Salt Lake City and has significantly steep slopes. The subject property, which is located on the south side of Tomahawk, has slopes ranging between 20% and 81%. Please note, the Arlington Hills Plat G Subdivision did not specify buildable or undevelopable area on the plat. The subject property is required to comply with the underlying zoning district, which is the FR-3/12,000 (Foothills Residential District).



Figure 2 Project Rendering (Front Elevation)

***The Special Foothills Regulations: FR-3/12,000 Purpose Statement***

*The purpose of the FR-3/12,000 Foothills Residential District is to promote environmentally sensitive and visually compatible development of lots not less than twelve thousand (12,000) square feet in size, suitable for foothills locations as indicated in the applicable community Master Plan. The district is intended to minimize flooding, erosion, and other environmental hazards; to protect the natural scenic character of foothill areas by limiting development; to promote the safety and wellbeing of present and future residents of foothill areas; to protect wildlife habitat; and to ensure the efficient expenditure of public funds.*

The FR-3/12,000 zoning district permits single-family residential development to reach 28 feet in height with a limited wall height of 25 feet for the front and rear elevations. This zoning district has specific special exception standards for additional height in the Foothills Residential Zoning District. Building height is measured from established (existing) grade and wall height is measured from the finished grade in the Foothills Residential District. The permitted development is prescribed to follow specific regulations that limit grade changes in the front, side, and rear yards to 4 feet in dimension and grade changes in the buildable area to 6 feet in dimension. All proposed cuts and fills in the FR districts that exceed 2 feet in dimension are required to be retained with a retaining wall.

***Height Special Exception***

The FR-3 zoning district permits a building height of 28 feet from established grade. The FR-3 zoning district does not distinguish between building heights for flat or pitched roofs. Both roof types are limited to 28 feet measured from established grade. Per the following definition:

***HEIGHT, BUILDING - IN THE FR, FP, R-1, R-2, AND SR DISTRICTS:***  
*The vertical distance between the top of the roof and established grade at any given point of building coverage.*



Established grade is further defined in section 21A.62.040:

**GRADE, ESTABLISHED** - grade of a property prior to the most recent proposed development or construction activity.

The proposed single-family residence has an asymmetrical roof of 3 planes with a down sloped design to include a lower height at the northeast corner of the street facing elevation. The areas that exceed the height limitation are the corners of the east facing overhangs of the roof (see *Figure 3* below). The steep slope of the site causes the northeast corners of each overhang to exceed the established grade height restriction by 1'-3 3/8" on the first floor, and 4'-1 1/2" on the second-floor roof (see *Figure 4* on the following page). In addition, the overhang on the southeast corner exceeds the established grade height restriction by 3'-6 3/8" (see *Figure 5* on the following page). The wall height for the front and rear elevations does not exceed the maximum wall height of 25 feet. The wall height for the front elevation is approximately 24.5 feet and the rear elevation is approximately 24 feet. Therefore, the wall heights for the front and rear elevations meet the wall height restriction.

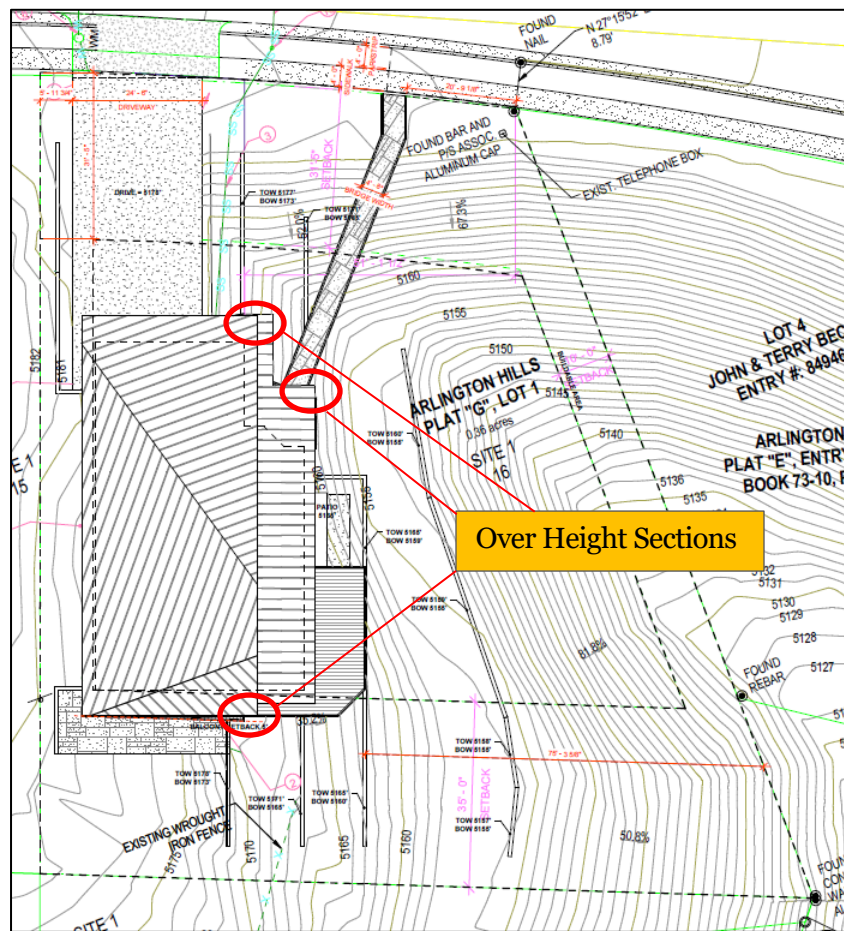


Figure 3 Areas of overhang that exceeds 28 feet from established grade



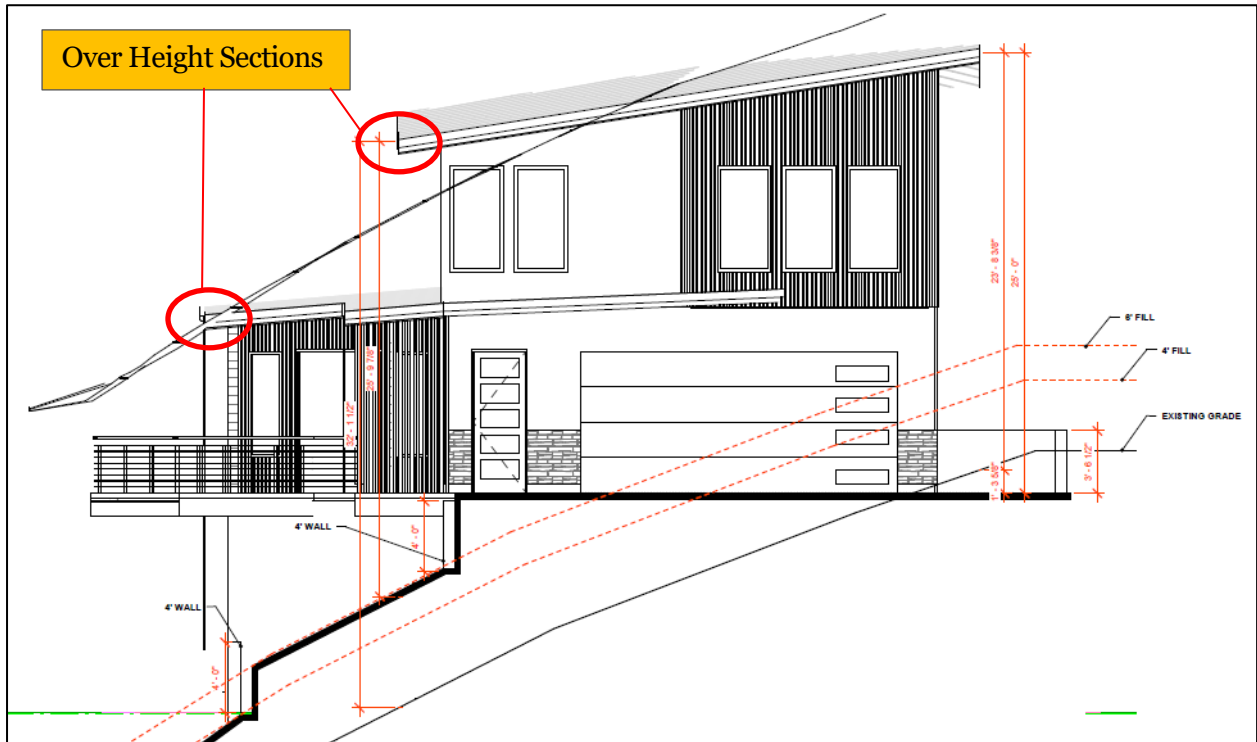


Figure 4 North Elevation

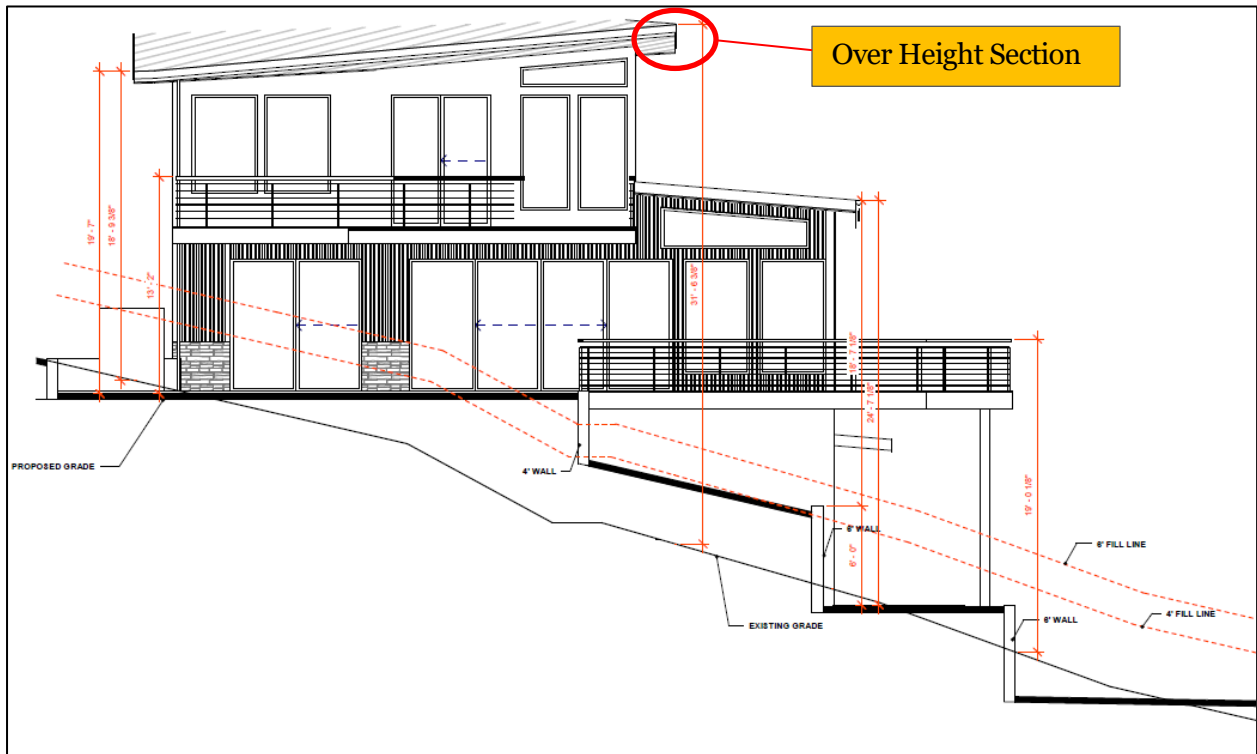


Figure 5 South Elevation

The above ground portion to the west will meet the height regulations, as shown in Figure 6 on the following page.

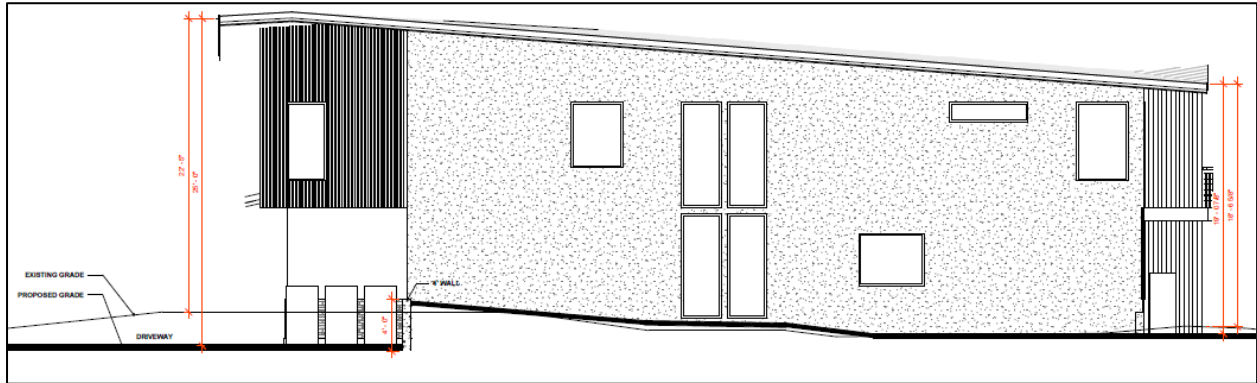


Figure 6 West Elevation

### ***Height Exceptions Discussion***

As noted in the applicant's narrative, the applicant was purposeful in the siting of the home on the site to minimize site disturbance and impact to neighboring properties by positioning the home as far back from the street frontage and designing the upper level to be narrower than the main level and angled the roofline to accommodate the height restriction as much as possible. The proposed building also has a smaller footprint that the zoning parameters of the site could allow. The requested height exceptions provide for a context sensitive development and those exceptions should have minimal visual impact to the neighboring properties, given the narrow building façade from street frontage and placement of the home on the site (see *Figures 7 & 8* below).

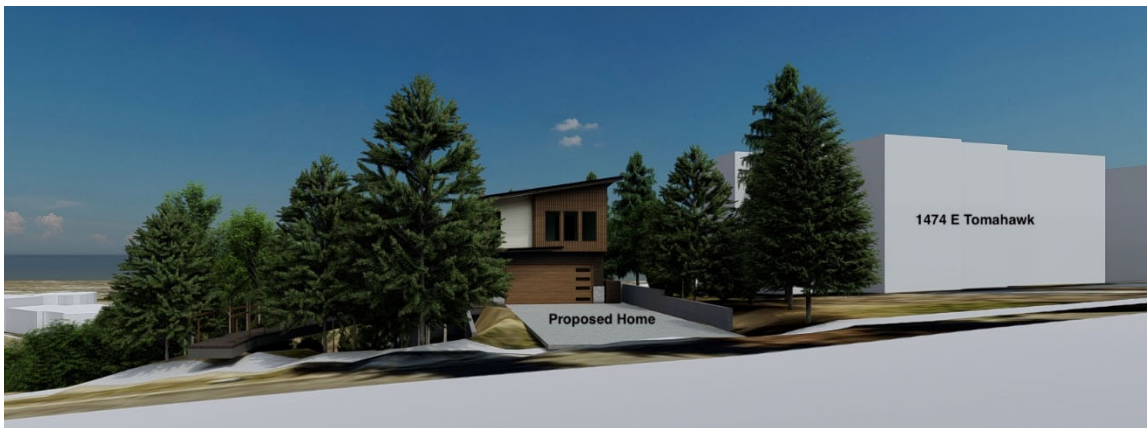


Figure 7 Project Rendering (Street View of Front Building Façade)



Figure 8 Project Rendering (Street View of East Building Façade)

**FR-3/12,000 Grade Change & Retaining Wall Special Exception**

Due to the existing slope of the property, the proposed construction requires some fill and cutting that exceeds the 4' limitation in the required rear yard. The grade changes that exceed 4' in the front yard are necessary to construct a driveway access from the street to the garage (see *Figure 9* below). The grading to the rear of the single-family structure is generally gradual, with the exception of an approximate 7' grade change. The 7' grade change is requested to accommodate a retaining wall to provide a level area for on grade patio area on the main level (see *Figure 10* on the following page). The full height of the wall will not be exposed, as the footings are buried. As illustrated in the site section plan, approximately 4' of the wall will be exposed. The wall will not be readily visible from the public way, due to the location in the rear of the property.

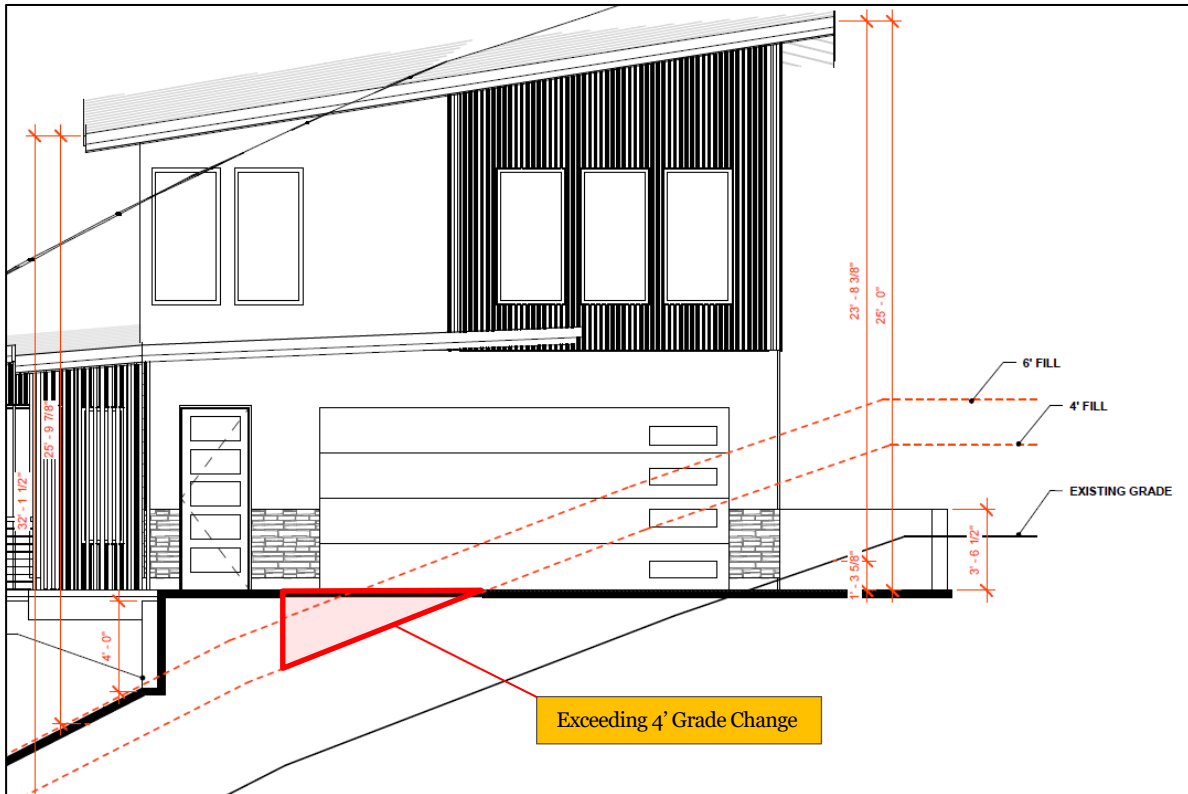


Figure 9 Grade Change Exception in the Front Yard for the Driveway (North Elevation)



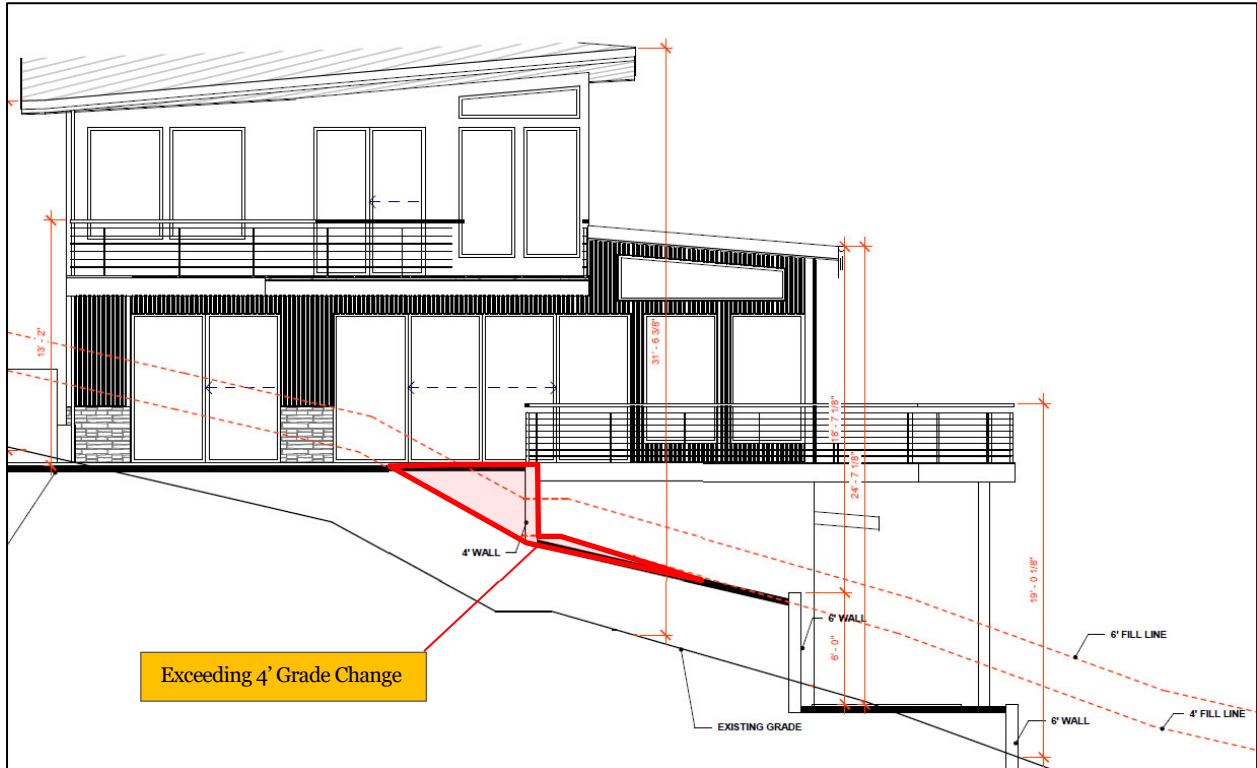


Figure 10 Grade Change Exception in the Rear Yard (South Elevation)

The requested grade changes in the buildable area that exceed 6' in dimension is located in the north east area (see Figure 11 below) to accommodate the walkway from the driveway to the front entrance. The proposed driveway primarily requires a fill exceeding 4 feet. In addition, the propose driveway requires an exposed 3'-6 1/2" retaining wall on the west side that would be setback approximately 10 feet from the front lot line; therefore, it should have minimum visibility from the street view.

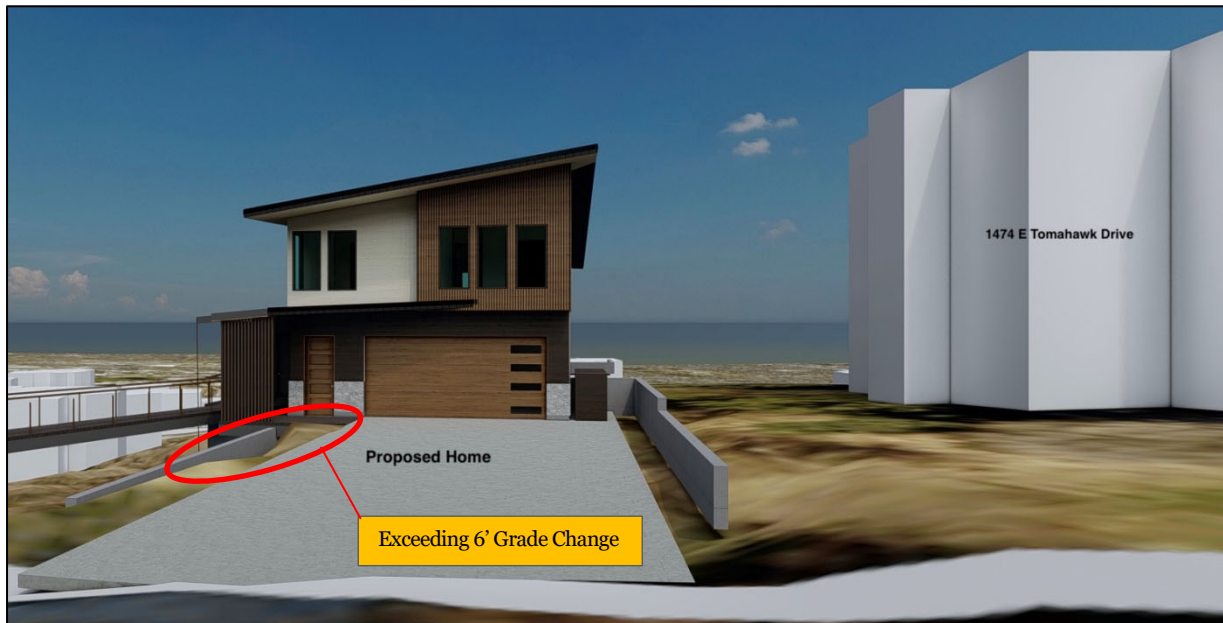


Figure 11 Grade Change Exception in the Buildable Area (North Elevation)

## Grade Change Discussion

Staff is of the opinion that the requested grade changes and retaining wall minimally disturb the street facing views of the site and those of neighboring properties. The applicant's plans avoid excessive grade changes to minimize disturbance to the site, this includes incorporating a longer driveway to maintain the steep slope, while making the drive approach manageable. Overall, the grading of the subject property is generally gradual in nature and preserves much of the natural slope. The grade changes eventually step down to the natural grade with retaining walls. Staff recommends approval of these requested exceptions.

### KEY CONSIDERATIONS:

The key considerations listed below have been identified through the analysis of the project.

#### 1. Arlington Hills Plat G Subdivision

The subject property is vacant lot 1 in the Arlington Hills Plat G subdivision, recorded in 1975. The Arlington Hills Plat G Subdivision encompasses only two properties along Tomahawk Drive. Tomahawk Drive is located within the Foothills of Salt Lake City and has significantly steep slopes. The subject property, which is located on the south side of Tomahawk Drive, has slopes ranging from 20% to 81%. 21A.24.040.G of the Zoning Ordinance states the following:

*“For lots subdivided after November 4, 1994, no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope.”*

The City approved the Subdivision as designed in 1975, meaning that the property owner maintains the right to build on the subject property and the 30% slope limitation does not apply. That said, the home as proposed is setback on the lot to minimize development to the areas of significant slope. Additionally, the Arlington Hills Plat G Subdivision did not specify buildable or undevelopable area on the plat (see *Figure 12* below). The subject property is required to comply with the underlying zoning district, which is the FR-3/12,000 (Foothills Residential District).



Figure 12 Arlington Hills Plat G Subdivision

## **2. Development Pattern**

The subject property is the only vacant lot on the south side of Tomahawk Drive along this block face. Regarding existing grade, the south side of Tomahawk Drive slopes downward towards the south and south east where there is a gully and slopes upward towards the east (Chandler Drive).

The existing development pattern on the south side of Tomahawk Drive includes single-family detached structures oriented towards the public street. The south side of Tomahawk Drive contains downhill slopes in the rear yard area; thus, the single-family structures are situated within 40 feet of the public street. The base zoning district, FR-3, requires an averaging of the provided front yards along the block face. The placement of the single-family structures preserves the steeper slopes and grades towards the south of each lot. Based on staff's research, the city has granted at least 8 Board of Adjustments/Special Exceptions approvals for exceptions to the maximum building height, setback reduction, and/or exceeding grade changes to the north and south of Tomahawk Drive between Cambridge Way and Chandler Drive. The proposed special exception requests are common for this area due to the natural topography.

## **3. Compliance with the Avenues Community Master Plan**

The most recent Avenues Community Master Plan was adopted in 1987. While dated, it places an emphasis on regulating foothill development and protection. Zoning districts within the Avenues were different at the time, but residents were already contemplating how best to limit density within "sloping foothill areas" with "geologic and other physical problems" (p. 4). A prohibition on the development of steep slopes was not yet being considered, but the Plan stresses the need for larger lot size requirements to mitigate challenges of developing on steep topography. At the time, planners felt that larger lot size requirements would also address concerns expressed by residents related to the following:

- Problems imposed on neighboring properties such as loss of views; and
- Visual appearance of the foothills from areas below.

The Plan also includes the following Land Use Recommendation/Strategy:

***Reduce Building Height Potential** – Many of the incompatibility problems created by new construction in residential areas are associated with excessive building height; new dwellings that tower over adjacent homes...A recently adopted ordinance will reduce height potential in areas encompassed by the 'F-1' Foothill Development Overlay Zone. This 'view protection' clause will limit building heights to a 25-foot maximum for a flat-roofed structure and 30 feet to the peak of a structure with a pitched roof" (p. 2).*

The proposed development of the vacant lot located at 1484 E Tomahawk Drive is generally in compliance with the adopted Avenues Master Plan as written. Though the Master Plan shows concern for potential impacts that new construction could have on views of and from the foothills from surrounding areas, as well as impacts on views from neighboring properties, the proposed development of the single-family residence attempts to limit the disruption of the existing grade and significant slope, as well as the impact to neighboring properties. The development recognizes the existing development pattern that characterizes the neighborhood.

## **DISCUSSION:**

The request for additional building height in the FR-3 zoning district is subject to two sets of standards of approval: the general standards applied to all types of special exception requests (21A.52.060), as well as an additional set of standards that are specific to requests for additional building height in the Foothills Residential zones (21A.24.P.2).



The request for grade changes beyond the permitted dimensions in the required yards and buildable area are subject to the general standards applied to all types of special exception requests (21A.52.060). For the full analysis of the requested special exceptions, please refer to Attachment D and Attachment E.

**NEXT STEPS:**

If the requested Special Exceptions are approved (Staff recommendation), the applicants would need to proceed with applying for a building permit to construct a new single-family dwelling.

If the requested Special Exception is denied, the applicants would need to redesign the proposed single-family structure to comply with all zoning and building regulations.

## **ATTACHMENT A: APPLICATION MATERIALS**

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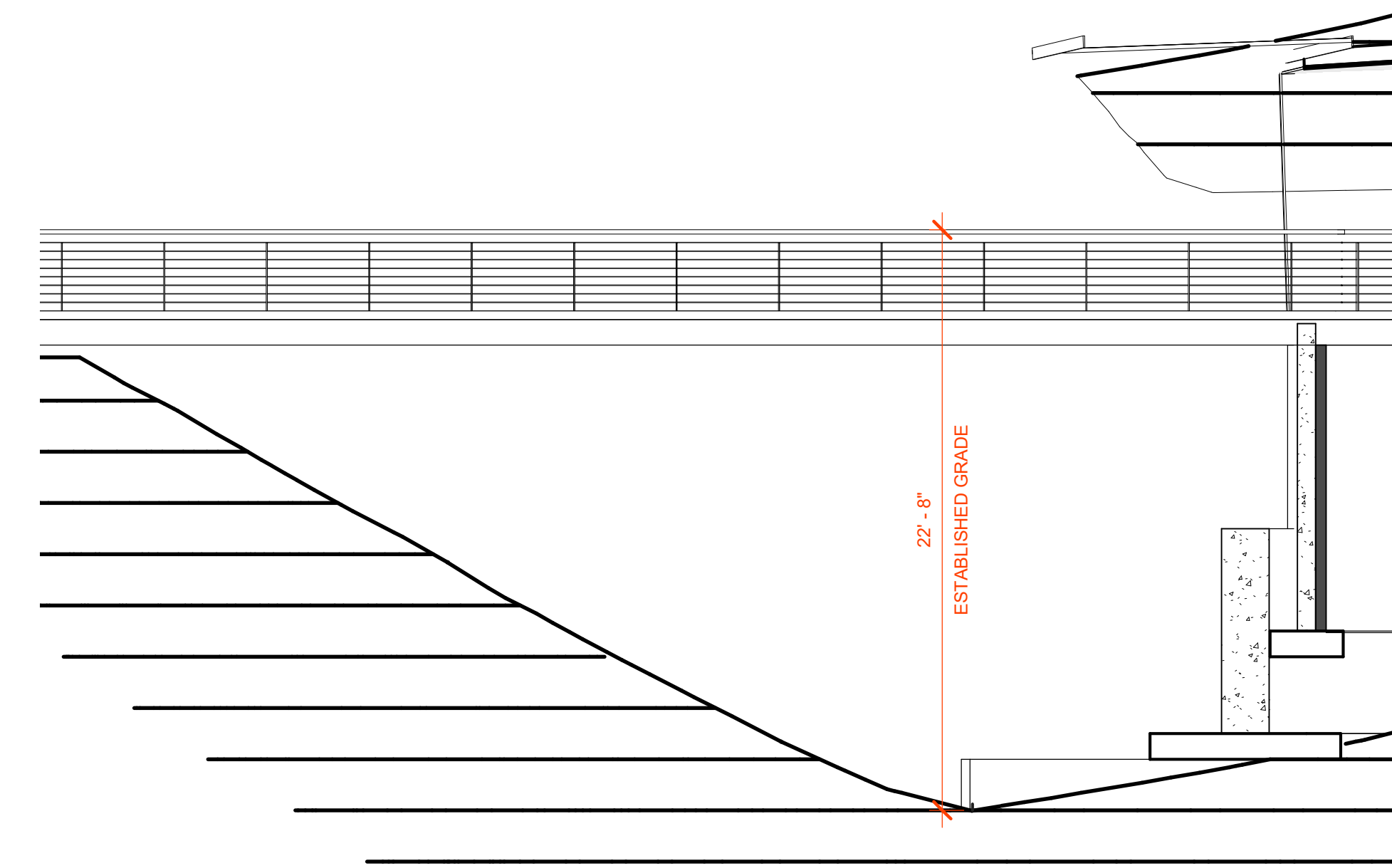
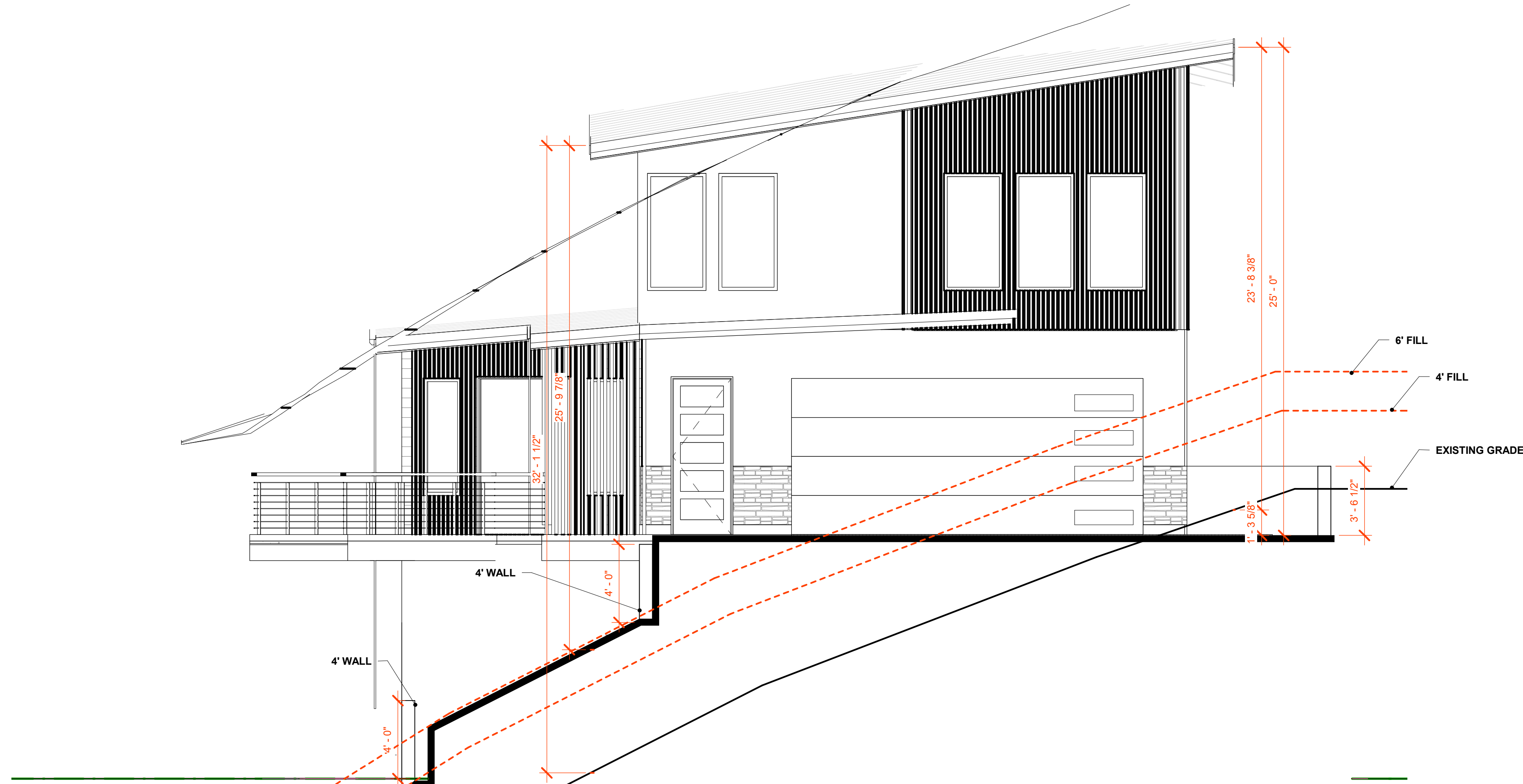




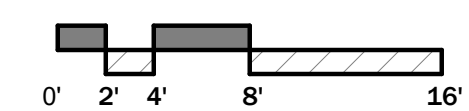
KEYNOTES	
NUMBER	DESCRIPTION

09 SEPT 2021

Project No. 21-X08



**3 BRIDGE ELEVATION**  
SCALE: 3/16" = 1'-0"



the **Peterson Residence**  
1484 E. TOMAHAWK DRIVE  
SALT LAKE CITY, UT 84103

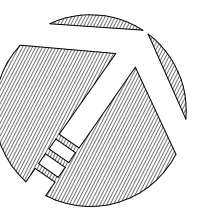


Revisions

Notes

Stamp

Project North



Scale As indicated  
1/4" Elevation

**A5.1**

Sheet No. ©2021

**NOT FOR CONSTRUCTION**

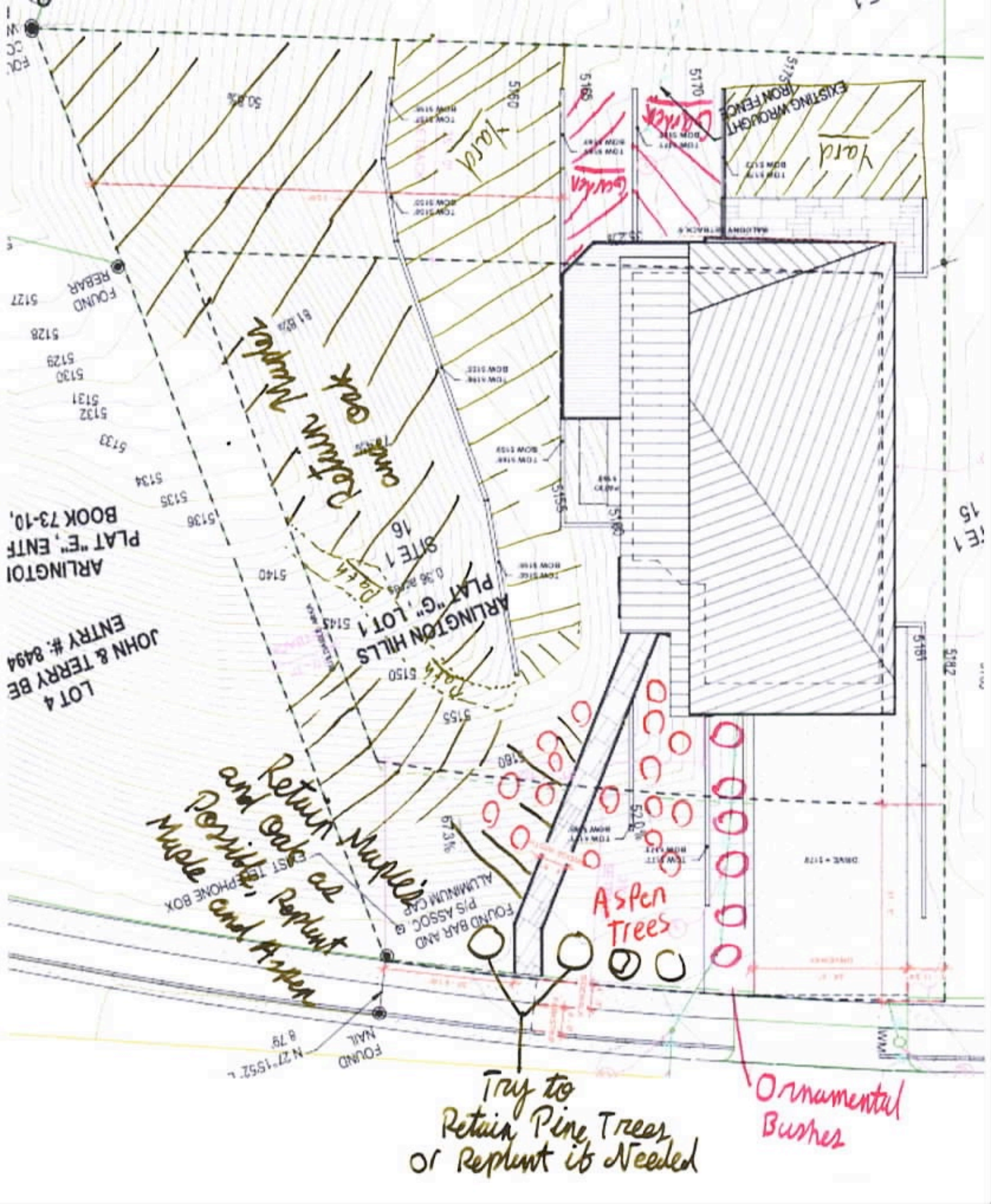
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EXISTING WROUGHT IRON FENCE

Yard

ARLINGTON HILLS PLAT 'G', LOT 1

SITE 16

Aspen Trees

Ornamental Bushes

Return Mulberry and Oak as Possible, Replant Mulberry and Aspen

Try to Retain Pine Trees or Replant if Needed

ARLINGTON PLAT 'E', ENTR BOOK 73-10, JOHN & TERRY BE ENTRY #: 8494, LOT 4

FOUND NAIL, FOUND PIS ASSOC. & ALUMINUM CAP, FOUND BAR AND

DRIVE - 1178

15 FT

5182

5181

5170

5165

5160

5155

5150

5145

5140

5136

5135

5134

5133

5132

5131

FOUND REBAR

5128

5129

5130

5131

5132

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FOUND NAIL, FOUND PIS ASSOC. & ALUMINUM CAP, FOUND BAR AND

DRIVE - 1178

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FOUND REBAR

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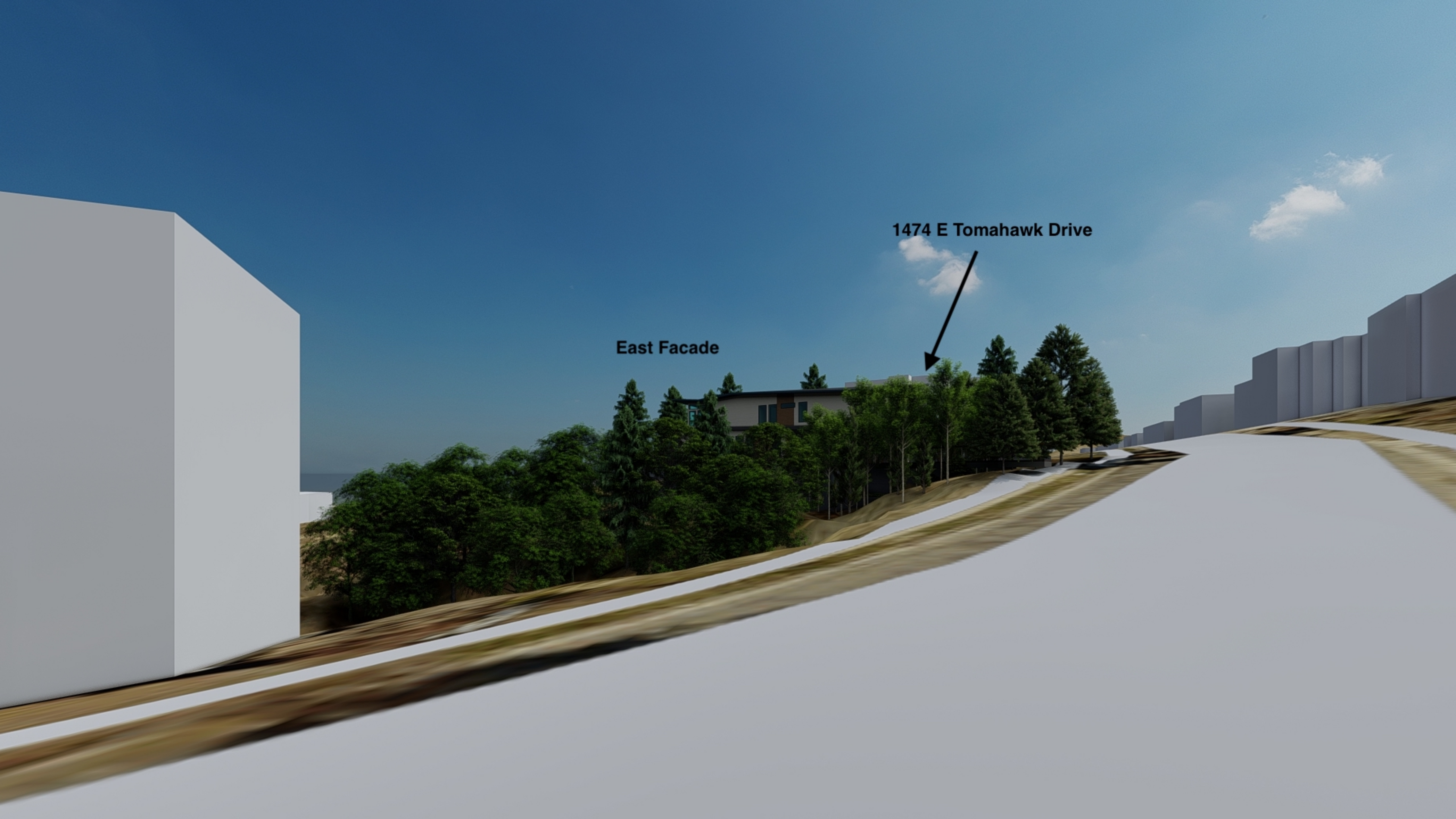
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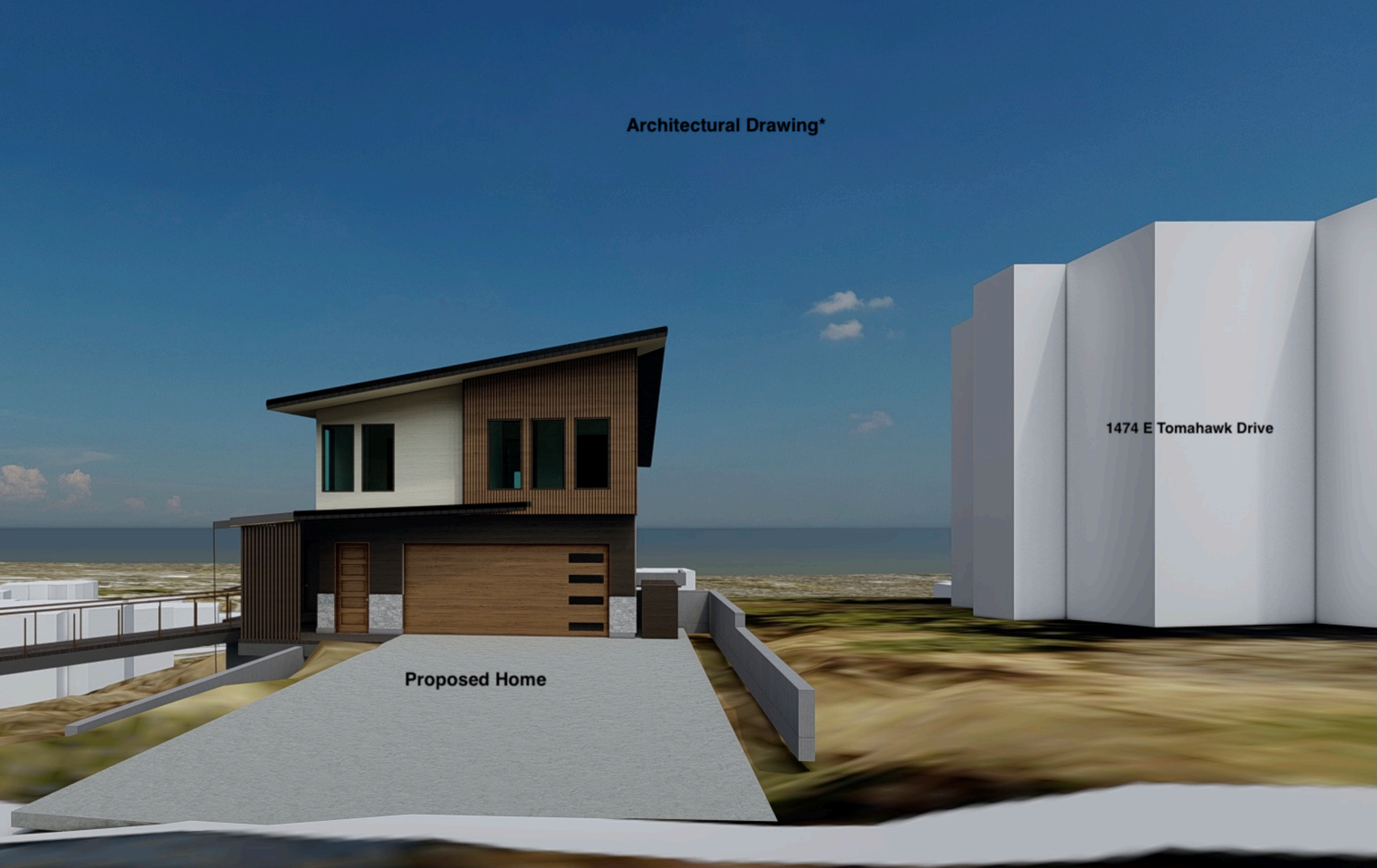
1474 E Tomahawk Drive



East Facade



Architectural Drawing\*



1474 E Tomahawk Drive

Proposed Home



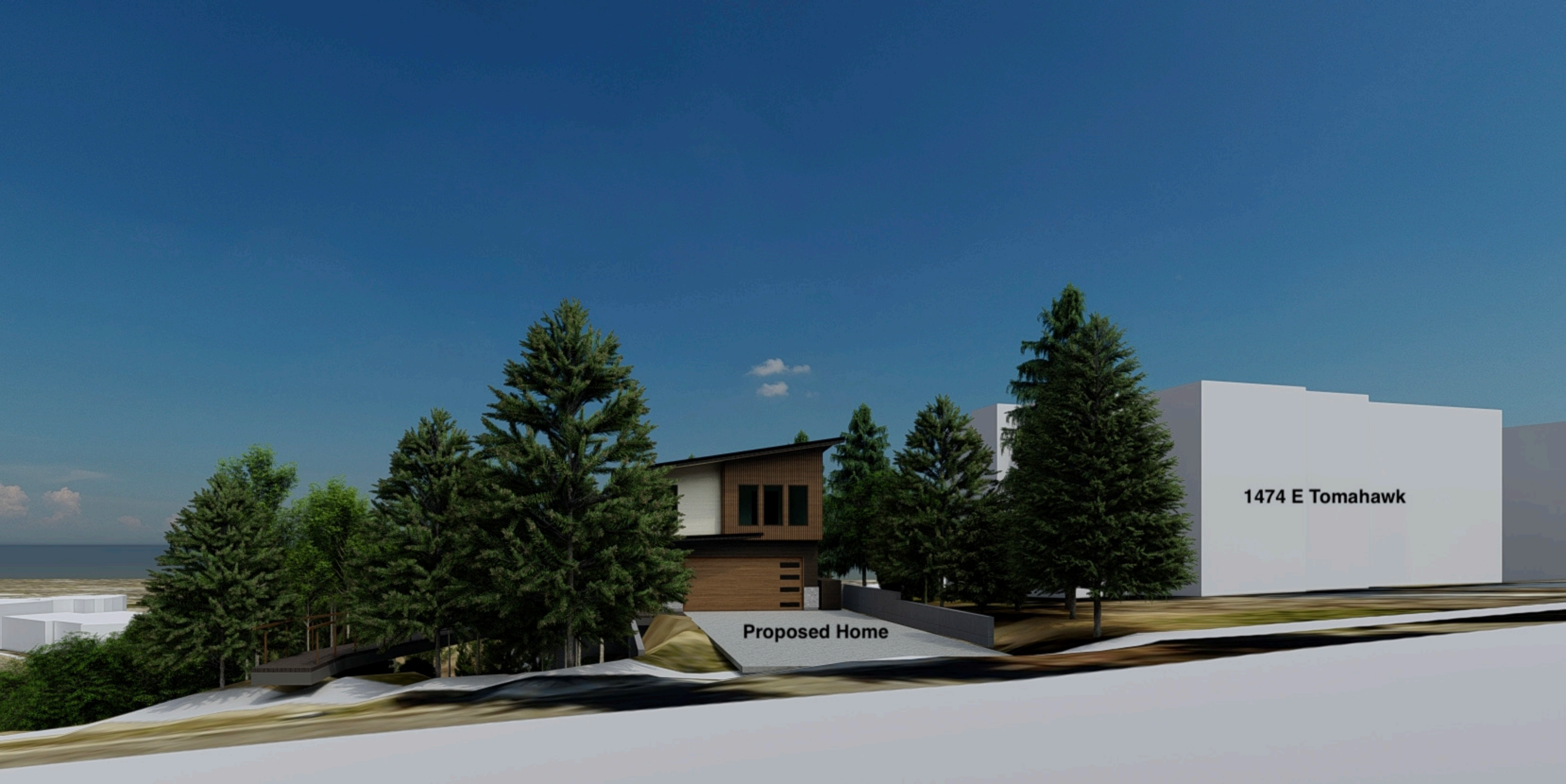
1474 E Tomahawk



Proposed  
Home







Proposed Home

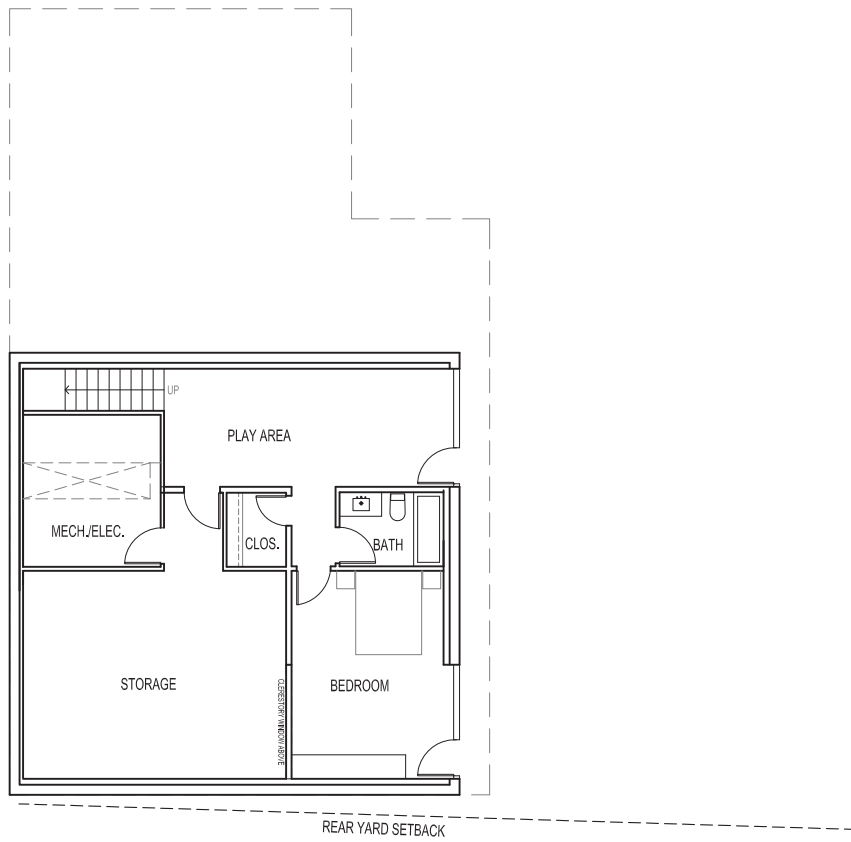
1474 E Tomahawk



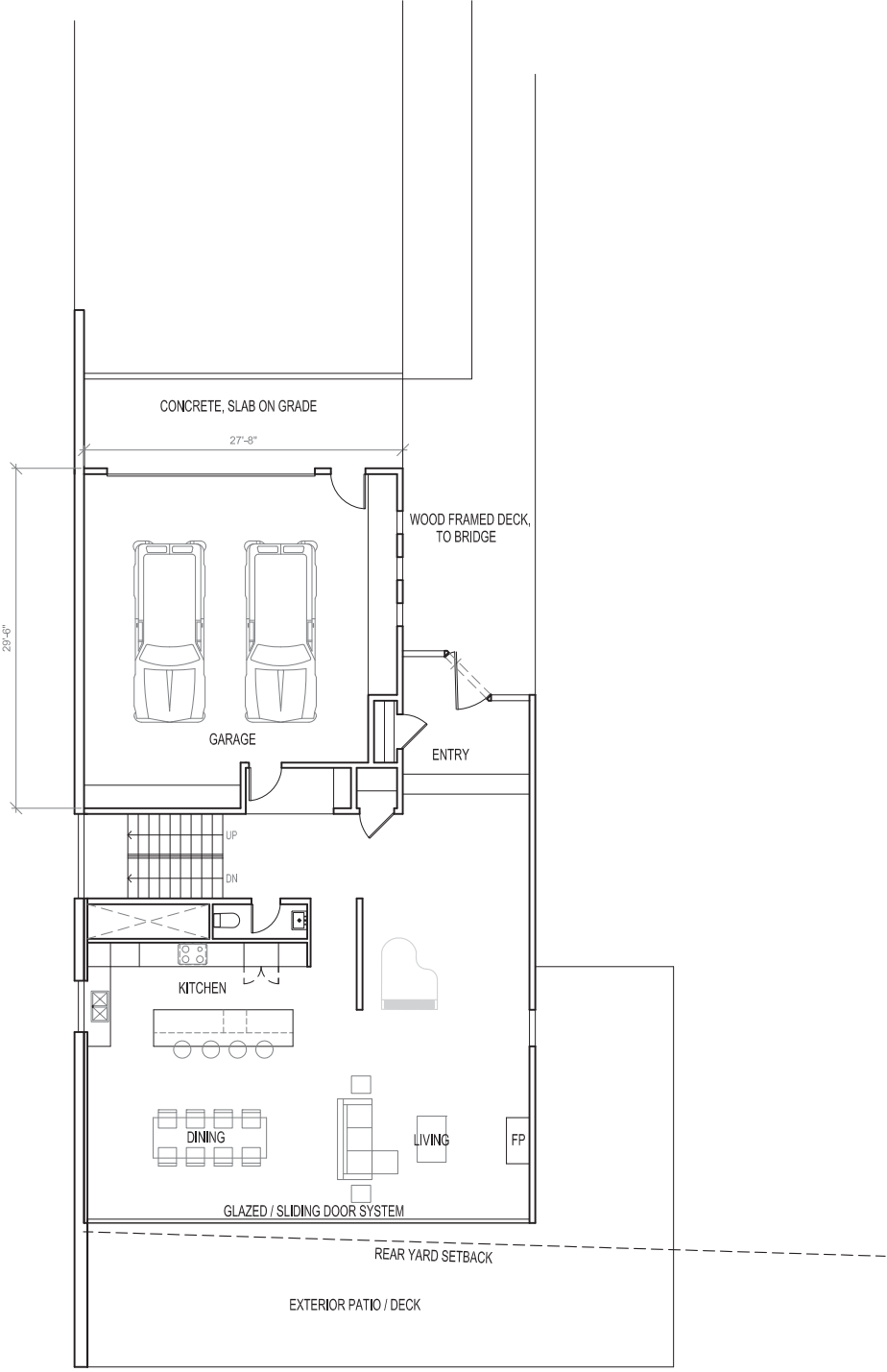
Address	Front Yard Distance in Feet
1500 Tomahawk	19.083
1474 Tomahawk	37.166
1464 Tomahawk	34.249
1454 Tomahawk	28.415
1444 Tomahawk	33.249
1434 Tomahawk	33.913
1422 Tomahawk	33.913
Total	219.988
Average	31.42 31' 5"

My wife and I are trying to build a single-family home for our family on our vacant lot located at 1484 E Tomahawk Drive, Salt Lake City, UT 84103. The lot is a rather steep gully, which presents a few hardships. The biggest hardship is staying within the height restrictions when it comes to overall height vs established grade. As you can see in the site plan, the ground falls away from the street level and home level particularly with regards to the Eastern Corners. Because of this, I am requesting an additional 6 ft of height to the overall height above established grade and 3 ft from finished grade. This would raise it from 28ft to 34ft, and allow me to fit the proposed home in. With the extra six feet of height, the home will still sit lower than the home to the West by about 7 ft and will not obstruct views or otherwise negatively impact the neighboring properties. The Southwest corner of the proposed home, which is the corner that would impact the neighbor to the West the most, is only at 20'3" as it sits. The ground floor still sits partially underground on the West side, so the first floor will be the only floor completely above grade. The proposed home has been designed specifically for this site and the specific topography involved. The architect and I have been through many versions of this design as well as many different designs, and this is the one that fits as closely as possible to the requirements as well as maintaining usability both inside and outside the home. The property falls away dramatically (81.8% grades) to the East of the little road in the center of the lot. Therefore, the home is unable to be built to the East of that road. I have positioned the home as far back against the buildable area as possible to reduce the already minimal impact to the views from the street and neighboring homes, as well as reducing the height above existing grade as much as possible. We have designed the upper level to be narrower than the main level and angled the roofline to accommodate the height restrictions as much as possible while still getting the space that we need and not losing curb appeal. I love being outdoors, and this property gives me the unique ability to work with the natural elevation changes and vegetation to enhance the peaceful outdoor feel of the property. I do not want to lose the peacefulness of the lot while putting in a home that maintains the feel of the neighborhood, and the proposed plan would allow me to accomplish both tasks.

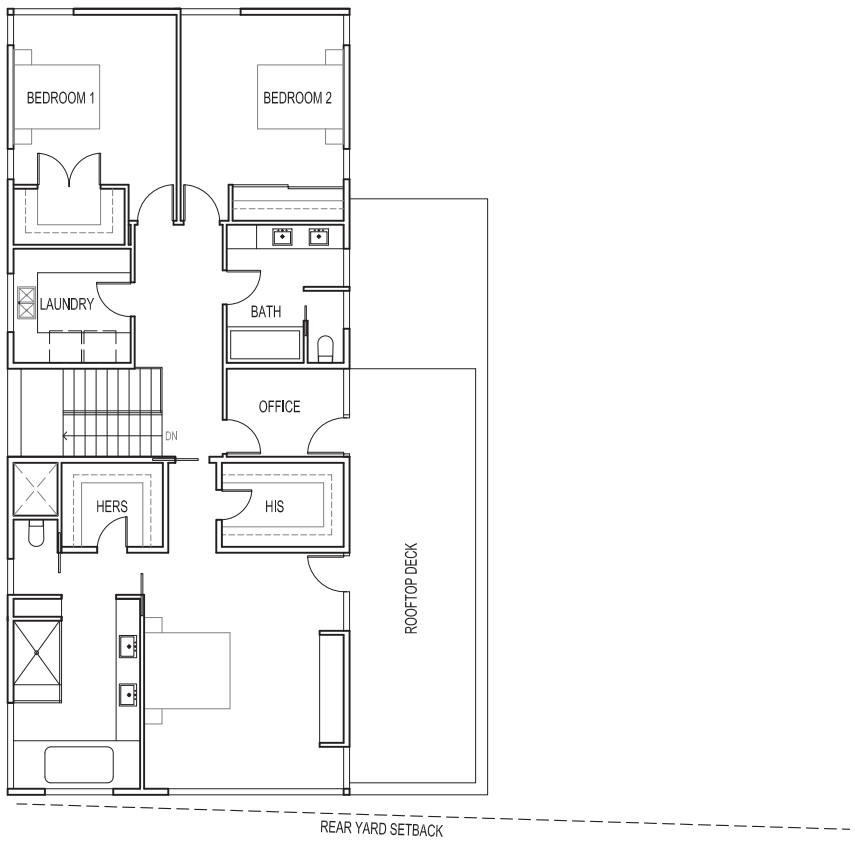
Sincerely,  
Mitchell Peterson



lower level floor plan  
1/16"=1'-0"



main level floor plan  
1/16"=1'-0"



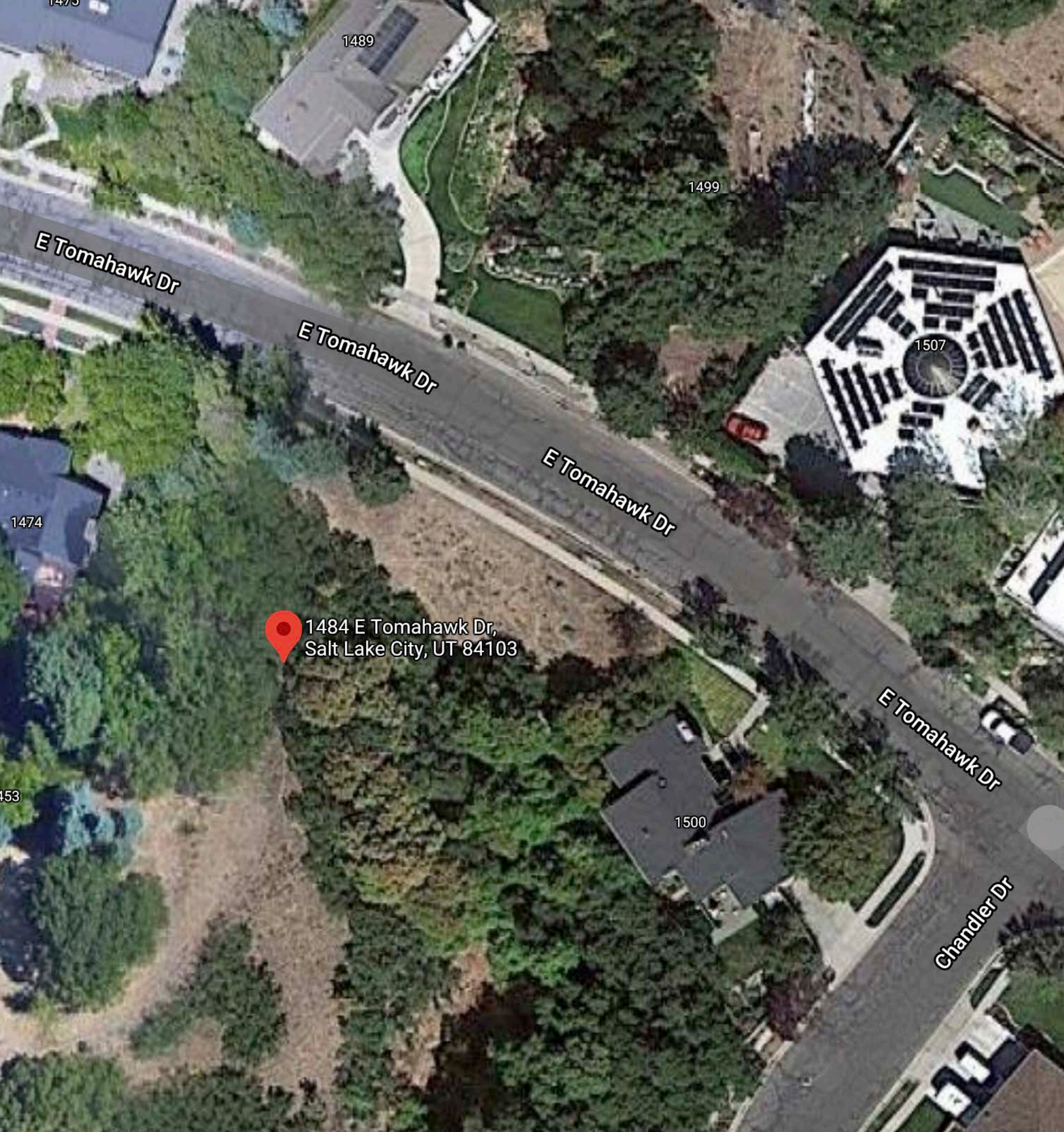
upper level floor plan  
1/16"=1'-0"



A photograph of a snowy, wooded area. In the foreground, a snow-covered slope leads up to a dense thicket of bare trees. A rectangular sign with a black background and white border is planted in the snow. The sign has the words "NO TRESPASSING" written in red, bold, capital letters. In the background, a wooden building is partially visible on the left, and a distant town or city can be seen under a grey, overcast sky.

**NO  
TRESPASSING**





1489

1499

1507

1500

E Tomahawk Dr

E Tomahawk Dr

E Tomahawk Dr

E Tomahawk Dr

Chandler Dr



1484 E Tomahawk Dr,  
Salt Lake City, UT 84103

1474

153

1473



## **ATTACHMENT B: SITE PHOTOGRAPHS**

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**Tomahawk Drive Looking South at the Proposed Driveway area**



**Tomahawk Drive Looking West at the Proposed Area for the Single-Family Home**





**Tomahawk Drive Looking East Towards 1500 E Tomahawk Drive**



**Looking South at the Proposed Front Elevation**

# ATTACHMENT C: FR-3/12,000 LOT AND BULK REQUIREMENTS

## FR-3/12,000 Foothills Residential District

**Purpose Statement:** The purpose of the FR-3/12,000 Foothills Residential District is to promote environmentally sensitive and visually compatible development of lots not less than twelve thousand (12,000) square feet in size, suitable for foothills locations as indicated in the applicable community Master Plan. The district is intended to minimize flooding, erosion, and other environmental hazards; to protect the natural scenic character of the foothill areas by limiting development; to promote the safety and wellbeing of present and future residents of foothill areas; to protect wildlife habitat; and to ensure the efficient expenditure of public funds. The FR-3/12,000 Foothills Residential District is intended for application in most areas of foothills development existing as of April 12, 1995.

Standard	Finding	Proposed
<p>Minimum Lot Area: 12,000 sq ft</p> <p>Minimum Lot Width: 80 ft</p>	Complies	<p>The subject lot is approximately 0.36 acre (15,681 square feet) in size.</p> <p>The subject lot is 90 feet wide.</p>
<p>Maximum building Height: In the FR-2, FR-3 and FP Districts, the maximum building height shall be twenty-eight (28') measured from established grade. The front and rear vertical building walls shall not exceed twenty-five feet (25') measured from finished grade.</p> <p>On a corner lot, roof gable ends which face onto either the front or corner side yard, but not both, are permitted to a height of twenty-eight feet (28').</p>	<b>Requires Special Exception Approval</b>	<p>The applicant is requesting additional building height. The requested height ranges from 1'-3 3/8" to 4'-1 1/2". The tallest point is located on the street facing elevation. The additional height is for three sections of the roof overhangs. For additional information on this exception, refer to pages 4-6 of the Staff Report.</p>
<p>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.</p>	Complies	<p>The front yard setback will be approximately 50 feet. The proposed front yard setback is larger than the average setback of 31.5 feet.</p>



Interior Side Yards: Ten feet (10')	Complies	The provided side yard setbacks are 10 feet on the west and approximately 60 feet on the east.
Rear Yard: Thirty-five feet (35')	Complies	The provided rear yard is 35 feet.
Building Coverage: The surface coverage of all principal and accessory buildings shall not exceed thirty five percent (35%) of the lot area.	Complies	The proposed construction covers approximately 16% of the subject property.
Slope Restrictions: For lots subdivided after November 4, 1994, no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope. All faces of buildings and structures shall be set back from any non-buildable area line, as shown on the plat if any, a minimum of ten feet (10') and an average of twenty feet (20').	NA	The lot was subdivided before 1994 and the plat does not reference any development restrictions.
<p>Standards for Attached Garages: 1. Width of an attached garage: The width of an attached garage facing the street may not exceed fifty percent (50%) of the width of the front façade of the house. The width of the garage is equal to the width of the garage door, or in the case of multiple garage doors, the sum of the widths of each garage door plus the width of any intervening wall elements between garage doors.</p> <p>2. Located behind or in line with the front line of the building: No attached garage shall be constructed forward of the front line of the building” (as defined in section 21A.62.040 of this title), unless:</p> <p>a. A new garage is constructed to replace an existing garage that is forward of the “front line of the building.” In this case, the new garage shall be constructed in the same location with the same dimensions as the garage being replaced.</p> <p>b. At least sixty percent (60%) of the existing garages on the block face are located forward of the “front line of the building”, or</p> <p>c. The garage doors will face a corner side lot line.</p>	Complies	The proposed single-family structure includes an attached garage that would not exceed 50 percent of the width of the front façade of the house.



<p>Grading Changes: No grading shall be permitted prior to the issuance of a building permit. The grade of any lot shall not be altered above or below established grade more than four feet (4') at any point for the construction of any structure or improvement except:</p> <ul style="list-style-type: none"> <li>a. Within the buildable area. Proposals to modify established grade more than six feet (6') shall be reviewed as a special exception subject to the standards in chapter 21A.52 of this title. Grade change transition areas between a yard area and the buildable area shall be within the buildable area;</li> <li>b. Within the front, corner side, side and rear yard areas, proposal to modify established grade more than four feet (4') shall be reviewed as a special exception subject to the standards found in Chapter 21A.52 of this title; and</li> <li>c. As necessary to construct driveway access from the street to the garage or parking area grade changes and/or retaining walls up to six feet (6') from the established grade shall be reviewed as a special exception subject to the standards in 21A.52.</li> </ul>	<p><b>Requires Special Exception Approval</b></p>	<p>The proposed construction of the single-family residence includes grade changes beyond 6' in areas of the buildable area. Additionally, the grade changes within the front and rear yards extend beyond 4' in the areas specified on the submitted plans. For additional information on this requested exception, refer to pages 6-8 of the Staff Report.</p>
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# **ATTACHMENT D: SPECIAL EXCEPTION STANDARDS**

**21A.52.060: General Standards and Considerations for Special Exceptions:**

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

Standard	Finding	Rationale
<p><b>A. Compliance with Zoning Ordinance and District Purposes:</b>                      The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.</p>	<p>Special Exception for Grading: <b>Complies</b></p> <p>Special Exception for Additional Height: <b>Complies</b></p>	<p>The proposed Special Exceptions are generally in harmony with, and does not hinder, the overall intent of the zoning ordinance found in 21A.02.030.</p> <p><i>“The purpose of the FR-3/12,000 Foothills Residential District is to promote environmentally sensitive and visually compatible development of lots not less than twelve thousand (12,000) square feet in size, suitable for foothills locations as indicated in the applicable community Master Plan. The district is intended to minimize flooding, erosion, and other environmental hazards; to protect the natural scenic character of foothill areas by limiting development; to promote the safety and wellbeing of present and future residents of foothill areas; to protect wildlife habitat; and to ensure the efficient expenditure of public funds. The FR-3/12,000 Foothills Residential District is intended for application in most areas of foothills development existing as of April 12, 1995.”</i></p> <p>Staff finds that the proposed special exceptions comply with the purpose statement of the FR-3 zoning district. The proposed construction attempts minimal grading to achieve a development that is similar to what is found in the neighborhood. The proposed construction reduces extensive grading by requesting for additional height to achieve the three-story single-family structure. The proposal aligns with the natural slope of the subject property.</p> <p>Overall, the design, siting, and orientation attempts to preserve the steepest part of the existing slope, while creating a buildable area for the proposal. Additionally, the proposed structure is visually compatible with the</p>

		<p>nearby development, as many of those properties were developed under previous versions of the ordinance, and appears to exceed the current height and grading restrictions.</p> <p>Staff finds that this standard has been met.</p>
<p><b>B. No Substantial Impairment of Property Value:</b> The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.</p>	<p>Special Exception for Grading: <b>Complies</b></p> <p>Special Exception for Additional Height: <b>Complies</b></p>	<p>The subject property has been vacant since the Arlington Hills Plat G Subdivision was platted in 1975, and is one of the last few parcels on the block face to be developed. The project maintains the single-family use typically found in the neighborhood. Staff has found no evidence indicating that the development would diminish or impair the property in the neighborhood.</p>
<p><b>C. No Undue Adverse Impact:</b> The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety, and general welfare.</p>	<p>Special Exception for Grading: <b>Complies</b></p> <p>Special Exception for Additional Height: <b>Complies</b></p>	<p>The property owner is requesting to construct a single-family home on a lot that is surrounded by other single-family homes.</p> <p>Additionally, there are at least 8 properties along Tomahawk Drive between Cambridge Way and Chandler Drive that have received a Board of Adjustment/Special Exception approval for additional building height, setback reduction, or exceeding the grade changes. The requests are not out of character for the area.</p> <p>Staff finds that the proposal would not have a material adverse effect upon the character of the area or the public health, safety, and general welfare. This standard is met.</p>
<p><b>D. Compatible with Surrounding Development:</b> The proposed special exception will be constructed, arranged, and operated to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.</p>	<p>Special Exception for Grading: <b>Complies</b></p> <p>Special Exception for Additional Height: <b>Complies</b></p>	<p>The applicants are requesting a special exception for additional building height and grade changes.</p> <p>From a street view perspective, the proposed structure maintains the appearance of a two-story structure. This is compatible with the home directly west of the subject property and north of the development. Many properties in the foothill area require special approval for grade changes due to the steepness of the area. The requested exceptions will result in development that is compatible with</p>



		foothill development. Staff finds that the project complies with this standard.
<b>E. No Destruction Of Significant Features:</b> The proposed use and development will not result in the destruction, loss, or damage of natural, scenic or historic features of significant importance.	Special Exception for Grading: <b>Complies</b>  Special Exception for Additional Height: <b>Complies</b>	Staff finds that the property does contain several large, mature trees. The proposal attempts to maintain most of the large trees at the perimeter of the lot, maintaining the visual significance.
<b>F. No Material Pollution of Environment:</b> The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.	Special Exception for Grading: <b>Complies</b>  Special Exception for Additional Height: <b>Complies</b>	There is no foreseen material pollution of the environment. This standard is met.
<b>G. Compliance with Standards:</b> The proposed use and development complies with all additional standards imposed on it pursuant to this chapter.	<b>D</b> Special Exception for Grading: <b>Complies</b>  Special Exception for Additional Height: <b>Complies</b>	The table in the next attachment analyzes the proposal's compliance with the special exception standards for additional building height, which are specific to requests being made for developments within the Foothills Residential zones. Staff finds that the project is in compliance with all of those standards.

## **ATTACHMENT E: STANDARDS FOR ADDITIONAL HEIGHT**

**21A.24.P.2: Height Special Exception:** The Planning Commission, as a special exception to the height regulations of the applicable district, may approve a permit to exceed the maximum building height but shall not have the authority to grant additional stories. To grant a height special exception the Planning Commission must find the proposed plan:

Standard	Finding	Rationale
<p><b>a. Is a design better suited to the site than can be achieved by strict compliance to these regulations; and</b></p>	<p><b>Complies</b></p>	<p>In the submitted narrative, the applicant claims that the proposed two-story structure and requested height minimizes the degree of slope disturbance on the property. If the height was lowered, the degree of grade changes would increase. Staff finds that the proposal complies with this standard, since the area of greatest height is along the east building façade and directly reflects the greatest drop in grade on the lot.</p>
<p><b>b. Satisfies the following criteria:</b></p> <p><b>(1) The topography of the lot presents difficulties for construction when the foothill height limitations are applied,</b></p> <p><b>(2) The structure has been designed for the topographic conditions existing on the lot, and</b></p> <p><b>(3) The impact of additional height on neighboring properties has been identified and reasonably mitigated.</b></p>	<p><b>(1) Complies</b></p> <p><b>(2) Complies</b></p> <p><b>(3) Complies</b></p>	<p>Regarding topographical challenges, the subject property has between 20% and 82%. The degree of existing grade poses difficulties for construction. The proposed structure is placed on the lesser degree of slope, so that the remaining existing topography is not disrupted. The proposed design limits the degree of slope disturbance and maintains the wall height requirement by requesting the additional building height and grading.</p> <p>The requested additional height seeks to accommodate the structure without increasing the degree of grade change. The tallest portion of the structure is located at the northeast corner on the street facing elevation and the middle of the structure along the east elevation. The height will not be read as significantly taller than the permitted height of 28', due to the change from the existing to finished grade on the lot. The grade slopes downward towards the gully that splits the property in half. The applicant is proposing to maintain the pine trees at the front of the property to provide a visual buffer. Staff finds that there is no impact to neighboring properties.</p>

<p><b>c. In making these considerations the Planning Commission can consider the size of the lot upon which the structure is proposed.</b></p>	<p><b>Staff finds that the size of the lot is not a factor in this request.</b></p>	<p>The subject property is approximately 15,681 square feet in size. The slope continues to significantly increase towards the east, limiting the area that can be developed towards the east half of the lot. Due to the steep slope on the east half of the lot, the structure can be sited on the west 1/3 of the lot, rather than near the steepest portions near the gully. The requested additional height reflects the established grade of the proposed area for development.</p>
<p><b>d. The burden of proof is upon the applicant to submit sufficient data to persuade the Planning Commission that the criteria have been satisfied.</b></p>	<p><b>Staff finds that all criteria have been satisfied.</b></p>	<p>The difficulties of the existing slope directed the applicants to request the special exceptions to accommodate the development. The applicant has provided a slope analysis, as well as description of their design process to thoughtfully consider the context of the site. Staff believes that the applicant has met this burden of proof.</p>
<p><b>e. The Planning Commission may deny an application for a height special exception if:</b></p> <p><b>(1) The architectural plans submitted are designed for structures on level, or nearly level, ground, and the design is transposed to hillside lots requiring support foundations such that the structure exceeds the height limits of these regulations;</b></p> <p><b>(2) The additional height can be reduced by modifying the design of the structure through the use of stepping or terracing or by altering the placement of the structure on the lot;</b></p> <p><b>(3) The additional height will substantially impair the views from adjacent lots, and the impairment can be avoided by modification; or</b></p> <p><b>(4) The proposal is not in keeping with the character of the neighborhood.</b></p>	<p><b>Complies</b></p>	<ol style="list-style-type: none"> <li>1. The design of making only two levels visible from the street view alters the design from being transposed to the hillside. The narrow design and orientation minimized the requested exceptions.</li> <li>2. This proposal illustrates a structure and placement to decrease the requested height exceptions to three minor areas of the structure. There's no other portion of the lot than what is proposed for the construction of a single-family residence since the east half of the lot is extremely steep and the west half drops significantly due to the gully.</li> <li>3. Staff has not found that the height will impact or impair views from adjacent lots. The requested height ranges from 1'-3 3/8" to 4'-1 1/2" at two points along the street facing elevation. This requested height will not differ visually from the permitted 28'.</li> <li>4. The proposal is in keeping with the character of the neighborhood. Directly to the west of the subject property, there's a two-story single-family residence with a taller building height of approximately 27', whereas the subject property is proposing approximately 25' measured from finished grade. In addition, there are several three-</li> </ol>



		<p>story single-family residences visible from Tomahawk Drive to the north of the subject property. The proposed single-family residence is in keeping with the existing character.</p>
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## **ATTACHMENT F: PUBLIC PROCESS AND COMMENTS**

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### **Public Meetings:**

- Greater Avenues Community Council held a meeting on September 1, 2021. Greater Avenue Community Council has not provided any comments on the project.
- Planning Staff met with several property owners along Tomahawk Drive on August 18, 2021 for a walk-through of the property to gain a better understanding about the requests and the city planning process.

### **Public Process:**

- Notice of Application mailed on July 12, 2021
- Public hearing noticed mailed on September 9, 2021
- Public hearing notice posted on the City and State websites on September 9, 2021
- Public hearing sign posted on property on September 9, 2021

### **Public Comments:**

As of the publication of this Staff Report, Staff has received several comments on the proposal. See the following pages.

Any public comments received up to the public hearing meeting will be forwarded to the Planning Commission and included in the public record.



## Mitchell, Linda

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**From:** pat richards <[REDACTED]>  
**Sent:** Wednesday, September 15, 2021 11:33 AM  
**To:** Mitchell, Linda  
**Cc:** joe beaumont; pat richards  
**Subject:** (EXTERNAL) request for special exception PLNPCM2021-00372

Dear Ms. Mitchell,

My husband (Joe Beaumont) and I are homeowners at 1410 E. Tomahawk Drive, and we are deeply concerned about the proposed special exception request for the property at 1484 E. Tomahawk Drive.

As you know the property owner has requested both a height exception and a grade exception.

At a recent Greater Avenues Community Council (GACC) meeting, the homeowner presented his proposal. From our perspective it appears there was no compelling reason for the special exception request other than the personal preference of the property owner.

Our strong opinion is that the existing codes provide for the safety and maintenance of the character of the neighborhood and should be enforced. It also appears that the proposed design could be modified to fit within the current code.

Our specific comments/concerns are noted below:

Regarding the height special exception request, the Approval Criteria for Additional Building Height in the Foothills Residential Districts (21A.24.010P: Special Foothills Regulations) #2 States, "The Planning Commission, as a special exception to the height regulations of the applicable district, may approve a permit to exceed the maximum building height, **but shall not have the authority to grant additional stories.**" The architectural drawings shared with the GACC clearly show that the proposed design is a multi-level structure with 3 levels – a lower level, a main level on the street level, and a third level (second story above the street level). Approval of this additional story (above the main street level) appears to fall outside of the approval authority of the Planning Commission.

Additionally, there appears to be an alternate design better suited to the site that can be achieved by strict compliance with the existing regulations.

Regarding the grade special exception request, we believe granting of this request would result is **significant risk** to the existing hillside, neighboring structures, and the property owner. The hill is a very steep grade that would require addition of multiple support structures. There is a safety risk (in terms of potential landslide that could impact both the surrounding property and the proposed home of the property owner, and even the public street). There is a likelihood of even greater risk of erosion of the hillside in that our understanding is that the builder intends to remove a number of large trees that currently provide stability to the very steep hillside.

The proposed design is not compatible with the surrounding development, and it is also likely that the proposed design would result in substantial impairment of the property value of the adjacent property.

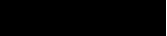
In light of these concerns, we would respectfully request the following:

1. Have members of the Planning Commission make a site visit to the property to personally view the extreme slope of the hill and the surrounding terrain.

2. Review the architectural drawings and compare them to the actual property (as the drawings shared with the GACC do not appear to be consistent with the actual landscape).
3. Confirm with the property owner, their intentions regarding removal (or maintenance) of a number of existing mature trees.
4. Obtain an independent review by a qualified structural engineer regarding the potential impact of the proposed structure.

Thank you for your consideration.

Sincerely,

Patricia R. Richards  
Joseph E. Beaumont  
1410 E. Tomahawk Drive  
Salt Lake City, UT 84103  




## Mitchell, Linda

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**From:** George Mastakas <[REDACTED]>  
**Sent:** Tuesday, September 14, 2021 12:42 AM  
**To:** Mitchell, Linda  
**Subject:** (EXTERNAL) Do not support the special exception on 1484 E Tomahawk Drive

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Linda,

I'm not sure if this is the right time or the right place... Even so I'm sure you've received a mountain of such emails already, but please add mine to the pile of "not just no, but hell no!"

There's a reason why the current regulations up on Tomahawk are designed as such. They were well thought out and reasonable. Others on the street have had to follow them, why can't the new owner? And on that, let's please acknowledge it's not like the new owner wasn't aware when he purchased the property.

Let's not set a new (bad) standard when we have one that already works. Let's leave well enough alone.

Thank you,  
George Mastakas

## Mitchell, Linda

---

**From:** Scott Calder (Yahoo) <[REDACTED]>  
**Sent:** Friday, May 14, 2021 1:00 PM  
**To:** Mitchell, Linda  
**Subject:** (EXTERNAL) Grave concerns regarding building a home on the unbuildable lot on Tomahawk Drive

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Linda,

A neighbor mentioned to me that you were considering granting permits for the building of a home in the gully that crosses Tomahawk Drive, and I wanted to make sure that you understood that we—both as a neighbor on Tomahawk Drive and as owner of two lots on Perry's Hollow Road and Perry's Hollow Drive abutting the property in question—strenuously oppose the building of a home there.

Besides the (obvious) inadvisability of building on a slope not permitted by Salt Lake City zoning, the negative effects on neighbors' views, housing density, and abundant wildlife, including foxes, turkeys, deer, and even the occasional moose in the area are unacceptable. Please communicate my strongest opposition to these variances to the appropriate authorities.

Thank you.

Respectfully,

Scott Calder  
1435 Tomahawk Drive  
1464 Perry's Hollow Road  
1465 Perry's Hollow Drive

[REDACTED]

## Mitchell, Linda

---

**From:** John <[REDACTED]>  
**Sent:** Tuesday, July 13, 2021 10:07 AM  
**To:** Mitchell, Linda  
**Subject:** RE: (EXTERNAL) Tomahawk Property

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello again, Linda. If a new home (constructed 2000) is built on a lot where a previous home was built (constructed 1980 and demolished), what slope restrictions apply to the new construction? Thanks, always, for your help. John

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**From:** [Mitchell, Linda](#)  
**Sent:** Friday, July 9, 2021 12:24 PM  
**To:** [John](#)  
**Subject:** RE: (EXTERNAL) Tomahawk Property

For your convenience, attached is the revised plans.

### LINDA MITCHELL

Principal Planner  
Planning Division

DEPARTMENT of COMMUNITY and NEIGHBORHOODS  
SALT LAKE CITY CORPORATION

TEL 801-535-7751  
CEL 385-386-2763  
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[www.ourneighborhoodscan.com](http://www.ourneighborhoodscan.com)

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**From:** Mitchell, Linda  
**Sent:** Friday, July 9, 2021 12:14 PM  
**To:** John <[beckerpr@comcast.net](mailto:beckerpr@comcast.net)>  
**Subject:** RE: (EXTERNAL) Tomahawk Property

John,

The applicant recently resubmitted their plans. I will be sending out the notices to property owners/tenants within 300 feet of the project site next week. There's a minimum 45-day notice to community council to review and provide comments; therefore, the earliest this project would be scheduled for Planning Commission hearing is early September.



Building permits will not be issued for the additional building height and grade changes until the Special Exception is approved by the Planning Commission.

Please expect to receive a notice next week via US mail.

Sincerely,

**LINDA MITCHELL**

Principal Planner  
Planning Division

**DEPARTMENT of COMMUNITY and NEIGHBORHOODS**  
SALT LAKE CITY CORPORATION

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**From:** John <[REDACTED]>  
**Sent:** Thursday, July 8, 2021 4:12 PM  
**To:** Mitchell, Linda <[linda.mitchell@slcgov.com](mailto:linda.mitchell@slcgov.com)>  
**Subject:** RE: (EXTERNAL) Tomahawk Property

Hello Linda - I'm wondering if you have any new or additional information about timing for building permits and request for exceptions at 1484 E Tomahawk.

Thank you. John Becker

---

**From:** [Mitchell, Linda](#)  
**Sent:** Tuesday, June 22, 2021 3:51 PM  
**To:** [John](#)  
**Subject:** RE: (EXTERNAL) Tomahawk Property

John,

In the FR-3/12,000 Foothills Residential District, it states the following regarding slope restrictions:

***“For lots subdivided after November 4, 1994, no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope. All faces of buildings and structures shall be set back from any nonbuildable area line, as shown on the plat if any, a minimum of ten feet (10') and an average of twenty feet (20').”***

The subject lot was subdivided in 1975; therefore, it is not subject to the slope restriction as noted above. In addition, there are no indicated *nonbuildable area line* on the plat.

When I received a rendering and revisions, I will coordinate a time to meet with you on the project site.

Sincerely,

**LINDA MITCHELL**

Principal Planner  
Planning Division

**DEPARTMENT of COMMUNITY and NEIGHBORHOODS**  
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**From:** John <[REDACTED]>  
**Sent:** Tuesday, June 15, 2021 3:55 PM  
**To:** Mitchell, Linda <[linda.mitchell@slcgov.com](mailto:linda.mitchell@slcgov.com)>  
**Subject:** RE: (EXTERNAL) Tomahawk Property

Hi Linda – thanks for sending these plans. From them, and from what we have tried to figure out from the tape on the property, it appears this construction is partly on slopes exceeding 30%. Is that allowed in SLC? It would probably be a good idea to have someone familiar with the project or from the planning department walk the property with us when the plans are finalized and the approval review and process is determined. Thanks, John

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**From:** [Mitchell, Linda](#)  
**Sent:** Wednesday, June 9, 2021 2:32 PM  
**To:** [John](#)  
**Subject:** RE: (EXTERNAL) Tomahawk Property

John,

Attached are the submitted plans for the additional building height request at 1484 E Tomahawk Drive. I will pass along the rendering upon receipt.

Sincerely,

**LINDA MITCHELL**

Principal Planner  
Planning Division

**DEPARTMENT of COMMUNITY and NEIGHBORHOODS**  
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---

**From:** John <[REDACTED]>  
**Sent:** Wednesday, June 9, 2021 11:54 AM  
**To:** Mitchell, Linda <[linda.mitchell@slcgov.com](mailto:linda.mitchell@slcgov.com)>  
**Subject:** (EXTERNAL) Tomahawk Property

Hello Linda – thanks for providing us with an update on the lot next to ours. We appreciate the time and effort you and the city are giving to help insure building on the lot is appropriate and keeps within the planning standards. Best - John



## Mitchell, Linda

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**From:** Tom Brooks <[REDACTED]>  
**Sent:** Monday, July 19, 2021 7:00 PM  
**To:** Mitchell, Linda  
**Subject:** (EXTERNAL) Re: Special Exception - 1484 E Tomahawk Drive

Thanks for getting back to let me know.

My wife,, Carrie, and I did have to submit our architectural plans to the neighborhood planning committee, the SLC Water Department, and SLC Building Permits.

All of our neighborhood is concerned about this project. No variances should be allowed. The idea that the project shouldn't have to comply with current building ordinances because the plot is Grandfathered in, doesn't make sense. If any of us were to acquire permits, as Barnetts just did, SLC wouldn't say, "You only have to meet the ordinances of when your lot was plotted.", wouldn't be possible.

We are trying to acquire our CC&Rs.

Thank you for your help in this matter.

Please include us in your on-site meeting.

Tom Brooks  
[REDACTED]

On Mon, Jul 19, 2021, 12:25 PM Mitchell, Linda <[linda.mitchell@slcgov.com](mailto:linda.mitchell@slcgov.com)> wrote:

Tom,

I've searched my email inbox and we have never corresponded via email. We spoke over the phone on May 6, 2021 and you provided your email in exchange that if the project progressed, I would send you an email for an update.

Per our phone conversation last Thursday, I've attached an electronic copy of the notice you received via US mail so you may pass this information along to others. In addition, below are the standards of approval for the Special Exception requests. Below are the standards to address at the Planning Commission hearing.

### Approval Criteria for the Special Exception Requests

[21A.52.060: GENERAL STANDARDS AND CONSIDERATIONS FOR SPECIAL EXCEPTIONS](#)

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

- A. **Compliance With Zoning Ordinance And District Purposes:** The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.
- B. **No Substantial Impairment Of Property Value:** The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.
- C. **No Undue Adverse Impact:** The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.
- D. **Compatible With Surrounding Development:** The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.
- E. **No Destruction Of Significant Features:** The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.
- F. **No Material Pollution Of Environment:** The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.
- G. **Compliance With Standards:** The proposed use and development complies with all additional standards imposed on it pursuant to this chapter. (Ord. 10-16, 2016)

## **Approval Criteria for Additional Building Height in the Foothills Residential Districts**

### [21A.24.010P: SPECIAL FOOTHILLS REGULATIONS](#)

- 2. **Height Special Exception:** The Planning Commission, as a special exception to the height regulations of the applicable district, may approve a permit to exceed the maximum building height but shall not have the authority to grant additional stories. To grant a height special exception the Planning Commission must find the proposed plan:
  - a. Is a design better suited to the site than can be achieved by strict compliance to these regulations; and
  - b. Satisfies the following criteria:
    - 1. The topography of the lot presents difficulties for construction when the foothill height limitations are applied,
    - 2. The structure has been designed for the topographic conditions existing on the particular lot, and
    - 3. The impact of additional height on neighboring properties has been identified and reasonably mitigated.
  - c. In making these considerations the Planning Commission can consider the size of the lot upon which the structure is proposed.
  - d. The burden of proof is upon the applicant to submit sufficient data to persuade the Planning Commission that the criteria have been satisfied.
  - e. The Planning Commission may deny an application for a height special exception if:
    - 1. The architectural plans submitted are designed for structures on level, or nearly level, ground, and the design is transposed to hillside lots requiring support foundations such that the structure exceeds the height limits of these regulations;

2. The additional height can be reduced by modifying the design of the structure through the use of stepping or terracing or by altering the placement of the structure on the lot;
3. The additional height will substantially impair the views from adjacent lots, and the impairment can be avoided by modification; or
4. The proposal is not in keeping with the character of the neighborhood.

Please let me know if you have any further comments.

Sincerely,

**LINDA MITCHELL**

Principal Planner

Planning Division

**DEPARTMENT of COMMUNITY and NEIGHBORHOODS**

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## Mitchell, Linda

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**From:** Michael D Rollins <[REDACTED]@[REDACTED].edu>  
**Sent:** Friday, July 30, 2021 10:51 AM  
**To:** Mitchell, Linda  
**Cc:** [REDACTED]  
**Subject:** (EXTERNAL) opposition to PLNPCM2021-00372-Special Exception

Dear Ms. Mitchell,

My name is Michael Rollins and I live at 1464 Tomahawk Dr. (2 houses to the west of the proposed construction). I have several concerns with this special exception petition. First, I assume that city ordinances exist for important reasons and feel that any new construction in the neighborhood should comply with ordinances at the time of construction and not at the time the subdivision was created. There has been significant development of the neighborhood since it was created and with the growth that we are experiencing in SLC, I would anticipate future new construction as well as major remodels. Granting this exception would set a precedence for future construction that could impact the neighborhood in many unforeseen ways. Second, I understand that the construction is scheduled to begin in September, which is a concern to the SLC Fire Marshal, as this is "high fire season". Due to the severe drought and the instructions from Governor Cox to conserve water by decreasing utilization on lawns, the landscape of the neighborhood is particularly dry and potentially flammable. My opinion is that the construction should not begin until the spring. Finally, the parcel of land the construction will occupy is a major area for local wildlife. A home will certainly effect this habitat but any measures to minimize the impact on the animals of the foothills should be taken. In conclusion, I oppose this special exception petition.

Thank you for your service to our community and consideration of my concerns.

Very respectfully,

Michael Rollins

## Mitchell, Linda

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**From:** J Black <[REDACTED]>  
**Sent:** Friday, August 27, 2021 6:17 PM  
**To:** Mitchell, Linda  
**Subject:** (EXTERNAL) GACC Sept 1 Virtual Meeting  
**Attachments:** Tomahawk Plat G property survey 2015.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Re: **PLNPCM2021-00372 (request to build 3 storey house on >50 degree slope on 1484 Tomahawk)**

Linda, I would like attend the GACC meeting and submit these comments.

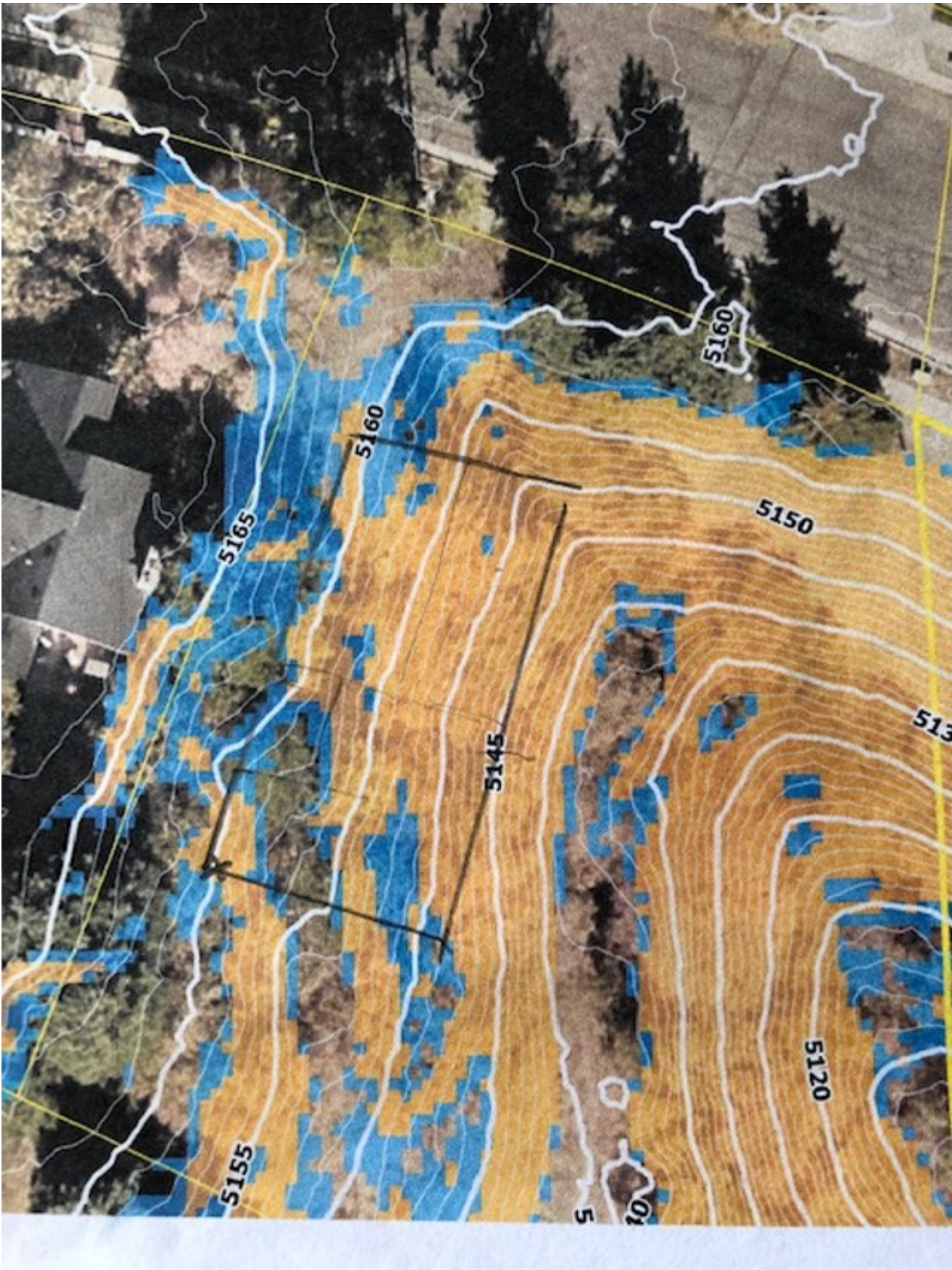
When we bought our house next door on 1474 Tomahawk Dr 6 years ago, we contacted the Salt Lake County Surveyor's office about the 1484 Tomahawk lot. We were told that it was an unbuildable lot, that it was taxed as such, and that the color coded topographic maps show clearly that it has flat ground only on the West lot line all within the 10' setback space. All the rest is over 30 degrees and most of it is over 50 degrees. So I was very surprised to see this request even being considered. I've copied the very clear wording of the Salt Lake City code.

### **21A.24.040: FR-3/12,000 FOOTHILLS RESIDENTIAL DISTRICT:**

G. Slope Restrictions: For lots subdivided after November 4, 1994, **no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope.**

All faces of buildings and structures shall be set back from any nonbuildable area line, as shown on the plat if any, a minimum of ten feet (10') and an average of twenty feet (20').





As you can see – virtually the entire footprint of the proposed house is on much greater than 30% slope.

The math on the overall steepness is pretty easy to do since the property frontage is 100' – just count the white lines on the topo ( I count 11) – that's a 55' drop over 100 feet.

**This lot was subdivided in 2015 just before we purchased 1474 I was told the property line was moved at that time. See attached survey. How does rule G not apply here?**

**D. Maximum Building Height:**

1. The maximum height of buildings with pitched roofs shall be:
  - a. Twenty eight feet (28') measured to the ridge of the roof; or
  - b. The average height of other principal buildings on the block face.

**The tallest house on the block – 1474 E Tomahawk is 27' tall.**

**I've read through the exception section (21A.52.030: SPECIAL EXCEPTIONS AUTHORIZED) and don't see how you get to wall height (20') exceptions or overall height exceptions – they are clearly adding an unnecessary 3<sup>rd</sup> level.**

**Can you explain which of the allowed exceptions they are basing their request on?**

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Jeff Black  




## Mitchell, Linda

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**From:** Jacqueline Calavan [REDACTED] >  
**Sent:** Saturday, August 28, 2021 10:22 AM  
**To:** Mitchell, Linda  
**Subject:** (EXTERNAL) Oppose Special Exception 1484 E Tomahawk Drive

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Ms. Mitchell,

While we applaud the owners and architects plans to build on 1484 E Tomahawk, we oppose the special exception request submitted to the Planning Division for each of the variances. The owners and architects surely can build according to the existing codes and regulations.

Kind regards,  
Jacqueline Calavan and Mark Rapaport  
1490 E Chandler Drive  
SLC 84103

## Mitchell, Linda

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**From:** Jeff Black <[REDACTED]>  
**Sent:** Sunday, August 29, 2021 8:58 PM  
**To:** Mitchell, Linda  
**Subject:** (EXTERNAL) Re: PLNPCM2021-00372 1484 Tomahawk - Subdivision definition SLC Code

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Linda,

My email to you on Friday Aug 27 shows you how nearly the entire footprint of the proposed house is on a greater than 50% slope. Here is a more detailed look at

### **21A.24.040: FR-3/12,000 section G on slope restrictions:**

“For lots subdivided after November 4, 1994, no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope.”

Arlington Hills platt G lot 1 was divided into 2 units on 10/5/2016 - the West section was sold to me. This was recorded by Salt Lake County on 10/7/2016 (Book 10485 Pg 4423-4424). I would be happy to supply a notarized copy of the warranty deed.

‘Subdivision’ is explicitly defined in Salt Lake City code:

Land that is divided ... into 2 or more units .. for the purpose of sale ... or development

### **21A.62.040: DEFINITIONS OF TERMS:**

**SUBDIVISION:** Any land that is divided, resubdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

**LOT:** A piece of land identified on a plat of record or in a deed of record of Salt Lake County and of sufficient area and dimensions to meet district requirements for width, area, use and coverage, and to provide such yards and open space as are required and has been approved as a lot through the subdivision process. A lot may consist of combinations of adjacent individual lots and/or portions of lots so recorded; except that no division or combination of any residual lot, portion of lot, or parcel shall be created which does not meet the requirements of this title and the subdivision regulations of the city.

By the way Utah State code also calls dividing and selling land subdivision.



21A.24.040 section G on on slope restrictions - both building and setbacks clearly apply to 1484 Tomahawk.

Given that there are so many empty lots and likely tear downs subject to FR-3/12000 rules, it really concerns me that Salt Lake City ordinances could be cavalierly ignored in this case and in the future.

Simply building on the South West portion of the lot where there is a less than 30% slope is the obvious way to not break this rule.

Thank you  
Jeff Black

## Mitchell, Linda

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**From:** m <[REDACTED]>  
**Sent:** Tuesday, August 31, 2021 8:29 PM  
**To:** Mitchell, Linda  
**Subject:** (EXTERNAL) Special Exception for 1484 Tomahawk Dr - Bad precedent

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To whom it may concern,

I read about the special exception request for new construction on Tomahawk Drive in the recent GACC newsletter and on the City Council website.

I have lived in the Avenues for 45 years and I guess I'm just wondering why SLC keeps making special exceptions. Why bother having regulations if all you do is allow people to violate them? They are rules for a reason. We have seen the results of variances and they're almost always bad. And they set a bad precedent. Again, why have rules at all if you don't make people follow them?

I drove up to see the proposed location and the land is steep! It's also wooded. It doesn't even look like a house could fit there. But that's probably why the new owner wants special exceptions...because they can't build a house that is in compliance on that land without the exceptions. So why would you allow them to break the rules when the land isn't buildable as is? It's dangerous for them and the surrounding homes, not to mention disturbing to the environment and wildlife.

Everywhere I go I see the results of poor decision making by SLC officials; everything from massive apartment buildings set right on the street without any architectural character, to buildings sitting vacant and boarded up for years on end, usually occupied by transients, drug addicts and rats, to houses referred to as "garage-mahal". I understand Salt Lake needs the tax revenue but come on! That's not a good reason to let people break the rules.

I vote for NO special exceptions!

Thank you,  
Connie B.



## Mitchell, Linda

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**From:** Beverly Rich Ingersoll <[REDACTED]>  
**Sent:** Wednesday, September 1, 2021 3:33 PM  
**To:** Mitchell, Linda  
**Subject:** (EXTERNAL) 1484 E Tomahawk proposed construction

Hi Linda,

I hope that you are doing well!

As a neighbor of the proposed single family home construction at 1484 E Tomahawk Drive, 84103 that is requesting an exemption to the building height limit, etc., I question why these building regulations/limits exist in the first place if one can just ask for, and easily receive, an exemption to them?

Thank you!

Beverly

--

Beverly Rich Ingersoll

[REDACTED]

## Mitchell, Linda

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**From:** Janet Barnette <[REDACTED]>  
**Sent:** Wednesday, September 1, 2021 8:07 AM  
**To:** Mitchell, Linda  
**Subject:** (EXTERNAL) 1484 Tomahawk Dr.

Dear Ms. Mitchell,

I am a resident on 1475 Tomahawk Dr, Salt Lake City, UT 84103. I am writing to share my immediate concerns about the planned dwelling located at approximately 1484 Tomahawk Dr. I would like to share a little about my home and the problems we've had due to foundation failures in our unique Foothills location as background for some of my concerns.

Like many homes on Tomahawk, we are built into the hillside with a partially subterranean lower level. Over the past 10 years, we experienced a series of foundation failures due to the location of our home and the underlying unique geology and hydrology of the Foothills. The majority of our failure issues centered around underground and at times, surface flowing water that expanded/contracted the soils and placed excessive pressure on our subterranean foundation walls causing them to fail. Additionally, these geologic processes caused the south side of our home to drop 3" vertically. Remediation and the necessary reconstruction from these repairs were not insignificant, costing hundreds of thousands of dollars and occurring twice in a decade.

Our personal experience with foundation failures in our unique Foothill setting gives me pause with the proposed new construction at 1484 Tomahawk, only a few feet downhill from us. Constructing a home on steep slopes with likely similar but currently unknown geology and hydrology could be a recipe for disaster. My immediate concerns for this construction include, but are not limited to:

- Slope stability and underlying geology and hydrology that contribute to an unacceptable building location
- Negatively impacting natural drainage in the canyon culvert, whether visible or underground
- Increased risk of fire along the urban interface
- Negatively impacting the current wildlife corridor
- Unnecessary exceptions to height and grade restrictions that building revisions will mitigate
- Property/lot exceptions to current code
  - This property has changed hands twice since the initial exception placed by Mr. Culp, the original owner/developer.
  - Given this, I am of the opinion the exception should expire with change in ownership, now twice removed.
- Building a home (in design, scale, or in proximity to property lines) that does not fit within the existing neighborhood; building revisions will mitigate these issues
- Granting special exceptions that set dangerous precedents for future construction, remodels, or upgrades in an established neighborhood within the Foothill protection area.

Thank you for allowing me to share my concerns with you.

Janet Barnette  
1475 E. Tomahawk Dr.  
SLC UT 84103

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Janet  
[REDACTED]



## Mitchell, Linda

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**From:** DIANNE LEONARD, ROBERT V LEONARD <[REDACTED]>  
**Sent:** Wednesday, September 8, 2021 4:41 PM  
**To:** Mitchell, Linda  
**Subject:** (EXTERNAL) 1484 E. Tomahawk Dr

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Linda,

My name is Dianne Leonard, an Avenues resident. Thank you for visiting our GACC Meeting on Sept 1. I am writing to let you know that I feel the exception for the proposed build should be approved. I think this home will be a lovely addition to our neighborhood.

Best,

Dianne Leonard  
[REDACTED]

## Mitchell, Linda

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**From:** John <[REDACTED]>  
**Sent:** Thursday, August 19, 2021 10:31 AM  
**To:** Mitchell, Linda  
**Subject:** (EXTERNAL) Thank you

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Linda – thank you for spending time on-site with neighbors. The meeting was informative, although pretty damp and chilly, but at least the rain held off until we finished. All of us would welcome the information you offered regarding zoning regulations as they pertain to Avenues properties and special exceptions.

Thanks again and best wishes for a very happy vacation. John

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**From:** [John](#)  
**Sent:** Wednesday, August 11, 2021 1:17 PM  
**To:** [Mitchell, Linda](#)  
**Cc:** [Tom Brooks](#); [Terry Becker](#); [REDACTED]; [REDACTED]  
**Subject:** RE: (EXTERNAL) 1484 Tomahawk

Thanks, Linda – I'll check with the neighbors and get back to you. If the applicant balks at the request due to cost, I'll be happy to ask neighbors to chip in for balloons. Or perhaps we could get balloons when you're here and you could instruct us on placement and height.

Best, John

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**From:** [Mitchell, Linda](#)  
**Sent:** Wednesday, August 11, 2021 12:22 PM  
**To:** [John](#)  
**Subject:** RE: (EXTERNAL) 1484 Tomahawk

John,

I appreciate the creative request and I can definitely ask the applicant to consider your request.

I also wanted to check with you whether next week in the early evening would be a good time to meet on-site with you and your neighbors. If so, I am available next week Monday-Thursday.

I will also be in attendance at the Greater Avenues CC meeting next month.

Sincerely,

**LINDA MITCHELL**  
Principal Planner  
Planning Division

**DEPARTMENT of COMMUNITY and NEIGHBORHOODS**  
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**From:** John <[REDACTED]>  
**Sent:** Saturday, August 7, 2021 10:14 AM  
**To:** Mitchell, Linda <linda.mitchell@slcgov.com>  
**Subject:** (EXTERNAL) 1484 Tomahawk

Hello Linda - As we have reviewed the drawings and request for variances on the lot, we as neighbors are uncertain about actual height of the proposed structure in context with the neighborhood.

Would you be able to arrange for large balloons to be floated at the corners of the house to indicate height? Actually, it would be helpful to place two balloons of different colors where the structure would exceed zoning to indicate the height which is approved under current zoning, and the height requested if the special exceptions are approved.

We understand this is not an unusual request and have learned from others that it is very helpful when trying to visualize the impact of the building.

Thank you,

John

## **ATTACHMENT G: DEPARTMENT REVIEW COMMENTS**

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### **Building Services/Building Code (Jason Rogers):**

Project-Residential home at steep mountain side. Project conform to IRC2015. Soils and Grade Evaluations to be verified. Structure engineered to meet Degrading possible landslides, Flood and earthquake factors. No other concerning issues at this time.

### **Building Services/Fire Protection (Ted Itchon):**

No comments at this time.

### **Public Utilities (Jason Draper):**

No comments provided.

### **Transportation (Michael Barry):**

No issues with the building height. The garage is sufficient to meet the off-street parking requirement. The driveway must be at least five feet from any public utility infrastructure such as a water meter, power pole, fire hydrant, tree, etc. and the infrastructure in the ROW was not shown on the plans.



# ATTACHMENT H: VICINITY MAP

## Vicinity Map

