



# Staff Report

PLANNING DIVISION

DEPARTMENT of COMMUNITY and NEIGHBORHOODS

**To:** Salt Lake City Appeals Hearing Officer  
**From:** Cassie Younger [Cassie.younger@slcgov.com](mailto:Cassie.younger@slcgov.com) (801-535-6211)  
**Date:** April 20, 2023  
**Re:** PLNZAD2023-00132

## Variance Request

**PROPERTY ADDRESS:** 760 and 714 N 900 W  
**PARCEL ID:** 08-26-455-002-0000 & 08-26-455-001-0000  
**MASTER PLAN:** Rose Park Master Plan  
**ZONING DISTRICT:** RMF-35

### REQUEST:

Caleb Corbridge, representing the property owner, is requesting a variance to allow for a 6 foot tall fence in the front yard of Downtown West apartments, located at 714 and 760 N 900 W. The height allowance for fence heights in the front yards of residential zones is 4 feet.

### RECOMMENDATION:

Based on the information and findings listed in the staff report, it is the Planning Staff's opinion that the request does not meet the applicable standards of approval and therefore recommends the Appeals Hearing Officer deny the request.

### ATTACHMENTS

- A. [Vicinity Map](#)
- B. [Site Photos](#)
- C. [Applicant Materials](#)
- D. [Variance Standards](#)
- E. [Department Comments](#)
- F. [Public Process and Comments](#)

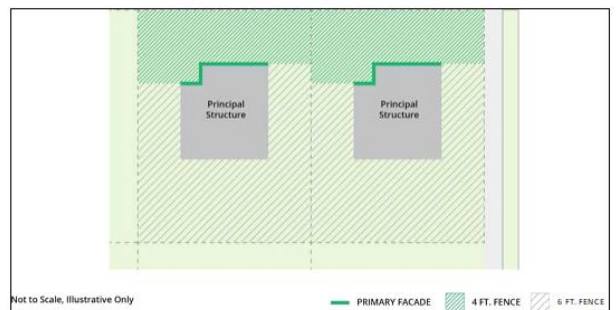
## PROJECT DESCRIPTION

### Subject Property Description

The subject property consists of two parcels – 760 and 714 N 900 W. Downtown West apartments are located on this property, which is a large, multi-building apartment complex with a variety of carports, buildings, amenities, and drive aisles. While the property technically has three street frontages, all of the access points are located on 900 W. There is also a large apartment complex to the north with a similar layout. The property is zoned RMF-35, Medium Density Residential, and also within the Airport Flight Path Protection Zone.

### Request

The applicant is requesting a 6' tall fence in the front yard of the property along 900 West. Code section [21A.40.120](#) states that in residential zones, “a fence, wall or hedge located between the front property line and front building line of the facade of the principal structure that contains the primary entrance shall not exceed four (4) feet in height.” 6' fences are allowed in the corner side, side and rear yards, as long as they are behind the façade of the primary structure. Due to the placement of the primary building(s) on the apartment complex, a 6' fence at this façade line would be difficult to install due to the surrounding parking area, drive aisles, and carports.



*Illustration portraying current fence regulations in residential zones*

The applicant argues that crime is high in this area, citing the report that the police were called 864 times from the property in 2021 (located in [Attachment C](#)). The applicant argues that a 6' fence with a locking gate for motor vehicles and pedestrians would help prevent criminals from entering the apartment complex. The applicant also argues that a 6' fence would create design consistency with the neighboring fences, discussed below.



*6' tall fence on the property to the north, abutting the property*

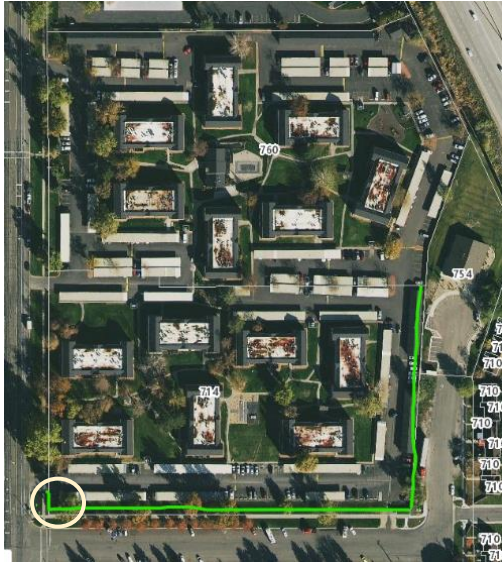
### Background Information & Existing Conditions

Prior to the early 2000s, Building Permits were not required for fences in these zones, although they are now. Prior to 2020, there also was a “Special Exception” process that would allow for over-height fences if approved.

The property directly adjacent to the north has an existing 6' metal fence in the front yard, abutting the sidewalk, that goes right up to the property line of the subject property. Based on images from Google Maps, we can determine this fence was likely installed between July 2018 and June 2019.

There is also an existing 6' fence on the subject property on the south side corner yard. While 6' fences are allowed in corner side yards, they can only exceed 4' in height *beyond* the primary building facade. Therefore, a portion of this existing fence is out

of compliance on the subject property. Google maps shows the 6' fence on 700 N installed between May 2016 and July 2018.



There is no record of building permits for either of these existing noncomplying fences. There is also no record of any “Special Exception” granted for either of these fences. Therefore, it is very likely that both of these existing 6’ fences were not legally constructed. While the proposed fence would create consistency with the existing fences, these are noncompliant structures.

*The green line represents where a 6’ fence currently exists on the property. The circle represents what area of this fence is out of compliance with current code.*

### **Master Plan Recommendations**

The Rose Park Master Plan, adopted in 2001, specifically addresses the issue of crime in this area (near 900 W and 1000 N ), and its perceived and real threat of higher crime to persons in this neighborhood. The plan enacts two polices to help curb this issue: The first is to encourage properties owners to incorporate CPTED techniques in the physical layout of their business. *“The use of Crime Prevention Through Environmental Design (CPTED) techniques can help decrease the amount of crime in an area by manipulating the physical environment to a degree which will be attractive to desirable users and create an uncomfortable environment for undesirable users and intruders.”* Examples of this include natural surveillance of properties by keeping public eyes on the street, appropriate night time lighting, and access control through landscaping, gateway treatments, and open fences. The other policy is to support programs such as Mobile Neighborhood Watch in the Rose Park Neighborhood. Staff would encourage the applicant to apply these techniques for crime deterrence instead of the request for a variance, which is not appropriate for the area.

### **VARIANCE STANDARDS OF REVIEW**

The standards required for granting a variance are set forth in Utah Code 10-9a-707 and Salt Lake City Code 21A.18.060. A full analysis of each of the standards or review for variances may be found in [Attachment D](#). An appeals hearing officer may only grant a variance if the request meets all of the standards.

According to section 21A.18.050. A variance is prohibited if they meet any of the following:

- Is intended as a temporary measure only;
- Is greater than the minimum variation necessary to relieve the unnecessary hardship demonstrated by the applicant; or
- Authorizes uses not allowed by law

None of these qualifications are met, therefore it is not a prohibited variance.

In summary, the alleged hardship of the applicant is crime. But there are no special circumstances attached to this property which have caused this hardship of more crime at the apartment complex than others in the area. The supposed hardship is not due to the circumstances of the property in terms of size, shape or topography, or is it unique from other properties within the same zone. The hardship is simply that of which is general to the neighborhood. A taller front yard fence is also not essential to the enjoyment of the property, nor a substantial property right. Additionally, there are other ways to deter or prevent crime without the granting of this variance. Due to these reasons, and those listed in the standards below, it is recommended to deny the requested variance.

## **APPEALS HEARING OFFICER NEXT STEPS**

### **Approval of the Variance Request**

If the requested variance is granted the applicant will be able to construct a 6' tall metal fence, as submitted by the applicant, along the entire length of the front yard of 900 W through the building permit process.

### **Denial of the Variance Request**

If the requested variance is denied the applicant would not be permitted to construct a 6' fence within the front yard of the property. They would need to follow zoning code and would be allowed a 4' in this area.

**ATTACHMENT A: VICINITY MAP**

**Vicinity Map**



## ATTACHMENT B: SITE PHOTOS



*Google Maps image of front access to the property*



*Google Maps image of southwest corner of the property showing existing 6' fence on the corner and old 4' fence in the front yard*



*Existing 6' fence on southwest corner of property (900 W & 700 N)*



*Existing 6' fence on neighboring property to the north in the front yard*

**ATTACHMENT C: APPLICANT MATERIALS**



Salt Lake City Building Department  
451 S State Street, Salt Lake City, UT 84111

## Letter of Intent for Fence Height Restrictions Variance For:

Downtown West

780 900 West

Salt Lake City, UT 84116

Dear Salt Lake City Building Department,

We are Requesting a variance for the above address to seek relief of the required fence height restrictions in code section 21A.40.120 (E) 1.A.1, which states: Except as permitted in subsection 21A.24.010.P and 21A.12.E.4 of this code a fence, wall or hedge located between the front property line and front building line of the facade of the principal structure that contains the primary entrance shall not exceed four (4) feet in height.

21A.40.090: ANTENNA REGULATIONS:

21A.40.100: LOCATION OF MECHANICAL EQUIPMENT:

21A.40.110: AUTOMATIC AMUSEMENT DEVICES:

21A.40.120: REGULATION OF FENCES, WALLS AND HEDGES:

21A.40.130: ACCESS FOR PERSONS WITH DISABILITIES:

21A.40.140: JUNK VEHICLES AND MATERIALS:

21A.40.150:

E. Height Restrictions and Gates:

1. Fences, walls, and hedges shall comply with the following regulations based on the following zoning districts:
  - a. Residential Zoning Districts:
    - (1) Except as permitted in subsection 21A.24.010.P and 21A.12.E.4 of this code a fence, wall or hedge located between the front property line and front building line of the facade of the principal structure that contains the primary entrance shall not exceed four (4) feet in height.
    - (2) A fence, wall, or hedge located at or behind the primary facade of the principal structure shall not exceed 6 feet in height.
    - (3) Where there is no existing principal structure, the height of a fence, wall, or hedge shall not exceed four (4) feet in a front yard area or six (6) feet in the rear or side yard areas.

Not to Scale, Illustrative Only

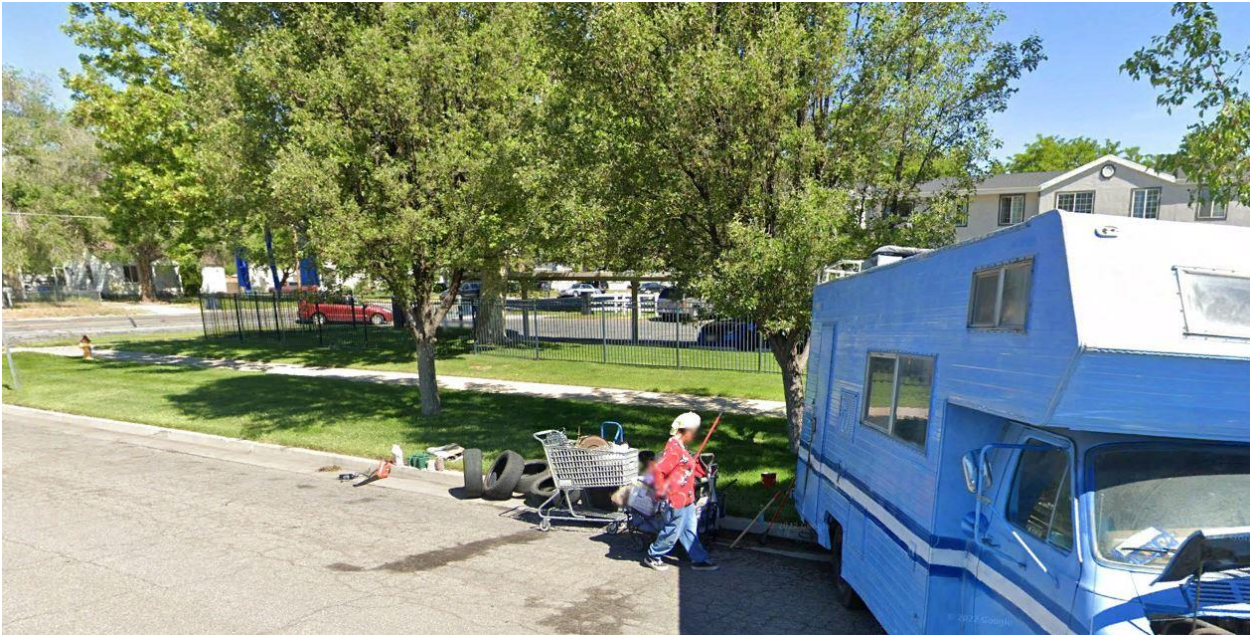
PRIMARY FACADE 4 FT. FENCE 6 FT. FENCE

1. Downtown West had police called to the property 864 times in 2021, as seen in the attached document, and the crime trend has continued through 2022. We are seeking to install a 6' tall metal fence with gates to better protect the tenants of Downtown West, and ease the number of police visits to the property.

2. Currently, there are 6' tall fences along the property to the south on 700 N, and directly north in front of The Village at Raintree Apartments. Installing the fence along 900 W would tie into both of the aforementioned fences and provide continuity between them.



Fence in front of The Village at Raintree Apartments on 900 West



Fence along Downtown West on 700 North

3. The 21A.40.120 (E) 1.A.1 code defines the area for the 4' height restrictions as being "...located between the front property line, and the front building line of the façade of the principal structure that contains the primary entrance..." None of the Downtown West buildings face 900 W, and their entries all face north or south.

4. The granting of the variance would have no negative effect on the adjoining properties, and would not cause any detriment to the common good. It would complete the aesthetic along the road, reduce the amount of police visits to the property.

Thank you for your consideration,

Sincerely,

*Tailwind Investment Group*

Property Owner

Prepared and Presented by:

Zach Taylor, Professional Landscape Architect- 11997347-5301

# 2021 CompStat

## Summary Report



# 2021 CompStat Summary

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# 2021 CompStat Summary

## DEPARTMENT TOTALS

### Calls



239,002

Call Designation	3 Yr. Avg (2018-2020)	2021	% Chg
Call for Service	111086	127667	15%
OnView	52445	44869	-14%
All Other	74363	66466	-11%
<b>Total</b>	<b>237893</b>	<b>239002</b>	<b>0.5%</b>

### Reports



55,518

3 Yr. Avg (2018-2020)	2021	% Chg
55853	55518	-1%

### Jail Bookings



5,177

3 Yr. Avg (2018-2020)	2021	% Chg
6232	5177	-17%

### Misdemeanor Citations



1,713

3 Yr. Avg (2018-2020)	2021	% Chg
2749	1713	-38%

### Traffic Tickets



5,251

3 Yr. Avg (2018-2020)	2021	% Chg
14210	5251	-63%

### Street Checks



1,158

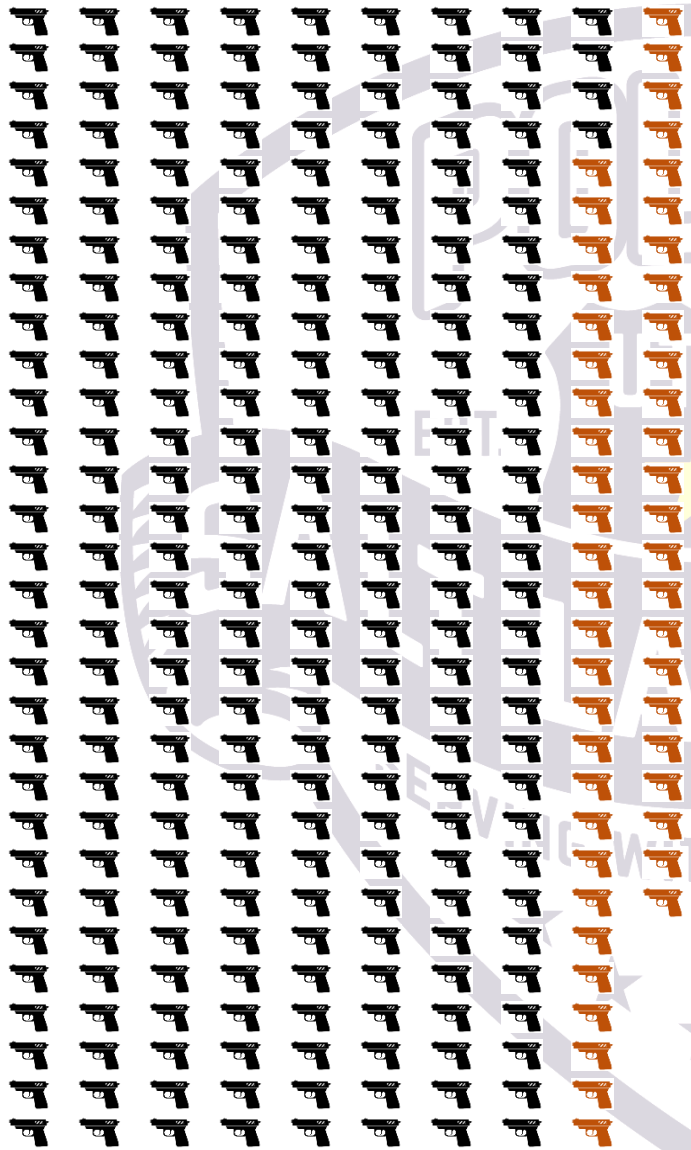
3 Yr. Avg (2018-2020)	2021	% Chg
2168	1158	-47%

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# GUN SUMMARY

## Stolen Guns



**294**

Stolen

**24%**

Increase over the  
Three-Year Average

**50**

Recovered

## Seized Guns = 465

Firearm types include sub machine gun, rifle/shotgun combo, machine gun, pistol, rifle, and shotguns. Ammunition, bullets, explosives, silencers and other firearm accessories are excluded.



# 2021 CompStat Summary

## QUICK FACTS

**Homicide** – During 2021, **18** homicides occurred in Salt Lake City. The weapons used during these offenses were: **11** guns, **1** knife, **2** motor vehicles, **1** blunt object and **3** with unknown or other item. **61%** of homicides occurred on weekend days (Saturday & Sunday).

**Motor Vehicle Theft** – During 2021, 2,134 motor vehicle theft offenses were reported in Salt Lake City. The top 5 stolen makes and models were:



Honda Civic



★ Honda Accord



Ford F150

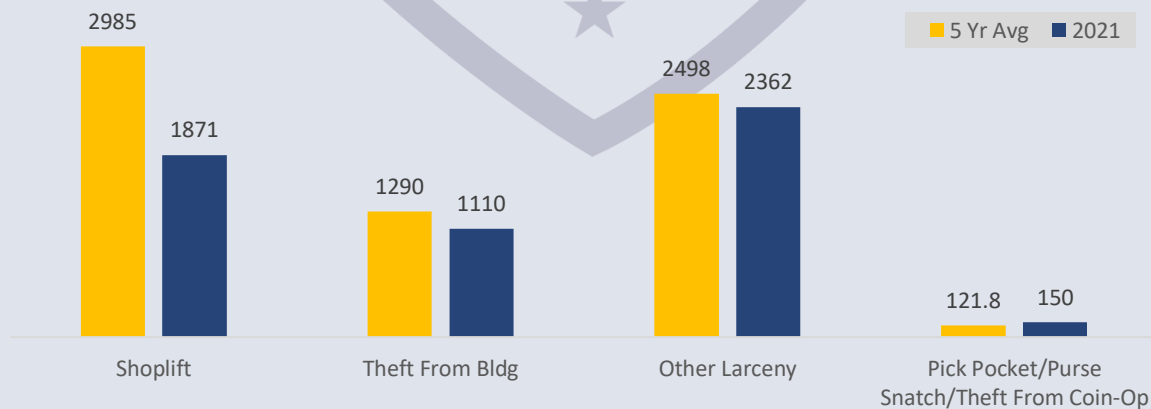


Honda CRV



Ford F250

**Larceny** – During 2021, 5,484 Larceny – All Other offenses were reports in Salt Lake City. Included in this category are offenses of pick pocketing, purse snatching, shoplifting, theft from a building, theft from coin operated machine and other larcenies. Compared to the 5 year average, here is how 2021 looked:





# 2021 CompStat Summary

## RESPONSE TIMES

The following report shows response time averages for SLCPD responses to priority 1-3 calls for service during the indicated months.

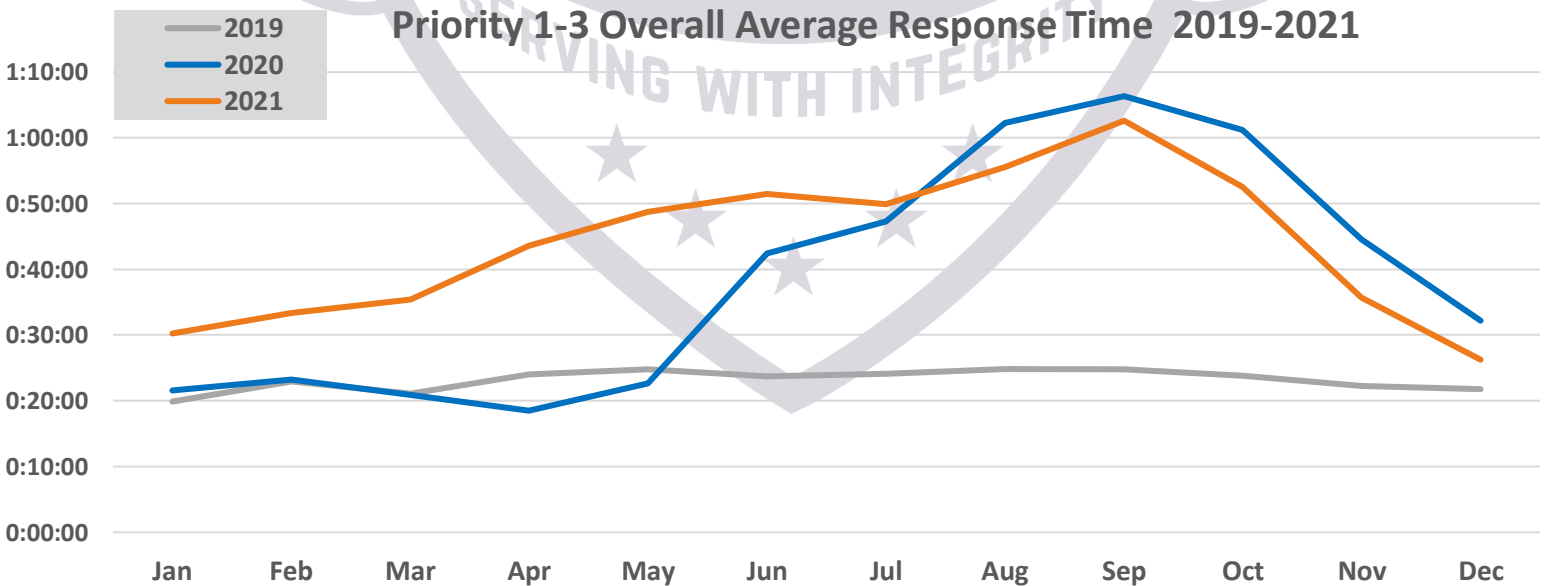
The overall response time is defined as the time from when the police department initially receives the call and when the first officer arrives on the scene.

The following calls were excluded from the figures:

- Calls without a reported At Scene date/time
- Calls with a response time of 0 seconds (i.e. on-view calls initiated by an officer)
- Calls that are not true calls for service (e.g. Attempts to Locate, Test Cases, Info Calls, Hold Logs, Etc.)
- Calls with obviously erroneous outlier values

### Priority 1-3 Response Time Averages

	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21
P1 Avg	0:11:00	0:11:43	0:11:14	0:11:45	0:14:46	0:13:48	0:13:00	0:17:34	0:14:14	0:14:16	0:12:58	0:10:46
P2 Avg	0:16:39	0:16:03	0:18:09	0:21:38	0:21:45	0:23:14	0:22:16	0:23:49	0:24:13	0:25:16	0:20:08	0:16:55
P3 Avg	0:43:12	0:49:25	0:51:51	1:06:10	1:16:24	1:21:38	1:19:57	1:26:37	1:40:37	1:19:07	0:50:59	0:35:47
P1-3 Avg	0:30:17	0:33:19	0:35:24	0:43:32	0:48:43	0:51:29	0:49:54	0:55:32	1:02:36	0:52:34	0:35:44	0:26:15



# 2021 CompStat Summary

## DIVISION TOP CALL LOCATIONS

### Pioneer

LOCATION	ADDRESS	2021 CALLS	CHNG COMPARED TO 2020
Motel 6	1990 W NORTH TEMPLE ST	378	73 ↑
7-Eleven	960 W NORTH TEMPLE ST	348	12 ↑
Ramada Inn	1659 W NORTH TEMPLE ST	346	-108 ↓
Flying J Truck Stop	2025 S 900 W	297	-44 ↓
Cornell Street Apartments	211/251 N CORNELL ST	285	55 ↑
Salt City Inn	1025 N 900 W	254	162 ↑
Love's Truck Stop	25 N REDWOOD RD	223	-183 ↓
7-Eleven	1692 W NORTH TEMPLE ST	201	98 ↑
Bodhi Apartments	750 W SOUTH TEMPLE ST	193	29 ↑
Econo Lodge	715 W NORTH TEMPLE ST	173	28 ↑

### Liberty

LOCATION	ADDRESS	2021 CALLS	CHNG COMPARED TO 2020
Palmer Court	999 S MAIN ST/1000 S STATE ST	1053	-55 ↓
Walmart	350 W HOPE AVE	1037	-69 ↓
Gail Miller Resource Center	242 W PARAMOUNT AVE	819	178 ↑
Jefferson School Apartments	1011/1099 S WEST TEMPLE ST	637	258 ↑
Liberty Park	601 E 1300 S/600 E 900 S/539 E 1300 S	559	34 ↑
Park Vue Apartments	1450 S WEST TEMPLE ST	515	100 ↑
Home Depot	328 W 2100 S	264	-98 ↓
The Towers on Main	1810/1820 S MAIN ST	259	-28 ↓
Target	1110 S 300 W	218	50 ↑
Walgreens	909 E 2100 S	216	142 ↑

### Central

LOCATION	ADDRESS	2021 CALLS	CHNG COMPARED TO 2020
Geraldine E. King Women's Center	131 E 700 S	1677	407 ↑
Downtown West Apartments	714...800 N 900 W	864	162 ↑
Motel 6	176 W 600 S	489	110 ↑
River Rock Apartments	731 S 300 E/330 E 700 S/732 S 400 E	470	115 ↑
Smith's Marketplace	455 S 500 E	352	-18 ↓
Jackson Apartment	274 W 200 S	338	-7 ↓
City Creek	21/50/51 S MAIN ST	287	-65 ↓
Magnolia	165 S 300 E	262	255 ↑
VOA Youth Shelter	888 S 400 W	255	-75 ↓
Maverik	414 W 500 S	247	63 ↑

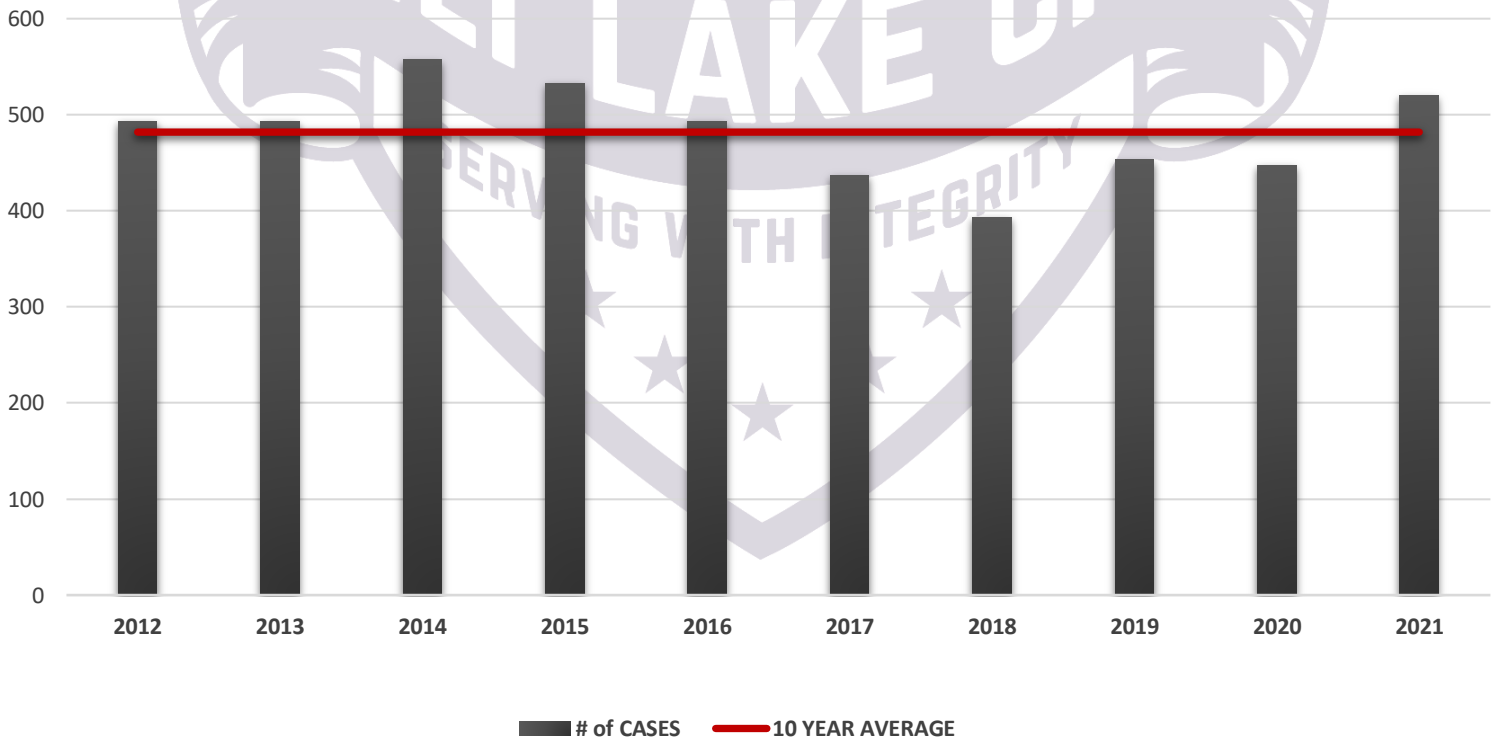


# 2021 CompStat Summary

## ASSAULTS ON OFFICER

10 Years: 2011-2020	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	10 YR AVG
<b>Aggravated Assault - Strong Arm</b>	0	0	3	0	2	1	0	7	4	5	<b>2.2</b>
<b>Aggravated Assault - Using Gun</b>	1	2	1	1	3	4	0	0	1	2	<b>1.5</b>
<b>Aggravated Assault - Other Weapon</b>	4	5	12	16	16	11	6	15	5	18	<b>10.8</b>
<b>Simple Assault</b>	116	97	89	87	89	98	86	105	107	130	<b>100.4</b>
<b>Resisting</b>	372	389	452	429	383	323	301	326	330	365	<b>367</b>
<b>TOTAL</b>	<b>493</b>	<b>493</b>	<b>557</b>	<b>533</b>	<b>493</b>	<b>437</b>	<b>393</b>	<b>453</b>	<b>447</b>	<b>520</b>	<b>481.9</b>

10 Years: 2011-2020 (January through December)



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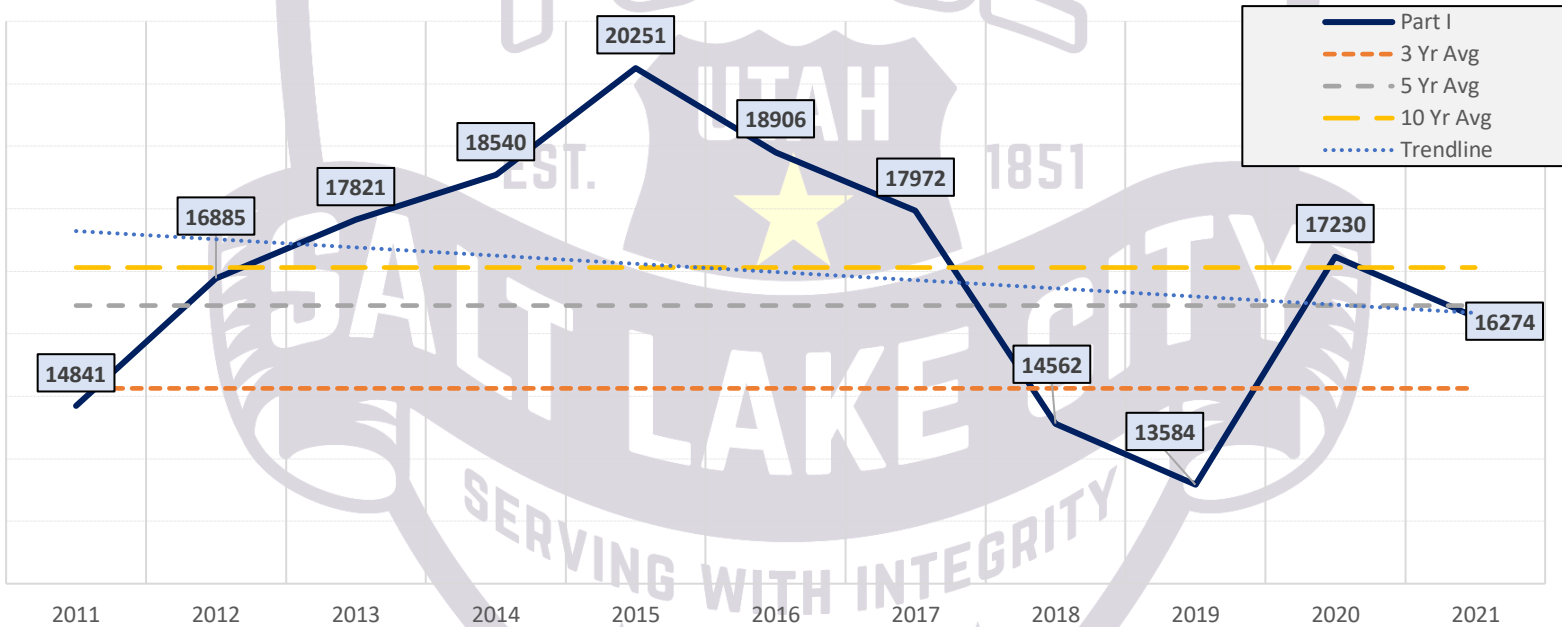


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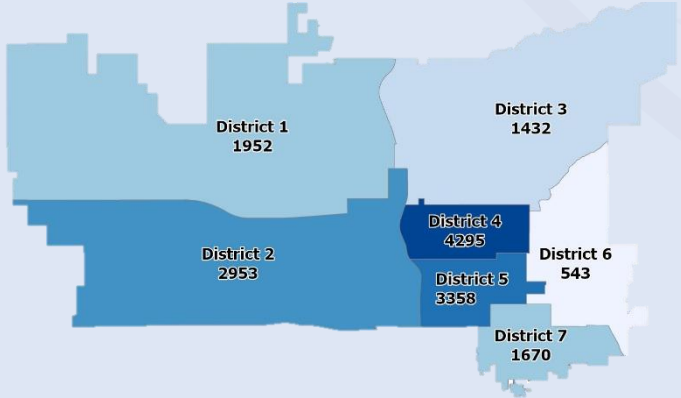
## COMPSTAT OFFENSES

Homicide – Forcible Rape – Aggravated Assault – Robbery - Burglary – Larceny – Motor Vehicle Theft

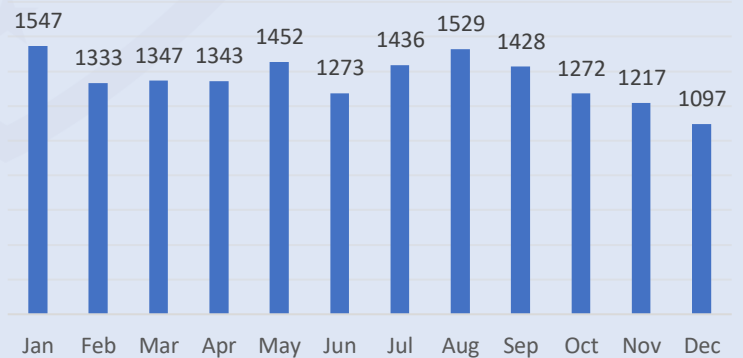
-6%	Below 2020	8%	Above 3 Year Average
-1.1%	Below 5 Year Average	-5%	Below 10 Year Average



### By District



### By Month



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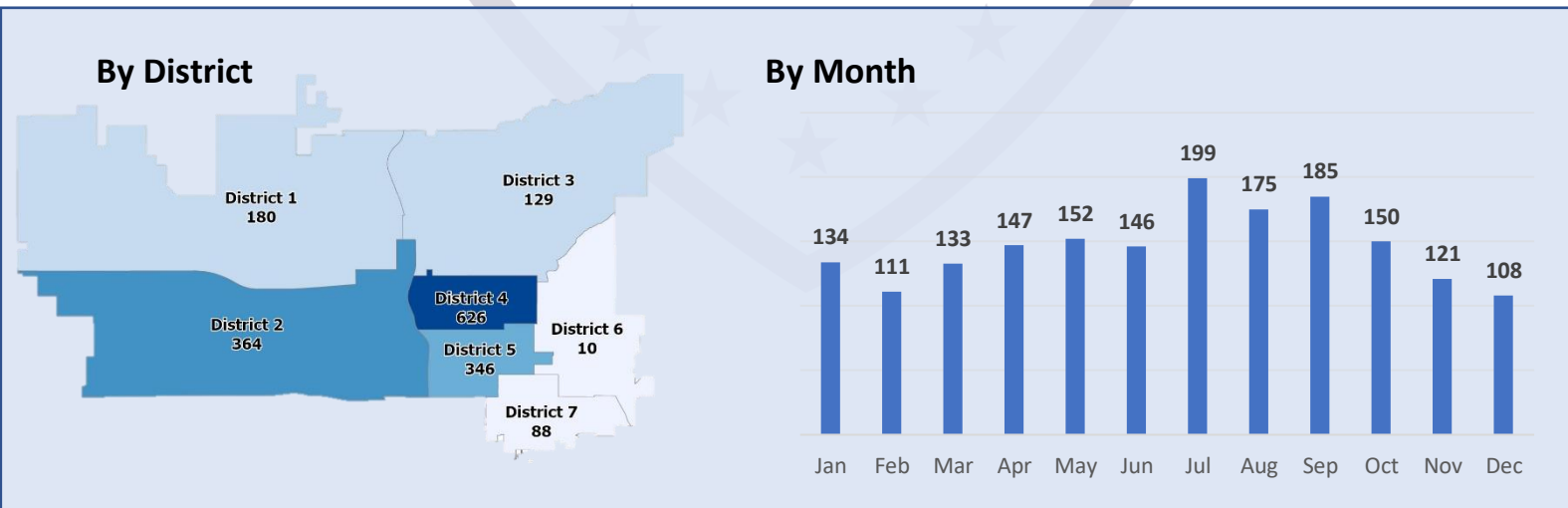
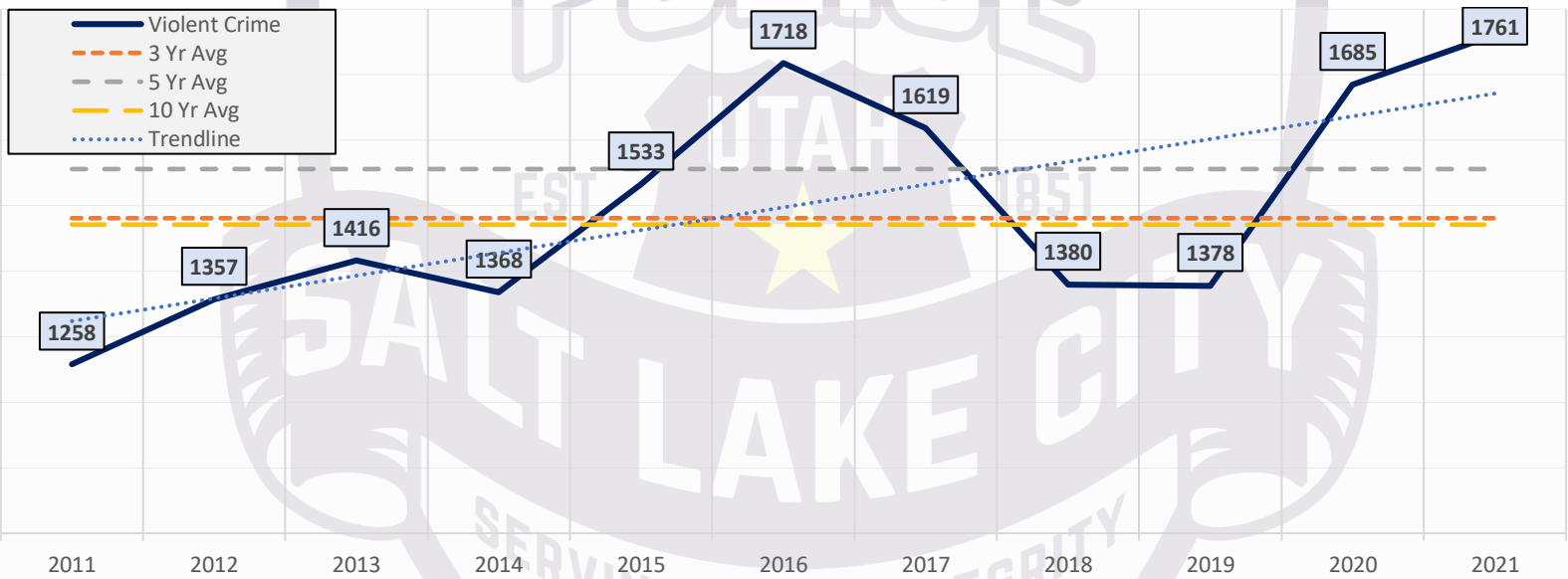


# 2021 CompStat Summary

## VIOLENT CRIME

Homicide – Forcible Rape – Aggravated Assault - Robbery

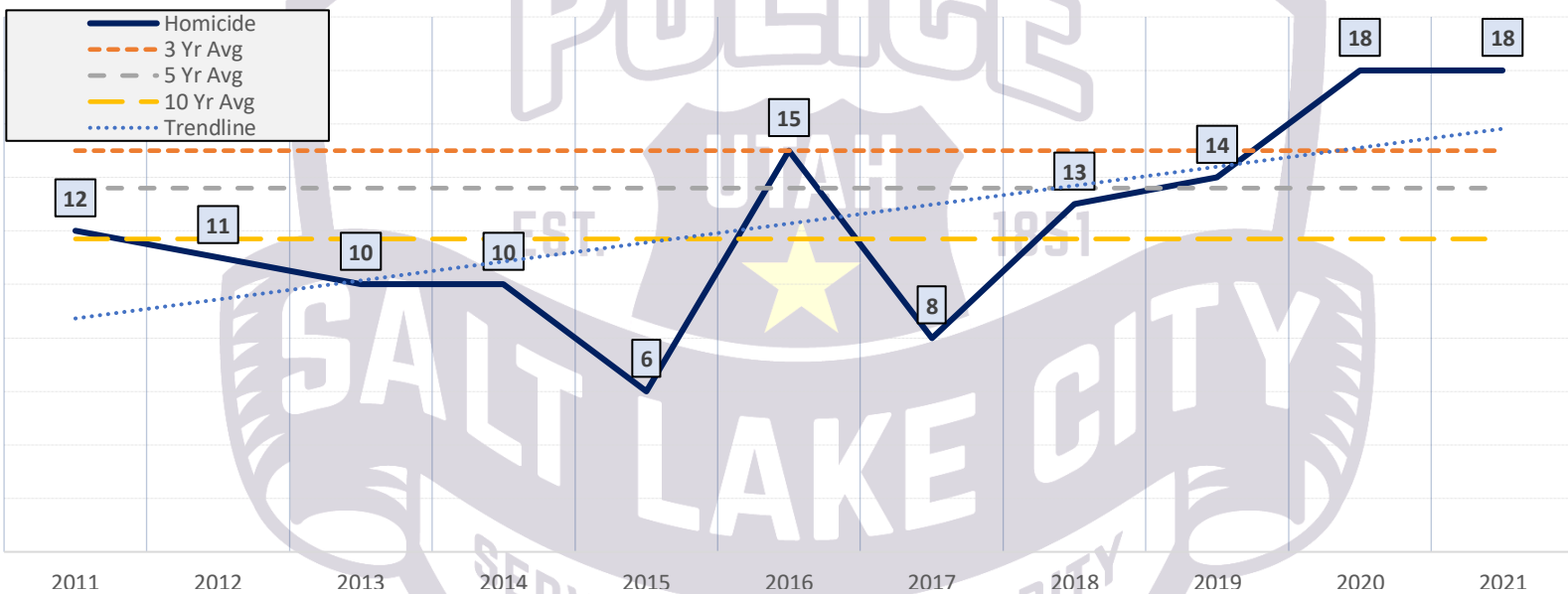
<b>5%</b>	Above 2020	<b>19%</b>	Above 3 Year Average
<b>13%</b>	Above 5 Year Average	<b>20%</b>	Above 10 Year Average



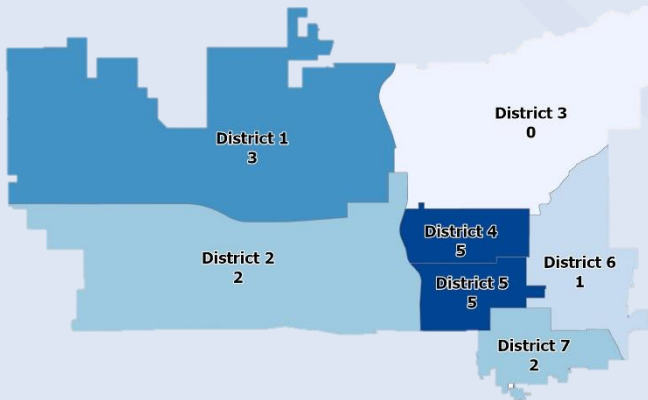
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## HOMICIDE

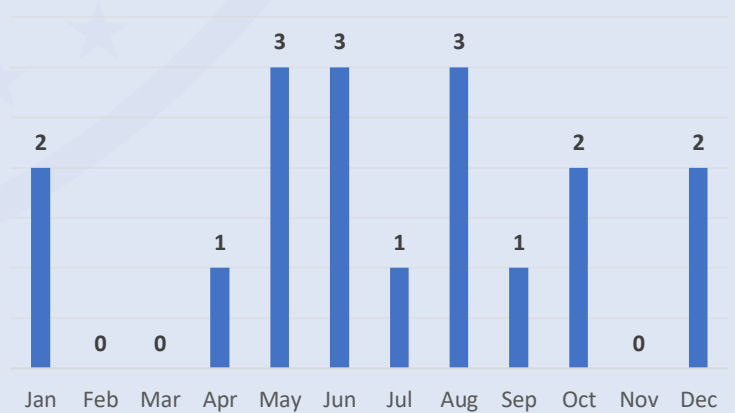
<b>0%</b>	Equal to 2020	<b>20%</b>	Above 3 Year Average
<b>32.4%</b>	Above 5 Year Average	<b>54%</b>	Above 10 Year Average



### By District



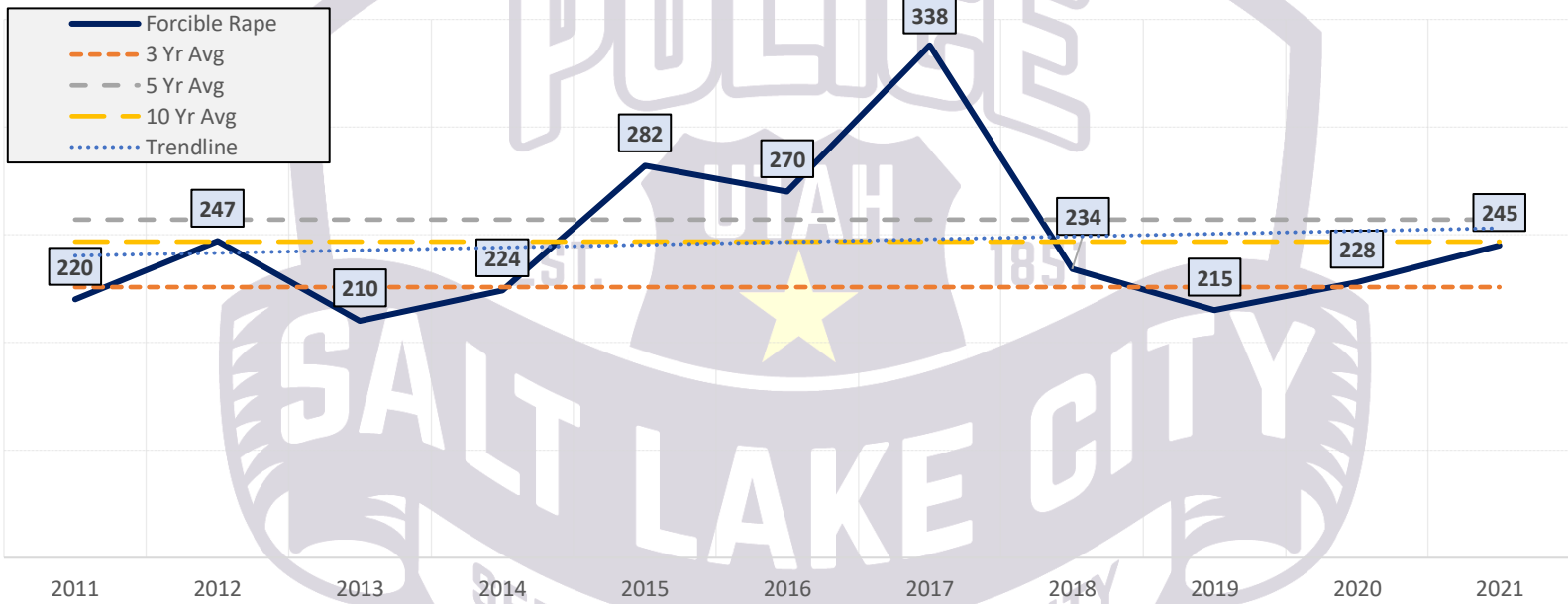
### By Month



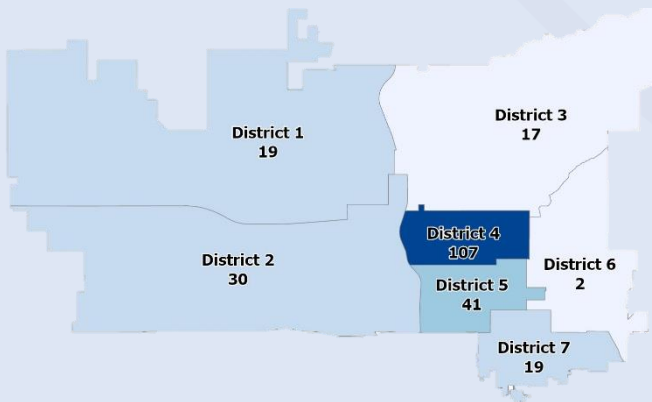
# 2021 CompStat Summary

## FORCIBLE RAPE

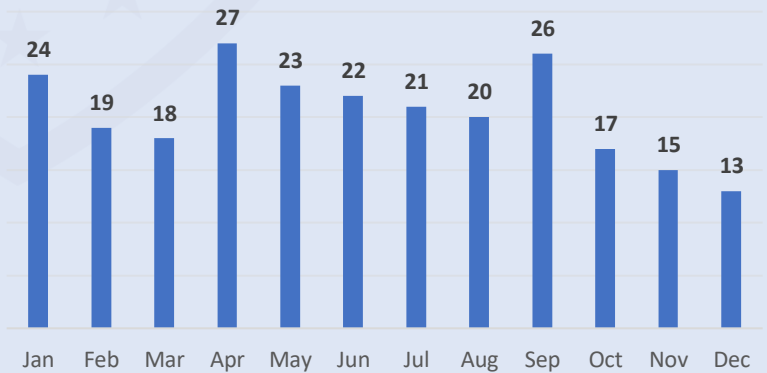
<b>7%</b>	Above 2020	<b>9%</b>	Above 3 Year Average
<b>-5%</b>	Below 5 Year Average	<b>-1%</b>	Below 10 Year Average



By District



By Month



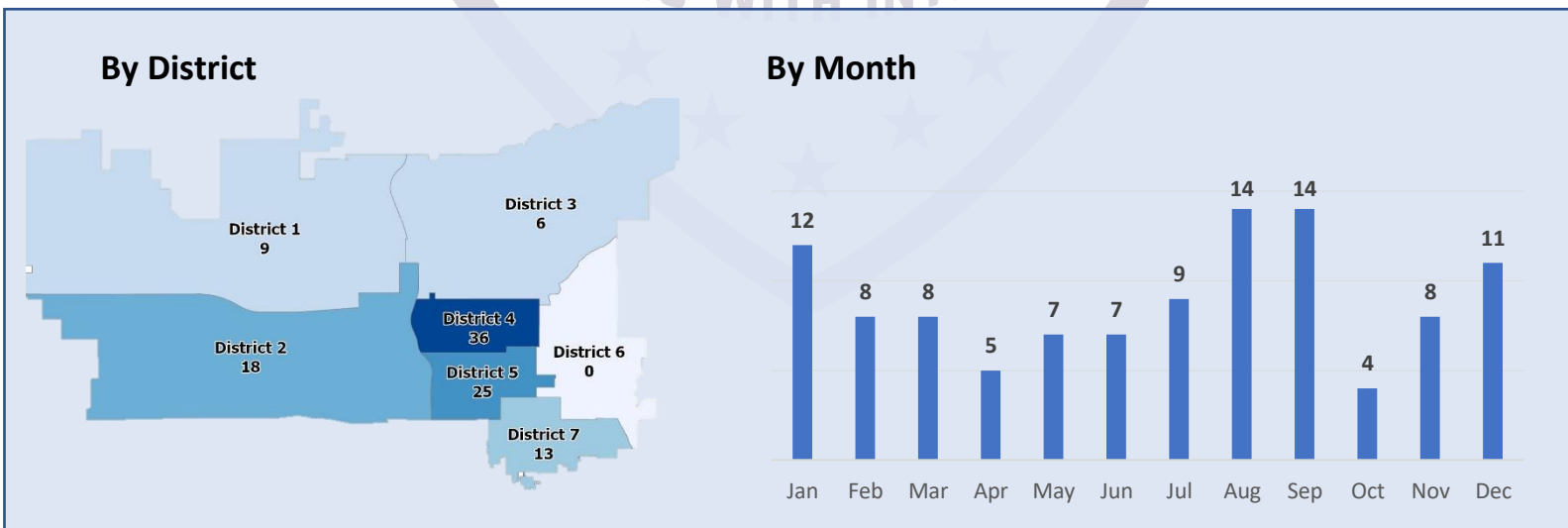
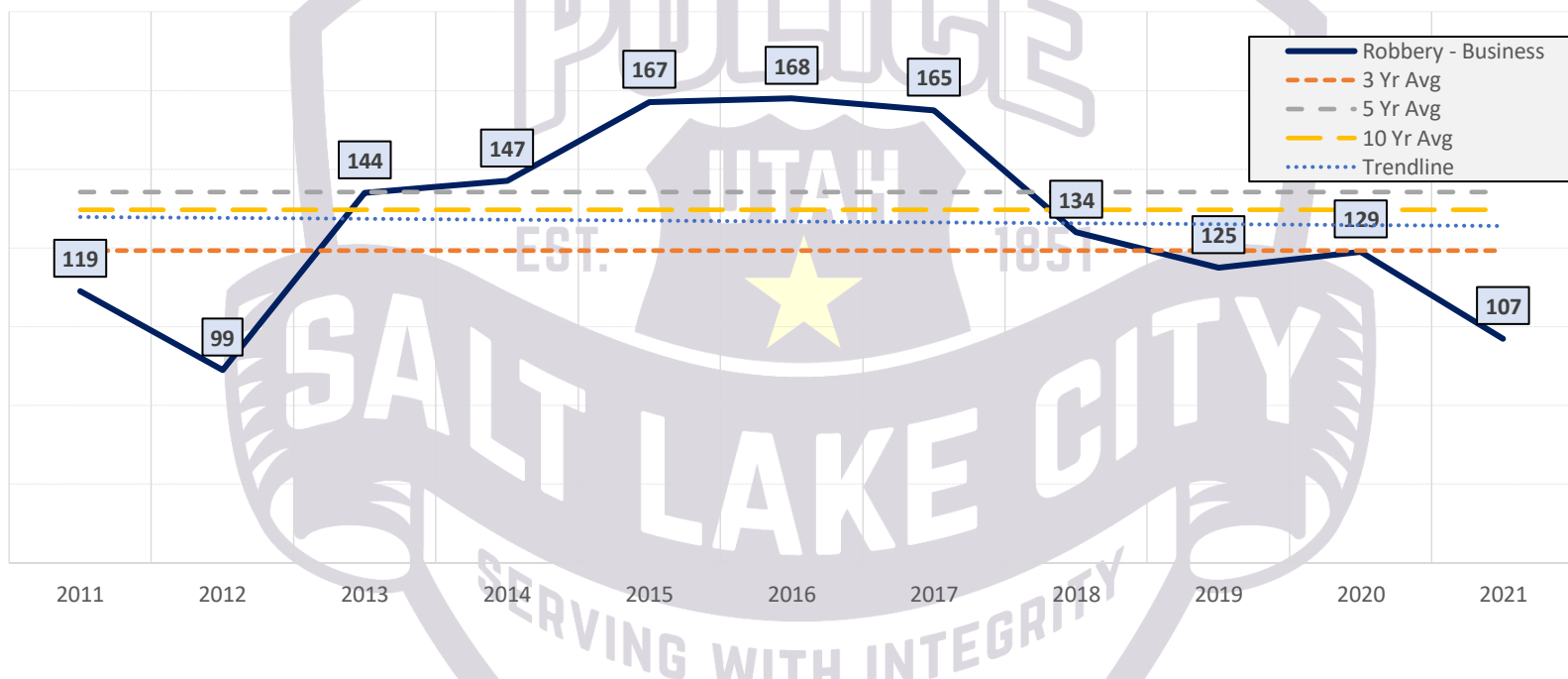
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# 2021 CompStat Summary

## ROBBERY - BUSINESS

<b>-17%</b>	Below 2020	<b>-17%</b>	Below 3 Year Average
<b>-26%</b>	Below 5 Year Average	<b>-23%</b>	Below 10 Year Average

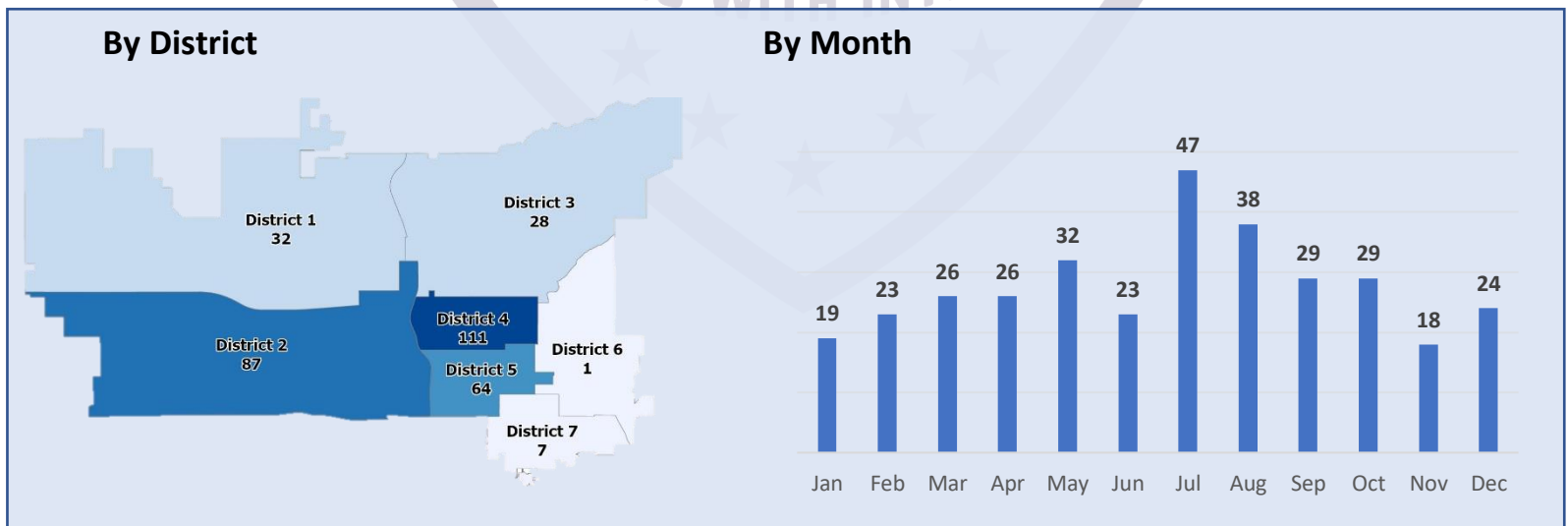
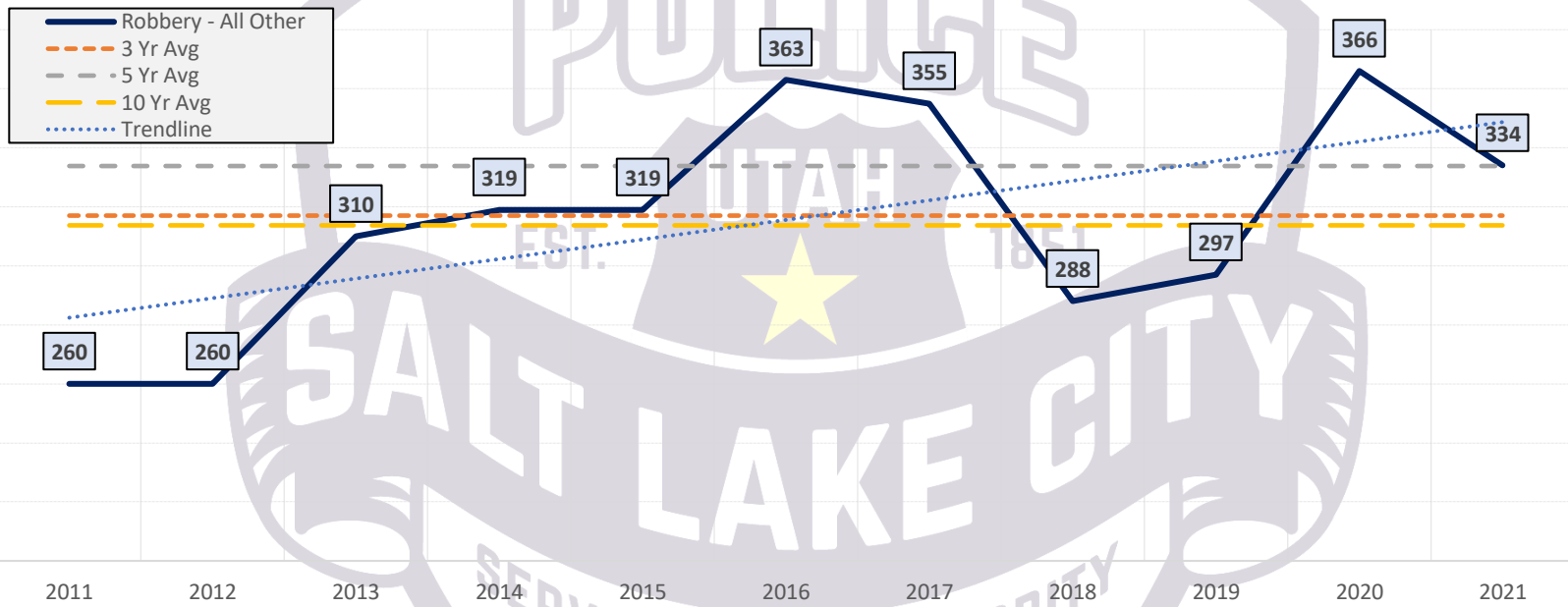




# 2021 CompStat Summary

## ROBBERY - ALL OTHER

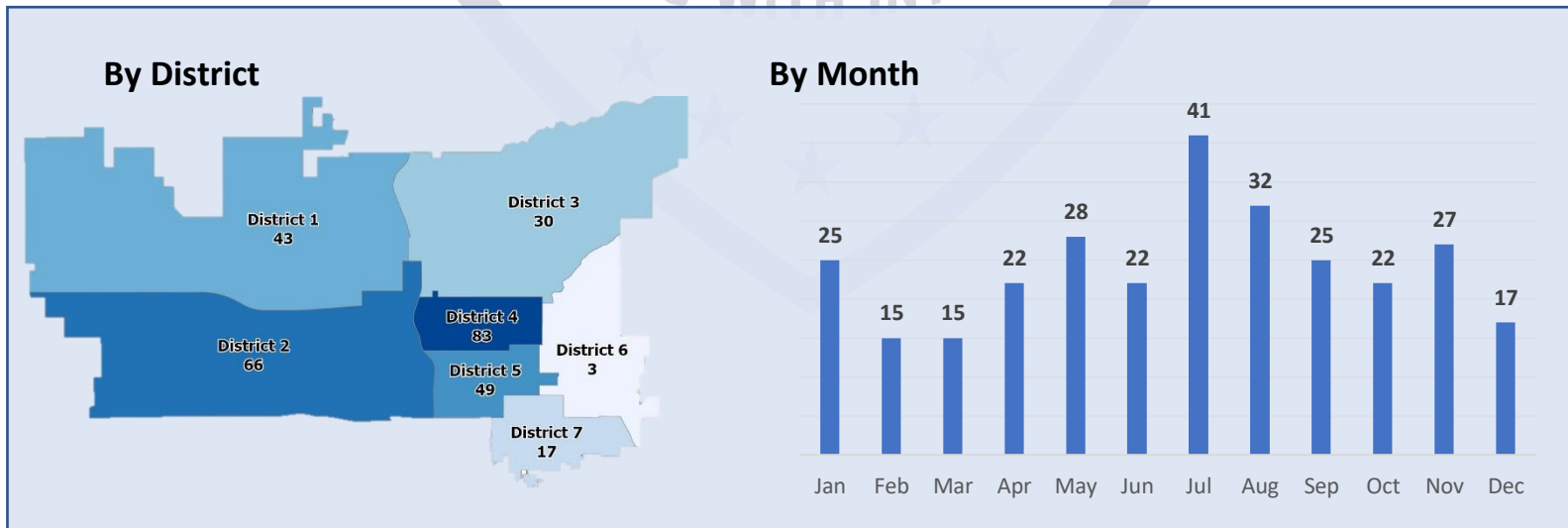
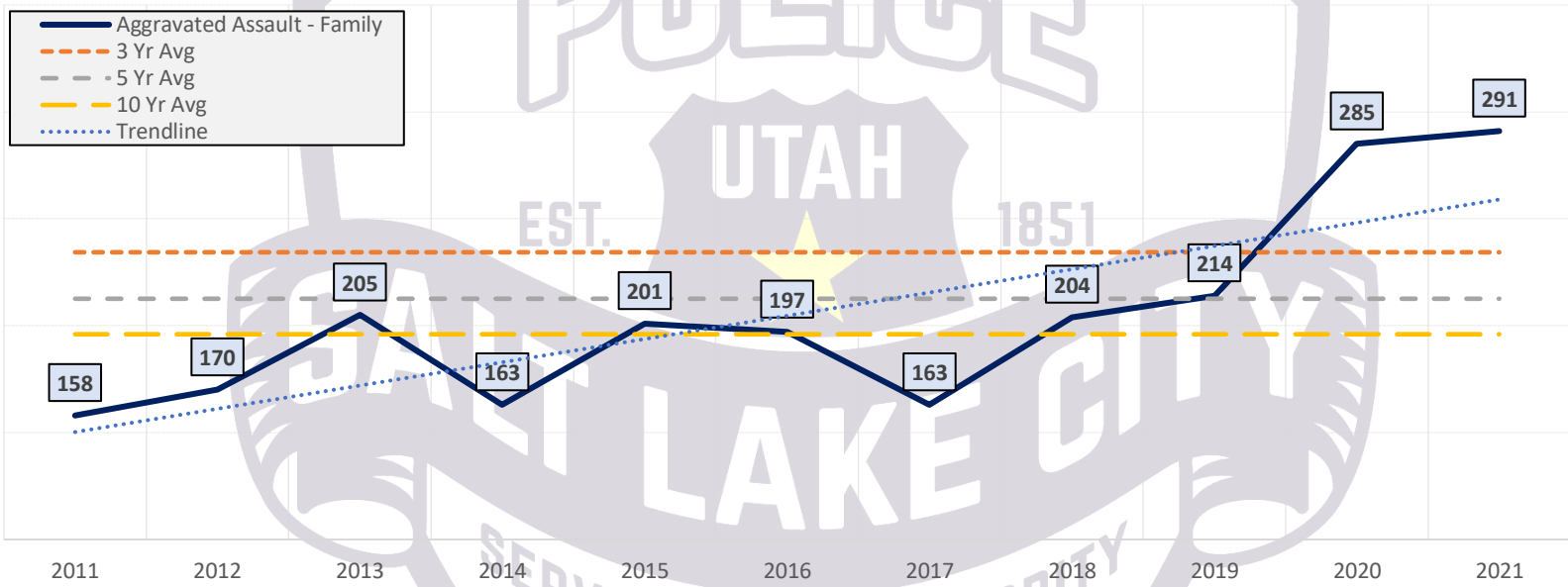
<b>-9%</b>	Below 2020	<b>5%</b>	Above 3 Year Average
<b>0.1%</b>	Above 5 Year Average	<b>6%</b>	Above 10 Year Average



# 2021 CompStat Summary

## AGGRAVATED ASSAULT - FAMILY

<b>2%</b>	Above 2020	<b>24%</b>	Above 3 Year Average
<b>37%</b>	Above 5 Year Average	<b>48%</b>	Above 10 Year Average



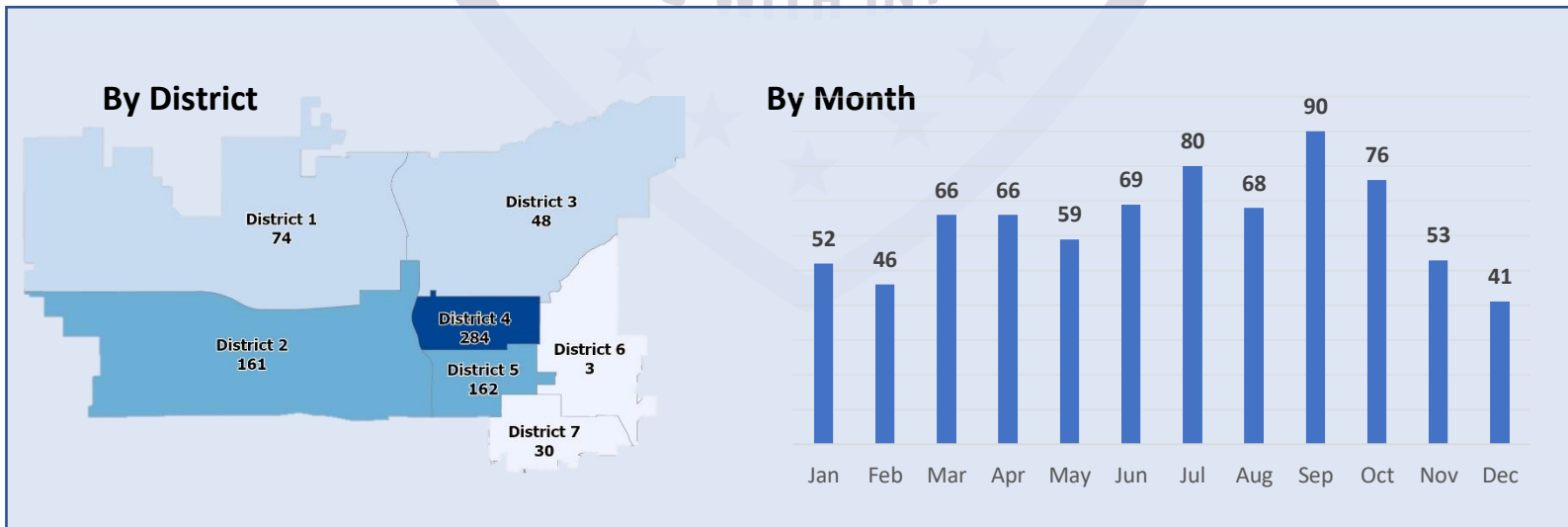
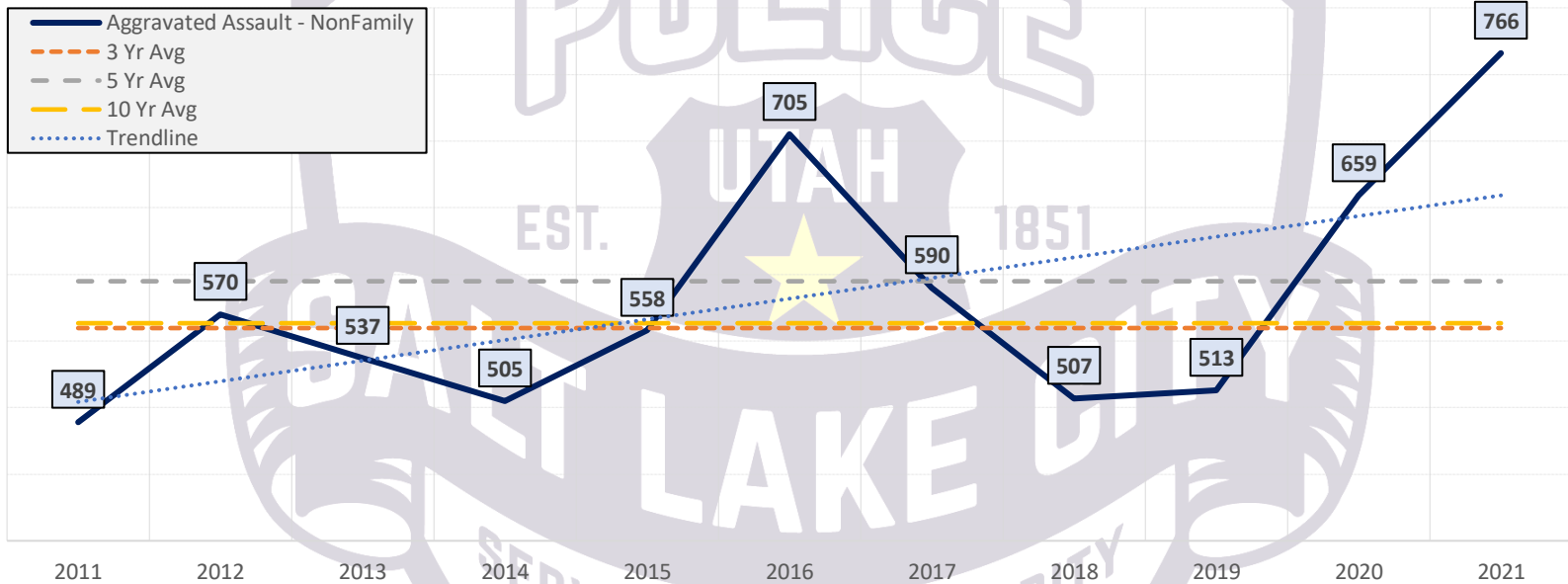
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# 2021 CompStat Summary

## AGGRAVATED ASSAULT - NONFAMILY

<b>16%</b>	Above 2020	<b>37%</b>	Above 3 Year Average
<b>29%</b>	Above 5 Year Average	<b>36%</b>	Above 10 Year Average

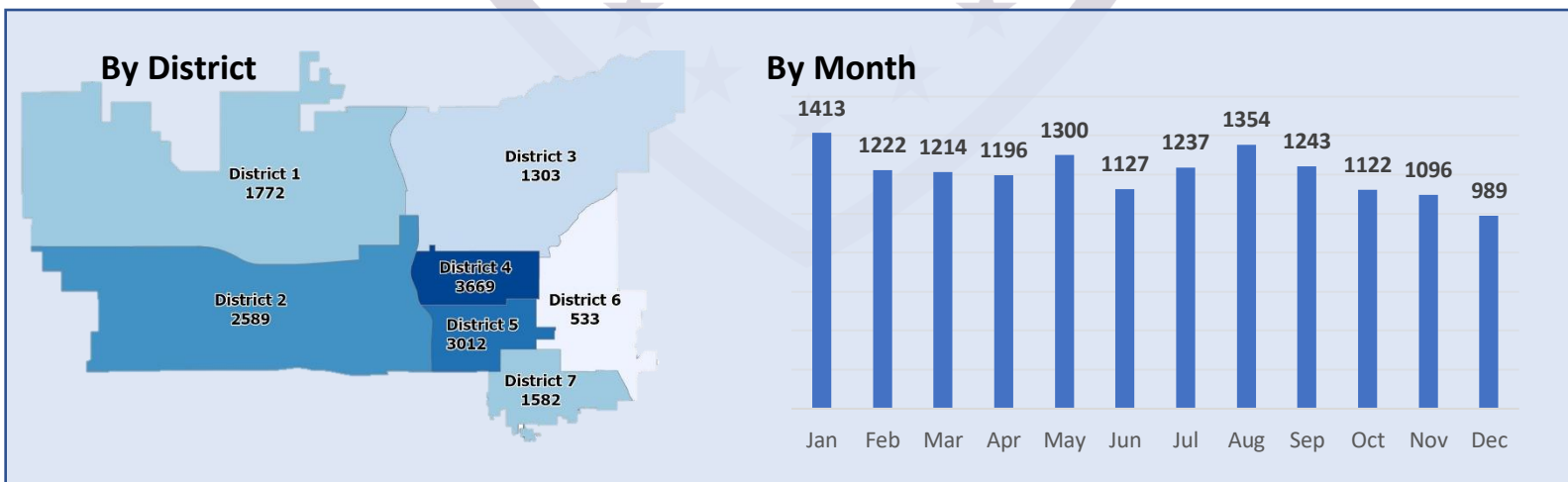
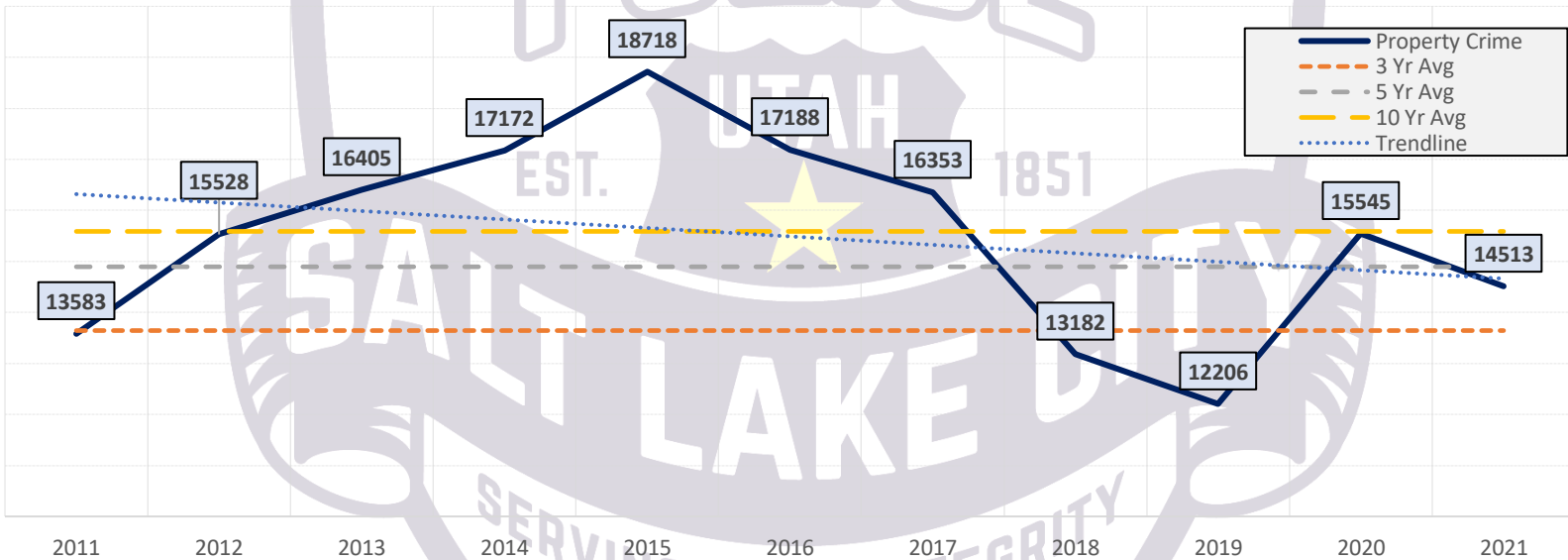


# 2021 CompStat Summary

## PROPERTY CRIME

### Burglary – Larceny – Motor Vehicle Theft

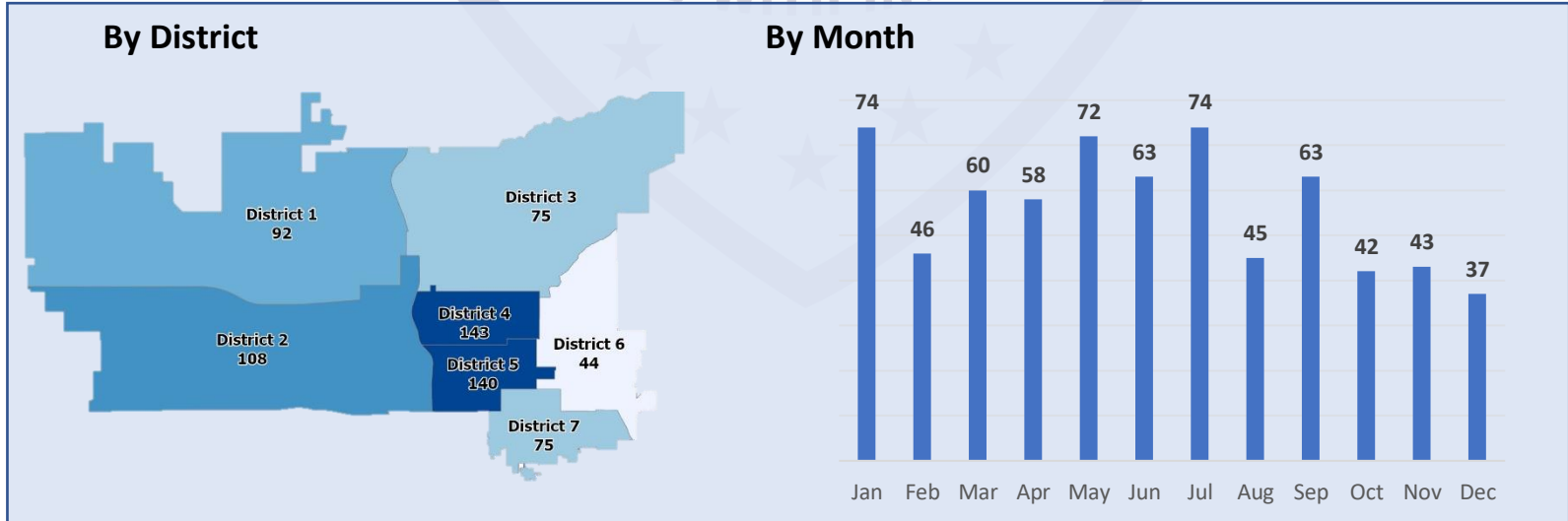
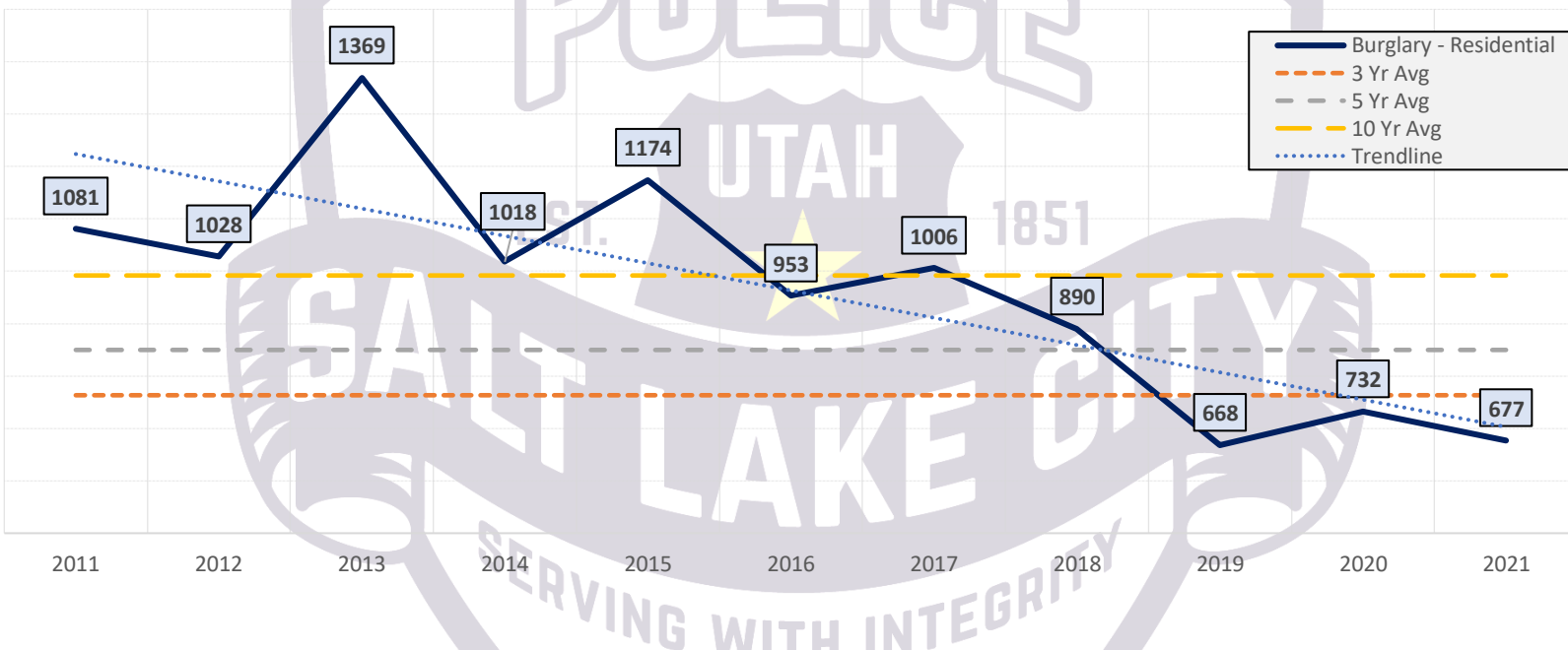
<b>-7%</b>	Below 5 Year Average	<b>6%</b>	Above 3 Year Average
<b>-3%</b>	Below 5 Year Average	<b>-7%</b>	Below 10 Year Average



# 2021 CompStat Summary

## BURGLARY - RESIDENTIAL

<b>-8%</b>	Below 2020	<b>-11%</b>	Below 3 Year Average
<b>-20%</b>	Below 5 Year Average	<b>-32%</b>	Below 10 Year Average



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# 2021 CompStat Summary

## BURGLARY - ALL OTHER

**8%**

Above 2020

**24%**

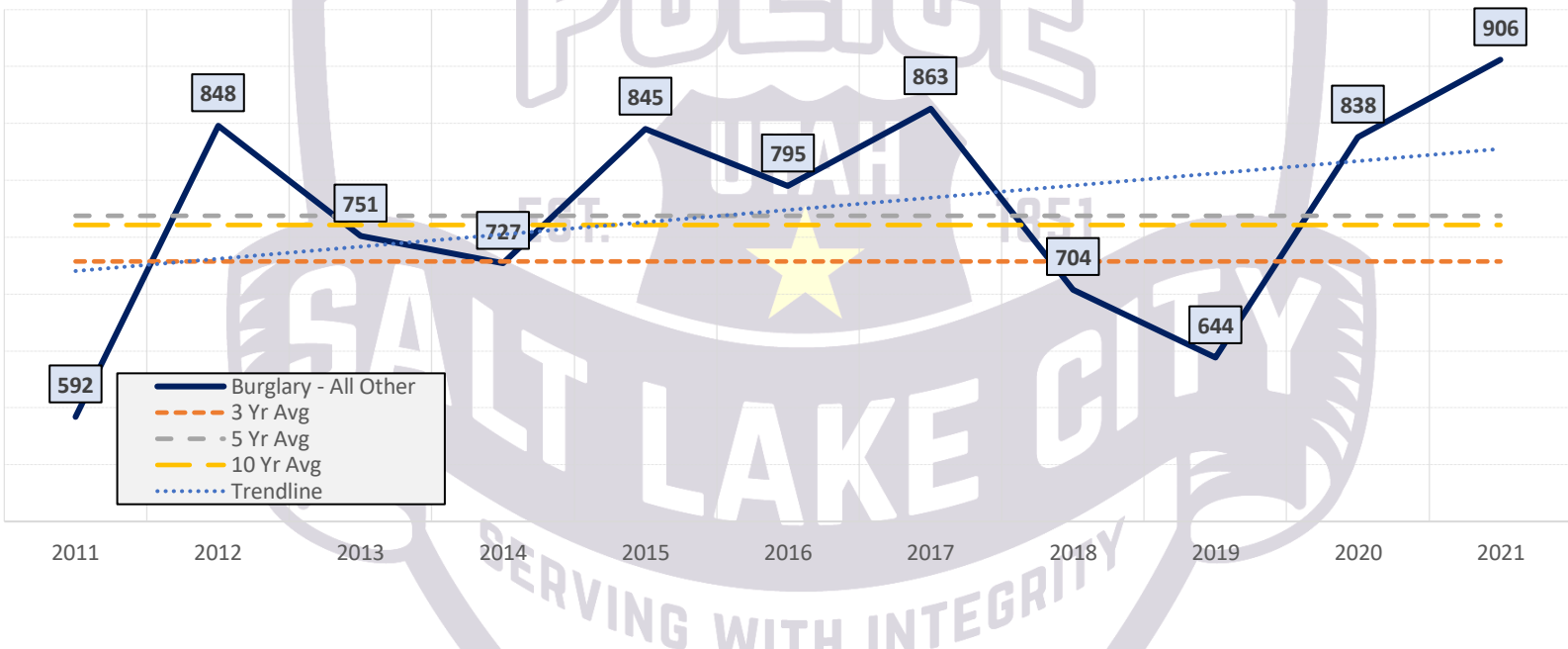
Above 3 Year Average

**18%**

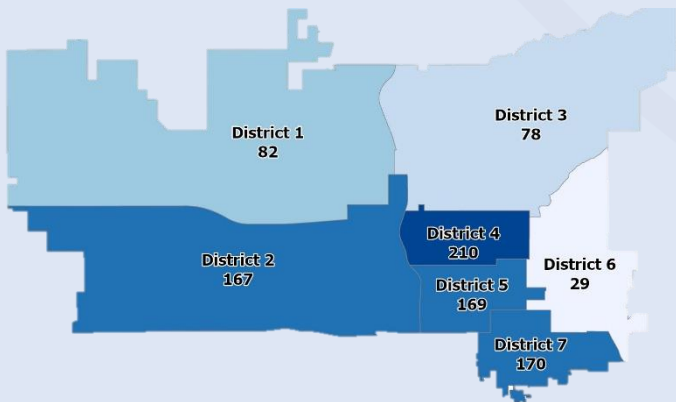
Above 5 Year Average

**19%**

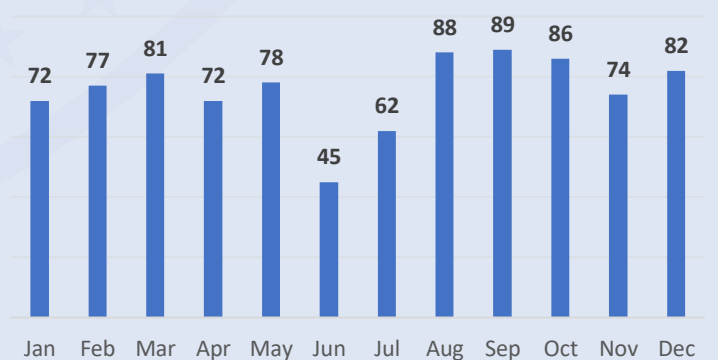
Above 10 Year Average



### By District



### By Month



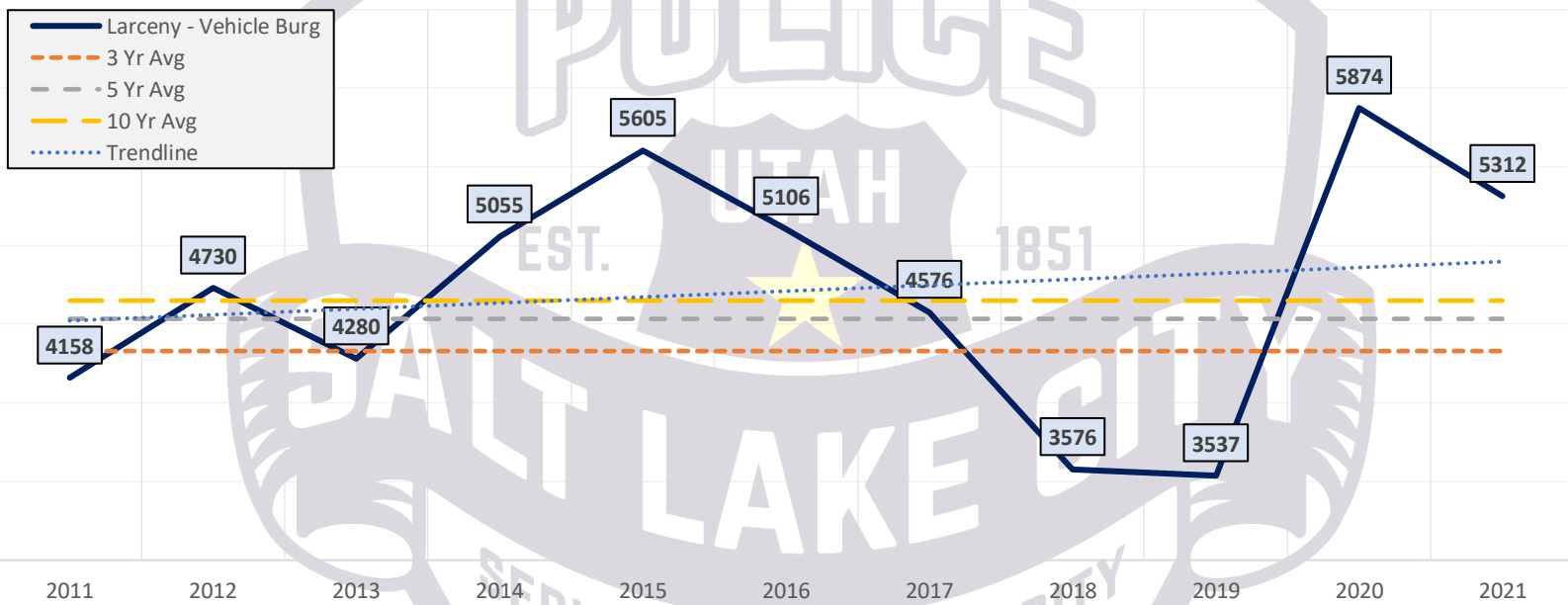
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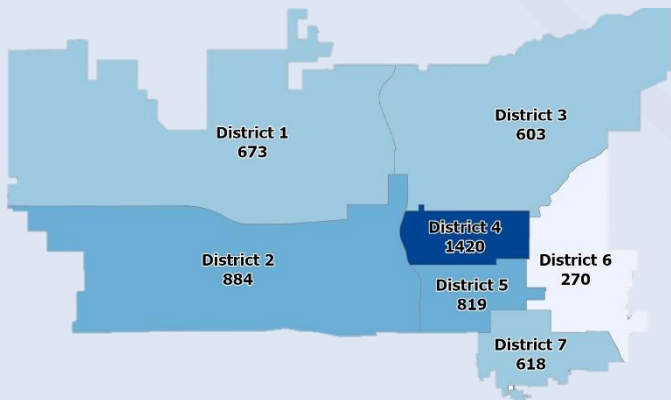
# 2021 CompStat Summary

## LARCENY - VEHICLE BURGLARY

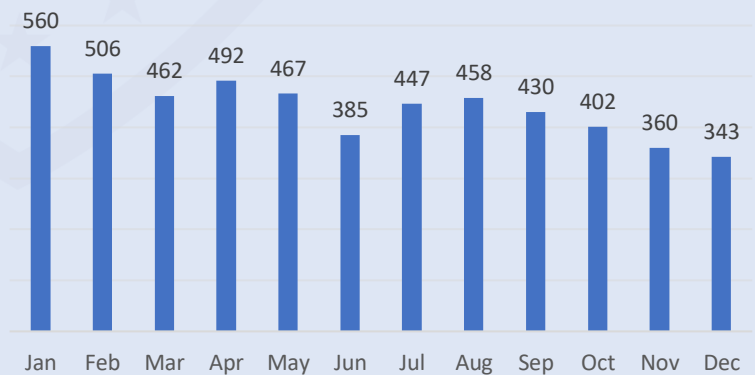
<b>-10%</b>	Below 2020	<b>23%</b>	Above 3 Year Average
<b>17%</b>	Above 5 Year Average	<b>14%</b>	Above 10 Year Average



### By District



### By Month

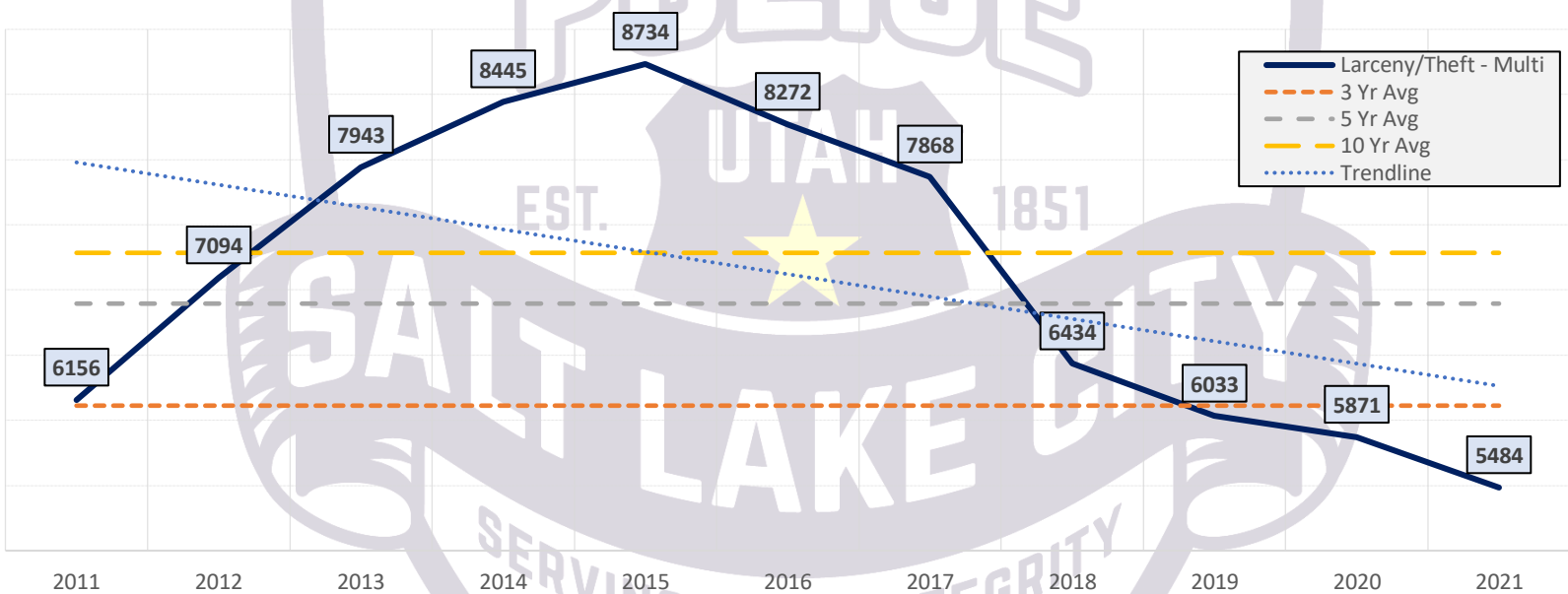


# 2021 CompStat Summary

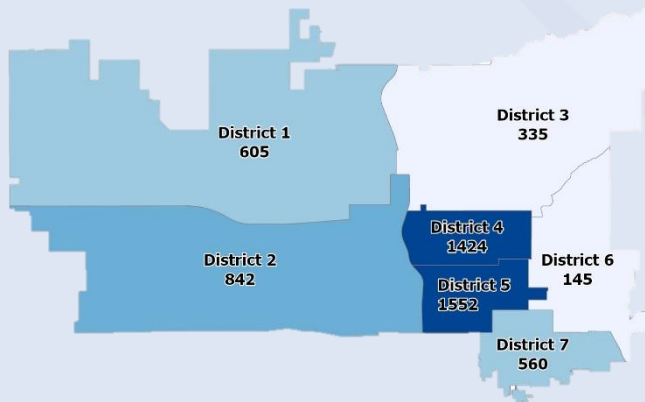
## LARCENY/THEFT – ALL OTHER

Pick Pocket – Purse Snatch – Shoplift – Theft from a Building – Theft from Coin Op Machine - Other

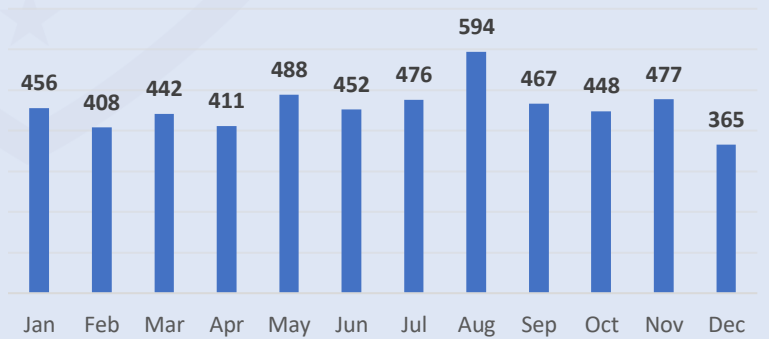
<b>-7%</b>	Below 2020	<b>-10%</b>	Below 3 Year Average
<b>-20%</b>	Below 5 Year Average	<b>-25%</b>	Below 10 Year Average



### By District



### By Month



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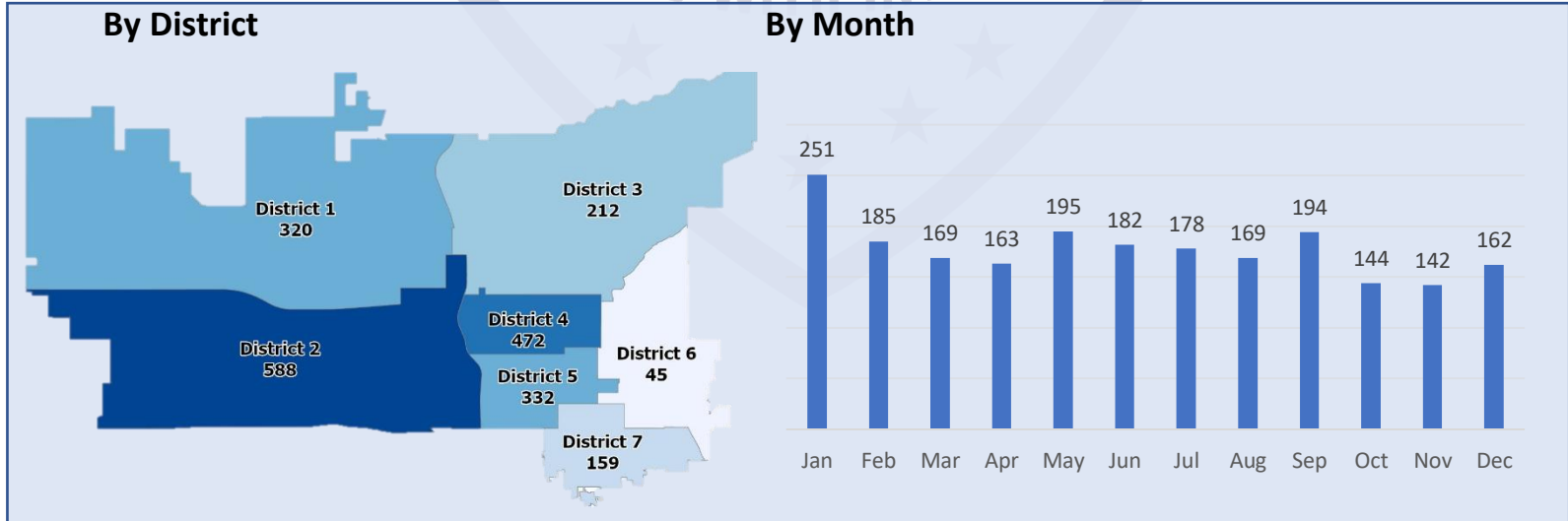
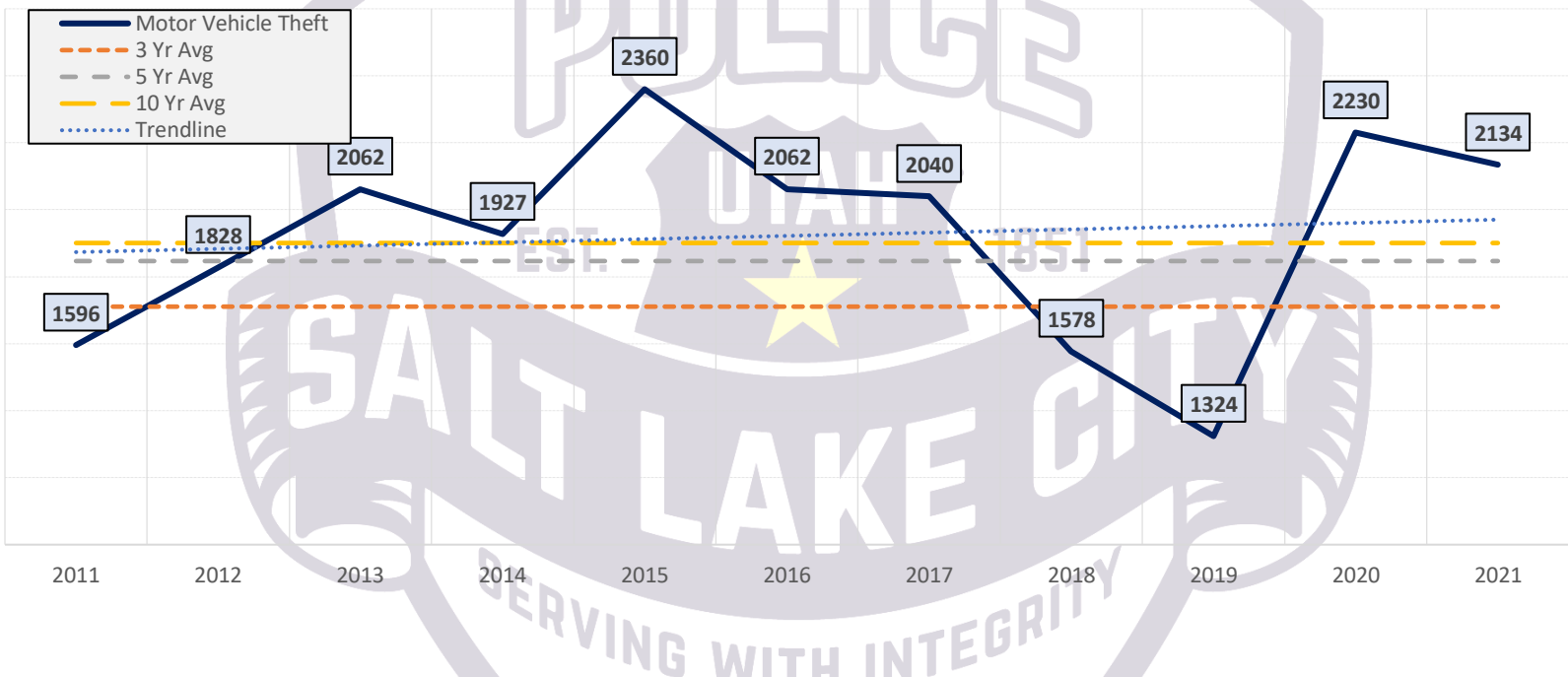




# 2021 CompStat Summary

## MOTOR VEHICLE THEFT

<b>-4%</b>	Below 2020	<b>25%</b>	Above 3 Year Average
<b>16%</b>	Above 5 Year Average	<b>12%</b>	Above 10 Year Average



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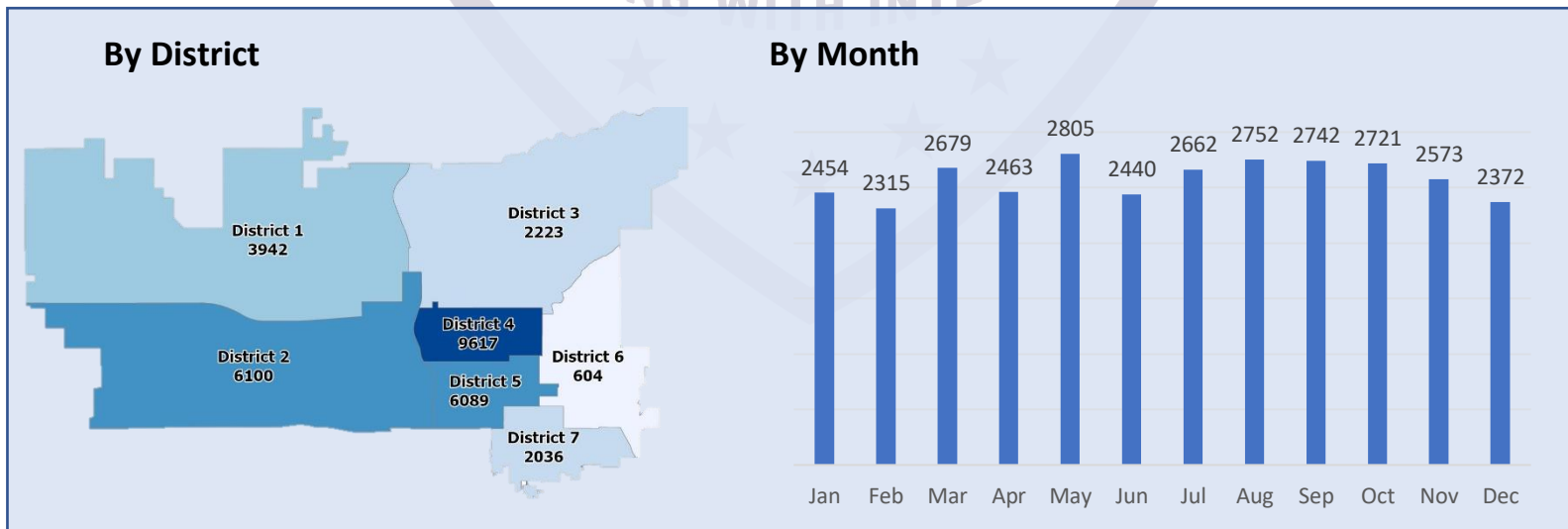
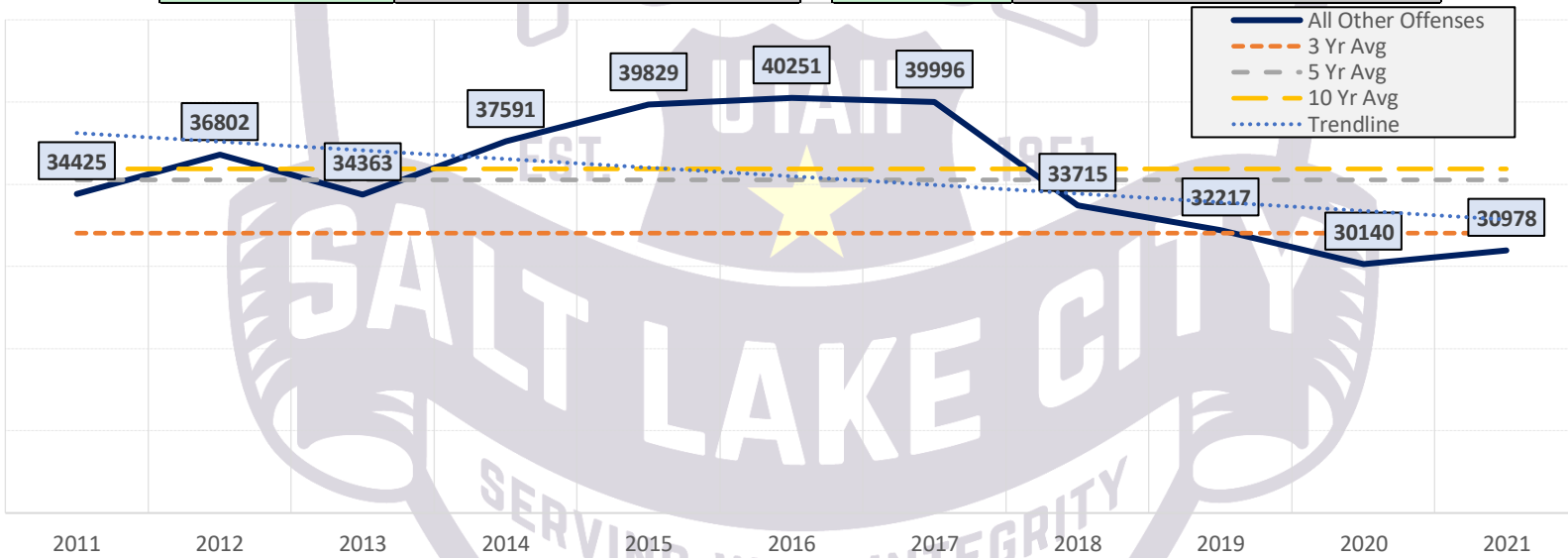


# 2021 CompStat Summary

## ALL OTHER OFFENSES

Other Assaults - Forgery/Counterfeiting – Fraud – Embezzlement - Stolen Property – Vandalism – Weapons – Prostitution - Sex Offenses - Drug Abuse – Gambling - Family Offenses – DUI - Liquor Laws – Drunkenness - Disorderly Conduct - All Other Offenses - Curfew/Loitering - Runaway

<b>3%</b>	Above 2020	<b>-3%</b>	Below 3 Year Average
<b>-12%</b>	Below 5 Year Average	<b>-14%</b>	Below 10 Year Average



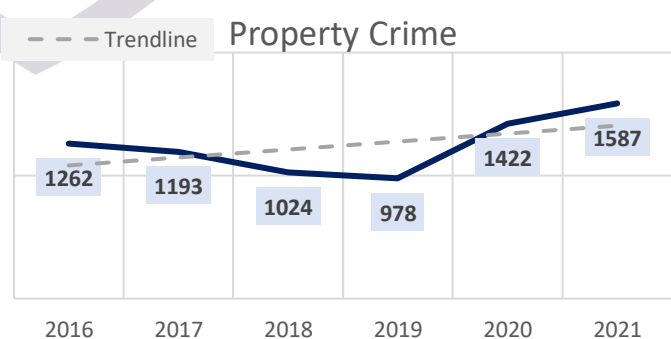
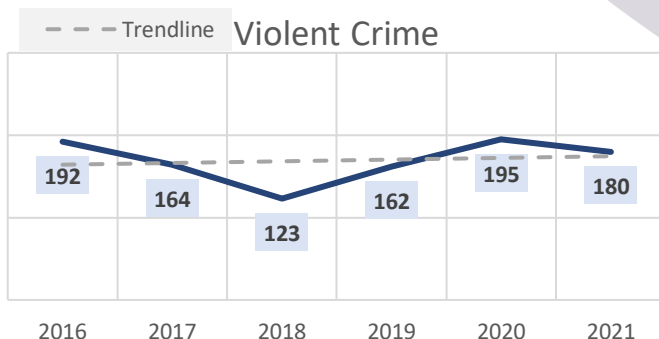
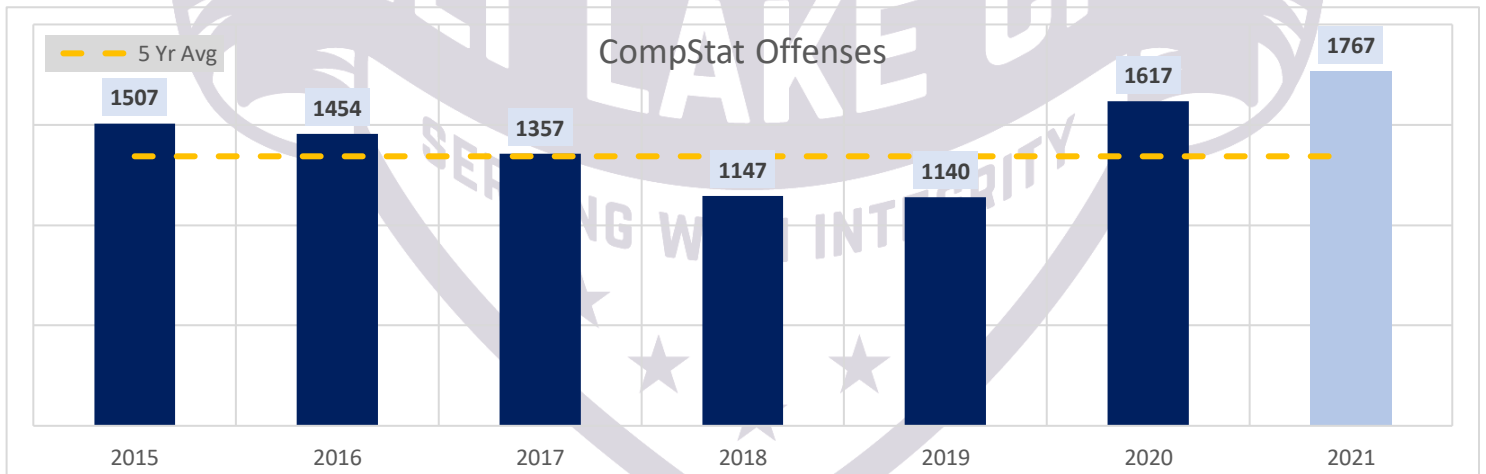
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# 2021 CompStat Summary

## DISTRICT 1 SUMMARY

Offense	2021	2020	% Chng (2020)	3 Yr Avg (2018-2020)	% Chng (3 Yr)	5 Yr Avg (2106-2020)	% Chng (5 Yr)
Homicide	3	1	200%	2	80%	2	36%
Forcible Rape	19	14	36%	18	4%	23	-16%
Robbery - Business	9	12	-25%	15	-39%	15	-38%
Robbery - All Other	32	42	-24%	32	0%	32	0%
Aggravated Assault - Family	43	52	-17%	38	12%	38	12%
Aggravated Assault - NonFamily	74	74	0%	55	35%	57	29%
Violent Crime	180	195	-8%	160	13%	167	8%
Burglary - Residential	92	78	18%	90	2%	98	-6%
Burglary - All Other	83	90	-8%	65	28%	64	29%
Larceny/Theft - Multi	476	398	20%	371	28%	392	21%
Larceny - Vehicle Burg	646	554	17%	377	72%	369	75%
Motor Vehicle Theft	290	302	-4%	238	22%	252	15%
Property Crime	1587	1422	12%	1141	39%	1176	35%
CompStat Offenses	1767	1617	9%	1301	36%	1343	32%



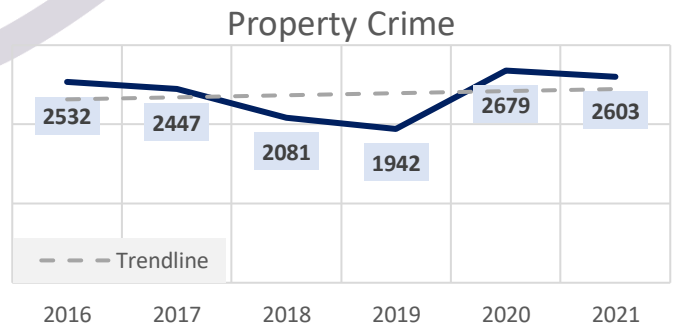
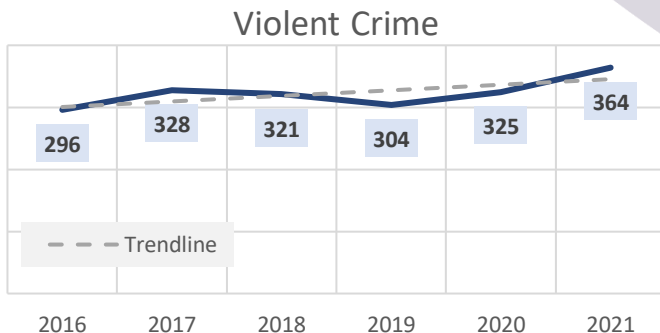
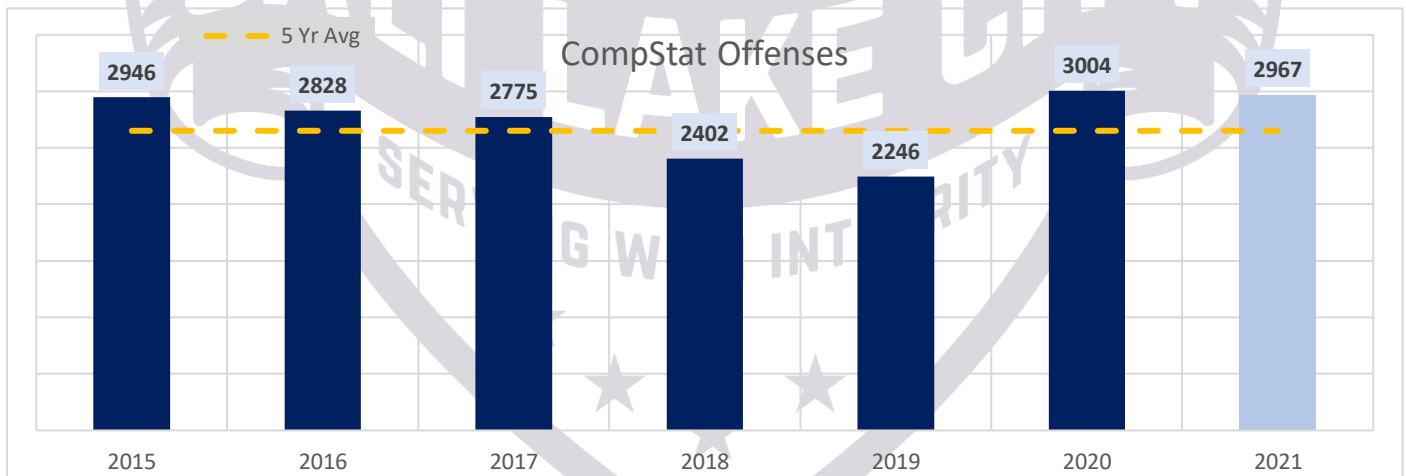
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# 2021 CompStat Summary

## DISTRICT 2 SUMMARY

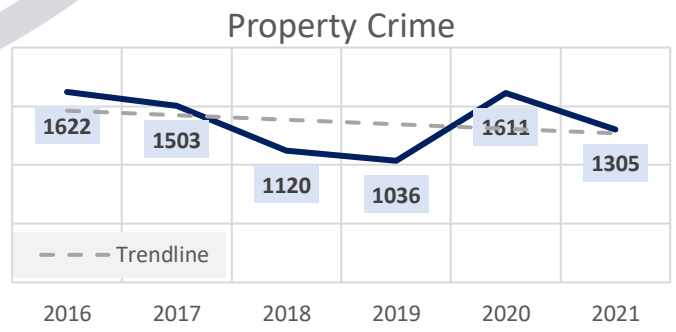
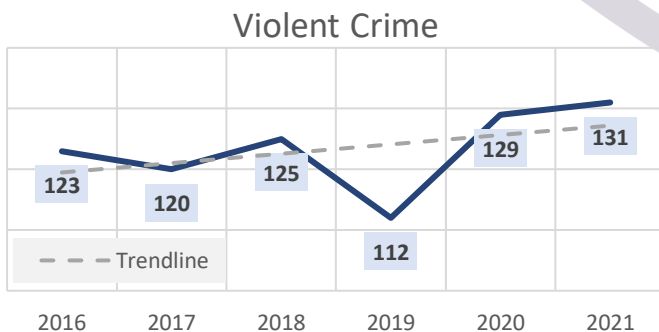
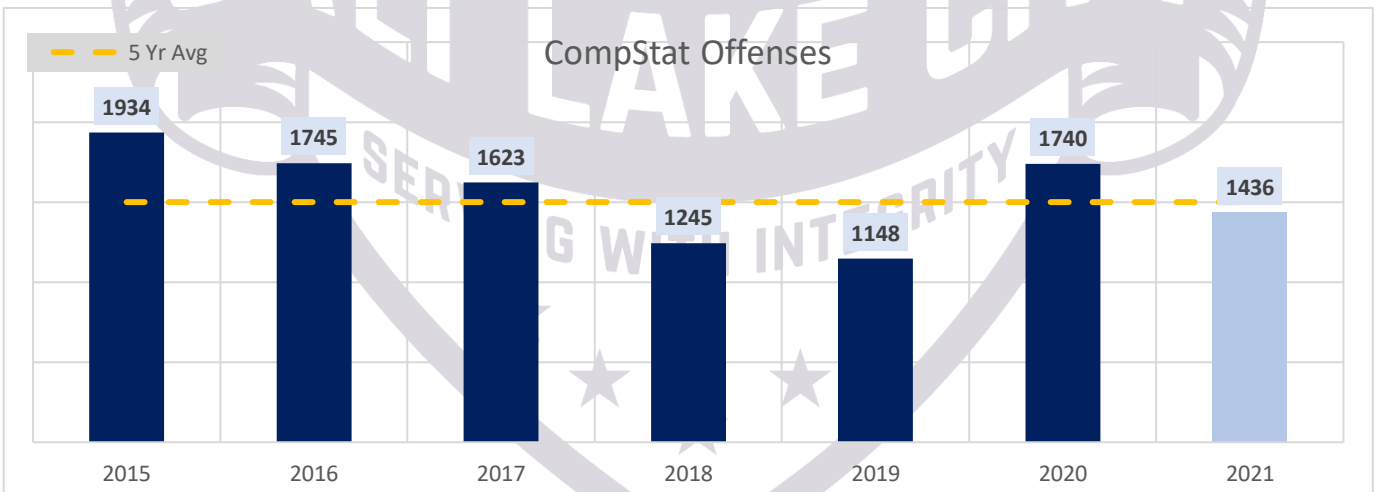
Offense	2021	2020	% Chng (2020)	3 Yr Avg (2018-2020)	% Chng (3 Yr)	5 Yr Avg (2106-2020)	% Chng (5 Yr)
Homicide	2	3	-33%	3	-25%	3	-23%
Forcible Rape	30	24	25%	32	-6%	35	-15%
Robbery - Business	18	21	-14%	26	-32%	27	-34%
Robbery - All Other	87	86	1%	73	20%	69	25%
Aggravated Assault - Family	66	53	25%	58	13%	56	18%
Aggravated Assault - NonFamily	161	138	17%	125	29%	124	29%
Violent Crime	364	325	12%	317	15%	315	16%
Burglary - Residential	108	100	8%	127	-15%	131	-18%
Burglary - All Other	168	174	-3%	166	1%	167	1%
Larceny/Theft - Multi	850	964	-12%	936	-9%	1021	-17%
Larceny - Vehicle Burg	889	913	-3%	614	45%	600	48%
Motor Vehicle Theft	588	528	11%	391	50%	418	41%
Property Crime	2603	2679	-3%	2234	17%	2336	11%
CompStat Offenses	2967	3004	-1%	2551	16%	2651	12%



# 2021 CompStat Summary

## DISTRICT 3 SUMMARY

Offense	2021	2020	% Chng (2020)	3 Yr Avg (2018-2020)	% Chng (3 Yr)	5 Yr Avg (2106-2020)	% Chng (5 Yr)
Homicide	0	3	-100%	2	-100%	2	-100%
Forcible Rape	19	22	-14%	20	-5%	22	-14%
Robbery - Business	6	3	100%	4	50%	5	20%
Robbery - All Other	28	22	27%	24	18%	23	24%
Aggravated Assault - Family	30	32	-6%	29	3%	25	19%
Aggravated Assault - NonFamily	48	47	2%	43	12%	45	7%
Violent Crime	131	129	2%	122	7%	122	8%
Burglary - Residential	75	96	-22%	86	-13%	112	-33%
Burglary - All Other	78	86	-9%	75	4%	85	-8%
Larceny/Theft - Multi	335	411	-18%	384	-13%	402	-17%
Larceny - Vehicle Burg	604	783	-23%	535	13%	591	2%
Motor Vehicle Theft	213	235	-9%	176	21%	189	13%
Property Crime	1305	1611	-19%	1256	4%	1378	-5%
CompStat Offenses	1436	1740	-17%	1378	4%	1500	-4%



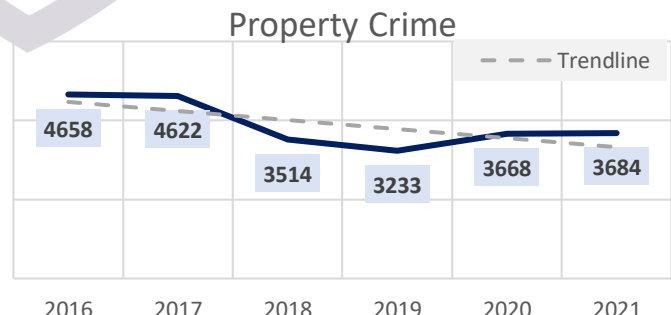
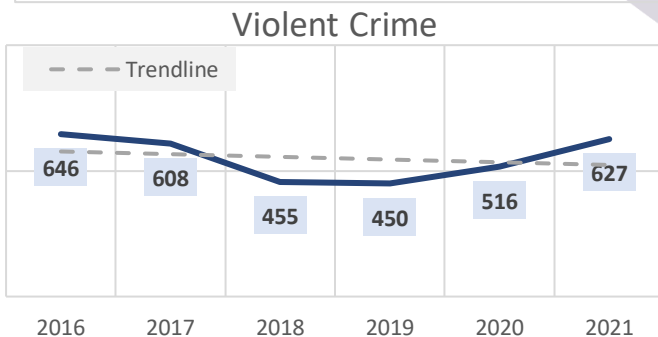
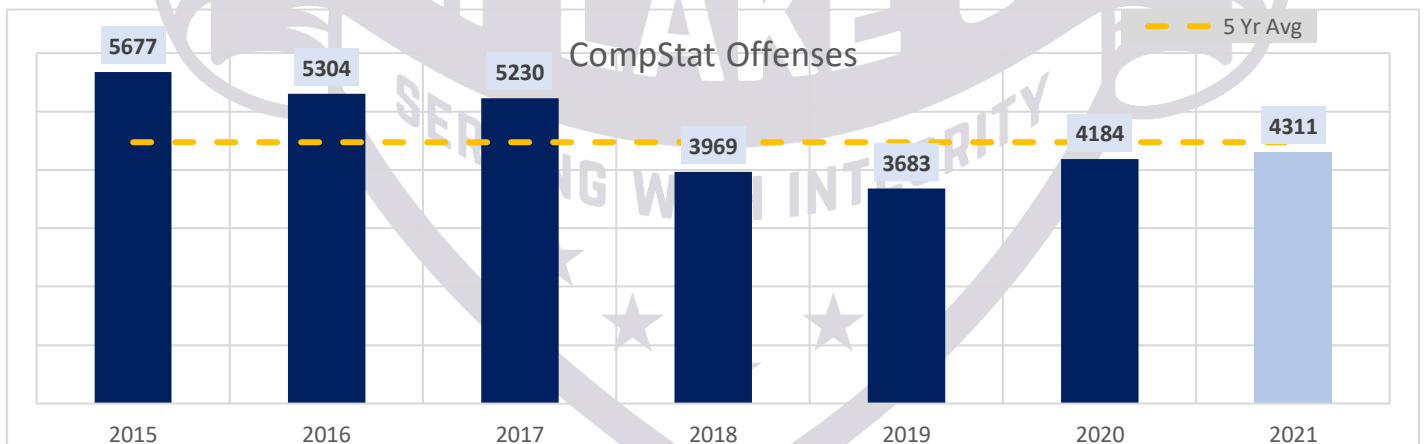
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# 2021 CompStat Summary

## DISTRICT 4 SUMMARY

Offense	2021	2020	% Chng (2020)	3 Yr Avg (2018-2020)	% Chng (3 Yr)	5 Yr Avg (2106-2020)	% Chng (5 Yr)
Homicide	5	3	67%	3	88%	3	79%
Forcible Rape	108	96	13%	88	23%	100	8%
Robbery - Business	36	45	-20%	42	-15%	48	-25%
Robbery - All Other	111	99	12%	100	11%	125	-11%
Aggravated Assault - Family	83	70	19%	51	64%	41	101%
Aggravated Assault - NonFamily	284	203	40%	190	49%	218	30%
Violent Crime	627	516	22%	474	32%	535	17%
Burglary - Residential	144	145	-1%	137	5%	155	-7%
Burglary - All Other	211	201	5%	177	19%	183	15%
Larceny/Theft - Multi	1427	1480	-4%	1747	-18%	2074	-31%
Larceny - Vehicle Burg	1428	1377	4%	1073	33%	1157	23%
Motor Vehicle Theft	474	465	2%	338	40%	370	28%
Property Crime	3684	3668	0%	3472	6%	3939	-6%
CompStat Offenses	4311	4184	3%	3945	9%	4474	-4%



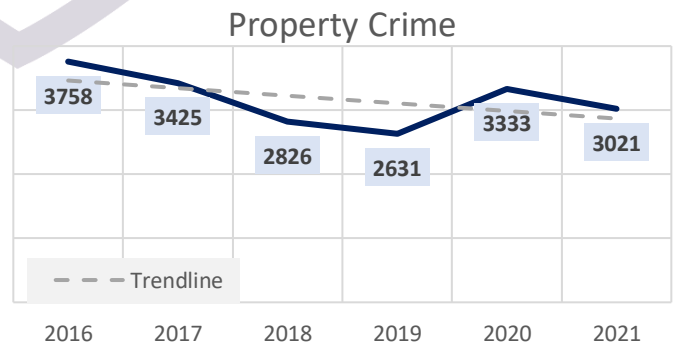
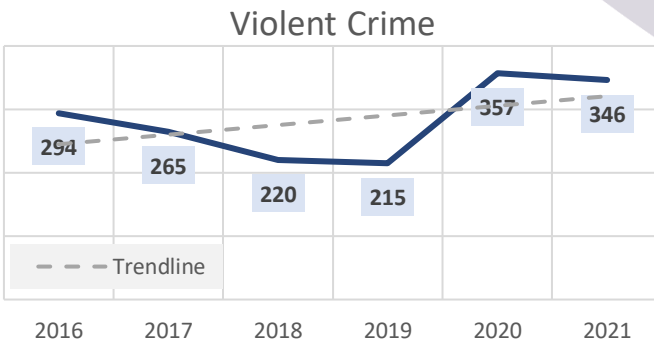
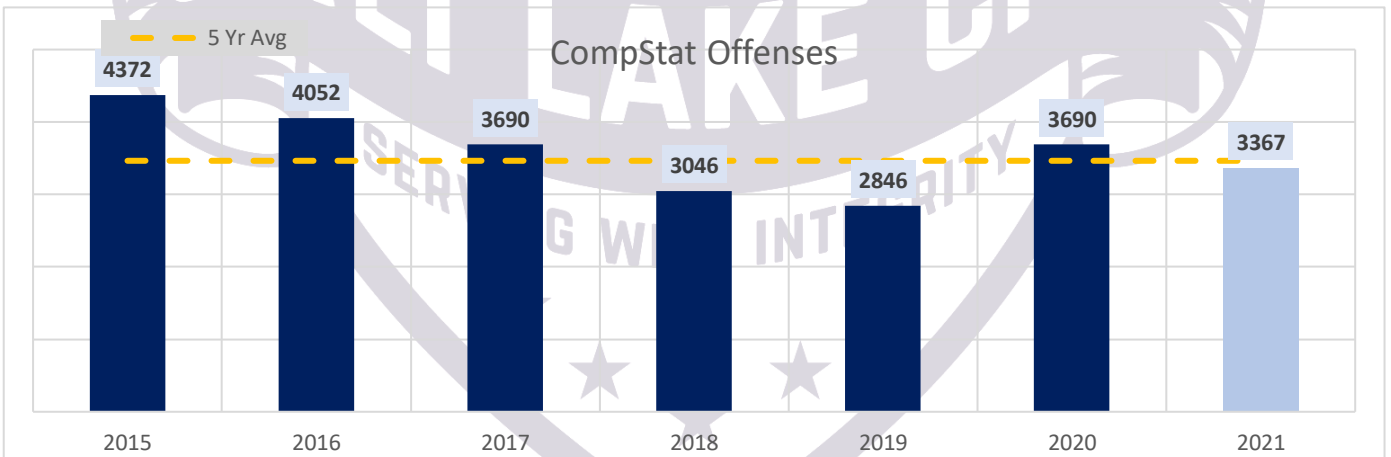
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# 2021 CompStat Summary

## DISTRICT 5 SUMMARY

Offense	2021	2020	% Chng (2020)	3 Yr Avg (2018-2020)	% Chng (3 Yr)	5 Yr Avg (2106-2020)	% Chng (5 Yr)
Homicide	5	7	-29%	4	25%	3	79%
Forcible Rape	41	42	-2%	36	15%	44	-6%
Robbery - Business	25	29	-14%	22	12%	26	-5%
Robbery - All Other	64	89	-28%	67	-4%	62	3%
Aggravated Assault - Family	49	48	2%	38	29%	32	51%
Aggravated Assault - NonFamily	162	142	14%	97	67%	103	57%
<b>Violent Crime</b>	<b>346</b>	<b>357</b>	<b>-3%</b>	<b>264</b>	<b>31%</b>	<b>270</b>	<b>28%</b>
Burglary - Residential	139	131	6%	167	-17%	176	-21%
Burglary - All Other	169	133	27%	115	47%	133	27%
Larceny/Theft - Multi	1556	1781	-13%	1651	-6%	1820	-14%
Larceny - Vehicle Burg	824	926	-11%	722	14%	759	9%
Motor Vehicle Theft	333	362	-8%	274	22%	307	8%
<b>Property Crime</b>	<b>3021</b>	<b>3333</b>	<b>-9%</b>	<b>2930</b>	<b>3%</b>	<b>3195</b>	<b>-5%</b>
<b>CompStat Offenses</b>	<b>3367</b>	<b>3690</b>	<b>-9%</b>	<b>3194</b>	<b>5%</b>	<b>3465</b>	<b>-3%</b>



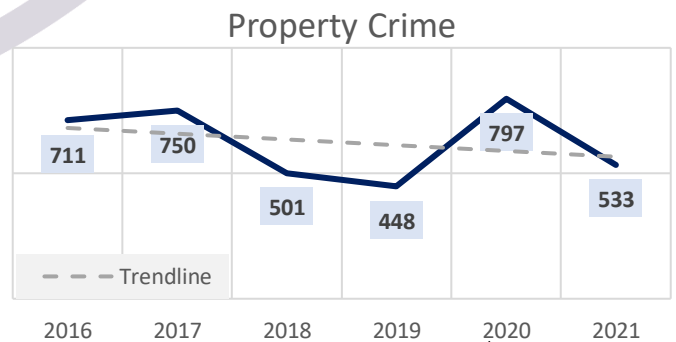
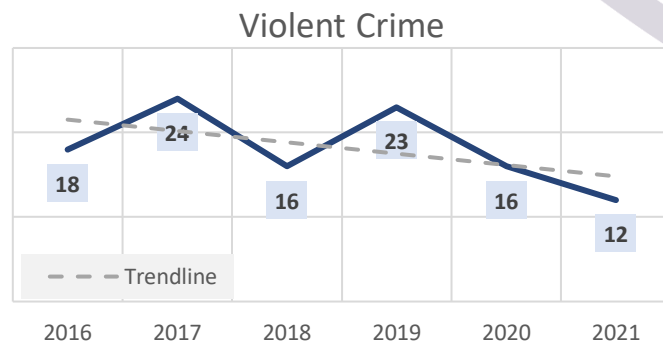
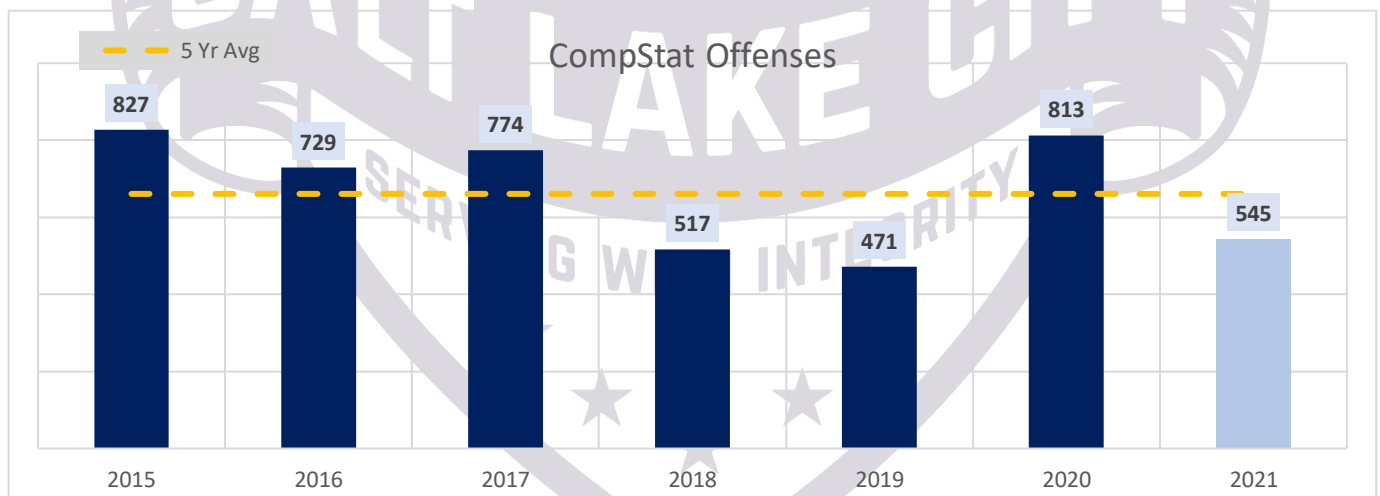
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# 2021 CompStat Summary

## DISTRICT 6 SUMMARY

Offense	2021	2020	% Chng (2020)	3 Yr Avg (2018-2020)	% Chng (3 Yr)	5 Yr Avg (2106-2020)	% Chng (5 Yr)
Homicide	1	0	/0	0	200%	0	150%
Forcible Rape	3	4	-25%	4	-31%	4	-17%
Robbery - Business	0	1	-100%	2	-100%	3	-100%
Robbery - All Other	1	4	-75%	3	-70%	3	-64%
Aggravated Assault - Family	4	3	33%	3	33%	4	11%
Aggravated Assault - NonFamily	3	4	-25%	6	-47%	6	-50%
<b>Violent Crime</b>	<b>12</b>	<b>16</b>	<b>-25%</b>	<b>18</b>	<b>-35%</b>	<b>19</b>	<b>-38%</b>
Burglary - Residential	44	83	-47%	59	-25%	69	-36%
Burglary - All Other	29	48	-40%	28	4%	31	-7%
Larceny/Theft - Multi	145	187	-22%	162	-10%	178	-19%
Larceny - Vehicle Burg	270	400	-33%	281	-4%	305	-12%
Motor Vehicle Theft	45	79	-43%	52	-13%	58	-22%
<b>Property Crime</b>	<b>533</b>	<b>797</b>	<b>-33%</b>	<b>582</b>	<b>-8%</b>	<b>641</b>	<b>-17%</b>
<b>CompStat Offenses</b>	<b>545</b>	<b>813</b>	<b>-33%</b>	<b>600</b>	<b>-9%</b>	<b>661</b>	<b>-18%</b>



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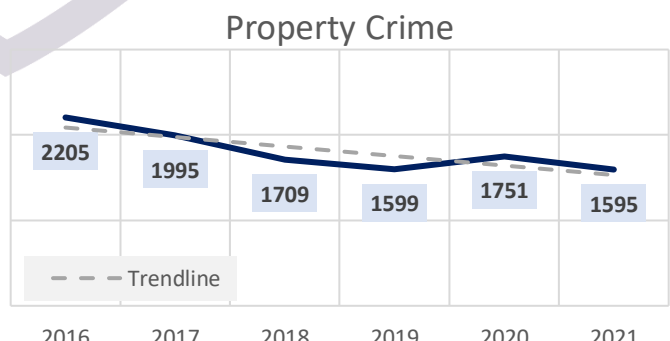
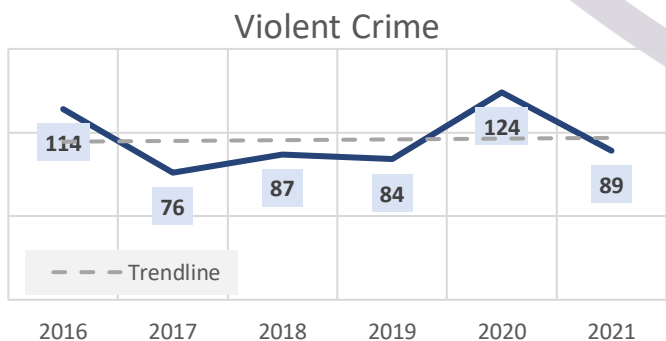
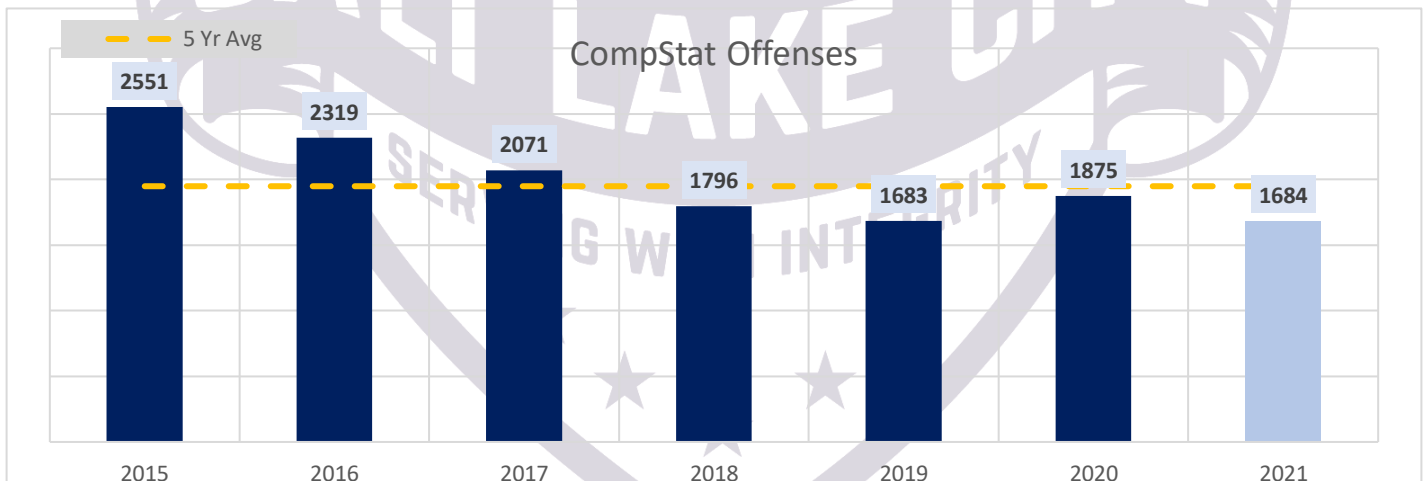




# 2021 CompStat Summary

## DISTRICT 7 SUMMARY

Offense	2021	2020	% Chng (2020)	3 Yr Avg (2018-2020)	% Chng (3 Yr)	5 Yr Avg (2106-2020)	% Chng (5 Yr)
Homicide	2	1	100%	1	200%	0	400%
Forcible Rape	19	18	6%	16	16%	18	7%
Robbery - Business	13	18	-28%	18	-26%	19	-30%
Robbery - All Other	8	21	-62%	14	-43%	16	-49%
Aggravated Assault - Family	17	23	-26%	15	11%	13	29%
Aggravated Assault - NonFamily	30	43	-30%	34	-13%	31	-4%
Violent Crime	89	124	-28%	98	-9%	97	-8%
Burglary - Residential	75	97	-23%	96	-22%	104	-28%
Burglary - All Other	172	101	70%	99	74%	101	71%
Larceny/Theft - Multi	564	516	9%	666	-15%	803	-30%
Larceny - Vehicle Burg	625	851	-27%	656	-5%	665	-6%
Motor Vehicle Theft	159	186	-15%	170	-6%	178	-11%
Property Crime	1595	1751	-9%	1686	-5%	1852	-14%
CompStat Offenses	1684	1875	-10%	1785	-6%	1949	-14%



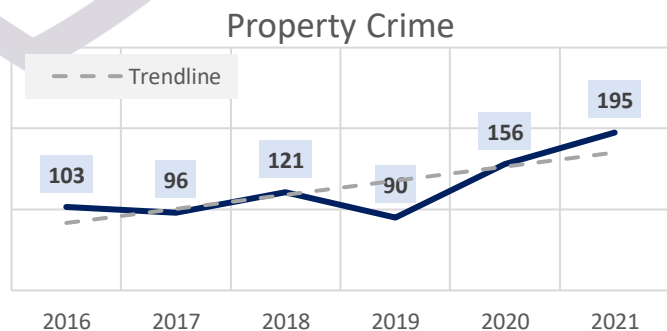
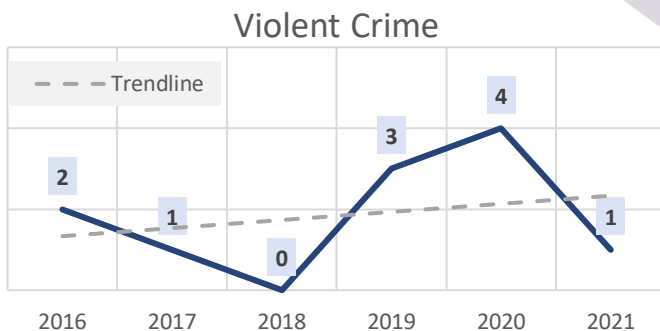
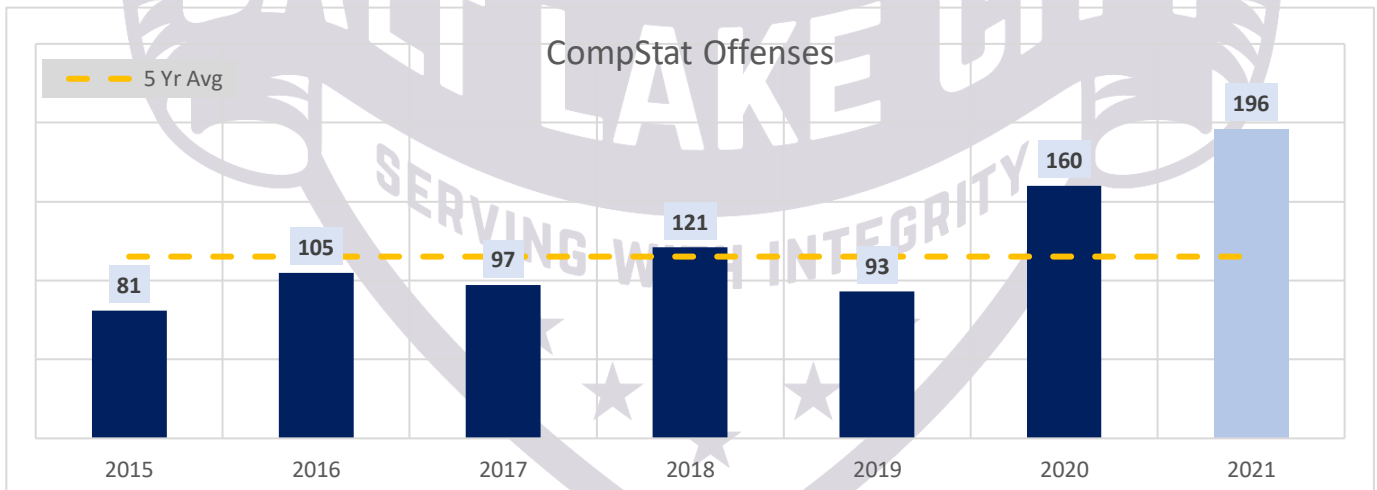
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# 2021 CompStat Summary

## AIRPORT SUMMARY

Offense	2021	2020	% Chng (2020)	3 Yr Avg (2018-2020)	% Chng (3 Yr)	5 Yr Avg (2106-2020)	% Chng (5 Yr)
Homicide	0	0	/0	0	/0	0	/0
Forcible Rape	0	0	/0	0	/0	0	-100%
Robbery - Business	0	0	/0	0	/0	0	/0
Robbery - All Other	0	2	-100%	1	-100%	1	-100%
Aggravated Assault - Family	0	0	/0	0	/0	0	/0
Aggravated Assault - NonFamily	1	2	-50%	1	-25%	1	0%
Violent Crime	1	4	-75%	2	-57%	2	-50%
Burglary - Residential	0	1	-100%	0	-100%	1	-100%
Burglary - All Other	1	2	-50%	1	-25%	1	0%
Larceny/Theft - Multi	132	76	74%	66	99%	60	120%
Larceny - Vehicle Burg	30	16	88%	12	150%	11	168%
Motor Vehicle Theft	32	61	-48%	42	-24%	40	-21%
Property Crime	195	156	25%	122	59%	113	72%
CompStat Offenses	196	160	23%	125	57%	115	70%





## ATTACHMENT D: VARIANCE STANDARDS

Prohibited Variances: The Appeals Hearing Officer shall not grant a variance that:

Standard	Finding	Rationale
<b>A. Is intended as a temporary measure only;</b>	Complies	The proposed fence would not be a temporary measure – the structure would be permanent in nature.
<b>B. Is greater than the minimum variation necessary to relieve the unnecessary hardship demonstrated by the applicant; or</b>	Complies	A 6’ fence is a standard height for a security fence, so it is not greater than the minimum variation necessary.
<b>C. Authorizes uses not allowed by law (i.e., a "use variance").</b>	Complies	Granting the variance would not allow any use that is not permitted by law.

A. General Standard	Finding	Rationale
<b>1. Literal enforcement of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this title;</b>	Complies	<p>The purpose and intent of the code on fencing is to “[provide] privacy and security, [define] private space and enhance the design of individual site. Fences also affect the public by impacting the visual image of the streetscape and the overall character of the neighborhoods . The purpose of these regulations is to achieve a balance between the private concerns for privacy and site design and the public concerns for enhancement of community appearance, and to ensure the provision of adequate light, air and public safety.</p> <p>While a 6’ fence may slightly improve the safety concerns for the applicant, zoning must strike a balance between one owners needs and the entire character of the neighborhood. Residential neighborhoods are not to be fortified in with dramatically high fences, but open to yard space, air, and light.</p> <p>The applicant argues that the high number of police calls from the property is an excessive hardship that would be solved by a taller fence. There are many other alternative means and methods that could help solve this hardship. The ability to provide a 6’ in the side yard and 4’ fence in the front yard does not cause unreasonable hardship for the applicant.</p>

**In determining whether or not enforcement of this title would cause unreasonable hardship under subsection A of this section, the appeals hearing officer may not find an unreasonable hardship unless:**

<p><b>The alleged hardship is related to the size, shape or topography of the property for which the variance is sought.</b></p>	<p>Does not comply</p>	<p>The alleged hardship is due to the apparent crime in the neighborhood or apartment complex and is <b>not</b> related to the size, shape or topography of the property.</p>
<p><b>The alleged hardship comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.</b></p>	<p>Does not comply</p>	<p>The applicant is arguing the hardship is due to the community conditions in the neighborhood and is not peculiar to the property itself.</p>
<p><b>The hardship is not self-imposed or economic.</b></p>	<p>Complies</p>	<p>The alleged hardship is not self imposed.  The safety concerns <i>may</i> relate to an economic hardship – as a fence is likely the most cost effective way to increase security onto the site.</p>
<p><b>2. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district;</b></p>	<p>Does not comply</p>	<p>This property does not have any special circumstances attached to the property that others do not have in the same zoning district.</p>

**In determining whether or not there are special circumstances attached to the property, the appeals hearing officer may find that special circumstances exist only if:**

<p><b>The special circumstances relate to the alleged hardship; and</b></p>	<p>Does not comply</p>	<p>The subject property does not have special circumstances attached to it.</p>
<p><b>The special circumstances deprive the property of privileges granted to other properties in the same zoning district.</b></p>	<p>Does not comply</p>	<p>Many residential properties have applied for variances for fences in front yards over the years to no avail. The existing 6’ fences in front yards near the property were likely not approved by the City. The Master Plan calls out the need for CPTED principles and neighborhood watch to prevent crime, not the use of higher fences that would fortress a community.</p>
<p><b>3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;</b></p>	<p>Does not comply</p>	<p>There are fences 6’ in height in the front yard on adjacent properties; however, Staff finds no evidence that the City approved these fences. All properties in the RMF-35 zoning district are bound by the current fence height regulations; therefore, granting the variance would not be essential to the enjoyment of a property right possessed by other properties in the same zoning district</p>

<p><b>4. The variance will not substantially affect the general plan of the city and will not be contrary to the public interest; and</b></p>	<p>Does not comply</p>	<p>The Rose Park Master Plan specifically encourages CPTED principles and Neighborhood Watch to prevent and deter crime in this neighborhood. A 6' front yard fence is not the proper use of these principles and does not fit the intent of the Master Plan.</p>
<p><b>5. The spirit of this title is observed and substantial justice done.</b></p>	<p>Does not comply</p>	<p>While fencing is allowed within a residential zone, its limits are intentional to provide screening and privacy while keeping an open community feel to each neighborhood. A 6' fence in the front yard does not promote justice when other properties within the same zone are required to comply with the front yard fence height regulations.</p>

**ATTACHMENT E: DEPARTMENT COMMENTS**

# Department Review Comments

## PLNPCM2023-00132

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This proposal was reviewed by the following departments.

**Building:** Comments provided by Bryan Romney

Fence was previously reviewed and approved on building permit application BLD2023-00094

**Engineering:** Comments provided by Scott Weiler

No objections provided the fence is on private property.

**Fire:** Comments provided by Douglas Bateman

Fence was previously reviewed and approved on building permit application BLD2023-00094

**Transportation:** Comments provided by Jena Carver

I recommended moving the gate hinges from the east side of each driveway to the west side to minimize gate swing conflict with exiting cars (gates must still swing into the property) or using slide gates. This is not a requirement, just a recommendation. I have checked the 10 sight distance triangle requirement and all 3 accesses meet the requirement. If any changes are made to the location of the fence that may affect the sight distance you must submit changes for re-review.

**Police:** Comments provided by Lt. Andrew Cluff

No concerns from a law enforcement perspective so long as it is the wrought iron depicted allowing visibility through the fence into the property.

**Public Utilities:** Comments provided by Kristeen Beitel

Public Utilities has no issues with this request. Access from the public right of way must be maintained at all times for water meters. Water meters are located on 700 North and 800 West and will not be affected by the proposed fence on 900 West.



## **ATTACHMENT F: PUBLIC PROCESS**

### Public hearing notifications –

April 13, 2023

- Notices for public hearing mailed out to surrounding property owners and occupants
- Agenda posted on State noticing website

April 14, 2023-

- Signs posted on property

### Comments

No public comments were received for the petition prior to the posting of this report