



# Staff Report

PLANNING DIVISION  
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

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To: Salt Lake City Appeals Hearing Officer

From: Diana Martinez, Senior Planner, (801) 535-7215 or [diana.martinez@slcgov.com](mailto:diana.martinez@slcgov.com)

Date: September 21, 2023

Re: PLNZAD2023-00519 – Variance Request

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## VARIANCE REQUEST

**PROPERTY ADDRESS:** 5995 W. Amelia Earhart Dr.

**PARCEL ID:** 07-35-252-003-0000

**ZONING DISTRICT /ORDINANCE SECTION:** M-1 (Light Manufacturing) District /  
Fence Height Requirement Ordinance 21A.40.120.E.1.b.

**APPLICANT:** Jason Boal, representing the property owners

**DETERMINATION ISSUE:**

Whether the applicant meets the standards for a variance in Ordinance 21A.18.060, in order to install a 6-foot fence in the area of the property between the primary façade of the structure and the property line. The Appeals Hearing Officer determines this variance request per ordinance section 21A.18.020 of the Salt Lake City Zoning Ordinance.

**RECOMMENDATION:**

Based on the analysis and findings in this staff report, the Planning Staff is of the opinion that this application does not meet the standards for approval for the variance request in petition PLNZAD2023-00519 to allow a fence height increase from 4 feet to 6 feet for a fence to be located between the front property line and the primary facade of the principal structure. Therefore, it is recommended that the Appeals Hearing Officer deny the proposed variance request based on the findings in this Staff report.

**ATTACHMENTS:**

- A. Vicinity map
- B. Photos – Site and Vicinity
- C. Applicant Narrative and Site Plan
- D. Variance Standards
- E. Public Comments



*The subject property is circled in yellow. It is located to the west of the Salt Lake City International Airport in the M-1 (Light Manufacturing) District.*

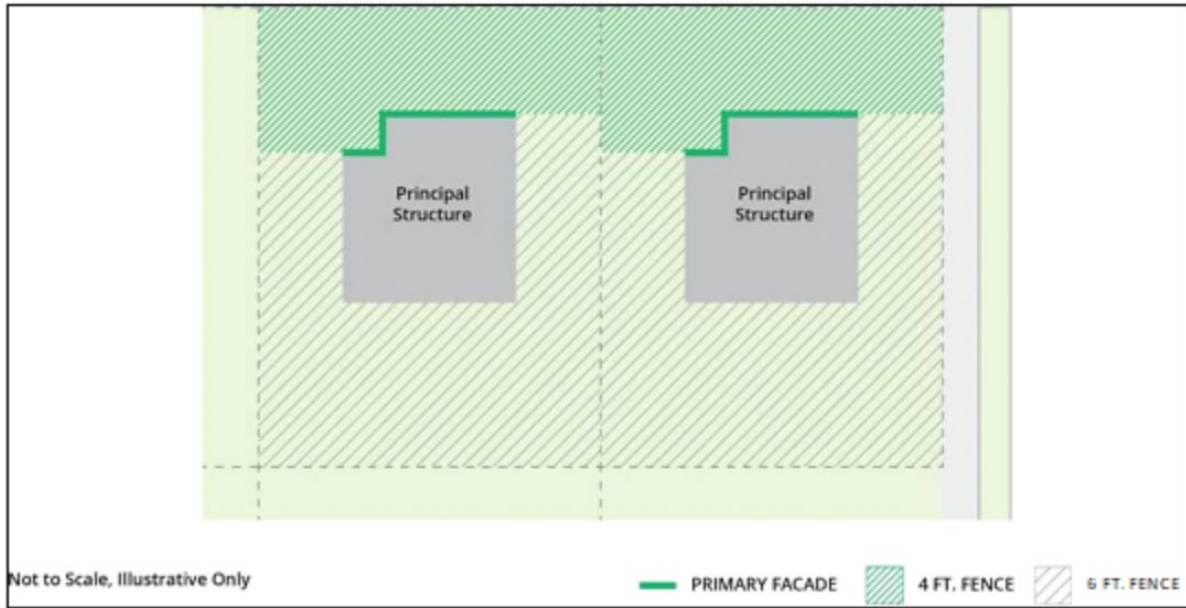
**PROJECT DESCRIPTION:**

The subject property is located in the M-1 (Light Manufacturing) District, just west of the Salt Lake City International Airport and north of Interstate 80. Most of the development in this area consists of hotels, warehouses, and office building.

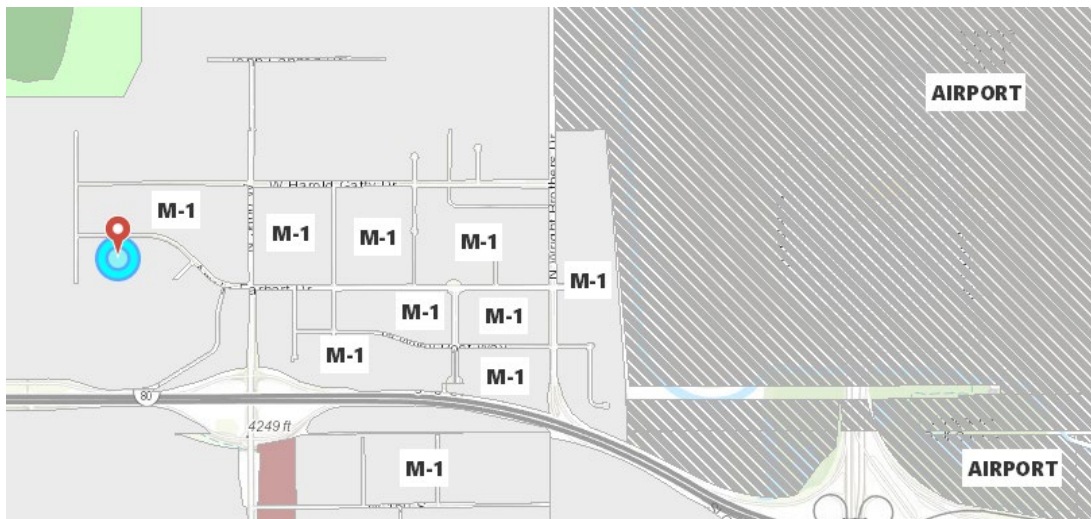
The subject property is on the corner of John Glenn Road and Amelia Earhart Drive. Its perimeter dimensions are approximately 730 feet by 1,389 feet. There is an existing building on the property, approximately 513,000 sq ft. in size. The building is set back against the rear of the property on the south side, and the parking area is in the front yard setback, primarily along Amelia Earhart Drive to the north. The access points to this property are from both John Glenn Road and Amelia Earhart Drive.



*Subject Property*



The applicant is requesting a variance from Ordinance 21A.40.120.E.1.b., which restricts fences between the front property line and the primary façade of the principal structure to a maximum of 4 feet in height. The property owner would like to install a 6-foot fence in front of the building of the subject property for security purposes and believes a 4-foot fence would not be tall enough to deter people from entering the property.



**Current zoning of the vicinity west of SLC International Airport**

**SURROUNDING PROPERTIES:**

As mentioned, most of the area to the west of the Salt Lake City International Airport is zoned M-1, Light Manufacturing, and therefore, most of the buildings in this area are used for hotels, warehouse manufacturing, and office use. There are some properties in the area that have fencing, and there are many that have no fencing. There are four properties in the immediate



vicinity of the subject property that have 6-foot fences located on their properties between the front property line and the primary façade of the principal structure.

Staff recognizes that some properties in the area do have 6-foot fences between the front façade of the primary structure and the property line. Fences were formerly allowed by the zoning ordinance as long as they were in the buildable area. There was also a Special Exception process that may have allowed for some of those fences that are located closer to the street.

The property directly to the north of the subject property has an existing 6-foot metal fence - with barbed wire at the top - located in the front yard on the front property line. Based on images from Google Maps, it is determined that this fence was installed between July 2014 and June 2015. There are other properties in the immediate area that have 6-foot fences built prior to 2021. Some also have barbed wire on the top of those fences.



*The property directly to the north -6010 W. Amelia Earhart Dr. – has a 6’ fence with barbed wire on top.*



*The property at 421 John Glen Rd. installed a 6’ fence – with barbed wire on top- prior to July of 2014.*





The property at 345 John Glenn Rd. installed a 6' fence prior to April 2016.



The property at 5850 W. Amelia Earhart Drive installed a 4' fence as early as July 2007.



Properties with an *X* have a 6-foot fence within the front yard setback.

**Details:**

- The subject property is located in the M-1 (Light Manufacturing) District.
- All surrounding uses are non-residential: hotels, warehouses, and offices.
- Many other adjacent properties have had 6-foot fences for many years. They may have received approval under previous ordinances, which allowed a 6-foot fence outside of the required front yard setback, or under the “Special Exception” process before 2021, or they may have been built without proper permits.
- There is no longer a “Special Exception” process that would allow an increase in fence height for fencing located between the front property line and the primary facade of the principal structure.

**ANALYSIS:**

To assist the Hearing Officer in reviewing this request, the Planning Division has provided the following analysis and findings related to the regulations in 21A.18.060 for Standards for Variances.

The proposed variance request is to reduce the requirement from Ordinance 21A.40.120.E.1.b, which requires all fencing and gates in the front yard setback to be a maximum of 4 feet in height.

According to Ordinance 21A.18.010 the purpose statement states:

***The variance procedures are intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of this title that create unreasonable hardships. When such hardships may be more appropriately remedied, if at all, pursuant to other provisions of this title, the variance procedure is inappropriate.***

This statement informs us that if there are other options for the relief of the circumstance(s) causing hardship to the applicant, then it is not appropriate to grant a variance.

**CONSIDERATION AND DISCUSSION:**

The standards required for granting a variance are set forth in Utah Code Section 10-9a-707 and Salt Lake City Zoning Ordinance, Section 21A.18.060. The Hearing Officer may grant a variance if all the conditions described in Attachment D are found to exist. The applicant shall bear the burden of demonstrating that the standards have been met and that the variance is justified.

**Consideration: Circumstances Peculiar to the Property**

*Is the alleged hardship related to the size, shape, or topography of the property for which the variance is sought?*

*The applicant states in their narrative that “The hardship prompting the variance request arises from the physical characteristics of the Property. Specifically, the Property is located on the corner of two public roadways and has approximately 2,100 feet of road frontage. No other property in the area has a larger frontage. The Property’s size, coupled with its rectangular shape and relatively flat topography, make the Property easily accessible from the public roadways.”*



Having too much lot frontage is not a special circumstance for granting a zoning variance. Zoning variances are generally sought when a property does not meet the minimum requirements set by the zoning code, such as not having enough lot frontage or not meeting other specific criteria. Excess lot frontage may be an advantage as it provides more flexibility and space for development. Because the existing building was built against the south property line, it does not give a special circumstance to this lot for being excessively long or accessible.

There are many properties in the area that have even more frontage than the subject property. The Amazon Company property to the north of the subject property has over 3,560 feet of frontage along 700 North and over 1,000 feet along 5600 West.



*Most of the lots in the immediate area are like the subject property: large, rectangular, and flat with a large building on them.*

*The alleged hardship comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.*

*The applicant states in their narrative, “There are special circumstances attached to the Property that do not apply to other properties in the M-1 zoning district. Specifically, the Property is located on the corner of two main streets and this results in the Property having the most frontage along public roadways in the vicinity of the Property. This makes the Property an easy target for theft and other crime. In addition, the Applicant manufactures engineered components for demanding aerospace applications, supporting both commercial and military platforms, and such sensitive use requires heightened onsite security. Granting the variance is necessary to provide the same level of security that other M-1-zoned properties enjoy. There are several properties in the M-1 zoning district that are secured with a six-foot fence located between the building façade and front property line;”.*

The applicant stated that the special circumstance of having significant frontage with multiple access points to the street creates an unsafe situation because it is difficult to provide security from the crime of theft in the area and that other properties in the vicinity have more security with 6-foot fences located between the front property line and the primary facade of their main buildings. Inopportunately, the applicant cannot apply for a “Special Exception” (which allowed a taller fence

without impact on neighboring properties) like the other nearby properties since this process is no longer an option in the Ordinance.

As noted in City and State Codes, the alleged hardship must be located on or associated with the property for which the variance is sought and come from circumstances peculiar to the property, not from conditions that are general to the neighborhood. In this situation, there is no hardship identified that meets those standards.

### **Discussion:**

The applicant would like to install a 6-foot fence around the entire property, including within the front yard setback, like other properties have been able to do in previous years. Many of those properties were able to have 6-foot fences under previous ordinances, which allowed a 6-foot fence outside of the required front yard setback, or under the Special Exception process -which is no longer available- or the fences were built without proper permits.

There are also many properties in the area that do not have a fence or that have a fence shorter than 6 feet. The applicant is limited to the current requirements of the ordinance, which restricts fences located between the front property line and the primary façade of the principal structure to a maximum of 4 feet in height.

The subject property is not unique in its physical shape or size. It is very similar to many other properties in the area: long, rectangular, and flat. The subject property is a typical M-1 zoned lot. Therefore, the staff does not believe there is a hardship related to the size, shape, or topography of the property or any special circumstances that warrant granting the variance.

### **NEXT STEPS:**

#### *If Approved:*

If the requested variance is approved, the applicant could proceed with applying for a building permit for a 6-foot fence if it complies with all other zoning and building regulations.

#### *If Denied:*

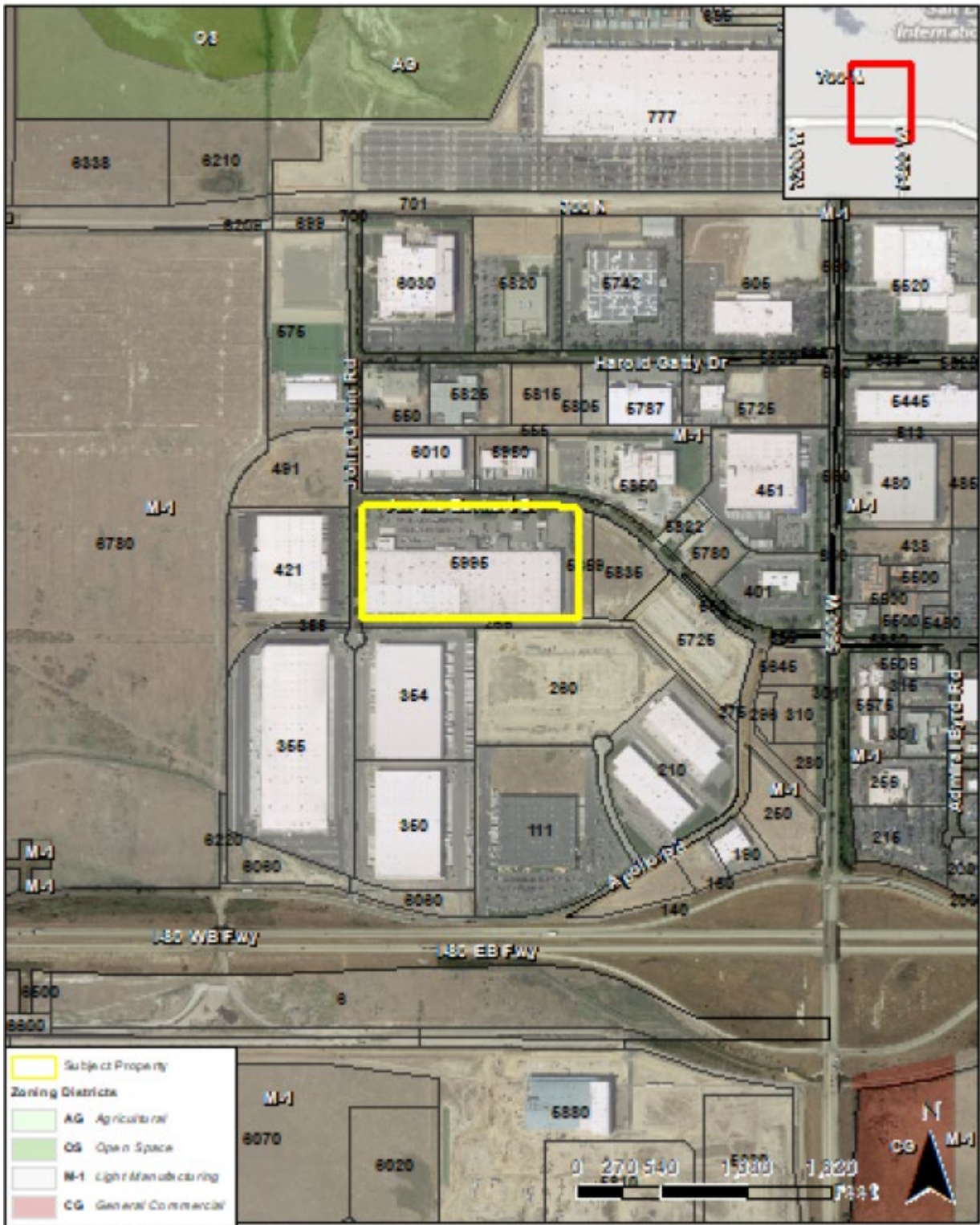
If the variance request is denied, the applicant could still install a 4-foot-tall fence along or within the property boundary lines of the front yard setback along John Glenn Road and Amelia Earhart Drive.

#### *Appeal Process:*

Any person adversely affected by a final decision made by the appeals hearing officer can be appealed to Third District Court within 30 days after the decision is rendered.



# ATTACHMENT A: VICINITY MAP



## **ATTACHMENT B: PHOTOS – Site and Vicinity**



*The subject property is at 5995 W. Amelia Earhart Drive.  
The parking area is on the north side of the property,  
and the existing building sits abutting the south property line.*



*Northeast side of subject property.*





*Photo of the subject property -taken from the intersection of Amelia Earhart Drive and John Glenn Road.*



*West side of subject property.  
Since this is a “side yard”, the applicant is permitted to have a 6-foot fence in this area.*



# ATTACHMENT C: Applicant Narrative and Site Plans

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## Snell & Wilmer

15 WEST SOUTH TEMPLE  
SUITE 1200  
GATEWAY TOWER WEST  
SALT LAKE CITY, UT 84101  
801.257.1900 P  
801.257.1800 F

4873-2200-2535

ALBUQUERQUE BOISE DENVER LAS VEGAS LOS ANGELES LOS CABOS ORANGE COUNTY PHOENIX PORTLAND RENO SALT LAKE CITY  
SAN DIEGO SEATTLE TUCSON WASHINGTON, D.C.

**Leeza Evensen, P.C.**  
**(801) 257-1882**  
**levensen@swlaw.com**

June 30, 2023

Mayara Lima  
Zoning Administrator  
Salt Lake City Municipal Corporation 451  
South State Street, Room 406 Salt Lake City,  
UT 84114

Re: Variance Request for Six-Foot (6') Fence on M-1 Zoned Parcel.

Dear Ms. Lima:

On behalf of our client, Albany International Corporation (the "Applicant"), the lessee of the 23.49 acre parcel - 07-35-252-003-0000, located at 5995 W. Amelia Earhart Dr. and shown on the site plan attached hereto as Exhibit A (the "Property"), we are pleased to submit the attached application and supporting information for a variance to permit a six-foot (6') iron fence between the front property line (which is the north side of the Property) and the primary façade<sup>1</sup> of the principal structure on an M-1 zoned parcel. Currently, only a four-foot (4') fence is allowed between the front property line and the primary façade in the M-1 zoning district. *See* Salt Lake City Code § 21A.40.120.E.1.b.1. This petition is made pursuant to Utah Code Ann. §10-9a-702 and Title 21A (the "Ordinance") of the City Code of Salt Lake City, Utah, including §21A.18 of the Ordinance.

As set forth in greater detail herein, variance relief is appropriate in this case because:

- (i) A four-foot (4') fence between the front façade and front property line in the M-1 zoning district will not provide adequate security for the Applicant's manufacturing operations on the Property, especially considering the increased rate of property crime in the area during the post-COVID era<sup>2</sup>;

<sup>1</sup> PRIMARY FACADE: The side of a building that faces a public or private street and includes the main customer or resident entrance. Buildings located in zoning districts that include a mix of residential and that have sides of the building that face multiple streets shall be interpreted to have a principal facade along each side of the building that faces a street. Salt Lake City Code § 21A.62.040.

<sup>2</sup>

ble at  
ads/2021/01/2021CrimeControlPlan-UPDATED.pdf (reporting an increase of

- (ii) The hardship prompting the variance request arises from the physical characteristics of the Property. Specifically, the Property is located on the corner of two public roadways and has approximately 2,100 feet of road frontage. No other property in the area has a larger frontage. The Property's size, coupled with its rectangular shape and relatively flat topography, make the Property easily accessible from the public roadways. The configuration of the Property also necessitates variance relief, as the parking lot (where numerous theft incidents have occurred) is located near the front boundary line of the Property, rather than a back corner of the Property, where a six-foot (6') fence is permitted;
- (iii) There are special circumstances attached to the Property that do not apply to other properties in the M-1 zoning district. Specifically, the Property is located on the corner of two main streets and this results in the Property having the most frontage along public roadways in the vicinity of the Property. This makes the Property an easy target for theft and other crime. In addition, the Applicant manufactures engineered components for demanding aerospace applications, supporting both commercial and military platforms, and such sensitive use requires heightened on-site security;
- (iv) Granting the variance is necessary to provide the same level of security that other M-1 zoned properties enjoy. There are several properties in the M-1 zoning district that are secured with a six-foot fence located between the building façade and front property line;
- (v) The variance requested herein is for minimal relief from the application of the Ordinance and will not be contrary to the public interest as the Applicant's operations on the Property complement the industrial uses in the vicinity of the Salt Lake International Airport; and
- (vi) The variance supports the spirit of the Ordinance, which already allows a six-foot (6') fence between the front property line and the primary façade of the principal structure in the M-1 zoning district, when an electric security fence is used as well.

For these reasons, the Applicant respectfully requests the City grant the Applicant's request for a variance.

24.2% in property crime); "Sharp spike in property and violent crime in SLC, particularly the Ballpark neighborhood," FOX13 (Dec. 10, 2020), available at <https://www.fox13now.com/news/local-news/sharp-spike-in-property-and-violent-crime-in-slc-particularly-the-ballpark-neighborhood>.

Mayara Lima  
June 30, 2023  
Page 3

## I. The Specific Variance Request.

### 1. Background to The Variance Request.

This is a request for a variance to permit a six-foot (6') black iron security fence along the north (front yard) and west (side yard) sides of the Property, to bolster the security of the Property, address the security limitations created by the physical characteristics of the Property, and prevent any further criminal incidents from occurring on the Property, including the theft of the Applicant, its customers', and/or the United States Government's ("USG") sensitive equipment and/or USG Controlled Unclassified Information located at the facility.

As discussed in detail below, numerous crime and theft incidents have occurred on the Property that threaten the Applicant's operations on the Property. The Applicant designs, develops, and manufactures advanced materials, structural technologies, and industrial process solutions for demanding aerospace applications, supporting both commercial and military platforms, at its facility on the Property. On-site security of the Property is of the utmost importance for the Applicant to fulfil its contractual obligations to its customers, including the USG, and to the continued operation of the Applicant's business. The Applicant has engaged a security provider to assist with on-site security, but such security service alone, without a substantial fence, has not been sufficient to prevent theft and crime incidents from occurring.<sup>3</sup>

To further secure the site, the Applicant submitted to the City a Commercial Fencing application to fence the Property on March 17, 2023. The permit number for that application is BLD2023-02025. In review of that application, a six-foot (6') fence was permitted along the south and east property lines, but the Applicant was informed only a four-foot (4') fence would be permitted along the north and west property lines. *See* Salt Lake City Code § 21A.40.120.E.1.b.1. The Applicant has erected the six-foot (6') fence that was permitted along the south and east property lines, but has paused construction of the fence along the north and west property lines while the instant application is pending.

A four-foot (4') fence along the north and west property lines is not sufficient to deter unauthorized individuals from entering the Property and committing theft of sensitive equipment, among other things, because the size, shape and topography of the Property provide increased visibility and access to those inclined to commit theft and other malfeasance. Accordingly, the purpose of this application is to request variance approval to construct a six-foot (6') black iron

<sup>3</sup> A security guard is present at the Property twenty-four hours a day, every day of the year. An additional security guard patrols the parking lots at night and is on-call as needed. The security guard patrols various checkpoints, utilizes security cameras while at their desk, and monitors two gates at the front of the building, among other duties. The Applicant has also blocked off certain entrances to high crime areas of the parking lot and sent out side-wide memoranda notifying employees of security incidents and requesting employees avoid parking in certain areas and report suspicious activity on the Property. Despite these measures, crime and theft incidents have continued to occur as a result of the physical characteristics of the Property, i.e., the visibility and access to the Property created by its size, shape and topography. A catalytic converter was stolen from a vehicle in the parking lot just last week.



Mayara Lima  
June 30, 2023  
Page 4

security fence between the front façade of the building and the front property line (north side) and side street property line (west side) of the Property, to remedy the physical limitations of the Property to provide security.

As required by Salt Lake City Code § 21A.18.040, the required information for a variance application is below. Additionally, we have attached a site plan, fence elevations, and a map showing other properties in the same zoning district that enjoy a six-foot (6') security fence between the building façade and front property line with this letter.

2. Information about the proposed construction and specifically how it would not meet the Ordinance.

This request is to permit a six-foot (6') security fence between the front Property line and the primary façade of the principal structure on a parcel located in the M-1 zoning district. A six-foot (6') security fence in this location does not meet the Salt Lake City Ordinance, as only a fence measuring four-feet (4') in height is currently permitted between the front property line and the primary façade of the principal structure on a parcel located in the M-1 zoning district. To clarify, a six-foot (6') iron security fence between the building façade and the front and side property lines is only permitted:

- On M-2 and E-1 zoned parcels, which have similar uses; *see* Salt Lake City Code § 21A.40.120.E.1.b.3., or
- On an M-1 zoned parcel, if there is an electric security fence placed one foot (1') behind it. *See* Salt Lake City Code § 21A.40.120.J.4. (Due to the multiple access points and layout of the Property, the Applicant is not able to add an electric security fence in addition to the six-foot (6') iron security fence.)

The Property is not zoned M-2 or E1 and there is no electric security fence proposed as part of the new fence construction.

3. The specific provision of the zoning ordinance from which the variance is sought.

The Applicant is seeking a variance from Salt Lake City Code § 21A.40.120.E.1.b.1, which limits the height of fences between the front property line and the primary facade of the principal structure on a parcel located in the M-1 zoning district to four-feet (4').

4. A statement of the characteristics of the subject property that prevent compliance with the provisions of this title and result in unnecessary hardship.

Please see Section II.1 below.

Mayara Lima  
June 30, 2023  
Page 5

5. The minimum variation of the zoning requirement that would be necessary to permit the proposed use, construction or development.

The minimum variance needed is an additional two feet (2') of fencing height along the north and west sides of the Property.

## II. Standards for Variance.

In accordance with Salt Lake City Code § 21A.18.060, and subject to the other provisions of the Ordinance, the appeals hearing office may grant a variance from the terms of the Ordinance only if the following general standards are met.

1. Literal Enforcement of the Ordinance would result in an unreasonable hardship for the Applicant that is not necessary to carry out the general purposes of the Ordinance. (Salt Lake City Code § 21A.18.060.A.1)

The purpose of the Ordinance is to promote the health, safety, morals, convenience, order, and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the City, and to carry out the purposes of the Municipal Land Use Development and Management Act, Title 10, Chapter 9, of the Utah Code Annotated or its successor, and other relevant statutes.

A six-foot (6') fence is currently under construction along the south and east property lines of the parcel. Due to the size of the parcel and the location on a visible corner, a four-foot (4') fence along the north and west property lines allowed by the Ordinance will result in a significant security gap along the north and west property lines and is not adequate to provide the necessary security for the Property as it will not deter unauthorized individuals from entering the Property and stealing sensitive equipment or committing other crimes. Only a six-foot (6') fence between the building façade and the north and west property lines will provide adequate security to the Property and will promote the health, safety, order and welfare of the Applicant's operations on the Property.

2. There are special circumstances associated with the Property, which do not generally apply to other properties in the same zoning district. (Salt Lake City Code § 21A.18.060.A.2)

The special circumstances peculiar to the Property, that do not apply to other properties in the M-1 zoning district and are required to be identified per Salt Lake City Code 21A.018.060.B and 21A.018.060.D include:

- A. The Property is located on the corner of Amelia Earhart Dr. and John Glen Rd. This results in the Property having the most frontage along public roadways in the vicinity of the site. This large frontage provides greater visibility and access to the Property

compared to other properties. For example, the parcel located at 355 N John Glenn Rd. is similar in size, 26.31 acres. However, this parcel only has 182 feet of frontage on a public road. The Applicant's site has a frontage of approximately 2,100 feet or a frontage that is almost twelve (12) times greater. No other property in the vicinity of the site has a larger frontage.

- B. The parking lot on the Property is located near the front boundary line of the site. While other properties in the vicinity have secured parking areas in the rear of the building, the Property was constructed with the parking areas adjacent to the public roadways. It will be important to construct a six-foot (6') fence between the building façade and the front boundary line to prevent unauthorized individuals from entering the parking lot.
- C. The Applicant's facility on the Property manufactures engineered components for demanding aerospace applications, supporting both commercial and military platforms, including for the USG. This type of use requires heightened security. To this point, each of the Applicant's contracts supporting USG requirements require safeguarding of USG-owned equipment as well as USG Controlled Unclassified Information. The Applicant has over \$100M in USG-owned equipment within the facility that it is obligated to protect and secure.
- D. There have been numerous documented security issues on the Property since COVID. The Applicant has hired a security provider to assist in site security, however the following issues have occurred (and continue to occur), even with the security provider being present on-site at all times of day every day of the year:
  - An employee's car was stolen from the parking lot during normal business hours;
  - Several catalytic converters have been stolen from the parking lot;
  - Stolen tools from a contractor's truck in the parking lot;
  - Cars broken into in the parking lot;
  - Unauthorized individuals entering the Property stealing metal from bins or storage areas;
  - Unauthorized individuals driving and walking through the parking lot scoping out cars;
  - Unauthorized individuals speeding through the parking lot at night;
  - Unauthorized individuals trying to enter the building or get onto the roof at night; and
  - Trash being thrown onto the Property by vehicles driving by.

These incidents have primarily occurred in the parking lot, which is easily accessible due to the large frontage to the public roadway, the size and rectangular shape of the Property, the relatively flat topography of the Property, and the configuration of the Property. The Applicant is



Mayara Lima  
June 30, 2023  
Page 7

concerned that, without a six-foot (6') fence, the individuals who have been able to commit these crime and theft incidents will return to the Property and attempt to gain access to the facility, to commit further theft of the Applicant's valuable and sensitive equipment and materials.

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same zoning district. (Salt Lake City Code § 21A.18.060.A.3)

The variance is necessary to provide the same level of security that other M-1 zoned parcels enjoy. Specifically, the following properties are in the M-1 zoning district and are secured with a six-foot (6') security fence located between the building façade and front property line<sup>4</sup>.

- 6010 W AMELIA EARHART DR
- 575 N JOHN GLENN RD
- 421 N JOHN GLENN RD
- 5454 W 150
- 5252 W 150 S
- 5880 W 150 S
- 5810 W 150 S
- 5670 W 300 S

Attached as Exhibit C is a map showing the location of the following properties in relation to the Applicant's Property.

4. The variance will not substantially affect the general City's plan and will not be contrary to the public interest. (Salt Lake City Code § 21A.18.060.A.4)

The Northwest Quadrant Plan identifies the importance of the industrial uses in the vicinity of the Salt Lake City International Airport. Specifically, policies identified in the plan include:

Policy DA-2.2. Continue to support land uses that benefit from being adjacent to the airport.

Policy DA-2.3. Encourage the continuation of the Salt Lake International Airport and airport-related industry.

Maintain the high level of compatible land uses that exist around the Airport today.

<sup>4</sup> The Applicant submitted a GRAMA request to Salt Lake City for the fence permits for each of the properties. However, we were not provided any additional information and told the information was available through Salt Lake City's Access Portal. In reviewing the information available via the portal, the properties located at 5880 W 150 S and 5810 W 150 S obtained permit #BLD2022-04319 for "6727 Lf of 8'+1' black chain link fence, 3513 LF of 8' high black chain link". The other properties had building or site plan improvement permits that we assume included fencing as well. No other information about fencing permits was available in the portal.

Mayara Lima  
June 30, 2023  
Page 8

The Applicant's operations on the Property complement the industrial uses in the vicinity of the Salt Lake International Airport and support airport-related industry. Without heightened security measures, such as a six-foot (6') fence, it will be more difficult to maintain the current uses on the Property.

5. The variance observes the spirit of the Ordinance. (Salt Lake City Code § 21A.18.060.A.5)

The zoning ordinance currently permits six-foot (6') fences between the front property line and the primary façade of the principal structure on a parcel located in the M-1 zoning district, when an electric security fence is used as well. It also permits six-foot (6') fences between the front property line and the primary façade of the principal structure on M-2 and El zoned parcels. The uses of "light manufacturing," "industrial assembly," and "warehouse" are both permitted in the M-1 and M-2 zoning districts. The determination of whether a four-foot (4') fence or a six-foot (6') fence, for security purposes, is permitted should be based on the use, as opposed to a geographic location.

In addition, the proposed six-foot (6') fence between the building façade and the north and west property lines will be made from a high-quality iron, which exceeds the minimum standards for the fences located in nonresidential areas set forth below.

Salt Lake City Code § 21A.40.120.D.2. identifies the permitted and prohibited materials for fences located in nonresidential areas. It states:

2. Nonresidential districts (chapters 21A.26 through 21A.34 of this title: commercial districts, manufacturing districts, downtown districts, gateway districts, special purpose districts and overlay districts):

a. Allowed Materials: Fences and walls shall be made of high quality, durable materials that require minimal maintenance. Acceptable materials for fencing in nonresidential districts include, but are not limited to, chainlink, prewoven chainlink with slats, wood, brick, tilt-up concrete, masonry block, stone, metal, composite/recycled materials or other manufactured materials or combination of materials commonly used for fencing. Other materials of similar quality and durability, but not listed herein, may be used upon approval by the Zoning Administrator through an administrative interpretation application.

b. Prohibited Materials: Fences or walls in nonresidential districts shall not be constructed of or contain:

- (1) Scrap materials such as scrap lumber and scrap metal.

- (2) Materials not typically used or designated/manufactured for fencing such as metal roofing panels, corrugated or sheet metal, tarps or plywood.

In short, the variance requested herein is for minimal relief from the strict application of the Ordinance, which is required to support the continuation of the type of use on the Property that complements the surrounding properties.

We are pleased to have the opportunity to work with the City through the variance process. We welcome the opportunity to go before the Appeals Hearing Officer at the earliest opportunity.

If you have any questions or concerns, please feel free to reach out to us.

Very truly yours,  
Snell & Wilmer

Leeza Evensen, P.C.

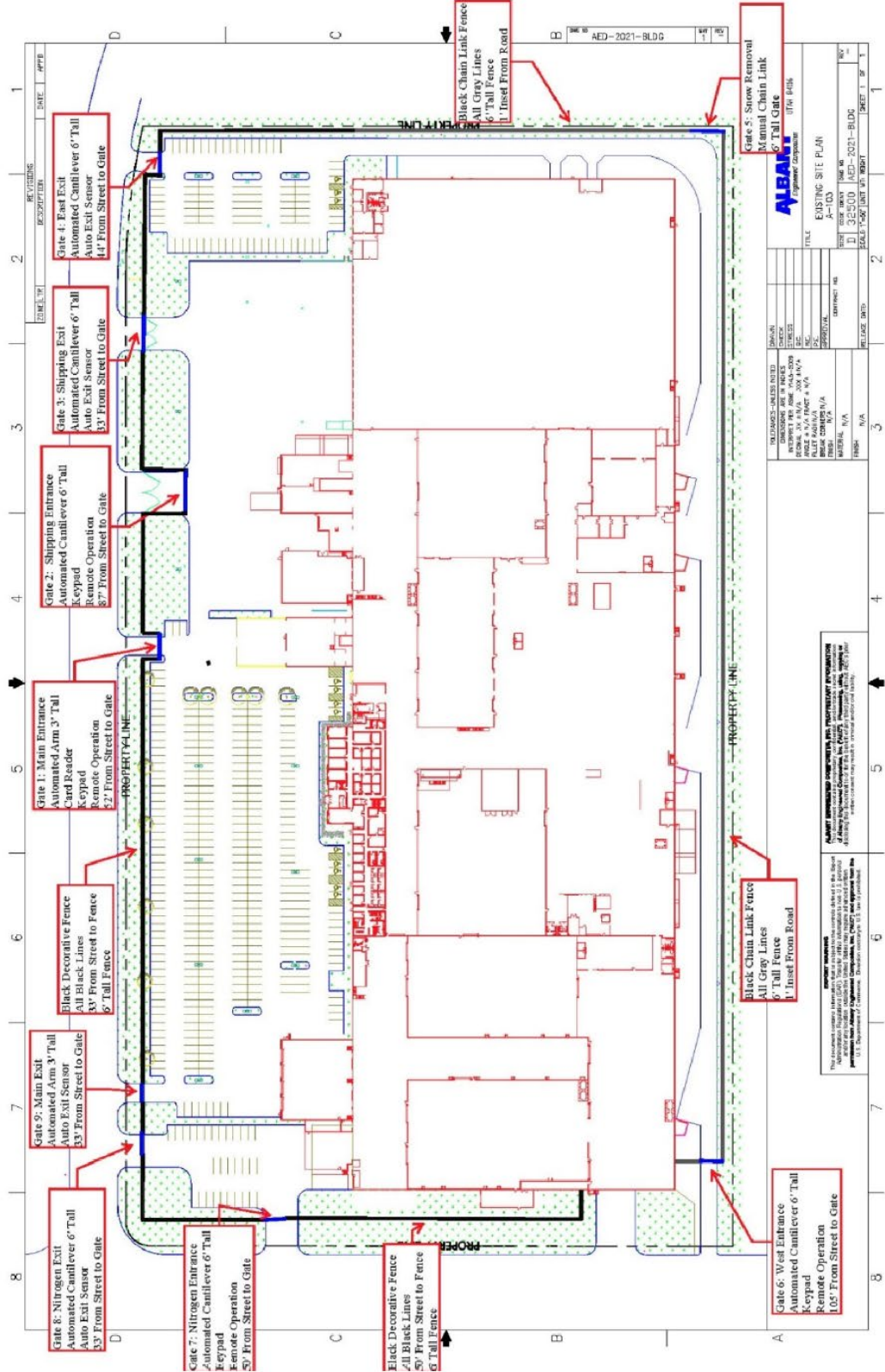
CC Albany International Corp.  
Reef Bonneville LLC

Attachments:

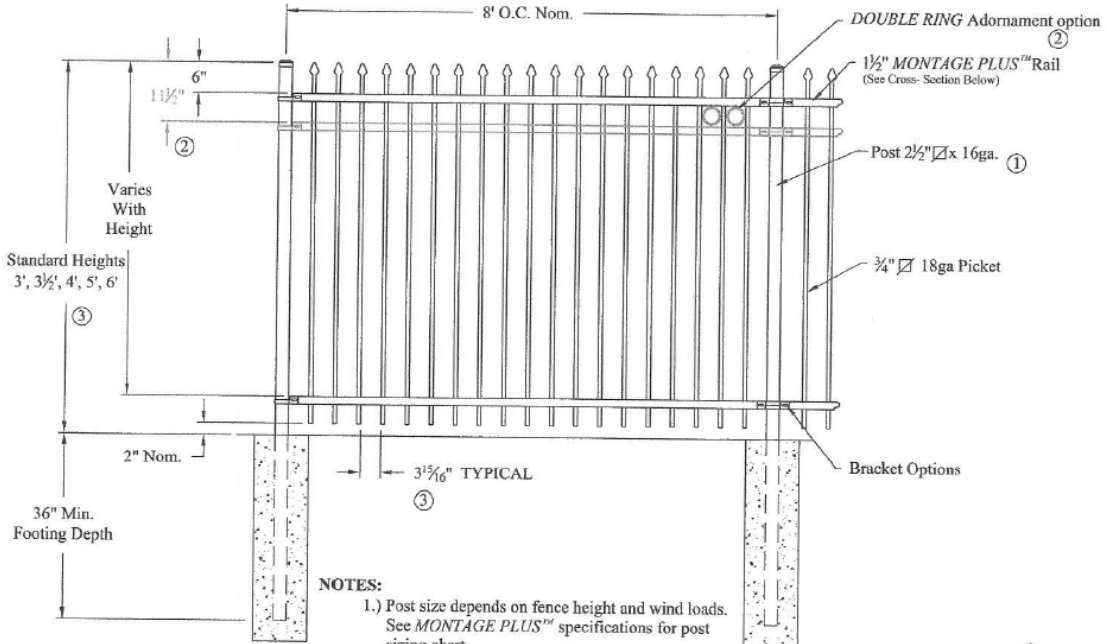
- Site Plan
- Fence Elevations
- Map of other M-1 properties with six-foot (6') and higher fences



# Exhibit A Site Plan



# Exhibit B Fence Elevations



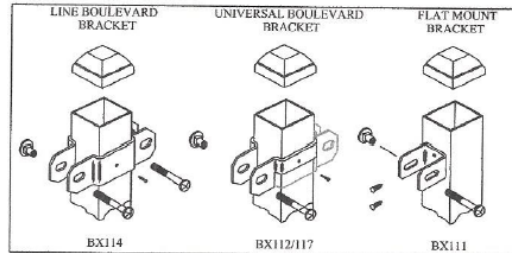
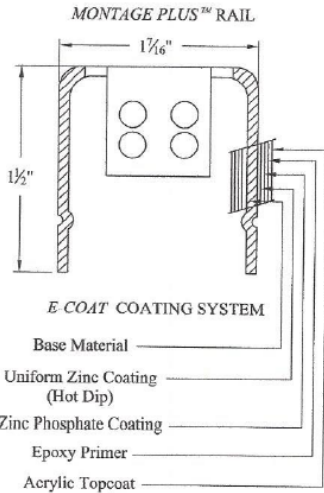
**NOTES:**

- 1.) Post size depends on fence height and wind loads. See MONTAGE PLUS™ specifications for post sizing chart.
- 2.) Third rail required for Double Rings.
- 3.) Available in 3" air space and/or Flush Bottom on most heights.

**RAKING DIRECTIONAL ARROW**  
Welded panel can be raked 30° over 8' with arrow pointing down grade.

**PROFUSION™ WELDING PROCESS**  
No exposed welds, Good Neighbor profile - Same appearance on both sides

**MONTAGE PLUS™ RAIL**  
Specially formed high strength architectural shape.



**COMMERCIAL STRENGTH WELDED STEEL PANEL**  
**PRE-ASSEMBLED**

Values shown are nominal and not to be used for installation purposes. See product specification for installation requirements.

IRCISO

File: <b>MONTAGE PLUS CLASSIC 2/3-RAIL</b>			
DR: CI	SH. 1 of 1	SCALE: DO NOT SCALE	
CK: ME	Date 6/28/10	REV: e	



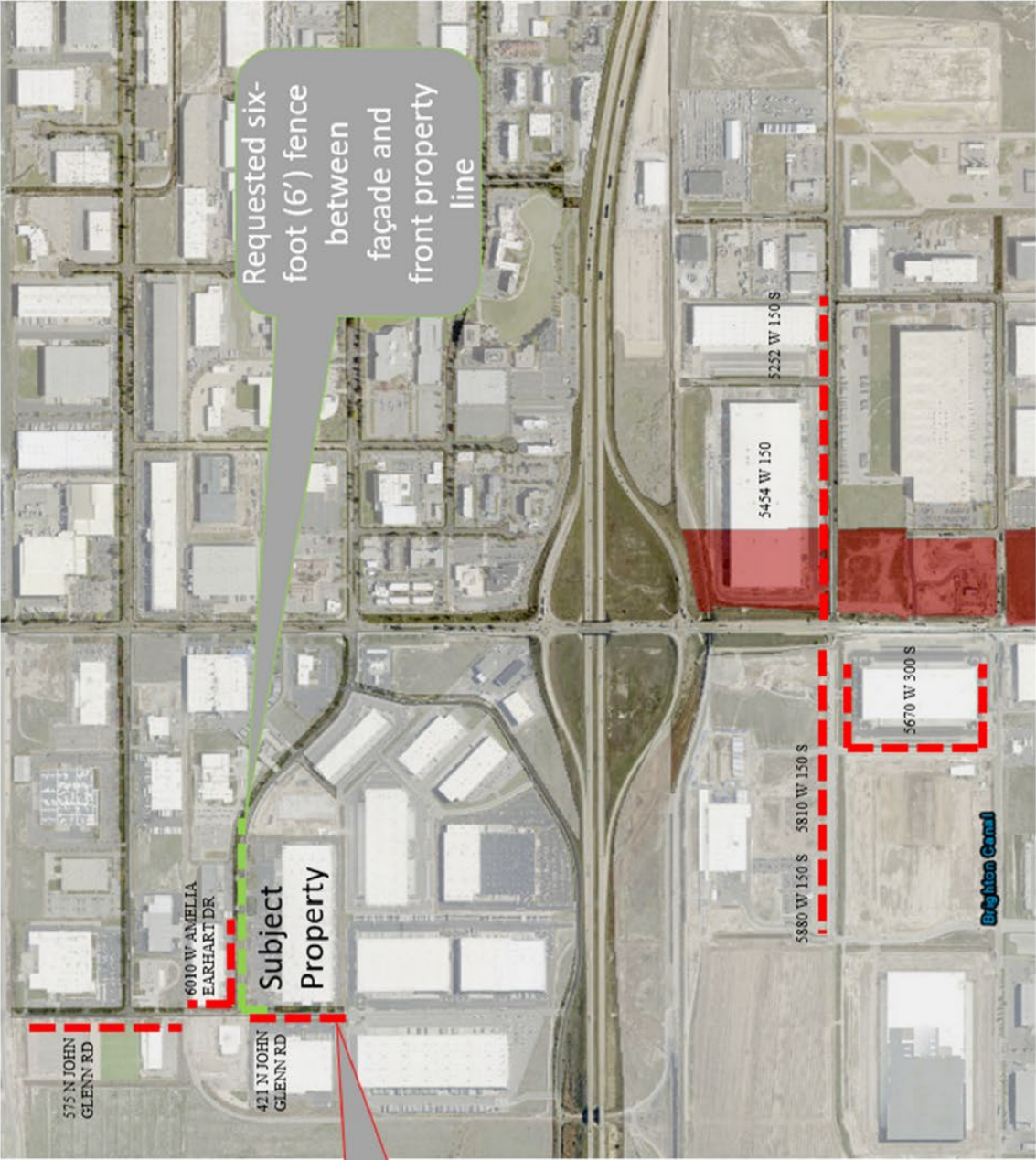
**AMERISTAR®**

1555 N. Mingo  
Tulsa, OK 74116  
1-888-333-3422  
www.ameristarfence.com



# Exhibit C

## Map identifying M-1 properties with six-foot (6') fences



Requested six-foot (6') fence between façade and front property line

**Subject Property**

Existing six-foot (6') fence between façade and front property line



## ATTACHMENT D: Variance Standards

The Finding for each standard is the recommendation of the Planning Division based on the facts associated with the proposal, the discussion that follows, and the input received during the engagement process. Input received after the staff report is published has not been considered in this report.

**21A.18.050 Prohibited Variances:** Subject to the prohibitions set forth in section [21A.18.050](#) of this chapter, and subject to the other provisions of this chapter, the appeals hearing officer may grant a variance from the terms of this title only if:

<b>A. Is intended as a temporary measure only</b>
<b>Discussion:</b> This request is not intended as a temporary measure. If approved, the fence would remain on the property at the 6-foot height.
<b>Finding: Complies</b>
<b>B. Is greater than the minimum variation necessary to relieve the unnecessary hardship demonstrated by the applicant</b>
<b>Discussion:</b> Staff does not believe the applicant has a substantial hardship related to the size, shape, or topography of the property or any special circumstances to warrant the variance being granted.
<b>Finding: Does Not Comply</b>
<b>C. Authorizes uses not allowed by law (i.e., a "use variance").</b>
<b>Discussion:</b> It would not allow a use not allowed by law. The business use would not be changed.
<b>Finding: Complies</b>

**21A.18.060: Standards for Variances:** Subject to the prohibitions set forth in section [21A.18.050](#) of this chapter, and subject to the other provisions of this chapter, the appeals hearing officer may grant a variance from the terms of this title only if:

<b>A. General Standards</b>
<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>
<b>Finding: Does Not Comply</b>
<b>Discussion:</b> The applicant would not be able to install a 6-foot fence. However, a 4-foot fence could be installed between the front property line and the primary façade of the principal structure. In regard to crime in the area, other security measures could be taken to secure the property, such as using cameras, signage, additional lighting, and security officers on-site. Enforcement of this title would not cause an unreasonable hardship for this applicant.

<b>Condition(s): n/a</b>
<b>2. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district;</b>
<b>Finding: Does Not Comply</b>
<b>Discussion:</b> The property is long, rectangular, and flat. It is similar in shape and size to other properties in the immediate area. There are no special circumstances attached to the property that do not generally apply to other properties in the same zoning district.
<b>Condition(s): n/a</b>
<b>3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.</b>
<b>Finding: Does Not Comply</b>
<b>Discussion:</b> The right to have a fence between the front property line and the primary façade of the principal structure is limited to four feet in height for properties in the M-1 zone. Staff believes a six-foot fence located between the front façade of the structure and the property line is not essential for the use on the property to continue to function. The current ordinance does not allow a 6-foot fence in the proposed location. Other properties were able to install taller fences under previous ordinances, which allowed a 6-foot fence outside of the required front yard setback and a no longer existent application procedure that allowed 6-foot fences in the front between the front property line and the primary façade of the principal structure if the fencing as proposed met all Special Exception standards and did not negatively impact neighbors or the community.
<b>Condition(s): n/a</b>
<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>
<b>Finding: Does Not Comply</b>
<b>Discussion:</b> Although the additional height of 6 feet for the fence would have minimal impact on any adjacent properties, there is no substantial hardship related to the lot size, shape, or topography and no unique circumstances for the variance to be granted. The zoning ordinance was modified in 2021, with the intent of not having tall fencing located between the street and the buildings on the site. Granting a variance to allow a six-foot fence would go against that intent and would set a precedent for all other properties that do not have a legitimate hardship based on the size, shape, or topography unique to their properties, which would be contrary to the public interest.
<b>Condition(s): n/a</b>
<b>5. The spirit of this title is observed, and substantial justice done.</b>
<b>Finding: Does Not Comply</b>
<b>Discussion:</b> The zoning ordinance requires fence height in the front yard setback to be 4 feet or less. The zoning ordinance was modified in 2021, with the intent of not having tall fencing located between the street and the buildings on the site. Granting a variance to allow a six-foot fence would go against that intent and would set a precedent for all other properties that did not have a legitimate hardship based on the size, shape, or topography unique to their properties. By enforcing zoning regulations in situations that provide no

actual hardship or special circumstances related to the property means that substantial justice has been done and the spirit of the title is observed.
<b>Condition(s): n/a</b>
<b>B. Circumstances Peculiar to Property:</b> 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:
<b>1. The alleged hardship is related to the size, shape or topography of the property for which the variance is sought; and</b>
<b>Finding: Does Not Comply</b>
<b>Discussion:</b> The topography of the property is similar to most of the properties in the area. There is nothing unique about the size, shape, or topography of the subject property.
<b>Condition(s): n/a</b>
<b>2. The alleged hardship comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.</b>
<b>Finding: Does Not Comply</b>
<b>Discussion:</b> The topography of the property is similar to most of the properties in the area. In addition to the property not being unique regarding the size, shape, or topography of the subject property, there are no special or peculiar circumstances related to the property.
<b>Condition(s): n/a</b>
<b>C. Self-Imposed Or Economic Hardship:</b> 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 if the hardship is self-imposed or economic.
<b>1. The hearing officer may not find an unreasonable hardship if the hardship is self-imposed or economic.</b>
<b>Finding: Does Not Comply</b>
<b>Discussion:</b> There is no hardship related to the size, shape, or topography of the subject property. The applicant can meet the ordinance requirements by installing a 4-foot fence in the front yard setback. In regard to crime in the area, other security measures could be taken to secure the property, such as using cameras, signage, additional lighting, and security officers on-site.
<b>Condition(s): n/a</b>
<b>D. Special Circumstances:</b> In determining whether or not there are special circumstances attached to the property under Subsection A of this section, the appeals hearing officer may find that special circumstances exist only if:
<b>1. The special circumstances related to the alleged hardship;</b>
<b>Finding: Does Not Comply</b>
<b>Discussion:</b> There are no special circumstances attached to the property, and therefore, there is no hardship.

<b>Condition(s): n/a</b>
<b>2. The special circumstances deprive the property of privileges granted to other properties in the same zoning district.</b>
<b>Finding: Does Not Comply</b>
<b>Discussion:</b> There are no special circumstances attached to the property, and therefore, there is no hardship.
<b>Condition(s): n/a</b>



## **ATTACHMENT E: Public Comments**

### **PUBLIC INPUT:**

**The planning staff has received no comments on this application from the public.**