

# HISTORIC LANDMARK COMMISSION STAFF REPORT



Planning Division  
Department of Community and  
Economic Development

## McDonald's Restaurant Minor Alterations 242 South 700 East PLNHLC2009-00983 November 4, 2009

**Applicant:** Jane Mckenzie,  
business owner

**Staff:** Janice Lew, 535-7625  
janice.lew@sclgov.com

**Tax ID:** 16-05-150-020

**Current Zone:** CB, Community  
Business

**Master Plan Designation:**

**Council District:**  
District 4 – Luke Garrott

**Lot Size:** .38 acres (16,553 sf)

**Current Use:** restaurant

**Applicable Land Use  
Regulations:**

- Section 21A.34.020

**Notification:**

- Notice mailed on October 20, 2009
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites October 21, 2009

**Attachments:**

- A. Application
- B. Documentation
- C. Photographs

### **Request**

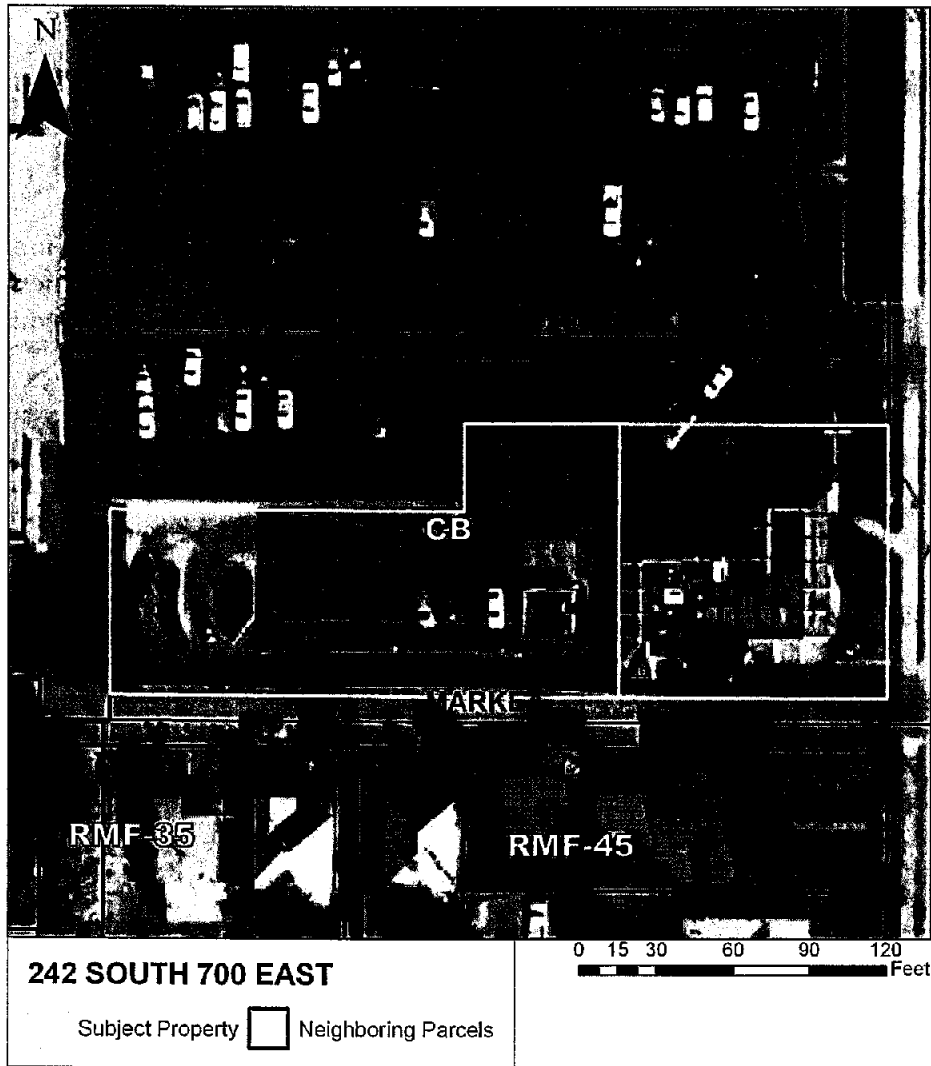
The applicant requests that the Historic Landmark Commission approve alterations to the McDonald's Restaurant located at 242 South 700 East. The City Zoning Enforcement Division received a complaint regarding the property, conducted an inspection on August 20, 2009, and notified the business owner of a violation discovered following the inspection. A vinyl fence had been installed without the appropriate approvals or permits. Following receipt of a minor alterations application, Planning Staff determined that the request could not be approved administratively because a fence constructed of vinyl does not meet the standards of the Zoning Ordinance or Design Guidelines. Therefore, Planning staff refers this application to the Historic Landmark Commission for consideration.

### **Staff Recommendation**

Based on the analysis and findings of this staff report, it is the Planning staff's opinion that the project fails to substantially meet the standards that pertain to the application and therefore, recommends the following:

1. That the Historic Landmark Commission denies the request to issue a Certificate of Appropriateness for a vinyl fence installed without the appropriate permits. The application does not meet standards 2 and 3 of Section 21A.34.020(H) of the Zoning Ordinance and standard 4 is not applicable to this application.

## VICINITY MAP



## Background

### Project Description

In July of 1979, a variance was granted to allow the McDonald's drive-through window and associated driveway without maintaining the required setback from Markea Avenue, a private right-of-way to the south of the restaurant. This approval was granted subject to the applicant submitting a statement to the City that had been signed by all owners of property on Markea Avenue and represented their consent of the request. The approval was also conditioned upon the applicant widening Markea Avenue where it intersects with 700 East to avoid interfering with traffic on Markea Avenue, installing a wall to shield Markea Avenue, and landscaping the area on the south side of the wall/fence.

The City has a history of complaints regarding the commitments mentioned above between the parties, and McDonald's is currently under enforcement for the construction of a vinyl fence without either a Certificate of Appropriateness or building permit. The applicant indicates that the fence was installed prior to the 2002

Olympics, but found no indication that the appropriate approvals and permits had been obtained to install the fence.

Staff reviewed the Certificate of Appropriateness request as an alteration of a non-contributing site within a historic district subject to Section 21A.34.020(H) of the Zoning Ordinance. These standards relate more specifically to the design of a new “building”. However, it is not reasonable to expect a fence or wall to have similar design features. But it is reasonable to expect it to be compatible with the overall character of a streetscape and historic district in terms of good urban design. The solid fence has a contemporary design that is constructed of white vinyl, approximately 5.5 foot high, and sits on an 8 inch high concrete retaining wall. The south side of the fence has recently been weeded and mulched.

## **Comments**

### **Public Comment**

No public comment regarding this application has been received. Several inquires about the project were received.

### **Project Review**

## **Analysis and Findings**

### **Options**

**Approval:** If the Commission finds that the proposed project meets the standards of the ordinance the application should be approved provided the structure conforms to the requirements of the Uniform Building Code and all other applicable City ordinances.

**Denial:** If the Commission finds that the proposed project does not meet the standards of the ordinance the application should be denied.

**Continue:** If the Commission finds that additional information is needed, they may postpone the decision with specific direction as to the additional information required.

### **Findings**

2A.34.020 H Historic Preservation Overlay District:

H. Standards for Certificate of Appropriateness Involving New Construction or Alteration of a Noncontributing Structure. In considering an application for a certificate of appropriateness involving new construction, or alterations of noncontributing structures, the historic landmark commission, or planning director when the application involves the alteration of a noncontributing structure, shall determine whether the project substantially complies with all of the following standards that pertain to the application, is visually compatible with surrounding structures and streetscape as illustrated in any design standards adopted by the historic landmark commission and city council and is in the best interest of the city.

#### **1. Scale and Form**

a. Height and Width. The proposed height and width shall be visually compatible with surrounding structures and streetscape;

- b. Proportion of Principal Facades. The relationship of the width to the height of the principal elevations shall be in scale with surrounding structures and streetscape;
- c. Roof Shape. The roof shape of a structure shall be visually compatible with the surrounding structures and streetscape; and
- d. Scale of a Structure. The size and mass of the structures shall be visually compatible with the size and mass of surrounding structures and streetscape.

**Analysis for Standard 1:** Consistent height, width and scale are not characteristics of the historic district in this area. Buildings and structures differ in scale due to the variety of uses permitted and mix of both contemporary and historic types of development. This combination of functions and building types creates a diverse neighborhood.

The north portion of the Central City Historic District that lies between South Temple and 400 South Streets developed as somewhat of a southern extension of the high-style South Temple Street Historic District. This portion of the district contains more substantial residential buildings with a significant number of homes designed and built by architects. 400 South is totally commercial, and no historic context remains. The southern portion of the district generally contains smaller and less elaborate homes such as the vernacular homes popular in early twentieth century western America. Additionally, a number of courts were developed on the interior of blocks with more modest housing during this period of development (1870 to 1926), such as Markea Avenue, the private right-of-way located within this block (Block 46) and adjacent to McDonald's.

Some of the original housing stock on Block 46, however, has been demolished or replaced with contemporary development, particularly along 200 South and 700 East Streets. The non-contributing structures in the vicinity of the restaurant are a contemporary retail center and the Chevron at the corner of 200 South and 700 East Streets. Additionally, 700 East Street forms the eastern boundary of the Central City Historic District with the eastern side of the street actually outside of the district. The residentially zoned area on the east side of 700 East Street is not subject to design review as within the locally-designated historic district.

The scale of the interior block development along Markea Avenue is such that the currently extant structures, as a whole, continue to convey the type of architecture and the pattern of development that traditional inner-block streets represent. Additionally, the Historic Landmark Commission approved a request to construct thirteen new single-family attached residential dwelling units and rehabilitation of one contributing multi-family residential building in August of 2008. Staff therefore finds that the existing non-contributing structures do not negate the significance of the historic and traditionally residential character of this streetscape and neighborhood.

This area is also located near the University light rail line, and the master plan envisions future redevelopment as a mixed-use, pedestrian-friendly neighborhood. Thus, design goals for these commercial areas are to ensure that redevelopment respects the historic character of adjacent neighborhoods, is oriented toward pedestrian traffic rather than vehicular traffic, and minimizes potential negative visual impacts as seen from nearby residential properties.

## Applicable Design Guidelines for Standard 1

### Design Standards for Central City

#### **13.31 Minimize the visual impacts of automobiles as seen from the sidewalk by pedestrians.**

Provide landscaped buffer areas to screen and separate the sidewalk from parking and drive lanes within individual commercial sites.

**Finding for Standard 1:** Staff finds that the non-contributing structures on this block do not hinder one's ability to perceive the historic and residential character of the area because of the number of historic resources remaining on the block and the primarily residential character of the immediate neighborhood. Given that the intent of a fence or wall in this location is to minimize negative visual impacts as seen from nearby residential properties, the size and mass of the structure is consistent with this standard.

### **2. Composition of Principal Facades:**

- a. Proportion of Openings. The relationship of the width to the height of windows and doors of the structure shall be visually compatible with surrounding structures and streetscape;
- b. Rhythm of Solids to Voids in Facades. The relationship of solids to voids in the facade of the structure shall be visually compatible with surrounding structures and streetscape;
- c. Rhythm of Entrance Porch and Other Projections. The relationship of entrances and other projections to sidewalks shall be visually compatible with surrounding structures and streetscape; and
- d. Relationship of Materials. The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in surrounding structures and streetscape.

**Analysis Standard 2:** As previously stated, these standards relate more specifically to the design of a new building and therefore it is not reasonable to expect a fence or wall to have similar design features. Compatibility of new structures within historic districts can be achieved by using materials that appear similar in scale, proportion, textures and finish to those used historically. The use of materials that will reinforce established patterns in the neighborhood is preferred.

The fence is most visible from Markea Avenue, a traditional interior block development, and constructed of vinyl, a contemporary building material. This type of material does not possess the physical characteristics (such as reflectivity and texture) or historical authenticity of a wood or metal fencing material or masonry wall.

**Finding Standard 2:** The vinyl fence is highly visible from the street and fails to convey a similar appearance to those materials used historically. Therefore, the design of the fence is inconsistent with this standard in terms of material.

### **3. Relationship to Street:**

- a. Walls of Continuity. Facades and site structures, such as walls, fences and landscape masses shall, when it is characteristic of the area, form continuity along a street to ensure visual compatibility with the structures, public ways and places to which such elements are visually related;
- b. Rhythm of Spacing and Structures on Streets. The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways and places to which it is visually related;
- c. Directional Expression of Principal Elevation. A structure shall be visually compatible with the structures, public ways and places to which it is visually related in its orientation toward the street; and

d. Streetscape-Pedestrian Improvements. Streetscape and pedestrian improvements and any change in its appearance shall be compatible to the historic character of the landmark site or H historic preservation overlay district.

**Analysis Standard 3:** The relationship between buildings, and streetscape and landscape features within a historic district or neighborhood helps define its character. A fence of this height, material, and design which is solid with no spacing between the boards is a highly visible part of the streetscape. The Commission should consider if the fence negatively impacts the historic character of the neighborhood. To help minimize these visual impacts, additional planting placed intermittently along a solid wall or fence would soften its appearance.

### **Applicable Design Guidelines for Standard 3**

#### **14.0 Historic Districts**

##### **Landscape Features**

###### *Fences*

Many of Central City's yards are bounded by fences. Historically, materials were wood and metal. The use of wood, iron and wire fences is preferred, as they are more in character with the neighborhood.

##### **Commercial Area Features**

While most of the district retains a traditional residential character, some major commercial streets bisect the neighborhood in an east-west direction. These have redeveloped recently with commercial uses in auto-oriented designs and as a result, no historic context exists there.

Franchise facilities appear frequently along the cross streets. Most of these are set back substantially from the street, with large parking areas located in front. Large signs are often mounted on tall poles and landscaping is used sparsely. Curb cuts appear frequently and extensive portions of most sites are paved with hard surfaces. The result is that these areas offer little to pedestrians, in contrast to the pedestrian-friendly character of the historic residential streets in the district. When viewed from within the more intact residential portions of the district, these commercial zones are visually disruptive.

The design goal for these commercial areas is to enhance the pedestrian environment and to minimize negative visual impacts as seen from the historic residential portions of the district. It is not the intent to create a "historical" image for buildings in these areas, but simply to apply principles of good urban design that will enhance the visual quality while accepting the "contemporary" character that exists here.

#### **12.0 General Design Standards**

##### *Landscaping*

**12.9 The use of traditional site structures is encouraged.** Constructing retaining walls and fences that are similar in scale, texture and finish to those used historically is appropriate. See also Section 1.0.

## 1.0 Design Standards for Site Features

### *Fences*

**1.3. For a replacement fence, use materials that appear similar to that of the original.** A painted wood picket fence is an appropriate replacement in most locations. A simple metal fence, similar to traditional “wrought iron” or wire, also may be considered. In all cases, the fence components should be similar in scale to those seen historically in the neighborhood.

**1.4 A replacement fence should have a “transparent” quality, allowing views into the yard from the street.** Using a solid fence, with no spacing between the boards, is inappropriate in a front yard. Chain link is not allowed as a fence material where it would be visible from the street. Vinyl fencing is reviewed on a case-by-case basis. In some instances, it is allowed if it is not seen from the street, of the style of the fence is compatible with the house and if the vinyl fence is not replacing a historic fence or landscape feature.

**Finding Standard 3:** Inappropriate changes to a streetscape, an important element in defining the overall character of a historic district, result in alterations that detract from the historic integrity of the block and its context. Recognizing that the use of substitute materials in some cases, such as those that would be visible from a street, would be detrimental to historic buildings and districts, the vinyl fence is out of character with the historic residential character of Markea Avenue and the area. The request fails to meet this standard.

- 4. Subdivision of Lots.** The planning director shall review subdivision plats proposed for property within an H historic preservation overlay district or of a landmark site and may require changes to ensure the proposed subdivision will be compatible with the historic character of the district and/or site(s).

**Finding for Standard 4:** This standard is not applicable in this case as no subdivision is proposed.





**Attachment A**  
Application



## Law, Janice

---

**From:** Jane McKenzie [jane.mckenzie@partners.mcd.com]  
**Sent:** Thursday, September 24, 2009 9:39 AM  
**To:** Lew, Janice  
**Subject:** McDonald's 7th East/242 South

Wednesday, September 23, 2009

To: Janice Lew  
From: Jane McKenzie, Owner

Thank you for the opportunity to speak to the circumstances around the notice from Salt Lake Corporation stating this property was in three separate violations of Salt Lake City code.

Violation 21A40.120

The landscaping along the south side of our fence which blocks the view of the drive through from Markea street was overgrown with foliage from unauthorized plantings. We immediately repaired the area along Markea street and installed xeriscaping the full length of the fence to match our location landscaping.

Violation 21A.34.020/21A34.020

In 1979 Salt Lake City granted McDonald's permission to purchase additional property to install a drive through section to the restaurant. A part of that approval included McDonald's requirement to build a fence to separate the drive through from Markea street. McDonald's complied in or around 1979.

In preparation for the 2002 Olympics, McDonald's contracted with a professional sign company to replace the 22 year old fence with very expensive white vinyl fencing. Neither I nor my employees were aware of historical districts in Salt Lake City or that this restaurant sits on the East border of such a district. We had never been notified from the city that this restaurant was in an historical district. So, we did not know to contact the city historical planners for permission to use these materials. According to city documents, our sign vendor did not contact the city as well.

In addition to not being aware of the historical designation, we were not aware that vinyl fences are not approved in the historic district, and, in order to keep this fence we will need a certificate of appropriateness.

I would like to be granted such a certificate for the following reasons:

The McDonald's location is in a strip type mall which houses Rite Aid, Chevron and Big Lots. There is no historical application involving this mall location.

Directly to the south of the fence is an alley named Markea. Five very old, small residences surrounded in chain link fencing sit on the south side of Markea street. There does not appear to be any historical significance to these residences.

Directly south of McDonald's adjacent to the residences a lot has recently been cleared to develop condominiums/housing. This is new construction without any history.

After the construction of this land has been completed the fence will not be visible from the street.

Thank you for taking these points into consideration in granting me a certificate of appropriateness.

If I am not granted the certificate I would like to discuss another option with you.

McDonald's is currently in discussion with Bolo Corporation, the land owner, about our intent to rebuild the existing McDonald's. McDonald's still needs to go through the planning process with the city, but would like to begin construction in 2010. I would like to ask the city for a waiver from 21A.34.020 until the construction project begins and it is appropriate to install a new fence.

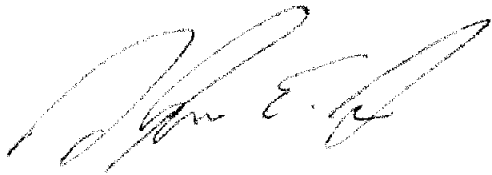
That way, the fence could be able to tie in aesthetically with the proposed building plans.

Again, thank you for your consideration.

The McDonalds located at 242 South 700 East is under enforcement for the construction of a vinyl fence without historic approval or a permit. The fence was erected prior to the Olympics (2002), but there is no indication that it was permitted for.

Board of Adjustments Variance request 8028 was approved back in 1979 for the construction of a drive-in window. One of the conditions of this approval was that landscaping and a wall be provided along Markea Avenue. The current owner states that there was a fence there prior to the installation of the vinyl fence and that it was made of wood.

They are now seeking a certificate of appropriateness prior to pulling a permit in order to get the enforcement case closed.

A handwritten signature in black ink, appearing to be "John E. [unclear]", written in a cursive style.

Enforcement Letter

August 24, 2009

Bolo Corporation  
C/O J L McKenzie Inc.  
5650 West 4100 South # 121  
West Valley, UT 84128

Dear Property Owner:

Re: Property located at, 242 South 700 East Salt Lake City, Utah

It has recently come to the attention of this office that the above referenced property is in violation of the Salt Lake City Code. The violation and code section(s) are as follows:

21A.48.040 It is unlawful to fail to maintain all landscaping materials, fences walls, hedges, plants and/or irrigation systems so as to present a neat, healthy and orderly appearance.

**Note: Landscaping along the fence/wall is a requirement of the BOA case 8028 and this landscaping must be maintained, failure to do so will void the BOA case and impose fines on the property.**

21A.40.120

5. Construction of any fence in the following districts shall also comply with the additional fencing regulations found in the following subsections of this title:

b. H historic preservation overlay district (21A.34.020E), reference section below.

21A.34.020

E. Certificate Of Appropriateness Required: After the establishment of an H historic preservation overlay district, or the designation of a landmark site, no alteration in the exterior appearance of a structure, site, object or work of art affecting the landmark site or a property within the H historic preservation overlay district shall be made or permitted to be made unless or until the application for a certificate of appropriateness has been submitted to, and approved by, the historic landmark commission, or administratively by the planning director, as applicable, pursuant to subsection F of this section. Certificates of appropriateness shall be required for:

9. The construction or alterations of site features including, but not limited to, fencing, walls, paving and grading.

**Note: Vinyl fences are not approved in the historic district, a certificate of appropriateness will be required to keep the fence and meet the BOA case requirements, failure to do will cause the BOA case to be voided.**

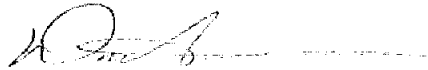
All of the above were based on Board of Adjustment Case 8028 wherein certain requirements were made to complete the BOA case which was agreed to by your company.

1. Landscape the area next to the fence on the Markea side and to maintain that landscaping. Maintain the vacant lot at the end of Markea.
2. Construct a fence/wall along Markea to shelter the tenants from the approved drive-through.

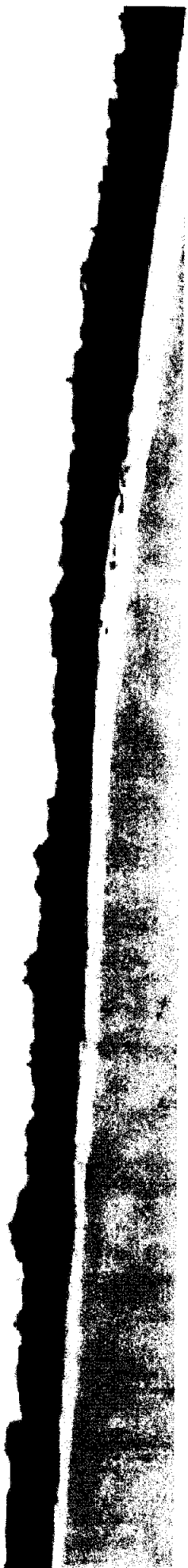
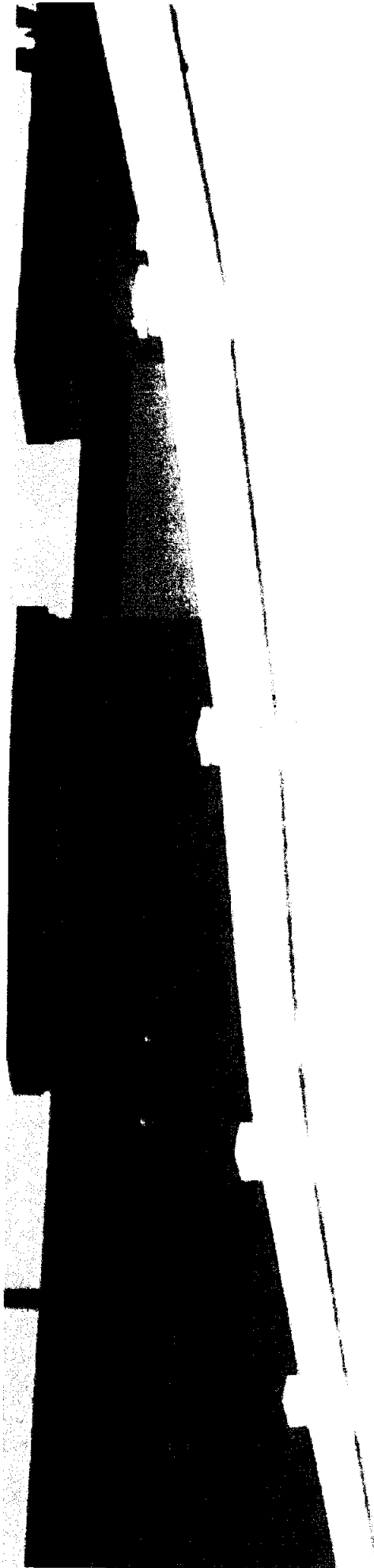
Please take any necessary actions to bring your property into compliance with the above referenced code. Compliance must be attained on or before July 9, 2009. Failure to comply will result in the initiation of appropriate legal action.

Questions may be directed to me at 535-7166 between the hours of 7:00 a.m. and 9:30 a.m. or 3:30 p.m. to 5:00 p.m. Monday through Thursday.

Respectfully,

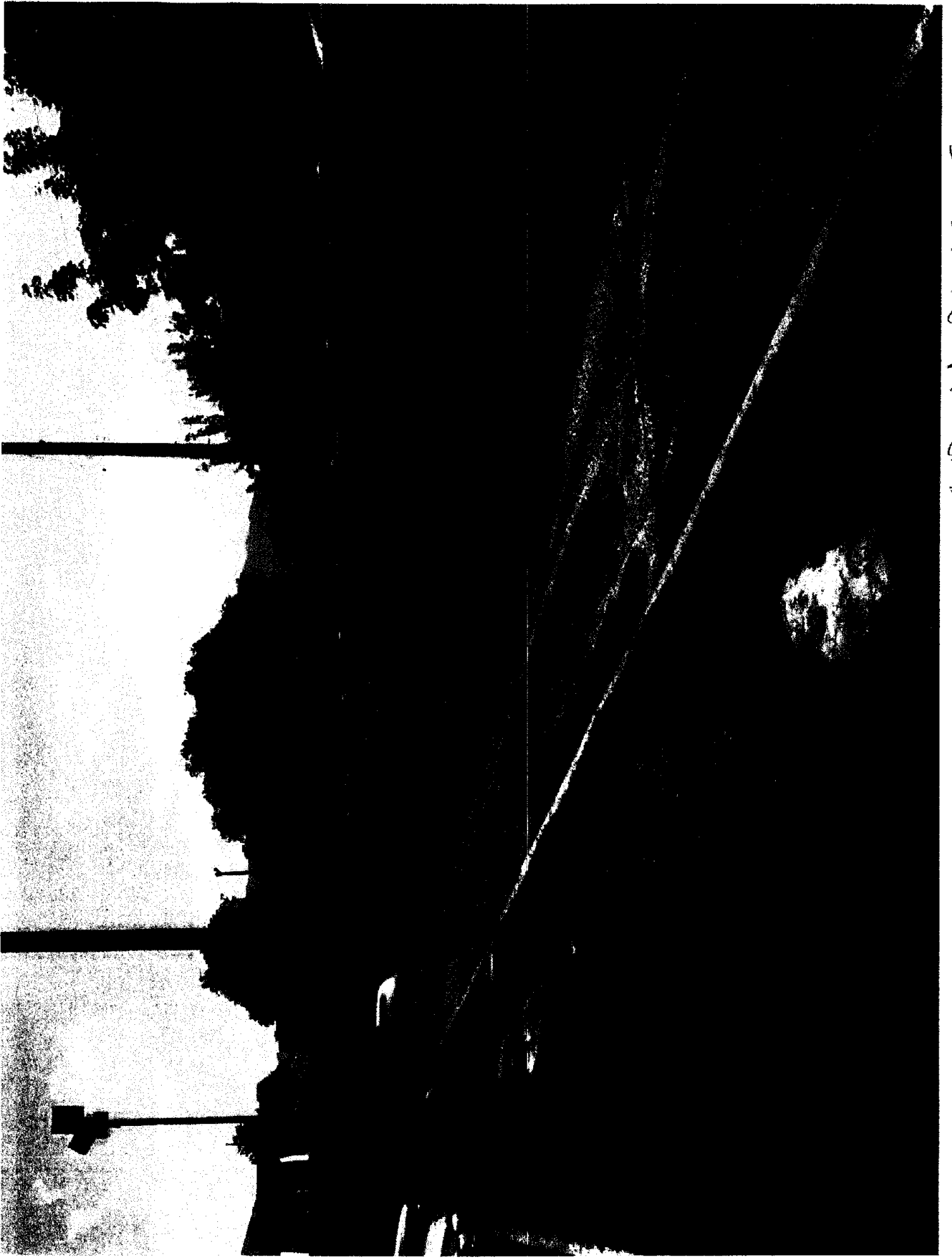
A handwritten signature in cursive script, appearing to read "Bill Simms", followed by a horizontal line.

Bill Simms  
Housing/Zoning Officer  
bill.simms@slcgov.com

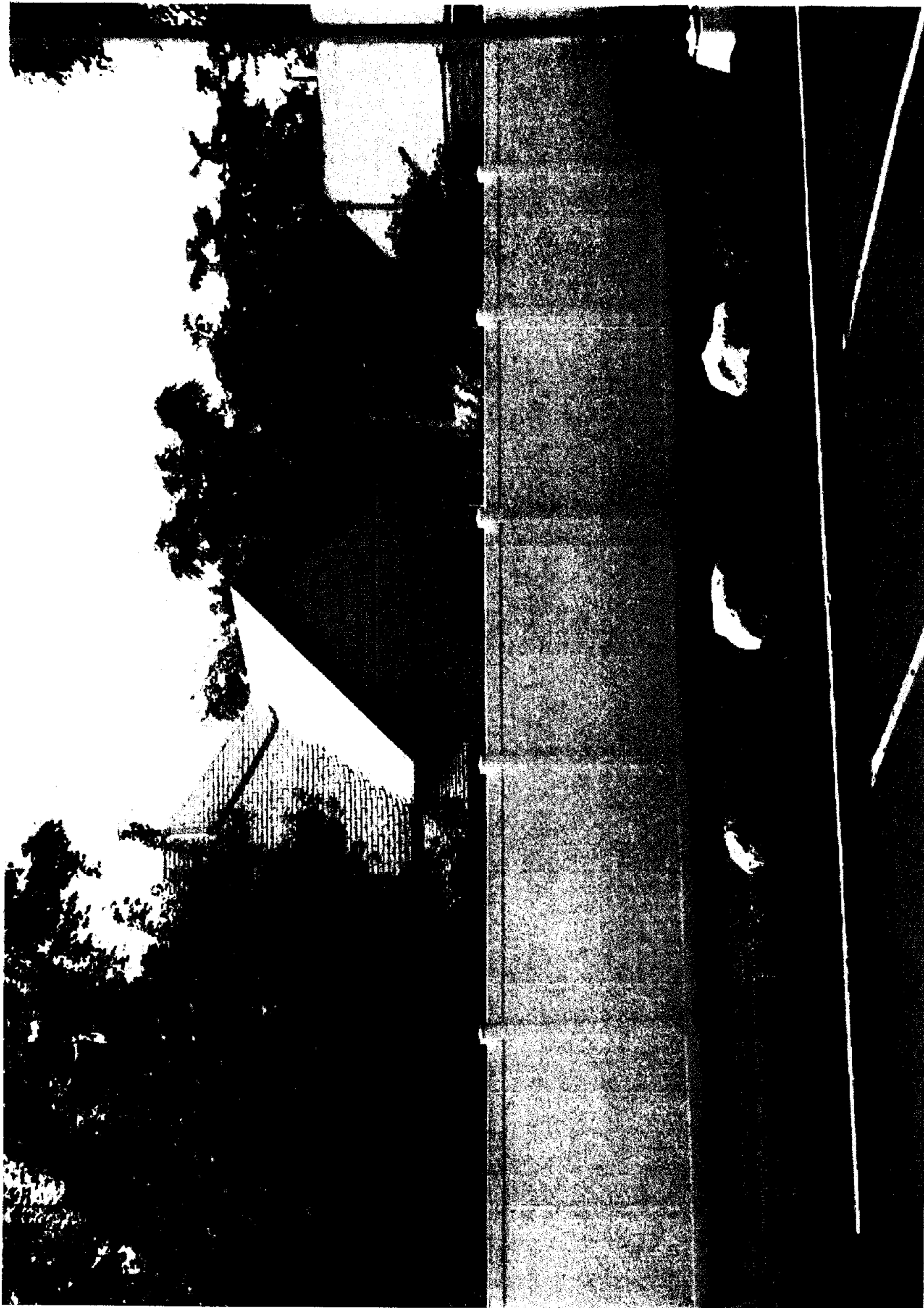


marked street side of fence  
with around maintenance

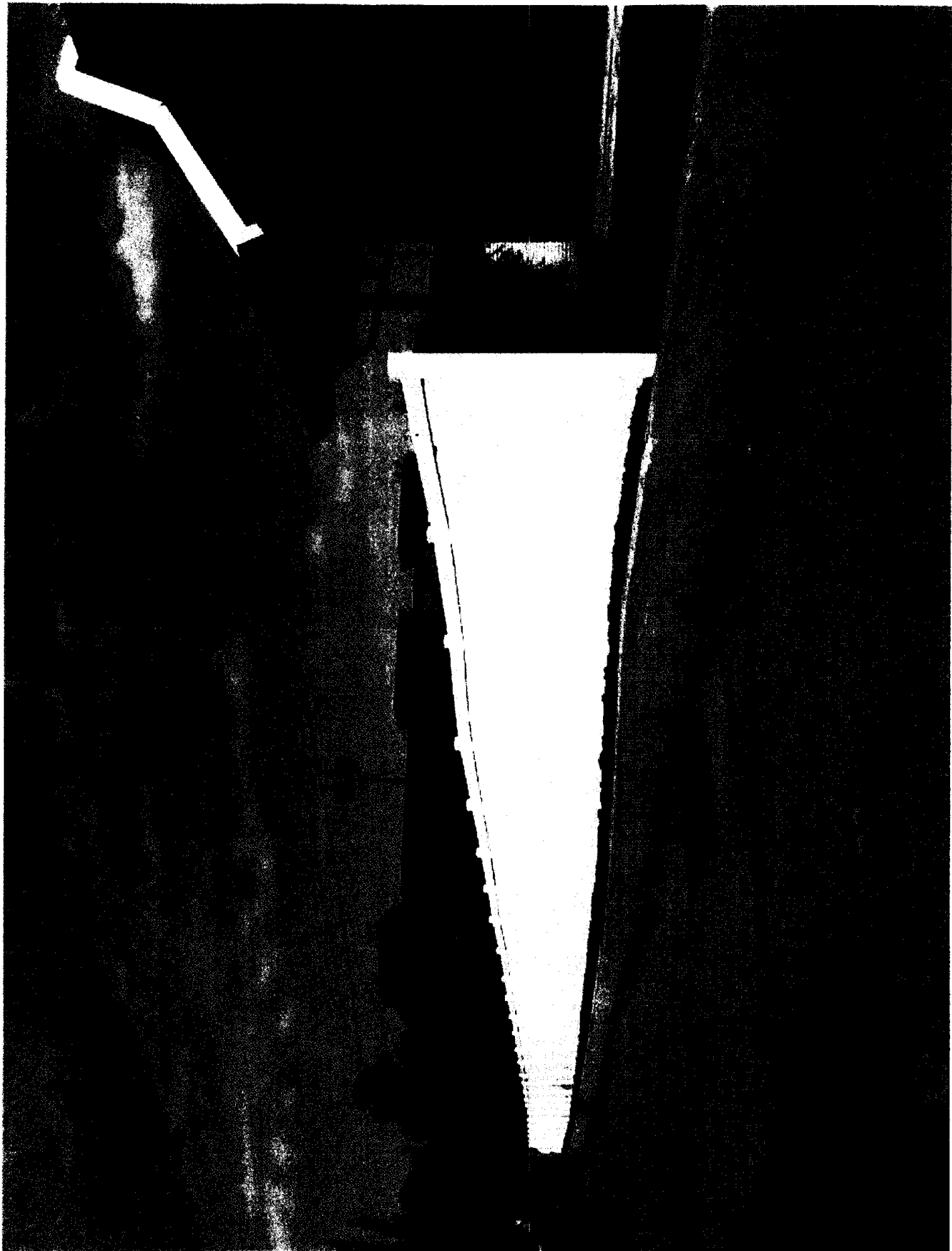


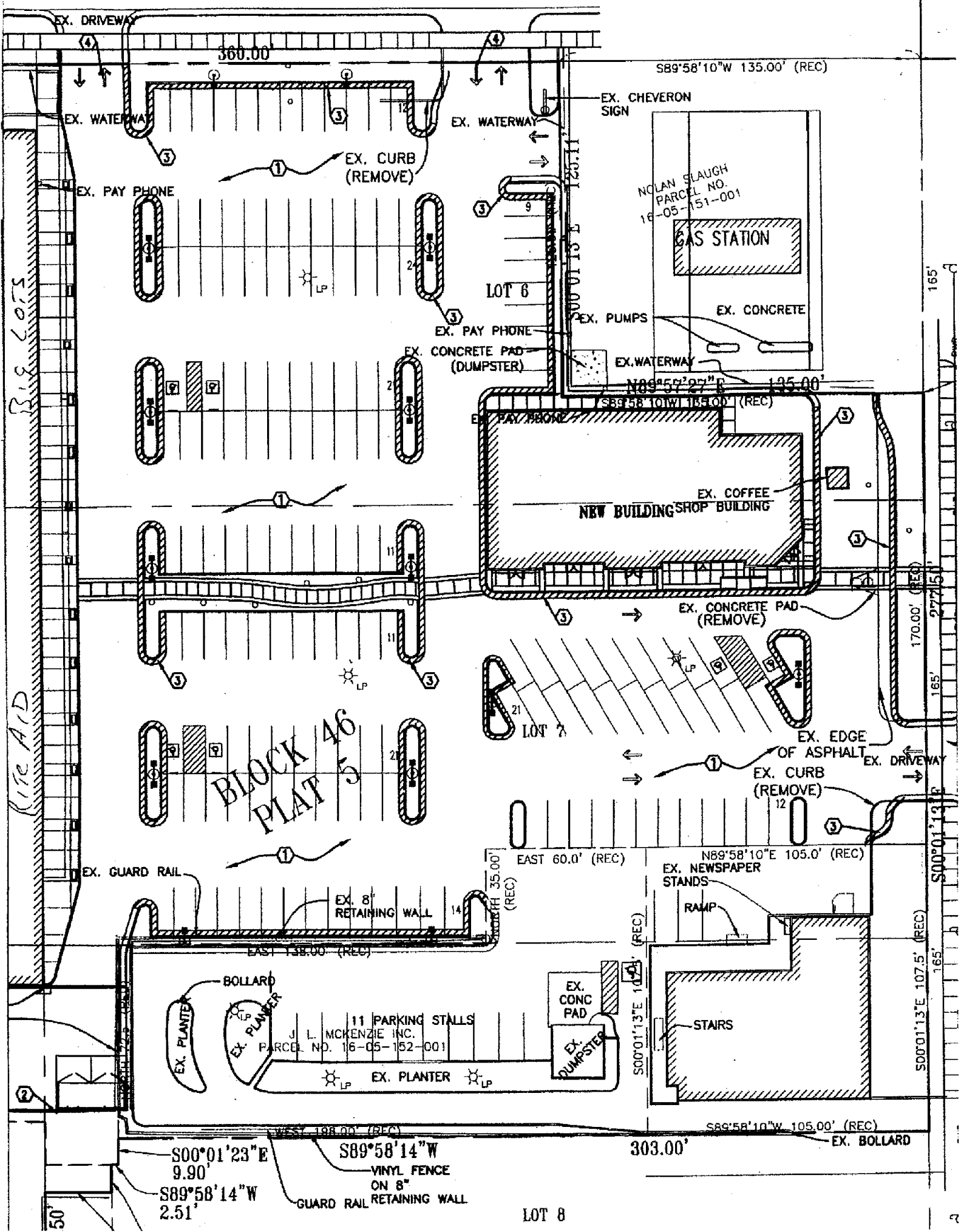


1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50



Marked House from lot





(Site AID)  
 18' COTS

BLOCK 46  
 PLAT 5

11 PARKING STALLS  
 J. L. MCKENZIE INC.  
 PARCEL NO. 16-05-152-001

NOLAN SLAUGH  
 PARCEL NO.  
 16-05-151-001

50'  
 S00°01'23"E 9.90'  
 S89°58'14"W 2.51'  
 GUARD RAIL  
 VINYL FENCE ON 8" RETAINING WALL

LOT 8

165'  
 170.00' (REC)  
 165'  
 165'  
 S00°01'13"E  
 165'  
 165'

S89°58'10"W 135.00' (REC)

EX. CHEVRON SIGN

GAS STATION

LOT 6

S89°57'27"E 135.00'

S89°58'10"W 135.00' (REC)

NEW BUILDING SHOP BUILDING

EX. CONCRETE PAD (REMOVE)

LOT 7

EX. EDGE OF ASPHALT EX. DRIVEWAY

EAST 60.0' (REC)

N89°58'10"E 105.0' (REC)

EX. NEWSPAPER STANDS

RAMP

STAIRS

EX. CONC PAD

EX. DUMPSTER

EAST 138.00' (REC)

(REC)

(REC)

(REC)

(REC)

(REC)

(REC)

(REC)

(REC)

**Attachment B**  
Documentation



BEFORE THE BOARD OF ADJUSTMENT, SALT LAKE CITY, UTAH

FINDINGS AND ORDER, CASE NO. 3018

REPORT OF THE COMMISSION:

This is an appeal by McDonald's Corp. and Bolo Corp. from the refusal of the Building Inspector of Salt Lake City, Utah, to issue a permit to construct a drive-in window at 242 South 700 East Street which would not maintain the required setback from Markea Avenue and the driveways for which would be in the required front yards on 700 East Street and Markea Avenue in a Business "B-3" District.

On June 4, 1979, David P. Carey, Jr. of 3925 South Tamarac Drive, Denver, Colorado, and Scott Brown of 3614 South 500 West were present. Also present were Grace G. Ward of 256 South 700 East and her son, Steve Ward, attorney, and Sophie Coleman of 652 Markea Avenue. Mr. Barney explained that there is an existing McDonald's Restaurant in the location shown on the plot plan presented. The proposal is to add a 5' x 10' addition on the south side of the building to be a new cantilevered drive-through with a driveway that circles the building and takes out the required landscaped setback on 700 East and utilizes the existing driveway onto 700 East. The Board suggested that a pick-up window be installed at the rear so that the driveway would not run along Markea Avenue and 700 East. Mr. Carey explained that that would create a functional internal operations problem because of the location of the kitchen and freezer, etc., although a few of the McDonald's in the United States are operated this way. Markea Avenue is not a dedicated street but a private street for the houses fronting on Markea Avenue. Mr. Carey stated that they do not want to distract from Markea at all, that is why they proposed the plan as presented so that the drive-in window has no ingress or egress from Markea. The Traffic Department has specified that there be no more curb cuts on 700 East so the existing curb has to be utilized for this project. They could not exit onto Markea because it would be mixing commercial with residential traffic and disturbing the residential area which the neighbors strongly oppose. Jerry Blair pointed out that the proposal is really not workable because a minimum five car stacking area is required and there is not room for that because the stacked cars would block parking spaces making it impossible for the parked cars to get out. Mr. Carey stated that they have an option to pick up the piece of property behind the existing building which is presently undeveloped and which would allow them to bring the drive through the back and also provide more parking spaces.

Mrs. Ward lives immediately south of Markea and she stated that the commercial activity has always been on the north side of the building so it has not bothered them and if activity is on the south side of the building it would be very distracting and disturbing. She presented a petition signed by herself and four residents of Markea Avenue in opposition to the proposal. Mrs. Coleman stated that the vacant lot behind McDonald's has been a receptacle for trash and garbage which blows into their yards; she has called the Board of Health several times to clean it up. She has lived in her home for 38 years and it has always been a mess and she would like this problem taken care of. Steve Ward stated that the area the applicant is proposing to utilize has served as a buffer zone in the past and removing it would place the homes in close proximity to the cars and commercial activity which is undesirable and would substantially diminish the value of the homes fronting on Markea especially if the cars started exiting onto Markea; there would also be a lot of noise. Each of the property owners on Markea own to the middle of the street. Mr. Carey stated that there would still be a screen of landscaping and a wall between the drive-through window and Markea Avenue. Mr. Rampton complimented Mr. Carey on

the fine job McDonald's restaurants maintains on their properties. The Board recommended that the applicants meet with the planning staff and the neighbors and work out a plan utilizing the vacant parcel of land behind the restaurant and not encroaching upon the required landscaped setbacks on Markee Avenue and 700 East Street. Later in the meeting the various aspects of the case were reviewed. The Board felt that all commercial activity should be kept to the north and west. A motion passed that the case be held over, the applicant to work with the staff to develop a plan utilizing the vacant parcel west of the existing building and not encroaching on the required landscaped setbacks on Markee Avenue and 700 East.

On June 18, 1979, David P. Carey, Jr. of McDonald's Corp. was present together with the following:

Grace Ward	256 South 700 East
Richard Clayton	660 Markee Avenue
Sophie C. Coleman	652 Markee Avenue

Revised plans were presented following the Board's suggestions at the last meeting this case was considered at. The neighbors present felt that the new plans met their concerns, also. The Board felt that the changes were such that the case should be reheard with the petitioner as well as the abutting property owners. The case was discussed in detail. A motion passed that the case be heard at the next regular meeting.

On July 2, 1979 Scott Brewer of McDonald's was present. He reported a statement has been signed by the people on Markee Avenue and they will acquire and lease 198' back of the building in which to stack the cars. They will build a fence or wall all the way down Markee and pave that area; that is basically what the neighbors have agreed upon. When asked if all of the people on Markee have signed the petition, he stated they signed it but he does not have it with him. He was asked to bring in the petition today. By way of review Mr. Jorgensen stated they are asking to do away with the setback on Markee Avenue and have a driveway there; their proposal would be widening Markee on the front to 25' for two-way traffic with some landscaping next to the wall. There were no protests. Later in the meeting the various aspects of the case were reviewed. It was noted that Markee Avenue is a private right-of-way.

From the evidence before it, the Board is of the opinion that the petitioner would suffer an unnecessary hardship from a denial of the variance; that the spirit and intent of the Zoning Ordinance will be upheld and substantial justice done in the granting of the variance.

IT IS THEREFORE ORDERED that a variance be granted to permit the drive-in window without maintaining the required setback from Markee Avenue and with the driveway in the front in accordance with the plan filed with the case, subject to the applicant's filing the consent of all the property owners on Markee and that being checked by the staff, and subject to their landscaping and installing the wall along Markee Avenue and widening Markee Avenue and landscaping the area as agreed upon. Provided these restrictions are complied with, the decision of the



Case No. 8022


Page 3--

Building Inspector is reversed and said officer directed to issue the required permits in accordance with the order and decision of the Board provided the construction plans show conformity to the requirements of the Uniform Building Code and all other City ordinances applicable thereto; and provided such reduction or addition does not conflict with any private covenants or easements which may be attached to or apply to the property, all conditions of the Board to be fully complied with before the Building Inspector can give a certificate of occupancy or final inspection, said order to expire within six months from the dating of this order. This variance expires if work has not been started within six months.

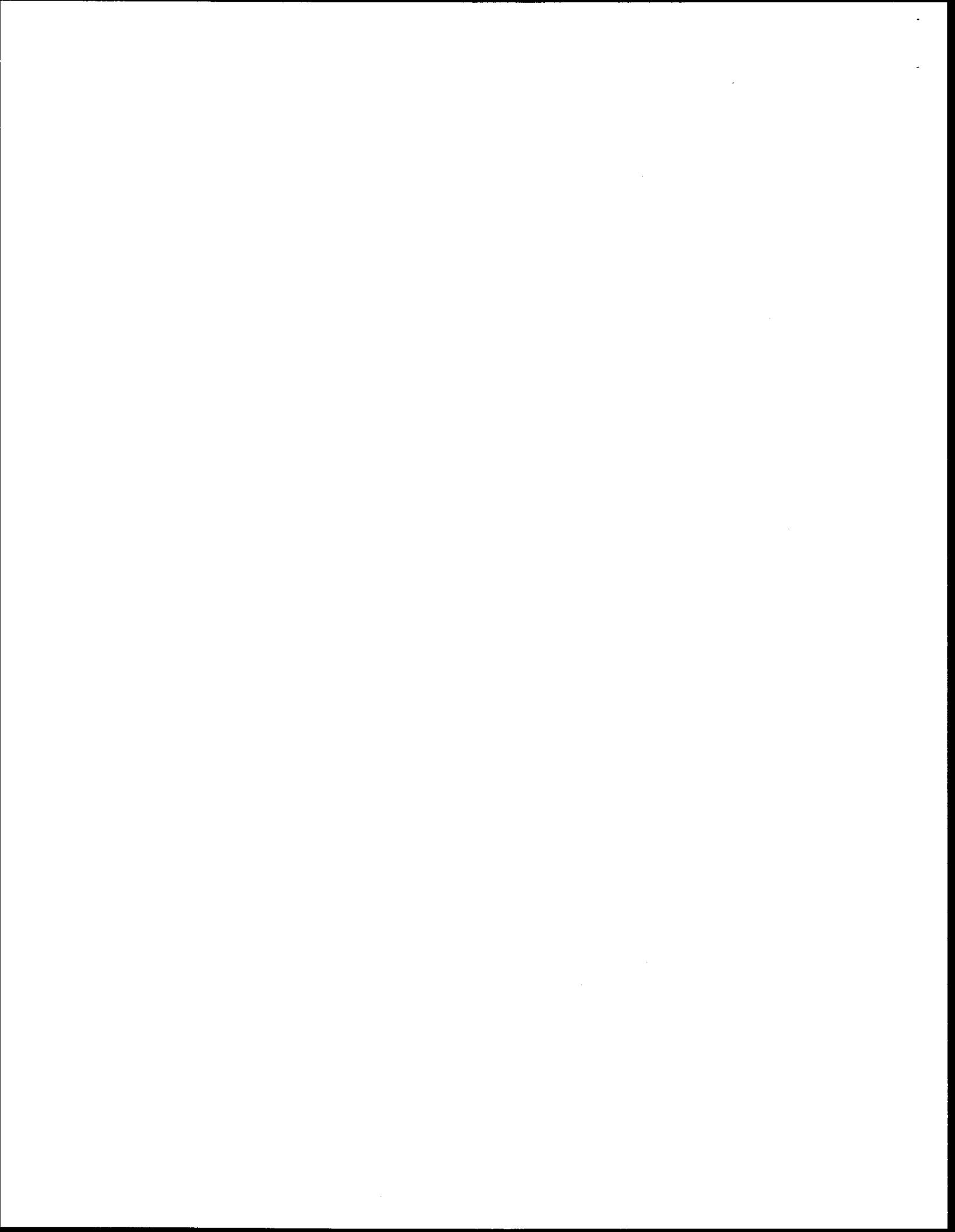
THE FAILURE OF THE APPLICANT TO ABIDE BY THE CONDITIONS OF THIS VARIANCE SHALL CAUSE IT TO BECOME NULL AND VOID, WHICH IN EFFECT IS THE SAME AS THE VARIANCE HAVING BEEN DENIED.

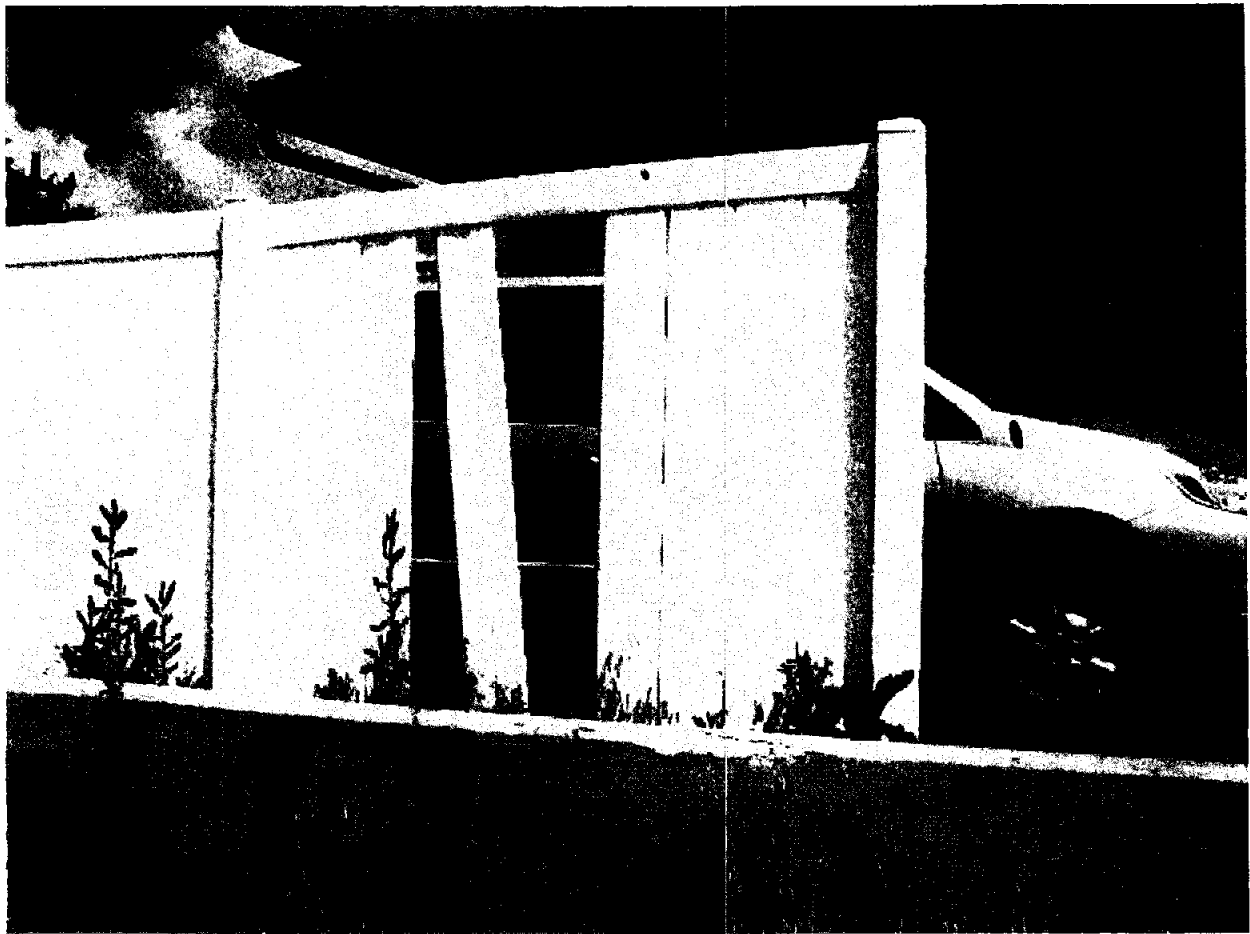
Action taken by the Board of Adjustment at its meeting held Monday, July 2, 1979.

Dated at Salt Lake City, Utah, this 16th day of July, 1979.

  
Chairman

  
Acting Secretary





Bill\_Simms 6.18.9 242 S 700 E 1143 1.JPG



Bill\_Simms 6.18.9 242 S 700 E 1143 2.JPG



Bill\_Simms 6.18.9 242 S 700 E 1143 5.JPG



Bill\_Simms 6.18.9 242 S 700 E 1143 6.JPG



Bill\_Simms 6.18.9 242 S 700 E 1143 3.JPG



Bill\_Simms 6.18.9 242 S 700 E 1143 4.JPG



Bill\_Simms 6.18.9 242 S 700 E 1143 7.JPG



Bill\_Simms 6.18.9 242 S 700 E 1143 8.JPG

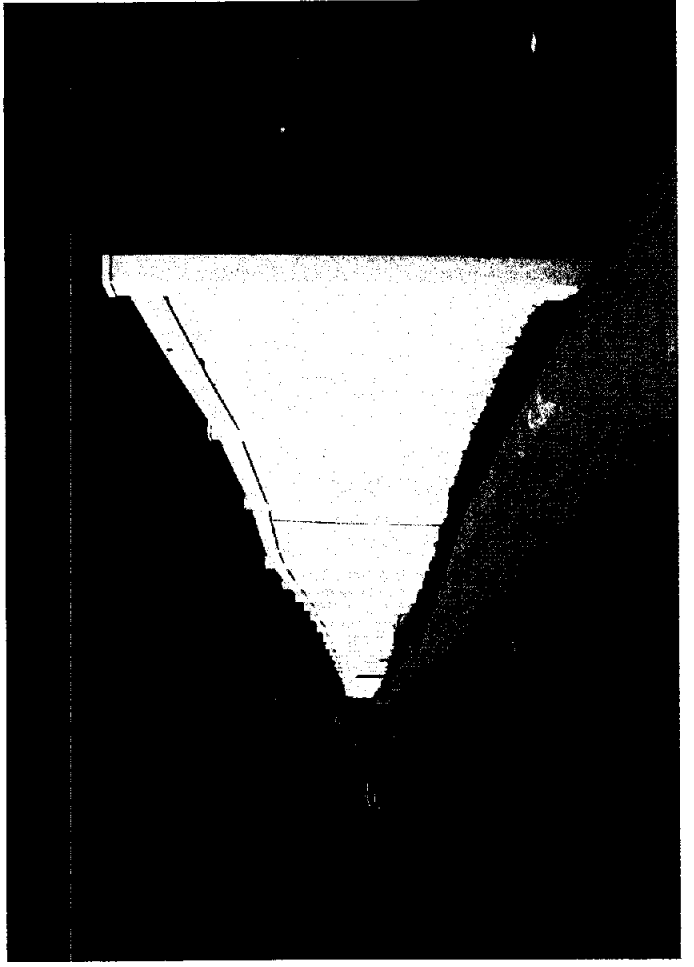
# **Attachment C**

## **Photographs**

Published Date: October 29, 2009







9/16/69

