

HISTORIC LANDMARK COMMISSION STAFF REPORT



Planning Division
Department of Community and
Economic Development

Carrillo Fence PLNHLC2012-00626 Central City Historic District 669 South 500 East December 6, 2012

Applicant: Bogar Carrillo

Staff: Katia Pace, 535-6354,
katia.pace@slcgov.com

Tax ID: 16-07-226-006

Current Zone: RMF-30 Low
Density Multifamily Residential

Master Plan Designation:
Medium-Density 15-30 Units/Acre
Central Community Master Plan
(Adopted 2005)

Council District:
District 4, Luke Garrott

Community Council:
Central City Neighborhood Council
Thomas Mutter (Chair)

Lot Size: 3,484.8 square feet

Current Use:
▪ Single-Family Residence

**Applicable Land Use
Regulations:**

- 21A.34.020
- 21A.52.030
- 21A.40.120
- Historic Design Guidelines

Notification:
▪ Notice mailed 11/22/12
▪ Agenda posted on the Planning
Division and Utah Public Meeting
Notice websites 11/22/12

Attachments:
A. Site Plan
B. Department Comments
C. Streetscape
D. Photos

Request

The applicant is seeking to retroactively permit or 'legalize' a wood fence already installed without the appropriate approval or permit. The property is located at 669 South 500 East, in the RMF-30 (Low Density Multifamily Residential) zoning district and in the Central City Historic District.

The wood fence does not meet the zoning requirements because of height, it does not meet the standards for alterations of a contributing building, nor is it consistent with the Residential Design Guidelines for fences in the front yard. The Historic Landmark Commission is reviewing a Certificate of Appropriateness and a Special Exception because of the additional height.

Staff Recommendation

Based on the findings listed in the staff report, it is the Planning Staff's opinion that the request does not meet standards 2, 8, and 12 of review for alteration of a contributing structure and standards A, and G of review for Special Exceptions. Therefore, staff recommends that the Historic Landmark Commission deny the petition. Denial of this request shall require that the applicant remove the fence or modify the fence.

If the Commission finds that the proposal does meet the objectives of the ordinance standards and Residential Design Guidelines, then staff recommends that the Commission approve the request, or approve it with modifications.

Potential Motions

Consistent with Staff Recommendation:

From the evidence and testimony presented and pursuant to the plans submitted, I move that the Historic Landmark Commission deny the request to retroactively permit or 'legalize' a wood fence at 669 South 500 East based on the findings listed in the staff report.

Not Consistent with Staff Recommendation:

From the evidence and testimony presented and pursuant to the plans submitted, I move that the Historic Landmark Commission approve the request to retroactively permit or 'legalize' a wood fence at 669 South 500 East.

(Note that the Commission would have to make alternative findings and list the standards that the project meets.)

VICINITY MAP



Background

This is a request to retroactively permit or ‘legalize’ a portion of the fence already installed without the appropriate approval. A photo of the property from 1989 shows a chain link fence, and more recent photos show no fence at all. The subject property has no rear yard. What used to be a rear yard is now a nine car parking area on a separate lot. The driveway leading to the parking area is part of the applicant’s property.

The home on the subject property is a building that is contributing to the historic district (due to age and structural integrity.) Any exterior modifications on the subject home or property are subjected to Historic Landmark Commission review.

The fence being reviewed is solid, made out of wood with a lattice detail and an arched panel on top. It is located between the front property line and the front façade and at some points it is higher than 4 feet. The applicant is willing to drop the height to 3.5 feet and to open the fence by removing every other board to make 50% of the fence transparent along the front yard property line and the area defined as the sight distance triangle, but the remainder of the fence would remain the existing height. The applicant’s reason for having a fence with additional height is privacy.

The west boundary line of the Central City Historic District runs on the center line of 500 East. The east side of 500 East, where this property is located, is within the district. The majority of the properties in this block don't have front yard fences. A wood fence in the front yard is uncharacteristic for this block, there is only one other wood fence on the block.

The illustration below shows the existing fence heights and location.



Comments

Public Comments

No public comment regarding this application was received as of the date of the preparation and distribution of this staff report.

Transportation Division Comments

The Division of Transportation comments and recommendations are as follows:

The fence needs to comply with the Clear Sight Zone regulations E2.c1 for a 10'x10' triangle with no obstruction over 30 inches high or 50% visibility impairment along the back edge of sidewalk and the edge of the driveway. As an alternative to modifying the existing fence a mirror may be installed in order to provide adequate visibility for vehicles exiting the driveway.

Project Review

Zoning Considerations

The following requirements found in Section 21A.40.120 of the Zoning Ordinance apply to this request:

- No fence, wall or hedge shall be erected to a height in excess of four feet (4') between the front property line and the front façade of the principal structure.
- Solid fences, walls and hedges located near the intersection of a driveway or an alley within the public way shall not exceed thirty inches (30") in height within a ten foot (10') wide by ten foot (10') deep sight distance triangle.
- Within the area defined as a sight distance triangle, see through fences that are at least fifty percent (50%) open shall be allowed to a height of four feet (4').

Analysis and Findings

Standards of Review for Alteration of a Contributing Structure

As specified in Chapter 21A.34.020—which is entitled H Historic Preservation Overlay District—of the Salt Lake City Code, in considering an application for a certificate of appropriateness for alteration of a landmark site or contributing structure, the Historic Landmark Commission shall find that the project substantially complies with all of the following general standards that pertain to the application and that the decision is in the best interest of the city:

Standard 1. A property shall be used for its historic purpose or be used for a purpose that requires minimal change to the defining characteristics of the building and its site and environment;

Analysis: No changes are proposed to the structure or use of the residential building.

Finding: The project is consistent with this standard.

Standard 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Analysis: The historic character of the property will be preserved. However, the fence does change the space by containing the front yard, where the development pattern is open front yards.

Finding: The project is not consistent with this standard.

Standard 3. All sites, structures and objects shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create a false sense of history or architecture are not allowed;

Analysis: As noted previously, the front yard fence is made of wood, which material is common to the past and present century.

Finding: Whereas this project does not involve alterations that seek to create a false sense of history, the project is consistent with this standard.

Standard 4. Alterations or additions that have acquired historic significance in their own right shall be retained and preserved;

Analysis: This project does not involve any alterations or additions that have acquired historic significance in their own right.

Finding: The project is consistent with this standard.

Standard 5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved;

Analysis: There will be no removal of any distinctive features, finishes, construction techniques or examples of craftsmanship that characterize the historic property.

Finding: The project is consistent with this standard.

Standard 6. Deteriorated architectural features shall be repaired rather than replaced wherever feasible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures or objects;

Analysis: As stated previously, a photo of the property from 1989 shows a chain link fence, and more recent photos show no fence at all.

Finding: Whereas the fence in question is not a replacement of a historic fence, the project is consistent with this standard.

Standard 7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible;

Analysis: No chemical or physical treatments are proposed as part of this request.

Finding: The project is consistent with this standard.

Standard 8. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archaeological material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment;

Analysis: The subject fence with the lattice on top is typical of backyard and side yard fences. In addition, the design of the subject fence is not a design typically seen in this historic neighborhood, and for the most part the properties on the block do not have fences in the front yard.

Finding: The design of the fence is not compatible with the character of the neighborhood. Therefore the project is not consistent with this standard.

Standard 9. Additions or alterations to structures and objects shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired. The new work shall be differentiated from the old and shall be compatible in massing, size, scale and architectural features to protect the historic integrity of the property and its environment;

Analysis: The fence, if removed, would not change the integrity of the structure.

Finding: The project is consistent with this standard.

Standard 10. Certain building materials are prohibited including the following:

- a. Vinyl or aluminum cladding when applied directly to an original or historic material, and
- b. Any other imitation siding material designed to look like wood siding but fabricated from an imitation material or materials;

Analysis: The proposal does not include demolition, addition, or repair of the historic home.

Finding: The project is consistent with this standard.

Standard 11. Any new sign and any change in the appearance of any existing sign located on a landmark site or within the H historic preservation overlay district, which is visible from any public way or open space shall be consistent with the historic character of the landmark site or H historic preservation overlay district and shall comply with the standards outlined in Part IV, Chapter 21A.46, Signs;

Analysis: Signage is not a component of this project.

Finding: The project is consistent with this standard.

Standard 12. Additional design standards adopted by the historic landmark commission and city council.

Analysis: The following additional design guidelines from *Design Guidelines for Residential Historic Districts in Salt Lake City* are applicable in this case:

Guidelines for Site Features

Fences 1.0 Originally, painted wood picket fences were used to enclose many front yards. The vertical slats were set apart, with spaces between, and the overall height of the fence was generally less than three feet. Wrought iron and wire fences also were used in early domestic landscapes. Where such fences survive, they should be preserved. More frequently, however, original fences are missing. Replacement with a fence similar in character to that used historically is encouraged in such conditions. Historic photographs portray fence heights at a much lower level than we are used to seeing today, probably because of the current prevalence of chain link, which has been installed at a standard height of four feet for residential uses. While fence heights that are the maximum height allowed by the zoning code (generally 6' in the rear yard and 4' in the side and front yards) are allowed, depending on the material, consider using a lower height for a fence in the front yard, so as to better enhance both the individual house and the streetscape.

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.

Fences 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, if 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: The project is not consistent with additional design guidelines 1.0, 1.3, and 1.4 as adopted by the Historic Landmark Commission and City Council.

- The fence height as proposed would be higher than 3 feet especially on the north and south side yards between the façade and the front yard property line where the height would be kept between 5.5 feet and 5.8 feet.
- The subject fence with the lattice on top is typical of backyard fences. The development pattern of this street block is no fences.
- The fence would be partially open, the applicant is willing to remove every other board to make 50% of the fence transparent along the front yard property line and the area defined as the sight distance triangle, but the remainder of the fence would remain solid.

Standards of Review for Special Exceptions

The standards of review for a special exception are set forth in Section 21A.52.060 of the Salt Lake City Zoning Ordinance. The standards are as follows:

Standard A. Compliance with Ordinance and District Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.

Analysis: The standards for the RMF-30 are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood. This property is a single family dwelling located between an apartment building and a series of row houses. The applicant would like to keep the fence solid and with extra height on the sides for additional privacy.

Findings: The fence is not compatible with the development pattern of the neighborhood; therefore, the project is not consistent with this standard.

Standard B. No Substantial Impairment of Property Value: The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.

Analysis: The subject fence will not diminish or impair adjoining property values.

Findings: The project is consistent with this standard.

Standard C. No Undue Adverse Impact: The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.

Analysis: The applicant is willing to lower the fence along the front property line and in the site triangle.

Findings: The project will be consistent with this standard if the applicant follows through with his plans to make the site triangle at least 50% open.

Standard D. Compatible with Surrounding Development: The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.

Analysis: The fence does not alter the use and development of neighboring properties.

Findings: The project is consistent with this standard.

Standard E. No Destruction of Significant Features: The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.

Analysis: The fence does not destruct any significant features.

Findings: The project is consistent with this standard.

Standard F. No Material Pollution of Environment: The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.

Analysis: The fence will not cause any type of pollution or noise.

Findings: The project is consistent with this standard.

Standard G. Compliance with Standards: The proposed use and development complies with all additional standards imposed on it pursuant to Chapter 21A.52.

Analysis: Additional special exception standards for fence height are set forth in Section 21A.52.030 of the Salt Lake City Zoning Ordinance. The standards are as follows:

Standards for Special Exception for Fence Height

- a. Exceeding the allowable height limits; provided, that the fence, wall or structure is constructed of wrought iron, tubular steel or other similar material, and that the open, spatial and nonstructural area of the fence, wall or other similar structure constitutes at least eighty percent (80%) of its total area;

Analysis: The opening of the fence will be less than 80%, it will be 50% along the front property line and site triangle, and the remainder will be solid.

Findings: The project is not consistent with this standard.

- b. Exceeding the allowable height limits within thirty feet (30') of the intersection of front property lines on any corner lot; unless the city's traffic engineer determines that permitting the additional height would cause an unsafe traffic condition;

Analysis: The applicant is willing to lower the fence to 3.5 feet along the front property line and in the site triangle and leave the lattice on top.

Findings: The project will be consistent with this standard if the applicant follows through with his plans to make the site triangle at least 50% open.

- c. Incorporation of ornamental features or architectural embellishments which extend above the allowable height limits;

Analysis: Staff finds that the lattice is an ornamental feature that is appropriate for the fences in the backyard and side yard but not in the front yard.

Findings: The project is not consistent with this standard.

- d. Exceeding the allowable height limits, when erected around schools and approved recreational uses which require special height considerations;

Analysis: The subject fence is not in proximity to a school or recreational use.

Findings: This standard is not applicable to this project.

- e. Exceeding the allowable height limits, in cases where it is determined that a negative impact occurs because of levels of noise, pollution, light or other encroachments on the rights to privacy, safety, security and aesthetics;

Analysis: The subject property abuts an apartment building on the south side and a row house development on the north side. In addition, the property does not have a backyard. Staff finds that some privacy is desirable, but would content that it could be achieved in other ways such as no lattice on top.

Findings: The project is consistent with this standard.

- f. Keeping within the character of the neighborhood and urban design of the city;

Analysis: A wood fence in the front yard is uncharacteristic for this block since the majority of the properties on the block don't have fences in the front yard.

Findings: The project is not consistent with this standard.

- g. Avoiding a walled-in effect in the front yard of any property in a residential district where the clear character of the neighborhood in front yard areas is one of open spaces from property to property; or

Analysis: The fence would be partially open, the applicant is willing to remove every other board to make 50% of the fence transparent along the front yard property line and the area defined as the sight distance triangle, but the remainder of the fence would remain solid.

Findings: The project is not consistent with this standard.

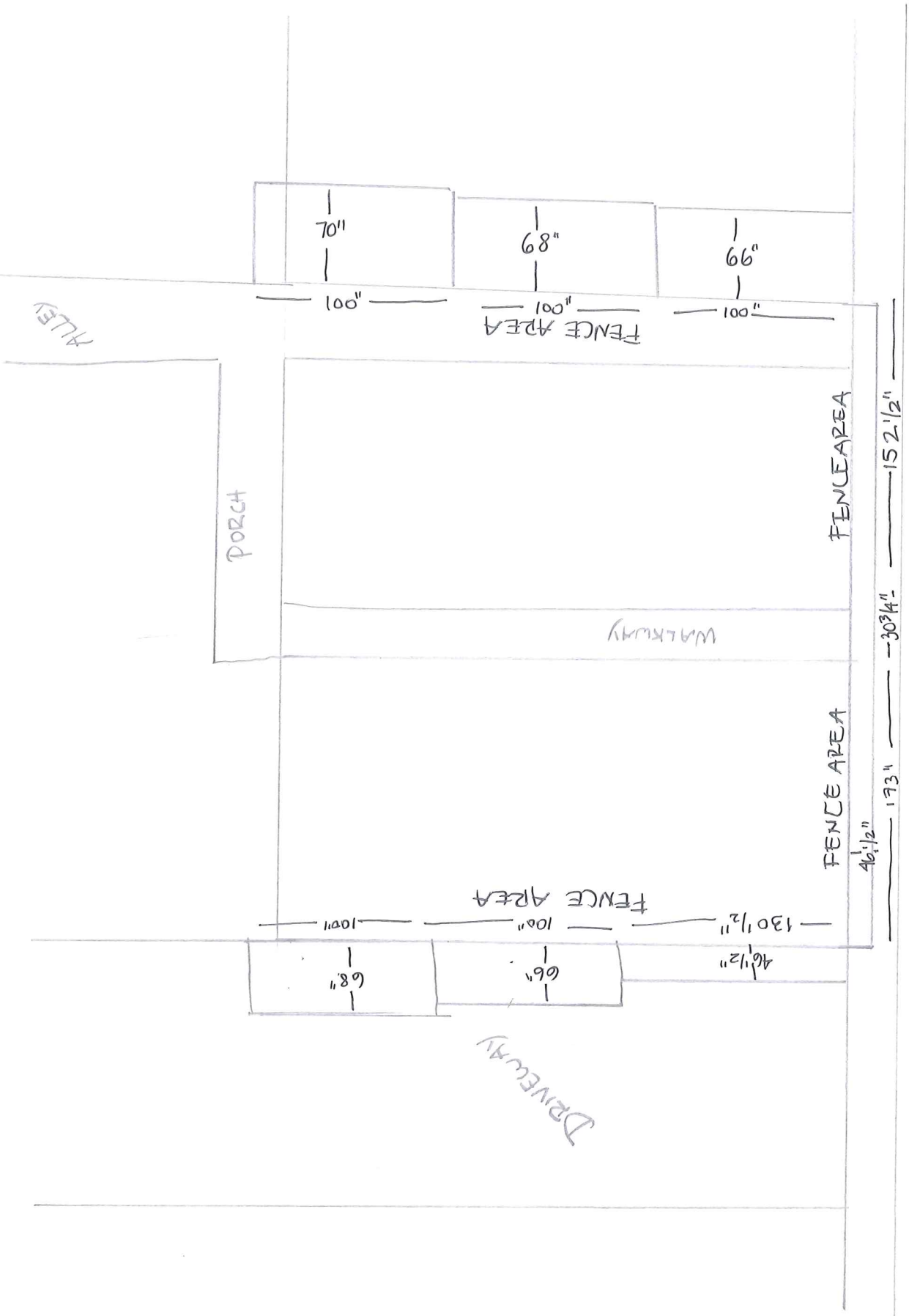
- h. Posing a safety hazard when there is a driveway on the petitioner's property or neighbor's property adjacent to the proposed fence, wall or similar structure.

Analysis: The applicant is willing to lower the fence to 3.5 feet and to remove every other board to make 50% of the fence transparent in the area defined as the sight distance triangle

Findings: The project will be consistent with this standard if the applicant follows through with his plans.

Findings (for Standard G): According to the review above, staff finds that the request does not meet standards a, c, f, and g of the special exception standards for fence height.

**Attachment A
Site Plan**



PARKING

325 1/4

HOUSE

APARTMENT BUILDING

ALLEY

32"

40 1/2

120

30 1/4

15

DRIVEWAY

151"

163 1/4

FENCE AREA

FENCE AREA

FENCE AREA

FENCE AREA

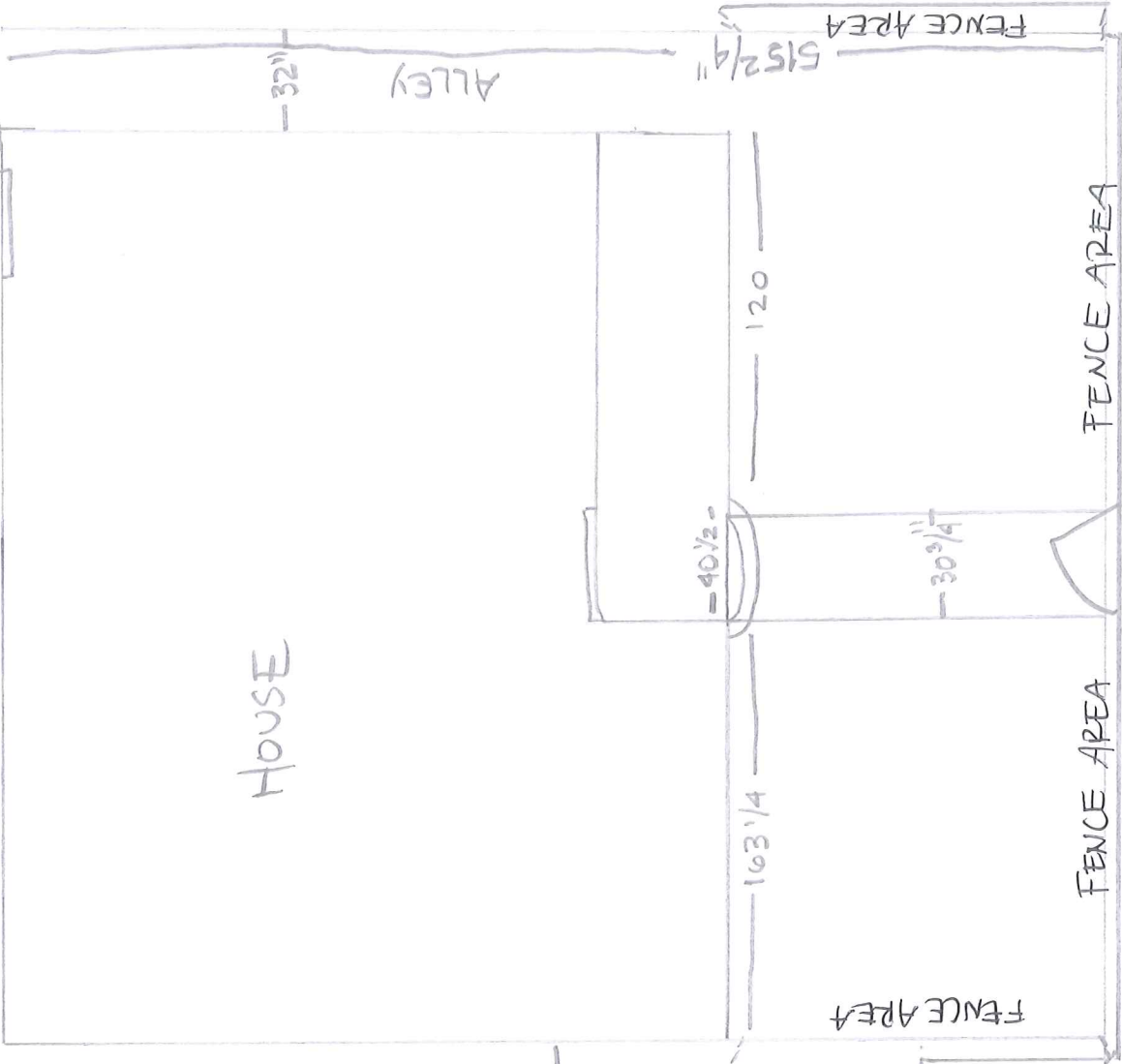
515 2/4

SIDEWALK

173"

152 1/2"

SIDEWALK



Attachment B
Department Comments

From: [Walsh, Barry](#)
To: [Pace, Katia](#)
Subject: RE: PLNHLC2012-00626 Over height Fence
Date: Wednesday, November 28, 2012 12:45:44 PM
Attachments: [PLNHLC2012-00626 Site plan 11-28-12.pdf](#)

November 28, 2012

Katia Pace, Planning

Re: Fence height PLNHLC2012-00626 at 669 S. 500 E.

Transportation review comments and recommendations are as follows:

The fence needs to comply with the Clear Sight Zone regulations E2.c1 for a 10'x10' triangle with no obstruction over 30 inches high or 50% visibility impairment along the back edge of sidewalk and the edge of the driveway. As an alternative to modifying the existing fence a mirror may be installed in order to provide adequate visibility for vehicles exiting the driveway.

Sincerely,

Barry Walsh

No Accela task to date.

From: Pace, Katia
Sent: Tuesday, November 20, 2012 11:28 AM
To: Walsh, Barry
Subject: PLNHLC2012-00626 Over height Fence

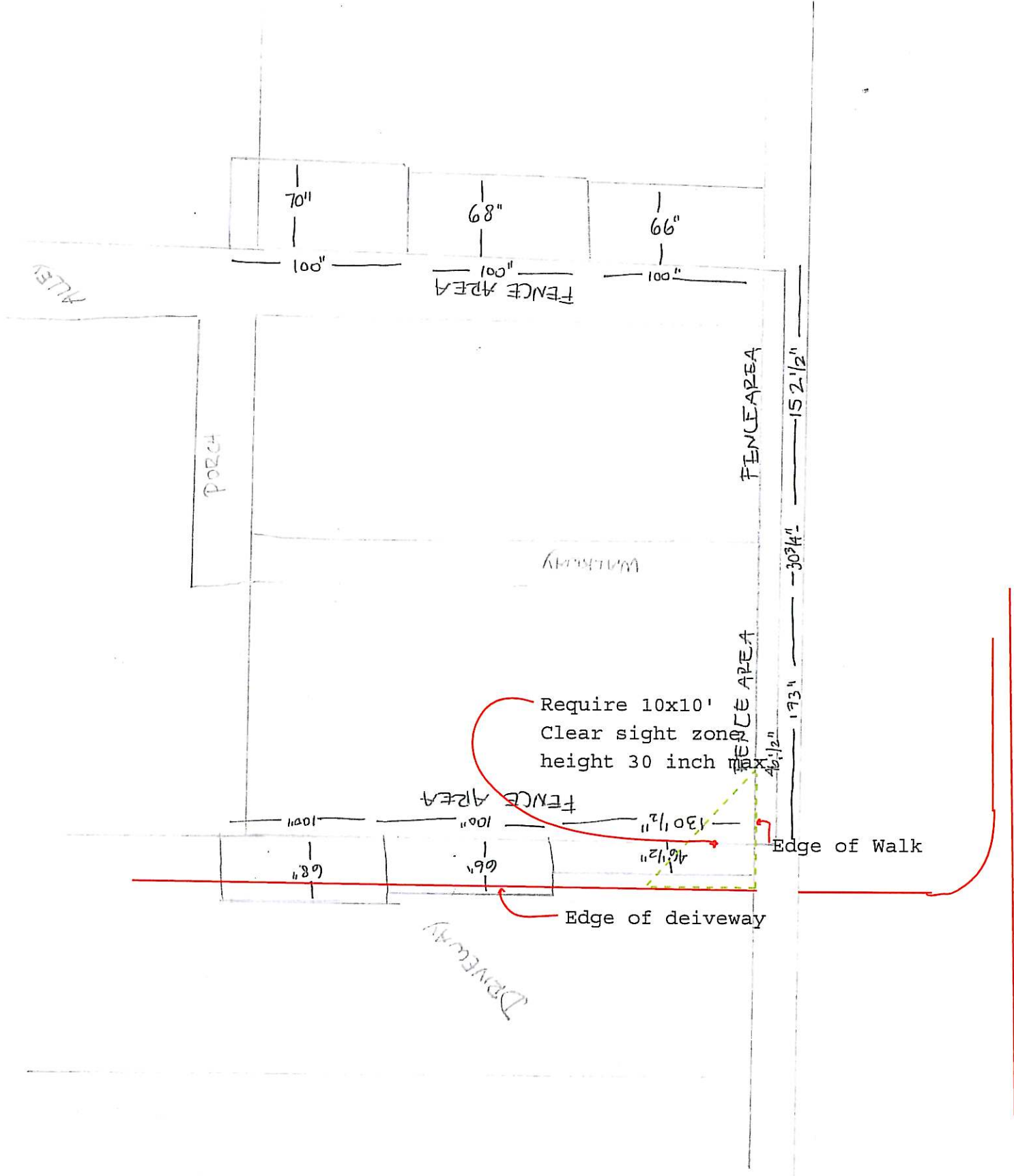
Barry,

This is a request to retroactively permit or 'legalize' a wood fence already installed without the appropriate approval or permit. The property is located at 669 South 500 East, in the RMF-30 (Low Density Multifamily Residential) zoning district and in the Central City Historic District.

The fence being reviewed is solid, made out of wood with a lattice detail and an arched panel on top. It is located between the front property line and the front façade and at some points it is higher than 4 feet. The subject property has no rear yard. What used to be a rear yard is now a nine car parking area. The driveway leading to the parking area is part of the applicant's property.

The applicant is willing to drop the height to 3.5 feet and to open the fence to 50% in the front yard property line and the area defined as the sight distance triangle, but the remainder of the fence would remain the existing height. The applicant's reason for having a fence with additional height is privacy.

Please review and send me comments.



**Attachment C
Streetscape**

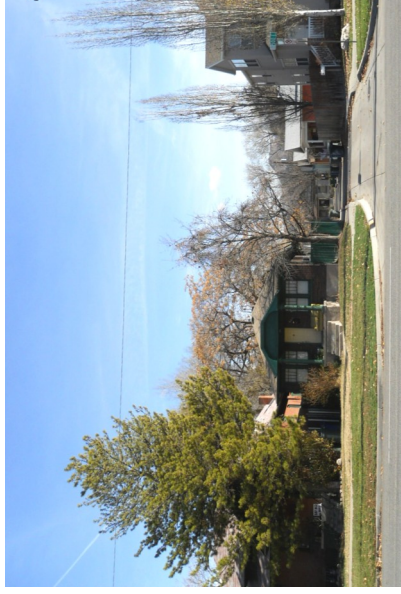
West Side of the Street



chain link fence



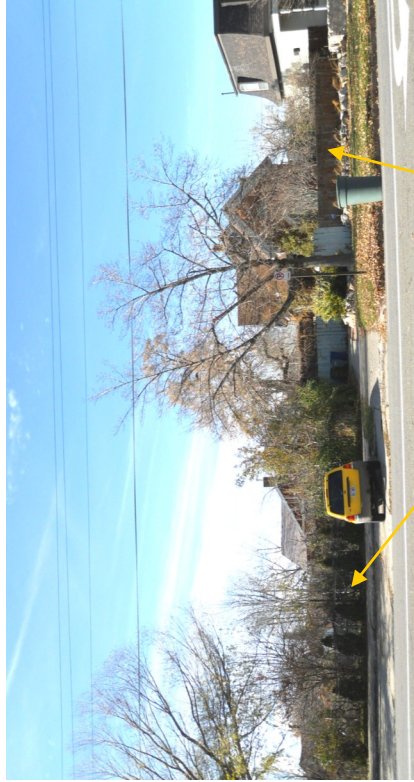
wrought iron fence



wood fence being reviewed



East Side of the Street

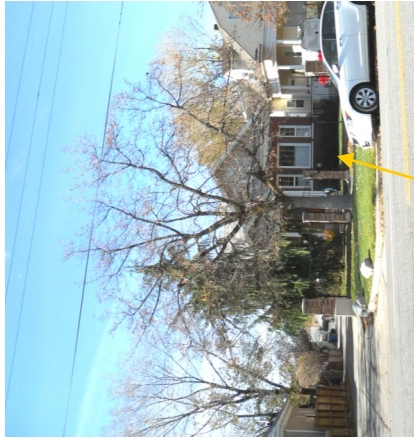


wrought iron fence

wood fence



stone fence

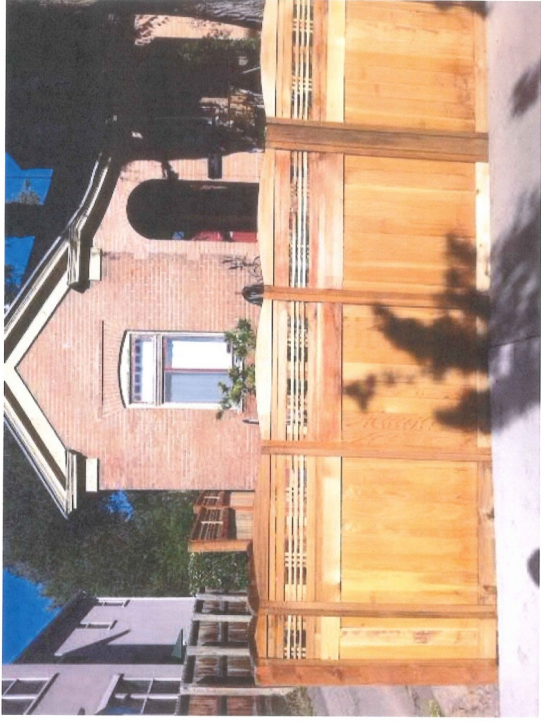


chain link fence



chain link fence

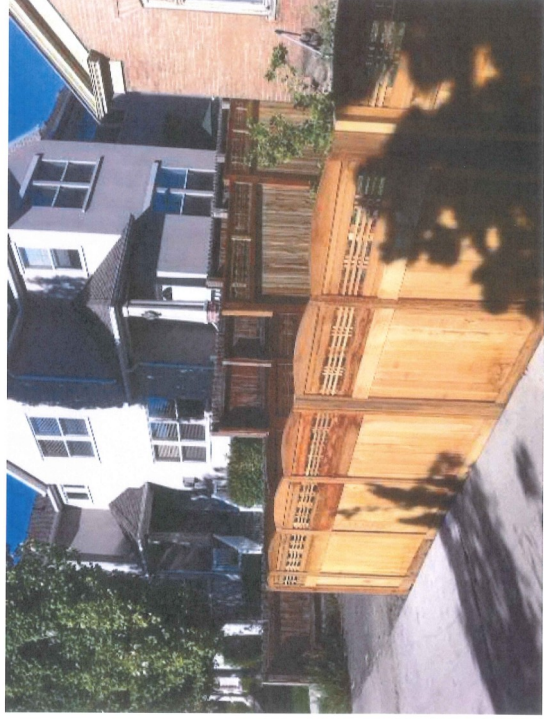
**Attachment D
Photos**



subject wood fence



looking south



looking north



driveway



inside of front yard



inside of front yard



looking south



looking north