



# Staff Report

PLANNING DIVISION  
COMMUNITY & NEIGHBORHOODS

To: Salt Lake City Historic Landmark Commission

From: Sara Javoronok, AICP, Senior Planner  
801-535-7625 or sara.javoronok@slcgov.com

Date: June 6, 2019

Re: **Appeal PLNAPP2018-00811: Appeal of an administratively approved Special Exception PLNHLC2018-00690 and Minor Alteration PLNHLC2018-00691**

## APPEAL OF A CERTIFICATE OF APPROPRIATENESS & SPECIAL EXCEPTION

**PROPERTY ADDRESS:** 55 N Virginia Street  
**PARCEL ID:** 09-33-354-008-0000  
**HISTORIC DISTRICT:** Avenues Local Historic District  
**ZONING DISTRICT:** H (Historic Preservation Overlay District)  
SR-1A (Special Development Pattern Residential District)  
**DESIGN GUIDELINES:** Residential Design Guidelines

**REQUEST:** This is a request for the replacement of an existing noncomplying accessory structure and additional accessory building height, including wall height, at 55 N. Virginia Street. The proposal is to replace the existing garage, which is considered legal noncomplying for building height, size, and setbacks.

Planning staff administratively approved the special exception and Certificate of Appropriateness on September 26, 2018. Jennifer Shaw, the neighbor to the west, appealed the decision on October 2, 2018.

Because this is an appeal of an administrative decision, the Historic Landmark Commission must hold a public hearing and review the original request based upon applicable procedures and standards for approval of a special exception for the replacement of the noncomplying accessory structure. The Commission cannot give any deference to the original decision and must consider the request anew.

**RECOMMENDATION:** Based on the information in the staff report and the Findings and Order document, planning staff recommends that the Historic Landmarks Commission approve the special exception for the replacement of the noncomplying accessory structure, additional accessory building height, and the Certificate of Appropriateness.

## **ATTACHMENTS:**

- A. [Map & Survey Information](#)
- B. [Site & Context Photographs](#)
- C. [Additional Application Information \(Revised Site Plan and Relevant Correspondence\)](#)
- D. [Appeal Application & Additional Appellant Information](#)
- E. [2018 Findings & Order and Certificate of Appropriateness](#)
- F. [2018 Special Exception Application](#)
- G. [2016 Findings & Order and Certificate of Appropriateness](#)
- H. [2016 Special Exception Application](#)
- I. [Zoning Standards for Accessory Structures](#)
- J. [Analysis of Special Exception Standards](#)
- K. [Analysis of Applicable Design Guidelines](#)
- L. [Analysis of Standards for Alteration of Contributing Structures](#)
- M. [Public Process](#)

## **BACKGROUND INFORMATION:**

Shawn Robinson, owner of the single-family home at 55 N. Virginia Street is proposing replacement of the existing noncomplying garage located in the rear yard of his home. The applicant is also proposing replacement of the existing retaining wall.

Mr. Robinson first applied for and was granted a special exception and Certificate of Appropriateness for the replacement of the garage in 2016 (Attachment G). This special exception expired August 3, 2017. Mr. Robinson subsequently applied for a special exception per substantially the same application materials on August 31, 2018 (Attachment F). The Findings and Order was issued on September 26, 2018 (Attachment E).

Ms. Shaw submitted an appeal of the application on October 2, 2018 (Attachment D). Planning staff subsequently communicated with the applicant regarding submitting additional information throughout fall 2018 and spring 2019. The project was reassigned in late April 2019. Planning staff contacted the applicant and appellant to advise them of the change in staffing and discussed possible resolutions with the property owners.

## **EXISTING CONDITIONS:**

The existing garage is located in the northwest corner of Mr. Robinson's property. Much of the garage has a gabled roof with the peaks of the gables facing Virginia Street and the appellant's property. Per plans provided by the applicant, the existing garage is 19.5 feet wide and 25 feet deep. It is 16 feet tall at the peak of the gable (the approved special exception states the existing garage is 15 feet tall). The northern and southern walls have a height of 8 feet. Based on the applicant's plans, the rear wall of the existing garage is built along the



*Existing Garage - May 2019*

rear property line along with a retaining wall that extends along the rear property line. The westernmost 6.5 feet of the garage has a low sloped roof and appears to be a historic addition. A retaining wall previously extended along the corner side yard. Portions of this wall were removed to address a sewer issue.

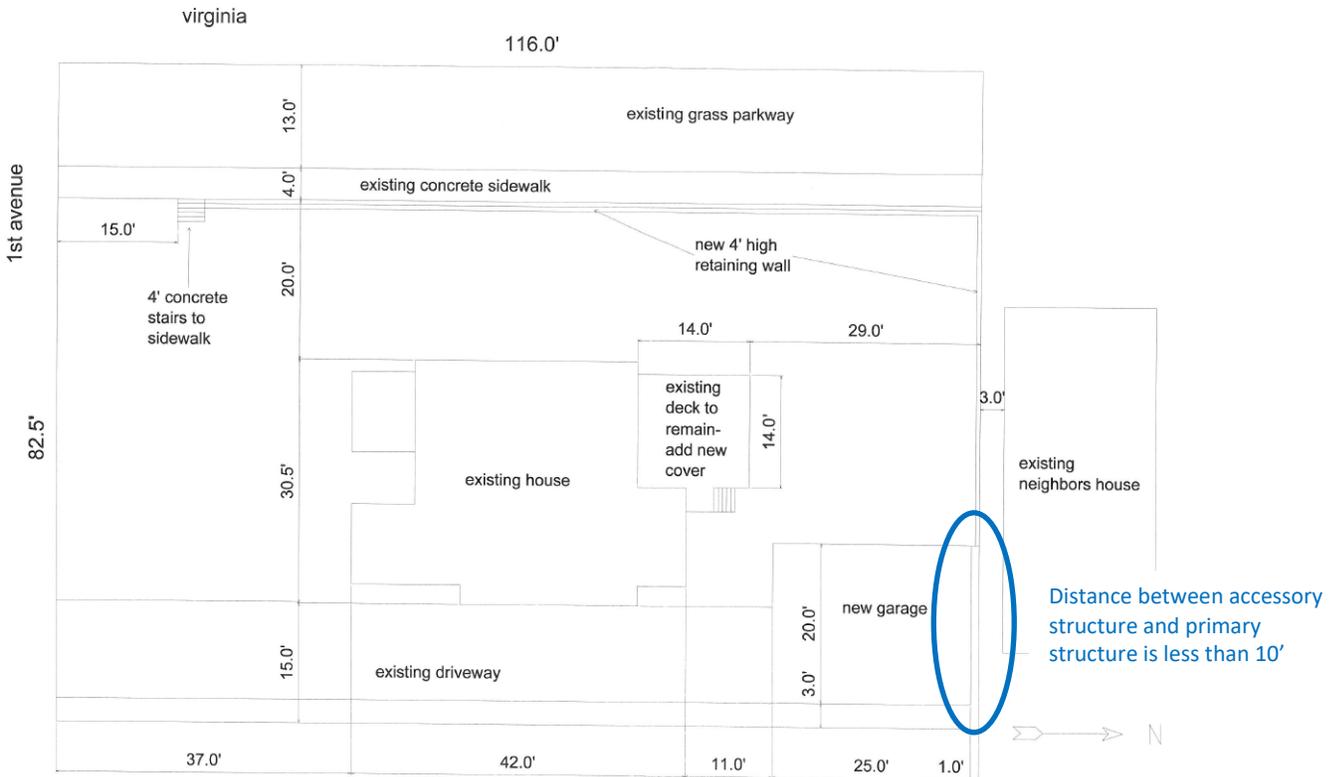


*Aerial photo of subject property*

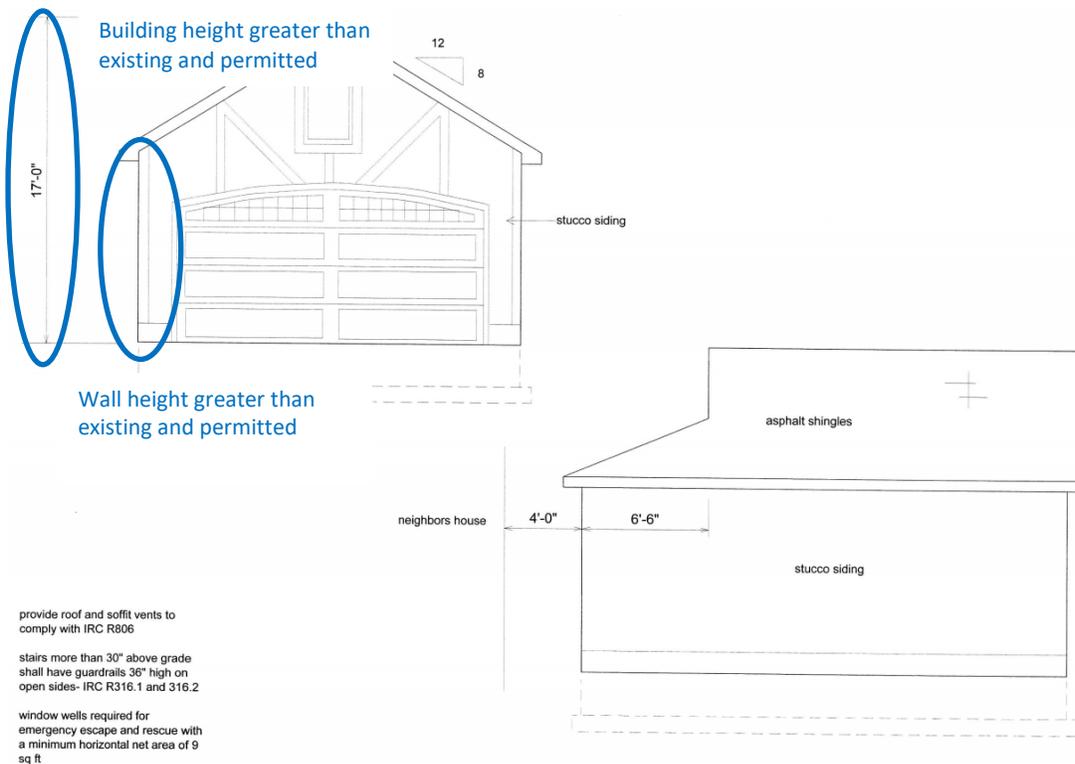
The property is zoned Special Development Pattern Residential District (SR-1A). Per 21A.24.080.E.5, accessory buildings and structures in yards are limited to 480 square feet, a roof peak or ridge height of 14 feet and an exterior wall height of 9 feet. Additionally, the existing retaining wall and garage are located approximately 3 feet from the home to the west, 7 feet less than the required 10 feet in Table 21A.36.020.B, Obstructions in Required Yards. The special exception was required for the replacement of the structure due to its noncomplying elements.

**PROJECT DESCRIPTION:**

The administratively approved special exception and Certificate of Appropriateness plans are for a garage that is 20 feet wide and 25 feet deep. The special exception included a request for additional height and the proposed garage is 17 feet tall at the peak of the gable. The northern and southern walls have an exterior wall height of 10 feet. It is to have the same footprint and location as the existing garage.



*Applicant's proposed site plan – 2016 (direction and street labels are flipped, north is downward)*



*Applicant's plans – 2016 Special Exception*



*East Elevation – May 2019*



*South Elevation - Google Street View: June 2014*



South Elevation – May 2019

**KEY ISSUES OF THE SPECIAL EXCEPTION:**

The key issues listed below have been identified through the analysis of the project. Issues specifically related to the special exception are listed below, while those that pertain to the appeal application are found in the following section.

1. Appeal to a Historic Landmark Commission public hearing
2. Compliance with special exception for replacement of a noncomplying structure and request for additional height

**Issue 1: Appeal to a Historic Landmark Commission Public Hearing**

Section 21A.52.120.A of the Salt Lake City Zoning Code states: *Any party aggrieved by a decision of the planning director may appeal the decision to the planning commission pursuant to the provisions in chapter 21A.16 of this title.*

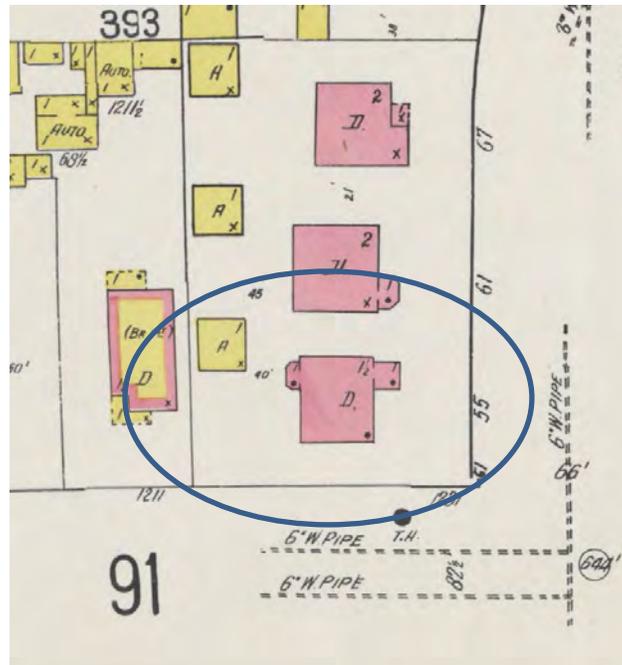
Chapter 21.A.16, *Appeals of Administrative Decisions*, specifies the procedure for filing an appeal. Ms. Shaw submitted an appeal to the decision of the planning director in accordance with these provisions. The special exception application is now required to be reviewed by the Historic Landmark Commission in conjunction with a public hearing. The appeals chapter requires that the application review is “de novo” in accordance with the standards for approval as outlined in chapter 21A.52 *Special Exceptions*. No deference to the original decision shall be given as part of the Historic Landmarks Commission’s decision.

**Issue 2: Compliance with special exception requirements for replacement of a noncomplying structure and request for additional height**

Structures that do not meet current dimensional regulations, such as setbacks or height, but were legally built before current zoning regulations were established are considered legal noncomplying structures. Due to that status, any replacement of those structures must be authorized by specific allowances described in the current ordinance. This particular request is

reviewed as a special exception for replacement of a noncomplying structure (21A.52.030.A.3.19) along with a request for additional height, including wall height (21A.52.030.A.3.1).

The key issue to consider with the proposal for the replacement of the noncomplying structure is whether the replacement of the garage creates any new non-compliance. The Findings & Order stated that it was to have the same footprint and location as the existing garage. The existing detached garage appears on the 1950 Sanborn map (below) and was constructed prior to the current zoning regulation that would require a detached garage to be located a minimum of 10 feet from any primary structures on an adjacent lot, such as the neighboring house. The applicant's 2016 site plan identified the distance from the garage to the house as 3 feet.



*1950 Sanborn map showing the subject property and accessory structure*

The applicant also requested an additional 2 feet in height, an increase from 15 feet to 17 feet. This can be requested provided that the height is for architectural purposes, it is to be used for storage and not to create a second level, no windows are located in the roof (unless as a design feature), and no commercial or residential use is made of the structure unless it complies with other regulations in the chapter. The application does not indicate that any of the above are anticipated. The special exception standards require that the project is compatible with the neighborhood. The Sanborn map above shows that the placement of the garage is consistent with others on Virginia, as well as that it is in closer proximity to the adjacent principal structure than other garages. An additional analysis of compliance with the standards for the replacement of a noncomplying structure and additional height can be found in Attachment J.

#### **KEY ISSUES OF THE APPEAL:**

To assist the Historic Landmark Commission in reviewing this request, Staff has provided the claims from the appellant, along with responses to each claim. The claims are distilled from the application submitted from the appellant. The entire appeal application can be reviewed in Attachment D.

**Claim 1: Garage addition should not be included; substantial impairment of property value**

The “original garage” is the portion of the existing structure that has a gabled roof. This portion of the structure generally meets zoning requirements. The generally flat roofed part of the garage is a subsequent addition and should not be included when considering this as a replacement of a noncomplying structure. Including this portion of the structure would cause substantial impairment of the appellant’s residence and considerable negative impact on the living space of the residence.

**Staff Response:**

The appellant contends that the flat roof extension that extends to the west of the gabled portion of the structure is not part of the original garage and should not be considered when assessing the property for the replacement of a noncomplying accessory structure. Staff contends that while the generally flat roofed portion of the structure does not have the same roof pitch, the wall material is similar and it appears to be a historic addition that is a part of the garage. Per the applicant, it is accessed from the interior of the garage. Whether the flat roof extension is part of the “original garage” does not affect the special exception, because it is considering the existing footprint of the garage and replacement in the same location, which would not create a new impact to the adjacent property.



*View of flat roofed portion from applicant’s side yard*



*View of flat roofed portion from the appellant's side yard*

**Claim 2: Application unclear and misleading**

The 2016 Special Exception and Minor Alteration application for “replacing 500 sq ft footprint of the original garage”, including the attached aerial, requesting extra height were misleading and did not accurately represent the location of the appellant’s home and the structure that was to be replaced.

**Staff Response:**

Staff followed the special exception notification process and the notice included the requested special exceptions. Similar to the above Claim 1, the appellant contends that the original application and notice were misleading and did not accurately identify or describe the proposed project. Staff contends that the generally flat roofed portion of the structure is a part of the garage.

**Claim 3: Process clarification**

The subsequent 2018 application was approved “per previous approval” without considering the negative impact on the neighboring property because phone calls and emails were not received. It is unclear if the modifications agreed to in 2016 have been carried forward.

**Staff Response:**

During the special exception process negative impacts were considered and staff found that the standards had been met. The proposed garage would have the same footprint and location as the existing garage. The special exception approvals in 2016 and 2018 were the same.

**DISCUSSION:**

The proposed replacement of the garage with special exception requests for replacement of a noncomplying structure and request for additional height are compatible with the requirements of Section 21A.52.030.A.19 and 21A.52.030.A.1. As such, staff is recommending approval of the special exception for the proposed replacement of the noncomplying garage and additional height.

**ADDITIONAL CONSIDERATIONS:**

The Historic Landmark Commission may consider conversations between staff, the appellant, and the applicant following the submission of the appeal. Staff discussed options with the applicant and the appellant to see if a compromise could be found rather than proceeding with a hearing. The applicant provided additional plans and information located in Attachment C. The applicant also agreed to modifications to the height and location of the structure that decrease the degree of noncompliance. However, an agreement could not be reached in a timely manner. Staff discussed four issues with the appellant and applicant related to the garage – location, height, bulk, retaining wall, and a boundary survey.

*Location*

The applicant's plans dated October 2018 (below) show the retaining wall constructed on the applicant's property with the garage set back a small distance from the wall along the eastern edge along the rear property line. While not identified on the plans, the applicant is willing to provide a 1 foot setback from the eastern edge of the wall. This is based on the general requirement that accessory structures in rear yards have a 1 foot setback. This does not meet the minimum of 10 feet from the principal structure on an adjacent property required by Section 21A.36.020, but in this case, it is a decrease in the noncompliance. Locating the garage 10 feet from the appellant's property would require decreasing the length of the garage or moving it closer to the applicant's residence. Both of these changes would decrease the functionality of the garage either because of its size or impairing access to it due to a decrease in the area between the house and the garage.

*Height*

The applicant is willing to have a maximum height of 15 feet and an exterior wall height of 8 feet, which are compatible with the existing structure. These modifications decrease the degree of noncompliance and are compatible with the existing structure.

*Bulk*

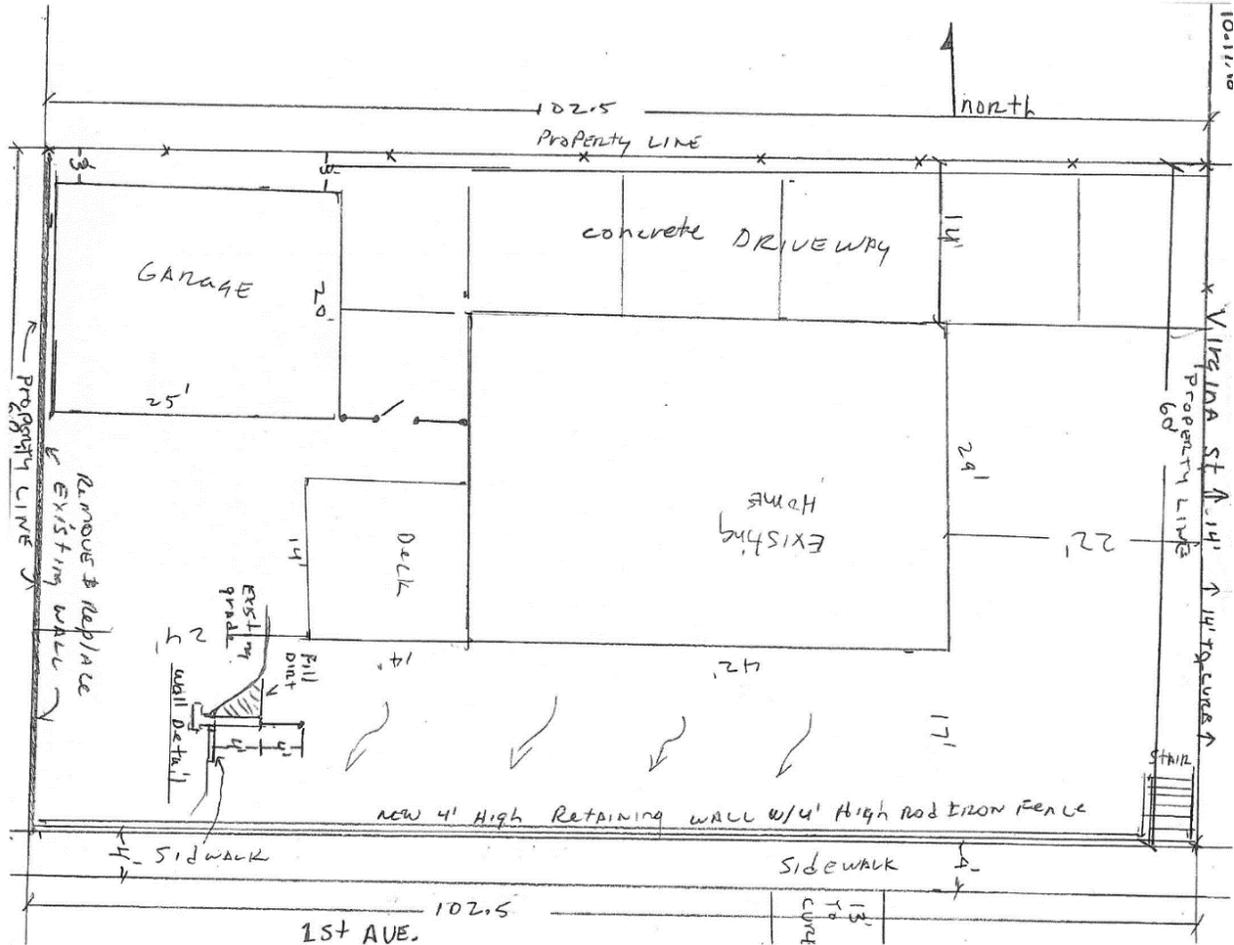
Plans of the existing garage submitted by the applicant in April 2019 show an increase in 6 inches for the width of the proposed garage. The small increase in the overall size of the structure is compatible with the existing structure and the site context. This can be permitted through the authority given to the Historic Landmarks Commission in 21A.06.050.6.g to make modifications to bulk and lot regulations of the underlying zoning district.

*Retaining wall*

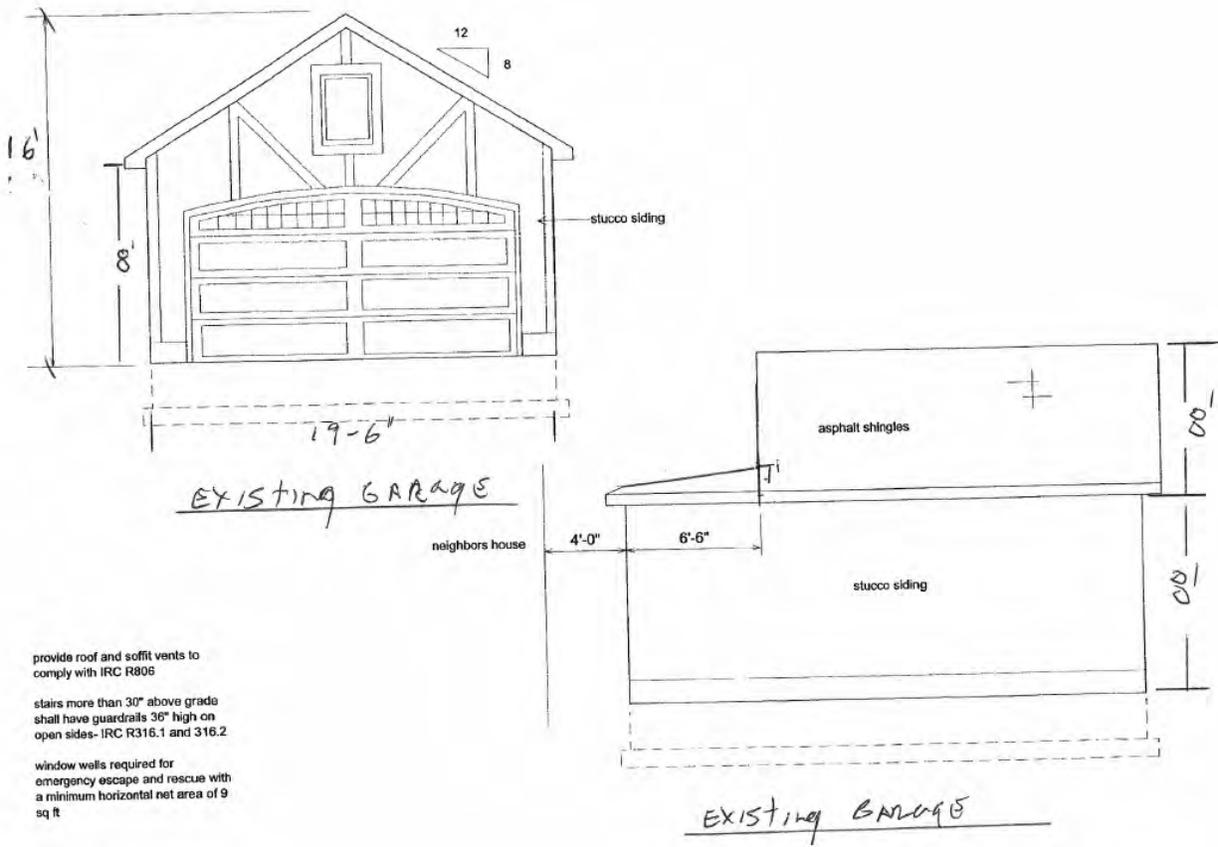
While not included as part of the approved Certificate of Appropriateness, the applicant's project description includes a request for the replacement of the retaining wall along the west/rear property line (Attachment F). Staff recommends that the Historic Landmark Commission include as part of an approval a replacement retaining wall constructed along the rear property line with similar materials and a maximum height of 4 feet. A 4 foot wall is consistent with the existing wall and is compatible with the design standards and Chapter 1 – Site Features of the *Residential Design Guidelines*.

**Boundary survey**

The appellant had a boundary survey completed following the submission of the appeal application (Attachment D). This was shared with Planning staff and the applicant. The survey shows that portions of the retaining wall are on the appellant's property. The applicant has sent a letter indicating that he intends to pursue a boundary by acquiescence action (Attachment C). The boundary line issue raised by the applicant may be an important issue to resolve between the two neighbors but is not an issue that can be considered by Salt Lake City.



**Applicant's proposed site plan – October 2018**



*Applicant's Plans – Existing Garage*

**NEXT STEPS:**

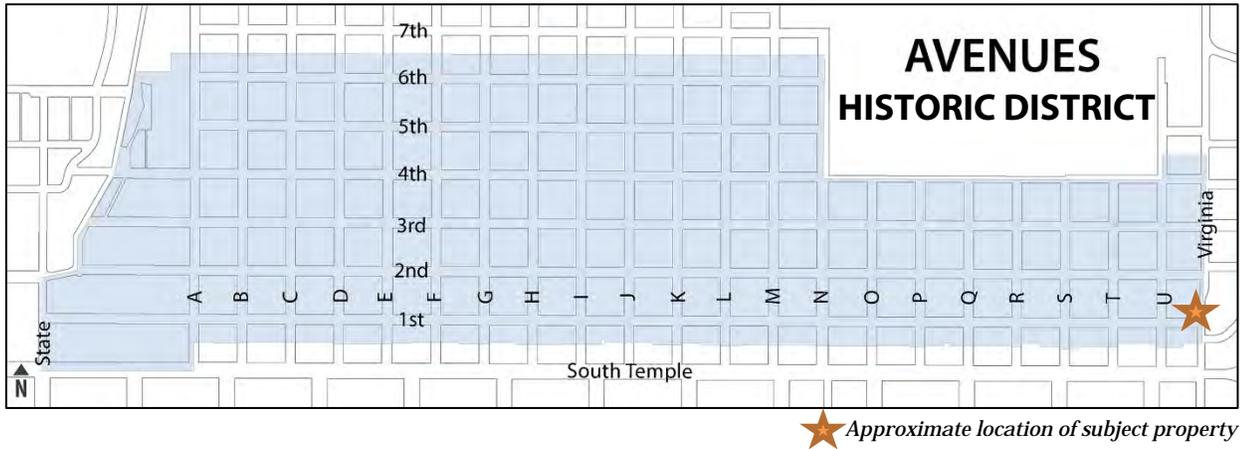
If the administrative decision is upheld the garage can be replaced as long as the applicant secures all required building permits.

If the administrative decision is denied (special exception is not approved), the replacement of the noncomplying garage could not continue as currently designed. If the design were changed to comply with the requirements of the SR-1A zoning district and compatible with the Avenues Historic District, construction could proceed after securing a Certificate of Appropriateness and all required building permits.

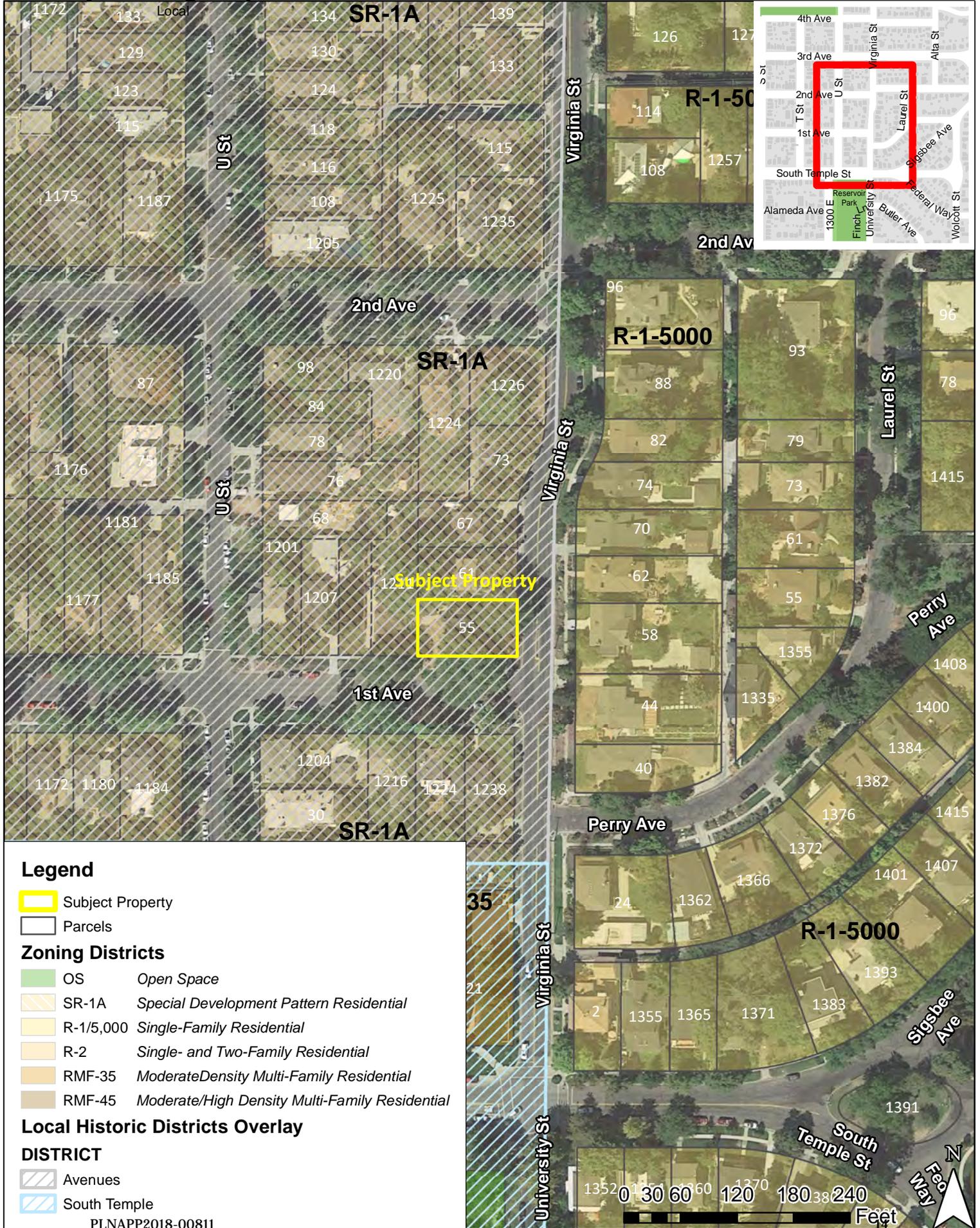
Any decision by the Historic Landmarks Commission may be appealed to the Appeals Hearing Officer within 10 days of the date of that decision.

# ATTACHMENT A: MAP & SURVEY INFORMATION

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# Vicinity Zoning Map



Utah State Historical Society  
Historic Preservation Research Office  
**Structure/Site Information Form**

**1**  
IDENTIFICATION

Street Address: 55 Virginia Street, Salt Lake City Plat G Bl. 16 Lot 1  
Name of Structure: \_\_\_\_\_ T. R. S.  
Present Owner: \_\_\_\_\_ UTM:  
Owner Address: \_\_\_\_\_ Tax #: 04 1736 002

**2**  
AGE/CONDITION/USE

Original Owner: Herrick & Company Construction Date: 1926 Demolition Date: \_\_\_\_\_  
Original Use: Scorority House  
Present Use: \_\_\_\_\_ Occupants:  
 Single-Family       Park       Vacant  
 Multi-Family       Industrial       Religious  
 Public       Agricultural       Other  
 Commercial  
Building Condition: \_\_\_\_\_ Integrity: \_\_\_\_\_  
 Excellent       Site       Unaltered  
 Good       Ruins       Minor Alterations  
 Deteriorated       Major Alterations

**3**  
STATUS

Preliminary Evaluation: \_\_\_\_\_ Final Register Status: \_\_\_\_\_  
 Significant       National Landmark       District  
 Contributory       National Register       Multi-Resource  
 Not Contributory       State Register       Thematic  
 Intrusion

**4**  
DOCUMENTATION

Photography: \_\_\_\_\_  
Date of Slides: \_\_\_\_\_ Date of Photographs: \_\_\_\_\_  
Views: Front  Side  Rear  Other  Views: Front  Side  Rear  Other   
Research Sources: \_\_\_\_\_  
 Abstract of Title       City Directories       LDS Church Archives  
 Plat Records       Biographical Encyclopedias       LDS Genealogical Society  
 Plat Map       Obituary Index       U of U Library  
 Tax Card & Photo       County & City Histories       BYU Library  
 Building Permit       Personal Interviews       USU Library  
 Sewer Permit       Newspapers       SLC Library  
 Sanborn Maps       Utah State Historical Society Library       Other

**Bibliographical References** (books, articles, records, interviews, old photographs and maps, etc.):

Salt Lake County plat records, 1920-1944.  
Polk, Salt Lake City directories, 1926-1942.  
University of Utah, 1928 Utonian, p. 258.  
Salt Lake building permit #8137.

**5**  
ARCHITECTURE

Architect/Builder:

Building Materials: brick

Building Type/Style: Tudor

Description of physical appearance & significant architectural features:

(Include additions, alterations, ancillary structures, and landscaping if applicable)

Two story brick Tudor house with half timber and stucco in the steeply-pitched gables.

**6**  
HISTORY

Statement of Historical Significance:

- |   |   |  |   |
|---|---|--|---|
| <input type="checkbox"/> Aboriginal Americans | <input type="checkbox"/> Communication          | <input type="checkbox"/> Military        | <input type="checkbox"/> Religion           |
| <input type="checkbox"/> Agriculture          | <input type="checkbox"/> Conservation           | <input type="checkbox"/> Mining          | <input type="checkbox"/> Science            |
| <input type="checkbox"/> Architecture         | <input type="checkbox"/> Education              | <input type="checkbox"/> Minority Groups | <input type="checkbox"/> Socio-Humanitarian |
| <input type="checkbox"/> The Arts             | <input type="checkbox"/> Exploration/Settlement | <input type="checkbox"/> Political       | <input type="checkbox"/> Transportation     |
| <input type="checkbox"/> Commerce             | <input type="checkbox"/> Industry               | <input type="checkbox"/> Recreation      |   |

In 1926 the Herrick and Company built this as well as #61 and #67 Virginia Street. This house was vacant in 1927 and in 1928 Lambda Phi Lambda is listed as the residents. Lambda Phi Lambda was a sorority founded at the University of Utah in 1919. This house served as the sorority house for just this year.

In 1929 David B. Affleck and his wife Isabella W. became resident-owners. Affleck was a clerk at D. A. Affleck, a grocery and meat store. The Afflecks were owner-residents through at least 1942. In 1944 they sold the property to C. Lowell Lus.

Utah State Historical Society  
Historic Preservation Research Office

Site No. \_\_\_\_\_

BATCH KEY  
1805052436

Property Type: 111

Structure/Site Information Form

1 IDENTIFICATION

Street Address: 00055 VIRGINIA ST

UTM: 14750 14750

Name of Structure:

T. 01.0 N R. 01.0 E S. 32

Present Owner: LEES\*GEORGIANA  
708-11TH AVE

Owner Address: SALT LAKE CITY  
UT 84103

Year Built (Tax Record): 1927

Effective Age: 1935

Tax #: 05 1736002

Legal Description 01 Kind of Building: RESIDENCE

COM AT SW COR LOT 1 BLK 16 PLAT 6 SLC SUR E 102.5 FT N 60 FT W 102.5 FT S 60 FT TO BEG

2 STATUS/USE

Original Owner:

Construction Date:

Demolition Date:

Original Use:

Present Use:

Building Condition:

Integrity:

Preliminary Evaluation:

Final Register Status:

- |                                       |                                |  |   |  |  |   |
|---------------------------------------|--------------------------------|--|---|--|--|---|
| <input type="checkbox"/> Excellent    | <input type="checkbox"/> Site  | <input type="checkbox"/> Unaltered         | <input type="checkbox"/> Significant      | <input type="checkbox"/> Not of the      | <input type="checkbox"/> National Landmark | <input type="checkbox"/> District       |
| <input type="checkbox"/> Good         | <input type="checkbox"/> Ruins | <input type="checkbox"/> Minor Alterations | <input type="checkbox"/> Contributory     | <input type="checkbox"/> Historic Period | <input type="checkbox"/> National Register | <input type="checkbox"/> Multi-Resource |
| <input type="checkbox"/> Deteriorated |                                | <input type="checkbox"/> Major Alterations | <input type="checkbox"/> Not Contributory |  | <input type="checkbox"/> State Register    | <input type="checkbox"/> Thematic       |

3 DOCUMENTATION

Photography:

Date of Slides:

Slide No.:

Date of Photographs:

Photo No.:

Views:  Front  Side  Rear  Other

Views:  Front  Side  Rear  Other

Research Sources:

- |   |   |  |   |
|---|---|--|---|
| <input type="checkbox"/> Abstract of Title  | <input type="checkbox"/> Sanborn Maps               | <input type="checkbox"/> Newspapers                    | <input type="checkbox"/> U of U Library |
| <input type="checkbox"/> Plat Records / Map | <input type="checkbox"/> City Directories           | <input type="checkbox"/> Utah State Historical Society | <input type="checkbox"/> BYU Library    |
| <input type="checkbox"/> Tax Card & Photo   | <input type="checkbox"/> Biographical Encyclopedias | <input type="checkbox"/> Personal Interviews           | <input type="checkbox"/> USU Library    |
| <input type="checkbox"/> Building Permit    | <input type="checkbox"/> Obituary Index             | <input type="checkbox"/> LDS Church Archives           | <input type="checkbox"/> SLC Library    |
| <input type="checkbox"/> Sewer Permit       | <input type="checkbox"/> County & City Histories    | <input type="checkbox"/> LDS Genealogical Society      | <input type="checkbox"/> Other          |

Bibliographical References (books, articles, records, interviews, old photographs and maps, etc.):

23 N	VIRGINIA STREET	B	0/1 2	1938	REGULAR BRICK	PERIOD REVIVAL: OTHER COLONIAL REVIVAL	DOUBLE HOUSE / MULTIPLE DWELLING	07	21-23 N N04
55 N	VIRGINIA STREET	B	0/1 2	1926	STRIATED BRICK STUCCO/PLASTER	ENGLISH COTTAGE ENGLISH TUDOR	PERIOD COTTAGE SINGLE DWELLING	07	N04
61 N	VIRGINIA STREET	B	0/1 2	1926	STUCCO/PLASTER	PERIOD REVIVAL: OTHER	RECTANGULAR BLOCK SINGLE DWELLING	07	N04
67 N	VIRGINIA STREET	B	0/1 2	1926	STRIATED BRICK	ENGLISH COTTAGE PERIOD REVIVAL: OTHER	PERIOD COTTAGE SINGLE DWELLING	07	N04
73 N	VIRGINIA STREET	B	0/0 1.5	1909	SHINGLE SIDING	BUNGALOW SHINGLE STYLE	BUNGALOW SINGLE DWELLING	07	N04
115 N	VIRGINIA STREET	B	1/0 1.5	1923	STRIATED BRICK	ENGLISH COTTAGE ENGLISH TUDOR	PERIOD COTTAGE SINGLE DWELLING	07	N04
133 N	VIRGINIA STREET	B	2/0 1.5	1920	REGULAR BRICK STUCCO/PLASTER	BUNGALOW	BUNGALOW SINGLE DWELLING	07	N04
139 N	VIRGINIA STREET	B	0/0 1	c. 1915	STUCCO/PLASTER REGULAR BRICK	CLIPPED-GABLE COTTAGE	CLIPPED-GABLE COTTAGE SINGLE DWELLING	07	N04
HOLT, GEO. A., HOUSE									
153 N	VIRGINIA STREET	B	0/0 2	1927	REGULAR BRICK STRIATED BRICK	ENGLISH TUDOR ENGLISH COTTAGE	PERIOD COTTAGE SINGLE DWELLING	07	N04

VIRGINIA STREET



23 N Virginia Street  
B



23 N Virginia Street  
(second view)



55 N Virginia Street  
B



61 N Virginia Street  
B



67 N Virginia Street  
B



73 N Virginia Street  
B



115 N Virginia Street  
B



133 N Virginia Street  
B



139 N Virginia Street  
B



139 N Virginia Street  
(second view)



153 N Virginia Street  
B

## ATTACHMENT B: SITE PHOTOS

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*Front (east) elevation of subject property*



*Corner side yard (south) elevation of subject property*



*Existing garage and area between house and garage*



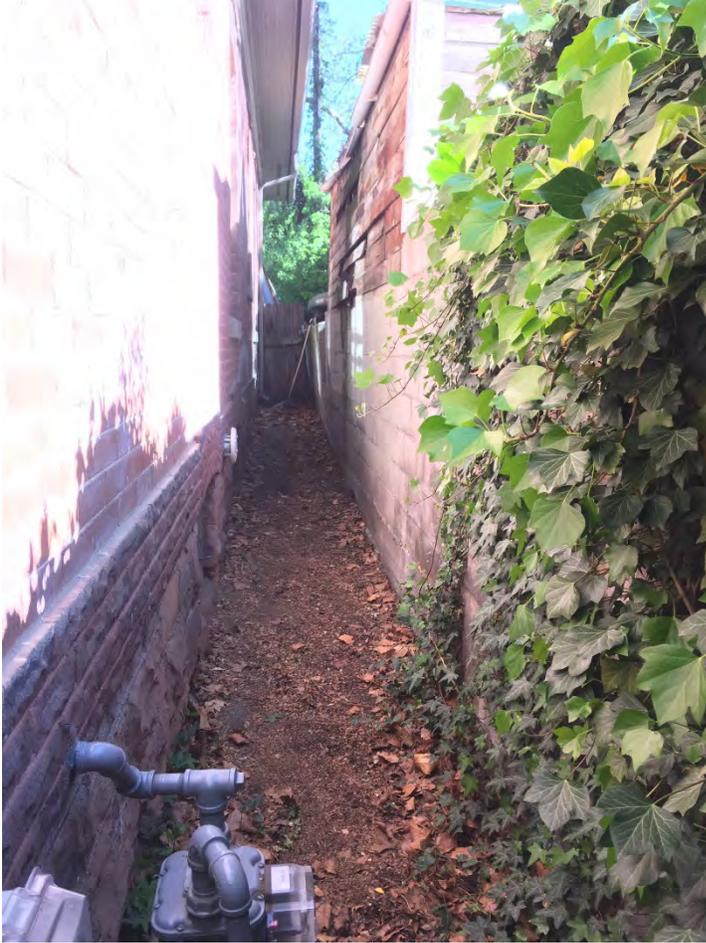
*Side (south) view of garage*



*Appellant's front (south) elevation*



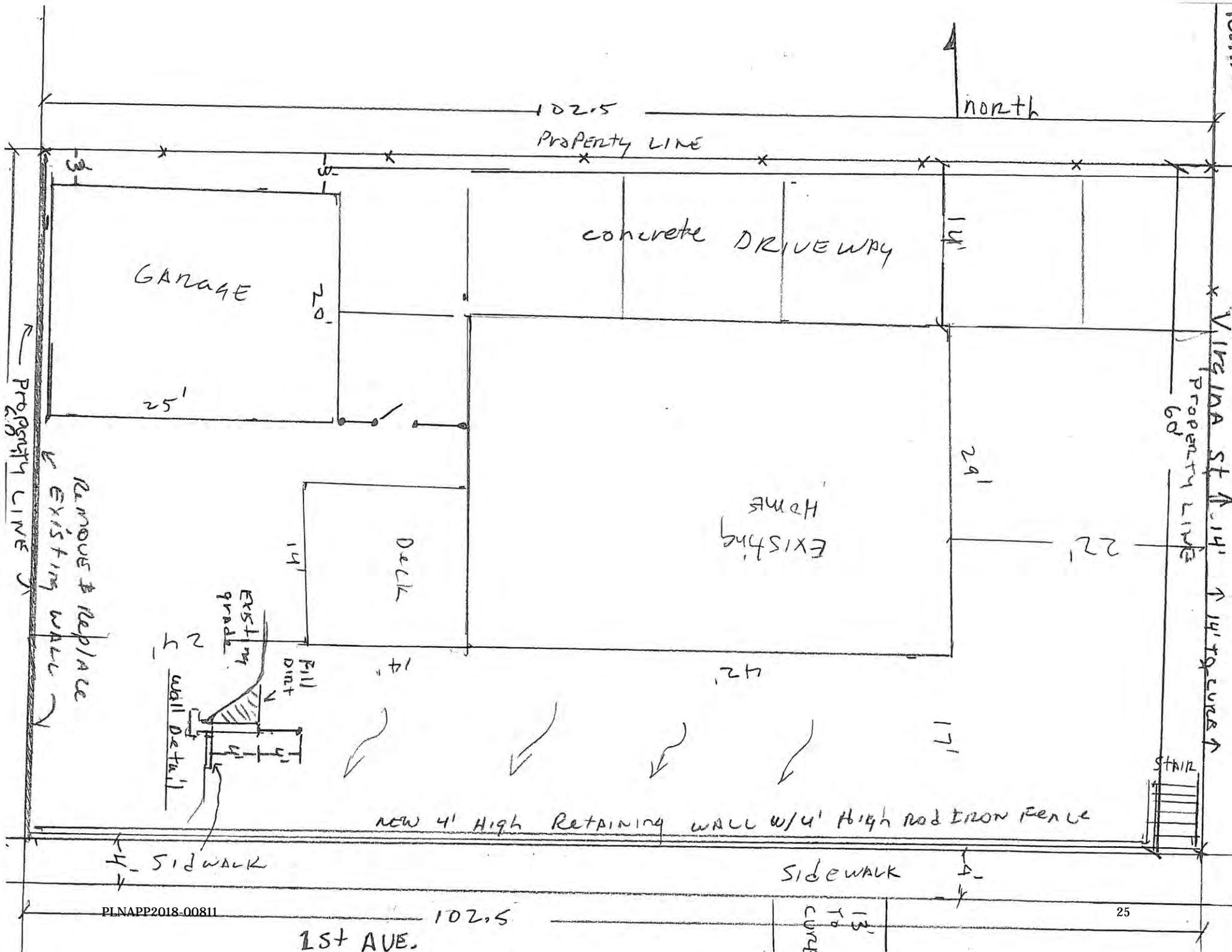
*Applicant's rear yard and view of the side of appellant's house*



*Appellant's side yard – appellant's house on the left and the existing wall and rear of the garage on the right*

**ATTACHMENT C: ADDITIONAL APPLICANT  
INFORMATION (REVISED SITE PLAN & RELEVANT  
CORRESPONDENCE)**

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PLNAPP2018-00811

1st AVE.

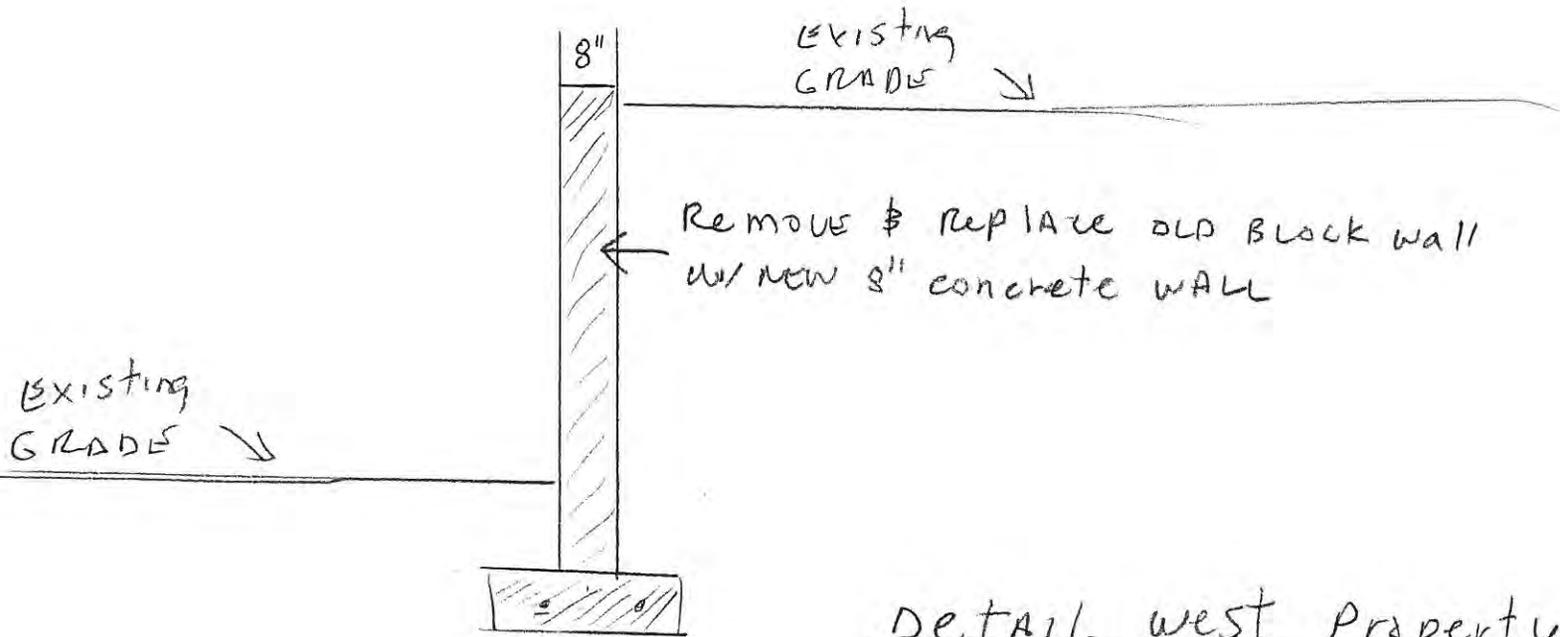
102.5

TO CURB

13'

25'

55 N VIRGINIA ST

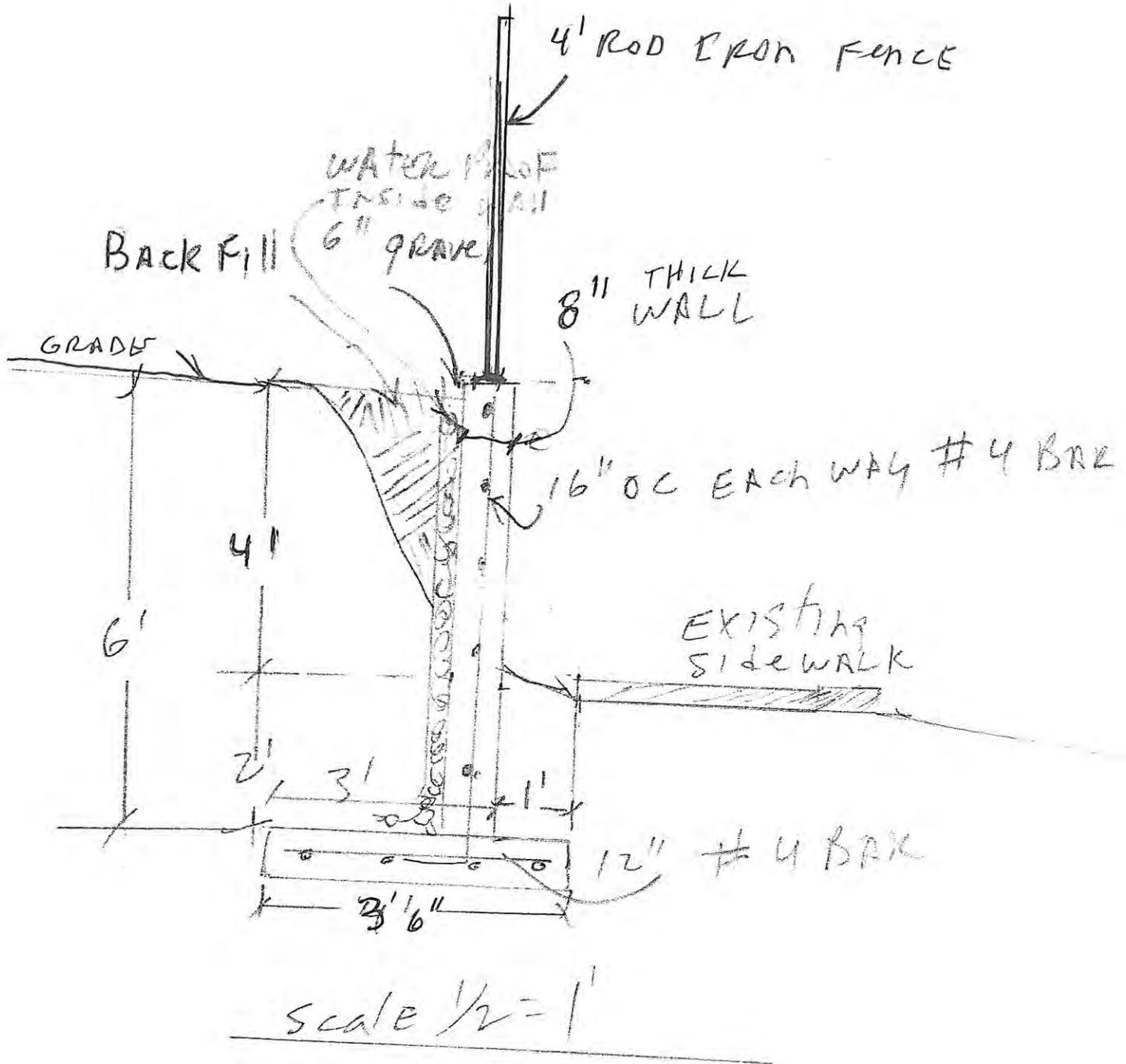


DETAIL WEST PROPERTY LINE

SHAWN ROBINSON

150' OF 6' WALL AS PER DRAWING

55 NORTH VIRGINIA ST SLC

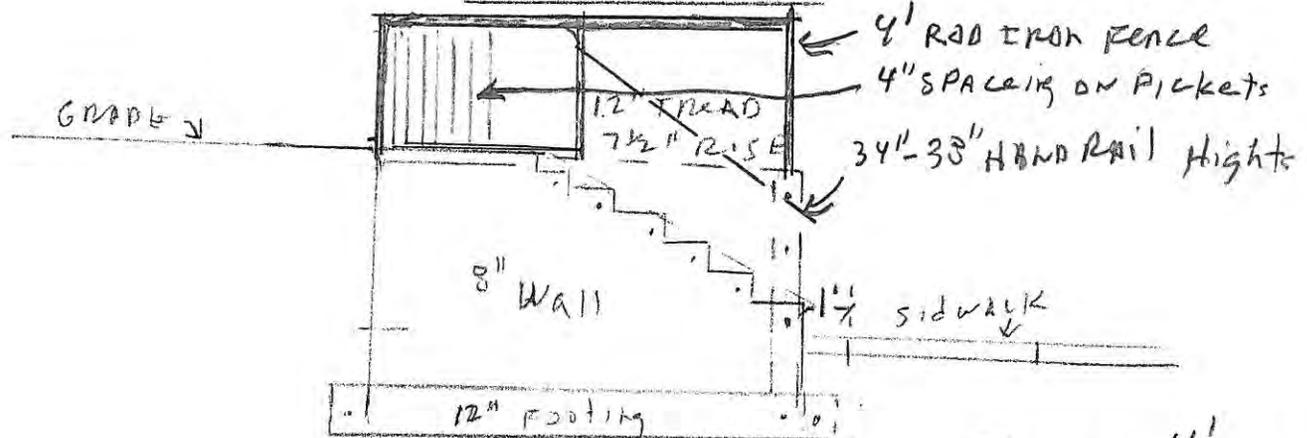


A-2

2205 100

55 North Virginia St.

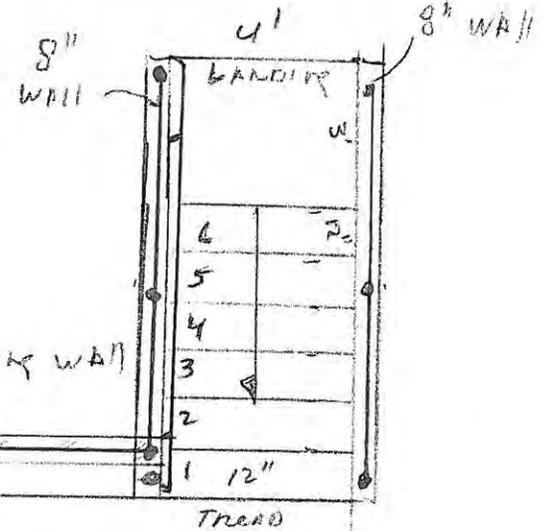
STAIR DETAIL



Scale 1/4" = 1'

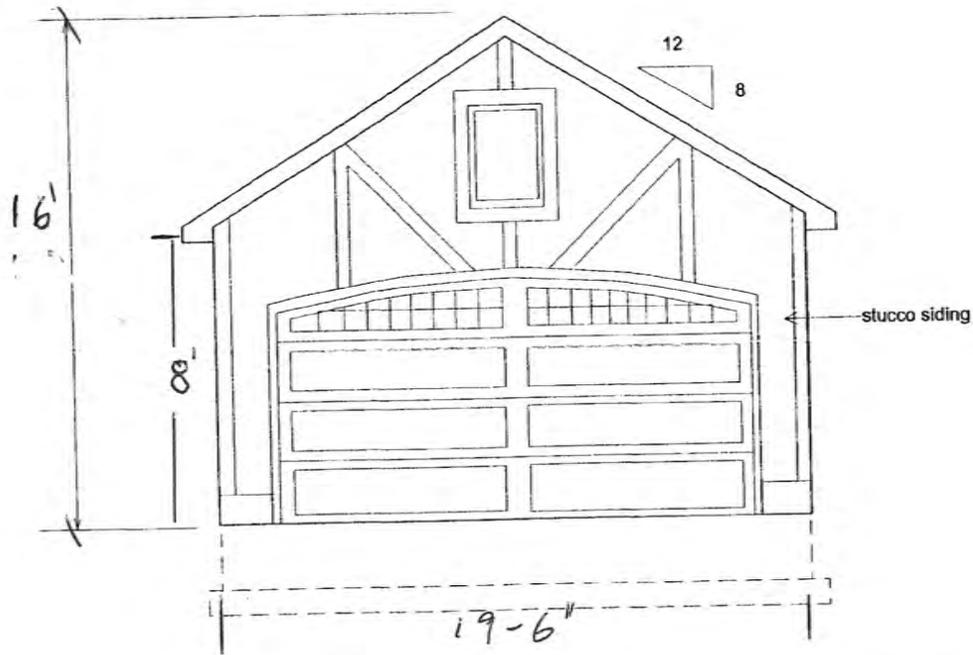
4' Fence

8" New Retaining Wall



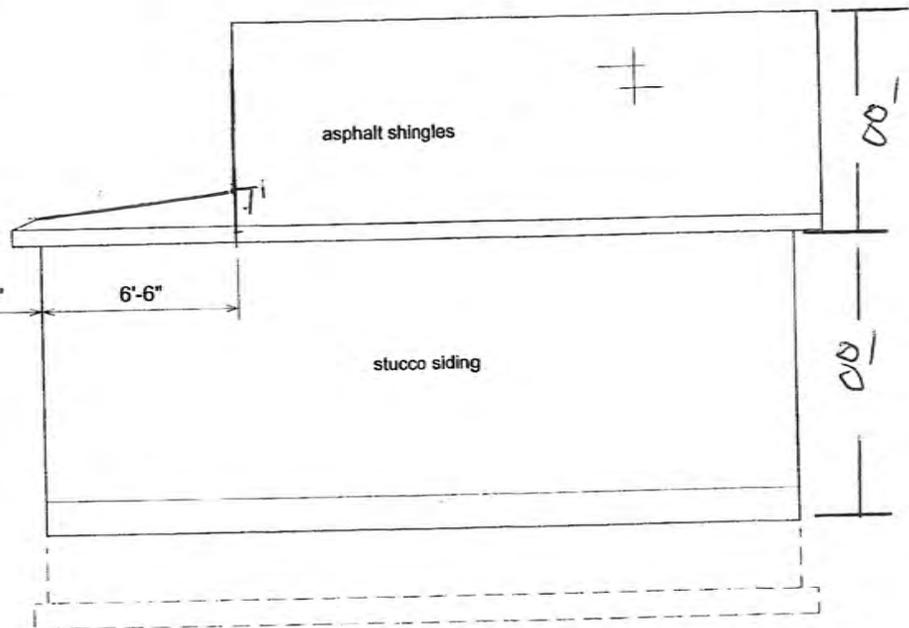
EXISTING SIDEWALK

A-1



EXISTING GARAGE

neighbors house



EXISTING GARAGE

provide roof and soffit vents to comply with IRC R806

stairs more than 30" above grade shall have guardrails 36" high on open sides- IRC R316.1 and 316.2

window wells required for emergency escape and rescue with a minimum area of 5.7 sq ft

robinson gargaie  
55 N virginia st  
SLC ut 84103

copyright  
protected- do  
not duplicate

fairfield design

2070 east 1900 north  
layton ut 84040  
801-541-4787

governing code  
2012 IRC

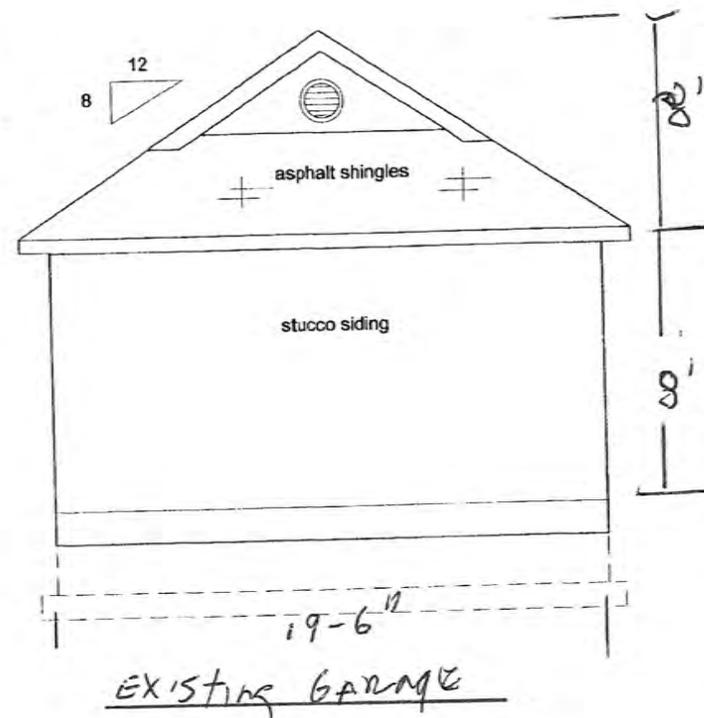
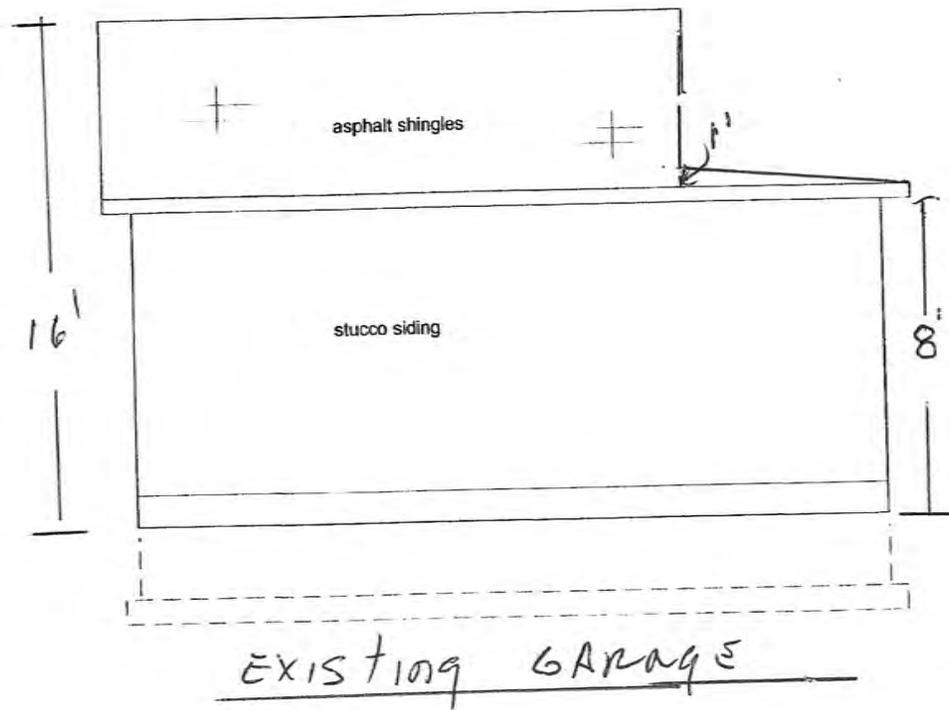
elevations

scale  
1/4"=1'-0

date  
july 2016

page

1



provide roof and soffit vents to comply with IRC R806

stairs more than 30" above grade shall have guardrails 36" high on open sides- IRC R316.1 and 316.2

window wells required for emergency escape and rescue with a minimum height of 20 inches and 5.7 sq ft

robinson gargae  
55 N virginia st  
SLC ut 84103

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**fairfield design**

2070 east 1900 north  
layton ut 84040  
801-541-4797

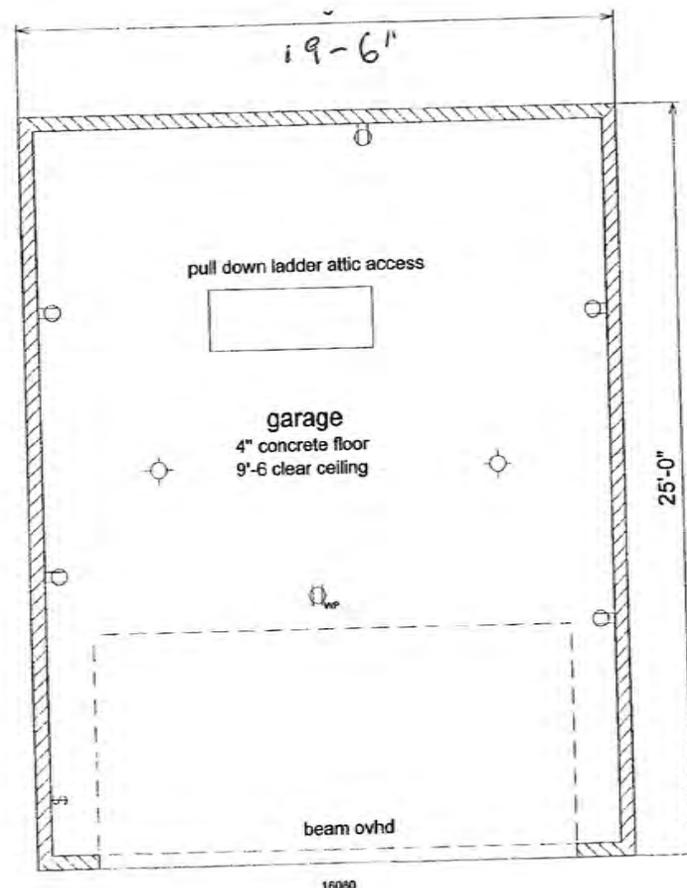
governing code  
2012 IRC

elevations

scale  
1/4"=1'-0"

date  
july 2016

page  
2



EXISTING GARAGE

all habitable rooms shall be provided with natural light by means of exterior glazed openings with an area not less than 8% of the floor area of such rooms and natural ventilation not less than 4%  
IRC303.1

glazing adjacent to a door where the nearest vertical edge is within a 24" arc of the door in a closed position and whose bottom edge is less than 60" above the floor shall be glazed in accordance with IRC 308.4  
PLNAPP2018-00811

robinson garage  
55 N virginia st  
SLC ut 84103

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fairfield design

2070 east 1900 north  
layton ut 84040  
801-541-4797

governing code  
2012 IRC

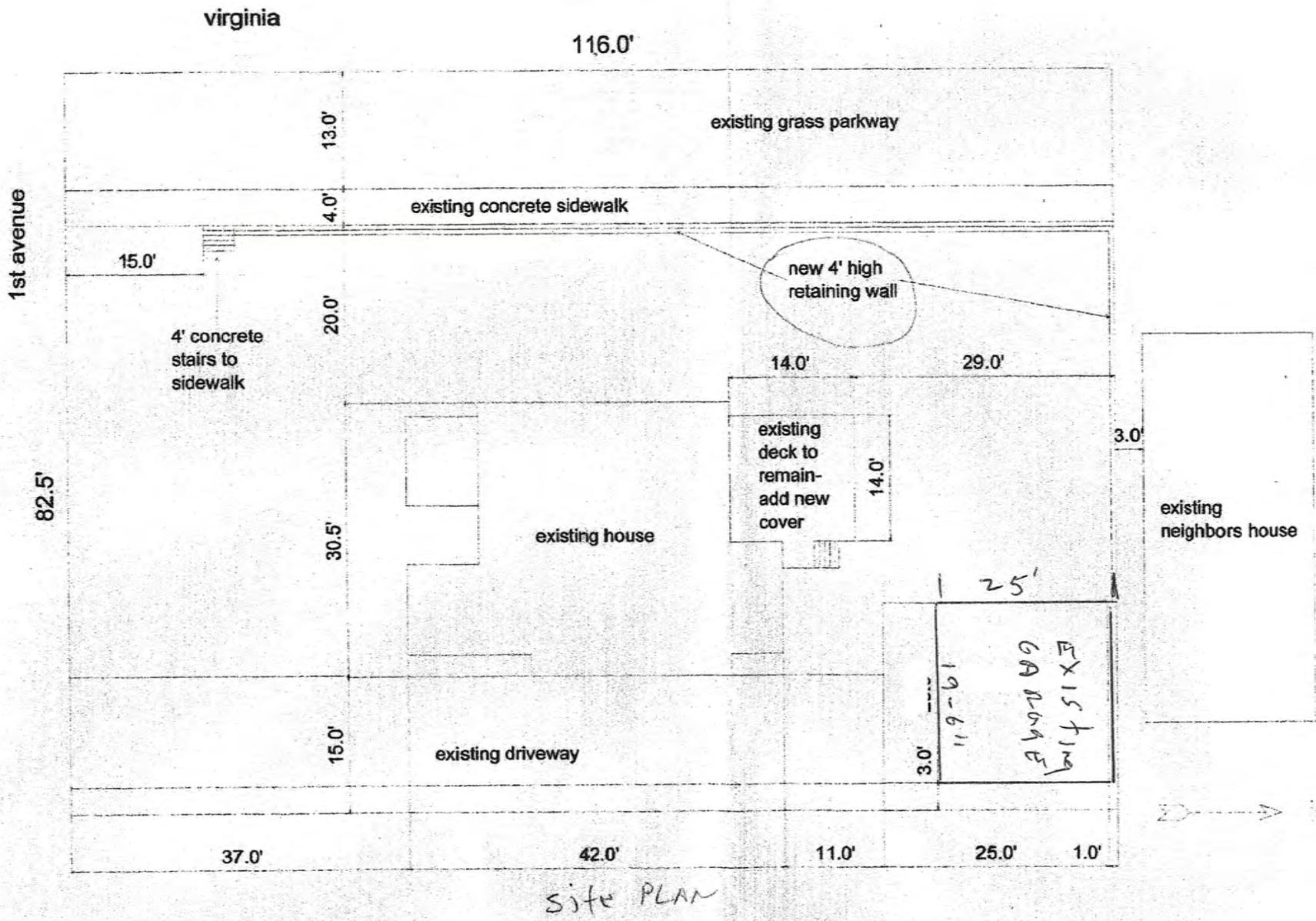
main floor  
500 sq ft

scale  
1/4"=1'-0"

date  
march 2016

page

3



robinson garage  
55 N virginia st  
SLC ut 84103

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protected- do  
not duplicate

**fairfield design**  
2070 east 1900 north  
layton ut 84040  
801-541-4797

governing code  
2012 IRC

plot plan

scale  
1"=10.0'

date  
june 2016

page  
P

**From:** [Dan Riddle](#)  
**To:** [Javoronok, Sara](#)  
**Cc:** [srobinsonlaw@hotmail.com](mailto:srobinsonlaw@hotmail.com)  
**Subject:** Re: 55 N Virginia - Special Exception Appeal  
**Date:** Thursday, May 16, 2019 1:40:57 PM

---

Shawn & Sara:

Answers to your questions below:

The height of the garage will be a maximum 15'. YES

The wall height will be 8'. YES

Rebuild retaining wall on you side of the property with 8" concrete. YES

Build the garage with a 1' set back from the eastern edge of the wall. YES

This should answer all of your questions. If there is any other questions please let me know, call me.

Thank you,

Dan Riddle  
Dan Riddle Remodeling LLC  
P.O. Box 444  
West Jordan, UT 84084  
801.673.9841 Cell  
801.446.1119 Fax

On Fri, May 10, 2019 at 12:38 PM Javoronok, Sara <[Sara.Javoronok@slcgov.com](mailto:Sara.Javoronok@slcgov.com)> wrote:

Shawn and Dan,

Thanks for talking with me yesterday. I want to confirm that I have the most recent plans from you. Please see the attached. I've talked with your neighbor and wanted to make sure that she is able to look at the most recent plans as well. Also, per our discussion yesterday I wanted to confirm that you'd be willing to build the garage as follows:

- The height of the garage will be a maximum of 15'
- Wall height with a maximum 8'
- Rebuild the retaining wall on your side of the property line with 8" block
- Build the garage with a 1' setback from the eastern edge of the wall

I talked with Jennifer yesterday and took a look at the property from her yard this morning. She has some stakes towards the rear identifying the property line. I'm not sure if she had them placed, but I will ask. They're set about a foot further east than I expected based on your plans. Have you seen them? I'm not sure they're visible from your property – two photos are attached (the beginning of the measuring tape was placed on the wall of her house). Are the stakes located where you expected? Have you surveyed or located your property line?

I'm not sure how much other staff talked with you about the process moving forward. The findings and order for the special exception was issued last year and an appeal was filed by your neighbor within the 10 day appeal period. I realize this has taken some time, and I'm hoping we can resolve it soon so you can move forward with the project. Appeals for special exceptions in a historic district are reviewed by the Historic Landmark Commission, an appointed body. For this review, I would prepare a staff report, there would be a public hearing before the Commission, and you and your neighbor would have the opportunity to speak. The Commission meets on the first Thursday of each month, and their next meeting is 6/6. Prior to scheduling it for the meeting, I wanted to see if there was an agreement that could be reached and the appeal withdrawn. There will not be a July meeting because we cannot get a quorum that day, so the next opportunity for a hearing after the June meeting would be in August. I will need to make a decision about whether to schedule it for the June meeting next week since we need time to notice the hearing, draft a report, etc. I'm happy to speak with you about this if you have any questions.

There are a few other building permit and historic preservation issues that I wanted to mention:

- It looks like you've submitted a building permit application for the retaining wall, but have not resubmitted in response to the first round of review comments. It does not look like the garage was included as part of this application. Depending on the number of revisions, obtaining a building permit may take some time.
- The 10/18 plans show the wall extending further east than previously constructed and show stairs. I recommend talking with Zoning to ensure that this can be placed. There is a 30' sight distance triangle from the face of the curb. The wall and stairs could not exceed 36" in height in this area. ([21A.40.120.E.5](#)). Past this area, the retaining wall can have a maximum height of 4' without engineering or a special exception. Anika Stonick in Zoning reviewed the first round of plans and can be reached at 801-535-6192 or [patriciaanika.stonick@slcgov.com](mailto:patriciaanika.stonick@slcgov.com).
- I can amend the Certificate of Appropriateness to include replacing the existing west/rear retaining wall and including a wall on the south side. Also, based on our discussion yesterday, the fence will not be part of this Certificate of Appropriateness review. The first round of Zoning comments has also indicated that as shown the wall would be in the right-of-way. Please confirm the location of the wall taking into consideration the sight distance triangle requirements and the location of the right-of-way.

Please let me know if you have any questions.

Thanks again for talking with me.

Sara

**SARA JAVORONOK, AICP**

Senior Planner

PLANNING DIVISION

COMMUNITY *and* NEIGHBORHOODS

SALT LAKE CITY CORPORATION

[sara.javoronok@slcgov.com](mailto:sara.javoronok@slcgov.com)

TEL 801-535-7625

<https://www.slc.gov>

<https://www.slc.gov/planning/>

**COOK SKEEN & ROBINSON, L.L.C.**

**ATTORNEYS AT LAW**  
WILLIAMSBURG OFFICE PARK  
5788 South 900 East  
Salt Lake City, Utah 84121

SHAWN H. ROBINSON  
[srobinson@skeenandrobinson.com](mailto:srobinson@skeenandrobinson.com)

Telephone (801) 266-7414  
Facsimile (801) 892-5067

May 22, 2019

Via email

Sara Javoronok  
[sara.javoronok@slcgov.com](mailto:sara.javoronok@slcgov.com)

Jennifer Shaw  
[theshawsfour@gmail.com](mailto:theshawsfour@gmail.com)

RE: Boundary dispute

Dear Sara and Jennifer:

After receiving your emails on May 20, 2019, I consulted with an attorney who specializes in property law and boundary disputes. I wanted to make sure that I fully understood the law prior to stating my position.

It is my understanding that my garage and the retaining wall on the west side of my property were constructed somewhere between 1926 and 1950. The garage appears on the Sanborn map on file with Salt Lake City from 1950. Under the property law doctrine of boundary by acquiescence, Utah case law requires a claimant to satisfy four elements: “(i) occupation; up to a visible line marked by monuments, fences, or buildings, (ii) mutual acquiescence in the line as a boundary, (iii) for a period of at least 20 years, (iv) by adjoining landowners.” *See Anderson v. Fautin*, 379 P.3d 1186 (Utah 2016).

The doctrine of boundary by acquiescence has been recognized in Utah since at least 1887. The elements are well established. As soon as the elements of boundary by acquiescence are satisfied, title vests in the claimant by operation of law. There is no reason for a claimant to seek judicial assistance. *See, Q-2, LLC v. Hughes*, 386 P.3d 86 (Utah 2016).

Based upon my discussion with an attorney who specializes in property law and after reading the *Q-2, LLC v. Hughes* case and the *Anderson v. Fautin* case, the legal property line is where the retaining wall and garage arc placed. As stated above, it is my understanding that the garage, retaining wall and fence above it were constructed between 1926 and 1950. The Sanborn map on file with the Salt Lake City demonstrates that fact.

As discussed above, to establish a boundary by acquiescence, I must satisfy four elements: “(i) occupation; up to a visible line marked by monuments, fences, or buildings, (ii) mutual acquiescence in the line as a boundary, (iii) for a period of at least 20 years, (iv) by adjoining landowners.” I believe that it is undisputed that the fence, retaining wall and garage have been in their present location since at least 1950. It is also undisputed that the fence, retaining wall and garage have been at their current location for at least 20 years. The fence, retaining wall and garage are shared by adjoining landowners. It is my understanding that Shaws purchased their home in the 1990’s. If the garage, retaining wall and fence were constructed in 1950, title to the land where the fence, retaining wall and garage are located would have passed to the Cannady’s by operation of law in the early 1970’s or before.

Jennifer, I suggest that you speak with an attorney who specializes in property law and boundary disputes so that he/she can confirm what I have stated in this letter. It is my understanding that the legal property boundary is where the garage, retaining wall and fence are presently located. If you have any questions, please give me a call. My phone number is 801 635-5855.

Very truly yours,

COOK, SKEEN & ROBINSON

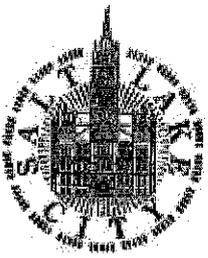


SHAWN H. ROBINSON

Pc: Dan Riddle

# **ATTACHMENT D: APPEAL APPLICATION**

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# Appeal of a Decision

SALT LAKE CITY PLANNING

### OFFICE USE ONLY

Project # Being Appealed: <b>PLNHL2018-000690/1</b>	Received By:	Date Received:
--	--------------	----------------

Appealed decision made by:

Planning Commission       Administrative Decision       Historic Landmark Commission

Appeal will be forwarded to:

Planning Commission       Appeal Hearing Officer       Historic Landmark Commission

Project Name:  
Shawn Robinson garage

### PLEASE PROVIDE THE FOLLOWING INFORMATION

Decision Appealed:  
special exemption and variance from zoning ordinance at 55 No Virginia St., Salt Lake City, UT 84103

Address of Subject Property:  
**55 No. VIRGINIA ST., SLC, UT 84103**

Name of Appellant: Jennifer S. Shaw, 1211 First Avenue, SLC UT 84103	Phone: 801-808-3670
---	------------------------

Address of Appellant:

E-mail of Appellant: theshawsfour@gmail.com	Cell/Fax: 801-808-3670
--	---------------------------

Name of Property Owner (if different from appellant):

E-mail of Property Owner: Shawn Robinson, unknown email and phone	Phone:
--	--------

Appellant's Interest in Subject Property:  
neighbor whose property is affected by proposed building plan

### AVAILABLE CONSULTATION

Please call (801) 535-7700 if you have any questions regarding the requirements of this application.

### APPEAL PERIODS

An appeal shall be submitted within ten (10) days of the decision.

### REQUIRED FEE

Filing fee of **\$253**  
Plus additional fee for required public notices. (Additional fees for multiple hearings.)

### SIGNATURE

If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent:

Jennifer S. Shaw

Date:

10/2/18

**SUBMITTAL REQUIREMENT**

A written description of the alleged error and the reason for this appeal.

**WHERE TO FILE THE COMPLETE APPLICATION**

*Mailing Address:* Planning Counter  
PO Box 145471  
Salt Lake City, UT 84114

*In Person:* Planning Counter  
451 South State Street, Room 215  
Telephone: (801) 535-7700

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

X I acknowledge that Salt Lake City requires the items above to be submitted before my application can be processed. I understand that Planning will not accept my application unless all of the following items are included in the submittal package.

**Additional Guidelines for Those Appealing a Planning Commission or Landmarks Commission Decision**

A person who challenges a decision by the Planning Commission or the Landmarks Commission bears the burden of showing that the decision made by the commission was in error.

The hearing officer, according to state statute, must assume that the decision is correct and only reverse it if it is illegal or not supported by substantial evidence in the record.

“Substantial evidence” means information that is relevant to the decision and credible. Substantial evidence does not include public clamor and emotion. It involves facts and not mere speculation. A witness with particular expertise can provide substantial evidence, but conjecture and public opinion alone are not substantial evidence.

The “record” includes information, including the application by the person seeking approval, the staff report, the minutes of the meeting, and any information submitted to the commission by members of the public, the applicant or others, before the decision was made. It does not include facts or opinion, even expert opinion, expressed after the decision is made or which was not available to the commission at the time the decision was made.

A decision is “illegal” if it is contrary to local ordinance, state statute or case law, or federal law. An applicant is entitled to approval if the application complies with the law, so a person challenging a denial should show that the application complied with the law; a person challenging an approval should show that the application did not conform to the relevant law. Issues of legality are not restricted to the record of the decision, but the facts supporting or opposing the decision are limited to those in the record.

With regard to the factual information and evidence that supports a decision, the person bringing the appeal, according to a long line of decisions handed down by the Utah State Supreme Court and the Court of Appeals, has a burden to “marshal the evidence” and then to demonstrate that the evidence which has been marshaled is not sufficient to support the decision.

The appellant is therefore to:

1. Identify the alleged facts which are the basis for the decision, and any information available to the commission when the decision is made that supports the decision. Spell it out. For example, your statement might begin with: “The following information and evidence may have been relied upon by the Commission to support their decision . . .”
2. Show why that basis, including facts and opinion expressed to the commission is either irrelevant or not credible. Your next statement might begin with: “The information and evidence which may have been relied upon cannot sustain the decision because . . .”

Updated 7/1/17

Jennifer S. Shaw  
1211 First Avenue  
Salt Lake City UT 84103

Re: PLNHC2018-00690/1

To whom it may concern:

I recently learned that the administrative planning staff at the city have approved the above application for a special exemption from zoning ordinances.

I would like to file an appeal because this administrative decision with made on PLNHLC2018-00690/1 without consideration of my comments and the impact of this project on my home. Instead, the decision was made after an administrative review with the expectation that approval was a foregone conclusion.

I believe this decision to approve was made in error, as city planning staff did not have information submitted by me during the public comment period. I called and left a message on 9/19/18 summarizing my concerns, and then sent an email on 9/21/18 which was never received. Concerns that were raised by email in 2016 were apparently not re-visited.

**Subsequently, the decision occurred without a site visit or a review of the impact that this proposed special exemption would have on my home located at 1211 First Avenue, as is required in additional standards of review, Section 21A.52.060.**

Substantial evidence does not support this special exemption:

1. The original garage footprint with a sloped roof approximately meets setback and distance codes.
2. The makeshift extension to this garage (with a flat roof) was added at a later date and is noncompliant, extending to my property line and within 2.5 feet of my home.
3. The project was to replace an original garage, while the drawings indicate a replacement of both the original garage **and** the later extension.
4. By doing this, the replacement structure will substantially block ambient light from the East facing windows of my home, and the view out of these windows is of a wall 2.5 feet away.
5. Therefore, the proposed project would cause substantial impairment of my home's property value at 1211 E First Avenue, with considerable negative impact on the living space in my primary residence. See attached photos.

Facts from the record supporting this decision were:

1. Application filed May 2016 PLNHLC2016-00265/6 was for special exception and minor alteration including "replacing 500 sq ft footprint of the original garage" and requesting extra height.
  - a. This application was misleading in the sense that architectural drawings misrepresented the location of my home; the attached aerial photo did not show the difference between the original garage and the makeshift extension on the west; and the request was to replace an original garage while the project involves more than this.

- b. Multiple emails between myself and Kelsey Lindquist are attached and indicate modifications to proposed project so that the roof would be lowered and the 1-ft. setback enforced. (See attached emails specifically dated 6/3/16 and 7/19/16). References are made to meetings with me on 7/18/18, which never happened. And, a statement made that the modifications “match the neighbor’s concerns”, which was not true.
  - c. Final approval granted 8/3/16.
2. A renewed application was filed in September 2018 PLNHC2018-00690/1 for special exception and minor alteration as noted above. This was approved “per previous approval” on 9/26/18 without considering the negative impact on neighboring property, simply because phone calls and emails were not received.
- a. It is unclear if the modifications agreed to in 2016 have been carried forward.

The above facts are relevant, but misleading statements made raise questions as to their credibility. They are also incomplete and did not meet additional standards of review, Section 21A.52.060.

I was unable to find a copy of proposed architectural drawings from the record available at [aca.slcgov.com/citizen](http://aca.slcgov.com/citizen), and I realize that my concerns stem from not knowing the project details. I have asked the home owner for this information but it has not been forthcoming. I have also asked Anna Anglin with the city planning office for a delay prior to finalization of this decision so that she can do a site visit.

My hopes are to pause the finalization of this decision in order to allow time for a site review and further conversation regarding alternatives.

I suppose what I really want is consideration of my concerns. This project has a significant adverse impact on my home, and hence my property value.

Attached are records of related 2016 and 2018 emails, with photos that give you a more helpful visual sense of the properties in question.

Thank you for your time and attention:

Jennifer Shaw 801-808-3670

Attachment One: Copy of email sent and not received on 9/21/18:

**Jennifer shaw** <[theshawsfour@gmail.com](mailto:theshawsfour@gmail.com)> Sep 21, 2018, 1:21 PM (11 days ago)

to anna.anglin

Dear Ms. Anglin:

I am writing in reference to the notice of application I received in the mail, for Case # PHNHLC2018-00691.

As the property owner immediately west of this project, I have significant concerns about Mr. Robinson's request for a special exemption.

In brief, I find it very problematic that the west wall of his garage would be situated directly on the property line. This would place his accessory structure within 2-3 feet of my home, which is a principle residential structure. The proposed garage negatively impacts my property value by blocking ambient light from 2 or my 3 east-facing windows and by causing stress on the retaining wall between our two properties.

As for the additional height of his proposed garage, it will interfere with the views from my upstairs windows. The original garage is 15 feet tall, which is already higher than zoning in our district, so I am unclear why this must be extended an additional 2 feet. This, however, is a secondary concern, **as long as** the structure is closer to 10 feet from our home, as is stated in the zoning ordinance. I am hoping he does not intend to elevate the flat-roofed rear extension of his garage, which is currently 7-8 feet high.

I have enclosed photos which I hope will help you understand our situation:

1. This is the existing garage in question, with my home to the left. As you can see, the sloped-roof garage is the original garage (whose dimensions and placement are closer to code), with a flat-roofed, makeshift back extension added later which is covered with green corrugated plastic and extends to the property line. I would have no problems if his proposed garage sits in the footprint of the original garage, but I have significant concerns if the footprint includes the back

extension.



2. West facing wall of the accessory structure's back section, which is directly on the property line approximately 2-3 feet from the exterior wall of my home, less if you count the eaves.



3. Ground level view of the wall extending upwards from the property line over the retaining wall. View is facing

north.



4. Looking up at the distance between my eaves and the wall of the existing accessory structure.



5. Ground level view looking south. Please note how the accessory structure blocks light from 2 east-facing windows on my main

floor.



6. View from the inside of my house, in the bathroom looking east.



7. View from the inside of my house, in the study, looking east.



I have discussed my concerns with Mr. Robinson but have not yet seen his plans. When this last came up, in May 2016 (PLNHLC2016-00265), I spoke with Kelsey Lindquist about my concerns, and am happy to provide this past correspondence if it is helpful. At the time, she assured me that "he will be required to meet the setback for accessory structures." The aerial view of this site is misleading, which is why I have attached ground-level photos. The plans proposed in 2016 had also misrepresented the location of my house.

Please consider my concerns, as I believe the proposed garage does substantially impact the quality of my living space, and subsequent property value, while not being in compliance with our district's zoning ordinances and purposes.

Thank you very much for your time and attention,

Jennifer Shaw  
1211 First Avenue, SLC UT 84103  
801-808-3670



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- Snoozed
- Important
- Sent
- Drafts 15
- Categories
- [imap]/Sent
- [imap]/Trash 3
- Junk E-mail
- Personal
- theshawsfour@earthlink...
- Travel
- More

House next door Inbox x

Jennifer shaw

Tue, May 31, 2016, 8:37

Jennifer shaw <theshawsfour@gmail.com>  
to kelsey.lindquist

Tue, May 31, 2016, 8:37

Ms. Lindquist -

I am the owner of the residence at 1211 First Avenue and just received information by mail regarding Case # PLNHLC2016-00265.

I have significant concerns about this application to exempt zoning ordinances for a garage replacement at 55 Virginia Street. My concern is that the accessory structure will have NO setback from my property line, and the walls of the garage will be within about 2 feet of my primary residence.

I have taken photos of the interior of my home and the two rooms that would be impacted. As planned, the new garage would block all light and two windows pictured.

When you look at the outside views, please notice that the original garage at 55 Virginia Street had a peaked roof and is painted a light color. The new garage was compliant with code. At some point in time, this garage was extended backward by building a flat roofed structure that extended to the back of the property.

I have no problem with the garage occupying the original footprint, but to build upwards from its current footprint comes so close to my home that it impacts the east-facing rooms in my home in such a manner that the quality of our living space, and subsequent property value, is affected.

Please advise as to how I might submit these comments. Thank you.

Respectfully,

Jennifer Shaw 801-808-3670, 801-585-0254



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theshawsfour@earthlink...

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More

House next door Inbox x

**jennifer shaw**

May 1

**Jennifer shaw**

May 1

Ms. Lindquist - I am the owner of the residence at 1211 First Avenue and just received information by mail regarding Case # PLNH1

**Jennifer shaw**

Jun 1

Ms. Lindquist - Having re-read the letter I received in the mail, I have an additional concern regarding the garage remodel at 55 Virg

**Lindquist, Kelsey**

Jun 1

Jennifer, Thank you for your comments. I will be onsite this afternoon and will discuss your concerns with the property owner. If you

**Jennifer shaw**

Jun 1

Thank you very much. - Jennifer

**Lindquist, Kelsey** <Kelsey.Lindquist@slegov.com>

Jun 3, 2016, 8:07

to me

Jennifer,

I spoke with the property owner about your concerns. He will be dropping the roof, in the same configuration, as is currently a portion of the garage that extends to 17 feet, but the portion that is closest to your property will not be 17 feet in height. Additional setback required to meet the setback for accessory structures. As soon as I have a set of updated plans, I would be happy to forward them to you. Let me know if I can answer any questions. Thank you.



Lindquist, Kelsey <Kelsey.Lindquist@slcgov.com>

Fri, Jun 3, 2016, 8:07 AM



Jennifer,

I spoke with the property owner about your concerns. He will be dropping the roof in the same configuration, as is currently there. There will be a portion of the garage that extends to 17 feet, but the portion that is closest to your property will not be 17 feet in height. Additionally, he will be required to meet the setback for accessory structures. As soon as I have a set of updated plans, I would be happy to forward them to you. Let me know if I can answer any questions. Thank you.

Sincerely,

Kelsey Lindquist  
Associate Planner

PLANNING DIVISION  
COMMUNITY and ECONOMIC DEVELOPMENT  
SALT LAKE CITY CORPORATION

TEL: 801-535-7700  
FAX: 801-535-6174

[www.SLCGOV.COM](http://www.SLCGOV.COM)



Lindquist, Kelsey <Kelsey.Lindquist@slcgov.com>

Jun 23, 2016, 12:30 PM



Jennifer,

I have attached the updated plans. Shawn has explained that the lower portion of the western roof will remain at the same height as the existing structure. He

will also be required to meet the required to the garage closer to the east. Please let me know if you have additional concerns.

Sincerely,

Kelsey Lindquist  
Associate Planner

COMMUNITY AND NEIGHBORHOODS  
PLANNING DIVISION  
SALT LAKE CITY CORPORATION

TEL: 801-438-7200  
FAX: 801-438-7200

WWW.SLTCITY.UTAH

Lindquist, Kelsey <Kelsey.Lindquist@slcgov.com>

Jul 5, 2016, 8:32 AM



Jennifer,

The west elevation of the proposed garage will drop to the existing height of the current garage. Yes, new garages are required to meet the 10 foot setback from any neighboring principal structure. However, the special exception was requested for the replacement of a nonconforming structure, due to size, height and setbacks. Since the applicant also requested additional height on the eastern portion, he will be required to meet the 1 foot from the property line setback. Looking at an aerial and roughly measuring, there doesn't appear to be enough area to push the garage forward from the property line 10 feet. The 1 foot that the applicant will be providing will ensure that the structure will not be encroaching onto your property and that there is a setback. You are correct, the structure will be approximately 4 feet from your principal structure, currently the garage sits 2 feet from your principal structure. Please let me know if I can provide additional clarification or if you have any additional questions.

Sincerely,

Kelsey Lindquist  
Associate Planner

COMMUNITY AND NEIGHBORHOODS  
PLANNING DIVISION  
SALT LAKE CITY CORPORATION

Lindquist, Kelsey <Kelsey.Lindquist@slcgov.com>

Jul 7, 2016, 8:51 AM



Jennifer,

The distance between his home and his garage doesn't need to be 11 feet by code. It is required to be 4 feet from the principal structure. I will be putting a condition of approval that he push the garage further east to increase the setback and to minimize the impact on abutting properties. I will be in touch, in regards to the conditioned location, once I hear back from him. If you have additional questions, please let me know.

Sincerely,

Kelsey Lindquist

Associate Planner

Lindquist, Kelsey <Kelsey.Lindquist@slcgov.com>

Jul 19, 2016, 8:18 AM



Hi Jennifer,

I spoke with Shawn about moving the garage closer to his home and there are a few issues. He can't move the structure closer to his home, due to the proximity to a French drain. He has revised the roof plan and the height of the western portion of the garage, to address your concerns. The roof will drop to approximately 10 feet for 7 feet of the western portion. I have attached an elevation. I believe this addresses the height concerns. The garage will meet the required 1 foot setback from property line and will not encroach into your yard, such as the current structure. Essentially, the setback and the lowered height, the tallest portion of the garage will be approximately 8 feet away from your property. If you have additional questions, please let me know.

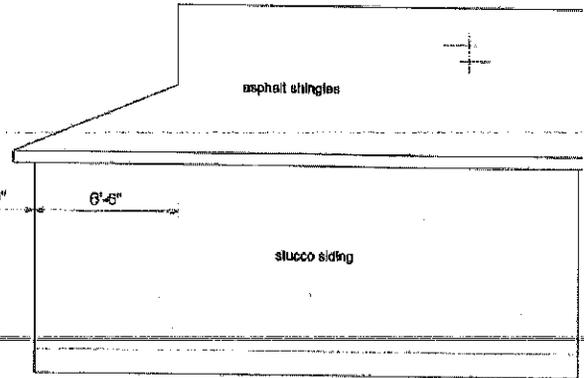
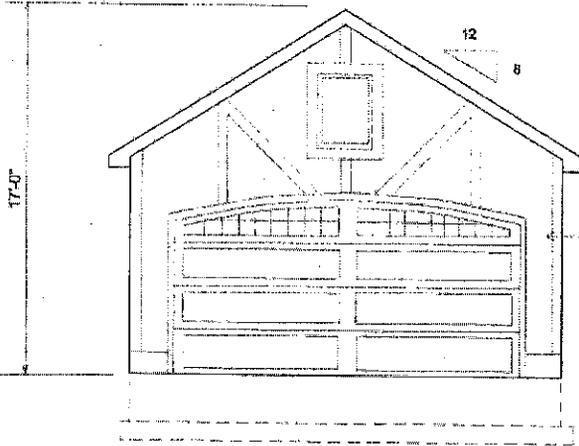


Google recommends using Chrome  
Try a fast, secure browser with updates built in

Open with



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- Serre
- Snooz
- Impor
- Sent
- Drafts
- Categ
- [imap]
- [imap]
- Junk E
- Perso
- thesht
- Travel
- More



provide roof and eoffit vents to  
comply with IRC R508

stairs more than 30" above grade  
shall have guardrails 38" high on  
open sides- IRC R318.1 and 318.2

window walls required for  
emergency escape and rescue with  
a minimum horizontal net area of 9  
sq ft

neighbors house

# JEN SHAW BOUNDARY SURVEY

LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 33,  
TOWNSHIP 1 NORTH, RANGE 1 EAST,  
SALT LAKE BASE AND MERIDIAN  
1211 FIRST AVENUE, SALT LAKE CITY, UTAH 84103

## SURVEYOR'S CERTIFICATE

I, SATTAR N. TABRIZ A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 155100, IN ACCORDANCE WITH THE LAWS OF THE STATE OF UTAH HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THE HEREOF DESCRIBED TRACT OF LAND AND THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF SAID SURVEY.

SATTAR N. TABRIZ, PLS.  
UTAH LICENSE NO.: 155100  
DATE:  
HEREIN.

## SURVEYOR'S NARRATIVE

THIS SURVEY WAS PREPARED AT THE REQUEST OF JEN SHAW FOR THE PURPOSE OF RETRACTING THE BOUNDARY OF THE PARCEL AS SHOWN HEREON.

## GENERAL NOTES

- NO TITLE COMMITMENT WAS SUPPLIED TO THE SURVEYOR AT THE TIME OF THE SURVEY.
- THIS MAP IS NOT PROOF OF OWNERSHIP.
- THIS MAP MAKES NO ASSUMPTIONS AS TO ANY UNWRITTEN RIGHTS THAT MAY EXIST BY AND BETWEEN THE ADJOINING LAND OWNERS.
- COURSES AND DISTANCES SHOWN ON THIS MAP ARE MEASURED DIMENSIONS TAKEN FROM ACTUAL FIELD MEASUREMENTS, UNLESS CONTAINED WITHIN PARENTHESIS INDICATING A RECORD COURSE OR DISTANCE. RECORD INFORMATION IS TAKEN FROM MAPS, PLATS, DEEDS OF RECORD, OR OTHER SOURCES OF RECORD INFORMATION.

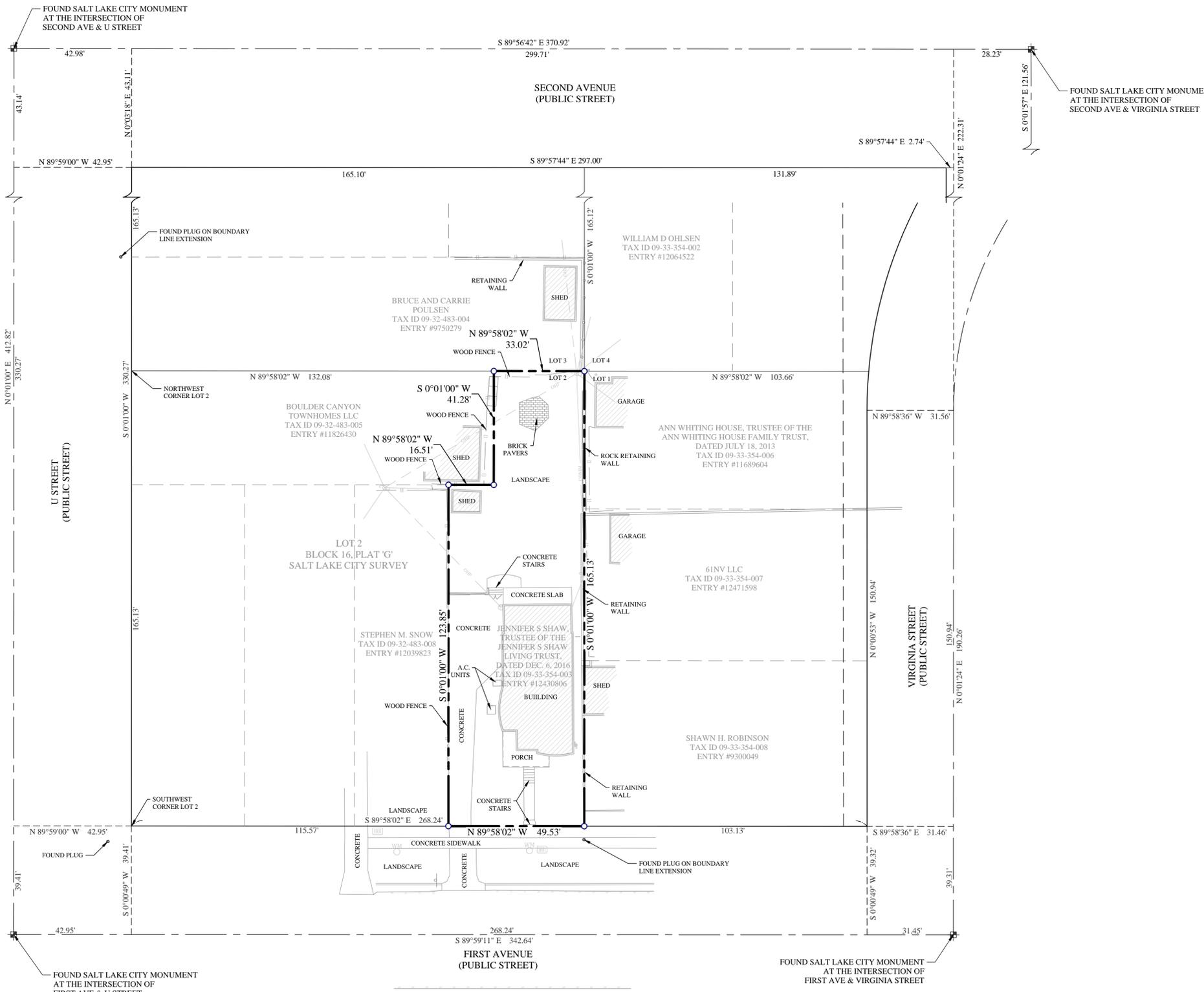
## LEGAL DESCRIPTION

PER ENTRY NO. 12430806

COMMENCING AT THE SOUTHEAST CORNER OF LOT 2, BLOCK 16, PLAT 'G', SALT LAKE CITY SURVEY, AND RUNNING THENCE NORTH 10 RODS; THENCE WEST 2 RODS; THENCE SOUTH 2 1/2 RODS; THENCE WEST 1 ROD; THENCE SOUTH 7 1/2 RODS; THENCE EAST 3 RODS TO PLACE OF BEGINNING.

## MAP LEGEND

BOUNDARY LINE	
CENTERLINE	
RIGHT OF WAY	
LOT LINE	
DEED LINE	
RADIAL LINE	
FENCE LINE (CHAINLINK)	
FENCE LINE (WOOD)	
ROCK RETAINING WALL	
FENCE LINE (WOOD)	
CONCRETE	
ASPHALT	
OVERHEAD POWER LINE	
MONUMENT	
LEAD PLUG	
BOUNDARY CORNER	
POWER POLE	
LIGHT POLE	
FIRE HYDRANT	
WATER VALVE	
WATER METER	
SEWER CLEANOUT	
GAS METER	
POWER METER	



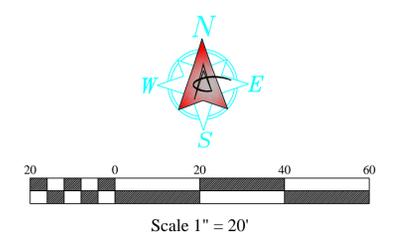
DRAWN BY:	FWH
FIELD CREW:	BJM
CHECKED BY:	SNT
DATE:	2/05/19

CLIENT:	JEN SHAW
DWG:	BASE
JOB No:	6814-JSHAW-19
DRAWING IS REDUCED IF LESS THAN 22"x34" DIMENSIONS AND NOTES TAKE PRECEDENCE OVER SCALE.	

BOUNDARY SURVEY FOR  
JEN SHAW  
1211 FIRST AVENUE, SALT LAKE CITY, UTAH 84013  
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 1 NORTH,  
RANGE 1 EAST, SALT LAKE BASE & MERIDIAN.

No.	DATE	BY	REVISION

tel (801) 487-8040 231 West 800 South  
fax (801) 487-8668 Salt Lake City, Utah 84101  
www.wardeng.com  
**Ward Engineering Group**  
Planning • Engineering • Surveying  
Since 1981



**ATTACHMENT E: 2018 SPECIAL EXCEPTION  
FINDINGS & ORDER AND CERTIFICATE OF  
APPROPRIATENESS**

---

**CASE PLNHLC2018-00690  
PLANNING COMMISSION  
FINDINGS AND ORDER**

This is a request by Shawn Robinson, the property owner at 55 N. Virginia Street, to replace a garage that isn't currently in compliance with section 21A.40.050(A)(4)(5) of the Salt Lake City Zoning Ordinance, which specifies that any accessory building shall not be closer than one foot (1') to a side or rear lot line and no portion of an accessory building on either an accessory or principal lot may be built closer than ten feet (10') to any portion of a principal residential building on an adjacent lot. Currently, the garage is noncomplying to the required setbacks from the lot line and the distance required from adjacent principal structures. The new structure will have the same foot print and location.

Additionally, the applicant is requesting additional height for the accessory structure. Accessory structures in the SR-1A Zoning District are permitted to the height of fourteen feet (14'). The applicant is requesting an additional three feet (3') in height. Currently, the existing garage is fifteen feet (15') in height and the proposed will be seventeen feet (17'). The rear 6'6" feet will drop below the 17 feet to mitigate any potential impact. The subject property is located in the SR-1A (Special Development Pattern Residential) Zoning District.

**STANDARDS OF REVIEW (Section 21A.52.060):**

- A. Compliance with Zoning Ordinance and District Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.
- B. No Substantial Impairment of Property Value: The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.
- C. No Undue Adverse Impact: The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.
- D. Compatible with surrounding Development: The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.
- E. No Destruction of Significant Features: The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.
- F. No Material Pollution of Environment: The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.
- G. Compliance with Standards: The proposed use and development complies with all additional standards imposed on it pursuant to this chapter. (Ord. 73-11, 2011)

**Section 21A.52.030.A.1**

- 1. Accessory building height, including wall height, in excess of the permitted height provided:
  - a. The extra height is for architectural purposes only, such as a steep roof to match existing primary structure or neighborhood character.
  - b. The extra height is to be used for storage of household goods or truss webbing and not to create a second level.
  - c. No windows are located in the roof or on the second level unless it is a design feature only.
  - d. No commercial use is made of the structure or residential use unless it complies with the accessory dwelling unit regulations in this title.

**Section 21A.52.030.A.19**

19. Replacement or reconstruction of any existing noncomplying segment of a residential or commercial structure or full replacement of a noncomplying accessory structure provided:
  - a. The owner documents that the new construction does not encroach farther into any required rear yard than the structure being replaced.
  - b. The addition or replacement is compatible in design, size and architectural style with the remaining or previous structure.

**FINDINGS:**

- The proposed garage replacement meets all of the standards of review listed above.
- The proposed garage replacement does not create any new noncompliance.
- The notice of application was sent to all abutting property owners on September 7, 2018.
- The twelve day notice period expired on September 24, 2018.
- No objections were received.

**ORDER:**

The special exception for the requested replacement of a noncomplying garage is granted subject to the following conditions:

1. Any aggrieved party may appeal this administrative decision within 10 days to the Planning Commission pursuant to Chapter 21A.16 of the Zoning Ordinance.
2. Construction plans must conform to the requirements of the adopted Building Code.
3. The special exception will expire if a permit has not been taken out or an extension granted within 12 months from the date of approval.

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

Dated this 26<sup>th</sup> day of September 2018 Salt Lake City, Utah

  
Anna Anglin, Principal Planner



# CERTIFICATE OF APPROPRIATENESS

OFFICE USE ONLY  
Petition No. PLNHLC2018-00691  
Reviewed By: Anna Anglin

## Avenues

SALT LAKE CITY PLANNING

Address of Subject Property: 55 VIRGINIA St

Project Name: New Garage, Deck, Pergola and Removing Sunroom Addition

Name of Applicant: Shawn Robinson

Address of Applicant: 55 . Virginia  
SALT LAKE CITY, UT 84103

E-mail Address of Applicant: srobinsonlaw@hotmail.com

Ordinance Standards: 21.34.020(G) 1, 2, 3, 4, 5, 6, 8, 9, 10

### Design Guidelines this project meets:

Construction of the new Garage

Chapter 9 - Accessory Structures

9.2 New accessory buildings should be constructed to be compatible with the primary structure.

- (1) In general, garages should be unobtrusive and not compete visually with the house.
- (2) While the roofline does not have to match the house, it should not vary significantly.
- (3) Appropriate materials may include horizontal siding, wood shingles, brick, and in some cases stucco.
- (4) In the case of a two-car garage consider using two single doors since they help to retain a sense of human scale and present a less blank look to the street.

13.6 Secondary structures should be located and designed in a manner like those seen historically in the district.

- (1) most secondary structures were built along the rear of the lot, accessed by the alley, if one existed. This should be continued.
- (2) Garages, as well as driveways, should not dominate the streetscape; therefore, they should be detached from the main house and located to the rear of the house, if possible.
- (3) Historically, garages and carriage houses in the Avenues were simple wood structures covered with a gabled or hipped roof.
- (4) A new secondary structure should follow historic precedent, in terms of materials and form.

Addition Removal Chapter 2 - Building Materials & Finishes

2.2 Traditional masonry surfaces, features, details and textures should be retained.

(1) Regular maintenance will help to avoid undue deterioration in either structural integrity or appearance. The brick will need to be preserved once the sunroom is removed.

Deck/Pergola Site Features- Chapter 1

The deck is existing, and the material will be replaced with cedar board, the stairs will also consist of cedar and the pergola will be to the height of 9 feet and will be constructed from cedar.

Are there attached plans or photographs? Application, Plans, Pictures, Brochures

Date of HLC Approval:

Date of Administrative Approval: 09/26/2018

Description of Approved Work:

*Garage Constructing*

The new garage will replace an existing noncomplying garage. The existing garage is noncomplying regarding setbacks, height and footprint. The new garage will be reconstructed to a similar footprint. The rear 6'6" feet of the garage will drop to mitigate any potential impact. The garage will construct out of stucco siding. The roof will consist of architectural shingles and the window facing the east will be a plygem casement window. The garage door will be steel with 8 panes of glazing.

*Sunroom Addition*

The rear sunroom addition will be removed. The sunroom addition did not contain historic significance. The original rear portion of the home will be uncovered and restored. The window will remain and not be modified. The brick will remain and will be restored. The door is not approved for replacement at this time.

*Deck*

The existing deck will remain and will be recovered with cedar.

*Stairs*

New stairs will be constructed for access to the deck and the rear of the home. The stairs will also be constructed of cedar.

*Pergola*

A new pergola will be constructed on the deck to the height of 9 feet. The pergola will also be constructed out of cedar.

Staff Analysis and Findings: The proposed replacement garage, deck, stairs and pergola meet the applicable standards and follow the established the guide lines.

Note: Please submit your plans and this Certificate of Appropriateness to the Building Services Division in Room 215 for permit issuance

SLC Planning  
Division 451 S  
State, Room 406  
PO Box 145480  
Salt Lake City, UT 84114-5480  
Telephone: (801) 535-6050

Signature of Planner



**ATTACHMENT F: 2018 SPECIAL EXCEPTION  
APPLICATION**

---



# HP: Minor Alterations

SALT LAKE CITY PLANNING

### OFFICE USE ONLY

Project #: <i>PNHLC2018-00691</i>	Received By: <i>A. Cuyler</i>	Date Received: <i>8/31/18</i>	Zoning: <i>SR-1A</i>
Project Name: <i>New Garage</i>			

### PLEASE PROVIDE THE FOLLOWING INFORMATION

Request: *REPLACE EXISTING GARAGE*

Address of Subject Property: *55 NORTH VIRGINIA STREET, SLL, UT 84103*

Name of Applicant: *SHAWN ROBINSON* Phone: \_\_\_\_\_

Address of Applicant: *55 NORTH VIRGINIA STREET, SLL, UT 84103*

E-mail of Applicant: *SKROBINSONLAW@HOTMAIL.COM* Cell/Fax: *801-635-5855*

Applicant's Interest in Subject Property:  
 Owner     Contractor     Architect     Other:

Name of Property Owner (if different from applicant): \_\_\_\_\_

E-mail of Property Owner: \_\_\_\_\_ Phone: \_\_\_\_\_

➔ Please note that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.

### AVAILABLE CONSULTATION

➔ Planners are available for consultation prior to submitting this application. Please call (801) 535-7700 if you have any questions regarding the requirements of this application.

### WHERE TO FILE THE COMPLETE APPLICATION

<i>Mailing Address:</i> Planning Counter PO Box 145471 Salt Lake City, UT 84114	<i>In Person:</i> Planning Counter 451 South State Street, Room 215 Telephone: (801) 535-7700
---	---

### SIGNATURE

➔ If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent: 	Date: <i>8/31/18</i>
---	-------------------------



# Special Exception NOTICE OF APPLICATION

Planning Commission

Historic Landmark Commission

### OFFICE USE ONLY

Project #: PLNHL 2018-00690	Received By: A Anglin	Date Received: 8/31/18	Zoning: SR-1A
Project Name: New Garage			

### PLEASE PROVIDE THE FOLLOWING INFORMATION

Type of Special Exception Requested:  
REPLACE EXISTING GARAGE

Address of Subject Property:  
55 NORTH VIRGINIA STREET, SLC, UT 84103

Name of Applicant:  
SHAWN ROBINSON

Phone:  
801-635-5855

Address of Applicant:  
55 NORTH VIRGINIA STREET

E-mail of Applicant:  
SROBINSONLAW@HOTMAIL.COM

Cell/Fax:  
801-635-5855

Applicant's Interest in Subject Property:

Owner     Contractor     Architect     Other:

Name of Property Owner (if different from applicant):

E-mail of Property Owner:

Phone:

Please note that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.

### WHERE TO FILE THE COMPLETE APPLICATION

Mailing Address: Planning Counter PO Box 145471 Salt Lake City, UT 84114	In Person: Planning Counter 451 South State Street, Room 215 Telephone: (801) 535-7700
---	---

### REQUIRED FEE

Filing fee of \$253, plus additional cost of postage for mailing notice to abutting property owners and tenants

### SIGNATURE

If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent:

Date:  
8/31/18

SALT LAKE CITY PLANNING

## PROJECT DESCRIPTION

55 North Virginia St  
Salt Lake City, Utah 84103

We would like to tear down and replace our garage as its foundation and structure are failing. We would like to build the garage exactly where it is. The present garage has a roof peak of 15 feet. We would like to increase that roof peak to 17 feet so that we have a storage room above the garage. We would like to use new materials, but would finish the garage as it is with the exception that the wood portion on the front and sides would be stucco. It would be the same style and color scheme as the home.

We have submitted plans with a 15 foot peak and plans with a 17 foot peak. As requested above, we would like to raise the peak elevation to 17 feet. This is the exact same request that I made in 2016. Attached is a copy of the Planning Commission's Findings and Order, approving our request. We finally found a contractor that can start the project immediately.

We would like to build a four-foot retaining wall along the south side of our home, along the sidewalk on 1<sup>st</sup> Avenue. There would be a stairway coming up the south side of our property into the front yard. We would also tear down the existing cinder block fence and replace it with wood or a period metal rail fence. The retaining wall would be approximately 107 feet long and three to four feet in height, depending on elevation. We would like to have stairs approximately four feet wide going from the sidewalk to the front yard. We would also like to repair the damaged portions of the sidewalk that run through our property. My contractor will submit retaining wall plans.

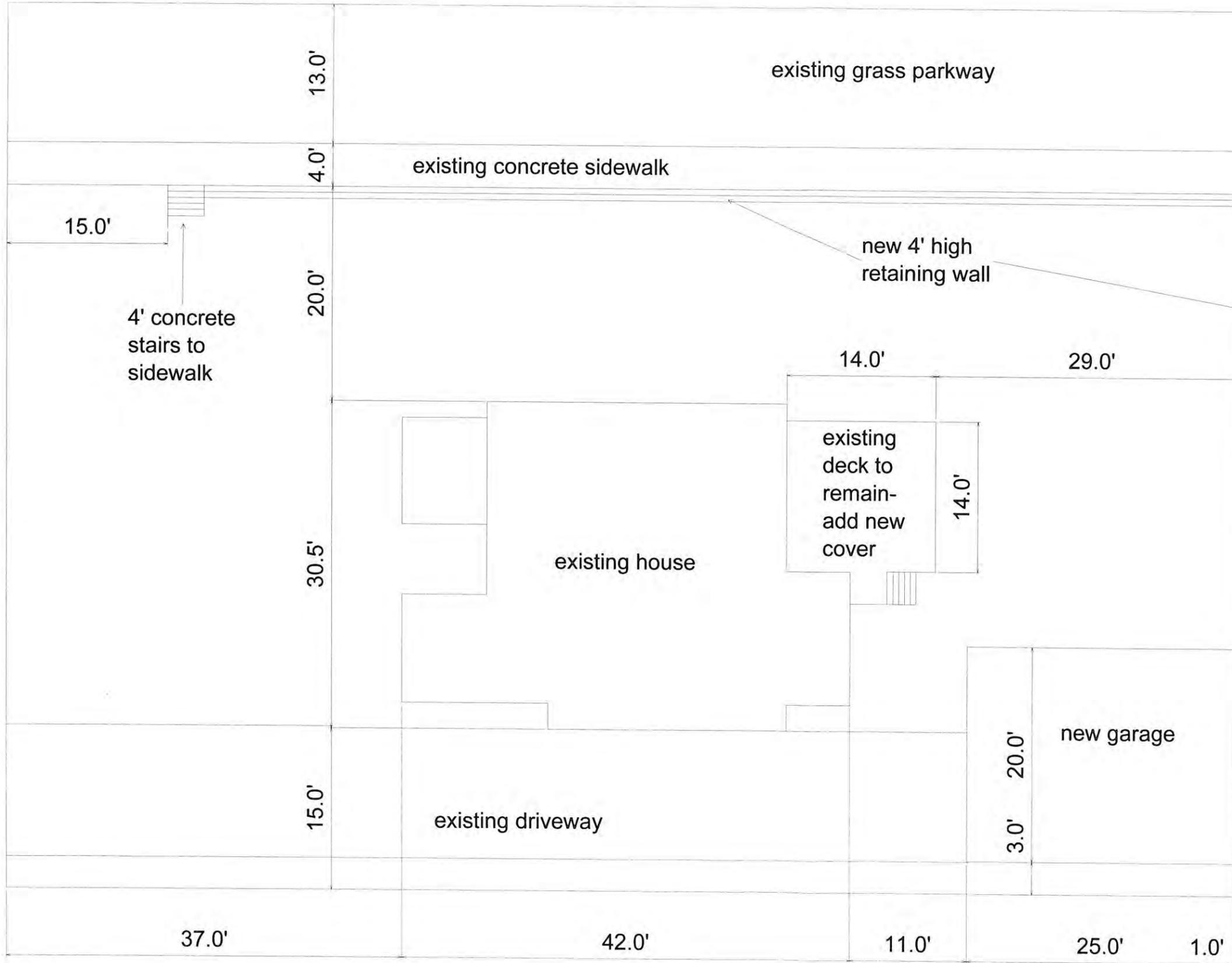
SHAWN H. ROBINSON

virginia

116.0'

1st avenue

82.5'



robinson garage  
55 N virginia st  
SLC ut 84103

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protected- do  
not duplicate

**fairfield design**  
2070 east 1900 north  
layton ut 84040  
801-541-4797

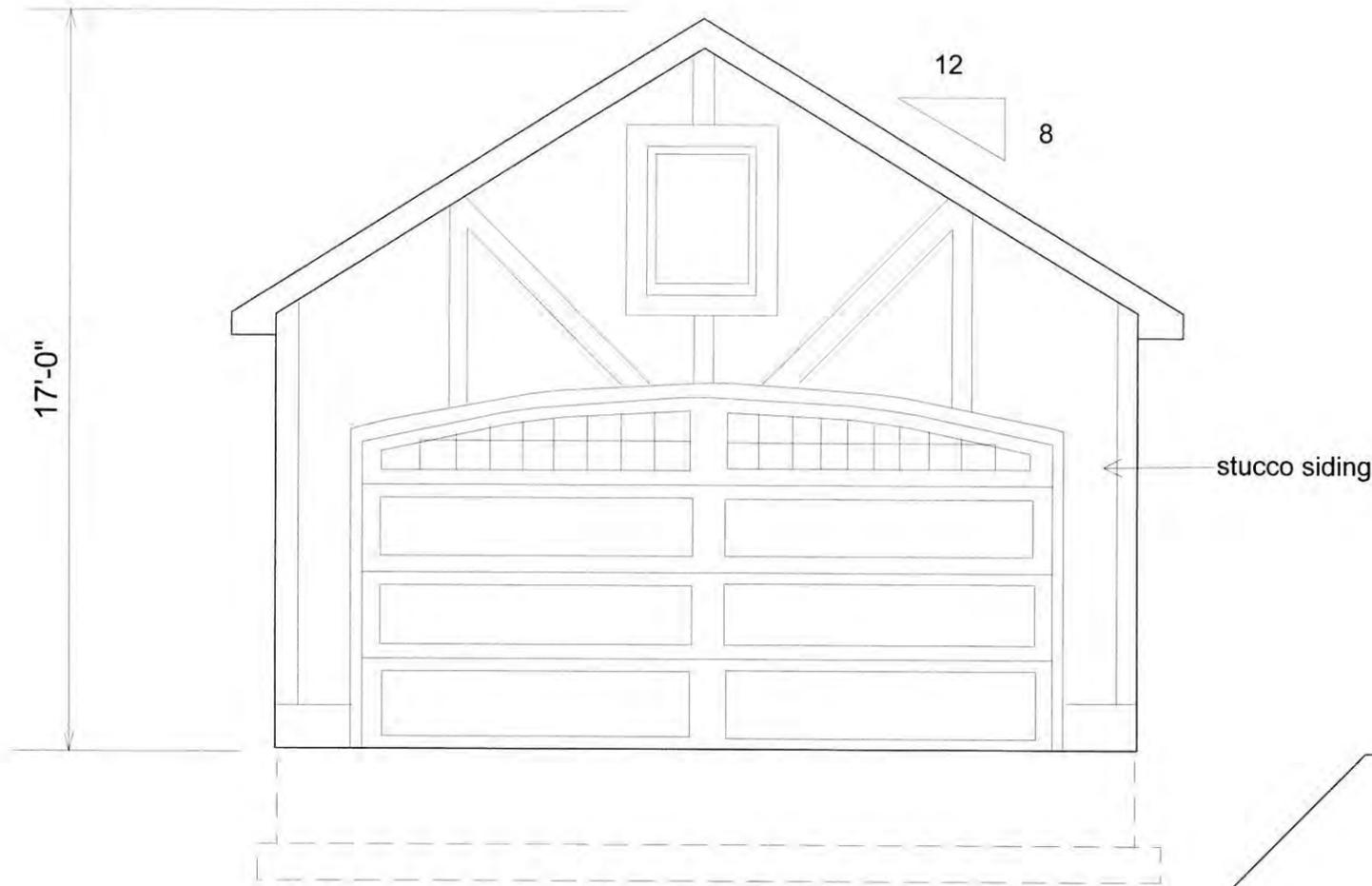
governing code  
2012 IRC

plot plan

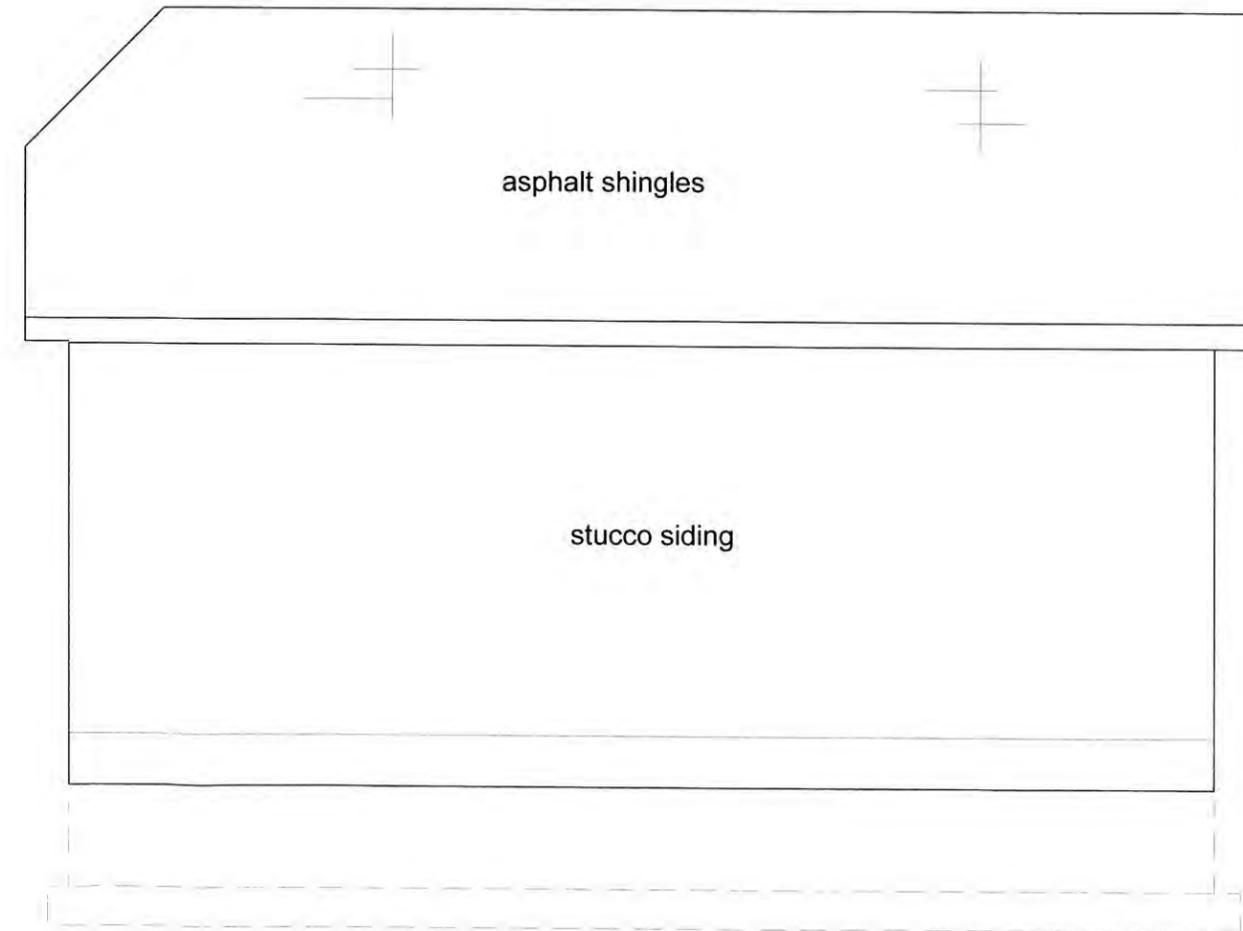
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date  
june 2016

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stucco siding



asphalt shingles

stucco siding

provide roof and soffit vents to comply with IRC R806

stairs more than 30" above grade shall have guardrails 36" high on open sides- IRC R316.1 and 316.2

window wells required for emergency escape and rescue with a minimum horizontal net area of 9 sq ft

PLNAPP2018-00811

robinson gargae  
55 N virginia st  
SLC ut 84103

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not duplicate

**fairfield design**

2070 east 1900 north  
layton ut 84040  
801-541-4797

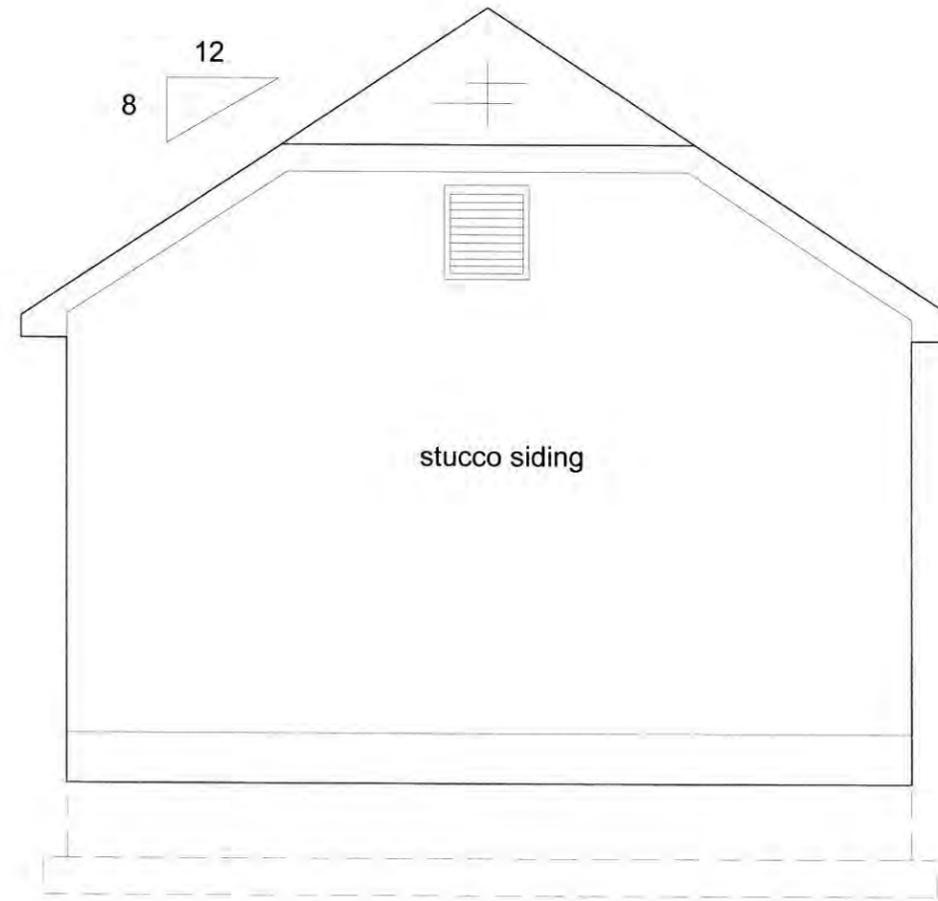
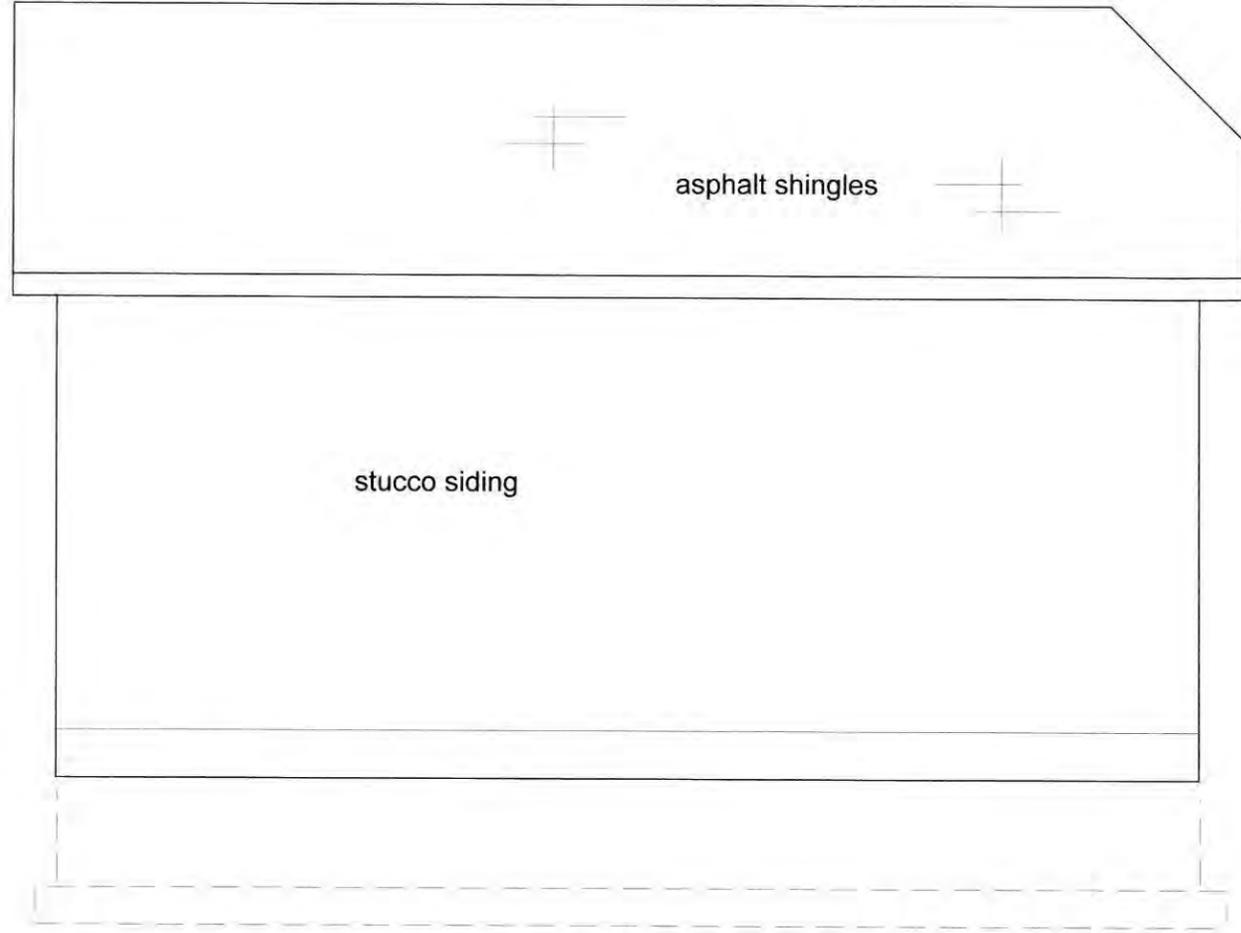
governing code  
2012 IRC

elevations

scale  
1/4"=1'-0

date  
june 2016

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68 1



provide roof and soffit vents to comply with IRC R806

stairs more than 30" above grade shall have guardrails 36" high on open sides- IRC R316.1 and 316.2

window wells required for emergency escape and rescue with a minimum horizontal net area of 9 sq ft

PLNAPP2018-00811

robinson gargae  
55 N virginia st  
SLC ut 84103

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2070 east 1900 north  
layton ut 84040  
801-541-4797

governing code  
2012 IRC

elevations

scale  
1/4"=1'-0

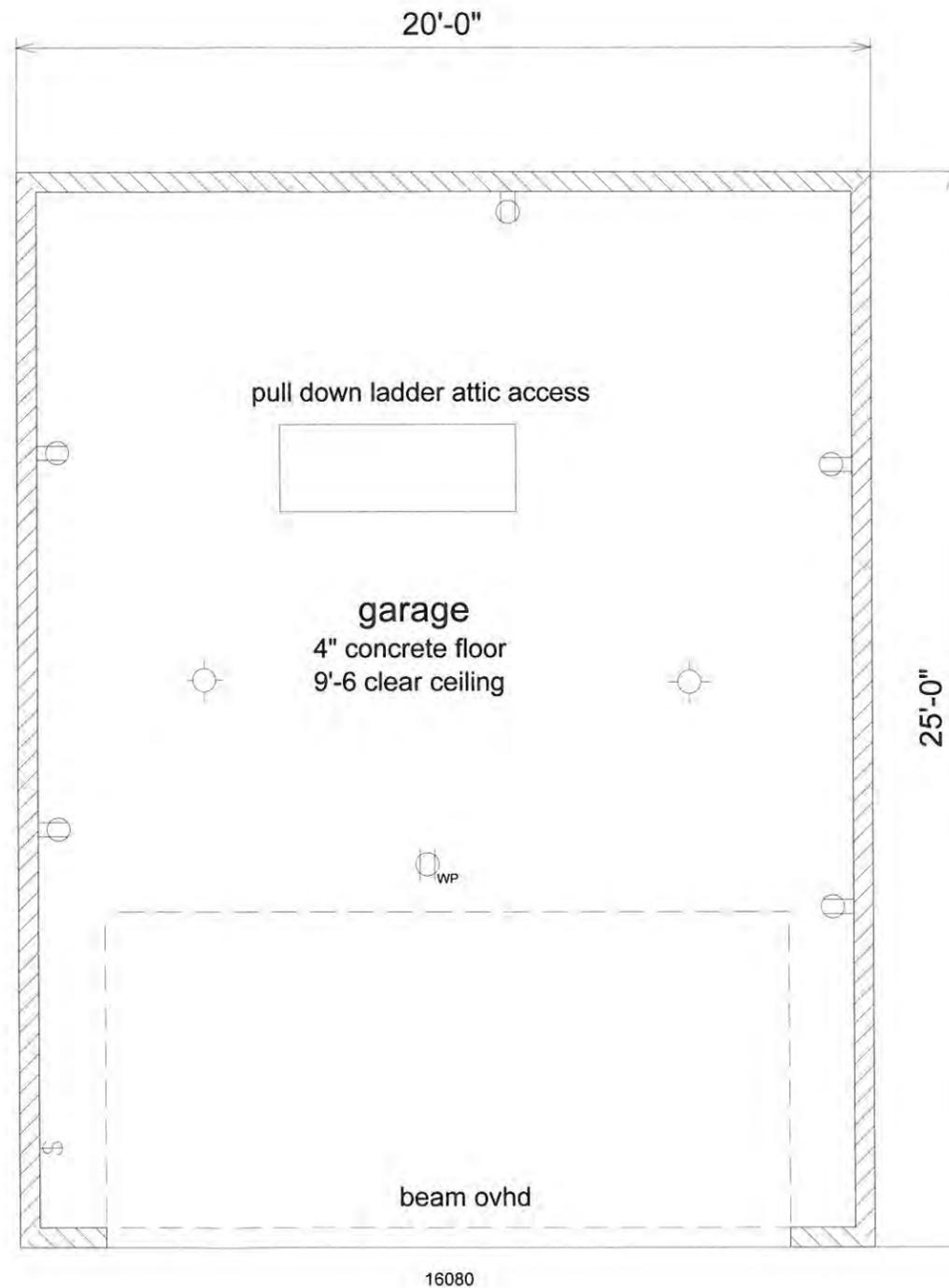
date  
june 2016

page  
69 2

all habitable rooms shall be provided with natural light by means of exterior glazed openings with an area not less than 8% of the floor area of such rooms and natural ventilation not less than 4%  
IRC303.1

glazing adjacent to a door where the nearest vertical edge is within a 24" arc of the door in a closed position and whose bottom edge is less than 60" above the floor shall be glazed in accordance with IRC 308.4

PLNAPP2018-00811



robinson garage  
55 N virginia st  
SLC ut 84103

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**fairfield design**

2070 east 1900 north  
layton ut 84040  
801-541-4797

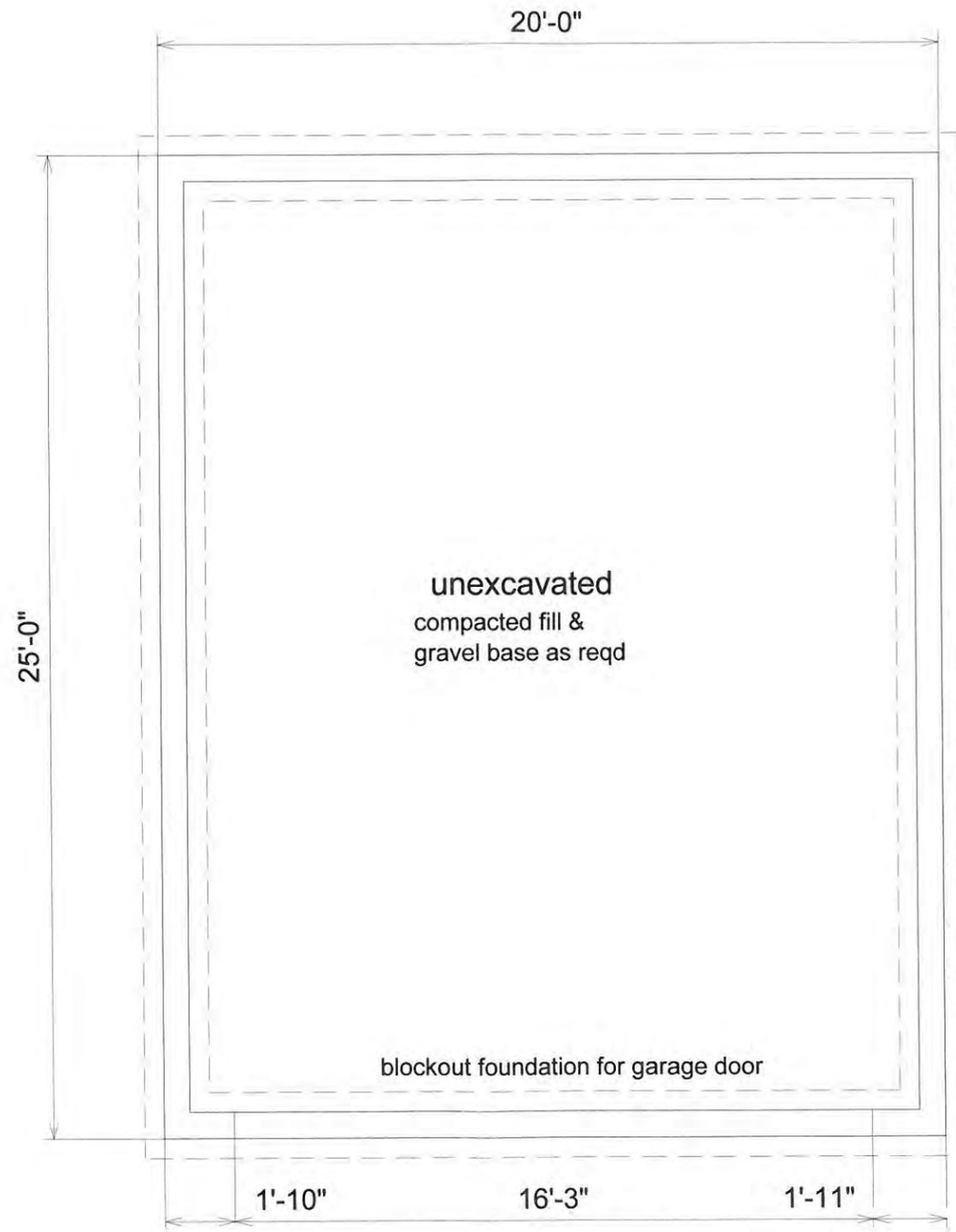
governing code  
2012 IRC

main floor  
500 sq ft

scale  
1/4"=1'-0

date  
march 2016

page  
70 3



robinson garage  
 55 N virginia st  
 SLC ut 84103

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 not duplicate

**fairfield design**  
 2070 east 1900 north  
 layton ut 84040  
 801-541-4797

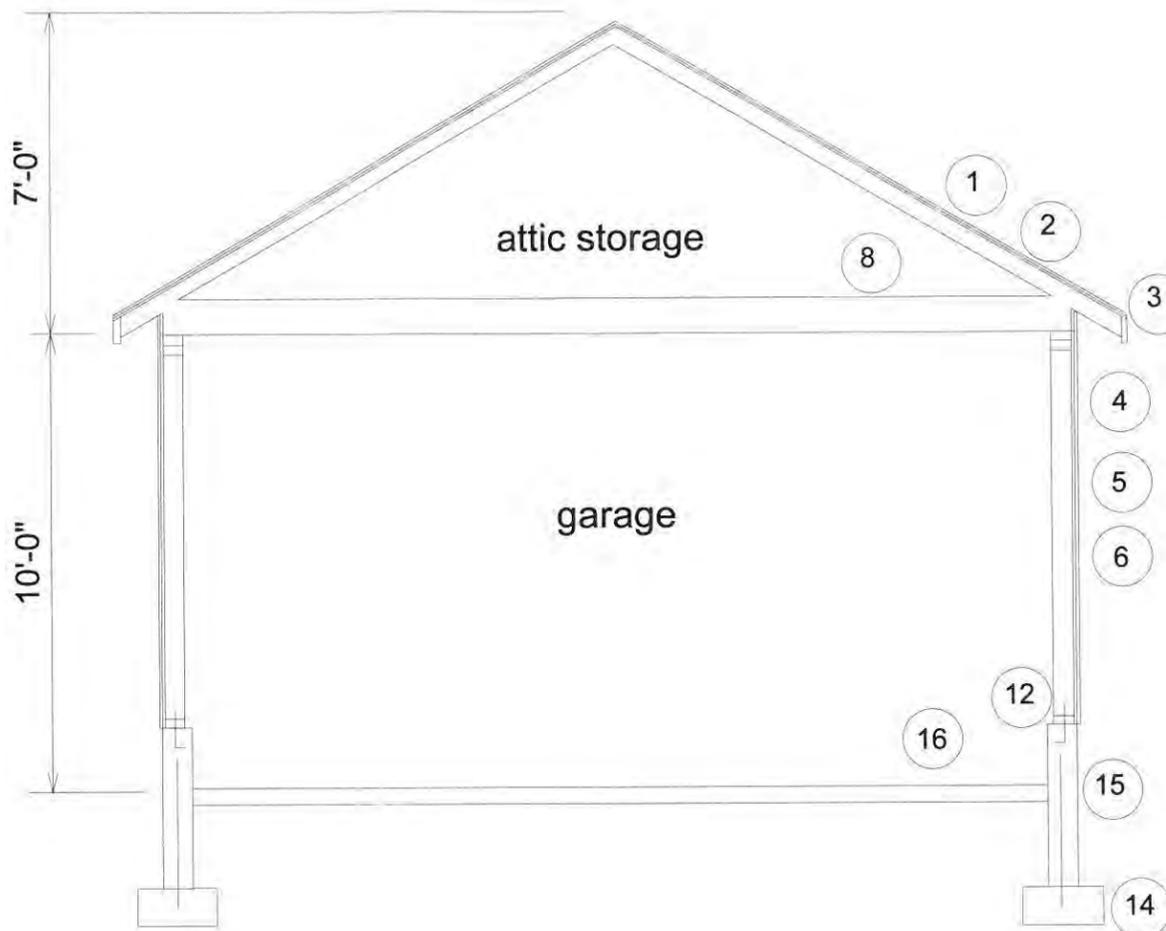
governing code  
 2012 IRC

foundation

scale  
 1/8"=1'-0

date  
 june 2016

page  
 4  
 71



framing section- 1/4"=1'-0

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. truss roof system- see engineering details- stick frame as noted</li> <li>2. 7/16" wafer board sheathing with clips, 2 layers 15# felt and asphalt shingles- water shield to 24" inside wall line</li> <li>3. 2x4 or 2x6 backer with aluminum fascia and soffitt system</li> <li>4. 7/16" wafer board exterior sheathing- nail per engineers details</li> <li>5. 2x4- 16" o/c or 2x6- 24" o/c construction grade wall studs</li> <li>6. exterior siding as noted on the elevations</li> <li>7. R13 (2x4) or R19 (2x6) fiberglass wall insulation</li> <li>8. R-38 fiberglass attic insulation</li> <li>9. 3/4" T&amp;G OSB flooring- glued and nailed</li> </ol> | <ol style="list-style-type: none"> <li>10. wood I joist floor system- see engineers details</li> <li>11. brick or stone veneer with 22 ga ties 16" o/c &amp; #9 wire in bed joints</li> <li>12. treated sill plate attached to foundation with anchor bolts</li> <li>13. corrosion resistant flashing with 1/2" drip leg extended past side of foundation</li> <li>14. concrete footing with vertical and horizontal rebar</li> <li>15. concrete foundation with vertical and horizontal rebar</li> <li>16. 4" concrete floor slab with compacted fill &amp; gravel base</li> </ol> |
|--|---|

robinson garage  
55 N. virginia st  
SLC ut 84103

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protected- do  
not duplicate

**fairfield design**

2070 east 1900 north  
layton ut 84040  
801-541-4797

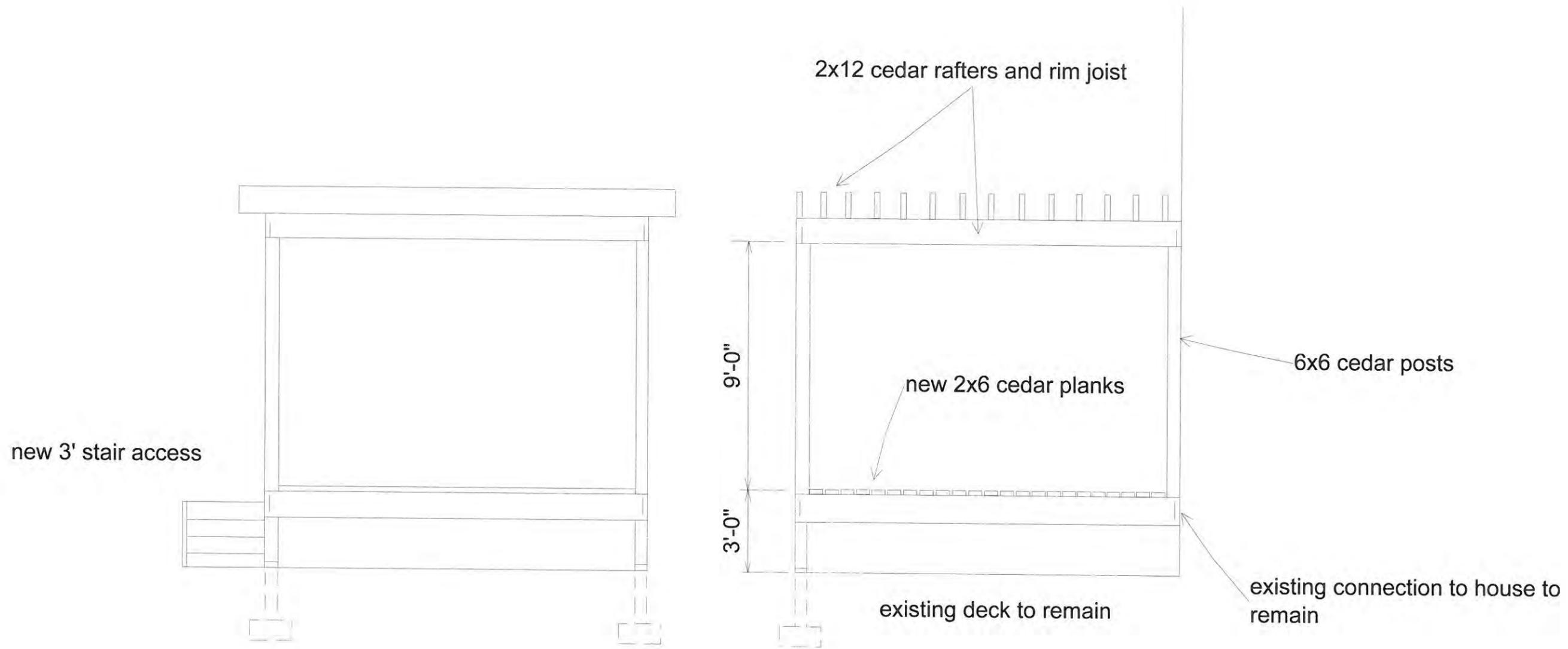
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framing details

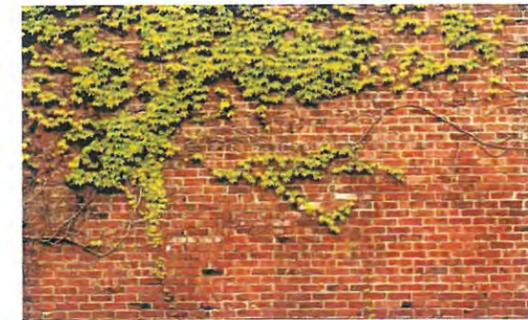
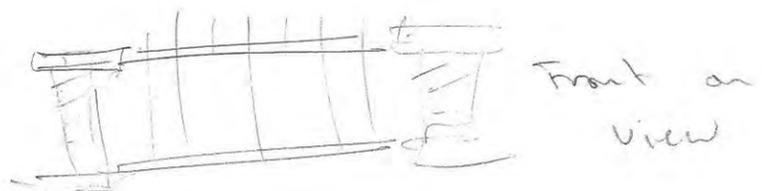
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june 2016

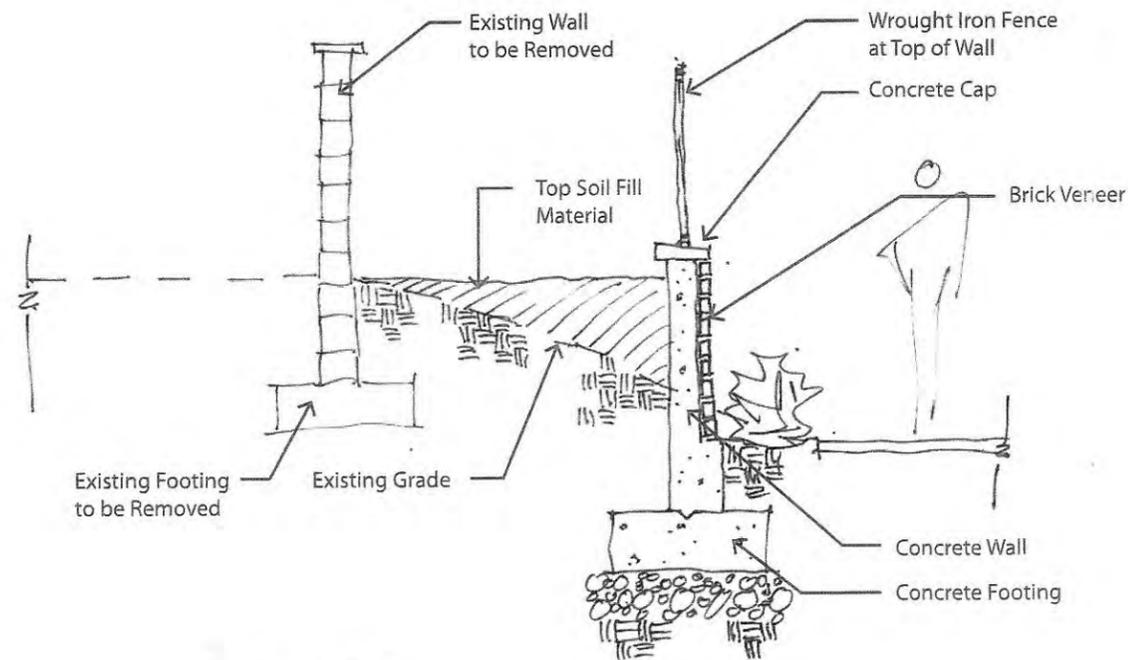
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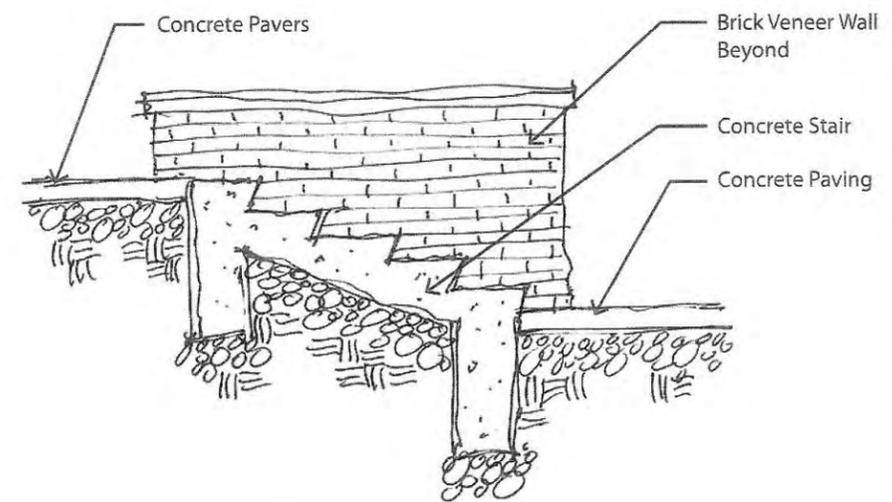
preliminary covered deck plan



HEIGHT OF WALL  
 HEIGHT OF FENCE

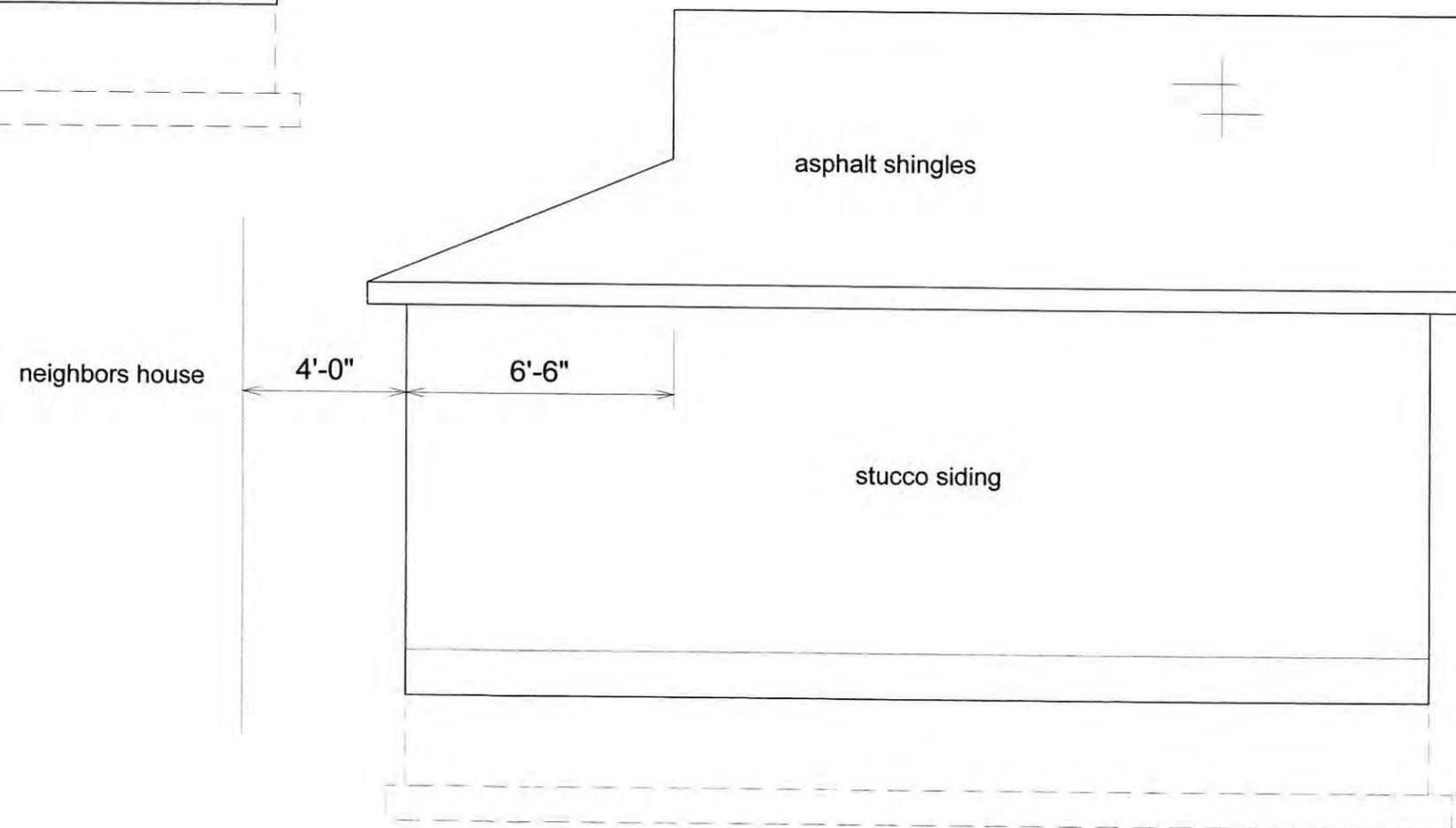
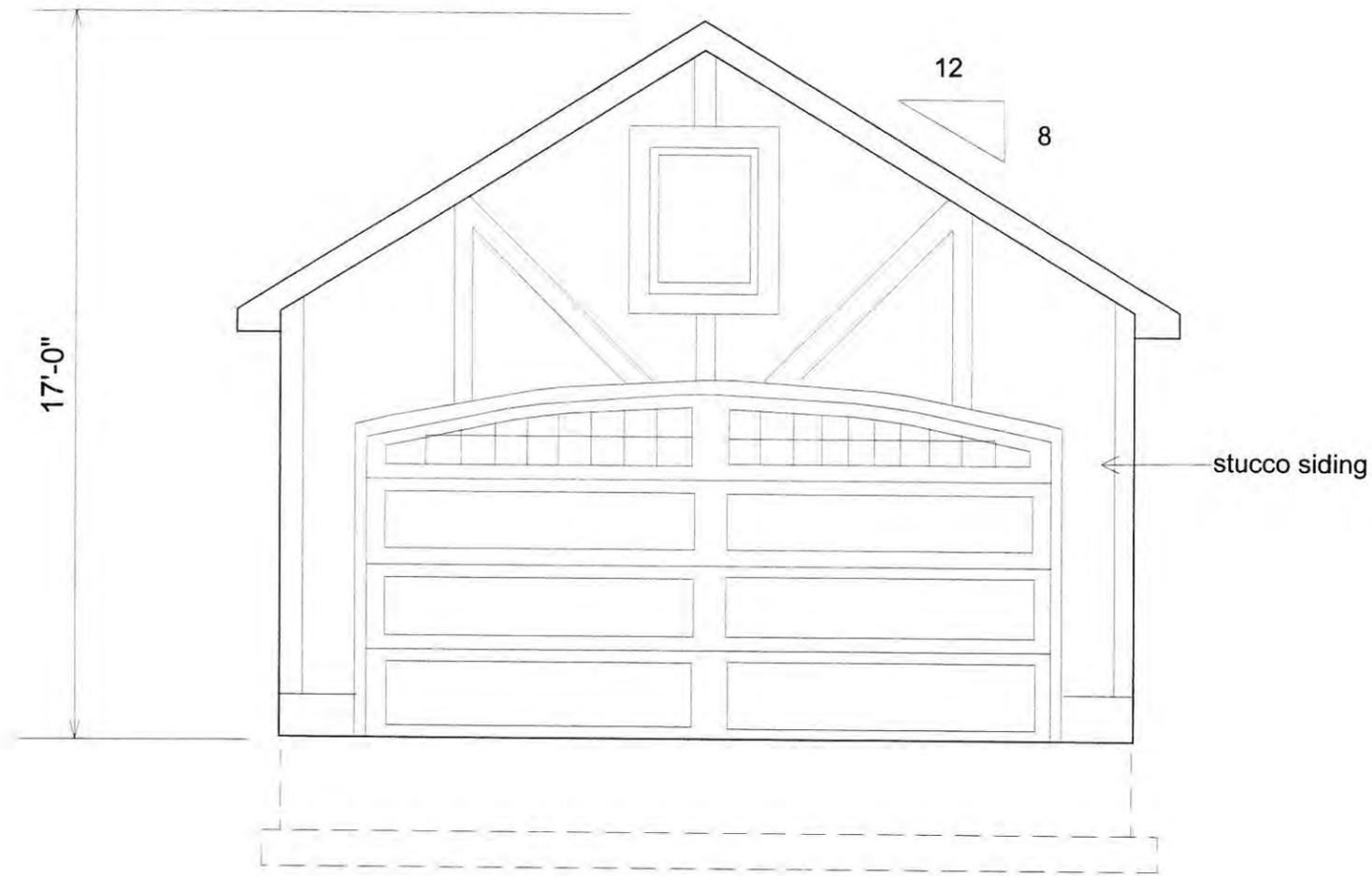


Section at Wall



Section at Stair

Residence  
 55 N Virginia St.  
 Salt Lake City



provide roof and soffit vents to comply with IRC R806

stairs more than 30" above grade shall have guardrails 36" high on open sides- IRC R316.1 and 316.2

window wells required for emergency escape and rescue with a minimum horizontal net area of 9 sq ft

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**fairfield design**  
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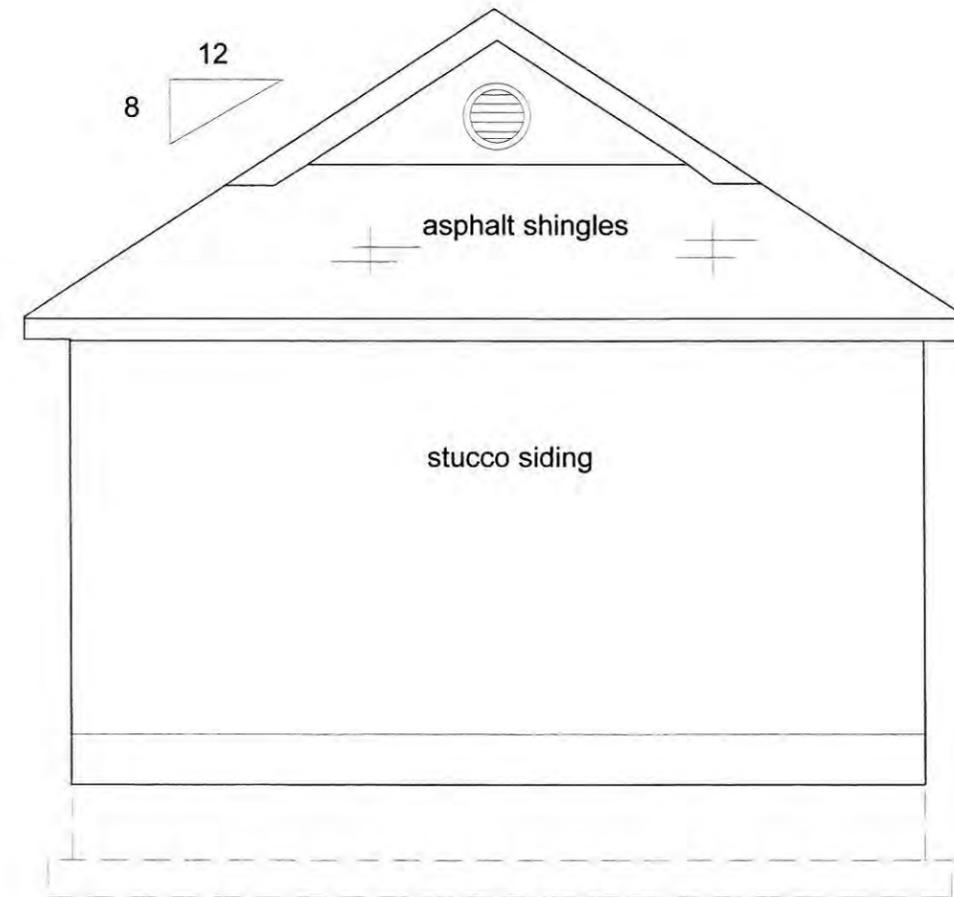
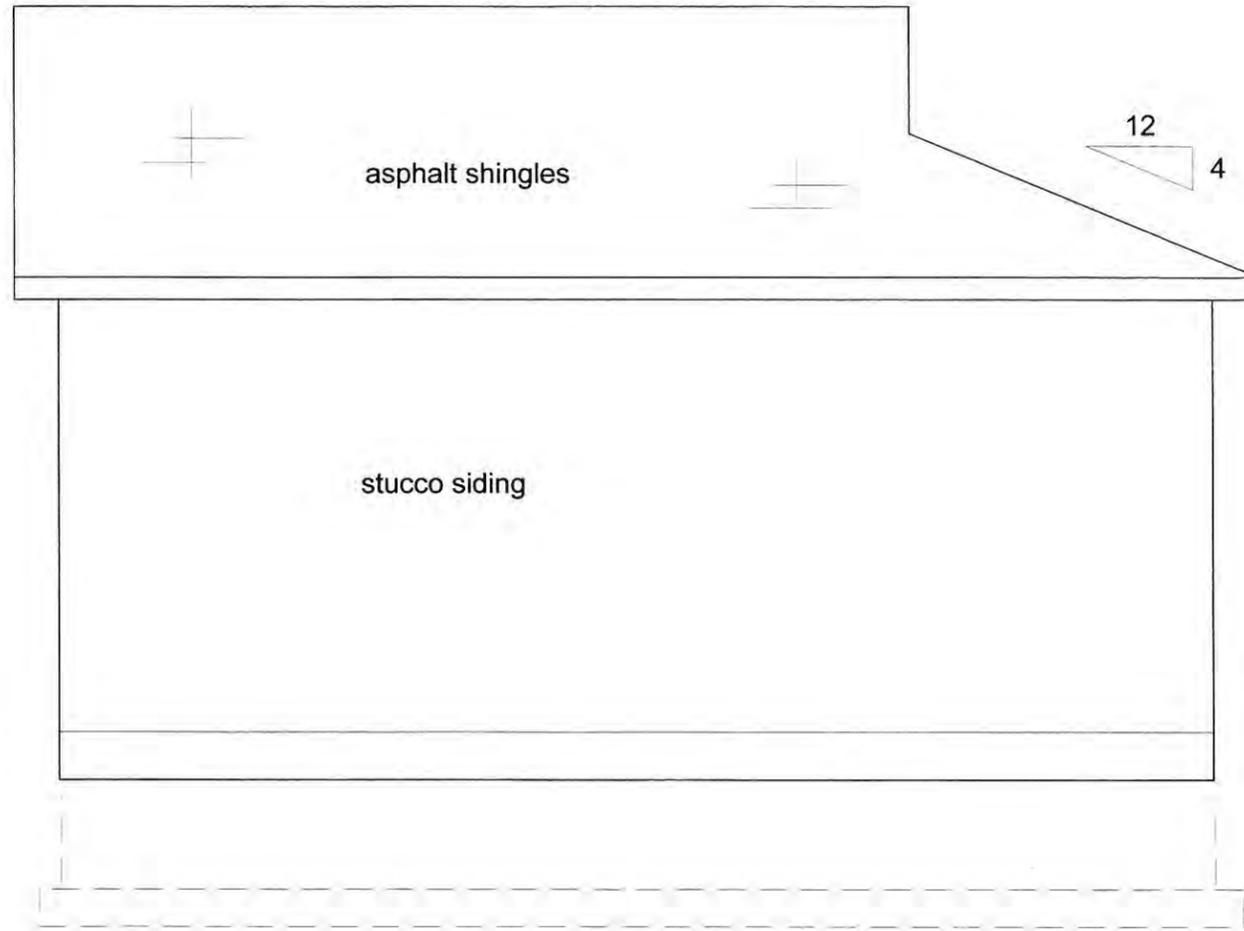
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2012 IRC

elevations

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july 2016

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75 1



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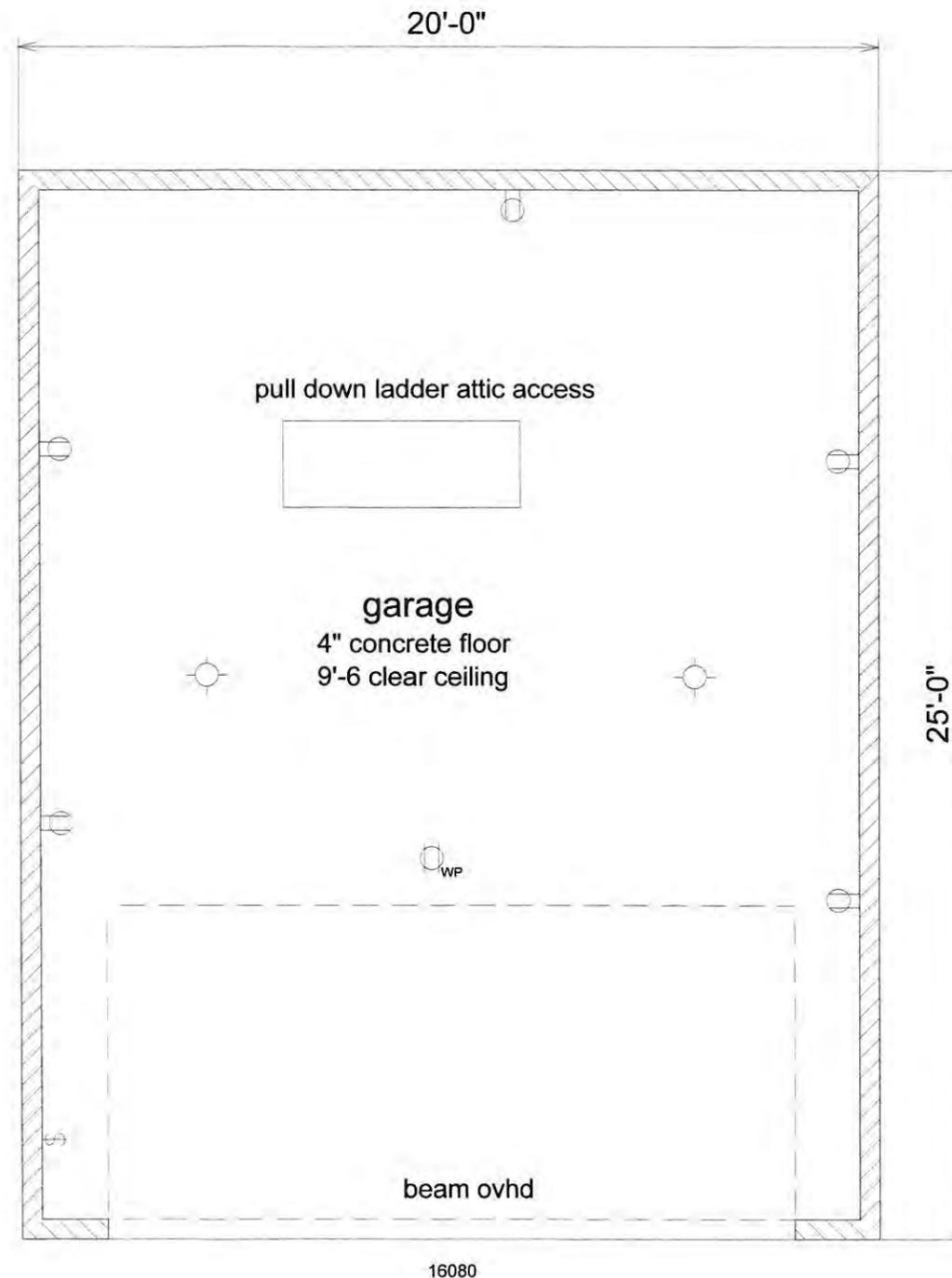
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 IRC303.1

glazing adjacent to a door where the nearest vertical edge is within a 24" arc of the door in a closed position and whose bottom edge is less than 60" above the floor shall be glazed in accordance with IRC 308.4  
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 2012 IRC

main floor  
 500 sq ft

scale  
 1/4"=1'-0

date  
 march 2016

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77 3



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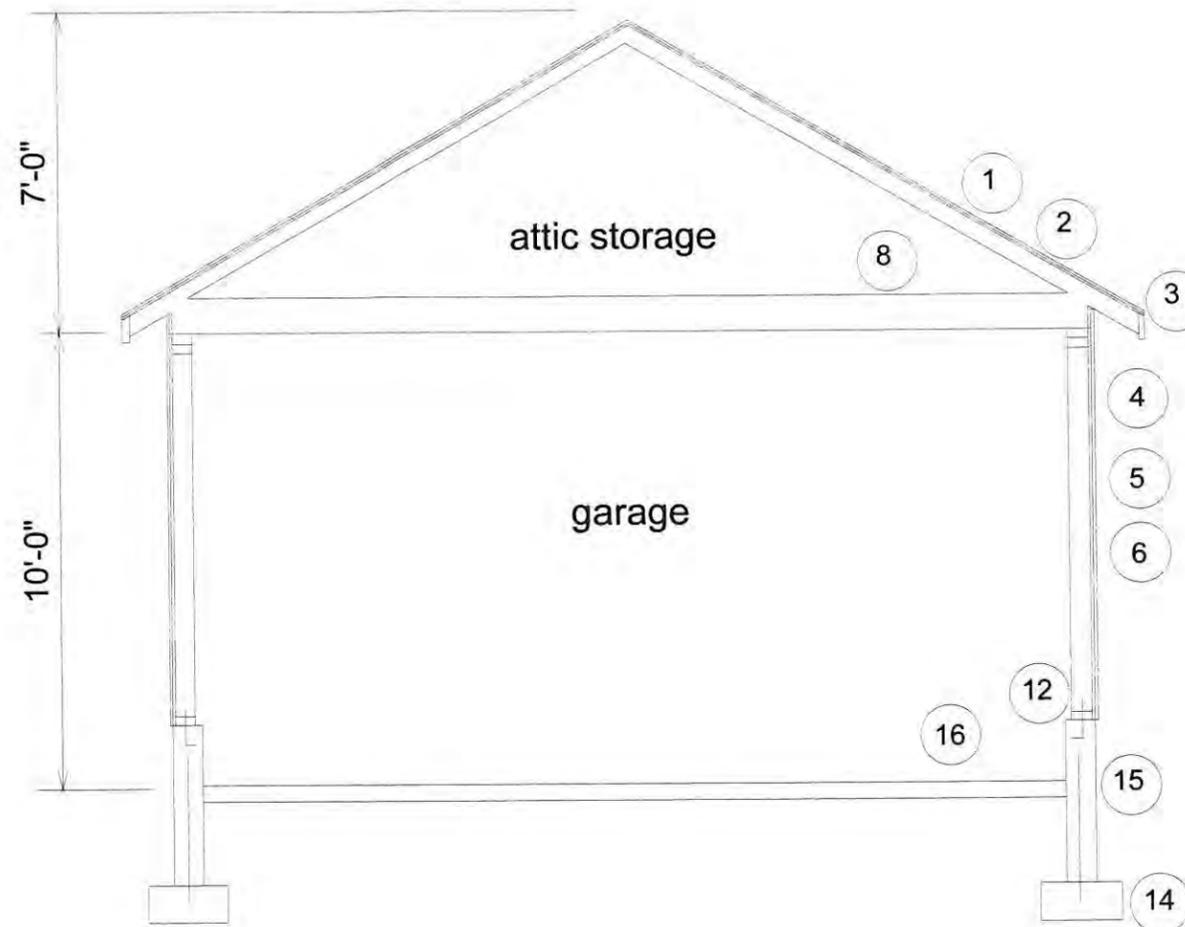
governing code  
 2012 IRC

foundation

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date  
 june 2016

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 78 4



framing section- 1/4"=1'-0

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|--|---|
| <ol style="list-style-type: none"> <li>1. truss roof system- see engineering details- stick frame as noted</li> <li>2. 7/16" wafer board sheathing with clips, 2 layers 15# felt and asphalt shingles- water shield to 24" inside wall line</li> <li>3. 2x4 or 2x6 backer with aluminum fascia and soffitt system</li> <li>4. 7/16" wafer board exterior sheathing- nail per engineers details</li> <li>5. 2x4- 16" o/c or 2x6- 24" o/c construction grade wall studs</li> <li>6. exterior siding as noted on the elevations</li> <li>7. R13 (2x4) or R19 (2x6) fiberglass wall insulation</li> <li>8. R-38 fiberglass attic insulation</li> <li>9. 3/4" T&amp;G OSB flooring- glued and nailed</li> </ol> | <ol style="list-style-type: none"> <li>10. wood I joist floor system- see engineers details</li> <li>11. brick or stone veneer with 22 ga ties 16" o/c &amp; #9 wire in bed joints</li> <li>12. treated sill plate attached to foundation with anchor bolts</li> <li>13. corrosion resistant flashing with 1/2" drip leg extended past side of foundation</li> <li>14. concrete footing with vertical and horizontal rebar</li> <li>15. concrete foundation with vertical and horizontal rebar</li> <li>16. 4" concrete floor slab with compacted fill &amp; gravel base</li> </ol> |
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2070 east 1900 north  
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governing code  
2012 IRC

framing details

scale  
as noted

date  
june 2016

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5



**NOTICE OF APPLICATION**  
**CASE # PLNHLC2018-00691**  
**September 10, 2018**

**Application:**

This letter is to provide notice of an application for a Special Exception to the Salt Lake City Zoning Ordinance. This is a request by Shawn Robinson, the property owner at 55 North Virginia Street, to replace a garage that isn't currently in compliance with section 21A.40.050(A)(4)(5) of the Salt Lake City Zoning Ordinance, which specifies that any accessory building shall not be closer than one foot (1') to a side or rear lot line and no portion of an accessory building on either an accessory or principal lot may be built closer than ten feet (10') to any portion of a principal residential building on an adjacent lot. Currently, the garage is noncomplying to the required setbacks from the lot line and the distance required from adjacent principal structures. The new structure will have the same foot print and location.

Additionally, the applicant is requesting additional height for the accessory structure. Accessory structures in the SR-1A Zoning District are permitted to the height of fourteen feet (14'). The applicant is requesting an additional three feet (3') in height making the over height of the building seventeen feet (17'). Currently, the existing garage is fifteen feet (15') in height. The subject property is located in the SR-1A (Special Development Pattern Residential).

As part of this request, the proposal must generally meet the following criteria and standards as per section **21A.52.030 of the Salt Lake City Zoning Ordinance:**

**19.** Replacement or reconstruction of any existing noncomplying segment of a residential or commercial structure or full replacement of a noncomplying accessory structure provided:

A. The owner documents that the new construction does not encroach farther into any required rear yard than the structure being replaced.

B. The addition or replacement is compatible in design, size and architectural style with the remaining or previous structure.

**1.** Accessory building height, including wall height, in excess of the permitted height provided:

A. The extra height is for architectural purposes only, such as a steep roof to match existing primary structure or neighborhood character.

B. The extra height is to be used for storage of household goods or truss webbing and not to create a second level.

PLNAPP2018-00811



The Planning Director is required to provide a twelve (12) day notice period, if there are legitimate requests for a public hearing, the Historic Landmark Commission may schedule a public hearing and consider the issue. If there are no legitimate requests for a public hearing, the Planning Director will decide the issue administratively. A decision concerning this property will be made on **September 24, 2018.**

- C. No windows are located in the roof or on the second level unless it is a design feature only.
- D. No commercial use is made of the structure or residential use unless it complies with the accessory dwelling unit regulations in this title.

**ADDITIONAL STANDARDS OF REVIEW (SECTION 21A.52.060)**

1. No substantial impairment of property value.
2. No undue adverse impact.
3. Compatible with surrounding development.
4. No destruction of significant features.
5. No material pollution of environment.
6. Compliance with any additional standards.
7. Compliance with the Zoning Ordinance and SR-1A zoning district purposes.

**ADDITIONAL INFORMATION AND CONTACT:**

The details of the application can be accessed at <https://aca.slcgov.com/citizen>, by selecting the planning tab, and entering petition number PLNHLC2018-000690. If you have questions, comments or concerns please contact: Anna Anglin at 801-535-6050 or [anna.anglin@slcgov.com](mailto:anna.anglin@slcgov.com).

**CONDITIONS:**

If the special exception is administratively approved it will be granted subject to the following conditions:

- Any aggrieved party may appeal an administrative decision within 10 days to the Appeals Hearing Officer pursuant to Chapter 21A.52.120 of the Zoning Ordinance.
- Construction plans must conform to the requirements of the adopted Building Code.
- The Special Exception will expire if a permit has not been taken out or extensions granted within 12 months from the date of approval.

Salt Lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to inspect aforementioned application. Accommodations may include: alternative formats, interpreters, and other auxiliary aides. This is an accessible facility. For questions, or additional information, please contact the Planning Office at 801-535-1157; TDD 535-6220.

**ATTACHMENT G: 2016 SPECIAL EXCEPTION  
FINDINGS & ORDER AND CERTIFICATE OF  
APPROPRIATENESS**

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**CASE PLNHLC2016-00265  
PLANNING COMMISSION  
FINDINGS AND ORDER**

This is a request by Shawn Robinson, the property owner at 55 N. Virginia Street, to replace a garage that isn't currently in compliance with section 21A.40.050(A)(4)(5) of the Salt Lake City Zoning Ordinance, which specifies that any accessory building shall not be closer than one foot (1') to a side or rear lot line and no portion of an accessory building on either an accessory or principal lot may be built closer than ten feet (10') to any portion of a principal residential building on an adjacent lot. Currently, the garage is noncomplying to the required setbacks from the lot line and the distance required from adjacent principal structures. The new structure will have the same foot print and location.

Additionally, the applicant is requesting additional height for the accessory structure. Accessory structures in the SR-1A Zoning District are permitted to the height of fourteen feet (14'). The applicant is requesting an additional three feet (3') in height. Currently, the existing garage is fifteen feet (15') in height and the proposed will be seventeen feet (17'). The rear 6'6" feet will drop below the 17 feet to mitigate any potential impact. The subject property is located in the SR-1A (Special Development Pattern Residential) Zoning District.

**STANDARDS OF REVIEW (Section 21A.52.060):**

- A. Compliance with Zoning Ordinance and District Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.
- B. No Substantial Impairment of Property Value: The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.
- C. No Undue Adverse Impact: The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.
- D. Compatible with surrounding Development: The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.
- E. No Destruction of Significant Features: The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.
- F. No Material Pollution of Environment: The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.
- G. Compliance with Standards: The proposed use and development complies with all additional standards imposed on it pursuant to this chapter. (Ord. 73-11, 2011)

**Section 21A.52.030.A.1**

1. Accessory building height, including wall height, in excess of the permitted height provided:
  - a. The extra height is for architectural purposes only, such as a steep roof to match existing primary structure or neighborhood character.
  - b. The extra height is to be used for storage of household goods or truss webbing and not to create a second level.
  - c. No windows are located in the roof or on the second level unless it is a design feature only.
  - d. No commercial use is made of the structure or residential use unless it complies with the accessory dwelling unit regulations in this title.

**Section 21A.52.030.A.19**

19. Replacement or reconstruction of any existing noncomplying segment of a residential or commercial structure or full replacement of a noncomplying accessory structure provided:
  - a. The owner documents that the new construction does not encroach farther into any required rear yard than the structure being replaced.
  - b. The addition or replacement is compatible in design, size and architectural style with the remaining or previous structure.

**FINDINGS:**

- The proposed garage replacement meets all of the standards of review listed above.
- The proposed garage replacement does not create any new noncompliance.
- The notice of application was sent to all abutting property owners on May 17, 2016.
- The twelve day notice period expired on May 30, 2016.
- No objections were received.

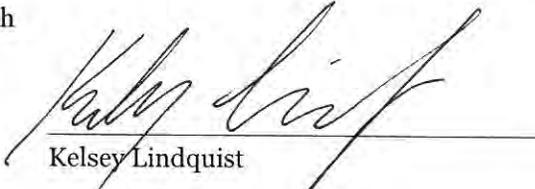
**ORDER:**

The special exception for the requested replacement of a noncomplying garage is granted subject to the following conditions:

1. Any aggrieved party may appeal this administrative decision within 10 days to the Planning Commission pursuant to Chapter 21A.16 of the Zoning Ordinance.
2. Construction plans must conform to the requirements of the adopted Building Code.
3. The special exception will expire if a permit has not been taken out or an extension granted within 12 months from the date of approval.

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

Dated this 3<sup>rd</sup> day of August, 2016 Salt Lake City, Utah



Kelsey Lindquist



# CERTIFICATE OF APPROPRIATENESS

OFFICE USE ONLY  
Petition No. PLNHLC2016-00266  
Reviewed By: Kelsey Lindquist

## Avenues

SALT LAKE CITY PLANNING

**Address of Subject Property:** 55 N VIRGINIA St

**Project Name:** New Garage, Deck, Pergola and Removing Sunroom Addition

**Name of Applicant:** Shawn Robinson

**Address of Applicant:** 55 N. Virginia  
SALT LAKE CITY, UT 84103

**E-mail Address of Applicant:** srobinsonlaw@hotmail.com

**Ordinance Standards:** 21.34.020(G) 1, 2, 3, 4, 5, 6, 8, 9, 10

**Design Guidelines this project meets:**

Construction of the New Garage

Chapter 9 - Accessory Structures

9.2 New accessory buildings should be constructed to be compatible with the primary structure.

- (1) In general, garages should be unobtrusive and not compete visually with the house.
- (2) While the roofline does not have to match the house, it should not vary significantly.
- (3) Appropriate materials may include horizontal siding, wood shingles, brick, and in some cases stucco.
- (4) In the case of a two-car garage consider using two single doors since they help to retain a sense of human scale and present a less blank look to the street.

13.6 Secondary structures should be located and designed in a manner similar to those seen historically in the district.

- (1) most secondary structures were built along the rear of the lot, accessed by the alley, if one existed. This should be continued.
- (2) Garages, as well as driveways, should not dominate the streetscape; therefore, they should be detached from the main house and located to the rear of the house, if possible.
- (3) Historically, garages and carriage houses in the Avenues were simple wood structures covered with a gabled or hipped roof.
- (4) A new secondary structure should follow historic precedent, in terms of materials and form.

Addition Removal Chapter 2 - Building Materials & Finishes

2.2 Traditional masonry surfaces, features, details and textures should be retained.

- (1) Regular maintenance will help to avoid undue deterioration in either structural integrity or appearance. The brick will need to be preserved once the sunroom is removed.

Deck/Pergola Site Features- Chapter 1

The deck is existing and the material will be replaced with cedar board, the stairs will also consist of cedar and the pergola will be to the height of 9 feet and will be constructed from cedar.

**Are there attached plans or photographs?** Application, Plans, Pictures, Brochures

**Date of HLC Approval:**

**Date of Administrative Approval:** 08/03/2016

**Description of Approved Work:**

*Garage Constructing*

The new garage will replace an existing noncomplying garage. The existing garage is noncomplying in regard to setbacks, height and footprint. The new garage will be reconstructed to a similar footprint. The rear 6'6" feet of the garage will drop to mitigate any potential impact. The garage will be constructed out of stucco siding. The roof will consist of architectural shingles and the window facing the east will be a plygem casement window. The garage door will be steel with 8 panes of glazing.

*Sunroom Addition*

The rear sunroom addition will be removed. The sunroom addition did not contain historic significance. The original rear portion of the home will be uncovered and restored. The window will remain and will not be modified. The brick will remain and will be restored. The door is not approved for replacement at this time.

*Deck*

The existing deck will remain and will be recovered with cedar.

*Stairs*

New stairs will be constructed for access to the deck and the rear of the home. The stairs will also be constructed of cedar.

*Pergola*

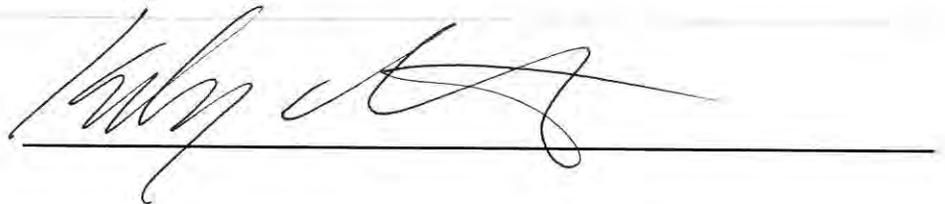
A new pergola will be constructed on the deck to the height of 9 feet. The pergola will also be constructed out of cedar.

**Staff Analysis and Findings:** The proposed replacement garage, deck, stairs and pergola meet the applicable standards and follow the established the guidelines.

**Note: Please submit your plans and this Certificate of Appropriateness to the Building Services Division in Room 215 for permit issuance**

SLC Planning Division  
451 S State, Room 406  
PO Box 145480  
Salt Lake City, UT 84114-5480  
Telephone: (801) 535-7757

Signature of Planner



**ATTACHMENT H: 2016 SPECIAL EXCEPTION  
APPLICATION**

---



# Special Exception NOTICE OF APPLICATION

Planning Commission

Historic Landmark Commission

### OFFICE USE ONLY

Project #: PLNHLC2010-00265	Received By: L. Parizi	Date Received: 4/14/2016	Zoning: SR-1A
--------------------------------	---------------------------	-----------------------------	------------------

Project Name:  
Replacing non-complying garage/ additional height in SR-1A

**PLEASE PROVIDE THE FOLLOWING INFORMATION**

Type of Special Exception Requested:  
REPLACE GARAGE, INCREASE ROOF PEAK FROM 15 TO 17 FEET

Address of Subject Property:  
55 NORTH VIRGINIA STREET, SLC UT 84103

Name of Applicant:  
SHAWN H. ROBINSON

Phone:  
801-635-5855

Address of Applicant:  
SAME

E-mail of Applicant:  
SROBINSON@LAWRE.HOTMAIL.COM

Cell/Fax:

Applicant's Interest in Subject Property:

Owner     Contractor     Architect     Other:

Name of Property Owner (if different from applicant):

E-mail of Property Owner:

Phone:

➔ **Please note** that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.

### WHERE TO FILE THE COMPLETE APPLICATION

<b>Mailing Address:</b> Planning Counter PO Box 145471 Salt Lake City, UT 84114	<b>In Person:</b> Planning Counter 451 South State Street, Room 215 Telephone: (801) 535-7700
--	--

### REQUIRED FEE

➔ Filing fee of \$238, plus additional cost of postage for mailing notice to abutting property owners and tenants

### SIGNATURE

➔ If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent:

Date:  
4/11/16

SALT LAKE CITY PLANNING

## PROJECT DESCRIPTION

55 N Virginia St  
Salt Lake City UT 84103

We propose to remove the sunroom that is attached to the west rear side of the home and restore that area to its original condition.

Enclosed are photographs of the sunroom we would like to remove.

We would also like to tear down and replace the garage as its foundation and structure are failing.

We would like to build the garage exactly where it is.

The present garage has a roof peak of 15 feet.

We would like to increase that roof peak to 17 feet so that we have a storage room above the garage.

We would like to use new materials, but would finish the garage as it is, with the exception that the wood portion on the front and sides would be stucco.

It would be the same style and color scheme as the home.

We herewith submit plans with a 17-foot peak elevation.

We would like to build a four-foot retaining wall along the south side of our home, along the sidewalk on First Avenue.

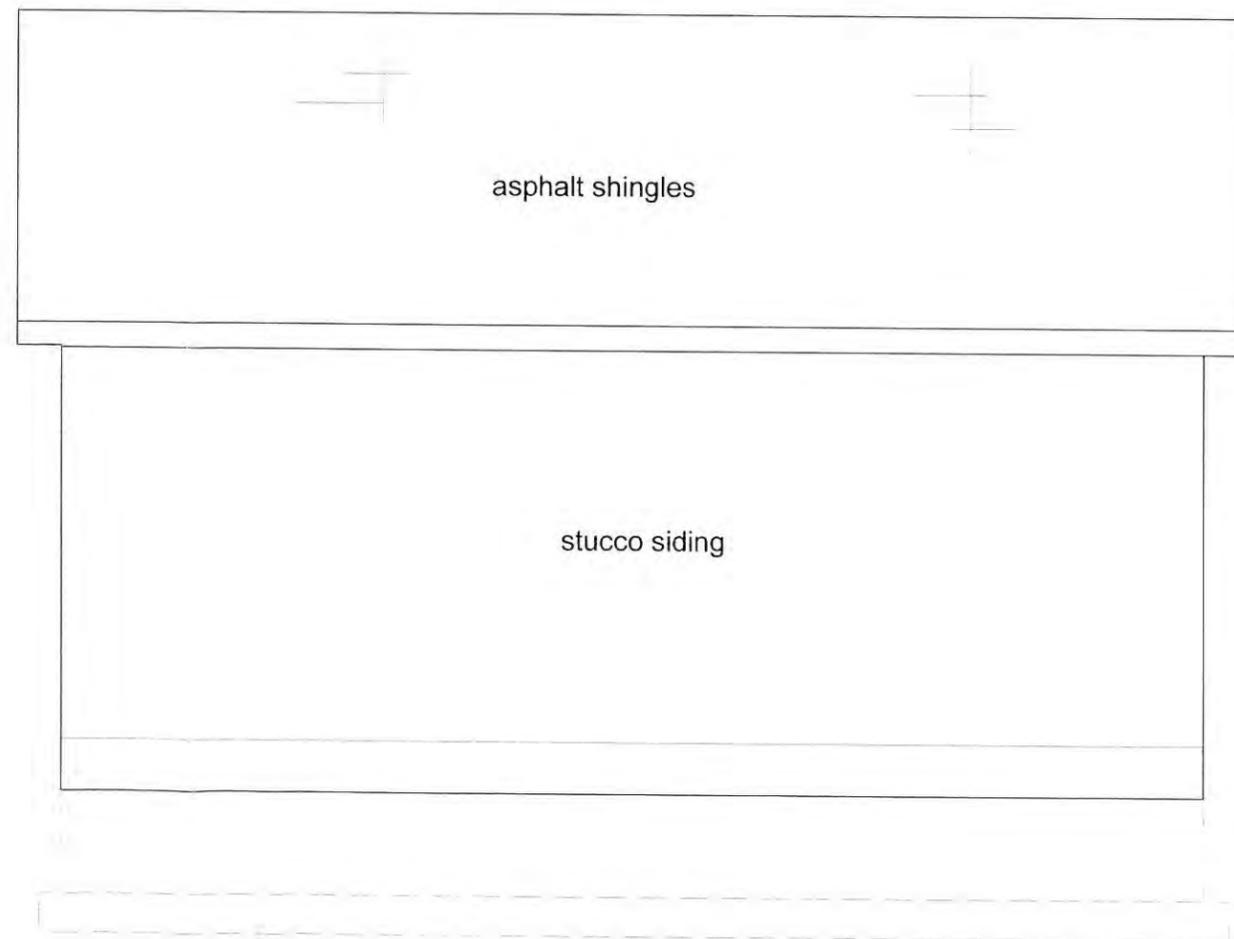
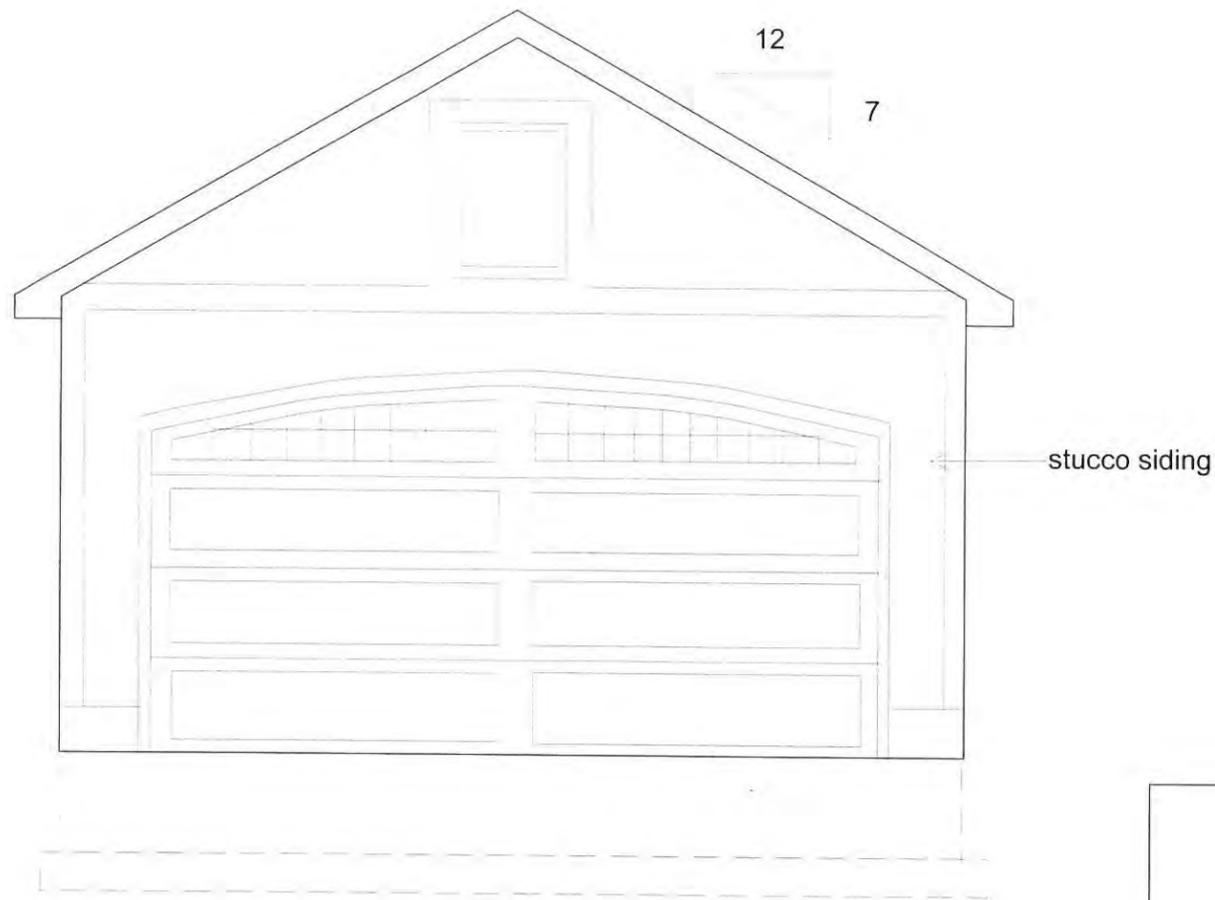
There would be a stairway coming up the southeast side of our property into the front yard from the sidewalk.

We would tear down the existing cinderblock fence and replace it with wood, cement or period-metal rail fence.

The retaining wall would be approximately 107 feet long and three to four feet in height, depending on elevation.

We would also like to repair the damaged portions of the sidewalk that runs along our property.

We herewith submit plans for the retaining wall.



provide roof and soffit vents to  
comply with IRC R806

stairs more than 30" above grade  
shall have guardrails 36" high on  
open sides- IRC R316.1 and 316.2

window wells required for  
emergency escape and rescue with  
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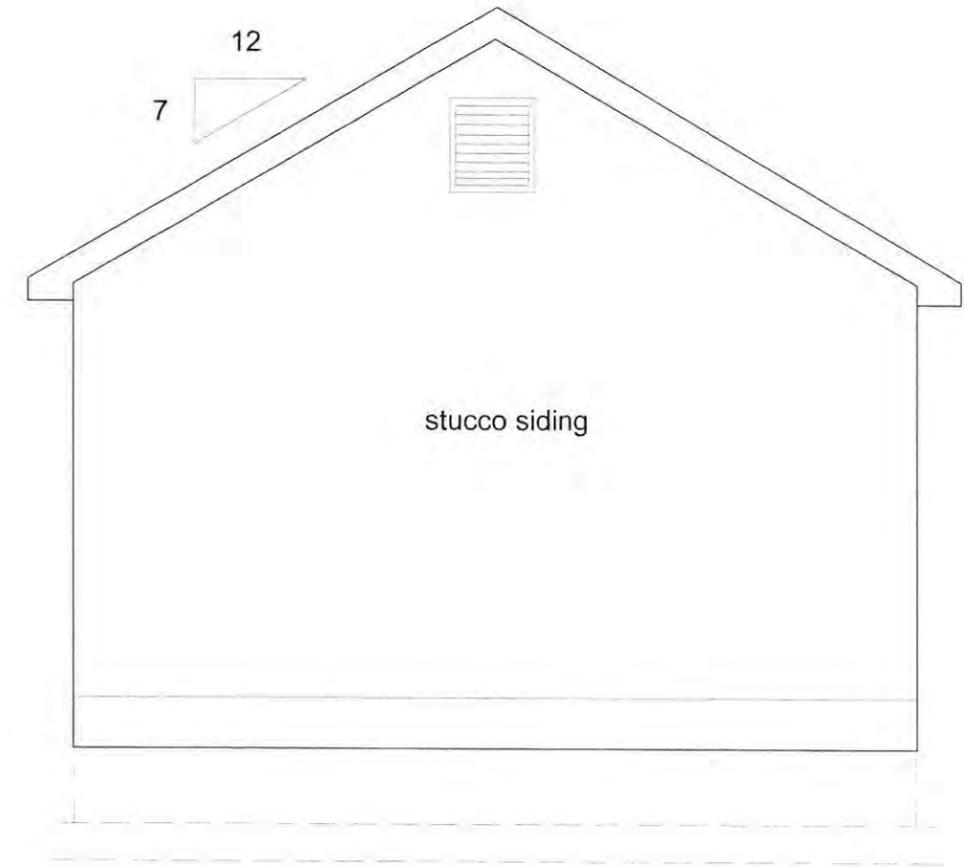
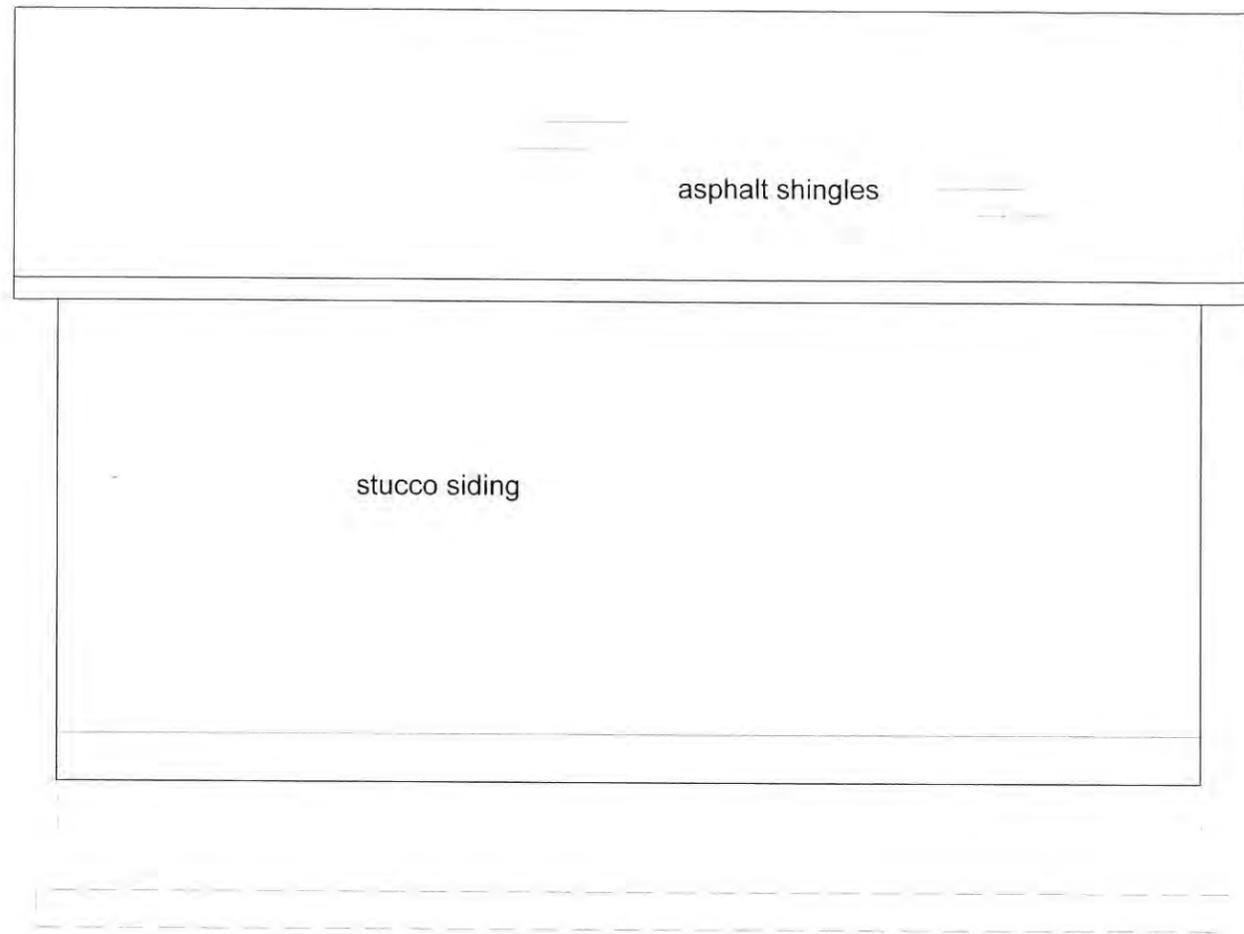
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elevations

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march 2016

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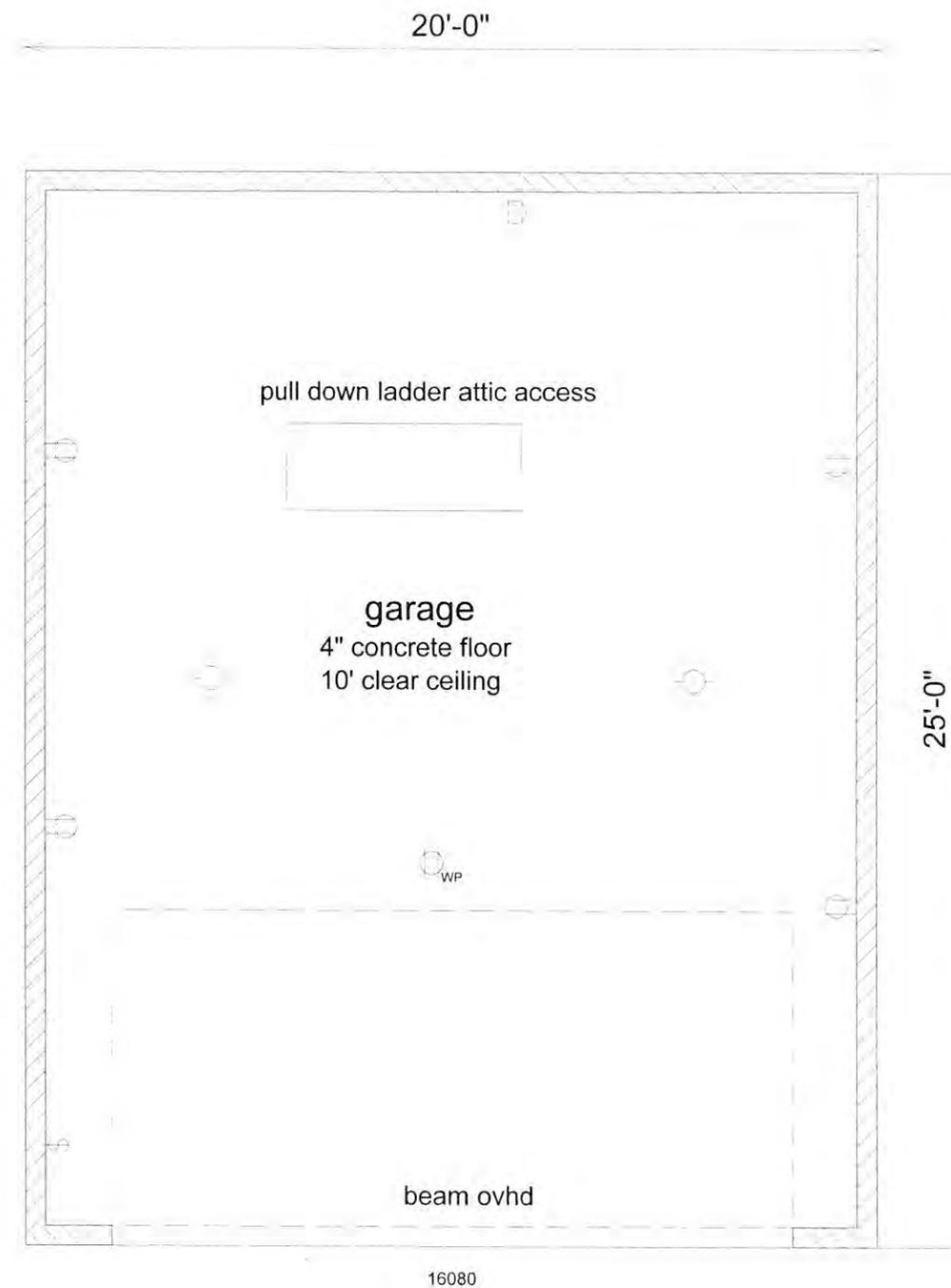
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all habitable rooms shall be provided with natural light by means of exterior glazed openings with an area not less than 8% of the floor area of such rooms and natural ventilation not less than 4%  
IRC303.1

glazing adjacent to a door where the nearest vertical edge is within a 24" arc of the door in a closed position and whose bottom edge is less than 60" above the floor shall be glazed in accordance with IRC 308.4

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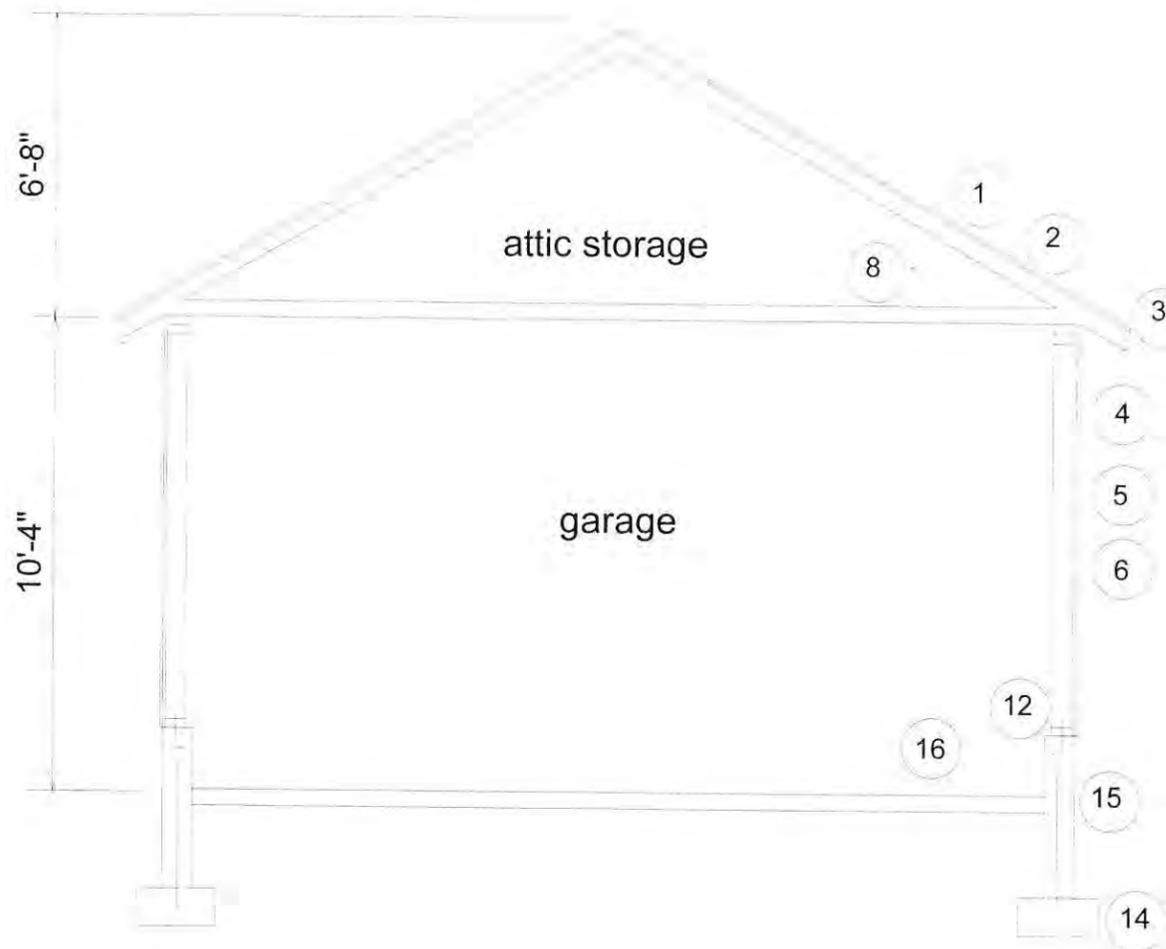
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main floor  
500 sq ft

scale  
1/4"=1'-0

date  
march 2016

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framing section- 1/4"=1'-0

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. truss roof system- see engineering details- stick frame as noted</li> <li>2. 7/16" wafer board sheathing with clips, 2 layers 15# felt and asphalt shingles- water shield to 24" inside wall line</li> <li>3. 2x4 or 2x6 backer with aluminum fascia and soffitt system</li> <li>4. 7/16" wafer board exterior sheathing- nail per engineers details</li> <li>5. 2x4- 16" o/c or 2x6- 24" o/c construction grade wall studs</li> <li>6. exterior siding as noted on the elevations</li> <li>7. R13 (2x4) or R19 (2x6) fiberglass wall insulation</li> <li>8. R-38 fiberglass attic insulation</li> <li>9. 3/4" T&amp;G OSB flooring- glued and nailed</li> </ol> | <ol style="list-style-type: none"> <li>10. wood I joist floor system- see engineers details</li> <li>11. brick or stone veneer with 22 ga ties 16" o/c &amp; #9 wire in bed joints</li> <li>12. treated sill plate attached to foundation with anchor bolts</li> <li>13. corrosion resistant flashing with 1/2" drip leg extended past side of foundation</li> <li>14. concrete footing with vertical and horizontal rebar</li> <li>15. concrete foundation with vertical and horizontal rebar</li> <li>16. 4" concrete floor slab with compacted fill &amp; gravel base</li> </ol> |
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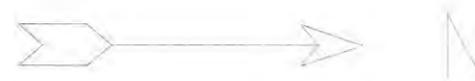
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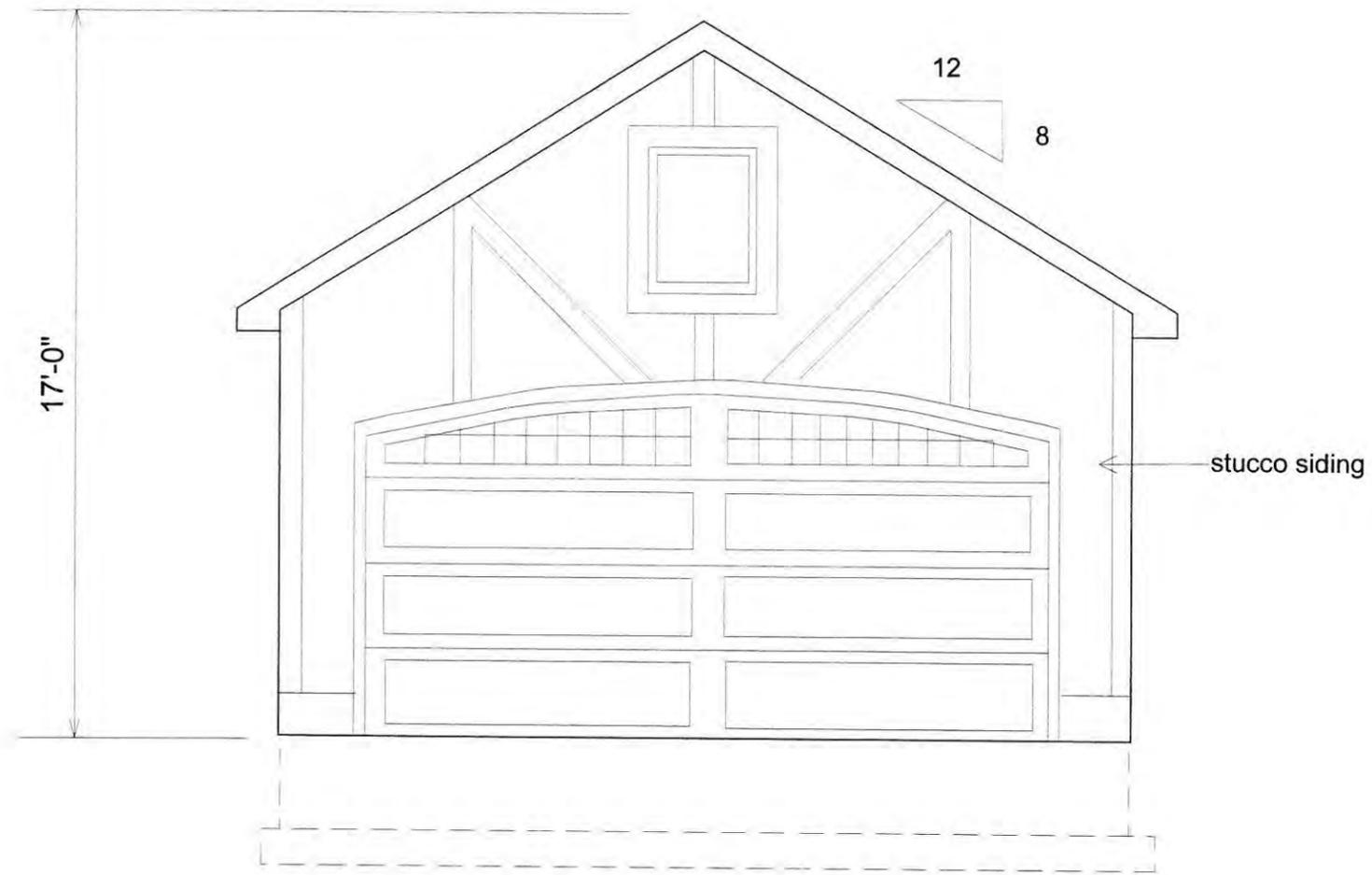
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virginia

116.0'





stucco siding

17'-0"

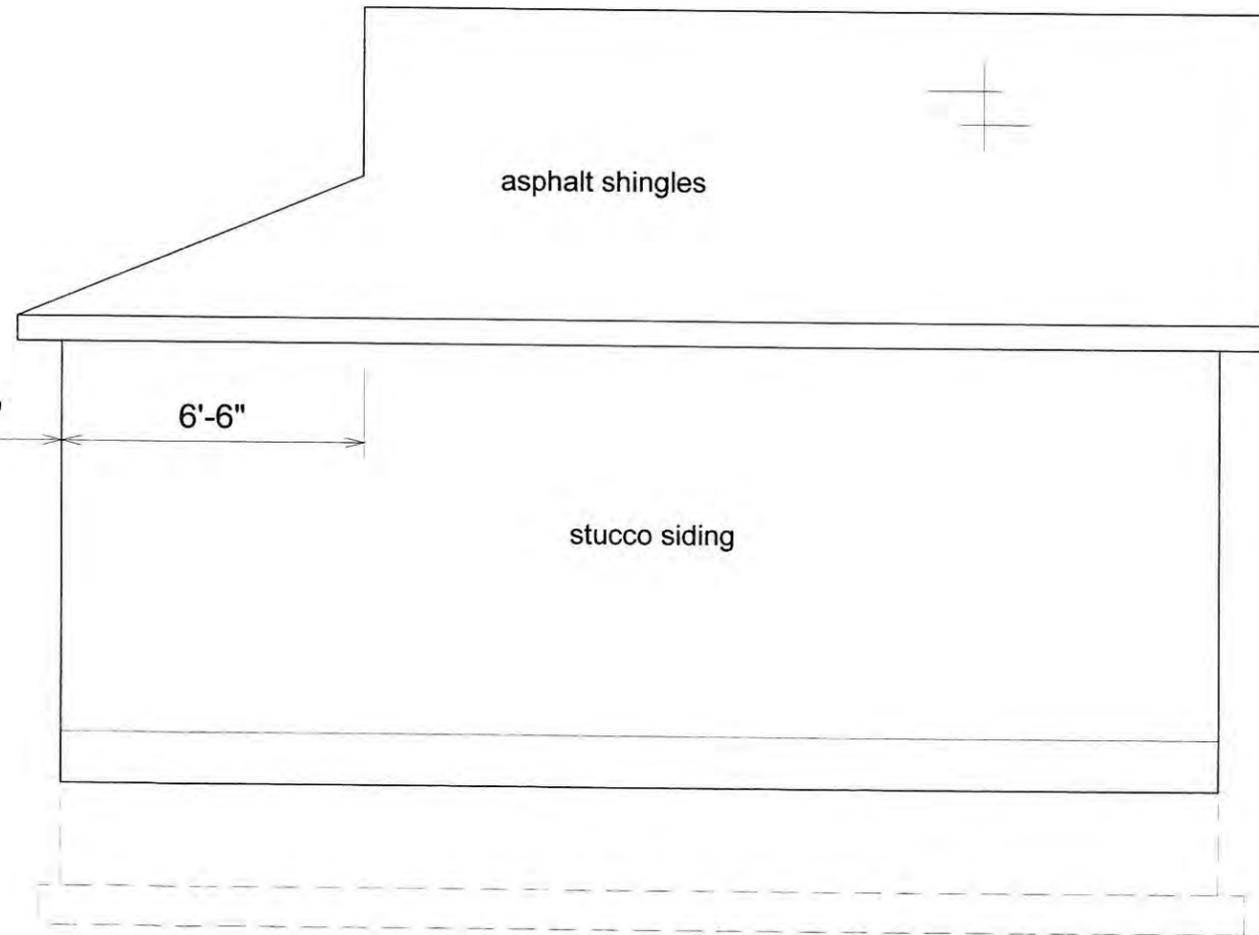
12

8

neighbors house

4'-0"

6'-6"



asphalt shingles

stucco siding

provide roof and soffit vents to comply with IRC R806

stairs more than 30" above grade shall have guardrails 36" high on open sides- IRC R316.1 and 316.2

window wells required for emergency escape and rescue with a minimum horizontal net area of 9 sq ft

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layton ut 84040  
801-541-4797

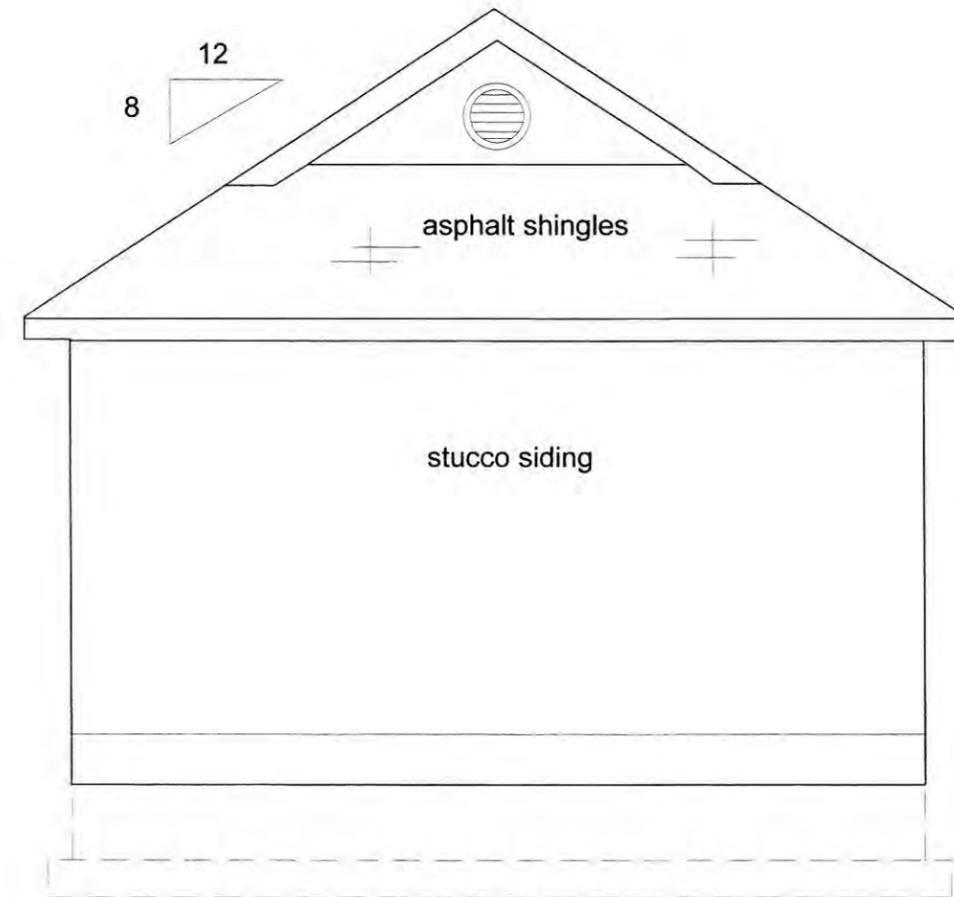
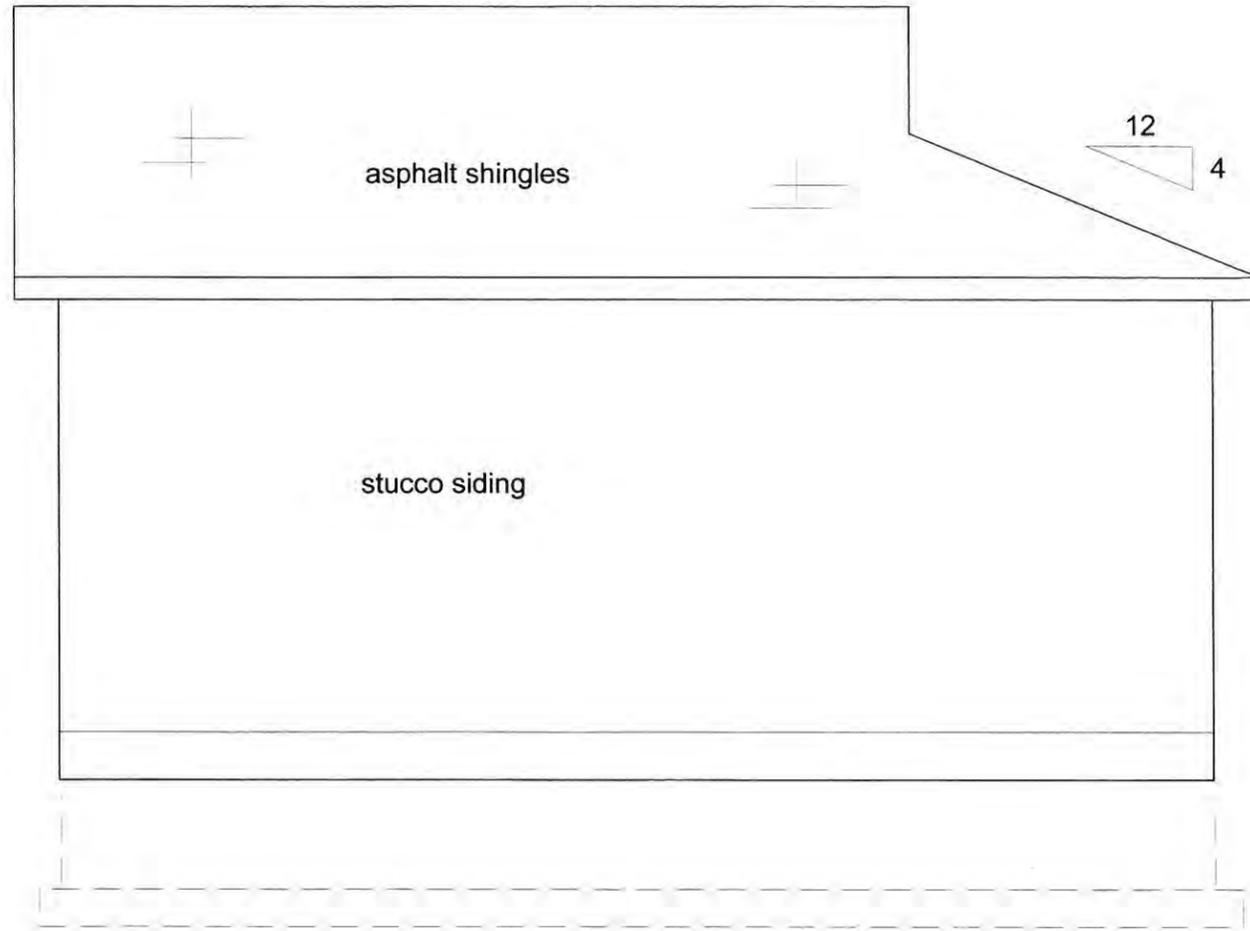
governing code  
2012 IRC

elevations

scale  
1/4"=1'-0"

date  
july 2016

page  
95 1



provide roof and soffit vents to comply with IRC R806

stairs more than 30" above grade shall have guardrails 36" high on open sides- IRC R316.1 and 316.2

window wells required for emergency escape and rescue with a minimum horizontal net area of 9 sq ft PLNAPP2018-00811

robinson garga  
55 N virginia st  
SLC ut 84103

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**fairfield design**

2070 east 1900 north  
layton ut 84040  
801-541-4797

governing code  
2012 IRC

elevations

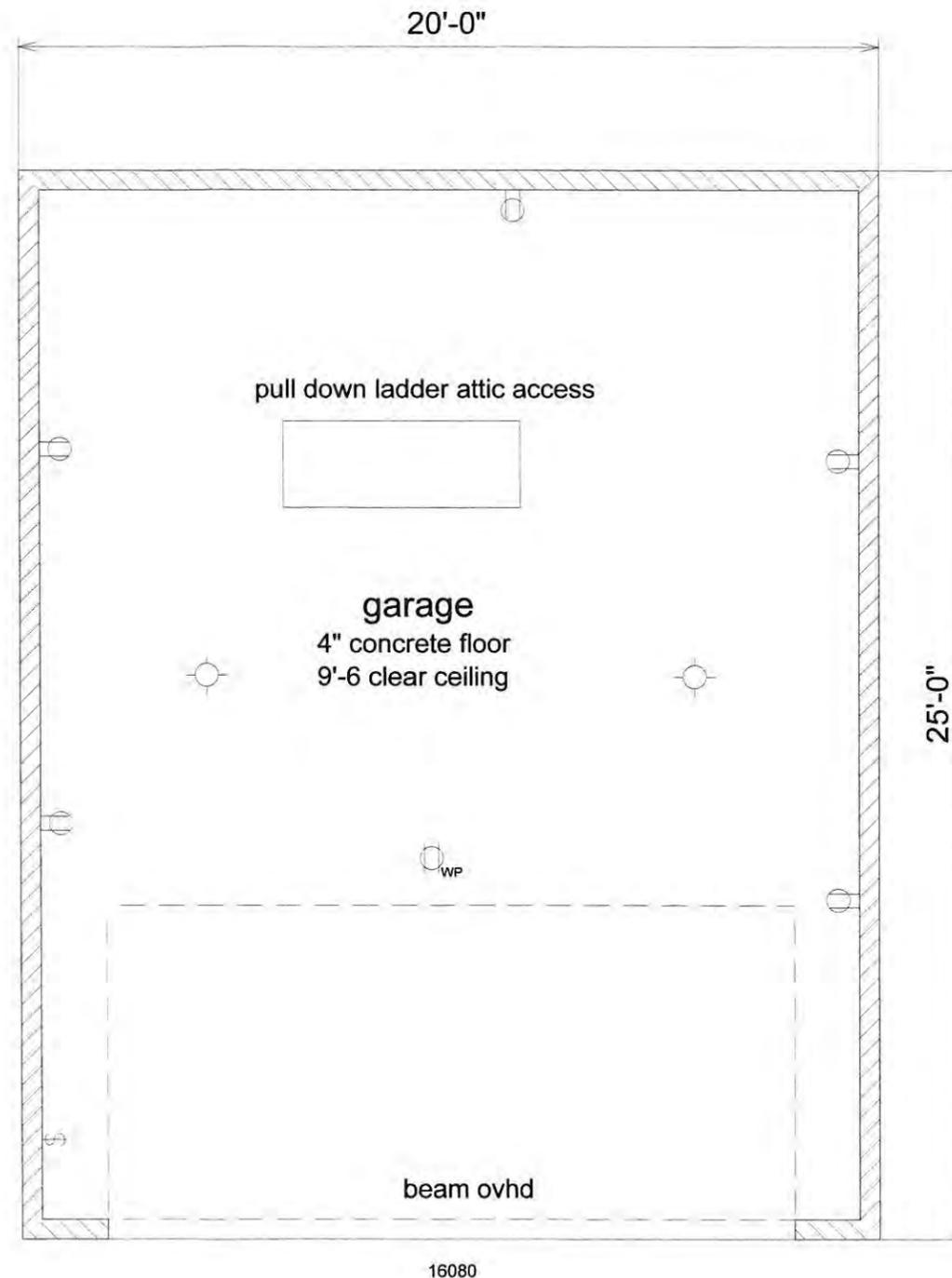
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july 2016

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96 2

all habitable rooms shall be provided with natural light by means of exterior glazed openings with an area not less than 8% of the floor area of such rooms and natural ventilation not less than 4%  
IRC303.1

glazing adjacent to a door where the nearest vertical edge is within a 24" arc of the door in a closed position and whose bottom edge is less than 60" above the floor shall be glazed in accordance with IRC 308.4  
PLNAPP2018-00811



robinson garage  
55 N virginia st  
SLC ut 84103

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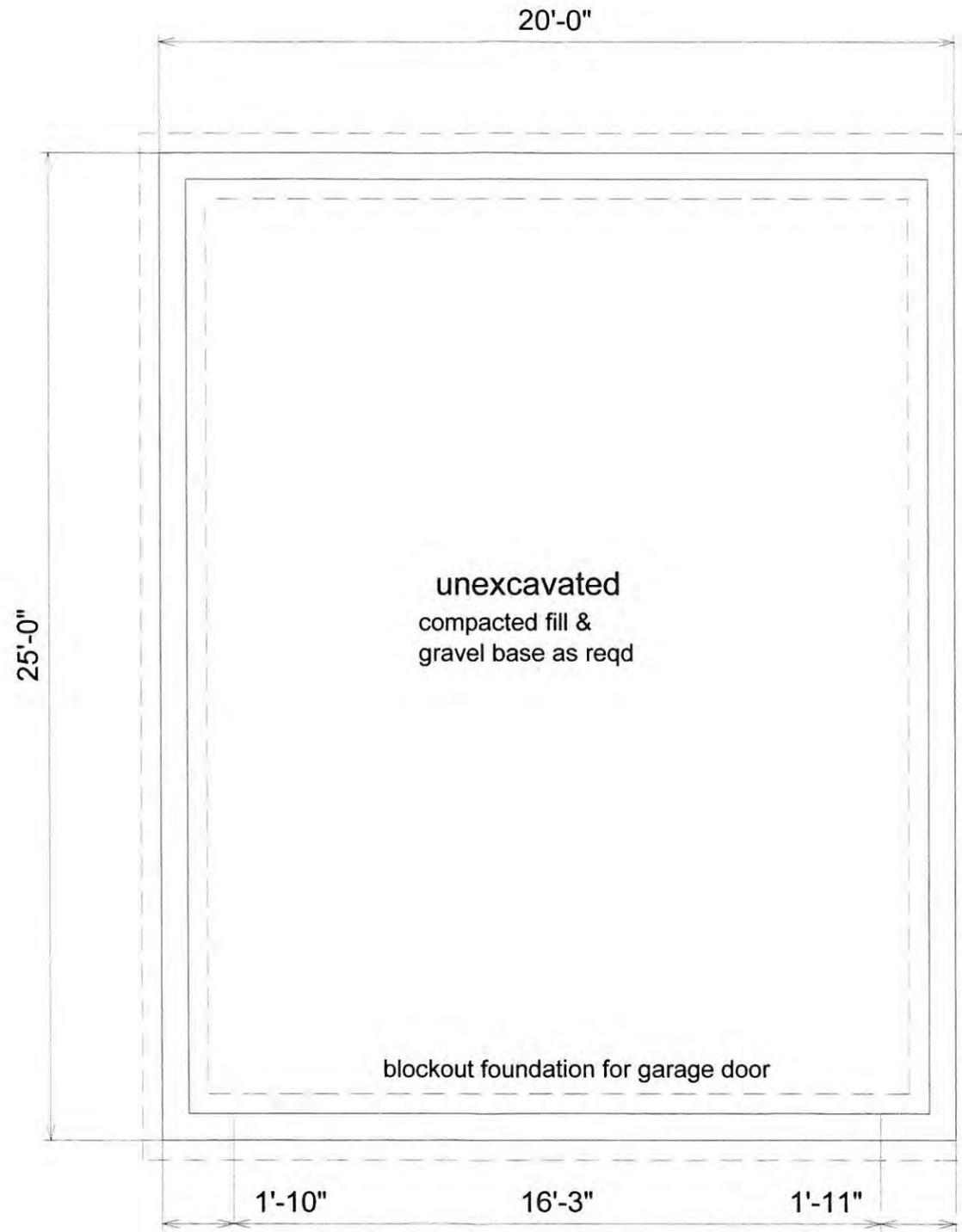
governing code  
2012 IRC

main floor  
500 sq ft

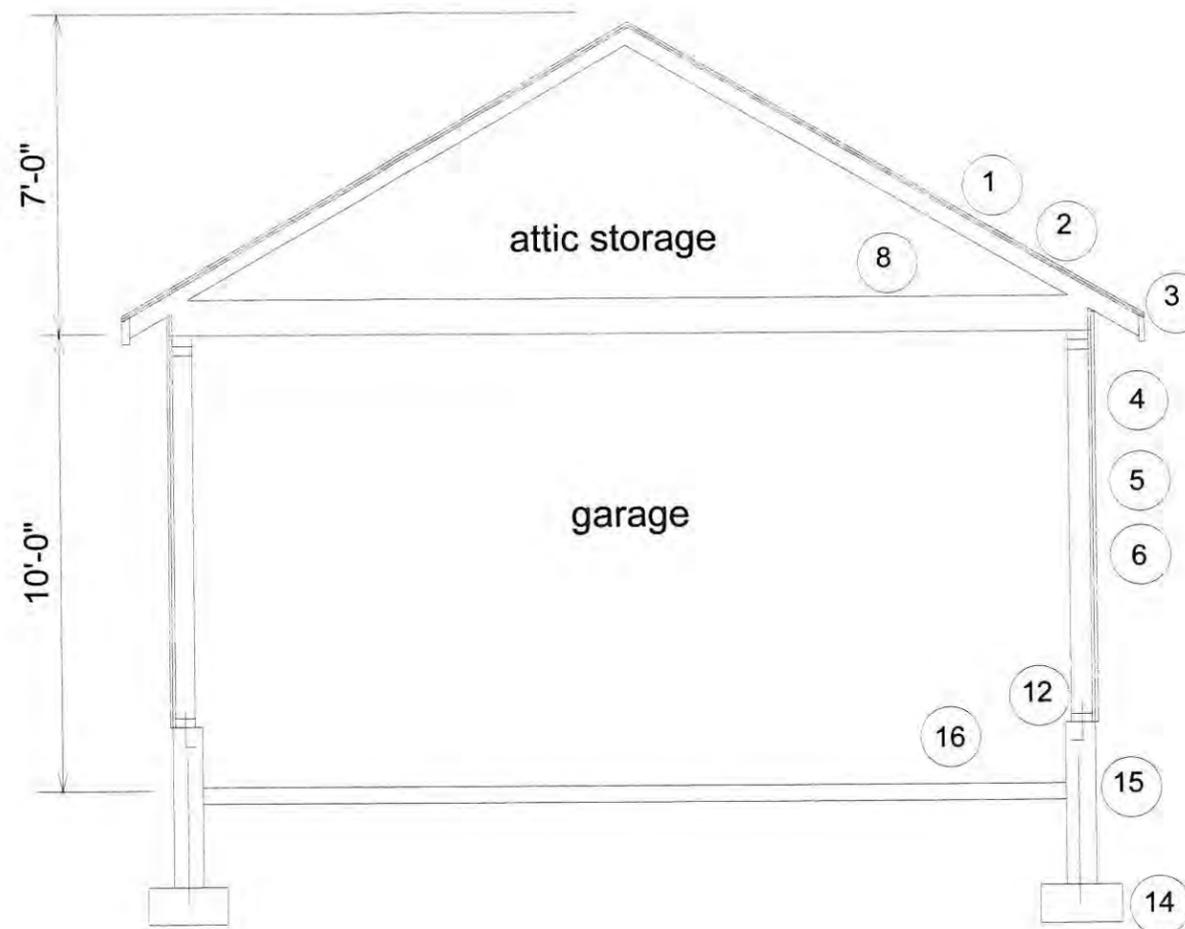
scale  
1/4"=1'-0

date  
march 2016

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robinson garage 55 N virginia st SLC ut 84103
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<b>fairfield design</b> 2070 east 1900 north layton ut 84040 801-541-4797
governing code 2012 IRC
foundation
scale 1/8"=1'-0
date june 2016
page 98 4



framing section- 1/4"=1'-0

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. truss roof system- see engineering details- stick frame as noted</li> <li>2. 7/16" wafer board sheathing with clips, 2 layers 15# felt and asphalt shingles- water shield to 24" inside wall line</li> <li>3. 2x4 or 2x6 backer with aluminum fascia and soffitt system</li> <li>4. 7/16" wafer board exterior sheathing- nail per engineers details</li> <li>5. 2x4- 16" o/c or 2x6- 24" o/c construction grade wall studs</li> <li>6. exterior siding as noted on the elevations</li> <li>7. R13 (2x4) or R19 (2x6) fiberglass wall insulation</li> <li>8. R-38 fiberglass attic insulation</li> <li>9. 3/4" T&amp;G OSB flooring- glued and nailed</li> </ol> | <ol style="list-style-type: none"> <li>10. wood I joist floor system- see engineers details</li> <li>11. brick or stone veneer with 22 ga ties 16" o/c &amp; #9 wire in bed joints</li> <li>12. treated sill plate attached to foundation with anchor bolts</li> <li>13. corrosion resistant flashing with 1/2" drip leg extended past side of foundation</li> <li>14. concrete footing with vertical and horizontal rebar</li> <li>15. concrete foundation with vertical and horizontal rebar</li> <li>16. 4" concrete floor slab with compacted fill &amp; gravel base</li> </ol> |
|--|---|

robinson garage  
55 N. virginia st  
SLC ut 84103

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**fairfield design**

2070 east 1900 north  
layton ut 84040  
801-541-4797

governing code  
2012 IRC

framing details

scale  
as noted

date  
june 2016

page  
5



**NOTICE OF APPLICATION**  
**CASE # PLNHLC2016-00265**  
**May 17, 2016**

**Application:**

This letter is to provide notice of an application for a Special Exception to the Salt Lake City Zoning Ordinance. This is a request by Shawn Robinson, the property owner at 55 North Virginia Street, to replace a garage that isn't currently in compliance with section 21A.40.050(A)(4)(5) of the Salt Lake City Zoning Ordinance, which specifies that any accessory building shall not be closer than one foot (1') to a side or rear lot line and no portion of an accessory building on either an accessory or principal lot may be built closer than ten feet (10') to any portion of a principal residential building on an adjacent lot. Currently, the garage is noncomplying to the required setbacks from the lot line and the distance required from adjacent principal structures. The new structure will have the same foot print and location.

Additionally, the applicant is requesting additional height for the accessory structure. Accessory structures in the SR-1A Zoning District are permitted to the height of fourteen feet (14'). The applicant is requesting an additional three feet (3') in height. Currently, the existing garage is fifteen feet (15') in height. The subject property is located in the SR-1A (Special Development Pattern Residential).

As part of this request, the proposal must generally meet the following criteria and standards as per section **21A.52.030 of the Salt Lake City Zoning Ordinance:**

**19.** Replacement or reconstruction of any existing noncomplying segment of a residential or commercial structure or full replacement of a noncomplying accessory structure provided:

A. The owner documents that the new construction does not encroach farther into any required rear yard than the structure being replaced.

B. The addition or replacement is compatible in design, size and architectural style with the remaining or previous structure.

**1.** Accessory building height, including wall height, in excess of the permitted height provided:

A. The extra height is for architectural purposes only, such as a steep roof to match existing primary structure or neighborhood character.

B. The extra height is to be used for storage of household goods or truss webbing and not to create a second level.



The Planning Director is required to provide a twelve (12) day notice period, if there are legitimate requests for a public hearing, the Historic Landmark Commission may schedule a public hearing and consider the issue. If there are no legitimate requests for a public hearing, the Planning Director will decide the issue administratively. A decision concerning this property will be made on **May 30, 2016.**

- C. No windows are located in the roof or on the second level unless it is a design feature only.
- D. No commercial use is made of the structure or residential use unless it complies with the accessory dwelling unit regulations in this title.

**ADDITIONAL STANDARDS OF REVIEW (SECTION 21A.52.060)**

1. No substantial impairment of property value.
2. No undue adverse impact.
3. Compatible with surrounding development.
4. No destruction of significant features.
5. No material pollution of environment.
6. Compliance with any additional standards.
7. Compliance with the Zoning Ordinance and SR-1A zoning district purposes.

**ADDITIONAL INFORMATION AND CONTACT:**

The details of the application can be accessed at <https://aca.slcgov.com/citizen>, by selecting the planning tab, and entering petition number PLNHLC2016-000265. If you have questions, comments or concerns please contact: Kelsey Lindquist at 801-535-7930 or [Kelsey.lindquist@slcgov.com](mailto:Kelsey.lindquist@slcgov.com).

**CONDITIONS:**

If the special exception is administratively approved it will be granted subject to the following conditions:

- Any aggrieved party may appeal an administrative decision within 10 days to the Appeals Hearing Officer pursuant to Chapter 21A.52.120 of the Zoning Ordinance.
- Construction plans must conform to the requirements of the adopted Building Code.
- The Special Exception will expire if a permit has not been taken out or extensions granted within 12 months from the date of approval.

Salt Lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to inspect aforementioned application. Accommodations may include: alternative formats, interpreters, and other auxiliary aides. This is an accessible facility. For questions, or additional information, please contact the Planning Office at 801-535-1157; TDD 535-6220.

# ATTACHMENT I: ZONING STANDARDS FOR ACCESSORY STRUCTURES

## 21A.24.080 SR-1 and SR-1A Special Development Pattern Residential District

In this chapter and the associated zoning map, the SR-1 District is divided into two (2) subareas for the purpose of defining design criteria. In other portions of this text, the SR-1 and SR-1A are jointly referred to as the SR-1 District because all other standards in the zoning ordinance are the same. The purpose of the SR-1 Special Development Pattern Residential District is to maintain the unique character of older predominantly single-family and two-family dwelling neighborhoods that display a variety of yards, lot sizes and bulk characteristics. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district 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.

## 21A.24.080 Accessory Buildings and Structures in Yards

Accessory buildings and structures may be located in a required yard subject to section 21A.36.020, table 21A.36.020B, "Obstructions In Required Yards", and section 21A.40.050 of this title.

Standard	Existing/Proposed	Complies
<b>Accessory Building Coverage:</b> Maximum building coverage of all accessory buildings shall not exceed six hundred (600) square feet.	<b>Existing Structure:</b> 487 sq. ft. <b>Proposed Structure:</b> 500 sq. ft.	<b>Complies</b>
<b>Primary Accessory Building:</b> A footprint of up to four hundred eighty (480) square feet.	<b>Existing Structure:</b> 487 sq. ft. <b>Proposed Structure:</b> 500 sq. ft.	<b>Does not comply;</b> Special Exception required new structure in same footprint and location.
<b>Height:</b> Roof peak/ridge height of up to fourteen feet (14') above the existing grade.	<b>Existing Structure Height:</b> 16 feet <b>Proposed Structure Height:</b> 17 feet	<b>Does not comply;</b> Special Exception required for additional height.
<b>Wall height:</b> An exterior wall height of nine feet (9') above the existing grade.	<b>Existing Structure:</b> 8 feet <b>Proposed Structure:</b> 10 feet.	<b>Does not comply;</b> Special Exception required for additional height.
<b>Maximum Building Coverage:</b> All principal and accessory buildings shall not exceed 40% of the lot area.	<b>Existing Building Coverage:</b> 28% <b>Proposed Building Coverage:</b> 28%	<b>Complies</b>

**21A.40.050. Accessory Uses, Buildings and Structures**

*This chapter is intended to provide general regulations, applicable to all zoning districts, for accessory uses, buildings and structures which are customarily incidental and subordinate to the principal use and which are located on the same lot. It is further intended to provide specific standards for certain accessory uses, buildings and structures.*

Standard	Existing/Proposed	Complies
<p><b>Accessory Buildings and Structures in Yards:</b> Accessory buildings may be located in required yards subject to the provisions of chapter 21A.40 of this title, and located at least 1 foot from the side property line except for the FP and FR districts where no accessory building is permitted in any yard.</p>	<p><b>Existing Structure:</b> On property line</p> <p><b>Proposed Structure:</b> On property line</p>	<p><b>Does not comply;</b> Special Exception requested to replace a noncomplying accessory structure.</p>
<p><b>Accessory or Principal Lot:</b> No portion of an accessory building on either an accessory or principal lot may be built closer than ten feet (10') to any portion of a principal residential building on an adjacent lot when that adjacent lot is in a residential zoning district</p>	<p><b>Existing Structure:</b> Approximately 3 feet from primary structure on adjacent lot</p> <p><b>Proposed Structure:</b> Approximately 3 feet from primary structure on adjacent lot</p>	<p><b>Does not comply;</b> Special Exception requested to replace a noncomplying accessory structure.</p>
<p><b>Rear Yards:</b> No portion of the accessory building shall be built closer than four feet (4') to any portion of the principal building</p>	<p><b>Existing Structure:</b> Approximately 11 feet</p> <p><b>Proposed Structure:</b> Approximately 11 feet</p>	<p><b>Complies</b></p>

# ATTACHMENT J: ANALYSIS OF SPECIAL EXCEPTION STANDARDS

**Section 21A.06.050.C** of the zoning ordinance authorizes the Historic Landmark Commission to review and approve certain special exceptions for properties located within an H Historic Preservation Overlay District. Through the Special Exception process, the Historic Landmark Commission is authorized to make modifications to lot and bulk of the underlying zoning district where it is found that the underlying zoning would not be compatible with the historic district and or landmark site. Special Exception approval is sought to modify the bulk regulations for residential accessory structures to allow for replacement of an existing accessory building located closer than 10 feet to a principal residential building on an adjacent lot, the height of the accessory structure, the exterior wall height, and the square footage of the structure.

## 21A.52.020 Definition

A "special exception" is an activity or use incidental to or in addition to the principal use(s) permitted in a zoning district or an adjustment to a fixed dimension standard permitted as exceptions to the requirements of this title of less potential impact than a conditional use but which requires a careful review of such factors as location, design, configuration and/or impacts to determine the desirability of authorizing its establishment on any given site.

## 21a.52.060: General Standards and Considerations for Special Exceptions:

Standard	Finding	Rationale
<p><b>A. Compliance with Zoning Ordinance and District Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.</b></p>	<p><b>Complies</b></p>	<p>The purpose of the <b>H historic preservation overlay</b> district is to:</p> <ol style="list-style-type: none"> <li>1. Provide the means to protect and preserve areas of the city and individual structures and sites having historic, architectural or cultural significance;</li> <li>2. Encourage new development, redevelopment and the subdivision of lots in historic districts that is compatible with the character of existing development of historic districts or individual landmarks;</li> <li>3. Abate the destruction and demolition of historic structures;</li> <li>4. Implement adopted plans of the city related to historic preservation;</li> <li>5. Foster civic pride in the history of Salt Lake City;</li> <li>6. Protect and enhance the attraction of the city's historic landmarks and districts for tourists and visitors;</li> <li>7. Foster economic development consistent with historic preservation; and</li> <li>8. Encourage social, economic and environmental sustainability.</li> </ol> <p>The purpose of the SR-1A zoning district is to maintain the unique character of the older neighborhoods that display a variety of yards, lot sizes and bulk characteristics. Uses are intended to be compatible with the existing scale and intensity of</p>

		<p>the neighborhood. The standards for the district 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.</p> <p>Special exception approval is sought to replace the existing noncomplying accessory structure and for additional height. Modifications are requested to the 10 foot bulk requirement between accessory structures and a primary structure on adjacent lot, the height of the accessory structure, and the exterior wall height. The standard is met.</p>
<b>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.</b>	<b>Complies</b>	Staff has not received any information or evidence indicating that the proposal would substantially diminish or impair the value of the property within the neighborhood. This standard is met.
<b>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.</b>	<b>Complies</b>	The requested reduced distance between the proposed accessory structure and the house on the adjacent lot to the east is generally consistent with historic development patterns in the Avenues. The replacement garage is located in the rear yard of the subject property. The property is a corner lot and the garage is set back from the street as far as possible. The standard is met.
<b>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.</b>	<b>Complies</b>	The special exception would accommodate the location of the new garage in the same location as the existing garage, which is approximately 3 feet from a primary structure on an adjacent lot. The proposal tapers the height of the roof for the westernmost 6.5 feet of the structure. This is compatible with the existing structure. The standard is met.
<b>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.</b>	<b>Complies</b>	Staff is unaware of any destruction to natural, scenic or historic features of significant importance as a result of the current proposals. In relation to the purpose and standards for the SR-1A district, Staff finds that this standard is met.
<b>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.</b>	<b>Complies</b>	There is no foreseen material pollution of the environment. This standard is met.
<b>G. Compliance with Standards: The proposed use and development complies with all additional standards imposed on it pursuant to this chapter.</b>	<b>Not Applicable</b>	There are no additional standards for this type of special exception request. This standard is met.

# ATTACHMENT K: ANALYSIS OF APPLICABLE DESIGN GUIDELINES

A Preservation Handbook for Historic Residential Properties & Districts in Salt Lake City, Chapter 1 – Site Features, Chapter 9 - Accessory Structures, and Chapter 13 - The Avenues, are the relevant historic design guidelines for this review, and are identified here as they relate to the corresponding Historic Design Standards for alteration to a contributing structure including new construction of an accessory structure in the Avenues Historic District (21A.34.020.G).

- <http://www.slcdocs.com/historicpreservation/GuideRes/Ch1.pdf>
- <http://www.slcdocs.com/historicpreservation/GuideRes/Ch9.pdf>
- <http://www.slcdocs.com/historicpreservation/GuideRes/Ch13.pdf>

Applicable Design Guidelines	Corresponding Standards for a Certificate of Appropriateness
<p><b>1.7 The historic height of a retaining wall wherever possible should be maintained.</b></p> <ul style="list-style-type: none"> <li>• Increasing the height of a wall to create a privacy screen is inappropriate.</li> <li>• If a fence is needed for security, consider using a transparent wrought iron or wood picket design that is mounted on or just behind the top of the wall. This will preserve the wall, allow views into the yard and minimize the overall visual impact of the new fence.</li> </ul>	Standard 2
<p><b>1.8 The historic finish of a masonry retaining wall should be retained.</b></p> <ul style="list-style-type: none"> <li>• If repointing is necessary, use a mortar mix that is similar to that used historically.</li> <li>• Repoint using a joint profile that matches the original.</li> <li>• Painting a historic masonry retaining wall, or covering it with stucco or other cementitious coating, is usually inappropriate.</li> </ul>	Standard 2
<p><b>1.9 Retain and preserve the materials and construction pattern of a historic masonry retaining wall wherever possible.</b></p> <ul style="list-style-type: none"> <li>• If portions of the wall are deteriorated, replace only those portions that are beyond repair.</li> <li>• Replacement material should match the original in color, texture and finish, including the color of historic concrete.</li> <li>• Masonry units of a size similar to that used historically should be employed.</li> <li>• Respect the original bond and construction pattern of the stonework.</li> </ul>	Standards 2 & 3
<p><b>1.10 Consider a new retaining wall in the context of its immediate setting and the established relationship of landscaping within the streetscape.</b></p> <ul style="list-style-type: none"> <li>• A new retaining wall should be avoided where it would disrupt a shared gentle grading between buildings and the street.</li> <li>• Limit wall height to that defined as characteristic of the setting.</li> <li>• Design a wall to reflect those found traditionally.</li> <li>• Use materials that define the character within the immediate and broader setting.</li> </ul>	Standard 2
<p><b>Design Objective</b></p> <p>Significant historic accessory structures should be preserved when feasible. This may include preserving the structure in its present condition, rehabilitating it or identifying an adaptive use so that the accessory structure provides new functions. Newly constructed</p>	Standard 2



# ATTACHMENT L: STANDARDS FOR ALTERATION OF A CONTRIBUTING STRUCTURE IN A HISTORIC DISTRICT

## H Historic Preservation Overlay District – Standards for a Certificate of Appropriateness for Alteration of a Contributing Structure in a Historic District (21A.34.020.G)

In considering an application for a Certificate of Appropriateness for alteration of a contributing structure in a historic district, the Historic Landmark Commission shall find that the project substantially complies with all of the general standards that pertain to the application and that the decision is in the best interest of the City. The proposal is reviewed in relation to those that pertain in the following table.

Standard	Analysis	Finding
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;	The property is currently a residential structure and the proposal is to replace an existing garage associated with the residential use of the property. The use of the property will not change with the proposal. This standard is met.	<b>Complies</b>
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;	The proposed garage replaces an existing garage in the same location. The property is a corner lot and staff is of the opinion that the location of the garage, to the rear of the house and in the area of the rear yard furthest from the corner side yard, is appropriate and the historic relationship between buildings is retained with the proposal. This standard is met.	<b>Complies</b>
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;	The proposed garage is compatible in design, and uses exterior materials that complement the residence while not conveying a false sense of history. This standard is met.	<b>Complies</b>
4. Alterations or additions that have acquired historic significance in their own right shall be retained and preserved;	The primary historic resource on the site is the residence. The proposed garage is in the same location as the existing garage and will not affect the historic integrity or contributing status of this parcel. The proposal would not hinder the ability to interpret the age of the building on the property.	<b>Complies</b>
5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved;	The proposed garage is detached from the historic residence, located in the rear yard, and would not adversely affect the distinctive features, finishes or craftsmanship that characterize the property as a contributing property within the district.	<b>Complies</b>

<p>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;</p>	<p>The proposal is for a replacement garage and is not associated with any deteriorated architectural features.</p>	<p><b>Does not apply</b></p>
<p>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;</p>	<p>There are no chemical or physical treatments associated with this proposal. This standard does not apply.</p>	<p><b>Does not apply</b></p>
<p>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;</p>	<p>The design and location of the proposed garage is compatible with the existing garage. It is also compatible with other garages on the block face and elsewhere in the neighborhood.</p>	<p><b>Complies</b></p>
<p>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;</p>	<p>The proposed garage is detached from the historic house on the property and therefore if it were to be removed in the future the primary building on the property and historic integrity would be unimpaired.</p>	<p><b>Complies</b></p>

<p>10. Certain building materials are prohibited including the following: Aluminum, asbestos, or vinyl cladding when applied directly to an original or historic material.</p>	<p>This proposal is for a replacement garage with an asphalt shingle roof, stucco walls, and a steel garage door with divided lights in the upper panel. It does not include any of the listed materials being applied directly to a historic material. This standard does not apply.</p>	<p><b>Does not apply</b></p>
<p>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 chapter 21A.46 of this title.</p>	<p>There is not a sign associated with this proposal. This standard does not apply.</p>	<p><b>Does not apply</b></p>

# **ATTACHMENT M: PUBLIC PROCESS & COMMENTS**

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## **Public Notice, Meetings and Comments**

The following is a list of any public meetings that have been held, and other public input opportunities and public notices related to the proposed project.

### **Notice of the public hearing for the proposal includes:**

- Notice mailed on May 24, 2019
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites on May 24, 2019
- Public hearing notice posted on property May 23, 2019