

PLANNING COMMISSION STAFF REPORT

Konopa Residence Grade Change
Special Exception
PLNPCM2012-00066
263 10th Avenue
Hearing date: March 28, 2012



Planning Division
Department of Community &
Economic Development

Applicant

Charles Konopa

Staff

Katia Pace (801) 535-6354
katia.pace@slcgov.com

Tax ID

09-31-205-016

Current zone

SR-1A – Special Development Pattern
Residential

Lot size

4,792 square feet

Master plan designation

Avenue Master Plan – Low Density
Residential

Council District

District 3 – Stan Penfold

Community Council

Greater Avenues - John K. Johnson

Current use

Single Family Residence

Applicable land use regulations

- Chapter 21A.24.080 SR-1A
- Chapter 21A.52 Special Exceptions
- Chapter 21A.62 Definitions

Notification

- Notice mailed March 14, 2012
- Sign posted March 19, 2012
- Posted to Planning Dept and Utah State Public Meeting websites March 14, 2012.

Attachments

- A. Site Plan and Elevations
- B. Transportation Comments
- C. Photographs
- D. Illustrations

Request

The applicant, Charles Konopa, at 263 East 10th Avenue, is requesting a special exception for additional grade change in the front yard that would make possible the construction of an attached garage that is being proposed to be built in the basement of an existing residential structure. The structure is located in the SR-1A special development pattern residential district. The grade change being requested is a cut in grade at the front building line of the proposed structure. The cut is approximately 6 ½ feet from the finished grade of the lot.

Recommendation

Staff finds that the request is not compatible with the surrounding development, and therefore is not consistent with all of the special exception standards found in Section 21A.52.060 as listed below:

- A. The proposal will be in compliance with ordinance and district purposes;
- B. The proposal will not diminish neighboring property values;
- C. The proposal will not have a material adverse effect upon the character of the area;
- D. The proposal will be compatible with surrounding development;
- E. There are no significant features that will be destroyed or any material pollution of the environment;
- F. The proposal is in compliance with the general and specific standards of review for a special exception.

Possible Motions

Consistent with Staff Recommendation: Based on the testimony, plans presented and the following findings, I move that the Planning Commission deny the special exception to allow the additional grade change, located at 263 East 10th Avenue.

Not Consistent with Staff Recommendation: Based on the findings listed by the Planning Commission, testimony and plans presented, I move that the Planning Commission approve the special exception to allow the additional grade change, located at 263 East 10th Avenue with the following conditions:

1. The final sidewalk, drive approach and retaining wall proposals are to be reviewed and approved by the Engineering Division.
2. The structures, stairs & railing, along with the proposed retaining walls within the public right-of-way are subject to building code review and public way lease agreements per the City's Property Management Division.
3. The walkway will be relocated from being next to the driveway.

VICINITY MAP



Background

Project Description

The applicant is proposing to excavate their shelf basement to create a full basement. The new layout will accommodate a bathroom, a bedroom, and an unfinished recreation room. In addition, the applicant is proposing to build an attached garage in the basement by excavating out part of the front yard to create a driveway approach leading to it. The grade change being requested is a cut in grade at the front building line of the proposed structure. The cut is approximately 6 ½ feet from the finished grade of the lot.

This property has space for one vehicle to park in the rear of the property that is accessible through an alley.

On February 7, 2012 Staff received an application for a Notice of Application for a Special Exception related to this grade change. Since Staff found that the request is not compatible with the surrounding development, and therefore is not consistent with all of the special exception standards found in Section 21A.52.060, this request is being forwarded to the Planning Commission.

Section 21A.52.040.A.1.B states: “The Planning Director or the Planning Director’s designee may refer any application to the Planning Commission due to the complexity of the application, the significance in change to the property or the surrounding area.”

Public Participation

Public Comments

The Notice of Application was sent to the abutting property owners with an explanation of the project, there were further inquiries from one of the property owners, but there were no comments.

City Department Comments

The Planning Division requested comments from the Transportation Division and received the following comments:

1. The proposed single car garage with an 8x10' garage door will allow a 12' wide driveway access. The proposed excess drive shown at 18.67' wide promotes front yard parking. (The applicant revised the plan to show a walkway next to the driveway. This issue is further addressed in Standard G.)
2. The sidewalk may abut the west side of the drive and is to be scored and designated with a different finish from that of the driveway.
3. The approach is approved as an APWA 225 Pipe drive.
4. The final sidewalk, drive approach and retaining wall proposals are to be reviewed and approved by the Engineering Division.
5. The structures, stairs & railing, along with the proposed retaining walls with in the public ROW are subject to building code review and public way lease agreements per property management.

Analysis and Findings

General Standards of Review

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

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

Analysis: The purpose of the SR-1A 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.

The issue of compliance with district purposes is discussed in Standard D, compatible with surrounding development.

The ordinance requires that the height in the SR-1A to be 23 feet or the average of all houses on the block face. The house is currently 23.17' high. After lowering the grade for the garage access, this section of the house will be 29.64 feet high. The average house height on the north side of 10th Avenue between B and C Streets is 27.18 feet.

The proposed construction will not raise the house, but will lower the grade in front of the house. The height of a building is the vertical distance between the top of the roof and the average elevation of the finished lot grade. The finished lot grade will not be changing; therefore, the official height of the building will stay the same. (See Attachment D for Building Height and Grade illustration.)

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

Analysis: Staff finds no evidence that approval of a special exception for a grade change would substantially diminish or impair the value of the property within the neighborhood.

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

Analysis: Staff finds that the proposed grade change may have an adverse effect on the character of the area, by disrupting the traditional development pattern of the block face, specifically the homes on the north side of the street. However, Staff finds no evidence that there would be an adverse impact on the public health, safety or general welfare.

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

Analysis: In addition to this standard for compatibility to the surrounding development, the request for a grade change is subject to the purpose of the SR-1A zoning district.

Purpose Statement of the Zoning District:

As mentioned above, Section 21A.24.080.A states: *“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.”*

Development Pattern:

The purpose of the SR-1A zoning district promotes compatible development pattern. Section 21A.62.040 defines “development pattern” as: *“The development pattern standard applies to principal building height and wall height, attached garage placement and width, detached garage placement, height, wall height, and footprint size. A development pattern shall be established when three (3) or more existing structures are identified to establish the pattern, or in the case that three (3) structures constitute more than fifty percent (50%) of the structures on the block face fifty percent (50%) of the structures shall establish a pattern.”*

Block Face:

“Block face” as required by the development pattern is defined in Section 21A.62.040 as: *“All of the lots facing one side of a street between two (2) intersecting streets. Corner properties shall be considered part of two (2) block faces, one for each of the two (2) intersecting streets. In no case shall a block face exceed one thousand feet (1,000).”*

The block face in this case is the north side of the 10th Avenue between B and C Streets. As shown in the photos, the sidewalk and front yards on the block face and surrounding blocks (see Attachment C for additional photos) have a uniform terrace/stepped grade from the street up to the house. As seen on the site plan (see Attachment A, Site Design Overview) the grade of the sidewalk will need to be altered on both sides of the driveway into the adjacent properties. The block face, has seven houses that face the street, none of the homes are excavated in the front yard. One of the properties, 279 10th Avenue, has a driveway that traverses the front yard to access a rear yard garage; however, the driveway is between homes and not in the front yard.

In conclusion, Staff finds that the basement level garage/grade change building element is out of rhythm with the development pattern of the block face.

Subject Property



Properties on the Block Face



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

Analysis: The block face has a uniform terrace/stepped grade from the street up to the house. By interrupting the rhythm of the development pattern there is a concern that it will impact the historic nature of the streetscape.

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

Analysis: No potential pollution of air, water, soil, or noise is evident by the requested use.

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

Analysis: The proposed single car garage with an 8x10' garage door will allow a 12' wide driveway access. The proposed walkway next to the proposed driveway promotes front yard parking. If this project is approved there should be a condition that the walkway will be relocated.

**Attachment A
Site Plan and Elevations**

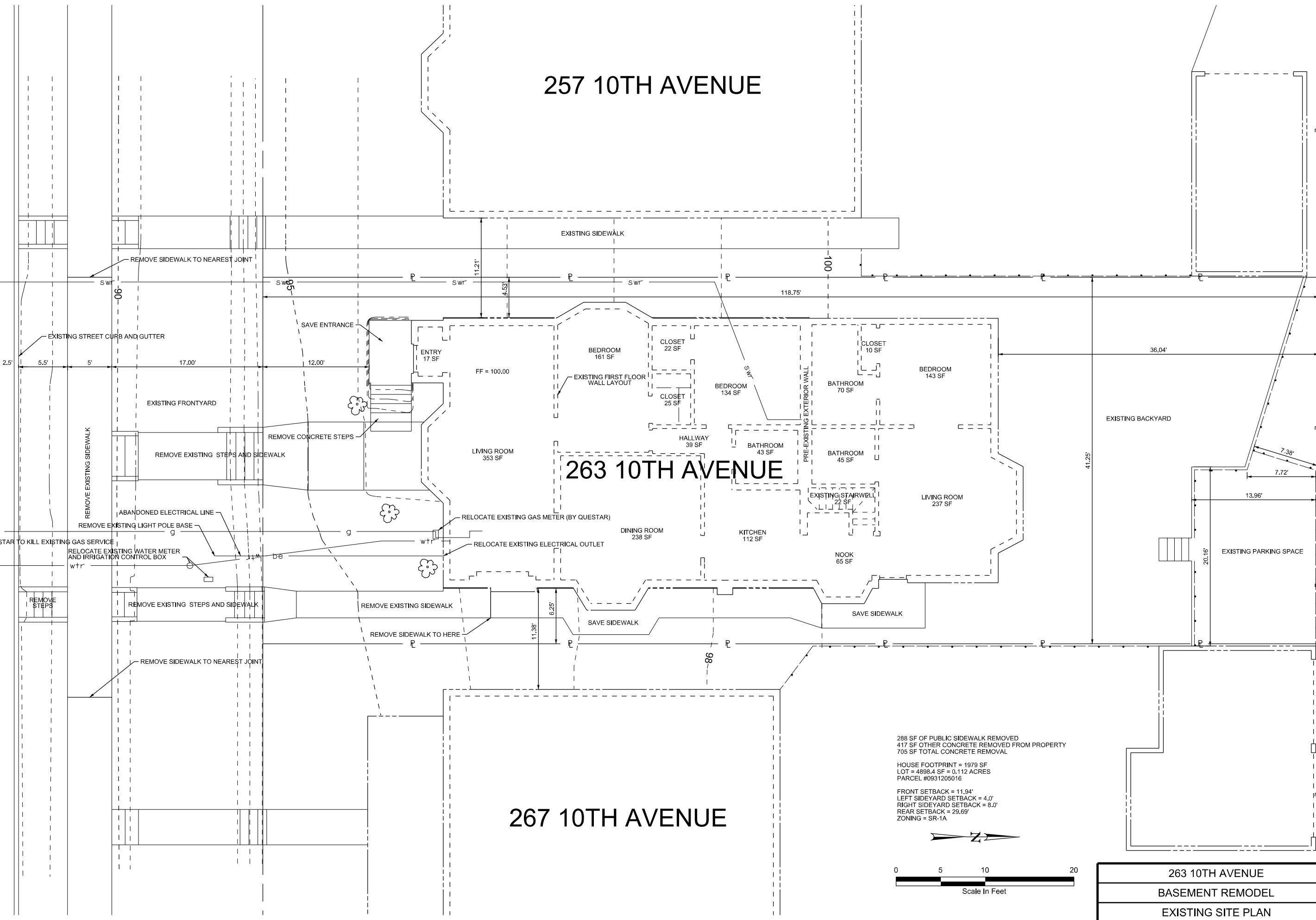
257 10TH AVENUE

263 10TH AVENUE

267 10TH AVENUE

10TH AVENUE

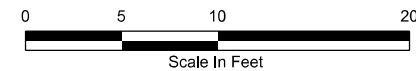
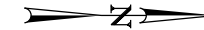
EXISTING 10' WIDE ALLEY



288 SF OF PUBLIC SIDEWALK REMOVED
 417 SF OTHER CONCRETE REMOVED FROM PROPERTY
 705 SF TOTAL CONCRETE REMOVAL

HOUSE FOOTPRINT = 1979 SF
 LOT = 4898.4 SF = 0.112 ACRES
 PARCEL #0931205016

FRONT SETBACK = 11.94'
 LEFT SIDEYARD SETBACK = 4.0'
 RIGHT SIDEYARD SETBACK = 8.0'
 REAR SETBACK = 29.69'
 ZONING = SR-1A

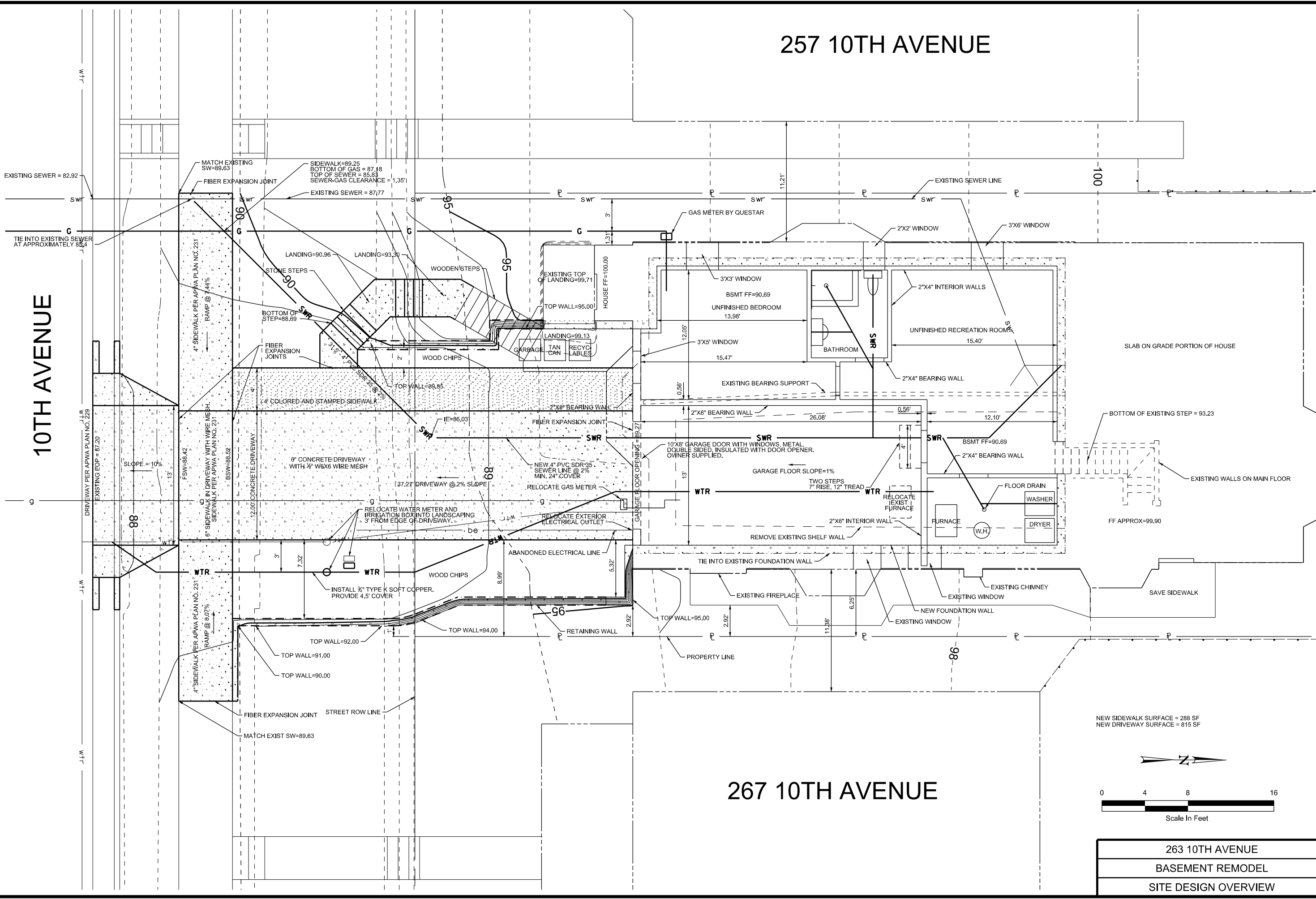


263 10TH AVENUE
BASEMENT REMODEL
EXISTING SITE PLAN

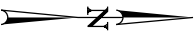
257 10TH AVENUE

10TH AVENUE

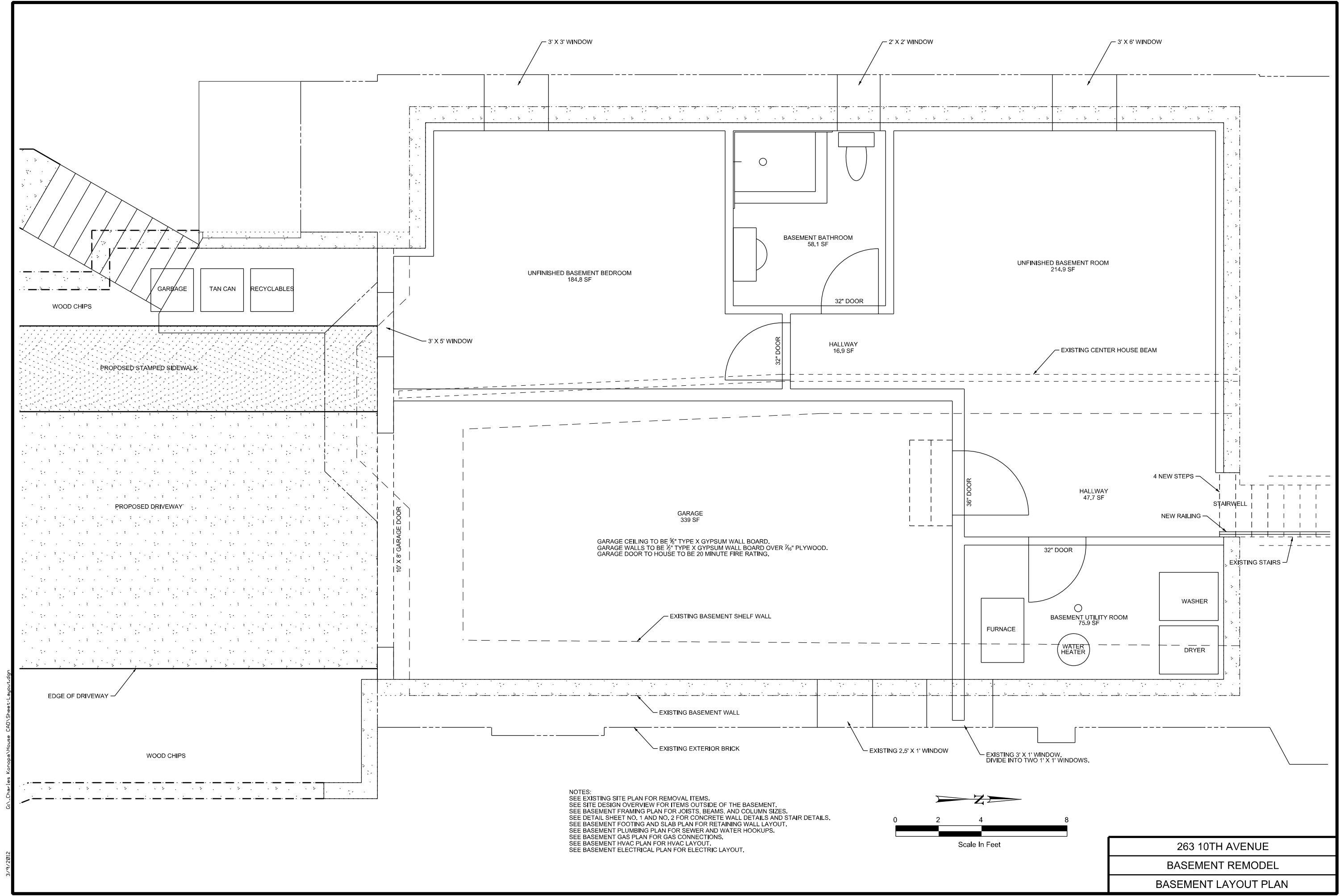
267 10TH AVENUE



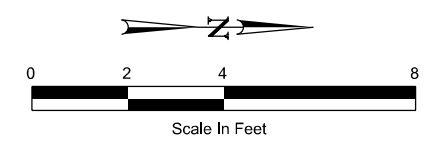
NEW SIDEWALK SURFACE = 288 SF
NEW DRIVEWAY SURFACE = 815 SF



263 10TH AVENUE
BASEMENT REMODEL
SITE DESIGN OVERVIEW

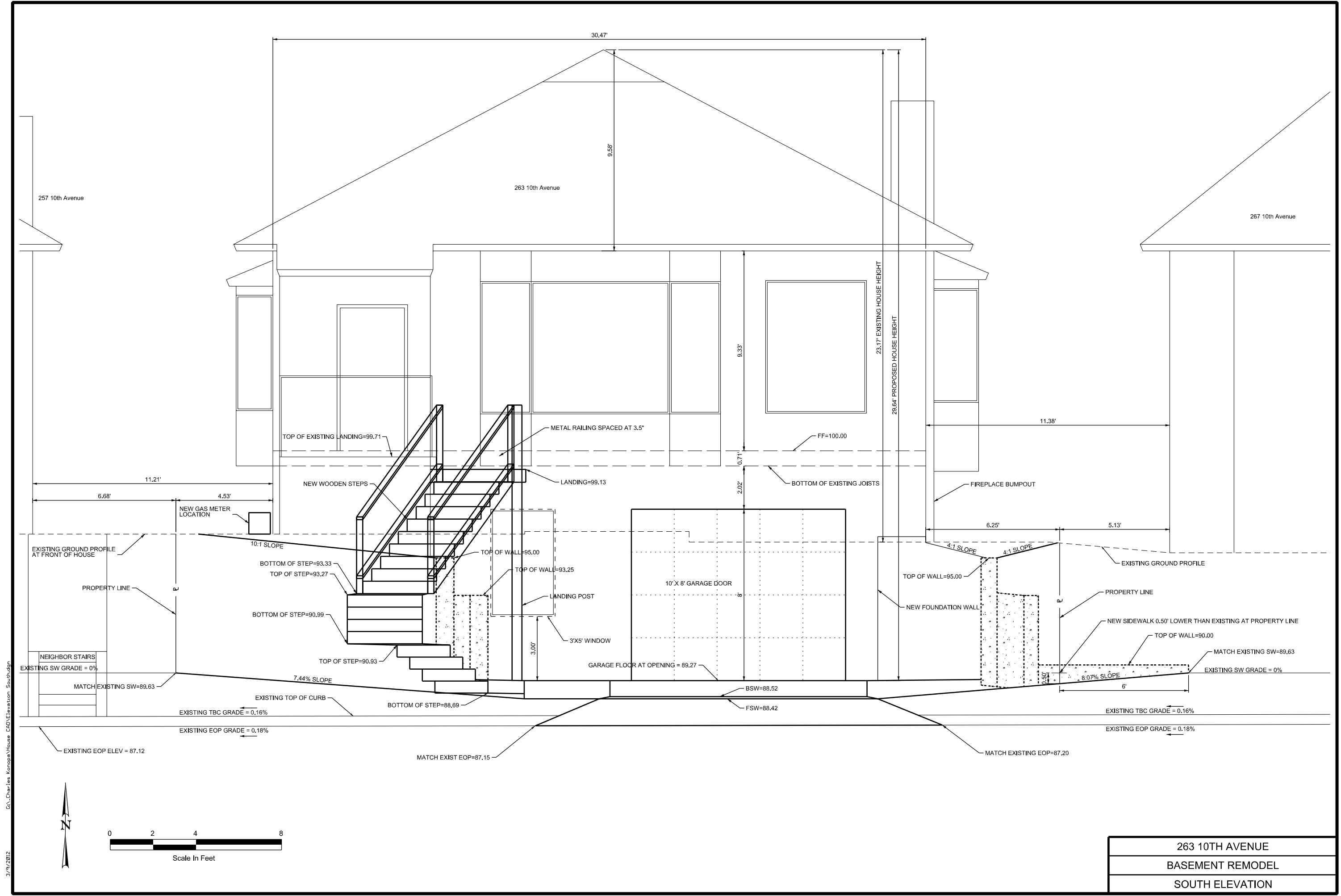


NOTES:
 SEE EXISTING SITE PLAN FOR REMOVAL ITEMS.
 SEE SITE DESIGN OVERVIEW FOR ITEMS OUTSIDE OF THE BASEMENT.
 SEE BASEMENT FRAMING PLAN FOR JOISTS, BEAMS, AND COLUMN SIZES.
 SEE DETAIL SHEET NO. 1 AND NO. 2 FOR CONCRETE WALL DETAILS AND STAIR DETAILS.
 SEE BASEMENT FOOTING AND SLAB PLAN FOR RETAINING WALL LAYOUT.
 SEE BASEMENT PLUMBING PLAN FOR SEWER AND WATER HOOKUPS.
 SEE BASEMENT GAS PLAN FOR GAS CONNECTIONS.
 SEE BASEMENT HVAC PLAN FOR HVAC LAYOUT.
 SEE BASEMENT ELECTRICAL PLAN FOR ELECTRIC LAYOUT.



263 10TH AVENUE
 BASEMENT REMODEL
 BASEMENT LAYOUT PLAN

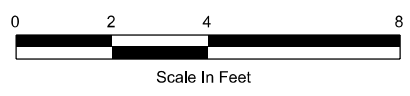
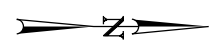
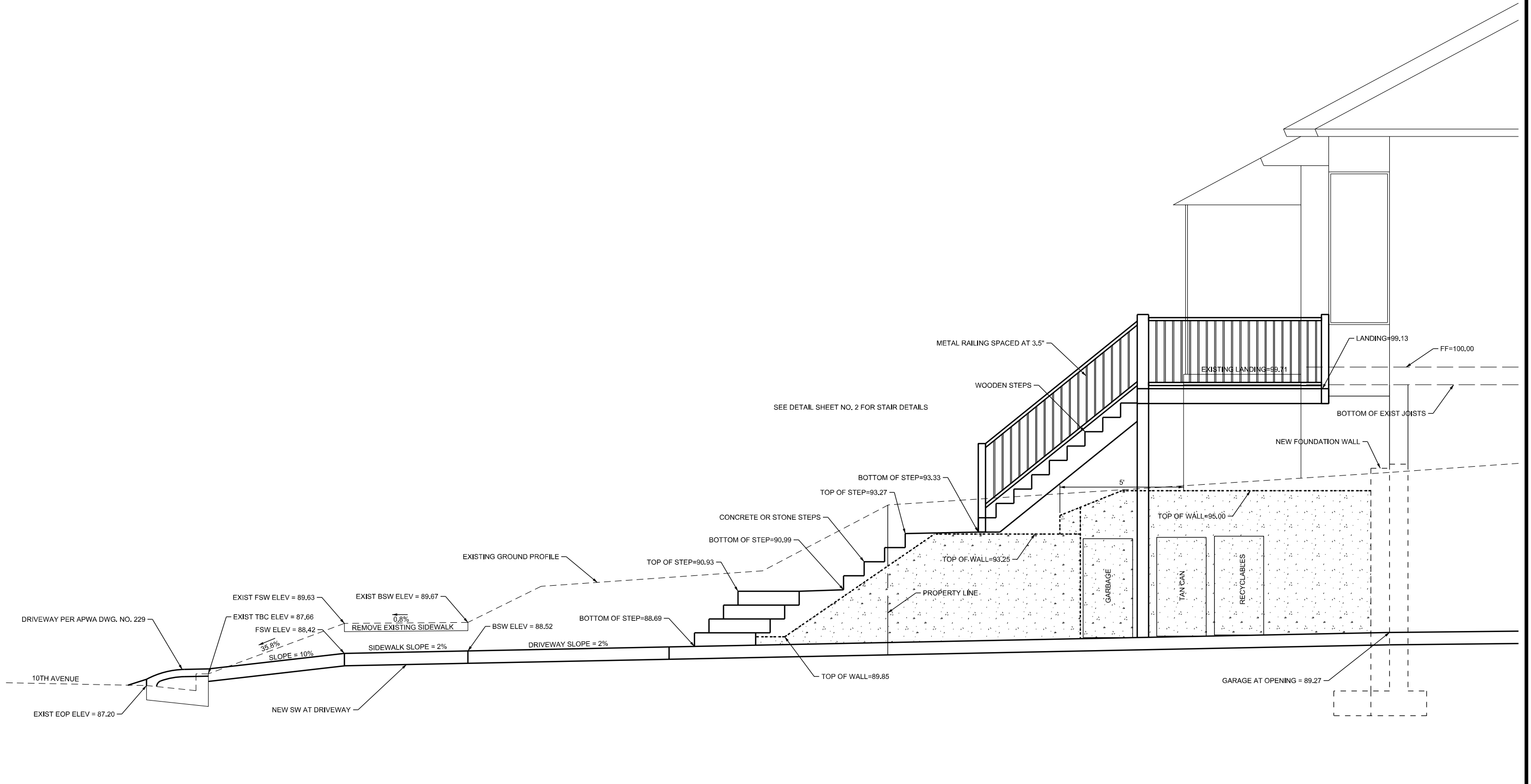
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G:_Charles_Konopa\House CAD\Elevation_South.dwg
3/9/2012

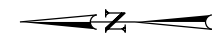
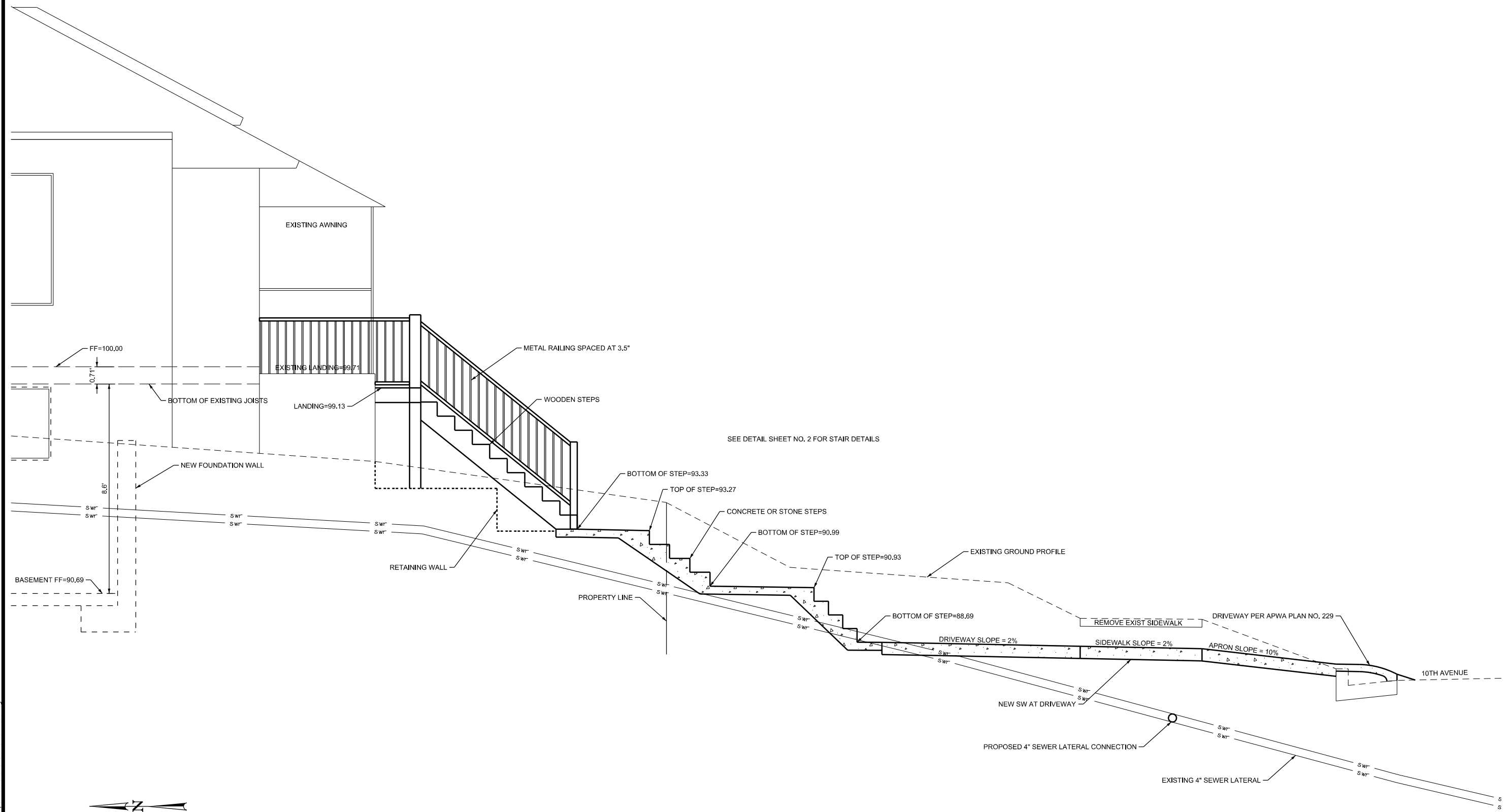
263 10TH AVENUE
BASEMENT REMODEL
SOUTH ELEVATION

3/9/2012 G:\Charles_Konopa\House CAD\Elevation_East.dgn



263 10TH AVENUE
BASEMENT REMODEL
EAST ELEVATION - FRONTYARD

01_1_Charles_Konopa\House CAD\Elevation West.dgn
3/9/2012



263 10TH AVENUE
BASEMENT REMODEL
WEST ELEVATION - FRONTYARD

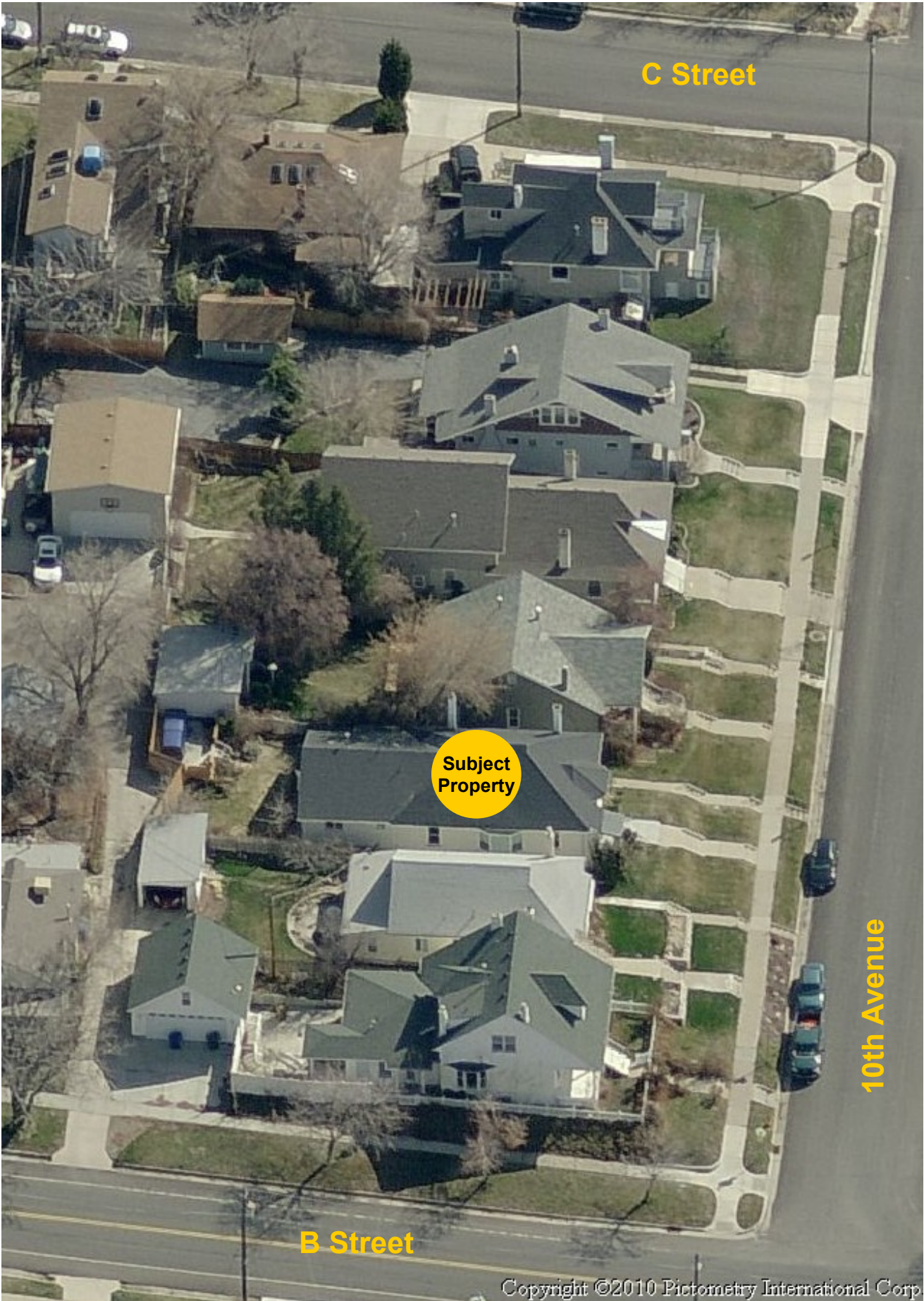
**Attachment B
Transportation Comments**

Transportation Comments

The following are comments received by the Barry Walsh:

1. The proposed single car garage with an 8x10' garage door will allow a 12' wide driveway access. The proposed excess drive shown at 18.67' wide promotes front yard parking,
2. The sidewalk may abut the west side of the drive and is to be scored and designated with a different finish from that of the driveway.
3. The approach is approved as an APWA 225 Pipe drive.
4. The final sidewalk, drive approach and retaining wall proposals are to be reviewed and approved by the Engineering Division.
5. The structures, stairs & railing, along with the proposed retaining walls with in the public ROW are subject to building code review and public way lease agreements per property management.

**Attachment C
Photographs**

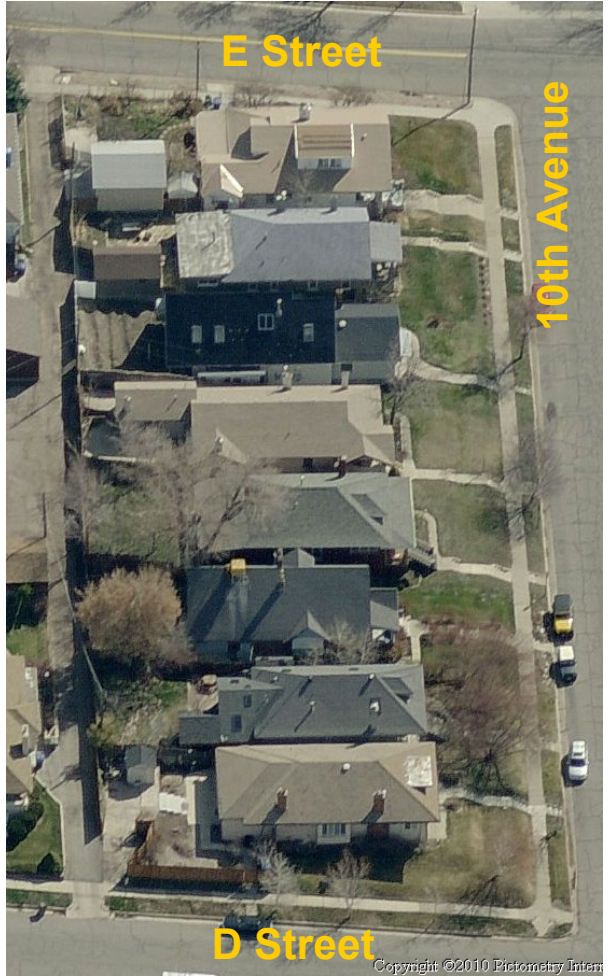
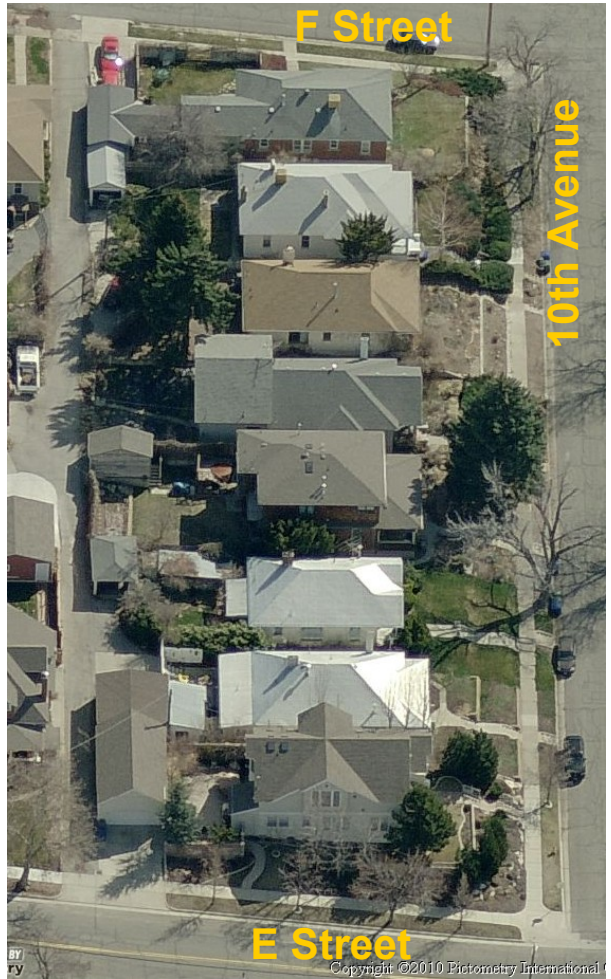


C Street

Subject Property

10th Avenue

B Street



**Attachment D
Illustrations**

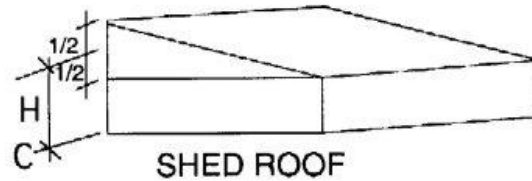
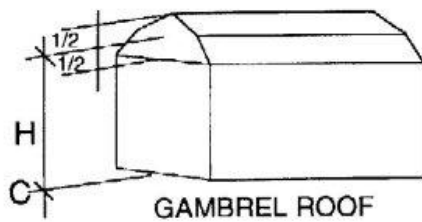
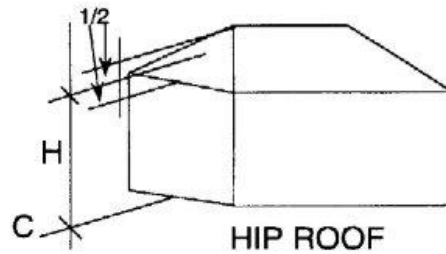
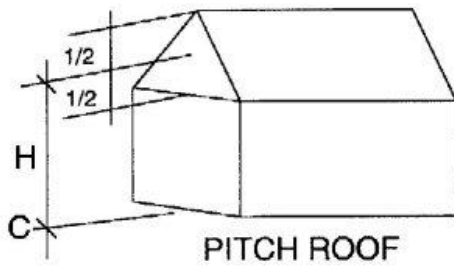
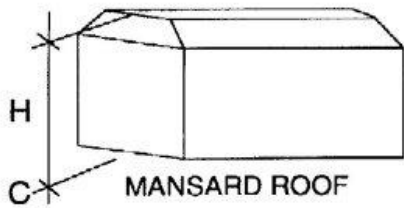
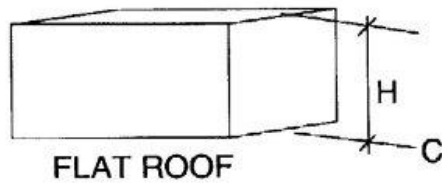
21A.62.050 ILLUSTRATION B
 BUILDING HEIGHT (OUTSIDE FOOTHILLS DISTRICTS,
 R-1 DISTRICTS, R-2 DISTRICT AND SR DISTRICTS)

ILLUSTRATION - B
BUILDING HEIGHT (OUTSIDE FOOTHILL DISTRICTS)

DEFINITION :

Building Height

The vertical distance measured from the average elevation of the finished lot grade at each face of the building, to the highest point of the coping of a flat roof; the deck line of a mansard roof, or the average height of the gable on a pitched, gambrel, hip or shed roof.

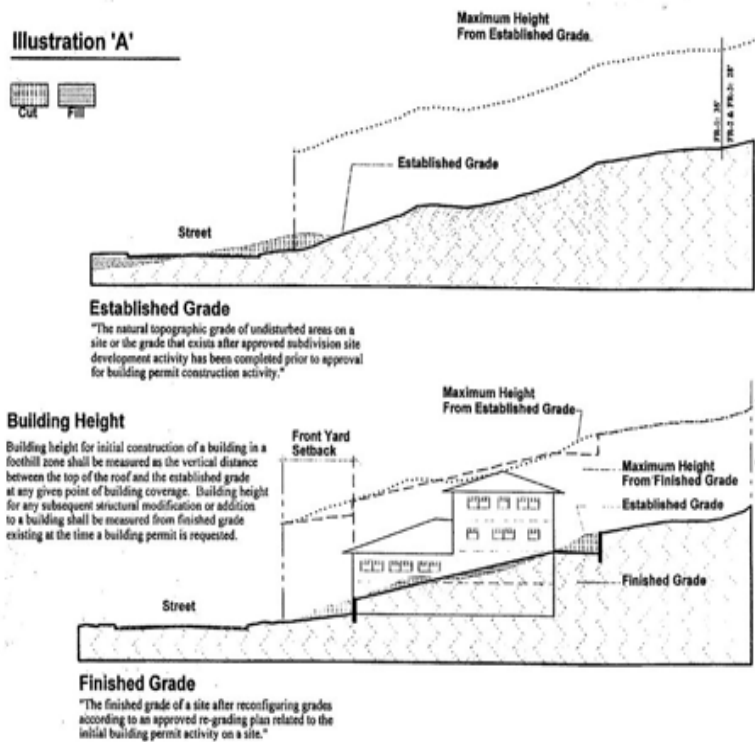


H : Height of Building

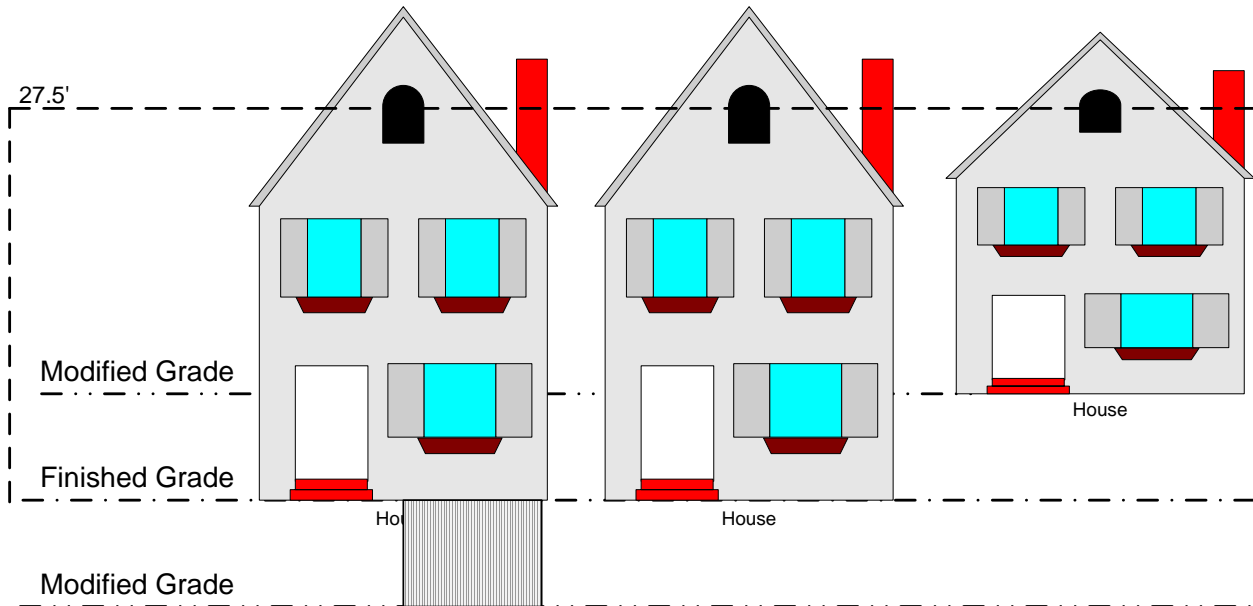
C : Average Elevation of Finished Lot Grade

“Finished Grade” means the finished grade of a site after reconfiguring grades according to an approved regarding plan related to the initial building permit activity.

“Established Grade” means the natural topographic grade of undisturbed areas on a site or the grade that exists after approved subdivision site development activity has been completed prior to approval for building permit construction activity.



The diagram below represents three legal developments when measuring height.



The “Finished Grade” represents the known grade on a site. Grades within the buildable area may be modified through excavation or by fill however the point from which the structure is measured is constant. If measurements were taken from the modified grade they would be inconsistent.