

# PLANNING COMMISSION STAFF REPORT



Planning Division  
Department of Community &  
Economic Development

Finlinson Residence Pool House  
Special Exception  
PLNPCM2012-00406  
1462 Federal Heights Drive  
Hearing date: September 12, 2012

## Applicant

Mark Finlinson

## Staff

Ray Milliner (801)583-7645 or  
[ray.milliner@slcgov.com](mailto:ray.milliner@slcgov.com)

## Current zone

R-1-7,000 Single Family  
Residential

## Lot size

.28 Acre

## Master plan designation

Avenues – 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.24.060 R-1-7000
- Chapter 21A.52 Special Exceptions

## Notification

- Notice mailed August 31, 2012
- Sign posted August 31, 2012
- Posted to Planning Dept and Utah State Public Meeting websites August 31, 2012.

## Attachments

- A. Site Plan and Elevations
- B. Letter from Neighbors

## *Request*

The applicant, Mark Finlinson, is requesting a special exception for a pool house in the rear yard of an existing home. Approval of the application would enable an accessory building 672 square feet in size and 17 feet tall that would accommodate a small swimming pool, changing area and mechanical equipment. Using the accessory structure as an exercise room and changing room for the swimming pool requires a special exception.

## *Recommendation*

Staff recommends that the Planning Commission review the proposed special exception for a pool house and approve it according to the analysis, findings and conditions of approval in this staff report.

## *Motions*

**Approval:** Based on the findings listed by the Planning Commission, testimony and plans presented, I move that the Planning Commission approve the special exception for a pool house at 1465 Federal Heights Drive with the following conditions:

### **Conditions of approval**

1. Prior to beginning construction, a building permit for the pool house shall be reviewed and approved by all necessary City Divisions.
2. This approval is for a private pool house, and is intended for private use only. The pool may not be used for commercial gain.

**Denial:** Based on the testimony, plans presented and the following findings, I move that the Planning Commission deny the special exception for a pool house at 1465 Federal Heights Drive (Commissioner then states findings for denial).

## VICINITY MAP



### ***Background***

The petitioner, Mark Finlinson is the owner of a single family home at 1462 Federal Heights Drive. On June 19, 2012 he submitted a special exception petition for a pool house in the rear area of the lot. The purpose of the application is to enable the construction of a 672 square foot accessory building that would accommodate a jetted lap pool with a changing area and mechanical room. The building would be located behind the main home, on the south east corner of the property. The proposed structure complies with all applicable zoning standards for accessory structures but the use of the structure requires a special exception.

### ***Public Participation***

The application was reviewed and a notification of application was sent to the adjacent property owners on June 29, 2012. On July 12, 2012, staff received notification from an adjacent property owner requesting a public hearing on the item. On July 16, the neighbor sent a letter indicating a number of concerns as they relate to this petition (see attachment B).

## ***Analysis and Findings***

### **General Standards of Review**

Section 21A.52.060 of the Salt Lake City Zoning Ordinance states, “No application for a special exception shall be approved unless the planning commission or the planning director determines that the proposed special exception is appropriate in the location proposed based upon its consideration of the general standards set forth below and, where applicable, the specific conditions for certain special exceptions.”

**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 R-1-7000 residential district is:

“The purpose of the R-1/7,000 single-family residential district is to provide for conventional single-family residential neighborhoods with lots not less than seven thousand (7,000) square feet in size. This district is appropriate in areas of the city as identified in the applicable community master plan. 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 proposed pool house is located behind the petitioner’s single family home. It is designed to architecturally match the existing home in both finish materials and design. The size and massing of the building are compatible with the minimum requirements for an accessory building in the R-1-7000 zone, and the structure is located in the rear of the lot and therefore not visible from the public right of way. The purpose of the home is to provide residents with an area to exercise and recreate in the pool. No commercial uses are allowed as part of this application.

***Finding:*** Staff finds that the proposed pool house is in harmony with the general purposes for which the Zoning Ordinance was enacted as it is similar in design and purpose with the existing scale and intensity of the neighborhood, and it will provide the applicant with a safe and comfortable place to live and play.

**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 pool house would substantially diminish or impair the value of the property within the neighborhood.

***Finding:*** Staff finds that the proposal meets this standard.

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

***Analysis:*** Because the pool house is proposed to be built directly behind the existing single family home, and will be less than 50% of the footprint of the home, impacts will be limited to residents living directly behind the property and to the east. These impacts are mitigated by the building being setback from the rear property line at least 6.7 feet (minimum is 1 foot) and from the side property line 8 feet

(the minimum requirement is 1 foot). These setbacks will provide a buffer between the building and the adjoining properties.

**Finding:** Staff finds that the proposed pool house will not cause an undue adverse impact on the surrounding neighborhood.

**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:**

<b>Ordinance Requirement</b>	<b>Proposed</b>	<b>Comply</b>
<b>Maximum building coverage</b> shall not exceed fifty percent (50%) of the building footprint of the principal structure up to a maximum of seven hundred twenty (720) square feet.	672 Square feet. Home approximately 1,700 square feet.	Yes
<b>Maximum Building Height:</b> 17 feet above established grade.	17 feet above established grade	Yes
<b>Minimum Front Yard Requirements:</b> Accessory buildings are prohibited in any required front yard and shall be set back at least as far as the principal building when the principal building exceeds the required front yard setback.	Not located in front yard	N/A
<b>Interior Side Yard:</b> Four feet (4')(8')	8 feet on east side	Yes
<b>Rear Yard:</b> In residential districts, no accessory building shall be closer than one foot (1') to a side or rear lot line except when sharing a common wall with an accessory building on an adjacent lot. No portion of the accessory building shall be built closer than four feet (4') to any portion of the principal building	Proposed at approximately 6.7 feet from rear property line and 4 feet from main home.	Yes

The project meets the all of the minimum requirements for this zoning district for an accessory building. Section 21A.52.060 of the Zoning Ordinance allows the Planning Commission to grant approvals of Pool Houses subject to certain criteria. The only reason this requires a special exception is because Section 21A.52.030.A of the Zoning Ordinance lists “hobby shops, art studios, exercise room, or a dressing room adjacent to a swimming pool as a special exception. Staff has reviewed the application per these criteria and has provided analysis below.

**Finding:** The proposed accessory building meets the minimum Zoning Ordinance criteria and is compatible with the design and architecture of the existing single family home on site.

**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 home is not located in a historic district, and there are no known historic features on site.

**Finding:** Staff finds that the proposed pool house will not negatively impact natural, historic or scenic features of the property or neighborhood.

**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 or soil is evident by the requested use. There will be mechanical equipment associated with this application that will be housed within the proposed structure, which will mitigate any noise impacts caused by the machinery.

**Finding:** Staff finds the application meets this standard.

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

**Analysis:** Section 21A.52.030.A provides specific standards of review for pool houses. Analysis for pool house standards is provided below.

**Finding:** Staff finds the application meets this standard.

**SPECIAL EXCEPTION STANDARDS**

The Planning Commission may grant special exceptions for a Hobby shop, art studio, exercise room or a dressing room adjacent to a swimming pool, or other similar uses in an accessory structure, subject to the following standards (21A.52.030.A.14):

**Standard A:** The height of the accessory structure shall not exceed the height limit established by the underlying zoning district unless a special exception allowing additional height is allowed.

**Analysis:** The proposed height of the building is 17 feet above established grade. The height limit established for accessory buildings in the R-1-7000 zone is 17 feet above established grade.

**Finding:** Staff finds that the fence meets this standard.

**Standard B:** If an accessory building is located within ten feet (10') of a property line, no windows shall be allowed in the walls adjacent to the property lines.

**Analysis:** The applicant has designed the building so that no windows are within 10 feet of the property line.

**Finding:** Staff finds the application meets this standard.

**Standard C:** If the accessory building is detached, it must be located in the rear yard.

**Analysis:** The detached accessory building is proposed entirely within the rear yard.

**Finding:** Staff finds this standard is not applicable.

**Standard D:** The total covered area for an accessory building shall not exceed fifty percent (50%) of the building footprint of the principal structure, subject to all accessory building size limitations.

**Analysis:** the building is proposed to be 672 square feet. The footprint of the main building is approximately 1,700 square feet. The maximum size allowed for an accessory building in the R-1-7000 zone is 720 square feet.

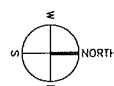
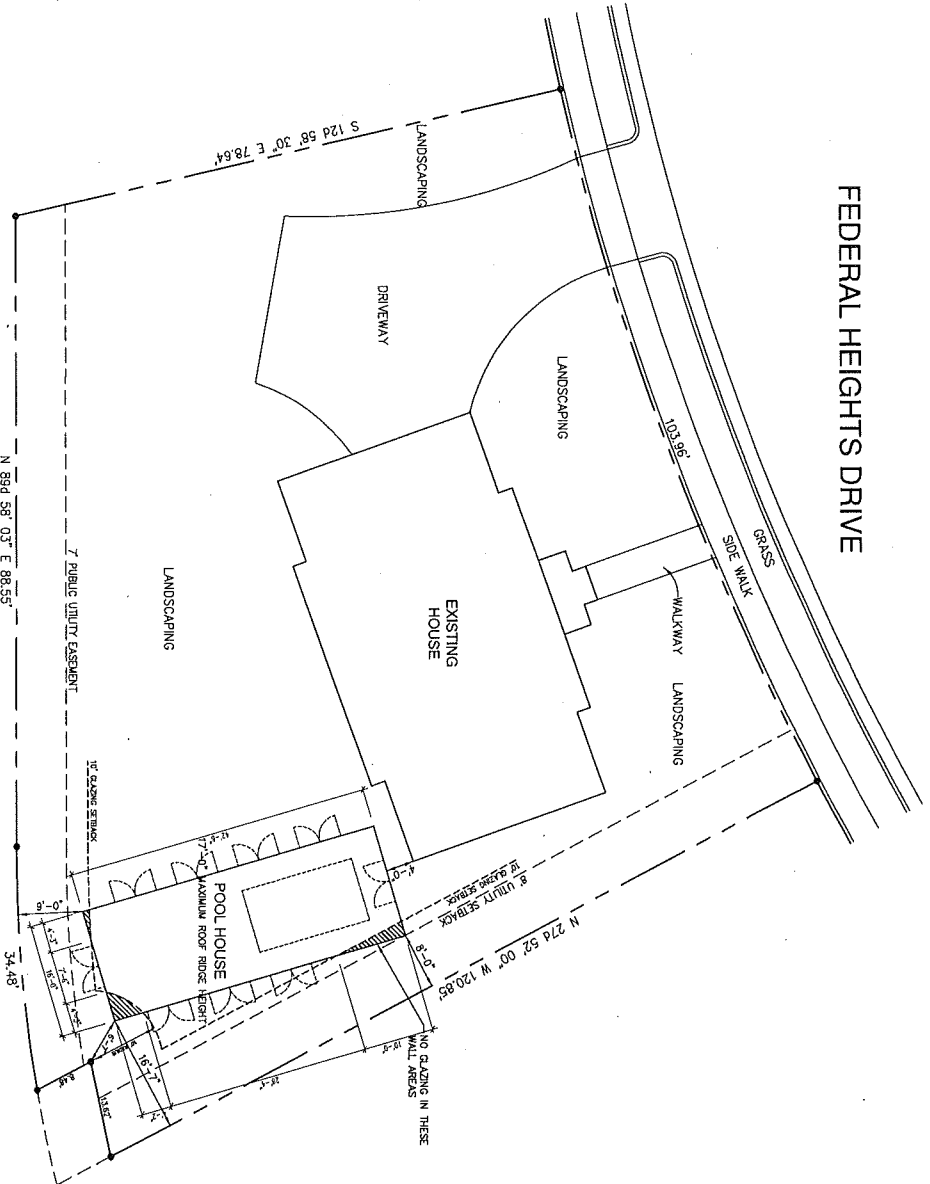
**Finding:** Staff finds this standard is not applicable.

**Attachment A**  
**Site Plan and Elevations**

PROPERTY INFORMATION  
 LOT: BLK:  
 PLT:  
 SUBDIVISION:  
 ADDRESS:  
 1462 EAST FEDERAL HEIGHTS DRIVE  
 SALT LAKE CITY, UTAH

OWNER INFORMATION  
 OWNER/APPLICANT:  
 MARK FINLINSON  
 ADDRESS:  
 1462 EAST FEDERAL HEIGHTS DRIVE  
 SALT LAKE CITY, UTAH  
 PHONE: 801-599-4286  
 mfinlinson@finlinson.com

PROPERTY AREA CALCULATIONS  
 LOT AREA = 11,929.0 SF OR 28 ACRES  
 TOTAL STRUCTURE COVERAGE = 5,136.57 SF  
 PERCENT OF TOTAL STRUCTURE COVERAGE = 7.37%



FEDERAL HEIGHTS DRIVE

Architectural Site Plan  
 SCALE: 1/8"=1'-0"

1

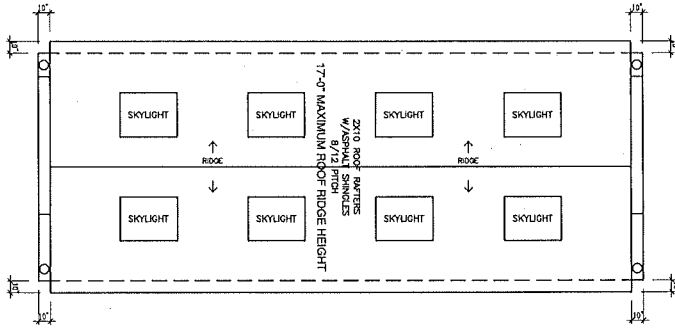
A1.0

PROJECT NO.	2012-001
DATE	08/14/2012
DRAWN BY	SK
CHECKED BY	SK
APPROVED BY	
DATE	
PROJECT NAME	FINLINSON POOLHOUSE

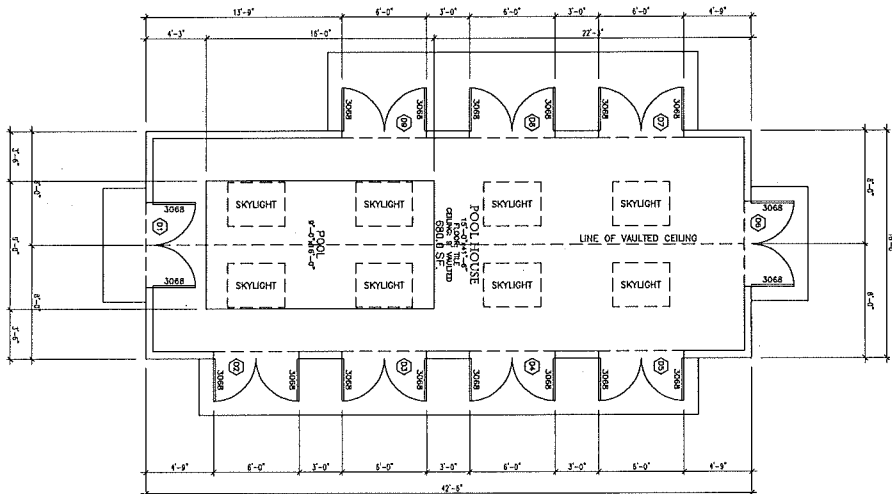
CONTRACTOR LICENSE NO.  
 CONTRACTOR'S NAME  
 FINLINSON  
 ADDRESS  
 1462 EAST FEDERAL HEIGHTS DRIVE  
 SALT LAKE CITY, UTAH  
 PHONE: 801-599-4286  
 mfinlinson@finlinson.com

ARCHITECTURAL SITE PLAN  
**Finlinson Pool House**  
 1462 EAST FEDERAL HEIGHTS DRIVE, SALT LAKE CITY UTAH





Roof Plan  
Scale: 1/8" = 1'-0"  
2



NOTES:  
1. DIMENSIONS ARE FROM OUTSIDE FACE OF FOUNDATION OR RAISED WALL.  
2. ALL FINISH BOOK CLASSES TO BE DETERMINED PER LOCAL CODES.  
SEE STRUCTURAL SHEETS FOR NOTES AND DETAILS AND T20 FOR ADDITIONAL NOTES.

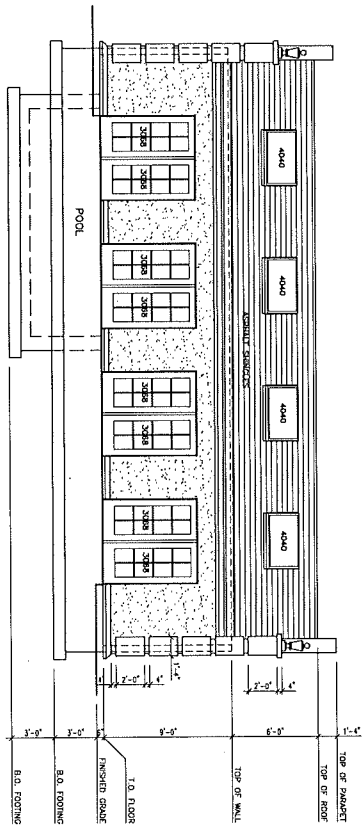
Floor Plan  
Scale: 1/8" = 1'-0"  
1

A2.0

CONTRACTOR LICENSE NO.	
PROJECT NAME	08/14/2012
PROJECT NO.	2012
DATE	8/14/2012
DESIGNED BY	
CHECKED BY	
SCALE	1/8" = 1'-0"
REVISIONS/ISSUES	

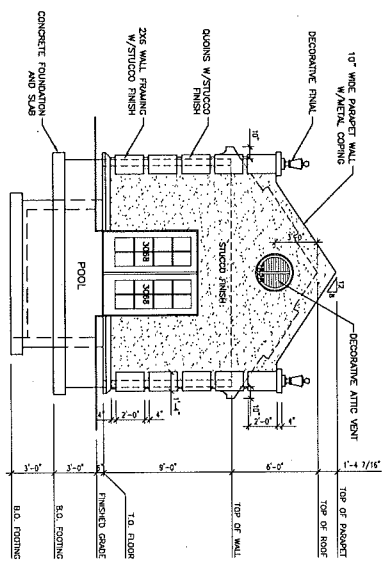
EXHIBIT  
08/14/2012  
CONTRACTOR'S  
SIGNATURE

POOL HOUSE PLANS  
**Finlinson Pool House**  
1462 EAST FEDERAL HEIGHTS DRIVE, SALT LAKE CITY UTAH



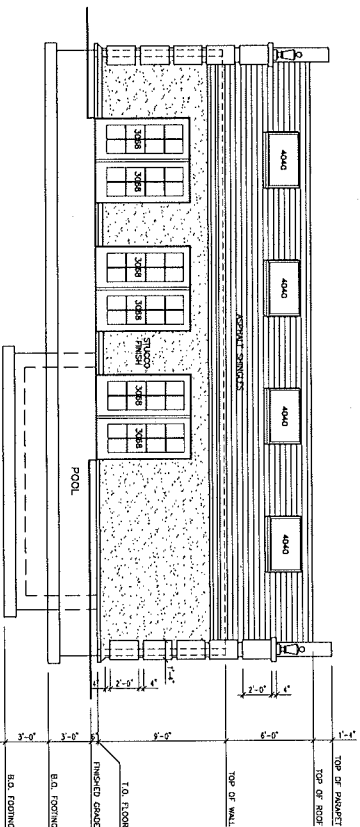
West Elevation  
SCALE: 1/4"=1'-0"

3



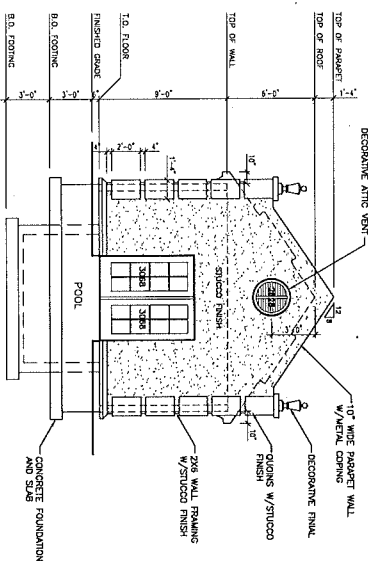
North Elevation  
SCALE: 1/4"=1'-0"

1



East Elevation  
SCALE: 1/4"=1'-0"

4



South Elevation  
SCALE: 1/4"=1'-0"

2

POOL HOUSE ELEVATIONS  
**Finlinson Pool House**  
 1462 EAST FEDERAL HEIGHTS DRIVE, SALT LAKE CITY UTAH

EXHIBIT  
 08/14/2012  
 CONTRACTOR'S  
 SERVICES

CONTRACTOR LICENSE NO.  
 PROJECT DATE: 01/27/2012  
 PROJECT NO: 122  
 DRAWN BY: JET  
 CHECKED BY: JET

NO.	REVISIONS/RELEASES

NOTES:  
 1. FINISHES ARE FROM OUTSIDE FACE OF FOUNDATION OR FINISH WALL.  
 2. ALL FINISH DOOR CLASS TO BE DETERMINED PER LOCAL CODES.  
 SEE STRUCTURAL SHEETS FOR NOTES AND DETAILS AND T2.0 FOR ADDITIONAL NOTES.

A4.0

**Attachment B**  
**Letter from Neighbor**

David Valenti  
Susan Valenti  
1373 Arlington Drive  
Salt Lake City, Utah 84103  
801.532.2651

July 16, 2012

Planning Commission

RE: 1462 Arlington Drive, PLNBOA2012-00406

Dear Planning Commission,

On June 29, we received a letter from you asking if we request a public hearing regarding this application with a deadline of July 12. We made such request by email on July 11, and were asked to provide a letter by today stating our reasons.

We are concerned about the proposed building for several reasons.

**Undue adverse impact/compliance with standards/ordinances & purposes:**

First, though the lot of 1462 has a large back yard with a 89' rear lot line, instead of placing the structure in the backyard, the Hobby/Pool House is nestled into a corner of the yard where the back of three neighbors' lots nearly converge: three of our lots are small, thin, shaped like narrow pieces of pizza and the back ends are within feet of the proposed building. Five neighbors' lots will be within feet of the proposed building. The location of the Hobby House could not be placed in a manner as to impact the neighbors more. Indeed, there are 6 properties abutting the subject property.

On the plans, the back lot line appears to be straight. It is not. We own a separate piece of property that, according to the plan, is about 4' from the proposed Hobby House.

**Public health, safety and general welfare/compatible with surrounding development/material pollution of environment:**

We do not know what activities are planned in this so-called Hobby house, and whether they will have an adverse impact upon public health, safety and general welfare. We do not know whether they will involve machinery or noxious fumes. The building will include a pool, which likely will be used day and night and have automatic filtering and pumps that will be noisy. It is a recreational structure with potential noise from socializing at the Pool House at all hours.

In driving by several "hobby houses" that have been approved by this commission, one had a "Open" sign in the window, indicating it is being used as a business. Another, in the Harvard-Yale area (approved for use solely as an office) we know to be used as a permanent residence for a tenant. Many of these so-called hobby houses are on lots that have no neighbors behind them, but rather schools, church parking lots and gullies. We did not see any that were within feet of 4-5 neighbors' property.

**Substantial impairment of property value/destruction of significant features:**

We feel that the proposed building will substantially diminish the value of the property that it is abutting, including ours. Currently our yard is completely private thanks to mature trees. Numerous of these will be cut down to build the 17' high building just feet from our backyard patio area. Instead of having our patio surrounded by trees, one side will be a 17' tall stucco wall in an architectural style that may be in character with the main house, but, like the main house, is out of character with the rest of the neighborhood. We purchased our house in great part because of the private, foliage covered back yard and we believe that this continues to be the biggest selling point for our home, which is among the smallest on the block in terms of square feet and lot size.

We feel that our house would increase in value if we were to build a two car garage (we have a 1924 era one-car garage that our car doesn't even fit into). However, it appears that if the Hobby House is built as planned, it will prevent us from building a two-car garage on our property as our garage would not be able to be "closer than 10 feet" to a structure on an adjacent lot. Thus, the Hobby House will decrease our home's value by precluding us from building a two car garage at the allotted 1' from our north lot line because our garage structure would be too close to the proposed Hobby House.

Finally, the design has French door with windows directly opening to the property line to the south. This seems to be in contravention of the requirement that no windows be on a wall less than 10 feet from the property line. Moreover, we don't understand the need for a door opening towards the back property line. This wall appears to be 4' from our property line. Having a 17 foot structure with doors and windows peering into our back yard will destroy our privacy and significantly decrease the value of our property.

Sincerely,

Dave Valenti

