

Planning Commission Staff Report
Administrative Item



Planning Division
Department of Community &
Economic Development

Taylor Addition Special Exception
Special Exception #PLNPCM2013-00334
1270 East Yale Ave
Hearing date: July 10, 2013

Applicant:

Doran Taylor (Owner)

Staff:

Casey Stewart 535-6260
casey.stewart@slcgov.com

Tax ID:

16-08-428-021

Current Zone:

R-1 / 5,000 (Single Family Residential)

Master Plan Designation:

Central Community Master Plan:
Low Density Residential

Council District:

District 5 – Jill Remington Love

Community Council:

East Liberty Park – Michael Cohn
(Chair)

Lot size: 16,500 square feet

Current Use:

Single Family Residential

Applicable Land Use Regulations:

- 21A.24.070 R-1 \ 5,000
- 21A.52 Special Exceptions

Attachments:

- A. Site Plan & Elevation Drawings
- B. Photographs

Request

Doran Taylor requests a special exception for an addition to his existing home that would be in line with the existing side yard setback on the west side. The proposed addition is a roof structure supported by posts on top of an attached garage. The roof would cover an existing patio on top of the garage, which is located on the west property line.

Recommendation

Based on the findings listed in the staff report, it is the Planning Staff's opinion that the project does not adequately meet the applicable standards for a special exception and therefore recommends the Planning Commission deny the application as proposed.

Recommended Motion

Based on the findings listed in the staff report and the testimony heard, I move that the Planning Commission deny the requested Taylor Addition special exception PLNPCM2013-00334.

VICINITY MAP – 1270 East Yale Ave



Background

Project Description

The applicant seeks approval of a special exception to construct a roof structure over an existing outside patio located on top of the two car, single story attached garage. The roof structure is proposed to be constructed in essentially the same vertical line with the west wall of the attached garage, which is located on the west property line. The required setback is four (4) feet for buildings at this side yard. The roof structure would be constructed six (6) inches back from the property line. It would be supported by posts and open on all sides and would cover the entire attached garage flat roof/patio area. The original building permit for the residence was issued in 1923. No prior approvals were found specifically for the existing zero building setback so it is assumed that the setback was established as part of the original construction.

The adjacent residential building to the west has windows and a door looking out at the subject garage and appears to comply with the required four foot (4') side yard setback, maintaining space for a separate and small yard between the homes.

Project Details

Regulation	Zone Regulation	Proposal
Use	Single Family Residential	Single Family Residential
Density/Lot Coverage	n/a	n/a
Height	28 feet	22 feet
Front Yard Setback	20 feet	50 feet (no change)
Rear Yard Setback	25 feet	65 feet (no change)
Side Yard Setback (west side)	4 feet	6 inches

Public Notice, Meetings, Comments

The following is a list of public meetings that have been held related to the proposed project:

- None, as none are required

Notice of the public hearing for the proposal included:

- Public hearing notice mailed on June 27, 2013
- Public hearing notice posted on property on June 28, 2013
- Public notice posted on City and State websites June 27, 2013

Planning staff did not seek a review by the Transportation Division because the roof structure is over an existing portion of the building and would not impact transportation-related issues.

Analysis and Findings

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:

- 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.**

Analysis: The purpose of the R-1/5,000 single-family residential district is to provide for conventional single-family residential neighborhoods with lots not less than five thousand (5,000) square feet in size. 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.

Side yard requirements in single family districts are typically used to maintain adequate separation between neighboring buildings for sunlight, privacy, emergency services access, to create neighborhood visual uniformity, and for landscaped yard area. The requested reduced setback for the roof structure would contribute to a building that already has no side yard setback, thereby crowding the lot line and adjacent residence with building structure. The adjacent residential building to the west has windows and a door looking out at the garage and the proposed roof structure would directly impact the view from the adjacent property.

Finding: The proposal does not comply with this standard based on the above analysis that indicates that the proposal would contribute to a development that is contrary to the purpose of the zoning district and the purpose for the setbacks established for the district.

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

Analysis: The use of the property is not changing and so there is no impact to neighboring property values. The patio is, and would be, used for gathering of the owner's and their visitors; the difference being the roof structure overhead. Furthermore, no evidence has been presented that would indicate that the proposal would *substantially* diminish the value of property within the neighborhood.

Finding: Based on the analysis above, there would be no substantial impairment of neighborhood property value; the petition complies with this 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; and

Analysis: The use of the property will continue to be single family residential, thereby contributing to the character of the area, and not have a material adverse the "residential" character or the public health, safety, and general welfare. However, by exceeding the required setback, the common property line would be crowded with building structure, thereby visually impacting the adjacent property and contributing even further to reduced side yard setbacks, which are considered critical in this denser residential zoning district. Staff anticipates the impact, by virtue of the side yard encroachment, to be to the "visual" character rather than to either the residential aspect of the neighborhood or the public health, safety and general welfare.

Finding: The petition does not adequately comply with this standard; the requested setback encroachment would adversely impact the character of the neighborhood. The proposal would not have an undue adverse impact on the public health, safety or 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.

Analysis: The proposed roof structure setback would adversely affect the compatibility of this residence with the adjacent residence to the west. The incompatibility would come in the form of more building structure and materials being located in close proximity to, and in the direct view of occupants in, the adjacent residence. The adjacent residence to the west appears to comply with the required four foot (4') side yard setback, maintaining at least some space for a separate and small yard between the homes. In general, the single family homes in the immediate vicinity have side yard setbacks are near compliance with the zoning standards, although there are a few homes in the same vicinity that appear to have a side yard setback ranging from 1 to 3 feet. Only one other home (3 properties to the west) appears to have a zero side yard setback.

Finding: The petition does not adequately comply with this standard; the proposed setback encroachment is not considered compatible with development of neighboring properties.

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 proposed roof structure would be over an existing portion of the home and would not create any impact on natural, scenic, or historic features of significant importance.

Finding: The petition will not result in the destruction, loss or damage of significant features; it complies with this standard.

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

Analysis: The requested setback reduction by its nature will not create air, water, soil or noise pollution.

Finding: The proposal will not cause material or types of pollution; it complies with this standard.

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

Certain Special Exceptions have specific standards and conditions that apply. Ordinance 21A.52.030.A.15 applies to all “*in line*” additions. These standards and conditions are as follows:

- a. The addition follows the existing building line and does not create any new noncompliance.

Analysis: The addition as requested would be slightly back from the existing building line on the west property line, thereby avoiding any new noncompliance. The residence was constructed under an approved permit in 1923 and is considered legal, noncomplying.

Finding: The proposed roof structure does not exceed the existing building line and thereby satisfies this standard.

- b. No additional dwelling units are added to the structure.

Analysis: The petition and building permit application materials do not indicate any additional dwelling units for this project.

Finding: The project satisfies this standard.

- c. The addition is a legitimate architectural addition with rooflines and exterior materials designed to be compatible with the original structure.

Analysis: The roof structure is considered a legitimate addition. The materials proposed are a copper metal roof supported by six posts and attached to the main body of the residence. The structure would be devoid of walls, which reduces the amount of exterior materials. The roof type and minimal wall materials are considered compatible with the original structure.

Finding: Based on the analysis above the petition complies with this standard.

Commission Options

If approved, the applicant can proceed with applying for a construction permit and commence the project. If conditions are applied to an approval of the request, then the conditions have to be reflected on the building permit and satisfied before occupancy of the building. No additional processes are required.

If denied, existing construction would have to be revised to comply with the full four foot (4') side yard setback, or a lesser setback if approved by the commission, prior to finalization of the permit.

Potential Motions

The motion recommended by the Planning Division is located on the cover page of this staff report. The recommendation is based on the above analysis. Below is a potential motion that may be used in cases where the Planning Commission determines a special exception should be approved.

Not Consistent with Staff Recommendation:

Based on the testimony, plans presented and the following findings, I move that the Planning Commission grant the Taylor Addition special exception PLNPCM2013-00334 for reduced side yard setback, located at approximately 1270 East Yale Ave. In addition to the standards A, E, F, and G, the staff report indicated were complied with, the requested special exception complies with the following particular standards for special exceptions (*the commission shall make findings on the special exception standards as listed below*):

- B. 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. The proposal will not have a material adverse effect upon the character of the area or the public health safety and general welfare;*
- D. The proposal will be compatible with development of surrounding property;*

Attachment A
Site Plan & Elevation Drawings

CODE COMPLIANCE

JURISDICTION: SALT LAKE CITY, UTAH

2009 EDITION OF THE INTERNATIONAL BUILDING CODE (IBC), TO INCLUDE APPENDIX J, ISSUED BY THE INTERNATIONAL CODE COUNCIL.
 2008 EDITION OF THE NATIONAL ELECTRICAL CODE (NEC), ISSUED BY THE NATIONAL FIRE PROTECTION ASSOCIATION
 2009 EDITION OF THE INTERNATIONAL PLUMBING CODE (IPC), ISSUED BY THE INTERNATIONAL CODE COUNCIL.
 2009 EDITION OF THE INTERNATIONAL MECHANICAL CODE (IMC), ISSUED BY THE INTERNATIONAL CODE COUNCIL.
 2009 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE (IRC), ISSUED BY THE INTERNATIONAL CODE COUNCIL.
 2009 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE (IECC), ISSUED BY THE INTERNATIONAL CODE COUNCIL.
 2009 EDITION OF THE INTERNATIONAL FUEL GAS CODE (IFGC), ISSUED BY THE INTERNATIONAL CODE COUNCIL.

NEW ROOF FOR GARAGE DECK

1270 YALE AVE.
 SALT LAKE CITY, UT 84105
 ZONE R-1-5000

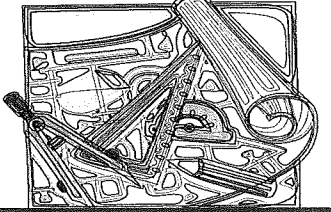
DORAN TAYLOR

INDEX OF DRAWINGS

Sheet List Table

Sheet Number	Sheet Title
C-1	COVER - SITE
A-1	MAIN FLOOR PLAN
A-2	ELEVATIONS

DeMita Drafting
 801-550-8617



CONSULTANTS

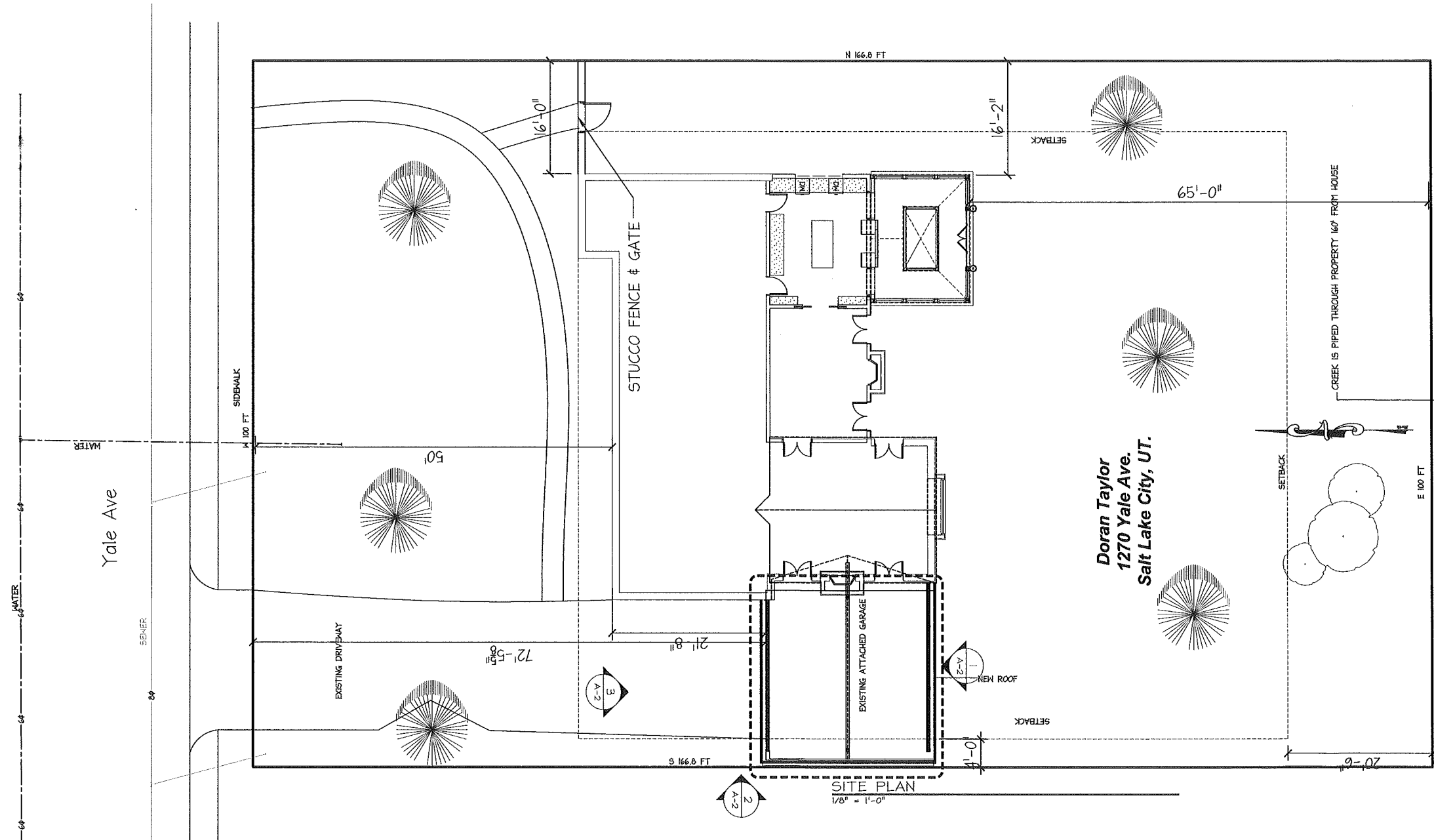


DORAN TAYLOR GARAGE DECK ROOF
 1270 YALE AVE. SALT LAKE CITY, UT 84105

OWNER
 DORAN TAYLOR
 1270 Yale Ave. Salt Lake City, UT 84105
 801-582-5155

NOTES:

DUE TO THE NATURE OF REMODELING, ALL DIMENSIONS TO BE FIELD VERIFIED BY THE CONTRACTOR. COMPLY WITH ALL APPLICABLE CODES & REGULATIONS.



MARK DATE DESCRIPTION

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DRAWN BY: --

CHK'D BY: --

COPYRIGHT:

SHEET TITLE

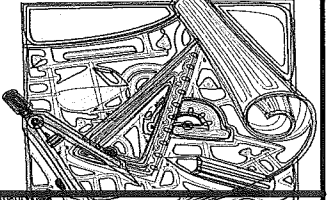
COVER - SITE

Friday, April 12, 2013

C-1

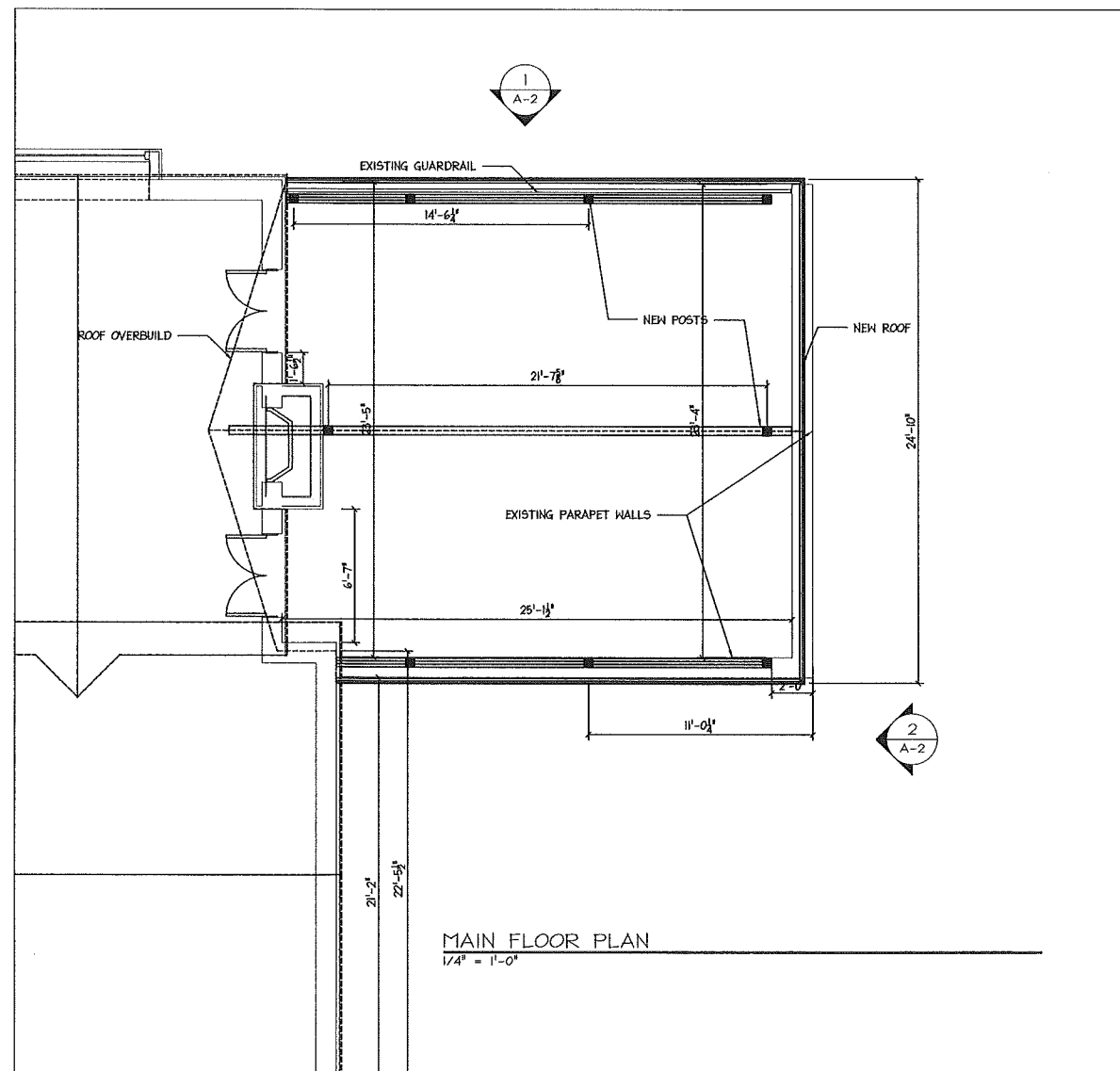
SHEET 1 OF 8

DeMita Drafting
801-550-8617



DORAN TAYLOR GARAGE
DECK ROOF
1270 YALE AVE. SALT
LAKE CITY, UT 84105

OWNER
DORAN TAYLOR
1270 Yale Ave. Salt Lake
City, UT 84105
801-582-5155



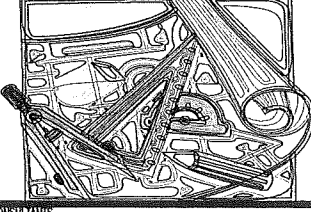
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PROJECT NO: ----
CAD DWG FILE: A-1 MAIN FLOOR PLAN.DWG
DRAWN BY: --
CHK'D BY: --
COPYRIGHT:

SHEET TITLE
MAIN FLOOR PLAN

Friday, April 12, 2013

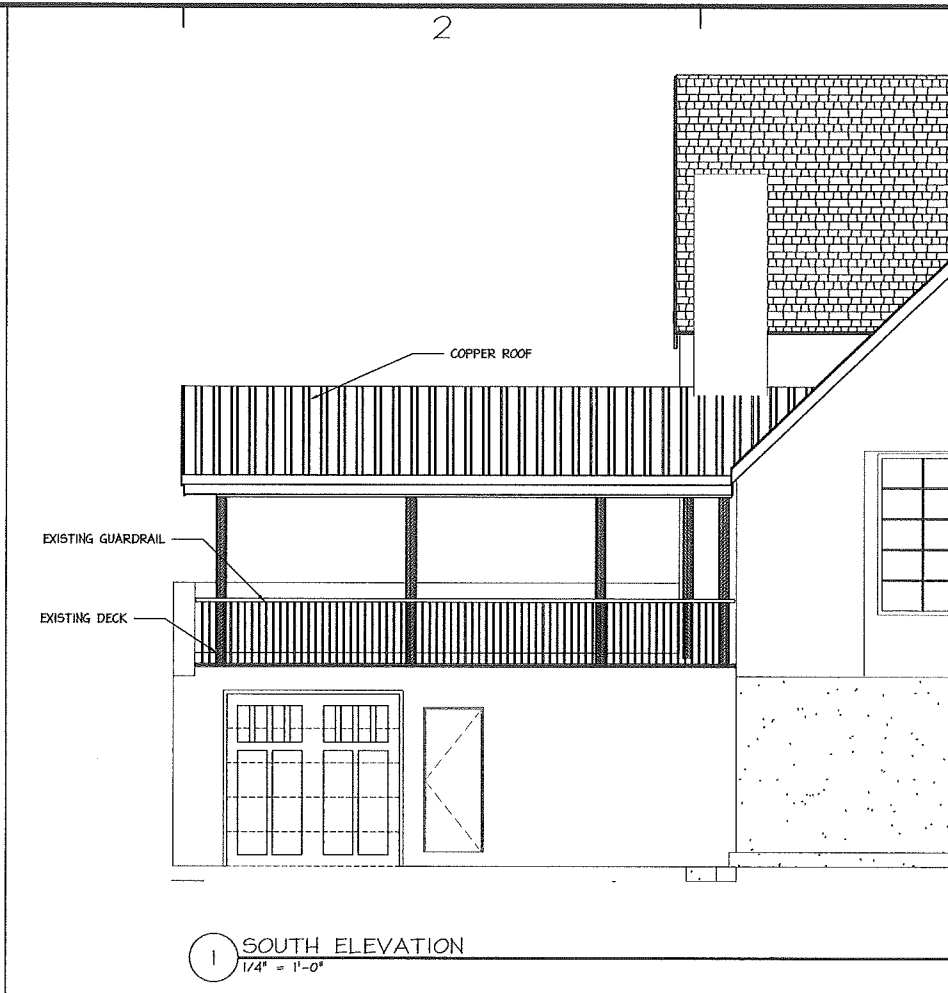
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SHEET 3 OF 8



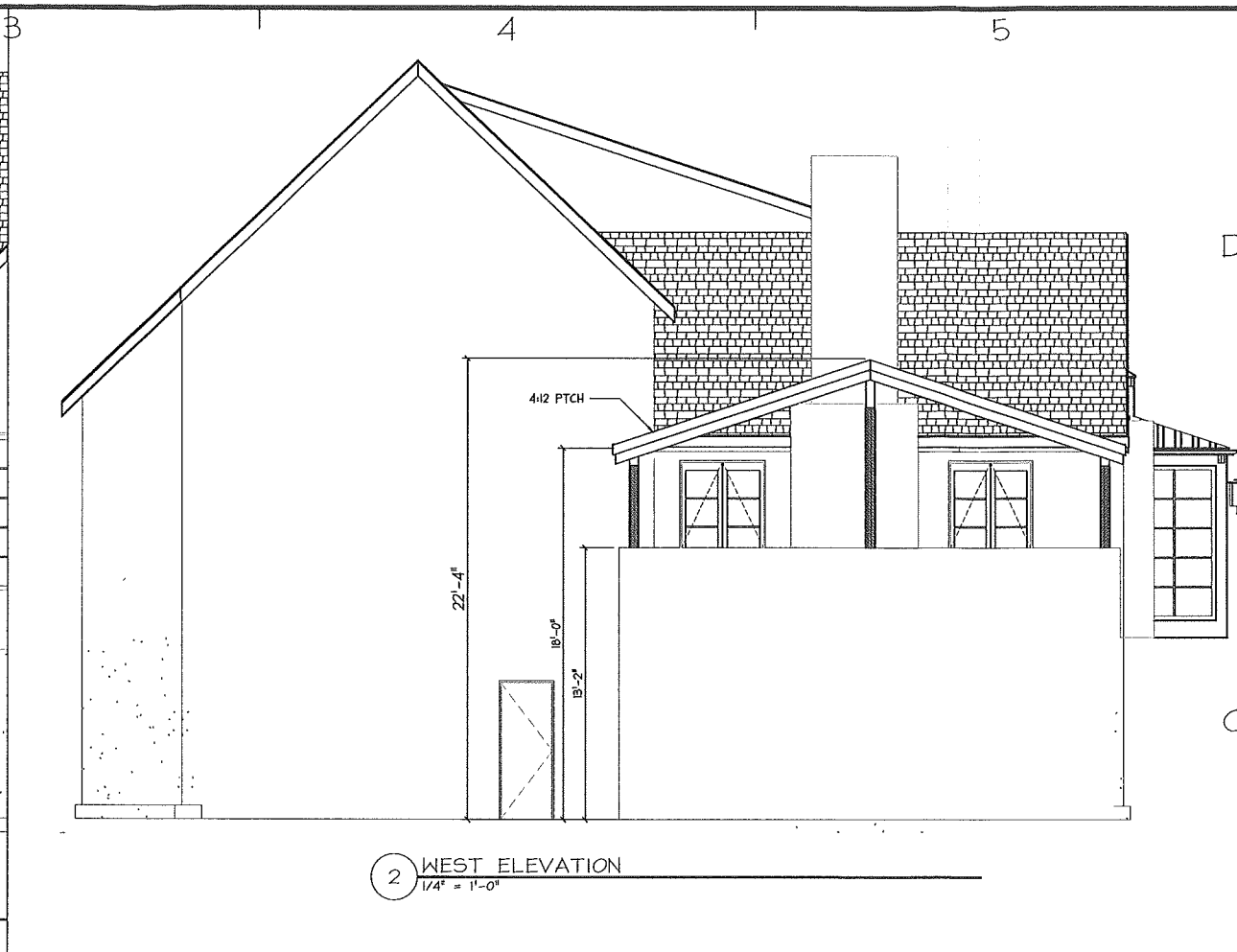
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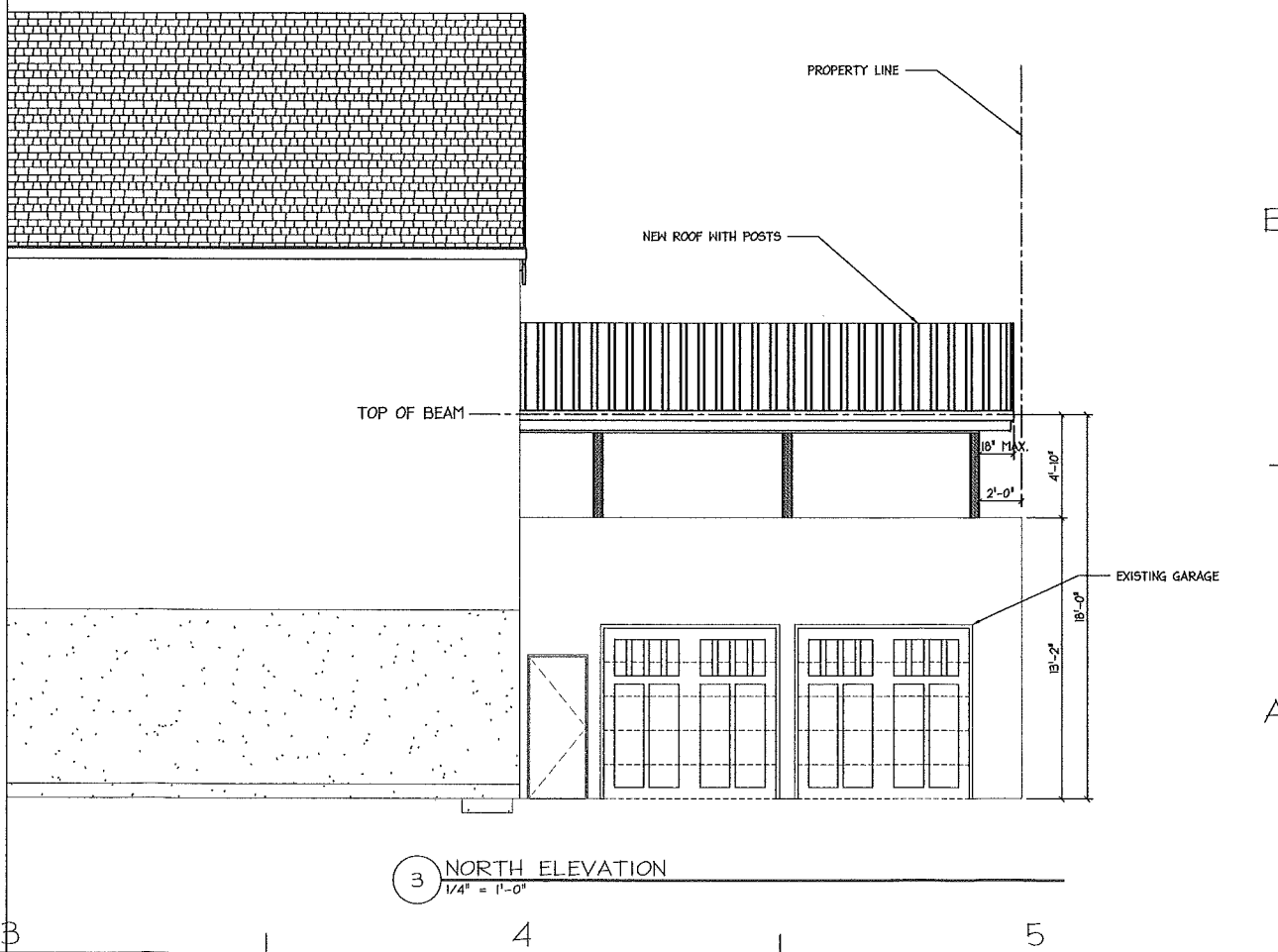
DORAN TAYLOR GARAGE
DECK ROOF
1270 YALE AVE. SALT
LAKE CITY, UT 84105
OWNER
DORAN TAYLOR
1270 Yale Ave. Salt Lake
City, UT 84105
801-582-5155



1 SOUTH ELEVATION
1/4" = 1'-0"



2 WEST ELEVATION
1/4" = 1'-0"



3 NORTH ELEVATION
1/4" = 1'-0"

MARK	DATE	DESCRIPTION

PROJECT NO: _____
 CAD DWG FILE: A-2 ELEVATIONS.DWG
 DRAWN BY: _____
 CHK'D BY: _____
 COPYRIGHT: _____

SHEET TITLE
ELEVATIONS
 Friday, April 12, 2013
 A-2
 SHEET 4 OF 8

Attachment B
Photographs



Looking south at subject garage.

