

**PLANNING COMMISSION STAFF REPORT
ADMINISTRATIVE ITEM**



Planning Division
Department of Community
and Economic Development

Bayly Over Height Fence
Special Exception PLNPCM2013-00388
1248 W Talisman Drive
July 10th, 2013

Applicant: Teag Bayly

Staff: Daniel Echeverria
daniel.echeverria@slcgov.com

Tax ID:
08-26-304-015

Current Zone:
R-1/7,000, Single Family
Residential

Master Plan Designation:
Northwest Master Plan, Low
Density Residential

Council District:
Council District 1,
Carlton Christensen

Community Council:
Rose Park

Lot Size:
0.13 acres

Current Use:
Single Family Home

**Applicable Land Use
Regulations:**

- [21A.24.060:
R-1/7,000 Single Family
Residential](#)
- [21A.52: Special
Exceptions](#)
- [21A.40.120: Regulation
of fences, walls and
hedges](#)

Attachments:

- [Site Plan and
Applicant's Narrative](#)
- [Photographs](#)
- [Public Input](#)

Request

Teag Bayly is requesting a Special Exception for a 6 foot tall fence in the east yard of the property located at approximately 1248 W Talisman Drive. The property is a corner lot and is located in an R-1/7,000 Single Family Residential zoning district. The purpose of the additional fence height is to provide additional privacy and security for the east yard. The Planning Commission has final decision making authority for Special Exceptions.

Recommendation

Based on the findings listed in the staff report, it is the Planning Staff's opinion that the project generally does not meet the applicable standards for a special exception for additional fence height and therefore recommends that the Planning Commission deny the request.

Potential Motions

Denial: Based on the findings listed in the staff report, testimony and plans presented, I move that the Planning Commission deny petition PLNPCM2013-00388, a request for a special exception for additional fence height for the property located at approximately 1248 W Talisman Drive.

VICINITY MAP



Background

Project Description

This is a request by Teag Bayly for a special exception at 1248 W Talisman Drive to allow a 6 foot tall solid fence in the east yard of the property which fronts Oakley Street. Please see the site plan in attachment A for the exact proposed location of the fence. The property is in the R-1/7,000 Single Family Residential zoning district. The east yard of the property is currently fenced with a 4 foot tall chain link fence. Fence height in front yards is limited to 4 feet. The zoning ordinance specifies the east yard as the front yard in this case and so the fence is currently limited to 4 feet in height. The purpose of the additional fence height is to provide some privacy and security to the property, especially for the applicant’s children’s use of the yard.

Project Details

Zoning Standards for Fence Height

The zoning ordinance regulates fence height. For rear yards, side yards, and corner side yards fences are allowed up to 6 feet in height. In front yards fences are limited to a height of 4 feet.

Regulation	Zone Regulation	Proposal	Complies
Front Yard Fence Height (East Yard)	4 feet	6 feet	No; Special Exception requested
Corner Side Yard Fence Height (South Yard)	6 feet	None	Yes

Determining Front Yards on Corner Lots

Determining which yard is the front yard on developed corner lots can be confusing. In determining front yards on developed corner lots, we need to first determine which yards most closely meet the rear yard and side yard setback requirements. In the case of the subject property, the setback of the home from the west property line is about 27 feet and the setback of the home from the north property line is about 3 feet. In the R-1/7,000 zone the required rear yard setback is 20 feet and the required interior side yard setback is 6 feet. In looking at the setback dimension of the property, the area between the west property line and the home meets the rear yard setback requirement, but the north area does not. Therefore, the rear yard is the west yard and the north yard is the interior side yard. The zoning ordinance defines the rear yard as the yard opposite of the front yard. So in this case, the east yard is considered the front yard as it is opposite the west yard, and the south yard is considered the corner side yard. The associated definitions of particular yards and lot lines are found in [21A.62.040 “Definitions of Terms.”](#)

Yards	Requirement	Yard That Most Closely Meets Requirement	Current Yard Setback
Rear	20' Setback Minimum	West Yard	~27'
Interior Side	6' Setback Minimum	North Yard	~3'
Front	Opposite of Rear Lot Line	East Yard	~22 to 27'
Corner Side	Between Front Yard Setback and Rear Lot Line	South Yard	~27'



Diagram 1. Property aerial with yards highlighted

Due to the yard designations, a 6 foot tall fence is currently permitted in the south yard. Compliant with the zoning ordinance requirements, the fence could extend from about the north side of the main driveway up to a point in line with the east façade of the house. However, a fence in this location would wall off the side of the house that has a front porch, front door, and main living room window. The applicant would instead like to build the fence on the east side of the property.

Public Notice, Meetings, and Comments

Public Comments

Staff received four letters from neighbors about this request. Two of the letters expressed concerns about the request. Two other letter expressed approval of the request. Those letters can be found in [Attachment C](#). In addition, two phone calls were received expressing approval of the request. One other phone call was received from a neighbor opposed to the proposed 6 feet of height due to pedestrians potentially not being able to see people backing out of the driveway on the property.

Notification

Notice of the public hearing for the proposal includes:

- Public hearing notice mailed on June 27th.
- Public hearing notice posted on property on June 27th.
- Public hearing notice posted on City and State websites on June 27th.
- Public hearing notice emailed to the Planning Division list serve on June 27th.

City Division Comments

The petition was routed to the City Transportation department, who identified that the safety impacts of a 6 foot fence in the yard would be reduced with the condition that the proposed gate be used for occasional Recreational Vehicle access only.

Analysis and Findings

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 statement of the R-1/7,000 Single-family Residential zoning district does not address fences directly. However, it is inherent of residential property boundaries to be demarked by fences. The zoning ordinance addresses this by providing standards for fences in residential zoning districts. The purpose statement for the R-1/7000 zoning district is as follows:

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.

As to compatibility with the above purposes, a fence in the east yard would provide a “safe and comfortable place to live and play” by providing some security and privacy in the yard. Further, a fence on a corner property is not an unusual feature in Salt Lake City residential districts and would generally maintain compatibility with the “development patterns” and “existing character of the neighborhood.” There are other examples of corner side yard fences throughout this neighborhood, as shown in [Attachment B](#).

In this case, what the ordinance designates as the front yard actually functions as the corner side yard, and this proposal would more closely maintain the purpose of this ordinance than if the ordinance rule was strictly followed. Alternatively, permitting a fence on the south side of the property would wall off what functions as a front yard and contradicts the purpose of the fence regulations involving the “enhancement of the community appearance.” Further, this would wall off the view of the street from the front windows of this and neighboring properties. Maintaining a view of activity on the street can potentially reduce and prevent crimes, and walling off this view would contradict the purpose of ensuring “public safety.”

The purpose of the fence regulations as stated in ordinance section [21A.40.120.A](#) is “to achieve a balance between the private concerns for privacy and site design and the public concerns for enhancement of the community appearance, and to ensure the provision of adequate light, air and public safety.” The associated fence regulations in section [21A.40.120](#) permit fences up to 6 feet in height in corner side yards, specifically, “Fences, walls or hedges may be erected in any required corner side yard (extending to a point in line with the front facade of the principal structure), side yard or rear yard to a height not to exceed six feet (6'). The zoning administrator may require either increased fence setback or lower fence height along corner side yards to provide adequate line of sight for driveways and alleys.” In accordance with the purpose statement, this regulation allows for property owners with corner lots to ensure some level of privacy and private enjoyment of their property, while still generally maintaining the open nature of front yards in Salt Lake City neighborhoods.

The provision regarding increased fence setback or lower fence height is intended to balance the rights of the property owner with the right of the general public to safety when using public sidewalks. As provided in section [21A.40.120.E](#), the ordinance requires specific clear sight areas where driveways and sidewalks meet in order to prevent collisions between sidewalk users and vehicles and maintain public safety. As proposed, the fence does not accommodate these clear sight areas and so the fence is not in compliance with the ordinance purpose to balance privacy of the property owner and public safety. Instead, this balance would be disrupted in favor of the private property owner, when there are important public safety concerns where driveways interface with public sidewalks.

Findings: Staff finds that the proposed fence is not in compliance with the ordinance and district purposes and the proposal does not meet this standard.

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

Analysis: The proposed fence height and general location is a normal feature in this neighborhood and is consistent with the character of the neighborhood and existing development patterns. The proposed location of the fence will better preserve views of the street, yard, and porch, than what would normally be permitted by the zoning ordinance. Please see [Attachment B](#) for examples of corner side yard fences in the neighborhood of the proposal.

Findings: Staff finds the proposed fence will not substantially diminish or impair the value of the property within the neighborhood and 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: The neighborhood character of the area includes fences on corner properties in corner side yards. The installation of a fence in the proposed location would better protect the safety of users of the street and sidewalk than one installed on the south side of the property. As discussed in Standard A, visibility of neighborhood activity is an important component of crime prevention in neighborhoods. As the porch and living room windows look out onto the south side of the property, a fence on the east side of the property would better ensure visibility for not only this home but for neighboring properties.

However, the proposed fence includes a 6 foot high gate along the driveway on Oakley Avenue. The zoning ordinance has specific standards for fences along driveways in residential areas. Specifically, the standards require 10 foot by 10 foot clear sight triangle areas next to the intersection of driveways and sidewalks wherein fences and other potential sight impediments are not permitted. These standards are intended to maintain public

safety, by ensuring that pedestrians and motorists have clear views of each other where there is a potential for collisions. Allowing for a 6' foot gate and fence along this driveway without maintaining clear sight areas has the potential to have a material adverse effect upon public safety.

Findings: Staff finds the proposed fence will have a material adverse effect on public safety and does not meet this standard.

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

Analysis: The fence is located on a residential property on a corner lot. Other corner lots on neighboring blocks have fences that are 6 feet in height, constructed and arranged along the property line of what is either a corner side yard or what functions as a corner side yard. The height proposal would generally maintain compatibility with the existing development in the neighborhood and the height is generally compatible with the district regulations for corner side yard fences.

However, the presence of the driveway on Oakley Ave creates a situation where a 6 foot fence would negatively impact the ability of drivers to adequately see pedestrians that may be on the sidewalk in front of the property. The neighborhood is primarily residential and a standard has been established that addresses this type of issue in residential neighborhoods. By not complying with that standard for a clear view, the proposal is not compatible with the use and development of neighboring properties.

Findings: Staff finds that the fence would not be compatible with the use and development of neighboring properties and does not meet this standard.

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

Analysis: There is no foreseen destruction of any significant features.

Findings: Staff finds the fence meets this standard.

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

Analysis: There is no foreseen material pollution of the environment.

Findings: Staff finds the fence 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.

In addition to the general special exception standards, the fence must comply with the following applicable standards for additional fence height found in [21A.52.030A.3](#):

- a. **Exceeding the allowable height limits; provided, that the fence, wall or structure is constructed of wrought iron, tubular steel or other similar material, and that the open, spatial**

and nonstructural area of the fence, wall or other similar structure constitutes at least eighty percent (80%) of its total area;

Analysis: The fence is not proposed to be composed of the referenced materials and the over height portion does not maintain an openness of 80% of its total area. This is an issue around the driveway, as the proposed solid fence does not allow any visibility from the driveway to the sidewalk or vice versa.

Findings: The fence does not meet this standard.

- b. Not exceeding the allowable height limits within thirty feet (30') of the intersection of front property lines on any corner lot; unless the city's traffic engineer determines that permitting the additional height would not cause an unsafe traffic condition;**

Analysis: The fence is not located in any intersection line of sight areas.

Findings: The fence meets this standard.

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

Analysis: The over height portion of the fence is a solid, structural component of the fence and does not constitute an ornamental feature or architectural embellishment. Small architectural embellishments would generally not block the required clear sight areas, unlike a solid fence.

Findings: The fence does not meet this standard.

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

Analysis: The fence is not located around a school or recreational area.

Findings: This standard does not apply.

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

Analysis: The side yard in this case is located on a corner lot that experiences more negative impacts from its proximity to the street than a side yard located on a lot internal to the block. The zoning ordinance normally allows for a 6 foot tall corner side yard fence in order to allow corner lot property owners the same privacy and security in their side yard that other property owners in the neighborhood normally enjoy due to their internal location on the block. Furthermore, allowing for a 6 foot fence on this property would ensure a level of privacy and security that other similar corner lots enjoy in this neighborhood.

Findings: The proposal complies with this standard.

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

Analysis: A six foot fence is normally allowed on a corner lot in the corner side yard. In this case, the east yard, where the fence is generally proposed, functions as the corner side yard. A 6 foot fence in a corner side yard is also not an unusual feature in this neighborhood and would keep within the general character of the neighborhood.

However, the presence of the driveway along the proposed fence creates a situation that is not normal to the neighborhood and has a negative impact on the urban design of the City because a 6 foot high fence creates a safety issue. Furthermore, the City has adopted specific standards for fences in this type of situation. This standard determines what can be expected when it comes to driveways, fences, and the intersections with sidewalks. By not complying with the standard, the level of safety is reduced, the expectation of other neighbors in terms of sidewalk safety is changed, and the safety component of the urban design of the City is negatively altered, even if it is a single property.

Additionally, the proposal includes a 6 foot tall fence encroachment beyond the south façade of the home. As shown in [Attachment A](#), this encroachment would be to enclose an existing garden. The proposed 6 foot tall extension around the garden would create an unusual situation that is not normally allowed in front yards and would begin to block views of and from the south yard. Though 6 foot tall fencing in one yard on a corner lot is a normal feature of development in residential neighborhoods, an additional 6 foot tall extension into the second front or corner side yard is not a normal feature and would not keep within the character or urban design of the neighborhood.

Findings: The fence does not meet this standard.

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

Analysis: Though the fence is proposed to be located in what is strictly interpreted as the front yard, the yard functions as a corner side yard, which can be normally fenced in to a height of 6 feet. Building a six foot fence on the east side, as opposed to on the south side, would better preserve the general open space nature of front yard areas in this neighborhood.

Findings: The fence generally meets this standard.

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

Analysis: The 6 foot fence height is proposed along an existing secondary driveway on the east side that takes access from Oakley Street. The property owner would like to include a gate that preserves recreational vehicle access to the driveway and into the side yard area. Please see the proposed site plan in [Attachment A](#) for the configuration. The Transportation department identified that the safety issues involved with the proposed fence and gate configuration would be reduced if the gate was only used for occasional RV access. As proposed, the applicant's proposal does not take into account the 10' clear sight distance triangle requirement that is normally required for fences located next to driveways that abut a public right of way, such as a sidewalk or street.

The sight distance standard, found in section [21A.40.120E](#) is as follows:

c. Intersection Of Driveway Or Alley Within Public Way; Sight Distance Triangle: Solid fences, walls and hedges located near the intersection of a driveway or an alley within the public way shall not exceed thirty inches (30") in height within a ten foot (10') wide by ten foot (10') deep sight distance triangle as defined in section 21A.62.050 illustration I of this title.

d. Sight Distance Triangle And See Through Fences: Within the area defined as a sight distance triangle, see through fences that are at least fifty percent (50%) open shall be allowed to a height of four feet (4').

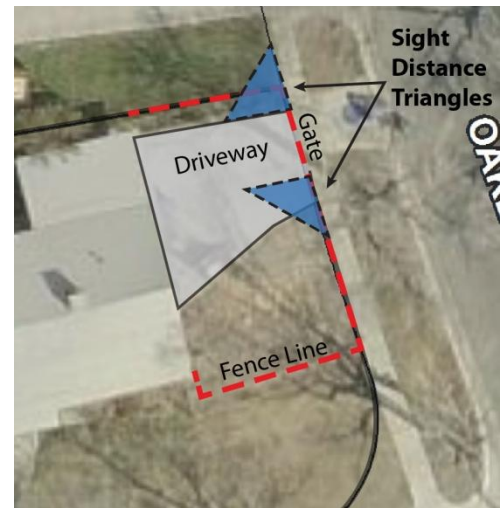


Diagram 2. Sight Distance Triangle Requirement for the Property

The standard is intended to protect the safety of users of the sidewalk by ensuring that pedestrians can see approaching vehicles from driveways. The existing chain link fence currently complies with the “See Through Fence” provision around the driveway and so maintains visibility for pedestrians of the driveway.

Under section [21A.40.120E.2\(G\)](#), the Planning Commission “may approve taller fencing if it is found that the extra height is necessary for the security of the property in question as defined in [chapter 21A.52](#) of this title.” However, allowing for the current fence and gate proposal with the condition that it be limited to occasional RV access only would be difficult to enforce in the long term. Specifically, in the long term the property may change ownership and there is no guarantee that the driveway would not be used for daily access. That possibility poses a safety hazard, as there would be an increased risk of collisions between pedestrians and vehicles where the driveway meets the sidewalk.

Planning staff suggested alternatives to the proposal, including lowered fence height or additional fence setback that would maintain clear sight distance areas along the driveway, but the applicant’s preference is for the proposal as originally submitted.

Findings: As currently proposed, the configuration and height of the fence and associated gate pose a potential safety hazard. The fence does not meet this standard.

Commission Options

Deny with Staff’s Recommendation

If denied, the applicant will only be able to construct a 4 foot fence in the east yard of the property. However, the applicant would still be able to construct a 6 foot tall fence in his south yard extending approximately from the south driveway to a point in line with the east façade of the house. In order to build a 6 foot fence in his south yard, the applicant will need to apply for a building permit.

Approve

If approved, the applicant will be able to apply for a building permit to construct a 6 foot tall fence in the east yard of his property, configured as the applicant has proposed in the included site plan in Attachment A. The plans submitted for building permits will be reviewed by Planning Staff for compliance with the plans approved by the Planning Commission.

Approve with Conditions

The Planning Commission can approve the fence, but also impose conditions of approval in order to ensure that the fence complies with the applicable standards for this Special Exception. The Planning Commission may modify the below potential motion to include any conditions of approval. The plans submitted for building permits will be reviewed by Planning Staff for compliance with the conditions imposed by the Planning Commission.

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 motion that may be used in cases where the Planning Commission determines that the 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 approve petition PLNPCM2013-00388, a request for a special exception to allow an over height fence located at approximately 1248 W Talisman Drive. In addition to the standards B, E, and F 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*):

- A. 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.*
- C. 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. 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.*
- G. The proposed use and development complies with all additional standards imposed on it pursuant to this Chapter.*

ATTACHMENT A
Site Plan and Applicant's Narrative









Bayly Fence Proposal

Project location: 1248 W Talisman Drive, Salt Lake City, UT 84116

Abstract: Replace existing 4' chain link fence with a 6' white vinyl fence, in same location. Existing/proposed fence location shown as cross-hatched line on attached plans.

Project Details: Current in-place fence provides no privacy for our backyard and side yard locations. Our desire to increase the height and opacity of the fence is to provide a safe and private place for our 4 children to play. Current in-place fence is estimated to be 40 or more years old and is showing signs of rust in both the structure and links. A new, clean, vinyl fence will provide the desired safety and privacy, as well as increase curb-appeal and property value. Proposed fence will be professionally installed by Best Vinyl, a licensed contractor.

Project Issues: Our corner lot location provides unique challenges. Based on lot measurements, the city code alleges that the front of our house faces the wrong street (Talisman Drive instead of Oakley Street). As such, our east side yard is being coded as our "front yard", and is therefore ineligible for a 6' fence height. Clearly, this side yard location is not being utilized as a front yard and has not been since the construction of the home over 60 years ago. We are requesting a waiver to this specific classification, and allowance of a 6' fence.

Additionally, a concrete pad in our backyard is used as a trailer pad for our small tent trailer. The concrete approach from the street is used 3-4 times a year for pulling the trailer in/out of storage. At all other times the gate is closed and locked. The city is calling this area an active driveway and the 10' sight triangle is being suggested, mandating we lower the proposed 6' fence to 4' in the north east corner. Doing so would completely eliminate the desired privacy of the backyard. Further, the run-up pad in the parking strip has no poured concrete curbing; it is simply accessed through the gutter, a common practice in our neighborhood (photo attached). Due to this concrete pad being used as a storage area rather than an active driveway, we propose the 10' sight triangle not be mandated. In the infrequent instances of the trailer being moved on this concrete pad, an adult standing on the sidewalk could ensure pedestrian and vehicle safety. A 2 car garage and associated driveway in the front of the house is utilized daily for our 2 cars, and no fence is being proposed in this area.

Potential Neighbor Impact: The adjoining neighbors to the north are most impacted. They fully support and endorse the proposed new fence, going so far as to offer to help with the demolition of the old fence. No other neighbor property lines touch the fence and no sight lines should be negatively impacted by the project.

The corner lot 1 block north of our house has a 6' cedar fence nearly identically placed, with no known complaints from any neighbors in the area.

Conclusion: Granting a logical variance to the city code by allowing the proposed project to move forward will have no drawbacks and will improve the quality of life for our family. Every home owner should have the right to some area of privacy in the vicinity of their home, without exception of homes on corner lots. We respectfully urge you to grant the variance as requested.

ATTACHMENT B
Photographs



East yard of the property. 6' fence is proposed where existing fence is located. The driveway and gate are on the right end of the fence. The garden is on the left.



South yard of the property. 6' fence is currently permitted in this yard.



View of current gate and parking pad in east yard. Chain link fence meets ordinance requirements for clear sight areas due to maintaining at least 50% transparency.

Corner Side Yard Fence Examples in Neighborhood



6' Corner Side Yard fence at 872 N 1200 West (on left.) The fence is setback approximately 5' from the driveway. Original driveway appears to have been 8' from fence. Fence extends to a point in-line with front façade of the home.



6' Corner Side Yard Fence at 858 N 1300 West. Driveway entrance is located approximately 6 feet from the fence. 6 foot fence extends to a point in-line with front façade of home.



6' Corner Side Yard Fence at 1306 W 1000 North. Fence is setback by approximately 5' from sidewalk on the left, and approximately maintains 10' sight distance triangle on the right.



6' Corner Side Yard Fence at 1242 W 900 North. Fence is setback from the property owner's driveway by approximately 8 feet. Fence extends to a point in line with the front façade of the home.



6' Corner Side Yard Fence at 836 N 1300 West. Fence is setback from the adjacent property owner's driveway by approximately 7 feet, though original driveway appears to have met 10 foot sight distance requirement. Fence extends to a point behind the front façade of the home.

ATTACHMENT C
Public Input

PLNPCM2013-00388

June 5, 2013

June 13, 2013

Email: daniel.echeverria@slcgov.com

Judy Thomas' concerns for maintaining integrity of property values.

Received SLC Notice on June 7, 2013

I understand that the applicant is requesting an exception to SLC Zoning and Ordinances regulations for a installing a 6 ft solid fence on both the east and north property lines. It is my understanding that the city records has erroneously been showing the east side of the principal building as the designated "Front yard". You are hereby given notice that actually the face of the façade of the principal building actually faces South on Talisman Dr. The property street address by the Salt Lake County Treasurer shows the property on Talisman Dr. The "Front Yard" has been facing the south side of lot facing Talisman Dr. since it was built, some 60 yrs or so ago.



Left house is mine 1256 W Talisman and right house is applicant @ 1248 W Talisman.

I have asked the applicants how the city intends to resolve this issue, and his response is he will not deal with this issue.

Please note the photos clearly show the property "Front Yard" facing South on Talisman, making that west property fences a violation of ...

21A.40.120: REGULATION OF FENCES, WALLS AND HEDGES: 🌐

E. Height Restrictions:

1. Standard for residential zoning districts: No fence, wall or hedge shall be erected to a height in excess of four feet (4') between **the front property line and the front facade of the principal structure.**

I believe that the 4 ft height is for transparent fences and not solid.

Then on June 13, 2013, I offered to work with them to resolve this issue. That's when I found out that they believe I reported this violation of the ordinances to the City. Then the applicants proceeded to inform me that they intend to put a 6 ft wall on their west property line blocking my views from my bay window in the dining area, essentially I would be "walled in", and causing additional traffic hazards, not to mention the potential loss of tens of thousands of dollars on the property values. They informed me that this can be done because the city see's the west property as a side yard not the "Front Yard". In addition, they told me that the city employee told them they can do this without permits.

Photo below is my bay window view looking east. I eat there daily, enjoying the open space in the front yards, and in the winter looking at the beautiful snow capped Wasatch Mtns. No leaves on trees in winter; and I so enjoy the view. Their 6 ft fence on the west of their property would rob me of my view, cause additional traffic hazards, kill my grass strip next to my driveway from the lack of morning light, and truly crowded me in my own home, losing thousands of dollars in re-sale.



As you can see from the photo below, most of the east side of my house has already lost its view from the garage that was added almost on the property line. I have little sun on my driveway as it is.



Now we have new issues this creates. Additional hazards while backing out of my driveway. I have Talisman Drive speeders, as well as the merging traffic from Sonata just a few feet from my driveway, and I could potentially be blinded by any west bound foot or road traffic with a 6 ft solid fence on their west property line.



My driveway backing out towards SONATA



If SLC refuses to correct the erroneous records to reflect this property facing South and not East, this will cause all sorts of other violations to ordinances.

21A.40.120: REGULATION OF FENCES, WALLS AND HEDGES: 🌐

2. Standards for all zoning districts:

- a. Corner Lots; Sight Distance Triangle: No solid fence, wall or hedge shall be erected to a height in excess of three feet (3') if the fence, wall or hedge is located within the sight distance triangle extending thirty feet (30') of the intersection of the right of way lines on any corner lot as noted in section [21A.62.050](#), illustration I of this title.
- b. Corner Side, Side, Rear Yards; Sight Distance Triangle: Fences, walls or hedges may be erected in any required corner side yard (extending to a point in line with the front facade of the principal structure), side yard or rear yard to a height not to exceed six feet (6'). The zoning administrator may require either increased fence setback or lower fence height along corner side yards to provide adequate line of sight for driveways and alleys.

21A.52.030: SPECIAL EXCEPTIONS AUTHORIZED:

3. Additional height for fences, walls or similar structures may be granted to exceed the height limits established for fences and walls in [chapter 21A.40](#) of this title if it is determined that there will be no negative impacts upon the established character of the affected neighborhood and streetscape, maintenance of public and private views, and matters of public safety. Approval of fences, walls and other similar structures may be granted under the following circumstances subject to compliance with other applicable requirements:
 - a. Exceeding the allowable height limits; provided, that the fence, wall or structure is constructed of wrought iron, tubular steel or other similar material, and that the open, spatial and nonstructural area of the fence, wall or other similar structure constitutes at least eighty percent (80%) of its total area;
 - b. Exceeding the allowable height limits within thirty feet (30') of the intersection of front property lines on any corner lot; unless the city's traffic engineer determines that permitting the additional height would cause an unsafe traffic condition;
 - c. Incorporation of ornamental features or architectural embellishments which extend above the allowable height limits;
 - d. Exceeding the allowable height limits, when erected around schools and approved recreational uses which require special height considerations;
 - e. Exceeding the allowable height limits, in cases where it is determined that a negative impact occurs because of levels of noise, pollution, light or other encroachments on the rights to privacy, safety, security and aesthetics;
 - f. Keeping within the character of the neighborhood and urban design of the city;
 - g. Avoiding a walled-in effect in the front yard of any property in a residential district where the clear character of the neighborhood in front yard areas is one of open spaces from property to property; or
 - h. Posing a safety hazard when there is a driveway on the petitioner's property or neighbor's property adjacent to the proposed fence, wall or similar structure.

Now pertaining to the aesthesis and safety of the North and East 6 ft solid fence

Special Exception Fence Standards = SLC 21A.52.030 a. reads as follows:

Exceeding the allowable height limits; provided, that the fence wall, or structure is constructed of Wrought Iron, tubular steel or other similar materials.

"Other similar materials"; this must be clearly defined by SLC in writing. Would that include a solid vinyl wall?

- Billboard for Graffiti – destroying aesthetics
- Create safety visibility hazard for drivers on

- Talisman driving east
- Oakley driving south

Since part of the North boundary fence would divide two adjoining driveways, there is always visibility issues with both drivers, when watching for children, foot traffic and animals. Both the applicant's and the adjoining properties when backing out of the east driveway, could potentially collide with one another. This safety issue could negatively affect everyone's property values in our area.

- In addition, this single family residence constantly has small children walking these streets to schools and neighborhood parks.

A - 6 ft solid fence along the sidewalk anywhere on this corner lot would cause severe safety issues. Not to mention that the white billboard now become a graffiti billboard destroying the aesthetics, that will reduce my property values.

SLC Ordinance clearly states in the ordinance the "front façade of the principal bldg...". That would define that south side of the residence not the East. That shows SLC records for this applicant's residence are in error and needs to be corrected for maintaining the character of our neighborhood.

The face of the principal building, aka, "FRONT" yard, is where the applicants guests park, and use Front Door for access to the property owners, and the property owners agree Talisman is the FRONT yard; if the US Post office provides the house number on Talisman not on the Oakley (east side). This technicality cannot remain of record and must be corrected to prevent any property owner from installing 6 ft solid fence on Talisman or along the shared property line on Talisman.

Thank you for your time and your thoughtful consideration.

Judy Thomas

1256 W Talisman Dr

Salt Lake City, UT 84116

Echeverria, Daniel

From: k4hideaway@comcast.net
Sent: Monday, July 01, 2013 10:50 AM
To: Echeverria, Daniel
Subject: Public Comment for proposed fence at the home located at 1248 Talisman Drive, Salt Lake City, Utah 84116

Dear Mr. Echeverria,

My name is Brent Hyde. I live at 1159 Talisman Drive in Salt Lake City. I have resided at this location for more than 20 years with my wife and 4 children. We have raised our family on Talisman Drive. I saw your sign concerning the property at 1248 Talisman Drive and wanted to add my voice to the public hearing process. Unfortunately, I will be out of state on the date of the hearing. I am hopeful that you will accept this e-mail in place of my personal appearance.

I am actually very surprised that the proposed fence is even raising any question or concern. The fence is needed, in my opinion. Over the past 20-years, I have witnessed speeding cars driving up and down Talisman Drive, endangering the young children living on the street. I have had to add to my own back-yard fence to ensure the safety of my children when they were young. I know that Mr. and Mrs. Bayly have 4 young children and understand their concern and desire add this element on their property.

The Bayly's have lived in the neighborhood for several years. They have made many improvements on their home and property. They care for their home and yard. They have been a great addition to the neighborhood. It has benefited the neighborhood having such a family living on our street. Adding an attractive fence to their property will only enhance the neighborhood. I would consider the protection of their children and adding to the beauty of the neighborhood enough reason to approve this project. As a neighbor, I want to add my voice in support of allowing the improvement project to move forward.

If you have any questions concerning this e-mail, please contact me. 801-363-7134 (h) 801-240-6717 (w)

Sincerely,
Brent Hyde
1159 Talisman Drive.

June 13, 2013

To Whom It May Concern:

I am writing your office concerning a change in zoning requested by Teag Bayly. This request is in reference to the home at 1248 Talisman Dr. in Salt Lake City. The application notice **PLNPCM 2013-00388** dated June 5, 2013.

The fencing request is for a 6 foot vinyl fence, the full length of the north side of his property, the same 6 foot fence along the east side against the sidewalk, and about 4 foot past the front of his house, turning west across the front of the property and wrapping north to the corner of his south facing house. This proposed fence does not fit into the open and established character of the neighborhood, could possibly devalue the neighboring properties, and could become a constant billboard for graffiti. On top of all that I am mostly concerned about the safety of the people in the neighborhood.

The fence would wrap around his driveway on the north blocking his view backing up, as well as blocks the view of the adjoining driveway next door; to the north. The vision of the driver can be obstructed both entering and leaving both driveways. Many elementary and secondary age children walk next to this proposed 6 foot fence both coming and going to Rose Park Elementary School. They will be unable to see a vehicle leaving either driveway until the car is at the sidewalk. This could be too late for the child.

If in the future Mr. Byly does sell the property, it is most likely the driveway along the north of his lot would be used in excess to access the property and carport in back. The risk factor of a child being injured is just too great. This is something that Mr. Byly is no stranger to. He himself has a daughter was hit by a vehicle backing out of their driveway at a neighboring house. They did not see the young girl and she was run over. Resulting in a trip to the E.R.. I do not know the full outcome of this accident but am glad that she seems to be ok.

Cars hitting children aren't my only concern towards kids regarding this proposed fence. Anyone wanting to cause harm to a child could easily hide behind the north-east corner of the fence (as the area is open) and grab any child coming by. Also, adding a 6 foot fence to this property would give the house a "walled-in effect" and would clearly change the characterization and urban design of the neighborhood.

Although I did not receive a notice of application letter from your office, I feel it is important that you receive my input concerning the zoning of the house next door to me. The information I did receive came from another concerned neighbor. Thank you for your prompt attention to this matter.

Please contact me with any questions regarding my concerns,

Karla Hogan
1236 Talisman Dr.
Salt Lake City, Ut 84116
(801)-596-3136
bostondevils@comcast.net

A reply is requested in confirmation of receipt of this email. Also, a request of follow up via email or mail is requested, as to the decision of this application notice.

Echeverria, Daniel

From: Sandra Archuleta [archuleta.sandra@yahoo.com]
Sent: Sunday, June 30, 2013 10:58 AM
To: Echeverria, Daniel
Subject: Fence

Good morning Daniel we are the people that live right next store to Teag Bayly we share the fence that is on the side of his house and we have no problum with him wanting to build a 6 foot fence. We understand that all he wants his for his kids to feel safe when they are playing out side and we really think that is great of him so we are not understanding why anyone else cares if he does this if affects us the most and we do not have a problum with it. It would improve the vaule of both our prperties so there for we would like for you to let him do this. If you have any questions you can reach me at 385-439-9051. Out address is 867 North Oakley Street and me and my husband really think you should allow him to do this. Thanks for your time Sandra Archuleta & Antonio R Melendez.