

## Planning Commission Staff Report



Planning Division  
Department of Community &  
Economic Development

### **Blankevoort Special Exception-Unit Legalization** Special Exception #PLNPCM2012-00817 1779 South Foothill Dr Hearing date: February 27, 2013

**Applicant:**

John and Ingrid Blankevoort

**Staff:**

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

**Tax ID:**

16-15-428-009

**Current Zone:**

SR-1 (Special Development Pattern  
Residential)

**Master Plan Designation:**

East Bench Master Plan:  
Low Density Residential

**Council District:**

District 6 – Charlie Luke

**Community Council:**

East Bench Community Council  
– Gene Moffitt (Chair)

**Lot size:** 7,900 square feet

**Current Use:**

Single Family Residential

**Applicable Land Use Regulations:**

- 21A.24.080 SR-1 & SR-1A
- 21A.52 Special Exceptions (Unit Legalization)

**Attachments:**

- A. Site Plan & Application Materials
- B. Photographs
- C. Citizen Input
- D. Department Comments

### ***Request***

John and Ingrid Blankevoort are requesting special exception approval to legalize a second dwelling unit located in the existing single family dwelling at 1779 South Foothill Drive. 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 does not adequately meet the applicable standards for a special exception-unit legalization and therefore recommends the Planning Commission deny the application as proposed.

### ***Recommended Motion***

Based on the findings listed in the staff report, the evidence provided, and the testimony heard, I move that the Planning Commission deny the Blankevoort Special Exception-Unit Legalization PLNPCM2012-00817.

## VICINITY MAP – 1779 South Foothill Dr



### **Background**

#### **Project Description**

The applicant seeks legalization of a second residential unit within the existing single family dwelling at the subject property. The City Council recently adopted new criteria to legalize additional dwelling units and the applicant seeks to qualify under those new provisions. The applicant provided documentation and affidavits to demonstrate the history of the second unit; however, during an administrative review, planning staff did not find sufficient evidence and history for the requested second unit for administrative approval. The applicant seeks a review and decision by the Planning Commission. The application is being presented to the Planning Commission due to the question of when the second unit was established and if it has sufficiently been used since 1995 as a second unit. The findings of staff are discussed later in this report under the “analysis and findings” section.

The subject property faces Foothill Drive on the east bench of the city and is in an area of single family and duplex homes. Both dwelling units of the subject property are currently rented out. The original building permit for the existing residence was issued in 1956 for a single family dwelling. The applicants are the current property owners, who purchased the property in May 2011. In September of 2011, the applicants submitted a request to legalize the second unit but could not demonstrate sufficient history under the previous criteria. Due to the proposed amendments being considered at that time for unit legalizations, the applicants decided to wait until new regulations were adopted with the anticipation of qualifying under the new criteria.

#### Timeline:

1956 – Single Family Dwelling constructed

2002 – First indication of two family units per Salt Lake City Polk Directory and Cole Information Services

2005 – Reverts back to one family unit per Salt Lake City Polk Directory and Cole Information Services

2008 – Evidence of two family units again

2011 – Purchased by current owner/applicant

Based solely on the Polk Directory and Cole Information Services provided by the applicant, staff research indicates that the 2<sup>nd</sup> unit was leased for the following years since the original dwelling was constructed:

#### **2002-2005**

(3 year gap)

#### **2008-current**

The applicant provided two affidavits, one from a neighboring property owner who rents his property (e.g. does not live there), and one from the real estate agent that sold the property to the applicants. The affidavits make claims that two units existed prior to 1995 and every year since then. The affidavits don't clarify if the statements refer merely to the existence of components of a dwelling unit (kitchen and bathroom facilities) or if the second unit was actually occupied by a separate family prior to 1995. It is not uncommon for single family dwellings to contain a kitchen and kitchenette, or even two kitchens. The applicant information from their recent mortgage loan indicates the lower unit has a "kitchenette" on a floor plan sketch. There are no building permits of record for this property other than the original building permit for new construction as a single family dwelling.

The applicant also provided a copy of a business license required by the City for rental properties, however, the certificate was issued in error in October, per City zoning enforcement staff notes placed in the file, and is conditioned upon getting the second unit legalized. The business license is not considered evidence of approval or pre-approval of the second unit.

### ***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 or before February 15, 2013
- Public hearing notice posted on property on or before February 15, 2013
- Public notice posted on City and State websites February 15, 2013

### **Public Comments**

Staff received email comments from an adjacent property owner, J. Stoker (1769 Foothill), objecting to the second unit and providing their account of the history of what occurred regarding the second unit. The email is provided under *Attachment C* for review.

### **Transportation Division Comments**

On December 13, 2012, Barry Walsh, Engineering Technician of the Salt Lake City Transportation Division, reviewed the request and found the site to lack the necessary parking stalls for two units. Those comments are attached to this staff report in *Attachment D*. However, with the new criteria for unit legalizations, an excess unit may be permitted if the property is within one-quarter mile (1/4) of an active bus stop or transit rail stop (see analysis on page 7, standard #3).

## ***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 subject property is located in the SR-1 zoning district, which is intended 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. Two-family dwellings are a permitted use in the SR-1 district subject to an 8,000 square-foot lot requirement and sufficient on-site parking. In this case, with a size of 7,900 square feet, the subject property does not comply with the lot size requirement. The current development of the site does not accommodate the required parking. Allowing a two-family use on the subject property that is noncompliant for size and parking would contribute to a development considered incompatible as per the SR-1 design requirements, and thus contrary to the SR-1 district purposes.

**Finding:** The petition 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 SR-1 zoning district and the purpose for the lot size requirement for two-family dwellings 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:**

No definitive evidence was provided to staff demonstrating non-impairment of property value in the neighborhood. Lacking such information, it is staff's opinion that legalizing the second unit would impair property by increasing the density of two-family dwellings in the immediate vicinity, resulting in more density than intended by both the zoning ordinance and applicable master plan. The increased density would contribute to already documented vehicle parking problems. The subject property is located on a cul-de-sac that often has experienced vehicle parking problems per City enforcement records and comments from an owner/occupant within the cul-de-sac. The additional unit would have an adverse impact on the existing property value in the neighborhood.

**Finding:** The petition does not comply with this standard, per the analysis above. The additional unit would negatively impact property values in the neighborhood.

- 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 character of the area is primarily single-family and two-family dwellings. Although two-family dwellings are permitted in the SR-1 zoning district, this petition to legalize a two-family dwelling on a lot that is smaller than the required 8,000 square feet, would adversely impact the character of the area by exceeding the density intended for two-family dwellings. The existing two-family dwellings in the

same cul-de-sac area are either on lots that meet the required 8,000 square feet or were previously legalized with adequate evidence and documentation under previous regulations.

**Finding:** The petition does not adequately comply with this standard; increased two-family dwelling density would exceed that intended by the SR-1 district and adversely impact the character of the neighborhood.

**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 petition pertains to an existing development (single-family dwelling), no new construction is proposed. The legalization of a second dwelling unit within the existing residential building would be incompatible with the use and development of neighboring properties because the subject property does not have sufficient area for a two-family unit and the associated vehicle parking. The cul-de-sac in which the property is located, has documented vehicle parking violations in the past; adding another residential unit would contribute to the problems.

**Finding:** The petition does not adequately comply with this standard. The inadequate lot area would result in a development and use that are incompatible with the neighborhood.

**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:** No natural, scenic or historic features of significant importance are known to be on or adjacent to this property.

**Finding:** Legalization of the second unit will not result in the destruction of significant features and thus 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 legalization will not result in any air, water, soil or noise pollution.

**Finding:** Legalization of the second unit will not impact air, water, soil or noise quality in the neighborhood and thus 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.22.b** applies to all unit legalizations. Those standards and conditions are as follows:

1. The dwelling unit existed prior to April 12, 1995. In order to determine whether a dwelling unit was in existence prior to April 12, 1995, the unit owner shall provide documentation thereof which may include any of the following:

(A) Copies of lease or rental agreements, lease or rent payments, or other similar documentation showing a transaction between the unit owner and tenants;

(B) Evidence indicating that prior to April 12, 1995, the city issued a building permit, business license, zoning certificate, or other permit relating to the dwelling unit in question;

(C) Utility records indicating existence of a dwelling unit;

(D) Historic surveys recognized by the planning director as being performed by a trained professional in historic preservation;

(E) Notarized affidavits from a past tenant, neighbor, previous owner, or other individual who has knowledge about the dwelling unit;

(F) Polk, Cole, or phone directories that indicate existence of the dwelling unit (but not necessarily that the unit was occupied); and

(G) Any other documentation that indicates the existence of the dwelling unit that the owner is willing to place into a public record.

**Analysis:** The original building permit issued in 1956 was for a single family dwelling. The application materials provided by the applicant included Polk and Cole directories information (F above) and notarized affidavits (E above) from a neighboring property owner and a real estate agent involved in the most recent sale of the property. The information is conflicting in that the directories indicate the second unit was created around 2002/2003, but the affidavits claim that two units existed prior to 1995 and every year since then. As discussed previously, it is not clear if the affidavits refer to knowledge of physical components that are typical of two-family units and whether the property was actually occupied as a two-family dwelling, or a single-family dwelling with a kitchenette in the basement level. Staff determined the information provided did not adequately confirm the existence of the second unit prior to 1995.

**Finding:** The petition materials did not adequately demonstrate compliance with this standard. The second dwelling unit does not appear to have existed and been used for such separate purposes in 1995 and the evidence provided does not clearly resolve the question. Staff discussed this with the applicant and the applicant was unable to provide any other evidence.

2. The dwelling unit has been maintained as a separate dwelling unit since April 12, 1995. In order to determine if a unit has been maintained as a separate dwelling unit, the following may be considered:

(A) Evidence listed in standard b(1) indicates that the unit has been occupied at least once every five (5) calendar years;

(B) Evidence that the unit was marketed for occupancy if the unit was unoccupied for more than five (5) consecutive years;

(C) If evidence of maintaining a separate dwelling unit as required by Subsections (A) and (B) cannot be established, documentation of construction upgrades may be provided in lieu thereof.

(D) Evidence that the unit was referenced as a separate dwelling unit at least once every five (5) years.

**Analysis:** The materials provided by the applicant do not clearly demonstrate the second unit was maintained as such since April 12, 1995. Again, the affidavits claim use and existence since that date, but the Polk and Cole directory information indicate the second unit was established around 2002 at the earliest. No other information such as lease agreements or utility bills was provided that might clarify the unit's existence between 1995 and 2002.

**Finding:** The petition materials did not adequately demonstrate compliance with this standard. The materials provided conflicting evidence, particularly for the time prior to 2002.

3. The property where the dwelling unit is located:

(A) Can accommodate on-site parking as required by this title, or

(B) Is located within one-quarter ( $\frac{1}{4}$ ) mile radius of a fixed rail transit stop or bus stop in service at the time of legalization.

**Analysis:** A review of the site, and of the applicant's site plan, found that the site currently has a two-car attached garage which satisfies the parking requirement of two vehicles for single family dwellings. No parking is allowed in front of the attached garage. The site currently would not comply with the parking requirement for a two-family dwelling. The property location does meet the second option of criterion 3(B) because it is located within one-quarter ( $\frac{1}{4}$ ) mile of an active bus stop along Foothill Drive per a GIS review of current bus stops and current UTA bus schedules.

**Finding:** The petition complies with this standard. The property is located within one-quarter ( $\frac{1}{4}$ ) mile of an active bus stop.

4. There is no history of zoning violations occurring on the property. To determine if there is a history of zoning violations, the city shall only consider violations documented by official city records for which the current unit owner is responsible.

**Analysis:** Staff reviewed the City's records for zoning violations on this property and found no history of violations by the current owner – other than the existing citation for the second dwelling unit that is the subject of this special exception.

**Finding:** The petition complies with this standard. Staff found no history of zoning violations by the current owner.

### ***Commission Options***

If the second unit is approved, the applicant can continue with the process for unit legalization, including compliance with a life-safety inspection, and then use the property as a two-family dwelling.

If the second unit is denied, the owner could only use the property for a single-family dwelling or other uses permitted by the SR-1 district.

### **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 the special exception-unit legalization should be approved.

**Not Consistent with Staff Recommendation:**

Based on the testimony, evidence presented and the following findings, I move that the Planning Commission grant the Blankevoort Special Exception – Unit Legalization PLNPCM2012-00817 for the second unit in a two-family dwelling located at approximately 1779 South Foothill Drive, subject to compliance with a life-safety inspection.

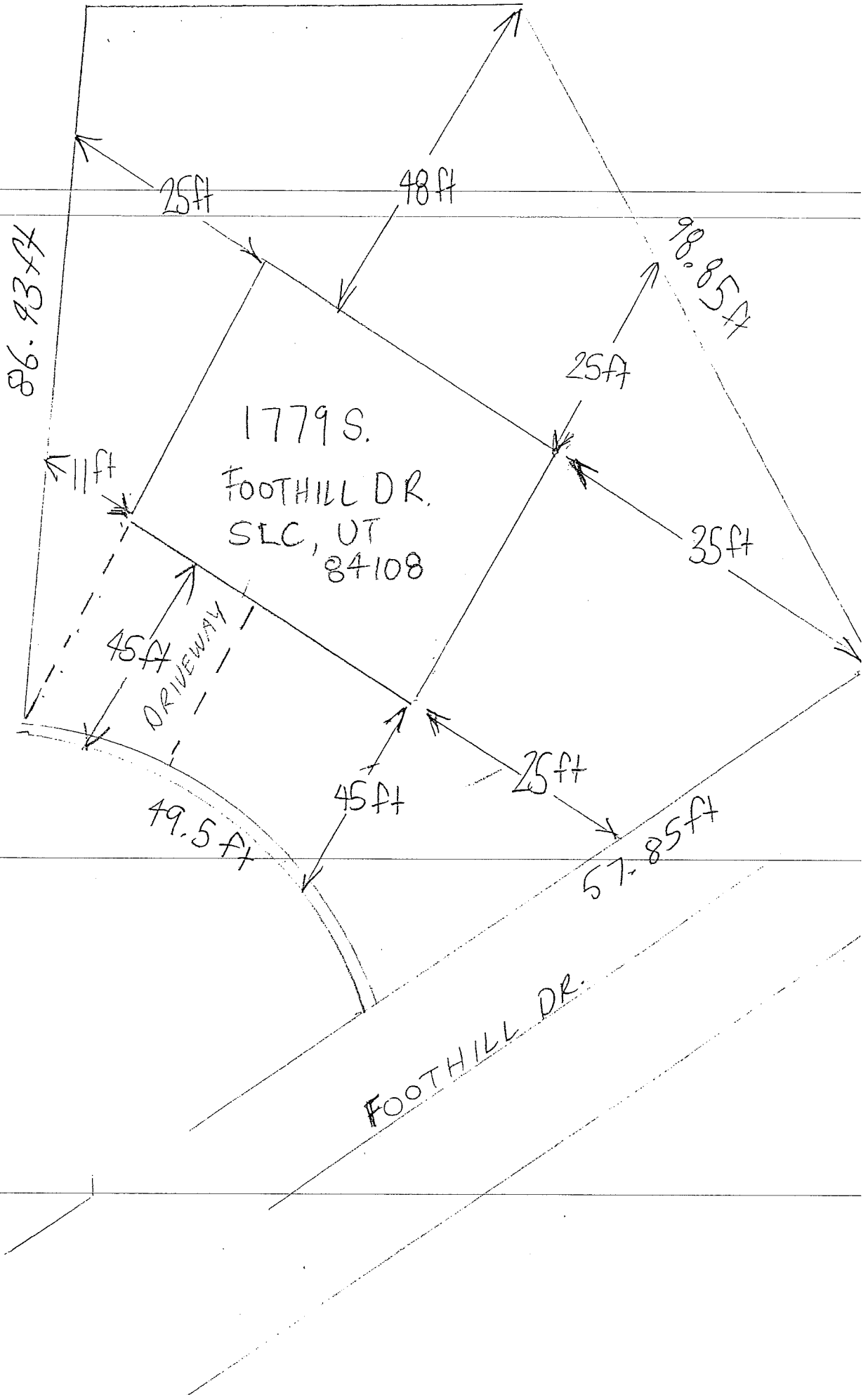
In addition to the standards *E, F, G.3, and G.4* that the staff analysis indicated were complied with, the requested special exception complies with the following particular standards for special exceptions (*the commission shall make findings on the special exception standards as listed below*):

- A. The proposal will be in compliance with ordinance and district purposes;
- B. No Substantial Impairment of Property Value
- 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;
- G. Other specific standards for unit legalizations:
  - 1. The dwelling unit existed prior to April 12, 1995.
  - 2. The dwelling unit has been maintained as a separate dwelling unit since April 12, 1995.



***Attachment A***  
Site Plan & Application Materials

43.34 ft



November 8, 2012

To Whom It May Concern:

The Unit Legalization Process is requesting additional submittals in the form of a signed affidavit stating the following:

**1. The unit(s) in question must have existed prior to April 12, 1995 Documentation may be provided in any or all of the following ways:**

Notarized affidavits from a past tenant, neighbor, previous owner, or other individual who has knowledge about the dwelling unit(s).

I hereby, to the best of my knowledge, attest that the property located at 1779 Foothill Drive, Salt Lake City, UT 84108 has been maintained as two separate dwelling units, upstairs apartment and downstairs apartment, existed prior to 1995 and every year after that. It is to my knowledge that each unit has separate entrance, kitchen, and bathroom and both that the upstairs and the downstairs unit has been occupied and used separately as rental units.

I was the real estate agent representing seller Brady & Sherry Jones and buyer John & Ingrid Blankevoort.

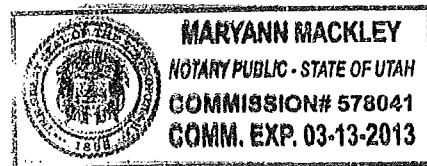
Sincerely,




Adam Kirkham  
Kirkham Real Estate  
Relationship with property: Real Estate Agent  
Address: 1440 S. Foothill Drive Suite 250  
Phone: (801) 450-1800

Witnessed by Notary public:

Name: MaryAnn Mackley



Signed:  Date: 11/9/2012

October 29, 2012

Subject: Unit Legalization

Property Address: 1779 Foothill Drive, Salt Lake City, UT 84108

Parcel Number: 16-15-428-009

Owner: John and Ingrid Blankevoort

Project Description:

In May 2011 we purchased this property from Brady and Sherry Jones with the intention for using it as a rental investment. The sellers had been using this property as a rental in which they had separate tenants for upstairs and downstairs apartment. Both units have separate entrances, kitchens, and bathrooms. It is our understanding that the property complies with Section 18.50 (Existing Residential Housing) requirements. As trained per the Good Landlord Program we screen tenants by checking credit, verifying payment history, perform criminal background check and call up references. We personally meet all the potential candidates and invest time and effort in selecting tenants.

In September 2011 we started the Unit Legalization process, however, our application was put on-hold by the Planning and Zoning department due to modifications of the regulations being performed to the Unit Legalization process by the City Council.

In October 2011, we applied for a business license for our rentals with the discounted rate as part of the early participation for the Landlord/Tenant program.

In December 2011, Ingrid Blankevoort attended the Good Landlord Program class and submitted the certificate of attendance to the city to become eligible for the discounted rate. This is our second year of participation.

As the Salt Lake City Council approved the modifications to the new regulations, we are hereby re-submitting our application to the Unit Legalization process. The effort we have done includes collecting required documents, participating in the good landlord program, attending the required training class, paying for licenses, and submitting the application fee for the legalization process. We therefore, request that you legalize the dwelling located at 1779 S Foothill Dr, SLC, UT 84108, as two separate apartment units.

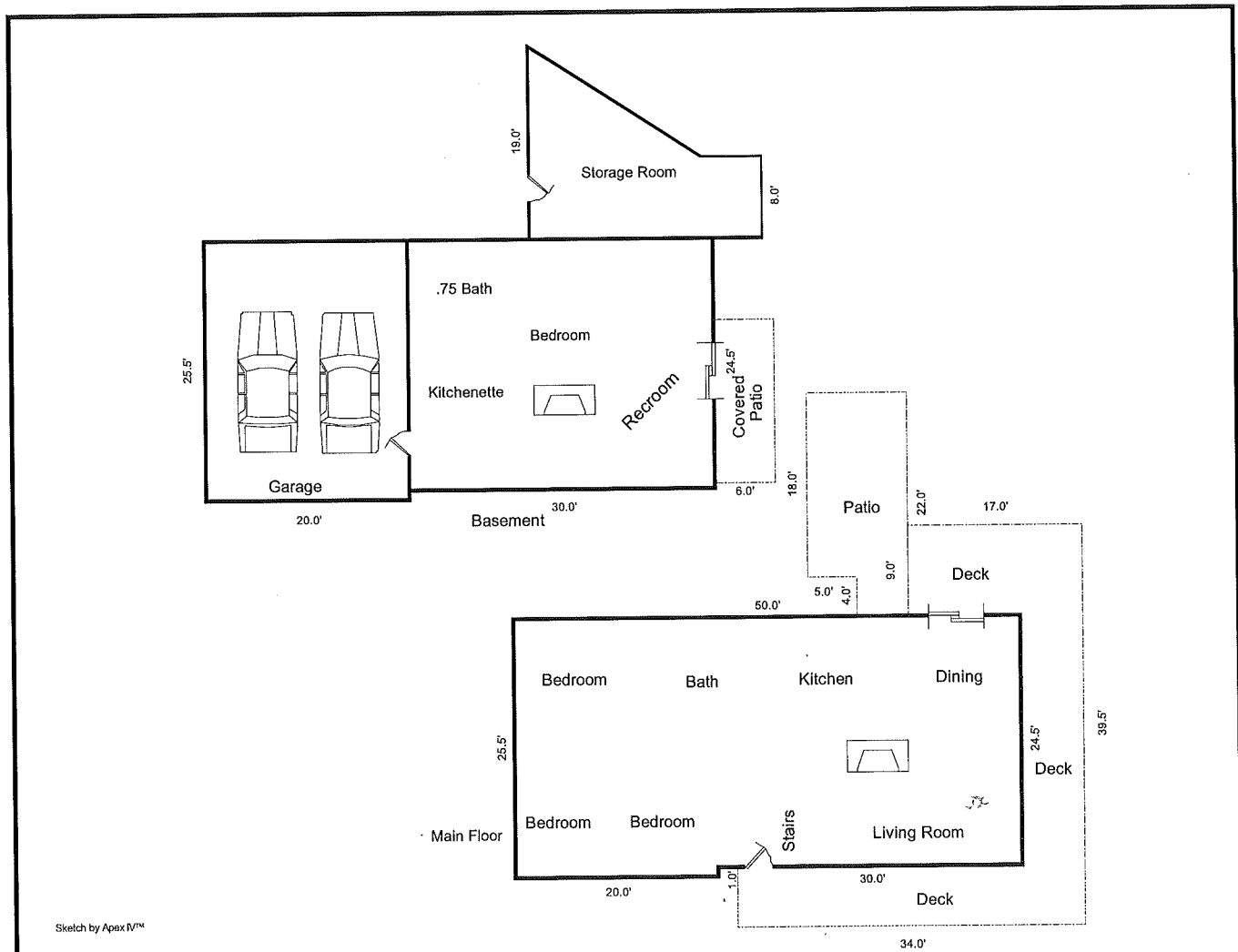
Sincerely,

The image shows two handwritten signatures in black ink. The signature on the left is more stylized and appears to be 'John Blankevoort'. The signature on the right is more legible and appears to be 'Ingrid Blankevoort'. Both signatures are written over a horizontal line.

John and Ingrid Blankevoort  
Mailing address:  
1820 South 2600 East  
Salt Lake City, UT 84108  
Phone: (801) 231-0376

### Building Sketch (Page - 1)

Borrower/Client <b>Blankevoort, John &amp; Ingrid</b>				
Property Address <b>1779 South Foothill Drive</b>				
City <b>Salt Lake City</b>	County <b>Salt Lake</b>	State <b>Utah</b>	Zip Code <b>84108-3051</b>	
Lender <b>Axiom Financial Inc.</b>				



Sketch by Apex IV™

Comments:

POLK DIRECTORY RESEARCH

Date: 08/31/2011

Address: 1779 Foothill Drive, Salt Lake City, UT 84108

Researched By: Ingrid Blankevoort

SOURCE:	Salt Lake City Public Library	
Book:	Core Information Services: Salt Lake City and Vicinity (East)	
Year	Units	Notes
2010	1 (upstairs)	Jacki Cox
2009		NO RETURN (See people finders below)
2008	1 (upstairs)	Brady and Sherry Jones
	2 (basement)	Kortney K Atkinson
2007	1 (upstairs)	Brady and Sherry Jones
2006	1 (upstairs)	Brady and Sherry Jones
2005	1 (upstairs)	Brady and Sherry Jones
	2 (basement)	Dan W Slater and Melaney Slater
2004		NO RETURN (See people finders below)
2003	1 (upstairs)	Brady and Sherry Jones
	2 (basement)	Dan W Slater and Melaney Slater
2002	1 and 2, homeowners	CL Boerstra and Scott Boerstra, (1997-2002)

SOURCE:	Salt Lake City Public Library	
Book:	North Salt Lake, Utah Polk City Directory	
Year	Units	Notes
2010	1 (upstairs)	Brady and Sherry Jones
	2 (basement)	Ashley Cothrel
2009	1 (upstairs)	Brady and Sherry Jones
	2 (basement)	Michael Matt
2008	1 (upstairs)	Brady and Sherry Jones
	2 (basement)	Jennifer Lambert
2007	1 (upstairs)	Brady and Sherry Jones
2006	1 (upstairs)	Brady and Sherry Jones
2005	1 (upstairs)	Brady and Sherry Jones
2004	1 (upstairs)	Brady and Sherry Jones
	2 (basement)	Daniel Slater and Melaney Slater
2003	1 (upstairs)	Brady and Sherry Jones
	2 (basement)	Daniel Slater and Melaney Slater
2002	1 (upstairs)	Brady and Sherry Jones
	2 (basement)	Daniel Slater and Melaney Slater
2001	1 and 2, homeowners	CL Boerstra and Scott Boerstra, (1997-2002)
2000	1 and 2, homeowners	Scott Boerstra and Christina L Boerstra

SOURCE:	Salt Lake City Public Library	
Book:	RL Polk & Co., Incd South Salt Lake City, Utah Directory	
1999		Scott Boerstra and Christina L Boerstra
1998		Scott Boerstra
1997		Scott Boerstra
1996		Stacy Weltmer (Polk Cross Reference Directory, Salt Lake City, Utah)
1995		Scott Boerstra
1994		Scott Boerstra
1993		Scott Boerstra and Christina L Boerstra
1992		NO RETURN
1991		NO RETURN
1990		NO RETURN
1989		NO RETURN
1988		NO RETURN

1987		NO RETURN
1986		NO RETURN
1985		John J Quong
1983		John J Quong
1982		John J Quong
1981		John J Wong
1980		John J Wong

<b>SOURCE:</b>		<a href="http://www.peoplefinders.com">www.peoplefinders.com</a>
<p>Note: peoplefinders listed all people's names who have been living in the house since the house was built. Research shown that this house has been used as a rental multiple times because there are 17 names found had been living in this address and some of them used apt #2, which is the basement unit.</p>		
<b>Total Units in the house</b>	<b>Address</b>	<b>Name</b>
2 (upstairs and basement)		Stacy Weltmer
2 (upstairs and basement)	Address shown unit 2 (basement)	Melaney Carlson (aka Melaney Slater)
2 (upstairs and basement)	Address shown unit 2 (basement)	Lorin Leithead
2 (upstairs and basement)		Robert Pollei
2 (upstairs and basement)		Johnny Quong
2 (upstairs and basement)		Scott Boerstra
2 (upstairs and basement)		Leon Ridd (listed twice, different age)
2 (upstairs and basement)		Sandra Pollei
2 (upstairs and basement)		Christina Boerstra
2 (upstairs and basement)	Address shown unit 2 (basement)	Sherry Jones (age 68)
2 (upstairs and basement)		Brady Jones
2 (upstairs and basement)	Address shown unit 2 (basement)	Daniel Slater
2 (upstairs and basement)		Sherry Ellis
2 (upstairs and basement)		Sherry Jones (age 32)
2 (upstairs and basement)	Address shown unit 2 (basement)	Elizabeth Burgoyne (aka Elizabeth Leithead)
		<b>Total: 17 people</b>

<b>SOURCE:</b>		<a href="http://www.peoplesmart.com">www.peoplesmart.com</a>
<p>Note: peoplesmart listed all people's names who have been living in the house since the house was built.</p>		
		<b>Name</b>
		Bob Pollei
		John Blankevoort
		Ingrid B Blankevoort
		Sherry Ellis (aka Sherry Jones)
		Brady Jones
		Jennifer Felkner
		Ashley Cottrel
		Kevin Cherry
		Matthew Nader Mikhail
		Gina Lea Nicki
		Jennifer Lambert
		Scott Boerstra
		Christina Boerstra
		Lorin Jerome Leithead
		Elizabeth Burgoyne (aka Elizabeth Leithead)
		Stacys Weltmer
		Jennifer A Syelan
		Johnny A Quong
		Mary Y Quong
		Melaney Carlson (aka Melaney Slater)
		<b>TOTAL: 20 people</b>

***Attachment B***  
Photographs





Looking east at subject property and surrounding buildings.



Looking southeast at the subject dwelling.

***Attachment C***  
Citizen Input

**From:** [william henderson](#)  
**To:** [Stewart, Casey](#)  
**Subject:** SLC Petition No. PLNPCM2012-00817. Please do not allow this to go forward, call parking enforcement first.  
**Date:** Thursday, December 06, 2012 11:35:55 PM

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To Whom in may concern,from the stokers at 1769 foothill Dr. phone 801-243-6920 or 801-930-7574

We live at 1769 Foothill dr in a small circle with limited parking. The city has no parking signs up all around us. there is parking for 4 cars on street here. We are the only home owners living in the circle.. **the owner at 1779 Foothill dr. dose not live there,** he already rents it out as apartments up stairs and down. At is time he only has 1 person up and 1 or 2 down, but the last renters had 3 up and 1 down on the lease but 3 up had live in friends and 1 down had people stay as well. 1779 only has a 2 car garage and if lucky can park 3 in drive. most renters have not used the garage in the past nor do they want to park behind one another in the driveway.

We have our duplex and we all park off street all the time. we total 3 people and only rent to one or two because that is all the off street parking we have, we have nowhere most all the time for company to park street is always full or over full at night. DOUBLE AND SOMETIMES TRIPLE PARKING GO'S ON IN THE CIRCLE

1759/1757??? next door to us is also a duplex with no owner living in it. They have **4 bedrooms each** and parking only for 6 cars if they use the garages and they don't. most always rented to students and always full up between the renters on the lease and their boy and girl friends not on the lease But living in anyway.

The last house in the circle across from the petition 1779 is a **4 bedroom rental house with 4 to 5 guys living in it.** also do not have off street parking for all the tenets.

We as home owners here have had nothing but problems in this circle the Mayors office have sent people up here to try and fix things parking enforcement has to come every time new tenets move in. They will double and triple park on the street blocking us in so we can't even get in or out are own driveways. The police have had to tow cars away. zoning and planning should already know this is not a good plan. they have looked in to over renting to many people per units many times. Streets has had problems with trash and snow removal and street signs for parking being taken. John and Ingrid Blankevoort would no this if they lived here but they don't they jus rent the place out and turn a blind eye to the problems in this circle! No we do not need it to be a legal duplex and make the problems legal??? A single house they bought a single house they should own if they wanted a duplex they should have bought one already legal not a house to turn in to one!!! they don't live in the home now and it should be rented as a home not 2 apartments as they are doing anyway.

this circle was planed for family's back in the 50's with maybe 1 or 2 cars per family not 4,5,6,and 7 the parking alone dose not work in this circle to make another house into a legal duplex would not work for this circle at all!!! The city is have nothing but problems now!!!

We will fight this all the way, even if we need to get the Mayors office and the courts involved, we do not need another non owner occupied duplex here in the circle. Thanks J. Stoker

**From:** [Stewart, Casey](#)  
**To:** [Stewart, Casey](#)  
**Subject:** FW: SLC Petition No. PLNPCM2012-00817. Please do not allow this to go forward, call parking enforcement first.  
**Date:** Monday, February 04, 2013 3:34:00 PM

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**From:** william henderson [mailto:williamutah@hotmail.com]  
**Sent:** Thursday, December 13, 2012 1:32 AM  
**To:** Stewart, Casey  
**Subject:** RE: SLC Petition No. PLNPCM2012-00817. Please do not allow this to go forward, call parking enforcement first.

To whom it may concern, we moved into 1769 foothill in about 1993 and the home owner from that point until about 2002 @ 1779 foothill drive was a owner occupied family, they did not rent anything out at that address. They did put together a mother in-law apartment but did not rent it, the family needed all the space for there use. The next owner occupied family in about 2002 did have some family share the house and live in the mother in law basement apartment. Then moved to Arizona and tried to rent out the up and down stairs for a time somewhere around 2009/2010/2011 but sold it in 2011. I believe to the current owners, who do not live in the home, just rented out the up and down stairs apartments, which I have been told by someone at the city it is not legal to do, but its been done anyway. The single family home @1779 Foothill dr. should stay just that it had a mother in law apartment. If they wanted a duplex they should have found one not a single family home. We do not need another legal duplex on this circle. parking can not handle it with 4 on street spots. even if we had 2 or 3 more spots it still would not cover the current need. We already have the 4 bedroom duplex at 1757/59 thats 8 bedrooms rented mostly to singles and students. I have to back into my own driveway just to make sure I can squeeze out some mornings when I go to work at 5:30 am, 2 or 3 times over the years I have been blocked in my driveway and had to wake people up to get cars moved from blocking me in, making me late to work each of those times. The police have had to come out and have even had to tow cars away. Parking enforcement tries to help they issued parking tickets and have had to boot cars in this circle for double parking. Street dept. has had signs taken down and had to replace them, Trash pick up has had its problems as well as streets with snow removal because people double park overnight they can not plow or salt the circle.

The Mayors office has had people come out. We have had everyone from streets dept, zoning enforcement and housing, planning and that even go's back to when Rocky Anderson was mayor his office worked on it too. It gets better for a while then people move out new people move into the rental on this circle and it starts all over again just check the records at parking enforcement and the Mayors office and police dept. and you well see for yourself. NO we do not need another legal duplex in this circle please! As owner occupiers we have to live here please no more.

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***Attachment D***  
City Department comments

## CITY DEPARTMENT COMMENTS

- **Transportation** (Barry Walsh): The attached site plan indicate only two parking stalls exist in a two car garage, as a duplex status four parking stalls are required to be provided on site, two for each unit.