

Planning Commission Staff Report



Planning Division
Department of Community &
Economic Development

Gianoulis Special Exceptions Special Exception #PLNPCM2013-00094 294 N Federal Heights Circle Hearing date: April 24, 2013

Applicant:

Kevin Horn (Architect)

Staff:

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

Tax ID:

09-33-330-001

Current Zone:

FR-3 / 12,000 (Single Family Res)

Master Plan Designation:

Avenues Master Plan:
Very Low Density Residential

Council District:

District 3 – Stan Penfold

Community Council:

Greater Avenue Community Council
– Gwen Springmeyer (Chair)

Lot size: ~16,300 square feet

Current Use:

Single Family Residential

Applicable Land Use Regulations:

- 21A.24.040 FR-3 \ 12,000
- 21A.52 Special Exceptions

Attachments:

- A. Site Plan & Drawings
- B. Photographs
- C. Department Comments

Request

Tony and Marina Gianoulis, represented by Kevin Horn (architect), are requesting special exception approvals for an addition to their existing home that would encroach into corner side yard and rear yard setback areas but would be in line with the existing building setbacks. The request also includes a special exception for grade/slope changes exceeding the allowable limits in the zoning district. The grade changes would accommodate a garage addition and new driveway.

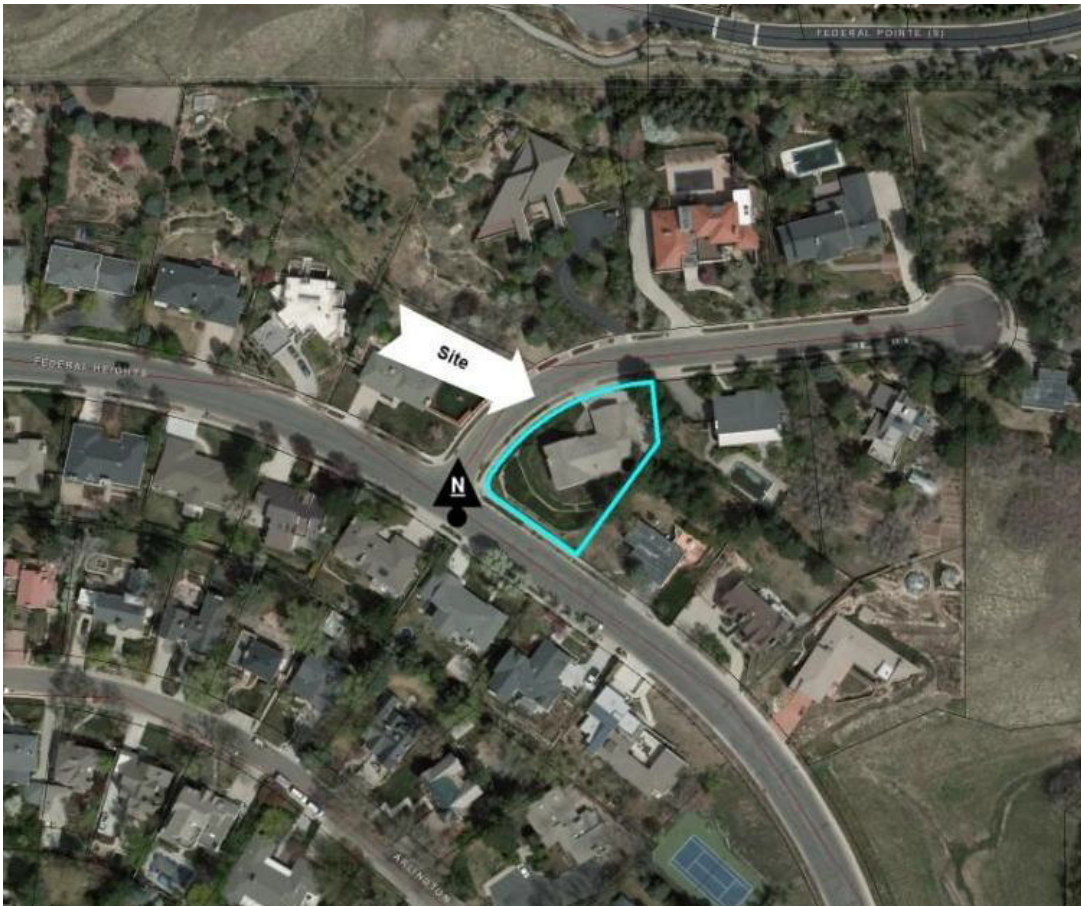
Recommendation

Based on the findings listed in the staff report, it is the Planning Staff's opinion that the in-line addition request adequately meets the applicable standards and therefore recommends the planning commission approve that request; however, staff finds the grade change request does not adequately meet the applicable standards for a special exception and therefore recommends the planning commission deny that portion of 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 approve the in-line additions but deny the requested grade changes of the Gianoulis Special Exception PLNPCM2013-00094.

VICINITY MAP – 294 N Federal Heights Circle



Background

Project Description

The applicant seeks approval of a special exception for a second story addition to the existing home that would encroach into the required corner side yard and rear yard setbacks but would be in line with the existing setbacks of the current building footprint – as permitted and constructed in 1977. The existing attached garage of the home encroaches into the corner side yard about four (4) feet and into the rear yard about nine (9) feet. The second floor addition would maintain these same, or slightly less, setbacks while converting the garage to living space. The amount of new floor area gained with the in-line addition would be approximately 275 square feet.

A new attached garage would be constructed on the south side of the lot, below the main level of the home, with a new driveway coming off of Federal Heights Drive instead of the current driveway which is from Federal Heights Circle. Construction of the garage and related driveway/auto court would require substantial grade/slope cutting, which is the source of the special exception. In the FR-3 district changing the established grade is allowed up to a maximum of four (4) feet in any yard area; up to six (6) feet in the buildable area; and up to six (6) feet for driveway access to a garage or parking area. The owners and applicant seek approval to change the grade as much as nine (9) feet in the front yard area; as much as 11 feet in the buildable area; and as much as ten (10) feet for the driveway.

The petition was initially processed as a “notice of application” where notices were mailed to adjacent property owners for input. This generated phone calls with questions and concerns from those who received the notice. Based on the initial staff review of the project, the amount of grade change proposed, and the neighborhood curiosity with the project, staff determined the special exceptions should be heard and decided by the planning commission after a public hearing.

When considered separately, the in-line addition special exceptions are not out of line with the standards for approval and this is discussed later in staff’s analysis. Staff’s primary concerns, per the analysis, are the grade changes and the resulting change in street presence/compatibility of the new construction with surrounding development.

Project Details

| Regulation | Zone Regulation | Proposal |
|-------------------------------------|---|---|
| Use | Single Family Residential | Single Family Residential |
| Density/Lot Coverage | n/a | n/a |
| Height | 28 feet | 28 feet |
| Front / Corner Side Yard Setback | 27 feet / 25 feet | 27 feet / 21 feet |
| Rear Yard Setback | 35 feet | 26 feet |
| Side Yard Setback | 10 feet | 10 feet |
| Grade Change | 4 ft front yard, 6 feet driveway & buildable area | 9 ft front yard, 10 feet driveway, 11 feet buildable area |

Public Notice, Meetings, Comments

Notice of the public hearing for the proposal included:

- Public hearing notice mailed on or before April 12, 2013
- Public hearing notice posted on property on or before April 12, 2013
- Public notice posted on City and State websites April 12, 2013

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

- None, as none are required prior to the planning commission hearing

Transportation Division Comments

On March 13, 2012, Barry Walsh, Engineering Technician of the Salt Lake City Transportation Division, reviewed the request and had no concerns with the in-line additions or the grade changes. Those comments are attached to this staff report in *Attachment C*.

Public Comments

Staff received two phone calls from property owners in the immediate area requesting to see the construction plans. After reviewing the plans, the callers had questions about the overall compliance of the project with dimensional requirements for height, building coverage, and setbacks. There was some concern expressed about the increased gains of the project beyond regular compliance if these special exceptions are granted. One of the original callers has since contacted staff again to indicate they were fine with the project.

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 FR-3/12,000 foothills residential district is “to promote environmentally sensitive and visually compatible development of lots not less than twelve thousand (12,000) square feet in size, suitable for foothills locations as indicated in the applicable community master plan. The district is intended to minimize flooding, erosion, and other environmental hazards; to protect the natural scenic character of foothill areas by limiting development; to promote the safety and well being of present and future residents of foothill areas; to protect wildlife habitat; and to ensure the efficient expenditure of public funds. The FR-3/12,000 foothills residential district is intended for application in most areas of foothills development existing as of April 12, 1995.”

In-line additions: the existing building was constructed in 1977 and complied with the building setback requirements at that time. The setback requirements have increased since then, resulting in the current building being out of compliance. The proposed second level additions that are considered “in line” with the existing attached garage footprint are minimal in total floor area (approx 275 sq ft) and are considered compatible with surrounding development. Staff does not consider them to be contrary to the purposes of the FR-3 zoning district.

Grade changes: the proposed changes to the existing grade of the lot for the purpose of the new detached garage are quite extensive in area. Although not unprecedented in the general area surrounding the subject property, the heights of the proposed changes are significant for the prominent, visible front yard area along this section of Federal Heights Drive. Staff determined the proposed height and extent of the grade changes to be visually incompatible with the character and development of the immediate surrounding area. The existing building sits higher in elevation than all the other residences along the section of Federal Heights Drive. That extra elevation combined with the significant cutting of the slope below the building to accommodate the new garage would facilitate a significantly increased street presence of the existing residence, and contribute to building mass beyond what would be anticipated as viewed from Federal Heights Drive. Staff determined this to be visually incompatible with the other properties along Federal Heights Drive. Despite the construction of the garage lower on the lot, the building height of the residence would still comply with the building height limit for the foothills zoning districts because of the stepped design of the final building.

Finding: The grade change proposal does not comply with this standard based on the above analysis that indicates that the proposal would contribute to a development that is visually incompatible with the purpose of the zoning district. The in-line addition proposal does comply with this standard as it is not contrary to the purposes of the zoning district and has a basis on the existing building footprint built in 1977.

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 from single family residential use and staff finds no impact to neighboring property values. The *development* of the property, consisting of the in-line additions and grade changes will result in a larger building with related upgrades and improvements. Staff has no information or evidence indicating the proposal would *substantially* diminish the value of property within the neighborhood.

Finding: The petition complies with this standard. The proposed in-line additions are sufficiently small in size to avoid any negative impact on neighborhood properties. There is no evidence the proposed grade changes will adversely impact neighboring property values.

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 single family residential character of the area, and as a “use” will not have a material adverse impact upon that same existing character or the public health, safety, and general welfare.

In-line additions: the in-line additions are sufficiently small in size to not adversely impact the area’s visual and residential character.

Grade changes: the city already recognizes that development in the foothill areas would require grade/slope changes in greater amounts than lower valley areas and has increased allowance for those in the zoning ordinance; the main issue is how much the grade could be changed, beyond the standard amounts allowed in the foothills zones, in the front yard while maintaining the visual character of the area. The amount of grade change requested with this construction project exceeds the typical grade change for front yards in the immediate neighborhood. This would adversely impact the visual character of this area and result in a building that appears taller than most of the buildings on this section of Federal Heights Drive. Staff anticipates the impact, by virtue of the grade change, to be to the neighborhood character and not to the public health, safety and general welfare.

Finding: The grade change portion of the request does not adequately comply with this standard; the requested grade changes would adversely impact the character of the neighborhood. The in-line additions would not adversely impact the character of the area, nor would they adversely impact 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: This standard is substantially addressed in the discussion of standard “A” previously, and briefly reiterated below.

In-line additions: the in-line additions are not of a size and extent that they conflict with the character of the area, and as such are considered compatible. The lot is large in area which reduces the material and visual impacts by encroachments of the second level additions into the required setbacks. Furthermore, the original building was constructed in compliance with the building setbacks required in 1977, and the additions will not encroach any further.

Grade changes: the heights of the proposed grade changes are significant for the prominent, visible front yard area along this section of Federal Heights Drive. The existing building sits higher in elevation than all the other residences along the section of Federal Heights Drive. That extra elevation combined

with the significant cutting of the slope below the building to accommodate the new garage would facilitate a significantly increased street presence of the existing residence, and contribute to increased building mass as viewed from Federal Heights Drive. The zoning standards create a reasonable expectation of what can be developed. When a proposal alters that reasonable expectation, it could indicate that a proposal is out of character with an area and therefore not compatible.

Finding: The grade change proposal does not comply with this standard based on the above analysis that indicates that the proposal would contribute to a development that is incompatible with the use and development of neighboring property. The in-line addition proposal does comply with this standard and is considered compatible with development of surrounding property.

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 proposed project site.

Finding: The petition will not result in the destruction of significantly important 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 setback reduction by its nature will not result in any air, water, soil or noise pollution.

Finding: The petition will not cause material pollution of the environment 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.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 original building was constructed in compliance with the building setbacks required in 1977, and the additions will not encroach any further. The addition as requested would be “in-line” with the existing building setback and would not create any new noncompliance.

Finding: The project 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: No additional dwelling units are proposed; 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 in-line additions are part of a larger complete remodel of the existing residence. The additions are a legitimate architectural element and feature of the larger project, consisting of the same rooflines and exterior materials.

Finding: The additions are of similar style and materials as the larger remodel project; the project satisfies this standard.

Commission Options

If approved, the applicant can continue with construction per the existing building permit. 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, the construction project would have to be revised to comply with the current setback requirements and grade change limits of the FR-3 zoning 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 and is a two-part recommendation. Below is a potential motion that may be used in case the Planning Commission decides to approve the entire request of the applicant.

Not Consistent with Staff Recommendation:

Based on the testimony, plans presented and the following findings, I move that the Planning Commission grant the Gianoulis Special Exception PLNPCM2013-00094 for 294 Federal Heights Circle for reduced corner side yard and rear yard setbacks and to change the grade as much as nine (9) feet in the front yard area; as much as 11 feet in the buildable area; and as much as ten (10) feet for the driveway

In addition to the standards *B, 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*):

- A. The proposal will be in compliance with ordinance and district purposes;
- 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 & Drawings

PROJECT DESCRIPTION

Gianoulis Residence
294 N. Federal Heights Circle

In-Line Exception:

We are seeking a Special Exception for an in-line 2nd floor addition over a non-conforming setback area. When originally constructed the home had a rear yard setback of 25' and a corner side yard setback of 30' from curb. Subsequently, the zoning ordinance has been changed to require a 35' rear yard setback and an average of other properties on the site for the corner side yard, which is 35'. We are constructing a second floor over the existing home as shown on the drawings.

This addition follows the existing building line and does not add any dwelling units. The addition is part of other addition/remodel work to be done that will result in a legitimate architectural addition matching the entire home.

Grading Exception:

We are seeking a Special Exception for excavation exceeding 4' in a setback area and 6' in the building envelope. This is required to add a garage not facing the street and locating it at the lower end of a steep lot that climbs 34' from one end to the other.

The additional grading will provide an off-street motor court screened by landscape and a complying entrance gate. The new motor court will enter from Federal Heights Drive which is flatter and has better driveway visibility. The new garage area will replace a small 2-car garage with a steep driveway sloping into the garage off of a steep street.



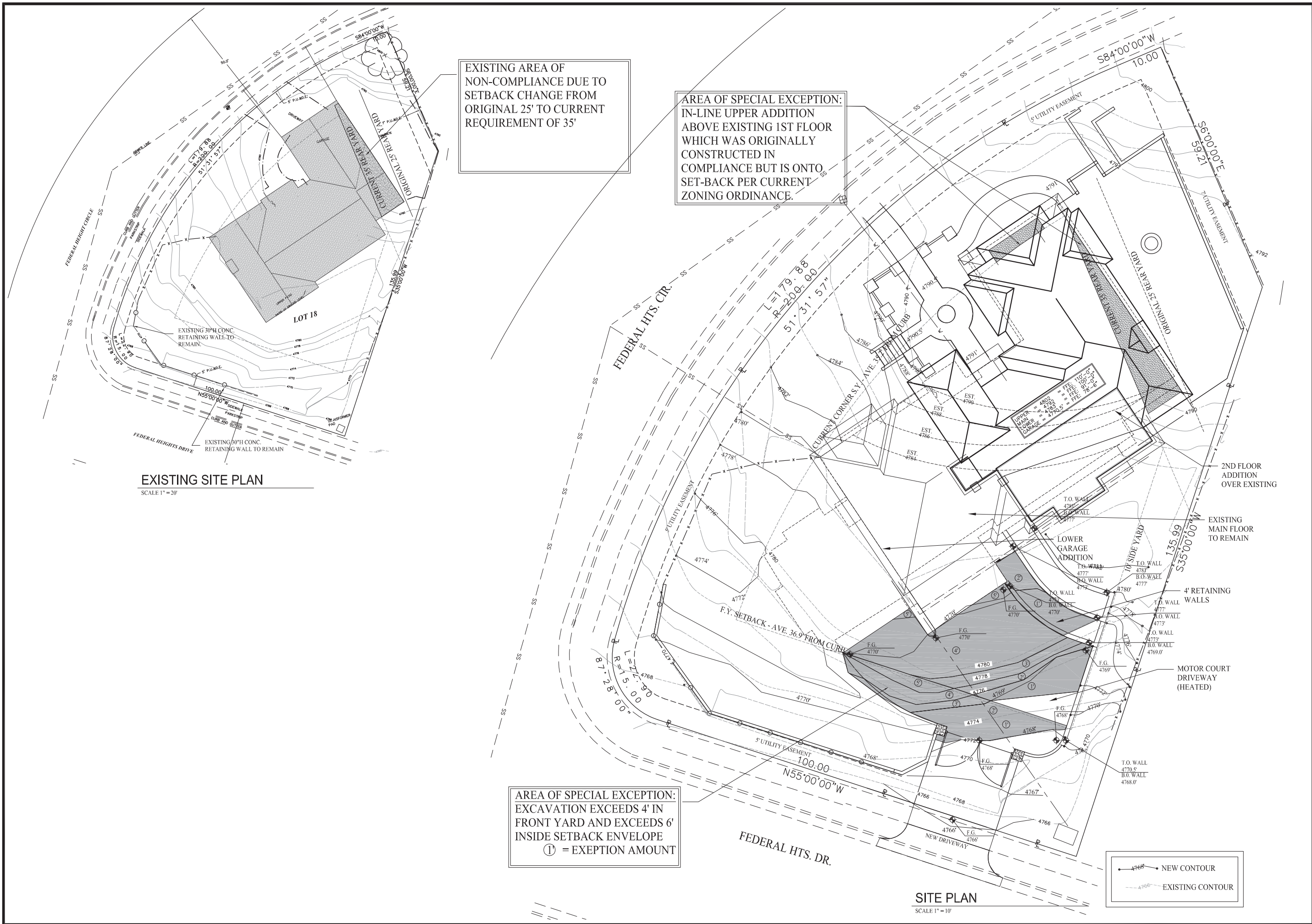
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GIANOULIS RESIDENCE

INKLYNE
INC.







EXISTING AREA OF NON-COMPLIANCE DUE TO SETBACK CHANGE FROM ORIGINAL 25' TO CURRENT REQUIREMENT OF 35'

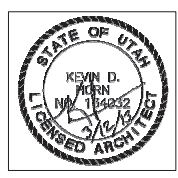
AREA OF SPECIAL EXCEPTION: IN-LINE UPPER ADDITION ABOVE EXISTING 1ST FLOOR WHICH WAS ORIGINALLY CONSTRUCTED IN COMPLIANCE BUT IS ONTO SET-BACK PER CURRENT ZONING ORDINANCE.

AREA OF SPECIAL EXCEPTION: EXCAVATION EXCEEDS 4' IN FRONT YARD AND EXCEEDS 6' INSIDE SETBACK ENVELOPE
 ① = EXCEPTION AMOUNT

EXISTING SITE PLAN
 SCALE 1" = 20'

SITE PLAN
 SCALE 1" = 10'

— 4768 — NEW CONTOUR
 - - - 4760 - - - EXISTING CONTOUR



TONY & MARINA GIANOULIS
 14708 DRAPER VIEW COVE
 DRAPER, UTAH 84020

OWNER

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RESIDENCE REMODEL
 294 N FEDERAL HEIGHTS CIR.
 SALT LAKE CITY, UTAH

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| DRAWING DATE: | 1 | S/LC CITY REVIEW | 3-12-13 | JOB NO. | 1219 |
| DATE: | 2-22-13 | | | | |
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| CHECKED BY: | | | | | 1220-A101SE |

SPECIAL EXCEPTION
 SITE PLAN
A1.01SE

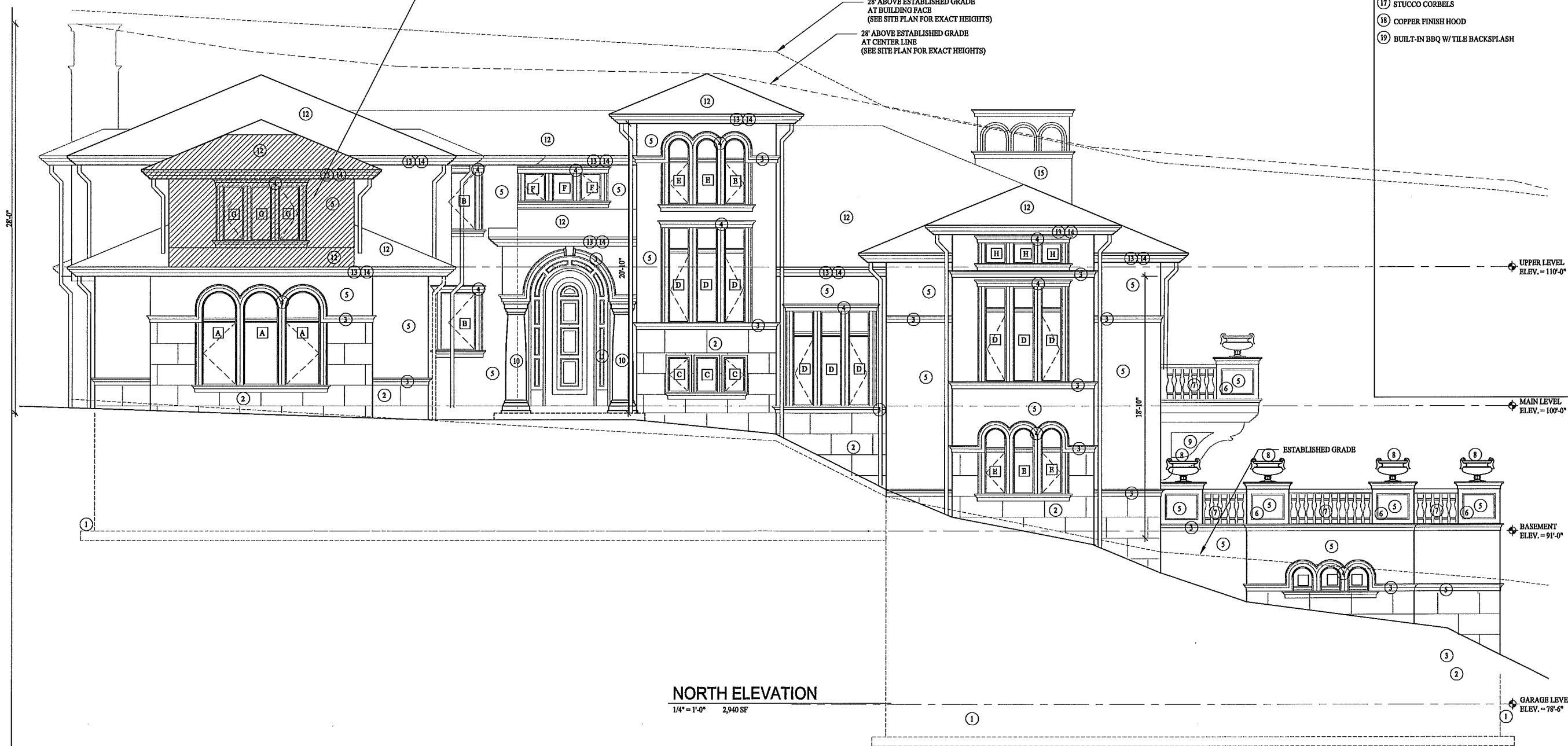
EXTERIOR ELEVATION KEYED NOTES

- 1 CONC. FTG. & FOUND. (SHOWN DASHED) - TYP.
- 2 CAST STONE VENEER PANELS
- 3 CAST STONE FEATURE
- 4 CAST STONE CASING AND SILL
- 5 EIFS STUCCO SYSTEM
- 6 STUCCO FEATURE
- 7 CAST STONE BALUSTER & RAILING
- 8 CAST STONE VASE
- 9 STUCCO CORBLE
- 10 CAST STONE COLUMN
- 11 DOOR AND CAST STONE SURROUND
- 12 BARREL TILE ROOF ON ICE/WATER SHIELD
- 13 PREFINISHED ALUM. FASCIA
- 14 PREFINISHED ALUM. GUTTER & DOWNSPOUT
- 15 STUCCO CHIMNEY W/ CAST STONE ACCENTS
- 16 PREFINISHED ALUM. CORBELS AND FASCIA
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AREA OF SPECIAL EXCEPTION:
IN-LINE UPPER ADDITION
ABOVE EXISTING 1ST FLOOR
WHICH WAS ORIGINALLY
CONSTRUCTED IN
COMPLIANCE BUT IS ONTO
SET-BACK PER CURRENT
ZONING ORDINANCE.

28' ABOVE ESTABLISHED GRADE
AT BUILDING FACE
(SEE SITE PLAN FOR EXACT HEIGHTS)

28' ABOVE ESTABLISHED GRADE
AT CENTER LINE
(SEE SITE PLAN FOR EXACT HEIGHTS)



NORTH ELEVATION
1/4" = 1'-0" 2,940 SF

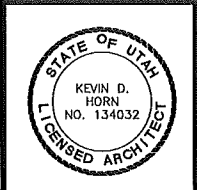
UPPER LEVEL
ELEV. = 110'-0"

MAIN LEVEL
ELEV. = 100'-0"

ESTABLISHED GRADE

BASEMENT
ELEV. = 91'-0"

GARAGE LEVEL
ELEV. = 78'-6"



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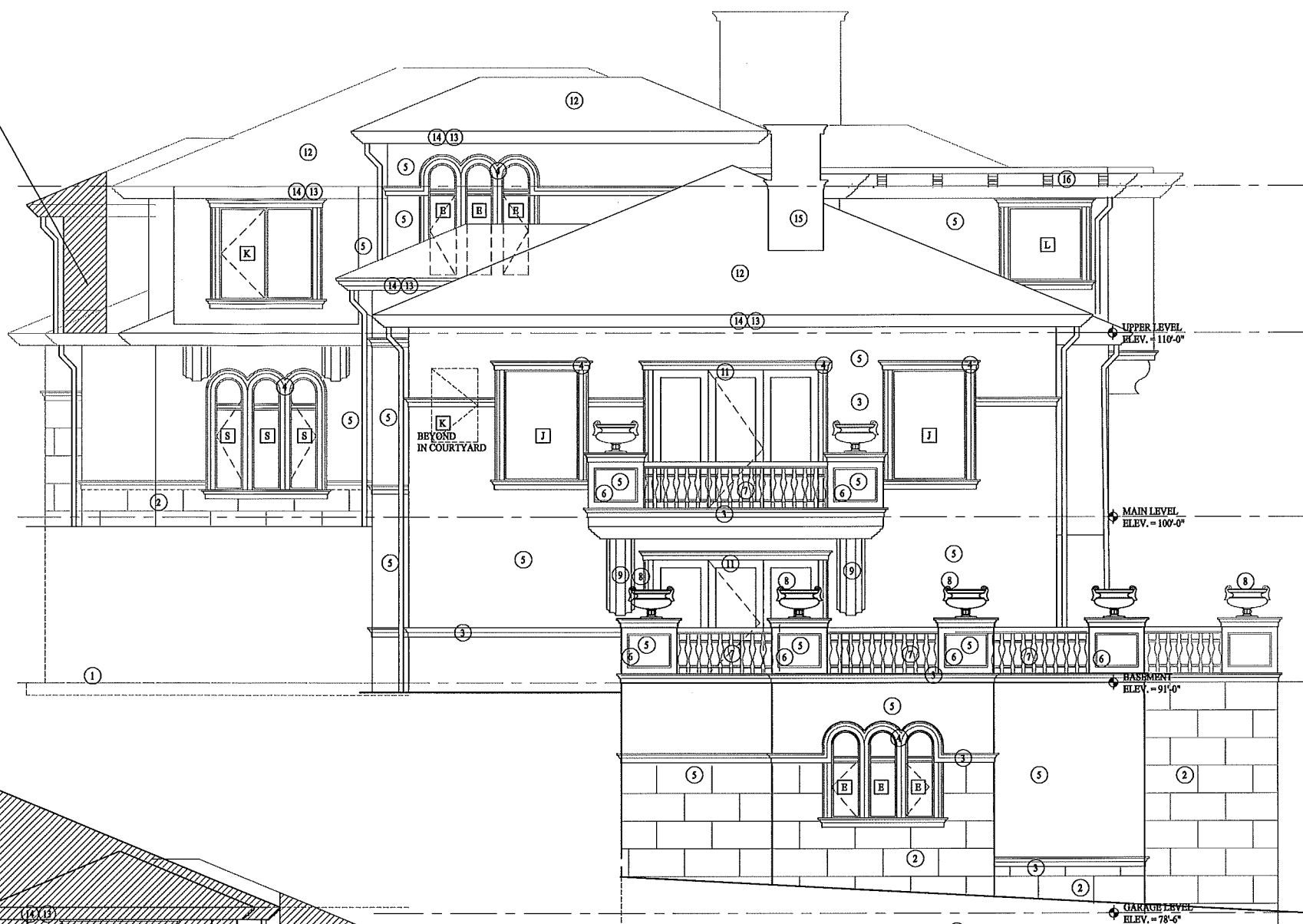
RESIDENCE REMODEL
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| | | | | CHECKED BY: | 1220-A301SE |

SPECIAL EXCEPTION ELEVATIONS

A3.01SE

AREA OF SPECIAL EXCEPTION:
IN-LINE UPPER ADDITION
ABOVE EXISTING 1ST FLOOR
WHICH WAS ORIGINALLY
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WEST ELEVATION
1/4" = 1'-0" 2,940 SF

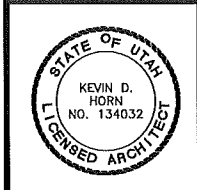
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EAST ELEVATION
1/4" = 1'-0" 2,940 SF

EXTERIOR ELEVATION KEYED NOTES:

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| DRAWING DATE | 2-22-13 | DATE | 2-22-13 |
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| CHECKED BY: | | | |

SPECIAL EXCEPTION ELEVATIONS
A3.02SE

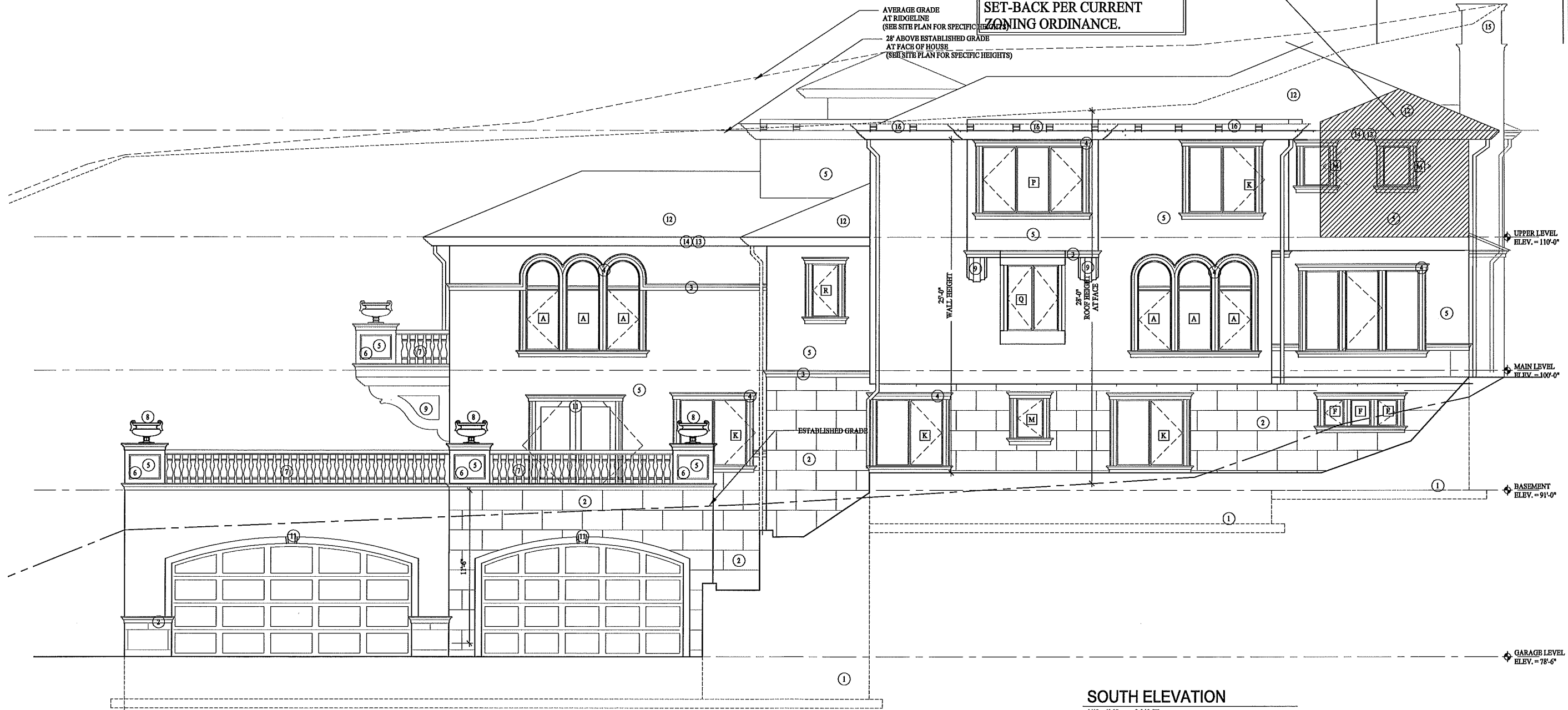
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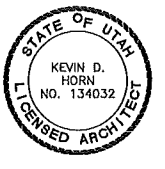
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ABOVE EXISTING 1ST FLOOR
WHICH WAS ORIGINALLY
CONSTRUCTED IN
COMPLIANCE BUT IS ONTO
SET-BACK PER CURRENT
ZONING ORDINANCE.**

AVERAGE GRADE
AT RIDGELINE
(SEE SITE PLAN FOR SPECIFIC HEIGHTS)

2' ABOVE ESTABLISHED GRADE
AT FACE OF HOUSE
(SEE SITE PLAN FOR SPECIFIC HEIGHTS)



SOUTH ELEVATION
1/4" = 1'-0" 2,940 SF



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| CHECKED BY: | | | | | |

**SPECIAL
EXCEPTION
ELEVATIONS**

A3.03SE

Attachment B
Photographs



Looking east from Federal Heights Drive at subject corner property.



Looking south from Federal Heights Circle at the subject corner property.

Attachment C
City Department comments

CITY DEPARTMENT COMMENTS

- **Transportation** (Barry Walsh): The issues of grade change and setback do not impact the public transportation corridor.