



# Memorandum

Planning Division  
Community & Economic Development Department

To: Planning Commission  
From: Casey Stewart, Senior Planner  
Date: June 20, 2013  
Re: Revocation Hearing for 294 N. Federal Heights Circle  
Encl: *Exhibit A*: Applicant's information relating to demolition  
*Exhibit B*: Original Planning Commission staff report  
*Exhibit C*: Meeting minutes from April 24, 2013

The planning commission voted 5 to 4 at the meeting June 12<sup>th</sup> to hold a hearing to consider revoking prior special exception approvals for the residential project at 294 N. Federal Heights Circle. The planning commission will consider the new circumstances and decide whether to uphold, revoke, or modify prior approvals. Refer to the exhibits A, B, and C for more information.

On April 24<sup>th</sup> of this year, the planning commission held a public hearing for a proposed residential addition that included special exception requests related to "in line" additions and grade changes at the above address. The commission voted to approve both special exception requests. The contractor subsequently demolished the entire residence, which was not expressly approved as part of the project. The project was presented as a 2<sup>nd</sup> story addition. The contractor claims that concrete tests of the old foundation indicated it had inadequate strength to support the additions. Therefore, the existing home was demolished completely. The complete demolition was not part of the original building permit approval either, a misunderstanding claimed by the contractor, and the city placed a "stop work order" on the project. Under current city code a "demolition" permit is not required until 75% of the floor area and wall area is removed. The original building plans indicated 68% of the building was to be removed.

The original special exception analysis was based on standards specific to in line additions. Zoning ordinance section 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.
- b. No additional dwelling units are added to the structure.
- c. The addition is a legitimate architectural addition with rooflines and exterior materials designed to be compatible with the original structure.

## **Timeline:**

### 2013:

Feb 7 – contractor applied for build permit; need for special exceptions discovered during review.

March 1 – architect applied for special exceptions; permit on hold pending decision.

April 24 – planning commission approved special exceptions.

May 22 – concrete sample from old foundation tested.

May 23-30 – demolition work.

May 30 – city issues order to stop work.

June 12 – planning commission votes to hold a revocation hearing on June 26.

## **Options:**

If all prior approvals are revoked, Section 21A.38.120 *Nonconforming Uses and Noncomplying Structures* would allow a new house to be built on the same footprint but the second story would have to comply with the required setback. The new house would also be subject to the grade-change standards for the FR-3 zoning district (detailed in the original staff report, Exhibit B).

If only the special exception for the in line addition is revoked, the proposed garage could still be constructed, but the second story of the dwelling would have to be revised to comply with corner side yard and rear yard setbacks (see site plan in original staff report, Exhibit B).

If all prior approvals are upheld, the demolition permit can be finalized and the project may continue per the approved building permit, which matches dimensionally and visually with the prior special exception approvals.

## **Potential Motions**

### Uphold All:

Based on the testimony, additional information presented, and original findings from April 24, 2013, I move that the Planning Commission uphold the Gianoulis Special Exceptions PLNPCM2013-00094 for 294 Federal Heights Circle for reduced corner side yard and rear yard setbacks (in line addition) 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.

### Uphold Grade Change:

Based on the testimony, additional information presented and the following findings, I move that the Planning Commission revoke the Gianoulis Special Exceptions PLNPCM2013-00094 for 294 Federal Heights Circle for reduced corner side yard and rear yard setbacks (in line addition) but uphold the request 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 Planning Commission must make findings to support the motion based on the following standards:

- 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.

- B. No Substantial Impairment of Property Value:** The proposed use and development will substantially diminish or impair the value of the property within the neighborhood in which it is located.
- C. No Undue Adverse Impact:** The proposed use and development will have a material adverse effect upon the character of the area or the public health, safety and general welfare; and
- 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.
- 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.
- 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.
- G. Compliance with Standards:** The proposed use and development 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.
- b. No additional dwelling units are added to the structure.
- c. The addition is a legitimate architectural addition with rooflines and exterior materials designed to be compatible with the original structure.

Revoke All:

Based on the testimony, plans presented and the following findings, I move that the Planning Commission revoke the Gianoulis Special Exceptions 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.

The Planning Commission must make findings to support the motion based on the following standards:

- 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.
- B. No Substantial Impairment of Property Value:** The proposed use and development will substantially diminish or impair the value of the property within the neighborhood in which it is located.
- C. No Undue Adverse Impact:** The proposed use and development will have a material adverse effect upon the character of the area or the public health, safety and general welfare; and
- 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.
- 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.
- 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.
- G. Compliance with Standards:** The proposed use and development 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.
- b. No additional dwelling units are added to the structure.
- c. The addition is a legitimate architectural addition with rooflines and exterior materials designed to be compatible with the original structure.

**EXHIBIT A**

Applicant's Demolition Information



June 10, 2013

To: Joel Patterson  
Salt Lake City Planning

Re: Gianoulis Residence  
294 N. Federal Heights Circle  
Permit No. BLD2013-00675

Joel,

Inklyne Construction Inc. has received a stop work order on this project for removing more foundation material than originally was shown on the approved building permit plans and we are requesting that this order be removed immediately.

There seems to be a substantial amount of miscommunication and additional scrutiny of the project so I am including a brief description of the developments over the last several days.

Inklyne hired a demolition contractor to demo this home and after removing the main level he started on the removal of the basement level interior and exterior wood walls that are outlined on the Approved Building Permit. Once the wood framed walls were removed in the basement level, exposing the concrete walls, we observed several large cracks in the foundation and excessive deterioration of the concrete walls. We then hired Core Cut Concrete Cutting in Salt Lake City to come to the site and core two samples for testing. The cores were sent to American Testing Services Labs in Salt Lake City. The results of the test showed that the concrete foundation had deteriorated to a level that was below IBC specifications. We forwarded this information to the architect Kevin Horn for his analysis and recommendation; Mr. Horn then met with Alan Michelson in the zoning department and advised him of the results of the test. Alan indicated that this condition was covered under city ordinance 21a.38.120 & 21A.38.090 and we were allowed to replace the deficient foundation as long as the new foundation was installed in the same location. Alan instructed the architect to submit a new foundation plan showing the new engineering and those plans have been submitted.

It was only after talking to Alan and the architect that the demolition contractor started to remove the defective concrete (5 days later).

Inklyne and Kevin Horn have communicated with the Building Department on each step of this process and have asked for their recommendations and input.

Included in the plans that were originally submitted on February 7, 2013, is a survey of the property showing all locations and heights of the original building corners. The new foundation will be placed in exactly the same location and at exactly the height as the original foundation.

It was never our intent to remove additional foundation that was originally approved in the building permit and we only did so after consulting with the architect/engineer and the Building Department. In fact the sub-standard concrete has delayed the schedule and added an additional \$20,000 to the cost of the home.

We request that this matter be resolved as soon as possible so that we can complete the removal of the debris and start construction immediately.

Sincerely,

Ben Olsen  
President

Atth: American Testing Lab Report

Cc: Gianoulis, Kevin Horn, SLC Building

# 294 N Federal Heights Circle

## Talking Points

House was always scheduled for a removal of 68% of home. Demolition plans were submitted with building plans. On February 7<sup>th</sup>

During plan review back in February and March building dept was well aware of the scope of work. On slc.gov under our permit number it states "project, demo all but about ½ of existing basement & wall"

The report that Casey presented to the committee on April 24<sup>th</sup> did not include a demolition plan because it was not part of the special exception and the scope of work met all of the requirements.

On May 16<sup>th</sup> after the foundation wall was exposed and it was discovered that the foundation had excessive full body cracking on the East side of the entry to the home. Further investigation was noted the foundation could be easily disturbed by chipping.

May 17<sup>th</sup> Friday,

Construction had stopped; contractor had a core sample drilled to be tested.

May 22<sup>nd</sup> Wednesday

Once the testing came back, Kevin Horn the Architect met with Alan Michelsen in Zoning they talked about the inline special exception and whether it will stand if we replace the foundation in the exact same spot with surveyed points. Alan says it will stand as long as it is to replace the foundation that is structurally inadequate. And that we will be covered under city ordinance Salt Lake City Code 21A.38.120 and 21A.38.090 wherein a "noncomplying" structure can be "replaced" as long as it does not create any further noncompliance.

Building dept has admitted this is an oversight on both parties of why demo permit was not issued with building permit.

Back in February the contractor had collected all the necessary documents and passed the asbestos inspections needed to obtain a demo permit. Contractor has documents that show dates of when the demo permit was started, which is January 31<sup>st</sup>. On this document it states "Demo permit will be issued once building permit is issued" The building dept and the contractor openly omits that this was an oversight on both parties. The contractor believed at the time that they were covered under their building permit to demo the structure. They now realize that is not the case.

This miscommunication falls on several heads, But, the bottom line is that no building can be built on a faulty foundation, the house has not changed in location or square footage and the items granted in the special exception have not changed as a result of having to replace more of the foundation than originally anticipated.

MEMO

To: Casey Stuart  
Salt Lake City Planning

6/7/13

Re: Gianoulis Residence  
294 N. Federal Heights Circle  
Permit no. BLD2013-00675

Casey,

It has come to my attention that the above referenced building permit has received a stop work order due to Inklyne Construction proceeding with demolition work beyond the permit scope and not completing the process to pull a full demolition permit.

I understand that Zack Olsen with Inklyne is addressing the full demolition permit and is dealing with any ramifications of proceeding without the required permit.

According to a test report, the concrete of the existing foundation has deteriorated to the point that it no longer meets the required strength of 2,500 psi per 2009 IBC table 402.2. (see attached testing report). 2,500 psi concrete is already a low threshold below the standard 3,000 psi concrete that plants produce. Because of this, I have modified the foundation plan and 1<sup>st</sup> floor framing plan and footing schedule to replace the damaged foundation. This is done in compliance with Salt Lake City Code 21A.38.120 and 21A.38.090 wherein a “noncomplying” structure can be “replaced” as long as it does not create any further noncompliance. Please see paragraphs quoted below.

**“21A.38.120: LEGAL CONFORMING SINGLE-FAMILY DETACHED DWELLINGS, TWO-FAMILY DWELLINGS, AND TWIN HOMES: **

Any single-family detached dwelling, two-family dwelling, or twin home, except those located in M-1 and M-2 zoning districts, that is in legal existence shall be considered legal conforming.

Subject to complying with all other current, local or state development standards, legal conforming status shall authorize alterations, extensions/additions, and replacement of the single-family detached dwelling, two-family dwelling, or twin home.”

## **“21A.38.090: NONCOMPLYING STRUCTURES:**

No noncomplying structure may be moved, enlarged or altered, except in the manner provided in this section or unless required by law.

A. Repair, Maintenance, Alterations And Enlargement: Any noncomplying structure may be repaired, maintained, altered or enlarged, except that no such repair, maintenance, alteration or enlargement shall either create any new noncompliance or increase the degree of the existing noncompliance of all or any part of such structure.”

As the architect of record, I have complied with the above requirements by maintaining the existing horizontal location of the existing foundation and building envelope. The Garage level has not been modified in any way and still drives out at the same elevation that was presented to and approved by the planning commission.

Other than proceeding prior to demolition permit, the drawings, foundation, locations and envelope remain as approved by planning commission. We have had 2 surveys of the house prior to proceeding with any work and can require that the contractor perform another survey prior to installing the replacement foundation to verify that it is in the same location.

Please let me know if you have any questions regarding this matter.

Kevin Horn, Architect

Cc: Inklyne Construction, Gianoulis, Salt Lake City Building



2580 South West Temple  
 Salt Lake City, UT 84115  
 P-801-487-1333--F-801-487-7141

atspgomez@qwestoffice.net  
 www.americantesting.net

Report #: 2013-01  
 Date: May 22, 2013  
 Work Order #: 24299

Inklyne Construction  
 PO Box 1484  
 Bountiful, UT 84010

Test Date: May 20, 2013  
 Reference: Federal Heights

**ASTM C39 REPORT OF CORE COMPRESSIVE STRENGTH**

Location of core: Foundation.								
<b><u>LABORATORY TEST DATA</u></b>								
<i>Specimen Marking</i>	<i>Lab Number</i>	<i>Age at Test</i>	<i>Date Tested</i>	<i>Cylinder Diameter</i>	<i>Cylinder Area in<sup>2</sup></i>	<i>Maximum Load (lbs)</i>	<i>Strength (PSI)</i>	<i>Break Type*</i>
1	1475	unknown	5/20/2013	2.250	3.97	9730	2451	3
<p><small>**ALL FIELD TESTS WERE PERFORMED IN ACCORDANCE ASTM STANDARDS C31,C138,C143,C172,C173,C231,C1064,**</small></p> <p><small>*(1) Typical Cone (2) Cone and Split (3) Columnar (4) Shear (5) Fractured corner (6) Cone &amp; Shear</small></p>								

CERTIFIED TEST COPY: \_\_\_\_\_  
 AMERICAN TESTING SERVICES INC.

F13-5541-Federal Heights-Inklyne

HORN AND PARTNERS, L.L.C.  
 P . O . B o x 3 8 6 , B o u n t i f u l , U T 8 4 0 1 1 . 0 3 8 6  
 P h n : 8 0 1 . 9 3 3 . 4 6 7 6 o r 8 0 1 . 2 9 5 . 4 6 7 6 F a x : 8 0 1 . 2 9 9 . 1 1 1 1  
 w w w . h o r n a n d p a r t n e r s . c o m

**EXHIBIT B**

Original Staff Report

# 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.

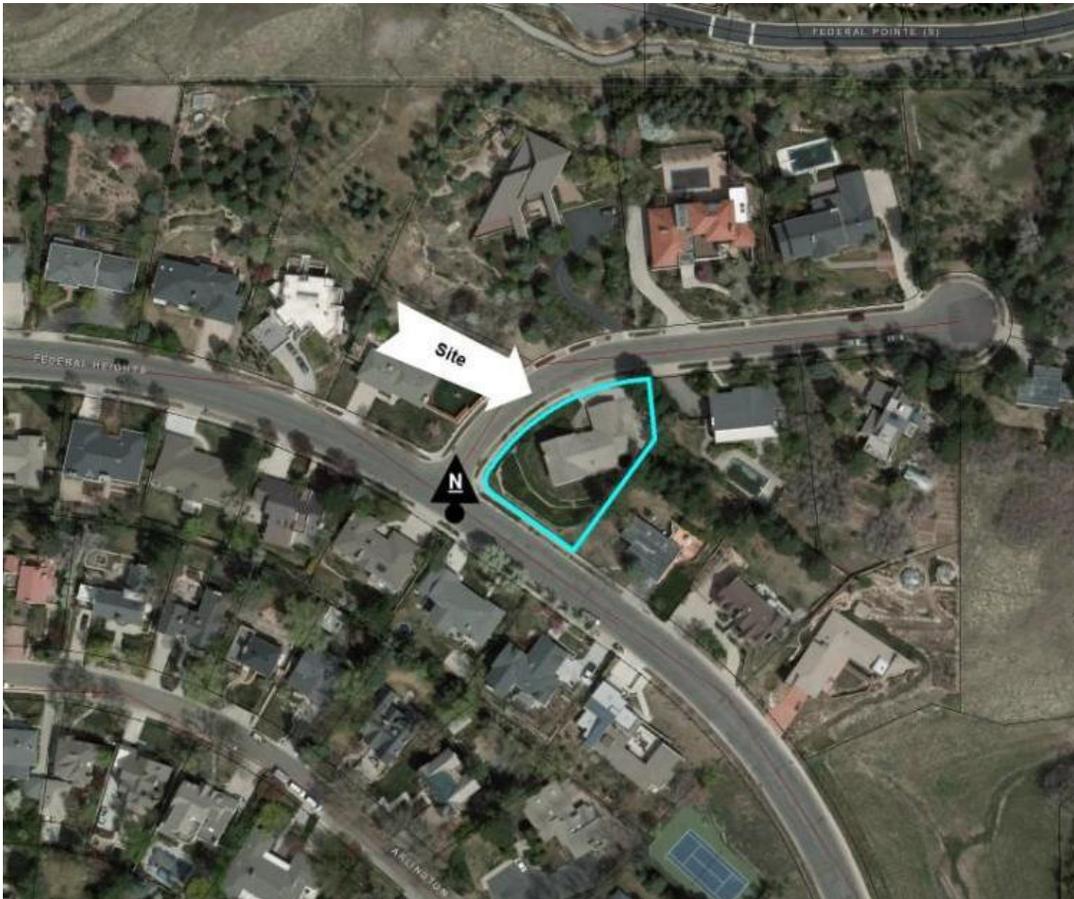
### *Recommendation*

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

<b>Regulation</b>	<b>Zone Regulation</b>	<b>Proposal</b>
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 2<sup>nd</sup> 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.



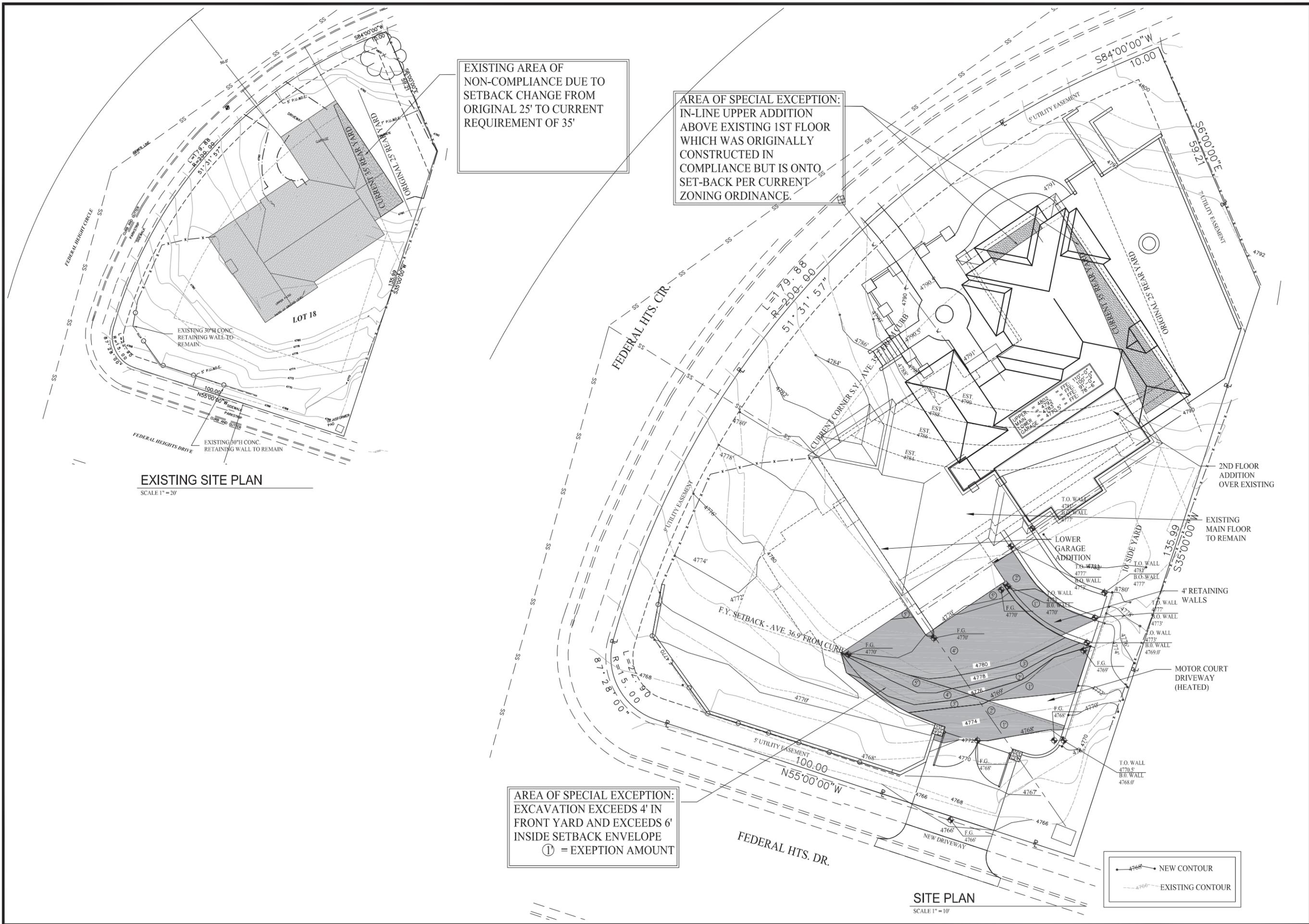
HORN PARTNERS  
ARCHITECTURE

# GIANOULIS RESIDENCE

INKLYNE  
INC.







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

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**P.O. BOX 386 BOUNTIFUL, UT 84011-386**  
**P.H.N. 801.933.4676 or 801.295.4676**  
**FAX 801.299.1111 www.hornpartners.com**

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

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

**SPECIAL EXCEPTION SITE PLAN**  
**A1.01SE**

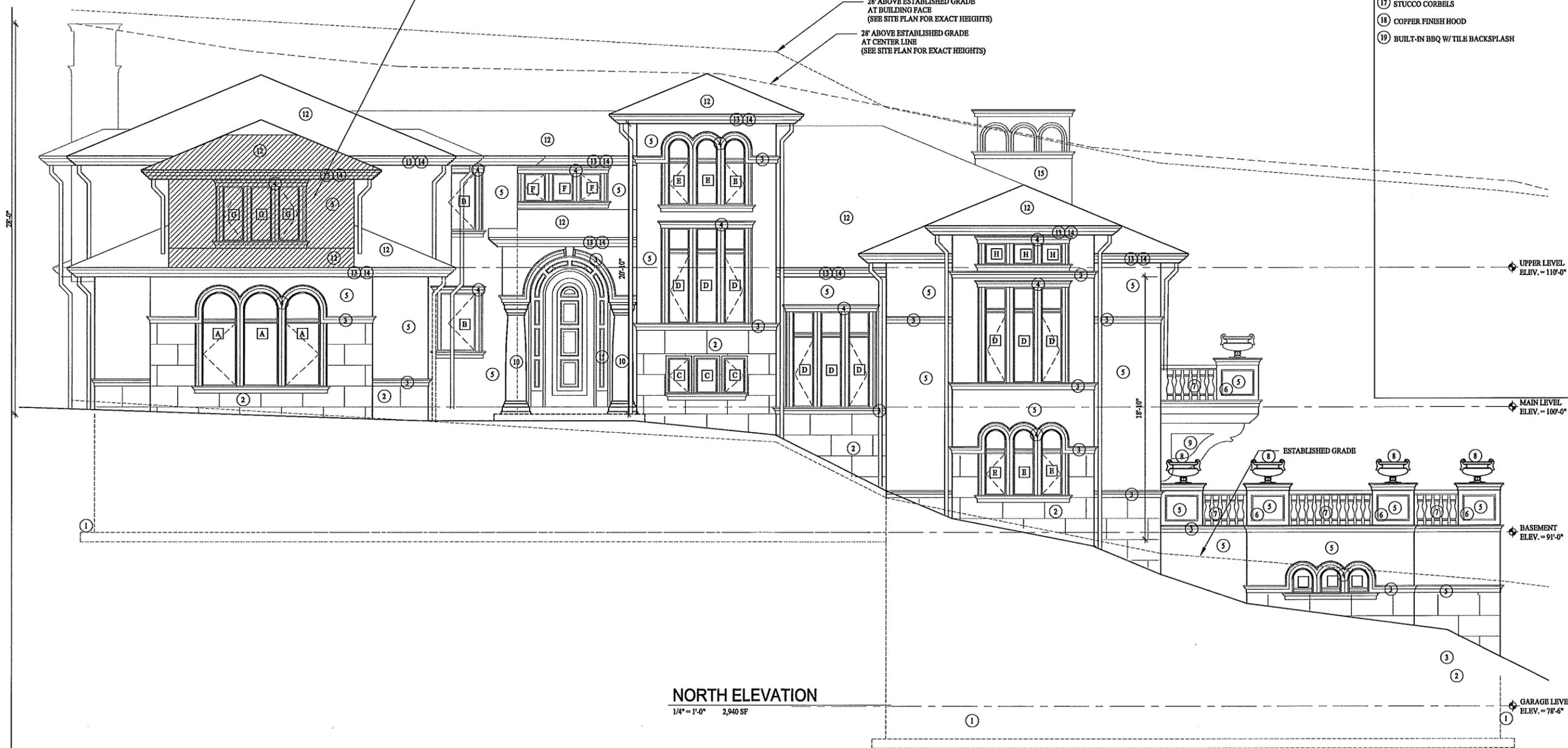
EXTERIOR ELEVATION KEYED NOTES

- 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
- 17 STUCCO CORBELS
- 18 COPPER FINISH HOOD
- 19 BUILT-IN BBQ W/ TILE BACKSPASH

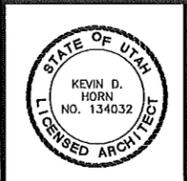
AREA OF SPECIAL EXCEPTION:  
IN-LINE UPPER ADDITION  
ABOVE EXISTING 1ST FLOOR  
WHICH WAS ORIGINALLY  
CONSTRUCTED IN  
COMPLIANCE BUT IS ONTO  
SET-BACK PER CURRENT  
ZONING ORDINANCE.

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



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

OW  
N  
E  
R

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RESIDENCE REMODEL		294 N FEDERAL HEIGHTS CIR.		SALT LAKE CITY, UTAH	
DRAWING DATE	1	ENGINEERING REVIEW	2-22-13	JOB NO.	1219
DATE	2-22-13			FILE NO.	1220-A301SE
DRAWN BY:		CHECKED BY:			

**SPECIAL EXCEPTION ELEVATIONS**

**A3.01SE**

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.



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

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.



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

**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
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- 14 PREFINISHED ALUM. GUTTER & DOWNSPOUT
- 15 STUCCO CHIMNEY W/ CAST STONE ACCENTS
- 16 PREFINISHED ALUM. CORBELS AND FASCIA
- 17 STUCCO CORBELS
- 18 COPPER FINISH HOOD
- 19 BUILT-IN BBQ W/ TILE BACKSPLASH



**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

ENGINEERING REVIEW	2-22-13	JOB NO.	1219
DATE	2-22-13	FILE NO.	1220-A301SE
DRAWN BY:		CHECKED BY:	

**SPECIAL EXCEPTION ELEVATIONS**

**A3.02SE**

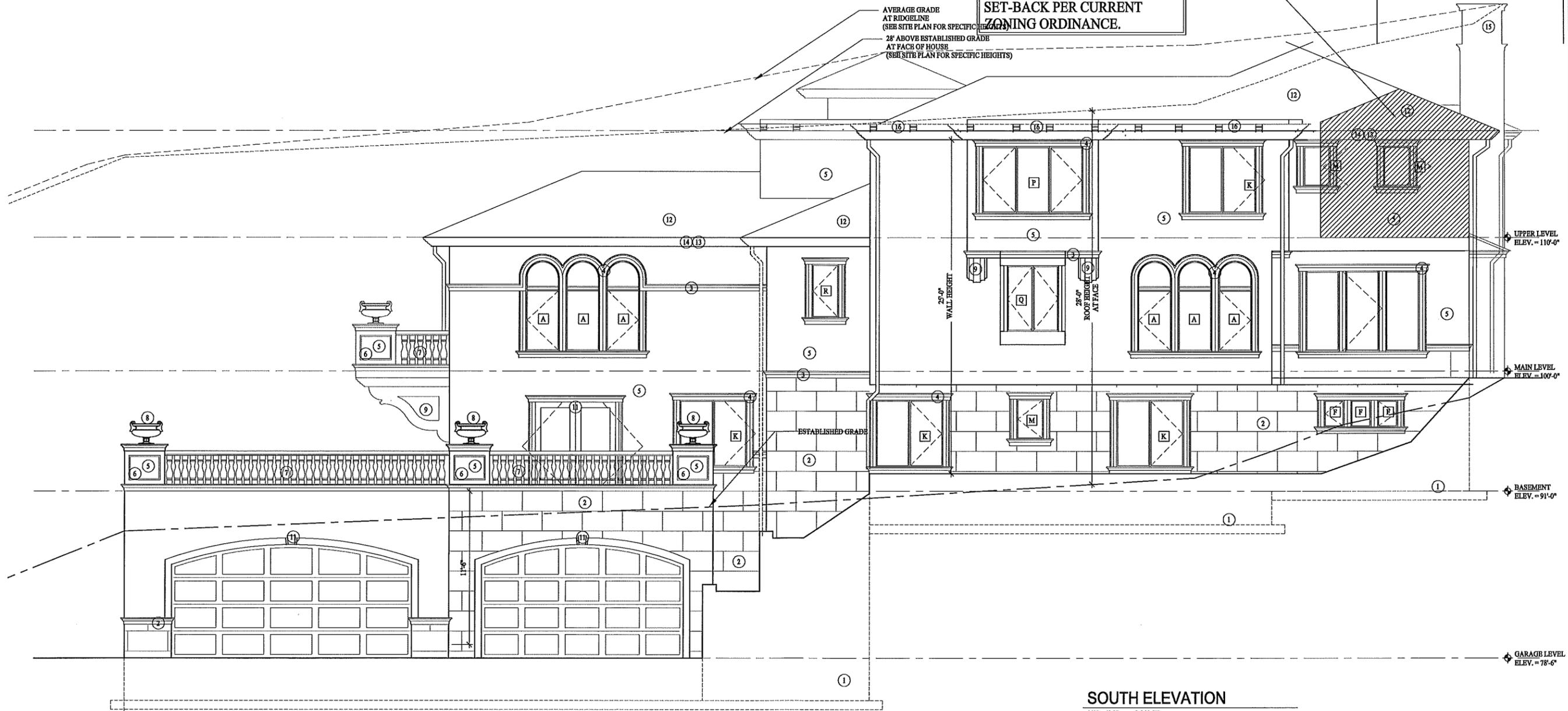
**EXTERIOR ELEVATION KEYED NOTES**

- 1 CONC. FTG. & FOUND. (SHOWN DASHED) - TYP.
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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.**

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

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



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



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

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SALT LAKE CITY, UTAH

DRAWING DATE:	1	ENGINEERING REVIEW	2-22-13	JOB NO.	1219
DATE:	2-22-13				
DRAWN BY:				FILE NO.:	1220-A303SE
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.

**EXHIBIT C**

Minutes from April 24, 2013 PC hearing

**SALT LAKE CITY PLANNING COMMISSION MEETING**  
**Room 126 of the City & County Building**  
**451 South State Street, Salt Lake City, Utah**  
**Wednesday, April 24, 2013**

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:36:46 PM](#). Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

Present for the Planning Commission meeting were: Chairperson Michael Gallegos; Commissioners Angela Dean, Michael Fife, Clark Ruttinger, Marie Taylor, Matthew Wirthlin and Mary Woodhead. Vice Chair Emily Drown Commissioners Bernardo Flores-Sahagun and Lisa Adams were excused

Planning Staff members present at the meeting were: Wilford Sommerkorn, Planning Director; Nick Norris, Planning Manager; Doug Dansie, Senior Planner; Wayne Mills, Senior Planner; Casey Stewart, Senior Planner; Michelle Moeller, Senior Secretary and Paul Neilson, City Attorney.

**FIELD TRIP NOTES:**

A field trip was held prior to the work session. Planning Commissioners present were: Clark Ruttinger, Mary Woodhead and Marie Taylor. Staff members in attendance were Nick Norris, Casey Stewart, Wayne Mills and Doug Dansie.

The following properties were visited:

- **24 North 600 W-** Staff gave an overview of the project. All new construction in this zone requires a planned development, issues include property to the west being landlocked from 600 West, Demolition of home may be an issue but, the City's plan and zoning say allow the proposal.
- **279 North 900 W-** Staff gave an overview of project and process for building a non-conforming use, non-complying structure. The Commission asked about the time frame for establishing a use after a fire.
- **294 N Federal Heights Drive-** Staff gave an overview of the project - Special Exception for in-line addition. The Commission asked about the site layout, shape of lot and setbacks.

**APPROVAL OF THE MINUTES FROM THE APRIL 10, 2013 MEETINGS**

**MOTION** [5:36:57 PM](#)

**Commissioner Ruttinger made a motion to approve the April 10, 2013 minutes. Commissioner Fife seconded the motion. Commissioner Dean abstained as she did not attend the April 10, meeting. The motion passed unanimously.**

**REPORT OF THE CHAIR** [5:37:28 PM](#)

Chairperson Gallegos stated he had nothing to report at this time

**REPORT OF THE DIRECTOR** [5:37:32 PM](#)

Mr. Wilford Sommerkorn, Planning Director, reviewed the proposed retreat for the next Planning Commission meeting. He asked the Commission to email ideas for discussion items to Staff. Mr. Sommerkorn reviewed the petition for the LDS Church in Sugarhouse stating they would like to make modifications to the plans. He stated the Public Hearing had been closed and asked if the Planning Commission would consider reopening the Public Hearing to allow further comments to be heard. Mr. Sommerkorn stated a motion was needed but could be done at a future meeting.

The Commission agreed to reopen the Public Hearing at a later meeting.

**PUBLIC HEARINGS**

[5:40:45 PM](#)

**Gianoulis Special Exception at approximately 294 N. Federal Heights Drive - Kevin Horn (project architect) is requesting approval from the City to construct an addition to the existing home that would not comply with front and rear yard setback requirements and would exceed grade/slope change limits at the above listed address. The property is zoned FR-3 (Foothills Residential). This type of request must be reviewed as a special exception. The subject property is within Council District 3, represented by Stan Penfold. The (Staff contact: Casey Stewart at (801) 535-6260 or [casey.stewart@slcgov.com](mailto:casey.stewart@slcgov.com) .Case number PLNPCM2013-00094).**

Mr. Casey Stewart, Senior Planner reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was recommending the Planning Commission approve the in-line additions but deny the requested grade changes for the petition.

The Commission and Staff discussed the grade changes and if the area was buildable without the grade changes.

Commission and Staff discussed the standard, regarding in-line additions, the compatibility language and how it was interpreted.

Marina Gianoulis, Home Owner, reviewed the process the project had taken before coming to the Planning Commission. She stated the neighbors were in favor of the proposal.

Mr. Kevin Horn, Architect, gave an overview of the project discussing the layout and design of the structure. He reviewed the setbacks, the neighboring properties similar to the project and the proposed landscaping. Mr. Horn stated the proposal was in context with the neighborhood and complied with the standards in the ordinance.

The Commission asked the total height from the new garage slab to the tallest peak.

Mr. Horn stated the total height was roughly forty feet.

**PUBLIC HEARING [6:11:35 PM](#)**

Chairperson Gallegos opened the Public Hearing;

The following individuals expressed concern regarding the petition: Ms. Jenny Wilson, Mr. Chris Mautz and Mr. Mark Schoul.

The following comments were made:

- Need to preserve the neighborhood and keep with the character of the area
- Setbacks were not an issue in the area
- The grade was questionable
- How would the look and visual impact of the garage affected the neighboring properties
- Height of the proposal was an issue
- Massing of the project needed to be addressed

The Commission and Ms. Wilson discussed the location of her property and how her property would be affected by the proposal.

Chairperson Gallegos closed the Public Hearing. [6:20:50 PM](#)

Mr. Horn reviewed Ms. Wilson view of the garage from her property. He reviewed the requirements for the project and how the proposal met each one.

The Commission and Mr. Horn discussed the location and grade for the garage and if the garage could be located elsewhere on the property or at a different grade. Mr. Horn

discussed the issues with locating the garage in a different area of the property and stated not allowing the grade change would result in the garage and terrace being raised. The Commission asked if the garage needed to be the proposed size and if the grade change was approved could the mass be lessened. Mr. Horn stated the proposal addressed safety issues with the driveway and was the best use for the property.

The Commission and Applicant discussed the landscaping for the property and what would be presented to the neighborhood.

Staff stated the height of the structure from the garage slab to the tallest peak was forty five feet.

## **DISCUSSION**

The Commission and Staff discussed the other houses in the area and how the proposal was similar or different to those houses. They discussed the reasoning behind the grade change and design of the garage. Staff discussed the increase in garage space and the increase of massing with the changes. The Commission and Staff discussed the reasoning behind keeping the current grade.

The Commission discussed how the proposal related to the other houses in the area and the uniqueness of the lot.

## **MOTION [6:42:06 PM](#)**

**Commissioner Dean stated regarding petition PLNPCM2013-00094 Special Exception based on the findings listed in the Staff Report, the testimony and presentation, she moved the Planning Commission approve the in-line addition but deny the requested grade changes of the Special Exception. Commissioner Woodhead seconded the motion.**

The Commission discussed the motion, the possible solutions for the design and how it related to the neighboring properties.

**Commissioners Dean and Woodhead voted “aye”. Commissioners Taylor, Wirthlin, Fife, and Ruttinger voted “nay”. The motion failed 2-4.**

**Commissioner Taylor stated based on the testimony, plans presented and the following findings, she moved 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

Commissioner Ruttinger seconded the motion.

The Commission and Staff discussed the standards and what needed to be in the motion regarding the findings.

Commissioner Wirthlin suggested amending the motion to state that the Commission found the grade change, as proposed, actually decreased the visibility of the garage and lessened the visual impact on the neighborhood and therefore, was actually in-line with the character of the neighborhood.

Commissioners Taylor and Ruttinger accepted the amendment to the motion.

Commissioners Taylor, Wirthlin, Fife, and Ruttinger voted “aye”. Commissioners Dean and Woodhead voted “nay”. The motion passed 4-2

Commissioner Dean was excused from the meeting at 6:51 P.M.

[6:51:05 PM](#)

**Neighborworks Special Exception at approximately 279 North 900 West** – Neighborworks Salt Lake is requesting approval from the City to demolish the existing building and reconstruct a new building that is similar in height and size at the above listed address. The existing building is considered a non-complying structure because it does not meet current zoning standards for building coverage and setbacks. The building has also been historically used for retail and office uses. These types of uses are not allowed in the current zoning district; therefore, the uses are considered nonconforming. The applicant is requesting approval to reconstruct the building and continue these nonconforming uses. The property is zoned R-1/5000, Single-Family Residential. This type of project must be reviewed as a Special Exception. The subject property is within Council District two,