



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission
From: Casey Stewart; 801-535-6260
Date: March 20, 2014
Re: PLNSUB2014-00028 Capitol Hills Plat B Amendment of Lot 216

SUBDIVISION AMENDMENT

PROPERTY ADDRESS: 37 East Dartmoor Place
PARCEL ID: 09-30-304-006
MASTER PLAN: Capitol Hills
ZONING DISTRICT: FR-3 (Foothills Residential)

REQUEST: Approval of a proposed subdivision amendment that would reconfigure the buildable area on Lot 216 of the Capitol Hills Plat B Subdivision. The owners want to construct an addition to the rear and side of the home that would extend outside of the buildable area as currently platted.

RECOMMENDATION: Based on the information in this staff report, planning staff recommends that the Planning Commission deny the requested amendment.

ATTACHMENTS:

- A. Vicinity Map
- B. Preliminary Subdivision Amendment Plat
- C. Additional applicant Information
- D. Department Comments

PROJECT DESCRIPTION:

1. Proposal Details

The proposal is to enlarge the "buildable area" that was originally established for Lot 216 of the Capitol Hills Subdivision Plat B, which was platted in 1992. The applicant is the current owner and wants to construct an addition to the home that will extend into an area of the lot that was restricted from buildings. The revised buildable area would extend ten feet (10') closer to the west side of the lot. Key points of the proposed amendment are as follows:

- The lot lines would not change, only the buildable area would change.
- The proposed buildable area would result in a lesser side yard building setback distance than all of the other lots in this subdivision, and the other two Capitol Hills subdivisions.
- No dedications are proposed or necessary as part of this request.
- No public improvements are proposed or necessary as part of this request.
- No easements, public or private, are proposed or necessary for this request.
- There are no special regulations affecting or required of this proposal.

Currently, the lot is occupied by the applicant’s single family dwelling, which was constructed in 1994 within the established building area. The lot is located on a cul-de-sac with other lots and existing homes that were constructed at approximately the same time frame and within their respective designated building areas.

KEY ISSUES:

1. No significant issues were raised during the technical review process by other city departments. The lone issue is raised by planning staff and relates to the compatibility with the remainder of the homes given that they are all located within their original building areas.

DISCUSSION:

The proposed building area adjustment poses no technical problems, which leaves the decision to the review aspects of “best interest of the city” and compatibility. All 20 of the lots in this Capitol Hills Plat B subdivision, all 17 lots in the Capitol Hills Plat A subdivision, and all 12 lots in the Capitol Hills Plat C Subdivision were platted with 20 foot side yard setbacks; and 43 of the 49 lots have homes on them built closely in accordance to the side yard 20-foot setback (according to a review of a recent aerial photograph). The remaining 6 lots are vacant. Planning staff could find no prior amended plats which reduced the setback requirement. Lot 216 would therefore be the only lot with a smaller side yard setback, making it uncharacteristic and incompatible with the rest of the subdivision.

Despite all three plats stipulating a 20-foot side yard setback, the FR-3 zone has minimum side yard setback requirement of ten feet. There are other subdivisions in the capitol hills area that stipulated a ten foot side yard setback, or did not specify a setback, which would then default to the FR-3 minimum of ten feet. When considering the larger capital hills and foothills areas, a 20-foot setback in the afore-mentioned subdivisions is at the upper end of setback distances.

The two setback minimums of the plats and zoning district appear to conflict, however, when the three Capitol Hills subdivisions were platted, the city and the developer clearly preferred larger setbacks for this area of the foothills to facilitate a more “open” feel and views. Although it could be argued that adhering to the basic setback requirements of the FR-3 zone is sufficiently in the city’s interest, it is an equal, and staff contends an even greater city interest, to retain the original agreed-upon setbacks under which the area was developed in order to preserve the character and compatibility of the homes, be they new homes or remodeled homes. Planning staff finds no clear and compelling reason, and no unusual physical circumstances, for reducing the side yard setback for one lot and the staff recommendation reflects this.

STANDARDS:

20.31.090: Standards for Approval of Amendment Petition

An amendment petition shall be approved only if it meets all of the following requirements:

Standard	Finding	Rationale
A. The amendment will be in the best interests of the city	Does not comply	<p>The purpose of regulating subdivisions is outlined in the <i>Title 20 Subdivision Ordinance of Salt Lake City</i>. The purpose of the Subdivision Ordinance is to regulate and control the design and improvement of land for all purposes within Salt Lake City in order to preserve and enhance the health, safety, welfare and amenities of the community.</p> <p>By reducing the side yard setback, the building area would increase and result in more building density than anticipated and desired when the original subdivision was approved. The openness of this foothill area would then be diminished and the character of the subdivision would be affected. There would be little reasoning to deny additional requests to enlarge other lots’ building areas and thereby further increasing the density of building mass in the subdivision.</p>
B. All lots comply with all applicable zoning standards	Complies	The proposed lots comply with all applicable zoning requirements of lot size, width, etc.
C. All necessary and required dedications	Complies – N/A	No dedications are required

are made;		
D. Provisions for the construction of any required public improvements are included;	Complies – N/A	No new public improvements are required.
E. The amendment otherwise complies with all applicable laws and regulations;	Complies	There are no other applicable laws and regulations that apply to this subdivision
F. The amendment does not materially injure the public or any person and there is good cause for the amendment.	Does not fully comply	No evidence has been submitted that might indicate that the proposal materially injures the public or any person. The purpose of the amendment is to facilitate a larger home for the owner, but other than that private benefit, there is no “good cause” from the public’s or city’s stand point that would warrant the increased buildable area for this one lot.

PUBLIC PROCESS AND INPUT

Timeline

- Application submitted: January 15, 2014
- First public meeting; March 26, 2014
- Public Hearing posted:
 - Mail – March 14, 2014
 - Sign – March 14, 2014
 - Website – March 14, 2014

Comments received

No public comments have been received.

NEXT STEPS:

If approved, the applicant would have to go through the final plat process. This includes the filing of a complete final plat application. Once submitted the draft final plat will be reviewed by City and County Depts. that are required to sign the final plat. The plat can be recorded once all required signatures are on the final plat.

ATTACHMENT A: Vicinity Map



OS

CHURCHILL

ENGLISH VISTA

N

Site

FR-3

BROWNING

FR-3

OS

R-17000

FR-3

R-17000

DOOR CHESTER

FR-2

NOS

EDGEcombe

R-17000

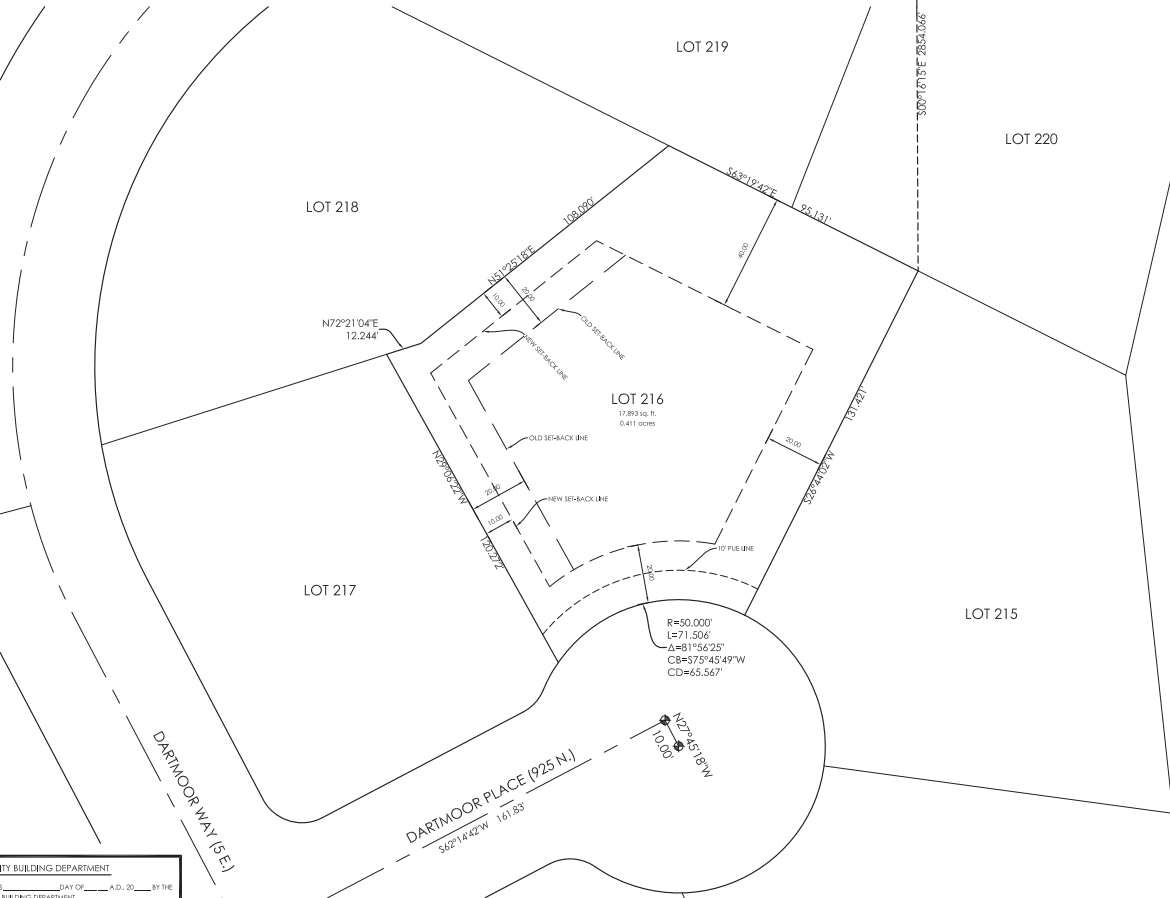
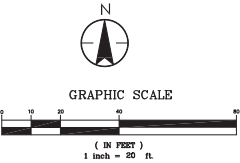
BROWNING

ATTACHMENT B: Preliminary Subdivision Amendment Map

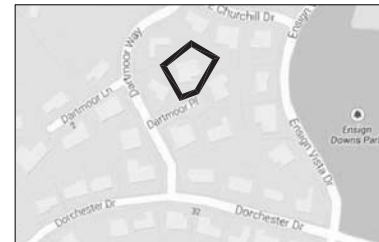
CAPITOL HILLS PLAT B SUBDIVISION AMENDING LOT 216

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 30,
TOWNSHIP 1 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN
SALT LAKE CITY, SALT LAKE COUNTY, UTAH

NORTH QUARTER CORNER SECTION 30
TOWNSHIP 1 NORTH, RANGE 1 EAST
SALT LAKE BASE & MERIDIAN
(FOUND)



S89°43'45"W 2358.688'
(BASIS OF BEARING)



VICINITY MAP
(NTS)

NOTES:

- The purpose of this plat is to decrease the building setback line on the western side of Lot 216 to 10.00 feet from the original 20.00 feet, as shown on the original plat of Capitol Hill Plat B, as recorded in Book 924-P at Page 77 in the Salt Lake County Recorder's Office.
- This Plat Amendment is subject to all the matters pertaining to the Original Plat, except as shown herein. They include, but are not limited to, easements, rights-of-way, covenants, conditions, restrictions, and other matters of record.



Project Number	The				
18080438	GAC				
Checked By	Date	Revisions	By	Date	
GAC	10/04/11	1			

SURVEYOR'S CERTIFICATE

I, Gregory A. Cates, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 161226 as prescribed under the laws of the State of Utah. I further certify that by authority of the Owner, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as

**CAPITOL HILLS PLAT B SUBDIVISION
AMENDING LOT 216**

and that same has been surveyed and staked on the ground as shown on this plat.

BOUNDARY DESCRIPTION

All of lot 216, Capitol Hill Plat B, as recorded in Book 924-P at Page 77 in the Salt Lake County Recorder's Office. Further Described as:

Beginning at a Point S89°43'45"W 2358.688 feet and S00°16'15"E 2854.066 feet from the North Quarter Corner of Section 30, Township 1 North, Range 1 East, Salt Lake Base and Meridian; thence S26°44'02"W 131.421 feet to the arc of a 50,000 foot radius curve to the left; thence 71,506 feet along said curve. (Chord bears S73°45'49"W 65,567 feet); thence N29°08'22"W 120.272 feet; thence N72°21'04"E 12,244 feet; thence N51°23'18"E 108,090 feet; thence S63°19'42"E 76.131 feet to the Point of Beginning.

Contains 0.411 Acres and 1 lot.

Date _____

Gregory A. Cates
P.L.S. No. 161226



OWNER'S DEDICATION

Know all men by these presents that _____ the _____ (undersigned owner) of the above described tract of land, having caused the same to be subdivided into lots and streets to be hereafter known as

**CAPITOL HILLS PLAT B SUBDIVISION
AMENDING LOT 216**

do hereby dedicate for perpetual use of the public all parcels of land and easements as shown on this plat as intended for private and public use.

In witness whereof _____ have hereunto set _____ this _____ day of _____, A.D. 20____

ACKNOWLEDGMENT

STATE OF UTAH _____
County of _____ J.S. _____

On the _____ day of _____, A.D. 20____ personally appeared before me, the undersigned Notary Public, in and for said County of _____, in the State of _____, the signers of the above Owner's Dedication, in number, who after being duly sworn, acknowledged to me that they signed it freely and voluntarily for the purposes therein mentioned.

MY COMMISSION EXPIRES _____
NOTARY PUBLIC
RESIDING IN _____ COUNTY

CITY BUILDING DEPARTMENT
APPROVED THIS _____ DAY OF _____, A.D. 20____ BY THE
SALT LAKE CITY BUILDING DEPARTMENT.
SALT LAKE CITY BUILDING DIRECTOR _____ DATE _____

BOARD OF HEALTH
APPROVED THIS _____ DAY OF _____, A.D. 20____ BY THE
SALT LAKE CITY BOARD OF HEALTH.
DIRECTOR S.L.C.C. BOARD OF HEALTH _____ DATE _____

CITY PLANNING DIRECTOR
APPROVED THIS _____ DAY OF _____, A.D. 20____ BY THE
SALT LAKE CITY PLANNING COMMISSION.
SALT LAKE CITY PLANNING DIRECTOR _____ DATE _____

CITY ENGINEERING DIVISION
THEREBY CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED BY THIS OFFICE
AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE.
CITY ENGINEER _____ DATE _____ CITY SURVEYOR _____ DATE _____

CITY PUBLIC UTILITIES DEPARTMENT
APPROVED AS TO SANITARY SEWER AND WATER UTILITY DEPARTMENT
THIS _____ DAY OF _____, A.D. 20____
SALT LAKE CITY PUBLIC UTILITIES DIRECTOR _____ DATE _____

CITY ATTORNEY
APPROVED AS TO FORM THIS
DAY OF _____, A.D. 20____
SALT LAKE CITY ATTORNEY _____ DATE _____

CITY APPROVAL
PRESENTED TO THE SALT LAKE CITY THIS _____ DAY OF _____, A.D. 20____ AND HEREBY
APPROVED _____
SALT LAKE CITY MAYOR _____ SALT LAKE CITY RECORDER _____

RECORDED # _____
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE
REQUEST OF: _____
DATE: _____ FILE NO. _____ PAGE _____
FEES _____ SALT LAKE COUNTY RECORDER _____

CAPITOL HILLS PLAT B SUBDIVISION
AMENDING LOT 216
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 30,
TOWNSHIP 1 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN
SALT LAKE CITY, SALT LAKE COUNTY, UTAH
NUMBER _____
ACCOUNT _____
SHEET _____
OF _____ SHEETS

S:\Projects\2011\11-0000\11-0000.dwg

ATTACHMENT C: Additional Application Information

January, 14 2014

Mayor Becker,

My name is Tristen Olson. Both my husband and I reside in Salt Lake City, in the Capitol Hill's "Plat B" –Ensign Down's area. We have been working on getting our Plat amended due to the fact that we have designed an addition to our kitchen which would enlarge our dining room area along with adding on a beautiful family room to the back of our home. However upon completion of our design; and we've tried several... No matter how you position the addition, in order to maximize the area while maintaining the visual beauty of the home and all the yards involved we would need to have our side yard set-backs amended from our current 20ft to 10 ft. (Which) happens to be the standard for all of the subdivision with the exception of our circle. WHY? Not quite sure. After meeting with the city planning dept. and zoning they said that our area had been amended in 1993/1994 and not quite sure why ours were excluded.

So with this we ask you as we have asked our neighbors; which have been wonderful and have signed the attached notarized letters granting us their go ahead. That you would also give us the permission that we need and allow us to amend our Plat and change our side yard set-backs so that we may go ahead with this addition and start our project.

We appreciate all of your time and effort you have given this matter.

Sincerely-

Doug and Tristen Olson

Doug Olson
Tristen Olson

ATTACHMENT D: Department Comments



Work Flow History Report

37 E DARTMOOR PL

PLNSUB2014-00028

Date	Task/Inspection	Status/Result	Action By	Comments
1/28/2014	Staff Assignment	Routed	Stewart, Casey	
1/29/2014	Transporation Review	Complete	Walsh, Barry	The proposed lot amendment to change the west side yard setback from 20 feet to 10 feet present no impact to the public roadway on Dartmoor Place, CuldeSac.
1/31/2014	Engineering Review	Complete	Weiler, Scott	An address has been provided for inclusion on the final plat. The SLC Surveyor will begin her review when a final plat is submitted.
2/19/2014	Planning Dept Review	Complete	Stewart, Casey	
2/19/2014	Public Utility Review	Complete	Stewart, Casey	No comments received from Public Utilities Dept; therefore no concerns or objections are assumed.
2/19/2014	Zoning Review	Complete	Stewart, Casey	No comments received from Zoning (Building Services); therefore no concerns or objections are assumed.