



# Staff Report

PLANNING DIVISION  
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Michael Maloy, AICP, Senior Planner, (801) 535-7118 or michael.maloy@slcgov.com

Date: January 11, 2017

Re: PLNPCM2016-00793 Silverhawk Enterprises Special Exception

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## Special Exception

**PROPERTY ADDRESS:** 68 E Columbus Court (approximately 720 North)

**PARCEL ID:** 09-30-351-068-0000

**MASTER PLAN:** Low Density, Residential 5-15 Dwelling Units/Acre (Capitol Hill Community, 2001)

**ZONING DISTRICT:** R-2 Single- and Two-Family Residential District

**REQUEST:** A request by Tom Hasleton, Silverhawk Enterprises, for a special exception to permit additional building height, wall height, grade changes and retaining walls for property located approximately at 68 E Columbus Court. The proposed building height at its greatest point will be approximately 29'-8". The proposed wall height at its greatest point will be approximately 26'-9". The proposed grade changes and retaining walls at its greatest point will be approximately 12'-9". Currently the property is vacant and zoned R-2 Single- and Two-Family Residential District. The Planning Commission has final decision making authority for special exception petitions.

**RECOMMENDATION:** Planning Division staff recommends approval of the petition as proposed subject to complying with all applicable regulations and conditions of approval.

**RECOMMENDED MOTION:** Based on information contained within the staff report, and comments received, I move the Planning Commission approve special exception petition PLNPCM2016-00793 for additional building height, wall height, and grade changes located at approximately 68 E Columbus Court with the following conditions:

1. Final plans affecting building height, wall height, grade changes, and retaining walls shall be equal to or less than preliminary plans attached to Planning Commission Staff Report.
2. Applicant shall submit to the City an independent certified survey of building height to ensure compliance with approved plans for the subject property prior to occupancy.

### ATTACHMENTS:

- A. Vicinity Map
- B. Subdivision Plat
- C. Site & Grading Plan
- D. Building Elevations
- E. Floor Plans
- F. Building Sections
- G. Sight Line Diagram
- H. Existing Conditions
- I. Analysis of Standards
- J. Public Process & Comments
- K. Department Comments
- L. Motion

**PROJECT DESCRIPTION:**

On June 9, 2016, Salt Lake City issued Building Permit BLD2015-03910 to the applicant to construct a 3,605 square foot, three-level, single-family home on the subject property, which is Lot 13 of the Columbus Court Planned Unit Development (PUD). Columbus Court is a gated community with a private street and an active home owner's association (see Attachment B – Subdivision Plat).

During the course of construction, it was discovered that the footing and foundation system was constructed at the wrong depth—by approximately 7 feet—which caused the planned structure to exceed the allowable building height in the R-2 Single- and Two-Family Residential District. Currently, the structure is only partially framed and not enclosed or protected from the weather.



In response to the error, the applicant developed a revised plan that removes the upper-most level of the original structure. Although the revised plan contains approximately the same area—3,625 square feet—the proposal requires approval of the following special exceptions:

1. Proposed building height at its greatest point will be approximately 29'-8"—which is 1'-8" more than the permitted maximum for a pitched roof, and 9'-8" for a flat roof
2. Proposed wall height at its greatest point will be approximately 26'-9"—which is 6'-9" more than the permitted maximum, and
3. Proposed grade changes and retaining walls at its greatest point will be approximately 12'-9"—which is 8'-9" more than the permitted maximum.

On October 10, 2016, the applicant submitted petition PLNPCM2016-00793 for the special exceptions noted above (see Attachment C – Site & Grading Plan, Attachment D – Building Elevations, Attachment E – Floor Plans, and Attachment F – Building Sections).

After receiving further plan revisions from the applicant, Planning Division staff mailed a “notice of application” for the special exceptions to all abutting property owners and residents on November 14, 2016. In response to the petition, staff received one telephone call from a resident who favors the petition, and three emails from residents who are opposed. The primary concern from residents is the impact on views, privacy, and subsequent property values (see Attachment G – Sight Line Diagram).

Although the applicant has met with staff and adjacent residents, the applicant has not been able to propose a revision that satisfies both the applicant and the concerned neighbors. As such, staff forwarded the petition to the Planning Commission for a public hearing and decision.

#### KEY ISSUES:

The following key issues have been identified through analysis of the project, neighbor and community input, and department review comments.

##### Issue 1 – Multiple Zoning Districts

The northern portion of the subject property is zoned R-1/5,000 Single-Family Residential District, while the southern portion is zoned R-2 Single- and Two-Family Residential District. Whereas the **building “footprint” of the proposed home** is located entirely within the R-2 District, staff used the R-2 District for review.

The subject property is also within the Groundwater Source Protection Overlay District, which prohibits certain activities, but does permit residential construction at this location.

##### Issue 2 – Building and Wall Height

Due to the construction error, which was previously discussed, the applicant proposes to remove the upper floor and relocate the displaced square footage to the remaining two floors. This change increases the building footprint on the site, which slopes downward from north to south, and from east to west. Based upon existing grades, the proposed structure exceeds building and wall height limits.

The **portion of the applicant’s request** that has generated significant concern and opposition from neighbors is the additional building height. However, the height of the front façade—which ranges approximately between **15’-5” and 25’-0”**—is **less than the permitted maximum of 28’-0”** for a pitched roof structure (see D-2 District regulations in Attachment H – Existing Conditions). Therefore, if the structure incorporated a pitched roof, the height of the structure along the front façade could potentially increase, which would block views of the State Capitol and the Salt Lake Valley more than the current proposal.

Although the City does not consider the requirements of private development agreements or regulations—**such as “codes, covenants, and restrictions”** (CCRs) when making decisions and issuing permits, staff has received a letter from the **Columbus Court Home Owners Association’s (HOA)** Architectural Control Committee (ACC) which **approved the applicant’s proposal** (see Attachment J – Public Process & Comments).

##### Issue 3 – Grade Changes and Retaining Walls

Again, due to the construction error and proposed revisions, the grading plan has also changed from the original permitted plan. The greatest point of grade change is on the front of the home to accommodate construction of the driveway into an attached garage on the main level of the home. This portion of the petition has not generated any specific comments either for or against the request, however staff did receive one inquiry regarding the design of proposed retaining walls. According to the applicant, the foundation walls will serve as retaining walls for most of the site. Any additional **retaining walls will be 4’-0” or less in height and will be constructed of rock** (in compliance with applicable City regulations).

#### Issue 4 – Property Values

In response to the petition, neighbors claim the **proposal will have a “negative impact” on property values due to “diminished views”** and related impacts. In support of that claim, staff received a letter from Christopher Ferre, a real estate agent who agreed with **the neighbor’s concerns**. In response to these concerns, the applicant submitted a letter from Ryan Braithwaite, an attorney, which stated, “. . . neighboring property owners should have reasonably expected that a home would have been constructed on the property” (see Attachment J – Public Process & Comments).

In general, views are not a protected right unless specified by city code or acquired as a private easement—which conditions or limitations do not exist upon the subject property. In an August 21, 2005, Salt Lake Tribune article entitled “What’s Your View Worth?” Salt Lake City Attorney Lynn Pace **states that absent of zoning regulations or private easements, “You don’t have a right to a view across your neighbor’s property. . . Views can be blocked by foliage. They can be blocked by buildings, whatever.”**

Within the previously cited article Craig Call, former Utah State Private Property Rights ombudsman, said in response to a separate, unrelated incidence that involved private development that negatively impacted a neighbor in Salt Lake City, “We often can do things that will lower the property value of a **neighbor. There are no damages due.”**

#### NEXT STEPS:

If approved, the applicant will have the ability to reuse a portion of the existing structure and continue construction once an amended building permit has been issued. However, the uppermost portion of the structure will be removed as well as any portion of the structure that has been damaged and beyond repair due to the effects of weather exposure.

If denied, the applicant may redesign the proposal in compliance with existing zoning regulations and building codes.

Whether the petition is approved or denied, the decision of the Planning Commission is subject to appeal as stated within the following City Code:

#### 21A.52.120.B Appeal of Decision

Any party aggrieved by a decision of the planning commission on an application for a special exception may file an appeal to the appeals hearing officer within ten (10) days of the date of the decision. The filing of the appeal shall not stay the decision of the planning commission pending the outcome of the appeal, unless the planning commission takes specific action to stay a decision.



## ATTACHMENT A: VICINITY MAP

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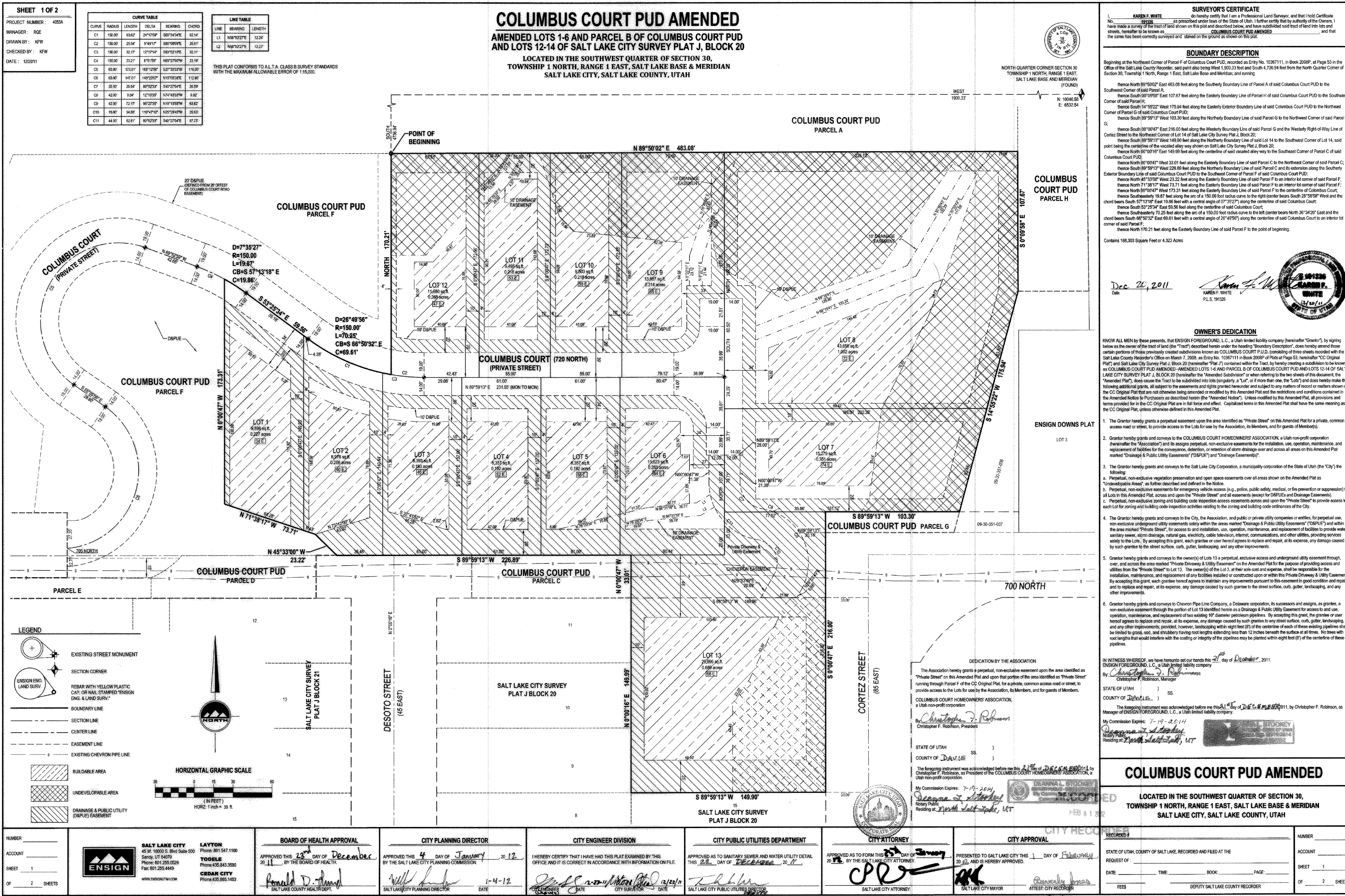
Aerial Photograph of 68 E Columbus Court and Vicinity



## ATTACHMENT B: SUBDIVISION PLAT

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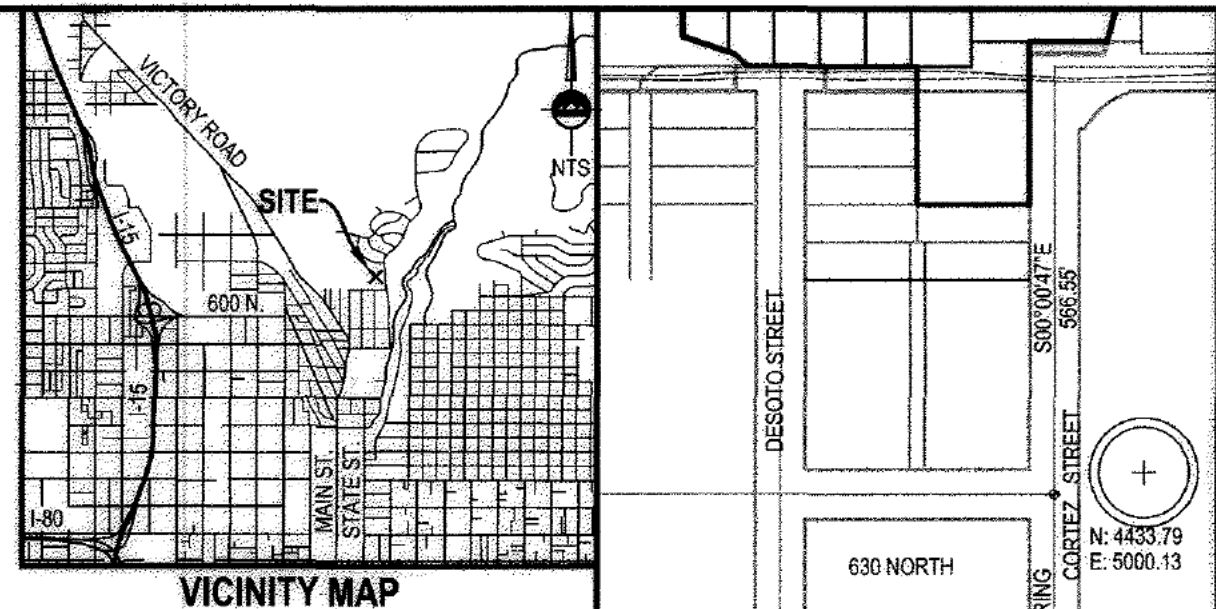
# COLUMBUS COURT PUD AMENDED

AMENDED LOTS 1-6 AND PARCEL B OF COLUMBUS COURT PUD  
AND LOTS 12-14 OF SALT LAKE CITY SURVEY PLAT J, BLOCK 20

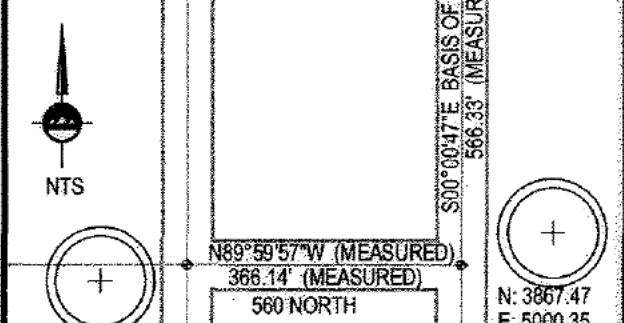
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 30,  
TOWNSHIP 1 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN  
SALT LAKE CITY, SALT LAKE COUNTY, UTAH



NORTH QUARTER CORNER SECTION 30  
TOWNSHIP 1 NORTH, RANGE 1 EAST,  
SALT LAKE BASE AND MERIDIAN  
(FOUND)  
N: 10046.58  
E: 6532.54



VICINITY MAP



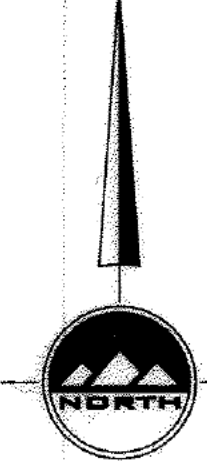
BASIS OF BEARING DETAIL

## AMENDED NOTICE TO PURCHASERS (the "Amended Notice"):

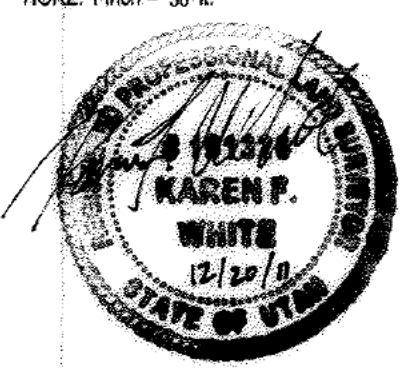
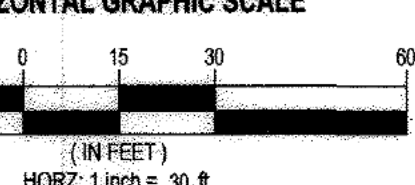
- AMENDED CC&Rs:** The Declaration of Covenants, Conditions and Restrictions for Columbus Court PUD were recorded with the Salt Lake County Recorder's Office on March 7, 2008, as Entry No. 10367112, in Book 9579, beginning at Page 3632 (the "CC&Rs"). The CC&Rs have been amended by the filing of this Amended Declaration of Covenants, Conditions and Restrictions for Columbus Court PUD recorded with the Salt Lake County Recorder's Office on \_\_\_\_\_, 2011, as Entry No. \_\_\_\_\_, beginning at Page \_\_\_\_\_ (the "Amended CC&Rs"). The Amended CC&Rs specify, among other things, the manner in which approval for construction of all structures and landscaping in this Subdivision will occur. As provided for in the Amended CC&Rs, prior to commencing activity of any kind on a Lot, the Lot owner shall obtain the written approval for the same from the Columbus Court Architectural & Structural Control Committee (the "Committee"). The City does not enforce the Amended CC&Rs; however, the City shall withhold any building permit(s) until the Committee has approved the plans for the same as described in the Amended CC&Rs.
- ASSOCIATION:** The Owner (as that term is defined in the Amended CC&Rs) of a Lot becomes a member of the Columbus Court Homeowners' Association, a Utah non-profit corporation (hereinafter the "Association") as defined in the Amended CC&Rs. The Association may undertake to provide certain services for the benefit of the Lot and its Owner(s), which may include, but not be limited to, snow and trash removal and maintenance of the Private Street, any non-public storm drainage facilities, the Subdivision entrance facility, any common areas, Common Properties and landscaping within the Subdivision. The Association will assess the Owner(s) of the Lots within the Subdivision as provided for in the CC&Rs.
- ONE DWELLING:** Only one single family dwelling and permitted accessory structures may be constructed and maintained on each Lot.
- SETBACKS:** The "Buildable Area" of each Lot is as shown on this Amended Plat. All buildings must be located a minimum of ten (10) feet and a minimum average of twenty (20) feet from the "Undevelopable Areas" as shown on the Amended Plat. The minimum building setbacks requirements of the City's zoning ordinances are as follows:  
Front Yard: twenty feet (20') feet from the easement for the Private Street.  
Corner Side Yard: ten feet (10') from the easement for the Private Street.  
Interior Side Yard: four feet (4'), provided, that on interior lots one yard must be at least ten feet (10').  
Rear Yard (Lots 1-12): Twenty feet (20').  
Rear Yard (Lot 13): Twenty-five percent (25%) of the Lot depth, but not less than fifteen feet (15') and need not exceed twenty five feet (25').
- ROOF COVERINGS:** All roof coverings are restricted to Class "A" or "B" fire retardant materials.
- SOILS REPORT:** A soils report prepared by Applied Geotechnical Engineering Consultants, P.C., dated July 19, 2006, as Project No. 060400 (the "Soils Report") has been filed with the City's Planning Commission and defines existing soils and geologic conditions present in the area. Specific recommendations as to construction, slope stability, subsurface water conditions (if any), and earthquake faults (if any) are stated therein. In addition to complying with the Amended CC&Rs and the City's building and zoning codes and state development regulations, the Owner of a Lot shall be required to have a professional engineer or architect, registered as such in the State of Utah, certify that the design and placement of the footings and foundations meet the requirements and recommendations of the Soils Report before a building permit shall be issued.
- BUILDING PERMIT:** No vegetation removal, excavation, or construction of any kind shall be permitted upon the Lot until a building permit authorizing said activity or construction shall have first been obtained from the City.
- UNDEVELOPABLE AREAS:** To assure that steep or unstable slopes are protected, the Undevelopable Areas shown on the Amended Plat have been established as open space and vegetation preservation easement areas and no development or construction of any kind shall be permitted therein. Within the Undevelopable Areas, the native species of plants may be enhanced by irrigation and supplemental plantings. Formal lawns or garden plantings are prohibited within the Undevelopable Areas. Any fence to be located within the Undevelopable Area of any Lot must be open, see-through fencing constructed of tubular steel, wrought iron or similar materials, finished with a flat black or other native color and having a non-reflective finish.
- TRANSITION AREA:** The "Transition Area" is defined as that area of a Lot between (a) the Undevelopable Area and (b) the "Buildable Area". Within the Transition Area, no structures shall be permitted at a height more than eighteen (18) inches above grade, plus, in the case of a deck, a railing per code. The Transition Area may be used for below grade structures, outdoor living space, patios, pools, decks, etc., may be re-graded to control surface drainage, and may be landscaped.
- BUILDABLE AREA:** The buildable area on each lot is shown on this Amended Plat and each exceeds the City's requirement of 1,500 square feet.
- PRIVATE SUBDIVISION IMPROVEMENTS:** Except for certain water, sanitary sewer, and storm drainage facilities described below, the Amended Subdivision is a private subdivision. Within the boundaries of the Amended Subdivision, all streets, common areas, Common Properties, the non-public portion of storm drains, and land drains are owned and shall be perpetually maintained by the Association, at its sole cost and expense. The water, sanitary sewer, and storm drain facilities and improvements covered by the Public Utility Easements (described herein in paragraph 13.b. of this Amended Notice) are public improvements which are perpetually owned and maintained by the City.
- ALL P&A PARCELS:** Except as otherwise provided for herein, no dwelling or other building shall be allowed to be constructed or maintained on Parcel "A" through "I" (the "Alpha Parcels") as defined in the CC Original Plat and in the Amended CC&Rs. Except as otherwise provided for herein or in the CC Original Plat, the Alpha Parcels may only be used for landscaping and other non-dwelling uses consistent with the applicable underlying City zoning and land use regulations for such Parcels, and in conjunction with adjacent parcels outside of this Subdivision.
- The creation of this Subdivision upon the Tract is subject to the following easements and other matters of record:  
(a) That certain easement granted to AT&T by an instrument recorded May 26, 1988, as recorded as Entry No. 1592901, in Book 1507, at Page 160, in the Salt Lake County Recorder's Office.  
(b) That certain easement by and between Grantor, as grantor, and Salt Lake City Corporation, as grantee, dated October 7th, 2007, and recorded as Entry No. 10270141, in Book 9538, beginning at Page 1475, in the Salt Lake County Recorder's Office (the "Public Utility Easements").  
(c) That certain Open Space Agreement dated February 16th, 1991, and recorded on October 3rd, 1991, as Entry No. 5135556 in Book 6362 at Page 2403 with the Salt Lake County Recorder's Office, wherein the Tract is a "Benefitted Property" as defined therein.  
(d) That certain Salt Lake City Ordinance No. \_\_\_\_\_ of 2007, passed by the Salt Lake City Council on October 16th, 2007, and recorded with the Salt Lake County Recorder's Office on February 21, 2008, as Entry No. 10352476, in Book 9572, beginning at Page 1913, relating to the rezoning of the Tract.  
(e) That certain Salt Lake City Ordinance No. 59 of 2007, passed by the Salt Lake City Council on October 16th, 2007, and recorded with the Salt Lake County Recorder's Office on February 21, 2008, as Entry No. 10352460, in Book 9572, beginning at Page 1922, relating to the closure and abandonment of a portion of 700 North Street between Columbus and Cortez Streets as a public street; and  
(f) That certain Salt Lake City Ordinance No. \_\_\_\_\_ of 2011, passed by the Salt Lake City Council on December 12, 2011, and recorded with the Salt Lake County Recorder's Office on \_\_\_\_\_, 2011, as Entry No. \_\_\_\_\_, in Book \_\_\_\_\_, relating to the rezoning of a portion of the Tract.

## LEGEND

- EXISTING STREET MONUMENT
- SECTION CORNER
- REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSGN ENG. & LAND SURV."
- BOUNDARY LINE
- SECTION LINE
- CENTER LINE
- EASEMENT LINE
- EXISTING CHEVRON PIPE LINE
- DRAINAGE & PUBLIC UTILITY (D&PUE) EASEMENT
- PUBLIC WATER EASEMENT
- PUBLIC SANITARY SEWER
- PUBLIC STORM DRAINAGE EASEMENT



HORIZONTAL GRAPHIC SCALE



## SHEET 2 OF 2

PROJECT NUMBER: 4053A  
MANAGER: RQE  
DRAWN BY: KPW  
CHECKED BY: KPW  
DATE: 12/20/11

**SALT LAKE CITY**  
45 W. 10000 S. Blvd Suite 500  
Sandy, UT 84070  
Phone: 801.547.1100  
Fax: 801.255.4446  
WWW.ENSGN.UTAH.COM

**LAYTON**  
Phone: 801.547.1100  
**TOOELE**  
Phone: 435.843.3590  
**CEDAR CITY**  
Phone: 435.865.1453

## COLUMBUS COURT PUD AMENDED

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

RECORDED #			
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE			
REQUEST OF:			
DATE:	TIME:	BOOK:	PAGE:
FEES		DEPUTY SALT LAKE COUNTY RECORDER	



## ATTACHMENT C: SITE & GRADING PLAN

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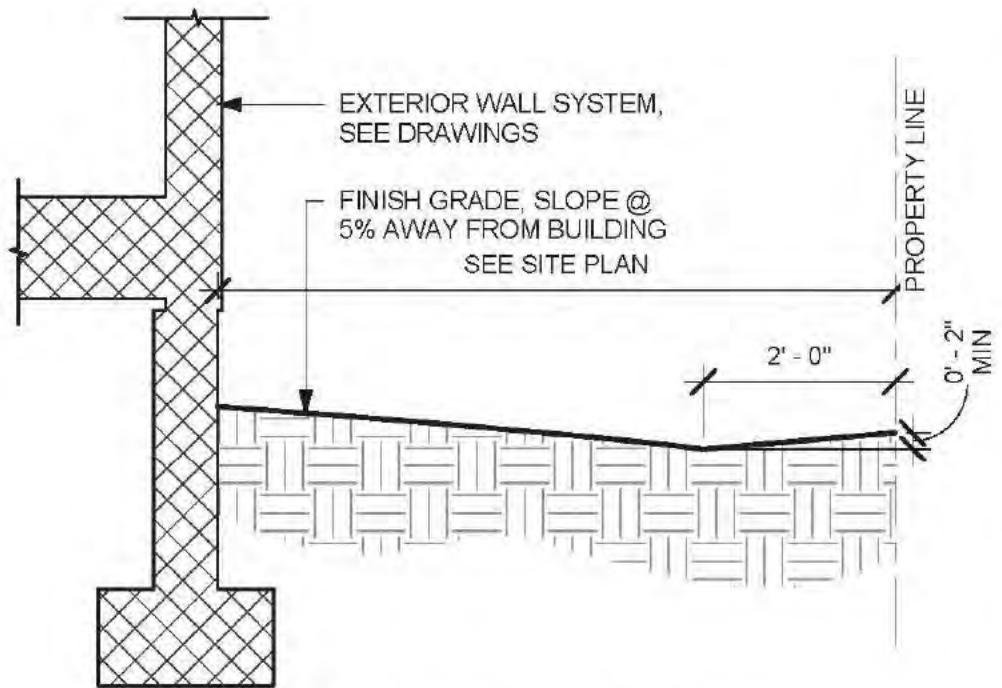
APPROVED TREES:

- T1 - Yoshino Flowering Cherry: *Prunus x yedoensis*  
T2 - Tatarian Maple: *Acer tataricum*  
T3 - Maackia Amurensis: *Amur Maackia*  
T4 - Bigtooth Maple: *Acer grandidentatum*  
T5 - Japanese Tree Lilac: *Syringa reticulata*

SEWER GENERAL NOTES:

THE TANK WILL BE PLACED BY THE PLUMBER AT A RIM OF THE TANK ELEVATION 12" TO 18" INCHES BELOW THE FINISHED FLOOR OF THE BASEMENT. THE LIBERTY PUMP TANK CAPACITY IS LARGER THAN THREE-ONE PUMP IT BEING 210 GALLONS. THE 4" CONNECTION POINT INTO THE TANK IS 12" BELOW THE RIM OF THE TANK SO THE INVERT INTO THE TANK WILL BE 24" BELOW FINISHED FLOOR IF THE RIM IS SET 12" DOWN FROM THE FINISHED FLOOR OR 30" IF THE RIM OF THE TANK IS SET 18" DOWN. THE DEPTH SELECTED MUST INSURE A MINIMUM FALL OF 2% OF ALL THE 4" UNDER FOUNDATION SEWER PIPES LEADING TO IT.

THE OUTFALL OR PRESSURIZED LINE WILL BE SIMILAR TO THAT PREVIOUSLY WITH THE 1 1/4" HDPE LINE WHICH MUST LEAVE THE HOUSE BELOW FROST DEPTH OF 36" INCHES AS THE LINE IS PRESSURIZED NO FALL ELEVATION LEAVING THE HOUSE NEEDS BE ESTABLISHED. HOWEVER, IN AS MUCH AS THE LINE NEEDS TO BE PLACED BELOW FROST DEPTH OF 36" AND THE HOUSE GRADE IS 4655 IT IS RECOMMENDED THAT THE PRESSURIZED LINE EXIT FROM UNDER THE HOUSE AT AN ELEVATION OF 4653 AND REMAIN 36" BELOW THE SURFACE UNTIL IT REACHES THE OUTFALL AT THE TOP OF THE LOT. THIS FINAL CONNECTION WILL BE VIA THE SAME MANHOLE AND CONNECTION DRAWING AS SUBMITTED TO THE CITY PREVIOUSLY. AND PER THE CITY'S REQUEST THE 1 1/4" HDPE LINE NEEDS TO REACH THE BOTTOM AND STOP ON ONE SIDE AND NOT CONNECT DIRECTLY TO THE 4" SEWER LATERAL.



2 DRAIN SWALE DETAIL

scale: 1/2" = 1'-0"

GENERAL NOTES:

- DUST, MUD & EROSION SHALL BE CONTROLLED BY WHATEVER MEANS NECESSARY AND THE ROADWAY SHALL BE KEPT FREE OF MUD AND DEBRIS AT ALL TIMES.
- NEW CURB & GUTTER OR REPLACEMENT OF EXISTING DAMAGED CURB & GUTTER ALONG THE FRONTAGE OF THIS PROJECT SHALL BE IN ACCORDANCE WITH SALT LAKE CITY STANDARDS.
- CONTRACTOR SHALL SECURE AN EXCAVATION PERMIT FROM SALT LAKE CITY PUBLIC WORKS DEPARTMENT PRIOR TO DOING ANY WORK IN THE CITY RIGHT-OF-WAY.
- CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND NOTIFY OWNER OF SIGNIFICANT VARIATIONS THAT MAY EFFECT CONSTRUCTION AS DELINEATED IN THE CONSTRUCTION DOCUMENTS.
- CONTRACTOR SHALL BE RESPONSIBLE TO APPLY FOR AND OBTAIN ALL REQUIRED BUILDING PERMITS PRIOR TO COMMENCING WORK ON THE SITE. PERMITS SHALL INCLUDE SITE DISTURBANCE AND EXCAVATION PERMIT, UTILITY AND NEW CONSTRUCTION PERMITS.
- CONTRACTOR SHALL TIE INTO EXISTING UTILITY STUB-INS AND EXTEND UTILITIES AS NECESSARY TO SERVICE ALL NEW CONSTRUCTION. SUCH SERVICES SHALL INCLUDE WATER, SEWER, ELECTRICAL, TELEPHONE, AND GAS LINES. WHERE SUCH WORKS REQUIRED IN THE PUBLIC WAY, CONTRACTOR SHALL BE RESPONSIBLE TO POST ALL BONDS AS MAY BE REQUIRED BY SALT LAKE CITY FOR THE PARTICULAR WORK IN QUESTION.
- PROPOSED WATER SERVICE CONNECTIONS TO THE MAIN SHALL BE INSTALLED WITH AN ELECTROFUSION TAPPING SADDLE OR APPROVED EQUAL COMPATIBLE WITH SDR-9 HDPE PIPE. SUBMITTAL TO ENGINEER AND SALT LAKE CITY PUBLIC UTILITIES OF THE PROPOSED SADDLE WILL BE REQUIRED PRIOR TO INSTALLATION. CONTRACTOR WILL BE REQUIRED TO SUBMIT A WORK PLAN DESCRIBING HOW THIS WORK WILL BE COMPLETED.
- PROPOSED SANITARY SEWER LATERAL CONNECTION PER APWA PLAN NO. 431.
- CONTRACTOR SHALL MAINTAIN THE WORK SITE IN A CLEAN AND ORDERLY CONDITION AT ALL TIMES. HE/SHE SHALL PROVIDE AND MAINTAIN AN ON-SITE REFUSE CONTAINER TO BE USED FOR THE DISPOSAL OF CONSTRUCTION DEBRIS. REFUSE CONTAINER SHALL BE IDENTIFIED AS CONSTRUCTION AND/OR COVERED TO PREVENT DEBRIS FROM BEING DISTRIBUTED BY WINDS, ETC. CONTRACTOR SHALL MAINTAIN ROADWAYS UTILIZED TO ACCESS THE SITE IN A CLEAN CONDITION AT ALL TIMES. MUD, ROCKS AND OTHER DEBRIS DEPOSITED ON THE ROADWAYS DUE TO TRUCK OR OTHER TRAFFIC TO AND FROM THE SITE SHALL BE IMMEDIATELY REMOVED BY BROOMING OR WASHING AS MAY BE NECESSARY.



RPA  
RUSSELL PLATT ARCHITECTURE

4141 HIGHLAND DRIVE SUITE 111  
HOLLADAY, UTAH 84117

68 East Columbus Court, S.L.C., UT 84103

CC13 RESIDENCE

10.10.2016

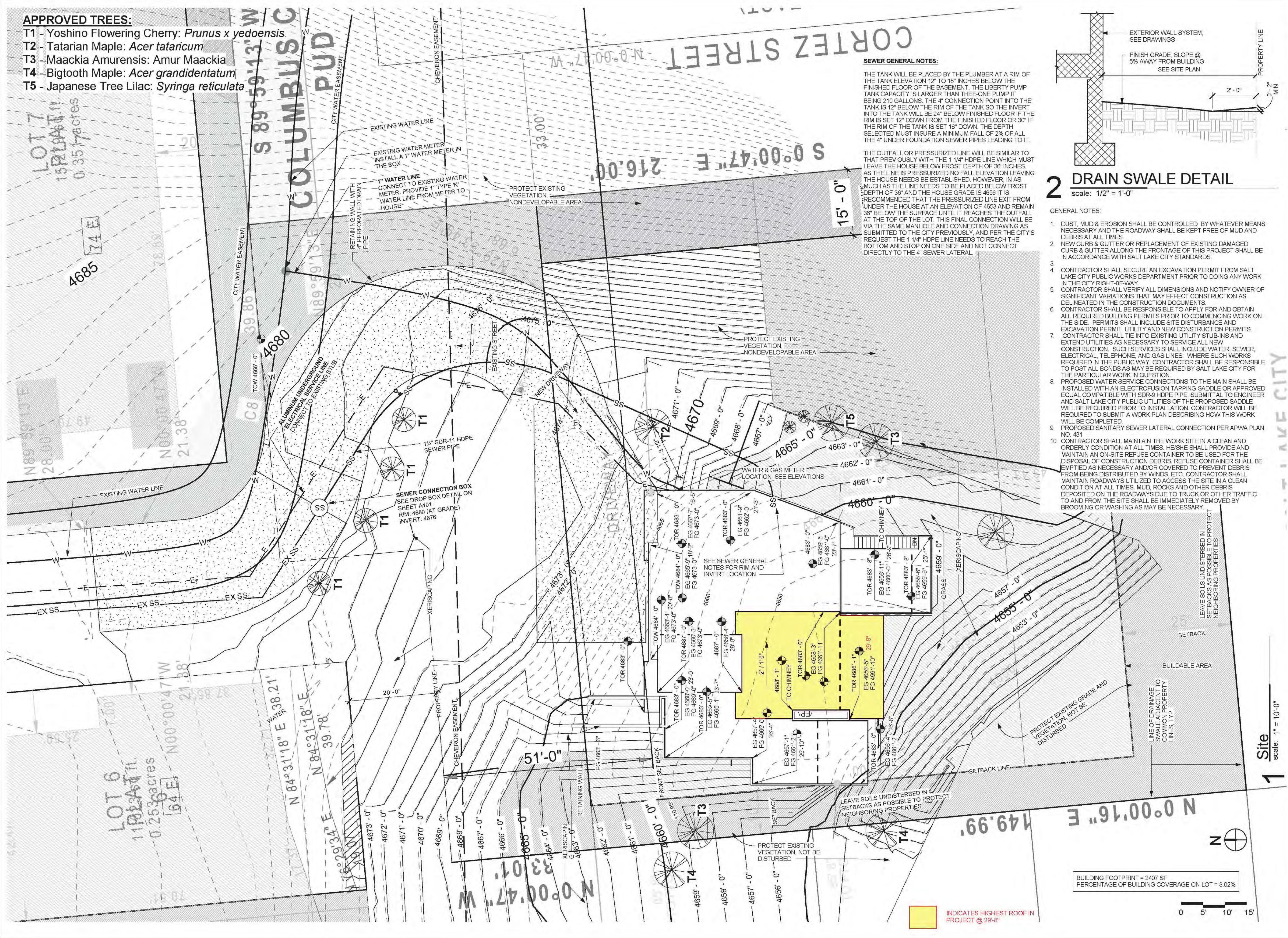
#	REV.	Date

SHEET TITLE

SITE PLAN

SHEET NUMBER

C101





## ATTACHMENT D: BUILDING ELEVATIONS

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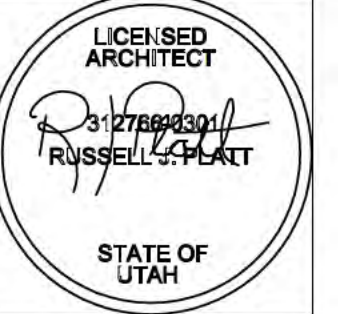




**1** PERSPECTIVE 1  
scale:



**2** PERSPECTIVE 2  
scale:



**RPA**  
RUSSELL PLATT ARCHITECTURE  
4141 HIGHLAND DRIVE SUITE 111  
HOLLADAY, UTAH 84117  
801-580-0181

**CC13 RESIDENCE**  
68 East Columbus Court, S.L.C., UT 84103

10.10.2016

#	REV.	Date

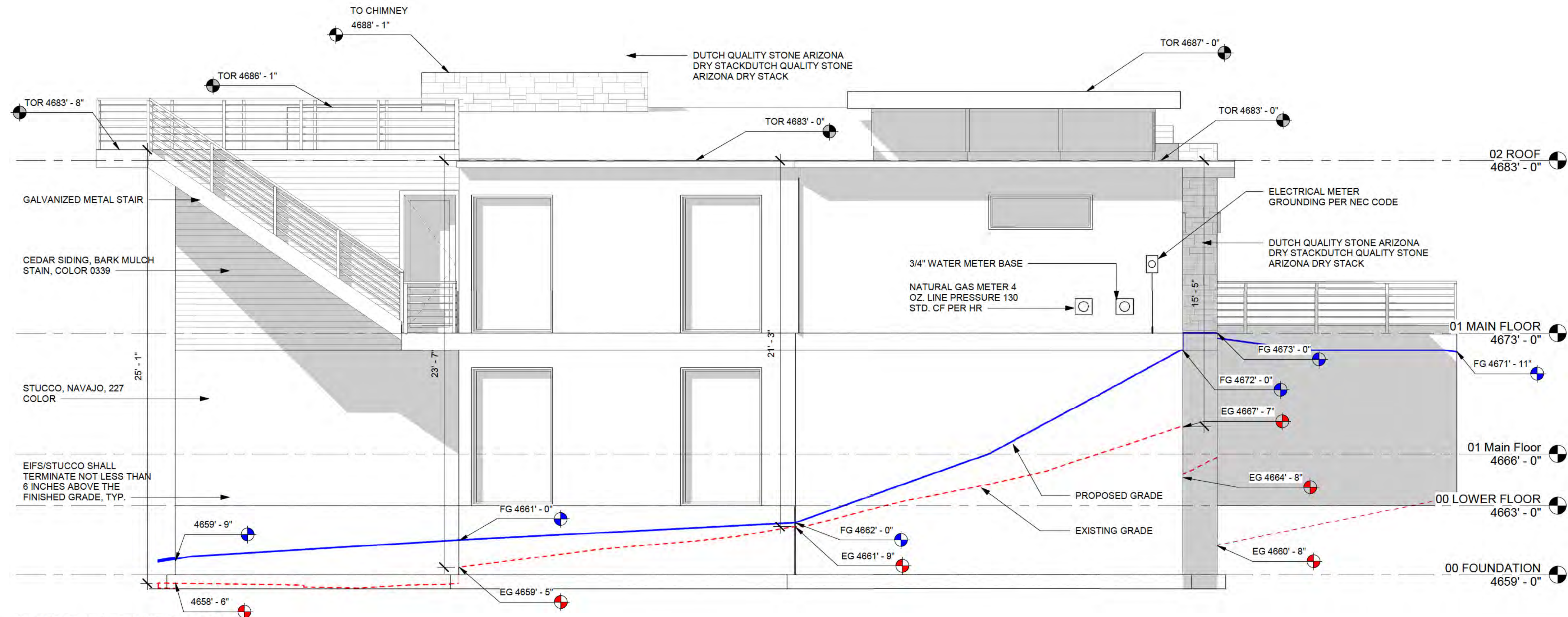
SHEET TITLE

3D VIEWS

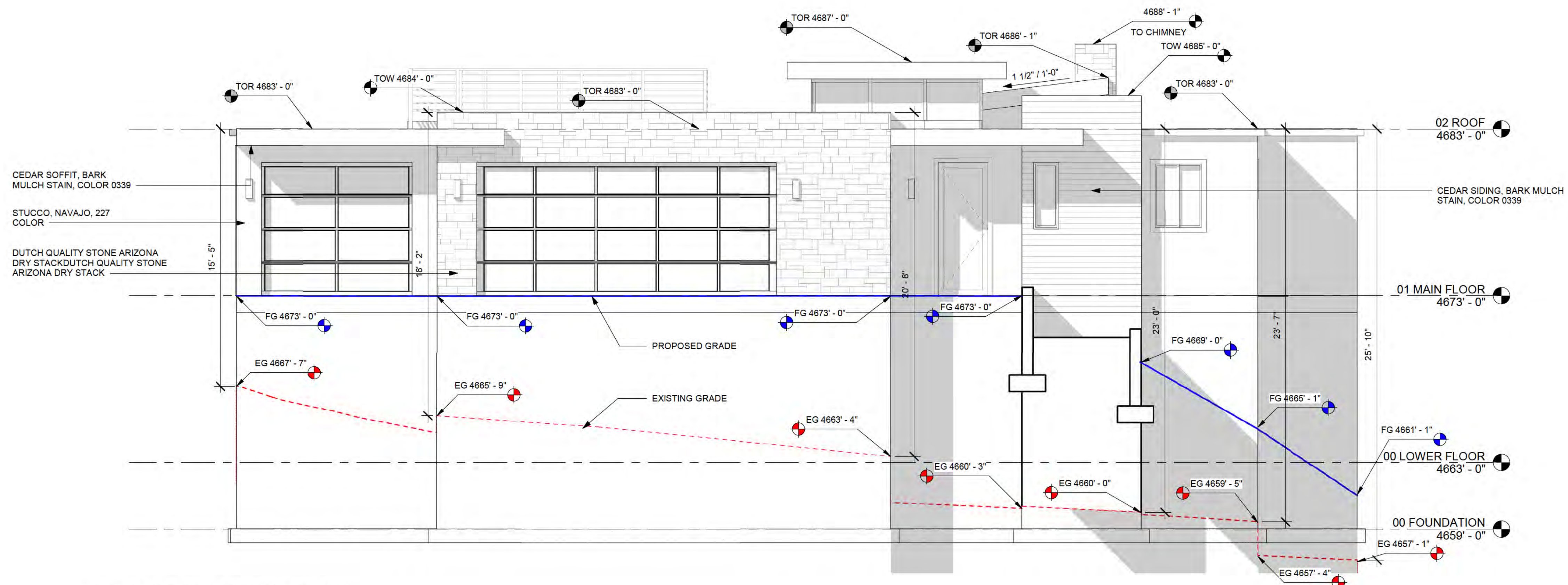
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**A111**

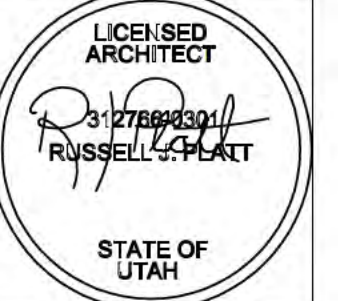




**1 EAST ELEVATION**  
scale: 1/4" = 1'-0"



**2 NORTH ELEVATION**  
scale: 1/4" = 1'-0"



**RPA**  
RUSSELL PLATT ARCHITECTURE

4141 HIGHLAND DRIVE SUITE 111  
HOLLADAY, UTAH 84117

801-580-0181

**CC13 RESIDENCE**  
68 East Columbus Court, S.L.C., UT 84103

10.10.2016

#	REV.	Date

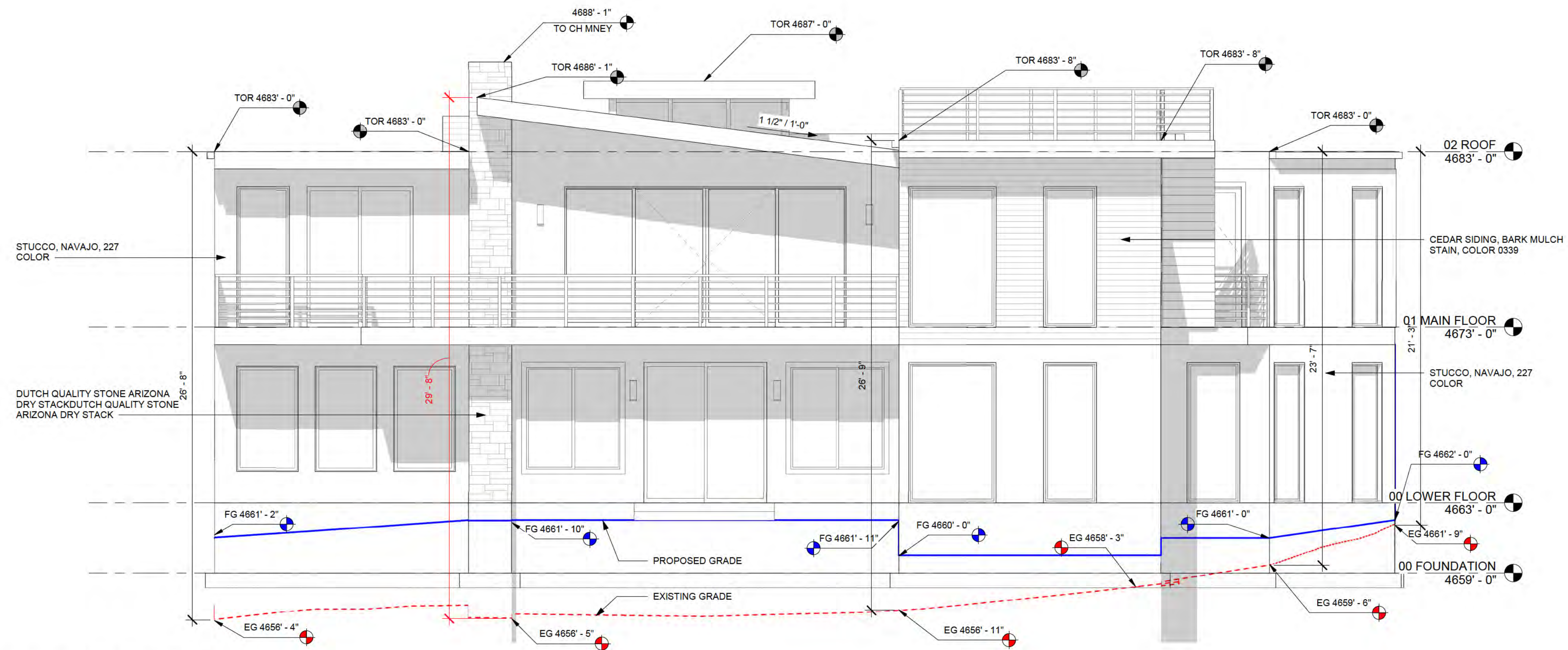
SHEET TITLE

EAST AND  
NORTH  
ELEVATIONS

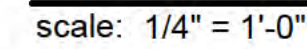
SHEET NUMBER

**A105**





scale: 1/4" = 1'-0"



**A106**



## ATTACHMENT E: FLOOR PLANS

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FIRE STOP ALL CHASES AT FLOOR AND ATTIC (CODE SECTION 602.8)

FIREPLACE AND FLUE SPEC'S ARE REQUIRED  
AT TIME OF INSPECTION

HEADROOM CLEARANCE FOR STAIRWAY  
OPENING SHALL NOT BE LESS THAN 6'-8"  
TO FINISH (CODE SECTION 502.6  
607 3).

BALUSTERS SHALL BE PLACED SO THAT A 4" DIA. SPHERE CANNOT PASS THROUGH (CODE SECTION 316.2)

20-MINUTES RATED, SELF-CLOSING DOOR  
REQUIRED BETWEEN GARAGES AND LIVING  
SPACES

SHOWER STALLS TO HAVE TEMPERED GLASS ENCLOSURES AND DOORS MIN. 22" WIDE

ALL TUB / SHOWERS TO HAVE ANT -SCALD VALVES

ALL COUNTERTOPS TO BE STANDARD DEPTH,  
SOLID SURFACE W/ 4" BACKSPLASH AND  
BULLNOSE EDGE PER SPEC. OR U.N.O.

ALL GLASS WITHIN 24" OF DOOR SWING TO  
BE TEMPERED GLASS

ALL PLUMBING TO BE PROTECTED AGAINST FREEZING, PLUMBING IN EXTERIOR WALLS TO BE WRAPPED W/ BATT. INSUL., TYP.

FULL RAIN GUTTERS ARE REQ. AND  
DOWNSPOUT EXTENSION ARE REQ. TO  
EXTEND 10' AWAY FROM THE FOUNDATION

SHOW TOP OF FOUNDATION WALL A MIN. OF  
6" ABOVE FINISHED GRADE R 404.1.6

DUCTS PENETRATING THE GARAGE WALL ARE REQUIRED TO BE CONSTRUCTED OF A MINIMUM NO. 26 GAGE SHEET METAL AND HAVE NO OPENINGS INTO THE GARAGE

ANY WOOD IN CONTACT WITH CONCRETE  
SHALL BE DECAY RESISTANT

A WATER CLOSET, LAVATORY OR BIDET SHALL NOT BE SET CLOSER THAN 15 INCHES FROM ITS CENTER TO ANY SIDE WALL, PARTITION OR VANITY OR CLOSER THAN 30 INCHES CENTER-TO-CENTER BETWEEN ADJACENT FIXTURES. THERE SHALL BE AT LEAST A 21-INCH CLEARANCE IN FRONT OF THE WATER CLOSET, LAVATORY OR BIDET TO ANY WALL, FIXTURE OR DOOR.

EGRESS WINDOW WELLS TP BE 26" CLEAR  
INSIDE BOTH DIRECTIONS W/ LADDER IF  
OVER 44" DEEP.  
THE EGRESS WINDOW WELL NEEDS TO BE  
36" CLEAR AND COMPLY W/ THE OTHER  
REG. OF R 310.2

PROVIDED PROPER WALL ANCHORAGE WITH 3X3X0.029 SQUARE WASHERS. IF WASHER WITH ELONGATED HOLE IS USED PLACE AN APPROVED CUT FOUNDATION WASHER ON TOP OF THE SQUARE WASHER.

FLOOR DRAIN SHALL BE OF THE DEEP TRAP TYPE OR HAVE TRAP PR MER PROVIDED.

WINDOWS WITH SILL HEIGHTS THAT MEASURE LESS THAN 24" FROM THE FINISHED FLOOR TO THE WINDOW SHALL BE PROTECTED WITH A GUARD TO PREVENT CHILDREN FROM FALLING OUT TO THE WINDOW PER SECTION 613.2 IRC 2006 EDITION.

ALL PLUMBING, ELECTRICAL, HVAC, SHALL BE PROPERLY CONTAINED WITHIN EACH UNIT WITHOUT PENETRATING THE FIRE WALLS OR CROSSING THE PROPERTY LINES INTO OTHER UNITS. ALL PENETRATIONS THROUGH AND INCLUDING ATTIC & ROOF WITH ALL THAT IS ENCOMPASSED INSIDE THESE WALLS.

PROVIDE INSULATION CERTIFICATION THAT COINCIDES WITH THE RECHECK REQUIREMENTS

NO PIPE/CONDUIT PENETRATIONS THROUGH  
RATED WALL.

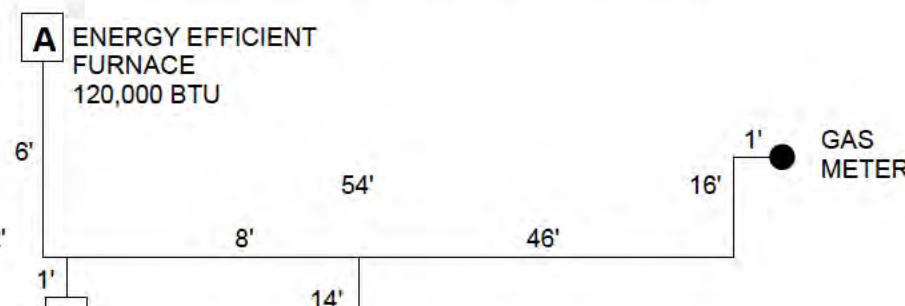
ALL WINDOWS AT LESS THAN 60" ABOVE  
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A BACKWATER VALVE IS REQUIRED FOR THE BASEMENT FLOOR DRAINS IF THE FLOOD LEVEL RIMS ARE LOCATED BELOW THE ELEVATION OF THE NEXT UPSTREAM MANHOLE COVER OF THE PUBLIC SEWER SERVING SUCH FIXTURES.

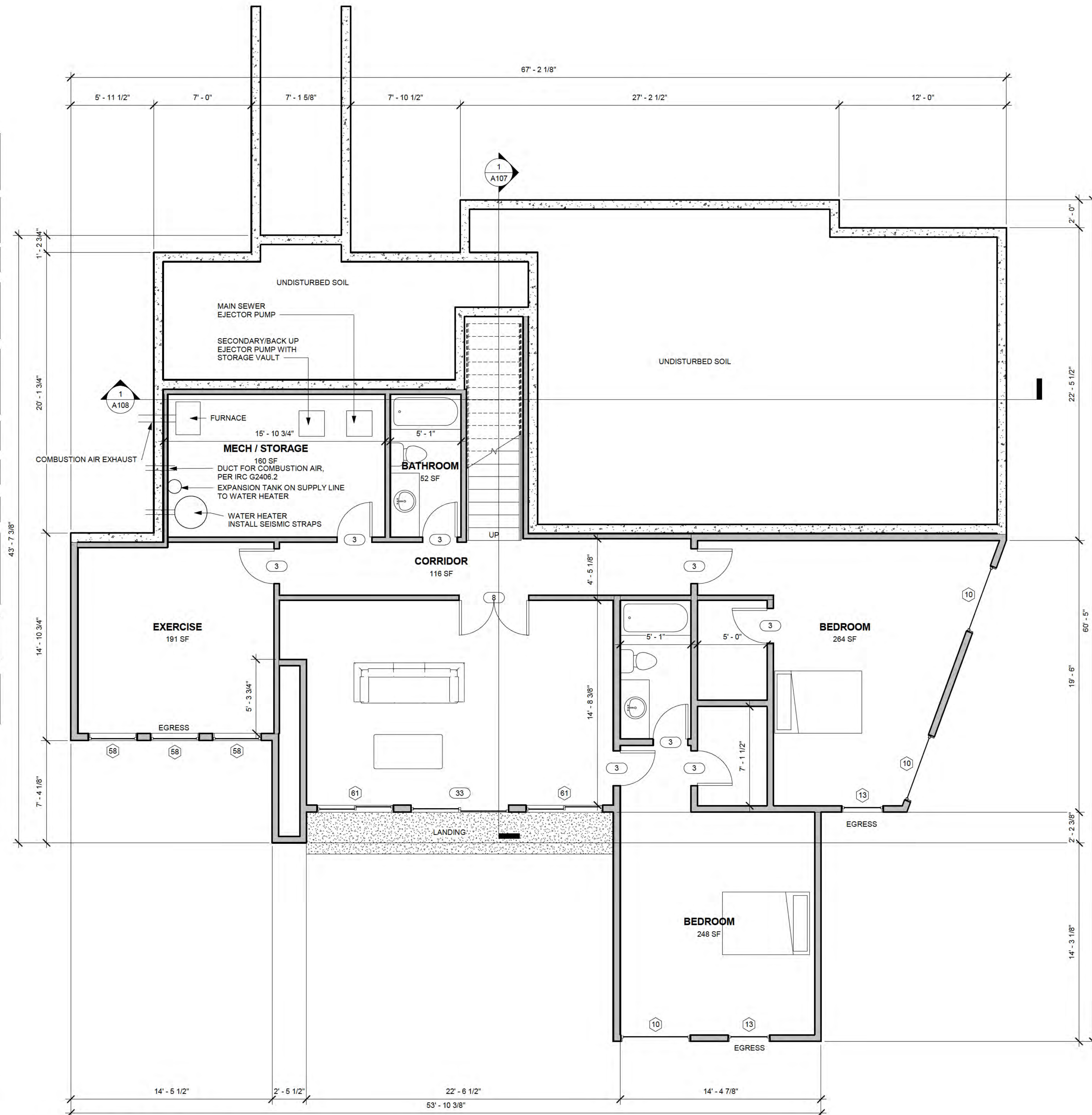
A	ENERGY EFFICIENT FURNACE
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LENGTH	1/2	3/4	1	1 1/4	1 1/2
80	56	117	220	452	677

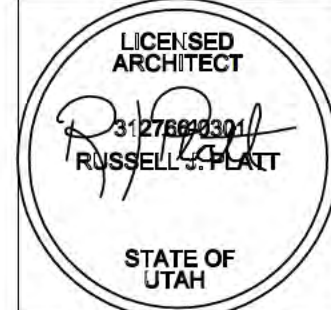
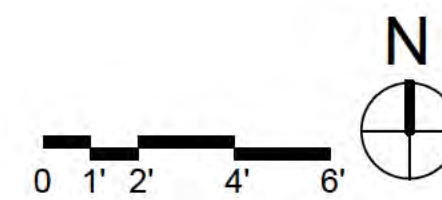
RUN	CFH	PIPE SIZE
A	135	1
B	45	1/2
C	45	1/2

**NOTE:**  
SHUT-OFF VALVES SHALL BE LOCATED TO PROVIDE FOR READY ACCESS OF OPERATION AND INSTALLED IN A LOCATION WHERE IT WILL NOT BE DAMAGED. INSTALLATION OF VALVES UNDER APPLIANCES, SUCH AS WALL HEATERS AND FIREPLACES, SHOULD BE INSTALLED IN SUCH A MANNER WHERE THE APPLIANCE CAN BE REMOVED WITHOUT REMOVAL OF THE VALVE.



# 1 LOWER FLOOR PLAN

scale: 1/4" = 1'-0"



**RPA**  
RUSSELL PLATT ARCHITECTURE  
4141 HIGHLAND DRIVE SUITE 111  
HOLLADAY, UTAH 84117

CC13 RESIDENCE  
68 East Columbus Court, S.L.C., UT 84103

10.10.2016

[illegible]

SHEET TITLE

LOWER  
FLOOR  
PLAN

SHEET NUMBER

**A101**



PLAN  
NOTES

FIRE STOP ALL CHASES AT FLOOR AND ATTIC (CODE SECTION 602.9)

FIREPLACE AND FLUE SPEC'S ARE REQUIRED AT TIME OF INSPECTION

HEADROOM CLEARANCE FOR STAIRWAY OPENING SHALL NOT BE LESS THAN 6'-8" TO FINISH (CODE SECTION 502.6 607.3)

BALUSTERS SHALL BE PLACED SO THAT A 4" DIA. SPHERE CANNOT PASS THROUGH (CODE SECTION 316.2)

20-MINUTES RATED, SELF-CLOSING DOOR REQUIRED BETWEEN GARAGES AND LIVING SPACES

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PROVIDE INSULATION CERTIFICATION THAT COINCIDES WITH THE RECHECK REQUIREMENTS

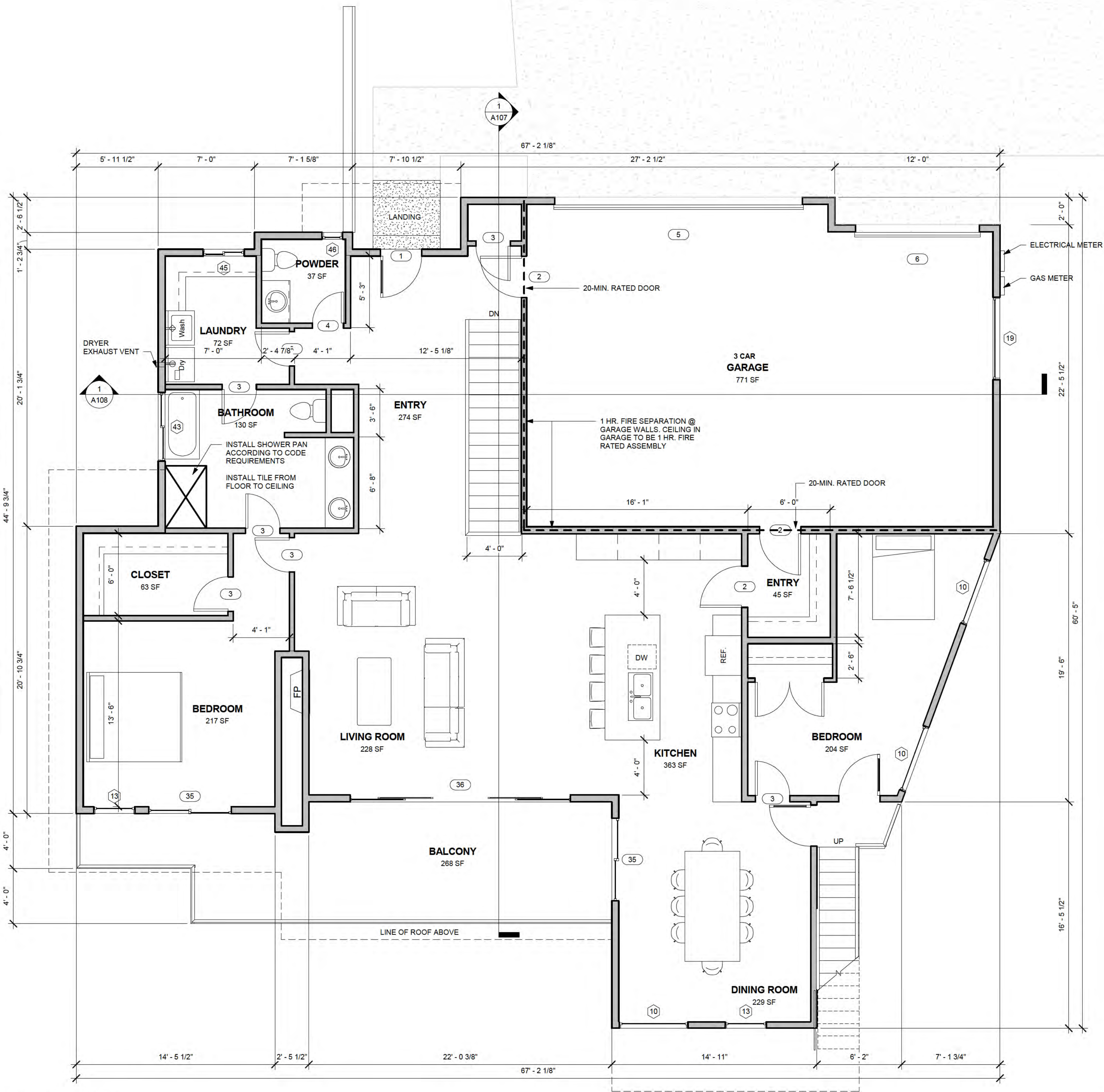
DUCTS PENETRATING THE GARAGE WALL ARE REQUIRED TO BE CONSTRUCTED OF A MINIMUM NO. 26 GAGE SHEET METAL AND HAVE NO OPENINGS INTO THE GARAGE PER IRC SECTION R309.1.1

ALL WINDOWS AT LESS THAN 60" ABOVE TUB OR SHOWER TO BE TEMPERED GLASS.

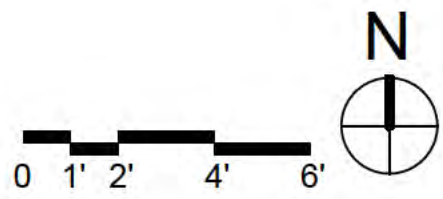
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1 MAIN FLOOR  
scale: 1/4" = 1'-0"



RPA  
RUSSELL PLATT ARCHITECTURE  
4141 HIGHLAND DRIVE SUITE 111  
HOLLADAY, UTAH 84117

CC13 RESIDENCE  
68 East Columbus Court, S.L.C., UT 84103

10.10.2016

#	REV.	Date

SHEET TITLE

MAIN  
FLOOR  
PLAN

SHEET NUMBER

A102



PLAN  
NOTES

- FIRE STOP ALL CHASES AT FLOOR AND ATTIC (CODE SECTION 602.8)

FIREPLACE AND FLUE SPEC'S ARE REQUIRED AT TIME OF INSPECTION

HEADROOM CLEARANCE FOR STAIRWAY OPENING SHALL NOT BE LESS THAN 6'-8" TO FINISH (CODE SECTION 602.6 607.3)

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TOP OF FOUNDATION WALL TO BE A MIN. OF 6" ABOVE FINISHED GRADE PER R 404.1.6

ROOFING MEMBRANE SHALL BE A SINGLE-PLY MEMBRANE EPDM ROOFING SYSTEM. SYSTEM TO BE CLASS A, MINIMUM UL 790 (ASTM E108) OR AS REQUIRED BY CODE.
- EGRESS WINDOW WELLS TP BE 26" CLEAR INSIDE BOTH DIRECTIONS W/ LADDER IF OVER 44" DEEP. THE EGRESS WINDOW WELL NEEDS TO BE 36" CLEAR AND COMPLY W/ THE OTHER REG. OF R 310.2

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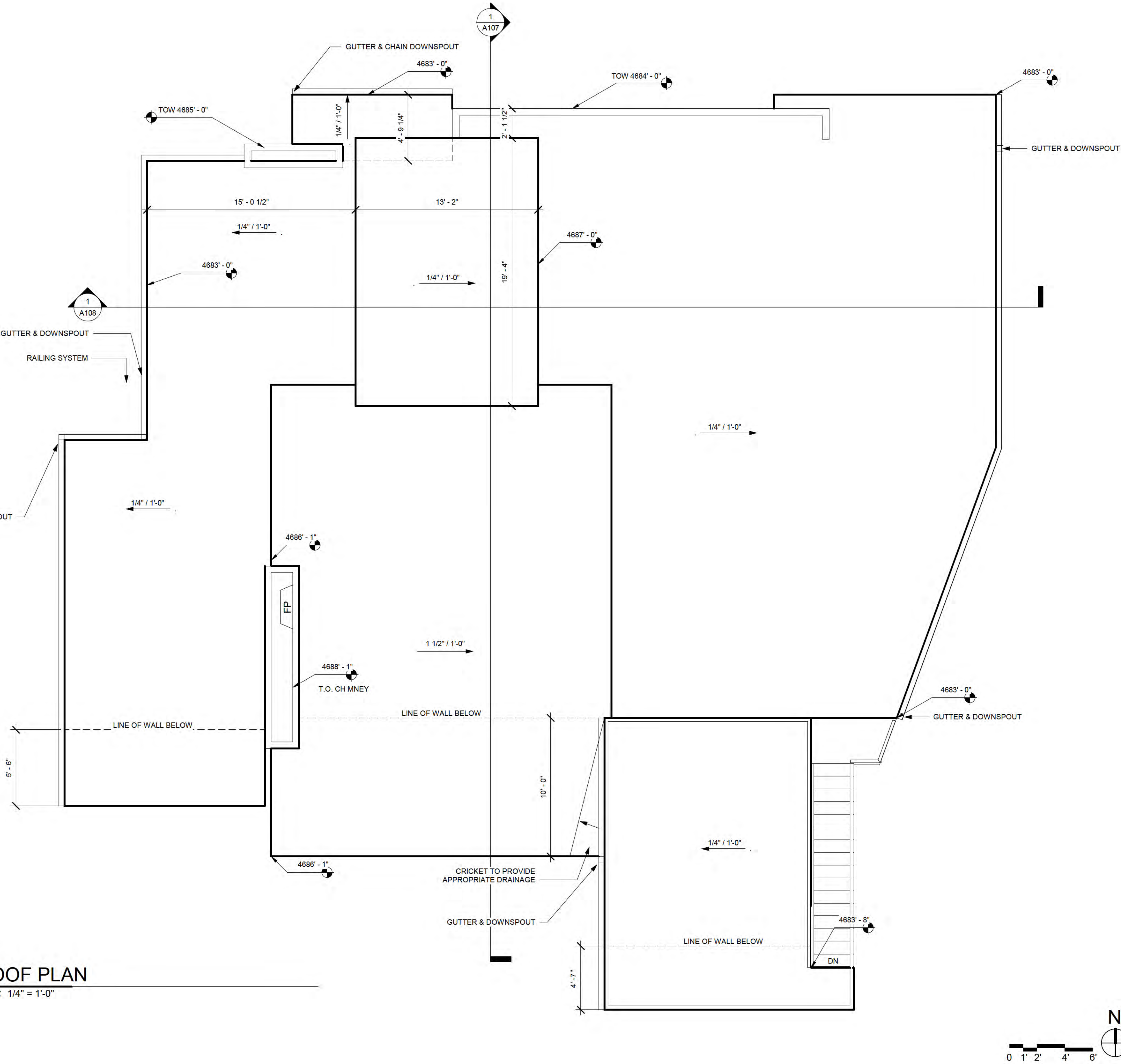
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1 ROOF PLAN  
scale: 1/4" = 1'-0"



RPA  
RUSSELL PLATT ARCHITECTURE  
4141 HIGHLAND DRIVE SUITE 111  
HOLLADAY, UTAH 84117  
801-580-0181

CC13 RESIDENCE  
68 East Columbus Court, S.L.C., UT 84103

10.10.2016

#	REV.	Date

SHEET TITLE

ROOF  
PLAN

SHEET NUMBER

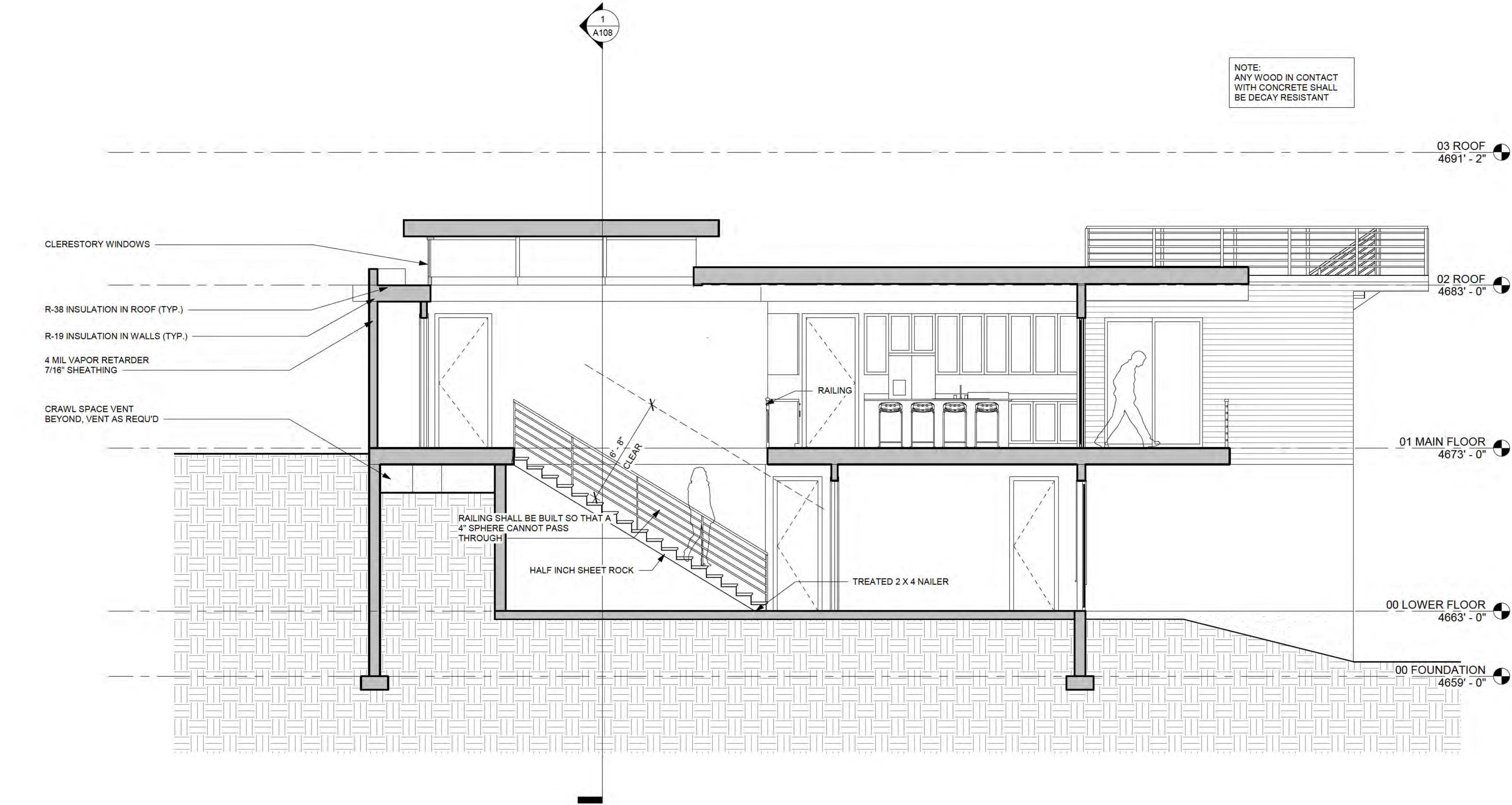
A104



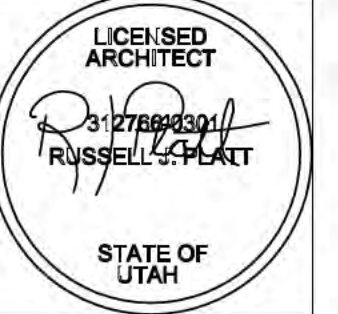
## ATTACHMENT F: BUILDING SECTIONS

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**1 BUILDING SECTION 1**  
scale: 1/4" = 1'-0"



**RPA**  
RUSSELL PLATT ARCHITECTURE  
4141 HIGHLAND DRIVE SUITE 111  
HOLLADAY, UTAH 84117  
801-580-0181

**CC13 RESIDENCE**  
68 East Columbus Court, S.L.C., UT 84103

10.10.2016

#	REV.	Date

SHEET TITLE

SECTION  
1

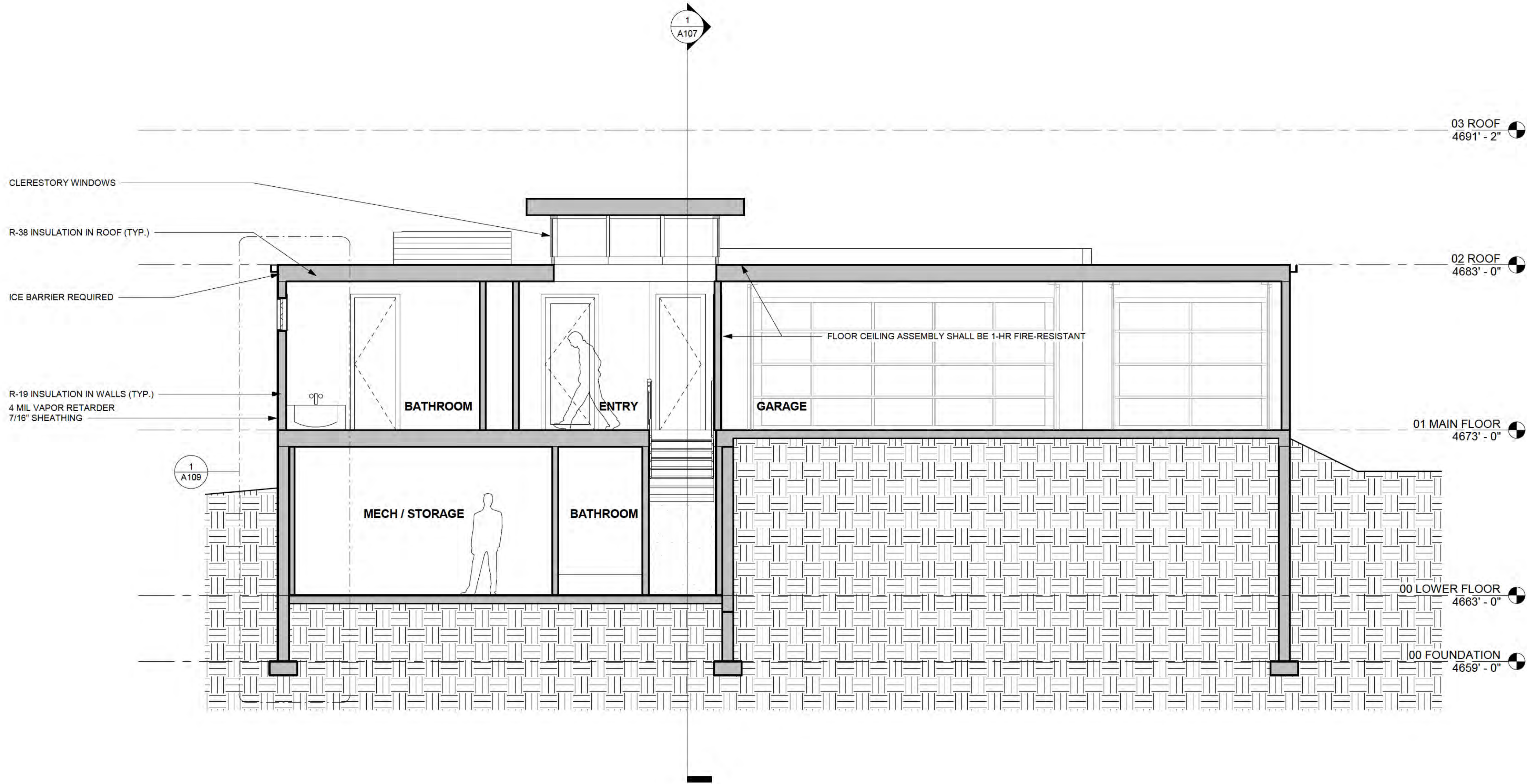
SHEET NUMBER

**A107**



1 BUILDING SECTION 2

scale: 1/4" = 1'-0"



RPA  
RUSSELL PLATT ARCHITECTURE  
4141 HIGHLAND DRIVE SUITE 111  
HOLLADAY, UTAH 84117  
801-580-0181

CC13 RESIDENCE  
68 East Columbus Court, S.L.C., UT 84103

10.10.2016

#	REV.	Date

SHEET TITLE

SECTION  
2

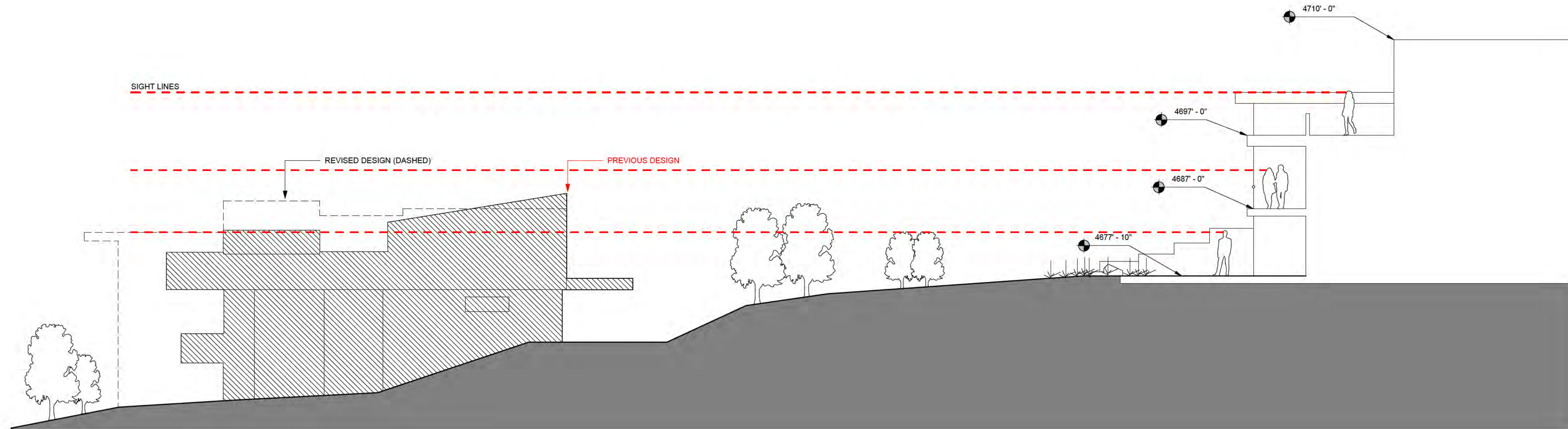
SHEET NUMBER

A108

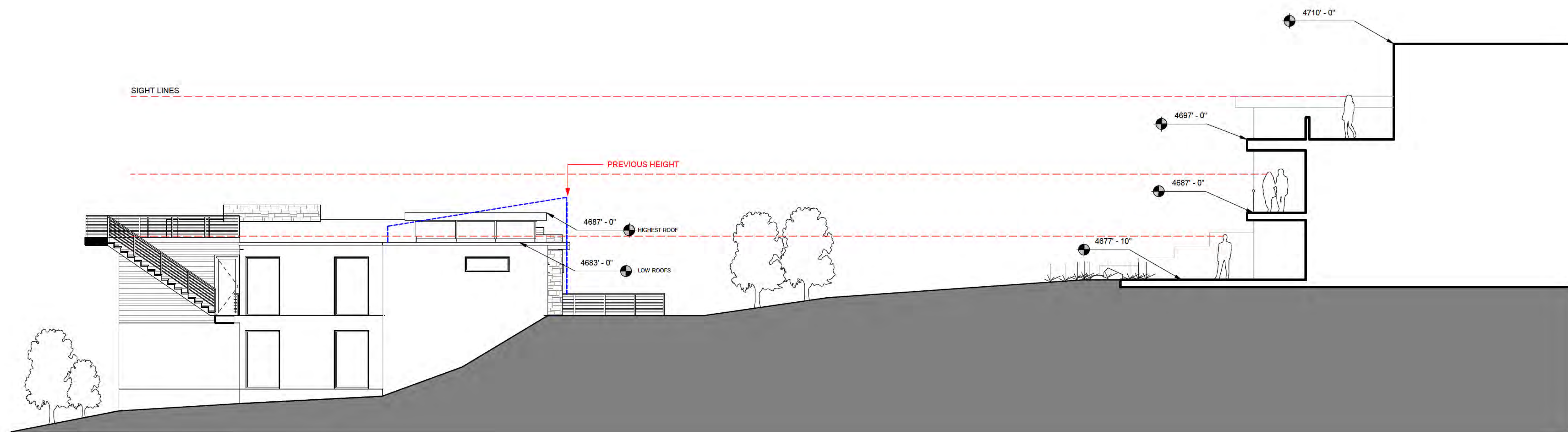


## ATTACHMENT G: LINE OF SIGHT DIAGRAM

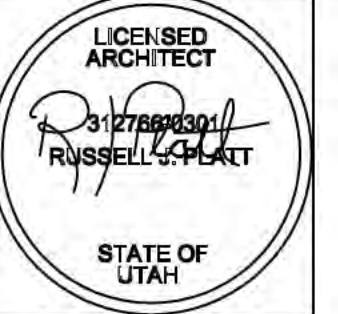




**2 PREVIOUS DESIGN**  
scale: 1/8" = 1'-0"



**1 SIGHT LINE DIAGRAM**  
scale: 1/8" = 1'-0"



**RPA**  
RUSSELL PLATT ARCHITECTURE  
4141 HIGHLAND DRIVE SUITE 111  
HOLLADAY, UTAH 84117  
801-580-0181

**CC13 RESIDENCE**  
68 East Columbus Court, S.L.C., UT 84103

10.10.2016

#	REV.	Date

SHEET TITLE

SITE  
SECTION  
DIAGRAM

SHEET NUMBER

**A112**

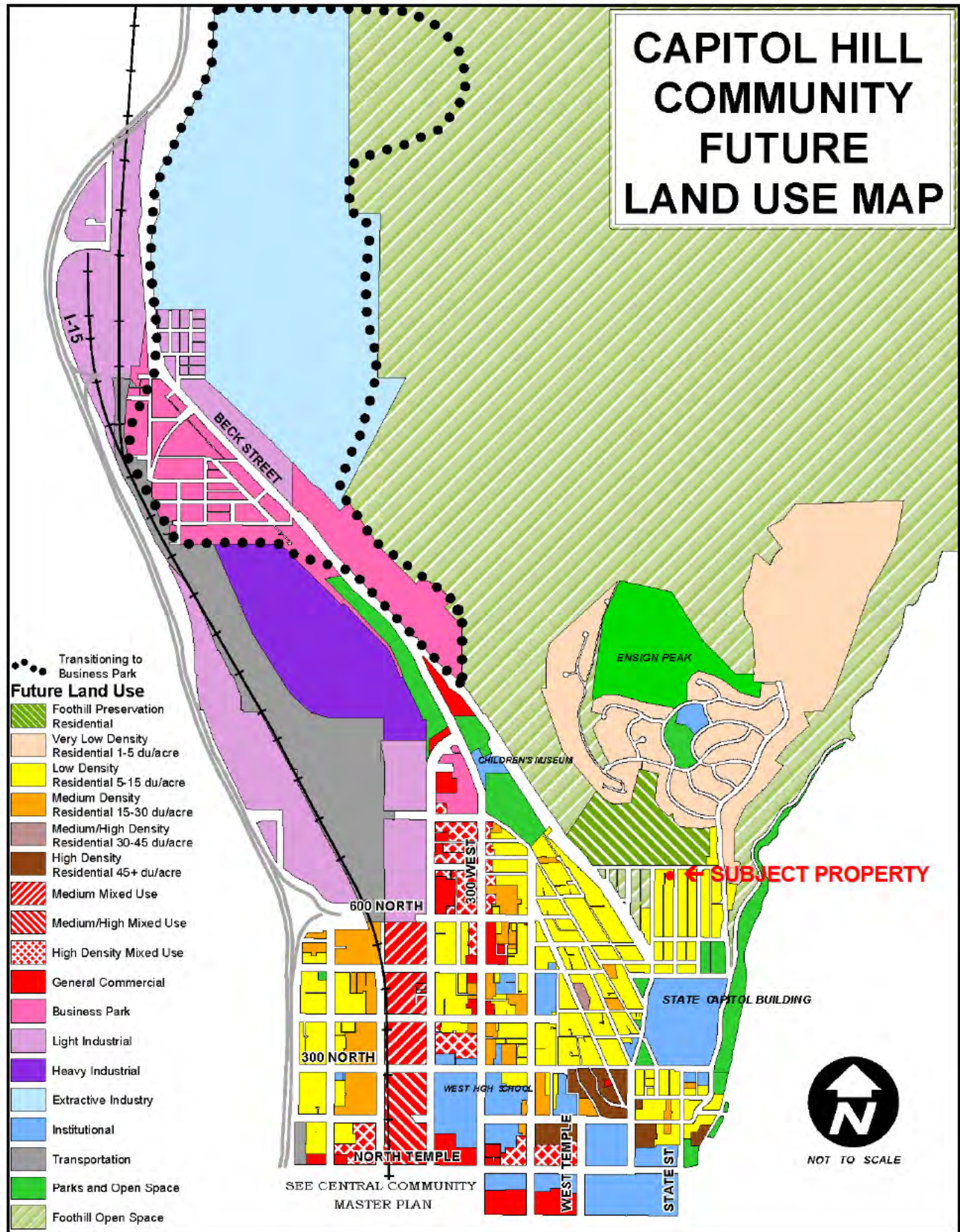


## ATTACHMENT H: EXISTING CONDITIONS

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# Capitol Hill Community Master Plan





The map displays a residential neighborhood with a grid of lots. Key streets include COLUMBIA ST, DE SOTO ST, GERRARD AVE, CORTAZ ST, and CLINTON AVE. Zoning districts are labeled, including R-1-5000, R-2, and PL. A red box highlights a lot at the intersection of De Soto St and Cortez St, with an arrow pointing to it and the text "SUBJECT PROPERTY". A blue line indicates the "Groundwater Source Protection Primary Zone".



## Adjacent Parcels

Address	Direction	Owner	Area	Zone	Use
64 E Columbus Court	North	Jeremy and Tricia Ferre	0.25 of an acre	R-1/5,000	Single-family
74 E Columbus Court	North	Philipp Taussky	0.35 of an acre	R-1/5,000	Single-family
89 E 700 North Street	East	Columbus Court Homeowners Association	0.04 of an acre	R-1/5,000	Vacant, undeveloped parcel
700 N Cortez Street	East	Salt Lake City	Not applicable	Not applicable	Intersection, public right-of-way
689 N Cortez Street	South	Kirk Jackson	0.17 of an acre	R-2	Single-family
680 N De Soto Street	West	Stanford and Melanie Fitts	0.17 of an acre	R-2	Single-family
684 N De Soto Street	West	Stanford and Melanie Fitts	0.01 of an acre	R-2	Vacant, related parcel
694 N De Soto Street	West	Stanford and Melanie Fitts	0.19 of an acre	R-2	Duplex
700 N De Soto Street	West	Francisco Cintron	0.32 of an acre	R-2	Single-family
704 N De Soto Street	West	Francisco Cintron	.09 of an acre	R-1/5,000	Vacant, related parcel

## Applicable Zoning Districts Purpose Statement

### **21A.24.110.A: R-2 Single- and Two-Family Residential District Purpose Statement**

The purpose of the R-2 single- and two-family residential district is to preserve and protect for single-family dwellings the character of existing neighborhoods which exhibit a mix of single- and two-family dwellings by controlling the concentration of two-family dwelling units. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play and to promote sustainable and compatible development patterns.

### **21A.34.060.B: Groundwater Source Protection Overlay District Purpose and Intent**

The purpose of this section is to protect, preserve, and maintain existing and potential public drinking groundwater sources in order to safeguard the public health, safety and welfare of customers and other users of the city's public drinking water supply, distribution and delivery system. The intent of this section is to establish and designate drinking water source protection zones and groundwater recharge areas for all underground sources of public drinking water which enter the city's culinary drinking water supply, distribution and delivery system, whether such sources are located within, or outside of, the city's corporate boundaries. This section establishes criteria for regulating the storage, handling, use or production of hazardous waste, petroleum product and regulated substances within identified areas where groundwater is, or could be affected by the potential contaminant source. This shall be accomplished by the designation and regulation of property uses and conditions that may be maintained within such zones or areas. Unless otherwise specified, the provisions of this section apply to new development, changes or expansion of use, and/or handling, movement, and storage of hazardous waste, petroleum products and regulated substances.

The degree of protection afforded by this section is considered adequate at the present time to address the perceived actual and potential threat to underground drinking water sources. This section does not ensure that public drinking water sources will not be subject to accidental or intentional contamination,



nor does it create liability on the part of the city, or an officer or employee thereof, for any damages to the public water supplies from reliance on this section or any administrative order lawfully made hereunder.

Compliance with the terms of this section shall not relieve the person subject to the terms hereof of the obligation to comply with any other applicable federal, state, regional or local regulations, rule, ordinance or requirement.

#### **21A.24.110 R-2 Single- and Two-Family Residential District (Excerpt)**

Regulation	Requirement	Proposal	Compliance
Land Use	Single or two-family dwelling	Single-family	Yes
Minimum Lot Area	5,000 square feet	29,966 square feet	Yes
Maximum Lot Area	7,500 square feet, unless recorded by plat or amendment	29,966 square feet	Yes—subject property was recorded as Lot 13 of Columbus Court PUD Amended plat in 2012
Minimum Lot Width	50'-0"	Approximately 77'-0"	Yes
Maximum Building Height	28'-0" to ridge of pitched roof, or 20' for flat roof	Proposed building height at greatest point is approximately 29'-8"	Special exception approval required
Maximum Exterior Wall Height	20'-0" for exterior walls placed at building setback. Exterior wall height may increase 1' (or fraction thereof) in height for each foot (or fraction thereof) of increased setback beyond the minimum required interior side yard	Proposed wall height at greatest point is approximately 26'-9"	Special exception approval required
Minimum Front Yard	20'-0"	Approximately 82'-0" from front (north) property line, and 51'-0" from northwest corner of parcel	Yes
Minimum Interior Side Yard	4'-0" and 10'-0"	10'-0" on west side, and approximately 67'-6" on east side	Yes
Maximum Building Coverage	40%	≈ 8.27%	Yes

#### **21A.36.020.B. Obstructions in Required Yards (Excerpt)**

Regulation	Requirement	Proposal	Compliance
Grade Change	Changes of established grade greater than 4' are special exceptions subject to the standards and factors in Chapter 21A.52 of the Zoning Title	Proposed grade changes and retaining walls at greatest point is approximately 12'-9"	Special exception approval required



## ATTACHMENT I: ANALYSIS OF STANDARDS

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**21A.52.060: General Standards and Considerations for Special Exceptions:** No application for a special exception shall be approved unless the planning commission or the planning director determines that the proposed special exception is appropriate in the location proposed based upon its consideration of the general standards set forth below and, where applicable, the specific conditions for certain special exceptions.

Standard	Finding	Rationale
<b>A. Compliance with Zoning Ordinance and District Purposes:</b> 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.	Complies	The proposed use—a single-family dwelling—is in harmony with the community master plan and is permitted within the zoning district. Furthermore, the special exceptions requested are specifically allowed if approved by the Planning Director or Planning Commission.
<b>B. No Substantial Impairment of Property Value:</b> The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.	Complies	After reviewing statements from the applicant and neighbors, staff does not find sufficient evidence to sustain the claim that property values within the neighborhood will be <i>substantially</i> impaired.
<b>C. No Undue Adverse Impact:</b> 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.	Complies	Whereas the subject property was platted for residential development in 2012, staff finds that there are no undue adverse impacts caused by the proposal.
<b>D. Compatible with Surrounding Development:</b> 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.	Complies	Based on the existing pattern of development that surrounds the subject property, which contain (1) buildings that block views from adjacent properties, (2) properties with significant changes in topography, and (3) grade changes that exceed 4'-0", staff finds the proposal is compatible with surrounding development.
<b>E. No Destruction of Significant Features:</b> The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.	Complies	While the proposed development will damage a portion of the natural features of the subject property, the property was approved by the City for development in 2012. Furthermore, staff finds the proposed use will not result in the destruction, loss or damage of scenic or historic features of significant importance.
<b>F. No Material Pollution of Environment:</b> The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.	Complies	Staff finds that the impacts of the proposal will not cause material pollution of the environment beyond acceptable levels specified by the City. Furthermore, the applicant will be required to follow all applicable waste management and construction regulations.
<b>G. Compliance with Standards:</b> The proposed use and development complies with all additional standards imposed on it pursuant to this Chapter.		According to statements made by the applicant, and based on Department Comments received, the proposal will comply with all other applicable standards (see Attachment K – Department Comments).
<b>The following standards apply to specific types of Special Exceptions</b>		
<b>21A.52.030.6</b> Additional residential building height, including wall height, in the R-1 districts, R-2 districts and SR districts shall comply with the standards in Chapter 21A.24 of this Title.	Complies	Whereas the proposed structure is not directly located on the "block face," and the building height of the front façade is less than the permitted building height of a pitched roof structure, staff finds the additional building height complies with the regulatory intent of Chapter 21A.24, which ensures development is "compatible with the existing scale and intensity of the neighborhood."
<b>21A.52.030.12</b> Grade changes and retaining walls are subject to the regulations and standards of Chapter 21A.36 of this Title.	Complies	Chapter 21A.36 of the Zoning Title states "For properties outside of the H Historic Preservation Overlay, changes of established grade greater than 4 feet are special exceptions subject to the standards and factors in Chapter 21A.52 of this Title." Based on the standards of Chapter 21A.52, which have been previously discussed, staff finds the proposed grade changes are compliant with applicable regulations and standards found within City Code.



## ATTACHMENT J: PUBLIC PROCESS & COMMENTS



## Project Timeline & Process

October 11, 2016	Received petition from applicant.
October 12, 2016	Location and quantities of exceptions are unclear on site plan. Requested clarification and revised site plan from applicant.
October 25, 2016	Received revised plans from applicant. Need to review for completeness and accuracy.
November 3, 2016	Met with applicant and reviewed plans.
November 4, 2016	Mailed Notice of Application and routed plans for review. Comments due November 17, 2016.
November 7, 2016	Received phone call from property owner of 700 N and 704 N Columbus Court who said he supports petition. Received phone call from second neighbor claiming Sight Line Diagram is inaccurate and different from HOA approval. Requested applicant verify or correct plans. Informed property owner of potential issue.
November 9, 2016	Received zoning review comments from Ken Brown. Forwarded comments to applicant. Agreed to meet on November 10, 2016.
November 10, 2016	Met with applicant. Previous plans were incorrect. Agreed to resend Notice of Application upon receipt of corrected plans.
November 11, 2016	Received revisions from architect.
November 14, 2016	Mailed revised Notice of Application. Re-routed plans for review. Comments due November 28, 2016.
November 22, 2016	Received written objection to special exception.
November 28, 2016	Received second written objection.
November 29, 2016	Forwarded email comments to applicant for review and response.
November 30, 2016	Received third written objection.
December 5, 2016	Met with applicant and representatives of HOA to discuss petition.
December 6, 2016	Met with neighbor and attorney who oppose petition. Offered to meet with two additional property owners.
December 9, 2016	Revisited site. Informed applicant and neighbor of decision to recommend public hearing.
December 13, 2016	Arranged meeting between applicant and neighbor to discuss options.
December 14, 2016	Tentatively scheduled public hearing on January 11, 2017.
December 19, 2016	Met with applicant and neighbor. Applicant agreed to survey site and abutting property to ensure plan accuracy. Agreed to host second meeting if alternate plan is proposed.
December 20, 2016	Potential owner requested status of petition and potential for resolution.
December 28, 2016	Requested additional information for potential public hearing.
December 29, 2016	Mailed public hearing notice and posted property.

### Notice of Public Hearing for Proposal:

- Public hearing notice mailed on November 29, 2016.
- Public hearing notice posted on property on November 29, 2016.
- Meeting agenda posted on the Planning Division and Utah Public Meeting Notice websites on November 29, 2016.

### Public Comment Summary:

As stated previously, staff received one telephone call in favor of the petition, three letters from residents who oppose the petition, and one letter from a realtor who claims the proposed development will negatively impact the value of an abutting property located at 64 E Columbus Court. Staff has also received a letter of approval from the Architectural Control Committee for the Columbus Court Home Owner's Association, as well as a realtor acting in behalf of the applicant. All written communications have been included within this section of the attachments (see below).



Justin Peterson  
73 E Columbus Court  
Salt Lake City, UT 84103

November 4, 2016

Tom Hasleton  
14587 S 790 W STE C200  
Bluffdale, UT 84065

RE: Building Plan Approval, Lot 13, Columbus Court, Salt Lake City

Dear Tom:

This letter is formal notification that the plan submitted (file name 20161101 CC13 Revised Drawings.pdf) have been approved the Columbus Court ACC. Thank you for your patience during this process and please direct any inquiry you may receive regarding the ACC approval directly to me so that I can quickly respond as the designated contact person for the ACC.

Sincerely,

A handwritten signature in black ink, appearing to read 'Justin Peterson', with a long horizontal flourish extending to the right.

Justin Peterson  
Columbus Court ACC Representative.



## Maloy, Michael

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**From:** Scott O. Mercer <som@keslerrust.com>  
**Sent:** Tuesday, November 22, 2016 2:08 PM  
**To:** Maloy, Michael  
**Cc:** 'Jeremy Ferre'; 'Adam L. Grundvig'  
**Subject:** PLNPCM2016-00793

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Mr. Maloy:

This firm represents Jeremy Ferre ("Ferre"). Ferre owns property (64 E. Columbus Court, SLC, UT) abutting, uphill from, and to the north of the property owned by Tom Hasleton/Silverhawk Enterprises ("Silverhawk"). Silverhawk has submitted an application ("Application") for a special exception to permit additional building height, wall height, and grade changes for property located at 68 E. Columbus Court, Salt Lake City, Utah (your file PLNPCM2016-00793).

I understand the Application is currently being reviewed and analyzed by the Salt Lake City Planning Division. I also understand that unless an objection to the Application is received, the Planning Division may approve the Application on November 28, 2016.

Ferre objects to the Application for the following reasons:

1. A special exception to permit additional building height, wall height, and grade changes on the property located at 68 E. Columbus Court will significantly reduce the value of Ferre's property and significantly obstruct Ferre's view of the capitol and the city.
2. The sight line diagram in the Application attempts to depict the sight lines from the three levels of Ferre's property. The sight line diagram is grossly inaccurate, in that the actual sight line from Ferre's ground floor level is far more obstructed than the depiction in the sight line diagram indicates.
3. The Notice of Application states the details about the Application may be accessed at <https://aca.slc.gov/citizen>. I have tried, but failed, to connect to that site. Can you offer any assistance to me in accessing that site and the details about the Application?

Ferre asks that the Planning Division reject and deny the Application.

Scott O. Mercer

KESLER RUST

Scott O. Mercer  
Kesler & Rust  
68 S. Main St., Ste 200  
Salt Lake City, Utah 84101  
801 532-8000  
[som@keslerrust.com](mailto:som@keslerrust.com)



## Maloy, Michael

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**From:** Phil Taussky [REDACTED]  
**Sent:** Monday, November 28, 2016 2:59 PM  
**To:** Maloy, Michael; racheel taussky  
**Subject:** OBJECTION TO PLNPCM2016-00793

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Dear Mr. Maloney,

This email is a formal objection for a special exception to permit additional building height etc for property located at 66 E Columbus CT in Salt Lake City, UT.

Our objection relates to the following issues:

- The current structure is in gross violation of all previously approved plans, which raises significant questions regarding the builder's competence and willingness to adhere to approved plans.
- There are questions regarding the exact dimensions of the current structure, particularly to its current height as confirmed by an independent surveyor. The sight line diagram sent out by the city is grossly inaccurate, emphasizing again the need for an independent survey prior to approving any additional plans, since the inaccuracy of the sight line diagram brings in question the accuracy of the current plan under consideration for approval.
- The current structure's deviation from all approved plans is so egregious that as neighbors we cannot be supportive of a special exception to permit additional building height, particularly since it will significantly impact our and those of our immediate neighbors' current views.

We appreciate your most sincere consideration in this matter.

Sincerely,

Racheel and Phil Taussky  
74 E Columbus Ct in Salt Lake City, UT



## Maloy, Michael

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**From:** Charles Cintron [REDACTED]  
**Sent:** Wednesday, November 30, 2016 12:21 PM  
**To:** Maloy, Michael

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mr. Maloy:

I am the owner of two parcels of land located at 700 N. and 704 N. Desoto Street. I received a notice from Salt Lake City for a special exception to permit additional building height and grade changes for the property located at 68 E. Columbus Court, Salt Lake City, Utah (file PLNPCM2016-00793). I object to the application for exception for the following reasons:

1. A special exception to the permit to allow additional building height has a significant impact on my property and the privacy from the adjacent house.
2. The sight line diagram significantly misrepresents the height of the structure and its impact to neighboring properties.
3. The error in building has left serious questions regarding the accuracy of all plans, including elevation markings.

This is Salt Lake City Utah not Tijuana there should not be any wiggle room regarding laws and regulations.

The fact that his request to be allowed to build higher is even being considered is an atrocity.

We the neighbors should not have to pay for the ineptitude of the builders.

Builders who may I add spend the better part of the day cursing and screaming racist remarks at each other within my kids earshot.

There is nothing there but a wooden frame. It does not take much time or money to restart construction instead of wasting all this time.

I formally ask that you reject and deny the application for special exception.

Thank you for your consideration.

Francisco Cintron





**Ryan B. Braithwaite**  
**Email: [rbraithwaite@btjd.com](mailto:rbraithwaite@btjd.com)**  
**Direct dial: (801) 438-2011**

December 6, 2016

Via Email ([michael.maloy@slcgov.com](mailto:michael.maloy@slcgov.com))

Michael Maloy, AICP, Senior Planner  
PLANNING DIVISION  
SALT LAKE CITY CORPORATION

**Re: Silverhawk Enterprises, Inc.'s ("Silverhawk") Special Exception Petition  
PLNPCM2016-00793**

Dear Mr. Maloy:

You'll recall that I represent Silverhawk. Thank you for coordinating the meeting yesterday to discuss the issues relating to Silverhawk's petition for special exception (the "Petition"). Silverhawk feels like it was a productive meeting and hopes it will lead to a resolution of the objections you have received.

I'm writing on Silverhawk's behalf to request that the Planning Division grant administrative approval of the Petition for the following reasons. First, the Petition warrants administrative approval because, as discussed in detail at yesterday's meeting, (a) the ACC has approved of the plans, (b) the revised plans are actually lower than the original plans that were approved, (c) there is minimal if any diminution of site lines, and (d) the neighboring property owners should have reasonably expected that a home would be constructed on the property. Second, administrative approval will allow Silverhawk to mitigate some of its damages and avoid further delay. As Silverhawk represented during the meeting yesterday, it is carrying significant loan servicing costs as long as this matter remains unresolved. The financial impact on Silverhawk will be reduced if it is able to continue to construct the home during the pendency of any appeals. (To reiterate what was discussed yesterday, Silverhawk recognizes that there is risk associated with taking a course of action that may be reversed on appeal.) Third, administrative approval does not diminish the due process rights of those who object—they will still have the ability to appeal the administrative approval if they so choose.

When considering all of these factors, Silverhawk hopes the Planning Division will agree that administrative approval is prudent, reasonable and fair to all concerned. Thank you for your assistance and consideration.

BENNETT TUELLER JOHNSON & DEERE

*/s/ Ryan B. Braithwaite*

3165 East Millrock Drive  
Suite 500  
Salt Lake City, Utah  
84121-4704

t (801) 438-2000

f (801) 438-2050

[www.btjd.com](http://www.btjd.com)



Christopher Ferre  
1093 Skyhaven Cove  
South Weber, UT 84405



December 7, 2016

To: Salt Lake City Planning Commission

I am the real estate agent for Jeremy Ferre and Tricia Ferre. The Ferres listed their home located at 64 E. Columbus Court for sale on September 26, 2016. During the time the house has been listed, the Ferres and I have shown their home to several potential purchasers. Feedback from agents for the potential purchasers indicates the house being constructed at 68 E. Columbus Court is a serious concern that is preventing potential purchasers from making an offer. That house dramatically impacts the Ferres view of the State Capitol Building and downtown Salt Lake City from both the lower and main levels of the Ferres' house. As a result of this diminished view, the value of their house has been negatively impacted. Any special exception granted to allow the 68 E. house to be built beyond what Salt Lake City Ordinance allows will have an additional negative impact to value and continue to deter potential buyers.

Sincerely,

Christopher Ferre  
Sales Agent, Equity Real Estate  
License # 5810463-SA00



## ATTACHMENT K: DEPARTMENT COMMENTS



## Maloy, Michael

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**From:** Barry, Michael  
**Sent:** Tuesday, November 15, 2016 9:33 AM  
**To:** Maloy, Michael  
**Subject:** RE: PLNPCM2016-00793: Review Revisions for Special Exceptions 68 E Columbus Ct

Hi,  
No issues from Transportation regarding the over height request.  
Thank you,

MICHAEL BARRY, P.E.  
Transportation Engineer

TRANSPORTATION DIVISION  
COMMUNITY *and* NEIGHBORHOOD DEVELOPMENT  
SALT LAKE CITY CORPORATION

TEL 801-535-7147

[www.SLCGOV.com](http://www.SLCGOV.com)  
[www.SLCTRANS.com](http://www.SLCTRANS.com)

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**From:** Maloy, Michael  
**Sent:** Monday, November 14, 2016 3:57 PM  
**To:** Barry, Michael <Michael.Barry@slcgov.com>  
**Subject:** PLNPCM2016-00793: Review Revisions for Special Exceptions 68 E Columbus Ct

Michael,

I am fairly certain that I sent you this application earlier (last week?), but the applicant made a few minor “tweaks” in this latest set (reduced building height). So just to be safe, I decided that I should re-route the plans for review. Please upload comments into Accela (or email them to me) by November 28, 2016.

Thanks!

Sincerely,

MICHAEL MALOY AICP  
Senior Planner

PLANNING DIVISION  
COMMUNITY *and* NEIGHBORHOODS  
SALT LAKE CITY CORPORATION

TEL 801-535-7118  
FAX 801-535-6174

[www.SLCGOV.COM](http://www.SLCGOV.COM)



# SALT LAKE CITY BUILDING SERVICES AND LICENSING

## Zoning Review Issues

Log Number: BLD2015-03910

Date: December 19, 2016

Project Name: Lot 13 Columbus Court As Built Plans

Project Address: 68 E Columbus Ct

Contact Person: Laurel B Hasleton

Telephone: 801-302-9494      Cell: 801-808-5561

E-Mail: utahsbuilder1@gmail.com

Zoning District: R-2

Reviewer: Ken Brown

Phone #: 801-535-6179

## Comments

It is understood that further revisions have been made to the plans uploaded into the "As Built" folder of the BLD2015-03910 project and a follow-up review has been completed. Please note the following:

- 1) ~~During the original review of this proposal the C102 Site Grading plan was not modified and it was understood that the C101 Site Plan was to be used as a the site grading plan, however; it appears that the C102 Site Grading plan was maintained within the approved drawings folder. Because this property is now going through a special exception process for grade changes and retaining walls, it is important that this C102 Site Grading plan and the C101 Site Plan be consistent in what they reflect to prevent any confusion. Please provide a modified C102 Site Grading plan showing all existing and proposed grades and retaining walls in the undevelopable area, side yard and front yard for use in the PLNPCM2016-00793 special exception for grade changes. The C102 Site Grading, which should not have been included within the Approved Drawings folder, has been removed.~~
- 2) On the East Elevation; the TOR 4683'-8", deck guardrail at approximately 4686'-8" and TOR 4683'-0" all exceed the maximum height allowance of twenty feet (20') and require review and approval through the PLNPCM2016-00793 special exception process.
- 3) On the North Elevation: the TOW 4684'-0" right of the garage door, TOR 4687'-0", TOR 4683'-0" right of the front entry, TOR 4687'-0", TOW 4685'-0" right of the front entry door and all TOR 4683'-0" right of the front entry exceed the maximum height allowance of twenty feet (20') and require review and approval through the PLNPCM2016-00793 special exception process.
- 4) On the South Elevation; all TOR and guardrail heights are showing as exceeding the maximum height allowance of twenty feet (20') and require review and approval through the PLNPCM2016-00793 special exception process.



- 5) On the West Elevation; all TOR and guardrail heights are showing as exceeding the maximum height allowance of twenty feet (20') and require review and approval through the PLNPCM2016-00793 special exception process.



## ATTACHMENT L: MOTIONS

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## **POTENTIAL MOTIONS FOR THE SALT LAKE CITY PLANNING COMMISSION**

### **Staff Recommendation:**

Based on information contained within the staff report, and comments received, I move the Planning Commission approve special exception petition PLNPCM2016-00793 for additional building height, wall height, and grade changes located at approximately 68 E Columbus Court with the following conditions:

1. Final plans affecting building height, wall height, grade changes, and retaining walls shall be equal to or less than preliminary plans attached to Planning Commission Staff Report.
2. Applicant shall submit an independent certified survey of building height to the City to ensure compliance with approved plans prior to occupancy.

### **Not Consistent with Staff Recommendation:**

Based on the information contained within this staff report, and comments received, I move the Planning Commission deny special exception petition PLNPCM2016-00793 for additional building height, wall height, and grade changes located at approximately 68 E Columbus Court.

### **Note:**

If motion is to recommend denial, the Planning Commission shall make findings based on the special exception standards and specifically state which standard or standards are not compliant. See Attachment I – Analysis of Standards for applicable standards.