

# PLANNING COMMISSION STAFF REPORT

Pace Residence Grade Change and Fence Height  
Special Exception  
PLNPCM2012-00539  
1025 North Bonneville Drive  
Hearing date: September 12, 2012



Planning Division  
Department of Community &  
Economic Development

## Applicant

Daniel and Laurelin Pace

## Staff

Ray Milliner (801)583-7645 or  
[ray.milliner@slcgov.com](mailto:ray.milliner@slcgov.com)

## Current zone

FR-3 – Foothills Residential

## Lot size

.56 Acre

## Master plan designation

Avenues – Low Density  
Residential

## Council District

District 3 – Stan Penfold

## Community Council

Greater Avenues - John K.  
Johnson

## Current use

Single Family Residence

## Applicable land use

### regulations

- Chapter 21A.24.040 FR-3
- Chapter 21A.52 Special  
Exceptions

## Notification

- Notice mailed August 31,  
2012
- Sign posted August 31, 2012
- Posted to Planning Dept and  
Utah State Public Meeting  
websites August 31, 2012.

## Attachments

- A. Site Plan and Elevations
- B. Fence Example Photos
- C. Letter from Applicant
- D. Photographs
- E. Public Comments

## ***Request***

The applicants, Daniel and Laurelin Pace, are requesting approval of the following special exceptions:

1. Additional grade change to accommodate repairs made to an existing retaining wall
2. Additional fence height that would enable a 6 foot tall wrought iron style fence in the front yard and an 8 foot wrought iron style fence around a garden area in the front yard (wrought iron or a suitable equivalent style for each height).

## ***Recommendation***

Staff recommends that the Planning Commission approve a fence with a maximum height of 6 feet in the front yard, and deny the fence height of 8 feet according to the analysis, findings and conditions of approval in this staff report. Staff further recommends that the Planning Commission approve the additional grade change to accommodate repairs to an existing rock wall according to the analysis, findings and conditions of approval in this staff report.

## ***Motions***

**Approval:** Based on the findings listed by the Planning Commission, testimony and plans presented, I move that the Planning Commission approve the special exceptions for additional fence height and to allow a grade change of more than 4 feet at 1025 North Bonneville Drive with the following conditions:

### **Conditions of approval**

1. A building permit for both the retaining wall and the fence shall be reviewed and approved by all necessary City Divisions.
2. The maximum height of all fencing in the front yard shall be 6 feet above finished grade, including the area for the garden. No height of 8 feet above finished grade is allowed.
3. The fence shall be wrought iron style, or a suitable equivalent, with a transparency of at least 80%. Any change in primary material shall be reviewed and approved by the Planning Commission.

**Denial:** Based on the testimony, plans presented and the following findings, I move that the Planning Commission deny the special exception to allow the additional grade change, and additional fence height at 1025 North Bonneville Drive (Commissioner then states findings for denial).

## VICINITY MAP



### ***Background***

The petitioners, Daniel and Laurelin Pace are the owners of a single family home at 1025 North Bonneville Drive. In September of 2011, they received a building permit to repair a large rock retaining wall at their home. When the wall was inspected, it was noted that original owner of the home deviated from a special exception for a change in grade granted when the home was built in 1998. This led to a determination that a new special exception for a grade change was necessary because the wall/grade change is greater than 4 feet, and is different than what was approved on the 1998 special exception. The applicant submitted a new application for a grade change on August 6, 2012. Concurrently, the Paces are petitioning the Planning Commission for special exception approval of an over height fence.

The repair of the wall reduced the overall height of the wall and removed it from the platted no-build area. If the application is approved, the rock retaining wall would remain as is. The proposed wrought iron style fence, or one of a similar design, would be built beginning at the north west corner of the house, and enclose the side yard (See site plan attachment A). The applicant is requesting 6 feet of height for the main fence, and 8 feet of height to enclose a vegetable garden on the north west corner of the lot (the maximum allowed is 42 inches).

## **Public Participation**

A Notice of Application was sent to property owners within a 300 foot radius of the home, with an explanation of the project. Comments received are featured in Attachment D of this report.

## **Analysis and Findings**

### **General Standards of Review**

Section 21A.52.060 of the Salt Lake City Zoning Ordinance states, “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 A. Compliance With 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 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 original rock wall was failing, and in need of repair. The overall result of the repairs is an improvement over what was there before. It is different than what was approved in 1998, but by reducing the height of the wall and bringing it out of the no-build area the visual impact of the wall is mitigated. This also brings the wall into compliance with the requirements of the Uniform Building Code and the Zoning Ordinance. Thus it is safer and more secure than the previous wall. This will minimize the impacts of flooding and erosion from the hillside above.

The proposed 6 foot tall fence (wrought iron style or a suitable equivalent) in the front yard will have a minimal visual impact on the surrounding neighborhood, primarily because of its transparent quality (narrow gauge bars spaced approximately 3 – 4 inches apart). This type of fence, along with landscaping would be harmonious with other homes in the immediate neighborhood. There is no sidewalk along North Bonneville Drive and therefore the increased height will be mitigated in that passersby and pedestrians will not be directly adjacent to the fence. A solid fence with little or no spacing between slats would create a significant barrier between the home and the street that would not be in harmony with the surrounding vernacular.

The applicants have stated that they would like to build an 8 foot fence around the garden area in the front section of the yard. The reason is to keep deer and other types of wildlife from eating the plants and generally destroying the garden. By making this section of fence two feet taller than the rest of the fence, the applicant will create a box like structure that is not compatible with the rest of the fence, home and neighborhood, and therefore would not be compatible with the scenic character of the North Bonneville neighborhood. In the neighborhood, there are a number of fences that are 6 feet tall, but no 8 foot fences in the front yard that were approved by the City.

**Finding:** Staff finds that the repairs made to the rock wall make it compliant with the requirements of the Zoning Ordinance where it was not before and that the increase in fence height to 6 feet will have little impact on the surrounding neighborhood as the fence will be substantially transparent and set back from the street and sidewalk on the opposite side of the street. Staff further finds that adding 2 additional feet to the fence height around the garden will have a negative effect on the surrounding neighborhood due to design inconsistencies and a loss of scenic character in the neighborhood, as it would more than double the allowed fence height of 42 inches above established grade in the front yard, and there are no other permitted 8 foot tall fences in the front yard in the surrounding neighborhood.

**Standard 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:** Staff finds no evidence that approval of a special exception for a grade change or additional fence height to a maximum of 6 feet would substantially diminish or impair the value of the property within the neighborhood. In fact, once the landscaping is in, the repairs to the rock wall and fencing should have a positive financial effect on the neighborhood as a whole.

**Finding:** Staff finds that the proposal meets this standard.

**Standard 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.**

**Analysis:** Although the retaining wall is tall and long, the rebuild represents a significant improvement over what was there previously. It complies with the minimum standards for construction in the FR-3 zone (see analysis in Standard D) and it complies with the minimum standards in the international building code. The previous wall complied with neither.

The proposed fence will be six feet high in the front yard setback, nonetheless, its impact will be nominal as it will be set back from the street approximately 3 feet (there are no sidewalks along this side of the street), and there is significant landscaping on the side and front yard of the neighboring properties. This mixed with the transparent qualities of the proposed fence should combine to mitigate any negative impacts the increased height will have on the surrounding neighborhood.

**Finding:** Staff finds that neither the grade change nor the increased fence height will cause an undue adverse impact on the surrounding neighborhood.

**Standard 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:** Section 21A.24.010.P.6 and 8 of the Zoning Ordinance establishes the following special requirements for grade changes in the FR-3 zone:

6. Grade Changes: No grading shall be permitted prior to the issuance of a building permit. The established grade of any lot shall not be raised or lowered more than four feet (4') at any point for the construction of any structure or improvement except:
  - a. Within the buildable area, established grade may be raised or lowered a maximum of six feet (6') by grading or retaining walls; and
  - b. As necessary to construct driveway access from the street to the garage or parking area grade changes and/or retaining walls up to six feet (6') from the established grade may be permitted.

No new grading has been done on site as part of this petition. The new wall actually reduces the height of the grade changes made to accommodate the original wall.

8. Retaining Walls: All cuts and fills in excess of two feet (2') shall be supported by retaining walls if required by the zoning administrator. Any stacking of rocks to create a rock wall in excess of a thirty percent (30%) slope, that is intended to retain soil, shall be considered a retaining wall. No retaining wall may exceed four feet (4') in height above the established grade except as provided in subsections P6a and P6b of this section. In a terrace of retaining walls, each four foot (4') vertical retaining wall must be separated by a minimum of three (3) horizontal feet, and any six foot (6') retaining wall must be separated from any other retaining wall by a minimum of five (5) horizontal feet. The horizontal area between terraced retaining walls shall be landscaped with vegetation. All retaining walls, in excess of four feet (4') in height shall be approved by an engineer licensed by the state, and the engineer's approval shall be consistent with the provisions of a geotechnical report. The zoning administrator may require an engineer's approval for retaining walls less than four feet (4') that there are sufficient risk factors, such as slope, soil stability, or proximity to structures on adjacent property.

The 1998 version of the retaining wall was built up to 11 feet high, with no terracing and exceeded the height approved by a previous special exception. The current version has been built with a 4 foot step and a 6 foot step with a 3 foot or 5 foot separation between the two. Therefore, the rebuild of the wall resulted in a more compliant structure.

Section 21A.24.010.P.10 of the Zoning Ordinance establishes the following special requirements for fences in the FR-3 zone:

10. Fence Restrictions: Fences and walls shall only be constructed after first obtaining a building permit subject to the standards of this section.

a. Site Plan Submittal: As part of the site plan review process, a fencing plan shall be submitted which shall show:

- (1) Any specific subdivision approval conditions regarding fencing;
- (2) Material specifications and illustrations necessary to determine compliance with specific approval limitation and the standards of this section.

The fencing plan will be reviewed for compliance with this standard by the building division before a building permit is issued.

c. Buildable Area Fencing: Fencing on any portion of a lot identified as buildable area or required side yard on any subdivision granted preliminary approval by the planning commission after November 4, 1994, or any lot previously platted which identifies undevelopable area or transitional areas shall be limited to the following standards unless subdivision approval granted prior to November 4, 1994, includes specific fencing requirements which are more restrictive. The more restrictive requirement shall apply.

- (1) Open, see through fencing constructed of tubular steel, wrought iron or similar materials, finished with a flat black, nonreflective finish constructed to a height of six feet (6') or less; or
- (2) Sight obscuring or privacy type fencing shall be of earth tone colors, or similar materials to the primary dwelling, and located in a way which screens private outdoor living spaces from offsite view.

The applicant is requesting approval of a fence of approximately 6 feet in height. No privacy fencing is being requested. No additional fencing requirements are established as part of the Bonneville Subdivision plat.

d. Front Yard Fencing: Walls and fences located within the front yards and along roadways shall not exceed a maximum of forty two inches (42") in height.

The fence requested is greater than 42" in height. The applicant is requesting a special exception to this rule.

**Finding:** Staff finds that both the grade change and the increase in fence height are compliant with the additional Zoning Ordinance requirements.

**Standard 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:** The home is not located in a historic district, and there are no known historic features on site. The home is located directly adjacent to a large open space area used by many citizens for hiking, biking and other recreational activities. To mitigate the impacts of the home and excavation on the open space area, the subdivision plat established a no-build zone in the rear of the property. The rock wall prior to the rebuild encroached into that area. The rebuild pulled the wall forward out of the no-build area. The proposed fence will not be built on or within the no build area.

**Finding:** Staff finds that the proposed grade change and increase in fence height will not negatively impact natural, historic or scenic features of the property or neighborhood.

**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:** No potential pollution of air, water, soil, or noise is evident by the requested use.

**Finding:** Staff finds the application meets this standard.

**Standard G. Compliance with Standards: The proposed use and development complies with all additional standards imposed on it pursuant to this Chapter.**

**Analysis:** Section 21A.52.030.A.3 provides specific standards of review for additional height for fences. Additional requirements for grade changes in the FR-3 zone are located in Section 21A.24.010.P.6-8. Analysis for additional grade change standards are provided in Standard D of this report. Analysis for fences is provided below.

**Finding:** Staff finds the application meets this standard.

**SPECIAL EXCEPTION STANDARDS FOR ADDITIONAL HEIGHT FOR FENCES**

Additional height for fences, walls or similar structures may be granted to exceed the height limits established for fences and walls in chapter 21A.40 of this title if it is determined that there will be no negative impacts upon the established character of the affected neighborhood and streetscape, maintenance of public and private views, and matters of public safety. Approval of fences, walls and other similar structures may be granted under the following circumstances subject to compliance with other applicable requirements (Zoning Ordinance Section 21A.52.030.A3):

**Standard A:** Exceeding the allowable height limits; provided, that the fence, wall or structure is constructed of wrought iron, tubular steel or other similar material, and that the open, spatial and nonstructural area of the fence, wall or other similar structure constitutes at least eighty percent (80%) of its total area;

**Analysis:** The proposed fence will be built from material in a wrought iron style or a similar material, with gaps of approximately 3-4 inches. This will constitute approximately 80% of the total area of the fence.

**Finding:** Staff finds that the fence meets this standard.

**Standard B:** Exceeding the allowable height limits within thirty feet (30') of the intersection of front property lines on any corner lot; unless the city's traffic engineer determines that permitting the additional height would cause an unsafe traffic condition;

**Analysis:** The proposed fence is not on a corner lot.

**Finding:** Staff finds the application meets this standard.

**Standard C:** Incorporation of ornamental features or architectural embellishments which extend above the allowable height limits;

**Analysis:** This standard is not applicable; no ornamental features are featured in the fence plan.

**Finding:** Staff finds this standard is not applicable.

**Standard D:** Exceeding the allowable height limits, when erected around schools and approved recreational uses which require special height considerations;

**Analysis:** This standard is not applicable. The home is not around a school or approved recreational use.

**Finding:** Staff finds this standard is not applicable.

**Standard E:** Exceeding the allowable height limits, in cases where it is determined that a negative impact occurs because of levels of noise, pollution, light or other encroachments on the rights to privacy, safety, security and aesthetics;

**Analysis:** This standard is not applicable. The home is not near a noisy or polluted area.

**Finding:** Staff finds this standard is not applicable.

**Standard F:** Keeping within the character of the neighborhood and urban design of the city;

**Analysis:** This area of North Bonneville Drive is one of Salt Lake City's newer neighborhoods. Traditionally in historic neighborhoods fence height was kept at a lower height with small wrought iron fences, wire fences, or picket fences. With the introduction of chain link fences in the 1950's, and later privacy fences, increased fence height gradually became more acceptable in front yards. Today, it is not uncommon to see higher fences in these neighborhoods that are characteristic of the overall architecture and design of the home and lot.

This fence will be located primarily in the yard area on the west side of the house, and will not be built directly in front of the home. Therefore, the architecture and flow of the street will not be interrupted as much by the fence, as if it were built all along the front property line.

As stated above, staff finds that increasing the height of the fence from 6 feet to 8 feet in the area surrounding the garden, does not keep with the character of the surrounding neighborhood, as many of the existing wrought iron fences are approximately 6 feet tall, but staff can find no example of an 8 foot tall fence that received a permit.

**Finding:** Staff finds that because fences of approximately 6 feet in height are common in newer neighborhoods, and because the fence will not traverse the entirety of the front yard, the proposed 6 foot fence height will be within the character of the neighborhood and urban design of the City. Staff further finds that there are no approved fences of approximately 8 feet in height in the surrounding neighborhood, and therefore the proposed 8 foot fence height is not within the character of the neighborhood and urban design of the City.

**Standard G:** Avoiding a walled-in effect in the front yard of any property in a residential district where the clear character of the neighborhood in front yard areas is one of open spaces from property to property; or

**Analysis:** The applicant is seeking approval of a style and type of fence that is common in the immediate neighborhood (see photos in applicant packet). Staff has found that the increased fence height to a maximum of 6 feet above finished grade will have a limited impact on the neighborhood for the following reasons:

1. The proposed fence will primarily be located in the side yard. Therefore, the home itself, and the area in front of it will be unencumbered by the fence.
2. The proposed fence will be at least 80% transparent and therefore an additional 30 inches of height have a limited wall effect along the street, where as an additional 54 inches would.
3. The fence will be raised above the level of the street and setback slightly from the front property line, mitigating visual impacts along North Bonneville Drive.
4. There is no sidewalk in front of the property. Therefore pedestrians and passersby will be walking on the sidewalk on the other side of the street. This distance from the fence will further mitigate any walled in effect that the fence may have on the neighborhood.

**Finding:** Staff finds that the increased fence height will not create a walled-in effect along the property that is contrary to the open spaces of the neighborhood.

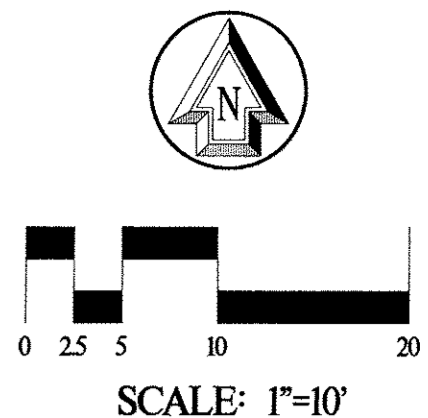
**Standard H:** Posing a safety hazard when there is a driveway on the petitioner's property or neighbor's property adjacent to the proposed fence, wall or similar structure.

**Analysis:** The stated purpose for the 6 foot fence is to provide a safe place for children to play without them falling off of the rock wall into the driveway or onto the street below. The applicant contends that the higher fence will be safer as it will be more difficult for children to climb and then fall off of. The stated purpose of the 8 foot fence is to keep deer and other animals out of the garden area. The applicant has stated that the 8 feet would ensure that they could not leap over the fence.

**Finding:** Staff finds that increasing the height to 6 feet will help prevent children playing in the yard from falling into the driveway and adjacent street. Staff further finds that increasing the height of the fence to 8 feet to keep out deer and other wildlife will not mitigate any safety hazard.

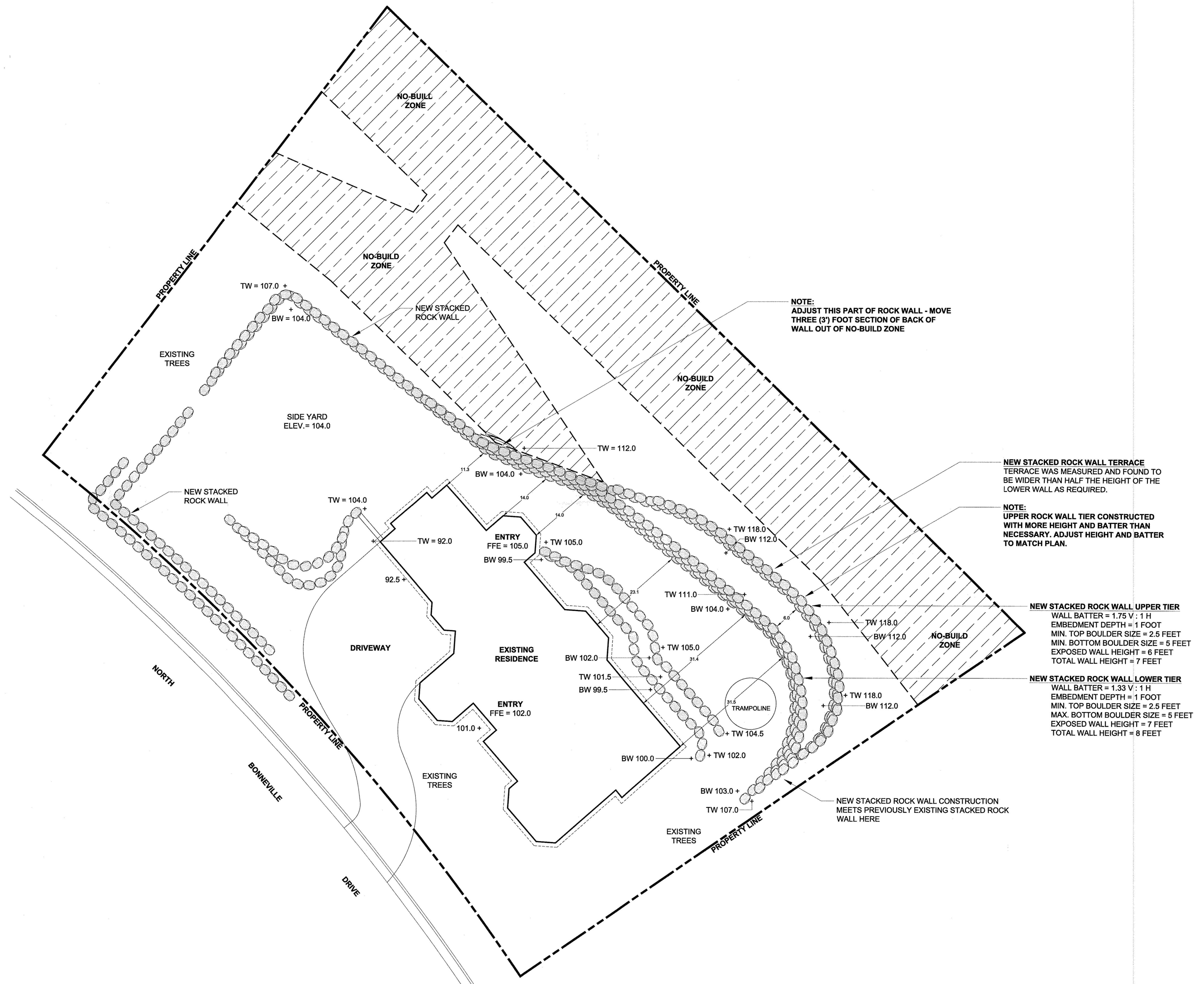


**Attachment A**  
Site Plan and Elevations



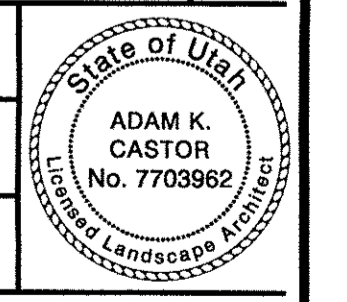
**NOTES:**

1. Lot orientation, lot dimensions, and no-build areas were obtained from North Bonneville Subdivision, Plat B, dated May 1992. All information is assumed to be correct, unless recorded otherwise.
2. Location of site features (building, stacked rock walls, driveway, trees) were obtained from GoogleEarth aerial photography, dated June 17, 2010, and from measurements taken during a site visit on January 17, 2012.
3. Site elevations are based on assumed finished floor elevations of the existing residence and site measurements taken during a site visit on January 17, 2012. Site elevations are considered to be accurate relative to the existing residence, but do not represent a topographic survey.
4. The purpose of this drawing is to generally illustrate height revisions to the rock wall construction performed during October and November, 2011. In the preparation of this drawing, the Landscape Architect assumes no liability for any discrepancies between this drawing and a site and topographic survey prepared by a Professional Land Surveyor.
5. See Engineer's Rock Wall Stability Analysis for additional information on the stacked rock wall construction.



No.	Revision/Issue	Date
1	Stacked rock wall revisions	1.24.12
2	Rock wall note revisions per Engineer's analysis	2.07.12
3	Rock wall layout and grade revisions per client	4.09.12
4	House location and size revisions per original plan	5.06.12

Designed By:  
 Drawn By: AKC  
 Reviewed By:



**PACE RESIDENCE**  
 1025 North Bonneville Drive  
 Salt Lake City, Utah

Date: 5/05/2012	Drawing: AS-BUILT
Issue: FINAL DRAFT	Sheet: AB-01
Project: 12-1002	

- NOTES:**
1. Site elevations are based on assumed finished floor elevations of the existing residence and site measurements. Site elevations are considered to be accurate relative to the existing residence, but do not represent a topographic survey.
  2. The purpose of these cross sections is to generally illustrate height revisions to the rock wall construction performed during October and November, 2011, and to generally illustrate the relationship of the original and re-constructed rock walls. In the preparation of this drawing, the Landscape Architect assumes no liability for any discrepancies between this drawing and a site and topographic survey prepared by a Professional Land Surveyor.
  3. See Engineer's Rock Wall Stability Analysis for additional information on the stacked rock wall construction.

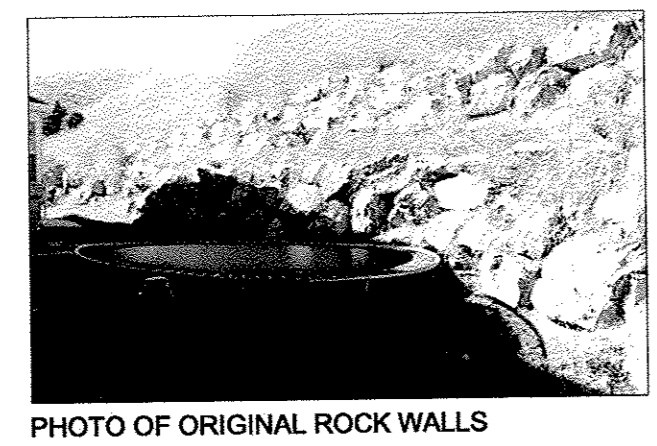


PHOTO OF ORIGINAL ROCK WALLS

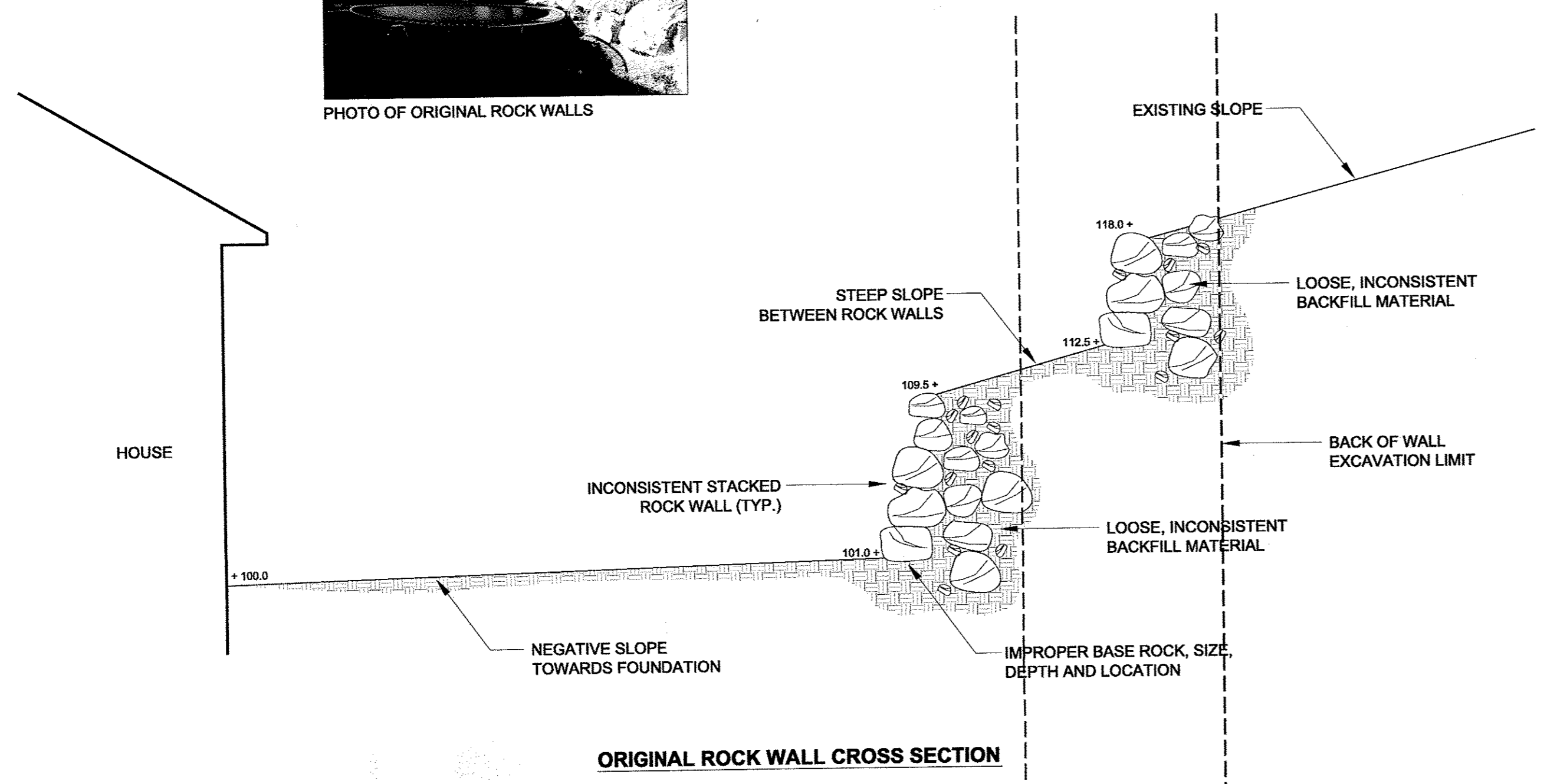


PHOTO OF ORIGINAL ROCK WALLS

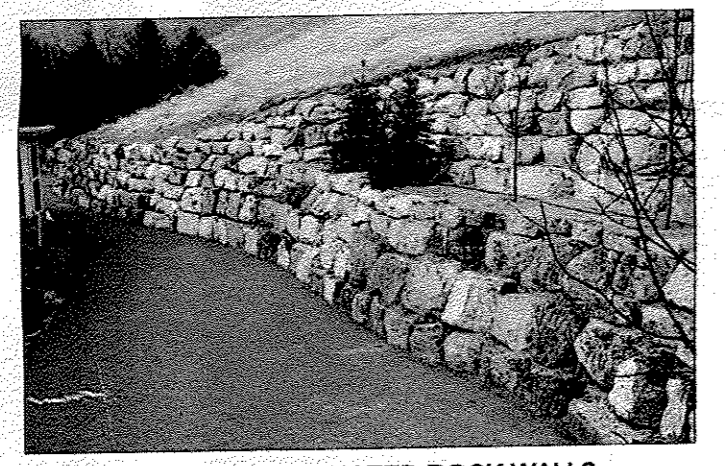
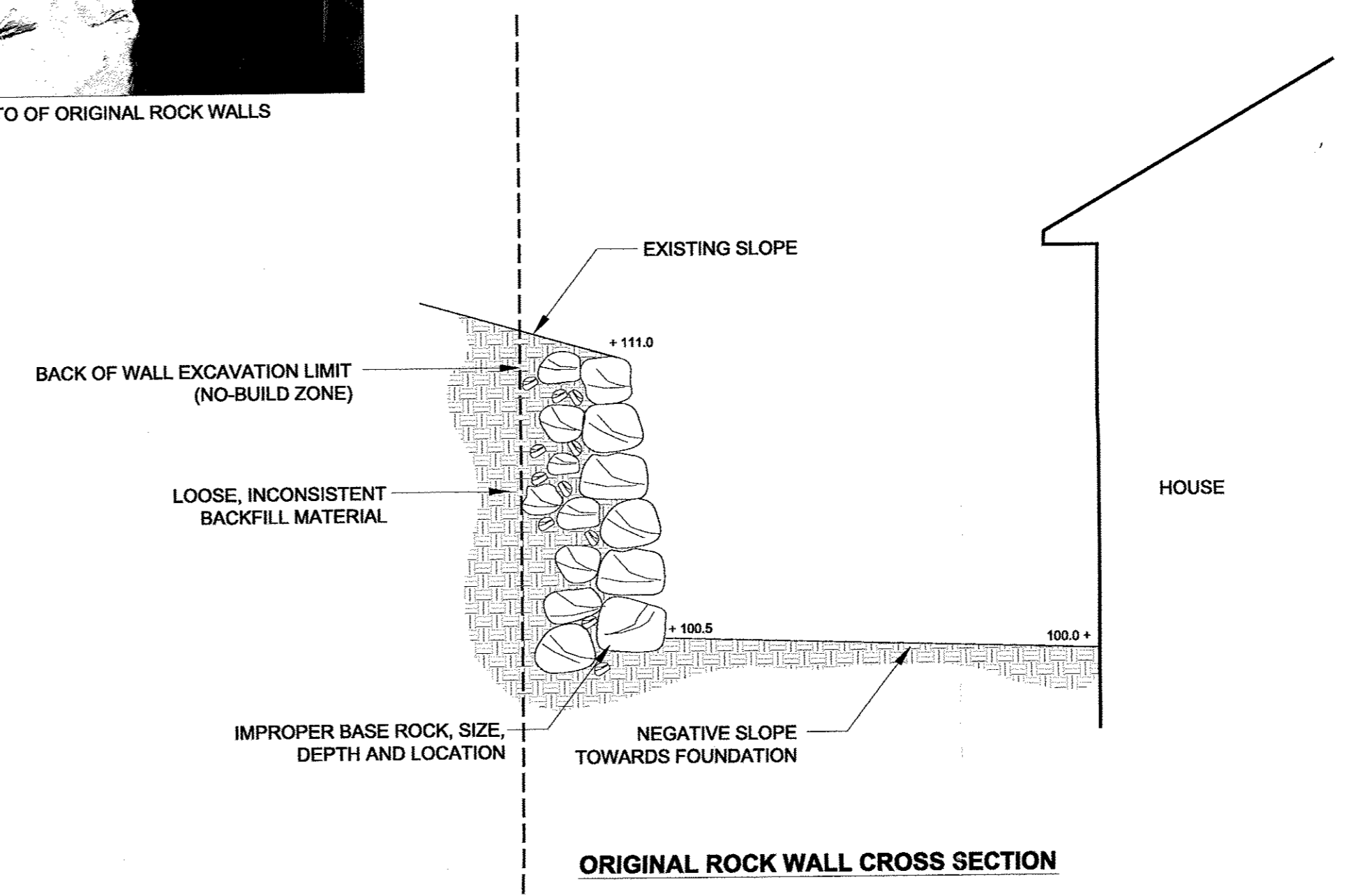


PHOTO OF RE-CONSTRUCTED ROCK WALLS

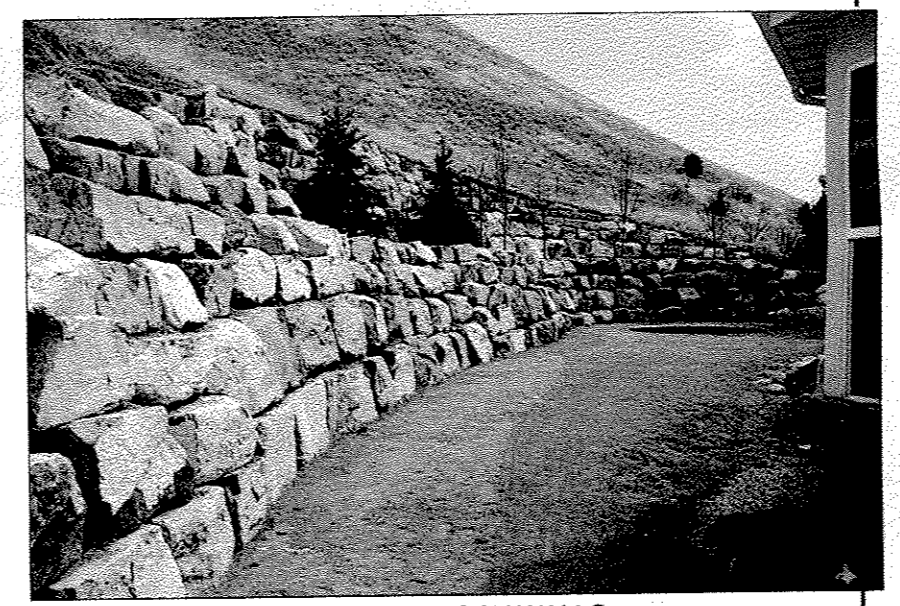
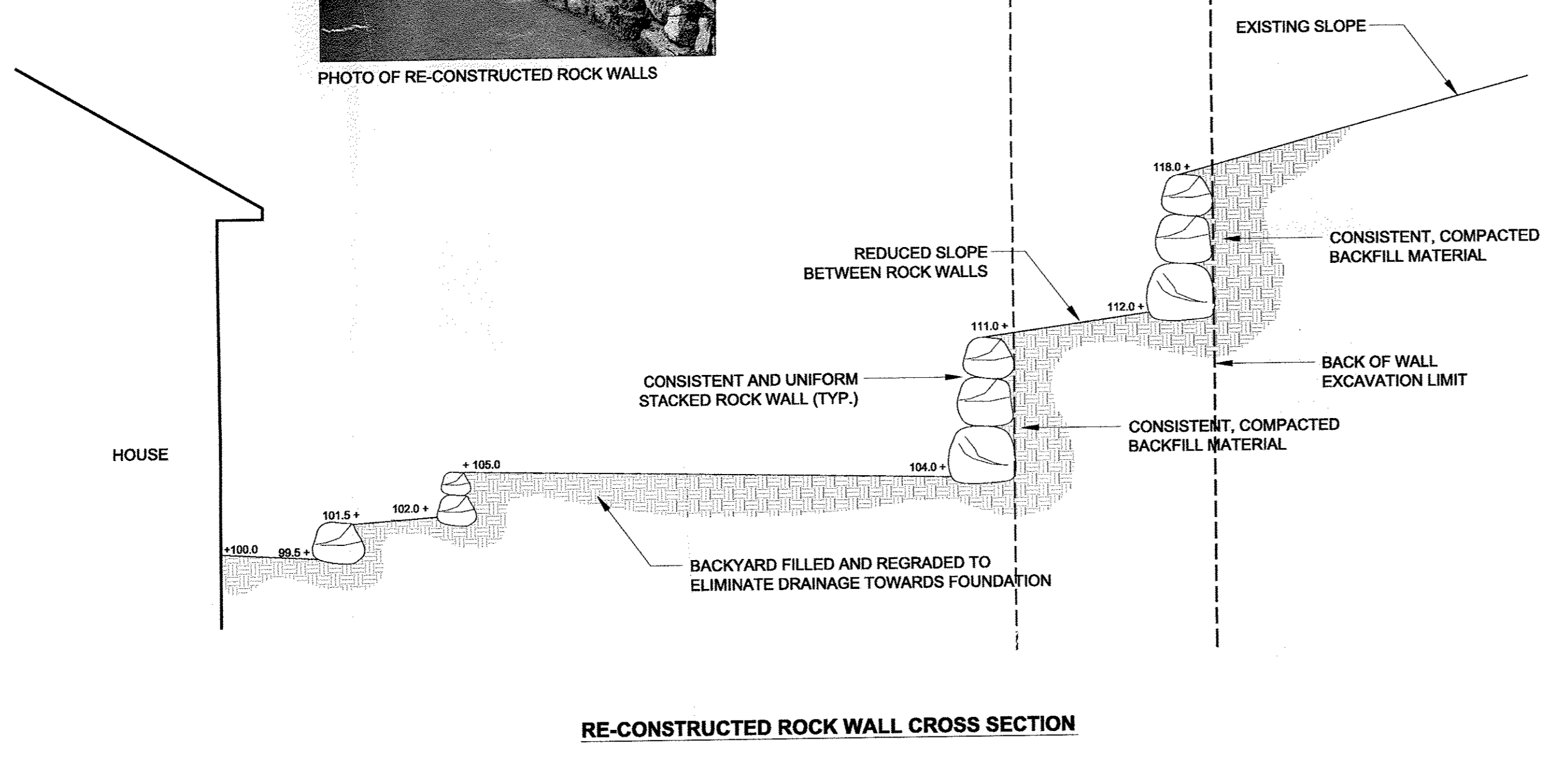
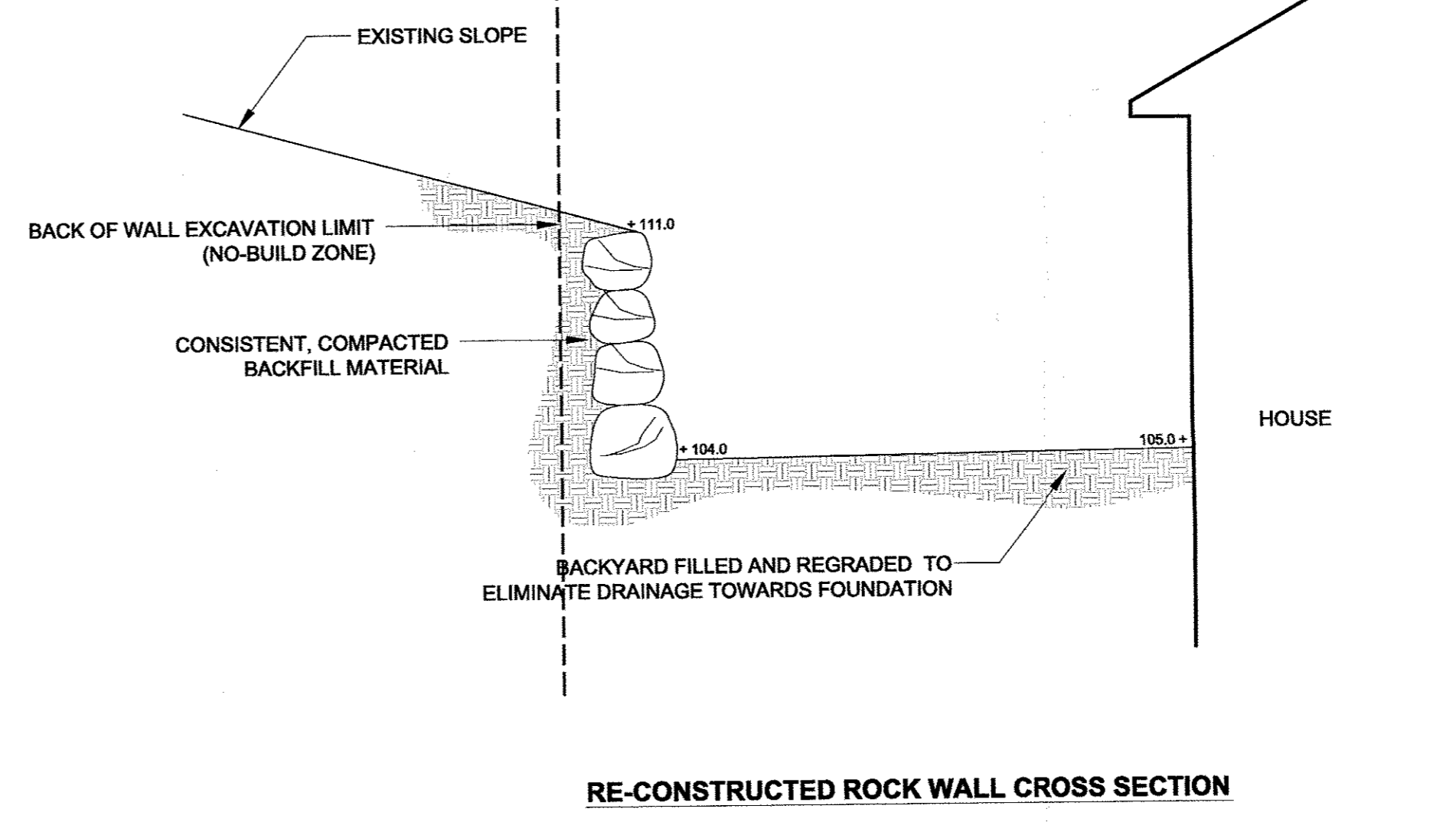
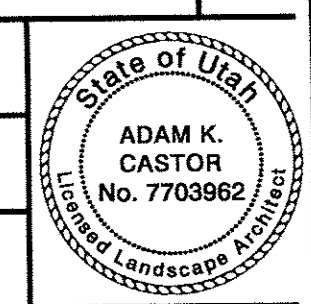


PHOTO OF RE-CONSTRUCTED ROCK WALLS



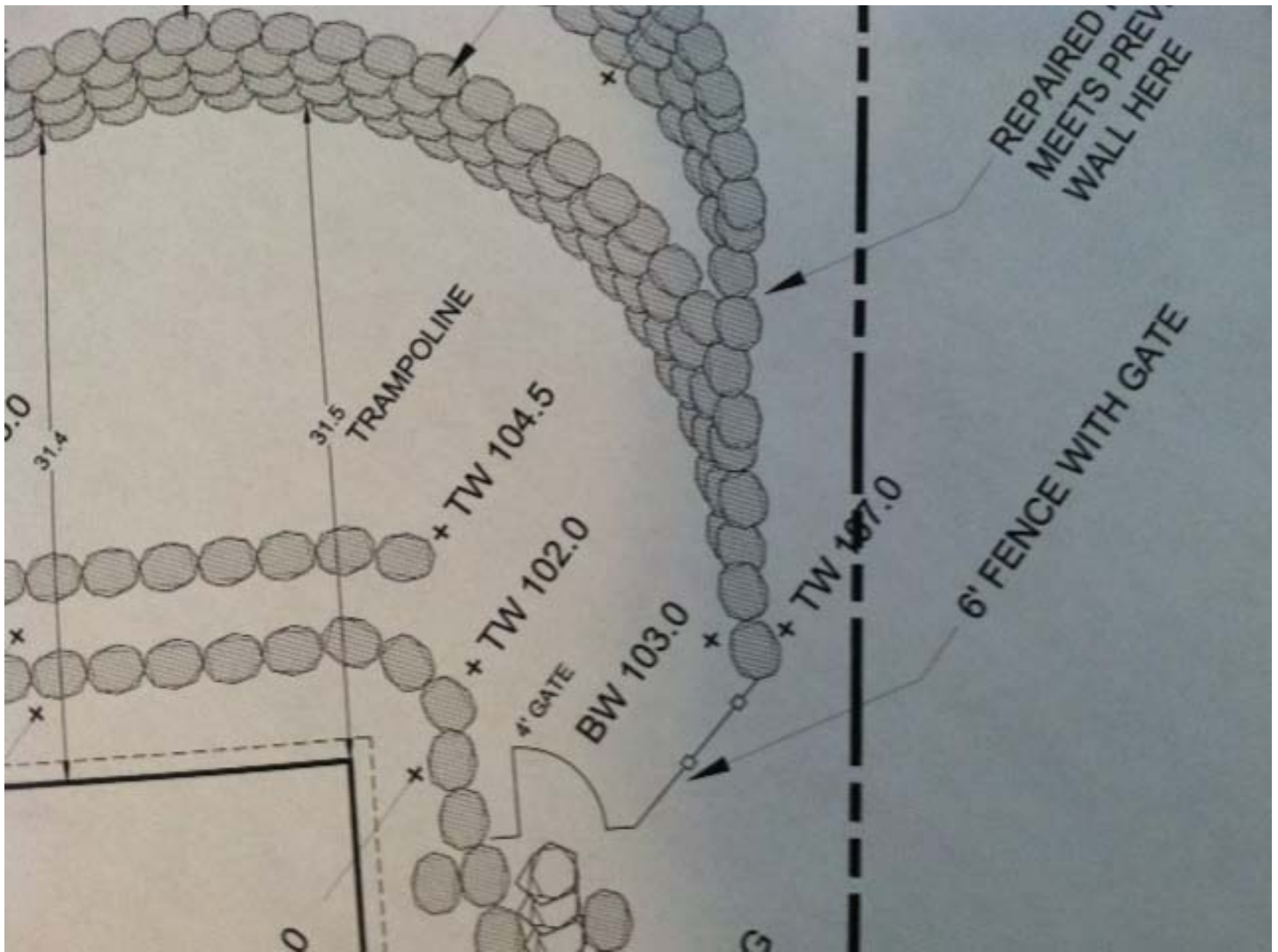
No.	Revision/Issue	Date

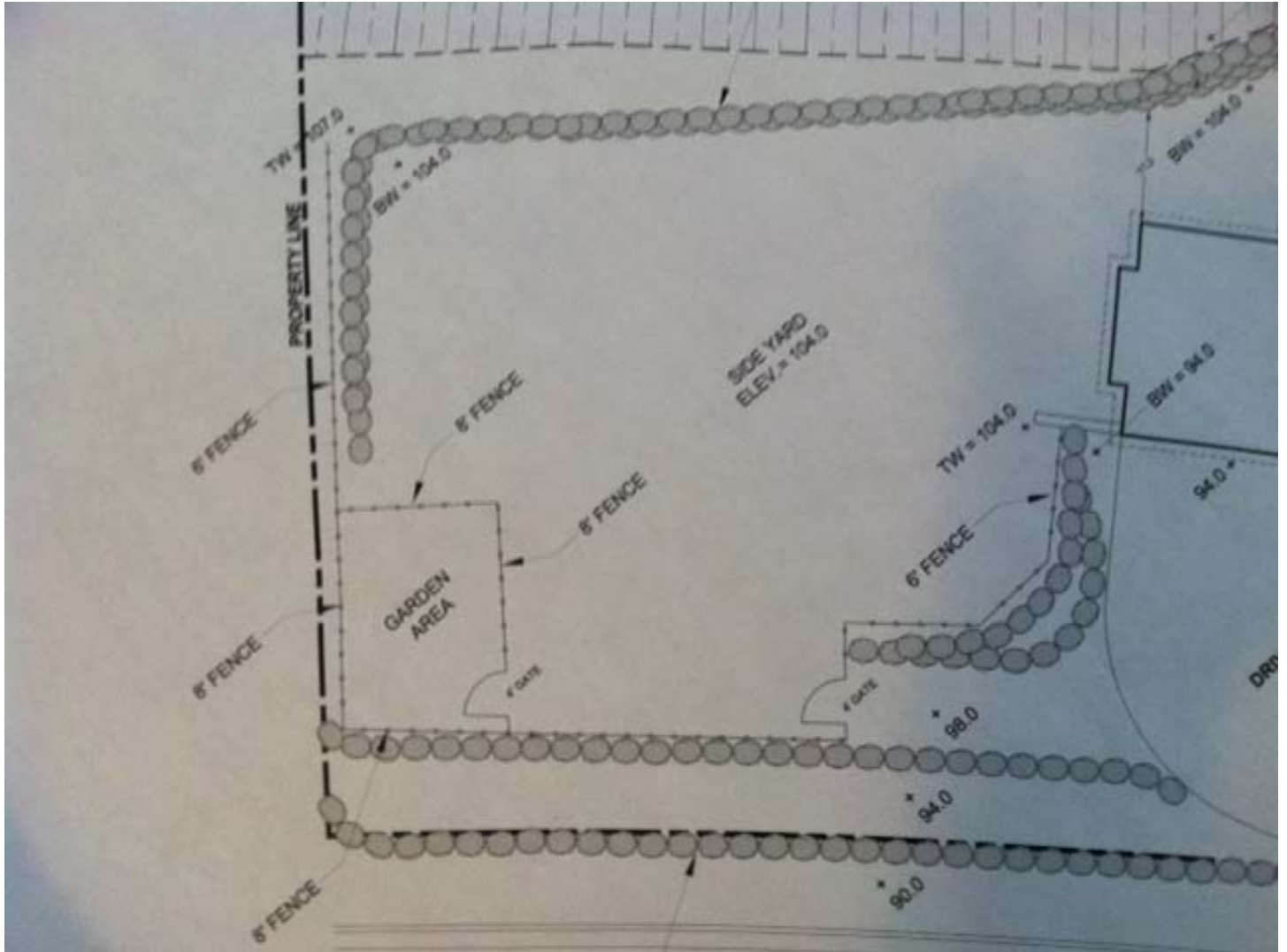
Designed By: \_\_\_\_\_  
 Drawn By: AKC  
 Reviewed By: \_\_\_\_\_



**PAGE RESIDENCE**  
 1025 North Bonneville Drive  
 Salt Lake City, Utah

Date: 5/02/2012	Drawing: CROSS SECTIONS
Issue: FINAL DRAFT	Sheet: CS-01
Project: 12-1002	





**Attachment B**  
Fence Example Photos









**Attachment C**  
Letter from Applicant

## Special Exception Notice of Application

---

1. Description of your proposed construction and specifically how it would not meet the Zoning ordinance:

The rear retaining wall for our property was in disrepair when we purchased the home in 2008. It is a limestone rock wall. Many of the rocks were cracked and broken, posing a significant safety risk to our home and family. A permit was obtained to repair the wall, specifically to replace the broken, cracked rocks within the wall. This project commenced in October 2011.

As our contractor began replacing rocks, he discovered that the landfill behind the rocks was also in disrepair. Instead of being compacted, the "junk fill" supporting the retaining wall was comprised of loose dirt, more crumbling rocks, air pockets, and garbage. This required some modification from the original repair plan.

Our contractor began repairing the wall and notified the city, requesting a site inspection. Joe Schmidtke, a city inspector came to see it on November 22, 2011, while repair work was underway. He inspected the wall and approved of the repair work, stating that every change made during the project was necessary in order to repair it correctly. He instructed our contractor to continue and complete the project without altering the manner of work being done. We complied. In December 2011, he contacted our contractor again, requesting an engineering report to verify the safety of the wall. Again, we complied and were told that this was the last requirement to finalize the project.

In March 2012, as we were preparing to lay sod, the city called and requested that we "halt" the project, feeling that we had exceeded the bounds of our permit in completing the repair work.

City officials agree that the wall, in its current repaired state, is safe and engineered correctly. They also agree that changes made to the wall were necessary for proper engineering, and that the overall wall height has been decreased, bringing it closer to compliance with the original plat provisions for our subdivision than it was prior to repairs.

The need for a special exception (as explained to us) is that that the original home owner deviated from the building plan for the wall, which he submitted to the city back in 1998. In conjunction with the original building plan for the wall, a special exception was granted allowing wall heights to be greater than 4 feet.

We did not know that the existing wall (the wall we repaired) had not been built in accordance to the approved building plan back in 1998. The wall we repaired clearly had heights greater than 4 feet. However, the actual location, height, and design of the wall we repaired did not match the specifications of the building plan for the wall, as submitted to the city by the original owner when this special exception was granted in 1998.

## Special Exception Notice of Application

---

Because of the discrepancy between the original building plans from 1998 and the actual construction of the wall (as completed by the original owner), the city has requested that we obtain a modification to the special exception granted in 1998.

In addition to the modification of the special exception to the rock retaining wall granted in 1998, we are also requesting a special exception for proposed fencing of our property. It is our understanding that fencing on a property that extends beyond the front plane of the home facing the street, should not exceed four feet in height. To install a fence of greater height would require a special exception.

Our property sits on a mountainside. While we have a small area of flat land behind the home, the majority of useable space on the property is located on the west side of our home. This side yard is supported by rock retaining walls and is significantly elevated from the street. Part of the side yard extends beyond the front face of our home. Please see the enclosed documents for illustration of the placement of the west side yard.

Due to the significant elevation of this area, we are concerned for the safety of our children and any visitors who will use this space. A fall from this height could cause severe injury or death. In order to prevent this, we would like to place a 6 foot high, wrought iron style fence along the boundaries of our property as noted in the site plan enclosed in this application. Part of this area will be used as a garden space. In order to keep the deer out of our garden area, we would like to increase the height around the garden even more—ideally 8 feet.

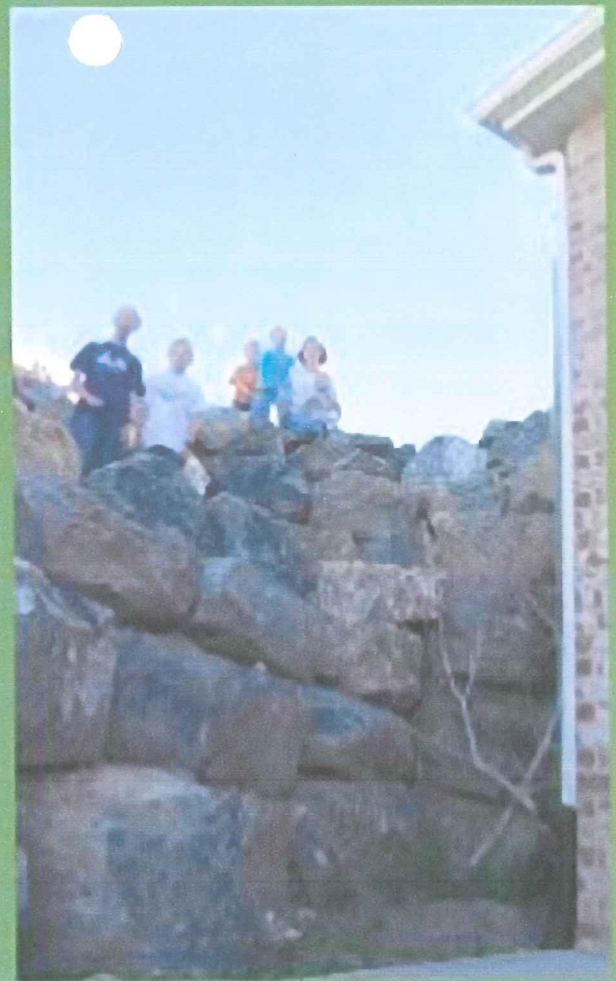
There are several properties in our neighborhood with wrought iron style fences (or fences made of other materials) that are greater than four feet in height, which also extend beyond the front plane of the home as it faces the street. We are confident that the addition of our proposed fence would not only provide the safety necessary to protect our children, but would also blend in nicely with the existing landscape and architecture seen throughout our neighborhood. We have enclosed a few photos portraying examples of similar fencing situations seen in our neighborhood.

We appreciate your time and consideration regarding these issues.

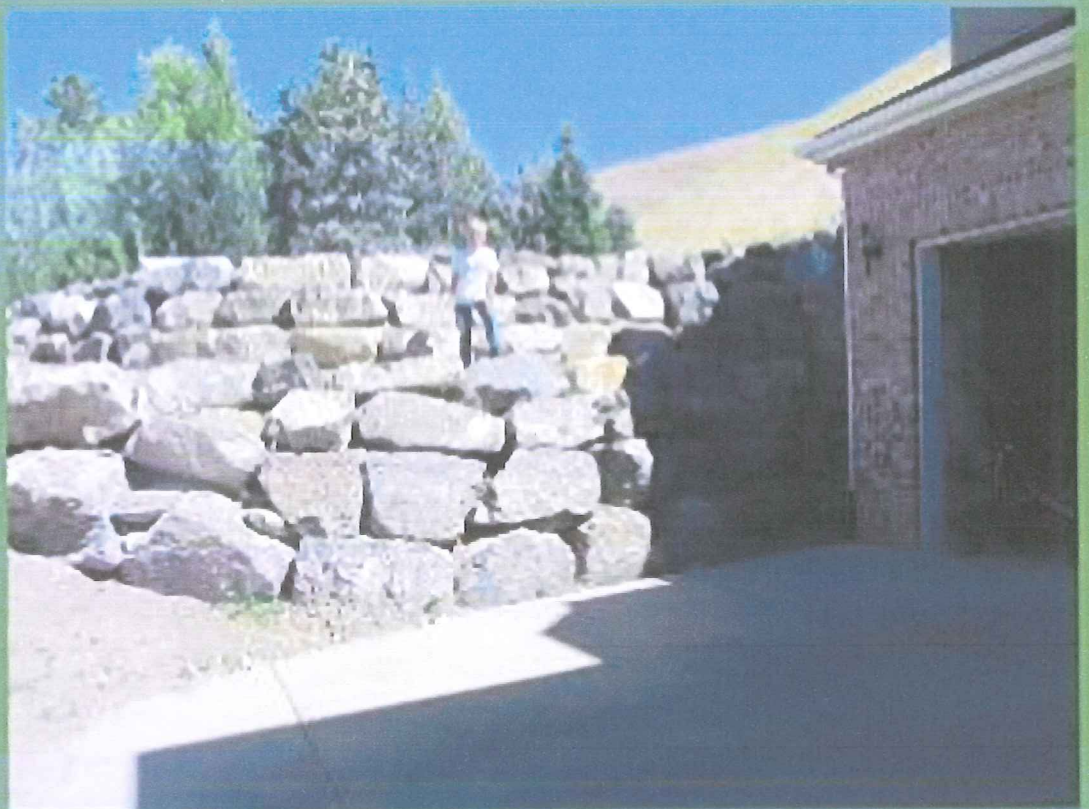
Sincerely,

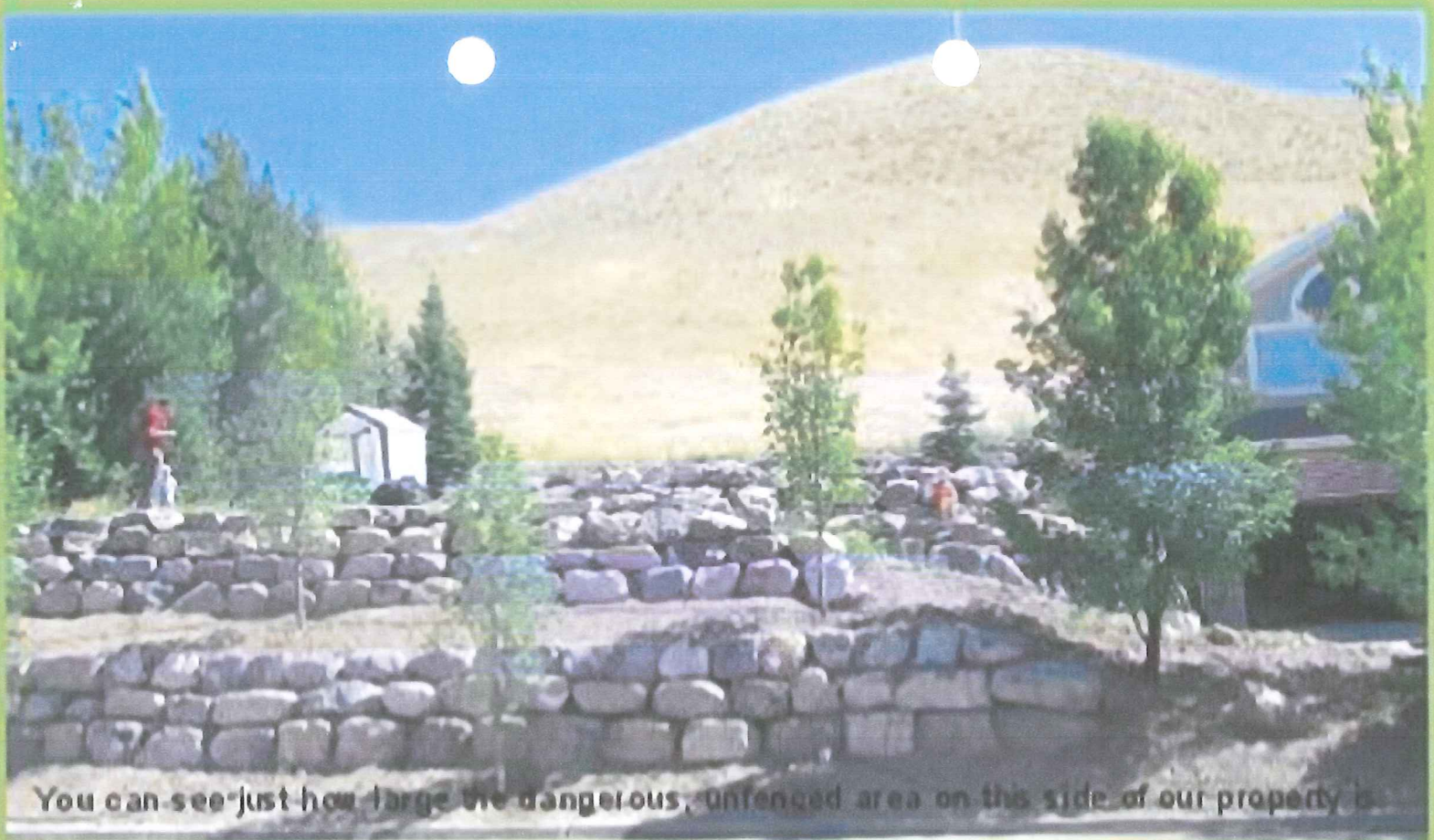
Daniel and Laurelin Pace

This is the same spot on the unfenced front/side yard viewed from different angles. You can see how easily little children could fall and imagine how severe the injuries could be.



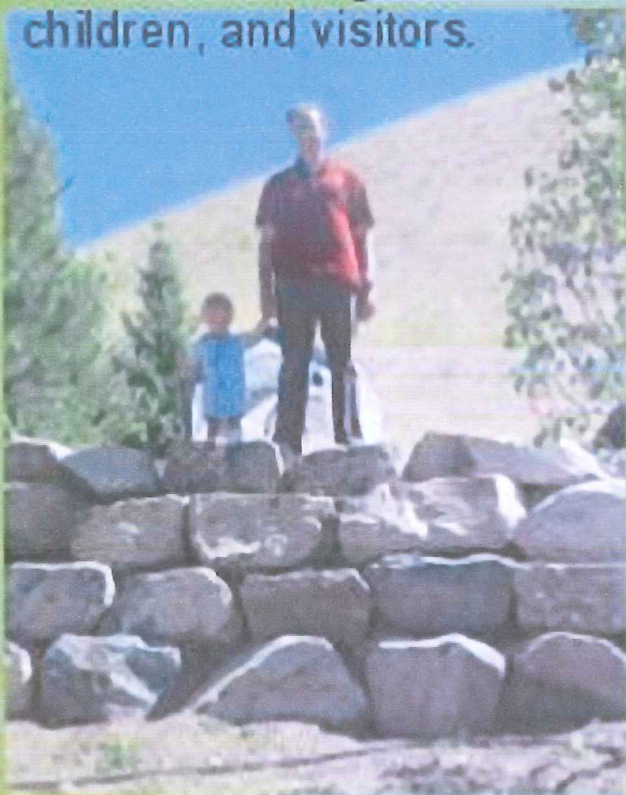
As you can see from these different viewpoints of the same section, it is hard for a child to tell just how dangerous it is to play around the front retaining wall. The consequences of a fall however, could be severe.



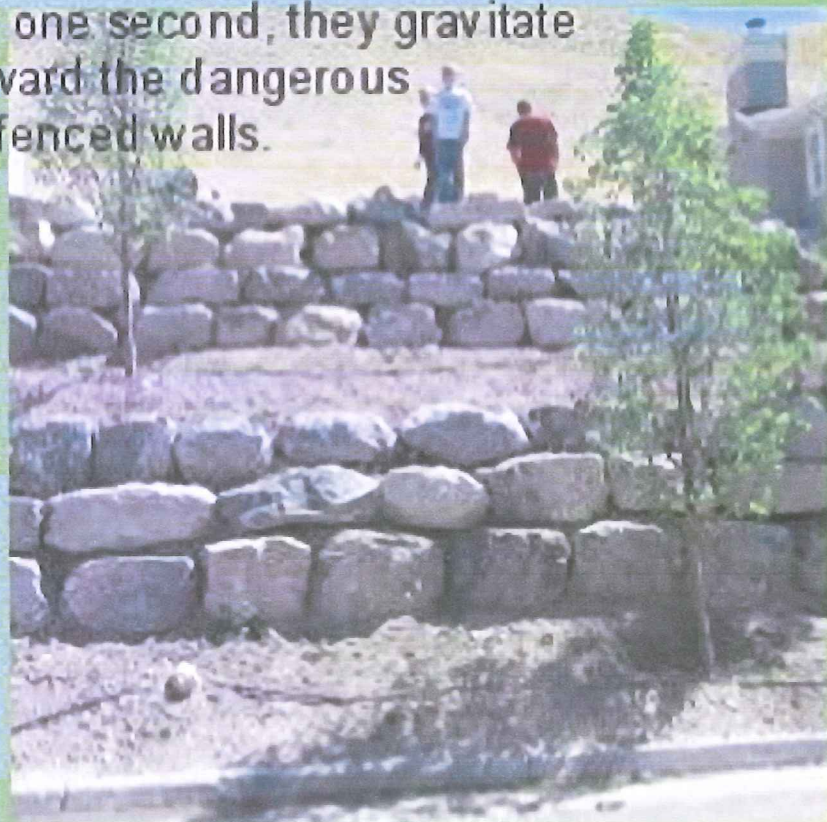


You can see just how large the dangerous, unfenced area on this side of our property is.

The unfenced front retaining walls are a danger to our little children, and visitors.

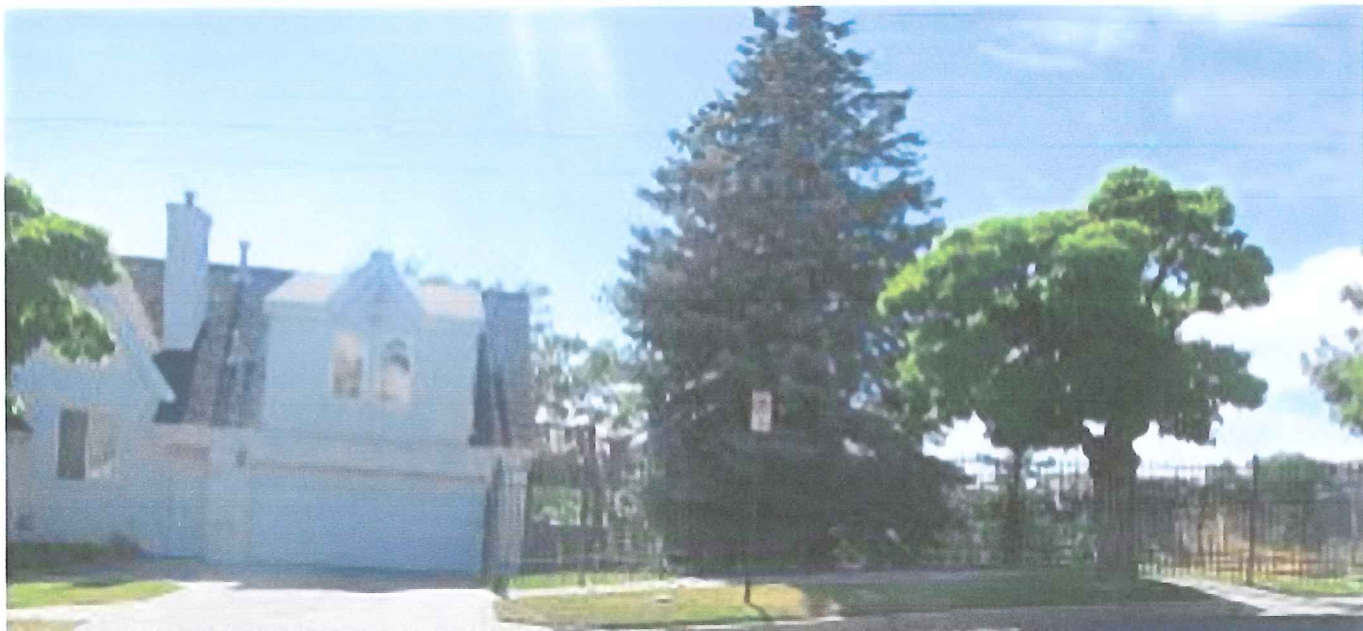


We try, but they are active little boys, and if you turn your back for one second, they gravitate toward the dangerous unfenced walls.





This home is located a few blocks away from our home.

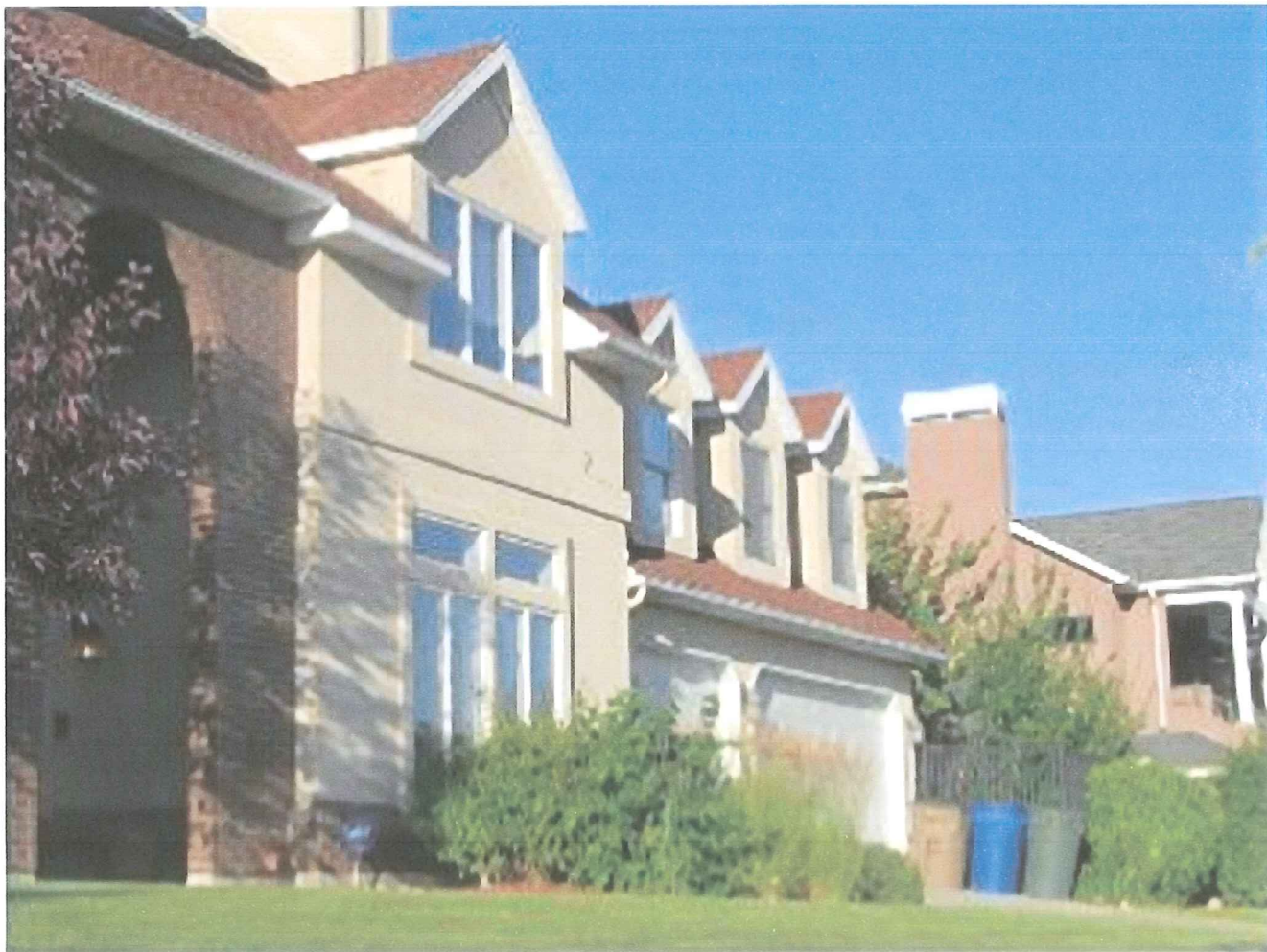


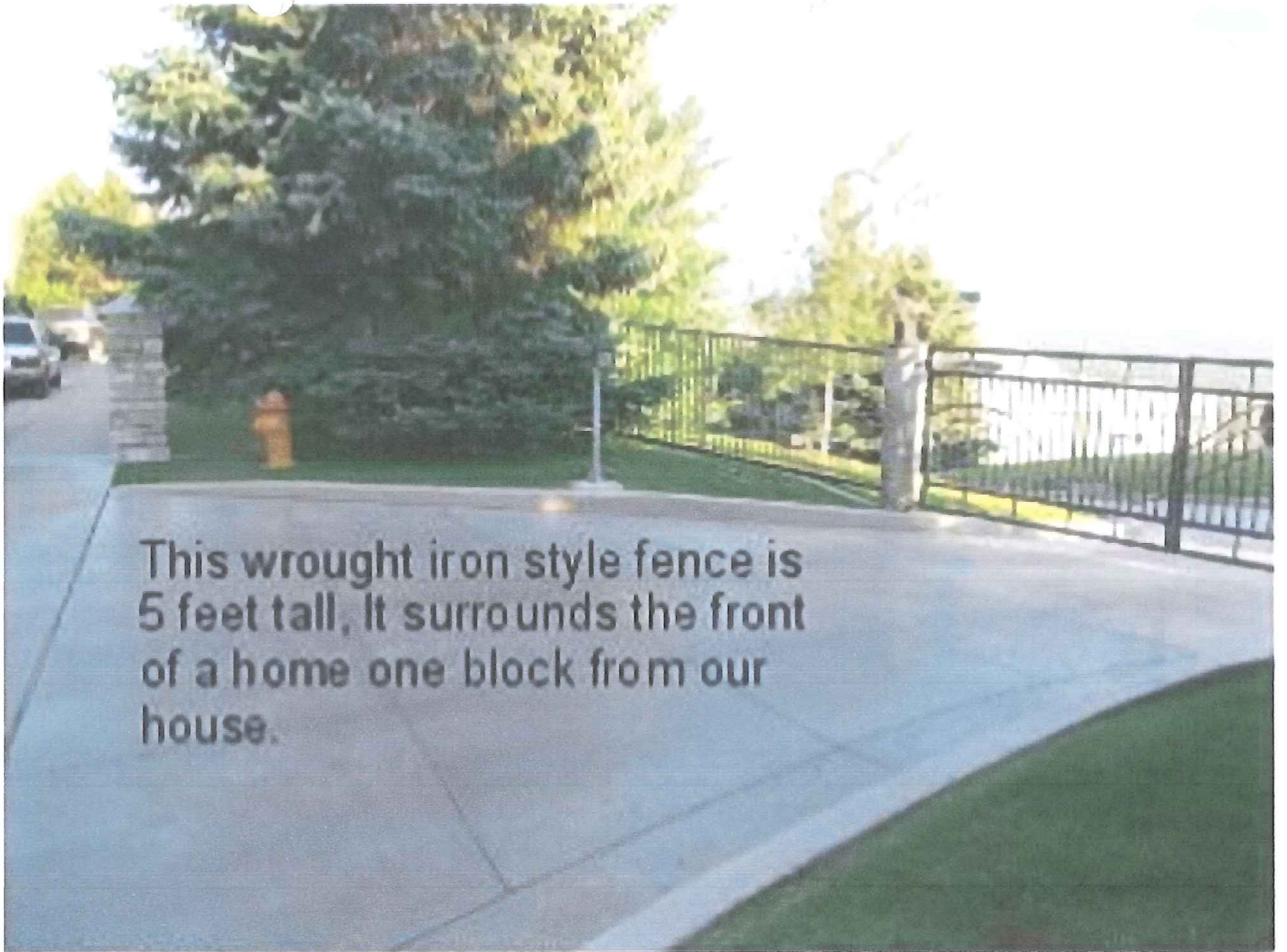
This example of a wrought-iron fence is particularly relevant as it fences the home's side yard much like we are proposing to do. The fence measures 6 feet 6 inches in height. It clearly protrudes beyond the plane of the home. Our fence however would be less obtrusive since our side yard is far above the level of the street. The safety issue with our home also makes the fencing of our side yard even more important.

This wrought iron style fence is a few blocks away from our house and measures 7 feet, 9 inches high. It is hard to see the home because the fence projects so far in front of the home.

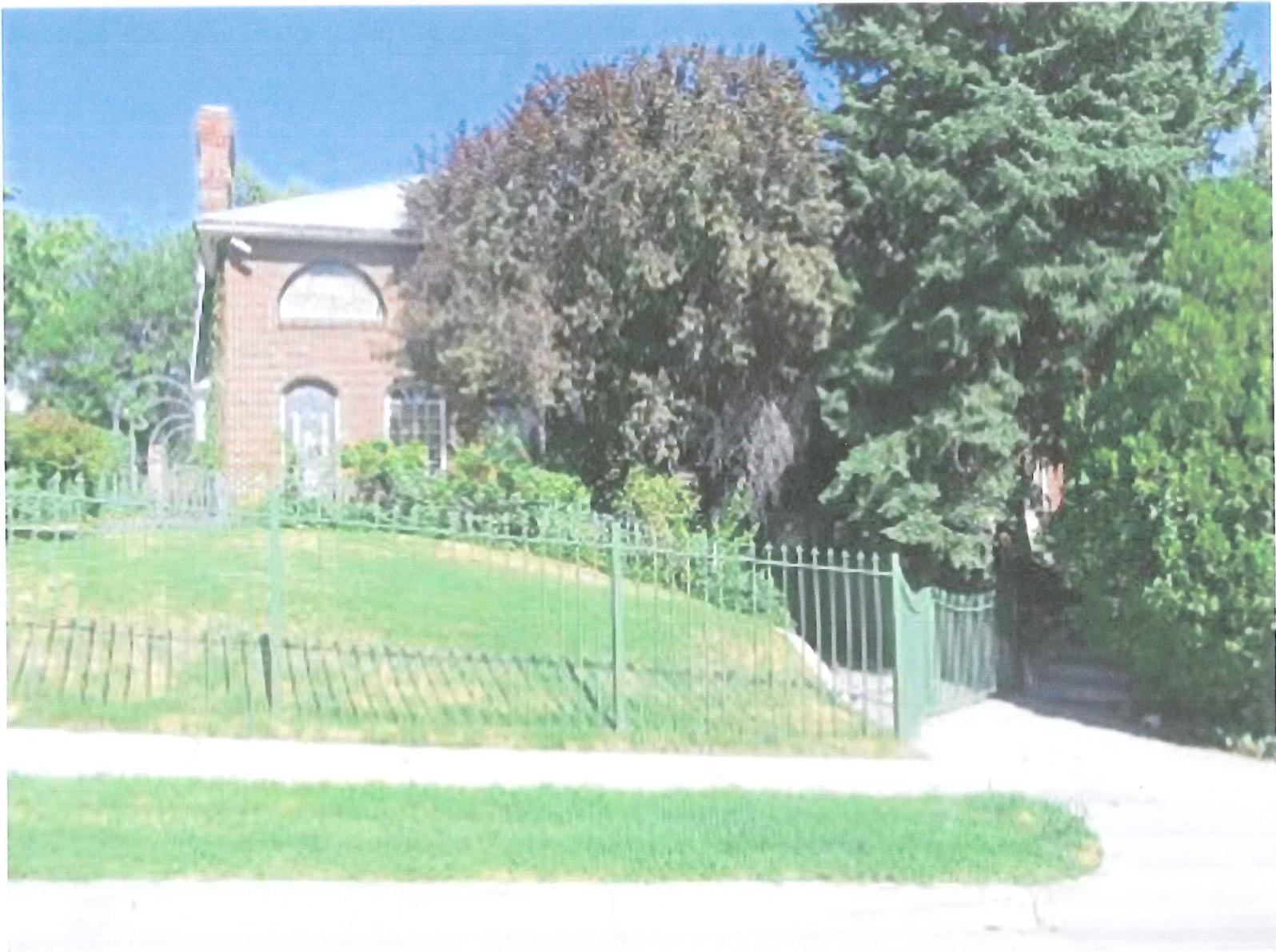








This home is a few blocks away from our home. You can see the steps leading to the front door of the home.



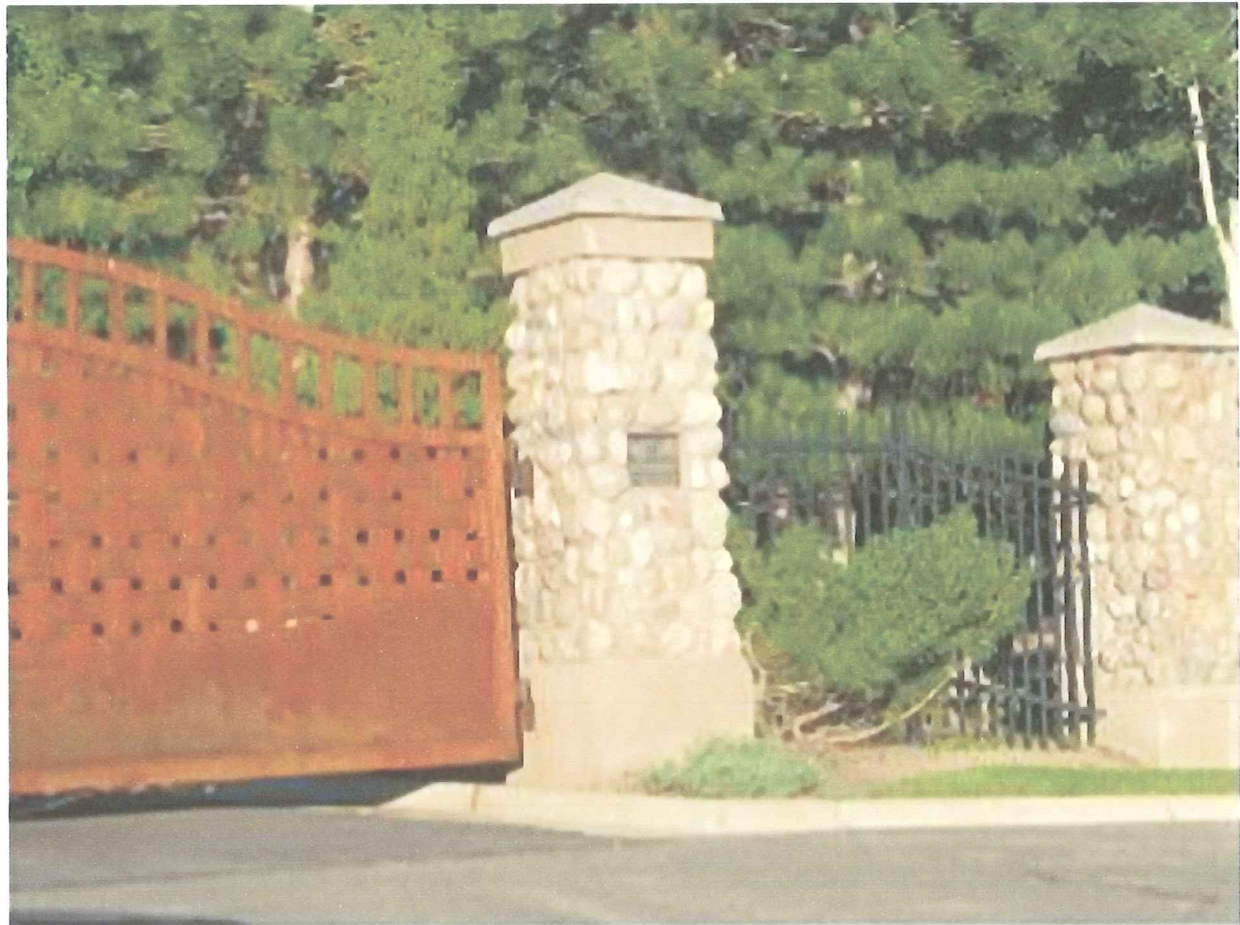
The wrought iron style fence measures 6 feet, and fences the front and side yard of the home.

This wooden fence measures 6 feet, 9 inches and clearly projects in front of the plane of the front of the house. It also encloses a side yard where children play much like our proposed side yard fencing would. It is located a block and a half away from our house.





This wrought iron style fence is 6 feet, 5 inches tall, and located just around the corner from my house.



This wrought iron style fence measures 6 feet, 3 inches tall, and is just a few blocks away from our home.



Another wrought iron fence in our neighborhood that projects in front of the house by the street. This one measures 6 feet high.



This wrought iron style fence is 5 feet, 6 inches and is right around the corner from my house.





This wrought iron style fence is 5 feet high and is located around the corner from my house.



**Attachment D**  
Site Photographs





**Attachment E**  
Public Comment

Ray,

The landscaping that The Pace's have done is beautiful and I see nothing wrong with it. I accept the special exception and support them in their desires for their property.

Jill Moench Clark  
1038 North Bonneville Drive  
Salt Lake City, Utah 84103

Thanks!

~Jill

---

**Jill Moench Clark**

**Moench Printing & Mailing ... serving Utah since 1937**

Office: 801.322.3447

Fax: 801.322.3449

255 W. 800 S. SLC UT 84101

[jill@moenchprinting.com](mailto:jill@moenchprinting.com)

Ray,

I have talked with the Paces about the situation with the special exception that they are requesting for the rock retaining wall in their back yard and the fence height for their property as explained to you in the Special Exception Notice of Application. I see nothing wrong with any of their requests. I accept the special exception and support them fully.

Malissa Moench  
313 3rd Avenue #9  
Salt Lake City, Utah  
801-440 4288

Ray,

I have talked with the Paces about the situation with the special exception that they are requesting for the rock retaining wall in their back yard and the fence height for their property as explained to you in the Special Exception Notice of Application. I see nothing wrong with any of their requests and feel that they have made the landscaping of their property beautiful and pleasing to look at.

I accept the special exception and support them in their desires for their property.

--

Jacob Moench  
313 3rd Avenue #9  
Salt Lake City, Utah  
[missionmoench2@gmail.com](mailto:missionmoench2@gmail.com)  
(801) 205-7728

Mr. Ray Milliner  
Salt Lake City Planning Commission

Sir

This email concerns the Salt Lake City Planning Commission meeting scheduled to convene on September 12, 2012 during which time the board will consider the Special Exemption brought before it by Daniel and Laurelin Pace.

Neither my wife nor I received a postcard from you: however, I do believe the proposed project does effect the neighborhood in which we live. We live around the corner of their property at 711 Northland Drive and consider their proposal to be a visible improvement and a necessary safety barrier for their children. We have noticed that some trucks and automobiles disregard the speed limits in the neighborhood even when children are present and a fence would provide some comfort to the Pace family knowing that their children are playing in a secure yard.

We are not sure if our comments are pertinent being that we do not live adjacent to or across the street from the Paces. If perhaps, they are pertinent, then we would request that the board votes in favor of Daniel and Laurelin Pace's request.

Unfortunately, we will be away at the time of the Pace's presentation and will not be able to attend the meeting. Should you find the need to contact us, you may do so at the following phone number 801-364-6963.

Sincerely,

Carol and Paul Garza

Ray,

I have talked with the Paces about the situation with the special exception that they are requesting for the rock retaining wall in their back yard and the fence height for their property as explained to you in the Special Exception Notice of Application. I see nothing wrong with any of their requests and feel that they have made the landscaping of their property beautiful and pleasing to look at.

I accept the special exception and support them in their desires for their property.

Nancy Moench  
1038 North Bonneville Drive  
Salt Lake City, Utah  
801-232-4199