



Staff Report

PLANNING DIVISION
DEPARTMENT OF COMMUNITY & NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Kelsey Lindquist, (801) 535-7930 or kelsey.lindquist@slcgov.com
Date: June 17, 2020
Re: PLNPCM2020-00215 1639 Devonshire Special Exception

Special Exception

PROPERTY ADDRESS: 1639 E. Devonshire Drive
PARCEL ID: 16-14-178-008-0000
MASTER PLAN: The East Bench Master Plan
ZONING DISTRICT: FR-3/12,000 Foothills Residential District

REQUEST: Brad Waltman, on behalf of the property owners, is requesting special exception approval to construct a new single-family home that exceeds the maximum permitted building height and maximum allowable grade changes in the FR-3/12,000 Foothills Residential District. The subject property is located at 1639 E. Devonshire Drive and is currently vacant. The FR-3/12,000 (Foothills Residential District) permits a height of 28' measured from established grade. The requested grade changes exceed the allowed 4 feet in the front, side yard and exceed 6' in the buildable area. The Planning Commission has final decision making authority for requested special exceptions.

RECOMMENDATION: Based on the information in this staff report, it is Planning Staff's opinion that the requested special exceptions for additional building height and grade changes in the FR-3/12,000 zoning district complies with the standards of approval, and recommends approval.

ATTACHMENTS:

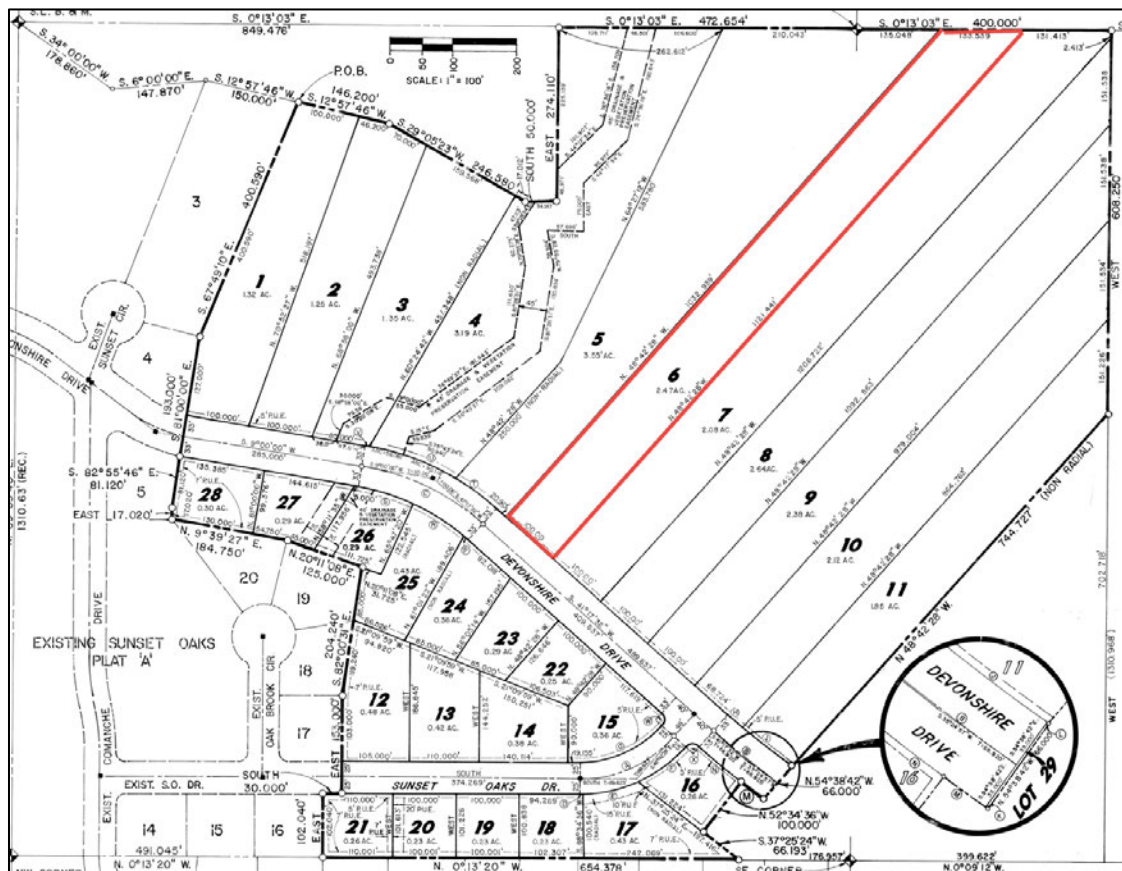
- A. [Application Materials](#)
- B. [Site Photographs](#)
- C. [FR-3 Lot and Bulk Requirements](#)
- D. [Analysis of Special Exception Standards](#)
- E. [Analysis of Standards for Additional Height](#)
- F. [Public Process and Comments](#)
- G. [Department Review Comments](#)

PROJECT DESCRIPTION:

Sunset Oaks Subdivision

The subject property is vacant lot 6 in the Sunset Oaks Subdivision, recorded in 1979. The Sunset Oaks Subdivision encompasses both the east and west sides of Devonshire Drive. Devonshire Drive is located within the Foothills of Salt Lake City and has significantly steep slopes. The

subject property, which is located on the east side of Devonshire, has an average slope of 24%. Please note, the Sunset Oaks Subdivision did not specify buildable or undevelopable area on the plat. The subject property is required to comply with the underlying zoning district, which is the FR-3/12,000 (Foothills Residential District).



Sunset Oaks Subdivision Plat



Photo of Subject Property

Development Pattern

The western side of Devonshire Drive, within the Sunset Oaks Subdivision, has been developed and no vacant lots remain. The subject property is one of 3 vacant lots on the east side of Devonshire Drive. In regard to existing grade, the west side of Devonshire slopes downward towards the North West and slopes upward towards the South East.

The existing development pattern on the east side of Devonshire includes single-family detached structures oriented towards the public street. The east side of Devonshire contains deep steep lots with single-family structures placed close to the public street. The base zoning district, FR-3, requires an averaging of the provided front yards along the block face. The placement of the single-family structures preserves the steeper slopes and grades towards the South East of each lot. Even with the closer placement, each lot has substantial grading for the driveway and pedestrian access, which is illustrated in the photos below.



Aerial of Devonshire Drive with Front Yard Setbacks Indicated by Arrows



1599 Devonshire Drive



1615 Devonshire Drive



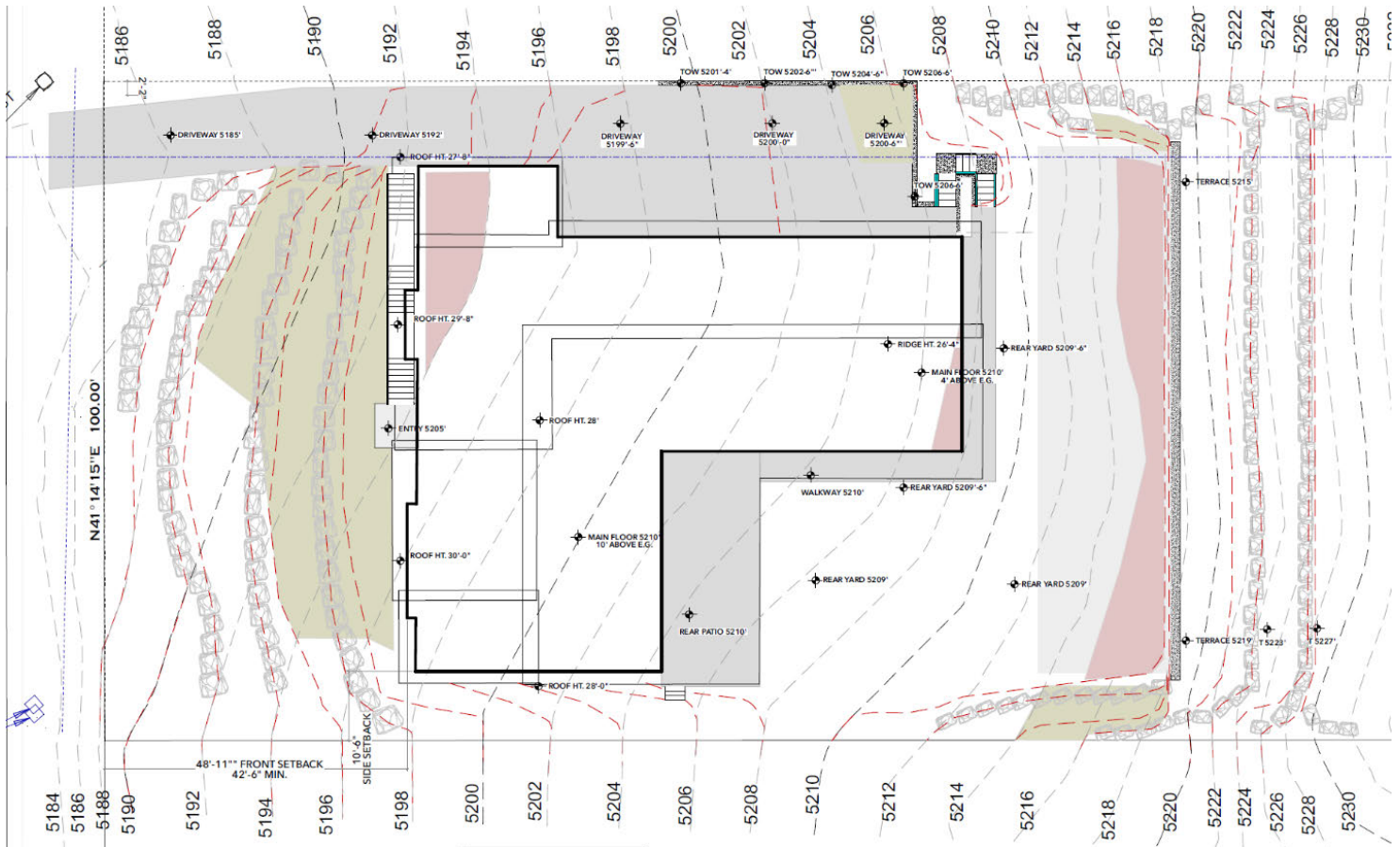
1663 Devonshire Drive

Proposed Construction of a Single-Family Structure

The applicant is requesting approval for the special exceptions in order to construct a new two-story single-family residence that is approximately 4,393 square feet in size. Due to the size of the subject lot, 109,400 square feet in size, the proposed construction covers approximately 4% of the subject property. The proposed design complies with the FR zoning district design requirements found in Chapter 21A.24.010.P3 which includes exterior building colors, exterior glass, roof materials and colors, mechanical equipment, exterior lighting and fence material.



Street Facing Elevation



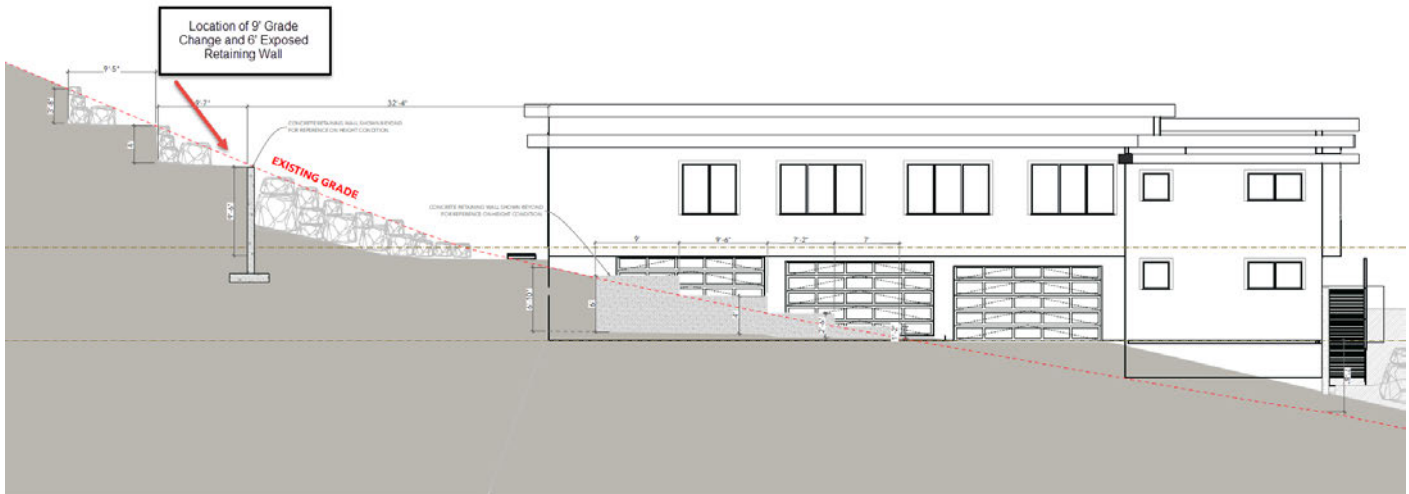
Site Grading Plan

The Special Foothills Regulations: FR-3/12,000 Purpose Statement

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

The FR-3/12,000 zoning district permits single-family residential development. The permitted development is prescribed to follow specific regulations that limit grade changes in the front, side and rear yards to 4 feet in dimension and grade changes in the buildable area to 6 feet in dimension. All proposed cuts and fills in the FR districts that exceed 2 feet in dimension are required to be retained with a retaining wall.

In regard to specified height regulations, the FR-3/12,000 zoning district permits single-family residential development to reach 28' in height with a limited wall height of 25' for the front and rear elevations. This zoning district has specific special exception standards for additional height



The requested grade change in the buildable area that exceed 6' in dimension are located on the north western corner and the rear south eastern corner of the proposed single-family residence. The area shaded in pink on the site grading plan indicates the two locations that exceed 6 in grading. The grade change is approximately 6'8" - 7'8" in both areas. Overall, the grading of the subject property is generally gradual in nature and preserves the majority of the natural slope. The grade changes eventually step down to the natural grade with boulder retaining walls.

Additional Height Special Exception

The FR-3 zoning district permits a building height of 28' from established grade. The FR-3 zoning district does not distinguish building heights for flat or pitched roofs. Both roof types are limited to 28' measured from established grade. Per the following definition:

HEIGHT, BUILDING - IN THE FR, FP, R-1, R-2, AND SR DISTRICTS: The vertical distance between the top of the roof and established grade at any given point of building coverage.

Established grade is further defined in section 21A.62.040:

GRADE, ESTABLISHED - grade of a property prior to the most recent proposed development or construction activity. On developed lots, the Zoning Administrator shall estimate established grade if not readily apparent, by referencing elevations at points where the developed area appears to meet the undeveloped portions of the land. The estimated grade shall tie into the elevation and slopes of adjoining properties without creating a need for new retaining wall, abrupt differences in the visual slope and elevation of the land, or redirecting the flow of runoff water.

Site plan of the proposed 10-unit residential development at 10000 12th Avenue, North. The plan shows a large rectangular building footprint with various rooms and outdoor spaces. Key features include:

- Driveways: 5185, 5192, 5199, 5200, and 5200-6.
- Roof heights: 26'-4", 28', 29'-8", 30'-0", and 30'-6".
- Main floor levels: 5210 and 5210-4' above E.G.
- Entry: 5205.
- Walkway: 5210.
- Rear yard: 5209-6'.
- Rear patio: 5210.
- Setback: 6'.

The plan also shows existing topography with contour lines and a north arrow.

This architectural elevation drawing shows a building facade with a stone foundation and a series of steps leading up to a central entrance. The facade features several windows of different sizes and a central door. Dimensions are indicated on the drawing:

- Overall height: 17'-7"
- Section height: 23'-10"
- Section width: 6'
- Window height: 20'-8"
- Door height: 2'-6"

June 17, 2020

KEY CONSIDERATIONS:

The key considerations listed below have been identified through the analysis of the project.

1. Third Iteration of Proposal

The second iteration included additional height and grading exceptions. This iteration included a height exception of approximately 9 feet, as well as substantial grading. Staff advised the applicant that the proposed single-family residence could be modified to lessen the degree of requested exceptions. As noted in the applicant's narrative, the applicant reduced the size of the proposed residence, adjusted the driveway, eliminated a garage and modified the pitched roof to a flat roof. These adjustments decreased the degree of the exceptions requested.

2. Sunset Oaks Covenants, Conditions and Restrictions

Through the public process, Staff was made aware of recorded Covenants, Conditions and Restrictions (CC&Rs) associated with the Sunset Oaks Subdivision. The CC&Rs for this subdivision were recorded in 1979 with the final plat. The CC&Rs established an Architectural Review Committee, as well as setbacks, building height, landscaping requirements and accessory structure location. Staff received some public comments with concerns about the CC&Rs and whether the proposal aligns. Staff acknowledges that the CC&Rs were recorded with the applicable subdivision; however, Salt Lake City can only review the proposal in accordance with the underlying zoning district FR-3/12,000. The public concerns regarding the CC&Rs are not within Staff's purview.

3. The East Bench Master Plan

The subject property is located within the East Bench Neighborhood, identified in the East Bench Master Plan, 2017. The applicable guiding principal for residential development is stated, below:

Guiding Principle N-01: Neighborhood Compatibility – Development and infrastructure improvements complement the unique architectural styles and development patterns that define individual neighborhoods.

The proposed development of the vacant parcel located at 1639 S. Devonshire Drive is in compliance with the adopted East Bench Master Plan. The proposed development of the single-family residence attempts to limit the disruption of the existing grade and significant slope. The development recognizes the existing development pattern that characterizes the neighborhood.

DISCUSSION:

The request for additional building height in the FR-3 zoning district is subject to two sets of standards of approval: the general standards applied to all types of special exception requests (21A.52.060), as well as an additional set of standards that are specific to requests for additional building height in the Foothills Residential zones (21A.24.P.2).

The request for grade changes beyond the permitted dimensions in the required yards and buildable area are subject to the general standards applied to all types of special exception requests (21A.52.060). For the full analysis of the requested special exceptions, please refer to Attachments D and D.

NEXT STEPS:

If the requested Special Exceptions are approved (Staff recommendation), the applicants would need to proceed with applying for a building permit to construct a new single-family dwelling.

If the requested Special Exception is denied, the applicants would need to redesign the proposed single-family structure to comply with all zoning and building regulations.

ATTACHMENT A: APPLICATION MATERIALS



Special Exception NOTICE OF APPLICATION

SALT LAKE CITY PLANNING

☒ Planning Commission

☐ Historic Landmark Commission

OFFICE USE ONLY

Project #:

Received By:

Date Received:

Zoning:

PLAN PCM 2020 - 00215

MM

3/13/2020

FR-3

Project Name:

Driveway Grade Change

PLEASE PROVIDE THE FOLLOWING INFORMATION

Type of Special Exception Requested:

12. Grade changes and retaining walls

Address of Subject Property:

1639 DEVONSHIRE

Name of Applicant:

FLORIAN SOLZBACHER

Phone:

801.898.8248

Address of Applicant:

1063 OAK HILLS WAY

Applicant's Interest in Subject Property:

☒ Owner

☐ Contractor

☐ Architect

☐ Other:

Name of Property Owner (if different from applicant):

E-mail of Property Owner:

Phone:

Please note that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.

WHERE TO FILE THE COMPLETE APPLICATION

Mailing Address: Planning Counter
PO Box 145471
Salt Lake City, UT 84114

In Person: Planning Counter
451 South State Street, Room 215
Telephone: (801) 535-7700

REQUIRED FEE

Filing fee of \$259, plus additional cost of postage for mailing notice to abutting property owners and tenants

SIGNATURE

If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent:

Date:

3.12.20

Updated 7/1/19


SUBMITTAL REQUIREMENTS

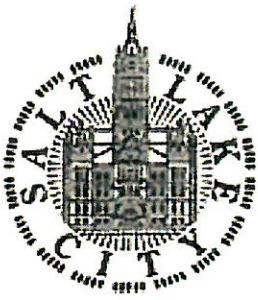
Staff Review	<input type="checkbox"/>	1. Project Description (please attach additional sheet)
	<input type="checkbox"/>	Written description of your proposal
	<input type="checkbox"/>	2. Minimum Plan Requirements
	<input type="checkbox"/>	One paper copy (24" x 36") of each plan and elevation drawing
	<input type="checkbox"/>	A digital (PDF) copy of the each plan and elevation drawing
	<input type="checkbox"/>	One 11 x 17 inch reduced copy of each plan and elevation drawing
	<input type="checkbox"/>	3. Site Plan
	<input type="checkbox"/>	Site plan (see <i>Site Plan Requirements</i> flyer for further details)
	<input type="checkbox"/>	4. Elevation Drawing (if applicable)
	<input type="checkbox"/>	Detailed elevation, sections and profile drawings with dimensions drawn to scale
	<input type="checkbox"/>	Type of construction and list the primary exterior construction materials
	<input type="checkbox"/>	Number, size, and type of dwelling units in each building, and the overall dwelling unit density

AVAILABLE CONSULTATION

- Planners are available for consultation prior to submitting this application. Please call (801) 535-7700 if you have any questions regarding the requirements of this application.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

 I acknowledge that Salt Lake City requires the items above to be submitted before my application can be processed. I understand that Planning will not accept my application unless all of the following items are included in the submittal package.



SALT LAKE CITY CORPORATION

Buzz Center

451 South State Street, Room 215 Phone: (801) 535-7700

P.O. Box 145471 Fax : (801) 535-7750

Salt Lake City, Utah 84114

Date: Mar 13, 2020

PLANNING COMMISSION

1063 OAK HILLS WAY
SALT LAKE CITY, UT 84108

Project Name: DEVONSHIRE GRADE CHANGE

Project Address: 1639 S DEVONSHIRE DR

Detailed Description:



* P L N P C M 2 0 2 0 - 0 0 2 1 5 *

Description	Qty	Dept	C Ctr	Obj	Amount		
					Invoice	Paid	Due
Invoice Number: 1685977							
Special exception	1	06	00900	125111	\$259.00	\$0.00	\$259.00
Total for invoice 1685977					\$259.00	\$0.00	\$259.00
Invoice Number: 1685978							
Postage	10	06	00900	1890	\$4.90	\$0.00	\$4.90
Total for invoice 1685978					\$4.90	\$0.00	\$4.90
Total for PLNPCM2020-00215					\$263.90	\$0.00	\$263.90

OFFICE USE ONLY
Intake By: MM5746

CAP ID #
PLNPCM2020-00215
Total Due: \$263.90



TREASURER'S OFFICE
RCPT# 13117952
PL PLNPCM2020-00215 CARD
4270.10 3/13/2020



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www.slpermits.com

Please Keep This
Box Clear

Narrative for construction proposal 1639 S Devonshire

F. Solzbacher and X. Chen
1063 Oak Hills Way
Salt Lake City
UT 84108

For construction at:
1639 Devonshire Drive
Salt Lake City
UT 84108

1. General considerations

Previous feedback from the planning division and the Salt Lake City FR-3 zoning regulations intent appears to be to make sure that construction on the upper hillside of the east bench respects the natural boundary conditions and does not cause any destruction of the beauty of the mountains and adjacent neighborhoods through overbuilding with residences that would appear to be overbearing.

The petitioners would like to explain that we have been living in the neighborhood for 11 years and are not only well aware of the need to retain the beauty of the mountains, we also want to make sure that what we are building does not damage or disrupt it. We have walked past pretty much every house and the few remaining empty lots in the entire area above foothill and Devonshire and between research park and I-80. We had walked past this particular lot with our kids and dogs for over 10 years and had identified this particular lot as the sole relatively flat lot and our dream lot that would allow us to build a house backed against the mountain, that would allow construction of a house with the flow between the differential functional spaces, as well as the orientation of the sun and meeting our requirements. A year ago, the lot came on the market and we were able to bid on the lot and acquire it to build our “forever house” for our kids and us from an owner who had moved out of state years ago and decided that he was not moving back. The lot was so important to us that we decided to not negotiate the price even though the demanded price was clearly over value.

From the onset, our intent was to build a house that would not appear imposing or as if though somebody had placed an oversized mansion and carved out the mountain to do so, even though many houses in the neighborhood are built that way. We had hoped to build in a transitional ranch style split level house, like the one we are living in now, a few streets down the hill in the same neighborhood. We were originally concerned that our house, compared to the houses that are already built in particular in the southern part of Devonshire could appear a bit small and out of place. Some neighborhoods in Salt Lake City have requirements for minimum house sizes for larger lots. And many of the houses have very tall and imposing front facades that are almost like a castle and that clearly exceed the 28 feet significantly. Some appear close to 40 feet tall. As we understand those were allegedly built before 1995. Nonetheless the neighborhood has a specific look and feel that is strongly influenced by those houses.

Our primary objective was to build that house that allows all activities of daily living to happen on one floor with the private living space separate (bedrooms/bathrooms/office) from the more public space (kitchen, living, dining) and with direct access to a shared backyard yard while having a view into the valley from the main floor. As we get older, we did not want to have a house that requires climbing of stairs on the main floor and we wanted to have ample light from all sides as possible, but less so from for the north side. We also wanted to provide a level of privacy and protection for our private quarters that appears otherwise very difficult to obtain on typical ¼ acre lots where neighbors build to within 8-10 foot of the property line and the hillside leads to the upper houses being able to look into the houses one street down at night.

This, combined with the unfortunately fairly narrow shape of the lot, led us to an L-shaped design for our house with the private living quarters offset in the east-west wing, allowing light from the east in the morning and south through the day to shine into the rooms. The more public living room and kitchen areas were to be in the north south part of the “L” allowing the evening sun and morning sun to shine into the space and to allow direct access to the back yard for family or guests from the main floor. The L creates a protected private backyard space that in addition embraces the hillside slope.

The downstairs space was designed as separate mother in law apartment. My wife is a single child and we are planning to have my mother in law who is divorced and lives alone, stay with us permanently. She is already spending 4-6 months per year with us at this stage. Hence, we wanted to create a separate living space with its own bathroom and living space that is close, has good light and direct access to the outside (through the garage), but is a bit spatially separate from our private living space, by being located in the opposite corner of our living space (one level down and on the other end of the house compared to our master bedroom). This meant that we ended up with 1 and 1/3 floors of space underneath it as part of the split level. The garage and future buildout space would fill the rest under the main floor, since that would have to be built anyways. In addition, we wanted to create some space that may allow future expansion if needed, without the need to build out now, which would be too expensive, thus requiring the house to be completely two level rather than just in the front (west side). The children’s rooms are located in the same wing, facing the street (west side) such as to be close enough for us to hear our kids at any time when needed, but far enough that they are not directly adjacent as they are now.

In addition, we did want appropriate and sufficient garage space and to hide that space as much as possible. That fit perfectly into using the partially more underground space on the east side of the house footprint and in the east – west wing. The garage also needed to be practical, which meant that we would have as many doors as possible to make it easy to have access. From looking at the houses on Devonshire it became clear to us that quite a few houses have their garage entrances from the side to keep them out of sight from the street and retain a more harmonious overall look of the house, in particular given the need to have more than just a normal double or three car garage, which for houses in this neighborhood built today is no longer acceptably large. In addition, it would not allow space for additional vehicles as our kids grow older.

We wanted to make sure that the house was “future proof” i.e. provide the right level of bedrooms, bathrooms and garage spaces that would still make it current in 30 years from now.

In combination of all of the above considerations that led to the presented design. The design was predominantly determined by the desire to build a split level entrance for a smaller downstairs living area but with full daylight for my mother in law and an upper floor with direct access to a backyard, similar to many other split level homes in the neighborhood. In addition the design allowed us to keep the garage out of sight and in the part of the lot (partially underground and facing north) that is not very suitable for actual living or bedrooms. This appeared the most efficient and logical decision.

Furthermore, the design made use of the natural shape of the grade that is low on the north side (Fig. 2) and then ramps up to the south and east (see SG 101 grading plan and Fig. 1), perfectly matching our L with a backyard braced by the L that can be made to be fairly level while allowing a driveway for the garage entrance from the north with minimal perturbation of the soil and natural grade, that uses the naturally lower grade of that part of the lot. When you stand in front of the lot now, pre-construction, it already looks as if though this part of the grade was “made” to be used for an access driveway without massive soil movement or the need to have a driveway that zig zags diagonally across the front of the property as can be found in some of the hills side houses on the street. Most however also have a sometimes steep driveway on one side of the property to several garages that are accessed from the North or South side of the property.

We understand that the original design as submitted by us without any explanation or narrative left the impression of a flat land house being built on a hillside. That was not the intent. But for us to not have to write off our savings and investment into the lot, we do want to retain the general flow and design philosophy behind the house and the subsequent functionalities, that would otherwise be severely impeded. We have also already spent significant architectural cost which would create another hardship. At this point in time we do not see a way to change the flow and layout significantly in a way that it would still meet our needs beyond what we are proposing here.

While a walk through the neighborhood would easily represent to a reviewer that even if we were to build a house with three or four floors and massive roof, it would not look out of place, we do understand that the current regulations call for more stringent interpretation of the height and grading requirements and a more organic integration into the mountain and grading that exists.

We understand that a consequence of our design was that in the original form, we were exceeding the height limitations above established grade by 9 feet in one corner and 3-4 feet in another corner and across part of the roof ridge. We were also exceeding the grading changes of +/- 6 feet in the buildable area and were not making clear how we would remain beyond the 4 foot limit outside the buildable area and how it would connect with the adjacent lot grading. We also ended up with some very large retaining walls in some areas.

In response we have made significant changes to the original plan which include:

1. Shortening the house by almost 7 feet in east-west direction, reducing the overall size by 400 sqft. This does impact our master bedroom and one of the bedrooms significantly, but we wanted to signal that we seriously want to consider the concerns and felt this would be a compromise we would be willing to make to retain the overall flow of the house.
2. Eliminating one garage
3. Reducing the ceiling height on the upper floor by 1 foot.
4. Terracing the foundation and lower floor in three steps (A201) such as to follow the contour of the mountain while trying to retain the need to keep living spaces level without steps.
5. Lowering/dropping the lower floor and part of the garage by 1 foot (A201), reducing the change from existing grade to within 7 feet. The garage doors are not visible from the street. The overall slope and distance make it almost impossible for somebody walking or driving on the street to see the garage doors of houses facing north or south, unless one purposefully tries to get a visual line to them (see figures below). There is precedent for using this garage access from the side of the house in the neighborhood. In our case, there is additional sight protection since the driveway and garages are lower in elevation than the adjacent north property which further shields them from view.
6. Reducing the ceiling height in parts of the garage by 1 foot
7. We were able to retain the main floor without steps which was critical to the suitability
8. Changing the roof from the previous ranch style vaulted roof we liked to a more modern flat/slanted roof that can more organically follow the shape of the mountain grade. We would love to be able to get back to that style, if we were to get a sufficient height exception, but did not see another way of being able to accomplish the reduction to 28 feet otherwise.
9. Changing the terracing in the backyard to a more amphitheatre style with rounded edges tapering into the mountain and reducing the number of terraces to three upon which the natural grade of the mountain takes over.
10. Reducing the ceiling height and roof level by another foot in the south west corner of the house on the upper floor.
11. Frontyard retaining now follows the grade to within 6 foot/4 foot of change. We have also reduced the slope of the driveway compared to the original drawings and confirmed its compliance with the department of transportation (Michael Barry).

12. Importantly: soil movement within the site and importantly AWAY from the site is minimized. The deepest cutouts are now 6 feet into the mountain from natural grade with a fill that with exception of one corner does not go beyond 6 feet above grade. The fill from those areas can be used to fill in part of the backyard to make it more suitable and flat (while staying within the FR-3 constraints) and to allow some limited filling of soil in the front yard. This will also significantly help our construction budget to the tune of 50-60 k USD and it will allow keeping the soil on the mountain it came from instead of carrying it away.

In consequence the roof and foundation now largely follows the contour of the mountain/grade

2. Specific considerations/issues

1. Height limitation

Now compliant everywhere, except for two minor (<2 foot) spots in the middle of the house).

Summary:

Request for 2' height exception above the 28' maximum height measured from existing grade. Previous iteration requested 9' height exception.

The two major corners of the house that were exceeding the height limitation in the most severe fashion by 5 and 9 feet and now UNDER the limitation at 27.6 feet and 25.4 feet. The center part of the house has two roof sections that would exceed the 28 foot limitation by 1ft 8" and 2 ft respectively) (see SG 101). The drawings and cross sections highlight those two areas where parts of the roof slightly exceed the 28 feet. We hope that these may be small enough that they may even allow an administrative approval. Height to finished grade is also in compliance across the entire house in all elevations.

2. Grade changes

Now compliant, except for one minor <1ft 8" gap in one corner of the house and one retaining wall.

Summary:

-Request for grading exceptions to the 4' and 6' cut and fill maximum allowed from existing grade. Noted areas on the site grading plan. Lower level exceeds the maximum allowed fill amount by only 1'-8" in the NW corner of the home and 0'-8" of cut in the SE corner of the lower level.

-Footprint of the home was reduced by 6'-5" in the east west direction to facilitate less impact on grading and retention in the driveway area. The home was thus moved from the minimum setback per averaging of 42'-6" to 48'-11" to reduce building height and minimize excavation and retention.

-We have adjusted our roof design to mirror the natural landscape stepping down from South to North. By adopting a low sloped roof design we have improved our resulting roof heights and reduced our request for a roof height exception from 9' to 2'.

-We have placed our primary concrete retaining wall found in the rear yard in line with the building footprint to prevent it being seen from Devonshire Drive. The neighboring property to the North has a similar condition to facilitate an area for a swimming pool and we have verified it cannot be seen from the public way.

- We have utilized the FR-3 standard retaining wall designs of 4' height with 3' of minimum horizontal surface, using primarily rockery walls to minimize visual impact within the natural landscape. We are utilizing concrete walls selectively on the driveway, with a 6' wall height maximum and in the rear yard for only one (!) wall, with a 9'-6" wall height maximum, that is not visible from the public way.
- We have reduced the slope of our driveway from 24% down to 20% and been in discussions with Michael Barry with the transportation department in Salt Lake City to ensure a solution he is ok with.

The reduction of the house length and elimination of one garage space has allowed us to transition with a minimal retaining wall (see AS 102 and A201: sloping up along the driveway from 1 ft to 6 ft) into the natural grade and build stairs that allow access to the backyard from the garage.

All grade changes now fall within the 6 foot within the buildable area with the following exceptions:

- a. The north west corner is about 1 ft higher than the 6 ft above existing grade. As one transitions further south, that difference is quickly picked up by the upwards sloping grade (see images)
- b. The shortened house allowed us to keep the cutout into the mountain at below 6 feet in the east most corner of the house (below the master bed and bathroom).
- c. The foundation and floor of the house on the lower floor now largely follows the contour of the grade
- d. We require one retaining wall (the first level) in the backyard that would exceed the 6 feet by 3 feet in order to allow us to have sufficient space for a future pool that needs to be at least 12 foot away from the house for safety and engineering reasons and that allows sufficient width (21 feet) for three parallel competitive lanes for swimming. I have been a competitive triathlete and swimmer when I was younger and still swim very regularly. I have also suffered from back problems for many years which depend on me being able to swim to continue to strengthen the back muscles as counter measure. Our kids have started training regularly as well and one part of our dream house was the ability to build a pool that would allow the three of us to swim races and train with each other. The pool also has to be sufficiently long to allow actual swimming and we did not want to use up the entire space inside the "L" with an east west facing pool which would render the backyard useless and be more expensive. So reducing the retaining wall height to 6 feet in the buildable area would shorten the available width by at least 10 feet, making it impossible to still place pool would constitute an unreasonable hardship that I hope will be considered when assessing the ability to have the first retaining wall be higher. In consequence we have reduced and removed additional retaining and more quickly return to natural grade and vegetation on the hillside.
- e. The entrance to the house is now placed as close as possible to the house and can follow the slope of the hillside to the driveway with a gradual infill (Fig. 10) that starts at 6 ft within the buildable area at the north end and tapers off to around 1-2 feet at the south end. This will allow reduction of the height appearance of the landing of the main entrance. The fill then tapers off to within the 4ft maximum requirement as we reach the 42 ft 6" setback. Shrubs, trees and other vegetation will be planted to further conceal the stairs.
- f. Backyard retaining requires only the exception for the one concrete wall that is not visible from the street and transitions to rock retaining on the sides and tapers within the buildable area down to 6 ft. As the rock retaining wall reaches the easement it will taper to 4 feet and into the natural grade as per SG 101.

3. General look and feel of the house

Compliant with the spirit of the regulations and organically following the shape of the mountain and grade

The house now not only implicitly makes use of the natural grade in the selection of the L-shaped architecture facing the higher part of the slope, but also tries to follow the natural grade with the foundation, basement floor and roof line(s), while retaining the critically important functional features and flow of the space including the ability to not have steps on the main living floor. It should thus organically fit into the given environment. The house adjacent has a modern flat roof. So even the transition to a more modern flat/slanted roof should fit the neighborhood. Ideally, if we construct the roof as slanted roof ramping up in east direction in the north south wing of the house and ramping up in south direction on the east west wing of the house, as seen from the street, the roof could leave the impression of a vaulted roof, when in fact it just follows the slope of the hill.

4. Supplemental Image Materials:



Fig. 1: (top left): view of property one lot over to the North, street view coming from the north; (top right): view from the street in front of the house (south end); (bottom left): top view with pool and backyard retaining wall; (bottom right): view from the south showing our property (1639 S Devonshire: from the green telephone pole to the white car) and giving an impression of the natural grade elevation the south side of the property. This documents that from the street, the backyard is not visible, nor would any retaining walls or garage doors.



Fig. 2: north end of 1639 S Devonshire showing the lower grade compared to the properties to the north and south (and the elevation of 1639 S south end), naturally lending itself to a driveway.

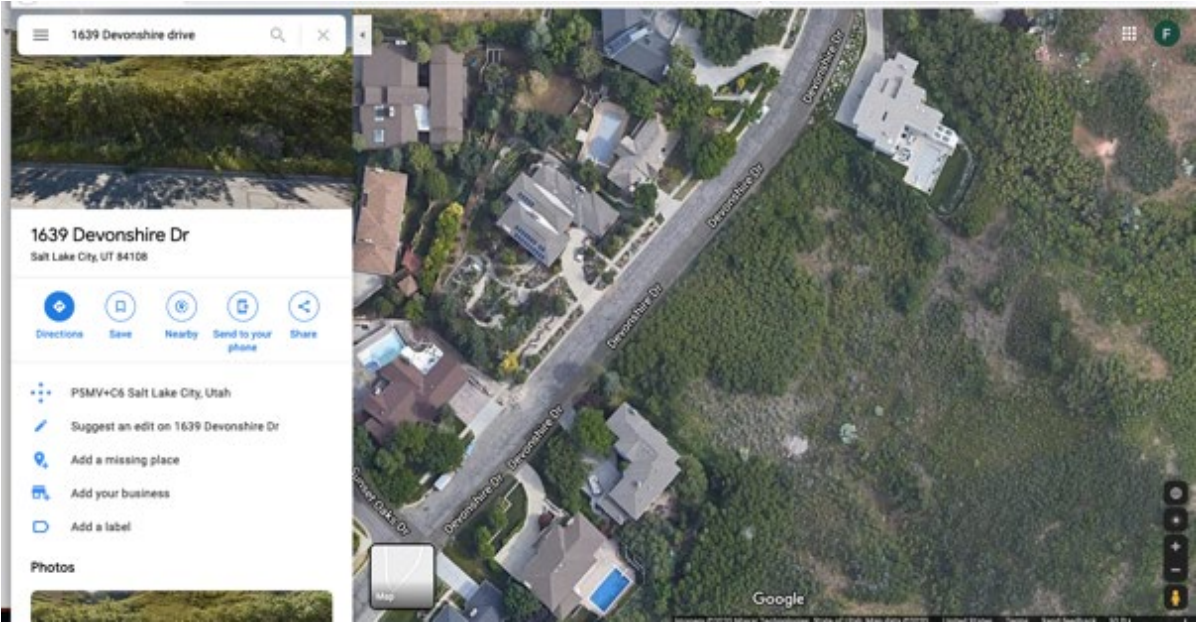


Fig. 3: Google map view of 1636 S Devonshire Drive lot with adjacent properties showing roof styles, house dimensions, retaining, etc.



Fig. 4: Continuation of Devonshire further south



Fig. 5: Street views of houses south of 1636 S Devonshire drive commensurate with Google map view.



Fig. 6: Google map further north on Devonshire drive showing house sizes, setbacks and retaining conditions

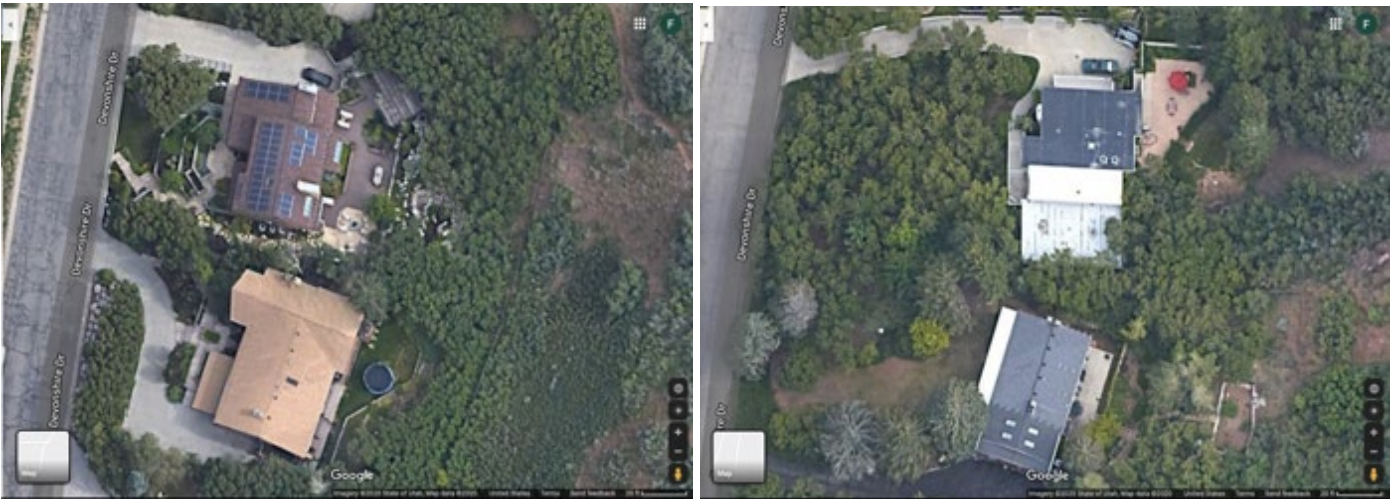


Fig. 7: Google map view of selected houses on Devonshire with side access to garages



Fig. 8: Example of street view of one of the houses with side garage entrance: clearly, given the slope, orientation of garages and distance from the street, the garages cannot be seen.

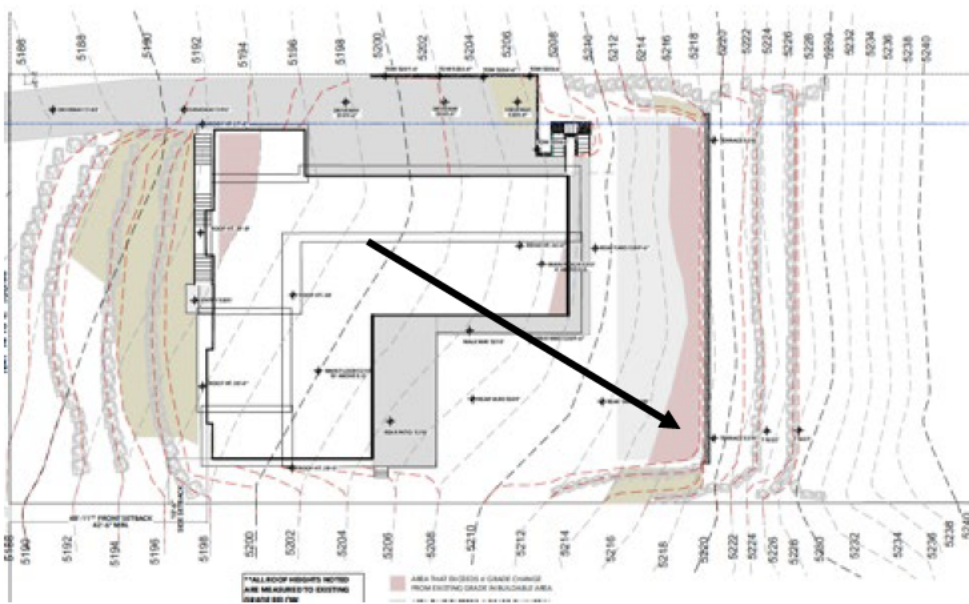
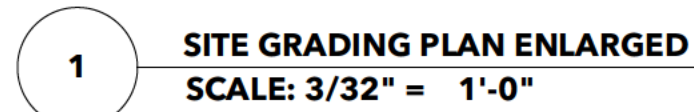


Fig. 9: topographic map showing upward slope (black arrow) that allows the garages to be close to natural grade on the lower floor and accessible through from the north and a backyard shielded by the L facing the higher level of the grade on the mountain.



Fig. 10: Conceptual gradual fill of 6 ft of soil next to the house within the buildable area, tapering off into the natural grade on the south reducing the height of the landing.



SUNSET OAKS
SUBDIVISION
PLAT "B" LOT
6

Inhabit

SALT LAKE CITY UTAH
PHONE 801.410.0175
BRAD@INHABITDESIGNBUILD.COM



SOLZBACHER
RESIDENCE

1639 S DEVONSHIRE,
SALT LAKE CITY, UT 84108

S48°42'28"E 1121.35'

LOT SIZE 107,710 SF
BLDG FOOTPRINT 4393 SF
LOT COVERAGE 4% (35% MAX)

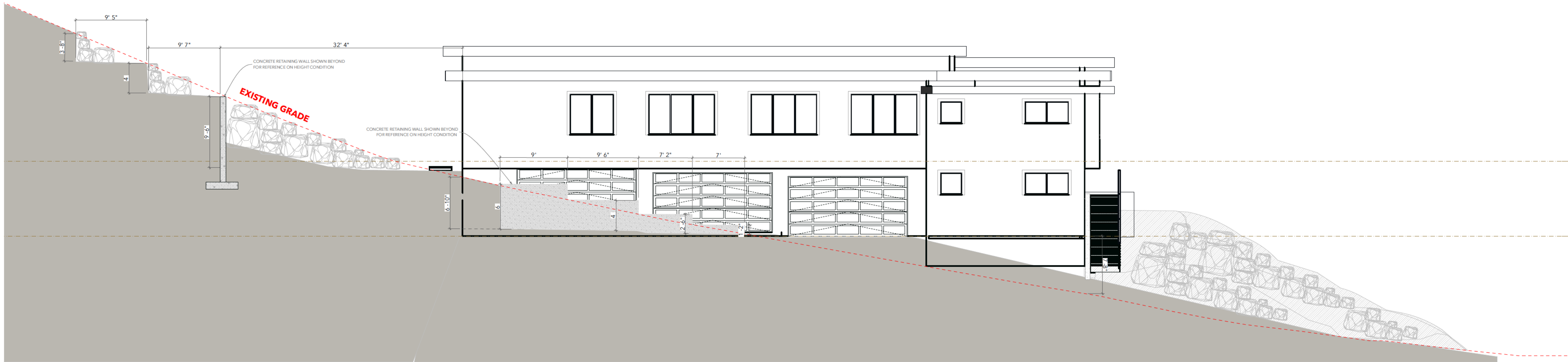
MARK	DATE	DESCRIPTION

DATE:	6/10/20
DRAWN BY:	BW
COPYRIGHT	

SHEET TITLE

SITE GRADING PLAN

SG101



3 SITE SECTION SOUTH END
SCALE: 1/8" = 1'-0"

Inhabit

SALT LAKE CITY UTAH
PHONE 801.410.0175
BRAD@INHABITDESIGNBUILD.COM



SOLZBACHER
RESIDENCE

1639 S DEVONSHIRE,
SALT LAKE CITY, UT 84108

MARK	DATE	DESCRIPTION

DATE: 6/5/20
DRAWN BY: BW
COPYRIGHT

SHEET TITLE
SITE SECTION

AS102



1 SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



2 NORTH ELEVATION
SCALE: 3/16" = 1'-0"

Inhabit

SALT LAKE CITY UTAH
PHONE 801.410.0175
BRAD@INHABITDESIGNBUILD.COM



SOLZBACHER
RESIDENCE

1639 S DEVONSHIRE,
SALT LAKE CITY, UT 84108

MARK	DATE	DESCRIPTION

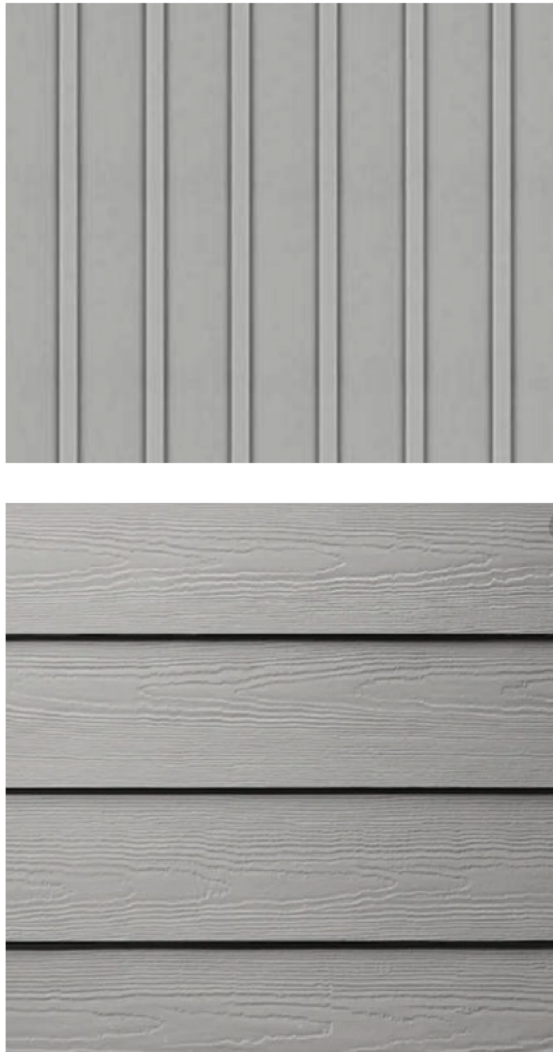
DATE: 6/5/20
DRAWN BY: BW
COPYRIGHT

SHEET TITLE
ELEVATIONS

A201

EXTERIOR MATERIALS

- PAINTED CEMENT BOARD LAP SIDING WITH PAINTED BOARD AND BATTEN SIDING ACCENTS ON FRONT BAY WINDOWS.
- MEMBRANE ROOF (NOT VISIBLE)



2 WEST ELEVATION
SCALE: 3/16" = 1'-0"



1 EAST ELEVATION
SCALE: 3/16" = 1'-0"

Inhabit

SALT LAKE CITY UTAH
PHONE 801.410.0175
BRAD@INHABITDESIGNBUILD.COM



SOLZBACHER
RESIDENCE

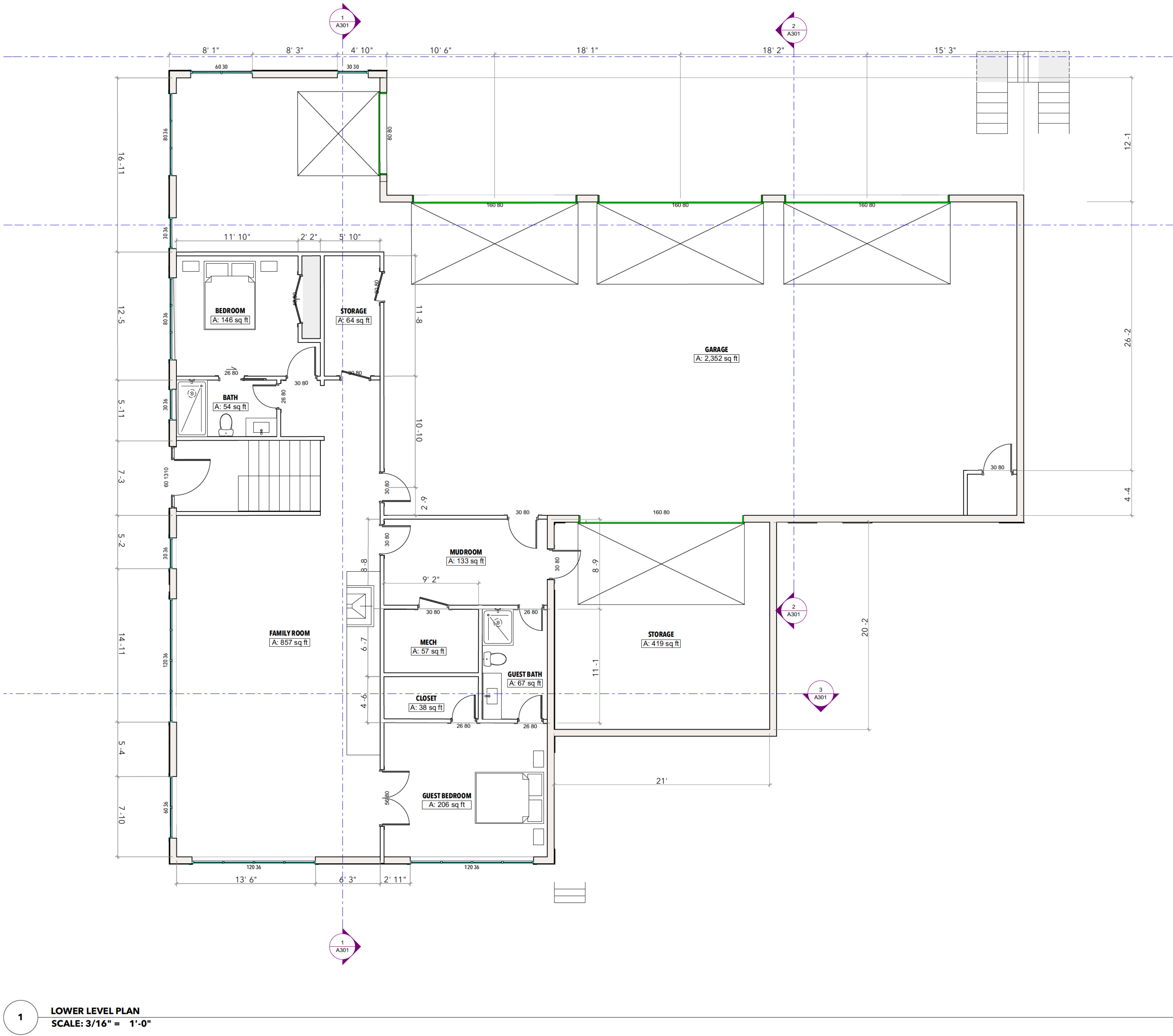
1639 S DEVONSHIRE,
SALT LAKE CITY, UT 84108

MARK	DATE	DESCRIPTION
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DATE: 6/5/20
DRAWN BY: BW
COPYRIGHT

SHEET TITLE
ELEVATIONS

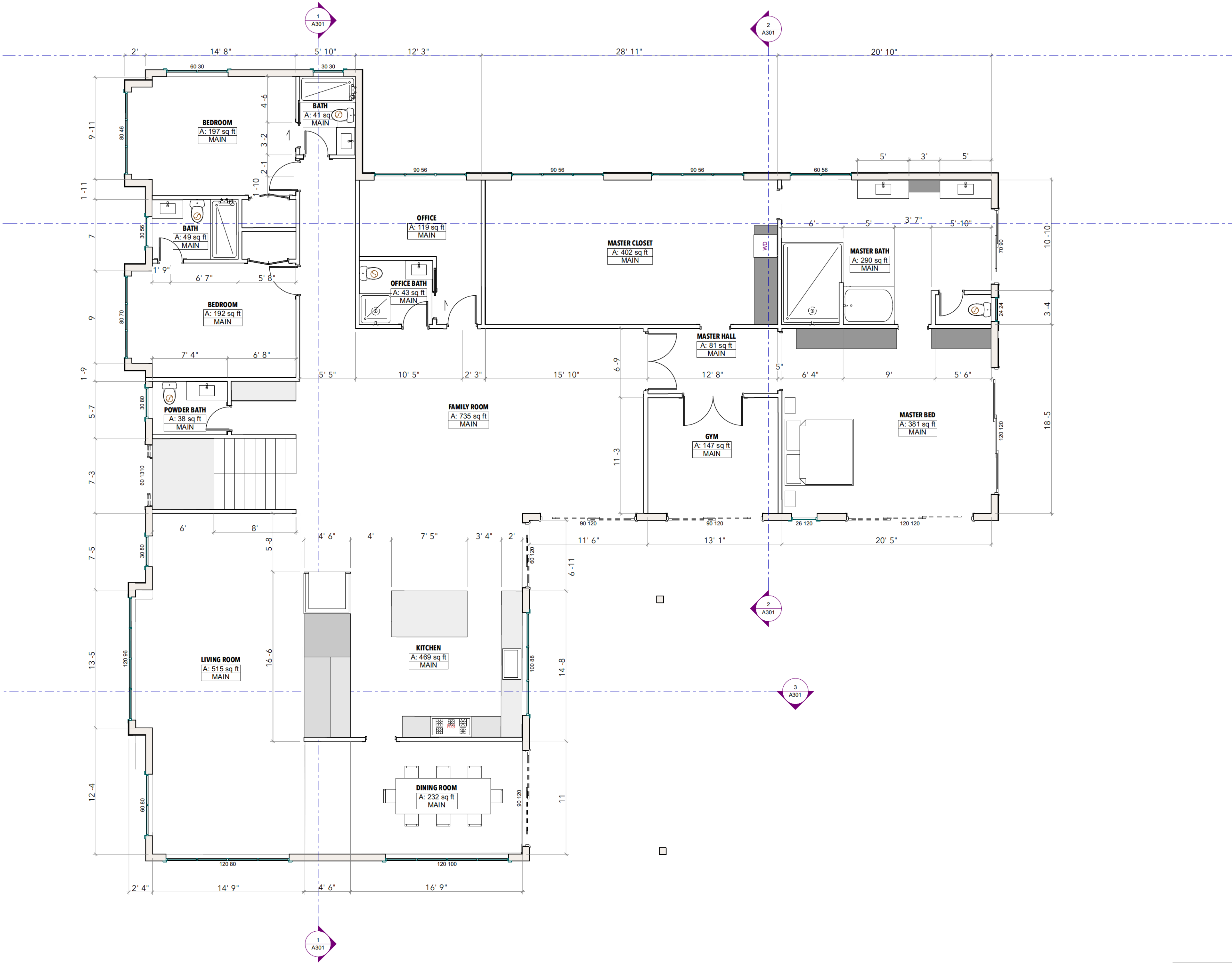
A202



MARK	DATE	DESCRIPTION

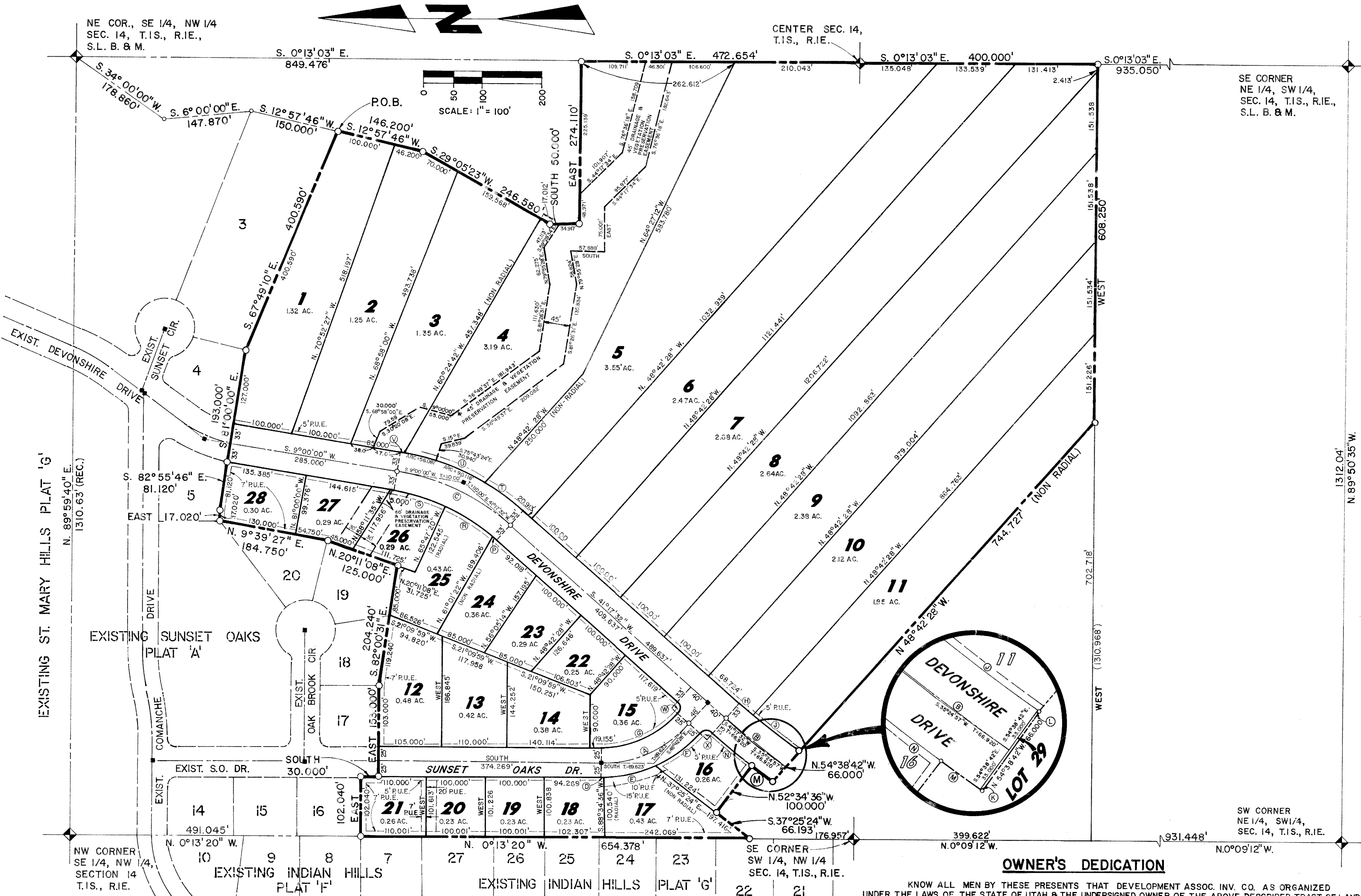
DATE: 6/8/20
DRAWN BY: BW
COPYRIGHT

SHEET TITLE
LOWER LEVEL
PLAN



1 MAIN LEVEL PLAN
SCALE: 3/16" = 1'-0"

SUNSET OAKS SUBDIVISION PLAT 'B'



CURVE DATA									
CURVE	DELTA	RADIUS	ARC	TANGENT	CURVE	DELTA	RADIUS	ARC	TANGENT
(A)	48°42' 28"	197.996'	68.319	163.296	(N)	3°52' 08"	1373.10'	90.017	90.000
(B)	3°53' 35"	300.110'	13.242	113.663	(P)	19°16' 18"	346.956	8.000	8.000
(C)	2°59' 66"	300.110'	13.242	113.663	(R)	0°54' 36"	346.956	95.436	95.133
(D)	2°25' 25"	222.997	5.540	2.710	(S)	0°51' 42" 00"	346.956	92.111	91.840
(E)	23°58' 56"	222.997	90.747	2.710	(T)	11°02' 28"	412.956	79.579	79.456
(F)	23°58' 06"	222.997	93.286	92.007	(U)	20°18' 04"	412.956	146.199	145.437
(G)	48°42' 28"	173.996'	147.066	42.678	(V)	0°54' 36"	412.956	6.966	3.483
(H)	2°24' 51"	287.017	3.111	21.676	(W)	90°00' 30"	15.000'	23.562	21.213
(I)	4°03' 23"	1287.110	100.026	100.000	(X)	90°00' 00"	15.000'	23.562	21.213
(J)	0°02' 36"	1333.110	1.000	1.000					
(K)	0°02' 43"	1267.110	1.000	1.000					
(L)	2°04' 06"	1333.110	48.124	48.124					

CONSENT TO DEDICATE

THE UNDERSIGNED OWNER OF AN EQUITABLE INTEREST IN THE ABOVE DESCRIBED TRACT OF LAND, DOES HEREBY CONSENT TO DEDICATION BY THE OWNER THEREOF ALL STREETS & EASEMENTS AS SHOWN HEREON FOR THE PERPETUAL USE OF THE PUBLIC & IN CONSIDERATION OF THE GRANT OF THIS SUBDIVISION PLAT BY THE GOVERNING BODY OF SALT LAKE CITY, THE UNDERSIGNED DO HEREBY SUBORDINATE THEIR INTEREST IN & TO THE LAND INCLUDED WITHIN SUCH PUBLIC STREETS & EASEMENTS TO THE PUBLIC USE THEREOF FOREVER.

THIRIOT ENTERPRISES, INC.

<i>Donald G. Thiriot</i>	<i>Helen Thiriot</i>
DONALD G. THIRIOT, PRESIDENT & INDIVIDUALLY	HELEN THIRIOT
<i>Ralph Eugene Thiriot Jr.</i>	<i>Judy F. Lever</i>
RALPH EUGENE THIRIOT JR., SECRETARY & INDIVIDUALLY	JUDY F. LEVER, TRUSTEE UNDER DEED OF TRUST - 6-30-75

SECRETARY & INDIVIDUALLY UNDER DEED OF TRUST - 12-30-75

ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF SALT LAKE) SS

ON THIS 14 DAY OF June, AD, 1977, PERSONALLY APPEARED BEFORE ME

ALL THE ABOVE, WHO BEING DULY SWORN, DID ACKNOWLEDGE TO ME THAT THEY EX-

ECUTED THE SAME.

12/4/91
MY COMMISSION EXPIRES (DATE)

Lud W. Lindstrom
NOTARY PUBLIC RESIDING IN S.L. COUNTY

KNOW ALL MEN BY THESE PRESENTS THAT DEVELOPMENT ASSOC. INV. CO. AS ORGANIZED UNDER THE LAWS OF THE STATE OF UTAH IS THE UNDERSIGNED OWNER OF THE ABOVE DESCRIBED TRACT OF LAND HAVING CAUSED TO BE SUBDIVIDED INTO LOTS & STREETS TO BE HEREAFTER KNOWN AS "SUNSET OAKS PLAT "B" DOES HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL STREETS AND PUBLIC EASEMENTS AS SHOWN HEREON.

IN WITNESS WHEREOF, WE, THE AUTHORIZED PARTNERS OF SAID PARTNERSHIP HEREUNTO
SET OUR HANDS THIS 17th DAY OF January, AD, 1979.

DEVELOPMENT ASSOCIATES INVESTMENT COMPANY

Manning J. Blum GENERAL PARTNER

S. Michael Tuckett GENERAL PARTNER

ACKNOWLEDGEMENT

STATE OF UTAH
COUNTY OF SALT LAKE } SS

ON THIS 11 DAY OF January, AD, 1972, PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED NOTARY, MARVIN J. KIRKHAM AND G. MICHAEL TUCKETT, WHO BEING DULY SWORN, DID SAY THAT THEY ARE THE GENERAL PARTNERS OF DEVELOPMENT ASSOC. INV. CO. AND THAT THE FOREGOING INSTRUMENT WAS SIGNED ON BEHALF OF SAID PARTNERSHIP.

MY COMMISSION EXPIRES 8-17-79
DATE _____
John L. Mangrum
NOTARY PUBLIC RESIDING IN SL. COUNTY

SURVEYOR'S CERTIFICATE

I, P. J. SORENSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 4123 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, IN ACCORDANCE WITH ACCEPTABLE PROFESSIONAL STANDARDS, USING AVAILABLE INFORMATION, I HAVE CAUSED TO BE MADE UNDER MY DIRECTION, A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, HEREAFTER TO BE KNOWN AS 'SUNSET OAKS PLAT "B"', AND THAT SAME, TO THE BEST OF MY KNOWLEDGE HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

RL Swenson
 REGISTERED LAND SURVEYOR #4183

APR 10 1979
 DATE

[illegible]

BEGINNING AT THE SOUTHEAST CORNER OF LOT NO.3 OF SUNSET OAKS SUBDIVISION PLAT 'A' AS RECORDED IN THE OFFICE OF THE SALT LAKE CITY RECORDER, WHICH POINT IS S. 34° W., 178.86 FEET AND S. 6° E., 147.87 FEET AND S. 12° 57' 46" W., 150.00 FEET FROM THE NORTHEAST CORNER OF THE S.E. 1/4 OF THE N.W. 1/4 OF SECTION 14, T.1S., R.1E., S.L.B. & M. AND RUNNING THENCE:

THENCE S. 12° 57' 46" W., 146.200 FEET;
 THENCE S. 29° 05' 23" W., 246.580 " ;
 THENCE SOUTH, 50.000 " ;
 THENCE EAST, 274.110 " ; TO THE NORTH 1/4 LINE OF SAID SECTION;
 THENCE S. 0° 13' 03" E., ALONG SAID 1/4 LINE 472.654 FEET TO THE CENTER OF
 SAID SECTION 14;
 THENCE S. 0° 13' 03" E., ALONG THE SOUTH 1/4 LINE OF SAID SEC. 400.000 FEET;
 THENCE WEST, 608.250 FEET; THENCE N 48° 42' 28" W., 744.727 FEET;
 THENCE N 54° 38' 42" W., 66.000 FEET TO A POINT ON A 1333.110 FOOT
 RADIUS CURVE TO THE RIGHT (RADIUS POINT BEARS S. 54° 38' 42" E.)
 THENCE NORTHEASTERLY ALONG SAID CURVE 48.125 FEET
 THENCE N. 52° 34' 36" W., 100.000 FEET; THENCE S. 37° 25' 24" W., 66.193 FEET;
 THENCE N. 0° 13' 20" W., 654.378 FEET TO THE SW CORNER OF LOT 16
 OF SAID SUNSET OAKS PLAT "A"; THENCE EAST 102.040 FEET;
 THENCE SOUTH 30.000 " ; THENCE EAST 153.000 FEET;
 THENCE S. 82° 00' 31" E., 204.240 " ;
 THENCE N. 20° 11' 08" E., 125.000 " ;
 THENCE N. 3° 39' 27" E., 184.750 " ;
 THENCE EAST, 17.020 " ;
 THENCE S. 82° 55' 46" E., 81.120 " ;
 THENCE S. 81° 00' 00" E., 193.000 " ;
 THENCE S. 67° 49' 10" E., 4.00.590 " ; TO THE POINT OF BEGINNING.

CONTAINING 32.631 ACRES, 29 LOTS. EXISTING ZONING = R-1w/F-1 OVERLAY
SUBJECT TO ALL RIGHT-OF-WAYS & EASEMENTS AS SHOWN ON THIS PLAT.

CONSENT TO DEDICATE

THE UNDERSIGNED, HAVING AN INTEREST OR ENCUMBRANCE IN THE
REAL PROPERTY BEING PLATTED AND RECORDED, HEREBY CONSENTS TO THE
RECORDATION OF THIS PLAT AND THE DEDICATIONS CONTAINED THEREIN.

VALLEY BANK & TRUST FIRST SECURITY MORTGAGE COMPANY
David W. Moore
 TRUSTEE, WESTERN STATES TITLE COMPANY

ACKNOWLEDGEMENT

STATE OF UTAH }
COUNTY OF SALT LAKE } SS

ON THIS 24 DAY OF May, AD, 1977, PERSONALLY APPEARED BEFORE ME, THE
UNDERSIGNED NOTARY, F. D. Rasmussen, AUTHORIZED AGENT OF VALLEY BANK AND
TRUST, AND David W. Moore AUTHORIZED AGENT OF FIRST SECURITY MORTGAGE AND
David W. Moore AUTHORIZED AGENT OF WESTERN STATES TITLE COMPANY, WHO DULY
ACKNOWLEDGED THAT HE (THEY) EXECUTED THE SAME.

MY COMMISSION EXPIRES 9/6/81

James S. Stevens
NOTARY PUBLIC
RESIDING IN SALT LAKE COUNTY

NOTES: COVENANCES HAVE BEEN RECORDED WITH THIS SUBDIVISION SPECIFYING THE MANNER IN WHICH DEVELOPMENT PROCEDURES AND APPROVALS FOR BUILDING PERMITS WILL OCCUR, AND NO BUILDING PERMITS WILL BE ISSUED UNTIL THE DESIGN COMMITTEE HAS REVIEWED AND GIVEN APPROVAL TO THE SITE PLAN IN WRITING, STATING THAT THE PLAN COMPLIES WITH ALL COVENANT REQUIREMENTS. IN ADDITION TO THE REVIEW BY THE DESIGN COMMITTEE, THE COUNTY ENGINEER SHALL REVIEW ALL SUBMITTALS OF RECORD, EACH LOT OWNER SHALL BE REQUIRED TO HAVE A PROFESSIONAL SOLS ENGINEER REGISTERED AS SUCH IN THE STATE OF UTAH, RECOMMEND THE PLACEMENT AND DESIGN OF FOOTINGS BEFORE A BUILDING PERMIT SHALL BE ISSUED. THEREAFTER, SAID ENGINEER SHALL CERTIFY THE CONSTRUCTION OF FOOTINGS ACCORDING TO THE SUBMITTED PLAN BEFORE FURTHER CONSTRUCTION WILL BE ALLOWED BY SALT LAKE CITY AND SAID CERTIFICATION RECORDED IN THE OFFICE OF THE COUNTY RECORDER.

NO VEHICULAR TRAFFIC WILL BE ALLOWED EAST OF DEVONSHIRE DRIVE EXCEPT FOR EMERGENCY EQUIPMENT AND VEHICLES USED PURSUANT TO THE TERMS OF AN EASEMENT; PROVIDED, HOWEVER, THAT SUCH EASEMENT MAY BE USED (a) IN ANY MANNER WHATSOEVER INCONSISTENT WITH EXISTING CITY ORDINANCES INCLUDING BUT NOT LIMITED TO DEVELOPMENT, STORM DRAINAGE, GRADING OR SUBDIVISION PROVISIONS, AND (b) UNTIL THE PROPOSED USE OF SAID EASEMENT HAS BEEN APPROVED BY THE CITY AS BEING CONSISTENT WITH APPLICABLE LAW.

SALT LAKE CITY APPROVALS

APPROVED THIS 12 DAY OF June, A.D. 1977.
CITY PLANNING DIRECTOR

APPROVED THIS 21st DAY OF June, A.D. 1977.
CITY ATTORNEY

APPROVED THIS 20 DAY OF June, A.D. 1979.
CITY ENGINEER

THE FOREGOING SUBDIVISION PLAT WAS PRESENTED TO THE BOARD OF COMMISSIONERS OF SALT LAKE CITY AT ITS REGULAR MEETING ON THE 24 DAY OF June, A.D. 1977, AT WHICH TIME IT WAS APPROVED BY SAID SALT LAKE CITY CORPORATION.

Margaret J. Hogham
CITY RECORDER

MAJOR

RECORDED # 3303866
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE
REQUEST OF _____
Western States Title
DATE 7-7-79 TIME 12:11PM BOOK 75-7 PAGE 240
FEE \$ 24.50
DEPUTY SALT LAKE COUNTY RECORDER L. Wayne Stokerson

79-7-240

The logo for P/S Associates, Inc. features the letters 'P/S' in a large, bold, sans-serif font, with a diagonal slash between them. To the right of the logo, the company name 'P/S ASSOCIATES, INC.' is written in a bold, sans-serif font. Below the company name, the text 'ENGINEERS AND SURVEYORS' is written in a smaller, all-caps, sans-serif font. Further down, the address '307 WEST 200 SOUTH, SUITE 5002' is listed, followed by 'SALT LAKE CITY, UTAH' and the phone number 'PHONE: (801) 532-7681'.

ATTACHMENT B: SITE PHOTOGRAPHS



Devonshire Drive Looking North East



Devonshire Drive Looking South East



1639 S Devonshire Drive



Devonshire Drive Looking North East

ATTACHMENT C: FR-3/12,000 LOT AND BULK REQUIREMENTS

FR-3/12,000 Foothills Residential District

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

Standard	Finding	Proposed
Minimum Lot Area: 12,000 sq ft Minimum Lot Width: 80 ft	Complies	The subject lot is 107,710 square feet in size. The subject lot is 100 feet wide.
Maximum building Height: In the FR-2, FR-3 and FP Districts, the maximum building height shall be twenty-eight (28') measured from finished grade. The front and rear vertical building walls shall not exceed twenty five feet (25') measured from established grade. On a corner lot, roof gable ends which face onto either the front or corner side yard, but not both, are permitted to a height of twenty-eight feet (28').	Requires Special Exception Approval	The applicant is requesting additional building height to limit extensive retention. The requested height ranges from 1'8"-2'. The tallest point is located on the street facing elevation. For additional information on this exception, refer to page 9 of the Staff Report.
Front Yard: The minimum depth of the front yard for all principal buildings shall be equal to the average of the front yards of existing buildings within the block face. Where there are no existing buildings within the block face, the minimum depth shall be twenty feet (20'). Where the minimum front yard is specified in the recorded subdivision plat, the requirement specified on the plat shall prevail. For buildings legally existing on April 12, 1995, the required front yard shall be no greater than the established setback line of the existing building.	Complies	The front yard setback is approximately 48'11". The proposed front yard setback is larger than the average setback of 42'6".

Interior Side Yards: Ten feet (10')	Complies	The provided side yard setbacks are 13'10" on the north and 10'6" on the south.
Rear Yard: Thirty-five feet (35')	Complies	The lot is over 1,100 feet in length. The provided rear yard will not encroach into the required 35'.
Building Coverage: The surface coverage of all principal and accessory buildings shall not exceed thirty five percent (35%) of the lot area.	Complies	The proposed construction covers approximately 4% of the subject property.
Slope Restrictions: For lots subdivided after November 4, 1994, no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope. All faces of buildings and structures shall be set back from any non-buildable area line, as shown on the plat if any, a minimum of ten feet (10') and an average of twenty feet (20').	NA	The subject property has an approximate 24% slope.
<p>Standards for Attached Garages:</p> <p>1. Width of an attached garage: The width of an attached garage facing the street may not exceed fifty percent (50%) of the width of the front façade of the house. The width of the garage is equal to the width of the garage door, or in the case of multiple garage doors, the sum of the widths of each garage door plus the width of any intervening wall elements between garage doors.</p> <p>2. Located behind or in line with the front line of the building: No attached garage shall be constructed forward of the "front line of the building" (as defined in section 21A.62.040 of this title), unless:</p> <p>a. A new garage is constructed to replace an existing garage that is forward of the "front line of the building." In this case, the new garage shall be constructed in the same location with the same dimensions as the garage being replaced;</p> <p>b. At least sixty percent (60%) of the existing garages on the block</p>	Complies	The proposed single-family structure includes an attached garage, which faces the northern side yard.

face are located forward of the “front line of the building”, or c. The garage doors will face a corner side lot line.		
<p>Grading Changes: No grading shall be permitted prior to the issuance of a building permit. The grade of any lot shall not be altered above or below established grade more than four feet (4') at any point for the construction of any structure or improvement except:</p> <ul style="list-style-type: none"> a. Within the buildable area. Proposals to modify established grade more than six feet (6') shall be reviewed as a special exception subject to the standards in chapter 21A.52 of this title. Grade change transition areas between a yard area and the buildable area shall be within the buildable area; b. Within the front, corner side, side and rear yard areas, proposal to modify established grade more than four feet (4') shall be reviewed as a special exception subject to the standards found in Chapter 21A.52 of this title; and c. 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 shall be reviewed as a special exception subject to the standards in 21A.52. 	Requires Special Exception Approval	The proposed construction of the single-family residence includes grade changes beyond 6' in areas of the buildable area. Additionally, the grade changes within the front and side yard extend beyond 4' in the areas specified on the submitted plans. For additional information on this requested exception, refer to page 7 of the Staff Report.

ATTACHMENT D: SPECIAL EXCEPTION STANDARDS

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
A. Compliance with Zoning Ordinance and District Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.	Special Exception for Grading: Complies Special Exception for Additional Height: Complies	<p>The proposed Special Exceptions are generally in harmony with, and does not hinder, the overall intent of the zoning ordinance found in 21A.02.030.</p> <p><i>“The purpose of the FR-3/12,000 Foothills Residential District is to promote environmentally sensitive and visually compatible development of lots not less than twelve thousand (12,000) square feet in size, suitable for foothills locations as indicated in the applicable community Master Plan. The district is intended to minimize flooding, erosion, and other environmental hazards; to protect the natural scenic character of foothill areas by limiting development; to promote the safety and wellbeing of present and future residents of foothill areas; to protect wildlife habitat; and to ensure the efficient expenditure of public funds. The FR-3/12,000 Foothills Residential District is intended for application in most areas of foothills development existing as of April 12, 1995.”</i></p> <p>Staff finds that the proposed special exceptions comply with the purpose statement of the FR-3 zoning district. The proposed construction attempts minimal grading to achieve a development that is similar to what is found in the neighborhood. The proposed construction reduces extensive grading by requesting for additional height to achieve the two story single-family structure. Additionally, the applicant modified the proposal to lessen the degree of the requested special exceptions. By doing so, the proposal was modified to better align with the natural slope of the subject property.</p> <p>Overall, the design, siting and orientation attempts to preserve the steepest part of the existing slope, while creating a buildable area for the proposal. Additionally, the proposed</p>

		<p>structure is visually compatible with the nearby development, as many of those properties were developed under previous versions of the ordinance, and appears to exceed the current height and grading restrictions. The applicant estimates that the structures along the block face have roof heights between 35'-40' above existing grade.</p> <p>Staff finds that this standard has been met.</p>
<p>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.</p>	<p>Special Exception for Grading: Complies</p> <p>Special Exception for Additional Height: Complies</p>	<p>The subject property has been vacant since the Sunset Oaks Subdivision was platted in 1979, and is one of the last few parcels on the block face to be developed. The project maintains the single family use typically found in the neighborhood. Staff has found no evidence indicating that the development would diminish or impair the property in the neighborhood.</p>
<p>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.</p>	<p>Special Exception for Grading: Complies</p> <p>Special Exception for Additional Height: Complies</p>	<p>The property owners are requesting to construct a single family home on a parcel that is surrounded by other single family homes. If the Special Exception is granted, the height of the structure of the street facing elevation would be taller than what would be permitted by code; however, the site is adjacent to other structures that appear to exceed the current maximum building height and grading requirements. The subject property located at 1615 Devonshire is approximately 3 stories in height. The subject property located at 1663 Devonshire is approximately 2 stories in height with similar grading.</p> <p>Additionally, the properties along the eastern portion of Devonshire are steep deep lots, which required substantial grading for development. The requests are not out of character for the area.</p> <p>Staff finds that the proposal would not have a material adverse effect upon the character of the area or the public health, safety and general welfare. This standard is met.</p>
<p>D. Compatible with Surrounding Development: The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and</p>	<p>Special Exception for Grading: Complies</p>	<p>The applicants are requesting a special exception for additional building height.</p> <p>From a street view perspective, the proposed structure maintains the</p>

development of neighboring property in accordance with the applicable district regulations.	Special Exception for Additional Height: Complies	appearance of a two-story structure. This is compatible with the majority of the surrounding development. Staff finds that the project complies with this 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.	Special Exception for Grading: Complies Special Exception for Additional Height: Complies	Staff finds that the property does not contain any natural, scenic, or historic features of significant importance.
F. No Material Pollution of Environment: The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.	Special Exception for Grading: Complies Special Exception for Additional Height: Complies	There is no foreseen material pollution of the environment. This standard is met.
G. Compliance with Standards: The proposed use and development complies with all additional standards imposed on it pursuant to this chapter.	D Special Exception for Grading: Complies Special Exception for Additional Height: Complies	The table in the next attachment analyzes the proposal's compliance with the special exception standards for additional building height, which are specific to requests being made for developments within the Foothills Residential zones. Staff finds that the project is in compliance with all of those standards.

ATTACHMENT E: STANDARDS FOR ADDITIONAL HEIGHT

21A.24.P.2: Height Special Exception: The Planning Commission, as a special exception to the height regulations of the applicable district, may approve a permit to exceed the maximum building height but shall not have the authority to grant additional stories. To grant a height special exception the Planning Commission must find the proposed plan:

Standard	Finding	Rationale
a. Is a design better suited to the site than can be achieved by strict compliance to these regulations; and	Complies	In the submitted narrative, the applicant claims that the proposed two-story structure and requested height minimizes the degree of slope disturbance on the property. If the height was lowered, the degree of grade changes would increase. Staff finds that the proposal complies with this standard, since the area of greatest height directly reflects the greatest drop in grade on the lot.
b. Satisfies the following criteria: (1) The topography of the lot presents difficulties for construction when the foothill height limitations are applied, (2) The structure has been designed for the topographic conditions existing on the particular lot, and (3) The impact of additional height on neighboring properties has been identified and reasonably mitigated.	(1) Complies (2) Complies (3) Complies	<p>In regard to topographical challenges, the subject property has an average slope of 24%. The degree of existing grade poses difficulties for construction. The proposed two story structure is placed on the lesser degree of slope, so that the remaining existing topography is not disrupted. Additional difficulties arise, due to the direction of the slope and the limited wall height allowance for the front and rear vertical walls. The proposed design limits the degree of slope disturbance and maintains the wall height requirement by requesting the additional building height and grading.</p> <p>The requested additional height of 1'8"-2' is requested to accommodate the two story structure without increasing the degree of grade change. The tallest portion of the structure is located at two points on the street facing elevation. The height will not be read as significantly taller than the permitted height of 28', due to the change from the existing to established grade on the lot. The grade slopes upward towards the south east. Additionally, the subject property abuts a vacant lot on both the north and south. Staff finds that there is no impact to neighboring properties.</p>
c. In making these considerations the Planning Commission can consider the	Staff finds that the size of	The subject property is approximately 107,710 square feet in size. The majority of the square footage of the lot includes

size of the lot upon which the structure is proposed.	the lot is not a factor in this request.	the foothill. The slope continues to significantly increase towards the south east, limiting the area that can be developed towards the front portion of the lot. The requested additional height reflects the established grade of the proposed area for development.
d. The burden of proof is upon the applicant to submit sufficient data to persuade the Planning Commission that the criteria have been satisfied.	Staff finds that all criteria have been satisfied.	The applicant suggests that the single-family structures along the eastern side of Devonshire have a height range of 35'-40' above existing grade. The height of the existing development, and the difficulties of the existing slope directed the applicants to request the special exceptions to accommodate the development. Staff believes that the applicant has met this burden of proof.
<p>e. The Planning Commission may deny an application for a height special exception if:</p> <p>(1) The architectural plans submitted are designed for structures on level, or nearly level, ground, and the design is transposed to hillside lots requiring support foundations such that the structure exceeds the height limits of these regulations;</p> <p>(2) The additional height can be reduced by modifying the design of the structure through the use of stepping or terracing or by altering the placement of the structure on the lot;</p> <p>(3) The additional height will substantially impair the views from adjacent lots, and the impairment can be avoided by modification; or</p> <p>(4) The proposal is not in keeping with the character of the neighborhood.</p>	Complies	<ol style="list-style-type: none"> 1. The previous iteration included a flat level residence transposed onto a hillside, which caused a significant portion of the requested special exceptions. The current iteration adjusted the size, siting and roof type of the proposed structure. These changes minimized the requested exceptions. 2. This current iteration illustrates a modified structure and placement to decrease the requested height exception. 3. Staff has not found that the height will impact or impair views from adjacent lots. The requested height ranges from 1'8"-2' at two points along the street facing elevation. This requested height will not differ visually from the permitted 28'. 4. The proposal is in keeping with the character of the neighborhood. As discussed above, the applicant submitted existing heights along the eastern portion of Devonshire. The proposed single-family residence is in keeping with the existing character.

ATTACHMENT F: PUBLIC PROCESS AND COMMENTS

Public Process:

- Notice of Application mailed on April 10, 2020
- Public hearing noticed mailed on June 12, 2020
- Public hearing notice posted on the City and State websites on June 12, 2020
- Public hearing sign posted on property on June 12, 2020

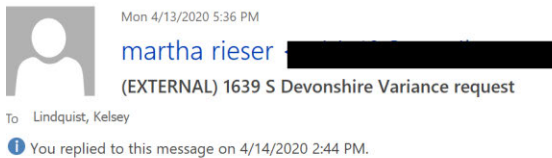
Public Comments:



Thank you for responding to me. I want to make sure that you have a copy of the covenants for the Sunset Oaks Subdivision. The Solzbacher residence is within the Sunset Oaks subdivision. It looks like it will be a lovely residence. I would like to know the variances he is asking for and make sure the covenants are followed. I am asking for three other homeowners: Kashmitter, Dee's and Rizer.

Thank you,
Karen Edson
[Redacted]

Sent from my iPhone



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Dear Kelsey,
This e-mail is in response to the notice of requests for exceptions for the new construction at 1639 S Devonshire, 84108..
I live at 1646 S Devonshire, basically kiddy corner across the street.
If I understand the drawing and letter correctly, the exceptions enable home builders to build an even more enormous home than is normally permissible.
This area of Sunset Oaks also has it's own covenants in place to protect the overall integrity of appearance of the homes.

It appears that they would like to build a 2,697.42 square foot garage. This is essentially a 8 + car garage or storage unit.
The grade exceptions that would enable this seem very extreme.

I also oppose exceptions that would apparently allow the home to be closer to the street. The set back is an important visual component of the neighborhood.

The proposed west/street facing facade of this home appears as a gigantic monolith. I am opposed to granting the exceptions to allow this huge home, apparently filling the entire expanse of the frontage to be even closer to the street.

I am aware that my understanding of the language of the exceptions may not be correct and I look forward to learning more.
In general, however, I believe these building lots are very big and a large home may be built that comply within the covenants and city zoning ordinances.
I oppose the exceptions.

Sincerely,

Martha Jaye Rieser
[Redacted]



Tue 4/14/2020 3:42 PM

martha rieser

Re: (EXTERNAL) 1639 S Devonshire Variance request

To: Lindquist, Kelsey

Dear Kelsey,

Thank you for the explanations.

Regarding the grade change on the north facing side of the home; it appears to require 30 feet of retention and fully the height of the home to be excavated. The drainage, land management issues would seem extreme. Compared to many of the lots in this development, that is a reasonably level lot. It is only problematic due to the oversized nature of their home design and special needs of driveway access to 2700 square feet of garage and eight garage doors.

To my layman's eye, this plan seems to violate several sections of 21A.52.060. I can imagine this seems like an old hippy dippy suggestion, but why not build a home that fits the natural terrain rather than design a home that needs exceptions to recognized building and zoning standards? If they require 8 garages to store belongings, why not buy a lot that is suited to that purpose rather than require exceptions and move a mountain at increased risk to all living to the north and west?

I do not see any land retention plans for the north edge of the property, only to the east. (pg. 3 of plans)

While I cannot speak knowledgeably to the reduction of property value for the empty lot and home to the north, I cannot imagine that the view of 8 garages will improve their value in a residential neighborhood.

I remain opposed to the approval of the exceptions. Again, if I have misunderstood the drawing below, please let me know.

Sincerely,

Martha Jaye Rieser



Tue 4/14/2020 6:25 PM

martha rieser

Re: (EXTERNAL) 1639 S Devonshire Variance request

To: Lindquist, Kelsey

You replied to this message on 4/15/2020 8:17 AM.

Suggested Meetings

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Hi, I had several additional thoughts after walking south down Devonshire.

I would like to invite you to please come to the site and take a look at this beautiful building lot.

And, It is deeply concerned that there is no apparent plan to retain the north edge of lot where the driveway appears to abut the property line.

South of this building lot, almost all of the homes on the east side have garages that are subterranean, built into the hill.

The last home on the south east end of the street was built several years ago. Their subterranean garage can accommodate numerous cars and equipment.,

The street view appears to be a two car garage door. Inside, it opens up into a cavernous lowest level, capable of accommodating numerous vehicles with space to turn around!

I conclude that this home plan may also be in violation of 21A. 52.060, subsection D in that it is not "comparable with use and development of neighboring property..."

Thank yo again for your time and research. Into the appropriateness of this exemption requests.

Sincerely,

Martha Jaye Rieser



Fri 4/17/2020 1:45 PM

Mary Carn

(EXTERNAL) 1639 S Devonshire Dr Application to exceed grade change

To: Lindquist, Kelsey

You replied to this message on 4/20/2020 10:31 AM.

Action Items

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Kelsey,

My name is Mary Carn. Our family Trust own the lot next to 1639 S Devonshire Dr. I understand that there is a request to exceed grade beyond the 6' width of code. Can you call me to explain how this will affect our lot. The address of lot #5 is 1631 S Devonshire Dr. We do not want to allow this exception to the current build terms without knowing exactly how it will impact our lot and its value. You can call me anytime (801) 574-0001. Until we have a chance to talk, consider this letter a denial of the request to make this change from current allowances.

Mary and Dorothy Carn



Tue 4/28/2020 11:55 AM

Dan Kaschmitter <[REDACTED]>
(EXTERNAL) 1639 S Devonshire Drive

To: Lindquist, Kelsey

You replied to this message on 4/28/2020 4:30 PM.

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[Action Items](#)

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Hi Kelsey – my wife and I own the home to the north of this lot. I understand from our neighbors there was a letter set out about a variance request. We never received anything in the mail so I am wondering if you can email me a copy along with a copy of the proposed construction drawings. My biggest concerns are making sure the home is aligned with the street and not pushed back onto the lot any further than our home and the home to the south. I also want to make sure that the height of the house does not exceed the Foothill Overlay requirements and the sideyards are within the minimum requirements (which I believe is 15 feet). Thank you!

ATTACHMENT G: DEPARTMENT REVIEW COMMENTS

Building Services/Zoning (Anika Stonick):

Note: The front yard setback is: Front Yard: The minimum depth of the front yard for all principal buildings shall be equal to the average of the front yards of existing buildings within the block face. Where there are no existing buildings within the block face, the minimum depth shall be twenty feet (20'). Where the minimum front yard is specified in the recorded subdivision plat, the requirement specified on the plat shall prevail. For buildings legally existing on April 12, 1995, the required front yard shall be no greater than the established setback line of the existing building.

A complete review for zoning compliance will take place upon and based on out come of special exception approval process.

Building Services/Building Code (Jason Rogers):

Retaining walls measuring from the bottom of the footing to top of wall 4 feet or more requires engineered documents with wet stamp. To be done per chapter 4 –foundations (403 -/section404.1 FOUNDATION AND RETAINING WALLS/R405 FOUNDATION DRAINAGE of the 2015 IRC Code cycle.

Stairs or steps taller than 30 inches may require guardrail. Any new concrete work for stairs/steps will require a structural elevation detail.

Building Services/Fire Protection (Kenney Christensen):

No comments at this time.

Engineering (Scott Weiler):

No comments provided.

Public Utilities (Jason Draper):

No comments provided.