Staff Report
DEPARTMENT OF COMMUNITY & NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Krissy Gilmore, Principal Planner, (801) 535-7780 or kristina.gilmore@slcgov.com

Date: October 14, 2020

Re: PLNPCM2020-00639 – 333 N Federal Heights Circle

Special Exception

PROPERTY ADDRESS: 333 N Federal Heights Circle
PARCEL ID: 09-33-401-003-0000
MASTER PLAN: Avenues Master Plan
ZONING DISTRICT: FR-3/12,000 Foothills Residential District

REQUEST: Scott and Jennifer Huntsman, the property owners, are 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 333 N Federal Heights Circle and is currently vacant. The FR-3/12,000 (Foothills Residential District) permits a building height of 28 feet (28’). The proposed structure exceeds the maximum height at the south facing roof overhangs by 2’ and 4’-9”. The requested grade changes exceed the allowed 4’ in the rear yard and 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
PROJECT DESCRIPTION:
The applicant is requesting approval for the special exceptions in order to construct a new three-story single-family residence that is approximately 4,891 square feet in size. Due to the size of the subject lot, 31,363 square feet in size, the proposed construction covers approximately 16% 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. Additionally, the applicant is also proposing to maintain most of the trees at the front and east sides of the property to provide a visual buffer.

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 zoning district permits single-family residential development to reach 28 feet in height with a limited wall height of 25 feet for the front and rear elevations. This zoning district has specific special exception standards for additional height in the Foothills Residential Zoning District. Building height is measured from established (existing) grade and wall height is measured from the finished grade in the Foothills Residential District.

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.
**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 between 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.

The proposed single-family residence has a shed roof with a stepped design to include a lower height at the street facing elevation. The areas that exceed the height limitation are the corners of the south facing overhangs of the roof. As described in the applicant’s submittal, the south-facing overhangs are sized to allow for maximum sun in the winter and block sun during the summer. This long overhang, combined with the steep slope of the site, causes the southwest corner of each overhang to exceed the established grade height restriction by 2’ on the first floor, and 4’-9” on the second floor roof. Everything other than a very small area of one corner of the overhangs is within the 28’ height restriction.
Due to the slope of the site the building height should have minimal visual impact to the surrounding properties. The above ground portion to the east will appear to meet the height regulations, as shown on the graphics below.

**East Elevation**

**Height Exceptions Discussion**
As noted in the applicant’s narrative, the applicant was purposeful in the siting of the home on the site to minimize site disturbance and impact to neighboring properties by moving the garages to the side of the site, as well as building at a smaller footprint that the zoning parameters of the site could allow. The applicant submitted revised versions to planning staff to minimize the special exceptions required. The requested height exceptions provide for a context sensitive development and those exceptions should have minimal visual impact to the neighboring properties, given the orientation and placement of the home on the site.

**FR-3/12,000 Grade Change & Retaining Wall Special Exception**
Due to the existing slope of the property, the proposed construction requires some fill and cutting that exceeds the 4’ limitation in the required rear yard. The grade changes that exceed 4’ in the rear yard are intended to provide an area of flat, usable lawn (shown below in red). The grade change goes from 2’ to 8’ below established grade and will require an 8’ – 10’ retaining wall.
The requested grade changes in the buildable area that exceed 6’ in dimension are located at the rear of the property to accommodate the slope of the driveway. The proposed driveway closely follows the existing grade and maintains a manageable slope of under 10% without large retaining walls visible from the street. Locating the garage on the side of the house would require some small areas around the garage to be 8-10’ below established grade (shown in red below).

*Slope/Grade Exhibits showing areas that exceed allowed grade changes in the rear yard and buildable area*

**Grade Change Discussion**
Staff is of the opinion that the requested grade changes and retaining wall minimally disturb the street facing views of the site and those of neighboring properties, while allowing the garages and lawn area to be hidden from street view. The applicant has revised their plans to remove any additional excessive grade changes to minimize disturbance to the site, this includes incorporating a longer driveway to maintain the steep slope, while making the drive approach manageable. Additionally, if the applicant were to remove the grade change special exception and build within the rear yard 4’ grade change limitations, they would likely expand the lawn area and increase disturbance to the site. Staff recommends approval of these requested exceptions.

**KEY CONSIDERATIONS:**
The key consideration listed below has been identified through the analysis of the project.

1. **Federal Heights Plat F Subdivision**
The subject property is vacant lot 5 in the Federal Heights Plat F subdivision, recorded in 1976. The Federal Heights Plat F Subdivision encompasses all the properties within Federal Heights Circle. Federal Heights Circle is located within the Foothills of Salt Lake City and has significantly steep slopes. The subject property, which is located on the north side of Federal Heights Circle, has an average slope from 20% - 35%, with a small portion up to 101%, throughout the site (see Attachment A). 21A.24.040.G of the Zoning Ordinance states, "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.” The City approved the Subdivision as designed in 1976, meaning that the property owner maintains the right to build on the subject property. That said, the home as proposed is setback on the lot to minimize development to the areas of significant slope. Additionally, the Federal Heights Plat F 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).

2. Development Pattern
The subject property is the last vacant lot in Federal Heights Circle. In regard to existing grade, the Federal Heights Circle slopes downward toward the South West and slopes upward towards the North East. The existing development pattern of Federal Heights Circle includes single-family detached structures oriented toward the public street. The lots on the north are buffered by open space (Popperton Park) or the Bonneville Shoreline Trail at the rear. Even with the closer placement to the street of some of the homes, each lot has substantial grading for the driveway and pedestrian access. As mentioned, the placement of the proposed single-family structure preserves the steeper slopes and grade of the lot.

3. Compliance with the Avenues Community Master Plan
The most recent Avenues Community Master Plan was adopted in 1987. While dated, it places an emphasis on regulating foothill development and protection. Zoning districts within the Avenues were different at the time, but residents were already contemplating how best to limit density within “sloping
foothill areas” with “geologic and other physical problems” (p. 4). A prohibition on the development of steep slopes was not yet being considered, but the Plan stresses the need for larger lot size requirements to mitigate challenges of developing on steep topography. At the time, planners felt that larger lot size requirements would also address concerns expressed by residents related to the following:

- Problems imposed on neighboring properties such as loss of views; and
- Visual appearance of the foothills from areas below.

The Plan also includes the following Land Use Recommendation/Strategy:

**Reduce Building Height Potential** – Many of the incompatibility problems created by new construction in residential areas are associated with excessive building height; new dwellings that tower over adjacent homes…A recently adopted ordinance will reduce height potential in areas encompassed by the ‘F-1’ Foothill Development Overlay Zone. This ‘view protection’ clause will limit building heights to a 25 foot maximum for a flat-roofed structure and 30 feet to the peak of a structure with a pitched roof” (p. 2).

The proposed development of the vacant parcel located at 333 N Federal Heights Circle is generally in compliance with the adopted Avenues Master Plan as written. Though the Master Plan shows concern for potential impacts that new construction could have on views of and from the foothills from surrounding areas, as well as impacts on views from neighboring properties, the proposed development of the single-family residence attempts to limit the disruption of the existing grade and significant slope, as well as the impact to neighboring properties. 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
We would like to request an exception to the FR-3 height restrictions found in 21A.24.010 P.1.b to allow for a design that we believe is preferable to the city, the neighborhood, and the owners—and that we believe satisfies the necessary criteria in 21A.24.010 P.2.b.

The south-facing overhangs are sized to allow for maximum sun in the winter and block all sun during the summer. This long overhang, combined with the steep slope of the site, causes the southwest corner of each overhang to exceed the established grade height restriction by 2’ on the first floor, and 4’9 on the second floor roof. Everything other than a very small area of one corner of the overhangs is within the 28’ height restriction.

We have made a sincere effort to minimize the overall height of the house by stepping each floor in relationship to the site, having modest ceiling heights, and by using a small portion of the site’s buildable area.

As part of this design, we would like to build one retaining wall [8-10’] behind the house, close to the northern property boundary, in order to preserve usable backyard space on a steep lot. This wall is almost completely hidden from the street and from neighbors on all sides.
We would like to place the garage on the side of the house and obscure it from view of the neighbors and street. This has the added benefit of extra length for the driveway. The proposed driveway closely follows the existing grade and maintains a manageable slope of under 10% without large retaining walls visible from the street. Locating the garage on the side of the house would require some small areas around the garage to be 8-10’ below established grade. We have also decided to have a two-car garage—rather than three which would be ideal—to minimize the necessary grade changes.

We think the impact on our neighbors would be minimal. There is an existing natural buffer of mature trees, approximately 30’ in length, between the northern property line and the Bonneville Shoreline Trail. In addition, the placement of the house would allow for a 60’ rear setback. The view for neighbors to the east is not impacted as that portion of the house is never closer than 4’ to the 28’ height restriction.
Reviewing houses around our site, we feel that this design is respectful of our neighbors and the intent of the height restriction. We believe this exception will have no negative impact on the neighborhood, and, in fact, would be preferable to what is more common with houses built on a steep site (i.e., large retaining walls along the driveway and prominent garages).
0.72± ACRES

Scott Huntsman
1739 Mohawk Way
801-891-9840

OWNER

FEDERAL HEIGHTS PLAT "F"
ENTRY #2887420

SLOPE ANALYSIS
333 FEDERAL HEIGHT CIRCLE
SALT LAKE CITY, UTAH

Scott Huntsman
1739 Mohawk Way
801-891-9840

OWNER

FEDERAL HEIGHTS
CIRCLE

SCALE (24'' x 36'') 1 IN. = 10 FT.

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SALT LAKE CITY, UTAH

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GENERAL NOTES

THIS PLAN SET, COMBINED WITH THE BUILDING CONTRACT, PROVIDES BUILDING DETAILS FOR THE RESIDENTIAL PROJECT. THE CONTRACTOR SHALL VERIFY THAT SITE CONDITIONS ARE CONSISTENT WITH THESE PLANS BEFORE STARTING WORK. WORK NOT SPECIFICALLY DETAILED SHALL BE CONSTRUCTED TO THE SAME QUALITY AS SIMILAR WORK THAT IS DEPICTED. ALL WORK SHALL BE DONE IN ACCORDANCE WITH INTERNATIONAL BUILDING CODES AND LOCAL CODES. CONTRACTOR SHALL BE RESPONSIBLE AND BEAR ANY FINES OR PENALTIES FOR CODE VIOLATIONS. INSURANCES SHALL BE IN FORCE THROUGHOUT THE DURATION OF THE BUILDING PROJECT.

WRITTEN DIMENSIONS AND SPECIFIC NOTES SHALL TAKE PRECEDENCE OVER SCALLED DIMENSIONS AND GENERAL NOTES. THE ENGINEER/DESIGNER SHALL BE CONSULTED FOR CLARIFICATION IF SITE CONDITIONS ARE DIFFERENT THAN SHOWN. IF DISCREPANCIES ARE FOUND IN THE PLANS OR NOTES OR IF A QUESTION ARISES OVER THE INTENT OF THE PLANS OR NOTES, CONTRACTOR SHALL VERIFY AND IS RESPONSIBLE FOR ALL DIMENSIONS (INCLUDING ROUGH OPENINGS).

ALL TRADES SHALL MAINTAIN A CLEAN WORK SITE AT THE END OF EACH WORK DAY.

PLEASE SEE ADDITIONAL NOTES CALLED OUT ON OTHER SHEETS.
GENERAL CONSTRUCTION
1. These plans shall be designed and reviewed under 2015 IRC.
2. EMERGENCY ESCAPE AND RESCUE OPENINGS: 44 inches max above either direction, with horizontal dimension of 5.7 sq ft or 5 sq ft if within 44 inches of grade, 20 inch min width, required for (2) stairways or (1) door and (2) window.
3. The contractor shall verify existing power, water, data cable and other utilities to ensure that they are located far enough from the new construction to prevent interference.
4. Drawings are not to scale. Dimensional discrepancies are to be clarified with the architect before proceeding with construction.
5. The contractor shall verify, correct and submit for approval all tradesman-inspected receiving/inspection reports prior to any excavation.
6. The contractor shall notify the designer of discrepancies in the documents, and of any changes that cannot be made without written approval.

WALL CONSTRUCTION
1. INTERIOR WALL COVERINGS 5/8" cement board, exterior grade, and all 2x4 stud framing should be covered with 15# felt paper, exterior grade, to the outside face of all studs.
2. EXTERIOR WALL COVERINGS AND WEATHER BARRIERS: 15# felt paper or equivalent, exterior grade, to the outside face of all studs.
3. INTERIOR INTERIOR WALL COVERINGS: 5/8" cement board, exterior grade, and all 2x4 stud framing should be covered with 15# felt paper, exterior grade, to the outside face of all studs.
4. STRUCTURAL COLUMN: see structural sheets for all column locations and sizes.
5. HEIGHT BONDING: in unweathered wood.
6. BRACED WALL LINES AND PANELS: see structural notes. Minimum requirement is to provide with 12"/4" wall corner, at 4" thickness for plywood or 8"@ 2" O.C. for other materials. All corners and intersections shall be bonded with 1" x 1" aluminum bonding strap or equivalent.
7. LODGING AND DOORS
8. WINDOW AND WALLS: see structural sheets for all wall coverings.

DOOR CONSTRUCTION
1. FLOOR JOISTS: suitable grade under bearing conditions and blocking that is being installed at bearing walls.
2. DRAFT STOPPING: shall be installed in all concealed spaces over 1,000 sq ft.
3. FIREBLOCKING: shall be installed in all concealed spaces over 1,000 sq ft.
4. SUBFLOOR SHELTERING: see structural sheets for all subflooring.
5. FLOOR JOISTS SUPPORTING BEARING PARTITIONS OFFSETS: offset minimum 6 inches center to center.
6. EXPOSED LAMINATED TIMBERS: AATC Based Architectural grade laminated timbers. See structural sheets for location and size, not applicable in all cases.
7. MIDSOLEFT: required with all structural trusses to prevent collapse.
8. IC JOIST PROTECTION: "ICOS" shingles shall be installed over ICOS shingles on all side walls and on the roof.

MECHANICAL
1. GAS FIREPLACE: ICBO compliant. See structural sheets.
2. FIREPLACE HEARTHS: extend 20" min. from front of hearth and 12" min. in height and shall be constructed of a UL listed material.
3. BURGLAR PROOFING AND FOUNDATION DRAIN: see structural sheets.
4. GAS PIPE 18" minimum above grade.
5. FIREPLACE HEARTS: extend 20" min. from front of hearth and 12" min. in height and shall be constructed of a UL listed material.
6. CANOPY: 18" minimum above grade.
7. CO2 DETECTORS: located (1) on each level in the living area and (2) outside the garage.

PLUMBING
1. WALK TIGHT DUCTS: see structural sheets. All floor joists must be 4"X4"X.227" (1/4") square slotted plate per R437.1.1 (minimum spacing above grade code or 2.5 C/2). Stirrup Hanger.
2. PLATE WASHERS: All plate washers shall be 2X2X.277" (1/4") square slotted plate per R437.1.1.
3. WINDOW WALLS AND LADDERS: 9 sq ft area, 36 inches from wall, if deeper than 44 inches allow a ladder.
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CONSTRUCTION
1. EMERGENCY EXIT AND DECK OPENINGS: 44 inches max above floor, in every sleeping area, 5 ft 4" high at 4" on either side of door, 20 inch min width, in 4 inch height.
2. EXIT DOORS AND BALCONIES are 3-1/2"-4" door required, 30 min. fire with.
3. LANDINGS AT DOORS AND STAIRWAYS are 36" min. out from door and door with minimum.
4. RAMPS, SLOPES AND RAILS: maximum slope 1 in 8, rolling on ramps over 11-2" slopes.
5. STAIRWAYS: 36" min. width, WITH AND RAILS: 11" 6" max to 1" 8". Minimum requirement is 33".
6. GUARDRAILS (GUARDS): required at floors over 20" above grade, 36" min. height, and 44" min. in height. Guards required to extend to 36" above grade.
7. LAMINAR PROTECTION AGAINST DECK-SIDE PULLS: 48" min. joists to grade under floor joists. Provide 6x6 joists on 24" O.C. and 8x8 joists on 12" O.C. at perimeter in the area to be protected. Pressure treated above ground contact with ground shall be protected with waterborne-preservative-combining AWPB.
8. WOOD COLUMNS: required to be 4" above the floor or finish grade. See structural for connection details.
9. MINIMUM AREA DIMENSIONS: See all plans for room sizes. All rooms shall be 100" min. x 80" min. x 80".
10. MECHANICAL SYSTEMS: see structural notes. See mechanical rooms per IbC 3201.2
11. RELIEF VALVES: can not be located in equipment closets or in any other enclosed compartment.
12. GAS FIREPLACE: ICBO compliant. See structural sheets.
13. GAS FIREPLACE HEARTS: extend 20" min. from front of hearth and 12" min. in height and shall be constructed of a UL listed material.
14. EXHAUST VENT TERMINATIONS: 4' O.C. @ edges and 12" O.C. in front of door, 30 x 30 inch access platform with light on top.
19. VENTS: see mechanical sheets.
20. WATER HEATERS, FURNACES: see mechanical details for all mechanical sizing.
21. COMBUSTION AIR: provide duct or opening of 12 inches in width and 18" of sq.ft. or above 300 cubic feet.
22. ELEVATION OF COMBUSTION SOURCE OF APPLIANCES: see plans for plans for detail.
23. APPARATUS PROTECTION FROM IMPACT: appliances shall be installed plan with CAP approved plans or ignition at 12" above the floor.
24. CONDENSATE DISPOSAL: on unvented diy.
25. GAS/OIL AUTO IGNITERS: see mechanical sheets.
26. WATER HEATERS: See mechanical sheets.
27. WATER HEATERS: See mechanical sheets.
28. FURNACE: See mechanical sheets.

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17. WATER HEATERS: See mechanical sheets.
18. WATER HEATERS: See mechanical sheets.
FLOOR PLAN NOTES:
1. All exterior dimensions are to the main layer. Dimensions to openings are to the centers. All interior dimensions are to the studs.
2. Contractor shall verify all dimensions and is responsible for all dimensions and rough openings.

INSPECTION NOTES:
1. Provide special inspection, special testing, reporting and compliance verification services, as required by the local building code, to the satisfaction of the building official, for the particular type of construction in question. Prior to the beginning of construction, review the special inspection requirements with the architect and owner.
2. Duties of the special inspector include, but are not limited to:
   a. Observe the work for conformance with the approved permit drawings and specifications.
   b. Furnish inspection reports for each inspection to the building official, architect, engineer, general contractor and owner in a timely manner.
   c. Submit a final report stating whether the work requiring special inspection was inspected, and whether the work is in conformance with the approved permit drawings and specifications.
3. Duties of the contractor include, but are not limited to:
   a. Notify special inspector that work is ready for inspection at least 24 hours before the inspection is required.
   b. Maintain access to work requiring special inspection and all work areas.
   c. Provide the special inspector with access to approved permit drawings and specifications.
   d. Maintain job site copies of all reports submitted by the special inspector.

OUTLINE OF THE CONSTRUCTION INCLUDES, BUT IS NOT LIMITED TO:
1. Structural engineering, foundation, framing, flooring, roofing, HVAC, plumbing, electrical, and insulation.
2. Maintain accessibility to work requiring special inspection and all work areas.
3. Provide the special inspector with copies of all reports submitted by the special inspector.
4. Maintain job site copies of all reports submitted by the special inspector.

This Drawing is copyright protected and is protected by zero one ten.

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Sheet Name:
2ND FLOOR

SCOTT & JENNIFER HUNTSMAN HOME
333 Federal Heights Circle
Salt Lake City, UT 84103

SCALE: 1/4" = 1'-0"
NOTES

a. Exterior Building Colors: The exterior of any building or structure shall blend with the natural materials and predominant colors and tones of the surrounding topography. Colors permitted include grays, browns, greens, tans and other earth tones. Whitewash, bright or reflective materials are prohibited from roofs, or gutters, architectural wall stitches and the exterior wall area as regulated on_FUNC_0023:110000.000100000.

b. Exterior Building Glass: Exterior building glass, including, without limitation, windows, doors, and glass surfaces shall have an outdoor visible light reflective value no more than eighteen percent (18%) as defined and measured by ASTM E308-90 or its successor.

c. Roof Materials and Colors: Roof colors shall be earth tones. White, bright and reflective materials are prohibited from roofs. Slate, tile, asphalt, metal and synthetic materials are permitted as roofing materials.

d. Mechanical Equipment: Mechanical equipment including, without limitation, swamp coolers, air conditioning equipment, heat pumps, vents, blowers and fans shall be screened from view or painted to match the building color adjacent to the equipment. Roof mounted mechanical equipment, excluding solar panels which are subject to section 21A.40.190 of this title, shall not extend above the highest roof ridge.

e. Satellite Antennas: In addition to the regulations contained in chapter 21A.40 of this title, satellite antennas shall be painted non-reflective black or other dark earth tone color.

f. Exterior Lighting: Floodlighting of buildings and structures is prohibited. Exterior lighting shall be architecturally integrated decorative lighting. Floodlights may be used only with "directional" lighting and no direct light beam may impact any other property, except for security lights intended to be activated only at limited times as necessary for immediate security.
NOTES

a. Exterior Building Colors: The exterior of any building or structure shall blend with the natural materials and predominant colors and hues of the surrounding site. Colors permitted include gray, brown, green, tan, and other earth tones.

b. Exterior Building Glass: Windows and other glass surfaces shall have an outdoor visible light reflection no more than eighteen percent (18%) as defined and measured by ASTM E308-90 or its successor.

c. Roof Materials and Colors: Roof colors shall be earth tones. White, bright and reflective materials are prohibited from roofs. Tiled, shingled, or flat roofs are permitted on any portion of the exterior of any building or structure.

d. Mechanical Equipment: Mechanical equipment including, without limitation, swamp coolers, air conditioning equipment, heat pumps, vents, blowers and fans shall be screened from view or painted to match the building color adjacent to the equipment. Roof mounted mechanical equipment, excluding solar panels which are subject to section 21A.40.190 of this title, shall not extend above the highest roof ridge.

e. Satellite Antennas: In addition to the regulations contained in chapter 21A.40 of this title, satellite antennas shall be painted non-reflective black or other dark earth tone colors.

f. Exterior Lighting: Floodlighting of buildings and structures is prohibited. Exterior lighting shall be architecturally integrated decorative lighting. Yard areas may be lit only with "directional" lighting and no direct light beam may impact any other property, except for security lights intended to be activated only at limited times as necessary for immediate security.
DOOR SCHEDULE

<table>
<thead>
<tr>
<th>Number</th>
<th>Type</th>
<th>Door Size</th>
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<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>5' - 0&quot; x 9' - 0&quot;</td>
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<tr>
<td>2</td>
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WINDOW SCHEDULE

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<tr>
<th>Type</th>
<th>Mark</th>
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<td>L</td>
<td>L</td>
<td>17' - 0&quot; x 10' - 2 7/16&quot;</td>
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<tr>
<td>M</td>
<td>M</td>
<td>17' - 0&quot; x 10' - 2 7/16&quot;</td>
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BASEMENT ELECTRICAL
SCALE: 1/4" = 1'-0"
ATTACHMENT B: SITE PHOTOGRAPHS

Photos of Subject Property
View from bottom of Federal Heights Circle

Home on Federal Heights Circle

Adjacent Property on Federal Heights Circle
## 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.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Finding</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area: 12,000 sq ft</td>
<td>Complies</td>
<td>The subject lot is 31,363 square feet in size. The subject lot is 100 feet wide.</td>
</tr>
<tr>
<td>Minimum Lot Width: 80 ft</td>
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</table>

**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’).

<table>
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<tr>
<th></th>
<th>Requires Special Exception Approval</th>
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<tbody>
<tr>
<td></td>
<td>The applicant is requesting additional building height. The requested height is approximately an additional 4’-9”. The home is stepped with a front section and middle section. The additional height is for two sections of the roof overhangs. For additional information on this exception, refer to page 7 of the Staff Report.</td>
</tr>
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</table>

**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.

<table>
<thead>
<tr>
<th></th>
<th>Complies</th>
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<td></td>
<td>The proposed front yard setback is 61’. The setback is larger than many of the homes in the circle, as there is one home that is has a setback of 178’, which brings the average up to 71’. Without that home, the average is 53’.</td>
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<td><strong>Interior Side Yards: Ten feet (10'</strong>)</td>
<td><strong>Complies</strong></td>
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<tr>
<td><strong>Rear Yard: Thirty-five feet (35')</strong></td>
<td><strong>Complies</strong></td>
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<tr>
<td><strong>Building Coverage:</strong> The surface coverage of all principal and accessory buildings shall not exceed thirty five percent (35%) of the lot area.</td>
<td><strong>Complies</strong></td>
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<tr>
<td><strong>Slope Restrictions:</strong> 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').</td>
<td><strong>NA</strong></td>
</tr>
<tr>
<td><strong>Standards for Attached Garages:</strong> 1. <strong>Width of an attached garage:</strong> 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. 2. <strong>Located behind or in line with the front line of the building:</strong> No attached garage shall be constructed forward of the &quot;front line of the building&quot; (as defined in section 21A.62.040 of this title), unless: a. A new garage is constructed to replace an existing garage that is forward of the &quot;front line of the building.&quot; In this case, the new garage shall be constructed in the same location with the same dimensions as the garage being replaced;</td>
<td><strong>Complies</strong></td>
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b. At least sixty percent (60%) of the existing garages on the block face are located forward of the “front line of the building”, or

c. The garage doors will face a corner side lot line.

<table>
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<tr>
<th>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:</th>
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<tr>
<td>Requires Special Exception Approval</td>
</tr>
<tr>
<td>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 rear yard extend beyond 4’ in the areas specified on the submitted plans. For additional information on this requested exception, refer to page 4 of the Staff Report.</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>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;</th>
</tr>
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<tbody>
<tr>
<td>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</td>
</tr>
<tr>
<td>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.</td>
</tr>
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</table>
**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.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Finding</th>
<th>Rationale</th>
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<tbody>
<tr>
<td>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.</td>
<td>Special Exception for Additional Height: <strong>Complies</strong></td>
<td>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. “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.” 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 three story single-family structure. The proposal aligns with the natural slope of the subject property while also allowing for reasonable development. 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...</td>
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| Special Exception for Grading: **Complies** | | |

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<tr>
<th><strong>Standard</strong></th>
<th><strong>Finding</strong></th>
<th><strong>Rationale</strong></th>
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*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. “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.”*
<table>
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<tr>
<th>B. No Substantial Impairment of Property Value:</th>
<th>The subject property has been vacant since the Federal Heights Plat F Subdivision was platted in 1976, and is the last parcel to be developed in the circle. 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.</th>
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<tbody>
<tr>
<td>The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.</td>
<td>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 not be taller than what would be permitted by code. Due to the way building height is calculated in the FR-3 Zoning District, and the design of the house in two wings, the visual impact will be similar to as if the exception was not granted. Additionally, the properties along the circle have significant slopes, which required substantial grading for development. The requests are not out of character for the area. 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.</td>
</tr>
<tr>
<td>C. No Undue Adverse Impact:</td>
<td>The applicants are requesting a special exception for additional building height and grading.</td>
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<tr>
<td>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.</td>
<td>From a street view perspective, the proposed structure maintains the appearance of a one-story structure. This is compatible with the majority of the surrounding development.</td>
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<td>D. Compatible with Surrounding Development:</td>
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<td><strong>E. No Destruction Of Significant Features:</strong> The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.</td>
<td>Additional Height: <strong>Complies</strong></td>
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<td><strong>Special Exception for Grading:</strong></td>
<td>Staff finds that the property does contain several large, mature trees. The proposal attempts to maintain most of the large trees at the perimeter of the lot, maintaining the visual significance.</td>
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<tr>
<td><strong>Special Exception for Additional Height:</strong></td>
<td><strong>Complies</strong></td>
</tr>
</tbody>
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<tr>
<th><strong>F. No Material Pollution of Environment:</strong> The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.</th>
<th>Special Exception for Grading: <strong>Complies</strong></th>
<th>There is no foreseen material pollution of the environment. This standard is met.</th>
</tr>
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<tbody>
<tr>
<td><strong>Special Exception for Additional Height:</strong></td>
<td><strong>Complies</strong></td>
<td><strong>Complies</strong></td>
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</tbody>
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<table>
<thead>
<tr>
<th><strong>G. Compliance with Standards:</strong> The proposed use and development complies with all additional standards imposed on it pursuant to this chapter.</th>
<th>D Special Exception for Grading: <strong>Complies</strong></th>
<th>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.</th>
</tr>
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<tbody>
<tr>
<td><strong>Special Exception for Additional Height:</strong></td>
<td><strong>Complies</strong></td>
<td><strong>Complies</strong></td>
</tr>
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</table>
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:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Finding</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Is a design better suited to the site than can be achieved by strict compliance to these regulations; and</td>
<td>Complies</td>
<td>In the submitted narrative, the applicant claims that the proposed 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, as the building footprint would likely expand to fill the buildable area. Staff finds that the proposal complies with this standard, since the area of greatest height is on the rear wing of the structure and is intended to screen the garages from public view.</td>
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<tr>
<td>b. Satisfies the following criteria:</td>
<td>(1) Complies</td>
<td>In regard to topographical challenges, the subject property has a slope between 20 - 35%. The degree of existing grade poses difficulties for construction. The proposed 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. The requested additional height to accommodate the structure without increasing the degree of grade change. The tallest portion of the structure is located at the middle of the structure. 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 open space north of the lot. The applicant is also proposing to maintain most of the trees at the front of the property to provide a visual buffer. Staff finds that there is no impact to neighboring properties.</td>
</tr>
<tr>
<td>(1) The topography of the lot presents difficulties for construction when the foothill height limitations are applied,</td>
<td>(2) Complies</td>
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<td>(2) The structure has been designed for the topographic conditions existing on the particular lot, and</td>
<td>(3) Complies</td>
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<tr>
<td>(3) The impact of additional height on neighboring properties has been identified and reasonably mitigated.</td>
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<tr>
<td>c. In making these considerations the Planning Commission can consider the size of the lot upon which the structure is proposed.</td>
<td>Complies</td>
<td>The subject property is approximately 31,363 square feet in size. The majority of the square footage of the lot includes slopes from 30%. The steepest area of slope is at the front of the parcel, which limits the area that can be reasonably developed toward the front portion of the lot. Due to the large lot size, the structure can be sited in the middle of the lot, rather than near the steepest portions near the street. The requested additional height reflects the established grade of the proposed area for development.</td>
</tr>
<tr>
<td>d. The burden of proof is upon the applicant to submit sufficient data to persuade the Planning Commission that the criteria have been satisfied.</td>
<td>Complies.</td>
<td>The difficulties of the existing slope directed the applicants to request the special exceptions to accommodate the development. The applicant has provided a slope analysis, as well as description of their design process to thoughtfully consider the context of the site. Staff believes that the applicant has met this burden of proof.</td>
</tr>
</tbody>
</table>
| e. The Planning Commission may deny an application for a height special exception if:  
   (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;  
   (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;  
   (3) The additional height will substantially impair the views from adjacent lots, and the impairment can be avoided by modification; or  
   (4) The proposal is not in keeping with the character of the neighborhood. | Complies | 1. The stepped design of the home and orientation minimized the requested exceptions.  
2. This proposal illustrates a structure and placement to decrease the requested height exceptions to two minor areas of the structure.  
3. Staff has not found that the height will impact or impair views from adjacent lots. 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 supporting photos of similar structures and heights in the neighborhood. 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 August 26, 2020
  - Staff originally approved the Special Exception request for additional height administratively. Following that approval, Staff received one comment from an abutting property owner (attached) with concern regarding the proposed development and concern with the public comment period. After reviewing the public noticing process, Staff determined that due to delayed mail, the September windstorm, and corresponding power outages, the comment deadline should be extended. Staff then revoked the initial administrative approval due to the noticing errors described above, and the request was subsequently scheduled for a public hearing.
- Public hearing noticed mailed on October 2, 2020
- Public hearing notice posted on the City and State websites on October 2, 2020
- Public hearing sign posted on the property on October 2, 2020
Kristina/Planning Commission Members,

I am appealing the petition for height exception (petition number PLNPCM2020-00639) for the property located at 333 N. Federal Heights Circle, Salt Lake City, UT 84103.

This appeal is submitted for three primary reasons; I can provide more if needed.

First, the change allowed by this exception would directly impact the view from my home, and lead to significant decrease in my property value.

- In reviewing the General Standards and Considerations for Special Exceptions (21A.52.060), point B highlights that “substantial impairment of property value” is a main determinant in NOT granting exceptions.
- My home sits directly east of the mentioned property. An increase of any height of the home on 333 N. Federal Heights Circle will have a direct impact on my property’s and home’s views.
- The requested exception is to a “rear wall” of the home—which is the portion of their home that will most impact my views. The requested 3’ 7” height exception represents a 14% increase over the 25’ maximum permitted building height.
- A primary reason for the value of my home and for those in the surrounding area is the views we all have of the valley, downtown, the mountains, and the Great Salt Lake. This is the main reason I myself bought my home.
- I have enclosed photos showing the direct impact to my views.

Second, a lack of timely notification of the petition.

- The Notice itself states that “The Planning Director is required to provide a twelve (12) day public notice period prior to taking action on this application.”
- The postmarked date on the envelope in which the Notice was received is August 31, 2020. See the photo of that envelope on the following pages.
- Per the Citizen’s Access Portal information (screenshots on following pages), the item was marked as “Decision” on September 9th. This means that between when the notice was put in the mail by the Planning Division, and when the system was noted as “decided,” only 10 days—including the Labor Day weekend—elapsed. This does not even include any reasonable time between the initial postmark and the actual delivery of the notification.
- On Thursday, September 3rd, I received a Notice of Application in the mail.
- No publication of this has ever been noted on the Planning Commission’s website with proposed meeting agendas and minutes. See (https://www.slc.gov/planning/public-meetings/planning-commission-agendas-minutes/). See screenshot of the agenda for the meetings held on August 28th and September 11th—the two meetings closest in time to the marked “decision” on September 9th. The minutes from these same two meetings show no agenda item nor call for Public Hearing on the item.

Third, the ability of others in my neighborhood to react to this petition. Since receiving the notice, I have reached out to multiple neighbors who are likewise upset about the seeming decision. Many of them are also opposed to this height exception being granted, but have not had time to react. One of the neighbors who is just one house away from this property has never received the Notice. I will be working with my neighbors to better inform the Planning Commission about our concerns and desires.

Finally, I would ask that those considering this appeal also consider the entire purpose for height restrictions—which is to protect against encroachment of the views which we all share and cherish in our city. Particularly on the benches, where views become an increasingly important element in establishing property values, the height restrictions are one of the most important protections that the zoning ordinances provide. Exceptions for one lead to exceptions for many.

I request that this petition be put on the agenda for a Planning Commission meeting, and that the Public be able to provide input at that time.

Please let me know if I can provide any further information, and what the next steps will be.
I can be reached in the following ways:

1. Via phone: [number]
2. Via email: [email]
3. Via mail: [address]

Thank you for your consideration,

Roger F. Whitehouse II

Postmarked envelope which included the Notification:
From Planning Commission meeting Agendas:

Roger Whitehouse  
President, Primus Healthcare Consulting  
350 N Federal Heights Circle  
Salt Lake City, UT 84103