



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Amanda Roman, Principal Planner
Amanda.Roman@slcgov.com or 385-386-2765 (Cell) / 801-535-7660 (Voicemail)

Date: August 25, 2021

Re: PLNPCM2020-00755 – Over Height Fence at 2589 E Village Circle

Special Exception

PROPERTY ADDRESS: 2589 E Village Circle
PARCEL ID: 16-10-453-006-0000
MASTER PLAN: East Bench
ZONING DISTRICT: R-1/12,000 Single-Family Residential

REQUEST: Michael and Sue Workman, property owners, have requested Special Exception approval for a rear yard fence and retaining wall which exceeds 6 feet in height. According to the plans submitted by the applicant, the combined height of the fence and retaining wall would measure 7 ½ feet from finished grade. The property owners cite a lack of privacy and security as the basis for the additional height request. In residential districts, front yard fences are permitted up to 4 feet and side and rear yard fences are permitted up to 6 feet. The property is located in the R-1/12,000 Single-Family Residential District.

RECOMMENDATION: Based on the information in the staff report, Planning Staff recommends that the Planning Commission deny the request for additional fence height at 2589 E Village Circle.

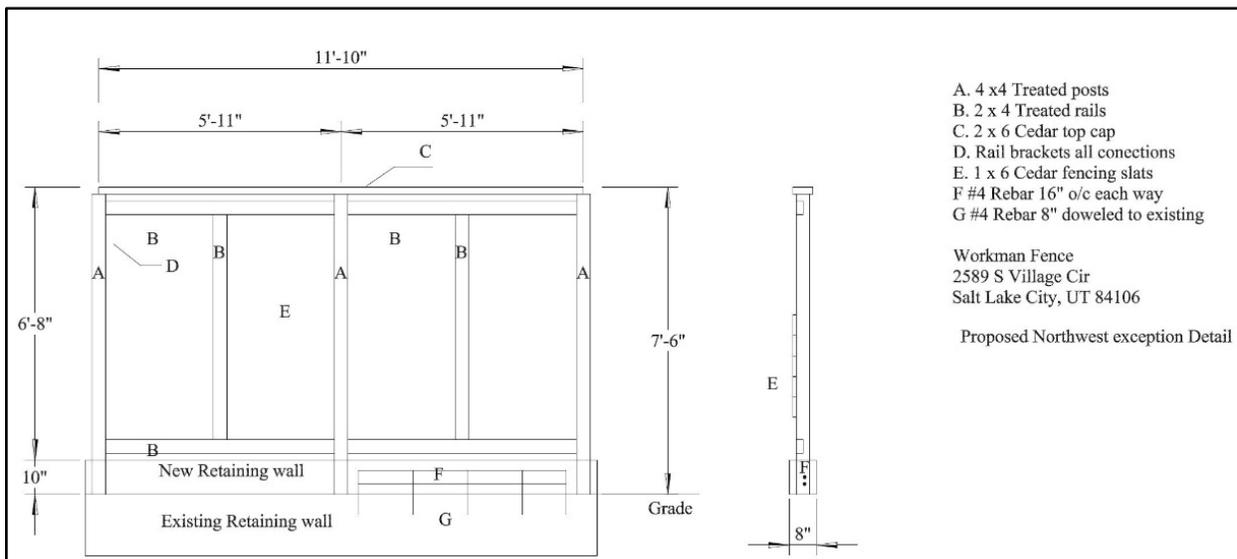
ATTACHMENTS:

- A. [Vicinity and Zoning Map](#)
- B. [Site and Vicinity Photographs](#)
- C. [Analysis of Standards](#)
- D. [Application Materials](#)
- E. [Public Process and Comments](#)

PROJECT DESCRIPTION:

The property owners of 2589 E Village Circle are requesting special exception approval for a 7 ½ foot tall fence and retaining wall along their rear property line. The existing retaining wall is approximately 2 feet (24 inches) in height and the existing cedar wood fence is 4 ½ feet (55 inches).

The applicants are proposing to add an additional 1 ½ feet (18 inches) of fencing to the top of the structure, which would make the fence just over 6 feet tall. Fence height is measured from “finished grade”, which is defined as “the final grade of a site after reconfiguring grades according to an approved site plan related to the most recent building permit activity on a site.” They have stated that the finished grade of the property will be level with the existing concrete pad located in the northwest corner of the rear yard. Once complete, the combined height of the fence and retaining wall would be approximately 7 ½ feet from finished grade. An elevation of the proposed structure is below for reference.



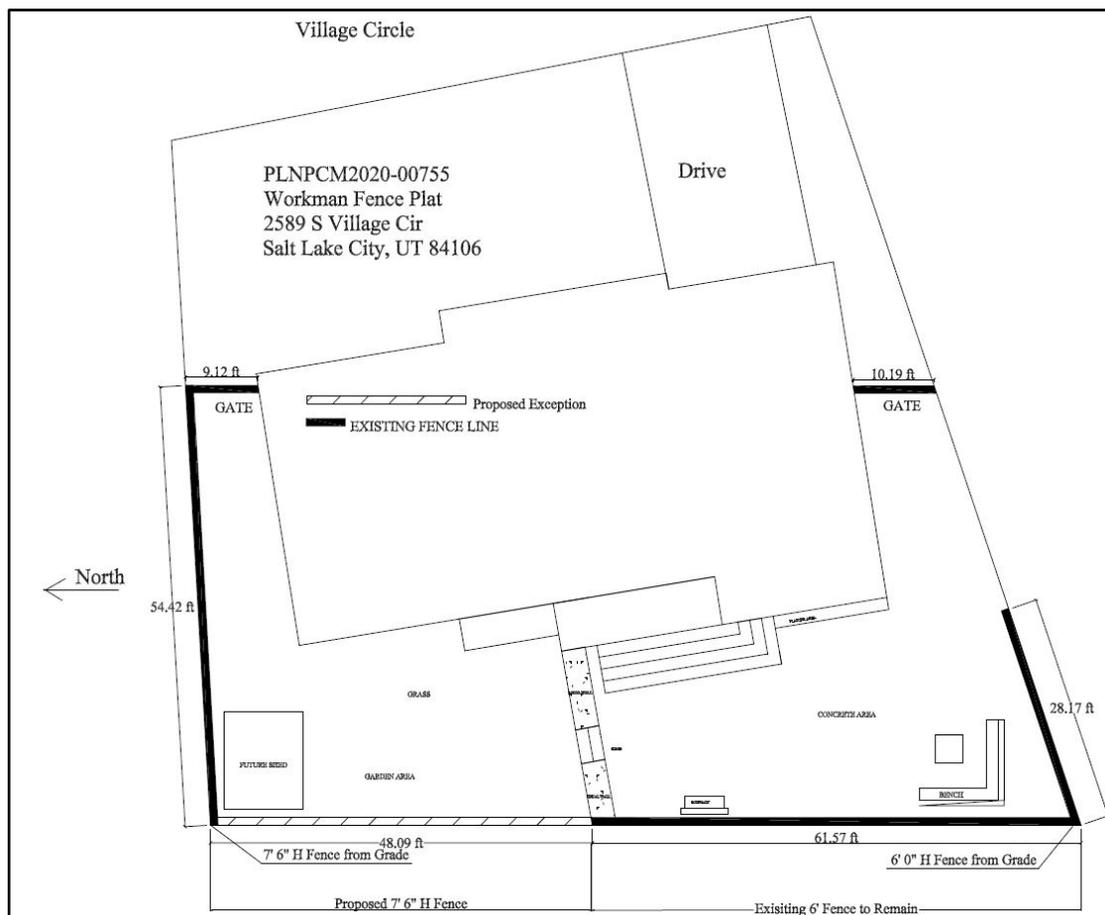
In residential zoning districts, fences and walls are allowed up to 4 feet in height between the front property line and front facade of the building where the primary entrance is located. Fences and walls up to 6 feet are allowed in the rear and side yard area.

Additional height for fences and walls may be requested through the Special Exception process. The Planning Director or Planning Commission may approve taller fencing if:

- *it is found that the extra height is necessary for the security of the property in question AND*
- *it is determined that there will be no negative impacts upon the established character of the affected neighborhood and streetscape, maintenance of public and private views, and matters of public safety.*

In this instance, the applicant is requesting additional fence height to increase the privacy and security of their property, as described in the project narrative in [Attachment D](#).

The rear (west) property line is 110 feet in length. The special exception request is for the northern 48 foot portion of the fence. The remaining 62 feet of fencing and retaining wall is 6 feet tall from finished grade because the southern section of the rear yard steps up in grade. Other than obtaining a building permit, the southern 62 feet of fencing does not require additional approvals. The site plan below shows where the proposed special exception is requested.



Site Plan

The applicants claim that the existing grade of 2589 E Village Circle is approximately 3 feet taller than their neighbors who share the rear property line at 1335 S Wasatch Drive. Staff cannot confirm the exact grade difference, but there is a substantial drop along the property line. The applicants intent of having a taller fence is to block the property owners to the west from seeing inside of their homes rear windows. As demonstrated in the site photos in [Attachment B](#), the windows of both properties are visible when standing on the rear yard steps of either location.

The property owners of 1335 S Wasatch Drive allowed staff into their rear yard to take photos of the subject property and fence from their side. Staff stood on their rear steps and could see the top half of the subject property's windows. If additional height is granted via a special exception, the only visible portion of the home at 2589 E Village Circle would be the roof.

The property owners of 1335 S Wasatch Drive oppose the current and proposed fence height and claim it blocks their view and decreases the amount of sunlight in their rear yard. The southern 62 foot section of the existing fence measures 8 ½ feet from the top of the fence to their planters and approximately 10 ½ feet to grade. The natural grade change already impacts their view of the mountains, but if the fence height along the northern portion increases to 10 ½ feet, the view would be completely blocked.



Portion of the rear fence requiring special exception approval



View of the home at 1335 S Wasatch Drive from the top of the rear steps of the subject property



View of the fence standing at grade from 1335 S Wasatch Drive



Existing fence and retaining wall along the rear property line of 1335 S Wasatch Drive measures 8 ½ feet to the planters and approximately 10 ½ feet to finished grade

KEY CONSIDERATIONS:

Consideration 1: Specific Special Exceptions Standards for Additional Fence Height

Special exception approval for additional fence height may be granted if the proposal complies with 21A.52.030(A)(3) of the Zoning Ordinance *and* if the proposal complies with other applicable standards. The zoning ordinance allows for additional fence height for security purposes and when the increased height does not negatively impact the established character of the neighborhood and maintenance of public and private views. The applicant claims that the additional fence height is imperative to protecting the privacy and security of their property and family.

The proposal is non-compliant with [5 of the 8 specific special exception standards \(a, c, d, e, and f\)](#) for additional fence height. The fence design is not at least 80% transparent and there are no proposed over height ornamental features or architectural embellishments. Additionally, the subject property is located in a residential zone where the overall character and design is for rear yard fences to be no more than 6 feet in height. Because of the lack of transparency and overall height from their side of the structure, the property owners who share a rear property line at 1335 S Wasatch Drive oppose approving additional height through the special exception process. They claim the existing fence already blocks their view and decreases the amount of sunlight entering their rear yard so they believe additional height would create more of a negative impact.

Standards b, g, and h are not applicable because the fence is within the rear yard. The applicant believes the proposal meets “standard e” because the fence is intended to shield the view of the subject property from the residents of the property to the west and vice versa. While the standard speaks to the right to privacy, safety, and security, it is intended to protect the public from the negative impacts of a specific property (i.e. a manufacturing or commercial use). The subject property is a residential use in a residential neighborhood and does not have a significant impact to the general public. The special exception standards are included in [Attachment C](#).

Each of the 8 specific special exception standards for additional fence height must be reviewed and considered equally before issuing approval. In addition, the general standards for special exceptions must be met.

Section 21A.52.030(A)(3)

- a. Exceeding the allowable height limits; provided, that the fence, wall or structure is constructed of wrought iron, tubular steel or other similar material, and that the open, spatial and nonstructural area of the fence, wall or other similar structure constitutes at least eighty percent (80%) of its total area;
- b. Exceeding the allowable height limits on any corner lot; unless the city's traffic engineer determines that permitting the additional height would cause an unsafe traffic condition;
- c. Incorporation of ornamental features or architectural embellishments which extend above the allowable height limits;
- d. Exceeding the allowable height limits, when erected around schools and approved recreational uses which require special height considerations;
- e. Exceeding the allowable height limits, in cases where it is determined that a negative impact occurs because of levels of noise, pollution, light or other encroachments on the rights to privacy, safety, security and aesthetics;
- f. Keeping within the character of the neighborhood and urban design of the city;
- g. Avoiding a walled-in effect in the front yard of any property in a residential district where the clear character of the neighborhood in front yard areas is one of open spaces from property to property; or
- h. Posing a safety hazard when there is a driveway on the petitioner's property or neighbor's property adjacent to the proposed fence, wall or similar structure.

Consideration 2: General Standards for Special Exceptions

Special exception proposals must comply with the general standards of approval per section 21A.52.060, which consider whether the proposal is compatible with the location, design, and configuration of a specific site.

The proposal does not meet standards [A, D or G](#). The proposal is also non-compliant with some of the standards for additional fence height as discussed in Consideration 1. There are no indications that the proposal would diminish or impair property values, have an undue adverse material impact, destroy significant features, or pollute the environment.

The applicant submitted photos of over height fences in the neighborhood to demonstrate their proposal is compatible with the surrounding development, but staff cannot speak to the circumstances in which they were built or if they received City approval. While exceptions are granted, the majority of fences in the city meet the standards in 21A.40.120 Regulation of Fences, Walls and Hedges.

Consideration 3: Review of Applicants Request

The applicant cites a lack of privacy and security as the reason they are requesting additional fence height. They are uncomfortable with being able to see into the rear windows of the property to the west and do not want its occupants to be able to see into their home, which was built on a higher grade. Evidence has not been provided demonstrating that a lack of security or criminal activity is an issue in the neighborhood.

The subject property is located within the Indian Village subdivision, which was recorded in 1951. The grade of the properties in the subdivision gradually increase as they move east into the foothills. If both properties had similar grades, the additional height would be less impactful. The existing 6 foot fence and retaining wall at 2589 E Village Circle is approximately 10 ½ feet when viewed from 1335 S Wasatch Drive. Staff agrees with the concerns that the additional height would further enclose the rear yard of the property and diminish their right to a view and adequate light.

Additionally, as seen in the site photos, there is a new cedar wood fence and retaining wall along the subject property's northern side yard property line. The structure measures 8 ½ feet from grade and did not receive a building permit. The applicants and their contractor, who built both sections of fencing, have stated that the fence is located entirely on their northern neighbors property, thus shouldn't be included in the special exception request. The neighbors have also stated the fence is theirs and have been issued a warning letter requiring them to apply for a building permit.

Section 21A.52.060

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.

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.

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.

D. Compatible With Surrounding Development: The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.

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.

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.

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

Consideration 4: Referral to Planning Commission

Section 21A.52.040(5)(b) of the city code states that *“The planning director or the planning director’s designee may refer any application to the planning commission due to the complexity of the application, the significance in change to the property or the surrounding area.”* This proposal is being forwarded to the Planning Commission for a decision because the adjacent property owner is directly affected by the proposal and have voiced their opposition. The applicant also requested to go before the Planning Commission for a public hearing after working with multiple staff members on the proposal.

DISCUSSION:

Staff recommends the Planning Commission deny the Special Exception request for a 7 ½ foot fence and retaining wall in the rear yard of 2589 E Village Circle. The proposal is non-compliant with 5 of the 8 specific special exception standards for additional fence height and is non-compliant with 3 of the 7 general special exception standards. The proposed fence is not being requested due to negative impacts caused by incompatible adjacent uses or other noxious conditions. It is also not requested with the intent to provide some flexibility for ornamental features. The proposed fence is meant to block the view to and from the adjacent property, which is not a standard of review.

The existing fence, which is 6 feet tall when standing in the subject property, impacts the eastern views from the property at 1335 S Wasatch Drive. Due to the natural change in grade, the overall fence and retaining wall height from 1335 S Wastach Drive is approximately 10 ½ feet from grade. The property owners have voiced their opposition because the fence is walling in their property and blocking the light from entering their rear yard. Even if the special exception request is denied, the fence would still be approximately 9 feet from the finished grade of their property.

Proposed Fence Height Text Amendment (PLNPCM2020-00511)

The special exception petition is vested and the Planning Commission should make a decision based on the current zoning ordinance, but it should be noted that on January 13, 2021, the Planning Commission recommended approval to the City Council regarding a fence height text amendment (PLNPCM2020-00511) which if adopted would remove the Special Exception process for over height fences, walls, and hedges. The ordinance defines instances where a taller fence may be appropriate and approved by right. Except for a few instances, the proposed amendment would limit fence, wall, and hedge height to 4 feet in front yards and 6 feet in side or rear yards. The proposed amendment is intended to provide “uniformity and clear expectations to the public for when an over height fence, wall, or hedge is appropriate” and promote consistent development patterns.

As stated above, the special exception petition is vested under the current zoning ordinance and should be reviewed accordingly. If the City Council adopts new fencing regulations any future application would be subject to the updated standards of approval.

NEXT STEPS:

If the request is denied, the applicant would not be allowed to add an additional 1 ½ feet of height to the existing fence and would be required to comply with the fence height zoning standards. If the request is denied the applicant will still need to obtain a building permit for the fence and retaining wall that was already built. The applicant has informed staff that they plan to appeal a Planning Commission denial.

If the request is approved, the applicant would be required to obtain a building permit for the fence and retaining wall. The special exception approval would be limited to the northern 48 feet of fencing and the structure could not exceed 7 ½ feet from finished grade. All other zoning and building code requirements would be met prior to obtaining a building permit.

ATTACHMENT A: Vicinity Map



Photos of the Subject Property from existing grade – 2589 E Village Circle



Photos of the Subject Property from the rear yard steps – 2589 E Village Circle



Photos of the fence from the rear yard steps - 1335 S Wasatch Drive



Photos of the fence from grade - 1335 S Wasatch Drive



ATTACHMENT C: Analysis of Standards

21A.40.120: Regulation of Fences, Walls and Hedges:

E.8. Special Exception Approval Standards: The planning commission or historic landmark commission may approve taller fencing *if it is found that the extra height is necessary for the security of the property* in question as defined in chapter 21A.52 of this title.

Staff Analysis: Fences serve properties by providing privacy and security to private spaces. They also affect the public by impacting the streetscape and overall character of a neighborhood. Section 21A.40.120 states that the purpose of the fence, wall, and hedge regulations is to “achieve a balance between the private concerns for privacy and site design and the public concerns for enhancement of the community appearance, and to ensure the provision of adequate light, air and public safety.”

Finding: The applicants narrative stated that the intent of the over height fence is to increase the privacy and security of their property. While the fence would provide more privacy, there is no evidence that the security of the property is an issue. Staff acknowledges the applicants are uncomfortable with the proximity of the homes and the location of the rear windows, but the properties are in an established residential neighborhood and the site conditions were present when the subject property was purchased. Staff does not believe the extra height is necessary for the security of subject the property.

21A.52.030 Special Exceptions Authorized

A.3. Additional height for fences, walls or similar structures may be granted to exceed the height limits established for fences and walls in chapter 21A.40 of this title *if it is determined that there will be no negative impacts upon the established character of the affected neighborhood and streetscape, maintenance of public and private views, and matters of public safety.* Approval of fences, walls and other similar structures may be granted under the following circumstances subject to compliance with other applicable requirements:

Criteria	Finding	Rationale
a. Exceeding the allowable height limits; provided, that the fence, wall or structure is constructed of wrought iron, tubular steel or other similar material, and that the open, spatial and nonstructural area of the fence, wall or other similar structure constitutes at least eighty percent (80%) of its total area.	Does not comply	The existing and proposed fence and retaining wall are not transparent.
b. Exceeding the allowable height limits within thirty feet (30') of the intersection of front property lines on any corner lot; unless the city's traffic engineer determines that permitting the additional height would cause an unsafe traffic condition.	N/A	The subject property is not located on a corner lot and the fence is within the rear yard.

<p>c. Incorporation of ornamental features or architectural embellishments which extend above the allowable height limits.</p>	<p>Does not comply</p>	<p>The fence is constructed with cedar and there are no ornamental features or architectural embellishments being proposed.</p>
<p>d. Exceeding the allowable height limits, when erected around schools and approved recreational uses which require special height considerations.</p>	<p>Does not comply</p>	<p>The surrounding properties are zoned R-1/12,000 and contain single-family dwellings.</p> <p>There are no adjacent uses that require additional fence height such as a school or a site where safety is a concern.</p>
<p>e. Exceeding the allowable height limits, in cases where it is determined that a negative impact occurs because of levels of noise, pollution, light or other encroachments on the rights to privacy, safety, security and aesthetics.</p>	<p>Does not comply</p>	<p>The standard is intended to provide privacy to the lot that is surrounded by the fence. While staff acknowledges the property owners reasoning for requesting a taller fence, it has not been determined that there are negative impacts from abutting properties.</p>
<p>f. Keeping within the character of the neighborhood and urban design of the city.</p>	<p>Does not comply</p>	<p>The applicant provided photos of properties with over height fences. Staff cannot speak to whether a special exception was granted for the example fences.</p> <p>The overall character of residential neighborhoods is for fences to be no more than 6 feet tall within the rear yard.</p>
<p>g. Avoiding a walled-in effect in the front yard of any property in a residential district where the clear character of the neighborhood in front yard areas is one of open spaces from property to property; <u>or</u></p>	<p>N/A</p>	<p>While the proposed fence would wall-in the rear yard of the adjacent property to the west, the character of the front yard would not be impacted.</p>
<p>h. Posing a safety hazard when there is a driveway on the petitioner's property or neighbor's property adjacent to the proposed fence, wall or similar structure.</p>	<p>N/A</p>	<p>There are no driveways adjacent to the fence.</p>

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.

Criteria	Finding	Rationale
<p>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.</p>	<p>Does not comply</p>	<p>The purpose statement for fence regulations recognizes a balance between the private concerns for privacy and security. The increased height would provide more privacy for the subject property, but would have a negative impact on the abutting property due to the change in grade. Staff does not believe it is appropriate to permit a fence that will measure 10 ½ feet from the neighboring property.</p> <p>Additionally, the proposed fence does not meet 5 of the special exception standards for additional height. The remaining 3 standards are not applicable due to its location within the rear yard rather than the front.</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>Complies</p>	<p>There is no evidence that a taller fence would have a substantial impact on property values.</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>Complies</p>	<p>There is no evidence that the proposed fence would have a material adverse effect upon the character of the neighborhood.</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 development of neighboring property in accordance with the applicable district regulations.</p>	<p>Does not comply</p>	<p>While the applicant did send photos of properties with taller fences, staff cannot confirm if the property owners obtained the appropriate permits. The proposal is not compatible with surrounding uses and development on neighboring properties.</p>

<p>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.</p>	<p>Complies</p>	<p>The proposed fence will not result in the destruction, loss or damage of a significant natural, scenic or historic feature, but it would impact the mountain views from the adjacent property.</p>
<p>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.</p>	<p>Complies</p>	<p>There is no evidence that the proposed fence would result in any material pollution.</p>
<p>G. Compliance with Standards: The proposed use and development complies with all additional standards imposed on it pursuant to this chapter.</p>	<p>Does not comply</p>	<p>As discussed above, the proposal does not comply with many of the specific standards for additional fence height or general residential fencing standards.</p>

ATTACHMENT D: Application Materials

Michael J. Workman
Sue Workman
2589 E. Village Circle
Salt Lake City, UT 84108



Project Narrative

Rear Fence with Height Exception Request 2589 Village Cir, SLC, UT 84108

May 24, 2021

To: Christopher Earl
Principal Planner, Planning Division
Dept. of Community and Neighborhoods
Salt Lake City Corporation

Dear Chris,

Thank you for the opportunity to provide this project narrative for our rear fencing project at 2589 Village Circle in Salt Lake City. This document is also accompanied by the following additional documents:

1. Workman Fence Plat (PDF)
2. Workman Fence Detail South and Southwest
3. Workman Fence Detail Northwest - Exception Requested
4. Images related to decreased privacy
5. Images related to similar height fencing in our neighborhood

Project Overview

We are currently in process of replacing our rear fencing at 2589 Village Circle in Salt Lake City. The original Redwood fencing was irreparable, and we decided to replace the fence with a similar material cedar fence in horizontally oriented 1"x 6" cedar on treated posts and rails.

As illustrated on the attached document "Workman Fence Plat" the south and southwest sections of the fence will comply with 6' height from grade and total 90.27' (65%) of the project. For the Northwest section of fence, we are requesting an exception of an additional 18" of height for a maximum height of 7'6" from grade. The Northwest section totals 48.09' (35%) of the project.

The fencing detail for both the south and southwest sections as well as the Northwest section where we are requesting an 18" additional height exception can be found in the accompanying fence detail documents. All fencing work is to be completed by our licensed contractor Ted Konold with TK Construction.

Our Basis for the Requested Height Exception of the Northwest Fencing Section.

1. Decreased privacy

The original grade on which our house is constructed is approximately 3' higher than the grade of our western neighbors located at 1335 S. Wasatch Dr. This grade differential unfortunately allows us direct visual access into the kitchen and bedrooms of their children and them access into our teenage daughter's bedroom as well as our kitchen and office. The height exception we are requesting is based directly upon the difference in grade between our two properties.

As the images related to decreased privacy demonstrate, we are frequently and inadvertently looking into each other's homes which is something that makes our family feel extremely uncomfortable and vulnerable. The result is our having to keep our blinds drawn for the majority of the day and night on the western side of our home.

The additional 18" of height to the northwest section of fencing would allow us privacy from our neighbor's view and allows us more natural light, comfort and privacy in our home.

2. Decreased Security from operating an unlicensed Single-Family Unit as a rental property.

Although our primary issue as stated above is our concern related to privacy, we also believe that the proposed northwest fence height exception increase of 18" will add to the security of our home from short-term renters and other temporary residents of our western backyard neighbors located at 1335 S. Wasatch Dr. The latest rental advertisement was last filled on 4/9/21.

To our knowledge our backyard neighbors at 1335 S. Wasatch Dr. often rent their single-family home to more than three unrelated adults. At any one time and especially while school is in session, it is common for them to rent individual rooms to students and other itinerant individuals on a shorter-term basis. We believe that decreased security comes with renting their home to multiple unrelated adults with frequent turnover.

Because their rental is unlicensed with Salt Lake City and they are not participating in the Landlord/Tenant Initiative, their tenants have not likely been required to undergo background checks, been screened for participating in illegal activity. We believe the

unlicensed rental does potentially impact negatively the quality of life in our neighborhood and our proposed fence exception would add more security to our home.

3. The Proposed Height of the Northwest Section of Fence Follows Neighborhood Character.

As the accompanying images related to similar height fencing in our neighborhood demonstrate, there are several examples of fences of between 7' and 8' that are common in the St. Mary's neighborhood. We found these fences were also more common where grade discrepancies existed very similar to our situation with our western neighbor at 1335 S. Wasatch Dr.

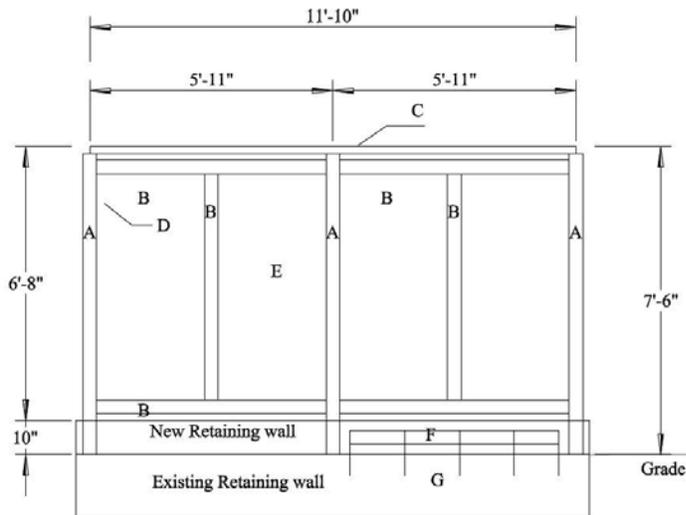
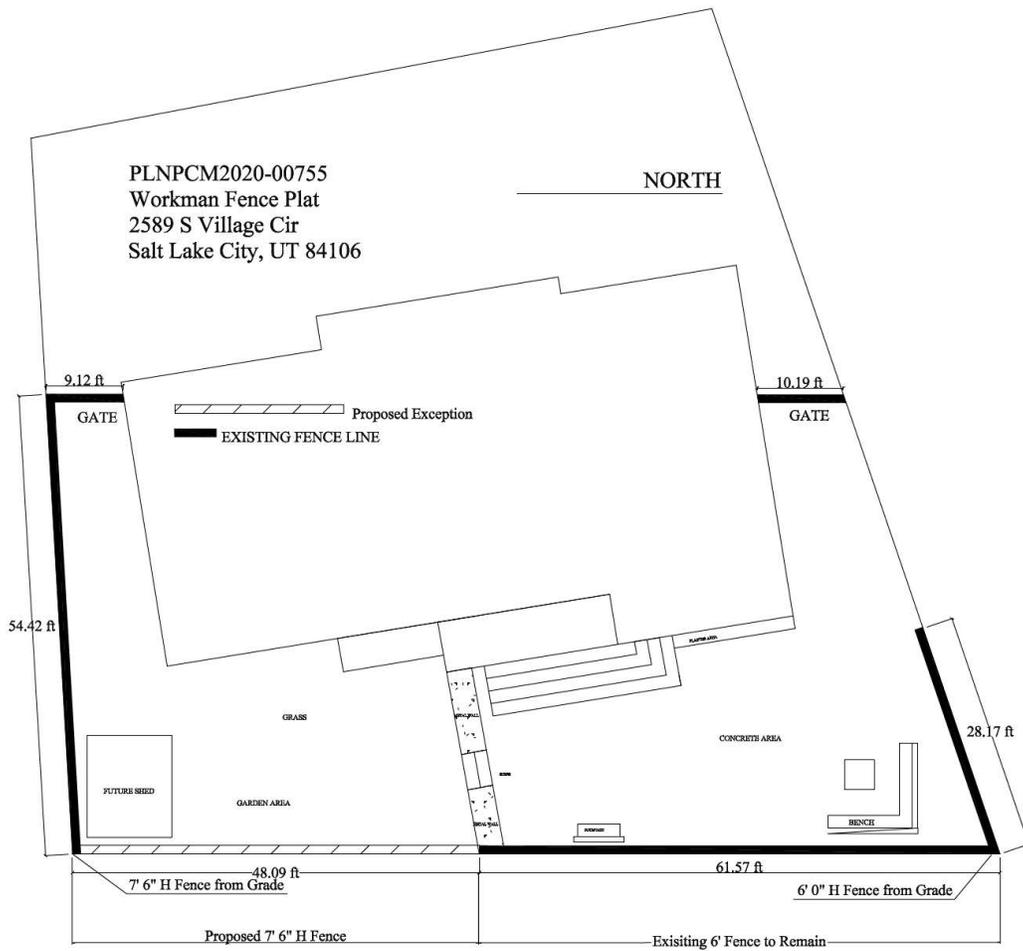
Thank you for your considering our request and please contact me with any questions regarding this narrative and the accompanying documents.

Best professional regards,



Michael J. and Sue Workman
2589 Village Circle
Salt Lake City, UT 84108





- A. 4 x 4 Treated posts
- B. 2 x 4 Treated rails
- C. 2 x 6 Cedar top cap
- D. Rail brackets all connections
- E. 1 x 6 Cedar fencing slats
- F #4 Rebar 16" o/c each way
- G #4 Rebar 8" doweled to existing

Workman Fence
 2589 S Village Cir
 Salt Lake City, UT 84106

Proposed Northwest exception Detail





ATTACHMENT E: Public Process and Comments

The following is a list of public meetings that have been held, and other public input opportunities, related to this project:

Public Notices:

- Notice of application sent to adjacent property owners and tenants on October 22, 2020. The adjacent property owner to the west sent an email opposing the additional fence height.
- The original application was voided in 2020 and then reopened. Staff sent a second notice of application on June 10, 2021.

Public Hearing Notice:

- Sign posted on the property on August 13, 2021.
- Public hearing notice mailed on August 13, 2021.
- Public hearing notice posted on City and State websites on August 13, 2021.

Public Comments:

- At the time of the publication of this staff report, the only public comments have been from the property owner at 1335 S Wasatch Drive. The property owner sent emails in opposition and also verbally voiced their opposition when staff visited their property to take photos of the fence.
- Any additional comments received prior to the hearing will be forwarded to the Planning Commission.

From: [Lima, Mayara](#)
To: [Roman, Amanda](#)
Subject: FW: (EXTERNAL) 2589 Village Circle
Date: Wednesday, July 21, 2021 11:01:47 AM

MAYARA LIMA

Building Services & Economic Development Liaison
Building Services Division

DEPARTMENT of COMMUNITY and NEIGHBORHOODS
SALT LAKE CITY CORPORATION

TEL 801-419-4026
EMAIL mayara.lima@slcgov.com

www.slc.gov/buildingservices
www.ourneighborhoodscan.com

Disclaimer: The Building Services Division strives to give the best customer service possible and to respond to questions as accurately as possible based upon the information provided. However, answers given prior to permit approval are not intended to approve, and cannot approve, construction in violation of the State Construction and Fire Codes or the Salt Lake City ordinances. Relying on preliminary written or verbal feedback is not binding and does not substitute for an approved Building Permit, which can be obtained by submitting a permit application to the Building Services Division.

From: Weiping Zhang <[REDACTED]>
Sent: Monday, November 9, 2020 11:00 AM
To: Lima, Mayara <Mayara.Lima@slcgov.com>
Subject: (EXTERNAL) 2589 Village Circle

Hello Mayara,

Thank you for talking with me. I have attached photos of both the old fence and the new one. He added a new concrete wall to half of the old base for the new fence. From my understanding, the height of the new fence should be measured from the ground not from the top of the new concrete base. This new fence is significantly taller than the old one and restricts our view of the mountains and surrounding area behind our home. Is it possible to take down the fence until it can be measured to be six feet tall?

Thank you so much,

Best,

Weiping

From: [Anderson, John](#)
To: [Roman, Amanda](#)
Subject: FW: (EXTERNAL) PLNPCM2020-00755
Date: Thursday, July 8, 2021 3:49:00 PM

JOHN ANDERSON

Manager
Planning Division

DEPARTMENT *of* COMMUNITY *and* NEIGHBORHOODS
SALT LAKE CITY CORPORATION

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www.SLC.GOV/PLANNING
www.ourneighborhoodscan.com

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"Disclaimer: The Planning Division strives to give the best customer service possible and to respond to questions as accurately as possible based upon the information provided. However, answers given at the counter and/or prior to application are not binding and they are not a substitute for formal Final Action, which may only occur in response to a complete application to the Planning Division. Those relying on verbal input or preliminary written feedback do so at their own risk and do not vest any property with development rights."

From: Weiping Zhang [REDACTED]
Sent: Monday, June 28, 2021 4:19 PM
To: Anderson, John <John.Anderson@slcgov.com>
Subject: Re: (EXTERNAL) PLNPCM2020-00755

Thank you so much, John. I would love to have the height of fence follows the city rule. I want to have more view.

Thanks,
Weiping

Sent from [Outlook](#)

From: Anderson, John <John.Anderson@slcgov.com>
Sent: Monday, June 28, 2021 2:28 PM
To: Weiping Zhang [REDACTED]; Oktay, Michaela <Michaela.Oktay@slcgov.com>
Subject: RE: (EXTERNAL) PLNPCM2020-00755

Weiping,

Good afternoon, thanks for your email. You are correct that this project was reviewed by

Mayara Lima last year. The applicants at the time requested additional time to consider all of their options. They later submitted updated plans. In response, notices were again mailed to the neighbors describing the revised plans which is why you received an additional letter in the mail. A staff member will contact you prior to any decision being finalized.

JOHN ANDERSON

Manager
Planning Division

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From: Weiping Zhang [REDACTED]
Sent: Monday, June 28, 2021 1:24 PM
To: Anderson, John <John.Anderson@slcgov.com>; Oktay, Michaela <Michaela.Oktay@slcgov.com>
Subject: (EXTERNAL) PLNPCM2020-00755

Hello,

This is Weiping Zhang who lives in 1335 Wasatch Dr.. I received help from MAYARA LIMA about the application of over height back yard fence from my neighbor on November 2020. We would follow the city rule of 6 feet fence. But I received a letter about another application about the over height fence in my backyard. I can't stand the situation that my view will be blocked by that. Let me know what was your decision about the application. It will be great if you rejected it. If you approved, I would like to appeal.

Best regards,

Weiping