



Staff Report

PLANNING DIVISION
DEPARTMENT OF COMMUNITY & NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Lex Traughber, Senior Planner
(801) 535-6184 or lex.traughber@slcgov.com

Date: May 24, 2023

Re: PLNPCM2020-00515 – 1800 S. Devonshire Drive – Special Exception

Special Exception

PROPERTY ADDRESS: 1800 S. Devonshire Drive
PARCEL ID: 16-14-306-042
MASTER PLAN: The East Bench Master Plan
ZONING DISTRICT: FR-2/21,780 FOOTHILLS RESIDENTIAL DISTRICT

REQUEST: Prescott Muir Architects, on behalf of the property owners, Laura & Matt Forsgren, is requesting special exception approval to construct a new single-family home that exceeds the maximum permitted building height in the FR-2/21,780 Foothills Residential District. The subject property is located at 1800 S. Devonshire Drive and is undeveloped. The FR-2/21,780 zone permits a building height of 28 feet measured from established grade. The applicant is requesting approximately 22 feet of additional building height at the tallest point of the proposed home. The Planning Commission has final decision-making authority for the requested special exception.

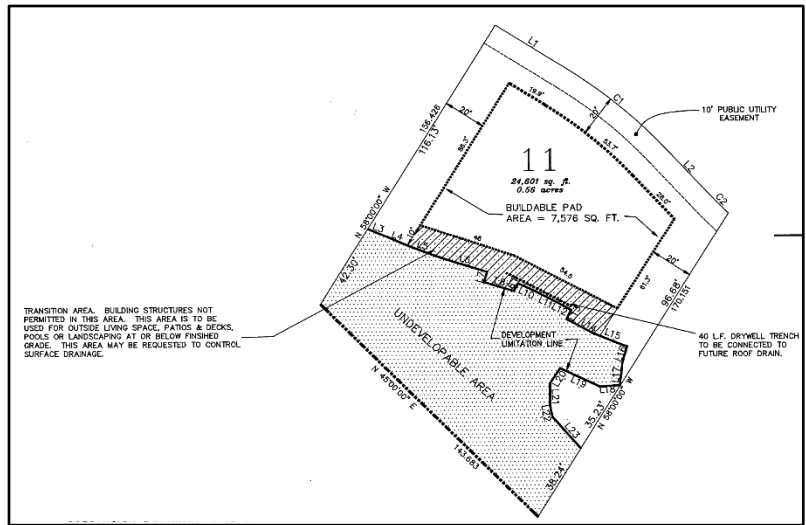
RECOMMENDATION: Based on the information in this staff report, it is Planning Staff's opinion that the requested special exception for additional building height in the FR-2/21,780 zoning district substantially complies with the standards of approval.

ATTACHMENTS:

- A. [Devonshire Subdivision Plat](#)
- B. [Vicinity Map](#)
- C. [Site Photographs](#)
- D. [Application Materials](#)
- E. [FR-2 Lot and Bulk Requirements](#)
- F. [Analysis of Special Exception Standards](#)
- G. [Analysis of Standards for Additional Height](#)
- H. [Analysis of Special Foothills Regulations](#)
- I. [Public Process and Comments](#)
- J. [Department Review Comments](#)

for or not adaptable to the normal uses made of the property, which may include areas covered by water, areas that are excessively steep, included in certain types of easements, or otherwise not suitable for development, including areas designated on a plat as undevelopable.”

The transition area, as described on the plat, is the area which “prohibits structures and may only be used for “outside living space, patios and decks, pools, or landscaping at or below finished grade.” The requirements shown on the plat prevail over the current zoning ordinance.



Typical Lot Detail

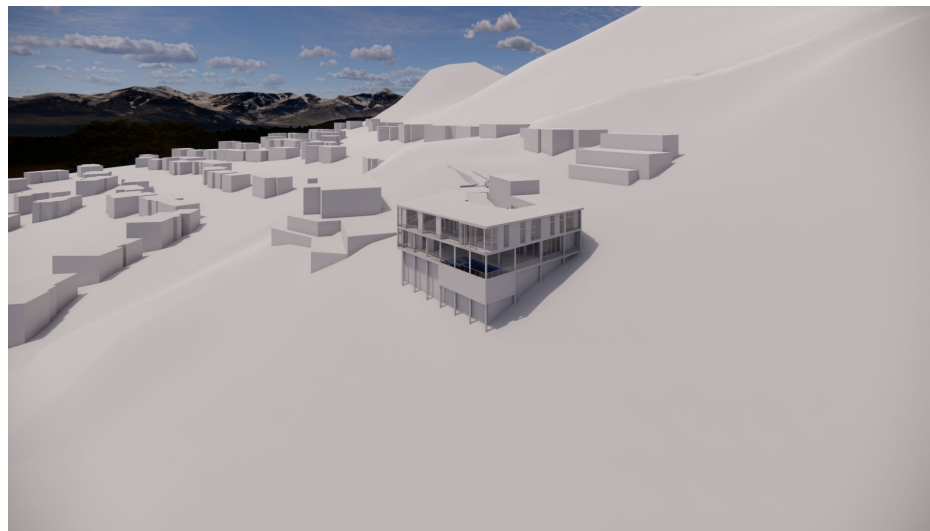
Development Pattern

The neighborhood consists of large lots and single-family detached dwellings. The established grade of Devonshire Drive is steep and most of the square footage for the lots on the east side of Devonshire is designated as undevelopable. The buildable area of each lot is toward the front of the property with a prescribed 20-foot front yard setback and slope upward into the Foothills.

The properties on the west side of the street slope steeply downward to the west, including the subject Lot 8. The Foothills Residential Districts are intended to protect the natural scenic character of the Foothills by limiting development and ensuring that when development does occur the structures compliment the landscape. The strict development regulations also ensure that homes are constructed in a manner that they are accessible. Because of these regulations and the steep slopes, special exception requests for additional building height are common.

SPECIAL EXCEPTION REQUEST:

The applicant is requesting approval for additional building height in the buildable area. This special exception is requested in order to construct a new single-family residence. The proposed design will need to comply with all the other FR zoning district design requirements found in Chapter 21A.24.010(P) (see Attachment H). All other applicable zoning and building regulations will be reviewed and met during the building permit process.





The property owners and their team of architects submitted multiple design iterations of the home. The buildable area has a significant slope issue, and most of the property is designated as undevelopable, making it difficult upon which to build. Due to these site constraints, the applicant believes the special exception request is warranted.

Special Exception for Additional Building Height

The maximum building height in the FR-2 zoning district is 28 feet from established grade unless a special exception is granted. Wall height cannot exceed 25 feet on the front or rear elevations. Building height is measured from existing grade and wall height is measured from established grade in the Foothills Residential District.

The proposed single-family residence has a flat roof and is stepped in contour with the existing grade. The structure varies in height as the established grade of the property slopes downward towards the west. The special exception request is to allow approximately 22 additional feet in building height to the home as it is constructed down the hillside. The wall height will also need to be adjusted to accommodate the additional building height. According to the submitted plans it appears that the additional wall height needed will not exceed 2 feet. The Salt Lake City Ordinance has specific special exception standards for additional height in the Foothills Residential Zoning District.

Building height and established grade are defined below.

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

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

GRADE, ESTABLISHED - grade of a property prior to the most recent proposed development or construction activity. On developed lots, the Zoning Administrator shall estimate established grade if not readily apparent, by referencing elevations at points where the developed area appears to meet the undeveloped portions of the land. The

estimated grade shall tie into the elevation and slopes of adjoining properties without creating a need for new retaining wall, abrupt differences in the visual slope and elevation of the land, or redirecting the flow of runoff water.

The applicant is requesting additional building height to be able to construct a home on the subject lot given the challenges of the hillside slope. The maximum wall height for the front and rear elevations is 25 feet measured from finished grade. A cross section shows the established grade and the proposed structure (see Attachment D). The over-height portion of the home will not be visible from Devonshire Drive, which the applicant demonstrated via a visibility study showing the line of sight from a person standing on the deck of the home on the east side of Devonshire Drive. Additional site and building elevations are included in Attachment D.

DISCUSSION:

The request for additional building height in the FR-2 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.24.010(P)). For the full analysis of the requested special exception, please refer to Attachments F & G.

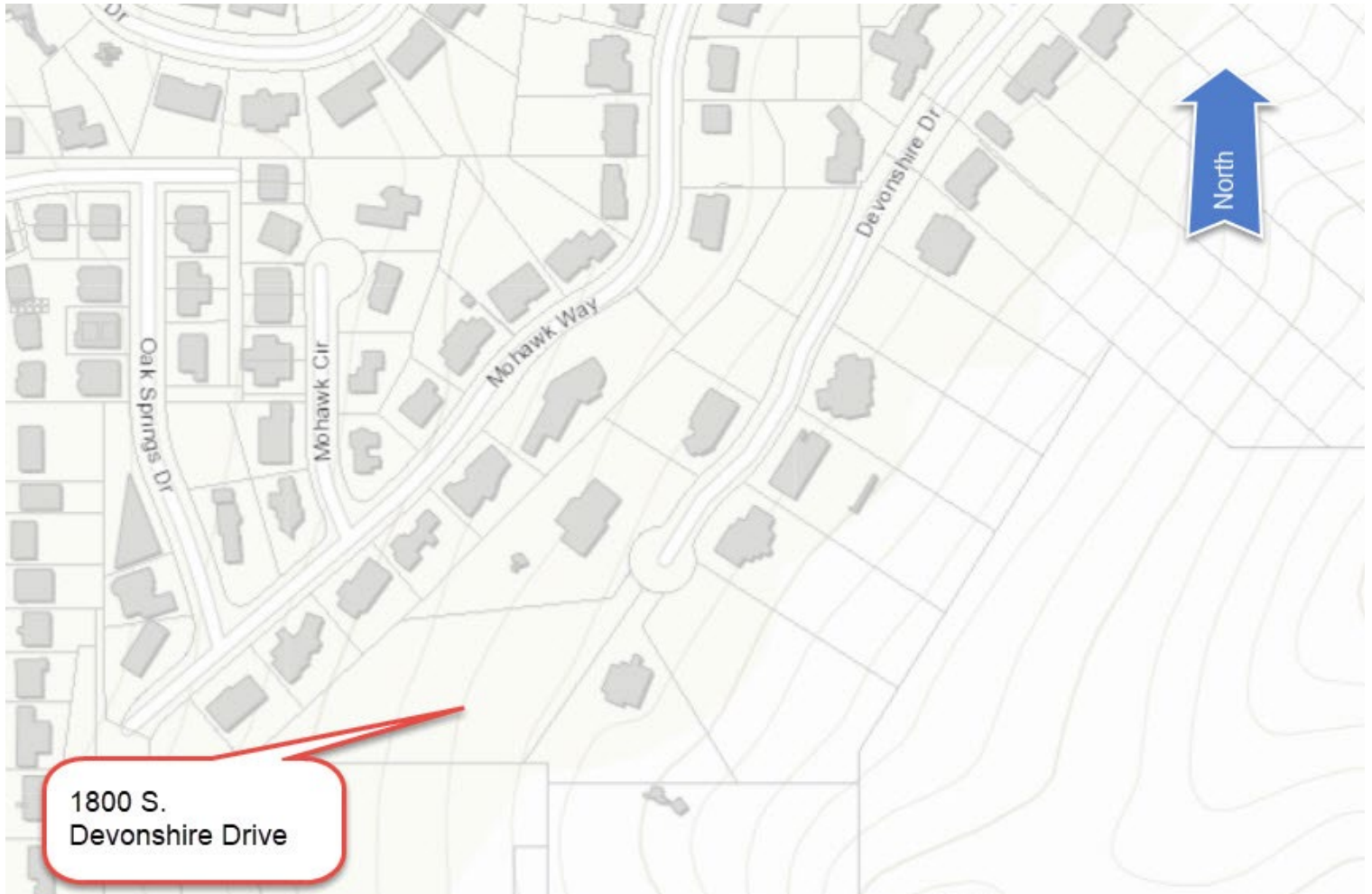
NEXT STEPS:

If the requested Special Exception is approved, as recommended by Planning staff, the applicants would need to proceed with applying for a building permit to construct the 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 current zoning and building regulations. It should be noted that the Special Exception such as the one that the applicant is requesting no longer exists; Special Exceptions were eliminated from the City's Zoning Ordinance. The applicant is eligible for the consideration of the requested special exception because their application was submitted prior to the elimination of the special exception provisions. If the Planning Commission is inclined to deny the applicant's request, the only recourse for the applicant would be a variance. If the Planning Commission is in fact inclined to deny the special exception request, Planning Staff would make the suggestion that the Planning Commission table the request to allow the applicant's architect to redesign, maintaining the additional building height special exception option.

ATTACHMENT A: DEVONSHIRE SUBDIVISION PLAT

ATTACHMENT B: VICINITY MAP



ATTACHMENT C: SITE PHOTOGRAPHS

Panoramic View of the subject property.



Driveway access through these gates between residential property to the northwest and the City waterline easement.

East Bench Preserve Trail and City waterline easement.



Home adjacent to the subject parcel.

East Bench Preserve Trail and waterline easement looking south.

Subject property

ATTACHMENT D: APPLICATION MATERIALS

FORSGREN RESIDENCE

PRESCOTT MUIR ARCHITECTS
171 WEST PIERPONT AVENUE 2ND FLOOR
SALT LAKE CITY UTAH 84101
O 801.521.9111, C 801.979.3619
WWW.PRESCOTTMUIR.COM
LISA@PRESCOTTMUIR.COM

03.28.2023

PLANNING COMMISSION OF SALT LAKE CITY
Attention: Senior Planner Lex Traughber
451 South State Street
Salt Lake City, Utah 84111

SPECIAL EXCEPTION APPLICATION

Applicant: Matthew and Laura Forsgren
1369 South Devonshire Drive, Salt Lake City, Utah, 84108

Phone: 1.385.232.6012

Property Address: 1800 South Devonshire Drive, Salt Lake City, Utah 84108

Parcel ID: 16143060420000

Master Plan: East Bench Masterplan 02.21.17 Zoning

District: FR-2/21,780

PROJECT DESCRIPTION AND PROPOSED USE:

The applicants are requesting approval for an owner-occupied single-family residence on a previously platted parcel in the FR2/21,780 zoned property.

Except as previously administratively approved and as requested for Special Exception listed below; the house including stie improvements are built entirely within the Buildable Area as platted.

The parcel is unique in the Foothill Zone in that it abuts an easement for the main water pipe supplying Salt Lake City and the Bonneville Shoreline Trail that approximately coincides with the Utility Easement. This easement encroaches beyond the normal zoned side yard setbacks.

Much of the parcel contains existing slopes that exceed 30% slopes. This property was platted with a described Buildable Area prior to current zoning restriction s concerning slope.

Previously Administratively Approved Exception:

See attached letter and relevant driveway civil site plan approving driveway that is located in the required side yard, average slope of 12% and stepped retaining walls to support driveway located in the side yard.

Special Exception for Height:

The house exceeds the height limit of 28 feet. The requested height is 50 feet above the existing grade. The height special exception is required to enable a garage that is accessible by a 12% slopped driveway, an auto court for maneuvering into the garage, wall of the garage used as retaining for the site, upper level of a two-story house located at the lower garage elevation.

Hardship:

The property has various unique characteristics that necessitate a special exception in order to make the lot buildable. The property has a very steep slope, narrow drive alley, and proximity to public access and utility easements.

1. The property borders on the west side easement for the Bonneville Shoreline Trail as well as a major water pipeline and utility easement that aligns with the trail. A 30-foot setback is required from the toe of existing rock retaining to any structure. The city water limits the depth of foundations to be located within the Buildable Area. To minimize risk to the water line, the back side of the garage is used as a retaining wall adjacent to the easement.
2. The grading of the driveway slopes at a maximum of 12%, which is within the zoning requirements. However, the site slopes more rapidly than can be reached within the allowed driveway slopes. Thus, the auto court is significantly above grade.

Subject: RE: (EXTERNAL) FW: Forsgren Residence: 1800 Devonshire Drive
Date: Wednesday, September 21, 2022 at 1:33:02 PM Mountain Daylight Time
From: Traughber, Lex
To: Lisa Arnett
CC: Stewart, Casey, Prescott Muir, Denitsa Moneva, Matt Forsgren, ICE Laura Forsgren, Matt Forsgren, Norris, Nick

Lisa,

Having consulted with the Transportation Division on the location of the driveway for the above, the Transportation Division had no concerns for the proposed location of the drive. At this point the Planning Division is okay with the proposed location of the driveway.

That settled, I would next expect to see building plans from you for the home that is located entirely within the platted building envelope as we've discussed. If you have questions, I would first refer you to my past correspondence regarding this issue. If you have questions that we have not discussed, please let me know.

Sincerely,

LEX TRAUGHBER

Senior Planner
Planning Division

DEPARTMENT of COMMUNITY and NEIGHBORHOODS
SALT LAKE CITY CORPORATION

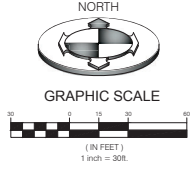
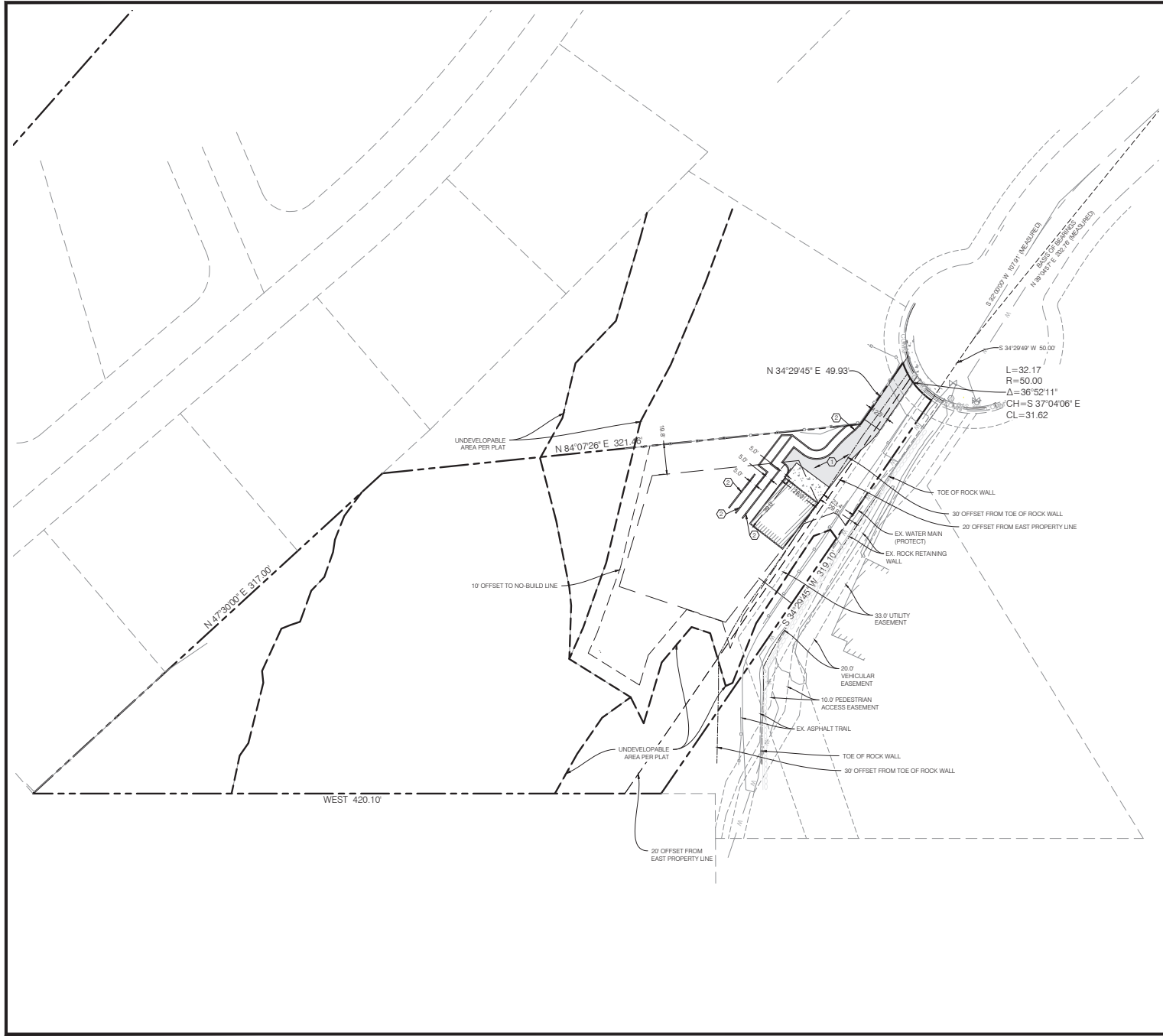
CELL (801) 535-6184
EMAIL lex.traughber@slcgov.com
WWW.SLC.GOV/PLANNING

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: Lisa Arnett <Lisa@prescottmuir.com>
Sent: Monday, September 19, 2022 2:55 PM
To: Traughber, Lex <Lex.Traughber@slcgov.com>
Cc: Stewart, Casey <Casey.Stewart@slcgov.com>; Prescott Muir <Prescott@prescottmuir.com>; Denitsa Moneva <Denitsa@prescottmuir.com>; Matt Forsgren <mattforsgren@icloud.com>; ICE Laura Forsgren <lauraforsgren@gmail.com>; Matt Forsgren <mattforsgren@me.com>; Norris, Nick <Nick.Norris@slcgov.com>
Subject: Re: (EXTERNAL) FW: Forsgren Residence: 1800 Devonshire Drive

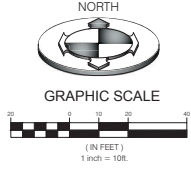
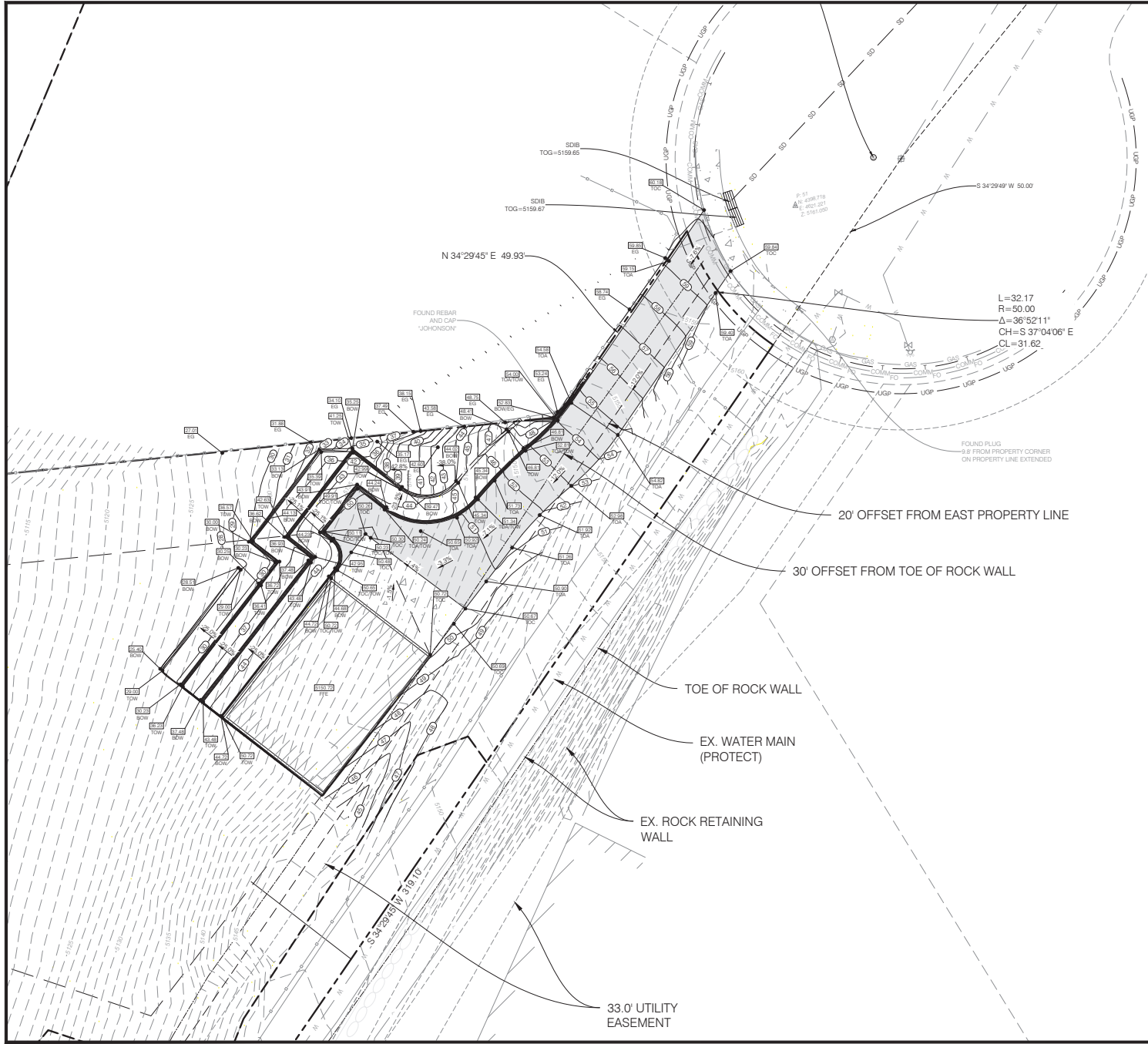
Thank you Lex.
Kind regards
Lisa

Lisa Arnett, Partner



CONSTRUCTION KEY NOTES REFERENCE		
NO.	DESCRIPTION	DETAIL
①	ASPHALT PAVEMENT WITH GRANULAR BASE	
②	RETAINING WALL	

PROJECT NO.	DATE	SHEET NO.	TOTAL SHEETS	1712278 1 OF 2
DESIGNED BY	DRAWN BY	CHECKED BY	DATE	SCALE
PROJECT NAME	PROJECT LOCATION	PROJECT NUMBER	PROJECT DATE	PROJECT SCALE
PROJECT DESCRIPTION	PROJECT ADDRESS	PROJECT CITY	PROJECT STATE	PROJECT ZIP
BENCHMARK ENGINEERING & LAND SURVEYING CIVIL 1800 SOUTH DEVONSHIRE DR. SALT LAKE CITY, UTAH				
MATT FORSGREN 1800 SOUTH DEVONSHIRE DR. SALT LAKE CITY, UTAH				
CALL BEFORE YOU DIG. IT'S FREE & IT'S THE LAW. BLUE STAKES OF UTAH UTILITY NOTIFICATION CENTER 1-800-662-4111 www.bluestakes.org				



GRADING AND DRAINAGE KEY NOTES REFERENCE		
NO.	DESCRIPTION	DETAIL
①	GRADE SITE TO ELEVATIONS SHOWN ON PLAN	

NOTE:
 POT-HOLE TO IDENTIFY ANY CONFLICTS BEFORE ANY PIPE INSTALLATION. CONTACT ENGINEER IF ANY CONFLICTS ARE IDENTIFIED.

NOTE:
 PRIOR TO FABRICATION OR CONSTRUCTION, BEGIN AT THE LOW END OF ALL GRAVITY UTILITY LINES AND VERIFY THE INVERT ELEVATION OF THE POINT OF CONNECTION AND NOTIFY ENGINEER IF THIS POINT IS HIGHER THAN SHOWN ON THE PLANS FOR A REDESIGN.

ABBREVIATIONS	
DBW	BOTTOM OF RAISED BED.
EG	EXISTING GRADE
TOA	TOP OF ASPHALT
TOW	TOP OF BALL

BENCHMARK
 MONUMENT IN THE CUL-DE-SAC
 OF DEVONSHIRE DR.
 ELEVATION = 5163.44

CALL BEFORE YOU DIG.
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 1-800-662-4111
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1712278
GRADING & DRAINAGE PLAN
 CGD.01
 2 OF 2

BENCHMARK ENGINEERING & LAND SURVEYING
 818 SOUTH STATE STREET SUITE #100
 SANDY, UTAH 84070 (801) 562-1712
 www.benchmarkeng.com

MATT FORSGREN
 1800 SOUTH DEVONSHIRE DR.
 SALT LAKE CITY, UTAH

PRELIMINARY PLAN



GRADING AND DRAINAGE KEY NOTES REFERENCE		
NO.	DESCRIPTION	DETAIL
①	GRADE SITE TO ELEVATIONS SHOWN ON PLAN	

NOTE:
POTHOLE TO IDENTIFY ANY CONFLICTS BEFORE ANY PIPE INSTALLATION. CONTACT ENGINEER IF ANY CONFLICTS ARE IDENTIFIED.

NOTE:
PRIOR TO FABRICATION OR CONSTRUCTION, BEGIN AT THE LOW END OF ALL GRAVITY UTILITY LINES AND VERIFY THE INVERT ELEVATION OF THE POINT OF CONNECTION AND NOTIFY ENGINEER IF THIS POINT IS HIGHER THAN SHOWN ON THE PLANS FOR A REDESIGN.

ABBREVIATIONS	
DOW	BOTTOM OF RAISED BED.
EG	EXISTING GRADE
TOA	TOP OF ASPHALT
TOW	TOP OF BALL

BENCHMARK
MONUMENT IN THE CUL-DE-SAC
OF DEVONSHIRE DR.
ELEVATION = 5163.44

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UTILITY NOTIFICATION CENTER

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CGD.01
2 OF 2

1712278

GRADING & DRAINAGE PLAN

MATT FORSGREN
1800 SOUTH DEVONSHIRE DR.
SALT LAKE CITY, UTAH

BENCHMARK ENGINEERING & LAND SURVEYING
818 SOUTH STATE STREET SUITE #100
SANDY, UTAH 84083 (801) 562-1712
www.benchmarkeng.com

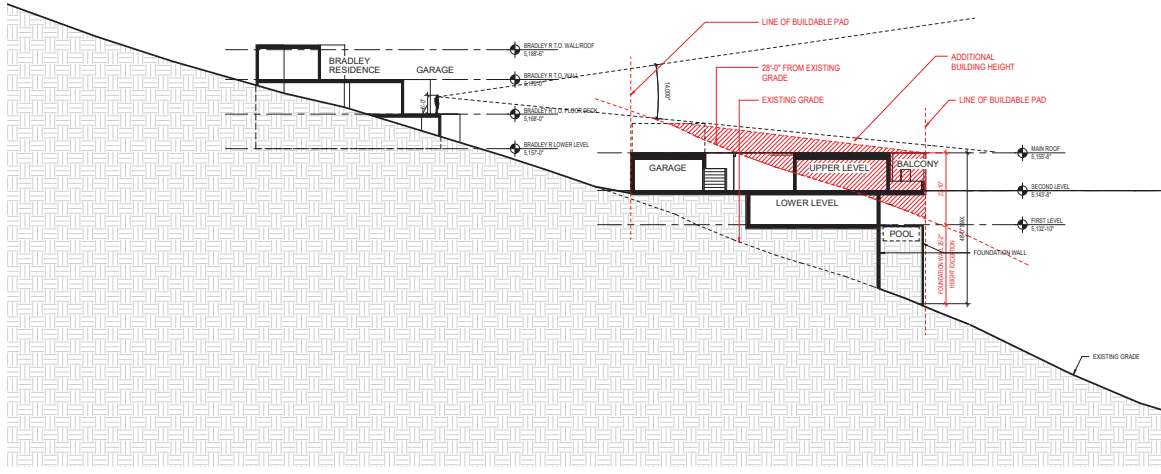
BENCHMARK CIVIL

PRELIMINARY PLAN

DESIGNED BY: []
DRAWN BY: []
CHECKED BY: []
DATE: []

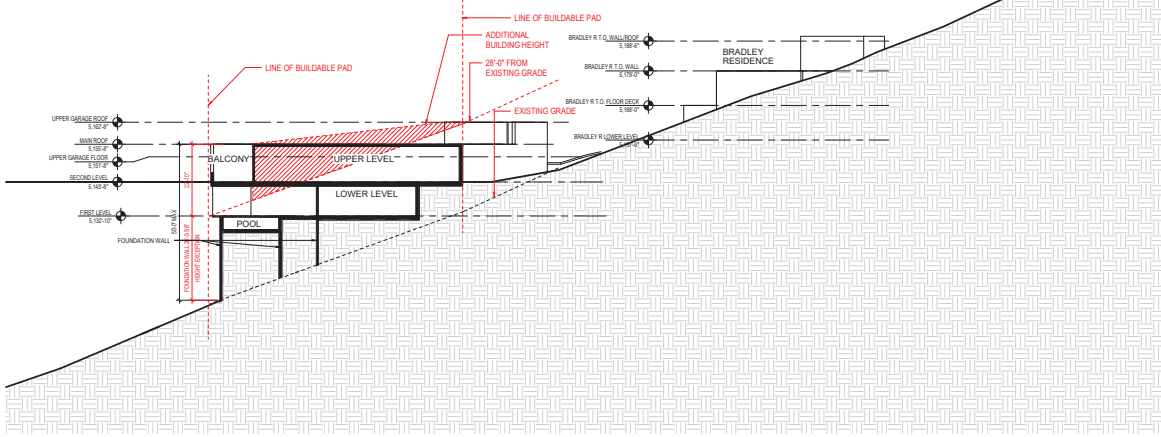
PROJECT NO.: []
CLIENT: []
PROJECT: []
DATE: []

SCALE: 1/4" = 10'-0"



SECTION 1

1/16" = 1'-0"

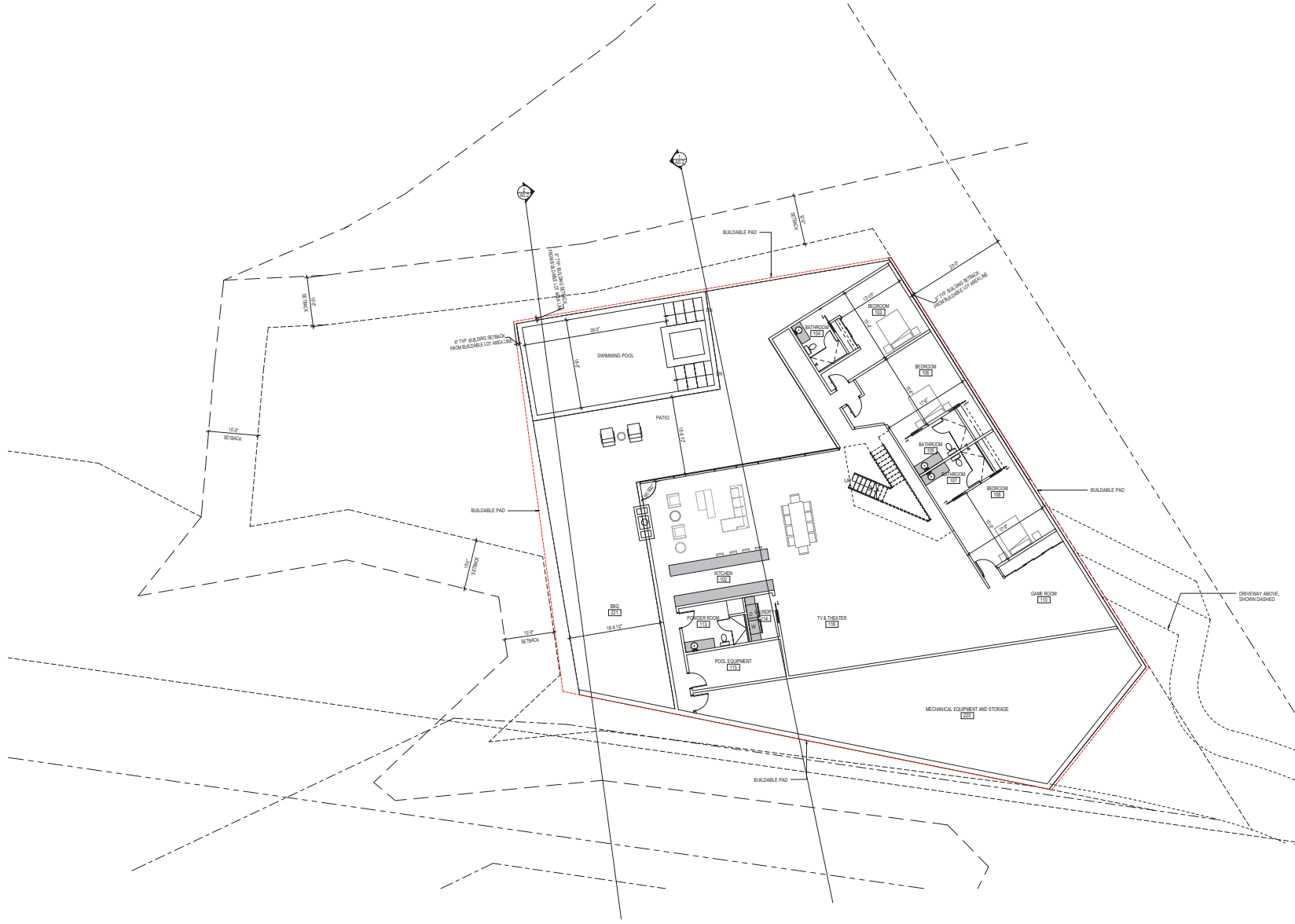


SECTION 2

1/16" = 1'-0"

SHEET NO. A02	DATE 03.28.23	PROJECT NO. 15020	PROJECT NAME FORSGREN RESIDENCE	PROJECT ADDRESS 1800 DEVONSHIRE DRIVE, SALT LAKE CITY, UT 84108	SITE SECTIONS

NOT FOR CONSTRUCTION



LOWER LEVEL AREA: 3,878 SF

**LOWER LEVEL
REFERENCE PLAN**

1/8" = 1'-0"



PRESCOTT MUJR ARCHITECT

171 WEST PIERPONT AVE.

SALT LAKE CITY, UTAH 84101

TEL: 801.521.9111 FAX: 801.521.9158

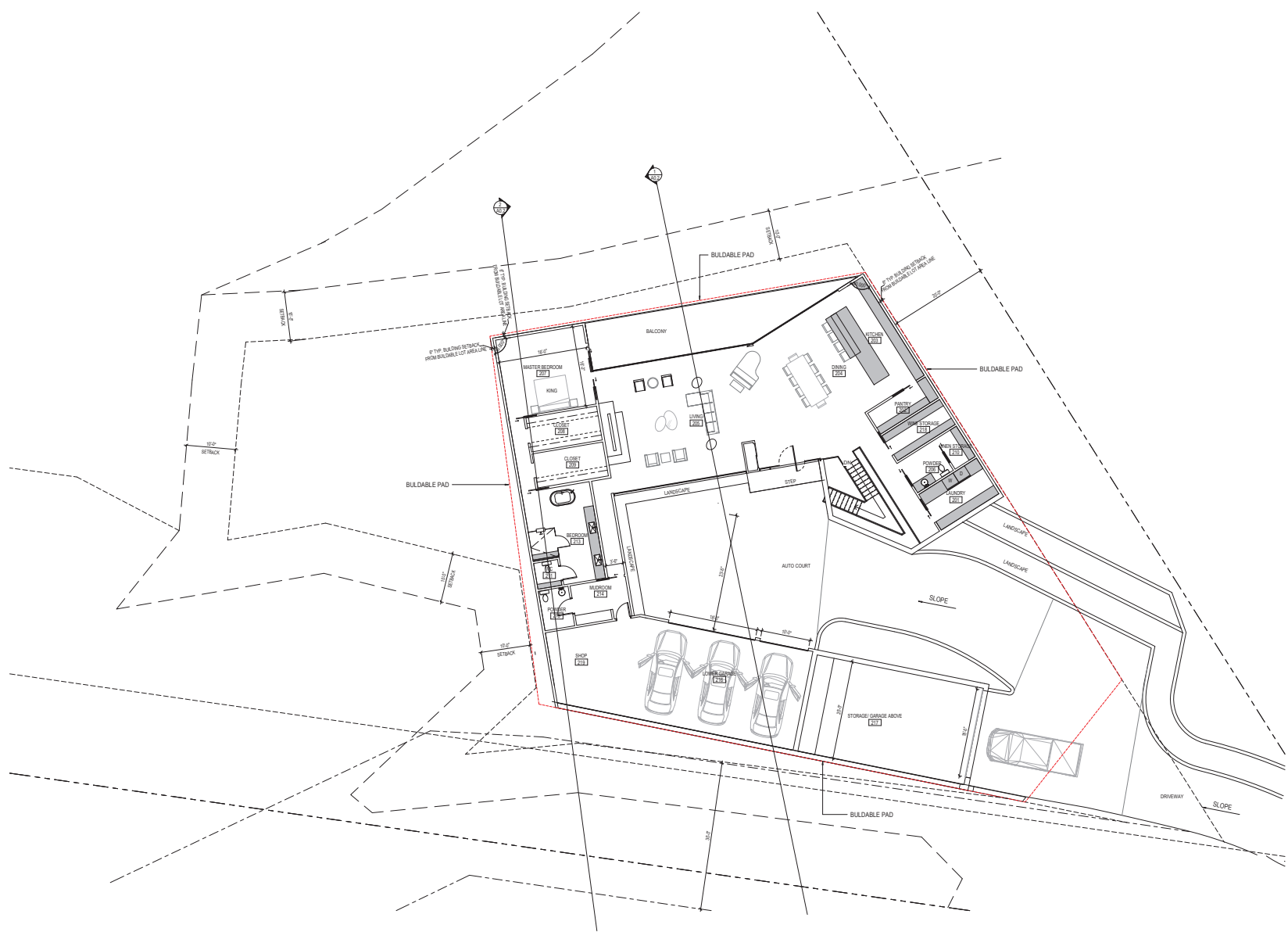
DATE: 03.23.23
DRAWN BY: DM
CHECKED BY: SM
PROJECT NO: 15020

**FORSGREN
RESIDENCE**
1800 DEVONSHIRE DRIVE, SALT LAKE CITY, UT 84108

LOWER LEVEL REFERENCE PLAN

A1

NOT FOR CONSTRUCTION



MAIN LEVEL REFERENCE
 PLAN
 1/8" = 1'-0"



PRESOTT MUJR ARCHITECT

171 WEST PIERPONT AVE.

SALT LAKE CITY, UTAH 84101

TEL: 801.521.9111 FAX: 801.521.9158

SHEET NO.
A12
 OF 2

FORSYTH
 RESIDENCE
 1000 DEVONSHIRE DRIVE, SALT LAKE CITY, UT 84108

MAIN LEVEL REFERENCE PLAN

NOT FOR CONSTRUCTION

TRANSMITTAL

DATE: 05.04.23

PROJECT: FORSGREN RESIDENCE

TO: LEX TRAUGHBER
SALT LAKE CITY DEPARTMENT OF COMMUNITY & NEIGHBORHOODS
801-535-6184
LEX.TRAUGHBER@SLCGOV.COM

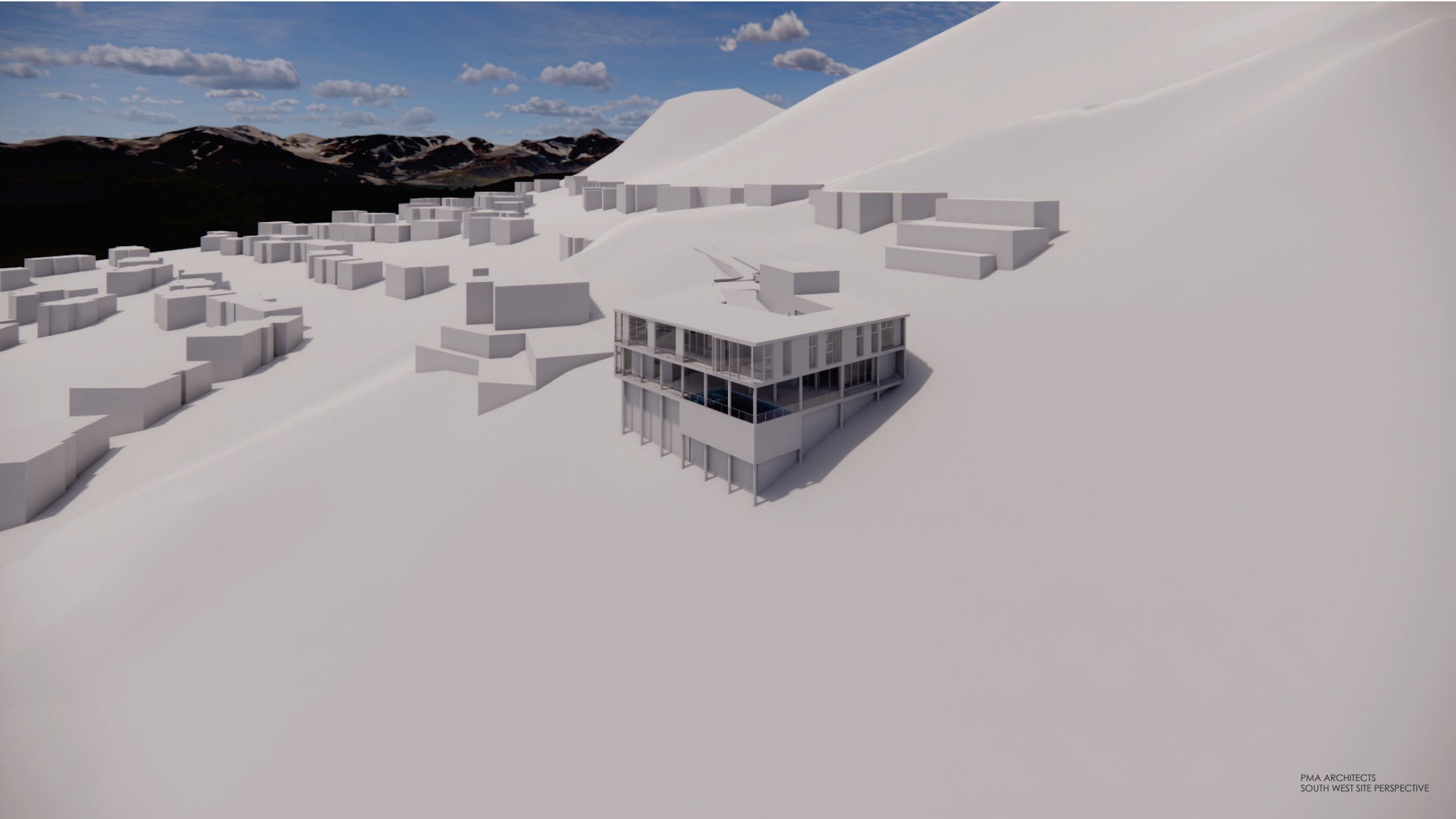
WE TRANSMIT:

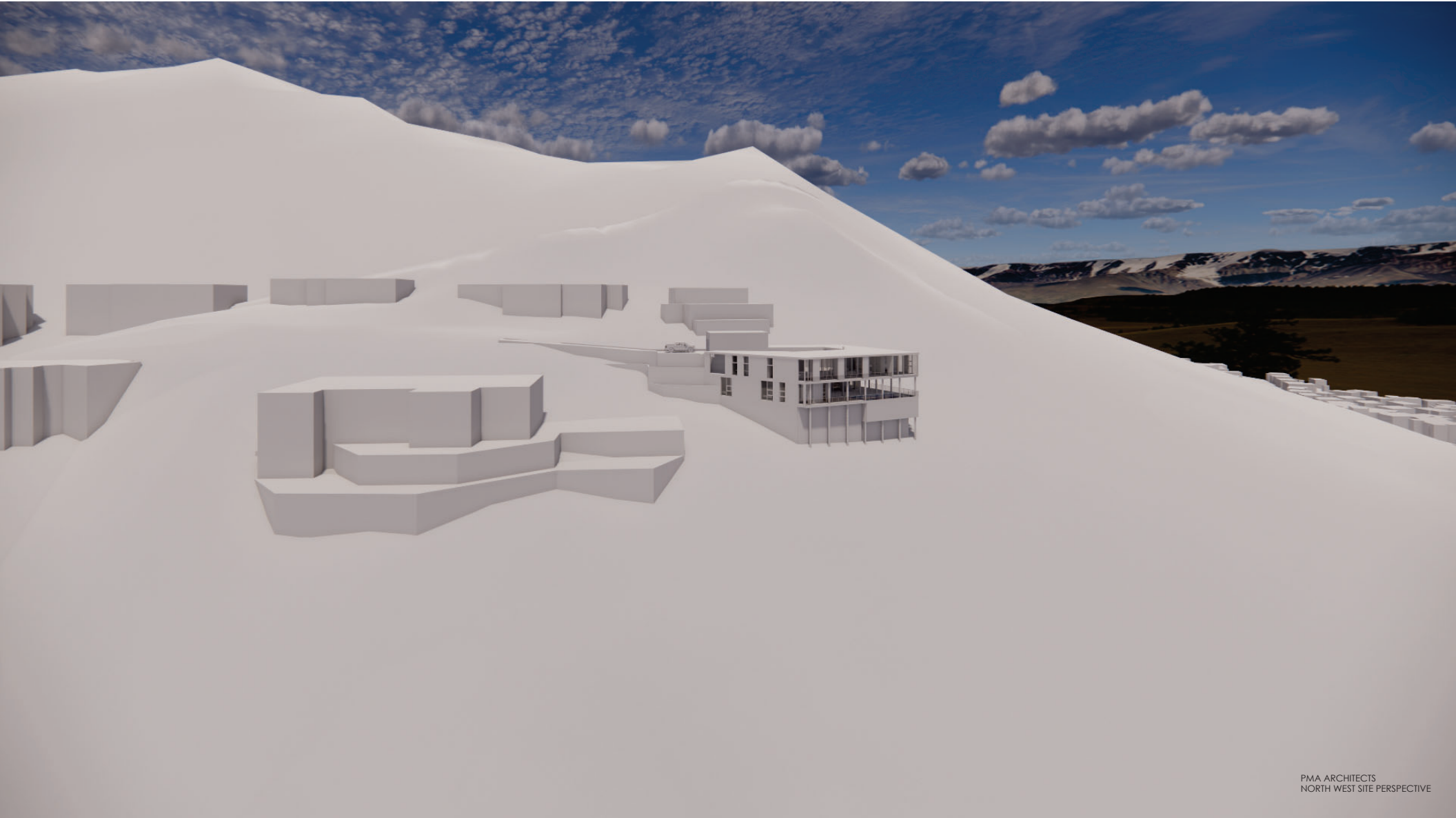
ELECTRONIC HAND DELIVER
 EXPRESS MAIL REGULAR MAIL

FOR YOUR:

INFORMATION APPROVAL
 REVIEW & COMMENT

COPIES	DATE	DESCRIPTION
1	05.04.23	South West Schematic Site Perspective
1	05.04.23	North West Schematic Site Perspective
1	05.04.23	North West Schematic Building Perspective







ATTACHMENT E: FR-2/21,780 LOT AND BULK REQUIREMENTS

FR-2/21,780 Foothills Residential District

Purpose Statement: The purpose of the FR-2/21,780 Foothills Residential District is to promote environmentally sensitive and visually compatible development of lots not less than twenty-one thousand seven hundred eighty (21,780) square feet in size, suitable for foothills locations as indicated in the applicable community Master Plan. The district is intended to minimize flooding, erosion, and other environmental hazards; to protect the natural scenic character of foothill areas by limiting development; to promote the safety and well being of present and future residents of foothill areas; to protect wildlife habitat; and to ensure the efficient expenditure of public funds.

Standard	Finding	Proposed
<p>Minimum Lot Area: 21,780 sq ft</p> <p>Minimum Lot Width: 100 ft</p>	Complies	The subject lot is over 87,000 square feet in size and was platted with a lot width that does not meet current standard but is legal.
<p>Maximum Building Height: In the FR-2, FR-3 and FP Districts, the maximum building height shall be twenty-eight (28') measured from established grade. The front and rear vertical building walls shall not exceed twenty-five feet (25') measured from finished 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').</p>	Requires Special Exception Approval	The applicant is requesting additional building height of approximately 22' in order to create a stepped home down the hillside. The section of the home exceeding 28 feet is stepped back from the front line of the house and is not visible from the street. The rear vertical foundation wall will subsequently slightly exceed the 25' maximum by approximately 2'.
<p>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.</p>	Complies	The front yard in this case is specified on the Devonshire Subdivision plat. The proposed home has been designed to fit within the designated building envelope on the lot.
<p>Interior Side Yards: Twenty feet (20')</p>	Complies	Both interior side yard setbacks are established on the plat and lot building envelope. Again, the proposed home has

		been designed to fit within the designated building envelope on the lot.
Rear Yard: Forty feet (40')	Complies	The proposed home has been designed to fit within the designated building envelope on the lot. The rear yard far exceeds 40'.
Building Coverage: The surface coverage of all principal and accessory buildings shall not exceed twenty-five percent (25%) of the lot area.	Complies	The proposed home has been designed to fit within the designated building envelope on the lot, but does not exceed 25% of the lot area. The building envelope comprises approximately 11% of the overall lot acreage.
Slope Restrictions: For lots subdivided after November 4, 1994, no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope. All faces of buildings and structures shall be set back from any non-buildable area line, as shown on the plat if any, a minimum of ten feet (10') and an average of twenty feet (20').	N/A	The Devonshire Subdivision was recorded in 1991.
Landscape Plan: A landscape plan conforming to the requirements of chapter 21A.48 shall be required.	Must comply at the building permit stage.	The applicant has not submitted a landscape and irrigation plan as part of the special exception request.
Standards for Attached Garages: 1. Width of an attached garage: The width of an attached garage facing the street may not exceed fifty percent (50%) of the width of the front façade of the house. The width of the garage is equal to the width of the garage door, or in the case of multiple garage doors, the sum of the widths of each garage door plus the width of any intervening wall elements between garage doors. 2. Located behind or in line with the front line of the building: No attached garage shall be constructed forward of the front line of the building” (as defined in section 21A.62.040 of this title), unless: a. A new garage is constructed to replace an existing garage that is forward of the “front line of the building.” In this case, the new garage shall be constructed in the	Complies	The proposed single-family structure includes an attached garage, which faces an interior courtyard that is located in-line with the front of the building, and will not be visible from the street.

<p>same location with the same dimensions as the garage being replaced;</p> <p>b. At least sixty percent (60%) of the existing garages on the block face are located forward of the “front line of the building”, or</p> <p>c. The garage doors will face a corner side lot line.</p>		
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ATTACHMENT F: SPECIAL EXCEPTION STANDARDS

21A.52.060: General Standards and Considerations for Special Exceptions:

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

Standard	Finding	Rationale
<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>Complies</p>	<p>The proposed Special Exception is generally in harmony with, and does not hinder, the overall intent of the zoning ordinance found in 21A.24.030.</p> <p><i>“The purpose of the FR-2/21,780 Foothills Residential District is to promote environmentally sensitive and visually compatible development of lots not less than twenty one thousand seven hundred eighty (21,780) square feet in size, suitable for foothills locations as indicated in the applicable community Master Plan. The district is intended to minimize flooding, erosion, and other environmental hazards; to protect the natural scenic character of foothill areas by limiting development; to promote the safety and well being of present and future residents of foothill areas; to protect wildlife habitat; and to ensure the efficient expenditure of public funds.”</i></p> <p>Staff finds that the proposed single-family residential use and requested special exception complies with the purpose statement of the FR-2 zoning district. The subject property is similar in character to other properties in the neighborhood, some of which have also received special exception approval for additional height to create a buildable area. The single-family home was designed to step down as the natural slope decreases to the west. The portion of the building that exceeds 28 feet in height will not be seen from Devonshire Drive.</p> <p>The proposed structure is compatible with the existing development along Devonshire Drive.</p>
<p>B. No Substantial Impairment of Property Value: The proposed use and development will not substantially diminish or</p>	<p>Complies</p>	<p>The subject property has been vacant since the Devonshire Subdivision was recorded in 1991. The subject property was platted for residential development.</p>

<p>impair the value of the property within the neighborhood in which it is located.</p>		<p>Staff has found no evidence indicating that the proposed use and development would diminish or impair the property values within the neighborhood.</p>
<p>C. No Undue Adverse Impact: The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.</p>	<p>Complies</p>	<p>The proposed single-family use is compatible with the other single-family dwellings in the neighborhood.</p> <p>There are other single-family dwellings that have received special exception approval for additional height, grading, and retaining walls due to the naturally occurring slope along Devonshire Drive.</p> <p>Staff finds that the proposed use and development would not have a material adverse effect upon the character of the area or the public health, safety, and general welfare.</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>Complies</p>	<p>The applicants are requesting a special exception for additional building height which is a common development request in the Foothills Residential Districts.</p> <p>While the structure is over height, the portion of the structure exceeding 28 feet is not visible from the street. Staff finds that the proposal is compatible with surrounding development.</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 buildable and undevelopable areas are prescribed on the recorded plat. In addition, the plat has a designated building envelope that restricts the location of any development on the subject lot and thereby preserves the majority of the lot as natural area.</p> <p>While the existing slope will be altered to create a driveway and buildable area for the home, the majority of the property will remain undisturbed or be revegetated within the transition area.</p> <p>Staff does not anticipate the destruction or damage of significant natural or scenic features, and the property does not contain any historical features.</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>The applicant will be required to obtain the appropriate building permits prior to beginning work on the property.</p> <p>The proposed use and development are not expected to cause air, water, noise, or other types of 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>Complies</p>	<p>The table in Attachment G analyzes the proposal's compliance with the special exception standards for additional building height. All other Special Foothill Regulations located in section 21A.24.010(P) will need to be met at the time of application for a building permit. It appears that the project is in compliance or is able to comply with all of these standards (See table H).</p>

ATTACHMENT G: STANDARDS FOR ADDITIONAL HEIGHT

21A.24.010(P)(2): Height Special Exception: The Planning Commission, as a special exception to the height regulations of the applicable district, may approve a permit to exceed the maximum building height but shall not have the authority to grant additional stories. To grant a height special exception the Planning Commission must find the proposed plan:

Standard	Finding	Rationale
<p>a. Is a design better suited to the site than can be achieved by strict compliance to these regulations; and</p>	<p>Complies</p>	<p>The applicant is requesting approximately 22' feet of additional height as measured on the west side (downslope) of the proposed structure. The additional height has been requested to consider the difficulty of the slope on the property. The applicant designed the building to step down as the established grade of the site slopes to the west. The design includes a flat roof which will lessen the impact on views.</p> <p>The applicant submitted a site section and visibility study demonstrating the over height section of the proposed home is not visible from Devonshire Drive. The design was also composed to have as little impact on the views of the neighbor to the east.</p> <p>Given the constricted access to the site, the design includes an attached garage that faces into an internal courtyard of the home to avoid the garage facing the street.</p>
<p>b. Satisfies the following criteria:</p> <p style="padding-left: 20px;">(1) The topography of the lot presents difficulties for construction when the foothill height limitations are applied,</p> <p style="padding-left: 20px;">(2) The structure has been designed for the topographic conditions existing on the particular lot, and</p> <p style="padding-left: 20px;">(3) The impact of additional height on neighboring properties has been identified and reasonably mitigated.</p>	<p>(1) Complies</p> <p>(2) Complies</p> <p>(3) Complies</p>	<p>The subject property has an average slope of approximately 36% according to the applicant, and upon inspection it is readily evident that the lot is steep.</p> <p>The requested additional height of approximately 22' is requested to accommodate the section of the building that faces away from Devonshire Drive.</p> <p>The grade slopes downward towards the west and the structure was designed to step down the steep slope. The applicant has demonstrated how views may be impacted from the property owner to the east. Granting additional height is not expected to have a significant impact on the abutting properties.</p>

<p>c. In making these considerations the Planning Commission can consider the size of the lot upon which the structure is proposed.</p>	<p>Staff finds that due to the square footage of the lot, the request would have minimal impact on the adjacent properties</p>	<p>The subject property is approximately 87,033 square feet in size with a buildable area of 9,382 square feet, or a little less than 11% of the overall lot.</p> <p>The majority of the square footage of the lot includes area designated as undevelopable. The proposed single-family residence complies with the setbacks and buildable area prescribed on the plat.</p>
<p>d. The burden of proof is upon the applicant to submit sufficient data to persuade the Planning Commission that the criteria have been satisfied.</p>	<p>Staff finds that all criteria have been satisfied.</p>	<p>Staff believes the burden of proof has been met by the applicant. The applicant submitted a visibility study demonstrating that the over height section of the structure will not be visible from the street.</p>
<p>e. The Planning Commission may deny an application for a height special exception if:</p> <p>(1) The architectural plans submitted are designed for structures on level, or nearly level, ground, and the design is transposed to hillside lots requiring support foundations such that the structure exceeds the height limits of these regulations;</p> <p>(2) The additional height can be reduced by modifying the design of the structure through the use of stepping or terracing or by altering the placement of the structure on the lot;</p> <p>(3) The additional height will substantially impair the views from adjacent lots, and the impairment can be avoided by modification; or</p> <p>(4) The proposal is not in keeping with the character of the neighborhood.</p>	<p>Complies</p>	<ol style="list-style-type: none"> 1. The proposed single-family home was designed to be compatible with the slope of the subject property and is stepped down the hillside. 2. The applicants submitted several (at least 4) iterations of designs from the subject home. Until the iteration that is before the Planning Commission currently, none of the iterations conformed to plat requirements. The current iteration of the structure steps down the slope in response to the established grade. Staff believes the request for approximately 22' of additional height is appropriate and meets the intent of the Foothills zoning designation. 3. The portion of the roof exceeding 28 feet is not visible from the street. There is no potential for future development anywhere else on the property and the proposed dwelling will not substantially or significantly impact or impede the Salt Lake Valley views of adjacent properties. 4. The proposal is in keeping with the character of the neighborhood. Many of the existing homes along Devonshire Drive received special exception approval for additional height. The proposed single-family residence is compatible with the existing character of the

		neighborhood and specifically, Devonshire Drive.
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ATTACHMENT H: STANDARDS FOR FOOTHILLS

21A.24.010(P): Special Foothills Regulations: The FP Foothills Protection District, section [21A.32.040](#) of this title, and the FR-1/43,560, FR-2/21,780 and FR-3/12,000 Districts shall be subject to the regulations of this subsection, other general provisions for residential districts, and the district regulations of each district.

Standard	Finding	Rationale
<p>1. Special Building Height Controls: Uses and buildings in the FR-1/43,560, FR-2/21,780, FR-3/12,000 and FP Districts shall conform to the following special height regulations:</p> <p>a. In the FR-1 District, the maximum building height shall be thirty five feet (35') measured from established grade. The front and rear vertical building wall height shall not exceed thirty one feet (31') measured from finished grade. On a corner lot, roof gable ends which face onto either the front or corner side yard, but not both, are permitted to the height of thirty five feet (35') measured from established grade.</p> <p>b. In the FR-2, FR-3 and FP Districts, the maximum building height shall be twenty eight feet (28') measured from established grade. The front and rear vertical building walls shall not exceed twenty five feet (25') measured from finished 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').</p> <p>c. All building heights for initial construction of a building in a foothill zone shall be measured from the established grade. Up to four feet (4') of fill (or 6 feet within the buildable area of the lot) may be added on top of the established grade in order to bring the exposed portion of the lower story of a single exterior wall of</p>	<p>Requires Special Exception approval</p>	<p>The subject property is zoned FR-2/21,780 which imposes a 28' height limit. The applicant is asking for approximately an additional 22' as previously noted. Again, this additional building height will not be visible from Devonshire drive and should have little negative impact on other residentially used properties in the vicinity.</p>

<p>building into compliance with the definition of a basement when the majority of that lower level of that exterior wall already complies with this definition. The height of any subsequent structural modification or addition to a building shall be measured from the finished grade existing at the time a building permit is requested.</p>		
<p>2. Repealed.</p>	<p>N/A</p>	
<p>3. Design Regulations: The following design regulations shall also apply:</p> <p>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 foothills. Colors permitted include grays, browns, greens, tans and other earth tones. White or bright colors shall be limited to window casings, doors, eaves and other trim areas.</p> <p>b. Exterior Building Glass: Windows and other 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.</p> <p>c. Roof Materials And Colors: Roof colors shall be earth tones. White, bright and reflective materials are prohibited from roofs. Tile, slate, architectural asphalt shingles and fire retardant wood are permitted as roofing materials.</p> <p>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</p>	<p>Must comply at the time of building permit application.</p>	<p>All of these design regulations must be addressed and must be in compliance prior to the issuance of a building permit. These design regulations have not been addressed as part of the Special Exception request process, nor would it be necessary.</p>

<p>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 ridgeline.</p>		
<p>4. Satellite Antennas: In addition to the regulations contained in chapter 21A.40 of this title, satellite antennas shall be painted nonreflective black or other dark earth tone colors.</p>	<p>N/A as of the writing of this staff report.</p>	<p>Must comply if or when a satellite antenna is pursued in the future.</p>
<p>5. 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.</p>	<p>Must comply at the time of building permit issuance.</p>	<p>Lighting regulations must be addressed and must be in compliance prior to the issuance of a building permit.</p>
<p>6. Grade 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 (4) feet at any point for the construction of any structure or improvement except:</p> <ul style="list-style-type: none"> a. Within the buildable area. Proposals to modify established grade more than six (6) feet shall be permitted for the construction of below grade portions of structures, egress windows, and building entrances. Grade change transition areas between a yard area and the buildable area shall be within the buildable area; b. Within the side and rear yard areas, grade changes greater than four (4) feet are permitted provided: <ul style="list-style-type: none"> (1) The grade change is supported by retaining walls. 	<p>Complies</p>	<p>Grade changes in excess of 6' will occur within the buildable area (platted building envelope) on the subject property. The grade changes will accommodate below grade portions of the proposed home.</p> <p>Grade changes also will occur in the front and side yards to accommodate the drive access to the legal parking area for the proposed home. The proposed grade changes in the front and side yards are supported by retaining walls which meet this set of standards.</p>

<p>(2) No individual retaining wall exceeds six (6) feet in height.</p> <p>c. Within the required front and corner side yards, grade changes up to six (6) feet in height are permitted provided:</p> <p>(1) The grade change is necessary for driveways accessing legally located parking areas; and</p> <p>(2) The grade changes are supported by retaining walls.</p>		
<p>7. Grading: Unauthorized grading and other surface disturbing activities are prohibited in all undevelopable areas within the lot or the subdivision. Prior to any grading or other surface disturbing activity on the property, the undevelopable areas shall be clearly delineated by temporary fencing or flagging. Any flagging stakes used to delineate undevelopable areas there shall be a minimum of four feet (4') above grade and no more than twenty five feet (25') apart.</p>	<p>Must comply at the time of building permit issuance.</p>	<p>These regulations must be adequately addressed and complied with as part of the building permit process.</p>
<p>8. Retaining Walls: All cuts and fills in excess of two feet (2') shall be supported by retaining walls if required by the Zoning Administrator. Any stacking of rocks to create a rock wall in excess of a thirty percent (30%) slope, that is intended to retain soil, shall be considered a retaining wall. No retaining wall may exceed four feet (4') in height above the established grade except as provided in subsections P6a, P6b and P6c of this section. In a terrace of retaining walls, each four foot (4') vertical retaining wall must be separated by a minimum of three (3) horizontal feet, and any six foot (6') retaining wall must be separated from any other retaining wall by a</p>	<p>Complies or will comply at the building permit phase.</p>	<p>Retaining walls are necessary in the front and side yard for the driveway that leads to the required parking for the proposed home. The applicant has shown two 6' retaining walls spaced 5' apart to accommodate the driveway. The retaining walls are necessary due to the constrained narrow entrance onto the property and the steep slope. In accordance with this standard, the retaining walls will need to be approved by an engineer licensed by the State prior to the issuance of a building permit. Likewise, once constructed the horizontal area between retaining walls must be landscaped with vegetation. Said vegetation needs to be shown on the building permit plans.</p>

<p>minimum of five (5) horizontal feet. The horizontal area between terraced retaining walls shall be landscaped with vegetation. All retaining walls, in excess of four feet (4') in height shall be approved by an engineer licensed by the State, and the engineer's approval shall be consistent with the provisions of a geotechnical report. The Zoning Administrator may require an engineer's approval for retaining walls less than four feet (4') that there are sufficient risk factors, such as slope, soil stability, or proximity to structures on adjacent property.</p>		
<p>9. Roads And Driveways: To ensure that private roads and driveways minimize impact on the natural landscape, plans for the design and improvement of roads and driveways shall be subject to review and approval by the City Engineer and Fire Department as a condition of building permit issuance. Design standards and guidelines for private roads and driveways shall include the following:</p> <p>a. Driveways which serve more than one parcel are encouraged as a method of reducing unnecessary grading, paving, and site disturbance. The drive approach for driveways which serve more than one parcel shall not exceed the standard widths for drive approaches as specified by the Salt Lake City Transportation Division.</p> <p>b. Driveway approaches shall not be located within six feet (6') of any side property line. Exceptions may be considered by the development review team, based on the driveway slope and dimension, slope of the roadway or lot, location of</p>	<p>Complies</p>	<p>The issue with the driveway on this parcel is challenging (narrow lot frontage, steep slope, city waterline easement), and the applicant worked with Planning Staff and other City Departments (Engineering & Transportation) to resolve the considerable restraints on the property in terms of access. The issue of the driveway has been resolved internally.</p> <p>The lot was platted in 1991, thereby creating a legal lot for residential development. The City is not in a position to deny access based on current driveway standards, and thus reasonable accommodation has been made for access to the parcel, including retaining walls. Planning Staff issued an email in September 2022 to the applicant approving the proposed driveway configuration and location, including the proposed retaining walls.</p>

<p>existing drive approaches serving abutting properties, and proposed uses.</p> <p>(1) Driveway approaches shall maintain a twelve foot (12') separation from another drive approach. Drive approaches shall be located ten feet (10') from a corner property line or five feet (5') from the termination of a corner curb radius, whichever is greater. Drive approaches located along a designated right turn lane shall maintain a fifty foot (50') setback from the termination of a corner curb radius. Exceptions to those requirements may be approved by the development review team.</p> <p>c. A driveway shall not exceed sixteen percent (16%) average slope with standard vertical curve transitions from the property line to a legal parking space.</p> <p>(1) The cross slope of driveways should not exceed four percent (4%).</p> <p>d. Driveway approaches shall maintain a five foot (5') offset from power poles, fire hydrants, trees or any other roadside hazards. Exceptions to the requirement may be approved by the development review team.</p> <p>e. Sight obstructions along driveways shall maintain a ten foot (10') wide by ten foot (10') deep sight distance triangle as noted in section 21A.62.050, figure 21A.62.050I of this title. Obstructions in the required sight distance triangle shall generally not exceed thirty inches (30") in height. Exceptions may be approved by the development review team based upon location and type of material.</p>		
<p>10. Fence Restrictions: Fences and walls shall only be constructed after first obtaining a building permit</p>	<p>N/A as of the writing of this staff report.</p>	<p>No fencing has been proposed as part of the Special Exception application. If any fencing is pursued in the future on</p>

<p>subject to the standards of this section.</p> <p>a. Site Plan Submittal: As part of the site plan review process, a fencing plan shall be submitted which shall show:</p> <p>(1) Any specific subdivision approval conditions regarding fencing;</p> <p>(2) Material specifications and illustrations necessary to determine compliance with specific approval limitation and the standards of this section.</p> <p>b. Field Fencing Of Designated Undevelopable Areas: Fencing on areas identified as undevelopable areas or transitional areas on any subdivision granted preliminary approval by the Planning Commission after November 4, 1994, or any lot previously platted which identifies undevelopable areas or transitional areas shall be limited to the following standards unless subdivision approval granted prior to November 4, 1994, included specific fencing requirements which are more restrictive. The more restrictive requirement shall apply.</p> <p>(1) Low visibility see through fencing shall consist of flat black colored steel "T" posts and not more than four (4) strands of nonbarbed steel wire, strung at even vertical spacing between such "T" post, and erected to a height of not more than forty two inches (42") above the natural ground surface.</p> <p>(2) When fencing lot boundary lines, vegetation or native brush shall not be cleared so as to create a visible demarcation form off site.</p> <p>(3) The existing surface of the ground shall not be changed by grading</p>		<p>the subject lot, the fencing must comply with these regulations.</p>
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<p>activities when erecting boundary fences.</p> <p>(4) Fence materials and designs must not create a hazard for big game wildlife species.</p> <p>(5) No field fencing shall be erected in conflict with pedestrian easements dedicated to Salt Lake City.</p> <p>c. Buildable Area</p> <p>Fencing: Fencing on any portion of a lot identified as buildable area or required side yard on any subdivision granted preliminary approval by the Planning Commission after November 4, 1994, or any lot previously platted which identifies undevelopable area or transitional areas shall be limited to the following standards unless subdivision approval granted prior to November 4, 1994, includes specific fencing requirements which are more restrictive. The more restrictive requirement shall apply.</p> <p>(1) Open, see through fencing constructed of tubular steel, wrought iron or similar materials, finished with a flat black, nonreflective finish constructed to a height of six feet (6') or less; or</p> <p>(2) Sight obscuring or privacy type fencing shall be of earth tone colors, or similar materials to the primary dwelling, and located in a way which screens private outdoor living spaces from off site view.</p> <p>d. Front Yard Fencing: Walls and fences located within the front yards and along roadways shall not exceed a maximum of forty two inches (42") in height.</p>		
<p>11. Utilities: To the maximum extent practical, all utilities shall be placed within existing road rights-</p>	<p>Must comply at the time of building permit issuance.</p>	<p>These regulations must be adequately addressed as part of the building permit process.</p>

<p>of-way and front yard setbacks. For lots platted after September 4, 1992, all water, sewer, electrical, telephone, cable television and other utilities shall be placed underground, except that transformers, pedestals and other appurtenances which are normally located aboveground in connection with the underground installations are permitted. All areas disturbed by the installation of underground utilities shall be revegetated in conformance with the regulations of this subsection, and chapter 21A.48 of this title. Temporary or emergency utilities may be erected and maintained aboveground for no more than four (4) months.</p>		
<p>12. Landscaping And Revegetation: Installation of all required landscaping shall begin no later than one month after a certificate of occupancy; except that if the certificate of occupancy is issued between October 15 and the following April 1, installation of the landscaping shall begin no later than April 30. Landscaping shall be substantially completed within nine (9) months after a certificate of occupancy is issued. Landscaping shall conform to the requirements of chapter 21A.48 of this title, and shall also conform to the following requirements:</p> <p style="padding-left: 20px;">a. Front Yards And Side Yards: Front yards, corner side yards and interior side yards shall be completely landscaped except for driveways, walkways and patios/decks.</p> <p style="padding-left: 20px;">b. Disturbed Areas: All other areas disturbed during construction shall be either landscaped or revegetated to a natural state.</p> <p style="padding-left: 20px;">c. Undevelopable Areas: Lawns or gardens are</p>	<p>N/A as of the writing of this staff report.</p>	<p>Landscape plans need to be submitted with the building permit application. Landscape plans must comply in the future after the issuance of a Certificate of Occupancy.</p>

<p>prohibited in the undevelopable areas. Native and drought tolerant plant species established in undevelopable areas may be enhanced by irrigation and supplemental planting as approved by the Zoning Administrator, provided the Zoning Administrator finds that such supplemental planting is in keeping with the natural conditions.</p>		
<p>13. Applicability To Existing Buildings And Structures: Colors and building materials on existing structures may be maintained and/or repaired with materials and colors similar to those existing before the enactment of this title. Such colors and materials may only be modified to bring them into closer compliance with subsection P3 of this section. The provisions of this subsection shall apply to additions to existing buildings and structures within the FR-1/43,560, FR-2/21,780, FR-3/12,000 and FP Districts. Additions after April 12, 1995, to buildings and structures existing prior to April 12, 1995, shall conform to all provisions of this subsection, except that building colors and materials may match the original building or structure.</p>	<p>N/A at the time of the writing of the staff report.</p>	<p>Must comply if or when this activity is pursued in the future.</p>

ATTACHMENT I: PUBLIC PROCESS AND COMMENTS

Public Process:

- Public hearing notices mailed on May 11, 2023.
- Public hearing notice posted on the City and State websites on May 11, 2023.
- Public hearing sign posted on property on May 12, 2023.

Public Comments:

No public comments were received prior to the publishing of the staff report. If comments are received prior to the Planning Commission meeting they will be forwarded to the Commission for review.

ATTACHMENT J: DEPARTMENT REVIEW COMMENTS

Building Services (Steven Collett):

All new construction within the corporate limits of Salt Lake City shall be per the State of Utah adopted construction codes and to include any state or local amendments to those codes. RE: Title 15A State Construction and Fire Codes Act.

Residential projects meeting one or more of the following requirements must provide a site-specific geotechnical report meeting the requirements of IBC 1803.6:

- Where the building footprint is greater than 3,000 square feet or has a gross square footage of 6,000 square feet or greater.
- Where the grade supporting the structure has a slope equal to or greater than 20 percent.
- Where the building is to be built on a lot in which a previous structure once existed.

Public Utilities:

PU does not have any specific comments regarding the proposed height. However, for a building permit, PU needs to review and approve the site, utility, grading, erosion control, and floor plans.

Engineering (Scott Weiler):

Engineering has no objections.

Transportation (Jena Carver):

I have no comments on this. I'll need to see it again if they make any changes to the driveway.

Fire (Doug Bateman):

The Fire Department has no comment if there is only one (1) single-family dwelling on the parcel.