



Staff Report

BUILDING SERVICES, CIVIL ENFORCEMENT

To: Appeals Hearing Officer
From: Nicholas Rush, Legal Investigator / nicholas.rush@slc.gov or 801-535-6689
Date: October 8th, 2026
Hearing Date: October 15, 2026
Re: PLNAPP2026-00626

Appeal of Administrative Decision

PROPERTY ADDRESS: 852 S West Temple St
PARCEL ID: 15-12-276-030-0000
ZONING DISTRICT: MU-5
APPELLANT: Scott English on behalf of GPWT LLC, the property owner

ISSUE:

Whether staff erred in issuing a Notice and Order to the property owner for a fence exceeding the maximum permitted height along the front property line when the fence was constructed prior to such owner's period of ownership.

STANDARD OF REVIEW:

This is an appeal of an administrative decision pertaining to an enforcement of Salt Lake City's zoning code, which is found in Title 21A of the Salt Lake City Code ("City Code"). The appeals hearing officer, established pursuant to Section 21A.06.040, is the City's designated land use appeal authority on appeals of administrative decisions, which include enforcement actions. With respect to zoning enforcement actions, City Code provides that "[t]he responsible party shall have the right to contest the notice and order at an administrative hearing in accordance with Chapter 21A.16." City Code § 21A.20.030.H. In accordance with Section 21A.16.030.A, an appeal made to the appeals hearing officer shall identify "the

decision appealed, the alleged error made in connection with the decision being appealed, and the reasons the appellant claims the decision to be in error.” The appeals hearing officer’s review of the administrative decision is de novo. City Code § 21A.16.030.I.1. It is an appellant’s burden to prove that the decision made by the zoning administrator was incorrect. City Code § 21A.16.030.J.

CIVIL ENFORCEMENT DECISION:

Civil Enforcement determined that the fence along the front property line is approximately 6 feet 8 inches tall, in violation of Section 21A.40.120.E.1.A, which limits front fence heights to 4 feet.

BACKGROUND/TIMELINE:

July 7, 2011 -- Subject property sold to Eden Real Properties, LLC

(likely) 2020 -- Fence constructed

May 18, 2021 – GPWT, LLC purchases 850 S West Temple and 856 S West Temple, the abutting properties immediately to the north and south of the subject property (Tax Parcels 15-12-276-028, 15-12-276-029, and 15-12-276-031). (Exhibit 7)

March 6, 2025 – Prior owner is cited by Civil Enforcement for the over-height fence.

August 21, 2025 – Prior owner applies for a variance to keep the over-height fence (PLNZAD2025-00845).

December 3, 2025 – Public hearing notice mailed to GPWT, LLC (Exhibit 8)

December 8, 2025 – Public hearing notice sign posted at the subject property

January 12, 2026 – Variance application denied (Exhibit 5)

April 16, 2026 -- Subject property sold to the current owner GPWT, LLC (Exhibit 9)

May 19, 2026 – A new enforcement case was opened following change in ownership. Previous enforcement was documented under case HAZ2026-00123, and a new warning letter was requested citing over height fence and both front yard and park strip violations.

May 21, 2026 – Civil Enforcement issues a warning letter to GPWT, LLC

June 9, 2026 -- Civil Enforcement met with the property manager Scott English to discuss the outstanding zoning violations. The property manager was advised that the front-yard fence could not exceed four feet, at least 33% of the park strip must contain live vegetation, and rock coverage in the park strip and front yard was limited to 20%. The denial of the previous owner’s variance petition was also discussed.

July 2 and 8, 2026 – The property was reinspected and determined that it remained out of compliance.

July 15, 2026 – Civil Enforcement mails and posts the Notice and Order at the property. (Exhibit 1)

July 24, 2026 -- GPWT, LLC appeals the Notice and Order.

APPLICABLE ORDINANCES:

21A.40.120: REGULATION OF FENCES, WALLS AND HEDGES:

...

E. Height Restrictions and Gates:

1. Fences and walls shall comply with the following regulations:
 - a. Except as permitted in subsection 21A.24.010.P and 21A.40.120.E.4 of this code a fence or wall located between the front lot line and front building line of the facade of the principal structure that contains the primary entrance shall not exceed four (4) feet in height.

21A.40.120: REGULATION OF FENCES, WALLS AND HEDGES:

...

C. Building Permit Required:

1. A building permit shall be obtained prior to construction of any fence that does not exceed six feet (6') in height and is not made of concrete or masonry or does not require structural review under the Uniform Building Code regulations. The permit is to ensure compliance with adopted regulations.
2. A building permit and fee are required for fences and walls which exceed six feet (6') in height and all fences or walls of any height that are constructed under the International Building Code. The permit is to ensure compliance with all Zoning Ordinance standards and requirements (location, height, types of materials) as well as to ensure the structural integrity of the pilasters and foundation system which will be verified by plan review and site inspection.
3. The application for a permit must include plans identifying the location and height of the proposed fence or wall. If the fence or wall is constructed of masonry or concrete of any height or exceeds six feet (6') in height, construction details showing horizontal and vertical reinforcement and foundation details shall be shown on the plans.
4. The building permit fee for a fence will be a general permit fee based on construction costs or valuation of the work as shown in the consolidated fee schedule.
5. Construction of any fence in the following districts shall also comply with the additional fencing regulations found in the following subsections of this title:
 - a. FP Foothills Protection District (21A.32.040I);
 - b. H Historic Preservation Overlay District (21A.34.020E); and
 - c. Foothill Residential FR-1, FR-2 and FR-3 Districts (21A.24.010P).

APPEAL:

The subject property is a ten-unit multifamily dwelling located in the MU-3 Mixed-Use District. The property is subject to the fence-height restrictions set forth in Section 21A.40.120.E.1.A, which provides: “Fences and walls shall comply with the following regulations: A. Except as permitted in subsection 21A.24.010.P and 21A.40.120.E.4 of this code, a fence or wall located between the front lot line and front building line of the facade of the principal structure that contains the primary entrance shall not exceed four (4) feet in height [...]”. The black iron 6’ 2” vertical-picket fence extends east to west across the edge of the front lot line of the property, approximately five and one-half feet behind the sidewalk (Exhibit 2,3).

The appellant contends that the Notice and Order issued on July 15, 2026, cannot be sustained based on “the timing of the fence’s construction, the subsequent change in ownership, and the unresolved question of whether the fence should be considered a legal nonconforming structure.” The appellant further asserts that the fence serves an “important security function” because the subject property is located along a “high-traffic urban corridor.”

The fence does not qualify as a legally noncomplying structure.

The appellant contends that the fence was constructed by a prior owner of the subject property sometime between 2019 and 2020. While the appellant does not furnish any evidence establishing this broad installation timeframe, the City acknowledges that Google imagery reflects that the fence was installed sometime after May 2019, and likely no earlier than 2020 given the state of neighboring construction, but before July 2021 (Exhibit 4). Based solely on the passage of time, appellant appears to suggest, without support, that the fence could be considered legally nonconforming. Section 21A.62 of the City Code defines a “noncomplying structure” as: “Buildings, structures or property improvements which were legally established on the effective date of any amendment to this title or [are] recognized to be in legal existence according to the provisions of Chapter 21A.38.”

When the fence was constructed, the property was zoned FB-UN2, which imposed no minimum front-yard setback. Under the ordinance then in effect, the four-foot height limitation applied only within a required front-yard area. Because the FB-UN2 district required no front yard, a fence up to six feet in height could be located along the front lot line, subject to obtaining the required permit. Per Section 21A.40.120.C, “It is unlawful to erect or construct any fence without a permit from Salt Lake City Building Services”. The City’s legislative records establish that Section 21A.40.120.C was in existence by 2011 and was amended and reenacted through [Ordinance No. 54 of 2014](#), effective September 8, 2014. Therefore, the permit requirement was in effect before the fence’s alleged construction in 2019 or 2020. However, as no permits were ever attempted or issued, the fence was never “legally established” as the code requires

for a noncomplying structure. The appellant does not dispute that no permit was issued for the fence. Accordingly, the fence cannot qualify as a legally noncomplying structure.¹

Purchasing a property does not relieve the new owner of responsibility for existing code violations.

The appellant appears to argue that it should not have to correct the over-height fence violation because it was not the property owner when the fence was installed. Nothing in City Code relieves a new property owner of the obligation to correct an existing violation merely because the owner did not create it. Section 21.20.030.A permits enforcement against the property owner whenever any provision of Section 21A is violated. Subsection F requires the responsible party to correct the violations and request a compliance inspection. Those obligations properly rest with the current owner, who controls the property and has the present ability to bring it into compliance. Further, it would be impracticable and unduly burdensome to require a former owner, who no longer holds title to or any legal interest in the property, to make material alterations to it.

To relieve GPWT LLC of its obligation to comply with the City's zoning ordinances merely due to a change in ownership would operate to require cities to not only identify violations before a property owner has the chance to sell their property but also would unreasonably put the onus on the City to force a property owner to fix those violations before the property was sold. There is simply no legal support for such a regime. Furthermore, such an approach would vastly incentivize some property owners to illegally perform construction or other development work if the City had no enforcement recourse the moment a deed was signed conveying the property to any other person or entity. As the record in this matter reflects, the City did attempt to get the prior owner to correct the violation and allowed her time to try and legalize the over-height fence through a variance application. The City's enforcement efforts should not be blocked because of appellants' inadequate due diligence before purchasing the property.

The property owner had actual or constructive notice of the violation prior to purchasing the property.

GPWT LLC owns two apartment buildings - one directly north of the subject property and another directly south - comprising approximately 145 units in total. In connection with the prior owner's variance application notice was posted at the subject property notifying the general public of the opportunity to participate in the associated public hearing. Furthermore, on December 3, 2025, notice was mailed to the appellant notifying it of the public hearing regarding the variance request. Finally,

¹ The property owner cannot cure the noncompliance now merely by obtaining a building permit since the zoning code changed in September 2021 and no longer allows any fence in this location above 4 feet in the property's zoning district. *See generally Harper v. Summit County*, 2001 UT 10 (if a structure is an authorized use and otherwise complies with the provisions of a local government's code and would have been a proper candidate for a building permit, then a violation for failing to obtain one before construction can be remedied by the subsequent issuance of the permit).

notice was also posted on the Utah Public Notice website regarding the hearing considering the variance. See Exhibit 8. This notice clearly identifies that the existing fence was noncompliant and needed to be reduced to four feet. Utah courts have held that zoning ordinances are still enforceable when a property owner buys with knowledge of a zoning issue. *See Chambers v. Smithfield City*, 714 P.2d 1133 (UT 1986). Since appellant purchased the property with notice of the noncompliant fence there is no equitable theory on which it should be able to rely – and appellant does not articulate one – to keep the over-height fence notwithstanding its illegality.

Appellant should also not be relieved of complying with the City's zoning ordinances based on its ignorance of the law. Generally, ignorance of the law is not a defense to legal culpability. *See State v. Stewart*, 2910 UT 39. GPWT LLC, as a sophisticated purchaser experienced in real estate and pertinent zoning matters should have conducted reasonable pre-purchase due diligence to identify the existing violation and require the prior owner to correct the same before purchasing the property. Any failure by the prior owner of the property to disclose the pending enforcement case to appellant is a private civil matter.

The utility of the fence to the property owner is irrelevant to the legality of the City's enforcement decision.

Finally, the appellant appears to argue that the over-height fence should be allowed to remain because it provides important security benefits. The variance application by the prior owner raised issues similar to those presented in this appeal, principally concerning security. As the Hearing Officer explained on page four of the variance decision "transient and unhoused individuals occupy numerous public and private locations throughout Salt Lake City and the areas surrounding the Subject Property. Additionally, Applicant provided no evidence to support that a four-foot fence is less effective at deterring trespass than a six-foot fence." The same is true in this matter: the appellant has provided no evidence to support why a four-foot fence (or other security measures) could not provide equivalent benefits. In any event, the appellant's asserted security concerns are irrelevant to the issue of whether Civil Enforcement properly applied City Code in citing appellant for the over-height fence.

Conclusion

Based on substantial evidence in the record, none of which is materially disputed by the appellant, Civil Enforcement correctly identified the over-height fence installed on the subject property. Appellant was warned and eventually formal enforcement through a Notice and Order was issued. Despite providing the appellant with time to cure the violation, the appellant has not done so. Appellant has failed to articulate a basis under Utah law to keep the over-height fence. Therefore, Civil Enforcement requests that the Notice and Order be upheld.

NEXT STEPS:

If the administrative decision is upheld, the fence must be shortened to four feet, re-located behind the facade of the principal structure, or removed. If the administrative decision is overturned, the property owner may keep the six-foot fence in its current location. Any decision on this appeal can be appealed to Third District Court within 30 days of the decision.

EXHIBITS:

- [1. Notice and Order](#)
- [2. Fence Photo/Location 7/8/26](#)
- [3. Fence Height 9/10/26](#)
- [4. Google Imagery May 2019/July 2021](#)
- [5. Variance Decision](#)
- [6. Staff Report Excerpt Variance](#)
- [7. Deed to GPWT, LLC for 850 and 856](#)
- [8. Public Hearing Mailing List/Agenda](#)
- [9. Deed of Subject Property to GPWT, LLC](#)
- [10. Appellant Petition](#)

EXHIBIT 1: Notice and Order

ERIN MENDENHALL
Mayor



DEPARTMENT of COMMUNITY
and NEIGHBORHOODS
Building Services

NOTICE AND ORDER ZONING

July 15, 2026

GPWT LLC
Attn: John A Quinn
4000 Industrial Way
Benicia CA 94510

Property located at 852 South West Temple Street, Salt Lake City, Utah
Parcel No.: 15-12-276-030 Case No.: HAZ2026-02121
USPS Tracking #: 9114 9022 0078 9711 7389 13

NOTICE: Notice is hereby given that the subject property was found to be in violation of Title 21A of the Salt Lake City Code which was enacted to maintain the life, health, safety, and general welfare of the inhabitants of Salt Lake City. This Notice is issued following an inspection conducted on July 8, 2026, which identified the following violations:

Ordinance Reference	Description of Violation	Daily Fine
21A.40.120.E.1.a It is unlawful to erect any fence or wall in violation of the standards set forth below: Standards for residential zoning districts: (1) A fence, wall or hedge located between the front property line and front building line of the facade of the principal structure that contains the primary entrance shall not exceed four (4) feet in height.	Please cut down front yard fence to meet 4 feet in height requirements.	\$50 per day
21A.48.080: GENERAL STANDARDS: B. General Landscaping Standards: 3. Mulch: Mulch shall be: f. Rock used as a mulch material is limited to 20% of an area where landscaping is required by this chapter.	Rock used in the front yard is limited to 20%.	\$50 per day
21A.48.060: LANDSCAPE REQUIREMENTS: B. Park Strip Standards: Street Trees: Minimum of 1 street tree planted on center between back of street curb and the sidewalk. Additional street trees shall be provided (Street trees shall be an appropriate species chosen from the Urban Forestry Street Tree List based on park strip size, shall have sufficient separation from public utilities, and shall be approved by the Urban Forestry Division.) Vegetation: Minimum 33% coverage. Impervious Surfaces: The combination of all paving materials shall not exceed 20% of the total strip area.	Park strip requirements: A minimum of 1 city tree (Contact Urban forestry 801-972-7818 , urban.forestry@slc.gov). Minimum of 33% of the area should have vegetation. Rock is limited to 20% of the area..	\$50 per day

ORDER: You are hereby ordered to cure the zoning violations within thirty calendar (30) days from the date of this Notice and Order. **IF YOU FAIL TO COMPLY WITH THIS NOTICE AND ORDER AND/OR FAIL TO REMEDY THE VIOLATIONS AS SET FORTH IN THIS NOTICE AND ORDER THE CITY WILL PURSUE LEGAL REMEDIES, INCLUDING BUT NOT LIMITED TO:**

-- Record, with the Office of the Salt Lake County Recorder, on the title of the property a Certificate of Noncompliance detailing the aforementioned violations

-- Assess DAILY civil penalties, in an amount specified herein, pursuant to Salt Lake City Ordinance Title 21A.20.050.

-- Declare property a nuisance and issue an administrative citation per 11.18.070.

APPEAL PROCESS: Any person having any record, title, or legal interest in this property may contest the legitimacy of the zoning violations for which they were cited (but not the amount of the fine). An appeal may be filed with the Salt Lake City Planning Division within 10 days from the date of this notice. The Appeal of Administrative Decision application may be obtained online at <https://www.slc.gov/planning/applications/>. The fee for filing an appeal is \$316.

SALT LAKE CITY CORPORATION
349 SOUTH 200 EAST SUITE 400
P.O. BOX 145481, SALT LAKE CITY, UTAH 84114-5481

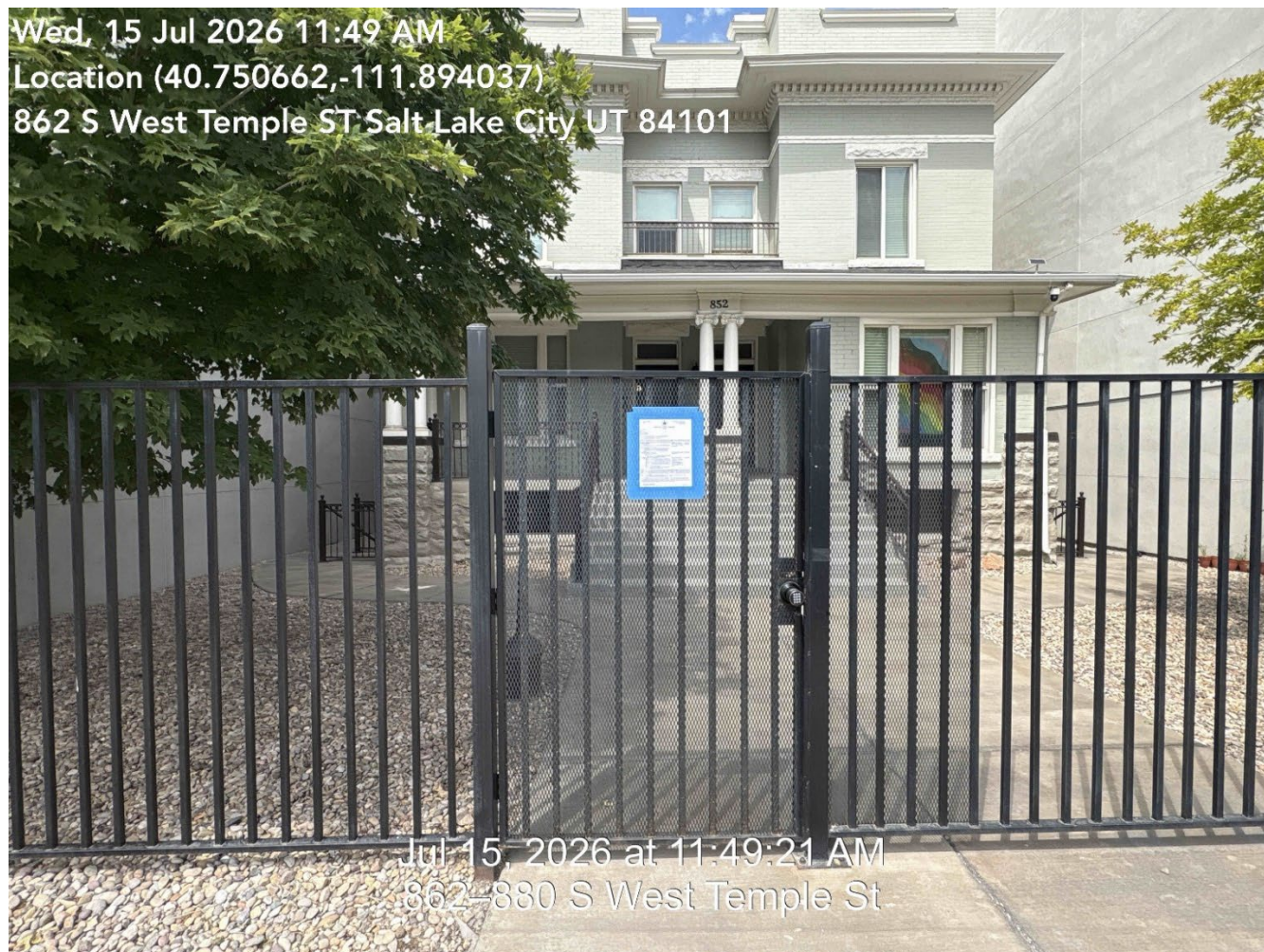
WWW.SLC.GOV
TEL 801.535.7225 FAX 801.535.6597

EXHIBIT 1: Notice and Order (continued)

Wed, 15 Jul 2026 11:49 AM

Location (40.750662,-111.894037)

862 S West Temple ST Salt Lake City UT 84101



Jul 15, 2026 at 11:49:21 AM

862-880 S West Temple St

EXHIBIT 2: Fence Photo/Location 7/8/26



EXHIBIT 2: Fence Photo/Location 7/8/26 (continued)

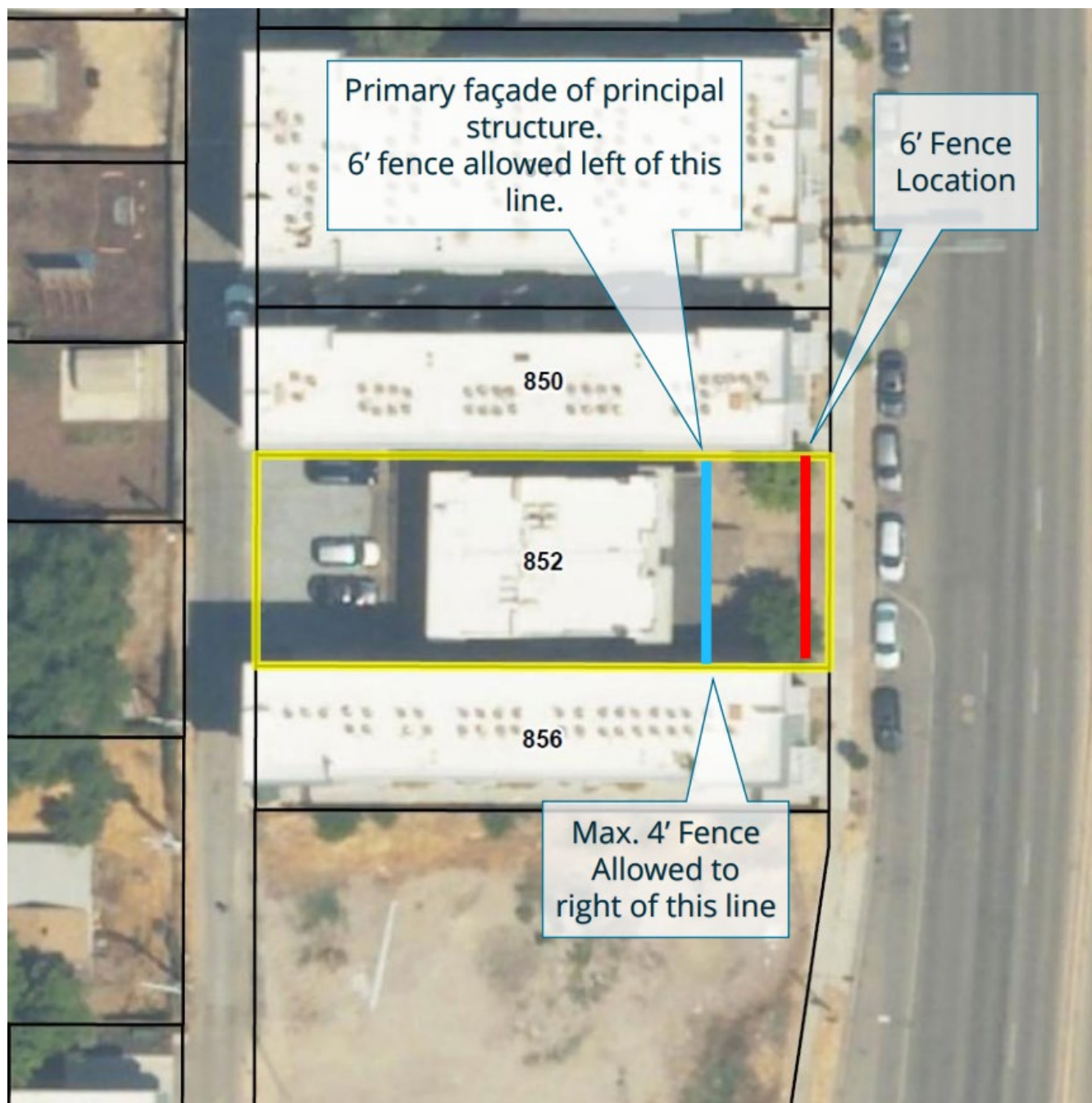


EXHIBIT 3: Fence Height 9/10/26



EXHIBIT 4: Google Imagery May 2019/July 2021

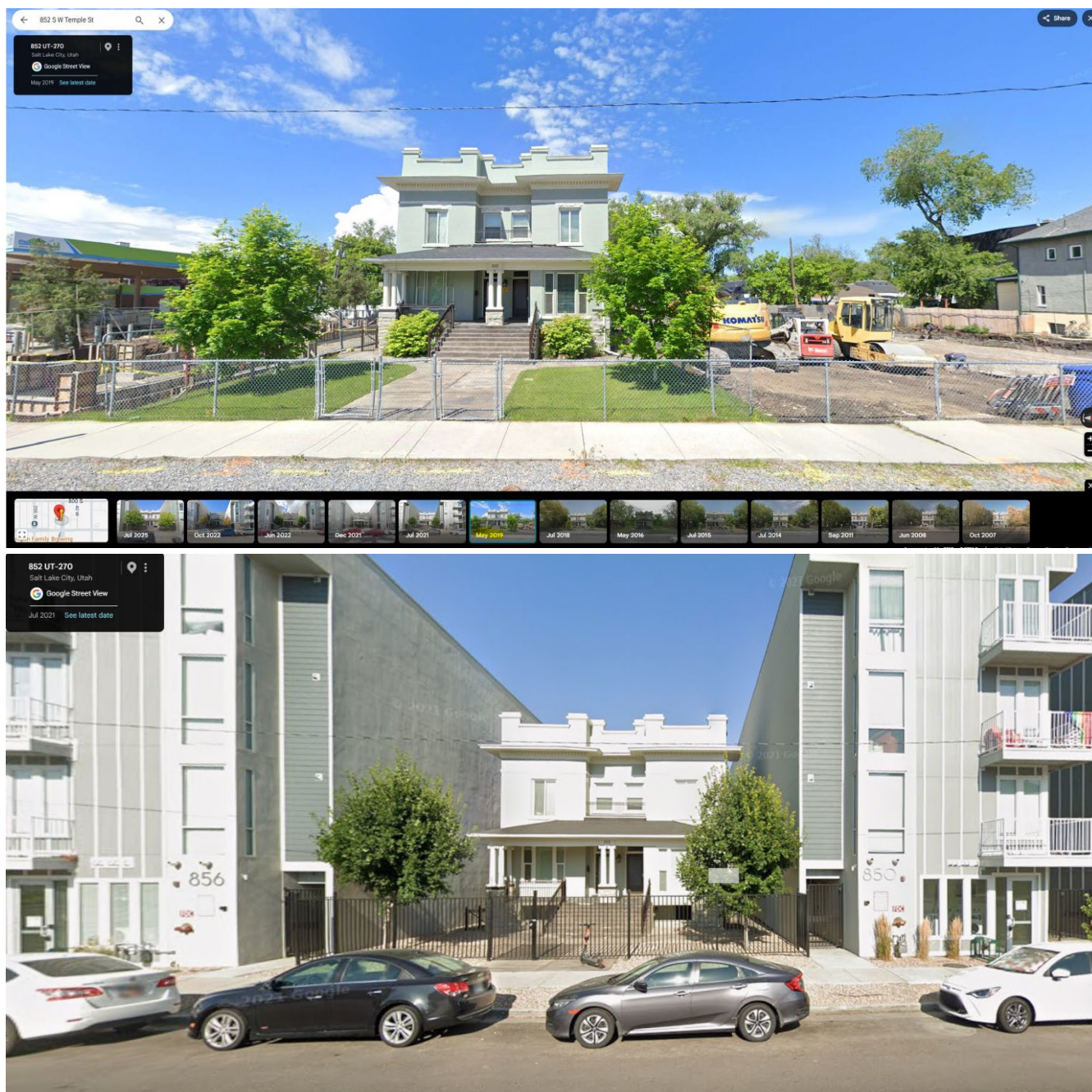


EXHIBIT 5: Variance Decision

SALT LAKE CITY LAND USE APPEALS HEARING OFFICER REQUEST FOR VARIANCE

CASE NO. PLNZAD2025-00845
APPLICANT/PROPERTY OWNER: EVE SILVER

HEARING HELD: DECEMBER 18, 2025

DECISION ISSUED: JANUARY 12, 2026

On December 18, 2025, a hearing was held on this matter. Eve Silver appeared as the Applicant. Kathrine Paskar, City Attorney, represented the City, Ailin Leon, Associate Planner, appeared and gave testimony on behalf of Salt Lake City (the “City”).

After reviewing the evidence submitted, testimony provided, and arguments presented, the following findings of fact and conclusions of law are adopted:

FINDINGS OF FACT

1. Eve Silver is the owner of certain real property located at approximately 852 S West Temple, more particularly described as Salt Lake County Parcel ID No. 15-12-276-030-0000 (the “Subject Property”). The Subject Property is in the MU-5 Zone.
2. In approximately 2019 or 2020, the Applicant hired a contractor to install a 6-foot fence. The contractor did not obtain the necessary permits. At the time the fence was installed, 6-foot fences were allowed if they obtained a permit.¹
3. The Applicant’s fence is located on the east side of the Subject Property and generally aligns with the two front façade lines of the two adjacent buildings. The fence is set back approximately 5 feet 6 inches from the sidewalk, the building is set back approximately 30 feet from the sidewalk.

¹ Applicant requests a variance and accordingly the analysis in this memorandum decision is limited to whether the Applicant is entitled to a variance. However, during the oral argument, on numerous occasions Applicant argued in essence that the fence should be considered a legal nonconforming structure, and on that basis, should be allowed to remain. A request for a determination of whether the fence is a legal non-conforming structure is a separate analysis and is not the same as a request for a variance. Whether or not the fence is a legal nonconforming structure is not properly before the Hearing Officer at this time, nor has it been adequately briefed by the parties. Accordingly, this memorandum decision does not address whether the fence could remain as currently constructed as a legal non-conforming structure.

EXHIBIT 5: Variance Decision (continued)

CASE NO. PLNZA2025-0000845
MEMORANDUM DECISION

4. The properties immediately adjacent to the Subject Property to the north and south are located approximately 4 feet from the sidewalk. Both neighboring buildings are taller than the structure on the Subject Property.

5. Other properties in the vicinity of the Subject Property, such as 840 S West Temple, are similarly situated to the Subject Property. For example, 840 S West Temple is also flanked by tall buildings and is set back from the sidewalk approximately the same distance as the building on the Subject Property. The neighboring buildings to 840 S West Temple are also approximately the same set back from the sidewalk as the buildings which neighbor the Subject Property.

6. The property located at 840 S West Temple has a four-foot fence on the east side of the property.

CONCLUSIONS OF LAW

1. To obtain a variance, the applicant must meet all requirements in *See* Utah Code Ann. Section 10-9a-702 (3)² and Salt Lake City Code Section 21A.18.060. Applicant has failed to meet each of the enumerated standards and a variance cannot properly be granted.

2. The Applicant bears the burden of demonstrating that the standards have been met and that the variance is justified. The Applicant has not met this burden.

DISCUSSION

To obtain a variance, an applicant has the burden of proving that all the conditions justifying a variance have been met. *See* Utah Code Ann. Section 10-9a-702 (3) and Salt Lake City Code Section 21A.18.060. Salt Lake City Code Section 21A.18.060 sets forth five standards, each of which must be established by the Applicant in order to qualify for a variance. Specifically, the Applicant must prove the following:

1. Literal enforcement of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of [Title 21A];
2. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district;
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;
4. The variance will not substantially affect the general plan of the city and will not be contrary to the public interest; and
5. The spirit of this title is observed and substantial justice done.

² During the pendency of this application, certain sections of the Utah Land Use and Management Act were renumbered. This memorandum decisions uses the citations of sections before they were renumbered for consistency with the submission of the Parties.

EXHIBIT 5: Variance Decision (continued)

CASE NO. PLNZAD2025-0000845
MEMORANDUM DECISION

Salt Lake City Code § 21A.18.060.A. An applicant must establish all these standards. Accordingly, the failure to prove even one of the requirements precludes an applicant from qualifying for a variance. The Applicant is unable to establish all the required standards.

1. Applicant Has Not Established an Unreasonable Hardship

The first standard Applicant must establish is that the literal enforcement of this title would cause an unreasonable hardship. The Applicant asserts safety and security concerns related to crime and trespass by transient and unhoused individuals onto and across the Subject Property if a 6-foot fence is not allowed.

In determining whether enforcement of zoning requirements would cause unreasonable hardship, “the appeals hearing officer *may not find an unreasonable hardship unless*:

1. The alleged hardship is related to the size, shape or topography of the property for which the variance is sought; and
2. The alleged hardship comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.”

Salt Lake City Code § 21A.18.060.B (emphasis added). Further, hardships which are self-imposed or economic in nature do not constitute an undue hardship. Salt Lake City Code § 21A.18.060.C. The Applicant fails to establish the criteria necessary for the alleged hardship to qualify for a variance.

A. The Alleged Hardships Do Not Relate to the Size, Shape, or Topography of the Subject Property

The Subject Property does not have unique characteristics that significantly differ from neighboring parcels. Indeed, the Subject Property is a similar size to neighboring parcels. The Subject Property is also not unique in shape. The Subject Property is rectangular. The Subject Property also does not have unique topography, there are not rivers, streams, cliffs, grading, or other topographical conditions which significantly differ from the surrounding parcels. Indeed, all parcels in the area are relatively flat. Additionally, other properties in the vicinity are also similarly flanked by taller buildings which are situated closer to the sidewalk.

The safety and security concerns do not relate to the size, shape, or topography of the Subject Property. Applicant argues that the structures on the neighboring properties result in her property being used as a corridor for individuals between West Temple and Jefferson Street. This, however, is at best a tangential connection to the characteristics of the Subject Property. The issues of safety and security are general to the neighborhood and are not unique to the Subject Property. At least two other parcels are similarly situated.

EXHIBIT 5: Variance Decision (continued)

CASE NO. PLNZAD2025-0000845
MEMORANDUM DECISION

B. The Alleged Hardships Do Not Come from Circumstances Peculiar to The Subject Property, But Rather Arise from Conditions That Are General to the Neighborhood

The alleged hardships are not related to the circumstances peculiar to the Subject Property but rather relate to the conditions that are general to the neighborhood. First, the hardship described by the Applicant relating to safety and crime are conditions general to the neighborhood. Applicant failed to establish how that hardship is unique to the Subject Property. Transient and unhoused individuals occupy numerous public and private locations throughout Salt Lake City and the areas surrounding the Subject Property. Additionally, Applicant provided no evidence to support that a 4-foot fence is less effective at deterring trespass than a 6-foot fence.

2. Applicant Did Not Established That Special Circumstances are Attached to the Property.

The Second Standard requires that the Applicant establish that there are special circumstances which attach to the Subject Property that do not generally apply to other properties in the same zone.

In determining whether there are special circumstances attached to the property ... the appeals hearing officer may find that special circumstances exist *only if*:

1. The special circumstances relate to the alleged hardship; and
2. The special circumstances deprive the property owner of privileges granted to other properties in the same zoning district.

Salt Lake City Code § 21A.18.060.D (emphasis added). Applicant has failed to establish any special circumstances relating to the Property which relate to the alleged hardships. Additionally, the applicant failed to establish that there were special circumstances which deprive the Applicant of the privileges granted to other properties in the General Commercial Zone. Specifically, as noted above, there are no special characteristics of the Subject Property which differ from its neighbors. It is of a similar size, shape, and topography as the surrounding properties. Additionally, as described by the City, other surrounding properties would be required to meet the same requirements related to the height of the fence. Further, at least one other property, 840 S West Temple, has a 4-foot fence.

3. Applicant Has Not Established That Granting the Variance Is Essential to The Enjoyment of a Substantial Property Right Possessed by Other Property in The Same District

As noted above, other surrounding properties would be required to meet the same requirements related to the height of the fence, and one currently does. The Applicant has not shown that other properties have rights which the Applicant is deprived of due to the restrictions on fence height.

EXHIBIT 5: Variance Decision (continued)

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MEMORANDUM DECISION

As the Applicant has failed to meet at least two of the required standards and the failure to establish even one necessitates the denial of the request for a variance, the remaining standards are not addressed.

DECISION

For the foregoing reasons, the Applicant's requests for a variance relating to the height of the fence is **DENIED**.

This decision may be appealed to the Third District Court within 30 days of the date of this decision.

Dated this 12th day of January 2026

/s/ Clayton H. Preece
Clayton H. Preece
Appeals Hearing Officer

EXHIBIT 6: Staff Report Excerpt Variance

STANDARD A.3

A. 3: Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;

- Safety and security are substantial property rights
- However, alternative methods exist for security, such as defensive landscaping and/or security cameras, to help prevent trespassing

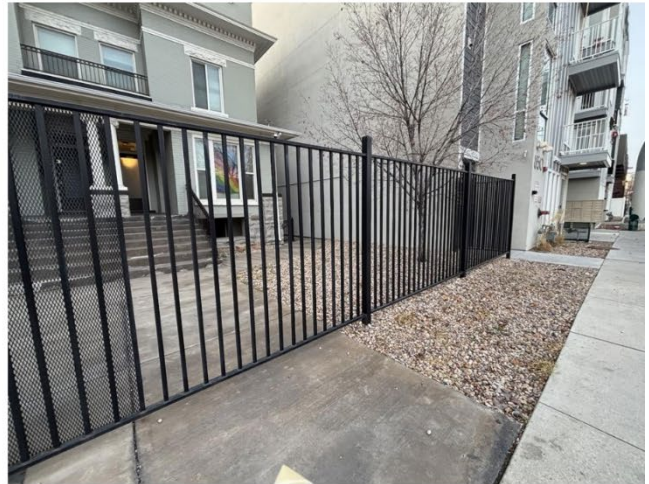


EXHIBIT 7: Deed to GPWT, LLC for 850 and 856

Mail Recorded Deed and Tax Notice To:
GPWT LLC, a Utah limited liability company
4000 Industrial Way
Benicia, CA 94510

13666776
5/18/2021 1:44:00 PM \$40.00
Book - 11176 Pg - 4464-4467
RASHELLE HOBBS
Recorder, Salt Lake County, UT
COTTONWOOD TITLE
BY: eCASH, DEPUTY - EF 4 P.



File No.: 141636-BHB

SPECIAL WARRANTY DEED

OZ1 Opportunity Fund, LLC, a Utah limited liability company, as to Parcel 1 and OZ2 Opportunity Fund, LLC, as to Parcels 2 and 3

GRANTOR(S) of Lindon, State of Utah, hereby Conveys and Warrants against all who claim by, through, or under the grantor to

GPWT LLC, a Utah limited liability company

GRANTEE(S) of Benicia, State of California

for the sum of Ten and no/100 (\$10.00) DOLLARS and other good and valuable consideration, the following described tract of land in **Salt Lake County**, State of Utah:

SEE EXHIBIT A ATTACHED HERETO

TAX ID NO.: 15-12-276-028, 15-12-276-029 and 15-12-276-031 (for reference purposes only)

SUBJECT TO: Property taxes for the year 2021 and thereafter; covenants, conditions, restrictions, reservations and easements of record; and all applicable zoning laws and ordinances.

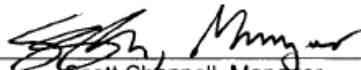
EXHIBIT 7: Deed to GPWT, LLC for 850 and 856 (continued)

Dated this 18th day of May, 2021.

OZ1 Opportunity Fund, LLC, a Utah limited liability company

BY: OZI Management, LLC, a Utah limited liability company
Its: Manager

BY: OZ Development, LLC, a Utah limited liability company
Its: Manager

BY: 
Scott Chappell, Manager

OZ2 Opportunity Fund, LLC, a Utah limited liability company

BY: OZI Management, LLC, a Utah limited liability company
Its: Manager

BY: OZ Development, LLC, a Utah limited liability company
Its: Manager

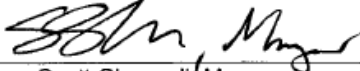
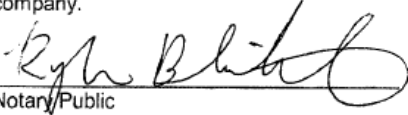
BY: 
Scott Chappell, Manager

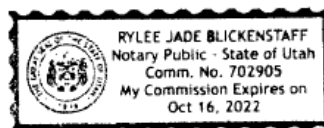
EXHIBIT 7: Deed to GPWT, LLC for 850 and 856 (continued)

STATE OF UTAH

COUNTY OF SALT LAKE

On this 18th day of May, 2021, before me, personally appeared Scott Chappell, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this document, and acknowledged before me that he executed the same on behalf of OZ1 Opportunity Fund, LLC, a Utah limited liability company.


Notary Public



STATE OF UTAH

COUNTY OF SALT LAKE

On this 18th day of May, 2021, before me, personally appeared Scott Chappell, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this document, and acknowledged before me that he executed the same as on behalf of OZ2 Opportunity Fund, LLC.


Notary Public

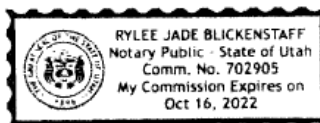


EXHIBIT 7: Deed to GPWT, LLC for 850 and 856 (continued)

EXHIBIT A Legal Description

PARCEL 1:

The South 31 feet of Lot 32, all of Lot 33, in Block 1, WALKER'S SUBDIVISION of Block 5, Plat "A", Salt Lake City Survey, according to the official plat thereof on file and of record in the office of the Salt Lake County Recorder.

PARCEL 2:

Lot 34, and the North 1 foot of Lot 35, Block 1, WALKER'S SUBDIVISION of Block 5, Plat "A", Salt Lake City Survey, according to the official plat thereof as recorded in the office of the Salt Lake County Recorder.

PARCEL 3:

The South half of Lot 36 and the North half of Lot 37, Block 1, WALKER'S SUBDIVISION of Block 5, Plat "A", Salt Lake City Survey, according to the plat thereof as recorded in the office of the Salt Lake County Recorder.

EXHIBIT 8: Public Hearing Mailing List/Agenda

OWN_FULL_NAME	OWN_ADDR	own_u nit	OWN_CITY	OWN_ STATE	OWN_ZIP
MATTHEW R MATEUS (JT); TAMARA L MATEUS (JT)	826 S JEFFERSON ST		SALT LAKE CITY	UT	84101
LOGAN RUSSELL	846 S JEFFERSON ST		SALT LAKE CITY	UT	84101
JOHNSON BROTHERS INVESTMENTS, LLC	3188 S ORCHARD DR		BOUNTIFUL	UT	84010
JEFFERSON AND NINTH LLC	3852 E EVELYN DR		MILLCREEK	UT	84124
CHRISTOPHER J TALVY	868 S JEFFERSON ST		SALT LAKE CITY	UT	84101
MARY S NEUERBURG	870 S JEFFERSON ST		SALT LAKE CITY	UT	84101
HAT TRICK, LLC	160 W 900 S		SALT LAKE CITY	UT	84101
JEFFERSON WALKWAY HOME OWNERS ASSOCIATION	PO BOX 58232		SALT LAKE CITY	UT	84158
ADAM D & REGINA T FERGUSON TRUST 07/16/2021	162 KAHA ST		KAILUA	HI	96734
JEFFERSON 838 LLC	815 E EMERSON AVE		SALT LAKE CITY	UT	84105
JEFFERSON COURT CONDOMINIUM OWNERS' ASSOCIATION	2121 E GREENBRIAR WY		SALT LAKE CITY	UT	84109
DEBORAH SMITH	850 S JEFFERSON ST		SALT LAKE CITY	UT	84101
THERESA D DAENITZ TRUST 01/29/2009	4757 PACE DR		PARK CITY	UT	84098
DALLIN G BASSETT (JT); RYANN C NELSON (JT)	813 S JEFFERSON ST		SALT LAKE CITY	UT	84101
FREDERICK C FEDERER	4230 S ACHILLES DR		MILLCREEK	UT	84124
JACKETTA PROPERTIES LLC	8090 S 1700 E		SANDY	UT	84093
MICHAEL G MURLEY	827 S JEFFERSON ST		SALT LAKE CITY	UT	84101
BIRCH CREEK RANCH CO	RR BOX 470		TROUT CREEK	UT	84083
OSWALDO ROBLES OCEGUEDA (JT); MARIA D OCEGUEDA (JT)	831 S JEFFERSON ST		SALT LAKE CITY	UT	84101
ERIK DAENITZ (JT); AMY CARON (JT)	833 S JEFFERSON ST		SALT LAKE CITY	UT	84101
ERIK DAENITZ (JT); AMY CARON (JT)	833 S JEFFERSON ST		SALT LAKE CITY	UT	84101
AMY CARON (JT); ERIK DAENITZ (JT)	851 S JEFFERSON ST		SALT LAKE CITY	UT	84101
STRASSER ORGANIZATION, INC.	1935 S 900 E		SALT LAKE CITY	UT	84105
126 WEST 900 SOUTH, LLC	1332 S COLONIAL DR		SALT LAKE CITY	UT	84108
SIXTH WEST PROPERTIES LLC	1831 S CONNOR ST		SALT LAKE CITY	UT	84108
TWR WEST TEMPLE LLC	2133 W 2425 S		WOODS CROSS	UT	84087
ABIGAIL CARDON (JT); RYAN CARDON (JT); TB & SC CARDON SPOUSE'S TR	661 S 1175 W		CEDAR CITY	UT	84720
GPWT LLC	4000 INDUSTRIAL WY		BENICIA	CA	94510
EDEN REAL PROPERTIES, LLC	4800 E 2875 N		EDEN	UT	84310
CW THE WHITNEY QOZB, LLC	610 N 800 W		CENTERVILLE	UT	84014

EXHIBIT 8: Public Hearing Mailing List/Agenda (continued)

Description/Agenda:

SALT LAKE CITY PLANNING DIVISION

APPEALS HEARING AGENDA

Thursday, December 18, 2025, at 5:00 PM

This meeting will not have an anchor location at the City and County Building. Appeals Hearing Officer, Staff, and Appellant will connect remotely. A public hearing will not be held.

If you are interested in attending the Appeals Hearing meeting virtually, join us on Zoom at:

- <https://bit.ly/slc-appeals-12182025>

To submit evidence regarding an item on the agenda, please email the staff contact listed for that item or to planning.comments@slc.gov prior to 5:00 PM the day before the hearing is scheduled.

1. Appeal of a Building Permit at Approximately 1072 S Bonneville Dr - Peter Fillmore, on behalf of Oak Hill Gardens Condominium Association, is appealing the issuance of building permit BLD2024-07923 for the above-stated address. The scope of work for the permit included a sport court, patio, stairs, and a wall to separate the upper and the lower yard. The subject property is located in the R-1/12,000 (Single-family Residential) District, within Council District 6, represented by Dan Dugan. (Staff contact: Noah Elmore at 801-535-7971 or noah.elmore@slc.gov) Case Number: PLNAPP2025-00978

2. Appeal of an Administrative Interpretation at Approximately 613 E 3rd Ave - David DeVecchio, property owner, is appealing an Administrative Interpretation (PLNZAD2025-00767) for a non-conforming use at the above-stated address. The Administrative Interpretation is concerning a short-term rental use. The subject property is located in the SR-1A (Special Development Pattern Residential) District, is located within Council District 3, represented by Chris Wharton. (Staff contact: Noah Elmore at 801-535-7971 or noah.elmore@slc.gov) Case Number: PLNAPP2025-00938

3. Variance Request for Fence Height at Approximately 852 S West Temple - Eve Silver, the property owner, is requesting a Variance from 21A.40.120.E.1 to retain an existing 6-foot-tall fence in the area of the property between the primary façade of the structure and the front property line, for property at the above-listed address. Standard 21A.40.120.E.1 limits fence height in the applicable zone to 4 feet in height when located between the primary façade of the principal structure and the front property line. The property is in the Mixed Use 5 (MU-5) zoning district, and is located within Council District 5, represented by Darin Mano. (Staff

Give Feedback

EXHIBIT 8: Public Hearing Mailing List/Agenda (continued)

Contact: Ailin Leon at 801-535-7768 or ailin.leon@slc.gov Case Number: PLNZA2025-00845

Agenda items may not be heard in the order listed. The Appeals Hearing Officer reserves the right to change the order of agenda items as deemed necessary. Please contact the Staff for information or visit the Planning Division website at www.slcgov.com/planning/planning-public-meetings for copies of the Appeals Hearing Officer meeting/hearing agendas, staff reports and decisions. Staff reports will be posted the Friday prior to the meeting.

Notice of Special Accommodations (ADA):

The City Hall is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact Merili Carter at 801-535-7759 or relay service 711.

Notice of Electronic or Telephone Participation:

NA

Meeting Information

Meeting Location:

451 South State Street
Room 326
Salt Lake City, UT 84111

[Show in Apple Maps](#)

[Show in Google Maps](#)

Contact Name:

Aubrey Clark

Contact Email:

aubrey.clark@slc.gov

Notice Posting Details

Notice Posted On:

December 04, 2025 12:30 PM

Give Feedback

EXHIBIT 9: Deed of Subject Property to GPWT, LLC

MAIL TAX NOTICE TO:
Grantee(s)
4000 Industrial Way
Benicia, CA 94510

Pioneer File No. 640-268400316

14529748 B: 11655 P: 9673 Total Pages: 3
04/16/2026 11:40 AM By: EMehanovic Fees: \$40.00
Rashelle Hobbs, Recorder, Salt Lake County, Utah
Return To: PIONEER TITLE AGENCY
1188 W 10400 SSOUTH JORDAN, UT 840952600

WARRANTY DEED

Eden Real Properties, LLC, a Utah limited liability company, GRANTORS for and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration, hereby CONVEY and WARRANT to

GPWT, LLC, a Utah limited liability company,

as GRANTEE(S), the following described real property situated in Salt Lake County, State of Utah, to-wit:

See Exhibit "A" attached hereto and made a part hereof.

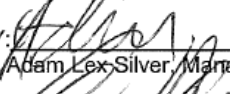
Tax Parcel No.: 15-12-276-030

Subject to current general property taxes.

Subject to easements, conditions, covenants and restrictions of record.

Dated this 16 day of April, 2026.

Eden Real Properties, LLC

BY: 

Adam Lex Silver, Manager

BY: 

Eve Elizabeth Silver, Manager

Deed (Warranty)

640-268400316

EXHIBIT 9: Deed of Subject Property to GPWT, LLC (continued)

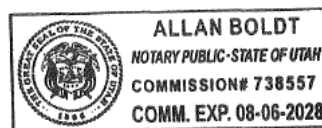
Warranty Deed (Continued)

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On this 16 day of April, 2026, personally appeared before me Adam Lex Silver and Eve Elizabeth Silver, Managers of Eden Real Properties, LLC, a Utah limited liability company, the signer(s) of the above instrument, who duly acknowledged to me that he/she/they, executed the same.

Allan Boldt
Notary Public, State of Utah
My Commission Expires: 8/6/2028

(SEAL)



Deed (Warranty)

640-268400316

14529748 B: 11655 P: 9674 Page 2 of 3

EXHIBIT 9: Deed of Subject Property to GPWT, LLC (continued)

I

Warranty Deed (Continued)

EXHIBIT "A"

The North one-half of Lot 36, and the South 32 feet of Lot 35, Block 1, Walker's Subdivision of Block 5, Plat "A", Salt Lake City Survey, according to the official plat thereof, filed in Book "A" of Plats at Page 104 of the Official Records of the Salt Lake County Recorder.

EXHIBIT 10: Appellant Petition

Appeal of Administrative Decision

852 South West Temple
GPWT, LLC

Dear Appeals Hearing Officer,

On behalf of GPWT, LLC, we respectfully submit this appeal regarding the Notice of Violation issued July 8, 2026.

This appeal is not intended to dispute the City's commitment to protecting the integrity of its zoning ordinances. Rather, the purpose is to request an opportunity for additional review based upon the unique history of this property, the change in ownership, and the longstanding existence of the front security fence.

The current ownership did not install the fence, did not participate in the original permitting process, and inherited an existing improvement that has remained in place for nearly six years. Since acquiring the property, ownership has invested significant resources to improve the safety, security, and appearance of the property while working cooperatively with the City.

The Appellant fully intends to address the landscaping deficiencies identified in the Notice of Violation and has already initiated discussions with both a landscape architect and the City's Urban Forestry Division to develop a compliant landscape plan.

The enclosed exhibits provide the property's history, photographs, documented security improvements, and operational costs incurred to maintain a safe environment for residents.

We respectfully request the opportunity to present this information during the appeal process and work collaboratively toward a reasonable resolution.

Respectfully,

John Quinn

EXHIBIT 10: Appellant Petition (continued)

The following information and evidence may have been relied upon by the City to support its decision:

The Notice of Violation issued on July 8, 2026, determined that the existing front fence exceeds the maximum permitted height of four (4) feet under the current Salt Lake City zoning ordinance and therefore constitutes a zoning violation requiring correction. The City also determined that the property contains landscaping improvements that do not comply with the current landscaping standards regarding rock coverage, vegetation, and park strip requirements.

The Appellant acknowledges the City's findings regarding the landscaping deficiencies and intends to work cooperatively with City staff to bring those items into compliance. This appeal is focused primarily on the existing front fence and the unique circumstances surrounding its construction, ownership history, and continued use.

The fence was constructed by the previous property owner during approximately 2019-2020, concurrent with the redevelopment and construction of the surrounding Greenprint West Temple apartment communities. Based upon the City's prior findings, six-foot fences were permissible under the zoning ordinance at the time of installation, provided the appropriate permits were obtained. Although the previous owner failed to obtain the required permit, the fence has remained in place for nearly six years without modification and has become an integral part of the property's design and operation.

In April 2026, ownership of the property transferred to John Quinn through GPWT, LLC. The current ownership neither designed nor constructed the fence and had no involvement in the permitting decisions made by the previous owner. The current owner inherited an existing site condition that has remained in place for several years and is now being required to correct circumstances that were created prior to acquisition of the property.

The information and evidence relied upon cannot fully sustain the decision because the following relevant facts and circumstances should also be considered:

The current owner respectfully submits that the appeal should consider the unique factual history of this property, including the timing of the fence's construction, the subsequent change in ownership, and the unresolved question regarding whether the fence should be considered a legal nonconforming structure. The prior variance proceedings specifically noted that the issue of whether the fence qualifies as a legal nonconforming structure was not before the Hearing Officer and therefore was not decided.

The Appellant respectfully requests the opportunity for this issue to be fully considered.

EXHIBIT 10: Appellant Petition (continued)

The existing fence also serves an important security function for this property. Unlike a typical residential front yard fence, the fence controls direct access from West Temple to the residential entrances of a multifamily apartment community. The property is located within a high-traffic urban corridor where unauthorized access, trespassing, vandalism, and criminal activity have presented ongoing operational challenges.

Ownership of the adjacent Greenprint West Temple apartment communities has experienced significant costs associated with trespassing, vandalism, unauthorized occupancy, illegal dumping, property damage, and increased security measures. During the past several years, ownership has incurred more than **\$30,000** in additional expenses related to repairs, enhanced security, cleanup efforts, access control improvements, and preventative measures necessary to maintain a safe environment for residents. These ongoing conditions have also negatively impacted on residents' satisfaction and retention, with residents expressing concerns regarding safety and, in some cases, requesting early lease terminations.

The existing six-foot fence functions as one component of a broader security strategy that includes controlled access, upgraded rear entrances, recurring courtesy patrols, enhanced cleaning, and ongoing property maintenance.

The Appellant is not seeking to avoid compliance with the City's zoning regulations. To the contrary, the Appellant is committed to working collaboratively with the City to resolve the outstanding issues. The landscaping deficiencies identified in the Notice of Violation will be addressed by reducing decorative rock coverage and installing additional trees, shrubs, and vegetation necessary to comply with current code requirements.

Since receiving the Notice of Violation, ownership has proactively contacted a licensed landscape contractor to prepare a code-compliant landscape improvement plan and has initiated discussions with Salt Lake City's Urban Forestry Division regarding required park strip tree species and placement. Although those plans are not yet finalized, ownership remains committed to bringing the landscaping into compliance as quickly as reasonably possible.

The Appellant respectfully requests that the City consider the complete history of this property, the change in ownership, the longstanding existence of the fence, its important role in protecting residents and the property, and the unresolved question regarding its legal status before requiring removal or modification of a site improvement that has existed for nearly six years.

EXHIBIT 10: Appellant Petition (continued)

For these reasons, the Appellant respectfully requests that this appeal be accepted and that the matter be scheduled for hearing so the Appellant may fully present the evidence and work collaboratively with the City toward an equitable resolution.

Exhibit A

Property History and Timeline

852 S. West Temple, Salt Lake City, Utah		
Date	Event	Significance
2019-2020	Previous owner installs the existing 6-foot ornamental steel fence during the redevelopment of the surrounding Greenprint West Temple apartment communities.	The fence was installed when Salt Lake City allowed 6-foot front fences with an approved permit. The required permit was not obtained by the previous owner. Memorandum Decision - PUNZAD002...
2019-2025	Fence remains in place for approximately six years.	The fence became an established part of the property's design and daily operation without modification.
2025	Previous owner applies for a variance after the City identifies the permitting issue.	The request sought a variance based primarily on security concerns and was denied. The Hearing Officer specifically stated that the issue of whether the fence qualified as a legal nonconforming structure was not before the Hearing Officer and was not decided. Memorandum Decision - PUNZAD002...
January 12, 2026	Variance denied.	The Hearing Officer determined the variance standards were not met but expressly declined to decide the legal nonconforming issue. Memorandum Decision - PUNZAD002...
April 2026	Property purchased by John Quinn and transferred into GPWT, LLC.	Current ownership did not construct the fence, did not participate in the original permitting process, and inherited an existing site improvement.
July 8, 2026	Salt Lake City conducts inspection and issues Notice of Violation.	Current owner is cited for conditions that originated under previous ownership.
Current	GPWT, LLC files Appeal of Decision.	Current owner seeks additional review and an opportunity to work collaboratively with the City while addressing landscaping compliance and evaluating the fence's status.

Ownership Transition

GPWT, LLC respectfully notes that current ownership inherited an existing improvement that had been in place for nearly six years prior to acquisition. The current owner neither designed, installed, nor permitted the fence and was not involved in the previous variance proceedings. Upon acquiring the property, ownership became responsible for an existing condition created by prior ownership.

EXHIBIT 10: Appellant Petition (continued)



Figure 1. The subject property is situated between two larger apartment buildings owned and managed by GPWT, LLC. The fence serves as the controlled pedestrian entrance to the property from West Temple.

Current Owner's Position

- ✓ Willing to fully comply with landscaping requirements.
- ✓ Willing to work collaboratively with Planning Staff.
- ✓ Requests additional consideration regarding the existing fence.
- ✓ Requests opportunity to present evidence regarding the property's history and current operational needs.

EXHIBIT 10: Appellant Petition (continued)

Exhibit B – Photos of the Current Fence

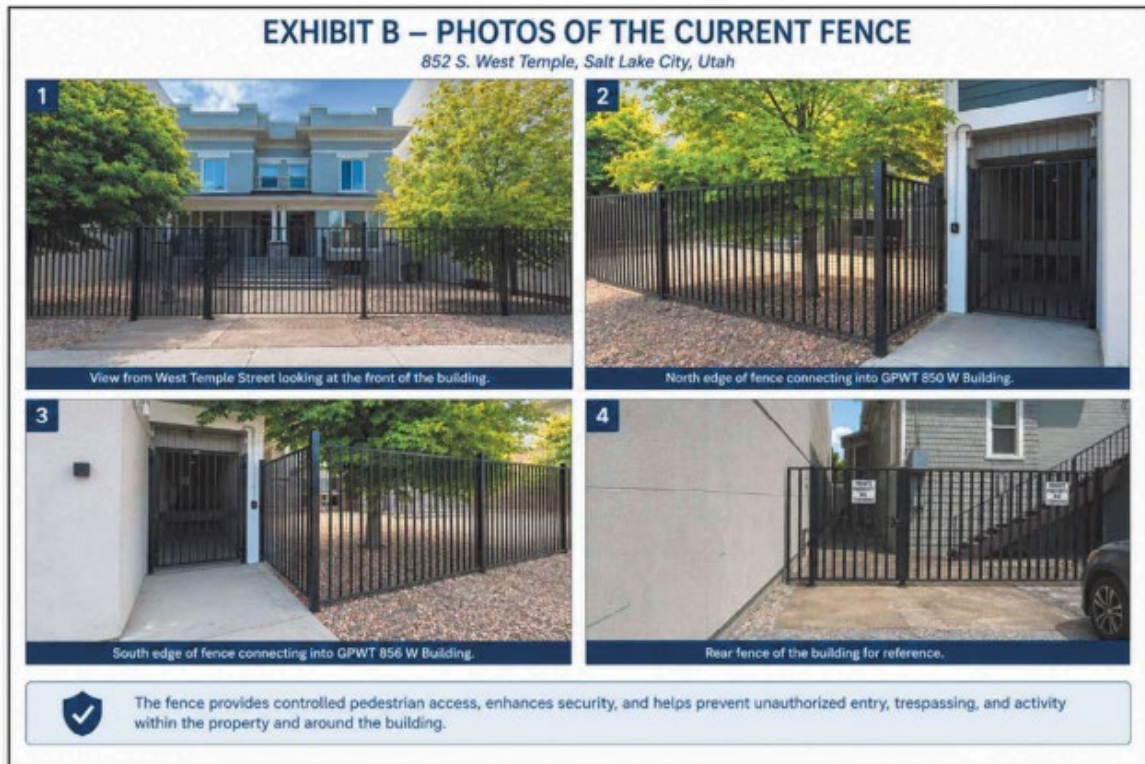


EXHIBIT 10: Appellant Petition (continued)

Exhibit C

EXHIBIT C

GPWT – REAR ACCESS SECURITY IMPROVEMENTS

Removal of Vulnerable Gates and Installation of Secure, Enclosed Doors

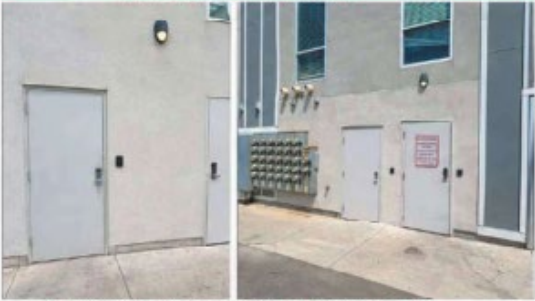
The rear access gates at Greenprint West Temple (852 S. West Temple) were constant targets for vandalism, forced entry, and unauthorized access. To address ongoing safety and security issues, all three gates were removed and replaced with solid doors and stucco to enclose the hallways and prevent trespassing, sleeping, and other unlawful activity.

BEFORE – VULNERABLE GATES



Gates were frequently vandalized, broken, and used for unauthorized access by trespassers and individuals seeking shelter in hidden hallways.

AFTER – SECURE, ENCLOSED DOORS



All three rear gates removed and replaced with solid doors and stucco to eliminate unauthorized access and improve resident safety.

PROJECT COST SUMMARY (Exterior/Structure Expenses)

Project ID	Est. ID	Est. No.	Notes / Description	Department	Location	Unit	JBL	Detail	Credit
03/24/2026	03/24/2026	2988	AP Invoice - Bay Contracting LLC Gate and Rear Entrance CAP 3 project 3.2026	Greenprint	NRH		\$800.00	\$800.00	
04/29/2026	04/29/2026	2925	AP Invoice - Bay Contracting LLC CAP 3 - Red Shoe project 4.23.2026	Greenprint	NRH		\$1,100.00	\$1,100.00	
04/29/2026	04/29/2026	110726	AP Invoice - BlueTech, LLC Cap 3 for the back 3 gates - access control video 4.9.2026	Greenprint	NRH		\$18,354.62	\$18,354.62	
Totals for 7580 - Exterior/Structure Expenses								19,254.62	19,254.62
Net Change for 7580 - Exterior/Structure Expenses									19,254.62
Grand Total								19,254.62	19,254.62

TOTAL COST FOR REAR SECURITY IMPROVEMENTS: \$19,554.62

SECURITY IMPACT

✓ Eliminated three vulnerable entry points.

✓ Prevented unauthorized entry and access to restricted areas.

✓ Reduced vandalism, property damage, and unauthorized activity.

✓ Improved safety for residents, staff, and the surrounding community.

These improvements were necessary after repeated failures of the previous gates and ongoing costs associated with repairing damage, cleanup, and enhanced security measures.

EXHIBIT 10: Appellant Petition (continued)

EXHIBIT D

ONGOING SECURITY AND CLEANING EXPENSES

Last 12 Months of Operating Expenses Incurred to Address Safety and Cleanliness

These recurring expenses reflect the increased costs necessary to maintain a safe, clean, and secure environment at GPWT properties due to ongoing unauthorized access, loitering, vandalism, and trespassing.

1. SECURITY PATROL SERVICES

(Last 12 Months)

Mobile security patrol provides regular monitoring of the property, deters unauthorized activity, and responds to trespassing, loitering, and potential safety issues.

Date	Memo / Description	Department	Unit	Amount
01/01/2025	AP Invoice - The Protection Group LLC: January 2025	Greenprint	APN	\$500.00
02/01/2025	AP Invoice - The Protection Group LLC: February 2025	Greenprint	APN	\$500.00
03/01/2025	AP Invoice - The Protection Group LLC: March 2025	Greenprint	APN	\$500.00
04/01/2025	AP Invoice - The Protection Group LLC: April 2025	Greenprint	APN	\$500.00
05/01/2025	AP Invoice - The Protection Group LLC: May 2025	Greenprint	APN	\$500.00
06/01/2025	AP Invoice - The Protection Group LLC: June 2025	Greenprint	APN	\$500.00
07/01/2025	AP Invoice - The Protection Group LLC: July 2025	Greenprint	APN	\$500.00
08/01/2025	AP Invoice - The Protection Group LLC: August 2025	Greenprint	APN	\$500.00
09/01/2025	AP Invoice - The Protection Group LLC: September 2025	Greenprint	APN	\$500.00
10/01/2025	AP Invoice - The Protection Group LLC: October 2025	Greenprint	APN	\$500.00
11/01/2025	AP Invoice - The Protection Group LLC: November 2025	Greenprint	APN	\$500.00
12/01/2025	AP Invoice - The Protection Group LLC: December 2025	Greenprint	APN	\$500.00
TOTAL SECURITY PATROL EXPENSE (Last 12 Months)				\$6,000.00

AVERAGE MONTHLY SECURITY PATROL EXPENSE:

\$500.00

2. COMMON AREA CLEANING SERVICES

(Last 12 Months)

Increased cleaning frequency is required due to unauthorized access, trash, vandalism, biohazards, and unsanitary conditions left behind in common areas, hallways, trash rooms, and around the property.

Date	Memo / Description	Department	Unit	Amount
05/01/2025	AP Invoice - Utah Sound Marketing LLC: Halfway Scents 5.2025	Greenprint	APN	\$576.25
06/01/2025	AP Invoice - PRGMADS LLC: common area cleans 6.17.25-7.11.25	Greenprint	APN	\$1,399.00
07/01/2025	AP Invoice - Utah Sound Marketing LLC: Halfway Scents 7.2025	Greenprint	APN	\$531.25
08/01/2025	AP Invoice - Utah Sound Marketing LLC: Halfway Scents 8.2025	Greenprint	APN	\$531.25
09/01/2025	AP Invoice - PRGMADS LLC: Common Area Cleans 8.12-8.5.25	Greenprint	APN	\$1,584.00
10/01/2025	AP Invoice - Utah Sound Marketing LLC: Halfway Scents 9.2025	Greenprint	APN	\$531.25
11/01/2025	AP Invoice - PRGMADS LLC: Common Area Cleans 9.12-9.3.25	Greenprint	APN	\$1,584.00
12/01/2025	AP Invoice - Utah Sound Marketing LLC: Halfway Scents 10.2025	Greenprint	APN	\$571.25
01/01/2026	AP Invoice - PRGMADS LLC: common area clean 12.22.25-12.26.25	Greenprint	APN	\$1,496.00
02/01/2026	AP Invoice - Utah Sound Marketing LLC: Halfway Scents 2.2026	Greenprint	APN	\$576.25
03/01/2026	AP Invoice - PRGMADS LLC: common area cleans 2.24-3.3.2026	Greenprint	APN	\$1,496.00
04/01/2026	AP Invoice - Utah Sound Marketing LLC: Halfway scents 3.2026	Greenprint	APN	\$576.25
TOTAL COMMON AREA CLEANING EXPENSE (Last 12 Months)				\$10,049.00

AVERAGE MONTHLY CLEANING EXPENSE:

\$837.42

TOTAL ANNUAL IMPACT SUMMARY

(Last 12 Months)

These costs reflect necessary measures to address ongoing safety, security, and cleanliness challenges resulting from unauthorized access, trespassing, loitering, vandalism, and related activities.

SECURITY PATROL SERVICES

\$6,000.00

+

COMMON AREA CLEANING SERVICES

\$10,049.00

=

TOTAL ANNUAL COST

\$16,049.00

NOTE: These expenses do not include additional costs for repairs to damaged locks, gates, doors, lighting, cleanup of biohazards, graffiti removal, extra janitorial supplies, or other incident-related repairs and services.