



GREATER SALT LAKE
**Municipal Services
District**

Planning and Development Services

2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050

Phone: (385) 468-6700 • Fax: (385) 468-6674

msd.utah.gov

File # WVR2024-001165

Waiver Request Summary

Public Body: White City Planning Commission

Meeting Date: June 27th, 2024

Parcel ID: 28-08-176-010-0000

Current Zone: R-1-8

Property Address: 9560 S Garnet Drive

Request: Fence Height Waiver

Applicant Name: Ahmed Alqushariri

MSD Planner: Justin Smith

MSD Planning Staff Recommendation: Planning Commission Approval

PROJECT SUMMARY

The applicant, Ahmed Alqushariri, is seeking a waiver of the fencing height requirement that restricts the height of fences to 7 feet in the rear yard.

SITE & ZONE DESCRIPTION

The property is zoned R-1-8 and is located in an existing single-family residential neighborhood. The rear of the property abuts the Sandy Village Shopping Center (to the west).



ISSUES OF CONCERN/PROPOSED MITIGATION

No detrimental impacts or issues of concern are identified at this time.

PLANNING STAFF ANALYSIS

The applicant is proposing a 8 foot tall privacy fence to be erected on the property. The applicant originally applied for a building permit where they provided structural calculations and a site plan.

Zoning Considerations

The R-1-8 zone allows for a fence height of up to 7 feet with any proposed fence being over 7 feet in height requiring approval from the Planning Commission. Title 19.28.090(K) allows for waivers for fences in excess of 7 feet of height with respect to certain other fences including tennis courts and patio enclosures. The applicant is proposing to build a 8 foot tall privacy fence that would block off view of the patio from Sandy Village's parking lot. With how the fence would be laid out in the yard, it would serve as a patio enclosure that would block the view of the patio from the parking lot to the rear and the neighbors to the north and the south.

Section K continues to say that the height requirement may be waived if the fence height would not create a hazard or a violation of other sections of White City ordinances. This fence being located entirely within the backyard would not create a hazard to White City or to the neighborhood. The proposed fence would not impede the flow of water into any type of ground or storm water facility. The proposed fence does not violate any other ordinances.

19.28.090 Fencing Standards

A. The term "fence" includes any tangible barrier, latticework, screen, wall, hedge, or continuous growth of shrubs or trees with the purpose of, or having the effect of, preventing passage or view across the fence line. Notwithstanding the provisions of this section, a fence, wall, screen, hedge or other material serving as a fence, may not create a sight distance hazard to vehicular or pedestrian traffic as determined by the city engineer.

B. Front Yard/Side Yard. A fence made of materials which are sight obscuring may be built to a maximum of three feet (3') in any required front/side yard perimeter. A fence made of materials which are not sight obscuring (at least fifty percent (50%) open) may be built to a maximum of four feet (4') in any required front/side yard. If an existing home is located on the property, the front/side yard perimeter is measured from the front property line to the front edge of the existing home. The fencing may slope upward to connect with a higher rear yard fence. The length of a sloped fence section may not exceed ten feet (10').

C. Rear Yard. A fence in a rear yard may be built to a maximum of seven feet (7'). If an existing home is located on the property, the rear yard perimeter is measured from the front edge of the existing home to the rear property line.

K. Exceptions. The provisions of this Section **may be waived with respect to certain other fences including tennis court backstops or patio enclosures as approved by the Planning Commission**, if it is determined that the fences **do not create a hazard or violation of other sections of the municipal ordinances**, in no case may a fence be permitted where the fence disrupts the flow of water into the ground or storm water facilities.

Review Criteria

The Planning Commission is the decision making body for waivers. Three issues to consider are:

1. The waiver is available for "certain other fences including tennis court backstops or patio enclosures as approved by the Planning Commission" leaving to the discretion of the planning commission what types of fences warrant consideration for a waiver. In this case, the applicant is pointing to the fact that being adjacent to a commercial area impacts his back yard more than properties adjacent to other homes, which justifies the need for a slightly taller (8') privacy fence.
2. One of the criteria to consider is whether the fence creates a hazard. If approval is granted the building permit application will be able to continue, including checking the plans for code compliance. No other hazards due to slope or other issues have been identified.
3. The other of the two criteria is that the fence would not violate other sections of the municipal ordinances. The property is not a corner lot, so there are no concerns with the clear view area, nor are there conflicts with any fire hydrants, mailboxes, grade differences or sidewalks.

MSD staff has reviewed the application and has found that the proposal with staff recommendations is consistent with the above considerations and with surrounding land uses. Full compliance with required ordinances and policies will be verified through the subsequent building permit review.

PLANNING STAFF RECOMMENDATION

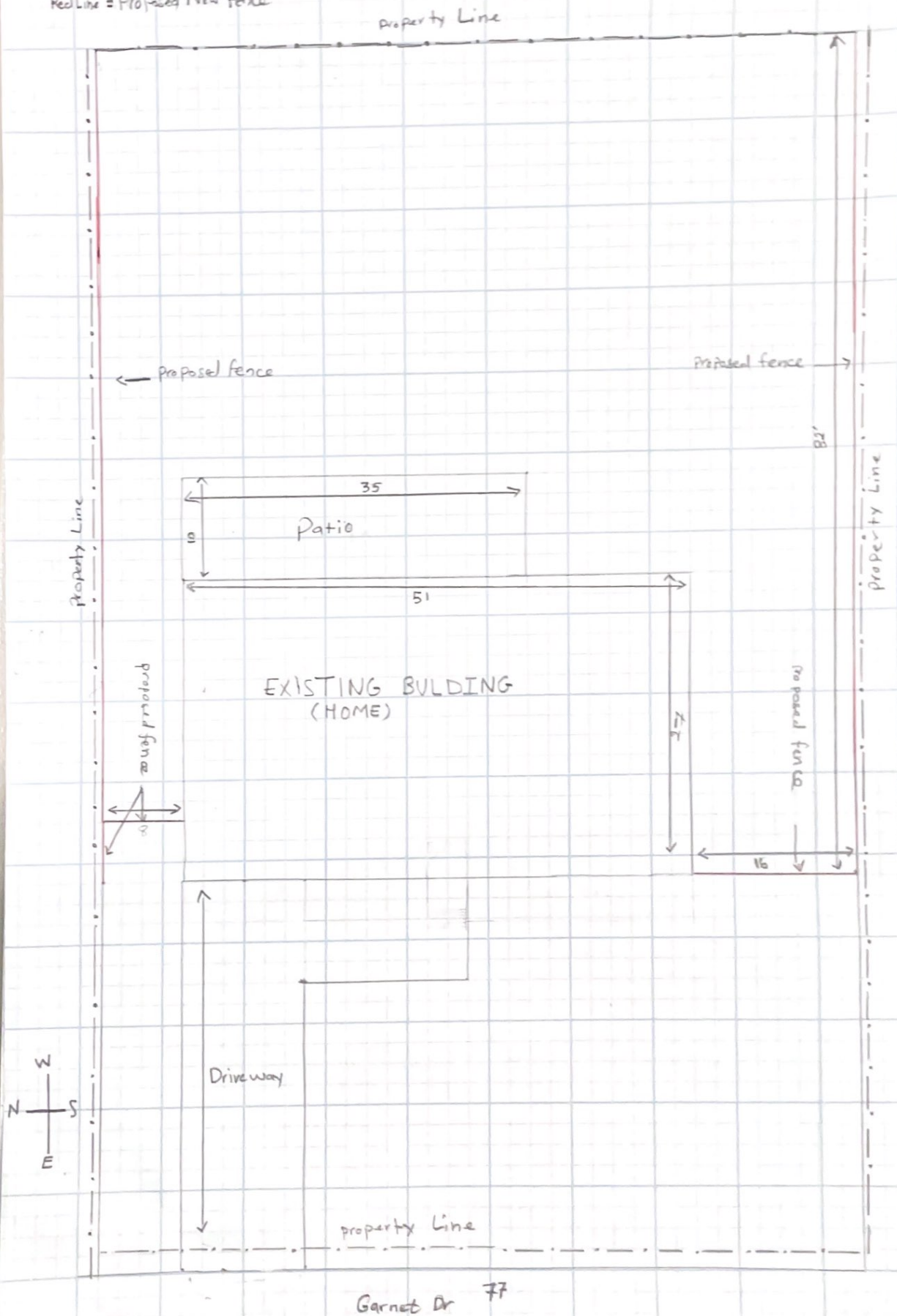
Based on the findings stated above, the MSD Planning Staff recommends that the White City Planning Commission grant approval for the waiver request subject to the following condition:

- 1. The applicant be required to comply with the requirements from all reviewing agencies.**

ATTACHMENTS:

- A. Site Plan
- B. Engineering Letter
- C. Narrative

1 Square = 2 Ft
Red Line = Proposed New Fence



ENGINEERING LETTER

DUV Engineering | 52 West 220 South, Orem, Utah 84058
(801) 376-9369 | duvengineering@gmail.com

May 3, 2024

Ahmed Alqushairi
9560 S. Garnet Dr.
Sandy, Utah 84094

RE: Alqushairi Fence (Job ID: 2024-051)

To whom it may concern,

We understand that the owner of the home located at 9560 S. Garnet Dr., Sandy, Utah intends to build an 8' tall privacy fence around 3 sides of the backyard. See the attached drawing showing the front view and cross section of the fence. The top of the fence is to be a maximum of 8'-0" above the ground. It is our recommendation that any posts at corners, each side of any fence openings, and the ends of the fence should be treated 6x6. The remaining posts may be treated 4x6 with the larger dimension being placed perpendicular to the metal fence panels. See the attached calculations which have been done in accordance with IBC 2021 and ASCE 7-16. Note that the lateral bearing pressure has been doubled per IBC 2021 Section 1806.3.4.

If you have any questions, please give us a call.

Sincerely,

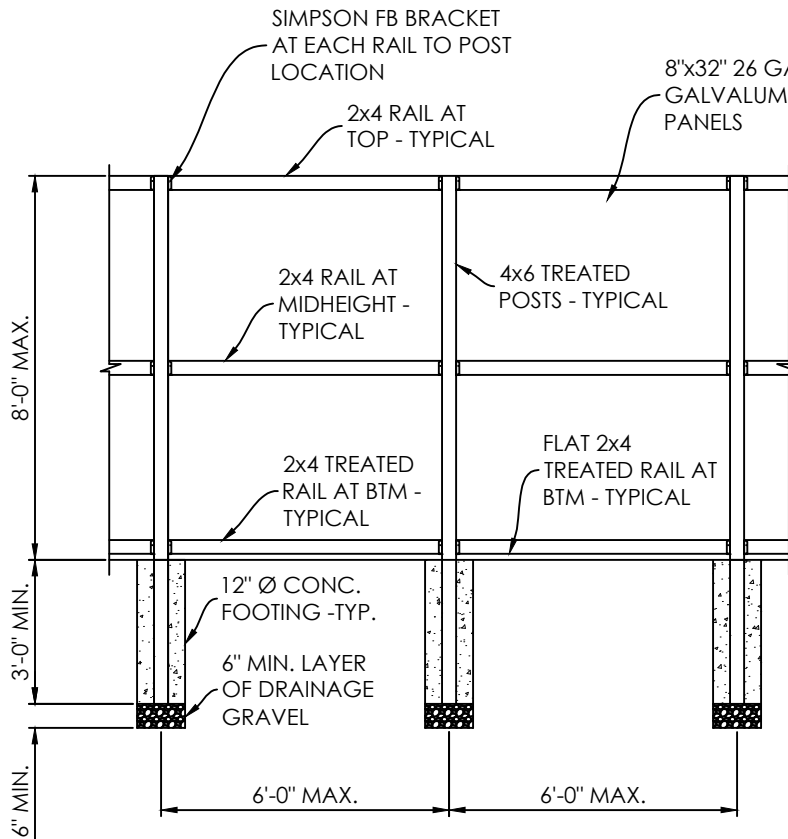
Daniel S. Urquhart

Daniel S. Urquhart, P.E.
Professional Engineer

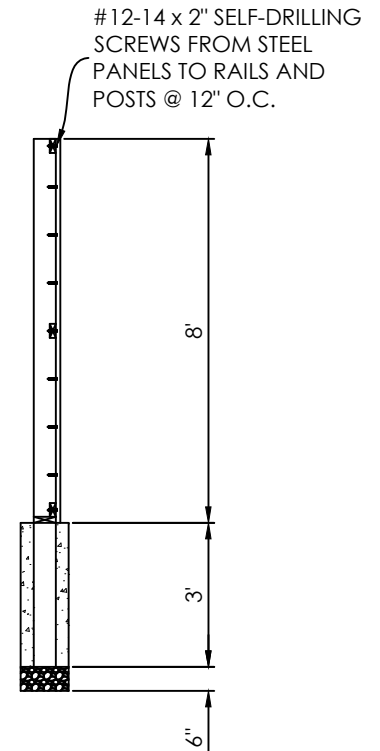


ATTACHMENTS

(Page 1 of 3)



FRONT VIEW



CROSS SECTION

NOTE: ALL COLUMNS AT CORNERS,
ENDS, AND SIDES OF ANY OPENINGS
IN THE FENCE SHALL BE 6x6 POSTS

DUV
ENGINEERING
801-376-9369
DUVENGINEERING@GMAIL.COM

SCALE:
 $\frac{1}{4}" = 1'-0"$
PROJECT NO:
24-051
DATE:
4-19-24

PROJECT NAME:
ALQUSHAIRI FENCE

PROJECT ADDRESS:
9560 S. GARNET DR., SANDY, UTAH

SHEET NO:

2

$$F = qhGCfAs$$

ASCE Equation 29.3-1

$$qh = 9.2 \text{ psf}$$

$$G = .85$$

$$Cf = 1.45$$

$$As = 48 \text{ sq. ft}$$

$$F = 545 \text{ lb.}$$

$$d = .5A * (1 + (1 + (4.36h/A))^{1/2})$$

IBC Equation 18-1

$$A = 2.34P/(S1b)$$

$$P = 225 \text{ lb.}$$

$$S1 = 600 \text{ lb/ft}$$

$$b = 8 \text{ ft.}$$

$$A = 0.1374 \text{ ft.}$$

$$d = 2.74 \text{ ft.}$$

I'm requesting a waiver for my 8ft privacy fence. As an Arab, it is implemented in our culture that we have a private backyard where enjoy their time. The planing department directed me to apply for a waiver.