



Planning & Development Services Division

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Mayor Meeting

Public Meeting Agenda

****REVISED****

Friday, February 20, 2015 10:00 A.M.

THE MEETING WILL BE HELD AT SALT LAKE COUNTY GOVERNMENT CENTER

2001 SOUTH STATE STREET, NORTH BUILDING, ROOM N2003

ANY QUESTIONS, CALL (385) 468-6700

REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED UPON RECEIPT OF A REQUEST WITH 5 WORKING DAYS NOTICE. PLEASE CONTACT WENDY GURR AT 385-468-6707. TTY USERS SHOULD CALL 711.

The purpose of the Mayor's Meeting is to allow the Mayor's Office to hear applicant and public comment, as well as agency and staff recommendations, prior to making a decision on land use applications filed with Salt Lake County. The Mayor's Office also hears business license related issues.

PUBLIC HEARINGS

28980 – Richard Beckstrand is requesting preliminary plat approval of a 2 lot subdivision. The applicant is proposing to divide the existing property at the subject location to create an additional lot. **Location:** 3809 East Thousand Oaks Circle **Zone:** R-1-10 (Single Family Residential) **Planner:** Spencer W. Brimley

29142 – Andrew Quist is requesting an exception to County roadway standards regarding the installation of Curb Gutter and Sidewalk. **Location:** 3940 South Hale Drive. **Zone:** R-1-21. **Planner:** Todd A. Draper.

BUSINESS MEETING

- 1) Approval of Minutes from the December 19, 2014 meeting.
- 2) Other Business Items (as needed)

ADJOURN



STAFF REPORT

Executive Summary									
Hearing Body:	Salt Lake County Mayor's Meeting								
Meeting Date and Time:	Friday, February 20, 2015	10:00 AM	File No:	2	8	9	8	0	
Applicant Name:	Richard Beckstrand	Request:	Subdivision						
Description:	2 lot standard subdivision								
Location:	3809 E. Thousand Oaks Dr.								
Zone:	R-1-10 Residential Single-Family	Any Zoning Conditions?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>					
Planning Commission Rec:	Approval with Conditions								
Staff Recommendation:	Approval with Conditions								
Planner:	Spencer W. Brimley								

1.0 BACKGROUND

1.1 Summary

The applicant is requesting to subdivide an existing parcel into 2 lots. Up until 2002 this property was historically 2 lots but was combined by a previous property owner. For the subsequent 12 years this has been a single lot containing a single family dwelling that, according to information received from County archives, contained a garage in 2002 when the property was combined from two lots to one lot. This proposal is to keep the existing home on the property and subdivide a portion of the property to allow for the future construction on the proposed lot.

Since the Planning Commission meeting in November of 2014, staff has worked to answer the questions and concerns of the planning commission. The Planning Commission asked staff to clarify whether columns, pillars, and chimneys that protrude beyond the walls of the existing home should be included in the lot coverage determination. In response to this request, the County Zoning Administrator has revised his previous determination regarding the lot coverage definition, a copy of which is attached to this report, and portions of which will be discussed hereafter in this report. The Zoning Administrator was in attendance at the February Planning Commission meeting to answer questions or provide clarification regarding his revised determination and will be in attendance at the Mayor's Meeting to do the same. The planning commission did not request any additional information or clarification from the Zoning Administrator in the meeting. Per Planning Commission directive, there has been no additional information considered related to application #28980. Staff has reviewed the information provided by the applicant and the community and sought to address the concerns presented as they apply to this application.

The Millcreek Township Planning Commission approved the preliminary plat, with conditions. The Commission required that the home be brought into compliance with the rear yard setback. The Commission required that the applicant comply with the staff recommendations included below and that construction of a garage or carport be completed prior to final plat approval being granted for the subdivision. The planning commission has approved the preliminary plat, but since the proposal would amend an existing subdivision, by adding a lot, it is required that the Mayor or designee approve the plat amendment.

1.2 Hearing Body Action

This item is on the agenda for section 608 hearing requesting approval to amend an existing subdivision plat.

1.3 Neighborhood Response

Input from the community on this matter has been included for consideration at the Mayor's meeting. The community presented two objections in connection with this application. Community objections were presented at the November 2014 Millcreek Township Planning Commission Meeting and are summarized in following manner. First, the current single family residence on the property exceeds the allowable lot coverage percentage of 31% for the R-1-10 zone for properties that fall within the Residential Compatibility Overlay Zone (RCOZ). Second, the residence currently has a 15 foot setback from the rear property line, and a 30' setback is required unless there is a garage (which the home currently does not have). The subdivision should not be permitted to move forward until such time that the rear yard setback is brought into compliance.

Staff also received a letter from a member of the community who opposed the Zoning Administrator's determination for the calculation of lot coverage. This information was not presented to the Planning Commission due to the fact that the hearing had been closed and no additional information was to be considered for that meeting, unless determined otherwise by the Planning Commission. That letter has been included in this packet of information. Staff also received several emails from a neighbor, which have also been included in this packet as well. These emails suggest that the front porch, which was not included in the lot coverage calculation must be included to properly address the question of whether or not the existing home meets the lot coverage requirement of 31%.

1.4 Community Council Response

The Mt. Olympus Community Council is aware of the application for a 2-lot subdivision. This item was mentioned at their meeting held on 10/7/2014. However because of the nature of the application as a standard subdivision it is not an application type that receives recommendation from the community council.

2.0 ANALYSIS

2.1 Applicable Ordinances

The subdivision would be subject to compliance with **Title 18-Subdivisions**.

As a standard subdivision being a use by right, the applicant is responsible to show that the proposed lots meet requirements of the applicable zone (R-1-10 and RCOZ).

If given preliminary approval by the planning commission a preliminary and final plat approval from staff, together with Mayor approval of an amended plat, will be required prior to recording the completed subdivision.

19.14.040 Lot areas and widths.

R-1-10 10,000 square feet 80 feet at a distance 30 feet back from the front lot line.

Any construction proposed on the lots would be subject to the applicable zoning already in place over that property. The property is regulated by the R-1-10 zone and Residential Compatibility Overlay Zone (RCOZ).

19.80.035 - Parking in R-1 and R-2 Residential Zones.

A. Driveways. A driveway shall be provided for vehicular access from the street or right-of-way to the required parking spaces of any dwelling in an R-1 or R-2 zone. The driveway shall be constructed of a durable, hard surface such as: concrete (including permeable concrete), asphalt (including permeable asphalt), brick, pavers, stone, or block. The number, location, and width of driveways shall comply with the specifications set forth in sections 14.12.110 and 14.36.060 of the County Code of Ordinances. Driveways over one hundred fifty feet in length are subject to approval by the fire authority. The area within the front yard of any single- or two-family dwelling not occupied by a driveway or parking surface set forth above shall be landscaped in compliance with the applicable provisions of this title regulating landscaping.

B. Private vehicles. Private vehicles parked on residential property in any R-1 or R-2 zone shall comply with the following:

1. If parked or stored on a paved surface in compliance with section 19.80.030.C or 19.83.035.A, a private vehicle may be located in the front yard, side yard, or rear yard of a dwelling.

2.3 Other Agency Recommendations or Requirements

- 1) Reviews completed by Traffic and Unified Fire indicate that there is sufficient access to the lots as proposed.
- 2) The urban hydrologist has also given preliminary approval of the subdivision as proposed.
- 3) Geology does not have any concerns at this time. Based on previous subdivision applications it is planning staff's opinion that the property can be considered safe for the proposed lots.
- 4) Final approval will be subject to receiving a final approval from geology for soils, and slope issues as well as an in depth review by all regulatory agencies.

2.4 Other Issues

Issues to be addressed:

For the accomplishment of this proposal the applicant must show that they comply with the following items:

1. Lot coverage ratio as stated in the Residential Compatibility Overlay zone, R-1 zoning regulations.
2. Comply with any and all applicable subdivision regulations and ordinance requirements.

The issues that need to be considered at this time, related to the subdivision are whether or not it conforms to all required ordinances and regulations. As proposed the new subdivision must not create any non-compliance items or violations related to height, setback or lot coverage with the existing home, or the proposed lot. The proposed subdivision does not create any such violations that cannot be resolved.

Lot Coverage Analysis:

For the purposes of this analysis the lot coverage in a R-1-10 zone is not to exceed 31%. The current property is approximately 29,521 SF or 0.68 acres. The applicant is requesting to subdivide off 10,000 SF for an additional lot, which would meet minimum requirements for development. The remaining SF would be maintained around the existing home and contain 19,521 SF. The remaining SF would be required to conform to the RCOZ regulations of the Salt Lake County Ordinance, including no more than 31% lot

coverage. Per the Salt Lake County Zoning Administrator's determination related to lot coverage, the areas that are not to be included in the lot coverage calculation are outlined in the following manner:

“...The recent questions have focused on what is considered "occupied" by a building, and what is meant by "patios," "decks," and "open porches," which are specifically excluded from lot coverage. In looking at the commonly used definitions of these terms, the one structural element that contains a roof by definition is a porch. Using the definition of porch in the current Merriam-Webster on-line dictionary as a reference, a porch is "a structure attached to the entrance of a building that has a roof and that may or may not have walls." Because a porch has a roof but may or may not have walls, the logical conclusion is that an "open porch" refers to a covered entrance that does not have walls.

Since the other elements on the exemptions list are flat surfaced structures, considered "outdoor" amenities, I would conclude that any portion of the lot over which there is finished interior floor space, including enclosed garage, is "occupied" by the home, and counts towards the coverage calculation. Because the issue is coverage, the outside measurement of walls (rather than interior floor square footage) should be used to calculate this area. In harmony with the "measurement of intensity" language, I would not include roof overhang or decorative elements such as wing walls or extended pillars in the measurement. They are merely decorative appendages, and the amount they add to or subtract from the "measurement of intensity" of a given building is debatable.”

Per this determination staff would not include in the calculation for lot coverage, the above stated items. Specifically, the pillars, columns, and chimneys protruding beyond the walls of the home would not be included in lot coverage, nor would the porch, roof overhangs, or wing walls. It is therefore staff's conclusion that the applicant would conform with the RCOZ lot coverage requirements, having a lot coverage ratio of 29%, which would leave an additional 423.51 SF that could be developed on this parcel.

Compliance with applicable Ordinances

However, relative to the existing home on lot one of the proposed subdivisions; it would seem that the current 15' rear set back is out of compliance with the required setback for this zoning designation, which only allows a 15' rear setback if there is a garage (otherwise, a 30' rear setback is required). Per County records, the previous property owner showed a garage on the western side of the property. This Garage existed in 2002, when the lot was combined from two lots into one which resulted in the current configuration . Staff has requested building permit information related to some of the remodeling that has taken place on the property, but from archived records, staff was unable to see when the garage was enclosed. Based on staff's review of the limited information that was available in County archives, staff infers that the 15' rear setback was originally approved based on the assumption that the applicant would have an attached garage on the property, and that the garage did exist and was filled in during the various remodeling projects at the residence that have occurred in the past 12 years. County archives showed that the previous owner requested a reduction in the rear setback from 15 feet to 12 feet, which was denied. Therefore, the applicant would be required to comply with the 15 foot allowed setback, which requires a garage.

If the amended plat is approved by the Mayor, the applicant will need to provide appropriate documentation showing that the subdivided lot with the existing home can comply with the existing rear yard setback. The applicant would be able to comply with the rear yard setback by building a single car garage or carport with the 423 square feet of developable space still allowed under lot coverage limitations, plus a one car driveway. Staff would not be able to issue final plat approval until this issue has been resolved. This review would make sure that all applicable ordinances and regulations are complied with and followed prior to any final approval being issued for this project.

Alternatively, Applicant could file, for the existing home, an application for determination of a noncomplying structure under County Ordinance section 19.88.150. The Mayor could similarly approve the

plat amendment, subject to or pending the Applicant obtaining such a determination.

3.0 STAFF RECOMMENDATION

3.1 Staff recommends APPROVAL of the proposed Subdivision with the following conditions:

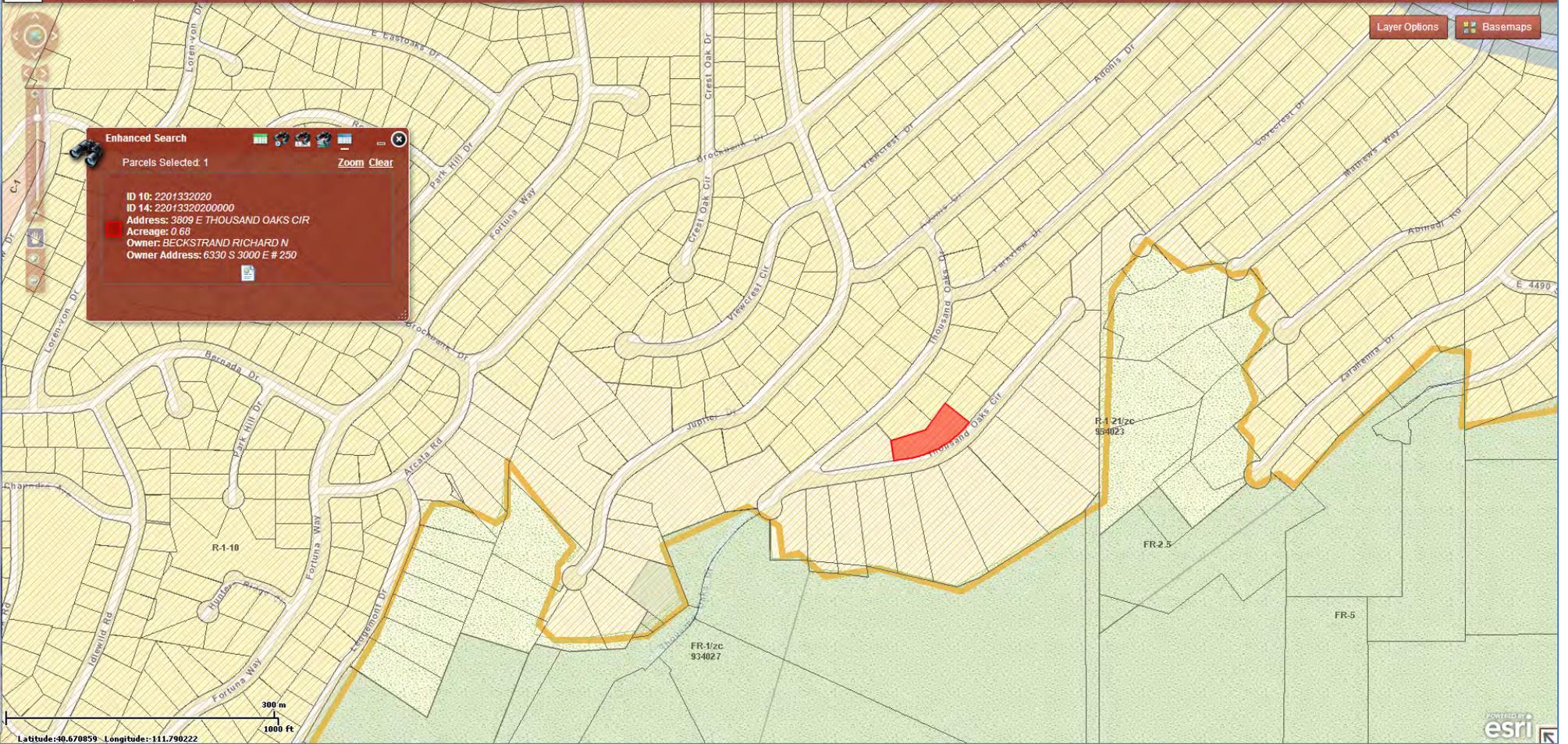
- 1)The Millcreek Township Planning Commission has recommended approval of the preliminary plat and has required that final plat not be granted until the applicant has constructed a garage or carport for at least one vehicle.

3.2 Reasons for Recommendation

- 1) Rear yard setback could be brought into compliance through installation of a new single car garage with a driveway, or alternatively, applying for determination of a noncomplying structure. The Mayor could approve a plat amendment, subject to or pending the Director approving one of these options before final plat approval.
- 2) Lot coverage calculation, based on determination by zoning administrator, is in compliance with lot coverage restrictions for the RCOZ ordinance.
- 3) The proposed subdivision meets the requirements of the R-1-10 zone and has demonstrated ability to comply with all applicable ordinances and standards to verify safe development.

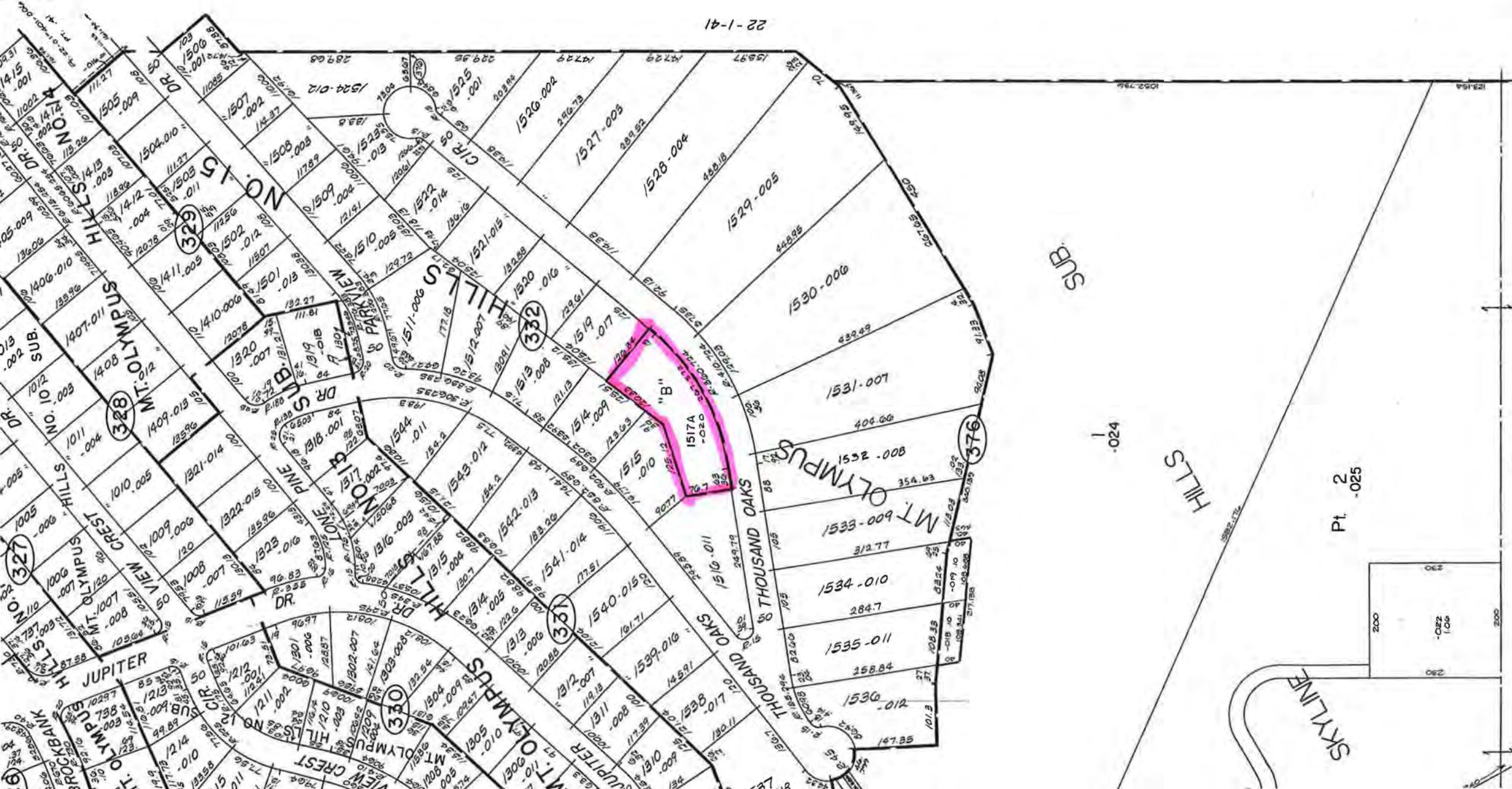
Enhanced Search
Parcels Selected: 1 [Zoom](#) [Clear](#)

ID 10: 2201332020
ID 14: 22013320200000
Address: 3809 E THOUSAND OAKS CIR
Acreage: 0.68
Owner: BECKSTRAND RICHARD N
Owner Address: 6330 S 3000 E # 250



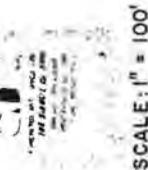
300 m
1000 ft
Latitude: 40.670859 Longitude: 111.790222

"B"
MT. OLYMPUS
HILLS NO. 15 AMD. SUB.



SALT LAKE COUNTY
PREPARED BY SALT LAKE COUNTY RECORDER
COPYRIGHT ©1996
This map is not intended to represent actual physical property lines. In order to establish exact physical boundaries a survey of the property may be necessary.

SALT LAKE CO.
E 1/2 SW 1/4 SEC. 1 T2S. R1E.



SCALE: 1" = 100'
22-1-32

22-F

Pt. 2
-025

HILLS

SUB

22-1-41

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1

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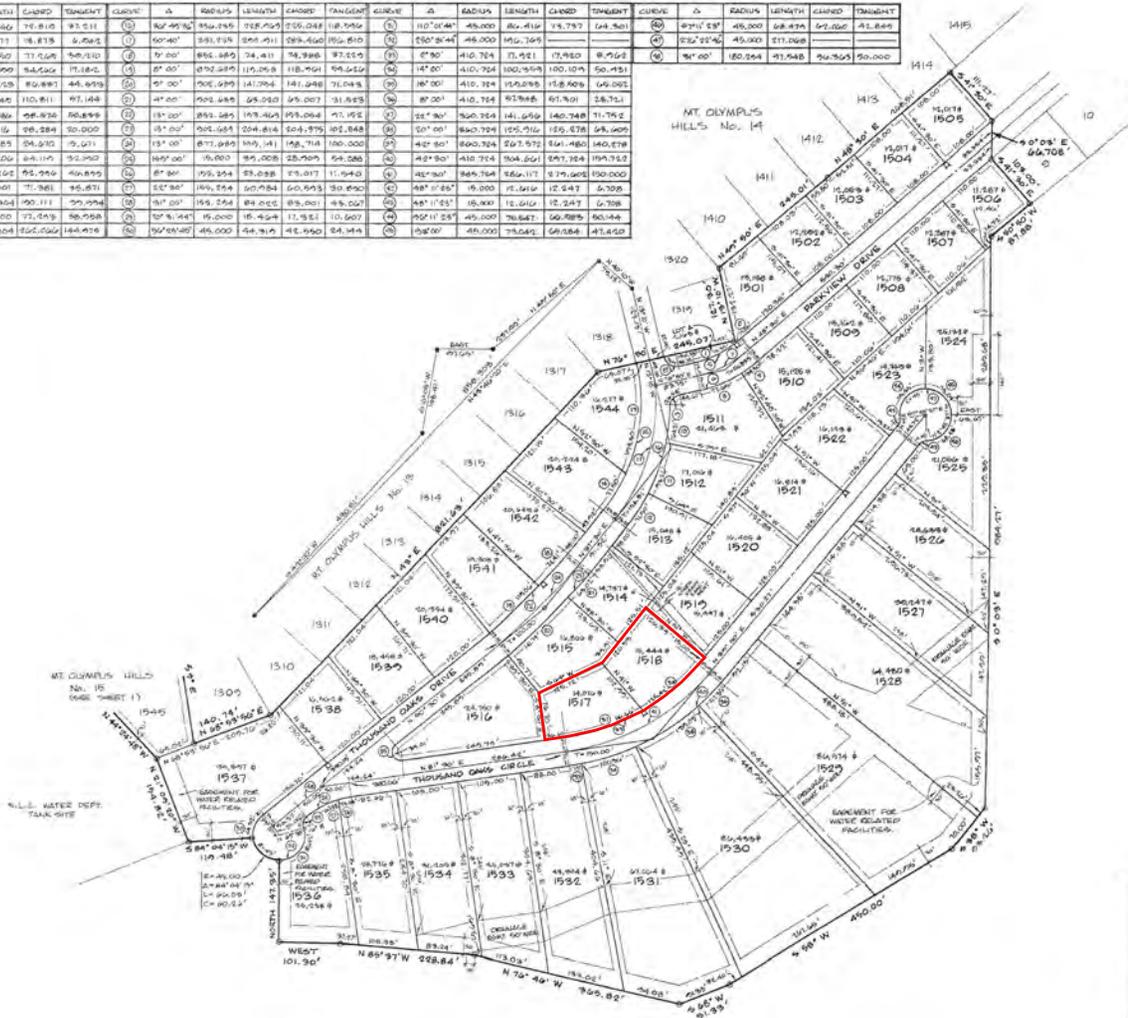
16

17

18

19

CURVE	Δ	RADIUS	LENGTH	CHORD	TANGENT	CURVE	Δ	RADIUS	LENGTH	CHORD	TANGENT
1	10°40'00"	110,000	79,862	70,810	91,011	10	10°40'00"	110,000	79,862	70,810	91,011
2	4°50'00"	110,000	19,811	18,818	20,582	11	10°40'00"	110,000	79,862	70,810	91,011
3	10°40'00"	110,000	79,862	70,810	91,011	12	10°40'00"	110,000	79,862	70,810	91,011
4	10°40'00"	110,000	79,862	70,810	91,011	13	10°40'00"	110,000	79,862	70,810	91,011
5	10°40'00"	110,000	79,862	70,810	91,011	14	10°40'00"	110,000	79,862	70,810	91,011
6	10°40'00"	110,000	79,862	70,810	91,011	15	10°40'00"	110,000	79,862	70,810	91,011
7	10°40'00"	110,000	79,862	70,810	91,011	16	10°40'00"	110,000	79,862	70,810	91,011
8	10°40'00"	110,000	79,862	70,810	91,011	17	10°40'00"	110,000	79,862	70,810	91,011
9	10°40'00"	110,000	79,862	70,810	91,011	18	10°40'00"	110,000	79,862	70,810	91,011
10	10°40'00"	110,000	79,862	70,810	91,011	19	10°40'00"	110,000	79,862	70,810	91,011
11	10°40'00"	110,000	79,862	70,810	91,011	20	10°40'00"	110,000	79,862	70,810	91,011
12	10°40'00"	110,000	79,862	70,810	91,011	21	10°40'00"	110,000	79,862	70,810	91,011
13	10°40'00"	110,000	79,862	70,810	91,011	22	10°40'00"	110,000	79,862	70,810	91,011
14	10°40'00"	110,000	79,862	70,810	91,011	23	10°40'00"	110,000	79,862	70,810	91,011
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20	10°40'00"	110,000	79,862	70,810	91,011	29	10°40'00"	110,000	79,862	70,810	91,011
21	10°40'00"	110,000	79,862	70,810	91,011	30	10°40'00"	110,000	79,862	70,810	91,011
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25	10°40'00"	110,000	79,862	70,810	91,011	34	10°40'00"	110,000	79,862	70,810	91,011
26	10°40'00"	110,000	79,862	70,810	91,011	35	10°40'00"	110,000	79,862	70,810	91,011
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28	10°40'00"	110,000	79,862	70,810	91,011	37	10°40'00"	110,000	79,862	70,810	91,011
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32	10°40'00"	110,000	79,862	70,810	91,011	41	10°40'00"	110,000	79,862	70,810	91,011
33	10°40'00"	110,000	79,862	70,810	91,011	42	10°40'00"	110,000	79,862	70,810	91,011
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35	10°40'00"	110,000	79,862	70,810	91,011	44	10°40'00"	110,000	79,862	70,810	91,011
36	10°40'00"	110,000	79,862	70,810	91,011	45	10°40'00"	110,000	79,862	70,810	91,011
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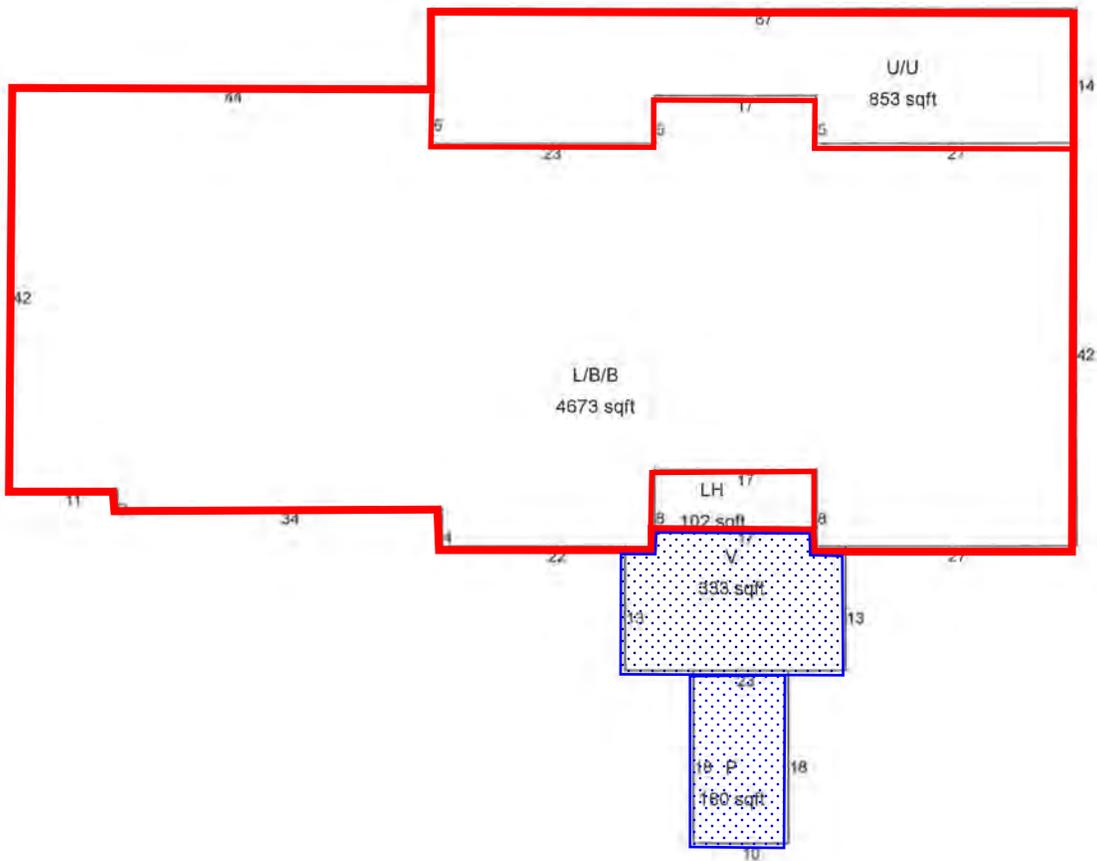
MT. OLYMPUS HILLS No. 15
 LOCATED IN SEC. 1, T. 25. N., R. 11. E., S. 1. & 2. N.
 SHEET No. 2 OF 2

PREPARED BY
 APOSTOLIAN CONSULTING ENGINEERS, INC.
 1845 EAST 9300 SOUTH
 SALT LAKE CITY, UTAH

RECORDED # 3081584
 STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT
 THE OFFICE OF
 Western States Title Co
 DATE: Mar 22, 1978 TIME: 3:44 pm BY: 78-3-94
 \$ 40.00
 FILE #

78-3-94 2 of 2

Exhibit "A": November 5, 2014 on site laser measurements by Salt Lake County Assessor



Parcel ID: 22-01-332-020-0000

Label	Perimeter	Area
L/B/B	344	4673
U/U	172	853
LH	46	102
Lot Coverage SF		6051.51
Total SF		5628
Lot Coverage		28.83%



SURVEYOR'S CERTIFICATE

I, M. CARL LARSEN, SALT LAKE CITY, UTAH, DO HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR AND THAT I HOLD LICENSE NO. 142765 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH AND THAT I HAVE MADE A SURVEY OF THE BOUNDARIES OF THE FOLLOWING DESCRIBED PROPERTY.

ALL OF LOT 1517 AND LOT 1518, MT. OLYMPUS HILLS No. 15 SUBDIVISION, A SUBDIVISION BEING LOCATED IN SECTION 1, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH.

I FURTHER CERTIFY THAT THIS PLAT CORRECTLY SHOWS THE TRUE DIMENSIONS OF THE BOUNDARIES SURVEYED AND OF THE VISIBLE IMPROVEMENTS EFFECTING THE BOUNDARIES AND THEIR POSITION IN RELATIONSHIP TO SAID BOUNDARIES; THAT NONE OF THE VISIBLE IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY ENCRUCH UPON ADJOINING PROPERTY AND THAT NO VISIBLE IMPROVEMENTS, FENCES OR EAVES OF ADJOINING PROPERTIES ENCRUCH UPON THE SUBJECT PROPERTY EXCEPT AS SHOWN.

I ALSO FURTHER CERTIFY THAT THIS PLAT DOES NOT PURPORT TO DISCLOSE OVERLAPS, GAP, BOUNDARY LINE DISPUTES OF THE PROPERTY SURVEYED WHICH WOULD BE DISCLOSED BY AN ACCURATE SURVEY OF THE ADJOINING PROPERTIES, NOR DOES IT PURPORT TO DISCLOSE OWNERSHIP OF OR CLAIMS OF EASEMENTS OR ENCUMBRANCES UPON THE PROPERTY SURVEYED.

M. Carl Larsen
M. CARL LARSEN L.S. # 142765

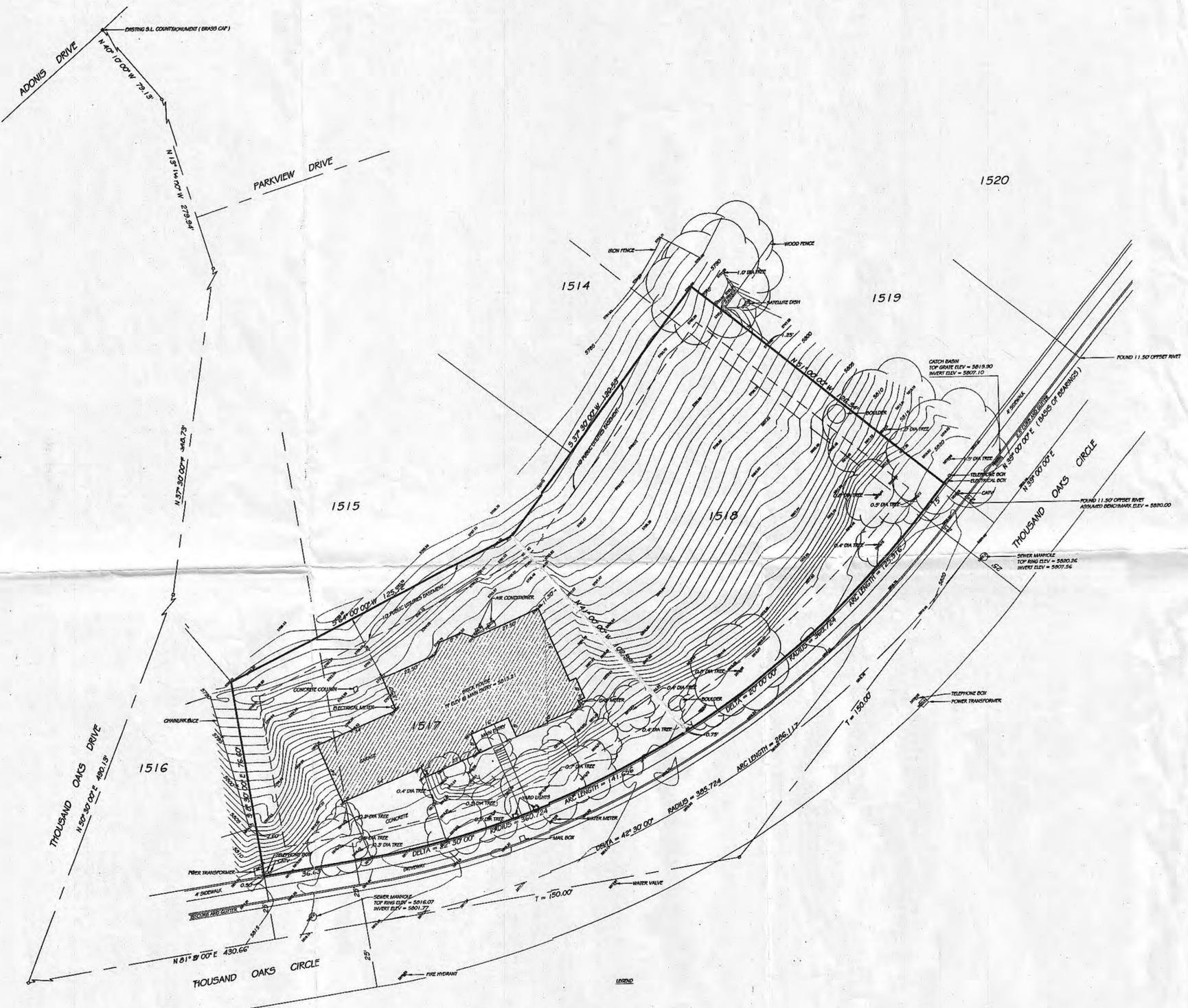
10/5/99
DATE

GENERAL NOTES

1. THE BASIS OF BEARINGS FOR THIS SURVEY WAS ESTABLISHED BETWEEN FOUND RIVER 11.50 FOOT OFFSETS AT THE PROJECTION OF THE WEST LINE OF LOT 1519 AND THE OF LOT 1520 AS SHOWN ON THIS SURVEY PLAT.

FILE COPY
SALT LAKE BUILDING 1
MAY 2
APPR
By

SURVEY CERTIFICATE
ARCHITECTURAL TOPOGRAPHY
PREPARED FOR: JERRY A. McWILLIS
3800 EAST THOUSAND OAKS
SALT LAKE CITY, UTAH 84124
ATTN: JERRY / DAVID DEAN
LOCATION: SW 1/4 SECTION 1, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH



SET REBAR AND CAP 1.5 INCHES	—
FENCE LINE	—
GIS LINE	—
OVERHEAD POWER LINE	—
OVERHEAD TELEPHONE LINE	—
SANITARY SLOPE LINE	—
STORM DRAIN LINE	—
UNDERGROUND POWER LINE	—
UNDERGROUND TELEPHONE LINE	—
WATER LINE	—

DATE	10-4-99
SCALE	1" = 80'
PROJECT	08904-99
DRAWN	
CHECKED	
APPROVED	



LARSEN & MALMQUIST, INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
1574 WEST 1700 SOUTH SALT LAKE CITY, UTAH 84104
PHONE: (801) 972-2634 FAX: (801) 972-2698

C:\SISK\PROJ\03984-99.dwg Larsen and Malmquist, Inc. All Rights Reserved

Ben McAdams

Mayor

Nicole Dunn

Deputy Mayor

Patrick W. Leary

Township Executive



Scott R. Baird, P.E., Director
Engineering Services

Rolen Yoshinaga, Director
Planning & Development Services

Brigham Mellor
Economic Development

DATE: December 26, 2014

TO: Spencer Brimley

FROM: Curtis Woodward

A handwritten signature in black ink, appearing to read 'Curtis Woodward', is written over the printed name.

RE: RCOZ "Lot coverage" definition

It has come to my attention that more questions have arisen regarding the definition of "lot coverage" in section 19.71.060 of the Residential Compatibility Overlay Zone (RCOZ). For reference, the definition in the code is: *"Lot coverage" means the measurement of land use intensity that represents the portion of the site occupied by the principal building and all accessory buildings, but excluding all other impervious improvements such as sidewalks, driveways, patios, decks and open porches.* The only terms within this definition which are specifically defined within the zoning ordinance are: "intensity" and "building:"

"Intensity" means the concentration of activity, such as a combination of the number of people, cars, visitors, customers, hours of operation, outdoor advertising, etc.; also, the size of buildings or structures, the most-intense being higher, longer and/or wider.

"Building" means any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.

The recent questions have focused on what is considered "occupied" by a building, and what is meant by "patios," "decks," and "open porches," which are specifically excluded from lot coverage. In looking at the commonly used definitions of these terms, the one structural element that contains a roof by definition is a porch. Using the definition of porch in the current Merriam-Webster on-line dictionary as a reference, a porch is "a structure attached to the entrance of a building that has a roof and that may or may not have walls." Because a porch has a roof but may or may not have walls, the logical conclusion is that an "open porch" refers to a covered entrance that does not have walls.

Since the other elements on the exemptions list are flat surfaced structures, considered "outdoor" amenities, I would conclude that any portion of the lot over which there is finished interior floor space, including enclosed garage, is "occupied" by the home, and counts towards the coverage calculation. Because the issue is coverage, the outside measurement of walls (rather than interior floor square footage) should be used to calculate this area. In harmony with the "measurement of intensity" language, I would not include roof overhang or decorative elements such as wing walls or extended pillars in the measurement. They are merely decorative appendages, and the amount they add to or subtract from the "measurement of intensity" of a given building is debatable.

Community Letters, Emails and information
provided for at previous planning commission
meetings.

From: [Sheila Gelman](#)
To: [Spencer W. Brimley](#); [David Baird](#); [Jemina Keller](#); [Steve Sullivan](#); [Curtis Woodward](#); [George Flint](#)
Subject: Application # 28980 3809 East Thousand Oaks Circle
Date: Tuesday, February 10, 2015 10:22:22 AM

Dear Mr. Brimley,

I realize that the neighbors are not permitted to speak at the Millcreek Community Planning meeting tomorrow. However, considering the administration has ruled that the front porch is not considered in the lot coverage I feel that we should have the

opportunity to at least share the picture of the front porch which you are not including as part of the lot coverage on the ROCZ. This porch needs to be included in the lot coverage.

It is an integral part of the home. The roof skylight and roof is part of the home. The skylight runs from the middle of the home into almost all of the porch roof. This is a solid stone porch with an artificial copper metal roof and glass side walls. It is a definite part of the design of the home.

Since the rear covered porch is part of the house then this also needs to be included. When the home was remodeled the porch required a variance. Mr. McWillis ignored the rules and the building code did not enforce it.

The front pillars are also in violation.

The neighbors question your decision that the front porch is not part of the lot coverage.

We hope that you will reconsider your decision.

Thank you very much.

Sheila and Martin Gelman
3858 East Thousand Oaks Circle
Salt Lake City, Utah 84124
801-272-2522 or mobile 801-230-0993

From: [Sheila Gelman](#)
To: [Spencer W. Brimley](#)
Cc: [Curtis Woodward](#)
Subject: Thousand Oaks
Date: Tuesday, February 10, 2015 4:40:09 PM

Dear Spencer,

Thank you for all the time that you have spent on this project.

I just reread your October 10, 2014 memo from Curtis Woodward and I have a question.

It states: it is therefore my conclusion that a roof over a deck(measured as the area within the support post or columns of the roof)

must be included in the square footage of the principal building for purposes of lot coverage in the residential compatibility overlay

zone. Building means any structure having a roof supported by columns or wall, for the housing or enclosure of persons, animals, or chattels.

This front entry is big enough to house many animals.

I cannot understand why the front of this home does not meet this requirement. It is the same roof as the main dwelling, it shares the

skylight of the middle of the main home and has glass and metal walls and is supported with huge columns. It also has the tile/marble

floors that are also in the interior. It is not a deck. In this case the front entry is an integral part of the home.

Once again could you please explain to me the reason that this front entry is not included in lot coverage.

It is obvious that I do not understand the language of the zoning ordinance.

Is there any chance that your committee could review this??

Thank you,

Sheila Gelman

JEFFREY L. SILVESTRINI
3400 South Crestwood Dr.
Millcreek Township, Utah 84109

February 10, 2015

Via E-mail

John Janson, Chair
j_janson@comcast.net
Millcreek Township Planning Commission
Salt Lake County Planning & Development Services
2001 S. State Street, #3600
Salt Lake City, UT 84190-3050

Re: Application No. 28980: Interpretation of The RCOZ Ordinance Generally

Dear Honorable Planning Commission Members:

I write in my capacity as a private citizen, although at relevant times I was Chair of the Mount Olympus Community Council and the Millcreek Township Council, and I participated in the public process which resulted in the enactment by the Salt Lake County Council of the Residential Compatibility Overlay Zone ordinance (RCOZ). I have become aware of two opinions of Curtis Woodward, Zoning Administrator, respecting the lot coverage concept contained in the ordinance, and specifically whether “porches” are counted for lot coverage like “covered decks.”

At the time that this ordinance was roundly debated in our community and ultimately adopted by the Salt Lake County Council upon the recommendation of the Planning Commission, the principal concern the ordinance was compatibility of the mass of infill development with that of other structures in existing neighborhoods. To that end, the concept of lot coverage was studied and utilized in the ordinance to attempt to regulate compatibility of mass. Included in the calculation of what was occupied by a building in the concept of lot coverage ratio were appurtenances to a structure covered with roofs. I believe this is because areas covered with roofs contribute to the mass of a structure, as distinguished from uncovered decks or porches which do not have roofs.

The two opinions of the Zoning Administrator which address interpretation of the ordinance utilize the dictionary definition of “porch” to conclude that porches are, by definition, covered by roofs. Therefore, the opinions reason, because the ordinance excluded “open porches” from the lot coverage calculation, all porches, covered or not covered, must be so excluded. Given that decks are included in the lot coverage calculation only if they are covered, I believe that the Zoning Administrator’s opinions are inconsistent with the intent of the ordinance and erroneous.

It makes sense to consider “covered decks” in the lot coverage calculation because the roof over the deck constitutes part of the mass of the structure. To the same end, covered porches constitute part of the mass of the structure. “Open porches” should be interpreted by the Planning Commission to constitute porches without roofs, which would be consistent with basing lot coverage on the mass of the roof structure. I believe this was the intent of the

John Janson, Chair
Millcreek Township Planning Commission
October 13, 2014
Page 2

Planning Commission and certainly it is consistent with the intent of the ordinance to consider the mass of a structure in attempting to ensure its compatibility with existing structures in a neighborhood in Millcreek Township. If “open porch” is considered to have a roof, why is an “enclosed porch” not just another room in the dwelling line a foyer or entryway? “Open porch” necessarily was intended to refer to an uncovered porch without a roof, like a front deck. Such an interpretation is the only logical way to respect the intent of the ordinance to regulate mass.

Based upon this inconsistency inherent in the Zoning Administrator’s opinions, which exclude all porches in lot coverage calculations whether or not they have roofs, while decks are included only if they have roofs, I believe the Planning Commission should reject the Zoning Administrator’s opinions in connection with the referenced application and for all other purposes in interpreting the RCOZ ordinance.

Very truly yours,



Jeffrey L. Silvestrini

Application 28980
Richard Beckstrand (Applicant)
3809 East Thousand Oaks Circle, SLC UT 84124
Summary of Neighborhood Opposition
November 12, 2014

What Governs Lot 1517?

- RCOZ Option "A" "Strict Standards" compliance governs site development
- Maximum Lot Coverage = $19,521 * 31\% = 6,051.5$ SF
- "Lot Coverage" defined as "the measurement of land use intensity that represents the portion of the site occupied by the principal buildings and all accessory buildings, but excluding all other impervious improvements such as sidewalks, driveways, patios, decks and open porches."
- "Building" defined as "any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels."
- "Structure" defined as "anything constructed or erected which requires location on the ground, or attached to something having a location on the ground."
- Current parking on site is undefined

Neighborhood Objection 1: Based on Square Footage of Current Building Size:

Recent Assessor's Measurements Suggest the Current Improvements Exceed the Maximum Allowable Building Square Footage:

- November 5, 2014 on site laser measurement (5,961 SF) (Exhibit "A")
- Should include additional approximate 97.5 SF from 3 column protrusions on back covered deck, north chimney protrusion, 2 large front pillars protrusions under covered front deck and "lip" on back covered deck (Exhibits "B", "C" and "D")
- Suggests 6,058 building SF (exceeds maximum allowable SF)

Assessor's Aerial Pictometry Suggests Current Improvements Exceed the Maximum Allowable Square Building Square Footage:

- Takeoff measurements at Assessor's office with Alan Muhlestein
- Suggest Roof Perimeter of 6,269 SF (Exceeds Maximum Allowable Building SF)
- Exhibit "E" (2 Assessor Pictometry Aerials)

Neighborhood Objection 2: Based on Proposed Lot 1517 Non-Compliance with Rear Yard Setback for Parking Spaces instead of a Garage:

- Current parking plan is undefined
- Not out of compliance with back setback until stall design application is submitted and approved (not grandfathered)
- No attempt to secure a variance or exception has been started by Applicant
- Current building enjoys benefit of smaller 15 foot setback (Exhibit "F")

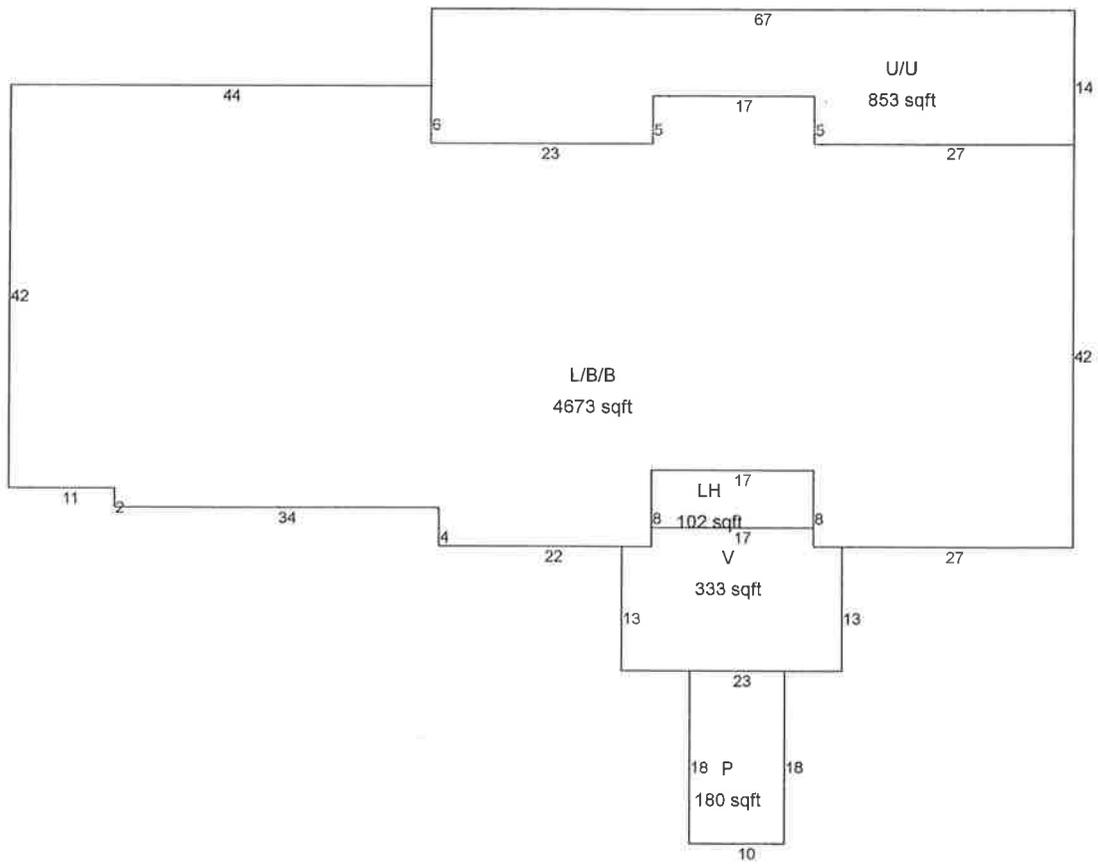
Neighborhood Objections to Future Efforts to Secure Lot Coverage Exceptions on Lot 1517

- Current subdivision application is entirely of Applicant's own choosing for monetary gain
- Reduction in Lot 1517 acreage directly reduces available square footage for garage (if any hypothetically may still exist)

Attachments:

- Exhibit "A": November 5, 2014 on site laser measurements by Salt Lake County Assessor
- Exhibit "B": Photo illustrating "Lip" along back covered deck
- Exhibit "C": Photo illustrating 1 of 3 protruding structural columns on back of residence
- Exhibit "D": Photo illustrating magnitude of large structural columns on front covered deck
- Exhibit "E": 2 Assessor Pictometry Aerials
- Exhibit "F": 3 Current Photos illustrating very narrow 15 foot setback having negative impact on adjoining downhill property

Exhibit "A": November 5, 2014 on site laser measurements by Salt Lake County Assessor



Parcel ID: 22-01-332-020-0000

Label	Perimeter	Area
L/B/B	344	4673
V	76	333
P	56	180
U/U	172	853
LH	46	102

Exhibit "B": Photo illustrating "Lip" along back covered deck



Exhibit "C"

Photo illustrating 1 of 3 protruding structural columns on back of residence

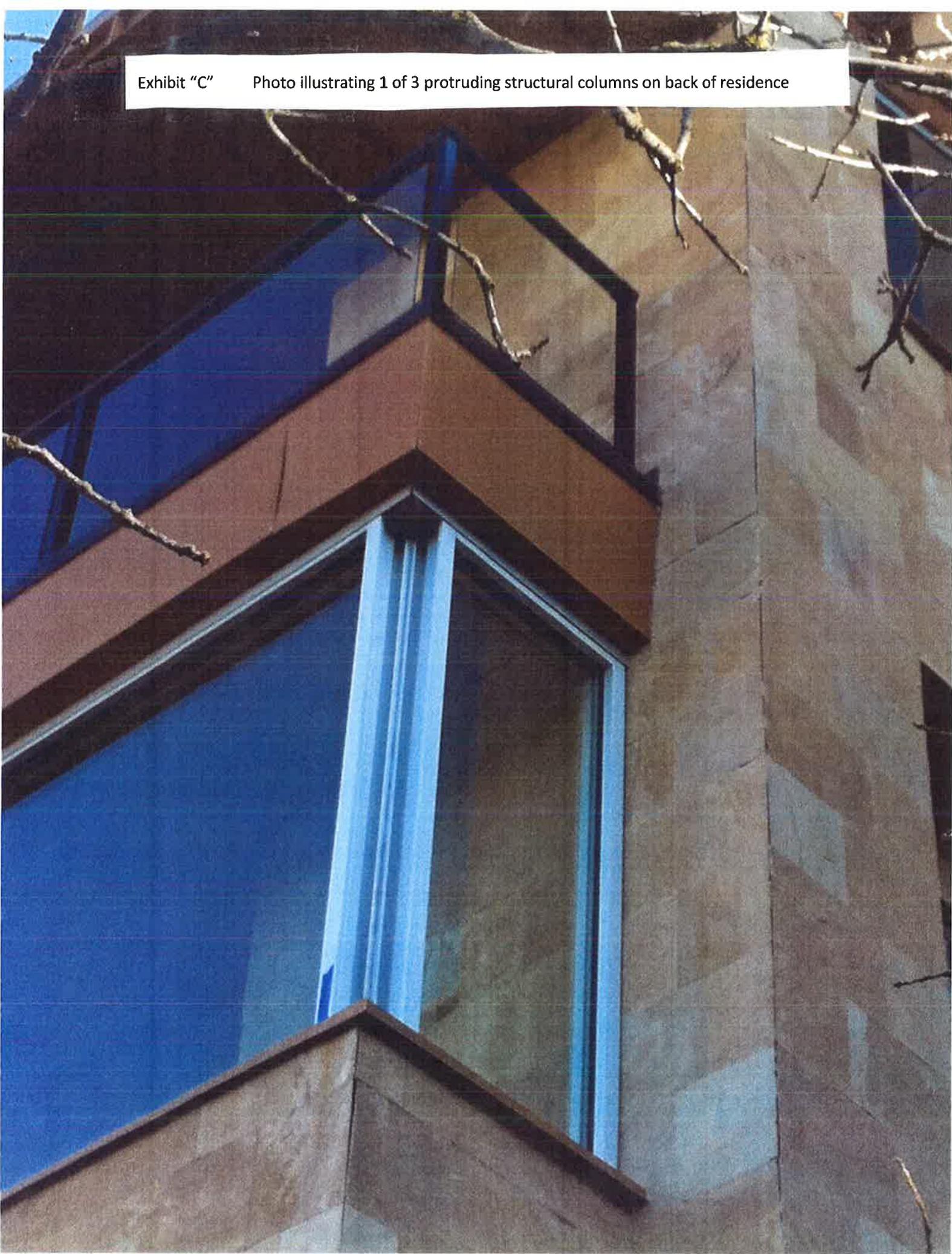


Exhibit "D": Photo illustrating magnitude of large structural columns on front covered deck

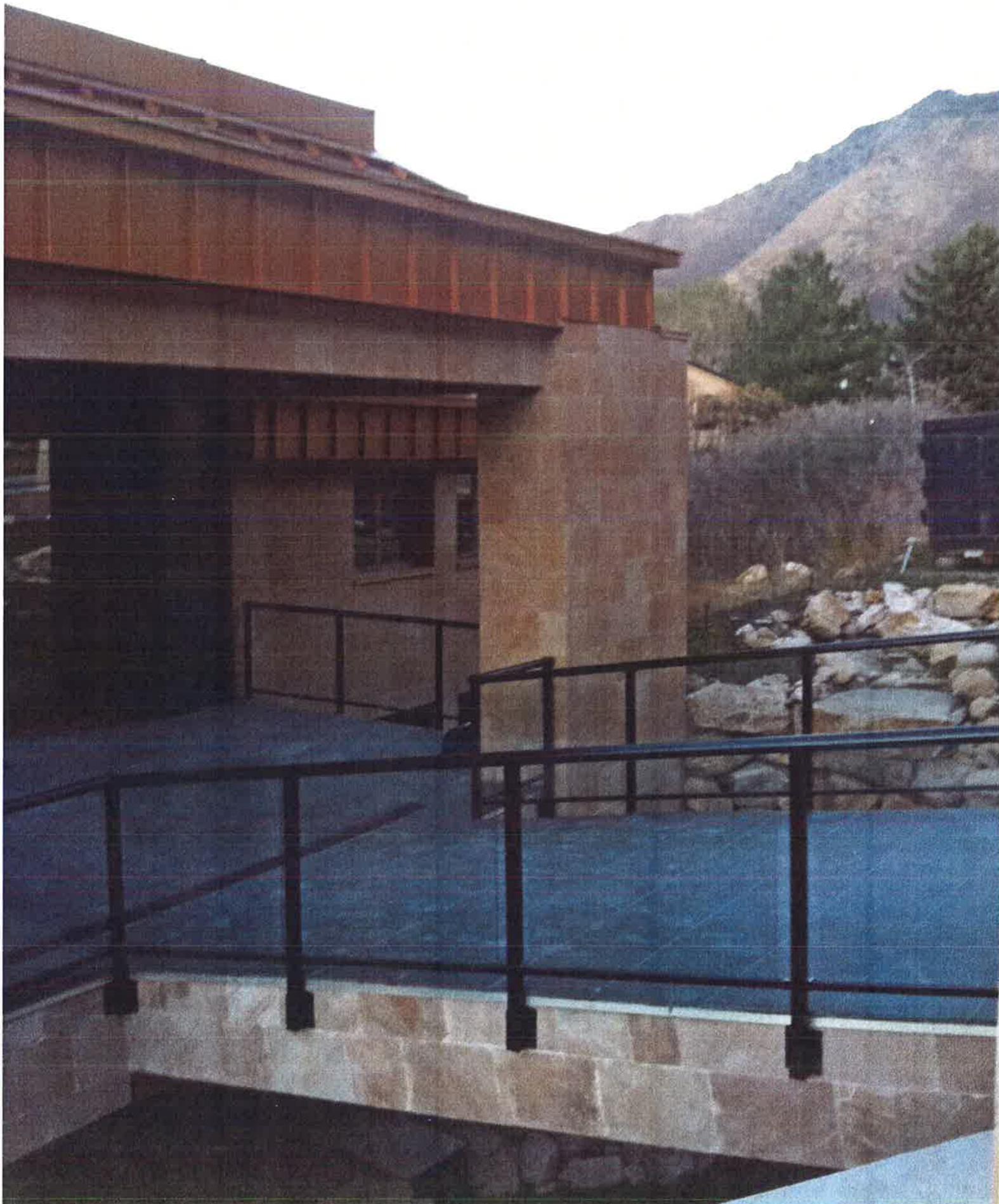
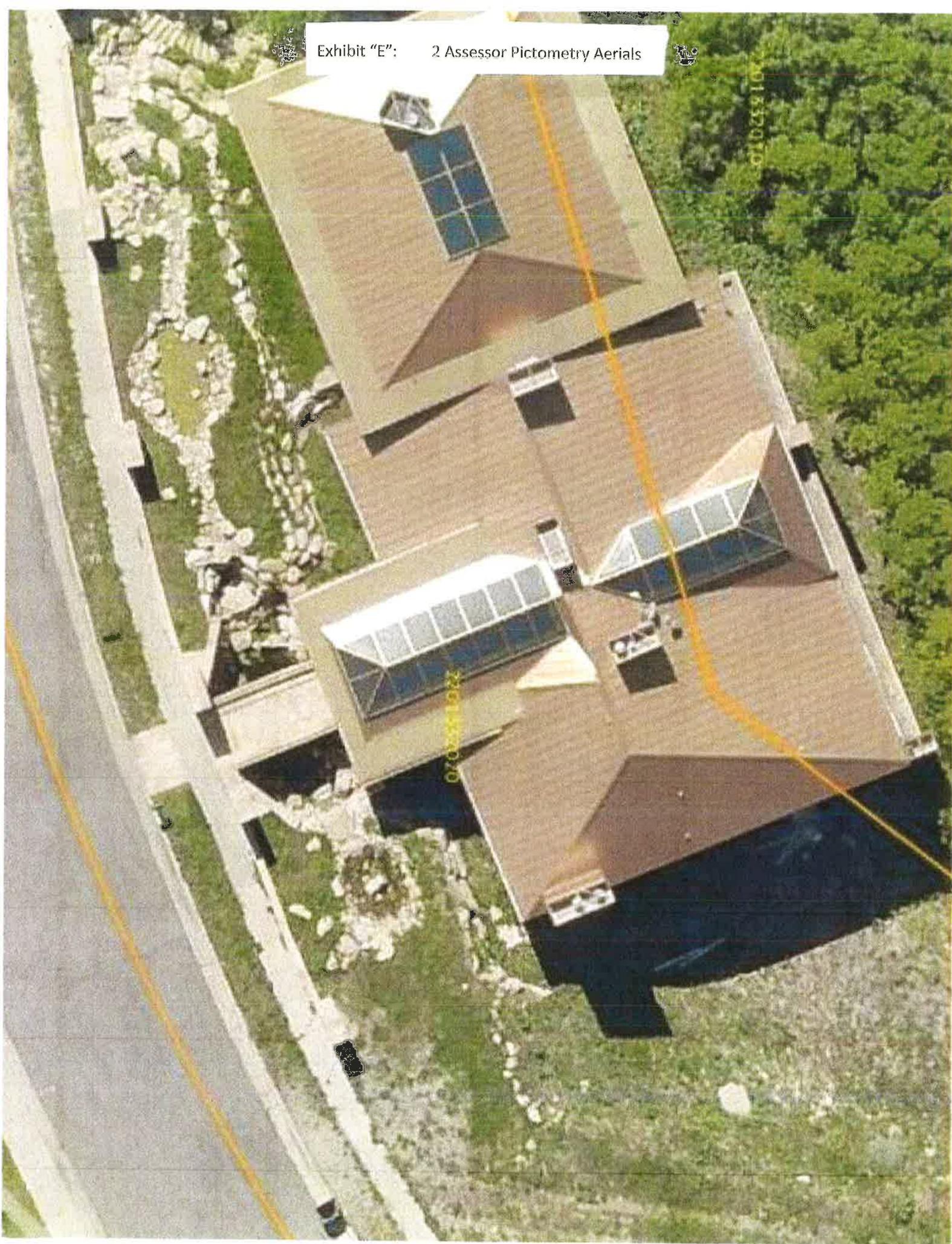
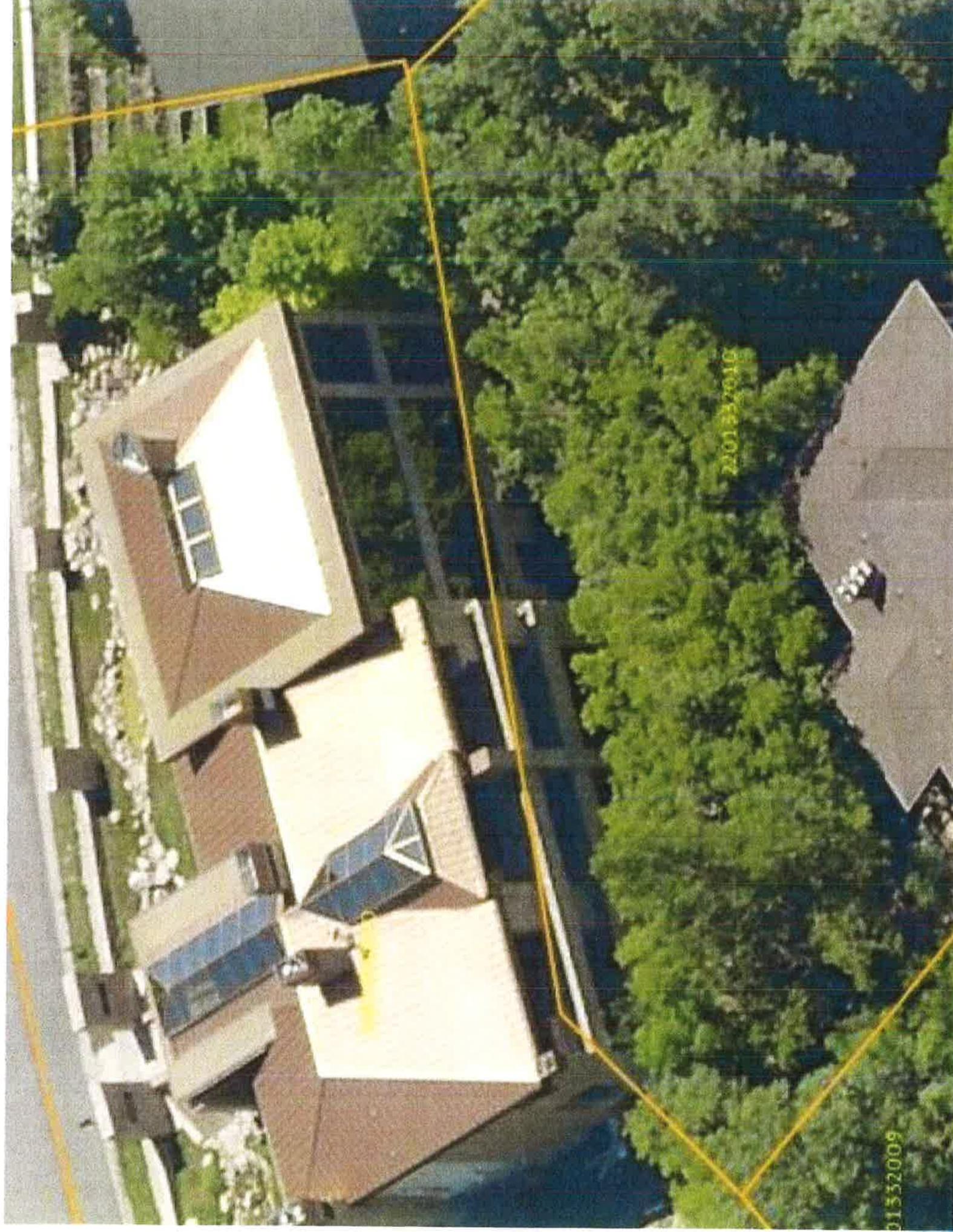


Exhibit "E": 2 Assessor Pictometry Aerials





201354016

01332009

Exhibit "F": 3 Current Photos illustrating very narrow 15 foot setback having negative impact on adjoining downhill property







September 30, 2014

Jeff Silvestrini, Chair

Mount Olympus Community Council

3400 South Crestwood Dr.

Salt Lake City, UT 84109

Millcreek Township Planning Commission

Salt Lake County Planning & Development Services

2001 South State Street, #N-3600

Salt Lake City, UT 84190-4050

RE: Applications #28978 and #28980 (RCOZ Extraordinary Exception Request and Lot Subdivision Application), Richard Beckstrand (Applicant), 3809 East Thousand Oaks Circle, Millcreek Township, Salt Lake County, Utah 84124

Dear Chairman Silvestrini and Members of the Millcreek Township Planning Commission,

Thank you for taking the time recently to listen to the neighbors' concerns regarding the proposed RCOZ exceptions and lot subdivision at 3809 East Thousand Oaks Circle. As described below, the applicant (Richard Beckstrand) has not successfully upheld the mandatory burden of proof required within the RCOZ to secure the requested exceptions and has failed to adequately address and correct multiple development standard violations within his applications #28978 and #28980.

The applicant has requested unusual and extraordinary relief from the Residential Compatibility Overlay Zone (RCOZ) development requirements based on his justification of extraordinary development impediments at the site. As defined in Chapter 19.71.010 of the Salt Lake County Code of Ordinances, the purpose of Option "C" of the RCOZ approval process "... allows the planning commission to consider at a public hearing a special exception for unusual or extraordinary circumstances that justify deviations from one or more of the limitations under [the more typical] Options A and B." Chapters 19.71.050 (A)(1) through 19.71.050(A)(4), inclusive, require the applicant to set forth in detail the specific provisions from which the applicant seeks exceptions and the requested relief, along with detailed information and explanation establishing that the proposed residence will be in harmony with the purpose of this ordinance. The applicant must also provide evidence that the proposed residence will be compatible with existing residential development within a reasonable distance in terms of height, mass and lot coverage. The proximate neighborhood as noted in Table I of the ordinance is calculated to be 175 feet in the R-1-10 Single Family Residential Zone. All property owners within a 300 foot boundary were to be notified of the application prior to the public review of the application in front of the planning commission. Specifically, Chapter 19.71.050(4)(B) requires that "the decision on the application shall be based on the evidence presented at the hearing. The burden of proof shall rest with the applicant."

Only one property owner within the required 300 foot boundary received the notice, which is the primary reason why the neighborhood didn't object to the application during previous public discussions. We

are grateful that both the Mount Olympus Community Council and the Millcreek Township Planning Commission are facilitating additional public input on these applications.

The applicant has failed to overcome the burden of proof to show where the unusual or extraordinary circumstance exists upon the site when compared to other properties within the proximate neighborhood.

Applicant's Garage Design and Recent Lot Subdivision Create Difficulties

The extraordinary circumstances are primarily created by applicant's desire to deviate from current entitlements that will easily facilitate a garage design that meets all applicable ordinances. According to the staff report dated 8/29/2014, the applicant requests the front setback of the proposed 1,196 square foot garage to be only 18 feet and the height to exceed the 30 foot maximum height by an additional 3 feet 9 inches. The applicant did not appear to provide any empirical evidence to prove why this site is unusual or extraordinary as compared to the proximate neighbors. All previously built homes along the western side of Thousand Oaks Circle had similar slope issues, but were required to adhere to the (then) required setbacks despite the development impediment created by the slope. Similarly, the owners of the parcels on the eastern side of Thousand Oaks Drive directly below the property were forced to construct very steep driveways to accommodate the very similar topography and slope. What makes this applicant's lot any different? The previous owner (McWillis), began to create a driveway that dropped down on to the lower elevations of the lot and not build at the street level. This plan eliminated any need for exceptions to applicable zoning standards that regulate maximum height and front setback requirements. In fact, the rough graded driveway approach is already in place. **We disagree the applicant has honored the mandatory burden of proof required by the spirit of the "unusual and extraordinary" circumstances anticipated and required under Option "C" of the RCOZ.** The applicant perceives an "extraordinary" impediment because he is choosing to subdivide the lot, which is contrary to the original plan of expansion when the McWillis home was built. Similarly, the application shows a floor of the garage at street grade. Were the garage built as designed but in compliance with applicable setback/height requirements, the garage would be approximately 4 feet below street grade and similar to multiple properties in the proximate neighborhood and would conform with the maximum driveway slope required by county building code.

A Point of Comparison

The property owner of the lot located directly south of the applicant's parcel previously approached Salt Lake County planning staff to request an exception to the same front setback requirement for his garage. He was immediately denied and was never able to present his application to the Planning Commission. Approval of the current applicant's request would be a directly inconsistent application of the front setback requirements on highly similar and adjoining parcels.

The "Unusual or difficult terrain" factor cited by the applicant is of his own making. A building permit was previously issued for a garage for this house which would not require any type of extraordinary exception. Many additional garage designs other than the applicant's proposal could be developed that are architecturally consistent with the existing residence and neighborhood.

Lot Shape is not an Extraordinary Impediment in this Case

Section 3.2 of the staff write-up on the recommendation for extraordinary exceptions to the code cites the "lot shape" as an extraordinary impediment. The extraordinary lot shape was created entirely by applicant and the preceding owners of the parcel in order to secure the approvals for the extremely large home on the parcel. We surmise that the original owner (McWillis) knew he needed the adjoining lot to make the driveway meet all required development standards. We feel that approval of the exception to the setbacks or height is directly in conflict with the original design plans of the home. We believe that the applicant is motivated to secure the exception so the other newly subdivided lot may provide additional value to him at a later point in time if he were to build a home on the new lot or to sell the lot to another interested party. Once again, the applicant is choosing through his voluntary election to deviate from the original approved plans and previously required lot acreage. Approval of an extraordinary exception under Option "C" of the RCOZ should not be granted to an application that contains impediments of the applicant's own making.

Mandatory Lot Coverage Ratio is Exceeded

The applicant has not requested any exception to the mandatory lot coverage ratio stipulated within Table 1 of the RCOZ ordinance. The RCOZ ordinance allows up to 31% lot coverage for the main dwelling and 36% lot coverage for all structures. Please note there are multiple sources of square footage estimates of the current main residential footprint which directly affect the lot coverage calculations once the garage is to be built. Specifically, the applicant's consultants calculate the main structure square footage to be 4,720 square feet. The Salt Lake County Assessor calculates the footprint to be 4,816 square feet. However, multiple previous private party representations in the Wasatch Front Multiple Listing Service have portrayed the footprint to be 5,186 square feet. We respectfully request that the applicant provide a certified professional survey of the current footprint to validate his smaller and highly beneficial square footage. Prior to any resolution on the home's square footage, the combined lot coverage calculations on the applicant's 0.39 acre lot would then be as follows:

Acreage (0.39 acres)	Main Dwelling		Combined SF Main Dwelling	Lot Coverage (Main Dwelling)
	SF	Footprint		
17,035	4,720	1,196	5,916	35%
17,035	4,816	1,196	6,012	35%
17,035	5,186	1,196	6,382	37%

Even under the most conservative main dwelling footprint calculations provided by the applicant, the mandatory 31% lot coverage is substantially exceeded. The applicant has failed to address this violation and satisfy the associated burden of proof required to secure any extraordinary exceptions. In fact, according to the formal application, the applicant did not provide any justification whatsoever and did not draw the Salt Lake County planning staff's, Olympus Cove Community Council's or the Millcreek Township Planning Commission's attention to this discrepancy. **As proposed, the application is non-compliant on maximum lot coverage and does not meet the requirements for approval.**

Side Yard Setback Requirements are Not Met

Similarly, the applicant has not requested any unusual and extraordinary relief from the required side yard setback. The applicant and applicant's consultants provided staff with the maximum circle diameter within the proposed 0.39 acre lot (calculated to be 97 feet 4 inches). Per the RCOZ side yard setback regulations, the minimum side yard setback shall be at least $(97.33 \times 25\%) = 24$ feet 4 inches. The applicant's proposed plan only provides 10 feet of setback from the proposed lot line, falling substantially short of the minimum setback. The applicant has failed to shoulder the burden of proof as to why the minimum side yard setback should be 10 feet.

The neighborhood has independently calculated the maximum circle to be drawn within the parcel on the attached lot figure. The circle should instead be calculated at 101 feet 2 inches (and a corresponding 25% side yard setback of slightly more than 25 feet). The neighborhood's preliminary calculations and lot configurations are noted on the attached Exhibit A. **The application should not be approved until the proposed lot line is adjusted approximately 15 feet further into the undeveloped lot to eliminate this non-conforming issue.** Please also note that, even under the applicant's very generously conservative footprint square footage calculations, the maximum 31% lot coverage allowed under the RCOZ would still be out of compliance at $(5,916 \text{ sf} \times 18,997) = 31.142\%$. We respectfully request the applicant re-set his acreage to correct this additional issue of potential noncompliance even after the side yard setback achieves conformity.

The Current Lot Landscape Encroaches on an Adjoining Parcel

There appears to be an approximate 5 foot unauthorized encroachment of side yard landscape improvements between applicant's proposed lot 1517A (the current lot containing the home) and lot 1516 (Biedermann). We respectfully request that the applicant be required to immediately cure all encroachments currently in place affecting the adjoining parcel.

Storm water Easement is not Represented in Plat Amendment

There is a previously recorded 15 foot storm water easement recorded on the original plat that is still in full force and effect along the northern edge of the undeveloped lot. We fail to understand why this easement is not represented on the applicant's proposed subdivision plat amendment.

Requirements of Restrictive Covenants are Not Met

The subject parcel is currently bound to the originally recorded Restrictive Covenants for Mt. Olympus Hills No. 15, as noted in entry number 3081585, Book 4643, Pages 180 through 183 of the Salt Lake County Recorder Office on March 22, 1978, which are still in effect within the subdivision. While we understand and accept that these restrictive covenants are enforced on a civil basis between two private parties, we want the leadership of the Mt. Olympus Community Council and the Millcreek Township Planning Commission to be made aware of the applicant's deviating from multiple covenants, including lot area and setback standards.

Truncated Staff Report

The staff executive summary in Section 1.1 of Application #28978 appears to have been truncated, so we apologize if any of the missing proof of extraordinary burdens required to be delivered by the applicant was contained within any missing section(s) of the previous write-up.

Summary

- Applicant has consistently failed to shoulder the burden of proof justifying why the proposed development plans require unusual and extraordinary exceptions from the RCOZ ordinance development guidelines.
- Applicant has submitted a plan that does not comply with the required lot coverage ratio and side yard setback requirements, and has not asked for deviations on these requirements.
- Applicant's proposal violates the private party restrictive covenants in the subdivision.
- Applicant's landscape encroaches on an adjoining parcel.
- A recorded storm water easement on the proposed subdivision plat is not portrayed.

We would appreciate clarification from the Salt Lake County planning staff on the current protocols of subdivision plat amendments. Salt Lake County's previous protocol required subdivision plan amendments to secure approval from the other property owners within the plat. If this protocol is still in effect, or if another official endorses the execution of the plat on behalf of the other property owners, we want to reaffirm our disapproval of the requested subdivision plat amendment.

As evidenced by the support of the property owners noted below, we do not endorse the applicant's request for either the subdivision plat or the deviations from any of the RCOZ development guidelines. We respectfully request the application be denied as submitted.

Property Owners:

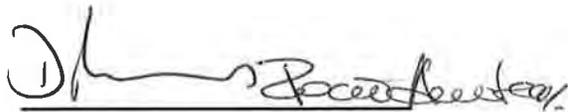
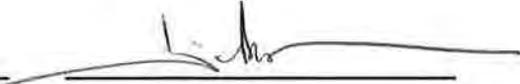
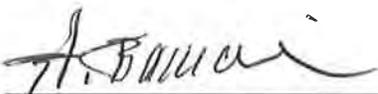
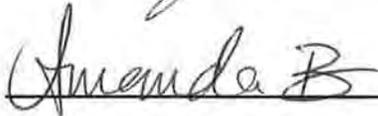
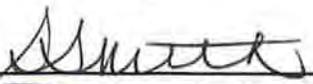
Name (Please Print)

Address

Signature

<u>Michelle McLaughlin</u>	<u>4545 S. Thousand Oaks Dr.</u>	<u>MPL</u>
<u>Zhongxi Shen</u>	<u>4561 S. Thousand Oaks Dr.</u>	<u>Zhongxi Shen</u>
<u>Xiaoyan Gao</u>	<u>4561 S. Thousand Oaks Dr.</u>	<u>Xiaoyan Gao</u>
<u>Jeanine Flint</u>	<u>3853 Thousand Oaks Creek</u>	<u>JF MA</u>

Property Owners:

Name (Please Print)	Address	Signature
Dana & Rocio Andrews	45695 THOUSAND OAKS	
Jen & Peter Hathaway	4570 Thousand Oaks Dr.	
Lise Sullivan	4553 Thousand Oaks Dr.	
Steve Sullivan	4553 Thousand Oaks Dr.	See Page 8
HIDEO BANNAI	3843 E. Thousand Oaks Cir	
Kyoko Bannai	3843 E. Thousand Oaks Cir.	
Karl Jakob	3867 Thousand Oaks Circle	
Amanda Beannon	3775 Thousand Oaks Cir	
Scott Bredermann	3775 Thousand Oaks Cir	
SHIRLEY SMITH	4501 Thous Oaks.	
RICHARD SMITH	4501 Thous Oaks	
MIKE SMITH	4501 Thousand Oaks	

Property Owners:

Name (Please Print)

Address

Signature

FRANCIS J. RAUCCI 4524 PARKVIEW 84124 F. Raucci

SANDRA S. RAUCCI 4524 Parkview ⁸⁴¹²⁴ S. S. Raucci

DON M. PEDERSEN 4539 Thousand Oaks Dr.
 SLIC, UT 84124 Don M. Pedersen

Kathy J Pedersen 4539 Thousand Oaks Dr
 SLIC 84124 Kathy J Pedersen

Rimantas Vacaituskas 3780 Thousand Oaks Cir Rimantas Vacaituskas

Jeremy Jakob 3867 Thousand Oaks Cir Jeremy Jakob

Mickelen Thomas 4580 S. Thousand Oaks Mickelen Thomas

Joe Thomas 4580 S. Thousand Oaks Joe Thomas

JULIA THOMAS 4580 S THOUSAND OAKS DR Julia Thomas

Ryan C. Pedersen 4539 Thousand Oaks Dr Ryan C. Pedersen

Hamid Adib 3874 Thous O. Circle Hamid Adib

Mariam Adib ✓ ✓ Mariam Adib

Property Owners:

Name (Please Print)

Address

Signature

Ashok V. Joshi
SUREKHA A. JOSHI

4552, Thousand Oaks Drive


S. A. Joshi

George Flint

3853 Thws-d Oaks Circle


G. Flint

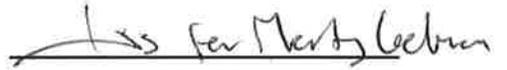
Steve Sullivan

4593 Thousand Oaks Dr


S. Sullivan

MARTY GELMAN

3858 Thousand Oaks Cir


Marty Gelman

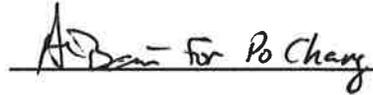
SHEILAH GELMAN

3858 Thousand Oaks Cir.


Sheila Gelman

Po Chang

3870 Thousand Oaks Cir.


Po Chang

Beatrice Chang

3870 Thousand Oaks Cir


Beatrice Chang

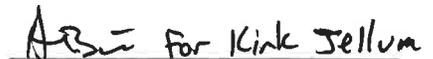
Kristen Ulmer

3734 Thousand Oaks Cir


Kristen Ulmer

Kirk Jellum

3734 Thousand Oaks Cir


Kirk Jellum

Name: DIANA
GRAZULIS

Address: 3780 THOUSAND OAKS CR
SLC. UT, 84124

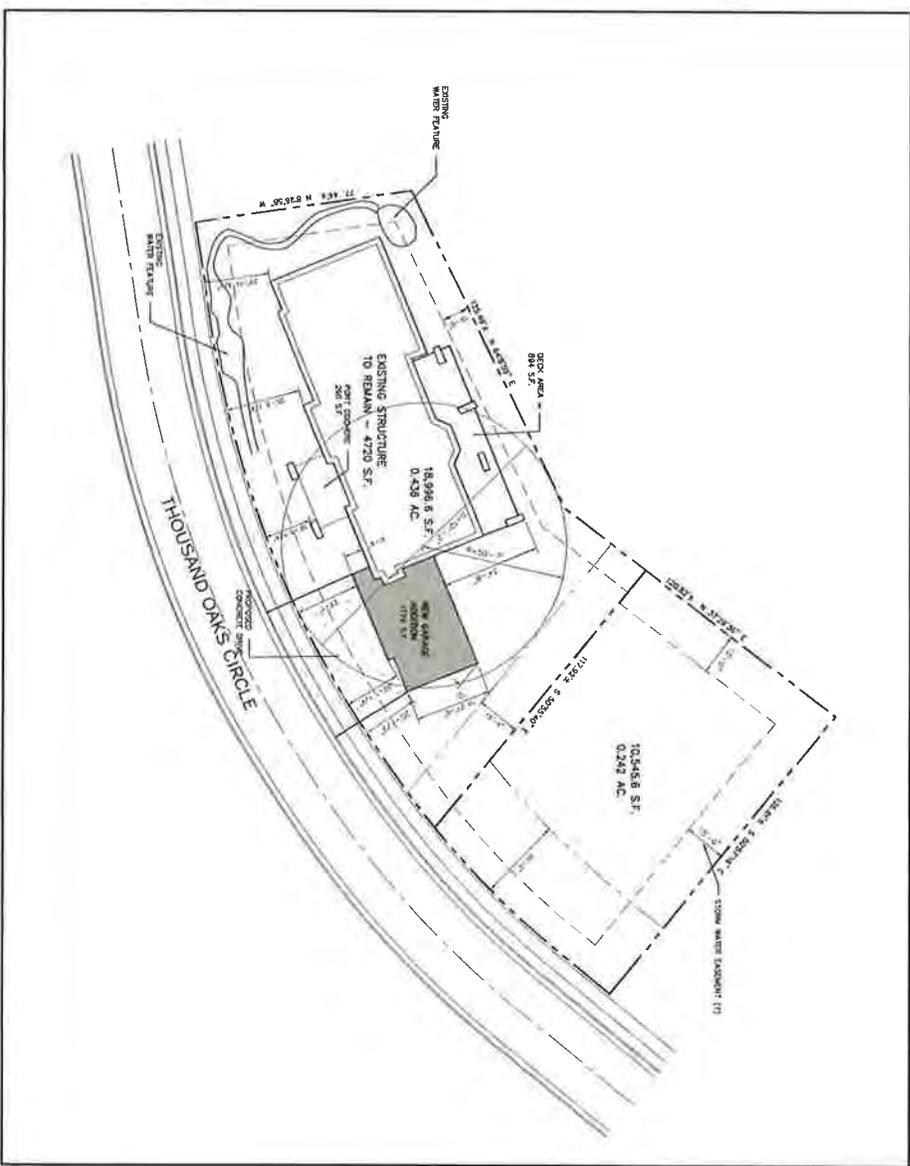
Name:

Address:

Exhibit "A"

CALL BEFORE YOU DIG
 IT'S FREE AND IT'S THE LAW!
 STATE STRIKES UP YOUR
 1-800-865-4111
 Dig Safely

CAUTION: NOTICE TO CONTRACTOR
 THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES AND OBSTRUCTIONS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES AND OBSTRUCTIONS FROM DAMAGE DURING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING ALL UTILITIES AND OBSTRUCTIONS TO ORIGINAL CONDITION OR BETTER AFTER CONSTRUCTION IS COMPLETE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES AND OBSTRUCTIONS FROM DAMAGE DURING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING ALL UTILITIES AND OBSTRUCTIONS TO ORIGINAL CONDITION OR BETTER AFTER CONSTRUCTION IS COMPLETE.



AREA SUMMARY

MAIN HOME STRUCTURE	= 4,720 S.F.
REAR DECK AREA	= 894 S.F.
NEW GARAGE ADDITION	= 1,179 S.F.
TOTAL	7,093 S.F.

NO.	DATE	DESCRIPTION

DRAWN BY: MJD
 CHECKED BY: MJD
 DATE: 11/18/11

SITE DEVELOPMENT PLANS FOR BECKSTRAND PROPERTY
 LOT 1517a, MT. OLYMPUS HILLS #15 AMND. SUBD.
 3809 EAST THOUSAND OAKS CIR.
 SALT LAKE COUNTY, UTAH



October 2, 2014

Jeff Silvestrini, Chair
Mount Olympus Community Council
3400 South Crestwood Dr.
Salt Lake City, UT 84109

Millcreek Township Planning Commission
Salt Lake County Planning & Development Services
2001 South State Street, #N-3600
Salt Lake City, UT 84190-4050

RE: Applications #28978 and #28980 (RCOZ Extraordinary Exception Request and Lot Subdivision Application), Richard Beckstrand (Applicant), 3809 East Thousand Oaks Circle, Millcreek Township, Salt Lake County, Utah 84124

Dear Chairman Silvestrini and Members of the Millcreek Township Planning Commission,

This addendum to the original correspondence dated 9/30/14 updates the neighborhood opposition to the above noted applications. After further discussions with Salt Lake County planning staff, we have recalculated the lot coverage ratios and the side yard setback requirements. We now believe the applicant's side yard setbacks approximate the requirements of the RCOZ. However, and of paramount concern, the proposed lot coverage ratios will clearly not conform to the maximum percentages allowed by the ordinance.

Updated: Mandatory Lot Coverage Ratios are Exceeded for both the Current Improvements and the Proposed Improvements

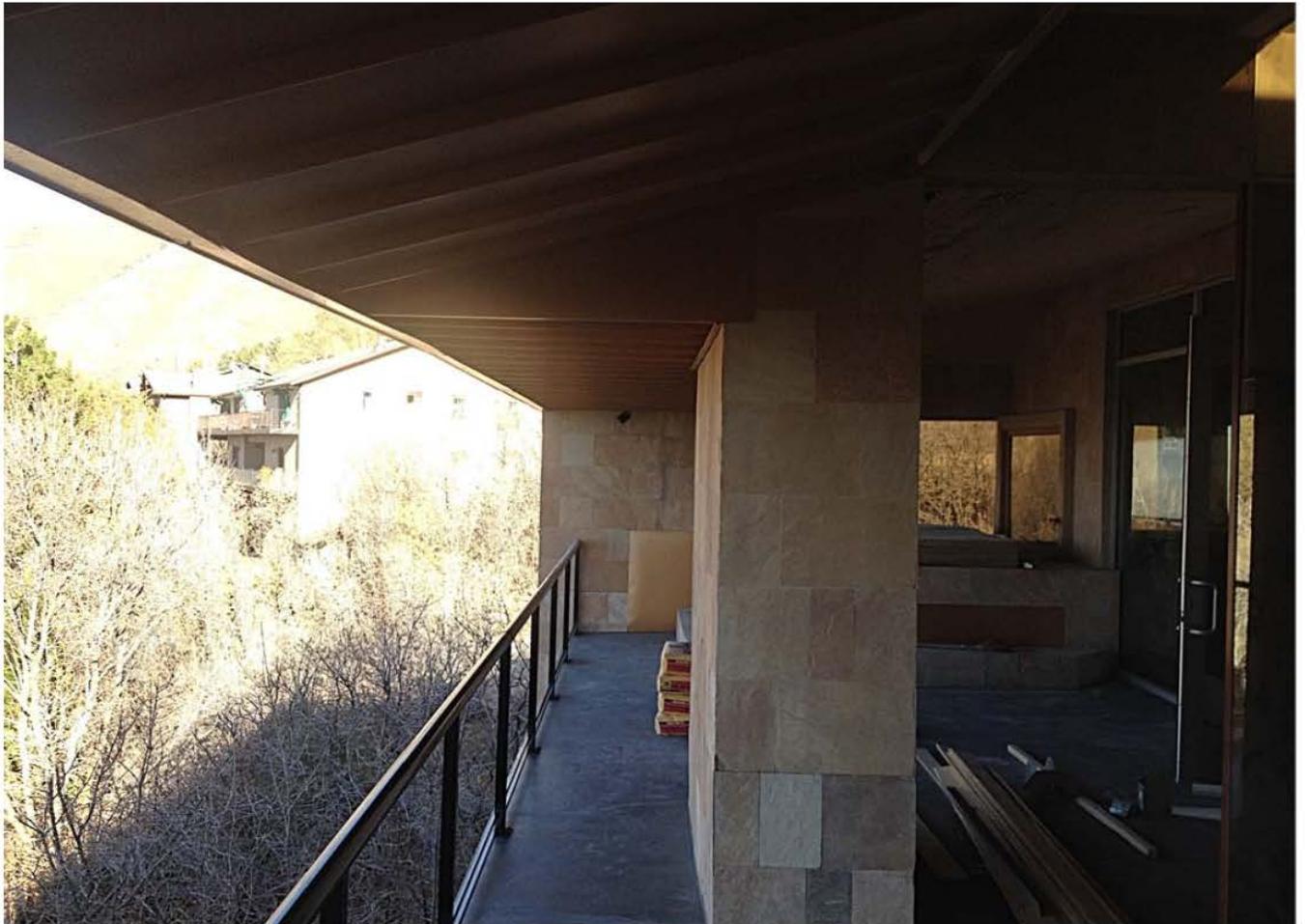
The applicant has not requested any exception to the mandatory lot coverage ratio stipulated within Table 1 of the RCOZ ordinance. The RCOZ ordinance allows up to 31% lot coverage for the main dwelling. Please note there are multiple sources of square footage estimates of the current main residential footprint which directly affect the lot coverage calculations once the garage is to be built. Specifically, the applicant calculates the main structure square footage to be 4,720 square feet. The Salt Lake County Assessor calculates the footprint to be 4,816 square feet plus an additional 333 square feet for the covered front porch in front and 2,463 square feet for the covered porches on the rear of the home. Multiple previous private party representations in the Wasatch Front Multiple Listing Service have portrayed the footprint to be 5,186 square feet without inclusion of deck space. **We respectfully request that the applicant be required to provide a certified professional survey of the current footprint containing all pertinent data supporting applicant's calculations to validate his smaller and highly beneficial square footage.** It appears the applicant may not have accounted for the covered deck space contained within the present improvements and must adjust the proposed square footage/acreage of the proposed lot 1517A to achieve the mandatory 31% maximum lot coverage. The neighborhood independently estimates the square footage and lot coverage calculations contained in the table below, along with the remaining acreage available for the proposed Lot 1517B after the current and/or proposed improvements on Lot 1517A achieve compliance.

	Applicant's total SF stated on application	29,251						
		Proposed Lot 1517A SF	Footprint	Garage	Covered Deck SF	Footprint SF	Lot Coverage	Compliance?
Lot 1517A calculations	Applicant supplied data	17,325	4,720	1,196	?	5,916	34%	*not compliant
	County Assessor data	17,325	4,816	1,196	1154	7,166	41%	*not compliant
	Neighbors' Estimate data	17,325	4,816	1,196	1184	7,196	42%	*not compliant
Required SF for lot 1517A	Estimated Lot 1517A SF Required for ONLY CURRENT IMPROVEMENTS to comply @ 31% lot coverage					19,355		*applicant requested 17,035 SF
	Estimated Lot 1517A SF Required for CURRENT IMPROVEMENTS + GARAGE					23,213		*applicant requested 17,035 SF
Is Lot 1517B compliant?	Estimated Remaining acreage for lot 1517B (CURRENT IMPROVEMENTS/NO GARAGE)					9,896		*not compliant
	Estimated Remaining acreage for lot 1517B (CURRENT IMPROVEMENTS + GARAGE)					6,038		*not compliant

The applicant has failed to address both the current and the proposed lot coverage violations and has failed to satisfy the associated burden of proof required to secure any extraordinary exceptions. In fact, according to the formal application, the applicant did not provide any justification whatsoever and did not draw the Salt Lake County planning staff's, Olympus Cove Community Council's or the Millcreek Township Planning Commission's attention to this discrepancy. **As proposed, the application is non-compliant on maximum lot coverage and does not meet the requirements for approval.**









Salt Lake County Office of Townships
2001 S State Street #N3-600, Salt Lake City, UT 84190 – 4050
Phone 385-468-6700 FAX: 385-468-6674
Visit our web site: slco.org/townships

STAFF SUMMARY AND RECOMMENDATION

Public Body:	Salt Lake County Mayor	File Number: 29142
Meeting Date:	2/20/2015	
Request:	Exception or Modification of Roadway Standards	
Zone:	R-1-21 (Single Family Residential)	
Property Address:	3940 South Hale Drive	
Applicant:	Andrew Quist	
Planner:	Todd A. Draper	

Project Description:

The Applicant is requesting approval for an exception or modification to roadway standards as they apply to a recent subdivision proposal (#29043). There is no curb, gutter or sidewalk along hale drive

Site and Vicinity Description (see attached map):

Property is located along Hale Drive in the Mount Olympus area. Land use is predominantly single-family residential on larger lots..

Zoning Considerations:

Requirement	Standard	Proposed	Compliance Verified
Height	n/a	n/a	Yes
Front Yard Setback	n/a	n/a	Yes
Side Yard Setbacks	n/a	n/a	Yes
Rear Yard Setback	n/a	n/a	Yes
Lot Width	n/a	n/a	Yes
Lot Area	n/a	n/a	Yes
Parking	n/a	n/a	Yes
Compatibility with existing buildings in terms of size, scale and height.			Yes
Compliance with Landscaping Requirements.			Yes
Compliance with the General Plan.			Yes

Issues of Concern / Proposed Mitigation:

Issue of Concern: Drainage: There are obvious drainage issues in the neighborhood as each individual property has installed some kind of “non-standard” asphalt berm, swale, wall, or other device at the edge of the pavement to control runoff and prevent it from entering the property. Staff recommends that rather than a complete exception to the installation of off-site improvements that curb and gutter be installed at a minimum near the edge of the existing pavement. This would be consistent with plans submitted by the applicant.

Proposed Mitigation: Install curb and gutter in line with existing pavement and improvised drainage improvements abutting neighboring properties.

Issue of Concern: Sidewalk: Installation of typical off-site improvements, including sidewalk, would necessitate a narrowing of the existing pavement as the existing roadway is not installed along the deeded centerline of the road. This would present a traffic safety hazard.

Proposed Mitigation: Granting of an exception to the installation of sidewalk.

Neighborhood Response:

Most all neighbors that have commented regarding the issue at hand are in agreement that sidewalk should not be required in their neighborhood. One neighbor did comment generally that they did not want any exceptions granted to this development.

Community Council Response:

Exception requests of this nature are not sent for review to the Community Council

Reviewing Agencies:

The agencies/professionals listed below have been consulted regarding this request. In some cases the agency cannot complete a final review/approval until the Planning Commission has rendered a decision regarding the proposed use and site plan.

SLCO Engineering(Survey and Boundary Review)

Approved

Review waived. Traffic Engineer will make recommendation on this exception request.

SLCO Engineering(Urban Hydrology) - Storm Drainage, Flood Control

Under Review

Provide curb and gutter as recommended by the traffic engineer. This will help alleviate drainage issues encountered at this location.

SWPPP Supervisor - Natural Hazards, Soil and Slope Conditions, Liquefaction, Grading, Storm Water Pollution Prevention

Under Review

Traffic Engineer- Traffic Safety

Approved

The location of the roadway in relation to the right of way provides no room for installation of sidewalk without narrowing the roadway. Installation of sidewalk may be possible with some realignment, but given the location and some of the community member's expressed desire for roads in the area to maintain a "rural" feel, I recommend approval of the exception to roadway standards.

Unified Fire Authority- Fire Safety

Approved

Compliance with current building, construction, engineering, fire, health and safety standards will be verified prior to final approval.

Staff Recommendation:

“In cases where unusual topographical, aesthetic, or other exceptional conditions or circumstances exist, variations or exceptions to the requirements of this chapter may be approved by the mayor after receiving recommendations from the planning commission and the public works engineer; provided, that the variations or exceptions are not detrimental to the public safety or welfare” [14.12.150]

Staff has reviewed this request for an exception to the standards for roadway development as set forth in the Salt Lake County Highway, Sidewalks, and Public Places Ordinance (Title 14) and recommends that the Millcreek Township Planning Commission make a recommendation to the Salt Lake County Mayor that the following modification to those standards be approved:

- The installation of sidewalk shall not be required
- The installation of curb and gutter shall be required. Plans and details regarding the location of the curb and gutter to be approved by the County Traffic Engineer and Urban Hydrologist.

Planning Commission Recommendation:

This item is scheduled to be heard at the February 11, 2015 meeting of the Millcreek Township Planning Commission for recommendation to the Mayor's Meeting. The recommendation of the commission as well as any issues identified at the Planning Commission Meeting will be presented directly at the Mayor's meeting on February 20, 2015.

29043 /29142

Zoning Map



Thu Dec 4 2014 04:50:11 PM.

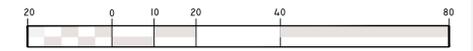


LEGEND

- PROPERTY BOUNDARY
- SETBACK
- EX. MAJOR CONTOUR
- EX. MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- DRAINAGE SWALE
- PROPOSED SLOPE
- PROPOSED FINISHED GROUND ELEV.
- EXISTING GROUND ELEV.
- BOTTOM OF WALL ELEV.
- TOP OF WALL ELEV.
- PROPOSED HOUSE
- PROPOSED DRIVEWAY CONCRETE

DRAWING TITLE

SITE PLAN



1 in. = 20 FT

COMPLETION STATUS

FOR APPROVAL

PROJECT

HALE STONE SUBDIVISION
ANDREW QUIST
3940 & 3950 S HALE DRIVE
SALT LAKE CITY, UT

GENERAL NOTES:

1. INSTALL IMPROVEMENTS TO SALT LAKE COUNTY STANDARDS.
2. MAINTAIN A MINIMAL 10' DISTANCE BETWEEN WATER AND SEWER LINE.
3. A MINIMAL 18" OF CLEARANCE IS REQUIRED WHERE SEWER & WATER CROSS.
4. A MINIMAL 12" OF CLEARANCE IS REQUIRED WHERE CROSSING EXISTING GAS LINE.
5. CONTRACTOR SHALL FIELD VERIFY LOCATIONS AND INVERT ELEVATIONS OF EXISTING MANHOLES AND OTHER UTILITIES BEFORE STAKING OR CONSTRUCTING ANY NEW UTILITY LINES.
6. A MINIMUM OF FOUR FEET OF COVER REQUIRED OVER ALL WATER LINES.
7. CONTRACTOR RESPONSIBLE FOR OBTAINING SALT LAKE COUNTY STANDARDS AND APWA 2012 CONSTRUCTION STANDARDS. SALT LAKE CITY SHALL TAKE PRIORITY OVER APWA WHERE IT IS PROVIDED. CONTRACTOR RESPONSIBILITY TO VERIFY CIVIL SITE PLAN AND BUILDING DIMENSIONS MATCH BUILDING PLANS BEFORE STARTING CONSTRUCTION.
9. ALL SANITARY SEWER CONSTRUCTION SHALL COMPLY WITH MT OLYMPUS SEWER IMPROVEMENT DISTRICT STANDARDS AND CONSTRUCTION SPECIFICATIONS.
10. ALL CATCH BASINS AND MANHOLES TO BE INSTALLED PER APWA 2012 OR SALT LAKE CITY PUBLIC UTILITY STANDARDS.
11. ALL UTILITY LINES SHALL BE BACKFILLED WITH SELECT GRANULAR FILL AS PER SALT LAKE CITY OR APWA 2012 STANDARDS.
12. ALL STORM DRAIN PIPING TO BE CUT OFF FLUSH WITH INSIDE WALL OF DRAINAGE BOX. INSIDE WALL TO BE GROUTED SMOOTH WITH A NON-SHRINK GROUT.
13. CONTRACTOR IS TO REPLACE ANY AREAS AROUND CONSTRUCTION SITE THAT IS DAMAGED DURING CONSTRUCTION.
14. ADDITIONAL FIRE HYDRANTS MAY BE REQUIRED BASED ON BUILDING SIZE.
15. NO PARKING ON PRIVATE LANE/FIRE ACCESS.
16. REFER TO SLCDPU STANDARDS AND PRACTICES FOR WATERLINE DEVIATIONS FROM APWA STDs.

REVISIONS:

REV #	DESCRIPTION	DATE



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STAMP



PROJECT NO.

J-14-03

DATE

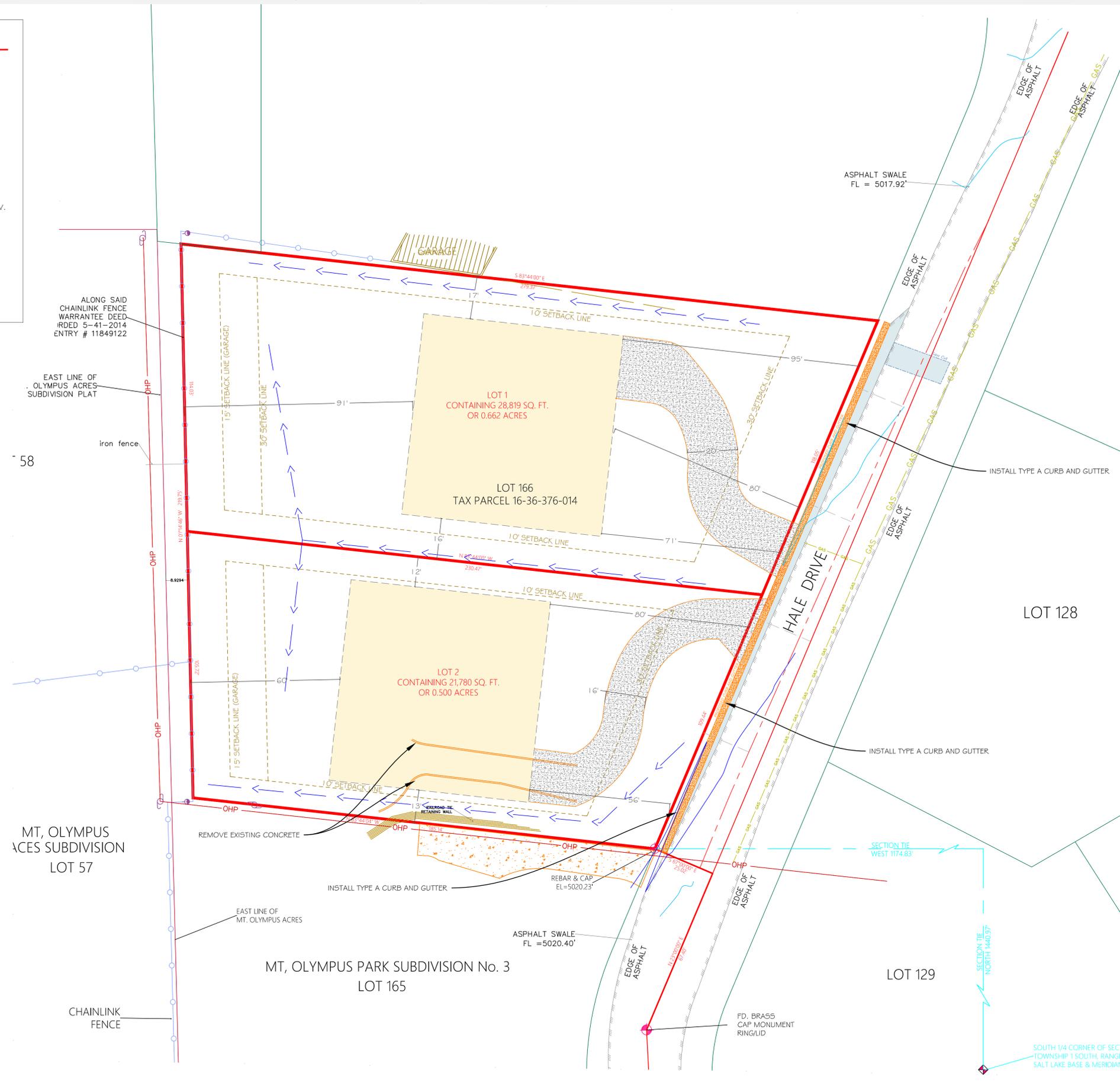
10-17-14

DRAWN BY JACOB WEBER, PE

CHKD BY CAREY JOHANSON, PE

SHEET NUMBER

C-01



MT, OLYMPUS ACES SUBDIVISION
 LOT 57

MT, OLYMPUS PARK SUBDIVISION No. 3
 LOT 165

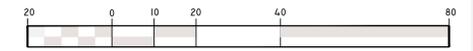
LOT 128

LOT 129

SOUTH 1/4 CORNER OF SECT
 TOWNSHIP 1 SOUTH, RANGE
 SALT LAKE BASE & MERIDIAN

DRAWING TITLE

Fcoz Site Grading & Drainage Plan



1 in. = 20 FT

COMPLETION STATUS

FOR APPROVAL

PROJECT

HALE STONE SUBDIVISION
ANDREW QUIST
3940 & 3950 S HALE DRIVE
SALT LAKE CITY, UT

GENERAL NOTES:

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REVISIONS:

REV #	DESCRIPTION	DATE



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PROJECT NO.

J-14-03

DATE

10-17-14

DRAWN BY JACOB WEBER, PE

CHKD BY SHANE JOHANSON, P.L.S.

SHEET NUMBER

C-02

LEGEND

- PROPERTY BOUNDARY
- SETBACK
- EX. MAJOR CONTOUR
- EX. MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- DRAINAGE SWALE
- PROPOSED SLOPE
- PROPOSED FINISHED GROUND ELEV.
- EXISTING GROUND ELEV.
- BOTTOM OF WALL ELEV.
- TOP OF WALL ELEV.
- PROPOSED HOUSE
- PROPOSED DRIVEWAY/ CONCRETE

AFTER CONSTRUCTION RE-VEGETATION AND RECLAMATION PLAN

1. Soil: all disturbed areas will have large rocks removed and be hand graded to match existing soil grades. Slopes will be contoured at a slope no greater than 2 feet horizontal to 1 foot vertical.
2. Seed: seed will be spread on all disturbed areas at a rate of 20 pounds per acre. The seed mixture will consist or equivalent of:
 - slender wheat grass 25%
 - sheet fescue 5%
 - sandberg blue grass 5%
 - bluebunch wheat grass 30%
 - western wheat grass 35%
3. Erosion control: slopes steeper than 2 foot horizontal, 1 foot vertical will be covered by straw erosion Control blankets pinned to the soil with staples at three foot intervals.
4. Maintain a wildlife urban interface of 30 foot defensible space around any structure.

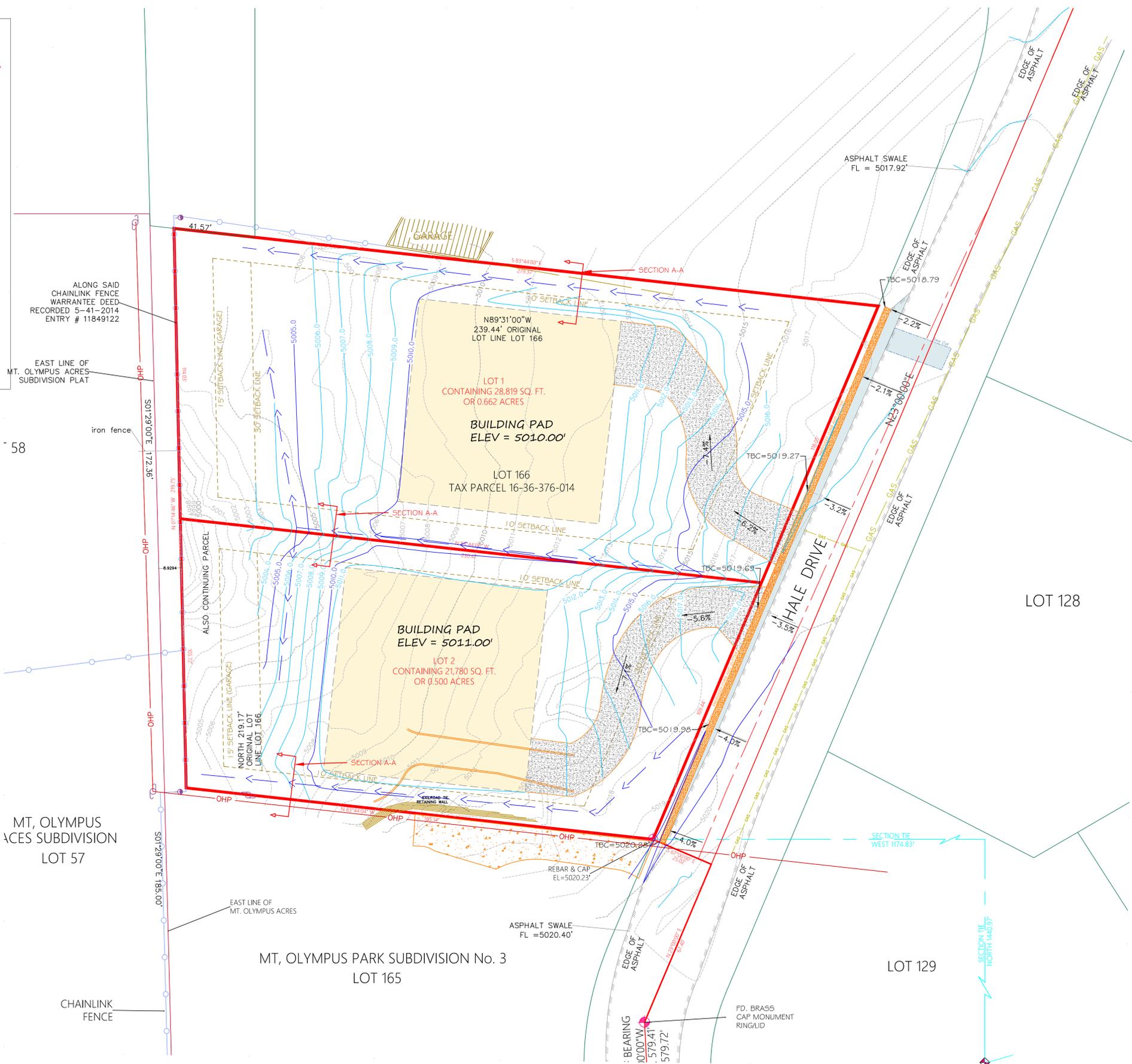
TYPICAL DRAINAGE SWALE N.T.S.

THE SWALE IS DESIGNED TO CAPTURE NATURAL STORM WATER RUNOFF AND DIRECT STORM WATER AWAY FROM PROPOSED STRUCTURE. THE INTENT IS TO LEAVE NATURAL DRAINAGE PATTERNS INTACT AND ONLY ALTER WHERE DEEMED NECESSARY TO PROTECT STRUCTURES.



CROSS SECTION A-A

Fcoz Notes
The owner shall grade this property in accordance with the approved site grading and lot drainage plan so as not to discharge any additional storm water onto adjacent properties.



MT, OLYMPUS ACES SUBDIVISION LOT 57

MT, OLYMPUS PARK SUBDIVISION No. 3 LOT 165

LOT 129

LOT 128



