

## APPEAL HEARING OFFICER

City of Holladay

Mr. Frank Nakamura



CITY OF HOLLADAY  
EST. 1849 INC. 1999

**MEETING DATE:** Thursday, September 24<sup>th</sup>, 2026 at 4:30 pm

**Temporary City Council Chambers**

**3330 S 1300 E, Millcreek**

This public meeting will be held in-person and transmitted via live video stream on the [City of Holladay webpage](#). All items on this agenda will be heard by Mr. Frank Nakamura

## MEETING AGENDA

1. **Donovan Variance** – 4504 South Holladay Circle  
(SLC Assessor Parcel 22-04-405-111; the property is in a [Residential] R-1-10 Zone

The Applicant seeks relief from a six (6) foot maximum fencing height standard in order to emplace an eight (8) foot tall fence on the property line, abutting a primary arterial road [Holladay Ord. §13.76.710].

(City Case #26-5-07)

2. **Romney Appeal** – 4180 South 1865 East  
THIS ITEM HAS BEEN CANCELLED.

3. **Adjourn**

### **CERTIFICATE OF POSTING**

I, Stephanie N. Carlson, the City Recorder of the City of Holladay, certify that the above agenda notice was posted on the City of Holladay bulletin board, the City website [www.holladayut.gov](http://www.holladayut.gov), the Utah Public Notice website [www.utah.gov/pmn](http://www.utah.gov/pmn), and at the Holladay Library

**DATE POSTED:** Thursday, XXXXXXX, 2026

Stephanie N. Carlson MMC, City Recorder  
City of Holladay

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## NOTICE OF PUBLIC MEETING

NOTICE IS HEREBY GIVEN that the Holladay Appeal Officer will hold an appeal meeting beginning at 4:30pm on Thursday, September 24, 2026 at the Temporary location of Holladay City Hall, 3330 South 1300 East, Millcreek Utah.

4504 S. Highland Circle, Holladay, Utah – 84117, Applicant requests a 2-foot fence height increase variance for fencing abutting a public right of way as regulated by Holladay Ord, §13.76.710. The property is located within the R-1-10 zone.

For more information, on this meeting please visit the City's online agenda page at [https://holladayut.gov/government/agendas\\_and\\_minutes.php](https://holladayut.gov/government/agendas_and_minutes.php).

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**DATE POSTED:** [ date ]

Stephanie N. Carlson MMC,  
City Recorder City of Holladay



**CITY OF HOLLADAY**  
**Request for Appeal Officer Action**

~~~~~  
**September 24 2026**  
**Item 1**

Request: **VARIANCE FROM CORNER SIDE YARD FENCE HEIGHT STANDARDS**  
Address: 4504 S. Holladay Circle. Holladay Utah  
Applicant: William Donovan  
File No: 26-5-07  
Staff: Jonathan Teerlink, CED Director  
Appeal Officer: Mr. Frank Nakamura

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|                                     |                                                                                                                                                                                                                                                                                        |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ACREAGE:</b>                     | Approximately .14 acres (6,098 sq ft of land)                                                                                                                                                                                                                                          |
| <b>GENERAL PLAN DESIGNATION:</b>    | CR Country Residential                                                                                                                                                                                                                                                                 |
| <b>CURRENT ZONE:</b>                | R-2-10 ( <i>Two-family in an attached dwelling per every 10,000 sq ft of land OR Two detached dwelling per every 12,500 sq. ft of land</i> )                                                                                                                                           |
| <b>CURRENT USE:</b>                 | Single-Family Residential                                                                                                                                                                                                                                                              |
| <b>NEIGHBORING ZONING LAND USES</b> | North- Medium Density Residential - Stable (C-1)/ Commercial Use<br>South- Medium Density Residential - Stable (R-2-10)/ Single Family Residence<br>East- Medium Density Residential - Stable (R-2-10)/ Single Family Residence<br>West- Millcreek – Mixed Use 2 (C-2)/ Commercial Use |
| <b>GOVERNING ORDINANCES:</b>        | 2012 Title 13.09 “Quasi-Judicial Procedures”<br>2007 Title 13.76 “Fences”<br>13.76.710 “Fences along public streets”                                                                                                                                                                   |

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**REQUESTED [QUASI-JUDICIAL] ACTIONS; VARIANCE TO HOLLADAY ZONING CODES:**

The Applicant is seeking relief from City of Holladay Code appertaining to fencing heights allowed in a side yard abutting a public street. ***The Applicant proposes to construct an eight-foot fence on 4500 S. along a section of 4500 south*** requiring a two (2) foot variance from the following zoning codes:

1. To H.C.C. §§ 13.76 which establishes fencing height and location regulations for fencing on corner side yards and along public streets in the City, as shown in Figure §13.76.710
  - a) City of Holladay regulates fencing height and location as per [H.C.C 13.76.710](#)
  - b) A Corner Side yard is a defined term, describing the location of yard abutting streets (H.C.C. §13.04)
  - c) Erection of fencing along a public street requires a permit ([§13.76.710.A](#))
  - d) All Fencing along a Side Yard is limited to a maximum of **6 feet** ([§13.76.710C](#))
  - e) Implementation “exceptions” referenced in ordinance 13.76.710C.2a-d is not applicable as per the following;
    - a. The location is not an, “...*interior side or a rear property line*” (.710C(2a)), and
    - b. The City is not an “*abutting property owner*”. 4500 South is a public right of way.

Pursuant to §13.08.100 and in accordance with Holladay Ordinance §13.101.010 an appeal to the City of Holladay Appeal Hearing Officer of an administrative decision regarding a permit denial has been filed.

**PROPERTY LOCATION AND CONTEXT:**

Appertaining to a certain parcel of land (Salt Lake County Parcel #22-04-405-111, addressed as: **4504 S. Holladay Circle** and comprising of **.14 acres** (6,098 sq ft) in a **R-2-10 Zone** in Holladay. To be hereinafter addressed as “The Property” -- see attached zoning Vicinity Map).

The Property is located on a double-fronting, corner lot with 4500 S. on the North side (side yard), Holladay Circle on the East (front yard), and Highland Drive on the West (rear yard). An existing 8-9 foot sound wall in the backyard bordering Highland Drive. The property is improved with two driveways, but is primarily accessed from Holladay Circle on the east side.

The Salt Lake County Assessor has designated the lot shape as “irregular”, which is defined as “Cul-de-sac or other odd-shaped parcels.”

**PROPERTY PARCEL ID:**

22-04-405-111

**REPORT CONTENTS:**

Conclusions of Law:

Staff Narrative Findings/Discussion/Recommendation;

Recommended Condition(s) of Approval;

Attachments Description(s):

**CITY RECOMMENDATION:**

*A variance of 2 feet at the location in question could be considered based on the following staff findings;*

- a. *Conditions found at this intersection do create special circumstances that invoke sections of ordinance which allow considerations for an exception to the standards. The outstanding consideration that cannot be met in “approval of abutting property owner”.*
- b. *4500 South is a state road, owned and operated by UDOT. At some point a sound wall was erected along an abutting section of Highland Drive. The request is not out of line with current conditions.*
- c. *2007 street view imagery shows similar fencing heights at this location. The proposed fencing is located at an improved driveway, while this driveway is currently in use, current City of Holladay ordinances does allow “gates” up to 8 feet. §13.76.710.I(2)*

**BACKGROUND AND PROPOSAL:**

As Variance Permits have been used to provide opportunity for an applicant to seek relief from a dimensional or quantifiable, metric standard, this request was received to ask the City to consider allowing the Applicant to exceed adopted code’s allowable standard for the height of fencing in the corner side yard along a public street.

The request for a variance was initiated after City of Holladay denied a permit to erect the same. No observations were made that the applicant was maintaining the existing fence by repairing in place as there was a complete removal of previously existing conditions.

A permit is required for any fence, wall, or hedge being constructed or **reconstructed** within the setback area abutting a public street or private right of way. (H.C.C. §13.76.710). The contractor applied for a permit and regulations were reviewed for fencing heights standards and a denial letter was issued.

The applicant, William Donovan, has filed an appeal to the Hearing Officer requesting a variance to the above portions of the City of Holladay zoning ordinance. The applicant has provided a narrative detailing the reasoning for each of the required points in which a variance must meet in order to be granted.

The applicant is specifically requesting

1. An eight-foot-tall fence on a portion of the property line adjacent to the intersection of 4500 S. and Highland Drive.

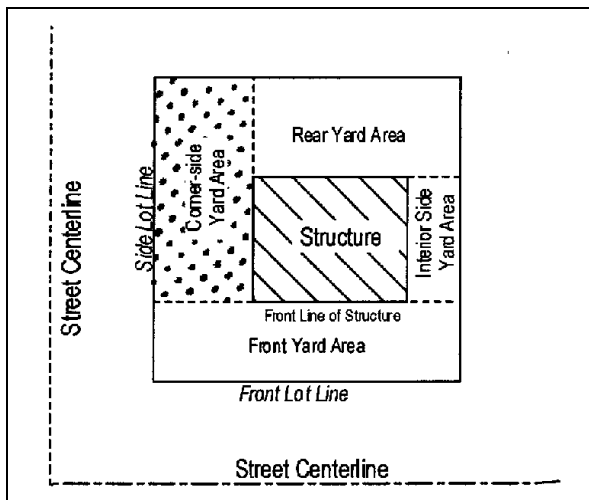
#### **HOLLADAY CITY CODE:**

The City of Holladay has specific regulations for fencing within the R-2-10 zone, detailed in Supplementary Regulations for Fences within §13.76.710.

Codes specific to the applicant's request include:

1. **13.04.040 Definition of Terms: Corner Side Yard**
  1. The location of the proposed fencing is located along a defined corner-side yard. The condition invoking Holladay Fencing Standard §[13.76.710C](#)
2. **13.76.710: Fences in the Corner Side Yard**

No fence, wall, or hedge shall be erected or reconstructed unless in conformity with the regulations specified in this chapter. [§13.76.710.\(D\)](#) Maximum 6 feet OR 6 feet with CED Director approval



#### **3. 13.76.710C Fences in the Side and Rear Yard**

The community development director is authorized to approve a fence **up to eight feet (8')** in height in the side and/or rear yard area of any lot or parcel provided that **ALL** the following conditions are met:

- a. The proposed fencing is located along an interior side or a rear property line only.
- b. The proposed fencing does not encroach a public street, or areas of widening or trail installation
- c. *The abutting property owners have agreed in writing to the request for additional height.*
- d. In the event an abutting property owner(s) to the rear (perpendicular) of a proposed interior side fence objects to the additional height, the additional height may be approved provided that the additional height does not commence any closer than ten feet (10') to the abutting property line of the objecting owner.
- e. The community development director finds the additional fencing is justified by the particular circumstances of the property such as, lot configuration, building placement on the lot, slope, and/or negative impacts to the property from adjacent uses

#### **VARIANCE FROM STANDARDS**

As this is a Variance request, it is the obligation of the Applicant to present such facts and persuasive arguments as to convince the Officer that there exists some form of hardship or other special circumstance to justify issuance of the requested permit. The review criteria the Officer is to use in assessing the application are below. Those criteria serve as the "Conclusions of Law" [criteria] to be associated with this matter.

## **APPLICABLE REGULATIONS and APPROVAL STANDARDS**

### ***13-09-020: [VARIANCE] Purpose:***

“Variance procedures are intended to provide a narrowly circumscribed means by which relief may be granted from particular unforeseen application of the provisions of this title that create an unreasonable hardship.”

### ***13-09-020: [VARIANCE] Authority:***

“The administrative appeals officer is authorized to hear and decide variances to the provisions of this title as provided in this section.”

### ***13-09-020: Approval Standards: herein referred as Conclusions of Law***

1. The administrative appeals officer may grant a variance **only if all of the following are met:**
  - a. Literal enforcement of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this title;
  - b. There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
  - c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;
  - d. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
  - e. The spirit of this title is observed and substantial justice done.
2. a. In determining whether or not enforcement of this title would cause unreasonable hardship under subsection E1a of this section, the administrative appeals officer may not find an unreasonable hardship unless the alleged hardship:
  - (1) Is located on, or associated with, the property for which the variance is sought; and
  - (2) Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
- b. The administrative appeals officer may not find an unreasonable hardship if the hardship is self-imposed or economic.
3. In determining whether or not there are special circumstances attached to the property under subsection E2a of this section, the administrative appeals officer may find that special circumstances exist only if the special circumstances:
  - a. Relate to the hardship complained of; and
  - b. Deprive the property of privileges granted to other properties in the same zone.
4. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
5. The administrative appeals officer may not grant a use variance.
6. In granting a variance, the administrative appeals officer may impose additional requirements on the applicant that will:
  - a. Mitigate any harmful effects of the variance; or
  - b. Serve the purpose of the standard or requirement that is waived or modified.

## **STAFF DISCUSSION and RECOMMENDATION:**

*(Staff does not vote on these matters and acts only in an advisory position on the technical aspects of the application.)*

Variances are traditionally offered zoning tools used as remedies to seek jurisdictional waivers or reductions of quantifiable, measurable development code requirements (e.g., setbacks, property dimensions, height standards, min. or maximum quantities or sizes, etc.) with which compliance in a given situation could not be attained due to

site constraints (such as unusual topography) inherent to a property, rather than being the result of an applicant's own action(s)/development desires. Normally, economic considerations or "self-imposed hardships" or predicaments are not qualifying grounds to support a Variance application or its approval.

In Holladay, in order to justify a Variance Permit request, an applicant is tasked with arguing successfully to the City's Administrative Appeals Officer (aka Hearings Officer/Examiner) that there is some aspect of the Property that physically, topographically or based on code requirements puts them at a disadvantage in trying to accomplish what they wish in comparison to like properties -- especially in the surrounding area.

Each Variance application is reviewed on a case by case basis and the merits of the matter are weighed in the public venue. Any received public testimony received in response to notification provided via a public notice and City's websites and any comments or recommendations by City departments or outside agencies have been submitted to the Administrative Appeals Officer for their consideration.

If the Officer believes that there is no real topographical hardship associated with a Variance application (e.g., a river, a highway, hazardous or environmentally sensitive area, hillside or mountain impeding reasonable use and/or development of a property), then left to the applicant is the opportunity to argue that there is a "special circumstance unique to the site and situation that justifies their request".

The Officer is at liberty to approve or deny a Variance. And, their decision should not necessarily be construed as setting precedent, as discussions and findings are unique to the property does binds an officer to vote the same way twice. Still, consistency is a desirable goal when dealing with case by case Variance requests. As a Variance decision is a "quasi-judicial" matter, any vote to approve or deny should, and will be accompanied by a reasoned statement listing the rationale for the decision made.

The Applicant is seeking a Variance to **H.C.C. § 13.76.710.A & H.C.C § 13.76.710.C** which require specific fencing height standards. The perceived need for the variance was determined at a point in time where the Applicant approached the City for a building permit for the reconstruction of a non-conforming fence in the corner side yard, as required by §13.76.710 in response to direction from City of Holladay Code Enforcement.

The Applicant has submitted a variance Application form, an Affidavit of Property Ownership, a justification statement, a site plan, and responses to each of the five required standards for approval. Staff has supplemented that documentation with aerial imagery of the Property and surrounds (courtesy of ArcGIS and Google), a plat map copy, and any correspondence from governmental agencies/departments and/or the public respecting the Variance matter that was provided to our office in a timely enough fashion so as to be presented with (and attached) to this report.

#### **STAFF RESPONSE TO EACH OF THE FIVE APPROVAL STANDARDS FOR VARIANCES:**

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 this title;*
  - a. Hardships are typically features of the land that limit the building area which other property owners enjoy. Standardizing fencing heights, especially along public rights of way, establishes continuity of public spaces within the city. As the location of this variance directly abuts an existing sound wall, the intended purpose of standardizing fencing heights at this location can be considered as unnecessary to carry out the intent of the ordinance
2. *There are special circumstances attached to the property that do not generally apply to other properties in the same zone;*
  - a. As the only residential property on this intersection, the small usable backyard area is impacted by the nuisances of the abutting intersection; streetlights, noise, traffic signals.

3. *Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;*
  - a. As the only residential property on this intersection, the small usable backyard area is impacted by the nuisances of the abutting intersection; streetlights, noise, traffic signals.
4. *The variance will not substantially affect the general plan and will not be contrary to the public interest; and*
  - a. The variance would not affect the General Plan's intent to balance privacy on the private property side of fences along the City's major arterials with the public need for maintaining the historically open, green, and verdant street edges. This location is a hybrid of intense commercial and high speed traffic patterns. Maintaining historically open green yards at this corner is not a priority over accommodating efficient traffic flow and safety. (See page 22 of the General Plan)
  - b. The variance for increased height in clear view areas is contrary to the public interest
5. *The spirit of this title is observed and substantial justice done.*
  - a. A 2 foot height variance for 20 feet of fencing will not detract from the spirit of the zoning ordinance.

#### **RECOMMENDATION:**

1. To be eligible for a Variance Permit, City code/law demands that a project be "justified on all fronts". Among the qualifying criteria (cited on page 4 of this report) is the following standard (by way of reiteration): **"13-09-020: Approval Standards: 2.b.** *"The administrative appeals officer may not find an unreasonable hardship if the hardship is self-imposed or economic."* **and 3.a. and b.:** *"In determining whether or not there are special circumstances attached to the property under subsection E2a of this section, the administrative appeals officer may find that special circumstances exist only if the special circumstances:*
  - a. *Relate to the hardship complained of; and*
  - b. *Deprive the property of privileges granted to other properties in the same zone."*

Given the assessment above, and having to choose whether to recommend positively or negatively on this matter, Staff recommend approval of the 2 foot height variance.

#### **SPECIFIC STAFF FINDINGS AND ANALYSIS**

1. Conditions found at this intersection do create special circumstances that invoke sections of ordinance which allow considerations for an exception to the standards. The outstanding consideration that cannot be met in "approval of abutting property owner".
2. 4500 South is a state road, owned and operated by UDOT. At some point a sound wall was erected along an abutting section of Highland Drive. The request is not out of line with current conditions.
3. 2007 street view imagery shows similar fencing heights at this location. The proposed fencing is located at an improved driveway, while this driveway is currently in use, current City of Holladay ordinances does allow "gates" up to 8 feet. §13.76.710.I(2)

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## RECOMMENDED CONDITIONS(S) OF APPROVAL

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### ORDER TO DENY:

Should the Administrative Appeals Officer order the/this Variance request to be denied, the Staff recommends that they/you consider imposing the following requirement(s) on/against the Applicants and Property:

1. Applicant(s) shall cause their project (and plans thereof) to be revised as necessary to assure compliance with City adopted codes – including zoning ordinance standards that govern property coverage; and,
- <2. *Any condition(s) as may be imposed by the Officer...>*

### ORDER TO APPROVE:

Should the Administrative Appeals Officer order the/this Variance request to be approved, then Staff recommends that they/you consider imposing the following Condition(s) of Approval against the same:

#### Generally:

1. Applicant(s) shall comply with all applicable requirements [including obtaining a Building Permit and, as required, any associated sub-permits and/or engineering work/reports/stamps/plan details (including proposed permeable surface construct), etc.] as may be imposed by City departments or outside agencies involved in the review of this request) as the Variance(s) approval(s) do/does not, and shall not, have the affect of abrogating requirements from those agencies or City divisions/departments; and,
- <2. *Any condition(s) as may be imposed by the Officer...>*

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## ATTACHMENTS

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- Copy of Variance Application
- Copy of Applicants' narrative/justification letter
- Copy of Property site plan
- Copy of ArcGIS aerial image of Property and surrounds
- Copy of permit issued by City of Holladay with specific requirements to be met
- Street view images referenced in report
- Copy of Traffic network map
- Copy of relevant General Plan pages ([Link to full General Plan](#))



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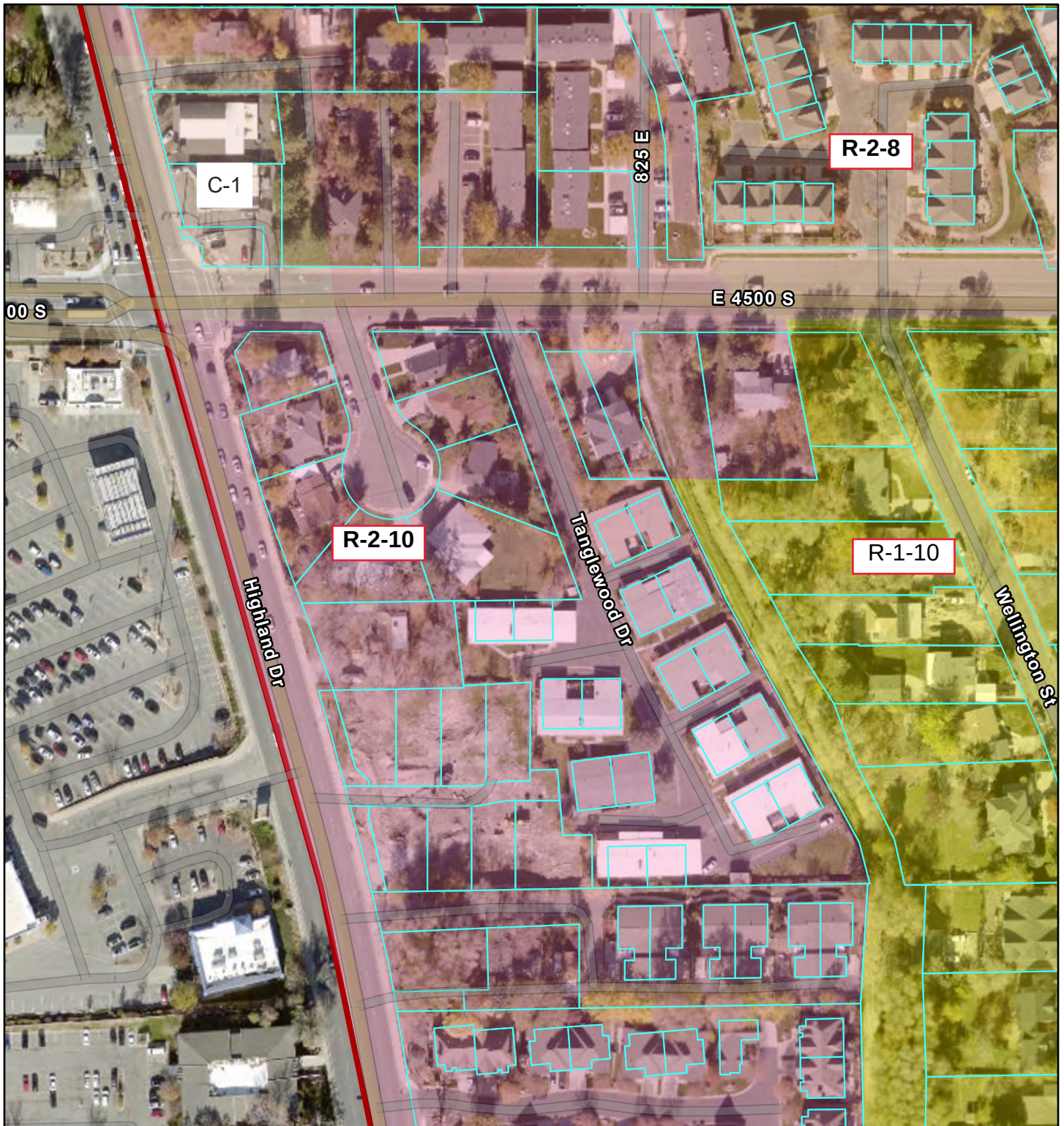
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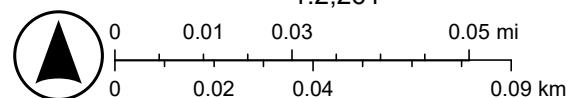
Stephanie N. Carlson MMC,  
City Recorder City of Holladay

# ZONING MAP



2/20/2025

- |                                                                                    |              |                                                                                     |                              |
|------------------------------------------------------------------------------------|--------------|-------------------------------------------------------------------------------------|------------------------------|
|  | Parcel Lines |  | Holladay City Boundary       |
| <b>Holladay Zones</b>                                                              |              |                                                                                     |                              |
|  | C-1          |  | World Imagery                |
|  | R-1-10       |  | Low Resolution 15m Imagery   |
|  | R-2-10       |  | High Resolution 60cm Imagery |
|  | R-2-8        |  | High Resolution 30cm Imagery |
|  | R-M          |  | Citations                    |
|                                                                                    |              |  | 60cm Resolution Metadata     |



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# 4504 S. Holladay Circle Fencing Standards Variance



2/13/2025

 Subject Property

 Parcel Boundaries

World Imagery

Low Resolution 15m Imagery

High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

15cm Resolution Metadata



1:516  
0 0 0.01 0.01 mi  
0 0.01 0.01 0.02 km

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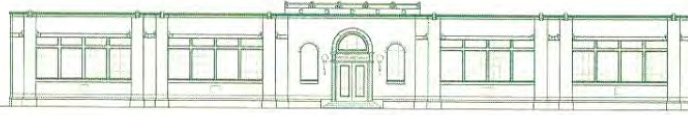
← 1804 4500 S  
Millcreek, Utah

Google Street View

Aug 2007 See latest date



5. Establish, enhance, and maintain appropriate land use, architectural and/or landscape buffers to protect neighborhoods from encroachment where uses transition or have incompatible characteristics.
6. Encourage new developments and redevelopment projects to provide significant neighborhood/community amenities where appropriate, such as local and regional trail connections, public plazas or gathering spaces, pedestrian access to public or commercial activity centers, or development of public open space.
7. Allow and encourage mixed-use development at the Holladay Hills site, Holladay Village, Holladay Crossroads area, in addition to other key areas of the City that are transitioning from solely commercial to mixed-use.
8. Encourage appropriate architecture to maintain aesthetic character of the City and to increase energy conservation and air quality. Expand the role of the Design Review Board to ensure that future design and development of multi-family and commercial developments meet the goals of this General Plan.
9. Consider the application of an overlay zone along Big Cottonwood Creek to preserve the environmental integrity and character of the area. Improvements should include educational efforts that encourage affected residents to voluntarily apply the tools and concepts contained in the *Salt Lake County Big Cottonwood Creek Guide*.
10. Review and strengthen where necessary the current regulations concerning the environmental integrity and character of those areas along Spring Creek, and the Salt Lake/Jordan canal systems, Upper Canal and other like waterways through the City.
11. Require the planting and ongoing maintenance of street trees, landscaped parking areas, road verges and parking strips.
12. Create new mixed-use zones that allow higher-density residential uses in established commercial and office zones particularly where access to parks, open space and public uses is desirable.
13. Develop new standards for walls, fences, landscaping, trees bushes and other perimeter features, along the City's major arterials and collectors ensuring that the desire to dampen noise and enhance privacy on the private property side of these features is balanced with the need to maintain views and vistas and fit in with the historically open, green, and verdant street edges.
14. Promote and strengthen the Tree Canopy Sustainability Ordinance throughout the City through education and publicity efforts by the Holladay Tree Committee and the City of Holladay.



**City of Holladay**  
Community and Economic Development

City of Holladay  
Rob Dahle, Mayor  
Gina Chamness, City Manager  
Jonathan Teerlink, Director

City of Holladay  
Community Development Department  
4580 South 2300 East  
Holladay Utah 84117  
(801)527-3890

September 23, 2026

Willian Donovan  
4504 S Holladay Circle  
Holladay Utah

**RE: Permit 26000738**  
**Zone: R-1-10**  
**Property Location: 4504 South Holladay Circle**

Pursuant to City of Holladay Ordinance, [13.01.050](#) [13.05.050](#) [13.08.100](#) the City of Holladay Community and Economic Development Director and Technical Review Committee (TRC) completed their review your request of an eight foot fence within the Corner Side Yard at the above address.

The scope of the project is determined to be a violation of the fence height standards found in section [13.76.710](#) and therefore, this application, as proposed, has been **denied** subject to the following:

- 1) It has been determined by the Community Development Director that the proposed height of fencing at this location exceeds allowable heights. The determination is specifically based upon the following findings;
  - a) City of Holladay regulates fencing height and location as per [H.C.C 13.76.710](#)
  - b) A Corner Side yard is a defined term, describing the location of yard abutting streets (H.C.C. §13.04)
  - c) Erection of fencing along a public street requires a permit ([§13.76.710.A](#))
  - d) All Fencing along a Side Yard is limited to a maximum of 6 feet ([§13.76.710C](#))
  - e) Implementation “exceptions” referenced in ordinance 13.76.710C.2a-d is not applicable as per the following;
    - a. The location is not an, “...*interior side or a rear property line*” (.710C(2a)), and
    - b. The City is not an “*abutting property owner*”. 4500 South is a public right of way.

Pursuant to §13.08.100 and in accordance with Holladay Ordinance §13.101.010 an appeal to the City of Holladay Appeal Hearing Officer of an administrative decision regarding a permit denial may be filed **within 10 days of receipt of this letter** through the City of Holladay Records Office.

Sincerely,

Jonathan Teerlink  
Director,  
Community and Economic Development

Cc: Building Department  
File

# NARRATIVE IN SUPPORT OF VARIANCE APPLICATION

**Applicant:** William Donovan

**Property:** 4504 S. Holladay Circle, Holladay, Utah

**Zone:** R-1-10

## A. Type of Variance Requested

The Applicant requests a variance from the fence height limitations contained in **Holladay City Code §13.76.710**, permitting reconstruction of the existing wood picket fence along the 4500 South property line to a **maximum finished height of approximately eight (8) feet**, while maintaining:

- the existing fence alignment;
- the existing fence footprint and length;
- the existing property line location;
- the existing traditional wood picket appearance; and
- all applicable traffic sight-distance requirements.

No extension of the fence into the front yard is proposed. No relocation of the fence is proposed. The request seeks only the minimum additional height necessary to restore substantially uniform effective screening along the existing fence line.

## B. Section of Code

This application seeks relief from the fence height requirements contained in:

**Holladay City Code §13.76.710**

particularly the provisions limiting fences adjacent to public streets to six (6) feet and the measurement provisions applicable to fences adjoining public roadways.

## C. Purpose of the Variance

The purpose of this variance is to restore substantially consistent effective screening along the existing 4500 South property boundary.

- an approved future roadway project that will reduce existing separation between traffic and the property.

These combined characteristics create circumstances not generally applicable to other properties within the district.

### **3. Property right enjoyed by others**

Many residential properties within Holladay are able to maintain substantially uniform fence height because their lots do not experience the same continuous longitudinal slope adjacent to a major arterial roadway.

Because of this property's unique topography, a code-compliant six-foot fence does not provide substantially equivalent effective screening.

The requested variance restores substantially equivalent use and enjoyment without expanding the fence footprint.

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### **4. Public interest**

Granting the requested variance will not adversely affect the public interest.

Specifically:

- the fence will remain entirely on private property;
- no sight triangles or traffic visibility will be affected;
- the fence will not extend farther into the front yard;
- no additional encroachment into public right-of-way is proposed;
- the existing traditional wood picket appearance will be maintained.

The requested relief is limited solely to height.

### **5. Spirit of the ordinance**

The purpose of the fence ordinance is to balance neighborhood character, public safety, and reasonable screening.

This request satisfies those purposes because it:

- preserves neighborhood appearance;
- maintains the existing fence alignment;
- maintains the existing fence design;
- requests only the minimum additional height necessary;
- addresses an unusual topographic hardship rather than a personal preference.

## E. Previous Variance Requests

The previous property owners submitted a different application involving expansion of fencing into additional portions of the front and side yard.

This application is materially different.

The Applicant **does not seek to extend the fence footprint.**

The Applicant **does not seek additional frontage fencing.**

The Applicant seeks only reconstruction of the existing fence line with sufficient additional height to restore reasonably consistent effective screening along the existing property boundary.

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## F. Additional Information

The Applicant has investigated numerous alternatives prior to requesting this variance.

These efforts included contacting multiple:

- engineering firms;
- grading contractors;
- fencing contractors; and
- land survey companies.

Several firms declined the work or were not interested because of the site's constraints.

The property has no practical rear access for heavy construction equipment, and staging equipment from 4500 South presents significant logistical and safety concerns due to the volume and speed of traffic.

Accordingly, the Applicant seeks the simplest and least intrusive solution available: reconstruction of the existing fence in its present location while preserving its traditional appearance and requesting only the minimum additional height necessary to address the unique hardship created by the property's topography.

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Donner

4504

Fence taken

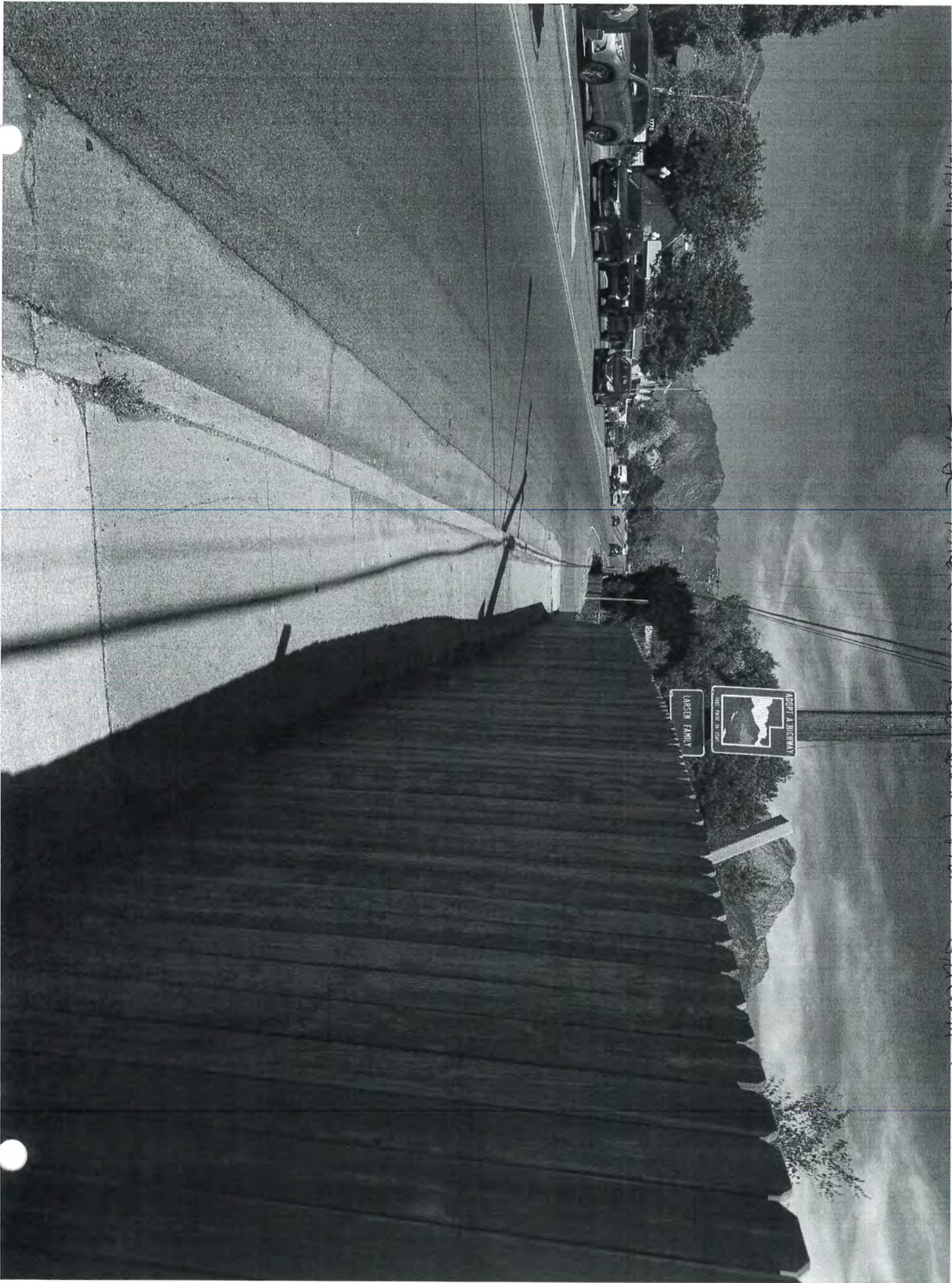
From Across

Street

4504 S. Alameda



4504 S. Hillcroft Circle In the photo taken up 4500 South from sidewalk



THE 4500 S HUNTER CIRCLE

IMAG. TATA INC. PROPERTY OF CONCERT FENCE



4504 S Holladay Circle  
Inkco take during Pin Shaving Water - Crime Streets down

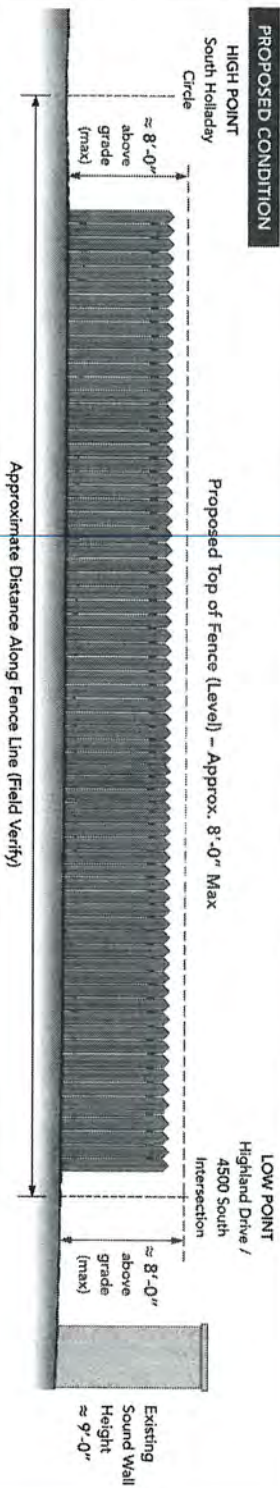
4504 S Holladay Circle

Crime Streets down



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From South Holladay Circle (High Point) to Highland Drive / 4500 South Intersection (Low Point)



- For Visual Reference Only  
Not a Construction Drawing

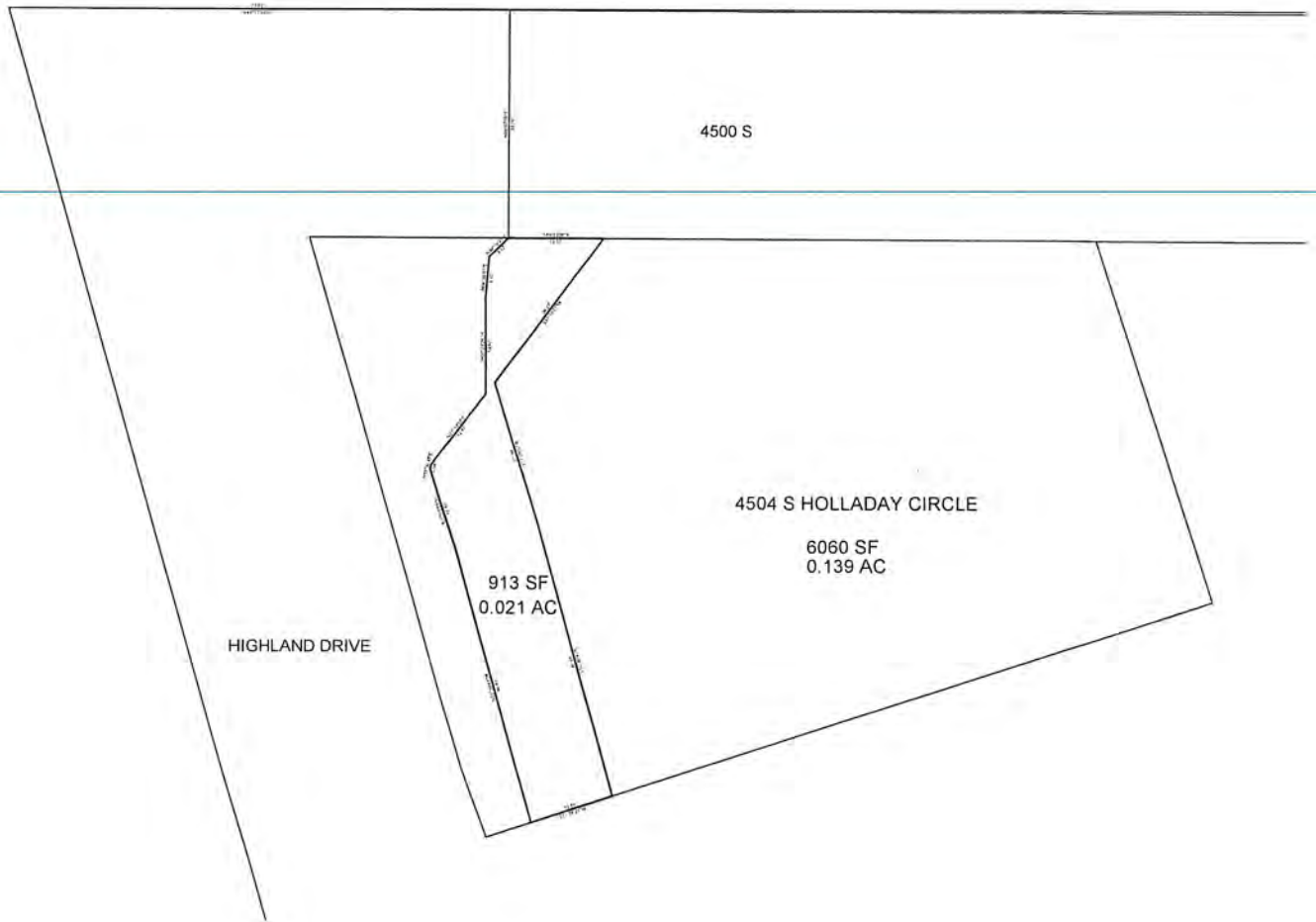
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4509 S. Holladay Circle

Property Acquisition

Rt Turn Lane Project





4504 S Holiday circle A Overhead Image



11/18/2025





