



Public Works  
Planning & Development Services Division  
<http://www.utah.gov/pmn/index.html>

**Board of Adjustment**  
**Public Meeting Agenda**  
**Monday, September 9, 2013**  
**1:00 P.M.**

**THE MEETING WILL BE HELD AT SALT LAKE COUNTY GOVERNMENT CENTER  
2001 SOUTH STATE STREET, NORTH BUILDING, MAIN FLOOR, COUNCIL CHAMBERS,  
ROOM N1100  
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 Planning Commission Public Meeting is a public forum where the Planning Commission receives comment and recommendations from applicants, the public, applicable agencies and County staff regarding land use applications and other items on the Commission's agenda. In addition, it is where the Planning Commission takes action on these items. Action may be taken by the Planning Commission on any item listed on the agenda which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.

**BUSINESS MEETING**

**Previous Meeting Minutes Review and Approval**

Adoption of Minutes from the August 12, 2013 Meeting.

**Other Business Items (as needed)**

*The Public Hearings will begin immediately following the Business Meeting.*

**PUBLIC HEARINGS**

**28594** – Sandra Von Foller – Requesting a Variance to the residential zone side yard exclusion and house separation requirements for an existing accessory shed constructed at the subject property. **Location:** 3552 South Eastmillbrook Circle (1945 East). **Zone:** R-1-10 (Residential). **Community Council:** East Millcreek. **Planner:** David J. Gellner, AICP

**ADJOURN**

## **Rules of Conduct for the Planning Commission Meeting**

- First: Applications will be introduced by a Staff Member.
- Second: The applicant will be allowed up to 15 minutes to make their presentation.
- Third: The Community Council representative can present their comments.
- Fourth: Persons in favor of, or not opposed to, the application will be invited to speak.
- Fifth: Persons opposed to the application will be invited to speak.
- Sixth: The applicant will be allowed 5 minutes to provide concluding statements.

- Speakers will be called to the podium by the Chairman.
- Because the meeting minutes are recorded it is important for each speaker to state their name and address prior to making any comments.
- All comments should be directed to the Planning Commissioners, not to the Staff or to members of the audience.
- For items where there are several people wishing to speak, the Chairman may impose a time limit, usually 2 minutes per person, or 5 minutes for a group spokesperson.
- After the hearing is closed, the discussion will be limited to the Planning Commission and the Staff.



**MEETING MINUTE SUMMARY  
BOARD OF ADJUSTMENT MEETING  
Salt Lake County Government Center, N1100**

Monday, August 12, 2013 1:00 p.m.

**Approximate Meeting Length:** 20 minutes

**Number of public in attendance:** 5

**Summary Prepared by:** Wendy Gurr

**ATTENDANCE**

**Commissioners and Staff:**

<b>Board Member</b>	<b>Business Mtg</b>	<b>Public Mtg</b>	<b>Planning Staff / DA</b>	<b>Business Mtg</b>	<b>Public Mtg</b>
Gary Sackett– <b>Chair</b>	<b>x</b>	<b>x</b>	Lyle Gibson	<b>x</b>	<b>x</b>
Teri Klug	<b>Absent</b>	<b>Absent</b>	Wendy Gurr	<b>x</b>	<b>x</b>
Matt Storheim	<b>x</b>	<b>x</b>	Zach Shaw (DA)	<b>x</b>	<b>x</b>
Phil Uipi	<b>x</b>	<b>x</b>	David Gellner	<b>x</b>	<b>x</b>

**BUSINESS MEETING 1:05 p.m.**

**Business Items**

- 1) Adoption of Minutes from the June 10, 2013 Meeting.

**Motion:** To approve the Minutes from the June 10, 2013 meeting as presented.

**Motion by:** Mr. Storheim

**2<sup>nd</sup> by:** Mr. Uipi

**Vote:** Unanimous in favor (of board members present)

- 2) Other Business

Staff informed the Board, there will be a September 9<sup>th</sup> meeting.

**PUBLIC MEETING – 1:08 p.m**

**Rebuild a Non-Conforming Structure**

**28568** – Rob Lund is requesting approval to rebuild and enlarge an existing non-complying structure on the subject property as allowed by section 19.88.070 of the Salt Lake County Zoning Ordinance. –

**Location:** 2898 South Florence Circle (2980 East) – **Zone:** R-1-8 - **Community Council:** Canyon Rim

– **Planner:** Lyle Gibson

*Mr. Sackett questioned whether or not this application was referred to the Planning Commission first with the RCOZ setback. Lyle assured the Board that Staff reviews on a case by case basis and determined it would be best for the Board to make a recommendation, because the setback issue already exists and is not being changed with the proposed project. All other setbacks and height requirements conform to the RCOZ ordinance. Mr. Uipi confirmed the only issue is the 20 foot setback, rather than the required 25. Lyle informed the Board he only received 1 inquiry from a neighbor, curious as to why they received a notice.*

**Speaker #1:** Applicant (General Contractor for Homeowners)

**Name:** Rob Lund

**Address:** 1184 North 1270 East, American Fork

**Comments:** He plans to preserve the original structure and will not have a basement, only a crawl space. He is fully aware of the high pressure water line to the rear of the structure.

**PUBLIC PORTION OF MEETING CLOSED**

**Motion:** To approve application #28568 as presented, with staff recommendations.

**Motion by:** Mr. Storheim

**2<sup>nd</sup> by:** Mr. Uipi

**Vote:** Unanimous in favor (of board members present)

**MEETING ADJOURNED – 1:25 p.m.**

DRAFT



**STAFF REPORT**

Executive Summary									
<b>Hearing Body:</b>	Board of Adjustment								
<b>Meeting Date and Time:</b>	Monday, September 09, 2013	01:00 PM	<b>File No:</b>	2	8	5	9	4	
<b>Applicant Name:</b>	Sandra Von Foller	<b>Request:</b>	Variance						
<b>Description:</b>	Variance to separation & side yard exclusion for an accessory structure								
<b>Location:</b>	3552 S. East Millbrook Circle								
<b>Zone:</b>	R-1-10 Residential Single-Family	<b>Any Zoning Conditions?</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>					
<b>Community Council Rec:</b>	Not Applicable								
<b>Staff Recommendation:</b>	Denial								
<b>Planner:</b>	David J. Gellner, AICP								

**1.0 BACKGROUND**

**1.1 Summary**

The applicant, Sandra Von Foller is requesting a Variance to the residential zone side yard exclusion, house separation requirements, and property line setback for an existing accessory shed constructed on the subject property.

Specifically, per Section 19.14.050.B of the Salt Lake County Zoning Ordinance, any accessory structure in an R (Residential) zone must be located within the rear yard, at least 6 feet away from the main building and at least one foot from the property line. The existing structure is located in the side yard of the dwelling, closer than 6 feet to the main structure, and, closer than 1 foot to the property line to the south.

**Background Actions and History**

An accessory structure, specifically a storage shed was constructed on the subject property on approximately December 20, 2012 in the present location. Subsequently, a neighbor contacted the County to express concerns about the shed and its placement which initiated additional action by the County and the creation of Code Enforcement file # 16701. During first half of 2013, and after the shed was constructed, there were numerous interactions between the property owner and the County during which time the applicant presented a site plan to County staff that was stamped "approved". Upon further review, the County's Zoning Administrator determined that this approval was issued in error and the approval was therefore deemed void and rescinded. The applicant was further instructed to remove or move the shed and bring the property into compliance. These details are outlined in two County letters dated April 25, 2013 and May 23, 2013 respectively, and in an interim letter submitted by the applicant dated May 10, 2013. **Copies of these letters of correspondence are attached to this staff report for the edification of the Board.**

The County Planning Division recognizes that it is unfortunate the applicant spent considerable time and money on building this shed without the prior approvals and in violation of the Salt Lake County Zoning

Ordinance. The Division further recognizes and apologizes for any additional frustration unwittingly caused by staff's approval of a site plan that was later determined to be in error and deemed void. That being said, it should be noted that the timeline in the applicant's supporting letter clearly indicates that the conversations with staff and the subsequent (erroneous) approval did in fact occur after the shed had already been built in the present location. Since the shed is violation of the Zoning Ordinance, any authority to grant a Variance from the terms of the Zoning Ordinance rests with the Board of Adjustment.

**1.2 Board of Adjustment Action**

This application is on the Board of Adjustment Agenda for Decision. The Board of Adjustment has the authority to "Hear and decide variances from the terms of the zoning ordinance" as defined in Chapter 19.92 of the Salt Lake County Zoning Ordinance.

**1.3 Neighborhood Response**

Notice of this application was sent to property owners and residents within a 300 foot radius of the subject property. As of the date of this report, Planning Staff has not received any comments from surrounding property owners or residents.

**2.0 ANALYSIS**

**2.1 Applicable Ordinances**

Section 19.92.040.B.1. of the Zoning Ordinance establishes five criteria to be used in evaluating requests for variances. The Board of Adjustment must find that all five of these criteria have been met before granting approval of a variance. Staff suggests the following analysis based upon a review of the five criteria:

Criteria Met		Variance Criteria and Evaluation
YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	<i>a. Literal Enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance.</i>
		Discussion: The applicant submitted the following information: "If this ordinance was carried out our first hardship would be the fact that we live on a comer lot where no given determinates of backyard or side yards have been definitely determined."  Summary: Per the Zoning Ordinance, a shed or accessory structure is not allowed in the side yard of the zone where this one was constructed. The south yard of the lot, where the shed has been located cannot be considered a rear yard because it would fall far short of the required 15 feet. When the house as originally constructed, the west side of the property was considered the rear yard based on house orientation. It had the required 15 foot depth. Over time, the covered rear patio was extended to the west and north, further reducing that rear yard to approximately 13 feet. Extension of the back porch in essence declared the location of the rear yard on this corner property. In staff's opinion, there are options for locating a shed in the rear yard of the residence so an unreasonable hardship has not been demonstrated. In staff's opinion, this criteria has not been met.
YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	<i>b. There are special circumstances attached to the property that do not generally apply to other properties in the same district.</i>
		Discussion: The Applicant submitted the following information: "Closeness of neighboring residences to my property limits me to where I could put a shed. Therefore limits the placement, and can only be placed legally exactly where it is located without undo hardships . Due to the irregular lot that the household is located is another reason why the shed can only be placed legally where it stands."

		<p>Summary: This residence is located within a developed residential subdivision. As with any subdivision that has been developed in the past, the general neighborhood has a variety of housing styles, shapes and of varying ages due to rebuilding and development over a long period of time. There is nothing to suggest that the existing residence on the subject property is located closer to neighboring residences than others in the general vicinity. In addition, an examination of the general neighborhood indicates that this property is not an unusual shape, size and does not have unusual dimensions. The subject property is 0.23 acres in size and is "typical" for a corner lot in the area. Within the immediate vicinity, a cursory investigation shows there to be at least 6 other corner lots with an almost identical shape that range in size from 0.23 to 0.26 acres. In staff's opinion, the applicant has not demonstrated a qualifying hardship vis-à-vis special circumstances associated with this property that do not apply to others in the same district. This lot is quite "typical" if you will and staff feels that this criteria has not been met.</p>
YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	<p><b><i>c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same district.</i></b></p>
		<p>Discussion: The Applicant submitted the following information: "<i>Due to the fact that there is a retaining wall on the Westside of the yard and a partial retaining wall on the south side would be detrimental to the neighbors with extra structural weight on property if I placed a shed there. Also b on a comer lot limits placement and structures.</i>"</p> <p>Summary: Staff investigation indicated that there appears to be options for the property owner to locate the shed in several portions of the rear yard. While this may conflict with the desire of the applicant, staff is not aware of any substantive property issues or physical constraints that would make placement of the shed in another location unfeasible. The assertion of "extra structural weight" being detrimental to the neighbors seems dubious given the relatively small footprint and weight of such an accessory building. In addition, the applicant mentioned in their letter of May 10, 2013 that "There are a myriad of like sheds in my neighborhood that do not meet the criteria..." This application for a Variance and the discussion of the Board of Adjustment per their authority is focused on the issues with the subject property only. However, upon complaint, County Code Enforcement staff will certainly investigate any property with similar violations. In staff's opinion, this property owner is not being deprived of a substantial property right enjoyed by others in the district and this criteria has not been met.</p>
YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	<p><b><i>d. The variance will not substantially affect the general plan and will not be contrary to the public interest.</i></b></p>
		<p>Discussion: The Applicant submitted the following information: "<i>Due to the information received and the structure of the house and lay-out of property only makes it possible within reason to be in placement that was given to us by the County and Zoning and the shed company and was approved. Due to the fact that the placement of the shed does not obscure anybody's view and is blended in with the color matching the house and trim, most people do not notice where it has been placed due to the fact that it was built on site between trees. However the shed has become a part of the neighborhood after becoming part of our property eight months ago.</i>"</p> <p>Summary: The neighboring residence to the south of the subject property is set back from the front property line farther than the dwelling on the subject property. As such, the</p>

		<p>accessory shed in the Von Foller side yard sits adjacent to the front yard of the neighboring residence. While the existing shed matches the colors and trim of the house, and there is some screening provided by the trees on the site, this placement is still potentially aesthetically displeasing and not in the public or neighborhood interest. According to the applicant's letter of May 10, 2013 the adjacent neighbor (to the south) in fact complained about the shed placement and how it was detrimental to their property interest. Based on the complaint, retention of the shed in this location does not appear to not be in the public interest and in staff's opinion, this criteria has not been met.</p>
<p>YES <input type="checkbox"/></p>	<p>NO <input checked="" type="checkbox"/></p>	<p><i>e. The spirit of the zoning ordinance is observed and substantial justice done.</i></p>
		<p>Discussion: The Applicant submitted the following information: <i>"Removing the shed from its spot would cause a hardship because there is no other reasonable place for placement and we would be denied a shed. The shed is used for emergency preparedness purposes for our church and community . It needs to be separate from our home to be safe. We want to be proactive in preparedness for emergencies self alliance purposes."</i> [sic]</p> <p>Summary: Staff believes that a shed of similar size and function could be placed elsewhere on the subject property in a location that complies with the Zoning Ordinance. While this may not align with the desires of the applicant, there do appear to be other options available to the applicant and so they would not be denied such a structure. In relation to "substantial justice" per the criteria, it must be noted that while the County did issue an approval for the shed and subsequently void and rescind that approval, the approval for the shed was issued after it was already built in the side yard location. This is outlined in the letter from Salt Lake County dated May 23, 2013 in response to your letter of May 10, 2013. Since the shed was built in an erroneous location before approval was issued and since a shed could reasonably be located elsewhere on the property, it is staff's opinion that this criteria has not been met.</p>

**3.0 STAFF RECOMMENDATION**

**3.1 Staff recommends DENIAL of the proposed Variance .**

**3.2 Reasons for Recommendation**

- 1 ) The necessary qualifying hardship for the Board of Adjustment to grant a Variance has not been established by the applicant.
- 2 ) The shed was built erroneously in this location before an approval was issued so the need for the Variance is both self-imposed and economic in nature.
- 3 ) This application does not meet all five (5) criteria necessary for the Board of Adjustment to grant a Variance.

## 4.0 PROJECT PHOTOS



Image 1 : Side yard shed



Image 2 : View from neighboring property



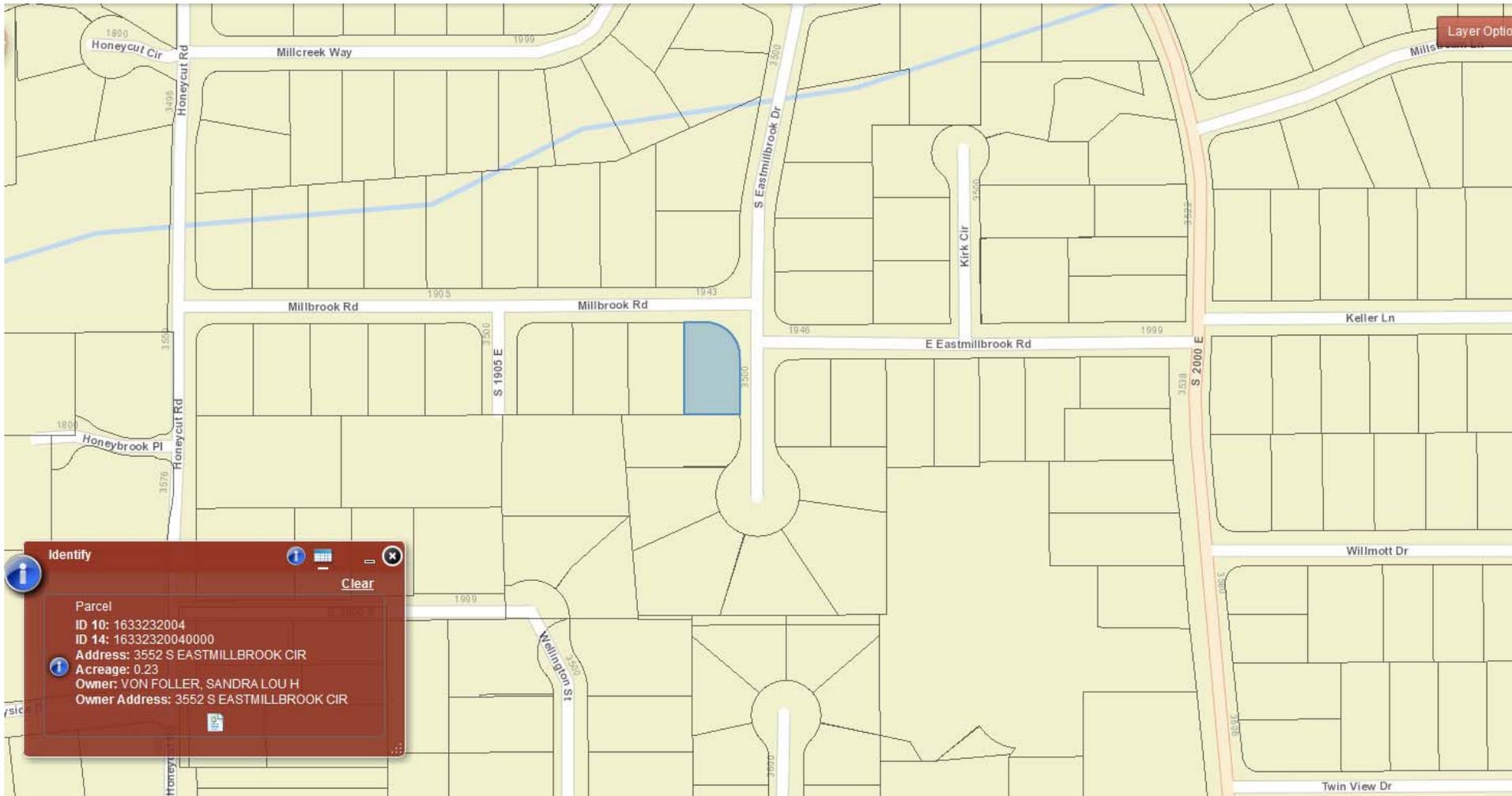
Image 1 : Street view of the side yard shed at 3552 East Millbrook Circle



Image 2 : Subject property rear yard - facing north - covered patio/porch in rear yard



Image 3 : Subject property rear yard - facing south with neighboring property in view.



**Identify** ↑ ☰ ☒

Clear

Parcel  
ID 10: 1633232004  
ID 14: 16332320040000  
**Address: 3552 S EASTMILLBROOK CIR**  
Acreage: 0.23  
Owner: VON FOLLER, SANDRA LOU H  
Owner Address: 3552 S EASTMILLBROOK CIR

↑ 📄



Salt Lake County Public Works Department
Planning and Development Services Division
2001 S. State Street #N-3600, Salt Lake City, UT 84190-4050
Phone: 385-468-6700 FAX: 385-468-6674
Visit our web site: http://www.pw.pds.slco.org

File #

Land Use & Development Application

- FCOZ RCOZ DWSP Watershed Over Pressure Magna Main
Natural Hazards Other

Form fields including Zone (R), Community Council (EMC), Date (7-18-13), Property Address (3552 East Millbrook Circle), Name of Project (Storage Shed), and various development options.

N:\Admin\FORMS\Planning Forms\Planning Applications\Land Use and Development Application\_useapproval\_july 2011.doc

Sandra Vonfoller  
3552 East Millbrook Circle  
Salt Lake City, Utah 84106  
July 2013

- a. If this ordinance was carried out our first hardship would be the fact that we live on a corner lot where no given determinates of backyard or side yards have been definitely determined.
  
- b. Closeness of neighboring residences to my property limits me to where I could put a shed. Therefore limits the placement, and can only be placed legally exactly where it is located without undo hardships. Due to the irregular lot that the household is located is another reason why the shed can only be placed legally where it stands.
  
- c. Due to the fact that there is a retaining wall on the Westside of the yard and a partial retaining wall on the south side would be detrimental to the neighbors with extra structural weight on property if I placed a shed there. Also b on a corner lot limits placement and structures.
  
- d. Due to the information received and the structure of the house and lay-out of property only makes it possible within reason to be in placement that was given to us by the County and Zoning and the shed company and was approved.  
Due to the fact that the placement of the shed does not obscure anybody's view and is blended in with the color matching the house and trim, most people do not notice where it has been placed due to the fact that it was built on site between trees. However the shed has become a part of the neighborhood after becoming part of our property eight months ago.
  
- e. Removing the shed from its spot would cause a hardship because there is no other reasonable place for placement and we would be denied a shed. The shed is used for emergency preparedness purposes for our church and community. It needs to be separate from our home to be safe. We want to be proactive in preparedness for emergencies self alliance purposes.

Sandra Vonfoller





April 25, 2013

Sandra Lou Von Fuller  
3552 S. East Millbrook Cir.  
Salt Lake City, Utah 84106

**Ben McAdams**  
Salt Lake County Mayor

**Russ Wall**  
Public Works Department  
Director

**Patrick Leary**  
Township Executive

**PLANNING &  
DEVELOPMENT  
SERVICES**

**Rolen Yoshinaga**  
Planning & Development  
Division Director

Re: Case 16701

Ms. Von Fuller,

I am writing as a follow-up to our meeting regarding the shed that was installed to the south of your home at 3552 S. East Millbrook Circle. As we discussed in the meeting, the zoning ordinance (section 19.14.050.B) requires that accessory buildings be located in the rear yard and at least 6 feet away from the main building. In consideration of the layout of your property I have determined that the site plan that was stamped "approved" by a member of our staff was done so in error, and is therefore void. This determination is based on the following:

1. The south yard of the lot cannot be considered a "rear yard" because the minimum depth of a rear yard is 15 feet. When the house was first built, the west yard was the rear yard, and had the minimum 15 foot depth. In about 1977, the covered patio was extended to the west and north, creating the configuration on the lot today (reducing the depth of that yard to about 13 feet). The extension of the covered patio does not change rear yard from the west to the south of the house.
2. Even if the south yard had been approved as the rear yard, the shed would have to be at least 6 feet away from the wall of the main building, and one foot from the property line to comply with the ordinance. The drawings (as confirmed by our inspector) indicate that the shed is neither 6 feet from the building nor 1 foot from the property line.

Therefore, shed cannot remain in its current location. It must either be removed from the site or moved into the rear yard (at least 6 feet from the main building and 1 foot from the property line). Please bring the property into compliance within 28 days of this letter.

Sincerely,

  
Curtis Woodward  
Zoning Administrator

Cc: Case 16701,  
Code Enforcement

# SANDRA VON FOLLER

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May 10, 2013

Curtis Woodward  
Zoning Administrator  
Salt Lake County  
2001 South State Street  
Suite N-3600  
Salt Lake City, UT 84190

Re: Case 16701

Mr. Woodward:

I am writing in reference to your letter to me dated April 25, 2013, wherein you state, *inter alia*, that the prior approval we received before having our shed built was incorrect, and therefore, null and void. I would first like to address just that part of your letter in no uncertain terms – namely, that I do not believe that you can summarily dismiss a prior approval from your Department by an authorized employee (with ostensible authority) **after** we have: justifiably relied upon it, constructed our shed, and have spent several thousand dollars and countless hours in so doing. Your solution, therefore, is convenient only for your Department and to our detriment; hence, I do not believe that it is legally viable. Therefore, I must request that you propose a more plausible, more legally-sustainable position. If you cannot do so (or choose not to do so), we might first turn to mediation, then to binding Arbitration, and finally to litigation of this matter. The choice appears really to be yours at this juncture.

Further, as I drive around my neighborhood (and those adjoining mine), I see numerous sheds not in compliance with what you're trying to unilaterally and unjustly impose upon us due to a complaint from one neighbor who has no legitimacy to back up a claim of property devaluation; and, even if that neighbor could show such a devaluation, it would still not merit your solution inasmuch as: 1.) There are a myriad of like sheds in my neighborhood that do not meet the requirements you are, post facto, trying to impose upon me, and 2). If I am not mistaken, the Regulation you are, after-the-fact relying upon, is not even applicable to sheds like mine. If, on the other hand, I had built my shed without gaining formal approval from your Department, your solution would make more sense, but likely still not be legally viable. Therefore, I request that you consider a more plausible solution.

Additionally, I would like to make you aware of all the relevant facts which you may not have been privy to inasmuch as we met with (and spoke to) numerous individuals at your Department. Please, therefore, also review the following:

1. Starting April 2012 I decided to invest in my own shed, so that I wouldn't have to pay rent on the commercial one that I was renting on a monthly basis.
2. I purchased tools and supplies for emergency preparedness and home repairs, and so to make room to park cars in garage, I would need a shed for more room for these things and also for my personal books and other things which I had been storing in a rental.
3. I contacted the County for information on sheds that could be purchased from a licensed shed dealer. Researching my yard for possible placement, I found only one place for its placement (due to the retaining wall located on the west side of my house and due to its closeness to neighbors), and that is where it is now.
4. I had the yard surveyed and found out that the rock wall that had been placed on the ground for some 66 years (that had been constructed by my Dad and the past neighbor living to the south) was towards neighbor's property on south side one and one half feet. Upon finding this out, we removed and straightened the wall so as to have a fair and correct project. Further, utility easements were identified.
5. We then looked at the designs and placement of other structures in the neighborhood so as to be in "sync" and conformity to our neighborhood.
6. Just before Thanksgiving, I had saved enough money to purchase and order the desired shed from the Wright Shed Company (located in Bountiful, Utah).
7. I then gave relevant information to the Shed Company and had several meetings with them during the month of November (to commence project planning). We discussed the barn style due to its drip edge; we then ordered paint that would match the house and trim.
8. We cleaned out the wood pile and took out surface roots and removed paver stones so that we could put gravel under shed. Due to moisture and roots from neighboring trees we placed pavers around gravel to contain it from spilling out from under the shed also so as to keep animals out.
9. We talked to our neighbors, and they saw (first-hand) our project; they raised no objections, thought it was a good idea, and talked of having one too (maybe on the south side of their garage). Our neighbor even asked for a business card from the Shed Company. There was conformity and no objection. They saw the perimeter where the shed was to stand also.
10. The project was dated first for December 8<sup>th</sup>, but due to bad weather, it was built on spot (because of the fact of the surrounding trees) on December 18<sup>th</sup>. After the shed was constructed that day, the neighbor came over and said the shed had to be moved immediately (over one foot toward my house) or be taken down. Thereafter, I received several phone calls concerning their disappointment.

11. Approximately a week later, I received the first Complaint from Salt Lake County (from a county worker named Anita); there was no date on Complaint. However, I took note of the date. I called the County that day, and talked to Mr. Jim Nakamura, and I gave him my Case Number, and asked what was happening. He said a neighbor had placed a complaint. I gave him a short history of occurrences. I asked how could there be any complaints, as it was just the same structure and the same placement as the rest of the sheds in the neighborhood (and surrounding area). Mr. Nakamura said, "Yes, we don't want you to sue us...so I wouldn't worry about it...I'll do some homework and get back to you. Enjoy the Christmas and New Year."
12. There wasn't much that happened the next weeks, except I was operated on for cancer. I supposed all had been resolved concerning the shed. However, the neighbors thought the shed was over 14 feet in height. Someone drove by and took pictures and in the next few days; we then received a Second Notice delivered by Mr. Russ Wall on January 4<sup>th</sup>. I was at work, but a friend, Arnold, showed Mr. Wall the measurements of shed; Mr. Wall then commented that the complainant thought the shed was more than 14 feet high and 10 feet wide. Actual measurements are 11 feet high and 8 feet wide (and 8 feet side walls which make the shed look taller). Mr. Wall asked us to make a lay-out plan with the measurements and a copy of survey and call for an appointment with the planners (to get an *additional* approval). On January 10<sup>th</sup> at 3:30, we met with four county employees who were asking questions and verifying our plot on computer (and concluded that our shed could be approved). These four county employees said to put the written approval (which they gave us) in a safe place, such that if anyone had questions, we could just show their **written approval**. Everything was done in a professional and friendly atmosphere and manner.
13. However, the first week in March, Mr. Wall came to the house to explain that he had another notice due to a complaint. This is when we found out that outside pressure was being put on the County. My friend, Arnold, then made a call to the County to make an appointment for March 18<sup>th</sup> (to resolve an issue that was being handled in a now unprofessional and somewhat juvenile manner). Arnold spoke to a Steve who said we didn't need any paper work. Well, when we arrived, you motioned us to follow you from in front of counter to the conference room. I saw and asked immediately if we needed representation and you said, No! Well, I started first putting the approved plan on the table, and I apologized that I couldn't show this approved plan when Mr. Wall first came out last week to serve us with last notice (only because the approved plan was in our safe where we were told to put it for safe keeping in case there were questions). Also, since my son had just changed the combination to the safe, I didn't know what it was (and he wasn't there).
14. However, you certainly had copies of our plan (as of January 10<sup>th</sup> when they were approved). Steve indicated that our measurements were O.K. (and only off one inch), as he showed us a picture he had taken.

15. At this point, you indicated that your Department was between a rock and a hard spot, needing to take the matter to "higher legislation, because they don't want to be sued...by either party." As you know, we also showed you (at this meeting) approximately 20 pictures of neighboring sheds (that are all out of conformity with what we're being asked now to do, after we were **formally approved** - and relied on that approval).

## List of costs

1. Survey	\$550.00
2. Utilities	N/C
3. Several trips to Bountiful to look at sheds.	N/C
4. At least three days preparing area, removing pavers, and cutting tree limbs from off property, and take-out surface roots, also level area for gravel.	
5. Custom made wooden shelves and hooks and drawers.	\$500.00
6. Cost of shed	\$3,343.43
7. Tips for workers	<u>\$60.00</u>
Conservative Total	<u>\$4,453.43</u>

Hence, after the above costs and literally hundreds of hours of planning, discussion and approval, you are trying to propose a totally one-sided solution to a problem your Department created and approved. Therefore, I look forward to a more well-reasoned, well-principled solution from you. Thank you.

Sincerely,



Sandra Von Foller



May 23, 2013

Sandra Lou Von Fuller  
3552 S. East Millbrook Cir.  
Salt Lake City, Utah 84106

Ben McAdams  
Salt Lake County Mayor

Patrick Leary  
Township Executive

**PLANNING &  
DEVELOPMENT  
SERVICES**

Rolen Yoshinaga  
Planning & Development  
Division Director

Re: Case 16701

Ms. Von Fuller,

I appreciate your letter of May 10, and the information provided therein. While it is unfortunate that you have spent so much time and money on the shed, the timeline in the letter clearly indicates that both your phone conversation with Jim Nakamura and his signature on the site plan (in error) occurred after the shed had already been built.

The authority to grant variance from the zoning ordinance rests with the Board of Adjustment not Planning and Development Services staff. The fact remains that the current location of the shed is in violation of the County Zoning Ordinance and must therefore be removed.

As for the other sheds you mentioned in the neighborhood, our code enforcement officers would be glad to investigate any property with similar violations. Complaints may be submitted through our division's web page (<http://pwpds.slco.org/cfApps/zoning/codeEnforcement/>), by phone (385-468-6700) or in person at our front counter. We just need the basic information as to address and nature of the violation to start an investigation.

Sincerely,

  
Curtis Woodward  
Zoning Administrator

Cc: Case 16701,  
Code Enforcement