

Re: 3381/3387 E 9980 South
Owners: Jared and Jessica Schneider
Contact: 801-808-0519

We are the owner builder on our home located at 3381/3387 E 9980 S in Sandy. We hired a licensed contractor as a consultant and paid him a significant amount of money and relied on his expertise. The builder was with us until approximately 4-way and then we felt it was in our best interest to continue on our own given the delays experienced, lack of expertise and lack of communication. This has been a very disappointing, financial and stressful experience.

We are requesting a variance on 2 items:

1. **Foundation Placement/ 30% Slope Setback:** We solely relied on our builder during the foundation process and up to 4-way. Once the home was fully completed we were told the home was slightly tilted and poured/set in the wrong place. Given the extremely tight building pad this has put a small portion of our home at 7'.5", 8, 9' vs. 10' into the 30% setback area. We are requesting a variance on this item.

See Exhibit "A" (Final Survey from Benchmark)

Our goal when developing and building this home was to have as much space at the RV area and in the Southeast back corner of the home. The foundation being poured in the wrong place has created a smaller area in both of these areas, major cost on retaining walls being in the wrong spot, City issues, all of which are very disappointing.

Given we cannot move the home we are doing what we can to find a solution versus focusing on the mistakes that were made. We had no idea this mistake was made and found out once we hired Dale at Benchmark to do a final survey once the home was fully completed.

We understand the circumstances were different, at the same time, other variances have been granted within a mile of our home. 10457 S Wasatch Blvd.

The foundation being in the wrong place has not only made some of the areas of the home less desirable, major cost and City issues. This has caused us a lot of financial issues and is extremely stressful on our end.

Solution to the 30% Slope Setback: We are requesting a variance on this item.

2. **Northeast Corner of Yard:** When we were building our home the area between our 8' deep window well and the 30% slope was extremely tight. Our builder and excavator during this time had several issues with the tight space and boulders. Our building pad is tighter and unlike most other building lots. We had issues just finding a place to accommodate space for the dumpster. During this process my excavator almost fell in the window well with his equipment. In addition, we had boulders come out of the hill and when these came out dirt came down with them, therefore, some of the 30% slope did

fall. This lot was extremely tight working conditions. We were strongly advised by our builder and excavator that we needed to retain the wall further to the East given the fall of boulders and dirt, hence why the North retaining wall went into the 30% slope. We followed the direction and trusted the professionals we hired. We understand now that we should have gotten the City involved at that time.

Solution to Retaining wall on the Eastside of the Home:

We have done the following already and it's 95% complete:

- Removed the entire Eastwall (approx. 40')
- Restored the dirt to 30% slope in this area
- Moved the retaining wall to follow the 30% slope line that is in the back of the home /East side of the home.
- The 30% slope will be restored with native vegetation by a professional and experienced landscaper – Adair's Landscaping.
- We had a large portion of our East wall that was 8' tall and only 2-3' from our property line. I needed to be 5' from our property line or it can only be 5' tall. We have already moved and revised approx. 8' x 20' of the retaining wall per the City guidelines 15-A-28 – The reason this was done wrong (2' closer to our property line then it should have been) was because the house was put in the wrong place. This required us to also change 5' of the South wall so it jogs in per 15-A-28.

Currently there is a retaining wall (cast in place wall) along the north side of the home. This wall was required and designed by IGES and we carried this North wall to the East portion of the lot and into the 30% slope for the retaining (rocks, etc) issues listed above. We would like a variance to keep this portion of the wall for reasons listed below.

See Exhibit "B" (Letter from Excavator and pictures – 4 pages)

See Exhibit "C" (Eastside retaining wall that was removed pictures)

Solution to Cast in place/concrete retaining wall in 30% slope area/ Northeast Corner of Yard: We are requesting a variance on this item.

We have restored the 30% slope line and the slope/dirt is coming through the concrete wall that is attached/extended East from the Rockfall wall. The 30% slope basically comes through the north retaining wall.

Below are the reasons we are suggesting to keep the North wall and requesting a variance while still restoring the slope:

See Exhibit "D" (Cast in place wall that is in the 30% slope area)

- Safety & Erosion
- Safety: Protection from rocks and/or any large objects above. (See letter from IGES)
- Safety: Protection from above land movement and/or development. We understand this land has been purchased and although there might not be homes, there could still be a road and movement above. This development is unknown and right above our home. We also see people walking/hiking/wondering in this area off of the main trail.
- Erosion: See letter from IGES
- Sliding protection from snow piling right at our back door and into our home given the foundation is now closer to the slope. Our landscaper said that the extra wall would create extra protection and a very good idea and is concerned if it is not there.
- A good portion of this wall would be covered and the 30% slope would be restored. The slope would be at 30%.
- Our home is down a private lane and this area is not visible to the rest of the neighborhood. It is hidden behind our home. It's not anywhere near any access points.
- Cost: There would be a significant cost to tear this wall out.
- Logic: The significant cost is not just removal, but the labor given the tight location. In addition, this would remove added protection from us personally when in the yard and the home.

We have also included the current grade and revisions that have been completed.

See Exhibit "E"

We appreciate your time. We have made a significant amount of changes already. Please put yourself in our shoes and take into consideration the entire situation. This has been a very stressful and frustrating situation. The above revisions have had to do to restore the 30% slope, redoing the retaining walls, paying for retaining walls twice, engineering, IGES, Benchmark, etc are already putting us in a large financial challenge. Thank you for you time!

Property Attributes (Assessor's Data)

PROPERTY IDENTIFICATION

Parcel #	28-11-427-093	State	UTAH
Township/Range/Section	3S-1E-11	Latitude	40.570513
County	SALT LAKE	Longitude	-111.798667
Legal Description	SEC/TWN/RNG/MER:SEC 11 TWN 3S RNG 1E COM 1485 FT N & 626.4 FT W FR SE COR SEC 11, T 3S, R 1E, SL MER, N 197.96 FT; N 88 53'20" W 231.24 FT; S 202.44 FT; E 231.2		

OWNER INFORMATION

Current Owner Name	SCHNEIDER, JARED; SCHNEIDER, JESSICA TERRY	Property Zip	84092-
Ownership Status	HUSBAND AND WIFE	Assessee Owner Name	JARED SCHNEIDER; JESSICA TERRY SCHNEIDER
Property Address	3379 E 9980 S	Assessee Address	3387 E 9980 S
Property City	SANDY	Assessee City	SANDY
Property State	UT	Assessee State	UT
		Assessee Zip	84092-1205

PROPERTY INFORMATION

Property Type	RELATED PARCEL	Market Land Value	\$300
Assessed Land Value	\$300	Total Market Value	\$300
Total Assessed Value	\$300	Market Value Year	2018
Assessment Value Year	2018	Taxed Amount	\$4
		Taxed Year	2018

IMPROVEMENT INFORMATION

Owner Occupied ?	N
------------------	---

Property Transactions (Recorder's Data):

PROPERTY TRANSACTION

Parcel #	28-11-427-093	Transaction Type	NON-ARMS LENGTH TRANSFER
Transfer Date	Nov 15, 2018	Recorders' Book	10730
Title Co. Name	US TITLE	Recorder's Page	7509
Document Type	QUITCLAIM/DEED OF TRUST	Use Code	MISCELLANEOUS (GENERAL)
		Date of Filing	Nov 15, 2018

SELLER INFORMATION

Seller Code	HUSBAND AND WIFE
-------------	------------------

BUYER INFORMATION

Buyer	SCHNEIDER, JARED; SCHNEIDER, JESSICA TERRY	Buyer City	SANDY
Buyer Address	3387 E 9980 S	Buyer State	UT
		Buyer Code	HUSBAND AND WIFE

Exhibit A

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 11,
TOWNSHIP 3 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN
SALT LAKE COUNTY, UTAH

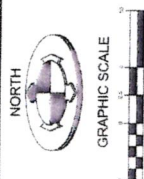


Exhibit "A"

JESSICA TERRY SCHNEIDER
3387 EAST 9980 SOUTH
SANDY CITY, UTAH

TOPO SURVEY	SVB.01 1 OF 1
----------------	------------------

SVB.01
1 OF 1SVB.01
1 OF 1

Exhibit B



Jessica Terry <jessicatrealty@gmail.com>

Fw: Engineering Letter

Exhibit "B"

pg 1 of 4

Troy Gann <troy@utahdirtpro.com>

Fri, Mar 1, 2019 at 8:29 AM

To: Jessica Terry <jessicatrealty@gmail.com>

Jessica

When we were backfilling the north side of your house the bank caved when the big boulders rolled out of the bank in on the east side of the house going to the back yard to the east. That is why we had to extend the retaining wall to the east to keep the bank from caving in any more

Troy

Troy Gann**Ridgeline Excavating****801-380-6201**troy@utahdirtpro.com**From:** Troy Gann**Sent:** Monday, February 25, 2019 8:59 AM**To:** Jared Schneider**Subject:** Engineering Letter

Let me know if you need anything else. Thanks.

Troy Gann**Ridgeline Excavating****801-380-6201**troy@utahdirtpro.com**Schneider letter.pdf**

48K



Exhibit "B"

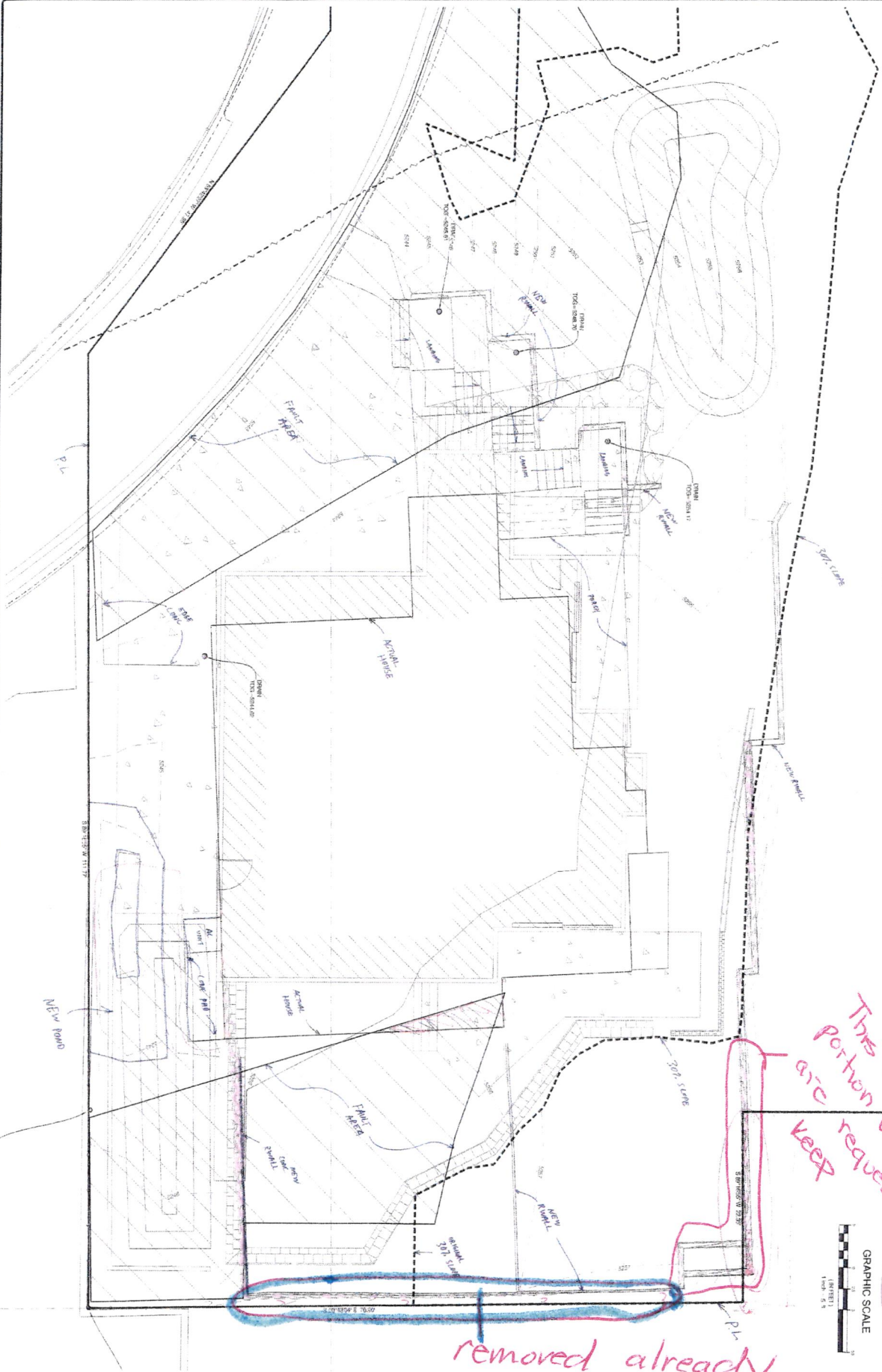
Pg 2 of 4

Exhibit "B" (pg 3 of 4)



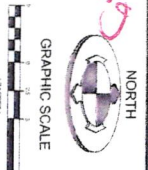
Exhibit "B" pg 4 of A

TOPOGRAPHY SURVEY
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 11,
 TOWNSHIP 3 SOUTH, RANGE 1 EAST,
 SALT LAKE BASE AND MERIDIAN
 SALT LAKE COUNTY, UTAH



This is the portion we are requesting to keep

removed already



SHEET 1 OF 1	TOPO SURVEY	1611213	JESSICA TERRY SCHNEIDER		 BENCHMARK ENGINEERING & LAND SURVEYING 9430 SOUTH STATE STREET SUITE # 100 SANDY, UTAH 84070 (801) 542-7192 www.benchmarkllc.com	DATE	DATE	DATE	DATE
			3387 EAST 9980 SOUTH						
			SANDY CITY, UTAH						

Exhibit C



Exhibit "C"

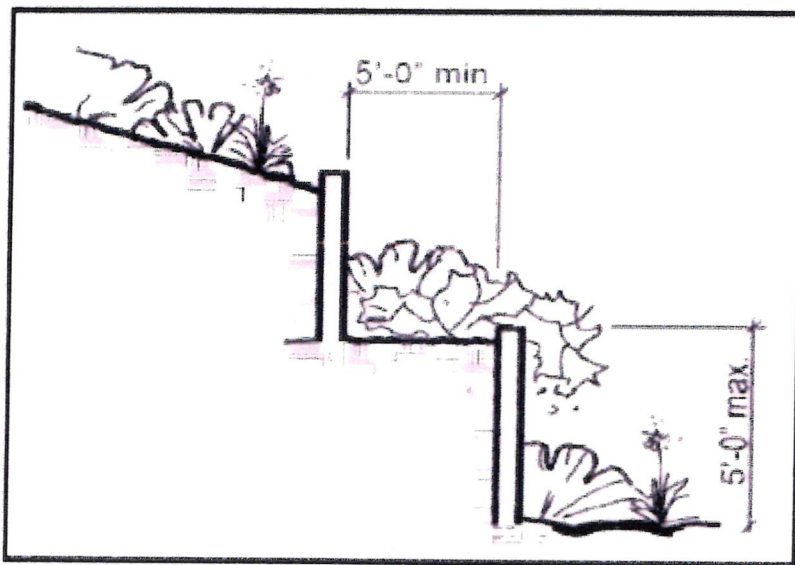
Jessica Terry <jessicatrealty@gmail.com>

Questions

Mike Wilcox <mwilcox@sandy.utah.gov>
To: Jessica Terry <jessicatrealty@gmail.com>

Mon, Apr 1, 2019 at 8:43 AM

The horizontal break between the vertical walls is 5' regardless of the adjoining wall heights. The maximum height of a wall at a property line is 5'. The entire wall can be stepped back 5' or you can break it up with steps as diagrammed in the code.



- This has been done see attached.

For example, if you have an 8' difference in height that you want to retain with walls, you can have a maximum of 5' wall at the property line, then step back 5' and then another 3' wall. Or you can break it up with two 4' tall walls with a 5' separation between them. Another option is to move it off of the property line by placing the entire 8' wall back 5' from the property line.



Mike Wilcox
Zoning Administrator

10000 S. Centennial Pkwy. | Sandy, UT 84070
o: 801.568.7261 | f: 801.568.7278
mwilcox@sandy.utah.gov

Exhibit "c"



Photos Taken on April 26 and May 15, 2019



IGES[®]

Project Number 02441-005

Schneider Residence
Lock+Load Retaining Wall
3387 East 9980 South
Sandy, Utah

**Retaining Wall
Photos**

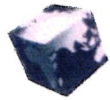
**Figure
1**

Exhibit "C"

This was all removed



Exhibit D

**IGES**[®]

Intermountain GeoEnvironmental Services, Inc.
12429 South 300 East, Suite 100, Draper, Utah 84020
T: (801) 748-4044 ~ F: (801) 748-4045

Exhibit "D"

- page

~~00004~~
1 of 6

May 1, 2019

Jessica & Jared Schneider
3387 East 9980 South
Sandy, Utah 84092

IGES Project No. 02441-005

Subject: Geotechnical Opinion Regarding Disposition of the CIP Retaining Wall
Schneider Residence
3387 East 9980 South
Sandy, Utah

References: IGES, 2017a, Lock+Load and Concrete Retaining Wall Design Package,
Schneider Residence, 3387 East 9980 South, Sandy, Utah, Project No. 02441-003,
dated June 6, 2017.

IGES, 2017b, Geotechnical Investigation, Proposed Single-Family Residence,
3387 East 9980 South, Sandy, Utah, Project No. 02441-001, dated January 11,
2017.

IGES, 2016, Rockfall Hazards Assessment, 3387 East 9980 South, Sandy, Utah,
Project No. 02441-001, dated December 22, 2016.

As requested, IGES is providing the following letter as an expression of opinion regarding the concrete retaining wall recently constructed north of the Schneider residence (in the backyard). We understand that during construction the Contractor constructed the wall several feet to the east, beyond the original wall design by IGES (2017a). IGES takes no exception to extending the wall to the east, as the additional wall length does not negatively impact the function or design life of the wall.

IGES understands that the City has requested that a portion of this eastern extension be demolished and the original grade restored, as a portion of this wall extends onto what was originally a natural slope with a slope in excess of 30 percent – City code indicates that development upon natural slopes in excess of 30 percent is not allowed unless a variance from the City is first obtained.

With respect to removing the existing as-built wall, it is the professional opinion of IGES that the City should grant a variance and the extended wall should be allowed to remain. Our opinion is based on the following:

- The slope above the eastern wall extension does present a rockfall hazard (similar to the rest of the slope, where partially exposed boulders are present). Leaving the wall in

place will serve to reduce the risk of rockfall negatively impacting improvements over the design life of the home. It should be noted that part of this wall, as originally designed, was intended to mitigate the rockfall hazard inherent to the northern slope.

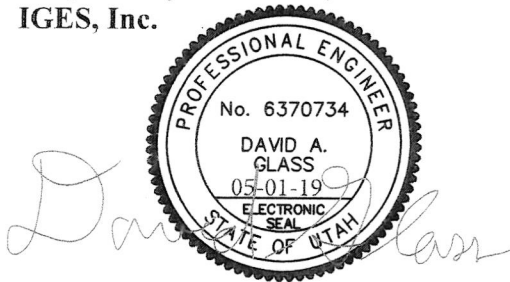
- The wall, as constructed, will also help mitigate erosion of the slope in this area, at least until natural vegetation can be re-established to pre-development levels, which may take several years.
- The presence of the concrete wall will have the added beneficial impact of helping to stabilize the toe of the slope, thus reducing the risk of localized surficial slope failure.

In summary, the presence of the wall reduces the risk of rockfall, erosion, and localized surficial slope failure in this area, all of which could negatively impact the improvements directly down-slope of the wall. Removing the wall will, in effect, increase the risk of these issues. Hence, it is the professional opinion of IGES that leaving the wall in place would be prudent and advisable from a geotechnical standpoint, as removing the wall would increase the risk to the property.

Closure

We appreciate the opportunity to provide you with our services. If you have any questions, please contact the undersigned at your convenience at (801) 748-4044.

**Respectfully Submitted,
IGES, Inc.**



David A. Glass, P.E.
Senior Geotechnical Engineer

Attachments:

Figure 1 – East Wall Photos



Photos Taken on May 1, 2019



IGES[®]

Project Number 02441-005

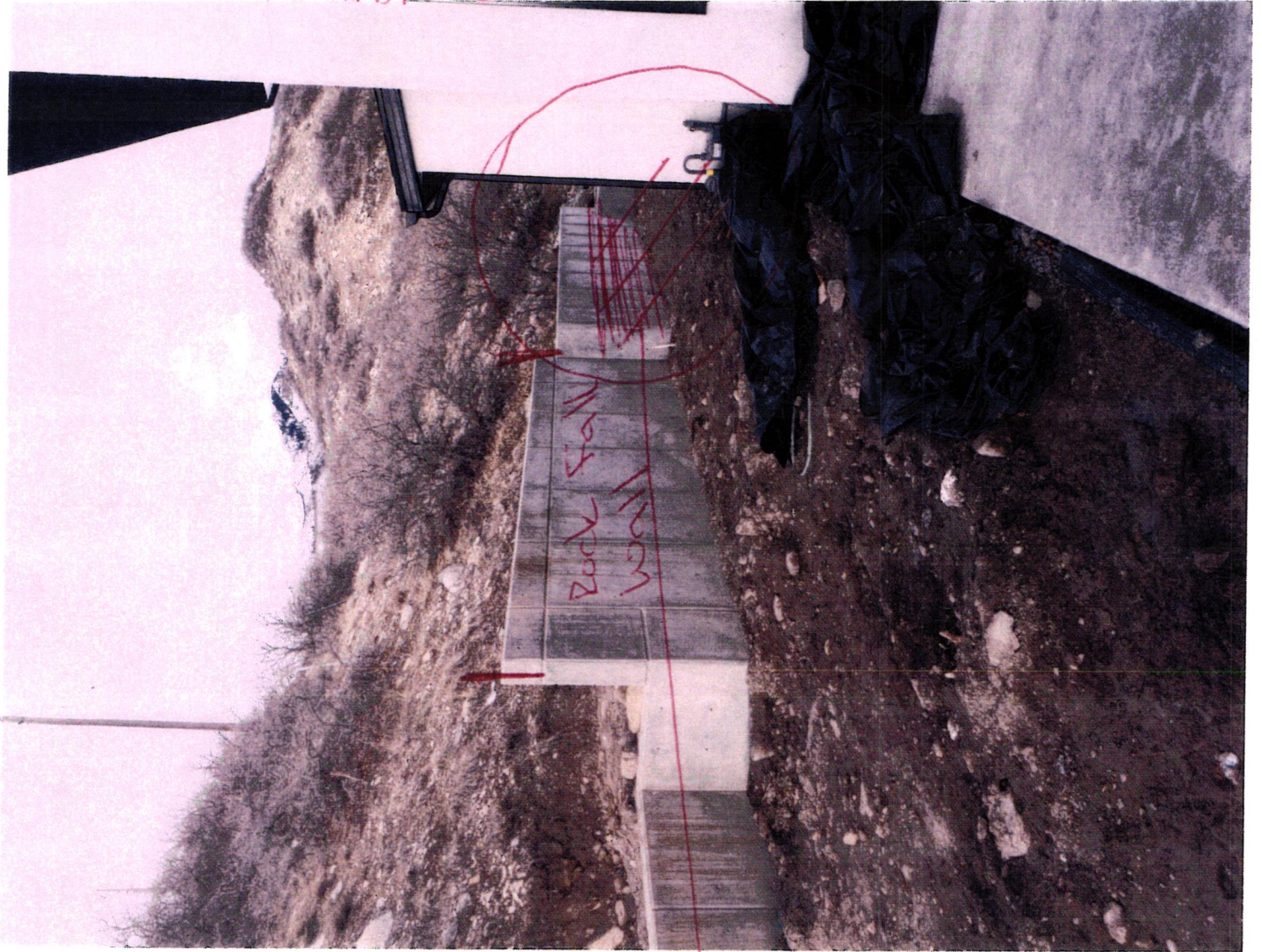
Schneider Residence
3387 East 9980 South
Sandy, Utah

**East Retaining Wall
Observation
Photos**

**Figure
1**



The dirt/30% slope
runs through
the concrete wall.



mostly covered & approx 15 only
now 1.5-2.5" showing

Exhibit "D"

30% Slope
Dirt runs
through
the concrete
wall.

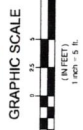


Exhibit E

Exhibit "E"

EXISTING CONDITIONS SURVEY

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 11,
TOWNSHIP 3 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN,
SALT LAKE COUNTY, UTAH



THE FIELD WORK FOR THIS SURVEY WAS
COMPLETED ON MAY 28, 2019

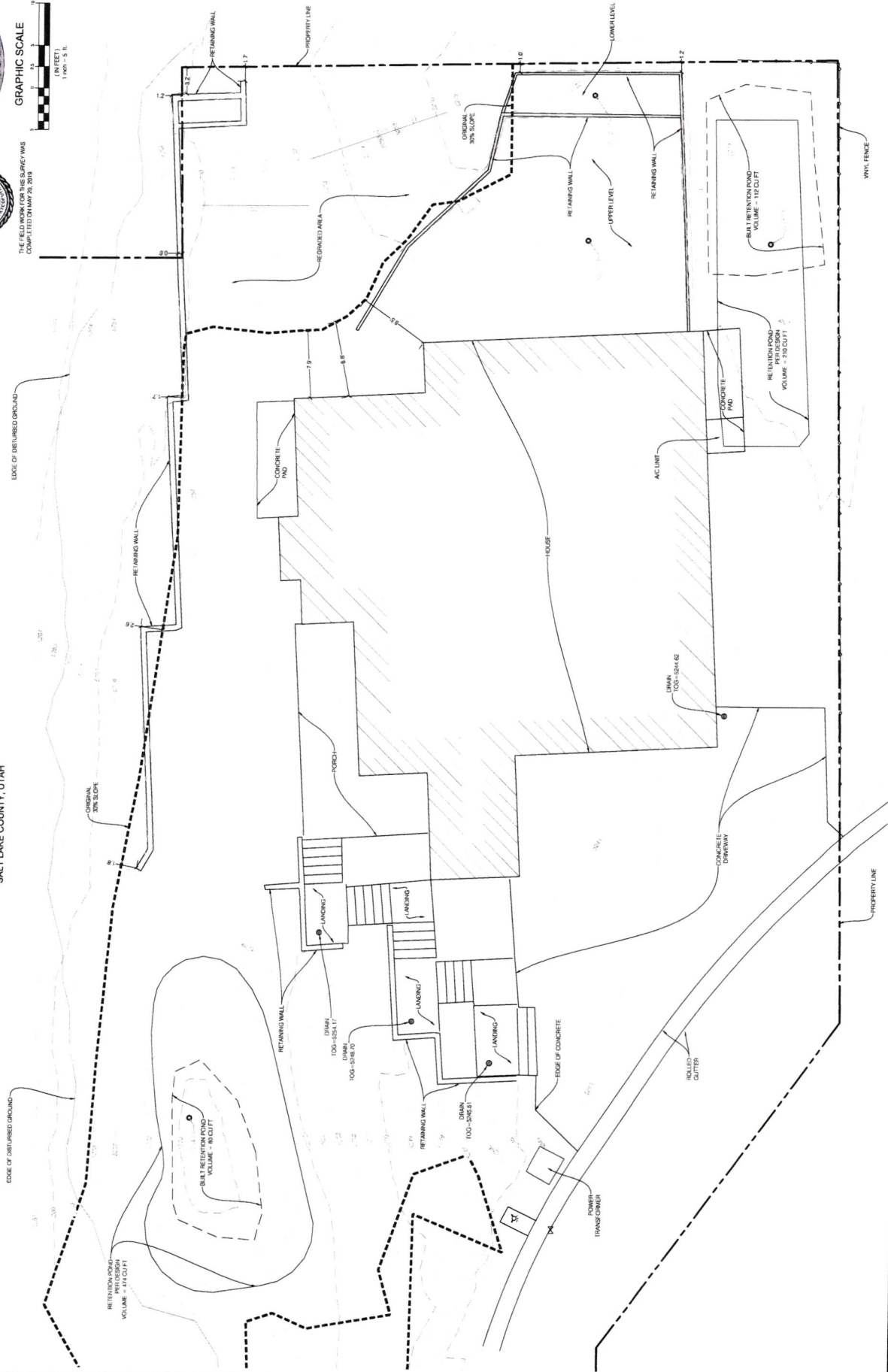


NO.	DATE	DESCRIPTION
1	5/28/19	FIELD SURVEY
2	6/11/19	PLAN PREP
3	6/11/19	FINAL CHECK
4	6/11/19	PRINTING
5	6/11/19	ASSEMBLY
6	6/11/19	FINAL REVIEW
7	6/11/19	FINAL APPROVAL

BENCHMARK CIVIL
LAND SURVEYING & ENGINEERING
3387 EAST 9980 SOUTH
SANDY CITY, UTAH

JESSICA TERRY SCHNEIDER

PROJECT NO. 1611213
EXISTING CONDITIONS SURVEY
SHEET 01
1 OF 1



current grade with
revisions 5/24/19