April 4, 2018

ADMINISTRATIVE INTERPRETATION DECISION AND FINDINGS PLNZAD2018-00200



REQUEST:

This is a request for an administrative interpretation regarding whether the property located at approximately 372 N. A Street (Tax ID#09-31-178-002-0000) is a legal noncomplying lot in accordance with the Salt Lake City zoning laws. The purpose of the request is to determine if a single-family dwelling can be constructed on the property.

DECISION:

The Zoning Administrator finds that the subject property located at approximately 372 N. A Street (Tax ID#09-31-178-002-0000) is recognized by Salt Lake City as a legal complying lot. Therefore, a single family detached dwelling could be constructed on the property subject to the requirements of the applicable SR-1A zoning district.

FINDINGS:

The subject property is currently located in the SR-1A (Special Development Pattern Residential) zoning district and has a total lot area of approximately 4,791 square feet (0.11 acres), and a lot width of 41 ½ feet. The SR-1A zone requires a minimum lot area of 5,000 square feet for a detached single family dwelling and a minimum of 50 feet of lot width.

Section 21A.38.060 of the Salt Lake City Zoning Ordinance states the following regarding noncomplying lots:

A lot that is noncomplying as to lot area or lot frontage that was in legal existence on the effective date of any amendment to this title that makes the existing lot noncomplying shall be considered a legal complying lot and is subject to the regulations of this title. Any noncomplying lot not approved by the city that was created **prior to January 13**, **1950**, may be approved as a legal noncomplying lot subject to the lot meeting minimum zoning requirements at the time the lot was created and documented through an updated zoning certificate for the property.

The property was created prior to January 13, 1950. The subject parcel is described as an individual lot in 1908. The subject parcel is described in a Warranty Deed (#258379 in Book 8B Page 395, also abstracted in book C-6, Page 77, line 19) from Elizabeth Holland Anderson & Robert Russell Anderson to George W. Middleton. The associated deed and abstract are attached to this interpretation. The property is described as follows:

Beginning at a point 82 ½ feet south of the North West corner of Lot three (3) in block one hundred (100) Plat "D" Salt Lake City Survey, and running south 41 ¼ feet, thence east 115 feet, thence north 41 ¼ feet, thence west 115 feet to the place of the beginning; together with a Right of Way over the following described land, commencing at a point 115 feet east of the north west corner of said lot three (3) thence running south 165 feet, thence east 50 feet, thence north 41 ¼ feet, thence west 40 feet, thence north 123 ¾ feet, thence west 10 feet to the place of the beginning.

Zoning regulations were first adopted by Salt Lake City in 1927. Prior to that year, lot dimensions were not regulated by the City and new lots could be created by deed without dimensional restrictions. As such, the lot was legally created in 1908.

The current legal description of the property has changed from the legal description in 1908. The legal description of the property was revised to change the starting point and also changed the measurement from feet to rods (1 rod equals 16 ½ feet), but both legal descriptions describe the subject property in its current configuration. The current legal description of the property is as follows:

COM 2.5 RDS N FR SW COR LOT 3 BLK 100 PLAT D SLC SUR N 2.5 RDS E 115 S 2.5 RDS W 115 FT TO BEG.

Since the lot was legally created prior to 1950 and complied with zoning requirements at the time (there were none applicable), the lot is considered a legal noncomplying lot. As a legal noncomplying lot, a single-family dwelling may be constructed on the lot subject to the SR-1A zoning district standards.

APPEAL PROCESS:

An applicant or any other person or entity adversely affected by a decision administering or interpreting this Title may appeal to the Appeals Hearing Officer. Notice of appeal shall be filed within ten (10) days of the administrative decision. The appeal shall be filed with the Planning Division and shall specify the decision appealed and the reasons the appellant claims the decision to be in error. Applications for appeals are located on the Planning Division website at http://www.slcgov.com/planning/planning-applications along with information about the applicable fee. Appeals may be filed in person at the Planning Counter, 451 South State Street, Room 215 or by mail at Planning Counter PO BOX 145471, Salt Lake City, UT 84114-5471.

NOTICE:

Please be advised that a determination finding a particular use to be a permitted use or a conditional use shall not authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure. It shall merely authorize the preparation, filing, and processing of applications for any approvals and permits that may be required by the codes and ordinances of the City including, but not limited to, a zoning certificate, a building permit, and a certificate of occupancy, subdivision approval, and a site plan approval.

Amy Thompson Principal Planner

CC:

Nick Norris, Planning Director Joel Paterson, Zoning Administrator Heather Gilcrease, Development Review Supervisor Applicable Recognized Organization Posted to Web File

Attachments:

Vicinity map of subject property 1908 Deed & Abstract

Vicinity Map of Subject Property (372 N A Street, Parcel 09-31-178-002-0000)



John M Cannon

Hargaret & Hiddleton

STATE OF UTAH, Sss. on the 20th	day of September A. D. 1907.
COUNTY OF Salt Lake personally appeared before me George It. Middleton	and Margaret O. Middleton
personally appeared before me Glorge M. Municipal	to me that the yexecuted the same.
the signer of the above instrument, who duly acknowledged	to me and
11:1 26 th 1910	John My Cannon Notary Public.
My commission expires April 26 th 1909.	and and the
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Recording fee paid / C. (Signed.)	The state of the s
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My commission expires June 5th 1909.	• /]
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	36	H The second se	e persona mentra de la constanta de la constan	eri Santan i sasanna mare na masanna Santan i santan i	temen men ar man an an ang ang ang an ang ang ang ang		Subj to all special assessments. To see 2 notes - One dated mach 1st 1915. \$ 50000 due on or before 6 mo, Int 670 payable at maturity, & One dated mach 1st - \$80000 pay onor before 1441; Ind 670 pay Semi annually. Celeaser Mitge in Bk"6-R" page 502-3
	39	A I	en e	3		e de Commence de conservario en conservario de la commencia de	To see note ed. \$8000° pay 3 yrs, Int acc to note. Com N & cor Sot 1: \$40 ft; W 109 ft; N 40 ft; \$109 ft to beg. Tog. with Rof Wover:- Com 40 ft & of N & cor Sot 1: W 109 ft; N 40 ft; N 36 ft; \$50 ft; &145 ft; N 10 ft to beg. To sec. note e.d. \$1800° due 2 yrs. Int. 7 for until man. 1,1917; 8 for from Man 1,1917; N 40 ft of N 109 ft of Lot 2 Taxes 1915.
	42	t de la composition della comp	oramain assa. sa. In manasandi Laimaina	3	ne de la companya de La companya de la companya de	orino e e errorizzaren en escala en errorizzaren en escala en errorizzaren en en escala en en en ego en en en e	\$ 2'2 Role of W 115 ft of Lat 3. " Com SE cor Sot 2: W 49 "14 ft; N 115 ft; & 41 1/4 ft; S115 ft to beg. Tog. with Rof W 10 ft wide along N side pd. dear. Sand, com 115 ft M of 8 N cor Sot 2: & 185 ft; N 50 ft; N 50 ft; N 135 ft; S10 ft to beg.
		aan en	2 2 	3	Selection (Control of the Control of	got til statistisk fra til statistisk fra statist fra statistisk fra statist fra	July gen't taxes 1916 & specil assessments for sewer (Beg 109) fo. & of NW cov. lot 2: S40 ft., 626 ft.; N40 ft., W26 ft. to beg. low 45 ft N of SE cov bot 1: N 115 ft; E 45 ft; N 50 ft; N 165 ft; S50 ft; E 40 ft; S115 ft; E 80 ft to beg. also, com N & cov bot 2: N 165 ft; N 56 ft; S40 ft; N 109 ft; S10 ft; E 123 /4 ft; S115 ft; E 411/4 ft to beg. also, com N & cov bot 3: N 50 ft; S165 ft; E 50 ft; N 165 ft to beg. also, com N & cov bot 4: E 50 ft; S165 ft; N 50 ft; N 165 ft to beg. Subj. recorded R's of N over ht. sal, lots.
	48	The suitable core in given a suitable constraint of the suitable core in the suitable core is a suitable core in the suitable core in the suitable core is a suitable core in the	Straker aggis annah senerangsan singka a	J	4 15		Also, Com N & con Sot 4: E50 ft; S165 ft; N50 ft; N 165 ft to beg Subj. seconded Risof N over ht. sed lots. Our & Sutter Entr. #20. Frontage shutling sed. Simps. 4 to a dipth of 24 ft. back therefrom: Together Kof Worn line, o Flother property) & personal from.
	50	renz ren en e	de teles de la companie de la compa	e Per I eri etti kitti va katalann menkli			Suly unded speil assess. Com 109 ft & of N Neov Lot 2: & 40 ft; & 26 ft; N 40 ft; N 26 ft to beg.