

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 1/4 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 1/2 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 1/4 feet, thence east 115 feet, thence north 41 1/4 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 1/4 feet, thence west 40 feet, thence north 123 3/4 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)



Signed in my presence of

John M Cannon

George H. Middleton
Margaret E Middleton

STATE OF UTAH,
COUNTY OF Salt Lake } ss. On the 20th day of September A. D. 1907.
personally appeared before me George H. Middleton and Margaret E. Middleton
the signers of the above instrument, who duly acknowledged to me that they executed the same.
My commission expires April 26th 1909.



John M Cannon
Notary Public.

Recorded at Request of Joseph A. West,
in Book "8-B" of Deeds and Transfers, page, 395, Records of Salt Lake County, Utah. Abstracted in "C6," Page 88, Line 33.
Recording fee paid 70¢ (Signed.) F. J. A. Jacques, Recorder, Salt Lake County, Utah. By R. E. Collett, Deputy.

Dec. 2, 1907, at 2:51 o'clock P. M.,

WARRANTY DEED.

Entry No. 258379.
Elizabeth Holland Anderson, & Robert Russell Anderson her husband, grantors,
of Salt Lake City, County of Salt Lake State of Utah, hereby CONVEY AND WARRANT to George H. Middleton
grantee of the City, County and State aforesaid
for the sum of Ten \$00 DOLLARS

the following described tract of land in Salt Lake County, State of Utah:

Beginning at a point 82 1/2 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 1/4 feet, thence east 115 feet, thence north 41 1/4 feet, thence
west 115 feet to the place of beginning, together with a right of way over the following described land,
viz: 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 1/4 feet, thence west 40 feet, thence north 123 3/4 feet, thence
west 10 feet to the place of beginning.

WITNESS, the hands of said grantors this 16th day of November, A. D. 1908.
Signed in the presence of

Cassie Roberta Anderson
L. Mott Iversen.

Elizabeth Holland Anderson
Robert Russell Anderson

STATE OF UTAH
COUNTY OF Salt Lake } ss. On the 18th day of November A. D. 1908.
personally appeared before me Elizabeth Holland Anderson and Robert Russell Anderson her husband,
the signers of the above instrument, who duly acknowledged to me that they executed the same.
My commission expires June 5th 1909.



L. Mott Iversen
Notary Public.

Recorded at Request of Joseph A. West,
in Book "8-B" of Deeds and Transfers, page, 395, Records of Salt Lake County, Utah. Abstracted in "C6," Page 77, Line 19.
Recording fee paid 70¢ (Signed.) F. J. A. Jacques, Recorder, Salt Lake County, Utah. By R. E. Collett, Deputy.

Dec. 2, 1907, at 2:53 o'clock P. M.,

[illegible]