

May 15, 2018

**ADMINISTRATIVE INTERPRETATION
DECISION AND FINDINGS
PLNZAD2018-00262**



REQUEST:

A request for an administrative interpretation regarding the status of a property located at approximately 1935 S Scenic Drive and whether it is a legal noncomplying lot in accordance with Salt Lake City zoning regulations.

DECISION:

The Zoning Administrator finds that the subject property located at approximately 1935 S Scenic Drive (Tax ID # 16-14-353-001-0000) is a legal noncomplying lot. The property could be developed with permitted or conditional uses allowed in the FR-3 Foothills Residential District, subject to meeting the applicable requirements of the district and any other applicable City Code and zoning regulations. Development of this property may require construction and/or extension of public way/street improvements and public utilities by the property owner as part of any building permit approval.

FINDINGS:

The subject property is currently located in the FR-3 zoning district, but does not meet the existing FR-3 zoning district development standards for minimum lot size or lot width. Additionally, the Scenic Drive public way and street improvements do not extend to the parcel. Section 21A.38.060 of the Salt Lake City Zoning Ordinance states the following regarding noncomplying lots:

Any noncomplying lot not approved by the city that was created on or between January 13, 1950 to April 12, 1995, may be approved as a legal noncomplying lot subject to the lot meeting minimum zoning and subdivision requirements at the time the lot was created and documented through an updated zoning certificate for the property.

The subject property was created between 1950 and 1995. It is located to the north of the Scenic Heights subdivision, which was platted to the south of this parcel in 1955. The legal description of the subject property is as follows:

*COM N 10° E 60 FT FR NE COR LOT 9 SCENIC HEIGHTS SUB N 10° E 75 FT S
80°43'30" W 152.61 FT S'LY ALG CURVE TO RIGHT 67.76 FT S'LY ALG CURVE TO
LEFT 13.52 FT N 79°31'30" E 159.96 FT TO BEG 0.25 AC BEING IN SW 1/4 SEC 14
1S 1E 10448-1367*

Based on documents obtained from the Salt Lake County Recorder's Office, a Warranty Deed recorded on August 10, 1959, as entry number 1669111, in book 1638, page 490, from John Schaar to Fern Lyon described a parcel with a substantially similar legal description to this parcel (Attachment 2).

The terminus of the original Scenic Drive cul-de-sac was vacated in 1962 by Salt Lake City Ordinance 57 ordinance (Attachment 3). A Dedication Plat for the existing right-of-way was presented to the Board of Commissioners and City Engineer, and signed on September 25, 1962 (Attachment 4). Also on September 25, 1962, an agreement was signed between the Mayor and John and Faye Schaar (second parties) stating that the cul-de-sac was to be a temporary terminus and that the second parties agreed to not build upon or sell individual building lots that fronted upon the cul-de-sac (Attachment 5). This was to be binding until the cul-de-sac was vacated and Scenic Drive was extended to the north. Subsequently, Salt Lake City purchased the surrounding property and there was not additional development to create the through street as described in the 1962 agreement. While the 1962 agreement limited the sale of property and construction on the cul-de-sac, it was between Salt Lake City and John and Faye Schaar. Fern Lyon, the owner of the subject property at the time, was not a party to this agreement. As such, the restrictions placed on property fronting the cul-de-sac do not apply to the subject property.

The following year, a Warranty Deed was recorded on July 8, 1963, entry number 1931188, in book 2071, page 460, from Fern Lyon to George Cayias and his wife, Dorothy (Attachment 6). The property was described as follows:

Beginning at a point North 10°00' East 60.0 feet from the Northeast corner of Lot 9, Scenic Heights Subdivision, according to the official plat thereof, and running thence North 10°00' East 75 feet; thence South 80°43'30" West 152.61 feet to a point on a curve; thence Southerly 67.76 feet along the arc of a 180.0 foot radius curve to the right, the radius of said curve at this point bears North 87°54'10" West to a point of reverse curve; thence Southerly 13.52 feet along the arc of a 113.61 foot radius curve to the left, the radius of said curve at this point bears South 66°20' East; thence North 79°31'30" East 159.96 feet to the point of beginning.

This tract is also subject to the same building restrictions as other property within the Scenic Heights Subdivision, as recorded. Purchase price of this tract does not include furnishing any improvement.

The documents described above are depicted in Attachment 7: 1935 S. Scenic Drive model. The 1958 and 1963 Zoning Maps identify the subject property as R-2, Residential. In both the 1955 and 1964 Salt Lake City zoning ordinances, Sec. 51-13-2 required a minimum lot size of 5,000 square feet for properties in the R-2 zoning district. These zoning ordinances did not include a minimum lot width requirement. The subject parcel is approximately 11,077 square feet, meeting this requirement. Because the lot met the minimum zoning and subdivision requirements in effect at the time it was created, the lot is found to be a legal noncomplying lot.

If you have any questions regarding this interpretation please contact Sara Javoronok at (801) 535-7625 or by email at sara.javoronok@slcgov.com.

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 or by mail at:

In Person: Salt Lake City Corp Planning Counter 451 S State Street, Room 215 Salt Lake City, UT	US Mail: Salt Lake City Corp Planning Counter PO Box 145471 Salt Lake City, UT 84114-5417
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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.



Sara Javoronok
Senior Planner

cc: Nick Norris, Planning Director
Joel Paterson, Zoning Administrator
Heather Gilcrease, Development Review Supervisor
Kim Peterson, East Bench Community Council
Posted to Web

Attachments:

1. Vicinity Map
2. 1959 Deed and Tract Index excerpt
3. 1962 Ordinance 57
4. 1962 Dedication Plat
5. 1962 Agreement
6. 1963 Deed and Tract Index excerpt
7. 1935 S. Scenic Drive model

Attachment 1: Vicinity Map of the Subject Property
1935 S Scenic Drive, Tax ID#16-14-353-001-0000



AUG 10 1959

Recorded at Request of FERN LYON 1924 So. 10th E. S. 10. 0-
at 9:01 A. M. Fee Paid \$ 2.00 NELLIE M. JACK, Recorder Salt Lake County, Utah
by F. Anselmo Dep. Book _____ Page _____ Ref.: _____
Mail tax notice to _____ Address Same

WARRANTY DEED

JOHN A. SCHAAR AND FAYE N. SCHAAR, his wife-----grantors
of SALT LAKE CITY, County of SALT LAKE, State of Utah, hereby
CONVEY and WARRANT to FERN LYON, a single woman,-----

of SALT LAKE CITY County of SALT LAKE grantee
TEN-----DOLLARS,
and other good and adequate consideration
the following described tract of land in SALT LAKE County,
State of Utah:

Beginning at a point which is North 10° 00' East 60.0 feet from the Northeast corner of Lot 9 Scenic Heights Subdivision; running thence North 10° 00' East 75.0 feet; thence South 80° 43' 30" West 150.38 feet; thence Southwesterly around a 175.0 foot radius curve, (the center of which is South 89° 09' West 175.0 feet) 71.83 feet; thence Southwesterly around a 125.0 foot radius curve (the center of which is South 67° 20' East 125.0 feet) 8.17 feet; thence North 79° 31' 30" East 154.36 feet to the point of beginning. Grantor reserves the right to realign the west boundary line of the tract for a roadway as may be required by Salt Lake City and reserves a 25.0 foot easement for this purpose. Easement is to terminate upon acceptance of the roadway location by Salt Lake City on all land not affected. This tract is also subject to the same building restrictions as other property within the Scenic Heights Subdivision. Purchase price of this tract does not include furnishing any improvements.

WITNESS, the hand of said grantors, this 3rd day of
August, A. D. 1959

Signed in the Presence of

Faye N. Schaar
John A. Schaar

STATE OF UTAH,
County of SALT LAKE

ss.

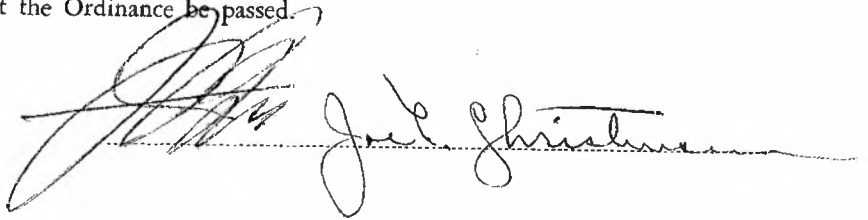
On the 3rd day of August, A. D. 1959
personally appeared before me John A. Schaar and Faye N. Schaar

the signer of the within instrument, who duly acknowledged to me that he executed the same.

Margaret G. Dalton
Notary Public.
My commission expires Jan 30, 1960 Residing in Salt Lake

VOTING	Aye	Nay
Christensen . . .	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harrison . . .	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Smart . . .	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Romney . . .	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Chairman . . .	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Result . . .	<input type="checkbox"/>	<input type="checkbox"/>

I move that the Ordinance be passed.



AN ORDINANCE

AN ORDINANCE VACATING the cul-de-sac at the north end of Scenic Drive in Scenic Heights Subdivision, all abutting property owners having petitioned for the vacation.


Be it ordained by the Board of Commissioners of Salt Lake City, Utah:

SECTION 1. That the cul-de-sac at the north end of Scenic Drive in Scenic Heights Subdivision, more particularly described as follows, be, and the same hereby is, vacated and declared no longer to be public property for use as a street, avenue, alley or pedestrian way:

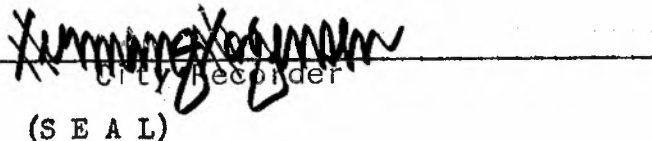
Beginning at the Northwest corner of Lot 9, Scenic Heights Subdivision of the Southwest Quarter of the Southwest Quarter of Section 14, Township 1 South, Range 1 East, Salt Lake Base and Meridian and running thence South 67°40' West, 50.0 feet; thence North 22°20' West 79.35 feet; thence Northerly, Easterly and Southerly 213.31 feet along the arc of a 50.0 foot radius curve to the right turning an angle of 244°26'03" to a point of reverse curve tangent to which point bears South 42°06'03" West; thence Southerly along the arc of a 37.958 foot radius curve to the left, 42.69 feet to the point of beginning.

Said vacation is made expressly subject to all existing rights of way and easements of all public utilities of any and every description now located in, on, under or over the confines of the above described property; and also subject to the rights of entry thereon for the altering or re-routing said utilities and all of them.

Passed by the Board of City Commissioners of Salt Lake City, Utah, this
16th day of August, 1962.



Mayor



City Recorder

(S E A L)

BILL NO. 57 of 1962
Published August 21, 1962

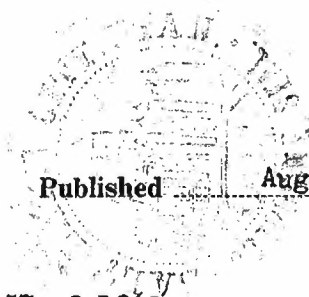
A Certified Copy sent to the City Auditor's Office for recording in the Office of the County Recorder - August 24, 1962

STATE OF UTAH, }
City and County of Salt Lake, } ss.

I, Herman J. Hogensen, City Recorder of Salt Lake City, Utah, do hereby
certify that the attached document is a full, true and correct copy of an ordinance entitled,
AN ORDINANCE VACATING the cul-de-sac at the north end of Scenic
Drive in Scenic Heights Subdivision, all abutting property owners
having petitioned for the vacation.

passed by the Board of Commissioners of Salt Lake City, Utah, August 16 1962
as appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said
City, this 24th day of August 1962.
(SEAL)



Herman J. Hogensen
City Recorder

Published August 21 1962

BILL NO. 57 of 1962

1866151

BOOK 1958 PAGE 202

Recorded **AUG 29 1962** at 1:41 P m.
Request of SALT LAKE CITY

Fee Paid. Nellie M. Jack,

Recorder, Salt Lake County, Utah

\$ Re fee By Geo. E. Latham Deputy

Ref. D. 72-32-37 Miss. Index # 4.

AN ORDINANCE

AN ORDINANCE VACATING the cul-de-sac at the north end of Scenic Drive in Scenic Heights Subdivision, all abutting property owners having petitioned for the vacation.

Be it ordained by the Board of Commissioners of Salt Lake City, Utah:

SECTION 1. That the cul-de-sac at the north end of Scenic Drive in Scenic Heights Subdivision, more particularly described as follows, be, and the same hereby is, vacated and declared no longer to be public property for use as a street, avenue, alley or pedestrian way:

Beginning at the Northwest corner of Lot 9, Scenic Heights Subdivision of the Southwest Quarter of the Southwest Quarter of Section 14, Township 1 South, Range 1 East, Salt Lake Base and Meridian and running thence South 67°40' West, 50.0 feet; thence North 22°20' West, 79.35 feet; thence Northerly, Easterly and Southerly 213.31 feet along the arc of a 50.0 foot radius curve to the right turning an angle of 244°26'03" to a point of reverse curve tangent to which point bears South 42°06'03" West; thence Southerly along the arc of a 37.958 foot radius curve to the left, 42.69 feet to the point of beginning.

Said vacation is made expressly subject to all existing rights of way and easements of all public utilities of any and every description now located in, on, under or over the confines of the above described property; and also subject to the rights of entry thereon for the altering or re-routing said utilities and all of them.

Passed by the Board of City Commissioners of Salt Lake City, Utah, this 16th day of August, 1962.

J. BRACKEN LEE

Mayor

Herman J. Hogensen

City Recorder

(SEAL)

BILL NO. 57 of 1962

Published August 21, 1962

(A-3)

Aug 29 14. 12. 13

Affidavit of Publication

STATE OF UTAH, }
County of Salt Lake } ss.

D. M. Oakey

Being first duly sworn, deposes and says that he is legal advertising clerk of the DESERET NEWS AND SALT LAKE TELEGRAM, a daily (except Sunday) newspaper printed in the English language with general circulation in Utah, and published in Salt Lake City, Salt Lake County, in the State of Utah.

That the legal notice of which a copy is attached hereto

Salt Lake City bill No 57 of 1962

An Ordinance vacating the cul-de-sac at No end
of Scenic Drive in Scenic Heights Sub.

was published in said newspaper on Aug. 21, 1962.

[Signature]
Legal Advertising Clerk

AN ORDINANCE
VACATING the
cul-de-sac at the north end of Scenic
Drive in Scenic Heights Subdivision,
all abutting property owners having
petitioned for the vacation.
Be it ordained by the Board of
Commissioners of Salt Lake City,
Utah:
SECTION 1. That the cul-de-sac
at the north end of Scenic Drive in
Scenic Heights Subdivision, more par-
ticularly described as follows, be
and the same hereby is vacated and
declared no longer to be public prop-
erty for use as a street, avenue, alley
or pedestrian way.
Beginning at the Northwest corner
of Lot 9, Scenic Heights Subdivision
of the Southwest Quarter of the
Southwest Quarter of Section 14,
Township 1 South, Range 1 East, Salt
Lake Base and Meridian and run-
ning thence South 67°40' West, 50.0
feet; thence North 22°20' West 79.35
feet; thence Northerly, Easterly and
Southerly 213.31 feet along the arc
of a 50.0 foot radius curve to the
right turning an angle of 244°26'03"
to a point of reverse curve tangent
to which point bears South 42°08'03"
West; thence Southerly along the
arc of a 37.958 foot radius curve to
the left, 42.69 feet to the point of
beginning.
Said vacation is made expressly
subject to all existing rights of way
and easements of all public utilities
of any and every description now
located in, on, under or over the
confines of the above described prop-
erty; and also subject to the rights
of entry thereon for the altering or
re-routing said utilities and all of
them.
Passed by the Board of City Com-
missioners of Salt Lake City, Utah,
this 16th day of August, 1962.
J. BRACKEN LEE Mayor
Herman J. Hogsensen
City Recorder
(SEAL)
BILL NO. 57 of 1962
Published August 21, 1962 (A-3)

Subscribed and sworn to before me this 22nd day of
August A.D. 1962.

[Signature]
Notary Public

My Commission Expires

Nov. 25, 1965

1872319

Recorded OCT 1-1962 at 1:39 p.m.
 Request of John A. Schaar
 Fee Paid, Nellie M. Jack,
 Recorder, Salt Lake County, Utah, presented to the Board of Commissioners
 \$ 4.00 By D. H. Hensgen DEED APPROVED
 Ref. 2025 Scenic Drive
City 8

BOOK 1969 PAGE 329

AGREEMENT

CITY RECORD

THIS AGREEMENT made this 15th day of September, 1962,
 between SALT LAKE CITY, a municipal corporation of the State of Utah,
 hereinafter called the CITY, and JOHN H. SCHAAAR and FAYE M. SCHAAAR,
 his wife, hereinafter called SECOND PARTIES,

WITNESSETH:

WHEREAS, the Second Parties are the owners of certain
 property to the north of Scenic Heights Subdivision; and

WHEREAS, Second Parties have presented to the City a
 dedication plat for a northerly extension of Scenic Drive termina-
 ting in a cul-de-sac at the north end thereof; and

WHEREAS, said cul-de-sac is to be only a temporary termina-
 tion to said street;

NOW, THEREFORE, in consideration of the City's acceptance
 of the dedication plat of the extension of Scenic Drive, be it
 agreed by Second Parties as follows:

1. Second Parties agree not to build upon any of the
 property adjoining the cul-de-sac at the north end of Scenic Drive,
 said cul-de-sac being more particularly described as follows:

"Beginning at a point of reverse curve which is
 North 22°20' West 11.79 feet; thence Northerly along
 a 113.61 foot radius curve to the right, 91.21 feet
 to point of reverse curve; thence along a 100 foot
 radius curve to the left, 67.76 feet from the North-
 west corner of Lot 9, Scenic Heights Subdivision of
 Section 14, T. 1 S., R. 1 E., S.L.B. & M. and running
 thence Northerly from point of reverse curve along a
 35 foot radius curve to the right, 22.83 feet to point
 of reverse curve; thence Northerly, Westerly and
 Southerly along and around a 50 foot radius curve to
 the left, 230.61 feet to a point of reverse curve;
 thence Southerly along a 22.86 foot radius curve to
 the right, 24.25 feet; thence South 03°10' East 31.94
 feet; thence North 10°00' West 13.60 feet; thence
 South 57°54'10" East 21.48 feet to point of beginning."

- 2 -

2. Second Parties further agree that no individual building lot will be sold which fronts upon said cul-de-sac.

3. This agreement prohibiting building and the sale of building lots upon the land fronting the said cul-de-sac shall be construed to be effective only until such time as said cul-de-sac is vacated and Scenic Drive extended further to the North, but shall be binding until such vacation is accomplished.

4. This agreement shall be binding upon the heirs, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed the day and year first above written.

SALT LAKE CITY CORPORATION

BY:

MAYOR

~~Herman J. Hansen~~
CITY RECORDER

JOHN W. SCHAAR

FAYE N. SCHAAR

SECOND PARTIES

STATE OF UTAH)

: ss.

COUNTY OF SALT LAKE)

On the 25th day of September, 1962, personally appeared before me J. DRAGICH LEE and HERMAN J. HOGENSEN, who being by me duly sworn, did say that they are the Mayor and City Recorder,

respectively, of Salt Lake City Corporation, and as such they executed the above and foregoing instrument on behalf of said corporation by authority of a motion of the Board of Commissioners of Salt Lake City, Utah, duly passed on the 25th day of September, 1962; and said persons acknowledged to me that the said corporation executed the same.



El Rita M. Beesley
Notary Public, residing
in Salt Lake City, Utah

My Commission Expires:

Sept. 28, 1964

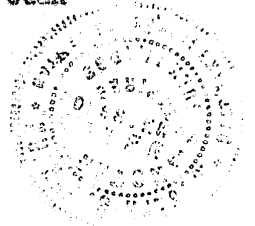
STATE OF UTAH)
: ss.
COUNTY OF SALT LAKE)

On the 25th day of September, 1962, personally appeared before me JOHN H. SCHAAR and FAYE W. SCHAAR, his wife, who duly acknowledged to me that they are the signers of the foregoing instrument and that they executed the same.

Joseph S. Denton
Notary Public, residing
Salt Lake City, Utah

My Commission Expires:

July 11, 1963



SALT LAKE COUNTY ABSTRACTS

Section 14 Township 1 South, Range 1 East, Salt Lake Meridian

D-72 *Continued from Preceding Page*
KELLY CO., MFRS., SALT LAKE 59550

[illegible]

1931188

Recorded at Request of GEORGE CAYIAS 645 East 4th South Salt Lake City, Utah.
 at 10.12.63 M. Fee Paid \$ 2.00 HAZEL TAGGART CHASE, Salt Lake County Recorder JUL 8 1963
 by [Signature] Dep. Book _____ Page _____ Ref.: _____
 Mail tax notice to _____ Address _____

WARRANTY DEED

FERN LYON grantor
 of Salt Lake City, County of Salt Lake, State of Utah, hereby
 CONVEYS and WARRANTS to GEORGE CAYIAS and DOROTHY CAYIAS,
 His wife, as joint tenants with full right
 of survivorship and not as tenants in common,

of Salt Lake City, Salt Lake County, Utah grantee s
 for the sum of
 TEN- - - - - DOLLARS,
 and other good and valuable consideration,
 the following described tract of land in Salt Lake County,
 State of Utah:

Beginning at a point North 10° 00' East 60.0 feet from the
 Northeast corner of Lot 9, Scenic Heights Subdivision, according
 to the official plat thereof, and running thence North 10° 00'
 East 75.0 feet; thence South 80° 43' 30" West 152.61 feet to a
 point on a curve; thence Southerly 67.76 feet along the arc of
 a 180.0 foot radius curve to the right, the radius of said curve
 at this point bears North 87° 54' 10" West to a point of reverse
 curve; thence Southerly 13.52 feet along the arc of a 113.61
 foot radius curve to the left, the radius of said curve at this
 point bears South 66° 20' East; thence North 79° 31' 30" East
 159.96 feet to the point of beginning.

This tract is also subject to the same building restrictions
 as other property within the Scenic Heights Subdivision, as
 recorded. Purchase price of this tract does not include
 furnishing any improvement.

WITNESS, the hand of said grantor, this 5th day of
 July, A. D. 19 63

Signed in the Presence of

STATE OF UTAH,

County of Salt Lake

ss.

On the 5th day of July
 personally appeared before me FERN LYON

the signer, of the within instrument, who duly acknowledged to me that she executed the
 same.

My commission expires 9-30-63. Residing in Salt Lake City, Utah

