

August 14, 2018

**ADMINISTRATIVE INTERPRETATION  
DECISION AND FINDINGS  
PLNZAD2018-00626**



**REQUEST:**

A request for an Administrative Interpretation regarding the required setbacks and stepbacks for the building proposed for construction by the Spy Hop organization on the vacant parcel at 208 West 900 South (see attached map). The subject parcel is located in the FB-UN2 (Form Based Urban Neighborhood) zoning district.

**DECISION:**

The Zoning Administrator finds that the proposed building meets the setback standard because the subject parcel is not considered to be adjacent to an FB-UN1 zoning district due to an alleyway separation between it and the FB-UN1 parcels in question. The proposal also meets the standards for the upper level setback as long as the planned parapet walls are meant to block mechanical equipment and that no structural element rising above 30' (with the exception of the stairway towers) are within 15 feet of the edge of the building on the south and east sides.

**FINDINGS:**

The proposed structure on the subject parcel is to be oriented primarily toward 900 South. Consequently, the south side of the structure adjacent to 900 South would be considered the front yard, the corner side yard would be adjacent to 200 West on the east, The rear yard would be adjacent to the parcel to the north known as 862 S Jefferson Street, and the interior side yard would be on the west side directly adjacent to an existing alleyway.

As illustrated on the attached map, the parcel adjacent to 900 South and west of the subject parcel separated by the alley (known by the address 873 S Washington) is within the FB-UN2 zoning district. The two parcels directly north of it (863 and 869 S Washington) and west of the subject parcel, however, are zoned FB-UN1.

Per Table 21A.27.050.C of the Salt Lake City zoning code, the required setback for a storefront building form from the interior side yard is the following:

*Minimum of 15' along a side property line adjacent to FB-UN1 or any residential zoning district that has a maximum building height of 35' or less, otherwise no setback required*

There is not a definition for the word "adjacent" in the Salt Lake City zoning code. In such a situation, the Merriam-Webster online dictionary ([www.merriam-webster.com](http://www.merriam-webster.com)) definition is utilized. The definition for adjacent in that dictionary is:

1. *a :not distant: nearby - the city and adjacent suburbs*  
*b :having a common endpoint or border - adjacent lots - adjacent sides of a triangle*  
*c :immediately preceding or following*
2. *of two angles: having the vertex and one side in common*

Given that there is an alley between the subject parcel and the FB-UN1 parcels to the west of the proposed development, they are not considered adjacent in that they do not have a common border or one side in common. Therefore, the setback requirement listed above does not pertain along the interior side yard of the subject parcel.

Table 21A.27.050.C also contains upper level stepback requirements for all building forms:

*Buildings shall be stepped back 1 additional foot for every foot of building height above 30' along a side or rear property line adjacent to FB-UN1 or any residential zoning district that has a maximum building height of 35' or less, unless the building is set back from the property line 45' or more. When a parcel in the FB-UN2 District is separated by an alley from a parcel in the FB-UN1 District, or any residential zoning district that has a maximum building height of 35' or less, the width of the alley may be counted toward the upper level step back*

Documents provided with this petition state that the alley is 16' 4" wide and that the setback from the west property line is 3' 9". Those measurements combine for a total distance of 20' 1". The total height of the building along the western side is reported to be 47' 4". Subtracting 30' from that height leaves a total of 17' 4" which is less than the total distance of 20' 1" separation from the parcels on the west side of the alley which puts the proposed height along the western side of the building in compliance with the standard listed above.

The design standards section of the Form Based Districts chapter of the Salt Lake City zoning code 21A.27.030(C4) also addresses setback requirements:

- b. Stepback Requirement: Floors rising above thirty feet (30') in height shall be stepped back fifteen (15) horizontal feet from the building foundation at grade for building elevations that are adjacent to a public street, public trail, or public open space. This stepback does not apply to buildings that have balconies on floors rising above thirty feet (30') in height.*

Chapter 21A.62.040 of the Salt Lake City zoning code contains the following definition of alley:

*ALLEY: A public or private right of way that affords a service access to abutting property.*

Seeing as alley is a defined term which stands on its' own, it is not considered a street and consequently, the stepback requirement does not apply to the west side of the building against the alleyway. However, the stepback requirement does pertain to the south and east side of the building which front on 900 South and 200 West accordingly.

The following is taken from the information submitted with this petition by the applicant:

*The building mostly stands 30 feet tall from finish floor to finish floor with a parapet wall extending the height to 34' 1". Stair towers in the northeast and southwest corners increases the height to 47' 4". In addition, there is a rooftop venue space in the northwestern corner of the rooftop with the top-of-wall height at 47' 4".*

Given this description, along with submitted drawings, Table 21A.36.020C (Height Exceptions) is pertinent in that it allows for up to 16 additional feet of height for elevator/stairway towers. Parapet walls are also allowed up to 5 feet in height if they are for mechanical equipment. The

submitted materials were not clear if the parapet wall was meant to hide mechanical equipment but if so, they would also be allowed. Besides the parapet wall and the stairway towers (which are exempt), there must be at least a 15 foot setback from the south and east sides of the building. The submitted plans indicate that this is the case with greater height allowed for the venue space in the northwest corner.

If you have any questions regarding this interpretation please contact Chris Lee at (801) 535-7706 or by email at [chris.lee@slcgov.com](mailto:chris.lee@slcgov.com).

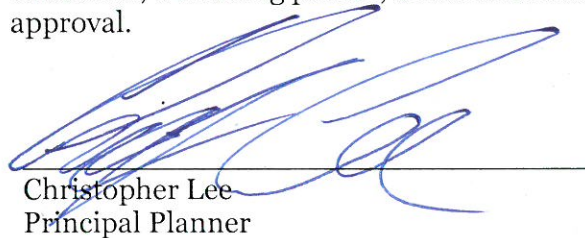
**APPEAL PROCESS:**

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 <https://www.slc.gov/planning/applications/> along with information about the applicable fee. Appeals may be filed in person or by mail at:

<b>In Person:</b> Salt Lake City Corp Planning Counter 451 S State Street, Room 215 Salt Lake City, UT	<b>US Mail:</b> Salt Lake City Corp Planning Counter PO Box 145471 Salt Lake City, UT 84114-5417
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**NOTICE:**

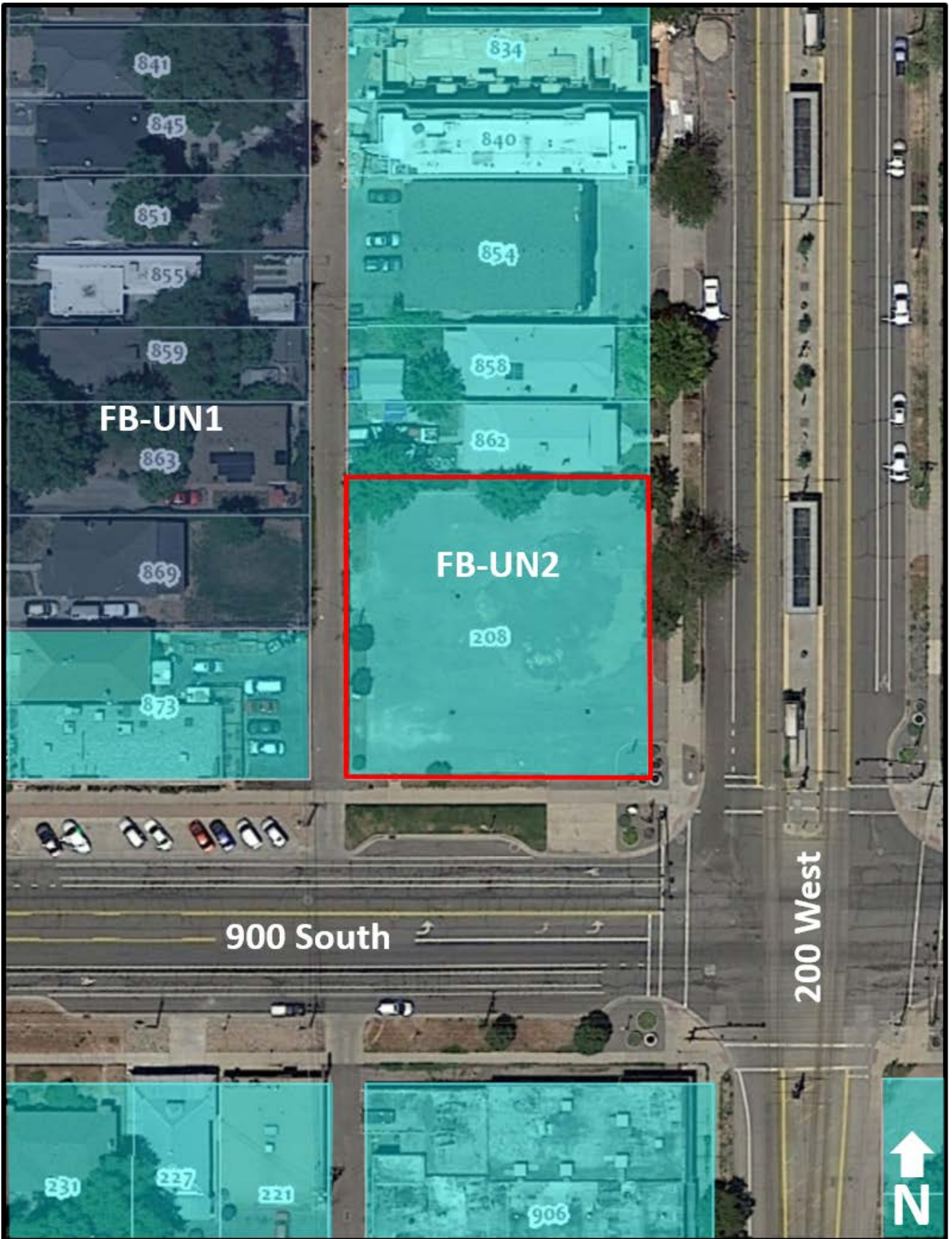
Please be advised that a determination finding a particular use to be a permitted use or a conditional use shall not authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure. It shall merely authorize the preparation, 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.



Christopher Lee  
Principal Planner

cc: Nick Norris, Planning Director  
Joel Paterson, Zoning Administrator  
Greg Mikolash, Development Review Supervisor  
Posted to Web  
Applicable Recognized Organizations





 Subject Parcel