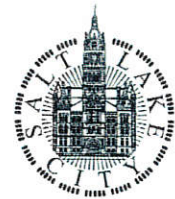


FEBRUARY 13, 2018



**ADMINISTRATIVE INTERPRETATION
DECISION AND FINDINGS
PLNZAD2018-00062**

REQUEST:

This is a request for an administrative interpretation regarding whether the property located at approximately 1029 S 800 W (tax ID# 15-11-428-010) is a legal noncomplying lot in accordance with the Salt Lake City zoning regulations. The purpose of the request is to determine if a principal building can be constructed on the property.

DECISION:

The Zoning Administrator finds that the subject property located at approximately 1029 S 800 W Street (tax ID# 15-11-428-010) is not recognized by Salt Lake City as a legal noncomplying lot and therefore a principal building cannot be constructed on the property.

FINDINGS:

The subject property is currently located in the M-1 (Light Manufacturing) zoning district. The lot has a total area of approximately 6,270 SF and does not have frontage on a public street. The M-1 zoning district requires a minimum lot area of 10,000 SF and all lots to front on a public street. The subject property does not comply with the minimum lot area and frontage requirements of the M-1 zoning district.

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.”

Based on documents obtained from the Salt Lake County Recorder's Office, the first instance the subject lot is described as an individual parcel is in 1976. A Waiver of Lien recorded on September 21, 1976, as entry number 2858294 in book 4343 page 281, describes the subject property as follows:

Com 58 ft N & 136 ft E fr SW cor Lot 15, Blk 8 Five Acre Plat B, BFS N 57 ft E 110 ft S 57 ft W 110 ft to beg.

along with the property immediately to west and addressed also as 1029 S 800 W (tax ID# 15-11-428-006):

Com 58 ft N fr SW cor Lot 15, Blk 8 Five Acre Plat B, BFS N 57 ft E 136 ft S 57 ft E W 136 ft to beg.

Three Deeds of Reconveyance recorded on January 12, 1973, as entries 2511743, 2511744, and 2511745 in book 3238 pages 38, 39 and 40 show that the two properties were until then treated as one parcel and described as:

Beginning at point 58 feet North from the Southwest corner of Lot 15, Block 8, Five Acre Plat "B", Big Field Survey, and running thence North 57 feet; thence East 246 feet; thence South 57 feet; thence West 136 feet to the point of beginning.

When the lot was created, section 6811(E) of the Salt Lake City Subdivision Ordinance required that all lots faced upon a street. There is no record of the lot being approved by Salt Lake City through the required subdivision process and, because the lot does not meet the minimum zoning and subdivision requirements in effect at the time it was created, the lot is not found to be a legal noncomplying lot.

The lot can be combined through a lot consolidation process with the parcel to west, 1029 S 800 W (tax ID# 15-11-428-006), or the parcel to the east, 1035 S 800 W (tax ID# 15-11-428-009) and developed in accordance with the permitted uses, bulk, height and setbacks of the M-1 zoning district.

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.



Mayara Lima
Associate Planner
Salt Lake City Planning Division

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

Attachments:

Vicinity map of subject property
1976 Waiver of Lien and Abstract
1973 Deeds of Reconveyance and Abstract



In the Matter of the Estate of

2858294

William John Wohlfarth Deceased.

WAIVER OF LIEN

Afton Wohlfarth....., having submitted to the undersigned a request for a waiver of lien for inheritance taxes, and having supported the same by.....affidavit....., the undersigned in reliance upon the facts contained in the above said document, does hereby waive any and all claims to a lien for inheritance taxes due to the state of Utah from the estate of the above-named decedent upon the following described real property situated in.....Salt Lake.....County, State of Utah, to-wit:

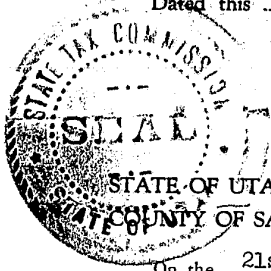
Com 58 ft N & 136 ft E fr SW cor Lot 15, Blk 8 Five Acre Plat B, BFS N 57 ft E 110 ft S 57 ft W 110 ft to beg.

Com 58 ft N fr SW cor Lot 15 Blk 8 Five Acre plat B BFS N 57 ft E 136 ft S 57 ft W 136 ft to beg.

Recorded SEP 21 1976 ^{2:4 p} m.
Request of Afton Wohlfarth
KATIE L. DIXON, Recorder
Salt Lake County, Utah
\$ 2.50 By Patricia Brown Deputy
REF. 1029 to 800 west
84104

Dated this 21st day of September, 1976

UTAH STATE TAX COMMISSION

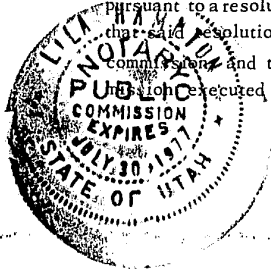


By Charles T. Duggar
Authorized Representative

STATE OF UTAH }
COUNTY OF SALT LAKE } ss.

On the 21st day of September, 1976, personally appeared before me Charles T. Duggar,

who, being first duly sworn, did depose and say; that he is an authorized representative of the Utah State Tax Commission, a political body of the state of Utah, that he signed the above instrument for and on behalf of the said tax commission by order of and pursuant to a resolution of that body, which resolution is duly entered into the records of the said commission; that said resolution duly authorizes him to execute the foregoing instrument for and on behalf of the said tax commission and the above authorized representative acknowledged to me that he, on behalf of said commission, executed the same.



Lila Hampton
Notary Public
Residing at Salt Lake City, Utah

BOOK 4343 PAGE 281

Salt Lake County Abstracts

BOOK C 40 PAGE 29

Continued from preceding page

Table with columns: LINE NO., DATE OF INSTRUMENT, ENTRY NO., RELEASED ON MARGIN, GRANTORS, WITNESS, GRANTEEES, KIND OF INSTRUMENT, CONSIDERATION. Contains entries 1 through 45.

Block 8 5 Acre Plat "B", Big Field Survey

BOOK C 40 PAGE 29

Table with columns: Line No., LOTS (1-20), Same Description as Line, DESCRIPTION. Contains entries 1 through 45 with detailed lot descriptions.

(over)



Return to:
 William Wohlfarth
 1029 South 7th West
 Salt Lake City, Utah
DEED OF RECONVEYANCE

WESTERN STATES TITLE COMPANY, a corporation of the State of Utah, as Trustee, under a certain Trust Deed dated **February 21, 1963** and executed by **William Wohlfarth and Afton G. Wohlfarth, his wife** as Trustor, and recorded **February 27, 1963** in Book 2021 at Page 635 as Entry No. 1902501 of the records of the **Salt Lake** County Recorder, pursuant to a written request of the beneficiary thereunder, does hereby reconvey, without warranty, to the person or persons legally entitled thereto, the trust property now held by it as Trustee under said Trust Deed, which Trust Deed covers real property in State of Utah, particularly described as follows:

Beginning at a point 58 feet North from the Southwest corner of Lot 15, Block 8, Five Acre Plat "B", Big Field Survey, and running thence North 57 feet; thence East 246 feet; thence South 57 feet; thence West 246 feet to the point of beginning.

JAN 12 1973 at 9:13 AM
 Recorded
 Request of **LOCKHART COMPANY**
 Fee Paid **JERADEAN MARTIN**
 Recorder, Salt Lake County, Utah
 \$ 2.00 By *[Signature]* Deputy
 Ref.

IN WITNESS WHEREOF, WESTERN STATES TITLE COMPANY, as Trustee, has executed this Deed of Reconveyance and caused its corporate name and seal to be affixed this **12th** day of **January** 19 **73**.

WESTERN STATES TITLE COMPANY
 Trustee

By

[Signature]
 (Authorized signature)

State of Utah
 County of **Salt Lake**

On the **12th** day of **January** 19 **73**, personally appeared before me **Floyd B. Jensen** **Vice President** of **WESTERN STATES TITLE COMPANY**, who being by me first duly sworn did say that he is the that executed the foregoing instrument as such Trustee and that said instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors and said **Floyd B. Jensen** acknowledged to me that said corporation executed the same as such Trustee.

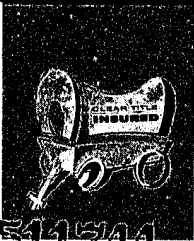
My Commission Expires: **February 2, 1973**

Notary Public

Residing at: **Salt Lake City, Utah**

[Signature]
 Notary Public

BOOK 3238 PAGE 38



Return to:
 William J. Wohlfarth
 1029 South 7th West
 Salt Lake City, Utah

DEED OF RECONVEYANCE

2511744

WESTERN STATES TITLE COMPANY, a corporation of the State of Utah, as Trustee, under a certain Trust Deed dated **February 15, 1968** and executed by **William J. Wohlfarth & Afton G. Wohlfarth, his wife** as Trustor, and recorded **February 21, 1968** in Book 2634 at Page 200 as Entry No. 2234589 of the records of the **Salt Lake** County Recorder, pursuant to a written request of the beneficiary thereunder, does hereby reconvey, without warranty, to the person or persons legally entitled thereto, the trust property now held by it as Trustee under said Trust Deed, which Trust Deed covers real property in State of Utah, particularly described as follows:

Beginning at a point North from the Southwest corner of Lot 15, Block 8, Five Acre Plat "B", Big Field Survey, and running thence North 57 feet; thence East 246 feet; thence South 57 feet; thence West 246 feet to the place of beginning.

Recorded JAN 12 1973 9:14 A.M.
 Request of LOCKHART COMPANY
 Fee Paid JERADEAN MARTIN
 Recorder, Salt Lake County, Utah
 \$ 2.00 By P. Larson Deputy
 Ref. _____

IN WITNESS WHEREOF, WESTERN STATES TITLE COMPANY, as Trustee, has executed this Deed of Reconveyance and caused its corporate name and seal to be affixed this 12th day of January 19 73.

WESTERN STATES TITLE COMPANY
 Trustee

By

Floyd B. Jensen
 (Authorized signature)

State of Utah

County of **Salt Lake**

On the 12th day of January 1973, personally appeared before me Floyd B. Jensen of WESTERN STATES TITLE COMPANY, who being by me first duly sworn did say that he is the **Vice President** of said WESTERN STATES TITLE COMPANY, the corporation that executed the foregoing instrument, as such Trustee and that said instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors and said **Floyd B. Jensen** acknowledged to me that said corporation executed the same as such Trustee.

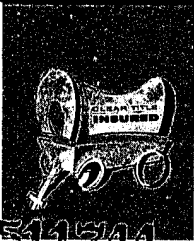
My Commission Expires: February 2, 1973

Notary Public
 Residing at:

Ileen J. Anderson
Salt Lake City, Utah

BOOK 3238 PAGE

39



Return to:
 William J. Wohlfarth
 1029 South 7th West
 Salt Lake City, Utah

DEED OF RECONVEYANCE

2511744

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 Recorder, Salt Lake County, Utah
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WESTERN STATES TITLE COMPANY
 Trustee

By

Floyd B. Jensen
 (Authorized signature)

State of Utah

County of **Salt Lake**

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My Commission Expires: February 2, 1973

Notary Public
 Residing at:

Ileen J. Anderson
Salt Lake City, Utah

BOOK 3238 PAGE

39

Salt Lake County Abstracts

BOOK C 40 PAGE 29 Continued from preceding page

Table with columns: LINE NO., DATE OF INSTRUMENT, ENTRY NO., RELEASED ON MARGIN, GRANTORS, WITNESS, GRANTEEES, KIND OF INSTRUMENT, CONSIDERATION. Contains 45 rows of legal records.

Block 8 5 Acre Plat "B", Big Field Survey

BOOK C 40 PAGE 29

Table with columns: Line No., LOTS (1-20), Same Description as Line, DESCRIPTION. Contains 45 rows of land survey descriptions.

(over)