

**March 27, 2019**

**ADMINISTRATIVE INTERPRETATION  
DECISION AND FINDINGS  
PLNZAD2019-00201**



**REQUEST:**

This is a request for an administrative interpretation regarding whether the property located at approximately 520 N. H Street (Tax ID#09-31-236-004-0000) is a legal 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 520 N H (Tax ID#09-31-236-004-0000) is recognized by Salt Lake City as a legal noncomplying lot. Therefore, a single family detached dwelling could be constructed on the property subject to the requirements of the applicable SR-1A zoning district and any other applicable approvals and permits required from other city divisions.

**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 4,025 square feet (0.09 acres), and a lot width of 35 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 subject lot was created prior to January 13, 1950. The subject parcel is described as an individual lot in 1944. The subject parcel is described in a Warranty Deed (#258379 in Book 406 Page 685, also abstracted in book C-16, Page 246, line 22) from Enoch Smith to Herbert A Snow. The associated deed and abstract are attached to this interpretation. In the 1944 deed, the property is described as follows:

*Beginning at a point 130 feet South of the Northwest corner of Lot 3, Block 146, Plat "D," Salt Lake city Survey, and running thence East 115 feet; thence South 35 feet; thence West 115 feet; thence North 35 feet, to the place of the beginning. 130 FT S of the NW corn lot 3, E 115 Ft S35 FT W 115 FT, N 35 FT to beginning,*

*Together with a perpetual right of way over the following:*

*Commencing at a point 115 feet South of the Northwest corner of said Lot 3, and running thence east 20 rods; thence South 15 feet; thence west 20 rods; thence North 15 feet, to the place of the beginning.*

In 1944 the property was zoned Residential A which required a lot area of 3,000 SF for a single family dwelling. There was not a lot width requirement in 1944. As such, the subject lot met the minimum zoning requirements at the time the lot was created, which was before 1950.

The current legal description of the property has changed from the legal description in 1944. The legal description of the property was revised to change the starting point, but both legal descriptions describe the subject property in its current configuration. The current legal description of the property is as follows:

*COM AT SW COR LOT 3 BLK 146 PLAT D SLC SUR N 35 FT E 115 FT S 35 FT W  
115 FT TO BEG.*

Since the lot was legally created prior to 1950 and complied with zoning requirements at the time 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 requirements of the SR-1A 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.

**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.



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Amy Thompson  
Senior Planner

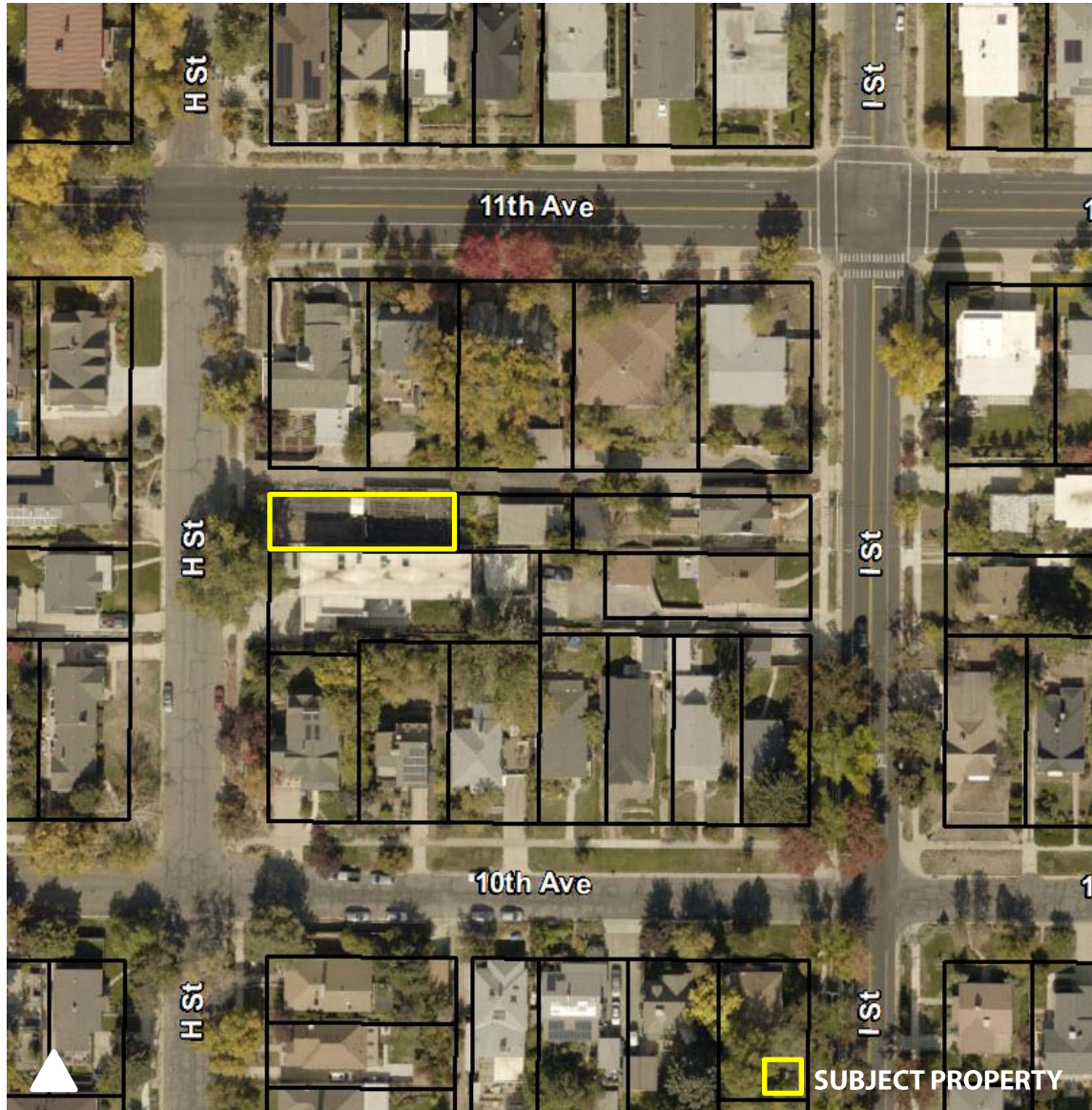
**CC:**

Nick Norris, Planning Director  
Joel Paterson, Zoning Administrator  
Greg Mikolash, Development Review Supervisor  
Applicable Recognized Organization – Greater Avenues Community Council Chair  
Posted to Web  
File

**Attachments:**

Vicinity map of subject property  
1944 Deed & Abstract

**Vicinity Map of Subject Property** (520 N H Street, Parcel 09-31-236-004-0000)



990921

Recorded at Request of

Herbert A. Snow  
Cornelia S. Lund, Recorder S. L. County, Utah

DEC 15 1944

3071 MRS. SNOW

By

Dep.

Book 406 Page 685

Ref: 616-246-22

## WARRANTY DEED

ENOCH SMITH, a widower, grantor, of Salt Lake County, State of Utah, hereby CONVEYS AND WARRANTS to HERBERT A. SNOW, grantee, of Salt Lake County, State of Utah, for the sum of TEN DOLLARS and other good and valuable considerations, receipt of which is hereby acknowledged, the following described property located in Salt Lake County, State of Utah, to-wit:

Beginning at a point 150 feet South of the Northwest corner of Lot 3, Block 146, Plat "D," Salt Lake City Survey, and running thence East 115 feet; thence South 35 feet; thence West 115 feet; thence North 35 feet, to the place of beginning,

Together with a perpetual right of way over the following:

Commencing at a point 115 feet South of the Northwest corner of said Lot 3, and running thence East 20 rods; thence South 15 feet; thence West 20 rods; thence North 15 feet, to the place of beginning.

WITNESS the signature of the grantor hereto this 29th day of July, 1938.

*Enoch Smith*

Signed in the presence of

*Oliver H. Boyle*

STATE OF UTAH )  
: ss  
COUNTY OF SALT LAKE )

On this 29th day of July, 1938, personally appeared before

me ENOCH SMITH, a widower, the signer of the foregoing instrument, who acknowledged to me that he executed the same.



*Oliver H. Boyle*  
Notary Public  
Residing in Salt Lake County, Utah.



Line No.	DATE OF INST. AND DATE OF FILING				RELEASE ON MARGIN		GRANTORS	Witness	GRANTEES	Kind of Instrument	Consideration	LOTS				Some Description as Laid	DESCRIPTION
	Month	Day	Year	Hour	Book	Page						Month	Day	Year	1		
1	July	17	1940			885059	James R Howell & Virginia M		1	First Security Trust Co.	mtge	4400.00	1	2		Com 55 ft E of NW cor lot 2, 655 ft, N 110 ft, W 55 ft, S 110 ft to beg. To see note for \$4400.00	
2	Aug	7	1940			886564	Adeline Rancher widow et al		1	First Security Trust Co	mtge	5400.00	2	2		Com 56 cor lot 2, N 55 ft, N 110 ft, 655 ft, S 110 ft to beg. To see note for \$5400.00	
3	Aug	20	1940			887484	Charles H. Christensen, Surveyor		-	To whom it may concern	Plat.		3	2		Reg at S.E. cor lot 2, N 110.0 ft, W 55.0 ft, S 110.0 ft, E 55.0 ft to beg. Certificate of Survey for encroachments etc.	
4	Sept	16	1940			889170	Homer B. Duncan & wife Edith W.		1	First Federal Sav & Loan Assn	mtge	52.00	4	1		Com at S.W. cor of lot 1, E 41 1/4 ft, N 125 ft, W 41 1/4 ft, S 125 ft to beg. Reg with R of W over: Com 110 ft N of S.E. cor of ad lot, W 160 ft, N 50 ft, E 40 ft, S 125 ft to beg. To see note of \$52.63	
5	Nov	16	1940			893867	Enoch Smith, a widower		-	Robert H. Burton & Mahdony Burton	W.D.	10.00	5	3	4	Com 115 ft E of NW cor lot 3, N 35 ft, 670 ft, S 35 ft, N 110 ft to beg. Reg with R of W over: Com 35 ft N of NW cor lot 3, 620 ft, N 115 ft, W 200 ft, S 15 ft to beg.	
6	Apr	1	1941			901063	Homer B. Duncan & wife Edith W.		-	Zion's Savings Bank & Trust Co	mtge	2000.00	6	1		Com at S.W. cor lot 1, E 41 1/4 ft, N 115 ft, W 41 1/4 ft, S 115 ft to beg. To see note for \$2000.00	
7	Apr	1	1941			901151	First Federal Savings & Loan Assn		-	Homer B. Duncan & wife Edith W.	Ref of mtge	Paid	7	1		4 Release mtge in Bk 209 pgs 206-7 & Bk 250 pgs 45-5	
8	Apr	1	1941			902275	Homer B. Duncan & wife Edith W.		1	Charles W. Gibbs Co.	mtge	325.00	8	1		same R of W as line 4 above	
9	May	10	1941			904963	G. F. Negessy & wife Eva J.		-	J. Grover Rich	Q.B.D.	342.44	9	1		To see note for \$325.00 This mtge subg. & end to 1st mtge for \$2000.00	
10	June	3	1941			907098	J. F. Negessy & wife Eva J.		-	J. Grover Rich	Q.B.D.	10.00	10	1		Com at S.E. cor of lot 1, W 2 1/2 rds, N 115 ft, E 2 1/2 rds, S 115 ft to beg. Reg with R of W over fol: Com at a pt 115 ft N of S.E. cor of lot 1, W 165 ft, N 50 ft, E 40 ft, S 125 ft to beg. Judgment Quieting Title	
11	Aug	23	1941			912929	In 3rd Jud Dist Chmpt. Bldg. Margaretha Hassenwenter et al		-	J. Grover Rich	Judgment		11	1		Com. at S.E. cor. of lot 1 - 1st 2 1/2 rds; N 115 ft; E 2 1/2 rds; S 115 ft to place of beg.	
12	Sept	17	1941			913848	Henry Schutte & wife Violet		1	First Security Trust Co.	Mtge.	5800.00	12	1		To secure note for \$5300.00	
13	Sept	4	1941			913847	J. Grover Rich & wife Mildred F.		1	Henry Schutte & Violet	Sp. D.	10.00	13	1		Com at S.E. cor lot 1, N 115 ft, E 2 1/2 rds, S 115 ft to place of beg. Reg. with R of W over fol: Com at a pt 115 ft N from S.E. cor lot 1, N 165 ft, W 50 ft, E 40 ft, S 125 ft, S 10 ft to place of beg.	
14	Nov	2	1942			940388	Wallace J. Bennett		-	Enoch Smith	Ref of mtge	5500.00	14	3	4	Release of mtge in Bk 172 W pg 539-40 & other prop.	
15	Jan	18	1943			944760	Flourence Pape also as		1	Charles L. Wheeler & wife Zephora M.	W.D.	10.00	15	2		Reg at NW cor lot 2, E 165 ft, S 55 ft, W 165 ft, N 55 ft to beg. Subg. to mtge bal \$4457.25	
16	Jan	19	1943			944759	Flourence J. Pape widow		1	Flourence J. Pape also as	Q.B.D.	10.00	16	2		Release mtge in Bk 161 pgs 96-7	
17	Nov	27	1943			968783	Flourence Paul also as		1	Flourence J. Pape also as	Ref of	Paid	17	1		Reg 32 1/2 ft W of S.E. cor lot 1, N 125 ft, W 41 1/4 ft, S 125 ft, E 41 1/4 ft to beg. Subg. to & to reg with R of W over: Reg. 115 ft N of S.E. cor of ad lot 1, W 165 ft, N 50 ft, E 40 ft, S 125 ft, S 10 ft to beg. Subg. to & to reg after Nov 15, 1943	
18	Feb	4	1944			971195	The Prudential Insurance Co of America		1	Homer B. Duncan & wife Edith W.	Mtge	Paid	18	1		Com at NW cor of lot 4, E 115 ft, W 75 ft, N 115 ft, E 75 ft to beg. Reg with R of W over	
19	Nov	15	1943			978784	Fred Bos & wife Eleanor		2	Milton J. Rixson & wife Audrin V.	W.D.	10.00	19	3	4	Com 115 ft E of NW cor of ad lot 4, W 330 ft, S 15 ft, E 330 ft, N 15 ft to beg.	
20	Sept	15	1943			970594	Enoch Smith widow		-	Charles W. Smith	W.D.	10.00	20	3		Com 60 ft E of NW cor of lot 3, E 115 ft, E 55 ft, N 115 ft, W 55 ft to beg. Reg with R of W over fol.	
21	July	25	1944			980841	Theodore Long & wife Worden R.		1	Edgar C. Jensen	W.D.	10.00	21	3		Com 115 ft E of NW cor of lot 3, E 115 ft, E 165 ft, N 115 ft, W 165 ft to beg. Subg. to 1944 later	
22	July	17	1944			980843	Edgar C. Jensen & wife Isabelle P.		-	Zion's Savings Bank & Trust Co.	Mtge	6000.00	22	3		Reg 60 ft E of NW cor lot 3, E 55 ft, S 115 ft, W 55 ft, N 115 ft to beg. Located at 564-11th Ave.	
23	Sept	26	1944			981921	Enoch Smith widow		1	Herbert A. Snow	W.D.	10.00	23	3	4	Reg 130 ft E of NW cor lot 3, E 115 ft, S 55 ft, W 115 ft, N 55 ft to beg. Reg with R of W over: Com 115 ft E of NW cor lot 3, E 200 ft, E 115 ft, to beg.	
24	Dec	15	1944			990925	Marguerite Burbidge Smith his daughter		-	Marguerite Burbidge Smith	W.D.	1.00	24	3	4	Reg 75 ft W of NW cor Bk 174, W 70 ft, E 115 ft, E 70 ft, N 115 ft to beg. Reg with R of W over, Reg 115 ft E of NW cor of ad Bk 173, E 15 ft, E 330 ft, N 115 ft to beg.	
25	Dec	28	1944			991621	Marguerite Burbidge Smith		-	Marguerite Smith Burbidge	Q.B.D.	1.00	25	3	4	23	
26	May	1	1945			1005226	Henry Schutte & wife Violet		1	Thomas Young & wife Ethel C.	Mtge	4755.00	26	1		9 Known as #573-10th Ave.	
27	May	5	1945			1005226	Homer B. Duncan & wife Edith W.		-	Zion's Savings Bank & Trust Co	mtge	2850.00	27	3	4	6	
28	May	8	1947			1074707	Charles W. Smith & wife Leone H.		1	Emily S. Allen	W.D.	10.00	28	3	4	Subg. to line for 1946 taxes	
29	May	8	1947			1074707	Edgar C. Jensen & wife Isabelle P.		-	Zion's Sav. Bank & Trust Co	Mtge	7200.00	29	3		Com at N.E. cor of lot 7, S 115 ft, W 75 ft, N 115 ft, E 75 ft to beg. Reg with R of W over 115 ft S of NW cor lot 7, W 330 ft, S 15 ft to beg.	
30	Dec	23	1947			1077850	Occidental Life Insurance Co. of Calif.		1	Walter L. Batchelor & wife Dorothy	Aschge		30	2		Reg at a pt. 60 ft E of NW cor of lot 3, E 55 ft, S 115 ft, W 55 ft, N 115 ft to beg.	
31	Apr	7	1947			1080197	Walter L. Batchelor & wife Dorothy		-	Charles L. Wheeler & wife Zephora M.	W.D.	10.00	31	2		Discharges mtge. Rec in Bk 241, p 602.	
32	May	13	1947			1083073	Maybelle Covey Burton		1	Adeline Gardner	Q.C.D.	1.00	32	3	4	Reg 55 ft E of NW cor lot 2, E 55 ft, S 88 ft, W 55 ft, N 8 ft to beg.	
33	May	14	1947			1083074	Adeline Gardner		1	Covey - as pt ten & to her	Q.C.D.	1.00	33	3	4	Reg 50 ft W of NW cor lot 4, E 70 ft, S 115 ft, W 70 ft, N 115 ft to beg. Reg. with R of W. See Rec.	
34	June	19	1948			1125238	Charles W. Gibbs Co		1	Zion's Sav. Bank & Trust Co.	Mtge	325.00	34	1		31	
35	Apr	30	1948			1124847	First Security Trust Co.		-	First Security Bank of Utah N.A.	Mtge	1.00	35	2		Assigns mtge. Rec in Bk 267, p 552.	
36	Apr	30	1948			1124847	First Security Trust Co.		-	First Security Bank of Utah N.A.	Mtge	1.00	36	2		Assigns mtge. Rec in Bk 260, pg 5.	
37	Sept	13	1948			1134403	Homer B. Duncan & wife Edith W.		-	Zion's Savings Bank & Trust Co.	Mtge	3400.00	37	1		Assigns mtge. Rec in Bk 260, pg 58.	
38	Sept	29	1948			1137283	Archibald G. H. Webb		1	Edith M. Webb, wife of Grantor	W.D.	10.00	38	2		Com. SW cor. lot 1, E 41 1/4 ft, N 115 ft, W 41 1/4 ft, S 115 ft to beg.	
39	Oct	14	1948			1140240	Walter L. Batchelor		-	Dorothy Batchelor wife of Grantor	W.D.	10.00	39	1		Com. NE cor. lot 1, W 165 ft, S 40 ft, E 165 ft, N 40 ft to beg. To reg with R of W over 10 foot strip adj. these premises on the South. Subg. to R of W the W 40 ft of ad. above desc. parcel of land.	
40	Nov	12	1948			1144706	Wilton F. Rixson & wife Audrin V.		-	as pt. ten & to her	W.D.	10.00	40	1		Com. SW cor. lot 2, N 110 ft, E 55 ft, S 110 ft, W 55 ft to beg.	
41	Dec	20	1948			1144707	Homer B. Duncan & wife Edith W.		-	Equitable Life Assurance Society of U.S.	Mtge.	4000.00	41	1		Reg. 82 1/2 ft W of SE cor. lot 1, N 125 ft, W 41 1/4 ft, S 125 ft, E 41 1/4 ft to beg. Subg. to & to reg with R of W over: Reg. 115 ft N of SE cor. lot 1, W 165 ft, N 50 ft, E 40 ft, S 40 ft, E 125 ft, S 10 ft to beg.	
42	Dec	30	1948			1147708	Zion's Savings Bank & Trust Company		-	Homer B. Duncan & wife Edith W.	Mtge.	Paid	42	1		Com. SW cor. lot 1, E 41 1/4 ft, N 115 ft, W 41 1/4 ft, S 115 ft to beg.	
43	Dec	30	1948			1147708	Zion's Savings Bank & Trust Co.		-	Homer B. Duncan & wife Edith W.	Mtge.	Paid	43	1		Release mtge. Recorded in Bk 267, pg 552, also see Bk 617, pg 268.	
44													44			Release mtge. Recorded in Bk 634, pg 183, also see Bk 441, pg 435. See Entry #1013968 & 1134403.	
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