

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.



Amy Thompson
Senior Planner

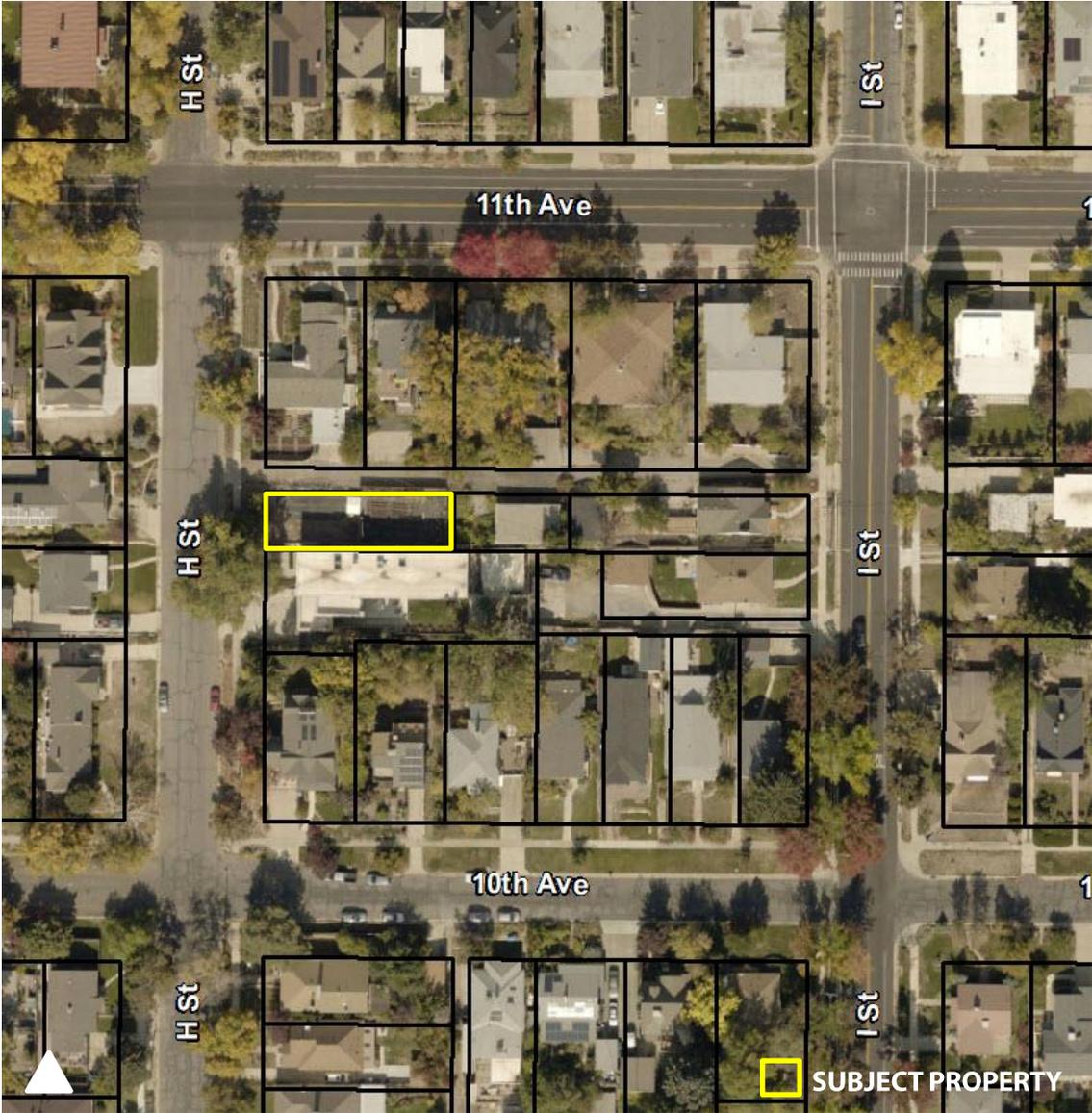
CC:

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)



685

990921

Recorded at Request of Herbert A. Snow DEC 15 1944

3:07 P.M. 90 Cornelia S. Lund, Recorder S. I. County, Utah

By [Signature] 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

[Signature]

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.

[Signature]
Notary Public
Residing in Salt Lake County, Utah.

Line No.	DATE OF INST. AND DATE OF FILING				ENTRY NO. AND PAGE	RELEASE OR MARGIN	GRANTORS	WITNESSES	GRANTEES	Kind of Instrument	Consideration	LOTS				DESCRIPTION
	Month	Day	Year	Hour								Book	Page	Month	Day	
1	July	17	1940		885059		James R. Howell and Virginia M.		First Security Trust Co.	Mtge.	4400 ⁰⁰	1	2			Com 55 ft S 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	8	1940	4:42	886564		Adeline Gardner widow et al		First Security Trust Co.	Mtge.	5400 ⁰⁰	2	2			Com NW cor lot 2, N 55 ft, W 110 ft, S 55 ft, S 110 ft to beg. To see note for #5400 ⁰⁰
3	Aug	24	1940	9:24	887484		Charles H. Christensen, Surveyor		To whom it may concern	Plat.		3	2			Big plat S.E. cor lot 2, N 110 ft, W 55 ft, S 110 ft, E 55 ft to beg. Certificate of survey for encroachments etc.
4	Sept	16	1940		889190		Homer B. Duncan and wife Edith W.		First Federal Sav & Loan Assn	Mtge.	52 ⁰⁰	4	1			Com at SW cor of lot 1, E 41 1/4 ft, N 125 ft, W 41 1/4 ft, S 125 ft to beg. Log with R.O. over.
5	Nov	16	1940	3:03	893867		Enoch Smith, a widower		Robert H. Burton & Mary Burton	W.D.	10 ⁰⁰	5		3	4	Com NW cor of lot 3, N 55 ft, W 110 ft, S 55 ft, N 110 ft to beg. Log with R.O. over.
6	Apr	1	1941	2:42	901063		Homer B. Duncan and wife Edith W.		Zion's Savings Bank & Trust Co.	Mtge.	2000.00	6	1			Com at NW 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	2	1941	2:11	901151		First Federal Savings & Loan Assn		Homer B. Duncan and wife Edith W.	Relief Mtge. Paid		7	1			4 Releases Mtge. Rec. in Bk 209, pgs 206-7, 208, 250, 251, 252
8	Apr	16	1941	9:02	902275		Homer B. Duncan and wife Edith W.		Charles W. Gibbs Co.	Mtge.	325 ⁰⁰	8	1			4 same R.O. as line 4 above
9	May	10	1941		904963		J. F. Negessy and wife Cora J.		J. Groves Rich	G.B.D.	342 ⁰⁰	9	1			Com at SE cor of lot 1, W 1/2 rds N 115 ft to E 1/2 rds S 115 ft to beg.
10	June	17	1941	4:14	907098		J. F. Negessy and wife Cora J.		J. Groves Rich	G.B.D.	10 ⁰⁰	10	1			9 - given to relinquish any int. ad. 1st pty acquired on account of app. tax sale red. receipts #2506, 2507, 2508
11	Aug	23	1941		912229		In 3rd Jud Dist Chas. H. Christensen et al		J. Groves Rich	Judgment		11	1			Com at SE cor of lot 1, W 1/2 rds N 115 ft to E 1/2 rds S 115 ft to beg. Log with R.O. over. Judgment Quitting Title
12	Sept	17	1941	4:37	913845		Henny Schutte and wife Violet		First Security Trust Co.	Mtge.	5300 ⁰⁰	12	1			Com at SE cor of lot 1, W 1/2 rds N 115 ft to E 1/2 rds S 115 ft to beg. Log with R.O. over. Judgment Quitting Title
13	Sept	17	1941	4:26	913847		J. Groves Rich and wife Mildred J.		Henny Schutte and wife Violet	Rel. of Mtge.	10 ⁰⁰	13	1			To secure note for \$5300 ⁰⁰
14	Nov	2	1942	9:35	921261		Wallace J. Bennett		Enoch Smith	Mtge.	5500 ⁰⁰	14		3	4	Com at SE cor of lot 1, W 1/2 rds N 115 ft to E 1/2 rds S 115 ft to beg. Log with R.O. over. Judgment Quitting Title
15	Jan	19	1943	12:56	944760		Florence J. Pape widow		Charles L. Wheeler and wife Zephora M.	W.D.	10 ⁰⁰	15		2		Release of mtge. in Bk 172 W pg 539-40 + other prop.
16	Jan	19	1943	12:55	944759		Laurence W. Paul widow		Florence J. Pape widow	G.B.D.	10 ⁰⁰	16		2		Req at NW cor lot 2, E 165 ft S 55 ft W 165 ft N 55 ft to beg. Subj to mtge. bal \$4457.25
17	Nov	15	1943	4:06	968783		The Prudential Insurance Co. of America		Homer B. Duncan and wife Edith W.	Mtge.	Paid	17	1			Releases mtge. in Bk 161 pgs 96-7
18	Feb	4	1944	4:07	971192		Fred Bos and wife Eleanor		Milton F. Ripton and wife Audin V.	W.D.	10 ⁰⁰	18	1			Req 2 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. Subj to R.O. over. Log with R.O. over.
19	Sept	15	1943		970594		Enoch Smith widower		Charles W. Smith	W.D.	10 ⁰⁰	19		3	4	Com at NW cor of lot 4, W 330 ft, S 115 ft, E 330 ft, N 115 ft to beg. Log with R.O. over.
20	July	26	1944	11:29	980841		Theodore Long and wife Worden R.		Edgar C. Jensen	W.D.	10 ⁰⁰	20		3		Com NW cor of lot 3, N 55 ft, W 110 ft, S 55 ft, N 110 ft to beg. Subj to 1944 later
21	July	17	1944		980843		Edgar C. Jensen and wife Isabelle P.		Zion's Savings Bank & Trust Co.	Mtge.	6000 ⁰⁰	21		3		Req 60 ft E of NW cor lot 3, E 55 ft, S 115 ft, W 55 ft, N 115 ft to beg. Localized at 564-11 Ave.
22	Dec	15	1944	3:07	992921		Enoch Smith widower		Herbert A. Snow	W.D.	10 ⁰⁰	22		3	4	Req 130 ft S of NW cor lot 3, E 115 ft, S 55 ft, W 115 ft, N 55 ft to beg. Log with R.O. over. Com NW cor lot 3, E 30 ft, S 15 ft to beg.
23	Dec	15	1944	3:11	992925		Marquette Burbidge Smith his daughter		Marquette Burbidge Smith	W.D.	10 ⁰⁰	23		3	4	Req 75 ft W of NW cor lot 4, W 70 ft, S 115 ft, E 70 ft, N 115 ft to beg. Log with R.O. over. Req 15 ft S of NW cor of ad blk W 330 ft, S 15 ft, E 330 ft, N 15 ft to beg.
24	Dec	28	1944	3:25	991621		Marquette Burbidge Smith		Marquette Burbidge Smith	G.B.D.	10 ⁰⁰	24		3	4	23
25	May	1	1945	9:30	1005226		Henny Schutte and wife Violet		Thomas Young and wife Elmira C.	Mtge.	4755 ⁰⁰	25	1			9
26	Dec	11	1945	11:16	1013968		Homer B. Duncan and wife Edith W.		Zion's Savings Bank & Trust Co.	Mtge.	2850 ⁰⁰	26	1			6
27	May	5	1946	11:31	1031309		Charles W. Smith and wife Leone H.		Emily S. Allen	W.D.	10 ⁰⁰	27		3	4	Knows as #573-10 Ave. Subj to R.O. over 1946 taxes
28	Mar	8	1947	9:16	1074707		Edgar C. Jensen and wife Isabelle P.		Zion's Sav. Bank & Trust Co.	Mtge.	7200 ⁰⁰	28		3		Com at NW cor of lot 3, E 55 ft, S 115 ft, W 55 ft, N 115 ft to beg.
29	Dec	23	1947		1077850		Occidental Life Insurance Co. of Calif.		Walter L. Batchelor and wife Dorothy	W.D.	10 ⁰⁰	29	2			Discharges Mtge. Rec. in Bk 271, p 602.
30	Apr	26	1947	9:12	1080233		Walter L. Batchelor and wife Dorothy		Charles L. Wheeler and wife Zephora M.	W.D.	10 ⁰⁰	30	2			Req 55 ft S of NW cor lot 2, E 55 ft, S 87 ft, W 55 ft, N 87 ft to beg.
31	May	13	1947	12:31	1083073		Maybelle Covey Burton		Adeline Gardner	G.C.D.	10 ⁰⁰	31		3	4	Req 50 ft W of NW cor lot 4, E 70 ft, S 115 ft, W 70 ft, N 115 ft to beg. Log with R.O. See Rec.
32	May	14	1947	12:32	1083074		Adeline Gardner		Robert H. Burton and wife Maybelle	G.C.D.	10 ⁰⁰	32		3	4	31
33	June	19	1947	10:02	1125238		Charles W. Gibbs Co.		Zion's Sav. Bank & Trust Co.	Mtge.	3250 ⁰⁰	33	1			Assigns Mtge. Rec. in Bk 267, p 552.
34	Apr	30	1948	2:50	1129847		First Security Trust Co.		First Security Bank of Utah	Mtge.	100 ⁰⁰	34	2			Assigns Mtge. Rec. in Bk 260, p 5.
35	Apr	30	1948	2:50	1129847		First Security Trust Co.		First Security Bank of Utah	Mtge.	100 ⁰⁰	35	2			Assigns Mtge. Rec. in Bk 260, p 58.
36	Sept	13	1948	10:00	1134403		Homer B. Duncan and wife Edith W.		Zion's Savings Bank & Trust Co.	Mtge.	3400 ⁰⁰	36	1			Com. SW cor. lot 1, E 41 1/4 ft, N 115 ft, W 41 1/4 ft, S 115 ft to beg.
37	Sept	29	1948	2:30	1137283		Archibald G. H. Webb		Edith M. Webb, wife of Grantor	W.D.	10 ⁰⁰	37				Com. NE cor. lot 1, W 165 ft, S 40 ft, E 165 ft, N 40 ft to beg. Log with R.O. over 10 foot strip adj. these premises on the South. Subj. to R.O. the W 40 ft of ad. above desc. parcel of land.
38	Oct	14	1948	3:00	1140282		Walter L. Batchelor		Dorothy Batchelor, wife of Grantor	W.D.	10 ⁰⁰	38	2			Com. SW cor. lot 2, N 110 ft, E 55 ft, S 110 ft, W 55 ft to beg.
39	Nov	12	1948	3:55	1140240		Milton F. Ripton and wife Audin V.		Dorothy Batchelor, wife of Grantor	W.D.	10 ⁰⁰	39	1			Req 22 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. Subj. to R.O. over. Req. 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.
40	Dec	20	1948	4:24	1144706		Homer B. Duncan and wife Edith W.		Equitable Life Assurance Society of U.S.	Mtge.	4000 ⁰⁰	40	1			Com. SW cor. lot 1, E 41 1/4 ft, N 115 ft, W 41 1/4 ft, S 115 ft to beg.
41	Dec	30	1948	4:25	1144707		Zion's Savings Bank & Trust Company		Homer B. Duncan and wife Edith W.	Mtge. Paid		41	1			Releases Mtge. Recorded in Bk 267, p 552, also see Bk 617, p 268.
42	Dec	30	1948	4:26	1144708		Zion's Savings Bank & Trust Co.		Homer B. Duncan and wife Edith W.	Mtge. Paid		42	1			Releases Mtge. Recorded in Bk 634, p 483, also see Bk 441, p 485. See Entry # 1013968 & 1134403.

Transferred to C 26 pg 170