

September 23, 2019

**ADMINISTRATIVE INTERPRETATION
DECISION AND FINDINGS
PLNZAD2019-00846**



REQUEST:

A request for an administrative interpretation regarding whether an accessory dwelling unit (ADU) can be built on a property containing a duplex. The purpose of the request is to determine if an ADU can be built at the property located at approximately 604 E Kensington Avenue (16-18-278-001-0000). The subject property is located within the R-1/5,000 (Single-Family Residential) zoning district.

DECISION:

The Zoning Administrator finds that accessory dwelling units may only be permitted on lots that have a single-family dwelling or a single-family attached dwelling pursuant to the Salt Lake City Zoning Ordinance section 21A.40.200 Accessory Dwelling Units and the findings below. Salt Lake City records show the property located at approximately 604 E Kensington Avenue (16-18-278-001-0000) to be a legal conforming duplex; therefore, would not be permitted to construct an ADU.

FINDINGS:

- 21A.33.020: TABLE OF PERMITTED AND CONDITIONAL USES FOR RESIDENTIAL DISTRICTS lists “*Dwelling, Accessory Unit*” as conditional in the R-1/5,000 district.
- Salt Lake City Zoning Ordinance section 21A.40.200.E.1(a) states:

“One Per Lot: City may permit one accessory dwelling unit for each lot that contains a single-family dwelling.”
- The Definitions chapter of the Salt Lake City Zoning Ordinance Chapter 21A.62 defines a Single-Family Dwelling as:

A detached building containing only one dwelling unit surrounded by yards that is built on site or is a modular home dwelling that resembles site built dwellings. Mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, or other forms of temporary housing or portable housing are not included in this definition. All living areas of a single-family dwelling shall be accessible and occupied by the entire family.
- The Definitions chapter of the Salt Lake City Zoning Ordinance Chapter 21A.62 defines a Single-Family Attached Dwelling as:

A dwelling unit that is attached via a common party side wall to at least one other such dwelling and where at least three (3) such dwellings are connected together.

- The Definitions chapter of the Salt Lake City Zoning Ordinance Chapter 21A.62 defines a Two-Family Dwelling (Duplex) as:

A detached building containing two (2) dwelling units on a single lot.

- The Definitions chapter of the Salt Lake City Zoning Ordinance Chapter 21A.62 defines an Accessory Dwelling Unit as:

A type of accessory use that includes a residential unit that is located on the same lot as a single-family attached or detached dwelling unit, either internal to or attached to the single-family unit or in a detached structure. The accessory dwelling unit shall be a complete housekeeping unit with a shared or separate entrance, and separate kitchen, sleeping area, closet space, and bathroom facilities.

- Based on the definitions set forth by the Definitions chapter of the Salt Lake City Zoning Ordinance Chapter 21A.62, as well as the regulations set forth under Salt Lake City Zoning Ordinance Chapter 21A.40.200: ACCESSORY DWELLING UNITS; it is determined that the City may permit one accessory dwelling unit for each lot that contains a single-family dwelling or a single-family attached dwelling unit. A two-family dwelling (duplex) does not meet the definitions of a single-family dwelling or a single-family attached dwelling unit; and therefore, cannot be permitted to construct an accessory dwelling unit.
- Additionally, the property located at approximately 604 E Kensington Avenue (16-18-278-001-0000) is recognized by the City as a legal conforming duplex and could not be permitted to construct an accessory dwelling unit.

If you have any questions regarding this interpretation please contact Chris Earl at (801) 535-7932 or by email at christopher.earl@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:

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.



Chris Earl
Associate Planner

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