December 31, 2019

ADMINISTRATIVE INTERPRETATION DECISION AND FINDINGS PLNZAD2019-01052



REQUEST:

This is a request for an administrative interpretation regarding whether the property located at approximately 743 S Green Street - rear (Tax ID#16-08-105-017-0000) is a legal lot in accordance with the Salt Lake City zoning laws. The purpose of the request is to determine if the single-family dwelling located at 665 S Ely Place can be relocated to the subject property.

DECISION:

The Zoning Administrator finds that the subject property located at approximately 743 S Green Street - rear (Tax ID#16-08-105-017-0000) is recognized by Salt Lake City as a legal noncomplying lot. Therefore, the single family detached dwelling located at 665 S Ely Place could be relocated to the subject property subject to meeting the zoning requirements of the applicable RMF-30 (Low Density Multi-Family Residential) zoning district, the off-street parking requirements in 21A.44 of the zoning ordinance, and any other applicable approvals and permits required from other city divisions. A Certificate of Appropriateness for relocation of a contributing building must be obtained from the Historic Landmark Commission prior to any permits being issued for the relocation of the single-family dwelling at 665 S Ely Place to this site.

FINDINGS:

The subject property is currently located in the RMF-30 (Low Density Multi-Family Residential) zoning district as well as the Central City Local Historic District and has a total lot area of approximately 3,484 square feet (0.08 acres), and a lot width of 49 feet. The RMF-30 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. The subject parcel does not have frontage on a public street.

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 first described as an individual lot on September 16, 1946. The subject parcel is described in a Warranty Deed (#1057486) in Book 497 Page 423, also abstracted in book C-53, Page 46, line 28)

from Kenneth R. Allred and Helen H. Allred to Ralph Z. Stone and Edna Stone. The associated deed and abstract are attached to this interpretation. In the September 1946 deed, the property is described as follows:

Commencing Two Hundred and Eighty-one (281) feet North and One Hundred Forty-five (145) feet <u>East</u> of the Southeast corner of Lot One (1), Block eleven (11) Plat "B," Salt Lake City Survey, and running thence North Forty-nine (49) feet, thence West Seventy-five (75) feet, thence South Forty-nine (49) feet, thence East Seventy-five (75) feet to beginning.

The legal description in the September 1946 Warranty Deed has an error in the location of the starting point. The legal description should read, "...145 feet <u>West</u> (not East) of the Southeast corner of Lot One (1), Block eleven (11) Plat "B," Salt Lake City Survey..." This error in the legal description was corrected with Warranty Deed (#1061385) in Book 503 Page 368, also abstracted in book C-53, Page 46, line 37.

The current legal description of the property is as follows:

BEG 145 FT W & 281 FT N FR SE COR LOT 1 BLK 11 PLAT B SLC SUR N 49 FT W 75 FT S 49 FT E 75 FT TO BEG

In 1946 the property was zoned Residential B-2 which required a lot area of 3,000 SF for a single-family dwelling. There was not a lot width requirement in 1946. The subject property does not have frontage on a public street, however, in 1946 when the lot was created, a lot was defined as having frontage on a street or an alley. The subject property does have frontage on an alley. As such, the subject lot met the minimum zoning requirements for a single-family dwelling at the time the lot was created, which was before 1950.

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 RMF-30 zoning district and all applicable approvals required for relocation of a contributing structure in a Local Historic District as outlined in section 21A.34 of the Salt Lake City zoning ordinance.

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 Chair of Applicable Recognized Organizations – Central City, East Central and East Liberty Park Posted to Web File

Attachments:

Vicinity map of subject property September 1946 Deed & Abstract Corrected 1946 Deed & Abstract

Vicinity Map of Subject Property 743 S Green Street (rear), Parcel 16-08-105-017-0000



feet to beginning. _

Witness the hands of said Grantors this 16th day of September, A.D.1946.





STATE OF UTAH,) SS.

On this 16th day of September, A. D. 1946, personally appeared before me KENNETH R. ALLRED and HELEN H. ALLRED his wife, the signers of the above instrument, tho duly acknowledged to me that they executed the same.

Commission expires May 1, 1950

NOTARY PUBLIC

Residing at Salt Lake City, Utah.

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WARRANTY DEED

KENNETH R. ALLRED and HELEN H. ALLRED his wife, Grantors, of Salt Lake City, Utah, hereby CONVEY AND WARRANT to RAIPH Z. STONE and EDNA STONE his wife, Grantee s, of Salt Lake City, Utah, for the sum of Ten Dollars and other good and valuable considerations, receipt of which is hereby acknowledged, the following described tract of land in Salt Lake County, Utah:

Commencing Two Hundred Eighty-one (281) feet North and One Hundred Forty-five (145) feet East of the Southeast corner of Lot One (1), Block Eleven (11), Plat "B," Salt Lake City Survey, and running thence North Forty-nine (49) feet, thence West Seventy-five (75) feet, thence South Forty-nine (49) feet, thence East Seventy-five (75) feet to beginning.

Witness the hands of said Grantors this 16th day of September, A. D. 1946.





Vtelen VV. allred

STATE OF UTAH,) GOUNTY OF SALT LAKE.) . ss.

On this 16th day of September, A. D. 1946, personally appeared before me KENNETH R. ALLRED and HELEN H. ALLRED his wife, the signers of the above instrument who duly acknowledged to me that they executed the same

Commission Commission Express May 1, 1950

NOTARY PUBLIC

Residing at Salt Lake City, Utah.

WARRAN'TY DEED.

KENNETH R. ALLRED and HELEN H. ALLRED his wife, Grantors, of Salt Lake City, Utah, hereby CONVEY AND WARRANT to RAIFH Z. STONE and EDNA STONE his wife, Grantees, of Salt Lake City, Utah, for the sum of Ten Dollars and other good and valuable considerations, receipt of which is hereby acknowledged, the following described tract of land in Salt Lake County, Utah:

Commencing Two Hundred Eighty-one (281) feet North and One Hundred Forty-five (148) feet West of the Southeast corner of Lat One (1), Block Eleven (11), Flat "B," Salt Lake City Survey, and running thence North Forty-nine (49) feet, thence West Seventy-five (75) feet, thence South Forty-nine (49) feet, thence East Seventy-five (75) feet to beginning.

This deed is given for the purpose of correcting an error, in description in Deed Recorded September 16, 1946 in the office of the County Recorder of Salt Leke County, Utah, in Book 497 at page 423.

Witness the hands of mid Grantors this 23rd day of October, 1946.

drelen w. allred

STATE OF UTAH,)
COUNTY OF SALT LAME.)

1061385

On this 23rd day of October, A. D. 1946, personally appeared before me RENNETH R. ALLRED and HETEN H. ALLRED his wife, the signers of the above instrument, who duly acknowledged to neythat they exeguted the same:

my Countingsion Expires

MOTARY PUBLIC

Residing at Salt Lake City, Utah.

Salt Lake County Abstracts

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