



February 11, 2020

**ADMINISTRATIVE INTERPRETATION
DECISION AND FINDINGS
PLNZAD2020-00055**

REQUEST:

This is a request for an administrative interpretation regarding whether the property located at approximately 575 S 400 East (Tax ID#16-06-454-009) is a legal lot in accordance with the Salt Lake City zoning laws. The subject property is located in the RMF-45 (Moderate/High Density Multi-family Residential) zoning district.

DECISION:

The Zoning Administrator finds that the subject property located at approximately 575 S 400 East (Tax ID#16-06-454-009) is recognized by Salt Lake City as a legal lot and therefore, a single-family dwelling may be constructed on the subject property.

FINDINGS:

The subject property has a lot area of approximately 4131.6 square feet and a lot width of 100.16 feet. The RMF-45 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 property does not comply with the current zoning requirements.

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 property was created prior to the 1927 adoption of the City's first zoning ordinance. In 1926, the property was deeded from Samuel and Jennie Sallows to Ernest L and Rua Frances Poulson (see attached sheet C-23, page 95, line 9, Salt Lake County Recorder Abstracts). The property was described as follows (abbreviated):

Com. 15 ft 4 in N fr SW Cor Lot 4; N 100 ft 2 in; E 41 ¼ ft; S 100 ft 2 in; W 41 ¼ ft to beg.

The above legal description is equivalent to the current legal description of the property on file with the Salt Lake County Recorder's Office. The current description is as follows (measurement terms, units, and order vary) with equivalent units in parenthesis:

Beginning 15 1/3 feet (15 ft 4 in) North from the Southwest corner of Lot 4, Block 23, Plat "B", Salt Lake City Survey and running thence East 2.5 rods (41 ¼ ft); thence North 100 1/6 feet (100 ft 2 in); thence West 2.5 rods (41 ¼ ft); thence South 100 1/6 feet (100 ft 2 in) to the point of beginning.

Prior to 1927, there was no City adopted zoning code and so there were no minimum lot size regulations for properties. As the property was legally created prior to the adoption of the zoning code, the property is considered a “legal complying lot.”

City Code states the following regarding legal complying lots (21A.36.020.A):

In any residential district, on a lot legally established prior to April 12, 1995, a single-family dwelling may be erected regardless of the size of the lot, subject to complying with all yard area requirements of the R-1/5,000 District.

As the lot was legally created (“established”) prior to 1995, the property may be utilized to build a single-family dwelling as noted.

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.



Daniel Echeverria
Senior Planner

CC:

Nick Norris, Planning Director
Joel Paterson, Zoning Administrator
Greg Mikolash, Development Review Supervisor
Applicable Recognized Organization – Central City Neighborhood Council
Posted to Web
File

Attachments:

Vicinity Map of Subject Property
Salt Lake County Recorder Abstract (C-23, Page 95, line 9)

Vicinity Map of Subject Property (575 S 400 East, Parcel 16-06-454-009)



C-23 BLOCK 23 PLAT "B" SALT LAKE CITY SURVEY

LINE	Date of Inst. and Date of Record				No. of Entry		Released on Margin			GRANTORS	Wms	GRANTEES	KIND OF INSTRUMENT	Consideration
	Month	Day	Year	Hour	Book	Page	Month	Day	Year					
1	Aug	17	1926		560907					Ethelyn J. Perkins & hus. P.O.	1	E. B. Wickes Company	mtgs	2500 ⁰⁰
2	Sept	9	1926	11:30	#18 261					Strick & Company	1	Central Trust Company	mtgs	1911 ⁰⁰
3	Sept	16	1926		568012					Dora A. Lang & hus. John	1	Strick & Company	W.D.	10 ⁰⁰
4	Oct	21	1926	2:50	11-22 512					Ashton Jenkins Company	1	C. Cramer	Receipts	1500 ⁰⁰
5	Oct	27	1926		570984					A. Cramer	1	Zions Savings Bank & Trust Co	Receipts	10 ⁰⁰
6	Nov	12	1926	1:28	11-22 529					Morrison Merrill & Co.	1	Samuel Campbell & of Della	Central	4 values
7	Nov	9	1926		572 450					Samuel Campbell & of Della	1	Ashton Jenkins Company	mtgs	27000 ⁰⁰
8	Nov	17	1926		572 451					Zions Savings Bank & Trust Co	1	Samuel Campbell & of Della	Release	2 values
9	Nov	15	1926	9:17	11-22 551					Samuel Ballows & of Jennie	2	Ernest L. Coulson & of Mrs. James W.D.	W.D.	10 ⁰⁰
10	Nov	19	1926	9:46	12-0 440-41					Ernest L. Coulson & of Mrs. Stewart	1	Zions Benefit Building Society	mtgs	4200 ⁰⁰
11	Nov	1	1926	9:47	#18 436					Ernest L. Coulson, owner	-	Fred W. Fuller, claimant	mtgs	221 ⁰⁰
12	Nov	30	1927	12:14	576 006					The Continental Oil Company	-	Continental Oil Company	W.D.	1 ⁰⁰
13	Jan	12	1927	3:52	576 298					Bert G. Wilson & of Christie B.	1	The Prudential Insurance Co. of America	mtgs	3600 ⁰⁰

SALT LAKE COUNTY ABSTRACTS

LINE	LOTS								Same Description as Line	DESCRIPTION	LINE
	1	2	3	4	5	6	7	8			
1		2								Comm. 1/2 pd. W. 1/2 E. Cor. Lot 2, 4th 1/2 blk; 7.163 ft. 1/2 sec; E. 3/4 blk; 2.163 ft. 7/8 sec. to Reg. To sec. note s. d. for 2000 ⁰⁰ payable Sept. 1, 1929.	1
2				4						Comm. 2 1/2 blk. W. 1/2 E. Cor. Lot 4, 7 1/2 blk; 7.177 ft. to Reg. To sec. note s. d. for 1920 ⁰⁰	2
3				4					2.	Subj. to gen. take aft. yr. 1925.	3
4	1									Assigns mtgs in 1135 ⁰⁰ pp. 141-142.	4
5	1									Assigns mtgs in 1135 ⁰⁰ pp. 141-142 + 542, 553.	5
6	1									Comm. 15 ft. s. of 7 1/2 E. Cor. Lot 1, 5 1/2 blk. W. 165 ft. 7.52 1/2 ft. E. 165 ft. to Reg. Released from mtgs. # 558 13. See 1120 q mtgs. pp. 204-5.	6
7	1								6.	Assigns note s. d. for 2000 ⁰⁰	7
8	1									Assigns note in 1135 ⁰⁰ pp. 141-142	8
9				4						Comm. 15 ft. s. of 7 1/2 E. Cor. Lot 4, 7.163 ft. 2 sec; E. 4 1/4 ft. s. of 2 sec; W. 4 1/4 ft. to Reg.	9
10				4						To sec. note s. d. for 2000 ⁰⁰	10
11				4						To sec. payment of 2000 ⁰⁰ money for work materials furnished Sept. 23, 1926 & Oct. 24, 1926	11
12				4				8		Part of Lot 8, Blk 23. Comm. s. of E. of 2nd sec. Lot 8, 7 1/2 blk. W. 7 1/2 ft. 7 1/2 blk. to Reg. Spk. at 7 1/2 E. Cor. Lot 4, 7 1/2 blk; E. 100 ft.; 7.46 ft. to Reg. To sec. note s. d. for 2000 ⁰⁰	12
13				4							13
14										Continued to C-23 page 101	14