

**March 4, 2020**



**ADMINISTRATIVE INTERPRETATION  
DECISION AND FINDINGS  
PLNZAD2020-00079**

**REQUEST:**

This is a request for an administrative interpretation regarding whether the property located at approximately 2662 N 2200 W (tax ID#08-16-226-032) is a legal noncomplying 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 2662 N 2200 W (tax ID#08-16-226-032) is recognized by Salt Lake City as a legal noncomplying lot and therefore a single-family dwelling can be constructed on the property.

**FINDINGS:**

The subject property is located in the AG-2 Agricultural zoning district. The lot has a total area of approximately 1.21 acre and lot width fronting a public street of 134.85 feet. The AG-2 zoning district requires a minimum lot area of 2 acres for a single-family dwelling and a minimum lot width of 150 feet. The subject property does not comply with the minimum lot area and the minimum lot width of the AG-2 zoning district and therefore is noncomplying.

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.”*

According to documents provided by the applicant and obtained from the Salt Lake County Recorder's Office, the subject parcel was created on February 15, 2018 through a Court Order. The document issued by the State of Utah Third District Court resolved a property line dispute and consolidated the subject parcel from two separate parcels into one legal description. Attachment B shows the two parcels addressed 2662 N 2200 W (tax IDs #08-16-226-024 and #08-16-226-026) that existed prior to the Court Order.

At the time the Court Order was issued, the property was zoned AG-2 and the minimum lot area and lot width standards were the same as today. Thus, the parcel was noncomplying to zoning regulations when it was created. However, because the lot was created through a recognized legal process by the Third District Court, the subject property is considered a legal noncomplying lot and therefore, a single-family dwelling can be constructed on the property.

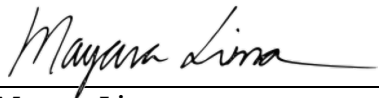
If you have any questions regarding this interpretation, please contact Mayara Lima at (801) 535-7118 or by email at [mayara.lima@slcgov.com](mailto:mayara.lima@slcgov.com).

**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 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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Mayara Lima  
Principal Planner  
Salt Lake City Planning Division

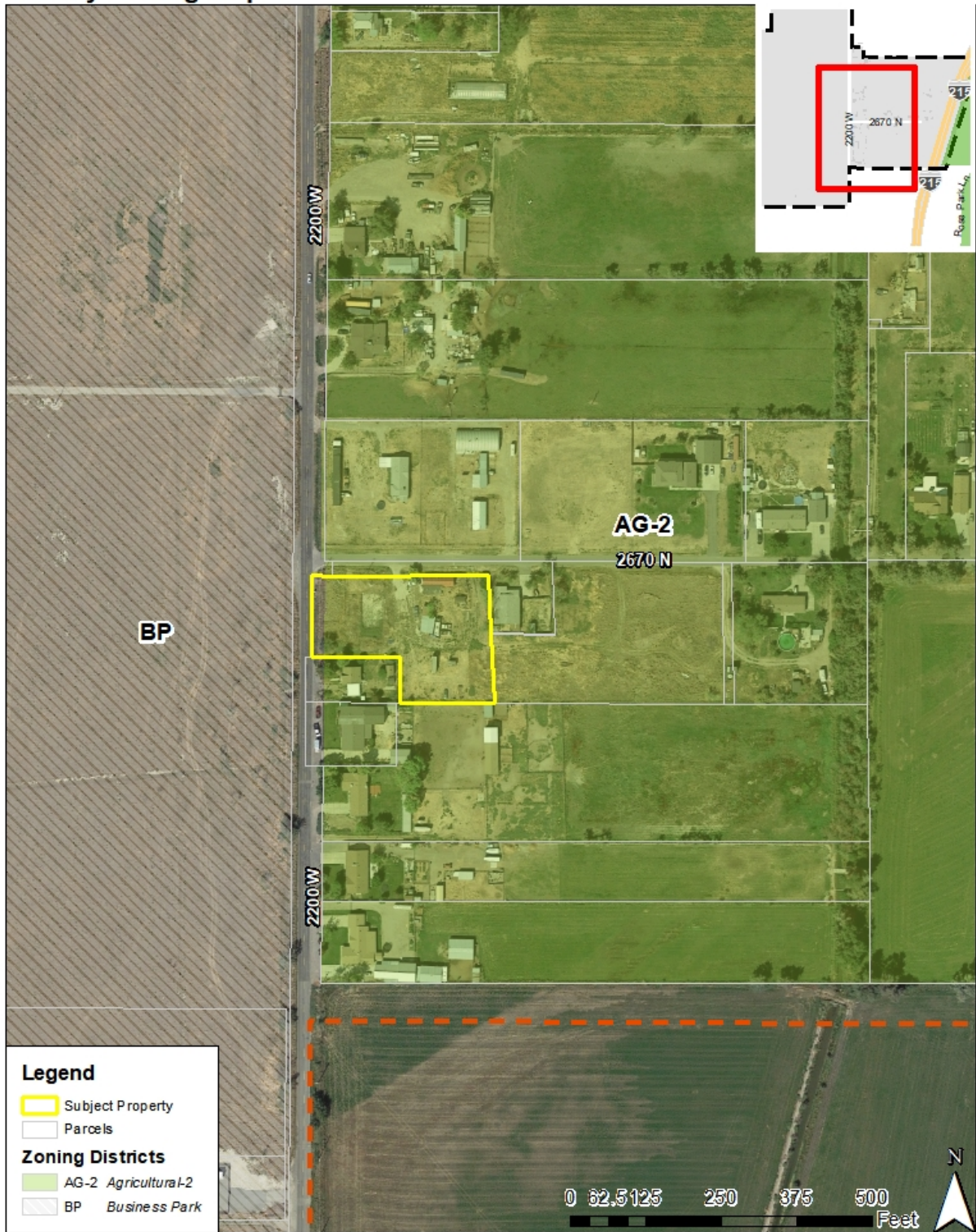
CC: Nick Norris, Planning Director  
Joel Paterson, Zoning Administrator  
Greg Mikolash, Development Review Supervisor  
Applicable Recognized Organization  
Posted to Web

**Attachments:**

- A. [Vicinity Zoning Map](#)
- B. [2014 County Plat Survey Map](#)
- C. [Court Order](#)

# Attachment A

## Vicinity Zoning Map



# Attachment B

12/17/2014

08-16-22

	T06	T07	T08	T09	T10	T11	
T06	6	7	8	9	10	11	
T07	13	14	15	16	17	18	
T08	19	20	21	22	23	24	
T09	25	26	27	28	29	30	
T10	31	32	33	34			

Area

	S06	S07	S08	S09	S10	S11	
S06	6	5	4	3	2	1	
S07	7	8	9	10	11	12	
S08	13	17	15	14	13		
S09	19	20	21	22	23	24	
S10	30	29	28	27	26	25	
S11	31	32	33	34	35	36	

Section

	P06	P07	P08	P09	P10	P11
P06	11	12	21			
P07						
P08	31	32	41	42		

Page



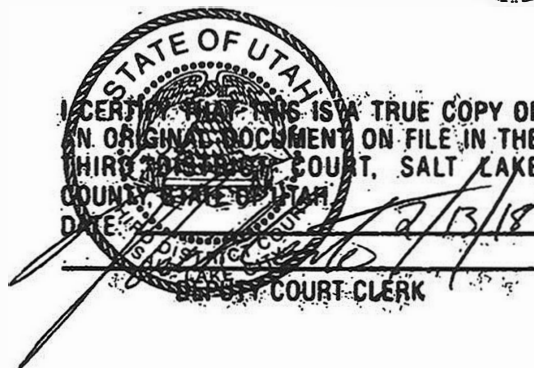
# Attachment C

12717150  
02/15/2018 10:50 AM \$19.00  
Book - 10647 Pg - 4293-4297  
ADAM GARDINER  
RECORDER, SALT LAKE COUNTY, UTAH  
TERRY JESSOP & BITNER  
341 S MAIN ST STE 500  
SLC UT 84111  
BY: MZA, DEPUTY - MA 5 P.

The Order of the Court is stated below:

Dated: February 07, 2018  
04:19:15 PM

/s/ PATRICK CORUM  
District Court Judge



Christopher G. Jessop, USB No. 8542  
Douglas A. Oviatt, USB No. 12192  
TERRY JESSOP & BITNER  
341 South Main Street, Suite 500  
Salt Lake City, Utah 84111  
Telephone: 801/534-0909  
Facsimile: 801/534-1948  
doug@tjblawyers.com

Attorneys for Plaintiffs	
<p>IN THE THIRD JUDICIAL DISTRICT COURT OF SALT LAKE COUNTY</p> <p>SALT LAKE CITY DEPARTMENT, STATE OF UTAH</p>	
<p>MICHAEL T. KNIGHT and PATRICIA WISSLER,</p> <p>Plaintiff,</p> <p>v.</p> <p>ESTATE OF KENNETH C. GUFFEY; CARRIE L. GUFFEY; JP MORGAN CHASE BANK, NATIONAL ASSOCIATION; and MOUNTAIN AMERICA CREDIT UNION,</p>	<p><b>ORDER AND JUDGMENT QUIETING TITLE AND REFORMING DEEDS AND TRUST DEEDS</b></p> <p>Civil No. 170902595</p> <p>Judge <del>Matthew Bates</del> Patrick Corum</p>

The Court, having reviewed and considered the Joint and Stipulated Motion for Entry of Order and Judgment Quieting Title and Reforming Deeds and Trust Deeds between Plaintiffs and Defendants JPMorgan Chase Bank, N.A., and Mountain America Federal Credit Union, together with the pleadings on file and the default of Defendants Carrie L. Guffey and the Estate

of Kenneth C. Guffey ("Guffey Defendants"), and good cause appearing therefore, and the Parties, having settled their disputes,

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUGED AND DECREED as follows:

1. That the current legal description contained in the Quit Claim Deed recorded on September 28, 1998, in which Defendant Carrie L. Guffey and her late husband, Kenneth C. Guffey, are named grantees, and identified in the records of the Salt Lake County Recorder as Entry No. 7099937 in Book 8105 at Page 2824 (the "Guffey Deed") is incorrect and erroneous.
2. That the current legal description contained in the trust deed granted by Defendant Carrie L. Guffey and her late husband, Kenneth C. Guffey, in favor of Defendant JPMorgan Chase Bank, N.A., recorded on July 28, 2011, and identified in the records of Salt Lake County as Entry No. 11219264, in Book 9939 at Page 5532 ("Chase Trust Deed") is incorrect and erroneous.
3. That the current legal description contained in the trust deed granted by Defendant Carrie L. Guffey and her late husband, Kenneth C. Guffey, in favor of Defendant Mountain America Federal Credit Union, recorded on May 25, 2016, and identified in the records of Salt Lake County as Entry No. 12286710, in Book 10435 at Page 361 ("MACU Trust Deed") is incorrect and erroneous.
4. That the correct legal description of the Guffey Parcel, which has an address of 2143 West 2670 North, Salt Lake City, UT 84116, and which is identified in the records of Salt Lake County as Parcel No. 08-16-226-005, is as follows:



BEGINNING AT A POINT SOUTH 0°01'29" EAST 229.37 FEET AND SOUTH 89°57'45" WEST 1287.17 FEET FROM A FOUND SALT LAKE COUNTY BRASS CAP MONUMENT MARKING THE NORTHEAST CORNER OF SECTION 16, TOWNSHIP 1 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 89°57'45" EAST 364.19 FEET; THENCE SOUTH 2°10'15" EAST 121.00 FEET (DEED SOUTH 2°08'00" EAST 121 FEET); THENCE SOUTH 89°57'45" WEST 105.00 FEET (DEED WEST 105 FEET); THENCE NORTH 3°07'15" WEST 96.06 FEET (DEED NORTH 3°05'00" WEST 96.00 FEET); THENCE SOUTH 89°57'45" WEST 258.53 FEET (DEED WEST 302 FEET) TO THE EAST LINE OF 2200 WEST STREET; THENCE NORTH 0°01'47" WEST ALONG SAID EAST LINE 25.00 FEET TO THE POINT OF BEGINNING.

5. That the correct legal description of the Knight Wissler Parcel, identified in the records of Salt Lake County as Parcel Nos. 08-16-226-024 and 08-16-226-026 is as follows:

BEGINNING AT A POINT BEING SOUTH 0°01'29" EAST 229.37 FEET AND SOUTH 89°57'45" WEST 625.06 FEET AND SOUTH 0°52'37" EAST 234.41 FEET AND SOUTH 89°57'40" WEST 395.73 FEET FROM THE NORTHEAST CORNER OF SECTION 16, TOWNSHIP 1 NORTH, RANGE 1 1 WEST, SALT LAKE BASE & MERIDIAN AND RUNNING THENCE SOUTH 89°57'45" WEST 156.56 FEET (DEED SOUTH 89°57'40" WEST); THENCE NORTH 0°02'00" WEST 74.53 FEET; THENCE SOUTH 89°57'45" WEST 146.28 FEET (DEED SOUTH 89°57'40" WEST 156.07 FEET); THENCE NORTH 0°01'47" WEST 134.85 FEET (DEED NORTH 0°02'00" WEST 134.81 FEET); THENCE NORTH 89°57'45" EAST 291.53 FEET (DEED 301.34 FEET); THENCE SOUTH 03°07'15" EAST 209.69 FEET (DEED 209.64 FEET) TO THE POINT OF BEGINNING.

6. That Plaintiffs are the owners of the Knight Wissler Parcel and title to that parcel is quieted in the name of Plaintiffs Michael T. Knight and Patricia Wissler and that Defendants have no interest in and to the Knight Wissler Parcel.

7. That Plaintiffs have no interest in and to the Guffey Parcel.



8. The Court further orders that the Guffey Deed, the Chase Trust Deed and the MACU Trust Deed be and are hereby reformed to show and reflect the correct legal description for the Guffey Parcel as set forth in paragraph 4 above.

**\*\*\*EXECUTED AND ENTERED BY THE COURT AS INDICATED BY THE DATE  
AND SEAL AT THE TOP OF THE FIRST PAGE\*\*\***

Approved as to Form and Substance:

<b>ACTION LAW, LLC</b> Attorneys for Defendant Chase		<b>SCALLEY READING BATES RASMUSSEN &amp; HANSEN</b> Attorney for Defendant MACU	
/s/ Sara E. Bouley		/s/ Jonathan H. Rupp	
Sara E. Bouley <i>Signed by Douglas A. Oviatt with permission</i>		Jonathan H. Rupp <i>Signed by Douglas A. Oviatt with permission</i>	

### CERTIFICATE OF SERVICE

I certify that on the 5th day of February 2018, I caused to be served a true and correct copy of the foregoing **ORDER AND JUDGMENT** to the following by the manner indicated.



Sara E. Bouley ACTION LAW, LLC	<input checked="" type="checkbox"/> Electronic Filing U.S. Mail Hand Delivery Email
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<b>Jonathan H. Rupp</b> <b>SCALLEY READING BATES HANSEN</b> <b>&amp; RASMUSSEN</b>	<input checked="" type="checkbox"/> <u>Electronic Filing</u> <u>U.S. Mail</u> <u>Hand Delivery</u> <u>Email</u>
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/s/ Douglas A. Oviatt

