

April 13, 2020
ADMINISTRATIVE INTERPRETATION
DECISION AND FINDINGS
PLNZAD2020-00133



REQUEST:

The property owner of 707 East 9th Avenue, Bryan Lence, is requesting an administrative interpretation regarding the permitted front yard setback of an existing house in accordance with Salt Lake City Zoning Code. The property under review is located at 707 East 9th Avenue and is within the SR-1A (Special Development Pattern Residential) zoning district. The purpose of the request is to determine whether a newly constructed single-family residential structure can be rebuilt with the same front yard setback as the existing single-family residential structure.

DECISION:

The Zoning Administrator finds that the existing house located at 707 East 9th Avenue has a legal complying front yard setback of 23'. based on the minimum front yard standard in zoning ordinance section 21A.24.080.E.1.b which states in part that, "buildings legally existing on April 12, 1995, the required front yard depth shall be no greater than the established setback line fo the existing building". This standard **only** applies to the existing building. If the house were to be completely demolished the new construction would need to meet the average front yard setback along the block face, as well as all other applicable standards of the SR-1A (Special Development Pattern Residential) zoning district.

FINDINGS:

The subject property is located in the SR-1A (Special Development Pattern Residential) zoning district with an existing front yard setback of 23'. The SR-1A district front yard setback standard is described Section 21A.24.080.E of the Salt Lake City Zoning Code:

The minimum depth of the front yard for all principal buildings shall be equal to the average of the front yards of existing buildings within the block face. Where there are four (4) or more SR-1 principal buildings with front yards on a block face, the average shall be calculated excluding one property with the smallest front yard setback and excluding the one property with the largest front yard setback. Where there are no existing buildings within the block face, the minimum depth shall be twenty feet (20'). Where the minimum front yard depth is specified in the recorded subdivision plat, the requirement specified therein shall prevail. For buildings legally existing on April 12, 1995, the required front yard depth shall be no greater than the established setback line of the existing building.

The original house was built in 1938. Because the original house was built prior to April 12, 1995, the required front yard setback is measured from the front of the existing house to the front property line. The existing house on the subject property is setback from the front property line 23' – this includes the covered and unenclosed front porch. However, if the existing single-family residence were to be demolished the required minimum front yard setback would be determined by calculating the average front yard setback of the remaining homes along the block face (excluding 707 E 9th Ave.) as required by 21A.24.080.E.1.b,.

To maintain the front yard setback of the existing building on the property located at 707 East 9th Avenue for a new structure, a Special Exception review is required and the proposed changes must comply with the standards found in Section 21A.52.030, Special Exceptions Authorized (see specifically 21A.52.030.A.19), and 21A.52.060, General Standards and Considerations for Special Exceptions, of the Salt Lake City Zoning Code. Or, a partial demolition of the structure would need to comply with Section 21A.38.050, Noncomplying Structure, of the Salt Lake City Zoning Code.

If you have any questions regarding this interpretation, please contact Nannette Larsen at (801) 535-7645 or by email at nannette.larsen@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 <http://www.slcgov.com/planning/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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Dated this 13th day of April, 2020.



Nannette Larsen
Principal Planner

cc: Nick Norris, Planning Director
Joel Paterson, Zoning Administrator
Greg Mikolash, Building Services
Applicable Recognized Organizations
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