



March 2, 2020

**ADMINISTRATIVE INTERPRETATION
DECISION AND FINDINGS
PLNZAD2020-00158**

REQUEST:

This is a request for an administrative interpretation regarding whether the property located at approximately 161 S 900 East (Tax ID#16-05-133-010) is a legal lot in accordance with the Salt Lake City zoning laws. The subject property is located in the RMF-30 (Low Density Multi-family Residential) zoning district.

DECISION:

The Zoning Administrator finds that the subject property located at approximately 161 S 900 East (Tax ID#16-05-133-010) 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 6806.25 square feet and a lot width of 41.25 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. Though the property complies with the minimum lot area requirement for such a use, the property does not comply with the lot width requirement.

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 1905, the property was deeded from Inez F. and William J. Leaker to James B. Jensen (see attached extract from Salt Lake County Recorder Abstracts, Book C3 Page 201, Line 67). The property was described as follows (abbreviated):

Com. SW cor Lot 3; **N** 41 ft 3 in **E** 165 ft **S** 41 ft 3 in **W** 165 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 units vary) with equivalent units in parenthesis:

Com at SW Cor of Lot 3 BLK 56 PLAT B SLC SUR **N** 2 1/2 RD (41 ft 3 in) **E** 10 RD (165 ft) **S** 2 1/2 RD (41 ft 3 in) **W** 10 RD (165 ft) to beg.

Prior to 1927, there was no City adopted zoning code and so there were no minimum lot size (width or lot area) 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 State 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.



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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 (Book C3, Page 201, Line 67)

Vicinity Map



