

November 3, 2020



**CASE# PLNZAD2020-00648
Administrative Interpretation
DECISION AND FINDINGS**

REQUEST:

The applicant is requesting an Administrative Interpretation regarding a proposed transfer of property from the subject property located at 449 N. West Capitol Street (tax id: 08-36-281-017-0000) to 466 N. Wall Street (tax id: 08-36-281-022-0000). The subject properties are located in the SR-1A Special Development Pattern Residential District and the Capitol Hill Historic District.

The property owner of 449 N. West Capitol Street (Lot 1) wishes to transfer a total of 1,438 square feet of property to 466 N. Wall Street (Lot 2). The applicant has requested a review of section 21A.24.080(C) of the Salt Lake City Zoning Ordinance to determine whether a legal lot line adjustment between 449 N. West Capitol Street (Lot 1) and 466 N. Wall Street (Lot 2) is feasible under current code.

In addition, if current code does not allow the full 1,438 square feet of property to be transferred, the applicant is requesting an interpretation of Section 21A.18.060 of the Salt Lake City Zoning Ordinance, to determine whether it would be possible for a variance to be granted to allow the transfer of property and under what circumstances a variance would be approved.

DECISION:

The Zoning Administrator finds that a transfer of property from 449 N. West Capitol Street (Lot 1) to 466 N. Wall Street (Lot 2) would be feasible if the property owners file a subdivision application and receive City approval. If all other SR-1A zoning requirements are met, Lot 1 could have a minimum square footage of 5,000 square feet. The reduction in lot size would include the 585 square feet of property that was already transferred to the property owner of Lot 2 by a deed recorded in the Salt Lake County Recorder's office. This transfer of property was not approved by Salt Lake City through the appropriate subdivision process, thus is not recognized. Because Lot 2 is already noncomplying because it exceeds the SR-1A maximum lot size of 7,500 square feet, the maximum lot size allowed would be determined through the subdivision process. Per section 21A.24.080(G) of the Zoning Ordinance, subdivision approval may be granted if the applicant can demonstrate that Lot 2 located at 466 N. Wall Street would remain compatible in size, configuration, and lot width to the other lots on the block face.

City Code sections 20.12.020 Lot Design Standards and 20.16.100 Standards of Approval for Preliminary Plats require that lots comply with the minimum lot area requirements of the applicable zoning district. Per table 21A.24.080(C), the minimum lot size for a single-family detached dwelling in the SR-1A zoning district is 5,000 square feet. The Zoning Ordinance does not provide a provision to reduce the size of a lot below the minimum lot size requirement. Thus, the property at 449 N. West Capitol Street (Lot 1) would not be allowed to go from complying to noncomplying by reducing the lot size to under 5,000 square feet.

While the property owners may request a variance for the transfer of property, an administrative interpretation cannot determine the result of such an application. Variance requests are decided by an Appeals Hearing Officer based on the standards included in section 21A.18 of the Zoning Ordinance. The property owner must demonstrate that there is an unreasonable hardship associated with their property that cannot be remedied through other City processes. In this instance, the application of the zoning ordinance does not appear to

create a hardship for either of the subject properties because both lots comply with the minimum lot area requirements and are occupied by single-family dwellings as permitted in the SR-1A zone. Requesting a variance to create a noncomplying parcel is unlikely to meet the standards required for approval, especially since both properties currently meet the underlying minimum zoning standards and have no special circumstances attached to them. Per section 21A.18.060 the Zoning Ordinance a variance may only be granted if:

1. Literal enforcement of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this title;
2. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district;
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;
4. The variance will not substantially affect the general plan of the city and will not be contrary to the public interest; and
5. The spirit of this title is observed, and substantial justice done.

It does not appear that the literal enforcement of the zoning ordinance imposes any unreasonable hardship associated with either property nor is the zoning ordinance prohibiting a substantial property right possessed by other property in the same district.

BACKGROUND:

Both properties are located in the SR-1A Special Development Pattern Residential District and the Capitol Hill Historic District. The applicant requested the administrative interpretation to determine whether their proposed transfer of 1,438 square feet of property from Lot 1 to Lot 2 is feasible. In their request they provided an approximation of what the square footage of Lot 1 would be after the 1,438 square foot transfer, which they determined was 4,391 square feet, making Lot 1 a noncomplying lot.

While researching the properties, staff looked up the two lots on the City's GIS database and reviewed documentation recorded with Salt Lake County. Both the City and County use acreage as their unit of measurement, but the administrative interpretation is asking for a determination in square feet. Calculating square footage from acreage can give a wide range of outcomes depending on how many decimal places the acreage is written out to. Staff converted the acreage to square feet and came up with a different lot square footage than what was provided by the applicant. The discrepancies in square footage and acreage make it impossible to determine exactly how many square feet of property could be transferred from Lot 1 to Lot 2.

As a part of the subdivision process, the property owners will need to hire an independent surveyor to survey both properties and provide the existing square footage of each lot, which will determine the number of square feet Lot 1 can transfer to Lot 2. The property located at 466 N. Wall Street (Lot 2) already exceeds the maximum lot size for the district, which is why the subdivision process is required. Per section 21A.24.080(G), the maximum lot area in the SR-1A zone cannot exceed one hundred and fifty percent (150%) of the minimum lot size allowed, which for properties with a single-family dwelling is 5,000 square feet. Thus, the maximum lot size in the SR-1A zone for properties with a single-family dwelling is 7,500 square feet.

Lots in excess of the maximum lot size may be created through the subdivision process if the size, configuration, and lot width is compatible with other lots on the same block face. The block face is defined as, "*All of the lots facing one side of a street between two (2) intersecting streets.*"

Corner properties shall be considered part of two (2) block faces, one for each of the two (2) intersecting streets. In no case shall a block face exceed one thousand feet (1,000')."

Supplemental documentation demonstrating the transfer of property from Lot 1 to Lot 2 will allow Lot 2 to be compatible with the size, configuration, and lot width of other lots on the block face is required. Furthermore, both properties would need to meet the setbacks, minimum lot area and lot coverage requirements in the SR-1A zone.

After additional research, it was discovered that a quit claim deed (Exhibit B) was recorded in the Salt Lake County Recorder's office on July 23, 2020, which created a landlocked parcel 585 square feet in size. The property owner of Lot 1 subdivided their lot and deeded the 585 square feet to the property owner of Lot 2. The 585 square foot parcel was not consolidated into Lot 2. The property owners of Lot 1 did not file a petition with Salt Lake City or receive city approval for a subdivision; thus, the transfer of property is not recognized by Salt Lake City.

Because City Code sections 20.12.020 Lot Design Standards and 20.16.100 Standards of Approval for Preliminary Plats require that lots comply with the minimum lot area requirements of the applicable zoning district, the lot at 449 N. West Capitol Street cannot be less than 5,000 square feet. As mentioned above, because there are discrepancies with the square footage provided by the applicant compared to the square footage calculated by converting the acreage the City and County have on record, the applicant would need to provide more information to determine the exact square footage that could be transferred from Lot 1 to Lot 2. Going through the subdivision process would determine this number and potentially allow Lot 2 to exceed the maximum lot size required in the SR-1A zoning district based on the application of the standards in 21A.24.080(G).

SUMMARY:

While the Zoning Ordinance does not provide a means to reduce the lot size of Lot 1 to under 5,000 square feet, the property owners could transfer property from Lot 1 to Lot 2 if they apply for a subdivision. Upon subdivision approval, Lot 1 would be complying if not less than 5,000 square feet and Lot 2, which is already noncomplying, would remain a legally recognized noncomplying lot. Both properties would be required to meet all applicable zoning standards for the SR-1A Special Development Pattern Residential Zoning District. As previously noted, requesting a variance is not appropriate because the underlying zoning requirements can be met and the literal enforcement of the zoning ordinance does not pose any unreasonable hardship associated with either property nor is the zoning ordinance prohibiting a substantial property right possessed by other property in the same district.

APPEAL PROCESS:

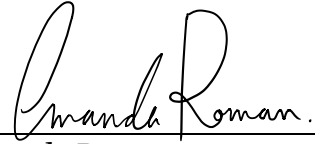
An applicant or any other person or entity adversely affected by a decision administering or interpreting this Title may appeal to the Appeals Hearing Officer. Notice of appeal shall be filed within ten (10) days of the administrative decision. The appeal shall be filed with the Planning Division and 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.

Dated this 3rd day of November 2020 in Salt Lake City, Utah.

A handwritten signature in black ink, reading "Amanda Roman". The signature is written in a cursive style with a large, looped "A" and "R".

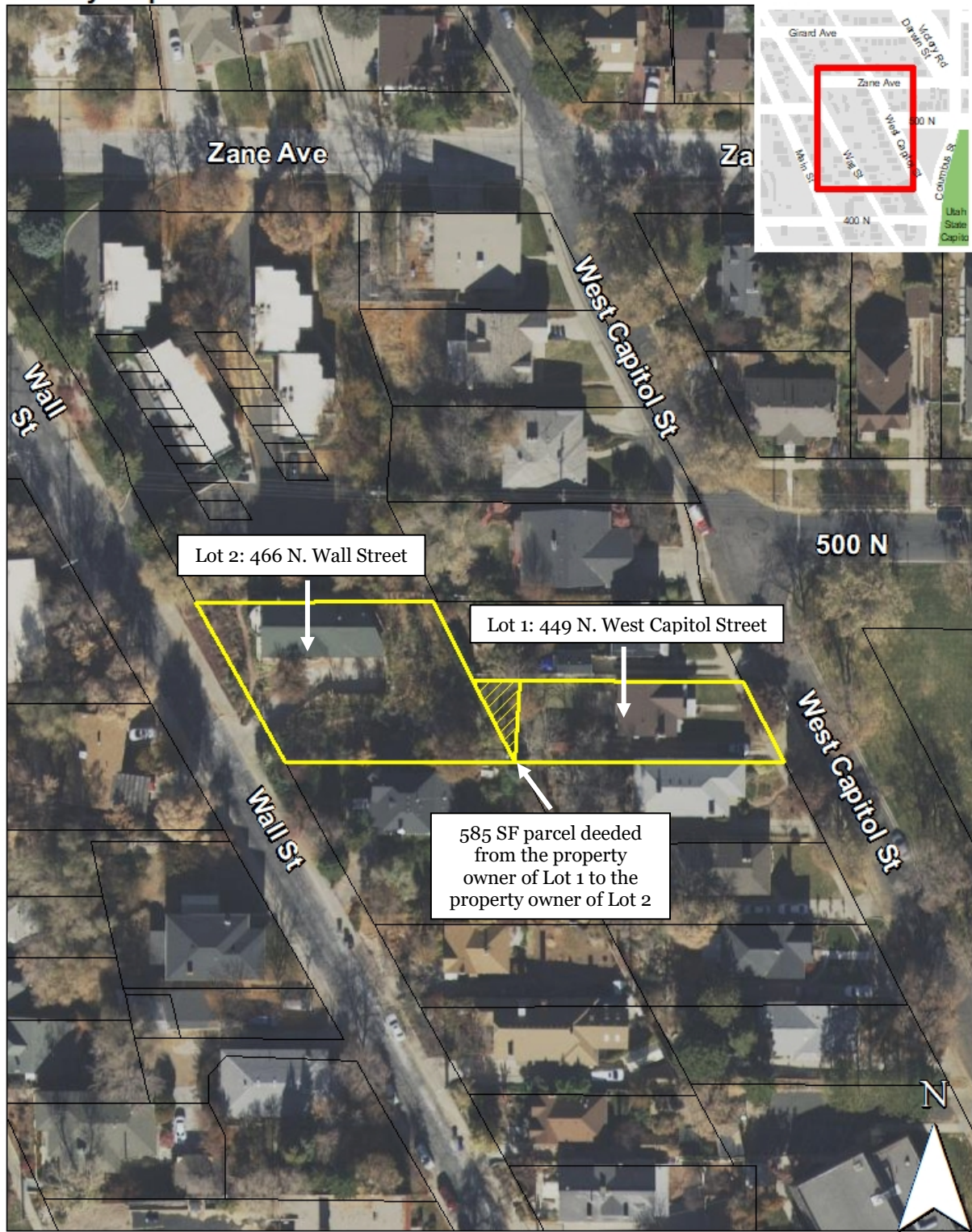
Amanda Roman
Principal Planner
Salt Lake City Planning Division

Exhibit A: Vicinity Map
Exhibit B: Quit Claim Deed

CC: Nick Norris, Planning Director
Joel Paterson, Zoning Administrator
John Anderson, Planning Manager
Greg Mikolash, Development Review Supervisor
Applicable Recognized Organization – Capitol Hill Community Council
Posted to Web

Exhibit A

Vicinity Map



Salt Lake City Planning Division, 11/2/2020

When Recorded Mail Tax Notice To:
466 North Wall Street
Salt Lake City, UT 84103

13339015
7/23/2020 4:29:00 PM \$40.00
Book - 10985 Pg - 4874-4875
RASHELLE HOBBS
Recorder, Salt Lake County, UT
PLATINUM TITLE SERVICES
BY: eCASH, DEPUTY - EF 2 P.

QUIT CLAIM DEED

Tap ID: Part of 08-36-281-022

Richard M. Olsen and Kathleen Olsen Biehn, Successor Trustees of the Jay O. and Betty M. Olsen Family Trust, Grantors, for good and valuable consideration, namely, dismissal of the action filed in Third Judicial District Court, Salt Lake County, State of Utah, Case No. 190903459, hereby quitclaim to Joel R.L. Ehrenkranz, Grantee, the following described tract of land in Salt Lake County, Utah, to wit:


A parcel of land located within Lot 10, Block 5, Plat "J", Salt Lake City Survey and being more particularly described as follows;

Beginning at a point on the south line of said Lot 10 and the southerly extension of an old wire and iron gate fence, said point being S89°58'40"W 130.54 feet from the southeast corner of said Lot 10; thence N3°04'41"E to and along said wire and iron gate fence and its northerly extension 44.42 feet to the north line of said Lot 10; thence West 25.95 feet along the North line of said Lot 10 to the northwest corner of that property described in book 5341, page 440, Salt Lake County Recorder's office; thence S27°30'30"E 50.00 feet (Deed=S28°34'00"E 50.00 feet) to a point on the south line of said Lot 10, said point also being the southwest corner of said property described above in Book 5341, Page 440; thence East 0.46 feet along the south line of said Lot 10 to the point of beginning. Contains 585 Sq. Ft., more or less.

Signed in Counterpart

Witness the hands of said Grantors:

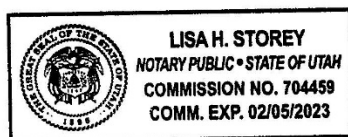
Richard M. Olsen, Successor Trustee of the
Jay O. Olsen and Betty M. Olsen Family Trust


Kathleen Olsen Biehn, Successor Trustee of
the Jay O. and Betty M. Olsen Family Trust

STATE OF UTAH)
) ss.
COUNTY OF ~~SALT LAKE~~)

Washington (JH)

The foregoing instrument was acknowledged before me this 8th day of July, 2020, by Richard M. Olsen and Kathleen Olsen Biehn, Successor Trustees of the Jay O. and Betty M. Olsen Family Trust.



Lisa A Story
Notary Signature and Seal

When Recorded Mail Tax Notice To:
466 North Wall Street
Salt Lake City, UT 84103

Tax ID: Part of 08-36-281-022

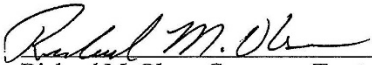
QUIT CLAIM DEED

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Witness the hands of said Grantors:

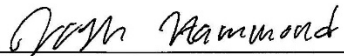


Richard M. Olsen, Successor Trustee of the
Jay O. Olsen and Betty M. Olsen Family Trust

Kathleen Olsen Biehn, Successor Trustee of
the Jay O. and Betty M. Olsen Family Trust

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 8 day of July, 2020, by Richard M. Olsen and Kathleen Olsen Biehn, Successor Trustees of the Jay O. and Betty M. Olsen Family Trust.


Notary Signature and Seal

