



February 5, 2020,

**ADMINISTRATIVE INTERPRETATION
DECISION AND FINDINGS
PLNZAD2019-01055**

REQUEST:

This is a request for an administrative interpretation regarding whether the property located at approximately 2760 North 2200 West (Tax ID#08-09-476-026-0000) is a legally existing lot in its current configuration in accordance with the Salt Lake City zoning ordinance. The purpose of the request is to determine if the lot could have a single-family home built on it. The zoning of the property is AG-2 Agricultural.

DECISION:

The Zoning Administrator finds that the subject property located at approximately 2760 North 2200 West (Tax ID#08-09-476-026-0000) is recognized by Salt Lake City as a legal noncomplying lot. Therefore, the lot can be developed with a single-family detached dwelling subject to the base zoning standards and the Airport Flight Path Protection overlay district even though the lot width does not meet the minimum requirements for the AG-2 district.

FINDINGS:

The subject property is currently located in the AG-2 Agricultural district. The parcel has a total lot area of approximately 174,853 square feet (4.06 acres), and a lot width of approximately 117.64 feet facing the street. The AG-2 district requires a minimum lot area of 2 acres for a detached single-family dwelling and a minimum of 150 feet of lot width. Although the property meets the minimum lot size requirement, it does not meet the minimum lot width standard.

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 subject parcel was annexed into Salt Lake City in 1975 and was zoned A-1 Agricultural which required a minimum lot size of 10,000 square feet and a minimum lot width of 65 feet. At the time the parcel was annexed, the lot was a legal complying lot with approximately 1.07 acres and with a lot width of 140 feet.

In 2000, the zoning designation was changed to AG-2 and the lot became noncomplying because the lot did not meet the new minimum lot area requirement of 2 acres nor the minimum lot width requirement of 150 feet.

According to Salt Lake County Recorder's Office records, in 2012 a 22.36 feet by 333 feet portion of the subject lot was deeded to the abutting lot to the south without City approval. As a result, the parcel now has a lot width of 117.64 feet which increased the degree of noncompliance relative to lot width and lot area.

The current configuration of the lot was created on June 13, 2013 by a quit claim deed recorded in the Salt Lake County Recorder's Office to consolidate two lots into one (see Attachment C). The two lots that were combined included the lot fronting on 2200 West (see Attachment B, legal description of Parcel 1) and an abutting lot to the east (see Attachment B, legal description of Parcel 2). The consolidation created a lot of more than 4 acres but maintained the existing noncomplying lot width of approximately 117 feet along 2200 West.

State Code includes an exemption from plat requirements for agricultural land (see Utah State Code 10-9a-605). This section of state code implies any land that is used for agricultural purposes is exempt from the subdivision requirements of the municipality it is in as long as the lot meets the minimum size requirements. Under this provision, Salt Lake City will not require a notice of lot consolidation.

The lot is in the Airport Flight Path Overlay District's Influence Zone A and B. The western 80 feet, approximately, of the parcel facing 2200 W is in the Airport Flight Path Protection Influence Zone A, which prohibits residential uses. The rest of the property is in the Airport Flight Path Protection Influence Zone B, which allows residential uses in agricultural districts with air circulation systems and at least 25 decibels of sound attenuation. See Section 21A.34.040 below:

V. Airport Influence Zones; Incompatible Uses: Except as provided for in this section, no structure or use of land shall be erected, altered or utilized in any airport influence zone so as to create an incompatible use as hereinafter established for such zones. To avoid the enlargement of existing nonconforming uses, defined as incompatible, compliance with these provisions will be required for the entire structure when changes of use occur. When structures, other than single-family or two-family dwellings, are remodeled or altered, only the area involved in the work must comply. The requirements of sound attenuation to various levels set forth below, are found in [title 18, chapter 18.88](#) of this code, but are incorporated herein by reference.

1. Airport Influence Zone A: The following uses are incompatible in this zone and are prohibited:

- a. Residential uses;*
- b. Commercial uses, except those constructed with air circulation systems and at least twenty-five (25) dBs of sound attenuation;*
- c. Institutional uses such as schools, hospitals, churches and rest homes;*
- d. Hotels and motels, except those constructed with air circulation systems and at least thirty (30) dBs of sound attenuation in sleeping areas and at least twenty-five (25) dBs of sound attenuation elsewhere.*

2. Airport Influence Zone B: The following uses are incompatible in this zone and are prohibited

- a. Residential uses, except residences in agricultural zones with air circulation systems and at least twenty-five (25) dBs of sound attenuation;*
- b. Institutional uses such as schools, hospitals, churches and rest homes, except those constructed with air circulation systems and at least twenty-five (25) dBs of sound attenuation;*
- c. Hotels and motels except those constructed with air circulation systems, and at least twenty-five (25) dBs of sound attenuation, in sleeping areas.*

When the lots were combined in 2013, the lot created exceeded the minimum lot area requirements of the AG-2 zoning district and qualified it for subdivision exemption under state law. State code only specifies size of lot and is open to interpretation on if that includes width of lot. In addition, at the time the parcel was annexed into the City, the lot complied to the minimum lot width of the AG district.

SUMMARY

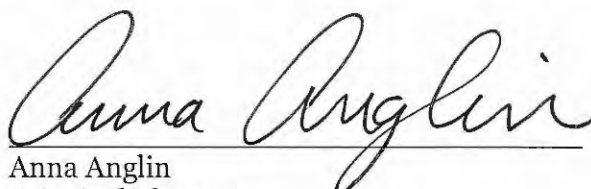
When the subject property was annexed into Salt Lake City it was a legal complying lot. A zoning map amendment which changed the zoning to AG-2 in 2000 changed the status of the lot to a legal noncomplying lot base on the provisions in 21A.38.060. Although subsequent changes to the lot configuration resulted in the property complying with the minimum lot area requirement but increased the degree of noncompliance with the minimum lot width standard of the AG-2 district, the property is a legal noncomplying lot. A new single-family home can be constructed on the lot if it meets all other applicable building and zoning code requirements.

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.



Anna Anglin
Principal Planner

CC:

Nick Norris, Planning Director
Joel Paterson, Zoning Administrator
Greg Mikolash, Development Review Supervisor
Paul Nielson, Senior Attorney
Posted to Web
File

Attachments:

- A. Vicinity map of subject property
- B. February 15, 2012 Deed & Abstract
- C. June 13, 2013 Deed & Abstract

Vicinity Map of Subject Property

2760 North 2200 West (Tax ID#08-09-476-026-0000)



February 15, 2012 Deed & Abstract

11333610

MAIL TAX NOTICE TO

Levi Tua'One

760 N. Woodl.
West Bountiful, Ut.
84087

11333610

2/15/2012 4:21:00 PM \$13.00

Book - 9991 Pg - 7359-7360

Gary W. Ott

Recorder, Salt Lake County, UT

BACKMAN TITLE SERVICES

BY: eCASH, DEPUTY - EF 2 P.

Warranty Deed

Order No. 5-072987

Tammy F. Giles and Mark B. Hayden

of Salt Lake City, County of Salt Lake, State of UTAH, Grantor, hereby CONVEY and WARRANT to
Levi Tua'One

of Salt Lake City, County of Salt Lake, Grantee for the sum of Ten Dollars and Other Good and Valuable
Consideration the following described tract(s) of land in Salt Lake County, State of UTAH:

PARCEL 1:

Commencing 556.46 feet North from the Southwest corner of the Southeast quarter of the
Southeast quarter of Section 9, Township 1 North, Range 1 West, Salt Lake Meridian, South
117.64 feet; East 333 feet; thence North 117.64 feet; thence West 333 feet to beginning. Less
Street.

Parcel No.: 08-09-476-007

PARCEL 2:

Commencing 416.46 feet North and 333 feet East and 22.36 feet North from the Southwest
corner of the Southeast quarter of the Southeast quarter of Section 9, Township 1 North, Range 1
West, Salt Lake Meridian; thence East 550 feet; thence North 257.64 feet; thence West 550 feet;
thence South 257.64 feet to beginning.

Parcel No.: 08-09-476-008, 08-09-476-007

SUBJECT TO: County and/or City Taxes not delinquent, Bonds and/or Special Assessments not delinquent and
Covenants, Conditions, Restrictions, Rights-of-Way, Easements, and Reservations now of Record

WITNESS, the hand(s) of said Grantor(s), this 13th of February AD, 2012

Signed in the Presence of:

Tammy F. Giles

Tammy F. Giles

Mark B. Hayden by Tammy F. Giles
Mark B. Hayden
attorney in fact

STATE OF Utah)

Warranty Deed Indiv. Notary
Backman Title Services Ltd.

BK 9991 PG 7359

County of Utah) SS.
Salt Lake)

The foregoing instrument was acknowledged before me this 13th day of February, 2012
Tammy F. Giles individually and Tammy F. Giles for Mark B. Hayden as his attorney in fact

[Signature]
Notary Public

My Commission Expires: 14 Feb 2016 Residing at: Murray, Ut.



June 13, 2013 Deed & Abstract

11662730
 06/13/2013 01:16 PM \$13.00
 Book - 10149 Pg - 921-922
 GARY W. OTT
 RECORDER, SALT LAKE COUNTY, UTAH
 LEVI TUAONE
 716 N 660 W
 WEST BOUNTIFUL UTAH 84087
 BY: HNP, DEPUTY - W1 2 P.

QUIT-CLAIM DEED

LEVI TUAONE
 of West Bountiful
 QUIT-CLAIM to LEVI TUAONE
 , County of Davis
 State of Utah, hereby grantor

of West Bountiful
 , County of Davis
 State of Utah, for the sum of
 0 DOLLARS, grantee

the following described tract(s) of land in Salt Lake
 State of Utah: County,

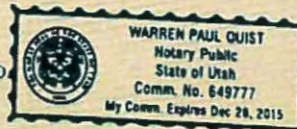
2702 N 2200 W (SEE ATTACHED)

Legal
 The purpose of this doc
 is to CONSOLIDATE County
 Tax RECORD

WITNESS, the hand(s) of said grantor(s), this
 Signed in the presence of:
 day of A.D.

STATE OF UTAH

County of SALT LAKE ss.
 On the 13th day of JUNE, 2013 A.D.



personally appeared before me LEVI TUAONE
 the signer(s) of the foregoing instrument, who duly acknowledged to me that he/she/they executed the same.

My Commission expires 1 December 28, 2015 Address: SALT LAKE CITY
 Form #0103L - Quit-Claim Deed, Short Form - Gem Printing, Inc. 801-277-3630

VTDI 08-09-476-022-0000 DIST 13
TUA'ONE, LEVI TAX CLASS UPDATE N TOTAL ACRES 0.81
LEGAL N REAL ESTATE 24900
PRINT U BUILDINGS 163800
TOTAL VALUE 188700

716 N 660 W NO:
WEST BOUNTIFUL UT 84087 EDIT 1 FACTOR BYPASS
LOC: 2722 N 2200 W EDIT 0 BOOK 09991 PAGE 7359 DATE 09/04/2012
SUB: SEC 09 TOWNSHIP 1S RING 1W TYPE SECT PLAT

06/13/2013 PROPERTY DESCRIPTION FOR TAXATION PURPOSES ONLY
BEG 556.46 FT N FR SW COR OF SE 1/4 OF SE 1/4 SEC 9, T1N,
R1W, SLB & M; S 117.64 FT; E 333 FT; N 117.64 FT; W 333 FT
TO BEG. LESS STREET 0.81 AC M OR L. 4401-439 9991-7346

ALSO

BEG 416.46 FT N & 333 FT E & 22.36 FT N FR SW COR OF SE 1/4
OF SE 1/4 OF SEC 9, T1N, R1W, SLB & M; E 550 FT; N 257.64
FT; W 550 FT; S 257.64 FT TO BEG. 3.25 AC M OR L. 4564-1352
8294-3482

PFKEYS: 1=RXPH 4=VTAU 6=NEXT 7=RTRN VTAS 8=RXMU 10=RXBK 11=RXPN 12=PREV

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