

**March 16, 2021**



**ADMINISTRATIVE INTERPRETATION  
DECISION AND FINDINGS  
PLNZAD2021-00189**

**REQUEST:**

This is a request for an administrative interpretation to determine if a new single-family dwelling can be constructed on the property located at approximately 1031 W 400 S (Tax ID#15-02-336-003-0000). The parcel is currently vacant.

**DECISION:**

The Zoning Administrator finds that the subject property located at approximately 1031 W 400 S (Tax ID#15-02-336-003-0000) is recognized by Salt Lake City as a legal complying lot. Therefore, a single family detached dwelling could be built on the subject property subject to meeting the zoning requirements of the applicable R-1/5000 (Single Family Residential) zoning district, the off-street parking requirements in 21A.44 of the zoning ordinance, and any other applicable approvals and permits required from other city divisions.

**FINDINGS:**

The subject property has a lot area of approximately 0.09 AC or 3,920 SF, a lot width of 35 FT, and is located in the R-1/5000 (Single Family Residential District) zoning district. The R-1/5000 zoning district requires a lot area of 5,000 SF and a lot width of 50 FT for a detached single-family dwelling.

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 lot was created prior to January 13, 1950. The subject parcel is described as an individual lot in 1929. The subject parcel is described in a Warranty Deed (#739416 in Book 129 Page 320) from Mary E. Woldberg to Augustas O. Woldberg. The associated deed is attached to this interpretation. In the 1929 deed, the property is described as follows:

*Commencing at a point thirty-five (35) feet west of the North-east corner of Lot twenty-nine (29) Block eight (8), City Park Subdivision of Blocks Twenty (20), Twenty-one (21), Twenty-eight (28) and Twenty-nine (29), Plat "C" Salt Lake City Survey, running thence south 106 feet, thence west 35 feet, thence north 106 feet, thence east 35 feet, to the place of the beginning.*

In 1929 the property was zoned Residential B-2 which required a lot area of 3,000 SF for a single-family dwelling. There was not a lot width requirement in 1929. As such, the subject lot met the minimum zoning requirements at the time the lot was created, which was before 1950.

Since the lot was legally created prior to 1950 and complied with zoning requirements at the time the lot is considered a legal noncomplying lot. As a legal noncomplying lot, a single-family dwelling may be constructed on the lot subject to the requirements of the R-1/5000 zoning 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.



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Amy Thompson  
Senior Planner

**CC:**

Nick Norris, Planning Director  
Joel Paterson, Zoning Administrator  
Heather Gilcrease, Development Review Supervisor  
Applicable Recognized Organizations  
Posted to Web  
File

**Attachments:**

Vicinity map of subject property  
Warranty Deed - 1929

**Vicinity Map of Subject Property (1031 W 400 South, Parcel 15-02-336-003-0000)**



#789418

Warranty Deed

GUSTAVE E. JOHNSON, a widower, grantor, of Sandy, Salt Lake County, State of Utah hereby conveys and warrants to RAY P. GREENWOOD and ARVILLA H. GREENWOOD, his wife, as joint tenants and not as tenants in common, and to the survivor of them, grantees, of the same place for the sum of TEN \$ (\$10.00) DOLLARS, the following described tract of land in Salt Lake County, State of Utah.

Commencing at a point 32 rods South of the Northwest corner of the Southeast quarter of Section 1, Township 3 South, Range 1 West, Salt Lake Meridian and running thence East 26-2/3 rods; thence South 32 rods; thence West 53-1/3 rods; thence North 32 rods; thence East 26-2/3 rods, to the place of beginning.

Subject to a right of way over the East 1-1/3 rods thereof.

Together with five shares of stock in the East Jordan Irrigation Canal Company.

Witness the hand of said grantor this first day of March A. D. 1929.

Signed in the presence of  
LeGrand P. Backman.

Gust E. Johnson

State of Utah, )  
County of Salt Lake, ) ss.

On the first day of March A. D. 1929 personally appeared before me Gustave E. Johnson, a widower, the signer of the above instrument, who duly acknowledged to me that he executed the same.

My commission expires:  
Feb. 15, 1933.

LeGRAND P. BACKMAN,  
NOTARY PUBLIC  
SALT LAKE CITY-STATE OF UTAH.

LeGrand P. Backman  
Notary Public.  
Residing at Salt Lake City,  
Utah.

Recorded at the request of Inter-Mt'n. Title Guaranty Co. July 23, 1934 at 9:49 A.M. In Bk. #129 of Deeds. Page 320. Recording fee paid 90%. (Signed) Helen F. Reiser, Recorder Salt Lake County, Utah by C. L. Schettler, Deputy. (Reference: D-25-4-19.)

#789416

WARRANTY DEED

MARY E. WOLDBERG, Widow, grantor of Salt Lake City, County of Salt Lake, State of Utah, hereby CONVEYS AND WARRANTS to AUGUSTAS O. WOLDBERG grantee of Salt Lake City, Utah for the sum of Twenty Dollars per month to be paid to grantor for the remainder of her life time. the following described tract of land in Salt Lake County, State of Utah:

Commencing at a point thirty-five (35) feet west of the Northeast corner of Lot twenty-nine (29) Block eight (8), City Park Subdivision of Blocks Twenty (20), Twenty-one (21), Twenty eight (28) and Twenty-nine (29) Plat "C" Salt Lake City Survey, running thence south one hundred six (106) feet, thence west thirty five (35) feet, thence north one hundred six (106) feet, thence east thirty five (35) feet to the place of beginning.

Subject to the use of, the rents and profits therefrom to the grantor during her life time

Witness, the hand of said grantor, this 12th day of September, A. D. 1929.

Signed in the presence of  
Geo G Armstrong

Mary, E, Woldberg

STATE OF UTAH )  
County of Salt Lake ) ss.

On the 12th. day of September, A. D. 1929 personally appeared before me Mary E. Woldberg, widow the signer of the within instrument, who duly acknowledged to me that she executed the same.

My commission expires \_

GEO. G. ARMSTRONG,  
NOTARY PUBLIC  
COMMISSION EXPIRES  
MAR. 14, 1931.  
SALT LAKE CITY-STATE OF UTAH.

Geo. G. Armstrong  
Notary Public.

Recorded at the request of George G. Armstrong, July 23, 1934 at 9:55 A.M. In Bk. #129 of Deeds. Page 320. Recording fee paid 90%. (Signed) Helen F. Reiser, Recorder Salt Lake County, Utah by C. L. Schettler, Deputy. (Reference: S-21-244-37.)

#789418

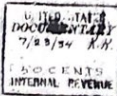
WARRANTY DEED

B. C. Tripp and Zelma Tripp his wife grantors of Salt Lake City County of Salt Lake, State of Utah, hereby CONVEY and WARRANT TO Real Estate Investment Company a corporation of Utah, grantees of \_ for the sum of Ten and no/100 DOLLARS, and other valuable considerations. the following described tract of land in Salt Lake County, State of Utah:

Commencing at a point 5 Rods East of the North-West corner of Lot 3, Block 47, Plat "D" Salt Lake City Survey, and running thence East 5 Rods thence South 4 Rods; thence West 5 Rods; thence North 4 Rods to the place of beginning.

WITNESS the hands of said grantors, this twenty-first day of July, A. D. 1934

Signed in the presence of  
Kenneth King



B. C. Tripp  
Zelma Tripp

STATE OF UTAH, )  
County of Salt Lake ) ss.

On the 21st day of July, A. D. 1934 personally appeared before me B. C. Tripp and Zelma Tripp his wife the signer of the within instrument, who duly acknowledged to me that they executed the same.

My commission expires  
July 26-1936

KENNETH KING,  
NOTARY PUBLIC  
COMMISSION EXPIRES  
JULY 26, 1936.  
SALT LAKE CITY-STATE OF UTAH.

Kenneth King  
Notary Public.  
My residence is Salt Lake  
City Ut