

**April 7, 2021**

**CASE# PLNZAD2021-00215  
Administrative Interpretation  
DECISION AND FINDINGS**



**REQUEST:**

The property owner of 809 S. Jefferson St., Michael Wheeler, is requesting an Administrative Interpretation regarding the front yard setback requirements in accordance with the Salt Lake City Zoning Ordinance, Table 21A.27.050.B. The property under review is located at 809 S. Jefferson St. and is within the FB-UN1 (Form Based Urban Neighborhood) zoning district. The purpose of the request is to determine which properties along the subject block face are applicable for the front yard setback averaging for the redevelopment of 809 S. Jefferson Street. The applicant is requesting that 865 S. Jefferson, which is currently set back approximately 93.5' from the front property line, be eliminated from the required averaging.

**DECISION:**

The Zoning Administrator, based on the language found within Table 21A.27.050.B, which states: "Equal to average setback of block face, where applicable, otherwise minimum of 10' and maximum of 20'" and the purpose statement of the FB-UN1 zoning district, finds that the front yard averaging for the subject property located at 809 S. Jefferson St. should not include the front yard of the property located at 865 S. Jefferson St. The other properties located within the subject block face of Jefferson Street shall be included in the front yard averaging. The front yard averaging should result in a range of a front yard setback between 10'-20'.

**FINDINGS:**

Regarding the required front yard for properties located within the FB-UN1 (Form Base Urban Neighborhood) zoning district, the Salt Lake City Zoning Ordinance Table 21A.27.050.B states:

Equal to the average setback of block face, where applicable, otherwise minimum of 10' and maximum of 20'

This specific language is intended to create a front yard setback that matches the existing urban development pattern. If there is no development pattern, then the range of 10'-20' is applicable. However, the intention was to create an urban development pattern where front yard setbacks provide a range of depth but none that necessarily exceed 20'. This intent is clarified by the FB-UN Context Description, found in 21A.27.010.B,

Context Description: The form based districts are intended to be utilized in areas with the following characteristics:

1. **Street, Block, And Access Patterns:** A regular pattern of blocks surrounded by a traditional grid of streets that provide mobility options and connections for pedestrians, bicyclists, and automobiles. Blocks include sidewalks separated from vehicle travel lanes by a landscaped park strip. Front yards are landscaped or include active, outdoor uses.
2. **Building Placement And Location:** *Residential buildings are generally located close to the sidewalk* with a small, transitional, semipublic space, such as a landscaped front yard, that is consistent along the block face. Buildings along arterials are

located close to the sidewalk with parking to the side or rear of building. (Emphasis Added)

3. Building Height: Building heights on local streets are relatively low and consistent with existing building heights with little variation. Buildings located on arterial streets are generally taller.
4. Mobility: A balance between pedestrians, bicyclists, transit riders, and motorists exist in the area, and residents are well connected to other parts of the city.

The purpose of the FB-UN districts is to create and enable development of urban neighborhoods with an urban development pattern. The inclusion of 865 S. Jefferson into the front yard setback averaging would not meet the intention of the front yard setback averaging language or the purpose statement of the FB-UN districts. Thus, 865 S. Jefferson does not need to be included as part of the block face for the averaging calculation for the front yard setback for the redevelopment of 809 S. Jefferson.

#### **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 7<sup>th</sup> day of April, 2021 in Salt Lake City, Utah.

*Kelsey Lindquist*

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Salt Lake City Planning Division

CC: Nick Norris, Planning Director  
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