

October 6, 2021

ADMINISTRATIVE INTERPRETATION DECISION AND FINDINGS PLNZAD2021-00909

REQUEST:

This is a request for an administrative interpretation regarding whether the property located at approximately 856 South 300 East (Tax ID#16-07-178-025-0000) 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 856 South 300 East (Tax ID#16-07-178-025-0000) is recognized by Salt Lake City as a legal noncomplying lot and therefore, an inline addition may be constructed following completion of the Special Exception process in 21A.52.

FINDINGS:

The subject property has a lot area of approximately 2,474 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. The property does not have frontage on a public street as required by 21A.36.010.C.

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 1913, the property was deeded from Clarence C. Erickson to Edward O. Erickson (see attached extract from Salt Lake County Recorder Abstracts, Book C11 Page 1, Line 49). The property was described as follows (abbreviated):

Com. 105 ft. W of SE cor. Lot 8; W 60 ft., N 41 1/4 ft; E 60 ft; S 41 $\frac{1}{4}$ ft. to beg. Subj. to R. of W. same as on line 46 above.

Line 46 ROW: Subj. to R. of W. Com. 36 ¼ ft. N of S.E. cor. Lot 8; W 132 ft; N 10 ft; E 132 ft; S 10 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:

COM 105 FT W OF THE SE COR LOT 8, BLK 1, PLAT A, SLC SUR; W 60 FT; N 41 1/4 FT; E 60 FT; S 41 1/4 FT TO BEG.

The Warranty Deed submitted by the applicant also includes Parcel 1A:

Together with a non-exclusive right of way over: Commencing 36.25 feet North of the Southeast corner of said Lot 8, and running thence West 132 feet; thence North 10 feet; thence East 132 feet; thence South 10 feet to the place of beginning.

Prior to 1927, there was no City adopted zoning code and so there were no requirements for street frontage, or other minimum lot regulations for properties. As the property was legally created prior to the adoption of the zoning code, the property is considered a "legal noncomplying lot."

As the property is a legal noncomplying lot, the inline addition may be constructed pursuant to the Special Exception process in 21A.52.

APPEAL PROCESS:

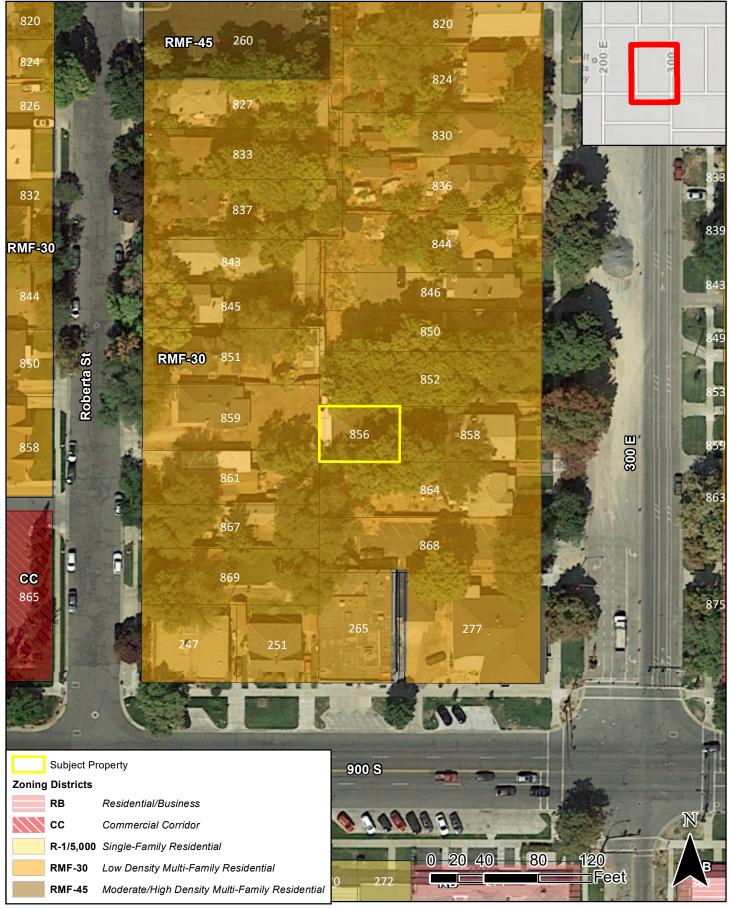
An applicant or any other person or entity adversely affected by a decision administering or interpreting this Title may appeal to the Appeals Hearing Officer. Notice of appeal shall be filed within ten (10) days of the administrative decision. The appeal shall be filed with the Planning Division and 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 <u>https://www.slc.gov/planning/applications/</u> along with information about the applicable fee. Appeals may be filed in online at the following link: https://citizenportal.slcgov.com/citizen/Default.aspx

Sara Javoronok, AI Senior Planner

CC: Joel Paterson, Zoning Administrator Casey Stewart, Development Review Supervisor Kevin Hamilton Posted to Web

Attachments: Zoning Map of Subject Property Salt Lake County Recorder Abstract (Book C11, Page 1, Line 49) Warranty Deed 1913 Warranty Deed 2021

Zoning Map



Salt Lake City Planning Division 9/24/2021

C-11 BLOCK / BLOCK / KELLY & CO., MIRES	PLAT "A" SALT	LAKE CITY SURVEY.	10	SALT LAKE COUNTY ABSTRACTS.
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13580404 2/26/2021 1:12:00 PM \$40.00 Book - 11126 Pg - 5779-5780 RASHELLE HOBBS Recorder, Salt Lake County, UT SUTHERLAND TITLE BY: eCASH, DEPUTY - EF 2 P.

WHEN RECORDED RETURN TO: AINSLEY MARIE LLOYD 856 S 300 E Salt Lake City, UT 84111-4210 Tax ID No.: 16-07-178-025

WARRANTY DEED

AINSLEY MARIE LLOYD, **GRANTOR**, hereby CONVEY(S) AND WARRANT(S) to AINSLEY MARIE LLOYD and DERREK JOSEPH DRAPER, wife and husband, as joint tenants, **GRANTEE**, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the following tract(s) of land in Salt Lake County, State of Utah described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Subject to City and/or County taxes and assessments, not delinquent; Easements, Rights-of-Way, Covenants, Conditions and Restrictions now of record.

WITNESS, the hand of said grantor this 22nd day of February, 2021.

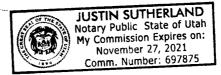
AINSI FY MARIE LLOYD

State of Utah County of Salt Lake

On this 22nd day of February, 2021, before me, the undersigned Notary Public, personally appeared AINSLEY MARIE LLOYD, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged before me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Notary Public

My commission expires: November 27, 2021



ACCOMODATION RECORDING ONLY: Sutherland Title Company makes no representation as to the condition of title and assumes no liability or responsibility for the validity, sufficiency, or effect of this recording.

Page 1 of 2

EXHIBIT "A" LEGAL DESCRIPTION

File No.: 48418

Land located in Salt Lake County, State of Utah, more particularly described as follows:

Parcel 1:

Commencing at a point 105 feet West of the Southeast corner of Lot 8, Block 1, Plat "A", Salt Lake City Survey, and running thence West 60 feet; thence North 41 1/4 feet; thence East 60 feet; thence South 41 1/4 feet to the place of beginning.

Tax Parcel No.: 16-07-178-025

Parcel 1A:

TOGHETHER WITH a non-exclusive right of way over: Commencing 36.25 feet North of the Southeast corner of said Lot 8, and running thence West 132 feet; thence North 10 feet; thence East 132 feet; thence South 10 feet to the place of beginning.

File No.: 48418 Exhibit A Legal Description

Page 1 of 1