

April 7, 2022

**ADMINISTRATIVE INTERPRETATION
DECISION AND FINDINGS
PLNZAD2022-00224**



REQUEST:

This is a request for an administrative interpretation to determine if the property located at approximately 720 North West Capitol Street (Tax ID# 08-25-479-004-0000) is a recognized by Salt Lake City as a legal lot and if a dwelling can be constructed on the subject property.

DECISION:

The Zoning Administrator finds that the property located at approximately 720 North West Capitol Street with the TAX ID# 08-25-479-004-0000, is a legal noncomplying lot and may be developed in accordance with the provisions of the SR-1A (Special Development Pattern Residential) zoning district, the (H) Historic Preservation Overlay district, and any other applicable reviews and permits required from other city divisions.

FINDINGS:

The subject property approximately located at 720 North West Capitol Street, and located within the City View Addition Subdivision, is approximately .36 acres or 15,681 square feet. The site is located within the SR-1A (Special Development Pattern Residential) zoning district. The maximum lot size in the SR-1A district is 1.5 times the minimum lot size, or 14,400 square feet for multi-family lots created through a subdivision. The lot is noncomplying because it exceeds the maximum lot size for the SR-1A zoning district

Section 21A.38.060 states the following regarding noncomplying lots:

Any noncomplying lot not approved by the city that was created on or between January 13, 1950 to April 12, 1995, may be approved as a legal noncomplying lot subject to the lot meeting minimum zoning and subdivision requirements at the time the lot was created and documented through an updated zoning certificate for the property.

The subject site is located within the City View Addition Subdivision, which was created in 1888., The first time the lot was described in its current configuration was in 1977 through Quit Claim Deed (Bk. 4460, Pg. 1090). The associated deed is attached to this interpretation. In the 1977 deed, the property is described as follows:

*CITY VIEW ADD 1102 COM AT SW COR LOT 1 BLK 2 CITY VIEW ADD N 35° E 63.15 FT S 49° 29' E 180 FT S 44° 15' E 43.08 FT S 89° 59' 13" W 122.71 FT N 39° 55' 24" W 125.3 FT TO BEG, TOGETHER WITH 1/2 VACATED STREET**

When the lot was created in 1977, the property was within the R-6 (Multi-Family Dwelling) zoning district. The R-6 district did not include a maximum lot size; therefore, the lot met the minimum zoning requirements at the time it was created.

At the time the lot was created in 1977, a subdivision plat was required if a tract of land was being subdivided into 5 or more parts, per Sec. 6802 of Chapter LXVI, Platting and Subdividing Ordinance of 1950. This language from the 1950's ordinance was in place in 1977 when the property was subdivided. Consequently, the Quit Claim Deed (Bk. 4460, Pg. 1090) that was recorded in 1977, and which created two new lots, is recognized by Salt Lake City and complies with Section 21A.38.060.

The subject property, located at approximately 720 North West Capitol Street, is a legal noncomplying lot, having been created through the City View Addition and recorded to its present form in 1977 having met the minimum zoning and subdivision requirements at that time.

As the subject property is a legal noncomplying lot, the lot may be developed in accordance with the SR-1A zoning district, the Historic Preservation Overlay, and Section 21A.24.080 of the Salt Lake City Zoning Code and meeting all applicable requirements and obtaining all necessary approvals from other city divisions.

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.



Nannette Larsen
Senior Planner

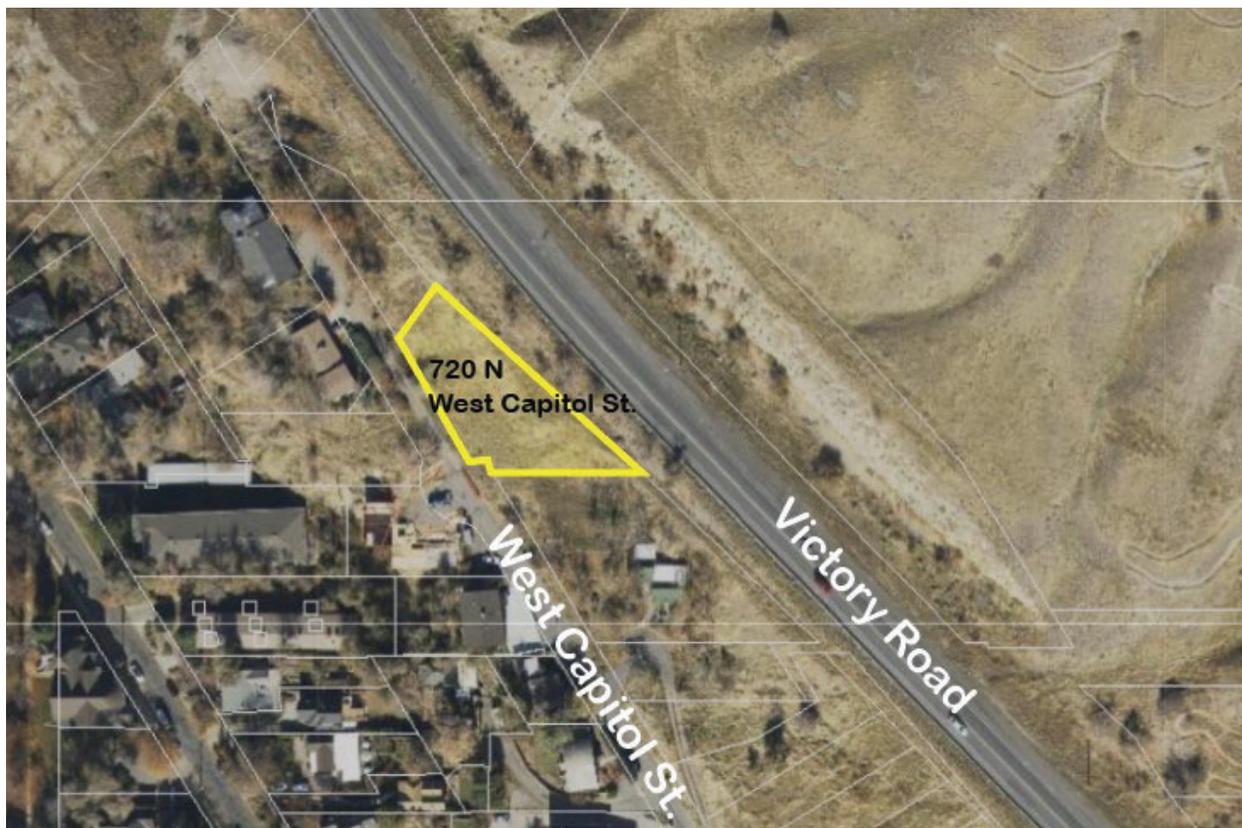
CC:

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

Attachments:

Vicinity map of subject property
City View Addition Subdivision
1977 Quit Claim Deed

Vicinity Map of Subject Property (720 North West Capitol Street, Parcel 08-25-479-004-0000)

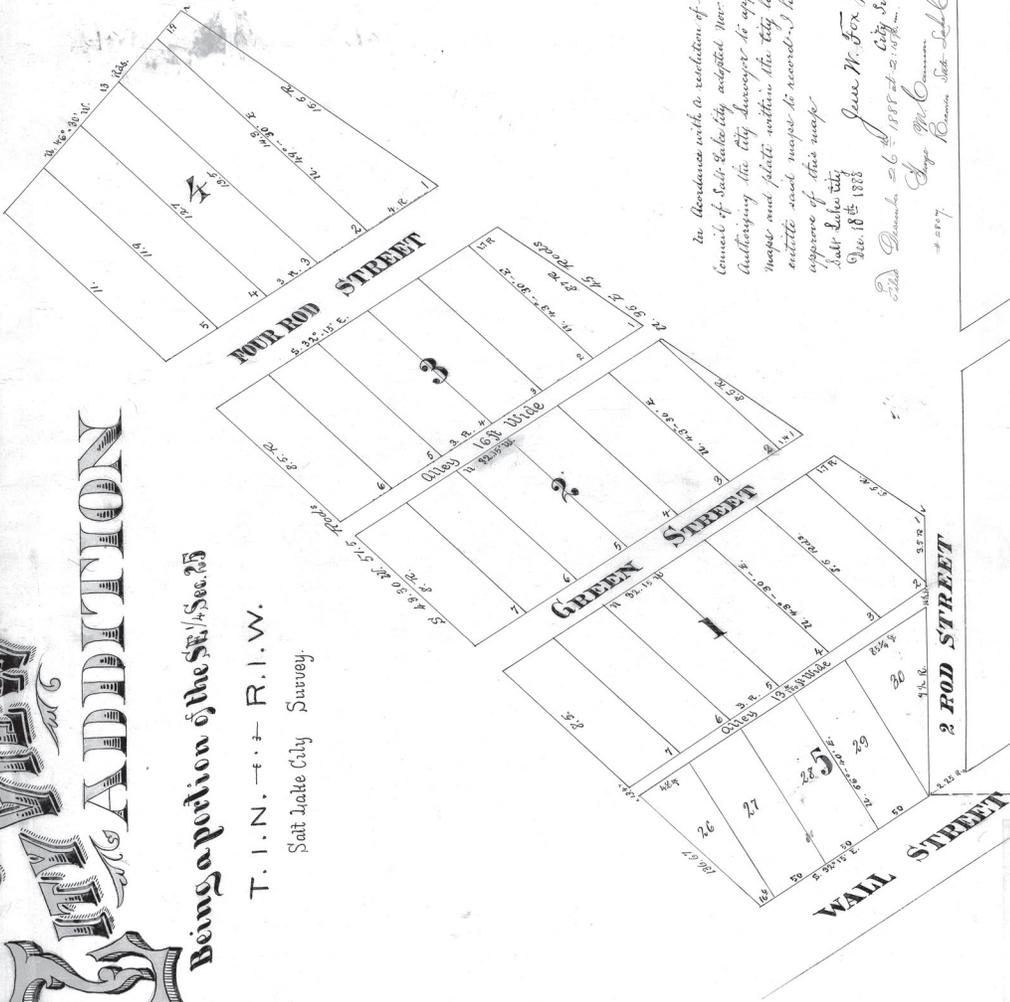


NEW ADDITION

Being a portion of the S.W. 1/4 Sec. 25

T. 1. N. - R. 1. W.

Salt Lake City Survey



In accordance with a resolution of the City Council of Salt Lake City adopted Nov. 27-1887 authorizing the City Surveyor to approve of maps and plats within the City limits to which said maps do record, hereby approve of this map.

Salt Lake City
 Dec. 18th 1888
 Geo. W. Fox, Jr.
 City Surveyor.

Filed December 26th 1888 at 2:15 P.M.
 J. M. Cannon
 County Clerk Salt Lake County Utah.

33
 Plat E. B-7

32
 Plat E.

Legal Description

Beginning at the Northwest corner of Lot 7, Block 33, Plat "E", Salt Lake City Survey, and running thence South 31°29' East 49.5 feet; thence East 57 feet, more or less; thence North 0°52'30" East 42.21 feet; thence West 83.5 feet, more or less, to the point of beginning.

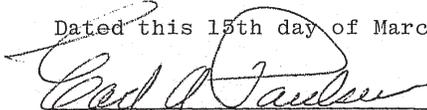
ALSO, beginning at the Southwest corner of Lot 7, Block 33, Plat "E", Salt Lake City Survey, and running thence East 184.8 feet, more or less, to the Westerly line of State Highway; thence North 47°03' West along said Westerly line, 207 feet, more or less, to the North line of Lot 8, said Block 33; thence West 120 feet, more or less, to the Northwest corner of said Lot 8; thence South 31°29' East 82.5 feet; thence East 83.5 feet, more or less; thence South 0°52'30" West 42.21 feet; thence West 57 feet, to the Westerly line of said Lot 7; thence South 31°29' East 33 feet to the point of beginning. TOGETHER with one-half of Fern Avenue vacated abutting said property on the North.

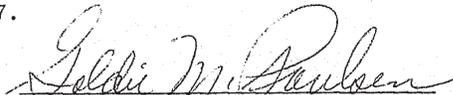
ALSO, beginning at the Southwest corner of Lot 1, Block 2, City View Addition, a subdivision of part of the Southeast quarter of Section 25, Township 1 North, Range 1 West, Salt Lake Base and Meridian and running thence North 35° East 63.15 feet to a point on the West right-of-way line of Victory Road; thence South 49°29' East 180.0 feet along said right of way line; thence South 44°15' East 43.08 feet along said right of way line to a point on the North line of Fern Avenue; thence South 89°59'13" West 122.71 feet; thence North 39°55'24" West 125.30 feet to the point of beginning. TOGETHER with one-half of Fern Avenue vacated abutting said property on the South.

ALSO, beginning at the Southeast corner of Lot 1, Block 1, City View Addition, a subdivision of part of the Southeast quarter of Section 25, Township 1 North, Range 1 West, Salt Lake Base and Meridian, said point also being North 89°59'13" East 259.33 feet from the City Monument at the intersection of Wall Street and Fern Avenue and running thence North 35° East 90.75 feet; thence South 31°09'12" East 86.84 feet to a point on the North line of Fern Avenue; thence South 89°59'13" West 96.98 feet to the point of beginning. TOGETHER with one-half of Fern Avenue vacated abutting said property on the South.

ALSO, beginning 34 feet South 35° West from the Northeast corner of Lot 1, Block 1, City View Addition, a subdivision of part of the Southeast quarter of Section 25, Township 1 North, Range 1 West, Salt Lake Base and Meridian, and running thence South 89°59'13" West to a point on the West line of Block 1; thence South 32°16'15" East to a point on the North line of Fern Avenue; thence North 89°59'13" East 57.75 feet to the Southeast corner of Lot 1, Block 1; thence North 35° East to the point of beginning. TOGETHER with one-half of Fern Avenue vacated abutting on the South. TOGETHER with one-half of vacated alley abutting on the Westerly boundary.

Dated this 15th day of March, 1977.

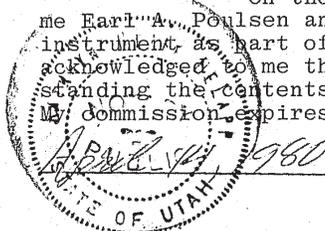

EARL A. POULSEN -- Grantor

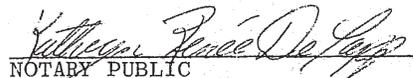

GOLDIE M. POULSEN -- Grantor

BOOK 4480 PAGE 1091

State of Utah
County of Salt Lake

On the date above written personally appeared before me Earl A. Poulsen and Goldie M. Poulsen the signers of the foregoing instrument, as part of a quit claim deed of date even, who duly acknowledged to me that they executed the same knowing and understanding the contents thereof.




NOTARY PUBLIC
Salt Lake City, Utah