

March 24th, 2022



ADMINISTRATIVE DETERMINATION OF NONCONFORMING USE
PETITION PLNZAD2022-00105 – Unit Legalization at 669 E 2nd Avenue

REQUEST

This is a request by property owner Laura Rowley for a Determination of a Nonconforming Use regarding the subject property at approximately 669 East 2nd Avenue (Tax ID # 09-32-353-019-0000). The applicant is specifically requesting to legalize a unit on the upper story of the two-story home and have the structure recognized as a legal nonconforming duplex. The subject property has a lot area of approximately 0.14 AC or 5894 SF, a lot width of approximately 36 FT, and is located in the SR-1A (Special Development Pattern Residential District) Zone. The SR-1A permits a duplex use on lots with a minimum lot size of 8,000 SF and a minimum lot width of 50 FT.

DECISION

Based on the review standards listed in 21A.38.075 and the documentation submitted by the applicant, the Zoning Administrator approves legalization of the excess dwelling unit and recognized the structure on the property as a legal nonconforming duplex. The determination is subject to the following conditions of approval:

1. The unit owner shall allow the City's Building Office or designee to inspect the dwelling unit to determine whether the unit substantially complies with the basic life safety requirements as provided in Title 18, Chapter 18.50, "Existing Residential Housing," of this code. The inspection can be scheduled by calling the Civil Enforcement division at (801)535-7225 or email civilenforcement@slcgov.com.
2. All required corrections indicated during the inspection process must be completed within one year unless granted an extension by the Zoning Administrator.

STANDARDS OF REVIEW:

A dwelling unit that is proposed to be legalized shall comply with the following review standards for Unit Legalizations listed in 21A.38.075 of the zoning ordinance:

Standard 1: The dwelling unit existed prior to April 12, 1995. In order to determine whether a dwelling unit was in existence prior to April 12, 1995, the unit owner shall provide documentation thereof which may include any of the following:

- a) Copies of lease or rental agreements, lease or rent payments, or other similar documentation showing a transaction between the unit owner and tenants;
- b) Evidence indicating that prior to April 12, 1995, the city issued a building permit, business license, zoning certificate, or other permit relating to the dwelling unit in question;
- c) Utility records indicating existence of a dwelling unit;
- d) Historic surveys recognized by the planning director as being performed by a trained professional in historic preservation;
- e) Notarized affidavits from a previous owner, tenant, or neighbor;
- f) Polk, Cole, or phone directories that indicate existence of the dwelling unit (but not necessarily that the unit was occupied); or
- g) Any other documentation that the owner is willing to place into a public record which indicates the existence of the excess unit prior to April 12, 1995.

Standard 2: The excess unit has been maintained as a separate dwelling unit since April 12, 1995. In order to determine if a unit has been maintained as a separate dwelling unit, the following may be considered:

- a) Evidence listed in Subsection B.1 of this section indicates that the unit has been occupied at least once every five (5) calendar years;

- b) Evidence that the unit was marketed for occupancy if the unit was unoccupied for more than five (5) consecutive years;
- c) If evidence of maintaining a separate dwelling unit as required by Subsection B.1 of this section cannot be established, documentation of construction upgrades may be provided in lieu thereof.
- d) Any documentation that the owner is willing to place into a public record which provides evidence that the unit was referenced as a separate dwelling unit at least once every five (5) years.

FINDINGS:

- The Zoning Administrator finds that the proposed unit legalization at 669 E 2nd Ave (Tax ID # 09-32-353-019-0000) meets the standards of review and is recognized by Salt Lake City as a legal nonconforming duplex.
- Documents were submitted by the applicant verifying that the unit existed prior to April 12, 1995, to comply with 21A.38.075.B.1. (Attachment B – Tax Documents dated 1990 indicating the dwelling contained 2 units).
- Documents were submitted by the applicant that demonstrate the unit has been occupied at least once every 5 years to comply with 21A.38.075.B.2, and that it has been continuously occupied since that time (Attachment B – a signed owner’s affidavit indicating the unit has been occupied at least once every 5 years since their ownership and prior ownership).

APPEAL

Any party aggrieved by a decision of the Zoning Administrator may appeal the decision to the Appeals Hearing Officer pursuant to the provisions in chapter 21A.16 of the zoning ordinance. 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 as the reasons the appellant claims the decision to be in error. Application for appeals are located on the Planning Division website at <http://www.slcgov.com/planning/planning-applications> along with the information about the applicable fee and submission process. Appeals may be filed by submitting an application through the City’s online application portal here: <http://citizenportal.slcgov.com>. Any appeal, including the filing fee, must be submitted by the close of business on April 4, 2022.

Rylee Hall

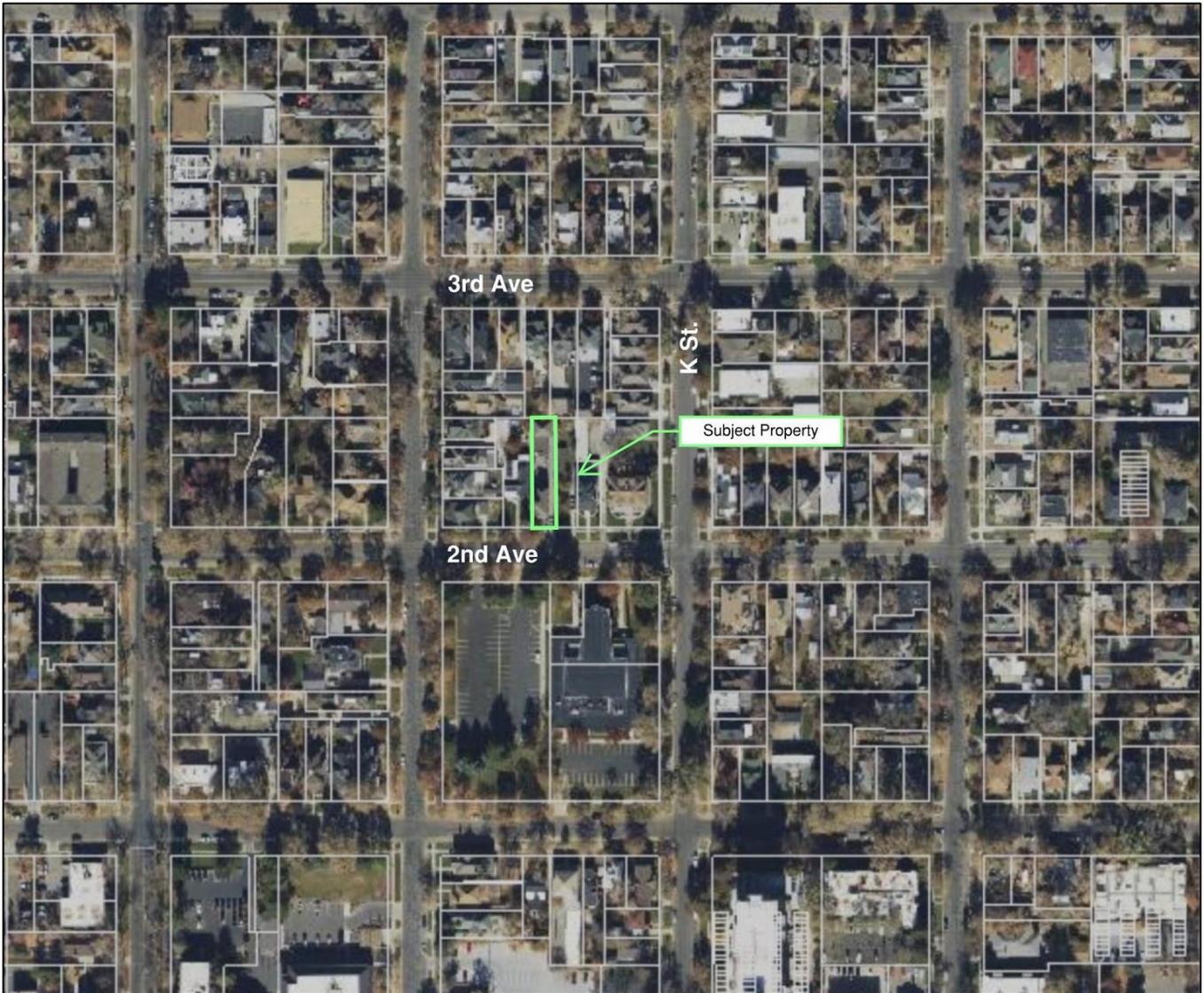
Rylee Hall, Principal Planner
Salt Lake City Planning Division

CC:
Nick Norris, Planning Director
Mayara Lima, Zoning Administrator
Posted to Web
File

Attachments:

- A. Vicinity map of subject property
- B. Documentation submitted by the applicant

ATTACHMENT A - Vicinity Map of Subject Property 669 East 2nd Avenue (Tax ID # 09-32-353-019-0000)



ATTACHMENT B: Documentation Submitted by Applicant

February 15th, 2022 *

To whom it may concern at the City of Salt Lake City.

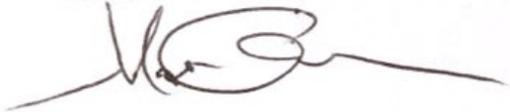
I owned the duplex located at 669 2nd Avenue, SLC Utah from June 2006 until February of 2016. During the duration in which I lived there, as well as the time in which I rented both units, it was maintained as a duplex.

Furthermore, I'm quite certain that James Beck whom I purchased the property from, also used the home as a duplex for the duration of his ownership.

Should you have any questions, please feel free to reach out to me.

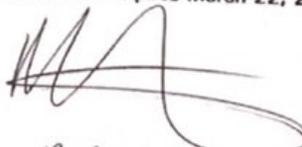
Best regards,

Matthew Christensen
2 Hills Road
Loudonville NY 12211
Mchristensen0821@yahoo.com
801-244-7367



Before me, personally appeared
Matthew Christensen and
Sworn to before me this 15 day
of February, 2022

Maria Henry
Notary Public, State of New York
Qualified in Rensselaer County
No. 01HE6415572
Commission Expires March 22, 2025



MARIA Henry