



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Appeals Hearing Officer

From: Kelsey Lindquist, Principal Planner (801-535-7930 or kelsey.lindquist@slcgov.com)

Date: February 21, 2019

Re: PLNAPP2018-01011 Appeal of an administrative decision regarding the legal buildable status of 675 E. 2nd Avenue

Appeal of Administrative Decision

PROPERTY ADDRESS: 675 E. 2nd Avenue

PARCEL ID: 09-32-353-020-0000

ZONING DISTRICT/ORDINANCE SECTION: 21A.24.080: SR-1A (Special Development Pattern Residential District), 21A.34.020: H Historic Preservation Overlay District and Chapter 21A.23: Administrative Interpretations

APPELLANT: Mitchell A. McAllister, property owner of 675 E. 2nd Avenue and 679 E. 2nd Avenue.

INTERPRETATION ISSUE: The issue of this appeal relates to whether the property located at approximately 675 E. 2nd Avenue (tax ID #09-32-353-020-0000) is a legal complying lot in accordance with the Salt Lake City zoning laws. The purpose was to determine if a single-family dwelling could be constructed on the subject property.



Vicinity Map

ZONING ADMINISTRATOR'S DETERMINATION: The Zoning Administrator determined that the subject property located at approximately 675 E. 2nd Avenue is not recognized by Salt Lake City as a legal complying lot and therefore a single-family detached dwelling could not be constructed. The decision was determined due to the dependency of 679 E. 2nd Avenue. As discussed in the provided Administrative Interpretation, Staff found evidence that 679 E. 2nd Avenue relied upon the square footage of 675 E. 2nd Avenue for the multi-family conversion, which was noted to be a legal permitted conversion which occurred in 1935. Subsequently, additional evidence was provided that indicates the previous property owner presented the two properties as one to obtain three variance requests for reduced yard areas. While the lot located at 675 E. 2nd Avenue does meet the minimum square footage required to construct a detached single-family dwelling, this would further increase the nonconformity and noncompliance of 679 E. 2nd Avenue. The Administrative Interpretation is included in Attachment C.

APPEAL: The appellant provided the following summary of his appeal. The full appeal is included as Attachment B. Planning Staff's response to the full appeal is stated below. Please note, the referenced Attachments in the appellants claims are located in the full Appeal Submittal, found in Attachment B.

- The properties at 679 E. 2nd Avenue and 675 E. 2nd Avenue were created as separate lots prior to 1907. Separate people owned these lots until 1930 when Philip and Alice Fishler purchased them. *See attachments 1-10.*
- The 1927 Zoning Ordinance mandated lot area and setback requirements that the residence at 679 E. 2nd Avenue lot did not meet. The side yards could not meet setback requirements EVEN IF lots had been combined. Many homes in the Avenues could not meet the 1927 ordinance requirements and so a non-compliant clause was in place. This made the existing single family home non-compliant. The ordinance allowed continued use of the single-family home.
- In 1934-35, the single-family home was allowed, by ordinance, to be converted into an 8 unit building. The house itself provides evidence of following the stipulations of the ordinance: the conversion was made without any additional space added or structural modifications.
- All legal descriptions of record show these as individual lots with no record of the lots being combined.
- In 2008, when I purchased the properties, the legal descriptions of each lot were on the title report. At that time, I met with a Salt Lake City planner at the counter who confirmed that 675 E. 2nd Avenue was a legal lot.

There is no recorded document that states that one lot is dependent on the other.

PLANNING DIVISION RESPONSE TO APPEAL:

The following is Staff's response to the appellant's claims. The appellant provided three sections to address the claims. Staff has addressed each section accordingly. Please note, the referenced Attachments in the appellants claims are located in the full Appeal Submittal, found in Attachment B.

Claim 1

The Administrative Interpretation is in error because the decision is not supported by substantial evidence in the record. Much of the interpretation is based on speculation. I researched the county records and the relevant zoning ordinance. I could not find any evidence that substantiated the interpretation.

Response: As discussed in the Administrative Interpretation and provided in the applicable attachments, the interpretation is made and based on evidence provided in City Records, which include: Board of Adjustment applications and minutes and building permit information. In addition to Salt Lake City records, Sanborn Fire Insurance Maps and recorded information from the Salt Lake County Recorder's Office were utilized. Staff also relied on both the 1927 and 1933 Zoning Ordinance.

Claim 2

The properties at 679 E. 2nd Avenue and 675 E. 2nd Avenue were created as separate lots prior to 1907. Separate people owned these lots until 1930 when Philip and Alice Fishler purchased them. See attachments 1-10.

Response: Correct, the lots were created as separate lots prior to the first zoning ordinance, which was adopted in 1927. The question of whether the lots were individually created was not an aspect of the Administrative Interpretation. The lots were created as separate lots, which is an understood fact, but through research and analysis, Staff has found evidence that the lot located at 679 E. 2nd Avenue has depended upon 675 E. 2nd Avenue for lot area to meet density and to meet setback requirements for the requested variances.

Claim 3

The 1927 Zoning Ordinance mandated lot area and setback requirements that the Residence at 679 E. 2nd Avenue lot did not meet. The side yards could not meet setback requirements EVEN if lots had been combined. Many homes in the Avenues could not meet the 1927 ordinance requirements and so a non-compliant clause was in place. This made the existing single family home non-compliant. The ordinance allowed continued use of the single family home.

Response: The existing single-family structure located on 679 E. 2nd Avenue would have been considered a legal conforming use and a noncomplying structure, in regards to the required rear and interior side yards. The approximate 3,489 square foot lot complied with the required 3,000 square feet for a single-family dwelling. The noncomplying yards did not impact the existing use of a single-family structure from the years of the adoption of the first zoning ordinance in 1927 to the multi-family conversion in 1935. This claim has no bearing on the administrative interpretation. The interpretation did not state the single-family home at 679 E. 2nd Avenue was impacted by the 1927 Zoning Ordinance.

Claim 4

In 1934-35, the single-family home was allowed, by ordinance, to be converted into an 8 unit building. The house itself provides evidence of following the stipulations of the ordinance: the conversion was made without any additional space added or structural modifications.

Response: The conversion of the single-family home at 679 E. 2nd Avenue to an 8-unit multi-family apartment would have only been allowed if the property met the minimum lot size requirements for such a conversion.

The 1927 Zoning Map, designated 675 and 679 E. 2nd Avenue as B-2 (Residential). Multi-family uses were permitted in the B-2 (Residential) zoning district with specific lot requirements for each permitted use. The B-2 (Residential) zoning district required the following for one-family, two-family, three-family and multi-family uses:

Residential "B-2" District

3,000 square feet for a one-family dwelling

4,500 square feet for a two-family dwelling

5,000 square feet for a three-family dwelling

With an additional 500 sq. ft. required for each family added.

According to these requirements 7,500 square feet of lot area would have been required to convert the single-family home to eight multi-family units. The lot located at 679 E. 2nd Avenue was approximately 3,489 square feet in size and was approximately 4,065 square feet short of the required 7,500 square feet for the 8-unit conversion. The conversion of the single-family dwelling would not have been permitted without the minimum lot square footage specified in the zoning ordinance.

Considering the statements above, the single-family home at 679 E. could only have been converted to an 8-unit multi-family apartment if additional property was not considered part of that lot. Sanborn Fire Insurance Maps in 1889 show both 675 E. and 679 E. functioning as one lot. Other evidence shows that these two lots have functioned as one, such as Salt Lake City Board of Adjustment cases where a previous property owner provided a site plan showing 675 E. and 679 E. together. This is further explained in the Administrative Interpretation in Attachment C.

Claim 5

All legal descriptions of record show these as individual lots with no record of the lots being combined.

Response: The two lots have not been combined by deed; however, there are records (Sanborn maps) that show the two lots as one. Furthermore, the two lots had to be considered as one lot in order to convert the structure on 679 E. 2nd Avenue to an 8-unit, multi-family use. Additionally, previous property owners provided plans and verbal testimony that indicate the two lots functioned as one lot. The definition of “lot” in the Zoning Ordinance states that a lot may consist of combinations of adjacent individual lots as stated below:

LOT: A piece of land identified on a plat of record or in a deed of record of Salt Lake County and of sufficient area and dimensions to meet district requirements for width, area, use and coverage, and to provide such yards and open space as are required and has been approved as a lot through the subdivision process. A lot may consist of combinations of adjacent individual lots and/or portions of lots so recorded; except that no division or combination of any residual lot, portion of lot, or parcel shall be created which does not meet the requirements of this title and the subdivision regulations of the city. (Emphasis added)

While the lots were not consolidated through recorded deeds, the two lots would be considered one lot per the provided definition of LOT. For further explanation, see response to Claim 8.

Claim 6

In 2008, when I purchased the properties, the legal descriptions of each lot were on the title report. At that time, I met with a Salt Lake City planner at the counter who confirmed that 675 E. 2nd Avenue was a legal lot.

Response: Staff has been unable to find any record of a meeting with City Staff regarding the subject property. Regardless, Staff conducted the appropriate research and made a determination based on that research.

Claim 7 (Error 1)

Page 1, third paragraph, Findings: “The lot area was used to satisfy the minimum lot area needed for the 8-plex at 679 E. 2nd Avenue.”

There is no evidence to support this statement. The lot area was not used to satisfy the area requirements of the adjacent lot. The recorded documents do not show any combination of these parcels.

The Salt Lake County Recorder’s Office stated, “Listing parcels on the same document does not qualify them as being combined. The combination must be stated in a recorded document.”

Response: The Administrative Interpretation did not suggest or claim that the lots had been consolidated through the Salt Lake County Recorder’s Office. As discussed above, the Interpretation did provide an explanation and evidence of the required lot minimums for multi-family unit conversions for properties zoned B-2 (Residential) zoning district. The lot located at 679 E. 2nd Avenue required a minimum of 7,500 square feet lot area to create the 8-unit conversion. The lot was approximately 4,011 square feet short of the requirement; therefore, 675 E. 2nd Avenue would have been required to be considered part of 679 E. 2nd Avenue to meet the minimum lot size requirement for the multi-family conversion. Also, additional evidence, such as Salt Lake City Board of Adjustment cases show that previous property owner represented to the City that the two lots function as one.

Claim 8 (Error 2)

Page 1, fourth paragraph: *The highlighted definition of a Lot states: “A lot may consist of a combination of adjacent individual and/or portions of lots so recorded.”*

No record of the combination of these lots exist. With the assistance of the County Recorder’s Office, we performed a thorough search of all the county records pertaining to these two parcels. We could not find any record of the combination of these two lots. These two lots have been recorded as separate properties since they were created. They have at times appeared on the same documents, but have never been combined.

The Salt Lake County Recorder’s Office stated, “The combination of two or more parcels would be recorded as a Warranty Deed or a Quit Claim Deed listing them as combined or consolidated.”

Response: The Salt Lake County Recorder’s Office does not consider the lots to be consolidated; however, Salt Lake City considers the lots to be associated together, as stated in previous responses.

Per the Salt Lake City Zoning Ordinance definition of Lot:

A piece of land identified on a plat of record or in a deed of record of Salt Lake County and of sufficient area and dimensions to meet district requirements for width, area, use and coverage, and to provide such yards and open space as are required and has been approved as a lot through the subdivision process. A lot may consist of combinations of adjacent individual lots and/or portions of lots so recorded; except that no division or combination of any residual lot, portion of lot, or parcel shall be created which does not meet the requirements of this title and the subdivision regulations of the city. (Emphasis added)

The appellant is interpreting the underlined sentence to read as:

A lot may consist of combinations of adjacent individual lots so recorded and/or portions of lots so recorded.

Planning Staff does not interpret the sentence to read this way. Staff’s interpretation is that the words “so recorded” apply only to “portions of lot” due to the sentence structure. The separator “and/or” splits the two phrases; therefore, “so recorded” only applies to “portions of lots.”

Claim 9 (Error 3)

Page 1, fifth paragraph, “Based on the documents obtained, 675 E. 2nd Avenue has been associated with 679 E. 2nd Avenue since 1889.”

This statement is false. The recorded history of the two lots is as follows: The 675 E. 2nd Avenue lot was owned by WM. J Tunddenham until his death in 1929. Upon his death in 1930, it was willed to his wife, Mary Ann Read Tunddenham, then sold to Mr. Fishler in August of 1930.

The 679 E. 2nd Avenue parcel was owned by William Langford until it was sold to Edward and Emma Dunn then it was sold Mr. Fishler in April of 1930. See the attached property diagrams and ownership chronology developed from the recorded deeds of these two properties. See attachments 1-10.

Response: The stated error suggests that the lots were not affiliated. Staff reviewed available Sanborn Fire Insurance Maps, which are a visual representation of how lots were used, developed and changed over time and found one sole use on both 675 E. and 679 E. 2nd Avenue. The use shifts from a tenement structure in 1889 to a single-family structure in 1911. Not once were the two lots indicated as separate, in the associated Sanborn Fire Insurance Maps. It is important to note that this is not the sole reason why Staff made the subject determination. It was utilized as a source to determine the historical use of the lots.

In regard to the ownership and the legal descriptions, the appellant is correct. The appellant provided information on the ownership of 675 and 679 E. 2nd Avenue, prior to the Fishler's purchase in 1930. The evidence provided indicates that an individual by the name of Tuddenham owned 675 E. 2nd Avenue in 1905.

The provided appeal documents, Attachments 1-7 in Attachment B, illustrate a slight lot reduction of 679 E. 2nd Avenue, which occurred in 1909. Additionally, Staff mistakenly believed that the rear of 675 E. 2nd Avenue was subdivided at a later point in time. With the evidence provided, the rear of 675 E. 2nd Avenue was subdivided in 1917. Due to the earlier date of the subdivision in 1917, 675 E. 2nd Avenue was approximately 3,489 square feet in size. This would have increased the dependency of the lot area of 679 E. 2nd Avenue for the multi-family conversion.

Claim 10 (Error 4)

Page 1, fifth paragraph, “The 1889 Sanborn Fire Insurance Maps illustrate the two properties as one.”

It is an error to use fire insurance maps for legal property descriptions. The Sandborn maps do not accurately show property lines. Many of the property lines are either missing or shown in the wrong location. For example, the 1950 Sanborn maps shows all the homes on J Street as being part of one parcel. See attachments 12 and 13.

According to Henna Brown of the Salt Lake County Engineers Office, “A recorded legal description, a plat map or subdivision map prepared by a licensed civil engineer or surveyor are the correct documents used to identify parcel locations and lot lines.”

Response: As discussed above in Claim 8, Staff did not rely on nor utilize the Sanborn Fire Insurance Maps for legal descriptions. Staff acknowledges that Sanborn Fire Insurance Maps are not necessarily accurate, in regards to property lines. However, the Sanborn Fire Insurance Maps were utilized as a visual representation of how lots were used, developed and changed over time. The use shifts from a tenement structure in 1889 to a single-family structure in 1911. Not once were the lots indicated as separate.

Claim 11 (Error 5)

Page 2, second paragraph. “Based on the lot requirements in 1935, the subject property would have needed a minimum of 7,500 square feet for a multi-family conversion. 629 E. Avenue would not have met the minimum lot size without 675 E. 2nd Avenue.”

This statement is in error. The conversion of the single-family home into a multi-unit apartment was accomplished without any combination of lots.

A combinations of lots was not required. The single-family home was a “nonconforming” property and the conversion of a “nonconforming” single-family home into a “nonconforming multi-unit” property was allowed by the ordinance without the need for any additional property.

1927 Zoning ordinance states:

Section 14. Nonconforming use. Any use of buildings or premises at the time of passage of this ordinance may be continued, although such use does not conform to the provisions hereof. In the cases of a building such use may be extended throughout the building, provided that no structural alterations are made therein, except those required by law or ordinance. Providing no structural alterations are made, a non-conforming use may be changed to any use permitted in a district where such non-conforming use would be permitted. Any non-conforming use changed to a more restricted use or to a conforming use shall not thereafter be changed back to a less restricted use.

EXPLANATION: The original large single-family home was built before 1909. In 1909, the property was changed to its current size and configuration. See attachments 6, 7, and 8. The side-yard setbacks were 2’ on the east side and 4’ on the west. When the 1927 Zoning ordinance came into effect, it required a minimum combined 14’ side yard setback where any one side could not

be less than 4'. This setback requirement, together with the lot area requirements, made the home nonconforming.

Many of the existing single-family homes on the block did not meet the new Zoning requirements when it came into effect. However, the Zoning ordinance allowed for these non-conforming buildings to be "grandfathered in" and allowed to continue.

Section 14 of the Zoning ordinance also allowed the non-conforming single-family home to be converted into a non-conforming multi-family use without having to meet the new zoning requirements. A multi-family use was permitted in the B-2 District.

In 1934, the property was converted from a large three story single-family home into multi-unit building. The conversion took place by changing the existing large bedrooms located on the upper floors and basement into studio apartments. Adding a small bathroom and cooking area to each bedroom created these efficiency units. This conversion was constructed within the envelope of the existing house with no addition or structural alterations. Therefore, the provisions of chapter 14 of the zoning ordinance were met.

Another reason the statement is in error is that no combinations of lots were recorded. Section 17 of the zoning ordinance requires property adjustments be recorded and kept on file. If 675 E. 2nd Avenue was needed to meet the zoning requirements as alleged, a record would have been kept in the Salt Lake County Recorder's office. No record exists.

SECTION 17. Plats. All applications for building permits shall be accompanied by a plat in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon the size and location of the existing buildings and building to be erected, and such other information as may be necessary to provide for the enforcement of this ordinance. A careful record of such application and plats shall be kept in the office of the Building Inspector. No yard or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be used as a yard or open space for another building.

Response: The conversion of the single-family structure would not have been permitted without the required square footage for the total 8 units, which was 7,500 square feet – unless the conversion was illegal. The legality was discussed in a previous Board of Adjustment case, which the owner at the time, Alice M. Fishler, stated it was a permitted conversion.

In regard to the appellant's claim that the property was nonconforming and was allowed to change to another nonconforming use is a misreading of the code. Building setbacks are not the same as land "use". The section of the adopted Zoning Ordinance that referred to nonconforming uses at the time the property was converted to multi-family, read as follows:

Non-Conforming Use. Any use of buildings or premises at the time of the passage of this ordinance may be continued, although such use does not conform to the provisions hereof. In the case of a building such use may be extended throughout the building, provided that no structural alterations are made therein except those required by law or ordinance. Providing no structural alterations are made: a non-conforming use may be changed to any use permitted in a district where such non-conforming use would be permitted. Any nonconforming use changed to a more restricted use or to a conforming use shall not thereafter be changed back to a less restricted use. (Emphasis added)

No non-conforming building which has been damaged by fire, explosion, act of God or act of the public enemy to the extent of more than sixty (60) percent of its assessed value, shall be restored except in conformity with the regulations of this ordinance.

Any non-conforming use building, existing in any residential district at the time of the passage of this ordinance, may be reconstructed or replaced to conform with all requirements for a Residential "C" District, including all required yard spaced.

The phrase “nonconforming use” is the important term to note in the ordinance section. Prior to the conversion of the building to multi-family, the use of the property was single-family. The zoning of the lot was Residential B2, which allowed single-family as a permitted use. This means that the existing use, prior to the conversion to multi-family was not a nonconforming use; therefore, this section of the code was not applicable. Since the existing “use” (single-family) was allowed by ordinance, a change to multifamily would not have been considered a change from a nonconforming use to an allowed use. It would have been considered a change of use and the new use would have had to meet the minimum zoning requirements (lot area) for that use.

Staff agrees with the appellant, in regards to the assessment that a consolidation should have been required, if the land was truly utilized and necessary for the 8-unit conversion. It is difficult to know what was submitted to the Building Department in 1935, in order to obtain the necessary building permits associated with the conversion.

Claim 12 (Error 6)

Page 3, fourth paragraph, “The Warranty Deed, issued in 1938, describes 679 E. 2nd Avenue with the rear subdivided.”

This statement is in error. The warranty deed of 1938 does not show the rear yard subdivided. See the attached Warranty Deed Attachment 14.

Response: The appellant provided a document that illustrates that the subdivision occurred in 1917. The subdivision that occurred in 1917 reduced the lot located at 675 E. 2nd Avenue to approximately 3,489 square feet. In summary, this further required the need of 679 E. 2nd Avenue lot area for the multi-unit conversion.

Claim 13 (Error 7)

Per verbal testimony in 1968, the rear of 679 E. 2nd Avenue was sold to 119 N. K Street. This subdivision further decreased the lot size of 679 E. 2nd Avenue, furthering its dependency of 675 E. 2nd Avenue.”

This verbal testimony in 1968 is in error.

The recorded documents contradict Mrs. Fishler’s testimony. The records show that the Fishler’s never owned the parcel behind their property. See Attachment 14 and 15.

The recorded deeds show that Mr. Langford reduced the 679 E. 2nd Avenue lot to its current size in 1909. William Langford owned both this lot as well as the 701 E. 2nd Avenue lot. He kept the rear portion of the lot when he sold the front lot with the house to Mr. Dunn who sold the house to Mr. Fishler in 1930. See the recorded Deeds, Attachments 8, and 15.

Response: As discussed under Claim 12 (Error 7), the City acknowledges that the subdivision occurred in 1917.

Claim 14 (Error 8)

“The Mortgage Abstract, issued in 1943, described both properties: (675 E. 2nd Avenue)”

The address added to the legal description is in error. The legal description is actually for the address 701 E. 2nd Avenue. The two lots listed are 701 E. 2nd Avenue and 679 E. 2nd Avenue.

I find no record of these two lots being combined either. This parcel is not adjacent to the 679 E. 2nd Avenue and it does not show any reduction in the parcel size. It also does not show the lots combined. See Attachment 15B.

Response: The 1943 Mortgage Abstract and the other evidentiary information does not provide the evidence of a consolidation, but rather an affiliated use. An incorrect legal description was included in the Administrative Interpretation. The legal description does describe the lot to the west of 675 E. 2nd Avenue. The second legal description included on the 1943 Mortgage Abstract describes 679 E. 2nd Avenue. This information does not further support the claim of the legality of the lot by the appellant.

Claim 15 (Error 9)

“The 1950 Sanborn Fire Insurance Map illustrates one property, addressed as 679 E. 2nd Avenue. The structure located on this property is noted to be 6 units and 2 stories.”

As demonstrated previously in Error 4, these maps are an unreliable source for identifying property lines and ownership. *See Attachment 13 and attachments 1-10.*

“The structure located on the subject property is noted to be 6 units and 2 stories.” This description is in error. The building has 8 units and has 3 above grade floors and a basement. This configuration has not changed since its creation in 1934.

Response: As discussed in the response to Claim 10 (Error 4) and Claim 11 (Error 5), Staff does not utilize Sanborn Fire Insurance Maps for property line reference or ownership information.

Error 10: Page 5, first paragraph. *“To the west of the rear yard would be far in excess of the required 25ft.” (the underlined sentence of the verbal testimony)*

Error: Obviously Alice Fishler did not understand that rear yard setbacks cannot be utilized on adjacent properties. See 1927 Zoning ordinance section 17 listed previously in Error 5.

Response: The fact of the matter is that the property owner presented and utilized the two lots as one. The Board of Adjustment Hearing in 1951 for the requested variance located at 679 E. 2nd Avenue, provides a record of the property owner explaining the provided yard areas, which is included in the attached Administrative Interpretation. The approval issued for the proposed variance included a reference to the portion of the modified rear yard, indicating an acknowledgement that 675 and 679 E. 2nd Avenue were considered to be one lot. The Findings and Order state the following: “It is therefore ordered that the variance be granted reducing the east side yard to 2 ft. instead of maintaining the required 4 ft. and reducing the east portion of the rear yard (behind the proposed addition) to 15 ft. instead of maintaining the required 25 ft.” The Board of Adjustment specified the modification of the eastern portion of the rear yard, which indicates that the Board was reviewing the proposal on one lot. Additionally, the provided application includes both lot descriptions, under the permanent address of 679 E. 2nd Avenue.

The Board of Adjustment Hearing in 1969 was held for an additional requested variance for yard reductions. The included legal description in the *Report of the Commission*, is included below:

Commencing 2.5 rods East from the Southwest corner of Lot 1, Block 32, Plat “D”, Salt Lake City Survey and running thence East 35 feet; North 6 rods; Southwesterly to a point 98.79 feet North from the beginning; and 98.79 feet to the point of beginning; also commencing 8 feet from Southwest corner Lot 1, Block 32, Plat “D”, Salt Lake City Survey running East 33.25 feet; North 98.79 feet; Southwesterly 0.55 feet; Northwesterly 66.21 feet; West 32.27 feet; South 10 rods to the point of beginning.

The legal descriptions include both 675 and 679 E. 2nd Avenue. Additionally, site plans and illustrations were provided and are included in Attachment D. The site plans provided indicate an association between the two lots. Verbal testimony was provided during the hearing; for example, “There would be a 15-ft. rear yard behind this proposed addition; however, to the west the rear yard would be far in excess of the required 25 ft.” This information illustrates that the two lots function as one.

Through the various Board of Adjustment applications, minutes and submitted documentation, the lots were solely presented together.

Error 11. Page, *“1980 Deed of Reconveyance provides the following legal descriptions:”*

The deeds do not list both properties on the same deed, however according to the County Recorder's Office this does not mean they are combined, merged or supportive of each other.

Response: Staff is not suggesting that the 1980 Deed of Reconveyance suffices as a consolidation record. Staff has provided sufficient evidence to illustrate that 679 E. 2nd Avenue has benefited from the lot area and yard area of 675 E. 2nd Avenue. This is evidenced in the multi-family conversion square footage requirement, BOA cases and the additional provided information.

Summary:

In summary, the City believes that the lots have been and should be considered one *Lot*. The decision was made with the following facts and information:

- The provided definition of *Lot*.
- The required lot area for a multi-family conversion in the B-2 Residential Zoning District.
- The provided Warranty Deeds that illustrate the properties as being recorded together.
- The Board of Adjustment applications, minutes, testimony and submitted plans, provided by previous property owners in order to obtain Variance approvals.
- The provided illustrations of the Sanborn Fire Insurance Maps in 1889, 1911 and 1950.

This is an appeal of an Administrative Interpretation. Therefore, the standard of review for the appeal shall be de novo. The Appeals Hearing Officer shall review the matter appealed anew, based upon applicable procedures and standards for approval, and shall give no deference to the original decision. A public hearing must be held prior to the Appeal Hearing Officer making a decision.

Next Steps:

If the administrative interpretation is upheld, the property owner at 679 E. 2nd Avenue would not be able to construct a single-family structure on 675 E. 2nd Avenue. If the decision is over turned, a single-family structure could be permitted to be constructed.

Any person adversely affected by the final decision made by the appeals hearing officer may file a petition for review of the decision with the district court within thirty (30) days after the decision is rendered.

ATTACHMENTS:

- A. Vicinity Map
- B. Appeal application and documentation of evidence
- C. Administrative Interpretation
- D. Background Documentation
- E. Public Input
- F. Photographs

ATTACHMENT A: Vicinity Map



ATTACHMENT B: Appeal Application and Documentation



Appeal of a Decision

SALT LAKE CITY PLANNING

OFFICE USE ONLY

Project # Being Appealed: <i>PLNZAD2018-00837</i>	Received By: <i>CHRIS EARL</i>	Date Received: <i>12/13/2018</i>
--	-----------------------------------	-------------------------------------

Appealed decision made by:

Planning Commission Administrative Decision Historic Landmark Commission

Appeal will be forwarded to:

Planning Commission Appeal Hearing Officer Historic Landmark Commission

Project Name:

PLEASE PROVIDE THE FOLLOWING INFORMATION

Decision Appealed:
ADMINISTRATIVE INTERPRETATION CASE # PLNZAD 2018-00837

Address of Subject Property:
675 E. 2ND AVENUE

Name of Appellant:
MITCHELL A MCALLISTER

Phone:
[REDACTED]

Address of Appellant:
679 E 2ND AVENUE

E-mail of Appellant:
[REDACTED]

Cell/Fax:
[REDACTED]

Name of Property Owner (if different from appellant):

E-mail of Property Owner:

Phone:

Appellant's Interest in Subject Property:
OWNER

AVAILABLE CONSULTATION

(Please call (801) 535-7700 if you have any questions regarding the requirements of this application.

APPEAL PERIODS

An appeal shall be submitted within ten (10) days of the decision.

REQUIRED FEE

Filing fee of \$253
Plus additional fee for required public notices. (Additional fees for multiple hearings.

SIGNATURE

If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent:

Lucretia A. McClellan

Date:

12-12-18

SUBMITTAL REQUIREMENT

A written description of the alleged error and the reason for this appeal.

WHERE TO FILE THE COMPLETE APPLICATION

Mailing Address: Planning Counter
PO Box 145471
Salt Lake City, UT 84114

In Person: Planning Counter
451 South State Street, Room 215
Telephone: (801) 535-7700

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

I acknowledge that Salt Lake City requires the items above to be submitted before my application can be processed. I understand that Planning will not accept my application unless all of the following items are included in the submittal package.

Additional Guidelines for Those Appealing a Planning Commission or Landmarks Commission Decision

A person who challenges a decision by the Planning Commission or the Landmarks Commission bears the burden of showing that the decision made by the commission was in error.

The hearing officer, according to state statute, must assume that the decision is correct and only reverse it if it is illegal or not supported by substantial evidence in the record.

“Substantial evidence” means information that is relevant to the decision and credible. Substantial evidence does not include public clamor and emotion. It involves facts and not mere speculation. A witness with particular expertise can provide substantial evidence, but conjecture and public opinion alone are not substantial evidence.

The “record” includes information, including the application by the person seeking approval, the staff report, the minutes of the meeting, and any information submitted to the commission by members of the public, the applicant or others, before the decision was made. It does not include facts or opinion, even expert opinion, expressed after the decision is made or which was not available to the commission at the time the decision was made.

A decision is “illegal” if it is contrary to local ordinance, state statute or case law, or federal law. An applicant is entitled to approval if the application complies with the law, so a person challenging a denial should show that the application complied with the law; a person challenging an approval should show that the application did not conform to the relevant law. Issues of legality are not restricted to the record of the decision, but the facts supporting or opposing the decision are limited to those in the record.

With regard to the factual information and evidence that supports a decision, the person bringing the appeal, according to a long line of decisions handed down by the Utah State Supreme Court and the Court of Appeals, has a burden to “marshal the evidence” and then to demonstrate that the evidence which has been marshaled is not sufficient to support the decision.

The appellant is therefore to:

1. Identify the alleged facts which are the basis for the decision, and any information available to the commission when the decision is made that supports the decision. Spell it out. For example, your statement might begin with: “The following information and evidence may have been relied upon by the Commission to support their decision . . .”
2. Show why that basis, including facts and opinion expressed to the commission is either irrelevant or not credible. Your next statement might begin with: “The information and evidence which may have been relied upon cannot sustain the decision because . . .”

WRITTEN DESCRIPTION OF ALLEGED ERROR AND THE REASON FOR THIS APPEAL

The Administrative Interpretation is in error because the decision is not supported by substantial evidence in the record. Much of the interpretation is based on speculation. I researched the county records and the relevant zoning ordinance. I could not find any evidence that substantiated the interpretation.

This appeal is organized as follows:

- I. Summary of Findings
- II. A red marked copy of the administrative interpretation identifying the errors.
- III. Description of Errors
- IV. Supporting Documentation (Attachments 1-17)

I. SUMMARY OF FINDINGS

- The properties at 679 E. 2nd Avenue and 675 E. 2nd Avenue were created as separate lots prior to 1907. Separate people owned these lots until 1930 when Philip and Alice Fishler purchased them. *See attachments 1-10.*
- The 1927 Zoning Ordinance mandated lot area and setback requirements that the Residence at 679 E. 2nd Avenue lot did not meet. The side yards could not meet setback requirements EVEN IF lots had been combined. Many homes in the Avenues could not meet the 1927 ordinance requirements and so a non-compliant clause was in place. This made the existing single family home non-compliant. The ordinance allowed continued use of the single family home.
- In 1934-35, the single family home was allowed, by ordinance, to be converted into an 8 unit building. The house itself provides evidence of following the stipulations of the ordinance: the conversion was made without any additional space added or structural modifications.
- All legal descriptions of record show these as individual lots with no record of the lots being combined.
- In 2008, when I purchased the properties, the legal descriptions of each lot were on the title report. At that time, I met with a Salt Lake City planner at the counter who confirmed that 675 E. 2nd Avenue was a legal lot.

There is no recorded document that states that one lot is dependent on the other.

My lot at 675 E. 2nd Avenue is a legal lot.

III. Description of Errors

Error 1. Page 1, third paragraph, Findings: *“The lot area was used to satisfy the minimum lot area needed for the 8-plex at 679E. 2nd Avenue.”*

There is no evidence to support this statement. The lot area was not used to satisfy the area requirements of the adjacent lot. The recorded documents do not show any combination of these parcels.

The Salt Lake County Recorder’s Office stated **“Listing parcels on the same document does not qualify them as being combined. The combination must be stated in a recorded document.”**

Error 2. Page 1, fourth paragraph: *The highlighted definition of a Lot states: “A lot may consist of a combination of adjacent individual and/or portions of lots **so recorded.**”*

No record of the combination of these lots exist. With the assistance of the County Recorder’s Office, we performed a thorough search of all the county records pertaining to these two parcels. We could not find any record of the combination of these two lots. These two lots have been recorded as separate properties since they were created. They have at times appeared on the same documents, but have never been combined.

The Salt Lake County Recorder’s office stated, **“The combination of two or more parcels would be recorded as a Warranty Deed or a Quit Claim Deed listing them as Combined or Consolidated.”**

Error 3. Page 1, fifth paragraph, *“Based on the documents obtained, 675 E. 2nd Avenue has been associated with 679 E. 2nd Avenue since 1889.”*

This statement is false. The recorded history of the two lots is as follows:
The 675 E. 2nd Avenue lot was owned by Wm. J Tunddenham until his death in 1929. Upon his death in 1930, it was willed to his wife, Mary Ann Read Tunddenham, then sold to Mr. Fishler in August of 1930.

The 679 E. 2nd Avenue parcel was owned by William Langford until it was sold to Edward and Emma Dunn then it was sold Mr. Fishler in April of 1930.
See the attached property diagrams and ownership chronology developed from the recorded deeds of these two properties. *See attachments 1-10.*

Error 4. Page 1, fifth paragraph, *“The 1889 Sandborn Fire insurance maps illustrate the two properties as one.”*

It is an error to use fire insurance maps for legal property descriptions. The Sandborn maps do not accurately show property lines. Many of the property lines are either missing or shown in the wrong location. For example, the 1950 Sanborn map shows all the homes on J Street as being part of one parcel. *See attachments 12 and 13.*

According to Henna Brown of the Salt Lake County Engineers office, **“A recorded legal description, a plat map or subdivision map prepared by a licensed civil engineer or surveyor are the correct documents used to identify parcel locations and lot lines.”**

Error 5. Page 2, second paragraph. *“Based on the lot requirements in 1935, the subject property would have needed a minimum of 7,500 square feet for a multi-unit conversion. 629 E. 2nd Avenue would not have met the minimum lot size without 675 E. 2nd Avenue.”*

This statement is in error. The conversion of the single-family home into a multi-unit apartment was accomplished without any combination of lots.

A combination of lots was not required. The single-family home was a “nonconforming” property and the conversion of a “nonconforming” single family home into a “nonconforming multi-unit” property was allowed by the ordinance without the need for any additional property.

The 1927 Zoning ordinance states:

SECTION 14. Nonconforming use. Any use of buildings or premises at the time of the passage of this ordinance may be continued, although such use does not conform to the provisions hereof. In the cases of a building such use may be extended throughout the building, provided that no structural alterations are made therein, except those required by law or ordinance. Providing no structural alterations are made, a non-conforming use may be changed to any use permitted in a district where such non-conforming use would be permitted. Any non-conforming use changed to a more restricted use or to a conforming use shall not thereafter be changed back to a less restricted use.

EXPLANATION: The original large single-family home was built before 1909. In 1909, the property was changed to its current size and configuration. *See attachments 6, 7 and 8.* The side-yard setbacks were 2’ on the east side and 4’ on the west side. When the 1927 Zoning ordinance came into effect, it required a minimum combined 14’ side yard setback where any one side could not be less than 4’. This setback requirement, together with the lot area requirements, made the home nonconforming.

(Explanation continued)

Many of the existing single-family homes on the block did not meet the new Zoning requirements when it came into effect. However, the Zoning ordinance allowed for these non-conforming buildings to be “grandfathered in” and allowed to continue.

Section 14 of the Zoning ordinance also allowed the non-conforming single-family home to be converted into a non-conforming multi-family use without having to meet the new zoning requirements. A multifamily use was permitted in the B-2 District.

In 1934 the property was converted from a large three story single family home into a multi-unit building. The conversion took place by changing the existing large bedrooms located on the upper floors and basement into studio apartments. Adding a small bathroom and cooking area to each bedroom created these efficiency units. This conversion was constructed within the envelope of the existing house with no addition or structural alterations. Therefore, the provisions of chapter 14 of the zoning ordinance were met.

Another reason the statement is in error is that no combinations of lots were recorded. Section 17 of the zoning ordinance requires property adjustments be recorded and kept on file. If 675 E. 2nd Avenue was needed to meet the zoning requirements as alleged, a record would have been kept in the Salt Lake County Recorder’s office. No record exists.

SECTION 17. Plats. All applications for building permits shall be accompanied by a plat in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon the size and location of the existing buildings and buildings to be erected, and such other information as may be necessary to provide for the enforcement of this ordinance. A careful record of such application and plats shall be kept in the office of the Building Inspector. No yard or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be used as a yard or open space for another building.

Error 6. Page 3, fourth paragraph, *“The Warranty Deed, issued in 1938, describes 679 E 2nd Avenue with the rear subdivided.”*

This statement is in error. The warrantee Deed of 1938 does not show the rear yard subdivided. *See the attached Warranty Deed Attachment 14.*

Error 7. *Per verbal testimony in 1968, the rear of 679 E. 2nd Avenue was sold to 119 N. K Street. This subdivision further decreased the lot size of 679 E. 2nd Avenue, furthering its dependency of 675 E. 2nd Avenue.”*

This verbal testimony in 1968 is in error.

The recorded documents contradict Mrs. Fishler's testimony. The records show that the Fishler's never owned the parcel behind their property. *See Attachment 14 and 15.*

The recorded deeds show that Mr. Langford reduced the 679 E 2nd Avenue lot to its current size in 1909. William Langford owned both this lot as well as the 701 E. 2nd Avenue lot. He kept the rear portion of the lot when he sold the front lot with the house to Mr. Dunn who sold the house to MR Fishler in 1930. *See the recorded Deeds, Attachments 8, 15.*

Error 8. *"The Mortgage Abstract, issued in 1943, described both properties: (675 E. 2nd Avenue)"*

The address added to the legal description is in error. The legal description is actually for the address 701 E. 2nd Avenue. The two lots listed are 701 E. 2nd Avenue and 679 E 2nd Avenue.

I find no record of these two lots being combined either. This parcel is not adjacent to the 679 E 2nd Avenue and it does not show any reduction in the parcel size. It also does not show the lots combined. *See Attachment 15B.*

Error 9. *"The 1950 Sandborn Fire Insurance Map illustrates one property, addressed as 679 E. 2nd Avenue. The structure located on this property is noted to be 6 units and 2 stories."*

As demonstrated previously in Error 4, **these maps are an unreliable** source for identifying property lines and ownership. *See Attachment 13 and attachments 1-10.*

"The structure located on the subject property is noted to be 6 units and 2 stories."
This description is in error. The building has 8 units and has 3 above grade floors and a basement. This configuration has not changed since its creation in 1934.

Error 10. Page 5, first paragraph. *"To the west of the rear yard would be far in excess of the required 25ft." (the underlined sentence of the verbal testimony)*

Error: Obviously Alice Fishler did not understand that rear yard setbacks cannot be utilized on adjacent properties. *See 1927 Zoning ordinance section 17 listed previously in Error 5.*

Error 11. Page 5, *"1980 Deed of Reconveyance provides the following legal descriptions:"*

The deeds do list both properties on the same deed, however according to the County Recorders office this does not mean they are combined, merged or supportive of each other.

In conclusion, recorded evidence supports the following:

- 679 E 2nd Avenue and 675 E 2nd Avenue were created as separate lots prior to 1907. See attachments 1-10.
- Separate people owned these lots until 1930 when the Fishler's purchased them. The 1927 Zoning Ordinance mandated lot area and setback requirements that the Residence at 679 E. 2nd Avenue lot did not meet. This made the existing single family home non-compliant. The ordinance did allow the home to continue its use.
- In 1934-35, the single family home was allowed, by ordinance, to be converted into an 8 unit building. The conversion was made without any additional space added or structural modifications made.
- All legal descriptions of record show these as individual lots with no record of the lots being combined.
- There is no recorded legal document that states that one lot is dependent on the other.

675 E. 2nd Avenue is a legal lot.



**CASE# PLNZAD2018-00837
Administrative Interpretation
DECISION AND FINDINGS**

REQUEST:

This is a request for an administrative interpretation regarding whether the property located at approximately 675 E. 2nd Avenue (tax ID#09-32-353-020-0000) is a legal complying lot in accordance with the Salt Lake City zoning laws. The purpose of the request is to determine if a single-family dwelling can be constructed on the property.

DECISION:

The Zoning Administrator finds that the subject property located at approximately 675 E. 2nd Avenue (tax ID #09-32-353-020-0000) is not recognized by Salt Lake City as a legal complying lot and therefore a single-family detached dwelling could not be constructed.

FINDINGS:

The subject property is currently located in the SR-1A (Special Development Pattern Residential) zoning district, and has a total lot area of approximately 5,488 square feet and approximately 33.25 feet in width. The SR-1A zone requires a minimum lot area of 5,000 square feet and 50 feet of lot width. 675 E. 2nd Avenue does meet the underlying zoning requirement for lot area for a single-family dwelling; however, the lot area was used to satisfy the minimum lot area needed for the 8-plex at 679 E. 2nd Avenue. **Error1**

The Salt Lake City Zoning Ordinance states the following regarding the definition of LOT:

Lot: A piece of land identified on a plat of record or in a deed of record of Salt Lake County and of sufficient area and dimensions to meet district requirements for width, area, use and coverage, and to provide such yards and open space as are required and has been approved as a lot through the subdivision process. A lot may consist of combinations of adjacent individual lots and/or portions of lots so recorded; except that no division or combination of any residual lot, portion of lot, or parcel shall be created which does not meet the requirements of this title and subdivision regulations of the city. **Error 2**

Based on the documents obtained, 675 E. 2nd Avenue has been associated with 679 E. 2nd Avenue since 1889. The 1889 Sanborn Fire Insurance Map illustrates the two properties as one, with the address of 675 E. 2nd Avenue. The structure illustrated was a tenement structure. Additionally, the 1911 Sanborn Fire Insurance Map illustrates the properties as one with the address of 679 E. 2nd Avenue. The structure on the property is a two story dwelling. **Error 3**

Error 4

A Warranty Deed from 1930, which was provided by the applicant, describes 675 E. 2nd Avenue, and transfers ownership to the Fishlers. The legal is described as:

Commencing 41½ feet East of the Southwest corner of Lot 1, Block 32, Plat "D", Salt Lake City Survey, running thence West 33¼ feet; thence North 10 rods; thence East 33¼; thence South 10 rods to the place of beginning.

This Warranty Deed notes the Fishlers as the property owners. Additionally, a Quit Claim Deed from 1934, describes 679 E. 2nd Avenue, as:

Beginning at a point 88.75 feet West of the Southeast corner of lot 1, Block 32, Plat "D", Salt Lake City Survey, and running thence West 35 feet; thence North 99 feet; thence East 35 feet; thence South 99 feet to the place of beginning.

1935 is noted as the year that the single-family dwelling was converted to an 8 unit multi-family structure. The property owner, Alice Fishler, provided a verbal testimony during a Board of Adjustment Hearing in 1968, that the property was converted in 1935. The subject property located at 679 E. 2nd Avenue was zoned B-2 in 1935. The B-2 Zoning District had specific lot requirements for multi-family dwellings, which specified the following:

Residential "B-2" District: 3,000 sq. ft. for a one-family dwelling.
4,500 sq. ft. for a two-family dwelling.
5,000 sq. ft. for a three-family dwelling.
With an additional 500 sq. ft. required for each family added.

Based on the lot requirements in 1935, the subject property would have needed a minimum of 7,500 square feet for the multi-unit conversion. 679 E. 2nd Avenue would not have met the minimum lot size without 675 E. 2nd Avenue. **Error 5**

Additionally, the provided Polk Directories substantiate the verbal testimony, with each of the 8 units listed within 1937. **Error 6**

The Warranty Deed, issued in 1938, describes 679 E. 2nd Avenue with the rear subdivided. Per additional verbal testimony in 1968, the rear of 679 E. 2nd Avenue was sold to 119 N. K Street. This subdivision further decreased the lot size of 679 E. 2nd Avenue, furthering its dependency of 675 E. 2nd Avenue. This subdivision decreased 679 E. 2nd Avenue by approximately 2,310 square feet.

The Mortgage Abstract, issued in 1943, describes both properties: **Error 7**

(675 E. 2nd Avenue) **Error 8**

Commencing at the Southwest corner of Lot 2, Block 31, Plat "D", Salt Lake City Survey, and running thence East 43¼ feet; thence North 7½ rods; thence West 43¼ feet; then South 7½ rods to the place of beginning. Together with a right of way over: Commencing 7 ½ rods North of the Southwest corner of said Lot 2, and running thence East 7 ½ rods; then North 8¼ feet; thence West 7¼ rods; thence South 8¼ feet to the place of beginning.

(679 E. 2nd Avenue)

Also, beginning at a point 88.75 feet West of the Southeast corner of Lot 1, Block 32, Plat "D", Salt Lake City Survey and running thence West 35 feet; thence North 99 feet; thence East 35 feet; thence South 99 feet; to the place of beginning.

The 1950 Sanborn Fire Insurance Map illustrates one property, addressed as 679 E. 2nd Avenue. The structure located on the subject property is noted to be 6 units and 2 stories. **Error 9**

The previous owners, the Fishlers, had requested two Board of Adjustment approvals. The first variance request, which was granted, was reviewed at the Board of Adjustment in 1951. At this hearing, Mrs. Fishler provided the following description in support of her reduced rear yard setback:

Case No. 2371, at 679 Second Avenue, in re application of Alice M. Fishler for a permit to add a room to the existing dwelling at 679 Second Avenue without the required side and rear yard space in a Residential "B-2" District...

Mrs. Fishler appeared in her own behalf. She explained that she wished to erect a 15' by 15 ft. addition on the rear of her existing home at 679 Second Avenue maintaining a 2-ft. side yard to her east property line instead of the required 4 ft. This would be on the same line as the rest of her dwelling. There would be a 15-ft. rear yard behind this proposed addition: however, to the west the rear yard would be far in excess of the required 25 ft. Error 10

An additional variance was requested and reviewed in 1968. At this hearing, in which the Board of Adjustment denied the requested variance, Mrs. Fishler provided the following testimony in support of her requested variance:

Case No. 5658 at 679 Second Avenue in application of Alice M. Fishler for a variance to legalize and enclose an existing attached covered patio which does not maintain the required yard areas in a Residential "R-6" District.

Mrs. Fishler was present together with Mr. Celeste Bott, contractor. Mr. Barney explained at the present time the apartment is existing with a roofed patio from the apartment proper right to the rear property line. There has been considerable research on this to find out how it has developed as it now has. The Board at one time granted an addition to the rear, within 15' of the property line, on the northeast corner of the dwelling but an addition to the west of that to square out the building has also been built, apparently without a permit. In constructing both what the Board granted and did not grant, they are closer than the 15' that was permitted. Mr. Barney went on to explain the home existed within 2' of the east property line and in 1951 the Board granted a variance to reduce the required 4' side yard to 2' so they could maintain the same 2' side yard. A 15' rear yard instead of the required 25' was also granted but there is only 12'6". They also squared it out across the entire property line at only 12'6" and then that was covered. Mrs. Fishler explained the south wall of the garages on the property to the east is used for the support of an aluminum cover over the patio' also she said they didn't do anything without a permit. When the Board asked where her tenants park, she said they park on the street. She has garages on her property but they are too small for present day cars and she has a very narrow driveway. Her purpose in enclosing the patio area is to keep out the dirt and she proposed to just glass in each end. She assured the Board it would not be for another apartment. She noted if she had any idea she would be stirring up such a hornet's nest, she would have never asked for it. Mrs. Fishler's explanation of the rear yard less than the 15' granted was that the wall of the garages (large 17" cement blocks) belonging to the property to the east was actually on this property and they took the owner into court and won the case, but through an appeal to them by the owner's wife, they decided to deed them the ground on which the garage was located. That would account for 14' but not 15'. A suggestion was made that the garden to the west be replaced with parking to get some of the cars off the street but the applicant said it would be impossible to get up over the ramp from the street...

When the applicant was asked how many units there are presently in this structure, she stated there have been eight since 1935 and there was a building permit there.

A subsequent Deed of Trust, issued in 1977, describes 675 E. 2nd Avenue. This Deed of Trust, provides the following description:

(675 E. 2nd Avenue)

Commencing 41¼ feet East of the Southwest corner of Lot 1, Block 32, Plat "D", Salt Lake City Survey, and running thence West 33¼ feet; thence North 10 rods; thence East 33¼ feet; thence South 10 rods to the place of beginning.

1980 Deed of Re Conveyance provides the following legal descriptions:

(679 E. 2nd Avenue)

Commencing 2.5 rods East from the Southwest corner Lot 1 Block 32 Plat "D", Salt Lake City Survey, East 35 feet North 6 rods, Southwesterly to a point 98.79 feet North from beginning, South 98.79 feet to the point of beginning.

ALSO:

(675 E. 2nd Avenue)

Commencing 41¼ feet East of the Southwest corner of Lot 1, Block 32, Plat "D", Salt Lake City, Survey, and running thence West 33¼ feet; thence North 10 rods; thence East 33¼ feet; thence South 10 rods to the place of beginning.

1981 Deed of Re Conveyance provides the following legal descriptions:

(679 E. 2nd Avenue)

Commencing 2.5 rods East from the Southwest corner Lot 1 Block 32 Plat "D", Salt Lake Survey, East 35 feet North 6 rods, Southwesterly to a point 98.79 feet North from beginning, South 98.79 feet to the point of beginning.

ALSO:

(675 E. 2nd Avenue)

Commencing 41¼ feet East of the Southwest corner of Lot 1, Block 32, Plat "D", Salt Lake City, Survey, and running thence West 33¼ feet; thence North 10 rods; thence East 33¼ feet; thence South 10 rods to the place of beginning.

Error 11

In 1989, an additional variance was requested. The variance requested to legalize an attached, covered and enclosed patio without the required side and rear yard in a Residential "R-2" District. This variance was a request to legalize the already constructed and denied rear patio. For this Board of Adjustment Case, a site plan illustrating one property (675 and 679 E. 2nd Avenue) was provided, please reference Attachment C. The site plan provided does not demonstrate two separate properties, but rather one property with a multi-unit structure and an accessory structure. The Abstract of the Findings and Order from the approved variance was recorded against 675 E. 2nd Avenue to provide a record of the approval.

Error 12

All of the discussed information is included in the provided attachments. In summary, 675 E. 2nd Avenue has supported 679 E. 2nd Avenue in regards to square footage, accessory structure and to gain variance approvals. Additionally, this decision is consistent with the definition of "Lot" on page 1, which states that "A lot may consist of combinations of adjacent individual lots and/or portions of lots so recorded."

Error 13

APPEAL PROCESS:

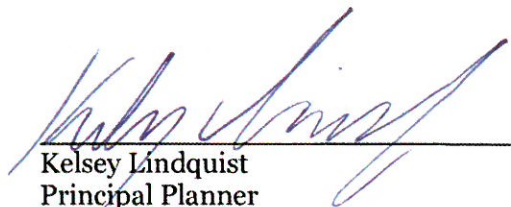
An applicant or any other person or entity adversely affected by a decision administering or interpreting this Title may appeal to the Appeals Hearing Officer. Notice of appeal shall be filed within ten (10) days of the administrative decision. The appeal shall be filed with the Planning Division and 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 3rd day of December, 2018 in Salt Lake City, Utah.



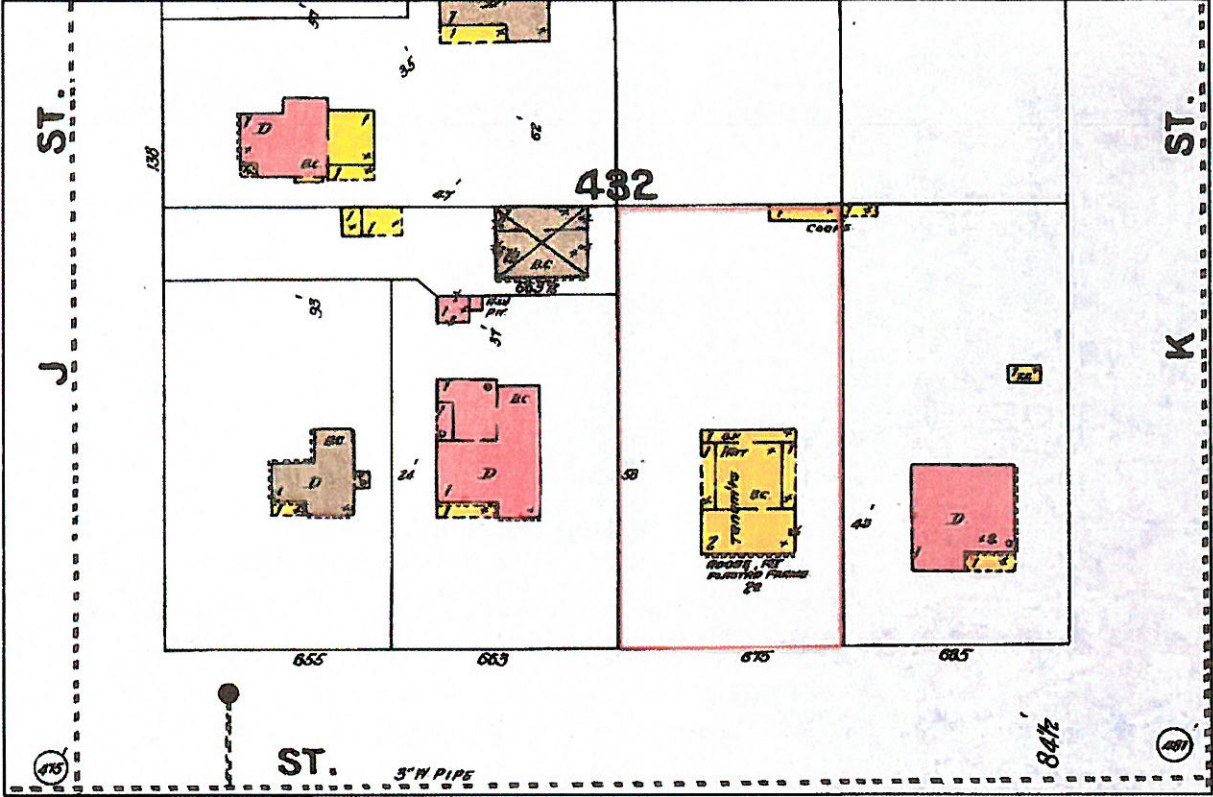
Kelsey Lindquist
Principal Planner
Salt Lake City Planning Division

CC: Nick Norris, Planning Director
Joel Paterson, Zoning Administrator
Molly Robinson, Planning Manager
Greg Mikolash, Development Review Supervisor
Posted to Web
Applicable Recognized Organization
File

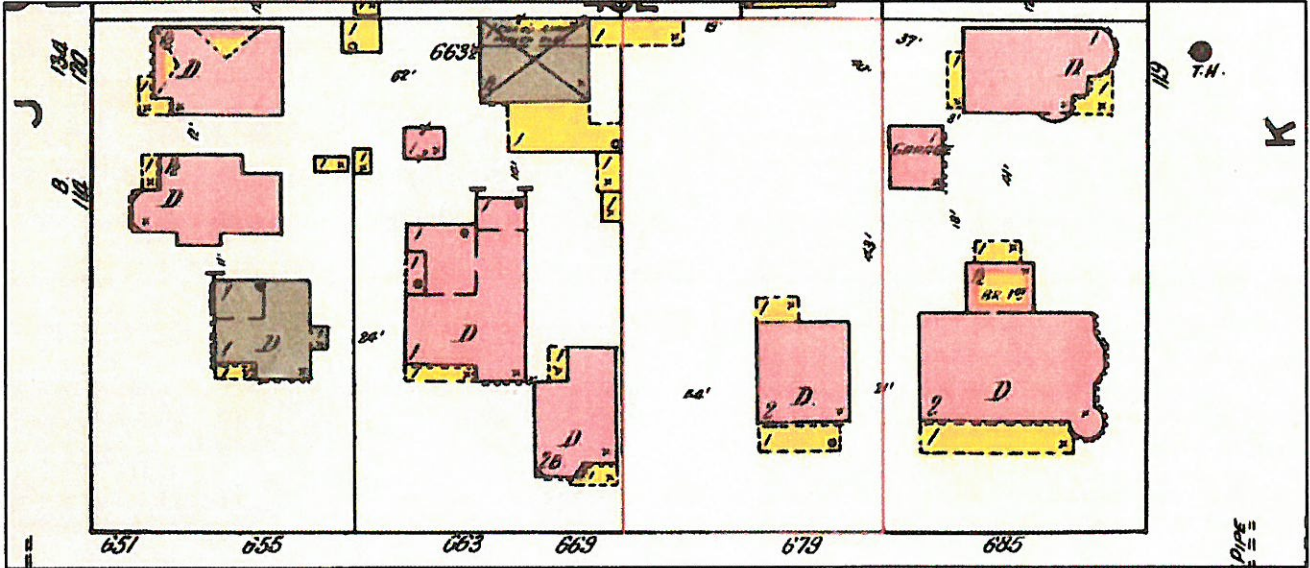
ATTACHMENT A

Error 14

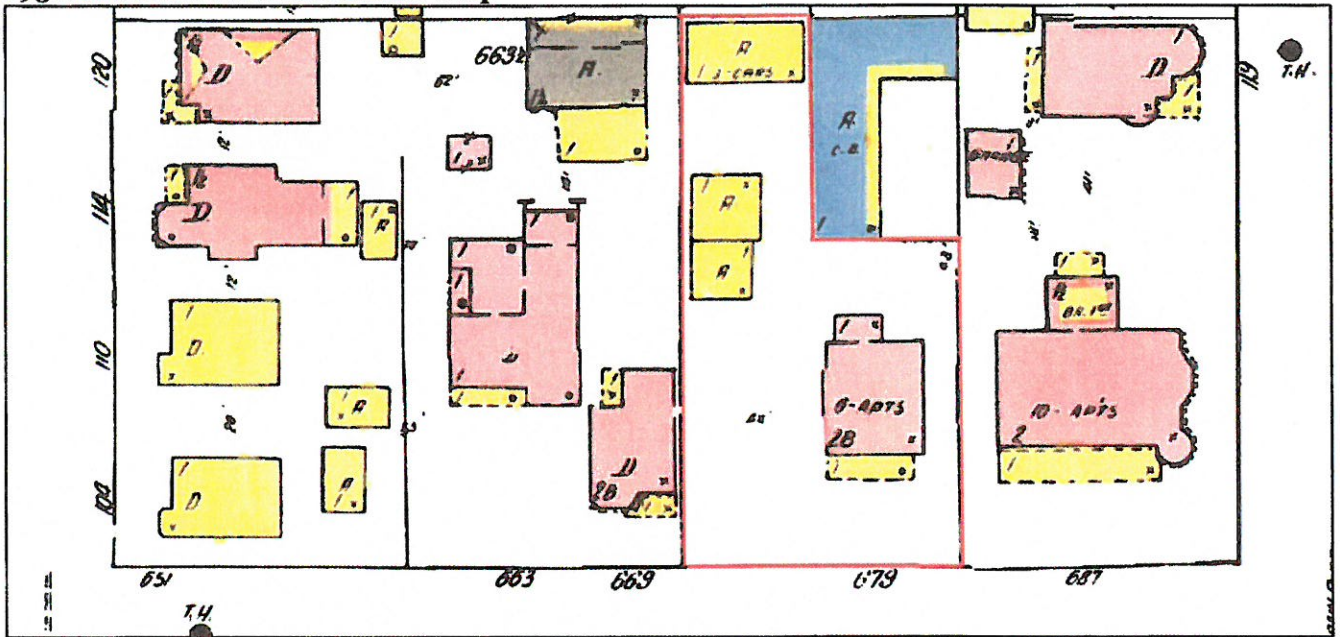
1889 Sanborn Fire Insurance Map



1911 Sanborn Fire Insurance Map

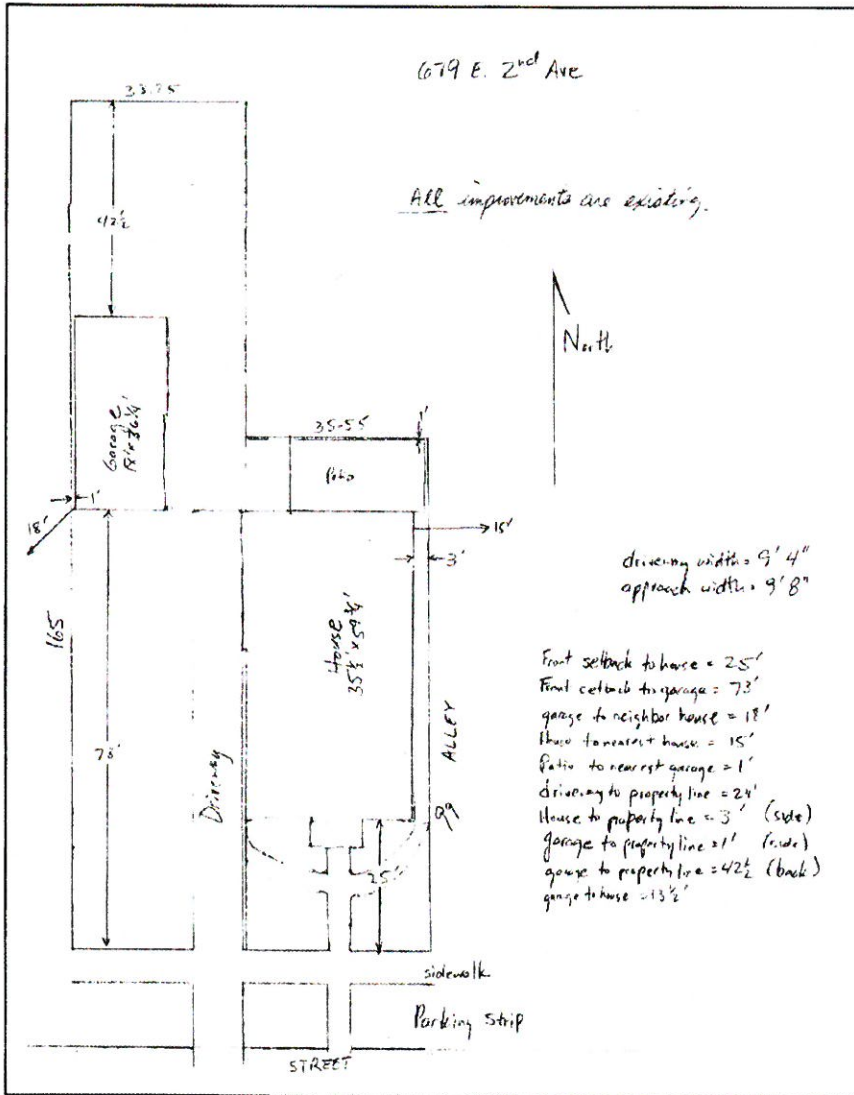


1950 Sanborn Fire Insurance Map



ATTACHMENT B

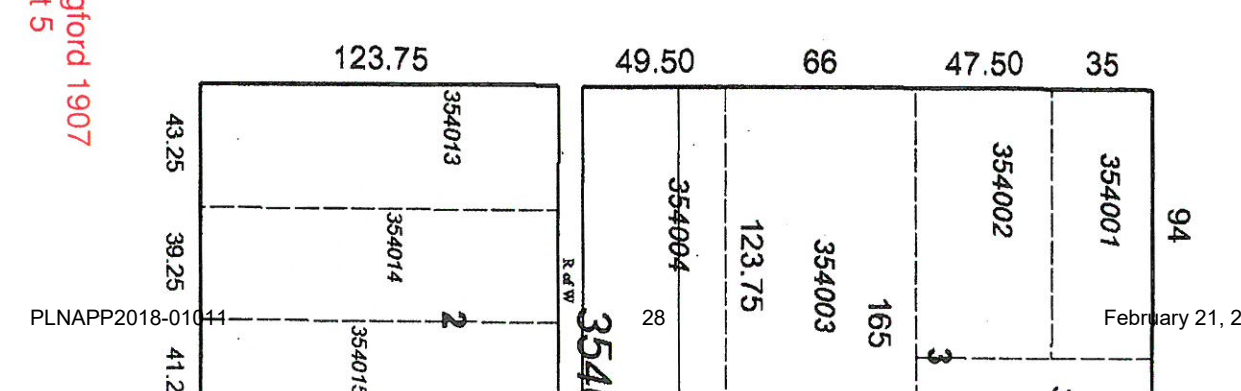
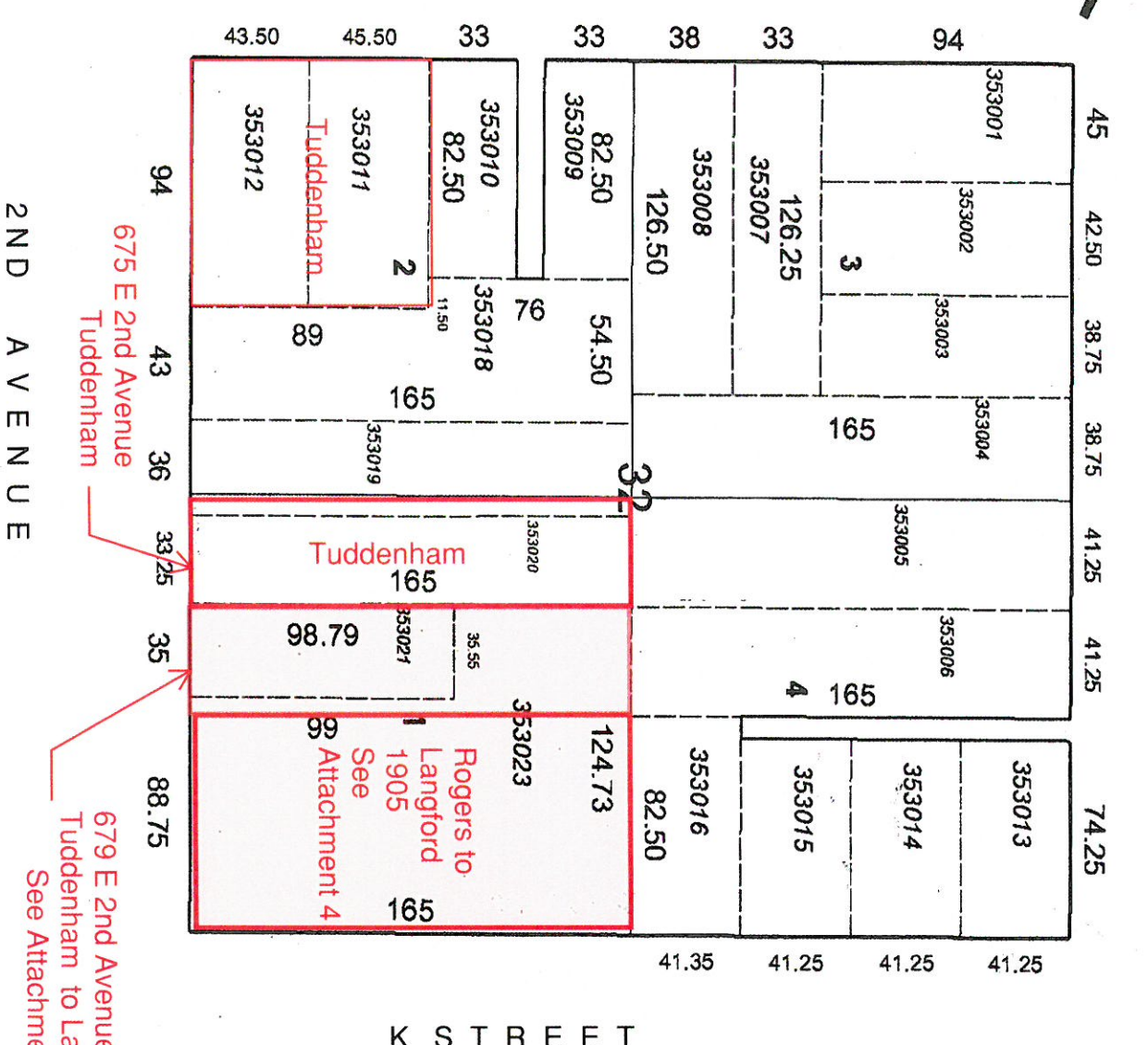
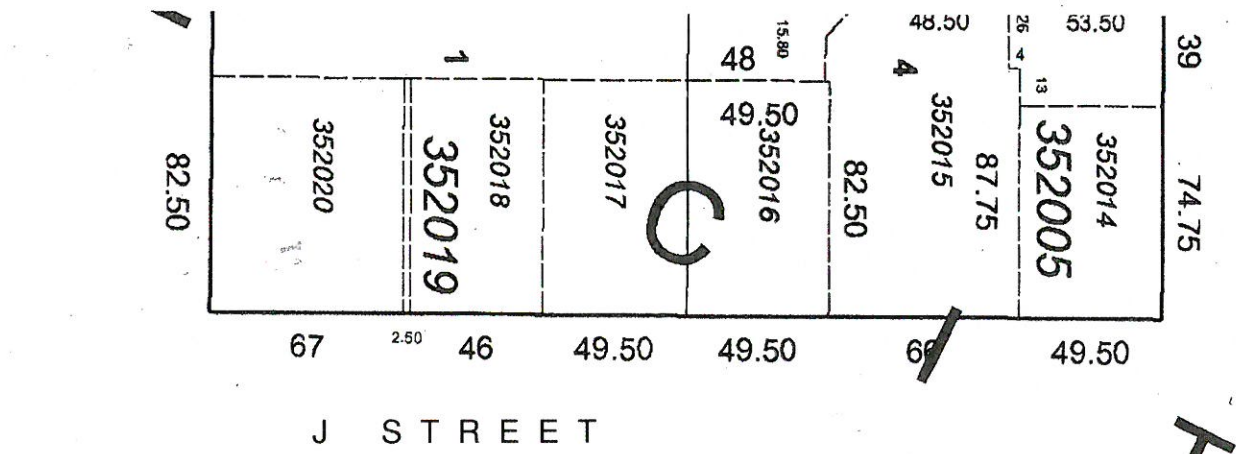
Board of Adjustment 1989 Site Plan



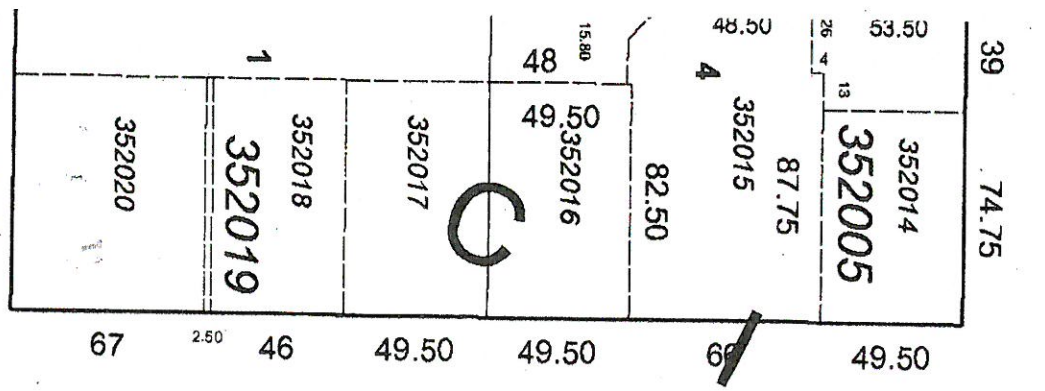
LIST OF ATTACHMENTS

- Attachment 1: Map. 1905-1907 Lanford Purchases 69 E. 2nd Ave. from Tuddenham and 119 N. K Street from Rogers
- Attachment 2: MAP of 1909 Langford changes lot size of 679 E. 2nd Ave.
1917 Langford sells 679 E. 2nd Avenue to Edward Dunn
- Attachment 3: April 1930 Fishler buys 679 E. 2nd Avenue from Langford
August 1930 Fishler buys 675 E. 2nd Avenue from Mary Ann Read Tuddenham. Mary Ann Read Tuddenham received 675 E. 2nd Ave. from her husband at his death. See Attachment 9.
- Attachment 4: Warranty Deed -1905 Rogers to Langford corner lot.
- Attachment 5: Warranty Deed – 1907 Tuddenham to Langford 679 E. 2nd Ave.
- Attachment 6: Lot Line Adjustment -1909 Langford to Langford 679 E. 2nd Ave
- Attachment 7: Sheriff's Deed – 1917 Langford to Dunn 679 E. 2nd Ave.
- Attachment 8: Warranty Deed – April 1930 Dunn to Fishler 679 E. 2nd Ave.
- Attachment 9: July 1930 William Tuddenham gives 675 E. 2nd Ave. to his wife at his death.
- Attachment 10: Warranty Deed – August 1930 Mary Ann Read Tuddenham sells 675 E. 2nd Ave. to Fishler
- Attachment 11: List of Recorded Documents at the Salt Lake County Recorder's Office
- Attachment 12: MAP – red marked 1911 Map
- Attachment 13: MAP- 1950 Sanborn map redmarked to show a more accurate location of property lines based on recorded lots.
- Attachment 14: Warranty Deed – Philip Fishler to Alice Fishler
- Attachment 15: 1934 Deed - Fishler Mortgage to Edward Dunn
- Attachment 15B 1943 Mortgage of 701 E. 2nd Ave. and 679 E. 2nd Ave.
- Attachment 16 Aerial view of Parcels of 1943 Mortgage Abstract
- Attachment 17 MAP of 1989 Site Plan red lined to show errors.

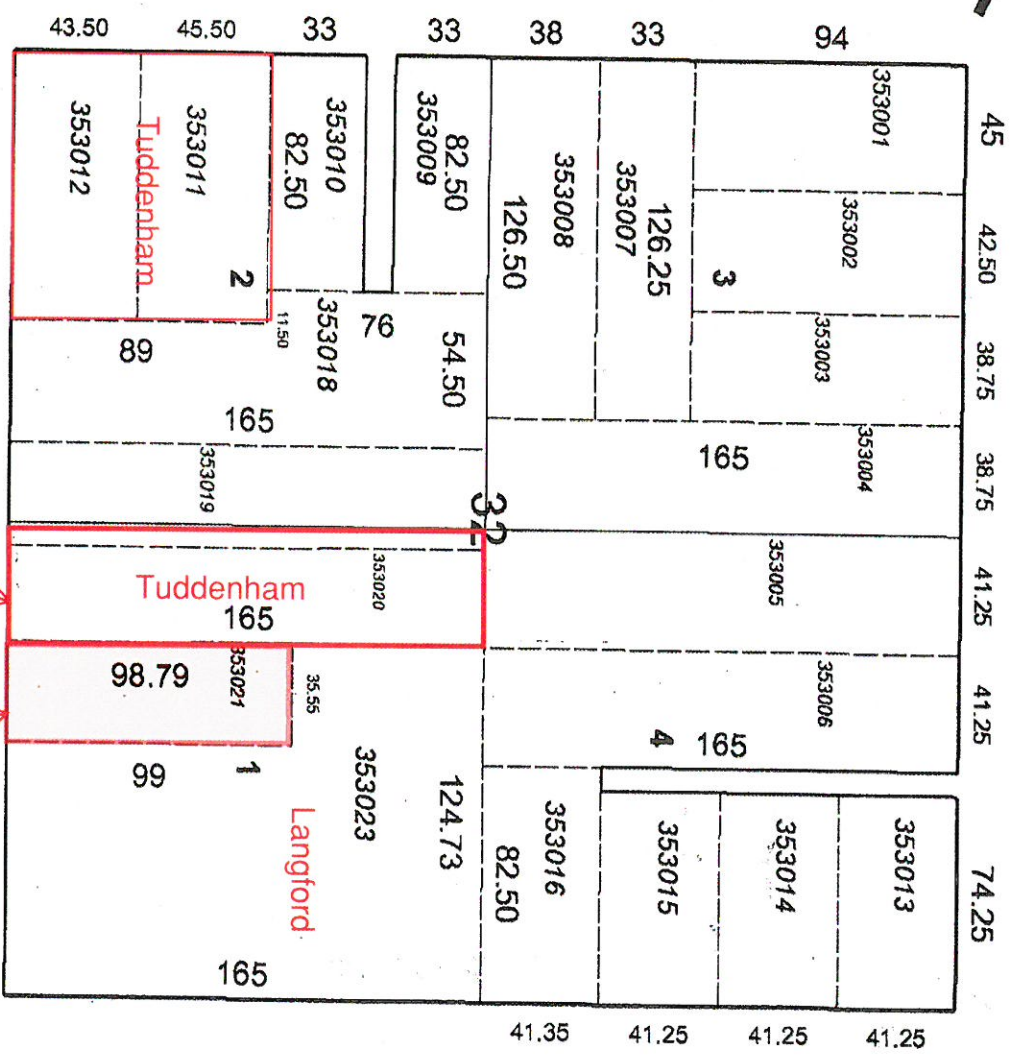
Attachment 1, 1905-1907 Langford Purchases, 679 E. 2nd Ave from Tuddenham, and 119 N K Street from Rogers



Attachment 2
 1909 Langford changes lot size of 679 E 2nd Ave.
 1917 Langford sells 679 E 2nd Avenue to Edward Dunn



J STREET



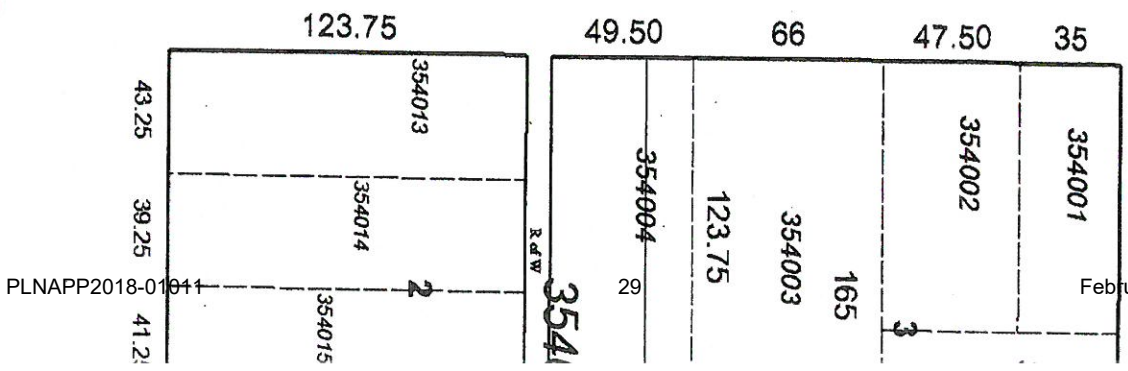
K STREET

2ND AVENUE

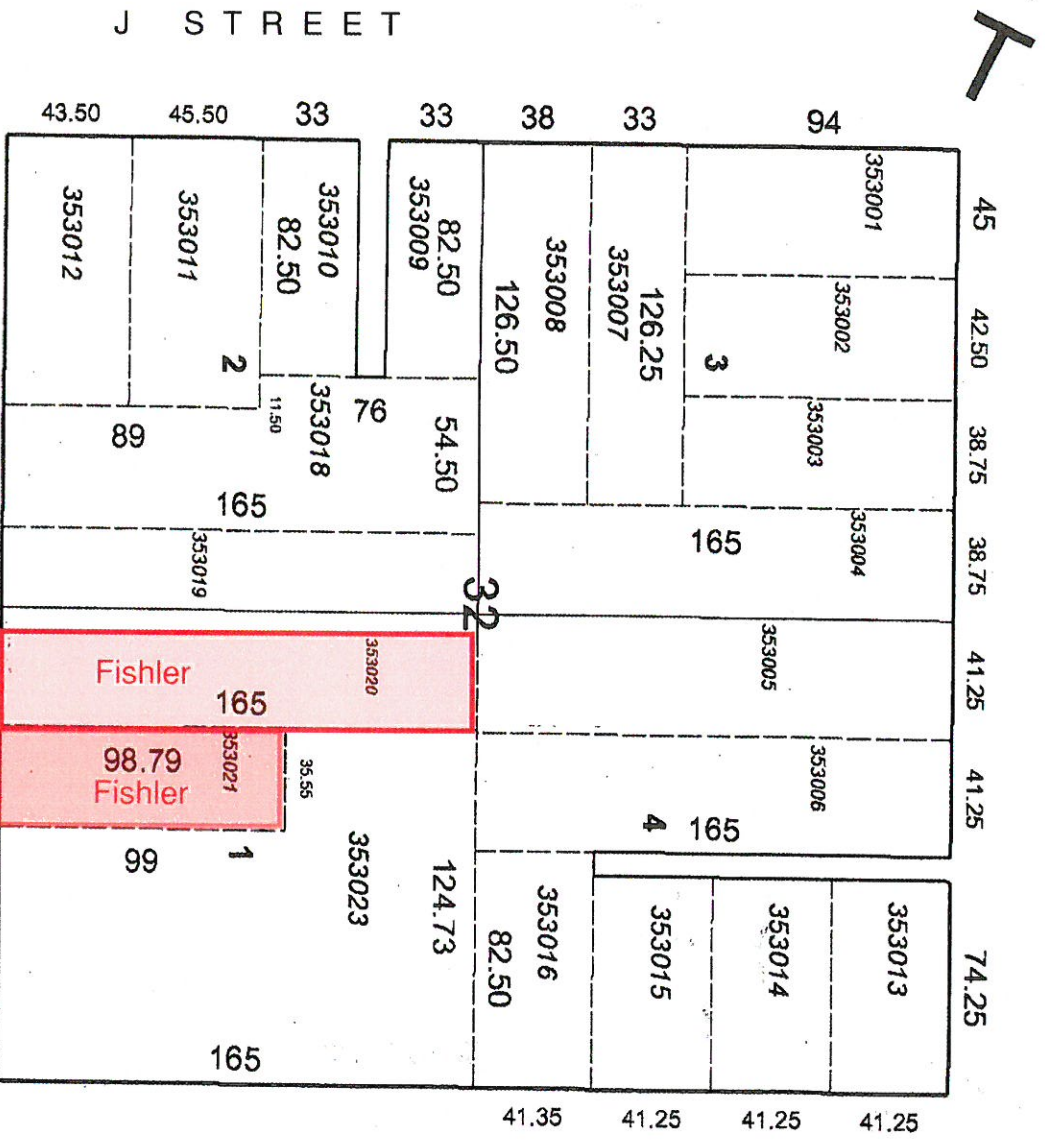
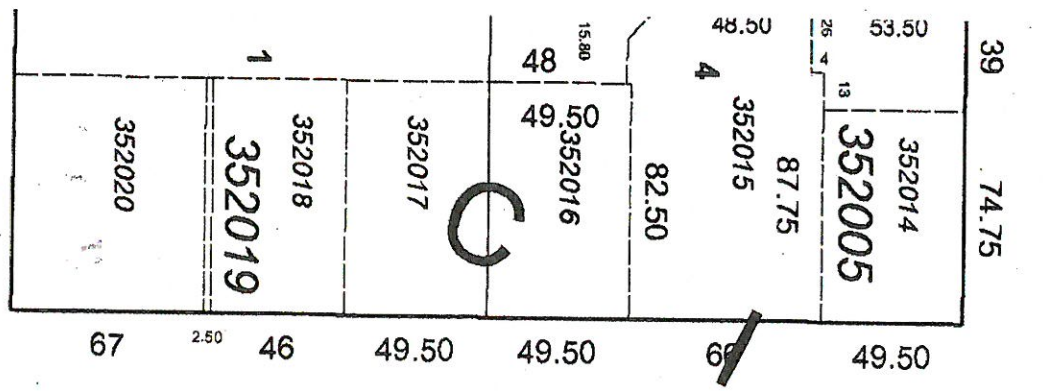
675 E 2nd Avenue
 Tuddenham

679 E 2nd Avenue
 Langford lot adjustment
 See Attachment 6

Langford sells to Edward Dunn
 See Attachment 7



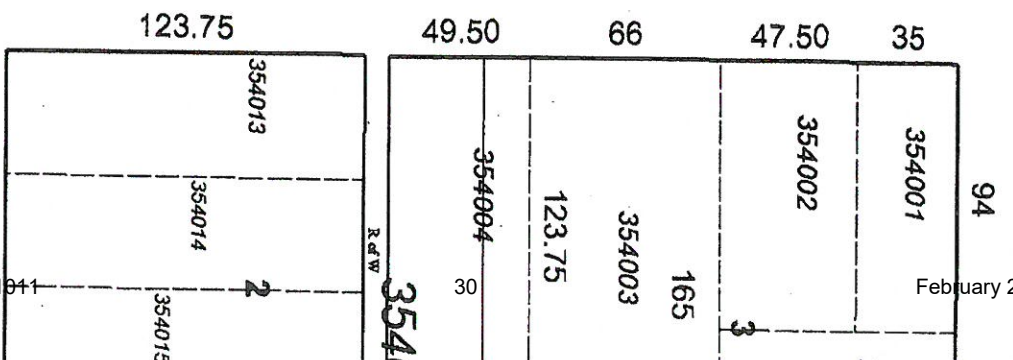
Attachment 3 April 1930 Fishler buys 679 E 2nd Avenue from Langford
 August 1930 Fishler buys 675 E 2nd Avenue from Mary Ann Read Tuddenham
 Mary Ann Read Tuddenham received 675 E 2nd Ave from her husband at his death
 See Attachment 9



675 E 2nd Avenue
 August 1930 Tuddenham to
 Philip Fishler see Attachment 10

679 E 2nd Avenue
 April 1930 from Edward Dunn to
 Philip Fishler See Attachment 9

2 N D AVENUE



the following described tract of land in Salt Lake County, State of Utah:

Lots twenty-three (23) and twenty-four (24), Block two (2), Baltimore Subdivision, in Salt Lake City, as platted and recorded on the records of Salt Lake County, Utah

Attachment 4 1905 Rogers to Langford - Corner lot

WITNESS, the hand of said grantor, this Twenty-fourth day of November, A.D. 1905

Signed in the presence of

M. S. Crocker

Henry L. Claffman

Sophia L. Claffman

STATE OF UTAH,

COUNTY OF Salt Lake

On Twenty-fourth day of November, A. D. 1905

personally appeared before me Henry L. Claffman and Sophia L. Claffman

the signers of the above instrument, who duly acknowledged

to me that they executed the same.



U.S. Anderson

Notary Public

My commission expires

Recorded at Request of H. L. Claffman

Dec 12

1905, at 4:10 o'clock P.M.

in Book "G-Y" of Deeds and Transfers, page 312, Records of Salt Lake County, Utah. Abstracted in 15 page 35, base 10

Recording fee paid 70¢ (Signed) C. O. Perkins Recorder, Salt Lake County, Utah. By L. P. Palmer

Entry No. 201847

WARRANTY DEED

William Rogers and Emily Rogers his wife of Salt Lake City County of Salt Lake State of Utah, hereby CONVEY AND WARRANT to J. E. Langford grantee of the same place

for the sum of Four Thousand Dollars (\$4,000.00) ~~DOLLARS~~

the following described tract of land in Salt Lake City and County, State of Utah:

All of the East 1/2 of Lot one in Block 32 Plat 10 Salt Lake City Survey

WITNESS, the hand of said grantor, this 12th day of December, A. D. 1905

Signed in the presence of

M. S. Crocker

William Rogers

Emily Rogers

STATE OF UTAH,

COUNTY OF Salt Lake

On the 12th day of December, A. D. 1905

personally appeared before me William Rogers and Emily Rogers his wife

the signers of the above instrument, who duly acknowledged

to me that they executed the same.



M. S. Crocker

Notary Public

My commission expires Jan 3rd 1907

Recorded at request of M. S. Crocker

Dec 12

1905, at 4:30 o'clock P.M.

in Book "G-Y" of Deeds and Transfers, page 311, Records of Salt Lake County, Utah. Abstracted in 15 page 35, base 10

Recording fee paid 70¢ (Signed) C. O. Perkins Recorder, Salt Lake County, Utah. By L. P. Palmer

PLNAPP2018-01011

STATUTORY FORM - WARRANTY DEED

Entry No. 219263

WARRANTY DEED

Wm. J. Tuddenham and Mary A. Tuddenham, his wife, grantors of Salt Lake City, County of Salt Lake, State of Utah, hereby CONVEY AND WARRANT to J. E. Langford grantee of the same place for the sum of Nineteen Hundred (\$1900.00) DOLLARS, the following described tract of land in Salt Lake County, State of Utah:

Being part of Lot one (1), Block thirty-two (32), Plat 10 Salt Lake City Survey, commencing eighty-two and one half (82 1/2) feet West of the South East corner of Lot one (1), Block thirty-two (32) Plat 10, and running thence East Forty-one and one quarter (41 1/4) feet, thence North one hundred and sixty-five (165) feet, thence East Forty-one and one quarter (41 1/4) feet, thence South one hundred and sixty-five (165) feet to place of beginning.

WITNESS, the hand of said grantors, this 29th day of January, A. D. 1907

Signed in the presence of

J. H. Woodmansee

Wm. J. Tuddenham

Mary A. Tuddenham

STATE OF UTAH,

COUNTY OF Salt Lake

ss.

On the 29th day of January, A. D. 1907,

personally appeared before me Wm. J. Tuddenham and Mary A. Tuddenham, his wife, the signers of the within instrument, who duly acknowledged to me that he executed the same.

My commission expires Aug. 6, 1908



J. H. Woodmansee Notary Public

Recorded at request of J. E. Langford in Book "7-L" of Deeds and Transfers, page 197, Records of Salt Lake County, Utah. Abstracted in "33" page 88, line 23. Recording fee paid 70¢ (Signed) P. O. Perkins Recorder, Salt Lake County, Utah.

By J. L. May Deputy

Entry No. 219413

WARRANTY DEED

Adams Speers, widow, grantor of Salt Lake City, County of Salt Lake, State of Utah, hereby CONVEY AND WARRANT to H. Warren Smith grantee of the same place for the sum of Ten Hundred and twenty five DOLLARS, the following described tract of land in Salt Lake City and County, State of Utah:

Commencing at a point eight and one half (8 1/2) rods north of the southwest corner of Lot four (4), in Block thirty-one (31), Plat "B", Salt Lake City Survey, and running thence north one and one half rods (1 1/2); thence east five (5) rods; thence South one and one half (1 1/2) rods; thence west five (5) rods to the place of beginning Subject to the taxes for 1907-

in and a part of lot one (1), block thirty-three (33), Town and Plat A, Big Field Survey, in the southwest quarter of section thirty (30), township one south, range one (1) east, Salt Lake Meridian, Salt Lake County, Utah.

Witness the hand of said grantor this 16th day of ~~February~~^{March}, A. D. 1909.

Witness:
E. E. Marks



Eagle Mercantile Co

By Corin L. Miller, President

Geo W Smith Secretary

Attachment 6 1909 Langford to Langford Lot 1 The Adjustment 679 E 2nd Avenue reducing the lot size.

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

On the 16th day of ~~February~~^{March}, A. D. 1909, personally appeared before me Corin L. Miller, who being by me duly sworn, did say: That he is the President of the Eagle Mercantile Company, a corporation, and that said instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors, and said Corin L. Miller acknowledged to me that said corporation executed the same.

My commission expires Nov. 13th, 1909.



E. E. Marks

Notary Public

Recorded at request of William C. Maxwell, Oct. 25, 1909, at 2:25 P. M., in 'I-B' of Deeds, page 52, 153. Abstracted in 'I-B', page 87, line 14.

Recording fee paid 30¢

(Signed) F. J. A. Jacques, Recorder, Salt Lake County, Utah.

By R. S. Collett, Deputy

256628

Warranty Deed

Fritsch Investment Company, a corporation duly organized, existing, and doing business under and by virtue of the laws of the State of Utah, grantor with its place of business at Salt Lake City, State of Utah, hereby conveys and warrants to Leonard Proctor grantee of the same place for the sum of Three Hundred (\$300.00) Dollars, the following described tract of land in Salt Lake County, State of Utah: Lots numbered Forty Two (42) and Forty Three (43) in an extended Plat of Block Five (5) of Thorndyke Subdivision. Subject to all taxes and assessments.

In Witness Whereof, said grantor, Fritsch Investment Company by a resolution of its Board of Directors duly made has caused this deed to be executed by its Secretary and its corporate name and Seal to be hereunto affixed, this 15th day of June, A. D. nineteen hundred and nine.

Signed in Presence of
James Pitts



Fritsch Investment Company
By, John A. Fritsch Secretary

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

On this 15th day of June A. D. 1909, personally appeared before me John A. Fritsch, who being by me duly sworn did say that he is the Secretary of the Fritsch Investment Company and that the foregoing deed was signed in behalf of the said corporation by authority of a resolution of the Board of Directors of said corporation, and said John A. Fritsch acknowledged to me that said corporation executed the same.

My commission expires June 5th, 1912.



James Pitts

Notary Public

Recorded at request of Leonard Proctor, Oct. 25, 1909 at 4:35 P. M., in 'I-B' of Deeds, page 53, abstracted in 'B-40', page 128, line 32.

Recording fee paid 30¢

(Signed) F. J. A. Jacques, Recorder, Salt Lake County, Utah.

256646

Deed

J. E. Langford and Sarah E. Langford, his wife, grantors, of Salt Lake City and County, State of Utah, hereby convey and warrant against all claiming by through or under them to J. E. Langford, Jr., grantee of the same place, for the sum of Ten Dollars, the following described tract of land in Salt Lake City and County, State of Utah: Beginning 90 3/4 feet from the South-east corner of Lot 1, Block 22, Salt Lake City Survey, and running North 89 feet; thence East 2 feet; thence South 11 feet; and thence West 2 feet, to the place of beginning.

REPLY & CO., APRIL 1917

SHERIFF'S DEED.

This Indenture, Made this 17th day of October, A. D. 1917, between John S. Carlsson Sheriff of Salt Lake County, State of Utah, party of the first part, and Edward S. Humm party of the second part,

WITNESSETH, WHEREAS, In and by a certain judgment and decree made and entered by the District Court of the Third Judicial District [Salt Lake County] of the State of Utah on the 22nd day of March A. D. 1917 in a certain action then pending in said Court, wherein Anna Davis

was Plaintiff and J. E. Langford, Jr., Florence Langford, Edward S. Humm, Joseph Nelson, and W. J. Suddensham, were Defendant.

it was among other things ordered and adjudged that all and singular the premises in said judgment, and hereinafter described should be sold at public auction, by and under the direction of the Sheriff of Salt Lake County, State of Utah, in the manner required by law; that either of the parties to said action might become purchaser at such sale, and that said Sheriff should execute the usual certificates and deeds to the purchaser as required by law.

AND WHEREAS, The Sheriff did, at the hour of 12 o'clock, noon, on the 18th day of April A. D. 1917 at the west front door of the County Court House in the City and County of Salt Lake, State of Utah, after due public notice had been given, as required by law and said judgment, duly sell at public auction, agreeably to law and said judgment, the premises and property in said judgment and hereinafter described; at which sale said premises and property were fairly struck off and sold to Anna Davis

for the sum of four thousand six hundred & 25/100 Dollars, (\$ 4500.00) being the highest bidder and that being the highest sum bid at said sale.

AND WHEREAS, said Anna Davis thereupon paid to the said Sheriff said sum of money so bid, and said Sheriff thereupon made and issued the usual certificate in duplicate of such sale in due form, and delivered one thereof to said purchaser, and caused the other to be filed in the office of the County Recorder of the County of Salt Lake, State of Utah.

AND WHEREAS, more than six months have elapsed since the day of said sale, and no redemption of the property so sold has been made.

AND WHEREAS, said Anna Davis purchaser as aforesaid did, on the 17th day of October A. D. 1917, sell, assign and transfer said Certificate of Sale and all his rights thereunder to Edward S. Humm, the said party of the second part, and duly authorized said Sheriff to make a deed for said premises, in pursuance of said sale to said Edward S. Humm.

Now this Indenture Witnesses, That the said party of the first part, Sheriff as aforesaid in order to carry into effect said sale in pursuance of said judgment and of the law, and also in consideration of the premises and of the money so bid and paid by the said Anna Davis

the receipt whereof is hereby acknowledged, has granted sold, conveyed, and by these presents does grant, sell and convey and confirm unto the said party of the second part, his heirs and assigns forever, the following described real estate lying and being in the City and County of Salt Lake, State of Utah, being all the right, title, claim and interest of the above named defendants of, in and to the following described property, to-wit:

Beginning eighty-eight and 3/4ths (88-3/4) feet west from the southeast corner of lot number three (3) and block number thirty-two (32), Plat 28, Salt Lake City Survey, running thence west thirty-five (35) feet, thence north ninety-nine (99) feet, thence east thirty-five (35) feet, thence south ninety-nine (99) feet to the place of beginning, situate in Salt Lake County, Utah, otherwise known as 679 Second Avenue.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, to have and to hold the same unto said party of the second part, his heirs and assigns forever.

IN WITNESS WHEREOF, Said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in presence of
E. S. Carlsson }
Geo. H. Tene } John S. Carlsson (Seal)
Sheriff of Salt Lake County, Utah.

STATE OF UTAH }
COUNTY OF SALT LAKE, } ss.

On the 17th day of October, 1917, before me, Magel Suggart a Notary Public in and for the County of Salt Lake, State of Utah, personally appeared John S. Carlsson Sheriff of Salt Lake County, State of Utah, personally known to me to be the person described in and who executed the foregoing instrument.

to me that he executed the same as such Sheriff, freely and voluntarily, and for the uses and purposes therein mentioned. February 21, 2019

WITNESS my hand and notarial seal, this 17th day of October, 1917.



Recorded at request of A. H. Steiner Apr 30 1930 at 10:01 A. M. in Bk #70 of Deeds pages 154-155. Recording fee paid 70%. (Signed) Aurura H. Hiatt Recorder Salt Lake County Utah By Sarah H Heath Deputy. (Reference: B-12-126-3.)

#653080

WARRANTY DEED

JOHN WILLIAM IRVINE and MARGARET IRVINE, his wife, Grantors, of Salt Lake City, Salt Lake County, State of Utah, hereby CONVEY AND WARRANT to LUCY L. O'CONNOR, Grantee, of the same place, for the sum of One Dollar, and other good and valuable consideration, the receipt of which is hereby acknowledged, the following described tract of land, situate in the County of Salt Lake, State of Utah, to-wit:

Commencing 10.95 rods North and 203.15 feet East of the Southwest corner of Lot 5, Block 1, Five Acre Plat "A", Big Field Survey; and running thence East 145 feet; thence North 40 feet; thence West 145 feet; thence South 40 feet to the place of beginning;

Together with a right of way over: Commencing 220.675 feet North and 203.15 feet East of the Southwest corner of said Lot 5; and running thence North 41.675 feet; thence East 10 feet; thence South 41.675 feet; thence West 10 feet to the place of beginning.

This Deed is made subject to taxes for the year 1930, which the Grantee assumes and agrees to pay.

WITNESS the hands of the said Grantors this 23 day of April, A. D. 1930.

Attachment 8 April 1930 Dunn to Fishler 679 E 2nd avenue

John William Irvine
Margaret Irvine

State of California,)
County of Los Angeles,) ss.

On this 23rd day of April, 1930, personally appeared before me John William Irvine and Margaret Irvine, his wife, the signers of the above instrument, who duly acknowledged to me that they executed the same.

My commission expires
May 23-1931

BERNICE C. CAUGHEY,
NOTARY PUBLIC
LOS ANGELES CO. CAL.
EUREKA

Bernice C. Caughey
Notary Public. Residing at
Los Angeles, Calif.

Recorded at request of Lucy K O'Connor Apr 30 1930 at 10:50 A. M. in Bk #70 of Deeds page 156. Recording fee paid 90%. (Signed) Aurura H. Hiatt Recorder Salt Lake County Utah By Sarah H Heath Deputy. (Reference: C-27-16B-16 & 17.)

#653084

Warranty Deed

FLORENCE E. FOGG grantor SALT LAKE CITY, County of SALT LAKE, State of Utah, hereby CONVEYS and WARRANTS to J. F. FULTON grantee of SALT LAKE CITY, COUNTY OF SALT LAKE, STATE OF UTAH, for the sum of ONE DOLLAR and other good, valuable and adequate considerations the following described tract of land in SALT LAKE County, State of Utah:

Commencing at a point 664.5 feet East and 23.1 feet South of the Northwest corner of Northeast 1/4 of Section 14, Township 1 South, Range 1 West, Salt Lake Base & Meridian, running thence South 143 feet, thence South 45° West 14.2 feet, thence West 47.3 feet, thence North 153 feet, thence East 57.3 feet, to beginning.

Together with a right of way over the following described property:

Commencing at a point 664.5 feet East and 23.1 feet South of the Northwest corner of the Northeast Quarter of Section 14, Township 1 South, Range 1 West, Salt Lake Base & Meridian, running thence South 143 feet, thence South 45° West 14.2 feet, thence West 390.5 feet, thence South 12 feet, thence East 412.5 feet, thence North 165 feet, thence West 12 feet to beginning.

Witness, the hand of said grantor, this 1st day of August, A. D. 1929

Signed in the Presence of
Ben E Roberts

Florence E Fogg

STATE OF UTAH,)
County of SALT LAKE) ss.

On the first day of August, A. D. 1929 personally appeared before me FLORENCE E. FOGG the signor of the within instrument, who duly acknowledged to me that she executed the same.

My commission expires
Jan. 9, 1931.

KATHRYN BEATIE,
NOTARY PUBLIC
SALT LAKE CITY-STATE OF UTAH.
COMMISSION EXPIRES
JAN. 9, 1931.

Kathryn Beatie
Notary Public.

Recorded at request of J W Fulton Apr 30 1930 at 11:45 A. M. in Bk #70 of Deeds page 155. Recording fee paid 90% (Signed) Aurura H. Hiatt Recorder Salt Lake County Utah By Sarah H Heath Deputy. (Reference: D-23-245-6 & 7.)

#653091

WARRANTY DEED

Edward D. Dunn, and Emma F. Dunn, wife, grantors of Salt Lake City, County of Salt Lake, State of Utah, hereby CONVEY AND WARRANT to P. L. Fishler, and Alice M. Fishler, husband and wife, or to the survivor thereof, of the same place for the sum of Ten and no/100 DOLLARS the following described tract of land in Salt Lake County, State of Utah:

Beginning at a point 88 and 3/4 feet West of the South-east Corner of Lot 1, Block 32, Plat "D"-Salt Lake City Survey, and running thence North 99 feet; thence West 35 feet; thence South 99 feet; thence 35 feet East to the place of beginning.

Witness, the hands of said grantors, this 23rd day of April, A. D. 1930.

February 21, 2019

And it appearing that said account is in all respects true and correct and is supported by proper vouchers; that there are no taxes due, either State, County, or inheritance, on this estate; that all debts, expenses and charges of administration have been fully paid, that the expense of the last illness of deceased, funeral charges, and all other expenses have been paid by the heirs of the deceased; that the estate is ready for distribution and is in a condition to be closed.

That said William J. Tuddenham, died on the 5th day of December, 1929, leaving a last will and testament, designating and appointing Mary Ann Reed Tuddenham, of Salt Lake City, Utah, as executrix of said will, and who is now the duly qualified and acting executrix of said estate.

That said deceased left him surviving at death a widow, Mary Ann Reed Tuddenham, your petitioner herein, aged 79 years; William J. Tuddenham, a son, aged 34 years; Florence E. T. Langford, a daughter, aged 46 years; residing at Salt Lake County, State of Utah; Joseph E. Tuddenham, a son, aged 31 years, residing at Newton, Utah; John C. Tuddenham, a son, aged 44 years, residing at Highway 1st., Long Island New York; Arthur T. Tuddenham, a daughter, also named as one of the beneficiaries of said will having predeceased the said William J. Tuddenham; she having died without issue, her share to be distributed equally between the remaining heirs.

That the sons and daughters of William J. Tuddenham, deceased, named as the beneficiaries of said will have assigned, transferred all their rights to take part in the distribution of the estate; and are willing to the distribution of the entire estate to their mother, Mary Ann Reed Tuddenham, executrix of the estate of William J. Tuddenham, deceased.

That the estate of the deceased consisted of the following property, to-wit:

Household Furniture appraised \$25.00.

Lot 2, Block 32, of Plat "B", of Salt Lake City Survey, commencing at the southwest corner of lot 1, thence East 62 1/2 feet; thence North 20 feet; thence West 62 1/2 feet; thence South 20 feet to the place of beginning. Subject to a mortgage of \$1200.00. Equity appraised \$200.00.

Lot 1, Block 32, of Plat "B" of Salt Lake City Survey, commencing at the southwest corner of lot 1, thence East 41 1/2 feet; thence North 10 rods; thence West 41 1/2 feet; thence South 10 rods to the place of beginning. Subject to a mortgage of \$4000.00. Equity appraised: \$0 value.

That the value of the whole estate of William J. Tuddenham, deceased, is less than \$1000.00, to-wit, of the value of \$200.00.

It is hereby ordered that said payments set forth in petitioner's account are approved, and said account of expenditures and disbursements in said petition mentioned are now settled and allowed.

It is further ordered that there are no inheritance taxes due the State of Utah on this estate.

It is further ordered, adjudged and decreed that the said final account of said Mary Ann Reed Tuddenham, be and the same is hereby settled, allowed and approved; and that the residue of said estate consisting of the real and personal property is hereby distributed to Mary Ann Reed Tuddenham.

Household Furniture appraised \$25.00.

Lot 2, Block 32, of Plat "B", of Salt Lake City Survey, commencing at the southwest corner of lot 1, thence East 62 1/2 feet; thence North 20 feet; thence West 62 1/2 feet; thence South 20 feet to the place of beginning. Subject to a mortgage of \$1200.00. Equity appraised \$200.00.

Lot 1, Block 32, of Plat "B" of Salt Lake City Survey, commencing at the southwest corner of lot 1, thence East 41 1/2 feet; thence North 10 rods; thence West 41 1/2 feet; thence South 10 rods to the place of beginning. Subject to a mortgage of \$4000.00. Equity appraised: \$0 value.

It is further ordered, adjudged and decreed that the said Mary Ann Reed Tuddenham, executrix of the estate of William J. Tuddenham, deceased, be and she is hereby discharged from all liability to be hereafter incurred, and that her bondsmen are hereby released and exonerated.

Signed and dated at Salt Lake City, Utah, this 25th day of July, 1930.

Walter I. Robinson
District Judge.

ATTEST: ALONZO MACKAY, Clerk.
By L. P. Palmer, Deputy Clerk.
(SEAL)

ENDORSED: No. 16314 DISTRICT COURT PROMISE DIVISION THIRD JUDICIAL DISTRICT COUNTY OF SALT LAKE, STATE OF UTAH. ESTATE OF WILLIAM J. TUDDENHAM, DECEASED. FILED IN THE CLERK'S OFFICE SALT LAKE COUNTY, UTAH JUL 25 1930 ALONZO MACKAY, CLERK 2ND DIST. COURT BY L.P. PALMER, DEPUTY CLERK.

STATE OF UTAH)
COUNTY OF SALT LAKE) ss.

I, Alonzo Mackay, Clerk of the Third Judicial District Court of the State of Utah, in and for Salt Lake County, do hereby certify that the foregoing is a full, true and correct copy of the original COURT BOOKS FINAL ACCOUNT AND DECREE OF DISTRIBUTION. IN THE MATTER OF THE ESTATE OF WILLIAM J. TUDDENHAM, DECEASED. No. 16314 as appears of record and file in my office.

WITNESS my hand and the seal of said Court, at Salt Lake City, this 25th day of July A. D. 1930

THIRD JUDICIAL DISTRICT
COURT
SALT LAKE COUNTY
STATE OF UTAH

Alonzo Mackay Clerk
By William Perry Deputy Clerk

E. J. Robinson, grantor of Salt Lake City, County of Salt Lake, State of Utah, for and in behalf of E. J. Robinson and Vera E. Robinson, his wife of Salt Lake City, Salt Lake County, Utah, for the sum of Ten Dollars and other good, adequate and valuable consideration the following described tract of land in Salt Lake County, State of Utah.

All of Lots 9 and 10, Block 3, Gordon Plat, a subdivision of Lots 4, 11, 12, and 13, Block 10, The "Acre Plus" Plat, 4th Field Survey.

Witness the hand of said grantor, this twenty third day of July, A. D. one thousand nine hundred and thirty one.

Attachment 10 August 1930 Mary Ann Read Tuddenham sells 675 E 2nd Avenue to Fishler

Signed in the presence of
Respectfully,
E. J. Robinson

E. J. Robinson

STATE OF UTAH)
County of Salt Lake) ss.

On the twenty third day of July A. D. one thousand nine hundred and thirty one personally appeared before me E. J. Robinson the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.

My commission expires
April 10, 1935

HARRY E. CORSER,
NOTARY PUBLIC
SALT LAKE CITY-STATE OF UTAH.

Harry E Corser
Notary Public.
Address: Salt Lake City, Utah

Recorded at the request of P. W. Irvine, July 25, 1931 at 3:22 P. M. in Bk. #70 of Deeds. Pg. 544. Recording fee paid 70%. (Signed) Jessie Evans, Recorder, Salt Lake County, Utah, by C. T. Foreade, Deputy, (Reference: S-20-284-5).

#680528

WARRANTY DEED

Mary Ann Read Tuddenham grantor of Salt Lake City, County of Salt Lake, State of Utah, hereby conveys and warrants to Philip L. Fishler and Alice M. Fishler, his wife, as joint tenants and not as tenants in common, or to the survivor of either, grantees of Salt Lake City, County of Salt Lake, State of Utah, for the sum of \$650.00, the following described tract of land in Salt Lake County, State of Utah:

Commencing 41 1/2 feet East of the Southwest corner of Lot 1, Block 32, Plat "D", Salt Lake City Survey, running thence West 33 1/2 feet; thence North 10 rods; thence East 33 1/2; thence South 10 rods to the place of beginning.

Subject to the general taxes after the year 1929.

Witness the hand of said grantor this 6th day of August, A. D. 1930.

Signed in the presence of:
Edward O. Platt

Mary Ann. Read Tuddenham.
Grantor.

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

On the 6th day of August, A. D. 1930, personally appeared before me Mary Ann Read Tuddenham, the signer of the above instrument, who duly acknowledged to me that she executed the same.

My commission expires:
Aug. 9, 1931.

EDWARD O. PLATT,
NOTARY PUBLIC
SALT LAKE CITY-STATE OF UTAH.
COMMISSION EXPIRES
AUG. 9, 1931.

Edward O. Platt
Notary Public
residing at Salt Lake City, Utah.

Recorded at the request of Philip L. Fishler, July 28, 1931 at 1:02 P. M. in Bk. #70 of Deeds. Pg. 544. Recording fee paid 90%. (Signed) Jessie Evans, Recorder, Salt Lake County, Utah. By W H Howard, Deputy. (Reference: C-15-93-2).

#680529

Warranty Deed

ROYAL B. AMUNDSON and VALERIA B. AMUNDSON, his wife, grantors, of Salt Lake County, State of Utah hereby convey and warrant to MYRTLE J. STEVENS grantee, of the same place for the sum of TEN DOLLARS and other good and valuable considerations, the following described tract of land in Salt Lake County, State of Utah.

The East 24.85 feet of Lot 22, and the West 50.48 feet of Lot 23, Block 5, NORMANDIE HEIGHTS, according to the official plat thereof recorded in the office of the County Recorder of said County.

Subject to mortgage in favor of E. B. Ticks Company in the sum of \$7000.00.

Witness the hands of said grantors this tenth day of July A. D. 1931.

Signed in the presence of
M. V. Backman

Royal B Amundson
Valeria E. Amundson.

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

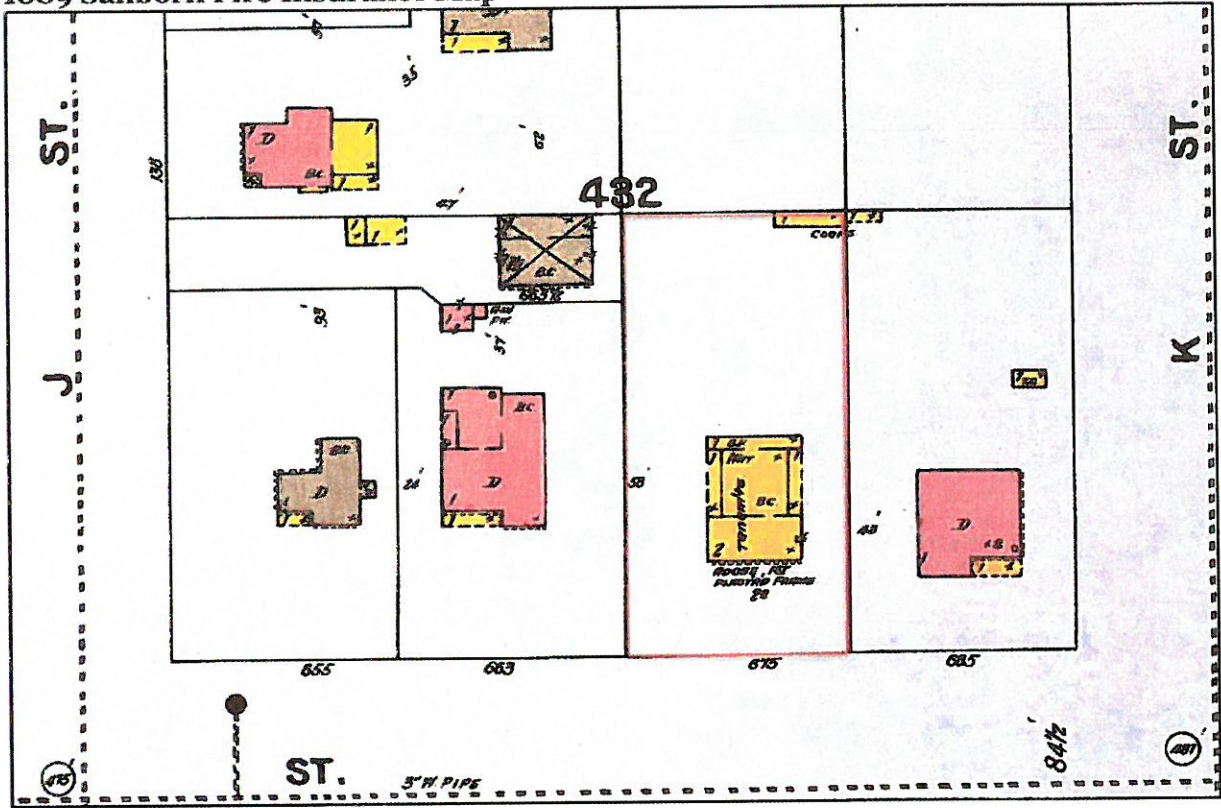
PLNAPP2018-01011

On the tenth day of July A. D. 1931 personally appeared before me Royal B. Amundson and Valeria B. Amundson,

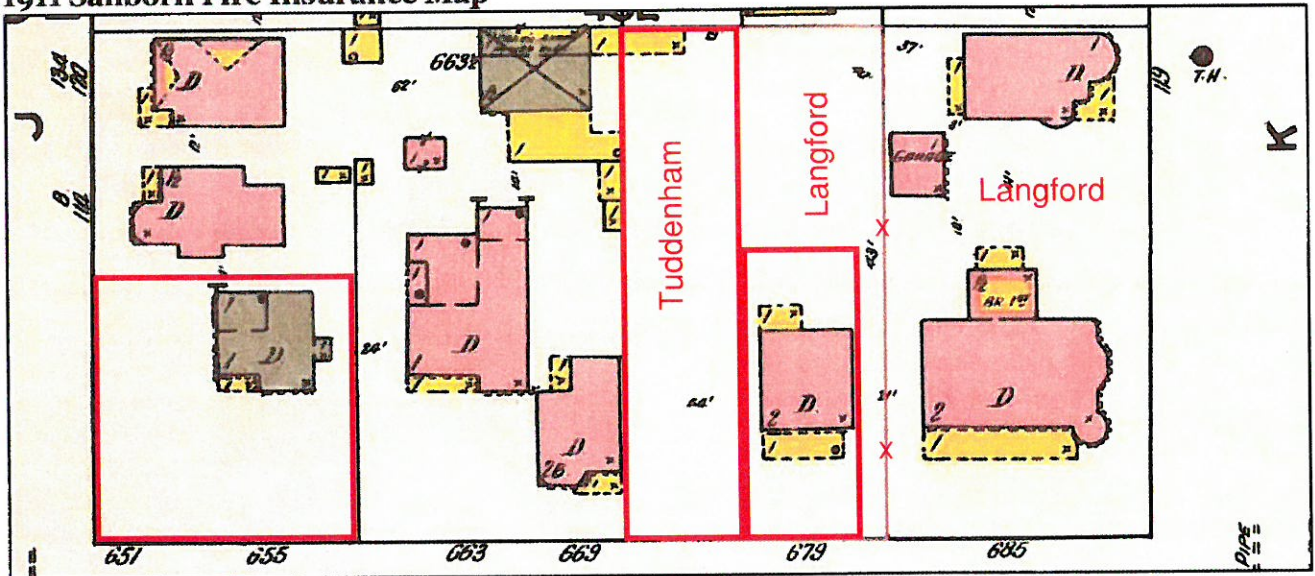
Attachment 12 See red marked map 1911 below, for a more accurate location of lot lines per recorded documents. The property owners names have been added to the parcels. See Attachments 1-10 for the ownership and property line descriptions

ATTACHMENT A

1889 Sanborn Fire Insurance Map



1911 Sanborn Fire Insurance Map



41.25' 35'
675 E 679 E

See Attachments 1-10 to See history of lots and lot lines.

Attachment 13 1950 Sanborn map red marked to show a more accurate location of property lines based on the recorded lots.

1950 Sanborn Fire Insurance Map



Attest,
F. J. Bradshaw
Secretary
(CORPORATE SEAL)

COLUMBIA SAVINGS & LOAN ASSOCIATION
SEAL CORPORATE SEAL
UTAH

COLUMBIA SAVINGS & LOAN
ASSOCIATION Company.
F. S. Bradshaw
Vice-President.

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

On the 10th day of February, A.D. 1938 personally appeared before me F. S. Bradshaw and F. J. Bradshaw who being by me duly sworn did say, each for himself, that he, the said F. S. Bradshaw is the Vice-president, and he, the said F. J. Bradshaw is the secretary of Columbia Savings & Loan Association Company, and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its Board of directors and said F. S. Bradshaw and F. J. Bradshaw each duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.

My commission expires
9/13 - 38

ZELDA HEDMAN,
NOTARY PUBLIC
COMMISSION EXPIRES
SEAL SEPT. 13, 1938
SALT LAKE CITY - STATE OF UTAH

Zelda Hedman
Notary Public.
Whose residence is Salt Lake City

Recorded at the request of L. E. CARDON, Feb. 10, 1938, at 3:50 P.M., in Book #200 of Deeds, Page #626.
Recording fee paid \$1.10. (Signed) Jessie Evans, Recorder, Salt Lake County, Utah, by F. E. Samway, Deputy.
(Reference: C-43,121,3.)

627116

WARRANTY DEED

P. L. FISHLER, sometimes known as PHILIP L. FISHLER, grantor, of Salt Lake City, County of Salt Lake, State of Utah, hereby CONVEYS and WARRANTS to ALICE M. FISHLER, his wife, grantee, of Salt Lake City, County of Salt Lake, State of Utah, for the sum of TEN DOLLARS and other good and valuable consideration, receipt of which is hereby acknowledged, the following described tract of land in Salt Lake County, State of Utah:
Beginning at a point 0'.75 feet West of the Southeast corner of Lot 1, Block 32, Plat "D", Salt Lake City Survey, and running thence West 35 feet; thence North 90 feet; thence East 35 feet; thence South 90 feet to

627

#200 of Deeds.

the place of beginning.

Commencing 412 feet East of the Southwest corner of Lot 1, Block 32, Plat "D", Salt Lake City Survey, running thence West 33 feet; thence North 10 rods; thence East 33 feet; thence South 10 rods to the place of beginning; subject to the 1938 taxes.

WITNESS, the hand of said grantor, this 10th day of February, A.D. 1938

Signed in the Presence of
Rendell N. Mabey

(P. L. Fishler)
P L Fishler
Philip I. Fishler

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

On the 10th day of February, A. D. 1938 personally appeared before me P. L. FISHLER, sometimes known as PHILIP L. FISHLER, the signer of the within instrument, who duly acknowledged to me that he executed the same.

My commission expires
May 18, 1939

RENDELL N. MABEY,
NOTARY PUBLIC
COMMISSION EXPIRES
SEAL MAY 18, 1939
STATE OF UTAH

Rendell N. Mabey
Notary Public.
My residence is Salt Lake City.
Utah.

Recorded at the request of Alice M. Fishler, Feb. 10, 1938, at 4:05 P.M., in Book #200 of Deeds, Page #626-27.
Recording fee paid \$.50. (Signed) Jessie Evans, Recorder, Salt Lake County, Utah, by W. H. Howard, Deputy.
(Reference: C-15,95,10.)

Attachment 15 1934 Deed Fishler Mortgage to Edward Dunn for 679 E. 2nd Avenue lot size is the same since they purchased it.

Signed in presence of
I. F. Surber
STATE OF UTAH,
County of Salt Lake,
On the first day of May, A. D. 1934,
his wife, the signers of the above instrument, who duly
My commission expires
Mar 21, 1934

A. J. SWINNEY, JR.,
NOTARY PUBLIC,
STATE OF UTAH,
COMMISSION EXPIRES
MAR. 27, 1934.

Recorded at request of Ralph Stewart May 1 1936 at 11:25 A. M. in bk 408 of index pages 32
paid 50¢. (Signed) Aurora L. State Recorder Salt Lake County Utah by Sarah E South Deputy.

MORTGAGE
I, A. Fishler, and Alice K. Fishler, husband and wife, RESIDING, of Salt Lake City,
Salt Lake County, State of Utah, hereby mortgage to Edward D. Dunn, RESIDING, of the same
Salt Lake County, State of Utah, thirty-one and 00/100 Dollars (\$31.00) the following de-
scribed tract of land in Salt Lake County, State of Utah, viz:
Beginning at a point 88 3/4 feet west of the southeast corner of Lot 1, Block 12, Plat 70,
Salt Lake City Survey, and running thence North 90 feet; thence West 85 feet; thence South
88 feet; thence East 88 feet to the place of beginning.

This mortgage is given to secure the following indebtedness, viz:
A promissory note, dated April 24, 1930, for \$632.00, payable on or before sixty-four
months from date, in installments of \$10.00 or more monthly, interest payable semi-annually
at the rate of 7 1/2 per annum.
The mortgagors agree to pay all taxes, insurance and assessments on said premises, and
reasonable attorney's fees in case of foreclosure.
This mortgage shall be subject to a certain mortgage of even date herewith for \$2500.00
covering this same property and made by mortgagors with the Deseret Building Society.
WITNESS the hands of said mortgagors this 24th day of April, 1930.

Signed in presence of
Philip L. Fishler
Alice K. Fishler

State of Utah,
County of Salt Lake, } 23.

On this 24th day of April, 1930, personally appeared before me P. L. Fishler, who also
sometimes signs (Philip L. Fishler) and Alice K. Fishler, the signers of the foregoing in-
strument, who duly acknowledged to me that they executed the same.

My commission expires
Dec. 17, 1932

CELOE KEIL,
NOTARY PUBLIC
SALT LAKE CITY-STATE OF UTAH.
COMMISSION EXPIRES
DEC. 17, 1932.

Chloe Keil
Notary Public, Residing at
Salt Lake City, Utah.

Recorded at request of Edward D. Dunn May 1 1930 at 12:18 P. M. in bk 408 of index page 322. Recording fee paid
50¢. (Signed) Aurora L. State Recorder Salt Lake County Utah by R G Collett Deputy. (Reference: 2-15-31-26.)

Recorded at Request of LARKIN ABSTRACT CO

APR 29 1943

at 392 Fee paid \$ 3.10 Cornelia S. Lund, Recorder S. L. County, Utah
By H. H. Matt Mortgage Book 342 Page 109 - 615-29-32
Ref: 615-168-3

95:200

Attachment 15 B 1943 Mortgage

Philip L. Fishler, also known as P. L. Fishler and Alice Mabey Fishler, also known as Alice E. Fishler, his wife
Mortgagor, of 679 2nd Ave., Salt Lake City, County of Salt Lake, State of Utah,
for a valuable consideration, and particularly to secure the loan represented by the note hereinafter mentioned, the receipt whereof is acknowledged, hereby mortgages to Bountiful State Bank, a corporation having its principal place of business at Bountiful, Utah, Mortgages, all those premises in the County of Salt Lake, State of Utah, more particularly described as follows, to-wit:

701 E 2nd Avenue
Commencing at the Southwest corner of Lot 2, Block 31, Plat "D", Salt Lake City Survey, and running thence East $43\frac{1}{2}$ feet; thence North $7\frac{1}{2}$ rods; thence West $43\frac{1}{2}$ feet; thence South $7\frac{1}{2}$ rods to the place of beginning. Together with a right of way over: Commencing $7\frac{1}{2}$ rods North of the Southwest corner of said Lot 2, and running thence East $7\frac{1}{2}$ rods; thence North $8\frac{1}{2}$ feet; thence West $7\frac{1}{2}$ rods; thence South $8\frac{1}{2}$ feet to the place of beginning.

Also, beginning at a point 88.75 feet West of the Southeast corner of Lot 1, Block 32, Plat "D", Salt Lake City Survey and running thence West 35 feet; thence North 99 feet; thence East 35 feet; thence South 99 feet, to the place of beginning.

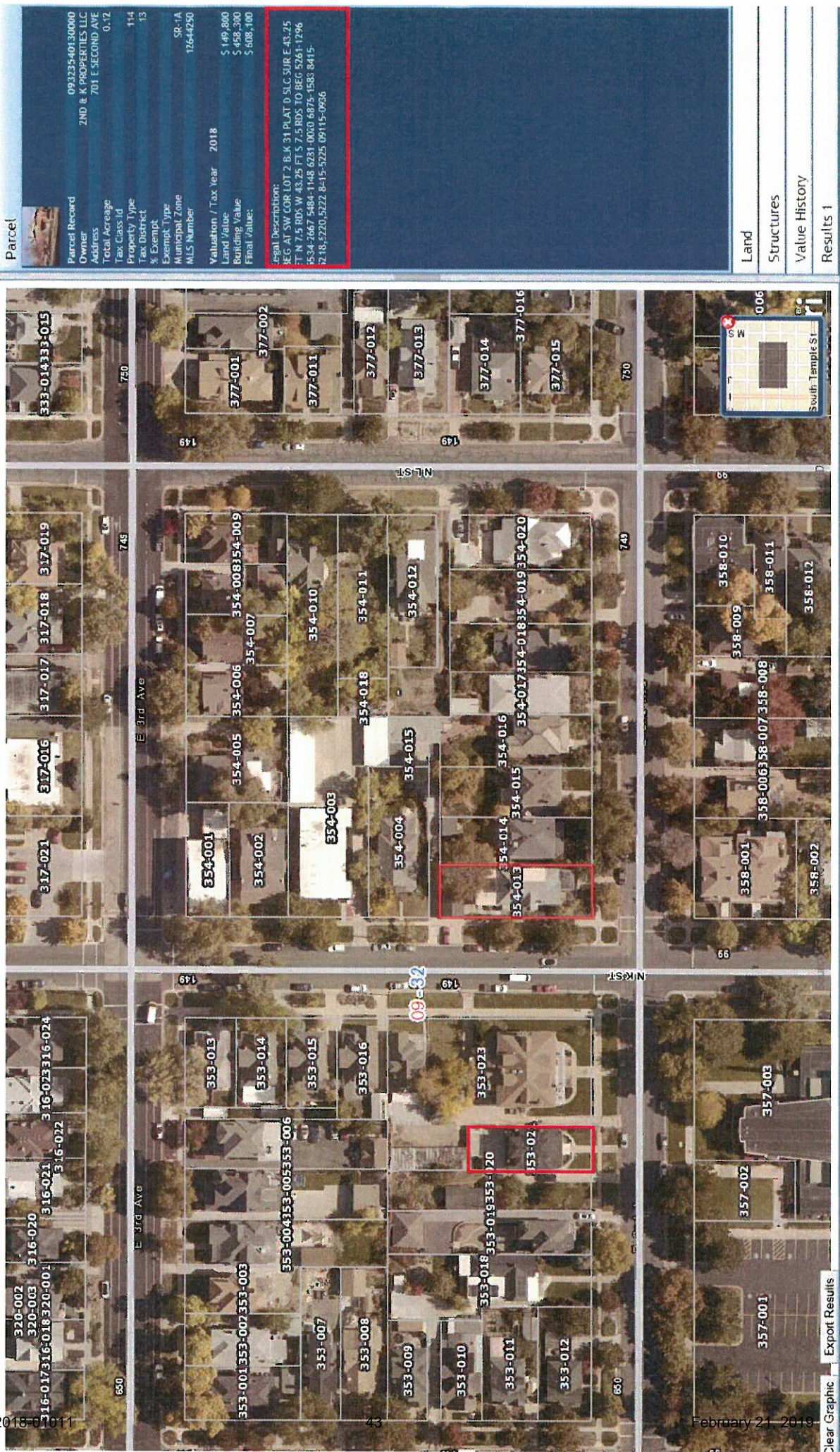
679 E 2nd Avenue

Together with all and singular the tenements, hereditaments, appurtenances, easements and rights of way thereunto belonging or which may be hereafter acquired and used or enjoyed with said land.
Together also with all water and water rights belonging to or used upon or in connection with the said premises, however represented, and particularly all shares of stock in any company representing any such water or water rights.
Together also with the crops, rents, issues, profits and income from said premises with the right at any time after default or maturity to collect the same, and, to enforce this provision, the Mortgagor or holder shall be entitled to the appointment of a receiver.
Together also with the tools, appliances, equipment, heating, plumbing and lighting facilities, machinery, supplies, fixtures and all personal property belonging to the mortgagors upon or within said premises used or proper or necessary to constitute the said premises a habitable, usable or operating unit—all said property being designated and deemed for the purpose of this instrument a part of the realty.

This mortgage is given

FIRST: To secure an indebtedness in the principal sum of Fifty Three Hundred and no/100 - - Dollars, evidenced by One promissory note dated April 19, 1943 made by the mortgagor to the mortgagee and payable at the times and in the manner with the rate of interest therein set forth: \$75.00 payable May 15, 1943 and \$75.00 payable on the 15th day of each and every month thereafter until the balance is paid in full - said payment to include principal and interest at 5%.

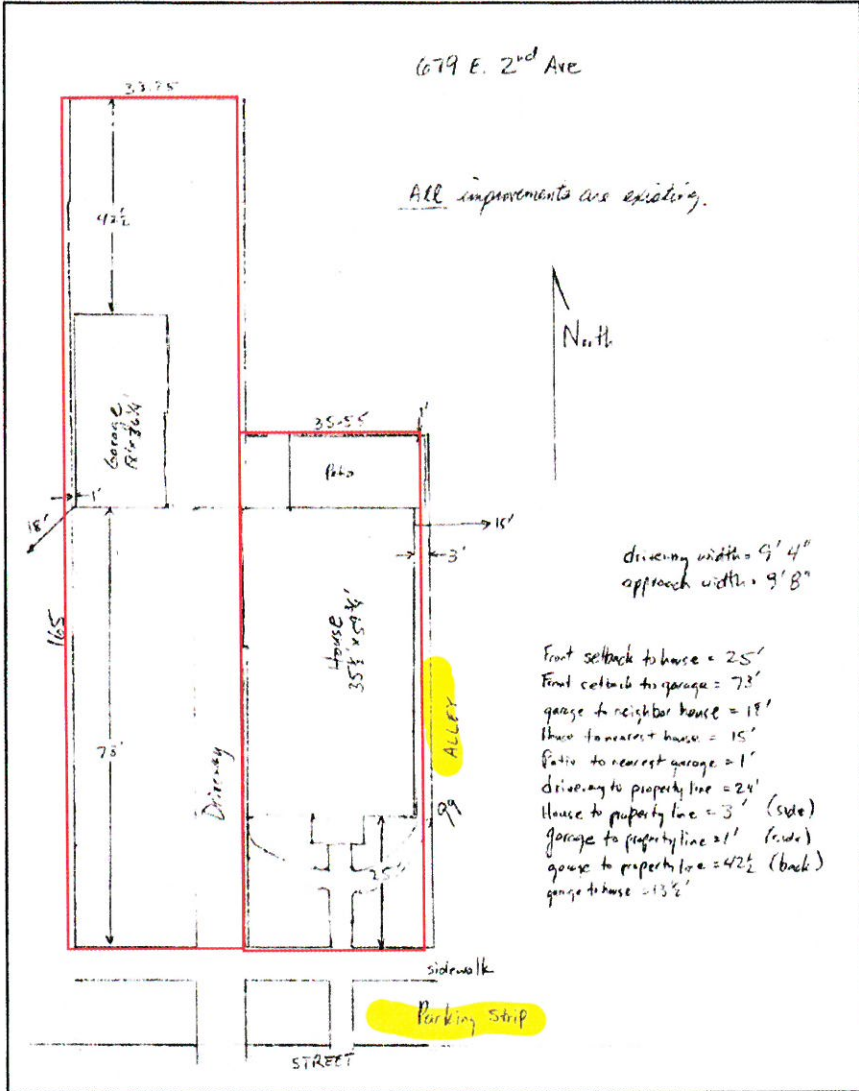
SECOND: To secure payment of any and all arrears or renewals, and successive arrears or renewals of the notes above described or of the indebtedness represented by the same and of any other indebtedness secured by this mortgage, no matter how represented, and of the interest on all of the same, all of which arrears or renewals shall be secured by the proceeds of its first priority lien, with interest thereon.
THIRD: The mortgagee covenants with and in favor of the mortgagor and the lawful holder of this mortgage as follows:
FIRST: That the said "mortgage" and the language of this instrument shall, when there is more than one mortgagee, be construed as plural and be binding on all mortgagees and the words "mortgage" shall be construed to include any lawful holder hereof; and both the words "mortgage" and "mortgages" shall be construed to include the liens, covenants, conditions and covenants of each, to the one may be.
SECOND: That the mortgagor is lawfully seized in fee simple of said premises and has the legal right to mortgage the same and that said premises are free from all encumbrances, and that the mortgagor will warrant and defend the title against all claims.
THIRD: That the mortgagor will not do or permit to be done upon or with said premises or on the title thereto anything that may impair the security under this mortgage.
FOURTH: That said premises and the improvements thereon shall at all times be preserved in substantial repair and in good order and condition.
FIFTH: That said premises will at all times be kept occupied and devoted to a beneficial use.
SIXTH: To procure and, during the term of this mortgage and until all indebtedness thereunder is fully paid, to maintain fire insurance covering all improvements upon said premises in a sum not less than Five Thousand Dollars in a company designated or approved by the mortgagee, with fire, if any, provided for by the mortgagee in its interest may appear, and to deposit with the mortgagee the policy and all proceeds or substitutions therefor and all premium receipts.
SEVENTH: To pay promptly all insurance premiums and all taxes, assessments, charges, fees, commissions, mechanic's liens, water rates and assessments and all other taxes which may come against said premises and (or) on the debt secured thereby, whether levied directly on said debt or mortgage or against the holder and owner thereof.
EIGHTH: To pay the cost of recording and expending the abstract of this to said premises whenever the same becomes necessary or proper, and to file the copies of this mortgage with the recorder and to pay all charges, costs and expenses, including a reasonable attorney's fee, for the collection of the indebtedness secured by this mortgage, and to pay all costs and expenses incurred by the mortgagee, or for any conveyance herein contained, or for any step or proceeding that may become necessary or proper in connection with the enforcement of this mortgage.
NINTH: Should the mortgagor fail to pay or discharge any of the said indebtedness, or any of said taxes, taxes, assessments or other charges as aforesaid, then the mortgagee shall be deemed to have assumed the obligation to pay or discharge the same and the mortgagor shall be bound to indemnify the mortgagee for all costs and expenses incurred by the mortgagee in the performance of this duty, and the mortgagee shall be deemed to have assumed the obligation to pay or discharge the same and the mortgagor shall be bound to indemnify the mortgagee for all costs and expenses incurred by the mortgagee in the performance of this duty.



Parcel	Owner	Address	Total Acreage	Property Type	Tax District	% Exempt	Exempt Type	Municipal Zone	MLS Number	Valuation / Tax Year	Land Value	Building Value	Final Value	Legal Description
333-014333-015	09323540130000 ZND & K PROPERTIES LLC 701 E SECOND AVE		0.12	114	13			SR-1A	12644250	2018	\$ 149,800	\$ 458,300	\$ 608,100	BEG AT SW COR LOT 2 B.K 31 PLAT D SLC SUR E 45.25 FT N 7.5 RDS W 43.25 FT S 7.5 RDS TO BEG 5261-1796 3534-2667 5484-1148 6231-0000 6875-1583 8415-7218-5220-5222 8-15-5225 09115-0936

Land
Structures
Value History
Results 1

ATTACHMENT B
Board of Adjustment 1989 Site Plan



Property lines missing from plan - Estimated location shown in red.
 Impossible to determine correct location without a survey

ATTACHMENT C: Administrative Interpretation

**CASE# PLNZAD2018-00837
Administrative Interpretation
DECISION AND FINDINGS**



REQUEST:

This is a request for an administrative interpretation regarding whether the property located at approximately 675 E. 2nd Avenue (tax ID#09-32-353-020-0000) is a legal complying lot in accordance with the Salt Lake City zoning laws. The purpose of the request is to determine if a single-family dwelling can be constructed on the property.

DECISION:

The Zoning Administrator finds that the subject property located at approximately 675 E. 2nd Avenue (tax ID #09-32-353-020-0000) is not recognized by Salt Lake City as a legal complying lot and therefore a single-family detached dwelling could not be constructed.

FINDINGS:

The subject property is currently located in the SR-1A (Special Development Pattern Residential) zoning district, and has a total lot area of approximately 5,488 square feet and approximately 33.25 feet in width. The SR-1A zone requires a minimum lot area of 5,000 square feet and 50 feet of lot width. 675 E. 2nd Avenue does meet the underlying zoning requirement for lot area for a single-family dwelling; however, the lot area was used to satisfy the minimum lot area needed for the 8-plex at 679 E. 2nd Avenue.

The Salt Lake City Zoning Ordinance states the following regarding the definition of LOT:

Lot: A piece of land identified on a plat of record or in a deed of record of Salt Lake County and of sufficient area and dimensions to meet district requirements for width, area, use and coverage, and to provide such yards and open space as are required and has been approved as a lot through the subdivision process. A lot may consist of combinations of adjacent individual lots and/or portions of lots so recorded; except that no division or combination of any residual lot, portion of lot, or parcel shall be created which does not meet the requirements of this title and subdivision regulations of the city.

Based on the documents obtained, 675 E. 2nd Avenue has been associated with 679 E. 2nd Avenue since 1889. The 1889 Sanborn Fire Insurance Map illustrates the two properties as one, with the address of 675 E. 2nd Avenue. The structure illustrated was a tenement structure. Additionally, the 1911 Sanborn Fire Insurance Map illustrates the properties as one with the address of 679 E. 2nd Avenue. The structure on the property is a two story dwelling.

A Warranty Deed from 1930, which was provided by the applicant, describes 675 E. 2nd Avenue, and transfers ownership to the Fishlers. The legal is described as:

Commencing 41½ feet East of the Southwest corner of Lot 1, Block 32, Plat "D", Salt Lake City Survey, running thence West 33¼ feet; thence North 10 rods; thence East 33¼; thence South 10 rods to the place of beginning.

This Warranty Deed notes the Fishlers as the property owners. Additionally, a Quit Claim Deed from 1934, describes 679 E. 2nd Avenue, as:

Beginning at a point 88.75 feet West of the Southeast corner of lot 1, Block 32, Plat "D", Salt Lake City Survey, and running thence West 35 feet; thence North 99 feet; thence East 35 feet; thence South 99 feet to the place of beginning.

1935 is noted as the year that the single-family dwelling was converted to an 8 unit multi-family structure. The property owner, Alice Fishler, provided a verbal testimony during a Board of Adjustment Hearing in 1968, that the property was converted in 1935. The subject property located at 679 E. 2nd Avenue was zoned B-2 in 1935. The B-2 Zoning District had specific lot requirements for multi-family dwellings, which specified the following:

Residential "B-2" District: 3,000 sq. ft. for a one-family dwelling.
4,500 sq. ft. for a two-family dwelling.
5,000 sq. ft. for a three-family dwelling.
With an additional 500 sq. ft. required for each family added.

Based on the lot requirements in 1935, the subject property would have needed a minimum of 7,500 square feet for the multi-unit conversion. 679 E. 2nd Avenue would not have met the minimum lot size without 675 E. 2nd Avenue.

Additionally, the provided Polk Directories substantiate the verbal testimony, with each of the 8 units listed within 1937.

The Warranty Deed, issued in 1938, describes 679 E. 2nd Avenue with the rear subdivided. Per additional verbal testimony in 1968, the rear of 679 E. 2nd Avenue was sold to 119 N. K Street. This subdivision further decreased the lot size of 679 E. 2nd Avenue, furthering its dependency of 675 E. 2nd Avenue. This subdivision decreased 679 E. 2nd Avenue by approximately 2,310 square feet.

The Mortgage Abstract, issued in 1943, describes both properties:

(675 E. 2nd Avenue)

Commencing at the Southwest corner of Lot 2, Block 31, Plat "D", Salt Lake City Survey, and running thence East 43¼ feet; thence North 7½ rods; thence West 43¼ feet; then South 7½ rods to the place of beginning. Together with a right of way over: Commencing 7½ rods North of the Southwest corner of said Lot 2, and running thence East 7½ rods; then North 8¼ feet; thence West 7¼ rods; thence South 8¼ feet to the place of beginning.

(679 E. 2nd Avenue)

Also, beginning at a point 88.75 feet West of the Southeast corner of Lot 1, Block 32, Plat "D", Salt Lake City Survey and running thence West 35 feet; thence North 99 feet; thence East 35 feet; thence South 99 feet; to the place of beginning.

The 1950 Sanborn Fire Insurance Map illustrates one property, addressed as 679 E. 2nd Avenue. The structure located on the subject property is noted to be 6 units and 2 stories.

The previous owners, the Fishlers, had requested two Board of Adjustment approvals. The first variance request, which was granted, was reviewed at the Board of Adjustment in 1951. At this hearing, Mrs. Fishler provided the following description in support of her reduced rear yard setback:

Case No. 2371, at 679 Second Avenue, in re application of Alice M. Fishler for a permit to add a room to the existing dwelling at 679 Second Avenue without the required side and rear yard space in a Residential "B-2" District...

Mrs. Fishler appeared in her own behalf. She explained that she wished to erect a 15' by 15 ft. addition on the rear of her existing home at 679 Second Avenue maintaining a 2-ft. side yard to her east property line instead of the required 4 ft. This would be on the same line as the rest of her dwelling. There would be a 15-ft. rear yard behind this proposed addition; however, to the west the rear yard would be far in excess of the required 25 ft.

An additional variance was requested and reviewed in 1968. At this hearing, in which the Board of Adjustment denied the requested variance, Mrs. Fishler provided the following testimony in support of her requested variance:

Case No. 5658 at 679 Second Avenue in application of Alice M. Fishler for a variance to legalize and enclose an existing attached covered patio which does not maintain the required yard areas in a Residential "R-6" District.

Mrs. Fishler was present together with Mr. Celeste Bott, contractor. Mr. Barney explained at the present time the apartment is existing with a roofed patio from the apartment proper right to the rear property line. There has been considerable research on this to find out how it has developed as it now has. The Board at one time granted an addition to the rear, within 15' of the property line, on the northeast corner of the dwelling but an addition to the west of that to square out the building has also been built, apparently without a permit. In constructing both what the Board granted and did not grant, they are closer than the 15' that was permitted. Mr. Barney went on to explain the home existed within 2' of the east property line and in 1951 the Board granted a variance to reduce the required 4' side yard to 2' so they could maintain the same 2' side yard. A 15' rear yard instead of the required 25' was also granted but there is only 12'6". They also squared it out across the entire property line at only 12'6" and then that was covered. Mrs. Fishler explained the south wall of the garages on the property to the east is used for the support of an aluminum cover over the patio' also she said they didn't do anything without a permit. When the Board asked where her tenants park, she said they park on the street. She has garages on her property but they are too small for present day cars and she has a very narrow driveway. Her purpose in enclosing the patio area is to keep out the dirt and she proposed to just glass in each end. She assured the Board it would not be for another apartment. She noted if she had any idea she would be stirring up such a hornet's nest, she would have never asked for it. Mrs. Fishler's explanation of the rear yard less than the 15' granted was that the wall of the garages (large 17" cement blocks) belonging to the property to the east was actually on this property and they took the owner into court and won the case, but through an appeal to them by the owner's wife, they decided to deed them the ground on which the garage was located. That would account for 14' but not 15'. A suggestion was made that the garden to the west be replaced with parking to get some of the cars off the street but the applicant said it would be impossible to get up over the ramp from the street...

When the applicant was asked how many units there are presently in this structure, she stated there have been eight since 1935 and there was a building permit there.

A subsequent Deed of Trust, issued in 1977, describes 675 E. 2nd Avenue. This Deed of Trust, provides the following description:

(675 E. 2nd Avenue)

Commencing 41¼ feet East of the Southwest corner of Lot 1, Block 32, Plat "D", Salt Lake City Survey, and running thence West 33¼ feet; thence North 10 rods; thence East 33¼ feet; thence South 10 rods to the place of beginning.

1980 Deed of Re Conveyance provides the following legal descriptions:

(679 E. 2nd Avenue)

Commencing 2.5 rods East from the Southwest corner Lot 1 Block 32 Plat "D", Salt Lake City Survey, East 35 feet North 6 rods, Southwesterly to a point 98.79 feet North from beginning, South 98.79 feet to the point of beginning.

ALSO:

(675 E. 2nd Avenue)

Commencing 41¼ feet East of the Southwest corner of Lot 1, Block 32, Plat "D", Salt Lake City, Survey, and running thence West 33¼ feet; thence North 10 rods; thence East 33¼ feet; thence South 10 rods to the place of beginning.

1981 Deed of Re Conveyance provides the following legal descriptions:

(679 E. 2nd Avenue)

Commencing 2.5 rods East from the Southwest corner Lot 1 Block 32 Plat "D", Salt Lake Survey, East 35 feet North 6 rods, Southwesterly to a point 98.79 feet North from beginning, South 98.79 feet to the point of beginning.

ALSO:

(675 E. 2nd Avenue)

Commencing 41¼ feet East of the Southwest corner of Lot 1, Block 32, Plat "D", Salt Lake City, Survey, and running thence West 33¼ feet; thence North 10 rods; thence East 33¼ feet; thence South 10 rods to the place of beginning.

In 1989, an additional variance was requested. The variance requested to legalize an attached, covered and enclosed patio without the required side and rear yard in a Residential "R-2" District. This variance was a request to legalize the already constructed and denied rear patio. For this Board of Adjustment Case, a site plan illustrating one property (675 and 679 E. 2nd Avenue) was provided, please reference Attachment C. The site plan provided does not demonstrate two separate properties, but rather one property with a multi-unit structure and an accessory structure. The Abstract of the Findings and Order from the approved variance was recorded against 675 E. 2nd Avenue to provide a record of the approval.

All of the discussed information is included in the provided attachments. In summary, 675 E. 2nd Avenue has supported 679 E. 2nd Avenue in regards to square footage, accessory structure and to gain variance approvals. Additionally, this decision is consistent with the definition of "Lot" on page 1, which states that *"A lot may consist of combinations of adjacent individual lots and/or portions of lots so recorded."*

APPEAL PROCESS:

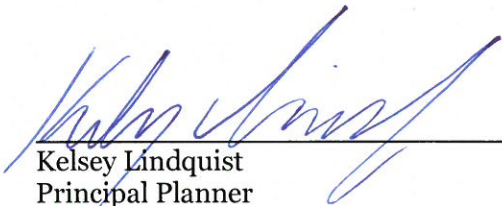
An applicant or any other person or entity adversely affected by a decision administering or interpreting this Title may appeal to the Appeals Hearing Officer. Notice of appeal shall be filed within ten (10) days of the administrative decision. The appeal shall be filed with the Planning Division and 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 3rd day of December, 2018 in Salt Lake City, Utah.

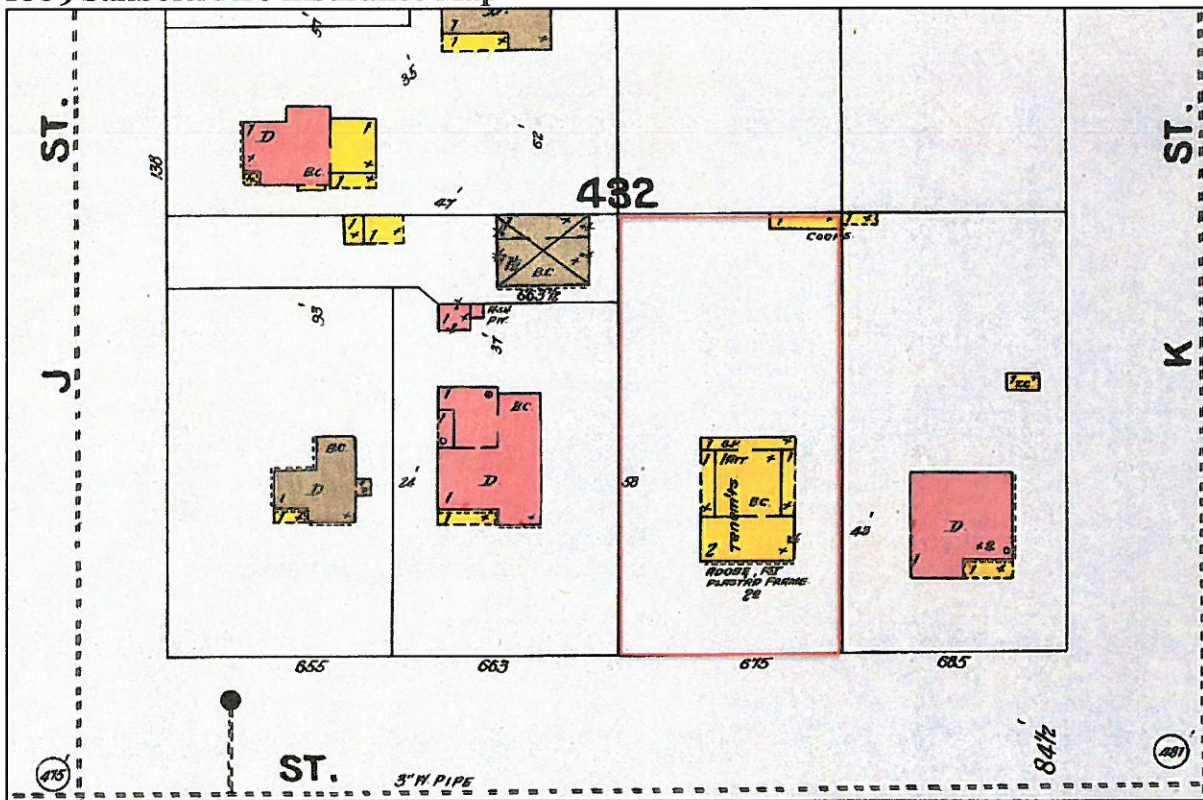


Kelsey Lindquist
Principal Planner
Salt Lake City Planning Division

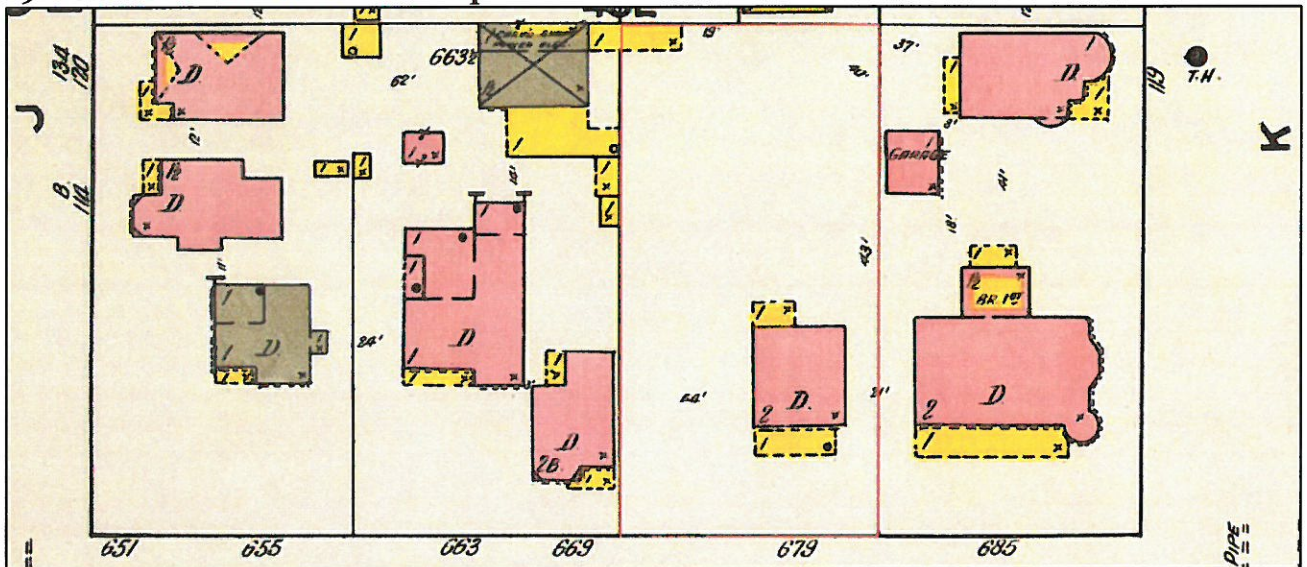
CC: Nick Norris, Planning Director
Joel Paterson, Zoning Administrator
Molly Robinson, Planning Manager
Greg Mikolash, Development Review Supervisor
Posted to Web
Applicable Recognized Organization
File

ATTACHMENT A

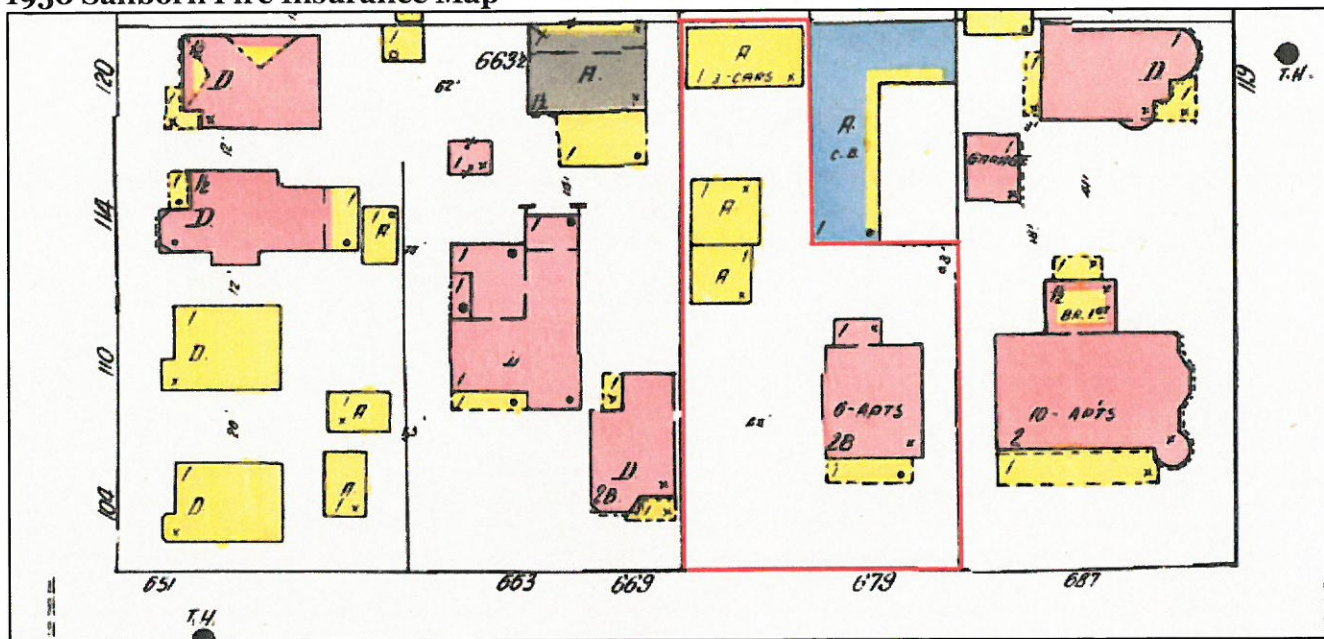
1889 Sanborn Fire Insurance Map



1911 Sanborn Fire Insurance Map

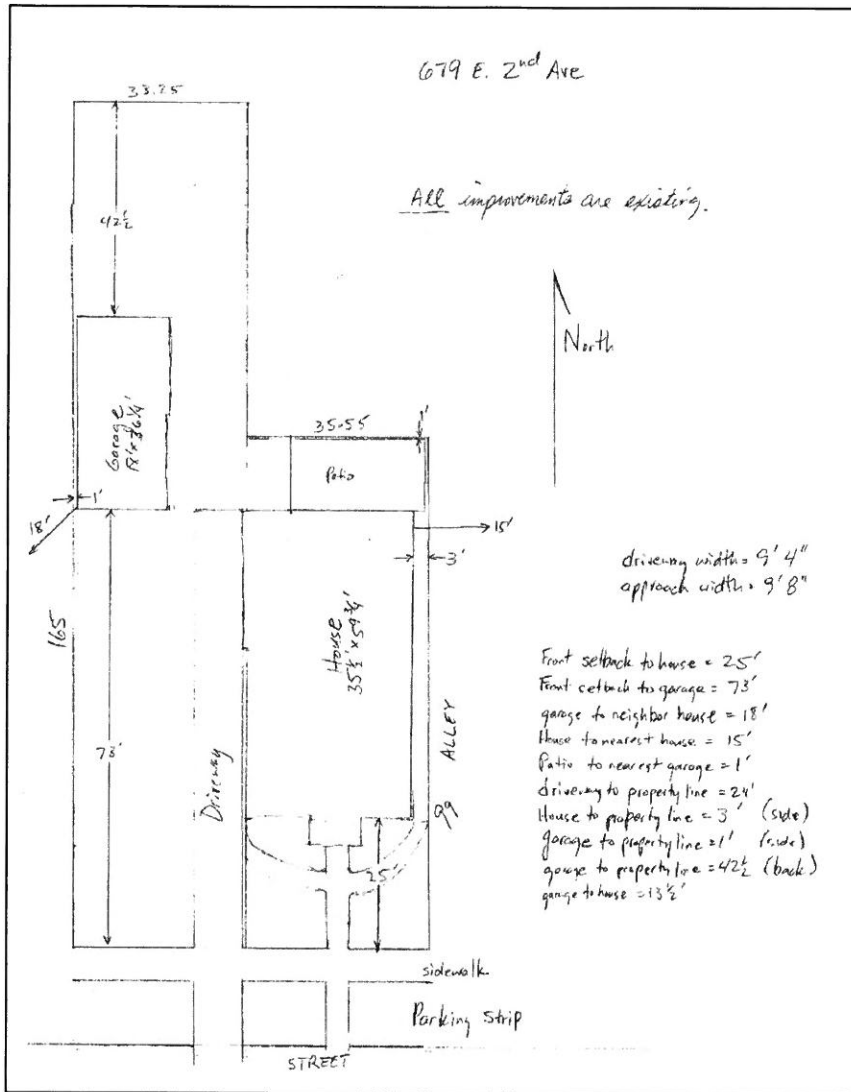


1950 Sanborn Fire Insurance Map



ATTACHMENT B

Board of Adjustment 1989 Site Plan



ATTACHMENT D: Background Information

1951 Board of Adjustment Minutes and Information

27155

NOTICE OF APPEAL AND PETITION

IN THE MATTER OF PETITION OF

Alvin M. Fishler
for a variance from the zoning ordinance for the purpose of building a
one room addition in a "B-2" district.

TO THE BOARD OF ADJUSTMENT UNDER THE ZONING ORDINANCE OF SALT LAKE CITY
AND TO THE BUILDING INSPECTOR FOR
SALT LAKE CITY, UTAH

PLEASE NOTE THAT I Alvin M. Fishler

THE PETITIONER IN THE ABOVE ENTITLED MATTER, HEREBY APPEALS TO THE BOARD

ADJUSTMENT OF SALT LAKE CITY, UTAH, from the order of the Building

Inspector of Salt Lake City, Utah, dated Mar 31, 1951

denying the application of said petitioner heretofore filed with the said

Building Inspector wherein he petitioned for a permit to erect one

room 15 ft by 15 ft for a Bed room and
2 close closets on the line of the building on
the main floor

at 679 Second ave.

and stated that a variance should be granted for the following reasons:

Mr Fishler had a coronary thrombosis (blood clot in
the heart) our bedrooms are in the basement
and due to this condition he is unable to climb
stairs and has to sleep on a cot in Breakfast room

Plot 11 S. S. E. Sec. 8 35 ft N 6 rd. W by to a pt 98.79 ft. no. for Reg. 5
Following is a legal description of the lot: containing 5 ft E ft. cont. lot 1

BLK 32. Plat 11 S. S. E. Sec. 8 33 1/4 ft N 98.79 ft. S. by 6.55 ft N. W. by.
66.21 ft 32.27 ft S. 10 rds. to Reg. com. 2 1/2 rd. E. fr. W. cor. lot 1 BLK 32
R 5 98.79 ft. to Reg.

The petitioner prays that the Board of Adjustment will vary the present zoning restrictions as applies to said property and grant him this request.

Alvin M. Fishler
Name
679 Second ave. S. S. E.
Permanent address

BEFORE THE BOARD OF ADJUSTMENT, SALT LAKE CITY, UTAH

FINDINGS AND ORDER, CASE NO. 2371

REPORT OF THE COMMISSION:

This is an appeal by Alice M. Fishler from the refusal of the Building Inspector of Salt Lake City, Utah, to issue a permit to add a room to the existing dwelling at 679 Second Avenue without the required side and rear yard space in a Residential "B-2" District.

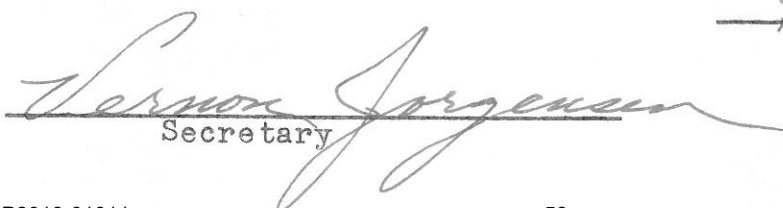
Mrs. Fishler appeared in her own behalf. She explained that she wished to erect a 15 by 15 ft. addition on the rear of her existing home at 679 Second Avenue maintaining a 2-ft. sideyard to her east property line instead of the required 4 ft. This would be on the same line as the rest of her dwelling. There would be a 15-ft. rear yard behind this proposed addition; however, to the west the rear yard would be far in excess of the required 25 ft. Mrs. Fishler explained that her husband has a blood clot in his heart making it impossible for him to climb the stairs so at the present time he is sleeping on a cot in the breakfast room. The proposed addition is to be used for a bedroom for him. A waiver signed by Joseph Nelson, owner of the property at 687 Second Avenue, was presented. There were no protests. Mrs. Fishler explained that the addition would be of brick and would as nearly match the existing dwelling as possible.

From the evidence before it, the Board is of the opinion that the petitioner would suffer an unnecessary hardship from a denial of the variance, that the spirit and intent of the zoning ordinance will be upheld and substantial justice done in the granting of this variance.

IT IS THEREFORE ORDERED that the variance be granted reducing the east sideyard to 2 ft. instead of maintaining the required 4 ft. and reducing the east portion of the rear yard (behind the proposed addition) to 15 ft. instead of maintaining the required 25 ft. The decision of the Building Inspector is therefore reversed and said officer directed to issue the required permit in accordance with the order and decision of the Board, said order to expire within six months from the dating of this order.

Action taken by the Board of Adjustment at its meeting held April 16, 1951.

Dated at Salt Lake City, Utah, this 7th day of May, 1951.


Secretary


Chairman

1969 Board of Adjustment Minutes and Information

19714 28

NOTICE OF ZONING APPEAL

TO THE BOARD OF ADJUSTMENT UNDER THE ZONING ORDINANCE OF SALT LAKE CITY AND TO THE BUILDING INSPECTOR OF SALT LAKE CITY, UTAH:

Please note that ALICE M. FISHLER, the owner, hereby appeals to the Board of Adjustment of Salt Lake City from the order of the Building Inspector dated 10-8-68 denying a permit to erect: A COVERED PATIO

at 679 2nd Ave
(official address of proposed construction)
which is in a R-6 zoning district.

Existing use of premises Mutiple Family Dwelling. Will this addition or remodeling change the use? No If so, how? _____

The proposed construction does not meet the requirements of the zoning ordinance of Salt Lake City in the following respects: The Patio will ^{not} maintain the required ~~rear~~ yard areas

Said petitioner contends that the requested variance should be granted due to the following: - (under the Utah State law the following conditions must be shown to exist before the Board of Adjustment has the power to grant a variance)

1. The granting of the variance will not be contrary to the public interest and the literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardships and the spirit and intent of the zoning ordinance will be upheld due to the following facts: _____

2. The variance will not substantially affect the comprehensive plan of zoning in the city and unless a variance is granted, difficulties and hardships will be imposed upon the applicant which are unnecessary to carry out the purpose of the plan due to the following conditions: Due to being a dead corner, dirt and leaves are blowing in and are making it impossible to keep clean

3. The following special circumstances are attached to the property covered by this petition which do not generally apply to other property in the same district, and because of these special circumstances the owner is being deprived of a substantial property right possessed by other property in the same district: _____

PLEASE REFER TO BACK OF SHEET FOR INSTRUCTIONS AND OTHER INFORMATION REQUIRED.

Signature of owner Alice M. Fishler

Permanent Address 1079-2nd ave. Telephone Number 322-3641

Send notice to Calista Bott 1619 ROOSEVELT AVE

ADDITIONAL INFORMATION REQUIRED

1. PLOT PLAN, to be attached hereto, which is:

A drawing of the lot to be built upon, showing the actual dimensions thereof, the size and location of any existing buildings and proposed buildings (including new additions to existing building) and the plan and location of off-street parking facilities. Also indicate the distance to the nearest dwellings on all abutting properties. An original drawing or duplicate print, not smaller than 8½"x11", will be acceptable. INCOMPLETE OR OTHERWISE UNREADABLE DRAWINGS WILL BE REFUSED. Refusal of drawings may result in a delayed hearing before the Board.

2. Furnish NAMES and MAILING ADDRESSES of all owners of property abutting and across the street; also any other property affected:

- _____ JHON CANNON 1647 Kensington Ave 84105 _____
- _____ ALICE TUOLOLENHAM 669 2nd Ave 84103 _____
- _____ TED R. SCHOFELD 676 2nd Ave 84103 _____

3. Furnish LEGAL DESCRIPTION of lot:

_____ Com- 2-5 Rd - E - fr- SW Cor - Lot 1 - Blk 32- Plat "D" S. L. C. SUR _____

_____ E. 35 ft - N6 Rd ^{thence} SW'ly to a PT 98.79 Ft Fr. Beg-also-con 8' _____

_____ E-fr -Sw- Cor Lot - 1 - Blk 32 Plat- S. L. C. Sur - E33.25 ft _____

_____ N 98.97 Ft SW lyo 55ft - Nwly 66.21 ft _____

_____ W 32.27 ft So 10 Rods to Pnt of Beg _____

FILING INFORMATION:

File completed application (plot plan included) with:

BUREAU OF MECHANICAL INSPECTION
Room 412, City & County Building
Salt Lake City, Utah

The FILING FEE required is \$10.00 (ten dollars). No petition will be considered unless this fee is paid.

NOTE: It is required that each case up for hearing will be presented and argued before the Board of Adjustment either by the petitioner or by an authorized agent. If represented by an agent, the agent must have written authorization from the owner.

GENERAL INFORMATION

The Salt Lake City Board of Adjustment meets in session once or twice each month. The exact dates for these meetings are determined by the Planning Director from the number of requests and the rules of the Board. Please phone 328-7757 for information regarding these dates and the deadline for filing. State law requires that all petitions for variances must be advertised by the Board at least one week before a scheduled meeting.

2277761

Recorded FEB 20 1969 at 11:01 a.m.
 Request of SALT LAKE CITY ZONING
 Fee Paid HAZEL TAGGART CHASE
 Recorder Salt Lake County, Utah
 NO FEE By *[Signature]* Deputy
 Ref. C35-88-24

BEFORE THE BOARD OF ADJUSTMENT, SALT LAKE CITY, UTAH
 FINDINGS AND ORDER, ORDER 5658 - Re-opened

REPORT OF THE COMMISSION:

This is an appeal by Alice M. Fishler for a variance to legalize and enclose an existing attached covered patio at 679 Second Avenue which does not maintain the required yard areas in a Residential "R-6" District. This property is more particularly described as follows:

1-32-D
 Commencing 2.5 rods East from the Southwest corner of Lot 1, Block 32, Plat "D", Salt Lake City Survey and running thence East 35 feet; North 6 rods; Southwesterly to a point 98.79 feet North from the beginning; and 98.79 feet to the point of beginning; also commencing 8 feet from Southwest corner Lot 1, Block 32, Plat "D", Salt Lake City Survey running East 33.25 feet; North 98.79 feet; Southwesterly 0.55 feet; Northwesterly 66.21 feet; West 32.27 feet; South 10 rods to the point of beginning.

Mrs. Fishler, who was present, submitted the blue inspection cards she had been issued for the construction in 1956. Mr. Jorgensen reported in 1951 the Board granted Mrs. Fishler a variance reducing the east side yard to 2' instead of maintaining the required 4' and reducing the east portion of the rear yard behind the proposed addition to 15' instead of the required 25'. This addition, for a bedroom, was to maintain a 15' rear yard, but evidently they filled it in into a patio. According to Mrs. Fishler when the bedroom was built the builder put the roof over the whole thing because it would be a better job. The history of construction at this location was then reviewed. Mrs. Fishler submitted letters from neighbors and her son indicating the patio roof has been in existence for the last twelve years, since the family room was added to the structure. At this point it was noted this permit should not have been issued and the applicant proceeded thinking everything was all right. What is before the Board today is to enclose the patio. The Board asked why, to which Mrs. Fishler stated to keep out the dirt. The Board asked if it were the intent to make this into another living room, sleeping room or apartment and she told the Board it would not be. She asked for permission to cover up the north wall of the patio and she noted the rain comes into the patio from the neighbor's garage to the north. When she was informed there is supposed to be space around a building, Mrs. Fishler said when they bought this house in 1924 it was a foreclosure and they had sold the back yard to Mr. Nelson for \$1.00. They had 2' of ground around their home and then they bought the vacant lot next door so they now have plenty of room. In answer to the Board's question, her tenants park on the street; present day-cars are built so low they cannot get up the driveway. The Board asked why the patio has to be enclosed. Mrs. Fishler said it does not have to be but she would like it enclosed. According to the letters she filed with the case, Mrs. Fishler noted everyone knows the patio was covered and she was "shook" when she was told to remove the roof after she had a permit. She again told the Board she has never done anything without a permit. There were no protests. The Chairman ordered the matter taken under advisement. In the executive session the various aspects of the case were reviewed, as well as the history of the construction on this property which now has eight units.

From the evidence before it and after further consideration, it is the opinion of the Board that the granting of the requested variance would be inimical to the best interest of the district and contrary to the spirit and intent of the Zoning Ordinance.

Case No. 5658 - Reopened

Page 2--

IT IS THEREFORE ORDERED that the request to enclose the existing attached patio be denied and that no further additions are to be put on this lot, these restrictions to be recorded in the office of the County Recorder to become a part of the abstract of the property.

Action taken by the Board of Adjustment at its meeting held Monday, November 18, 1968.

Dated at Salt Lake City, Utah, this 2nd day of December, 1968.

Edwin Whitney
Chairman

Mildred G. Snider
Secretary

I, Mildred G. Snider, being first duly sworn, depose and say that these are the Findings and Order in Case No. 5658 - reopened - before the Board of Adjustment on November 18, 1968.

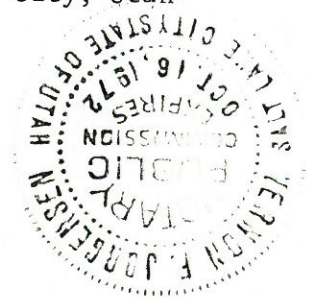
Mildred G. Snider

Subscribed and sworn to before me this 2nd day of December, 1968.

Herbert F. Jensen

Notary Public
Residing at Salt Lake City, Utah

My commission expires *Oct 16, 1972*



BLOCKS-31-32 PLAT D SALT LAKE CITY SURVEY

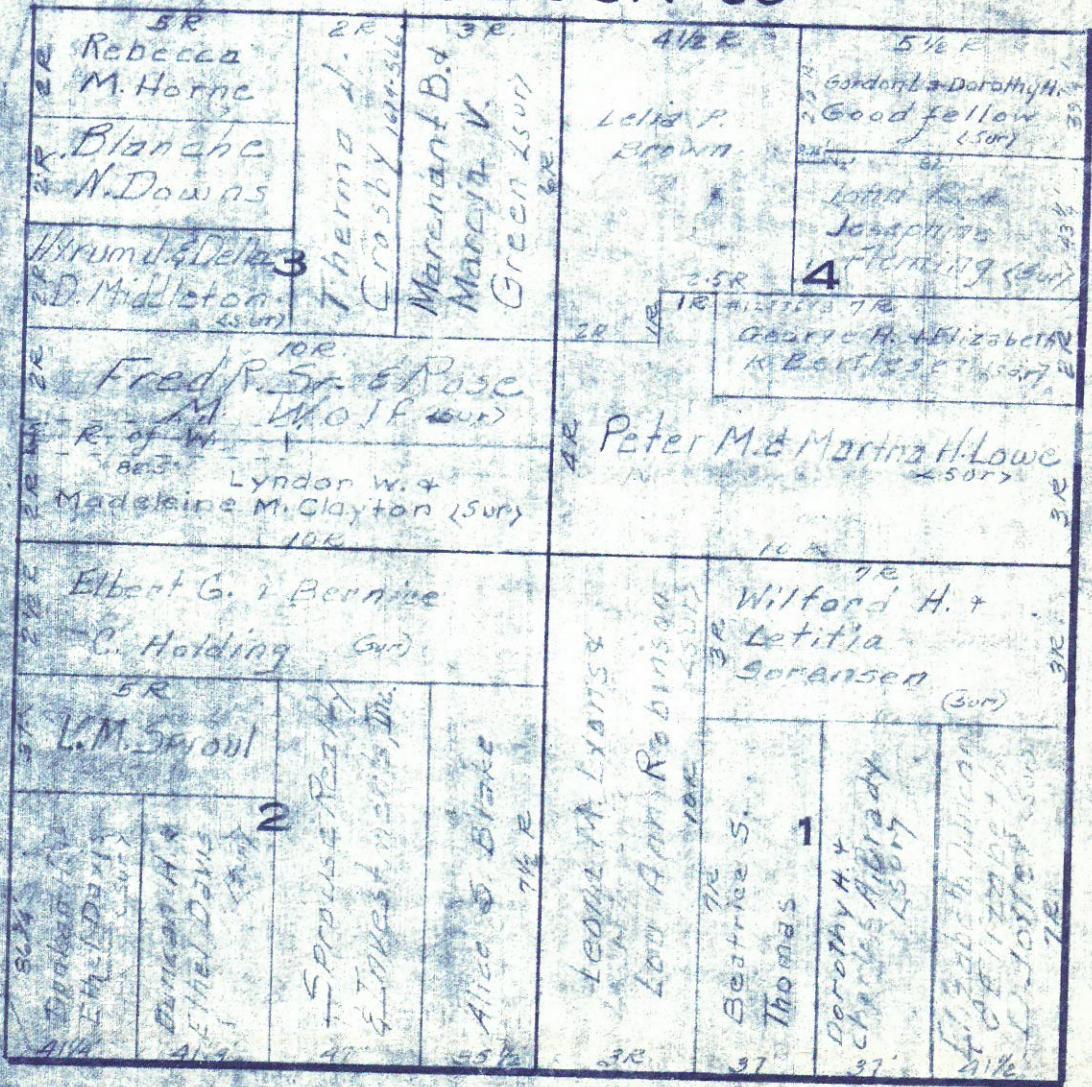
53-54

SCALE 60 FT. = ONE INCH

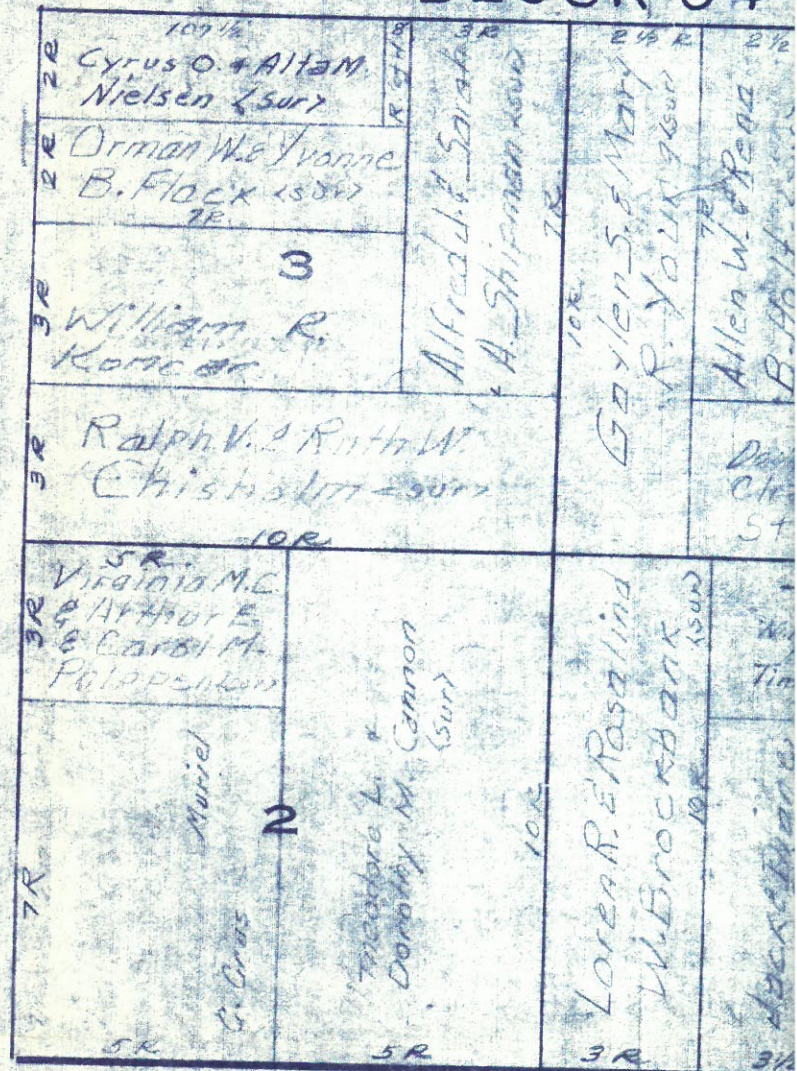
FOURTH AVENUE

BLOCK 53

BLOCK 54



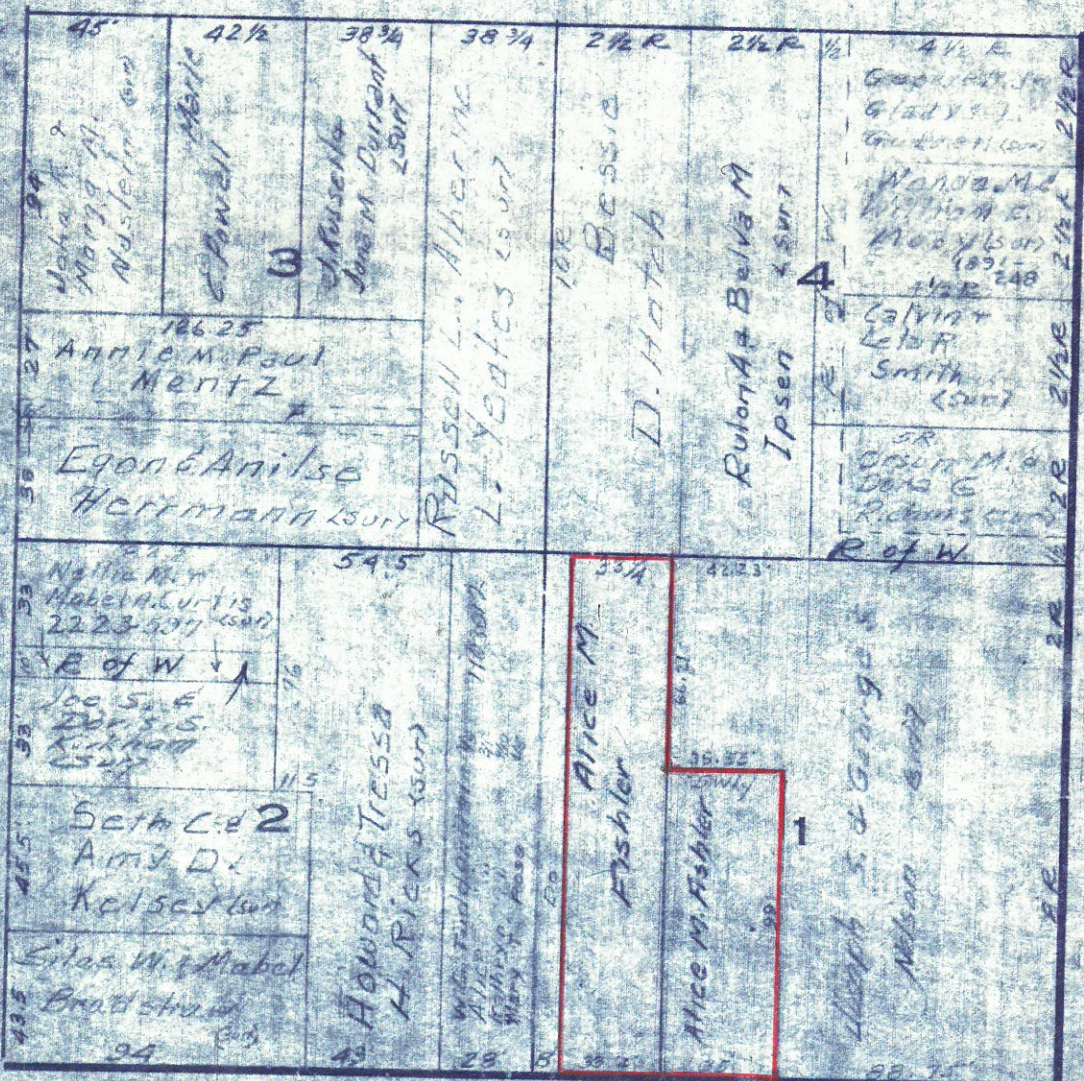
82.5



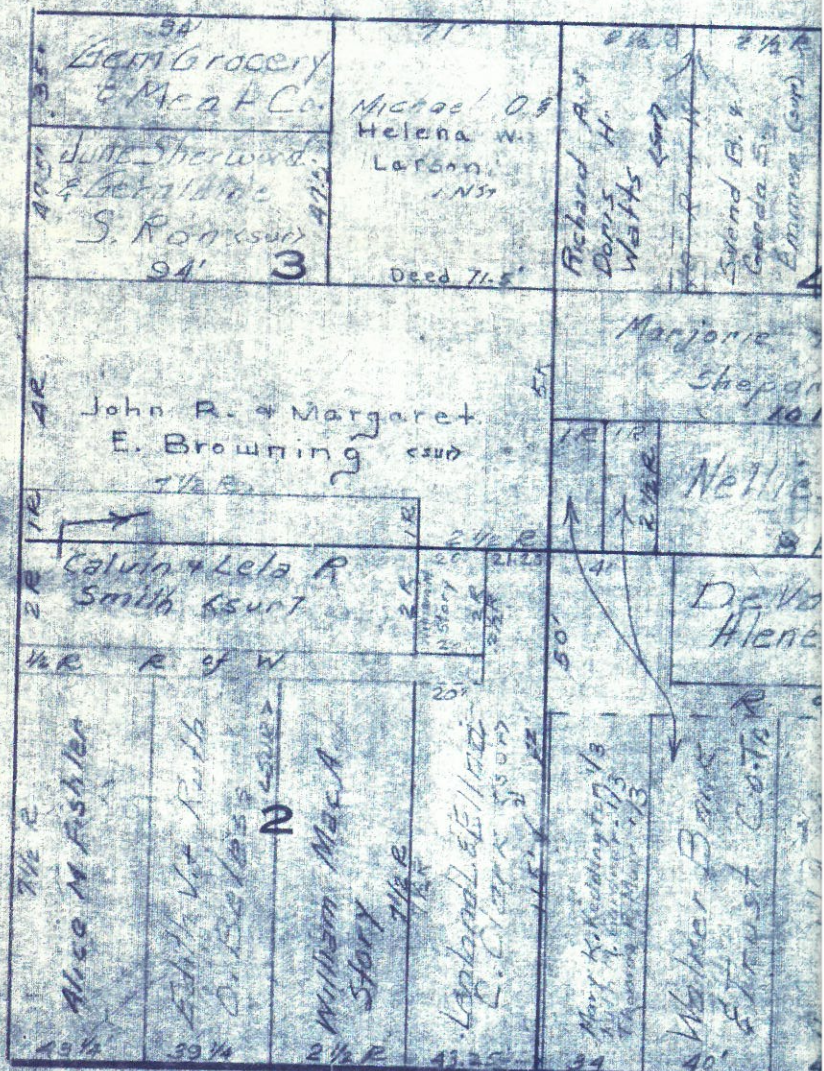
STREET

THIRD AVENUE

THIRD AVENUE



82.5



STREET

BLOCK 32

BLOCK 31

SECOND AVENUE

SECOND AVENUE

166'



12'-6"

PRESENT
PATIO
ROOF

← 20'

Multiple family
dwelling
check No. of
Apts.

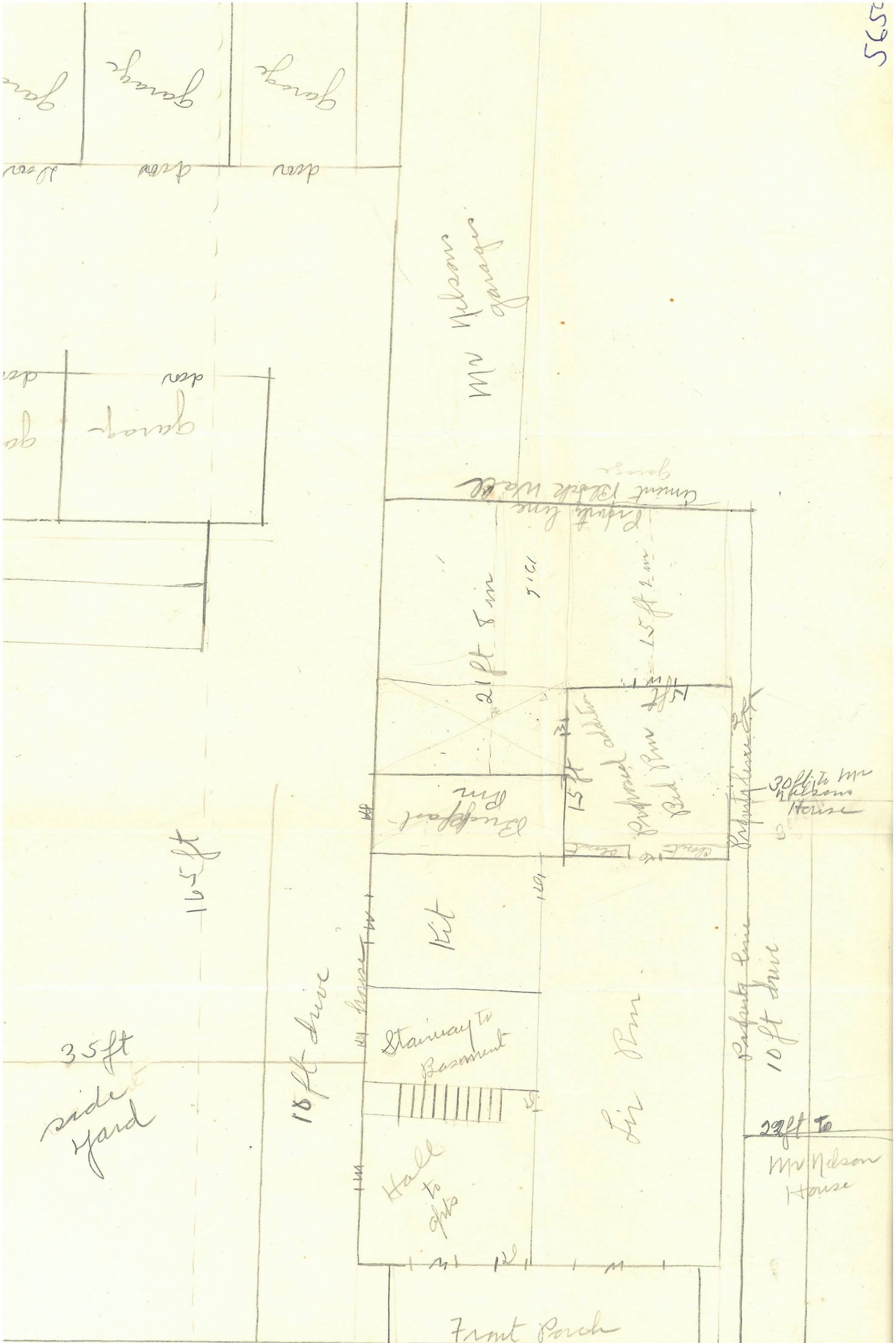
679-2ND AVE

2'

← 33'-25

x 35'

565



1989 Board of Adjustment Minutes and Information

REQUEST FOR A VARIANCE FROM THE TERMS OF THE ZONING ORDINANCE

TO THE BOARD OF ADJUSTMENT UNDER THE TERMS OF THE ZONING ORDINANCE OF SALT LAKE CITY AND TO THE BUILDING INSPECTOR OF SALT LAKE CITY, UTAH:

Please note that *Meredith Christensen* the property owner, hereby appeals to the Board of Adjustment of Salt Lake City for a variance from the terms of the Zoning Ordinance of Salt Lake City allowing the applicant to erect *Legalize*

at *679 2nd Ave* which is in a *R-2* zoning district.
(Official address of proposed construction) *Armenia Station District*

The proposed construction does not meet the requirements of the Zoning Ordinance of Salt Lake City in the following respects: *Violation Section*

21.20.050 Rear yard set back **RECEIVED**
APR 10 1989

Existing use of premises *Patio (Residential)* **DEVELOPMENT SERVICES**
Will this addition or remodeling change the use? *No* If so, how? *N.A.*

THE PETITIONER CONTENDS THAT THE REQUESTED VARIANCE SHOULD BE GRANTED DUE TO THE FOLLOWING:

Under the provision of Utah State law, the Board of Adjustment cannot grant a variance unless the applicant shows there is an unnecessary hardship imposed upon the applicant by the Zoning Ordinance, the granting of a variance will not change the spirit or intent of the Zoning Ordinance, and the variance will not substantially affect the comprehensive plan of zoning of the City.

The applicant must also show there are special circumstances attached to the property covered by the request not generally applying to other properties in the same district, and these special circumstances deprive the owner of a substantial property right possessed by others in similar zoning districts.

TO SUBSTANTIATE THE ABOVE, THE PETITIONER CONTENDS:

1. That the following special circumstances are attached to this property and not to other properties in the same zoning district which deprive the applicant of a proper use of his property:

This area is a private area only 12 ft. from neighbor's back garage area and allow small patio with security and usability as only area directly behind house

2. That the following special hardships will be imposed upon him if a variance is not approved:

Security behind house will be jeopardized traditional family recreation area will be compro. mixed-structural removal or alteration may cause water or weather related difficulties

3. That the granting of the variance will be in keeping with the spirit and intent of the ordinance and will not substantially affect the comprehensive plan to the following:

ADDITIONAL INFORMATION REQUIRED TO BE ATTACHED TO THE APPLICATION

1. One PLOT PLAN, to be attached hereto, which is:

A drawing to scale of the lot to be built upon, showing the actual dimensions thereof, the size and location of all existing buildings and proposed buildings and the plan and location of off-street parking facilities. The plan must show the location of all structures on the adjoining affected properties. Also indicate the distance to the nearest dwellings on all abutting properties. An original drawing or duplicate print not smaller than 8 1/2" x 11" will be acceptable. INCOMPLETE OR OTHERWISE UNREADABLE DRAWINGS WILL BE REFUSED. Refusal of drawings may result in a delayed hearing before the Board.

2. Plans for the building, including elevation drawings.
3. NAMES and MAILING ADDRESSES of all owners of property abutting and across the street;

also any other property affected

¹²¹ Rich Cannon 2829 Canyon View
City 84106

(1) Jim Beck -
1433 Circle Way
City 84103

¹³¹ L.P.S. Church 553 3rd Ave
City 84103

4. LEGAL DESCRIPTION of lot: BEG 41 1/4 FT E FR The SW Cor Lot
1 BLK 32 Plat P S L C. SUR: W 32 1/2 FT: N 10 RDS:
E 33 1/4 FT: S 10 RDS TO BEG - 4702-10 23

5. If request involves constructing a building on the property line or if there is a dispute concerning the property line location, a certified survey is required to be furnished with the application.
6. Acting under the authority given to them by the Legislature, the Board of Adjustment has appointed a Zoning Administrator and given him the authority to act on relatively routine requests which are not controversial, do not impact upon the character of the neighborhood and which are approved by all abutting property owners. Contact the Planning & Zoning Department, 535-7751. to determine if your request can be handled by the Zoning Administrator.

IF THIS APPEAL IS TO BE HANDLED BY THE ZONING ADMINISTRATOR, A WRITTEN WAIVER OR STATEMENT OF APPROVAL FROM ALL ABUTTING PROPERTY OWNERS MUST ALSO BE FILED WITH THE APPLICATION. ONLY SIGNATURES OF OWNERS OF RECORD OR VERIFIED CONTRACT BUYERS WILL BE ACCEPTED.

GENERAL INFORMATION

The Salt Lake City Board of Adjustment meets in session once or twice each month. The exact dates for these meetings are determined from the number of requests received. Please phone 535-7751 for information regarding these dates and the deadline for filing. State law requires that all petitions for variances must be advertised by the Board in the local paper at least one week before a scheduled meeting.

It is required that each case up for hearing will be presented and argued before the Board of Adjustment either by the petitioner or by an authorized agent. If represented by an agent, the agent must have written authority from the owner.

All variances will be recorded.

FILING INFORMATION

File completed application and all additional information required with:

9-32-314

NO FEE

4810439
14 AUGUST 89 10:20 AM
KATIE L. DIXON
RECORDER, SALT LAKE COUNTY, UTAH
SL CITY BOARD OF ADJUSTMENT
REC BY: REBECCA GRAY, DEPUTY

ABSTRACT OF FINDINGS AND ORDER

I, Georgina DuFour, being first duly sworn, depose and say that I am the Secretary of the Salt Lake City Board of Adjustment (451 South State Street, Room 215), and that on the 24th day of April, 1989, Case No. 1027-B by Mildred Christensen was heard by the Board. The applicant requested on the property at 679 Second Avenue a variance to legalize an attached, covered and enclosed patio without the required side and rear yard in a Residential "R-2" District, the legal description of the property being as follows:

BEG 41 FT E FR THE SW COR LOT 1 BLK 32 PLAT P SLC SUR W 33 FT; N 10 RDS; E 33 FT; S 10 RDS TO BEG 4702-1023

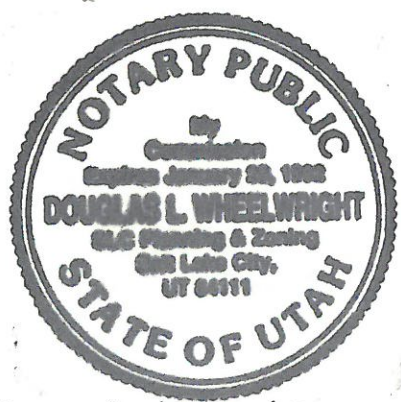
It was moved, seconded and passed to grant the variance to legalize an attached, covered and enclosed patio without the required side and rear yard provided that it meet code requirements.

If a permit is not taken out within 6 months this variance will become null and void.

Georgina DuFour

State of Utah)
) ss
County of Salt Lake)

The foregoing instrument was acknowledged before me this 17th day of July, 1989, by Georgina DuFour, Secretary of the Board of Adjustment.



Douglas L. Wheelwright
Notary Public

My commission expires: _____

Residing at: Salt Lake City

9-32-353-020-0000

4810439
? foot 1 plat

BOOK 6150 PAGE 2266

The proposed dwelling would front on Grace Court and can connect to the sewer on Grace Court. Mr. Porter, representing property owners on Grace Court, appeared together with Mr. Miller and Mr. Pratt and requested that Mr. Olsen be required to deed to Salt Lake City the east 26 ft. of his property, insuring the residents that the street would be kept open. Mr. Woolley explained that the City would accept a dedication of this property and that Mr. Olsen cannot close this portion of his property to the public as a prescriptive right has been gained over it through use; however, the Board could require that the right-of-way be kept open for the public as a condition to the granting of the variance. There were no protests to the granting of the variance.

Mr. Margetts moved that the variance be granted providing the plans for the conversion are submitted to and approved by a committee to be appointed by the Chairman and providing the right-of-way to the east be kept open for public use. Seconded by Mr. Ashton, the motion carried, all members voting aye. The committee appointed to approve the plans consists of Mr. Woolley, Mr. Tipton and Mr. Margetts.

Case No. 2370, at 1755 South Main Street, in re application of A. C. Caldwell for a permit to erect an automobile sales and service building at 1755 South Main Street nearer than 100 ft. to a dwelling in a Commercial District.

Mr. Caldwell and Mr. Kyle Bettilyon appeared in behalf of the application. Mr. Woolley explained that it was proposed to erect a 70 by 152 ft. structure at 1755 South Main Street to be used for the Chrysler & Plymouth Motor Sales Building. This building would come under the definition of a public garage; therefore, the zoning ordinance requires that it be 100 ft. from any dwelling. He explained that the proposed building will be located about 90 ft. from a dwelling to the south and about 90 ft. from a dwelling to the north. The building would be located 5 ft. from the north property line leaving the space to the south of the building for a parking area. Mr. Bettilyon explained that they had a waiver from the property owner to the north. Mr. William E. Lamb, 1771 South Main, appeared and stated that he would not protest the erection of the garage providing it is located on the north part of the petitioner's property. He asked that a fence be erected on the petitioner's south property line. Mr. Caldwell stated that they also wanted their lot to be fenced.

Upon a motion by Mr. Margetts, seconded by Mr. Ashton, the variance permitting the proposed garage nearer than 100 ft. to a dwelling was granted, all members voting aye.

Case No. 2371, at 679 Second Avenue, in re application of Alice M. Fishler for a permit to add a room to the existing dwelling at 679 Second Avenue without the required side and rear yard space in a Residential "B-2" District.

Mrs. Fishler appeared in her own behalf. She explained that she wished to erect a 15 by 15 ft. addition on the rear of her existing home at 679 Second Avenue maintaining a 2-ft. sideyard to her east property line instead of the required 4 ft. This would be on the

same line as the rest of her dwelling. There would be a 15-ft. rear yard behind this proposed addition; however, to the west the rear yard would be far in excess of the required 25 ft. Mrs. Fishler explained that her husband has a blood clot in his heart making it impossible for him to climb the stairs so at the present time he is sleeping on a cot in the breakfast room. The proposed addition is to be used for a bedroom for him. A waiver signed by Joseph Nelson, owner of the property at 687 Second Avenue, was presented. There were no protests. Mrs. Fishler explained that the addition would be of brick and would as nearly match the existing dwelling as possible.

Upon a motion by Mr. Ashton, seconded by Mr. Margetts, the variance was granted, all members voting aye.

Case No. 2372, at 1203 Browning Avenue, in re application of Frank Ford for a permit to erect a bay window on the front of the existing dwelling at 1203 Browning Avenue without the required front yard space in a Residential "A" District.

Mr. Ford appeared in his own behalf. He explained that his present front room is 11 by 15 ft. and in order to enlarge and enhance this living room, he wishes to erect a bay window on the front of the house which would extend 2 ft. 8 inches beyond the front line of the existing home. He presented a waiver signed by several neighbors. There were no protests. Mr. Woolley stated that in his opinion the bay window would harm no one and would improve the appearance of the house.

Upon a motion by Mr. Heath, seconded by Mr. Margetts, the variance was granted, all members voting aye.

Case No. 2373, at 175 "A" Street, in re application of Mrs. Geneve H. Oliver for a permit to convert an existing three-car garage into a single family dwelling at 175 "A" Street without the required yard spaces in a Residential "B-2" District.

The petitioner was not represented. Mr. Woolley explained that at the northwest corner of the lot at 175 "A" Street there is an existing 22 by 30 ft. two-story garage which the petitioner wishes to convert into a single family dwelling. Mr. Woolley stated that this is an old building evidently used for stables with a stone foundation, but from his inspection of the building, he did not believe it would meet the building code. He also explained that the dwelling on the front of the lot is a five-unit apartment and if this three-car garage were converted to another dwelling, six parking spaces would be required and he did not believe that adequate parking could be maintained. Mr. Burton representing Wilford Moyle, owner of the property to the north and to the west, appeared together with his clients protesting the requested variance. He stated that the Moyles have developed an outdoor living room in the rear of their home and this proposed conversion of the garage without the required side and rear yard space would be an infringement to the privacy of the Moyles' rear yard. He explained that to the west of the garage there is a badminton court and another outdoor living room area which is on a level about 12 ft. lower than the garage in question and if this

October 21, 1968

and then someone closed them down. In answer to the Board's question, the college owns the property, it was given to them by the Church, they are trying to acquire additional property in the area and turn this into an apartment for the students. It will be just a matter of time until the money is appropriated to buy the three homes to the north. It was then noted this is an attempt to get cars off the street which present a traffic hazard. The parking layout would meet the ordinance except for six spaces which are indicated for small cars.

There were no protests. The Chairman ordered the matter taken under advisement. In the executive session the various aspects of the case were reviewed.

At the conclusion of the executive session Mr. Langton moved that the matter be held in executive session until a recommendation from the Planning Commission is received, seconded by Mr. Rampton, all voting "Aye".

Case No. 5658 at 679 Second Avenue in application of Alice M. Fishler for a variance to legalize and enclose an existing attached covered patio which does not maintain the required yard areas in a Residential "R-6" District.

Mrs. Fishler was present together with Mr. Celeste Bott, contractor. Mr. Barney explained at the present time the apartment is existing with a roofed patio from the apartment proper right to the rear property line. There has been considerable research on this to find out how it has developed as it now has. The Board at one time granted an addition to the rear, within 15' of the property line, on the north-east corner of the dwelling but an addition to the west of that to square out the building has also been built, apparently without a permit. In constructing both what the Board granted and did not grant, they are closer than the 15' that was permitted. Mr. Barney went on to explain the home existed within 2' of the east property line and in 1951 the Board granted a variance to reduce the required 4' side yard to 2' so they could maintain the same 2' side yard. A 15' rear yard instead of the required 25' was also granted but there is only 12'6". They also squared it out across the entire property line at only 12'6" and then that was covered. Mrs. Fishler explained the south wall of the garages on the property to the east is used for the support of an aluminum cover over the patio; also she said they didn't do anything without a permit. When the Board asked where her tenants park, she said they park on the street. She has garages on her property but they are too small for present day cars and she has a very narrow driveway. Her purpose in enclosing the patio area is to keep out the dirt and she proposes to just glass in each end. She assured the Board it would not be for another apartment. She stated if she had any idea she would be stirring up such a hornet's nest, she would never have asked for it. Mrs. Fishler's explanation of the rear yard less than the 15' granted was that the wall of the garages (large 17" cement blocks) belonging to the property to the east was actually on this property and they took the owner into court and won the case, but through an appeal to them by the owner's wife, they decided to deed them the ground on which the garage was located. That would account for 14' but not 15'. A suggestion was made that the garden to the west be replaced with parking to get some of the cars off the street but the applicant said it would be impossible to get up over the ramp from the street. Mrs. Fishler mentioned she has some property next to the Mabey Apartments where she might be able to provide parking. Questions were then asked about the remodeling of the Mabey Apartments, which this applicant owns, and Mr. Bott explained what is being done at that location.

There were no protests. A letter from the owner to the east is filed with the case
 PLNAPP2018-01011 71 February 21, 2019

October 21, 1968

stating they have no objections. When the applicant was asked how many units there are presently in this structure, she stated there have been eight since 1935 and there was a building permit there too. The Chairman ordered the matter taken under advisement. In the executive session the various aspects of the case were reviewed. The granting of the requested variance would actually be extending the dwelling right to the rear property line and would be establishing a precedent which could create problems in the future.

At the conclusion of the executive session, since the Board could find no unusual condition attached to this property which would deprive the owner of a substantial property right and there was no evidence presented which would justify the granting of a variance, Mr. Langton moved that the requested variance be denied and that the patio cover be removed in thirty days, seconded by Mr. Rampton, all voting "Aye".

In the executive session the following matters were considered.

It was moved and seconded, all voting "Aye", that the minutes of the last meeting be approved as mailed to the members.

Case No. 5638 at 874 South 5th East Street in application of William D. Hickey for a permit to construct an addition to a service station without installing the required landscaped setback control curbs as required in a Business "B-3" District.

This matter was held over from the last meeting for a new plan. They are just going to clean up the station but they don't want to set back from 9th South. Planting has been filled in on the plan filed with the case but there is still a driveway wider than 30'.

At the conclusion of the executive session it was ordered that the case be held in executive session for one more meeting for the applicant to get in touch with the Traffic Engineer to work out an acceptable plan on the driveway.

Case No. 5641 at the southeast corner of 9th West and North Temple Streets in application of Phillips Petroleum Company by G. C. Wirick for a permit to construct a service station building, one of the driveways for which would exceed the permitted 30' width in a Commercial "C-1" District.

This case was held over for a recommendation from the Traffic Engineer. Mr. Barney explained the applicant wants to incorporate the 15' alley which would give them a 16' driveway opening on the new station. The various aspects of the case were then reviewed, and it was noted the maximum width under the ordinance for a driveway is 30'.

At the conclusion of the executive session, since the Board could find no unusual condition attached to this property which would deprive the owner of a substantial property right and there was no evidence presented which would justify the granting of a variance, Mr. Langton moved that the requested variance be denied, seconded by Mr. Rampton, all voting "Aye".

Case No. 5642 at 712 South West Temple Street in application of Oscar J. Rasmason, Jr. for a permit to erect a sign that would project over public property, contrary to the provisions of the Zoning Ordinance in a Commercial "C-1" District.

In reviewing the various aspects of the case, the Board noted to build the barber

3rd

82.5

47.5

38.75

38.75

41.25

41.25

64.25

41.25

-001

-002

-003

-013

-014

-015

-007

-008

-016

353

82.5

54.5

21.75

41.25

-009

32

66.21

33

-010

82.5

35

-020

-023

-011

-018

-021

165

-012

89

98.79

94

43

36

33.25

35

88.75

82.5
2nd

Ave.

49.5

115.5

CITY

ATTACHMENT E: Public Process and Input

Notice of a Public Hearing was mailed on February 7, 2019.

Property posted on February 11, 2019.

Public Comments

No public comments were received prior to the publication of this report.

ATTACHMENT F: Photographs



Photo of 675 E. 2nd Avenue