



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Appeals Hearing Officer

From: Daniel Echeverria, daniel.echeverria@slcgov.com 385-226-3835

Date: March 5, 2021 (Publication Date)

Re: PLNAPP2020-00943– Appeal of an Administrative Interpretation Related to a Noncomplying Shed– *Administrative Interpretation PLNZAD2020-00718*

Appeal of Administrative Decision

PROPERTY ADDRESS: 1200 S Oak Hills Way
PARCEL ID: 16-11-303-023-0000
PARCEL DISTRICT: R-1/12,000 (Single Family Residential District)
ZONING ORDINANCE SECTIONS:

- 1999, 2010, 2020 Ordinances
 - 21A.24.050.E.3.b Side Yards (R-1/12,000)
 - 21A.40.050.A.3.d Side Yards (Accessory Building Restrictions)
 - 21A.36.020.B Obstructions in Required Yards
 - 21A.62.040 Noncomplying Structure Definition
 - 21A.38.010.A.2 Noncomplying Structure Definition (Noncomplying Chapter)
- 1995 Ordinance
 - 21A-12-3.5(c) Interior Side Yard (R-1/12,000)
 - 21A-31-4 Definition of Side Yard
 - 21A-12-4.5(e) (Required Yard Obstruction Exceptions)
 - 21A-18-2.2, Table 18A “Obstructions in Required Yards
- 1988, 1990 Ordinances
 - 21.20.060 Side Yards (R-1 District)
 - 21.04.510 Definition of Side Yard
 - 21.80.120 (Required Side Yard Exceptions)
- 1956, 1964, 1978, 1987 Ordinances
 - 51-13-3 (R1) Side Yard Regulations (1964-1987)
 - 51-13-3 (R2) Side Yard, Front Yard, Rear Yard and Height Regulations (1964).
 - 51-12-3 (R1) Side Yard Regulations (1964)
 - 51-1-5(63) Definition of Side Yard (1964-1987)
 - (1956, 1964) 51-4-5 Side and Rear Exceptions
 - (1978, 1987) 51-5-5 (Side and Rear Exceptions)

APPELLANT: Martin Szegedi, represented by Brett Hastings

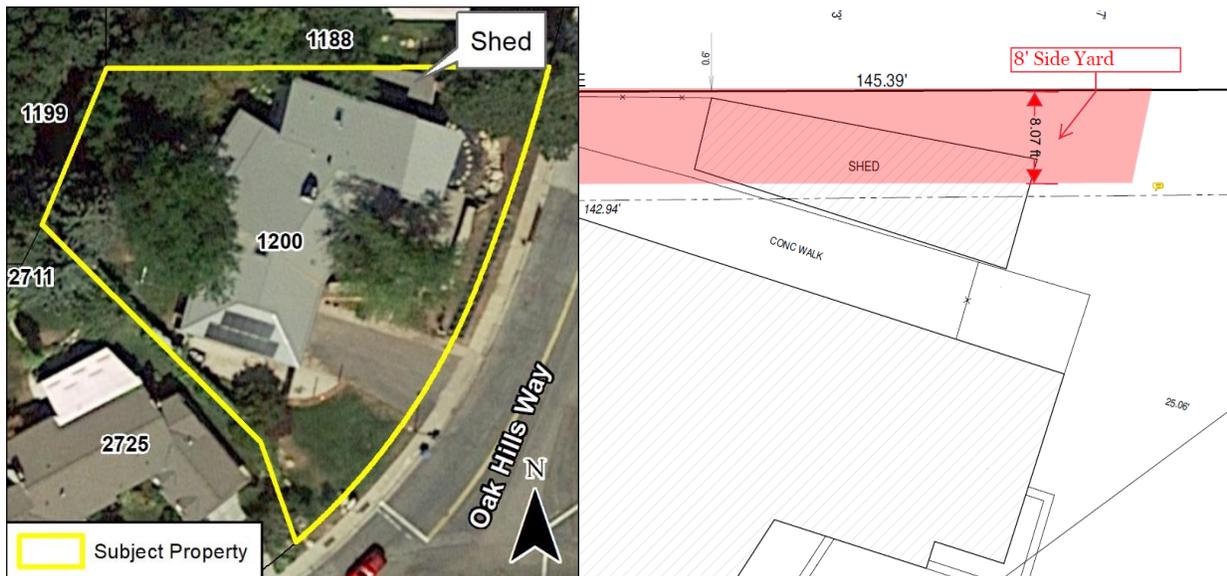
INTERPRETATION ISSUE:

Whether portions of a shed that are located within a required side yard on the subject property are considered a legal noncomplying structure, which would allow for the maintenance, repair, and alterations to those portions of the structure.

ZONING ADMINISTRATOR’S DETERMINATION:

The shed that is the subject of this appeal is located on the north side of the subject property (1200 S Oak Hills Ways). A portion of the shed is located within a required 8' side yard, where accessory structures are generally prohibited. The Zoning Administrator found that the shed on the property is not considered to be a legal noncomplying structure as no evidence could be found that the full accessory structure would have complied with the City’s Zoning Ordinance at any time since its possible construction. No regulations could be found in prior City Zoning Ordinances (dating back to its earliest possible construction) that would have allowed for the accessory shed structures within the required side yard and no historical special approvals or variances were found for the structure that would have allowed it.

As the shed never complied with current or past City Ordinances, it was thus never in “legal existence,” and the City Code does not recognize it a legal noncomplying structure. The shed is considered to be noncomplying but does not have legal “noncomplying structure” status.



Subject property aerial and an extract from a property survey showing the shed with the required side yard area marked in red. Portions of the shed in the red area are not considered legal noncomplying by the City and are not allowed. Portions outside of the red area are considered legal complying.

The full interpretation by Planning Staff, with photos and additional background, is located in [Attachment A](#).

APPEAL:

The appellant claims that the Administrative Interpretation issued on November 9, 2020 errs in the following ways as stated in their appeal in [Attachment B](#):

1. That the shed did not have to comply with prior City Codes in order to be considered “legal noncomplying” under the legal doctrine of “laches and waiver.”

2. That the City is estopped from deeming the shed illegal as it has treated it as a taxable structure for over 20 years.
3. That forced removal of the shed would be arbitrary, capricious, and illegal.

Please see the full appellant brief in [Attachment B](#).

RESPONSE TO APPEAL:

As the appeal relies on case law and legal doctrines that are not directly addressed by City Ordinance or State Code, the Salt Lake City Attorney’s Office has provided a response to the appeal in [Attachment C](#).

APPEAL PROCESS:

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.

In accordance with 21A.16.030.D.1, a public hearing must be held prior to the Appeals Hearing Officer making a decision.

PROJECT DESCRIPTION/BACKGROUND:

Martin Szegedi, the property owner of 1200 S Oak Hills Way, made modifications to an existing shed structure on his property in early 2020. In July, a zoning enforcement complaint was submitted to the City regarding the structure, alleging that the property owner was constructing an accessory dwelling without permits, as well as noting that the shed was too close to his property (within a side yard) and not behind the primary structure.

As a result of the complaint, the City issued a stop work order to halt any further work without permits. Both zoning and building inspectors from the City discussed with the appellant the steps he would need to take to get the required permits for his accessory structure work. The appellant was also informed by the zoning inspector at that time that the shed was noncomplying as to the 8' side yard setback and that the issue would need to be addressed. Properties in the R-1/12,000 Single Family Residential Zoning District, which covers the property, have an 8' side yard requirement wherein structures are generally prohibited, with limited exceptions.

The appellant subsequently submitted plans for building permits for modifications to the existing shed. The appellant also supplied a letter from his attorney, Brett Hastings, stating that the shed was a noncomplying structure and could be repaired. The building permit application received both building code and zoning code reviews from the City. The zoning code review identified that the shed did not meet the current required side yard setback and directed the appellant to submit an administrative interpretation to determine the legal noncomplying status of the structure.

The applicant submitted an administrative interpretation on September 15. After researching City permit materials and historical ordinances for codes that would have allowed the shed, City Planning Staff issued an administrative interpretation letter to the appellant on November 9, 2020. The interpretation noted that the portions of the shed located within the required 8' side yard were not considered “legal” noncomplying as the City zoning ordinance had never allowed structures within that area of the property within the timeframe that the shed could have been constructed. See the full interpretation in [Attachment A](#). That interpretation is the subject of this appeal.

NEXT STEPS:

If the administrative decision is upheld, the shed would not be recognized by the City as a legal noncomplying structure. As a result, Building Services would not be able to issue permits for maintenance, repairs, or alterations to the portions of the shed within the 8' side yard setback. As a structure without legal noncomplying structure status, it would be considered an illegal structure, and portions located within the 8' side yard would ultimately need to be removed.

If the administrative decision is overturned, the shed could remain in its current location and the shed would be entitled to permits for maintenance, repairs, or alterations as a legal “noncomplying structure,” subject to any additions or enlargements to the structure meeting current zoning restrictions on height or setbacks.

The decision of the appeals hearing officer can be appealed to Third District Court within 30 days of the decision.

ATTACHMENTS:

- A. [Administrative Interpretation](#)
 - 1. [City’s Administrative Interpretation](#)
 - 2. [Applicant’s Interpretation Application](#)
- B. [Appellant’s Appeal Brief](#)
- C. [City Attorney Response to Appeal](#)

**ATTACHMENT A - 1: City's Administrative Interpretation
Letter**

November 9, 2020

ADMINISTRATIVE INTERPRETATION
DECISION AND FINDINGS
PLNZAD2020-00718



REQUEST:

This is a request from the property owner of 1200 S Oak Hills Way, regarding whether a shed located partially in the side yard of the property is considered to be a legal noncomplying structure. The property is currently under enforcement for the shed. The subject property is located in the R-1/12,000 (Residential Single-Family) zoning district.

DECISION:

The Zoning Administrator finds that the shed is not considered to be a legal noncomplying structure as no evidence could be found that the full accessory structure would have complied **with the City's Zoning Ordinance at any time since its possible construction.** No regulations could be found in prior City Zoning Ordinances (dating back to its possible construction) that would have allowed for the accessory shed structures in the required side yard and no historical special approvals or variances were found for the structure that would have allowed it.

Portions of the shed located within the required 8' side yard are noncomplying with City code, but do not have a legal "noncomplying **structure**" status and are not allowed. Portions of the structure outside of the 8' side yard comply with current zoning regulations for the location of structures and are considered legal complying.

FINDINGS:

The subject property is zoned R-1/12,000, which allows for accessory structures (see Residential Land Use Tables 21A.33.020). However, accessory structures are limited in their location on the property. The R-1/12,000 zone currently requires side yard setbacks of 8' and 10', one on each side of the property (see 21A.24.050.E.3.b). The ordinance does not specify which side must be the higher or lower of the two. The north side yard setback where the shed is located then must be a minimum of 8' wide. Based on those restrictions, the shed encroaches into the 8' side yard by approximately 7' at its point of greatest encroachment and overall, approximately half of the area of the structure encroaches into the side yard.

The ordinance **defines yards as** "On the same zoning lot with a use, building or structure, an open space which is unoccupied and unobstructed from its ground level to the sky, except as otherwise permitted herein. A yard extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located." **As such, yards are** required to be unobstructed by any buildings unless specifically exempted by other language in the code.

Under yard requirements for the R-1/12,000 zone, City Code section 21A.24.050.E.5 specifically allows certain buildings to be allowed in the side yard by stating **that** "Accessory buildings and structures may be located in a required yard subject to section [21A.36.020](#), table [21A.36.020B](#) of **this title.**" Table 21A.36.020.B lists specific types of elements and which yards (if any) they can encroach into. **The listing for "accessory buildings" is below:**

Type Of Structure Or Use Obstruction	Front And Corner Side Yards	Side Yard	Rear Yard
Accessory buildings subject to the provisions of chapter 21A.40 of this title, and located at least 1 foot from the side property line except for the FP and FR Districts where no accessory building is permitted in any yard. Accessory buildings shall be at least 10 feet from a principal residential building on an adjacent lot		x ³	X

(Foot)Note 3. The accessory structure shall be located wholly behind the primary structure on the property.

Although accessory buildings (sheds) are allowed within side yards, they must be “wholly behind the primary structure” **as specified in the footnote. When a term is not defined in the City’s ordinance, the ordinance specifies that the definitions in the Websters Collegiate Dictionary be used (21A.62.010). Webster’s defines “behind” as “1a: in or to a place or situation in back of or to the rear of (look *behind* you) (put *behind* bars).”¹ Webster’s defines “wholly” as “to the full or entire extent : completely.”²** In this case, while the shed is behind the front façade of the home (primary structure), it is not *wholly (or completely) behind (or in back of)* the structure. To be wholly behind would require that the entire shed be located behind the rear wall line of the home. The subject shed does not meet these criteria.

Although a structure may not meet current zoning location restrictions, it can still be considered a legal **“noncomplying structure” if it would have complied with the zoning regulations in place at any time it has existed.** The term (legal) noncomplying structure is defined in City code section 21A.62.040 **as “Buildings and structures that serve complying land uses which were *legally established on the effective date of any amendment to this title that makes the structure not comply* with the applicable yard area, height and/or bulk regulations of this title.”** It is also defined in City Code section 21A.38.010.A.2 regarding **noncomplying structures, stating “Noncomplying structures and improvements include *legally constructed principal and accessory buildings, structures and property improvements,* that do not comply with the applicable bulk and/or yard area regulations and design standards of this title such as setbacks and parking in the zoning districts in which the buildings or structures are located.”** In other words, if a structure was legally established/constructed (built and meeting the regulations of the code) and then the regulations subsequently changed to disallow it, the structure would be considered a legal noncomplying structure.

The current **property owner is unaware of the date of the shed’s** original construction. A memo **from the property owner’s attorney submitted with** the interpretation application noted that it **was “built decades ago. Likely in the 1960s.”** To determine when the shed was built and whether the shed was legally established at any one point in time, Planning staff researched and compiled any related City building permit records, commission or board records, County tax records, ordinances and historical photographs of the property. A list of related materials by date and the associated materials are located in Exhibits D through G.

¹ Behind *preposition* 1a: in or to a place or situation in back of or to the rear of (look *behind* you) (put *behind* bars) b—used as a function word to indicate something that screens an observer (the sun went *behind* a cloud) c: following in order (marched *behind* the band) 2—used as a function word to indicate backwardness, delay, or deficiency (*behind* the times) (*behind* schedule) (lagged *behind* last year’s sales) 3a: in the background of (the conditions *behind* the strike) b: out of the mind or consideration of (put our troubles *behind* us) c: beyond in depth or time (the story *behind* the story) (go back *behind* St. Augustine) 4a: in support of : on the side of (solidly *behind* the candidate) b: with the support of (won 1–0 *behind* brilliant pitching)

² Wholly *adverb* 1: to the full or entire extent : COMPLETELY (a *wholly* owned subsidiary) 2: to the exclusion of other things : SOLELY (a book dealing *wholly* with herbs)

Staff could not determine the exact date that the shed was constructed, except that it was constructed at some point after the home was constructed in 1952, and likely after 1965 based on available aerial photographs. Due to the uncertainty in the construction date, staff compiled the side yard restrictions and allowances for structures in those yards for past City zoning ordinances going back to those ordinances applicable in 1952. A table listing those years, side yard requirements, and any exceptions for accessory buildings within side yards is attached in Exhibit C.

Based on that research, although some types of accessory structures have been allowed to encroach into side yards since 1952 in certain circumstances, this type of accessory shed structure **wasn't** authorized to encroach into the side yard and did not receive any historical special approvals to allow its encroachment. Detached garages were for a period of time allowed in side yards but were defined as being “**designed or used for the storage of automobiles,**” and the subject shed does not appear to meet that criteria based on size, paving, and door locations (see photographs and survey showing building size in Exhibit A and B and code summary in Exhibit C.). Additionally, no permits for the shed and no records of any variances or other special approvals from the City for a shed within the side yard could be found (See Exhibits D and E.) Unfortunately, as it did not at any one point in time comply with the zoning (“**legally established**”), it cannot be considered a legal noncomplying structure. More specifically, the portions of the shed located within the side yard are not considered legal noncomplying and are not allowed. Portions of the shed outside of the side yard are considered legal complying and are allowed.

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 <https://www.slc.gov/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.



Daniel Echeverria
Senior Planner

CC:

Nick Norris, Planning Director
Joel Paterson, Zoning Administrator
Greg Mikolash, Development Review Supervisor
Posted to Web
File

Attachments:

- A. Survey of property showing shed and required side yard setback
- B. Photos of shed (July 2020 and June 2019)
- C. Zoning history of side yard accessory structure allowances for the property
- D. Property and shed existence documentation list
- E. City permit card (1952) and additional city permit history documentation

- F. County tax appraisal cards (Source: Salt Lake County Archives)
- G. Aerial photographs

B.1.Photos of Shed_2020 July Property Photos.pdf

July 2020 Photos of Shed



B.2_Photos of shed_2019 Street View Photo.pdf

2019 Google Street View Photo of Shed



C. Zoning history of side yard structure allowance for the property.pdf

Code Year	Map Year	Zone	Description	Side Yard/Setbacks	Obstructions/Yard Encroachment Code Section	Subject Shed Status	Side Yard Definition or Other Side Yard Specific Regulations	Side Yard Accessory Building Exceptions:	Additional Side Yard Accessory Building Exceptions:
2020	2020	R-1/12000	Single Family	8'/10' (21A.24.050.E.3)	Subject to Table 21A.36.020.B.	Not permitted	<p>Accessory buildings prohibited in side yards, except where specifically called out and allowed.</p> <p><i>21A.40.050:A.3 Side Yards: Accessory buildings are prohibited in any required interior side yard; however, hoop houses, greenhouses, and cold frame structures associated solely with growing food and/or plants are allowed in an interior side yard but no closer than one foot (1') to the corresponding lot line. If an addition to residential buildings results in an existing accessory building being located in a side yard, the existing accessory building shall be permitted to remain, subject to maintaining a four foot (4') separation from the side of the accessory building to the side of the residential building, as required in subsection A4b of this section.</i></p>	Hoop houses, green houses, cold frames	<p>Permitted in side yard if wholly behind primary structure.</p> <p>See 21A.36.020.B "Obstructions in Required Yards" (Allowed Obstructions) which notes that any accessory buildings are permitted as an encroachment in the side yard (includes an X in Side Yard column with a footnote) in the following situation: Footnote 3. " The accessory structure shall be located wholly behind the primary structure on the property."</p>
2010	2010	R-1/12000	Single Family	8'/10' (21A.24.050.E.3)	Subject to Table 21A.36.020.B.	Not permitted	Same language as 1999 code below.	None	<p>Not permitted in side yards.</p> <p>Same exceptions as 1999 code below.</p>
1999	1999	R-1/12000	Single Family	8'/10' (21A.24.050.E.3)	Subject to Table 21A.36.020.B.	Not permitted	<p>No specific section for side yard allowances in Accessory Building Chapter. Yards to be open/unobstructed otherwise. See 1995 definitions.</p> <p><i>See 21A.40.050.A.3.d . "Rear Yards: In the R-1 districts, R-2 district and SR districts accessory structures shall be located a maximum of five feet (5') from the rear property line subject to the following exceptions:</i></p> <p><i>(1) The maximum setback from the rear property line may be increased to meet the transportation division minimum required turning radius and other maneuvering standards.</i></p> <p><i>(2) The planning director or designee may authorize the issuance of building permits for an accessory structure with a maximum setback of more than five feet (5') from the rear property line if the property owner demonstrates that fifty percent (50%) or more of the properties on the block face have accessory structures located more than five feet (5') from the rear property line. In this case, the accessory structure may be set back from the rear property line a distance equal to the average setback of the other accessory structures on the block face. An appeal of this administrative decision shall be heard by an administrative hearing officer subject to the provision of chapter 21A.52 of this title.</i></p> <p><i>(3) The board of adjustment may approve an alternate location for an accessory structure as a special exception based on hardships created by topography or the location of mature vegetation."</i></p>	None	<p>Not permitted in side yards.</p> <p>21A.36.020.B Obstructions in Required Yards (Allowed Obstructions) lists "Accessory buildings..." (includes sheds) but does not include an X in Side Yards column.</p>

C. Zoning history of side yard structure allowance for the property.pdf

1995 (New Code)	1995	R-1/12000	Single Family	8'/10' (21A.12-4.5(c))	Subject to 18-2.2, Table 18A	Not permitted	<p>Accessory chapter includes rules that require 1' setback if a structure is in a required side or rear yard. Yards to be unobstructed, except where exempted. Specifically allowed buildings/structures are listed in Table 18A. Sheds or accessory buildings not listed.</p> <p>Chapter 20-4.1(c) Side and Rear Yards: Accessory buildings in rear/side yard shall be as follows: In Residential Districts, no accessory building shall be closer than one (1) foot to a side or rear lot line except when sharing a common wall with an accessory structure on an adjacent lot.</p> <p>31-4 Definitions: Yard: On the same zoning lot with a use, building or structure, an open space which is unoccupied and unobstructed from its ground level to the sky, except as otherwise permitted herein..</p> <p>12-4.5(e) Accessory Buildings and Structures (R-1/12,000) Accessory buildings and structures may be located in a required yard subject to Part IV, Chapter 18, Section 18-2.2, Table 18-A, Obstructions in Yards.</p>	None	<p>Not permitted in side yards.</p> <p>Table 18A- Obstructions in Required Yards (Allowed Obstructions) does not list sheds or other "accessory buildings." The only similar building allowed listed is detached garages, but they are only allowed in rear yards.</p>
1990	1987	R1	Single Family	8'/12' (21.20.060, see formula)	See 21.80.120. "Side Yards- Permitted Projections and Obstructions"	Not permitted	<p>Side yard defined to be open and unoccupied, not allowing buildings unless specifically called out in ordinance.</p> <p>21.04.510 "Side Yard" means an open, unoccupied space, except as otherwise provided in this title, on the same lot with the building and between the side lot line of the building and the side lot line, and extending from the front yard to the rear yard.</p> <p>21.04.345 "Open unoccupied area or space" means any area of a lot which is completely free and unobstructed from any structure constructed on, over or below grade, such area also being free from any parking areas. Walkways, uncovered patio area light poles and other ornamental features, trees, shrubs, and other vegetation shall not be considered as occupying the area for the purpose of this title.</p>	Detached garages are allowed (21.80.120.I) (See 1964 definition)	<p>Not permitted in side yards.</p> <p>21.80.120: "The area of a required side yards shall be open and unobstructed except for the following:..." The only buildings listed are: "Detached Garages: A detached garage may be located in a side yard, provided said garage is at least fifteen feet from a dwelling on a an adjoining lot and at least ten feet from a dwelling measured laterally from the dwelling to which it is accessory, and at least sixty (60') feet back from the front property line. If the garage is placed in such a position, the area between the garage and the dwelling shall be open to the sky, with no type of covering being allowed."</p>
1988	1987	R1	Single Family	8'/12' (21.20.060, see formula)	See above 1990 ordinance.	Not permitted	<p>Side yard defined to be open and unoccupied, not allowing buildings unless specifically called out in ordinance</p> <p>See 1990 ordinance above.</p>	Detached garages are allowed (21.80.120.H) (See 1964 definition)	<p>Not permitted in side yards.</p> <p>See 1990 ordinance above.</p>
1987	1987	R1	Single Family	8'/12' (51-13-3, see formula)	See 51-5-5(9)	Not permitted	<p>Side yard defined to be open and unoccupied, not allowing buildings unless specifically called out in ordinance</p> <p>See 1990 ordinance above.</p>	Detached garages are allowed (51-5-5(9)) (See 1964 definition)	<p>Not permitted in side yards.</p> <p>See language from 1990 ordinance above (located in Sec. 51-5-5 in 1987 ordinance)</p>
1978	1977	R1	Single Family	8'/12' (51-13-3, see formula)	See 51-5-5(9)	Not permitted	<p>Side yard defined to be open and unoccupied, not allowing buildings unless specifically called out in ordinance</p> <p>See 1990 ordinance above.</p>	Detached garages are allowed (51-5-5(9)) (See 1964 definition)	<p>Not permitted in side yards.</p> <p>See language from 1990 ordinance above (located in Sec. 51-5-5 in 1978 ordinance)</p>

C. Zoning history of side yard structure allowance for the property.pdf

1964	1958/1963	R2	Two family	8'/12' (51-13-3 for R-2, same as R-1 in 51-12-13, see formula)	See 51-4-5	Not permitted	<p>Side yard defined to be open and unoccupied, not allowing buildings unless specifically called out in ordinance</p> <p>51-1-5(63) Yard, Side. An open, unoccupied space, except as hereinafter provided, on the same lot with the building and between the side line of the building and the side lot line, and extending from the front yard to the rear yard.</p> <p>(38) Open Unoccupied area or space: Any area of lot which is completely free and unobstructed from any structure constructed on, over or below grade, said area also being free from any parking areas. Walkways, uncovered patio areas, light poles and other ornamental features, trees, shrubs, and other vegetation shall not be considered as occupying the area for the purpose of this ordinance,</p>	<p>Detached garages are allowed (51-4-5.9)</p> <p>"Private garages" defined as "An accessory building designed or used for the storage of automobiles owned and used by the occupant of the building to which it is accessory, and in which no occupation or business is carried on."</p>	<p>Not permitted in side yards.</p> <p>See language from 1990 ordinance above (located in Sec 51-4-5 in 1964 ordinance)</p>
1956 ("Revised ord. of 1955")	1955/1958	All Residential A zones changed to R2	Two family	See above.	See above.	Not permitted	See above.	No exceptions for detached garages.	<p>Not permitted in side yards.</p> <p>51-4-5. "Side and Rear exceptions: The area of a side or rear yard shall be open and unobstructed, except for..." No exceptions for accessory structures in side yards listed.</p>
1944 w/ 1950 amendment	1955	Residential A	1 and 2 family	8'/12' (Sec. 6725, see formula: The least dimension of any such yard shall be 35 percent of the building height, but in no case less than (8) feet for Residential "a" and "A-3"... and the total width of the two side yards for any one lot shall be 70 per cent of the building height, but in no case less than 20 feet for Residential "A" and "A-3"...))	See Sec. 6727	Not permitted	Side yard not specifically defined, except that "side or rear yard shall be open and unobstructed" in Sec 6727.	Sideyard may be reduced (to min. 8') if garage is within dwelling, min. sideyard is maintained on both sides of dwelling (8' per 6725). See 6727.	<p>Not permitted in side yards.</p> <p>Sec 6727. "Side and rear yard exceptions. (a) The area of a side or rear yard shall be open and unobstructed, except for..."</p> <p>Sec 6727(g) was Amended with 1950 Ord 77) to: Where the garage is attached to or located within a dwelling and provided that no accessory building is located within the rear yard, the total sideyard requirement may be reduced, provided the minimum sideyard is maintained on both sides of such dwellings.</p>

C. Zoning history of side yard structure allowance for the property.pdf

1944 w/ 1950 amendment	1951	Residential A	1 and 2 family	8'/12' (Sec. 6725, see formula above.)	See above.	Not permitted	See above.	See above.	Not permitted in side yards. See above.
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2020 Definitions:

COLD FRAME: An unheated outdoor accessory structure typically consisting of, but not limited to, a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from the cold.

GREENHOUSE: A temporary or permanent accessory structure typically made of, but not limited to, glass, plastic, or fiberglass in which plants are cultivated.

HOOP HOUSE: A temporary or permanent accessory structure typically made of, but not limited to, piping or other material covered with translucent plastic, constructed in a "half round" or "hoop" shape, for the purposes of growing plants.

A hoop house is considered more temporary than a greenhouse.

D. Property and Shed Existence Documentation.pdf

Year	Evidence of Shed?	Documentation	Shed existence or other note
2015	NA	Home Remodel Permit BLD2015-06930	Shed not shown on site plan
2012	Yes	Aerial from Utah AGRC	Shed visible
2006	Yes	Aerial from Utah AGRC	Shed visible
2000	Yes	2020 County Tax Record	Shed noted as having an "actual year built" of 2000, suggesting it was built around 2000. However, 2000 may have just been the first year identified and assessed as it appears in 1999 aerial.
1999	Yes	Aerial from SLC GIS/Engineering	Shed visible
1994	No	Building permit 86573 for remodel	"Interior remodel, new patio, drive replacement." No shed noted in description. Permit followed enforcement for work without permits for "tile work or plumbing," "installing furnace and central air," and "building a concrete patio without permits."
1993	No	Aerial from USGS	Unclear, blurry image
1985	No	Aerial from Utah Geological Survey	Shed not visible/may be obscured by vegetation
1983	No	Aerial from Utah Geological Survey	Shed not visible/may be obscured by vegetation
1973	No	Aerial from USGS	Unclear, blurry image
1969	No	Tax Appraisal Card	No shed identified.
1965	No	Historicaerials.com (USDA FSA APFO aerial)	Shed not visible
1958	No	Tax Appraisal Card	No shed identified.
1958	No	Aerial from Utah Geological Survey	Shed not visible
Nov-53	No	Tax Appraisal Card	No shed identified.
Sep-52	No	Deed	10' added to property along north side (10'x145'), see survey for area. Shed is currently partially located in this area.
Jul-52	No	Permit Card	No shed referenced in permit. Permit for "Res. And Gar."

INSPECTOR OF BUILDINGS AND REGISTER OF PERMITS

MONTH OF July 1952

DEBERT NEWS PRESS, SALT LAKE

DATE	PERMIT NUMBER	OWNER	ARCHITECT	BUILDER	LOCATION	NUMBER OF STORIES AND KIND OF BUILDING	TO BE USED FOR	NO. OF ROOMS	RESIDENTIAL BUILDINGS					
									BRICK, IRON AND CONCRETE BUILDINGS	FRAME BUILDINGS	ADDITIONS, ALTS. & REPAIRS TO BRICK, IRON & CONCRETE BUILDINGS	ADDITIONS, ALTS. & REPAIRS TO FRAME BUILDINGS		
		BROUGHT FORWARD												
1	35671	W. A. Hayscoke		same	324-26 So. 12 East	Repair & remodel front porch							50000	
	35672	Raymond Snarr		L. P. Snarr	2175 Texas St.	Brick & blk. garage - 423'					100000			
	35673	Viola M. Kencie		same	110 West Girard Ave.	Finish room in basement								
	35674	P. J. Kilpatrick		same	2248 Fairfield Ave.	Frame garage 12' x 20'							80000	
	35676	Lynn Dickey		same	1612 So. 7th West	Frame add. to Por. 12' x 17'					700000			
	35677	John H. Sellito		Leiter Allen	1612 Jefferson St.	1 story frame Res. no garage	4							
	35680	Surinors Hospital	Scott & Bacher	Olson Const. Co.	370 Virginia St.	Remodel basement - new apt								
2	35686	Walker Bank Bldg.		James A. White	179 So. Main - Room 903	Lower ceiling								
	35687	Medical Arts Bldg.		James A. White	54 East 40 Temple	Ext. remodeling							10000	
	35688	Arthur J. Wan		same	1303 Claybourne	Add. patio to side of garage								
	35691	John T. Hau ghm		Goldberg & Brown	224 - 4th Street	Frame garage 12' x 20'								
	35694	F. M. Olson		Fred Johnson	1928 East 2nd South	Blk. garage 14' x 20' - Patio 8' x 20'					100000			
	35695	E. W. Evans		Fred Weeden	220 North 9 West	Enlarge basement - new windows							30000	
	35697	E. A. Sackett		same	1312 Emery St.	Frame add. to Por. - 8' x 10'								
	35703	Richard Heath		same	1833 So. 17th East	Blk garage 18' x 20'						250000		
3	35708	Chas Clay		same	2532 East 17th South	Convert att. garage to Den. - double garage								
	35709	Edell Vinson		same	526 Fulton St.	Frame garage 12' x 20'								
	35710	Bruce E. Hughes		same	1350 West 3rd North	Blk. garage 20' x 24'							7500	
	35713	Geo. B. Cuzly		same	1880 Redondo Ave.	Replace wood porch with concrete							50000	
	35724	Shadrach J. Schaeffer		same	764 East 8th South	Remodel Res. - Exp. for basement							20000	
5	35729	Elwood Eggen		same	1281 Lafayette Dr.	Outside stairway to basement								
	35730	W. Sherman Dean		same	1209 West 7th South	Frame garage 15' x 25'							100000	
	35731	Mrs. Leo C. McDonald		Parker	1818 Euclid Ave.	Blk. add. at rear of Res. for bath					1200000			
7	35738	Frank G. Brooks		Fred Jensen	904 Diestel Road	1 story brick Res. & garage	4						160000	
	35739	H. E. Johnson		same	932-36 East 6th South	Remodel basement for 3rd apt								
	35740	Lidney Mulcock		same	1265 Emerson Ave	Frame garage - 600'								
	35741	Kenneth Stewart		same	2177 Downington	Frame garage 14' x 22'								
	35742	A. E. Fleming	Richard Wood	L. E. Dalton	1521 Preston St.	1 story brick Res. att. garage	5			1500000				
	35743	Lene D. Olson	Olson & Davis	same	2044 Aldo Circle	1 story brick Res. att. garage	5			1650000				
	35745	C. D. Connor		same	1621 West 8th South	Frame garage 20' x 22'							780000	
	35746	Steenblik Const.	Self.	same	466 North 9th West	1 story frame Res. no garage	5						780000	
	35747	"	"	"	961 West 4th North	1 story frame Res. att. garage	5						750000	
	35747	"	"	"	967 West 4th North	1 story frame Res. att. garage	4						750000	
	35748	"	"	"	172 North 9th West	1 story frame Res. att. garage	4						750000	
	35750	Vern W. Bowdle	A. B. Paulson	James Alfred	1000 Oak Hills Way	1 story brick Res. att. garage	6					2300000		
	35752	Zions Security Corp.	Self.	Shoe Outlet company	26 So. 1st Main St.	Interior remodeling								
	35756	H. W. Beninger	Self.	same	1482 Green Street	1 story brick 4 play att. garage	12						1900000	
8	35760	Thelma Vetterle		Nelson Bros.	956 East 2nd South	Frame garage 600'								
	35766	John R. Jones		same	208 South 13th East	Remodel bldg. into garage								
	35768	Chas. A. Maxwell		same	2988 So. 10 East	single frame garage 12' x 20'								
	35771	Curtis R. Pigby		same	264 So. 13 West	Frame garage 14' x 20'								
	35775	Wilmer Norton		John Stroch	470 East 9th South	Add to bldg. - 526'								
	35776	Wallace M. Götter		New Way Lumber Co.	2904 Imperial St.	Frame garage 12' x 20'							66000 X	
	35782	Ray Gonzales		John Hanks	983 Washington St.	Repair flood damage to Res.								
	35783	M. N. Wells		same	1810 Westminster	double garage 20' x 20'								
	35785	F. D. Thompson		F. Arwill Diezinger	1611 Wilson Ave.	Blk. garage 12' x 24'								
	35786	Donald A. Wagstaff	Wm. Haugness	W. B. Bertha	1737 Beck St.	Blk. add. for Cafe & Canteen							60000	
9	35789	Clair W. Hanks		Fred Southwick	2615 Wellington	Enclose messenbay							15000	
	35796	Garry H. Moriarty		same	1884 So. Main	Rebuild rear porch								
	35806	Dr. August A. Jensen		same	1894 So. Main	Brick add. for Dr. office							450000	
10	35808	Willard Earls		same	1286 California Ave.	Add. to Res. for 2 bedrooms & bath								
	35810	Petty Motor Co.		Ellis Barker Co.	749 East 21st South	Ext. remodeling for office							20000	
	35811	Geo. C. McDonald		same	154 Lawrence St.	Frame add. to Res.							300000	
	35813	Willard Knox	self.	Frank McDowell	430 No. Redwood Rd.	Frame add. to Res.						600000		
	35815	Ralph Haslam	self.	Henry Duhlmeier	826 Murray Ave.	1 story frame Res. no garage	4				850000	4420000	627500	1421600 X

55 TOTAL
CARRIED FORWARD
GRAND TOTAL

5 6 7 11

SALT LAKE CITY CORPORATION

ESTIMATED COSTS

BUSINESS BUILDINGS				PUBLIC BUILDINGS				MISCELLANEOUS		ADDITIONS, ALTS. & REPRS. TO NON-RESIDENTIAL BUILDINGS		AMOUNT OF FEES	REMARKS
STORES	OFFICE BUILDINGS	FACTORIES SHOPS WAREHOUSES	PUBLIC GARAGES SERVICE STATIONS	CHURCHES	SCHOOLS	THEATRES	AMUSEMENT HALLS	PRIVATE GARAGES	BRICK, IRON AND CONCRETE BUILDINGS	FRAME BUILDINGS			
												300	
								75000				400	
												400	
								50000				300	
												400	
												1600	
									1480000			3200	
									200000			600	
									200000			600	Room 1001
												100	
								60000				300	
								75000				400	Var. #2580.
												400	No Dept.
												200	
								65000				300	Var. #2504.
												800	
								28500				200	
								120000				600	
												100	
												300	
												200	
								30000				200	
												400	
												2600	
												600	
								80000				400	
								65000				500	
												3200	
												3400	
								80000				400	
												1800	
												1800	
												1800	
												1000	
												4000	
									1150000			600	
												3600	
								100000				400	
										10000		100	
								89500				400	Double fee.
								50000				300	
									220000			800	
								46500				300	
												300	
								70000				300	
								50000				300	
									600000			1400	
												300	
												200	
									120000			600	
									200000			600	
												600	
												800	
												1400	
								1084500	3150000	10000		48900	
								17	8	1			

E.2 Permit Card and history 1952 to 1980 Building Permit Tr

Address 2000 So. Oak Hills Dr ^{DATE} 7-7 1952

Owner Vern Bowdle

Building Permit No. 35750 - Res. & Gar.

Electrical Permit No. 36140 - 7-19-52 - ^{Temp.} 37152-5-6-53

Plumbing Permit No. 36923-8-7-53 - 39923-8-7-53

Building Permit No.

Electrical Permit No. 45365-5-6-54-52 -

Plumbing Permit No.

Building Permit No.

Electrical Permit No.

Plumbing Permit No.

Electrical Permit No.

Electrical Permit No.

E.3 Permit Card and history_Building Permit System History 1980 to 2008_.pdf

Building Permit System History 1980 to 2008

Permit List

House	1200	Dir:	Street:	OAK HILLS	Suffix:							
Address Id	H. No	Dir	Street	Suffix	Permit	Stat	Job	Issue Dt	Zone	Type	Zone Cert	
66860	1200	S	OAK HILLS	WAY	14153	F	FL	03/29/1994	0	fla		
66860	1200	S	OAK HILLS	WAY	14154	F	FL	03/29/1994	0	fla		
66860	1200	S	OAK HILLS	WAY	14155	F	FL	03/29/1994	0	fla		
66860	1200	S	OAK HILLS	WAY	207098	A	EL	09/22/2005	0	gen		
66860	1200	S	OAK HILLS	WAY	206731	F	EL	09/09/2005	0	gen		
66860	1200	S	OAK HILLS	WAY	86576	F	ME	03/30/1994	0	gen		
66860	1200	S	OAK HILLS	WAY	86575	V	PL	03/30/1994	0	gen		
66860	1200	S	OAK HILLS	WAY	86574	V	EL	03/30/1994	0	gen		
66860	1200	S	OAK HILLS	WAY	86573	F	BL	03/30/1994	0	bld		

E.3 Permit Card and history_Building Permit System History 1980 to 2008_.pdf

Building Permit 86573 – March 30, 1994

Building Permit:

Permit Number: 86573 **Issue Date:** 03/30/1994

Permit: 86573 Issue Date: 03/30/1994 Est Cost: 50,000.00

Construction Kind: REMODEL Building Type: 1 FAMILY RESIDENT

Sq Ft: 4600 Nbr Stories: 2 Nbr Buildings: 1

Res Units: 0 Garage Carport: Attach Detach: Garage Sq Ft: 0

Certificate Occ: Cert Type: Inspect Every: 120

Frame: Brick Var: Brick: Brick Asphalt:

Block: Concrete: Steel: Stucco:

Permits:

Permit ID: 86573 **Issue Date:** 03/30/1994 **Number of Permits:** 1

Permit: 86573 Issued: 3/30/1994 Address Id: 66860 Suite/Office:

House No: 1200 Dir: S Street: OAK HILLS Suffix: WAY Override:

Job Type: BUILDING PERMIT Job Status: FINAL Contr. Phone: () -

Inspector: RICHARD NIELSEN Contractor: OWNER 47645

Owner Name: FRANKLIN D. JOHNSON Fee: \$460.45 Valuation: 50,000.00

Owner Addr: 1200 OAKHILLS Owner City: WAY Owner Phone: 581-99-88

Fee Flag: 0 Orig Amt: 0 Credit Amt: \$.00 Paymt Type:

Record Type: bld Last Upd: 2/7/1996 By:

Contact: Phone: Fax:

Email List: <-- Add/Edit Email List

Sign City Prop Sign On Off Acct Number Inspect Every 120

Permit Comments:

Permit: 86573 **Issue Date:** 03/30/1994

INTERIOR REMODEL, NEW PATIO & DRIVE REPLACEMENT

E.3 Permit Card and history_Building Permit System History 1980 to 2008_.pdf

Permit Type "Flags" (Enforcement Actions) 14153, 14154, 14155 from 1994

Permit Comments

Permit: 14153 Issue Date: 03/29/1994

NO PERMIT FOR TILE WORK OR PLUMBING - CONTRACTOR IS RANDY DOWLAND CERAMIC TILE - D/F

Permit Comments

Permit: 14154 Issue Date: 03/29/1994

INSTALLING FURNACE & CENTRAL AIR WITHOUT PERMIT - AMERICAN HEATING IS CONTRACTOR - D/F

Permit Comments

Permit: 14155 Issue Date: 03/29/1994

BUILDING CONCRETE PATIO WITHOUT PERMITS - OWNER IN FRANKLIN JOHNSON NO D/F

Permit Type "Mechanical, Plumbing, Electrical" 86574, 86575, 86576 from 1994

Permit Comments

Permit: 86574 Issue Date: 03/30/1994

ELECTRICAL REMODEL - S/F

Permit Comments

Permit: 86575 Issue Date: 03/30/1994

REPLACE 8 PLUMBING FIXTURES

Permit Comments

Permit: 86576 Issue Date: 03/30/1994

INSTALL 120,000 & 80,000 BTU FURNACES & 5T A/C

Permit Type Electrical – 206731, 2005

Permit Comments

Permit: 206731 Issue Date: 09/09/2005

STREET LIGHT. AUTH FORM FAXED IN BY JENN CUNNINGHAM.

E.3 Permit Card and history_Building Permit System History 1980 to 2008_.pdf

Permit Type Electrical – 207098 - 2005

Permit	86576	Issue Date:	03/30/1994
INSTALL 120,000 & 80,000 BTU FURNACES & 5T A/C			

Permit Comments

Permit	207098	Issue Date:	09/22/2005
ELECT. SERVICE UPGRADE FOR SFD ONLY.			

E.4 Permit Card and history_2008 to 2020 Permit History.pdf

2008 to 2020 Permit System - Permit and Enforcement History

Permit #	Permit Type	Opened	Status	Owner Name	Description
BLD2020-08811	Residential Fencing	9/14/2020	Inspections	SZEGEDI, MARTIN W	Continuation of existing fence to a bush.
BLD2020-08755	Residential Building Permit	9/14/2020	In For Review	SZEGEDI, MARTIN W	Existing legal non-conforming shed repair, floor, sides, roof.
BCE2020-07046	Building Code Enforcement	7/22/2020	SWO Issued	SZEGEDI, MARTIN W	Building accessory dwelling without permits 28 ft long 10 ft wide
BLD2017-06637	Residential SolarPV	8/1/2017	Closed	SZEGEDI, MARTIN W & RASSIAHM PREMAVATHY; JT	grid-tied residential solar PV installation
BLD2016-07618	Residential Electrical	8/14/2016	Closed	SZEGEDI, MARTIN W & RASSIAHM PREMAVATHY; JT	first and second floor remodel
BLD2016-07197	Residential Mechanical	8/2/2016	Closed	SZEGEDI, MARTIN W & RASSIAHM PREMAVATHY; JT	Radiant heating
BLD2016-06300	Residential Mechanical	7/5/2016	Closed	SZEGEDI, MARTIN W & RASSIAHM PREMAVATHY; JT	Run new gas line
BLD2016-06248	Residential Mechanical	6/30/2016	Closed	SZEGEDI, MARTIN W & RASSIAHM PREMAVATHY; JT	Relocate furnace and install new duct work
BLD2016-05470	Residential Plumbing	6/8/2016	Closed	SZEGEDI, MARTIN W & RASSIAHM PREMAVATHY; JT	Remodel of house.19 FIXTURES.
BLD2016-05331	Residential Mechanical	6/3/2016	Closed	SZEGEDI, MARTIN W & RASSIAHM PREMAVATHY; JT	INSTALLING 3 FIREPLACES
BLD2015-06930	Residential Building Permit	8/28/2015	Closed	SZEGEDI, MARTIN W & RASSIAHM PREMAVATHY; JT	Upper Floor Addition - Master Suite Main floor Remodel - New kitchen and bathroom redesign.

ATTACHMENT A - 1: *10-11-305-03* City's Administrative Interpretation Letter
F. County Tax Appraisal Cards.pdf



ATTACHMENT A - 1: City's Administrative Interpretation Letter

F. County Tax Appraisal Cards.pdf

643

10-654

766-20

Handwritten notes:
1-1813-21-68
Bussell
Keller
Plate 1
19

Out Buildings

1953

1954

1955

1956

REMARKS

F. County Tax Appraisal Cards.pdf

GARAGE

RESIDENCE
VALUE (NET)

16168 15845 15521

TOTAL
BUILDING VALUE

ASSESSED
VALUE

16465 6340 6210

F. County Tax Appraisal Cards.pdf

S. L. COUNTY SERIAL NO. _____

OWNER'S NAME _____

OWNER'S ADDRESS _____

LOCATION _____

FORM TC-74B
STATE TAX COMMISSION
OF UTAH

F. County Tax Appraisal Cards.pdf

KIND OF BUILDING	1958	1959	1960	1961	1962	1963	1964	1965	19	19
GARAGE										
RESIDENCE	18590	18,260	17,951	17,641	17,332	17,022	20,014			
TOTAL										
ASSESSED VALUE	7435	7305	7180	7055	6935	6810	8005			
	7430									
KIND OF BUILDING	19	19	19	19	19	19	19	19	19	19
GARAGE										
RESIDENCE										
TOTAL										
ASSESSED VALUE										

F. County Tax Appraisal Cards.pdf
RECORD OF ASSESSMENT OF IMPROVEMENTS

S. L.

COUNTY

SERIAL NO. 10-654

F. County Tax Appraisal Cards.pdf

class 8-?

Location _____
 Kind of Bldg. RES St. No. 1200 OAK HILLS WAY
 Class 9 Type 1 2 3 (4) Cost \$ 993 + 9840 ^{use} X 110 %

Stories	Dimensions	Cu. Ft.	Sq. Ft.	Factor	Totals
	x x		<u>2100</u>		\$ <u>10924</u>
	x x		<u>2075</u>		<u>10,824</u>
	x x				

Gar.—Carport 24 x 32 Flr. Peric Walls Brick Cl. 768 250 1920

Description of Buildings	Additions	
Foundation—Stone _____ Conc. <input checked="" type="checkbox"/> None _____		
Ext. Walls <u>Top Brick Stoda + Frame</u>		
Insulation—Floors _____ Walls _____ Clgs. <input checked="" type="checkbox"/>	<u>210</u>	<u>311</u>
Roof Type <u>Cable + Hip</u> Mtl. <u>Asph-Sky</u> 15	<u>430</u>	<u>INC-BARAGE</u>
Dormers—Small _____ Med. _____ Large _____	<u>426</u>	<u>AND BREEZWAY</u>
Bays—Small _____ Med. _____ Large _____		
Porches—Front <u>194° Conc. slab</u> @ <u>3.00</u>	<u>582</u>	<u>BREEZWAY</u>
Rear <u>376° Breezway</u> @ <u>2.00</u>	<u>752</u>	<u>RAMP STR</u>
Porch <u>No</u> @ _____		<u>MTL-RAIL</u>
Metal Awnings <u>No</u> Mtl. Rail _____		
Basement Entr. <u>No</u> @ _____		
Planters <u>21°</u> @ <u>250</u>	<u>53</u>	
Cellar-Bsmt. — $\frac{1}{4}$ $\frac{1}{2}$ $\frac{3}{4}$ $\frac{3}{4}$ (Full) Floor <u>Code</u>	<u>1070</u>	<u>1060</u>
Bsmt. Apt. <u>2</u> Rooms Fin. _____ Unfin. _____	<u>1025</u>	
Attic Rooms Fin. _____ Unfin. _____		
Plumbing {	Class <u>3</u> Tub <u>1</u> Trays <u>1</u>	<u>580</u>
	Basin <u>2</u> Sink <u>1</u> Toilet <u>2</u>	<u>385</u>
	Wtr. Sfr. _____ Shr. St. <u>1</u> O.T. <u>1</u>	<u>50</u>
	Dishwasher <u>1</u> Garbage Disp. <u>1</u>	<u>350</u>
Built-in-Appliances <u>NO</u>		
Heat—Stove _____ H.A. _____ Steam _____ Stkr. _____ Blr. <input checked="" type="checkbox"/>	<u>638</u>	<u>633</u>
Oil _____ Gas _____ Coal _____ Pipeless _____ Radiant _____	<u>638</u>	<u>633</u>
Air Cond. <u>NO</u>		
Finish—Fir <u>1</u> Hd. Wd. <u>1</u>	<u>70</u>	
Floor—Fir <u>1</u> Hd. Wd. <u>3</u> Other _____	<u>120</u>	
Cabinets _____ Mantels <u>2</u>	<u>300</u>	
Tile—Walls _____ Wainscot <u>2</u> Floors <u>2</u>	<u>370</u>	
Storm Sash—Wood D. <u>4</u> S. _____; Metal D. _____ S. _____	<u>100</u>	
<u>39 1/2 Cut Stone Wall @ 2.25</u>	<u>89</u>	
Total Additions	<u>7889</u>	<u>7812</u>

Year Built <u>1953</u>	Avg. Age <u>5</u>	Current Value	\$ <u>20656</u>
		Commission Adj.	% <u>20,633</u>
Inf. by { Owner - Tenant -		Bldg. Value	
{ Neighbor - Record - Est.		Depr. Col. 1 2 3 4 5 6 <u>90</u> %	
Remodel Year _____ Est. Cost _____		Current Value Minus Depr.	\$ <u>18590</u>
Garage—Class _____ Depr. 2% 3% _____		Carport—Factor _____	<u>18,570</u>
Cars _____ Floor _____ Walls _____		Roof _____ Doors _____	
Size—x _____ Age _____ Cost _____		x _____ % _____	
Other _____			

Total Building Value \$ _____
 Appraised 3/3 19 58 By #1319 1332

F. County Tax Appraisal Cards.pdf

Serial Number

Card Number

Owners Name ELAINE V. POWELL

Location LOT 17, OAK HILLS "A-1"

Kind of Bldg. Res St. No. 1200 OAK HILLS WAY

Class. 101 9+ Type 1 2 3 4 4 Cost \$ 21,515¹⁸¹⁴³ X 115.5%

Stories	Dimensions	Sq. Ft.	Factor	Totals	Totals
1	x x	2085 ⁸		\$ 24,850	\$
	x x			20955	
	x x				

Att. Gar. C.P. 24 x 32% Flr. CONC Walls BRK Cl. 4 2766

Description of Buildings

Foundation—Stone _____ Conc. Sills _____

Ext. Walls TAP BRICK STONE & FRAM

Roof Type HIP GARBL + GARAGE Mtl. ASB, 3-82 1675

Dormers—Small _____ Med. _____ Large _____

Bays—Small _____ Med _____ Large _____

Porches—Front _____ 339⁸ @ 2.50 848

Rear BRICKWAY 385⁸ @ 3.25 1251

Porch _____ @ _____

Planters CUT STONE USE 73 @ 6.25 456

Ext. Base. Entry _____ 48 @ 5.00 240

Cellar-Bsmt. — $\frac{1}{4}$ $\frac{1}{3}$ $\frac{1}{2}$ $\frac{2}{3}$ $\frac{3}{4}$ Full Floor CONC 2660

Bsmt. Gar. _____ 5925

Basement-Apt. 1 Rms. 4+2^{CLB} Fin. Rms. _____ 4135

Attic Rooms Fin. _____ Unfin. _____

Plumbing { Class 3 Tub. 1 Trays _____ 840

Basin 12 Sink _____ Toilet 12 595

Wtr. Sfr. _____ Shr. St. 1 O.T. 1 60

Dishwasher _____ Garbage Disp. 1 595

Heat—Stove _____ H.A. _____ FA HW _____ Stkr _____ Elec. _____

Oil _____ Gas Coal _____ Pipeless _____ Radiant _____ 1954

Air Cond. _____ Full REFRIG Zone _____ 1692

Finish—Fir. Hd. Wd. _____ Panel 4-RMS 680

Floor—Fir. Hd. Wd. 3 Other _____ 225

Cabinets _____ 2-SDY Mantels. 1x1 SAME 1240

Tile—Walls _____ Wainscot 2 Floors 2 930

Storm Sash—Wood D. 4 S. _____; Metal D. _____ S. _____ 100

Awnings — Metal _____ Fiberglass _____

AUTOMATIC GARAGE DOOR 310

Total Additions 20574

Year Built 1953 Avg. 1.12 Replacement Cost 47449

Age 2.16 Obsolescence 44295

Inf. by { Owner - Tenant - _____ Adj. Bld. Value _____

{ Neighbor - Record - Est. _____ Conv. Factor x.47

Replacement Cost—1940 Base _____

Depreciation Column 1 2 3 4 5 6 .96

1940 Base Cost, Less Depreciation _____

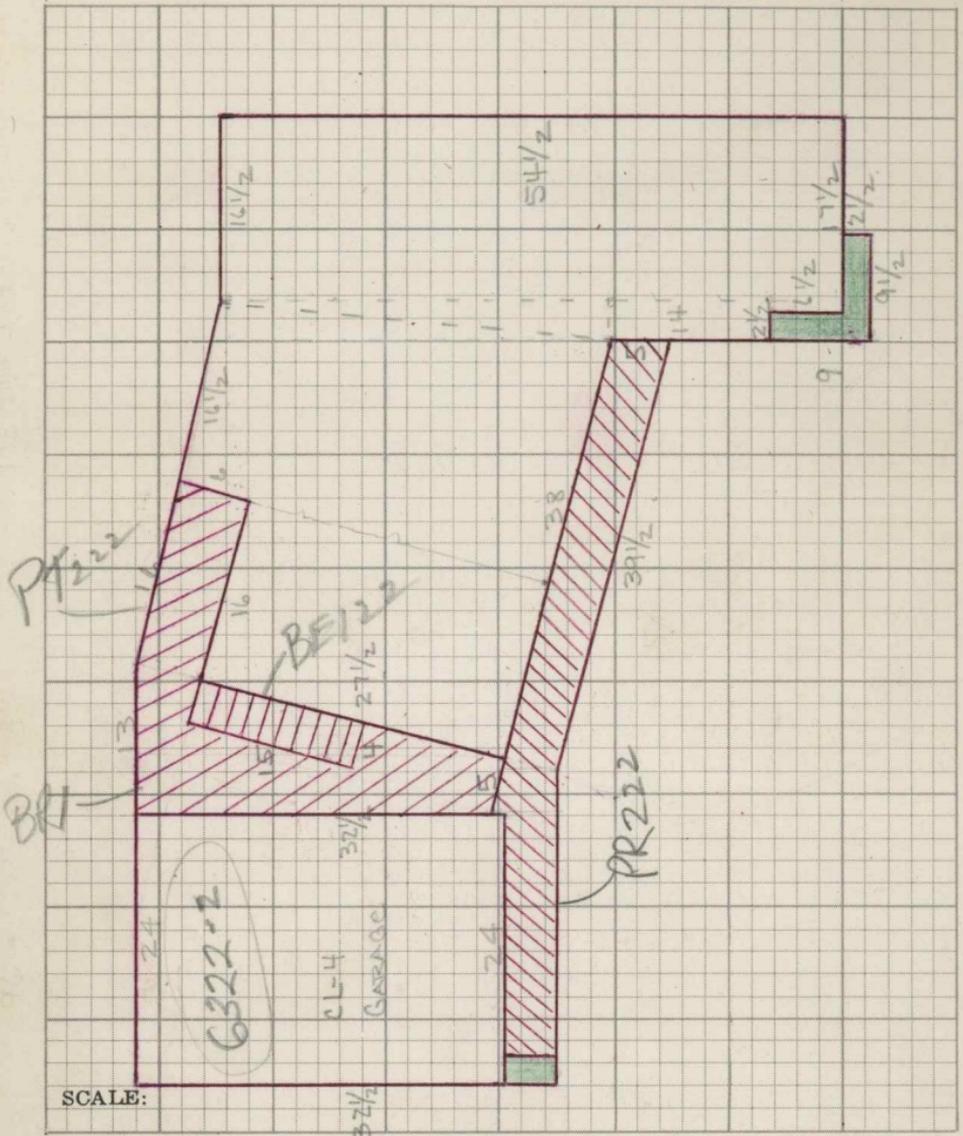
Total Value from reverse side _____

Total Building Value \$ _____

Appraised ① 10/21 19 36 By 1534

Appraised ② 6 19 89 By ORB-RV

F. County Tax Appraisal Cards.pdf



RESIDENTIAL OUT BUILDINGS	Age	Size	Area	Factor	Cost	Conv. Fac.	Adj. Cost	Depr. Value
18-33		2 Bed						.47
22-22		x						.47
3 Bed		x						.47
1 3/4		x						.47
		x						.47

Garage — Class Depr. 2% 3% _____

Cars _____ Floor 18 Walls _____ Roof _____ Doors _____

Size _____ x _____ Age _____ Cost _____ x 47% _____

1940 Base Cost _____ x _____ % Depr. _____

Total _____

REMARKS - SAID HER DAUGHTER WAS SLEEPING DOWN IN BASE & WOULD NOT PERMIT INSPECTION SHE DID ANSWER ALL QUESTIONS.

28 June

Elaine V. Bowdle
 1200 So. Oak Hills
 City 84108

County Tax Appraisal Cards.pdf

Lot 17, Oak Hills Plat A-1 & com at
 most W'ly cor sd Lot 17, N 26°24'21" E
 46.84 ft to NW cor sd lot; N 89°28'34"
 E 142.93 ft to street; NE'ly alg sd
 street 9.47 ft; S 89°50'27" W 145.39 ft

SW'ly alg straight line to beg.

PARCEL NO.	FRONTAGE OR AREA	DEPTH FACTOR	RATE	CORNER INFLUENCE	RATE	VALUE
	118.95'					12,916
	x 136.91	1.069	100			
	10.'					
	x 30.'	.500	100			500
	10.'					
	x 144.16	1.095	100			1095
						14311
	Net		10500			10500

Value Adjusted by
 Board of Equalization

5-31-67
 NB

39

06/31/67

TOTAL +25%

ASSESSED VALUE

3-13-67 CC

New Appraisal Base

2625
2100
<u>2860</u>

Elaine V. Bowdle
 1200 So. Oakhills Way
 City 5

10-654

County Tax Appraisal Cards.pdf

Lot 17, Oak Hills Plat A-1 & com at NW
 cor sd Lot 17, N 0°09'33" W 10 ft; N
 89°50'27" E 145.39 ft to street; SW'ly
 alg street 9.47 ft; S 89°28'34" W
 142.93 ft to beg

770

PARCEL NO.	FRONTAGE OR AREA	DEPTH FACTOR	RATE	CORNER INFLU- ENCE	RATE	VALUE
					See Plat	
	10' x 40'	.577	65			375
	10' x 144.16'	1.095	65			712
	46.84' x 147.94'	1.110	65			3380
	72.1' x 140'	1.080	65			5062
						<u>9529</u>

TOTAL
 9/8/61
 ASSESSED VALUE
 1905
~~1400~~

VOID - See New Card

10-654
10-657

F. County Tax Appraisal Cards.pdf

BLOTTER No.	LOT	BLOCK	PLAT	SEC.	TOWNSHIP	RANGE	DES. No.	SER. No.
85			OAK HILLS PLAT A-1					10-654

~~Elaine V. Bowdle - Donald F. & Esther A. Orr - (1974) --~~
Thomas W. diZerega (1975)

Lot 17, Oak Hills Plat A-1 & com at most W'ly cor sd Lot 17, N 26°24'21" E 46.84 ft to NW cor sd lot; N 89°28'34" E 142.93 ft to street; NE'ly alg sd street 9.47 ft; S 89°50'27" W 145.39 ft; SW'ly alg straight line to beg.

BLOTTER No.	LOT	BLOCK	PLAT	SEC.	TOWNSHIP	RANGE	DES. No.	SER. No.

F. County Tax Appraisal Cards.pdf

DEAD FILE
77

10-654

Elaine V. Bowdle

Lot 17, Oak Hills Plat A-1 & Com at NW Cor sd lot 17, N 0°09'33" W 10 ft; N 89°50'27" E 145.39 ft to street; SW'ly alg street 9.47 ft; S 89°28'34" W 142.93 ft to beg.

435-1958

7430 error

B 55000

7055-61

6935-62

8005-64 ok

9205-66 & psh.

1966-for-1967 (3)

9490 1968

~~9680~~ - 1969 1970

9035 B. of E.

1971
1972
1973

F. County Tax Appraisal Cards.pdf

~~500~~ 104
65 31953
OK
1904

G. Aerial photographs.pdf

Aerial Photographs 1200 S Oak Hills Way

1958 (Utah Geological Survey)



1965 (Historicaerials.com/USDA FSA APFO Aerial)



G. Aerial photographs.pdf

1973 (USGS)



1983 (Utah Geological Survey)



G. Aerial photographs.pdf

1985 (Utah Geological Survey)



1993 (USGS)

G. Aerial photographs.pdf



1999 (UAO SLC GIS/Engineering)



2003 (Utah AGRC)

G. Aerial photographs.pdf



2012 (Utah AGRC HRO)



ATTACHMENT A - 2: Applicant's Interpretation Application



Administrative Interpretation

SALT LAKE CITY PLANNING

OFFICE USE ONLY

Project #:	Received By:	Date Received:	Zoning:
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Project Name:

PLEASE PROVIDE THE FOLLOWING INFORMATION

Address of Subject Property:

Name of Applicant:	Phone:
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Address of Applicant:

E-mail of Applicant:	Cell/Fax:
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Applicant's Interest in Subject Property:

Owner Contractor Architect Other:

Name of Property Owner (if different from applicant):

E-mail of Property Owner:	Phone:
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Proposed Property Use:

Please note that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.

AVAILABLE CONSULTATION

Planners are available for consultation prior to submitting this application. Please call (801) 535-7700 if you have any questions regarding the requirements of this application.

WHERE TO FILE THE COMPLETE APPLICATION

<i>Mailing Address:</i>	Planning Counter PO Box 145471 Salt Lake City, UT 84114	<i>In Person:</i>	Planning Counter 451 South State Street, Room 215 Telephone: (801) 535-7700
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REQUIRED FEE

Filing fee of **\$66**, an additional **\$61 per hour** will be charged if research extends beyond first hour. Fees are non-refundable.

SIGNATURE

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

Signature of Owner or Agent:	Date:
------------------------------	-------

SUBMITTAL REQUIREMENTS

Staff Review

Please provide the following information (attach additional sheet/s as necessary)

- a. The provision(s) and section number(s) of the Zoning Ordinance for which an interpretation is sought.
- b. The facts of the specific situation giving rise to the request for an interpretation.
- c. The precise interpretation the applicant believes to be correct.
- d. When a Use Interpretation is sought:
 - Please state what use classification you think is most similar to your proposed use.
 - Please provide a complete description of your proposed use and how you feel it will be compatible with the Zoning District. Include any documents or information that you feel would be helpful in making an interpretation.

INCOMPLETE APPLICATIOIS 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.

Appeal Application Form PLNZAD2020-00718

Governing Ordinance or Statute

In order for the provisions described in 21A.38.020 and 21A.38.050, which were mistakenly identified in the memorandum as 21A.36.020 and 21A.36.050, to apply to the structure in question, the City must determine the noncomplying status of the structure; see 21A.38.050.C. To determine the noncomplying structure status, you must apply for an Administrative Interpretation; see 21A.38.25.

Facts pertaining to request for interpretation

Existing shed needs refurbishment. I have a document by an attorney regarding the legal - non-complying structure, a statement of the previous owner, official survey of the lot and tax-document showing the shed listed.

Precise interpretation claimed by application

-

Please state what use classification you think is most similar to your proposed use

Shed

Complete description of proposed use and how it will be compatible with Zoning District

Shed use. Will receive Zoning required improvements.



LEGAL RESEARCH MEMORANDUM

*** *Attorney-Client and/or Attorney Work Product Privileged Document* ***

TO: Brenda Baker and Martin Szegedi
FROM: Brett Hastings
DATE: August 24, 2020
RE: Compliance of accessory structure

You have asked me to research the applicable zoning ordinance and regulations that apply to the accessory structure located in the north side yard of your residence located at 1200 South Oakhills Way, Salt Lake City, Utah, as depicted on the survey attached as **Exhibit A**.

The purpose of the research is to determine if there are any grounds for a third-party to demand removal of the accessory structure.

This research memorandum is based on the following factual information that was provided by you:

- a) The structure was built decades ago. Likely in the 1960's.
- b) The dispute over the accessory building arose when Martin began repair work on the structure.
- c) The repair work does not include expanding the footprint of the building or the height of the building.

SHORT SUMMARY OF FINDINGS

The accessory building does not comply with the applicable SLC CODE zoning requirements. However, the accessory building is allowed under applicable exceptions for non-conforming structures. Allowing it to remain, and be repaired, maintained, or altered, so long as the structure is not altered in a way that would increase the non-conformance.

DETAILED FINDINGS

QUESTION 1: What zoning district is the residence located in?

ANSWER: The zoning of the property is R-1-1200, as established by the online Salt Lake City zoning map attached as **Exhibit B**.

QUESTION 2: Does the accessory structure conform with the requirements imposed in the R-1-1200 zone.

ANSWER: No. SLC CODE § 21A.24.050 requires an 8' side yard. SLC CODE § 21A.36.050 provides an exception, allowing accessory structures to be located in a required side yard, but only if the accessory structure is "located wholly behind the primary structure." Because the accessory structure is not located "wholly behind the primary structure," the structure is non-complying.

QUESTION 3: Does the accessory structure qualify for a non-conforming structure exception?

ANSWER: Yes. SLC CODE § 21A.36 contemplates non-conforming structures. SLC CODE 21A.36.020 provides that a non-conforming structure "may continue unaffected by any change in ownership." SLC CODE § 21A.36.50 further provides that any "noncomplying structure may be repaired, maintained or altered, except that no such repair, maintenance or alteration shall either create any new noncompliance or increase the degree of the existing noncompliance of all or any part of such structure." Accordingly, you are specifically allowed to repair, maintain, or alter the structure so long as you are not expanding the size of the structure, or increasing the height to more than 20' tall (for flat roof structures) or more than 28' tall (for pitched roof structures).

The City tax records appear to recognize the accessory structure as a permitted non-conforming structure, in that it specifically recognizes the existence of the structure. *See **Exhibit C***.

Based on these findings, we believe the shed is a permitted non-conforming structure, under the terms of the SLC CODE, and there are no current legal grounds on which to demand removal of the structure.

EXHIBIT
B

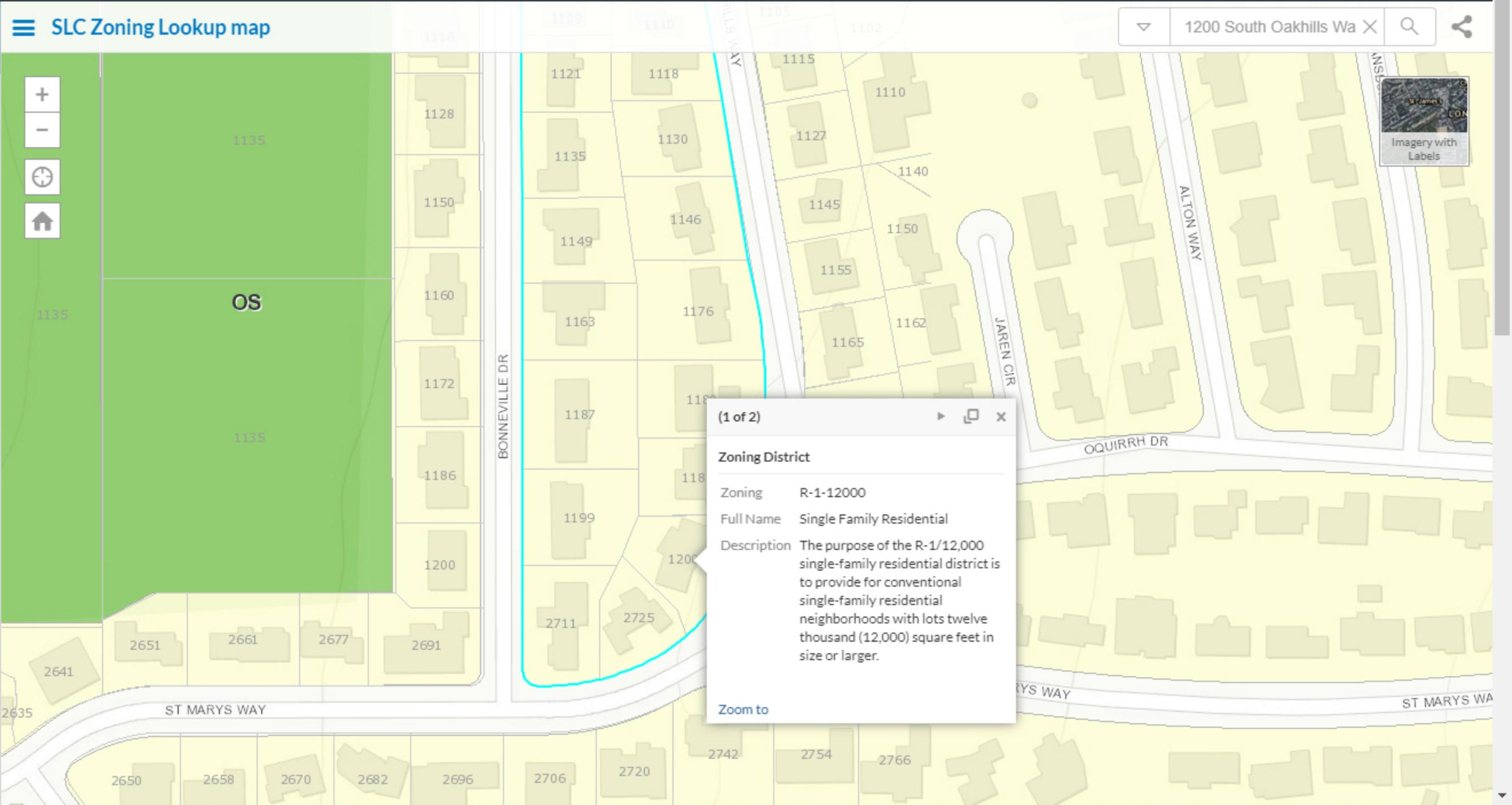
SLC Zoning Lookup map

This is the official Zoning Map for Salt Lake City. You can use this map to identify zoning for property located within Salt Lake City.

Zoning ordinances define land uses within a community, whether they be commercial, residential, industrial, or parks.

Zoning benefits the community by defining design standards for land uses within the City.

4,128 views.



(1 of 2)

Zoning District

Zoning	R-1-12000
Full Name	Single Family Residential
Description	The purpose of the R-1/12,000 single-family residential district is to provide for conventional single-family residential neighborhoods with lots twelve thousand (12,000) square feet in size or larger.

Zoom to



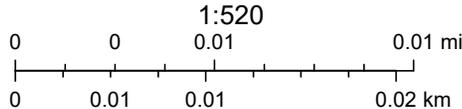
This page shows the assessor's CAMA data, as it was, on May 22, 2020, and will not change until the next tax year.

<table border="0" style="width:100%;"> <tr><td>Residence Record</td><td></td></tr> <tr><td>Building Style</td><td>RAMBLR/RANCH</td></tr> <tr><td>Assessment Classification</td><td>PRIMARY</td></tr> <tr><td>Exterior Wall Type</td><td>STUCCO</td></tr> <tr><td>Roofing</td><td>PERMANENT</td></tr> <tr><td>Central AC</td><td>YES-FA DUCT</td></tr> <tr><td>Heating</td><td>PRIMRY-CNTRL</td></tr> <tr><td>Foundation</td><td>YES</td></tr> <tr><td>Msnry Trim</td><td>NO</td></tr> <tr><td>Owner Occupied</td><td>Y</td></tr> <tr><td>Number of Stories</td><td>2.0</td></tr> <tr><td>Total Rooms</td><td>14</td></tr> <tr><td>Bedrooms</td><td>5</td></tr> <tr><td>Full Baths</td><td>2</td></tr> <tr><td>3/4 Baths</td><td>2</td></tr> <tr><td>Half Baths</td><td>1</td></tr> <tr><td>Number of Kitchens</td><td>1</td></tr> <tr><td>Finished Fire places</td><td>2</td></tr> <tr><td>Unfinished Fire places</td><td></td></tr> <tr><td>Year Built</td><td>1953</td></tr> <tr><td>Effective Year Built</td><td>2006</td></tr> <tr><td>Interior Grade</td><td>GOOD</td></tr> <tr><td>Interior Condition</td><td>GOOD</td></tr> <tr><td>Exterior Grade</td><td>AVERAGE</td></tr> <tr><td>Exterior Condition</td><td>GOOD</td></tr> <tr><td>Overall Grade</td><td>GOOD</td></tr> <tr><td>Overall Condition</td><td>GOOD</td></tr> <tr><td>Visual Appeal</td><td>AVERAGE</td></tr> <tr><td>Maintenance</td><td>AVERAGE</td></tr> <tr><td>Conformity</td><td>EQUAL-IMPRVD</td></tr> <tr><td>Livability</td><td>AVERAGE</td></tr> <tr><td>Primary Kitchen Quality</td><td>STANDARD</td></tr> <tr><td>Primary Bath Quality</td><td>MODERN</td></tr> <tr><td>Main Floor Area</td><td>2788</td></tr> <tr><td>Upper Floor Area</td><td></td></tr> <tr><td>Finished Attic Area</td><td>560</td></tr> <tr><td>Above Grade Area</td><td>3348</td></tr> <tr><td>Basement Area</td><td>1992</td></tr> <tr><td>Finished Basement Area</td><td>1500</td></tr> <tr><td>Finished Basement Grade</td><td>A</td></tr> <tr><td>Carport Sqft.</td><td></td></tr> <tr><td>Carport Capacity</td><td></td></tr> <tr><td>Attached Garage Sqft.</td><td>720</td></tr> <tr><td>Builtin Garage Sqft.</td><td></td></tr> <tr><td>Basement Garage Sqft.</td><td></td></tr> <tr><td>Unfinished Area</td><td></td></tr> <tr><td>RCN</td><td>\$ 468,300</td></tr> <tr><td>RCNLD</td><td>\$ 412,104</td></tr> <tr><td>Physical Prcnt Good</td><td></td></tr> <tr><td>Economic Prcnt Good</td><td></td></tr> <tr><td>Functional Prcnt Good</td><td></td></tr> <tr><td>Sound Value</td><td></td></tr> <tr><td>Misc Structure Value</td><td>1000</td></tr> <tr><td>Misc Attached Structure</td><td>B</td></tr> <tr><td>Percent Complete</td><td>100</td></tr> </table>	Residence Record		Building Style	RAMBLR/RANCH	Assessment Classification	PRIMARY	Exterior Wall Type	STUCCO	Roofing	PERMANENT	Central AC	YES-FA DUCT	Heating	PRIMRY-CNTRL	Foundation	YES	Msnry Trim	NO	Owner Occupied	Y	Number of Stories	2.0	Total Rooms	14	Bedrooms	5	Full Baths	2	3/4 Baths	2	Half Baths	1	Number of Kitchens	1	Finished Fire places	2	Unfinished Fire places		Year Built	1953	Effective Year Built	2006	Interior Grade	GOOD	Interior Condition	GOOD	Exterior Grade	AVERAGE	Exterior Condition	GOOD	Overall Grade	GOOD	Overall Condition	GOOD	Visual Appeal	AVERAGE	Maintenance	AVERAGE	Conformity	EQUAL-IMPRVD	Livability	AVERAGE	Primary Kitchen Quality	STANDARD	Primary Bath Quality	MODERN	Main Floor Area	2788	Upper Floor Area		Finished Attic Area	560	Above Grade Area	3348	Basement Area	1992	Finished Basement Area	1500	Finished Basement Grade	A	Carport Sqft.		Carport Capacity		Attached Garage Sqft.	720	Builtin Garage Sqft.		Basement Garage Sqft.		Unfinished Area		RCN	\$ 468,300	RCNLD	\$ 412,104	Physical Prcnt Good		Economic Prcnt Good		Functional Prcnt Good		Sound Value		Misc Structure Value	1000	Misc Attached Structure	B	Percent Complete	100	<table border="0" style="width:100%;"> <tr><td>Parcel Record</td><td>16113030230000</td></tr> <tr><td>Owner</td><td>SZEGEDI, MARTIN W</td></tr> <tr><td>Address</td><td>1200 S OAK HILLS WY</td></tr> <tr><td>Total Acreage</td><td>0.35</td></tr> <tr><td>Eco. Unit Acres</td><td></td></tr> <tr><td>Owner Occupied</td><td></td></tr> <tr><td>Site Name</td><td>1200 S OAK HILLS WY</td></tr> <tr><td>Building Permit</td><td></td></tr> <tr><td>Tax Class Id</td><td>-</td></tr> <tr><td>Property Type</td><td>111 - SNGL FAM RES</td></tr> <tr><td>Tax District</td><td>13</td></tr> <tr><td>Tax District Location</td><td>SLCITY/S</td></tr> <tr><td>% Exempt</td><td></td></tr> <tr><td>Exempt Type</td><td></td></tr> <tr><td>B of E</td><td></td></tr> <tr><td>Residential Exemption</td><td></td></tr> <tr><td>Detail Year</td><td>8</td></tr> <tr><td>New Growth Year</td><td>18</td></tr> <tr><td>New Growth Pct</td><td>25</td></tr> <tr><td>New Growth Amount</td><td></td></tr> <tr><td>Update Year</td><td>2009</td></tr> <tr><td>Reinspection</td><td></td></tr> <tr><td>Total Associated</td><td></td></tr> <tr><td>MLS Number</td><td>1269694</td></tr> </table> <hr/> <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>Valuation / Tax Year 2020</td><td></td></tr> <tr><td>Land Value</td><td>\$ 299,700</td></tr> <tr><td>Building Value</td><td>\$ 661,500</td></tr> <tr><td>Final Value:</td><td>\$ 961,200</td></tr> <tr><td>Taxable Value</td><td>UnAv.</td></tr> <tr><td>Cost Land</td><td>\$ 299,728</td></tr> <tr><td>RCN</td><td>\$ 470,767</td></tr> <tr><td>RCNLD</td><td>\$ 412,745</td></tr> <tr><td>Cost Total</td><td>\$ 712,500</td></tr> <tr><td>Cost Date</td><td></td></tr> <tr><td>Additional Land Val</td><td>\$ 0</td></tr> <tr><td>Additional Bldg Val</td><td>\$ 0</td></tr> <tr><td>Inc Calc By</td><td></td></tr> <tr><td>Comp Est</td><td>\$ 0</td></tr> <tr><td>Comp Sel Date</td><td></td></tr> <tr><td>Sel Land Val</td><td>\$ 299,728</td></tr> <tr><td>Sel Bldg Val</td><td>\$ 661,481</td></tr> <tr><td>Sel Val</td><td>\$ 961,209</td></tr> <tr><td>Sel Source</td><td>AP</td></tr> <tr><td>Bldg Factor</td><td></td></tr> <tr><td>Tax Rate</td><td>not set</td></tr> <tr><td>Economic Tot Val</td><td>\$ 0</td></tr> </table> <hr/> <table border="0" style="width:100%;"> <tr><td>Detached Structure</td><td></td></tr> <tr><td>Record ID</td><td>1</td></tr> <tr><td>Structure</td><td>SHED-ENCLSD</td></tr> <tr><td>Description</td><td></td></tr> <tr><td>Assessment Class</td><td>RES-PRIMARY</td></tr> <tr><td>Units</td><td>SQUARE-FEET</td></tr> <tr><td>Measure 1</td><td>9</td></tr> <tr><td>Measure 2</td><td>24</td></tr> <tr><td>Effective Year Built</td><td>2007</td></tr> <tr><td>Actual Year Built</td><td>2000</td></tr> <tr><td>Quality</td><td>FAIR</td></tr> <tr><td>Condition</td><td>FAIR</td></tr> <tr><td>Income Flag</td><td></td></tr> <tr><td>Replacement Cost New</td><td>\$ 2,467</td></tr> <tr><td>Replacement Cost New, Less Depreciation</td><td>\$ 641</td></tr> <tr><td>Sound Value</td><td>\$ 0</td></tr> <tr><td>Building Number</td><td></td></tr> <tr><td>Phy Pct Good</td><td></td></tr> <tr><td>Fun Pct Good</td><td></td></tr> <tr><td>Ecn Pct Good</td><td></td></tr> <tr><td>Pct Complete</td><td>100</td></tr> </table>	Parcel Record	16113030230000	Owner	SZEGEDI, MARTIN W	Address	1200 S OAK HILLS WY	Total Acreage	0.35	Eco. 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Cost Land	\$ 299,728	RCN	\$ 470,767	RCNLD	\$ 412,745	Cost Total	\$ 712,500	Cost Date		Additional Land Val	\$ 0	Additional Bldg Val	\$ 0	Inc Calc By		Comp Est	\$ 0	Comp Sel Date		Sel Land Val	\$ 299,728	Sel Bldg Val	\$ 661,481	Sel Val	\$ 961,209	Sel Source	AP	Bldg Factor		Tax Rate	not set	Economic Tot Val	\$ 0	Detached Structure		Record ID	1	Structure	SHED-ENCLSD	Description		Assessment Class	RES-PRIMARY	Units	SQUARE-FEET	Measure 1	9	Measure 2	24	Effective Year Built	2007	Actual Year Built	2000	Quality	FAIR	Condition	FAIR	Income Flag		Replacement Cost New	\$ 2,467	Replacement Cost New, Less Depreciation	\$ 641	Sound Value	\$ 0	Building Number		Phy Pct Good		Fun Pct Good		Ecn Pct Good		Pct Complete	100	<table border="0" style="width:100%;"> <tr><td>Land Record</td><td></td></tr> <tr><td>Record ID</td><td>1</td></tr> <tr><td>Lot Use</td><td>RESIDENTIAL</td></tr> <tr><td>Lot Type</td><td>PRIMARY-LOT</td></tr> <tr><td>Land Class</td><td></td></tr> <tr><td>Income Flag</td><td></td></tr> <tr><td>Seasonal use</td><td>N</td></tr> <tr><td>Influence Type</td><td></td></tr> <tr><td>Influence Effect</td><td></td></tr> <tr><td>L Assessment Class</td><td>RES-PRIMARY</td></tr> <tr><td>Eff. Front</td><td></td></tr> <tr><td>Lot Depth</td><td></td></tr> <tr><td>Sqr. Feet</td><td></td></tr> <tr><td>Acres</td><td>0.35</td></tr> <tr><td>Sewer</td><td>PUBLIC</td></tr> <tr><td>Number Lots</td><td>1</td></tr> <tr><td>Std Lot Sz</td><td>0.27</td></tr> <tr><td>Rate Overide</td><td></td></tr> <tr><td>Zone</td><td>1107</td></tr> <tr><td>Water Available</td><td>Y</td></tr> <tr><td>Off Street Park.</td><td>YES</td></tr> <tr><td>Driveway Access</td><td>FRONT</td></tr> <tr><td>Driveway Type</td><td>ASPHALT</td></tr> <tr><td>Lot Shape</td><td>IRREGULAR</td></tr> <tr><td>Lot Location</td><td>INTERIOR</td></tr> <tr><td>Neighborhood</td><td>101</td></tr> <tr><td>Nbhd Group</td><td></td></tr> <tr><td>Nbhd Type</td><td>STATIC</td></tr> <tr><td>Nbhd Effect</td><td>TYPICAL</td></tr> <tr><td>Topography</td><td>ROLLING</td></tr> <tr><td>Traffic</td><td>LIGHT</td></tr> <tr><td>Traffic Count</td><td></td></tr> <tr><td>Traffic Influence</td><td>TYPICAL</td></tr> <tr><td>Street type</td><td>TWO-WAY</td></tr> <tr><td>Street Finish</td><td>PAVED</td></tr> <tr><td>Curb Gutter</td><td>Y</td></tr> <tr><td>Sidewalk</td><td>Y</td></tr> <tr><td>Wooded</td><td>WOODED</td></tr> <tr><td>Winter Use</td><td>FULL</td></tr> <tr><td>Land View</td><td>NONE</td></tr> <tr><td>External Neg.</td><td></td></tr> <tr><td>Water</td><td></td></tr> <tr><td>Privacy</td><td>N</td></tr> <tr><td>Equestrian</td><td>N</td></tr> <tr><td>Golf</td><td>N</td></tr> <tr><td>Mob Lot</td><td></td></tr> <tr><td>Land Value</td><td>\$ 299,728</td></tr> <tr><td>Sound Value</td><td>\$ 0</td></tr> <tr><td>GreenBelt Date</td><td></td></tr> <tr><td>GreenBlt Audit Dt</td><td></td></tr> <tr><td>GreenBelt Value</td><td>\$ 0</td></tr> <tr><td>GreenBelt Auditor</td><td></td></tr> </table>	Land Record		Record ID	1	Lot Use	RESIDENTIAL	Lot Type	PRIMARY-LOT	Land Class		Income Flag		Seasonal use	N	Influence Type		Influence Effect		L Assessment Class	RES-PRIMARY	Eff. Front		Lot Depth		Sqr. Feet		Acres	0.35	Sewer	PUBLIC	Number Lots	1	Std Lot Sz	0.27	Rate Overide		Zone	1107	Water Available	Y	Off Street Park.	YES	Driveway Access	FRONT	Driveway Type	ASPHALT	Lot Shape	IRREGULAR	Lot Location	INTERIOR	Neighborhood	101	Nbhd Group		Nbhd Type	STATIC	Nbhd Effect	TYPICAL	Topography	ROLLING	Traffic	LIGHT	Traffic Count		Traffic Influence	TYPICAL	Street type	TWO-WAY	Street Finish	PAVED	Curb Gutter	Y	Sidewalk	Y	Wooded	WOODED	Winter Use	FULL	Land View	NONE	External Neg.		Water		Privacy	N	Equestrian	N	Golf	N	Mob Lot		Land Value	\$ 299,728	Sound Value	\$ 0	GreenBelt Date		GreenBlt Audit Dt		GreenBelt Value	\$ 0	GreenBelt Auditor	
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My Map



July 23, 2020



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: Esri,

This map was created by the office of the Salt Lake County Assessor, in

The information depicted here is to be taken as an approximate fit in regards to the spatial position of the layers presented. This map is not intended to represent an actual field Survey of, nor establish the acutal relation between, any of the layers depicted here.

WHEN RECORDED MAIL TO:
Martin W. Szegedi
1200 South Oak Hills Way
Salt Lake Cty, UT 84108

11978617
1/20/2015 11:30:00 AM \$14.00
Book - 10289 Pg - 7014-7015
Gary W. Ott
Recorder, Salt Lake County, UT
PINNACLE TITLE CO.
BY: eCASH, DEPUTY - EF 2 P.

PINNACLE TITLE



**RESPA
Warranty Deed**

Order No. 125331SL

Franklin D. Johnson

Grantor,

hereby CONVEY and WARRANT to

Martin W. Szegedi and Premavathy Rassiah, husband and wife AS JOINT TENANTS
Grantee,

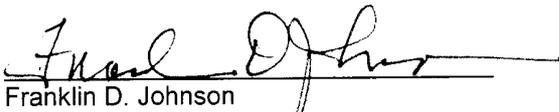
of SALT LAKE CTY, County of SALT LAKE, State of UT, for the sum of TEN DOLLARS and other good and valuable consideration, the following tract of land in SALT LAKE County, State of UT, to-wit

See Attached Exhibit "A"

Parcel Number: 16-11-303-023

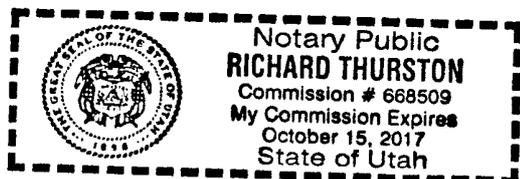
Subject to easements, restrictions and rights of way appearing of record and enforceable in law and subject to 2015 taxes and thereafter.

WITNESS the hand of said grantor, this 20th day of January, 2015


Franklin D. Johnson

STATE OF UTAH)
) ss:
COUNTY OF Salt Lake)

On the 20th day of January, 2015, personally appeared before me Franklin D. Johnson, the signer(s) of the within instrument, who duly acknowledged to me that they executed the same.




Notary Public

Order Number: 125331SL

**Martin W. Szegedi and Premavathy Rassiah
1200 Oak Hills Way
Salt Lake City UT 84108**

EXHIBIT "A"

Lot 17, Oak Hills Plat "A-1", according to the official plat thereof, recorded in Book M of Plats at Page 75, records of Salt Lake County, State of Utah.

Also, The Southerly 10.0 feet of Lot 16, Oak Hills Plat "A-1" more particularly described as follows: Beginning at the Northwest corner of Lot 17, Oak Hills Plat "A-1", and running thence North $0^{\circ}09'33''$ West 10.0 feet; thence North $89^{\circ}50'27''$ East 145.39 feet; thence by a curve to the right (radius North $75^{\circ}26'16''$ West 631.52 feet) a distance of 9.47 feet; thence South $89^{\circ}28'34''$ West 142.93 feet to the point of beginning.

Also, A Portion of Lots 20 and 21, Oak Hills Plat "A-1" described as follows: Beginning at the most Westerly point of Lot 17, Oak Hills Plat "A-1" and running thence North $26^{\circ}24'21''$ East 46.84 feet; thence North $0^{\circ}09'33''$ West 10.00 feet; thence Southwesterly along a straight line to the point of beginning.

Parcel Number: 16-11-303-023

ATTACHMENT B: Appellant's Appeal Brief

BACKGROUND

The Interpretation concluded that a certain accessory structure (the “*Shed*”) located in the side yard of 1200 S. Oak Hills Way, Salt Lake City, Utah (the “*Property*”) “is not a legal noncomplying structure” as contemplated in the SALT LAKE CITY, UTAH CODE (the “*Code*”).

Appellant asserts that the Shed is a noncomplying structure, as contemplated in the Code and, therefore, it “may continue unaffected by any change in ownership.” SALT LAKE CITY, UTAH CODE § 21A.36.020. Additionally, the Shed “may be repaired, maintained or altered, except that no such repair, maintenance or alteration shall either create any new noncompliance or increase the degree of the existing noncompliance of all or any part of such structure.” SALT LAKE CITY, UTAH CODE § 21A.36.050.

The effect of the Interpretation is denial of a building permit to perform maintenance and alteration on the Shed and, upon information and belief, a demand by Salt Lake City to demolish the Shed, which has existed for several decades.

APPLICABLE RULE OF LAW

Any person “adversely affected by a decision administering or interpreting [the Code] may appeal to the appeals hearing officer.” SALT LAKE CITY, UTAH CODE § 21A.16.020. “The standard of review for an appeal . . . shall be *de novo*,” and the appeals hearing officer “shall give no deference to the decision below.” SALT LAKE CITY, UTAH CODE § 21A.16.030(E)(1).

ARGUMENT

In applying the Code to the facts and circumstances, in this instance, the Interpretations makes at least two fatal errors. First, the Interpretation asserts that the Shed can only be a “noncomplying structure” if it strictly complied with some former version of the Code. Second, the Interpretation disregards the fact that there are several similarly situated side yard accessory

structures on lots in close proximity to the Property. Therefore, even if the Shed does not qualify as a noncomplying structure under the Code, selectively enforcing the Code against Appellant would be arbitrary, capricious, and illegal.

I. THE SHED IS A LEGAL NONCOMPLYING STRUCTURE.

While it is true that the Shed does not comply with the current requirements of the Code, that is only half the story. The Code makes exceptions for “noncomplying structures,” providing that such structures “may continue unaffected by any change in ownership,” SALT LAKE CITY, UTAH CODE § 21A.36.020, and “may be repaired, maintained or altered, except that no such repair, maintenance or alteration shall either create any new noncompliance or increase the degree of the existing noncompliance of all or any part of such structure.” SALT LAKE CITY, UTAH CODE § 21A.36.050.

The Code defines the term “noncomplying structure,” as follows:

NONCOMPLYING STRUCTURE: Buildings and structures that serve complying land uses which were legally established on the effective date of any amendment to this title that makes the structure not comply with the applicable yard area, height and/or bulk regulations of this title.

The Interpretation incorrectly concludes that this definition requires proof that the Shed was in strict compliance with some previous version of the Code. However, the applied meaning is overly narrow and, therefore, incorrect. The definition does not contain language expressly requiring strict, or even substantial, compliance with a prior version of the Code. Rather, it merely states that the Shed must have been “legally established on the effective date of any amendment” to the Code. As noted below, even if not in strict compliance with a prior version of the Code, the Shed became “legally established” through the separate legal doctrines of laches and waiver.

It is undisputed that the Shed has existed on the Property for more than 50 years, dating back as far as 1965. (Interpretation, p 3). It is also undisputed that Salt Lake City has had specific knowledge of the Shed for at least 20 years, because the Shed appears on official Salt Lake County tax records and has been subject to property. See **Exhibit A** (Salt Lake County Tax Record). Yet, the City has said and done nothing.

Under these circumstances, even if never in strict compliance with any prior version of the Code, the Shed has been “legally established” under the theory of laches.

“The equitable doctrine of laches is founded upon considerations of time and injury. Laches in legal significance is not mere delay, but delay that works a disadvantage to another.” Insight Assets, Inc. v. Farias, 2013 UT 47, ¶ 17, 321 P.3d 1021, 1025. Laches is “based upon [the] maxim that equity aids the vigilant and not those who slumber on their rights.” Id. “[L]aches has two elements: (1) a party's lack of diligence and (2) an injury resulting from that lack of diligence.” Id. at 1026. Both elements are readily apparent in this case.

The Shed has been present on the Property for over 50 years. The City has had actual knowledge of the existence of the Shed for at least 20 years, and has taken no action. As a direct consequence of the City's lack of diligence (assuming the Shed is, or was, illegal), Appellant purchased the property, complete with the Shed, with the reasonable inference that the Shed was legally established. Accordingly, under the legal theory of laches, the City is precluded from now claiming that the Shed is illegal and must be torn down, because doing so would cause injury to Appellant due to the City's own lack of diligence.

Under the circumstances of this case, the Shed has also been “legally established” under the legal theory of waiver.

“A waiver is the intentional relinquishment of a known right. To constitute a waiver, there must be an existing right, benefit, or advantage, a knowledge of its existence, and an intention to relinquish it. The relinquishment must be distinctly made, although it may be express or implied.” Soter's, Inc. v. Deseret Fed. Sav. & Loan Ass'n, 857 P.2d 935, 938 (Utah 1993) (emphasis omitted).

In this case, the City claims the right to preclude the existence of the Shed in the side yard of the Property. However, the City waived this right through its own inaction, coupled with the distinct act of recognizing the Shed as a taxable “Detached Structure.”

Even if the Shed has never been in strict compliance with any prior version of the Code, the Shed has been “legally established” under the legal theories of laches and waiver, due to the lack of diligence by the City, and the distinct act of recognizing the Shed as a taxable detached structure, and taxing it as such, for the last 20 years.

II. THE CITY IS ESTOPPED FROM DEEMING THE SHED ILLEGAL.

Even if the Shed is not a permissible noncomplying structure, as the Interpretation concludes, the City is equitably estopped from deeming the Shed illegal.

As general rule, equitable “estoppel may not be invoked against a government entity.” Terry v. Retirement Bd., 2007 UT App 87, ¶ 14, 157 P.3d 362 (citing Anderson v. Public Serv. Comm'n, 839 P.2d 822, 827 (Utah 1992)). However, “Utah law provides a limited exception to this rule in unusual circumstances where it is plain that the interests of justice so require.” Vial v. Provo City, 2009 UT App 122, ¶ 26, 210 P.3d 947, 953.

This is just such a case.

As previously noted, the Shed has existed on the property for more than 50 years. The City has had actual knowledge of the Shed for at least 20 years, and has recognized the Shed as a

taxable detached structure. Nevertheless, the City has taken no action. Appellant purchased the Property with the Shed, and has paid property tax on the assessed value of the shed. It would be unjust for the City to now insist that the Shed be removed as an illegal structure, after treating it as a legal, and taxable, accessory building for over 20 years.

III. FORCED REMOVAL WOULD BE ARIBTRARY, CAPRICIOUS, AND ILLEGAL.

Even if the Shed is not a permissible noncompliant structure, forced removal of the Shed would be arbitrary, capricious, and illegal.

A decision of a land use authority is unenforceable if is “arbitrary and capricious; or . . . illegal.” UTAH CODE § 17-27a-801(3). “A decision is arbitrary and capricious if the decision is not supported by substantial evidence in the record. A decision is illegal if the decision is . . . based on an incorrect interpretation of a land use regulation; or contrary to law.” *Id.*

Additionally, a decision is capricious if it is “characterized by or guided by unpredictable or impulsive behavior,” or is “contrary to the evidence or established rules of law.” CAPRICIOUS, Black's Law Dictionary (11th ed. 2019).

In this case, the city has acted unpredictably, an impulsively, by deeming the Shed illegal after 50+ years of its existence, and 20+ years of taxing the Shed as a legal detached structure.

Although the City reviewed some evidence regarding the Shed, it did not consider all the facts of the case and did not consider how those facts impact both the legal and equitable status of the Shed.

Now, some 50 years after the shed was built, 20+ years of the Shed being taxed, and after Appellant purchased the property with the Shed, the City has suddenly deemed the Shed illegal. Such actions are, by definition, arbitrary and capricious.

The City's determination is also illegal, in that it is contrary to the Utah Constitution.

Article I, section 24 of the Utah Constitution provides that all “laws of a general nature shall have uniform operation.” In Utah, a law or regulation is constitutional only if the “operation of the law be uniform. A law does not operate uniformly if persons similarly situated are not treated similarly.” State v. Mohi, 901 P.2d 991, 997 (Utah 1995).

In this case, despite the Shed existing on the Property for more than 50 years, the City has suddenly, and unpredictably, determined that it is illegal, and must be removed. Yet, an examination of other properties in close proximity to the subject Property reveal that there are as many as 31 side yard structures that would be “illegal” under the Code, as the Code is being applied to Appellant. *See* **Exhibit B** (photos of side yard structures).

Accordingly, should the City persist in its view that the Shed is illegal, it would be applying the regulation in an un-uniform, and therefore unconstitutional manner. In short, if the Shed is truly illegal (which Appellant submits, it is not) the City must enforce the Code in the same manner on other similarly situated properties. To do otherwise is contrary to Utah Constitution.

CONCLUSION

The Shed has been “legally established” as a noncomplying structure through the legal theories of laches and waiver. Accordingly, under the Code, the Shed can remain and can be improved so long as the improvement does not increase the noncompliance. Even if the Shed had not been legally established as a legal noncomplying structure, under the circumstances, the City is equitably estopped from deeming the Shed illegal because the Shed has been present on the Property for 50+ years, and the City has recognized the Shed as a taxable structure for at least 20 years. Finally, even if the Shed is not a legal noncomplying structure, requiring Appellant to

remove the building would be unconstitutional because the City is not requiring the same of other similarly situated property owners.

For the reasons established herein, Appellant respectfully requests that the Appeals Officer overrule the Interpretation, and rule the Shed a legal noncomplying structure that may remain on the Property and be improved, so long as the improvements do not increase the noncompliance.

Respectfully submitted this 15th day of February, 2021.

/s/Brett W. Hastings
Brett W. Hastings
HASTINGS LAW GROUP, LLC
Attorney for Appellant

Exhibit A

Salt Lake County Tax Record



Salt Lake County Residential Parcel, More Details Report page. July, 23, 2020

search again

This page shows the assessor's CAMA data, as it was, on May 22, 2020, and will not change until the next tax year.

Residence Record Building Style RAMBLR/RANCH Assessment Classification PR MARY Exterior Wall Type STUCCO Roofing PERMANENT Central AC YES-FA DUCT Heating PRIMRY-CNTRL Foundation YES Msrny Trim NO Owner Occupied Y Number of Stories 2.0 Total Rooms 14 Bedrooms 5 Full Baths 2 3/4 Baths 2 Half Baths 1 Number of Kitchens 1 Finished Fire places 2 Unfinished Fire places Year Built 1953 Effective Year Built 2006 Interior Grade GOOD Interior Condition GOOD Exterior Grade AVERAGE Exterior Condition GOOD Overall Grade GOOD Overall Condition GOOD Visual Appeal AVERAGE Maintenance AVERAGE Conformity EQUAL-IMPRVD Livability AVERAGE Primary Kitchen Quality STANDARD Primary Bath Quality MODERN Main Floor Area 2788 Upper Floor Area Finished Attic Area 560 Above Grade Area 3348 Basement Area 1992 Finished Basement Area 1500 Finished Basement Grade A Carport Sqft. Carport Capacity Attached Garage Sqft. 720 Built-in Garage Sqft. Basement Garage Sqft. Unfinished Area RCN \$ 468,300 RCNLD \$ 412,104 Physical Prcnt Good Economic Prcnt Good Functional Prcnt Good Sound Value Misc Structure Value 1000 Misc Attached Structure B Percent Complete 100		Parcel Record 16113030230000 Owner SZEGEDI, MARTIN W Address 1200 S OAK HILLS WY Total Acreage 0.35 Eco. Unit Acres Owner Occupied Site Name 1200 S OAK HILLS WY Building Permit Tax Class Id - Property Type 111 - SNGL FAM RES Tax District 13 Tax District Location SLCITY/S % Exempt Exempt Type B of E Residential Exemption Detail Year 8 New Grow h Year 18 New Grow h Pct 25 New Grow h Amount Update Year 2009 Reinspection Total Associated MLS Number 1269694		Land Record Record ID 1 Lot Use RESIDENTIAL Lot Type PRIMARY-LOT Land Class Income Flag Seasonal use N Influence Type Influence Effect L Assessment Class RES-PRIMARY Eff. Front Lot Depth Sqr. Feet Acres 0.35 Sewer PUBLIC Number Lots 1 Std Lot Sz 0.27 Rate Overide Zone 1107 Water Available Y Off Street Park. YES Driveway Access FRONT Driveway Type ASPHALT Lot Shape IRREGULAR Lot Location INTERIOR Neighborhood 101 Nbhd Group Nbhd Type STATIC Nbhd Effect TYPICAL Topography ROLLING Traffic LIGHT Traffic Count Traffic Influence TYPICAL Street type TWO-WAY Street Finish PAVED Curb Gutter Y Sidewalk Y Wooded WOODED Winter Use FULL Land View NONE External Neg. Water Privacy N Equestrian N Golf N Mob Lot Land Value \$ 299,728 Sound Value \$ 0 GreenBelt Date GreenBlt Audit Dt GreenBelt Value \$ 0 GreenBelt Auditor	
		Valuation / Tax Year 2020 Land Value \$ 299,700 Building Value \$ 661,500 Final Value: \$ 961,200 Taxable Value UnAv. Cost Land \$ 299,728 RCN \$ 470,767 RCNLD \$ 412,745 Cost Total \$ 712,500 Cost Date Addi ional Land Val \$ 0 Addi ional Bldg Val \$ 0 Inc Calc By Comp Est \$ 0 Comp Sel Date Sel Land Val \$ 299,728 Sel Bldg Val \$ 661,481 Sel Val \$ 961,209 Sel Source AP Bldg Factor Tax Rate not set Economic Tot Val \$ 0			
		Detached Structure Record ID 1 Structure SHED-ENCLSD Description Assessment Class RES-PR MARY Units SQUARE-FEET Measure 1 9 Measure 2 24 Effective Year Built 2007 Actual Year Built 2000 Quality FAIR Condition FAIR Income Flag Replacement Cost New \$ 2,467 Replacement Cost New, Less Depreciation \$ 641 Sound Value \$ 0 Building Number Phy Pct Good Fun Pct Good Ecn Pct Good Pct Complete 100			

Value History /	Tax Year				
	Record	Land Value	Building Value	Final Value	Tax Rate
	ID				
2019	1	\$ 299,700	\$ 652,800	\$ 952,500	.0129960
2018	1	\$ 299,700	\$ 625,000	\$ 924,700	.0133450
2017	1	\$ 291,700	\$ 454,300	\$ 746,000	.0142450
2016	1	\$ 262,700	\$ 348,000	\$ 610,700	.0150010
2015	1	\$ 284,900	\$ 281,800	\$ 566,700	.0158260

search again

Exhibit B

Photos of Similarly Situated Property Owners







ATTACHMENT C: City Attorney Response to Appeal

To: Daniel Echeverria and Appeals Hearing Officer

From: Paul Nielson, Senior City Attorney

Date: March 5, 2021

Re: Appeal of Zoning Administrator Decision - 1200 S. Oak Hills Way

This appeal pertains to a shed located in the side yard of property located at 1200 S. Oak Hills Way that significantly encroaches into the required side yard setback on the north side of the property.

Appellant/property owner, Martin Szegedi (“Appellant”), argues that, 1) the shed as become a legally established under the doctrines of laches and waiver; 2) that equitable principles should estop the city from enforcing its land use regulations because the city has known of the shed’s existence for several decades in light of county assessor records; and 3) that it would be arbitrary, capricious, and illegal for the city to enforce the applicable land use regulations because enforcing those regulations after several decades is somehow unpredictable and impulsive. These arguments are all meritless.

Appellant first asserts that, “even if not in strict compliance with a prior version of the Code, the Shed became ‘legally established’ through the separate legal doctrines of laches and waiver.” Appellant’s Initial Brief at p. 3. To support his arguments regarding laches and waiver, Appellant cites Insight Assets, Inc. v. Farias, 321 P.3d 1021 (Utah 2013) and Soter’s, Inc. v. Deseret Federal Savings & Loan Association, 857 P.2d 935 (Utah 1993), both matters involving all private parties. Insight Assets and Deseret Federal are inapplicable here because those defenses against enforcement of zoning ordinances are unavailable unless there are exceptional circumstances. (See Town of Alta v. Ben Hame Corp., 836 P.2d 797 (Utah App. 1992) and Utah County v. Young, 615 P.2d 1265 (Utah 1980), both citing Salt Lake County v. Kartchner, 552 P.2d 136 (Utah 1975)).

In Kartchner, a Salt Lake County “cruising building enforcement inspector” observed construction of a carport on a residential structure being built without a permit and left a notice at the property regarding permit requirements. Id. at 137. Approximately six months later--when the construction was nearly complete--the same inspector left another notice reiterating the permit requirement, and also notifying the property owner that the carport structure violated the zoning ordinance’s setback requirements. See id. The Kartchner court considered equitable arguments¹ similar to those being made by Appellant in this matter against enforcement of applicable setback requirements and held that,

[e]stoppel, waiver or laches ordinarily do not constitute a defense to a suit for injunctive relief against alleged violations of the zoning laws, unless the circumstances are

¹ The property owner argued that laches should apply where the county failed to enforce its zoning regulations in the early phase of construction when the county inspector posted the first notice. See Kartchner, 552 P.2d at 138.

exceptional. Zoning ordinances are governmental acts which rest upon the police power, and as to violations thereof any inducements, reliances, negligence of enforcement, or like factors are merely aggravations of the violation rather than excuses or justifications therefor.

Kartchner, 552 P.2d at 138. The Supreme Court of Utah in Kartchner actually did find exceptional circumstances where it concluded that Salt Lake County's enforcement of its ordinance was discriminatory because there were several other structures nearby that also did not comply with setback requirements, but the county made no effort to enforce against those other properties. See id. at 140.

This matter is similar to Kartchner in that Appellant argues that equitable principles preclude enforcement of applicable setback requirements, but is clearly distinguishable from that case where Salt Lake City indiscriminately investigates and enforces zoning violations based on complaints received. Appellant asserts that "there are several similarly situated side yard accessory structures on lots in close proximity to" Appellant's property. Appellant's Initial Brief at p. 2-3. If Appellant or any other person notifies the city of specific structures that violate Title 21A of the Salt Lake City Code, the city will investigate and, if violations are found, enforce the code.

Appellant attempts to raise arguments that seemingly point to some exceptional circumstances, namely that the city has had "specific knowledge" of the structure's existence for several decades and that the city has taxed the shed "for the last 20 years." See Appellant's Initial Brief at p. 4-5. Appellant also contends that, "[i]t is undisputed that the Shed has existed on the Property for more than 50 years, dating as far back as 1965." (Appellant's Initial Brief at p. 4). Appellant has not established any of those assertions to be true.

Appellant's arguments regarding the city's specific knowledge based on county tax assessor's records and the city purportedly taxing the parcel for the last 20 years are curious to say the least. Appellant cites no authority for its contention that the city must have known what was in the county assessor's records.² Moreover, the assertion that Salt Lake City knows about all of the structures on property it taxes is just plain false because property taxes are assessed and collected by Salt Lake County, not Salt Lake City. The city is confident that the appeals hearing officer is aware of the different roles and functions of these separate political subdivisions. To be clear, Salt Lake City's land use authorities--including its enforcement personnel--only become aware of what is in the Salt Lake County Assessor's records when there is a specific reason to find out. It seems likely that, at some point, a county employee identified the shed structure and noted it in the county's records for tax purposes. That is not something a Salt Lake City employee would have had any reason to do.

² If Appellant's argument is that the county assessor's acknowledgement of the shed makes it a legalized structure, the city would advise all to review Morrison v. Horne, 363 P.2d 1113 (Utah 1961) and Town of Alta v. Ben Hame Corp., *infra*, which clearly explain why the equitable principles discussed herein will not estop a governmental entity from enforcing its land use regulations in circumstances where the entity that made a property or use related decision had no actual land use regulatory authority.

These specious arguments seem to be offered in an effort to make it appear that Salt Lake City's failure to enforce its regulations decades earlier presents special circumstances that preclude present enforcement. There are no exceptional circumstances in play here and, therefore, laches, waiver, and estoppel should not apply. Unless the appeals hearing officer finds some other exceptional circumstance in this matter, the hearing officer must reject Appellant's arguments and deny relief.

Even *if* the city had specific knowledge of the shed and its encroachment into the side yard setback, the equitable defenses raised by Appellant still would not save him from enforcement, barring any exceptional circumstances. The court in Kartchner held that,

Ordinarily a municipality is not precluded from enforcing its zoning regulations, when its officers have remained inactive in the face of such violations. The promulgation of zoning ordinances constitutes a governmental function. This governmental power usually may not be forfeited by the action of local officers in disregard of the ordinance.

Kartchner, 552 P.2d at 138. The "ordinarily" in that paragraph is a qualifier that leaves open the door for cases where exceptional circumstances are found. But this language makes clear that, even in those cases where the violation is known by the local enforcement agency, the failure to actively pursue enforcement is not, itself, an exceptional circumstance. The courts certainly wouldn't apply the equitable defenses of estoppel, laches, and waiver to this matter where Salt Lake City did not have prior specific knowledge of the violation if the courts won't apply those principles in cases where the local government did have knowledge of the violation and didn't promptly enforce.

For the reasons provided above, Appellant's first two arguments clearly fail and must be rejected.

Appellant's third argument--requiring the shed to be removed would be arbitrary, capricious, and illegal--misunderstands the provisions of Utah Code Section 10-9a-801 and fails to provide any cognizable basis for the hearing officer to provide some remedy to Appellant.

For all of the foregoing reasons, the legal arguments raised by Appellant fail to give the appeals hearing officer any basis to grant the appeal.