



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission
From: Doug Dansie (801) 535-6182
Date: August 27, 2014
Re: PLNPLN2013-00667 640 South 900 West unit legalization

Unit Legalization-Special Exception

PROPERTY ADDRESS: 640 South 900 West

PARCEL ID: 15-024-55-019-0000

MASTER PLAN: 1995 West Salt Lake Master Plan – Moderate Density Residential

ZONING DISTRICT: RMF-35

REQUEST: This is a request by Mr. Nathan Balas, representative of the owner of property located at 640 S 900 W, for a special exception to legalize an additional dwelling unit at the property. The property was originally built as a single-family dwelling, but an additional unit was claimed to be added in the past. The subject property is located in the RMF-35 Moderate Density Multi- Family Residential District. The Planning Commission has final decision making authority for unit legalization special exceptions.

RECOMMENDATION: Based on the analysis and findings in this staff report, Planning Staff recommends that the Planning Commission deny the request, due to the fact that the request does not meet the standards for unit legalization as outlined in the zoning ordinance.

Recommended Motion:

Based on the analysis and findings listed in the staff report, testimony, and evidence presented, I move that the Planning Commission deny the special exception to legalize a second dwelling unit located at 640 South 900 West.

ATTACHMENTS:

- A. Vicinity Map
- B. Photograph
- C. Applicant Information
- D. Analysis of Standards
- E. Staff letters
- F. Additional Information
- G. Motions

PROJECT DESCRIPTION:

Nathan Balas is requesting to legalize an additional dwelling unit at the property located at approximately 640 S 900 W. This application was received as part of the City's unit legalization process, which expired on August 31, 2013. Staff was not able to process the application administratively because the request lacked evidence necessary to meet the requirements. Planning staff made several requests for more information, but did not receive a response from the applicant. As a result, the request is being brought before the Planning Commission to ensure the applicant's due process rights are respected. The request is therefore being taken to the Planning Commission for final approval or denial.

KEY ISSUES:

This special exception request is being forwarded to the Planning Commission because it is lacking in two basic requirements needed to be considered for administrative approval:

1. The petition has inadequate proof of a history of habitation, and
2. The project has a history of enforcement

Issue 1 No record of habitation or maintenance of a unit:

The petitioner included two verified statements (from the same person) that the unit had been occupied prior to April 12, 1995, however, there was no additional evidence such as Polk directory records, utility bill, rental agreements, etc. Staff research into the issue found no Polk directory record of two units.

Requests by staff of the owner to provide any additional information that would help meet the standards of approval for unit legalizations were not responded to. (See Attachment E)

Evidence of habitation is also required a minimum of once every 5 years after April 12, 1995. No evidence has been submitted showing that the unit was occupied or intended to be occupied once every five years after April 12, 1995.

Issue 2 Enforcement:

The site has a history of zoning enforcement during the early 2000's regarding an illegal unit. Discussion with the zoning enforcement officer indicated that the unit was not an improved unit, but was a detached garage (subsequently connected to the main home without permits) being used as sleeping and living space without facilities. The enforcement ordered the owner to remove beds and sofas; which was done and the case closed. (See Attachment F)

One of the requirements for unit legalization is a history of no unresolved enforcement. Although this enforcement action was resolved, it was resolved by removing elements that indicated the unit was being occupied as an additional dwelling unit. The fact that the resolution of this enforcement case resulted in removing the unit more than 10 years ago indicates that the standard for continued habitation has not been satisfied and the unit legalization should be denied,

DISCUSSION:

Prior to September 1, 2013 the Salt Lake City Zoning Ordinance included a process that allowed for a legalization process for dwelling units created an amnesty period for unauthorized units or converted without building permits in the city in order to bring them into conformance with standards, maintain the City's housing stock and to provide a minimum level of safety for such units. The process included

specific standards with the intent that if the standards could be satisfied, the unit(s) would be recognized. These standards are analyzed in Attachment D. After September 1, 2013, the process to recognize these units expired.

As with all Special Exception application, notice of the application was sent to all abutting property owners on September 16, 2013 indicating that if there were no objections raised by abutting property owners and the application complied with all of the standards, the application would be processed administratively. After complete review of the evidence submitted, further City research and unsuccessful attempts to gather additional evidence from the property owner, Staff determined that the legalization did not meet the basic standards for unit legalization. The petitioner was notified by letter (Attachment E) that it would be forwarded to the Planning Commission.

This property is over 8,000 square feet in size and could legally contain two dwelling units. The applicant would have to submit building permits to construct a second unit on the property, something that has not happened. Despite not meeting the standards for unit legalization, the property owner has options to add an additional dwelling unit through the normal building permit process.

NEXT STEPS:

Staff was not able to approve the request administratively because there is not enough evidence to warrant approval of the special exception for unit legalization. Unless evidence is presented at the public hearing it is the Planning Division's opinion that the request should be denied due to lack of evidence indicating the proposal complies with the required standards. If the Planning Commission approves the request, the petitioner is still required to schedule inspections to insure that the unit meets basic building code.

If the Planning Commission denies the application, the property remains zoned RMF-35 and the property could only be used as a single family dwelling until building permits are obtained to create a second unit.

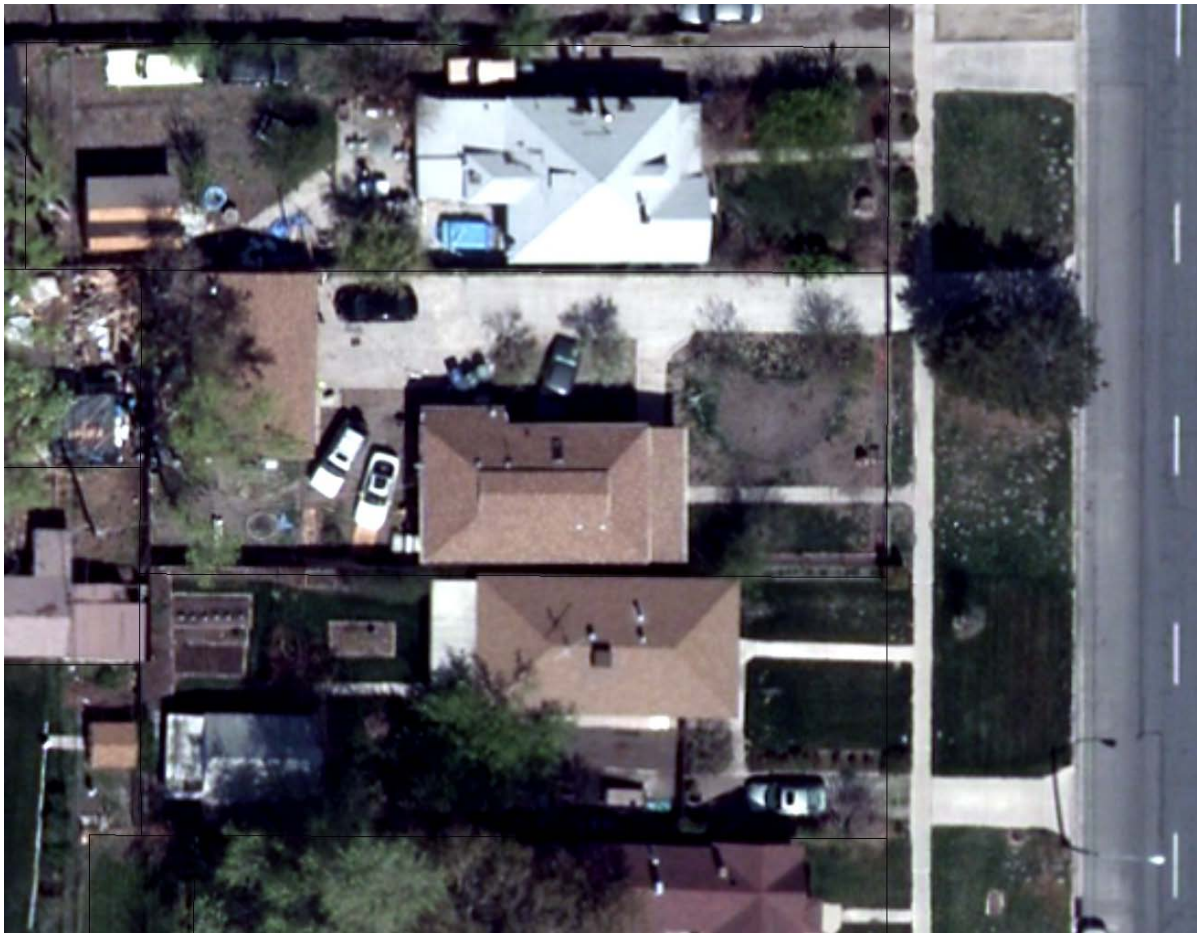
ATTACHMENT A: VICINITY MAP



ATTACHMENT B: PHOTOGRAPH

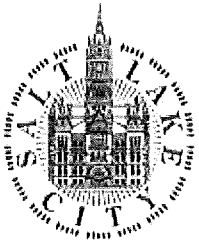


Unit is in detached (now attached) garage at the end of driveway



Aerial of property

ATTACHMENT C: APPLICANT INFORMATION (INCLUDING SITE PLAN)



Special Exception

NOTICE OF APPLICATION

☒ Planning Commission

☐ Historic Landmark Commission

OFFICE USE ONLY

| | | | |
|---------------------------------------|-------------------------------------|------------------------------------|--------------------------|
| Project #: <i>PLNRCM2013-00647</i> | Received By: <i>Jon Anderson</i> | Date Received: <i>8/27/2013</i> | Zoning: <i>RM4-35</i> |
|---------------------------------------|-------------------------------------|------------------------------------|--------------------------|

Project Name:

PLEASE PROVIDE THE FOLLOWING INFORMATION

Type of Special Exception Requested: *Unit Legalization*

Address of Subject Property: *6408 900w Salt Lake City*

Name of Applicant: *Nathan Bales* Phone:

Address of Applicant: *6408 900w Salt Lake City*

E-mail of Applicant: *balanath3@gmail.com* Cell/Fax: *(208)241-4087*

Applicant's Interest in Subject Property:

☒ Owner ☐ Contractor ☐ Architect ☐ Other:

Name of Property Owner (if different from applicant):

Jacki Adams E-mail of Property Owner: *JackiAdams@me.com* Phone:

Jacki Adams *(310)-562-0038*

➔ 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.

WHERE TO FILE THE COMPLETE APPLICATION

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

REQUIRED FEE

➔ Filing fee of \$229.67, plus additional cost of postage for mailing notice to abutting property owners and tenants

SIGNATURE

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

| | |
|---|-------------------------|
| Signature of Owner or Agent: <i>Nathan Bales</i> | Date: <i>8/20/13</i> |
|---|-------------------------|

SALT LAKE CITY PLANNING

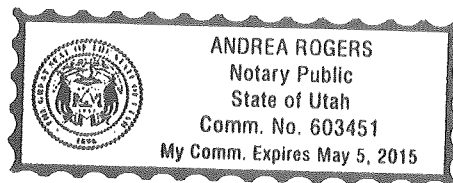
I have resided at 634 south 900 west, Salt Lake City for over 40 years. I first noticed the garage unit at 640 south 900 west being used as a separate living space in the late 1970s. Several different families or groups of people have occupied the back building independently from the front house since that time.

Victor Harris

26

August 22, 2013

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 26th DAY OF August, 2013.
BY Victor Harris
AR
NOTARY PUBLIC



Sense its first occupancy in the late 1970's, I have never seen the back dwelling
be unused for more than a two year span at a time.

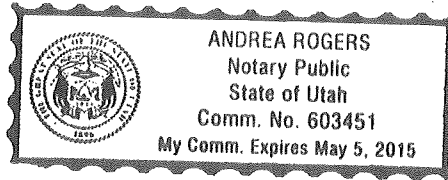
Victor Harris

26

August 22, 2013

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 26th DAY OF August, 2013.
BY Victor Harris

AS
NOTARY PUBLIC



ADDITIONAL SUBMITTAL REQUIREMENTS FOR UNIT LEGALIZATIONS

Staff Review

1. The unit(s) in question must have existed prior to April 12, 1995

Documentation may be provided in any or all of the following ways:

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Copies of lease or rental agreements, lease or rent payments, or other similar documentation showing a transaction between the unit(s) owner and tenants |
| <input type="checkbox"/> | <input type="checkbox"/> | Evidence indicating that prior to April 12, 1995, the city issued a building permit, business license, zoning certificate, or other permit relating to the dwelling unit(s) in question |
| <input type="checkbox"/> | <input type="checkbox"/> | Utility records indicating existence of a dwelling unit(s) |
| <input type="checkbox"/> | <input type="checkbox"/> | Historic surveys recognized by the planning director as being performed by a trained professional in historic preservation |
| <input type="checkbox"/> | <input type="checkbox"/> | Notarized affidavits from a past tenant, neighbor, previous owner, or other individual who has knowledge about the dwelling unit(s) |
| <input type="checkbox"/> | <input type="checkbox"/> | Polk, Cole, or phone directories that indicate existence of the dwelling unit(s) (but not necessarily that the unit was occupied) |
| <input type="checkbox"/> | <input type="checkbox"/> | Any other documentation that indicates the existence of the dwelling unit(s) that the applicant is willing to place into a public record |

2. The dwelling unit(s) has been maintained as a separate dwelling unit(s) since April 12, 1995

Documentation may be provided in any or all of the following ways:

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Evidence indicating that the unit(s) has been occupied at least once every five (5) calendar years |
| <input type="checkbox"/> | <input type="checkbox"/> | Evidence that the unit(s) was marketed for occupancy if the unit was unoccupied for more than five (5) consecutive years |
| <input type="checkbox"/> | <input type="checkbox"/> | Documentation of construction upgrades |
| <input type="checkbox"/> | <input type="checkbox"/> | Evidence that the unit(s) was referenced as a separate dwelling unit at least once every five (5) years |

3. On-site Parking (please show evidence for one or both)

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | That the property can accommodate on-site parking as required by current zoning |
| <input type="checkbox"/> | <input type="checkbox"/> | That the property is located within a quarter (¼) mile of a bus or transit stop |

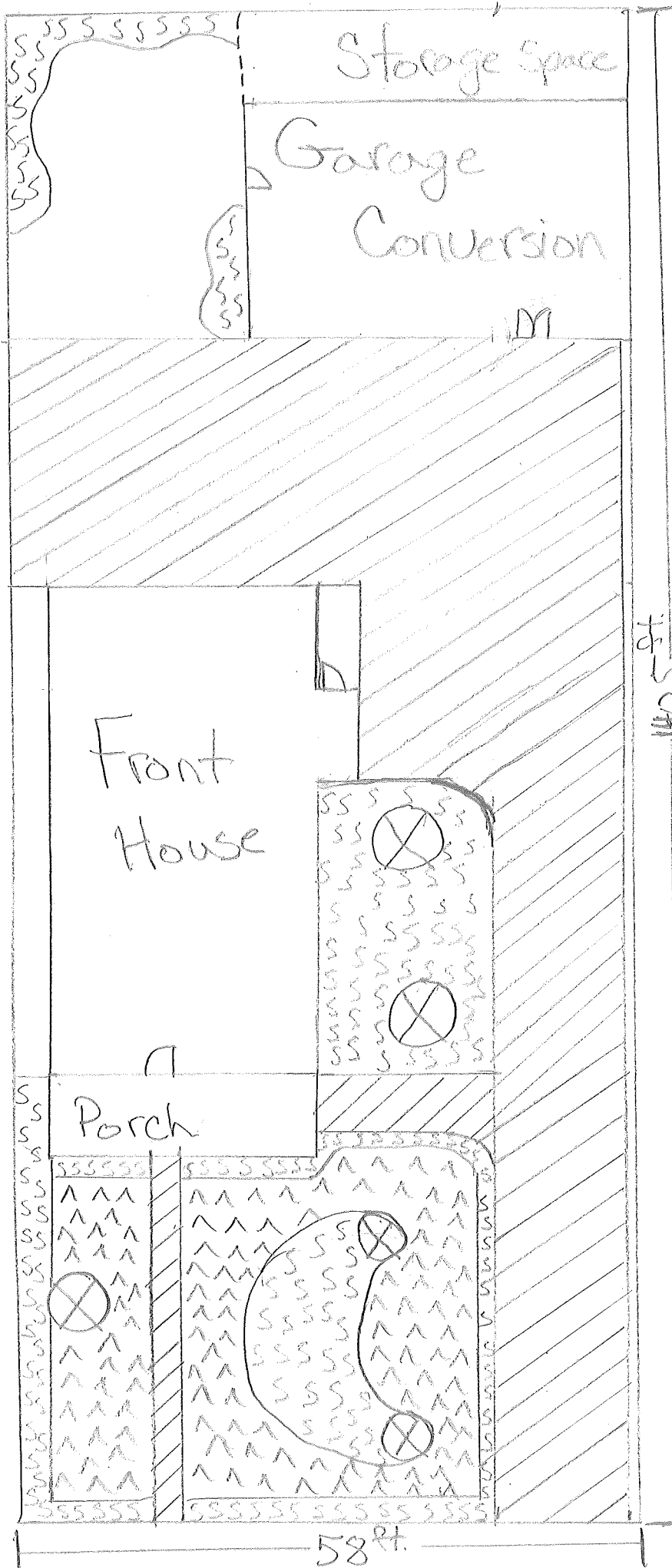
4. No Zoning Violations

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | There is not a history of recurring zoning violations on the property applicable to the current owner |
|--------------------------|--------------------------|---|

CONDITION OF APPROVAL FOR UNIT LEGALIZATIONS

The following Conditions of Approval are necessary to complete the legalization process:

- ➔ The owner of the excess dwelling unit must apply for participation in the City's Landlord Tenant Program within ninety (90) days of Special Exception approval unless otherwise exempt. (All residential rental properties require a business license).
- ➔ The unit(s) owner shall allow the city to inspect the dwelling unit(s) to determine whether the unit(s) substantially complies with basic life safety requirements as provided in Section 18.50 Existing Residential Housing.

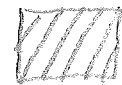


640 S 900 W
Salt Lake City, UT
84104

Key

1 ft = 5.4 cm

Cement/
Driveway



Grass



Tree

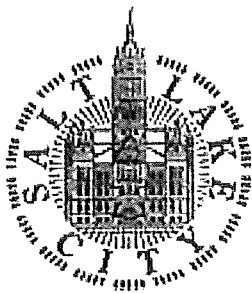


Garden



Project Description 640s 900w

The conversion of the garage into a studio house with complete kitchen, a gas stove, sink, and fridge. A full bathroom with shower, toilet, and sink, and window. Also a sunken bedroom with fire escape window. A front door facing east towards 900w, and a back door facing south into the back yard.



SALT LAKE CITY CORPORATION

Buzz Center

451 South State Street, Room 215 Phone: (801) 535-7700

P.O. Box 145471 Fax : (801) 535-7750

Salt Lake City, Utah 84114

Date: Aug 27, 2013

PLANNING COMMISSION

SALT LAKE CITY, UT

Project Name: UNIT LEGALIZATION 640 S. 900 W

Project Address: 640 S 900 W

Detailed Description:



* P L N P C M 2 0 1 3 - 0 0 6 6 7 *

APPLICANT IS REQUESTING TO LEGALIZE A UNIT INSIDE AN ACCESSORY STRUCTURE

| Description | Qty | Dept | C Ctr | Obj | Amount | | |
|----------------------------|-----|------|-------|--------|----------|------|----------|
| | | | | | Invoice | Paid | Due |
| Invoice Number: 1076827 | | | | | | | |
| Filing Fee (| 1 | 06 | 00900 | 125111 | \$229.67 | | |
| Total for invoice 1076827 | | | | | \$229.67 | | \$229.67 |
| Total for PLNPCM2013-00667 | | | | | \$229.67 | | \$229.67 |

OFFICE USE ONLY

Intake By: AJ1631

CAP ID #

PLNPCM2013-00667

Total Due: \$229.67



* P L N P C M 2 0 1 3 - 0 0 6 6 7 *

www.slcpermits.com

Treasurer's Office
Rcpt# 139877
PL PLNPCM2013-00667 Card
\$229.67 8/27/2013

Please Keep
This Box Clear

ATTACHMENT D: ANALYSIS OF STANDARDS

21a.52.060: General Standards and Considerations for Special Exceptions: No application for a special exception shall be approved unless the planning commission or the planning director determines that the proposed special exception is appropriate in the location proposed based upon its consideration of the general standards set forth below and, where applicable, the specific conditions for certain special exceptions.

| Standard | Finding | Rationale |
|--|-----------------|---|
| A. Compliance With Zoning Ordinance And District Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established. | Complies | The RMF-35 zoning allows for multiple units; however this unit was never created to meet building code and has had enforcement issues. The lot is approximately 8,276 square feet, which would make it large enough to accommodate a second unit in the residence in this zoning district. The additional unit as part of the residence could be allowed if it met building code. |
| B. No Substantial Impairment Of Property Value: The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located. | Complies | The subject property is large enough to meet the minimum requirements for two units in the RMF-35 zoning district. Because two units are allowed by zoning, there is no evidence to suggest that there would be an impairment of value to properties in the neighborhood. |
| C. No Undue Adverse Impact: The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare. | Complies | Because the second unit was created without building permits and was not inspected as part of this process, there are no safeguards in place to protect the health, safety or general welfare of future inhabitants. However, if evidence is presented to satisfy the other conditions, a condition of approval that the unit be inspected and brought up to basic life safety requirements should be attached. |
| D. Compatible With Surrounding Development: The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations. | Complies | The RMF-35 zoning would allow a second unit on the subject property. If all of the zoning requirements (parking, landscaping, etc) were adhered to and applicable building codes complied with, then a second unit could be created without the need for a special exception. |
| E. No Destruction Of Significant Features: The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance. | Complies | Not applicable. There are no historical or natural features on or adjacent to the property or destroyed by the legalization of this unit. |
| F. No Material Pollution Of Environment: The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution. | Complies | The unit legalization will not result in any air, water, soil, or noise pollution. No environmental damage will be done. |
| G. Compliance With Standards: The proposed use and development complies with all additional standards imposed on it pursuant to this chapter. | Does not comply | Does not comply with standards for legalization: specifically does not have a history of identifiable use as a second unit and there is a history of zoning enforcement at this property. |

The following Standards apply to Unit Legalizations

| | | |
|---|--|---|
| <p>1. The dwelling unit existed prior to April 12, 1995. In order to determine whether a dwelling unit was in existence prior to April 12, 1995, the unit owner shall provide documentation thereof which may include any of the following:</p> <ul style="list-style-type: none"> a) Copies of lease or rental agreements, lease or rent payments, or other similar documentation showing a transaction between the unit owner and tenants; b) Evidence indicating that prior to April 12, 1995, the city issued a building permit, business license, zoning certificate, or other permit relating to the dwelling unit in question; c) Utility records indicating existence of a dwelling unit; d) Historic surveys recognized by the planning director as being performed by a trained professional in historic preservation; e) Notarized affidavits from a past tenant, neighbor, previous owner, or other individual who has knowledge about the dwelling unit; f) Polk, Cole, or phone directories that indicate existence of the dwelling unit (but not necessarily that the unit was occupied); and g) Any other documentation that indicates the existence of the dwelling unit that the owner is willing to place into a public record. | <p align="center">Does not comply</p> | <p>The petitioner provided two affidavits (from the same person) claiming that the dwelling unit existed prior to April 12, 1995 (refer to 1.e). The submitted affidavits indicate that the unit was occupied since the late 1970's.</p> <p>No other evidence of use as a dwelling unit (Polk directory, utility bills, etc) was provided by the petitioner or found by staff research. It is the opinion of the Planning Division that the affidavit provided does not satisfy this standard. However, if additional testimony is heard at a public hearing that verifies the dwelling being used prior to 1995, than the Planning Commission should consider whether it is enough to comply with this standard.</p> |
| <p>2. Standard 2: The dwelling unit has been maintained as a separate dwelling unit since April 12, 1995. In order to determine if a unit has been maintained as a separate dwelling unit, the following may be considered:</p> <ul style="list-style-type: none"> a) Evidence listed in standard b(1) indicates that the unit has been occupied at least once every five (5) calendar years; | <p align="center">Does not comply</p> | <p>The petitioner provided affidavits from a neighbor claiming that the second dwelling unit has been continuously used. However, no other evidence has been submitted and the enforcement case from the early 2000's indicating that the unit was removed to bring the property into compliance. This conflicting information brings into question the accuracy of the affidavit. Based on the enforcement action, Planning Staff does not believe that the unit has been maintained as a separate unit every 5 years since 1995.</p> <p>No documentation that the unit has been marketed for occupancy or of construction upgrades has been</p> |

| | | |
|--|------------------------|---|
| <p>b) Evidence that the unit was marketed for occupancy if the unit was unoccupied for more than five (5) consecutive years;</p> <p>c) If evidence of maintaining a separate dwelling unit as required by Subsections (A) and (B) cannot be established, documentation of construction upgrades may be provided in lieu thereof;</p> <p>d) Evidence that the unit was referenced as a separate dwelling unit at least once every five (5) years.</p> | | <p>submitted to support the lack or contrary evidence establishing that the unit has been maintained every 5 years.</p> <p>A zoning enforcement case from 2003 was resolved specifically by declaring that unit was a garage to be used for storage and was NOT a legal dwelling unit. (Attachment F)</p> |
| <p>3. The property where the dwelling unit is located:</p> <p>a) Can accommodate on-site parking as required by this title; or</p> <p>b) Is located within one-quarter (¼) mile radius of a fixed rail transit stop or bus stop in service at the time of legalization.</p> | Complies | <p>The property is located approximately 500 feet from the nearest bus stop.</p> <p>The use of the garage as a living unit occupies the parking space and the remaining area left that will accommodate parking is the driveway and parking pad leading to the former garage.</p> |
| <p>4. There is no history of zoning violations occurring on the property. To determine if there is a history of zoning violations, the city shall only consider violations documented by official city records for which the current unit owner is responsible.</p> | Does not Comply | <p>There is a history of zoning enforcement on the property. Specifically, the use of a detached garage as a living space without basic facilities. The enforcement case was resolved by removal of beds, furniture, etc from the detached garage and the determination that the garage was not a living unit. This indicates that the City notified the property owner of the illegal unit and the property owner removed the unit to resolve the situation. With the illegal unit removed, it means that that any unit that exists on the property was added back to the property, without permits, after 1995.</p> |

(Ord. 15-13, 2013)

ATTACHMENT E: STAFF LETTERS

WILFORD H. SOMMERKORN
PLANNING DIRECTOR

CHERI COFFEY
ASSISTANT PLANNING DIRECTOR

SALT LAKE CITY CORPORATION
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING DIVISION

RALPH BECKER
MAYOR

ERIC D. SHAW
COMMUNITY AND ECONOMIC
DEVELOPMENT DIRECTOR

September 16, 2013

Property Owner and/or Tenant
Adjacent to 640 South 900 West
Salt Lake City, UT 84104

RE: NOTICE OF APPLICATION FOR PETITION PLNPCM2013-00667 –
SPECIAL EXCEPTION TO LEGALIZE A SECOND DWELLING UNIT
AT 640 South 900 West

Dear Property Owner/Tenant:

Pursuant to Section 21A.10.020(B)(3) of the Salt Lake City Zoning Ordinance concerning “Notice of Application for Special Exceptions” and Section 21A.52.030(A)(22) concerning “Special Exceptions Authorized: Legalization of Excess Dwelling Units”, this letter is to provide you notice of an application for a Special Exception to legalize a second dwelling unit at the above referenced address. The applicant has submitted this request because the City currently recognizes one dwelling unit on the subject parcel, and the applicant asserts that historically the structure on the property has operated as a duplex (two dwellings). The applicant has submitted evidence to the City that substantiates this claim. Legalization of excess dwelling units may be granted subject to the following requirements and standards:

1. The dwelling unit existed prior to April 12, 1995.
2. The dwelling unit has been maintained as a separate dwelling unit since April 12, 1995.
3. The property where the dwelling unit is located can accommodate on-site parking or is located within one-quarter mile radius of a fixed rail transit stop or bus stop.
4. There is no history of zoning violations occurring on the property.

The reason that you are being contacted in this matter is because you either own or are a tenant of a property directly adjacent to the applicant's property.


The Planning Director is required to provide a twelve (12) day notice period prior to taking action on this application. At the end of the twelve (12) calendar day notice period, if there are legitimate requests for a public hearing, the Planning Commission will schedule a public hearing and consider the issue; if there are no requests for a public hearing, the Planning Director will decide the issue administratively. The twelve (12) day notice period will expire on **September 30, 2013**.

451 SOUTH STATE STREET, ROOM 406, SALT LAKE CITY, UTAH 84111
P.O. BOX 145480, SALT LAKE CITY, UTAH 84114-5480
TELEPHONE: 801-535-7757 FAX: 801-535-6174 TDD: 801-535-6021
WWW.SLCGED.COM



The contents of the application can be reviewed at the Salt Lake City Planning Division Office located at 451 South State Street, Room 406. If you would like further information, or have any questions, please contact me at (801) 535-6182 or at doug.dansie@slcgov.com

Sincerely,

A handwritten signature in black ink, appearing to read 'Doug Dansie', with a long horizontal flourish extending to the right.

Doug Dansie
Senior Planner
Salt Lake City Planning Division

WILFORD H. SOMMERKORN
PLANNING DIRECTOR

CHERI COFFEY
ASSISTANT PLANNING DIRECTOR

SALT LAKE CITY CORPORATION
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING DIVISION

RALPH BECKER
MAYOR

ERIC D. SHAW
COMMUNITY AND ECONOMIC
DEVELOPMENT DIRECTOR

February 19, 2013

Nathan Balas
640 South 900 West
Salt Lake City, UT 84104

RE: PETITION PLNPCM2013-00667 –
SPECIAL EXCEPTION TO LEGALIZE A SECOND DWELLING UNIT
AT 640 South 900 West

Dear Mr. Balas:

On August 27, 2013 you applied for a special exception to legalize a second unit at the above mentioned property. Pursuant to Section 21A.10.020(B)(3) of the Salt Lake City Zoning Ordinance concerning "Notice of Application for Special Exceptions" and Section 21A.52.030(A)(22) concerning "Special Exceptions Authorized: Legalization of Excess Dwelling Units", a letter was sent to adjacent property owners on September 16, 2013 requesting input regarding the request. No responses were received.

Legalization of excess dwelling units may be granted subject to the following requirements and standards:

1. The dwelling unit existed prior to April 12, 1995.
2. The dwelling unit has been maintained as a separate dwelling unit since April 12, 1995.
3. The property where the dwelling unit is located can accommodate on-site parking or is located within one-quarter mile radius of a fixed rail transit stop or bus stop.
4. There is no history of zoning violations occurring on the property.

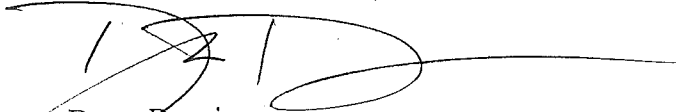
The Planning Director is authorized to approve legalization requests that meet all of the criteria, otherwise such requests must be heard by the Planning Commission.

As part of your application you submitted evidence to the City in the form of two affidavits', from the same person, stating that the separate unit has been occupied since the 1970's. However, upon further internal review we have found no other evidence of a separate unit (Polk directories, legal addresses, etc.). Also, there is a history of enforcement on the property regarding occupation of a garage space, which was resolved with the removal of the beds, etc. from the garage space.

At this time, there is insufficient evidence to indicate that the second unit qualifies for legalization and it may not be approved administratively. If you have additional evidence that the unit meets the criteria for administrative approval, please forward it to me at your convenience. If you have no additional evidence and wish the item to be heard by the Planning Commission, please let me know, so that the item may be scheduled with the Planning Commission for a final decision.

If you would like further information, or have any questions, please contact me at (801) 535-6182 or at doug.dansie@slcgov.com

Sincerely,

A handwritten signature in black ink, appearing to read 'Doug Dansie', with a long horizontal line extending to the right.

Doug Dansie
Senior Planner
Salt Lake City Planning Division

WILFORD H. SOMMERKORN
PLANNING DIRECTOR

CHERI COFFEY
ASSISTANT PLANNING DIRECTOR

SALT LAKE CITY CORPORATION
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING DIVISION

RALPH BECKER
MAYOR

ERIC D. SHAW
COMMUNITY AND ECONOMIC
DEVELOPMENT DIRECTOR

March 27, 2014

Nathan Balas
640 South 900 West
Salt Lake City, UT 84104

RE: PETITION PLNPCM2013-00667 –
SPECIAL EXCEPTION TO LEGALIZE A SECOND DWELLING UNIT
AT 640 South 900 West

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A follow up letter was sent to you on February 19, 2014. A response has not been received.

Legalization of excess dwelling units may be granted subject to the following requirements and standards:

1. The dwelling unit existed prior to April 12, 1995.
2. The dwelling unit has been maintained as a separate dwelling unit since April 12, 1995.
3. The property where the dwelling unit is located can accommodate on-site parking or is located within one-quarter mile radius of a fixed rail transit stop or bus stop.
4. There is no history of zoning violations occurring on the property.

The Planning Director is authorized to approve legalization requests that meet all of the criteria, otherwise such requests must be heard by the Planning Commission.

As part of your application you submitted evidence to the City in the form of two affidavits', from the same person, stating that the separate unit has been occupied since the 1970's. However, upon further internal review we have found no other evidence of a separate unit (Polk directories, legal addresses, etc.). Also, there is a history of enforcement on the property


regarding occupation of a garage space, which was resolved with the removal of the beds, etc. from the garage space.

At this time, there is insufficient evidence to indicate that the second unit qualifies for legalization and it may not be approved administratively. If you have additional evidence that the unit meets the criteria for administrative approval, please forward it to me within 30 days.

If no additional evidence is received within 30 days, the item will be scheduled with the Planning Commission for a final decision based upon the evidence that exists.

If you would like further information, or have any questions, please contact me at (801) 535-6182 or at doug.dansie@slcgov.com

Sincerely,

A handwritten signature in black ink, appearing to read 'Doug Dansie', with a long horizontal line extending to the right.

Doug Dansie
Senior Planner
Salt Lake City Planning Division

ATTACHMENT F: ADDITIONAL INFORMATION

Address 6400 8th Street Date 8-17 1977Owner Fony Signature707-2291834Building Permit No. 18197 24066-3-5-59 upfront

Electrical Permit No.

Plumbing Permit No.

Building Permit No. 13746-6-25-73 19013-5-9-74 8-17Electrical Permit No. 17748-6-1-74 condemned house

Plumbing Permit No.

Building Permit No. 19013-5-9-74

Electrical Permit No.

Plumbing Permit No.

Electrical Permit No.

Electrical Permit No.

| Parcel Address | Parcel Number | Parcel Land used | Parcel Zoning |
|----------------|-----------------------|-------------------------|---|
| 640 S 900 W | <u>15024550190000</u> | SINGLE FAMILY RESIDENCE | RMF-35:MODERATE DENSITY MULTIFAMILY RESIDENTIAL DISTRICT |

Parcel Structure Addresses: 640 S 900 W

Parcel Sub Structure Addresses:

Owner: ADAMS, JACQUELINE

640 S 900 W

SALT LAKE CITY, UT 84104-1357

Acreage: 0.19 Land Value: 49800.00

Taxable Value: 76340.00 Bldg. Value: 89000.00

Green Belt value: 0 Final Value: 138800.00

Legal 0519

Desc.: BEG AT NE COR LOT 8, BLK 16, PLAT C, SLC SUR; S 3 1/2 RDS; W
8 RDS; N 3 1/2 RDS; E 8 RDS TO BEG. TOGETHER WITH 1/2
VACATED ALLEY ABUTTING ON W 4678-1409 5968-0114 6111-1869
6728-0566 7140-2771 7228-1315 7524-1456 7524-2723 8457-3243
8591-1660 9664-2967,5752 9694-0023

C.C.: Poplar Grove

C.D.: COUNCIL DISTRICT 2

Permit Number: **108059** Issue Date: 04/19/1996 Building
Contractor: Not on File Inspector: GIL ANDERSON
Job Type: BUILDING PERMIT Job Status" FINAL
Valuation: \$2,000.00 Fee: \$68.48
Owner: Osman Talic

Last Update: 10/17/1996 Updated By: bc1609

Est Cost: \$2,000.00 Constuction REMODEL Building 1 FAMILY
Sq Ft: 225 Kind: Nmbr 1 Type: Res 1
Garage Attach Detach: Buildings: Units:
Certificate Occ: Cert Inspect Every: 120
Frame: x Brick: Brick Var: Block:
Steel: Concrete: Asphalt: Stucco:

Comments:
interior remodel bedrooms and laundry, new ext door.

Permit Number: **108060** Issue Date: 04/19/1996 General
Contractor: Not on File Inspector: TIM COLLINGS
Job Type: PLUMBING Job Status" FINAL
Valuation: \$0.00 Fee: \$12.00
Owner: Osman Talic (owner)

Last Update: 09/30/1996 Updated By: bc1609

Comments:
1 fixture and 1 water heater

Permit Number: **108061** Issue Date: 04/19/1996 General
Contractor: Not on File Inspector: HOUSTON, JEFF
Job Type: ELECTRICAL Job Status" FINAL
Valuation: \$0.00 Fee: \$20.00
Owner: Osman Talic (owner)

Last Update: 10/24/1996 Updated By: bc1609

Comments:
elec remodel, s/f

Permit Number: **114272** Issue Date: 10/18/1996 General
Contractor: OWNER Inspector: TIM COLLINGS
Job Type: MECHANICAL Job Status" FINAL
Valuation: \$0.00 Fee: \$21.00
Owner: TALIC OSMAN

Last Update: 10/22/1996 Updated By: lb2305

Comments:
GAS LINE

DEPARTMENT COPY

INVOICE

B. M. I.

SALT LAKE CITY CORPORATION

NO. 19013
DATE 9-9-74
REFER 4303-9-4-74

M. Fr-110. Ryer
640 South 900 West

AUDITED ACCOUNT

21-1

PAY TO CITY TREASURER.

NOT VALID UNLESS RECEIPTED BY CITY TREASURER.

PERMIT TO Repair Condemned Home
Interior only. Repair Foundation.
1 Fam Res 1800sq

Conf. Diver
Est Cost \$1800.00

18.00

APPROVED C. E. P.
CITY ENGINEER

BY R
Flatpakit © Moore Business Forms, Inc.

TOTAL 18.00

Permit Number: **116114** Issue Date: 01/02/1997 Building
Contractor: OWNER Inspector: GIL ANDERSON
Job Type: BUILDING PERMIT Job Status" VOID
Valuation: \$1,000.00 Fee: \$38.23
Owner: TALIC OSMAN

Last Update: 07/16/2002 Updated By: tp1409

Est Cost: \$1,000.00 Constuction BUILD Building 1 FAMILY
Sq Ft: 1,505 Kind: Nmbr 1 Type: Res
Garage Attach Detach: Buildings: Units:
Certificate Occ: Cert Inspect Every: 120
Frame:x Brick: Brick Var: Block:
Steel: Concrete: Asphalt: Stucco:

Comments:
NEW COVERED WALKWAY FOR A S/F/D

Permit Number: **186000** Issue Date: 07/31/2003 Building
Contractor: SL COMMUNITY ACTION PROGRAM Inspector: JAMES VIERRA
Job Type: BUILDING PERMIT Job Status" ACTIVE
Valuation: \$484.00 Fee: \$0.00
Owner: VILIAMI NUSI

Last Update: 07/31/2003 Updated By: wh2459

Est Cost: \$484.00 Constuction REPAIR Building 1 FAMILY
Sq Ft: 984 Kind: Nmbr 1 Type: Res 1
Garage Attach Detach: Buildings: Units:
Certificate Occ: Cert Inspect Every: 120
Frame: Brick: Brick Var: Block:
Steel: Concrete: Asphalt: Stucco:

Comments:
REPLACE 4 WINDOWS. IBC: D DAVIES, ZONING: A HARDMAN.

Permit Number: **5000783** Issue Date: 04/01/1996 Flag
Contractor: OWNER Inspector: GARY RIGLER
Job Type: ADDRESS FLAG Job Status" FINAL
Valuation: \$0.00 Fee:
Owner: TALIC OSMAN

Last Update: 04/01/1996 Updated By: cs9375

Comments:
REROOF AND REPAIR WITHOUT PERMITS - OWNER IS CONTRACTOR -
NO D/F - ELECTRICAL AND PLUMBING PERMITS ALSO REQUIRED.

Permit Number: **5001493** Issue Date: 12/18/1996 Flag
Contractor: Not on File Inspector: GARY RIGLER
Job Type: ADDRESS FLAG Job Status" FINAL
Valuation: \$0.00 Fee:
Owner:

Last Update: 03/10/1998 Updated By: bc1609

Permit Number: **5005648** Issue Date: 02/26/2002 Flag
Contractor: Not on File Inspector: INQUIRY FOR LEGALIZATION
Job Type: ADDRESS FLAG Job Status" ACTIVE
Valuation: \$0.00 Fee:
Owner:

Last Update: 02/26/2002 Updated By: bc1609
Comments:
 INQUIRY FOR DUPLEX; GARAGE HAS BEEN CONVERTED INTO A
 DWELLING

Permit Number: **5006776** Issue Date: 07/29/2003 Flag
Contractor: SL COMMUNITY ACTION PROGRAM Inspector: CALFA, ENZO
Job Type: ADDRESS FLAG Job Status" FINAL
Valuation: \$0.00 Fee:
Owner:

Last Update: 07/31/2003 Updated By: wh2459
Comments:
 FEES WAIVED TO REPLACE 4 WINDOWS, ATTIC INSULATION; \$484.04
 VALUATION

DIVISION OF HOUSING AND NEIGHBORHOOD DEVELOPMENT

S E R V I C E R E Q U E S T

8/13/2014

I N F O R M A T I O N

Case #: 116434

Sidwell #: 15-02-455-019-0000

HAND District:

Address: 640 S 900 W (900 W)

Council District:

Owner ADAMS, JACQUELINE

Info : 2797 CRESTON DR LOS ANGELES CA 90068-2209

Status: RESOLVED

Input date: 06/09/2003

Inspector: MADRILL, WENDY

Input by: mw2408

Complete date: 8/7/2003

REQUEST / COMMENT

Junk and a bad smell from cutting up meat.

VIOLATIONS

CE54 - JUNK/UNLICENSED VEHICLES RESIDENTIAL

WORK ACTIONS

| Action | Inspector | Action Description | Date - Time | Mailed | Date |
|-----------------|-----------|---|-------------------|--------------------------|------------|
| AD 10 - FINAL | 54 | Inspection with Gary today shows garage is now only used for storage. All beds and other items for garage to be lived in have been removed. Property is now in compliance. Final case with no fines. dh | 08/07/03 -- 01:00 | <input type="checkbox"/> | |
| AD 31 - MAILED | 54 | Mailed and served Notice and Order to owner's son. dh | 07/28/03 -- 02:15 | <input type="checkbox"/> | 08/25/2003 |
| AD 06 - CIVIL | 25 | I reviewed the plans permit #116114. The plans show that a 4 foot seperation was required between the principal structure and the covered walkway. Sending a Civil N&O Zord 1, Z40A \$25 per day. Z-36B \$25 per day. Z-36B \$25 day Assigned to Wendy M. #54. | 07/25/03 -- 10:00 | <input type="checkbox"/> | 07/28/2003 |
| AD 22 - PHONE | 25 | I received a call from Jimmy Woe with Coldwell Bankers. He stated that the garage was never considered to be used for living space. He stated that it was to be used for storage only. He asked me to fax him a copy of our warning letter with the ordinance number and he will go speak with the owners. dh | 07/21/03 -- 05:00 | <input type="checkbox"/> | 07/28/2003 |
| AD 13 - | 25 | Inspected the property with the Police Dept. Sam Tausinga translated. The garage has people sleeping in it and there is still outdoor storage. The owners stated that they were told that the detached garage could be used for habitable space when they bought the home. dh | 07/21/03 -- 01:45 | <input type="checkbox"/> | 07/28/2003 |
| AD 13 - | 54 | I have left a message for Sam Tausinga to call me so I can schedule an inspection time and date. I will follow up accordingly. dh | 07/15/03 -- 10:15 | <input type="checkbox"/> | 07/21/2003 |
| AD 27 - ZONE 1 | 54 | Sending owners a Zone 1 letter for junk and illegally attached garage. dh | 06/12/03 -- 09:00 | <input type="checkbox"/> | 06/30/2003 |
| AD 18 - INITIAL | 54 | Met owners and Detective Hamday during inspection. We verified no animals being cut up in yard. Owners help church prepare food for events. I did find a lot of outdoor storage and noted that owners have attached garage to home. dh | 06/09/03 -- 02:00 | <input type="checkbox"/> | 06/30/2003 |

DIVISION OF HOUSING AND NEIGHBORHOOD DEVELOPMENT

S E R V I C E R E Q U E S T

8/13/2014

INFORMATION

Case #: 116434

Sidwell #: 15-02-455-019-0000

HAND District:

Address: 640 S 900 W (900 W)

Council District:

Owner ADAMS, JACQUELINE

Info : 2797 CRESTON DR LOS ANGELES CA 90068-2209

Status: RESOLVED

Input date: 06/09/2003

Inspector: MADRILL, WENDY

Input by: mw2408

Complete date: 8/7/2003

INSPECTOR'S COMMENT

DIVISION OF HOUSING AND NEIGHBORHOOD DEVELOPMENT

S E R V I C E R E Q U E S T

8/13/2014

INFORMATION

Case #: 109358

Sidwell #: 15-02-455-019-0000

HAND District:

Address: 640 S 900 W (900 W)

Council District:

Owner ADAMS, JACQUELINE

Info : 2797 CRESTON DR LOS ANGELES CA 90068-2209

Status: RESOLVED

Input date: 05/20/2002

Inspector: RIGLER, GARY

Input by: kj3134

Complete date: 5/20/2002

REQUEST / COMMENT

Garbage all over, smells, loud parties.

VIOLATIONS

CE01 - INVALID COMPLAINT

WORK ACTIONS

| Action | Inspector | Action Description | Date - Time | Mailed | Date |
|---------------|-----------|--|-------------|--------------------------|------|
| AD 10 - FINAL | 25 | Property is cleaned up. Called complainant. She stated they must have cleaned the property up over the weekend. Final case. jk | 05/20/02 -- | <input type="checkbox"/> | |
| | | | | <input type="checkbox"/> | |

INSPECTOR'S COMMENT

Case number : 116434
Address : 640 S 900 W (900 W)
Sidwell # : 15-02-455-019-0000
Taken Date : 6/10/2003 00:00:00
Comment :

Image number: 2



Case number : 116434

Image number: 6

Address : 640 S 900 W (900 W)

Sidwell # : 15-02-455-019-0000

Taken Date : 7/21/2003 00:00:00

Comment :



Case number : 116434

Image number: 5

Address : 640 S 900 W (900 W)

Sidwell # : 15-02-455-019-0000

Taken Date : 7/21/2003 00:00:00

Comment :



ATTACHMENT G: MOTIONS

Not Consistent with Staff Recommendation:

Based on the analysis and findings listed in the staff report, testimony, and plans presented, I move that the request for a special exception to legalize an accessory unit be approved and the petitioner complete the process by scheduling and completing inspections to finalize the unit legalization.