



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Planning Commission
From: Anna Anglin (801.535.6050)
Date: September 9, 2015
Re: PLNSUB2015-00298 Kontgis Subdivision

MINOR SUBDIVISION

PROPERTY ADDRESS: 809 South 800 East and 810 East 800 South
PARCEL ID: 16-08-176-003 and 16-08-176-024
MASTER PLAN: Central Community Master Plan
ZONING DISTRICT: R-2 (Single and Two- Family Residential)

REQUEST: Chris Kontgis has submitted a request for a minor subdivision for the properties located at 809 South 800 East and 810 East 800 South. The request includes combining two properties into one, which will create an oversized lot in the R-2 zoning district.

RECOMMENDATION: Based on the information in this staff report, Planning Staff recommends that the Planning Commission deny the proposed application because it does not comply with the applicable standards; A proposed motion that supports this recommendation is below:

I move that the Planning Commission deny PLNSUB2015-00298, the Kontgis Subdivision based on the following findings:

1. The proposal does not comply with Subdivision Ordinance section 20.16.100 because the proposal creates a larger double frontage lot than what exists today and Subdivision Ordinance section 20.12.020 F prohibits double frontage lots except where they are necessary due to topographic or other unusual circumstance.
2. The proposal does not comply with the standards for oversized lots in the R2 zoning district specifically because the proposed lot is not compatible with the lot sizes for properties that have frontage on 800 East as required in Zoning Ordinance section 21A.24.110G1.

ATTACHMENTS:

- A. Vicinity Map
- B. Preliminary Subdivision
- C. Community Comments
- D. Department Comments
- E. Photos of property

PROJECT DESCRIPTION:

The subject property is located at 809 South 800 East and 810 East 800 South. The zoning for the parcel is R-2 (Single and Two- Family Residential). The use for the parcel facing 800 East is a duplex and the parcel facing onto 800 South is a vacant lot. This lot is currently used for storage associated with the lot located at 809 South 800 East. This lot contained a residence from approximately 1927 until 1989, when the house was demolished. The parcel facing 800 South is adjacent to a grocery store and the parcel facing 800 East is in-between a single family home and a small retail business.

Proposal Details

The proposed subdivision would combine parcels 16-08-176-003 and 16-08-176-024 into one. The existing parcels are approximately .12 acres (5,227 Square feet) and .16 acres (6,969 Square Feet). The proposal would create a lot that is 0.28 of an acre (12,196.8 square feet). The R-2 (Single and Two- Family Residential) requires any lots greater than 12,000 square feet go through the preliminary subdivision process.

KEY ISSUES:

Issue 1: Neighborhood concerns

Planning staff has received several emails from individual property owners expressing concern about the proposed subdivision. One concern was the fact that the area was recently rezoned for low density residential (R-2 Single and Two- Family Residential). The intent for rezoning was to protect the homes and character of the area. In 2014, the City Council approved a zoning map amendment that changed the zoning for many of the residential properties from RMF-30 to R-2, including the subject parcels. The proposed subdivision would not create a new developable parcel or allow for any additional dwelling units to be constructed on the property. Therefore, the proposal does comply with the intent of the 2014 zoning map amendment.

The primary concern appears to be related to the use of the property located at 810 East 800 South. The current use of the property is for storage, which is not allowed in the R-2 zoning district. The property has been used as such for years and is currently under enforcement. Members of the community are concerned about the outcome if the lots were to be consolidated. Their fear is that the lot consolidation is an attempt to continue the use and come into compliance with zoning. The applicant would need to do several things to come into compliance. He would be required to provide hard surfacing for parking vehicles in the rear yard, obtain building permits for any illegal accessory structures on the property, and obtain a special exception for the over height fence along the front of the property. Another concern community members have had is the lack of communication between the property owner and neighbors. All community comments are in attachment C of this document. However, these issues are not related to whether or not the subdivision meets all of the applicable subdivision standards.

Issue 2: Creating a larger, double frontage lot

The lot standards in the subdivision ordinance states double street frontage lots should not be created unless there is unusual conditions existing, or the topography of the land requires it. The lot located at 809 South 800 East already has street frontage off of 800 South in order to have access to the detached garage of approximately 30 feet. The street frontage off of 800 East is too narrow to have a driveway off of it and the detached garage is facing 800 South.

In addition, the current width is an average driveway width for most residential uses. If the lots are combined, the property would have two access points off of 800 South and the double street frontage would increase to 111.88 feet. This is a large area of street frontage to not have any buildings and would not be conducive to the character of the area as well. In addition, it would increase the number of drive approaches for a single parcel.

Issue 3: Compatibility of the lots with the existing lots on the block face

The proposed subdivision would create a lot that is considered a double frontage lot. A double frontage lot is different than a corner lot because a corner lot, by necessity, is located at the intersection of two streets. A double frontage lot is a lot that has frontage on two streets, but not at the corner. Double frontage lots create unusual development patterns and make the administration of the zoning ordinance difficult and are prohibited except in certain instances. In this case, the lot that fronts on 800 East also has frontage on 800 South. The 800 South street frontage is used to access the off street parking located behind the existing duplex. This access is necessary due to the narrow width of the lot. The issue at hand is that by combining the lots, the two lots become one single lot with the majority of the street frontage sitting vacant along 800 South. This is not compatible with the development pattern of the area. Furthermore, combining the lots into one makes it so the existing lot at 810 East 800 South will not be developed. The Master Plan for the area calls for undeveloped lots to be developed. Doing so helps maintain the existing character and fills in gaps in the block face and streetscape. The lot could be built as a single family dwelling given the lot area, which fits into the development pattern of the area and the R2 zoning district.

Issue 4: Loss of a developable Parcel

The proposed Kontgis Subdivision would change a developable lot into an undevelopable lot, creating a rear yard with street frontage on 800 South. This change would be permanent due to the lot size of the existing lots and would cause

the area to essentially lose another potential single family home, which is something the master plan specifically says the area needs more of.

If the lots were to be combined, they could not be subdivided back to the current condition without a change in the minimum lot sizes in the R2 zoning district. Duplexes in the R-2 zoning district requires a minimum lot size of 8,000 square feet, and single family homes have a minimum lot size requirement of 5,000 square feet. The combined lot size of both parcels would be 12,196.8 square feet, which is approximately 800 square feet smaller than what the zoning districts requires for a duplex and a single family home. Both lots are legally existing lots. The City ordinance allows for legally existing lots to continue the legal use already established on the property. This means the duplex use is allowed and the vacant property can be developed as a single family home. But if the lots were combined, then the property would lose the ability to be developed as a single family home.

**STANDARDS:
Minor Subdivision Standards for Approval**

Section **20.16.100** of the Salt Lake City ordinance requires subdivision be approved based on the standards listed below:

Standard	Finding	Rationale
<p>A. The subdivision complies with the general design standards and requirements for subdivisions as established in Section 20.12</p>	<p>Does not Comply</p>	<p>Section 20.12.020 LOT DESIGN STANDARDS states the following:</p> <p>The size, shape and orientation of lots in a subdivision shall be appropriate to the location of the proposed subdivision and to the type of development contemplated. The following principles and standards shall be observed:</p> <p>F. Double Frontage Lots: Lots other than corner lots, having double frontage shall not be approved except where necessitated by topographic or other unusual conditions.</p> <p>The lot facing onto 800 East is a double street frontage lot, with approximately 29.35 feet of street frontage on 800 South to access the existing detached garage. Combining the two lots would create a new lot with a larger street frontage of 111.88 feet with rear yard. The result of enlarging the double frontage lot is that it ensures that the frontage on 800 South will remain essentially a large vacant frontage. Although the lot on 800 East is already a double frontage lot, expanding it to include more area is not consistent with the intent of this standard. Maintaining the lot as a standalone lot keeps open the possibility of a future development on the site as is called for in the master plan.</p> <p>In order to increase the street frontage of a double frontage lot, there would need to be some type of special circumstance to allow for the double street frontage non-compliance to be increased. Staff finds no circumstance where a double street frontage lot would be required.</p>
<p>B. All buildable lots comply with all applicable zoning standards;</p>	<p>Does not comply with 21A.24.110 G2</p>	<p>The new lot will be 12,196.8 square feet. The R-2 zoning district allows lots to be greater than 12,000 square feet through a preliminary subdivision process if it meets the standards found in section 21A.24.110G of the Salt Lake City Zoning Ordinance and are listed below:</p> <p>G. Maximum Lot Size: With the exception of lots created by a subdivision or subdivision amendment recorded in the office of the Salt Lake County recorder, the maximum size of a new lot shall not exceed one hundred fifty percent (150%) of the minimum lot size allowed by the base zoning district. Lots in excess of the maximum lot size may be created through the subdivision process subject to the following standards:</p> <p>1. The size of the new lot is compatible with other lots on the same block face: Block face is defined as:</p>

BLOCK FACE: All of the lots facing one side of a street between two (2) intersecting streets. Corner properties shall be considered part of two (2) block faces, one for each of the two (2) intersecting streets. In no case shall a block face exceed one thousand feet (1,000').

The vacant lot facing 800 South is in-between a grocery store and a very small retail space. The block face does not have an established lot size for residential uses; however, the lot sizes range between 1,742 square feet to over 4 acres. Most of the lots facing on 800 South street are used as part of the grocery stores parking area. The address and size of each lot on the block face are listed below:

Address	Zoning District	Approximate Lot Size
801 S 800 E	SNB	1,742 SQ FT
810 E 800 S	R-2	6,648 SQ FT
834 E 800 S	CB	27,000 SQ FT
850 E 800 S	CB	8,028 SQ FT
876 E 800 S	CB	4.25 acres

The lots facing onto 800 East have an average lot size of 8,439 square feet. The smallest lot is approximately 1,742 square feet and is used as a small retail business. The largest parcel on the block face is 21,780 square feet and is used for multi-family residential. The proposed lot would be 12,196.8 square feet. The address and size of each lot on the block face are listed below:

Address	Zoning District	Approximate Lot Size
801 S 800 E	SNB	1,742 SQ. FT.
809 S 800 E	R-2	5,227 SQ. FT.
813 S 800 E	R-2	6,969 SQ. FT.
817 S 800 E	R-2	6,969 SQ. FT.
823 S 800 E	R-2	6,098 SQ. FT.
829 S 800 E	R-2	6,098 SQ. FT.
833 S 800 E	R-2	12,632 SQ. FT.
847 S 800 E	RMF-45	21,780 SQ.FT
Average lot size:		8,439 SQ.FT.

The proposed lot would be larger than the average lot size on the block face, but not the largest lot. The two larger lots are located on the southern end of the block face and neither is a double frontage lot. The proposed lot would meet this standard.

2. The configuration of the lot is compatible with other lots on the same block face:

As discussed previously, If the lots were to be combined, it would create a lot that has double street frontage, which is not compatible with the surrounding area. There are no other lots on either block face that are considered double frontage lots other than the corner properties, which by necessity have frontage on two different streets. Therefore, the proposal is not compatible with the surrounding area.

		<p>3.The relationship of the lot width to the lot depth is compatible with other lots on the same block face:</p> <p>The lot fronting on 800 East will not change in width; however, the depth will change to approximately 165 feet. The depths for the lots facing onto 800 East range from approximately 53 feet to approximately 218 feet. Because the proposed lot falls within the range in depth of existing lots, it would be compatible with the existing lots as to lot depth.</p> <p>The lot depth for the parcel facing onto 800 South will not change. The lot width will increase by thirty feet, which is smaller than most of the existing lots fronting onto 800 east.</p>
C. All necessary and required dedications are made;	Complies	No dedications are required.
D. Water supply and sewage disposal shall be satisfactory to the Public Utilities Department director;	Complies with conditions	The Public Utilities Division will require that the unused water meter on the vacant property be removed before the lot consolidation is approved. In addition, all site and remodel work will require public utilities review.
E. Provisions for the construction of any required public improvements, per section 20.40.010, are included;	Complies with conditions	Engineering is requiring the applicant to either replace the existing drive approach on the lot facing 800 South with curb and gutter, or provide hard surfacing to a legal off street parking area. All off street parking requirements would need to be met in order to keep the existing drive approach.
F. The subdivision otherwise complies with all applicable laws and regulations.	Complies	There are no other applicable laws and regulations that relate to the subdivision.
G. If the proposal is an amendment to an existing subdivision and involves vacating a street, right-of-way, or easement, the amendment does not materially injure the public or any person who owns land within the subdivision or immediately adjacent to it and there is good cause for the amendment.	Complies	The proposed lot consolidation is not part of an existing subdivision and this standard does not apply

PUBLIC PROCESS AND INPUT

Timeline

- The application was submitted on 4/21/2015
- Mailings were sent out on 8/26/2015.
- Sign was posted at 809 South 800 East and 810 East 800 South on 8/30/2015.

Comments received

See attachment D for comments.

NEXT STEPS:

If the proposed subdivision is denied, then the properties will remain as two separate parcels. Any enforcement issue will be addressed by Civil Enforcement. If the planning commission finds that the proposal does comply with all of the standards, then the commission needs to make findings that are contrary to the findings recommended by staff. A motion is provided below to help the commission with this process if that is the direction the commission determines to go:

Not Consistent with Staff Recommendation: Based on the information in the staff report, testimony and the plans presented, I move that the Commission approve the request for lot consolidation located at 809 South 800 East and 810 East 800 South with the condition it meets all zoning code requirements and the conditions listed in the staff analysis. Specifically, the Commission finds that the proposed project does substantially comply with Standards (Commissioner then states findings based on the Standards to support the motion):

20.16.100: STANDARDS OF APPROVAL FOR PRELIMINARY PLATS:

All preliminary plats for subdivisions and subdivision amendments shall meet the following standards:

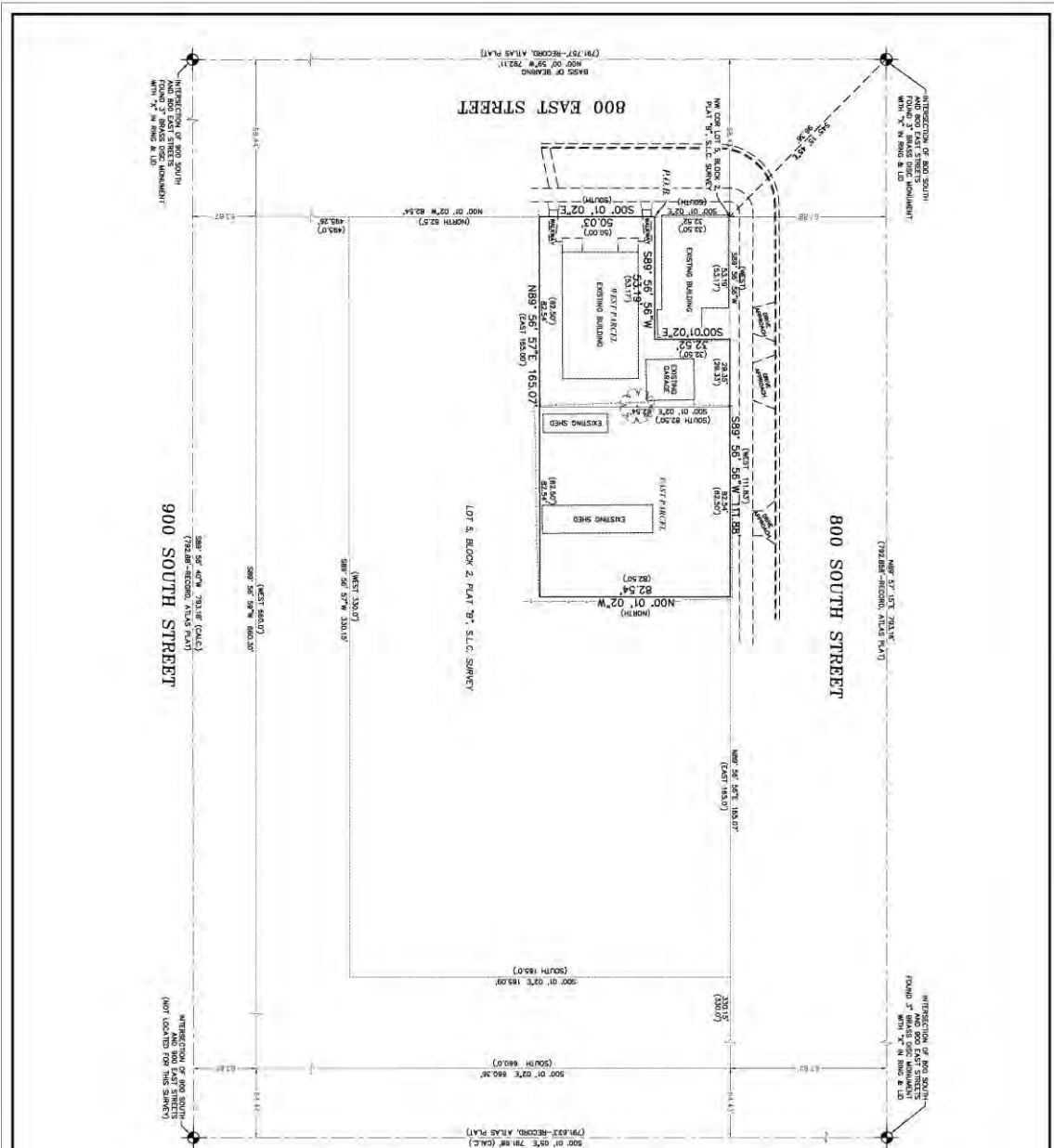
- A. The subdivision complies with the general design standards and requirements for subdivisions as established in chapter 20.12 of this title;
- B. All buildable lots comply with all applicable zoning standards;
- C. All necessary and required dedications are made;
- D. Water supply and sewage disposal shall be satisfactory to the public utilities department director;
- E. Provisions for the construction of any required public improvements, per section [20.40.010](#) of this title, are included;
- F. The subdivision otherwise complies with all applicable laws and regulations;
- G. If the proposal is an amendment to an existing subdivision and involves vacating a street, right of way, or easement, the amendment does not materially injure the public or any person who owns land within the subdivision or immediately adjacent to it and there is good cause for the amendment. (Ord. 7-14, 2014)

If approved, The Planning Division will issue a notice of minor subdivision that must be recorded by the applicant along with a new legal description of the property **with the Salt Lake County recorder's Office after a ten day appeal period.**

ATTACHMENT A: Vicinity Map



ATTACHMENT B: Preliminary Subdivision Map



NOTICE

THE PURPOSE OF THIS SURVEY WAS TO MARK THE PROPERTY CORNERS OF THE SURVEY. THE MONUMENTS IN AND EAST STREET, AS SHOWN ON PLAT 1 OF BLOCKS 2, 3, 4, 11, 12, 13, 15, 17, 18, AS SHOWN IN THE ORIGINAL SURVEY OF PLAT 8 SALT LAKE CITY SURVEY, WERE USED TO ESTABLISH THE CORNERS OF THIS SURVEY. THE MONUMENTS SHOWN ON THIS PLAN WERE PLACED AND ALIGNED INTO ALMOST PAIRS TO ESTABLISH THE LOCATION OF LOT 5 OF BLOCK 2.

WARRANTY

THE ENGINEER HAS BEEN ADVISED BY THE SURVEYOR THAT THE MONUMENTS SHOWN ON THIS PLAN WERE PLACED AND ALIGNED INTO ALMOST PAIRS TO ESTABLISH THE LOCATION OF LOT 5 OF BLOCK 2.

DATE CUTTING, STAKE MARKING, RECORD CALLS ()

SET 3/27/2024 BY: [Name] (Folios: [Number])

FOUND PROPERTY MARKER (X)

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DATE CUTTING, STAKE MARKING, RECORD CALLS ()

SET 3/27/2024 BY: [Name] (Folios: [Number])

FOUND PROPERTY MARKER (X)



NO.	DATE	BY	REVISION
1			
2			
3			
4			
5			

DRAWN BY: [Name]
 CHECKED BY: [Name]
 DATE: [Date]
 SHEET: [Number] OF [Total]

SURVEY REQUESTED BY
CHRIS KONTGIS
 801 EAST & 810 EAST 800 SOUTH AND 800 SOUTH 800 EAST
 PART OF LOT 5, BLOCK 2, PLAT "B", SALT LAKE CITY SURVEY
 LOCATED IN THE NW 1/4 OF SECTION 8, T.1S., R.1E., S.L.B.&M.
 SALT LAKE CITY, SALT LAKE COUNTY, UTAH

H A HILL & ARGYLE, Inc.
 Engineering and Surveying
 181 North 200 West, Suite 400, Salt Lake City, Utah 84115
 (801) 533-9300 • Fax: (801) 533-9303

ATTACHMENT C: Community Comments

From: Sharon Noble
To: Anglin, Anna
Subject: 809s800e,810e800s
Date: Saturday, June 27, 2015 11:37:53 AM

Dear Anna,
As a member of the community I am against land banking and the combination of lots for higher density. I am in support of R2.

Thank you,
Sharon Noble

From: [REDACTED] on behalf of annela carlson
To: [Anglin, Anna](#)
Subject: Proposal at 809 S 800 E
Date: Monday, July 06, 2015 11:28:28 AM
Attachments: [Application.pdf](#)
[BOUNDARY.pdf](#)

To whom it may concern,

In reference to the property request to combine lots (see attachments) I oppose the lot combination for the following reasons-

- I am against land banking
- The neighborhood was recently downzoned to R2 so that we could protect the current housing pattern (single family and duplexes)

Angela Carlson- Resident

[REDACTED]

From: [Hannah Huntsman](#)
To: [Angilo, Anna](#)
Subject: 809 S 800 E
Date: Monday, July 06, 2015 8:49:10 PM

Anna,

My name is Hannah Huntsman. My family and I have rented the duplex at 808 S 800 E for 10 years. We were very surprised to find the notice on our lawn a few weeks ago regarding the proposition to combine our lot with the "empty" lot east of us. My main concern with the proposition is that we were not and still have not been notified of the owners' intent should the proposition be approved. We do not know what it will mean for our family (or for our sweet neighbor in the duplex at 807 S who has been here longer than we have). ~~The lack of transparency on the owners' side is a concern to us and others on the block.~~

The lot behind us is not a concern to us. The fence keeps unwanted mischief away, and the trailer actually blocks much of the light from the Smith's parking lot.

Hannah Huntsman

From: Marian Florence
To: Anglin, Anna
Cc: [REDACTED]
Subject: Fwd: Proposal at 809 S 800 E
Date: Saturday, June 27, 2015 11:40:08 AM

Anna,

Can you please send me more information about this proposal? I have lived at ~~817 S 800 E~~ for many years and have had a lot of interactions with the property owner. I am concerned about his motivation for combining lots, and will submit a public comment, but would like more information first.

Thanks,

Marian Florence
[REDACTED]

[REDACTED]

From: Marian Florence
To: Anglin, Anna
Cc: [REDACTED]
Subject: Re: Proposal at 809 S 800 E
Date: Monday, June 29, 2015 11:07:02 AM

Thanks, Anna

I am very aware of the history of the property, but I still am unclear about what this means for the future.

Will he leave the trailers parked on the empty lot?

What will he be allowed to develop on the combined lot, if the lots are combined?

Will he leave the duplex that is the current building at 809 S 800 E?

Because we just had a rezone process, I am against the combination of lots. I support the development/upkeep of the property within the constraints of the R2 zone, with proper setbacks.

The Kontgis family owns a lot of property in this neighborhood and do not have a history of being good neighbors. Their properties are not kept up and they do not communicate well with the neighbors about the use of the properties (clearly, since I have to ask you all these questions).

Thanks for your help.

On Mon, Jun 29, 2015 at 10:49 AM, Anglin, Anna <Anna.Anglin@slcgov.com> wrote:

Marian,

I have attached the application and site plan Mr. Kontgis submitted with us. He is planning on combining the two properties he owns into one. The lot combination will create a lot that is 200 Square feet larger than what the zoning district allows. Because of this, he needs to go through a preliminary subdivision process and notice needs to be given to the neighbors. If you want more history on the property you can look it up by putting in the address at <https://aca.slcgov.com/citizen/>. He is going through the subdivision process to be in compliance with City ordinance. He is not in compliance currently because he has accessory buildings on a lot without a primary use. He will also need to receive building permits for all structures over 200 square feet and be compliant with any other ordinance he may not currently be in compliance with. If you have any other questions, please let me know.

Thanks,

ANNA ANGLIN

Principal Planner

PLANNING DIVISION

COMMUNITY and ECONOMIC DEVELOPMENT

SALT LAKE CITY CORPORATION

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21A.24.110: R-2 SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT:

A. Purpose Statement: The purpose of the R-2 single- and two-family residential district is to preserve and protect for single-family dwellings the character of existing neighborhoods which exhibit a mix of single- and two-family dwellings by controlling the concentration of two-family dwelling units. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play and to promote sustainable and compatible development patterns.

B. Uses: Uses in the R-2 single- and two-family residential district, as specified in section [21A.33.020](#), "Table Of Permitted And Conditional Uses For Residential Districts", of this title, are permitted subject to the general provisions set forth in section [21A.24.010](#) of this chapter and this section.

C. Minimum Lot Area And Lot Width: The minimum lot areas and lot widths required in this district are as follows:

Land Use	Minimum Lot Area	Minimum Lot Width
Municipal service uses, including city utility uses and police and fire stations	No minimum	No minimum

Natural open space and conservation areas, public and private	No minimum	No minimum
Places of worship less than 4 acres in size	12,000 square feet	80 feet
Public pedestrian pathways, trails and greenways	No minimum	No minimum
Public/private utility transmission wires, lines, pipes and poles	No minimum	No minimum
Single-family detached dwellings	5,000 square feet	50 feet
Twin home dwellings	4,000 square feet per dwelling	25 feet
Two-family dwellings ¹	8,000 square feet	50 feet
Utility substations and buildings	5,000 square feet	50 feet
Other permitted or conditional uses as listed in section <u>21A.33.020</u> of this title	5,000 square feet	50 feet

Qualifying provisions:

1. In subdivisions approved after April 12, 1995, no more than 2 lots may be used for such dwellings located adjacent to one another and no more than 3 such dwellings may be located on the same block face.

D. Maximum Building Height:

1. The maximum height of buildings with pitched roofs shall be:
 - a. Twenty eight feet (28') measured to the ridge of the roof; or
 - b. The average height of other principal buildings on the block face.
2. The maximum height of a flat roof building shall be twenty feet (20').
3. Maximum exterior wall height adjacent to interior side yards shall be twenty feet (20') for

exterior walls placed at the building setback established by the minimum required yard. Exterior wall height may increase one foot (1') (or fraction thereof) in height for each foot (or fraction thereof) of increased setback beyond the minimum required interior side yard. If an exterior wall is approved with a reduced setback through a special exception, variance or other process, the maximum allowable exterior wall height decreases by one foot (1') (or fraction thereof) for each foot (or fraction thereof) that the wall is located closer to the property line than the required side yard setback.

a. Lots with cross slopes where the topography slopes, the downhill exterior wall height may be increased by one-half foot (0.5') for each one foot (1') difference between the elevation of the average grades on the uphill and downhill faces of the building.

b. Exceptions:

(1) Gable Walls: Walls at the end of a pitched roof may extend to a height necessary to support the roof structure except that the height of the top of the widest portion of the gable wall must conform to the maximum wall height limitation described in this section.

(2) Dormer Walls: Dormer walls are exempt from the maximum exterior wall height if:

(A) The width of a dormer is ten feet (10') or less; and

(B) The total combined width of dormers is less than or equal to fifty percent (50%) of the length of the building facade facing the interior side yard; and

(C) Dormers are spaced at least eighteen inches (18") apart.

4. Building height for initial construction of a building shall be measured as the vertical distance between the top of the roof and the established grade at any given point of building coverage. Building height for any subsequent structural modification or addition to a building shall be measured from finished grade existing at the time a building permit is requested. Building height for the R-1 districts, R-2 district and SR districts is defined and illustrated in chapter 21A.62 of this title.

5. Where buildings are stepped to accommodate the slope of terrain, each step shall have a horizontal dimension of at least twelve feet (12').

6. a. For properties outside of the H historic preservation overlay district, additional building height may be granted as a special exception by the planning commission subject to the special exception standards in chapter 21A.52 of this title and if the proposed building height is in keeping with the development pattern on the block face. The planning commission will approve, approve with conditions, or deny the request pursuant to chapter 21A.52 of this title.

b. Requests for additional building height for properties located in an H historic preservation overlay district shall be reviewed by the historic landmarks commission which may grant such requests subject to the provisions of section 21A.34.020 of this title.

E. Minimum Yard Requirements:

1. Front Yard: The minimum depth of the front yard for all principal buildings shall be equal to the average of the front yards of existing buildings within the block face. Where there are no existing buildings within the block face, the minimum depth shall be twenty feet (20'). Where

the minimum front yard is specified in the recorded subdivision plat, the requirement specified on the plat shall prevail.

2. Corner Side Yard: Ten feet (10').

3. Interior Side Yard:

a. Twin home dwellings: No side yard is required along one side lot line. A ten foot (10') side yard is required along the other.

b. Other uses: Four feet (4'); provided, that on interior lots one yard must be at least ten feet (10').

4. Rear Yard: Twenty five percent (25%) of the lot depth, but not less than fifteen feet (15') and need not exceed twenty five feet (25').

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in a required yard subject to section 21A.36.020, table 21A.36.020B, "Obstructions In Required Yards", of this title.

F. Maximum Building Coverage: The surface coverage of all principal and accessory buildings shall not exceed forty five percent (45%) of the lot for two-family dwellings and forty percent (40%) for single-family dwellings. For lots with buildings legally existing on April 12, 1995, the coverage of existing buildings shall be considered legal conforming.

G. Maximum Lot Size: With the exception of lots created by a subdivision or subdivision amendment recorded in the office of the Salt Lake County recorder, the maximum size of a new lot shall not exceed one hundred fifty percent (150%) of the minimum lot size allowed by the base zoning district. Lots in excess of the maximum lot size may be created through the subdivision process subject to the following standards:

1. The size of the new lot is compatible with other lots on the same block face;
2. The configuration of the lot is compatible with other lots on the same block face; and
3. The relationship of the lot width to the lot depth is compatible with other lots on the same block face.

H. Standards For Attached Garages: The width of an attached garage facing the street may not exceed fifty percent (50%) of the width of the front facade of the house. The width of the garage is equal to the width of the garage door, or in the case of multiple garage doors, the sum of the widths of each garage door plus the width of any intervening wall elements between garage doors. (Ord. 7-14, 2014; Ord. 66-13, 2013; Ord. 73-11, 2011; Ord. 12-11, 2011; Ord. 90-05 § 2 (Exh. B), 2005; Ord. 26-95 § 2(12-10), 1995)

From: Marian Florence
To: Anglo, Anna
Cc: [REDACTED]
Subject: 809 S 800 E
Date: Monday, July 06, 2015 9:48:22 AM

Anna,

Just want to make sure that my comments are on record -

I oppose the plan to combine the lots at 809 S 800 E.

The current land owner has not demonstrated any commitment to the neighborhood or to his properties, and I think a pattern of land banking and adverse development planning is not healthy for our neighborhood or for the city. The current land owner has not communicated his plans for the properties in any way to the neighbors, so it is impossible for me to comment on future development plans.

Our neighborhood recently was recently rezoned after a thorough review of the current and future land use, and I think we should stand by those decisions and support development within the R-2 guidelines.

Thanks,

Marian Florence
[REDACTED]

--
[REDACTED]

From: cindy.cromer
To: Anglin, Anna
Cc: Oktav, Michaela
Subject: petition at 8th and 8th
Date: Tuesday, July 07, 2015 12:28:41 PM

Anna-I understand that this is your first day back but I am concerned about the deadline for comments today. I left Michaela a message. Either one of you can call me. I do not think the request from Chris Kontgis has been properly noticed. It amounts to a rezoning, which I would vigorously oppose. Sincerely, cindy cromer [REDACTED]

From: [cindy crozier](#)
To: [Oktay, Michaela](#)
Cc: [Anglin, Anna](#)
Subject: thanks
Date: Tuesday, July 07, 2015 3:41:35 PM

Michaela-Thanks for the extension in time for some comments. I wanted to talk to Anna first about the history of the parcel. I'm rushing to get things done prior to potential rain but will sent both you and Anna:

- the "Cliff Notes" to the last 30 years at 9th and 9th,
- a complaint regarding the violations at the site in case there hasn't been one, and
- my arguments about why this petition is actually a back door rezoning and belongs in front of the Planning Commission and the City Council. Again, thanks, c

From: cindy.cromer
To: Anglin, Anna
Cc: Oktay, Michaela
Subject: RE: thanks
Date: Tuesday, July 07, 2015 4:34:32 PM

Anna-Thanks for the reply. I will send you a list of the documents I believe are relevant tonight. The complaint which seems to be MIA and the Cliff Notes are coming over shortly.
Sincerely, cindy

From: Anna.Anglin@slcgov.com
To: [REDACTED] Michaela.Oktay@slcgov.com
Date: Tue, 7 Jul 2015 15:48:03 -0600
Subject: RE: thanks

Hi Cindy,

I have been receiving a lot of comments on this particular subdivision. It involves a lot consolidation to create one large lot for the duplex. The lot consolidation would make the lot facing 800 S. undevelopable. It would essentially become the duplex's backyard. Any accessory buildings put on the property would need to meet all ordinance requirements.

Thanks,

ANNA ANGLIN
Principal Planner

PLANNING DIVISION
COMMUNITY and ECONOMIC DEVELOPMENT
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From: cindy.cromer [mailto:3cinslc@live.com]
Sent: Tuesday, July 07, 2015 3:42 PM
To: Oktay, Michaela
Cc: Anglin, Anna
Subject: thanks

Michaela-Thanks for the extension in time for some comments. I wanted to talk to Anna first about the history of the parcel. I'm rushing to get things done prior to potential rain but will sent both you and Anna:

-the "Cliff Notes" to the last 30 years at 9th and 9th,

-a complaint regarding the violations at the site in case there hasn't been one, and

-my arguments about why this petition is actually a back door rezoning and belongs in front of the Planning Commission and the City Council. Again, thanks, c

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From: [cindy.cromer](#)
To: [Oktaf, Michaela](#); [Anolin, Anna](#)
Subject: 810 E 800 S
Date: Tuesday, July 07, 2015 7:35:03 PM

Michaela and Anna-Thanks for the time you spent today talking to me on the phone and responding by e mail. I already have sent you a bit of history about the site...how it used to have a beautiful home which burned and how that was an indirect result of the issues with the loading dock at Smith's. I view the loss of the house at 810 E 800 S as yet another example of the loss of housing associated with Smith's expansion in the late 1980's.

The current use of the property is in violation of multiple City ordinances. I don't object to all of them, only the ones interfering with the reuse of the property for housing.

Early in 2014, the City completed an examination of the zoning between 700 E and 900 E, 700 S and 900 S. The Planning staff examined every nonconforming business property and every single family or duplex property within those boundaries. At no time, to my relief, did anyone suggest that the property at 810 should be upzoned as the adjacent parcel was to SNB. So, the Planning staff, the Planning Commission, the City Council, and the Administration all agreed that the appropriate zoning was R-2.....last year.

Current conditions:

1. There is no question that this property would redevelop as housing if it were available for purchase. None.
2. The current use in addition to being in violation of multiple City ordinances does NOT support the adjacent commercial use. The property is used for storing vehicles used in another business entirely.

Possible outcomes: The proposal to combine the R-2 parcel with the parcel on the corner zoned SNB in 2014 could have only 2 outcomes if granted.

1. The property could be split zoned, an outcome which has created numerous problems in the past, typically occurs by accident (error), and is in my opinion, poor planning.
2. The applicant could subsequently request an upzone to SNB, the zone on the adjacent parcel, or because of the additional size of the combine parcels, to CN. A CN zone would allow uses at this location which all of the City's actions indicate is not appropriate.

Relevant planning documents:

1. The City's Housing Policy
2. The small area plan for the 9th and 9th business community, 1991
3. The Central Community Master Plan, 2005
4. The City's Housing Mitigation Ordinance

I certainly believe that the housing mitigation ordinance would apply. There is no question

that there are many people willing to restore the housing to this property.

5. The Zoning Ordinance (1995) which departed from prior practice regarding conditional uses for off-site parking lots

Obviously I believe that we are dealing with the loss of 2 units of housing if this request is approved and that the loss would be permanent. I object to any back door approach to rezoning the property and request a hearing before the Planning Commission. Please notify me of your decision regarding the public process. If the decision is to handle the request administratively, then I wish to appeal that decision.

Sincerely,

cindy cromer [REDACTED]

From: [cindy.cromer](#)
To: [Oktaay, Michaela; Anglin, Anna](#)
Cc: [cromer@cedar-rapids.org](#)
Subject: 810 E 800 S
Date: Thursday, July 09, 2015 8:31:42 AM

Anna and Michaela-What is the process going to be for this application from Kontgis? Is it going to be handled administratively? Sorry to be such a border collie but there are two units of housing on the line. Sincerely, cindy cromer 801 209-9225

From: [REDACTED]
Cc: Anna, Anna
Subject: Re: 809 S 800 E
Date: Tuesday, July 07, 2015 12:10:12 AM

Anna, I'd like to go on record in opposition to combining the two lots as proposed by mr. Kontgis. The parcel he is trying to add to the duplex property has been owned by him for many years and he has been completely out of compliance with it for as long as I can remember. The application to join the lots at this point, without speaking with any of the neighbors, seems like an attempt to continue to store commercial vehicles and recreational vehicles and building materials on the property so he doesn't have to move them.

I have had what I thought was a friendly relationship with mr. Kontgis since 2001 when we bought our home at [REDACTED]. He doesn't live on the street and with the exception of the out of compliance vacant lot, maintains his many properties on the street. When the city asked him a couple of months ago to clear the vacant lot he became very suspicious that one of us neighbors had "called the cops" on him. He refused to believe that the neighbors bordering his property had not called even though they did not, even though for several periods there have been people living in the various trailers parked on the property.

He started accusing me of making my home additions without permits or talking to neighbors, which is also not true. We and our neighbors worked for many years to rezone our neighborhood down to R2 instead of RMF35 in effort to protect the homes and character of the area. Mr. Kontgis brought this up and said that it didn't matter because he was going to combine his lots and sell them to a developer who could put anything they wanted on that corner, which he delivered as a kind of threatening retaliation for his perceived betrayal by a neighbor to the city.

We have worked for many years to be good neighbors and you can understand that it would be preferable to have these objections remain confidential. I hope this can be the case and that the lot combining will be denied at this point.

Thank you for your work.

From: [cindy.cromer](#)
To: [Oktay, Michaela](#); [Anglin, Anna](#)
Cc: [\[REDACTED\]](#)
Subject: 810 E 800 S
Date: Thursday, July 09, 2015 8:31:42 AM

Anna and Michaela-What is the process going to be for this application from Kontgis? Is it going to be handled administratively? Sorry to be such a border collie but there are two units of housing on the line. Sincerely, cindy cromer [REDACTED]

From: cindy.cromer
To: Anglin, Anna; Oktay, Michaela
Cc: [REDACTED]
Subject: RE: 810 E 800 S
Date: Thursday, July 09, 2015 10:45:46 AM

Anna-Thanks. I just want to be sure that the City doesn't reach a decision without a public hearing. I would not have known about the petition without Marian Florence's message.
Sincerely, cindy [REDACTED]

From: Anna.Anglin@slcgov.com
To: [REDACTED], Michaela.Oktay@slcgov.com
[REDACTED]
Date: Thu, 9 Jul 2015 09:04:26 -0600
Subject: RE: 810 E 800 S

Cindy,

Michaela and I have been extremely busy and have not had a chance to discuss this further. We will let you know when we do.

Thanks,

ANNA ANGLIN
Principal Planner

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COMMUNITY and ECONOMIC DEVELOPMENT
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From: cindy.cromer [REDACTED]
Sent: Thursday, July 09, 2015 8:32 AM
To: Oktay, Michaela; Anglin, Anna
Cc: [REDACTED]
Subject: 810 E 800 S

Anna and Michaela-What is the process going to be for this application from Kontgis? Is it going to be handled administratively? Sorry to be such a border collie but there are two units of housing on the line. Sincerely, cindy.cromer [REDACTED]

ATTACHMENT D: Department Comments



Work Flow History Report

809 S 800 E

PLNSUB2015-00298

Project: Kontgis-Preliminary Subdivision

Project Description: Combining one vacant parcel and one parcel with a duplex. The combination will create a parcel that is over the max allotted size.

Date	Task/Inspection	Status/Result	Action By	Comments
4/23/2015	2 Staff Assignment	Assigned	Anglin, Anna	
7/7/2015	77 Staff Assignment	Routed	Anglin, Anna	
7/8/2015	78 Zoning Review	Complete	Stonick, Patricia Anika	No zoning issues noted with proposed lot consolidation
7/13/2015	83 Public Utility Review	Complete	Draper, Jason	Only one culinary water meter and one irrigation meter is allowed per property. Kill the unused meter at the main. All site and remodel work will require public utilities review.
7/21/2015	91 Engineering Review	Complete	Weiler, Scott	The existing drive approach on 800 South for the east parcel does not lead to a hard surface behind sidewalk. If this lot consolidation is approved, it will create one lot that has two drive approaches on 800 South. Approval of the lot consolidation should be conditioned on replacement of the east drive approach with curb & gutter or installation of a hard surface for parking vehicles that use the existing east drive approach. Survey redlines were sent to Anna 7/7/15 to forward to the applicant.

ATTACHMENT E: Photos

