

Staff Report

PLANNING DIVISION

DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Caitlyn Tubbs, Principal Planner, caitlyn.tubbs@slcgov.com or 385-315-8115

Date: June 9, 2021

Re: Unit Legalization – Special Exception (PLNPCM2021-00030)

Triplex Unit Legalization – Special Exception

PROPERTY ADDRESS: 44, 42, 40 West 500 North

PARCEL ID: 09-31-151-002-0000 MASTER PLAN: Capitol Hill

ZONING DISTRICT: R-2 (Single- and Two-Family Residential District), Historic Preservation

Overlay (Capitol Hill Local Historic District).

REQUEST:

Ruairi Keane, the property owner, has requested a special exception to legalize a third unit in his property at 44, 42, and 40 West 500 North. The property is located in the R-2 Zoning District which allows single and two-family dwellings by right. Chapter 21A.52 of Salt Lake City's ordinances outline the standards of review to legalize an excess dwelling unit.

STAFF RECOMMENDATION:

Based on the staff's research and findings this request does not adequately meet the standards of approval set forth in Chapter 21A.52 Special Exceptions of the Salt Lake City Zoning Ordinance and staff recommends the Planning Commission deny the request for the triplex unit located at 44 West 500 North with the following findings:

- 1) The property has not been demonstrated to have been consistently utilized as a triplex since April 12, 1995.
- 2) The proposed triplex unit is not consistent with the character of the surrounding neighborhood and the purpose of the R-2 zoning district.
- 3) The proposed triplex unit does not meet all the standards of approval set forth in section 21A.52.030(A)24 or 21A.52.060.

ATTACHMENTS:

- A. <u>Vicinity Map</u>
- B. Site Photos
- C. <u>Application Materials</u>
- D. City History on Property
- E. Special Exception Standards
- F. Public Process & Comments
- G. Department Review Comments

PROJECT DESCRIPTION:

The subject property is located in the R-2 Zoning District and is surrounded on the east, north, and west by other low-density residential uses; primarily single-family and two-family dwellings. The zoning designations in the immediate neighborhood include R-2, SR-1A, and OS (Open Space) and there are also areas of RMF-35 within 500 feet of the subject property. Across the street to the south is a triangular parcel of open space, Columbus Park. The subject property is a corner parcel at the intersection of 500 North and West Capitol Street. The streets are narrow and residential in nature with some areas of on-street parking available.

The Applicant, Ruairi Keane, is the owner of the subject property and has filed a Special Exception request to legalize a third unit in his building. The addresses provided are 40, 42, and 44 West 500 North; 40 West 500 North and 42 West 500 North are accessed from the southern facade of the building while 44 West 500 North is found around the corner along West Capitol Street. There is also an attached garage on the property which sits in the basement area of the home and is accessed off West Capitol Street. Above the garage is a semi-enclosed space, the purpose of which is unknown. The Applicant has supplied a letter from Rocky Mountain Power indicating the presence of three separate electrical meters and their respective installation dates as well as a notarized affidavit from a neighboring property owner stating the proposed third unit has been in use since the mid-1980's.



Figure 1: View of southern (front) facade of home, doors to 40 West and 42 West 500 North.

The Planning Commission has the final authority on issuing decisions on special exception requests and this proposal has come before the Planning Commission due to the question of whether it has consistently been utilized as a third unit since April 12, 1995.

KEY ISSUES FOR SPECIAL EXCEPTION REQUEST:

Establishment of a legal excess dwelling unit -

As part of his submittal the Applicant provided a copy of a letter from Rocky Mountain Power with three separate power meter numbers and their respective installation dates. The power meters are listed as follows:

- Meter # 51260521 serving 40 West 500 North was installed January 1, 1967;
- Meter # 51132373 serving 42 West 500 North was installed July 29, 1985; and
- Meter #51148351 serving 44 West 500 North was installed October 16,1980.

This letter did not indicate the occupancy or usage of these meters nor if there has been any interruption in service from their dates of installation and present day.

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Figure 2: Scan of building permit #4714, issued 8-15-1939

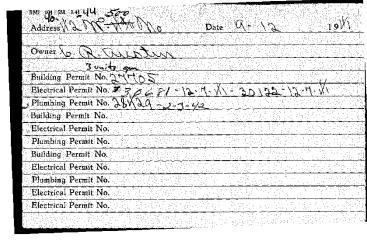


Figure 2: Scan of building permit #27705, issued 9-12-1941

The Salt Lake County Assessor's Office indicates the home was constructed in 1938 and is recognized by Salt Lake County as a duplex. Salt Lake City issued building permit #4714 August 15, 1939 but no mention was made at this time as to the number of existing units. A second building permit (#27705) was issued September 12, 1941 and mentions three units alongside the addresses 40 West, 42 West, and 44 Wast 500 North. Sheet 012 of the 1950 Salt Lake City Sanborn Fire Insurance Maps show the subject property as still being a single parcel with the neighboring property to the north: 514 N West Capitol Street. Sheet 012 shows the subject dwelling in red to denote its brick cladding and indicates it is a duplex. With this information it is unclear if building permit 27705 meant there were three units in the Applicant's property or if the three units included the unit of the neighboring home to the north.

The Salt Lake County Assessor's Office indicates the neighboring home was constructed in 1937 and is now on a separate parcel from the subject property.

Demonstrated continued use of a legal excess dwelling unit

In 1950 the Sanborn Fire Insurance Company conducted a study of structures in Salt Lake City and created maps indicating the number of dwelling units and the construction materials of the structures. Sheet 012 (right) of the 1950 maps of Salt Lake City show the subject building as a brick building with only two dwelling units.



Figure 3: Section of Sheet 012 of the 1950 Sanborn Fire Insurance Map showing two dwelling units in subject building.

Furthermore, staff has coordinated with Salt Lake City's Business Licensing Office to determine if the property has ever been licensed as a triplex and learned the prior owner hadn't applied for a triplex rental license since 1996 – this license was never approved (see Attachment D: City History on Property) and the Office of Business Licensing recognizes the property as a duplex only.

The Applicant has provided a notarized affidavit from a neighbor, Mr. Patterson, indicating he has lived in the neighborhood since the 1950's and the subject property has been utilized as a triplex since the mid-1980's. He states his brother-in-law, Mr. Winters, resided in the basement triplex unit from 2000 through 2005.

Staff has also researched 26 years of Polk directories and has found no listings that indicate the use of three units simultaneously at this property since 1995. From 1995 through 2021 the property was commonly occupied by two households but staff was unable to locate a listing indicating each of the three triplex units were occupied all at once.

Compliance with General Standards of Approval for Special Exceptions -

Section 21A.52.060 sets out general standards for approval each special exception request must meet. The first standard of approval is compliance with the zoning ordinance and purpose of the underlying zoning district. 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." The purpose statement of this zoning district only mentions single- and two-family dwelling units and indicates the intent to limit the number of two-family dwellings within the district. Triplexes are not even mentioned or otherwise addressed in this paragraph as compatible land uses within this zoning district. Since the purpose of the R-2 Zoning District only mentions single- and two-family dwellings staff finds the requested triplex unit is not compatible with the purpose of the underlying zoning district.

The next standard of approval is that the proposed use will not substantially diminish or impair the value of property within the neighborhood in which it is located. The proposed triplex is a residential use within a residential district, however, it will also be used as a rental which brings in a commercial component into a single- and two-family residential area. Since the use is primarily residential in nature staff does not anticipate it will substantially diminish or impair the value of properties within the surrounding neighborhood.

Thirdly, the proposed unit must not have a material adverse effect upon the character of the area or the public health, safety and general welfare. While the additional unit of density is not necessarily supported by the purpose statement of the underlying zone, the proposed unit already exists within the building and does not require an addition to the building or new construction. There are multiple neighborhoods with non-conforming ("grandfathered-in") three and four-plexes scattered amongst single family homes with negligible effect on surrounding properties. Staff has received multiple emails and calls from surrounding neighbors expressing concern over the proposed unit so it is difficult to determine whether there will be an adverse effect on the neighborhood if the unit is approved.

The fourth standard of approval is that the proposed special exception will be compatible with the use and development of neighboring property in accordance with the applicable district regulations. The subject property is located in a fully developed neighborhood and is surrounded on three sides by other residential uses. There is one other parcel with three addresses within 300 feet of the subject property (at the southwest corner of Zane Avenue and West Capitol Street); this property is located in the SR-1A Zoning District. There are four other properties within 500 feet of the subject property that have multiple addresses, but three of these properties are in different zoning districts. Since this neighborhood primarily consists of single- and twofamily residences the establishment of a triplex, while not entirely unique, is not compatible with the existing development pattern of the surrounding neighborhood. Growing SLC is a five year plan (2018-2022)



Figure 4: Vicinity map showing address points in surrounding neighborhood

which, at the time of its adoption, indicated Salt Lake City was at the beginning of a housing affordability crisis. It encourages the development of housing units which are affordable to households making 80% or less of the Area Median Income (AMI) per year. Plan Salt Lake's list of housing initiatives include enabling moderate density increases within existing neighborhoods where appropriate.

Next, the proposed unit must not result in the destruction, loss or damage of natural, scenic or historic features of significant importance. Although the subject property is located in the Capitol Hill Local Historic District it is not considered an eligible/contributing structure, meaning it is not recognized as a historic resource. While the Applicant has requested a certificate of appropriateness in a separate petition to replace windows and doors, the establishment of an additional unit within the structure would not substantially alter any historic, scenic or natural resources.

The proposed use must also not cause material air, water, soil or noise pollution or other types of pollution. The property is residential in nature and is surrounded on three sides by other residential uses. The continued use of the property as a residential building will not cause material air, water, soil or noise pollution beyond what is expected of an average residential use.

Finally, the requested special exception must comply with all additional standards imposed on it pursuant to Chapter 21A.52, which are listed in the following section.

Compliance with Standards of Approval for Unit Legalization -

The first standard of approval specific to unit legalizations is the Applicant must prove the dwelling unit existed prior to April 12, 1995. The Applicant provided a letter from Rocky Mountain Power

indicating there are three separate electrical meters, one each for 40, 42 and 44 West 500 North. These power meters were installed in 1967 (40 West 500 North), 1980 (44 West 500 North) and 1985 (42 West 500 North). This letter did not indicate whether these meters were installed into separate residential units. Staff reviewed Polk Directories from 1995 through 2020 and found multiple years in which all three units were listed. Additionally, Staff found a building permit from 1941 which indicates the presence of three units. With this preponderance of evidence Staff finds the proposed triplex unit likely did exist prior to April 12, 1995, however this does not necessarily mean the unit has been consistently used as a triplex since that time, as follows.

The next standard of approval is that the dwelling unit has been occupied as a separate unit since April 12, 1995. Although Staff was able to locate Polk Directories which listed all three addresses associated with the subject property there were no years from 1995 through 2021 in which the Polk Directories show all three units were occupied at the same time. At most, two units were occupied at a time. The Applicant provided a notarized affidavit from a neighboring property owner which stated the property has been used as a triplex since the mid-1980's. Multiple neighbors have called and emailed Staff stating the property has not been used as a triplex since they moved into the area, ranging from 1992 through 2007. Additionally, Staff located a Sanborn Fire Insurance Map from 1950 of the subject property with only two dwelling units shown. Many of these accounts conflict with one another and the Applicant has not provided any other evidence to show the subject property has been utilized as a triplex since 1995.

The third standard of approval is that the proposed dwelling unit can either accommodate the required amount of parking or it is located within a quarter-mile radius of fixed rail transit or a bus stop. The request meets this standard because the subject property is located within a quarter-mile of three bus stops.

The final standard of approval is that any zoning violations (aside from excess dwelling units) must be resolved before approval can be issued. There are no open records of zoning violations on the subject property at this time.

PLANNING COMMISSION NEXT STEPS:

Approval of Special Exception

If the requested unit legalization is approved, the property will be recognized as a legal triplex. The property owner will be required to obtain a business license within fourteen (14) days if the property is to be rented.

Denial of Special Exception

If the requested unit legalization is denied, the applicant will not be able to utilize the property as a triplex but could use the property as a duplex as allowed by right in the R-2 Zoning District. If the property is to be rented the Applicant is required by ordinance to obtain a business license.



Salt Lake City Planning Division 3/10/2021

ATTACHMENT B – SITE PHOTOS



Figure 5: View of subject property from 500 North



Figure 6: View of subject property from West Capitol Street, showing door to 44 West 500 North.



Figure 7: View of neighboring properties to the southwest.



Figure 8: View of hillside and neighboring properties to the east.



Figure 9: View of Columbus Park to the south of subject property.



Figure 10: View of garage and semi-enclosed area.

ATTACHMENT C – APPLICATION MATERIALS

Reason for application:

I recently purchased this property from owners who held the property for many years. The property is legally zoned as a duplex, but the previous owners had rented the property as a Triplex for over 30 years. I would like to have the property legally zoned as a non-conforming triplex due to it operating as a triplex for so long. I have attached proof received from the power company that all three units (40, 42, and 44 W 500 N) have had their own power meters since 1985 or earlier. Please let me know if additional information is needed.

Thanks,

Ruairi Keane



P.O. Box 25308 Salt Lake City, Utah 84125-0308 I-888-221-7070 fax I-877-809-3193 rockymountainpower.net

December 30, 2020

Ruairi Keane aspenlilyllc@gmail.com

Account # 33240039 002 4

Dear Ruairi Keane:

Listed below is the information you requested for the meters, addresses and installation dates:

- Meter Number 51260521 for the service at 40 W 500 N, Salt Lake City, Utah was installed on January 1, 1967
- Meter Number 51132373 for the service at 42 W 500 N, Salt Lake City, Utah was installed on July 29, 1985
- Meter Number 51148351 for the service at 44 W 500 N, Salt Lake City, Utah was installed on October 16, 1980

We're always here for you and ready to help. Please visit our website and select "Contact Us" or call us at 1-888-221-7070. A specialist from our customer care team will be happy to assist you.

Thank you for being our customer.

Sincerely,

Rocky Mountain Power www.rockymountainpower.net

Para más información, llame al 1-888-225-2611 para hablar con un especialista en español.

Our vision is to be the best energy company in serving our customers and supporting our communities while delivering sustainable energy solutions for generations. Find out more at poweringgreatness.com.

John Kelly Patterson 513 West Capitol Street Salt Lake City, UT 84103

To whom it may concern,

I, John Kelly Patterson, live at 513 West Capitol Street, Salt Lake City, UT 84103. I have lived here since 1957. From my knowledge, since the mid-1980's, there have been three separate dwelling units at 42 and 44 West 500 North; two units on the South, and one unit on the West. Prior to this time, Arman Brockbank Peterson and his family lived in the basement and main floor West unit, while the main floor East unit was rented. I believe this was the arrangement of the legal duplex. He moved in the early 1980's, and then rented the property as three separate units; one basement unit facing West Capitol Street and the two main floor units facing 500 North. My brother in law, Bennet Winters, lived in the basement unit for a time between 2000 and 2005. And at this time there were separate tenants living in the two units on the South. This arrangement of rental units has continued from the early 1980's to the present.

If I may be of further assistance, I may be reached at

Sincerely,

John Kelly Patterson

-the Kelly Fatterson

G POLLARD

NOTARY PUBLIC - STATE OF UTAH
COMMISSION # 703240

COMM. EXP. 11-14-2022

State of Utah, County of SALT LAKE

Subscribed and sworn to before me on this

by John Kerry PATTERSON

Witness my hand and official seal.

Notary Public

ATTACHMENT D – CITY HISTORY ON PROPERTY

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Image 6: 2004 Polk Directory

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Image 7: 2005 Polk Directory

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Image 8: 2006 Polk Directory

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Image 9: 2007 Polk Directory

Polk City Directories Now

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Image 10: 2008 Polk Directory

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Image 11: 2009 Polk Directory

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Image 13: 2012 Polk Directory

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Directories Now on the Internet @ www.citydirectory

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Image 15: 2014 Polk Directory

air pollution measuring serv / @ 801-269-0550 A E ROOM SYSTEM TECHNOLOGIES INC motel & hotel equip/supl-mfrs / 801-268-4466 J ZAGG INC electronic equip/supl-mfrs / 801-263-0699	dirs /@
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Image 18: 2017 Polk Directory

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Image 20: 2019 Polk Directory

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62-1596	115 Cooke Jessica ✓ 2	RECREATION
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Image 21: 2020 Polk Directory

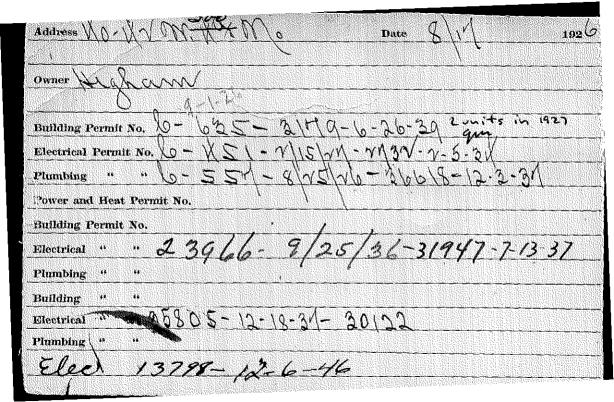
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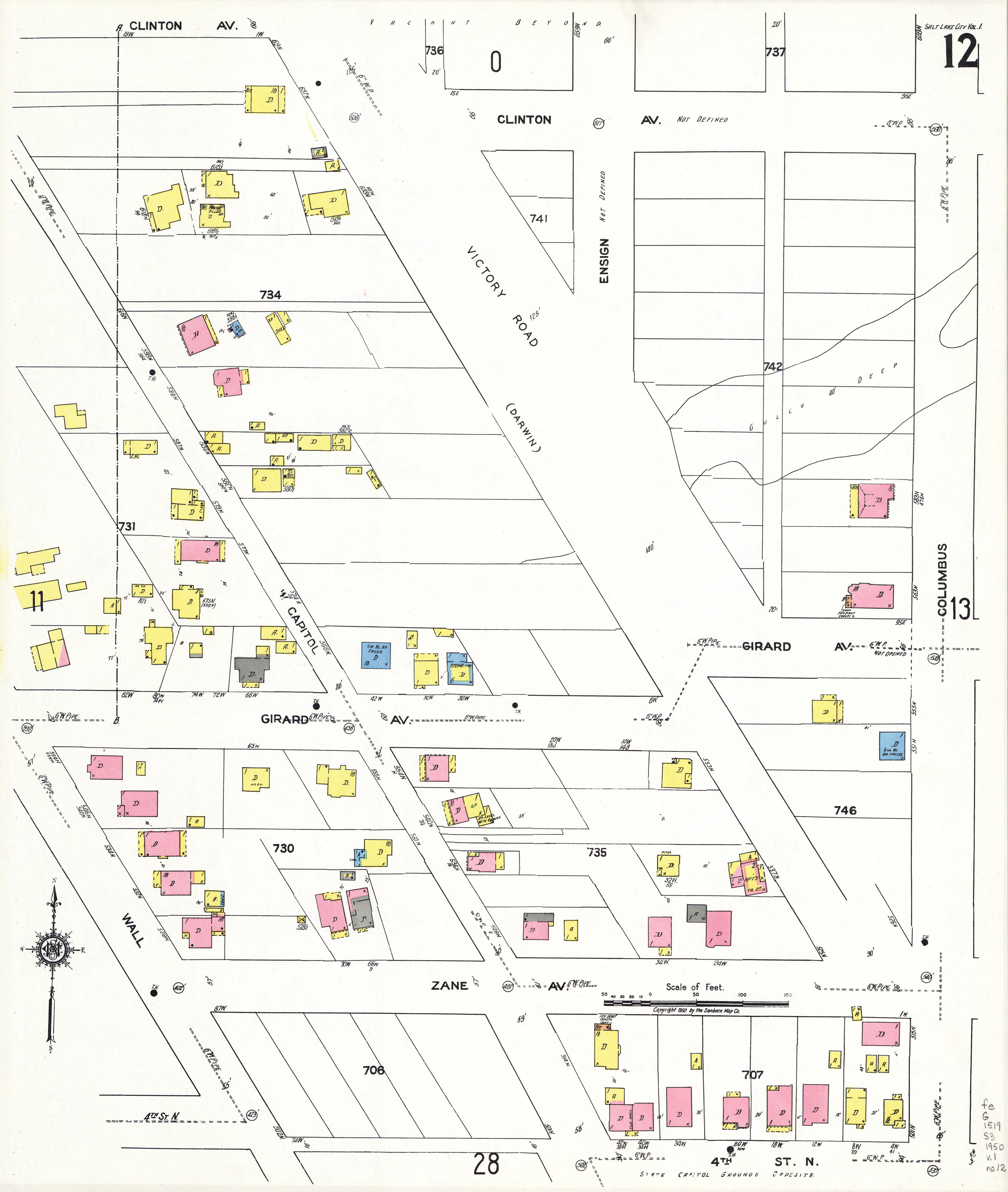
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Image 22: 2021 Polk Directory

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ATTACHMENT E – SPECIAL EXCEPTION STANDARDS

21A.52.060 - SPECIAL EXCEPTIONS GENERAL STANDARDS

	STANDARD	ANALYSIS	FINDING
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.	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 neighobrhoods 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."	Does not comply
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.	The proposed triplex is a residential use within a residential district, however, it will also be used as a rental which brings in a commercial component into a single- and two-family residential area. Since the use is primarily residential in nature staff does not anticipate it will substantially diminish or impair the value of properties within the surrounding neighborhood.	Complies
C.	No Undue Adverse Impact: The proposed use and development will not have a material adverse impact upon the character of the area or the public health, safety and general welfare.	The proposed third unit will not affect the publichealth, safety or general welfare. It is a residential use within a residential area and is not anticipated to cause air, water, noise or environmental pollution outside the normal amounts expected of residential uses.	Complies
	Compatible with Surrounding Development: The proposed special exception will be constructed, arranged and operateds o as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.	The proposed third unit is located within an existing residential building which in turn is within an established residential neighborhood consisting of single-and two-family residences. The establishment of a triplex, while not entirely unique, is not compatible with the existing development pattern of the surrounding neighborhood	Does not comply
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.	The subject property is located in the Capitol Hill Local Historic District but is not designated as an eligible/contributing structure. The establishment of a triplex unit within this building would not have any effect on natural, scenic or historic features of significant importance.	Complies

	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.	The proposed third unit is a residential use within a residential area and is not anticipated to cause material air, water, soil or noise pollution outside of what is normally expected of residential uses.	Complies
G.	Compliance with Standards: The proposed use and development complies with all additional standards imposed on it pursuant to this chapter.	The proposed third unit does not comply with the approval standards specific to unit legalizations as laid out in the table below. Staff finds there is insufficient evidence to show the property has been consistently used as a triplex since April 12, 1995.	Does not comply

21A.52.030(A)(24) – UNIT LEGALIZATION STANDARDS:

STANDARDS	FINDING	COMPLIES ?
b.(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	(B) Staff located a building permit issued in 1941 which listed three units. (C) The Applicant has provided a letter from Rocky Mountain Power indicating the presence of three separate electrical meters: Service at 40 West 500 North – Meter	Complies
following: (A) Copies of lease or rental agreements, lease or rent payments, or other similar documentation showing a transaction between the unit owner and tenants;	#51260521 installed January 1, 1967 Service at 42 West 500 North – Meter #51132373 installed July 29, 1985 Service at 44 West 500 North – Meter # 51148351 installed October 16, 1980 (E) The Applicant has provided a notarized	
(B) Evidence indicating that prior to April 12, 1995, the city issued a building permit, business license, zoning certificate, or other permit related to the unit in question;	affidavit from a neighbor, Mr. Patterson, indicating the property has been used as a triplex since the mid-1980's. (F) Staff examined Polkdirectories for Salt Lake City from 1995 through 2021. While the three addresses (40, 42, and 44 West 500 N)	
(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;	were referenced interchangeably staff was unable to locate a year in which all three "units" were occupied simultaneously.	
(E) Notarized affidavits from a previous owner, tenant, or neighbor;		

	T	
(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 the owner is willing to place into a public recod which indicates the existence of the excess unit prior to April 12, 1995.		
B. (2) The excess unit has been maintained as a separate	(A) The Applicant has provided a not arized a ffidavit from a	Does not comply
dwelling unit since April 12,	neighbor, Mr. John Patterson,	compry
1995. In order to determine if a	stating the property has been	
unit has been maintained as a separate dwelling unit, the	occupied as a triplex since the mid 1980's. Although this	
following may be considered:	affidavit makes the general	
	statement that the property	
(A) Evidence listed in	has consistently been utilized	
subsection A24b(1) of this section indicates that	as a triplex building since the mid-1980's the affidavit only	
the unit has been	lists the basement unit (#44)	
occupied at least once	as occupied from 200 through	
every five (5) calendar years;	2005.	
(B) Evidence that the unit	Staff examined Polk	
was marketed for	directories from 1995 through	
occupancy if the unit was unoccupied for more	2021 for the subject property and found there were no years	
than five (5) consecutive	during which the Polk	
years.	directories indicated the	
(C) If evidence of	property was used as a triplex.	
maintaining a separate dwelling unit as required	During this 26-year long course one or two units were	
by subsections	listed as occupied, but never	
A24b(2)(A) and	all three at once.	
A24b(2)(B) of this section cannot be		
established		
documentation of		
construction upgrades may be provided in lieu		
thereof.		
(D)Any documentation that		
the owner is willing to place into a public record		
which provides evidence		
that the unit was		
referenced as a separate dwelling unit at least		
once every five (5) years.		

b. (3) The property where the dwelling unit is located:	(B) The subject property is within one quarter-mile of five (5) UTABus Stops:	Complies
(A) Can accommodate on site parking as required by this title, or	Columbus St @ 350 N Columbus St @ 412 N Columbus St @ 367 N Columbus St @ 488 N	
(B) Is located within a one- fourth (1/4) mile radius of a fixed rail transit stop or bus	500 N @ 86 E	
stop in service at the time of legalization.		

ATTACHMENT F - PUBLIC PROCESS & COMMENTS

Notice of the public hearing for the proposal included:

- Early notification mailed March 12, 2021.
- Early notification period expired March 29, 2021.
- Public hearing notice mailed on May 28, 2021
- Public notice posted on City and State websites and Planning Division list serve on May 28, 2021.
- Public hearing notice sign posted on May 26, 2021.

Public Input:

- Staff received email from Ms. Karen Moloney stating the property has been used as a duplex since her residency beginning in 1992 (March 28, 2021).
- Staff received email from Ms. Roseann Greenway stating the property has not been consistently used as a triplex since she moved in 14 years ago. (March 29, 2021).
- Staff received email from Ms. Danielle Olden outlining several concerns including parking impacts and detrimental effects on the historic property. She indicates to her knowledge the property has not been used as a triplex since she moved in. (March 30, 2021).
- Staff received email from Applicant with a notarized affidavit from Mr. John Patterson stating three separate dwelling units have existed and been utilized since the mid-1980's. (April 14, 2021).

John Kelly Patterson 513 West Capitol Street Salt Lake City, UT 84103

To whom it may concern,

I, John Kelly Patterson, live at 513 West Capitol Street, Salt Lake City, UT 84103. I have lived here since 1957. From my knowledge, since the mid-1980's, there have been three separate dwelling units at 42 and 44 West 500 North; two units on the South, and one unit on the West. Prior to this time, Arman Brockbank Peterson and his family lived in the basement and main floor West unit, while the main floor East unit was rented. I believe this was the arrangement of the legal duplex. He moved in the early 1980's, and then rented the property as three separate units; one basement unit facing West Capitol Street and the two main floor units facing 500 North. My brother in law, Bennet Winters, lived in the basement unit for a time between 2000 and 2005. And at this time there were separate tenants living in the two units on the South. This arrangement of rental units has continued from the early 1980's to the present.

If I may be of further assistance, I may be reached at

Sincerely,

John Kelly Patterson

-the Kelly Fatterson

G POLLARD

G POLLARD

NOTARY PUBLIC-STATE OF UTAH

COMMISSION# 703240

COMM. EXP. 11-14-2022

State of Utah, County of SALT LAKE
Subscribed and sworn to before me on this

14 day of, APRIL, in the year 2021.

by 640 Kerry PATTARSON Witness my hand and official seal.

Notary Public

From: rosann.greenway

To: Tubbs, Caitlyn

Subject: (EXTERNAL) Legalization proposal 44 West 500 West

Date: Monday, March 29, 2021 11:36:44 AM

Dear Caitlyn,

This letter is in response to the notice I received regarding the legalization request by Ruairi Keane for the property located at 44 West 500 North, Salt Lake City.

I am the homeowner at 497 North West Capitol Street. My property is located across the street from the duplex at 44 W 500 N. I am opposed to the legalized triplex proposal for this property. I dispute several of the requirements for the legalization.

I have lived in my home for nearly 14 years. The proposed third unit at 44 W 500 N HAS NOT been rented during the time that I have lived across the street. Only for the last one or two years have people dwelled in this proposed third unit. This proposed third unit has been VACANT. I make this assertion based on my daily observations of no lights in the unit and no people coming or going from the unit since my arrival on this street in 2007. The two units on the upper level have been rented continually since I have lived in my home.

Another argument against this proposal is that there is very limited parking at 44 W 500 N. The property has a two car driveway and ONE legal parking space on the street in front of the property (on West Capitol Street). There is no legal parking on 500 North in front of the property, or across the street on 500 North due to a no parking zone. The additional unit will add an excess of cars to a street already crowded with vehicles from residents of various rentals adjacent and across from this property. Currently, cars traveling on West Capitol Street at the intersection where this property is located must stop, one by one, to allow opposite flow traffic to pass.

There has been construction in the property's proposed third unit for several weeks, based on my daily observations. I cannot confirm if the construction has created this unit, i.e. added kitchen and bath facilities. I do not know if this unit existed in livable condition prior to 1995.

I am looking forward to improvements in the upper units of this property and hope that the new owner will maintain the property in the future. I am opposed, however, to the legalization of the third unit on this property.

Thank you for your time in this matter,

Rosann Greenway

From: Karen Moloney
To: Tubbs, Caitlyn

 Subject:
 (EXTERNAL) Case # PLNPCM2021-00030

 Date:
 Sunday, March 28, 2021 9:37:22 PM

Hello, Caitlin.

I am a neighbor to 44W 500 N. My own address is 453 West Capitol, where I have lived since 1992. The duplex has been a duplex, not a triplex, while I have lived here, unless you count the last couple years when the basement was a drug dealers' lair. I think it should therefore remain a duplex. There is also a major parking problem . Even with a bus stop nearby, three different sets of tenants would have only one space on the street to park their cars. We already have a terrible problem here with traffic, as 500 North has become a major thoroughfare , putting all of us near neighbors at risk of cars landing in our front yards or crashing into our garages. Last year a car crashed into my yard , totaling a car parked in front of it and nearly missing the front of my house. The three neighbors immediately north of me have had similar problems.

Please consider all of this, and deny the application of Mr. Keane. Please feel free to contact me at the phone number below with any questions.

Thank you,

Karen Moloney

Sent from my iPhone

From: DANIELLE OLDEN
To: Tubbs, Caitlyn

Subject: (EXTERNAL) Concerns about Petition Number PLNPCM2021-00030

Date: Tuesday, March 30, 2021 12:00:42 AM

Dear Ms. Tubbs,

I am writing with many concerns about the petition for a special exemption to legalize an excess dwelling unit at 44 West 500 North (Petition Number PLNPCM2021-00030). I own and live on the property right next door, at 34 West 500 North. I do not believe a special exemption should be given for the following reasons.

- 1. Parking is a major issue in this neighborhood. Currently our single-family home is surrounded by properties that have multiple people living there, which means multiple vehicles. Parking is available on only one side of the street in front of our house, the nearest cross street (West Capitol Street) is full most of the time with the people who live on that street. It, too, has limited parking. There already are several duplexes operating in the area, which also limits parking. Allowing a triplex to operate right next door would greatly exacerbate already existing parking issues.
- 2. This neighborhood is in an historic district, the Capitol Hill Historic District. As a professional historian I take seriously the efforts by the city to maintain the historic character of this area. Renovations must follow the policies laid out by the city, policies that are meant to preserve the neighborhood's architectural uniqueness and aesthetic appeal. Transforming homes that were not originally built to house multiple families could retard these efforts.
- 3. According to the petition, the property owner wishes to legalize an excess dwelling unit that has been operating as a triplex since April 12, 1995. While I have not lived here since that time, neighbors who have lived here that long confirm that this is not the case. It was always operated as a duplex, though the previous owner of the property in question did rent out the excess dwelling unit in violation of zoning regulations. But it was certainly not rented out consistently. And neighbors never approved.
- 4. The new property owner of the property in question has been doing renovations on the property for several week now. New air conditioner units were put in and there are four of them. I would like to raise the possibility that the owner plans to run the property as a four-flex, which would clearly violate the current R-2 zoning. It would also violate any special exemption they received for the third excess dwelling unit.
- 5. Allowing excess dwelling units will affect the property values of the surrounding homes.

For all these reasons I oppose granting this property owner a special exemption. Their petition should be denied.

Thank you.

Sincerely,
Danielle Olden
Property Owner, 34 West 500 North

Danielle R. Olden

Assistant Professor Department of History University of Utah Sent via the Samsung Galaxy S8 Active, an AT&T 5G Evolution capable smartphone

ATTACHMENT G – DEPARTMENT REVIEW COMMENTS

Zoning: No comments.

Building: No building code requirements.

Fire: No other comments.

 $Transportation: No \, comments.$

Public Utilities: No concerns.

HAND: No comments.

Sustainability: No comments.