



Staff Report

PLANNING DIVISION

DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Kelsey Lindquist, Planning Manager, kelsey.lindquist@slcgov.com, 801-535-7930
Date: April 20, 2023
Re: PLNPCM2022-01138 & PLNCPCM2022-01139
Map and Plan Amendment for 1782 S 1600 E.

Application Type

PROPERTY ADDRESS: 1782 South 1600 East
PARCEL ID: 16-16-328-024-0000
MASTER PLAN: Sugar House
ZONING DISTRICT: R-1/7000 (Single Family Residential)

REQUEST:

Blaine Properties LLC is requesting to amend the Sugar House Neighborhood Plan and the zoning map for the property located at 1782 South 1600 East. The applicant is seeking to amend the property from the R-1/7000 (Single Family Residential) to an SR-3 (Special Development Pattern Residential) zoning district. Additionally, the applicant is seeking to amend the Sugar House Neighborhood Plan future land use from Low Density Residential to Medium Density Residential. These amendments are sought for the purpose of eventually legalizing the property for the purpose of constructing a single-family home on the property.

RECOMMENDATION:

Based on the information and findings listed in the staff report, it is the Planning Staff's opinion that the proposed master plan amendment is not consistent with adopted City policies stated in the applicable plans and the proposed zoning amendment does not meet the applicable factors for consideration and therefore recommends the Planning Commission forward a negative recommendation to the City Council.

ATTACHMENTS:

- A. [ATTACHMENT A: Zoning and Future Land Use Map](#)
- B. [ATTACHMENT B: Property and Vicinity Photos](#)
- C. [ATTACHMENT C: Applicant Information](#)
- D. [ATTACHMENT D: Comparison of R-1/7000 and SR-3 Zoning](#)
- E. [ATTACHMENT E: City Plan Policies and Goals](#)
- F. [ATTACHMENT F: Amendment Standards](#)
- G. [ATTACHMENT G: Public Process & Comments](#)



Project Description

The proposal involves two requests: (1) to amend the Sugar House Future Land Use Map from Low Density Residential (5-10 dwelling units per acre) to Medium Density Residential (8-20 dwelling units per acre) and (2) to amend the zoning map designation from R-1/7000 (Single Family Residential) to SR-3 (Special Development Pattern Residential) zoning district. The map and plan amendment are necessary to accommodate a single-family structure on the subject property. The applicant identified SR-3 zoning, due to the reduced lot width and side yard setbacks required for a detached single-family structure. If the amendments are approved, the proposed development would require a planned development process for a building without street frontage, and reduced lot width. Additionally, a preliminary subdivision amendment and final plat amendment will be required to legalize the subdivision.

Existing Use of the Property

The subject property is currently used to satisfy the required parking for the associated duplex located at 1572 E Blaine Ave and a detached garage straddles the property line of both properties. The garage received approval by the Board of Adjustment in 1985 due to its size. The applicant has stated that the garage will be removed from the property, and the off-street parking for the duplex will be accommodated entirely on 1572 E. Blaine. In addition to parking, the property also provides access to the 1580 E Blaine Ave.

Flag Lot Provisions

Please note, the applicant refers to the property as a flag lot; however, the property does not meet the requirements for a flag lot which can be found via the following link:

https://codelibrary.amlegal.com/codes/saltlakecityut/latest/saltlakecity_ut/0-0-0-63993

Neighborhood Context

The neighborhood generally consists of single-family and two-family dwellings. The existing development scale is relatively low in nature. The zoning is relatively consistent with the majority of the properties zoned as R-1/7000. North of the subject property resides the Emigration Creek Greenway, which is zoned as Open Space.

APPROVAL PROCESS AND COMMISSION AUTHORITY

Zoning map amendment proposals are reviewed against a set of considerations from the Zoning Code. The considerations are listed in Attachment F. Generally, Planning Staff is required by ordinance to analyze proposed zoning map amendments against existing adopted City policies and other related adopted City regulations, as well as how a zoning map amendment will affect adjacent properties. The decision is ultimately up to the discretion of the City Council.

There are no specific considerations for plan amendments. However, staff generally considers the same considerations required for a zoning amendment and takes into account other related adopted City policies and current best planning practices. A decision to amend a plan is ultimately up to the discretion of the City Council.

KEY CONSIDERATIONS

The key considerations listed below were identified through the analysis of the project:

1. How the proposal helps implement city goals and policies identified in adopted plans.
2. Comparison of R-1/7000 and SR-3
3. Spot zoning

Consideration 1: How the proposal helps implement city goals and policies identified in adopted plans.

Sugar House Plan

The subject properties are located within the Sugar House Plan, which was adopted in 2001. The Sugar House Future Land Use Map designates the properties as Low Density Residential (5-10 dwelling units per acre). The applicant is requesting to modify the future land use designation to Medium Density Residential (8-20 dwelling units per acre). Technically, SR-3 zoning would allow 21 dwelling units per acre; however, SR-3 is considered a medium density zoning district. The Sugar House Plan provides the following definitions for the existing land use designation and the proposed amendment:

Existing Land Use Designation

The majority of the residential land uses in Sugar House consist of single-family dwellings on lots typically between 5,000 and 8,000 square feet. These low-density residential areas are interspersed with duplexes and a few multiple-family dwellings. It

is desirable to preserve and protect the dominant, single-family character of these neighborhoods by holding the density between five and ten (5-10) dwelling units per acre. Examples of zoning districts that support this density range are R-1/7000, R-1/5000, R-2 and RMF-30.

Policies

- Support and enhance the dominant, single-family character of the existing low-density residential neighborhoods.
- Maintain the unique character of older, predominantly low-density neighborhoods.
- Prohibit the expansion of non-residential land uses into areas of primarily low-density dwelling units.

Medium-Density Residential areas are designed to accommodate a mix of low-rise housing types. These include single-family through four-plex units, garden apartments, townhouses and mixed use or live/work units. This land use classification allows net densities between ten and twenty (10-20) dwelling units per acre. Examples of zoning districts consistent with these recommended densities are the R-1/5000, R-2, SR-1, and RMF-30.

Variations in densities and housing types are encouraged. Design features should include usable landscaped open space, screened off-street parking areas, and units oriented in a way to be compatible to existing surrounding residential structures. New medium-density housing opportunities are encouraged in certain locations in Sugar House, including some areas presently used for commercial, warehouse, and industrial uses.

Location criteria for Medium-Density Residential land uses include:

- Proximity to arterial or collector streets;
- Proximity to higher density residential areas, mixed-use areas, neighborhood commercial nodes or the urban town center of the Business District;
- Proximity to existing and proposed parks and open space;
- Prohibit the expansion of non-residential land uses into areas of medium-density residential.

Many of the original subdivision layouts consisting of narrow, deep lots combined with inadequate development guidelines have resulted in typical “box car” four-plex and apartment development. Typical characteristics of these “box car” four-plexes and apartments include side-yard entry, large ratio of pavement to landscaped areas on the side-yard, a front building elevation devoid of windows, doors and architectural fenestration, flat roofs, concrete block construction and bulky size and mass. “Box car” four-plexes and apartments are not allowed under current zoning regulations.

Policies

- Encourage new Medium-Density housing opportunities in appropriate locations in Sugar House.
- Encourage a variety of densities in the Medium-Density range while ensuring the design of these projects is compatible with surrounding residential structures.
- Continue to prohibit the development of the “box car” design of multi-family dwellings.
- Encourage street patterns that connect with other streets.
- Discourage gated developments.

Infill Development

The Sugar House Plan has policy statements regarding infill development and flag lots. The specific policies that address infill development include the following:

- Focus new residential development toward the Sugar House Business District through a mixed-use land pattern.
- Strive to achieve a residential density that averages at least 18 units per acre within a quarter mile radius of a future light rail station within the town center of the business district.

Flag Lots

Specific policies that address flag lots include the following:

- Explore the feasibility of maintaining interior block areas for use as parks and community gardens.
- Support more restrictive standards for Flag Lots or planned developments.
- Approve Flag Lots only if it is demonstrated that negative impacts can be minimized or avoided. Review Flag Lots under the following guidelines:
 - Preserve the existing privacy of the surrounding properties to the extent possible; and
 - Support new structures of a similar scale that incorporate the desirable architectural design features common throughout the neighborhood.

Discussion: The Sugar House Plan designated the properties as Low Density Residential to preserve and protect the older low density single-family neighborhoods. Medium Density Residential should primarily be located near collector streets, mixed-use/higher density neighborhoods, as well as near the neighborhood commercial zoning and business district.

The plan amendment generally does not align with the goals or policy statements within the Sugar House Plan. Additionally, the R-1/7000 zoning designation does align with the current designation found on the future land use map at 6 dwelling units per acre.

Additionally, the applicant claims that the property is a flag lot. As noted above in the body of the report, the property doesn't comply with the zoning regulations associated with flag lots. Staff included the policy statements from the Sugar House Plan which address flag lots. These policy statements also do not support this amendment.

Plan Salt Lake

1) Neighborhoods

Guiding Principle/Neighborhoods that provide a safe environment, opportunity for social interaction, and services needed for the wellbeing of the community therein.

Neighborhoods Initiatives (applicable initiatives)

1. Maintain neighborhood stability and character.
2. Support neighborhoods and districts in carrying out the City's collective vision.
3. Create a safe and convenient place for people to carry out their daily lives.
4. Support neighborhood identity and diversity.
5. Support policies that provides people a choice to stay in their home and neighborhood as they grow older and household demographics change.

6. Incorporate artistic elements and support cultural events on a neighborhood scale to reinforce neighborhood character and identity.
7. Promote accessible neighborhood services and amenities, including parks, natural lands, and schools.
8. Encourage and support local businesses and neighborhood businesses and neighborhood business districts.
9. Provide opportunities for and promotion of social interaction.

2) Growth

Guiding Principle/ Growing responsibly, while providing people with choices about where they live, how they live and how they get around.

Growth Initiatives

1. Locate new development in areas with existing infrastructure and amenities, such as transit and transportation corridors.
2. Encourage a mix of land uses.
3. Promote infill and redevelopment of underutilized land.
4. Preserve open space and critical environmental areas.
5. Reduce consumption of natural resources, including water.
6. Accommodate and promote an increase in the City's population.
7. Work with regional partners and stakeholders to address growth collaboratively.
8. Provide access to opportunities for a healthy lifestyle.

3) Housing

Guiding Principle/Access to a wide variety of housing types for all income levels throughout the city, providing the basic human need for safety and responding to changing demographics.

Housing Initiatives

1. Ensure access to affordable housing citywide (including rental and very low income).
2. Increase the number of medium density housing types and options.
3. Encourage housing options that accommodate aging in place.
4. Direct new growth toward areas with existing infrastructure and services that have the potential to be people-oriented.
5. Enable moderate density increases within existing neighborhoods where appropriate.
6. Promote energy efficient housing and rehabilitation of existing housing stock.
7. Promote high density residential in areas served by transit.
8. Support homeless services.

Discussion: Plan Salt Lake includes initiatives and goals to increase housing units. With that said, the proposed amendments include developing an illegally subdivided parcel in an existing neighborhood. The increase in density will promote a dwelling unit on the property that functions as a rear yard with challenging access. Generally, these initiatives and goals do not support the proposed amendments.

Consideration 2: Comparison of R-1/7000 and SR-3

Attachment D provides specific details on the zoning comparison between R-1/7000 (Single-Family Residential) and SR-3 (Special Development Pattern Residential) zoning districts. The subject properties are currently zoned R-1/7000. The R-1/7000 district permits single-family residential uses. Single family dwellings in this district require a minimum of 7,000 square feet of lot area and 50 feet of lot width. The development of the subject property under the existing zoning district isn't permitted due to the current configuration, access, lot width and legality issues.

The SR-3 (Special Purpose Residential) zoning district would permit new uses that are not permitted in the R-1/7000 district. These would include single-family attached dwellings, twin homes, and two-family dwellings. Additionally, the square footage required per unit decreases for development within the SR-3. If approved, the proposed amendments could permit approximately 3 dwelling units based on the lot area of the property; however, it would be challenging to fit more than a single-family dwelling on the property. The potential density would be strictly dependent on a subdivision and planned development to approve the illegal lot. Please note, the property owner states that the intent is to construct a single-family dwelling.

Consideration 3: Spot Zoning

The Salt Lake City Zoning Ordinance provides the following definition for *Spot Zoning*:

The process of singling out a small parcel of land for a use classification materially different and inconsistent with the surrounding area and the adopted city master plan, for the sole benefit of the owner of that property and to the detriment of the rights of other property owners.

The proposed amendments are generally considered spot zoning. The proposed map amendment lacks consistency with the zoning within the subject neighborhood. SR-3 zoning is not located within the subject area and differs significantly from the existing and established single-family residential zoning district.

STAFF RECOMMENDATION

Based on the information in this staff report and the factors to consider, as well as the goals and policy statements in the applicable plans, Planning Staff recommends that the Planning Commission forward a negative recommendation to the City Council regarding these amendments.

NEXT STEPS

With a recommendation of approval or denial for the zoning and master plan amendments, the proposal will be sent to City Council for a final decision by that body.

If the zoning and plan amendments are approved by the City Council, the properties could be developed for under the SR-3 zone on the properties. A list of uses allowed by the zone is located in Attachment D; however, as noted above, it would be unlikely for the property to be developed beyond a single-family dwelling. Any development would be subject to a Planned Development, Preliminary Subdivision Amendment and Final Plat. All development would be required to comply with the necessary zoning standards.

If the zoning and plan amendments are denied by the City Council, the property located at 1782 S 1600 E would remain R-1/7000. With this zoning, the property could potentially be developed subject to a Planned Development, Preliminary Subdivision Amendment and Final Plat.

ATTACHMENT A: Zoning and Future Land Use Map



Future Land Use

- Very Low Density Residential (Less than 5 du/acre)
- Low Density Residential (5-10 du/acre)
- Medium Density Residential (8-20 du/acre)
- Medium High Density Residential (20-50 du/acre)
- Neighborhood Business
- Mixed Use - Low Intensity
- Business District Mixed Use - Neighborhood Scale
- Mixed Use - High Intensity
- Business District Mixed Use - Town Center Scale
- Parks & Open Space
- Institutional & Public Lands

ATTACHMENT B: Property and Vicinity Photos



Photo of 1572 E. Blaine Ave



Photo of Blaine Ave.



Photo of Eastern Portion of Blaine Ave



Photo of Subject Property



Photo of Looking Southeast



Photo of Driveway Portion of Subject Property



Photo of Oversized Accessory Structure



Photo of Subject Property



Photo Looking Northwest on 1600 E



Photo Looking Northwest on 1600 E

ATTACHMENT C: Applicant Information



Zoning Amendment

SALT LAKE CITY PLANNING

Amend the text of the Zoning Ordinance Amend the Zoning Map

OFFICE USE ONLY

Received By:	Date Received:	Project #:
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Name or Section/s of Zoning Amendment:

PLEASE PROVIDE THE FOLLOWING INFORMATION

Address of Subject Property (or Area):
1782 S 1600 E, Salt Lake City, UT 84105

Name of Applicant: Blaine Properties, LLC	Phone: [REDACTED]
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Address of Applicant:
3440 S 3650 E , Salt Lake City, UT 84109

E-mail of Applicant: sarrasi@bhhsutah.com	Cell/Fax: [REDACTED]
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Applicant's Interest in Subject Property:

Owner Contractor Architect Other:

Name of Property Owner (if different from applicant):

E-mail of Property Owner: sarrasi@bhhsutah.com	Phone: [REDACTED]
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Please note that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.

AVAILABLE CONSULTATION

If you have any questions regarding the requirements of this application, please contact Salt Lake City Planning Counter at zoning@slcgov.com prior to submitting the application.

REQUIRED FEE

Map Amendment: \$1,142 filing fee, plus \$121 per acre (excess of one acre), plus additional public notice fee.
Text Amendment: \$1,142 filing fee, plus additional public notice fee.
Public noticing fees will be assessed after the application is submitted.

SIGNATURE

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

Signature of Owner or Agent: <i>Stephanie Poulos-Arasi</i> <small>dotloop verified 12/05/22 11:50 AM MST LVRK-BCFG-CF9K-JDRK</small>	Date: 12/5/2022
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ACKNOWLEDGEMENT OF RESPONSIBILITY

This is to certify that I am making an application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application will be processed under the name provided below. By signing the application, I am acknowledging that I have read and understood the instructions provided by Salt Lake City for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I understand that the documents provided are considered public records and may be made available to the public. I understand that my application will not be processed until the application is deemed complete by the assigned planner from the Planning Division. I acknowledge that a complete application includes all of the required submittal requirements and provided documents comply with all applicable requirements for the specific applications. I understand that the Planning Division will provide, in writing, a list of deficiencies that must be satisfied for this application to be complete and it is the responsibility of the applicant to provide the missing or corrected information. I will keep myself informed of the deadlines for submission of material and the progress of this application. I understand that a staff report will be made available for my review prior to any public hearings or public meetings. This report will be on file and available at the Planning Division and posted on the Division website when it has been finalized.

APPLICANT SIGNATURE	
Name of Applicant: Blaine Properties, LLC	Application Type: Zoning Map Amendment
Mailing Address: 3440 S 3650 E, Salt Lake City, UT 84109	
Email: sarrasi@bhhsutah.com	Phone: [REDACTED]
Signature: <i>Stephanie Poulos-Arasi</i> <small>dotloop verified 12/05/22 11:50 AM MST AIUC-YTHY-YZDP-XAKM</small>	Date: 12/5/2022

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

FEE TITLE OWNER SIGNATURE	
Legal Description of Subject Property: <small>BEG 152 FT S FR NE COR BLK 3, PROGRESS HEIGHTS SECOND ADD; W61.25 FT; N 2 FT; W 122.5 FT; S 131.35 FT; E 33.75 FT; N 110.32 FT; E 150 FT; N 20 FT, M OR L TO BEG, TOGETHER WITH 1/2 VACATED ALLEY ABUTTING ON S 4608-0466 6558-2952 6558-2954 6932-247 705</small>	
Name of Owner: Blaine Properties, LLC	
Mailing Address: 3440 S 3650 E, Salt Lake City, UT 84109	Street Address: 3440 S 3650 E, Salt Lake City, UT 84109
Signature: <i>Stephanie Poulos-Arasi</i> <small>dotloop verified 12/05/22 11:31 AM MST ZLHY-HYAY-UOLH-CBMZ</small>	Date: 12/5/2022

The following shall be provided if the name of the applicant is different than the name of the property owner:

1. If you are not the fee owner attach a copy of your authorization to pursue this action provided by the fee owner.
2. If a corporation is fee titleholder, attach copy of the resolution of the Board of Directors authorizing the action.
3. If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership
4. If a Home Owner’s Association is the applicant than the representative/president must attach a notarized letter stating they have notified the owners of the proposed application. A vote should be taken prior to the submittal and a statement of the outcome provided to the City along with the statement that the vote meets the requirements set forth in the CC&Rs.

Be advised that knowingly making a false, written statement to a government entity is a crime under Utah Code Chapter 76-8, Part 5. Salt Lake City will refer for prosecution any knowingly false representations made pertaining to the applicant’s interest in the property that is the subject of this application.

SUBMITTAL REQUIREMENTS

Staff Review

1. Project Description (please electronically attach additional sheets. See [Section 21A.50](#) for the Amendments ordinance.)



A statement declaring the purpose for the amendment.



A description of the proposed use of the property being rezoned.



List the reasons why the present zoning may not be appropriate for the area.



Is the request amending the Zoning Map?
If so, please list the parcel numbers to be changed.



Is the request amending the text of the Zoning Ordinance?
If so, please include language and the reference to the Zoning Ordinance to be changed.

WHERE TO FILE THE COMPLETE APPLICATION

Apply online through the [Citizen Access Portal](#). There is a [step-by-step guide](#) to learn how to submit online.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



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

Property Identification

The subject parcel is a .17-acre property located at 1782 South 1600 East (the “Subject Property”) owned by Blaine Properties LLC (the “Applicant”). The Property is what would commonly be referred to as a “flag lot” in that its frontage (on 1600 east) is long and narrow with a more substantial rectangular portion at its southeast. The Property is recognized by the Salt Lake County Recorder’s Office as Parcel 16163280240000.

While identified as a distinct parcel in County records, Salt Lake City does not recognize the Property as such. The Subject Property is adjacent to another property owned by the Applicant (the “Blaine Property”). The Blaine Property is a .21-acre lot with a duplex. For purposes of land-use designation Salt Lake City considers the Subject Property and the Blaine Property to be one cohesive lot. Both Properties are depicted in *Figure 1*.



Figure 1: Salt Lake County Parcel Map.

The Subject Property Highlighted in Yellow. The Blaine Property Highlighted in Red.

Whether using the City’s designation as one unitary lot or the county’s designation as two distinct lots, it is clear the Subject Property is uniquely configured and irregular in the neighborhood.

The Master Plan Amendment (“MPA”) and Zoning Map Amendment (“ZMA”) applications are expressly for the parameters of the Subject Property and do not include the Blaine Property.

Existing Uses and Conditions

The Subject Property currently has three predominant uses: **1)** It houses a 750 sqft shade structure and roughly half of a 1300 sqft accessory garage (the remaining garage footprint is located within the Blaine Property lot¹), **2)** It is used by residents of the Blaine Property to access the accessory garage, and **3)** it is used as a vehicular access to another adjacent lot's accessory garage² (1580 E Blaine Avenue).

Harkening to the “Flag Lot” descriptor, the “pole” is asphalted for vehicular passage and the “flag” contains the shade structure and is otherwise vacant and sodded.

Purpose for the Amendment

The MPA and ZMA are being proposed to provide a higher and better use for the Subject Property than is currently existing or could feasibly be arranged under the current R-1-7000 designation.

The Subject Property is currently used for vehicular storage, accessing parking stalls, and quite frankly not much else. The vacant portion of the lot is unused by the owner or its tenants and its value as “open space” is negligible, in that it is surrounded by private properties and built features.

The location, size, and shape of the Subject Property lends itself well for the construction of a modest single-family home. A small home on the lot would provide the applicant an opportunity to transform this unused space to one that shelters and houses one new family unit in a beautiful existing neighborhood.

Though the applicant's proposal is modest and reasonable on a property of this size and location, the execution of such a goal has been set back by various impediments in the city process and barriers created by zoning and master plan regulations.

History of Impediments and Current Zoning Barriers

The Subject Property is certainly unique and unprecedented within the area. Its current configuration is the result of a long history starting in 1919 when the original Progressive Heights subdivision was subdivided. In 1951 Progressive Heights was further subdivided which created three unique lots now known as 1572, 1580, and 1586 Blaine Avenue. Following the latest subdivision, the Subject Lot was issued a distinct Parcel Number in the same year.

From 1951-1957, the Subject Lot was left vacant. On May 22nd, 1957, the Subject Lot was forfeited to Salt Lake County pursuant to a tax sale for failure to pay property taxes.

In 1977, Salt Lake County sold the Subject Property under its separate Parcel #1616328024 to the then-owners of 1572 Blaine Avenue, namely, David T. and Dorothy L. Cates. In 1985 the Cates' applied to build a garage on the Blaine Property to be used for the Duplex on the same property. The garage was ultimately built straddling the common property line of the Subject Property and the Blaine Property. There is no evidence that the Cates intended to merge the properties together by this encroachment.

¹ The overlapping nature of the accessory garage structure's footprint has been identified as a reason the City considers the Subject Property and the Blaine Property to be “merged” as a unitary lot.

² There is no formal easement on record for this access. However, the Applicant does not contest this access, nor would a re-zone or subsequent development hinder this access. In the event a plat amendment is recorded the applicant would be in favor of memorializing the access as a recorded easement.

In 1999, the then-owner Mark Huber applied for and received a permit to build a small single-family home on the Subject Lot. Within a week of being issued the building permit, neighbors upset about a new home being constructed adjacent to them, complained to the City, and requested a stop work order. The city subsequently issued the stop work order to review if the Subject Property was legally buildable. The Zoning Administrator reviewed the Subject Property specifications and zoning ordinances and determined that the Subject Property did not legally exist and first introduced the notion that the Subject Property and the Blaine Property were one lot.

Huber then appealed the Zoning Administrator's decision to the Board of Adjustments (the "BOA"). In the July 19th, 1999 hearing, a contingent of neighbors who were opposed to the building of a home on the Subject Property were represented by an attorney. The attorney introduced the idea of a "lot merger" having occurred with the previous construction of the detached garage. After other public comment from neighbors opposed to any development, the BOA unanimously voted to uphold the administrative decision, not to recognize the Subject Property as an independent lot, and to restrict any development of a new single-family dwelling.

To memorialize the BOA's decision an Abstract of Findings and Order was recorded over the property to notice that the Subject Property "is not an independent lot and may not be developed with a new single-family dwelling". This ruling by the BOA has since become a barrier to reimagining the Subject Property's land-use and highest and best use.

After the ruling Huber ceased his efforts to develop the Subject Property and did not submit an appeal to the BOA's decision. Eventually, on February 25th, 2014 both the Blaine Property and the Subject Property were purchased by the applicant.

Like Huber, the applicant recognized the Subject Property as an ideal opportunity for the development of a humble single-family home structure. The applicant reached out to Salt Lake City Planning Department to explore the possibility of seeking a land-use redesignation. It was at this point where the applicant became aware of the history of the site and the BOA decision of 1999. In an effort to unwind the decision the applicant requested an Administrative Interpretation to determine whether the Subject Property is a legal complying parcel and a buildable lot.

On September 9th, 2020 staff determined that they were unable to evaluate whether the BOA made a legal or correct decision. Given that the BOA decision of 1999 was never appealed by Huber, staff found that the decision remains in effect and that the property could not be developed independently.

On September 18th, 2020 the applicant submitted an Appeal of Decision before Planning and Zoning arguing that the BOA decision 1) should be available for review and appeal and 2) that the BOA decision was legally incorrect. This appeal went before the Salt Lake City Land Use Appeals Hearing Officer who on December 22nd, 2020 issued his ruling to uphold the decision of the September 9th, 2020 Administrative interpretation.

In his ruling the Hearing Officer was sympathetic to the first issue argued by the applicant, namely, that the 1999 BOA decision could be challenged and plausibly overturned. The officer also questioned his authority to overturn a decision by a BOA (that no longer exists).

With the latest land-use decision rendered the applicant reached out to city planning staff to see what processes exist to revisit and petition the "non-developable" status of the Subject Property. Two options

were given 1) Appeal the decision to the Third District Court, or 2) Submit a MPA and ZMA to rezone the subject property.

The applicant has elected to pursue option two with this application for MPA and ZMA. If this petition is granted the applicant will be required to submit a Planned Development (“PD”) and Preliminary Subdivision application before any development of the Subject Property. The applicant understands that the PD application could be run concurrently with the MPA and ZMA, however, due to monetary constraints, the applicant is electing to only petition the MPA and ZMA at this time.

Description of the Proposed Use of the Property

The property is tucked inside a typical single-family and two-family neighborhood. While lots in the neighborhood more or less conform to R-1-7 zone characteristics there is a variety of housing types and massing in the area. The property is best suited for a small-scale single-family residence.

While no design decisions have been made the property is of ample size to provide space for a small footprint custom or modular home structure.

Reasons why the Present Zoning is not Appropriate for the Area

The applicant does not dispute that the R-1-7 zone is appropriate for the area at large. For the vast majority of the neighborhood blocks the dimensional standards have efficiently distributed properties with a proper balance of living spaces and open spaces. The R-1-7 has proven to be a value to the community as a rule, but it is desperately lacking in usability for exceptions.

The Progress Heights Second Addition subdivision is more than 70 years old, and its current lot configuration has changed immensely since its initial subdivision. While the plat has never been formally amended, lots have been combined and a midblock alleys have been vacated in what surprisingly has resulted in a fairly typical neighborhood residential pattern.



Figure 2: Portion of Progress Heights Second Addition Plat contrasted with current site condition.

The only exception to a typical lot in the plat is the Subject Lot. Its peculiar historical circumstances have left this as the only “flag lot” and only “un-developable” building lot in the entire Progress Heights Second Addition Plat.

Exceptions like this lot can be found in various historical neighborhoods throughout the city where development occurred before processes were more formalized and zoning as stringent. Where these unique parcels are of adequate size and dimension, they should not be blocked perpetually from development, but should rather be granted thoughtful consideration to see how they can be developed to their highest and best use while maintaining general neighborhood character.

Thankfully the applicant has identified a city zoning designation that seems to address this exact exceptional situation. The SR-3 special pattern residential provides for lot, bulk and use regulations, including a variety of housing types, in scale with the character of development located within the interior portions of city blocks. This zone has been used liberally in the city to provide land-use to uniquely located properties where use of the surrounding zoning restrictions would render a site undevelopable.



Figure 3: SR-3 Interior Block Examples Shown in Yellow

The SR-3 is a designation that recognizes that unique properties should be given unique considerations and that “spot zoning” is not a pejorative but rather a tool for land-use efficiency. SR-3 is definitionally a different zone than its surrounding properties for the purpose of dealing with distinctive site location.

Because the property is located midblock in a flagging composition it is petitioned that the lot be reclassified as SR-3 zone.

Consistency with City Objectives

Salt Lake City has made significant commitments to providing a broad array of responses to the housing shortage crisis. City master plans such as *Plan Salt Lake* and *Growing SLC: A Five Year Plan* have clearly established objectives to increase housing where it makes sense and can be of minimal impact to the community.

Plan Salt Lake specifically supports, “Promot(ing) infill and redevelopment of underutilized land” (PSL pg.19), “Increas(ing) the number of medium density housing types and options” and “Enabl(ing) moderate density increases within existing neighborhoods where appropriate” (PSL pg. 21).

By designating the property SR-3, a medium density zone, a property that has been restricted for development can be made viable to build a modest single-family home.

Growing SLC seems to be speaking directly to the subject property when it reads “Apart from traditional infill ordinances, responding to the unusual age, form, and shape of housing stock should be addressed and leveraged to add incremental density...” (GSL pg. 19) *Growing SLC* specifically addresses small courtyard cottages and bungalows as “Missing Middle Housing” and prioritizes “finding a place for these (missing middle housing) types throughout the city...”.

This petition is in line with *Growing SLC* in “finding a place” for missing middle housing. Small infill opportunities such as that presented by the Subject Property should be considered individually to see if they can responsibly include more housing or development otherwise. The city’s current objectives are to eliminate certain barriers that have historically and reflexively been put upon properties that don’t fit neatly into usual neighborhood characteristics. “Exacerbating the housing crisis are local barriers to housing development. These barriers, such as density limitations, prohibitions on different types of housing, and other development regulations, have contributed in part to a general supply deficit and economic segregation” (GSL pg. 11).

Conclusion

Even a cursory review of the site conditions of the Subject Property indicate that it is clearly an appropriate site for a modest single-family residence. It is only in review of the existing zoning designation and the recorded Abstract of Findings that anyone would consider this lot “un-buildable”. To step back and consider this logic is to find that there are no physical and practical constraints but only legal and definitional constraints.

The history of the Abstract of Findings shows that the reasons for the barrier to development were not only supported by but wholly introduced by an attorney representing a NIMBY contingent. The language that is memorialized in the Abstract of Findings has for many years obstructed any commonsense development of this infill lot.

Fortunately, there is a method to restore a commonsense and higher and better use for the property. That is to redesignate the lot to the SR-3 zone. The zone recognizes that unique properties can be dealt with more nuance than would otherwise be available by simple consultation of the surrounding zoning limitations.

The applicant recognizes that one new infill cottage home will have negligible effects on the housing crisis. However, it will also have no real negative effects on the neighborhood that it finds itself in. Rather it will provide one new home that can house one more family and be of an immense value to those who will one day live in it.

The applicant implores the Planning Staff and the Planning Commission to consider this Petition to redesignate the Subject Property from R-1-7000 to SR-3.

EXHIBIT

- Public Comments in support of development on Subject Property from December 10th, 2020 Appeal of a Decision Hearing



From: [REDACTED]
To: Lindquist, Kelsey
Subject: (EXTERNAL) comment for appeal hearing 1782 S. 1600 East
Date: Tuesday, December 8, 2020 9:09:42 PM

Please enter my comments into the appeal hearing for the property at 1782 S. 1600 E. in Salt Lake City.

Salt Lake City has determined that this is not a legal complying lot and therefore a single-family detached dwelling could not be built on it. SLC is using outdated zoning rules from 20+ years ago which is restricting the applicant in making better use of this space for new affordable housing. Statewide we are down at least 50,000 units of affordable housing and at this point in time we have less than 900 properties for sale on the WFRMLS in Salt Lake County and we are in an extreme housing crisis that is not going to get better as more people move to Utah than leave.

It is my belief that the applicant and her plans for the site are stellar and completely reasonable and will not adversely affect the surrounding properties in any way and the change/addition of this plan will add diversity and affordability. The NIMBY mindset cannot exist when people can't afford to buy homes and live in the neighborhoods where their parents abide and where they may want to send their children to school. Portland's City Council has thrown out single family zoning altogether due to the extreme housing crisis in Oregon and the lack of affordable housing opportunities.

I fully support the applicant and her plan for this property. I've sold thousands of homes in this valley and served for 8 years as a Planning and Zoning Commissioner and Chair of that Commission. I see nothing that upsets the cart in her intentions and hope that SLC sees this application as a chance to update old regulations that inhibit growth and diversity in our neighborhoods.

	<p>Babs De Lay Principal Broker/Owner 37 years [REDACTED] [REDACTED] member Salt Lake AND Washington County Boards of REALTORS Historic Landmarks Commissioner, SLC Secretary, Utah Girl Scout Council Board</p>	<p>Upstairs at the Gateway 102 S. Rio Grande St. Salt Lake City, Ut 84101</p> 
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From: [scott mikkelsen](#)
To: [Lindquist, Kelsey](#)
Subject: (EXTERNAL) Appeal Hearing for 1572 East Blaine and 1782 South 1600 East
Date: Thursday, December 10, 2020 10:45:34 AM

To Whom it May Concern,

I am writing this email regarding the appeal of the Administrative Interpretation PLNZAD2020-00585 and the two parcels located at 1572 E Blaine Ave and 1782 S 1600 E. I have known the property owner and her family for over two decades and the negative comments about their dishonesty and desire to be sneaky and deceitful couldn't be falser. The owner and her family are people of faith and integrity and I'm disappointed that some would imply otherwise. The family has been deeply rooted into the Salt Lake Valley for generations and share the same concerns that other residents of the community have. It's no secret that housing values have skyrocketed and that the need for affordable housing has existed for a long time. What the property owner is asking for is no different than what most of us would do for our children if we could. Young adults were out priced of the Sugar House community a long time ago and the property owner's desire is to provide an affordable way for her son to construct a home of his own so that he might be able to establish his own roots and raise a family in a community so sought after. He desires the same things that others have mention in their comments of opposition. It appears that the follow up pertaining to anything in the past was lacking from the City or the past owner and it was all well before the current owner purchased the property.

I just recently retired from Salt Lake City after 33 years. The current Zoning Ordinance was adopted in April of 1995. During my career and since the adoption of the current ordinance the land use needs of the City have constantly been changing requiring amendments and even new types of land uses. Regulations have been adopted that allow for smaller infill lots to be developed, for reduce off street parking requirements in multi-family buildings in the 9th & 9th area and to allow for ADU's in areas with single family zones just to name a few. I would hear the opposition to the changes often and the concerns expressed in opposition to this appeal are the same that citizens express in other communities. There are no single-family homes constructed in Salt Lake City without off street parking so it's unfair to complain about any on street parking problems as reason for any denial. Because Salt Lake City is a metropolitan area the sky is well lit throughout the valley and star gazing or mountain view obstructions should be given no consideration. We all appreciate both, but we chose to live in the City. Right now, the parcel is just a vacant lot and not so-called "open space". I own property at 954 S 800 E and I can look in any direction and find lots throughout the area that at one time were too narrow or too small to be developed. Now, because of amendments to the current Zoning Ordinance single family homes are being constructed. The vacant lots prior to the changes just created blight and always had the potential for attracting the wrong element such as the homeless camps that usually always create a big nuisance. After

operation Rio Grande Street the tents and camps were no longer along 500 West. Instead, they popped up on vacant lots throughout, including next to the SLC Country Club. **I'm in favor of allowing the property owner to develop the parcel.** Not just because she's a friend but also because it would be in-line with the City's desire for more affordable housing and a single-family home would be an improvement over a vacant parcel.

Respectfully,

Scott Mikkelsen

Kelsey Lindquist
C/O Salt Lake City Planning Department
Kelsey.lindquist@slcgov.com

Dear Ms. Lindquist,

This letter/email is in support of the appeal dated December 4th, 2020 by Stephanie Aarrasi to allow the property historically a separate parcel from her duplex property to be utilized fully.

Having been involved in Salt Lake City planning issues for over fifty years as a member of the Salt Lake City Red Lining committee under Ted Wilson, on the Historic Landmarks Committee for a number of years, on the Sugar House Community Council for many years its chair and the chair of the POST committee, vice chair of the Sugar House Park Authority, as well as the chair of the Downtown Preservation and Development Committee formed by Mayor Wilson to research and protect historic properties in the central downtown area and the committee that did the rezoning of much of the Salt Lake I have some background in this subject.

I have lived in the Sugar House and Avenues areas for over 50 years. I have watched the neighborhoods change (sometimes for the better but other times not).

This property should be developed for the following reasons:

- It is a viable lot in its own right;
 - Development would remove a weedy blight from the neighborhood;
 - There have been many exceptions to the various “carved in stone” ordinances over the years;
 - Right up the street from this property is the Cottages development. The neighbors fought tooth and nail to stop that development because it was “too narrow” to build on and the lots would overlook adjacent neighbors’ properties. The neighborhood now have greater value and no weedy eye sore to see.
 - On the corner of 23rd East and Clayborne there was a .05 Acre piece of property,
 - **Parcel # 16271290020000** owned by the County that all the adjoining neighbors complained. The County sold the property and even though it was an uneven, triangular piece, gave permission to build the home still standing there.
 - **We allow accessory buildings on most residential properties now. Many of those have the same issues as this appeal has and yet because they come under different guidelines they are allowed.**
-
- **The center of Sugar House is a testament to the changes the City has allowed to the Sugar House Master Plan.**


I could add to the above list but go back in my files. I did not know of this appeal until today and I have no further time now.

I support this appeal.

Thank You for Your Time
Grace Sperry
2654 S. 1300 East
Salt Lake City, UT 84106

December 8, 2020

Mr. Anthony Arrasi
Realtor, Berkshire Hathaway
HomeServices Utah Properties
6340 South 3000 East, Suite 600
Salt Lake City, Utah 84121


aarrasi@bhhsutah.com

Dear Anthony,

You have contacted me and asked for my recollection of a 1999 Board of Adjustment land use decision that involved a property situated at 1572 East Blaine Avenue in Salt Lake City. I understand that, today, you own that property and also the adjacent property to the north with the address 1782 South 1600 East.

This case was 21 years ago. My memory of the Board's action on the property at 1782 South 1600 East is a bit dim. I am unsure if I actually voted on the determination. The Chair would not vote on a case unless needed to constitute a quorum and to conduct the public's business as posted.

I served 11½ years on the Board of Adjustment for Salt Lake City from February 1, 1990 until September 1, 2001. I then served nine years on the City's Planning Commission until June 8, 2010. During the last 8½ years on the Board of Adjustment, I served as the Chair. I was Chair in 1999 when the matter you referenced came before the Board.

The Board would meet every three weeks – on average – during the years I served on the Board. Members considered an average of 10 cases each meeting. In total, each year, members heard well over 100 cases. And during my 11½ years on the Board, I considered over 1,000 cases.

The Board was primarily concerned with land use disputes and decisions. Members voted on questions involving conditional uses and special exceptions as well as decisions made by a hearing officer.

This 1999 case involved the land use question of an interpretation of a "merger" involving two existing structures and adjacent properties – one at the 1782 South 1600 address, and the other a property at 1572 Blaine Avenue. Seemingly, each property would have (as you have indicated) separate legal descriptions and separate tax ID numbers.

Good people can disagree on interpretations on questions of land use. When in doubt, Board members would vote to uphold the staff report and the presentation of planning staff. As I have said, I joined the Board in 1990, and I do not have knowledge of Board of Adjustment decisions prior to that year.

I understand that you are now the owner of the property in question, and that you have inherited a 1999 decision that may constitute a governmental hardship that is no longer justifiable under the City's 2020 evolving standards for development in existing neighborhoods.

I understand that you are petitioning to have the Board's decision on this property re-opened. This is understandable. You have the legal right to do so, and the City's general plan for increasing residential development in existing neighborhoods has changed significantly in the past two decades.

I would encourage you to confer with Planning Division staff members. Seemingly, the question I would ask is: If you, as the property owner, were to remove the accessory structure that appears to connect the two properties, then would there no longer constitute a questionable "lot merger?"

Given changing circumstances and evolving Salt Lake City Government land use standards and the City's general plan for increased population growth in existing neighborhoods, I am in total support of your effort to have this matter re-opened.

Good luck to you.

Sincerely,

Tim Chambless

A black rectangular redaction box covering the signature area, likely containing a name and contact information.

From: [ayyoob abbaszadeh](#)
To: [Lindquist, Kelsey](#)
Subject: (EXTERNAL) Regarding 1782 south 1600 east property
Date: Tuesday, December 8, 2020 6:49:55 PM

To Whom It May Concern,

My name is Ayyoob Abbaszadeh, and I live on 1916 S 1600 E. I was walking around the neighborhood the other day and noticed a sign on 1600 E for an appeal meeting pertaining to the property at 1782 S 1600 E. I went home to review both the staff report and the applicants appeal information. After reading both, it is my opinion that the Planning Division should work with the applicant to accommodate a home on the lot, whether that be allowing the property owner to go through the rezone process if necessary, or granting a conditional use permit. I'm an engineer, and have worked on many new homes over the years. As a Sugar House resident, there's no question that we need more types of affordable housing in this area instead of large apartment buildings and other projects. It seems to me that the applicant's intent most probably is consistent with the city's master plan of developing infill lots for more housing. I love the idea of having a home on this property and think it would increase the neighborhood's value. I hope the hearing officer will take into consideration the needs of SLC's increasing population and our low home inventory when making a decision.

Regards

Ayyoob Abbaszadeh

Sent from Yahoo Mail on Android

December 10, 2020

Kelsey Lindquist
Senior Planner
Salt Lake City Planning Division

RE: Petition Number PLNAPP2020-00725

Ms. Lindquist,

I am writing in support of the referenced petition. I am a neighbor and landowner residing at 1487 South 1600 East, having lived at this location for over 31 years.

It is my understanding that the intended development and use of this property as a single family residence conforms to neighborhood standards and would meet the current goals of Salt Lake City in that it would add additional low cost housing in an area where there is a high demand for such.

Please register this letter in support of the Appeal. I will attend the virtual Appeals Hearing this evening.

Regards,



1487 South 1600 East

Salt Lake City, Utah 84105

1782 S 1600 E - Arrasi Lot

MICHAEL WOLFE [REDACTED]

Thu, Mar 18, 2021 at 9:32 PM

To: Anthony Arrasi [REDACTED]

To Whom it may concern:

I spent some time to day with Anthony and Stepheni Arrasi today, in order to assess the feasibility of them building a new home on their vacant lot in Sugarhouse. I have lived in Salt Lake City my entire life and have been in Sugarhouse 15 years. I believe that the project they are proposing is worthwhile and possess little to no impact on the Neiborhood. The lot is plenty large to accommodate a home of 1500 to 2000 feet. The lots around the subject property are deep and open. The existing structures could be incorporated into a project in such a way as to not alter views of surrounding neighbors . Infill housing of this nature is needed in the area. A home on this lot would be welcomed in Sugarhouse.

Michael K Wolfe
Downtown Self Storage Inc President
1538 Downington Ave
Salt Lake City Ut. 84105

March 18, 2021

To whom it may concern;

I'm writing to enter my comments into the appeal hearing for the property located at 1782 South 1600 East in Salt Lake City.

I own an investment property about a third a mile north on 1600 East and have been a Realtor for almost 30 years.

I support the property owner's petition to build a reasonable-sized, single-family home the flag-lot they own.

Looking at the property it seems like a logical thing to do. We are greatly in need of additional housing and need far fewer non-food-producing plots that require costly irrigation and maintenance.

The family has invested, and paid taxes in, this area for a long time and they're really just looking to have each other nearby. I think that particular behavior should be supported whenever possible and natural.

Thank you for your time and consideration,

Melanie Soules

Principal Broker

Hard-Working [REDACTED]

[REDACTED]



Anthony Arrasi <aarrasi@gmail.com>

Fwd: letter

Polly [REDACTED]

To: Anthony Arrasi [REDACTED]

Sat, Mar 20, 2021 at 10:31 AM

Begin forwarded message:

From: [REDACTED]
Subject: 1782 South 1600 East SLC, Ut
Date: March 20, 2021 at 9:57:16 AM MDT
To: [REDACTED]

Good afternoon,

My name is Tab Cornelison, I am in favor of Salt Lake City approving the Arrasi family's plan to build a home on this site. It seems to me that building a house is far better than allowing weeds to grow on this property. I own a house on the 1600 block of Wilson Ave. There is certainly a housing shortage for this type of home and I feel that building a home on this site would be a welcome addition to the neighborhood. So with this idea, granting this approval is a positive thing for the neighborhood and for property values in the surrounding areas.

Thank you.

Tab

Tab Cornelison | Senior Vice President
CBRE | Office Properties
222 South Main Street, 4th Floor | Salt Lake City, UT 84101
T 801 869 8037 | F 801 869 8080 | C 801 597 5552
[REDACTED] | www.cbre.com/tab.cornelison

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-
-
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Anthony Arrasi <aarrasi@gmail.com>

1782 S 1600 E

Kosmo Androulidakis/Pacific/Brenntag

Wed, Apr 7, 2021 at 4:15 PM

To: Anthony Arrasi

Cc: Kosmo Androulidakis/Pacific/Brenntag

From: Kosmo Androulidakis/Pacific/Brenntag

Sent: Wednesday, April 7, 2021 4:09 PM

To: Anthony Arrasi

Subject: RE: [EXTERNAL]1782 S 1600 E

To Whom it may concern,

As a property owner in Sugarhouse in the 15th and 15th area, I want to make a few comments regarding the property located at 1782 S. 1600 E in SLC, Utah. I support the property owner's plans to build on this lot. It is suitable for building a single family home on it. In addition, we are in a housing crises with hardly any inventory on the market due to the influx of people moving to our state. I feel that building a home on the lot is better than leaving it vacant and would be welcome in the Sugarhouse neighborhood. It just make sense to allow the Arrasi family to build a home on this site.

Kosmo Androulidakis

Account Manager

BRENNTAG

Brenntag Pacific Inc.

2334 West Directors Row

Salt Lake City, UT 84104

ConnectingChemistry



Anthony Arrasi <aarrasi@gmail.com>

Arrasi empty lot

1 message

Dale Aramaki [REDACTED]

Wed, Apr 7, 2021 at 2:04 PM

To: [REDACTED]

To whom it may concern,

My name is Dale Aramaki and I am in favor of Salt Lake City allowing the Arrasi's to build a family home in the vacant Sugarhouse lot. As someone who owns two homes in Sugarhouse and two businesses I know the Arrasi's newest addition to Sugarhouse would be a welcomed one. It is a better image to have another family home in the neighborhood that will positively contribute to the community than an empty lot.

Dale Aramaki owner
Uptown Service station

--

Dale Aramaki

Owner
Uptown Service LLC
2276 East 2100 South
Salt Lake City, Utah 84109
[REDACTED]

Property Identification

The subject parcel is a .17-acre property located at 1782 South 1600 East (the “Subject Property”) owned by Blaine Properties LLC (the “Applicant”). The Property is what would commonly be referred to as a “flag lot” in that its frontage (on 1600 east) is long and narrow with a more substantial rectangular portion at its southeast. The Property is recognized by the Salt Lake County Recorder’s Office as Parcel 16163280240000.

While identified as a distinct parcel in County records, Salt Lake City does not recognize the Property as such. The Subject Property is adjacent to another property owned by the Applicant (the “Blaine Property”). The Blaine Property is a .21-acre lot with a duplex. For purposes of land-use designation Salt Lake City considers the Subject Property and the Blaine Property to be one cohesive lot. Both Properties are depicted in *Figure 1*.



Figure 1: Salt Lake County Parcel Map.

The Subject Property Highlighted in Yellow. The Blaine Property Highlighted in Red.

Whether using the City’s designation as one unitary lot or the county’s designation as two distinct lots, it is clear the Subject Property is uniquely configured and irregular in the neighborhood.

The Master Plan Amendment (“MPA”) and Zoning Map Amendment (“ZMA”) applications are expressly for the parameters of the Subject Property and do not include the Blaine Property.

Existing Uses and Conditions

The Subject Property currently has three predominant uses: **1)** It houses a 750 sqft shade structure and roughly half of a 1300 sqft accessory garage (the remaining garage footprint is located within the Blaine Property lot¹), **2)** It is used by residents of the Blaine Property to access the accessory garage, and **3)** it is used as a vehicular access to another adjacent lot's accessory garage² (1580 E Blaine Avenue).

Harkening to the “Flag Lot” descriptor, the “pole” is asphalted for vehicular passage and the “flag” contains the shade structure and is otherwise vacant and sodded.

Purpose for the Amendment

The MPA and ZMA are being proposed to provide a higher and better use for the Subject Property than is currently existing or could feasibly be arranged under the current R-1-7000 designation.

The Subject Property is currently used for vehicular storage, accessing parking stalls, and quite frankly not much else. The vacant portion of the lot is unused by the owner or its tenants and its value as “open space” is negligible, in that it is surrounded by private properties and built features.

The location, size, and shape of the Subject Property lends itself well for the construction of a modest single-family home. A small home on the lot would provide the applicant an opportunity to transform this unused space to one that shelters and houses one new family unit in a beautiful existing neighborhood.

Though the applicant's proposal is modest and reasonable on a property of this size and location, the execution of such a goal has been set back by various impediments in the city process and barriers created by zoning and master plan regulations.

History of Impediments and Current Zoning Barriers

The Subject Property is certainly unique and unprecedented within the area. Its current configuration is the result of a long history starting in 1919 when the original Progressive Heights subdivision was subdivided. In 1951 Progressive Heights was further subdivided which created three unique lots now known as 1572, 1580, and 1586 Blaine Avenue. Following the latest subdivision, the Subject Lot was issued a distinct Parcel Number in the same year.

From 1951-1957, the Subject Lot was left vacant. On May 22nd, 1957, the Subject Lot was forfeited to Salt Lake County pursuant to a tax sale for failure to pay property taxes.

In 1977, Salt Lake County sold the Subject Property under its separate Parcel #1616328024 to the then-owners of 1572 Blaine Avenue, namely, David T. and Dorothy L. Cates. In 1985 the Cates' applied to build a garage on the Blaine Property to be used for the Duplex on the same property. The garage was ultimately built straddling the common property line of the Subject Property and the Blaine Property. There is no evidence that the Cates intended to merge the properties together by this encroachment.

¹ The overlapping nature of the accessory garage structure's footprint has been identified as a reason the City considers the Subject Property and the Blaine Property to be “merged” as a unitary lot.

² There is no formal easement on record for this access. However, the Applicant does not contest this access, nor would a re-zone or subsequent development hinder this access. In the event a plat amendment is recorded the applicant would be in favor of memorializing the access as a recorded easement.

In 1999, the then-owner Mark Huber applied for and received a permit to build a small single-family home on the Subject Lot. Within a week of being issued the building permit, neighbors upset about a new home being constructed adjacent to them, complained to the City, and requested a stop work order. The city subsequently issued the stop work order to review if the Subject Property was legally buildable. The Zoning Administrator reviewed the Subject Property specifications and zoning ordinances and determined that the Subject Property did not legally exist and first introduced the notion that the Subject Property and the Blaine Property were one lot.

Huber then appealed the Zoning Administrator's decision to the Board of Adjustments (the "BOA"). In the July 19th, 1999 hearing, a contingent of neighbors who were opposed to the building of a home on the Subject Property were represented by an attorney. The attorney introduced the idea of a "lot merger" having occurred with the previous construction of the detached garage. After other public comment from neighbors opposed to any development, the BOA unanimously voted to uphold the administrative decision, not to recognize the Subject Property as an independent lot, and to restrict any development of a new single-family dwelling.

To memorialize the BOA's decision an Abstract of Findings and Order was recorded over the property to notice that the Subject Property "is not an independent lot and may not be developed with a new single-family dwelling". This ruling by the BOA has since become a barrier to reimagining the Subject Property's land-use and highest and best use.

After the ruling Huber ceased his efforts to develop the Subject Property and did not submit an appeal to the BOA's decision. Eventually, on February 25th, 2014 both the Blaine Property and the Subject Property were purchased by the applicant.

Like Huber, the applicant recognized the Subject Property as an ideal opportunity for the development of a humble single-family home structure. The applicant reached out to Salt Lake City Planning Department to explore the possibility of seeking a land-use redesignation. It was at this point where the applicant became aware of the history of the site and the BOA decision of 1999. In an effort to unwind the decision the applicant requested an Administrative Interpretation to determine whether the Subject Property is a legal complying parcel and a buildable lot.

On September 9th, 2020 staff determined that they were unable to evaluate whether the BOA made a legal or correct decision. Given that the BOA decision of 1999 was never appealed by Huber, staff found that the decision remains in effect and that the property could not be developed independently.

On September 18th, 2020 the applicant submitted an Appeal of Decision before Planning and Zoning arguing that the BOA decision 1) should be available for review and appeal and 2) that the BOA decision was legally incorrect. This appeal went before the Salt Lake City Land Use Appeals Hearing Officer who on December 22nd, 2020 issued his ruling to uphold the decision of the September 9th, 2020 Administrative interpretation.

In his ruling the Hearing Officer was sympathetic to the first issue argued by the applicant, namely, that the 1999 BOA decision could be challenged and plausibly overturned. The officer also questioned his authority to overturn a decision by a BOA (that no longer exists).

With the latest land-use decision rendered the applicant reached out to city planning staff to see what processes exist to revisit and petition the "non-developable" status of the Subject Property. Two options

were given 1) Appeal the decision to the Third District Court, or 2) Submit a MPA and ZMA to rezone the subject property.

The applicant has elected to pursue option two with this application for MPA and ZMA. If this petition is granted the applicant will be required to submit a Planned Development (“PD”) and Preliminary Subdivision application before any development of the Subject Property. The applicant understands that the PD application could be run concurrently with the MPA and ZMA, however, due to monetary constraints, the applicant is electing to only petition the MPA and ZMA at this time.

Description of the Proposed Use of the Property

The property is tucked inside a typical single-family and two-family neighborhood. While lots in the neighborhood more or less conform to Low Density Residential R-1-7 zone characteristics there is a variety of housing types and massing in the area. The property is best suited for a small-scale single-family residence.

While no design decisions have been made the property is of ample size to provide space for a small footprint custom or modular home structure.

Reasons why the Present Zoning is not Appropriate for the Area

The applicant does not dispute that the R-1-7 zone is appropriate for the area at large. For the vast majority of the neighborhood blocks the dimensional standards have efficiently distributed properties with a proper balance of living spaces and open spaces. The R-1-7 has proven to be a value to the community as a rule, but it is desperately lacking in usability for exceptions.

The Progress Heights Second Addition subdivision is more than 70 years old, and its current lot configuration has changed immensely since its initial subdivision. While the plat has never been formally amended, lots have been combined and a midblock alleys have been vacated in what surprisingly has resulted in a fairly typical neighborhood residential pattern.



Figure 2: Portion of Progress Heights Second Addition Plat contrasted with current site condition.

The only exception to a typical lot in the plat is the Subject Lot. Its peculiar historical circumstances have left this as the only “flag lot” and only “un-developable” building lot in the entire Progress Heights Second Addition Plat.

Exceptions like this lot can be found in various historical neighborhoods throughout the city where development occurred before processes were more formalized and zoning as stringent. Where these unique parcels are of adequate size and dimension, they should not be blocked perpetually from development, but should rather be granted thoughtful consideration to see how they can be developed to their highest and best use while maintaining general neighborhood character.

Thankfully the applicant has identified a city zoning designation that seems to address this exact exceptional situation. The SR-3 special pattern residential provides for lot, bulk and use regulations, including a variety of housing types, in scale with the character of development located within the interior portions of city blocks. This zone has been used liberally in the city to provide land-use to uniquely located properties where use of the surrounding zoning restrictions would render a site undevelopable.



Figure 3: SR-3 Interior Block Examples Shown in Yellow

The SR-3 is a designation that recognizes that unique properties should be given unique considerations and that “spot zoning” is not a pejorative but rather a tool for land-use efficiency. SR-3 is definitionally a different zone than its surrounding properties for the purpose of dealing with distinctive site location.

Because the property is located midblock in a flagging composition it is petitioned that the lot be reclassified. The request is to amend the Future Land Use Map from Low Density Residential to Medium Density Residential. Along with this, the requested zone change is from R-1-7000 to that of the SR-3 zone.

Consistency with City Objectives

Salt Lake City has made significant commitments to providing a broad array of responses to the housing shortage crisis. City master plans such as *Plan Salt Lake* and *Growing SLC: A Five Year Plan* have clearly established objectives to increase housing where it makes sense and can be of minimal impact to the community.

Plan Salt Lake specifically supports, “Promot(ing) infill and redevelopment of underutilized land” (PSL pg.19), “Inceas(ing) the number of medium density housing types and options” and “Enabl(ing) moderate density increases within existing neighborhoods where appropriate” (PSL pg. 21).

By designating the property SR-3, a medium density zone, a property that has been restricted for development can be made viable to build a modest single-family home.

Growing SLC seems to be speaking directly to the subject property when it reads “Apart from traditional infill ordinances, responding to the unusual age, form, and shape of housing stock should be addressed and leveraged to add incremental density...” (GSL pg. 19) *Growing SLC* specifically addresses small courtyard cottages and bungalows as “Missing Middle Housing” and prioritizes “finding a place for these (missing middle housing) types throughout the city...”.

This petition is in line with *Growing SLC* in “finding a place” for missing middle housing. Small infill opportunities such as that presented by the Subject Property should be considered individually to see if they can responsibly include more housing or development otherwise. The city’s current objectives are to eliminate certain barriers that have historically and reflexively been put upon properties that don’t fit neatly into usual neighborhood characteristics. “Exacerbating the housing crisis are local barriers to housing development. These barriers, such as density limitations, prohibitions on different types of housing, and other development regulations, have contributed in part to a general supply deficit and economic segregation” (GSL pg. 11).

Conclusion

Even a cursory review of the site conditions of the Subject Property indicate that it is clearly an appropriate site for a modest single-family residence. It is only in review of the existing zoning designation and the recorded Abstract of Findings that anyone would consider this lot “un-buildable”. To step back and consider this logic is to find that there are no physical and practical constraints but only legal and definitional constraints.

The history of the Abstract of Findings shows that the reasons for the barrier to development were not only supported by but wholly introduced by an attorney representing a NIMBY contingent. The language that is memorialized in the Abstract of Findings has for many years obstructed any commonsense development of this infill lot.

Fortunately, there is a method to restore a commonsense and higher and better use for the property. That is to redesignate the lot to the SR-3 zone. The zone recognizes that unique properties can be dealt with more nuance than would otherwise be available by simple consultation of the surrounding zoning limitations.

The applicant recognizes that one new infill cottage home will have negligible effects on the housing crisis. However, it will also have no real negative effects on the neighborhood that it finds itself in. Rather it will provide one new home that can house one more family and be of an immense value to those who will one day live in it.

The applicant implores the Planning Staff and the Planning Commission to consider this Petition to redesignate the Subject Property from R-1-7000 to SR-3.

ATTACHMENT D: Comparison of R-1/7000 and SR-3 Zoning

The applicant is proposing to change the zoning of this property from R-1/7000 (Single-Family Residential) to SR-3 (Special Development Pattern Residential).

Purpose statement of the R-1/7000 zoning district:

The purpose of the R-1/7000 Single-Family Residential District is to provide for conventional single-family residential neighborhoods with lots not less than seven thousand (7,000) square feet in size. This district is appropriate in areas of the City as identified in the applicable community Master Plan. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standard for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

Purpose statement of the SR-3 zoning district:

The purpose of the SR-3 special development pattern residential district is to provide lot, bulk and use regulations, including a variety of housing types, in scale with the character of development located within the interior portions of city blocks. Uses are intended to be compatible with the existing scale, density and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood. This is a medium density zoning district.

	R-1/7000	SR-3
Building Height	28' for pitched roofs 20' for flat roofs	28' for pitched roofs 20' for flat roofs Average height of other buildings
Front Setback	Average of block face	Average of block face If no block face exists, 10'
Side Setback Corner Side Setback	6' and 10' 6'	Single-family detached: 4' Single-family attached: 4' when abutting a sfd, otherwise no yard required
Rear Setback	25'	20% of lot depth but not less than 15' no more than 30'
Lot Minimums	7,000 square feet	Single-family detached: 2,000 Single-family attached: 1,500 Two-family: 3,000
Lot Width	50'	SFD Interior: 30' Corner: 40' SFA Interior: 22'

		Corner: 32' TF Interior: 44' Corner: 54'
Building Coverage	40%	SFD: 60% SFA: 70%

Permitted and Conditional Uses in R-1/7000	Permitted and Conditional Uses in SR-3
<p>Permitted Uses</p> <ul style="list-style-type: none"> • Accessory use, except those that are otherwise specifically regulated elsewhere in this title • Daycare, registered home daycare or preschool • Daycare, nonregistered home daycare • Dwelling, group home (small) • Dwelling, manufactured home • Dwelling, single-family (detached) • Home occupation • Open space on lots less than 4 acres in size • Park • Parking, park and ride lot shared with exiting use • Urban farm • Utility building or structure • Utility transmission wire, line, pipe or pole <p>Conditional Uses</p> <ul style="list-style-type: none"> • Community Garden • Adaptive reuse of a landmark site • Daycare center, child • ADU • Dwelling, assisted living facility (limited capacity) • Dwelling, congregate care facility (small) • Government facility • Municipal service use • Place of worship on lots less than 4 acres in size • School, seminary and religious institute • Temporary use of closed schools and churches 	<p>Permitted Uses</p> <ul style="list-style-type: none"> • Accessory use, except those that are otherwise specifically regulated elsewhere in this title • Daycare, registered home daycare or preschool • Daycare, nonregistered home daycare • ADU • Dwelling, group home (small) • Dwelling, manufactured home • Dwelling, single-family (detached) • Dwelling, single-family (attached) • Dwelling, twin home and two-family • Home occupation • Open space on lots less than 4 acres in size • Park • Parking, park and ride lot shared with exiting use • Urban farm • Utility building or structure • Utility transmission wire, line, pipe or pole <p>Conditional Uses</p> <ul style="list-style-type: none"> • Community garden • Daycare center, child • Dwelling, congregate care facility (small) • Government facility • Municipal service use • Place of worship on lots less than 4 acres in size • School, seminary and religious institute • Temporary use of closed schools and churches •

ATTACHMENT E: City Plan Policies and Goals

Sugar House Plan

The subject properties are located within the Sugar House Plan, which was adopted in 2001. The Sugar House Future Land Use Map designates the properties as Low Density Residential (5-10 dwelling units per acre). The applicant is requesting to modify the future land use designation to Medium Density Residential (8-20 dwelling units per acre). The SR-3 zoning would allow 21 dwelling units per acre; however, SR-3 is considered a medium density zoning district. Sugar House Plan provides the following definitions for the existing land use designation and the proposed amendment:

Existing Land Use Designation

The majority of the residential land uses in Sugar House consist of single-family dwellings on lots typically between 5,000 and 8,000 square feet. These lot-density residential areas are interspersed with duplexes and a few multiple-family dwellings. It is desirable to preserve and protect the dominant, single-family character of these neighborhoods by holding the density between five and ten (5-10) dwelling units per acre. Examples of zoning districts that support this density range are R-1/7000, R-1/5000, R-2 and RMF-30.

Policies

- Support and enhance the dominant, single-family character of the existing low-density residential neighborhoods.
- Maintain the unique character of older, predominantly low-density neighborhoods.
- Prohibit the expansion of non-residential land uses into areas of primarily low-density dwelling units.

Medium-Density Residential areas are designed to accommodate a mix of low-rise housing types. These include single-family through four-plex units, garden apartments, townhouses and mixed use or live/work units. This land use classification allows net densities between ten and twenty (10-20) dwelling units per acre. Examples of zoning districts consistent with these recommended densities are the R-1/5000, R-2, SR-1, and RMF-30.

Variations in densities and housing types are encouraged. Design features should include usable landscaped open space, screened off-street parking areas, and units oriented in a way to be compatible to existing surrounding residential structures. New medium-density housing opportunities are encouraged in certain locations in Sugar House, including some areas presently used for commercial, warehouse, and industrial uses.

Location criteria for Medium-Density Residential land uses include:

- Proximity to arterial or collector streets;
- Proximity to higher density residential areas, mixed-use areas, neighborhood commercial nodes or the urban town center of the Business District;
- Proximity to existing and proposed parks and open space;

- Prohibit the expansion of non-residential land uses into areas of medium-density residential.

Many of the original subdivision layouts consisting of narrow, deep lots combined with inadequate development guidelines have resulted in typical “box car” four-plex and apartment development. Typical characteristics of these “box car” four-plexes and apartments include side-yard entry, large ratio of pavement to landscaped areas on the side-yard, a front building elevation devoid of windows, doors and architectural fenestration, flat roofs, concrete block construction and bulky size and mass. “Box car” four-plexes and apartments are not allowed under current zoning regulations.

Policies

- Encourage new Medium-Density housing opportunities in appropriate locations in Sugar House.
- Encourage a variety of densities in the Medium-Density range while ensuring the design of these projects is compatible with surrounding residential structures.
- Continue to prohibit the development of the “box car” design of multi-family dwellings.
- Encourage street patterns that connect with other streets.
- Discourage gated developments.

Infill Development

The Sugar House Plan has policy statements regarding infill development and flag lots. The specific policies that address infill development include the following:

- Focus new residential development toward the Sugar House Business District through a mixed-use land pattern.
- Strive to achieve a residential density that averages at least 18 units per acre within a quarter mile radius of a future light rail station within the town center of the business district.

Flag Lots

Specific policies that address flag lots include the following:

- Explore the feasibility of maintaining interior block areas for use as parks and community gardens.
- Support more restrictive standards for Flag Lots or planned developments.
- Approve Flag Lots only if it is demonstrated that negative impacts can be minimized or avoided. Review Flag Lots under the following guidelines:
 - Preserve the existing privacy of the surrounding properties to the extent possible; and
 - Support new structures of a similar scale that incorporate the desirable architectural design features common throughout the neighborhood.

Discussion: The Sugar House Plan designated the properties as Low Density Residential to preserve and protect the older low density single-family neighborhoods. Medium Density Residential should primarily be located near collector streets, mixed-use/higher density neighborhoods, as well as near the neighborhood commercial zoning and business district.

The plan amendment generally does not align with the goals or policy statements within the Sugar House Plan. Additionally, the R-1/7000 zoning designation does align with the current designation found on the future land use map at 6 dwelling units per acre.

Additionally, the applicant claims that the property is a flag lot. As noted above in the body of the report, the property doesn't comply with the zoning regulations associated with flag lots. Staff included the policy statements from the Sugar House Plan which address flag lots. These policy statements also do not support this amendment.

Plan Salt Lake

1) Neighborhoods

Guiding Principle/Neighborhoods that provide a safe environment, opportunity for social interaction, and services needed for the wellbeing of the community therein.

Neighborhoods Initiatives (applicable initiatives)

1. Maintain neighborhood stability and character.
2. Support neighborhoods and districts in carrying out the City's collective vision.
3. Create a safe and convenient place for people to carry out their daily lives.
4. Support neighborhood identity and diversity.
5. Support policies that provides people a choice to stay in their home and neighborhood as they grow older and household demographics change.
6. Incorporate artistic elements and support cultural events on a neighborhood scale to reinforce neighborhood character and identity.
7. Promote accessible neighborhood services and amenities, including parks, natural lands, and schools.
8. Encourage and support local businesses and neighborhood businesses and neighborhood business districts.
9. Provide opportunities for and promotion of social interaction.

2) Growth

Guiding Principle/ Growing responsibly, while providing people with choices about where they live, how they live and how they get around.

Growth Initiatives

1. Locate new development in areas with existing infrastructure and amenities, such as transit and transportation corridors.
2. Encourage a mix of land uses.
3. Promote infill and redevelopment of underutilized land.
4. Preserve open space and critical environmental areas.
5. Reduce consumption of natural resources, including water.
6. Accommodate and promote an increase in the City's population.
7. Work with regional partners and stakeholders to address growth collaboratively.
8. Provide access to opportunities for a healthy lifestyle.

3) Housing

Guiding Principle/Access to a wide variety of housing types for all income levels throughout the city, providing the basic human need for safety and responding to changing demographics.

Housing Initiatives

9. Ensure access to affordable housing citywide (including rental and very low income).
10. Increase the number of medium density housing types and options.
11. Encourage housing options that accommodate aging in place.
12. Direct new growth toward areas with existing infrastructure and services that have the potential to be people-oriented.
13. Enable moderate density increases within existing neighborhoods where appropriate.
14. Promote energy efficient housing and rehabilitation of existing housing stock.
15. Promote high density residential in areas served by transit.
16. Support homeless services.

Discussion: Plan Salt Lake includes initiatives and goals to increase housing units. With that said, the proposed amendments include developing an illegally subdivided parcel in an existing neighborhood. The increase in density will promote a dwelling unit on the property that functions as a rear yard with challenging access.

Growing SLC

Goal 1: Increase Housing Options

Objective 1: Review and modify land-use and zoning regulations to reflect the affordability needs of a growing, pioneering city.

Objective 1.1.1 Develop flexible zoning tools and regulations, with a focus along significant transportation routes.

Objective 1.1.2 Develop in-fill ordinances that promote a diverse housing stock, increase housing options, create redevelopment opportunities, and allow additional units within existing structures, while minimizing neighborhood impacts.

Objective 1.1.3 Revise the ADU ordinance to expand its application and develop measure to promote its use.

Discussion: The identified objectives encourage zoning flexibility to increase the housing stock and housing opportunities. The amendments are sought to relieve what the applicant considers a hardship. The property was not created legally, which results in a property that cannot be developed. The amendments, if adopted, and later accompanied by a planned development, preliminary subdivision and final subdivision plat could result in an increase of a housing unit. With that said, the proposals are in direct conflict with many of the adopted policies and objectives for Salt Lake City. Please note that the additional Growing SLC goals do not apply with this proposal.

Summary:

The adopted plans, policies and goals do not generally align with the proposed amendments. The neighborhood is well established with R-1/7000 zoning. While the Sugar House Plan does

identify goals for infill and flag lot development, this property does not meet the location identification or the flag lot standards, or infill. Additionally, the property does not meet the intent of the location parameters for medium density classification in the Sugar House Future Land Use Map. Ultimately, the amendments are sought to legalize an illegal subdivision for the purposes of development. These goals do not align with the identified policy statements or objectives.

ATTACHMENT F: Amendment Standards

Plan Amendments

State Law, Utah Code Annotated, Title 10 Chapter 9a, requires that all municipalities have a master plan. However, there is no specific criteria relating to master plan amendments. The City does not have specific criteria relating to master plan amendments. However, City Code Section 21A.02.040 – Effect of Adopted Plans or General Plans addresses this issue in the following way:

All master plans or general plans adopted by the planning commission and city council for the city, or for an area of the city, shall serve as an advisory guide for land use decisions. Amendments to the text of this title or zoning map should be consistent with the purposes, goals, objectives and policies of the applicable adopted master plan or general plan of Salt Lake City. (Ord. 26-95 § 2(1-4), 1995)

In this case, the plan is being amended in order to provide consistency between the Sugar House Plan and the proposed zoning designation of the subject property. State Law does include a required process in relation to a public hearing and recommendation from the Planning Commission in relation to a plan amendment. The required process and noticing requirements have been met.

Staff does not support the amendment to the future land use map because the proposal is not consistent with written policies in the Sugar House Plan. The applicable Sugar House Plan policy statements can be found in Attachment E.

21A.50.050: Standards for General Amendments

A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard.

1. Whether a proposed map amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;

Finding: The proposal is not consistent with Plan Salt Lake or the Sugar House Plan.

Discussion: The proposal conflicts with the policy statements and goals in the Sugar House Plan. Please see Attachment E and Key Consideration 1 for applicable City plan policies and discussions.

2. Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance.

21A.02.030 General Purpose and Intent of the Zoning Ordinance

The purpose of the zoning ordinance is to promote health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the city, and, in addition:

- A. *Lessen congestion in the streets or roads;*
- B. *Secure safety from fire and other dangers;*
- C. *Provide adequate light and air;*
- D. *Classify land uses and distribute land development and utilization;*
- E. *Protect the tax base;*
- F. *Secure economy in governmental expenditures;*
- G. *Foster the city's industrial, business and residential development; and*
- H. *Protect the environment.*

The proposed amendments generally support or has no appreciable impact on these purposes. The proposal could accommodate a single-family dwelling. No real traffic impact is anticipated with this proposal. The existing access to light and air will not be impeded by this proposal.

Zoning District Purpose

The purpose statement of the SR-3 is: The purpose of the SR-3 special development pattern residential district is to provide lot, bulk and use regulations, including a variety of housing types, in scale with the character of development located within the interior portions of city blocks. Uses are intended to be compatible with the existing scale, density and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood. This is a medium density zoning district. Off site parking facilities in this district to supply required parking for new development may be approved ad part of the conditional use process.

The proposed map amendment would allow for medium density development, which would not be compatible with the existing scale of the neighborhood. The properties within this neighborhood primarily consist of R-1/7000 zoning.

21A.50.010 Purpose Statement

The zoning amendment section of the ordinance notes the following with regard to its purposes:

The purpose of this chapter is to provide standards and procedures for making amendments to the text of this title and to the zoning map. This amendment process is not intended to relieve particular hardships nor to confer special privileges or rights up any person, but only to make adjustments necessary in light of changed conditions or changes in public policy.

The property owner is requesting development rights on a portion of the property that was illegally subdivided. The amendments are to accommodate a single-family dwelling and to legalize the subdivision. Staff believes that these amendments would be to relieve a hardship and would grant special privileges to this property owner. There has not been substantial change in public policy that would warrant the requested amendments.

3. The extent to which a proposed map amendment will affect adjacent properties;

Finding: The proposed SR-3 zone will impose different development regulations than the R-1/7000 district.

Discussion: The primary difference between the R-1/7000 and the SR-3 are the setback requirements and density limits. The proposed zone would increase the development potential of the property. The SR-3 zoning district permits a single-family dwelling per 2,000 square feet, which substantially differs from the established requirement of 7,000 square feet per single-family detached in the R-1/7000. With that said, it would be difficult to develop the subject property beyond the proposed single-family dwelling. It's important to note, the proposed density is not readily found within the existing neighborhood. It can be found elsewhere in Sugar House but generally closer to the Sugar House Business District.

4. Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards.

Finding: The map amendment doesn't conflict with any overlays that affect the property.

Discussion: The property is not located within an overlay that would impose additional standards on the residential uses allowed on the property.

5. The adequacy of public facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreational facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

Finding: The City's public facilities and services have adequate capacity to serve the additional dwellings that would be allowed with this rezone.

Roadways

The existing roadways will not be severely impacted by the proposed development. The Transportation Division did not express concerns about the proposed amendments.

Parks and Recreation Facilities

The proposal is in an area of the City with a high level of park access that are adequate to serve additional residents:

- Wasatch Hollow
- Sugar House Park
- Fairmont Park
- Allen Park

Police and Fire Protection

The development is located within an existing developed area with dedicated police and fire services. The services are adequate to serve additional residents.

Fire did conduct a review of the proposal and did not express any concerns, as long as the access provided is adequate and a minimum of 20' in width.

Schools

The property is located within the boundary of Highland High School. The property is near the boundary for Dillworth Elementary School and East High School.

Stormwater Drainage Systems

Public Utilities has reviewed the proposal and did not identify any concerns with adequacy of utilities to serve the property. If any deficiencies are identified in being able to serve the property in more detailed reviews. Public Utilities can require the developer to upgrade public facilities that serve the property.

Refuse Collection

The proposal would be served by the City's Recycling and Waste Services or a private waste service. The proposal would not have a substantive impact on the City's service level.

ATTACHMENT G: Public Process & Comments

Public Notice, Meetings, Comments

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project since the applications were submitted:

- February 24, 2023 – The Sugar House Community Council was sent the 45 day required notice for recognized community organizations.
- February 24, 2023- Property owners and residents within 300 feet of the development were provided early notification of the proposal.
- April 17, 2023- Applicant and staff attended the Sugar House Land Use Committee meeting.

Public Input:

Staff received one email with questions about the proposal.

Additional comments may have been received. The prior employee working on these proposals did not keep a record of the comments that may have been submitted.

From: [Andrea Jimmie](#)
To: [Lindquist, Kelsey](#)
Subject: (EXTERNAL) Fw: PCNPCM2022-01138 and PLNPCM2022-01139
Date: Monday, April 17, 2023 4:11:38 PM

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

From: Andrea Jimmie
Sent: Monday, April 17, 2023 4:10 PM
To: elizabeth.hart@slcgov.com <elizabeth.hart@slcgov.com> [REDACTED]
[REDACTED]
Subject: PCNPCM2022-01138 and PLNPCM2022-01139

To Whom it may concern,

I am writing in regard to the property located at 1782 South 1600 East. I thought this was put to rest a few years ago but I guess she is trying again. I live next to that property, and I strongly disagree and oppose another unneeded, or unwanted HOME in between our current homes. That area is not large enough for a driveway and or backyard to be 'established' without interfering with the homes and property surrounding. We do not need more 'tenants' driving in between our homes. The fact that the city of Sugarhouse is allowing these huge high-rise business and apartments to be built on every corner is sad. But we DO NOT NEED TO MOVE THESE INTO NEIGHBORHOODS!!!! The neighbors around this area will fight and fight this over and over. There does not need to be a home where they are waning it, there is no room and we do not need or wanted the unnecessary construction that would be going on for how many months.

Sincerely,
Andrea Jimmie

From: [Marley Bramble](#)
To: [Lindquist, Kelsey](#)
Cc: [REDACTED]
Subject: (EXTERNAL) Proposed Home Build at 1782 South 1600 East
Date: Wednesday, April 19, 2023 9:38:39 AM

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

To Whom it May Concern,

I am writing this letter in support of the Arrasi family to build a modest home on the vacant lot of 1782 South 1600 East. As a lifelong resident of Wasatch Hollow, I can attest to the fact that this is a wonderful place to call home. The community is close-knit, the schools are excellent, and the amenities are plentiful. However, I also understand that the cost of living in this neighborhood has become increasingly expensive over the years. These increasing costs along with the scarcity of buildable land has made Wasatch Hollow, Progressive Heights and a majority of Sugarhouse become very difficult for many people to afford.

As someone who inherited my childhood home and was fortunate enough to avoid the rising costs of living in the area, I understand how difficult it can be to find affordable housing in our community. This is why I fully support the proposed plan for the subject property. By doing so, the Arrasi family is not only creating an affordable home for their children but also providing an opportunity for others to potentially live in this neighborhood in the future.

Lastly, from my discussions with the Arrasi family, I understand the home will be proportional in size to the lot, and the building design will compliment the surrounding homes using materials and colors that will blend in with the neighborhood. Furthermore, they have assured me that they will be mindful of the potential impact that the construction may have on the local environment, and will take steps to mitigate any negative effects. A modest home would not only provide an opportunity for affordable housing, but it would also help to maintain the character and charm of our neighborhood. Overall I believe a new home built will be a greater asset to the neighborhood than an unusable vacant lot.

I want to express my support for the proposed project and wish the Arrasi family all the best with their plans. If you have any further questions, please do not hesitate to reach out to me.

Sincerely,

Marley Bramble

Wasatch Hollow Community Council Second Vice Chair



THE BRAMBLE LANE TEAM

Marley Bramble REALTOR®
[REDACTED]

Ashlee S Lane ASSOCIATE BROKER
[REDACTED]



BrambleLaneRealEstate.com

2022 & 2021 Chairman's Circle Gold • 2020, 2019 & 2018 President's Circle Award Winners
Luxury Home Collection Specialists • Relocation Specialists • RPAC Contributor

[Click here to visit our website.](#)
[Click here to email Marley.](#)
[Click here to email Ashlee.](#)

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From: [Rebecca Davis](#)
To: [Lindquist, Kelsey](#)
Subject: (EXTERNAL) Questions about the rezone request at 1782 S 1600 E
Date: Wednesday, April 12, 2023 12:56:50 PM

Hello Kelsey, I decided to email you instead of trying to connect with you by phone. I will list my questions below about the rezone request for 1782 S 1600 E, case numbers PLNPCM2002-01138 and 01139.

What are the required setbacks for the SR-3 zone?

Would the property owner be allowed to request variances to the standard setbacks under the SR-3 zone?

Would the front of the proposed single family home face east?

Can an interior ADU be built in the single family residence?

Can a detached ADU be built on the property as well as a single family home?

Is adequate off-street parking required under the SR-3 zone?

Is it likely that this zoning request will be granted, given the history of this property? This property was twice determined to not be a legal lot because the garage straddles the property line between this property and 1572 E Blaine Ave.

I assume the garage will be torn down in order to build a single family home, so that may cause 1782 S 1600 E to no longer be flagged as “related to 1572 E Blaine Ave.”

If the zoning change is granted and the garage is torn down, will the property owner be required to have the garage examined to determine if there is any asbestos in the structure that could impact the neighbors when it is torn down? The huge garage is 1 foot from my east property line. I can only imagine the great amount of dust and debris that will blow into my yard.

If the zoning change is granted, does the property owner have any responsibility to counter light pollution from cars that enter through the alley? When David Cates built the garage, he brought a great amount of fill in and spread it throughout the property. That property is now higher than the neighboring yards to the west. You can see evidence of this increase in height from my backyard. I am concerned about lights shining into my yard when the garage is torn down.

The higher elevation of the property also makes me concerned about the height of the proposed home. What are the height limitations in the SR-3 zone?

Thanks for taking the time to answer my questions. I will introduce myself to you at Monday’s Land Use and Zoning Committee meeting. It will be nice to meet you in person.

Thank you,
Rebecca W Davis
1564 E Blaine Ave



ATTACHMENT H: Department Review Comments

This proposal was reviewed by the following departments. Any requirement identified by a City Department is required to be complied with.

Engineering: Scott Weiler

No comments.

Zoning: Kelsey Lindquist

See review in staff report body.

Fire: Doug Bateman

As long as the driveway is 20-feet (as mentioned) it would not be a problem. They would also need to meet any new code requirements with any new structures built, including fire separation distances and fire resistance ratings, which are reviewed after they have applied for a permit.

Urban Forestry:

No comments received.

Sustainability:

No comments received.

Police:

No comments received.

Public Utilities: Kristeen Beitel

Public Utilities has no objections to the proposed rezone or master plan amendment. Additional comments have been provided to assist in the future development of the property. The following comments are provided for information only and do not provide official project review or approval. Comments are provided to assist in design and development by providing guidance for project requirements.

- Public Utility permit, connection, survey, and inspection fees will apply.
- All utility design and construction must comply with APWA Standards and SLCPU Standard Practices.
- All utilities must meet horizontal and vertical clearance requirements. Water and sewer lines require 10 ft minimum horizontal separation and 18” minimum vertical separation. Sewer must maintain 5 ft minimum horizontal separation and 12” vertical separation from any non-water utilities. Water must maintain 3 ft minimum horizontal separation and 12” vertical separation from any non-sewer utilities.
- Utilities cannot cross property lines without appropriate easements and agreements between property owners.
- There is an existing sewer lateral that crosses this lot. The sewer lateral serves the home at 1770 South 1600 East. An easement will be required between the property owners for this sewer lateral

that crosses the property. Proof of easement will be required prior to issuance of the building permit.

- New utility services for the proposed home should be designed so that they do not cross property lines and only run on the subject property to 1600 East. The property's frontage on 1600 East is approximately 20 feet, so there should be adequate room for new services while maintaining clearance requirements.
- Site utility and grading plans will be required for building permit review. Site utility plans should include all existing and proposed utilities, including water, irrigation, fire, sewer, stormwater, street lighting, power, gas, and communications. Grading plans should include arrows directing stormwater away from neighboring property. Please refer to APWA, SLCDPU Standard Practices, and the SLC Design Process Guide for utility design requirements.
- One culinary water meter will be permitted for this parcel. A fire service may be permitted, if required. Each service requires a separate connection to the public water main.
- Site stormwater must be collected on site and routed to the public storm drain system. Stormwater cannot discharge across property lines or public sidewalks.