

678 F Street

With additional details not included in the June, 2007 newsletter article

Recently, the owner of a large duplex at 678 F Street appeared before the Planning Commission. He had built his duplex too close to the property line. According to the owner, the error was his surveyor's fault and it was not discovered until after his building was completed. In addition, the owner had poured a driveway on the other side of his building that was five feet wider than was permitted. In fact, had the building been located on the lot as shown in the plans used to obtain his permit, the driveway would not have fit on his property.

To bring the building into compliance, the owner was requesting approval to purchase four feet of property from the currently vacant lot to his north. However, in giving up four feet, a problem was created for the vacant lot as it would no longer meet the minimum width requirement of 50 feet in the SR-1A zoning district.

Planning Office staff "solved" this problem by proposing the owner purchase just the land adjacent to the duplex itself. This left the front yard of the vacant lot 50 feet wide. Therefore a lot was achieved that was technically 50 feet wide but only 46 feet wide where any future building might be located, in effect creating a higher density for that lot than was intended by the SR-1A ordinance and the City Council.

Giving up the property from the vacant lot created one additional "problem." The owners of the vacant lot planned to build a duplex but in narrowing the lot to 46 feet they had reduced the size of the lot to a level below the required minimum square footage for a duplex. The staff report simply noted that in giving up the four feet, the vacant lot would no longer meet the size requirements for a duplex but that a single family home would be permitted. It also noted that any additional lot line shift would require city approval.

Not noted in the report was the fact that senior planning officer Doug Wheelwright had met in private with the City Attorney, Lynn Pace, and had already obtained approval to administratively (no hearing, no public comment, done deal) transfer the "needed" square footage to the vacant lot from a third lot.

Until Doug was pressed, Planning Commission Chairperson, Peggy McDonough stated that she wasn't sure why the neighbors were concerned with the application as what they were being asked to approve would result in a reduction in the number of unit/homes that could be built on the vacant lot. Once Doug's meeting with the city attorney came to light it became clear that the Planning Commission was actually being asked to approve an increase in density given the soon to be narrower vacant lot.

After several uncomfortable moments, the Planning Commission approved the lot line shift anyway, with Commissioner Prescott Muir arguing that any impact on the vacant lot was none of the commission's business as the application had been submitted by the owner of the duplex.

Unfortunately decisions like this, where adjacent property owners are negatively impacted while the Salt Lake City Planning Office ensures that developers are protected from assuming responsibility for what are at best, sloppy building practices, are not uncommon.

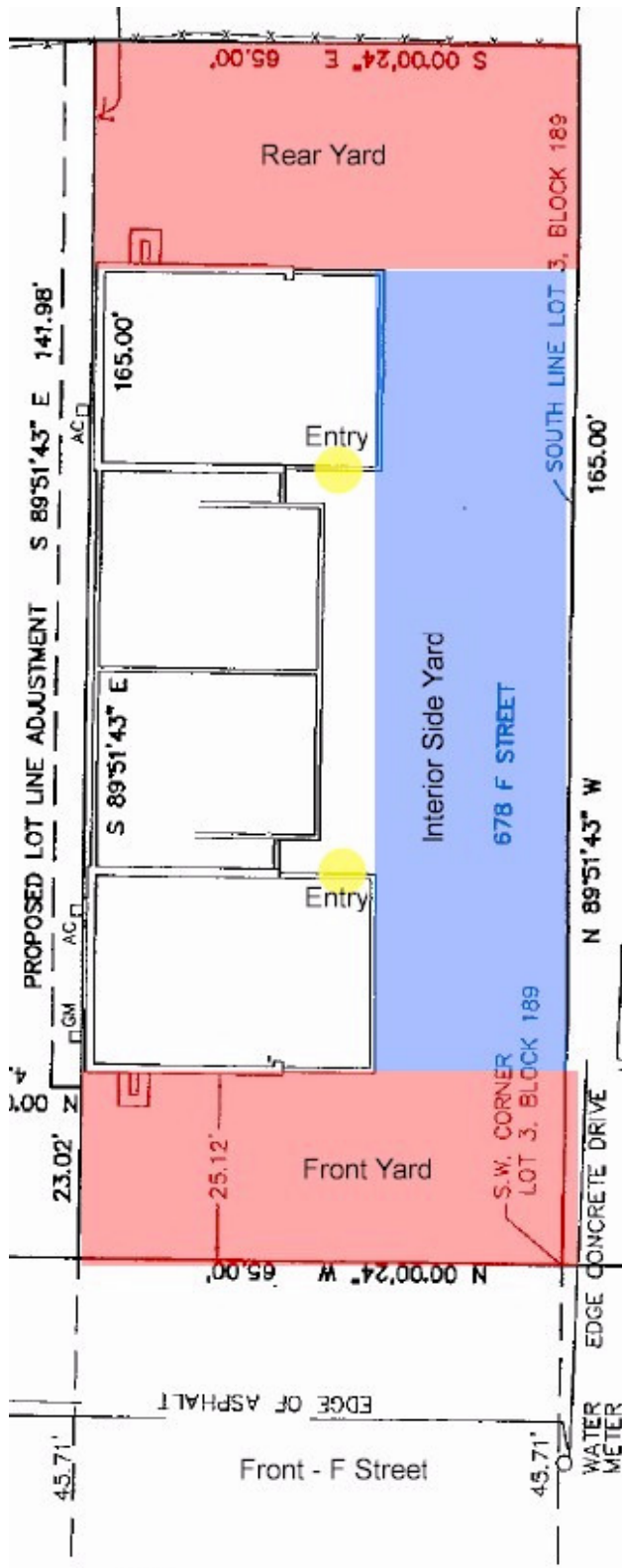
A second issue with this property concerns the question of whether or not the building is a “side entry building.” Because “side entry buildings” are situated on a lot in a manner that results in the side yards functioning in much the way that the larger front and rear yards do for a conventional building, “side entry buildings” are required to have larger interior side yard setbacks on both sides in order to minimize the impact of these buildings on adjacent property owners.

21A.24.010 General Provisions:

H. Side Entry Buildings: To provide for adequate air, light and separation between buildings, greater yard requirements are necessary for buildings whose principal means of entry is located along an interior side yard. For all such buildings, the side yard shall not be less than twelve feet (12'), eight feet (8') of which shall be devoted to landscape area.

In an administrative decision that was made two years ago with no notice or opportunity for public input or comment, the Planning Office states that they determined the building was not a “side entry building.” Planning also stated that because the appeal period ended 30 days after the unpublicized decision, the decision is final and cannot be challenged.

Planning and Building Services do not post administrative decisions in a public place and most go into effect without any public knowledge or opportunity for comment.



This is one property that I would encourage you to visit and make your own determination as to whether or not the "... principal means of entry is located along an interior side yard."

If this is a "side entry building," then Planning has not required a large enough side setback on the north (uphill side). They are requiring four feet instead of the 12 required of a side entry building.

In yet another questionable decision, Planning allowed the applicant to exclude the existing building at 688 F Street when they calculated the required front setback for the recently subdivided southern half of 688 F Street (the minimum required front setback for a property is equal to the average front setback on the block face). Excluding this property allowed the vacant lot north of the duplex to give up the four feet for the interior side yard setback as described above while continuing the argument that the minimum lot width of 50 feet for the vacant was maintained at the point of the minimum front setback requirement (24 feet). Had the building at 688 F been included in the calculation of average front setback then the required front setback (blockface average) would have been over 26 feet and the vacant lot would not have been able to give the four feet at the front façade of the duplex (25 feet setback) and maintain still the minimum lot width requirement at the 26 foot point on the lot.

Allowing the applicant to drop the building at 688 F from the calculation of the required front setback is particularly interesting in light of the buildings that planning allowed to be included in the calculation of the minimum front setback for the property at 667 Wall Street (see the description of that case).