
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: February 10, 2009

SUBJECT: Petition No. 400-07-14 – A request by Vera Novak to partially vacate the east/west portion of the alley located south of the property at 2553 South Dearborn Street.

STAFF REPORT BY: Jennifer Bruno, Policy Analyst

AFFECTED COUNCIL DISTRICTS: District 7

**ADMINISTRATIVE DEPT:
AND CONTACT PERSON:** Community Development
Katia Pace, Associate Planner

NOTICE REQUIREMENTS: Newspaper advertisement once a week for 4 weeks prior to the Public Hearing

KEY ELEMENTS:

A. Key points in the Administration's transmittal are the following:

1. The petitioner is requesting that Salt Lake City vacate the northern half of the east/west portion of the alley located adjacent to the property at 2553 Dearborn.
2. The petitioner is making this request in order to rebuild and expand an existing garage on this portion of the alley. The petitioner has not submitted plans for this new garage to the City for review.
3. There are 4 single-family residences that abut the alleyway, which is a dead-end. If the full width and length of the alleyway was vacated (*per Council policy – see Master Plans and Policy Considerations Item D*), that would deny access to the only off-street parking for the property located at 1469 Stratford, and would deny access to the secondary garage located at 1477 Stratford.
4. **See attached aerial photograph**/diagram of the requested alley vacation.
5. The following are key points of history involved in this alley vacation request:
 - i. In 1985, the north/south portion of the alleyway and an east/west portion of the alleyway adjacent to 2553 Dearborn was vacated. However, the legal description for the alley vacation was recorded incorrectly. As such, there is a dispute over where the exact property line for 2553 Dearborn is located.
 - ii. In that action, the City did not vacate the entirety of the east/west alleyway, because that is the only access to off-street parking for the property at 1469 Stratford (access from Dearborn through alleyway to garage facing alleyway).
 - iii. In 2004, the property owner at 1477 Stratford submitted plans for a building permit for a second garage with access from the alleyway (the other garage on the property has access from Stratford Avenue – however, that property owner indicated in the Planning Commission public hearing that the first garage is too small to fit their car). The property owners showed a diagram for the alleyway which indicated the access for the garage to be a full 12 feet (the minimum required for a garage permit is eight feet). However, after further review it was discovered that the access to the garage from the alleyway was only six feet, and the original diagram showed the alleyway in the incorrect location (*the diagram*

showed the alleyway on top of the property located at 1469 Stratford). When the City discovered this error, the City changed the building permit from a garage to a permit for an accessory structure. Even though the structure is used as a garage, and the alleyway is needed for vehicular access to the structure, it is not recognized by the City as a garage.

6. The petitioner's original application, submitted June 2007, requested the full width of the alleyway be vacated (25 feet by 12 feet). In the transportation Division's review of the application, they recommended that the property at 1477 Stratford retain access to the accessory structure (*this could be achieved through a private right-of-way agreement*).
7. The property owners at 2553 Dearborn and 1477 Stratford (Novak and Brady, respectively), attempted for some time and engaged attorneys to reach an agreement over actual property lines, access and easement issues. The property owner at 1477 Stratford indicated in the Planning Commission public hearing that they do not believe they will reach an amicable agreement over access with the property owner at 2553 Dearborn, and instead wish to have the alleyway remain in its current status (opposed to the petition), until/if such time as there is a different property owner at 2553 Dearborn. Additionally, depending on the configuration of the petitioner's desired expanded garage, an easement across the subject portion of alleyway may interfere with plans for the petitioner's proposed garage.
8. As a result of the two property owners not reaching an agreement over easement/access issues, in June of 2008, the petitioner modified her request to vacate half of the width of the alleyway (six feet).
9. If the requested portion of the alleyway is closed, there will six feet of access for the accessory structure (garage) at 1477 Stratford. The structure can currently only be accessed by approaching diagonally towards the structure, crossing into the portion of the alleyway that is requested to be closed. Therefore, in order for the accessory structure at 1477 to have practical vehicular access, more than six feet in width is necessary. **See attached photos for a view of the accessory structure in question.**
10. Because the accessory structure permit was approved and built without sufficient legal vehicular access, the property owners at 1477 Stratford on occasion park in the alleyway (prohibited by City code), and cross over the property lines of both 1469 Stratford and 2553 Dearborn, in order to access the garage with their vehicles.
11. The Planning staff report notes the following points of analysis and findings:
 - i. The Police Department, Fire Department, and Public Utilities Department had no objections to the proposed alley vacation. The Transportation Division did raise concerns regarding access to abutting properties and recommended denial (*see item F1 below*).
 - ii. Planning staff finds that the requested alley vacation does not meet any of the policy considerations outlined below in item B. (*Planning Staff does not agree with the petitioner's assessment that it meets the "lack of use" criteria*).
 - iii. The disposition of the alley property will not result in a use which is contrary to the policies of the City.
 - iv. Vacating this portion of the alley will not deny sole, required access to abutting properties (*because the City does not recognize the accessory structure at 1477 Stratford as a garage, even though it is used as a garage, there is no legal access required by the City*).
 - v. The applicant is requesting partial vacation of the alleyway instead of full vacation of the alleyway because there is not support from the abutting property owners at 1477 Stratford.
 - vi. Closing the alley would not create any landlocked parcels.

- vii. The alley has not been designated for future use as a trail, pedestrian path, or other transportation use.
- B. Salt Lake City Code 14.52.020 defines that one of the following policy considerations must be met for closure, vacation, or abandonment of City-owned alleys:
1. Lack of Use. The City's legal interest in the property appears of record or is reflected on an applicable plat; however, it is evident from an on-site inspection that the alley does not physically exist or has been materially blocked in a way that renders it unusable as a public right-of-way;
 2. Public Safety. The existence of the alley is substantially contributing to crime, unlawful activity, safe conditions, public health problems, or blight in the surrounding area;
 3. Urban Design. The continuation of the alley does not serve as a positive urban design element; or
 4. Community Purpose. The petitioners are proposing to restrict the general public from use of the alley in favor of a community use, such as neighborhood play area or garden.
- Note: the petitioner has indicated that they have submitted this petition to vacate the subject portion of the alley based on the "Lack of Use" policy.*
- C. The petitioner's property is zoned R-1-7,000 (Single Family Residential). All of the surrounding properties are also zoned R-1-7,000 (Single Family Residential). The surrounding land uses in all directions are single-family residential.
- D. The alley property requested for vacation is approximately 25 feet in length and 6 feet in width (150 Square Feet, .003 acres).
- E. While the Council's current alley closure policy does not prohibit the partial vacation/closure of an alleyway, it does state the following: "The City Council...is more likely to act favorably on a petition for disposition of an entire [alley] property rather than a small segment of it."
- F. All necessary City departments and divisions reviewed the petition. The department/division responses are as follows:
1. Transportation - "The Division of Transportation review comments and recommendations for denial are as follows...The petition to vacate or close the alley needs to have approval from all abutting properties. The vacation from public ownership to private ownership will require cross access easements for all abutting properties to maintain current access rights..."
 2. Fire - The Fire Department solicited feedback from Fire Station #3, and determined that the proposed alley vacation will not impede ability to provide emergency services.
 3. Public Utilities - Public utilities found no existing water, sewer, or storm drainage utilities within the subject portion of the alley and as such is not opposed to the proposed vacation.
- G. On April 4, 2007, the applicant presented her petition to the Sugar House Community Council (SHCC). The Chair of the SHCC sent a letter dated April 6, 2007 informing staff that the Council did not support either approval or denial of the applicants petition, but asked that the "responsible and property city agencies ensure the necessary steps are adhered to in consideration of the abandonment." The applicant explained at the Planning Commission public hearing that the SHCC did not support her petition because they were not asked to take a position of support or denial. On August 28, 2007, Planning staff requested input from the

SHCC, but since the applicant had already presented her request to the community council, the SHCC declined an additional presentation.

H. On September 10, 2008, the Planning Commission held a public hearing.

1. The petitioner spoke in favor of the petition.
2. The current chair of the Sugar House Community Council did not speak in favor nor in opposition of the proposal, but rather voiced a desire that any alley vacation or closure require compensation be paid to the City. *Current City policy only requires that abutting property owners pay the City fair market value and purchase the property if the alley closure abuts (and therefore benefits) a commercial property owner. Historically, residential abutting owners have not been required to pay.*
3. The abutting property owner at 1477 Stratford spoke in opposition to the petition, citing their inability to resolve access issues with the petitioner (despite attorneys involved on both sides). They indicated to the commission that they do not believe it will be possible to reach an agreement with the current property owner/petitioner.
4. Planning Commissioners voiced concerns over making a decision with conflicting legal claims to access. When commissioners asked the City's Land Use attorney (present at the meeting) for an opinion, the attorney indicated that this situation represents a private property line dispute, and as such, should be resolved by the parties involved and not the City.
5. Some Planning Commissioners voiced concern about further fragmenting the alley with a partial vacation.
6. Planning Commissioners noted that approval of the garage at 1477 Stratford was the "first mistake."
7. The Vice Chair of the Planning Commission noted that the differing legal claims to the alley and access over the alley made it "impossible to grant the petition."

The Planning Commission adopted the following motion unanimously:

"Regarding Petition 400-07-14...based on the findings of fact identified in the staff report and the public hearing, the Planning Commission transmit a negative recommendation to the City Council. The Planning Commission feels that it would be prudent for the property owners to sort out legal claims that both parties might have."

MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR ADMINISTRATION:

1. The Administration's transmittal does not contain an ordinance for Council consideration, due to the fact that the Planning Commission forwarded a negative recommendation to the City Council. The Council may wish to request an ordinance for review (*see "Potential Options" section*).
2. Due to the history of the alleyway, and the history of the permitting approval of the accessory structure, it is not clear to staff if vehicular access (eight feet) to the accessory structure at 1477 Stratford should be guaranteed. From a policy perspective however, the Council has adopted the following policy statements that may be relevant -
"...The City Council:
 - a. will not act favorably on a petition if an opposing abutting property owner intends to build a garage requiring access from the property, has made application for a building permit anytime before the Council acts favorably on the petition, and completes construction within 12 months of issuance of the building permit;*
 - b. is more likely to act favorably on a petition for disposition of an entire property rather than a small segment of it;*

- c. *will be sensitive to potential uses of the property for rear access to residences and for accessory uses;*
 - d. *will follow the requirements of applicable law with regard to any requirement for consideration”*
3. The Council may wish to ask the Attorney’s Office to weigh in on the issue of access rights for the various property owners.
 4. The Planning Commission did not declare the subject portion of property as surplus. The Council may wish to clarify with the Administration how this will be handled should the Council vacate the subject portion of alleyway (considering the declaration of surplus property is an Administrative function).

POTENTIAL OPTIONS

The following are potential options for the Council moving forward (some may be combined):

1. Request an ordinance from the Attorney’s Office and hold a public hearing to consider the petition (*this would require confirmation from the Attorney’s Office that a right-of-way agreement is or is not required as a condition of alley vacation*);
2. Schedule and hold a public hearing without an ordinance;
3. Hold the petition open and ask that the property owners continue to work through attorneys on a private right-of-way agreement and schedule a public hearing when this is resolved;
4. Request the Attorney’s Office review the legal claims to access for the various property owners.

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The Sugar House Master Plan (2005) addresses alleyways with the following policy statements:
 - Incorporate alleyways in new residential development projects wherever feasible.
 - Discourage the use of alleyways for commercial access if the alleyway abuts residential property.
 - Encourage dedicated public streets in new development.
- B. The Sugar House Master Plan (2005) future land use map identifies the subject property (and surrounding block) as Low Density Residential.
- C. The purpose of the R-1/7,000 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.
- D. The Open Space Master Plan identifies a system of non-motorized transportation corridors that could be developed to re-establish connections between urban and open spaces. This alleyway is not designated as a future trail in this plan.
- E. The Council’s adopted alley closure policy (2003) states the following:
 8. Modes of Disposition – The City may dispose of its entire legal interest in an alley by closure and sale or by vacation. It may dispose of less than its entire legal interest by, for example, revocable permit, license or joint use agreement (referred to as “partial disposition”).

9. Policy Considerations - The City will not consider disposing entirely or partially of its interest in an alley unless it receives a petition in writing which positively demonstrates that the disposition satisfies at least one of the following policy considerations:
 - i. *Lack of Use*. The City's legal interest in the property, for example, appears of record or is reflected on an applicable plat, but in fact it is evident from inspection that the alley does not exist.
 - ii. *Public Safety*. The property is contributing to crime, or unlawful activity or unsafe conditions.
 - iii. *Urban Design*. The property does not serve a positive urban design element.
 - iv. *Community Purpose*. The petitioners are proposing restricting the general public from use in favor of a community use such as a community play area or garden.
10. Processing Petitions - There will be three phases for processing petitions under this section involving, respectively, the City Administration, the City Planning Commission, and the City Council.
 - i. Threshold Determination. The City Administration will determine whether or not the petition meets the following requirements:
 1. *procedural*: The petition must:
 - a. bear the signatures of no less than 80% of neighbors owning a fee simple interest in a property which abuts the subject property;
 - b. affirm that written notice has been given to all fee simple owners of property within and contiguous with the block or blocks within which the subject property is located;
 - c. provide documentation that the proposal has been reviewed by the appropriate Community Council or Neighborhood organization;
 - d. show that the necessary City processing fee has been paid.
 2. *substantive*: If the petition meets the procedural requirements, the Administration will determine that:
 - a. The City Police and Fire Departments and the City Transportation Division and all other relevant City Departments and Divisions have no objection to the disposition of the property;
 - b. The petition meets at least one of the stated policy considerations;
 - c. The petition must not deny sole access or required off-street parking to any property;
 - d. The petition will not result in any property being land locked; and
 - e. The disposition will not result in a use which is otherwise contrary to the policies of the City, for example, applicable master plans and other adopted statements of policy which address, but are not limited to, mid-block walkways, pedestrian paths, trails, and alternative transportation uses.
 - ii. City Administration.
 1. The Administration will deny the petition if it does not meet the requirements stated in Policy Considerations section; or
 2. The Administration:
 - a. may for appropriate consideration, grant a partial disposition if the petition meets the requirements stated in B 1 of this section; or
 - b. if it concludes that vacation or closure and sale is the appropriate disposition, refer the petition to the Planning Commission for review and recommendation to the City Council for final consideration.

- iii. **City Council.** The City Council will consider petitions for vacation or closure and sale which have been referred to it by the Administration as required by law. In addition to the consideration set forth above, the City Council:
1. will not act favorably on a petition if an opposing abutting property owner intends to build a garage requiring access from the property, has made application for a building permit anytime before the Council acts favorably on the petition, and completes construction within 12 months of issuance of the building permit;
 2. is more likely to act favorably on a petition for disposition of an entire property rather than a small segment of it;
 3. will be sensitive to potential uses of the property for rear access to residences and for accessory uses;
 4. will follow the requirements of applicable law with regard to any requirement for consideration

- F. The Council's adopted growth policy states: It is the policy of the Salt Lake City Council that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
1. is aesthetically pleasing;
 2. contributes to a livable community environment;
 3. yields no negative net fiscal impact unless an overriding public purpose is served; and
 4. Forestalls negative impacts associated with inactivity.

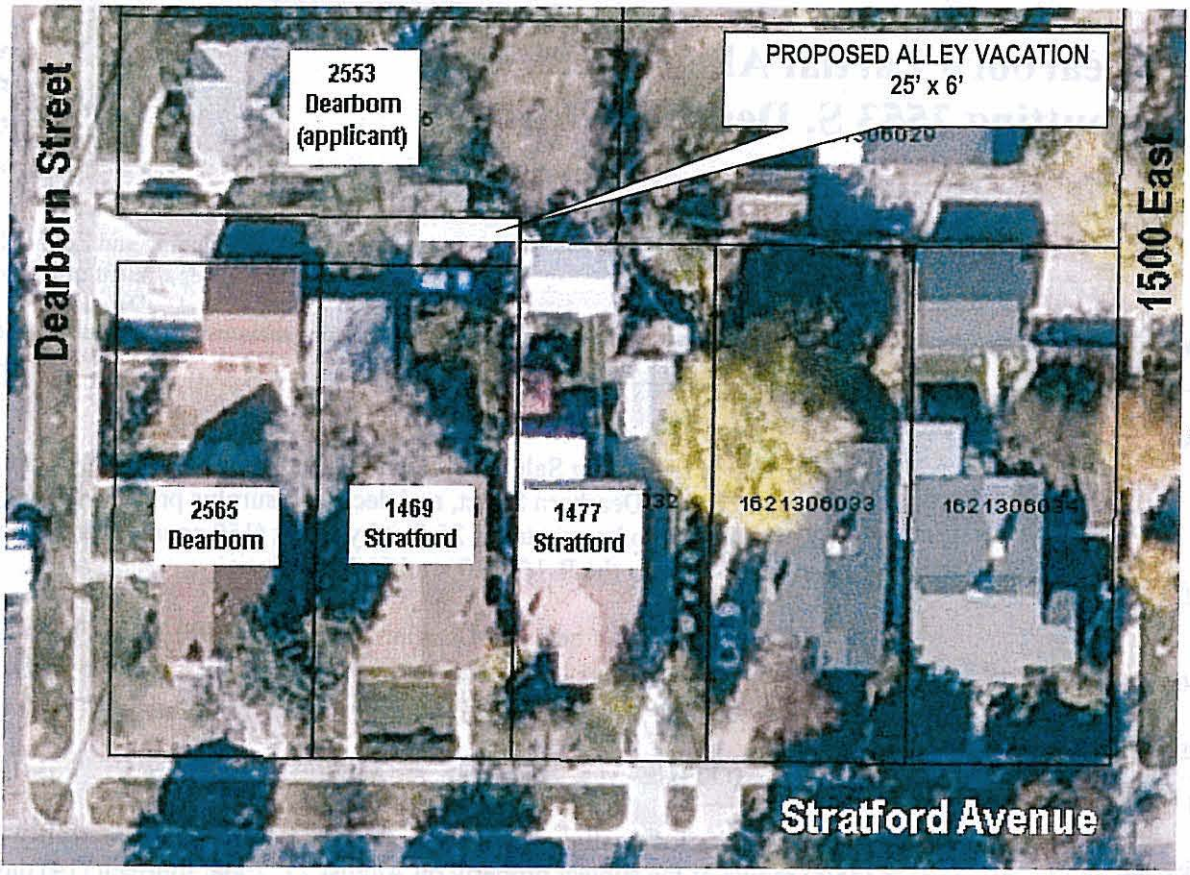
CHRONOLOGY:

Please refer to the Administration's transmittal for a complete chronology of events relating to the proposed text amendment.

April 4, 2007	Applicant presents request to Sugar House Community Council
June 8, 2007	Application for full alley vacation (12 feet) submitted to City
June 22, 2007	Transportation Division recommends denial due to 1977 Stratford Ave access issues
January 17, 2008	Staff informed applicant that she needed to produce a right-of-way agreement addressing access issue for 1977 Stratford.
June 26, 2008	Applicant changes petition to vacate half the width of the alley (6 feet).
September 10, 2008	Planning Commission holds a public hearing and forwards a negative recommendation to the City Council
February 3, 2009	Corrected transmittal received by Council Office.

cc: David Everitt, Ed Rutan, Lynn Pace, Paul Nielson, Rick Graham, Jeff Neirmeyer, Tim Harpst, Max Peterson, Mary De La Mare Schaeffer, Cheri Coffey, Katia Pace, Janice Jardine

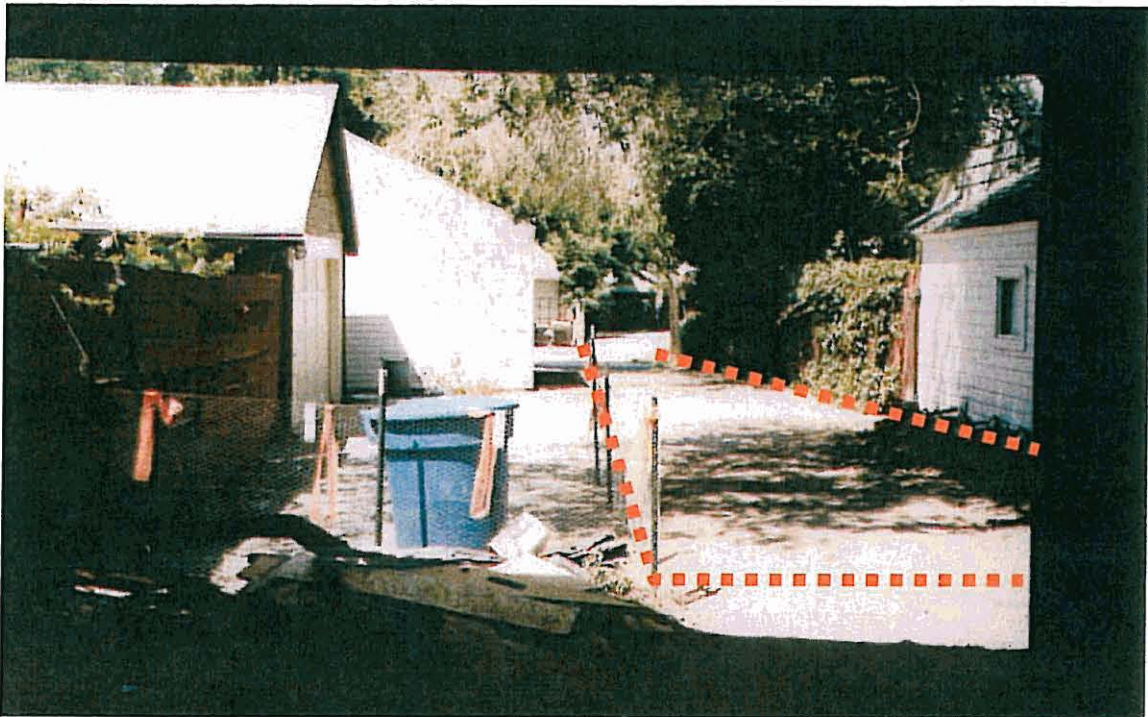
File Location: Community and Economic Development Dept., Planning Division, Alley Vacations - Street Closures, Vera Novak, East/West Alleyway abutting property at 2553 S. Dearborn Street



Accessory Structure at 1477 Stratford Avenue



Alley looking towards East



Alley looking towards West

Photo taken from inside accessory structure at 1477 Stratford Avenue



SALT LAKE CITY CORPORATION

FRANK B. GRAY
DIRECTOR

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
OFFICE OF THE DIRECTOR

RALPH BECKER
MAYOR

MARY DE LA MARE-SCHAEFER
DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.
DEPUTY DIRECTOR

CITY COUNCIL TRANSMITTAL

_____ **Date Received:** _____
David Everitt, Chief of Staff

_____ **Date Sent to City Council:** _____

TO: Salt Lake City Council
Jill Remington-Love, Chair

DATE: November 20, 2008

FROM: Frank Gray, Community & Economic Development Director

RE: Petition 400-07-14 by Vera Novak requesting Salt Lake City to partially vacate the alley abutting her property at 2553 S. Dearborn Street and declare it surplus property

STAFF CONTACTS: Katia Pace, Associate Planner, at 535-6354 or
katia.pace@slcgov.com

RECOMMENDATION: That the City Council hold a briefing and schedule a Public Hearing

DOCUMENT TYPE: None

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: Vera Novak is requesting that Salt Lake City partially vacate the alley abutting her property at 2553 S. Dearborn Street and declare it surplus property. The dimension of the alley proposed to be vacated is 25 feet by 6 feet (150 square feet.) The alley runs east/west between Dearborn Street and 1500 East. The applicant would like to vacate the alley and extend the property line to replace an existing garage.

In 1985, Salt Lake City vacated the alley running north/south and a portion of the alley running east/west adjacent to the applicant's property. The legal description for the alley vacation was recorded incorrectly, which has contributed some confusion concerning property lines. The east/west portion of this alley was not completely vacated because the alley provides the only access to off-street parking for the property at 1469 Stratford Avenue.

In 2004 the property owner at 1477 Stratford Avenue submitted plans for a building permit to build a second garage with access from the alley. This property already had a legal garage with access from Stratford Avenue. The information given for the permit incorrectly showed a 12 feet access to the alley from the property at 1477 Stratford Avenue. Six feet of the access shown on the building permit actually belongs to the property at 1469 Stratford Avenue. The City requires at least 8 feet 3 inches for access to a garage. The property owner received a building permit for an accessory structure, not a garage.

In 2007 the applicant submitted a request to vacate 25 feet of the alley abutting the eastern portion of her property. Planning Staff recommended vacating the entire alley, which would require an easement or a right-of-way agreement between the property owners abutting the alley. The applicant was unable to reach an agreement with the property owners. Consequently, the applicant modified her request to vacate 25 feet of half the width of the alley (6 feet.)

Analysis: The applicable City departments and divisions have reviewed this request. The Transportation and Building Services Divisions responded with concerns that the alley vacation should not deny access to properties at 1469 Stratford Avenue and 1477 Stratford Avenue. Planning discussed the access to 1477 Stratford Avenue with Transportation and Building Services and clarified their comments to say that the type of access to be retained is non-vehicular.

This request would not deny required access to off-street parking to any of the adjacent properties. Vehicular access to the property 1469 E. Stratford Avenue would be preserved, and the property at 1477 E. Stratford Avenue would retain a non-vehicular six foot access.

The property owners at 1477 Stratford Avenue oppose the alley vacation because they want to retain vehicular access to their accessory structure. The City does not recognize the accessory structure built in 2004 as a garage and therefore is not obligated to provide vehicular access. There is an existing garage on the property with access from Stratford Avenue.

Master Plan Considerations: The *Sugar House Community Master Plan adopted in 2005* states: “In Sugar House, alleys have traditionally been incorporated into development patterns and many alleyways currently serve both residential and commercial use. This is one of the factors that contribute to the pedestrian orientation that many of the well-established neighborhoods embody. However, due to maintenance issues, the abutting property owners to an alley frequently request that the City vacate the property. It has been the practice of the City that if approved, the alley is divided equally and ownership is transferred to the adjacent property owners. Transferring ownership of property that was once a City right-of-way, has been a source of concern for the community. Although expedient if the City’s responsibility for maintenance is relieved, the long-term loss of resources creates a cumulative impact upon the public access routes. Given these complex issues, the City Council is developing revisions to the existing alley vacation policy. This new policy will be used to evaluate each request for alley vacations in the future.” (See policy below.)

Salt Lake City Code Section 14.52.020 Policy Considerations for Closure, Vacation or Abandonment of City Owned Alleys:

The city will not consider disposing of its interest in an alley, in whole or in part, unless it receives a petition in writing which demonstrates that the disposition satisfies at least one of the following policy considerations:

- **Lack Of Use:** The city's legal interest in the property appears of record or is reflected on an applicable plat; however, it is evident from an on site inspection that the alley does not physically exist or has been materially blocked in a way that renders it unusable as a public right of way;
- **Public Safety:** The existence of the alley is substantially contributing to crime, unlawful activity, unsafe conditions, public health problems, or blight in the surrounding area;
- **Urban Design:** The continuation of the alley does not serve as a positive urban design element; or
- **Community Purpose:** The petitioners are proposing to restrict the general public from use of the alley in favor of a community use, such as a neighborhood play area or garden.

This request for vacating the alley does not substantially fall into any of these considerations.

PUBLIC PROCESS:

Notice was mailed to all property owners within a four hundred and fifty foot (450') radius of the subject property on August 27, 2008, fourteen (14) days prior to the scheduled public hearing. An announcement was also sent to all those on the City's Listserve and was posted on the City's website.

The applicant presented this request to the Sugar House Community Council on April 4, 2007, prior to submitting the application to the city. On April 6, 2007 Philip Carlson, the Chair of the Sugar House Community Council at the time, submitted the following comment: "The council (Sugar House Community Council) does not submit this letter as an endorsement for any property owner adjoining the portion of alley being considered for alley abandonment. Rather, it is recommended that the responsible and proper city agencies ensure the necessary steps are adhered to in consideration of the abandonment."

Staff contacted the abutting property owners for their input. The only formal response was from the property owners at 1477 Stratford Avenue who requested to be on record as being opposed to the alley vacation. They feel that the applicant's purpose for requesting the alley vacation is to block their access.

The Planning Commission held a Public Hearing on September 10, 2008. At this meeting, the Planning Commission voted unanimously against the request and forwarded a negative

recommendation to the City Council to vacate the alley. The Planning Commission did not declare the alley surplus property.

RELEVANT ORDINANCES:

Utah State Code, Title 10-9a-609.5 Vacating or altering a street or alley

Salt Lake City Code, Chapter 14.52 Disposition of City Owned Alleys

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1. CHRONOLOGY

PROJECT CHRONOLOGY

- April 4, 2007 Vera Novak presents the proposed alley vacation to the Sugar House Community Council before submitting the application to the City.
- June 8, 2007 Vera Novak submits application requesting Salt Lake City to vacate 25 feet by 12 feet of the alley abutting her property at 2553 S. Dearborn Street, and declare it surplus property.
- June 13, 2007 Petition assigned to Katia Pace.
- June 14, 2007 Staff recommends to the applicant that the alley should be vacated entirely for a better chance of approval.
- June 14, 2007 Staff request comments from the appropriate Salt Lake City Departments and Divisions.
- June 22, 2007 Transportation recommends denial because of access to 1477 Stratford Avenue.
- November 16, 2007 Staff met with property owner at 1477 Stratford Avenue.
- January 17, 2007 Staff contacted the applicant and informed her that the right-of-way agreement needed to include the property at 1477 Stratford Avenue.
- June 26, 2008 Applicant changes the request to vacate 6 feet by 25 feet of the alley.
- August 27, 2008 Planning Commission hearing notices sent via U.S. Mail and email.
- September 10, 2008 Planning Commission holds a public hearing and votes to forward a negative recommendation to the City Council.
- September 24, 2008 Minutes from Planning Commission are ratified.

2. NOTICE OF CITY COUNCIL HEARING

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering Petition 400-07-14 by Vera Novak, requesting Salt Lake City to vacate 25 feet by 6 feet of the alley abutting her property at 2553 S. Dearborn Street, and declare it surplus property. Ms. Novak would like to vacate the alley and extend the property line to replace an existing garage. The property is located in the Single-Family Residential (R-1/7,000) zoning district.

The City Council will hold a public hearing to receive comments regarding this petition. During the hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:

TIME: 7:00 p.m.

PLACE: Room 315
City and County Building
451 South State Street
Salt Lake City, Utah

Salt Lake City complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. The City and County Building is an accessible facility. For questions or additional information, please contact the ADA Coordinator at 535-7971; or TDD 535-6021.

If you have any questions relating to this proposal, please contact Katia Pace at 535-6354 or via e-mail at katia.pace@slcgov.com.

3. MAILING LABELS

ANDERSON, ALLAN G
2504 S DEARBORN ST
SALT LAKE CITY, UT 84106 3512

APPLONIE, BRENT D & SIMONS,
JEAN; TC
2540 S FILMORE ST
SALT LAKE CITY, UT 84106 3518

BAKER, BARBARA & KENT; JT
2627 S CHADWICK ST
SALT LAKE CITY, UT 84106 3506

BARNETT, ROBERT W
1462 E STRATFORD AVE
SALT LAKE CITY, UT 84106 3561

BARRETT, DAVID L & JESSIE S; JT
2500 S FILMORE ST
SALT LAKE CITY, UT 84106

BELL, FLORENCE R; TR
2551 S 1500 E
SALT LAKE CITY, UT 84106 3533

BELL, RONALD O
2551 S 1500 E
SALT LAKE CITY, UT 84106 3533

BENNETT, GUNNIE L. P. & H.
DUWAINE
2545 S CHADWICK ST
SALT LAKE CITY, UT 84106 3504

BETENSON, TREVOR & AUDREY;
JT
2508 S 1500 E
SALT LAKE CITY, UT 84106 3533

BIRD, LOIS B
2516 S FILMORE ST
SALT LAKE CITY, UT 84106 3518

BORTOLUSSI, BEVERLY A; TR
2525 S 1500 E
SALT LAKE CITY, UT 84106 3533

BRADY, JAN & PATRICIA; JT
1477 E STRATFORD AVE
SALT LAKE CITY, UT 84106 3561

BROWN, MELVIN L; TR
2566 S DEARBORN ST
SALT LAKE CITY, UT 84106 3512

BUIRGY, ELINOR J; TR
2535 S CHADWICK ST
SALT LAKE CITY, UT 84106 3504

CABRAL, OSIRIS
2546 S FILMORE ST
SALT LAKE CITY, UT 84106 3518

CARLISLE, CHRISTOPHER B
2265 E FARDOWN AVE
HOLLADAY, UT 84121 1410

CARLSON, KATHERINE L &
DUGAN, THOMAS A; TC
2540 S DEARBORN ST
SALT LAKE CITY, UT 84106 3512

CARR, ROLAN S; TR
2533 S 1500 E
SALT LAKE CITY, UT 84106 3533

COLEBY, RONALD S & CHRISTIANA
A; TRS
2504 S FILMORE ST
SALT LAKE CITY, UT 84106 3518

COOK, SUSAN F
2495 S DEARBORN ST
SALT LAKE CITY, UT 84106

CORP OF PB OF CH JC OF LDS
50 E NORTHTEMPLE ST
SALT LAKE CITY, UT 84150 9704

CORP OF PB OF CH JC OF LDS
50 E NORTHTEMPLE ST
SALT LAKE CITY, UT 84150 9704

COULAM, CARMA M; TR ET AL
2624 S 1500 E
SALT LAKE CITY, UT 84106 3535

COULTER, LAWRENCE L & JANICE
M; JT
2527 S DEARBORN ST
SALT LAKE CITY, UT 84106 3512

CRAWFORD, CATHERINE
2532 S 1500 E
SALT LAKE CITY, UT 84106 3533

CUNNINGHAM, ALAN K & SMITH,
CONSTANCE E; TRS
2635 S DEARBORN ST
SALT LAKE CITY, UT 84106 3514

DAHLE, CINDY & MARSHA S (JT)
2510 S DEARBORN ST
SALT LAKE CITY, UT 84106 3512

DAHLGREN, ELAINE S
2568 S FILMORE ST
SALT LAKE CITY, UT 84106 3518

DARNELL, LAURIE
2540 S 1500 E
SALT LAKE CITY, UT 84106 3533

DEAKIN, SYLVIA D & JOHN N (JT)
2631 S CHADWICK ST
SALT LAKE CITY, UT 84106 3506

DEWSNUP, MARY C & RALPH L; TRS
1407 E STRATFORD AVE
SALT LAKE CITY, UT 84106 3528

DOUTRE, DAVID L & GRETA A; TRS
2516 S DEARBORN ST
SALT LAKE CITY, UT 84106 3512

ELLIS, GAYLE
1439 E STRATFORD AVE
SALT LAKE CITY, UT 84106 3562

FAGERGREN, BRAD B & ELLEN M; JT
2512 S FILMORE ST
SALT LAKE CITY, UT 84106 3518

FENTON, MARCUS & LORI; JT
2626 S DEARBORN ST
SALT LAKE CITY, UT 84106 3514

FITZPATRICK, MONICA M &
ARREDONDO, AURELIO S; JT
4240 S FORTUNA WY
SALT LAKE CITY, UT 84124 3318

FORSGREN, JANE H; TR
2868 E JENNIE LN
HOLLADAY, UT 84117

FOX, JASON P & PATRICIA L; JT
2636 S FILMORE ST
SALT LAKE CITY, UT 84106 3604

FREEMAN, LESLIE E
2533 S DEARBORN ST
SALT LAKE CITY, UT 84106 3512

GRAY, LELAND A & PETRA N; JT
1482 E STRATFORD AVE
SALT LAKE CITY, UT 84106 3561

GREEN, THOMAS S & LAVETTA K;
TRS
2534 S DEARBORN ST
SALT LAKE CITY, UT 84106 3512

HABERSTOCK, WILLIAM F & DIANE
D; JT
25 N 3175 E
LAYTON, UT 84040

HABIB, ARSAIAN & SHABNAM; JT
2546 S DEARBORN ST
SALT LAKE CITY, UT 84106 3512

HARTMAN, IRA & STEVEN D &
THOMAS L; JT ET AL
2636 S DEARBORN ST
SALT LAKE CITY, UT 84106 3514

HAYS, PATRICK G & FRANCES M;
JT
1915 S 1000 E
SALT LAKE CITY, UT 84105 3335

HOJEM, MARITA E; TR
3622 E AURORA CIR
SALT LAKE CITY, UT 84124

HOLLOWAY, GEORGANNA
1515 E STRATFORD AVE
SALT LAKE CITY, UT 84106 3529

HORSLEY, WYATT H & CHELSEA;
JT
2498 S DEARBORN ST
SALT LAKE CITY, UT 84106

HOSLER, TAMMY
2610 S DEARBORN ST
SALT LAKE CITY, UT 84106 3514

JOHANSON, CAREY
1470 E STRATFORD AVE
SALT LAKE CITY, UT 84106 3561

JOHNSEN, JOSEPH F &
CATHERINE J; JT
2553 S CHADWICK ST
SALT LAKE CITY, UT 84106 3504

JOHNSON, CHARLES E
1434 E STRATFORD AVE
SALT LAKE CITY, UT 84106 3562

KARTCHNER, STEVEN G
2546 S 1500 E
SALT LAKE CITY, UT 84106 3533

KASTELER, DARRELL L & JOAN W
(JT)
1424 E STRATFORD AVE
SALT LAKE CITY, UT 84106 3562

KITCHENS, ELIZABETH
2625 S DEARBORN ST
SALT LAKE CITY, UT 84106 3514

KUSZAJ, MICHAEL S
2539 S 1500 E
SALT LAKE CITY, UT 84106 3533

LARSON, DOUGLAS R & ALISON L;
JT
2630 S 1500 E
SALT LAKE CITY, UT 84106 3535

LINDSTROM, SHERRI L B
224 W PORTER LANE
CENTERVILLE, UT 84014

LINGEN, PIET W & DOROTHY M; JT
1503 E STRATFORD AVE
SALT LAKE CITY, UT 84106 3529

LUNT, STACEY & MARSHA; JT
2511 S CHADWICK ST
SALT LAKE CITY, UT 84106 3504

MACFARLANE, MICHAEL G & JENAE;
JT
2519 S 1500 E
SALT LAKE CITY, UT 84106 3533

MADSEN, CANDICE
2534 S FILMORE ST
SALT LAKE CITY, UT 84106 3518

MAGNUSON, WILLIAM S
753 HARCOURT RD
BOISE, ID 83702 1815

MANWARING, JEREMY D & JODI H;
JT
2513 S 1500 E
SALT LAKE CITY, UT 84106 3533

MARLER, PATRICIA A & CHRISTIE
A; JT
1433 E STRATFORD AVE
SALT LAKE CITY, UT 84106 3562

MAW, CYNTHIA E
2552 S FILMORE ST
SALT LAKE CITY, UT 84106 3518

MCGIBBON, MELISSA & VAN DER
HAVE, VICKIE; TC
2501 S 1500 E
SALT LAKE CITY, UT 84106 3533

MILLER, SUSAN T
2528 S DEARBORN ST
SALT LAKE CITY, UT 84106 3512

MORGENEGG, WILLY A; TR ET AL
785 E THREE FTNS CIR #26
MURRAY, UT 84107 5063

NOVAK PROPERTIES LLC
2545 S DEARBORN ST
SALT LAKE CITY, UT 84106 3512

NOVAK, RUZENA S; TR
1469 E STRATFORD AVE
SALT LAKE CITY, UT 84106 3561

NOVAK, VERA M
2545 S DEARBORN ST
SALT LAKE CITY, UT 84106 3512

O'CONNOR, AMANDA P &
CHRISTIAAN A; JT
2565 S DEARBORN ST
SALT LAKE CITY, UT 84106 3512

PARR, RICHARD D & BONNIE J (JT)
2635 S CHADWICK ST
SALT LAKE CITY, UT 84106 3506

PETERS, BRADEN M & MEAGAN C;
JT
2545 S 1500 E
SALT LAKE CITY, UT 84106 3533

PFAFF, DENNIS R & SANDY L; JT
1180 E 4020 S
SALT LAKE CITY, UT 84124 1225

PLATT, CHAD
2636 S 1500 E
SALT LAKE CITY, UT 84106 3535

PORTER, ROBERT W & NANCY P;
TRS
2541 S CHADWICK ST
SALT LAKE CITY, UT 84106 3504

REYNOLDS, DENNIS F & SHIRLEY;
TR
1430 E STRATFORD AVE
SALT LAKE CITY, UT 84106 3562

RICHARDS, RENAE L
2500 S 1500 E
SALT LAKE CITY, UT 84106

ROMANO, EDNA M
2490 S DEARBORN ST
SALT LAKE CITY, UT 84106

SELDIN, ROBYN W; TR
1509 E STRATFORD AVE
SALT LAKE CITY, UT 84106 3529

SERVICE, AMY J & LANCE G; JT
2550 S 1500 E
SALT LAKE CITY, UT 84106 3533

SMITH, ALLISON
2503 S DEARBORN ST
SALT LAKE CITY, UT 84106 3512

SMITH, DEREK T & FORSMAN,
ERICA M; JT
2524 S DEARBORN ST
SALT LAKE CITY, UT 84106 3512

SMITH, JACOB C & WESSMAN,
EMILY; JT
2520 S 1500 E
SALT LAKE CITY, UT 84106 3533

SOTO, BRITTON D
2515 S CHADWICK ST
SALT LAKE CITY, UT 84106 3504

STANCHFIELD, JAMES C & RAMIE A;
JT
2529 S CHADWICK ST
SALT LAKE CITY, UT 84106 3504

STETTLER, NANCY T
1476 E STRATFORD AVE
SALT LAKE CITY, UT 84106 3561

STRATFORD CORP OF CH OF JC
LDS
50 E NORTHTEMPLE ST
SALT LAKE CITY, UT 84150 9704

SWARTZ, GRANT L & SHERRI A (JT)
2511 S DEARBORN ST
SALT LAKE CITY, UT 84106 3512

THIRIOT, TONI
2541 S DEARBORN ST
SALT LAKE CITY, UT 84106 3512

THOMAS, CHRISTOPHER S &
LAURA; TRS
2624 S DEARBORN ST
SALT LAKE CITY, UT 84106 3514

THOMPSON, SCOTT A
2507 S 1500 E
SALT LAKE CITY, UT 84106 3533

TODD, PHYLLIS J
2526 S 1500 E
SALT LAKE CITY, UT 84106 3533

TRUJILLO, STACEY L & CARLOS A;
JT
2618 S FILMORE ST
SALT LAKE CITY, UT 84106 3604

WADDOUPS, CLAUDIA R R
1487 E STRATFORD AVE
SALT LAKE CITY, UT 84106 3561

WAGSTAFF, KIMBERLY A
2526 S FILMORE ST
SALT LAKE CITY, UT 84106 3518

WILCOX, ELIZABETH L
2514 S 1500 E
SALT LAKE CITY, UT 84106 3533

WILLIAMS, GRANT M & JONI K; JT
1444 E STRATFORD AVE
SALT LAKE CITY, UT 84106 3562

YOHO, BRIAN & HOLLI; JT
2521 S DEARBORN ST
SALT LAKE CITY, UT 84106 3512

KATIA PACE
2546 LAMBOURNE AVE.
SALT LAKE CITY, UT 84109

KATIA PACE
SLC PLANNING DIVISION
POBOX 145480
SALT LAKE CITY, UT 84114-5480

GRACE SPERRY
2660 HIGHLAND DRIVE
SALT LAKE CITY, UT 84106

4. PLANNING COMMISSION

A) Agenda Postmarked

August 27, 2008

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 315 of the City & County Building at 451 South State Street
Wednesday, September 10, 2008 at 5:45 p.m.**

The field trip is scheduled to leave at 4:00 p.m. Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. **Work Session**—the Planning Commission may discuss the Accela project tracking program, project updates and other minor administrative matters. This portion of the meeting is open to the public for observation

APPROVAL OF MINUTES FROM WEDNESDAY, August 13, 2008.

REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

1. **Petitions 410-06-29 & 490-07-09, Request for Time Extension: Capitol View Conditional Use/Planned Development and Subdivision**—a request by Jeremy Jones for a twelve month time extension for the approvals granted for the Capitol View project. The Planning Commission approved the project on October 10, 2007. Section 21A.54.120 of the Zoning Ordinance limits the validity of approval for conditional uses to 12 months, unless a longer time period is requested and granted by the Planning Commission. The subject property is located at approximately 690 North West Capitol Street in City Council District three represented by Eric Jergensen (Staff Contact: Lex Traughber at 535-6184 or lex.traughber@slcgov.com).

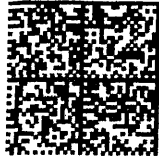
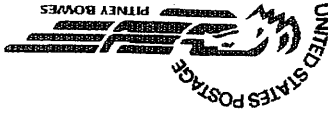
PUBLIC HEARING

2. **Petition 400-07-35, Christus St. Joseph Villa Master Plan Amendments**—a request by Christus Health Utah represented by Galen Ewer, CEO/Administrator for Christus St. Joseph Villa, proposes to change the land use designation in the Future Land Use Map of the Central Community Master Plan for seven parcels located adjacent to the Christus St. Joseph Villa campus at 451 East Bishop Federal Lane. The addresses of the seven parcels according to County records are 1952, 1962, 1966 South 500 East and 455, 459, 465, 475 E. Hollywood Avenue. The applicant proposes to change the land use designation on these parcels from "Low Density Residential" to "Institutional" in order to facilitate redevelopment and expansion of the Christus St. Joseph Villa campus. The applicant also proposes to amend the Blocks 4 & 5 - East Waterloo Subdivision Small Area Master Plan that was adopted in 1992 to address the future expansion needs of Christus St. Joseph Villa. The subject properties are located in City Council District 5 represented by Jill Remington Love (Staff contact: Lex Traughber at 535-6184 or lex.traughber@slcgov.com).
3. **Petitions 400-07-15 and 400-07-16 Parleys Way Wal-Mart Rezoning and Master Plan Amendment**—a request by CLC Associates, Inc. on behalf of Wal-Mart for a zoning map amendment and a master plan amendment to the East Bench Master Plan located at approximately 2705 East Parleys Way. The parcel is currently zoned Community Business (CB) and the site is developed with a noncomplying use (supercenter) in a nonconforming structure. CLC Associates, Inc. is requesting that the property be rezoned to Community Shopping (CS) to allow for the construction of a new supercenter. The property is located in City Council District Seven represented by Council Member Søren Simonsen (Staff contact: Nick Britton at 801-535-6107 or nick.britton@slcgov.com).
4. **Petition 410-08-50 (PLNPCM2008-00196) Piper Down Private Club Conditional Use Expansion at approximately 1492 South State Street**—a request for approval to expand the existing private club structure and the rear outdoor dining. The private club was a previously approved conditional use in the CC zoning District). The site is located in Council District five Jill Remington-Love (Staff contact: Marilyn Lewis at 535-6049 or marilyn.lewis@slcgov.com).
5. **Petition 400-07-14, Declaration of Surplus Property and Alley Vacation**—a request by Vera Novak to vacate a portion of the alley abutting her property at approximately 2553 South Dearborn Street, and declare it as surplus property. The property is located in the R-1/7,000 – Single-family Residential Zoning District, and in Council District Seven, represented by Søren Simonsen (Staff contact: Katia Pace at 535-6354 or katia.pace@slcgov.com).
6. **Petition 410-08-39 Autozone Planned Development**—a request by The Boyer Co., represented by Nate Swain, to construct a new 6,000 square foot commercial building on a pad site located at approximately 1199 East 3300 South, at the south entrance of the Brickyard Plaza, in a Community Business (CB) district. The property is located in City Council District Seven, represented by Søren Simonsen (Staff contact: Casey Stewart at 535-6260 or casey.stewart@slcgov.com).
7. **Petition 490-08-23 Ehrich's Subdivision of Block 23 Amendment**— a request by Ed and Joy Hashimoto, represented by Jason Nichols (Parsons, Behle, & Latimer law firm), for a subdivision amendment to reconfigure existing residential Lots 19, 20, and 21, Block 23, located at approximately 305 and 315 South 1200 East. The property is located in the R-2 (residential) district. The property is located in City Council District Four, represented by Luke Garrott (Staff contact: Casey Stewart at 535-6260 or casey.stewart@slcgov.com).
8. **Petition 400-08-18, a legislative action initiated by the Salt Lake City Council**—a request by the City Council for the preparation of an ordinance that would restrict the distance between businesses in Salt Lake City that provide "payday-loan check cashing services," and consider expanding the ordinance to cover the ratio of businesses to the number of people served, and where those businesses should be allowed (Staff contact: Everett Joyce 535-7930 or everett.joyce@slcgov.com).

Visit the Planning and Zoning Enforcement Division's website at www.slcgov.com/CED/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission.

PUBLIC HEARING NOTICE

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FIRST CLASS

Salt Lake City Planning Division
451 South State Street, Room 406
PO Box 145480
Salt Lake City UT 84111

1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearings will be opened for public comment. Community Councils will present their comments at the beginning of the hearing
3. In order to be considerate of everyone attending the meeting, public comments are limited to two (2) minutes per person, per item. A spokesperson who has already been asked by a group to summarize their concerns will be allowed five (5) minutes to speak. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting.
Written comments should be sent to:

Salt Lake City Planning Commission
451 South State Street, Room 406
Salt Lake City UT 84111
4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. The Salt Lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Office at 535-7757; TDD 535-6220.

4. PLANNING COMMISSION
B) Staff Report
September 10, 2008

PLANNING COMMISSION STAFF REPORT

Dearborn Partial Alley Vacation Abutting 2553 S. Dearborn Street

Petition 400-07-14
September 10, 2008



Planning and Zoning Division
Department of Community
Development

Applicant:

Vera Novak

Staff:

Katia Pace, Associate Planner
535-6354
katia.pace@slcgov.com

Tax ID:

16-21-306-015

Surrounding Zoning:

R-1/7,000 – Single-family
Residential District

Council District:

Council District 7,
Councilmember Søren Simonsen

Acreage:

0.003 acre or 150 square feet

Surrounding Land Uses:

Single-family residential

Applicable Land Use Regulations:

Salt Lake City Code:

- Chapter 2.58
- Chapter 14.52

Utah Code:

- Section 10-9a-609.5

Master Plans:

The Sugar House Master Plan
designates the block where the alley
is Low Density Residential.

Attachments:

- A. Original and Current Request
- B. Department/Division Comments
- C. Photos
- D. Public Comments
- E. Original Application

REQUEST

Vera Novak, is requesting Salt Lake City to partially vacate the alley abutting her property at 2553 S. Dearborn Street, and declare it surplus property. The size of the alley proposed to be vacated is 25 feet by 6 feet (150 square feet.) The property is located in the R-1/7,000 zoning district.

The alley runs east/west between Dearborn Street and 1500 East. Other sections of the alley were vacated in 1985. The applicant would like to use the portion of the vacated alley to build a new garage.

PUBLIC NOTICE

Notice was mailed to all property owners within a four hundred and fifty foot (450') radius of the subject property on August 27, 2008, fourteen (14) days prior to the scheduled public hearing. An announcement was also sent to all those on the City's Listserve and was posted on the City's website.

ALTERNATIVE RECOMMENDATIONS

Approval

Based on the findings of fact identified at the public hearing, staff recommends that the Planning Commission transmit a favorable recommendation to the City Council to partially vacate the alley, and declare it surplus property.

Staff further recommends the following conditions of approval:

1. Final vacation is subject to approval of all utilities, and utility easements shall remain as required and approved by the entity concerned.
2. That the applicant purchases the surplus property according with Salt Lake City Code Chapter 2.58.

Denial

Based on the findings of fact identified at the public hearing, staff recommends that the Planning Commission transmit a negative recommendation to the City Council to partially vacate the subject alley. This request does not demonstrate that the disposition satisfies any of the policy considerations in Salt Lake City Code Chapter 14.52.020.



PROJECT HISTORY/DESCRIPTION

In 1985 the City vacated the alley running north/south and a portion of the alley running east/west adjacent to the applicant’s property. The legal description for the alley vacation was recorded incorrectly. The east/west portion of this alley was not completely vacated because the only access to off-street parking for the property at 1469 Stratford Avenue was from the alley.

In 2004 the property owner at 1477 Stratford Avenue submitted plans for a building permit for a second garage with access from the alley. There was already a legal garage on the property with driveway access from Stratford Avenue. The information given for the permit incorrectly showed part of the property at 1469 Stratford Avenue as the alley access to the proposed second garage. The actual width of the access from the alley to the property at 1477 Stratford Avenue is just six feet. Typical driveway access is a minimum of eight feet. Once the error was brought to the City’s attention, the property owner received a building permit for an accessory structure, not a garage. Although the structure is used as a garage and the alley is used for vehicular access to the structure, the City does not recognize the structure as a garage.

In 2007 the applicant submitted a request to vacate 25 feet of the alley. Planning staff recommended vacating the entire alley. The property at 1469 Stratford Avenue belongs to the applicant’s mother; this property needs access to off-street parking from the alley. The applicant was willing to deed the portion of the vacated alley to her mother to preserve access to her property. Also, the property at 2565 South Dearborn Street would need to deed their portion of the vacated alley or else enter into a private right-of-way agreement.

In the review process the Transportation Division recommended that the property at 1477 Stratford Avenue should retain the six foot access to the accessory structure. Thus requiring that a right-of-way agreement be reached between the property owners before the alley vacation request could be forwarded. The applicant was unable to reach an agreement with the property owners. Consequently, the applicant modified her request to vacate 25 feet of half the width of the alley which is 6 feet.

COMMENTS

Community Council Comments:

The applicant presented this request to the Sugar House Community Council on April 4, 2007, prior to submitting the application to the city. On April 6, 2007 Philip Carlson, the Chair of the Sugar House Community Council at the time, submitted the following comment: "The council (Sugar House Community Council) does not submit this letter as an endorsement for any property owner adjoining the portion of alley being considered for alley abandonment. Rather, it is recommended that the responsible and proper city agencies ensure the necessary steps are adhered to in consideration of the abandonment."

On August 28, 2007 the Planning staff requested input from the Sugar House Community Council but since the applicant had already presented her request to the Community Council prior to submitting the petition, the Sugar House Community Council declined an additional presentation.

City Department/Division Comments:

The application material was routed to the pertinent City Departments and Divisions on June 14, 2007. The Division of Transportation's comments and recommendations are for denial as follows:

The 12 foot wide alley abuts 2553 South and 2565 South Dearborn, 1469 East and 1477 East Stratford Avenue.

Per our field review and files we find that the alley currently services 2565 South Dearborn (*) as a shared driveway approach to a two car garage facing Dearborn (2001 Permit), 1469 East Stratford Avenue has a two car garage with its only access from the alley and 1477 East Stratford Avenue has a storage shed (2007 permit) with a 6 foot wide frontage access from the alley and a single car garage with access from Stratford. The property at 2553 South Dearborn has a driveway parallel to the alley to access a single car garage in the rear yard.

The petition to vacate or close the alley needs to have approval from all abutting properties. The vacation from public ownership to private ownership will require cross access easements for all abutting properties to maintain current access rights. Closure will also require approval from all utilities and emergency services as required.

(Subsequent review found that the property at 2565 Dearborn has a separate driveway approach from the alley, and would not be impacted by the alley vacation.)*

Upon receiving this recommendation, Planning staff discussed this matter with Transportation and Building Services and Licensing and understands their comments to say that the type of access to be retained is not vehicular, but access to the accessory structure.

This and other comments received from the pertinent City Departments and Divisions are found in Attachment B of this staff report.

Public Comments:

The property owners at 1477 Stratford Avenue are opposed to the alley vacation and feel that the applicant's purpose for requesting the alley vacation is to block their access. A note from Pamela Brady, a property owner at 1477 Stratford Avenue, and a letter from the applicant's attorney addressed to the Brady's attorney can be found in Attachment D.

STAFF ANALYSIS AND FINDINGS

Master Plan Discussion:

Sugar House Community Master Plan adopted in 2005.

"In Sugar House, alleys have traditionally been incorporated into development patterns and many alleyways currently serve both residential and commercial use. This is one of the factors that contribute to the pedestrian orientation that many of the well-established neighborhoods embody. However, due to maintenance issues, the abutting property owners to an alley frequently request that the City vacate the property. It has been the practice of the City that if approved, the alley is divided equally and ownership is transferred to the adjacent property owners. Transferring ownership of property that was once a City right-of-way, has been a source of concern for the community. Although expedient if the City's responsibility for maintenance is relieved, the long-term loss of resources creates a cumulative impact upon the public access routes. Given these complex issues, the City Council is developing revisions to the existing alley vacation policy. This new policy will be used to evaluate each request for alley vacations in the future." (See guidelines below.)

Alley Closure Guidelines:

Salt Lake City Code Section 14.52.020 Policy Considerations for Closure, Vacation or Abandonment of City Owned Alleys

The city will not consider disposing of its interest in an alley, in whole or in part, unless it receives a petition in writing which demonstrates that the disposition satisfies at least one of the following policy considerations:

- **Lack Of Use:** The city's legal interest in the property appears of record or is reflected on an applicable plat; however, it is evident from an on site inspection that the alley does not physically exist or has been materially blocked in a way that renders it unusable as a public right of way;
- **Public Safety:** The existence of the alley is substantially contributing to crime, unlawful activity, unsafe conditions, public health problems, or blight in the surrounding area;

- **Urban Design:** The continuation of the alley does not serve as a positive urban design element; or
- **Community Purpose:** The petitioners are proposing to restrict the general public from use of the alley in favor of a community use, such as a neighborhood play area or garden.

Salt Lake City Code Section 14.52.030 (B) Public Hearing and Recommendation from the Planning Commission

The Planning Commission shall make a report and recommendation to the City Council on the proposed disposition of the subject alley. A positive recommendation should include an analysis of the following factors:

1. **The City police department, fire department, transportation division, and all other relevant City departments and divisions have no objection to the proposed disposition of the property.**

Analysis: The applicable City departments and divisions have reviewed this request. The Transportation Division has concerns that the alley vacation should not deny access to properties at 1469 Stratford Avenue and 1477 Stratford Avenue.

Finding: Vehicular access to the property at 1469 Stratford Avenue would be preserved, and a six foot non-vehicular access to the property at 1477 Stratford Avenue would be retained (this property also has a driveway access from Stratford Avenue.)

2. **The petition meets at least one of the policy considerations stated above (Section 14.52.020.)**

Analysis: The reason for vacating this alley is not because of lack of use, public safety, or community purpose. It can be argued that the continuation of the alley does not serve an urban design element.

Finding: The request for vacating the alley does not substantially fall into any of these considerations.

3. **The petition must not deny sole access or required off-street parking to any adjacent property.**

Analysis: Vehicular access to the property 1469 E. Stratford Avenue would be preserved. The property at 1477 E. Stratford Avenue would retain the non-vehicular six foot access (this property also has a driveway access from Stratford Avenue.)

Finding: The alley vacation would not deny sole access or, required access to off-street parking to any adjacent property.

4. **The petition will not result in any property being landlocked.**

Finding: No landlocked parcels will be created. The partial alley vacation will ensure that there is still vehicular access to the property at 1469 Stratford Avenue.

5. **The disposition of the alley property will not result in a use which is otherwise contrary to the policies of the City, including applicable master plans and other adopted statements of policy which address, but which are not limited to, mid-block walkways, pedestrian paths, trails, and alternative transportation uses.**

Analysis: There are no midblock-walkways, pedestrian paths, or trails affected by the alley nor does the alley vacation affect alternative transportation uses.

Finding: The disposition of the alley property will not result in a use which is contrary to the policies of the City.

6. **No opposing abutting property owner intends to build a garage requiring access from the property, or has made application for a building permit, or if such a permit has been issued, construction has been completed within 12 months of issuance of the building permit.**

Analysis: The property owner at 1477 Stratford Avenue opposes the alley vacation. However, this property does not have legal vehicular access to the alley. The City does not recognize the accessory structure built in 2001 as a garage. There is an existing garage on the property with access from Stratford Avenue.

Finding: Vacating this portion of the alley will not deny access to the property at 1477 Stratford Avenue.

7. **The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it.**

Analysis: At the time the applicant submitted this request, the Planning staff recommended to try to vacate the entire alley. Due to lack of support by all of the abutting property owners needing access to the alley, vacating the entire alley was not possible.

Finding: The applicant requested that a partial alley vacation be considered because there is not support from the abutting property owners to vacate the entire alley.

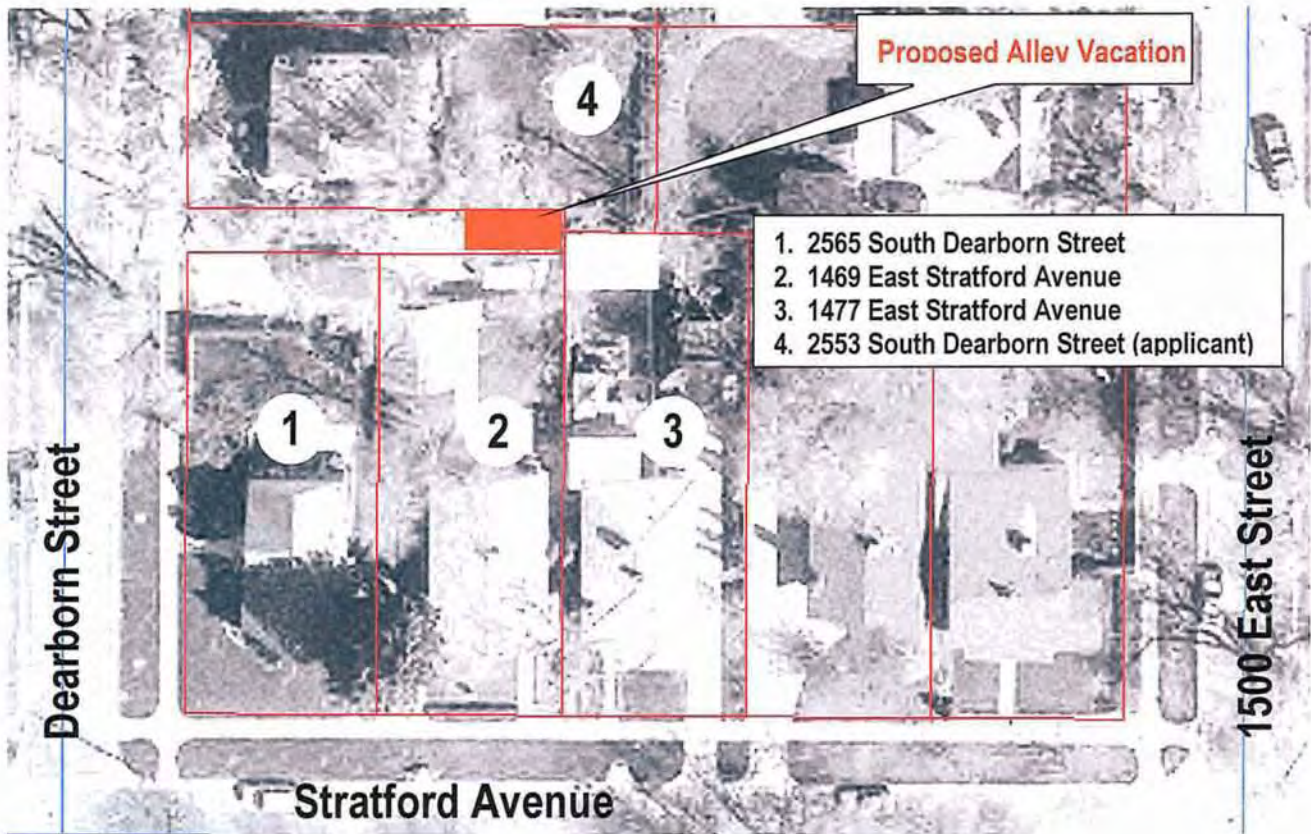
8. **The alley is not necessary for actual or potential rear access to residences or for accessory uses.**

Analysis: Vehicular access to property 1469 E. Stratford Avenue would be preserved. The property at 1477 E. Stratford Avenue would retain the six foot non-vehicular access.

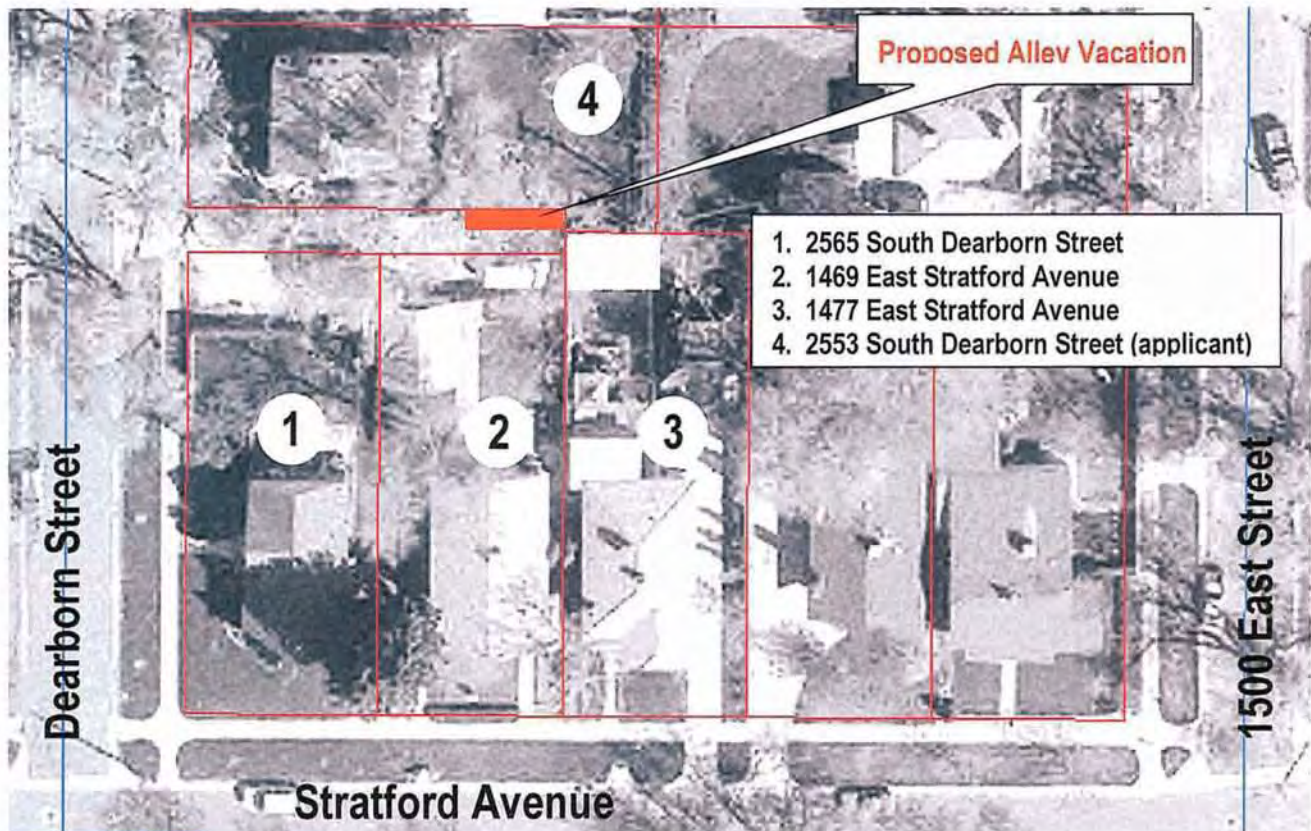
Finding: Actual or potential rear access to off-street parking and for accessory use is being retained.

Attachment A
Original and Current Request

Original Request



Current Request



Attachment B
Department/Division Comments

BUILDING SERVICES

From: Butcher, Larry
Sent: Saturday, June 23, 2007 7:40 AM
To: Pace, Katia
Cc: Goff, Orion
Subject: Alley Vacation / Vera Novak / 2553 S. Dearborn St. / 400-07-14

Categories: Program/Policy
Katia:

The property at 1469 Stratford appears to be the most affected by the vacation request since it does not have an existing driveway access from Stratford Avenue. The vacation may also require modification of the existing driveway access to the alley between Vera Novak's property and the property at 2565 S. Dearborn St. A shared driveway agreement may be the answer.

I have had previous contact with Vera regarding this alley access and the new accessory structure at 1477 E. Stratford. Please contact me at 706-0968 to discuss this issue.

Thanks,

Larry

TRANSPORTATION

From: Walsh, Barry
Sent: Friday, June 22, 2007 4:44 PM
To: Pace, Katia
Cc: Young, Kevin; Smith, Craig; Spencer, John; Nalder, Kevin; Stewart, Brad; Butcher, Larry; Askerlund, Dave
Subject: Pet 400-07-14 Alley closure

Categories: Program/Policy
June 22, 2007

Katia Pace, Planning

Re: Petition 400-07-14, to vacate the alley running east/west between Dearborn Street and 1500 East abutting 2553 South Dearborn Street.

The Division of transportation review comments and recommendations are for denial as follows:

The 12 foot wide alley abuts 2553 South and 2565 South Dearborn, 1469 East and 1477 East Stratford Avenue.

Per our field review and files we find that the alley currently services 2565 South Dearborn as a shared driveway approach to a two car garage facing Dearborn (2001 Permit), 1469 East Stratford Avenue has a two car garage with its only access from the alley and 1477 East Stratford Avenue has a storage shed (2007 permit) with a 6 foot wide frontage access from the alley and a single car garage with access from Stratford. The property at 2553 South Dearborn has a driveway parallel to the alley to access a single car garage in the rear yard.

The petition to vacate or close the alley needs to have approval from all abutting properties. The vacation from public ownership to private ownership will require cross access easements for all abutting properties to maintain current access rights. Closure will also require approval from all utilities and emergency services as required.

Sincerely,

Barry Walsh

PS. - The alley is currently gravel and should have a paved surface to access the 1469 East garage.

Cc Kevin Young, P.E.
Craig Smith, Engineering
John Spencer, property Management
Kevin Nalder, Fire
Brad Stewart, Public Utilities
Larry Butcher, permits
Dave Askerlund, Police

FIRE

From: Nalder, Kevin
Sent: Thursday, June 21, 2007 6:25 PM
To: Pace, Katia
Subject: Petition 400-07-14
Katia,

After soliciting input and receiving feedback from the Captains at fire station #3. It is determined that closure of the alley in petition # 400-07-14 will not impede the fire departments ability to provide emergency services. Approved

J Kevin Nalder

Battalion Chief - Fire Marshal
Salt Lake City Fire Department
305 East 200 South
Office: 801-799-4163
Fax: 801-799-4156
Email: kevin.nalder@slcgov.com

PUBLIC UTILITIES

From: Garcia, Peggy
Sent: Monday, June 18, 2007 10:35 AM
To: Pace, Katia
Subject: Petition #400-07-14 Vacate Alley

Categories: Program/Policy
Katia,

Salt Lake City Public Utilities has reviewed the request to vacate the alley running east/west between Dearborn Street and 1500 East abutting property on 2553 South Dearborn Street and find that there are no existing water, sewer or storm drainage utilities within the requested portion of the alley to be vacated.

If you need any further assistance please contact me at 483-6727.

Thank you,

Peggy Garcia

POLICE



MEMORANDUM

451 South State Street, Room 406
Salt Lake City, Utah 84111
(801) 535-7757

Planning and Zoning Division
Department of Community Development

Date: June 14, 2007

To: Property Management, John Spencer
Engineering, Craig Smith
Fire, Kevin Nalder
Public Utilities, Brad Stewart
Transportation, Barry Walsh
Building Services, Larry Butcher
Police, Dave Askerlund

From: Katia Pace, Associate Planner

Re: **Petition #400-07-14**, to vacate the alley running east/west between Dearborn Street and 1500 East Street abutting the property on 2553 South Dearborn Street.

The Planning Division is reviewing a request by Vera Novak to vacate the alley abutting her property at 2553 South Dearborn Street, and declare it surplus property. The alley runs east/west between Dearborn Street and 1500 East Street (please see map for details.) Other portions of the alley were vacated in 1985.

Please review the attachments and respond by June 28, 2007. If you have any questions, please contact me at 535-6354 or katia.pace@slcgov.com.

Thank you.

Katia,

I see no public safety concerns with this. Tell

Attachment C
Photos

Accessory Structure at 1477 Stratford Avenue



Alley looking towards East



Alley looking towards West
Photo taken from inside accessory structure at 1477 Stratford Avenue

Attachment D Public Comments

RESPONSE FROM THE SUGAR HOUSE COMMUNITY COUNCIL

April 6, 2007

To Whom It May Concern:

This letter serves to notify your department of a recent alley abandonment presentation to the Sugar House Community Council by Vera Novak on April 4, 2007. Per the petition instructions (requirement 2) Ms. Novak was instructed to bring her petition before the neighborhood council in which the parcel of alley considered for abandonment exist.

The council does not submit this letter as an endorsement for any property owner adjoining the portion of alley being considered for alley abandonment. Rather, it is recommended that the responsible and proper city agencies ensure the necessary steps are adhered to in consideration of the abandonment.

It should be noted, that Vera Novak was thorough, prepared, forthcoming and helpful in helping the council understand her petition.

Sincerely,



Philip Carlson
Chair – Sugar House Community Council
1917 E. 2700 South
SLC, UT 84106
801-694-2478

SUGAR HOUSE COMMUNITY COUNCIL

Minutes for April 4, 2007

Trustees present: Russell Callister, Phil Carlson, Sarah Carlson, Barbara Green, Dave Holbrook, Mark Holland, Michael G. Kavanagh, Scott Kisling, Emil Kmet, Andrea Moesser, Dave Mulder, Cabot Nelson, Susan Petheram, Ray Pugsley, L. Rex Sears, Judi Short, Grace Sperry, Andrea Wargula, Steve Wilson, Rawlins Young (20)

Trustees excused: Su Armitage, Dolores Donohoo, Art Haddow, Derek Payne (4)

City/State Representatives: Michael Stott, SLC Mayor's Office; Soren Simonsen, SLC Council; Fred Ross, SLPD (3)

Others: Vera Novak, Jaelene V. Myrup, Jana Johnson, Sheila O'Driscoll, Robert Cheney, Joyce Cheney, David Muse, Wayne Ricks, Melissa Lichtenstein, Allison Stone, Amy Buchanan, Ramiro Flores, Danny Walz, Boyd Petersen, Ralph Becker (16)

Call to order, Minutes approval, Chair Report: Call to order, 7:03pm. Phil Carlson, chair. Treasurer Dolores Donohoo was out, but she's getting better every day. She's expecting to host the executive committee meeting on Wednesday at her home.

David Holbrook moved to approve minutes of last month's meeting. There were no objections.

SLC Council District 7 town meeting will be on April 26th at Dilworth Elementary. There is a quarter plan for Foothill and the small area plan for the apartments and WalMart/KMart near Parleys Way.

SLC Council District 6 meeting will be on Tuesday, April 24th at Indian Hills Elementary.

Crime Update: Officer Fred Ross, SLPD: desk number: 799-3669, cell: 301-1251, email: fred.ross@slcgov.com. In the middle to the end of last week, we had a round of graffiti. It happened at Smith Crown and other businesses. Call to get it removed: Graffiti hotline is 972-7885. Recent home burglaries have stopped. The SLPD has two in custody. The suspects may have hit in West Valley City also.

Property crimes are down, crime against persons is up. Auto thefts are down, as are car prowls. Security has been great at Pizza and Pasta. Sarah Carlson inquired where the recent burglaries were. One robbery at Formosa Grill on 2100 S in a series of restaurant robberies. A trustee asked about tonight's incident at Stratford and Imperial. Officer Ross has no info yet.

Chair Report, continued: Another announcement: Ralph Becker is here as a candidate. There is a thank-you card for Helen, who has resigned. Trustees were urged to sign and donate.

Alley Vacation, 2553 S. Dearborn St.: Alley vacation at 2553 S. Dearborn St., presented by Vera Novak & Steve Wilson. Steve Wilson took the issue. They handed out photocopies, color printouts of information. Most neighbors have signed the petition.

Ms. Novak went through the handouts page by page. 1477 E Stratford has a garage that was improperly permitted. Vacating alley will cut off access. The owner has been trespassing to access the garage.

Questions were for clarification.

Steve Wilson moved that the SHCC write a letter for Vera Novak indicating that she has complied with the alley vacation petition application by presenting her request to the council. The letter will take no position towards any property owner and recommends proper city agencies to further look into the matter. Judi Short seconded. Steve offered to draft the letter and email it to Phil.

Rex Sears added that it was good for the council to not take position. Rex offered a friendly amendment: We note that Novak was thorough, prepared, forthcoming and helpful. The full amendment passed unanimously by voice vote.

Online resources: Yahoo! group for trustees: Cabot Nelson gave a computer presentation about the Yahoo! Group for the SHCC which offers an email forum and photo albums. It is a resource for trustees only. The URL is <http://groups.yahoo.com/group/SugarHouse>

Susan Petheram's new email is spetheram@earthlink.net.

Business Spotlight, Frost Books: Presented by Rich Frost, owner of Frost Books. Frost Books was started by Mr. Rich's mother in 1959. It's a family operation. They sell thousands of children's books at 50-70% off. There are occasional book signings. Andrea Moesser commented that Frost Books offered books to her book club at discount rates.

Merchant's Association Update: By Barbara Green. Phil Carlson took notes while Cabot Nelson was setting up.

Land Use & Zoning Committee: Helen is out. Cabot's motion to limit to five minutes failed for lack of a second. Judi presented the usual handout.

City Council Update: By Soren Simonsen. Mr. Simonsen also commented favorably about Frost Books.

Last night was busy. It was the closing of the public hearings for the redevelopment of City Creek center. The sky bridge was the main point. You can add your comments at council.comments@slcgov.com.

Come to the meeting on the 17th for some issues. Downtownrising.com is an envisioning plan for downtown with the SL Chamber. U of U's School of Arch + Planning helped produce graphics. The meeting is next Tuesday between 11am-1pm. More information at saltlakechamber.org. The plan incorporated urban design elements addressed especially favored by the American Planning Association, the Congress of New Urbanism, etc. They also advocate form-based zoning. Mayor Anderson wants formula-free business zoning which might help local business. The goal would be to maintain business incubation.

SLC Council's Small Business subcommittee has been organized at the Nibley meeting. Small business task force been implemented to help businesses impacted, especially by construction and public works. There is a town meeting on April 26th at Dilworth Elementary at 7:00pm. Two recent ordinances: infill ordinance and landscaping ordinance. Landscaping is pending. It would allow taking out sod in some instances.

PLANNING'S LETTER TO ABUTTING PROPERTY OWNERS

GEORGE G. SHAW, AICP
PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP
DEPUTY PLANNING DIRECTOR

CHERI COFFEY, AICP
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION

DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING AND ZONING DIVISION

ROSS C. "ROCKY" ANDERSON
MAYOR

A. LOUIS ZUNGUZE
COMMUNITY DEVELOPMENT DIRECTOR

November 6, 2007

Jan & Patricia Brady
1477 Stratford Avenue
Salt Lake City, UT 84106-3561

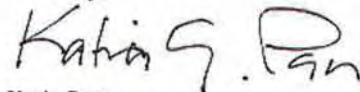
Re: Petition 400-07-14 to vacate the alley running east/west between Dearborn Street and 1500 East Street.

Jan & Patricia Brady:

Salt Lake City Planning Division is reviewing Petition 400-07-14 to vacate the alley running east/west between Dearborn Street and 1500 East Street. A map is attached for your information. As part of our review process, the Planning Staff is contacting all property owners affected by this request.

You will be notified of any public hearings related to this request. If you have any questions or comments, please feel free to call me at 535-6354 or e-mail me at katia.pace@slc.gov.

Sincerely,



Katia Pace
Associate Planner

RESPONSE FROM PROPERTY OWNER AT 1477 STRATFORD AVENUE

- 1- Petition 400-07-14 between Dearborn & 1500 E.?
- 2- Permit - Final approval 6-15-04
Mrs. Armstrong, Jim & Kathy Doot, Rose Novak approved project prior to receiving bids to construct the garage on lot 1020.
- 3- If alley is vacated, access to the garage on lot 1021 (Rose Novak) and lot 1020 (Brady's) would be blocked.
- 4- Ordinance reads - "thence W. 152' to NE corner of lot 1021" (Rose Novak) (from 1500 E) thence North 12' (to lot 1025 - Vera Novak), thence 23' to S E corner of lot 1025 - Vera Novak)
(this is where the survey cap for lot 1025 is located)
Ordinance includes right of ways & easements to all public utilities - (transformer is located on S E corner of lot 1025).
- 5- Aug. 1, 2005 Vera Novak took possession of lot 1025 from Mrs. Armstrong.
- 6- Nov. 17, 2006, Vera Novak moved the fence ^(wire) from survey cap # 172 901 6' South & concreted a post on this new location thus limiting the approved access to the garage on lot 1020.

Attachment E Original Application

ORIGINAL PETITION

Petition to Vacate or Close an Alley

Petitioner: Vera Novak
Address: 2553 S. Dearborn St.
Date: Feb 17, 2007

As an owner of property adjacent to the alley, I agree to the proposed vacation or closure. I understand that if my property is a commercial business or a rental property with more than three (3) dwelling units, I will be required to pay fair market value for my half of the alley.

Ruzena Novak
Print Name and Address: 1469 E Stratford Ave, Salt Lake City UT 84106
Signature: Ruzena Novak
Date: 2/17/07

Vera Novak
Print Name and Address: 2553 Dearborn St. SIC UT 84106
Signature: Vera Novak
Date: 2/17/07

Print Name and Address _____
Signature _____
Date _____

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Alley Vacation

Location: North of Lot 1021 - 12 ft wide alley , 25 foot long section

Applicant: Vera Novak

Reason for Petition

Property Improvement for Lot 13-21-306-025/1026. Alley portion North of Lot 1021, to be vacated and property added to Lots 1021 and 1025, 6 ft each side.

I invested in Lot 1025/1026 to safeguard my own property next door, lot 1027/1028. Lot 1025/1026 had a small house in disrepair when it came up for sale in spring of 2006, and I was afraid that it would be torn down and developed into another "monster house" – as the neighborhood has dubbed the remodel directly across Dearborn St at Lot 1085/1086. I did not want to live in the shadow of another excessive development, and the new zoning requirements were not yet in effect at the time of the sale. I will be making significant improvements to my own property, and plan to do the same with Lot 1025/1026 prior to resell. My intent is to build a high energy efficient home, keeping the design within the historical character of Highland Park.

To this end, I would like to replace the current non-functional garage with a 2 car garage. The increased width of the yard would allow the garage to be shifted 6 ft south, leaving more of the backyard open. This property current has a 6ft bump-out in the back SE corner of the property, as a result of the alley abandonment per Salt Lake City Ordinance No. 72 of 1985. There were discrepancies in the total length of that bump-out from the Property Deed, and conflicting information in the Ordinance. My surveyor and I agreed to go with the intent of the Ordinance, which meant I gave up 6 ft from the original Deed. At the time of the Ordinance, the alley behind 1469 E. Stratford (Lots 1021/1022) was not abandoned, in order to give the homeowner access to the garage at lot 1021. Said homeowner is in agreement with the current proposal, as she retains the garage access. I am seeking the extra 25 x 6 ft in order to build the garage in the back corner. Note there is a power line in the SE corner, 6 ft in from each direction, at the edge of the old alley. I have spoken with Rocky Mt Power, who saw no problem with the garage, as long as I keep the garage roof 10ft below the powered lines.

City Policy Consideration:

Lack of use. This portion of the alley had not provided access to any property other than 1469 E Stratford since at least 1979, when the current owner purchased the property. The chain link fences around adjacent properties were already in place at that time, and apparently had been for some time. The home owner used this space for guest off-street parking, and a vegetable garden to occupy her aging mother since 1993.

10	15
11-002	"
12	50
13-003	"
14	"
15-004	50
16	"
17-005	25 31
18	50
125	31

STRATFORD

25	1097-038
"	1096
50	1095
"	1094-035
"	1093
50	1092-036
"	1091
25	1090-037
50	1089
125	125

105	1082
104-014	1083-030
103	1084
102-015	1085-031
101	1086
100-016	1087-032
99	1088

DEARBORN

31	125
83-001	27 25
84	52
85-002	50
86	"
87-003	50
88	25
125	25

AVE.
66

27	1024-030
25	1023
"	1022-031
50	1021
"	1020-032
50	1019
125	125

50	1031
"	1030-013
"	1029
"	1028-014
"	1027
"	1026-015 *
25	1025
12	VACATED

- Proposed alley to be vacated
- Approve Petition

4. PLANNING COMMISSION
C) Addition Information to the
Planning Commission
September 5, 2008

Sept. 5, 2008

Petition 400-07-14
Dearborn Partial Alley Vacation
Abutting 2553 S. Dearborn St.

Dear Planning Commission,

After reviewing the Planning Commission Staff Report, the documents & pictures I submitted Nov. 14, 2007 to Katia Pace have not been included in the report as requested.

I would like to submit the enclosed 3 pages to be included in this report.

Sincerely,
Patricia Brady
1477 Stratford Ave.
S LC Ut. 84106
Phone # 801-467-1763

5. Petition 400-0714

September 2, 2008

Dear Planning commission,

Following the meeting with Katia Pace on Nov. 16, 2007, you have in your possession information, permits, ordinances and pictures pertaining to petition 400-08-50. The property in question is in daily use by the residents of 2565 Dearborne Ave, 1469 Stratford Ave and 1477 Stratford Ave. The three garages for these homeowners are in compliance with all city codes, permits and ordinances. In having the alley declared "Surplus and Vacated" would revoke the approved access to these garages. This would force these residents to park on the street. There is a fire hydrant in front of 1477 Stratford Ave.(a busy street) inhibiting these residents from parking in front of their house.

As the enclosed pictures show, the alley is not "surplus property", but access to these three garages. Vera Novak's property on Dearborne Ave has a private driveway with a garage. The alley adjacent to this property in NO WAY infringes or encroaches on that driveway which is currently divided by a fence.

We ask your consideration in leaving this alley "as is" and reject this petition or any further changes to the status quo.

Sincerely,

Jan and Patricia Brady
1477 Stratford Ave
Salt Lake City, UT 84106

SALT LAKE CITY ZONING APPROVAL

Scope of work Second Detached garage
Address 1477 Stratford

Zone R(-)7000 Parking Required ---

SETBACKS FROM PROPERTY LINES

Front --- Sides 3' Rear 3' Height 17' MAX.

Conditions/Comments

Alley access.

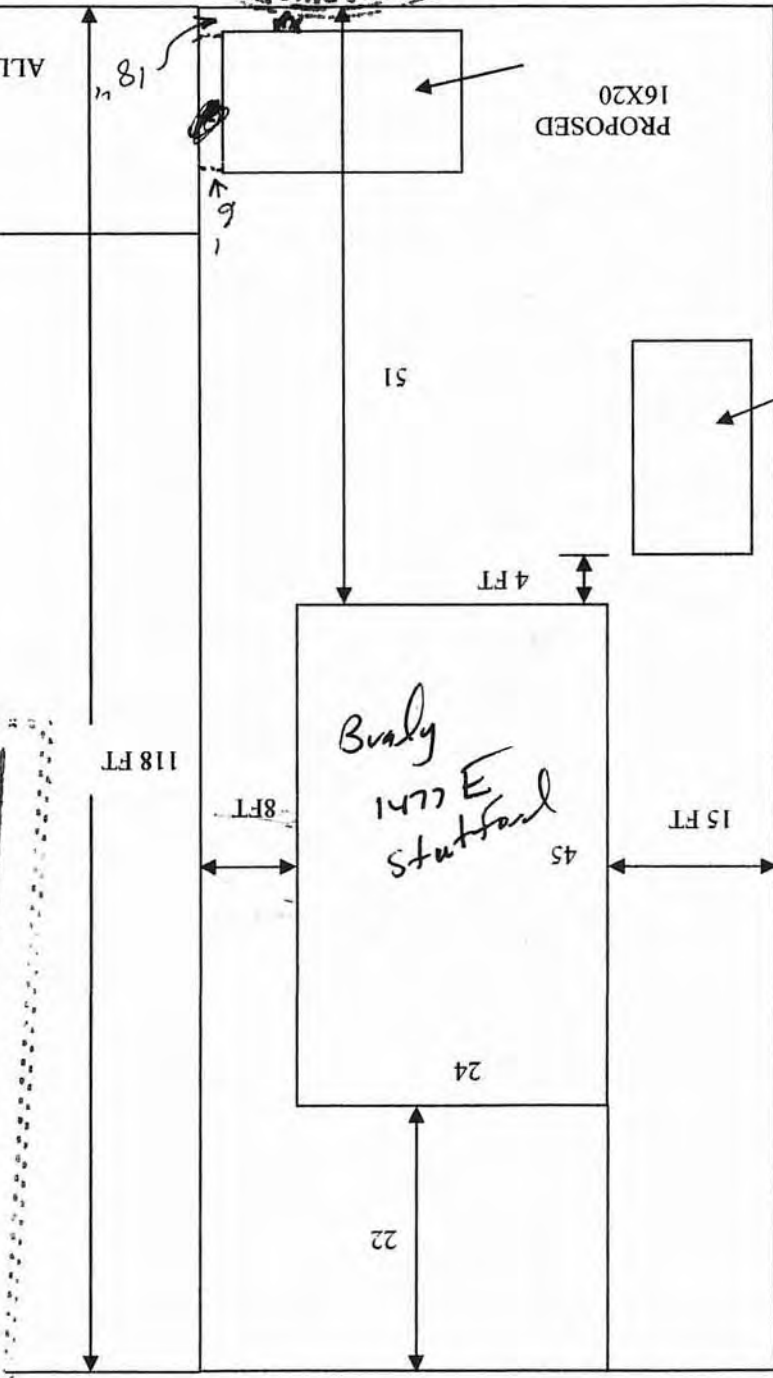
APPROVED BY [Signature] DATE 4-21-04

NOTICE

Permit holder is responsible to verify property lines and to clearly mark all property lines for permit inspection purposes. A survey is recommended and may be required.



BUILDING PERMIT ONLY
ANY PLUMBING, ELECTRICAL
AND MECHANICAL WORK
MUST BE AUTHORIZED BY
SEPARATE PERMIT



STRATFORD

SALT LAKE CITY CORPORATION — BUILDING PERMIT APPLICATION
451 South State Street, Room 215
Salt Lake City, Utah 84111
(801) 535-7752 Telephone (801) 535-7750 Fax
FOR INSPECTIONS, CALL THE AUTOMATED SYSTEM AT (801) 535-6436

Today's Date 04-21-04		Log Number:		Issued Date 4/21/04		Permit Valuation 5771. —		Permit Number 192424		
Property Address: 1477 E. St. Howard						Floor / Suite #		Building Permit Fee \$ 157.75	\$	
Address Certificate Number: (New Construction)				Tax Parcel ID Number: (New Construction)				Plan Review Fee \$ 158.71	\$	
Use of premises: (i.e. s/f dwelling, duplex, commercial structure, etc) S/F							1% State Fee \$ 1.67	\$		
Project Name: (i.e.: Property owner, business name, etc) Brady							Other Fee Due (Specify)	\$		
Project Contact Person: LAW Home					Contact Phone Number: 5577313		Adjustments	\$		
SqFt of area being worked in:		Bldg Total SqFt		# Of Stories 1	Type of Const.	Occ. Group U	Impact Fee	\$		
Finished bsmt SqFt.	Unfin. bsmt SqFt.	Garage Attached	Carport Detached	Garage/Carport SqFt.	# of residential units:	TOTAL	\$			
Permit Requester's Name: owner <input checked="" type="checkbox"/> contractor <input type="checkbox"/> other <input type="checkbox"/> LAW Home							Method of payment: Cash <input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Fee Waiver <input type="checkbox"/> Interdepartmental Billing			
Contractor's Business Name: Espinoza Const					State License Number 247416		Telephone Number 5577313			
Contractor/Requestor Mailing Address: 1474 S. 700 W SEC UT. 84101										
Description of work: new garage										
FOR OFFICE USE ONLY: Approval and Comments Fire Sprinkled <input type="checkbox"/> Yes <input type="checkbox"/> No										
Approvals		Date	IBC / IRC Comments:				Deferred Submittal: Yes No			
IBC/IRC		4/21/04	DITCHED SPACE							
Zoning		A								
Historic										
Planning										
B of A										
Fire			Zoning Comments (including zone) R1-1000, Second detached garage with alley access. Both garages total 340 SF.							
Other (Specify)										
Is Zoning Certificate needed? Yes No			Zoning Certificate #:			Impact Fee Area: Infill NW Quad Westside				
This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury.										
Owner		Contractor		Other, Specify						
(If a contractor is on this job, he must sign for and take out this permit, or sign and send in a notarized letter of authorization)										
Signature						Date 04-21-04				

INSPECTION REPORT

SALT LAKE CITY CORPORATION

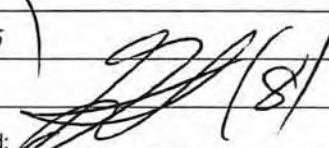
Building Services & Licensing
451 SOUTH STATE STREET, ROOM 406 SALT LAKE CITY, UTAH 84111

Address 1477 E STRATFORD AVE RI		Unit No.	Date Jun/15/2004	Permit No. 192424																																
Inspection Kind <input type="checkbox"/> Bldg. <input type="checkbox"/> Mech. <input type="checkbox"/> Sign <input type="checkbox"/> Special	<input type="checkbox"/> Elec. <input type="checkbox"/> Zoning <input type="checkbox"/> Fire	<input type="checkbox"/> Plbg. <input type="checkbox"/> Preinspection <input type="checkbox"/> Housing	Reason for Inspection <input type="checkbox"/> Called <input type="checkbox"/> Routine	Contractor SPIRIT CONSTRUCTION Phone No.																																
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<input type="checkbox"/> Issued Stop Card	<input type="checkbox"/> Do not Proceed With Work	<input type="checkbox"/> Frame	<input type="checkbox"/> Clearance	<input type="checkbox"/> Steel																																
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				<input type="checkbox"/> Sheetrock																																
<input type="checkbox"/> Unable to Make Inspection <input type="checkbox"/> This Inspection is Required. Call 535-6436 Mornings 7:00-8:00 to Schedule Inspections ***24 Hour Notice Required***		Certificate of Occupancy <input type="checkbox"/> Shell Only <input type="checkbox"/> Permanent <input type="checkbox"/> Temporary <input type="checkbox"/> Not Required Days		Prior Violations Not Corrected Work Must Be Completed Within _____ Days <input type="checkbox"/> Reinspection Req.																																

Time _____:Hrs. / Comments:

119 - FINAL

ANDERSON, GIL

(THANKS) 

Signed:

Salt Lake City Inspector

INSPECTION REPORT

SALT LAKE CITY CORPORATION

Building Services & Licensing
451 SOUTH STATE STREET, ROOM 406 SALT LAKE CITY, UTAH 84111

Address 1477 E STRATFORD AVE		Unit No.	Date Jun/10/2004	Permit No. 193825																																
Inspection Kind <input type="checkbox"/> Bldg. <input type="checkbox"/> Mech. <input type="checkbox"/> Sign <input type="checkbox"/> Special	<input type="checkbox"/> Elec. <input type="checkbox"/> Zoning <input type="checkbox"/> Fire	<input type="checkbox"/> Plbg. <input type="checkbox"/> Preinspection <input type="checkbox"/> Housing	Reason for Inspection <input checked="" type="checkbox"/> Called <input type="checkbox"/> Routine	Contractor BIG CITY ELECTRIC Phone No.																																
			<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2">Stage</td> <td colspan="3">Type of Inspection</td> </tr> <tr> <td><input type="checkbox"/> Partial</td> <td><input checked="" type="checkbox"/> Work Approved</td> <td><input type="checkbox"/> Footing</td> <td><input type="checkbox"/> Underground</td> <td><input type="checkbox"/> Bond Beam</td> </tr> <tr> <td><input checked="" type="checkbox"/> Complete</td> <td><input type="checkbox"/> Work in Violation</td> <td><input type="checkbox"/> Foundation</td> <td><input type="checkbox"/> Rough</td> <td><input type="checkbox"/> Concrete</td> </tr> <tr> <td><input type="checkbox"/> Issued Stop Card</td> <td><input type="checkbox"/> Do not Proceed With Work</td> <td><input type="checkbox"/> Frame</td> <td><input type="checkbox"/> Clearance</td> <td><input type="checkbox"/> Steel</td> </tr> <tr> <td><input type="checkbox"/> Double Fee</td> <td><input type="checkbox"/> Make Necessary Corrections</td> <td><input type="checkbox"/> Insulation</td> <td><input checked="" type="checkbox"/> Final</td> <td><input type="checkbox"/> Columns</td> </tr> <tr> <td></td> <td></td> <td><input type="checkbox"/> Void</td> <td><input type="checkbox"/> Consultation</td> <td><input type="checkbox"/> Progress</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td><input type="checkbox"/> Sheetrock</td> </tr> </table>		Stage		Type of Inspection			<input type="checkbox"/> Partial	<input checked="" type="checkbox"/> Work Approved	<input type="checkbox"/> Footing	<input type="checkbox"/> Underground	<input type="checkbox"/> Bond Beam	<input checked="" type="checkbox"/> Complete	<input type="checkbox"/> Work in Violation	<input type="checkbox"/> Foundation	<input type="checkbox"/> Rough	<input type="checkbox"/> Concrete	<input type="checkbox"/> Issued Stop Card	<input type="checkbox"/> Do not Proceed With Work	<input type="checkbox"/> Frame	<input type="checkbox"/> Clearance	<input type="checkbox"/> Steel	<input type="checkbox"/> Double Fee	<input type="checkbox"/> Make Necessary Corrections	<input type="checkbox"/> Insulation	<input checked="" type="checkbox"/> Final	<input type="checkbox"/> Columns			<input type="checkbox"/> Void	<input type="checkbox"/> Consultation	<input type="checkbox"/> Progress		
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Time 10:47:Hrs. / Comments:

ROUGH TO GARAGE IN AM

Finish O.K. -- Final





4. PLANNING COMMISSION
D) Planning Commission Minutes
September 10, 2008

Both proposals are based on the comments made by Commissioners, letters from the public, public comment, and other information presented through out the course of the public hearing.

Commissioner McHugh seconded the motion.

All in favor voted, "Aye", the motion to deny passed unanimously.

Chair Wirthlin announced a small break at 11:16 p.m.

Chair Wirthlin reconvened the meeting at 11:19 p.m.

11:19:35 PM **Petition 410-08-50 (PLNPCM2008-00196) Piper Down Private Club Conditional Use Expansion at approximately 1492 South State Street**—a request for approval to expand the existing private club structure and the rear outdoor dining. The private club was a previously approved conditional use in the CC zoning District). The site is located in Council District five Jill Remington-Love. View: [Staff Report](#)

Chair Wirthlin recognized Joel Paterson as staff representative.

11:30:16 PM **Public Hearing**

The following person spoke or submitted a hearing card in opposition of proposed petition: **L. Neil Rasmussen** (7988 S-Circle).

11:37:42 PM **Commissioner Algarin made a motion regarding Petition 410-08-50, regarding the Piper Down private club expansion, located at 1492 South State Street, that the Commission approve the request based on staff recommendation with the following condition:**

1. **The applicant shall record a lease agreement to provide thirteen (13) off-site parking stalls (which includes one accessible stall) on the lot at 1522 South Major Street, for the expansion of the Piper Down private club.**

Commissioner Forbis seconded the motion.

All in favor voted, "Aye", the motion carried unanimously.

11:38:21 PM **Petition 400-07-14, Declaration of Surplus Property and Alley Vacation**—a request by Vera Novak to vacate a portion of the alley abutting her property at approximately 2553 South Dearborn Street, and declare it as surplus property. The property is located in the R-1/7,000 – Single-family Residential Zoning District, and in Council District Seven, represented by Søren Simonsen. View: [Staff Report](#) View: [Public Comment](#)

Chair Wirthlin recognized Katia Pace as staff representative.

11:57:39 PM **Public Hearing**

The following people spoke or submitted hearing cards in *opposition* of proposed petition: **Grace Sperry, Sugar House Community Council Chair** (2660 South Highland Drive), and **Patricia Brady** (1477 Stratford Avenue).

12:12:43 AM **Commissioner Scott made a motion regarding Petition 400-07-14, the declaration of surplus property and alley vacation, based on the findings of fact identified in the staff report and the public hearing, the Planning Commission transmit a negative recommendation to the City Council. This request does not demonstrate that the disposition satisfies any of the policy considerations in the Salt Lake City Code Chapter 14.52.020. The Planning**

Commission feels that it would be prudent for the property owners to sort out legal claims that both parties might have.

Commissioner Chambless seconded the motion.

Discussion of the motion

Vice Chair Woodhead noted that she was going to vote in favor of the motion, but had a problem with the rationale. She noted that this petition was not completely contrary to what was set forth in the code. She noted that the urban design guideline was met, but the differing legal claims to the alley and to access over the alley made it impossible to grant this petition.

Commissioner Scott stated that she would like to remove the following last sentence of the motion, *This request does not demonstrate that the disposition satisfies and of the policy considerations in the Salt Lake City Code Chapter 14.52.020.*, and would like to replace it with, *The Planning Commission feels that it would be prudent for the property owners to sort out legal claims that both parties might have.*

Commissioner Chambless seconded the amendment to the motion.

All in favor voted, "Aye", the motion carried unanimously.

12:15:19 AM **Petition 410-08-39 AutoZone Planned Development**—a request by The Boyer Co., represented by Nate Swain, to construct a new 6,000 square foot commercial building on a pad site located at approximately 1199 East 3300 South, at the south entrance of the Brickyard Plaza, in a Community Business (CB) district. The property is located in City Council District Seven, represented by Søren Simonsen. *View: [Staff Report](#)*

Commissioner Wirthlin recognized Casey Stewart as staff representative.

Mr. Paul Neilson noted that he might have a conflict of interest because the president of the company making the request was a personal acquaintance, and inquired of the Commission if they felt he needed to recuse himself.

The Commissioners agreed that there was no conflict of interest and Mr. Neilson should stay for the final petition.

12:35:15 AM **Public Hearing**

The following person spoke or submitted hearing card in support of the proposed petition: **Grace Sperry, Sugar House Community Council Chair** (2660 South Highland Drive).

12:43:28 AM **Vice Chair Woodhead made a motion regarding Petition 410-08-39, the Autozone planned development, a request for preliminary planned development approval, based on the staff report, testimony and discussion before the Commission, the Planning Commission recommends approval of the planned development and finds that it satisfies the standards for approval subject to the following conditions:**

1. **Compliance with the departmental comments as outlined in the staff report.**
2. **Final approval is hereby delegated to the Planning Director subject to certification by the planning director that the final development plan is in conformance with the preliminary development plan approved by the planning commission; and**
3. **The metal trellises as shown on the front facade, marked as figure twenty-one (21), are increased to the maximum extent possible and planters provided in front from which to grow ivy intended to climb the trellises; with final approval by the Planning Director.**

allowed modifications:

5. ORIGINAL PETITION

Petition No. 400-07-14

By Vera Novak

Alley Vacation

Date Filed 06/08/2007

Address 2553 S Dearborn Street



Alley Vacation or Closure

Petition No.	<u>400-07-14</u>	
Receipt No.	<u>062005572</u>	Amount \$ <u>100-</u>
Date Received	<u>6-8-07</u>	
Reviewed by	<u>note w.</u>	

SALT LAKE CITY PLANNING

Date _____

Location of the subject alley North of Lot 1021

Name of Applicant Vera Novak Phone/ 801.484.2042

Address of Applicant 2553rd Dearborn St.

Email Address of Applicant VRN@XMISSION.COM Cell / Fax 801.484.2043

Are there any multi-family residential uses (three or more dwelling units) or non residential uses which abut the alley? Yes No

If yes, have the property owners been notified about the City's "close and sell" method of disposition"? (As defined in the attached process information sheet) Yes No

Please include with the application:

1. A response to the questions on the back of this form. If the applicant does not own property adjacent to the alley, please include the applicant's interest in the request.
2. A signed statement that the applicant has met with and explained the request to the appropriate Neighborhood Organization and/or Community Council(s). A letter from the Chairperson may be substituted.
3. The name, address and Sidwell number of all property owners on the block must be typed or clearly printed on gummed mailing labels. Please include yourself and the appropriate Community Council Chair. **Payment in the amount to cover first class postage for each address for two mailings is due at time of application.**
4. The name, address and signatures of all owners of property abutting the subject alley who support the petition. You may use the sample petition accompanying this application or provide your own. **Please note that the property owners must sign (not occupants who rent) and the petition must include the signatures of no less than 80 percent of the abutting property owners.**
5. A property ownership map (known as a Sidwell map) showing the area of the subject alley. On the map, please:
 - a. Highlight the subject alley.
 - b. Indicate with a colored circle or dot the property owners who support the petition.
6. A legal description of the subject alley may be required.
7. **Filing fee of \$100.00, due at time of application.**

If you have any questions regarding the requirements of this petition, please contact a member of the Salt Lake City Planning staff (535-7757) prior to submitting the petition.

Sidwell maps and names of property owners are available at:
 Salt Lake County Recorder
 2001 South State Street, Room N1600
 Salt Lake City, UT 84190-1051
 Telephone: (801) 468-3391

File the complete application at:
 Salt Lake City Planning
 451 South State Street, Room 406
 Salt Lake City, UT 84111
 Telephone: (801) 535-7757

Signature of Applicant *Vera Novak* Title of agent _____
or authorized agent

Petition to Vacate or Close an Alley

Petitioner: Vera Novak

Address: 2553 S. Dearborn St.

Date: Feb 17, 2007

As an owner of property adjacent to the alley, I agree to the proposed vacation or closure. I understand that if my property is a commercial business or a rental property with more than three (3) dwelling units, I will be required to pay fair market value for my half of the alley.

RUZENA NOVAK Ruzena Novak 2/17/07
Print Name and Address Signature Date
1469 E Stratford Ave, Salt Lake City UT 84106 LOT 1021

Vera Novak Vera Novak 2/17/07
Print Name and Address Signature Date
2553 Dearborn St SLC UT 84106

Print Name and Address Signature Date

Print Name and Address Signature Date

Print Name and Address Signature Date

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Print Name and Address Signature Date

Print Name and Address Signature Date

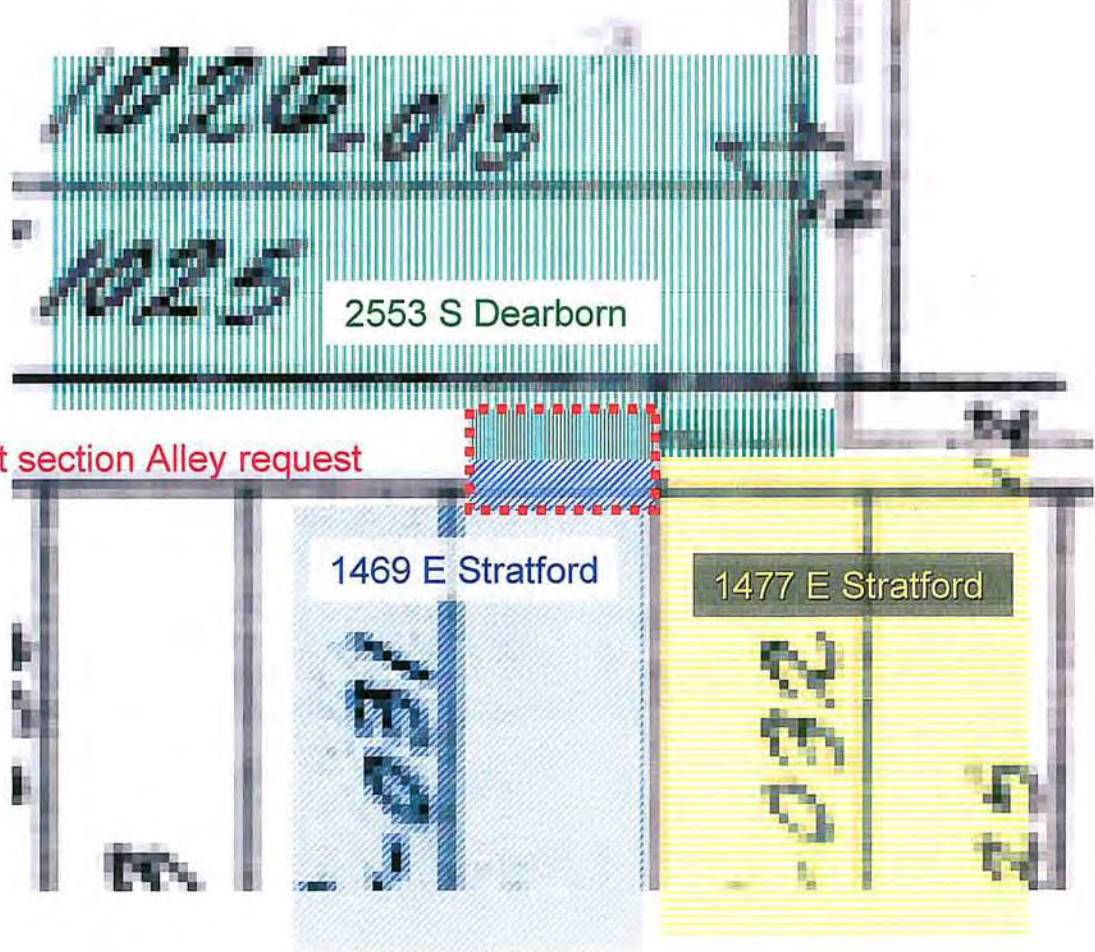
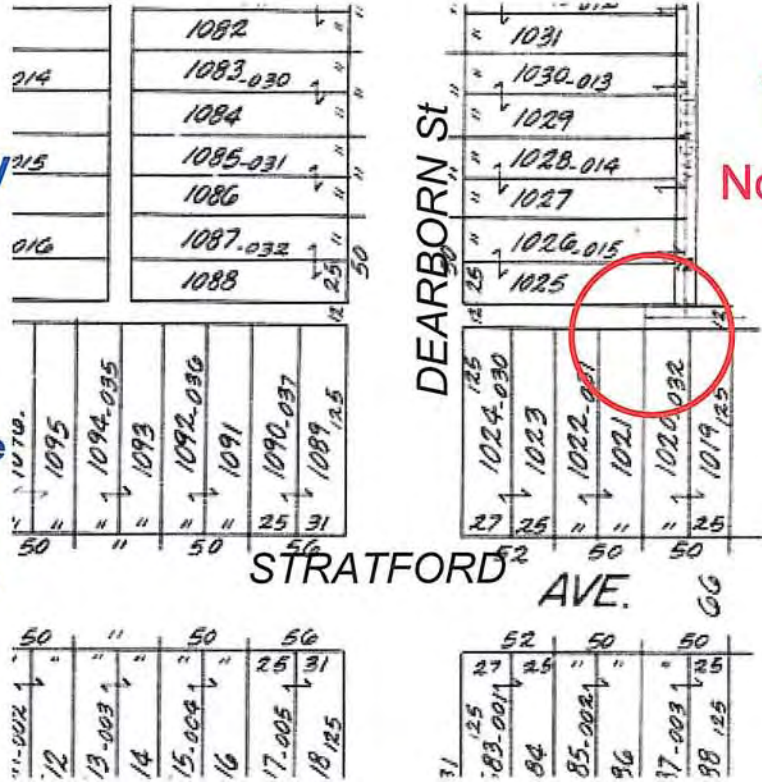
Print Name and Address Signature Date

Print Name and Address Signature Date

Print Name and Address Signature Date

Petition for Alley Abandonment

Reason: Lack of Use for access to any property other than 1469 E Stratford Ave



Additional 25 ft section Alley request

History of use of the alley

Adjacent to properties 1469 E Stratford and 2553 S. Dearborn.

1979 - - August - Rose Novak buys the property at 1469 E Stratford. The chain link fence which outlines the abandoned alley as of the eastern edge of Rose's property is already in place, and is old – as evidenced by missing and broken slats. Note that the NW back corner of 1477 East Stratford is fenced off from the alley.

1984 – Easter – Photo of Novak, R daughter's car on her back property. Note the tree and big pile of brush at the back of this property.

1985 – Sept - Alley is officially abandoned per Salt Lake City Ordinance #72 of 1985. Existing fence is accurate, within .94'. The actual property lines were not surveyed until later, with the trouble over the garage permit.

1993 – 1997 - Novak, R's brothers truck / camper is parked in the alley, from around March – September of each year, while they were back in the Czech Republic. This truck is seen on the aerial photo of the property which is currently on file with Salt Lake City.

1993 – Spring - Novak, R's sister-in-law & mother build a vegetable garden across the back 25 feet of the alley, complete with fence and sprinkler. (see photo) This is the same section of alley under review in the current petition.

History of Alley Use

Key Points

- Alley areas taken up by neighboring properties at least 38 years ago
- Alley portion NOT vacated to east edge of Lot 1021 to provide access to garage and property of 1469 E Stratford
- 1985 Ordinance officially declared alley to "no longer be public property for use as a street, alley, or pedestrian way."
- Neither 2553 S Dearborn nor 1477 E Stratford ever sought access via the alley for at least past 38 years

Documentation:

Alley abandoned and fences in place **prior to 1968** - see letter from 2553 previous owner's daughter.

1477 E. Stratford had claimed their portion of the vacated alley by fencing it in. There was no gate to provide access to the alley, and no alley access was sought.

1979 - - August - Rose Novak buys the property at 1469 E Stratford. The chain link fence which outlines the abandoned alley as of the eastern edge of Rose's property is already in place, and is old – as evidenced by missing and broken slats.

1984 – Easter – Car on the right is parked on extra parking spot of 1469 E Stratford.

Note the tree and big pile of brush at the back of this property up against the fence of 1477 E Stratford. Clearly there was no access to 1477 E Stratford from the alley.





1985 – Sept - Alley is **officially abandoned** per Salt Lake City Ordinance #72 of 1985.

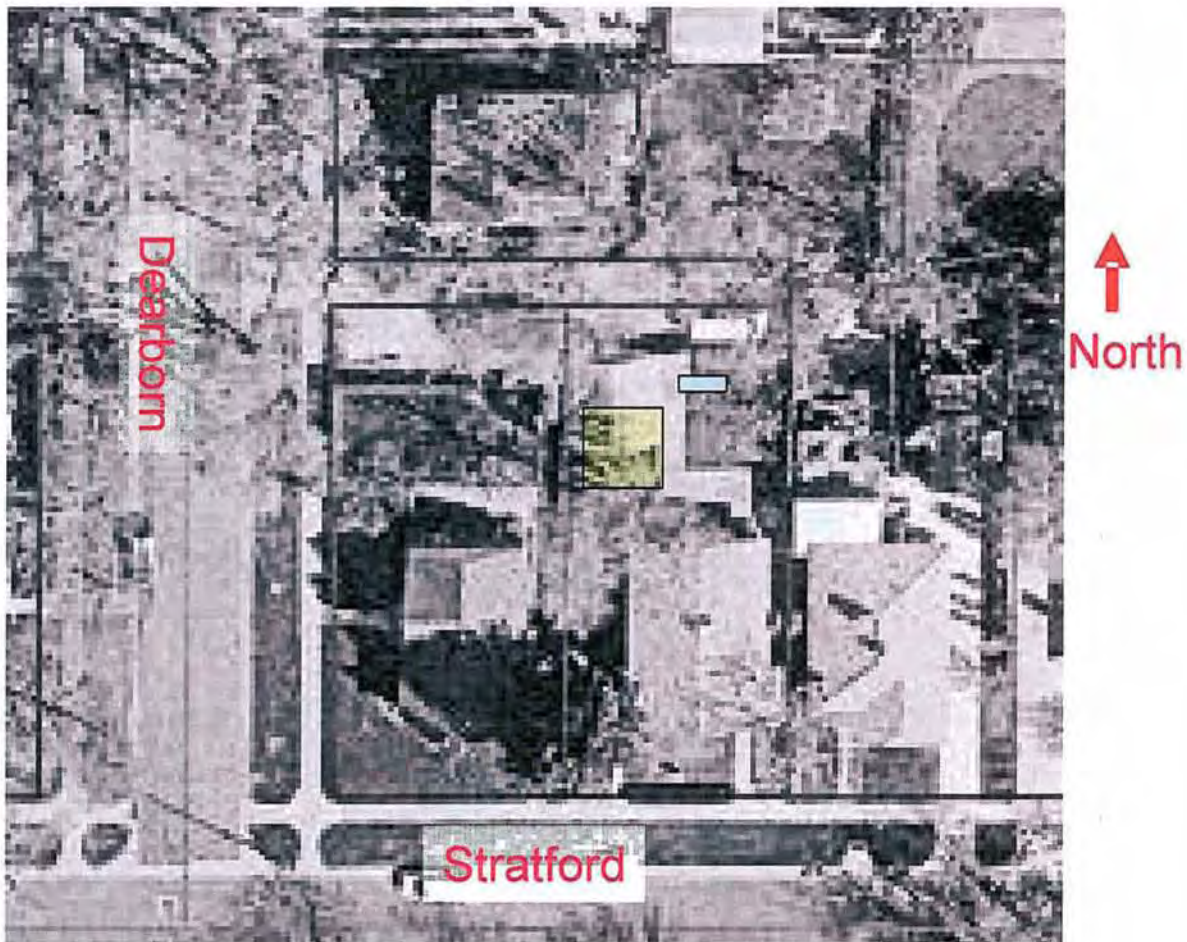
to “ no longer be public property for use as a street, alley, or pedestrian way. ”

Existing fences are accurate, within .94'. The actual property lines were not surveyed until 2004.

The vacated alley portion relative to this issue is:

*... thence West 152.0 feet to the northeast corner of Lot 1021, thence North 12.0 feet;
thence East 23.0 feet to the southeast corner of Lot 1025.*

1993 – 1997 - Novak, R's has truck / camper  parked in the alley, from around March – September of each year. This truck is seen on the aerial photo of the property which is currently on file with Salt Lake City. Alley use by 1469 E Stratford also established by use of garage  which is accessed only via alley.



1993 – Spring - 1469 E Stratford build a vegetable garden across the back 25 feet of the alley, complete with fence and sprinkler. This garden was in place at the time the Brady's sought a building permit for their garage. Certainly the alley was not used for access to any other properties at this time.



1993 – 2004. The garden is in place until the time for the Brady Garage construction.

The Portion of the Alley which is under consideration for abandonment is the approximately the same as the area which was a garden from 1993 to 2004

History of Second Garage for 1477 E Stratford

Key Points

- 1477 E Stratford has been using existing garage with access from Stratford Ave for at least 38 years
- No alley access sought in past 38 years
- Garage permit sought based on incorrect information
- Alley and property only adjoi for 6 ft – not 20 ft as per permit
- 1477 E Stratford property owner notified of error prior to construction

Documentation

Status Quo

Spring 2004 - . There had been NO access from the alley to this property for the past 36 years. The fence was in place the entire time, with brush/ trucks/ trees/ gardens in front of this fence.

1477 E Stratford has an existing Garage with access from Stratford Ave. (since at least 1979)



Existing 1477 E Stratford Ave 1 car Garage
Access from Stratford

Notification about Problem with Access & Property Line

04/27/04 – Novak, R visits the City Permit Offices, reviews the plat map and is told that the **permit should not have been issued** on the basis of the incorrect information that was submitted. The City Permit Agent indicated that a city inspector would deliver a Stop Work Order. Novak **communicated this information to Brady**.

05/02/04 – Novak, R pays for a survey of her property. Survey markers are put in place which clearly indicate Brady only has 6 ft of property adjacent to the alley. At that point, Brady had **only removed a portion of lawn** – no further construction had been done.

05/03/04 – Novak, R returns to SLC Permit Offices. Inspector Mike Harry was dispatched to see the building site. He proceeded to fill out a **Stop Work Order** in Novak's presence, and **served on Bradys** at 11:45 am. At 12:30, a contractor showed up with foundation forming - and construction proceeded on garage.

05/03/04 14:45 SLC Building Inspection Listing shows **"NEED Cert of Survey to Establish Property Lines. Property Line provided by Contractor, pour @ own risk."** Inspector: 08

05/03/04 11:58 SLC Building Inspection Listing: **"You need to bring in your plans and have access to your garage addressed."** Inspector: 15

06/22/04 – SLC Building Inspection Listing: Neighbor complaint – Encroachment onto her property – Ruzena Novak 487-6034. Inspector: Larry Wiley

June 2004 – NOTE: Novak, R was busy care-taking of her 97 yr old mother who had just suffered a severe stroke. She trusted the SL Building Department to adhere to their Stop Work Order, and did not feel there was any more that she could do, as they were not driving on her property. She had paid for a permanent fence to be built to demark her parking spot (ie the NE corner of her property) to protect herself from the intended trespass.

1477 E STRATFORD

Permit Number: 5010967	Issue Date: 01/17/2007	Flag
Contractor: Not on File		Inspector: LARRY BUTCHER
Job Type: ADDRESS FLAG		Job Status: ACTIVE
Duration: 50.00	Fee:	
Inspector:		
Last Update: 01/17/2007	Updated By: wh2459	

Comments:

BASED UPON CURRENT INFORMATION, THE ALLEY ACCESS IS INCORRECTLY SHOWN ON GARAGE PERMIT #192424. ACCESS TO GARAGE IS ONLY 6' IN WIDTH WHICH DOES NOT MEET TRANSPORTATION DIVISION STANDARDS FOR PASSENGER VEHICLE ACCESS.

Trespass on 2553 S Dearborn

Summer 2004 – Garage NOT built according to permit. Location changed to 1 ft of north fence. This was done because BRADY could not access the garage through the 6 ft alley piece and needed to trespass on 2553 in order to drive into the garage.

NOTE: According to Code, combustible construction must be a minimum of 3 ft from property line, as per original permit. This Garage is out of compliance.

BRADY cut the T-post holding up the wire fencing for 2553 S. Dearborn, pushed the fence aside, and poured part of the concrete pad on 2553 S. Dearborn. The owner of this property was 97 yr old at the time, and not aware of what was happening on her back property. See Letter from Previous Property Owner



Metal post of fence from 2553 S Dearborn cut and fence pushed aside.



2553 S Dearborn
Fence torn down

1477 E Stratford second
garage

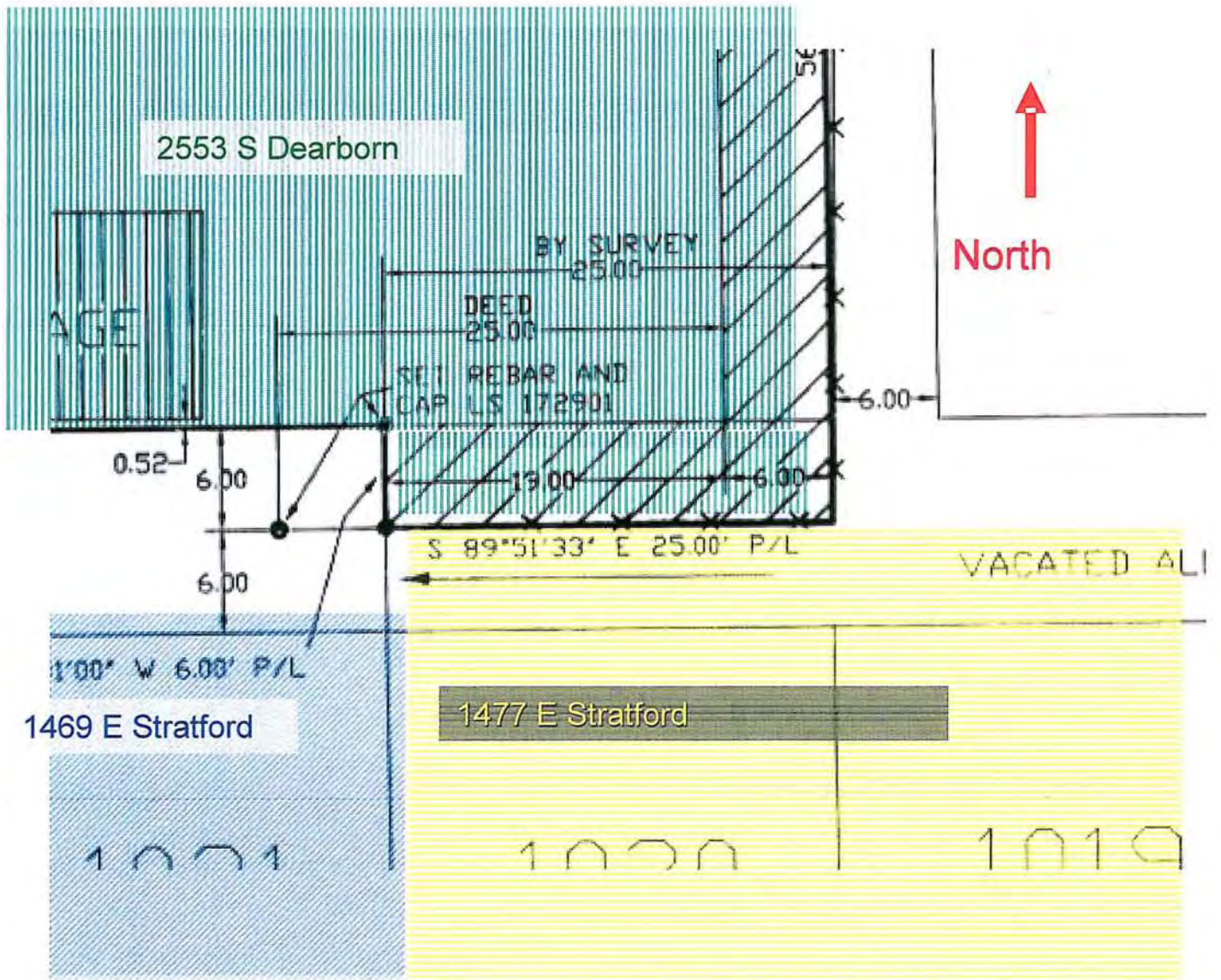
Area of Trespass

1469 E Stratford
Property line

Defence against Trespass

April 2006 - 2553 S. Dearborn is purchased by a new owner, Novak, Vera. In attempting to reclaim the alley corner of the property, she is threatened and harassed by Brady.

Novak, V pays for a survey. As there is conflicting information on the property deed, and two references of the letter of the alley abandonment document, the surveyor and Novak, V agree to the intent of the abandonment document, in which Novak, V **cedes 6 ft of property**.



11/13/06 – Brady’s lawyers, Van Cott, Bagley, Cornwall & McCarthy concede that the survey is accurate and the BRADY’s were trespassing.

Novak, V. re-establishes the fence line. 6 ft is not enough to access their garage, and they are now parking in the alley. (SL Ordinance 12.56.390)



Cars belonging to BRADY are currently parked in the alley , in Violation of SL Ordinance 12.56.390.

Total Cost to Protect Property Rights

Cost to Novak, R to protect her property and privacy:

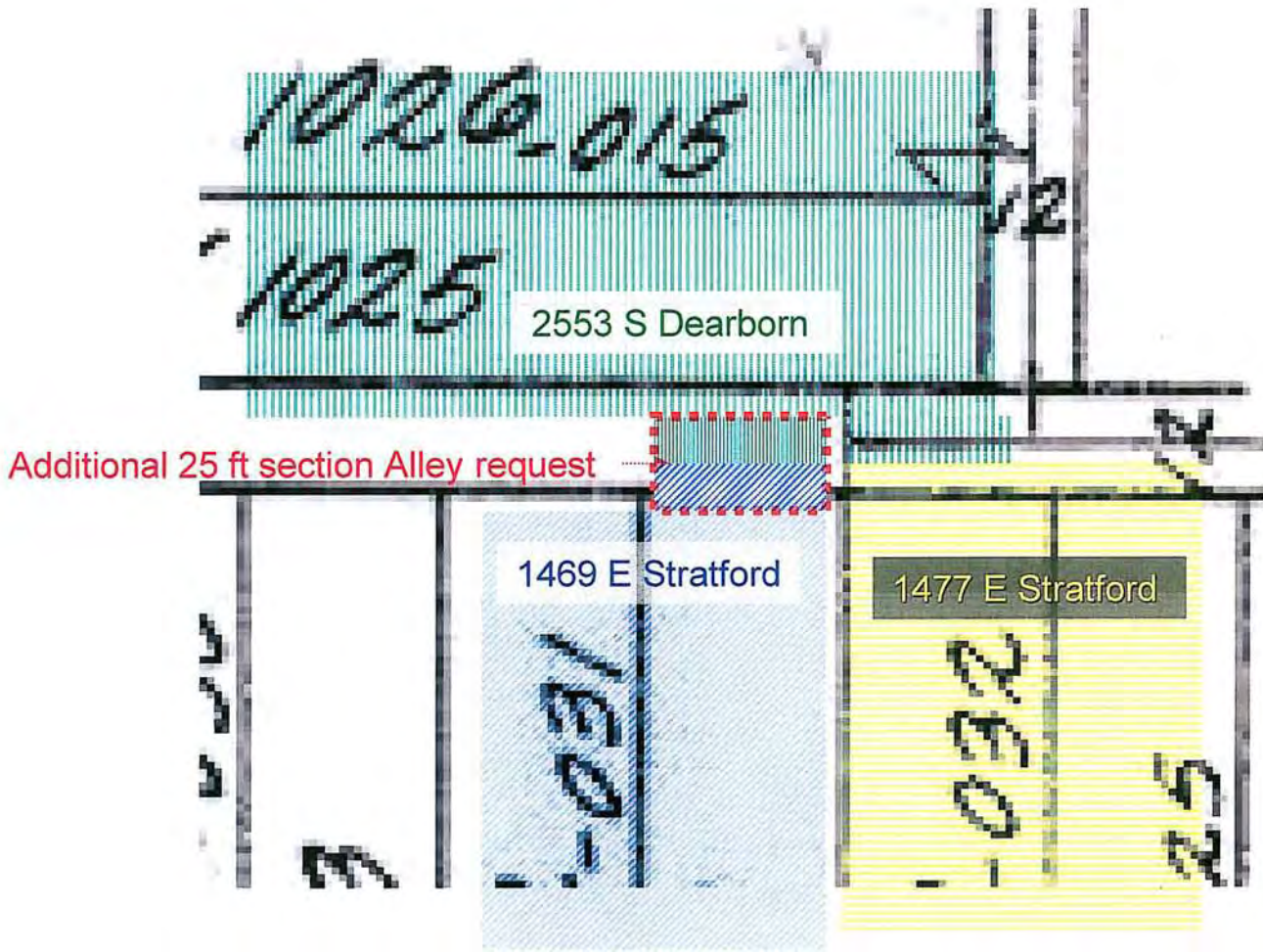
Survey	\$800.00
Fence to establish corner	\$300.00
Replacement Fence:	\$750.00

Cost to Novak, V to protect her property

Survey	\$850.00
Legal:	\$900.00
Fence:	\$90.00

TOTAL COST	\$3,690.00
PERSONAL TIME	???

Requested Alley Abandonment



Alley abandonment requested area.



**COMMUNITY DEVELOPMENT DEPARTMENT
COUNCIL SUBMITTAL CHECKLIST**

Petition No and Basic Information:

Petition 400-07-14 by Vera Novak, requesting Salt Lake City to partially vacate the alley abutting her property at 2553 S. Dearborn Street, and declare it surplus property.

Date: October 7, 2008

Supervisor Approval: _____

Division Director Approval: _____

Contact Person: Katia Pace

Phone No. 535-6354

- Initiated by
- City Council Member
 - Property Owner
 - Board / Commission
 - Mayor
 - Other

Contact Person

Vera Novak

Completed Check List attached:

- Alley Vacation
- Planning / Zoning
- Federal Funding
- Condominium Conversion
- Plat Amendment
- Other

Public Process:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Community Council (s) | <input checked="" type="checkbox"/> City Web Site |
| <input checked="" type="checkbox"/> Public Hearings | <input type="checkbox"/> Flyers |
| <input checked="" type="checkbox"/> Planning Commission | <input checked="" type="checkbox"/> Formal Notice |
| <input type="checkbox"/> Historic Landmark Commission | <input type="checkbox"/> Newspaper Advertisement |
| <input type="checkbox"/> HAAB review | <input type="checkbox"/> City Television Station |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> On Location Sign |
| <input type="checkbox"/> City Kiosk | <input type="checkbox"/> City Newsletter |
| <input type="checkbox"/> Open House | <input type="checkbox"/> Administrative Hearing |
| <input type="checkbox"/> Other | |

Compatible with ordinance:

Specific Citations:

- Utah State Code, Title 10-9a-609.5: Vacating or altering a street or alley
- Salt Lake City Code, Chapter 14.52 Disposition of City Owned Alleys

Modifications to Ordinance:

N/A

Approvals / Input from Other Departments / Divisions

<u>Division</u>	<u>Contact Person</u>
<input type="checkbox"/> Airport:	
<input type="checkbox"/> Attorney:	
<input type="checkbox"/> Business Licensing:	
<input checked="" type="checkbox"/> Engineering:	Craig Smith
<input checked="" type="checkbox"/> Fire:	Kevin Nalder
<input type="checkbox"/> HAND:	
<input type="checkbox"/> Management Services:	
<input type="checkbox"/> Mayor:	
<input type="checkbox"/> Parks:	
<input checked="" type="checkbox"/> Permits / Zoning:	Larry Butcher
<input checked="" type="checkbox"/> Police:	Dave Askerlund
<input checked="" type="checkbox"/> Property Management:	John Spencer
<input type="checkbox"/> Public Services:	
<input checked="" type="checkbox"/> Public Utilities:	Brad Stewart
<input checked="" type="checkbox"/> Transportation:	Barry Walsh
<input type="checkbox"/> RDA :	
<input type="checkbox"/> Zoning Enforcement:	

PETITION CHECKLIST

Date	Planner Initials	Sup. Initials	Dep. Initials	Dir. Initials	Action Required
2007 4/11	SYM	AMP	WST	PC	Petition Delivered to Planning
4/13		AMP KP	WST	PC	Petition Assigned to <u>K. PACE</u>
9/10/08	KP	AMP	WST	PC	Planning Staff or Planning Commission Action Date
	KP	AMP	WST	PC	Transmittal Cover Letter Followed Template (margins, headings, returns etc)
	KP	AMP	WST	PC	Table of Contents
	KP	AMP	WST	PC	Chronology
		Not Applicable		PC	Ordinance Prepared by the Attorney's Office Include general purpose statement of petition (top of ordinance) Include Strike and Bold -(Legislative Copy) (where applicable) Include Clean Copy (Ensure stamped by Attorney) Include Sidwell Numbers (where applicable) Include Legal Description-review, date and initial (where applicable) Ensure most recent ordinance used Ensure Exhibits (tables etc) are attached <i>No Ordinance Enclosed - PC recommended Denial</i>
		AMP	WST	PC	Council Hearing Notice Include Purpose of Request Include zones affected (where applicable) Include address of property (where applicable) Include TDD Language
	KP	AMP	WST	PC	Mailing List of Petition and Labels, (include appropriate Community Councils, applicant and project planner) (include photocopy of labels)
	KP	AMP	WST	PC	Planning Commission Notice Mailing Postmark Date Verification (on agenda) Newspaper Notice for Rezoning and Master Plan Amendments (proof of publication or actual publication)
	KP	AMP	WST	PC	Planning Commission Staff Report
		AMP	WST	PC	Planning Commission Minutes and Agenda
	KP	AMP	WST	PC	Yellow Petition Cover and Paperwork Initiating Petition (Include application, Legislative Intent memo from Council, PC memo and minutes or Mayor's Letter initiating petition.)
				PC	Date Set for City Council Action: _____ Petition filed with City Recorder's Office