

City of Holladay
Community and Economic Development
Planning and Zoning

ADMINISTRATIVE APPEAL STAFF SUMMARY

August 12, 2025

ITEM # 1

Request: Appeal of a zone Boundary Interpretation

Address: 6114 S. Holladay Blvd

Applicant: Jerron Atkin/J.U.B. Engineering, representing the property owner

File No.: 25

Notice: Mailed Notice on August 1, 2025

Staff: Carrie Marsh

GOVERNING ORDINANCES:

13.06.05C1(f) [QUASI-JUDICIAL PROCEDURES](#) – ZONE BOUNDARY OR MAP INTERPRETATION
13.08.120.E2 [ADMINISTRATIVE INTERPRETATION](#) – ZONE BOUNDARIES
13.11.050B [BOUNDARY LOCATION RULES](#)
13.101.010 [TYPES OF DECISIONS AND APPLICABLE AUTHORITIES](#)

REQUESTED QUASI-JUDICIAL ACTION: Zone Boundary or Map Interpretation

H.C.C §13.08.120.E2 and 13.101.010 establishes the Planning Commission as the appeal authority for zone boundary or map interpretations.

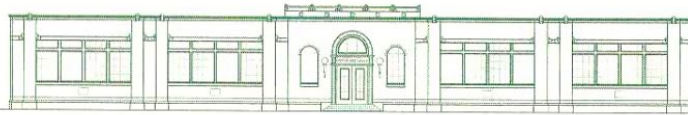
The applicant seeks to appeal **H.C.C §13.11.050B** which establishes zone boundaries as natural features or waterways in the City. The applicant is seeking an appeal of this zone boundary which bisects 6114 South Holladay Boulevard into two land use zones. The applicant seeks to have the zone boundary apply to the entire parcel to ensure consistency as the existing zone split affects the application of both land use and density provisions for future land use determinations.

SUMMARY

The affected parcel of land (Salt Lake County Parcel#22-14-352-016) and addressed as 6114 S. Holladay Blvd. is made up of 3.52 acres (153,331 sq feet) and is located partially in the R-1-43 zone and partially in the R-1-87 zone.

Land use zones are established by map adoption outlines in Title 13.11 of the Holladay Ordinance. §13.11.050B includes the rule that zone boundaries should be indicated along the line of any waterway.

B. Whenever such boundary line of such zone is indicated as being approximately at the line of any river, irrigation canal or other waterway or railroad right-of-way, or public park, or other public land, or any section line, then in such case the center of the stream, canal or waterway, or of the railroad right-of-way, or the boundary line of such public land or such section line shall be deemed to be the boundary of the zone; and



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Based on this clear rule, an administrative interpretation was made, which is included in this packet for reference.

Applicants can appeal this decision, and the Planning Commission is determined in §13.101.010 to be the appeal authority regarding zone boundary and map interpretations.

BACKGROUND

Waterways and other natural features have long been common property boundaries for parcels. Overtime, owners may have acquired additional property that incorporates those features into a singular property.

This parcel has existed in its current form that crosses the creek since at least 1965, if not earlier. While it was in unincorporated Salt Lake County, the area both east and west of Big Cottonwood Creek shared R-1-43 zoning. When Holladay incorporated in 1999, the area west of the Big Cottonwood Creek was established with a new zone of R-1-87 with the zone boundary established along the waterway, as detailed in §13.11.050B. The establishment of this zone boundary created a parcel with split zoning. The split zone affects the application of both land use and density provision for future land use determinations. Considering this, the applicant is appealing to the Planning Commission to make a zone boundary interpretation.

STAFF ANALYSIS AND RECOMMENDATION

Staff finds the following:

- Prior to incorporation, the parcel had a consistent R-1-43 zone
- R-1-43 zoning remains on the majority of the parcel
- The parcel fronts onto and is accessed from Holladay Boulevard
- The portion of the property on the west side of Big Cottonwood Creek is not accessible except through the existing parcel
- The portion of the parcel in the R-1-87 zone is not large enough to meet zone standards and could not be subdivided separately in the R-1-87 zone
- City ordinance does not allow zone boundaries to be established by parcel boundaries
- An appeal authority can make zone boundary determinations outside of the standards within City Code
- Variances to standards that are overseen by an appeals officer typically have the requirement that the spirit of the code is observed and substantial justice is done. While not a typical variance, this type of interpretation of code is commonly used to ensure a fair application of zoning ordinances.

Considering these points and primarily that the entire parcel existed within an R-1-43 zone prior to incorporation, and the majority of the parcel retains the R-1-43 zone, **staff recommendation is an approval** to apply the R-1-43 zone along the parcel boundaries so that the zone is consistent for the entire parcel.



City of Holladay
Community and Economic Development

August 1, 2025

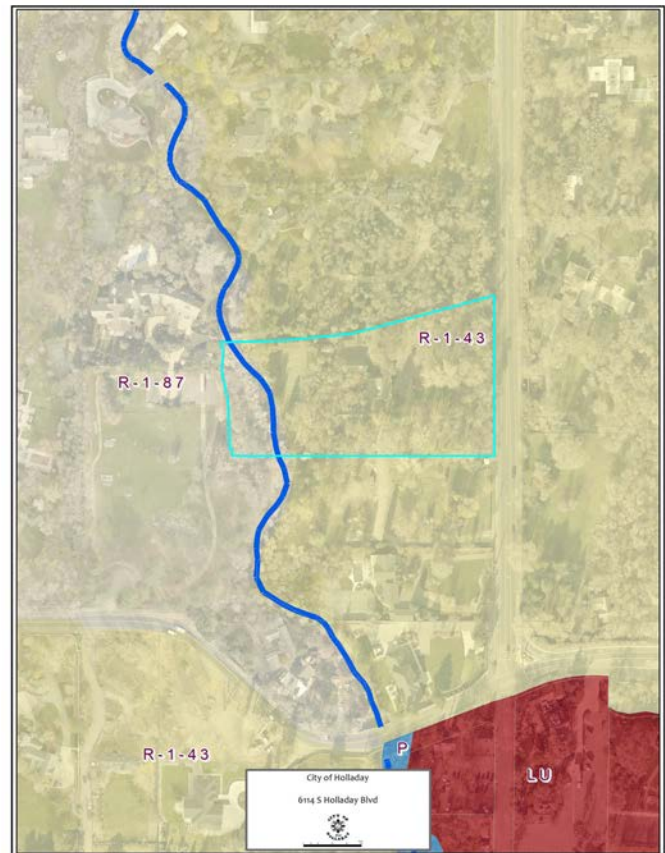
RE: Zone Map Boundary Interpretation of 6114 South Holladay Blvd.

*In accordance with procedures set forth in Holladay Ordinance §13.06.050.C1(f), §13.08.120.E2, §13.11.050B and according to §13.05.050 this letter serves as interpretation determining the zone boundary as it applies to **6114 South Holladay Blvd.***


Findings of Fact:

- Land use zones are established by map adoption as provided in Title 13.11 of the Holladay Ordinance
- The zone map interpretations are conducted as a Quasi-Judicial Decision, Holladay Ord §13.06.050C1(f)
- All zone boundaries are to be determined as per Holladay Ord. §13.11.050B
- Big Cottonwood Creek bisects the westernmost portion of the parcel in question
- Boundaries of; R-1-43 and R-1-87 are the land use zones in question

Accordingly, a determination is hereby provided by the Community and Economic Development Department Director that, at this location, the boundary between the R-1-43 and R-1-87 zones is the center of Big Cottonwood creek. **This determination bisects 6114 South Holladay Blvd into two land use zones**, affecting the application of both land use and density provisions for future land use determinations.



APPEAL: If you believe that the determination rendered in this document represents an error in the interpretation of the Planning Code or abuse in discretion by the Community and Economic Development Director, an appeal may be filed with the Department within 10 days of the date of this letter. For information regarding the appeals process, please contact the City of Holladay Records Office 801-527-3890


Jonathan Teerlink
CED, Director
City of Holladay



SEE COTTONWOOD HEIGHTS AND LITTLE COTTONWOOD

PL-96-1147

MADSEN SUB

MADSEN, RONALD E

2516 E 6200 S



City of Holladay
COMMUNITY ECONOMIC DEVELOPMENT DEPARTMENT
4580 S 2300 E, Holladay, Utah 84117
Phone: 801-527-3890

APPEAL: ADMINISTRATIVE DECISION APPLICATION & REQUIRED SUBMITTALS

Any person or entity, adversely affected by an administrative decision made by the land use authority or administration regarding an application may appeal to the appropriate appeal authority as specified in Holladay Ord. [13.101.010](#). *Where the City Council has acted as the Land Use Authority, see the City Recorder for Appeal application and procedures

NOTE: If you do not understand any portion of this appeal process, please seek own legal counsel as CITY EMPLOYEES CANNOT PROVIDE LEGAL ADVICE OR PROVIDE INPUT ON YOUR CHANCES OF SUCCESS.

AN APPEAL APPLICATION MUST BE FILED:

1. Within 10 days may a final decision of a land use authority may be appealed.
2. For a decision(s) in which the land use authority has applied a land use ordinance to a particular application, person, or parcel.
3. To contest a decision, not to request waiver or modification to terms or requirements/provisions of title 13

Following Documents are Required for a Complete Submittal:

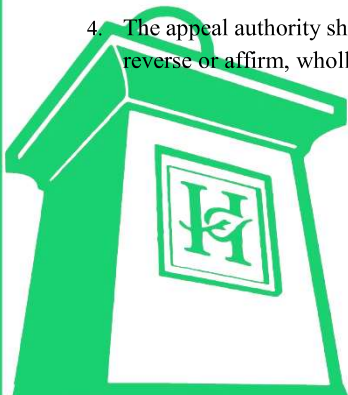
1. Please submitted to the Community Development Department:

- ☒ Completed **General Appeal Application** Form
- ☒ Pay Applicable fee, as per Consolidated Fee Schedule; 03.35 (nonrefundable)
- ☒ Decision being appealed, include property address, zoning and current use of land or building
- ☒ Written grounds for the appeal

2. The application should be filed no later than **10 days** from the *FINAL* decision.

Application Procedure and Process as per 13.09.030 & .040

1. After an application is determined to be complete, the community development director shall schedule a public meeting before the appeal authority as provided in this section. Notice of the public meeting shall be mailed to the appellant, the applicant/property owner and any other interested parties requesting notice of the proceedings. Prior to the meeting the community development director shall transmit to the appeal authority all papers constituting the record of the action which is appealed.
2. The agenda on which this item will be considered will be available/posted 24hours prior to the meeting
3. The administrative appeal review shall be de novo. The appeal authority shall review the matter appealed anew, based upon applicable procedures and standards for approval, and shall give no deference to the prior decision.
4. The appeal authority shall serve as the final arbiter of issues involving the interpretation or application of this title. The appeal authority may reverse or affirm, wholly or in part, or may remand the administrative decision to the land use authority from which the appeal was taken.





GENERAL APPEAL APPLICATION

Name of Project:	Amare Vita Planned Unit Development
Address of Project:	6114 S. Holladay Boulevard

TYPE OF APPEAL	
<small>APPEAL AUTHORITY: ADMINISTRATIVE APPEALS OFFICER (ORD. 13.09)</small>	<small>APPEAL AUTHORITY: CITY COUNCIL (ORD. 13.07)</small>
<input type="checkbox"/> VARIANCE – WAIVER/MODIFICATION to ZONE ORDINANCE	<input checked="" type="checkbox"/> PLANNING COMMISSION ACTION – 10 days from date decision
<input checked="" type="checkbox"/> ADMINISTRATIVE DECISION – 10 days from date decision	

Appellant Name: (Please Print) **ATTACH PROPERTY OWNER AFFIDAVIT** Gregory S. Miller		Appellant's Agent: (Please Print) J-U-B c/o Jerron Atkin	
Appellant's Mailing: Address: 9350 S 150 E, Ste 1000		City: Sandy	State: UT Zip: 84070
Appellant's Phone: 801,563-4179		Appellant's Email Address: gmiller@lhm.com	
Main Contact Person (Please Print): Name: Jerron Atkin		Phone: (801) 589-2229	email: jatkin@jub.com
Brief description of decision being appealed: (attach written, detailed ground for the appeal to this application)			
Appeal to administrative interpretation of zoning map boundary of residential zones R-1-87 and R-1-43.			

FILING FEES: (ORD 3.35)		OFFICE USE ONLY	
VARIANCE - RESIDENTIAL	\$500.00	APPEAL TO CITY COUNCIL	\$150.00
VARIANCE - COMMERCIAL	\$750.00		
APPEAL of ADMINISTRATIVE DECISION	\$500.00		
		FINAL TOTAL DUE: \$650.00	
		FILE NUMBER _____	
		PARCEL NUMBER _____	
		GENERAL PLAN: _____	
		ZONE: _____	
		PC ACTION: _____ DATE: _____	
		CC ACTION: _____ DATE: _____	
		FILE DATE: _____	

NEXT STEPS: <ol style="list-style-type: none">1. To be considered COMPLETE, this form must be accompanied by required appeal checklist and submittals or it will not be accepted.2. The Community Development Director will schedule a public meeting within 3 weeks of application and will notify you and other affected parties3. The Appeal Officer will receive this application as well as any back up materials at least 1 week prior to the meeting date.3. Attendance at the scheduled hearing is required by the applicant or a representative of the applicant.
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CITY OF HOLLADAY
AFFIDAVIT OF PROPERTY OWNERSHIP
FOR PROPERTY LOCATED AT

ADDRESS: 2715 E 6200 S, Holladay, UT 84121

SUBDIVISION _____ PLAT _____ LOT _____

PROPERTY OWNER

I (WE), GREGORY S. MILLER BEING DULY SWORN, DEPOSE AND SAY THAT I (WE) AM (ARE) THE OWNER(S) OF THE PROPERTY IDENTIFIED IN THE ATTACHED APPLICATION AND THAT THE STATEMENT HEREIN CONTAINED AND THE INFORMATION PROVIDED IN THE ATTACHED PLANS AND OTHER EXHIBITS ARE IN ALL RESPECTS TRUE AND CORRECT TO THE BEST OF MY (OUR) KNOWLEDGE.

G. Miller
PROPERTY OWNER

PROPERTY OWNER



ACKNOWLEDGMENT

STATE OF UTAH)

COUNTY OF Salt Lake)

) SS.

THE FOREGOING AFFIDAVIT WAS ACKNOWLEDGED BEFORE ME THIS 5TH DAY OF May, 2025, WHO DULY ACKNOWLEDGED TO ME THAT HE DID EXECUTE THE SAME.

MY COMMISSION EXPIRES: 1.22.2026 [Signature]
NOTARY PUBLIC

PROPERTY OWNER'S
AGENT AUTHORIZATION

I (WE), _____, THE OWNER(S) OF THE REAL PROPERTY DESCRIBED ABOVE, DO AUTHORIZE AS MY AGENT(S) _____ TO REPRESENT ME (US) REGARDING THE ATTACHED APPLICATION AND TO APPEAR ON MY (OUR) BEHALF BEFORE ANY ADMINISTRATIVE OR LEGISLATIVE BODY IN THE CITY OF HOLLADAY CONSIDERING THIS APPLICATION AND TO ACT IN ALL RESPECTS AS OUR AGENT IN MATTERS PERTAINING TO THE ATTACHED APPLICATION.

ACKNOWLEDGMENT

STATE OF UTAH)

COUNTY OF)

) SS.

THE FOREGOING AFFIDAVIT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, _____, WHO DULY ACKNOWLEDGED TO ME THAT HE DID EXECUTE THE SAME.

MY COMMISSION EXPIRES: _____
NOTARY PUBLIC



City of Holladay
Community and Economic Development

August 1, 2025

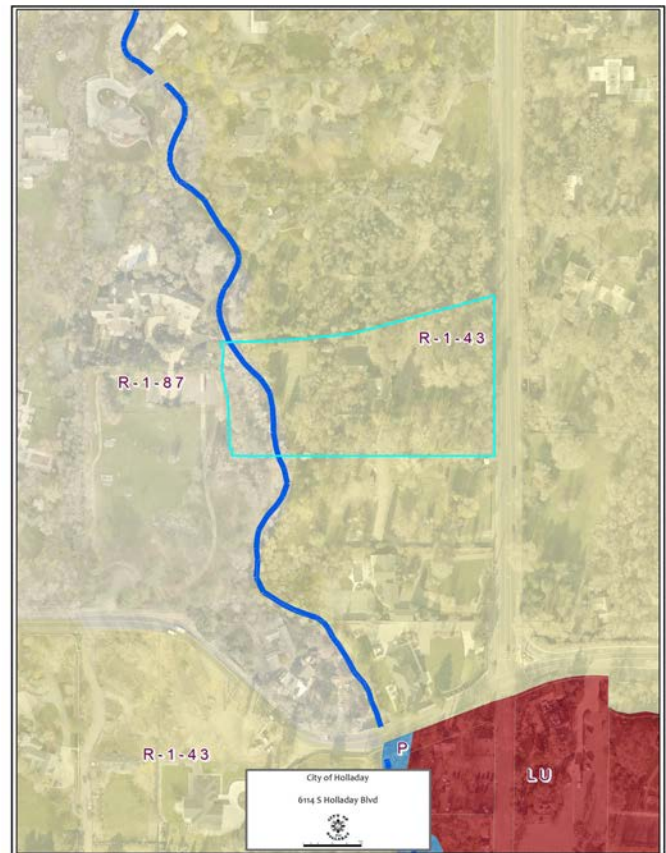
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Jonathan Teerlink
CED, Director
City of Holladay



THE
LANGDON
GROUP



GATEWAY
MAPPING
INC.

J-U-B FAMILY OF COMPANIES

August 8, 2025

City of Holladay
Community and Economic Development
4580 S. 2300 E.
Holladay, UT 84117

RE: Written Grounds for Appeal to: Zone Map Boundary Interpretation of 6114 S. Holladay Blvd.

The property under consideration, Parcel No. 22-14-352-016, comprises approximately 3.5 acres and is located along Holladay Boulevard within the city limits of Holladay. This parcel is owned by DOMA TERRA HOLDINGS, LLC. JUB is Representing the owner. The parcel is uniquely situated in that it spans two zoning districts: approximately 0.3 acres (roughly 10% of the total area) fall within the R-1- 87 zone, while the remaining 3.2 acres (90%) is zoned R-1-43. This zoning boundary does not reflect the parcel's historic or functional use and creates unnecessary regulatory complexity for a parcel that otherwise exists as a single, unified lot.

Historically, the parcel has existed as a unified lot without internal divisions. Under Salt Lake County's zoning prior to the incorporation of Holladay, the entire property was in a single zoning district. The parcel has been consistently used as one property, under the same ownership, with a footbridge spanning Cottonwood Creek to provide convenient and usual access across the creek for the property owner. It was only when the City of Holladay incorporated and established its own zoning code and maps that the zone split came into existence. During this process, the city aligned the boundary between the R-1-87 and R-1-43 zones with the natural path of Cottonwood Creek, which bisects the parcel.

Using Cottonwood Creek as a natural boundary for zoning may have appeared to make sense at a high level, however this approach creates issues when reviewing the application at a parcel level. Utilizing a natural boundary to reflect zoning boundaries results in a zoning boundary that does not reflect the historical, practical or intended use of the property in this case. The zoning line, although consistent with creek alignment, does not align with property lines or development potential and has imposed an artificial constraint on this otherwise unified parcel. Additionally, creeks are ever evolving. A boundary established by a creek may change over the years as the creek moves along the large historic drainage area. That's not a problem where a parcel boundary follows the creek. Here, parcel boundaries are surveyed, recorded and not subject to naturally moving over the years. For these reasons we think the interpretation should follow the historic property line.

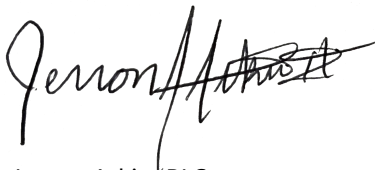
The primary justifications for this request to interpret the zoning boundary to follow the parcel boundaries is the fact that this parcel fronts Holladay Boulevard, historically the parcel was all in the same zoning district, is taxed as a single parcel and the development of the single parcel should be consistent. The same zoning district will ensure consistency and the R-1-43 is the predominant zone. It is appropriate and efficient for the entire parcel to have the same zoning designation to reflect the parcel's use, configuration, and access, as opposed to having two zoning districts.

Additionally, the Holladay City Code supports the interpretation that two parcels (or in this case portions of a parcel) should be interpreted as being one parcel or area when it comes to

development. Holladay City Code 13.76.050 states that "In any zone, when a lot lacks sufficient area to meet the minimum required by this Code and there is abutting property under the same ownership, the two (2) parcels shall be combined." Although, in this instance we are not dealing with two parcels under the same ownership, we are talking about two portions of a single parcel with two zoning districts. The intent is clear, areas under single ownership should be combined and therefore be treated the same under one zone.

For these reasons, we respectfully request the determination that the approximately 0.3-acre portion of the property currently zoned R-1-87 zone belongs in the R-1-43 zone. This determination will correct the historical zoning anomaly created during incorporation and result in a more cohesive, functional, and accurately zoned property in accordance with sound land-use planning principles consistent with Holladay City Code.

Sincerely,



Jerron Atkin, PLS
Land Development Lead
J-U-B ENGINEERS, Inc.