

MAY 14, 2018

**ADMINISTRATIVE DETERMINATION OF A
NONCONFORMING USE
DECISION AND FINDINGS
PLNZAD2018-00314**



REQUEST:

A request for a Determination of Nonconforming Use regarding the properties located at 49 and 51 S Jeremy.

DECISION:

Based on the provisions of the Zoning Ordinance section 21A.38.040.E and the documentation submitted by the applicant, the Zoning Administrator finds that the nonconforming use located at both 49 and 51 S Jeremy is considered to be a legal nonconforming minor automobile repair establishment.

FINDINGS:

The subject properties were created prior to the first zoning ordinance adopted in 1927. According to the Polk Directory, the properties had been continuously occupied by single-family residential land uses from the time of construction until 1979. The property at 51 S Jeremy was however known as 53 S Jeremy until at least 1976.

City records show that in 1975 a building permit was issued for both 49 and 53 S Jeremy to construct a 1,216 square-foot detached garage. Permits were also issued for an addition to the garage in 1976 and for a 25 foot by 75 foot driveway in 1979 under the 51 S Jeremy address. A warranty deed describing the current 51 S Jeremy property and recorded by the Salt Lake County Recorder's office in 1971 is evidence that the two properties were treated as separate parcels at the time of permitting and construction of the garage and driveway.

According to the Sanborn Fire Insurance Maps, the garage was addressed 51 S Jeremy and used for commercial purposes. In 1981, the first business license was issued for property 51 S Jeremy for a general automotive repair under the ownership of Lee's Auto & Truck service (LIC2018-00658). This license was terminated when a new one for minor automotive repair under the ownership of Union Auto LLC was issued in 2000 (LIC2000-02059). This license is still active with a 9/30/2018 expiration date.

The house addressed as 53 S Jeremy was demolished prior to 1999. The exact date could not be determined since no permits were issued for the demolition work. The house at 49 S Jeremy is still in existence and has been occupied as a single-family dwelling since its construction.

Although the business licenses for automobile repair have been issued for 51 S Jeremy, the use took place in the garage building that sits on both 49 and 51 S Jeremy. The evidence available to staff and the evidence submitted by the applicant satisfy the requirements of 21A.38.040.E and establish the legality of the nonconforming minor automobile repair establishment at both 49 and 51 S Jeremy. A minor automobile repair establishment is defined per 21A.62 as:

"A use engaged in the repair of automobiles involving the use of three (3) or fewer mechanics' service bays, where all repairs are performed within an enclosed building, and where not more than ten (10) automobiles, plus one automobile per employee, are

parked on site at any one time including, but not limited to, those permitted as gas stations. Auto body repairs and drive train repair are excluded from this definition”.

If you have any questions regarding this interpretation please contact Mayara Lima at (801) 535-7932 or by email at mayara.lima@slcgov.com.


APPEAL PROCESS:

An applicant or any other person or entity adversely affected by a decision administering or interpreting this Title may appeal to the Appeals Hearing Officer. Notice of appeal shall be filed within ten (10) days of the administrative decision. The appeal shall be filed with the Planning Division and shall specify the decision appealed and the reasons the appellant claims the decision to be in error. Applications for appeals are located on the Planning Division website at <http://www.slcgov.com/planning/planning-applications> along with information about the applicable fee. Appeals may be filed in person or by mail at:

In Person: Salt Lake City Corp Planning Counter 451 S State Street, Room 215 Salt Lake City, UT	US Mail: Salt Lake City Corp Planning Counter PO Box 145471 Salt Lake City, UT 84114-5417
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NOTICE:

Please be advised that a determination finding a particular use to be a permitted use or a conditional use shall not authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure. It shall merely authorize the preparation, filing, and processing of applications for any approvals and permits that may be required by the codes and ordinances of the City including, but not limited to, a zoning certificate, a building permit, and a certificate of occupancy, subdivision approval, and a site plan approval.



Mayara Lima
Associate Planner

cc: Nick Norris, Planning Director
Joel Paterson, Zoning Administrator
Heather Gilcrease, Development Review Supervisor
Posted to Web
Applicable Recognized Organizations