

**September 21, 2018**

**ADMINISTRATIVE DETERMINATION OF A  
NONCONFORMING USE  
DECISION AND FINDINGS  
PLNZAD2018-00633**



**REQUEST:**

A request for a Determination of Nonconforming Use regarding the property located at 931 W. Euclid Avenue. The subject property currently contains one building being used as an artist's loft / studio, which is a permitted use in the TSA-UN-T zoning district. The property owner has also been using the rear yard to store building materials related to his art production. This type of use is considered "outdoor storage", which is not permitted in the TSA-UN-T zoning district.

**DECISION:**

Based on the provisions of the Zoning Ordinance section 21A.38.040.E, City records, and the documentation submitted by the applicant, the Zoning Administrator finds that there is no evidence to support that outdoor storage was ever legally allowed on the property and current zoning regulations prohibit outdoor storage. Therefore, use of open areas of the property to store materials associated with the principal use is not permitted. All storage must be conducted within an enclosed structure. The following supports this decision:

**FINDINGS:**

- According to Sanborn Fire Insurance Maps from 1911 and 1950, the subject property currently addressed as 931 W. Euclid Avenue was formerly broken into three (3) separate lots: 927/929 W. Euclid Avenue was one (1) lot that contained one (1) brick duplex, 931-933 W. Euclid Avenue were two (2) lots that contained one (1) brick duplex structure delineated down the middle by a party wall.
- Building permit records show that, at 931 W. Euclid, a 'warehouse addition' was permitted on May 1, 1975, a '2<sup>nd</sup> story add. storage' was permitted on March 15, 1976, and 'add 2160 sf office' was permitted on March 2, 1979.
- The applicant submitted documentation that claims that a former property owner constructed the multiple additions to a historic duplex in order to run a salvage business. A former property owner did maintain an active business license for 'buy—sell—wholesale—retail' from August 18, 1980 – July 31, 1981. A different property owner maintained an active business license for 'residential building construction' from June 23, 1986 – March 31, 1992.
- The property owner submitted notarized letters from two (2) individuals who grew up on Euclid Avenue, who both stated that the area behind the structure has been continuously used for storage since the additions were made to the historic duplex.
- Past zoning maps show that the property was zoned 'C1 – Limited Commercial' when all three additions were permitted. The Zoning Ordinance in effect at the time (dated December 1964) lists 'Storage warehouse (for wares and merchandise which would not create a nuisance)' as a permitted use in the C1 zone (Chapter 20). However, Sec. 51-20-2 Special Provisions states, "All business (including all merchandise displays) is to be conducted wholly within a completely enclosed building except vending machines when set back of the front building line." In addition, Sec. 51-20-5 Rear Yard Regulations

states, "A rear yard of ten (10) feet which shall be kept free and clear from any obstruction is required for all business buildings."

- There is no evidence showing that a variance or any other special approvals were granted by Salt Lake City to allow outdoor storage on the property.
- In summary, evidence shows that a warehouse addition was first permitted in 1975, with subsequent storage and office additions permitted in 1976 and 1979, respectively. According to zoning regulations in place at those times, the use of open areas of the property to store material associated with the principle use (outdoor storage) was not allowed, and is still not allowed according to current zoning regulations.

If you have any questions regarding this interpretation please contact Ashley Scarff at (801) 535-7660 or by email at [ashley.scarff@slcgov.com](mailto:ashley.scarff@slcgov.com).

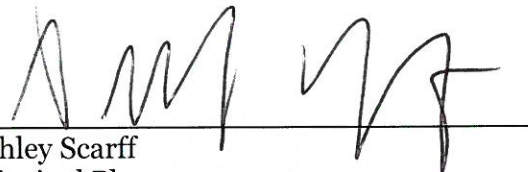
**APPEAL PROCESS:**

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:

<b>In Person:</b> Salt Lake City Corp Planning Counter 451 S State Street, Room 215 Salt Lake City, UT	<b>US Mail:</b> 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.



Ashley Scarff  
Principal Planner

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

**Attachment 1:** Building permit card for 931 W. Euclid Avenue

**Attachment 2:** Chapters 20 & 21 from the December 1964 Zoning Ordinance (in effect when the warehouse use was initially permitted)

Address 931 Euclid Ave Date 19

Owner Harris Bradshaw

Building Permit No. 21484-5-1-75 Warehouse add.

Electrical Permit No. 23983-11-25-75-

Plumbing Permit No. 15124-11-17-75(m)-

Building Permit No. 18345-3-15-76 2nd Story Add. Storage

Electrical Permit No.

Plumbing Permit No.

Building Permit No. 17436-3-2-79 add 2160<sup>th</sup> Office

Electrical Permit No.

Plumbing Permit No.

Electrical Permit No.

Electrical Permit No.

## CHAPTER 20

### BUSINESS "B-3" DISTRICT

Sec. 51-20-1. USE REGULATIONS. In a Business "B-3" District no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

1. Any use permitted in a Residential "R-7" District.
2. Barber shops and beauty parlors.
3. Cleaning establishments using only smokless fuel and using only those cleaning solvents approved for use in that particular fire zone by ordinance or by the rules and regulations of the Fire Department of Salt Lake City.
4. Dancing schools, charm schools, music schools.
5. Drug Store.
6. Gasoline service stations including ordinary repairs and servicing of passenger automobiles when all such repairs and servicing is done within an approved building located on the service station premises, provided that no body and fender work or automobile painting is conducted on said premises, and provided that not more than one (1) automobile awaiting repairs is allowed to remain on the premises outside the building. The pump islands of the gasoline service station may be erected in the front yard area provided the pumps are set back not less than twenty (20) feet from any street line to which the pump island is vertical and fifteen (15) feet from any street line to which the pump island is parallel.

Hardsurfaced driveways leading to and from the pump islands and other properly located service facilities permitted on the property shall be allowed in the front yard area provided that said driveways shall be defined by the construction of a concrete curb on that side adjoining the sidewalk and the area between the curb and the sidewalk landscaped. In no case shall the distance between the driveway and property line if is parallel to, or approximately parallel with, be less than three (3) feet. All parking areas on the service station lot shall maintain the required landscaped front yard area and shall be defined by concrete curbs.

7. Massage parlors.
8. Restaurants and tea rooms.
9. Shops for retail business.
10. Sign subject to regulations in Chapter 6.
11. Theaters

Sec. 51-20-2. SPECIAL PROVISIONS.

1. All business (including all merchandise displays) is to be conducted wholly within a completely enclosed building except vending machines when set back of the front building line.

2. No building or structure shall be erected in a Business "B-3" District for any of the uses enumerated in items two to twelve (2 to 12) inclusive of this section, unless the plans for such building or structure, including all signs and advertising emblems, shall have been submitted to and approved by the Board of Commissioners of Salt Lake City.

3. Where no curb and gutter or sidewalk exists in front of the property these street improvements must be installed at the time of any new construction unless, due to the special conditions existing on the street, the City Engineer certifies that installation of curb and gutter is impracticable or not desirable.

Sec. 51-20-3. FRONT YARD REGULATIONS. Same as for a Residential "R-1" District except that a business sign supported on the building or on a pole at the setback line may project over the required front yard area six (6) feet provided that such projection does not cross any property line.

Sec. 51-20-4. SIDE YARD REGULATIONS. No side yards are required for a business use except where the boundary line of Business "B-3" District forms a common boundary line with any residential district, then a landscaped side yard of equal width to that required for the maximum side yards in the adjoining district shall be required on that side adjacent to the common boundary. Any residential use shall maintain the same side yards as for such a use located in a Residential "R-6" District.

Sec. 51-20-5. REAR YARD REGULATIONS. A rear yard of ten (10) feet which shall be kept free and clear from any obstruction is required for all business buildings. Any residential use shall maintain the same rear yard as for such a use located in a Residential "R-6" District.

Sec. 51-20-6. HEIGHT REGULATIONS.

1. The maximum height of a building or structure shall be twenty-five (25) feet or two (2) stories except where the adjoining district has a higher height restriction as provided for in Section 51-4-8.

2. The maximum height of a billboard or sign shall be twenty-five (25) feet or one (1) panel above grade but in no instance shall the height of the billboard or sign exceed twenty-five (25) feet above the front sidewalk or property line grade.

Sec. 51-20-7. AREA REGULATIONS. For all residential uses other than for hotels or motels the area requirements shall be the same as for a Residential "R-7" District.

## CHAPTER 21

### COMMERCIAL "C-1" DISTRICT

Sec. 51-21-1. USE REGULATIONS. In a Commercial "C-1" District no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

1. Any use permitted in a Business "B-3" District.
2. Wholesale distributor.
3. Printing plant.
4. Storage warehouse (for wares and merchandise which would not create a nuisance)
5. Soft drink bottling plant.
6. Automobile salesroom, exclusive of used car lot.
7. Auto wash, auto upholstery and auto accessory installation shops.

8. Golf course, miniature golf course, golf driving range, archery range, bowling lanes, trampoline center, swimming pools, provided that any of these above-named uses be located at least two hundred (200) feet from any residential use existing on adjoining properties and further provided that the area on which these uses are to be maintained is at least one hundred (100) feet from any other single property zoned Residential "R-1", "R-2", "R-4", "R-5", or "R-6". The plans for all such uses must be submitted to and approved by the Planning Commission and the Board of Commissioners.

Sec. 51-21-2. SPECIAL PROVISIONS. Same as required in a Business "B-3" District.

Sec. 51-21-3. AREA, HEIGHT, SIDE YARD AND REAR YARD REGULATIONS. Same as for a Business "B-3" District.

Sec. 51-21-4. FRONT YARD REGULATIONS. A front yard of at least fifteen (15) feet is required. This front yard shall be completely landscaped except for permitted drives and walkways.