

**January 8, 2018**



**ADMINISTRATIVE INTERPRETATION  
DECISION AND FINDINGS  
PLNZAD2019-00067**

**REQUEST:**

This is a request for an administrative interpretation regarding whether the property located at approximately 403 N Oakley Street (tax ID#08-35-154-027) could be subdivided into two lots. The legal use of the property is a 3-unit multifamily dwelling (triplex).

**DECISION:**

The Zoning Administrator finds that the subject property located at approximately 403 N Oakley Street (tax ID#08-35-154-027) cannot be subdivided because the property is recognized as a legal nonconforming use and the Salt Lake City Zoning Ordinance does not provide standards for subdividing a lot that contains a nonconforming use.

**FINDINGS:**

The subject property is currently located in the R-1/7000, Single-Family Residential zoning district and has a total lot area of approximately 15,000 square feet. The R-1/7000 zoning district requires minimum lot areas based on permitted and conditional land use types. The use of the subject property was first established in 1952 as a duplex and later legalized in 1993 as a triplex. A triplex is a multifamily dwelling, which is not a permitted use in the R-1/7000 zoning district.

Chapter 21A.62 of the Salt Lake City Zoning Ordinance defines a nonconforming use as

*“Any building or land legally occupied by a use at the time of passage of the ordinance codified herein or amendment thereto which does not conform after passage of said ordinance or amendment thereto with the use regulations of the district in which located”*

Thus, the multifamily dwelling is recognized as the nonconforming use of the subject property. Section 21A.38.020 of the Salt Lake City Zoning Ordinance states that

*“Except as provided in this chapter, a nonconforming use, noncomplying structure, noncomplying lot or legal conforming dwelling may continue unaffected by any change in ownership.”*

Although the triplex is allowed to continue to exist, Chapter 21A.38 of the Salt Lake City Zoning Ordinance does not provide standards for subdividing a lot that contains a nonconforming use.

After considering the standards of the zoning district and the standards of nonconforming uses, it is the Zoning Administrator’s opinion that the subject property cannot be subdivided as long as the nonconforming use status exists.

If you have any questions regarding this interpretation please contact Mayara Lima at (801) 535-7118 or by email at [mayara.lima@slcgov.com](mailto:mayara.lima@slcgov.com).

**APPEAL PROCESS:**

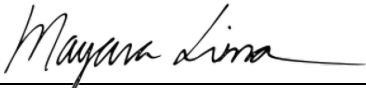
An applicant or any other person or entity adversely affected by a decision administering or interpreting this Title may appeal to the Appeals Hearing Officer. Notice of appeal shall be filed within ten (10) days of the administrative decision. The appeal shall be filed with the Planning

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:

<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.



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Mayara Lima  
Principal Planner

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

Vicinity Map

