

February 10, 2020

**ADMINISTRATIVE DETERMINATION OF A
NONCONFORMING USE
DECISION AND FINDINGS
PLNZAD2020-00058**



REQUEST:

A request for a Determination of Nonconforming Use regarding the property located at 2359 W California Avenue. This is a request to determine if the lot can continue to be used per the historic use of the property without any development.

DECISION:

Based on the provisions of the Zoning Ordinance section 21A.38.040.E, City and County records and the documentation submitted by the applicant, the Zoning Administrator finds that the nonconforming use located at 2359 W California Avenue is considered to be legal nonconforming and does not require a special exception for non-hard surface storage of vehicles and equipment.

FINDINGS:

The property located at 2359 W California Avenue along with the property located at 2350 W 1500 S were developed in 1975 as a singular 11-acre parcel addressed as 2320 W 1500 S for use as storage of heavy equipment. In 1981 the property was taxed as a single property under the address 2320 W 1500 S. In 1984 the property was identified as 2320 W 1500 S Parcel 1 and Parcel 2 (*City records do not show a legal subdivision of the property and it is unclear how the property became known as Parcel 1 and Parcel 2*). October 10, 1997, the Salt Lake City Corporation Engineering Department recorded Affidavit 19-97 changing the address of the subject parcel from 2320 W 1500 S to 2350 W 1500 S. A Release of Liens Report was issued in 1999 by the Salt Lake City Corporation Special Improvement Districts where in the report, the subject property is addressed separately as 2350 W 1500 S and 2359 W California Avenue. Because there is no legal subdivision of this property on record, records applicable to one property could be considered applicable to the other.

City records show that in 1979, a business license (LIC1979-03067) was issued at the property addressed as 2350 W 1500 S for vehicle sales of "Earthmovers/Off-Highway Equipment." The license continued until 1998 when it was terminated. No new business license (LIC2016-03593) was issued to the property until 2016, when a license for "Office/Warehouse/Light Manufacturing" was issued. Although this new license was issued, there is substantial record to support the continued use of heavy vehicle and equipment storage without hard surfacing on both properties.

Per zoning ordinance *21A.38.040.F3 Rebuttal of Presumption of Abandonment*: It has been shown that the use of vehicle and equipment storage without hard surface has not been abandoned through applicant provided property lease records as well as historical aerial photos. These records show that this use has existed on both properties since 1977 and has continued to present day.

If you have any questions regarding this interpretation, please contact Chris Earl at (801) 535-7932 or by email at christopher.earl@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.



Chris Earl
Associate Planner

- cc: Nick Norris, Planning Director
- Joel Paterson, Zoning Administrator
- Greg Mikolash, Development Review Supervisor
- Posted to Web
- Dane Hess, Glendale Community Council Chair

EXHIBIT 'A'
Aerial Photo



— Subject Property