

May 19, 2022

**ADMINISTRATIVE DETERMINATION
DECISION AND FINDINGS
PLNZAD2022-00322**



REQUEST:

This is a request for a Determination of Nonconforming Use regarding the parking lot use of the property at approximately 1496 S West Temple (Tax ID: 15-13-232-014-0000) zoned R-1/5,000 (Single-Family Residential). The parking lot on the property is accessory to the automotive repair business located at 1494 S West Temple (Tax ID: 15-13-232-004-0000) zoned PL (Public Lands) and has served the property since at least 1977. The applicant requested to determine if the off-site surface parking lot located at 1496 S West Temple can continue as a nonconforming use, since parking lots are not permitted uses in the R-1/5,000 zoning district.

DECISION:

The Zoning Administrator finds that the existing parking lot use, located at 1496 S West Temple and zoned R-1/5,000, may continue as a legal nonconforming use associated with the commercial use at 1494 S West Temple. Any modification of the use would have to comply with section 21A.38.040 of the zoning ordinance.

FINDINGS:

The automotive repair business, Intermountain Transmission Exchange, encompasses two parcels with different zoning designations (see Attachment A). The subject property at 1496 S West Temple is approximately 10,454 square feet in size (.24 acres) and is zoned R-1/5,000 (Single-Family Residential). The property serves as access to the land locked parcel at 1494 S West Temple, which is approximately 12,196 square feet (.28) and is zoned PL (Public Lands). The parcel was zoned for industrial/manufacturing uses until 1995, when it was rezoned to PL. There is an existing commercial building on the PL zoned parcel. The eastern property, which is zoned R-1/5,000, has been zoned for residential use since the Salt Lake City Zoning Ordinance was first adopted. The parcel has historically been used as a parking lot associated with the principal structure on 1494 S West Temple and has also served as its sole access. In 1981, the property owner obtained a demolition permit to demolish the existing building on 1496 S West Temple. The purpose of the administrative interpretation is to determine if the parking use is legal nonconforming and may continue on the R-1/5,000 parcel.

Based on past business licenses and permits associated with the two referenced properties, the off-site parking lot has been tied to the commercial use at 1494 S West Temple since it was established. The parcel at 1496 S West Temple has also served as the only access to 1494 S West Temple.

The commercial use located at 1494 S West Temple and within the PL zoning district, is considered to be legal nonconforming and can continue to accommodate the automobile repair shop. The parking lot at 1496 S West Temple is considered a legal nonconforming accessory use, since the property has been consistently used for parking and access of the commercial uses at 1494 S West Temple.

If you have any questions regarding this interpretation, please contact Project Planner Amanda Roman at (801) 535-7660 or by email at amanda.roman@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 <https://www.sl.c.gov/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.



Amanda Roman
Principal Planner

cc: Nick Norris, Planning Director
Mayara Lima, Zoning Administrator
Kelsey Lindquist, Planning Manager
Applicable Recognized Organization – Ballpark Community Council
Posted to Web

ATTACHMENT A:

