

February 18, 2022

**ADMINISTRATIVE INTERPRETATION
DECISION AND FINDINGS
PLNZAD2022-00032**



REQUEST:

A request for an administrative interpretation regarding a classroom building for the Catholic church proposed on property located in the Institutional (I) zoning district at approximately 1064 W 400 S. The determination sought is twofold; (1) to clarify if a classroom building is an accessory or principal use when built as an extension of the church and (2) how can the former classroom building be reconstructed under the current zoning ordinance after it was demolished due to earthquake damage. The former classroom building was constructed without street frontage on a separate lot from the principal church building under a variance issued on 10/27/1980.

DECISION:

The Zoning Administrator finds that classrooms are an accessory use to the principal use of religious worship and instruction, therefore the building containing the classrooms can be considered an accessory building. The accessory building can be built on a lot separate from the principal building due to language found in the Board of Adjustments case for the 1980 variance.

FINDINGS:

To be considered an accessory use, the proposed use must comply with the standards identified in 21A.40.040 which are listed below:

- A. An accessory use shall be incidental and subordinate to the principal use or structure in area, extent and purpose;
- B. An accessory use, building or structure shall be under the same ownership or control as the principal use or structure, and shall be, except as otherwise expressly authorized by the provisions of this title, located on the same lot as the principal use or structure;
- C. No accessory use shall be established or constructed before the principal use is in operation or the structure is under construction in accordance with these regulations;
- D. No commercial sign, except as expressly authorized by this chapter or by the provisions of chapter 21A.46 of this title, shall be maintained in connection with an accessory use or structure.
- E. An accessory use shall be permitted if it is routinely and customarily associated with the principal use and not otherwise prohibited by this title.

Standards C and D are not applicable to this interpretation as the principal church building has been in existence for years and no sign for the classroom building is proposed.

To address standards A and E, the classroom building is subordinate to the principal structure in area and extend due to its proposed size and location. The primary function of the property, religious worship, is still contained largely in the principal building with the classroom building acting as a support to that function. As such, a classroom building can be considered incidental and subordinate in purpose.

Classroom buildings are also routinely found throughout the city in association with church buildings thus meeting standard E.

In addition to the analysis found above, the purpose statement for the Institutional (I) zoning district listed in 21A.32.080.A states, in part:

The purpose of the I Institutional District is to regulate the development of larger public, semipublic and private institutional uses in a manner harmonious with surrounding uses. The uses regulated by this district are generally those having multiple buildings on a campus like setting.

Based on this purpose statement, it is clear the intent of the code is for uses in the I zone to include multiple buildings to create a campus like setting. Therefore, establishing the classroom building as an accessory building is in keeping with the intent of the underlying zoning.

Standard B of establishing an accessory use is clear, the accessory use and its associated building must be located on the same lot as the principal use. In this instance, the proposed classroom building is located on a lot addressed 1064 W 400 S while the church building is located on the lot addressed 340 S Goshen. While the Catholic church owns both properties, and they are adjacent to each other, they are still considered separate lots and therefore the proposed location of the classroom building does not meet this standard for an accessory use.

However, there was a variance issued in 1980 for a classroom building on 1064 W 400 S. The language of the variance issued found on the Board of Adjustments card reads, in part:

Permit to construct an addition to an existing accessory building for *use as Sunday School classrooms* [emphasis added]

The language of the variance indicates that the variance was issued for both the building and the use. As such, the variance for the classroom use is permitted to continue on the stated property and can be included in new accessory buildings that comply with applicable requirements of the zoning code related to the construction of a new accessory building.

If you have any questions regarding this interpretation, please contact Katilynn Harris at (801) 535-6179 or by email at katilynn.harris@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.slc.gov/ planning/applications/](https://www.slc.gov/planning/applications/) along with information about the applicable fee. Appeals may be filed in online at the following link:

<https://citizenportal.slcgov.com/citizen/Default.aspx>

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.

Katilynn Harris

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cc: Nick Norris, Planning Director
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Posted to Web
Applicable Recognized Organizations