

April 21, 2022

**CASE# PLNZAD2022-00284
Administrative Interpretation
DECISION AND FINDINGS**



REQUEST:

This is a request for an administrative interpretation regarding a nonconforming accessory parking lot on the property located at approximately 1815 S State Street (Tax ID: 16-18-306-028-0000). The parcel is split zoned CC (Commercial Corridor) and R-1/5,000 (Single-Family Residential). There is an existing commercial building on the CC portion of the lot and an accessory parking lot on the R-1/5,000 portion of the lot. The parking lot is a nonconforming accessory use to the commercial building fronting State Street. The purpose of the administrative interpretation is to determine if the parking use may continue on the R-1/5,000 portion of the lot.

DECISION:

The 1964 Planning Commission and Board of Adjustment permitted a permanent parking lot in a residential district under Section 51-5-7 of the Zoning Ordinance. The Zoning Administrator finds that the existing parking lot use, located on the eastern half of 1815 S State Street and zoned R-1/5,000, may continue in perpetuity according to the provisions of the ordinance under which it was approved. Redevelopment of the commercial portion of the lot cannot encroach onto the residentially zoned portion of the parcel, currently used for surface parking. Additionally, any redevelopment or construction to the commercial portion of the lot cannot create any new noncompliance.

FINDINGS:

The subject property is approximately 37,383 square feet in size (.8582 acres) and is split zoned between the CC (Commercial Corridor) and R-1/5,000 (Single-Family Residential) zoning districts. The western portion of the parcel abutting State Street is zoned CC and the eastern portion is zoned R-1/5,000. There is an existing, but currently vacant, commercial building on the CC zoned portion of the property. The eastern half of the property, which is zoned R-1/5,000, has historically been used as a parking lot associated with the principal structure. Board of Adjustment and Planning Commission decisions regarding the property are below and form the basis of the administrative interpretation decision.

Planning Commission and Board of Adjustment (BoA) decisions regarding 111 E and 121 E Downington Avenue include the following:

- 1957: The BoA granted a variance for a parking area in the "R-6" residential district to be constructed at 129 E Downington Avenue (addressed as 121 E in 2017). Case No 3539 of 6/10/57.
- 1959: The BoA granted the property at 1815 S State Street a variance to construct a parking lot at the rear of the building. Case No. 3922 of 7/13/59.
- 1964: The Planning Commission and BoA granted the property at 125 E Downington Avenue (then addressed as 111 E or 121 E Downington Avenue in 2017) approval to construct a parking lot in a residential district as an exemption to Section 51-5-7 of the Salt Lake City Zoning Ordinance. Case No.4928 of 6/15/64.

The subject property, in its current configuration, was created when six individual parcels were consolidated in October 2017 (PLNSUB2017-00827). Attachment A shows the current lot configuration and zoning.

Prior to the consolidation of the parcels, an Administrative Interpretation (PLNZAD2017-00206) was requested to determine if the then off-site surface parking lot



located at 111 E and 121 E Downington Avenue could continue as a nonconforming use, since parking lots are not permitted uses in the R-1/5,000 zoning district. The Administrative Interpretation concluded that based on past variances associated with the two referenced properties, the off-site parking lot is a legal nonconforming accessory use that may continue as a function of the principal use, which is the commercial building at 1815 S State Street.

The commercial building located within the CC zoning district, is considered to be a conforming property and can accommodate a permitted or conditional use listed in Table 21A.33.030 of the Zoning Ordinance. While the original lots have since been consolidated, the original BoA and Planning Commission approval for the surface parking lot on the R-1/5000 zoning district may continue. If the property owner wants to change the land use in the future, only uses allowed in the R-1/5,000 zoning district, and listed in Table 21A.33.020, may occur on the R-1/5,000 portion of the subject property.

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 at the Planning Counter, 451 South State Street, Room 215 or by mail at Planning Counter PO BOX 145471, Salt Lake City, UT 84114-5471.

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.

Dated this 21st day of April 2022 in Salt Lake City, Utah.

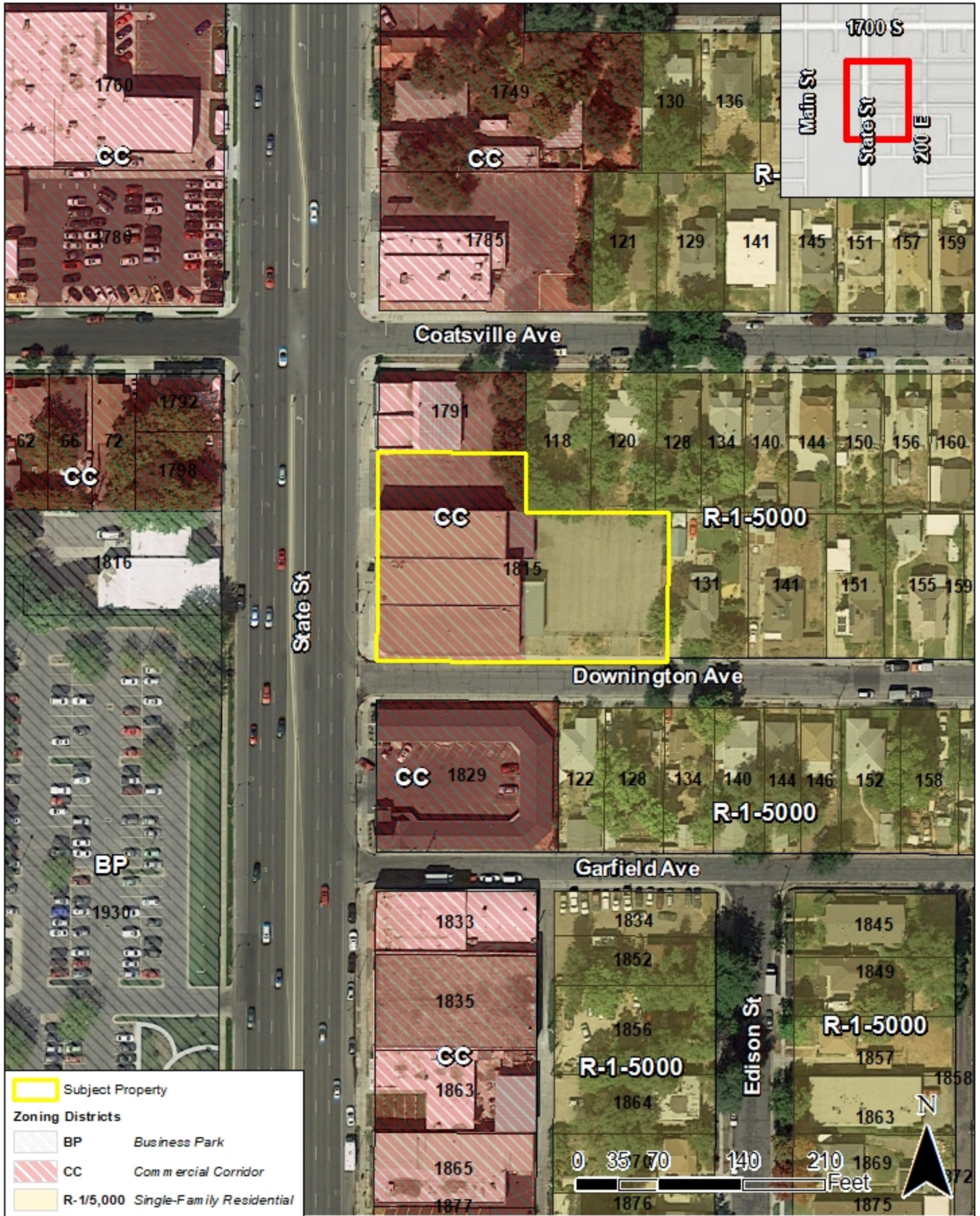
A handwritten signature in black ink that reads "Amanda Roman". The signature is written in a cursive style with a large, looped initial 'A' and 'R'.

Amanda Roman
Principal Planner
Salt Lake City Planning Division

Exhibit A: Zoning Map
Exhibit B: Board of Adjustment Files

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

Zoning Map



Address: approximately 129 Downington Avenue

Owner: Fadel Manufacturing Company

Variance: Permit to construct a parking area in a Residential
"R-6" District contrary to the Zoning Ordinances.

Case No. 3539

Date: 6/10/57

Action: Granted (Prov.)

Address: 1815 South State St. (Rear)

Owner: Fadel Draperies

Variance: To construct a parking lot at the rear of bldg. in a
R-6 District.

Case No. 3922

Date: 7/13/59

Action: GRANTED

Address: 125 Downington Avenue (see 1819 South State Street)

Owner: Fadel Manufacturing Company by Melic Fadel)

Variance: for an exception to the Ordinance to permit a parking lot at approximately 125 Downington Avenue in an R-6 District which requires Board of Adjustment and Planning Commission approval.

Case No. 4928

Date: 6/15/64

Action: Granted (provisions)
Committee of the Board