

Salt Lake City Land Use Appeals Hearing Officer
PLNZAD2019-00160
51-61 E Street – Nonconforming Use Determination – Jonathan Miller
April 12, 2019

This is a request that the Appeals Hearing Officer make a determination that a proposed use of the property at 51-61-E Street as a “reception center” is a similar land use type to the existing nonconforming use as an “office”.

RECORD

The record includes the Staff Report, a document of 33 pages, dated April 11, 2019. The record also includes an audio recording of a hearing conducted on April 11, 2019. Appearing at the hearing was Jonathan Miller, the applicant. Kelsey Lindquist, Senior Planner, appeared on behalf of Salt Lake City. There were no comments by any member of the public.

ANALYSIS

The prospective owner wishes to convert approximately 1,648 square feet of an historic church located at 51-61 E Street, which is currently used as an office, to a reception center. This use is not permitted within the RMF-35 (Moderate Density Multi-Family) zoning district. The existing use is considered a nonconforming use to the RMF-35 zoning district because the building does not meet the minimum floor area square footage requirement for commercial uses in landmark sites. The proposed change of a nonconforming use to another nonconforming use, requires approval by the Appeals Hearing Officer according to Section 21A.38.040.H.1 of the Zoning Ordinance:

Any other change of a nonconforming use to another nonconforming use is subject to determination by the appeals hearing officer as to the new use being a similar land use type as the existing use as defined in chapter 21A.62, “Definitions”, of this title, and subject to the site being able to provide required off street parking within the limits of existing legal hard surfaced parking areas on the site.

The definition of Similar Land Use Type: Land uses shall be considered to be similar land use types, if the uses are listed as a permitted or conditional use in the same land use tables within 21A.33 of this title and the uses have similar off street parking requirements as defined in chapter 21A.44, “Off Street Parking, Mobility And Loading”, of this title.

Each aspect of section 21A.38.040.H.1 is resolved as follows:

Consideration 1: Is the current use a legal, nonconforming use? The 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.*

Staff research confirms that the existing office use is considered to be a legal nonconforming use, due to the approved conditional use in 1987.

Consideration 2: Required Parking Stalls. Staff has determined that the existing use of “office” requires 7 off street parking stalls. Per section 21A.44.030, “office” use requires 3 spaces per 1,000 square feet of usable floor area for the main floor plus 1 ¼ spaces per 1,000 square feet of usable floor area for each additional level, including the basement. The main floor contains approximately 1,648 square feet of usable floor area, which requires 5 off street parking stalls.

The basement (lower level) contains approximately 1,803 square feet of usable floor area, which requires 2 off street parking stalls. The proposed use of “reception center” requires 7 off street parking stalls. Per section 21A.44.030, “reception center” falls under “all other uses” and requires 3 spaces per 1,000 square feet of usable floor area. The main floor, which would be converted into a reception center and contains approximately 1,648 square feet of usable floor area, would require 5 off street parking stalls. The basement (lower level) contains approximately 1,803 square feet of usable floor area and would remain an office use. The basement (lower level) would still require 2 off street parking stalls.

The conversion of the main floor would not increase or impact the off street parking required for this site. The conditional use, approved in 1987, permitted an offsite parking agreement with the adjacent parcel to the south. The existing parking agreement, which permits the use of 10 off street parking stalls, will remain. The proposal does not conflict with this standard of review.

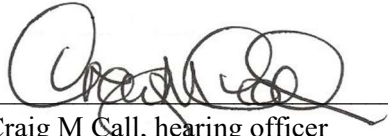
Consideration 3: 21A.33.020 Table of Permitted and Conditional Uses for Residential Districts
Office and reception center are recognized as potential uses for the adaptive reuse of a landmark site, which is listed as a conditional use in Table 21A.33.020: Table of Permitted and Conditional Uses for Residential Districts. While this property does not have the required minimum square footage to be eligible for the conditional use process to adaptively reuse the site, these types of uses are anticipated for landmark sites. The adaptive reuse process allows landmark sites to be converted into commercial uses, if the use is compatible with the surrounding residential neighborhood. While it is acknowledged that the proposal is not a conditional use to adaptively reuse a landmark site, the site is a landmark and has an existing nonconforming use. In this case, the 1,648 square feet proposed to be utilized for “reception center” use appears to be a similar land use type to the existing “office” use.

DECISION

It is determined that the proposed use of the property here as “reception center” is a similar land use type to the existing nonconforming use of “office”. The proposed change is approved, subject to the following conditions:

1. The owner provide documentation, subject to the review and approval of the planning staff, that the existing off-site parking agreement will remain.
2. The owner obtains applicable business licensing from Salt Lake City.

Dated this 12th day of April, 2019.



Craig M Call, hearing officer