



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Appeals Hearing Officer

From: Mayara Lima, Principal Planner
(801) 535-7118 or mayara.lima@slcgov.com

Date: August 13, 2020

Re: PLNZAD2020-00504 – Odyssey House Group Home

Determination of Nonconforming Use

PROPERTY ADDRESS: 645 S 1300 E
PARCEL ID: 16-05-483-010
MASTER PLAN: East Bench
ZONING DISTRICT: R-2 Single- and Two-Family Residential

REQUEST: Odyssey House, the applicant, is requesting a determination on whether a “Large Group Home” is a similar land use type to a “Large Assisted Living Facility”, which is the existing nonconforming use of the property at 645 S 1300 E. Changing from one nonconforming use to another nonconforming use at a location is a determination that is made by the Appeals Hearing Officer, per ordinance Section 21A.38.040.H.1 of the Salt Lake City Zoning Ordinance.

RECOMMENDATION: Based on the information in the staff report, Planning Staff recommends that the Appeals Hearing Officer approve the proposed change of nonconforming use with the following condition:

1. The facility shall obtain a license from the state that is authorized by Title 62A of state code or its successor.

ATTACHMENTS:

- A. [Vicinity Zoning Map](#)
- B. [Site Photographs](#)
- C. [Application Materials](#)
- D. [City Records](#)

PROJECT DESCRIPTION: The applicant is proposing to change the use of the property from a “Large Assisted Living Facility” to a “Large Group Home”. In the R-2 Single- and Two-Family Residential zoning district, neither of these uses are currently permitted in the zone. Section 21A.38.040.H.1 of the Salt Lake City Zoning Ordinance allows for a change of a legal nonconforming use to another nonconforming use if the new use is similar to the existing land use type.

According to the applicant, the operations and the target population of the two uses are very similar. The new use will require a different state license. However, no physical changes would be made to the site or the building in order to accommodate the new use.

KEY CONSIDERATIONS:

Consideration 1: Existing nonconforming use

A nonconforming use is defined by the zoning ordinance 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.

The building on the property was created in 1924. Based on available records, the structure was constructed as a single-family dwelling and it remained as such until at least the 1950s. Between 1951 and 1955, the home was converted to a “nursing home”. At the time the land use was changed, the property was zoned “B” Residential, which allowed for this type of use. City records show that the use has remained the same until today.

The number of individuals being serviced at the facility was established at a maximum of 23 clients in two decisions made by the Salt Lake City Board of Adjustment. In 1976, the facility sought to enlarge the building but not increase the number of residents. Licensing at the time allowed 23 clients. Years later, the facility petitioned to increase occupancy by 6 to a total of 29 clients. Because fire code requirements were not resolved in time, this 1982 petition was denied. As a result, the maximum number of residents continued to be limited to 23 residents.

The city has defined uses differently in the past, therefore records regarding the subject property identifies the land use with different names. In using the definitions of our current zoning ordinance, the existing use is better described as a large assisted living facility, which is defined as:

DWELLING, ASSISTED LIVING FACILITY (LARGE): A residential facility, occupied by seventeen (17) to twenty five (25) individuals, licensed by the State of Utah under title 26, chapter 21 of the Utah Code or its successor, that provides healthcare and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah Code section 26-21-2 or its successor.

This use is not permitted in the R-2 zoning district. However, city records show that the property has been legally used and recognized as a “nursing home” or “care facility” for several years. Therefore, the existing use of the property is legal nonconforming.

Consideration 2: Proposed nonconforming use

The applicant describes the proposed use as a large group home. The information submitted indicates that Odyssey House is a mental health residential treatment facility, where daily services are provided to “*adults with mental illness, intellectual disabilities, and other related conditions*”. These conditions may include ambulatory needs, seizure disorders, behavior problems, mental illness, and visual or hearing impairments. Services at the facility will be provided on a daily, 24-hour basis and will include “*assisting them with their activities for daily living (ADLs), providing case management, medical care and coordination, and psychiatric/therapeutic support*”.

The description of the use is consistent with the definition found in the zoning ordinance, which is as follow:

DWELLING, GROUP HOME (LARGE): A residential treatment facility, occupied by seven (7) or more individuals, licensed by the State of Utah under title 62A, chapter 2 of the Utah Code or its successor that provides a twenty four (24) hour group living environment for individuals unrelated to the owner or provider that offers room or board and specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. A group home dwelling includes a recovery residence, but does not include a boarding school or foster home as defined in title 62A, chapter 2 of the Utah Code or its successor, or a residential support dwelling as defined in this chapter.

While a small group home, limited to serving a maximum of 16 individuals, is permitted in the R-2 zoning district, a large group home is not permitted. The new facility would serve 23 individuals (the same as the current assisted living facility), thus this change would be from a nonconforming use to another nonconforming use. Section 21A.38.040.H.1 of the zoning ordinance allows such change when:

- The proposed use is listed as a permitted use in the SNB Small Neighborhood Business district or the CN Neighborhood Commercial district; or
- The new use being a similar land use type as the existing use as defined in the code.

The proposed use is not listed as a permitted use in the SNB nor in the CN zoning districts. However, the new use is similar to the existing use because it will house and provide healthcare to a targeted population facing disability. While individual services may differ, the operations will continue to comprise of no more than 23 individuals living and receiving specialized treatment on site, including daily living activities and social care. No changes are proposed to the existing building or the site.

Consideration 3: Off-street parking requirement

Section 21A.38.040.H.1 of the zoning ordinance also states that the determination to allow a change of a nonconforming use to another similar nonconforming use is *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.*

A group home is required to have a minimum of 2 parking spaces per home and 1 parking space for every 2 support staff present during the busiest shift. No parking is required for the residents. According to the applicant, the new use will have no more than 6 employees working on site at any given time. Thus, the off-street parking requirement for the change of use is 5 stalls.



Figure 1 – Aerial photo of the property showing 8 parking stalls located on the rear of the lot.

The existing property has 8 parking stalls located on the rear of the lot, in a complying hard surfaced location. Therefore, the proposed use exceeds the minimum parking requirement, satisfying the condition for the change of nonconforming use outlined in the code.

DISCUSSION:

The existing assisted living facility on the property is recognized by the city as a legal nonconforming use. Section 21A.38.040.H.1 of the zoning ordinance allows the change of a nonconforming use to another nonconforming use when it is found that the proposed use is similar to the existing. The applicant has provided evidence that the proposed use will operate in a similar manner as the existing use although targeting a slightly different population.

Planning staff agrees that the uses are similar and that requirements are being met for the change of use. Staff also finds that the change of use would not be detrimental to the surrounding neighborhood because the property will continue to operate in a similar manner as it has been for several years. Moreover, the new facility would not create an intensification of use because it intends to serve the same number of individuals as the existing facility.

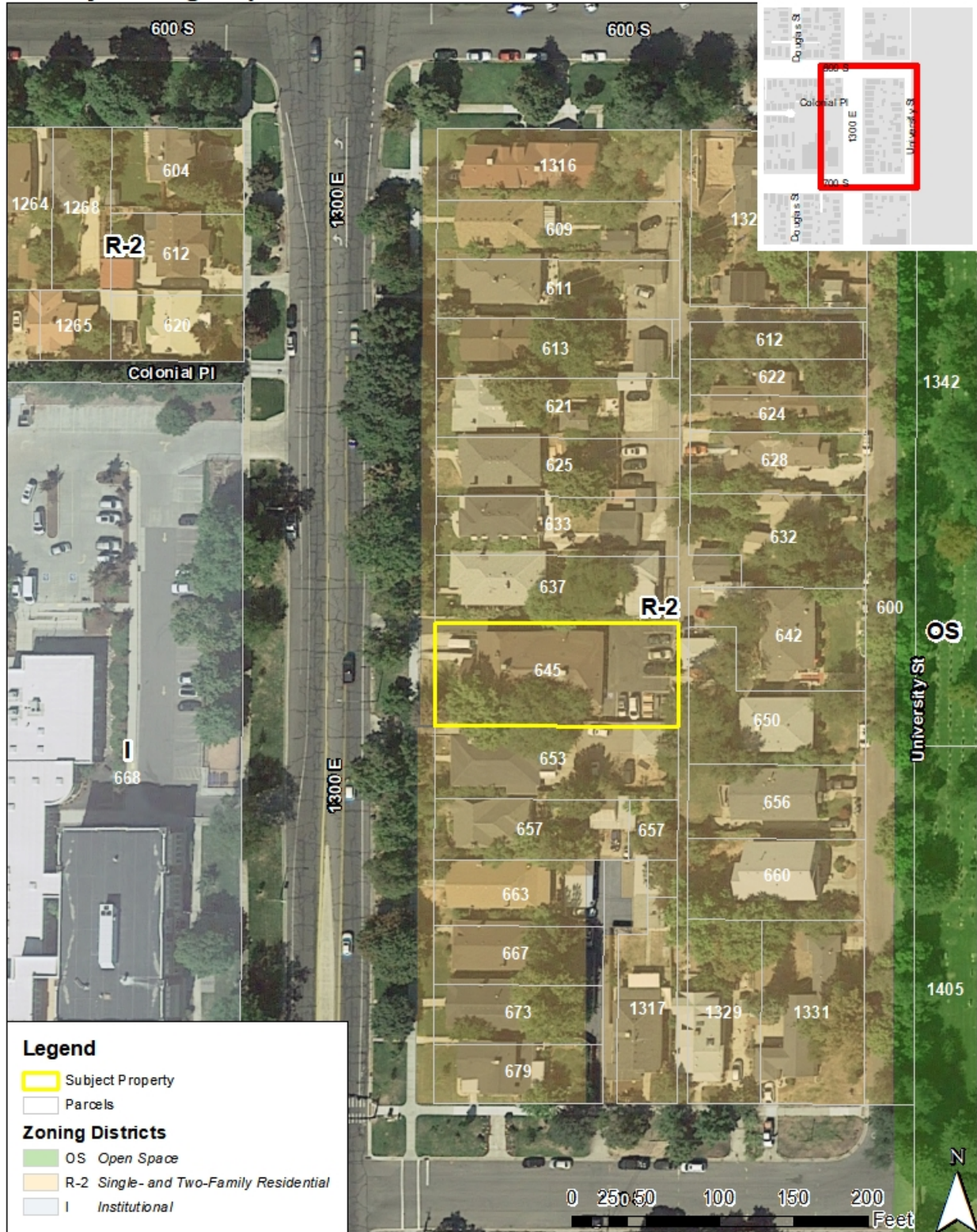
NEXT STEPS:

If the proposed change of use is approved, the applicant will be able to operate a large group home on the property. The applicant will need to obtain the appropriate license as listed in the condition of approval.

If the proposed change of use is denied, the applicant would not be able to operate a large group home on the property and the recognized use of the property will continue to be a large assisted living facility.

ATTACHMENT A: Vicinity Zoning Map

Vicinity Zoning Map



Salt Lake City Planning Division, 7/22/2020

ATTACHMENT B: Site Photographs



ATTACHMENT C: Application Materials

Odyssey House Determination of Non-Conforming Use - 645 S 1300 E, SLC UT 84102

1. Project Description:

- a. The property located at 645 S 1300 E, Salt Lake City, UT 84102 has been recognized since 7/19/76 (Board of Adjustment Case #7230) as an “existing nonconforming nursing home” serving 23 developmentally disabled individuals. Please reference the zoning verification letter (Attachment A).
 - i. DWELLING, ASSISTED LIVING FACILITY (LARGE): A residential facility, occupied by seventeen (17) to twenty five (25) individuals, licensed by the State of Utah under title 26, chapter 21 of the Utah Code or its successor, that provides healthcare and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah Code section 26-21-2 or its successor.
- b. Odyssey House is requesting a change of nonconforming use to another non-conforming use (based on section [21A.38.040.H.1.](#)) to a very similar classification of Dwelling, Group Home (Large). Similar to the existing usage, the proposed population served will be significantly and persistently mentally ill individuals. It is also important to note that this population will be classified as a “Unique Residential Population” as they are unlikely to drive cars due to mental disabilities.
 - i. DWELLING, GROUP HOME (LARGE): A residential treatment facility, occupied by seven (7) or more individuals, licensed by the State of Utah under title 62A, chapter 2 of the Utah Code or its successor that provides a twenty four (24) hour group living environment for individuals unrelated to the owner or provider that offers room or board and specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. A group home dwelling includes a recovery residence, but does not include a boarding school or foster home as defined in title 62A, chapter 2 of the Utah Code or its successor, or a residential support dwelling as defined in this chapter.
 - ii. UNIQUE RESIDENTIAL POPULATION: Occupants of a residential facility who are unlikely to drive automobiles requiring parking spaces for reasons such as age, or physical or mental disabilities.

2. Supporting Evidence

- a. Evidence to support a continuation of the existing use. Please reference section 1.b. above.
- b. Please reference Attachment A.
- c. Not applicable. Odyssey House is a non-profit and is not required to have a business license in Salt Lake City. Please reference Attachment B.

Supporting Information

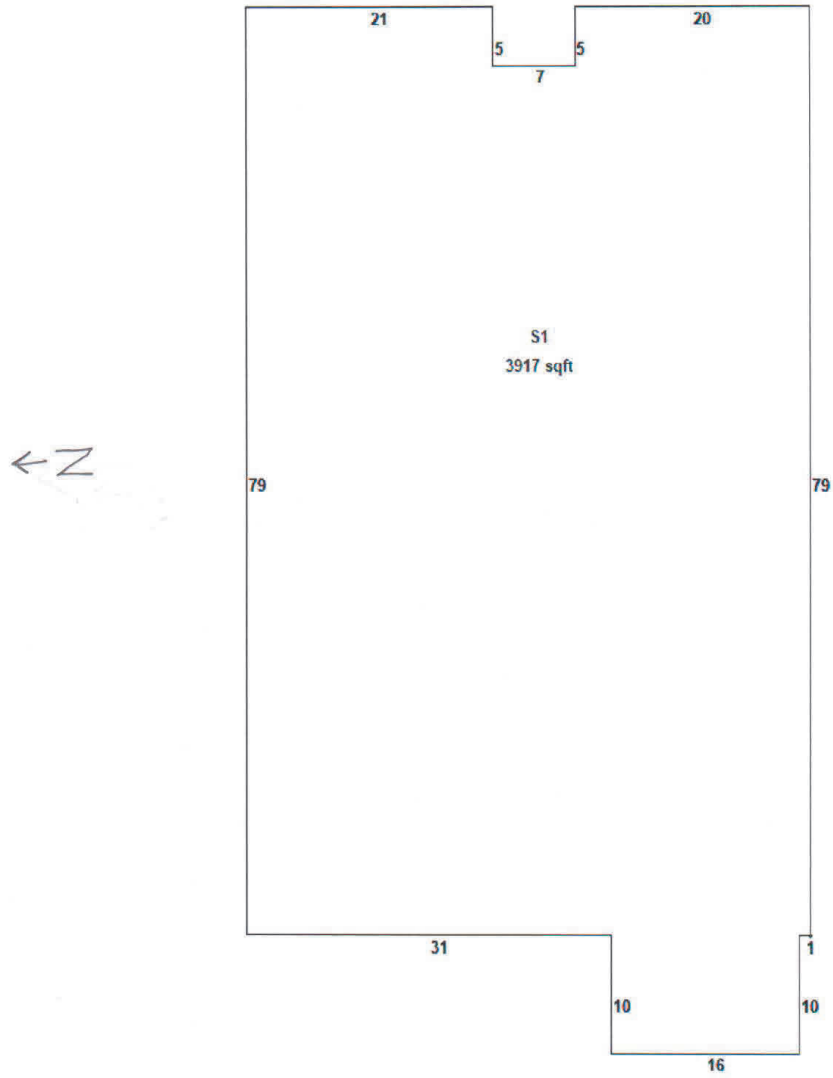
Odyssey House Determination of Non-Conforming Use - 645 S 1300 E, SLC UT 84102

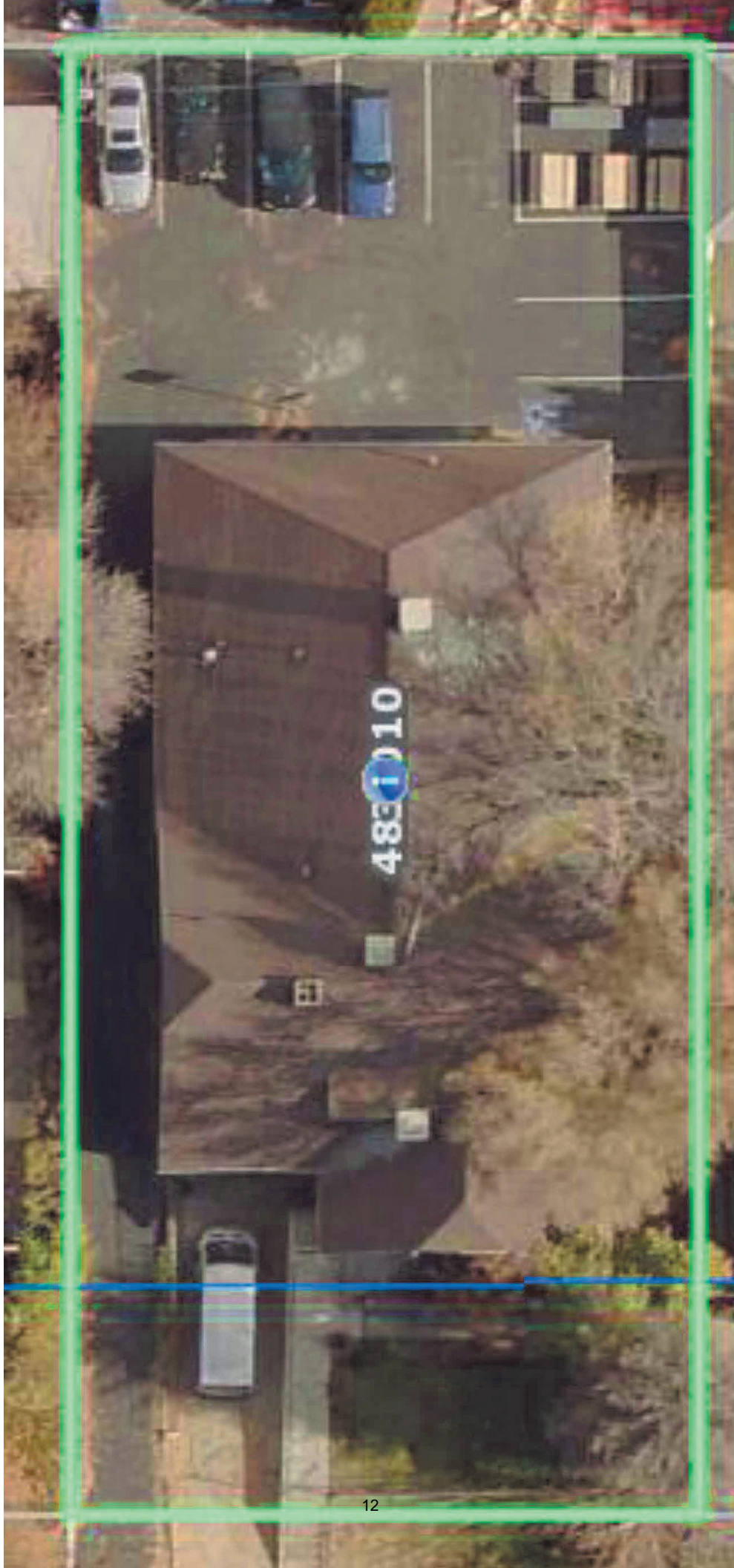
1. Description of the new use should include the number of individuals who will be serviced at the location and maximum number of support staff at any given time.
 - a. Individuals Served: This property has been recognized since 7/19/76 (Board of Adjustment Case #7230) as an “existing nonconforming nursing home” serving 23 developmentally disabled individuals (reference zoning verification letter Attachment A). Odyssey House will continue to serve up to 23 developmentally disabled individuals at this site at any given time. It is important to note that this population will be classified as a “Unique Residential Population” as they are unlikely to drive cars due to mental disabilities.
 - i. UNIQUE RESIDENTIAL POPULATION: Occupants of a residential facility who are unlikely to drive automobiles requiring parking spaces for reasons such as age, or physical or mental disabilities.
 - b. Employees working on site during highest shift: Odyssey House anticipates that six employees will be working on site during the highest shift.
2. Copies of state license for the current use, if possible.
 - a. Odyssey House will obtain State licensure upon receiving approval from Salt Lake City for the change in non-conforming use so a license is not available at this time.
3. Site plan of the property showing property lines, building setbacks and parking stalls. This can be hand-drawn but must be to scale. Please indicate on the site plan if any of the exterior areas will be used for operations (example: sports court, smoke area, etc).
 - a. Please see Attachment A. We have combined a series of drawings and photos to hopefully meet this requirement. We currently don't have staff who have the skillset to provide property drawings to scale. We were hoping this would satisfy your question so we do not have to pay the costs for an architect to complete drawings.
 - b. Odyssey House does not intend to utilize any of the exterior areas for operations.
4. If you are planning modifications to the floor plan, please provide these drawings as well.
 - a. Odyssey House will not be making any modifications to the existing floorplan other than cosmetic improvements (e.g. paint, flooring, etc.).

- Our goal is to continue services similar to what the previous owner provided which was an Intermediate Care Facility for the Intellectually Disabled (ICF/ID). Odyssey House is asking to operate a mental health residential treatment facility. This program will be staffed 365 days a year 24 hours a day 7 days a week. Similar to previous ownership, the target population is adults with mental illness, intellectual disabilities, and other related conditions. Many of the individuals have ambulatory needs, have seizure disorders, behavior problems, mental illness, visual or hearing impairments, or a combination of the above. We will be assisting them with their activities for daily living (ADLs), providing case management, medical care and coordination, and psychiatric/therapeutic support. All of these services are highly similar to ICF/ID and assisted living facilities.

Our goal is to provide comprehensive and individualized health care and rehabilitation services to these individuals to promote their functional status and independence in the community. Upon discharge, the people served will be living independently in their own homes, controlling their own lives, and being an integral participant within their home community. Based on the description and licensure of from Department of Human Services, this is very similarly mirroring the care provided by the previous owners.

- The facility has 9 bedrooms. If granted the change in non-conforming use, we will immediately obtain licensure from the Division of Human Services (DHS). DHS will ultimately have the final say of how many individuals can be placed in the facility based on mental health residential facility regulations and code. Odyssey House does not plan to exceed the previous owner's bed count (census) of 23 individuals at this location.







Southwesterly of West Building



Southeasterly of Front of West Building



Northerly Along Rear Alley-Way



Southeasterly of West Building & Drive



Westerly Along Drive (West Building)



Southerly Along 1300 East



Southeasterly of West Building



Northeasterly of West Building



Northeasterly of West Building



Main (Front) Entrance to West Building



Northerly Along 1300 East



Westerly Along South Building Elevation
(West Building)

ATTACHMENT D: City Records

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165 E. 2d So.

13TH EAST—Contd

570ΔJohnson Alpha J ©
Mrs Ernest O

6th S Intersects

604ΔLowell Ellis P ©
605ΔNeilsen Beverly
609ΔRamsdell Arth L ©
bsmt Vacant
611ΔRichmond Grant A ©
612ΔGrowther G Clifton © pnter

613 Vacant
620ΔThomas W Dee ©
621ΔCunningham Danl G ©
625ΔMeans Lillian A Mrs ©

633ΔKennedy Geo D ©
637ΔWhite Harold K ©
638ΔDean Elva C.

652ΔPascoe Nursing Home
653ΔHedderman John J ©

657ΔFreeze Ann N Mrs ©
663ΔGardner Pauline H Mrs ©

667ΔFlatberg Orrison M ©
668ΔDouglas School
673ΔHedberg Kermit E ©
679ΔAnderson Pearl ©
bsmtΔBell Melvin A

7th S Intersects

701ΔMarcussen Margt J Mrs ©
704ΔFelt Walter L
706ΔBryner Norman K
708ΔJessen Geo R ©
711ΔHolbrook Raymond B ©
712ΔHubbard Norman F
714ΔHimes Rodney M
717ΔDyer Robt M
720ΔWitherspoon Losey A
726ΔMorgan E Bruce
ΔGentile Jos A ©
734ΔZeese Geo ©
737ΔDaft Sarah Home
738ΔElliott Lucy W Mrs ©
744ΔArmstrong Jas M
748ΔJackson Harrison ©
bsmtΔPeterson John O
776ΔRay Edwin T
777ΔFirst Bapt Ch
780ΔBlair's Ice Cream

8th S Intersects

840ΔEast High School
Sunnyside av Intersects

877ΔStandard Sta Inc gas sta
26
904ΔSmith Conoco Serv gas sta
905ΔLewis Marvin W gas sta
915ΔMcGhie Sigrid J ©
917 ΔMcGhie Claron V ΔHouston Zeld
919ΔLindsay Marilyn
921ΔOldham Elma
925ΔRichards LeGrand ©
941ΔMead Leslie M
945ΔBloom Arth G
950ΔOlson Ted A ©
bsmtΔRockwood Irvin
Michigan av Intersects

956ΔGrover Leland R ©
960ΔSolomon Chas F ©
ΔAxelsen Harriet B Mrs
967ΔRichards Lorenzo M ©
968ΔFrobes Danl C ©
974ΔNelson Marion C ©
975ΔSudbury Ray F ©
978ΔKnagenhjelm Ludwig W jr
979ΔEldredge Elmer G ©
980ΔBradford R Knox ©
983ΔBaker Ralph D ©
bsmtΔSmith Dale P
992Δ Moffat Dean A ©
Gilmer dr Intersects

1008ΔWorthen Geo W ©
1013ΔLabrum Russell ΔButler Arth H
1016ΔRasmussen Clyde ©
1021ΔLundin A Robt ©
1024ΔHiller Walter W ©
1027ΔCannon Arth Q ©
1028ΔTotten Elmer W ©
1036ΔPedersen Immanuel K ©
1039 West Wm D
1040ΔShepherd Rex ©
1047ΔNourse Geo W
Fallett Lora
ΔHunter Orin D
1054ΔVanCott Albert ©
Yale av Intersects

1056ΔHatch & Hatch coml photogs
Hatch's Graphic Arts
1062ΔHatch Abram ©
1081 Vacant
1111ΔStewart R Murray ©
Harvard av Intersects

1120ΔPatrick Walter T ©
1121ΔChase Phillips M phys
ΔDavidson Fred B
1125 Vacant
1126ΔRyser Jonas T ©
1130ΔWatson Alonzo W
ΔGalloway Florence A Mrs
1134ΔShepherd Susan H Mrs
1138ΔAnderson Harry G ©
1148ΔParry Hannah K ©
1154ΔWilford Floyd A ©
1164ΔSmith J Fish ©
1170ΔAnderson Martha S Mrs ©
1174ΔWiley Ross T ©
1180ΔWheatlake Burton C J ©
1185ΔYard Pauline S Mrs
1190ΔCarter Wm A ©
1192ΔMorgan Delbert T ©
1193ΔPeterson Clyde F ©
Laird av Intersects

1208ΔCummings V Clyde ©
1212ΔDiefordorf Adelbert ©
1218ΔDee Ernest L ©
1221ΔPerry Vincent D
1223ΔClark Emma E

1227ΔCline Abe B
1229ΔWade Chas R
1230ΔMurdoch Myrtle C Mrs ©

34

13th S Intersects

1303ΔRuff Wilford H ©
1307ΔHowe Edgar C ©
1313ΔBeach Floyd M ©
1314ΔDanitschek Milton E ©
rearΔJarman Conrad E
1317ΔRobinson Eliz F Mrs ©
1321ΔMortensen Leonard J ©
1322ΔLichliter Anna M Mrs ©
1329ΔWindle Jennie Mrs ©
1330ΔPeterson Chas A ©
Sherman av Intersects

1343ΔTodd A H Mrs ©
1345ΔCurtis Anna H Mrs ©
1348 Vacant
1350ΔLight Gladys D Mrs ©
1353ΔKelley Ehrman E © contr
1357ΔLudlow Ralph A ©
1362ΔRoth Wayne J ©
1363ΔPrice Harry R ©
Harrison av Intersects

1377ΔJenkins John A
1387ΔWight Earl F ©
bsmtΔWight Earl A
1388ΔWhitworth Francis T ©
bsmtΔPrice Robt T
1393ΔHoward Robt F ©
1397ΔReynolds A Reed
1398ΔHoffield Mahala G Mrs
1398½ΔDaley Frank J
Browning av Intersects

1401ΔMelroy Robt E
1406ΔCochran Geo A ©
1409ΔLarsen Randy K ΔRanson Clarence P
1419ΔJensen Georg © jwlr
1420ΔBryer Leslie G ©
1422ΔBennett John B
1427ΔSmith Walter T ©
1428ΔCutler Stanley C © ΔBennett Wallace F Hon
1433ΔVernon Clinton D ©
1437ΔWood Ruth G Mrs
1438ΔRoss Orlindo L ©
1441ΔAnderson Betty Lou
1446ΔFuller Leo W ©
1458ΔJudd Albert F ©
Roosevelt av Intersects

1459ΔKnittle F Allison ©
1463ΔBowman Frank R ©
1467ΔMcKee G Bruce ©
1470ΔMcMichael Lelan O
1472ΔSmith Hugh
1473ΔMcCollin Jos R ©
1476ΔHult Geo J
1477ΔEllefsen Donald
1480ΔMann LeGrande X
1486ΔLarsen Hans J
1490ΔBooth Clara S Mrs
1498ΔSexton Clarence E

13TH EAST—Contd

Emerson av Intersects

1501ΔWood Arth J ©
1503ΔWebb Margt M Mrs
1504ΔKerns Robt L
1505ΔChipman Milton ©
1511ΔSpilsbury Raoul J © ΔTolley Chas L
1514ΔLarson L Everett ©
1515ΔLoveless J Elmer ©
1519ΔLarson Maurice D lather
1520ΔBirkinkshaw C Wm ©
Kensington av Intersects

1535ΔGoddard John H ©
1536ΔWhitaker John M ©
1541ΔGlenny Robt A ©
1542ΔNelson Fred A ©
1549ΔSavitsky Viacheslav F ©
1550ΔBarber Adlai C
1555ΔJackson Rene H © chiropractor
bsmtΔMarshall Vera Mrs
1558ΔMaxfield Helen A ©
1560ΔRogers Allen S
Bryan av Intersects

1567ΔJohnsen Peter ©
1568ΔRichards Glen Y
1570ΔBusath Don L
1573ΔHansmann Henry C ©
1578ΔCampion Steph E
1580ΔRichards Hyrum Y ©
Wood av Intersects

1581ΔEagar Leo ©
1588ΔWilliams Helen L Mrs ©
1589ΔCrandall S Lewis ©
1592ΔHowell Susann O Mrs
bsmt Spencer Bonnie F
1595ΔWoolley Alonzo H © plmb
1596ΔFox Thos ©
1603ΔO'Meara Wm L
Logan av Intersects

1624ΔTreseder Albert C
1626ΔHansen Jos ©
1628ΔCutler Theresa Mrs ©
1630ΔCutler Irma ©
1638ΔBroberg Marvin F
1640ΔCleveland Alton S
1644ΔHedges Chester F
1648ΔRisch John H
1689ΔCottrell's Conoco Serv Sta
40
17th S Intersects

1705ΔCotton Chas C
1711ΔRees Frank W ©
1715 Spencer Herbert L
1717ΔTanner Richd M ©
1721ΔHasna Geo A H ©
1725ΔVicknair Jules ©
1733ΔPalmer J Richd
1735ΔWood Garde
1737ΔWeaver Mark L Weaver's Beaver fur farm
1771ΔKelly Jas J
1775ΔOstler H Lynn ©
1777ΔOlson Leonard M

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ter F Chas
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tler Olga Mrs
rand M R
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loulf F B
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5th S Intersects

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Mrs ©
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one 5-9606

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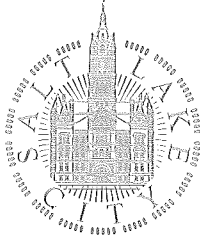
600
Dooly Bldg.
PHONE
3-5794

STATE FARM

Auto
Life Fire

INSURANCE

Figure 2 – 1955 Polk Directory is the earliest available record indicating the use of the subject property as a nursing home



July 1, 2015

Lisa Prakobkit
3191 Maguire Boulevard, Suite 200
Orlando, FL 32803

Re: 645 S 1300 E, Salt Lake City, UT 84102, Petition #PLNZAD2015-00483

You have requested a zoning verification letter for the property located at 645 S 1300 E. The following summarizes the results of the property search:

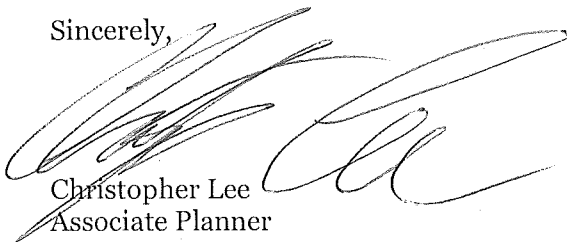
- The subject property has parcel identification number: 16-05-483-010.
- The size of the subject parcel is approximately .26518 acres (11,551 square feet).
- The property is located within the R-2 (Single and Two Family Residential) zoning district.
- All adjacent properties are also located within the R-2 zoning district with the exception of a large parcel across the street to the west which is in the I (Institutional) zoning district.
- The purpose of the R-2 single- and two-family residential district is to preserve and protect for single-family dwellings the character of existing neighborhoods which exhibit a mix of single- and two-family dwellings by controlling the concentration of two-family dwelling units. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play and to promote sustainable and compatible development patterns.
- The Salt Lake City Zoning Ordinance, Section 21A.33.020, Table of Permitted and Conditional Uses for Residential Districts, lists: Dwelling, assisted living facility (small) and eleemosynary facility as conditional uses. Dwelling, group home (small) is a permitted use. Those uses are defined as follows:
 - **DWELLING, ASSISTED LIVING FACILITY (SMALL):** A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of up to six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.
 - **ELEEMOSYNARY FACILITY:** A facility operated by a nonprofit charitable organization or government entity to provide temporary housing and assistance to individuals who suffer from and are being treated for trauma, injury or disease and/or their family members. Eleemosynary facilities are traditionally not funded wholly by government but are usually supported by philanthropic, corporate and private funding. The term "eleemosynary facilities" shall not include places of worship, social and community services organizations, homeless shelters, community dining halls, group homes, transitional victim homes, residential substance abuse treatment homes and other similar nonprofit organizations.
 - **DWELLING, GROUP HOME (SMALL):** A residential facility set up as a single housekeeping unit and shared by up to six (6) unrelated persons, exclusive of staff, who require assistance and supervision. A small group home is licensed by the state of Utah and provides counseling, therapy and specialized treatment, along with habilitation or rehabilitation services for physically or mentally disabled persons. A small group home

shall not include persons who are diagnosed with a substance abuse problem or who are staying in the home as a result of criminal offenses.

- Board of Adjustment Case #7230 (7/19/1976) sought to enlarge an “existing nonconforming nursing home”. Licensing allowed 23 clients at that time. They were not seeking to increase the number of people living at the facility but to simply create a larger space for those already there. Originally denied by the Board, they appealed the case and the Board’s decision was overturned. There is no building permit was on file although the work was clearly completed.
- Board of Adjustment Case #9059 (9/20/1982) sought to again enlarge an “existing nonconforming nursing home” but this time to increase the total occupancy by 6 clients by remodeling the second level. Based on the information from the previously cited case, that would have allowed for up to 29 clients. However, the case was held until the design of the fire escape could be resolved and no resolution of the case nor a subsequent building permit related to this case is on record.
- Business license LIC1979-01271 (07/27/1979) was issued to Bungalow Nursing Home for a “Continuing Care Retirement Community”. Business license LIC1987-00258 (02/11/1987) was issued to Bungalow Nursing Home for a Nursing Home which was terminated per LIC1997-01459 (09/11/1997) due to it being “nursing home not for profit 501c3”. It has remained unlicensed with Salt Lake City since that time because the City does not require business licenses for non-profit organizations.
- A representative of the facility provided state licenses and informed me that the maximum total occupancy is 26 people. She described the clientele as being “developmentally disabled”.
- Records do not show any unresolved zoning or building code violations or complaints for the subject parcel.
- The current use is considered to be legal nonconforming.
- If the structure were destroyed by fire or other calamity, it could be replaced pursuant to all applicable development codes and the current use could continue.

If you have additional questions, please contact me at (801)535-7706 or by email at christopher.lee@slcgov.com.

Sincerely,



Christopher Lee
Associate Planner