

SALT LAKE CITY LAND USE APPEALS HEARING OFFICER
DETERMINATION OF NONCONFORMING USE CHANGE
PETITION NO. PLNZAD2021-01162
142 WEST 200 NORTH
PUBLIC HEARING HELD JANUARY 13, 2022
DECISION ISSUED JANUARY 20, 2022

This matter comes before the Salt Lake City Appeals Authority on a request by Curtis Livingston, principal architect with Curtis Minor Architecture, requesting a determination as to whether the use of a former place of worship as a school is sufficiently similar to allow the school to go forward as an allowed non-conforming use.

The property underlying the determination of similarity had been used as a place of worship since 1965. According to the Applicant Information, included in the staff report, the owner of the property, the Church of Jesus Christ of Latter Day Saints is leasing the property to the applicant for the purpose of operating a school serving students from kindergarten through high school. Neither use is permitted in the Neighborhood Commercial zoning district where the property is located; however the religious use pre-dates the current zoning and has been allowed to continue as a non-conforming use. Salt Lake City ordinance allows the school use if it is found to be substantially similar to the existing use.

On January 13, 2022, a public hearing on this matter was held and appearances were made by the applicant and Salt Lake City. No public comment was offered. The record in this matter consists of the staff report, and the submissions made during the public hearing.

“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 chapter 21A.33 of this title and the uses have similar off street parking requirements as defined in chapter 21A.44,” governing off street parking. Salt Lake City Code 21A.38.040(H)(1) and 21A.62.040.

As set forth in the Staff Report and in City Code, places of worship and schools are permitted uses in the D-#, D-4, G-MU, I and UI districts. Salt Lake City Code 21A.33.050 and 21A.33.070.

The school use in this case is also consistent with the off-street parking requirements. A place of worship requires one parking place per 1,000 square feet of seating or congregation area. Schools require one parking space for each 3 faculty members and other full time employees and in the case of high schools; an additional space for each 3 full time employees and each 10 students. Salt Lake City Code 21A.44.030. This location has 102 parking spaces on-site for a use that will have 21 employees and 20 high school students. The school use in this location meets the zoning standard with regard to parking.

Because the proposed school is permitted in the same manner as houses of worship and because it meets the City’s off-street parking requirements, I find it to be a similar use as defined by the Salt Lake Zoning Code, so that the applicant is entitled to the benefit of the prior non-conforming use designation.

Dated this 20th day of January, 2022,

/s/Mary J. Woodhead

Mary J. Woodhead, Appeals Hearing Officer