

1. Land Use Hearing (PDF)

Notice is hereby given that the Land Use Hearing Officer will hold one hearing at approx. 2:00 p.m. on Thursday, March 24, 2022: 1) LUHO-22-006, Abey Baraghoshi, on behalf of the property owner, is requesting a special exception for a non-conforming structure at 4015 South Main Street. Members of the public seeking to comment on this application must follow the Interventions and Proceedings process in Millcreek Code 19.92.030. For more information on the hearing, please visit <https://millcreek.us/agendacenter> or call 801-214-2700. In compliance with the Americans with Disabilities Act, individuals needing special accommodation during the hearing should notify the ADA Coordinator at [khansen@millcreek.us](mailto:khansen@millcreek.us) or 801-214-2751 two days in advance.

Documents:

[LUHO-22-006 STAFF REPORT.PDF](#)



3330 S 1300 E  
Millcreek UT  
84106  
801-214-2700

File # LUHO-22-006

## Land Use Hearing Officer Summary, Analysis, and Recommendation

**Request Type:** Reconstruction of Non-Compliant Structure  
**Parcel ID:** 16-31-351-008  
**Property Address:** 4015 S Main Street  
**Zone:** Light Manufacturing (M) Zone  
**Applicant:** Abey Baraghoshi  
**Planner:** Katie Larsen, Planner I

### SUMMARY DESCRIPTION

Abey Baraghoshi (applicant) on behalf of the property owner, is requesting a special exception for a non-conforming structure which appears to have been constructed around 1969, (approx). According to the applicant, the existing structure is in poor condition, possibly beyond repair and may not be salvageable. As such, the applicant is seeking a legal non-conforming status to allow a new structure of a similar size, use, and location, to be constructed on the property.

The property is located within the Light Manufacturing (M) Zone, which currently requires a minimum 10-foot side and rear setback, (see Millcreek City code 19.66.040 Table 19.66-2). However, the existing structure is currently located within one to two feet from the south, east, and west property lines, which would not be permitted under the current Manufacturing Zone.

[https://millcreek.municipalcodeonline.com/book?type=planzone#name=Chapter\\_19.66\\_LIGHT\\_MANUFACTURING\\_ZONE\\_%22M%22](https://millcreek.municipalcodeonline.com/book?type=planzone#name=Chapter_19.66_LIGHT_MANUFACTURING_ZONE_%22M%22)

Furthermore, Millcreek Code 19.88.070 2. states “a building occupied by a nonconforming use, or a noncomplying structure may be added to or enlarged or moved to a new location on the lot or reconstructed at a new location on the lot upon a permit authorized by the land use hearing officer, provided that the land use hearing officer shall find:

- a. The addition to, enlargement of, moving of, or reconstruction of the structure at a new location on the lot is in harmony with one or more of the purposes of this title as stated in MKZ 19.02.020, and is in keeping with the intent of this title;

- b. The addition to, enlargement of, moving of, or reconstruction of the structure at a new location of the lot is compatible with existing development within a reasonable distance in terms of height, mass and applicable building envelope requirements, and lot coverage; and
- c. The addition to, enlargement of, moving of, or reconstruction of the structure at a new location of the lot will not be detrimental to the health, safety and general welfare of persons residing within a reasonable distance of the subject property.
- d. That the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or structure.

[https://millcreek.municipalcodeonline.com/book?type=planzone#name=Chapter\\_19.88\\_NONCONFORMING\\_USES\\_AND\\_NONCOMPLYING\\_STRUCTURES](https://millcreek.municipalcodeonline.com/book?type=planzone#name=Chapter_19.88_NONCONFORMING_USES_AND_NONCOMPLYING_STRUCTURES)

The applicant has provided a response to the above listed items (see attached).

### PLANNING STAFF ANALYSIS

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In terms of legal non-conforming, Staff has made the following findings:

1. Based on data from the Salt Lake County Assessor's office, the commercial building was constructed in 1969. Photos associated with historical records on file show the non-compliant structure, which have no specific dates.



2. Based on Salt Lake County zoning code from 1969, there are no defined setbacks for commercial use. The property met all other requirements in the zoning code present. See attached.
3. The **existing** structures setbacks are 2.5-3' on the South property line, the East property line has setbacks ranging from 1.5-2'. The boundary abutting the parcel West of the structure has setbacks of 11'.
4. The current 'Light Manufacturing' zoning calls for rear and side yard setbacks of 10 feet.

The information above would suggest that the structure was constructed between 1969 and 1971 and was legally allowed to be constructed with no required setback distance from side or rear property lines per the Salt Lake County Manufacturing Zone effective from 1966 to 1970; during which time when the building was constructed.

## **PLANNING STAFF RECOMMENDATION**

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Planning Staff is recommending approval of a special exception for a non-conforming structure, 'Proposed Commercial' file number LUHO-22-006, subject to the following:

- The Land Use Hearing Officer making findings per Millcreek City Code **19.88.070 2.** a, b, c, & d.
- Allow existing setbacks, do not allow more allowance of encroachment on property lines.
- Any additional buildings would need to comply with current zoning, development building and fire codes.

### **Attached Documents:**

- **Location/Zoning Map**
- **Existing Conditions**
- **SL County Zoning Ordinance, 1966**
- **SL County Zoning Map 1966-1970.**
- **Applicants Response Letter**


**Zoning/Location Map**

4015 South Main Street





Salt Lake County Zoning Ordinance, Effective 1966.



EFFECTIVE - OCTOBER 6, 1965

# ZONING ORDINANCE



See outlined below for commercial setback requirements.

22-29-4—22-30-2

ZONING ORDINANCES

**Sec. 22-29-4. Area Regulations.**

(1) Single family dwelling

The minimum area for any single family dwelling, incidental to and located on the same piece of property as a commercial or industrial use permitted in this zone, shall be five (5) acres, except that one single family dwelling may be constructed on any parcel of land even though such parcel is less than five (5) acres in area, if such parcel was cut off in separate ownership from adjacent lots and on record at the time of passage of this Section.

(2) Other uses

(3) Industrial developments over one (1) acre must follow the Planned Unit Development procedure pursuant to Section 22-31-3 of this Title.

**Sec. 22-29-5. Yards, Width and Height Regulations.**

(1) Single family dwellings.

Side and rear yards and lot width for single family dwellings, incidental to and located upon the same piece of property as a commercial or industrial use permitted in the zone shall be the same as for Residential Zone R-5.

(2) Other uses

None, except no commercial or industrial building or structure shall be located closer than twenty (20) feet to any street, or the average of existing buildings where at least fifty (50) per cent of the frontage is developed.

**Sec. 22-29-6. Coverage Regulations.** No building, structure or group of buildings, with their accessory buildings, shall cover more than eighty (80) per cent of the area of the lot.

**Chapter 30**

**MANUFACTURING ZONE M-2**

**Sections:**

- 22-30-1. Purpose
- 22-30-2. Permitted Uses
- 22-30-3. Conditional Uses
- 22-30-4. Area Regulations
- 22-30-5. Yards, Width and Height Regulations
- 22-30-6. Coverage Regulations

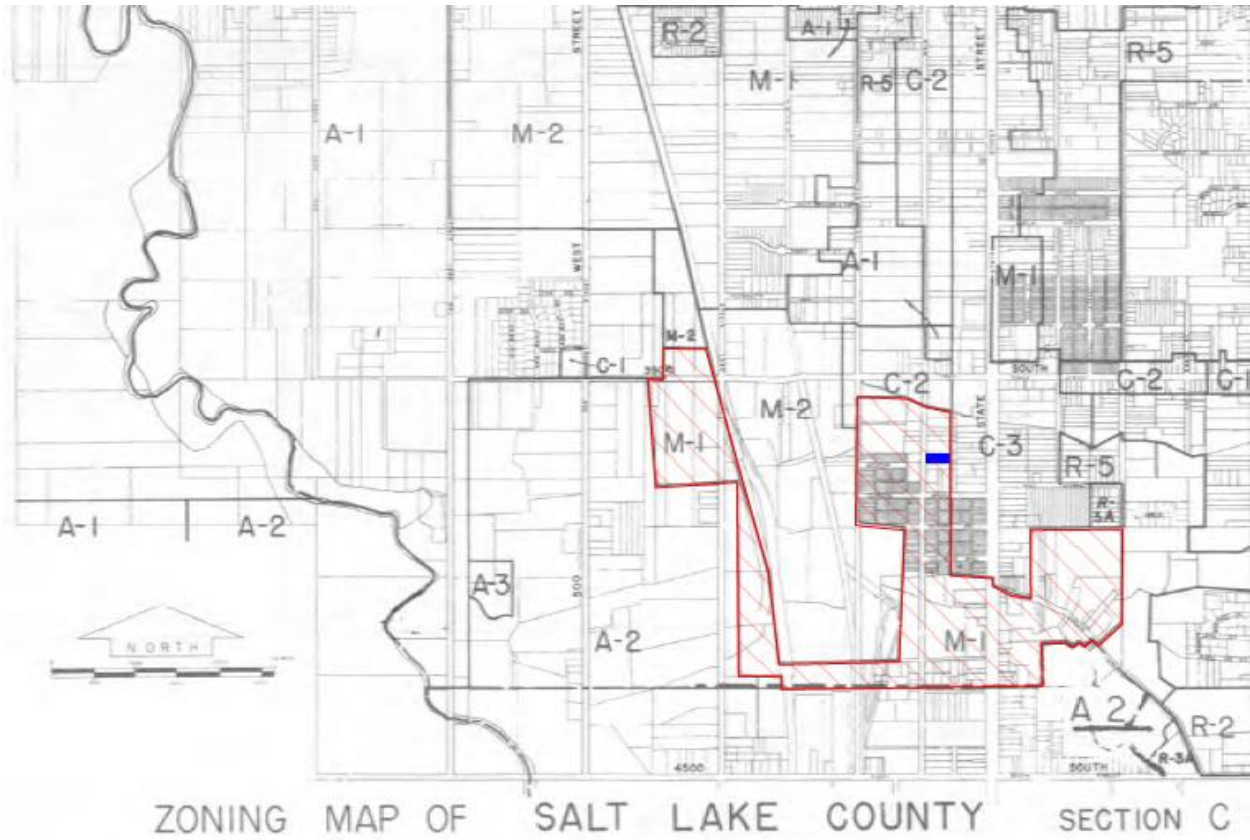
**Sec. 22-30-1. Purpose.** To provide areas in Salt Lake County for heavy industrial uses.

**Sec. 22-30-2. Permitted Uses.**



**Zoning Map, 1966.**

**Highlighted blue is the subject parcel, located in the M-1 zone.**



## **Applicants Response Letter**

A. The addition to, enlargement of, moving of, or reconstruction of the structure at a new location on the lot is in harmony with one or more of the purposes of this title as stated in MKZ 19.02.020, and is in keeping with the intent of this title.

Answer: We believe this complies especially when we are using the property same as across the street and to our South.

The property has been used in this capacity since the 70s and has always served a purpose to the community as well as the current owner. The reconstruction of this site will not see increased traffic.

B. The addition to, enlargement of, moving of, or reconstruction of the structure at a new location of the lot is compatible with existing development within a reasonable distance in terms of height, mass and applicable building envelope requirements, and lot coverage;

Answer: We are confident that everything is conforming to that of the area structures or buildings. In fact, our building heights are lower than the one directly to the South.

Properties surrounding the light manufacturing zone match the character of the proposed use and current use. Reconstruction of the buildings would improve the aesthetics and likely bring the buildings to similar quality to those surrounding.

C. The addition to, enlargement of, moving of, or reconstruction of the structure at a new location of the lot will not be detrimental to the health, safety and general welfare of persons residing within a reasonable distance of the subject property.

Answer: Not only do we believe it will not be detrimental, we are confident that the change will be better in structure of the building codes, aesthetically pleasing to look at, and will add to the value of neighboring properties as a whole.

D. That the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or structure.

Answer: It is our understanding that the use would be the same as is and will not have any adverse effect on surrounding businesses or traffic flow.