

Minutes of the Board of Adjustment meeting held on Monday, March 12, 2012, at 5:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Roger Ishino, Vice-Chair
Joyce McStotts
Rosi Haidenthaller
Preston Olsen
Chad Wilkinson, Community Development Manager
Joshua Beach, Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Travis Nay, Vice-Chair

The Staff Review meeting was held from 5:15 to 5:30 p.m. The Board of Adjustment members briefly reviewed the applications. An audio recording is available for review in the Community & Economic Development office.

Roger Ishino explained that variance requests are reviewed on their own merit and must be based on some type of hardship or unusual circumstance for the property and is based on state outlined criteria, and that financial issues are not considered a hardship.

APPROVAL OF MINUTES

Ms. Haidenthaller made a motion to approve the minutes from January 9, 2012 as written. Mr. Olsen seconded the motion.

A voice vote was made. The motion passed, 4-0.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

CASE #1445 – REI DRILLING – 248 & 250 West Berger Lane – Project #12-22

Justin Holt was the applicant present to represent this request. Joshua Beach reviewed the location and request for and Expansion/Alteration of a Nonconforming Use for REI Drilling, property addressed 248 & 250 West Berger Lane. Murray City Code 17.52.040 allows for a building or structure occupied by a nonconforming use, or a building nonconforming as to height, area, or yard regulations to be added to, enlarged or moved to another location on the lot subject to authorization by the Board of Adjustment. The applicant proposes combining the two lots with the Sidwell numbers of 21-12-207-003, and 21-12-207-009 as well as constructing an additional 4,800 sq. ft. of office space on the combined property. The combination will require a separate process and approval by the city engineer. The proposed expansion is to be used for 3000 sq. ft. of office space and 3300 sq. ft. of shop space. The property is located in the M-U zone. REI Drilling is classified as a contractor with outdoor storage. Contractors are allowed in the zone, however outdoor storage is not. Therefore the use is considered nonconforming. The structure is also nonconforming in relation to setbacks, and landscaping, etc.

The Board of Adjustment may authorize approval of an addition, enlargement, or moving of a structure occupied by a nonconforming use or a structure that is nonconforming as to height, area, or yard regulations subject to the following findings:

1. The addition to, enlargement of, or moving of the building will be in harmony with one or more of the purposes of this title;

The proposed addition will allow for a reasonable expansion of an existing nonconforming use and is consistent with the purposes of the title which include fostering the City's residential, business, and industrial development.

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

The proposed addition is located on the west of the structure and will not create additional impacts on adjoining properties. Although the existing structure is nonconforming in relation to setbacks, the proposed addition meets the setback requirements of the zone and does not exceed the height standards. The proposed addition has a footprint of 4,800 sq. ft. and will be used as an office and shop. The project will require additional parking to become compliant with zoning code, but the increase in parking will not greatly increase traffic generation. Based on review and analysis of the application material, subject site and surrounding area, and applicable Murray Municipal Code sections, the Community and Economic Development Staff finds that the proposal meets the standards for an expansion/alteration of a nonconforming use or development. Therefore, staff recommends approval subject to the following conditions:

1. The applicant shall obtain site plan approval.
2. The applicant must meet applicable city requirements identified during the site plan review.

Ms. Haidenthaller asked how the properties to the west and east will be impacted. Mr. Holt stated the property to the west is a machine shop. They are the closest to the property and will not be impacted by this. He was not sure of the type of business to the east side; however, across the street are landscaping contractors.

Mr. Ishino wanted clarification as to whether or not the new building will comply. Mr. Beach stated that it will need to comply.

The discussion was then opened up to public comment. No comment was made and the public comment section was closed.

Ms. Haidenthaller made a motion to approve the Expansion/Alteration of a Nonconforming Use as written in the Findings of Fact. Ms. McStotts seconded the motion.

Vote recorded by Mr. Wilkinson.

 A Ms. McStotts

 A Mr. Olsen

 A Mr. Ishino

 A Ms. Haidenthaller

Motion passed, 4-0.

Mr. Olsen made the motion to approve the Findings of Fact for both recommendations as written. Ms. McStotts seconded the motion.

A voice vote was made. Motion passed, 4-0.

OTHER BUSINESS

Mr. Wilkinson made mention it is anticipated that an appeal of an application with the Planning Commission will be on the agenda for the next meeting. Mr. Wilkinson would like to spend some time with the Board of Adjustment members before that meeting to go over the appeal process.

In addition, Mr. Wilkinson introduced Joshua Beach to the Board as one of the newest Planners and Business License Administrators to Murray's Community & Economic Development Department.

Ms. McStotts pointed out that April will be her final meeting in attendance as she has asked not to be re-appointed.

Meeting adjourned.

Chad Wilkinson, Manager
Community & Economic Development