

Minutes of the Hearing Officer meeting held on Wednesday, June 9, 2021 at 12:30 p.m. electronically without an anchor location in accordance with Utah Code 52-4-207(4), due to infectious disease COVID-19 Novel Coronavirus. The Hearing Officer has determined that conducting a meeting with an anchor location presents substantial risk to the health and safety of those who may be present at the anchor location because physical distancing measures may be difficult to maintain.

Present: Scott Finlinson, Hearing Officer
Jared Hall, Planning Division Manager
Briant Farnsworth, Deputy City Attorney
Michael Pate, Applicant
Danielle Hufford, Applicant

Scott Finlinson opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

CONFLICT OF INTEREST

Mr. Finlinson stated that he has no conflicts of interest for this agenda.

CASE #1578 – AMAROK & D-7 ROOFING – 4222 South 500 West – Project #21-047

Amarok & D-7 Roofing is requesting a variance to the fencing regulations. The applicant is requesting a variance to Section 17.64.080(B) of the Murray Land Use Ordinance to allow the installation of an electric fence on the subject property. Jared Hall presented the request. He displayed the site location and area where the proposed 10 ft high electric alarm fence will be placed. The subject property is an industrial building in the M-G Zone currently used by a roofing contractor company, D-7 Roofing. D-7 Roofing wishes to secure the rear portion of the property with an electric fence to dissuade trespassing on the property. Murray City Land Use Ordinances does not allow the use of electrified fences except in agricultural areas. He read the Murray Land Use Ordinance section 17.64.080, that states: “It shall be unlawful for any person to erect or cause to be erected or to maintain any device on a fence with an electrical charge sufficient to cause shock to any person except in agricultural areas. Such electrified fence shall not be energized from a power source which exceeds twelve (12) volts direct current.”

The subject property borders Big Cottonwood Creek on the north and portions of the west. The applicants indicated the area behind the building is where they store expensive roofing materials and the lack of visibility from the street and access from the creek combined creates an area where people can get onto the property without being seen and is difficult to secure. The applicant indicates that an existing perimeter fence would remain in place, with the proposed 533 linear feet of 10' high electrified fence to be installed behind it. Mr. Hall reviewed the 5 criteria that would need to be met in order to grant a variance. He displayed the findings and verified the exceptions to the ordinances have already been considered for security with additional fence height and barbed wire. Staff found that the request did not meet the hardship or unique circumstances that would allow for a variance.

Michael Pate, Danielle Hufford and Nicole Wojtkiewicz, with Amarok were present to represent the request. Mr. Pate stated there would be a 12-volt battery which is allowed under the code to arm an alarm. It would be an alarm system and doesn't meet the definition of a fence and stated he is not sure why it was in the fence category. They take a 12-volt battery, amplify it with an energizer send that signal down an alarm panel and when the alarm panel reads a deficient return it starts a countdown of 5 consecutive negative returns then sounds an alarm. Mr. Pate showed the property again and verified the west side dead end area where the access has allowed people to come onto the property and the business has experienced several break-ins. He stated the city allows barbed wire which has been ineffective. He reviewed and rebutted each finding stating the ordinance doesn't allow people to protect their property. He declared that the findings say the creek is not exposed to all properties here, adding staff stated the waterways are unique and there is plenty of cover to move inventory out and not be seen. He furthered that staff stated all those properties are dealing with the same problem. He clarified that the general plan doesn't state it will ignore crime and that the spirit of the plan is to use property safely and be able to enjoy and protect it.

Mr. Finlinson wanted to better understand how the alarm fence works. A slide was shown with the diagrams of how the alarm system is built and set up. He stated that the shock output is similar to walking across a floor with socks and touching a doorknob. He said the warning signs would be installed every 30 ft. Mr. Finlinson asked how often the break-ins have occurred? Mr. Pate said he did not have the exact number but they have contracted with 2 other businesses in the neighborhood. Ms. Hufford stated she doesn't have the history but the owners have stated losing \$10,000-\$15,000 every few weeks in materials, catalytic converters off of vehicles and fuel from equipment.

Mr. Finlinson reviewed the process with the applicants and stated he gives his ruling which will be posted by next Wednesday at 12:00 pm. He stated he would like to drive by the site to have a better understanding of the property and area.

Mr. Finlinson asked if any public comment was received and there were no comments.

There was no other business.

The meeting was adjourned at 12:51 p.m.



Jared Hall, Manager

Community Development Planning Division