



Murray City Hearing Officer Meeting
December 14, 2022, at 12:30 p.m.

The Murray City Hearing Officer will hold a public meeting in the Murray City Council Chambers, 5025 South State Street, on Wednesday, December 14, 2022, at 12:30 p.m.

You may attend the meeting or submit comments via email at planning@murray.utah.gov. Comments are limited to 3 minutes or less, and written comments will be read into the meeting record. Please include your name and contact information.

BUSINESS ITEM:

1. Conflict of Interest

VARIANCE

2. Case #1597 - Anthony Hall Project #22-155
4733 South Hidden Woods Lane
Fence Height Variance

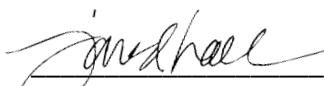
EXPANSION OF NONCONFORMING DWELLING

3. Case #1598 - Aaron & Betsy Andrews Project #22-162
4734 South Hanauer Street
Expansion of Nonconforming Structure for Corner Side Yard Setback

OTHER BUSINESS

Special accommodations for the hearing or visually impaired will be upon a request to the office of the Murray City Recorder (801-264-2660). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

On the 29th day of November, 2022, before 5:00 p.m. a copy of the foregoing Notice of Meeting was posted in accordance with Section 10-9a-201 through 209, U.C.A. A copy of this notice was also posted on Murray City's internet website www.murray.utah.gov



Jared Hall
Director



AGENDA ITEM #2 - Anthony Hall

ITEM TYPE:	Variance Application		
ADDRESS:	4733 South Hidden Woods Lane	MEETING DATE:	December 14, 2022
APPLICANT:	Anthony Hall, New World Investments	STAFF:	Susan Nixon, Senior Planner
PARCEL ID:	22-08-108-055	CASE NUMBER:	#1597
ZONE:	R-1-8, Single Family Residential	PROJECT NUMBER:	22-155
SIZE:	.57 acre site 25,059 sq.ft.		
REQUEST:	The applicant is requesting a variance to Section 17.64.020.A of the Murray Land Use Ordinance to allow the existing 6-foot high fence to remain within the front yard setback area.		



I. DESCRIPTION of REQUEST

The subject property is in the Cushing Woods Subdivision located on the north side of 4800 South. The subdivision was approved in March of 2005. A lot consolidation for lots #4 & #5 was approved by the Planning Commission in February 2021. The resulting lot #4A, is the subject property for this variance. Tony Hall, owner of both lots #4 and #5 (now lot #4A) is wishing to maintain the existing perimeter fence. At the time the fence was installed, it was solely on lot #5.

The application is for a variance to Section 17.64.0020 of the Murray Land Use Ordinance in order to maintain the existing fence within the front yard setback at a height of 6 feet.

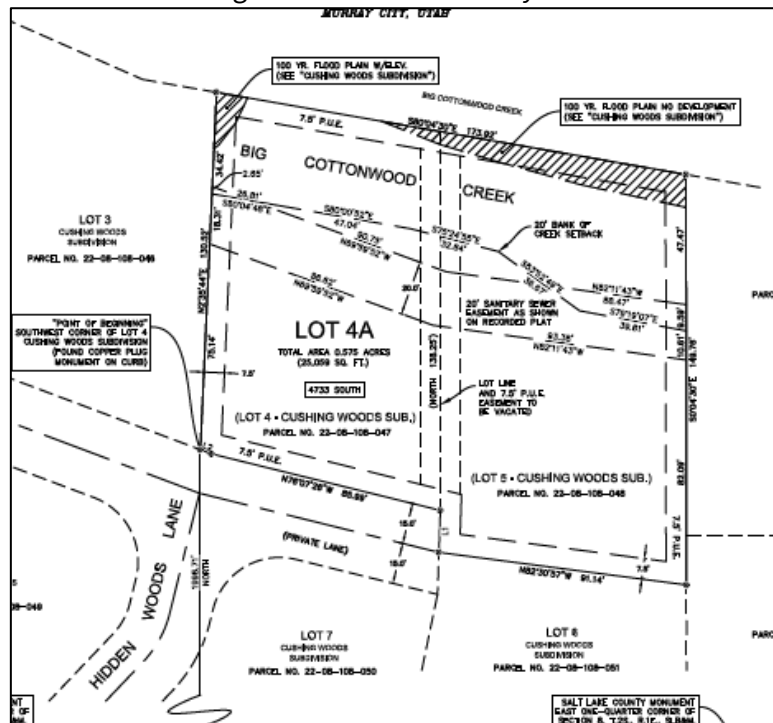


Figure 1: Illustration of lot consolidation. (lot 4A).

II. LAND USE REGULATIONS

Murray Land Use Ordinance, Section 17.64.020 states Murray City Land Use Ordinances 17.64.020: FENCE HEIGHT; INTERIOR LOT: states: "A. *Front Yard Setback Area: No fence, wall, hedge, or other screening material shall be erected, allowed, or maintained higher than four feet (4') within any required front yard setback area in all residential zones. Solid opaque type fencing, walls, hedges, or screens are limited to three feet (3') in height. Other nonsolid fencing which is seventy five percent (75%) open and presents no visual barriers to adjoining properties and streets may be constructed to a height not to exceed four feet (4'). In any side or rear yard area, fencing may be constructed to a maximum height of six feet (6') with standard type fencing material.*"

III. PROJECT REVIEW

Background

The Cushing Woods Subdivision was approved by the Planning Commission on March 3, 2005. Twenty feet (20') front setback variances were granted for Lots 3, 4 & 5 on Feb 14, 2005, by the Board of Adjustment. At that time, Murray City Code allowed for subdivisions to create new lots along private roads. In November of 2007, Section 16.16.090(A) of the Murray City Subdivision regulations was amended to prohibit the subdivision of new, single family residential lots on private roads.

With the Lot Consolidation approval granted by the Planning Commission in February of 2021, one of the conditions were: "*The new lot shall meet the fencing regulations of Section 17.64.020 with the 20-foot front setback variance. The existing fence on lot 5 shall be modified to meet the requirements.*" The applicant is now wishing to obtain a variance from this requirement.

Access

Access for the subdivision is via Hidden Woods Lane, an existing 30-foot-wide private lane. The proposed lot combination does not impact the existing access.

Applicant's Narrative and Materials

The applicant's written narrative response to the variance analysis form is attached. The applicant indicates "the primary intent of the 6-foot-high fence was to increase the security of the property by blocking off the short cut. Prior the gate and fence having been in place two of his cars had been broke into and stolen from his drive and Christmas decorations vandalized. Both cars were returned by the police. As a separate lot the fence conformed to code but following the consolidation of lots 4 and 5 the fence became rezoned as a front fence and subject to the new code."

The applicant has provided a site plan and other illustrations depicting the property layout as well as the proposed fence variance location. All are attached to this report for the Hearing Officer's reference and review.



Figure 2: Illustration of fence variance location.

Public Input

Notices were sent to all property owners within 300 feet of the subject property. Staff received two letters in support of this request. One letter is from Craig Ames, the Manager Cushing Woods HOA and the other from Sandra Fullmer, the adjacent neighbor to the south-east. Both letters indicate their support for the variance to keep the 6 foot high fence as it currently is.

IV. VARIANCE FINDINGS

Staff analysis and findings for compliance with standards for a variance as contained in Land Use Ordinance Section 17.16.060 are listed below.

- A. **The literal enforcement of the Land Use Ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinance.**

The subject property is located in the R-1-8, Residential Single-Family Zone. The applicant's request is based on concerns with the security of the property. Section 17.64.010 states the intent for fence heights: *"The purpose for fence regulation provisions is to allow a wide variety of fence styles and construction to promote property security, privacy, and architectural compatibility. In addition, these regulations are provided to promote vehicular and pedestrian safety by requiring safe fence placement and height to allow proper visibility standards."*

The only applicable options for better security fencing in a residential zone are:
"D. The Planning Commission is authorized to grant additional fence height for buffer fencing between commercial and residential zoning districts to a maximum height of eight feet (8')."

F. Properties exceeding one-half (1/2) acre in size may erect a fence to a height not exceeding eight feet (8')."

The eight-foot height in the above referenced sections are not applicable within the front setback area and although the property exceeds the minimum one-half (1/2) acre requirement, again, it is applicable for side yard and rear yard areas and must maintain the front setback requirements of 3 or 4 feet.

The alternatives provided in code; the literal enforcement of the ordinance cannot represent an unreasonable hardship. Staff finds that the application does not meet this requirement for granting a variance.

B. There are special circumstances attached to the property that do not generally apply to other properties in the district.

The property owner states there are special circumstances associated with the property are: "Lot 4A is at the dead end of a private street with no possibility of future developing taking place to the east that might change the current layout and situation. The fence does not impede the sight line of motorists or have a detrimental visual impact on the community. Both the HOA and adjacent neighbor (lot 6) support the variance request and have supplied letters of support for the fence and gate to remain in place." Additionally, the applicant indicates "The reduction in the fence height would reduce the security that lots 4, 5 (4A) and 6 currently have and increase our risk by allowing open access to the rear of our properties."

The fact that the property is at a dead end on a private street does show uniqueness to the property and does not impede sight visibility from the street. The only property it could potentially affect, is the property owner at lot 6 who has indicated their support of the proposed variance. Staff finds that the application does meet this requirement for granting a variance.

C. Granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the district.

Security is a substantial property right, but the Land Use Ordinance identifies an 8-foot-high fence is allowed for properties greater than 1/2 acre. While the applicant meets this section of the code, it does not apply to the front setback area where the variance is requested; however, the proposed variance location would have no impact to another property or safety sight visibility. Staff finds that the variance is not essential for security, but there may be justification based on the unusual configuration and uniqueness of the property and location on a dead-end private roadway. Staff finds that the application does not meet this requirement for granting a variance.

D. The variance will not substantially affect the General Plan and will not be contrary to the public interest.

The General Plan calls for this area is intended for residential uses in established/planned neighborhoods and to be developed with high quality dwellings and uses. Staff finds the proposed variance will not be contrary to that public interest and will add to the neighbor's desire and recommends that the application does meet this requirement for granting a variance.

E. The spirit of the Land Use Ordinance is observed, and substantial justice done.

The intent of the language in the Land Use Ordinance is clear, and additional options to provide security are available. Staff finds that granting the variance would not violate the spirit of the Land Use Ordinance, and that the application does meet this requirement for granting a variance.

V. UNREASONABLE HARDSHIP ANALYSIS

In determining whether enforcement of the Land Use Ordinance would cause unreasonable hardship, the Hearing Officer may not find an unreasonable hardship unless the applicant proves that the alleged hardship:

A. Is located on or associated with the property for which a variance is sought.

The alleged hardship is associated with the property for which the variance is sought.

B. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood. Special circumstances must: (1) Relate to the hardship complained of, and (2) Deprive the property owner of privileges granted to other properties in the same district.

As established in the variance analysis, the circumstances are peculiar to the property, and enforcement of the ownership does not deprive the property owner of rights or privileges granted to other properties in this district.

VI. CONCLUSION/RECOMMENDATION

In the analysis of the standards for granting a variance as they relate to the subject property, Staff finds that the application can be considered to meet some, but not all, of the requirements for the granting of a variance.

Based on review and analysis of the application materials, the subject property, surrounding area, and applicable sections of the Murray City Land Use Ordinance, Staff finds that the application does meet some of the applicable standards for a variance, with the exception of (A) the literal enforcement would cause an unreasonable hardship and (C) granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the district. However, in this case there is merit to consider that the literal enforcement would affect no one other than the subject property and is supported by the

adjacent property owners and could be argued that it would be essential to the enjoyment of the applicant's substantial property right. Staff recommends APPROVAL of the requested variance to the requirements of Sections 17.64.020.A. of the Murray City Land Use Ordinance.



HEARING OFFICER
NOTICE OF PUBLIC MEETING
December 14, 2022, 12:30 PM

This notice is to inform you of a public meeting scheduled before the Murray City Hearing Officer for **Wednesday, December 14, 2022, at 12:30 p.m.** in the Murray City Municipal Council Chambers located at 5025 South State Street regarding the following application: **Anthony Hall is requesting a variance to allow the existing 6 foot high fence to remain along the front property line for the property located at 4733 South Hidden Woods Lane.** Please see the attached plans. You may attend the meeting in person to provide public comment, or you may submit comments via email at planning@murray.utah.gov.

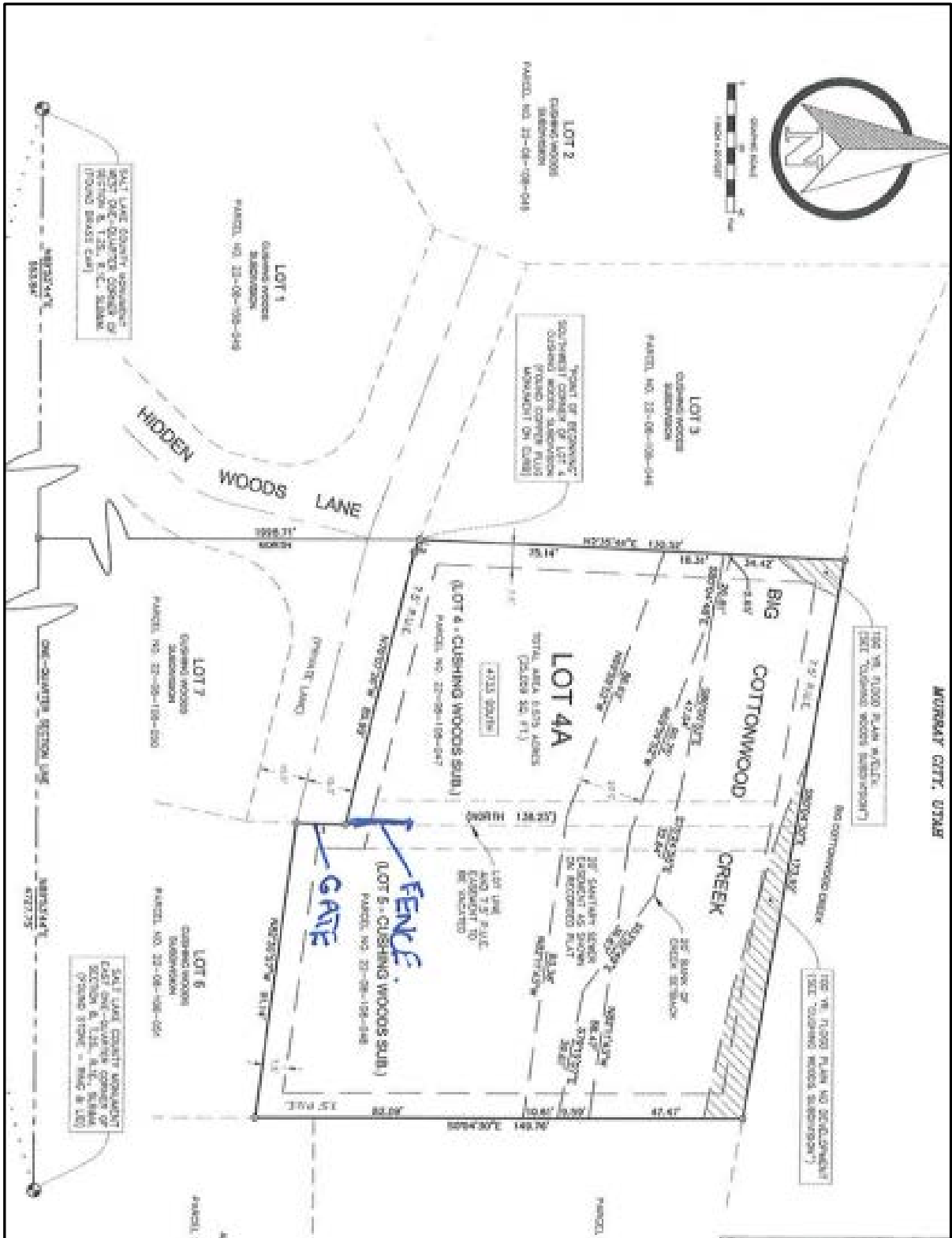
Comments are limited to 3 minutes or less and will be read into the meeting record.



Area of
variance

Public Notice Dated November 29th, 2022

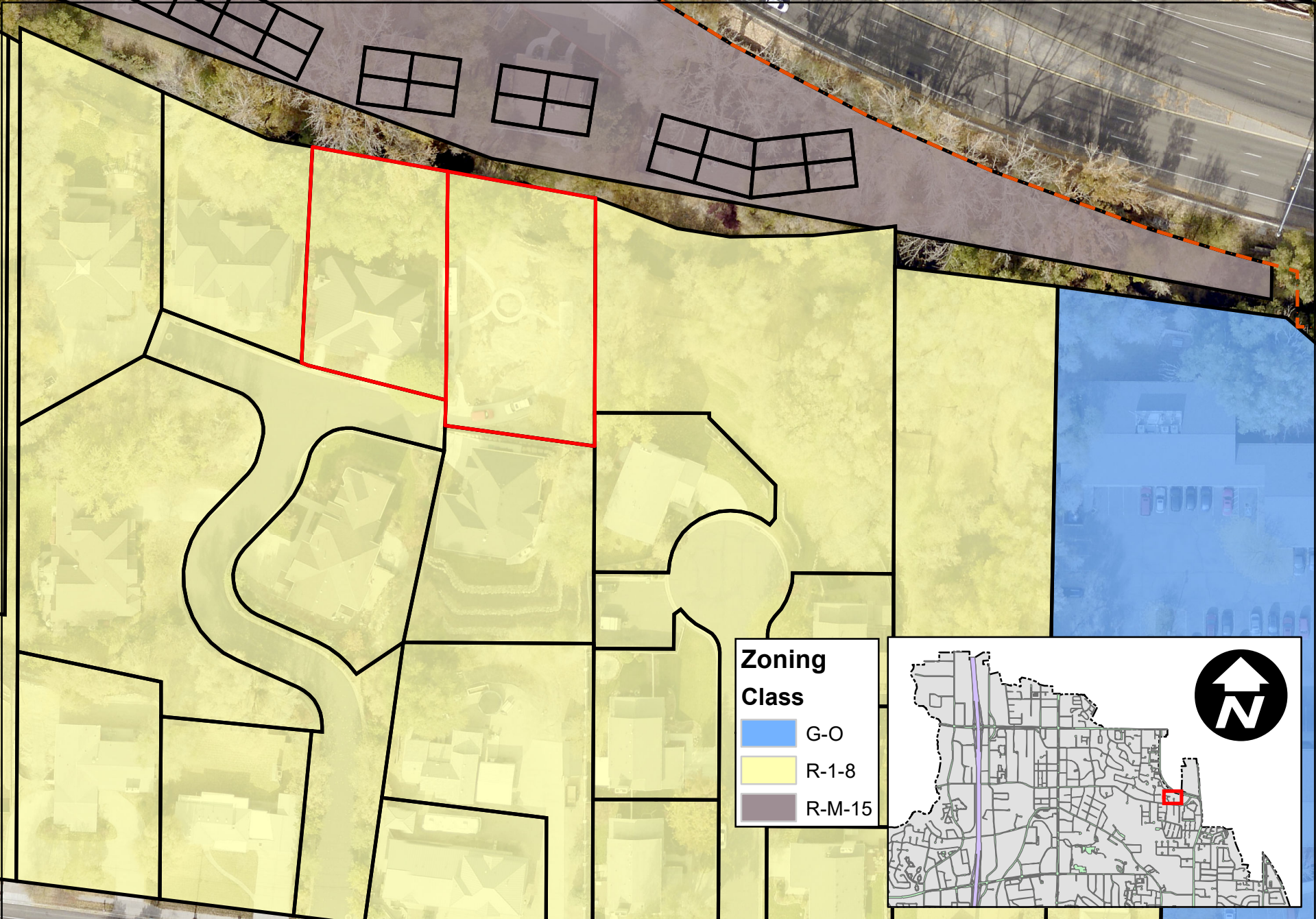
This notice is being sent to you because you own property within 300 feet of the subject property. If you have questions or comments concerning this proposal, please call Susan Nixon with the Murray City Planning Division at 801-270-2430, or email snixon@murray.utah.gov.



4733 & 4737 South Hidden Woods Lane



4733 & 4737 South Hidden Woods Lane



HEARINGS OFFICER APPLICATION

Permit # _____

Type of Application (check all that apply):

Variance Expansion of Non-Conforming Use Appeal

Subject Property Address: 4733 HIDDENWOODS LN. MURRAY 84107.

Parcel Identification (Sidwell) Number: 22-08-108-047 & 22-08-108-048

Parcel Area (acreage): 25,059 sq ft. Current Use: RESIDENTIAL.

Floor Area: _____ Zoning Classification: RESIDENTIAL

Applicant Name: ANTHONY HALL. (NEW WORLD INVESTMENTS LLC)

Mailing Address: 8132 BRIGHTON LOOP.

City, State, ZIP: BRIGHTON. UTAH. 84121

Daytime Phone #: 801-712-6226 Fax #: _____

Email address: tonghall@hotmail.com.

Business Name (If applicable): NEW WORLD INVESTMENTS LLC.

Property Owner's Name (If different): _____

Property Owner's Mailing Address: _____


City, State, Zip: _____

Property Owner Email Address: _____

Daytime Phone #: _____ Fax #: _____

Type of variance request, exact measurement, and reason for request: _____

PERMISSION TO RETAIN PLASTIC BOUNDARY FENCE AND
GATE AS CURRENTLY EXISTS. (ERRECTED PRIOR TO
LOT 4 & 5 CONSOLIDATION)

Authorized Signature:  Date: 10/20/2022

CUSHING WOODS SUBDIVISION

A SUBDIVISION BEING LOCATED IN THE NORTHWEST QUARTER, SECTION 8,
TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN

SURVEYOR'S CERTIFICATE

I, RANDY D SMITH DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 5152708 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, HEREAFTER TO BE KNOWN AS THE

CUSHING WOODS SUBDIVISION

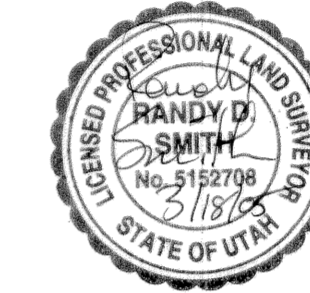
AND THAT SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

BOUNDARY DESCRIPTION

BEGINNING AT A POINT ON THE NORTH RIGHT-OF-WAY LINE OF MURRAY HOLLADAY ROAD, SAID POINT BEING SOUTH 915.506 FEET AND SOUTH 83°14'30" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE 596.568 FEET FROM THE NORTHWEST CORNER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT ALSO BEING SOUTH 83°14'30" EAST ALONG THE MONUMENT LINE 853.295 FEET AND NORTH 07°28'13" EAST 33.00 FEET FROM SALT LAKE COUNTY MONUMENT AT THE INTERSECTION OF SAID MURRAY HOLLADAY ROAD AND LINCOLN STREET AND RUNNING THENCE NORTH 07°28'13" EAST 171.91 FEET; THENCE EAST 115.08 FEET TO THE EAST LINE OF THE LAND CONVEYED TO L. CLARK CUSHING AND ANITA CUSHING BY DEED RECORDED OCTOBER 30, 1987 AS ENTRY NO. 4543747 IN BOOK 5975 AT PAGE 1033; THENCE NORTH 00°04'30" WEST 269.06 FEET; THENCE NORTH 80°04'30" WEST 201.31 FEET; THENCE NORTH 66°14'30" WEST 163.69 FEET; THENCE SOUTH 07°04'30" EAST 376.50; THENCE SOUTH 78°18'58" EAST 88.72 FEET; THENCE SOUTH 20.74 FEET; THENCE SOUTH 84°49'49" EAST 91.53 FEET; THENCE SOUTH 05°13'15" WEST 112.11 FEET TO SAID NORTH RIGHT-OF-WAY LINE; THENCE SOUTH 83°14'30" EAST 42.99 FEET TO THE POINT OF BEGINNING.

CONTAINS 121,050 SQ. FT. OR 2.78 ACRES AND 7 LOTS

Randy Smith 3/18/05
RANDY D. SMITH DATE
LICENSE No. 5152708



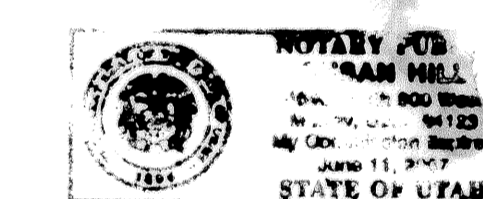
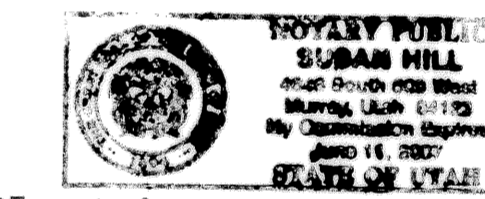
OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT I/WE, THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS THE

CUSHING WOODS SUBDIVISION

DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE, IN WITNESS WHEREOF I/WE HAVE HEREUNTO SET OUT HAND THIS 18th DAY OF MARCH, 2005 A.D.

Craig L. Ames 18 March 2005
CRAIG AMES, MEMBER DATE
AMES GROUP LLC



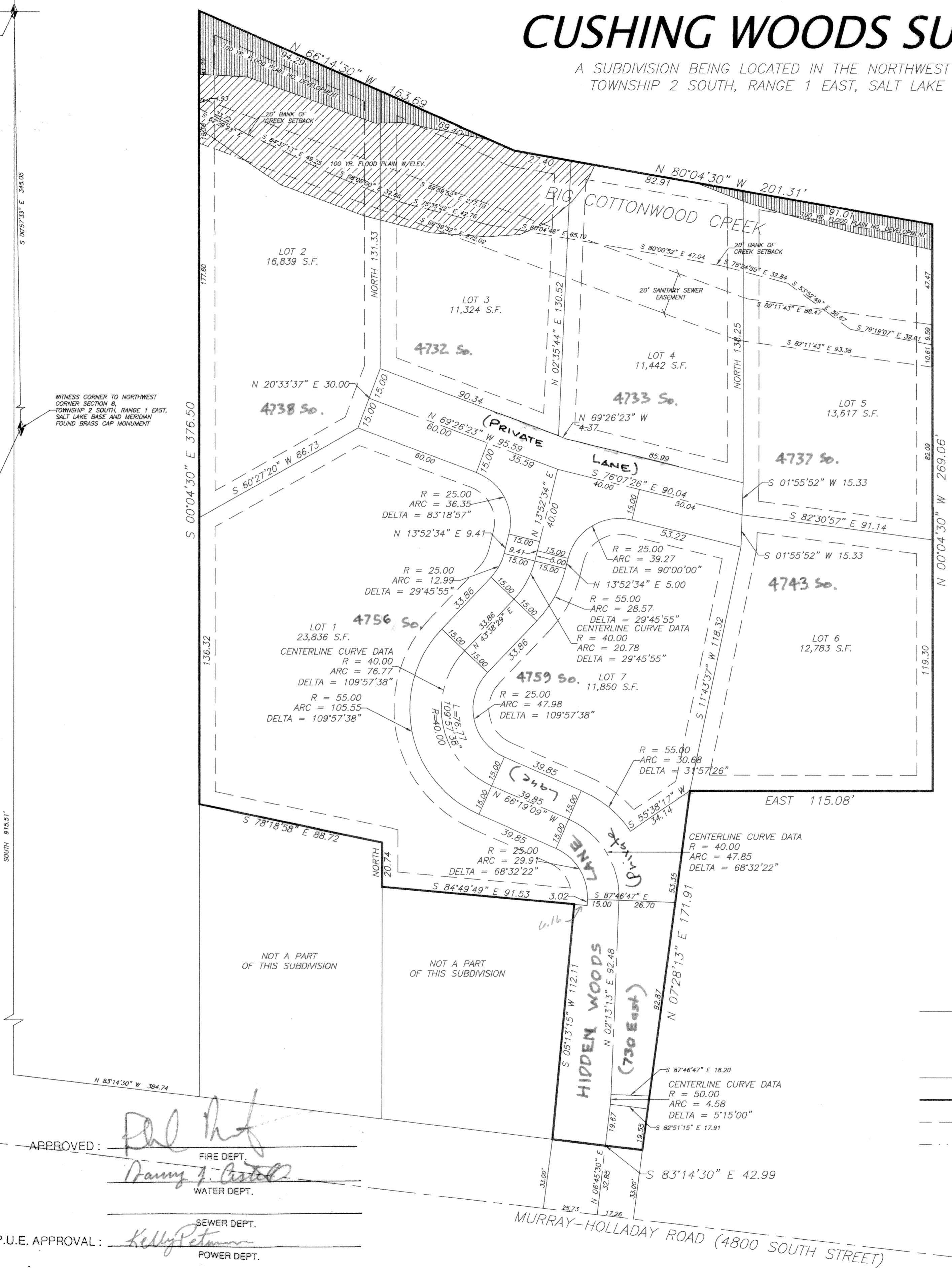
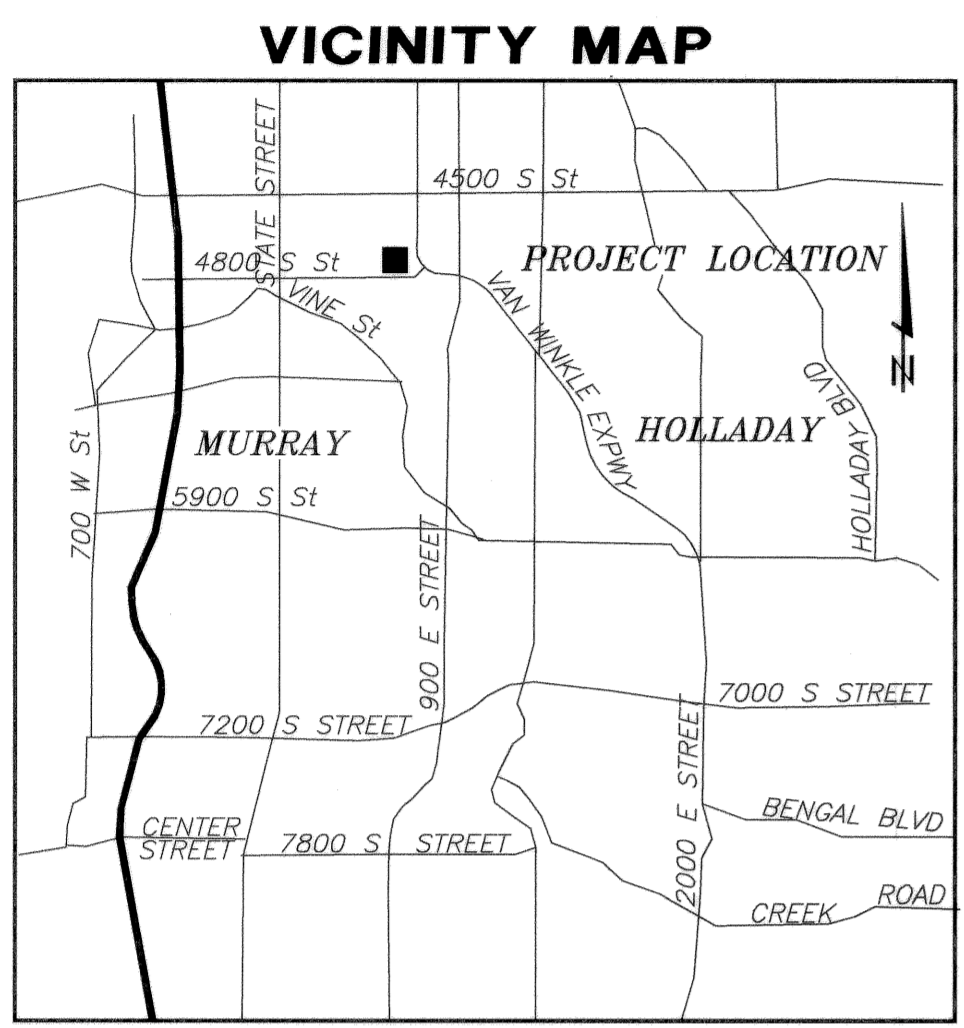
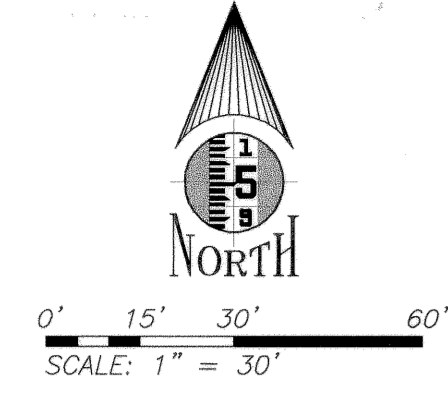
STATE OF Utah } S.S.
County of Salt Lake

ON THIS 18th DAY OF March, A.D., 2005 PERSONALLY APPEARED BEFORE ME, CRAIG AMES, MEMBER OF THE AMES GROUP LLC, AND ACKNOWLEDGED TO ME THAT THEY ARE DULY AUTHORIZED TO EXECUTE THE FOREGOING OWNER'S DEDICATION.

6-11-07 *Salt Lake* *Susan Hill*
MY COMMISSION EXPIRES RESIDING AT NOTARY PUBLIC

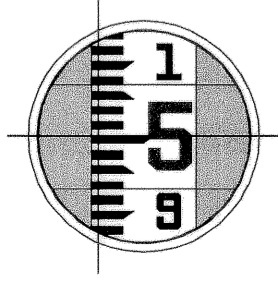
LEGEND

- Section Monument
- Street Monument
- Center Line
- Property Line
- Easement Line
- Section Line



- GENERAL NOTES
- ALL LOTS CONTAIN A 7.5 FOOT PUBLIC UTILITIES EASEMENT.
 - ALL ROADWAYS WITHIN THIS DEVELOPMENT ARE PUBLIC UTILITY EASEMENTS.

APPROVED: *[Signature]* FIRE DEPT.
[Signature] WATER DEPT.
SEWER DEPT.
POWER DEPT.
P.U.E. APPROVAL: *[Signature]*



LARSEN & MALMQUIST, INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
1574 WEST 1700 SOUTH
SALT LAKE CITY, UTAH 84104
PHONE (801) 972-2634 FAX (801) 972-2698

JOB NO. 05407-04

23 FEBRUARY 2005

PLANNING COMMISSION
APPROVED THIS 3rd DAY OF March 2005 BY THE MURRAY CITY PLANNING COMMISSION.
[Signature]
CHAIRMAN PLANNING COMMISSION

BOARD OF HEALTH
APPROVED THIS 18th DAY OF MARCH 2005 A.D.
[Signature]
S.L. COUNTY BOARD OF HEALTH

MURRAY CITY ENGINEER
I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.
[Signature]
MURRAY CITY ENGINEER

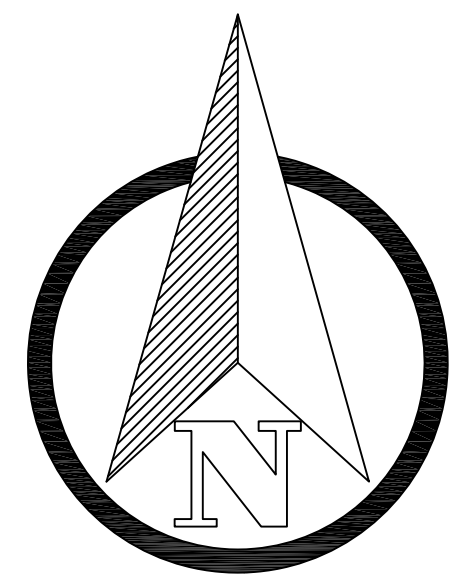
APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 6 DAY OF March 2005 A.D. AT WHICH TIME THIS PLAT WAS APPROVED AND ACCEPTED
[Signature]
MURRAY CITY ATTORNEY

MURRAY CITY MAYOR
PRESENTED TO MURRAY CITY THIS DAY OF March 2005 A.D. AND IS HEREBY APPROVED.
[Signature]
MURRAY CITY MAYOR

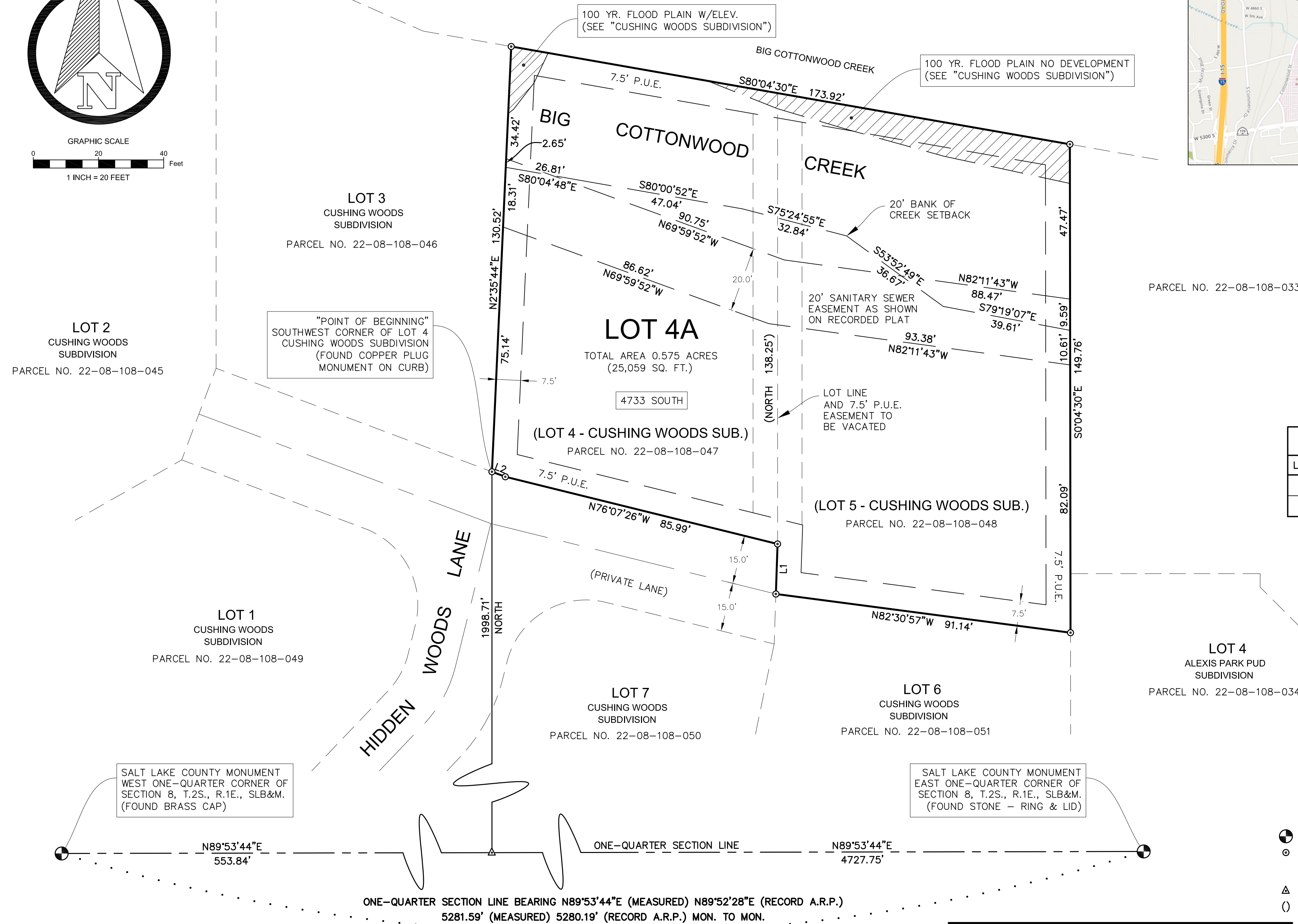
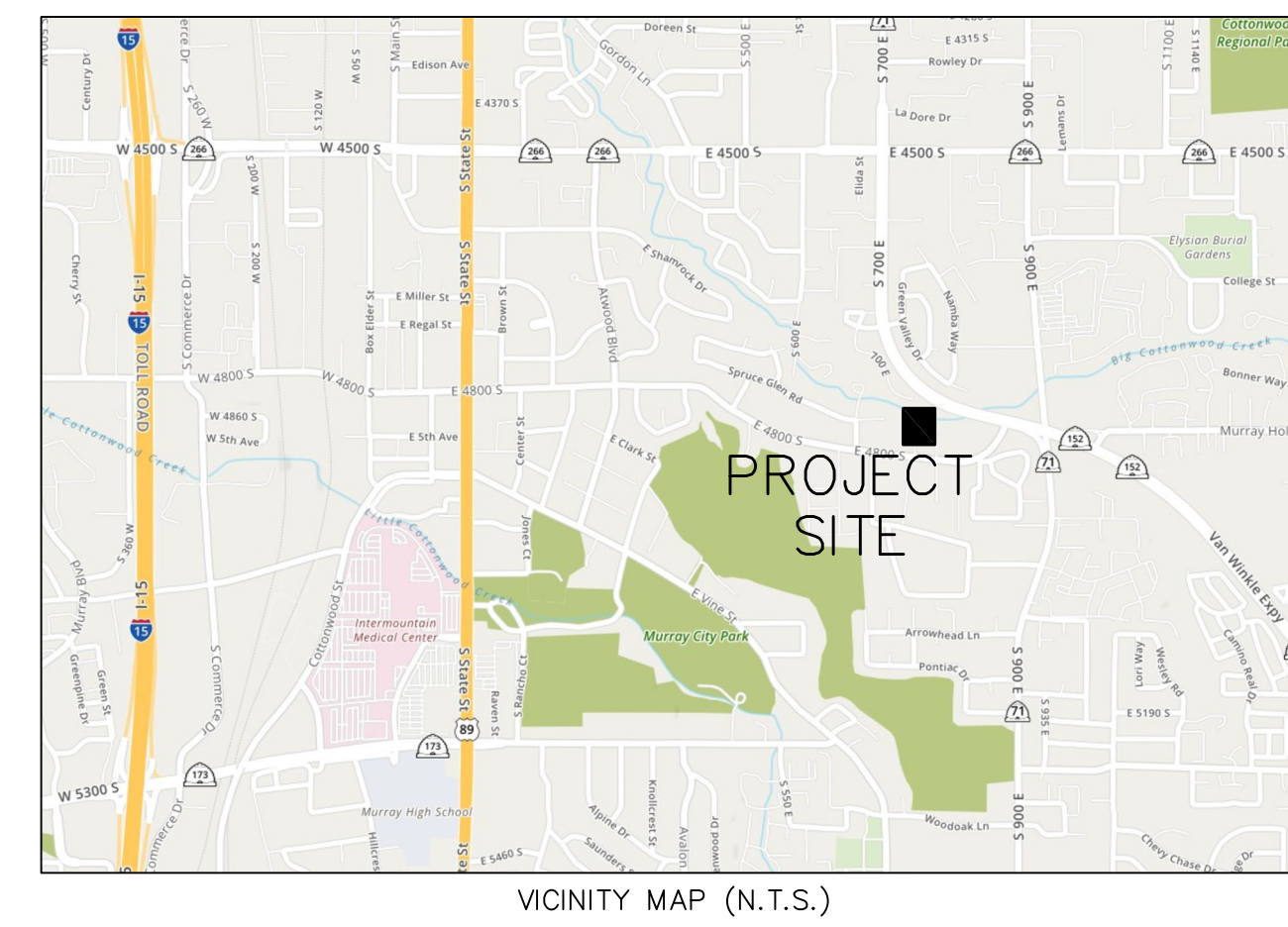
SALT LAKE COUNTY RECORDER
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF THE AMES GROUP
DATE: 4-8-05 TIME: 2:16 PM BOOK: 2005P PAGE: 98
FEE: \$36.00
[Signature]
SALT LAKE COUNTY RECORDER - CHIEF DEPUTY

22-8-11 22-08-108-012.013.081 #36.00 2005 P-98

EXHIBIT TO LEGAL DESCRIPTION – LOT COMBINATION
COMBINING LOTS 4 AND 5, CUSHING WOODS SUBDIVISION
MURRAY CITY, UTAH



GRAPHIC SCALE
 0 20 40 Feet
 1 INCH = 20 FEET



"BASIS OF BEARINGS"

LINE TABLE		
LINE	LENGTH	DIRECTION
L1	15.33'	N1°55'52"E
L2	4.37'	N69°26'23"W

LEGEND:

- SECTION CORNER/STREET MONUMENT – FOUND BRASS CAP
- PROPERTY CORNER – SET 5/8" X 24" BAR & CAP (PLASTIC CAP STAMPED ALS, INC. PLS # 376079) (OR AS NOTED AND SHOWN HEREON)
- △ CALCULATED POINT – NOT SET/NOT FOUND
- () RECORD DATA
- PROPERTY BOUNDARY
- - - SECTION LINE/MONUMENT LINE
- CENTERLINE
- - - DEED LINE/PLATTED LOT LINE
- - - EASEMENT LINE

SURVEYOR'S CERTIFICATE

I, JAMES PATRICK FRONK, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD A LICENSE NO. 376079, IN ACCORDANCE WITH THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT FOUND IN TITLE 58, CHAPTER 22 OF THE UTAH CODE. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH UTAH CODE SECTION 17-23-17, HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT. I FURTHER CERTIFY THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



BOUNDARY DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF LOTS 4 AND 5, CUSHING WOODS SUBDIVISION, RECORDED AS ENTRY NO. 9344472 IN BOOK 2005P AT PAGE 98, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SALT LAKE COUNTY RECORDER'S OFFICE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT MARKING THE SOUTHWEST CORNER OF LOT 4, CUSHING WOODS SUBDIVISION, A RECORDED SUBDIVISION, SAID POINT BEING 553.84 FEET N89°53'44"E ALONG THE ONE-QUARTER SECTION LINE AND 1998.71 FEET NORTH FROM A FOUND BRASS CAP MONUMENT MARKING THE WEST ONE-QUARTER CORNER OF SAID SECTION 8, SAID POINT BEING THE REAL POINT OF BEGINNING; THENCE N2°35'44"E 130.52 FEET; THENCE S80°04'30"E 173.92 FEET; THENCE S0°04'30"E 149.76 FEET; THENCE N82°30'57"W 91.14 FEET; THENCE N1°55'52"E 15.33 FEET; THENCE N76°07'26"W 85.99 FEET; THENCE N69°26'23"W 4.37 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.575 ACRES OF LAND (25,059 SF.).

CONTAINING 1 LOT TOTAL.

BASIS OF BEARINGS = N89°53'44"E ALONG THE WEST TO EAST ONE-QUARTER SECTION LINE OF SAID SECTION 8.

NARRATIVE

AT THE REQUEST OF TONY HALL, THE PURPOSE FOR THIS SURVEY WAS TO COMBINE THE PROPERTIES AS SHOWN HEREON.

RECORD OF SURVEY

LOCATED IN THE N.W. QUARTER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, CITY OF MURRAY, SALT LAKE COUNTY, UTAH.

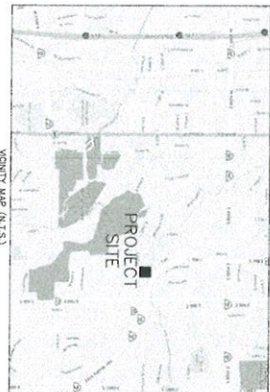
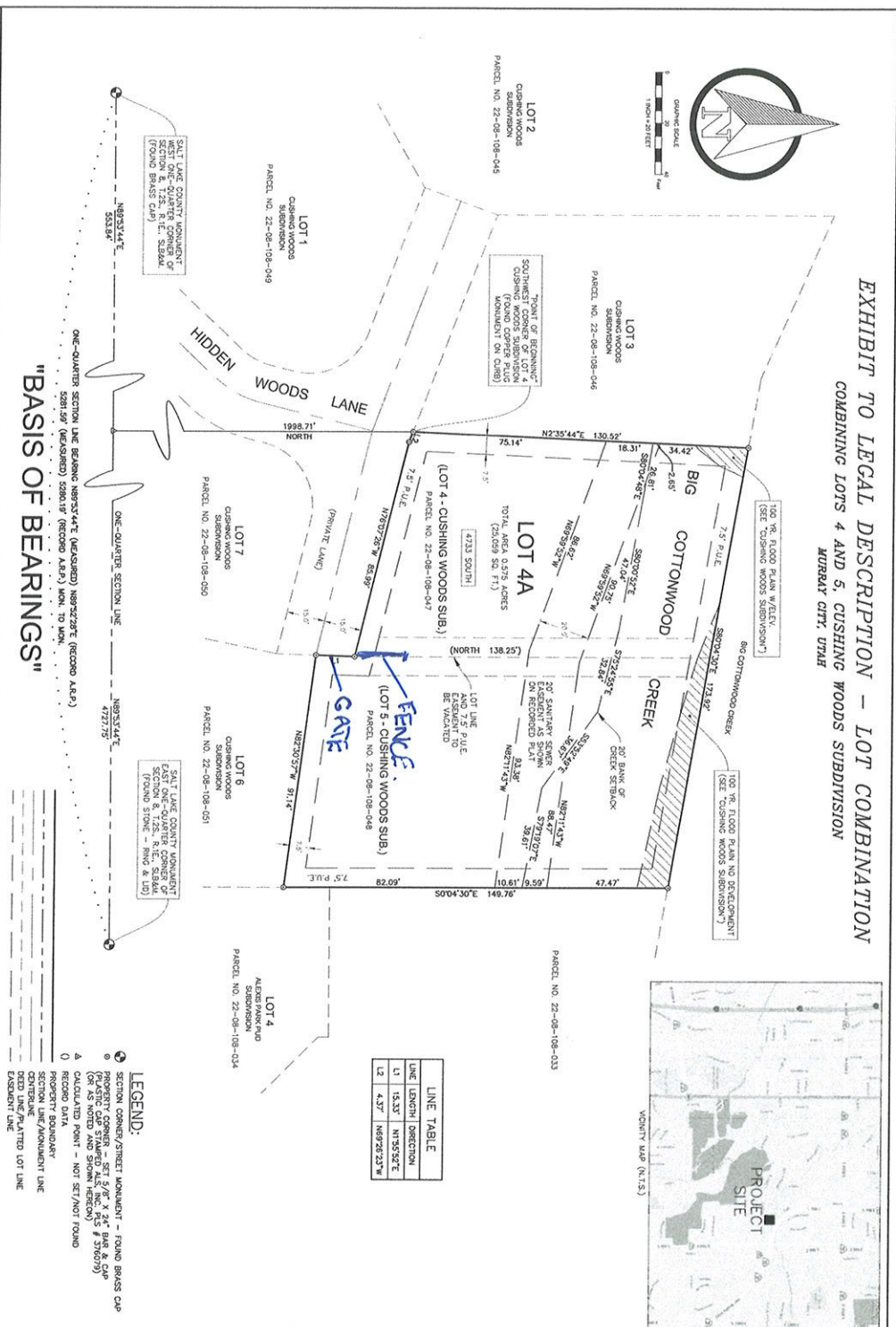
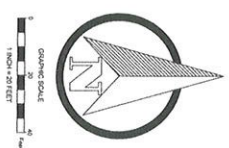
SCALE: 1" = 20 FEET

SHEET 1 OF 1



PROFESSIONAL LAND CONSULTING SERVICES
 PLANNING • LAND SURVEYING • DEVELOPMENT
 P.O. BOX 425, LEHI CITY, UTAH 84043 • 801.380.6225

EXHIBIT TO LEGAL DESCRIPTION - LOT COMBINATION
COMBINING LOTS 4 AND 5, CUSHING WOODS SUBDIVISION
 MURRAY CITY, TENN



LINE	LENGTH	DIRECTION
L1	15.33'	N193°55'E
L2	4.37'	N69°28'32\"

LEGEND:
 SECTION CORNER/STREET MONUMENT - ROUND BRASS CAP
 (PLASTER CAP STAMPED 'L.S. RICE & SONS 1893')
 (OR AS NOTED AND SHOWN HEREON)
 A ○ CALCULATED POINT - NOT SET/NOT FOUND
 PROPERTY BOUNDARY
 SECTION LINE/MONUMENT LINE
 CENTERLINE
 FENCE/UNPLATTED LOT LINE
 FOUND/1\"

SURVEYOR'S CERTIFICATE

I, JAMES PARKER, being duly sworn, do hereby certify that I am a registered land surveyor and that I hold the office of Surveyor for the County of Davidson, Tennessee, and that I am duly qualified to perform the duties of my office. I have personally supervised the execution of the foregoing survey and the preparation of the foregoing plat, and I am satisfied that the same are true and correct in accordance with the laws of the State of Tennessee. I have also examined the original field notes and computations of the survey, and I am satisfied that the same are true and correct in accordance with the laws of the State of Tennessee. I have also examined the original field notes and computations of the survey, and I am satisfied that the same are true and correct in accordance with the laws of the State of Tennessee. I have also examined the original field notes and computations of the survey, and I am satisfied that the same are true and correct in accordance with the laws of the State of Tennessee.

BOUNDARY DESCRIPTION

A PARCEL OF LAND LOCATED ON THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 1 EAST, COUNTY OF DAVIDSON, TENNESSEE, BEING THE SOUTHWEST CORNER OF LOT 4, CUSHING WOODS SUBDIVISION, PARCELS 22-08-108-045 AND 22-08-108-046, AS SHOWN ON THE PLAT HEREON, IS BEING SURVEYED AND PLATTED AS SHOWN ON THE PLAT HEREON. THE SURVEY IS BEING MADE FOR THE PURPOSE OF COMBINING LOTS 4 AND 5, CUSHING WOODS SUBDIVISION, PARCELS 22-08-108-045 AND 22-08-108-046, AS SHOWN ON THE PLAT HEREON. THE SURVEY IS BEING MADE FOR THE PURPOSE OF COMBINING LOTS 4 AND 5, CUSHING WOODS SUBDIVISION, PARCELS 22-08-108-045 AND 22-08-108-046, AS SHOWN ON THE PLAT HEREON. THE SURVEY IS BEING MADE FOR THE PURPOSE OF COMBINING LOTS 4 AND 5, CUSHING WOODS SUBDIVISION, PARCELS 22-08-108-045 AND 22-08-108-046, AS SHOWN ON THE PLAT HEREON.

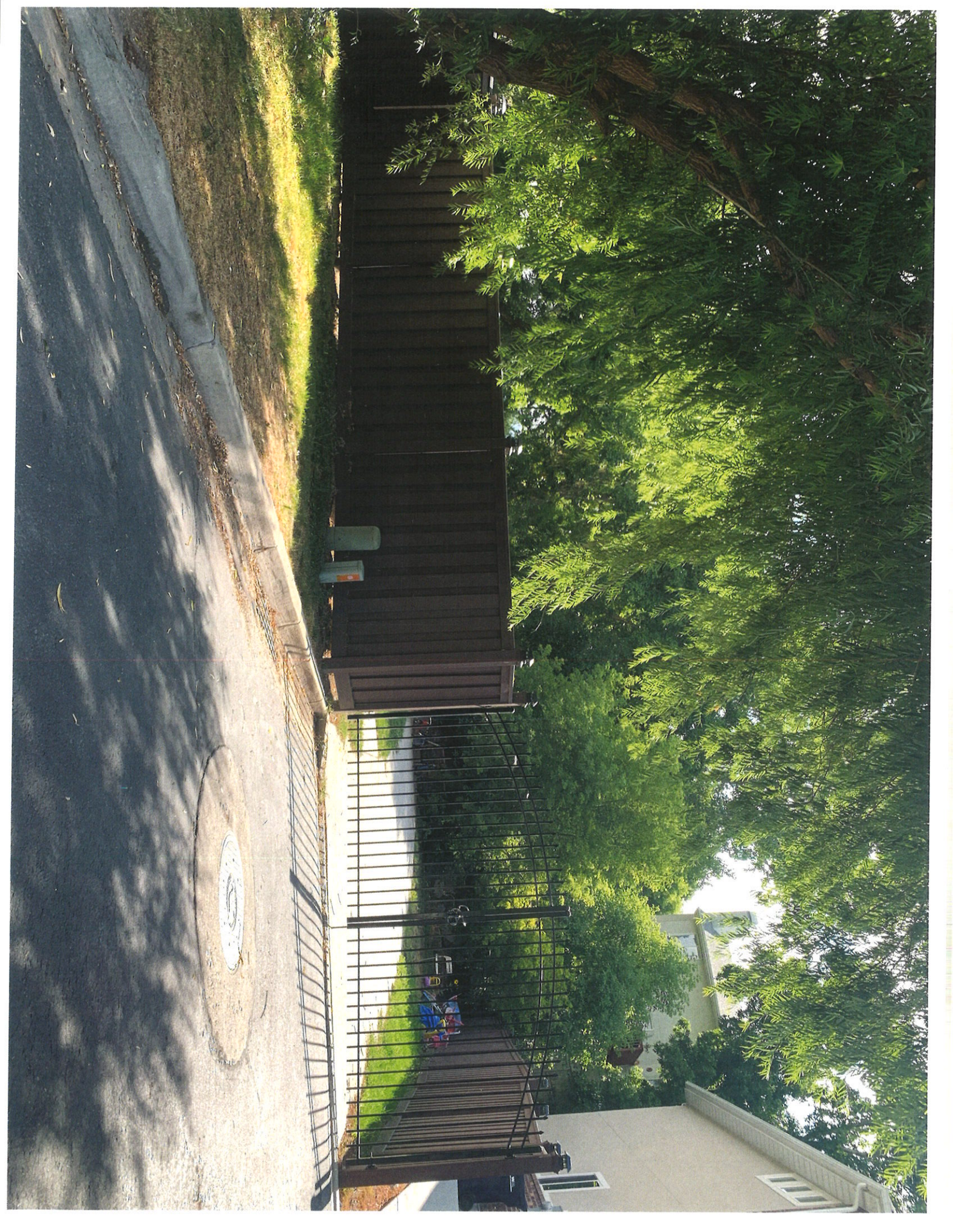
MARGARINE

AT THE REQUEST OF TONY HALL, THE PURSUEE FOR THIS SURVEY, MADE TO COMBINE THE PARCELS AS SHOWN HEREON.

RECORD OF SURVEY

APPLIED LAND SOLUTIONS, INC.
 PROFESSIONAL LAND CONSULTING SERVICES
 PLANNING, LAND SURVEYING, ESTABLISHMENT
 425 W. 10th St., Suite 100, Nashville, TN 37203
 TEL: 615-259-1100 FAX: 615-259-1101

James Parker





After recording, return to:

New World Investments LLC
c/o Anthony Hall
8132 Brighton Loop
SLC UT 84121

Affected Parcel ID Numbers: 22-08-108-047 (4733 South Hidden Woods Lane)
22-08-108-048 (4737 South Hidden Woods Lane)

**NOTICE OF APPROVAL OF
LOT/ PARCEL CONSOLIDATION
Amending Cushing Woods Subdivision, Lot #4 & Lot #5
New address for combined lot: 4733 South Hidden Woods Lane**

The Murray City Planning Commission hereby approves the application for lot/parcel consolidation that eliminates the boundary line between Parcels ID#'s: 22-08-108-047 and 22-08-108-048 (the "Lots/Parcels"). The original legal descriptions of the Parcels and the new legal description of the approved Lot Consolidation are attached as Exhibit A.

The lot/parcel consolidation of properties does not vacate or amend a public street, right-of-way or easement and does not result in a violation of any City land use ordinance. This Notice of Approval does not act as a conveyance of title of real property.

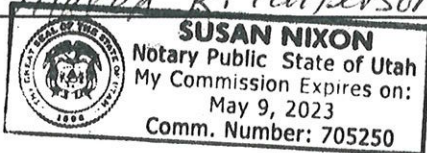
APPROVED by the Murray City Planning Commission on this 3 day of Feb, 2022.



By: Maren Patterson, Chair
Murray City Planning Commission

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 3rd day of February, 2022,

By Maren K. Patterson of the Murray City Planning Commission.




Notary Public

My commission expires 5/9/2023 Residing in Salt Lake County

14 June 2022

Murray City Planning and Zoning

Attention: Susan Nixon

REF.: Lot 4A Cushing Woods subdivision

Tony Hall / Fence variance

Dear Ms. Nixon

On behalf of the Cushing Woods Home Owners Association, we approve Mr. Halls request for a zoning variance to allow his existing fence to remain as-is. Especially to allow the current fence height to remain 6 ft. high for the full front setback on the line between Mr. Hall and his direct neighbor to the south.

Please call if you have any questions

Sincerely

A handwritten signature in black ink that reads "Craig L Ames". The signature is written in a cursive style with a large, looped initial "C".

Craig Ames / Manager Cushing Woods HOA

From: [Sandy Williams](#)
To: [Susan Nixon](#); [Antony Hall](#); [Craig Ames](#)
Subject: Variance
Date: Thursday, July 28, 2022 10:25:37 AM

I live next to Antony Hall and I would like to request variance for the fence between us.
I do NOT want to fence to be lowered
Sandra Fullmer



AGENDA ITEM # 3 - Aaron & Betsy Andrews

ITEM TYPE:	Expansion of a Non-Conforming Use/Building		
ADDRESS:	4734 South Hanauer Street	MEETING DATE:	December 14, 2022
APPLICANT:	Mark Hardy for Aaron & Betsy Andrews	STAFF:	Susan Nixon, Senior Planner
PARCEL ID:	22-06-357-010	CASE NUMBER:	1598
ZONE:	R-1-6, Low/Medium Density Single Family	PROJECT NUMBER:	PZ-22-162
SIZE:	0.27-acre lot 1,302 ft ² existing residence		
REQUEST:	The applicant would like to expand 1,055 ft ² to the existing dwelling. The home is currently nonconforming to the corner side yard setback regulations as written in Section 17.96.080 of the Land Use Ordinance.		



I. LAND USE ORDINANCE

Section 17.52.040 of the Murray City Land Use Ordinance allows for a building or structure occupied by a nonconforming use, or a building that is nonconforming as to height, area, or yard regulations to be added to, enlarged, or moved to another location on the lot subject to review by the Hearing Officer. The building on the subject property is nonconforming to side and rear regulations. The proposed changes will reduce the non-conformity and allow the property owner to add a second story.

II. PROJECT REVIEW

Subject Property + Background

The subject property is a single-family residence located on the southwest corner of Hanauer and Regal Streets. Salt Lake County records show that the property was built in 1907 and remodeled in 1995. The applicant provided the setbacks as shown below:

	Existing	Proposed	Required
North Corner Side (remain the same)	10'1"	Remain the same	Minimum of 20', both sides must equal 28'
South Side Yard (no changes)	33'4"	No changes	Minimum of 8', both sides must equal 20'
Rear Yard	83'	68'6"	*15'
Front yard (no changes)	28'2"	No changes	25'

* Homes constructed prior to 1987 are allowed a 15' rear yard setback per Code Section 17.96.080.D. *"Rear Yard: The minimum depth of the rear yard shall be twenty five feet (25'). Single-family structures which existed prior to April 7, 1987, shall meet a fifteen foot (15') rear yard setback requirement."* Staff has determined that the property is nonconforming to the corner side yard (north side) setback and the proposed addition would require a request to the hearing office for an expansion of a nonconforming structure.

Proposed Addition

The applicant's request for an expansion is to allow the property owner to remodel and add on to the rear of the home. The request will not bring the property into full compliance and will maintain the existing side yard setback nonconformity. For this reason, staff supports the applicant's request.

The proposed addition will slightly reduce the rear yard setback from approximately 83' to 68'6". The proposed rear yard setback with the addition is 68'6" and is much larger than the minimum required of 15 feet. Staff does not anticipate that the requested addition to the

home will increase the existing nonconformity on the property or cause a burden to neighboring property owners.

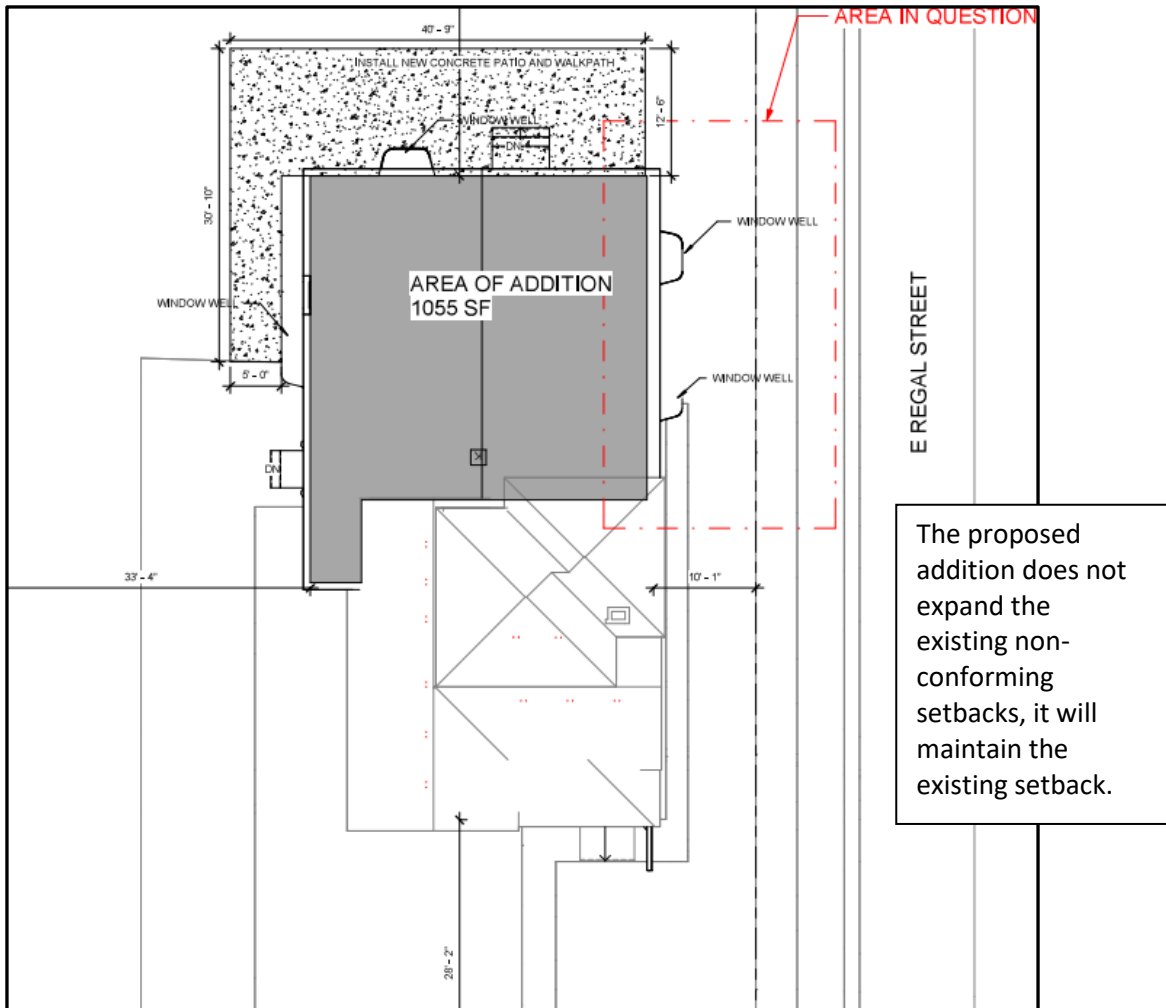


Figure 1: Applicants proposed site plan

III. PUBLIC NOTICE & COMMENT

Forty-eight (48) notices of the public hearing were mailed to all property owners within 300 feet of the subject property. As of the writing of this report, staff has not received any comments on the request.

IV. FINDINGS

The Hearing Officer acting as the Murray City Appeal Authority 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 is in harmony with the purpose of the R-1-6, Single Family Residential Zone that promotes and encourages family life by adding square footage to an existing single-family dwelling.

The proposed addition is in harmony with the following statements that are located in Section 17.04.020(D), (F), and (H) of the Murray City Land Use Ordinance:

- Preserve and create a favorable environment for the citizens and visitors of the city.
 - Reinvestment in existing dwellings contributes to a favorable environment for the citizens of the city.
- Foster the city's residential, business, and industrial development.
 - The proposed addition would allow for a more useable single-family home in an established area of Murray.
- Promote the development of a wholesome, serviceable, and attractive city resulting from an orderly, planned use of resources.
 - Reinvestment in this home will increase the property's value, and neighboring home values in the area as well.

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

Staff finds that the proposed addition will not impose any burden upon the lands located in the vicinity of the nonconforming structure. Staff does not have or anticipate any concerns with the proposed request.

V. CONCLUSION / RECOMMENDATION

Based on a review and analysis of the submitted material and applicable sections of the Murray City Land Use Ordinance, Staff finds that the proposal meets the standards for an expansion of a nonconforming structure and recommends **APPROVAL subject to the following conditions:**

1. The applicant shall obtain the appropriate Murray City Building Permits necessary for the proposed addition.
2. The proposed addition shall meet the setbacks as described on the proposed site plan.

4734 South Hanauer Street

R-1-6 Zone





HEARING OFFICER
NOTICE OF PUBLIC MEETING
December 14, 2022, 12:30 PM

This notice is to inform you of a public meeting scheduled before the Murray City Hearing Officer for **Wednesday, December 14, 2022, at 12:30 p.m.** in the Murray City Municipal Council Chambers located at 5025 South State Street regarding the following application: **Mark Hardy, representing Aaron & Betsy Andrews, is requesting an expansion of a non-conforming structure with regards to the corner side (north side) setback, in order to remodel and expand the existing home on the property located at 4734 South Hanauer Street.** Please see the attached plans. You may attend the meeting in person to provide public comment, or you may submit comments via email at planning@murray.utah.gov.

Comments are limited to 3 minutes or less and will be read into the meeting record.



This notice is being sent to you because you own property within 300 feet of the subject property. If you have questions or comments concerning this proposal, please call Susan Nixon with the Murray City Planning Division at 801-270-2430, or email snixon@murray.utah.gov.

Special accommodations for the hearing or visually impaired will be upon a request to the office of the Murray City Recorder (801-264-2660). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

Public Notice Dated November 29, 2022

HEARINGS OFFICER APPLICATION

Permit # 22162

Type of Application (check all that apply):

Variance Expansion of Non-Conforming Use Appeal

Subject Property Address: **4734 S Hanauer St, Murray, UT 84107**

Parcel Identification (Sidwell) Number: **22063570100000**

Parcel Area (acreage): **0.27** Current Use: **Residential**

Floor Area: **1302 SF** Zoning Classification: **R-1-6**

Applicant Name: **Mark Hardy**

Mailing Address: _____

City, State, ZIP: _____

Daytime Phone #: **801-891-5927** Fax #: _____

Email address: **mhardy5033@gmail.com**

Business Name (If applicable): **NA**

Property Owner's Name (If different): **ANDREWS, AARON; JT ANDREWS, BETSY; JT**

Property Owner's Mailing Address: **4734 S Hanauer St**

City, State, Zip: **Murray, UT, 84107**

Property Owner Email Address: Aaron Andrews 48 @ gmail .com

Daytime Phone #: 801-856-4039 Fax #: _____

Type of variance request, exact measurement, and reason for request: **We are assisting in providing a home add-on for the Andrews Residents. The add-on portion of the home is lining up with the current home setbacks. The existing required setbacks for the home is 20'**

Mark Hardy - Owners Representative

Property Owners Affidavit

STATE OF UTAH

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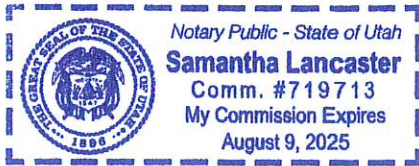
COUNTY OF SALT LAKE

I (we) Aaron Andrews + Betsy Andrews, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

Aaron Andrews
Owner's Signature

Betsy Andrews
Owner's Signature (co-owner if any)

Subscribed and sworn to before me this 3rd day of November, 2022.



S Lancaster
Notary Public

Residing in Salt Lake City

My commission expires: 8-9-25

Agent Authorization

I (we), Aaron Andrews, the owner(s) of the real property located at 4734 South Hanauer Street, in Murray City, Utah, do hereby appoint _____, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize

_____ to appear on my (our) behalf before any City board or commission considering this application.

Aaron Andrews
Owner's Signature

Betsy Andrews
Owner's Signature (co-owner if any)

On the 3 day of November, 2022, personally appeared before me

_____ the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.

S Lancaster
Notary Public

Residing in Salt Lake City

My commission expires: 8-9-25

VARIANCE ANALYSIS FORM

Permit # _____

(To be filled out by the applicant)

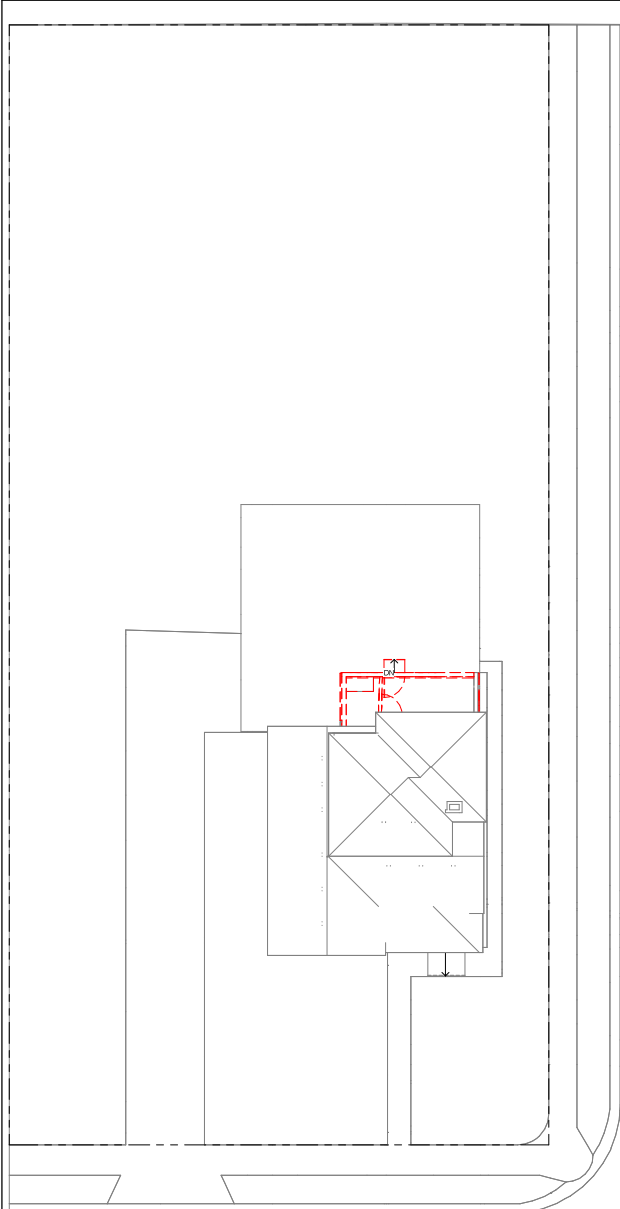
1. Is the applicant being deprived of property rights possessed by other property owners in the area? **No**

2. Is the problem caused by actions of the land owner? **We are doing a home remodel and Add-on.**

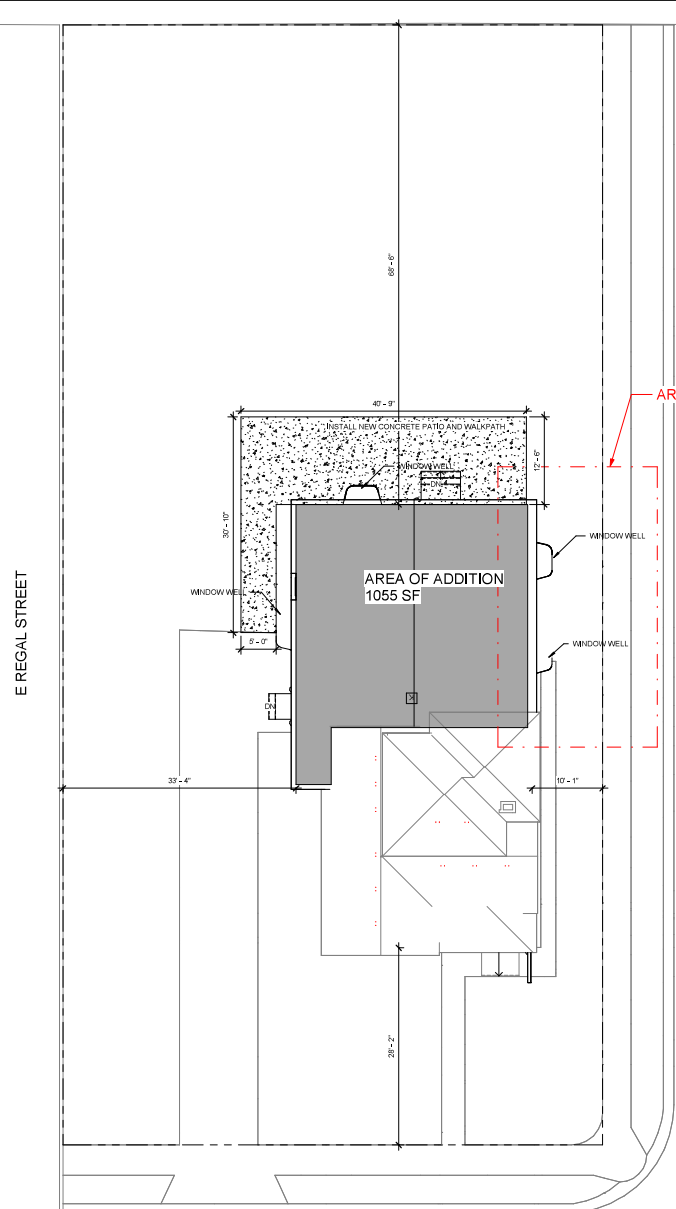


3. What special circumstances are associated with your property that is different from other properties in your zoning district? **The home was build with the earlier setbacks which are currently non-conforming. We will be building the add-on in line with the previously used side setback.**

4. What special conditions associated with this application constitute a hardship? **We will not need be able to do the home addition without the allowance of the conditional use.**



32-01 001 - EXISTING/DEMO S HANAUER STREET





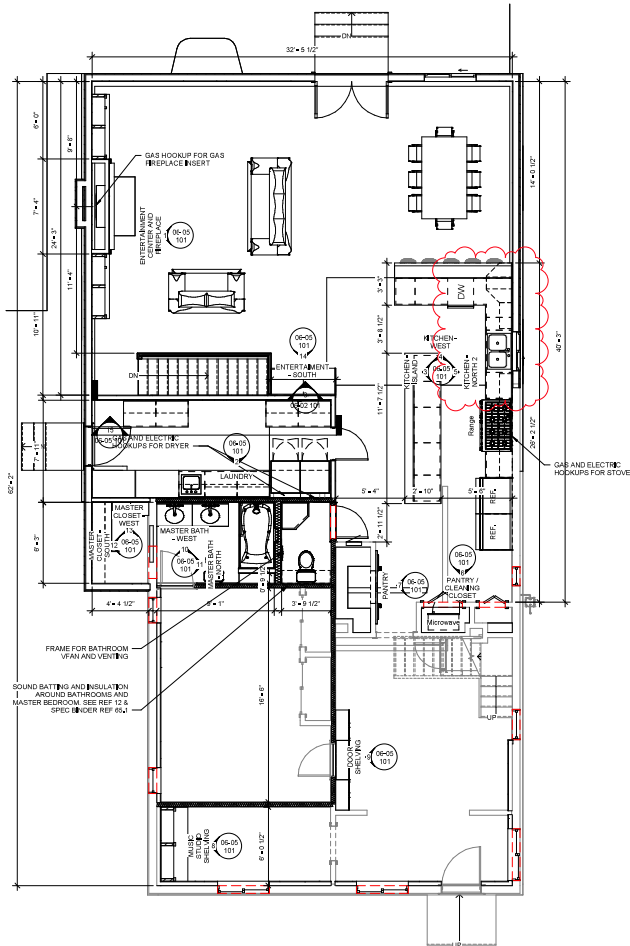
32-02 001 - SITE NEW S HANAUER STREET

32-00 001 - EXTERIOR IMPROVEMENTS

1. 32.14.00: PROVIDE AND INSTALL A CONCRETE SIDEWALK AND BACK PATIO
2. 07.46.00: PROVIDE AND INSTALL NEW SIKING FOR THE ADD-ON SECTION
3. 07.31.13: PROVIDE AND INSTALL ROOF AND SHINGLES OVER ADD-ON
4. 26.10.01: PROVIDE AND INSTALL OUTDOOR SENSOR LIGHTING
5. 03.50.56: PROVIDE AND INSTALL A 4" CONCRETE SLAB ON GRADE WITH GRAVEL

AREA IN QUESTION

 MANAGEMENT SERVICES	SCALE: 1/8" = 1'-0"
	4734 S HANAUER ST REMODEL 4734 S Hanauer St, Murray, UT 84107
	SITE EXISTING/ NEW
<small>850 WEST 5300 SOUTH SUITE 100 MURRAY, UT 84107 EMAIL: P@MSPSOLUTIONS.COM</small>	SHEET NO. 32-02 004 L-101



06-02 101 - FLOOR PLAN
1/4" = 1'-0"

03-00 001 - CONCRETE

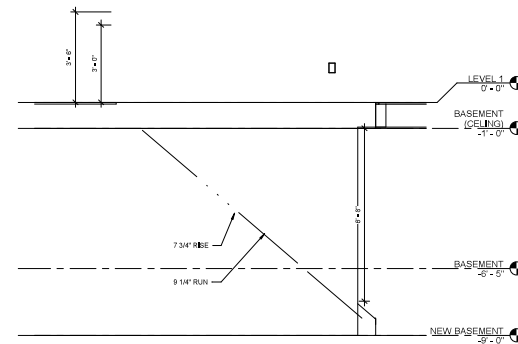
- 03.50.53 PROVIDE COMMON WORKS LABOR FOR CONCRETE
- 03.50.54 PROVIDE AND INSTALL NEW CONCRETE FOR FOUNDATION OF ADD-ON INCLUDING FOOTINGS AND FOUNDATIONS SPECIFIED BY ENGINEER (SEE STRUCTURAL ENGINEERING FOR DETAILS)
- 03.50.55 PROVIDE AND INSTALL NEW CONCRETE FOR PLUMBING LINE TRENCHES
- 03.50.56 PROVIDE AND INSTALL A 4" CONCRETE SLAB ON GRADE WITH GRAVEL
- PROVIDE AND INSTALL BASEMENT CONCRETE PAD (SEE STRUCTURAL ENGINEERING)

06-02 001 - WOODS PLASTICS AND COMPOSITES:

- 06.41.01 PROVIDE AND INSTALL DURABLE CUSTOM CABINETS AND CASING IN SPECIFIED LOCATIONS INCLUDING THE MASTER BEDROOM ENTRANCE, MASTER BATHROOM, PANTRIES, LAUNDRY, BASEMENT UTILITIES, BEDROOMS, BATHROOMS, REPLACE OFFICE AND STUDIO ROOM
- 06.41.02 FRAME ALL NEW WALLS FOR ROOMS/BEDROOMS INCLUDE THE FUR WALL OVER THE EXISTING EXTERIOR BRICK
- 06.41.03 PROVIDE AND INSTALL ALL CABINETRY HARDWARE
- 06.46.00 PROVIDE AND INSTALL BASE, TRIM, FIRE PLACE SURROUND, AND CROWN MOLDING ETC. INCLUDE ALL APPLICABLE AREAS.
- 06.46.02 FRAME AND INSULATE EXISTING BRICK EXTERIOR WALLS
- 06.46.03 RAISE KITCHEN CEILING TO BE LEVEL WITH REST OF KITCHEN CEILING
- 06.46.04 PROVIDE AND REINSTALL ALL SUBFLOOR AND FRAMING THAT WAS DAMAGED AND REMOVED. INCLUDE ALL NEW SUBFLOOR
- 06.46.05 PROVIDE AND INSTALL ALL NEW STRUCTURAL MEMBERS AS REQUIRED INCLUDING TRUSSES, RAFTERS, BEAMS AND POSTS (SEE STRUCTURAL PLANS AND SPECIFICATIONS)
- 06.46.06 PROVIDE AND INSTALL ALL NEW SHEATHING FOR THE ROOF
- 06.46.07 PROVIDE AND INSTALL FRAMING FOR NEW STAIRS
- 06.46.08 SEAL OFF EXISTING BASEMENT ACCESS FROM KITCHEN
- 06.43.00 PROVIDE AND INSTALL ALL NEW STAIR RAILINGS
- 06.10.10 PROVIDE AND INSTALL ALL BLOCKING FOR ALL WALL HUNG AND RECESSED EQUIPMENT INCLUDING (DOOR STOPS, MIRRORS, BATHROOM TRIM SETS, TV AND SPECIALTY EQUIPMENT, CABINETS, SHELVING, ETC.)
- 06.43.00 PROVIDE AND INSTALL ALL NEW STAIR RAILINGS TO 42" HEIGHT, SEE SPEC UNDER REF. 33 & 33.1

07-02 001 - THERMAL AND MOISTURE PROTECTION:

- 07.92.00 SEAL ALL NEWLY INSTALLED ROOF PENETRATIONS
- 07.21.00 PROVIDE AND INSTALL FURRING WALL INSULATION
- 07.10.00 PROVIDE AND INSTALL TYVEK FOR A ALL NEW EXTERIOR WALLS
- 07.10.01 PROVIDE AND INSTALL ICE AND WATER SHELDING FOR THE ROOF
- 07.21.13 PROVIDE AND INSTALL 30 YEAR ASPHALT SHINGLES FOR THE OLD ROOF AND THE ADDON
- 07.10.03 PROVIDE AND INSTALL ASPHALT EMULSION ON ALL NEW FOOTINGS AND FOUNDATIONS
- 07.21.01 PROVIDE AND INSTALL ROOF (RIB) AND WALL INSULATION(ROCK)
- 07.71.00 PROVIDE AND INSTALL RAIN GUTTERS AND DOWNSPOUTS
- 07.46.00 PROVIDE AND INSTALL EXTERIOR SIDING FOR THE ADDON
- 07.21.02 PROVIDE AND INSTALL REDWOOD AND TRIP TO PREVENT THE TRANSFER OF CHEMICALS TO THE FOOD IN THE PANTRY NEAR THE CLEANING CLOSET
- PROVIDE AND INSTALL SOUND BATTING AND INSULATION AROUND BATHROOMS AND MASTER BEDROOM
- Sound Barrier Kit-Wincoor (aka SKU: WCR-10), Metal Furring, flat channel SKU: TMSH-12, green blue diamonds sound tubes sku: GG612, 192, TMS high quality acoustical sound caulk SKU: TMSAC012, Seal for soundproofing outlet and light boxes, Automatic door bottom-base SKU: DSZ351AA36, Door seal-sill adhesive tearstop SKU: DSZ24885-BK, Soundproof door saddle 1/8" height SKU: DSZ564A36



STAIR DETAIL
1/2" = 1'-0"

<p>MANAGEMENT SERVICES</p> <p>615 WEST 5300 SOUTH SUITE 100 MURRAY, UTAH 84103 801.468.8588/MSA/UT</p>	<p>SCALE: As indicated</p> <p>4734 S HANAUER ST REMODEL 4734 S Hanauer St, Murray, UT 84107</p>
	<p>FLOOR PLAN</p> <p>SHEET NO. 06-02 101 AI-101</p>





Regal St
Hanauer St

MISSOURI
E85-67H

1000
1000
1000
1000

Regal St





4784

From: [Chris Brown](#)
To: [Susan Nixon](#)
Subject: For Murray City Planning Meeting Scheduled for 12:30pm on December 14, 2022
Date: Monday, December 5, 2022 11:13:19 AM

Susan Nixon,

This is regarding Aaron and Betsy Andrews' request for expansion at 4734 South Hanauer Street.

I own a home at 4748 South Hanauer Street, the second house south of the subject property.

Please record my support of both their home expansion as well as expansion within the setback on the North side.

Thank you,

Chris Brown
4748 Hanauer St.
Murray, UT
801-990-3956