

Minutes of the Hearings Officer meeting held on Monday, May 14, 2014, at 12:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Scott Finlinson, Hearing Officer  
Tim Tingey, Administrative and Development Services Director  
Brad McIlrath, Assistant Planner  
Citizens

#### APPROVAL OF MINUTES

There were no minutes to approve as this was the first Hearings Officer meeting.

#### CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

#### CASE #1487 - SPRINT – 820 East Woodoak Lane – Project #14-50

Darren Johnson was the applicant present to represent this request. Brad McIlrath reviewed the location and request for approval for an expansion of a non-conforming communications facility located at the property addressed 820 E. Woodoak 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 Hearing Officer. The applicant is requesting approval to replace three existing antennas with three new antennas with attached remote radio units. The applicant is also seeking approval to upgrade some equipment at the base of the communications monopole. As of the date of this report Murray City staff has received public input regarding the request. Staff was contacted by the property owner of the property east and directly adjacent to this property. The property owner expressed concerns that their parking lot is used for access and maintenance of the facility. There is an access gate for this facility which is used by workers for repairs and maintenance. The property owner stated that work trucks are parked on their property which impedes traffic circulation and reduces the amount of parking spaces available for the tenants of businesses on that property. The parking on that property meets the minimum standard for parking spaces required, but as the property owner stated, when the work trucks are parked there, the property does not meet the minimum parking standards required by the City. He stated that they would like to have that access gate removed and to make sure that work trucks access the facility through the storage facility and not by way of their property. By removing the access gate and ensuring that work trucks access the facility by way of the storage units, traffic circulation and the minimum parking standards will be met on east property adjacent to this facility. 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 condition; the applicant shall obtain the required building permit for the expansion prior to construction.

Darren Johnson, 243 Bunker Hill Road, present on behalf of Sprint. Mr. Finlinson asked Mr. Johnson how often there would be trucks on the property. Mr. Johnson stated that there are only trucks on the property for maintenance, it's very minimal. Mr. Tingey

stated that staff is not recommending any condition to parking; this is something that the property owners can work out through negotiating. Staff does not feel the impact is significant enough that it warrants a condition.

Mr. Finlinson opened the meeting for public comment. No public comment was made and that portion of the meeting was closed.

Mr. Finlinson stated that a decision will be made and a report will be available in one week at the Public Works Building, 4646 South 500 West.

CASE #1488 – SPRINT – 1326 East 5600 South – Project #14-55

Craig Chagnon was the applicant present to represent this request. Brad McIlrath reviewed the location and request for Hearings Officer approval for an expansion of a nonconforming communications facility located in the C-N-C zone at the property addressed 1326 East 5600 South. 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 hearings officer. The C-N-C (Commercial Neighborhood Conditional) zone does not allow a new communications facility at this location, but an addition or expansion of a nonconforming use may be approved as authorized by the Murray Hearings Officer. This communications facility was constructed in the Salt Lake County before this area was annexed into Murray City. Sprint is proposing to add three new 61 inch long antennas to the existing structure. The proposed expansion is approximately 190+ feet from adjacent residential structures and there is very minimal impact associated with this proposal. 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 of a nonconforming use. Therefore, staff recommends approval subject to the following condition; the applicant shall obtain the necessary building permit prior to construction.

Craig Chagnon, 3222 Holly Hawk Hill, stated that he works for Crown Castle who is the actual tower owner and he is representing Sprint as the applicant.

Mr. Finlinson opened the meeting for public comment. No public comment was made and that portion of the meeting was closed.

Mr. Finlinson stated that a decision will be made and a report will be available in one week at the Public Works Building, 4646 South 500 West.

CASE #1490 – NICOL NEWTON – 5763 South Lindon Street – Project #14-59

Shawn Knowlden was present to represent this request. Brad McIlrath reviewed the location and request for a variance to the rear yard separation standard required between dwellings and accessory buildings for the property addressed 5763 S. Lindon Street. Murray City Code Section 17.100.090.E. A rear yard accessory building must be located six feet (6') or more behind the dwelling in the R-1-8 zoning district. The purpose of the standard is to preserve open space in yard areas and to provide separation from buildings in rear yard setback areas. The proposal which has prompted the application is to construct a rear addition to the main dwelling which will not comply with the rear yard

separation standard of six feet (6'). The standard is measured from the most rear portion of the dwelling parallel to the rear property line. A portion of the expansion may be completed with compliance to the separation standard, but the remaining expansion area requires approval of the variance request in order to be constructed. As part of the expansion, the applicant is proposing to maintain a six foot (6') separation between the main dwelling and the accessory structure. 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 does not meet the standards for a variance. Therefore, staff recommends denial.

Mr. Finlinson clarified that the garage has been there for a number of years, so this is not a new rear yard building. Mr. Finlinson asked staff if it made a difference to staff if the garage was connected to the house so that it was not a separate building. Mr. McIlrath answered that if the garage is connected to the house then the house has to meet its own set-backs as well, which in this zoning district, if the home was constructed prior to April 15, 1987 then it has a 15-foot rear yard setback and it would also have the side yard setback which would be a minimum of 8 feet on one side and 12 feet on the other. Mr. McIlrath stated that when the site was reviewed the detached garage appeared to be closer than the minimum of 8 feet. Mr. McIlrath stated that the property owner could remove this detached garage and construct a garage to the side of the house, but it would have to meet the setback standards. There was conversation regarding the property lines and side yard setbacks for clarification. Mr. Finlinson asked if this was already non-conforming. Mr. McIlrath stated that it is not non-conforming, Mr. McIlrath addressed that portions of the addition do meet the standards of the ordinance; the addition on the front of the house meets standards, the only area that doesn't meet the standards is the area with the cross-hatch.

Shawn Knowlden, designer on the project, stated that he respects the City and doesn't want to do anything that is unsafe. Mr. Knowlden asked Mr. McIlrath to restate what the reason for the 6-foot setback from the property. Mr. McIlrath explained that the 6 feet was established in the ordinance to preserve open space in yard areas and to provide separation from buildings in rear yard setback areas. This is mostly to provide the separation between what is on the property owner's own lot. In reference to the other properties in the neighborhood, referring to the lot width that can be something that might cause a constraint in other situations but because it's a constraint that applies to all the other properties in the area it is not a hardship that is unique to this area. Mr. Knowlden asked if the ordinance is more for visibility or is it for actual fire dangers. He also stated that on the site plan there are some other homes that are built as far back as the addition that is being proposed on the lot, the owner wants a bigger, more open floor plan the space and feels that the area they are being allowed to setback within the 6 foot does not open the building enough to give the space that he is looking for. Mr. Knowlden stated that he respects the City's wishes and hope they will change their mind on this.

Lawrence Agbamey, 5763 South Lindon Way, he stated that the homeowner is trying to open the home up because the home is so small. Mr. Agbamey stated that the homeowner expressed that he will modify what he needs so that the City will agree. Mr. Agbamey stated that he had the same problem with his home in Lehi and the City was able to work with him and approve it. Mr. Agbamey brought photos to show what Lehi approved. Mr. Knowlden stated that he agrees with the City that there needs to be a setback, the building to the north of the garage is a greenhouse and the other house has quite the setback to the north. Mr. Knowlden stated that they are in compliance on the

side to the south. If the City won't allow us to connect to the garage, which he feels imposes no danger to the north building, and then he is just hoping for the back. There was a discussion regarding the garage. Mr. Knowlden stated that the area is growing around this property and that it might be in the City's best interest to let the area grow.

Mr. McIlrath stated that the propose was to make sure to have that open space area and providing separation between the main building and the other building, it still maintains a good residential character where things are open in the neighborhood and for future property owners that live there, it may be desirable for them to have a backyard versus having an area that is mostly covered with the home. In relation to the other properties to the lot width and things and the size of those homes, when it comes to the variance request, staff does want to look at the things that are going on around the property but still make a decision based on what is happening at this property.

Mr. Knowlden asked that if they were to connect to the garage that would leave more of the yard open, the City also has the ordinance that 25% of the yard needs to be grass and even with the additions it would be well within that percentage. If the City would allow this, Mr. Knowlden stated that they would be willing to add additional fire rating to the garage to the North side if that would help. Mr. McIlrath answered that if they were to attach the house, it then becomes part of the main dwelling so then it has to meet the minimum side yard setbacks which is 8 feet. There would need to be approval of a variance to that side yard setback as well. When it comes to lot coverage, the ordinance states that no more than 35% of the property could be covered in structures, it has to remain open.

Mr. Finlinson opened the meeting for public comment. No public comment was made and that portion of the meeting was closed.

Mr. Finlinson stated that a decision will be made and a report will be available in one week at the Public Works Building, 4646 South 500 West.

CASE #1491 – REDFISH INVESTMENTS – 5788 South 920 East – Project #14-61

Jeff Beck was the applicant present to represent this request. Brad McIlrath reviewed the location and request for approval for lot width variances for two lots at the property addressed 5788 South 920 East. Murray City Code Section 17.100.050. An interior lot must be a least 80 ft. wide in the R-1-8 zone. The applicant is requesting 15.5 ft. lot width variances in order to subdivide the property into two lots which will allow a new dwelling to be constructed on a new lot. There is an existing dwelling and garage on the property which are legal nonconforming regarding building setbacks. There is no change planned for the existing house or garage. The applicant is requesting lot width variances for two lots which will be 64.5 ft. wide, whereas the zoning ordinance requires an 80 ft. minimum lot width. The standards of the R-1-8 zone require that interior lots have a minimum width of 80 feet measured at the front setback line. The applicant proposes to leave the existing residence on the west lot and create a second lot to develop a home. The two proposed lots will each have 64.5 ft. width with over 8,000 sq. ft. per lot. This area was annexed into Murray City about 10 years ago. There are several existing lots in this neighborhood area that are 70 ft. wide which is less than the required 80 foot width. 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 a variance. Therefore, staff recommends approval of the variances for lot width.

Jeff Beck, 4434 S Butternut Road, stated that he feels like both lots will conform to the R-1-8 zone as far as square footage of the lots and approving this will enhance the neighborhood. Mr. Finlinson asked if the driveways are planned to be shared. Mr. Beck answered that each property will have its own driveway. Mr. Finlinson asked if the existing home is currently empty and if there is a ditch going through the property. Mr. Beck answered that the former homeowner recently passed away and the home is empty, there is a ditch that runs on the west side of the property.

Mr. Finlinson opened the meeting for public comment. No public comment was made and that portion of the meeting was closed.

Mr. Finlinson stated that a decision will be made and a report will be available in one week at the Public Works Building, 4646 South 500 West.

Meeting adjourned.

  
Tim Tingey, Director  
Administrative and Development Services