

Minutes of the Hearings Officer meeting held on Wednesday, June 25, 2014 at 12:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Jim Harland, Hearing Officer
Jared Hall, Community and Economic Division Manager
Brad McIlrath, Assistant Planner
Mark Boren, Assistant Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Mr. Harland opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Mr. Harland approved the minutes from May 28, 2014 as written.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

CASE #1494 – PAUL TAGGERT – 6125 South 900 East – Project #14-92

Preston Miller was the applicant present to represent this request. Brad McIlrath reviewed the location and request for Hearings Officer approval for a zoning variance or an accessory structure/garage to be located within the front yard area for the property addressed 6125 South 900 East. Murray City Code Section 17.92.090.K: Where prohibited: Accessory buildings and structures are prohibited in a front yard. All buildings and structures must be located in the side or rear yard. The applicant is proposing to demolish the existing home and construct a new home on this property. The proposed single family dwelling will be larger than the existing home and will be constructed in the same location on the property of the existing home. A detached accessory structure/garage is located to the west of the existing home and the applicant is proposing to maintain that structure for future use. The orientation of the existing dwelling and the new dwelling places this accessory structure within the front yard area. In order for the accessory structure to remain, the applicant must obtain approval of a variance to the standard outlined in Section 17.92.090.K of the Murray Municipal Code, which prohibits accessory buildings to be located in the front yard area. 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 with conditions:

1. A building permit shall be obtained from the Murray City Building Division prior to construction of the new single family dwelling.

Preston Miller, 4530 Butternut Road, Holladay, stated that he is representing Paul Taggert. Mr. Miller runs Mr. Taggert's estate while he is away. Mr. Miller stated that he has a letter from a neighbor stating that she does not object to this project. Mr. Miller also had some photos showing the property to share with staff and Mr. Harland. Mr. Miller stated that he hopes this project gets approved. Mr. Harland asked Mr. Miller to read the name and address of the person who submitted the letter. Mr. Miller read the letter from Paula Collins, "This letter is to inform you that we support the City in issuing a variance to allow the existing garage to stay where it is. We feel it would be a waste to

tear down a functional building that does not impact us negatively as neighbors.” Mr. Harland pointed out that the new home will have a larger square footage from the existing one, from the looks of the proposed drawings. Mr. Miller stated that the new home will be a little larger but it will be close to the same footprints. Mr. Harland asked what the existing garage is used for. Mr. Miller answered that the garage holds all Mr. Taggart’s belongings while he is gone.

Mr. Harland opened the meeting for public comment.

Kevin Miller, 6127 S 900 E, stated that he is not too concerned about the garage, but he is wondering about the whole impact of the actual construction of the building and what will happen with that. There have been a lot of concerns that the road although it is paved, it is very narrow, and with the heavy machinery what will happen to the road. Mr. Harland told Mr. Miller that this issue is not part of this project but since Mr. Miller came out to the meeting, hopefully he can get him an answer.

Mr. Preston Miller answered that Mr. Taggart has been working with the Building Department and has already been through most of the process for the permit, all City Departments have been met with, there will have to be an extended 6-inch water line for a fire hydrant. The road is not really a big issue; it won’t be impacted too much. Mr. Harland asked Mr. Preston Miller if he has had a chance to review the staff report and if he can comply with the one condition that staff has. Mr. Miller responded in the affirmative. Mr. McIlrath stated that when it comes to the building permit, regarding the road, it is a private road that is not maintained by the City. To staff’s knowledge, the road is not built to City standards and when it comes to anything that happens to the road, if there is a private road, any damages would have to be worked out with the homeowners. The Fire Marshall is requesting that there be another fire hydrant put in, in order to service this home and other homes in the area because of the length off of 900 East. They will also need to meet all building codes during the building process. Regarding the road, it will need to be researched more, but Mr. McIlrath believes that the road is private.

Mr. Kevin Miller stated that as neighbors they got together and had the road paved. Sewer lines and water lines were brought in when the road was paved. Mr. Harland stated that the road is not part of this process but he suggested that Mr. Miller and the neighbors get together and talk to Mr. Taggart and Mr. Miller about this issue and try to figure out a good solution to the problem.

There were no other comments made and the public comment portion of the meeting was closed.

Mr. Harland stated that a decision will be made and a report will be available in one week, July 2, 2014.

CASE #1495 – ST. JUDE CATHOLIC CHURCH – 4900 South Wasatch Street – Project #14-97

Art Pasker was the applicant present to represent this request. Mark Boren reviewed the location and request for Hearings Officer approval for a setback variance for the proposed rear yard building addition and an expansion of a nonconforming setback for a building expansion to the front of the existing church located at 4900 South Wasatch

Street. The applicant is also proposing to combine three parcels of property which includes the church and parking lot areas, to eliminate the requirement for a side yard setback variance. Murray City Code Sections 17.100.080A, 17.100.080D., and 17.52.040B. Front Yard: The minimum depth of the front yard shall be twenty five (25'). Rear Yard: The minimum depth of the rear yard shall be twenty five (25'). Single-family structures which existed prior to April 7, 1987, shall meet a fifteen foot (15') rear yard setback requirement. A building or structure occupied by a nonconforming use or a building or structure nonconforming as to height, area, or yard regulations may be added to or enlarged or moved to a new location on the lot upon a permit authorized by the hearings officer, provided that the hearings officer shall find: 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; and 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 applicant is requesting a rear yard setback variance for the proposed building addition and a building expansion to the front of the existing church. The applicant is proposing a "tower" addition to the north side of the existing structure that would house the elevator shaft and restrooms. The "tower" would extend to the lower floor which will also include new restrooms. The church representatives are trying to determine if an expansion of the current structure is cost effective compared to demolition and construction of a new facility. They are also proposing to extend the existing structure to the west to increase the seating capacity, expand an alter area on the main level and build a new kitchen area in the extended portion of the lower level. The proposed addition will provide fifteen feet (15') of aisle space for one way traffic around the back of the building and access to the parking area on the south side of the property. 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 and that the proposal meets the standards for a variance. Therefore, staff recommends approval with conditions:

1. The three parcels of property with the church and parking lot area shall be combined into one parcel of property prior to application for a building permit.
2. The applicant shall obtain a building permit prior to construction and the proposed addition shall comply with applicable building and fire codes.

Art Pasker, 5263 S 300 W, stated that he is the architect for this project. Mr. Pasker stated that he didn't have much to add, except that the property owners also own the property to the North and to the South; they also own the triangular piece to the West. If the building addition is put on the West side, the distance if we go back twenty-three or twenty-five feet with the building would give a twenty five foot rear-yard to the triangle on the West side, so that is also a possibility. Mr. Pasker stated that he is unaware of the property owner's priorities with the back and front addition. The necessity of the front addition is easy access for funeral services. The other problem is that the restrooms for the facility are in the basement.

Mr. Harland explained that the variance for the rear will give them the 15-feet. There was discussion regarding the front where the elevator and restrooms would be located. Mr. Pasker stated that the distance for the 6-foot that is setback now for the stairs could be moved to the west. It would take some study to take the stairs halfway down to the east and then split them and have them go the other way. Mr. Harland stated that the church

is looking at this as a proposed project and studying the feasibility of doing this and how much they could afford, but they wanted to get approval from the City first. Mr. Pasker answered in the affirmative. Mr. Harland asked Mr. Pasker if he has had an opportunity to read the staff report and if he can comply with the two conditions. Mr. Pasker answered in the affirmative.

Rich Tavish, 3264 W Corrine Drive, stated he is the President of the St. Jude's Parrish Council. Mr. Tavish stated that St. Jude's church was built in 1927, since then nothing has been done to improve it. The restrooms are not upstairs and although the restrooms are in the basement, they are not handicap accessible. The front stairs going up to the church, are quite the hike and even though there has been a small elevator lift installed on the side, many of the members of the church are getting old, and the elevator is slow. The elevator does not go down to the basement so the older members or handicap members cannot get down to the basement. The new elevator will go to the basement. Mr. Tavish stated that as far as he is aware, the neighbors are supportive of this project, but they do own the property to the north, south and primarily to the west. Traffic flow direction is currently one way and this would have to be continued. Mr. Tavish stated that they would like to complete this project in two phases. Primarily doing the first phase, the front of the church, and then at a later date, do the addition to the back of the church. Mr. Tavish stated that they are not a huge community, they do not have a lot of money so they would like to have this done in sections and have the plans ready so they know what they need to accomplish.

Mr. Harland opened the meeting for public comment.

Janice Strobell, 4912 Wasatch Street, stated that the property just south of the church was purchased by the church a few years ago and she owns the property that abuts that north property line. Ms. Strobell stated that she has lived at this property since 1995, and stated that she has been part of this community for a long time. Ms. Strobell stated that if there were neighbors that were not in favor of this, they would be at this meeting. Ms. Strobell stated that the church has always been very considerate of the neighbors in the community. Ms. Strobell stated that she feels that the community has a good working relationship with the church. Ms. Strobell expressed that this project will not have a negative impact on the community and she is in favor of it and hopes that the City will approve it. She explained that the neighborhood is concerned about the historical factor of the church and the neighboring homes and would hope that whatever gets built will be in harmony with the history. Ms. Strobell stated that the people of the community love the bell and they are happy to have the bell hung and be more of a highlight for the building. Ms. Strobell expressed that she feels that the community should get involved with the funding to get this project accomplished.

Rich Tavish, 3264 W Corrine Drive, stated that it is the church's intent to maintain historical appeal of the church. They would like to keep the historical beauty of the church. As far as the properties on either side, it is not the church's intent to include those in the plot change.

Art Pasker, 5263 S 300 W, stated that regarding the character of the building, the one thing they are going to have a hard time doing is matching the brick color with the brick from 1927. The shape of the brick will be the same but we are going to struggle matching the color, but they will try to match the color as close as possible. Mr. Pasker

has checked with the building department and code with seismic upgrade and it will be able to handle that with the additions and it will not impact the current structure.

No more public comment was made and that portion of the meeting was closed.

Mr. Harland stated that a decision will be made and a report will be available in one week, July 2, 2014 at the Public Works Building, 4646 South 500 West.

CASE #1496 – PROMPT CAR WASH – 4756, 4774 & 4780 South State Street and 67 East 4800 South – Project #14-99

Panagiotis Arvanitis was present to represent this request. Brad McIlrath reviewed the location and request for Hearings Officer approval for an addition to a nonconforming use for the properties addressed 4756, 4774, 4788 S. State Street, 67 East 4800 South, and 67 East 4800 South #Rear. 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 applicant is proposing an expansion/remodel of the existing nonconforming car wash building. The proposed remodel will include a new office and lobby, an enlargement of the car detailing area, and a remodel of the existing parking area to provide nineteen (19) self-service vacuum stations. The submitted plans show a total of seven (7) parking spaces at the north end of the properties that will be used for employee parking. The applicant has indicated that there are ten (10) employees working during peak hours of operation. The employee parking layout will need to be adjusted in order to provide sufficient parking for peak hours of operation. The subject properties are located within the Murray City Center District (MCCD) which has specific design standards. The design standards include requirements for building materials, colors and lighting. With compliance to these standards and others of the MCCD, the proposed expansion will be in harmony with the purposes of the Murray City General Plan and Zoning Ordinance. The proposed change will not impose any unreasonable burden to adjacent properties in the vicinity. The Winger's Restaurant will continue to have parking that meets the current standards of the Murray City Center District (MCCD). By combining the commonly owned properties, the buildings will comply with building code standards by not crossing over property lines. 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 with the following conditions:

1. The properties shall be combined and recorded by plat or quit claim deed with the Salt Lake County Recorder's Office with a copy provided to the Community Development Division prior to the issuance of a Murray City building permit.
2. The employee parking area shall be modified to provide a total of ten (10) off-street parking spaces. The minimum amount of parking spaces required for the maximum amount of employees during peak hours of operation.

Mr. Harland asked Mr. McIlrath if landscaping is part of this approval. Mr. McIlrath answered that in order for this to happen, the applicant will need to get a certificate of appropriateness and as part of that process, the landscaping, colors and materials will

be addressed with that. Before it goes through that process, it has to be approved by a Hearings Officer. Mr. Harland clarified that the issue here is the non-conforming use or the expansion of a building or remodel of a building. Mr. McIlrath answered in the affirmative.

Panagiotis Arvanitis, Peter, stated that he doesn't have much to add, this is just being done to help operate the business easier. Mr. Arvanitis explained a few things that were misunderstood. The finish end is where the garage doors are now is where the wash exit is. Several years back because of the attempt to do things practically, the third lane to the left was where detailing was started about 6 years ago. At that point, washes were the only things offered. The idea was to build the business up and make enough money to justify expanding the building. Mr. Arvanitis stated that now that the business has grown, they need more space. Mr. Arvanitis explained that when the lanes were originally built, the plan was to have four lanes and that is why the current three lanes are so wide. Mr. Harland asked Mr. Arvanitis if he has had an opportunity to review the report and if he will be able to comply with the two conditions. Mr. Arvanitis answered in the affirmative. Mr. Arvanitis stated that when it comes to combining parcels that is already underway and should be completed within the next few weeks.

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

Mr. Harland stated that a decision will be made and a report will be available in one week, July 2, 2014 at the Public Works Building, 4646 South 500 West.

OTHER BUSINESS

There was no other business.

Meeting adjourned 1:30 p.m.

Jared Hall, Division Manager
Community and Economic Development