

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

Present: Scott Finlinson, Hearing Officer
Jared Hall, Manager of Community Development Division
Ray Christensen, Senior Planner
G.L. Critchfield, Deputy City Attorney
Applicants

Mr. 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 # 1501 – NICK YOUNG – 5374 South Alpine Drive – Project #14-127

Cameron Duncan was present to represent this request. Ray Christensen reviewed the location and request for variances for creation of a flag lot at the properties currently addressed 5372 and 5374 South Alpine Drive. Murray City Code Section 17.76.140. H. The access strip portion of a flag lot shall be at least 28 ft. wide for its entire length, shall be paved 20 ft. wide, shall have four feet of landscaping on each side of the paved drive way, and shall front on a dedicated street. The applicant recently made application to the Murray Planning Commission meeting dated October 2, 2014 for subdivision approval for a boundary line amendment of lots 7 and 8 in the Alpine Gardens Subdivision. The Murray Planning Commission recommended approval of the boundary line amendments subject to five conditions of approval. The subdivision boundary amendments have not had final approval by the Murray City Engineer and has not been approved for recording yet with Salt Lake County Recorder's Office at this time. The applicant has requested to proceed with the application for variances to the Hearings Officer subject to approvals for amended lots 7 and 8 by the City Engineer and Salt Lake County Recorder's Office. The applicant is requesting landscaping and paved driveway width variances for the proposed flag lot. The zoning regulations requires a minimum 20 feet wide paved driveway and a four ft. wide landscape strip on each side of the driveway whereas the applicant is showing a 16.1 foot wide driveway at the narrowest point between the existing house and property line and not to install the 4 foot wide landscape strip at the north side of the driveway.

The flag lot regulations for single family residential lots includes specific paved driveway width for emergency access and the required 4 foot wide landscaping will allow for building setback from the edge of the paved driveway. With modifications to the existing house on the lot or to build a new house, the applicant can design structures on the lot in compliance with zoning regulations. With the proposed flag lot, the applicant is creating the situation for nonconformance to the flag lot regulations. With modifications to the existing house on the lot or to build a new house the applicant can bring the site into compliance with zoning regulations for a flag lot. The position of the dwelling will reduce the width of the driveway; the location of the house will be at the edge of the driveway without the four foot wide strip of landscaping. The location of the driveway will not allow the four foot wide strip of landscaping at the north side. A notice for the proposed variances was sent to neighboring properties on October 31, 2014, and as of the date of this report there has not been public comment regarding this request. 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 variances. Therefore, staff recommends denial of the variances.

Mr. Finlinson asked Mr. Christensen if there would be a third lot created behind lot seven and eight. Mr. Christensen responded that the proposal is to create a flag lot at the west area of lot 7 & 8. Mr. Finlinson asked if the only access to the lots would be the driveways. Mr. Christensen verified that the access to the rear property to the west would have be driveway that would be in between the two dwellings.

Cameron Duncan, 5384 Alpine Dr., with Ensign Engineering, stated that half of the living room and half of the kitchen would be eliminated if the variance is denied.

Mr. Finlinson stated that the home was built in the late 1960's and is approximately 2,000 sq. ft. He asked about the building envelope and setbacks for the new lots and the change in grade. Mr. Duncan responded that there is approximately one foot change in grade. This proposal would require the fire department approval in order for proper fire safety access

The meeting was open for public comment.

Dustin Carlson, 5384 Alpine Drive, stated he is the adjoining property to the south. He asked about the building envelope and setbacks for the new lots. He asked if Mr. Young intends to own both properties and the size of the future structures. Mr. Christensen stated the setbacks are 25 front and rear, 8 foot minimum side yard with a total of 20 feet. Typically on a flag lot, the dwelling will be setback off the required landscaping. The applicant is proposing a driveway easement across the front lot. Mr. Finlinson indicated that this application is regarding the variances only and does not include the future ownership of the lots or size of the future home(s).

The public comment portion of the meeting was closed.

Mr. Finlinson stated that he has enough information based on the record and what has been presented in this meeting to make a decision on the variance(s) request. Mr. Finlinson stated his formal decision will be made and a report will be available in one week, by November 19, 2014, and will be available at the Murray City Public Works Building, 4646 South 500 West.

CASE # 1509 – MURRAY WARHOUSE, LLC – 4859 South 190 West – Project #14-184

Jared Bracken was present to represent this request. Ray Christensen reviewed the location and request for variances for building setback, parking lot location, landscaping, driveway location including park strip and other street improvements at the property addressed 4859 South 190 West. Murray City Code Section 17.146.050.B The front setback for main buildings, excepting courtyards and plazas, shall be between fifteen feet and twenty five feet from the back of curb and gutter. Section 17.146.050.E. All front setback areas shall be landscaped in accordance with applicable sections of this title. Section 17.146.050.F. Parking and or driveways are not permitted in the front setback areas of any building. Section 17.146.050.K. Surface parking lots shall have a minimum setback of between 15 feet and 25 feet front the curb. Surface parking shall be located to the side or behind the building. The area between the sidewalk and the parking lot shall have a minimum of ten ft. of landscaping. In no case shall the parking be set back from

the street less than the building. 17.146.120: Access Improvements; A. Construction of new buildings shall include construction and installation of the adjacent sidewalks, park strips and other landscaping, curbs, gutters, lighting, and street furniture. B. Seven feet paved sidewalks and 8 feet landscaped park strip, street trees and grates, street lighting, benches, and bicycle parking racks. The applicants are requesting variances for building setback, parking lot location, landscaping, and driveway location in front of the building in the M-U Zone. This lot #7 is part of the Woodward Industrial Park which was approved and recorded at Salt Lake County in 1996. The zoning for this property at the time of subdivision approval was M-G-C (manufacturing general conditional) which has different development requirements than the M-U zone. Many of the lots have been developed with buildings in compliance to the M-G-C zone. The lot #7 area, lot shape, and location at the corner inside curve do not allow compliance to many of the regulations found in the M-U zone regulations. The only drive way access for this lot is at the corner of the curve. The building cannot be located within 15 to 25 feet from the back of curb because it will block the driveway. Parking stalls and landscaping will need to be designed to work with the lot shape and access into this property. There is a 15 foot wide power line easement across the property, but the Murray Power Department indicated the building will meet the clearance from the power line. The Murray City Engineer, Trae Stokes, reviewed the proposed site plan, sidewalk and park strip requirements for this location. He indicated the building is located at the end of a private road that has no existing sidewalk and no plans for future sidewalk so he supports omitting the sidewalk and park strip at this location.

Due to the shape of the lot, driveway access location requirement and the proposed position of the building to make the project work, 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 applicant will not be able to develop the project without variances. There are special circumstances with this property shape of the lot, the driveway location and access into the property that are different from other properties in the M-U zone district. The variances, if granted, would not substantially affect or negatively impact the purpose of the general plan or be contrary to the public interest because the unique and special circumstances with this property location. Due to the location of the driveway and building location on the property, it would not be possible to adhere to the M-U zone requirements with development of the property. A notice was mailed to the adjacent property owners on October 31, 2014, and as of the date of this report there has not been public comment regarding this request. 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 variances. Therefore, staff recommends approval of the variances.

Mr. Finlinson asked Mr. Christensen if the applicants are proposing to have landscaping along the parking lot. Mr. Christensen stated yes. Next to the parking on the west side there is a strip of landscaping, they are also proposing some landscaping up around the back of the building and along the sides of the building.

Mr. Finlinson asked if the proposal meets the parking requirements. Mr. Christensen responded with the variances the applicant may provide adequate parking and landscaping.

Jared Bracken, representing Think Architecture, located at 4630 Quail Park Drive, stated that due to the shape and orientation of the site and access to the property, they are very limited in the choices for building design.

Mr. Finlinson asked if how the slope of the property relates to the building footprint. Mr. Bracken said they will need to retain some of the property towards the back wall of the building. Mr. Bracken stated this project is similar to the neighboring properties. He explained that the building is comprised of storage, office and manufacturing areas.

The meeting was open for public comment. No comments were made and the public comment portion of the meeting was closed.

Mr. Finlinson stated that he has enough information based on the record and what has been presented in this meeting to make a decision on the variance requests. Mr. Finlinson stated his formal decision will be made and a report will be available in one week, by November 19, 2014, and will be available at the Murray City Public Works Building, 4646 South 500 West.

CASE # 1508 – BOULDER BAG – 224 West 4860 South – Project #14-182

Austin Day and Gene Chavez were present to represent this request. Jared Hall reviewed the location and request for the expansion of a non-conforming use for the addition of new carports onto the existing building located at 224 West 4860 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 Hearing Officer. The applicant has requested an approval to expand a non-conforming use or structure in order to attach a covered parking structure (carport) to the existing building on the subject property. The property is located within the Mixed Use (M-U) zone on .33 acres. The M-U zone has a unique setback requirement; buildings are required to maintain a front setback of no greater than 15-25 feet. The existing building setback on the property is greater than 25 feet, making it non-conforming to the setback regulation. Additionally, parking is specifically not allowed within the front setback in M-U zoning. Parking on this property is located exclusively within the front building setback, also making it non-conforming. Due to the existing site being non-conforming as to the front setback, and to the location of parking, the applicant has been required to seek an approval to expand the non-conforming use/building in order to pursue the addition of a covered structure for that parking. The zoning regulations consider the roofline of the building in measuring and analyzing setbacks. Because the parking canopy will be attached to the building, the covered parking essentially then brings the building setback more into compliance by moving it toward the street. However, the proposed plan would violate the required 15 foot setback (covering the furthest parking stall, which brings the building setback too close to the property line.) As a result, staff is recommending approval of the expansion to allow the covered parking, but also recommending that the Hearing Officer impose a condition requiring that the parking structure maintain the required 15 foot front setback. To date, no public input has been received regarding this request. The addition that has been requested provides covered parking for the building, and in so-doing improves the property and brings the setback of the building generally more closely into compliance with the Mixed-Use zone. It does not appear that the proposed addition of the covered parking will impose any burden upon properties or land in the vicinity.

Based on review and analysis of the application materials, 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 covered parking structure must be attached to the existing building on the property.
2. The addition shall be designed to accommodate the required 15 foot front setback of the Mixed Use zone.
3. The applicant shall obtain the necessary building permits for the installation of the structure, and abide by all regulations pertaining to it.

Austin Day, representing Custom Car Port, 11617 South Copper Rose Way, South Jordan, stated he is representing the owner of the property. He stated that the structural support of the last parking stall on the south side would be setback 9 feet. If they cannot include this stall, the setback would be 18 feet from the front property line. Mr. Hall stated that a 15 to 25 foot setback is appropriate. Mr. Finlinson verified that the roof line has to be 15 feet.

Gene Chavez, 224 West 4860 South, asked about the private road in relationship to the property line. Mr. Hall stated the ordinance stipulates the setback is measured from the right-of-way line, even though it may be a private road. Mr. Chavez stated they have a disabled woman and they wanted to have the portico in order to accommodate her, particularly in the winter season. Mr. Hall stated that property that you are talking about still would have violated the setback of 15 feet.

Mr. Finlinson stated that he viewed the 15 foot setback as necessary. Mr. Hall stated that this request is just for expansion of the use. He stated that to do exactly what the applicant wants, would require a variance, and for the same reason staff would recommend denial on the first variance and would probably have to recommend denial on a variance as well.

Gene Chavez stated that they designed this plan the way they did because it would look very nice and asked the question, if this is employee parking, who doesn't get their car covered? Mr. Finlinson stated that he didn't see a reason for granting a variance to come up past the 15 foot setback, but he did think that with the proposed conditions this would be approved.

Mr. Finlinson clarified with Mr. Hall that if the request is approved with the condition as proposed, that the proposal will work in regards to obtaining a building permit.

Mr. Finlinson stated that he has enough information based on the record and what has been presented in this meeting to make a decision on this request. Mr. Finlinson stated his formal decision will be made and a report will be available in one week, by November 19, 2014, and will be available at the Murray City Public Works Building, 4646 South 500 West.

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Meeting adjourned



Jared Hall, Division Manager
Community and Economic Development