

Minutes of the Hearings Officer meeting held on Wednesday, June 10, 2015 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. Mr. Finlinson stated his written decision will be available one week from today, Wednesday, June 17, 2015 after noon at the Community Development office. A copy may be picked up at the Public Services Building, 4646 South 500 West at that time.

CASE # 1512 – AARON OGDEN – 1358 East 6400 South – Project #15-43

Aaron Ogden was the applicant present to represent this request. Ray Christensen reviewed the location and request for a variance in order to construct a garage attached to the front of the house. Murray City Code Section 17.100.080 A. Front Yard Setback: The minimum depth of the front yard shall be twenty five feet (25'). The applicant is requesting a five foot front yard setback variance in order to construct a garage attached to the front of the house in the R-1-8 Zone. The lot and dwelling have no access directly to the public right-of-way. Instead, there is a driveway easement across the Jordan Valley Water Conservancy property which has a well house located abutting this property. The applicant has constructed a shed on the conservancy district property which needs to be removed. The applicant stated when the property was subdivided there may have been 12 feet taken from this property into the easement. We have no supporting document evidence to support this statement. Notice of the proposed variance was sent to neighboring property owners on June 1, 2015. As of the date of this report, no comments have been received. The dwelling structure on this property was constructed according to the standards of Salt Lake County prior to the annexation of this area into Murray City. This property is located in the R-1-8 zone and is at the end of a private easement on Jordan Valley Water Conservancy property. Generally other properties in the area have frontage on a public street. Due to the placement of the dwelling on the lot, there does not appear to be ability to construct a garage without some type of variance. Generally other property owners in the area have a garage or carport associated with a dwelling on the lot, whereas this property does not have a garage or carport. Granting the requested variance will allow the applicant to have a garage as other property owners in the area now have. 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 5 foot front yard setback variance. Therefore, staff recommends approval of the request for a variance of five feet to the required front yard setback in the R-1-8 zone with the following

conditions:

1. The storage shed located in the front of the dwelling, on the Jordan Valley Water Conservancy District property, must be removed before making application for a building permit for the new garage.
2. A building permit shall be obtained from the Murray City Building Division prior to construction of the new garage.

Aaron Ogden, 1358 E 6400 S, had no comments.

Mr. Finlinson asked Mr. Ogden if he was also adding a storage area behind the garage. Mr. Ogden stated that there would be a garage and a storage shed that would extend to the south end of the house. Mr. Finlinson asked Mr. Ogden how he felt about the requirement to move the existing storage shed. Mr. Ogden stated that it will be done by this Saturday.

No public comments were made.

Mr. Finlinson stated he has sufficient information to make his decision regarding the variance. He stated that he intends to approve the variance as requested, but the official written decision will be available next Wednesday, June 17, 2015 at the Murray City Community and Economic Development office, 4646 South 500 West, Murray.

CASE # 1514 – Q-6 ASSOCIATES, LLC – 5071, 5065, 5061 & 5059 S. Commerce Drive
– Project #15-64

Ryan Kimball was the applicant present to represent this request. Jared Hall reviewed the location and request for a variance to the setback requirements for buildings in the Mixed Use (M-U) zone due to location of the overhead power lines. Murray City Code Section 17.76.150 B requires that the front setback for main buildings shall be between fifteen feet (15') and twenty five feet (25') from the back of curb and gutter. The applicants have proposed developing a mixed use retail and multi-family residential project on the subject property. The development is comprised of two buildings, the westernmost building having frontage on both Vine Street and Commerce Drive. Because of power lines and easements on Commerce Drive, the westernmost building cannot be located in conformance with setback requirements of the M-U zone. As of the date of this report, no public input has been received related to this request for variance. The power lines and easements, combined with the zoning district imposition of a maximum allowed setback rather than minimum setbacks constitute a special circumstance on this property. No building can comply with the setback requirements of the M-U zone for this land fronting Commerce Drive due to the power lines and easements. The substantial property right involved is in fact the use of the property for development. Based on review and analysis of the application material, subject site and surrounding areas, 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 requested variance to the setback requirements of the M-U zone on the properties

located at 5071, 5065, 5061 & 5059 South Commerce Drive with the following conditions:

1. The variance is granted to allow a maximum setback of 30 feet for main buildings, as measured from the back of curb.
2. The variance is granted for buildings on the properties fronting Commerce Drive.

Ryan Kimball and Victor Kimball, 1000 South Main Street #104, had no comments.

No public comments were made.

Mr. Finlinson stated he has sufficient information to make his decision regarding the variance. He stated that he intends to approve the variance as requested, but the official written decision will be available next Wednesday, June 17, 2015 at the Murray City Community and Economic Development office, 4646 South 500 West, Murray.

The meeting was adjourned 12:43 p.m.



Jafed Hall, Division Manager
Community and Economic Development