

Minutes of the Hearings Officer meeting held on Wednesday, June 24, 2015 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, Manager of Community Development Division
G.L. Critchfield, Deputy City Attorney
Applicants

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

CONFLICT OF INTEREST

Mr. Harland stated that he has no conflicts of interest for this agenda. Mr. Harland stated his written decision will be available one week from today, Wednesday, July 1, 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 # 1515 – MARCY HEHNLY – 1453 East Vine Street – Project #15-79

Jessica Robles was present to represent this request. Jared Hall reviewed the location and request for variances for side yard setback, rear yard setback, and rear yard accessory building coverage in order to construct a new garage at the property addressed 1453 East Vine Street. Murray City Code Section 17.104.090 F. Side yard accessory buildings shall comply with the setback requirements for dwellings, which is 8 ft. minimum side yard setback. Murray City Code Section 17.104.090 E. An accessory building which is located in the rear yard must be located six feet or more behind the dwelling. Murray City Code Section 17.104.090 H. Accessory buildings and structures may not cover more than 25% of the rear yard area. The proposed garage is 18 ft. square with 324 total sq. ft. The applicant is proposing to remove the existing dilapidated garage, which is about the same size as the proposed new garage. The applicant plans to construct the new garage at the same location as the existing garage, at the North West corner of the property. The dwelling was built in 1932. The lot is small with .13 acre, which is about 5,663 total sq. ft. The zoning regulation requires a minimum side yard setback of 8 ft. for accessory buildings located in the side yard, whereas the applicant is proposing a 14 inches side yard setback. Accessory buildings which are located in the rear yard require a 6 ft. minimum setback to the rear of the dwelling, whereas the proposed garage will extend about three ft. in front of the back of the dwelling. The zoning regulations limit rear yard accessory buildings to 25% coverage of the rear yard area, whereas the proposed garage will cover about 28% of the rear yard area. The proposed 18 ft. square garage will allow for a two car garage. Notice of the proposed variance was sent to neighboring property owners on June 12, 2015. As of the date of this report, no comments have been received.

The dwelling on this property was constructed in 1932 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-1-10 zone. Generally other properties in the area have a garage in the rear or side yard and are on larger lots. Due to the location of the dwelling on the lot and the small lot size, there does not appear to be ability to construct a new garage without some type of variance. The replacement of the garage at the same location on the lot will not substantially affect the general plan and will not be contrary to the public interest for this property. The exiting house was built in 1932 in Salt Lake County, on a small .13 acre lot, which makes the siting of a new garage a compliance hardship. With the current

ordinance, these are circumstances which staff feels are peculiar to the property, and that create a hardship or deprive the owner of rights or privileges that are enjoyed by other properties in the district. 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 side yard setback, rear yard setback and coverage variances as proposed on the plans. Therefore, staff recommends approval of the requested variances with the following conditions:

1. A building permit shall be obtained from the Murray City Building Division prior to construction of the new garage.
2. The proposed garage shall comply with the requirements for clearance from utility easements, including power lines.
3. The driveway will need to be paved for access to the garage to comply with land use regulations (with final occupancy completion for the garage).

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

Mr. Harland 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, July 1, 2015 at the Murray City Community and Economic Development office, 4646 South 500 West, Murray.

CASE # 1516 – TRIPLE AAA MURRAY STORAGE – 5564 South 300 West – Project #15-81

Dave Greensides was the applicant present to represent this request. Jared Hall reviewed the location and request for a variance to the requirements for improvement to frontage landscaping, irrigation, concrete curbing and allowed driveway widths in the M-G-C zone. Murray City Code Section 17.152.100 requires that 10 feet of landscaping be provided along frontage not being used for drive access. The frontage of Anderson Avenue currently has no landscaping. Landscaping standards in Section 17.68 require automatic irrigation and for landscaped areas to be surrounded by 6 inch concrete curbing. Murray City Code Section 17.72.100 allows a maximum driveway width of 50 feet and a minimum driveway width of 25 feet. The application for variance to the improvements along the Anderson Avenue frontage of this property is the direct result of a plan to combine the two parcels adjacent to the north of the subject property on 300 West, adding more self-storage units to them and keeping the self-storage units on the subject property. The resulting site would then be operated as a single, large self-storage facility. The existing building on site houses 32 self-storage units, 16 of which are accessed directly from Anderson Avenue. The frontage of Anderson Avenue has not been improved with curb, gutter, drive accesses, or landscaping. Changes to the property (such as the proposed lot combination and new site development) would initiate the requirement of those improvements. Because the applicant wishes to add more land and additional storage units while continuing the use of the existing building as it is, they have made application for variances to the standards related to frontage improvements

on Anderson Avenue. As of the date of this report Staff has received no public comment related to the request for variance. The frontage requirements provide buffer to the right-of-way edge, facilitate appropriate storm water drainage, delineate public and private properties, and provide non-impervious surfaces (landscaping) that are important to alleviate the overall strain on public infrastructures for drainage. The requirement for minimum and maximum widths of driveways helps to assure that vehicular access to sites happens in appropriate and safe ways. Because of the lack of improvements, storm drainage does not function well in this area. Additionally, vehicles accessing the units are likely to back directly onto Anderson Avenue when maneuvering. Staff finds that these issues impact the General Plan negatively and while allowing the conditions that exist to continue as a non-conformity is undesirable but allowable. Staff finds that granting the property a variance to continue those conditions in perpetuity would be contrary to the public interest. When significant changes come to the site (as are being proposed) those aspects should come into compliance. Staff does note that a small variance to the depth of required landscaping on Anderson Avenue would protect the public interest and allow the other aspects of the improvements to be brought into compliance while still allowing the access and use of the existing building. The circumstances in this case are related to the way in which the property was developed and the frontage improvements that were not provided, and not to any peculiarity of the land or property itself. However, because the building was constructed without those improvements, staff can find that the imposition of the full depth of the landscaping requirement would limit access unreasonably, causing a hardship for the property owner.

The existing property condition is non-conforming to current standards and requirements. As a non-conforming property, the site can be utilized in its current condition, it can be maintained, and can be rebuilt in the event of destruction. However, it may not be expanded beyond the current property. The variance request represents an attempt to make significant changes to this site – by aggregating this property to other parcels, and then further developing those parcels – without correcting the non-conforming aspects of the site. It is Staff's finding that the variances as they are requested would be in violation of the goals and intents of the zoning ordinance, and not supportable. However, it is staff's finding that the variances as requested are not necessary to accommodate the development of the existing parcel in conjunction with the others. A simple variance of 2 feet to the landscaping requirement found in Section 17.52.100 will allow the necessary access to maintain use of the existing building on site while still requiring compliance with the other applicable standards. Staff determines that the variance of 2 feet is supportable under the analysis of variance standards.

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 proposed variances do not meet the standards of a variance, but that a variance of two feet to required landscaping will meet the standards for a variance. Staff recommends approval of a variance to Section 17.52.100 reducing the required landscaping adjacent to Anderson Avenue from 10 feet to 8 feet based on the findings as contained in this report and; Staff recommends denial of other requested variances to frontage improvements as contained in Section 17.68 requiring automatic irrigation and for landscaped areas to be surrounded by 6 inch concrete curbing and Section 17.72.100 allowing a maximum driveway width of 50 feet and a minimum driveway width of 25 feet based on the findings as contained in this report.

Chris Furstenau, First Construction, 708 W North Temple, stated he feels it is quite a hardship to require the applicant, Mr. Greensides, to have to cut off the access to some of the units with requiring the improvements and that the storage units have been operating for many years as it currently exists. Mr. Furstenau stated that there is a significant hardship for the business and for the people that are renting the units if they are required to install the improvements for the curb and gutter and landscaping if they have to do those two approaches instead of leaving it open. Mr. Furstenau feels it's reasonable to leave it the way it is but to make sure that it drains, to get the water to go where it needs to go, but leave the property so it can function the way the tenants have been using it.

Mr. Harland stated the city has a landscaping ordinance and improving the landscaping and curbing will help control the drainage and flow better. Mr. Harland explained that a conditional use permit approval process for a new business goes to the Planning Commission and the commission reviews conditional use permit requirements all the time with landscaping requirement. If it's new construction, a remodel of an area or a new type of business, the landscaping requirements kick in and each project has to comply unless a variance is granted, they're required to do the landscaping. Mr. Harland stated that they need to stick to the requirements as much as possible. Mr. Harland stated that staff is recommending the 8 foot depth of frontage landscaping as opposed to the required 10 foot depth of landscaping and that he is inclined to go along with that.

Dave Greensides, Triple AAA Storage, 450 East 2200 South stated that if they could get the 24 feet rather than the 20 feet. it would be real helpful and that would still allow for some green space.

Mr. Hall stated that staff wouldn't be opposed to increasing the variance as long as there is viable landscaping, if staff allows less than 4 feet depth of landscaping, it would not viable.

The meeting was open for public comment.

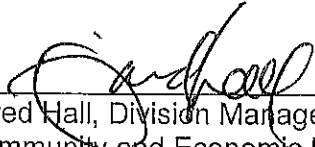
Tony Hendricks, 6175 Crystal River Drive, stated that he uses that road frequently to get to the hospital and he is constantly on that road. Mr. Hendricks stated he would love to see any improvements in that area. If the area is void of tenants because of their inability to access that area, Mr. Greensides is going to be hard pressed to find tenants that frequent it, which means it will be frequented by those that are less desirable, which will make it a less desirable thoroughfare for Mr. Hendricks and his family.

No other comments were made and the comment portion of the meeting was closed.

Mr. Harland 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, July 1, 2015 at the Murray City Community and Economic Development office, 4646 South 500 West, Murray.

The meeting was adjourned 1:12 p.m.

Hearings Officer Public Meeting
June 24, 2015
Page 5



Jared Hall, Division Manager
Community and Economic Development