

Minutes of the Hearing Officer meeting held on Wednesday, September 23, 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, July 30, 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 #1518 – STEVE & ROBYN BARNES – 6130 South 700 West – Project #15-116

Steven Barnes and Robyn Barnes were the applicants present to represent this request. Ray Christensen reviewed the location and request for a rear yard fence height variance to construct an eight ft. high solid fence in the rear yard at the property addressed 6130 South 700 West. Murray City Code Section 17.64.020 limits the height of solid fences and walls to six feet high within the rear yard area in the R-1-8 residential zone. The applicants have requested a two ft. fence height variance, to allow for construction of an eight ft. high solid symteck fence to be located in the rear yard area. (See the application, attached site plan, and attached fence detail from CFC Fences and Decks). There is an existing chain link fence on the property which is about four ft. high. The applicant stated the reason for the variance for an eight ft. high fence is due to flood lights shining from the neighbor's house to the west which is on a flag lot, noise from cars using the neighbors driveway and weed spray problems from the residents to the west. The usual standards for a variance in State Code relates to a property physical feature, which relates to the property that is unique, such as shape, topography, etc., that is preventing strict adherence to the ordinance. In Utah State Code hardships are not interpreted as being a personal or economic hardship. As of the date of this report, there has been one phone call from a neighborhood resident asking about the fence variance. 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 the proposal does not meet the standards for a variance. Therefore, staff recommends denial of the variance request for an eight ft. high fence.

Mr. Finlinson asked if the applicants would be in compliance if they were to build a 6 ft. fence. Mr. Hall stated yes.

Steven Barnes and Robyn Barnes, 6130 South 700 West, stated that the lights that are shining towards their house are pointing right at their window, and light up their back

garage as well as their 5th wheel trailer. Mrs. Barnes stated that there has been numerous times that both home owners have been burglarized so the home owners have lit up their yards with flood lights and even though they have installed blackout blinds in their bedroom window, light still shines through the window.

The meeting was opened for public comment.

Ken Lund, 6110 South 700 West, stated he lives to the North of the applicants and he has no problem with the 8ft. fence.

No additional comments were made.

Mr. Finlinson stated he did not have any questions for the applicant and that he has sufficient information to make his decision regarding the variance as requested. He stated that the official written decision will be available next Wednesday, September 30, 2015 at the Murray City Community and Economic Development office, 4646 South 500 West, Murray.

CASE #1519 – K-9 LIFELINE, LLC – 4547 South Commerce Drive – Project #15-123

Heather Beck was present to represent this request. Jared Hall reviewed the location and request for variances from standards for landscaping and parking that are required as a result of the proposed change of use on the property. Murray City Code Section 17.152.100 requires that 10 feet of landscaping be provided along frontage not being used for drive access. The subject property frontage of 4550 South currently has no landscaping. Murray City Code Section 17.72.070 requires parking stalls based on number of employees and animals to be cared for on site. Murray City Code Section 17.72.090 requires backing distances for parking stalls. The applicant cannot locate parking stalls on the site as it exists without backing distances carrying over into an existing right-of-way. The applicant has approached city staff with a proposal to open a dog day-care facility on the subject property. In reviewing the site, there were several issues resulting from the remaining right-of-way on 4550 South which serves as access to the property, and from the large percentage of the lot which is covered by the building itself. The applicant's proposal initiates the requirement of improvements on the property to current standards. If those standards are met, the property may not be usable at all, and the applicant has requested a variance from them. As of the date of this report Staff has received no public comment related to the request for variance. Staff recommends approval of a variance to the requirement of frontage landscaping as contained in Section 17.52.100, and APPROVAL of a variance to Section 17.72.100 specifically to required aisle widths and allowing parking on site to back directly into the public right-of-way, subject to the following conditions:

1. The applicant shall obtain appropriate Murray City building permits for all remodeling and site work as may be required; and
2. The applicant shall obtain a Murray City business license prior to commencement

of operations on site; and

3. The applicant shall work with Murray City staff to provide a site improvement plan that appropriate addresses parking and access according to the variances granted and other applicable standards and practices.

Heather Beck, 1010 East Draper Parkway, stated that she wants to make the property look nice because that is where her business is located.

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

Mr. Finlinson stated he did not have any questions for the applicant and that he has sufficient information to make his decision regarding the variances. He stated that he intends to approve the variances as requested, but the official written decision will be available next Wednesday, September 30, 2015 at the Murray City Community and Economic Development office, 4646 South 500 West, Murray.

CASE #1520 – AUNT LORETTAS CHILDCARE – 140 East 5600 South – Project #15-131

Zane Lorretta Bowman and Karl Kitchin were present to represent this request. Jared Hall reviewed the location and request for a variance to the minimum front yard setback in order to construct an ADA ramp at the property addressed 140 East 5600 South. Murray City Code Section 17.160.050 requires a minimum front yard setback of twenty feet (20') for main buildings located in the C-D Zoning District. The existing building has a front yard setback of twelve feet (12') from property line to the front of the porch. According to Salt Lake County Assessor records, the home was constructed in 1932 and has since been determined by Murray City Staff to be a legal nonconforming structure. The building was converted from a single family dwelling to a commercial childcare facility in 1997. The proposed ramp is necessary in order to comply with the Americans with Disabilities Act and will also provide safe emergency egress for toddlers and cribs. Construction of the proposed ramp will reduce the front setback to seven feet (7'). As of the date of this report, no public comment has been received 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 a variance. Therefore, staff recommends approval of the requested front setback variance for the property addressed 140 East 5600 South subject to the following condition:

1. The applicants shall obtain a Murray City Building Permit for the construction of the ADA accessible ramp.

Lorretta Bowman, Karl Kitchen and Ryan Dunn, 2433 E Kentucky Avenue, had no comments.

No public comments were made.

Mr. Finlinson stated he did not have any questions for the applicant and that he has

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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, September 30, 2015 at the Murray City Community and Economic Development office, 4646 South 500 West, Murray.

The meeting was adjourned 1:03 p.m.



Jared Hall, Division Manager
Community and Economic Development