

Minutes of the Hearing Officer meeting held on Wednesday, March 23, 2016 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
Frances Klein, Applicant

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, March 30, 2016 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 #1523 – FRANCES KLEIN – 1581 East 6400 South – Project #16-22

Frances Klein was present to represent this request. Ray Christensen reviewed the location and request for lot width variances for a flag lot subdivision in order to create two lots at the property addressed 1581 East 6400 South. Murray City Code Section 17.104.050 - Lot Width: Measured at the twenty five foot minimum front yard setback line, an interior lot must be at least eighty-feet wide, and a corner lot must be at least 90 feet wide. Murray City Code Section 17.76.140 H.: The access strip portion of a flag lot shall be at least 28 feet wide for its entire length, shall be paved 20 feet wide, shall have four feet of landscaping on each side of the paved driveway, and shall front on a dedicated street. Murray City Code Section 17.76.130 D.: The front lot which remains from the original parcel after the creation of the flag lot must meet the required lot area, lot width, and front and back and side yard requirements for the zone district in which it is located, and all other applicable provisions of this title. The two lots, shown on the plans, comply with the area requirements for flag lots in the R-1-10 zone. The applicant is requesting a 10 foot wide variance for each of the two lots, which will provide a total 70 foot lot width at the 25 foot minimum setback line. The plan submitted shows the driveway and landscaping at the west side of the property which may be a problem with landscaping on an irrigation ditch at the west side of the property. The flag lot regulations for single family residential lots include the required specific paved driveway width and landscape requirements which are needed for compliance to code. With the proposed narrow lot width of the front lot, and the driveway/landscaping easement, the buildable area width is reduced to 42 feet wide. Compliance to side yard setbacks, which is 8 feet minimum on the east side of the lot, further reduces the buildable area to about 34 feet wide for a dwelling. It is questionable that a new house will fit on the narrow lot without additional variances. There are a few other narrow deep lots along 6400 South Street, and single homes have been constructed on the lots. By creating a flag lot the applicant is creating the situation for nonconformance to the lot width and flag lot regulations. The applicant can build one new single dwelling on the existing lot with compliance to setback land use regulations. There are lots in the area on 6400 South Street that are similar in size and shape which have had one single family dwelling constructed on the lot in the R-1-10 zoning district. Mr. Christensen cited an example of a similar lot, which was built while in the county, addressed 1920 East 6400 South where the lot is 65 feet wide and 340 feet

depth. A notice for the proposed variances was sent to neighboring properties on March 9, 2016.

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 variance application for the property addressed 1581 East 6400 South.

Mr. Finlinson explained that the purpose of this hearing is a fact gathering process. The applicant has met with staff and reviewed the request. According to the Murray ordinances, this decision is to be made by the Hearing Officer. With the new rules and regulations the process for him at this time is to gather as much information as possible, he will then review that information, and then make a ruling within the next week. A ruling will not be issued at this meeting. He stated he will allow those in attendance who wish to make comments that opportunity to do so.

Mr. Finlinson asked the applicant if she had any comments. Ms. Klein stated based on the staff presentation, she concludes that the main reason for the recommendation of denial is based on the size of the buildable lot(s) and that possibly additional variances would then be necessary. She stated that argument is a false argument. She stated that the building pad could be 34 feet by 60 feet which is a 2,000 sq.ft. footprint of a home on the ground floor. She stated that she has contacted the ditch company and she will be able to pipe the ditch and have it cleaned up. She stated the ditch is an active ditch and her son, who lives a few houses down the street, cleans the ditch on occasion, but no one else seems to clean the ditch. She stated that she would like to improve the property and give it new life.

Bevan Forbush, 1469 East 6400 South, stated Ms. Klein is his mother. He stated the proposed front lot is 10,500 sq.ft. and has an access to the flag lot (rear lot) and the front lot would still have a width of 70 feet. The buildable width of the front lot, which also fronts on 6400 South Street, is 34 feet and has a depth of 60 feet. He explained that the maximum coverage for a lot in the R-1-10 zone is 35% and a footprint for a home could be up to 3,500 sq.ft. He stated there is a lot across the street to the south, that has a similar flag lot and originally that lot had a width of 95 feet. After that lot was split, the two driveways took up about 65 feet of the 95 feet width was for driveway space. He stated Ms. Klein's lot will only have one driveway, whereas the flag lot across the street has two driveways totaling 65 feet in width. He stated Max Reese is the ditch master, and they will need to submit plans to the ditch company to have the ditch covered. He stated once the ditch is piped it could be covered with dirt and landscaped. He stated that the new home could face west and does not necessarily have to face south towards 6400 South Street.

Robin Egan, 6336 S Lorreen Place, stated his property is adjacent to the north of the proposed lot. He stated he is not objected to improving this property. He stated his rear property line is the ditch which has a 30 inch culvert and he has lived there for 38 years. He stated over the years there has been 6-8 times where the proposed flag lot has been flooded with over 1½ feet of water. The reason this happens, is when there is a major rain storm the ditch can't control the water and the manhole cover on Jamestown Drive is blown off and the water runs down. He stated the four houses to the west of his home

were built about 15 years ago and were required to install a cinder block wall because it was constantly being flooded when the ditch overflowed. Mr. Egan stated one of the considerations for this proposal is the water issue running down 6400 South Street and flooding westward. He expressed concern with a new home possibly lowering the values of the surrounding homes and that the lots don't hinder the landscaping and potential height of a home blocking the sunshine of the adjacent homes.

Matt McNichols, 1583 East 6400 South, stated his home is adjacent to the east of the property in question. He stated his property is also long and narrow with a detached garage in the rear yard. He stated he is not opposed to developing the lot in question. He expressed concern with the long narrow lot "A" and that a new home will be located fairly close to 6400 South with a 25 feet minimum setback. A new home would be difficult to construct with a 34 foot width or depth, depending on how the home is oriented. He stated a tall narrow home would be different in comparison to the area and in his opinion, would not be conducive to the area.

Vince Fishbaugh, 1530 East 6400 South, stated he is a couple homes west and across the street of the property in question. He stated he is not opposed to development on this lot. He expressed concern about fire access for the rear lot "B". He stated that Murray City denied another friends request for a new lot because of fire access. He stated his home is one of the larger homes in the area and expressed concern with a smaller home devaluing some of the existing homes.

Ray Christensen stated that the Murray Fire Department has reviewed the flag lot ordinance and indicated that a 20 foot wide drive access to the rear lot is the minimum allowed and this proposal would meet that requirement.

Ken Yocum, 6355 South Rodeo Lane, stated his home is adjacent to the northwest corner of the property in question. He stated water runs through this property whenever there is a big rain storm. The gates are released up the canyon and his home has been flooded a couple of times over the years as a result. He stated he spent thousands of dollars to build a block wall around his home and the other neighbors have done similarly. The culvert for the ditch is smaller than the water that goes through it. He stated that in the summer months the weeds are a fire hazard and he is in support of the lot being developed, but that the proposed two lots seem to be too narrow. He suggested that just one home be built on the existing lot.

Mr. Finlinson stated the ditch would need to be piped to help remedy the flooding issue if the property is developed.

John Montgomery, stated he is a contractor from Atlanta, Georgia, and is currently renting the home on 640 South and Rodeo Lane which is 123 year old home and has been renovating the home. He expressed concern with the ditch overflowing several times last summer. He stated he is simply observing in this meeting and did not wish to express his opinion on the proposal.

A comment was made that any new construction requires approval from the city and piping the ditch approval from the city and the ditch company. The ditches aren't used for irrigation like they once were, and Murray City is now transitioning the ditch system into a flood control system and slowly they are going to cover all of the ditches and pipe the

flood system into it. The city requires a bond for this process. Piping the ditch will help alleviate the existing flooding issues.

Mr. Finlinson closed the public comment portion of the meeting. He stated that he has heard from everyone present who wished to comment. He stated that the ditch issue is not necessarily a relevant point to the variance request because whether the lot is developed or not, it is a separate issue. This meeting is not the forum to address the ditch issues.

Mr. Finlinson stated this is a complicated matter and he will take the information given under advisement. He thanked those in attendance for their input. He stated he will make his ruling within the next week and the decision will be available after noon on Wednesday, March 30th at the Community Development Office at 4646 South 500 West. Those in attendance may contact the city if they wish to receive a copy of the decision.

Mr. Hall stated that the decision will be made available in a week at the Community Development office if anyone would like to know the decision.

The meeting was adjourned at 1: 10 p.m.

Jared Hall, Division Manager
Community and Economic Development