

Minutes of the Hearing Officer meeting held on Wednesday, April 13, 2016 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
Karen Daniels, Hearing Officer
G.L. Critchfield, Deputy City Attorney
Meagan Dunton, Applicant
Ryan Gunn, Contractor

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, April 20, 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 #1524 – JAMIE & MEAGAN DUNTON – 6019 South Belview Avenue – Project #16-32

Meagan Dunton was the applicant present to represent this request. Jared Hall reviewed the location and request for a variance to the regulations regarding location of rear-yard accessory structures in order to facilitate a planned addition to the existing home. Murray City Code Section 17.100.090 requires an accessory structure to be located a minimum of six feet to the rear of the home in the R-1-8 zone. The detached garage is located 18 feet to the rear of the home. The proposed addition would move the rear wall of the furthest extension of the house slightly to the rear of the front wall of the detached garage. The separation between the main and accessory building will still be over 6 feet (7 feet 9 inches) but the code in 17.100.090 states that an accessory building located in the rear yard must be located "Six feet (6') or more *behind the dwelling*."

The lot is located on a curve of Belview Avenue, which makes the north property line considerably shorter than the south property line (114 feet vs. 149 feet). This results in what the City Code terms a "gore-shaped lot". The request for a variance in this case results in large part from the fact that the use of much of the remaining lot area for any kind of addition would result in the same violation of the specific requirement to locate accessory structures 6 feet "behind the dwelling". Many existing properties in this area have detached garages and other structures that are not located entirely to the rear of the dwellings on those lots. Staff finds that the application for variance satisfies the requirements of this test of hardship. With approval of the variance, the spirit of the land use ordinance is observed by maintaining appropriate separations between the structures on the lot, and the accessory structure being located in what is clearly a rear-yard area, if not entirely within that area by the strictest interpretation of the ordinance. Staff finds that substantial justice would be done by allowing the small variance to the very specific requirement in this case. The variance request results from the combination of the gore-shape of the lot and the location of the existing detached garage, which are peculiar to the property. Granting approval will ensure that the property and structure enjoy the similar privileges of other properties in this area. Based on review and analysis of the application material, subject property and surrounding area, and applicable Murray Municipal Code sections, Staff finds that the proposal meets the standards for a variance

and recommends approval of the requested variance for the property addressed 6019 Belview Avenue.

It was indicated that one neighbor inquired about the variance, but was not opposed to the request.

Mr. Harland commented that other communities have similar type of requirement but it is not directly behind the main dwelling and is a total distance separation. He clarified that Murray city code requirement is for a 6 foot parallel separation between the main dwelling and a detached structure.

Mr. Harland asked Ms. Dunton to comment on the request.

Meagan Dunton, 6019 South Belview Avenue, stated they love the neighborhood and community and wish to stay in this home, but the home has become too small for their growing family and they wish to add onto the home. Mr. Harland stated that the applicant's narrative was nicely done and this request will more than double their existing living space. The current size is 960 sq.ft. and the addition will add 500 sq.ft. plus a full basement totaling approximately 1,000 sq.ft.

Mr. Harland asked about the back of the home that has a combination storage area and porch. Ms. Dunton stated there is a porch and half of it is enclosed which will be removed with the addition.

Mr. Harland asked the type of materials with the new addition.

Ryan Gunn, representing Gunn Construction, 784 East 8080 South, Sandy, stated the addition will have a vinyl siding or hardi-board siding.

Mr. Harland opened the meeting for public comment. No comments were made and the public comment portion was closed.

Mr. Harland stated he has no problem with the variance request and will be granting the variance, but he will make his ruling within the next week and the decision will be available after noon on Wednesday, April 20th at the Community Development Office at 4646 South 500 West.

The meeting was adjourned at 1: 00 p.m.



Jared Hall, Division Manager
Community and Economic Development