

Minutes of the Hearing Officer meeting held on Wednesday, June 22, 2016 at 12:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Karen Daniels, Hearing Officer
Jared Hall, Manager of Community Development Division
Brad McIlrath, Assistant Planner
G.L. Critchfield, Deputy City Attorney

Ms. Daniels opened the meeting and welcomed those present. She reviewed the public meeting rules and procedures.

CONFLICT OF INTEREST

Ms. Daniels stated that she has no conflicts of interest for this agenda. Ms. Daniels stated she has done business with the Wilson's, who are the applicants for Case #1527, but she currently does not have any business dealings with them and her ability to make a decision on their request will not be influenced. Ms. Daniels stated her written decision will be available one week from today, Wednesday, June 29, 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 #1527 – LOVE ME TWICE – 6051 South 900 East – Project #16-69

Larry and Sue Wilson were the applicant present to represent. Jared Hall reviewed the location and request for variances from requirements related to fencing and landscaping where commercial properties abut residentially zoned properties, specifically the required installation of a 6 foot high solid masonry wall and 10 foot landscape buffers. Murray City Code Section 17.156.110 requires that where a commercial property abuts a residential zone, a six foot high solid masonry wall shall be located along the property line and be in compliance with the city fencing ordinance. Murray Code Section 17.156.100 C requires the installation of a minimum of 10 feet of landscaping as a buffer along property lines where commercial properties abut residential zoning. The applicants have recently applied for site plan approval for a new business use on the property, which is zoned C-N, Neighborhood Commercial. The proposed business is a retail shop for dresses and accessories (weddings, proms, etc.). The site plan provided by the applicants shows a 20 foot wide sewer and water easement running east across the property. There are also access rights for a property abutting to the south in this area, directly from the applicants' existing driveway. There are some existing improvements in these areas. A six foot high vinyl fence is located in the northeast area of the property abutting the R-1-8 zone and a section of block masonry wall about four feet in height is located at the northwest of the property. Neither of these fencing sections are in compliance with the Land Use Ordinance. The easements for sewer, water and access will prevent the applicants from complying with the required wall and landscaping in some areas, and this has resulted in the application for variances to the requirements.

The applicant has submitted a written variance narrative, which is included with the application materials.

As of the date of this report, there has been contact from the property owner to the east, who is requesting the masonry wall and buffer landscaping be installed to meet code.

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 variances, specifically where the utility easement is located and interferes with installation of those improvements required by the ordinance. Staff does not recommend variances be granted for the wall and landscaping outside of the utility easement. The masonry wall and buffer landscaping can be installed on the property lines adjacent to residential zoning outside of the utility easement. Staff recommends approval of variances to the requirements for installation of a masonry wall and landscaping where the easements interfere, and subject to the following condition:

1. The applicant shall work with Murray City staff to provide a site improvement plan that appropriately addresses the masonry wall and landscaping requirements considering the variance.

Ms. Daniels asked if the existing block wall should be a six foot solid masonry wall. Mr. Hall responded in the affirmative and that the existing fence is closer to 4 feet in height but there is fill that has changed the grade somewhat.

Larry Wilson, 5934 South 840 West, stated he has spoken with the resident who is representing the home owners' to the east of his property who indicated that they would rather have a vinyl fence than half block half vinyl because it would look better and matches better with the area. He stated the existing block wall is six feet and he can stand next to it and cannot see over it. He stated there has been some fill pushed in, but the fill does not abut up against the fence. He stated there is a power pole, phone and cable lines in this area, making it difficult to install a 6 foot high solid wall. There would be a stretch of property approximately 40 feet of the 63 feet in length along the back area that they could install the solid wall. He stated it doesn't make sense to install a solid block wall only 40 feet of the 63 feet length, and the remaining 23 feet be a vinyl fence. He stated they will comply with the landscaping requirements.

Ms. Daniels opened the meeting for public comment. She indicated that she received two emails from Nick and Kim Furness, and Diane Dykman, residents indicating their opposition to the variance request. No comments were made by the public and the public comment portion for this agenda item was closed.

Ms. Daniels stated she will make her ruling within the next week and the decision will be available after noon on Wednesday, June 29th at the Community Development Office at 4646 South 500 West.

CASE #1529 – RICHARD & PENNI CROWTHER – 6648 South Murray Bluffs Drive –
Project #16-78

Rick and Penni Crowther were the applicants present to represent this request. Jared Hall reviewed the location and request for a variance to the regulations regarding the location of rear-yard accessory structures in order to facilitate the construction of a detached garage on the lot. Murray City Code Section 17.110.090 requires an accessory structure to be located a minimum of six feet to the rear of the home on the property in the R-1-10 zone. The applicants have planned to construct a new, 396 square foot detached garage on the lot, essentially in the northwest corner near the existing attached two-car garage. The separation between the dwelling and the proposed detached garage

would be 17 feet, however, the code in 17.110.090 states that an accessory building located in the rear yard must be located "Six feet (6') or more *behind the dwelling.*" In this northwest portion of the lot, the dwelling itself maintains the minimum required 25 foot setback to the rear property line. The proposed garage building is 22 feet long, and maintains a 3 foot setback from the rear property line. The request for a variance has been made because although the proposed garage would be located 17 feet away from the dwelling, it would be in violation of the requirement that it be located "behind the dwelling". The front of the proposed garage will be located 3 feet in front of the rear line of the dwelling.

As of to date, no public comment has been received regarding this request. The variance request results primarily from a combination of the siting of the dwelling on the lot with the location of the existing driveway and attached garage. While the lot is located on a cul-de-sac and is somewhat oddly shaped, staff concludes that the variance request does not truly arise from any peculiarity of the property. Other properties in this area have third car garages, but those garages are attached.

He stated the variance request does not violate the spirit of the ordinance, but it is a technical violation. 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 does not meet all of the standards for a variance and recommends denial of the requested variance for the property addressed 6648 South Murray Bluffs Drive.

Penni Crowther, 6648 South Murray Bluffs Drive, stated that they feel it is a hardship to not have a third car garage built. They have a daughter and two grandchildren living with them. On two occasions their car has been hit, once by a snow plow and another time was a hit and run. It would be nice to have their cars off the roadway and inside a garage where it is safer, especially in the winter months and it would be nice to have a storage area. She stated they removed a tree in the in the northwest corner of the lot because the tree was diseased and they were planning to concrete this area. Their neighbors to the rear do not have any opposition to this request and the garage would not impede any neighbor. This proposal would add to their property in value and would be an asset. She stated proposed location for the detached garage is a large area, and is virtually unusable space for them. She stated the walkout basement fills up and floods and if they attached the garage it may help with the flooding but they would have to move the air conditioning unit and window located on this side of the home in order to attach the garage. She stated there is not enough side yard setback to attach a third car garage.

Rick Crowther, 6648 South Murray Bluffs Drive, stated that in order for them to attach a third garage, they would have to move their "American Dancer" recreational vehicle and remove a window in the bathroom and outside entrance and the associated costs.. This proposal would be the best scenario for them to have a third car garage.

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

Ms. Daniels stated she will make her ruling within the next week and the decision will be available after noon on Wednesday, June 29th at the Community Development Office at 4646 South 500 West.

CASE #1528 – James Robert Harper – 4565 South 200 East – Project #16-74

James Robert Harper was the applicant present to represent this request. Brad McIlrath reviewed the location and request for approval of an addition to the nonconforming single family structure located at the property addressed 4565 South 200 East. Murray City Code 17.52.040 allows for a building or structure occupied by a nonconforming use, or a building nonconforming as to height, area, or yard regulations to be added to, enlarged or moved to another location on the lot subject to authorization by the Hearing Officer. The applicant proposes to construct an approximate 300 square foot addition to the existing single family dwelling. The property includes a rear yard garage located along the south property line and in the southeast area of the rear yard. According to the Salt Lake County Assessor's data, the residence was constructed in 1948 and the garage was constructed in 1950. At the time of construction the property was located in the B-2 Zoning District; the property is currently located in the R-M-10 Zoning District.

The R-M-10 Zone requires that accessory structure located in the rear yard must be located at least six feet (6') to the rear of the main building. The existing rear yard garage does not comply with this standard although there is currently a separation of at least eight feet (8'); which would also be maintained with the proposed addition to the dwelling. At the time that the rear yard garage was constructed in 1950, the Murray Land Use Ordinance did not require that rear yard accessory structures be located a minimum of six feet (6') behind the dwelling as is required currently. Therefore the single family home and the rear yard accessory structures are legal non-conforming structures with relation to this current setback standard. With the proposed expansion, the single family dwelling will maintain the minimum setbacks required for main buildings in the R-M-10 Zone. The accessory structure also complies with the other minimum setbacks required for rear yard accessory structures within this zone. As of the date of this report, no public comment has been received regarding the proposal.

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 an expansion of a nonconforming use or development. Therefore, staff recommends approval of the proposed expansion of the single family dwelling located at the property addressed 4565 South 200 East, subject to the following conditions:

1. The proposal shall comply with all other setback, height, and coverage standards for structures in the R-M-10 Zoning District.
2. The applicant shall obtain a Murray City Building Permit prior to the construction of the proposed addition.

James Harper, 4565 South 200 East, stated he is desirous to expand his home. He stated the home is approximately 900 sq.ft. and he would like to make it about 1,200 sq.ft. He stated his architect is also present to answer questions if necessary.

The meeting was opened for public comment.

Tom & Cyd Young, 4554 South Cottage Grove Lane, stated they are directly behind the property in question. Ms. Young stated their major concern is with the future garage that may be proposed. They are concerned that it will be too close to property line. She stated they are not opposed to the home addition that is currently being requested.

The public comment portion for this agenda item was closed.

Mr. McLirath stated that in the future, if the existing garage is torn down and another garage replaces it, the new garage will need to meet the setback requirements which is at least six feet to the rear of the home and at least one foot off the rear and side property line, unless there an easement and then the garage would need to be located outside of the easement. The future garage is not part of this application but he wanted to clarify the setback regulations.

Ms. Daniels stated she will make her ruling within the next week and the decision will be available after noon on Wednesday, June 29th at the Community Development Office at 4646 South 500 West.

The meeting was adjourned at 1:05 p.m.



Jared Hall, Division Manager
Community and Economic Development