

Minutes of the Hearing Officer meeting held on Wednesday, July 27, 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
Ray Christensen, Senior Planner
G.L. Critchfield, Deputy City Attorney

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, August 3, 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 #1532 – NEIL & CAROLYN MILNE – 5748 South 800 West – Project #16-102

Neil and Carolyn Milne were the applicants present to represent this request. Ray Christensen reviewed the location and request for a variance for total flag lot easement width and a variance for landscaping width at the property addressed 5748 South 800 West. Murray City Code Section 17.76.140 H. 1. The access strip shall be 28 ft. wide for its entire length from the street to the point where the access strip adjoins the main body of the flag lot. 2. Shall be paved except for the portion reserved for landscaping. 3. Shall have four feet of landscaping on each side.

The applicants are requesting a variance for a total flag lot easement width and a variance for landscaping width at the side of the driveway. The applicants have plans to subdivide the property to create a flag lot in the rear yard area with a drive access easement across the front lot. The plans show there will be 27 ft. two inches total easement width and two ft. two inches landscaping width at the north side of the driveway and 5 ft. landscaping width at the south side of the driveway. The Murray Land Use Ordinance requires a 28 ft. total easement width and 4 ft. minimum landscaping width on each side of the 20 ft. wide paved driveway. The new proposed subdivided lot in the rear yard area will contain approximately .76 acre. The existing dwellings at the north and south sides of the proposed driveway access were constructed in 1970 and 1979. No other access to a public right-of way is available. The 5 foot separation from the wall of the house to the driveway should be adequate so as not to impede a higher vehicle such as a truck.

A mailing was sent on July 14, 2016 and as of the date of this report there has been no public comment 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 recommends Approval for the total drive access width and landscaping width variances at the property addressed 5748 South 800 West, with the condition:

1. The applicant shall work with City staff to comply with all other subdivision

regulations for the subdivision of the property.

Mr. Harland clarified that the five foot landscaping area will be between the existing driveway and the proposed driveway.

Mr. Harland stated the drive access width request is because the home is a large home. If the home was smaller there would be more space on the side yard for the 28' wide drive access. He asked about the landscaping portion along the house.

Neil and Carolyn Milne, 5748 South 800 West, indicated they plan to have grass in the landscaping buffer area. Mr. Hall responded there are no specific types of vegetation requirements in the buffer landscaping and grass would be fine.

Mr. Harland asked about the accessory structures in the rear yard such as the pool, barn and sports court and there was discussion regarding the reconfiguration of the lot. He asked for an explanation as to the Milne's future plans with the property. Carolyn Milne stated originally they were wanting to have the new home face to the west, but then the barn would be in the front yard. Therefore the home will be turned facing to the south or southwest to make the accessory structures be in the rear yard. She stated they may also change the boundary line so that the barn, swimming pool and sports court will be on the relative's property to the north. She stated the neighbors own part of the pool and part of the sports court along with themselves (Neil & Carolyn Milne). Mr. Christensen stated he had not seen a plan showing the property line running through the middle of the structures. Mr. Harland suggested the Milne's better define the property line before proceeding with the lot split.


Carolyn Milne stated they are considering selling the parcel of property that has all the structures to Brent and Lucinda Milne and create the property line running down the side of the garage adjacent to the right-of-way driveway. That would allow them to face the new home to face west and the accessory structures would not be in the front yard. She stated they originally tried to create the right-of-way at the back of the property, but because of so many complications they were not able to.

Lucinda Milne, 5712 South 800 West, stated she is a sister-in-law to Carolyn and Neil Milne and was in attendance to observe what is being proposed and was unaware of what Carolyn & Neil Milne are proposing. She stated she owns the properties addressed 5720 & 5712 South 800 West and their property line does go through the middle of the pool and sports court. She stated she is not opposed to this proposal.

Mr. Harland closed the public comment portion for this agenda item. He commented that this variance request is very close to meeting the city requirements and is a very minor variance request. He stated if the variance is approved, the Milne's will subsequently need to apply to the Planning Commission for flag lot approval.

Mr. Harland stated he will make his ruling within the next week and the decision will be available after noon on Wednesday, August 3, 2016 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