

Minutes of the Hearing Officer meeting held on Wednesday, February 14, 2018 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, Community & Economic Development Supervisor
Brad McIlrath, Associate Planner
Briant Farnsworth, 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.

CASE #1549 – IVAPE, LLC – 6657 South State Street #5 – Project #18-08

Grant Hiller and Grady Mason were the applicants present. Jared Hall reviewed the location and request for the Expansion of a Nonconforming Use, specifically to use Suite 6 as well as suite 5 for operation of the existing business at 6657 South State Street Suite 5 located in the C-D zone. It has been established that the previous business operated from both Suites, but that they expanded to use Suite 6 without review or approval by the City. For that reason, the current license is granted only for operations in Suite 5, and to operate from Suite 6 as well will require approval by the Hearing Officer. The C-D Zoning currently allows a Tobacco/Electronic Cigarette Retailer uses, but is subject to the regulations of Section 17.42 of the Murray Land Use Ordinance. The applicant's business has legal but non-conforming status because, while the operation is not compliant with Sub-section 17.42.020(b) of the Murray Land Use Ordinance, which limits one tobacco/e-cigarette retailer to be allowed for every 10,000 citizens living in the city, this location was in use as a Tobacco Retailer prior to the adoption of the current ordinance requirements. Other restrictions such as distance to another such business or from a school or church are not an issue at the subject location. The applicant occupies Suite 5, which is 665 square feet. The applicant proposes to expand the non-conforming use to include the 665 square feet of Suite 6 as well, for a total of 1,330 square feet, thus doubling the size of this use. The applicant will be decreasing the square footage of the retail floor area and use more for storage and office area. The new expanded use will meet the City's requirement to find that the new expansion will meet goals of the City ordinances. Staff has found that there is no increase in the footprint of the building, and no visual impact. It allows better function for the business operations, and does so without violating any of the regulations for tobacco/e-cigarette retailers.

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 that the Hearing Officer approve the expansion of a non-conforming use for the property located at 6657 South State Street #5 with the following conditions:

1. The applicant will obtain the appropriate Murray City Building Permits as they are necessary for any proposed remodeling work within the building space.
2. The applicant will adhere to all other standards for the operation of a tobacco / electronic cigarette retailer as contained in the applicable sections of the Murray City Land Use Ordinance.

Mr. Finlinson opened the meeting for public comment.

Mr. Riddle, owner of Riddle Plaza INC., stated he was here in support of this agenda item and was happy to get a better tenant.

The public comment portion was closed.

Mr. Finlinson stated he will forward his written decision to the Community Development Office at 4646 South 500 West, by noon on Wednesday, February 21, 2018.

CASE #1550 – MARK & JANA DUNN – 6448 South Jefferson Street – Project #18-10

Mark and Janna Dunn were the applicants present. Brad McIlrath reviewed the location and request for an addition to the existing nonconforming single-family structure located at the property addressed 6448 South Jefferson Street located in the R-1-8 zone. The house was built in 1948 and at that time it was built in the B-2 Residential Zoning District. The residential zone required only a minimum side yard setback of 4 feet and a total side yard to be 14 feet and was conforming at the time. Today the house is in the R-1-8 zone which requires a minimum side yard setback of 8 feet with a total adding up to 20 feet. The existing minimum north side yard setback is 7 feet 6 inches with a total side yard setback of 15 feet 6 inches, neither setback meets the minimum requirements. The applicants propose to construct a 484-foot addition to the rear of their existing residence. The proposed addition would maintain the existing building line and side yard setbacks of 7 feet 6 inches on the north side yard, 8 feet along the south side yard, with the total side yard setback of 15 feet 6 inches. The rear yard setback would be approximately 66 feet 9 inches. Staff has found the proposed addition will not extend further into the side yard setbacks and therefore not increase the existing nonconformity. The proposed addition will comply with the front and rear yard setbacks of the R-1-8 Zone.

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 that the Hearing Officer approve the expansion of a non-

conforming single-family residence for the property located at 6448 South Jefferson Street with the following conditions:

1. The applicant shall build the addition as per the setbacks indicated with this application.
2. The applicants shall obtain building permits for any construction, electrical, and other related work of the proposed addition.

Mr. Finlinson asked if the existing house is encroaching over the north boundary line. Mr. McIlrath answered no, due to the City moving to a new software system the maps do not mesh well with the city parcel lines, instead the new software uses the county parcels which don't line up.

Mr. Finlinson opened the meeting for public comment. There were no comments, and the public comment portion was closed.

Mr. Finlinson stated he will forward his written decision to the Community Development Office at 4646 South 500 West, by noon on Wednesday, February 21, 2018.

There was no other business.

The meeting was adjourned at 12:45 p.m.



Jared Hall, Community & Economic
Development Supervisor