

Minutes of the Hearing Officer meeting held on Wednesday, March 28, 2018 at 12:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Mr. Finlinson, Hearing Officer
Jared Hall, Community & Economic Development Supervisor
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 #1552 – JACQUE DEAN – 6227 South 440 East – Project #18-27

Jacque Dean was the applicant present. Jared Hall reviewed the location and request for a variance to the side-yard setback requirements located at the property addressed 6227 South 440 East. The property is located in the R-1-8 zone. Mr. Hall stated the requested variance request is to allow an exit from the basement of the home through a new stairwell on the south side of the home. The stairwell extends almost 5' into the required setback. The Land Use Ordinance allows for an encroachment of no more than 2.5'. The applicant has previously constructed a stairwell from the family room in the basement out to the south side yard area of the home on the subject property. Ms. Dean has also had a window well dug and larger windows installed to allow safe egress from a basement bedroom into the south side yard of the home. As previously stated yard areas (created by required setbacks from the dwelling to the property lines) are required to be unobstructed; however, an exception allows stairwells like the one in question to encroach no more than 2.5 feet into the yard area. The site plan indicates that the stairwell is 58" into the side yard area. Without a variance, CED staff cannot approve the building permit.

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 established for granting a variance, and recommends denial of the requested variance to the side yard setback requirements of the R-1-8 zone for the property addressed 6227 South 440 East.

Jacque Dean, 6227 South 440 East, stated she wanted to add the basement exit for years because the current windows are not big enough to allow safe egress. Ms. Dean took the opportunity to dig the stairway out and construct the exit after she had a flood in her home. Ms. Dean stated she had the basement exit constructed on the side yard instead of the rear yard because of the placement of heat ducts and other inner workings of the house. Mr. Finlinson asked Ms. Dean how high the stairway wall is above grade. Ms. Dean answered it is about 6 inches above grade and will stay that way. Ms. Dean

added that she believes the stairway is built to code. Mr. Finlinson commented that it does not completely meet the standards of code because it is located in the wrong area.

Mr. Finlinson opened the meeting for public comment.

Steve Bills, 6220 South 428 East, stated he is a neighbor of Ms. Dean and understands why she has safety concerns with egress because her son who lives in the basement is very tall and would not have been able to fit through the old windows. Mr. Bills stated he supports the addition of the basement exit that Ms. Dean has constructed and he has similar safety concerns with his own egress windows because he has family members that that live in the basement of his home.

Aaron Jensen, 6225 South 440 East, stated he lives to the north of Ms. Dean. He stated that he understands the standards for granting a variance and also understands that Staff is required to apply those standards to this application, but feels that the benefits outweigh the impacts because he too believes Ms. Deans family members would not be able to escape the basement with the use of the previous windows. Mr. Jensen added that the access to the north has also been a concern because a shed in that area would prohibit the entrance of the fire fighters to the home and it would be easier for them to gain entrance to the basement by the new stairwell entrance.

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, April 4, 2018.

There was no other business.

The meeting was adjourned at 12:52 p.m.



Jared Hall, Community & Economic
Development Supervisor