

Minutes of the Hearing Officer meeting held on Wednesday, May 23, 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
Zac Smallwood, Associate Planner
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 knows the applicants, but he has no conflicts of interest for this agenda.

CASE #1556 – AARON ABEYTA – 5769 South Hillside Drive – Project #18-54

Aaron Abeyta and Sueann Abeyta were the applicants present. Jared Hall reviewed the location and request to allow the construction of a detached garage in the corner side yard of the home, which faces McMillan Avenue. The property is located in the R-1-8 Zone. Mr. Hall stated that Mr. Abeyta wishes to build a detached garage on his property, but it is not allowed in corner side yards by two of the Murray City codes. The first, explicitly prohibits detached garages or areas where you have intent to store a vehicle, like cars or boats. The second, allows accessory structures of other kinds in side yards but they are limited to be no greater than 168 square-feet. Mr. Abeyta wishes to build a garage larger than what is allowed by code. There is currently a single-car garage attached to the home, but it cannot be expanded due to other types of zoning constraints. However, in this case the rear yard area is bisected by a power line that is located about 12 feet outside of the normal easement that runs along the rear of the property in Abeyta's property. Mr. Hall stated that Mr. Abeyta investigated having the power line moved, but the Murray Power Department is not able to move the power line without impacting several other properties and other power lines. The Murray City Power Department will keep the prescriptive easement as is. With the distances required from the power lines and power poles it makes the backyard unusable for any significant size of a garage. Staff has found that this application meets the requirements for all five tests of hardship. Mr. Hall stated Mr. Abeyta researched old County records to find the easements that run through the neighborhood. It was found that the easement was properly placed when it was originally planned but since then, with the change of properties from owner to owner, this property ended up with an oddly placed easement. Staff finds this proposal meets the requirements for a variance and recommends some conditions of approval to mitigate impacts. Mr. Hall briefly reviewed the recommendations of approval.

Aaron Abeyta, 5769 South Hillside Drive, stated before he purchased the property in 2017 he went into the Community and Economic Development Department and spoke

with Ray Christensen who indicated it would be possible to build a garage, but Mr. Christiansen did not realize that the vacant lot next door to Mr. Abeyta was no longer vacant and it was no longer possible. Recently, when Mr. Abeyta went back to get a permit to build the garage it was discovered the garage couldn't be built as originally planned. Mr. Abeyta added that he prefers to build a garage in the rear yard rather than the side yard because it can be a larger. It is planned to be about the size of a two-car garage. Mr. Abeyta continued to explain how he intends to improve the property and stated he will remove some of the concrete driveway, install a nice fence, remove much of the concrete pavement and the concrete boulders to make it appear more like a home than a commercial piece of property.

Mr. Finlinson asked if Mr. Abeyta can comply with the conditions of approval. Mr. Abeyta stated that this is the first time he has seen the conditions but that he does completely agree with them. Mr. Abeyta stated he would prefer to be only 2 feet from the corner instead of the recommended 5 feet away from the corner. Mr. Finlinson replied that he feels the recommendations are very reasonable and feels that he would be comfortable to approve this, but Finlinson wanted Mr. Abeyta to know that he has to agree and abide with the Conditions of Approval before he will actually approve it.

Mr. Finlinson asked if the 2 feet that Mr. Abeyta is suggesting would be in harmony with code for a side yard setback. Mr. Hall answered no, the recommendation is based on having a clear sight of view around the corner and would put the garage at 840-square foot square maximum. Mr. Finlinson asked Mr. Abeyta if the conditions are acceptable to him. Mr. Abeyta answered that he would prefer a garage as large as he could possibly have one because he parks his work vehicles and stores work tools inside the garage because it looks nicer. Mr. Abeyta stated he does not want to argue the difference of 3 feet but does feel like the extra feet would make a huge difference.

Mr. Abeyta asked if the square footage would include the soffit and roof overhang. Mr. Hall stated that we typically don't include soffit and roof in the measurements, it's the foundation and wall. Mr. Abeyta added that Staff has been very helpful through this process and appreciated what has been done process his application.

Mr. Finlinson opened the meeting for public comment.

Melisse Stiglich, 366 East McMillan Lane, stated she and her husband live near Mr. Abeyta and stated when they became aware of the plans for the detached garage they were very concerned because the esthetics of the neighborhood is comprised of a lot cottages and small homes with large pieces of land. Ms. Stiglich added the character of the neighborhood is very specific and they purchased their home because of it. Ms. Stiglich and her husband wanted to ensure that any decision made today will not affect the character of the neighborhood and feels the recommendations by Staff are very fair and agrees with them, expressly the coloring. Ms. Stiglich asked if the height of the

detached garage would be too tall by City code standards. Mr. Finlinson stated that the height is designated by City Code and would not be too tall. Ms. Stiglich stated she understands the need for a larger garage, but this type of structure is not in harmony with this community and doesn't want the area to turn into an industrial zone with large buildings. Ms. Stiglich closed by stating she agrees with the 840-square foot garage and recommended that Mr. Finlinson approve only what Staff has recommended.

The public comment portion was closed.

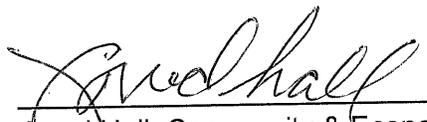
Based on review and analysis of the application materials, subject site and surrounding area, and applicable Murray Municipal Code sections, the Community and Economic Development Staff recommends approval of a variance to the requirement of Section 17.100.090(C)(2) & 17.100.090(C)(5) allowing construction of a detached garage in the corner side yard of the property at 5769 South Hillside Drive, subject to the following conditions:

1. The detached garage shall be constructed in a style and of materials to roughly match those used in the construction of the existing home.
2. The detached garage shall be accessed from the existing driveway on McMillan Avenue.
3. The detached garage shall not be located closer than 5 feet to the property lines, and shall maintain a minimum separation of 6 feet from the dwelling.
4. The applicant shall work with the Murray Power Department to provide a public utility easement for the power lines crossing the rear of the property.
5. The applicant shall provide additional landscaping in the front yard of the property as outlined in the Staff Report.
6. The detached garage shall be limited to 840 square feet or 25% of the corner side-yard area.
7. The detached garage shall comply with all other requirements of the Land Use Ordinance for detached accessory structures.
8. The applicant shall obtain a building permit from Murray City for the construction of the detached garage.

Mr. Finlinson stated he will forward his written decision to the Community Development Office at 4646 South 500 West, by noon on Wednesday, May 30, 2018.

There was no other business.

The meeting was adjourned at 12:57 p.m.



Jared Hall, Community & Economic
Development Supervisor