

Minutes of the Hearing Officer meeting held on Wednesday, June 13, 2018 at 12:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Ms. Daniels, Hearing Officer
Jared Hall, Community & Economic Development Supervisor
Zac Smallwood, Associate Planner
Briant Farnsworth, Deputy City Attorney
Applicants

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.

CASE #1557 – MAGANA ENTERPRISES LLC – 4809 South Commerce Drive – Project #18-63

Schafer Magana was the applicant present. Zac Smallwood reviewed the location and request for a variance to allow for construction of a fence in the front yard area of the building that faces 4809 South located at the property addressed 4809 South Commerce Drive located in the M-U Zone. The Murray City Land Use Ordinance requires that any fence higher than 4 feet on a front yard be setback at least ten feet from the property line. Mr. Smallwood stated the proposal is to place a 164-foot fence along the north property line. The building was abutting the north and east property line within about 1 foot. Additionally, the subject property sits considerably lower than the grade of 4800 South adjacent to the north, such that the roof of the building is easily accessible to pedestrians that may be walking along 4800 South. The roofline along 4800 South are very low and one could easily step up onto the rooftop of the building. Because of the grade change of the surrounding area the drop off on the opposite side of the building is about 15 feet high and creates a health and safety hazard. The sloping and prior widening to the adjacent road has created a unique and unintended hardship to this property. 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 established for granting a variance to the requirement of Section 17.64.030(B) allowing construction of a fence in the front yard of the property at 4809 South 300 West. and recommends approval subject to conditions.

Ms. Daniels asked, because this street is an intersection, will the fence only go along the one side of the street or both sides. Mr. Smallwood answered that Mr. Magana will be able to address this question.**

Schafer Magana, 4809 South Commerce Drive, stated his goal is to make it more difficult

to access the roof of his building to prevent anybody from falling off and becoming injured and limiting liability issues. Mr. Magana added that he would like to wrap the proposed fence around the corner from 4800 South and onto Commerce Drive because both sides are low and it would prevent anybody from getting onto the roof from any angle.

Ms. Daniels asked Mr. Magana, if this is approved can he meet the conditions off approval. Mr. Magana answered yes, and asked if the City would allow barbed wire on top of the fence. Mr. Smallwood answered no, barbed wire is not allowed per City Ordinance.

Ms. Daniels opened the meeting for public comment. Seeing there were no public present and the public comment portion was closed.

Based on review and analysis of the application materials, subject property and surrounding area, and applicable sections of the Murray City Land Use Ordinance, Staff finds that the application meets the standards for a variance, and recommends the following action:

Approval of a variance to the requirement of Section 17.64.030(B) allowing construction of a fence in the front yard of the property at 4809 South 300 West, subject to the following conditions:

1. The fence shall comply with the Murray City Land Use Ordinance, Section 17.64.060 which requires the fence be of open material for a distance of at least twenty- five (25) feet from the intersecting corner of the street lines.
2. The proposed fence shall comply with all other requirements of the Murray City Land Use Ordinance regarding fencing.

Ms. Daniels stated she will forward her written decision to the Community Development Office at 4646 South 500 West, by noon on Wednesday, June 20, 2018.

There was no other business.

The meeting was adjourned at 12:39 p.m.



Jared Hall

Community & Economic Development Supervisor

** After the meeting, further research was done on the fence code and it was determined that barbed wire is allowed per Section 17.64.080.A.1.

A. It is unlawful for any person to erect or cause to be erected or to maintain any barbed wire fence or any similar device except as provided below:

1. Commercial or Industrial: Such barbed wire shall be allowed so long as it is attached at the top of a fence or similar structure at a height not less than six feet (6') above the ground.

The Community Development office contacted the applicant and informed him of this information.