



## Application for an Expansion of Nonconformity

### Overview

A nonconforming use is the use of any building, structure, or land which is prohibited by any zoning, building, sign, or other regulatory ordinances, but which existed lawfully before the establishment of said ordinances. The Hearing Officer, as Murray City's appeal authority, may allow additions, enlargements, and moving of a nonconforming use or structure if the Hearing Officer finds the following:

1. The addition to, enlargement of, or moving of the building will be in harmony with one or more of the purposes of this title;
2. That the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or structure.

### Application Submittal:

Applicants may submit an application at any time. The Planning Division will schedule the application for review on the next available Hearing Officer meeting. Incomplete applications may delay processing of the application and subsequent scheduling before the Hearing Officer.

The Hearing Officer meeting is held once a month on the second Wednesday of each month at 12:30 PM in the Murray City Hall Poplar Room, located at 10 East 4800 South.

### Application Fee (non-refundable):

- Expansion of Non-Conforming Review fee: \$250.00

### Application Process:

**Step 1. Contact the Planning Division:** Meet informally with a member of the planning staff to discuss your appeal request and review the issues, procedures and fees associated with the application.

**Step 2. Submit Application:** For all applications, please submit the following information, ensuring each item is either checked off or marked 'NA' if not applicable. For each 'plan' submitted, include at least one (1) 11x17 copy (or larger if requested by staff) and a digital PDF.

#### Required for all applications:

- 1. Completed application form.
- 2. Property Owner's Affidavit (i.e. a written statement made before a notary).
- 3. If the property owner is to be represented by an "agent" during meetings with the City, please complete and submit the Agent Authorization form.
- 4. Payment of application fee.
- 5. One (1) paper and one (1) electronic copy of any expansion related plans including:
  - a. Site Plan. Please indicate the area where the expansion is requested.
  - b. Floorplans.

- c. Building elevations, if applicable.
- d. Any other related plans and documents.

Additional Information:

The applicant may be required to provide such reports and studies which will provide information relating to adequate utilities, traffic impacts, school impacts, soil and water target studies, engineering reports, financing availability, market considerations, and any other information which may be needed in order to render a proper decision.

**\*All plans submitted with the application will not be returned to the applicant and are the property of Murray City.\***

**Step 3. Attend the Hearing Officer Meeting:** The applicant will be sent a copy of the Hearing Officer agenda in advance of the meeting date. Information on the agenda will give the date, place, and time of the meeting. The applicant or an authorized representative must be in attendance at the meeting. If no representative is present the Hearing Office may move on to the next agenda item or continue it to a later date. It will be up to the applicant to reschedule another hearing date and pay the appropriate fee. An applicant may be tabled, or continued if the Officer needs additional information or time to consider the application.

**Step 4. Hearing Officer Decision:** Approximately one (1) week after the Hearing Officer meeting (Step 3), a copy of the report of the decision and findings will be available to the applicant at the Community and Economic Development Department offices.

**Appeal of Hearing Officer Decision:**

Murray City or any person directly aggrieved by any decision of the Hearing Officer may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided, petition for such relief is presented to the court within thirty (30) days after the date of the decision of the Hearing Officer.

# EXPANSION OF NONCONFORMITY APPLICATION

## Application Information

Project Name: \_\_\_\_\_

Project Address: \_\_\_\_\_

Parcel Identification (Sidwell) Number: \_\_\_\_\_

Parcel Area(acres): \_\_\_\_\_ Zoning District: \_\_\_\_\_

## Applicant Information

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_ Email Address: \_\_\_\_\_

## Property Owner's Information (If different)

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_ Email Address: \_\_\_\_\_

Describe the request in detail, include exact measurements, and reason for the request:

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Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **For Office Use Only**

Project Number: \_\_\_\_\_ Date Accepted: \_\_\_\_\_

Planner Assigned: \_\_\_\_\_

**Expansion of Non-conforming Analysis Form**  
(to be completed by the applicant)

1. Please explain how granting the expansion of a non-conforming use/building will be in harmony with one or more of the purposes of the Murray City Land Use Ordinance.

2. Please explain how the requested expansion will or will not have an unreasonable burden on the area surrounding the requested expansion.

### **Property Owners Affidavit**

I (we) \_\_\_\_\_, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

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Owner's Signature

Owner's Signature (co-owner if any)

State of Utah

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County of Salt Lake

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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Notary Public

Residing in \_\_\_\_\_

My commission expires: \_\_\_\_\_

### **Agent Authorization**

I (we), \_\_\_\_\_, the owner(s) of the real property located at \_\_\_\_\_, in Murray City, Utah, do hereby appoint \_\_\_\_\_, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize \_\_\_\_\_ to appear on my (our) behalf before any City board or commission considering this application.

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Owner's Signature

Owner's Signature (co-owner if any)

State of Utah

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County of Salt Lake

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, personally appeared before me \_\_\_\_\_ the signer(s) of the above *Agent Authorization* who duly acknowledge to me that they executed the same.

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Notary public

Residing in: \_\_\_\_\_

My commission expires: \_\_\_\_\_