



**Murray City Hearing Officer Meeting
Notice of Meeting and Agenda**

**Wednesday, April 9th, 2025, 12:30 p.m.
Murray City Hall, 10 East 4800 South
Poplar Conference Room #151**

Supporting materials are available at <https://www.murray.utah.gov/1386/Agendas>.

CALL MEETING TO ORDER

BUSINESS ITEMS

1. Conflict of Interest Declaration

VARIANCE REQUESTS

2. Hark Drilling 210, 220, and 238 West Fifth Avenue Expansion of Nonconforming Use	Project # 25-002 Case #1620
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ANNOUNCEMENTS AND QUESTIONS

ADJOURNMENT

The next scheduled meeting will be held on Wednesday, May 14, 2025, at 12:30 p.m. MST located at Murray City Hall, Poplar Room #151, 10 East 4800 South, Murray, Utah.

Special Accommodations for the hearing or visually impaired will be made upon a request to the office of Murray City Recorder (801-264-2662). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

At least 24 hours prior to the meeting, a copy of the foregoing notice was sent to the City Recorder to post in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. A copy of this notice was also posted on Murray City's internet website www.murray.utah.gov and the state noticing website at <http://pmn.utah.gov>.



AGENDA ITEM # 2 - Hark Drilling

ITEM TYPE:	Expansion of a Non-Conforming Use		
ADDRESS:	210, 220, 238 West Fifth Avenue	MEETING DATE:	April 9, 2025
APPLICANT:	Hark, LLC	STAFF:	David Rodgers, Senior Planner
PARCEL ID:	21-12-206-014, 21-12-206-013, 21-12-206-012	CASE NUMBER:	1620
ZONE:	MCMU, Mixed Use	PROJECT NUMBER:	HO-25-002
SIZE:	.16 acres, .18 acres, .67 acres for 1.01-acres Total		
REQUEST:	The applicant would like to extend a non-conforming use in the Murray Central Mixed Use Zone to an adjacent property that was recently purchased by the applicant. The adjacent property has a non-conforming single-family home that will be demolished.		



I. LAND USE ORDINANCE

Section 17.52.040 of the Murray City Land Use Ordinance allows for a building or structure occupied by a nonconforming use, or a building that is nonconforming as to height, area, or yard regulations to be added to, enlarged, or moved to another location on the lot subject to review by the Hearing Officer. The applicant is looking to expand their non-conforming storage business to an adjacent property, and the proposed extension will increase the size of the business area. Section 17.146.170 allows for a nonconforming use to not come into conformance with the standards of the MCMU zoning district if the improvements are less than 50% of the assessed value of the buildings on the property. The buildings are not being changed, and the lot will be adding a percentage to the business that is less than 50% of the building valuation.

II. PROJECT REVIEW

Subject Property + Background

The subject property is a non-conforming business located within the Murray Central Mixed Use Zone (MCMU). The applicant has recently purchased a property next door to the current business and would like to use that lot to expand the business operations. The current boundaries and proposed expansion are attached to this report for review. The applicant does not intend to change the nature of the business, purely use the additional land to grow the current use.

The business is located within the MCMU zone and has been operating longer than that zone has been in place. This business is considered legal nonconforming and when the zone was adopted was allowed to continue operating at its current standard. As such, this use does not conform with zoning requirements.

Proposed Expansion

The non-conforming existing business currently uses 210 and 220 West Fifth Avenue as the sites for an office and storage for Hark Drilling. The applicant recently acquired the parcel at 238 West Fifth Avenue and intends to extend the storage component onto the newly acquired lot. Because the use is non-conforming, they would like an expansion of non-conformity to extend the use onto this property. This expansion is being done in anticipation of the three lots being consolidated into one lot in the future.

III. PUBLIC NOTICE & COMMENT

Thirty-seven (37) notices of the public meeting were mailed to all property owners within 300 feet of the subject property. As of the writing of this report, staff has not received any comments.

IV. FINDINGS

The Hearing Officer acting as the Murray City Appeal Authority may authorize approval of an addition, enlargement, or moving of a structure occupied by a nonconforming use or a structure that is nonconforming as to height, area, or yard regulations subject to the following findings:

1. The addition to, enlargement of, or moving of the Use will be in harmony with one or more of the purposes of this title;

The proposed expansion is in harmony with the following statements that are located in Section 17.04.020(A) and (F), and of the Murray City Land Use Ordinance:

- Encourage and facilitate the orderly growth and development of the city.
 - Reinvestment in existing businesses contributes to and encourages the orderly growth and development of the city.
- Foster the city's residential, business, and industrial development.
 - The proposed expansion would allow for a local business to grow in an established area of Murray.

2. That the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or structure.

Staff does not anticipate that the proposed expansion will not impose any burden upon the lands located in the vicinity of the nonconforming structure.

V. CONCLUSION / RECOMMENDATION

Based on a review and analysis of the submitted material and applicable sections of the Murray City Land Use Ordinance, Staff finds that the proposal meets the standards for an expansion of a nonconforming business and recommends APPROVAL subject to the following conditions:

1. The applicant shall maintain an active Business License that contains the correct address of the property while operating.
2. The property owner shall apply for and receive an approval to consolidate the three lots for the business location before the end of 2025.
3. The business extension shall be contained entirely within the proposed area.



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: 238

Project Address: 238 W 5th Ave. Murray, UT 84107

Parcel Identification (Sidwell) Number: 21-12-2006-012-0000

Parcel Area(acres): 0.16

Zoning District: MC MU

Applicant Information

Name: Hark, LLC

Mailing Address: 12225 W. Peoria Ave. City: El Mirage State: AZ ZIP: 85335

Phone #: 623-434-3105 Fax #: _____

Email Address: Vanessa.bubbeck@harkdrilling.com

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:

We recently purchased 238 W 5th Ave. and we would like to include its 0.16 acres of property to our current storage yard. We would like to do this to reduce on street parking and road congestion. Our plan is to demo the house that is currently on property.

Authorized Signature: PJM

Date: 5/7/25

For Office Use Only

Project Number: P1-25-020

Date Accepted: 03/12/2025

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.

We believe that granting the non-conforming use will align with 2 of the purposes outlined in the MCMU.

- Point A "residents and workers within walking distance of transit opportunities." We employ 20+ people year round at this location
- Point B "Encourage a mix... open space..." Yes we will store things on the property but we do not intend to build anything on it

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

We believe the expansion will not create any burden's for the surrounding area. We are not creating any additional traffic, noise, or impact on the area. The space will only be used for storage.

Property Owners Affidavit

I (we) Jeff Harkless member of Hark, LLC, 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.

Jeff Harkless

Owner's Signature

Owner's Signature (co-owner if any)

State of Utah AZ

S

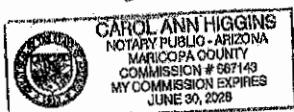
County of Salt Lake

Maricopa

Subscribed and sworn to before me this 7 day of March, 20 25.

Carol Ann Higgins

Notary Public



Residing in Maricopa County, Arizona

My commission expires: 6/30/2028

Agent Authorization

I (we), Jeff Harkless member of Hark, LLC, the owner(s) of the real property located at 238 W 5th Ave. in Murray City, Utah, do hereby appoint Pedro Rodriguez as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize Pedro Rodriguez to appear on my (our) behalf before any City board or commission considering this application.

Jeff Harkless

Owner's Signature

Owner's Signature (co-owner if any)

State of Utah AZ

S

County of Salt Lake

Maricopa

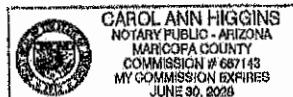
On the 7 day of March, 20 25, personally appeared before me Jeff Harkless the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.

Carol Ann Higgins

Notary public

Residing in Maricopa County, AZ

My commission expires: 6/30/2028





HEARING OFFICER
NOTICE OF PUBLIC MEETING
April 9th, 2025, 12:30 PM

This notice is to inform you of a public meeting scheduled before the Murray City Hearing Officer to be held at Murray City Hall located at 10 East 4800 South, Poplar Conference Room #151. **Hark LLC is requesting an extension of a nonconforming use for the properties located at 210, 220, & 238 West Fifth Avenue. The request is to allow the current business to extend to a newly acquired lot.** Please see the attached plans. You may attend the meeting in person, or you may submit comments via email at planning@murray.utah.gov.

Comments are limited to 3 minutes or less and will be included in the meeting record.



This notice is being sent to you because you own property within 300 feet of the subject property. If you have questions or comments concerning this request, please call David Rodgers with the Murray City Planning Division at 801-270-2423, or email drodgers@murray.utah.gov.

Special accommodations for the hearing or visually impaired will be upon a request to the office of the Murray City Recorder (801-264-2660). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

Public Notice Dated March 25th, 2025

Murray City Hall | 10 East 4800 South | Murray | Utah | 84107







238 West 5th Ave.



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