

Minutes of the Hearing Officer meeting held on Wednesday, November 13<sup>th</sup>, 2024, at 12:30 p.m. in the Murray City Hall, Poplar Room #151, 10 East 4800 South, Murray UT 84107.

Present: Jim Harland, Hearing Officer  
Zachary Smallwood, Planning Division Manager  
Mark Richardson, Deputy Attorney  
Lindsey Ross, property owner  
John Webster, property owner  
Marcia Carlson, property owner  
Jeramy Heinberger, applicant/contractor  
Members of the Public (per sign-in sheet)

#### CALL MEETING TO ORDER

Mr. Harland called the meeting to order at 12:30 p.m.

#### CONFLICT(S) OF INTEREST

There are no conflicts of interest for this meeting.

#### VARIANCE(S)

##### Jeramy Heinberger - Project # 24-008 - Case #1618 - 5790 South Golden Drive - Requesting a Variance to the Front Yard Setback

Zachary Smallwood presented this request from Jeramy Heinberger, the contractor for the Ross family, for a variance to the front yard setback. He described the single-family property, located in the R-1-8 zone. He presented the site plan, which was also located in the packets provided. He provided information regarding the need for the variance request. Their request is due to issues with flooding in their garage. Staff does not support the request because there is not an unreasonable hardship incurred by the required setback. The required setback would only result in a smaller garage, which staff finds acceptable. The applicant could still fit two vehicles in the garage. Mr. Smallwood discussed the five criteria required for a variance request. He said if the request does not meet all five criteria, it can not be approved per state law. He said that because there is no unreasonable hardship in this case, it shouldn't be approved. He also said that the variance is not deemed essential to the enjoyment of a substantial property right possessed by other properties in the district.

Mr. Harland and Mr. Smallwood had a discussion regarding the implications of the applicant having a smaller garage. They discussed the request in regard to the flooding issue. Mr. Harland asked how the house could have originally been built such that the driveway slopes into the house. Mr. Smallwood said that it was more common in the era the house was built. Mr. Harland clarified the requested dimension of the desired garage.

Mr. Harland and Mr. Heinberger had a discussion about the size and logistics of how to fit cars in a garage that would comply with the code. Mr. Heinberger said it will be difficult for the client to get two cars deep. He said that side-by-side is not possible because of the amount of usable space left with internal pillars and to keep in adherence to the side setback.

Mr. Heinberger asked if the code requiring the setbacks can be updated. Mr. Harland said that's not within his scope. He said Mr. Heinberger would need to go through the Planning Commission, which he is welcome to do. Mr. Harland said that the five criteria to qualify for a variance are state law and not within his control. He said that the homeowners would need to convince him that what staff indicated is not correct.

Mr. Heinberger said that the hardship is being able to build in such a way that the homeowner can get two cars in the garage. He feels this is the same right as any other neighbor already has. He said he feels this meets the criteria for hardship.

Mr. Heinberger said the property meets the requirement for special circumstances because it's one of the only lots that is as narrow as it is. It's not big enough to build a wider garage.

John Webster, one of the property owners, said the shape of the property creates the hardship. He said they are asking to have the same privilege to line up with that same setback as neighbors.

Lindsay Ross, one of the property owners, stated that another hardship is that there is no other location on the property where a garage could be built. She explained issues with other locations.

Mr. Harland asked if there was any public comment.

Mr. Smallwood said he received two phone calls, in support of the request. This was addressed in the staff report.

Mr. Harland said he will review the request and provide a written decision within a week.

#### ANNOUNCEMENTS AND QUESTIONS

The next scheduled meeting will be held on Wednesday, December 11<sup>th</sup>, 2024, at 12:30 p.m. MST located at Murray City Hall, Poplar Room #151, 10 East 4800 South, Murray UT 84107.

#### ADJOURNMENT

Mr. Harland adjourned the meeting at 12:55 p.m. MST.



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Philip J. Markham, Director  
Community & Economic Development Department