

Minutes of the Hearing Officer meeting held on Wednesday, June 12, 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
David Rodgers, Senior Planner
Mark Richardson, Deputy Attorney

CALL MEETING TO ORDER

Mr. Harland called the meeting to order at 12:31 p.m.

CONFLICT(S) OF INTEREST

There are no conflicts of interest for these items.

VARIANCE(S)

Jana Darby - 657 East Spruce Glen Drive - Variance to Front Yard Setback - Case #1612 – Project #24-002

David Rodgers presented the request by Jana Darby for a variance to Section 17.100.080(A) of the Murray Land Use Ordinance, which states the minimum depth of a front yard in the R-1-8 Zone shall be 25 feet. The applicant is requesting the variance to reduce the front yard setback to 15 feet. All other land use regulations would apply as normal, which includes setbacks and lot width. The subject property is currently a vacant lot. The applicant is in the process of purchasing the parcel to build a single-family home. He explained that there's a requirement from Salt Lake County Flood Control stating that the structure must maintain a minimum of 20 feet in distance from the creek, due to the shape of the creek and a bend in the creek at this location, this allows for only 18 feet front-to-back buildable space for the lot. Amending the front yard setback would allow the applicant to build a house that has similar visual appeal as other dwellings in the community. He showed the parcel on the map, pointing out the proximity of the creek. He also showed the site plan with the applicant's proposal. He went over the history of the property, including why Salt Lake County has the 20 foot requirement. He noted that four other residents have applied for a similar variance, with three of those being granted. Staff finds that the applicant meets the five criteria for a variance. Mr. Rodgers detailed how the application meets each of those criteria.

Jim Harland had the applicant, Jana Darby, come up.

Ms. Darby stated that she is requesting the variance to allow a house to have more usable space.

Bob Whitney, who is representing the applicant (with Watch Group Real Estate) confirmed the challenges with this property. He supports the request for the variance.

Mr. Harland confirmed that Ms. Darby doesn't own the property yet. She said they are under contract with the seller.

Mr. Harland asked Ms. Darby if she agrees with and can complete the conditions. She stated she would.

Mr. Harland opened the public comment for this agenda item.

Mr. Rodgers read an email received from Kimberly Hampton. She said that she recently applied for the same variance for her property and was denied. She feels it would be unfair to approve this variance. She also says that setbacks are created to maintain privacy for neighbors. Distancing between properties reduce noise pollution and allow for access to underground utilities. From my perspective of fairness and practicality, she firmly disagrees with this request.

Mr. Harland asked staff to confirm whether she applied for a variance.

Mr. Rodgers said they could not find a variance application for this property.

Mr. Rodgers read an email from Marc Gaztambide. He said that adhered to the setbacks when he built his house, which directly borders to the east. He understands they are trying to squeeze in a structure on a lot that, for many years, was unbuildable. He questioned the proposed structure within eight feet of his property line. He said they need to keep density under control.

Mr. Harland closed the public comment period for this agenda item.

Mr. Harland said this is a straightforward request that he anticipates approving it. He told the applicants to wait for a written decision before proceeding with their project.

Quick Quack Carwash - Variance to Landscape Setback in Front Yard - Case #1613 – Project #24-003

Mr. Smallwood presented the request by Russell Nelson of Lonestar Builders, Inc. for a variance to Section 17.152.100(A) and 17.68.040(A)(c) of the Murray Land Use Ordinance, which requires a minimum ten feet (10') of landscaping behind the sidewalk. He said that the only access to this property is through a cross-access easement, which he showed on the map. The applicant is working with the neighboring property owner to provide a full 24-foot access, which would allow for complete ingress and egress. He said that if they must strictly adhere to the land use code, it would not give them enough room for adequate vehicle access to the property. Mr. Smallwood said that the applicant meets the five criteria to be approved for the variance, explaining in detail how each of those criteria are met. Staff recommends that the hearing officer approve the request to the two sections of the land use ordinance. The first one being 17.152.100(A), within the M-G zone, that states a 10-foot landscaping buffer is required. The other ordinance is 17.68.040(A)(c), within the Murray City landscaping ordinance, which also mandates a 10-foot setback from the property line.

Mr. Harland and Mr. Smallwood discussed that the applicant had originally requested a landscaping variance but had change to a variance for the sidewalk. Mr. Harland asked Mr. Smallwood to send him an email with the updated request and conditions. They also discussed the details of the sidewalk.

Russell Nelson spoke regarding the application. He provided more detail regarding the reason for the request, which includes a slope change on the property. He showed some of the details on the site map regarding a concrete curb and existing sidewalk. He said that if pedestrian access isn't required, they would agree to add landscaping if it's required.

Mr. Smallwood said he doesn't believe it's required. Mr. Harland said he would be okay with something besides landscaping.

Mr. Harland and Mr. Smallwood discussed modifying the first condition to accommodate the updated request. Mr. Smallwood recommended revised language stating that the application not exceed more than 72 feet along the 4500 South frontage with a zero-foot landscape setback.

Mr. Harland opened the public comment period for this agenda item. Seeing none, public comment period was closed.

ANNOUNCEMENTS AND QUESTIONS

The next scheduled meeting will be held on Wednesday, August 14th, 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 1:04 p.m. MST.

A handwritten signature in black ink, reading "Philip J. Markham". The signature is fluid and cursive, with a long horizontal line extending from the end.

Philip J. Markham, Director
Community & Economic Development Department