



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

**Wednesday, September 10th, 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. Ostrander & Pearl Carport Variance  
6485 South Hickory Lane  
Variance to side yard setbacks in the R-1-8 zoning district

Project # 25-004  
Case #1622

**ANNOUNCEMENTS AND QUESTIONS**

**ADJOURNMENT**

The next scheduled meeting will be held on Wednesday, October 8th, 2025, at 12:30 p.m. MST located at Murray City Hall, Poplar Room #151, 10 East 4800 South, Murray, Utah.

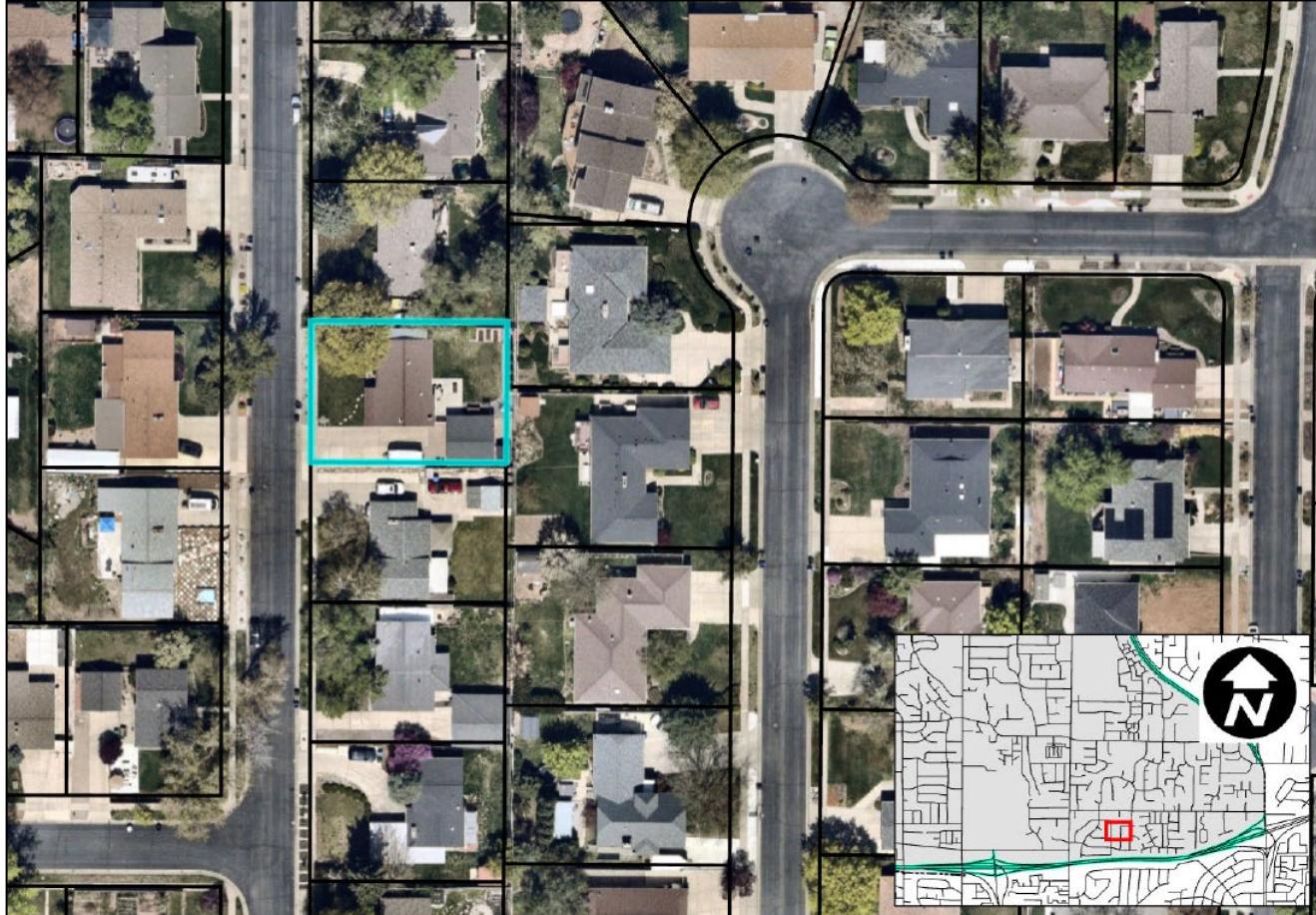
Special Accommodations for the hearing or visually impaired will be made upon a request to the office of Murray City Recorder (801-264-2662). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

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](http://www.murray.utah.gov) and the state noticing website at <http://pmn.utah.gov>.



## AGENDA ITEM #2 - Ostrander / Pearl

<b>ITEM TYPE:</b>	Variance Application		
<b>ADDRESS:</b>	6485 South Hickory Lane	<b>MEETING DATE:</b>	September 10, 2025
<b>APPLICANT:</b>	Ken Ostrander & Jill-Ann Pearl	<b>STAFF:</b>	Zachary Smallwood, Planning Manager
<b>PARCEL ID:</b>	22-21-156-016	<b>CASE NUMBER:</b>	#1622
<b>ZONE:</b>	R-1-8, Single-Family Residential	<b>PROJECT NUMBER:</b>	25-004
<b>SIZE:</b>	0.22 acre site		
<b>REQUEST:</b>	The applicant is requesting a variance to Section 17.100.080 of the Murray Land Use Ordinance regarding side yard setbacks.		



## I. DESCRIPTION of REQUEST

The property is a 0.22 acre lot east of 1300 East and south of 6400 South. The setbacks, lot coverage, and size of the property are all compliant with the requirements of the R-1-8 zoning district.

The property owners applied for a building permit on July 28<sup>th</sup>, 2025 to construct a carport on the south side of their property. The contractor indicated a side setback of “6-8 feet” on the site plan. Staff replied asking for clarification on what the side yard setback was and in further looking at the property it was identified that the proposed carport would be closer than six feet (6') to the property line. After explaining the requirements of the code to the contractor, the property owner came forward to apply for a variance.

The applicant provided photos of the property in submitting for this request. The photos indicate that the contractor began work on the carport prior to obtaining the required permits.

## II. LAND USE REGULATIONS

The subject property is located in the R-1-8 Zone. Section 17.100.080 of the Murray City Land Use Ordinance establishes that a minimum of eight feet (8') and a total between the two side yards of twenty feet (20') is required for single-family dwellings.

## III. PROJECT REVIEW

### Applicant's Narrative and Materials

The applicant has provided a written response to questions reviewing the application against the tests for granting a variance (the Variance Analysis Form). The form has been attached to this report for review and consideration.

### Public Input

Notices were sent to property owners neighboring the subject property. No comments have been received as of the writing of this report. The applicant has obtained signatures from neighbors supporting his request.

## IV. VARIANCE FINDINGS

Staff analysis and findings for compliance with standards for a variance as contained in Land Use Ordinance Section 17.16.060 are listed below.

- A. The literal enforcement of the Land Use Ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinance.**

For an application to be ruled an unreasonable hardship, the alleged hardship must arise from

circumstances peculiar to the property and may not be self-imposed. The property is not different from most other interior lots in the R-1-8 zone. Prior to the request the home was conforming to all other zoning requirements for the R-1-8 zone.

The application for a variance does not meet the second requirement for an unreasonable hardship. The need for a variance comes from the actions of the applicant, meaning that the hardship is self-imposed. The applicant's contractor began construction prior to obtaining the requisite building permits without reaching out to anyone in the City to verify the requirements. There would be no need for a variance if the contractor had checked City regulations before beginning their work. Staff finds that the application does not meet this requirement for granting a variance.

**B. There are special circumstances attached to the property that do not generally apply to other properties in the district.**

The applicants are located in a typical single-family subdivision. The applicant states that they would like to construct a carport because an extension of their existing garage would be difficult because of its roof sitting lower than the main dwelling. The applicant does not argue that there are any special circumstances related to the property that do not generally apply to other properties in the R-1-8 zoning district. Staff finds that the application does not meet this requirement for granting a variance.

**C. Granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the district.**

The applicant states that other houses in their neighborhood have carports that protect vehicles. In a visual review of city maps, staff could not find a carport that was not meeting the requirements of the code as of the latest maps the city has. Staff met with the applicant prior to placing this item on the Hearing Officer's agenda and indicated to the applicant they are still able to build a carport that meets the setbacks of the home. The applicant would not be able to keep the posts as they are currently constructed and the posts will need to be relocated. Staff also observed that the applicant does have a detached garage to park vehicles, the applicant could submit a building permit to increase the height of that garage to help protect the RV. Because there are other code-compliant ways of addressing the issue of property maintenance and safety, staff finds that the application does not meet this requirement for granting a variance.

**D. The variance will not substantially affect the General Plan and will not be contrary to the public interest.**

The General Plan calls for single-family, low-density residential development in this area. The requested variance would have no practical impacts that would be in any way contrary to the public interest or have any impact upon the General Plan. Staff finds that the application meets this requirement for granting a variance.

**E. The spirit of the Land Use Ordinance is observed, and substantial justice done.**

In the review of this case, Staff sees no practical impact from the requested variance, and Staff finds that granting the variance will not violate the spirit of the ordinance. The purpose of the ordinance is to promote an environment for family life (17.100.010) and the proposed carport does not conflict with this purpose. Staff finds that the application meets this requirement for granting a variance.

**V. UNREASONABLE HARDSHIP ANALYSIS**

In determining whether enforcement of the Land Use Ordinance would cause unreasonable hardship, the Hearing Officer may not find an unreasonable hardship unless the applicant proves that the alleged hardship:

**A. Is located on or associated with the property for which a variance is sought.**

The alleged hardship is associated with the property for which the variance is sought.

**B. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood. Special circumstances must: (1) Relate to the hardship complained of, and (2) Deprive the property owner of privileges granted to other properties in the same district.**

As established by Staff's analysis of the tests of hardship, the circumstances are not peculiar to the property, but arise from the applicant's request. As such, Staff cannot recommend that the variance should be granted.

**C. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under subsection C1 of this section, the assigned hearing officer may not find an unreasonable hardship if the hardship is self-imposed or economic.**

Staff concludes that the hardship mentioned in this report is self-imposed. The applicant's contractor did not review the city ordinances regarding side yard setbacks or attempt to ask a staff member before beginning construction and applying for a building permit.

**VI. CONCLUSION/RECOMMENDATION**

Based on review and analysis of the application materials, the subject property, surrounding area, and applicable sections of the Murray City Land Use Ordinance, Staff finds that the application cannot meet all applicable standards of review for the granting of a variance, and recommends DENIAL of the requested variance to the requirements of Sections 17.100.080 of the Murray City Land Use Ordinance.

## VARIANCE APPLICATION

### Application Information

Project Name: Carport Addition - Permit Number E25838

Project Address: 6485 S Hickory Ln, SLC, UT 84121

Parcel Identification (Sidwell) Number: 2221156016

Parcel Area(acres): 22 Zoning District: R18 residential

### Applicant Information

Name: Ken Ostrander & Jill-Ann Pearl

Mailing Address: 6485 S Hickory Ln City: Murray State: UT ZIP: 84121

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

**Property Owner's Information (If different)**

Name: N/A

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

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

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

We request a zoning variance to build a permanent carport closer than eight feet to the property line, citing safety risks and lack of sustainability of the current temporary tarp solution used to protect the travel trailer. Unique roofline differences on the property make alternative placement impracticable, and the variance would allow us to enjoy property rights similar to others in the neighborhood. We are requesting the variance allowed to be within two feet of the property line. The proposed carport aligns with the Murray City General Plan by enhancing neighborhood aesthetics, improving property value, and supporting sustainable development without negatively impacting neighbors or the public interest. The carport upholds the spirit of the zoning ordinance, with neighbor support further validating the request.

Authorize Signature: John Doe Date: 8-19-2023

For Office Use Only

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

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

**Property Owners Affidavit**

I (we) Ken Ostrander, Jill-Ann Pearl, 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.

KSO

Owner's Signature

Jill-Ann Pearl

Owner's Signature (co-owner if any)

State of Utah

§

County of Salt Lake

Subscribed and sworn to before me this 19 day of August, 2025.

Meredith McBride

Notary Public



MEREDITH SKYE MCBRIDE  
NOTARY PUBLIC-STATE OF UTAH  
COMMISSION# 740748  
COMM. EXP. 12-20-2028

Residing in Salt Lake County

My commission expires: 12-20-2028

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.

Owner's Signature

Owner's Signature (co-owner if any)

State of Utah

§

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.

Notary public

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

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

## Variance Analysis Form

(to be completed by the applicant)

1. Can you describe how the enforcement of the zoning ordinance creates a hardship specific to the land of your property, distinct from personal or economic issues, and not self-imposed?

We are requesting a building permit to install a permanent carport over our travel trailer. This structure will provide essential weather protection, replacing the current seasonal tarp, which requires physically demanding and unsafe labor - particularly for aging residents.

Continuing with the temporary solution poses serious health and safety risks and may eventually require hired help, creating a financial burden.

A permanent, professionally engineered and constructed carport would not only resolve these concerns but also be more visually compatible with the neighborhood, enhancing the property's appearance and value. Denying the permit would force ongoing reliance on an unsafe, unattractive, and unsustainable alternative.

2. What unique physical features or circumstances of your property, such as shape or topography, differentiate it from others in the same district and hinder adherence to the zoning ordinance?

We initially considered building a carport off the existing detached garage, but after evaluating the roofline differences — with the garage roof sitting lower than the house roof — we've determined that a structurally sound and aesthetically acceptable carport is not feasible in that location.

3. How does the zoning ordinance prevent you from enjoying a substantial property right that is available to other properties in the same district, and how would the variance rectify this?

Other houses in our neighborhood have carports that protect vehicles and trailers that seem to not meet the same code that we are being required to adhere to. Allowing this variance would enable us to have the same property rights and enjoyment of being able to protect and preserve our valuable outdoor assets.

4. How will your requested variance align with the Murray City General Plan and not be contrary to the public interest, while not substantially affecting the general plan?

The Murray City General Plan emphasizes maintaining the character and integrity of residential neighborhoods, encourages enhancements that improve livability, supporting sustainable and safe development.

Our proposed carport will be built using materials that match and complement the existing residence, will help protect our vehicles and property from weather related damage contributing to the long term upkeep of the home, will be constructed to meet all applicable building and safety standards. This enhancement supports the city's goals of promoting attractive, well maintained, and resilient neighborhoods.

Not contrary to the public interest; this structure will not obstruct views, impede access or negatively affect adjacent properties, will not generate noise, traffic or environmental concerns, will improve property value and appearance in a tasteful and appropriate way.

We've spoken with our neighbor on this south property line. Not only are there no objections, the neighbor is excited about our project and wholeheartedly endorses it.

5. How does your request for a variance uphold the spirit of the zoning ordinance and ensure substantial justice, despite not meeting its literal terms?

By providing an aesthetically pleasing, long-term structure that will add value to our home and help protect our vehicles. As evidenced by the Petition to Support Construction of a Carport letter attached to this variance application, our neighbors are in agreement this project will uphold the spirit of the zoning ordinance by not putting up an unattractive metal carport or tarp.

Letter to Support Construction of a Carport

Address: 6485 S Hickory Ln

Date: August 17, 2025

Murray City  
Planning Division  
10 East 4800 South  
Murray, UT 84107

August 17, 2025

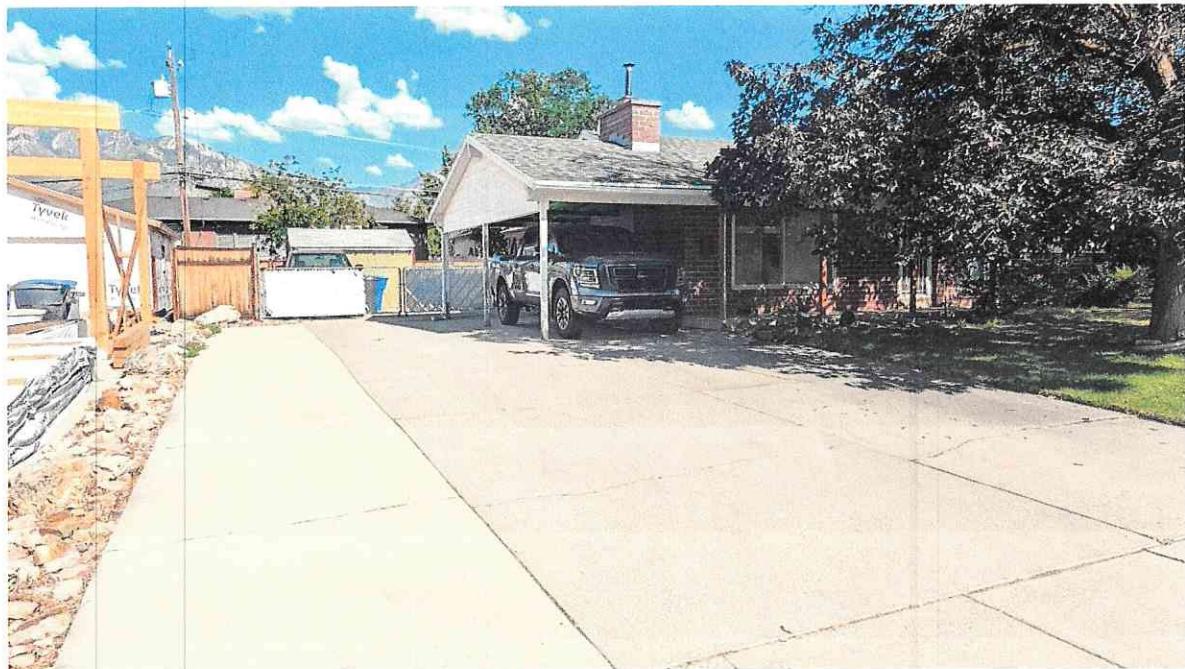
Re: parcel number 2221156016 variance request

Murray City Planning Division,

I, Pete Jones, residing at 6495 S Hickory Ln, Murray, UT 84121, am the adjoining neighbor to 6485 S Hickory Ln, Murray, UT 84121.

I hereby confirm that I have no objection to Ken Ostrander & Jill-Ann Pearl's constructing a carport on their property that extends to or is built up to our shared property line. I understand the location and nature of the proposed structure, and I give my consent for this construction as described.

Our shared property line is on the left in this photo. Granting the variance request will not prohibit me from accessing all of my property.



This agreement is given voluntarily and with full understanding of the implications. I understand that this letter may be used for permitting or documentation purposes with the local council or planning authority.

If there are any questions regarding this matter, I can be reached at the contact information below.

Sincerely,



Pete Jones



August 17, 2025

Petition to Support Construction of a Carport  
Address: 6485 S Hickory Ln  
Date: August 17, 2025

Murray City  
Planning Division  
10 East 4800 South  
Murray, UT 84107

Re: parcel number 2221156016

To Whom It May Concern,

We, the undersigned neighbors of Ken Ostrander and Jill-Ann Pearl at 6485 S Hickory Ln, Murray, UT 84121, hereby express our support for their request to construct a carport on their property.

We understand that the purpose of the carport is to provide sheltered parking for their vehicle(s), improve property use, and maintain the overall aesthetics and value of the neighborhood. We have been informed of the design and placement of the proposed carport and have no objections to its construction. We understand stamped engineered plans that include structural calculations, including sonotube detail, footing and foundation calculations, snow load, etc, have been provided to support their request.

We believe that allowing the construction of this carport will not negatively impact the character or enjoyment of the neighborhood and fully support our neighbors in their request.

Name Don Homer Date 8/17/25  
Address 6496 S Hickory Ln  
Signature Don Homer

Name Colton Kasteler Date 8/17/25  
Address 6508 S Hickory Lane  
Signature Colton Kasteler

Name Andrea Hinkie Date 8/17/2025

Address 6505 Hickory Lane

Signature Andrea Hinkie

Name Chris Brown Date 8/17/2025

Address 6459 Hickory Ln

Signature Chris Brown

Name Susan McRabbie Date 8/17/2025

Address 6447 S. Hickory Lane

Signature Susan McRabbie

Name Russell (Earlene) Date 8/17/2025

Address 6470 Hickory Lane

Signature Russell

Name Dan & B. Wirth Date 8-17-25

Address 6492 So. Rutherford Dr.

Signature Dan & B. Wirth

Name Drew M. Ogren Date 8-18-2025

Address 6484 So. Hickory Lane

Signature Drew M. Ogren

Name Diane Smith Date 8/18/2025  
Address 4456 Hickory Ln.  
Signature Diane Smith

Name Thomas Mifflin Date 08/18/2025  
Address 6471 Hickory Lane  
Signature Thomas J. Mifflin

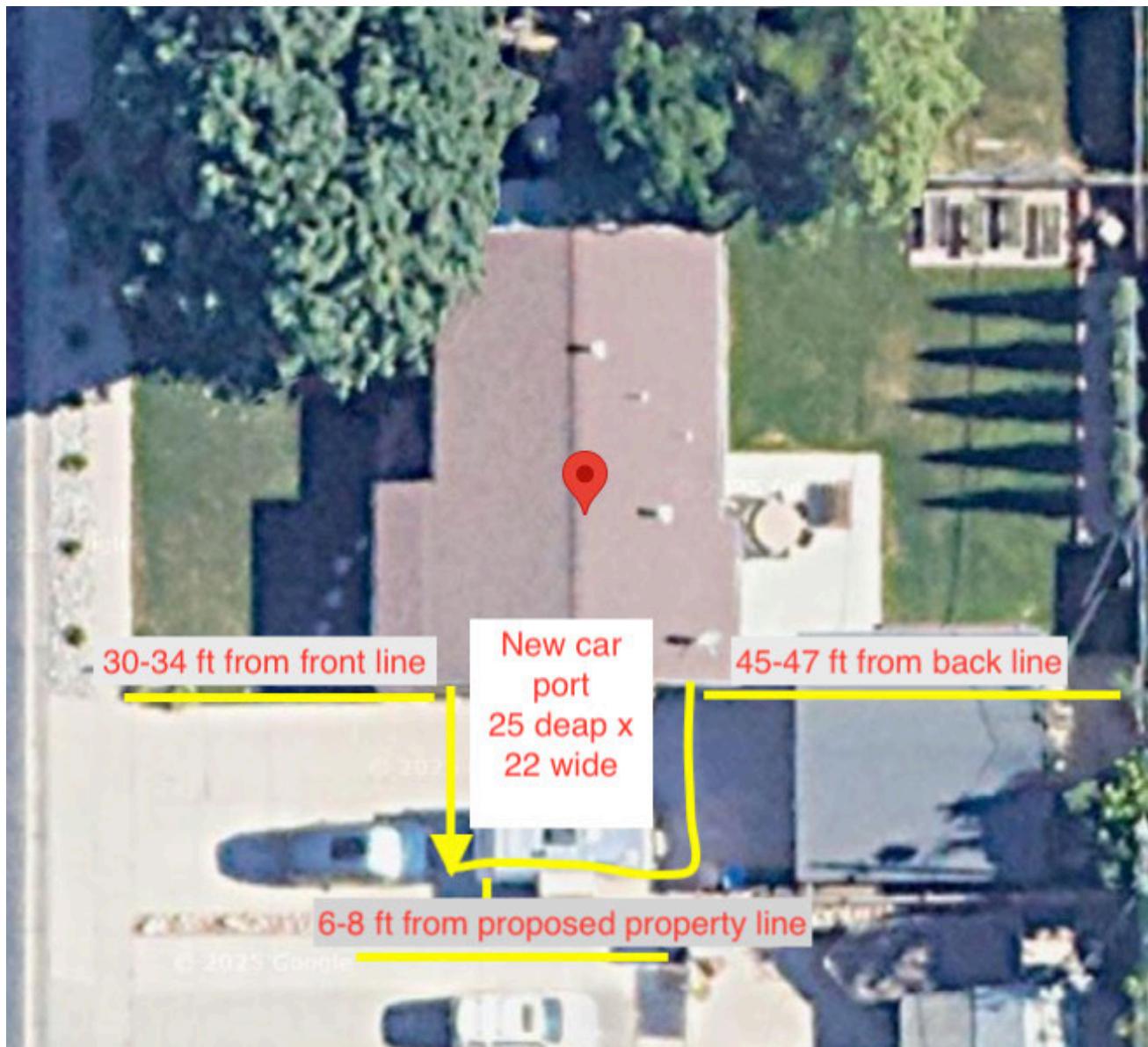
Name Lana L Christiansen Date 8/18/2025  
Address 6480 Rothmoor Dr Murray UT 84121  
Signature Lana L Christiansen

Thank you for your time and consideration.

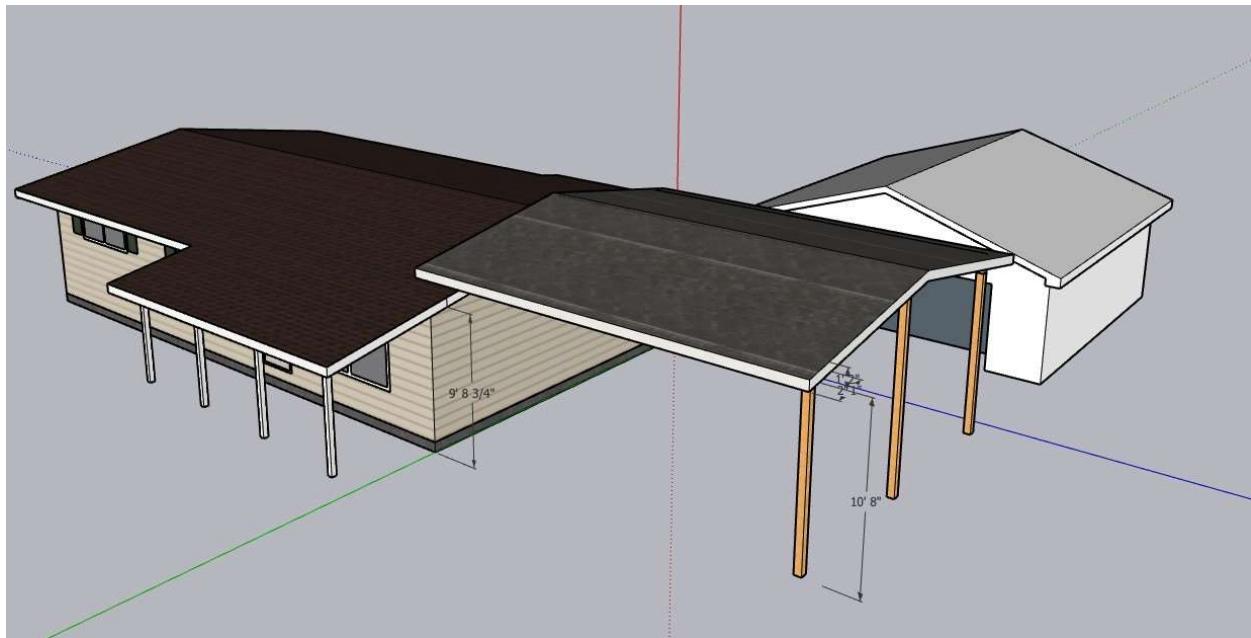
Sincerely,



Ken Ostrander & Jill-Ann Pearl



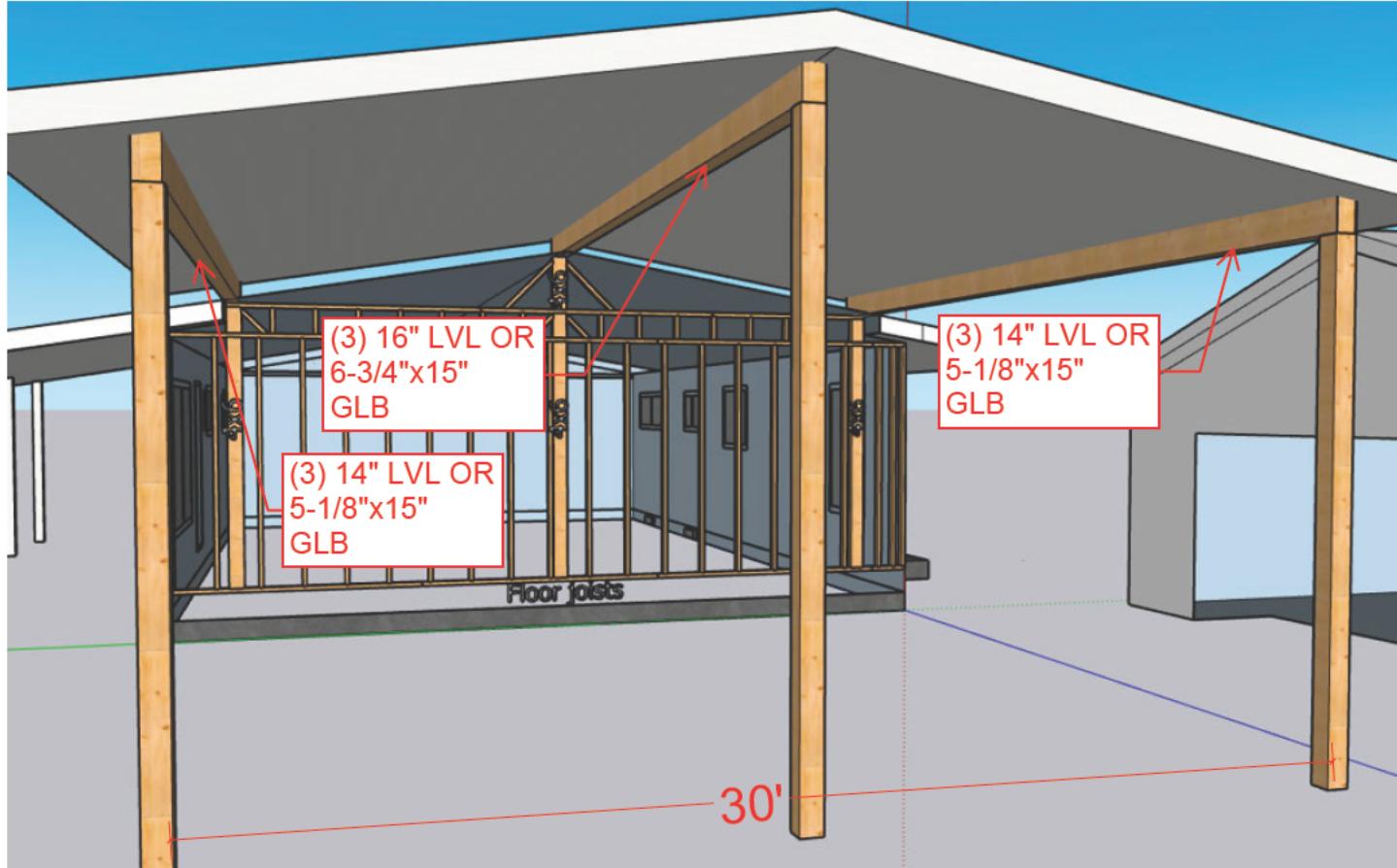
## 6485 S Hickory Ln - Carport Renderings





## BLAZER ENGINEERING

1309 W. 10400 S. Suite 200, #6  
So. Jordan, Utah 84095  
Phone: 801-448-3615





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