



# HEARING OFFICER MEETING

## MEETING MINUTES

September 10, 2025

12:00 P.M. MDT

Poplar Conference Room #151, 10 East 4800 South, Murray, Utah

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### CALL MEETING TO ORDER

### PRESENT

Scott Finlinson, Hearing Officer  
Mark Richardson, Attorney's Office  
Zachary Smallwood, Planning Division Manager  
David Rodgers, Senior Planner

Members of the Public, per sign-in sheet

Mr. Finlinson called the meeting to order at 1:05 p.m. MDT.

### CONFLICT(S) OF INTEREST

There are no conflicts of interest for this meeting.

### VARIANCE(S)

#### Ostrander & Pearl Carport Variance - Project # 25-004 - 6485 South Hickory Lane - Case #1622 - Variance to side yard setbacks in the R-1-8 zoning district

Zachary Smallwood presented the agenda item for a variance to side yard setbacks in the R-1-8 zone. Mr. Smallwood showed pictures of the property and the site plan. He provided some history regarding the property. He said staff originally rejected a building permit in July due to inconsistent reporting of measurements from the property line. It was determined that the posts for the carport are on the property line. This prompted the applicant to request the variance to the side yard setback. He showed renderings of the proposed carport. He said the applicant has installed footings. Mr. Smallwood discussed the code for the depth and width of the side yards. He said that since the carport is attached to the home, more requirements are imposed. He reviewed each of the five tests the request must meet in order to be granted. He explained each test, as it applies to

this request. He said that the request does not meet all five criteria of the tests. Staff recommends that the hearing officer deny the request.

Scott Finlinson invited the applicants, Ken Ostrander and Jill-Ann Pearl, to speak about the request. Mr. Ostrander described the reason for the request and provided more details regarding how it would look. He said his neighbor, Pete Jones, has indicated his approval of the project. He said a letter of his consent was included in the application. Mr. Ostrander said he disagrees with Mr. Smallwood regarding the setbacks that exist for other carports in the neighborhood. He said he has seen several that don't conform to the required setback. He feels that not being allowed to have the carport limits the enjoyment of his property.

A discussion was had regarding the distance between the carport and property line. There is about three feet maximum distance from the property line. Because the carport is attached to the home, that distance does not comply with the code. Mr. Ostrander said they aren't able to build the carport off of the garage. Mr. Smallwood said there might be other options. Mr. Ostrander pointed out that they are also limited by a five-foot utility easement in the rear yard.

Mr. Finlinson confirmed that the structure is partially installed. He said he will review the information and make a determination in a week.

Mr. Ostrander presented a letter from his neighbor stating his approval of the project. Mr. Finlinson said that, although it's thoughtful of the neighbor to write a letter, someday that neighbor may not live there. He asked the applicant to keep in mind that there are city ordinances that new neighbor could demand be enforced. He also said that the carport could potentially interfere with access to the utility easement on the property.

Several neighbors spoke in support of the applicants' project. Edith Mitko, Earlene Russell, Paul and Diane Smith. They said that they are in favor of honoring the spirit of the law.

Mr. Finlinson said he will take into consideration that the neighbors are supportive and that the request is in keeping with what other neighbors have done.

Paul Smith asked questions about the logistics of access for vehicles to the property. He said that parking on the street is a challenge because neighbors aren't able to use their yards to park vehicles. He feels this is a fair request, given the difficulty with parking on the street.

#### ANNOUNCEMENTS AND QUESTIONS

The next scheduled meeting will be held on Wednesday, October 8, 2025, at 12:00 p.m. MDT in the Poplar Conference Room #151, 10 East 4800 South, Murray, Utah.

#### ADJOURNMENT

Mr. Finlinson adjourned the meeting at 1:35 p.m. MDT.

A recording of this meeting is available for viewing at <http://www.murray.utah.gov> or in the Community and Economic Development office located at 10 East 4800 South, Suite 260.

The public was able to view the meeting via the live stream at <http://www.murraycitylive.com> or

<https://www.facebook.com/Murraycityutah/>. Anyone who wanted to make a comment on an agenda item was able to submit comments via email at [planningcommission@murray.utah.gov](mailto:planningcommission@murray.utah.gov).



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Zachary Smallwood, Planning Manager  
Community & Economic Development Department