MURRAY CITY HEARING OFFICER

NOTICE OF MEETING AND AGENDA

April 12, 2023

12:30 PM

5025 S State Street

CALL MEETING TO ORDER

Conflict of Interest Disclosure

VARIANCE(S)

1. Peggy Imai - 451 East Vine Street

   Case #1605

   Rear Yard Setback Variance for Accessory Dwelling Unit (ADU)

   Attachments

   1. Packet, Peggy Imai VAR.pdf

ANNOUNCEMENTS AND QUESTIONS

ADJOURNMENT

The next scheduled meeting will be held on **Wednesday, May 10, 2023, at 12:30 p.m. MST located at Murray City Council Chambers, 5025 South State Street.**

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.

Committee members may participate in the meeting via telephonic communication. If a Committee member does participate via telephonic communication, the Committee member will be on speakerphone. The speakerphone will be amplified so that the other Committee members and all other persons present will be able to hear all discussions.

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.

MURRAY CITY CORPORATION
COMMUNITY & ECONOMIC DEVELOPMENT

Building Division 801-270-2400
Planning Division 801-270-2430

AGENDA ITEM # 2 – Peggy Imai			
ITEM TYPE:	Variance Application(s)		
ADDRESS:	451 East Vine Street	**MEETING DATE:**	April 12, 2023
APPLICANT:	Peggy Imai	**STAFF:**	Zachary Smallwood, Senior Planner
PARCEL ID:	22-07-253-030	**CASE NUMBER:**	#1605
ZONE:	R-1-8, Low Density Single Family	**PROJECT NUMBER:**	23-036
SIZE:	0.26-acre lot		
REQUEST:	Reduce the rear yard setback for an accessory dwelling unit.		

I. DESCRIPTION of REQUEST

The subject property is a vacant property on the north side of Vine Street. The applicant would like to construct a single-family home on the property and build a detached accessory dwelling unit.

The applicant has the required land area and would be otherwise able to build a detached accessory dwelling unit except that there is a powerline easement that Murray Power has existing overhead powerlines. Murray Power will not allow any construction of permanent structures in the easement. Because of this limitation, the applicant would like to request a variance to allow a reduction of the rear yard setback from twenty-five feet (25') to fourteen feet (14').

II. LAND USE REGULATIONS

This application involves a request for a variance to Murray Land Use Ordinance Section 17.78.050(K) that states:

Detached ADUs shall not be located in a front or corner lot side yard and shall meet the same setbacks as required for the primary residence in the zone.

The R-1-8 Zone requires a front yard setback of twenty-five feet (25'), a rear yard setback of twenty-five feet (25'), and side yard setbacks at a minimum of eight feet (8') on one side and a total of twenty feet (20')combined.

III. PROJECT REVIEW

Background

The applicant currently owns a vacant piece of property and intends to develop it into a single-family dwelling for the applicant and an accessory dwelling unit for her caretaker. The applicant has provided a proposed site plan indicating where she would like to place the primary dwelling and the accessory dwelling. Ms. Imai has included the location of the power easement across the rear of her property for the Hearing Officer's review.

Public Input

Twenty-seven (27) notices were sent to all property owners within 300 feet of the subject property. As of the date of this report, no comments have been received.

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.

The subject property is located in the R-1-8, Single Family Residential Zone. The applicant's request is based on a desire to have an onsite caretaker. The zoning ordinance allows for detached accessory dwelling units to help housing needs for homeowners. Because of the existence of a large powerline easement that runs through the middle of the applicant's back yard, finding a way to meet the regulations for a twenty-five foot (25') rear yard setback and maintain enough area for a dwelling unit would constitute an unreasonable hardship.

The general purpose of the R-1-8 zoning district is to encourage and promote family life, the general purpose of the accessory dwelling unit ordinance is to promote opportunities for affordable housing, social/personal support for family members, and preserve the character of single-family neighborhoods. This property abuts the Mick Riley golf course on the north side of the property. The planning staff has reviewed the applicant's materials, and weighed the request against the purposes of the two applicable ordinances and determines that the literal enforcement of the twenty-five foot (25') setback would be a unreasonable hardship and it is not necessary to carry out the general purpose of said ordinances. Thus, staff finds that the application does meet this requirement for granting a rear yard setback for an accessory dwelling unit variance.

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

The property is unique in that it has a large powerline easement (with operating powerlines) running through the middle of the rear yard area of the property. This is uncommon among properties that are located in the R-1-8 Zoning District. Staff finds that the application does meet this requirement for granting a rear yard setback for an accessory dwelling unit variance.

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

Staff has determined that having the ability to build an accessory dwelling unit in the R-1-8 Zoning District constitutes a substantial property right. Many other properties in this zoning district can construct accessory dwelling units. This applicant is able to comply with all other aspects of the requirements for a detached accessory dwelling unit, but the powerline easement running through the rear yard area makes it impossible to locate a small, detached ADU. The applicant has worked diligently to make sure that a house plan that accommodates the applicant's lifestyle and a detached accessory dwelling unit would be able to fit on the property. The existing powerline easement does not allow the property owner the right that other property owners in the district would have. Staff finds that the application does meet this requirement for granting a rear yard setback for an accessory dwelling unit 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 this area to remain residential. Staff finds the proposed variance(s) will not be contrary to that public interest and that granting the variance would further the goals of the general plan, specifically in Chapter 8, Neighborhoods & Housing. Objective 1

states to preserve and stabilize current neighborhoods and one of the strategies to accomplish this is to "support residential infill projects of a compatible scale and form". This application would develop a rarely available vacant piece of property with a single-family dwelling with an accessory dwelling unit. Objective 3 states "Encourage housing options for a variety of age, family size, and financial levels." One of the strategies here is to continue to support accessory dwelling units in all single family zones." Staff finds that the application does meet this requirement for granting a rear yard setback for an accessory dwelling unit variance.

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

The purpose of the accessory dwelling unit ordinance states that that ADUs can be an important tool in the overall housing plan for the city. Specifically, ADUs allow opportunities for property owners to provide (or receive) social or personal support where independent living is desirable, provide for affordable housing opportunities, and preserve the character of single-family neighborhoods by providing standards governing the development of ADUs.

Staff finds that granting the variance would not violate the spirit of the land use ordinance. Because the applicant's rear yard is adjacent to the parking area for Mick Riley Golf Course, granting the variance would not harm any neighboring property owners. The intent of having the rear yard setback for accessory dwelling units is to provide separation between neighboring single-family dwellings. Thus, staff finds that the application meets this requirement for granting a rear yard setback for an accessory dwelling unit 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 in the variance analysis, the circumstances are peculiar to the property, and literal enforcement of them will deprive the property owner of rights or privileges granted to other properties in this district.

VI. CONCLUSION/RECOMMENDATION

In the analysis of the standards for granting a variance as they relate to the subject property,

Staff finds that the application can be considered to meet the requirements for the granting of a variance.

Therefore, 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 does meet the applicable standards for a variance. Staff recommends APPROVAL of the requested variance to Sections 17.78.070, of the Land Use Ordinance reducing the accessory dwelling unit rear yard setback from twenty-five feet (25') to fourteen feet (14') subject to the following conditions:

1. The applicant shall obtain the appropriate Murray City Building Permits necessary for the proposed single family dwelling and accessory dwelling unit.
2. The applicant shall obtain an Accessory Dwelling Unit Permit.

MURRAY CITY CORPORATION

COMMUNITY & ECONOMIC DEVELOPMENT

Planning Division 801-270-2430

HEARING OFFICER
NOTICE OF PUBLIC MEETING

April 12, 2023, 12:30 PM

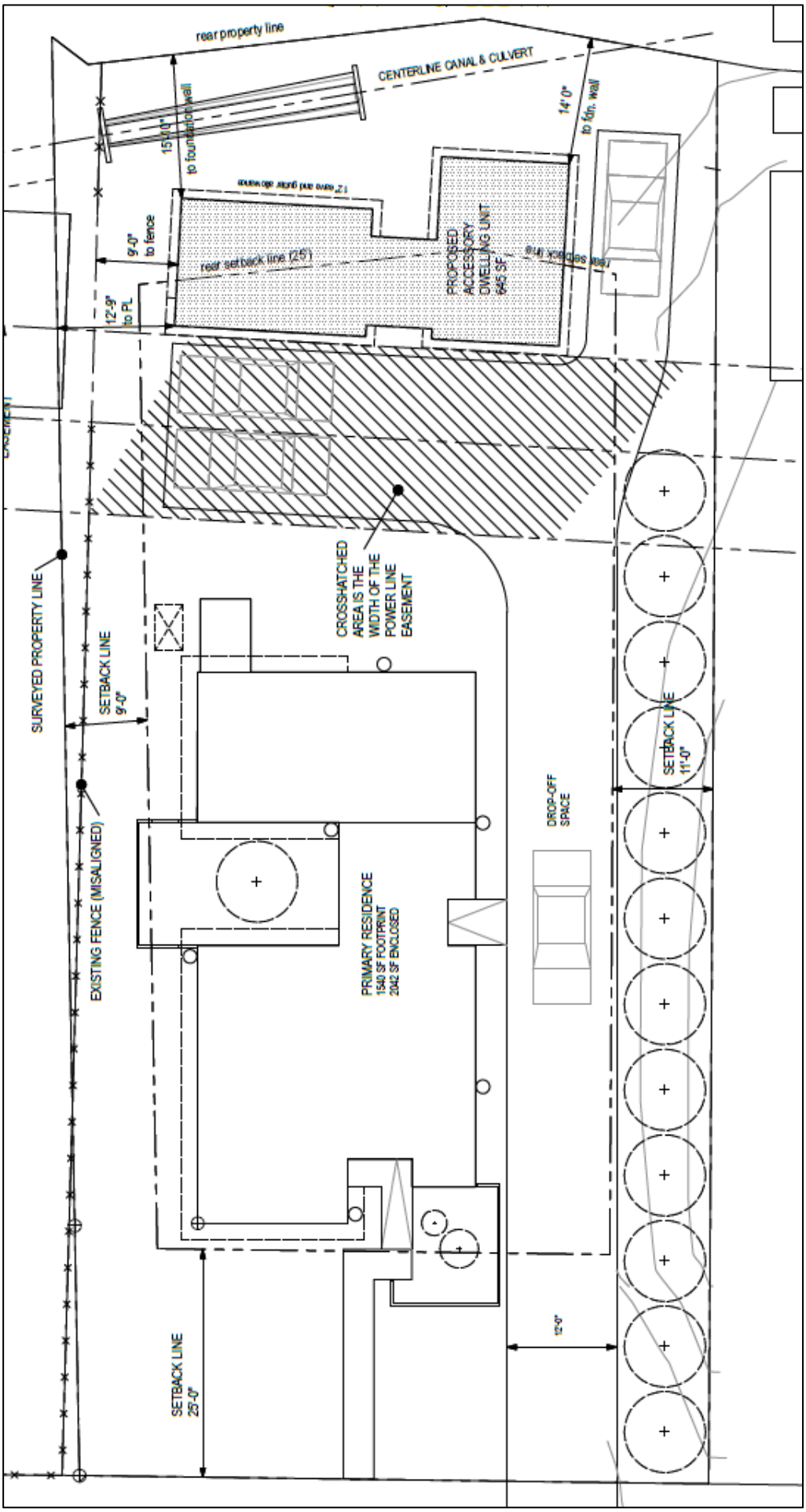
This notice is to inform you of a public meeting scheduled before the Murray City Hearing Officer for **Wednesday, April 12, 2023, at 12:30 p.m**. in the Murray City Municipal Council Chambers located at 5025 South State Street regarding the following application**: Peggy Imai is requesting a variance to the rear yard setback for an Accessory Dwelling Unit from twenty-five feet (25') to fourteen feet (14') on the property addressed 451 East Vine Street.** Please see the attached plans. You may attend the meeting in person to provide public comment, or you may submit comments via email at planning@murray.utah.gov.

Comments are limited to 3 minutes or less and will be read into 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 proposal, please call Zachary Smallwood with the Murray City Planning Division at 801-270-2430, or email zsmallwood@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 30, 2023



Proposed Dwelling and Accessory dwelling unit

HEARINGS OFFICER APPLICATION

Permit #_____

Type of Application (check all that apply):

☒ **Variance** ☐ **Expansion of Non-Conforming Use** ☐ **Appeal**

Subject Property Address: 451 EAST VINE STREET

Parcel Identification (Sidwell) Number: 22-07-253-030 0000

Parcel Area (acreage): 0.26 Current Use: VACANT

Floor Area: 2042/645 Zoning Classification: R-1-8

Applicant Name: PEGGY IMAI

Mailing Address: 443 E VINE ST

City, State, ZIP: MURRAY, UTAH 84107

Daytime Phone #: 415.317.5488 Fax #: _____

Email address: PIMAI@SBCGLOBAL.NET

Business Name (If applicable): _____

Property Owner's Name (If different): _____

Property Owner's Mailing Address: _____

City, State, Zip: _____

Property Owner Email Address: _____

Daytime Phone #: _____ Fax #: _____

Type of variance request, exact measurement, and reason for request: BECAUSE OF A POWERLINE EASEMENT, BUILDING A DESIRED ADU CAN ONLY BE PLACED WHERE IT ENCROACHES ON THE 25FT. SETBACK FROM THE NORTH PROPERTY LINE. THEREFORE, I AM REQUESTING A VARIANCE TO REDUCE THE 25FT. SETBACK TO 14FT. TO ACCOMODATE AN ADU.

Authorized Signature: Peggy Imai Date: MAR 3, 2023

Property Owners Affidavit

STATE OF UTAH

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COUNTY OF SALT LAKE

I (we) PEGGY IMAI, 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.

Peggy Imai

Owner's Signature

Owner's Signature (co-owner if any)

Subscribed and sworn to before me this 3 day of MARCH, 2023.

SUSAN NIXON
Notary Public State of Utah
My Commission Expires on:
May 9, 2023
Comm. Number: 705250

Susan Nixon

Notary Public

Residing in Draper, Utah

My commission expires: 5-9-2023

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)

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

Permit #_____

(To be filled out by the applicant)

1. Is the applicant being deprived of property rights possessed by other property owners in the area?

NO

2. Is the problem caused by actions of the land owner?

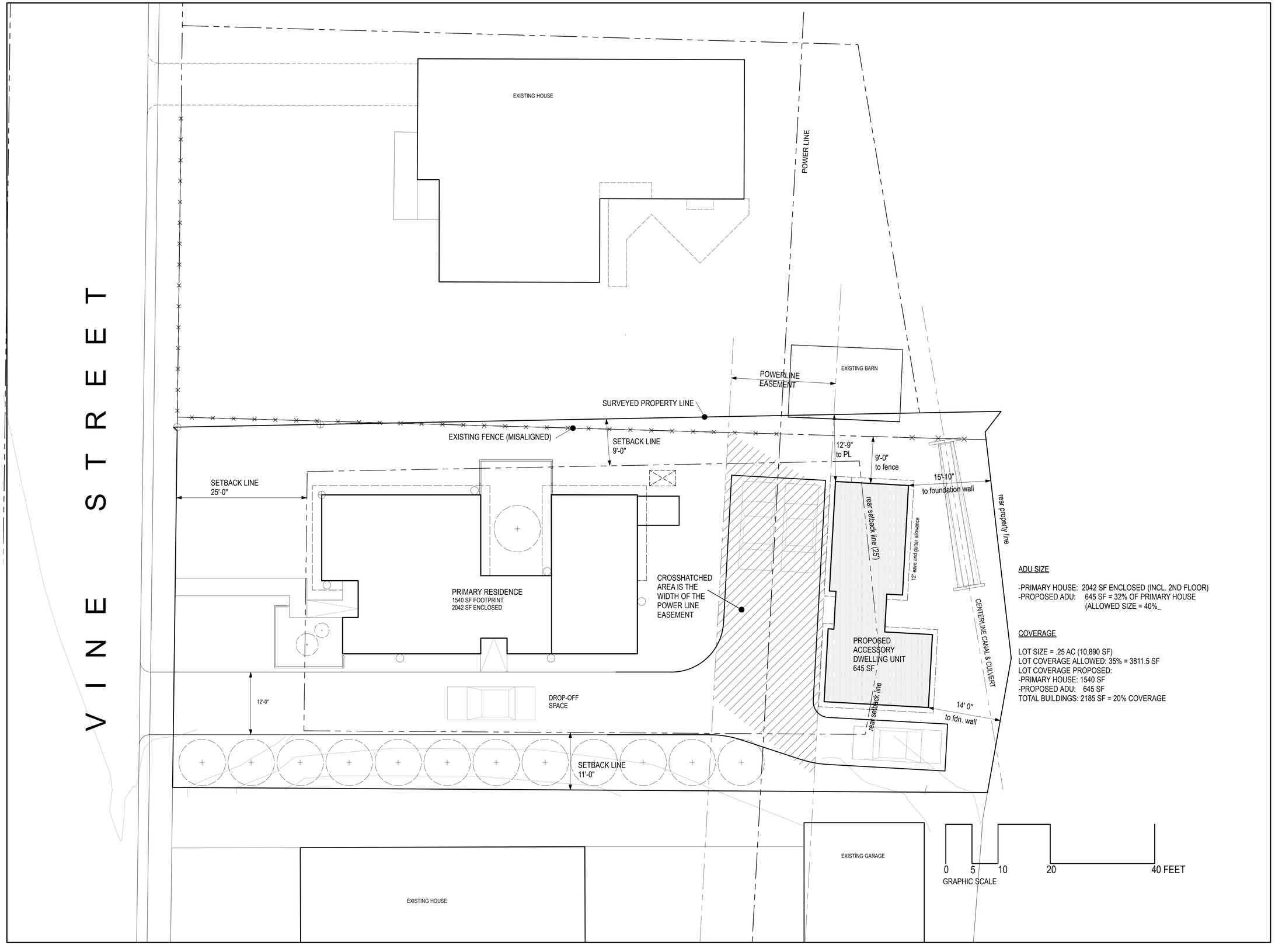
NO

3. What special circumstances are associated with your property that is different from other properties in your zoning district?

POWERLINE EASEMENT PREVENTS CONSTRUCTION OF ADU.

4. What special conditions associated with this application constitute a hardship?

CURRENT SETBACK PARAMETERS PREVENTS CONSTRUCTION OF AN ADU.



ADU SIZE

-PRIMARY HOUSE: 2042 SF ENCLOSED (INCL. 2ND FLOOR)
-PROPOSED ADU: 645 SF = 32% OF PRIMARY HOUSE
(ALLOWED SIZE = 40%_

COVERAGE

LOT SIZE = .25 AC (10,890 SF)
LOT COVERAGE ALLOWED: 35% = 3811.5 SF
LOT COVERAGE PROPOSED:
-PRIMARY HOUSE: 1540 SF
-PROPOSED ADU: 645 SF
TOTAL BUILDINGS: 2185 SF = 20% COVERAGE

RESIDENCE

PEGGY IMAI

MURRAY CITY, UT
LOT 1, 451 EAST VINE STREET

ARCHITECT
Randall Imai
70 Phillips Street
Watertown, MA 02472
Telephone: (617)-894-2597
E-mail: imai@imai-keller.com

STATE OF UTAH
RANDALL M. IMAI
No. 11655887
LICENSED ARCHITECT

PROFESSIONAL SEAL

REV #	DATE	REFERENCE

PROJECT NORTH

PROJECT #:
DRAWN BY:
SET DATE:
SCALE:

A1.0a

PROPOSED ADU
SITE PLAN