

Minutes of the Hearing Officer meeting held on Wednesday, February 8, 2017 at 12:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Karen Daniels, Hearing Officer
Jared Hall, Manager of Community Development Division
Brad McIlrath, Assistant Planner
G. L. Critchfield, City Attorney
Applicants

Ms. Daniels opened the meeting and welcomed those present. She reviewed the public meeting rules and procedures.

CONFLICT OF INTEREST

Ms. Daniels stated that she has no conflicts of interest for this agenda.

CASE #1539 – MICHAEL CHRISTOPHERSON – 558 East Vine Street – Project #17-19

Michael Christopherson was the applicant present. Jared Hall reviewed the location and request for a variance for rear yard separation for accessory structures in rear yards. The property is located in the R-M-10 zone at 558 East Vine Street which is a single family home. Access to the property is from the east side of Vine Street. Murray City Code Section 17.116.060-F requires that accessory buildings are located at least six feet to the rear of the main building. The proposed variance is to allow the construction of a shop / garage as an accessory to the home. There is an existing, non-conforming detached garage on the property to the east of the main building. The property has a panhandle area which extends a 41 foot wide portion of the rear lot northwest for about 112 feet. This panhandle is the portion of the lot where the applicant proposes to build the accessory structure. Because of the position of the home and the width of the panhandle, placing an accessory building in any portion of the rear yard area would result in a violation of Section 17.119.969-F. If the variance is granted to this particular rule, it does not exempt the property owner from other zoning requirements, e.g. building height, rear lot coverage, total lot coverage, access or compatibility requirements. The subject property is oddly shaped, with an 85 foot wide frontage on the public road, a generally shallow depth and the bulk of the useable land lies in panhandle portion at the rear which is 210 feet wide with a steep incline. Staff finds the lot shape qualifies for a special circumstance that does not generally apply to other lots and would not violate the general land function of the zoning ordinances as it still maintains separations from the main structure on the lot.

Based on review and analysis of the application material, subject site and surrounding area, and applicable and applicable Murray Municipal Code Section, 17.116.060-F that accessory structures in the rear yard be located a minimum of six feet to the rear of the main building, the Community and Economic Development Staff finds that the proposal meets the standards for a variance. Therefore, staff recommends approval of the requested subject to the following conditions:

1. The proposed accessory structure shall comply with all other requirements for structures in the rear yard area, including height, area, and coverage.
2. The applicant shall obtain a building permit from Murray City prior to beginning any construction.

Ms. Daniels asked if shared access could still be maintained if the property owner built a condominium as would be allowed with the previous variance. Mr. Hall answered that he believes it could but that does not believe that is the intent of the application. Mr. Hall further explains that in May, 2001, the applicant received a variance allowing a two-foot side yard setback on the west side yard property line in order to allow an addition to the main building to convert the single-family home into a duplex, which is also a permitted use in this zone. The addition was never built, but under Utah State code, variances "run with the property". This means that the variance for side-yard setback is still in effect and could be utilized at any time by this applicant or a future property owner. The accessibility of an accessory structure that could be built in the future would be compromised if an addition to the main building were to be built to within 2 feet of the west property line.

Ms. Daniels asked if any public input was received by the Community and Economic Development department. Mr. Hall stated that he received one phone call from the neighbor across the street who was in favor of the variance, and another caller wanted to find out the time of the meeting and get an understanding of the proposal in general, and one letter was received this morning.

Michael Christopherson, 558 East Vine Street, stated that his property line extends into the approach of the condos and an easement was created as a result of the prior apartments being changed into condos. Mr. Christopherson further stated that he would always have access to his property if the easement is enforced and the reasons for wanting to build a garage is that over the years he has a large accumulation of personal property, vehicles and trailers and requires a space to put them in. The previous variance from 2001, was originally obtained to build an additional unit to live in but due to the passing of his wife his plans changed but still perused the variance and eventually moved away and has now moved back and is wanting to build a detached garage.

Ms. Daniels opened the meeting for public comment.

Laylonie Craig, 588 East Vine Street, stated she was not aware the of the property alignments in regard to the driveway or that there is an easement allotment for access and asked if the building is going to be used for commercial purposes. She asked and if the easement were to ever go away would he be able to access the property from the side. Mr. Hall stated that he was unaware of the applicants' intentions other than storage, and that the R-M-10 zone would not allow a commercial use for this property, but Mr. Christopherson could pursue a home occupation business license for a home business only and would not be allowed to operate a business out of an accessory building. Ms. Craig said that the back of his house already has a lot of vehicles and her concern is that cars or engines would be rebuilt and the area would not look clean and would add traffic. Mr. Christopherson stated he does not plan to get rid of the easement out of need to access the rear yard, and has no plans to operate a commercial business.

Mr. Christopherson stated he owns a construction company and built a few houses before the recession in 2007 but he no longer does that. He stated the use of the garage is primarily to store things, to be able to clean up trailers and cars so that the back of his property will look nice. The intention is to clean up and not add to the area. Ms. Craig stated the property has been looking cleaner recently due to the efforts of Mr. Christopherson.

Therese Meyer, 600 East Vine Street, stated she owns the property east of the driveway and she had done a lot of work to the interior of her duplex as well as weed and tree removal treatments to the yard. She expressed concern that the area has a lot of the trees growing under the fence onto our property as well as on all three of the adjoining properties. She asked that the weed trees be managed and not get out of hand by Mr. Christopherson.

Boyd Wilkinson, 580 East Vine Street, stated that he does not believe this proposed change will affect him in any way and does not have any opposition to it.

Carla Andersen, 550 East Vine Street, asked if a lot of the dirt on the back hill would need to be removed or moved in order to build the garage. Mr. Hall stated that it is possible that some dirt would need to be removed but the hearing officer would not be able to speak to that issue as she would only be able to discuss the request for the six foot variance as requested. Instead the building department and city engineers would review any plans submitted for stability and possibly the addition of a retaining wall. Ms. Andersen asked if additional meetings would be held about the size of the building. Mr. Hall stated typically no, if he were approved for his variance today then he would apply for a building permit, and the city would conduct a zone review to insure it meets the zoning standards, and then a review by the fire department, building department, and city engineer would be required.

Mr. Christopherson stated that if this variance is approved he will submit for the proper building application, use architectural plans that are engineered, and that he would be happy to meet with Ms. Andersen and show her what his plans are. Ms. Anderson stated that the building seems so big. Mr. Hall stated that it is estimated at 1,500 square feet but looks bigger on the plan than it is and it is a pretty standard size to what is typically submitted. The rear yard measures at about 10,000 square feet as the city allows up to twenty five percent use of the land and this building complies with that standard.

Mr. Christopherson stated that he submitted the required site plan to city but it is not the actual building plan. Mr. Hall commented that when the actual plan is submitted the city would review it to make sure it meets all the requirements.

Ms. Andersen stated that she is aware that Mr. Christopherson comes and goes from the house a lot and wondered what the impact on the storage situation would be. Mr. Christopherson stated that his intention is to stay at this home and if he were to move in the future he would still intend to use the garage as a storage unit only and never a commercial business.

The public comment portion for this agenda item was closed.

Ms. Daniels stated she will forward her written decision to the Community Development Office at 4646 South 500 West, by noon on Wednesday, February 15, 2017.

There was no other business.

The meeting was adjourned at 1:11 p.m.



Jared Hall, Division Manager
Community and Economic Development