

Minutes of the Hearing Officer meeting held on Wednesday, April 25, 2018 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, Community & Economic Development Supervisor
Susan Nixon, Associate Planner
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 #1553 – BRETT & KIM HAMPTON, DON & RACHEL HAMPTON, JEFFERY & JOAN WATKINS – 696 & 678 East Walnut Brooke Drive and 703 East Oxford Hollow Court – Project #18-37

Brett Hampton was the applicant present. Jared Hall reviewed the location and request for variance to the requirements of the Land Use Ordinance in order to allow the construction of an 8-foot high fence on along a property line shared by the three property owners. Each of these property owners are in favor of the requested variance. The subject properties are all located in the R-1-8 zone, for the property addressed 696 & 678 East Walnut Brooke Drive and 703 East Oxford Hollow Court. Mr. Hall stated the properties are all single-family residential properties and they all have homes on them. City code allows a 6-foot fence height for rear yard fences in single family zones. In most cases 6-foot fences can provide the type of privacy and security that residences need. In this case the Oxford Hollow flag lot drive access runs directly toward the rear yards of the homes on Walnut Brook Drive and combined with a steep grade change from Walnut Brook Drive vehicle headlights shine towards the backyards of these homes combined with a close proximity of properties. Mr. Hall explained that this convergence of circumstances meets the first test of hardship and quoted "that 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". Mr. Hall additionally explained that the property also meets the second test of hardship that and quoted "there are special circumstances attached to the property that do not generally apply to other properties in the district". Mr. Hall added that the application also meets the 3rd, 4th and 5th tests of hardship to grant the variance.

Based on review and analysis of the application material, subject site and surrounding area, and applicable Murray Municipal Code, the Community and Economic Development Staff recommends approval of the variance allowing a fence to be constructed up to eight (8) feet in height on the property line between the subject properties for the property located at 696 & 678 East Walnut Brooke Drive and 703 East Oxford Hollow Court subject to the flowing conditions:

1. The additional fence height is limited to the subject properties, and more particularly to the shared property line identified in the staff report.
2. The applicant or sub dividers shall obtain a building permit from Murray City for the construction of the 8' fence.

Brett Hampton, 696 Walnut Brook Drive, stated the headlights of the approaching cars shine into his dining room area and are very bright. He stated they are pursuing the variance because of the orientation of the flag lot property, and lack of privacy.

Ms. Daniels opened the public comment portion. Seeing there were no public comments Ms. Daniels closed the public comment portion.

Ms. Daniels stated she will forward her written decision to the Community Development Office at 4646 South 500 West, by noon on Wednesday, May 2, 2018.

CASE #1554 –IVAN BLAGDRENKO – 6479 South Sadie Lane – Project #18-38

Ivan Blagorenko was the applicant present to represent this request. Jared Hall reviewed the location and request for a variance to allow an 8-foot high fence along a 35-foot long section of a side property line which is not directly adjacent to the canal trail for the property addressed 6479 South Sadie Lane located in the R-1-8 zone. Mr. Hall explained the City adopted a modification to Section 17.64.090(G) which allows up to 8' in height along a property line adjacent to the canal trail. The prementioned ordinance exception does not apply to the property line which is the subject of this variance application because it is not directly adjacent to the trail. Mr. Hall stated the new canal trail system that the City is implementing runs past Mr. Blagorenko's rear property, but his side yard property is left exposed from the canal trail view because the adjacent property owners to the east have elected not to place a fence along their property line with the trail. The normal function and purpose is thwarted by not allowing an increase in fence height to 8 feet.

Based on review and analysis of the application material, subject site and surrounding area, and applicable Murray Municipal Code, the Community and Economic Development Staff recommends approval of the variance allowing a fence to be constructed up to eight (8) feet in height on the side property line subject to the following conditions:

1. The additional fence height is limited to the east side property line, from the corner adjacent to the canal trail north for thirty-five (35) feet as identified in the staff report and application materials.
2. The applicant shall obtain a building permit from Murray City for the construction of the 8' fence.

Ms. Daniels asked for clarification about where the proposed 8-foot fence could be installed. Mr. Hall used the overhead images to point out to Ms. Daniels the exact location the fence could be installed.

Ivan Blagorenko, 6479 South Sadie Lane, stated he agrees with everything in Mr. Halls presentation and added he believes his property sits about 3-feet below the grade of the trail.

Ms. Daniels opened the public comment portion. Seeing there were no public comments Ms. Daniels closed the public comment portion.

Ms. Daniels stated she will forward her written decision to the Community Development

Office at 4646 South 500 West, by noon on Wednesday, May 2, 2018

CASE #1555 – SECURITY NATIONAL – 434 West Ascension Way – Project #18-39

Justin Grubb was the applicant present to represent YESCO, LLC. Susan Nixon reviewed the location and request for a variance to the setback requirements of the sign regulations for a ground/monument for the property addressed 434 West Ascension Way located in the G-O zone. Ms. Nixon stated the proposed monument sign which will service multiple tenants is approximately 6' high and 11'6" in length and is proposed to be located in the landscaped area next to the drive aisle. Ms. Nixon stated that monument signs are required to have a 15-foot set back from any drive approach/drive aisle and have a 5-foot front set back. Ms. Nixon further stated that the monument sign is proposed to be located in the landscaping strip that is about 34 feet wide and will not be placed within the clear view area. When the 15-foot set back standard is applied to the drive approach, the sign will need to be placed in the center of the landscape area, which is not possible because of the existing buried site utilities located in the same area. The setback requirements for the existing utilities are 3 feet from the electrical box and 3 feet from the gas line. Due to the constraints of the utilities being located here it make is difficult to locate the sign and meet code standards. Based on review and analysis of the application material, subject site and surrounding area, and applicable Land Use Code, the Community and Economic Development Staff recommends approval of the requested variance for a monument sign setback variance of 8 feet for property addressed 434 West Ascension Way subject to the following conditions:

1. The proposed sign shall comply with all setback, height and area limitations for detached on premise signs as outlined in Section 17.48.160 of the Murray Municipal Code.
2. A building permit shall be obtained for the installation of the new sign.

Justin Grubb, 1605 South Gramercy Road, stated he is with Young Electric Sign Company representing this request. Mr. Grubb stated that he would appreciate the approval of the variance because they are very limited with the setbacks. Mr. Grubb added that he made sure the sign will be located outside of the clear view areas and will not create any traffic hazards. Ms. Daniels asked if the height of the sign will cover the utility boxes. Mr. Grubb stated the sign will cover one utility box, but the other utility box will be visible.

Ms. Daniels opened the public comment portion. Seeing there were no citizen comments Ms. Daniels closed the public comment portion.

Ms. Daniels stated she will forward her written decision to the Community Development Office at 4646 South 500 West, by noon on Wednesday, May 2, 2018.

There was no other business.

The meeting was adjourned at 12:54 p.m.

Hearings Officer Public Meeting

April 25, 2018

Page 4



Jared Hall, Community & Economic
Development Supervisor