



Murray City Hearing Officer Meeting
August 11, 2021, 12:30 p.m.

The Murray City Hearing Officer will hold a public meeting in the Murray City Council Chambers, 5025 South State Street, on Wednesday, August 11, 2021 at 12:30 p.m.

You may attend the meeting or submit comments via email at planning@murray.utah.gov. Comments are limited to 3 minutes or less, and written comments will be read into the meeting record. Please include your name and contact information.

BUSINESS ITEM:

1. Conflict of Interest

VARIANCE


2. Case #1579 – Alex Butterfield
1776 East Vine Street
Variance to Flag Lot Access Width

Project #21-083

OTHER BUSINESS

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.

On the 28th day of July 2021, before 5:00 p.m. a copy of the foregoing Notice of Meeting was posted in accordance with Section 10-9a-201 through 209, U.C.A. A copy of this notice was also posted on Murray City's internet website www.murray.utah.gov

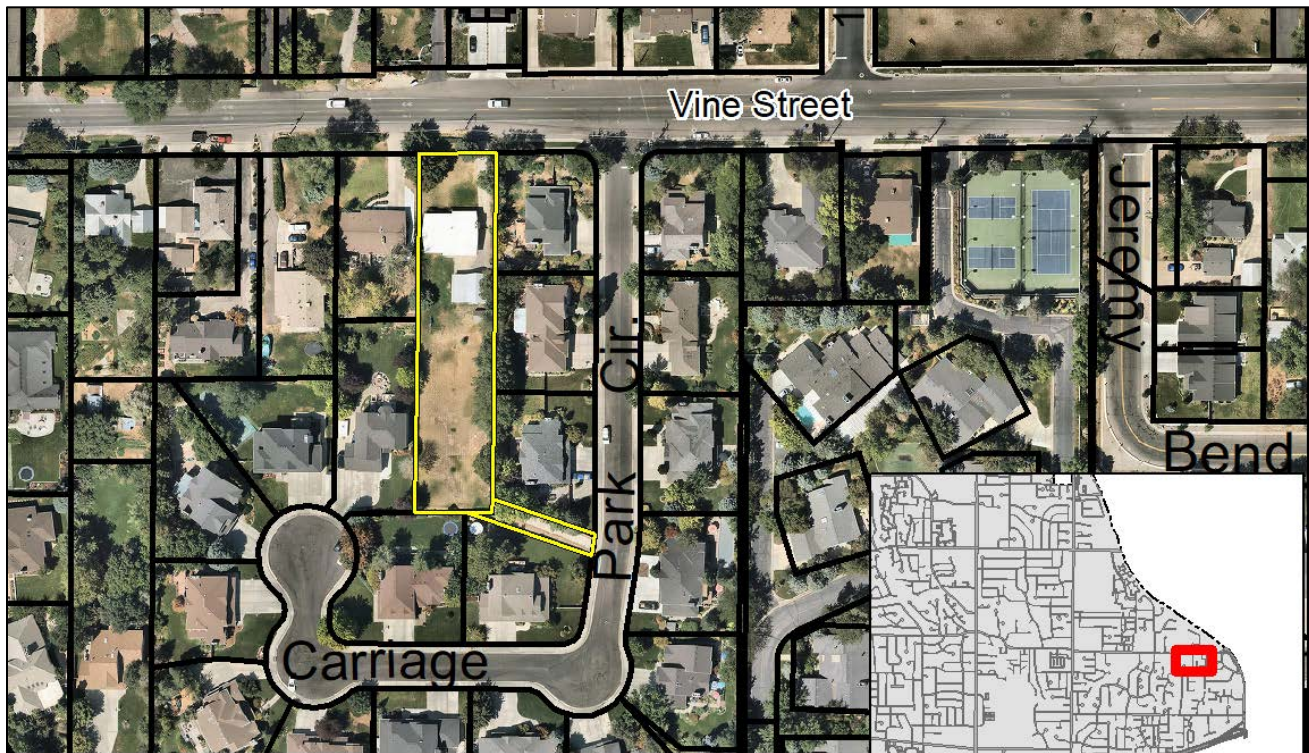


Jared Hall
Manager



AGENDA ITEM #2

ITEM TYPE:	Variance Application		
ADDRESS:	1776 East Vine Street	MEETING DATE:	August 11, 2021
APPLICANT:	Alex Butterfield	STAFF:	Jared Hall, Planning Manager
PARCEL ID:	22-16-453-046 / 22-16-453-054	CASE NUMBER:	#1579
ZONE:	R-1-10, Single-Family Res	PROJECT NUMBER:	21-083
SIZE:	.55 acres		
REQUEST:	The applicant is requesting a variance to Section 17.76.140(H) of the Murray Land Use Ordinance regarding the width of the required access to the rear lot in flag lot subdivisions.		



I. DESCRIPTION of REQUEST

The subject property is a .55-acre residential lot in the R-1-10 Zone with an existing home facing Vine Street, and an associated twenty-foot wide parcel intended to connect the rear acreage to Carriage Park Circle and allow for a flag lot subdivision. “Flag Lot” Subdivision is the term applied to a subdivision of residential property where an existing, larger lot is split, and where the new lot may have a smaller access to the public right of way than otherwise allowed. This results in a lot shaped somewhat like a “flag”; with a larger area behind or to the rear (the flag) of a remaining conventional lot, and a narrower portion (the pole) extending to the public street. The property was approved for subdivision under previous regulations in February, 2003, but the subdivision was not executed and recorded. The application at hand is to allow a variance to that required access width of 28’.

II. LAND USE REGULATIONS

Flag lots are allowed in single-family zones in Murray by Chapter 17.76 of the Land Use Ordinance. Section 17.76.140(H)(1) states that the access strip portion of the flag lot: “Shall be at least twenty-eight (28’) wide for its entire length from the street to the point where the access strip adjoins the main body of the flag lot”. A twenty-foot wide strip had been provided for and associated with the property prior to annexation into Murray City. The applicant requests a variance in the required access strip width from 28’ to 20’ to accommodate the subdivision of the property.

III. PROJECT REVIEW

Background

The subject property is part of an area that was annexed into Murray City on October 29, 2002. In February 2003 the property owners of 1776 E. Vine Street, Glade & Afton England, received approval from Murray City for a two-lot subdivision called the “Afton England Two Lot Subdivision”, including the 20’ wide parcel connecting the proposed rear lot to Carriage Park Circle. At the time, Murray City ordinances allowed two lot subdivisions to be approved administratively by the City Staff. The subdivision was never recorded, and the Community Development Director, Dennis Hamblin, issued a letter dated April 1, 2003 confirming that the Carriage Park Subdivision approved by Salt Lake County in August of 1991 included a 20-foot easement from Carriage Park Circle to the subject property. Mr. Hamblin’s letter states that the 20’ proposed access is “grandfathered”.

The intent to subdivide this property with one lot accessing Vine Street and the other being a flag lot with access to Carriage Park Circle is clearly established by the 1991 subdivision plat. It is further acknowledged by Mr. Hamblin’s letter and staff approval of the two-lot subdivision in 2003.

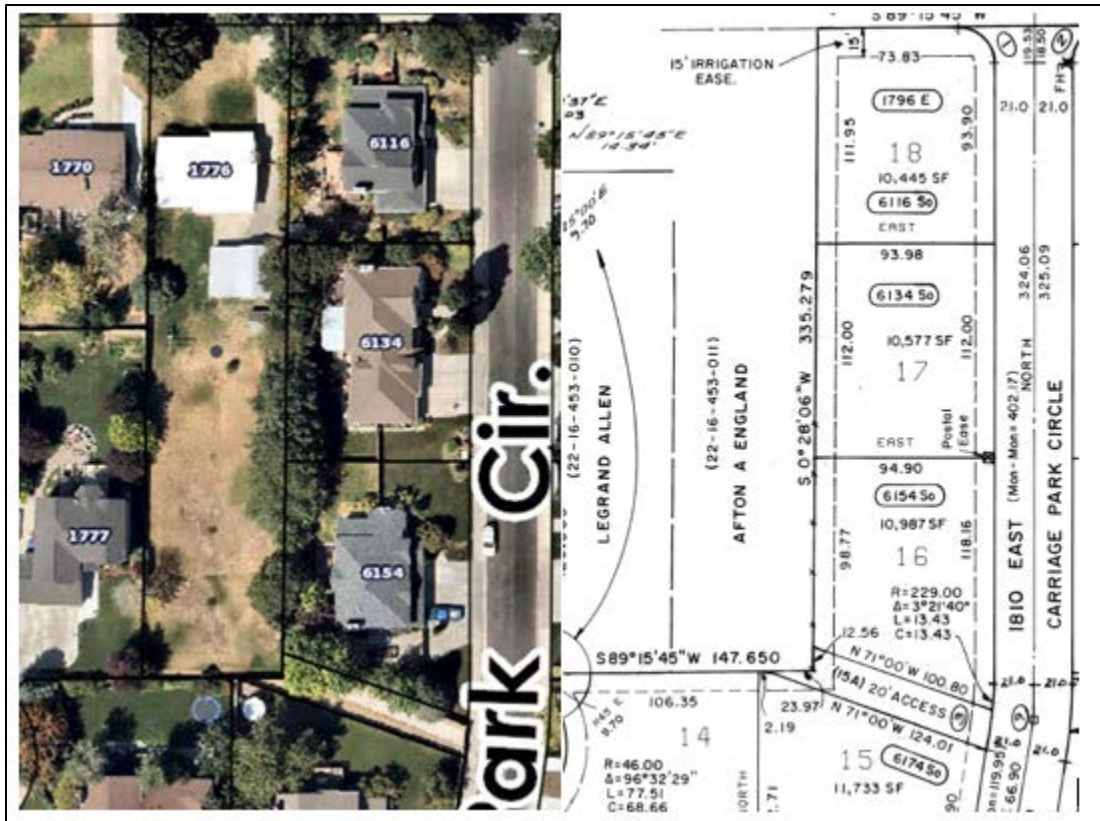


Figure 1: Aerial view of the subject property alongside a snippet from the 1991 Carriage Park Subdivision Plat, showing the 20' access.

Applicant's Narrative and Materials

The applicant has provided a written response to questions reviewing the application against some of 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 all property owners within 300 feet of the subject property. As of the date of this report no comments or questions have been received.

IV. VARIANCE FINDINGS

Staff analysis and findings for compliance with standards for a variance as contained in Land Use Ordinance Section 17.16.050 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 applicant's request is for a variance to the 28' width of the access strip as required in Section 17.76.140(H)(1). The required 28' width is intended to provide 20' of hard surface for appropriate vehicular access to the lot from the public right-of-way, and an additional four feet of landscaping on either side of the hard surface to buffer the lot or lots through on either side of the access. The 20' wide access in this case was established in 1991, running between two lots in the Carriage Park subdivision. Those lots are now developed, with mature landscaping and trees lining the 20' access. The appropriate vehicular access from the public right-of-way can be provided by the 20' access, and the intent of the buffering provided by the additional 8' of landscaping is met by the developed lots on either side. As a result, the literal enforcement of the 28' requirement would prevent subdivision and represent an unreasonable hardship that in this case is not necessary to fulfill the purpose of the ordinance. Staff finds that the application meets 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 flag lot subdivision of this property was anticipated by the 1991 Carriage Park subdivision plat, providing the 20' access. Murray City's annexation of the property made the 20' width inadequate per the ordinances, but the subdivision was approved by Murray Community Development staff in 2003 with the assumption that the 20' width could be considered legal and non-conforming. The inclusion of the 20' access to the rear of the property in the Carriage Park Subdivision and the previous approvals from Murray Community Development staff constitute a special circumstance that does not generally apply to other properties. Staff finds that the application meets 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 property can meet the other requirements for flag lot subdivision, can meet the intent of the requirements for access width, and was approved for a two-lot subdivision by Murray City in 2003 which was not recorded. The potential subdivision represents a substantial property right and Staff finds that the application meets 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, and promotes context-sensitive residential infill development to support additional housing where possible. The requested variance will not reduce the width of the access to the rear lot below the 20' that is required for effective emergency services. The request is not contrary to the public interest and will not affect 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.

The intent of the language of Section 17.76.140(H) regarding the width of the access is to provide the necessary hard surface (20') for emergency service vehicles, and to further buffer the access with landscaping on both sides. With the 20' available and existing landscaping on both sides, the spirit of the ordinance is observed.

Staff finds that granting the variance will not violate the spirit of the ordinance, and 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 in the variance analysis, the circumstances are peculiar to the property, and they do directly impact the property owner's ability to subdivide.

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 meets the applicable standards for a variance, and recommends APPROVAL of the requested variance to the requirements of Sections 17.76.140(H) of the Murray City Land Use Ordinance.

HEARINGS OFFICER APPLICATION Permit # _____

Type of Application (check all that apply):

Variance Expansion of Non-Conforming Use Appeal

Subject Property Address: 1776 E. VINE ST.

Parcel Identification (Sidwell) Number: 22-16-453-046 AND 22-16-453-054

Parcel Area (acreage): .55 Current Use: RESIDENTIAL

Floor Area: _____ Zoning Classification: R-1-10

Applicant Name: ALEX BUTTERFIELD

Mailing Address: 1777 E CARRIAGE PARK CIR

City, State, ZIP: MURRAY, UT, 84121

Daytime Phone #: 801-577-4380 Fax #: _____

Email address: ALEX.BUTTERS.216@GMAIL.COM

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: ^① Flag lot approval for parcel subdivision that was previously approved by Salt Lake County for a driveway width of 20ft. ^② The flag lot driveway is 20.54ft wide. ^③ Murray City has a requirement of 28ft wide driveways - but this specific lot driveway was built according to Salt Lake County code - which is 20 feet.

Authorized Signature: Alex Butterfield Date: 7/21/2021

Property Owners Affidavit

STATE OF UTAH

COUNTY OF SALT LAKE

I (we) ALEX BUTTERFIELD, 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.

Alex Butterfield Owner's Signature
Owner's Signature (co-owner if any)

Subscribed and sworn to before me this 21st day of July, 2021.



Susan Nixon Notary Public
Residing in Salt Lake County
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
(To be filled out by the applicant)

Permit # _____

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

Because Murray City absorbed this portion of Salt Lake County, the original purpose of the property was to be subdivided as a flag lot with access to Carriage Park Circle. Due to the city limits changing, the property is being deprived of its original purpose.

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

NO, the problem is that Murray City absorbed this section of Salt Lake County, in which this lot was predetermined to be a flag lot with an entrance to Carriage Park Circle. This lot was stubbed and approved at time of Carriage Park Subdivision in 1991.

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

At time of flag lot approval (in 1991) the flag lot entrance was 20 feet wide and approved by the city. Murray City has changed zoning to 28 feet wide after the city absorbed the section of Salt Lake County. Because of this, in 2003 the previous planning manager Dennis Hamblin wrote a letter for the property grandfathering in the flag lot entrance. See attachments.

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

The driveway is only 20' wide and does not have the extra 4' on either side of the driveway for landscaping. However, the neighbouring lots have mature trees and landscaping lining the flag lot entrance. We are requesting approval of the flag lot to subdivide and eventually build as previously approved and for what the property was originally intended and portioned out for when creating all of the lots in Carriage Park Circle.

SURVEYOR'S CERTIFICATE

I, JACK L. DEMASS DO HEREBY CERTIFY THAT I AM A REGISTERED CIVIL ENGINEER, AND OR LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 3552 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH.

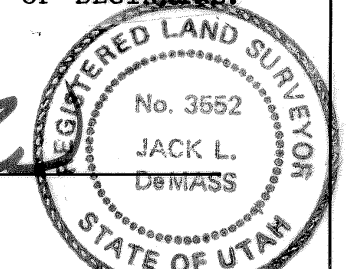
LEGAL DESCRIPTION

BEGINNING AT A POINT ON THE NORTH LINE OF SHENANDOAH SUBDIVISION, SAID POINT BEING SOUTH, 52.80 FEET AND S89°48'17"E, 506.40 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE S89°48'17"E, 257.32 FEET ALONG SAID NORTH LINE; THENCE SOUTH, 10.60 FEET; THENCE N89°30'29"E, 291.39 FEET ALONG THE NORTH LINE OF TALL OAKS PHASE I PLANNED UNIT DEVELOPMENT; THENCE N00°08'25"E, 633.36 FEET ALONG THE WEST LINE OF TALL OAKS PHASE I AND PHASE II AND THE VERA BARNEY PROPERTY TO THE SOUTH LINE OF 6100 SOUTH STREET (VINE STREET); (BEING 40 FEET FROM THE MONUMENT LINE OF SAID STREET); THENCE S89°15'45"W, 229.364 FEET TO A POINT WHICH IS THE EXTENSION OF A NORTH SOUTH FENCE LINE ALONG THE EAST BOUNDARY OF THE ENGLAND TRACT. THENCE ALONG SAID FENCE LINE AND FENCE LINE EXTENDED S00°28'06"W 335.279 FEET; THENCE S89°15'45"W 147.650 FEET TO A FENCE LINE ON THE WEST LINE OF THE ALLEN TRACT. THENCE N00°14'37"E ALONG SAID FENCE LINE 126.303 FEET; THENCE S89°15'45"W, 168.816 FEET TO AN EXISTING FENCE LINE. THENCE S00°19'00"W 408.40 FEET ALONG SAID FENCE TO THE POINT OF BEGINNING.

CONTAINS: 5.9280 ACRES, 18 LOTS

Aug. 21 1991

OWNER'S DEDICATION



KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER () OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS THE

CARRIAGE PARK

DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE

IN WITNESS WHEREOF HAVE HEREUNTO SET HAND THIS DAY OF A.D. 1991

COTTONWOOD ESTATES CORPORATION BY A. LEAR THORPE PRESIDENT

VALLEY BANK & TRUST CORP. BY Kim J. Barrett Vice-President V&T

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH COUNTY OF SALT LAKE ON THE 21st DAY OF October A.D. 1991, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF SALT LAKE IN SAID STATE OF UTAH, A. LEAR THORPE, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE PRESIDENT OF COTTONWOOD ESTATES CORPORATION, A CORPORATION IN THE STATE OF UTAH AND THAT HE SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSES THEREIN MENTIONED AND THAT SAID CORPORATION EXECUTED THE SAME

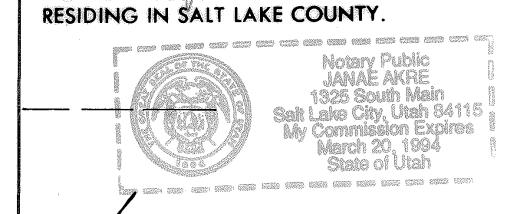
MY COMMISSION EXPIRES: March 20, 1994 NOTARY PUBLIC RESIDING IN SALT LAKE COUNTY

CARRIAGE PARK

A SUBDIVISION IN THE SE 1/4 OF SECTION 16 AND THE NE 1/4 OF SECTION 21 T2S R1E S.L.B.&M

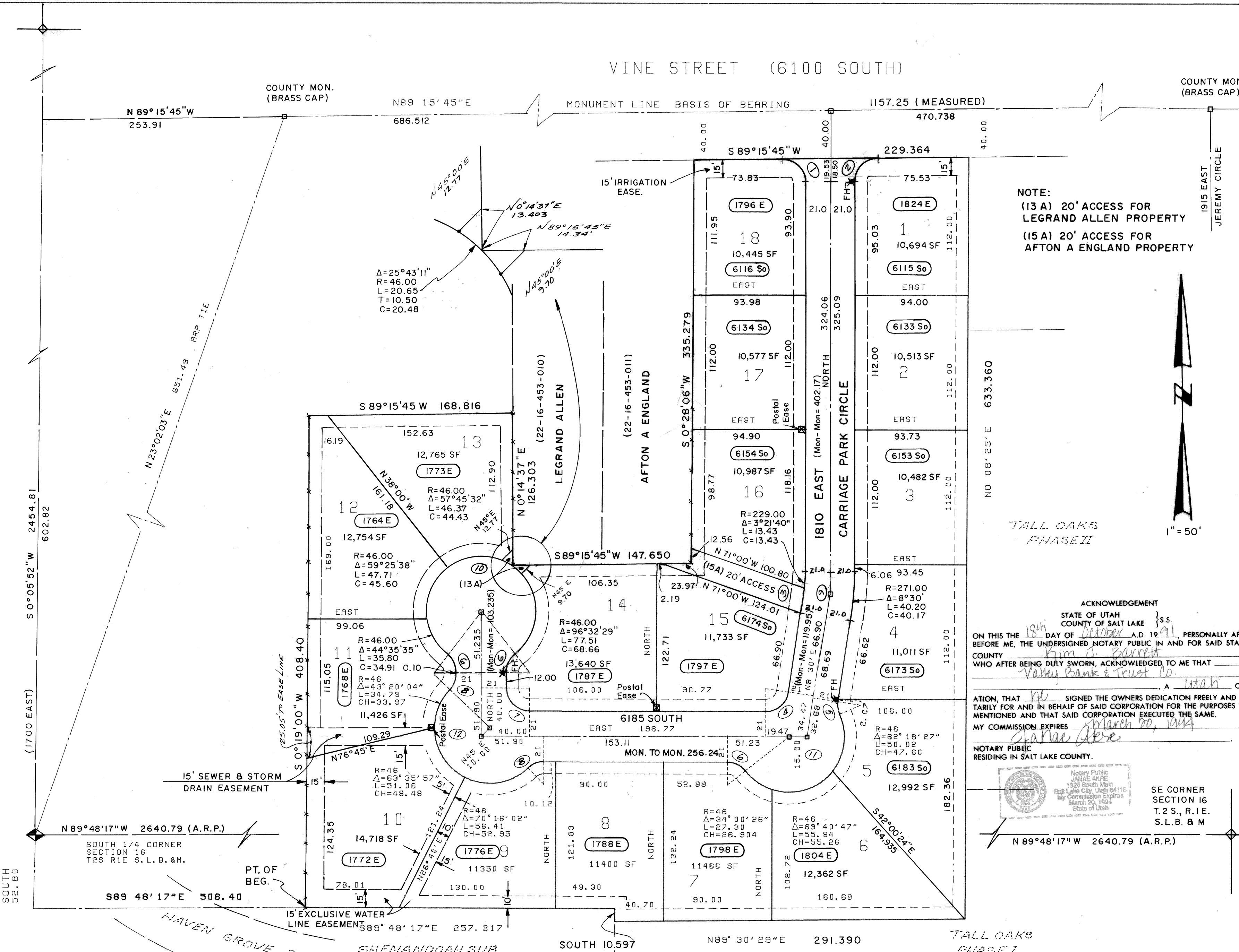
NOTE: (13A) 20' ACCESS FOR LEGRAND ALLEN PROPERTY (15A) 20' ACCESS FOR AFTON A ENGLAND PROPERTY

ACKNOWLEDGEMENT STATE OF UTAH COUNTY OF SALT LAKE ON THIS THE 18th DAY OF October A.D. 1991, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT VALLEY BANK & TRUST CO. A Utah CORPORATION THAT I SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSES MENTIONED AND THAT SAID CORPORATION EXECUTED THE SAME. MY COMMISSION EXPIRES March 20, 1994



SE CORNER SECTION 16 T.2 S., R.1 E. S.L.B. & M

LEGEND MONUMENTS TO BE SET (7) P. U AND DRAINAGE EASEMENTS FRONT LOT LINE EASEMENT IS 7.5 BOUNDARY EASEMENTS ARE 10.00 FEET INTERIOR LOT LINE EASEMENT IS 7.5 FIRE HYDRANTS TO BE INSTALLED (3)



CURVE DATA table with 12 columns and 5 rows of curve information including angles, radii, lengths, tangents, and chords.

PROJECT NAME AND STREET NAMES APPROVED 10-18-91

CHECKED FOR ZONING ZONE: A-1 19,000 30

Approval stamps from Planning Commission, Board of Health, Flood Control Dept., Development Services Division, Salt Lake County Attorney, and County Commission. Includes dates and signatures.

PL91-1062

RECORDED # 5194093

92-2-16

C-356



Murray City Corporation
Community Development

Daniel C. Snarr
Mayor

April 1, 2003

Glade and Afton England
1776 East Vine Street
Salt Lake City, Utah 84121

Dear Glade and Afton:

Property located at 1776 East Vine Street was recently annexed into Murray City. The property owners indicate the property was subdivided by Salt Lake County in 1991. The south lot has a 20' access from Carriage Park Drive. Lot 2 contains 15,058 square feet which is the south lot referenced above.

Because this property was developed and subdivided prior to annexation the property is legal nonconforming. It is nonconforming because the drive width is less than 28' wide as required by the Murray City flag lot regulation and the lot width is 72' wide whereas Murray regulations require an 80' wide lot.

You can build on this lot as long as building setbacks are complied with at the time of application for a permit. The lot is grand fathered because of prior development in Salt Lake County.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dennis Hamblin".

Dennis Hamblin, Director