



Murray City Hearing Officer Meeting
August 10, 2022, at 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 10, 2022, 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

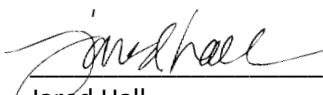
VARIANCE

2. Case #1593 – Lance McBride
556 East 5600 South
Front Yard Accessory Structure Variance
Project #22-121

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 4th day of August, 2022, 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
Director



AGENDA ITEM #2

ITEM TYPE:	Variance Application		
ADDRESS:	556 East 5600 South	MEETING DATE:	August 10, 2022
APPLICANT:	Lance McBride	STAFF:	Seth Rios, Planner 1
PARCEL ID:	22-18-276-015	CASE NUMBER:	#1593
ZONE:	A-1, Agricultural District	PROJECT NUMBER:	22-121
SIZE:	.73 acres		
REQUEST:	The applicant is requesting a variance to Section 17.92.090 of the Murray Land Use Ordinance regarding the placement of accessory structures in the rear yard. The applicant wishes to build a shed in the front yard setback area.		



I. DESCRIPTION of REQUEST

The subject property is a .73- acre lot in the Agricultural Zone (A-1) that abuts 5600 South. The home shares a private access with two other properties. The applicant wishes to build a detached shed on their property, but Little Cottonwood Creek runs adjacent to the rear property line. County setback requirements prohibit the construction of structures within fifty feet (50') of Little Cottonwood Creek. Due to this requirement, the applicant is seeking to build their shed in the front yard area, while maintaining the setback regulations of the zone. The agricultural zone requires a minimum front yard setback of thirty feet (30'), side yard setback of ten feet (10'), and rear yard setback of twenty-five feet (25'). Typically, the code has been interpreted to only allow accessory structures in the side or rear yards.

The applicant's proposed accessory structure would be built in the front yard area, requiring a variance from the standard in Section 17.92.090(K) prohibiting accessory structures to be located in the front yard area.

II. LAND USE REGULATIONS

The subject property is located in the A-1 Zone. Section 17.92.090 of the Murray City Land Use Ordinance establishes the requirements for placing detached accessory structures in the side and rear yards of properties. Section 17.92.090(K) states that accessory buildings and structures are prohibited in a front yard.

III. PROJECT REVIEW

Background

The applicant is proposing to place a pre-built storage shed of 384 square feet in front yard area of the property, close to the driveway. The shed will be set back 96 feet from the front property line and 17 feet away from the property line that abuts 5600 South. There will be 61 feet between the shed and the existing dwelling. These setbacks comply with the requirements for accessory structures in Murray.

The back of the main dwelling is roughly 30 feet away from Little Cottonwood Creek. Salt Lake County does not allow any structure to be built within 50 feet of a stream corridor. This prevents the applicant from building any structure in his rear yard. Accessory structures are required to be at least 6 feet away from the main dwelling and 1 foot away from all property lines. Little Cottonwood Creek prevents the possibility of building any accessory structures in the rear yard of the property. The parcel also has a unique shape that leaves most of the open space in the front yard. 0.44 acres of 0.73 total acreage is located in the front yard of the property, as defined in the Murray City Land Use Ordinance.

Applicant's Narrative and Materials

The applicant has provided written responses on the “Variance Analysis Form”. The applicant has also provided a site plan and photographs, which have been attached to the staff report.

Public Input

Notices were sent to all property owners within 300 feet of the subject property. No comments or questions were received as a result of those notices.

Suggested Requirements

Section 17.16.090(l) states that the assigned hearing officer may impose additional requirements on the appellant that will mitigate any harmful affects of the variance or serve the purpose of the standard or requirement that is waived or modified. Staff recommends that a condition to be included on this variance request be that any potential accessory structures located in the front yard must meet the standard front yard requirements for the main dwelling. This would mean that any accessory structure may not be located closer than thirty feet (30') from the front property line and a minimum of ten feet (10') from any side property lines. This is consistent with the A-1, Agricultural zoning district. This will prohibit future owners to build accessory structures right up to the property line and cause potential issues with neighboring property owners.

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.

Accessory structures are typically limited to side and rear yards in order to maintain visual continuity in residential areas. However, the subject property is not in a single-family neighborhood. The surrounding homes are built along a private driveway and are in the Agricultural Zone (A-1). Placing a storage shed in the front yard of the property will not affect the visual appeal of the area. There are very large trees surrounding the property and a 6-foot fence along 5600 South that already block the passing drivers and surrounding homeowners from looking in on the property. The literal enforcement of the ordinance would prevent an accessory building from being placed in the designated areas or it would seriously limit the size of any proposed structures. Staff finds that the literal enforcement of the ordinance would cause a hardship that is not necessary to carry out the general purpose of the Land Use 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.

Little Cottonwood Creek, with its required 50-foot setback, make it near impossible to build an

accessory building anywhere in the rear yard. The property also has a unique shape that limits the buildable space in the rear and side yards. This circumstance is unique to the property, especially when considering the placement of the existing residential structure. Other properties along the same creek have homes situated much further from the creek than the subject property. 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 construction of an accessory structure is a property right that other residents in the City enjoy, as they comply with the Land Use Ordinance. The applicant claims that the surrounding neighbors all have their own accessory structures, so he is asking for a variance to do the same. Enforcing the land use ordinance and denying approval of a structure is prohibiting the enjoyment of the applicant's property right. It can be concluded that granting the variance is essential to the enjoyment of a substantial property right under this test of hardship, 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. The requested variance would have no practical impacts that would be in any way contrary to the public interest or have any impact upon the General Plan. The proposed shed will have no impact on the surrounding neighbors because the property is surrounded by dense, tall trees. It will be set back 96 feet from the access and private driveway that the neighbors use to access their homes. 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.

One of the purposes of the Agricultural Zone (A-1) is to provide areas of residential living. Chapter 17.92.010 states that the district is intended to include activities normally related to residential living. Allowing the applicant to build his shed will promote the purposes stated in and honor the spirit of the Murray City Land Use Ordinance. Staff finds 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.

The hardship provided by the Little Cottonwood Creek setback is unique to this property and is the reason the applicant has not been able to build a shed in his rear or side yard. It is the reason that the applicant is seeking a variance to build an accessory structure in his front yard. Staff has found that there are circumstances that are peculiar to the physical property that are depriving the property owner of privileges granted to other properties in this district and recommend that the variance should be granted.

C. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under subsection C1 of this section, the assigned hearing officer may not find an unreasonable hardship if the hardship is self-imposed or economic.

Staff concludes that the hardship of the property owner is not self-imposed or economic in nature. Salt Lake County and Murray City regulations regarding location and placement of structures/accessory structures near creeks is to preserve the health, safety, and general welfare of the community and protect water quality. By granting a variance for locating an accessory structure in the front yard area for this property Murray City is allowing a property owner the right to have accessory structures and maintain a safe distance from the creek.

VI. CONCLUSION/RECOMMENDATION

Based on review and analysis of the application materials, the subject property, the surrounding area, and applicable sections of the Murray City Land Use Ordinance, Staff finds that the application meets all applicable standards of review for the granting of a variance and recommends APPROVAL of the requested variance to the requirements of Sections 17.92.090 of the Murray City Land Use Ordinance subject to the following condition:

1. Any accessory structures built in the front yard area must maintain the following minimum setback requirements:
 - a. Thirty feet (30') from the front property line.
 - b. Ten feet (10') from any side property line.

HEARINGS OFFICER APPLICATION

Permit # PZ-22-121

Type of Application (check all that apply):

Variance

Expansion of Non-Conforming Use

Appeal

Subject Property Address: 556 E 5600S

Parcel Identification (Sidwell) Number: 22182760150000

Parcel Area (acreage): 0.73 Current Use: Residential / Agricultural

Floor Area: 1979 sq.ft. Zoning Classification: Agricultural (A-1)

Applicant Name: Lance McBride

Mailing Address: 556 E 5600S

City, State, ZIP: Murray, UT 84107

Daytime Phone #: 801 509 1061 Fax #: N/A

Email address: lance_mcbride@yahoo.com

Business Name (If applicable): N/A

Property Owner's Name (If different): SAM E

Property Owner's Mailing Address: Same

City, State, Zip:

Property Owner Email Address:

Daytime Phone #: Fax #:

Type of variance request, exact measurement, and reason for request: I would

like to install a shed alongside the drive in the front of the
property. The dimensions are 32' L x 12' W x 11' H.

Authorized Signature: Lance

Date: 7/13/2022

Property Owners Affidavit

STATE OF UTAH

§

COUNTY OF SALT LAKE

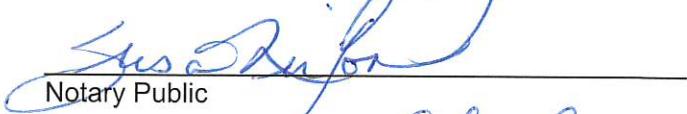
I (we) LANCE R McBRIDE, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.



Owner's Signature

Owner's Signature (co-owner if any)

Subscribed and sworn to before me this 19th day of July, 20 22


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 # PZ-22-121

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?

The lot is quite large with the residence located on the back portion of the lot next to the creek. There is plenty of space in the front of the lot. ~~residence~~

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

The current zoning law does not allow a shed to be placed in the "front" of the ~~the~~ house, but the vast majority of my property is the "front".



HEARING OFFICER
NOTICE OF PUBLIC MEETING
August 10, 2022, 12:30 PM

This notice is to inform you of a public meeting scheduled before the Murray City Hearing Officer for **Wednesday, August 10, 2022, at 12:30 p.m.** in the Murray City Municipal Council Chambers located at 5025 South State Street regarding the following application: **Lance McBride is requesting a variance to place a shed in the front yard of the property located at 556 East 5600 South.** 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.

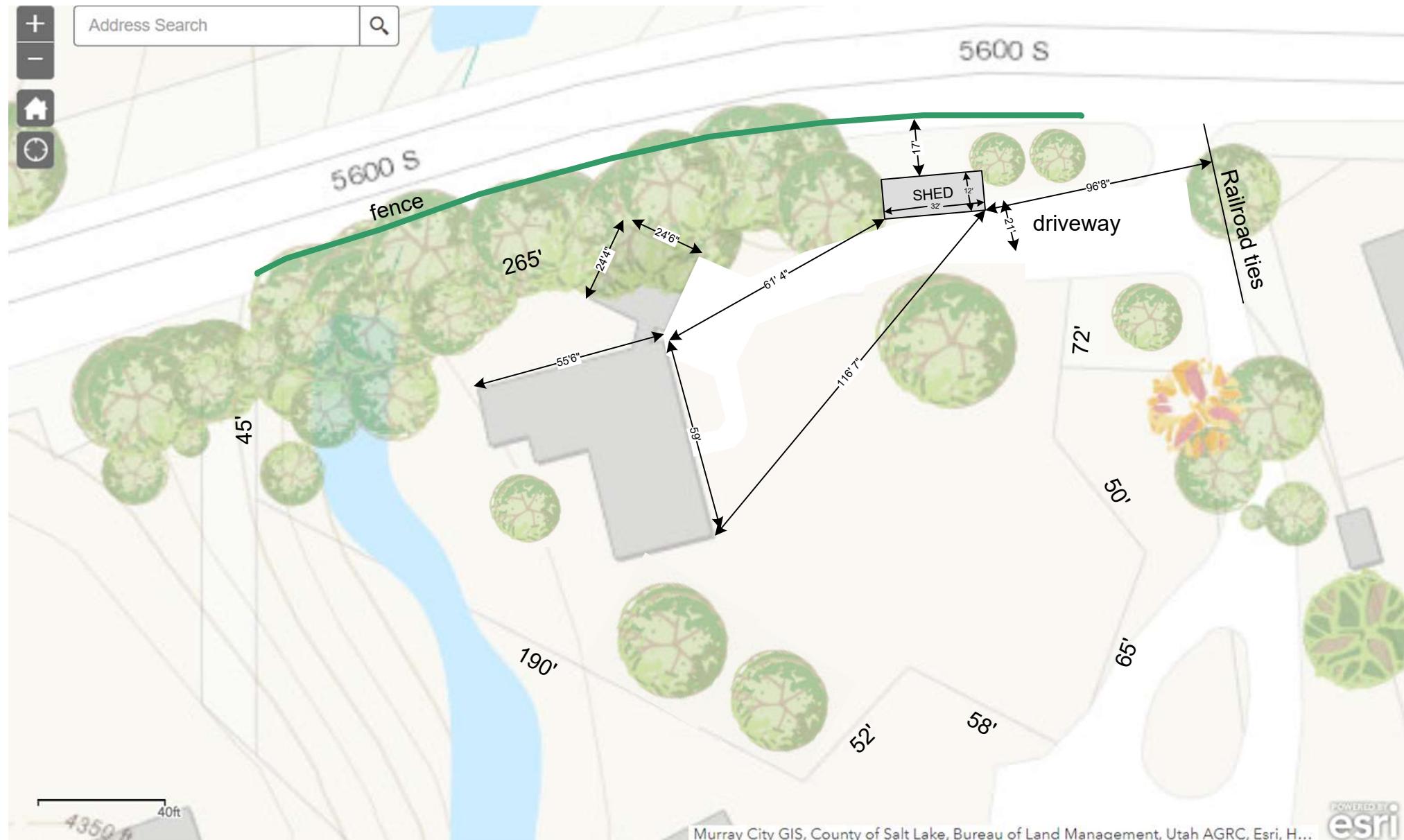


This notice is being sent to you because you own property within 300 feet of the subject property. If you have questions or comments concerning this proposal, please call Seth Rios with the Murray City Planning Division at 801-270-2429, or email srios@murray.utah.gov.

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 July 28th, 2022





5600 South

575 East



5600 South

575 East

Class
A-1
R-1-8
R-M-10

