

Minutes of the Hearing Officer meeting held on Thursday, August 11, 2022 at 12:34 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present:        Scott Finlinson – Hearing Officer  
                     Seth Rios – Planner  
                     Diana Baun – Transcriptionist  
                     Lance McBride – Applicant

Mr. Finlinson explained that due to a conflict, he was unable to attend the scheduled hearing for yesterday, August 10, 2022, and the meeting was rescheduled for today.

### CONFLICT OF INTEREST

Mr. Finlinson noted that he has no conflicts of interest with this case.

### CASE # 1593 – Lance McBride – 556 East 5600 South – Project #22-121

Mr. Rios said that basically the applicant is wanting to put a shed in what is considered his front yard. It is a really weirdly shaped lot and his backyard is really small compared to the front. The back is also along a creek which kind of prevents some of the building back there. He is seeking a variance to put a shed in the front.

Mr. Finlinson is familiar with this property.

Mr. Rios said the proposed shed meets all the setback requirements, it is set way back from the front driveway and far enough from the house and from the side where there aren't really any issues. This leads into the first test of hardship, whether the literal enforcement causes an unreasonable hardship. He would not be able to build a shed in the backyard if we limited him to the city's requirements; having it would not cause any issues. He had pictures for a PowerPoint presentation but due to tech issues they are unable to show those today. It has a big fence on the side next to the road and huge trees all along the property so his neighbors will not be seeing any of it. The special circumstance would be the creek, which is the second test. With regard to the creek, he knows it's a 50 foot setback, but the applicant has 30 feet so the property must have been grandfathered in and that does make it very limiting in regards to where he can build. For the third hardship test, enjoyment of a substantial property right, all homeowners in America have the right to build an accessory structure as long as it follows the rules; the applicant does not have that without this variance. Staff supports that and agrees that he meets that requirement; it doesn't affect the general plan, and it maintains the spirit of the land use ordinance as well by allowing single family development. The shed will be placed far back, it's not huge or imposing and is a smaller shed. Staff thinks it meets all the requirements for the hardships.

Mr. Finlinson didn't have any questions, as it makes total sense to him. He mentioned that the applicant's property is lower, as the sidewalk goes up, and asked the applicant for details.

Mr. McBride said it's interesting that's brought up. The way the flooding works, because he is in a flood plain on that property, the water comes off the street and flows down the drive towards the creek. However, the reason he is placing the shed in this current location is because the water tends to flow past that spot and collect out into the lot and his garage, unfortunately.

Mr. Rios noted there was one condition added because the variance goes with the property, even if Mr. McBride moves out, and it prevents someone from coming in and building some huge shed right next to the driveway or the neighbors. This condition keeps it with the same requirements for a single-family dwelling, and the plans presented don't have any conflicts with that condition.

Mr. Finlinson asked the applicant if he had any issues with the condition.

Mr. McBride responded that he had no issues with that condition.

Mr. Finlinson said the way this has been set up, which is actually kind of nice particularly when there are big, controversial issues, is that the hearing officer thanks everyone for coming, takes all the information under advisement, and then gives an official ruling that is submitted to the public works building. He is going to approve this variance, as there is no controversy; staff fully recommends it, it makes total sense. He doesn't normally do that, but he doesn't need to keep the applicant in suspense and this is what this whole process is meant for. We have the ordinances to maintain, but there are always the odd shaped lot or a circumstance where strictly enforcing the ordinance doesn't make sense. He will do an official write-up and send it over to Susan and Seth.

Mr. Rios said that is fine, they will copy it and send a signed copy out.

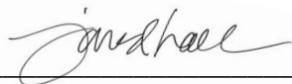
Mr. Finlinson noted that they usually say it will be there by Wednesday of next week. This will be approved and they discussed getting copies for those who desire them.

Mr. Rios said the applicant will get a copy, and if the shed is larger than 200 square feet he has to get a building permit, so he will need this approval to get the building permit.

Mr. Finlinson will be going out of town and will be back on Saturday, he is planning to take care of this the beginning of next week after he gets back.

Mr. Finlinson, Mr. Rios and the applicant discussed weather in the area where he's headed and other places they've visited.

Hearing adjourned at 12:43 p.m.

A handwritten signature in cursive script, appearing to read "Jared Hall", is written above a horizontal line.

Jared Hall, Director