

Minutes of the Hearing Officer meeting held on Wednesday, July 13, 2022, at 12:31 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Jim Harland – Hearing Officer
Seth Rios – Planner
Jared Hall – Community Development Director
Briant Farnsworth – City Attorney's Office
Anthony Vicchirilli – Applicant

CONFLICT OF INTEREST

Mr. Harland does not have a conflict of interest with the applicant, either personally or business-wise.

CASE # 1582 – Anthony Vicchirilli – 515 East Benbow Street – Project #22-097

Mr. Rios presented this item for an expansion of a nonconforming use at address listed above. This is specifically in regards to their east side setback. All R-1.8 zone requires a minimum of 8 feet on one side, there is currently about three to four feet. The applicant is seeking to expand his house towards the rear and keep that side setback the same. This is located just east of Vine Street, to the northeast of Murray Park. This is in the R-1.8 zone, the surrounding area is all R-1.8 as well as shown on the map from the meeting attachments, with the exception of the small green which is open space. According to the application, the applicant is seeking to add 888 square feet to the main level and leave the basement unfinished. The pictures from the meeting attachments were shown, one shows a rough outline of the shape the house will have once the expansion is completed; the red lines show the proposed outline. The home will continue along the nonconforming side yard setback, but it will not encroach further into it. He showed a picture of the current elevation of the home, included in the meeting attachments, as well as a rendering of the home showing what it will look like after it's remodeled and expanded if approved. When an applicant is applying for an expansion of a nonconforming use, they must prove two things. The first is that the expansion is in harmony with the purpose of the R-1.8 zone and the Murray City Land Use Ordinance. Staff finds the remodeling and expansion of the home meets this purpose, which is stated as promoting an environment of family life; they believe a remodel would support this purpose. Chapter 17 of the land ordinance lists purposes which staff believes support this expansion, to include new residential and a favorable environment, along with new development. The second thing the applicant has to prove is that it doesn't impose an unreasonable burden on their neighbors; staff finds this will not as there are already large bushes/hedges between the homes, so they already don't see each other as it is. Also, the house will only be expanding towards the rear, and even after expansion it's not anywhere close to their rear neighbors. Staff is recommending approval based on these conditions, also found in the staff report.

Mr. Harland asked if the two basic issues in the ordinance have to be addressed and met satisfactorily by the project, along with the three criteria under the second requirement; is it required to meet all three of those criteria as well.

Mr. Rios responded that he believes it's only required to show they are meeting some of the purposes of the ordinance.

Mr. Hall said that if he's reading the slides from the meeting attachments correctly, those three items are some of the statements in the purpose of the R-1.8 zone that it supports and is favorable towards. They are in support of the first test that it meets.

Mr. Harland noted that was more for his information than anything else. He believes the impact is minimal. He asked to confirm that the setback would normally be eight feet.

Mr. Rios responded yes.

Mr. Harland asked if that setback would normally be added to the other areas to make a total of 20 feet, meaning it should be eight feet on one side and 12 on the other, but it is eight on one side with four on the other.

Mr. Rios responded yes, but they have about 14 feet on the other side based on aerial images, and four feet on the nonconforming side.

Mr. Harland noted they have about 18 feet currently.

Anthony Vicchrilli – Applicant

From the audience, Mr. Vicchrilli responded that width wise the lot is about 50 feet, but about a foot and a half to two feet are actually in the neighbor to the west's yard with a retaining wall.

Mr. Harland asked the applicant to wait until he approaches the podium to speak so they can get everything on the record. Not that he doesn't want him to talk, it would just be better if it was on the recording. He noted that this house was built back in 1920, he assumes there were no setback requirements at that time, or minimal requirements.

Mr. Rios said they don't have a record of it, the furthest back they have he believes is in the 1950s. The rest of the homes along that street however are very similar, very narrow and the homes are built close together.

Mr. Harland said he drove by to see the neighborhood this morning, it's a nice neighborhood. He asked if there was any public comment received, either written or phone calls.

Mr. Rios said no.

Mr. Harland invited the applicant forward to tell us about the project and share any information he'd like to offer, or any questions he might have.

Mr. Vicchrilli noted that the home is 101 years old, it was built in 1921 and has been in the family the whole time. He purchased it from his grandparents about five years ago. Their intention is just to continue to try to keep the character of the old house, but modernize it and expand so they have a little more space for their family including a master bath and bedroom closet. In the neighborhood itself, almost all of the lots as mentioned are narrow along that side of that street at around 50 feet wide. Theirs is just slightly under 50 feet wide. The driveway to the west of it has a retaining wall that splits the yards, their property line is actually about a foot and a half into the yard to the west. The total setbacks on both sides is about four feet, and then it's about 15-16 feet, so it's almost 20. They are just looking to maintain the four feet on the one side and continue straight back, designing it to try to not change it, but fit the neighborhood. Their overall goal is for it to fit how it has always been and just update it.

Mr. Harland noted that this will about double the size of their home.

Mr. Vicchrilli said the intention is not to flip it or sell it, anything like that, it is to maintain it and keep it in the family. They have two children with one on the way, they don't plan on moving so it's fitting it to their future as they see for the next 20-30 years.

Mr. Harland asked if they've had any issues with the property owner on the west side with the overlap.

Mr. Vicchrilli said no, not at all, that house was actually originally his grandparents' and his aunt and uncle live there now and don't intend to move, which is why it has never been addressed as an issue; it has just always been that way.

Mr. Harland said that property line issues always pop up some place, so as soon as someone else buys that house they should be prepared to deal with it.

Mr. Vicchrilli said that in the future, if the driveway ever needs to be redone, the retaining wall is only 12 inches high and they've thought about shifting it over at that time, but as it is now it has never been an issue.

Mr. Harland asked the applicant if he had any questions.

Mr. Vicchrilli said no.

Mr. Harland said there are two conditions there that he would be required to complete, that the applicant shall obtain the appropriate Murray City Building Permits, and additions shall not decrease the existing side yard setbacks. He believes the applicant is in line with that and shouldn't have to worry about that. Staff and the city attorney sometimes cringe when they say they are going to approve these before the end of the meeting, but he sees no problem with this and he intends to approve his request. However, he told the applicant to not do anything until he gets the written report, that will be available from the staff by next Wednesday at noon. He told Mr. Rios that he should have his report to him by the end of the week. He asked the applicant if he had any additional questions, and he did not.

Mr. Hall noted Mr. Harland should make sure to open and close the public comment so it's on the record.

Mr. Harland noted that they asked for public comment at the meeting. There was no one present for public comment and the staff received no written comments or telephone conversations from anyone in the neighborhood concerning the project; he assumes everyone is favorable.

Meeting was adjourned at 12:43 p.m.



Jared Hall, Director