



# MURRAY CITY HEARING OFFICER

## NOTICE OF MEETING AND AGENDA

January 11, 2023

12:30 PM

5025 S State Street

---

### CALL MEETING TO ORDER

Conflict of Interest Disclosure

### EXPANSION OF NON-CONFORMING USE(S)

1. Cosmos Enterprises - #23-011

Case #1599

158 East 4500 South

Expansion of Nonconforming Structure to the Side Yard Setback.

### VARIANCE(S)

2. Cosmos Enterprises - #23-012

Case #1600

158 East 4500 South

Variance to Fence Regulations within the Front Yard Setback along 4600 South Street

& Buffer Landscaping

### ADJOURNMENT

Special Accommodations for the hearing or visually impaired will be made upon a request to the office of Murray City Recorder (801-264-2662). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

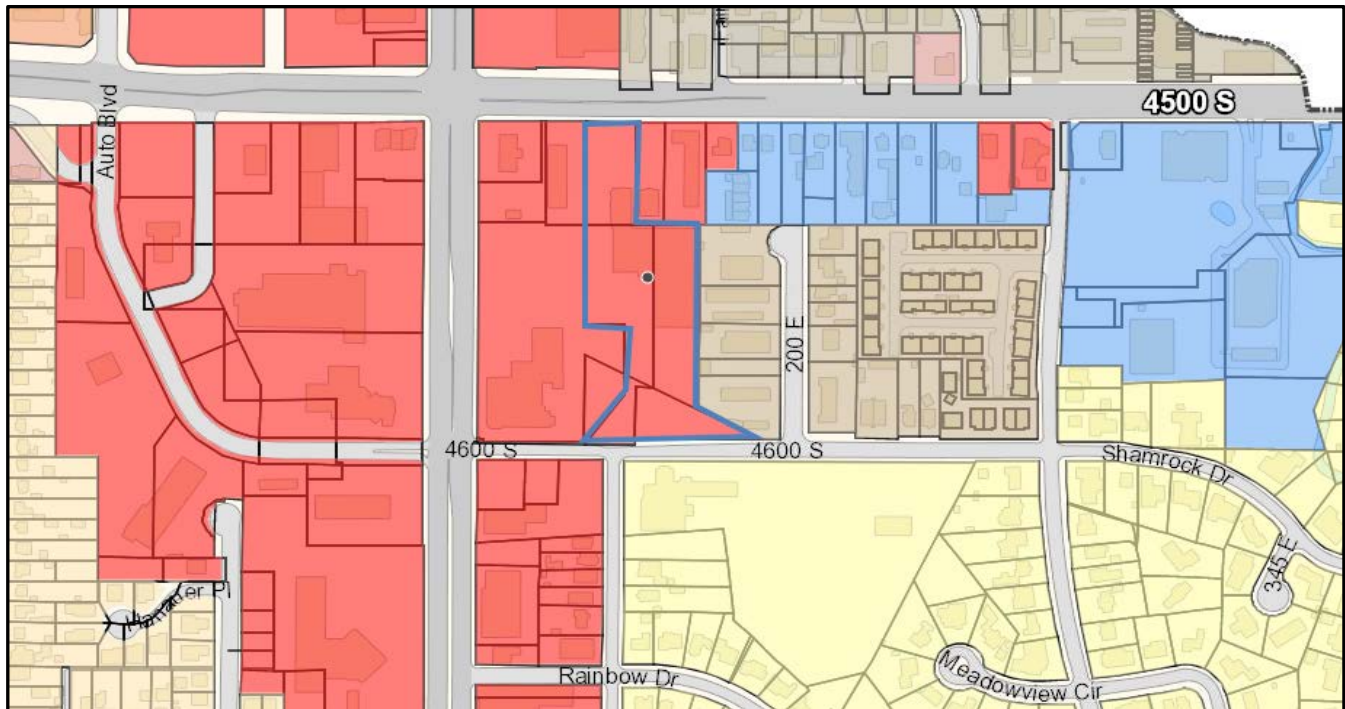
Committee members may participate in the meeting via telephonic communication. If a Committee member does participate via telephonic communication, the Committee member will be on speakerphone. The speakerphone will be amplified so that the other Committee members and all other persons present will be able to hear all discussions.

At least 24 hours prior to the meeting, a copy of the foregoing notice was sent to the City Recorder to post in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. A copy of this notice was also posted on Murray City's internet website [www.murray.utah.gov](http://www.murray.utah.gov) and the state noticing website at <http://pmn.utah.gov>.



## AGENDA ITEM # 2 - Cosmos Enterprises

ITEM TYPE:	Expansion of a Non-Conforming Use/Building		
ADDRESS:	158 East 4500 South	MEETING DATE:	January 11, 2023
APPLICANT:	Chihan Kim, Cosmos Enterprises	STAFF:	Susan Nixon, Senior Planner
PARCEL ID:	22-06-305-046-4001 22-06-305-046-4002	CASE NUMBER:	1599
ZONE:	C-D, Commercial Development	PROJECT NUMBER:	23-011
SIZE:	3.8-acre lot   34,002 existing   25,941 ft <sup>2</sup> addition		
REQUEST:	The applicant would like to expand 25,941 ft <sup>2</sup> to the existing commercial warehouse building. The building is currently nonconforming to the east side yard setback regulations as written in Section 17.160.040. of the Land Use Ordinance.		



## I. LAND USE ORDINANCE

Section 17.52.040 of the Murray City Land Use Ordinance allows for a building or structure occupied by a nonconforming use, or a building that is nonconforming as to height, area, or yard regulations to be added to, enlarged, or moved to another location on the lot subject to review by the Hearing Officer. The building on the subject property is nonconforming to side yard regulations. The proposed changes will allow for an addition to the rear of the existing building.

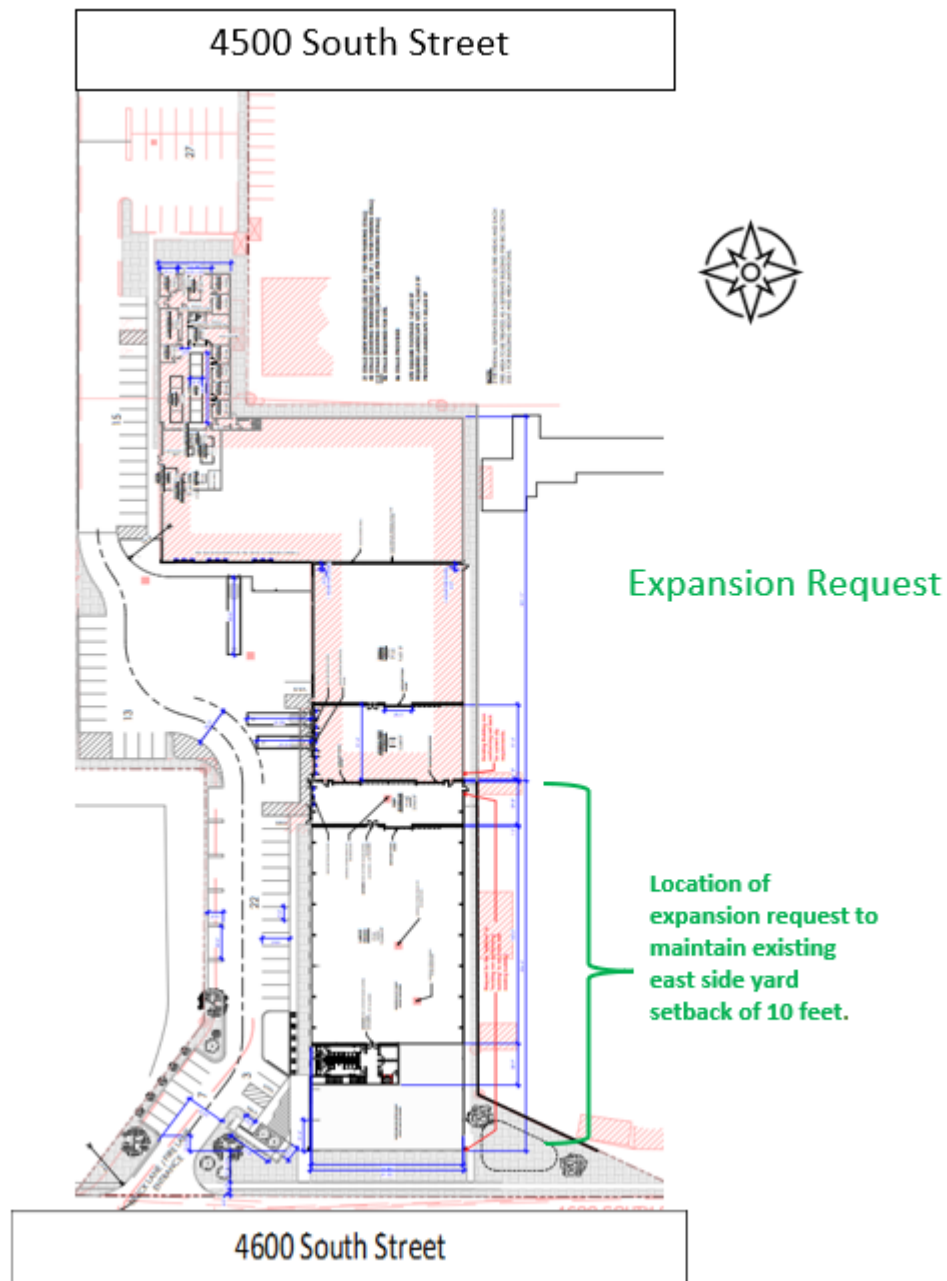


Figure 1: Applicants proposed site plan

## II. PROJECT REVIEW

### Subject Property + Background

The subject property is a commercial warehouse building located on the south side of 4500 South. Salt Lake County records show that the property was built in 1989 and an addition added in 1997. The applicant provided the setbacks as shown below:

	Existing	Proposed	Required
East Side Yard (to remain the same)	10'	Remain the same 10' setback for a length of apx 210'	Minimum of 20' when adjacent to residential zone
North - Front Yard (no changes)	164' (apx)	No changes	Minimum of 20', front yard
South - Rear Yard	256' (apx)	30'	Minimum of 20' to the right-of-way to a dedicated street
West Side Yard (no changes)	60' (apx)	No changes	0'

**\*Section 17.160.040: AREA, WIDTH, FRONTAGE AND YARD REGULATIONS:**

None, except twenty feet (20') to the boundary line of any Residential District or to the right-of-way line of any dedicated street. The property is adjacent to an R-M-10 Zone that is the rear yard for a few clusters of multifamily dwellings (apartments) and townhomes that front on 200 East Street.

The property consists of two separate parcel's: 22-06-305-046-4001 and 22-06-305-046-4002. The County Assessor has identified these the two separate parcel numbers because they have differing taxing entities. For this reason, the two parcels cannot be combined.

Staff has determined that the property is nonconforming to the east side yard setback and the proposed addition would require a request to the hearing office for an expansion of a nonconforming structure.

### Proposed Addition

The applicant's request for an expansion is to allow the property owner to add on to the rear of the building. The request will not bring the property into full compliance and will maintain



the existing side yard setback nonconformity. For this reason, staff supports the applicant's request.

The proposed addition will reduce the rear yard setback from approximately 256' to 30'. The proposed rear yard setback with the addition is 30' and is larger than the minimum required of 20 feet. Staff does not anticipate that the requested addition to the structure will increase the existing nonconformity on the property or cause a burden to neighboring property owners. Additionally, a buffer wall is required along the east boundary line to help mitigate any potential impact.

The applicants will be required to go through Site Plan Review after the Hearing Officer decision.

### III. PUBLIC NOTICE & COMMENT

Forty-nine (49) notices were sent to all property owners within 400 feet of the subject property. As of the date of this report, staff received one phone call from James Jensen, resident on 4600 South, who stated he is in favor of the variance requests and that this proposal will improve the area. Staff also met with the adjacent neighbor, Tom Hamman, to discuss in better detail the requests.

### IV. FINDINGS

The Hearing Officer acting as the Murray City Appeal Authority may authorize approval of an addition, enlargement, or moving of a structure occupied by a nonconforming use or a structure that is nonconforming as to height, area, or yard regulations subject to the following findings:

**1. The addition to, enlargement of, or moving of the building will be in harmony with one or more of the purposes of this title;**

The proposed addition is in harmony with the purpose of the C-D, Commercial Development Zone that "provide areas in appropriate locations where a mixed use of businesses, commercial, entertainment and related activities may be established and maintained."

The proposed addition is in harmony with the following statements that are located in Section 17.04.020(A), (E), (F), and (H) of the Murray City Land Use Ordinance:

- Encourage and facilitate the orderly growth and development of the city.
  - Reinvestment in existing businesses contributes to a favorable environment for the businesses and citizens of the city.
- Enhance the economic and cultural well being of the inhabitants of the city.
  - The proposed addition will contribute to the economic well being of the city and an existing business.
- Foster the city's residential, business, and industrial development.
  - The proposed addition would allow for a more useable commercial/warehouse in

an established area of Murray.

- Promote the development of a wholesome, serviceable, and attractive city resulting from an orderly, planned use of resources.
  - Reinvestment in this business will increase the property's value, and neighboring commercial values in the area as well.

**2. That the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or structure.**

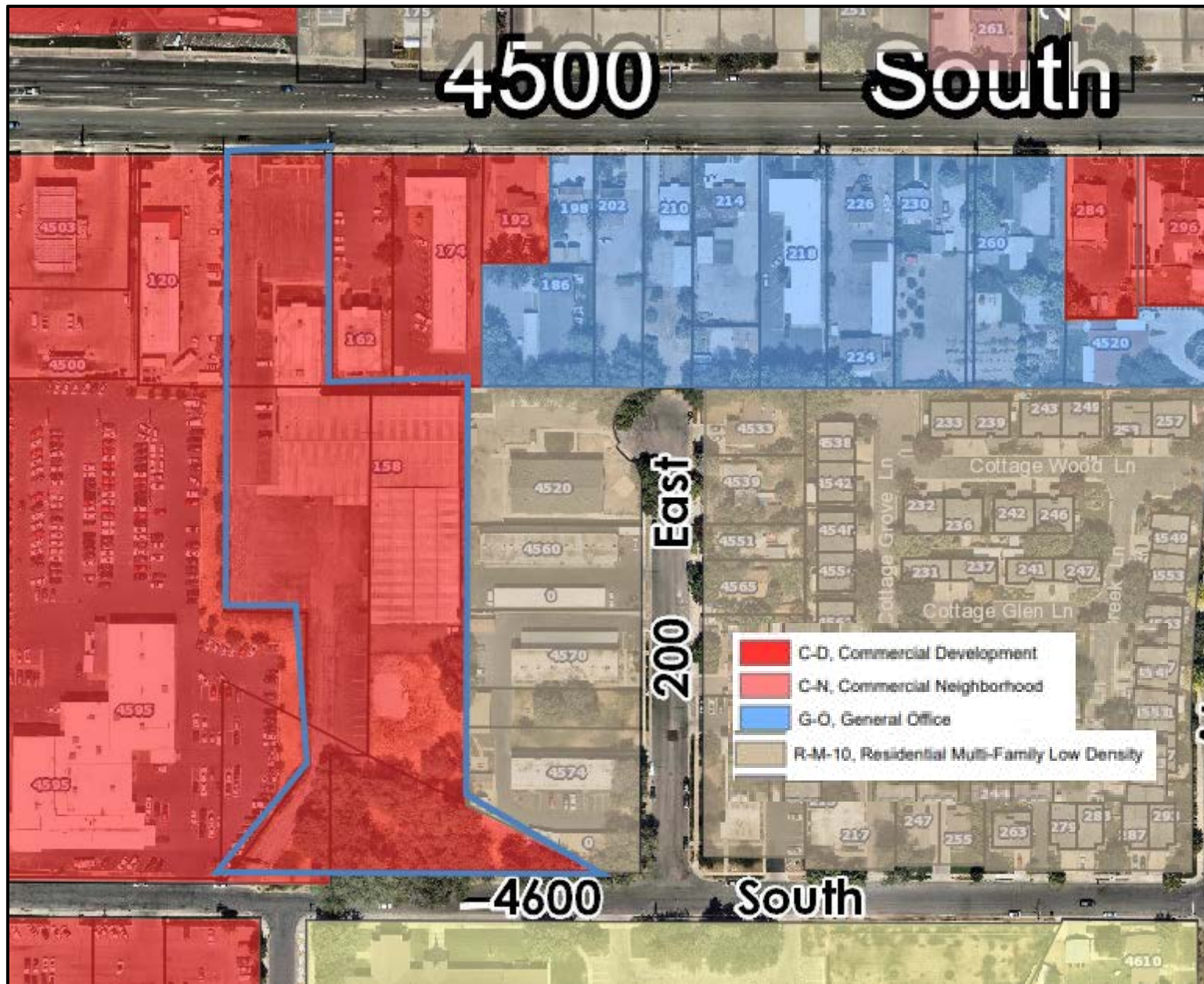
Staff finds that the proposed addition will not impose additional burden upon the lands located in the vicinity of the nonconforming structure. The proposed addition will maintain the existing side yard setback along the east boundary and a buffer wall will also be required along the east boundary for the length of the addition. Staff does not have or anticipate any concerns with the proposed request.

## **V. CONCLUSION / RECOMMENDATION**

Based on a review and analysis of the submitted material and applicable sections of the Murray City Land Use Ordinance, Staff finds that the proposal meets the standards for an expansion of a nonconforming structure and recommends **APPROVAL** subject to the following conditions:

1. The applicant shall obtain the appropriate Murray City Building Permits necessary for the proposed addition.
2. The proposed addition shall meet the setbacks as described on the proposed site plan.
3. The applicant a submit a Site Plan Review application.

# 158 East 4500 South - C-D Zone



## HEARINGS OFFICER APPLICATION

Permit # \_\_\_\_\_

Type of Application (check all that apply):

☐ Variance

☒ Expansion of Non-Conforming Use

☐ Appeal

Subject Property Address: 158 E. 4500 S. / 158 E. 4500 S / 155 E. 4600 S.

Parcel Identification (Sidwell) Number: \_\_\_\_\_

Parcel Area (acreage): 2.13 / 0.45 / 1.22 Current Use: Movie Studio / Office

Floor Area: 25,941 s.f. Zoning Classification: \_\_\_\_\_

Applicant Name: Chihan Kim

Mailing Address: 158 East 4500 South

City, State, ZIP: Murray, UT 84107

Daytime Phone #: 801-631-7174 Fax #: \_\_\_\_\_

Email address: chkim@cityfarmus.com

Business Name (If applicable): Cosmos Enterprises

Property Owner's Name (If different): Chihan Kim

Property Owner's Mailing Address: 158 East 4500 South

City, State, Zip: Murray, UT 84107

Property Owner Email Address: chkim@cityfarmus.com

Daytime Phone #: 801-631-7174 Fax #: \_\_\_\_\_

Type of variance request, exact measurement, and reason for request: \_\_\_\_\_

Requesting that the new required side fencing between the property and the  
residential zone next store can be stopped in line with the front of the building.

Authorized Signature: \_\_\_\_\_

Date: 12/19/2022



## Property Owners Affidavit

STATE OF UTAH

§

COUNTY OF SALT LAKE

I (we) \_\_\_\_\_, 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Residing in \_\_\_\_\_

My commission expires: \_\_\_\_\_

### Agent Authorization

I (we), Chihan Kim, the owner(s) of the real property located at

158 E 4500 S, in Murray City, Utah, do hereby appoint

Casey Copter or Craig Bennett as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize

Murray City to appear on my (our) behalf before any City board or commission considering this application.

Chihan Kim  
Owner's Signature

\_\_\_\_\_  
Owner's Signature (co-owner if any)

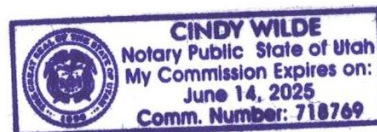
On the 19 day of December, 2022, personally appeared before me

Chihan Kim the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.

Cindy Wilde  
Notary Public

Residing in Salt Lake County, UT

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?

No

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

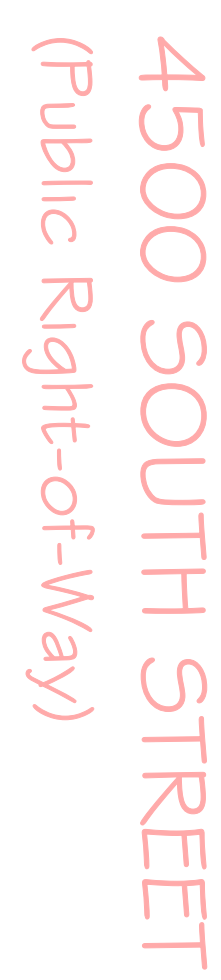
No

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

This is the only movie production studio within the zoning district and Murray City. The tenant of the space is Disney Studio's for the next 10+ years.

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

the clear floor space required for the production area would be too small if required to meet the new building setback from adjacent residential zone.



PR100  $3/64" = 1'-0"$





HEARING OFFICER  
NOTICE OF PUBLIC MEETING  
January 11, 2023, 12:30 PM

This notice is to inform you of a public meeting scheduled before the Murray City Hearing Officer for **Wednesday, January 11, 2023, at 12:30 p.m.** in the Murray City Municipal Council Chambers located at 5025 South State Street regarding the following application: **Chihan Kim, representing Cosmos Enterprises, is requesting an expansion of a non-conforming structure with regards to the side yard (east side) setback, in order to expand the existing building and a request for a variance to the front yard fencing regulations along 4600 South Street on the property addressed 158 East 4500 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](mailto: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 400 feet of the subject property. If you have questions or comments concerning this proposal, please call Susan Nixon with the Murray City Planning Division at 801-270-2430, or email [snixon@murray.utah.gov](mailto:snixon@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 December 29, 2022



Minutes of the Board of Adjustment meeting held on Wednesday, November 13, 1996, at 5:30 p.m., in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: William Dunn, Chairman  
Tom Rynearson  
Patricia Griffiths  
Ray Christensen, City Planner

Absent: Ray Nilsson

### APPROVAL OF MINUTES

William Dunn asked for additions or corrections to the minutes of October 14, 1996. The minutes were approved as submitted.

### CASE #906 - ELECTRICAL WHOLESALE SUPPLY - 158 East 4500 South

Ray Christensen reviewed the location and request of Electrical Wholesale Supply for a 10 foot building setback variance to construct a warehouse addition. The applicant wants to line up the warehouse addition with the existing building. The zoning ordinance requires a 20 foot building setback from a residential zone. The Planning Commission approved the original building and site plan on January 5, 1989.

Robert Money, 2457 West 6640 South, West Jordan, said they are requesting the variance to go within 10 feet of the side yard to align the warehouse addition with the existing building. He said the hardship of moving the building to the 20 foot setback is they will lose 1,500 sq.ft. of building space. He said they will install the required landscaping.

William Dunn asked how the original building was built 10 feet from the property line. Robert Money said he thought there had been a change to the ordinance. Ray Christensen said the zoning ordinance required a 20 foot setback. The original file and site plan was approved by the Planning Commission with a 10 foot setback in January 1989. There were no conditions noted on the plans or any reference by the Planning Commission for the setback.

William Dunn asked if Electrical Wholesale owns a building on the west side of State Street. Robert Money said Electrical Wholesale doesn't have a business on the west side of State Street and that Cline Dahle bought the property.

Tom Rynearson asked if there was a building permit issued for the original building. Ray Christensen said there was one issued on the original building.

Bob Meyer, 4560 South 4500 West, said he owns the 10 unit apartment building to the east. He asked how far they will extend the block wall to the south. He said the chain link fence has been cut and people are cutting through the apartment property. He is concerned with drug deals and other problems behind the building reported by his tenants. He requested security measures in this area. Robert Money said the wall and landscaping will be extended to the south about 150 feet. He said they may extend the block wall to the south boundary line.

Tom Rynearson suggested closing off access to the landscaped area behind the building with a

chain link fence.

A motion was made by Tom Rynearson to approve the 10 foot variance for the building setback to line up with the existing building. Seconded by Pat Griffiths.

3 Ayes

0 Nays

CASE # 907 - CRYSTAL INN - 810 East Winchester Street

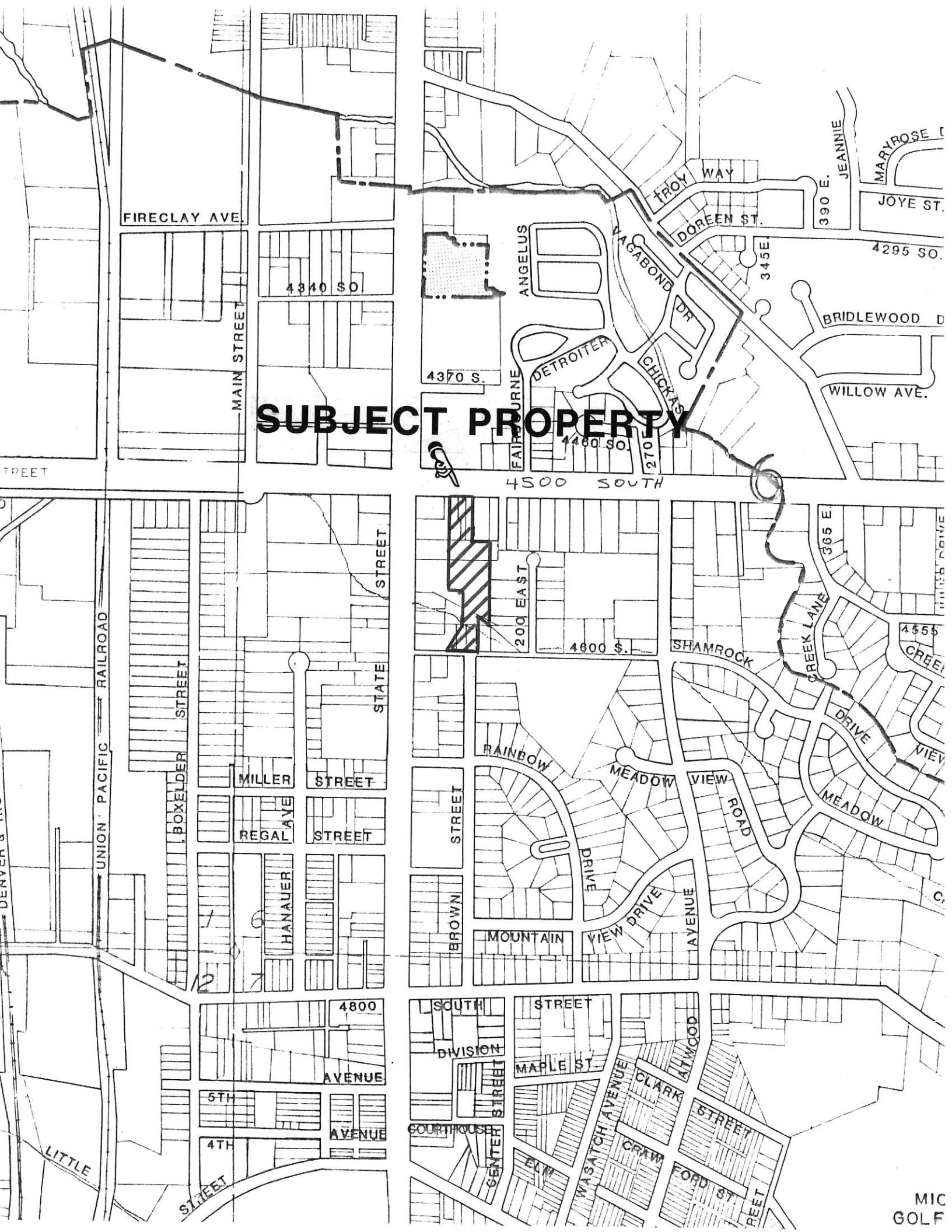
The applicant withdrew their appeal.

Meeting adjourned.

---

Ray Christensen  
City Planner





Bart Jensen said he would like to have a six foot wall or six foot fence along the side of his property. He also felt there should be a time limit on the use of the park.

A motion was made by Jess McArthur to approve the conditional use permit with the following conditions:

1. The existing chain-link fence would remain in place on 4600 South.
2. There would be a restriction of no lighting in the ball diamond or recreational area with the exception of the area within the pavilion.
3. All activities would be curtailed at 10:00 p.m.

Seconded by Dave Stephens.

4 Ayes  
1 Nay (Justin Barney)

HERB TOWERS PLUMBING/LARRY H. MILLER - 5757 South State Street

Rob McQuay was present to represent this proposal. Dennis Hamblin reviewed the request for a conditional use permit for a retail/wholesale plumbing sales facility located within the C-D-C zone.

The applicants plan to tear down some of the existing structures on the property and construct a new building to house the plumbing business. An existing masonry building would be incorporated into the new building plans. The new building would contain about 5,000 square feet of floor area which would be divided into showroom, office and warehouse. The second level of the building would be used for future office space.

There would be a six foot high masonry wall and a ten foot landscaping buffer next to the residential zone to the east. The dumpster enclosure shown on the site plan is within the buffer landscaped area. The dumpster would need to be relocated out of the buffer landscaped area to a place which is accessible to garbage trucks and be enclosed within a solid barrier fence. The drive entrances from State Street should be widened to a minimum of 30 feet. The site plan indicates customer parking as well as a handicapped parking stall.

The Fire Marshall has indicated that fire sprinkling within the building may be required depending on the square footage and construction type. Mr. Barney asked if the applicant would have any trouble meeting the recommendations of the Staff. Mr. McQuay said they would not have a problem meeting these conditions.

Mr. Sundloff, neighboring property owner, asked where the access to the dumpster would be located. Mr. McQuay said this would be located at the northeast side of the property. He stated there would be approximately ten parking stalls on the south side. There would be landscaping and a chainlink fence with a gate to secure the rear area. Mr. Sundloff said he was concerned with the security of the area.

A motion was made by Merrill Greenland to approve the conditional use with the following conditions:

1. Both existing and proposed structures shall meet all UBC and UFC regulations.
2. Both drive accesses to State Street be widened to a minimum of 30 feet.
3. The dumpster enclosure shall be relocated in an area outside the buffer zone and meet the ordinance requirements and accessible to garbage trucks.

Seconded by Justin Barney.

6 Ayes  
0 Nays

T.L.C. AUTO - 4740 South State Street

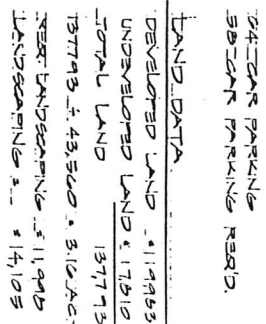
Tom Tisdale, owner of T.L.C. Auto, was present to represent the business. Mr. Hamblin stated that this item was a carry-over from the previous meeting, which the Planning Commission requested that T.L.C. Auto appear before them to review the landscaping and mobile office use.

The applicants are currently using a mobile home on the property for their office. They are proposing to place the existing mobile office on a foundation and upgrade it to meet the building code standards in order to turn it into a permanent structure.

The Plans Examiner has indicated that it would be impractical to upgrade the trailer to comply with building code requirements. Anne vonWeller had prepared a list of everything which would need to be done to the trailer to upgrade it to the minimum UBC standards.

The Planning Staff recommends that if the mobile home is upgraded, that the applicant would upgrade the entire exterior of the structure to make it look like a permanent building. This may

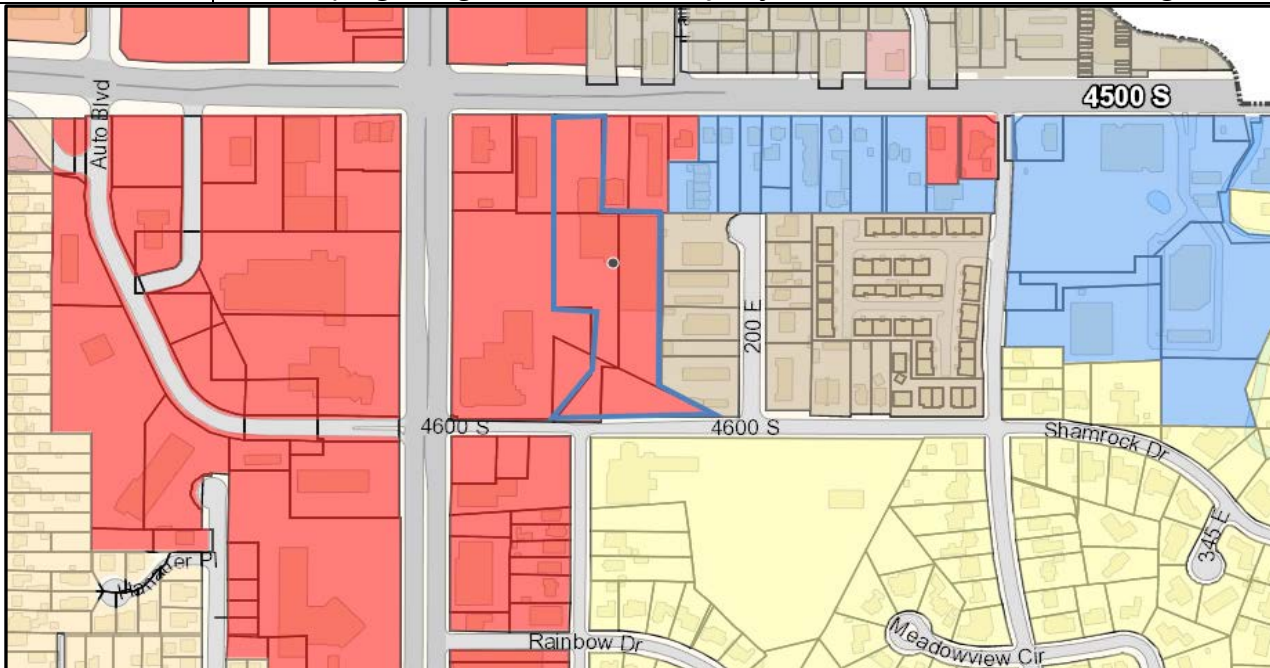






## AGENDA ITEM #3 - Cosmos Enterprises

<b>ITEM TYPE:</b>	Variance Application(s)		
<b>ADDRESS:</b>	158 East 4500 South	<b>MEETING DATE:</b>	January 11, 2023
<b>APPLICANT:</b>	Chihan Kim, Cosmos Enterprises	<b>STAFF:</b>	Susan Nixon, Senior Planner
<b>PARCEL ID:</b>	22-06-305-046-4001 22-06-305-046-4002	<b>CASE NUMBER:</b>	#1600
<b>ZONE:</b>	C-D, Commercial Development	<b>PROJECT NUMBER:</b>	23-012
<b>SIZE:</b>	3.8-acre lot   34,002 existing   25,941 ft <sup>2</sup> addition		
<b>REQUEST:</b>	The applicant would like to expand 25,941 ft <sup>2</sup> to the existing commercial warehouse building. The building is currently nonconforming to the east side yard setback regulations of 20' minimum as written in Section 17.160.040 of the Land Use Ordinance. The applicant is requesting a variance to Section 17.160.110 to locate the new 6-foot-high solid wall with a setback approximately 30' to be in alignment with the setback of the new building front on 4600 South Street. Additionally, the applicant is requesting a variance to Section 17.160.100 to not install the required 10' buffer landscaping along the east boundary adjacent to the residential zoning.		



## I. DESCRIPTION of REQUEST

### Subject Property + Background

The subject property is a commercial warehouse building located on the south side of 4500 South Street. The building was constructed for an electrical wholesale contractor in 1989. The current use is a movie production studio (LU#6398). Disney Studios is the tenant, and they are desirous to expand the building to meet their studio production needs.

Salt Lake County records show that the building was built in 1989 and had an addition in 1997. The property currently has two separate parcel #'s: 22-06-305-046-4001 and 22-06-305-046-4002. The County Assessors has identified these the two separate parcel numbers because they have differing taxing entities. For this reason, the two parcels cannot be combined.

## II. LAND USE REGULATIONS

This application involves two variance requests to Murray Land Use Code Sections 17.160.110 and 17.160.100.

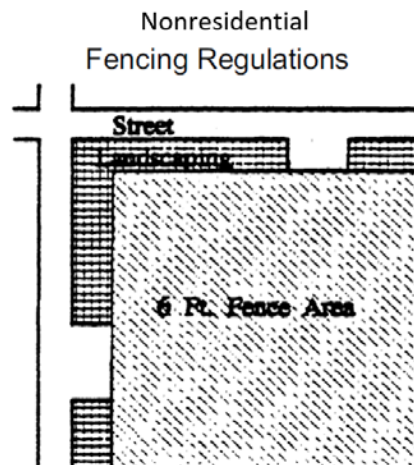
Section 17.160.110 states:

*Where the site abuts a Residential Zone, a six foot (6') high solid masonry wall shall be located along the property line and be in compliance with the City Fencing Ordinance (see Section 17.64.030 below).*

Section 17.160.100.C. states:

*Landscaping adjacent to residential zoning will require a minimum buffer of ten feet (10').*

Additional Fencing Regulation in Section 17.64.030: Nonresidential Fencing Regulations states: A. *No fence, wall, hedge, or other screening material shall be erected, allowed, or maintained on an interior lot higher than seven feet (7') when located a minimum distance of ten feet (10') from the front property or street right of way line.* However, Section 17.160.110 requires the buffer wall along the entire site where it abuts a Residential Zone. See the illustration below:



### III. PROJECT REVIEW

#### Background

The existing building at 158 East 4500 South was originally constructed in 1989. The Planning Commission approved a site plan for the building (applicant, Aloha Investments) on January 5, 1989, showing a 10' side yard setback (see attached minutes and site plan). It is unknown why the building was approved in 1989 with the 10-foot east side yard setback.

The Land Use ordinance in 1987 and 1989 both required a 20-foot setback from a residential zone. A variance was granted by the Board of Adjustment on November 13, 1996, (see attached minutes) for an addition to the existing building for a 10-foot side yard setback along the east boundary.

#### **The application is for two variances:**

1. The first request is to Section 17.160.110 of the Murray Land Use Ordinance requesting that the new buffer wall stop so as to be in line with the building front setback (approximately 30 feet) along 4600 South Street, or at the direction change as indicated in the site plan.

Section 17.160.110: Fencing Regulations states:

*Where the site abuts a Residential Zone, a six foot (6') high solid masonry wall shall be located along the property line and be in compliance with the City Fencing Ordinance.*

In reviewing this request, it makes practical sense and aesthetically would be more appealing to have the solid wall stop to be in line with the building front or at the point the wall changes direction from southward to southeast. Staff feels it would be more pleasing to the neighbors to the east to have a view of the frontage landscaping rather than a solid wall to within 10 feet of the property line.

2. The second request is to Section 17.160.100 of the Murray Land Use Ordinance to not install the required 10 depth of buffer landscaping along the east boundary adjacent to the residential zone for the length of the building addition.

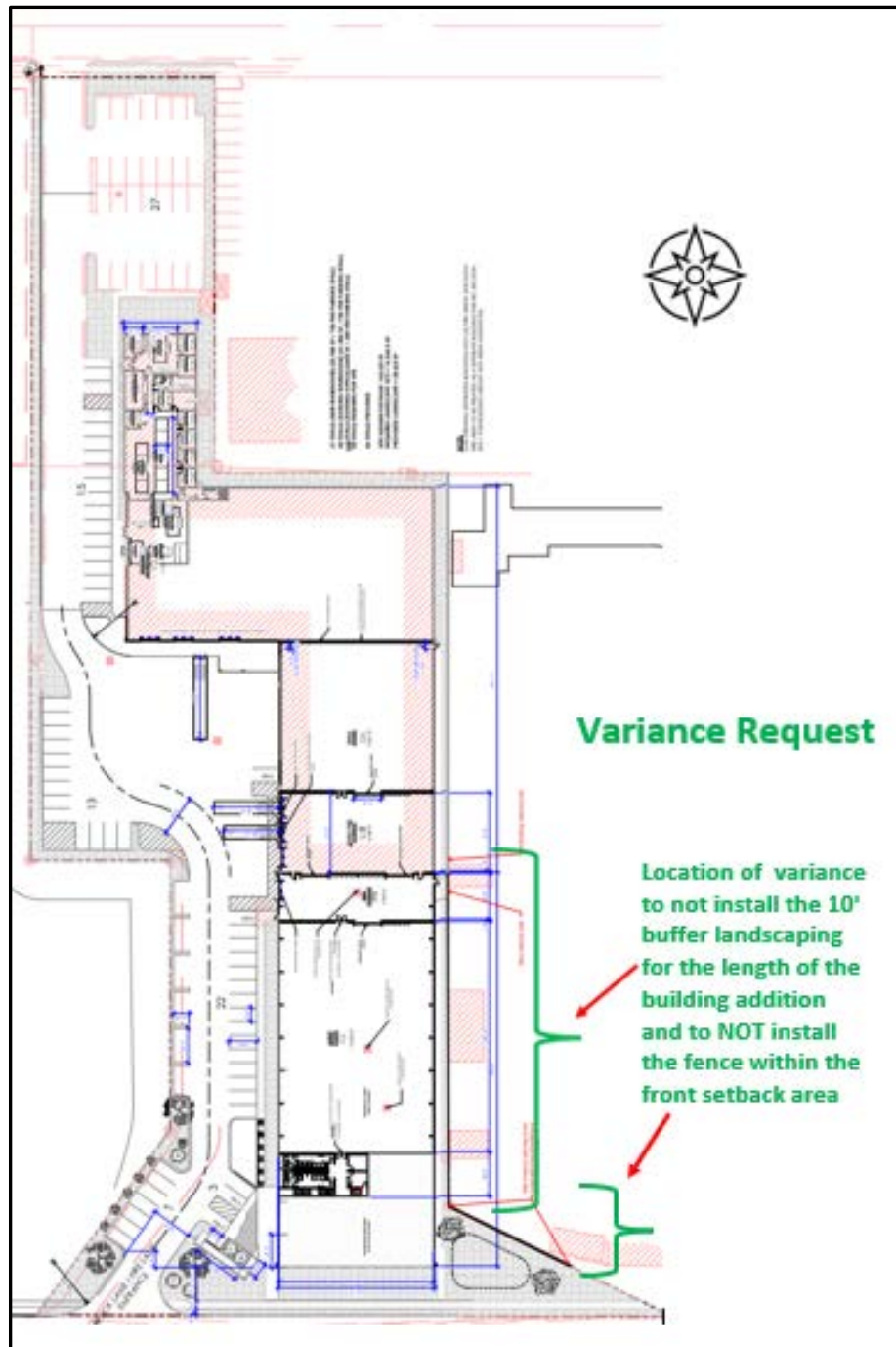
Section 17.160.100: Landscaping Regulations states:

*C. Landscaping adjacent to residential zoning will require a minimum buffer of ten feet (10').*

The applicant is desirous to not install the 10' buffer landscaping along the east boundary because it will be between the solid wall of the building and the 6' buffer wall. .

#### Applicant's Narrative and Materials

The applicant's written narrative response to the variance analysis form is attached. The applicant has provided a site plan and other illustrations depicting the property layout as well as the proposed fence variance location. All are attached to this report for the Hearing Officer's reference and review.



### Public Input

Forty-nine (49) notices were sent to all property owners within 400 feet of the subject property. As of the date of this report, staff received one phone call from James Jensen, resident on 4600 South, who stated he is in favor of the variance requests and that this proposal will improve the area. Staff also met with the adjacent neighbor, Tom Hamman, to discuss in better detail the requests.

#### IV. VARIANCE FINDINGS

Staff analysis and findings for compliance with standards for a variance as contained in Land Use Ordinance Section 17.16.060 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 subject property is located in the C-D, Commercial Development Zone. The applicant's request is based the needs for expansion of the existing motion picture production business and maintaining uniformity with the building footprints and setbacks. Motion picture production (LU#6398) is a permitted use in the C-D Zone. Section 17.160.010: states the Purpose of the C-D Zone is: *To provide areas in appropriate locations where a mixed use of businesses, commercial, entertainment and related activities may be established and maintained.*

Section 17.64.010 states: *"The purpose for fence regulation provisions is to allow a wide variety of fence styles and construction to promote property security, privacy, and architectural compatibility. In addition, these regulations are provided to promote vehicular and pedestrian safety by requiring safe fence placement and height to allow proper visibility standards."*

1. With regards to Section 17.160.110 buffer wall variance, the purpose of a buffer wall is to mitigate any impacts from a commercial use on to a residential use. In this case staff feels that requiring the buffer wall to line up with the building front setback is reasonable and if required to install the buffer wall within 10 feet of the property line, it will be less appealing to the residential area than what the frontage landscaping. It would be more aesthetically pleasing to have landscaping than a solid wall within 10 feet of the property line. Staff finds that the application does meet this requirement for granting a buffer wall variance to be in line with the front of the building along 4600 South Street.

2. With regards to Section 17.160.100 buffer landscaping variance, the purpose for a 10' buffer landscaping adjacent to residential is to mitigate any impacts from a commercial use onto a residential use. Typically, the buffer landscaping is part of a parking lot, access, or where there is other activity generated from the commercial use. In this case, a buffer landscaping will not be visible or of any benefit to the adjacent residential uses. In this case, the 10' width between a solid building wall and the buffer wall means there will be no activity in that area to mitigate. The literal enforcement of requiring the 10' buffer landscaping would cause a hardship to the applicant by adding unnecessary expenses, will serve no buffering purpose and will be difficult to maintain live vegetation with little sun light. Staff finds that the application does meet this requirement for granting a buffer landscaping variance.

**B. There are special circumstances attached to the property that do not generally apply to other properties in the district.**

The property owner states there are special circumstances associated with the property,



which are: "The area of property line requested to not have fencing is unique in that there is no building in this portion of the property. The adjacent residential zone will have landscaping to improve the feeling of open space adjacent to them."

1. With regards to Section 17.160.110, buffer wall variance, the purpose of a buffer wall is to "buffer or mitigate" any impacts on the adjacent properties. There will be no activity between the building and the buffer wall to mitigate impacts. The requirement for the additional length of wall to within 10 feet of the property line is an unnecessary expense imposed on the property owner and will not "buffer" any more than the frontage landscaping would do and is unique to other properties in the district. The proposed setback location for the buffer wall will improve the visual sight line of motorists and will be more aesthetically pleasing with proposed frontage landscaping rather than a solid wall within 10 feet of the property line. Staff finds that the application does meet this requirement for granting a buffer wall location variance.

2. With regards to Section 17.160.100 buffer landscaping variance, the property is unique in that it has two frontages, 4500 South and 4600 South Streets. The building is unique in that it as it has existed from 1989 with a 10-foot side yard setback from the residential zone. Typically, a commercial building is set back 20 feet inclusive of the 10' buffer landscaping and a buffer wall that is usually associated with a parking lot. In this case the building and solid buffer wall do not allow for the typical landscaping buffer and maintenance of vegetation. Because of this situation, the property differs from other properties in the same district. The landscaping will not be seen by anyone other than from a distance on 4600 South Street. Staff finds that the application does meet this requirement for granting a buffer landscaping variance.

**C. Granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the district.**

1. With regards to Section 17.160.110, buffer wall variance: With most properties where landscaped buffers and fences are required, the commercial property is in use for parking, access, or other "back-of-house" functions such as loading docks or service bays. In this case a landscaping will be installed from the building to the street frontage on 4600 South, but the normal requirement for placement of the wall at within 10' of the property line would block visibility from the street to large amounts of additional landscaping – not the commercial activities the wall placement is designed to buffer. Staff agrees with the applicants that the visible frontage landscaping is of much more benefit to the area than a solid wall within 10' of the property line. In most cases in this district the purpose of frontage landscaping is to beautify the street frontage. Staff agrees with the applicants that the installation of all the frontage landscaping should be visible from the street and represents a substantial property right. Staff finds that the application does meet this requirement for granting a buffer wall location variance.

2. With regards to Section 17.160.100 buffer landscaping variance, The applicants feel that the required buffer landscaping on the east side of the building will not contribute to the enjoyment of properties in the area and would become an eye-sore due to difficulties in



maintaining thriving vegetation during the summer months with the heat generated between the building and solid buffer wall and lack of direct sunlight. As discussed previously, in most cases where landscaped buffers and fences are required the commercial property is in use for parking, access, loading docks or service bays. In this case, the buffer wall will be installed, but the proximity of the building makes landscaping difficult to maintain in the area, and of no benefit to the adjacent residential uses. In most cases in the district, landscaping that cannot viably be maintained is not required. Staff finds that the application does meet this requirement for granting a buffer landscaping 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 this area to be commercial neighborhood adjacent to residential medium density neighborhoods. Staff finds the proposed variance(s) will not be contrary to that public interest and will adequately serve the intent of buffering impacts from the commercial onto residential. Staff recommends that the application does meet both the buffer wall location variance (Section 17.160.110) and to not install the buffer landscaping variance (Section 17.160.100) requirement(s).

**E. The spirit of the Land Use Ordinance is observed, and substantial justice done.**

The intent of the language in the Land Use Ordinance is clear: to provide buffering to help mitigate impacts from a commercial use onto residential uses with appropriate fencing/wall and landscaping. Staff finds that granting the variance would not violate the spirit of the Land Use Ordinance and will still meet the intent with the proposed requests. Staff recommends that the application does meet both the buffer wall location variance (Section 17.160.110) and to not install the buffer landscaping variance (Section 17.160.100) requirement(s) and will meet the spirit of the land use ordinance as requested.

**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 literal enforcement of them will deprive the property owner of rights or privileges granted to

other properties in this district.

## VI. CONCLUSION/RECOMMENDATION

In the analysis of the standards for granting a variance as they relate to the subject property, Staff finds that the application can be considered to meet the requirements for the granting of both variances.

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 does meet the applicable standards for both variances. Staff recommends APPROVAL of the requested variances to Sections 17.140.110 and 17.160.100, of the Land Use Ordinance subject to the following conditions:

1. The applicant shall obtain the appropriate Murray City Building Permits necessary for the proposed addition.
2. The proposed addition shall meet the setbacks as described on the proposed site plan.
3. The applicant shall submit a formal Site Plan Review application with the Planning Division.



HEARING OFFICER  
NOTICE OF PUBLIC MEETING  
January 11, 2023, 12:30 PM

This notice is to inform you of a public meeting scheduled before the Murray City Hearing Officer for **Wednesday, January 11, 2023, at 12:30 p.m.** in the Murray City Municipal Council Chambers located at 5025 South State Street regarding the following application: **Chihan Kim, representing Cosmos Enterprises, is requesting an expansion of a non-conforming structure with regards to the side yard (east side) setback, in order to expand the existing building and a request for a variance to the front yard fencing regulations along 4600 South Street on the property addressed 158 East 4500 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](mailto: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 400 feet of the subject property. If you have questions or comments concerning this proposal, please call Susan Nixon with the Murray City Planning Division at 801-270-2430, or email [snixon@murray.utah.gov](mailto:snixon@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 December 29, 2022







## HEARINGS OFFICER APPLICATION

Permit # 23-012  
#1600

Type of Application (check all that apply):

☒ Variance      ☐ Expansion of Non-Conforming Use      ☐ Appeal

Subject Property Address: 158 E. 4500 S. / 158 E. 4500 S / 155 E. 4600 S.

Parcel Identification (Sidwell) Number: \_\_\_\_\_

Parcel Area (acreage): 2.13 / 0.45 / 1.22 Current Use: Movie Studio / Office

Floor Area: 25,941 s.f. Zoning Classification: \_\_\_\_\_

Applicant Name: Chihan Kim

Mailing Address: 158 East 4500 South

City, State, ZIP: Murray, UT 84107

Daytime Phone #: 801-631-7174 Fax #: \_\_\_\_\_

Email address: chkim@cityfarmus.com

Business Name (If applicable): Cosmos Enterprises

Property Owner's Name (If different): Chihan Kim

Property Owner's Mailing Address: 158 East 4500 South

City, State, Zip: Murray, UT 84107

Property Owner Email Address: chkim@cityfarmus.com

Daytime Phone #: 801-631-7174 Fax #: \_\_\_\_\_

Type of variance request, exact measurement, and reason for request: \_\_\_\_\_

Requesting that the new required side fencing between the property and the  
residential zone next store can be stopped in line with the front of the building.

Authorized Signature: \_\_\_\_\_

Date: 12/19/2022

## Property Owners Affidavit

STATE OF UTAH

COUNTY OF SALT LAKE

I (we) \_\_\_\_\_, 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Notary Public \_\_\_\_\_

Residing in \_\_\_\_\_

My commission expires: \_\_\_\_\_

### Agent Authorization

I (we), Chihan Kim, the owner(s) of the real property located at 158 E 4500 S, in Murray City, Utah, do hereby appoint Casey Copter or Craig Bennett as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize

Murray City 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) \_\_\_\_\_

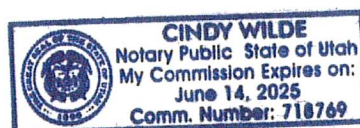
On the 19 day of December, 2022, personally appeared before me

Chihan Kim the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.

Notary Public Cindy Wilde

Residing in Salt Lake County, UT

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?

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 area of property line requested to not have fencing is unique in that there is no building in this portion of the property. the adjacent residential zone will have landscaping to improve the feeling of open space adjacent to them.

This is the only movie production studio within the zoning district and Murray City. The tenant of the space is Disney Studio's for the next 10+ years.

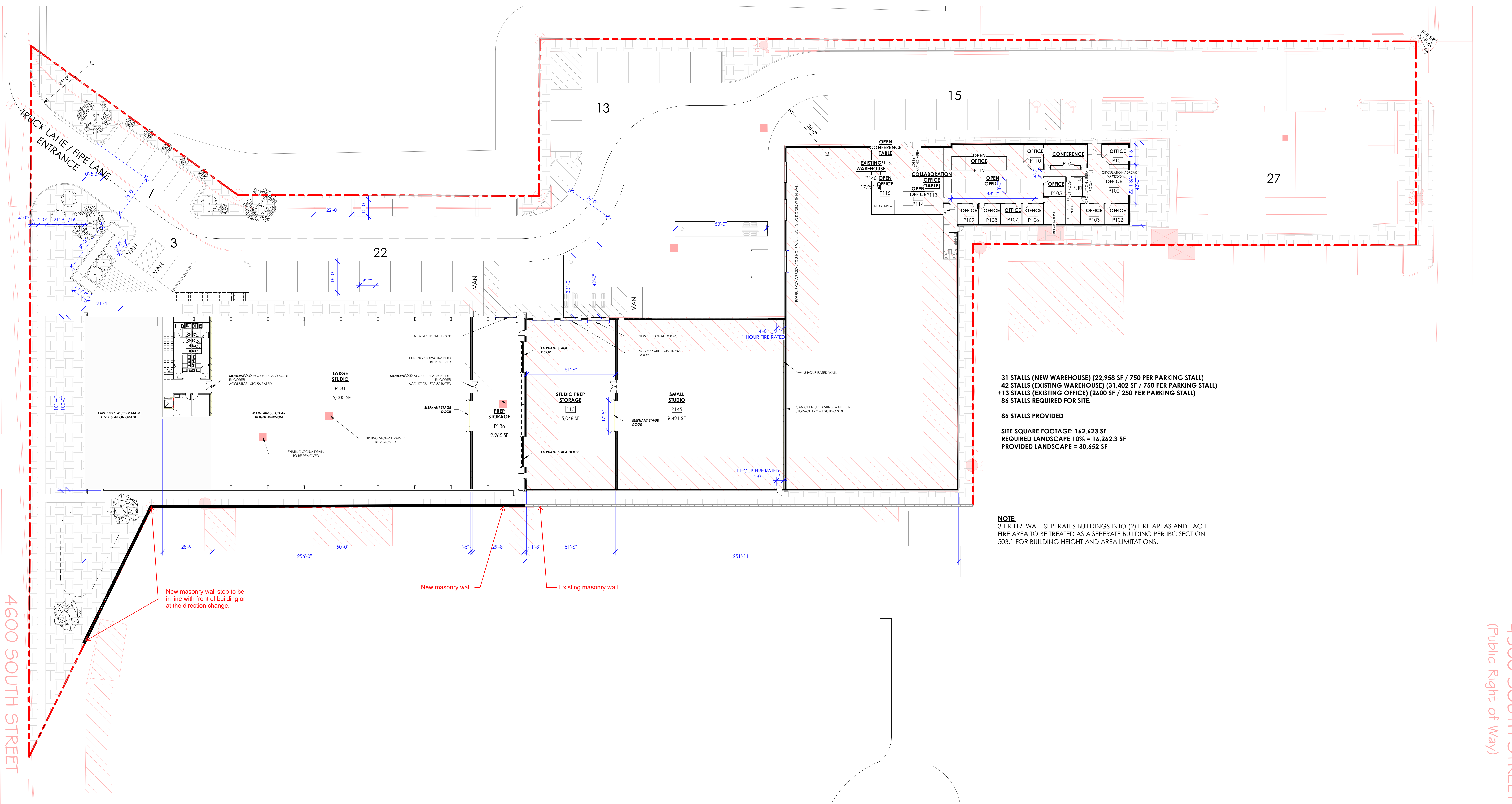
For the buffer landscaping between the building and buffer wall, we need to allow for egress to get out of the building and are requesting that a pathway would be allowed within the landscaping to provide exit to the public way.

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

The fence is an unnecessary expense that can be used to improve the property in other ways that would benefit the neighboring residential zone.

The clear floor space required for the production area would be too small if required to meet the new building setback from adjacent residential zone.

Exit access requirements.



31 STALLS (NEW WAREHOUSE) (22,958 SF / 750 PER PARKING STALL)  
42 STALLS (EXISTING WAREHOUSE) (31,402 SF / 750 PER PARKING STALL)  
±13 STALLS (EXISTING OFFICE) (2600 SF / 250 PER PARKING STALL)  
86 STALLS REQUIRED FOR SITE.

86 STALLS PROVIDED

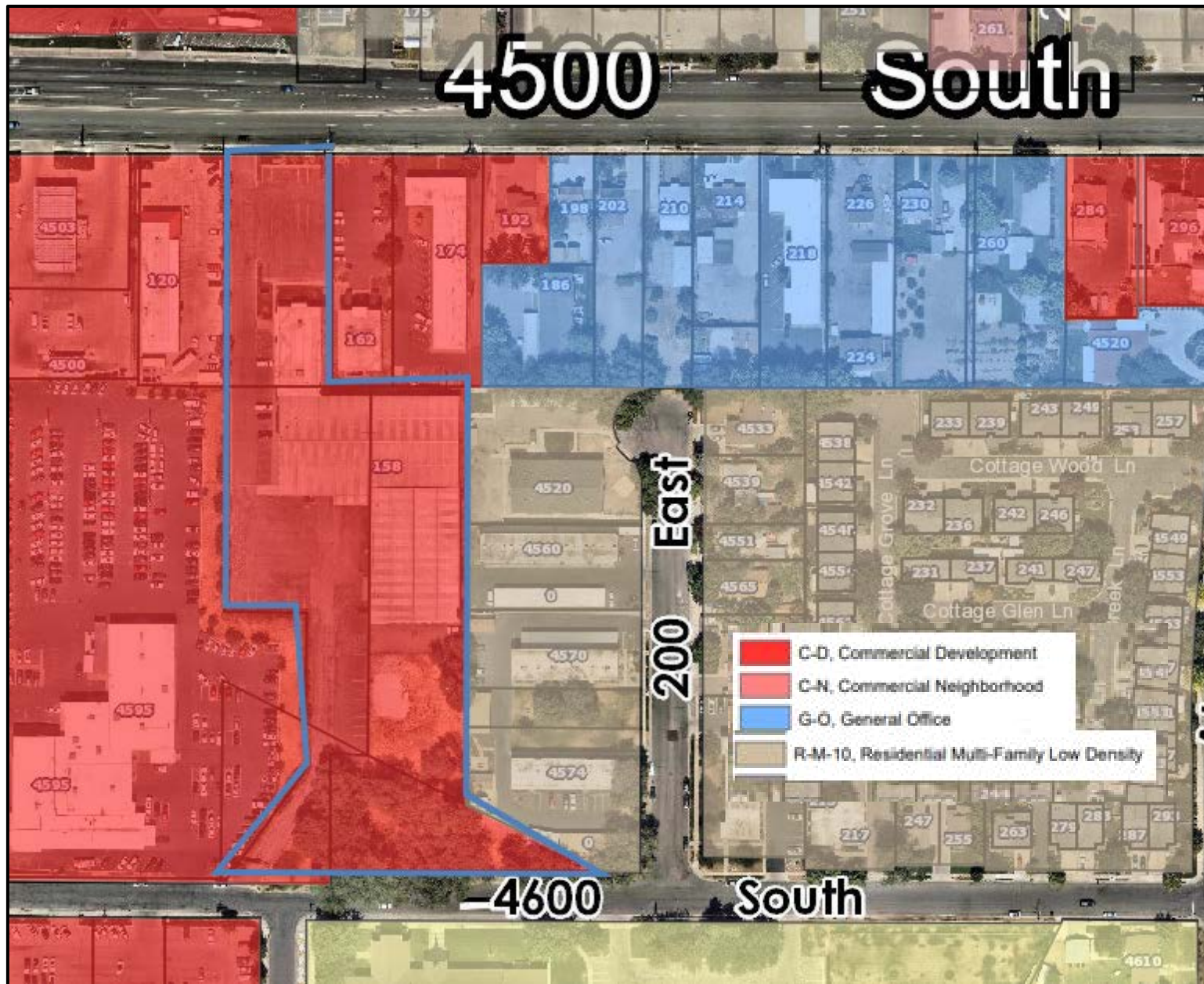
SITE SQUARE FOOTAGE: 162,623 SF  
REQUIRED LANDSCAPE 10% = 16,262.3 SF  
PROVIDED LANDSCAPE = 30,652 SF

**NOTE:**  
3-HR FIREWALL SEPARATES BUILDINGS INTO (2) FIRE AREAS AND EACH FIRE AREA TO BE TREATED AS A SEPERATE BUILDING PER IBC SECTION 503.1 FOR BUILDING HEIGHT AND AREA LIMITATIONS.

1 ARCHITECTURAL SITE PLAN  
PR100 3/64" = 1'-0"



# 158 East 4500 South - C-D Zone



include the application of new siding or brick veneer and changing the roof line to give the structure a more permanent look.

Tom Tisdale stated that the list they had received from the Plans Examiner has been given to their contractor to review. He said they have not made a decision at this time, as to whether to construct a new building or convert the existing mobile home. Mr. Simper asked if they had received any costs regarding the proposed upgrading. Mr. Tisdale said they had not received any quote at this time.

Mr. Sanders asked what the time frame would be to make the renovation if they decided to do that. Mr. Tisdale said they were asking a year's time extension for renovation of the mobile home or to build a new structure.

Mr. Simper stated that the Planning Commission was requesting that action is taken regarding the construction of a permanent building or upgrading of the existing mobile home.

Jim Hendrickson of the Shade Tree Commission, stated that the landscaping requirements had been ignored. Don Eldredge, owner of the property, stated he had posted a letter of credit with the City and the landscaping would be completed by May 31, 1989.

A motion was made by Justin Barney to grant a six month extension for the temporary conditional use with the following conditions:

1. The temporary mobile office be upgraded to a permanent structure or a new structure is built.
2. The structure meets all building code requirements.
3. If the existing mobile home is upgraded to a permanent structure, the exterior design shall be reviewed and approved by the Planning Staff.

Motion seconded by Jess McArthur.

6 Ayes  
0 Nays

ALOHA INVESTMENT - 140 East 4500 South

Robert Money was present to represent this proposal. Dennis Hamblin reviewed the conditional use request of Aloha Investment for an office/warehouse for an electrical wholesaler located within the C-D-C zone.

They plan to construct a 24,600 square foot building. About 5,000 square feet would be used for office area and 19,000 square feet would be warehouse and counter area. The proposed building materials would be brick for the office and metal for the warehouse portion of the structure.

The site plan meets the ordinance requirements for landscaping and for parking. A formal landscaping plan would need to be approved by the City Forester and installed as approved. Any dumpster used on site would need to be enclosed within a solid barrier enclosure.

Mr. Money stated the office portion of the building would be block. The warehouse portion would be metal, which would be either gray or blue in color. Mr. McArthur asked where the parking would be located. Mr. Money said the parking would be located by the warehouse and on the north side of the office on 4500 South.

Mr. Stephens asked about the exit onto 4600 South. Mr. Money said the reason they requested an exit onto 4600 South was that there was an island on 4500 South which prevented a left turn. Traffic would need to go east on 4500 South and make a U-turn in order to go west. Vehicles could exit on 4600 South onto State Street. Mr. Money said the hours of operation would be 7:00 a.m. to 5:00 p.m. There is not a high volume of customer traffic. Delivery trucks would come onto the dock on the south side of the property.

Mr. Sanders asked about the route of commercial carriers or semi-trucks delivering supplies. Mr. Money said the trucks could exit to 4600 and back onto State Street. Mr. Sanders said he had reservations about the exit on 4600 South. He felt there may be a problem with semi-trucks using Brown Street.

Justin Barney asked how the business was presently served at their present location. Mr. Money said the trucks accessed the business off State Street. Some of the trucks were able to make a U-turn on State Street, heading north. Cline Dahle said this would make more sense for traffic to go out to 4600 South back to State Street than to put it back onto 4500 South, requiring a U-turn for semi-trucks to go west.

Phyllis Evans, resident of Brown Street, said the neighborhood was concerned with the additional traffic. There were many children living in this area. The neighborhood group was opposed to an access onto 4600 South.

Sherry Cox, resident of Brown Street, said there were already many trucks using Brown Street and was concerned with the additional traffic and hazard to children.

Terry Christensen, resident of Brown Street, said she was also concerned with the additional traffic affecting children in this area.

Clark Cushing said this was a desirable residential area. He proposed that they consider a right-of-way through the Cline Dahle property back to State Street.

Fred Jones, resident of Shamrock Drive, suggested that before a decision is made concerning the development of this property, that other properties owned by Mr. Dahle in the area should be considered from the standpoint of traffic.

Jim Hendrickson, of the Shade Tree Commission, asked if the proposed buffer of fencing and landscaping met the City zoning requirements. Mr. Hamblin stated that it met the requirements.

Mr. Stephens asked if there was any possibility that Mr. Dahle would allow traffic to come through this property near the Acura business onto State Street. Mr. Dahle said this maybe a possibility.

Don Taylor asked if a right turn only sign could be located at 4600 South which would direct the vehicles onto State Street?

Ethel Robinson, living on Brown Street for 47 years, stated that they were being surrounded by businesses. She stated that there were auto transports coming down Brown Street and were unloading on 4600 South. The residents were against the trucks using Brown Street. Mr. Cushing also mentioned the large semi-trucks may cause some damage to the roads which would be an additional cost to the taxpayers.

Dennis Poole suggested that the buildings be pushed back to the south and provide a turn-around area on the property near 4500 South. This would force the trucks and traffic back towards 4500 South. Mr. Greenland stated that this was commercial property and that 4600 South up to Brown Street was in a commercial zone. He felt that the property owner should be able to use 4600 South for the access of vehicles.

Mr. Stephens made a suggestion to modify the roads by placing a barrier at Rainbow Drive and Brown Street directing traffic back to State Street.

Mrs. Evans said the neighbors were concerned with any additional traffic being diverted through the residential zone. Julie Davis also stated it was inappropriate for any commercial traffic to come down Rainbow Drive.



Orden Yost suggested that 4600 South be redesigned and widened to redirect traffic to a right turn only on 4600 South to State Street.

Keith Harod, resident of Brown Street, said he was against any access from the business to 4600 South.

Jim Troll said he was against blocking off 4600 South.

A motion was made by Mel Sanders to approve the conditional use permit with the following conditions:

1. The improvements on 4600 South shall be installed as required by the Public Works Department.
2. A formal drainage plan shall be approved by the City Engineer.
3. Approval must be received from the Water Department relating to sewer line easements.
4. Approval is received from the Power Department.
5. The fuel tanks shall be removed from the property. Additional hydrants will need to be approved by the Fire Marshall.
6. No entrance or exits onto 4600 South.

Seconded by Justin Barney.

4 Ayes  
2 Nays (Merrill Greenland, Dave Stephens)

EAGLE CREST REALTY - 4584 South State Street

Cline Dahle was present to represent the proposal. Dennis Hamblin reviewed the request for a conditional use permit for a new car sales and service facility located within the C-D-C zone. The proposed facility would market Nissan's new Infiniti model vehicles.

The proposed structure would contain 15,315 gross square feet of floor area which would be divided into showroom, office, retail sales and storage areas. The applicant has designed the site so that it does not conflict with the proposed Main Street extension.

Mr. Hamblin said the seven parking stalls which are shown just west of the northern drive entrance would need to be eliminated or relocated. They have been placed in an awkward position which may inhibit traffic flow from State Street. The handicapped stall

Orden Yost suggested that 4600 South be redesigned and widened to redirect traffic to a right turn only on 4600 South to State Street.

Keith Harod, resident of Brown Street, said he was against any access from the business to 4600 South.

Jim Troll said he was against blocking off 4600 South.

A motion was made by Mel Sanders to approve the conditional use permit with the following conditions:

1. The improvements on 4600 South shall be installed as required by the Public Works Department.
2. A formal drainage plan shall be approved by the City Engineer.
3. Approval must be received from the Water Department relating to sewer line easements.
4. Approval is received from the Power Department.
5. The fuel tanks shall be removed from the property. Additional hydrants will need to be approved by the Fire Marshall.
6. No entrance or exits onto 4600 South.

Seconded by Justin Barney.

4 Ayes

2 Nays (Merrill Greenland, Dave Stephens)

EAGLE CREST REALTY -- 4584 South State Street

Cline Dahle was present to represent the proposal. Dennis Hamblin reviewed the request for a conditional use permit for a new car sales and service facility located within the C-D-C zone. The proposed facility would market Nissan's new Infiniti model vehicles.

The proposed structure would contain 15,315 gross square feet of floor area which would be divided into showroom, office, retail sales and storage areas. The applicant has designed the site so that it does not conflict with the proposed Main Street extension.

Mr. Hamblin said the seven parking stalls which are shown just west of the northern drive entrance would need to be eliminated or relocated. They have been placed in an awkward position which may inhibit traffic flow from State Street. The handicapped stall

Minutes of the Board of Adjustment meeting held on Wednesday, November 13, 1996, at 5:30 p.m., in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: William Dunn, Chairman  
Tom Rynearson  
Patricia Griffiths  
Ray Christensen, City Planner

Absent: Ray Nilsson

### APPROVAL OF MINUTES

William Dunn asked for additions or corrections to the minutes of October 14, 1996. The minutes were approved as submitted.

### CASE #906 - ELECTRICAL WHOLESALE SUPPLY - 158 East 4500 South

Ray Christensen reviewed the location and request of Electrical Wholesale Supply for a 10 foot building setback variance to construct a warehouse addition. The applicant wants to line up the warehouse addition with the existing building. The zoning ordinance requires a 20 foot building setback from a residential zone. The Planning Commission approved the original building and site plan on January 5, 1989.

Robert Money, 2457 West 6640 South, West Jordan, said they are requesting the variance to go within 10 feet of the side yard to align the warehouse addition with the existing building. He said the hardship of moving the building to the 20 foot setback is they will lose 1,500 sq.ft. of building space. He said they will install the required landscaping.

William Dunn asked how the original building was built 10 feet from the property line. Robert Money said he thought there had been a change to the ordinance. Ray Christensen said the zoning ordinance required a 20 foot setback. The original file and site plan was approved by the Planning Commission with a 10 foot setback in January 1989. There were no conditions noted on the plans or any reference by the Planning Commission for the setback.

William Dunn asked if Electrical Wholesale owns a building on the west side of State Street. Robert Money said Electrical Wholesale doesn't have a business on the west side of State Street and that Cline Dahle bought the property.

Tom Rynearson asked if there was a building permit issued for the original building. Ray Christensen said there was one issued on the original building.

Bob Meyer, 4560 South 4500 West, said he owns the 10 unit apartment building to the east. He asked how far they will extend the block wall to the south. He said the chain link fence has been cut and people are cutting through the apartment property. He is concerned with drug deals and other problems behind the building reported by his tenants. He requested security measures in this area. Robert Money said the wall and landscaping will be extended to the south about 150 feet. He said they may extend the block wall to the south boundary line.

Tom Rynearson suggested closing off access to the landscaped area behind the building with a

chain link fence.

A motion was made by Tom Rynearson to approve the 10 foot variance for the building setback to line up with the existing building. Seconded by Pat Griffiths.

3 Ayes

0 Nays

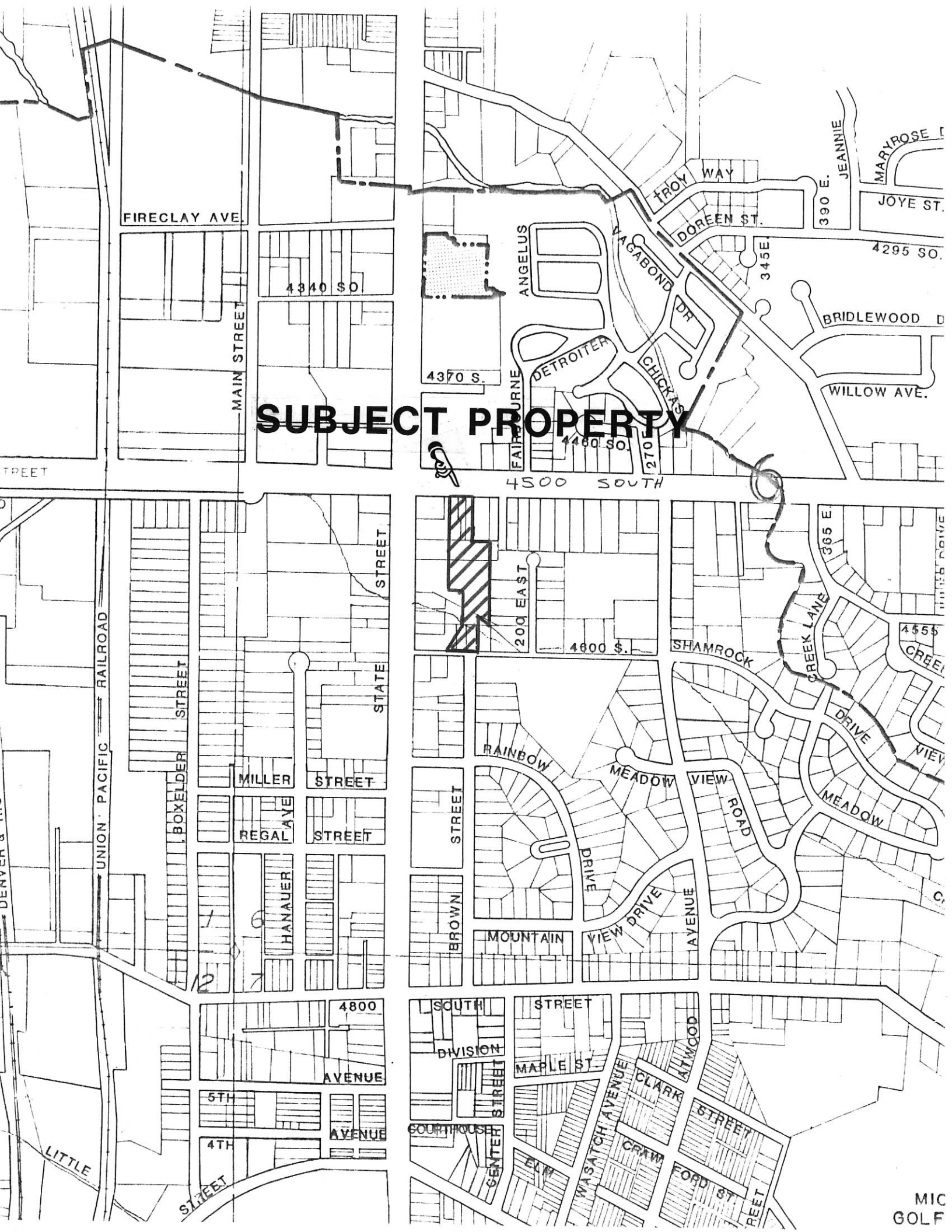
CASE # 907 - CRYSTAL INN - 810 East Winchester Street

The applicant withdrew their appeal.

Meeting adjourned.

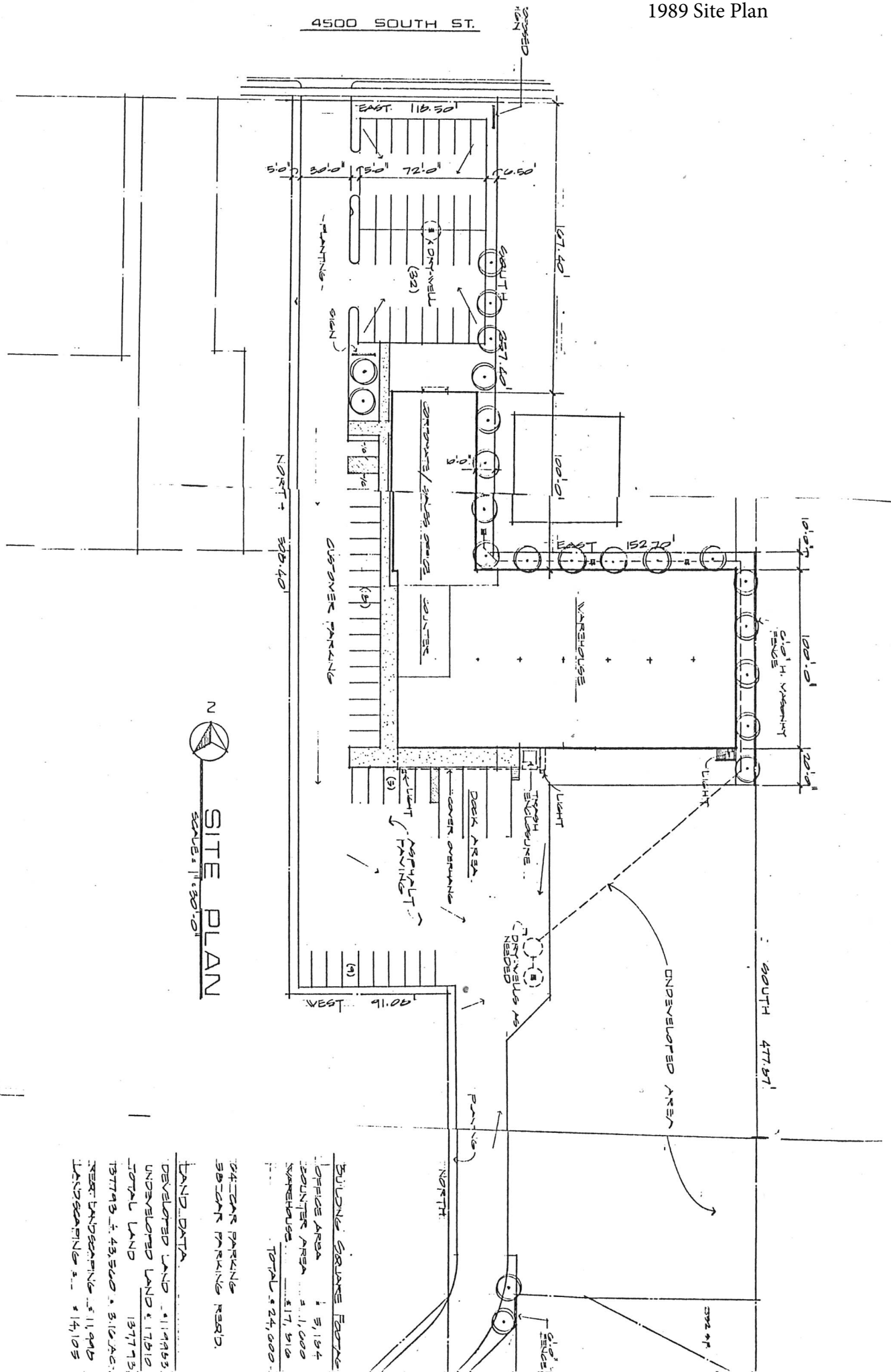
---

Ray Christensen  
City Planner



**SUBJECT PROPERTY**

MIC  
GOLF



**BUILDING SQUARE FOOTAGE**

OFFICE AREA	5,184
COUNTER AREA	11,000
WAREHOUSE	317,910
<b>TOTAL</b>	<b>334,094</b>

**LAND DATA**

DEVELOPED LAND	0.119963
UNDEVELOPED LAND	1.17510
<b>TOTAL LAND</b>	<b>1.295063</b>
DEVELOPED LAND	0.119963
UNDEVELOPED LAND	1.17510
<b>TOTAL LAND</b>	<b>1.295063</b>

4-CAR PARKING  
30-CAR PARKING REQ'D.