



# MURRAY CITY HEARING OFFICER

## NOTICE OF MEETING AND AGENDA

March 08, 2023

12:30 PM

5025 S State Street

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### CALL MEETING TO ORDER

Conflict of Interest Disclosure

### APPROVAL OF THE MINUTES

There are no minutes to be approved

### VARIANCE(S)

1. CASE #1601 - Rhino Property Management - 97 West Winchester Street  
Project Case #23-030  
Variance to Buffer Landscaping along East Boundary
2. CASE #1602 - Rhino Management Properties - 97 West Winchester Street  
Project #23-031  
Variance to Buffer Landscaping along West Boundary
3. CASE #1603- Lotus Company, LLC - 825-865 East 4800 South  
Project #23-033  
Building Height Variance within the Side Yard Setback

### APPEAL(S)

4. CASE #1604 - Allmanjoy - 431 East 5600 South  
Appeal to Administrative Decision for Nonconforming Use  
Project #23-034

### ANNOUNCEMENTS AND QUESTIONS

### ADJOURNMENT

The next scheduled meeting will be held on **Wednesday, April 12, 2023, at 12:30 p.m. MST** located at **Murray City Council Chambers, 5025 South State Street.**

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.



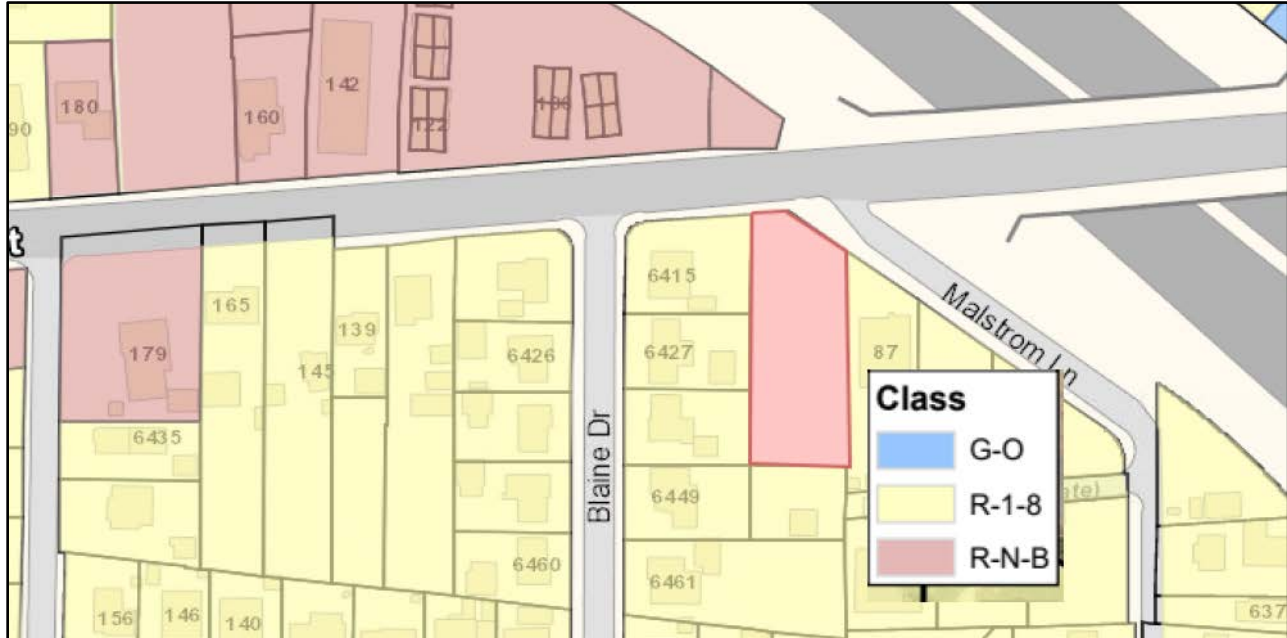
At least 24 hours prior to the meeting, a copy of the foregoing notice was sent to the City Recorder to post in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. A copy of this notice was also posted on Murray City's internet website [www.murray.utah.gov](http://www.murray.utah.gov)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





## AGENDA ITEM #1 - Rhino Property Management

ITEM TYPE:	Variance Application- East Side		
ADDRESS:	97 West Winchester Street	MEETING DATE:	March 8, 2023
APPLICANT:	Paul Henderson, Rhino Property Management	STAFF:	Susan Nixon, Senior Planner
PARCEL ID:	21-24-279-006	CASE NUMBER:	#1601
ZONE:	R-N-B, Residential Neighborhood Business	PROJECT NUMBER:	23-030
SIZE:	.48-acre lot   3,108 ft <sup>2</sup> structure		
REQUEST:	The applicant is requesting a landscaping variance along the east boundary, to Section 17.140.130 C. which requires a minimum landscaping buffer of ten feet (10') from the boundary line on the commercial side of the property.		



### I. DESCRIPTION of REQUEST

#### Subject Property + Background

The subject property has been a residential single-family home on the south side of Winchester Street. The applicant recently went through a General Plan amendment and Zone



Map amendment changing the zoning to R-N-B (Residential Neighborhood Business) with the intention of converting the existing dwelling to an office building. Mr. Henderson would like to relocate his property management company to operate their offices at this location. Property management businesses (LU# 6150) are permitted use in the R-N-B Zone. Section 17.140.010: states the Purpose of the R-N-B Zone is: *“to provide a variety of mixed use, low scale, low intensity residential, commercial, office and business operations as appropriate transition between high traffic arterial streets to adjacent residential neighborhoods. The zone should share design characteristics with nearby residential uses, provide a good neighborhood "fit" and exude a distinct residential character. Where possible, existing homes should be preserved and converted to appropriate uses. The number of curb cuts providing access should be minimized and parking consolidated where possible.”*

Prior to the submittal of the variance application, staff requested that Mr. Henderson have an architect review the possibility of converting the dwelling to office use and have a cost estimated in order to establish the viability of retaining the existing structure. Mr. Henderson provided an architect’s review for compliance with commercial ADA requirements along with a construction cost estimate for the conversion. Mr. Henderson indicated he is committed to the expense and time associated with the conversion. Both documents are attached to this report. Retaining the existing structure does include constraints such as drive aisle width and buffer landscaping as required in the R-N-B Zoning regulations. This request is to vary from the required 10’ minimum buffer landscaping along the east boundary in order to provide adequate drive access to the rear of the property. There is an existing garage at the rear of the property. The applicant would like to keep the garage for storage.

The request is to Section 17.140.130.C. of the Murray Land Use Ordinance along the east side buffer landscaping would be to retain the current widths ranging from 1’ at the north, increasing to 10’ and then tapers down to 7’6” at the south for a total length of approximately 141’11”. The landscaping request is to vary the landscaping width along the east side while maintaining a consistent minimum drive access width of 20 feet.

In reviewing this request, it makes practical sense to vary the landscaping width rather than the drive width in order to accommodate proper access to the rear of the property to the additional required parking. Staff feels meeting the required number of parking stalls and adequate access width take precedence for safety reasons over the aesthetics of the landscaping buffer. There will still be a 6’ high solid buffer wall along the east property line. As mentioned previously one of the purposes of the provision in the R-N-B is *“Where possible, existing homes should be preserved and converted to appropriate uses.”* Staff feels it prudent to retain the existing dwelling by converting it to office use and in doing so a variance is warranted.

## II. LAND USE REGULATIONS

This application involves two variance requests to Murray Land Use Code Section 17.140.130.C. This report is for the **east side** variance request.

Section 17.140.130.C states:



*C. Landscaping adjacent to a residential zoning boundary line will require a minimum landscaping buffer of ten feet (10') in width from the boundary line on the commercial side of the property excluding the fence, and curb wall if located adjacent to off-street parking.*

### **III. PROJECT REVIEW**

#### **Background**

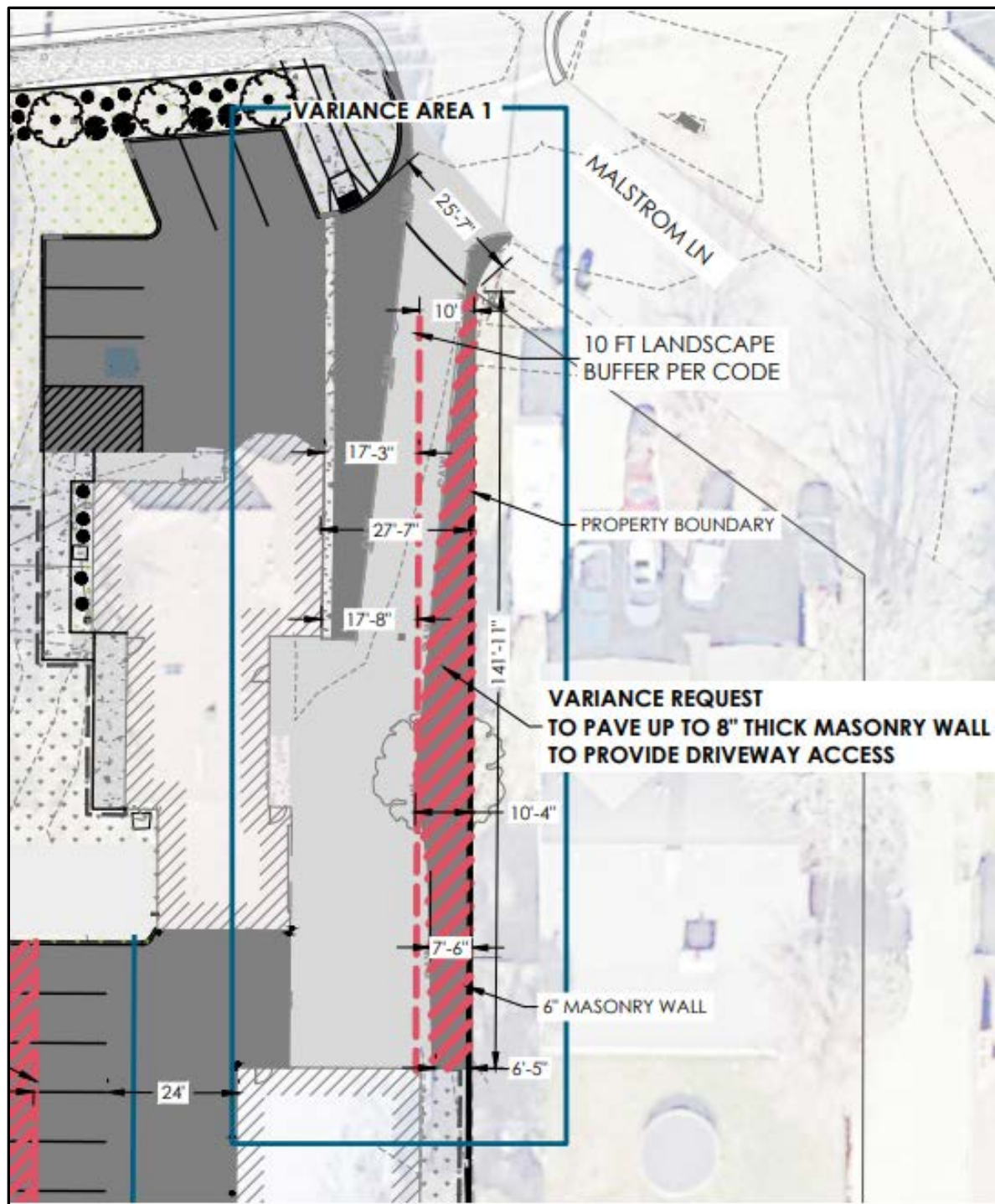
The existing building at 97 West Winchester Street was originally constructed in 1893. The two-story building consists of 2,068 ft<sup>2</sup> on the main level and 1,040 ft<sup>2</sup> on the second floor requiring a minimum eleven (11) parking stalls. Eleven parking stalls are shown on the site plan. \*If the detached garage is to be used for storage, additional parking is required based on the one stall per 750 square feet ratio. Staff has concerns with parking as proposed and the garage may need to be removed in order to meet the number of parking stalls to meet requirements.

The existing east side yard setback for the structure is 27'3" at the closest point. The applicants are requesting to maintain the existing drive access and widen it to a minimum of at 17'3" at the closest point. The Murray City Fire Department requires a minimum twenty-foot (20') drive access to the rear of the home/structure if the home is located closer than 150' to the front property line. The measurement to the dwelling's rear wall is approximately 141 feet measured from the front access point. Zoning would prefer a 24' wide drive access to the rear of the property to allow for two-way traffic. However, the minimum drive access width must be 20' to provide safety and emergency requirements. A buffer landscaping variance is necessary in order to have the minimum 20' drive access.

#### **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

Thirty-two (32) notices were sent to all property owners within 300 feet of the subject property. As of the date of this report, staff received an email from Alice Jensen, an adjacent neighbor to the west at 6437 South Blaine Drive, inquiring about the west side variance request and potential impacts to her property. After explaining the request and requirements,



she had no further concerns.

#### 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.

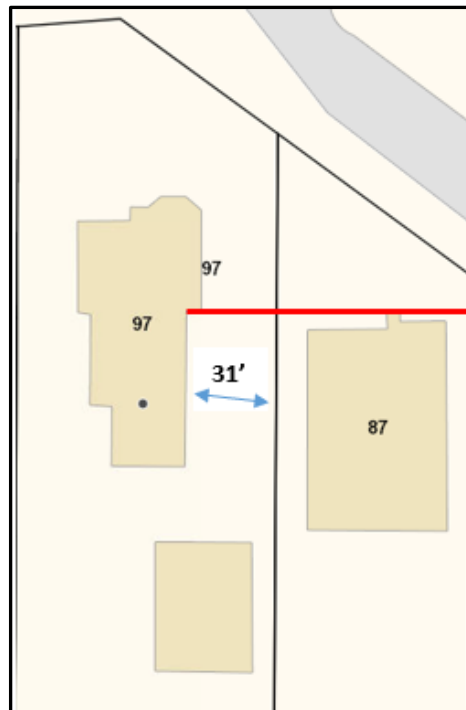
**A. The literal enforcement of the Land Use Ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinance.**

The application states:

*"As the property exists currently, the drive access is close to the parcel boundary of the southeast neighbor. On Exhibit 1, the red area shows what the drive would look like if the code were to be enforced. The hardships created by this enforcement would include: prohibited fire access, prohibitively small drive access, and potentially the need to create a totally new access to the property. The Fire Authority has requested a minimum of 20 ft for access to behind the garage structure, with a preference for a wider aisle as possible. The Planning Commission has requested a drive aisle of at least 24 ft. Neither of these requirements would be met by enforcing a ten ft offset. The general purpose of the offset is to create a barrier between business and residential property. This buffer will still be in effect with the 6 ft masonry wall and the wide drive aisle. The direction of office traffic into the property will be parallel with the drive aisle, so headlight disturbance to the southeast neighbor will be minimal. CRS has requested to pave to the wall to give adequate space for the drive aisle and also a reasonable buffer between the house/office structure and the drive. CRS requests to maintain the already existing drive aisle, which already does not meet the 10 ft buffer, and then widen it slightly by paving to the wall."*

Requiring a minimum ten-foot (10') landscape buffer and a minimum twenty-foot (20') drive aisle access would cause an unreasonable hardship because there is not enough room with the existing dwelling. The adjacent neighbor's home setback is in line with the portion of the property where the buffer landscaping is close to 10' wide (see illustration below). Staff finds that the application meets this requirement for granting a landscaping buffer width variance to accommodate the necessary drive width and the 6' high solid wall.





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

The application states: *"The parcel of 97 W Winchester St. sits on a corner lot. The curving northeast corner of the lot is the entrance for the lot, and as it is an unusual shape, creates constraints as to how much flexibility there is in moving the access drive. The angle of entrance prohibits moving the drive access to the north while the east parcel boundary prohibits moving the boundary much to the south. The position of the structure on the site further constrains the possible geometry of the entrance. CRS believes the variance request is the most reasonable option for the site. The other option would involve removing the main structure."*

The existing location of the home on the site makes it difficult to meet the required zoning improvements without some type of variance. Staff finds that the application meets 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.**

The application states *"Rhino Property Management desires to use this parcel as an office space. In order to comply with all parking requirements and to reasonably accommodate employee and customer parking, there needs to be a parking lot in the back of the parcel. There is not enough room for adequate parking in the front of the structure. The drive on the east can provide necessary and safe access to this parking lot if the variance is granted. The business cannot function without the necessary parking, despite being in a business zone, without access to parking. Street parking along Winchester is prohibited and street parking along Malstrom Ln would require impeding drive access for other residents. The frontage along Malstrom Ln. is not*



*large enough to provide adequate street parking. For Rhino Properties to function as an office space as per its zone, there needs to be access to rear parking as described.”*

The property is in the R-N-B Zone and the property owner is entitled to develop his property as outlined in the R-N-B Zone. There are certain constraints associated with the existing structure that hinders the ability to allow the enjoyment of a substantial property owner that is possessed by other residential/businesses in the area. Staff finds that the application meets 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 application states: *“The drive access runs parallel to the neighboring property and will still be buffered by a 6 ft masonry wall. The impact of headlights will be minimal, due to the drive angle, hours of business operation, and the wall. The drive access will be maintained where it already exists, and so will not be changing current access patterns. The traffic to and from the office space will be minimal, and only during normal business hours.”*

The General Plan calls for this area to be mixed-use adjacent to residential low/medium-density neighborhoods. This area is also part of the Fashion Place West Small Area Plan as adopted by the City Council in 2021. One of the goals of the Small Area Plan is to “Strengthen Physical Relationship Between Station Area and Fashion Place Mall, Improve Overall Neighborhood Quality and Promote Transit Use and Active Transportation”. Staff finds the proposed variance(s) will support the General Plan and will not be contrary to the public interest and will adequately serve the intent of buffering impacts from the commercial onto residential. Staff finds that the application meets this requirement for granting a buffer landscaping variance.

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

The application states: *“The spirit of the zoning ordinance is observed. Surrounding residents, specifically on the east side, will still be adequately protected from light and noise impact. The Client property will have greater safety and fire access.”*

The intent of the language in the Land Use Ordinance is clear: to provide buffering to help mitigate impacts from 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 of the proposed requests. Staff finds that the application meets this requirement for granting a buffer landscaping 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.**

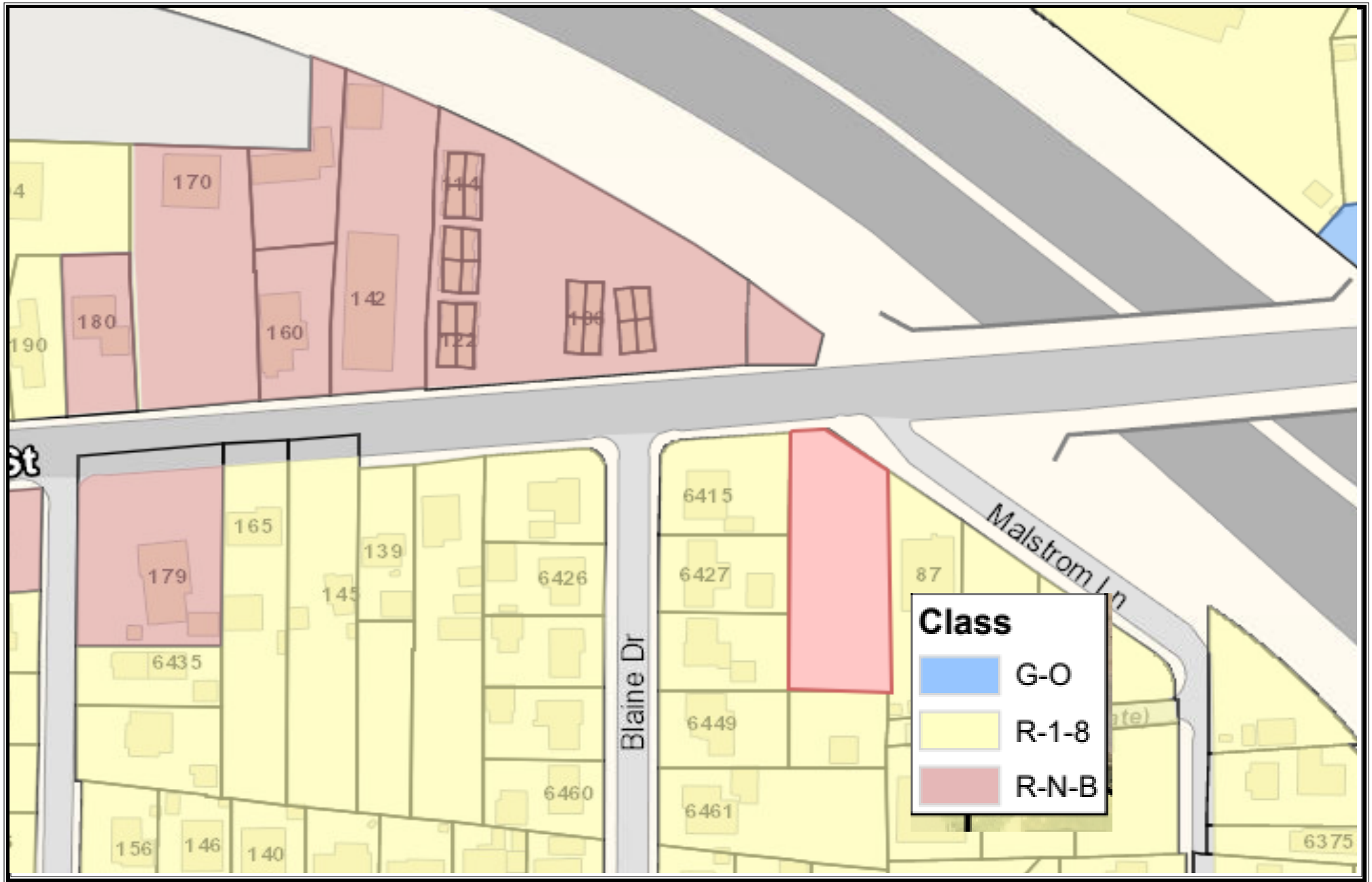
As established in the variance analysis, the circumstances are peculiar to the property, and literal enforcement of them will deprive the property owner of rights or privileges granted to other properties in this district.

## **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 Section 17.140.130.C. for the **east** side subject to the following conditions:

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





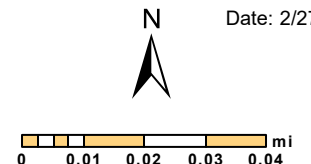
# 97 W Winchester Street

© Copyright 2020, Murray City  
 Map Disclaimer:  
<http://www.murray.utah.gov/1609>  
 The above information while not  
 guaranteed has been secured from  
 sources deemed reliable.

Date: 2/27/2023



MURRAY







HEARING OFFICER  
NOTICE OF PUBLIC MEETING  
March 8, 2023, 12:30 PM

This notice is to inform you of a public meeting scheduled before the Murray City Hearing Officer for **Wednesday, March 8, 2023, at 12:30 p.m.** in the Murray City Municipal Council Chambers located at 5025 South State Street regarding the following application: **Paul Henderson, representing Rhino Property Management, is requesting two variances to the buffer landscaping on the east and southwest areas of the property addressed 97 West Winchester Street.** 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.

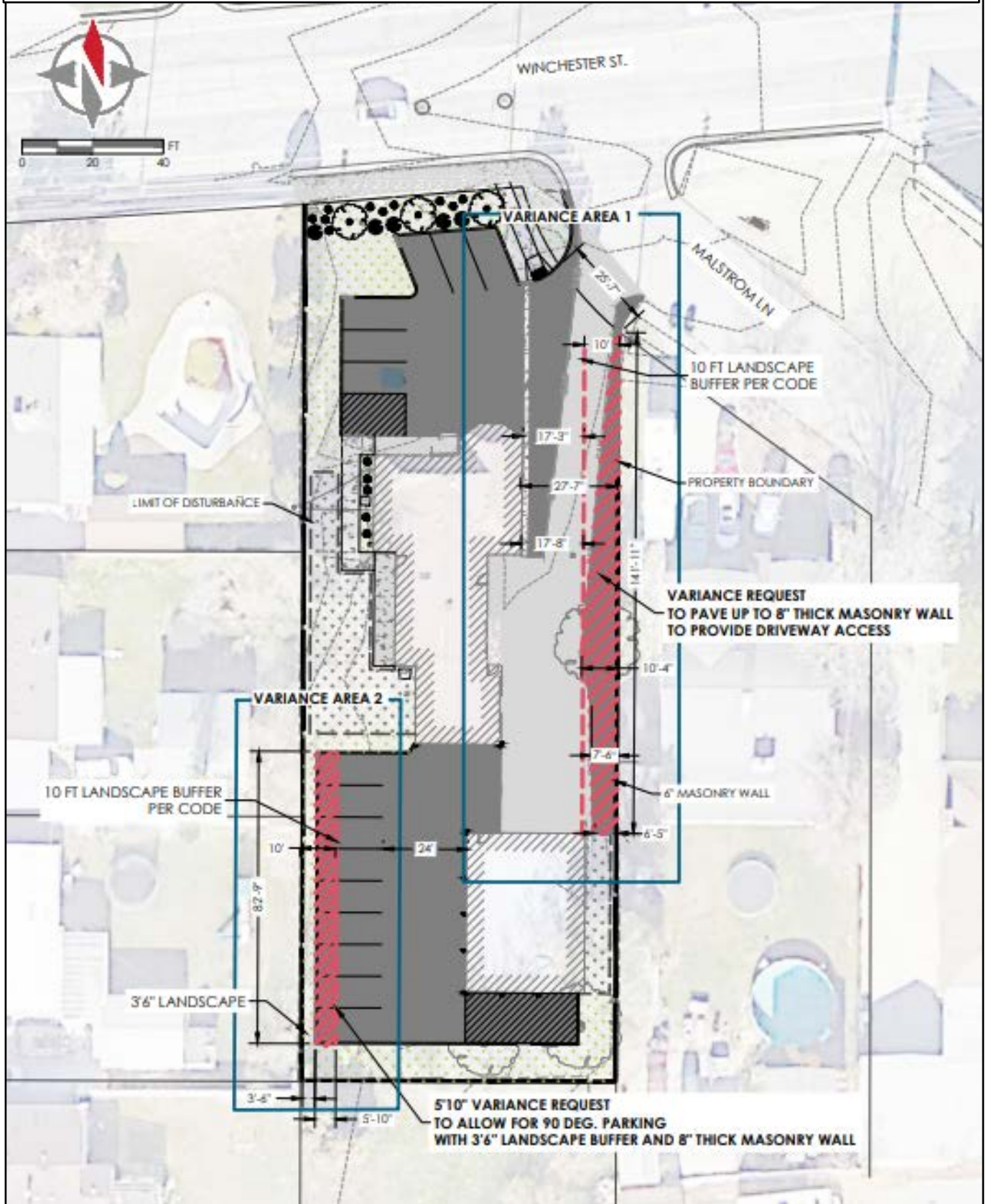
This notice is being sent to you because you own property within 300 feet of the subject property. If you have questions or comments concerning this proposal, please call Susan Nixon with the Murray City Planning Division at 801-270-2430, or email [snixon@murray.utah.gov](mailto:snixon@murray.utah.gov).

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 February 23, 2023



# Winchester Street





# HEARINGS OFFICER APPLICATION

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

Type of Application (check all that apply):



Variance



Expansion of Non-Conforming Use



Appeal

Subject Property Address: 97 W Winchester St. Murray, UT 84107

Parcel Identification (Sidwell) Number: 2124-279-006-0000

Parcel Area (acreage): 0.48 Current Use: Office Building

Floor Area: 3,108 Zoning Classification: R-N-B

Applicant Name: Paul Henderson

Mailing Address: 101 East Fort Union Blvd. Suite A

City, State, ZIP: Midvale, UT 84047

Daytime Phone #: 801-810-6612 Fax #: \_\_\_\_\_

Email address: paul@rhinopropertymanagement.com

Business Name (If applicable): Rhino Property Management

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: \_\_\_\_\_

Variance Area 1 request is to reduce the landscaping buffer of ten feet (10') in width on the  
east side of the property as to provide fire access & drive access. Please see plans for  
details. Variance Area 2 is to reduce buffer on south west side. See plan and memo.

Authorized Signature:  Date: 2-15-23



# Property Owners Affidavit

STATE OF UTAH

COUNTY OF SALT LAKE

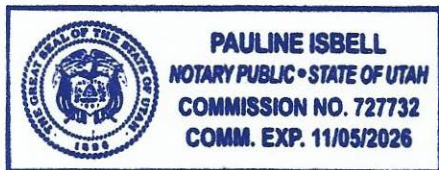
I (we) Paul Henderson, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects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

[Signature]

Owner's Signature

Owner's Signature (co-owner if any)

Subscribed and sworn to before me this 14 day of February, 2023.



Pauline Isbell  
Notary Public

Residing in Draper Utah

My commission expires: 11/5/2023

## 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?

See Memo

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

See Memo

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

The site was rezoned to R-N-B and the driveway needs to provide access for owner, clients, as well as fire access. See Memo

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

See Memo





**CRS ENGINEERS**  
Answers to Infrastructure®

4246 S Riverboat Rd STE 200. Salt Lake City, UT 84123  
o. 801.359.5565. f. 801.359.4272. crsengineers.com

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February 15, 2023

Murray City Corporation

Re: Variance Requests 97 W Winchester St.

To Whom it May Concern:

**Purpose:**

CRS Engineers (Engineer) is writing this memorandum as part of a variance request to Murray (City) Planning code on behalf of Paul Henderson (Client) of Rhino Property Management. CRS has outlined the circumstances under which a variance may be permitted and has given an explanation under each for each variance.

CRS is requesting a variance of the 10 ft landscaping offset in two locations on the property. Variance Area 1 is on the east driveway. See Exhibit 1. Variance Area 2 is on the west side at the back of the property where parking will be installed.

Circumstance 1: The literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinance.

Variance Area 1:

As the property exists currently, the drive access is close to the parcel boundary of the southeast neighbor. On Exhibit 1, the red area shows what the drive would look like if the code were to be enforced. The hardships created by this enforcement would include: prohibited fire access, prohibitively small drive access, and potentially the need to create a totally new access to the property.

The Fire Authority has requested a minimum of 20 ft for access to behind the garage structure, with a preference for a wider aisle as possible. The Planning Commission has requested a drive aisle of at least 24 ft. Neither of these requirements would be met by enforcing a ten ft offset.

The general purpose of the offset is to create a barrier between business and residential property. This buffer will still be in effect with the 6 ft masonry wall and the wide drive aisle. The direction of office traffic into the property will be parallel with the drive aisle, so headlight disturbance to the southeast neighbor will be minimal. CRS has requested to pave to the wall to give adequate space for the drive aisle and also a reasonable buffer between the house / office structure and the drive. CRS requests to maintain the already existing drive aisle, which already does not meet the 10 ft buffer, and then widen it slightly by paving to the wall.

Variance Area 2:

In Exhibit 3, CRS has shown the parking layout that will be necessary if the 10 ft landscape offset on the south west corner is enforced. This parking layout has a higher likelihood of collisions as it requires a person to back into the drive aisle, proceed



forward, and then complete a 3-point turn in the hammerhead turnaround. This is a complicated traffic pattern and could increase collision risk due to human error and sight distance. However, Exhibit 3 follows all Murray Planning and Zoning code. CRS suggests a variance as shown in Exhibit 2 to allow parking closer to the fence on the west side, which would allow for a more natural and safe parking layout.

Circumstance 2: There are special circumstances attached to the property that do not generally apply to other properties in the same district.

#### Variance Area 1:

The parcel of 97 W Winchester St. sits on a corner lot. The curving northeast corner of the lot is the entrance for the lot, and as it is an unusual shape, creates constraints as to how much flexibility there is in moving the access drive. The angle of entrance prohibits moving the drive access to the north while the east parcel boundary prohibits moving the boundary much to the south. The position of the structure on the site further constrains the possible geometry of the entrance. CRS believes the variance request is the most reasonable option for the site. The other option would involve removing the main structure.

#### Variance Area 2:

The shape of the property and placement of the structure only allow for parking in two areas. In order for minimum parking stall numbers to be met, the back part of the lot must be used for parking. Due to the shape and width of the parcel, there is no other option. Street parking is not a viable option. This variance would allow for necessary parking without undue impact such as structural removal.

Circumstance 3: Granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same district.

#### Variance Area 1:

Rhino Property Management desires to use this parcel as an office space. In order to comply with all parking requirements and to reasonably accommodate employee and customer parking, there needs to be a parking lot in the back of the parcel. There is not enough room for adequate parking in the front of the structure. The drive on the east can provide necessary and safe access to this parking lot if the variance is granted. The business cannot function without the necessary parking, despite being in a business zone, without access to parking. Street parking along Winchester is prohibited and street parking along Malstrom Ln would require impeding drive access for other residents. The frontage along Malstrom Ln. is not large enough to provide adequate street parking. For Rhino Properties to function as an office space as per its zone, there needs to be access to rear parking as described.

#### Variance Area 2:

Rhino Property Management needs parking not only as per City code but also to function as a business that employs employees. Employees need a place to park and the front part of the lot is not substantial enough to provide the full amount of necessary parking. All businesses are required to meet minimum stall numbers as per code and this variance would provide the adequate parking amount.

Circumstance 4: The variance will not substantially affect the general plan and will not be contrary to the public interest.

#### Variance Area 1:

As mentioned above, the drive access runs parallel to the neighboring property and will still be buffered by a 6 ft masonry wall. The impact of headlights will be minimal, due to the drive angle, hours of business operation, and the wall. The drive



access will be maintained where it already exists, and so will not be changing current access patterns. The traffic to and from the office space will be minimal, and only during normal business hours.

Variance Area 2:

The parking will still be buffered by a 3.5 ft landscape buffer, and the 6 ft masonry wall will still provide a light and noise buffer. The parking lot is only to be regularly used during normal business hours. The reduction of landscape buffer will not create a significant change to the original purpose of the code. The requested variance will still protect surrounding residents from undue nuisance.

Circumstance 5: The spirit of the zoning ordinance is observed and substantial justice is done.

Variance Area 1:

As explained above, the spirit of the zoning ordinance is observed. Surrounding residents, specifically on the east side, will still be adequately protected from light and noise impact. The Client property will have greater safety and fire access.

Variance Area 2:

CRS believes that the impact of the landscape reduction on a small portion of the property will still fulfill the spirit of the zoning ordinance. The bordering west neighbors will still have adequate noise and light protection and will not feel the change of impact in the zone.

Thank you for considering our application. CRS has made our variance requests with best interest of Murray City and surrounding parcels, as well as for our client. We believe these requests are the best solutions for all involved.

Sincerely,

**CRS Engineers**

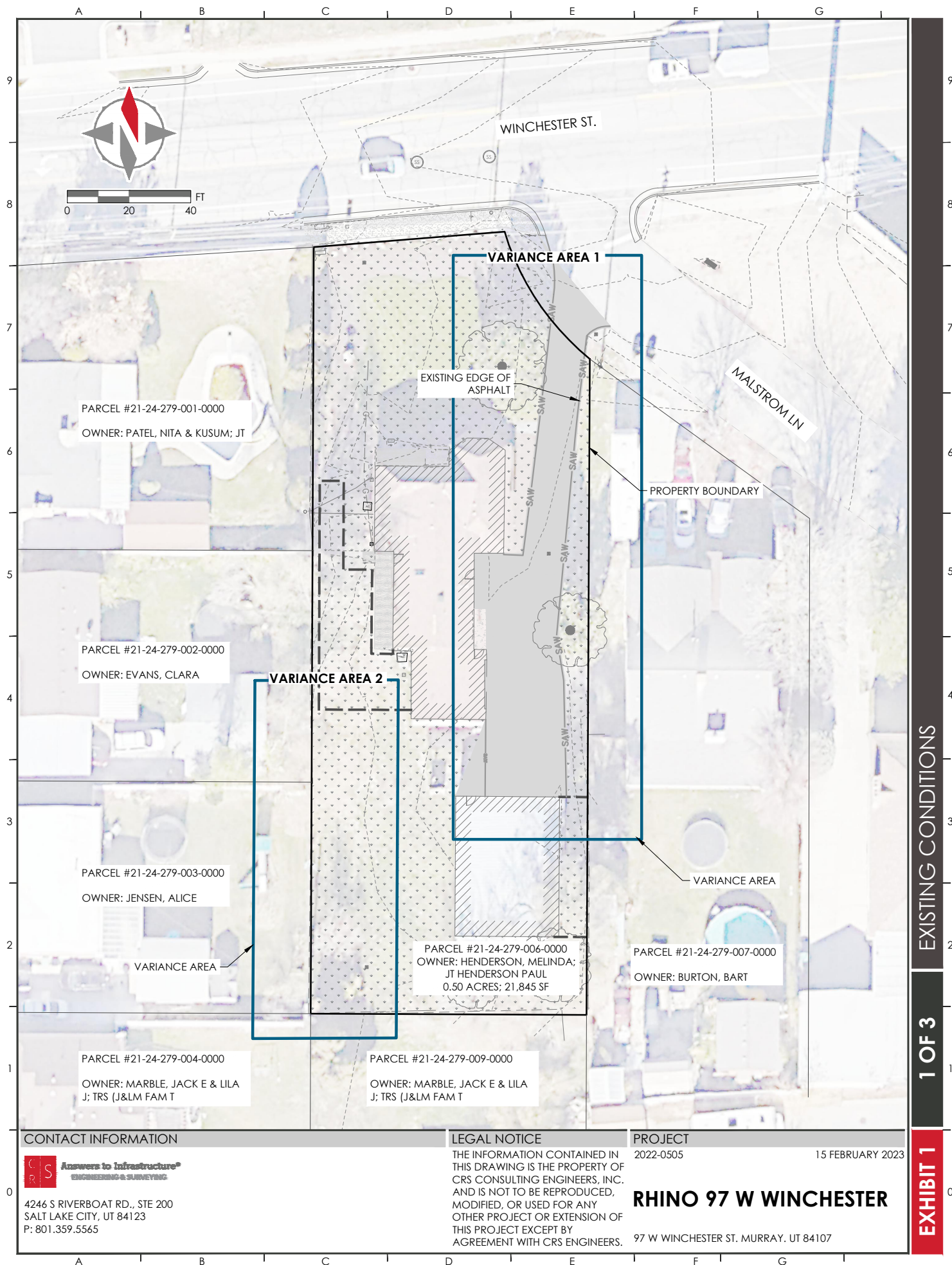


Cali McMurtrey, PE

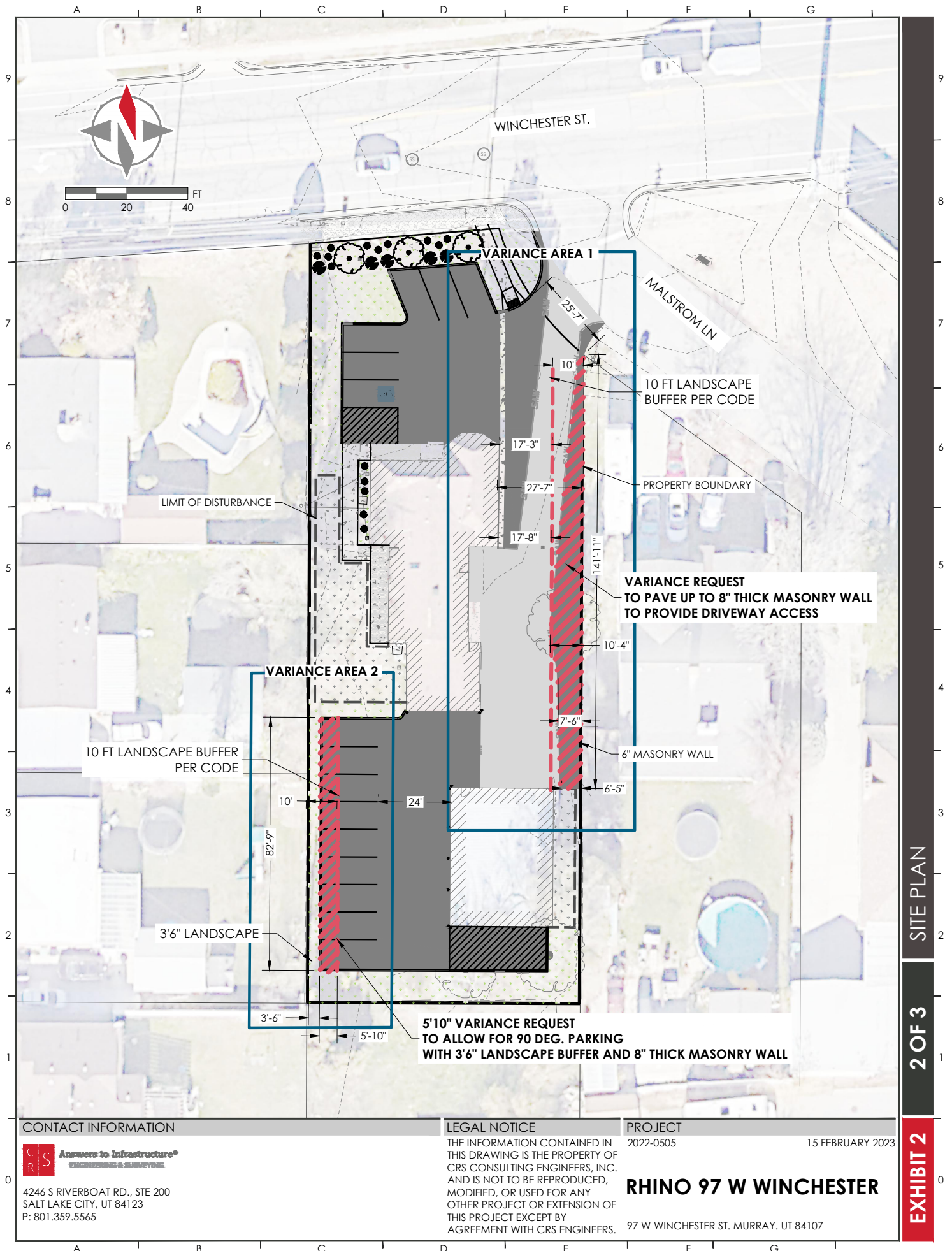


Ben Rood, PE, Project Manager













# FIH LLC sent you an estimate

We look forward to working with you.

Show full details 

## 97 W Winchester - New Office Project

Bathroom #1 - Handicap	\$6,500.00
Demolition	\$0.00
Tile installation	\$0.00
Toilet and Vanity installation	\$0.00
Door installation	\$0.00
Bathroom #2	\$6,000.00
Demolition, tile installation, toilet and vanity installation, door installation. Wall division	
New door entrance room	\$1,200.00
Painting - whole property	\$6,500.00



**FIH LLC**

11178 S ALPINE CREEK WAY

South Jordan, UT 84095-8491

thehandymanlady.utah@gmail.com

+1 (801) 834-3931

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635 West 5300 South, Suite 302  
Salt Lake City, UT 84123

T 801-974-5101  
F 801-974-5102  
<http://www.kcmdesign.com>

6 Feb 2023 – Project #23-024

**Ref. Rhino Property Management, 97 West Winchester, Murray, UT 84107**

Paul Henderson,

On Tuesday, 31 Jan 2023, I visited the site to review general condition of the building and accommodation of ADA requirements.

First IEBC, The Change of Use of Buildings requirements were reviewed. The existing use is R3, Single Family Dwelling. The proposed use is B, Business.

1. **Means of Egress and Life Safety** – The relative hazard for the proposed B and existing R3 occupancies are equal at relative hazard level, 4. No change is required.
2. **Heights, Areas, and Type of Construction** – The relative hazard for the proposed B and existing R3 occupancies are equal at relative hazard level, 4 (Lowest Hazard). No change is required.
3. **Exterior Wall Fire-Resistance** – The relative hazard for the proposed B and existing R3 occupancies are equal at relative hazard level, 3. No change is required.
4. **Earthquake Safety** – The relative hazard for the proposed B and existing R3 occupancies are equal at relative hazard level, 3. No change is required.
5. **Disabled Accessibility** – The contractor was represented during the site visit and will provide costs for review on the changes recommended for accessibility.
  - a. The north door on the west side is 36" wide. The main entry on the north and east have smaller doors which would require structural modifications to widen the openings to meet the required ADA width. This proposed door brings the person into the middle of the main office area. The proposed break room is just north of this main central room and a ramp can be built to account for the approx 4" raise in level. 36" min width.
  - b. A path with required signage and ramp (1:12 max slope, with handrails on each side) will be built from the front ADA parking stall to this west side door. Door threshold to meet required shape and height.
  - c. Signage complying with IBC Section 1110 will be added at the other doors with direction to the west side door. Signage for the ramp and west side door will be installed. Also, signage will be installed on the new ADA restroom. Restroom to have ADA clearances & fixtures.
  - d. An accessible parking stall will be delineated on the north of the building adjacent to the marked path to the west side door.
  - e. An accessible passenger loading zone will be provided if loading zone installed. (not anticipated)
  - f. A path with required signage and ramp will be built from the front ADA parking stall to this west side door.



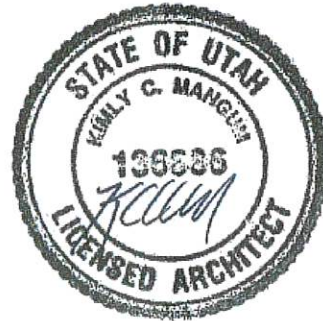
- g. Other Accessibility related improvements. Contractor required to spend 20% max on ADA improvements.
- i. Door hardware to be changed to ADA lever type.
  - ii. Remodeled restroom southeast of middle main office area to meet ADA requirements.
  - iii. Break room to have parallel approach access to sink and counter with 34" max height.
  - iv. Path to ADA restroom and thru main level to maintain 32" min path width.
  - v. Service counter to have lower section. (36" max height, 36" min width, with required clear floor space.)

Please contact me with any questions or concerns on the project documents and response.

Thank you



Kimly C Mangum, AIA, PSE, LEED AP  
[kim@iridiumae.com](mailto:kim@iridiumae.com)





**From:** [A Jensen](#)  
**To:** [Susan Nixon](#)  
**Subject:** Notice for Public Meeting 3/8/23, 12:30; Paul Henderson, Rhino Property Management  
**Date:** Tuesday, February 28, 2023 4:37:34 AM

---

M. Susan Nixon:

Regarding the above referenced public meeting, and the notice I received, I have some questions.

I live on and own the property at 6437 S Blaine Dr, which is most affected by this notice. I am confused by the map and the lines and illustrations on it, that were part of this notice. I would like some clarification since there was no key or explanation that a person without knowledge of code would understand:

- What is a Variance Request, and what is it a variance to in this instance?
- Why would a variance request be needed – is it changing conditions in the zoning rules?
- The map shows several lines that extend quite a bit into my property – what does this mean?
  - Is part of my property affected by this request?
- If this request is part of a change to the zoning rules or regulations, why are these regulations in place in the first place? What is the purpose, and how do they protect the adjacent property owners?

Can you also tell me what type of business will be operating on the property? A note was put on my door by the owner many months ago, with a number to text or call, and I texted to find out what the intended business was going to be, but received no response. I also addressed my concerns about my irrigation system along the property when a wall is put in place, but I heard nothing back.

Thank you for your help in understanding this notice.

Sincerely,

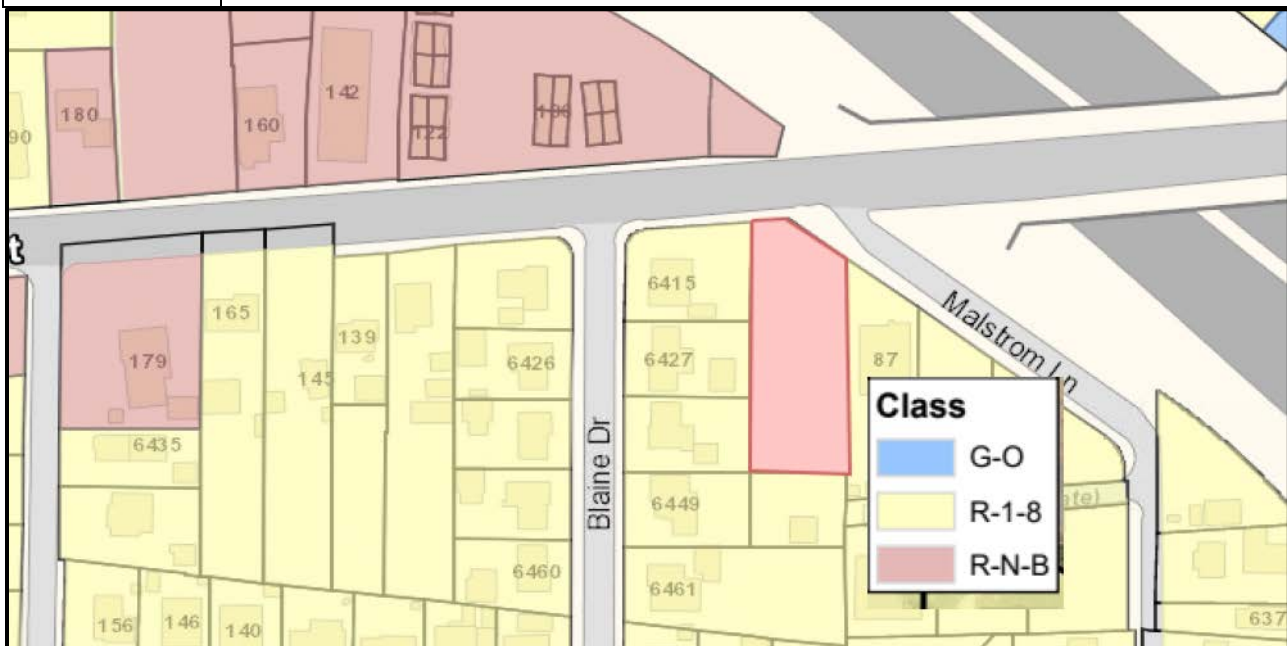
Alice Jensen





## AGENDA ITEM #2 - Rhino Property Management

ITEM TYPE:	Variance Application - West Side		
ADDRESS:	97 West Winchester Street	MEETING DATE:	March 8, 2023
APPLICANT:	Paul Henderson, Rhino Property Management	STAFF:	Susan Nixon, Senior Planner
PARCEL ID:	21-24-279-006	CASE NUMBER:	#1602
ZONE:	R-N-B, Residential Neighborhood Business	PROJECT NUMBER:	23-031
SIZE:	.48-acre lot   3,108 ft <sup>2</sup> structure		
REQUEST:	The applicant is requesting a landscaping variance along the west boundary, to Section 17.140.130 C. which requires a minimum landscaping buffer of ten feet (10') from the boundary line on the commercial side of the property.		





## I. DESCRIPTION of REQUEST

### Subject Property + Background

The subject property has been a residential single-family home on the south side of Winchester Street. The applicant recently went through a General Plan amendment and Zone Map amendment changing the zoning to R-N-B (Residential Neighborhood Business) with the intention of converting the existing dwelling to an office building. Mr. Henderson would like to relocate his property management company to operate their offices at this location. Property management businesses (LU# 6150) are a permitted use in the R-N-B Zone. Section 17.140.010: states the Purpose of the R-N-B Zone is: *“to provide a variety of mixed-use, low scale, low intensity residential, commercial, office and business operations as appropriate transition between high traffic arterial streets to adjacent residential neighborhoods. The zone should share design characteristics with nearby residential uses, provide a good neighborhood “fit” and exude a distinct residential character. Where possible, existing homes should be preserved and converted to appropriate uses. The number of curb cuts providing access should be minimized and parking consolidated where possible.”*

Prior to the submittal of the variance application, staff requested that Mr. Henderson have an architect review the possibility of converting the dwelling to office use and have a cost estimated in order to establish the viability of retaining the existing structure. Mr. Henderson provided an architect’s review for compliance with commercial ADA requirements along with a construction cost estimate for the conversion. Mr. Henderson indicated he is committed to the expense and time associated with the conversion. Both documents are attached to this report. Retaining the existing structure does include constraints such as drive aisle width and buffer landscaping as required in the R-N-B Zoning regulations. This request is to vary from the required 10’ minimum buffer landscaping along the east boundary in order to provide adequate drive access to the rear of the property. There is an existing garage at the rear of the property. The applicant would like to keep the garage for storage.

This request is to Section 17.140.130.C. of the Murray Land Use Code Ordinance along the required **west** side landscape buffer. The applicant is requesting to reduce the minimum from ten feet (10’) to three and a half feet (3 ½’). In reviewing this request, staff acknowledges that the landscaping width to accommodate ninety-degree parking rather than have an awkward angled parking situation would be preferable. The length of the landscaping variance request is 83’11”. The applicant will install a 6’ high solid buffer wall along the west boundary adjacent to the parking. There are two site plans associated with this request. One site plan with ninety-degree parking requiring a landscape buffer variance. The other site plan with angled parking and the 10’ wide landscape buffer. While able to meet the parking regulations utilizing angled parking, the applicant is proposing ninety-degree parking as a safer and better layout for maneuvering vehicles.

## II. LAND USE REGULATIONS

This application involves two landscaping variance requests to Murray Land Use Code Section 17.140.130.C. This report is for the **west-side** landscaping variance.

Section 17.140.130.C states:



C. Landscaping adjacent to a residential zoning boundary line will require a minimum landscaping buffer of ten feet (10') in width from the boundary line on the commercial side of the property excluding the fence, and curb wall if located adjacent to off-street parking.

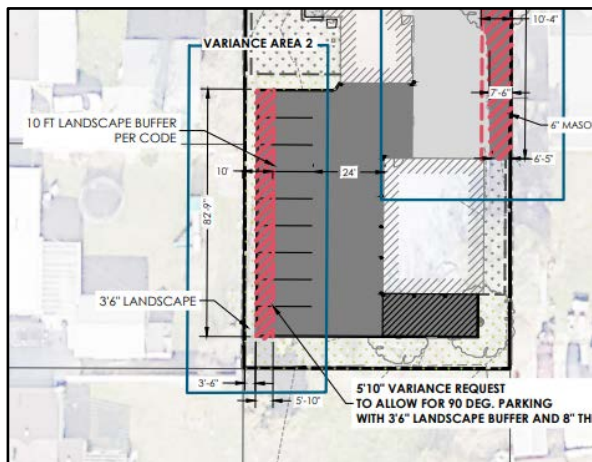
### III. PROJECT REVIEW

#### Background

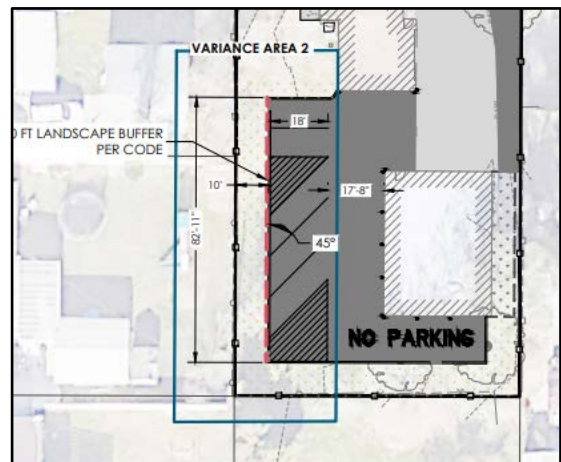
The existing building was originally constructed in 1893. The two-story building consists of 2,068 ft<sup>2</sup> on the main level and 1,040 ft<sup>2</sup> on the second floor requiring a minimum of eleven (11) parking stalls. Eleven parking stalls are shown on the site plan. \*If the detached garage is to be used for storage, one additional stall is required based on the one stall per 750 square feet of warehouse area ratio. Staff has concerns with parking as proposed and the garage may need to be used for parking or may need to be removed in order to meet the number of parking stalls and proper aisle widths.

The first site plan (see below) requires a buffer landscaping variance adjacent to ninety-degree parking. The second site plan (see below) shows the parking and landscaping requirements can be met with angled parking.

- The first site plan (see below) with ninety-degree parking shows a variance is necessary to Section 17.140.130.C. of the Murray Land Use Ordinance requesting that the buffer landscaping be reduced to 3'6" along the west side for a length of 83'11" adjacent to ninety-degree parking stalls.
- The second site plan (see below) with angled parking meets the required parking and landscaping, however, it is awkward for maneuvering vehicles.



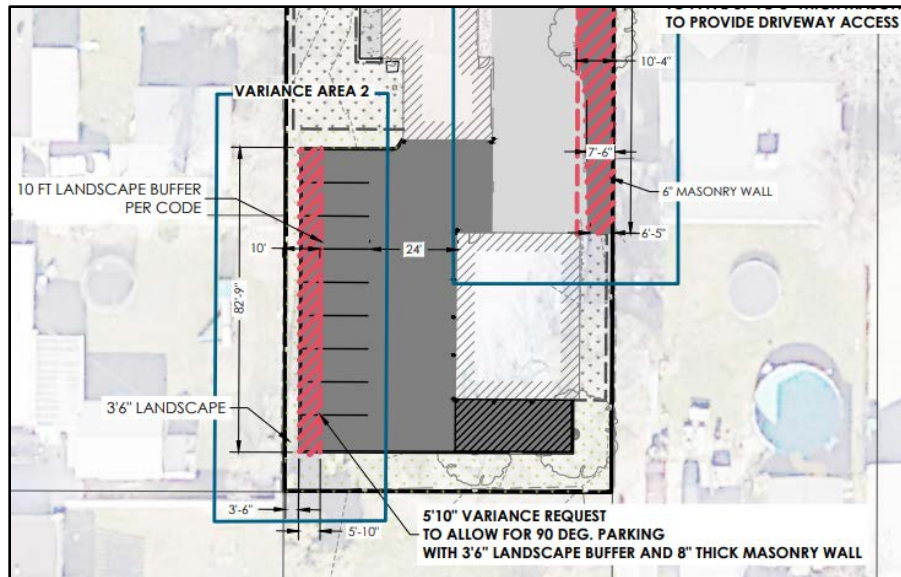
*Site plan 1*



*Site plan 2*

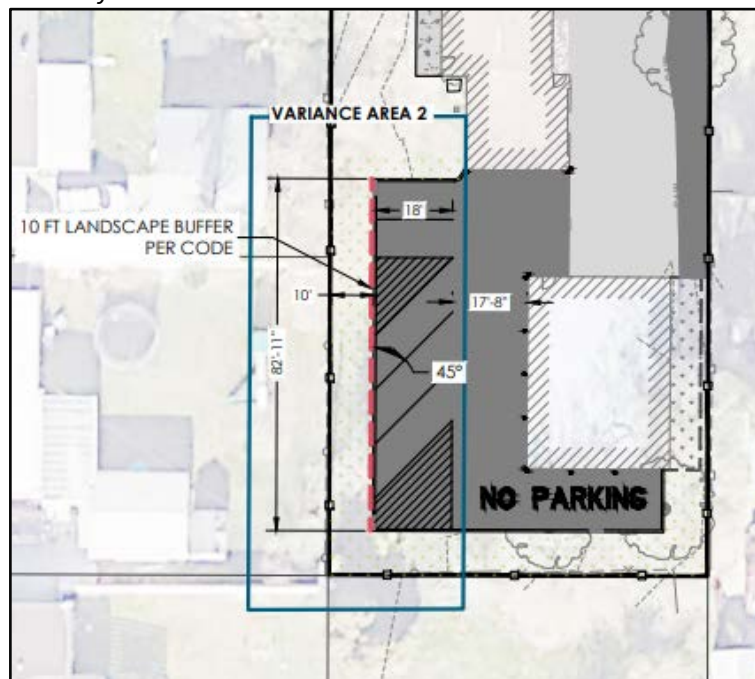
The rear property is 89.4 feet in width. Ninety-degree parking requires the stalls to be a length of 18 feet and an aisle space behind the stalls of 24 feet for a total of 42 feet. The distance from the west side property line to the detached garage is 48 feet. The applicants are requesting to install 3'6" width for the length of 83'11" along the west boundary adjacent to the proposed 90-degree parking stalls.





*Illustration: 90-degree parking with 3'6" landscaping and buffer wall.*

By retaining the detached garage, the applicant would be able to meet the number of parking stalls with angled parking (see illustration below) and install the required 10' depth of buffer landscaping. However, the option of angled parking is awkward for vehicles and not the safest situation because it would require a person to back into the drive aisle, proceed forward, and then complete a 3-point turn in the hammerhead turnaround. Murray City Parking requirements for angled parking are in Section 17.72.090.E "Forty-Five Degree Parking Space: Fifteen feet (15') of on-site aisle space shall be located behind every forty-five-degree (45°) parking space." If the detached garage is removed, the rear yard area would accommodate the required site improvements the buffer wall, buffer landscaping, and better maneuverability of cars.



*Illustration: 45 Degree Angled parking with the 10' required buffer landscaping and buffer wall.*



In reviewing this request, staff acknowledges that varying the landscape buffer width rather than having an awkward parking layout may be more ideal. Staff feels it is preferable to have access for parking and safety reasons over the aesthetics of the landscaping buffer. The proposal for ninety-degree parking is more practical than meeting the “letter of the law” with angled parking. In an attempt to meet one of the Purposes of Provision statements of the R-N-B Zone “*Where possible, existing homes should be preserved and converted to appropriate uses*”, staff feels it is prudent to retain the existing dwelling by converting it to office use; however, it is not critical to retain the existing detached garage and if the garage were removed, the rear yard would meet the site improvements buffer wall, buffer landscaping and parking requirements.

#### 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

Thirty-two (32) notices were sent to all property owners within 300 feet of the subject property. As of the date of this report, staff received an email from Alice Jensen, an adjacent neighbor to the west at 6437 South Blaine Drive, inquiring about the west side variance request and potential impacts to her property. After explaining the request and requirements, she had no further concerns.

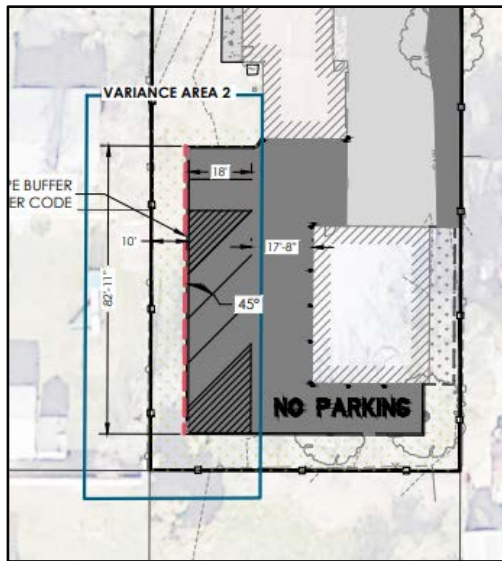
### IV. VARIANCE FINDINGS

Staff analysis and findings for compliance with standards for a variance as contained in Land Use Ordinance Section 17.16.060 are listed below.

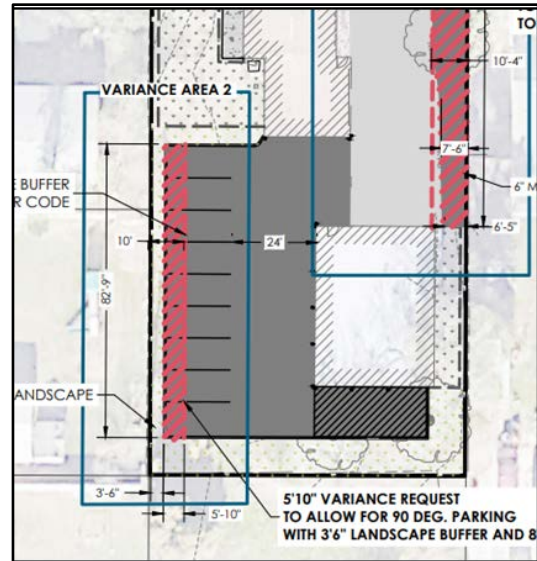
**A. The literal enforcement of the Land Use Ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinance.**

The property owner states: “CRS has shown the parking layout that will be necessary if the 10 ft landscape offset on the southwest corner is enforced. This parking layout has a higher likelihood of collisions as it requires a person to back into the drive aisle, proceed forward, and then complete a 3-point turn in the hammerhead turnaround. This is a complicated traffic pattern and could increase collision risk due to human error and sight distance. However, Exhibit 3 follows all Murray Planning and Zoning codes. CRS suggests a variance as shown in Exhibit 2 to allow parking closer to the fence on the west side, which would allow for a more natural and safe parking layout.”





Referred to as "Exhibit 3"



Referred to as "Exhibit 2"

The applicant can meet the zoning requirements for buffer landscaping, buffer wall and parking utilizing angled parking and a variance is not necessary to carry out the general purpose of the land use ordinance. Although angled parking is not an ideal layout, it does meet zoning regulations. Staff finds that the application does NOT meet this requirement for granting a landscaping buffer width 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: *"The shape of the property and placement of the structure only allow for parking in two areas. In order for minimum parking stall numbers to be met, the back part of the lot must be used for parking. Due to the shape and width of the parcel, there is no other option. Street parking is not a viable option. This variance would allow for necessary parking without undue impact such as structural removal."*

The purpose of buffer landscaping is to "buffer or mitigate" any impacts on the adjacent properties. The area where the buffer landscaping is adjacent to the rear yard of the neighbors. The question is whether the 6' high solid wall will provide adequate buffer landscaping along the west boundary line and does the angled parking provide adequate maneuverability. Staff finds that the application can meet the parking requirements with angled parking even though it may not be an ideal situation. The ideal situation would be to remove the detached garage. Staff finds the application does NOT meet this requirement.

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

The applicant states *"Rhino Property Management needs parking not only as per City code but also to function as a business that employs employees. Employees need a place to park and the front part of the lot is not substantial enough to provide the full amount of necessary parking. All businesses are required to meet minimum stall numbers as per code and this variance would*



*provide the adequate parking amount.”*

Ninety-degree parking does require a buffer landscaping variance and would provide better maneuverability than angled parking. The proposed ninety-degree parking provides for a safer parking situation and is essential to the enjoyment of a substantial property right possessed by other properties in the district. Staff finds that the application does meet this requirement.

**D. The variance will not substantially affect the General Plan and will not be contrary to the public interest.**

The applicant states “The parking will still be buffered by a 3.5 ft landscape buffer, and the 6 ft masonry wall will still provide a light and noise buffer. The parking lot is only to be regularly used during normal business hours. Reduction of the landscape buffer will not create a significant change to the original purpose of the code. The requested variance will still protect surrounding residents from undo nuisance.”

The General Plan calls for this area to be mixed-use adjacent to residential low/medium-density neighborhoods. This area is also part of the Fashion Place West Small Area Plan as adopted by the City Council in 2021. One of the goals of the Small Area Plan is to “Strengthen Physical Relationship Between Station Area and Fashion Place Mall, Improve Overall Neighborhood Quality and Promote Transit Use and Active Transportation”. Staff finds the proposed variance will not be contrary to that public interest and will adequately serve the intent of buffering impacts from the commercial onto residential. Staff finds that the application does meet this requirement.

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

The applicant states “*CRS believes that the impact of the landscape reduction on a small portion of the property will still fulfill the spirit of the zoning ordinance. The bordering west neighbors will still have adequate noise and light protection and will not feel the change of impact in the zone.*”

The intent of the language in the Land Use Ordinance is clear: to provide buffering to help mitigate impacts from 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 of the proposed requests. Staff finds that the application does meet this requirement.

**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 not necessarily deprive the property owner of rights or privileges. There are options that would allow them to utilize the property with the uses allowed in the R-N-B Zone.

## **VI. CONCLUSION/RECOMMENDATION**

Based on a 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 does meet some of the standards, but not all the applicable standards for the landscaping variance. Staff recommends **DENIAL** of the requested variance to Section 17.140.130C for the **west** side.





HEARING OFFICER  
NOTICE OF PUBLIC MEETING  
March 8, 2023, 12:30 PM

This notice is to inform you of a public meeting scheduled before the Murray City Hearing Officer for **Wednesday, March 8, 2023, at 12:30 p.m.** in the Murray City Municipal Council Chambers located at 5025 South State Street regarding the following application: **Paul Henderson, representing Rhino Property Management, is requesting two variances to the buffer landscaping on the east and southwest areas of the property addressed 97 West Winchester Street.** 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.

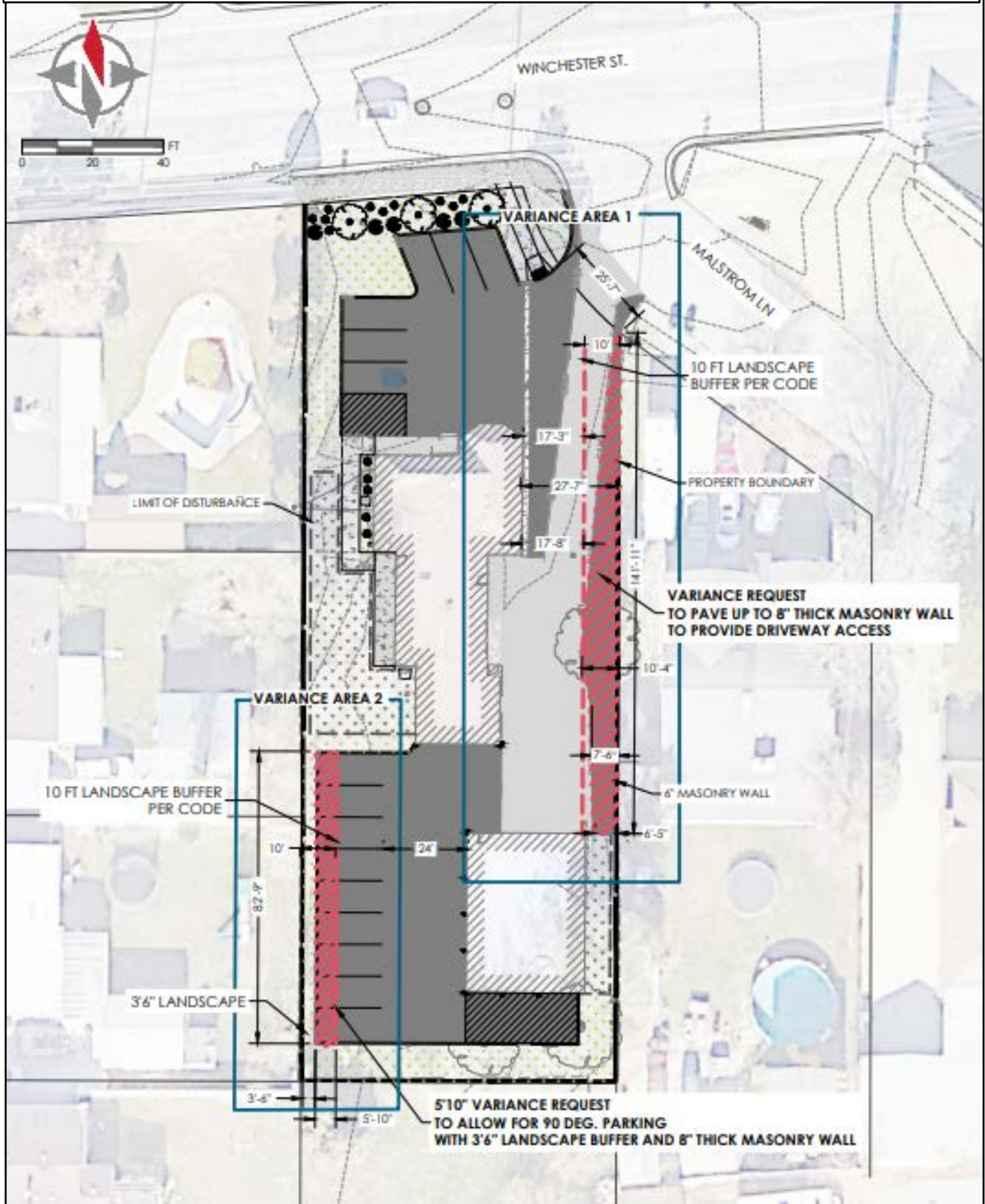
This notice is being sent to you because you own property within 300 feet of the subject property. If you have questions or comments concerning this proposal, please call Susan Nixon with the Murray City Planning Division at 801-270-2430, or email [snixon@murray.utah.gov](mailto:snixon@murray.utah.gov).

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.

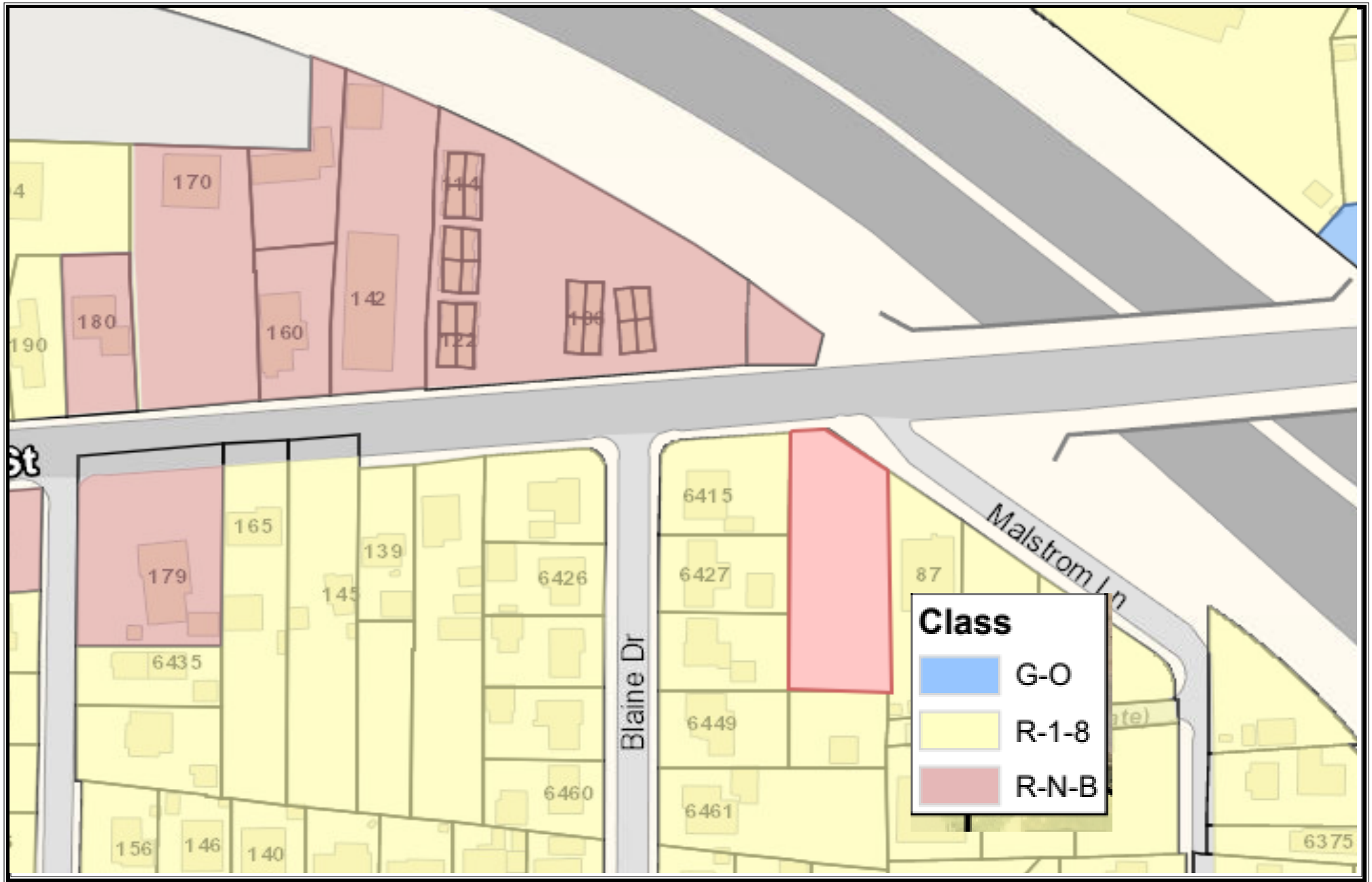
Public Notice Dated February 23, 2023



# Winchester Street







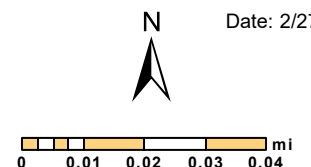
# 97 W Winchester Street

© Copyright 2020, Murray City  
 Map Disclaimer:  
<http://www.murray.utah.gov/1609>  
 The above information while not  
 guaranteed has been secured from  
 sources deemed reliable.

Date: 2/27/2023



MURRAY





# HEARINGS OFFICER APPLICATION

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

## Type of Application (check all that apply):



Variance



Expansion of Non-Conforming Use



Appeal

Subject Property Address: 97 W Winchester St. Murray, UT 84107

Parcel Identification (Sidwell) Number: 2124-279-006-0000

Parcel Area (acreage): 0.48 Current Use: Office Building

Floor Area: 3,108 Zoning Classification: R-N-B

Applicant Name: Paul Henderson

Mailing Address: 101 East Fort Union Blvd. Suite A

City, State, ZIP: Midvale, UT 84047

Daytime Phone #: 801-810-6612 Fax #: \_\_\_\_\_

Email address: paul@rhinopropertymanagement.com

Business Name (If applicable): Rhino Property Management

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: \_\_\_\_\_

Variance Area 1 request is to reduce the landscaping buffer of ten feet (10') in width on the  
east side of the property as to provide fire access & drive access. Please see plans for  
details. Variance Area 2 is to reduce buffer on south west side. See plan and memo.

Authorized Signature:  Date: 2-15-23



# Property Owners Affidavit

STATE OF UTAH

COUNTY OF SALT LAKE

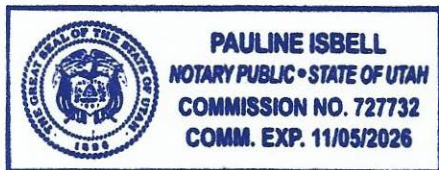
I (we) Paul Henderson, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects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

[Signature]

Owner's Signature

Owner's Signature (co-owner if any)

Subscribed and sworn to before me this 14 day of February, 2023.



Pauline Isbell  
Notary Public

Residing in Draper Utah

My commission expires: 11/5/2023

## 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?

See Memo

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

See Memo

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

The site was rezoned to R-N-B and the driveway needs to provide access for owner, clients, as well as fire access. See Memo

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

See Memo





**CRS ENGINEERS**  
Answers to Infrastructure®

4246 S Riverboat Rd STE 200. Salt Lake City, UT 84123  
o. 801.359.5565. f. 801.359.4272. crsengineers.com

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February 15, 2023

Murray City Corporation

Re: Variance Requests 97 W Winchester St.

To Whom it May Concern:

**Purpose:**

CRS Engineers (Engineer) is writing this memorandum as part of a variance request to Murray (City) Planning code on behalf of Paul Henderson (Client) of Rhino Property Management. CRS has outlined the circumstances under which a variance may be permitted and has given an explanation under each for each variance.

CRS is requesting a variance of the 10 ft landscaping offset in two locations on the property. Variance Area 1 is on the east driveway. See Exhibit 1. Variance Area 2 is on the west side at the back of the property where parking will be installed.

Circumstance 1: The literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinance.

Variance Area 1:

As the property exists currently, the drive access is close to the parcel boundary of the southeast neighbor. On Exhibit 1, the red area shows what the drive would look like if the code were to be enforced. The hardships created by this enforcement would include: prohibited fire access, prohibitively small drive access, and potentially the need to create a totally new access to the property.

The Fire Authority has requested a minimum of 20 ft for access to behind the garage structure, with a preference for a wider aisle as possible. The Planning Commission has requested a drive aisle of at least 24 ft. Neither of these requirements would be met by enforcing a ten ft offset.

The general purpose of the offset is to create a barrier between business and residential property. This buffer will still be in effect with the 6 ft masonry wall and the wide drive aisle. The direction of office traffic into the property will be parallel with the drive aisle, so headlight disturbance to the southeast neighbor will be minimal. CRS has requested to pave to the wall to give adequate space for the drive aisle and also a reasonable buffer between the house / office structure and the drive. CRS requests to maintain the already existing drive aisle, which already does not meet the 10 ft buffer, and then widen it slightly by paving to the wall.

Variance Area 2:

In Exhibit 3, CRS has shown the parking layout that will be necessary if the 10 ft landscape offset on the south west corner is enforced. This parking layout has a higher likelihood of collisions as it requires a person to back into the drive aisle, proceed



forward, and then complete a 3-point turn in the hammerhead turnaround. This is a complicated traffic pattern and could increase collision risk due to human error and sight distance. However, Exhibit 3 follows all Murray Planning and Zoning code. CRS suggests a variance as shown in Exhibit 2 to allow parking closer to the fence on the west side, which would allow for a more natural and safe parking layout.

Circumstance 2: There are special circumstances attached to the property that do not generally apply to other properties in the same district.

#### Variance Area 1:

The parcel of 97 W Winchester St. sits on a corner lot. The curving northeast corner of the lot is the entrance for the lot, and as it is an unusual shape, creates constraints as to how much flexibility there is in moving the access drive. The angle of entrance prohibits moving the drive access to the north while the east parcel boundary prohibits moving the boundary much to the south. The position of the structure on the site further constrains the possible geometry of the entrance. CRS believes the variance request is the most reasonable option for the site. The other option would involve removing the main structure.

#### Variance Area 2:

The shape of the property and placement of the structure only allow for parking in two areas. In order for minimum parking stall numbers to be met, the back part of the lot must be used for parking. Due to the shape and width of the parcel, there is no other option. Street parking is not a viable option. This variance would allow for necessary parking without undue impact such as structural removal.

Circumstance 3: Granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same district.

#### Variance Area 1:

Rhino Property Management desires to use this parcel as an office space. In order to comply with all parking requirements and to reasonably accommodate employee and customer parking, there needs to be a parking lot in the back of the parcel. There is not enough room for adequate parking in the front of the structure. The drive on the east can provide necessary and safe access to this parking lot if the variance is granted. The business cannot function without the necessary parking, despite being in a business zone, without access to parking. Street parking along Winchester is prohibited and street parking along Malstrom Ln would require impeding drive access for other residents. The frontage along Malstrom Ln. is not large enough to provide adequate street parking. For Rhino Properties to function as an office space as per its zone, there needs to be access to rear parking as described.

#### Variance Area 2:

Rhino Property Management needs parking not only as per City code but also to function as a business that employs employees. Employees need a place to park and the front part of the lot is not substantial enough to provide the full amount of necessary parking. All businesses are required to meet minimum stall numbers as per code and this variance would provide the adequate parking amount.

Circumstance 4: The variance will not substantially affect the general plan and will not be contrary to the public interest.

#### Variance Area 1:

As mentioned above, the drive access runs parallel to the neighboring property and will still be buffered by a 6 ft masonry wall. The impact of headlights will be minimal, due to the drive angle, hours of business operation, and the wall. The drive



access will be maintained where it already exists, and so will not be changing current access patterns. The traffic to and from the office space will be minimal, and only during normal business hours.

Variance Area 2:

The parking will still be buffered by a 3.5 ft landscape buffer, and the 6 ft masonry wall will still provide a light and noise buffer. The parking lot is only to be regularly used during normal business hours. The reduction of landscape buffer will not create a significant change to the original purpose of the code. The requested variance will still protect surrounding residents from undue nuisance.

Circumstance 5: The spirit of the zoning ordinance is observed and substantial justice is done.

Variance Area 1:

As explained above, the spirit of the zoning ordinance is observed. Surrounding residents, specifically on the east side, will still be adequately protected from light and noise impact. The Client property will have greater safety and fire access.

Variance Area 2:

CRS believes that the impact of the landscape reduction on a small portion of the property will still fulfill the spirit of the zoning ordinance. The bordering west neighbors will still have adequate noise and light protection and will not feel the change of impact in the zone.


Thank you for considering our application. CRS has made our variance requests with best interest of Murray City and surrounding parcels, as well as for our client. We believe these requests are the best solutions for all involved.

Sincerely,

**CRS Engineers**

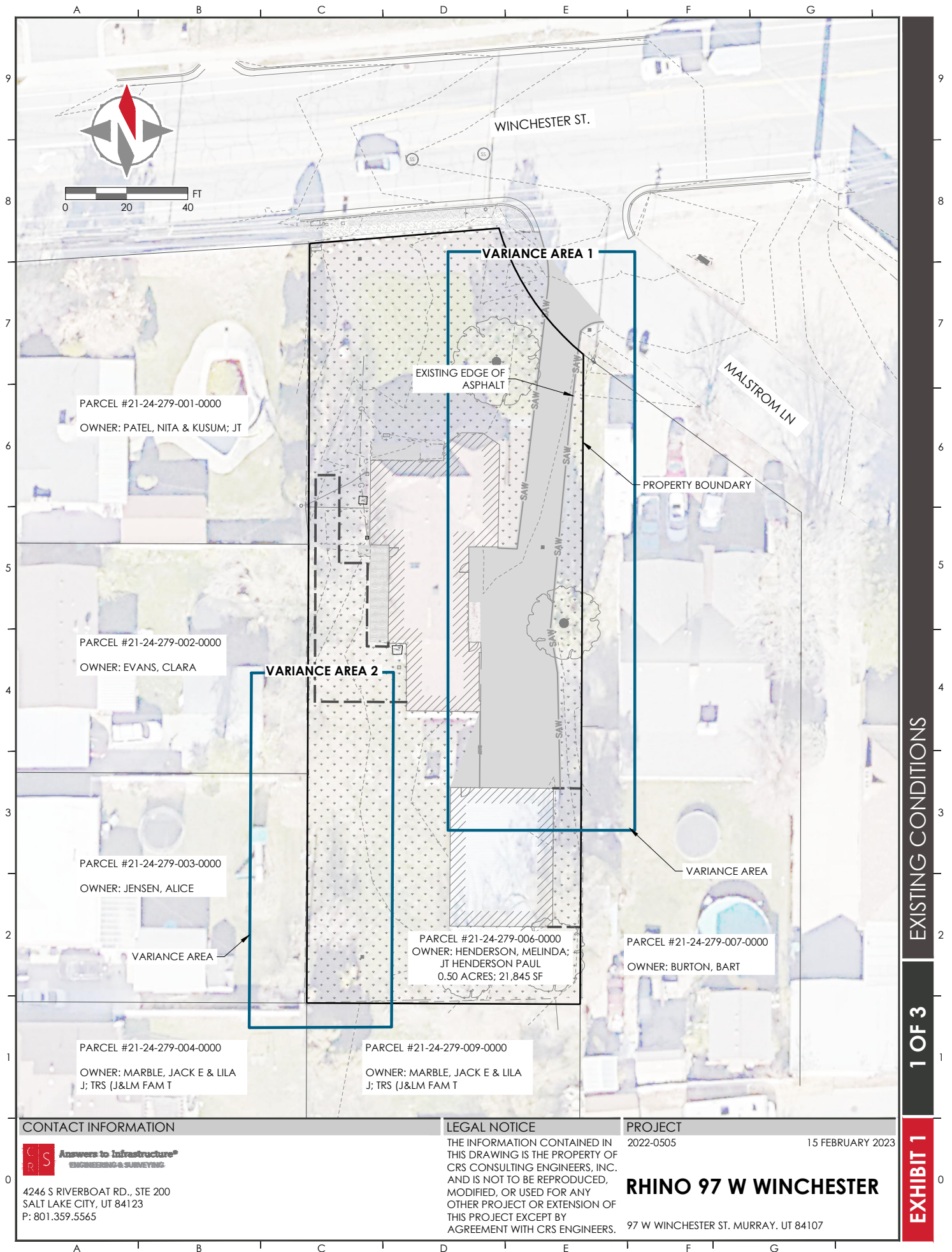


Cali McMurtrey, PE

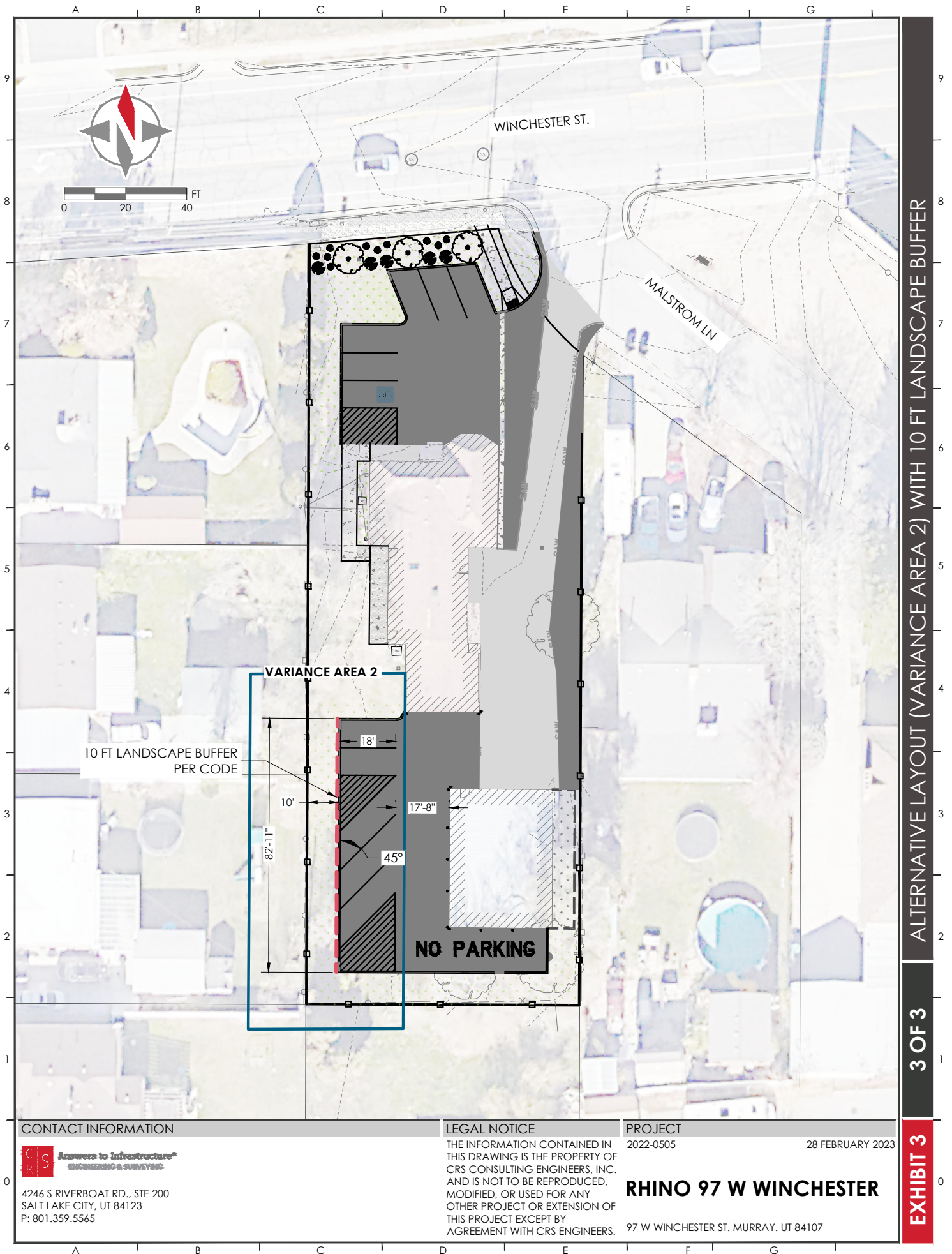


Ben Rood, PE, Project Manager









ALTERNATIVE LAYOUT (VARIANCE AREA 2) WITH 10 FT LANDSCAPE BUFFER

3 OF 3

EXHIBIT 3

#### CONTACT INFORMATION

**CRS** Answers to Infrastructure®  
ENGINEERING & SURVEYING  
4246 S RIVERBOAT RD., STE 200  
SALT LAKE CITY, UT 84123  
P: 801.359.5565

#### LEGAL NOTICE

THE INFORMATION CONTAINED IN THIS DRAWING IS THE PROPERTY OF CRS CONSULTING ENGINEERS, INC. AND IS NOT TO BE REPRODUCED, MODIFIED, OR USED FOR ANY OTHER PROJECT OR EXTENSION OF THIS PROJECT EXCEPT BY AGREEMENT WITH CRS ENGINEERS.

#### PROJECT

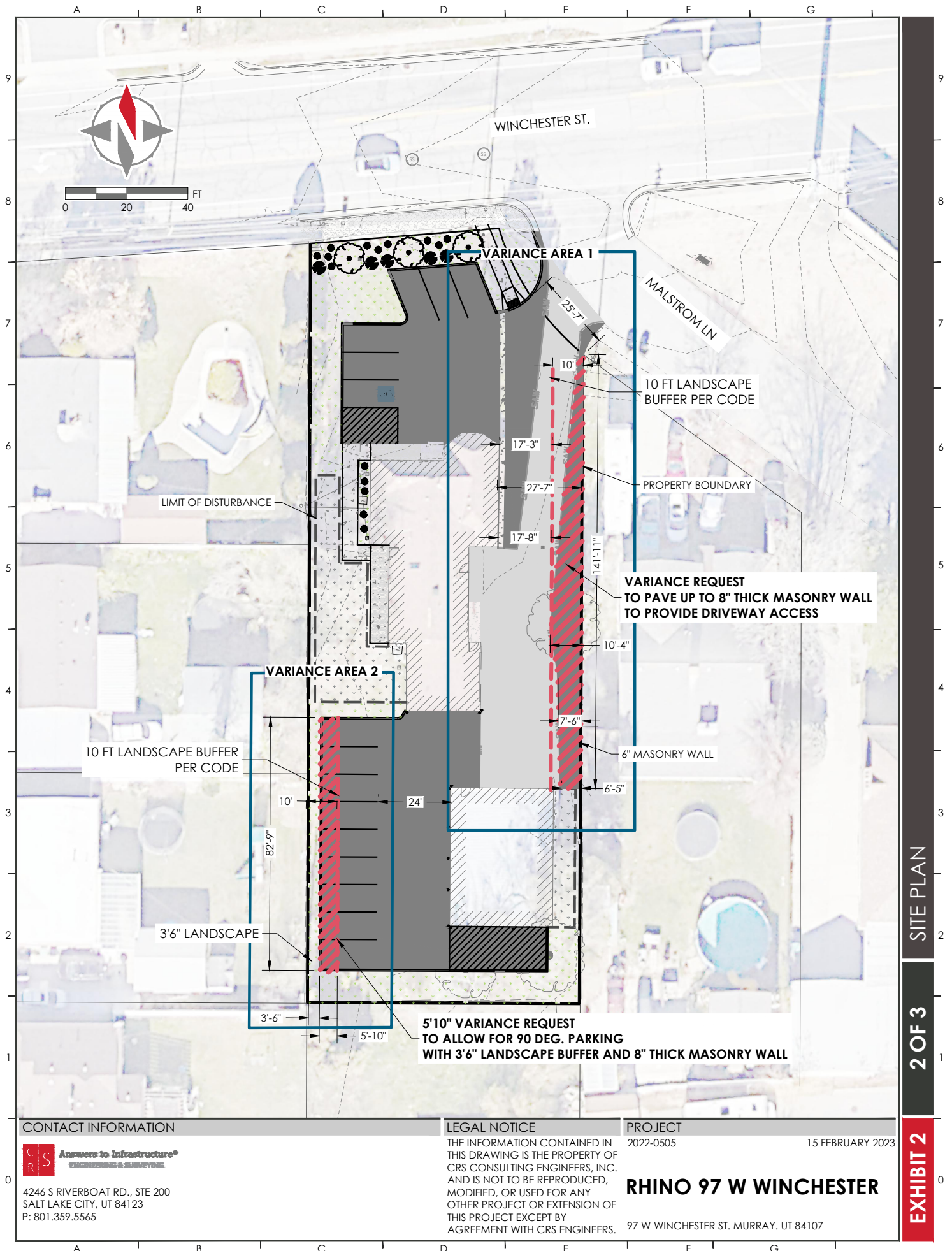
2022-0505

28 FEBRUARY 2023

#### RHINO 97 W WINCHESTER

97 W WINCHESTER ST. MURRAY, UT 84107









635 West 5300 South, Suite 302  
Salt Lake City, UT 84123

T 801-974-5101  
F 801-974-5102  
<http://www.kcmdesign.com>

6 Feb 2023 – Project #23-024

**Ref. Rhino Property Management, 97 West Winchester, Murray, UT 84107**

Paul Henderson,

On Tuesday, 31 Jan 2023, I visited the site to review general condition of the building and accommodation of ADA requirements.

First IEBC, The Change of Use of Buildings requirements were reviewed. The existing use is R3, Single Family Dwelling. The proposed use is B, Business.

1. **Means of Egress and Life Safety** – The relative hazard for the proposed B and existing R3 occupancies are equal at relative hazard level, 4. No change is required.
2. **Heights, Areas, and Type of Construction** – The relative hazard for the proposed B and existing R3 occupancies are equal at relative hazard level, 4 (Lowest Hazard). No change is required.
3. **Exterior Wall Fire-Resistance** – The relative hazard for the proposed B and existing R3 occupancies are equal at relative hazard level, 3. No change is required.
4. **Earthquake Safety** – The relative hazard for the proposed B and existing R3 occupancies are equal at relative hazard level, 3. No change is required.
5. **Disabled Accessibility** – The contractor was represented during the site visit and will provide costs for review on the changes recommended for accessibility.
  - a. The north door on the west side is 36" wide. The main entry on the north and east have smaller doors which would require structural modifications to widen the openings to meet the required ADA width. This proposed door brings the person into the middle of the main office area. The proposed break room is just north of this main central room and a ramp can be built to account for the approx 4" raise in level. 36" min width.
  - b. A path with required signage and ramp (1:12 max slope, with handrails on each side) will be built from the front ADA parking stall to this west side door. Door threshold to meet required shape and height.
  - c. Signage complying with IBC Section 1110 will be added at the other doors with direction to the west side door. Signage for the ramp and west side door will be installed. Also, signage will be installed on the new ADA restroom. Restroom to have ADA clearances & fixtures.
  - d. An accessible parking stall will be delineated on the north of the building adjacent to the marked path to the west side door.
  - e. An accessible passenger loading zone will be provided if loading zone installed. (not anticipated)
  - f. A path with required signage and ramp will be built from the front ADA parking stall to this west side door.



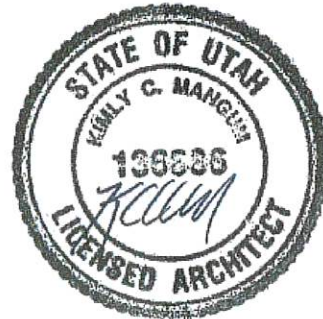
- g. Other Accessibility related improvements. Contractor required to spend 20% max on ADA improvements.
- i. Door hardware to be changed to ADA lever type.
  - ii. Remodeled restroom southeast of middle main office area to meet ADA requirements.
  - iii. Break room to have parallel approach access to sink and counter with 34" max height.
  - iv. Path to ADA restroom and thru main level to maintain 32" min path width.
  - v. Service counter to have lower section. (36" max height, 36" min width, with required clear floor space.)

Please contact me with any questions or concerns on the project documents and response.

Thank you



Kimly C Mangum, AIA, PSE, LEED AP  
[kim@iridiumae.com](mailto:kim@iridiumae.com)







# FIH LLC sent you an estimate

We look forward to working with you.

Show full details 

## 97 W Winchester - New Office Project

Bathroom #1 - Handicap	\$6,500.00
Demolition	\$0.00
Tile installation	\$0.00
Toilet and Vanity installation	\$0.00
Door installation	\$0.00
Bathroom #2	\$6,000.00
Demolition, tile installation, toilet and vanity installation, door installation. Wall division	
New door entrance room	\$1,200.00
Painting - whole property	\$6,500.00



**FIH LLC**

11178 S ALPINE CREEK WAY

South Jordan, UT 84095-8491

thehandymanlady.utah@gmail.com

+1 (801) 834-3931

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**From:** [A Jensen](#)  
**To:** [Susan Nixon](#)  
**Subject:** Notice for Public Meeting 3/8/23, 12:30; Paul Henderson, Rhino Property Management  
**Date:** Tuesday, February 28, 2023 4:37:34 AM

---

M. Susan Nixon:

Regarding the above referenced public meeting, and the notice I received, I have some questions.

I live on and own the property at 6437 S Blaine Dr, which is most affected by this notice. I am confused by the map and the lines and illustrations on it, that were part of this notice. I would like some clarification since there was no key or explanation that a person without knowledge of code would understand:

- What is a Variance Request, and what is it a variance to in this instance?
- Why would a variance request be needed – is it changing conditions in the zoning rules?
- The map shows several lines that extend quite a bit into my property – what does this mean?
  - Is part of my property affected by this request?
- If this request is part of a change to the zoning rules or regulations, why are these regulations in place in the first place? What is the purpose, and how do they protect the adjacent property owners?

Can you also tell me what type of business will be operating on the property? A note was put on my door by the owner many months ago, with a number to text or call, and I texted to find out what the intended business was going to be, but received no response. I also addressed my concerns about my irrigation system along the property when a wall is put in place, but I heard nothing back.

Thank you for your help in understanding this notice.

Sincerely,

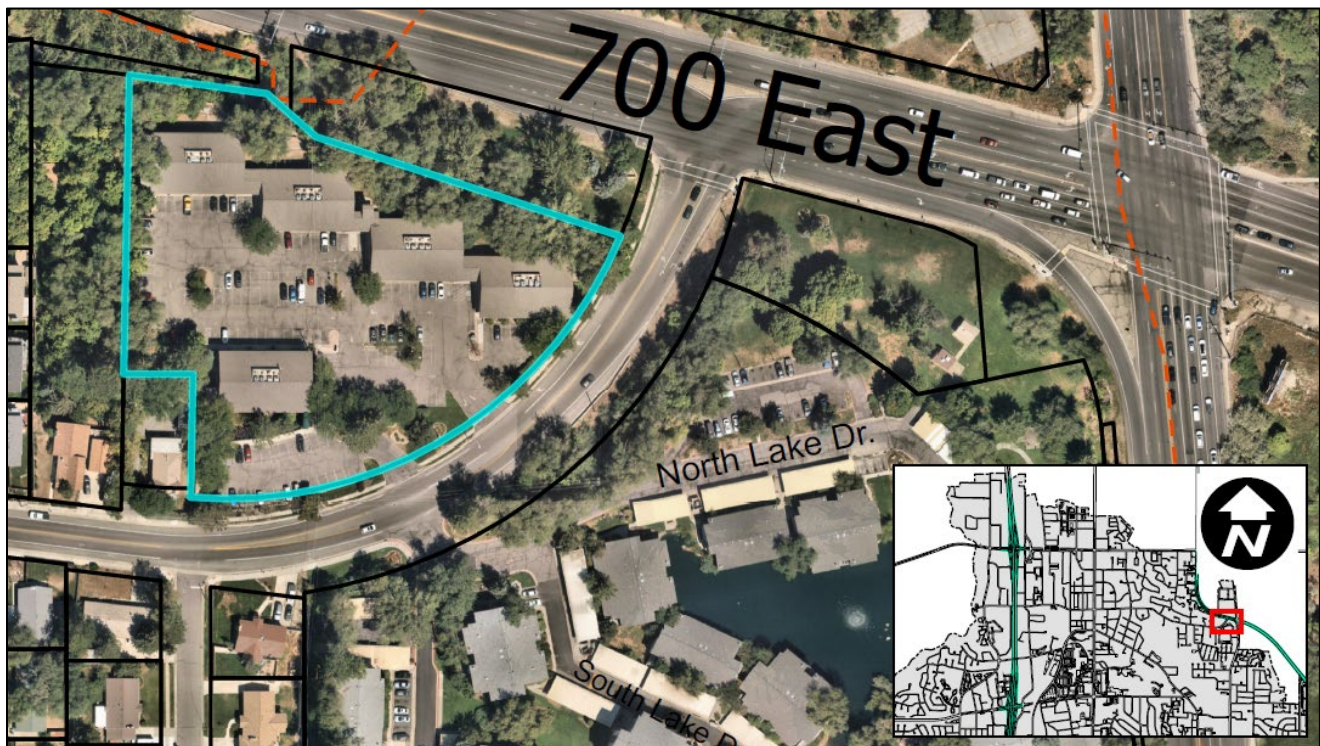
Alice Jensen





## AGENDA ITEM # 3 - Lotus Company, LLC

<b>ITEM TYPE:</b>	Variance Application		
<b>ADDRESS:</b>	825-865 East 4800 South	<b>MEETING DATE:</b>	March 8, 2023
<b>APPLICANT:</b>	Allie Platt, Lotus Company	<b>STAFF:</b>	Zachary Smallwood, Senior Planner
<b>PARCEL ID:</b>	22-08-108-022	<b>CASE NUMBER:</b>	1603
<b>ZONE:</b>	G-O, General Office	<b>PROJECT NUMBER:</b>	23-033
<b>SIZE:</b>	2.93-acre lot		
<b>REQUEST:</b>	The applicant is requesting a variance to Section 17.144.100(A) of the Murray Land Use Ordinance, which limits the height of buildings located within 100' of a residential zone.		





## **I. DESCRIPTION of REQUEST**

The applicant is requesting a variance to a restriction in the land use ordinance that requires proposed buildings to be thirty feet (30') in height or less when located within 100 feet of adjacent residential zoning. The applicants are requesting the variance to be allowed to build up to thirty-five feet (35'). All other land use regulations would apply as normal (setbacks, lot width, etc.).

The subject property is a small office complex comprising of six (6) buildings. The applicant would like to reinvest in the property and build a senior living facility at the location. The applicant states that this use will better fit into the surrounding neighborhood and provide a service to those that live nearby.

## **II. LAND USE REGULATIONS**

The subject property is located in the G-O, General Office Zone. Section 17.144.100(A) states that the height of a structure located within one hundred feet (100') of the nearest boundary of a residential zone district may not exceed thirty feet (30')."

## **III. PROJECT REVIEW**

The subject property is a multi-tenant office complex with six (6) buildings and associated parking. It is located where 4800 South descends to connect to 700 East/Van Winkle Expressway. In 2022, Lotus Company applied to rezone the property from its current G-O, General Office Zone to R-M-15 on the subject and the neighboring property at 787 East 4800 South. The City Council voted to deny the rezoning request.

Lotus has been looking into alternative opportunities to reinvest in their property. In January of 2023, they approached City Staff regarding a senior living facility on the property. This would be allowed in the General Office zone and during their research into developing the property they ran across the issue of siting the building due to the topography and existing FEMA floodway. Because of these constraints the applicant is requesting a variance to allow them to build up to thirty-five feet (35') within the 100 foot buffer of residential zoning. This would allow them to build to the same height as a single-family residence in the R-1-8 zones that abut the property and five feet (5') less than the R-M zones to the north and southeast.

The applicants have stated that the existing buildings are dilapidated and renovation is cost prohibitive. Allowing a five foot (5') increase in height would allow the property owner to reinvest in the property and provide a service that would blend in with the existing development pattern in this area.

### **Applicant's Narrative and Materials**

The applicant has provided written responses on the "Variance Analysis Form" which has been attached for review. The applicant has also provided a site plan for the proposed development



of the property, indicating the 100 foot buffer and floodway, which is the subject of this requested variance.

#### Public Input

Thirty-five (35) notices were sent to all property owners within 300 feet of the subject property. No comments or questions were received as of the date of this report.

### **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 G-O, General Office Zone is largely a commercial zone, and its purpose is to create attractive office environments. It is a zone to provide a buffer from more intense commercial and industrial zoning districts. The height limitation is such that enforcing it will cause an unreasonable hardship due siting concerns for any such redevelopment. The topography of the site, and the existence of a FEMA Floodway on the property creates an unreasonable hardship for redevelopment of the property under the current land use standards. 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.**

This property has two special circumstances that do not generally apply to other properties in the G-O Zoning District. The first is the site's topography. Staff calculated an approximate 11% slope from the southwest side of the property to the north of the property. This is significant and contributes to difficulty siting a building that is usable.

The second circumstance would be the FEMA Floodway on the north side of the property. This would prohibit any building within that area and further limits the area with which the applicants would be able to redevelop the property. The applicant asserts that a viable senior housing facility cannot be constructed with the existing height limited to thirty feet. Because the proposed development will need access to the street and parking areas, locating the parking behind the building and pushing it forward presents issues for fire access and turn around and would have a greater impact on the surrounding single-family neighbors to the west. Staff acknowledges that the slope and floodway of this parcel can be considered a special circumstance as they relate to the requirement for a height exception. 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.**

Strict adherence to the restriction of a thirty-foot high building when located within 100' feet of residential would most likely prohibit any redevelopment of the site. Most properties located in the G-O zone abut residential zoning and can deal with the thirty-foot limitation by locating parking and landscaping towards the residential side of the site. The stated concerns with the topography and floodway make locating these elements impractical, if not impossible. Staff finds that redevelopment of the property at an appropriate scale that does not conflict with the neighboring single-family dwellings within the G-O Zone can be considered a substantial property right and 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 designates this area as “office” in the Future Land Use Map. The general plan states that this designation allows for a wide range of office uses that is compatible with adjacent residential uses. It states that development should be at a scale that is appropriate to surrounding residential development and enhance the livability of the area. This is the only General Office (G-O) zoned property in the immediate area, except for a small piece that is owned by Salt Lake City. The applicant intends to redevelop the property into senior living as allowed by the G-O zoning district. This redevelopment would be more in harmony with the surrounding single-family residential than the existing offices that occupy the area. Allowing this variance would be a step toward implementing the general plan and will provide an enhancement to the public interest. 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 applicant will be able to comply with all other aspects of the Land Use Ordinance and provide a development that is in harmony neighboring properties. Staff finds that granting the specific variance will not violate the spirit or intent 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 analyses of the tests of hardship, there are circumstances that arise from the nature of the particular property which combined with the particular requirements for the location of the parking create a hardship. Staff finds that the imposition of the requirement without the requested variance may deprive the property owner of development opportunity similar to the other properties in the area.

## **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 Section 17.144.100(A) of the Murray City Land Use Ordinance subject to the following conditions:

1. The applicant shall obtain required building permits for the development of the property and construction of the proposed building.
2. The site development shall meet all other applicable requirements of Chapter 17.144 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: 825-865 E 4800 S, Murray, UT 84107

Parcel Identification (Sidwell) Number: 825-865 E 4800 S, Murray, UT 84107

Parcel Area (acreage): 2.93 Current Use: Office

Floor Area: \_\_\_\_\_ Zoning Classification: GO

Applicant Name: Allie Platt

Mailing Address: 338 E South Temple STE B

City, State, ZIP: Salt Lake City, UT 84111

Daytime Phone #: 801-718-8767 Fax #: \_\_\_\_\_

Email address: allie@lotuscompany.com

Business Name (If applicable): Lotus Company, LLC

Property Owner's Name (If different): Lotus PG, LLC; Lotus SP Partners, LLC

Property Owner's Mailing Address: 338 E South Temple STE B

City, State, Zip: Salt Lake City, UT 84111

Property Owner Email Address: bryan@lotuscompany.com

Daytime Phone #: 801-834-0456 Fax #: \_\_\_\_\_

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

We would like to request a variance to increase the allowable height in the 100'

residential buffer from 30' to 35' to allow for a 3-story assisted living facility to be built.

Authorized Signature: \_\_\_\_\_ Date: 2/15/23



825-865 E 4800 S, Murray, UT 84107



# Property Owners Affidavit

STATE OF UTAH

COUNTY OF SALT LAKE

I (we) LOTUS PG, LLC & LOTUS SP Partners, LLC 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 16 day of February, 20 23



Notary Public

Residing in

My commission expires:

## Agent Authorization

I (we), LOTUS PG, LLC & LOTUS SP Partners, LLC the owner(s) of the real property located at 825 - 865 E 4000 S, in Murray City, Utah, do hereby appoint

Allie Platt, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize

Allie Platt 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 16 day of February, 20 23, 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?

Yes, the site sits at a much lower base elevation than surrounding uses and the existing height restriction in the G-O zone limits the build-able area for future development. Furthermore, the height variance requested is no more than the maximum allowable height permitted in the surrounding parcels, which are zoned for residential use. This would allow applicant to enjoy the same property rights which others in the same neighborhood have.

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

No, the problem is caused by local topography.

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

See attached for response.

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

As noted above, the required residential buffer combined with the identified flood zone area on this property limits the build-able area significantly. Whereas most developers can park their developments in the rear of any structure, this site does not provide us that option constituting hardship for Applicant. A height variance would help mitigate these hardships with minimal, if any impact on the surrounding uses. Also, as the neighbors and the City desire that Applicant preserve the mature trees on Parcel B, which creates a natural buffer between the adjacent neighbors.



## Variance Analysis Form Continued

### Question 3

Parcel A is the only property in the area that is zoned G-O. Surrounding uses are residential. Salt Lake City Parks Department owns all of the property between parcel A and Van Winkle Parkway, which substantially limits visibility and impairs the property's commercial viability.

The Properties have a number of unique characteristics that make redevelopment on the site challenging. These include areas in the floodplain, the adjacent neighbors and City's desire to preserve mature trees and riparian areas, and natural springs on the site. The preservation of these characteristics of the site can be achieved by concentrating development in a more vertical configuration than horizontal, which can be accommodated by a height variance.

Most importantly, Parcel A is located to the north / northeast of adjacent property lines and has a base elevation on average between twenty to thirty feet lower than the adjacent residential uses. However, the current zoning code does not take into consideration any difference in base elevations between properties when determining building height.

Due to Parcel A's significantly lower base elevation, the existing ordinance causes an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the land use ordinance as a height variance would have minimal, if any impact on the viewshed of surrounding uses and the massing and appearance of the built environment. In addition, we do not anticipate redevelopment on Parcel A imposing any negative shadowing effects on surrounding properties as the Properties base elevation is substantially lower and is also located to the north / northeast. See attached ALTA survey with topographical map, showing the change in elevation from 4300 to 4328 at the property line of the adjacent property.

Furthermore, the height variance requested is no more than the maximum allowable height permitted in the surrounding parcels, which are zoned for residential use. This would allow applicant to enjoy the same property rights which others in the same neighborhood have.

As demonstrated above, due to the topography of the subject Parcel and the surrounding parcels, the height variance will not be contrary to the public interest, will not affect the general plan, and is in meeting with the spirit of the zoning ordinance.

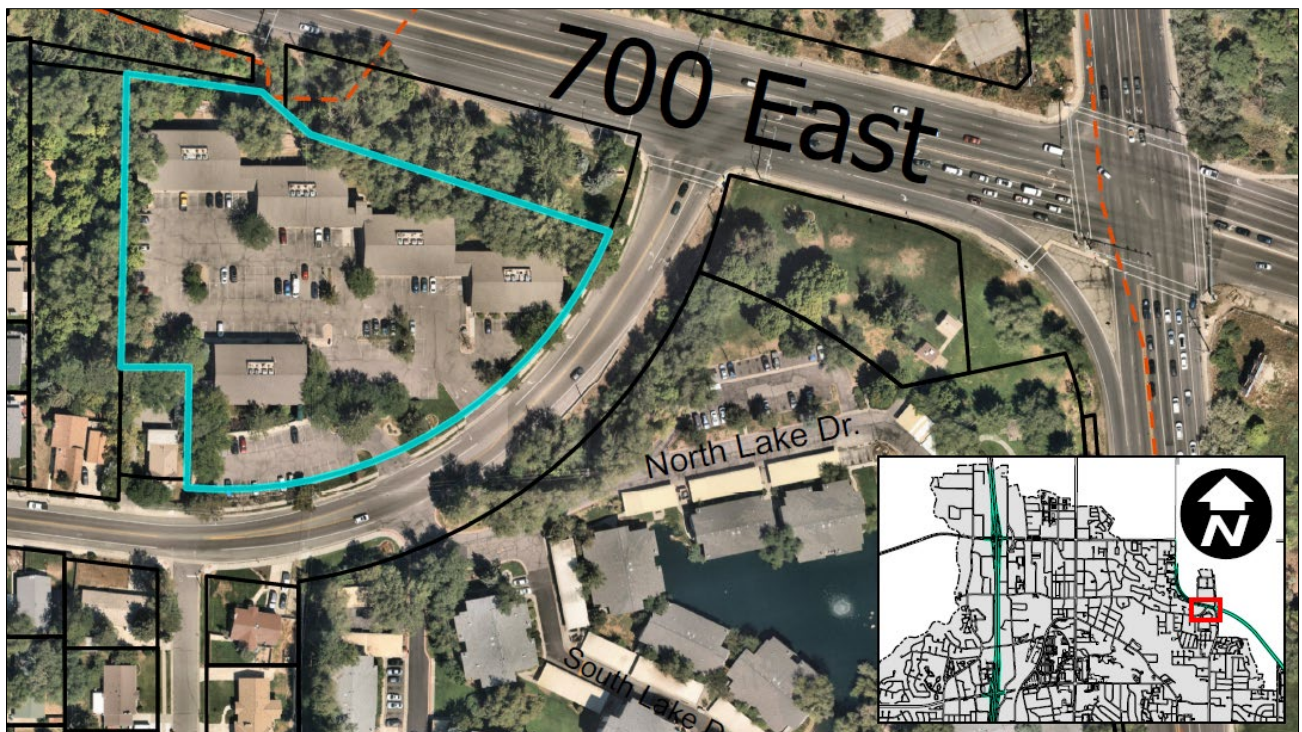




HEARING OFFICER  
NOTICE OF PUBLIC MEETING  
March 8, 2023, 12:30 PM

This notice is to inform you of a public meeting scheduled before the Murray City Hearing Officer for **Wednesday, March 8, 2023, at 12:30 p.m.** in the Murray City Municipal Council Chambers located at 5025 South State Street regarding the following application: **Allie Platt, representing the Lotus Company, is requesting a variance to the height buffer adjacent to residential zoning from thirty feet (30') to thirty-five feet (35') on the property addressed 825-865 East 4800 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.*

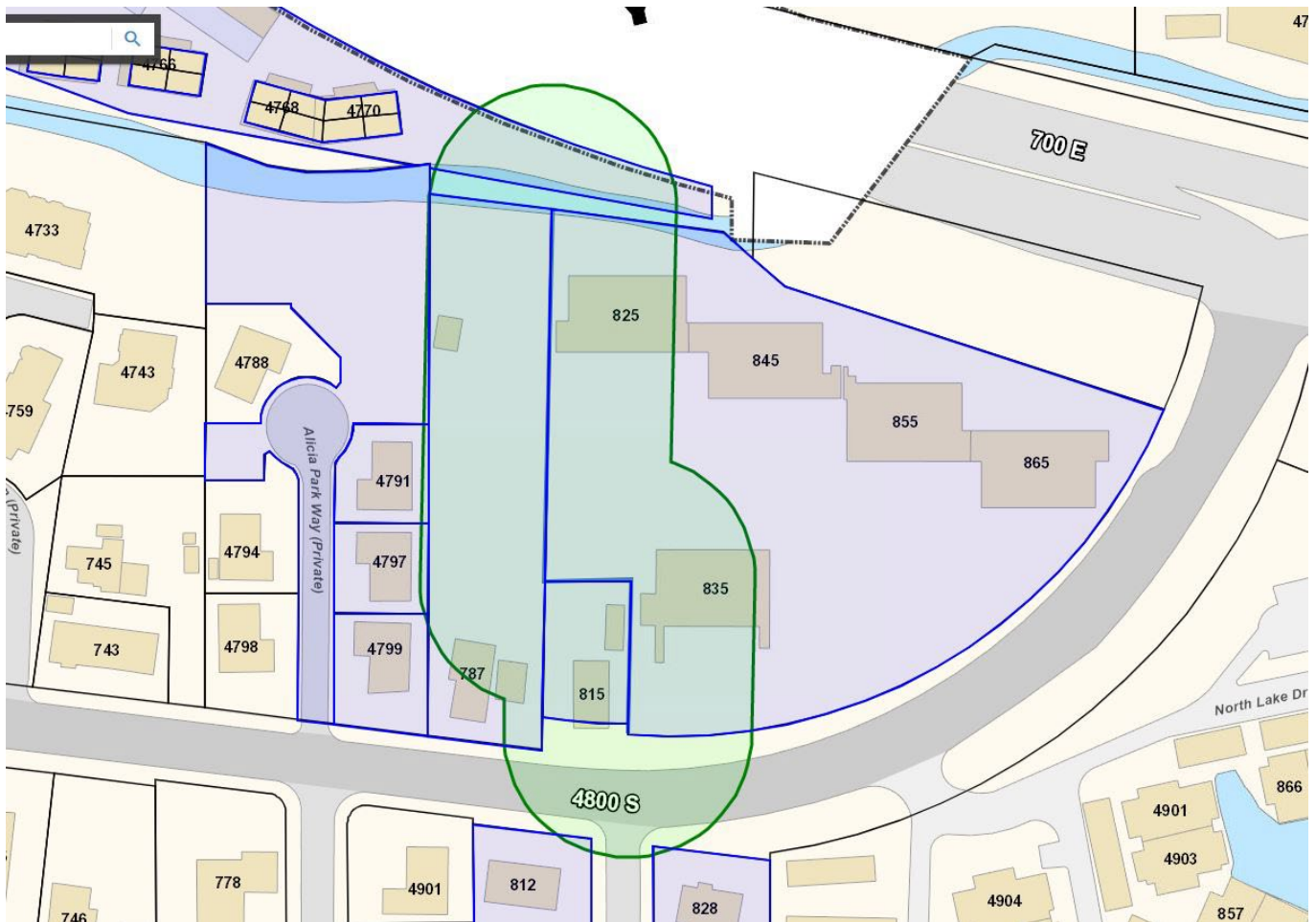


This notice is being sent to you because you own property within 300 feet of the subject property. If you have questions or comments concerning this proposal, please call Zachary Smallwood with the Murray City Planning Division at 801-270-2430, or email [zsmallwood@murray.utah.gov](mailto:zsmallwood@murray.utah.gov).

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.



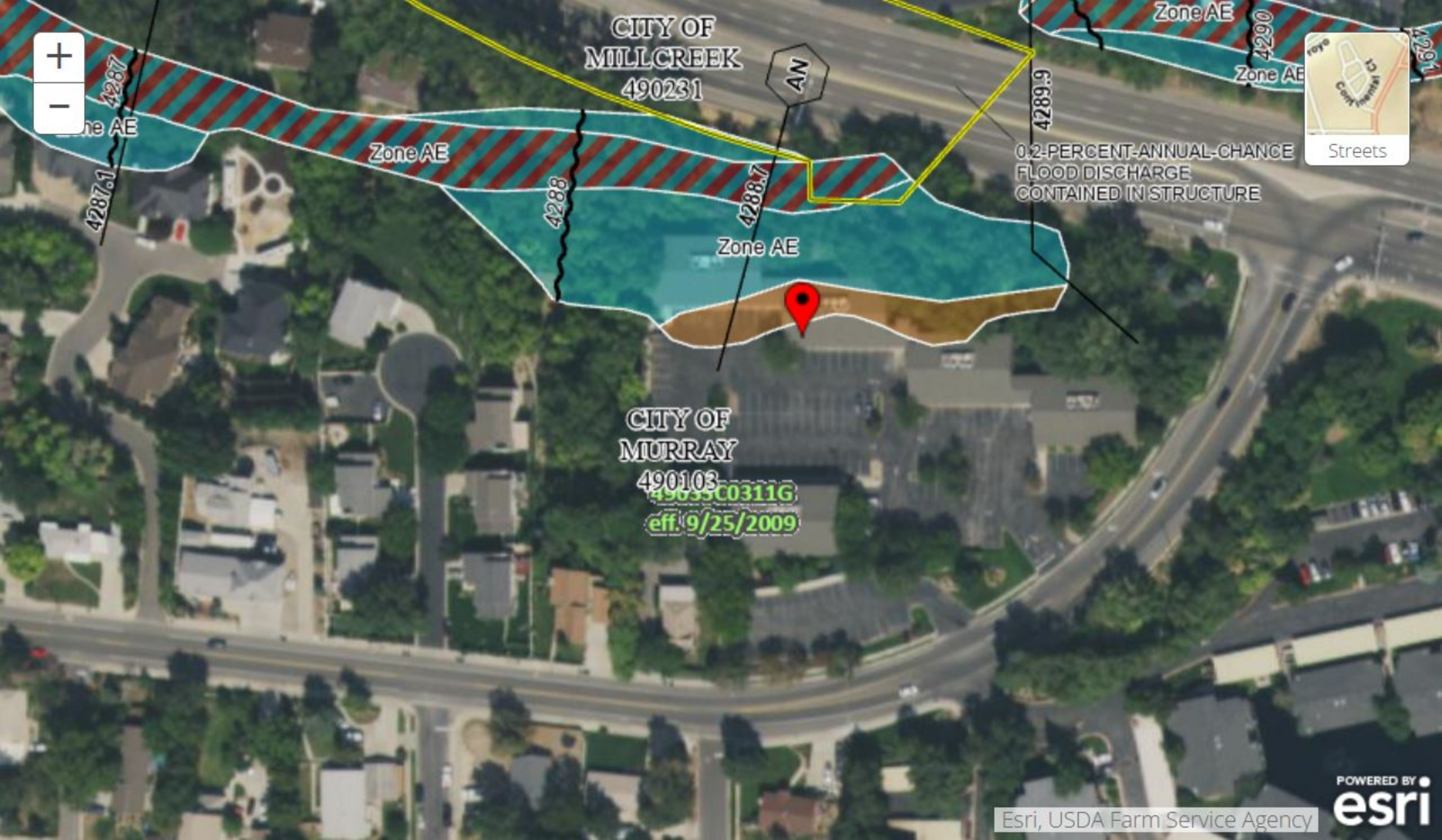
## 100' Residential Buffer (green)











CITY OF  
MILLCREEK  
490231

AN

Zone AE

Zone AE

Zone AE

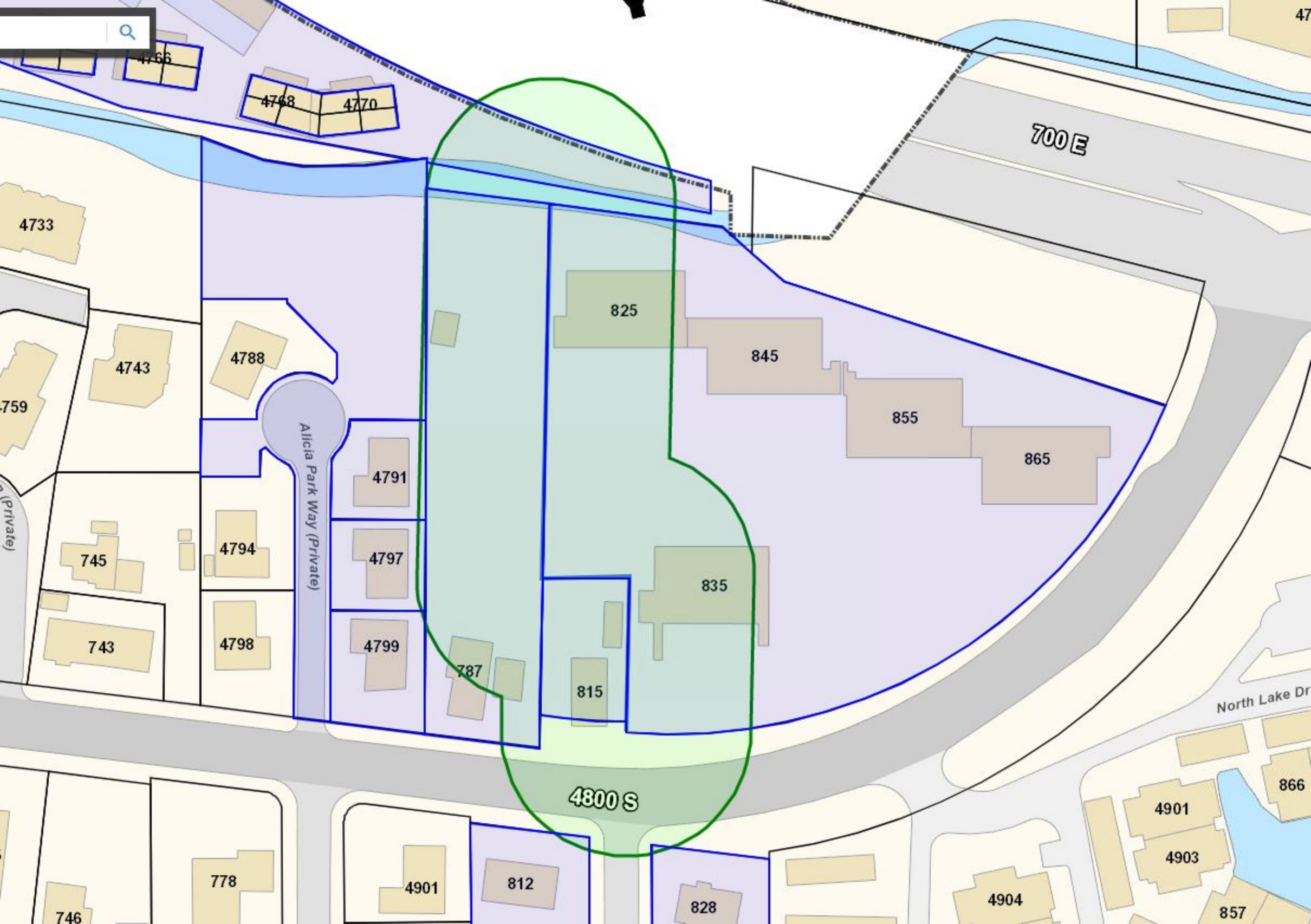
Zone AE

0.2-PERCENT-ANNUAL-CHANCE  
FLOOD DISCHARGE  
CONTAINED IN STRUCTURE

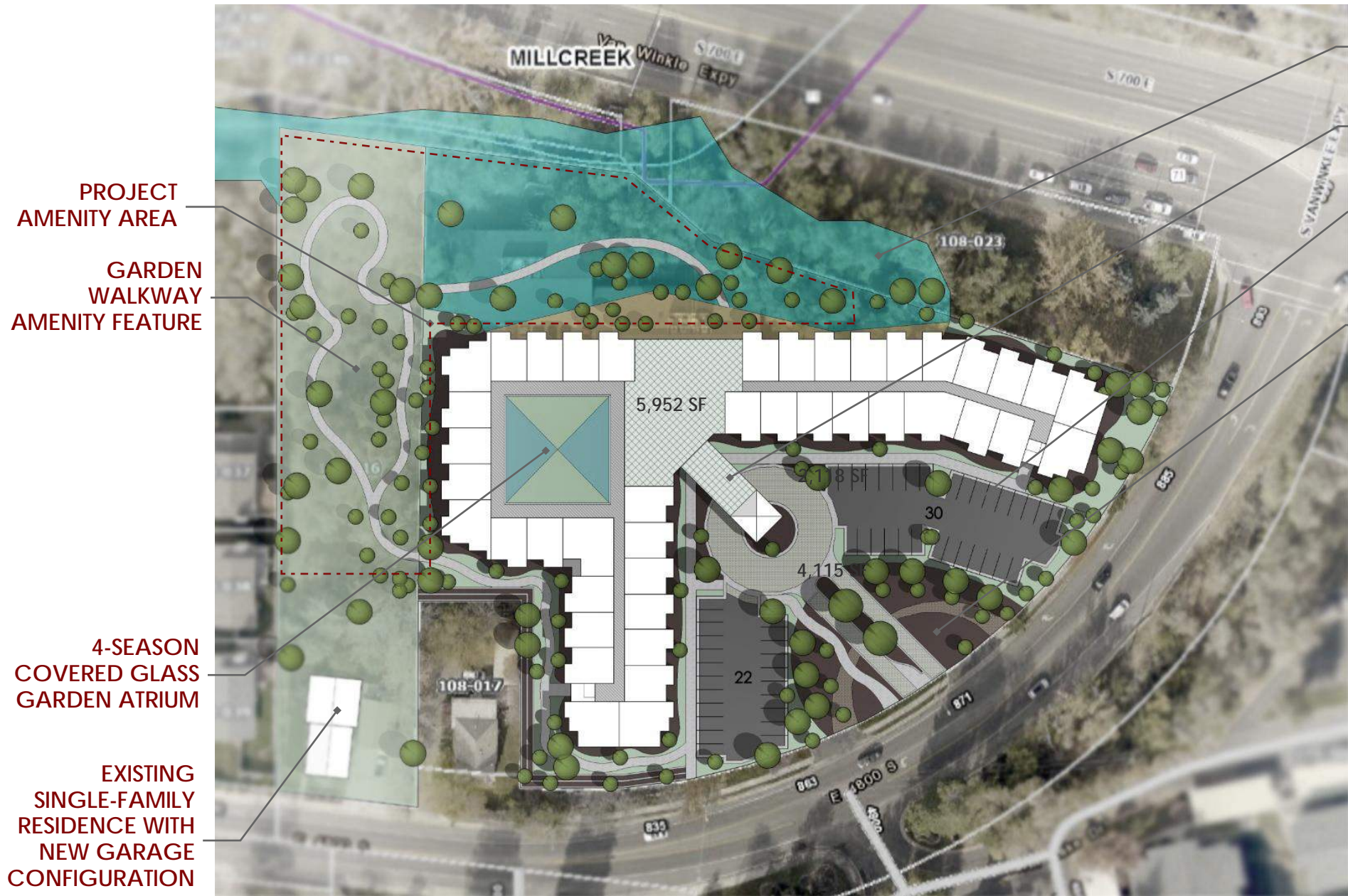
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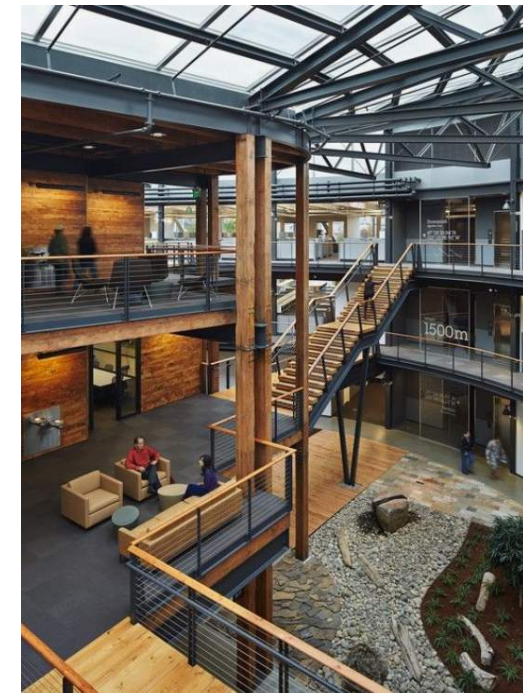




**A1** SITE PLAN  
SCALE: NTS

**PROJECT TOTALS:**

3-STORY SLAB-ON-GRADE TYPE 5a CONST  
126 TOTAL ASSISTED LIVING UNITS (24EA  
2B2B, 102EA 1B1B)  
52 TOTAL PARKING STALLS



GLASS ATRIUM INSPIRATION PIC



FACADE INSPIRATION PICS



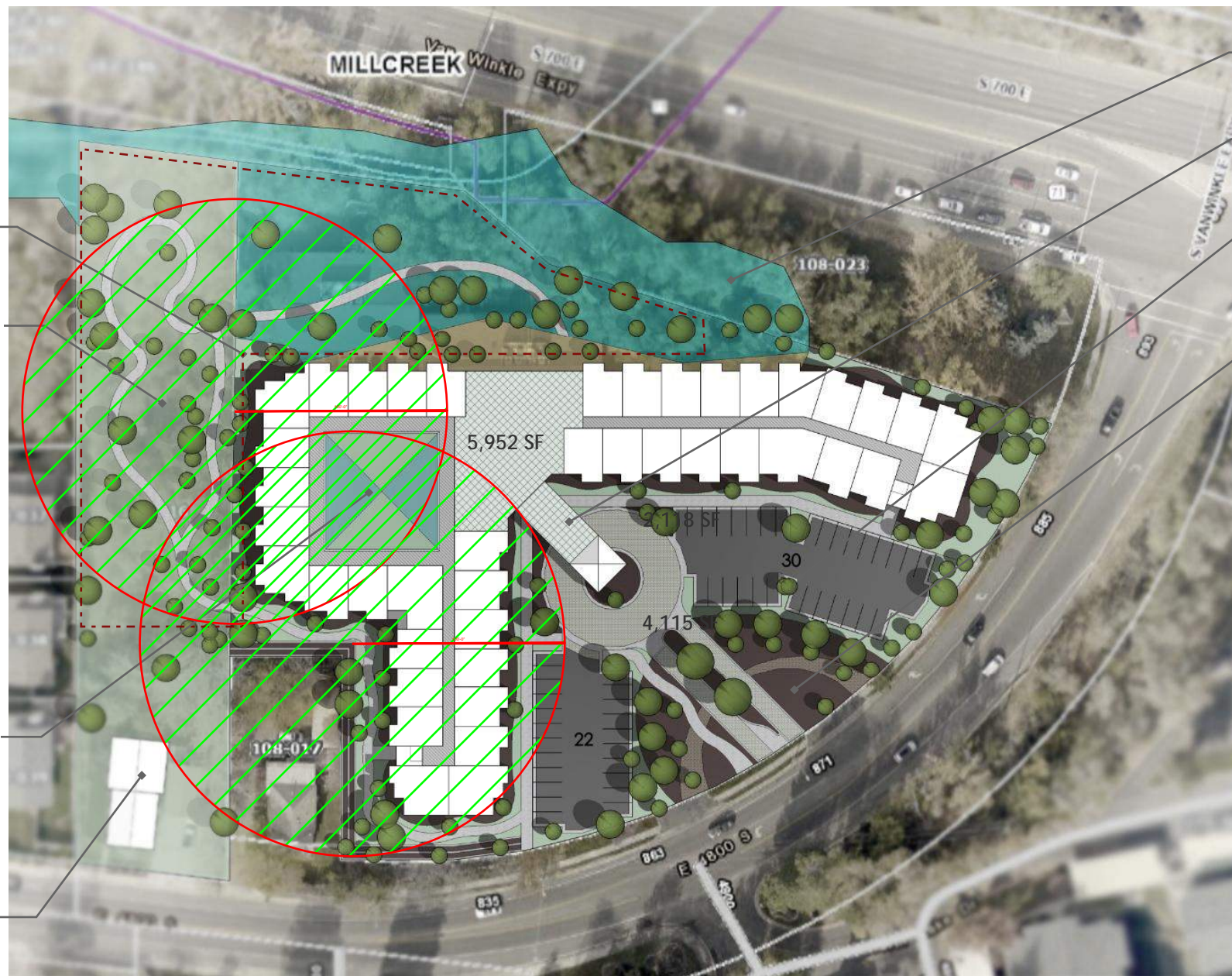


PROJECT AMENITY AREA

GARDEN WALKWAY AMENITY FEATURE

4-SEASON COVERED GLASS GARDEN ATRIUM

EXISTING SINGLE-FAMILY RESIDENCE WITH NEW GARAGE CONFIGURATION



FEMA FLOODWAY AREA

PORTE COCHERE FEATURE

52 EA GUEST PARKING STALLS

MONUMENT SIGNAGE AND ENHANCED ENTRY FEATURE



GLASS ATRIUM INSPIRATION PIC

**A1** SITE PLAN  
SCALE: NTS

PROJECT TOTALS:

3-STORY SLAB-ON-GRADE TYPE 5a CONST  
126 TOTAL ASSISTED LIVING UNITS (24EA 2B2B, 102EA 1B1B)  
52 TOTAL PARKING STALLS

FACADE INSPIRATION PICS







## HEARING OFFICER MEETING AGENDA ITEM #4

ITEM TYPE:	Appeal of Land Use Determination		
ADDRESS:	431 E. 5600 South	MEETING DATE:	March 8, 2023
APPLICANT:	Andrew Allman / Allman Joy	STAFF:	Jared Hall, CED Director
PARCEL ID:	22-18-206-040	CASE NUMBER:	1604
ZONE:	RM-15, Multi-Family Residential	PROJECT NUMBER:	23-034
SIZE:	.25 acres		
REQUEST:	The appeal is of a land use determination by planning division staff as to the allowable uses for the subject property. The property has previously been in use as a chiropractic office in the R-M-15 Zone.		





## I. DESCRIPTION of REQUEST

Mr. Allman is appealing a determination made by staff as to the allowable use of the subject property at 431 E. 5600 South. The subject property is a commercial building located in the R-M-15, multi-family residential zone. The building had most recently been used as a chiropractic office. Mr. Allman purchased the property with the intent to operate a different office use, related to training workers for his business (a restaurant.) Planning staff determined that the property's status as a nonconforming use in the R-M-15, multi-family residential zone would not permit a change from use as a chiropractic office to a different office use.

## II. STANDARD of REVIEW

An administrative decision is statutorily presumed to be valid, and the Hearing Officer is limited to determining whether the decision is arbitrary, capricious, or illegal. A final decision of a land use authority or an appeal authority is valid if the decision is supported by substantial evidence in the record and is not arbitrary, capricious, or illegal. Local land use authority is afforded a comparatively wide latitude of discretion. Interpretation and application of local ordinances are afforded some deference based upon the local authorities' specialized knowledge.

Substantial evidence is that quantum and quality of relevant evidence that is adequate to convince a reasonable mind to support a conclusion. Substantial evidence is more than a mere scintilla of evidence, though something less than the weight of the evidence.

When reviewing the determination under the substantial evidence test, the Hearing Officer does not conduct a de novo review or a reweighing of the evidence. The Hearing Officer will not substitute his judgment as between two reasonably conflicting views, even though he may have come to a different conclusion had the case come before him for de novo review.

Because the party seeking review of a decision must show that the land use authority's factual determinations are not supported by substantial evidence, the Hearing Officer examines the facts and all legitimate inferences drawn therefrom in the light most favorable to the land use authority's findings.

## III. LAND USE ORDINANCE

Section 17.16.010 defines "Land Use Authority" as the Planning Commission, the Department Director or a staff member when making any order, requirement, decision, or determination in the enforcement of Title 16 or 17 of the Murray Municipal Code or any other related ordinance. This application is an appeal of a determination made by the Planning Division staff regarding the land uses allowed for the subject property.

For appeals from a decision made by the Land Use Authority, Municipal Code 17.16.050 outlines the Standard of Review which states:



The review by the Hearing Officer, as the Appeal Authority, of the appeal or request shall be limited to the record of the land use application process resulting in the decision made by the Land Use Authority which is the subject of the appeal or request including written communications, the written land use decision and the written appeal or request.

The assigned Hearing Officer may not accept or consider any evidence outside the record of the Land Use Authority unless that evidence was offered to the Land Use Authority and the assigned Hearing Officer determines that it was improperly excluded.

Based on this information, no new evidence outside of the record shall be allowed and in review of this appeal, the Hearing Officer must evaluate the decision based on the record. The record is the information presented at the time an administrative decision was made and cannot include additional information brought forward at a later time that was not part of the evidence that was used to make the decision.

#### IV. ATTACHMENTS

The following documents and materials to this report for the Hearing Officer's review of the record:

**Attachment A** – Appellant's application and written appeal.

**Attachment B** – Staff letter dated February 6, 2023 (from Susan Nixon, Senior Planner) in response to a request for determination of the status of the subject property.

**Attachment C** – Exhibits 1 through 21, which planning staff used in making the determination and subsequently attached to the letter dated February 6, 2023.

#### V. THE APPEAL

The application is an appeal of the Planning Division's determination that the subject property's status would allow only the continuation of a chiropractic office use, and not a differing office or commercial use. A summary of the Planning Division's process and final determination follow.

##### Staff Determination

In making a determination, Staff identifies and relies upon several findings which are covered in detail in the February 6, 2023 letter attached to this report. Staff research and findings can be organized by looking at the historical zoning of the property and official actions such as permits and licenses. These are the conditions that determine legal non-conforming status.

- Zoning History: The building was originally constructed in 1965, when the subject property was located in Murray's R-3 Zone. In addition to residential uses, the R-3 Zone permitted medical and dental clinics, and business and professional offices. The property's zoning was changed in 1975 to R-M-12. At that time, professional and business offices were allowed as permitted uses. In 1987, the property was again re-



zoned, this time to R-M-15, which allowed business and professional offices as *conditional uses*. In 1992 the R-M-15 Zone no longer allowed office uses, resulting in the chiropractic office becoming a “legal nonconforming use”. The property remains in the R-M-15 Zone today.

- Licensing History: The first record of licensed business activity occurs in 1990, when a license for a chiropractic office was issued on the property. That use as a chiropractic office continued until a Murray City business license was closed by the business owner in December of 2022. *No records of other licenses for other business activity could be located by staff in city records, and none were provided.*
- Nonconforming Status: Based on the property’s zoning and the officially licensed uses, planning staff established the time that such use of the property became legal but nonconforming as 1992. Further, based on available information the legal nonconforming use established on the property was and is a chiropractic office. In 1992, chiropractic offices were a *specific land use* in Murray’s Standard Land Use Code: LU #6511. LU #6511 remains in Murray’s Standard Land Use Code today.

Because the land use was specific to chiropractic offices when it became nonconforming, Staff’s determination is that the only use allowed under Chapter 17.52 (which regulates nonconforming uses) should be LU #6511. Section 17.52.100, Change of Use, states that “*The nonconforming use of a building or structure may not be changed except to a conforming use*”.

#### Appellant’s Written Statement

Staff’s review of and response to the appellant’s written statement is outlined in the following.

- Property’s Historical Use: The appellant asserts that the building has been in use as an office building since 1965, was sold to him as an office building, and was marketed as such. Planning staff does not argue the validity of any of those statements, but Staff’s determination that is being appealed relates only to the status of the property as a nonconforming use. As described previously, the nonconforming use that staff was able to establish is LU #6511, a chiropractic office.
- City’s Allowance of the Nonconforming Use: The appellant references the property’s historical use and the city’s allowance of that nonconforming use “for over 50 years”. Staff would point out that as discussed previously and shown in the research, the first established official business license on the property that can be verified is from 1990, for a chiropractic office. In 1992, that office use became nonconforming. Any use of the property prior to that date is not relevant to staff’s determination because the nonconforming use was established based on licensure, and the *licensed* use of the property was the same until December of 2022. The appellant further asserts that “not permitting...a professional use anymore would be...a significant departure from what the city has knowingly permitted.” This begs clarification: planning division staff



would support the continuation of the use that has, in fact, been not only “knowingly” but *officially* permitted to date. What has been permitted to date is a specific land use, and not the broad “professional office” term used by the appellant.

- Reliance on Questions to Staff: The appellant also describes his visits with planning staff, discussion of his intent to use the building as an office, and that no objections were made in several contacts regarding that intent. The Planning Division does not dispute these assertions wholesale, but it should be made clear that staff responds to many questions about properties informally, and cannot account for the details of those questions, or for how the context in which those questions are posed may impact the answers or information provided. Further, it should be stated that legal nonconforming uses are complicated, and the information needed to make the determination is not always readily available. Due diligence in purchasing property almost always involves research by a title company, and a request for a determination of some kind is not uncommon. In this case, the first formal request for information was met with the research and subsequent February 6, 2023 letter that has precipitated this appeal. That letter should be the only staff communication considered.

## VI. FINDINGS

Based on the review of the appellant’s narrative arguments and the record, staff finds the following:

- A. The legal nonconforming status of the use of the subject property can be established beginning in 1992 as a chiropractic office, LU #6511.
- B. The Murray City Land Use Ordinance, Chapter 17.52 establishes parameters for the continuation of legal nonconforming uses. Those standards do not allow for the use to change from one established nonconforming land use to a different nonconforming land use (Section 17.52.100.) The appellant’s proposed use of the property represents an unsupportable change of use from the verifiable nonconforming land use, LU #6511, Chiropractic Office.

## VII. CONCLUSION / RECOMMENDATION

Based on the findings stated above, review and analysis of the appellant’s narrative arguments, and the record as presented, **Staff recommends DENIAL of the appeal.**

NOTE: A decision of a Hearing Officer takes effect on the date when the Hearing Officer issues a written decision. (Murray City Municipal Code Section 17.16.060(A).)

An appeal of the decision by the Hearing Officer may be made to the Utah District Court in compliance with Section 10-9a-801 of the Utah Code.



ATTACHMENT A:



# APPEAL OF A LAND USE DECISION APPLICATION

Type of Appeal (check one):

Conditional Use Permit \_\_\_\_\_ Site Plan Review \_\_\_\_\_ Staff Determination X

Project Name: Allmanjoy

Project Address: 431 E 5600 S.

Parcel Identification (Sidwell) Number: 22-18-206-040

Parcel Area(acres): .25 Zoning District: \_\_\_\_\_

## Applicant Information

Name: Andrew Allman

Mailing Address: 1055 W. Willow Trail Way

City: South Jordan State: UT ZIP: 84095

Primary Phone #: 801-913-4284 Fax #: \_\_\_\_\_

Email Address: Allmanjoy@gmail.com

## Property Owner's Information (If different)

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Primary Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

Email Address: \_\_\_\_\_

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

## **For Office Use Only**

Project Number: 23-034 Date Accepted: 2/16/2023

Planner Assigned: Jared Hall



**Property Owners Affidavit**

I (we) Andrew & Julie Allman, 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.

[Signature]  
Owner's Signature

[Signature]  
Owner's Signature (co-owner if any)

State of Utah

§

County of Salt Lake



Subscribed and sworn to before me this 10<sup>th</sup> day of February, 2023.

[Signature]  
Notary Public  
Residing in Utah My commission expires: 8/22/2026

**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)

State of Utah

§

County of Salt Lake

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.

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

Notary public

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



To Whom it May Concern:

RE: 431 E 5600 S.

I am writing in appeal to the Staff Determination of the Land Use of the property owned by Allmanjoy, LLC.

Since 1965, this building has served as an office building. The property was sold to me as an office building and marketed as such. On or around May 19<sup>th</sup>, 2022, as part of my due diligence, I visited with Zach of Murray City Planning and Zoning and discussed the specifics of this piece of property. We discussed, at that time, the current use, and my plan to continue to use that building as an office. He indicated he was surprised that no one else contacted him about the property, and asked how long it had been on the market.

In my development of the property, discussions were had with the city. At no point in time did Zach object to have the property continue to be used as a commercial property. Ultimately, significant funds were spent in acquiring and beautifying the property based on the reliance I had from the city, and Zach's interpretation of the city's code and the non-conforming use permit. I made reasonable effort through in person meetings, and subsequent following phone calls between May 19<sup>th</sup> and May 26<sup>th</sup> to understand my options for this property.

The city has allowed a non-conforming use for over 50 years, as the original structure was built in 1965 and commercial office use was permitted since that time, and has continued to be permitted since 1965. Although the city mentions use as a chiropractor office, the overwhelming use throughout the entire duration of time the building has been in existence has been professional office use.

This property has been operating as a professional office building for 58 years. Not permitting as professional use anymore would be a significant departure from what the historical use of the property has been as well as significant departure from what the city has knowingly permitted. Requiring it to be used as a residential or multi-family property, or solely as a chiropractor office, is not in line with the historical use of the property. It should be allowed to be used for commercial, professional purposes.

At no point in time has the property ceased being used for commercial office purposes.

Thank you for your time,



Andrew Allman  
Allmanjoy, Inc  
[Allmanjoy@gmail.com](mailto:Allmanjoy@gmail.com)  
801-913-4284



**ATTACHMENT B:**





February 6, 2023

Mr. Andrew Allman  
1055 W Willow Trail Way  
South Jordan, UT 84095  
allmanjoy@gmail.com

Re: 431 East 5600 South, Murray UT 84107  
Parcel ID #22-18-206-040

To Whom It May Concern:

This letter is in response to your request for a determination from Murray City related to the status of the property located at 431 East 5600 South, Murray, Utah, also identified as Parcel ID #22-18-206-040. The parcel is .23 acres in size with approximate dimensions of 143' X 78'. The property is located within the R-M-15 (Residential Multi-Family) Zoning District. The property contains a one-story brick structure. Murray City Staff has researched this site and has made the following findings:

- The Salt Lake County Assessor's information indicates the original structure was built in 1965. The 2022 Salt Lake County Tax Assessment shows the structure is commercial use #600 "medical office"; commercial use #642 "m/r grm-studio"; and commercial use #940 "warehouse stg". (See Exhibit 1)
- The structure was built in 1965 under the Murray City R-3 Zone. (See Exhibit 2).
- The 1963 Zoning Ordinance allowed as a permitted use in the R-3 Zone "Medical and Dental clinics and laboratories" and "Office, business or professional: optometrist or oculist". (See Exhibit 3)
- In 1975 the property's zoning was changed to R-M-12. (See Exhibit 4). The 1975 and 1977 Zoning Codes permitted "Professional-Business Office" as a Permitted Use. (See Exhibit 5)
- In 1985, the R-M-12 and R-M-15 Zones permitted "Professional-business office" as a Conditional Use. (See Exhibit 6)
- In 1987 the zoning changed from R-M-12 to R-M-15. (See Exhibit 7) Both the R-M-12 and R-M-15 zones continued to permit "Professional-business office" as a conditional use (as referenced above).
- The property was subdivided on September 18, 1987 from parcel #22-18-206-007 to parcel's #22-18-206-039 & #22-18-206-040). (See Exhibit 9) (SLCO Recorders' Entry #4524915).
- The 1989 zoning map shows the property to be R-M-15. (See Exhibit 10) .
- Garold & Audrey Sharp owned the property from 1965 to January 30, 1990 when they sold it to Scott Binkerd. (See Exhibit 10)
- A Murray City business license (acct #894249) was issued in September of 1990 to Scott Binkerd for "Murray Chiropractic Office." (See Exhibit 11). Murray City Staff can find no record of a Conditional Use Permit approval.
- The chiropractic office use was continued from 1990 until November 30, 2022. The business license expired on November 30, 2022. The license was closed by the business owner on December 12, 2022. (See Exhibit 12)



- In 1992 the R-M-15 Zone no longer allowed office uses and has not been allowed since 1992 resulting in the chiropractic office use being a "legal nonconforming use". (See Exhibit 13)
- Chiropractic office is classified in the Murray City Standard Land Use Code as LU #6511.
- The property was purchased by Allman Joy LLC on July 1, 2022.
- Murray City staff can find no building permits on file for this property. Murray City has computer software that can access building permits up through the early 1980's.
- Murray City Utility Billing records show the property has one power meter and one water meter. (See Exhibit 14).
- The name on utility billing changed from Murray Chiropractic to Allman Joy, LLC on July 28, 2022. (See Exhibit 15).
- The Salt Lake County Archives tax assessment yellow card from 1966 & 1968 shows the structure did not contain a kitchen or bathtub/shower. The photo from 1966 shows the building with an attached sign "Murray Chiropractor Office, Dr. G W Sharp". (See Exhibit 16).
- The Salt Lake County Archives tax assessment yellow card dated November 8, 1977 shows in the Description of Type of Use as "chiropractic office". (See Exhibit 17). The card also shows in the notes "medical building" and "unfinished basement". The card did not indicate a kitchen or bathtub/shower.
- The Salt Lake County Archives tax assessment blue card dated October 29, 1987 shows comments of "owner-occupied used 600 sq. ft. on main floor and 400 sq ft in basement". Also "commercial use 660 with base floor and total floor area of 1,250 sq.ft." (See Exhibit 18)
- All of the SLCO Archives Tax cards do not show any indication of residential uses or apartments in the basement. However, all the zones associated with this property from 1965 to 1992 allowed multi-family dwellings.
- The current zoning is R-M-15 which does not allow office uses. (See Exhibit 19 & 20).
- Mr. Allman provided a copy of the Real Estate MLS listing from May 4, 2022 (Exhibit #21) that indicates the "professional office use while living in the lower level".
- In speaking with long-time resident Blake Jessop, 5482 South Avalon Drive, on 2/6/23, he indicated that he sublet an office space for his property appraisal business for a few years and moved his business out in 2011. Mr. Blake stated there was no residential unit(s) in the basement at that time and it was sometime after 2011 when Mr. Binkerd finished the basement with an apartment for his daughter. No building permits were issued for the apartment.

Based on the information compiled, the Community & Economic Development Staff have determined that even though residential units were allowed prior to 1992, however, there are no records that any building permits were issued for the **residential units in the basement and therefore cannot be considered legal nonconforming dwelling(s)** on the property.

Based on the information compiled, the Community & Economic Development Staff have determined that **chiropractic use (LU #6511 is a legal nonconforming use** and may be continued provided that such nonconforming use of land, or any portion thereof, not be abandoned or changed for a period of one year or more.

Murray Land Use Code Section 17.52.070 states:

"A building or structure or portion thereof occupied by a nonconforming use, which is, or hereafter becomes, vacant and remains unoccupied by a nonconforming use for a continuous period of one year, except for dwellings, shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located."



Murray Land Use Code Section 17.52.060(B) states: "Legal nonconforming single-family and multiple-family dwellings may be reconstructed and the use continued as a legal non-conforming use."

Murray Land Use Code Section 17.08.020. LAND USE AUTHORITY: "The planning commission, the community and economic development director, or a staff member of the community and economic development division when making any order, requirement, decision or determination in the enforcement of title 16 or 17 of this code, or any other related ordinance."

Murray Land Use Code Section 17.16.030 states: "An appeal of a land use decision must be filed with the city's community and economic development division within ten (10) calendar days from the date of a written decision issued by a land use authority. If a written appeal or request is not timely filed as provided in this section, the decision of the land use authority shall be final."

Please be advised that I have not conducted an official inspection of the property and this letter does not represent any approvals from other departments such as the Murray City Building Division and Engineering Departments. Should you have further questions, please feel free to contact me at 801-270-2430.

Respectfully,



Susan Nixon, Senior Planner  
Community & Economic Development  
[snixon@murray.utah.gov](mailto:snixon@murray.utah.gov)  
801-270-2430

CC: Nonconforming Determination File - Project #23-024  
Murray City Code Enforcement Division  
Murray City Building Division  
Salt Lake County Assessor's Office



## ATTACHMENT C:



# Exhibit 1



Parcel	22-18-206-040-0000	Value History					
Owner	ALLMANJOY, LLC		Record	Land Value	Building Value	Market Value	Tax Rate
Address	431 E 5600 S						
Total Acreage	0.25	2022		\$ 188,590	\$ 24,190	\$ 212,780	
Above Ground sqft.		2021	1	\$ 163,290	\$ 63,790	\$ 227,080	.0102080
Property Type	560 - MEDCL-OFFICE	2020	1	\$ 157,590	\$ 79,090	\$ 236,680	.0107870
Tax District	21	2019	1	\$ 93,500	\$ 136,800	\$ 230,300	.0111660
			90	\$ 135,100	\$ 96,400	\$ 231,500	
		2018	1	\$ 79,900	\$ 122,600	\$ 202,500	.0109420
		2017	1	\$ 78,000	\$ 53,800	\$ 131,800	.0108530



Land Record				22-18-206-040-0000			
Record ID 1		Influence Effect		REGULAR	Traffic	MEDIUM	
Lot Use	COMMERCIAL	Assmt. Class	COM-SECONDRY	INTERIOR	Traffic Influence	TYPICAL	
Lot Type	SECNDRY-FRNT	Lot Depth	102	5210	Street type	TWO-WAY	
Land Class		Acres	0.18	STATIC	Street Finish	PAVED	
Income Flag	YES	Zone	R-M-15	TYPICAL	Curb Gutter	Y	
Seasonal use		Sewer	PUBLIC	LEVEL	Sidewalk	Y	
Influence Type		Number Lots					
Record ID 2		Influence Effect		REGULAR	Traffic	MEDIUM	
Lot Use	COMMERCIAL	Assmt. Class	COM-PRIMARY	INTERIOR	Traffic Influence	TYPICAL	
Lot Type	SECNDRY-FRNT	Lot Depth	39	5210	Street type	TWO-WAY	
Land Class		Acres	0.07	STATIC	Street Finish	PAVED	
Income Flag	YES	Zone	R-M-15	TYPICAL	Curb Gutter	Y	
Seasonal use		Sewer	PUBLIC	LEVEL	Sidewalk	Y	
Influence Type		Number Lots					

Commercial Section		101	102
Number of Occurances			
Building Number			
Class		D	D
Depreciation Grade		A	A
Tenant Appeal		F	F
Exterior Wall type		BR	BR
Foundation		Y	Y
Perimeter		150	150
Stories		1.0	1.0
Street Height		11	8
Ground Floor Area		1250	1250
% office			
Year Built		1965	1965
Effective Year Built		1989	1989
Year Remodeled			
Economic Life		40	40
Remaining Eco. Life		11	11
Land Building ratio		8.71	8.71
Rental Class		D	D

Commercial Group		101-1	102-1	102-2
Commercial Use		800	842	940
Cost Grade		F	F	F
Inside Grade		F	F	F
Outside Grade		F	F	F
Over all Condition		F	F	F
Inside Condition		F	F	F
Outside Condition		F	F	F
Base Floor		2	1	1
Base Floor Area		1250	1032	218
Number of Floors		1	1	1
Additional Floor Area				
Total Floor Area		1250	1032	218
Lighting		A	A	F
Heating/Cooling type 1		PU	PU	PU
Heating/Cooling type 2				
Partitioning				
Total Income Area		1250	1032	218
Total Number of Income U.		1	1	1
Average Inc Unit Size		1250	1032	218

*medical office*

*mrg/studio*

*warehouse storage*



	Commercial Group	101-1	102-1	102-2
Percent Heated 1		100	100	100
Percent Heated 2				
Percent Sprinklers				
Rentable Square Footage		1250	1032	218
Number of Units			1	

					22-18-206-040-0000
Detached Structure	PVNG-ASPHALT	Effective Year Built	2001	Replacement Cost New	\$ 22,704
Structure		Actual Year Built	1965	Replacement Cost New, Less	\$ 4,541
Description					
Assessment Class	COM-SECONDRY	Quality	AVERAGE	Depreciation	
Units	SQUARE-FeET	Condition	FAIR	Sound Value	\$ 0
Measure 1	6600	Income Flag	Y	Building Number	
Measure 2	1				

#### Legal Description

BEG S 1393.61 FT & E 2851.63 FT FR NW COR OF SEC 18, T 2S, R1E, S L M; S 2°25' W 137.48 FT; S 85°24'50" E 76.5 FT; N 2°25' E 143.61 FT; W 76.51 FT TO BEG. 0.25 AC M OR L. 5962-2373

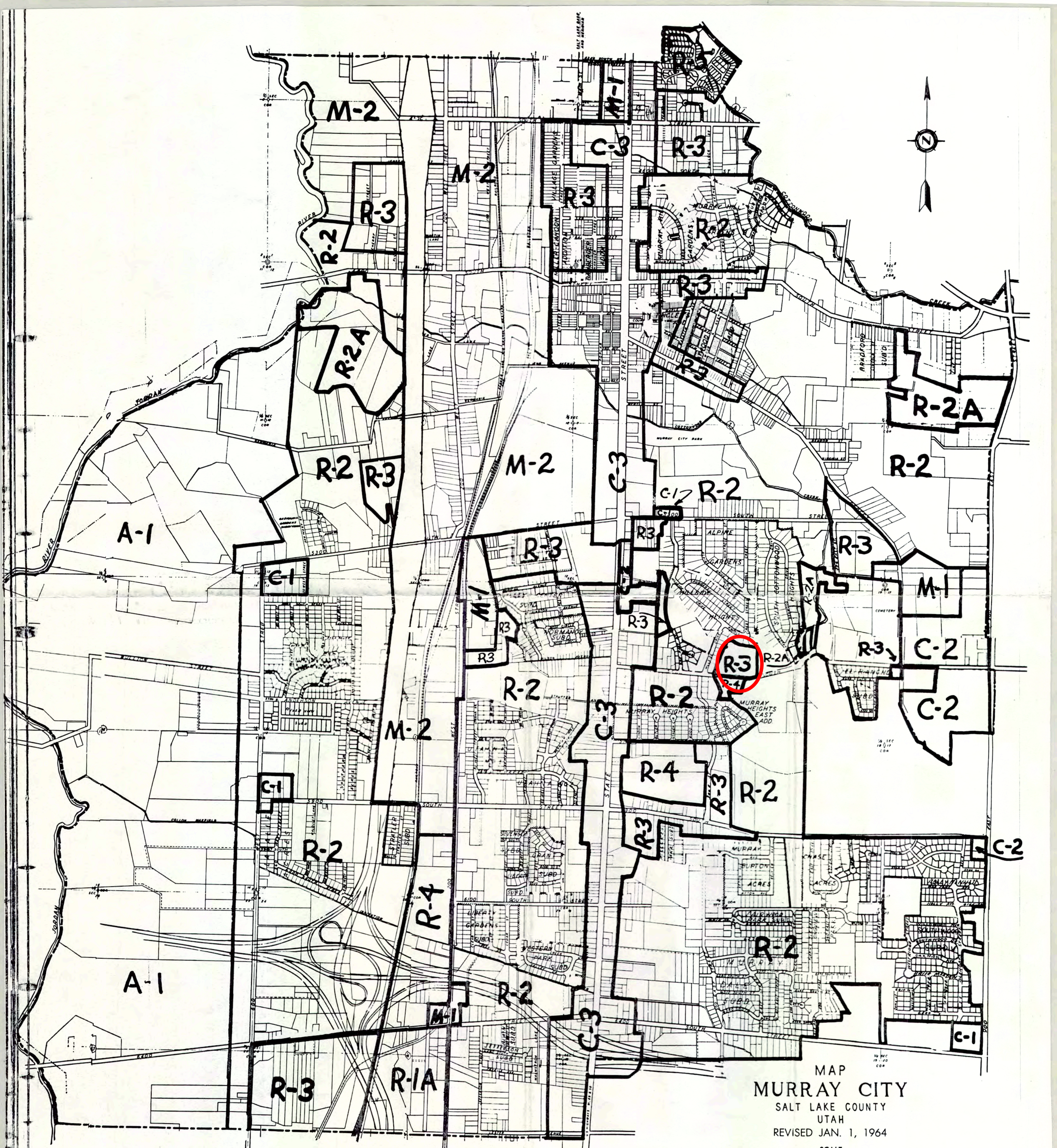
[Click here for Classic Parcel Details Page](#) [Search Again?](#)

This page shows the assessor's CAMA data, as it was, on May 22, 2022.

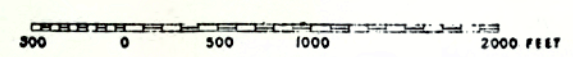


## **Exhibit 2**





MAP  
MURRAY CITY  
SALT LAKE COUNTY  
UTAH  
REVISED JAN. 1, 1964  
SCALE





## Exhibit 3



Revised Zoning

Ordinance

1963

Murray City,

Utah



ORDINANCE NO. 145  
AN ORDINANCE REPEALING ORDINANCE NO. 74, AS AMENDED, AN ORDINANCE PERTAINING TO THE ZONING REGULATIONS OF MURRAY CITY AND TO BE KNOWN AS THE "UNIFORM ZONING ORDINANCE OF MURRAY CITY, UTAH, 1963."

BE IT HEREBY ORDAINED BY THE COMMISSION OF MURRAY CITY, UTAH.

SECTION I

Revised Ordinance No. 74, 1957, as amended - of the City Code, Chapters 1 to 22, Section 1.1 to 22.2 Inclusive, are hereby repealed.

SECTION II

This New Ordinance shall be known as the "Uniform Zoning Ordinance of Murray City, Utah, 1963," and reads as follows:

CONTENTS

- Chapter 1. General Provision
- Chapter 2. Supplementary and Qualifying Regulations
- Chapter 3. Enforcement
- Chapter 4. Nonconforming Buildings and Uses
- Chapter 5. Board of Adjustment
- Chapter 6. Parking and Loading Space
- Chapter 7. Motor Vehicle Access
- Chapter 8. Public Utility Substations
- Chapter 9. Zones and Districts
- Chapter 10. Residential Zone R-1
- Chapter 11. Residential Zone R-1A
- Chapter 12. Residential Zone R-2
- Chapter 13. Residential Zone R-2A
- Chapter 14. Residential Zone R-3
- Chapter 15. Residential Zone R-4
- Chapter 16. Residential Zone R-5
- Chapter 17.

areas in Murray City, in their entirety and including the maps heretofore adopted and made a part of said ordinances are hereby superseded and amended to read as set forth herein; provided, however, that this Ordinance including the attached map, shall be deemed a continuation of previous ordinances, and not a new enactment, insofar as the substance of revisions of previous ordinances is included in this Ordinance, whether in the same or in different language; and this Ordinance shall be so interpreted upon all questions of construction, including but not limited to questions of construction relating to tenure of officers and boards established by previous ordinances and to questions of conforming or nonconforming use, buildings and structures, and to questions as to the dates upon which such uses, buildings, or structures become conforming or nonconforming.

1-6. Definitions.

(a) For the purpose of this Ordinance, certain words and terms are defined as follows: (Words used in the present tense include the future; words in the singular number include the plural and the plural the singular; words not included herein but defined in the Building Code shall be construed as defined therein.)

- (1) Agriculture. The tilling of the soil, the raising of crops, horticulture, and gardening, but not including the keeping or raising of domestic animals or fowl, except household pets and not including any agricultural industry or business such as fruit-packing plants, fur farms, animals hospitals or similar uses.
- (2) Alley. A public thoroughfare less than twenty-five (25) feet wide.
- (3) Apartment Hotel. Any building which contains dwelling units and also satisfies the definition of a hotel, as defined in this Ordinance.
- (4) Apartment House. A multiple dwelling; see Dwelling, Multiple family.
- (5) Apartment Court. Any building or group of buildings

- which contains dwelling units, and also satisfies the definition of a tourist court, as defined in this Ordinance.
- (6) Basement. A story partly underground. A basement shall be counted as a story for purposes of height measurement if its height is one-half (1/2) or more above grade.
- (7) Boarding House. A building with not more than five (5) guest rooms, where, for compensation, meals are provided for at least five (5) but not more than fifteen (15) persons.
- (8) Building. Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.
- (9) Building, Accessory. A detached subordinate building clearly incidental to and located upon the same lot occupied by the main building.
- (10) Building, Height of. The vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the point midway between the lowest part of the eaves or cornice and ridge of a pitch or hip roof.
- (11) Building, Main. The principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing a principal use upon a lot.
- (12) Building, Public. A building owned and operated, or owned and intended to be operated by a public agency of the United States of America, of the State of Utah, or any of its subdivisions.
- (13) Car Port. A private garage not completely enclosed by walls or doors. For the purposes of this Ordinance, a car port shall be subject to all of the regulations prescribed for a private garage.
- (14) Corral. A space, other than a building, less than one (1) acre in area, or less than one hundred (100) feet in width, used for the confinement of animals.
- (15) Court. An unoccupied space on a lot, other than a yard, designed to be partially surrounded by group dwellings.
- (16) Dairy. A commercial establishment for the manufac-



(e) That no separate dwelling structures shall be closer to each other than twenty (20) feet.

(f) That no building or structure shall be permitted closer than twelve (12) feet to the side property line from a boundary of the development.

(g) No building or structure shall exceed two and one-half (2½) stories or 35 feet in height.

(h) No approval shall be given a development with a density greater than forty (40) families per acre

See Page 30,  
1970 Supplement

#### CHAPTER 14

#### RESIDENTIAL ZONE R-3

##### 14-1. USE REGULATIONS.

(a) In Residential Zone R-3, no building, structure or land shall be used and no building or structure shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

- (1) Any use permitted in Residential Zone R-2.
- (2) Multiple dwellings; group dwellings; three-family and four-family dwellings.
- (3) Colleges, Universities; fraternities, sororities; apartment houses; boarding and lodging houses.
- (4) Medical and dental clinics and laboratories.
- (5) Office, business or professional; optometrist or oculist.
- (6) Old Folks Home.
- (7) Child day care or nursery.
- (3) Accessory uses and buildings customarily incidental to the above.

##### 14-2. AREA

##### REGULATIONS.

The minimum lot area shall be not less than seven thousand (7,000) square feet for each one-family dwelling, or eight thousand (8,000) square feet for each two-family dwelling, and not less than seven hundred fifty (750) square feet for each additional living units within a dwelling structure, or other

main buildings.

Each living unit must be provided with one (1) off-street parking space, that can be covered.

##### 14-3. WIDTH REGULATIONS.

The minimum width of any lot shall be sixty-five (65) feet at a distance twenty-five (25) feet back from the front lot line.

##### 14-4. SIDE AND REAR YARD REGULATIONS.

Same as for Residential Zone R-2.

##### 14-5. FRONT YARD

##### REGULATIONS.

The minimum depth of the front yard for main buildings and for private garages which have a minimum side yard of eight (8) feet shall be twenty-five (25) feet or the average of the existing buildings where fifty (50) per cent or more of the frontage is developed; but in no case less than fifteen (15) feet. Other private garages, and all accessory buildings other than private garages shall be located at least six (6) feet in the rear of the main building.

##### 14-6. HEIGHT REGULATIONS.

Same as for Residential Zone R-1.

##### 14-7. COVERAGE REGULATIONS.

No building or group of buildings with their accessory buildings shall cover more than sixty (60) per cent of the area of the lot.

##### 14-8. GROUP DWELLINGS.

##### Special Provisions.

(1) Group dwellings shall be considered as one (1) building for the purpose of front, side and rear yard requirements, the entire group as a unit requiring one (1) front, one (1) rear, and two (2) side yards as specified above for dwellings.

(2) Group dwellings shall be not more than two and one-half (2½) stories or thirty-five (35) feet in height.

(3) East two or two and one-half (2 or 2½) story group-dwelling development shall have a minimum court or forty (40) feet in width and forty (40) feet in length, in addition to its required yards, and each one (1)

##### Residential Zone R-2.

- (2) Two family dwellings.
- (3) Three family dwellings, four family dwellings, multiple dwellings and group dwellings as described under 13-3 (Special Exceptions).

##### 13-2. AREA REGULATIONS, SIDE YARD, FRONT

##### YARD AND HEIGHT REGULATIONS:

(1) Same as for Zone R-2 for one family dwellings, and two family dwellings.

(2) For other dwellings see Special Exceptions (13-3).

##### 13-3. SPECIAL

##### EXCEPTIONS:

(1) For developments containing three or more units, plans shall be submitted in sufficient detail to properly show the intended development of the entire site.

(2) If the entire site is to be developed for rental, condominium, or for cooperative ownership, the Planning Commission and the City Commission, after approval of plans, may permit such development without the ordinary division of property into lots, or the dedication of roads for public use, provided the following minimum requirements are complied with:

(a) A public hearing by the City Commission is held. Notice of such hearing shall be published at least once in a newspaper of general circulation within the City at least fifteen (15) days prior to such hearing.

(b) No such development shall be approved unless the Planning Commission finds such development to be in accord with the general purposes and intent of the comprehensive Zoning Ordinance of Murray City, and that approval of the development is in the best interest of the Community.

(c) That group dwellings which are arranged around a court shall meet the minimum requirements for group dwellings as prescribed under Residential Zone R-3.

(d) That where buildings front on a private street they be set back twenty (20) feet from the curb line of such street.

(1) Any use permitted in Residential Zone R-1.

##### 12-2. AREA

##### REGULATIONS.

The minimum lot area shall be not less than eight thousand (8,000) square feet.

##### 12-3. WIDTH

##### REGULATIONS.

The minimum width of any lot shall be seventy (70) feet, at a distance thirty (30) feet back from the front lot line.

##### 12-4. SIDE YARD

##### REGULATIONS.

The minimum side yard of any dwelling shall be eight (8) feet and the total width of the two required side yards shall be not less than eighteen (18) feet. Other main buildings shall have a minimum side yard of twenty (20) feet and the total width of the two yards shall be not less than forty (40) feet. The minimum side yard for a private garage shall be eight (8) feet, except that private garages and other accessory buildings located at least six (6) feet in the rear of the main building shall have a minimum side yard of not less than one (1) foot, provided that no private garage or other accessory building shall be located closer than ten (10) feet to a dwelling on an adjacent lot. On corner lots, the side yard which faces on a street for both main and accessory buildings shall be not less than twenty (20) feet or the average of existing buildings where fifty (50) per cent or more of the frontage is developed, but in no case less than fifteen (15) feet or be required to be more than twenty (20) feet.

##### 12-5. FRONT YARD, REAR YARD AND HEIGHT REGULATIONS.

Same as for Residential Zone R-1.

#### CHAPTER 13

#### RESIDENTIAL ZONE R-2A

##### 13-1. USE REGULATIONS:

In Residential Zone R-2A, no building, structure or land shall be used and no building or structure shall be erected which is arranged, intended, or designed to be used for other than one or more of the following uses:

- (1) Any use permitted in



story group dwelling development shall have a minimum court of thirty (30) feet in width, and thirty (30) feet in length, in addition to its required yards.

(4) In a group dwelling development, no two separate dwelling structures shall be closer to each other along the sides or end of a court than fifteen (15) feet.

(5) The court shall be unoccupied by any building or other structures, except fire hydrants, utility poles or other street improvements.

(6) The court shall have an unobstructed opening, not less than thirty (30) feet wide, onto the front yard of a lot which has a width not less than that required for a lot in the zone in which it is located.

(7) All dwelling structures of the group, except those facing a public street, shall face upon the court.

#### 14-9. MULTIPLE DWELLINGS.

In a multiple dwelling designed, constructed and/or used for twenty-four (24) or more families and in a hotel designed, constructed and/or used for fifty (50) or more guest rooms, there may be conducted a business incidental thereto, for the convenience of the occupants and the guests thereof, provided that there shall be no entrance to such business except from inside the building in which the same is located and that the floor area used for business purposes shall not exceed twenty-five per cent of the ground floor area of such building.

### CHAPTER 15

#### RESIDENTIAL ZONE R-4

15-1. USE REGULATIONS. In Residential Zone R-4, no building or structure or land shall be used and no building or structure shall be erected which is arranged, intended or designed to be used for other than one or more of the following:

- (1) Any use permitted in Residential Zone R-3.
- (2) Hospitals, sanitariums, convalescent home, rest home and child nursery, except animal hospitals.

(3) Mortuaries, wedding chapel.

(4) Clubs and lodges of a private and non-profit character.

(5) Hotels and apartment hotels.

(6) Advertising signs and structures and billboards.

(7) Accessory uses and building customarily incidental to the above.

(8) Reception Center.

#### 15-2. AREA REGULATIONS.

The minimum lot area shall be five thousand (5,000) square feet for each one-family dwelling, with seven hundred fifty (750) additional square feet for each additional dwelling unit in a dwelling structure having more than one (1) dwelling unit; for group dwellings the minimum lot area shall be not less than five thousand (5,000) square feet for each additional separate dwelling structure, and with seven hundred fifty (750) square feet additional, for each additional dwelling unit in excess of one (1) dwelling structure; not less than five thousand (5,000) square feet for any other main building.

#### 15-3. WIDTH REGULATIONS.

The minimum width of any lot shall be fifty (50) feet at a distance twenty-five (25) feet back from the front lot line.

#### 15-4. SIDE YARD REGULATIONS.

Same as for Residential Zone R-2 except that dwelling structure over thirty-five (35) feet in height shall have one (1) foot of additional side yard on each side of the building for each two (2) feet such structure exceeds thirty-five (35) feet in height.

#### 15-5. FRONT YARD REGULATIONS.

Same as for Residential Zone R-3.

#### 15-6. REAR YARD REGULATIONS.

Same as for Residential Zone R-1.

#### 15-7. HEIGHT REGULATIONS.

No building shall be erected to a height greater than six (6) stories or seventy-five (75) feet and no dwelling structure

shall be erected to a height less than one story.

#### 15-8. COVERAGE REGULATIONS.

Same as for Residential Zone R-3.

### CHAPTER 16

#### RESIDENTIAL ZONE R-5

16-1. USE REGULATIONS. In Residential Zone R-5, no building, structure or land shall be used and no building or structure shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

(1) Trailer Courts, provided the following special provisions are complied with:

(a) That the trailer court ordinance be followed in all details.

(b) That the plans be accepted and approved by the Planning Commission.

(c) That trailer courts have ingress and egress upon feeder or collector streets and not upon residential streets.

(d) That the trailer court does not become an island within the residential area.

(e) That lighted signs shall not employ flashing or intermittent illumination. Signs shall not project above any building.

(f) That the area of the trailer court shall be large enough to accommodate 25 trailer coach spaces.

(g) That a six foot wall or solid fence must be built adjacent to residential lots.

(h) That no trailer will be parked closer than 10 feet to a residential lot line.

(i) That a six foot (6) planting strip be planted and maintained also on any fence or wall.

16-2. AREA REGULATIONS. Same as Zone R-4

16-3. WIDTH, YARD AND HEIGHT REGULATIONS. Same as for Zone R-4

### CHAPTER 17

#### AGRICULTURAL ZONE A-1

17-1 USE REGULATIONS.

(a) In Agricultural Zone A-1, no building or structure or land shall be used and no building or structure shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

(1) Any use permitted in Residential Zone R-1A.

(2) Advertising signs and structures.

(3) Correctional institutions.

(4) Farms devoted to the hatching, raising (including fattening as an incident to raising), slaughtering, dressing and marketing on a commercial scale of chickens, turkeys or other fowl or poultry, rabbits, fish or frogs hatched or raised on the premises.

(5) Fur farm; dairy or creamery; dog kennels; dog breeding establishments; dog training schools; animal hospitals; public stables; riding academies; rodeo grounds; agricultural experiment stations; mortuaries; cemeteries; egg candling and sales; hay choppings; fertilizer and soil conditioner manufacturing, processing and sales, provided only nonanimal products and by-products are used as component parts of the finished materials, and provided that objectionable odors and dusts are not created. Livestock feed or sales yards; stock yards; slaughter house; sewage disposal and treatment plant; dog pound; manure spreading, drying and sale; commercial soil composting, manufacture and sale.

(6) Fruit and vegetable storage and packing plants; fruit and vegetable stands.

(7) Grain storage elevators.

(8) Greenhouses, aviaries, apiaries.

(9) Nurseries.


(10) Radio and television stations and towers.

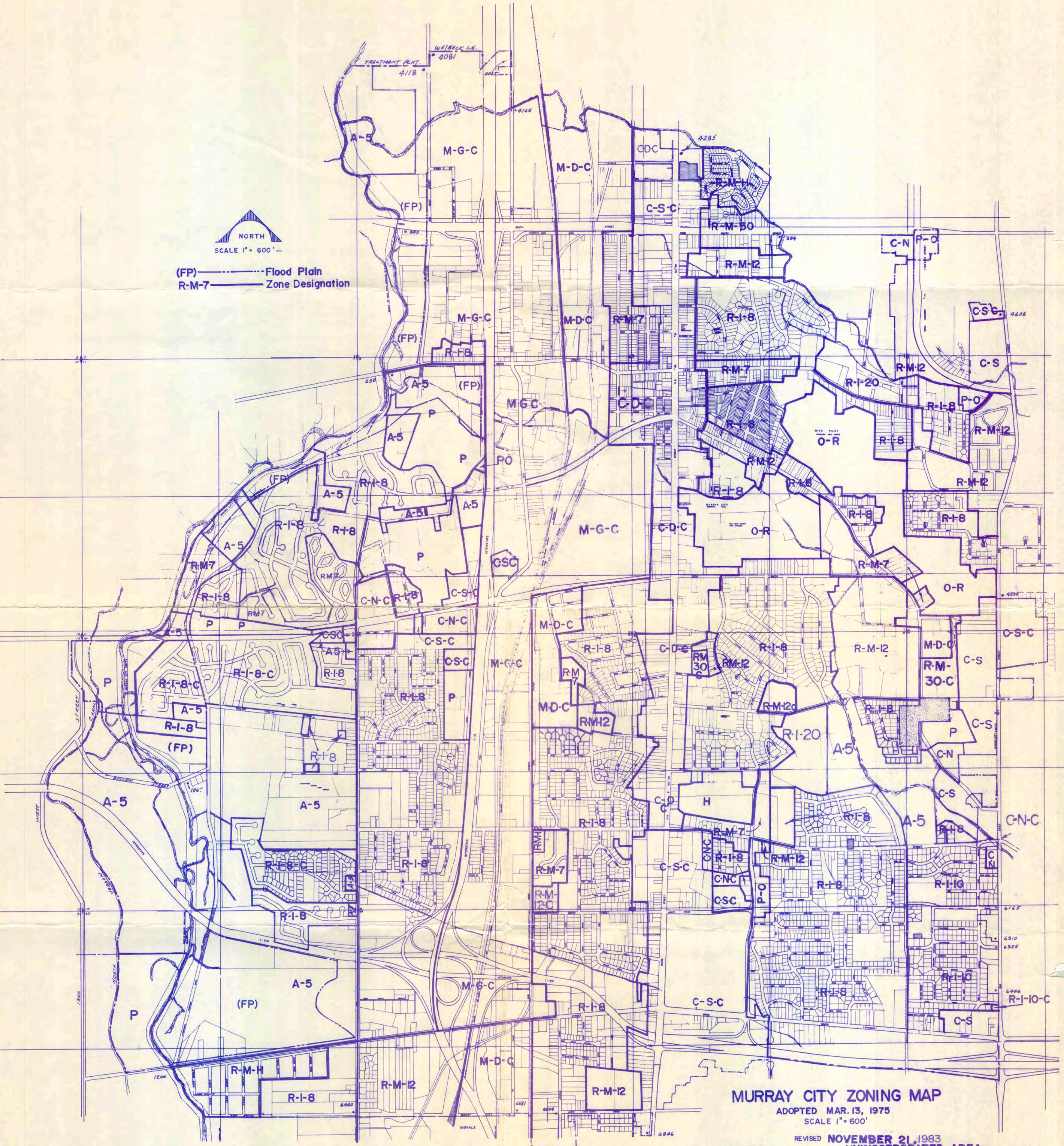
(11) Raising and keeping of not more than ten (10) hogs, more than sixteen (16) weeks old, provided that no person shall feed any such hog any market refuse, house refuse, garbage or offal other than



# Exhibit 4



  
 NORTH  
 SCALE 1" = 600'  
 (FP) ----- Flood Plain  
 R-M-7 ----- Zone Designation



# MURRAY CITY ZONING MAP

ADOPTED MAR. 13, 1975

SCALE 1" = 600'

REVISED NOVEMBER 21, 1983  
UNINCORPORATED AREA



**Exhibit 5**



UNIFORM ZONING ORDINANCE OF MURRAY CITY, UTAH, 1975

ADOPTED BY ORDINANCE 368

Effective March 13, 1975

Revised April 1, 1977



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PART 40 PLANNING AND ZONING CODE

TITLE ONE - ADMINISTRATIVE

CHAPTER 4001

GENERAL PROVISIONS

Short Title. (Section 01)

This Ordinance shall be known as the "Uniform Zoning Ordinance of Murray City, 1975" and may be so cited and pleaded.

Purpose. (Section 02)

This Ordinance is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Murray City including among other things, the lessening of congestion in the streets, or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the agricultural and other industries, and the protection of urban development.

Interpretation. (Section 03)

In interpreting and applying the provisions of this Ordinance, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

Conflict. (Section 04)

This Ordinance shall not nullify the more restrictive provisions of covenants, agreements, or other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.



#### Effect on Previous Ordinances and Maps. (Section 05)

The existing ordinances covering zoning of Murray City, in their entirety, and including the maps heretofore adopted and made a part of said ordinances are hereby superseded and amended to read as set forth herein; provided, however, that this Ordinance, including the attached map, shall be deemed a continuation of previous ordinances and not a new enactment, insofar as the substance of revisions of previous ordinances is included in this Ordinance, whether in the same or in different language; and this Ordinance shall be so interpreted upon all questions of construction relating to tenure or officers and boards established by previous ordinances and to questions of conforming or nonconforming uses and buildings and structures, and to questions as to the dates upon which such uses, buildings, or structures became conforming, or nonconforming.

#### Building Permit Required. (Section 06)

The construction, alteration, repair, or removal of any building or structure or any part thereof, as provided or as restricted in this Ordinance shall not be commenced, or proceeded with, except after the issuance of a written permit for the same by the City Engineer. If work is not started on a structure or building within sixty (60) days from issuance of a permit, a new permit will be required to commence construction.

#### Occupancy Permit Required. (Section 07)

Land, buildings, and premises in any district shall hereafter be used only for a purpose listed herein as permitted in that district and in accordance with the regulations herein established in that district. The Permit of Occupancy shall be issued by the Building Official to the effect that the use and/or building or premises conforms to the provisions of this and related ordinances prior to the occupancy of any building hereafter erected, enlarged or structurally altered or the occupancy of any land hereafter proposed to be occupied or used, except for permitted agricultural uses. Such a permit shall also be issued whenever the character or use of any building or land is



proposed to be changed from one use to another use. Upon written request from the owner such a permit shall also be issued covering any lawful use of a building or premises existing on the effective date of this adendment, including nonconforming buildings and uses.

Site Plans Required. (Section 08)

A detailed site plan, drawn to scale (scale and size to be determined by the City Engineer) shall be filed as part of any application prior to consideration for any building permit, the site plan shall show where pertinent:

- (1) Legal Description and "Certificate of Survey".
- (2) Note of scale used.
- (3) Direction of North point.
- (4) Actual lot dimensions - showing lot lines, together with adjacent streets, roads and rights of way.
- (5) Location of all existing structures on subject property and adjoining properties (dimensioned sketch including utility lines, poles, etc.).
- (6) Location of the proposed construction and improvements, including location and dimensions of all signs.
- (7) Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter and sidewalk location.
- (8) Size and location of existing waterways, open and culverted.
- (9) Size and location of existing storm sewers and flood water catch basins.
- (10) Size and location of existing and proposed utilities such as sewer, water, underground conduits or cables.
- (11) Location of existing fire hydrants within 200' of proposed improvement.
- (12) Contour lines of existing and proposed grades including proposed drainage plan.
- (13) Necessary explanatory notes.
- (14) Name, address and telephone number of builder and owner.
- (15) Rights of Way and Easements.
- (16) All other information that may be required by the Building Official.



#### Separate Plan for Tree Planting. (Section 09)

At the time of submitting a proposed subdivision, the developer or applicant shall also submit a separate plan for the City's approval of recommended tree plantings. After approval of said plan the developer or applicant shall post a bond sufficient to cover the cost of acquiring and planting the same. The amount of the bond shall be determined by the City based upon the then prevailing market price of the tree proposed. The City will, at the proper time, complete the planting of said trees and draw upon the said bond for payment thereof.

#### Inspection. (Section 10)

The Building Official is hereby authorized to inspect or to cause to be inspected, all building and structures in the course of construction, modification or repair, and to inspect land uses to determine compliance with the provisions of the Zoning Ordinance.

#### Enforcement. (Section 11)

The City Engineer is hereby designated and authorized as the officers charged with the enforcement of this Ordinance. He shall enforce all the provisions of this Ordinance, entering actions in the Court when necessary and his failure to do so shall not legalize any violations of such provisions. The City Commission may, by resolution or ordinance, from time to time entrust the administration of this Ordinance, in whole or in part, to any other qualified officer of Murray City without amendment to this Ordinance. Such officers may include a zoning administrator, a planning director, or others.

#### Nuisance and Abatement. (Section 12)

Any building or structure erected, constructed, altered, enlarged, converted, or moved contrary to the provision of this Ordinance, and any use of land, building or premise established, conducted or maintained contrary to the provision of this Ordinance shall be, and the same hereby is, declared to be unlawful and a public nuisance; and the City Attorney shall, upon request of the City Commission immediately commence action or proceedings.



for the abatement and removal and enjoinder thereof in the manner provided by law, and shall take other steps and apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain or enjoin any person, firm, or corporation from erecting, building, or using any such building or structure or using property contrary to the provisions of this Ordinance. The remedies provided for herein shall be cumulative and not exclusive.

#### Penalties. (Section 13)

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of the provisions of this Ordinance shall be guilty of a misdemeanor and shall be punishable as provided by law. In addition to the fine or jail sentence provisions the violator may be ordered to abate the condition which is a violation. Such person, firm, or corporation who intentionally violates this Ordinance shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Ordinance is committed, continued, or permitted by such person, firm or corporation, and shall be punishable.

#### Amendments. (Section 14)

The City Commission may from time to time amend the number, shape, boundaries or areas of any district, or any regulation or any other provision of the Zoning Ordinance, but any such amendment shall not be made or become effective until after fifteen (15) days notice and public hearing and unless the same shall have been proposed by or be first submitted to the Planning Commission, for its recommendation which shall be returned within sixty (60) days.

#### Hearing and Publication and Notice Before Amendment. (Section 15)

Before finally adopting any such amendment, the City Commission shall hold a public hearing thereon, at least fifteen (15) days notice of the time, place, and the approximate address of the proposed amendment which shall be given by at least one (1) publication in a newspaper of general circulation in the City of Murray. Property owners within three hundred (300) feet of the perimeter of any



proposed district use or boundary change shall be notified by registered mail.

Licensing. (Section 16)

All departments, officials and public employees of Murray City which are vested with duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this Ordinance, and any such permit or license, if issued in conflict with the provisions of this Ordinance, shall be null and void.

Fees. (Section 17)

Fees may be charged applicants for building, occupancy, and conditional use permits, design review and planned unit development approval, Planning Commission and Board of Adjustment hearings, and such other services as are required by this Ordinance to be performed by public officers or agencies. Such fees shall be established by the City Commission and shall be in amounts reasonably necessary to defray costs to the public.



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CHAPTER 4039

RESIDENTIAL DISTRICT R-M-12

Purpose. (Section 01)

To provide areas for medium residential density with the opportunity for varied housing styles and character.

Permitted Uses. (Section 02)

- (1) Single-family dwelling.
- (2) Two-family dwelling.
- (3) Multiple-family dwellings (under 1 acre).
- (4) Household pets.
- (5) The tilling of the soil, the raising of crops, horticulture, and gardening.
- (6) Signs, subject to the following limitations:
  - a. One civic sign, not to exceed sixteen (16) square feet in sign area.
  - b. One development sign, not to exceed thirty two (32) square feet in area. The sign must be approved by the Planning and Zoning Commission with a one year limitation per approval. Renewals may be granted on a yearly basis, but not to exceed four (4) years.
  - c. One real estate sign, not to exceed eight (8) square feet in area.
  - d. One residential sign, not to exceed two (2) square feet in area.
  - e. Civic and residential signs may be illuminated, but the source of illumination shall not be visible; no flashing or intermittent illumination shall be employed, and other signs shall not be illuminated.
  - f. All such signs shall be located on the property to which they pertain.
- (7) Essential facilities.
- (8) Accessory buildings and uses customarily incidental to the permitted and conditional uses allowed herein.

Conditional Uses. (Section 03)

- (1) Multiple-family dwelling (1 acre or over).



- (2) Cemetery.
- (3) Child day care nursery.
- (4) Church.
- (5) Cluster subdivision, subject to planned unit development approval.
- (6) Golf course.
- (7) Groups of dwellings when approved as a planned unit development.
- (8) Hospital; medical or dental clinic.
- (9) Private educational institution having a curriculum similar to that ordinarily given in public schools.
- (10) Private recreational grounds and facilities, not open to the general public, and to which no admission charge is made.
- (11) Public and quasi-public buildings and uses.
- (12) Quarries, gravel pits, land excavations.
- (13) Signs, other than advertising signs.
- (14) Substations or transmission lines of fifty (50) KV or greater capacity.
- (15) Accessory uses and buildings customarily incidental to the above.
- (16) Rest home (Nursing home).
- (17) Professional-business office.

#### Area Regulations. (Section 04)

The minimum lot area shall be eight thousand (8,000) square feet for each one-family dwelling, with three thousand and two hundred (3,200) square feet for each additional dwelling unit in a dwelling structure having more than one (1) dwelling unit; for group dwellings, the minimum lot area shall be not less than eight thousand (8,000) square feet for the first separate dwelling structure, with three thousand and two hundred (3,200) square feet for each additional separate dwelling structure, and with three thousand two hundred (3,200) square feet additional for each additional dwelling structure; and not less than eight thousand (8,000) square feet for any other main building.

#### Width Regulations. (Section 05)

The minimum width of any lot shall be seventy (70) feet.



Frontage Regulations. (Section 06)

The minimum frontage for any lot shall be forty-five (45) feet.

Side Yard Regulations. (Section 07)

The minimum side yard for any dwelling shall be eight (8) feet and the total width of the two required side yards shall be not less than twenty (20) feet, except that in no case shall the width of the side yard be less than one-half ( $1/2$ ) the height of the dwelling structure. Other main buildings shall have a minimum side yard of twenty (20) feet and the total width of the two required side yards shall be not less than forty (40) feet, except that in no case shall the width of the side yard be less than one-half ( $1/2$ ) the height of the building. The minimum side yard for a private garage shall be eight (8) feet, except that private garages and other accessory buildings located in the rear and at least six (6) feet away from the main building may have a minimum side yard of one (1) foot, provided that no private garage or other accessory building shall be located closer than ten (10) feet to a dwelling on an adjacent lot. On corner lots, the side yard which faces on a street for both main and accessory buildings shall be no less than twenty (20) feet, except that any garage or carport opening which faces onto a street shall be set back from the street line at least twenty-five (25) feet.

Front Yard Regulations. (Section 08)

The minimum depth of the front yard for main buildings and for private garages which have a minimum side yard of eight (8) feet shall be twenty five (25) feet, or the average of the existing buildings where fifty (50) per cent or more of the frontage is developed provided that in no case shall the front yard be less than twenty (20) feet. All accessory buildings, other than private garages which have a side yard of at least eight (8) feet, shall be located at least six (6) feet in the rear of the main building. Any garage or carport opening which faces onto a street shall be set back at least twenty-five feet from



# Exhibit 6



UNIFORM ZONING ORDINANCE OF MURRAY CITY, UTAH, 1975

ADOPTED BY ORDINANCE 368

Effective March 13, 1975

Revised April 24, 1985



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CHAPTER 4039

RESIDENTIAL DISTRICT R-M-12

Purpose. (Section 01)

To provide areas for medium residential density with the opportunity for varied housing styles and character.

Permitted Uses. (Section 02)

- (1) Single-family dwelling.
- (2) Two-family dwelling.
- (3) Multiple-family dwellings (under 1 acre).
- (4) Household pets.
- (5) The tilling of the soil, the raising of crops, horticulture, and gardening.
- (6) Signs, subject to the following limitations:
  - a. One civic sign, not to exceed sixteen (16) square feet in sign area.
  - b. One development sign, not to exceed thirty two (32) square feet in area. The sign must be approved by the Planning and Zoning Commission with a one year limitation per approval. Renewals may be granted on a yearly basis, but not to exceed four (4) years.
  - c. One real estate sign, not to exceed eight (8) square feet in area.
  - d. One residential sign, not to exceed two (2) square feet in area.
  - e. Civic and residential signs may be illuminated, but the source of illumination shall not be visible; no flashing or intermittent illumination shall be employed, and other signs shall not be illuminated.
  - f. All such signs shall be located on the property to which they pertain.
- (7) Essential facilities.
- (8) Accessory buildings and uses customarily incidental to the permitted and conditional uses allowed herein.

Conditional Uses. (Section 03)

- (1) Multiple-family dwelling (1 acre or over).



- (2) Cemetery.
- (3) Child day care nursery.
- (4) Church.
- (5) Cluster subdivision, subject to planned unit development approval.
- (6) Golf course.
- (7) Groups of dwellings when approved as a planned unit development.
- (8) Hospital; medical or dental clinic.
- (9) Private educational institution having a curriculum similar to that ordinarily given in public schools.
- (10) Private recreational grounds and facilities, not open to the general public, and to which no admission charge is made.
- (11) Public and quasi-public buildings and uses.
- (12) Quarries, gravel pits, land excavations.
- (13) Signs, other than advertising signs.
- (14) Substations or transmission lines of fifty (50) KV or greater capacity.
- (15) Accessory uses and buildings customarily incidental to the above.
- (16) Rest home (Nursing home).
- (17) Professional-business office.

Area Regulations. (Section 04)

The minimum lot area shall be eight thousand (8,000) square feet for each one-family dwelling, with three thousand and two hundred (3,200) square feet for each additional dwelling unit in a dwelling structure having more than one (1) dwelling unit; for group dwellings, the minimum lot area shall be not less than eight thousand (8,000) square feet for the first separate dwelling structure, with three thousand and two hundred (3,200) square feet for each additional separate dwelling structure, and with three thousand two hundred (3,200) square feet additional for each additional dwelling structure; and not less than eight thousand (8,000) square feet for any other main building.

Width Regulations. (Section 05)

The minimum width of any lot shall be seventy (70) feet.



Frontage Regulations. (Section 06)

The minimum frontage for any lot shall be forty-five (45) feet.

Side Yard Regulations. (Section 07)

The minimum side yard for any dwelling shall be eight (8) feet and the total width of the two required side yards shall be not less than twenty (20) feet, except that in no case shall the width of the side yard be less than one-half (1/2) the height of the dwelling structure. Other main buildings shall have a minimum side yard of twenty (20) feet and the total width of the two required side yards shall be not less than forty (40) feet, except that in no case shall the width of the side yard be less than one-half (1/2) the height of the building. The minimum side yard for a private garage shall be eight (8) feet, except that private garages and other accessory buildings located in the rear and at least six (6) feet away from the main building may have a minimum side yard of one (1) foot, provided that no private garage or other accessory building shall be located closer than ten (10) feet to a dwelling on an adjacent lot. On corner lots, the side yard which faces on a street for both main and accessory buildings shall be no less than twenty (20) feet, except that any garage or carport opening which faces onto a street shall be set back from the street line at least twenty-five (25) feet.

Front Yard Regulations. (Section 08)

The minimum depth of the front yard for main buildings and for private garages which have a minimum side yard of eight (8) feet shall be twenty five (25) feet, or the average of the existing buildings where fifty (50) per cent or more of the frontage is developed provided that in no case shall the front yard be less than twenty (20) feet. All accessory buildings, other than private garages which have a side yard of at least eight (8) feet, shall be located at least six (6) feet in the rear of the main building. Any garage or carport opening which faces onto a street shall be set back at least twenty-five feet from



the street line.

Rear Yard Regulations. (Section 9)

The minimum depth of the rear yard for any main building shall be twenty (20) feet, and for accessory buildings one (1) foot, provided that on corner lots which rear upon the sideyard of another lot, accessory buildings shall be located not closer than ten (10) feet to such side yard.

Coverage Regulations. (Section 10)

Buildings and structures may cover no more than fifty (50) percent of the lot area.

Height Regulations. (Section 11)

Building height will be determined by the Planning and Zoning Commission, except in no case shall a building be erected to a height greater than five (5) stories or fifty-five (55) feet, and no dwelling structure shall be erected to a height less than one (1) story.

Design Review and Approval. (Section 12)

All main buildings and structures require site and architectural plan review and approval, except single-family dwellings.



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CHAPTER 4039A

RESIDENTIAL DISTRICT R-M-15

Purpose. (Section 01)

To provide areas for medium residential density with the opportunity for varied housing styles and character.

Permitted Uses. (Section 02)

- (1) ~~Single-family dwelling.~~
- (2) Two-family dwelling.
- (3) Multiple-family dwellings (under 1 acre).
- (4) Household pets.
- (5) The tilling of the soil, the raising of crops, horticulture, and gardening.
- (6) Signs, subject to sign ordinance regulations.
- (7) Essential facilities.
- (8) Accessory buildings and uses customarily incidental to the permitted and conditional uses allowed herein.

Conditional Uses. (Section 03)

- (1) Multiple-family dwelling (1 acre or over).
- (2) Cemetery.
- (3) Child day care nursery.
- (4) Church.
- (5) Cluster subdivision, subject to planned unit development approval.
- (6) Golf Course.
- (7) Groups of dwellings when approved as a planned unit development.
- (8) Hospital.
- (9) Private educational institution having a curriculum similar to that ordinarily given in public schools.
- (10) Private recreational grounds and facilities, not open to the general public, and to which no admission charge is made.
- (11) Public and quasi-public buildings and uses.
- (12) Professional-business office.
- (13) Rest home (nursing home).
- (14) Substations or transmission lines of fifty (50) KV or greater capacity.
- (15) Accessory uses and buildings customarily incidental to the above.

Area Regulations. (Section 04)

The minimum lot area shall be eight thousand (8,000) square feet for each one-family dwelling, with two thousand six hundred twenty-five (2,625) square feet for each additional dwelling unit



in a dwelling structure having more than one (1) dwelling unit; for group dwellings, the minimum lot area shall be not less than eight thousand (8,000) square feet for the first separate dwelling structure, with two thousand six hundred twenty-five (2,625) square feet for each additional separate dwelling structure, and with two thousand six hundred twenty-five (2,625) square feet additional for each additional dwelling structure; and not less than eight thousand (8,000) square feet for any other main building.

Width Regulations. (Section 05)

The minimum width of any lot shall be seventy (70) feet.

Frontage Regulations. (Section 06)

The minimum frontage for any lot shall be sixty-five (65) feet.

Side Yard Regulations. (Section 07)

The minimum side yard for any dwelling shall be eight (8) feet and the total width of the two required side yards shall be not less than twenty (20) feet, except that in no case shall the width of the side yard be less than one-half ( $1/2$ ) the height of the dwelling structure. Other main buildings shall have a minimum side yard of twenty (20) feet and the total width of the two required side yards shall be not less than forty (40) feet, except that in no case shall the width of the side yard be less than one-half ( $1/2$ ) the height of the building. The minimum side yard for a private garage shall be eight (8) feet, except that private garages and other accessory buildings located in the rear and at least six (6) feet away from the main building may have a minimum side yard of one (1) foot, provided that no private garage or other accessory building shall be located closer than ten (10) feet to a dwelling on an adjacent lot. On corner lots, the side yard which faces on a street for both main and accessory buildings shall be not less than twenty (20) feet, except that any garage or carport opening which faces onto a street shall be set back from the street line at least twenty-five (25) feet.

Front Yard Regulations. (Section 08)

The minimum depth of the front yard for main buildings and for private garages which have a minimum side yard of eight (8) feet shall be twenty five (25) feet, or the average of the existing buildings where fifty (50) percent or more of the frontage is developed, provided that in no case shall the front yard be less than twenty (20) feet. All accessory buildings, other than private garages which have a side yard of at least eight (8) feet, shall be located at least six (6) feet in the rear of the main building. Any garage or carport opening which faces onto a street shall be set back at least twenty-five feet from the street line.



Rear Yard Regulations. (Section 09)

The minimum depth of the rear yard for any building shall be twenty (20) feet and for accessory buildings one (1) foot, provided that on corner lots which rear upon the side yard of another lot, accessory buildings shall be located not closer than ten (10) feet to such side yard.

Coverage Regulations. (Section 10)

Buildings and structures may cover no more than fifty (50) percent of the lot area.

Height Regulations. (Section 11)

Building height will be determined by Planning and Zoning Commission, except in no case shall a building be erected to a height greater than five (5) stories or fifty-five (55) feet, and no dwelling structure shall be erected to a height less than one (1) story.

Design Review and Approval. (Section 12)

All main buildings and structures require site and architectural plan review and approval, except single-family and two-family dwellings.



# Exhibit 7

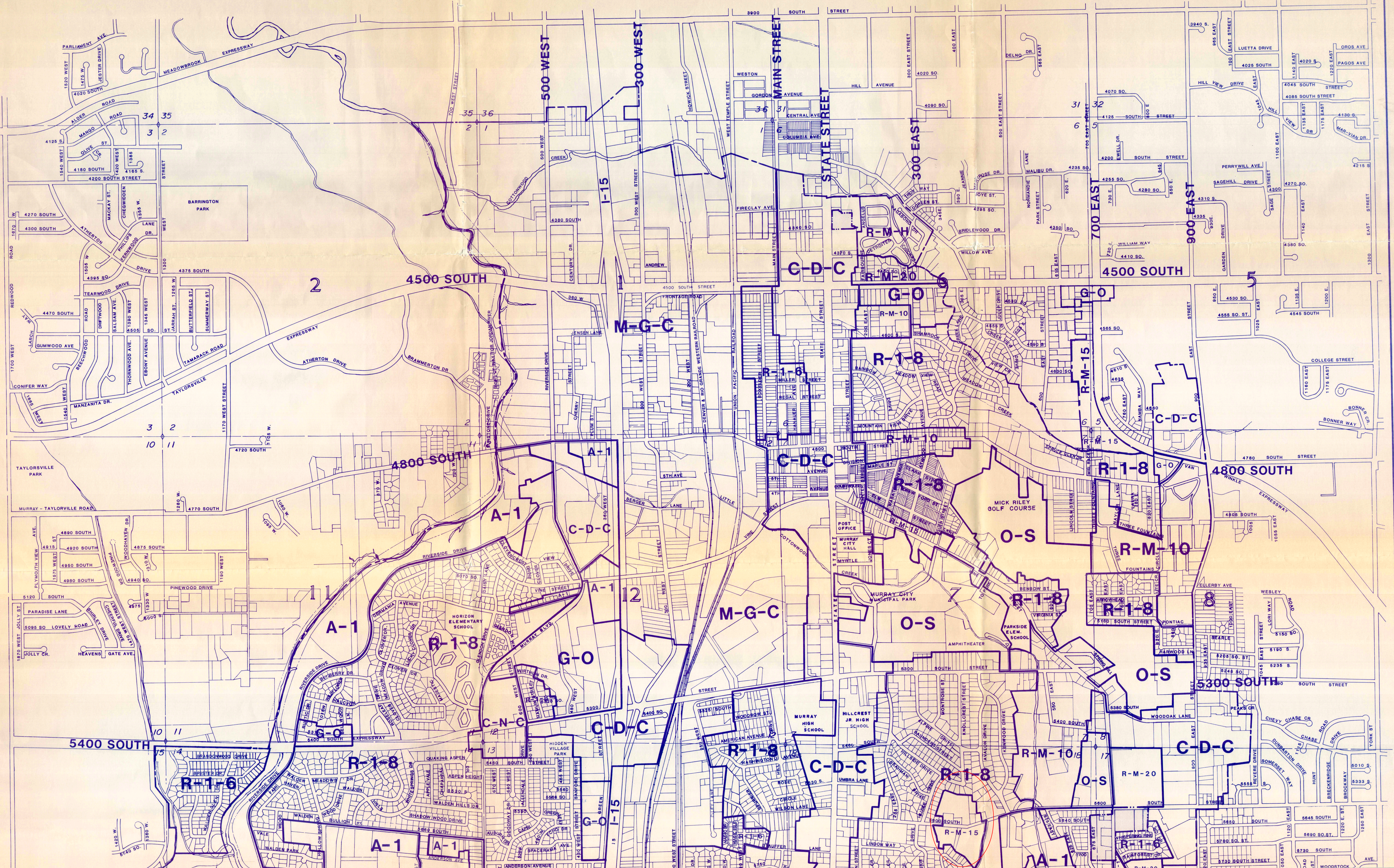


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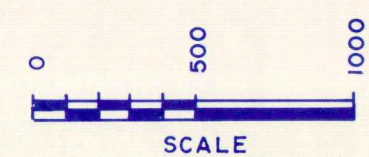
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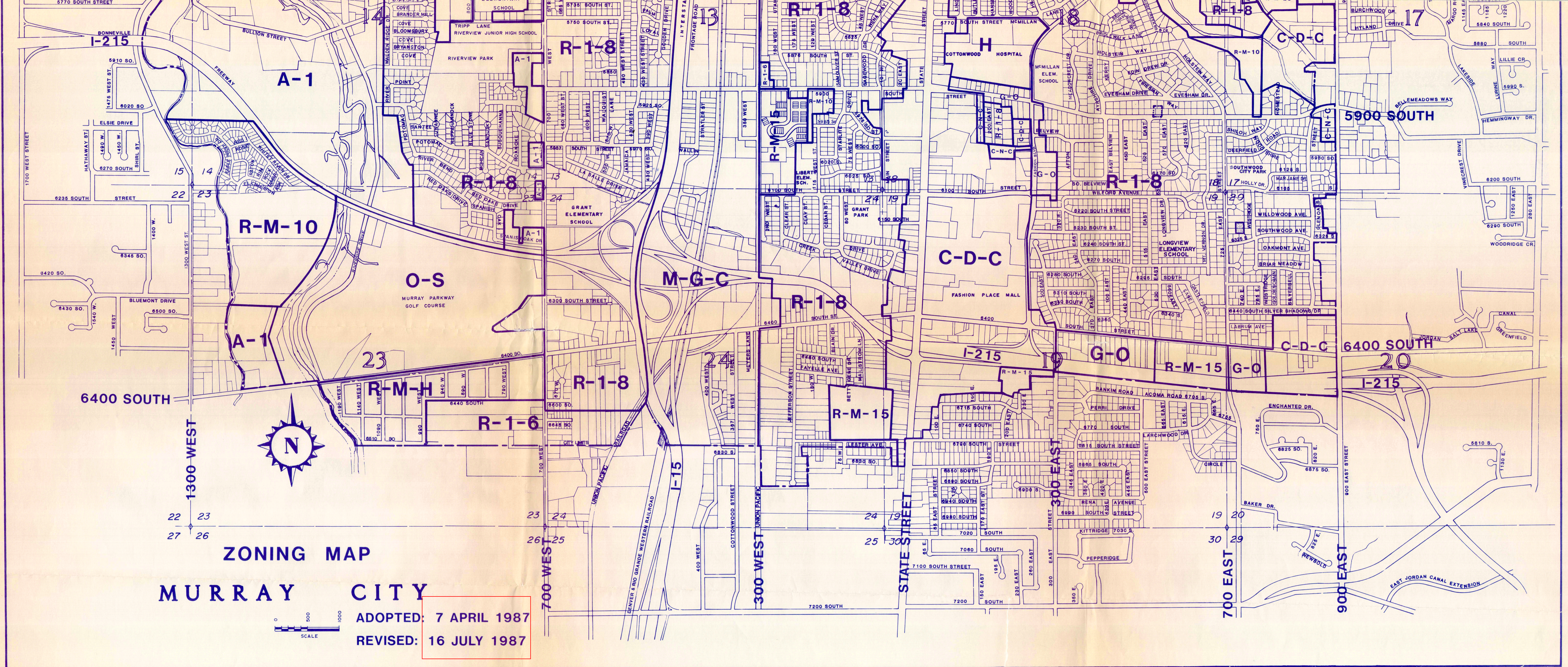
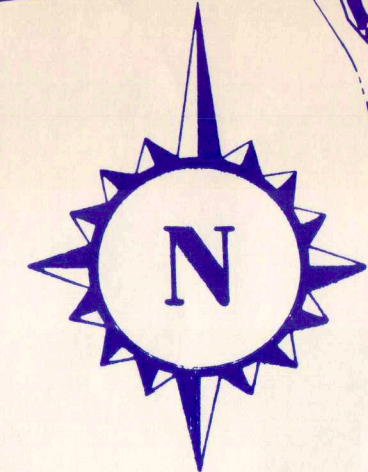




**ZONING MAP**  
**MURRAY CITY**



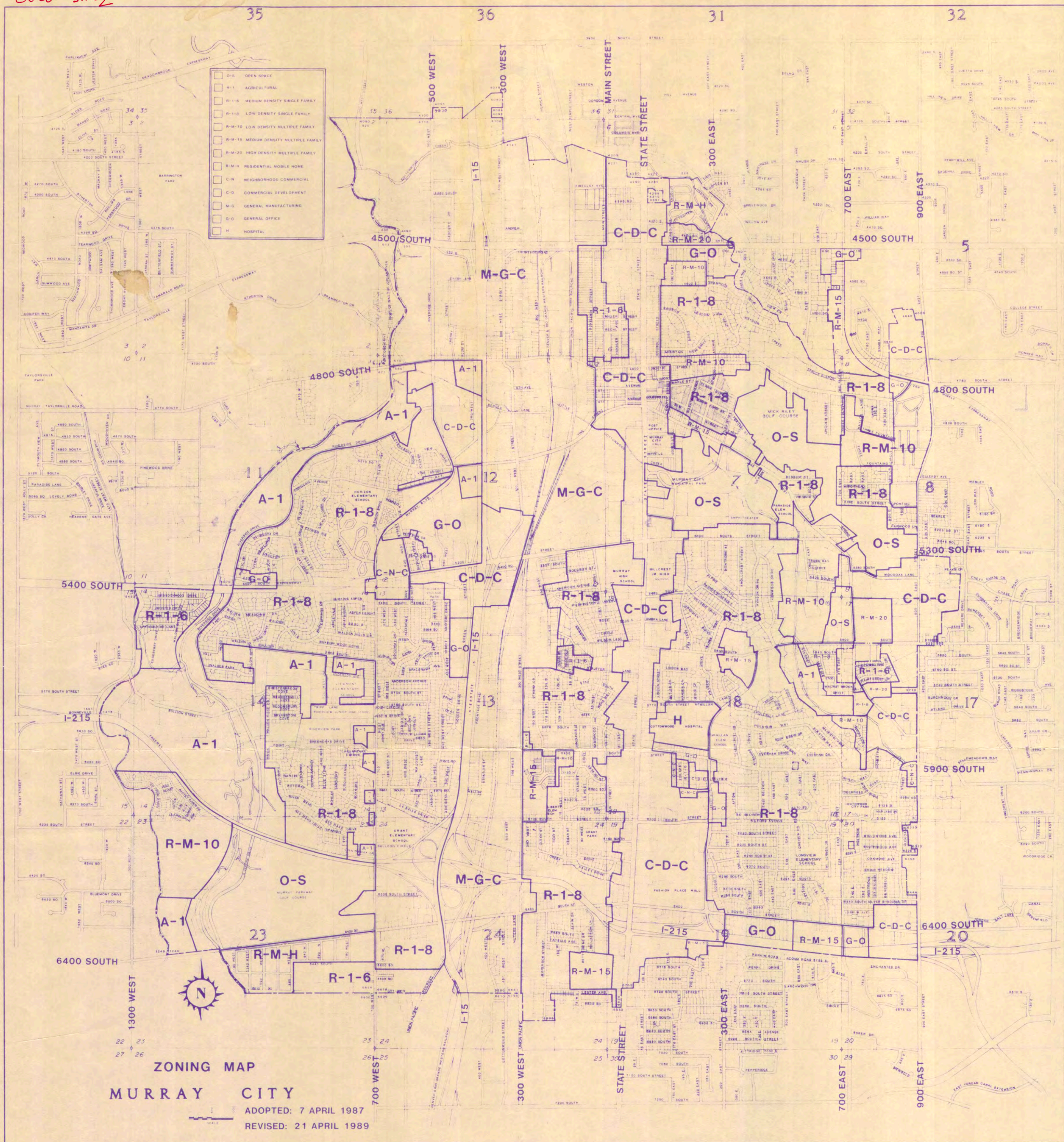
ADOPTED: 7 APRIL 1987  
REVISED: 16 JULY 1987





**Exhibit #8**







**Exhibit 9**



4524915

Recorded at Request of Grantee: 827 East 5600 So. MURRAY, UT 84107

at \_\_\_\_\_ M. Fee Paid \$ \_\_\_\_\_

by \_\_\_\_\_ Dep. Book \_\_\_\_\_ Page \_\_\_\_\_ Ref.: \_\_\_\_\_

Mail tax notice to \_\_\_\_\_ Address \_\_\_\_\_

**WARRANTY DEED**

PAUL WILLIAM SHARP and BONNIE HATCH SHARP grantor  
 of \_\_\_\_\_, County of Salt Lake, State of Utah, hereby  
 CONVEY and WARRANT to

SCOTT K. HOLMAN

of Salt Lake County, State of Utah grantee  
 TEN AND NO/100-----and other good and valuable considerations----- DOLLARS,  
 the following described tract of land in Salt Lake County,  
 State of Utah:

PARCEL 1: BEGINNING 35.84 feet North 89°42'20" East from a County Monument in 5640 South Street which lies South 1556.457 feet and East 2750.872 feet from the Northwest corner of Section 18, Township 2 South, Range 1 East, Salt Lake Base & Meridian, and running thence North 2°25' East 118.6 feet; thence North 89°42'20" East 58.1 feet; thence South 2°25' West 118.6 feet; thence South 89°42'20" West 58.1 feet to the point of beginning.  
 LESS & EXCEPTING any portion lying within the bounds of 5600 South Street.

PARCEL 2: BEGINNING 1393.61 feet South and 2851.63 feet East from the Northwest corner of Section 18, Township 2 South, Range 1 East, Salt Lake Base & Meridian, and running thence West 58.06 feet; thence South 2°25' West 43.52 feet; thence East 58.06 feet; thence North 2°25' East 43.52 feet to the point of beginning.

4524915  
 18 SEPTEMBER 87 04:53 PM  
 KATIE L. DIXON  
 RECORDER, SALT LAKE COUNTY, UTAH  
 GUARDIAN TITLE  
 REC BY: PATRICIA BROWN, DEPUTY

Subject to current general taxes.

WITNESS, the hand of said grantor, this 17th day of  
 September, A. D. 19 87

Signed in the Presence of

Paul William Sharp  
 Paul William Sharp

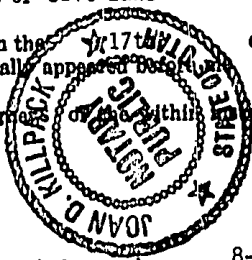
Bonnie Hatch Sharp  
 Bonnie Hatch Sharp

STATE OF UTAH,

County of Salt Lake

ss.

On the 17th day of September, A. D. 1987  
 personally appeared before me PAUL WILLIAM SHARP and BONNIE HATCH SHARP  
 the signers of the within instrument, who duly acknowledged to me that they executed the same.



Joan D. Killeck  
 Notary Public.

My commission expires 8-1-90 Residing in Salt Lake City, Utah



VAST0500 11:49:14

## 1987 PARCEL NUMBER CHANGES AREA 22 SECTION 18

03/06/88 PAGE

OLD PARCEL	NEW PARCEL	CHANGE	LEGAL	BOOK	PAGE	SUBDIVISION NAME
22-18-206-007-0000	22-18-206-039-0000 }		D	5962	2374	
	22-18-206-040-0000 }		D	5962	2373	
22-18-253-006-0000	22-18-253-008-0000		D	5996	2497	
	22-18-253-009-0000		D	5996	2497	
22-18-278-006-0000	22-18-278-014-0000		I	5967	1615	
22-18-278-012-0000	22-18-278-013-0000		D	5967	1615	
	22-18-278-014-0000		I	5967	1615	
22-18-279-020-0000	22-18-279-027-0000	N	D	5966	1745	
	22-18-279-028-0000	N	D	5966	1745	
	22-18-279-029-0000	N	D	5966	1745	
22-18-279-022-0000	22-18-279-030-0000		D	5994	0067	
	22-18-279-031-0000		D	5994	0067	
22-18-281-002-0000	22-18-281-004-0000	N	D	5973	1003	
	22-18-281-005-0000	N	D	5937	1003	
22-18-302-037-0000	22-18-302-038-0000		D	5886	0002	
	22-18-302-039-0000		D	5886	0002	
22-18-352-005-0000	22-18-352-021-0000		I	5928	1484	
*	22-18-352-024-0000		I	5886	0002	
22-18-352-006-0000	22-18-352-021-0000		I	5928	1484	
*	22-18-352-024-0000		I	5886	0002	
22-18-453-038-0000	22-18-453-039-0000	N	D	5967	0860	
	22-18-453-040-0000	N	D	5985	2090	
22-18-478-029-0000	22-18-478-055-0000	N	I	5944	2317	
22-18-478-030-0000	22-18-478-055-0000	N	I	5944	2317	



# **Exhibit 10**



①

WHEN RECORDED RETURN TO

700

4876537  
30 JANUARY 90 04:15 PM  
KATIE L. DIXON  
RECORDER, SALT LAKE COUNTY, UTAH  
FIRST AMERICAN TITLE  
REC BY: REBECCA GRAY, DEPUTY

Name R. Scott Binkerd  
Address 431 East 5600 South  
City, State, Zip Murray, UT 84107

SPACE ABOVE THIS LINE FOR RECORDER'S USE

4876537

**WARRANTY DEED**

Garold W. Sharp and Audrey Sharp, as joint tenants

of \_\_\_\_\_, County of Salt Lake State of \_\_\_\_\_, hereby  
Convey and Warrant to  
R. Scott Binkerd

of Murray, County of Salt Lake, State of UT  
for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION

the following described tract of land in Salt Lake County, State of Utah, to-wit:

BEGINNING 1393.61 feet South and 2851.63 feet East from the Northwest corner of Section 18, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence South 2 degrees 25' West 137.40, thence South 85 degrees 24' 50" East 76.50 feet, thence North 2 degrees 25' East 143.61 feet, thence West 76.51 feet to the point of beginning.

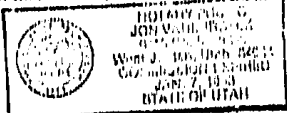
FIRST AMERICAN TITLE  
VIS# 24114

SUBJECT TO easements, covenants, restrictions, rights of way and reservations appearing of record and taxes for the year 1990 and thereafter.

WITNESS, the hand & of said grantor & this 30 day of January, A.D. 1990  
Signed in the Presence of  
Garold W. Sharp  
Audrey Sharp

STATE OF UTAH  
County of Salt Lake } ss.  
On the 30 day of January, A.D. 1990  
personally appeared before me Garold W. Sharp and Audrey Sharp

the signers of the within instrument, who duly acknowledged to me that they executed the same.



Jon Van Dusen  
Notary Public.  
My residence is Secret

BOOK 6194 PAGE 1826



# **Exhibit 11**



2/01/23  
15:25:25

BUSINESS LICENSE INQUIRY

BSD10008

Acct #: 894249 C Renew: {Stat: R Date: 99/09/03 Amt: 57.00 Rec # 2093 }  
Appl. Date: 90/09 Expir. Date: 0/08/31 Description: CHIROPRACTIC  
Rev. Codes: B001 Tax Status: A  
Veh. Codes: Beer: {Cl: Lic: Con: }

Reg #: Sales tax liab. date: 0/00/00  
Bus Name: MURRAY CHIROPRACTIC OFFICE M Name:  
Bus Addr: 431 E 5600 S Address: 431 E 5600 S  
Phone: 262-2651 Type: 8041 City/St: MURRAY UT  
Sidwell#: 22-18-206-040-0000 Zip: 84107

Owner: SCOTT BINKERD DBA1:  
Address: 3373 S MILL RD DBA1 Desc:  
City/St: HEBER UT 84032 DBA2:  
Phone: 654-5893 DBA2 Desc:

Name 1: SCOTT BINKERD Name 2:  
Address: Address:  
City/St: City/St:  
Phone: 531-0741 Phone:

Alarm Co.: Fire: N Police: N Self Reset:  
Inspection: {Freq: Y Next: 91/09 } Hazard: 001 Security:  
F3 - Return F6 - Go To Tax Screen F13 - Comments



# Exhibit 12





**Murray City Corporation**  
4646 South 500 West, Murray, UT 84123

## **BUSINESS LICENSE**

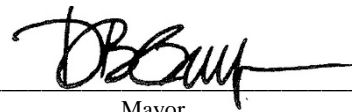
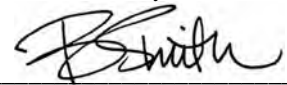
**THIS LICENSE EXPIRES 11/30/2022**

MURRAY CHIROPRACTIC OFFICE  
PO Box 348  
Heber, UT 84032

BUSINESS ID #: 2161  
LICENSE #: 15842


This certifies that the person or entity named herein is authorized to conduct business as:  
Office/Clinic of Chiropractors at: 431 E 5600 S

Date Issued: 12/15/2021  
Employees: 1

By   
Mayor  
By   
City Recorder

**This License is NOT Transferable**

**Please detach the license above and post in a conspicuous place  
Retain Bottom Portion for Receipt**

<b>BUSINESS LICENSE</b> <b>LICENSE EXPIRES 11/30/2022</b>	Murray City Corporation 4646 South 500 West Murray, Utah 84123 (801) 270-2420	BUSINESS ID#: 2161 LICENSE #: 15842
Business Name: MURRAY CHIROPRACTIC OFFICE Business Address: 431 E 5600 S City, State, Zip: Murray, UT 84107		
This certifies that the person or entity named herein is authorized to conduct business as: Office/Clinic of Chiropractors  Licenses are valid only for the location and the ownership as listed on this license. Any changes will need to be reported to the Business Licensing Office. If the business no longer conducts business within Murray City, please notify our offices in writing.  Responsibility of renewal is total responsibility of the Licensee. Failure to receive notice does not excuse this responsibility.		  Total Received: \$106.00





Murray City Business Licensing  
4646 South 500 West  
Murray, Utah 84123  
(801) 270-2420

# ANNUAL BUSINESS LICENSE RENEWAL NOTICE

49\*1\*\*G48\*\*0.382\*\*1/1\*\*\*\*\*SNGLP  
MURRAY CHIROPRACTIC OFFICE  
PO BOX 348  
HEBER CITY UT 84032-0348



*YOUR BUSINESS LICENSE  
EXPIRED ON  
11/30/2022*

## -Instructions-

You can now renew your Business License Online at [www.murray.utah.gov](http://www.murray.utah.gov)

1. **PLEASE FILL OUT, SIGN, DATE AND RETURN THIS FORM. ANY PAYMENT DUE MUST BE INCLUDED WITH THE COMPLETED FORM.** Please review all information and make any necessary corrections to update your business license information.

**LICENSES ARE NON-TRANSFERABLE.** If you are a new business owner, have changed the name of your business, or have moved to a different location in Murray please contact our office at (801) 270-2420. A new application will need to be submitted.

If a business license is no longer needed, please mark one of the following, sign, date, and mail or fax (801) 270-2414 this form to our office in order to close your account.

☒ **BUSINESS IS NO LONGER OPERATING**

☐ **BUSINESS HAS MOVED OUT OF CITY BOUNDARIES**

2. Payment must be received in our office (during normal business hours) before the expiration date. We do not accept postmarks as timely payment. Penalty fees accrue on delinquent renewals and cannot be waived.

Business Name: MURRAY CHIROPRACTIC OFFICE  
Business Address: 431 E 5600 S  
Murray UT 84107

Business ID#: 2161  
Sales Tax #:  
State License # 174276-1202

Business Phone:

Owner Name: R SCOTT BINKERD  
Mailing Address: PO Box 348

Description of business activities: \_\_\_\_\_

Heber, UT 84032

<u>Fee Description</u>	<u>Quantity</u>	<u>Rate</u>	<u>Amount</u>
Business License Base Fee	1.00 @	\$100.000000	\$100.00
Employees	1.00 @	\$6.000000	\$6.00

Penalty Fee: (If payment is received in our office by the 10<sup>th</sup>, penalty fee will be waived.  
Postmarks are not accepted)

Sub Total: \$106.00  
Penalty Fee: \$50.00

Total Due: \$156.00

Signature: R Scott Binkerd

Date: 12/12/22

Email: jsbinkerd@msn.com

Payment of re-application certifies the Licensee has acknowledged the foregoing information is true and correct. Licensee understands licensing is contingent upon continued compliance with all State and City Code requirements.





# Exhibit 13



# MURRAY CITY

# ZONING ORDINANCE

#8716

Adopted April 7, 1987

Revised June 25, 1992





ZONING ORDINANCE  
FOR  
MURRAY CITY CORPORATION

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## CHAPTER 4013

### NONCONFORMING BUILDINGS AND USES

#### Sections:

- 40-13-01 Nonconforming Use Defined
- 40-13-02 Maintenance Permitted
- 40-13-03 Repairs and Alterations
- 40-13-04 Additions, Enlargements and Moving
- 40-13-05 Alteration Where Parking Insufficient
- 40-13-06 Restoration of Damaged Buildings
- 40-13-07 One-Year Vacancy
- 40-13-08 Continuation of Use
- 40-13-09 Occupation Within One Year
- 40-13-10 Change of Use
- 40-13-11 Expansion Permitted
- 40-13-12 Nonconforming Use of Land
- 40-13-13 District Changes
- 40-13-14 Nonconforming Uses Detrimental to Health and Safety Not Allowed

#### 40-13-01 NONCONFORMING USE DEFINED:

As used in this Ordinance, a nonconforming use is the use of any building, structure, or land which is prohibited by any zoning, building, sign, or other regulatory ordinances, but which existed lawfully before the establishment of said ordinances.

#### 40-13-02 MAINTENANCE PERMITTED:

A nonconforming building or structure may be maintained.

#### 40-13-03 REPAIRS AND ALTERATIONS:

Repairs and structural alterations may be made to a nonconforming building or to a building housing a nonconforming use.

#### 40-13-04 ADDITIONS, ENLARGEMENTS AND MOVING:

1. A building or structure occupied by a nonconforming use and a building or structure nonconforming as to height, area, or yard regulations shall not be added to or enlarged in any manner or moved to another location on the lot except as provided by Subsection (2) hereof:



2. A building or structure occupied by a nonconforming use or a building or structure nonconforming as to height, area, or yard regulations may be added to or enlarged or moved to a new location on the lot upon a permit authorized by the Board of Adjustment, which may issue, provided that the Board of Adjustment, after hearing, shall find:

- A. The addition to, enlargement of, or moving of the building will be in harmony with one or more of the purposes of this Ordinance.
- B. That the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or structure.

40-13-05 ALTERATION WHERE PARKING INSUFFICIENT:

A building or structure not having sufficient off-street parking as required by this Ordinance, may be altered or enlarged providing that additional off-street parking is supplied which meets the requirements of this Ordinance.

40-13-06 RESTORATION OF DAMAGED BUILDINGS:

- 1. Except as provided in Subsection 2, a nonconforming building or structure which has been demolished, allowed to deteriorate or which has been damaged by fire, explosion, act of God, or act of a public enemy to the extent of more than 60 percent of its replacement value may not be repaired or rebuilt except in conformity with the regulations of this Ordinance.
- 2. A legal nonconforming single family dwelling located in Commercial Development and Manufacturing General Districts may be comparably reconstructed and the use continued as a legal nonconforming use.

40-13-07 ONE-YEAR VACANCY:

A building or structure of portion thereof occupied by a nonconforming use, which is, or hereafter becomes, vacant and remains unoccupied by a nonconforming use for a continuous period of one (1) year, except for dwellings, shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.



40-13-08 CONTINUATION OF USE:

The occupancy of a building or structure by a non-conforming use, existing at the time this Ordinance became effective, may be continued.

40-13-09 OCCUPATION WITHIN ONE YEAR:

A vacant building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one (1) year after the use became nonconforming.

40-13-10 CHANGE OF USE:

The nonconforming use of a building or structure may not be changed except to a conforming use; but where such change is made, the use shall not thereafter be changed back to a nonconforming use.

40-13-11 EXPANSION PERMITTED:

A nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became nonconforming, except areas for home occupation uses.

40-13-12 NONCONFORMING USE OF LAND:

The nonconforming use of land, existing at the time this Ordinance became effective, may be continued, provided that no such nonconforming use of land shall in any way be expanded or extended either on the same or on adjoining property and provided that if such nonconforming use of land, or any portion thereof, is abandoned or changed for a period of one (1) year or more, any future use of such land shall be in conformity with the provisions of this Ordinance.

40-13-13 DISTRICT CHANGES:

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.

40-13-14 NONCONFORMING USES DETRIMENTAL TO HEALTH AND SAFETY NOT ALLOWED:

No provisions of this Chapter shall be construed to allow the continuance of any nonconforming use when in



the opinion of the Municipal Council, after consultation with the City Attorney and other authorized officials relating to a specific nonconforming use, is deemed to be detrimental to the health, safety and welfare of the general public.



## CHAPTER 4023

### MULTIPLE-FAMILY ~~MEDIUM DENSITY~~ RESIDENTIAL DISTRICT R-M-15

#### Sections:

- 40-23-01 Purpose
- 40-23-02 Permitted Uses
- 40-23-03 Conditional Uses
- 40-23-04 Lot Area
- 40-23-05 Prior Created Lots
- 40-23-06 Yard Requirements
- 40-23-07 Yards To Be Unobstructed - Exceptions
- 40-23-08 Height Regulations
- 40-23-09 Private Satellite
- 40-23-10 Distance Between Buildings
- 40-23-11 Permissible Lot Coverage
- 40-23-12 Parking Spaces Required
- 40-23-13 Special Allowances for Elderly Apartments

#### 40-23-01 PURPOSE:

To provide for multiple-family medium density residential with an opportunity for varied housing styles and character.

#### 40-23-02 PERMITTED USES:

All uses and structures contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Department.

The following uses are permitted in the R-M-15 Zone:

<u>USE NO.</u>	<u>USE CLASSIFICATION</u>
1111	Single family dwelling, detached.
1121	Two family dwelling (duplex).
4800	Utilities (lines and right-of ways only) (except 4850).
6815	Day Care - (In single family and multiple family dwellings only with no more than six children at any given time other than those residing in the dwelling.)  Group Instruction - (In single family and multiple dwellings only with no more than six people at any given time other than those residing in the dwelling.)



6817 Residential facility for the handicapped.

Accessory uses and structures which are customarily incidental to the above and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to the following:

- A. Accessory buildings such as garages, carports, bath houses, private satellite antennas, private green-houses, gardening sheds, recreation rooms and similar structures which are customarily used in conjunction to the principal use or structure.
- B. Private swimming pools, tennis courts, sports courts, and other similar private recreational uses.
- C. Vegetable/flower gardens and noncommercial or chards.
- D. Home occupations subject to the regulations of the business licensing procedures of Murray City.
- E. Storage of materials used for construction of a building, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto and provided further that such use shall be permitted only during the construction period and thirty (30) days thereafter.
- F. Household pets, provided there shall be no more than two such pets over the age of four months per dwelling unit. Nothing herein shall be construed as authorizing the keeping of any animal capable of inflicting harm or discomfort or endangering the health and safety of any person or property.

40-23-03 CONDITIONAL USES:

The following uses and structures are permitted in the R-M-15 Zone only after a Conditional Use Permit has been approved by the Planning Commission and subject to the terms and conditions thereof:

<u>USE NO.</u>	<u>USE CLASSIFICATION</u>
1112	Single family dwellings - attached. (In approved Planned Unit Development only.)
1131	Multiple-family dwelling.



1141	Multiple-family dwelling (low rise).
1241	Retirement home.
4711	Telephone exchange stations.
4712	Telephone relay towers, microwave or other.
4719	Other telephone communication.
4722	Telegraph transmitting and receiving stations (only).
4729	Other telegraph communications.
4732	Radio transmitting stations and relay towers.
4739	Other radio communication.
4742	Television transmitting stations and relay towers.
4749	Other television communication.
4790	Other communication.
4800	Utilities (except lines and right-of-ways).
6242	Cemeteries.
6516	Sanitariums, convalescent, and rest home services. (Lodging and meals with full time medical staff. Does not include asylums.)
6700	Governmental services.
6811	Kindergarten schools.
6812	Elementary schools.
6813	Junior high schools.
6814	Senior high schools.
6815	Group Educational Home - (In single family dwellings only in which at least seven (7) but not more than twelve (12) children will be receiving instruction at any given time. There shall be no more than eight (8) sessions per week with each session lasting no more than three hours. No child shall attend more than one (1) session per day.)
	Group Instruction - (In single family



dwellings only in which at least seven (7) but not more than twelve (12) people will be receiving instruction.)

- 6816 Denominational and sectarian schools.
- 6817 Schools for handicapped - residential facility for handicapped.
- 6910 Places or Buildings Used for Religious Activities.
- 7111 Libraries.
- 7411 Golf courses - public.
- 7412 Golf courses - private.
- 7413 Tennis courts - public.
- 7420 Playgrounds and athletic areas.
- 7432 Swimming pools - public.
- 7492 Picnicking areas - public.
- 7600 Parks.

Accessory uses and buildings customarily incidental to the above.

40-23-04 LOT AREA:

The minimum lot area of any lot or parcel of land shall be eight thousand (8,000) square feet for each single-family dwelling. For each duplex, the minimum lot area of any lot or parcel shall not be less than ten thousand (10,000) square feet. Density for more than two units shall be calculated according to the area of the lot or parcel at the rate of twelve (12) units per acre. Where the calculation results in a fraction, the number of units will be rounded downward to the next whole number below .50 and rounded upward to the next whole number at .50 and above.

To achieve densities greater than twelve (12) units per acre in increments up to a maximum of fifteen (15) units per acre requires compliance with the requirements found in the Incentive Bonus Chapter 4025.

40-23-05 PRIOR CREATED LOTS:

Lots or parcels of land which legally existed or were created by a final plat approval prior to the applica-



tion of this zone shall not be denied a building permit solely for reason of nonconformance with the parcel requirements of this section.

40-23-06 YARD REQUIREMENTS:

The following minimum yard requirements shall apply:

1. Front Yard

The minimum depth of the front yard shall be twenty-five (25) feet for any structure in this zone. On a corner lot, the front of the main dwelling shall maintain the required minimum front yard setback. Using side yard setbacks in front yard areas will not be allowed on corner lots.

2. Side Yard

The minimum side yard for any dwelling shall be eight (8) feet, and the total width of the two required side yards shall not be less than twenty (20) feet.

3. Side Yard - Corner Lot

On corner lots, the side yard contiguous to the street shall not be less than twenty (20) feet and shall not be used for vehicle parking, except such portion as is devoted to driveway uses for access to a garage or carport.

4. Side Yard - Driveway

When used for access to a detached garage or carport to be used by one dwelling, a side yard shall be wide enough to provide an unobstructed twelve (12) foot paved driveway. When used for access to a parking area to be used by more than one dwelling, a side yard shall be wide enough to provide an unobstructed twenty-five (25) foot wide driveway.

5. Rear Yard

The minimum depth of the rear yard shall be twenty-five (25) feet.

6. Rear Yard - Accessory Buildings

Accessory buildings located at least six (6) feet to the rear of the main building may have a minimum rear yard of one (1) foot, provided no accessory building shall be located closer than ten (10) feet to a dwelling on an adjacent lot. Said acces-



sory buildings must have adequate facilities for the discharge of all roof drainage onto the subject property and must meet all City fire building codes. Building height shall not exceed one story or twenty (20) feet and shall not be higher than the height of the main dwelling.

7. Area of Accessory Buildings

No accessory buildings nor group of accessory buildings in any residential district shall cover more than 25 percent of the rear yard area.

40-23-07 YARDS TO BE UNOBSTRUCTED - EXCEPTIONS:

The structures listed below may project into a minimum front or rear yard not more than four (4) feet, and into a minimum side yard not more than two and one-half (2-1/2) feet.

1. Cornices, eaves, sills, buttresses or other similar architectural features.
2. Fireplace structures and bays, provided that they are not wider than eight (8) feet, measured generally parallel to the wall of which they are a part.
3. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty-four (24) inches in height.

40-23-08 HEIGHT REGULATIONS:

Building height will be determined by the Planning Commission for conditional uses, except no building shall be erected to a height greater than forty (40) feet, and no dwelling shall be erected to a height less than one story. Chimneys, flagpoles, church steeples and similar structures not used for human occupancy are excluded in determining height. Public and quasi-public building, when authorized, may be erected to a height greater than the height limit by Conditional Use Permit.

40-23-09 PRIVATE SATELLITE ANTENNA:

Satellite antenna shall be setback from property lines as an accessory building. No antenna can exceed an overall diameter of twelve (12) feet or an overall height of fifteen (15) feet above existing grade. An



antenna must be permanently ground-mounted and no antenna may be installed on a portable or moveable structure such as a trailer.

40-23-10 DISTANCE BETWEEN BUILDINGS:

The distance between dwelling structures on the same lot or project shall not be less than twenty (20) feet.

40-23-11 PERMISSIBLE LOT COVERAGE:

All buildings, including accessory buildings and structures, shall not cover more than 40 percent of the area of the lot or parcel of land.

40-23-12 PARKING SPACES REQUIRED:

Except as otherwise provided in Chapter 4008, the number of paved off-street parking spaces for multiple-family residential will be as follows:

1 Bedroom	2 Spaces/Unit
2 Bedrooms	2 Spaces/Unit
3 Bedrooms	2.5 Spaces/Unit
More Than 3 Bedrooms	2.5 Spaces/Unit

At least one of the parking spaces required above shall be a designated covered parking stall for each dwelling unit.

The Planning Commission may require more off-street parking to accommodate parking for recreational vehicles. This additional requirement must be based upon, but not limited to the following criteria:

- A. Size of development.
- B. Size of individual units.
- C. Number of individual units.
- D. Market value of individual units.
- E. Occupancy mix of individual units.

40-23-13 SPECIAL ALLOWANCES FOR ELDERLY APARTMENTS:

- a. Apartment developments designated and intended for the exclusive occupancy of persons and couples sixty (60) years of age and older may be granted special allowances to the required density and



parking provisions in the R-M-15 zone as follows:

(1) Density. The maximum allowable density for elderly apartments is 15 units per acres based on the following unit equivalencies:

<u>Type of Apartment</u>	<u>Unit of Equivalency</u>
Efficiency Apartment (as defined in U.B.C)	.5 unit
One-bedroom Apartment	.75 unit
Two-bedroom Apartment	1.00 unit

(2) Parking. The number of paved off-street parking spaces for elderly apartments shall be as follows:

Efficiency Apartment	1 space/apt.
One-bedroom Apartment	2 spaces/apt.
Two-bedroom Apartment	2 spaces/apt.

At least one-half (1/2) of the parking spaces required above shall be covered parking and reserved for residents of the development.

Total parking stalls required to be paved and covered may be reduced subject to the Planning Commission making the following findings:

1. All required parking has been provided for on the site, whether or not all spaces will be paved and covered.
2. The proposed tenant mix will not use the total required spaces due to reduced ownership and operation of personal vehicles. Such finding shall be based on the age, ambulatory ability, and living arrangements (i.e., required meals, on-site care, etc.) of the proposed tenants.
3. The developers and/or operators certify that a private bus service for tenants will be provided as part of the tenant amenities of the project.
4. The developers and/or operators agree to pave any parking so reduced should the Planning Commission find, after further review and at any future time, that the findings made above have changed.

The Planning Commission may authorize up to a twenty-five percent (25%) reduction in required paved and covered stalls. Notwithstanding, space for all required stalls not paved or covered shall be reserved in landscaped open space on site. A plan



showing all paved and reserved spaces shall accompany final building plans.

b. Elderly apartment developments shall be considered under the Conditional Use Permit process in Chapter 4011 of this Ordinance. Such conditional use permits shall be granted for the explicit use for elderly apartments. If any such conditionally permitted development ceases to operate as an elderly apartment development or ownership changes, such conditional use permit must be reapplied for by any new developers and/or operators for continued use as elderly apartments or must be retrofitted to comply with density and parking requirements for standard multiple-family developments under this Ordinance.



# Exhibit 14



UT120I02

Murray City Corporation  
Display Location Service Information1/31/23  
10:13:45Location ID: 1678 Addr: 431 E 5600 S  
Service : PW POWER Status : ACTIVE Cycle/Route : 33 32Service start date : 7/23/92  
123456789012  
Periods to bill : XXXXXXXXXXXXX  
Service termination date : 0/00/00  
Service type : METERED  
Jurisdiction : MC MURRAY CITY  
Inside/Outside : I  
Class code : \* GS GENERAL SERVICE - SMALL  
Number of units : 1.00  
Related service :  
Charge type : MT METERED RATE  
Flat rate code :  
Unique flat rate :  
Consumption :  
S.I.C. code :

UT120I02

Murray City Corporation  
Display Location Service Information1/31/23  
10:03:05Location ID: 1678 Addr: 431 E 5600 S  
Service : WA WATER Status : ACTIVE Cycle/Route : 33 32Service start date : 7/23/92  
123456789012  
Periods to bill : XXXXXXXXXXXXX  
Service termination date : 0/00/00  
Service type : METERED  
Jurisdiction : MC MURRAY CITY  
Inside/Outside : I  
Class code : \* C COMMERCIAL  
Number of units : 1.00  
Related service :  
Charge type : MT METERED RATE  
Flat rate code :  
Unique flat rate :  
Consumption :  
S.I.C. code :

UT120I02

Murray City Corporation  
Display Location Service Information1/31/23  
10:02:29Location ID: 1678 Addr: 431 E 5600 S  
Service : SE SEWER Status : ACTIVE Cycle/Route : 33 32Service start date : 7/23/92  
123456789012  
Periods to bill : XXXXXXXXXXXXX  
Service termination date : 0/00/00  
Service type : NONMETERED  
Jurisdiction : MC MURRAY CITY  
Inside/Outside : I  
Class code : \* C COMMERCIAL  
Number of units : \* 1.00  
Related service : \* WA WATER  
Charge type : \* WQ WINTER QUARTER  
Flat rate code :  
Unique flat rate :  
Consumption : 4.00



# **Exhibit 15**



Account *	1678	Start date *	07/23/1992	Stop date *	12/31/9999
Parcel *	2218206040	Type *	C - Com	District *	33 - Cycle 33
Location *	431 E 5600 S	Route *	3332	Read sequence *	1230
	Murray UT 84107				

Prop desc \*

[View/Modify Account](#)[Open Work Orders](#)[Special Conditions](#)[Backflow Prevention](#)[Account Event History](#)

Customer ID

[View All](#)[Select All](#)

Name	Relation	Customer ID	Bill	Bill Address	Start Date	Stop Date	Revert To Owner
CHICK FIL A	OWNER	1135439	Y	5171 S STATE ST MURRAY, UT 84107-4826	07/28/2022	12/31/9999	N



# Exhibit 16



21 27 48-1  
SERIAL NO.

of Cards  
Card No.  
1-21

Owner's Name \_\_\_\_\_  
Location 3rd cor Lot 7 Bldg 2 Sycamorewood Heights  
Street No. 431 East 5600 So  
Kind of Bldg. Cl-in-c Bldg  
Class 2 + 2 Type 1 2 3 4. Cost \$ 12,225 X 106 %

Stories	Dimensions	Cu. Ft.	Sq. Ft.	Factor	Totals
1	X X		1250.	9.78	\$ <u>12,225</u>
	X X			9.78	
	X X				
	X X				

Description of Building	Additions	RC
Foundation— Stone _____ Brick _____ Conc. <input checked="" type="checkbox"/> _____ Piers _____		
Ext. Walls <u>SCR Smooth</u>	50	
Insulation— Floors _____ Walls _____ Clgs. _____ Roof _____	2	
Roof— Type <u>Flat</u> Mtl. <u>BR</u> on _____ Framing _____	10	
Dormers _____ Skylights _____ Bays _____		
Roof— Exhaust Fans _____ Ventilators _____		
Projections <u>Red 664' x 100' conc 28' x 35' x 45'</u>	701	
Planters _____ S. Basement entry <u>FR 14 x 250 28' x 400'</u>	147	
Basement— Size <u>11,875 CF</u> Floor <u>concrete</u>	2078	
Basement— Rooms _____ Apt's _____ Office _____ Fin. _____ Unfin. _____	11	
Attic Rooms— Fin. _____ Unfin. _____ Mezz. _____		
Plumbing— Class. <u>2</u> Basins <u>1-1</u> Sinks _____ Kitchen _____ Slop _____	459	
Showers— O.T. _____ Stall _____ Group _____	380	
Toilets _____ Trays _____ Urinals _____		
Fountains— Drinking _____ Eyewash _____ Circular Wash _____		
Heat— Stove _____ H.A. <input checked="" type="checkbox"/> Gravity _____ Forced <input checked="" type="checkbox"/> _____		
Hot Water— _____ Electric _____ Radiant _____ Unit _____		
Fuel— Gas <input checked="" type="checkbox"/> Oil _____ Coal _____ Stoker _____		
Air Cond. _____ Fully _____ Zone _____		
Finish— Fir _____ Hd. Wd. _____ Paneling _____		
Floors— Fir _____ Hd. Wd. _____ Plywood _____		
Concrete _____ Marble _____ Tile _____ Terrazzo _____		
Tile— Walls _____ Wainscot _____ Floors _____		
Electrical— Drop Lts. _____ Fixtures _____ Yd. Lts. _____		
Outlets— Electric _____ Phone _____ Wall _____ Floor _____		
Elevators— Freight _____ Passenger _____ Hydraulic _____		
Escalators— _____ Lifts _____ Dock _____ Service Sta. Lift _____		
Scales _____ Signs _____ Pump Base _____		
Tanks— U.G. _____ Surface _____	3765	

Year Built <u>1965</u>	Avg. Age _____	Replacement Cost <u>16,724</u>
Inf. by <u>Owner - Tenant - Neighbor - Record - Est.</u>		Obsolescence <u>13,990</u>
Remodel Year _____	Est. Cost _____	Adjusted Bldg. Value _____
	Est. Cost _____	Conversion Factor <u>X .47</u>
	Est. Cost _____	Repl. Cost 1940 Base _____
	Est. Cost _____	Depr. Col. 1-2-3-4-5-6 <u>104</u>
Other _____		Base Cost Minus Depr. _____

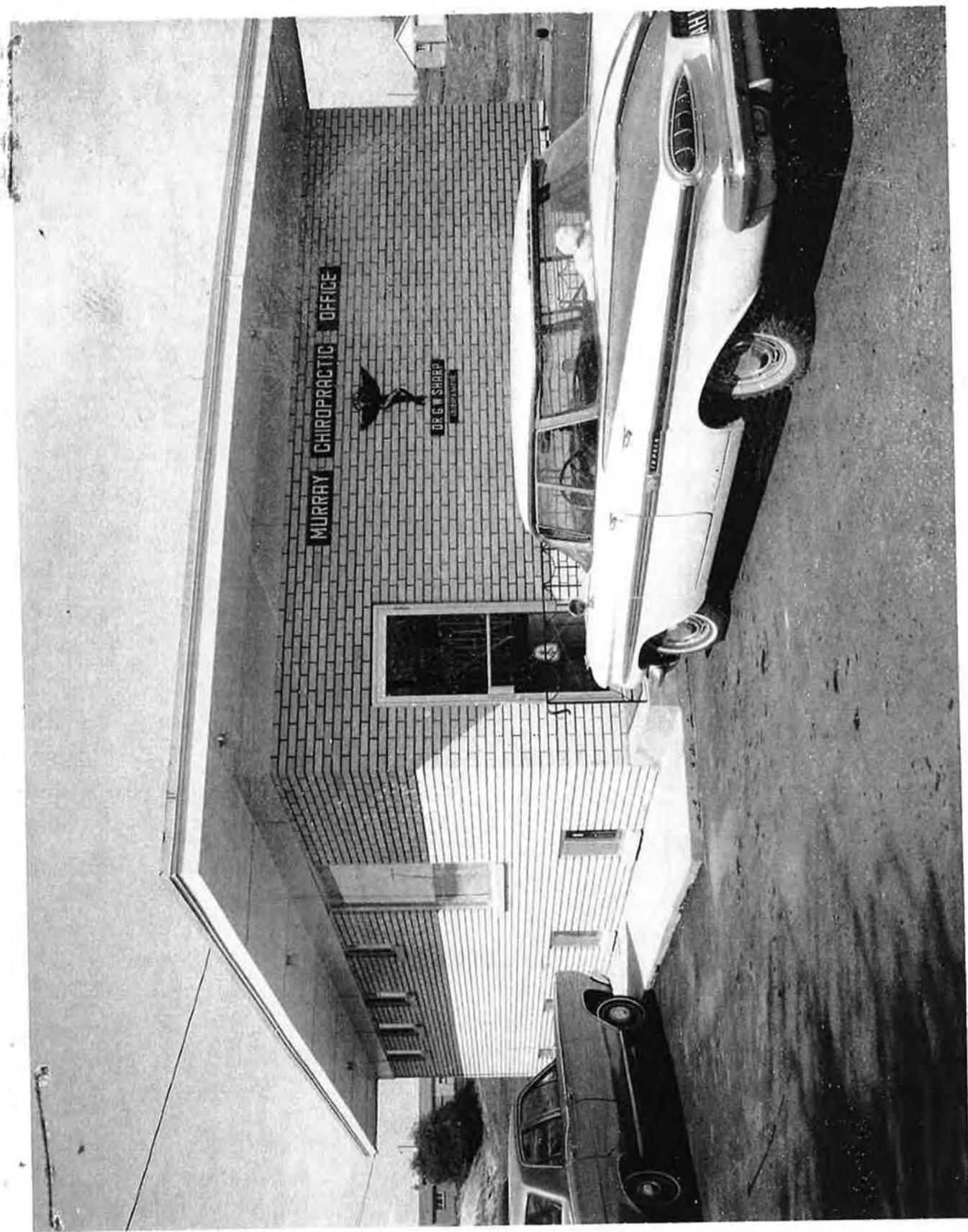
Appraised 4-25 1966 By AG  
Recheck 8-26 1968 By B.R.

Garold + Audrey  
Owned in 1970

lived at  
5449 Knollcrest

Exhibit 16





431 E 5600 S



# Exhibit 17



SERIAL NO.	NAME	CITY	COUNTY	CODE NO.
21-2748001-1	Gandhi W	Shree	Salt Lake	

01		OTHER INFORMATION			
1 CENSUS NO.		2 PARKING STALLS .....		SQ. FT. ÷ 300 SQ. FT. / STALL =	
3 BASIC USES		DESCRIPTION OF TYPE OF USE		SLUC	SIC
4 Retail	8 Service	<i>chiropractic office</i>			
5 Wholesale	9 Institutional				
6 Manufacturing	10 Other				
7 Processing	MULTIPLE USE BUILDING OVER 3 USES				
1A		INCOME ANALYSIS			

---

[illegible]

LAND VALUE	
------------	--

COMMENTS

owner occupied



A1 CALCULATOR COST COMPUTATIONS			Code		SEC. 1		SEC. 2		SEC. 3		SEC. 4	
					CLASS	QUAL.	CLASS	QUAL.	CLASS	QUAL.	CLASS	QUAL.
001	BUILDING CLASS AND QUALITY	<i>medical Bldg ②</i>	<i>ms</i>	<i>15-16</i>	<i>C</i>	<i>Low</i>						
		<i>Bsm't unfinished</i>			<i>3</i>	<i>7</i>	<i>CD</i>	<i>unf</i>				
		<i>Brick</i>					<i>3</i>	<i>10</i>				
002	EXTERIOR WALL											
					NO.	HT.	NO.	HT.	NO.	HT.	NO.	HT.
003	NO. OF STORIES AND HEIGHT PER STORY				<i>1</i>	<i>8</i>	<i>1</i>	<i>8</i>				
004	BASE SQUARE FOOT COST				<i>27.03</i>		<i>7.68</i>					
					+	-	+	-	+	-	+	-
005	SQUARE FOOT REFINEMENTS											
006	HEATING, COOLING, AIR CONDITIONING	<i>Forced air</i>			<i>(unf)</i>							
007	ELEVATOR DEDUCTION											
008	MISCELLANEOUS											
009	TOTAL LINES 004 THROUGH 008				<i>27.03</i>		<i>7.68</i>					
010	HEIGHT AND SIZE REFINEMENTS											
011	NUMBER OF STORIES — MULTIPLIER				<i>1.000</i>		<i>1.000</i>					
012	HEIGHT PER STORY — MULTIPLIER				<i>1.900</i>		<i>.900</i>					
013	FLOOR AREA — PERIMETER MULTIPLIER				<i>1.148</i>		<i>1.148</i>					
014	COMBINED HT. & SIZE MULTIPLIER (LINES 011 X 012 X 013)				<i>1.034</i>		<i>1.034</i>					
B1	SEGREGATED COST COMPUTATIONS											
001	EXCAVATION											
002	FOUNDATION WALLS & FOOTINGS	( 1 2 3 4 5 )										
003	FRAMING	( 1 2 3 4 5 )										
004	STRUCTURAL FLOORS, CONC. SLAB	( 1 2 3 4 5 )										
005	FLOOR FINISH	( 1 2 3 4 5 )										
006	CEILING FINISH	( 1 2 3 4 5 )										
007	INTERIOR CONST. (PARTITIONS ETC.)	( 1 2 3 4 5 )										
008	HEATING AND AIR CONDITIONING	( 1 2 3 4 5 )										
009	ELECTRICAL	( 1 2 3 4 5 )										
010	EXTERIOR WALLS	( 1 2 3 4 5 )										
011	ROOF STRUCTURE	( 1 2 3 4 5 )										
012	ROOF COVER	( 1 2 3 4 5 )										
013	SUB TOTAL											
014	NUMBER OF STORIES MULTIPLIER											
015	TOTAL											
C1	FINAL CALCULATIONS											
001	CALCULATOR REFINED SQ. FOOT COSTS (LINE 009 X LINE 014) (A1)				<i>27.93</i>		<i>7.94</i>					
002	SEGREGATED REFINED SQ. FOOT COST (LINE 015) (B1)											
003	CURRENT COST MULTIPLIER (SECT. 99 - P. 3)				<i>1.050</i>		<i>1.050</i>					
004	LOCAL MULTIPLIER (SECT. 99 - P. 5 and 6)				<i>1.000</i>		<i>1.000</i>					
005	FINAL SQUARE FT. COST (LINE 001 or 002 X LINE 003 X LINE 004) (X ARCHITECT'S FEES WHEN APPLICABLE)											
	TOTAL BASE COST				<i>29.33</i>		<i>8.33</i>					



D AREA COMPUTATIONS															
SECTION 1				SECTION 2				SECTION 3				SECTION 4			
Width	Depth	# St.	Area	Width	Depth	# St.	Area	Width	Depth	# St.	Area	Width	Depth	# St.	Area
25	50	1		25	50	1									
TOTAL AREA			1250	TOTAL AREA			1250	TOTAL AREA				TOTAL AREA			

E PERIMETER CALCULATION															
SECTION 1				SECTION 2				SECTION 3				SECTION 4			
25+50+25+50				25+50+25+50											
TOTAL PERIMETER			150	TOTAL PERIMETER			150	TOTAL PERIMETER				TOTAL PERIMETER			

RATIO COMPUTATION															
SECTION 1				SECTION 2				SECTION 3				SECTION 4			
Area		÷		Area		÷		Area		÷		Area		÷	
Perimeter		=		Perimeter		=		Perimeter		=		Perimeter		=	
RATIO				RATIO				RATIO				RATIO			
011	ESSENTIAL PLUMBING			No.	S.	F.	TOTAL	012	ESSENTIAL AND SPECIAL FEATURES			No.	S.	F.	TOTAL
01	Water Closet			2											
02	Lavatory			2											
03	Urinal														
04	Metal Toilet Stall														
05	Bathtub W/Shower														
06	Bathtub W/O Shower														
07	Ceramic Tile Recess														
08	Ceramic Tile Wainscote														
09	Sink, Kitchen														
10	Sink, Utility														
11	Shower Stall, Ceramic														
12	Shower Stall, Metal														
13	Drinking Fountain														
14	Drinking Fountain, Refrigerated														
15	Garbage Disposal														
16	Water Heater			1											
17	Water Softener														
18	Floor Drain														
19	City Water Connections			1											
20	City Sewer Connections			1											
21	Septic System														
22	Well System														
														</	







# **Exhibit 18**







# COMMERCIAL SECTION

PARCEL NUMBER: 2218206-007 BLDG. NUMBER: 1 SECTION NUMBER: 1

ADDRESS: 431 E 5600 S.

SKETCH: GRND-FL-AREA: 1250

NO. STORIES: 1

STORY HEIGHT: 8

PERIMETER: 150

A1: SU 50 L25

ROOFING: CP - Composition SH - Shake  
AS - Asphalt Shng ST - Stone  
AB - Asbestos Shng TG - Tar/Gravel  
WS - Wood Shng MT - Metal  
TL - Tile OT - Other

EXT. WALL TYPE: AB - Asbestos Shng CU - Curtain BL - Block  
FR - Frame ML - Metal  
BR - Brick MG - Metal Glass  
ST - Stone CN - Concrete  
AL - Alum/Vinyl OT - Other

CLASS: A - Steel Frame  
B - Conc Frame  
C - Masonry Wall  
D - Wood Frame  
S - Metal Frame

EXT GRADE: E G A F P  
EXT COND: E G A F P  
YR BLT: 1965  
EFF. YR BLT: 1969

(6 Choices)

AMENITY TYPE	C-COUNT	or A-AREA/SQ. FT.
1.		
2.		
3.		
4.		
5.		
6.		

AMENITY DESCRIPTION: MU - Motel Unts/Multi Res. PE - Psngr Elevator A - Apt./Hotel Units  
RV - Record Vault VD - Vault Door C - Cooler  
DW - Drive in Window MV - Money Vault F - Freezer  
DB - Drive in Booth WT - Walk-up-teller E - Escalator  
LD - Loading Dock CY - Canopy FE - Fire Escape  
SE - Service Elevator OD - Overhead Door

MISC. STRUCTURE:  
MISC STRUCTURE VALUE:

PHY PCT GOOD: FUN PCT GOOD: ECN PCT GOOD: PCT COMPLETE: 100 LAND/BLDG. RATIO:

XX

COMMERCIAL GROUP IN COMMERCIAL SECTION SECTION NO. GROUP NO.

COMM. USE: 660 BASE FL: 1 BASE FLOOR AREA: 1250 ADDL FL AREA: TOTAL FL AREA: 1250

FLOORING: SW - Softwood CQ - Cermc/Terra ZZO  
LA - Linolm Asphl TZ - Terra ZZO  
VN - Vinyl SF - Slate Flgstn  
CP - Carpet MB - Marble  
HW - Hardwood CN - Concrete  
OT - Other

PARTITIONS: E G A F P N PLUMBING: E G A F P N LIGHTING: E G A F P N

HEAT/COOL TYPE: EL - Electric SH - Space Heat WC - Warm/Cool Air OT - Other  
EW - Electric Wall ST - Steam HC - Hot/Cold Water NO - None  
FA - Forced Air WB - Steam w/o Br. HP - Heat Pump  
HW - Hot Water VN - Ventilator FF - Floor Furnace  
HR - Hot Water Rad. PU - Package Unit WF - Wall Furnace

PCT HEATED: 100  
FIRE ALARM: Y N  
PCT SPRINKLERS:

INTERIOR GRADE: E G A F P INTERIOR CONDITION: E G A F P PCT COMPLETE: 100 LEASE DATE: 8/7/01

SQ. FT. - RENTABLE: 1250 RENT/SQ. FT. INCOME TYPE: A INCOME VERIFY: Y N POT GROSS INC

MISC INC: CURR-VAC-PCT: STAB-VAC-PCT: 10% EFF-GROSS INC:

EXPENSES: EXPENSES-PCT: 10% EXPENSE/SQ. FT. NET INCOME:

GR-RENT-MULT: CAP RATE: 10% EST VALUE: 60750

ADJUSTMENT REASONS: 1 2 3

4. 5. ADJ AMT: ADJ. VALUE:

XS LAND VALUE: SOUND VALUE:



## PARCEL

[illegible]

**MEMO:**

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# COMMERCIAL SECTION

KH

PARCEL NUMBER: 22-18-206-007 BLDG. NUMBER: 1 SECTION NUMBER: 1

ADDRESS:

SKETCH:

GRND-FL-AREA:

NO. STORIES:

STORY HEIGHT:

PERIMETER:

<b>ROOFING:</b> CP - Composition SH - Shake AS - Asphalt Shng ST - Stone AB - Asbestos Shng TG - Tar/Gravel WS - Wood Shng MT - Metal TL - Tile OT - Other	<b>EXT. WALL TYPE:</b> AB - Asbestos Shng CU - Curtain BL - Block FR - Frame ML - Metal BR - Brick MG - Metal Glass ST - Stone CN - Concrete AL - Alum/Vinyl OT - Other	<b>CLASS:</b> A - Steel Frame B - Conc Frame C - Masonry Wall D - Wood Frame S - Metal Frame	<b>EXT GRADE:</b> E G A F P <b>EXT COND:</b> E G A F P <b>YR BLT:</b> <b>EFF. YR BLT:</b>
---	--	---	--

(6 Choices) <b>AMENITY TYPE</b> C-COUNT or A-AREA/SQ. FT. 1. 2. 3. 4. 5. 6.	<b>AMENITY DESCRIPTION:</b> MU - Motel Unts/Multi Res. PE - Psngr Elevator A - Apt./Hotel Units RV - Record Vault VD - Vault Door C - Cooler DW - Drive in Window MV - Money Vault F - Freezer DB - Drive in Booth WT - Walk-up-teller E - Escalator LD - Loading Dock CY - Canopy FE - Fire Escape SE - Service Elevator OD - Overhead Door	<b>MISC. STRUCTURE:</b> <b>MISC STRUCTURE VALUE:</b>
--	--	---

PHY PCT GOOD: FUN PCT GOOD: ECN PCT GOOD: PCT COMPLETE: LAND/BLDG. RATIO:

XX

COMMERCIAL GROUP IN COMMERCIAL SECTION 1 SECTION NO. 1 GROUP NO. 2

COMM. USE: 662 BASE FL: 0 BASE FLOOR AREA: 1250 ADDL FL AREA: TOTAL FL AREA: 1250

<b>FLOORING:</b> SW - Softwood CQ - Cermc/Terra ZZO LA - Linolm Asphl TZ - Terra ZZO VN - Vinyl SF - Slate Flgstr CP - Carpet MB - Marble HW - Hardwood CN - Concrete OT - Other	<b>PARTITIONS:</b> E G A F P N <b>HEAT/COOL TYPE:</b> EL - Electric SH - Space Heat WC - Warm/Cool Air OT - Other EW - Electric Wall ST - Steam HC - Hot/Cold Water NO - None FA - Forced Air WB - Steam w/o Br. HP - Heat Pump HW - Hot Water VN - Ventilator FF - Floor Furnace HR - Hot Water Rad. PU - Package Unit WF - Wall Furnace	<b>PLUMBING:</b> E G A F P N <b>LIGHTING:</b> E G A F P N <b>PCT HEATED:</b> 100 <b>FIRE ALARM:</b> Y N <b>PCT SPRINKLERS:</b>
--	---	--

INTERIOR GRADE: E G A F P INTERIOR CONDITION: E G A F P PCT COMPLETE: 60% LEASE DATE: 8/1/01

SQ. FT. - RENTABLE: 1250 RENT/SQ. FT. INCOME TYPE: A E 4- INCOME VERIFY: Y N POT GROSS INC:

MISC INC: CURR-VAC-PCT: STAB-VAC-PCT: 10% EFF-GROSS INC:

EXPENSES: EXPENSES-PCT: 10% EXPENSE/SQ. FT. NET INCOME:

GR-RENT-MULT: CAP RATE: 10% EST VALUE: 40500

ADJUSTMENT REASONS: 1 2 3

4. 5. ADJ AMT: ADJ. VALUE:

XS LAND VALUE: SOUND VALUE:



IMPROVEMENT CHARACTERISTICS															
001 BASE STRUCTURE					RESIDENTIAL BUILDING RCN				ATTACHED FEATURES						
KIND OF STRUCTURE	01				ST HT	GROUND FLOOR AREA	SQ. FOOT RATE	RATIO MULTIPLIER	VALUE	FEATURE	U	G	C	SQ. FT.	RCN
MODEL	02														
TYPE	03														
YEAR BUILT	04														
Perm. Life OG.	Eff. Age 05				DOLLAR CODE ADJUSTMENTS										
BASE STRUCTURE RCN					SPECIAL FEATURES										
004 ADDITIONS					ATTACHED FEATURES										



Exhibit 18 (continued)

VTRU 22-18-206-040-0000 BOOK 5962 PAGE 2373 DATE 10/02/87 LEGAL D PAGE 1  
NAME SHARP, GAROLD W & AUDREY NEW/UPDT N TAX DIST OK 21  
CONT (TC) NB CODE 2980 FRONTAGE 77  
C/O,AT NB DIST DEPTH 144  
STREET 5449 S KNOLLCREST ST EDIT ZONING R-1-8 IRREG X  
CITY SLC, UT 84107 ACREAGE 0.25  
LOCATE EDIT CERTIFY ASSR BATCH NO 4087 SEQ 802  
~~UNKNOWN~~ 431 E 5600 So. EDIT N PLAT  
PROPERTY DESCRIPTION  
DESC 1 BEG S 1393.61 FT & E 2851.63 FT FR NW COR OF SEC 18, T WORK CRD  
DESC 2 2S, R 1E, S L M; S 2°25' W 137.48 FT; S 85°24'50" E PRINTED  
DESC 3 76.5 FT; N 2°25' E 143.61 FT; W 76.51 FT TO BEG.  
DESC 4 0.25 AC M OR L.  
4 DESC  
LINES  
MORE  
OLD PARCEL NUMBERS  
22-18-206-007-0000

MORE TOTAL 1



040

VTAU 22-18-206- <del>007</del> -0000		**** 1987 ASSESSMENT DATA ****	COMPLETED
TAX DISTRICT 21 NEXT YR		TAXPAYER ID 0000	PAGE 1 OF 2
SHARP, GAROLD W & AUDREY			
5449 S KNOLLCREST ST EDIT		B OF E 00/00/00	*****
MURRAY, UT 84107		TAX NOTICE 10/23	* SUMMARY *
MAIL ADDR MODIFY 00/00/00 REASON		AMEND NOTCE 00/00	* R EST 39990 *
LOC 431 E 5600 S EDIT		STAX UPDATE 05/13	* BLDG 71380 *
CUST DATA		BOOK 5197	* MV 0 0 *
LAST MODIFY 00/00/00 BY OFF		PAGE 0002	* TOTAL 111370 *
PRINT P HOMESITE		CERTIFY TYPE	*****
EXEMPT/LIEU LAND USE		P A R C E L	G R E E N B E L T 00
PRIVLGE TAX ACREAGE		PRI SEC	PRI SEC
CONDOMINIUM RESIDENTIAL 0 0			0 0
APARTMENT COMMERCIAL 0 39990			0 0
UNDIV INT AGRICULTURAL 0 0			0 0
MULTI NAMES TOTAL 0 39990			0 0
ADDRESS		PRI BUILDINGS	SEC BUILDINGS
LEGAL DESC		VALUE CLASS UNIT	VALUE CLASS UNIT
NEW GROWTH RESIDENTIAL 0 0			0 0
SEASONAL USE COMMERCIAL 0 0			71380 0
ASR BATCH NO 0 AGRICULTURAL 0 0			0 0
ASR BATCH SEQ 0 TOTAL 0			71380



VTAU 22-18-206-007-0000		**** 1987 ASSESSMENT DATA ****		COMPLETED
TAX DISTRICT 21 NEXT YR		TAXPAYER ID 0000		PAGE 2 OF 2
SHARP, GAROLD W & AUDREY		TAX CALCULATIONS		
		MULTI	+ REAL ESTATE	39,990
		NAMES	+ BUILDINGS	71,380
		NO	+ MOTOR VEHICLE	0
5449 S KNOLLCREST ST	EDIT		= FULL MARKET VAL	111,370
MURRAY, UT	84107		- STATUTE REDUCT	22,274
MAIL ADDR MODIFY 00/00/00	REASON		= STATUTE VALUE	89,096
LOC 431 E 5600 S	ED	CR	- RESIDENT EXEMPT	0
CUST DATA			= TAXABLE VALUE	89,096
LAST MODIFY 00/00/00 BY	OFFICE		- VETERAN EXEMPT	0
PRINT	P	TAX RELIEF	= RESIDUAL VALUE	89,096
EXEMPT/LIEU	BLIND	0.00	* TAX RATE	.0153570
PRIVLGE TAX	INDGENT	0.00	= COMPUTED TAXES	1,368.25
TAX SALE	CIRC BR	0.00	+ GARBAGE FEE	0.00
DEFER APPLY	GARBAGE	0.00	+ PERS PROP PRIN	0.00
DEFER APROV	BOARD	0.00	+ PERS PROP INT	0.00
WEED/DEMO	GRB BRD	0.00	= TOTAL CHARGES	1,368.25
PAID PROTEST	COLLECTIONS		- TAX RELIEF	0.00
SPEC IMP CERT	PREPAY	0.00	- PREPAYMENTS	0.00
APPENDIX YR	PAYMNT	0.00	= TOTAL TAXES DUE	1,368.25
BANKRUPT YR	RECEIPT NO	0	- COLLECTIONS	0.00
MTG HLDR	REC DATE	00/00/00	= BALANCE DUE	1,368.25
NOTICE PRINT 10/23	MACH/RUN	00 / 00		



KH

DATA COLLECTION CARD  
SHORT FORM

PARCEL NUMBER: 22-18-206-040

TOTAL ACRES: .25

PROPERTY TYPE: 500 TAX CLASS: GARY

BATCH NO: 4087-8

COLLECTOR I.D: 52

VISIT DATE: 3-17-88

INSPECTION REASON: N

REINSPECTION: N

MEMO: VALUED FOR 1988 BY MARKET  
NO DETAIL ON COMPUTER.

VALUE DATE: 3-17-88

SELECTED TOTAL: 101250

SELECTED BUILDING: 68580

SELECTED LAND: 32670

RES. PRIMARY %:

RES. SEC. %:

COM. PRI. %: 100

COM. SEC. %:

AGR. PRI. %:

AGI SEC. %:

PRCL	PRI RES	SEC RES	PRI COM	SEC COM	PRI AGR	SEC AGR
	_____	_____	_____	_____	_____	_____
BLDG	PRI RES	SEC RES	PRI COM	SEC COM	PRI AGR	SEC AGR
	_____	_____	_____	_____	_____	_____



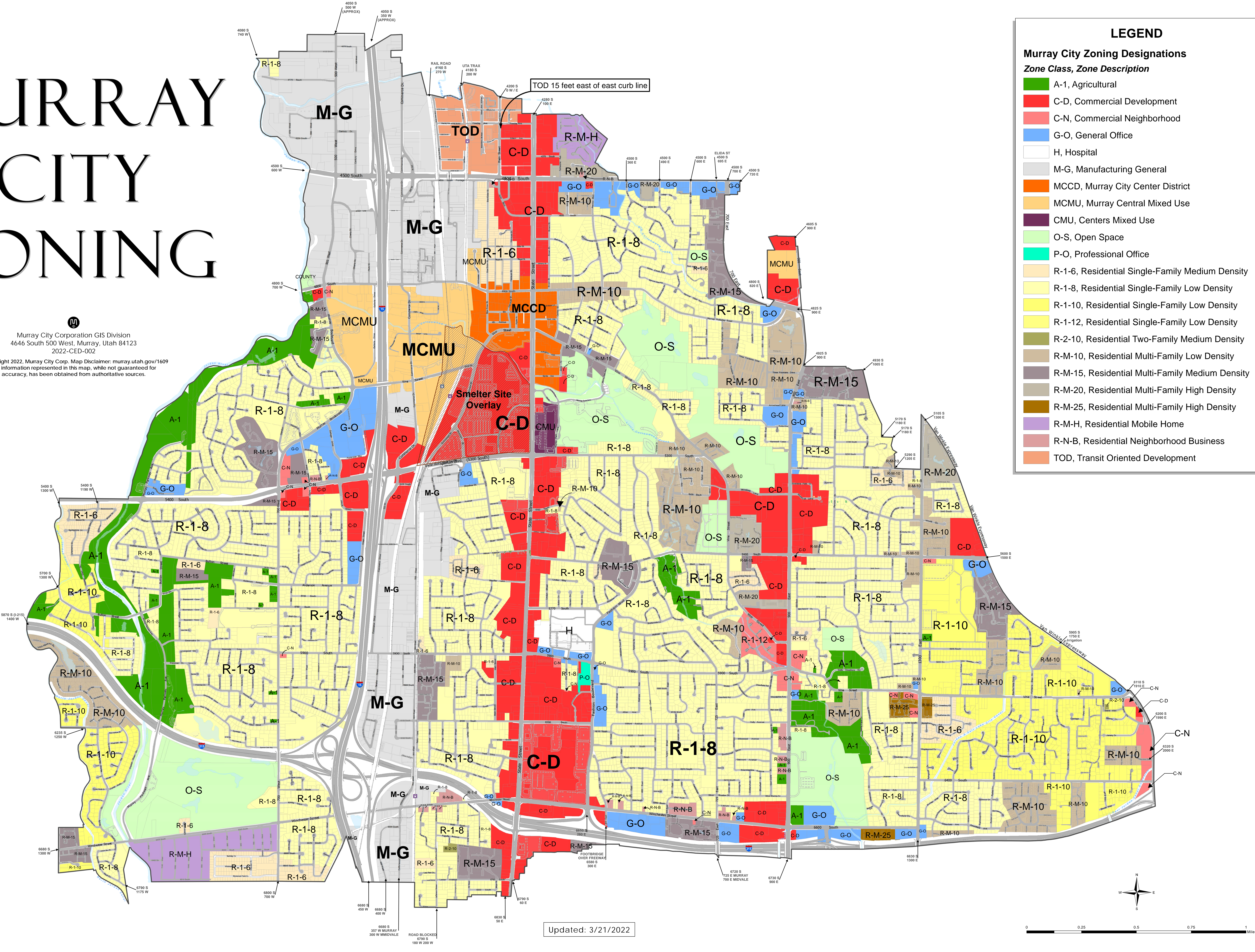
# **Exhibit 19**



# MURRAY CITY ZONING

Murray City Corporation GIS Division  
4646 South 500 West, Murray, Utah 84123  
2022-CED-002

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The information represented in this map, while not guaranteed for accuracy, has been obtained from authoritative sources.



MURRAY

Updated: 3/21/2022







## CHAPTER 17.120

### MULTIPLE-FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT R-M-15

#### SECTION:

#### 17.120.010: Purpose

#### 17.120.020: Permitted Uses

#### 17.120.030: Conditional Uses

#### 17.120.040: Lot Area

#### 17.120.050: Prior Created Lots

#### 17.120.060: Yard Requirements

#### 17.120.070: Yards To Be Unobstructed; Exceptions

#### 17.120.080: Height Regulations

#### 17.120.090: Private Satellite Antenna

#### 17.120.100: Permissible Lot Coverage

#### 17.120.110: Parking Spaces Required

#### 17.120.120: Special Allowances For Elderly Apartments

#### 17.120.010: PURPOSE:

To provide for multiple-family medium density residential with an opportunity for varied housing styles and character. (Ord. 07-30 § 2)

#### 17.120.020: PERMITTED USES:

A. All uses and structures contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Department.

B. The following uses are permitted in the R-M-15 Zone:

Use No.	Use Classification
Use No.	Use Classification
1111	Single-family dwelling - detached.
1121	Two-family dwelling (duplex).
1210	Residential facility for elderly persons (see chapter 17.32 of this title).
1210	Residential facility for the disabled (see chapter 17.36 of this title).
4800	Utilities (lines and rights-of-way only) (except 4850).
6814	Charter school.
6815	Residential childcare facility (in single-family and multiple-family dwellings only with no more than 12 children at any given time other than those residing in the dwelling).
	Group instruction (in single-family and multiple-family dwellings only with no more than 8 people other than those residing in the dwelling).

C. Accessory uses and structures which are customarily incidental to the above and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

Accessory buildings such as garages, carports, bathhouses, private satellite antennas, private greenhouses, gardening sheds, recreation rooms and similar structures which are customarily used in conjunction with the principal use or structure.

Home occupations subject to the regulations of the business licensing procedures of the City.

Household pets, provided there shall be no more than two (2) such pets over the age of four (4) months per dwelling unit. Nothing herein shall be construed as authorizing the keeping of any animal capable of inflicting harm or discomfort or endangering the health and safety of any person or property.

Private swimming pools, tennis courts, sports courts, and other similar private recreational uses.

Storage of materials used for construction of a building, including the contractor's temporary office, provided that such use is



on the building site or immediately adjacent thereto and provided further that such use shall be permitted only during the construction period and thirty (30) days thereafter.

Vegetable/flower gardens and noncommercial orchards. (Ord. 17-03: Ord. 07-30 § 2)

**17.120.030: CONDITIONAL USES:**

The following uses and structures are permitted in the R-M-15 Zone only after a conditional use permit has been approved by the Planning Commission and subject to the terms and conditions thereof:

Use No.	Use Classification
Use No.	Use Classification
1112	Single-family dwellings - attached.
1131	Multiple-family dwelling.
1141	Multiple-family dwelling (low rise).
1210	Bed and breakfast homestay.
1210	Bed and breakfast inn.
1241	Retirement homes, independent living or congregate care.
4711	Telephone exchange stations.
4712	Telephone relay towers, microwave or other.
4719	Other telephone communication.
4722	Telegraph transmitting and receiving stations (only).
4729	Other telegraph communications.
4732	Radio transmitting stations and relay towers.
4739	Other radio communication.
4742	Television transmitting stations and relay towers.
4749	Other television communication.
4790	Other communication.
4800	Utilities (except lines and rights of way).
6242	Cemeteries.
6516	Sanatoriums, convalescent and rest home services. (Lodging and meals offered with full time medical staff. Does not include asylums.)
6720	Protective functions and related activities.
6811	Kindergarten schools.
6812	Elementary schools.
6813	Junior high schools.
6814	Senior high schools.
6815	Group educational home (preschool). (In single-family dwellings only in which at least 7 but not more than 12 children will be receiving instruction at any given time. There shall be no more than 8 sessions per week with each session lasting no more than 3 hours. No child shall attend more than 1 session per day.)
	Group instruction (in single-family dwellings only in which at least 9 but not more than 12 people will be receiving instruction).
6816	Denominational and sectarian schools.
6817	Schools for disabled, residential facility for disabled.
6911	Churches, synagogues, temples and missions.
7111	Libraries.
7413	Tennis courts - public (as part of a public park).
7420	Playgrounds and athletic areas (as part of a public park).
7432	Swimming pools - public (as part of a public park).
7492	Picnicking areas - public (as part of a public park).
7600	Parks.

Accessory uses and buildings customarily incidental to the above. (Ord. 16-41: Ord. 07-30 § 2)

**17.120.040: LOT AREA:**

A. The minimum lot area of any lot or parcel of land shall be eight thousand (8,000) square feet for each single-family dwelling. For each duplex, the minimum lot area of any lot or parcel shall not be less than ten thousand (10,000) square feet.



Density for more than two (2) units shall be calculated according to the area of the lot or parcel at the rate of twelve (12) units per acre. Where the calculation results in a fraction, the number of units will be rounded downward to the next whole number below 0.50 and rounded upward to the next whole number at 0.50 and above.

B. To achieve densities greater than twelve (12) units per acre in increments up to a maximum of fifteen (15) units per acre requires compliance with the requirements found in chapter 17.132 of this title. (Ord. 07-30 § 2)

**17.120.050: PRIOR CREATED LOTS:**

Lots or parcels of land which legally existed or were created by a final plat approval prior to the application of this zone shall not be denied a building permit solely for reason of nonconformance with the parcel requirements of this chapter. (Ord. 07-30 § 2)

**17.120.060: YARD REQUIREMENTS:**

The following minimum yard requirements shall apply:

A. Front Yard: The minimum depth of the front yard shall be twenty five feet (25') for any structure in this zone. On a corner lot, the front of the main dwelling shall maintain the required minimum front yard setback. Using side yard setbacks in front yard areas will not be allowed on corner lots.

B. Side Yard: The minimum side yard for any dwelling shall be eight feet (8'), and the total width of the two (2) required side yards shall not be less than twenty feet (20').

C. Side Yard; Corner Lot: On corner lots, the side yard contiguous to the street shall not be less than twenty feet (20') and shall not be used for vehicle parking, except such portion as is devoted to driveway uses for access to a garage or carport.

D. Side Yard; Driveway: When used for access to a detached garage or carport to be used by one dwelling, a side yard shall be wide enough to provide an unobstructed twelve foot (12') paved driveway. When used for access to a parking area to be used by more than one dwelling, a side yard shall be wide enough to provide an unobstructed twenty five foot (25') wide driveway.

E. Rear Yard: The minimum depth of the rear yard shall be twenty five feet (25').

F. Rear Yard; Accessory Buildings: Accessory buildings located at least six feet (6') to the rear of the main building may have a minimum rear yard of one foot (1'), provided no accessory building shall be located closer than ten feet (10') to a dwelling on an adjacent lot and provided that the building may not encroach upon a public utility easement. Said accessory buildings must have adequate facilities for the discharge of all roof drainage onto the subject property and must meet all city fire and building codes.

G. Area Of Accessory Buildings: No accessory buildings nor group of accessory buildings in any residential district shall cover more than twenty five percent (25%) of the rear yard area.

H. Side Yard; Accessory Buildings: Accessory buildings and structures are permitted to occupy side yards. Such buildings and structures must comply with this chapter's setback requirements for dwellings and have adequate facilities for the discharge of all roof or other drainage onto the subject property and meet all city fire and building codes. Accessory buildings and structures shall be compatible with the exterior color and materials of the dwelling or shall utilize earthen tones.

I. Height: An accessory structure may consist only of a one-story building and may not exceed twenty feet (20') to the peak of the roof.

J. Determination: The community & economic development director shall determine what constitutes an accessory use, building, or a structure as those terms are used in this title, and a person aggrieved by that determination may appeal to the appeal authority as provided by law.

(Ord. 21-19: Ord. 19-38 § 2: Ord. 07-30 § 2)

**17.120.070: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:**

The following structures may project into a minimum front or rear yard not more than four feet (4'), and into a minimum side yard not more than two and one-half feet ( $2\frac{1}{2}$ ):

A. Cornices, eaves, sills, buttresses or other similar architectural features;

B. Fireplace structures and bays;

C. Stairways, balconies, door stoops, fire escapes, awnings, skylights and planting boxes or masonry planters not exceeding twenty four inches (24") in height. (Ord. 07-30 § 2)

**17.120.080: HEIGHT REGULATIONS:**

Building height will be determined by the planning commission for conditional uses, except no building shall be erected to a height greater than forty feet (40'), and no dwelling shall be erected to a height less than one story. Chimneys, flagpoles, church steeples and similar structures not used for human occupancy are excluded in determining height. Public and quasi-public buildings, when authorized, may be erected to a height greater than the height limit by conditional use permit. (Ord. 07-30 § 2)



**17.120.090: PRIVATE SATELLITE ANTENNA:**

Satellite antenna shall be set back from property lines as an accessory building. No antenna can exceed an overall diameter of twelve feet (12') or an overall height of fifteen feet (15') above existing grade. An antenna must be permanently ground mounted and no antenna may be installed on a portable or movable structure such as a trailer. (Ord. 07-30 § 2)

**17.120.100: PERMISSIBLE LOT COVERAGE:**

All buildings, including accessory buildings and structures, shall not cover more than forty percent (40%) of the area of the lot or parcel of land. (Ord. 07-30 § 2)

**17.120.110: PARKING SPACES REQUIRED:**

A. Except as otherwise provided in chapter 17.72 of this title, the number of paved off street parking spaces for multiple-family residential will be as follows:

Two and one-half (2.5) parking spaces for each dwelling unit. Two (2) parking spaces shall be designated parking stalls for each dwelling unit. The additional one-half ( $\frac{1}{2}$ ) parking space requirement shall be combined for all units and used for visitor parking. Visitor parking shall be clearly marked.

B. At least one of the parking spaces required above shall be a designated covered parking stall for each dwelling unit.

C. The planning commission may require more off street parking to accommodate parking for recreational vehicles. This additional requirement must be based upon, but not limited to, the following criteria:

1. Size of development;
2. Size of individual units;
3. Number of individual units;
4. Market value of individual units;
5. Occupancy mix of individual units. (Ord. 07-30 § 2)

**17.120.120: SPECIAL ALLOWANCES FOR ELDERLY APARTMENTS:**

A. Apartment developments designated and intended for the exclusive occupancy of persons and couples sixty (60) years of age and older may be granted special allowances to the required density and parking provisions in the R-M-15 zone as follows:

1. Density: The maximum allowable density for elderly apartments is fifteen (15) units per acre based on the following unit equivalencies:

Type Of Apartment	Unit Of Equivalency
Efficiency (as defined in IBC)	0.5 unit
1 bedroom	0.75 unit
2 bedroom	1.00 unit

2. Parking: The number of paved off street parking spaces for elderly apartments shall be as follows:

Type Of Apartment	
Efficiency	1 space/apartment
1 bedroom	2 spaces/apartment
2 bedroom	2 spaces/apartment

At least one-half ( $\frac{1}{2}$ ) of the parking spaces required above shall be covered parking and reserved for residents of the development.

Total parking stalls required to be paved and covered may be reduced subject to the planning commission making the following findings:

- a. All required parking has been provided for on the site, whether or not all spaces will be paved and covered;
- b. The proposed tenant mix will not use the total required spaces due to reduced ownership and operation of personal vehicles. Such finding shall be based on the age, ambulatory ability, and living arrangements (i.e., required meals, on site care, etc.) of the proposed tenants;
- c. The developers and/or operators certify that a private bus service for tenants will be provided as part of the tenant amenities of the project;
- d. The developers and/or operators agree to pave any parking so reduced should the planning commission find, after further review and at any future time, that the findings made above have changed.



The planning commission may authorize up to a twenty five percent (25%) reduction in required paved and covered stalls. Notwithstanding, space for all required stalls not paved or covered shall be reserved in landscaped open space on site. A plan showing all paved and reserved spaces shall accompany final building plans.

B. Elderly apartment developments shall be considered under the conditional use permit process in chapter 17.56 of this title. Such conditional use permits shall be granted for the explicit use for elderly apartments. If any such conditionally permitted development ceases to operate as an elderly apartment development or ownership changes, such conditional use permit must be reapplied for by any new developers and/or operators for continued use as elderly apartments or must be retrofitted to comply with density and parking requirements for standard multiple-family developments under this title. (Ord. 07-30 § 2)



# **Exhibit 21**



1809521

Year/Status: None  
Sale Price: \$650,000

CDOM: 4

DOM: 4

Tax ID: 22-18-206-040 • History

Address: 431 E 5600 S

NS/EW: 5600 S / 431 E

City: Murray, UT 84107

County: Salt Lake

Planning Code: R-M-15

Status: Active

Entry Date: 04/30/2022

Est. Taxes: \$2,008

Proj/Subdiv:



Year Built: 1965

Office Count:

Building Class:

CE

Sq Ft Avail: 0

Element Sq Ft: 1,250

Utilities Avail:

Price Inclusions: Restrooms

Air Conditioning: Central Air, Electric

Const./Cond.: Brick

Culinary Water: Connected

Cust. Visibility: Road Traffic

Ext. Special Paved Parking

Features:

Floor Coverings: Carpet; Linoleum

Heating: Forced Air; Gas; Natural

Inclusions: See Remarks; Real Estate

Exclusions: See Remarks

Int. Special Basement; Restroom; Private

Features:

Irrigation: Not Available

Land Condition: Curb & Gutter; Fenced: Part; Mature Trees; Paved; Terrain: Flat; Trees

Offering Type: Sale

Parking: 10 uncovered stalls;

Possession: Arrange

Power: Single Phase

Roads/Trans.: Asphalt; Circular; Curb & Gutter; Road: Paved; Sidewalk

Roof: Flat; Rubber (EPDM)

Sewer: Connected

Site Description: Owner Occupied

Tel Comm: Broadband Cable

Terms: Cash; Conventional; SBA

Utilities: 120/240 V 1 Phase; Gas: Natural

Window Cov: Blinds; Part

Zoning: See Remarks; Multi-Family; Commercial

Has Solar?: No

**Remarks:** Prime investment opportunity for owner-user to easily maintain a professional office while living in the lower level in a desirable Murray location. This solid brick building was built in 1965 on .18 acres, and has a multitude of uses. Zoned R-M-15. Currently operated as a chiropractic office. Reception area with multiple treatment rooms on main level. Bathrooms on both floors. Lower level can be modified for use as an owner's residence, and has two separate entrances. Plenty of parking. Re-roofed within the past 10 years. Business may also be available as a separate purchase. Contact agent for more information. Square footage figures are provided as a courtesy estimate only and were obtained from County Records. Buyer is advised to obtain an independent measurement.

**Agt Remarks:** Buyer/Buyers agent to verify all material facts. Do not disturb occupant. Seen by appointment only as practice is in current operation. Business may also be available as a separate purchase. Call Lisa Turner at 385-424-1244 for more information/showing.

**Show Inst:** See Remarks; Agent Has Key; Call Agent/Appt

Owner: On record

Contact: Lisa Turner

Contact Type: Agent

Owner Type: Property Owner

Ph 1: 385-424-1244

Ph 2: 801-529-1776