



**Murray City Hearing Officer Meeting
Notice of Meeting and Agenda**

**Wednesday, September 11th, 2024, 12:30 p.m.
Murray City Hall, 10 East 4800 South
Poplar Conference Room #151**

Supporting materials are available at <https://www.murray.utah.gov/1386/Agendas>.

CALL MEETING TO ORDER

EXPANSION OF NONCONFORMING USE

1. Scott Beer
199 East Elm Street
Requesting an Expansion of an Existing 3 foot Side Yard Setback

Project # 24-004

ANNOUNCEMENTS AND QUESTIONS

ADJOURNMENT

The next scheduled meeting will be held on Wednesday, October 9, 2024, at 12:30 p.m. MST located at Murray City Hall, Poplar Room #151, 10 East 4800 South, Murray, Utah.

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 and the state noticing website at <http://pmn.utah.gov>.



AGENDA ITEM # 2 - Scott Beer

ITEM TYPE:	Expansion of a Non-Conforming Structure		
ADDRESS:	199 East Elm Street	MEETING DATE:	September 11, 2024
APPLICANT:	Scott Beer	STAFF:	David Rodgers, Senior Planner
PARCEL ID:	22-07-128-009	CASE NUMBER:	1614
ZONE:	R-1-8, Low density single family	PROJECT NUMBER:	HO-24-004
SIZE:	.11 acre lot 1,083 ft ² existing residence		
REQUEST:	The applicant would like to construct an addition to their existing single family home, which is currently non-conforming to side setback regulations of the current R-1-8 zone as written in Section 17.100.080 of the Land Use Ordinance.		



I. LAND USE ORDINANCE

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

II. PROJECT REVIEW

Subject Property + Background

The subject property is a single-family residence located along the north side of Elm Street. The request for expansion is to allow the property owner to construct an approximately 370.5 ft² addition to the rear of the home. The Site Plan is attached to this report for review.

The house is located in the R-1-8 zone, with required setbacks indicated below. The structure is currently non-conforming due to setbacks on both the front yard and east side yard of the property.

	Existing	Proposed	Required
Front	17'	17'	25'
Rear	28'	16'	15'
Side	West: 14' East: 3'	West: 14' East: 3'	West: 12' East: 8'

Proposed Addition

The home currently does not meet the requirement of the R-1-8 Zone for the east side yard of eight feet (8'). The proposed addition (A) will occur on the south side of the property and will not violate any other required setbacks or regulations. In short, while the request for an addition to the side and rear of the home would increase the existing nonconformity on the property, staff finds that this follows the intent of the zone. Staff does not find that the proposed addition will cause any burden to neighboring properties. Staff wants to acknowledge that the application shows a second addition (B) on the site plan on the west side of the home, but that this second addition is not part of this request. Staff would not support the second addition (B) due to the front setback. While the side setback request that this application is asking for allows the owner to simply extend a current non-conforming structure, the front addition would come closer to the front setback than the dwelling does currently.

III. PUBLIC NOTICE & COMMENT

Sixty-one (61) notices of the public meeting were mailed to all property owners within 300 feet of the subject property. As of the writing of this report, staff has not received any comments.

IV. FINDINGS

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

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

The proposed addition of the single-family home is in harmony with the purpose of the R-1-8, Single Family Residential Zone that promotes and encourages family life by adding square footage to an existing dwelling.

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

- Preserve and create a favorable environment for the citizens and visitors of the city.
 - Reinvestment in existing dwellings contributes to a favorable environment for the citizens of the city.
- Foster the city's residential, business, and industrial development.
 - The proposed addition would allow for a more useable single-family home in an established area of Murray.
- Promote the development of a wholesome, serviceable, and attractive city resulting from an orderly, planned use of resources.
 - Reinvestment in this home will increase the property's value, and neighboring home values in the area as well.

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

Staff does not believe that the proposed addition will impose any burden upon the lands located in the vicinity of the nonconforming structure. Staff does not have or anticipate any concerns with the proposed request.

V. CONCLUSION / RECOMMENDATION

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

1. The applicant shall obtain the appropriate Murray City Building Permits necessary for the proposed addition.

2. The proposed addition shall conform to all other yard and area requirements of the R-1-8 Zone.

EXPANSION OF NONCONFORMITY APPLICATION

Application Information

Project Name: ELM Street Addition
Project Address: 199 E. ELM ST. , Murray, UT 84107
Parcel Identification (Sidwell) Number: 22-07-128-009
Parcel Area(acres): .11 Zoning District: R18

Applicant Information

Name: SCOTT BEER
Mailing Address: 444 Bridlewalk Ln City: Murray State: UT ZIP: 84107
Phone #: 801-842-1846 Fax #: _____ Email Address: SRBEER@AOL.COM

Property Owner's Information (If different)

Name: (SAME)
Mailing Address: _____ City: _____ State: _____ ZIP: _____
Phone #: _____ Fax #: _____ Email Address: _____

Describe the request in detail, include exact measurements, and reason for the request:

I DESIRE TO PUT AN ADDITION ON TO THE HOUSE AND WOULD LIKE TO
EXTEND THE NONCONFORMANCE AS PART OF THE ADDITION.
(SEE ATTACHED SKETCH.)

Authorized Signature:  Date: 19-AUG-2024

For Office Use Only

Project Number: H0-24-004 Date Accepted: 8/19/2024
Planner Assigned: _____

Property Owners Affidavit

I (we) Scott BEER & Carlione Beer, 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)

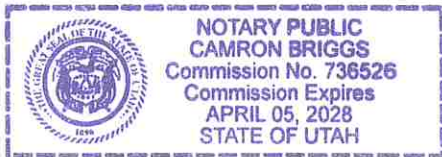
State of Utah

§

County of Salt Lake

Subscribed and sworn to before me this 19 day of August, 2024.

[Signature]
Notary Public



Residing in 6060 S Fashion Blvd Murray, UT 84107

My commission expires: April 5, 2028

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 acknowledged to me that they executed the same.

Notary public

Residing in: _____

My commission expires: _____

Expansion of Non-conforming Analysis Form
(to be completed by the applicant)

1. Please explain how granting the expansion of a non-conforming use/building will be in harmony with one or more of the purposes of the Murray City Land Use Ordinance.

The defined use of this lot is for low density single family housing. The planned expansion allows me as property owner to have full access to the land even though it does not now comply to the offsets defined in today's code.

2. Please explain how the requested expansion will or will not have an unreasonable burden on the area surrounding the requested expansion.

The requested expansion is on the east side of the house only potentially affecting the neighbor on the east. However, it will have little to no effect as it would not obstruct any view. and the improvements planned would ^{be} an improvement of the neighbor's view.

LOT 4791 ft²
1773 sq ft

SGT BACKS
FRONT: 15
BACK: 10
SIDES: 8 min
20 total

GARAGE
16 x 19
14 x 19

81

A

REQUESTED
EXPANSION

10%

EXISTING
NON-COM
FORMAN

PROPERTY
LINE →

DRIVEWAY
12'

BACK

Planned Addition

SQ FT W/O BASEMENT
831

199 E. FLM ST

ADDL SQ FT

A) $12 \times 24 = 288$
 $11 \times 7.5 = 82.5$
 290.5

B) $9 \times 28 = 252$
 1453.5

$290.5 + 831 = 1121.5$

B only
831 + 2
1083



**HEARING OFFICER
NOTICE OF PUBLIC MEETING**
September 11th, 2024, 12:30 PM

This notice is to inform you of a public meeting scheduled before the Murray City Hearing Officer to be held at Murray City Hall located at 10 East 4800 South, Poplar Conference Room #151. **Scott Beer is requesting an extension of a nonconforming use for the property located at 199 East Elm Street. The request is to allow an addition to the home to be at the same setback as the currently built portion.** Please see the attached plans. You may attend the meeting in person, or you may submit comments via email at planning@murray.utah.gov.

Comments are limited to 3 minutes or less and will be included in 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 request, please call David Rodgers with the Murray City Planning Division at 801-270-2423, or email drodgers@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 August 30th, 2024

LOT 4791 ft²
 1773 sq ft

SET BACKS
 FRONT: 15
 BACK: 10
 SIDES: 8 min
 20 total

GARAGE
 16 X 19
 14 X 19

81

PROPERTY LINE →

DRIVEWAY
 12'

SQ FT W/O BASEMENT
 831

199 E FLA ST

Planned Addition

ADD SQ FT

$$A) 12 \times 24 = 288$$

$$11 \times 25 = 275$$

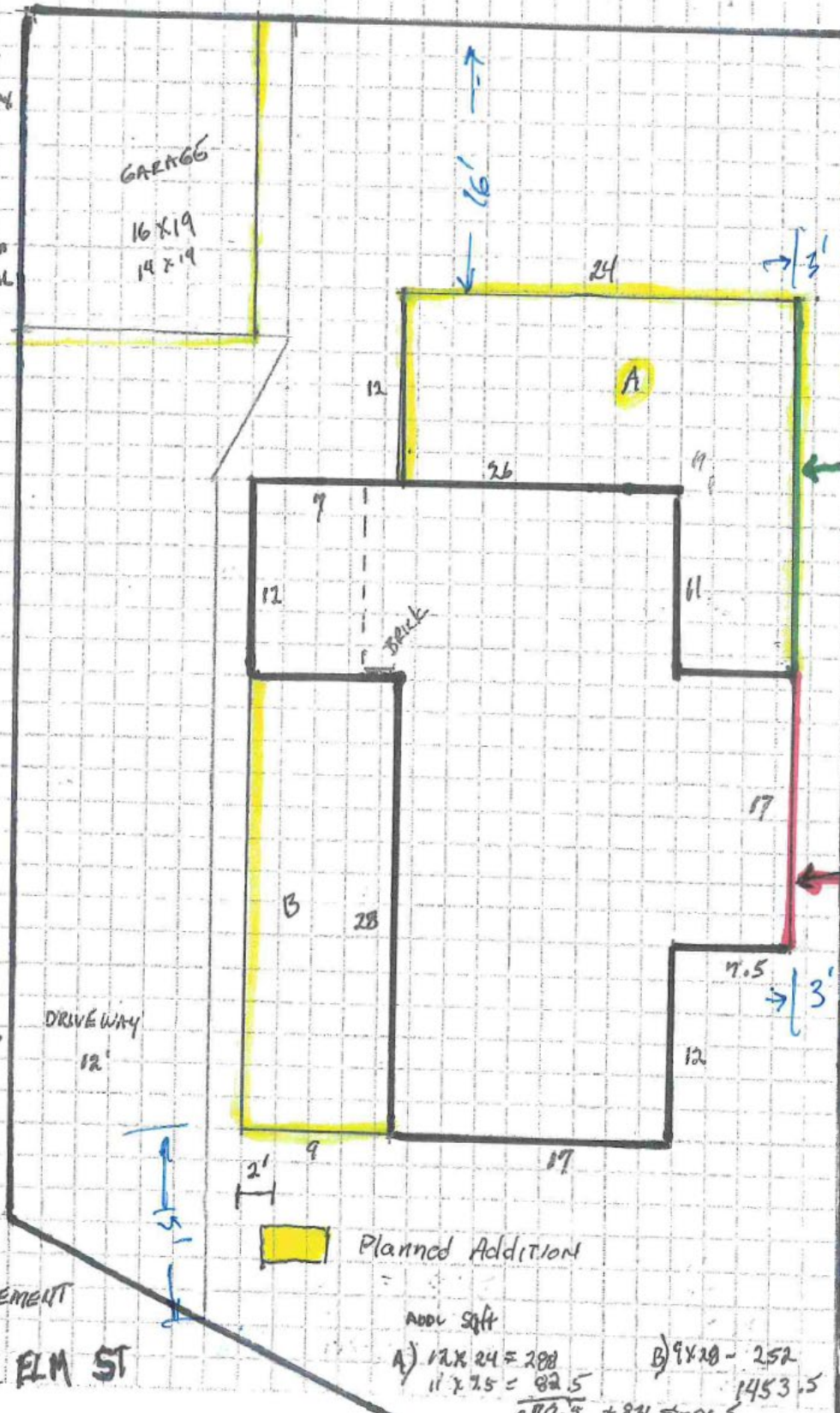
$$\frac{288 + 275}{2} = 281.5$$

$$281.5 + 831 = 1112.5$$

$$B) 9 \times 20 = 180$$

$$1453.5$$

B only
 831 + 1
 1083



REQUESTED EXPANSION

EXISTING NON-CONFORMING