



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

**Wednesday, November 13th, 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

BUSINESS ITEMS

1. Conflict of Interest Declaration

VARIANCE REQUESTS

2. Jeramy Heinberger
Case #1618
5790 South Golden Drive
Requesting a Variance to the Front Yard Setback

Project # 24-008

ANNOUNCEMENTS AND QUESTIONS

ADJOURNMENT

The next scheduled meeting will be held on Wednesday, December 11, 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.

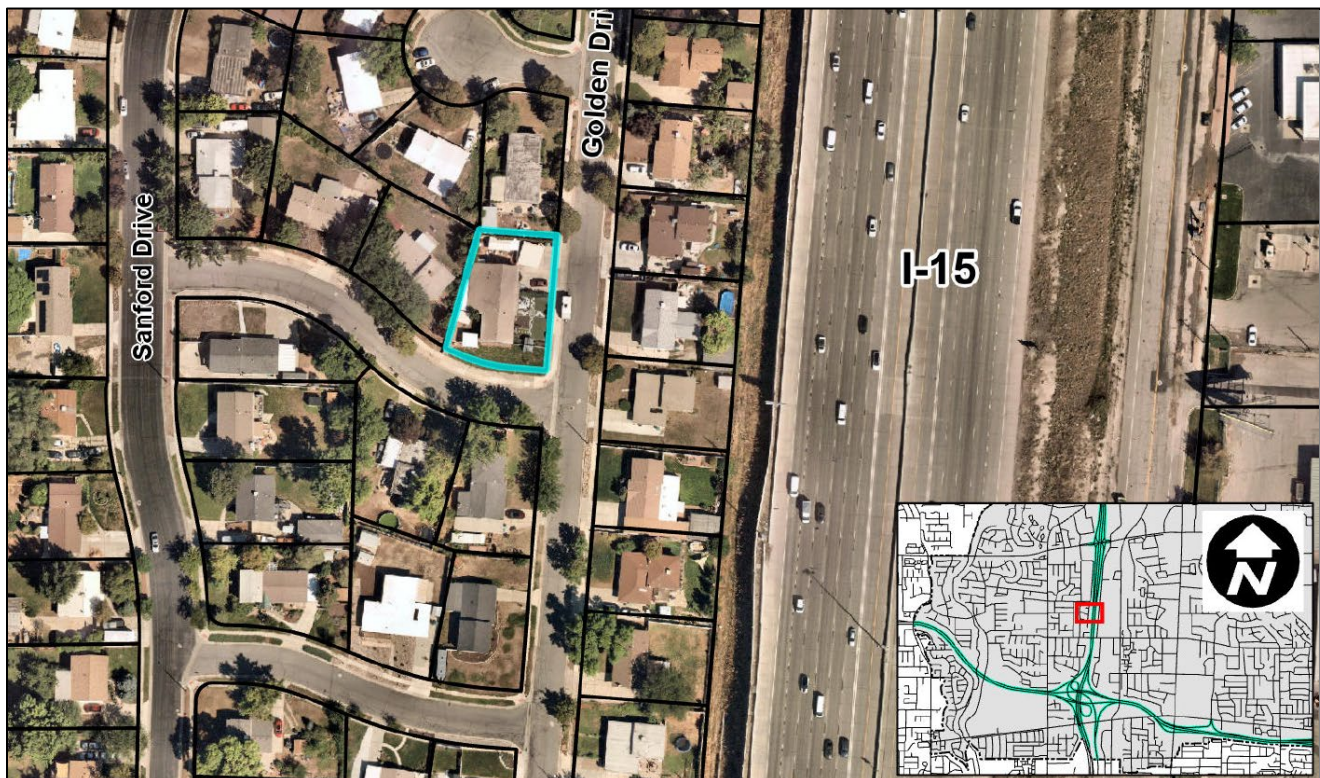
Committee members may participate in the meeting via telephonic communication. If a Committee member does participate via telephonic communication, the Committee member will be on speakerphone. The speakerphone will be amplified so that the other Committee members and all other persons present will be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

| | | | |
|-------------------|---|------------------------|--|
| ITEM TYPE: | Variance Application | | |
| ADDRESS: | 5790 South Golden Drive | MEETING DATE: | November 13, 2024 |
| APPLICANT: | Jeramy Heinberger | STAFF: | Zachary Smallwood, Planning Manager |
| PARCEL ID: | 21-13-178-016 | CASE NUMBER: | 1618 |
| ZONE: | R-1-8, Low Density Residential | PROJECT NUMBER: | HO-24-008 |
| SIZE: | .21-acre lot | | |
| REQUEST: | The applicant is requesting a variance to Section 17.100.080(A) of the Murray Land Use Ordinance, which states the minimum depth of a front yard in the R-1-8 Zone shall be twenty-five feet (25'). | | |



I. DESCRIPTION of REQUEST

The applicant is requesting a variance to a standard in the land use ordinance that requires the minimum depth of a front yard in the R-1-8 zone to be twenty-five feet (25'). The applicant is requesting the variance to reduce the front yard setback to twenty feet (20'). All other land use regulations would apply as normal (setbacks, lot width, etc.).

The applicant is requesting this variance to add a new attached two car garage to the north of their dwelling. The applicant states that the existing garage slopes downward and causes flooding when it rains. The applicant states that the request will allow them to have a garage that does not flood.

II. LAND USE REGULATIONS

The subject property is located in the R-1-8, Single-Family Low Density Residential Zone. Section 17.100.080(A) of the Murray Land Use Ordinance states that the "minimum depth of a front yard in the R-1-8 Zone shall be twenty-five feet (25')."

III. PROJECT REVIEW

The applicant applied for a building permit in July of 2024 to construct an attached garage. Upon planning and zoning review it was determined that it was too close to the front property line. We advised that the applicant reduce the size to have the required twenty-five foot (25') setback. The applicant revised their plans and resubmitted. The applicant has now applied for a variance to reduce the setback from twenty-five feet (25') to twenty feet (20').

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 garage.

Public Input

Thirty-five (35) notices were sent to all property owners within 300 feet of the subject property. There have been two phone calls regarding this proposal, both have indicated that they do not object.

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.

Staff does not believe the literal enforcement of the Land Use Ordinance causes an

unreasonable hardship in this case. The applicant's request is to build a 16' x 32' metal garage. If strict adherence to the code is applied, they would have to reduce the garage to 16' x 27'. The applicant has stated on the plan that twenty-seven feet (27') would be hard to use for parking. Staff is sympathetic to the applicants request but, cannot determine that granting the variance would cause an unreasonable hardship as they would still be able to construct a garage. Staff finds that the application **does not meet** 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.

Though there are special circumstances that do not generally apply to other properties in the R-1-8 Zoning District, such as the below-grade garage, the requested variance does not apply. The applicant is asking for a reduction in the front yard setback, staff concludes that the garage at the reduced size would still be adequate for storing vehicles. The lot is of normal shape and size for the district and does not have any characteristics that make it dissimilar from other properties. Staff finds that the application **does not meet** 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.

Granting this variance is not essential to the enjoyment of a substantial property right possessed by others in the district. The applicant has stated that, though difficult, they could build a garage that is big enough for two vehicles. Staff finds that the application as presented **does not meet** 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 "low-density residential" in the Future Land Use Map. The applicant intends to build an attached garage to facilitate parking for their single-family home. Garages are fairly common in this area and on the surrounding properties and would not be contrary to the public interest of this area. Allowing this variance would be a step toward implementing the general plan and will not be contrary 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.

Staff cannot find evidence to support that the requested variance is due to peculiar circumstances of the property. Though there is a sloped driveway that is causing flooding problems and the applicant would like to remove that garage to allow for storage, the request to build a garage would be permitted and the applicant could construct one, though at a smaller size.

Staff does not find that the request deprives the property owner of privileges granted to other property owners in the same district. The additional setback does not prevent a garage addition, it only reduces the depth from thirty-two feet (32') to twenty-seven feet (27'). Typically parking spaces are approximately eighteen feet (18') in depth. This would allow a garage that is sufficiently sized and does not impact standards across the district.

VI. CONCLUSION/RECOMMENDATION

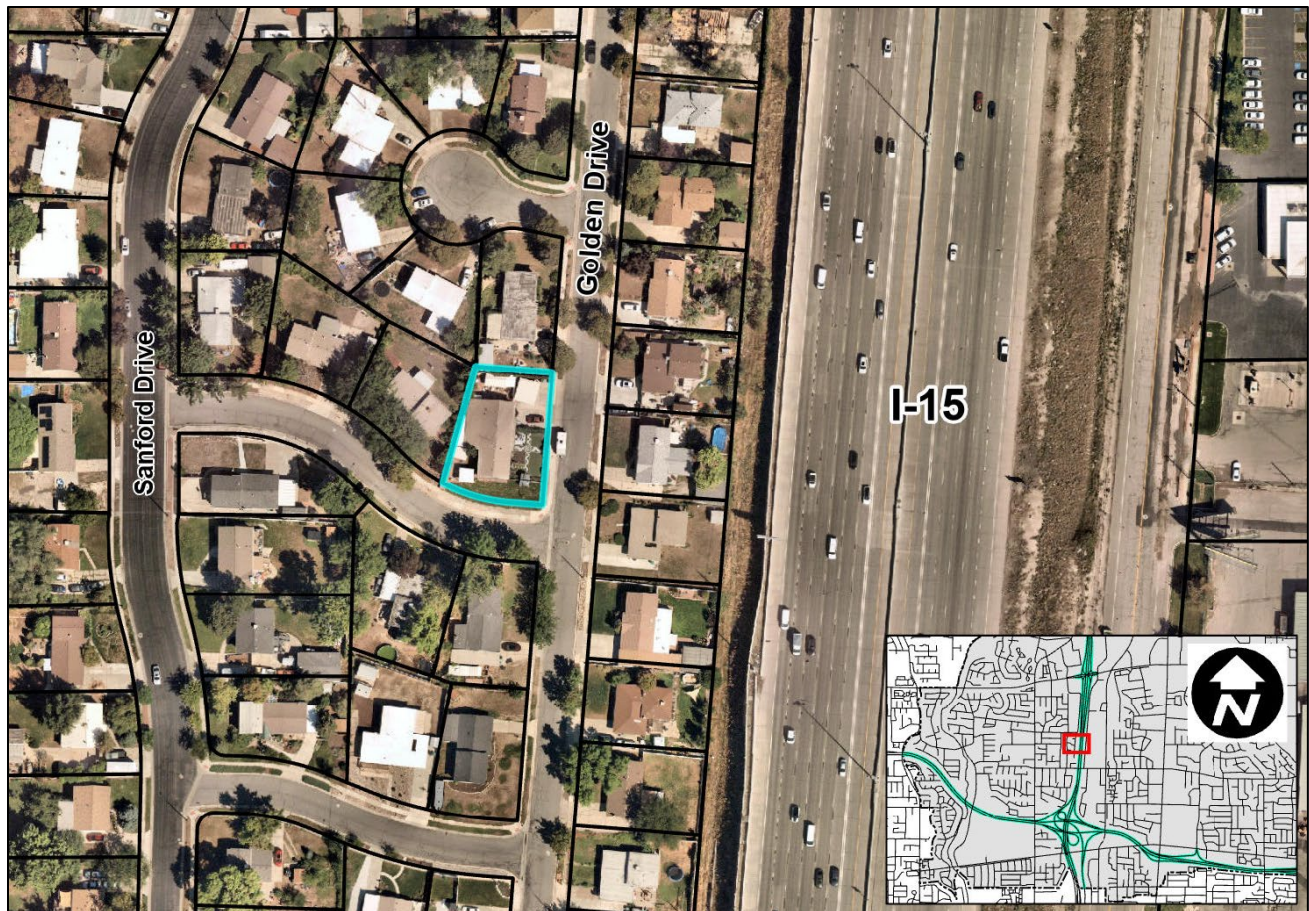
Based on review and analysis of the application materials, the subject property, the surrounding area, and applicable sections of the Murray City Land Use Ordinance, Staff finds that the application does not meet all applicable standards of review for the granting of a variance and recommends DENIAL of the requested variance to the requirements of Section 17.100.080(A) of the Murray City Land Use Ordinance.



**HEARING OFFICER
NOTICE OF PUBLIC MEETING**
November 13th, 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. **Jeremy Heinberger with Life is Good Investments is requesting a front yard setback variance for the property located at 5790 South Golden Drive.** 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 Zachary Smallwood with the Murray City Planning Division at 801-270-2407, or email 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.

Public Notice Dated November 1, 2024

Prop Line

Being able to only use 27'
out of the 67' of existing
space makes this are extremely
difficult to use for parking

Home

Steel garage

16 X 32

Prop line

10'

5' more of setbacks

Concrete
RV Pad

16 X 20

Note: this setback

lines up with the
only neighbor on
this side of road

Concrete
Drive way

* N →

Approach

curb cut 15'

Road

VARIANCE APPLICATION

Application Information

Project Name: Ross

Project Address: 5790 South Golden Drive, Murray, Utah 84123

Parcel Identification (Sidwell) Number: 21131780160000

Parcel Area(acres): 0.21 Zoning District: Murray

Applicant Information

Name: Jeramy Heinberger. Life Is Good Investments

Mailing Address: 7543 South 5200 West City: West Jordan State: Utah ZIP: 84081

Phone #: 801-201-5549 Fax #: _____ Email Address: jeramylig@gmail.com

Property Owner's Information (If different)

Name: John Webster

Mailing Address: 5790 S Golden Dr. City: Murray State: Utah ZIP: 84123

Phone #: 801-369-2211 Fax #: _____ Email Address: jlwebster@gmail.com

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

This resident must make a change to their garage due to the driveway grading. The slope is causing flooding in the garage after rainstorms and when the snow melts. Resident wants to close the existing garage and use that space for storage. After closing the garage, the driveway will then be graded properly from the home to prevent future flooding. Resident wants to add a garage on the north side of their property.

The reason for the variance request is to allow this resident a 20ft setback from the back of the front yard sidewalk. The resident would like the approval to have the right to match the north neighbor's setback to add a 16ft x 32ft structure. Homeowners would like to match the neighbor's 20ft front yard setback from the sidewalk.

Authorized Signature:  Date: 10-4-2024

For Office Use Only

Project Number: _____ Date Accepted: _____

Planner Assigned: _____

Property Owners Affidavit

I (we) John Webster, 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.

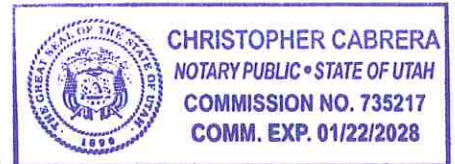
John Webster
Owner's Signature

Owner's Signature (co-owner if any)

State of Utah

County of Salt Lake

§



Subscribed and sworn to before me this 3rd day of October, 2024.

[Signature]
Notary Public

Residing in Salt Lake County

My commission expires: 1/22/28

Agent Authorization

I (we), John Webster, the owner(s) of the real property located at 5790 S Golden Drive in Murray City, Utah, do hereby appoint Jeremy Heinberger. Life Is Good Investments as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize Jeremy Heinberger. Life Is Good Investments to appear on my (our) behalf before any City board or commission considering this application.

John Webster
Owner's Signature

Owner's Signature (co-owner if any)

State of Utah

County of Salt Lake

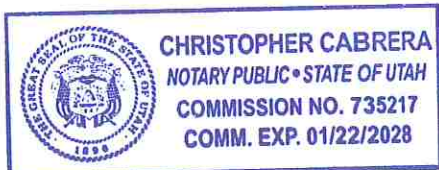
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On the 3rd day of October, 2024, personally appeared before me John Webster the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.

[Signature]
Notary public

Residing in: Salt Lake County

My commission expires: 1/22/28



Variance Analysis Form (to be completed by the applicant)

1. Can you describe how the enforcement of the zoning ordinance creates a hardship specific to the land of your property, distinct from personal or economic issues, and not self-imposed?

The resident's home was built in 1959, and the effective year of 2006 is on record. The front of the home has a setback of 30ft from the sidewalk. The existing driveway is flawed because it is sloping towards the resident's garage. Every time it rains or when the snow melts, flooding occurs every year. Enforcing new zoning requirements is not considering the property layouts in older neighborhoods. Murray City's requirement of 15ft from the west property line and 25ft setback from the front sidewalk prevents the resident from being able to build any type of cover/garage. This leaves them with an existing garage that will keep flooding and causing more damage and health concerns. These setbacks will only allow us to fit a one-car garage and force the resident to keep the current garage, dealing with the flooding.

2. What unique physical features or circumstances of your property, such as shape or topography, differentiate it from others in the same district and hinder adherence to the zoning ordinance?

This resident's house sits further back from the setback of the front sidewalk versus the typical home in the neighborhood. For example, the only neighbor they have sitting next to them is to the north, their setback from the front sidewalk is 19ft. The shape of the resident's parcel also differs from most parcels in the neighborhood, in that it is not rectangular. On the south end, the resident's parcel is 90ft deep from the back line to the front sidewalk, while on the north end, it is only 68ft deep. With the current zoning setback requirements of 15ft on the back side and 25ft on the front, this leaves a small footprint to build a structure on the north end of their parcel, creating an unreasonable hardship. The neighbor to the north also has a parcel depth of 68ft throughout their rectangular lot and this is likely the reason the home sits 19ft from the front sidewalk. For this reason, the resident would like the approval to have the right to match the north neighbor's 20ft setback from the front sidewalk, since the depth of the resident's parcel on the north end presents a similar limitation. There are two other homes within one block of the resident's home that also have 20ft setbacks and are also corner lots. Since the resident's parcel is a corner lot, building on the south end is not an option.

3. How does the zoning ordinance prevent you from enjoying a substantial property right that is available to other properties in the same district, and how would the variance rectify this?

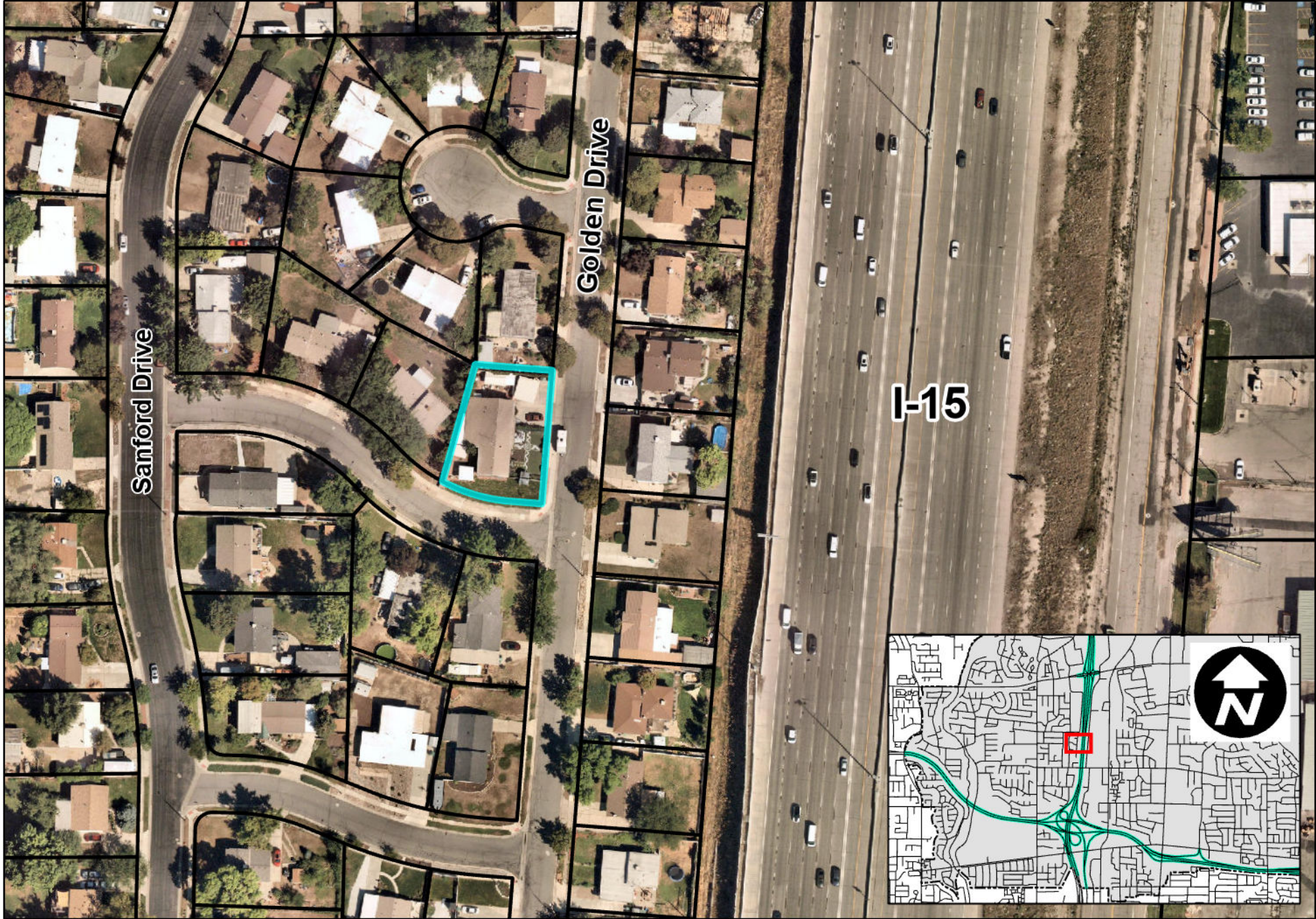
The zoning ordinance for 15ft from the back property line and 25ft from the back of the sidewalk prevents the length needed to install any type of two-car garage in any direction to fix flooding problems. Giving the homeowner a new two-car garage will fix the flooding issues and be more sustainable. This will improve the homeowner's property and the overall cosmetic look of the neighborhood by matching the setback of their neighbor's to the north.

4. How will your requested variance align with the Murray City General Plan and not be contrary to the public interest, while not substantially affecting the general plan?

Our variance request would align with Murray City's general plan by aligning the only two homes on this side of the street, making it more cosmetically pleasing and matching the same setback.

5. How does your request for a variance uphold the spirit of the zoning ordinance and ensure substantial justice, despite not meeting its literal terms?

We feel that the zoning ordinance is unjust because neighborhoods are, on average, 20ft setbacks for most of Murray City. That said, we feel that it would be just for the community and the residents to be able to upgrade their plot to be able to match the only existing neighbor on the west side of the street.



Prop Line

Home

Being able to only use 27'
out of the 67' of existing
space makes this area extremely
difficult to use for parking

Steel garage

16 x 32

15'

10'

Prop line

Note: this set back
lines up with the
only neighbor on
this side of road

5' more of set back

Concrete
Drive way

Concrete
RV Pad

16 x 20

*
N →

APPROACH

curb cut 15'

Road

