

Minutes of the Hearing Officer meeting held on Wednesday, October 9th, 2024, at 12:30 p.m. in the Murray City Hall, Poplar Room #151, 10 East 4800 South, Murray UT 84107.

Present: Scott Finlinson, Hearing Officer
Zachary Smallwood, Planning Division Manager
David Rodgers, Senior Planner
Ruth Ruach, Planner I
Mark Richardson, Deputy Attorney
Dani Cepernich, Murray City Legal Representative
Shane Tucker, applicant
Gary Howland, applicant
Members of the Public (per sign-in sheet)

CALL MEETING TO ORDER

Mr. Finlinson called the meeting to order at 12:30 p.m.

CONFLICT(S) OF INTEREST

There are no conflicts of interest for this meeting.

VARIANCE(S)

Jacob Hammond (Agent for Shane Tucker) - Project #24-006 - 6026 South 600 West - Variance to Allow a Second Story on an Accessory Structure

David Rodgers presented this request for a variance for a second story on an accessory structure, the property is a single-family home, located in the R-1-8 zone. Mr. Rodgers showed an aerial view of the parcel, as well as the site plan, showing the location of the accessory structure. He described the desired use of the structure. The Land Use Ordinance requires an accessory structure consists only of a one-story building. The applicant is requesting the variance to allow them to build a detached garage at the second level. Mr. Rodgers cited section 17.100.090(G) of the Land Use Code. Staff reviewed the five standards for a variance. Staff finds that the applicant meets each of the five criteria and recommends the variance subject to the following conditions:

1. The applicant shall obtain required building permits for the development of the property and construction of the proposed accessory structure.
2. The proposed development shall meet all other applicable requirements of Chapter 17.100 of the Murray City Land Use Ordinance.

Shane Tucker, the property owner, spoke with Mr. Finlinson regarding the request. Mr. Finlinson said he'll make his final determination within a week.

Mr. Finlinson asked for any public comment. None were made.

Pointe at 53rd - Project #24-007 - 5151 South State Street - Variance to Allow Greater Front Yard Setback in the CMU Zone

Zachary Smallwood presented this request for a variance to the front yard setback at the property addressed at 5151 South State Street, located in the CMU zone. The applicant is requesting a variance to Section 17.162.070(A) of the Murray Land Use Ordinance, which requires 50% of new buildings be located within 12 to 18 feet from the back of curb. Mr. Smallwood showed a map of the property and provided a history of the property and the CMU zoning district. He said that, due to utility easements on the property, the applicant is not able to meet the setback requirement. The applicant is requesting the setback to be changed to 34 feet.

Mr. Finlinson and Mr. Smallwood discussed the need for the variance and details of the new building on the site. They discussed the allowances of CMU zone, which is exclusively applied to the Pointe at 53rd property. Staff reviewed the five standards for a variance. Staff finds that the applicant meets each of the five criteria and recommends the variance subject to the following conditions:

1. The requested variance applies only to the requested building proposed as shown on the site plan attached to this report.
2. The applicant shall submit a site plan prior to any development on the property.
3. The applicant shall obtain required building permits for the development of the property and construction of the proposed accessory structure.
4. The proposed development shall meet all other applicable requirements of Chapter 17.100 of the Murray City Land Use Ordinance.

Mr. Finlinson asked for clarification on the nature of the request to ensure he understood why the applicant is requesting a setback further into the site, not closer to the road. Mr. Smallwood said it is due to the utilities making the space difficult to use.

Gary Howland spoke with Mr. Finlinson regarding the request and how he intends to develop the site.

Mr. Finlinson said he'll make his final determination within a week.

Mr. Finlinson asked for any public comment. None was made.

APPEAL(S)

Hunters Woods SPE, LLC - Project # 24-0054998 - South Galleria Drive - Appeal of a Land Use Decision regarding a Master Site Plan Approval (Project 24-083)

Hunter Woods SPE LLC's representative, Emma Tanner, presented the appeal requesting to stay the decision regarding the findings of facts and conclusions, pending the outcome of the appeal. Ms. Tanner stated the case of the client disputing the findings of fact and conclusions, as determined by the Murray City Planning Commission. She stated that these findings of facts and

conclusions lacked sufficient detail. She said that the client disputed the conclusions of the traffic impact study and provided examples of other development in the area to support the claim that traffic will be adversely affected by the proposed development. She detailed several issues with the traffic impact study stating that many key factors were dismissed or overlooked. She said that the client is requesting a new traffic study to be completed. She discussed parking and provided examples of similar developments where parking is a concern. She said that the client wants to make sure the stated lighting requirement is met, per the discussion held in the Planning Commission meeting. Ms. Tanner said that the client also has issue with due process. She defined due process and cited examples of due process interest with respect to third parties. She said her client does not feel that public noticing was handled properly. She said that the staff report for the development indicates that Hunter Woods private water line and utilities would be impacted. She said that Murray City overlooked strict entitlement to the denial of a site plan due to these factors. Hunters Woods requests that the hearing officer reverse Murray City's approval of the Master Site Plan and stay further development progress until the issues raised are addressed.

Dani Cepernich, legal representation for Murray City, provided rebuttals to each of Ms. Tanner's arguments.

Ms. Tanner then provided counter arguments to the rebuttals. She said that the Planning Commission is obligated to do more than just comply with code.

Mr. Finlinson said it's not his role to overrule the decision of the Planning Commission. His role is to make sure that they have complied with code. He said that he will not grant a stay at this time. He is requesting two weeks to review the case and provide his decision.

ANNOUNCEMENTS AND QUESTIONS

The next scheduled meeting will be held on Wednesday, November 13th, 2024, at 12:30 p.m. MST located at Murray City Hall, Poplar Room #151, 10 East 4800 South, Murray UT 84107.

ADJOURNMENT

Mr. Finlinson adjourned the meeting at 1:47 p.m. MST.



Philip J. Markham, Director
Community & Economic Development Department