



1 **2.2 (Project AHO-19-002) Action on a Request from Joshua Binkley for a Variance from**  
2 **Front Yard, Side Yard, and Trash Enclosure Setback Requirements for a New**  
3 **Building to be Constructed at 7269 South Union Park Avenue within the CR**  
4 **(Regional Commercial) Zone.**

5 Senior City Planner, Matt Taylor presented the staff report and stated that the request is from  
6 Joshua Binkley for property located at 7260 South Union Park Avenue. It is a uniquely shaped  
7 property that is surrounded by multi-family zoning. A property map was detailed. Currently on  
8 site is a former Winger's diner with existing non-conforming setbacks along an inactive canal.  
9 The applicants have made five specific requests, two of which were determined not to be relevant  
10 and include a non-conforming sign. He explained that use variances are not allowed under State  
11 Code and would be a use-related issue. Illumination of a wall requirement will also not be  
12 addressed. Property setbacks were detailed. The property dumpster is to be located in the  
13 northwest corner. He confirmed that the variances are set forth in the staff report and  
14 recommended approval.

15  
16 Steven Southerland was present and identified himself as the Civil Engineer representing 7-Eleven  
17 and the landowner.

18  
19 The property owner, Josh Binkley reported that they purchased the property two years ago. They  
20 have been trying to find an appropriate use for the property owner and were approached by the  
21 Southland Corporation. He explained that their decision to move the building closer to the front  
22 property line was to provide a buffer to neighboring residents.

23  
24 Mr. Southerland explained that the adjacent canal water rights are owned by Salt Lake City and  
25 the land rights are owned by Murray City. They have contacted both who are not interested in  
26 holding the applicant to any standards or requirements.

27  
28 Mr. Guymon remarked that the standards are more complex than most for granting a variance and  
29 stated that he had reviewed the staff report closely. He agreed with staff that the two items should  
30 not be addressed by way of a variance but rather through three variance requests for the setbacks  
31 for the front yard, side yard, and trash enclosure. He asked how close the nearest adjacent use is  
32 to the proposed trash enclosure. The applicant confirmed the proposed 7-Eleven will be smaller  
33 than most and the gas bays will include four multiple pump dispensers that will allow up to eight  
34 vehicles to pump at one time.

35  
36 Mr. Johnson explained that procedurally, this is the applicant's first step and they will need to  
37 submit for site plan approval, which will include a traffic study and a full engineering review.  
38 Mr. Guymon agreed with the staff report and presented a written decision that tracks the staff  
39 report and makes a few minor changes. He phrased his changes as actual findings regarding the  
40 unusual dimensions and hardship and that would relate to the property. He stated that there is  
41 nothing in the zoning ordinance that would serve as a basis of denial. He approved the variance  
42 request with respect to all three of the setbacks as addressed.

1 **3.0 CONSENT AGENDA**

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3 **3.1 Approval of April 11, 2019 Minutes.**

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5 *(The Appeals Hearing Officer will approve the minutes of the April 11th, 2019 meeting after the*  
6 *following process is met. The recorder will prepare the minutes and email them to the hearing*  
7 *officer. The hearing officer will have five days to review the minutes and provide any changes to*  
8 *the recorder. If, after five days there are no changes, the minutes will stand approved. If there*  
9 *are changes, the process will be followed until the changes are made and the hearing officer is in*  
10 *agreement, at which time the minutes shall be deemed approved.)*

11  
12 **4.0 ADJOURNMENT**

13  
14 The Administrative Hearing adjourned at approximately 5:28 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the*  
2 *Cottonwood Heights City Administrative Hearing held Thursday, April 11, 2019.*  
3

4 Teri Forbes

5 Teri Forbes  
6 T Forbes Group  
7 Minutes Secretary  
8  
9 Minutes Approved: July 29, 2019