



ADMINISTRATIVE HEARING AGENDA
January 8, 2020

NOTICE is hereby given that the Cottonwood Heights Community and Economic Development Director or designee will hold an Administrative Hearing Meeting on **Wednesday, January 8, 2020 beginning at 12:00 p.m.** in Room 124 (Workroom) located at 2277 E. Bengal Blvd., Cottonwood Heights, Utah.

12:00 p.m. ADMINISTRATIVE HEARING MEETING

1.0 Business Items

1.1. (Project HOC-19-003)

Request from Ralph and Kyonghui Hull for a conditional use permit to operate a home occupation – clothing alterations business with clients – at 1313 E. Hollow Dale Dr.

1.2. (Project CUP-19-020)

Request from Bartholomew Richards for a conditional use permit to authorize an 8-foot fence in the side and rear yards at 7635 S. Brighton Way.

2.0 Adjournment

Meeting Procedures

Items will generally be heard in the following order:

1. Staff Presentation
2. Applicant Presentation
3. Open Public Hearing (if item has been noticed for public hearing). Each speaker during the public hearing will be limited to three minutes.
4. Close Public Hearing
5. Community and Economic Development Director Deliberation
6. Community and Economic Development Director Decision

Administrative Hearing applications may be tabled if: 1) Additional information is needed in order to act on the item; OR 2) The Community and Economic Development Director feels there are unresolved issues that may need further attention before the Director is ready to make a decision. The Community and Economic Development Director may carry over agenda items to the next regularly scheduled meeting.

Submission of Written Public Comment

Written comments on any agenda item should be received by the Cottonwood Heights Community and Economic Development Department no later than the Tuesday prior to the meeting at noon. Comments should be emailed to ahulka@ch.utah.gov. After the public hearing has been closed, the Community and Economic Development Director will not accept any additional written or verbal comments on the application.

Notice of Compliance with the American Disabilities Act (ADA)

In compliance with the Americans with Disabilities Act, individuals needing special accommodations or assistance during this meeting shall notify the City Recorder at (801)944-7021 at least 24 hours prior to the meeting. TDD number is (801)270-2425 or call Relay Utah at #711.

Confirmation of Public Notice

On Thursday, January 2, 2020, a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices. The agenda was also posted on the City's website at www.cottonwoodheights.utah.gov and the State Public Meeting Notice website at <http://pmn.utah.gov>.



ADMINISTRATIVE HEARING STAFF REPORT

Home Occupation with Clients – 1313 E. Hollow Dale Dr.

Meeting Date: January 8, 2020

Staff Contact: Samantha DeSeelhorst, Assistant Planner and Sustainability Analyst (801-944-7069, sdeseelhorst@ch.utah.gov)

Summary

Applicant:

Ralph and Kyonghui Hull

Subject Property:

1313 E. Hollow Dale Dr.

Action Requested:

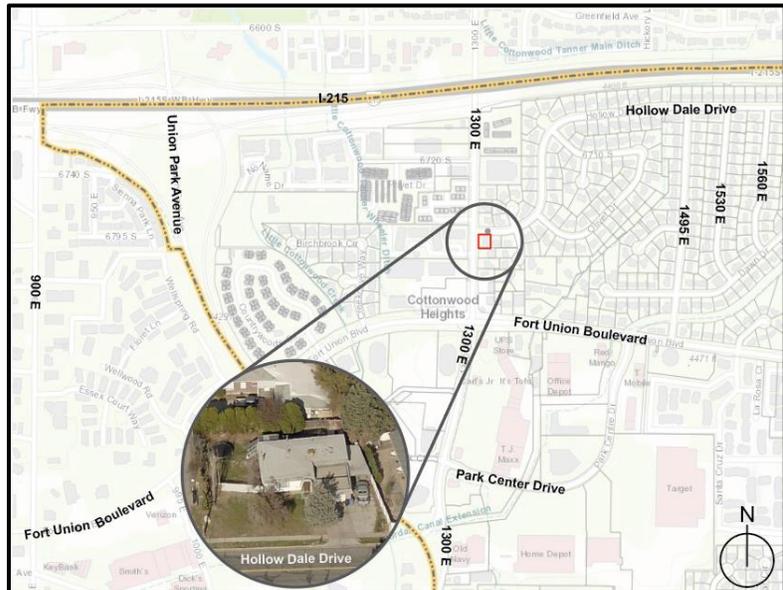
Conditional use approval to operate a home alterations business with clients

Recommendation:

Approve, with conditions

Project #:

HOC-19-003



Context Map

Context

Property Owner	Address & Parcel #	Acres
Ralph and Kyonghui Hull	1313 E. Hollow Dale Dr. 22-20-430-009-0000	0.23

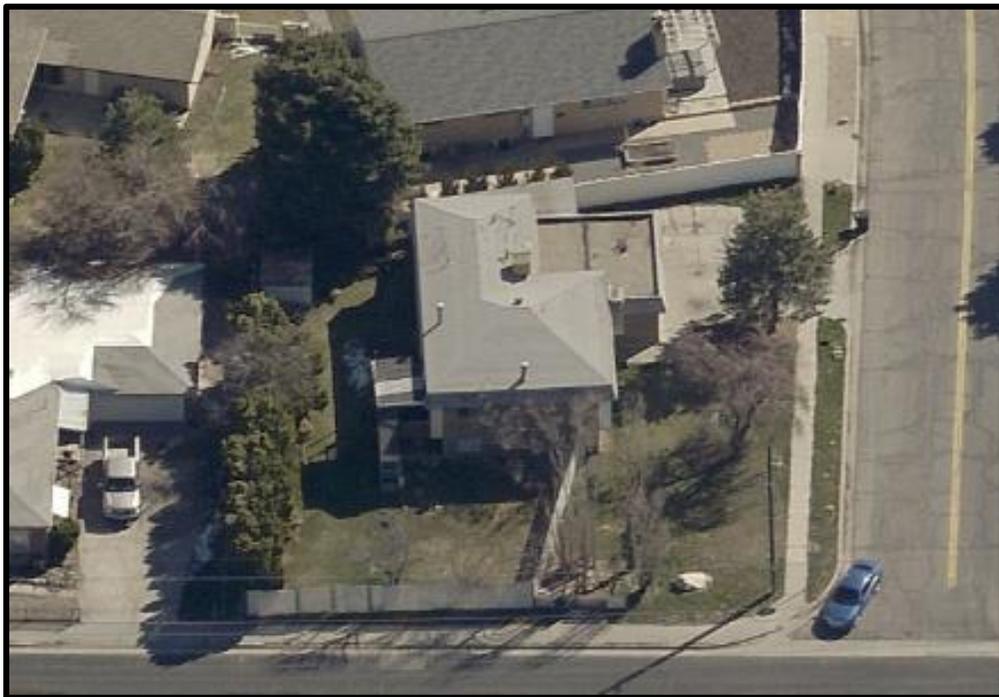


Street View

Site Photos



North View



West View

Zoning and Land Use

Site

Use: Single-Family Residential

Proposed Use: Single-Family Residential and Home Occupation with Clients

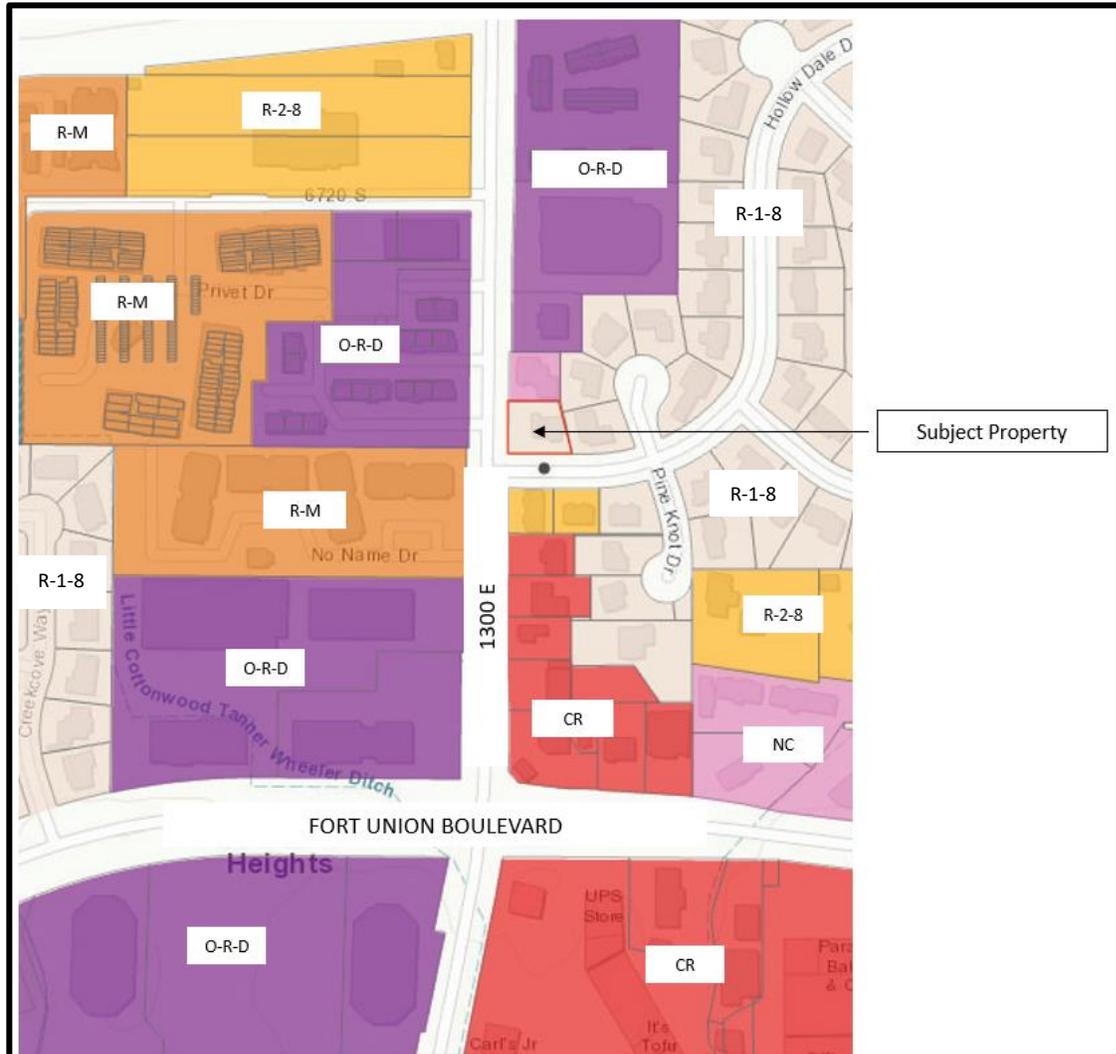
General Plan Land Use: Mixed-Use

Zone: R-1-8 (Single-Family Residential)

Surrounding

General Plan Land Use: Mixed-Use, Residential High Density, Commercial, and Residential Low Density, and Civic

Zone: R-1-8 (Residential Single-Family), CR (Regional Commercial), NC (Neighborhood Commercial), O-R-D (Office, Research, and Development), RM (Residential Multi-Family), R-2-8 (Residential Multi-Family)



Zoning Map

Analysis

Zoning

The zoning designation of the property is R-1-8 (Single-Family Residential). Home occupations with clients are listed as a conditional use in the R-1-8 zone, as referenced is 19.26.030.E. Home occupations are allowed only if the proposed business is clearly secondary and incidental to the primary use of the property as the applicant's permanent and full-time place of residence.

Home alterations services are considered home occupations. Requirements for home occupations are listed under section 19.76.040 F of the zoning ordinance.

F. Home occupations.

1. *"Home occupation" means, (unless otherwise provided in this code) any use conducted entirely within a dwelling and carried on by one person residing in the dwelling unit and one additional person who may, or may not, reside in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes, and in connection with which there is no display nor stock in trade, "stock in trade" being any item offered for sale which was not produced on the premises.*
2. *The home occupation shall not include the sale of commodities except those produced on the premises; provided, however, that original or reproductions of works of art designed or created by the artist operating a home occupation may be stored and sold on the premises. "Reproduction of works of art" includes, but is not limited to printed reproduction, casting, and sound recordings.*
3. *The home occupation shall not involve the use of any accessory building, yard space or activity outside the main building if the use of accessory buildings or outside activity, for the purpose of carrying on a home occupation, violates the rule of the use being clearly incidental and secondary to the use of the dwelling or dwelling purposes.*
4. *The director shall determine whether additional parking, in addition to the two spaces required per dwelling unit, is required for a home occupation and shall also determine the number and location of such additional parking spaces.*
5. *The director will review all home occupations for compliance with the above items. If the proposed home occupation cannot meet any one of the above items, the director shall not approve the home occupation.*

Noticing

Property owners within 500 feet of the subject property were mailed notices at least 10 days prior to the public hearing, as required by 19.84.050.

Impact

Applicant Narrative

The applicant has submitted the following narrative to address potential impacts to the neighborhood:

"Helina's Alteration is a business that repairs clothing and alters clothing to make a better fit on the customer. The business will be open from 10:00 AM to 6:00 PM Monday – Friday, and 10:00 AM to 4:00

PM Saturday. Helina's Alteration has one employee and expects no more than six customers per day with very limited deliveries which will usually be UPS, FedEx, or USPS. Deliveries will not exceed two per month. No new structures, remodels or expansions are expected at this location. Traffic impact will be minimal, and parking consists of three parking spaces off street for the customers. No additional noise will be involved as the local traffic will create the majority of the noise in the neighborhood."

"Living room and one bedroom upstairs will be used for the shop space. This living room is 12 x 12, and the bedroom is 11 x 11. That is a total of 361 square feet in a 2400 square foot house."

"Drop off and pick up area will be in the driveway as there is parking for at least three cars at all times and up to five in the driveway. A two-car garage will house the resident's/employee's vehicles."

The applicant has indicated that off-street parking will be provided on the driveway, that there will be less than six customers per day, that the area used for the business is a minor portion of the home, and that there will be no additional employees working in the home.

Conclusions – Recommended Findings for Approval

- The applicant's narrative addresses client parking, employees, hours of operation, and business floorplan. Based on the materials submitted with the application, staff finds that the proposed home occupation will be incidental and secondary to the use of the property as a single-family residence.
- An administrative hearing will be held in accordance with local and state requirements.

Recommendation

Staff recommends approval of the application with conditions:

Conditions of Approval

1. The applicant shall adhere to the typical hours of 10:00 am – 6:00 pm (Monday – Friday), and 10:00 am – 4:00 pm (Saturday), as described in the written narrative in the official project file and in the staff report dated 12/30/2019.
2. The applicant shall obtain and maintain an approved business license with Cottonwood Heights.
3. Customers must use provided off-street parking, as the business may not rely upon any on-street parking. Customers must be made aware of these parking restrictions.
4. Approval of this home occupation is subject to review upon complaint.
5. Signage must comply with all aspects of Cottonwood Heights City Code.
6. No more than one non-resident employee is permitted at this business.

Model Motions

Approval

I move to approve project HOC-19-003, based upon the recommended findings for approval outlined in this staff report:

- List any other findings or conditions of approval...

Denial

I move to deny project HOC-19-003, based on the following findings:

- List findings for denial...

Attachments

1. Applicant Narrative
2. Floorplan

Owners name: Kyonghui C. Hull

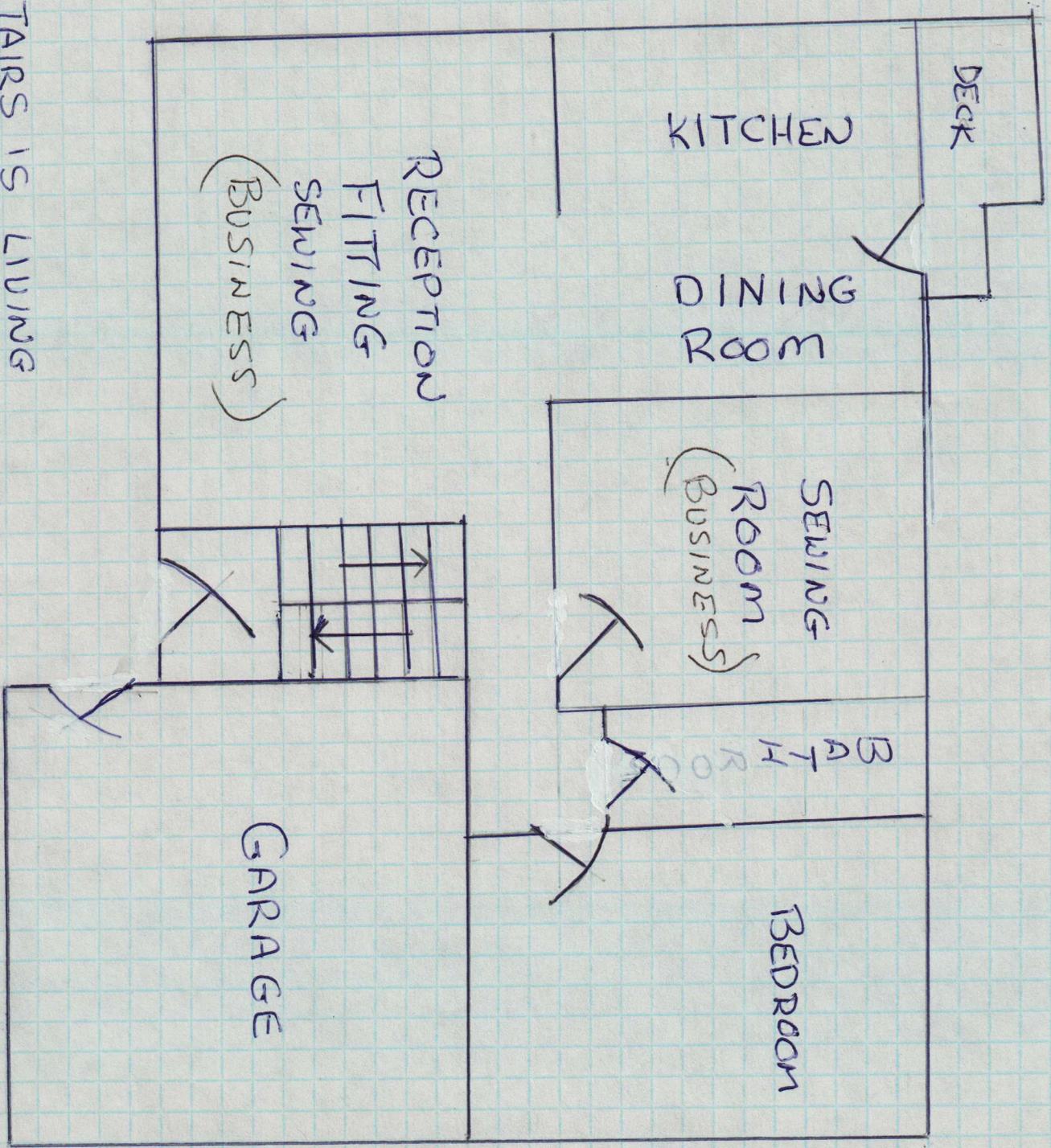
Address: 1313 E Hollow Dale Dr.

Phone: Business: 801-886-3020 Cell: 801-510-2933

Helina's Alteration is a business that repairs clothing and alter clothing to make a better sit on the customer. The business will be open from 10:00 AM to 6:00 PM Monday – Friday and 10:00 AM to 4 PM Saturday. Helina's Alteration has one employee and expects no more that 6 customers per day with very limited deliveries which will usually be UPS, FedEx, or USPS. Deliveries will not exceed two per month. No new structures, remodels or expansions are expected at this location. Traffic impact will be minimal and parking consist of three parking spaces off street for the customers. No additional noise will be involved as the local traffic will create the majority of the noise in the neighborhood.

Living room and one bedroom upstairs will be used for the shop space. This living room is 12 x 12 and the bedroom is 11 x 11. That is a total of 361 sf in a 2400 sf house.

Drop off and pick up area will be in the driveway as there is parking for a least three cars at all times and up to five in the driveway. Two car garage will house the resident's and employees' vehicles.



DOWN STAIRS IS LIVING
QUARTERS ONLY



ADMINISTRATIVE HEARING STAFF REPORT

Conditional Use Permit: Wall Height Extension

Meeting Date: January 8, 2020

Staff Contact: Andy Hulka, Planner

Summary

Project:

CUP-19-020

Location:

7635 S. Brighton Way

Request:

Conditional use wall height extension to build an 8-foot fence

Owner:

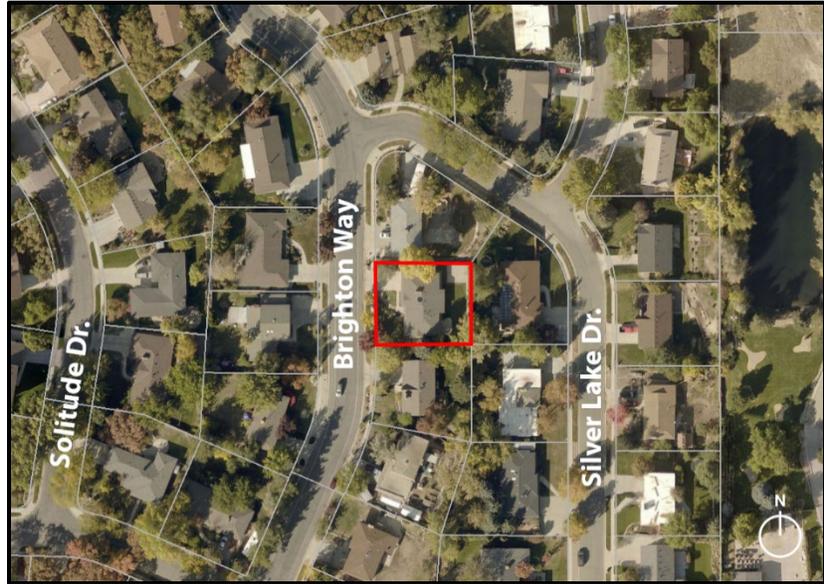
Bartholomew Richards

Applicant:

Bartholomew Richards

Recommendation:

APPROVE, with conditions.



Subject Property

Analysis

Proposal

The applicant is requesting approval of an 8-foot fence in the side and rear yard of the property at 7635 S. Brighton Way to provide additional privacy. The applicant's narrative states that the fence was constructed in the summer of 2018 and 2019, before the applicant knew that a conditional use permit was required. He submitted a conditional use permit application after the building inspector notified him of the requirement.

Zoning Analysis

The property is located in the R-1-8 (Residential Single-Family) zone. Fences and walls may be allowed to a maximum height of eight feet in any zone as a conditional use, and up to 12 feet as a conditional use with neighbor consent, as outlined in section 19.76.050.E CH Code:

E. General height and design regulations for walls, fences and retaining walls.

3. Conditional use. Fences in the side and rear yards may be erected to a maximum height of eight feet as a conditional use upon a clear and convincing showing by the property owner in accordance with subsections (a) and (b) below:

a. The existence of unique or special circumstances of a natural, material and adverse nature relating to the property that will be substantially minimized or eliminated by the increased height of the requested fence; and

b. That erection of such a fence is the most reasonable solution under the circumstances. Any such conditional use permit may be granted by the director or his designee following an administrative hearing preceded by all required notifications. A building permit shall be required for all fences approved as a conditional use.

The proposed wall height extension meets the above requirements, as found in the zoning ordinance. Violation of any of these requirements may lead to revocation of any conditional use permit and/or business license on the property.

Height Analysis

The fence has been erected above a retaining wall in the side and rear yards. The zoning ordinance states that fence height “means that a fence or wall shall be measured from the adjacent existing natural grade at the base of the fence or wall, to the top edge of the fence or wall” (19.76.050.E.1). Because the existing natural grade is at the top of the retaining wall, the fence height is determined by measuring from the top of the retaining wall at the base to the top edge of the fence. The applicant has confirmed that the fence is 8 feet tall, as measured by code.

Nuisance Analysis

The reason the applicant is requesting the wall height extension is to increase privacy.

Noticing

Property owners within 300 feet of the subject property have been mailed notices.

Recommended Conditions of Approval

Staff recommends approval, with conditions as outlined below:

1. The applicant must complete necessary steps to obtain a building permit.

Findings for Approval

This recommendation is based on the following findings:

1. There is clear and convincing evidence shown by the property owner of a unique or special circumstance relating to privacy and light trespass that will be substantially minimized or eliminated by the increase of the requested wall; (19.76.050.E.1.a)
2. That construction of such wall is the most reasonable solution under the circumstances. The additional fence height is necessary to ensure mitigation of aforementioned issues.
3. The conditional use permit is granted by the director or his designee following an administrative hearing preceded by all required notifications. (19.76.050.E.1.b)
4. The evidence presented with the proposed conditional use has been found to be in compliance with the requirements of section 19.84.080 (Conditional Uses – Determination) and section 19.76.050.E (Miscellaneous – Fences).
5. There is sufficient evidence that the standards for the issuance of a conditional use permit as outlined in Section 19.84.080 CH Code have been satisfied.

To whom it may concern,

12/7/19

My name is Bartholomew Richards and I live at 7635 S. Brighton Way In Cottonwood Heights Utah.

In the summer of 2018 and 2019 I hired a contractor named Dan Ertman with "Do all Construction company", to build me an eight foot high wooden fence around my backyard property line. Before we started the project I asked Dan if an eight foot fence would be fine with the city code. He assured me that as long as it is in the backyard of the house and not in the front yard it would be acceptable and totally fine.

Also before I had the eight foot high fence built, I asked all bordering neighbors if they were ok with it. All three of my neighbors gave me there approval to build the fence. As mentioned, after conversing with and getting permission from all three of my neighbors, we went ahead and had the fence built.

I would like to add that the fence has a strong three rail structure system. It was built very well and turned out great. The fence also has some very nice custom tapered areas which looks beautiful. We all are enjoying the new fence and the privacy it provides.

Sincerely yours,

Bartholomew Richards
(801-403-3337)

I approved of the 8 foot fence
Daryl Kelley 801 557 0170
7621 Brighton Way

 801 573 3636
7649 Brighton Way
Eric M. Holstadt

RIC NEATON
7638 SILVERLAKE DR.
COTTONWOOD HEIGHTS UT

801-712-8429



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