



COTTONWOOD HEIGHTS CITY
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

ADMINISTRATIVE HEARING AGENDA

July 1, 2020

NOTICE is hereby given that the Cottonwood Heights Community and Economic Development Director or designee will hold an Administrative Hearing Meeting on **Wednesday, July 1, beginning at 12:00 p.m.** electronically. In view of the current COVID-19 pandemic, this meeting will occur only electronically, without a physical location, as authorized by the Governor's Executive Order 2020-05 dated 18 March 2020. The public may remotely hear the open portions of the meeting through live broadcast by connecting to <http://mixlr.com/chmeetings>

******Public comments may be submitted to City staff by email at sdeseelhorst@ch.utah.gov up to the start of the meeting at 12:00 pm, MST. Comments received by that deadline will be verbally read into the meeting's record by the Director or a designee. Comments received after the start of the meeting will be forwarded to the Director, but not read into the meeting record or addressed during the meeting. There will be no opportunity for verbal comments, questions, or other input by the public during this electronic meeting.******

12:00 p.m. ADMINISTRATIVE HEARING MEETING

1.0 Business Items

1.1. (Project CUP-20-010)

Request from Ryan Pitt, on behalf of Brad Fagergren, for a wall height extension at 2127 E. Worchester Dr.

1.2. (Project CUP-20-012)

Request from Matthew Farides for a short-term rental at 8152 S. Clover Spring Ln.

1.3. (Project CUP-20-013)

Request from Timothy and Cheryl Blair for a short-term rental at 3567 E. Wasatch Hills Ln.

2.0 Consent Agenda

2.1. Approval of Minutes for July 1, 2020

(The Director will move to approve the above-mentioned minutes after the following process is met. The recorder will prepare the minutes and email them to the Director and present staff members. The Director and members will have five days to review the minutes and provide any changes to the recorder. If, after five days there are no changes, the minutes will stand approved. If there are changes, the process will be followed until the changes are made and the Director and members agree, at which time the minutes shall be deemed approved.)

3.0 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). Written public comment received prior to the meeting will be read into the record.
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 prior to the start of the meeting to be read into the record. Comments should be emailed to sdeseelhorst@ch.utah.gov. Comments received after the start of the meeting will be distributed to the Director after the meeting.

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

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>.

DATED THIS 23rd day of June, 2020
Paula Melgar, City Recorder



ADMINISTRATIVE HEARING STAFF REPORT

Wall Height Extension: 2127 E. Worchester Dr.

Meeting Date: July 1, 2020

Staff Contact: Samantha DeSeelhorst, Assistant Planner

(801-944-7069, sdeseelhorst@ch.utah.gov)

Summary

Project #:

CUP-20-010

Subject Property:

2127 E. Worchester Dr.

Action Requested:

Conditional use approval for a wall height extension

Owner:

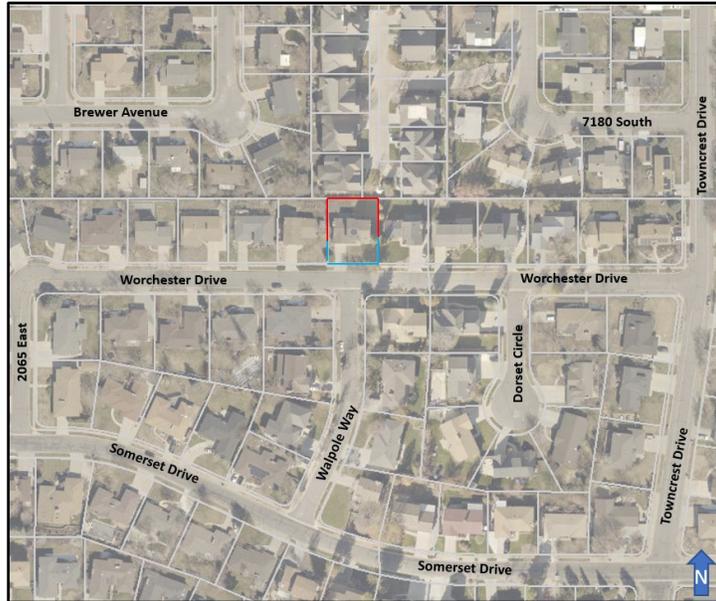
Brad Fagergren

Applicant:

Ryan Pitt

Recommendation:

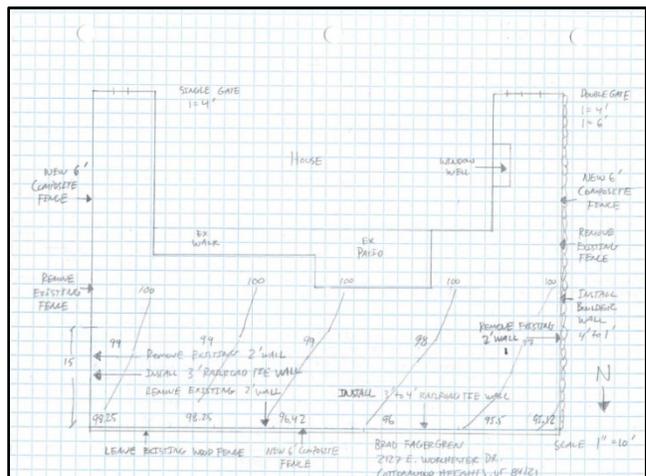
Approve, with conditions



The red lines show the location of the proposed wall height extension.

Applicant's Proposal

The applicant is proposing to construct a fence/retaining wall combination along the north property line, and along portions of the east and west property lines. The rationale for this request is due to a slope running northward in the rear yard. According to the applicant' narrative, "the grade slopes quickly towards the north property line, making it difficult for the homeowner to have any useable lawn space." By adding in retaining walls, the applicant hopes to raise the backyard to a flat grade, and then add a 6' fence for privacy. Although 6' fencing is allowed in rear and side yards per CH City Code, the collective impact of this proposed fence/retaining wall combination exceeds 6', requiring conditional use approval.



These images demonstrate the slope conditions, as well as the proposed wall height extension.



Direction	Property Line	Proposed Retaining Wall	Proposed Fence	Total Height
North	Rear	3-4'	6'	9-10'
East	Side	3'	6'	9'
South	Front	N/A	N/A	N/A
West	Side	1'-4'	6'	7-10'

Zoning

The zoning designation of the property is R-1-8 (Residential Single Family). 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. Neighbor consent was obtained from each adjacent, affected neighbor, and has been attached as part of this packet.

E. Fences.

1. No fence, wall or hedge shall be erected to a height which exceeds four feet in the required front yard and six feet in the side yards and/or rear yard. Fencing to a maximum height of eight feet may be allowed for side and/or rear yards as a conditional use upon a clear and convincing showing by the property owner:

(a) Of unique or special circumstances of a material, 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.

(d) "Neighbor consent" means that all neighbors abutting the proposed wall/fence will be required to provide written consent for retaining wall/fence height above eight feet up to 12 feet.

3. Conditional use. Fences in the side and rear yards may be erected to the 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 most reasonable solution under the most reasonable 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.

4. Neighbor consent. Side and rear yard fences may exceed eight feet in height to a maximum height of 12 feet in cases where the applicant has neighbor consent and has received conditional use approval in accordance with subsection 19.76.050(E)(3).

Impact Analysis

Staff Analysis: Due to slope conditions in the rear yard, staff finds a retaining wall a reasonable mitigation effort in making the property more level, and thus, more usable for the homeowner. Staff also finds the proposed 6' fence atop this retaining wall to be a reasonable privacy measure.

Nuisance Analysis

The applicant is requesting the wall height extension in order to increase privacy. Staff finds that the proposed retaining wall and fence combination will not create any new nuisances, but rather might prevent nuisances relating to site and sound.

Noticing

Property owners within 300 feet of the subject property have been mailed notices. Notices were mailed, as well as posted on websites and the City Hall bulletin board, on June 18th, 2020.

Conditional Use Permit Determining Criteria

Staff has found enough evidence that the standards for the issuance of a conditional use permit have been satisfied (see Section 19.84.080 CH Code).

Findings for Approval

1. There is clear and convincing evidence shown by the property owner of a unique or special circumstance relating to privacy and adjacent fencing that will be substantially minimized or eliminated by the implementation 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 compliant 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.
-

Recommended Conditions of Approval

Staff recommends approval, with conditions as outlined below:

1. A building permit and all necessary inspections shall be obtained and completed.

Model Motions

- Approval
 - “I move to approve item CUP-20-010 pursuant to the conditions of approval outlined in the item’s staff report.”
 - Add any additional conditions of approval...
- Denial
 - “I move to deny item CUP-20-010 based on the following findings...”
 - List reasons for denial...

Attachments

1. Applicant Statement
2. Floorplan



ADMINISTRATIVE HEARING STAFF REPORT

Short-Term Rental: 8152 S. Clover Spring Lane

Meeting Date: July 1, 2020

Staff Contact: Samantha DeSeelhorst, Assistant Planner
(801-944-7069, sdeeseelhorst@ch.utah.gov)

Summary

Project #:

CUP-20-012

Subject Property:

8152 S. Clover Spring Ln.

Action Requested:

Conditional use approval to obtain a short-term rental license

Owner:

Matthew Farides

Applicant:

Matthew Farides

Recommendation:

Approve, with conditions



Aerial View

Analysis

Adjacent Zoning & Land Use

- **NORTH:** R-2-8 Multi-family Residential (The Oaks at Wasatch)
- **SOUTH:** R-2-8 Multi-family Residential (The Oaks at Wasatch)
- **EAST:** R-2-8 Multi-family Residential (The Oaks at Wasatch)
- **WEST:** PF Public Facility (LabAlive "Swamp" Lot)

Staff Analysis

The property is located in the R-2-8 (Residential Multi-family) zone. Short-term rentals may be approved as a conditional use in the R-2-8 zone, provided that the property is part of a planned unit development or condominium project that contains at least eight units and fronts on a private street. The subject property is a part of the Oaks at Wasatch PUD, which contains 107 units. The property fronts on Clover Spring Lane, which is a private street.

Recommended Conditions of Approval

Staff recommends approval, with conditions as outlined below:

1. The applicant must complete necessary steps to obtain a business license through the city of Cottonwood Heights. Obtaining a business license will indicate final approval of the short-term rental application. The short-term rental property will not be considered legal until a business license is obtained.
2. The short-term rental property is required to maintain compliance with all sections and subsections of chapter 19.89 and chapter 5.85 of the Cottonwood Heights Municipal Code, as hereafter amended from time to time, and all other legal requirements and applicable laws.
3. Occupancy in any short-term rental property shall not exceed the lesser of: (a) up to two adults (persons aged 18 and above) and two related children (persons under age 18) per bedroom, or (b) a total occupancy (adults and children) of no more than 12 persons in the entire short-term rental property. It is prohibited to create artificial divisions or partitions for the purpose of increasing available occupancy of an otherwise standard dwelling unit.
4. This short-term rental property will be approved for no more than four (4) bedrooms. The term “bedroom” means a room designated and used primarily for sleeping and rest on a bed.
5. Upon issuance of a business license and conditional use permit, the applicant must display a copy of the business license inside the main entry of the property.

Findings for Approval

This recommendation is based on the following findings:

1. The proposed short-term rental meets the applicable provisions of chapter 19.89 and chapter 5.85 of the Cottonwood Heights Municipal Code.
2. That the proposed project will continue to meet the applicable provisions of Chapter 19.84, “Conditional Uses,” of the zoning code:
 - a. That the proposed use is one of the conditional uses specifically listed in the zoning district in which it is to be located (19.89.050);
 - b. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort, order or general welfare of persons residing or working in the vicinity;
 - c. That the use will comply with the intent, spirit and regulations of this title and will be compatible with and implement the planning goals and objectives of the city;
 - d. That the use will be harmonious with the neighboring uses in the zoning district in which it is to be located;
 - e. That nuisances which would not be in harmony with the neighboring uses will be abated by the conditions imposed;
 - f. That protection of property values, the environment, and the tax base for the city will be assured;
 - g. That the use will comply with the city’s general plan;
 - h. That the property will be required to comply with all conditions of approval in perpetuity, in accordance with sections 19.89.160 – Inspections and 19.89.190 – Violations and penalties of the Cottonwood Heights Municipal Code.

Model Motions

- Approval
 - “I move to approve item CUP-20-010 pursuant to the conditions of approval outlined in the item’s staff report.”
 - Add any additional conditions of approval...
- Denial
 - “I move to deny item CUP-20-010 based on the following findings...”
 - List reasons for denial...

Attachments

1. Applicant Statement
2. Floorplan



ADMINISTRATIVE HEARING STAFF REPORT

Short-Term Rental: 3567 E. Wasatch Hills Ln.

Meeting Date: July 1, 2020

Staff Contact: Andy Hulka, Planner
(801-944-7065, ahulka@ch.utah.gov)

Summary

Project #:

CUP-20-013

Subject Property:

3567 E. Wasatch Hills Ln.

Action Requested:

Conditional use approval to obtain a short-term rental license

Owner:

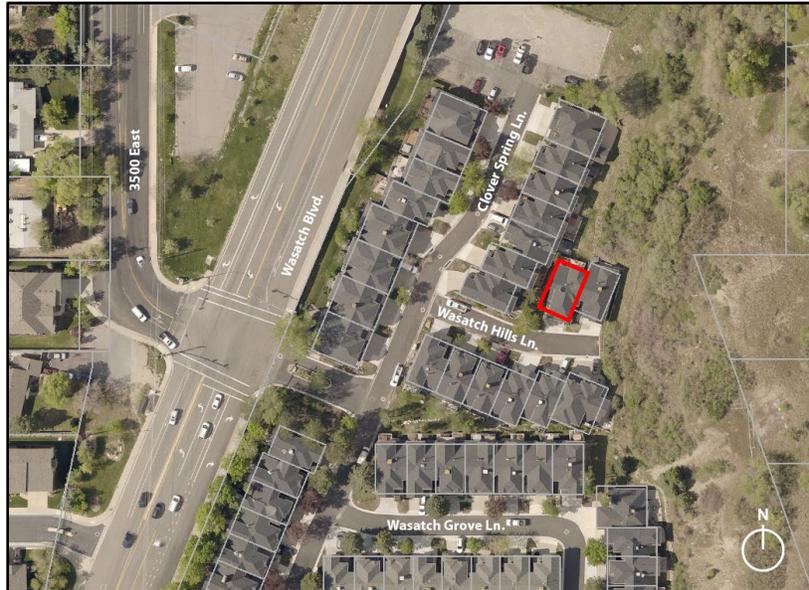
Triple E Properties, LLC
(Timothy K. & Cheryl A. Blair)

Applicant:

Timothy & Cheryl Blair

Recommendation:

Approve, with conditions



Aerial View

Analysis

Adjacent Zoning & Land Use

- **NORTH:** R-2-8 Multi-family Residential (The Oaks at Wasatch)
- **SOUTH:** R-2-8 Multi-family Residential (The Oaks at Wasatch)
- **EAST:** R-2-8 Multi-family Residential (The Oaks at Wasatch)
- **WEST:** PF Public Facility (LabAlive "Swamp" Lot)

Staff Analysis

The property is located in the R-2-8 (Residential Multi-family) zone. Short-term rentals may be approved as a conditional use in the R-2-8 zone, provided that the property is part of a planned unit development or condominium project that contains at least eight units and fronts on a private street. The subject property is a part of the Oaks at Wasatch PUD, which contains 107 units. The property fronts on Wasatch Hills Lane, which is a private street.

Recommended Conditions of Approval

Staff recommends approval, with conditions as outlined below:

1. The applicant must complete necessary steps to obtain a business license through the city of Cottonwood Heights. Obtaining a business license will indicate final approval of the short-term rental application. The short-term rental property will not be considered legal until a business license is obtained.
2. The short-term rental property is required to maintain compliance with all sections and subsections of chapter 19.89 and chapter 5.85 of the Cottonwood Heights Municipal Code, as hereafter amended from time to time, and all other legal requirements and applicable laws.
3. Occupancy in any short-term rental property shall not exceed the lesser of: (a) up to two adults (persons aged 18 and above) and two related children (persons under age 18) per bedroom, or (b) a total occupancy (adults and children) of no more than 12 persons in the entire short-term rental property. It is prohibited to create artificial divisions or partitions for the purpose of increasing available occupancy of an otherwise standard dwelling unit.
4. This short-term rental property will be approved for no more than four (4) bedrooms. The term “bedroom” means a room designated and used primarily for sleeping and rest on a bed.
5. Upon issuance of a business license and conditional use permit, the applicant must display a copy of the business license inside the main entry of the property.
6. The facility and its use shall comply with all applicable laws, rules and regulations, including those instituted by the state, county, county health department or the city to mitigate the impact of the COVID-19 pandemic.

Findings for Approval

This recommendation is based on the following findings:

1. The proposed short-term rental meets the applicable provisions of chapter 19.89 and chapter 5.85 of the Cottonwood Heights Municipal Code.
2. That the proposed project will continue to meet the applicable provisions of Chapter 19.84, “Conditional Uses,” of the zoning code:
 - a. That the proposed use is one of the conditional uses specifically listed in the zoning district in which it is to be located (19.89.050);
 - b. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort, order or general welfare of persons residing or working in the vicinity;
 - c. That the use will comply with the intent, spirit and regulations of this title and will be compatible with and implement the planning goals and objectives of the city;
 - d. That the use will be harmonious with the neighboring uses in the zoning district in which it is to be located;
 - e. That nuisances which would not be in harmony with the neighboring uses will be abated by the conditions imposed;
 - f. That protection of property values, the environment, and the tax base for the city will be assured;
 - g. That the use will comply with the city’s general plan;

- h. That the property will be required to comply with all conditions of approval in perpetuity, in accordance with sections 19.89.160 – Inspections and 19.89.190 – Violations and penalties of the Cottonwood Heights Municipal Code.

Model Motions

- Approval
 - “I move to approve item CUP-20-013 pursuant to the conditions of approval outlined in the item’s staff report.”
 - Add any additional conditions of approval...
- Denial
 - “I move to deny item CUP-20-013 based on the following findings...”
 - List reasons for denial...

Attachments

1. Applicant Statement
2. Floorplan & Photos