



1 obtained and completed. The Building Permit shall also clearly state the material design  
2 should not exceed the total height of eight feet from existing grade.

3  
4 Administrative Hearing Officer Johnson opened the public hearing. There were no public  
5 comments. The public hearing was closed.

6  
7 Administrative Hearing Officer Johnson reported that given the location of the property and the  
8 option to use this request process, the adjacency to Wasatch Boulevard seems like a qualifying  
9 impact to support the request for a slightly higher fence.

10  
11 **Administrative Hearing Officer Johnson moved to APPROVE CUP-25-007 subject to the**  
12 **following:**

13  
14 **Findings:**

- 15  
16 **1. There is clear and convincing evidence shown by the property owner that the**  
17 **request will provide reasonable additional privacy; (19.76.050.E.3.)**
- 18  
19 **2. That construction of such wall and fence is the most reasonable solution**  
20 **under the circumstances. The additional fence height is necessary to**  
21 **ensure mitigation of the aforementioned issues.**
- 22  
23 **3. The Conditional Use Permit is granted by the Director or his designee**  
24 **following an Administrative Hearing preceded by all required notifications.**  
25 **(19.76.050.E.3.)**
- 26  
27 **4. The evidence presented with the proposed conditional use has been found**  
28 **to be compliant with the requirements of Section 19.84.080 (Conditional**  
29 **Uses – Determination) and Section 19.76.050.E (Miscellaneous – Fences).**
- 30  
31 **5. There is sufficient evidence that the standards for the issuance of a**  
32 **Conditional Use Permit as outlined in Section 19.84.080 CH Code have been**  
33 **satisfied.**

34  
35 **Conditions:**

- 36  
37 **1. A Building Permit and all necessary inspections shall be obtained and**  
38 **completed.**
- 39  
40 **2. The Building Permit will clearly state materials and design, and shall not**  
41 **exceed a total height of eight feet from existing grade.**

42  
43 The request was considered formally approved. The applicant was invited to continue working  
44 with staff to obtain the Building Permit.

1  
2 **1.2 Project CUP-25-008 – Request from Elite Outdoor Pro, on Behalf of James**  
3 **Dodson for Conditional Use Approval to Construct an Eight-Foot Fence along**  
4 **the West and South Property Lines at 2450 East Bengal Bend Cove.**  
5

6 Mr. Yeh presented the Staff Report and stated that the applicant is Elite Outdoor Pro and the  
7 property owner was identified as James Dodson. The request is for a Conditional Use Permit  
8 for extension of a wall height location at 2450 Bengal Bend Cove. The applicant is proposing to  
9 construct an eight-foot fence along the west and south property lines. The increased height is  
10 requested to replace and upgrade an existing six-foot chain link fence that the applicant feels  
11 does not provide adequate privacy for the property. The proposed vinyl fence is intended to  
12 enhance privacy and is consistent with the existing eight-foot fence on the adjacent properties.  
13 A rendering was shown of the existing fence as well as what is proposed. The Fence Code  
14 allows an eight-foot fence in any zone with a Conditional Use and up to 12 feet as a Conditional  
15 Use with the consent of the neighbors. As a height of eight feet is proposed, neighbor consent  
16 is not required. Staff sent proper notice with one comment received regarding the fence height  
17 but not for this specific project. The comments were forwarded to the Hearing Officer.  
18

19 Staff found that the increased fence height proposed by the applicant to be a reasonable  
20 privacy enhancement and recommended approval with the conditions set forth in the Staff  
21 Report.  
22

23 Mr. Dodson reported that their neighbor to the south supports what is proposed. He was ready  
24 to move forward. Administrative Hearing Officer Johnson asked if there is any other fencing on  
25 the property. Mr. Dodson reported that the area shown in blue is the only eight-foot section.  
26 The portion that goes to the road will be only six feet in height. On the south property line east  
27 of the blue line to the right, is an eight-foot fence with a transition to six feet. It was noted that  
28 the plywood planks shown in the photo have been removed.  
29

30 *Betsy Romney* identified herself as the neighbor to the west. She expressed her support. She  
31 stated that there is no existing survey on record and she was concerned that the proposed  
32 future hot tub will be abutting the fence. She asked what the protocol is for the placement of  
33 the fence.  
34

35 *Curtis Price*, the neighbor to the north, expressed his support and felt that the new fence will  
36 enhance not only the subject property but the entire neighborhood. He also was in favor of  
37 granting the eight-foot extension for privacy. Mr. Dodson has a two-story home and there will  
38 be a significant amount of light overflow as a result.  
39

40 There were no further public comments. The public hearing was closed.  
41

42 Mr. Dodson reported that a hot tub may be added in the future. The concrete to be poured there  
43 will slope away from the property line and the setback requirements have been complied with.  
44 As a result, the concrete can be poured against the fence but placement of a hot tub would be

1 required to be three feet from the fence on every side. The grade will slope to the middle and  
2 out toward the north end of the property. He did not expect to have any drainage issues.  
3

4 Administrative Hearing Officer Johnson stated that procedurally, the fence will require a  
5 Building Permit, which requires a Site Plan. If the Site Plan shows that the fence will be on the  
6 applicant's property, there is an expectation that the applicant will provide that assurance. If  
7 there is any dispute over that and enforcement gets involved, the City can require a survey,  
8 grade analysis, and verification. The expectation is that the fence cannot extend onto anyone  
9 else's property. The obligation will be to make sure that it is solely on Mr. Dodson's property.  
10 Some of the proposed future work will require a Building Permit but creating drainage where  
11 water is discharged or runs onto an adjacent property violates City Code.  
12

13 Mr. Dodson commented on the existing fence and stated that prior to moving into the home  
14 nearly 19 years ago, there was a wood fence on the property line that was dilapidated. It was  
15 replaced with a chain link fence in the exact same location on the property line. They are not  
16 impeding on any other properties.  
17

18 Administrative Hearing Officer Johnson found the application to be reasonable and clarified  
19 that the scope of the review is only for the portion shown in blue and the portion of the fence  
20 that will extend from six to eight feet.  
21

22 **Administrative Hearing Officer Johnson moved to APPROVE CUP-25-008 subject to the**  
23 **following:**  
24

25 **Findings:**  
26

- 27 **1. There is clear and convincing evidence shown by the property owner that the**  
28 **request will provide reasonable additional privacy ;(19.76.050.E.3.)**  
29
- 30 **2. That construction of such wall and fence is the most reasonable solution**  
31 **under the circumstances. The additional fence height is necessary to**  
32 **ensure mitigation of the aforementioned issues.**  
33
- 34 **3. The Conditional Use Permit is granted by the Director or his designee**  
35 **following an Administrative Hearing preceded by all required notifications.**  
36 **(19.76.050.E.3.)**  
37
- 38 **4. The evidence presented with the proposed Conditional Use has been found**  
39 **to be compliant with the requirements of Section 19.84.080 (Conditional**  
40 **Uses – Determination) and Section 19.76.050.E (Miscellaneous – Fences).**  
41
- 42 **5. There is sufficient evidence that the standards for the issuance of a**  
43 **Conditional Use Permit as outlined in Section 19.84.080 CH Code have been**  
44 **satisfied.**

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**Conditions:**

- 1. A Building Permit and all necessary inspections shall be obtained and completed.**
- 2. The Building Permit will clearly state materials and design and shall not exceed a total height of eight feet from existing grade.**

**2.0 Consent Agenda**

**2.1 Approval of Administrative Hearing Officer Minutes from June 4, 2025.**

**The Administrative Hearing Officer will APPROVE the minutes of the January 3, 2024, meeting after the following process is completed. The City Recorder will prepare the minutes and email them to the Hearing Officer. The Hearing Officer 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 be approved. If there are changes, the process will be followed until the changes are made and the hearing officer agrees, at which time the minutes shall be deemed approved.**

**3.0 Adjournment**

The Administrative Hearing adjourned at approximately 12:15 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 Wednesday, June 4, 2025.***

3

4 **Teri Forbes**

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8

9 Minutes Approved: \_\_6/18/25\_\_\_\_\_