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2
3 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
4 **ADMINISTRATIVE HEARING**

5
6 **Wednesday, August 6, 2025**

7 **12:00 p.m.**

8 **City Hall Room 5**

9 **2277 East Bengal Boulevard**

10 **Cottonwood Heights, Utah**

11
12 ***ATTENDANCE***

13
14 **Staff Present:** Jared Gerber, City Manager
15 Sydney Pierce, Deputy City Recorder
16 Matt Ervin, IT Manager
17 Maverick Yeh, Planner III
18 Emma Glende, Community Development Coordinator
19 Tiffany Janzen, City Recorder

20
21 **Attendees:** Audrey Pines, Neighbor
22 Lydia Jones, Neighbor
23 Laura Durrant, Applicant
24 Cameron Archibald, Applicant
25 Jane Archibald, Applicant

26
27 **ADMINISTRATIVE HEARING**

28
29 **1.0 Business Items**

30
31 City Manager, Jared Gerber, called the Administrative Hearing to order at 12:00 p.m. and
32 welcomed those present. He will be acting as the Administrative Hearing Officer during the
33 meeting.

34
35 **1.1 Project CUP-25-010 – Request from Laura Durrant for Conditional Use**
36 **Approval of a Home-Based Psychotherapy Office for Individual Adult Clients**
37 **at 7871 South Chadbourne Drive, Unit A.**

38
39 Planner I, Emma Glende, presented the Staff Report and explained that the applicant for this
40 project is Laura Durrant and the property owner is John Richards. The request is for Conditional
41 Use Approval to operate a home-based business with clients. The applicant property is located at
42 7871 South Chadbourne Drive. The Staff recommendation is to approve the application, with
43 conditions.

44
45 The applicant is seeking approval to operate a home-based business within their residence, which
46 will operate psychotherapy services to clients. According to their narrative, individual

1 psychotherapy sessions will be available on Wednesday, Thursday, and Friday, from 1:00 p.m. to
2 6:00 p.m. No more than five clients are proposed to visit the home per business day. All
3 psychotherapy sessions will take place in a designated room located on the main floor of the
4 applicant's residence. The applicant will meet with one client at a time for 50 minutes. Clients are
5 scheduled on the hour, so one client leaves before the next client arrives. All activities will remain
6 confined to the designated area. Additionally, the property has two off-street parking spaces for
7 client use in the existing driveway.

8
9 Ms. Glende reviewed the Zoning Map. The applicant property is Residential Multi-Family. In the
10 surrounding area, there are some Residential Single-Family and Neighborhood Commercial.
11 Images of the home were shared for context, as well as the Site Plan with Parking to show how
12 clients would park if there was ever a situation where two clients overlapped. Ms. Glende reported
13 that the zoning designation of the property is R-2-8. Home Occupations with clients are listed as
14 a permitted use in the R-2-8 Zone, as referenced in 19.31.020. Home Occupations are allowed
15 only if the proposed business is clearly secondary and incidental to the primary use of the property
16 as the applicant's permanent and full-time place of residence. Home Occupations are regulated in
17 19.76.040.

18
19 The Staff Analysis finds this application is code compliant, as outlined in the Staff Report. The
20 recommendation from Staff is to approve with conditions. Ms. Glende reviewed the Conditions
21 of Approval, including obtaining and maintaining an approved Business License with Cottonwood
22 Heights, and that customers must use the provided parking and be aware of the parking restrictions.
23 Administrative Hearing Officer Gerber asked if the applicant is supportive of the proposed
24 Conditions of Approval, which was confirmed. The applicant did not have any additional
25 comments to share.

26
27 Administrative Hearing Officer Gerber opened the public hearing.

28
29 *Lydia Jones* explained that she is a neighbor and owns two units on the cul-de-sac. Parking is a
30 major problem already. Last month, her tenant had to call law enforcement to remove a vehicle
31 that was blocking him in. There are two parking spaces in the cul-de-sac for 10 units. She wanted
32 the City to be aware that there have been parking issues in the past. Ms. Jones also wondered what
33 the signage would look like. Ms. Durrant explained that parking is an issue in the area, but for this
34 use, she will be parking in the garage and then there will be two parking spaces available on the
35 driveway. As for signage, she has thought about putting a sign on the gate, but nothing is
36 confirmed at this time. Administrative Hearing Officer Gerber believes the code allows for a small
37 sign. Home Occupations are intended to maintain the neighborhood character, which will be taken
38 into account with signage.

39
40 Ms. Jones reported that the unit next to the subject property is one that she owns. It was a sober
41 living facility for approximately seven years. Over those seven years, the calls to law enforcement
42 grew. When the license for the facility expired last year, she asked them to find another location.
43 The unit was renovated for four months and now a multi-generation family is living there, which
44 is much better. She hopes there will not be new law enforcement concerns with the Home
45 Occupation use proposed. Administrative Hearing Officer Gerber suggested that the neighbors

1 discuss this matter following the Administrative Hearing, as the City cannot dictate who the clients
2 will be.

3
4 There were no further comments. The public hearing was closed.

5
6 Administrative Hearing Officer Gerber reported that after reviewing the application, he agrees
7 with the Staff recommendation as well as the proposed Conditions of Approval.

8
9 **Administrative Hearing Officer Gerber moved to APPROVE Project CUP-25-010 subject to**
10 **the following:**

- 11
12 **1. The applicant shall obtain and maintain an approved Business License with**
13 **Cottonwood Heights.**
- 14
15 **2. Customers must use the provided parking. Customers must be made aware of these**
16 **parking restrictions. On-street parking for business use shall not be permitted.**
- 17
18 **3. The business hours shall adhere to the applicant’s narrative.**
- 19
20 **4. Approval of this Home Occupation is subject to review upon complaint.**
- 21
22 **5. No more than one non-resident employee is permitted at this business.**
- 23
24 **6. Any business activity conducted outside the dwelling shall not violate the rule of the**
25 **use being clearly incidental and secondary to the use of the dwelling for dwelling**
26 **purposes.**

27
28 **1.2 Project CUP-25-012 – Request from Cameron and Jane Archibald for**
29 **Conditional Use Approval for the Construction of an Eight-Foot Fence Along**
30 **the South and North Property Lines at 7621 South Primavera Court.**

31
32 Ms. Glende presented the Staff Report and explained that the applicants and property owners are
33 Cameron and Jane Archibald. The request is for Conditional Use Approval for a wall height
34 extension at 7621 South Primavera Court. The Staff recommendation is to approve the
35 application, with conditions. She shared an image with the location of the proposed fence shown
36 in blue. The applicant is proposing to construct an eight-foot fence along the north and south
37 property lines. The increased fence height is requested to maintain privacy and safety, especially
38 because the lots to the south are currently under construction. The eight-foot fence will match the
39 existing eight-foot wall that was approved a few months ago on the rear of the property. It will
40 also account for the backfill necessary for landscaping grading. She reported that the proposed
41 fence, made out of concrete composite material, is intended to enhance privacy and provide
42 additional noise reduction to the applicant.

43
44 An image of the existing fence was shared. There is a six-foot temporary construction fence. The
45 proposed fence is shown on the right, which is an eight-foot concrete ledge stone molding fencing.
46 Ms. Glende reiterated that this will increase noise reduction and privacy. The Fencing Code states

1 that eight feet in any zone is allowed as a Conditional Use. Up to 12 feet is allowed as a
2 Conditional Use with neighbor consent. Since this proposal is only requesting eight feet, consent
3 is not required.

4
5 The Staff Analysis finds that the increase in fence height proposed is a reasonable privacy
6 enhancement and will increase noise reduction. Staff recommends approval, with conditions.
7 Ms. Glende reviewed the proposed Conditions of Approval, which states that a Building Permit
8 and all necessary inspections shall be obtained and completed. In addition, the Building Permit
9 must clearly state the materials and design, and shall not exceed a total height of eight feet from
10 the existing grade.

11
12 Administrative Hearing Officer Gerber noted that on the south fence, the request is eight feet, but
13 on the north side, the diagram shows six feet above grade. Ms. Archibald explained that it is six
14 feet, but the way that the developers left the grading, there is a pit in that corner. There will be
15 some grading. Administrative Hearing Officer Gerber noted that it is only about six feet above
16 the existing grade on the driveway to the north. Ms. Archibald referenced the lot to the south that
17 is currently under construction. She does not know where their grading will end up, so there is a
18 chance this will have eight feet visible on their side of the fence. Administrative Hearing Officer
19 Gerber asked how much fill is being brought in. Ms. Archibald explained that it will be enough
20 to level out that area of the yard. She believes it will be a maximum of between 18 inches and two
21 feet.

22
23 Administrative Hearing Officer Gerber opened the public hearing.

24
25 *Audrey Pines* explained that she lives in the neighborhood. She asked whether all of the neighbors
26 can build eight-foot fences, because she is only aware of six-foot fences being allowed. She can
27 see wanting eight feet or even 12 feet on Wasatch Boulevard, but she is a little confused about
28 what is allowed in this area. She noted that there is a specific grade that Ivory Homes has to stick
29 to. Administrative Hearing Officer Gerber reported that six-foot fencing is allowed without a
30 Conditional Use Permit. It is possible to ask for eight feet through a Conditional Use process or
31 12 feet if there is also neighbor consent. Neighbors in this area can submit a fencing request if that
32 is desired.

33
34 There were no further comments. The public hearing was closed.

35
36 Administrative Hearing Officer Gerber reported that after reviewing the application, he agrees
37 with the Staff recommendation as well as the proposed Conditions of Approval.

38
39 **Administrative Hearing Officer Gerber moved to APPROVE Project CUP-25-012 subject to**
40 **the following:**

41
42 **Findings:**

- 43
44 **1. There is clear and convincing evidence shown by the property owner that the**
45 **request will provide reasonable additional privacy (19.76.050.E.3).**
46

- 1 **2. The construction of such a wall and fence is the most reasonable solution under**
2 **the circumstances. The additional fence height is necessary to ensure**
3 **mitigation of the aforementioned issues.**
- 4
- 5 **3. The Conditional Use Permit is granted by the Director or his designee**
6 **following an Administrative Hearing preceded by all required notifications**
7 **(19.76.050.E.3).**
- 8
- 9 **4. The evidence presented with the proposed Conditional Use has been found to**
10 **be compliant with the requirements of Section 19.84.080 (Conditional Uses –**
11 **Determination) and Section 19.76.050.E (Miscellaneous – Fences).**
- 12
- 13 **5. There is sufficient evidence that the standards for the issuance of a Conditional**
14 **Use Permit as outlined in Section 19.84.080 Cottonwood Heights Code, have**
15 **been satisfied.**

16

17 **Conditions:**

- 18
- 19 **1. A Building Permit and all necessary inspections shall be obtained and**
20 **completed.**
- 21
- 22 **2. The Building Permit will clearly state materials, design, and shall not exceed**
23 **a total height of eight feet from existing grade.**

24

25 **2.0 Consent Agenda**

26

27 **2.1 Approval of Administrative Hearing Officer Minutes from August 6, 2025.**

28

29 **The Administrative Hearing Officer will APPROVE the Minutes of the August 6, 2025,**
30 **Meeting after the following process is completed. The City Recorder will prepare the**
31 **Minutes and email them to the Hearing Officer. The Hearing Officer will have five days to**
32 **review the Minutes and provide any changes to the Recorder. If, after five days, there are**
33 **no changes, the Minutes will be approved. If there are changes, the process will be followed**
34 **until the changes are made and the Hearing Officer agrees, at which time the Minutes shall**
35 **be deemed approved.**

36

37 **3.0 Adjournment**

38

39 **The Administrative Hearing adjourned at approximately 12:17 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, August 6, 2025.*
3

4 Teri Forbes

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8

9 Minutes Approved: _____