

# COTTONWOOD HEIGHTS CITY ADMINISTRATIVE HEARING AGENDA



December 4, 2024

Notice is hereby given that the **Cottonwood Heights Hearing Officer** will convene on **Wednesday, December 4, 2024**, at **Cottonwood Heights City Hall** (2277 E. Bengal Blvd., Cottonwood Heights, UT 84121) for an **Administrative Hearing Meeting**.

The meeting will begin at **12:00 p.m.** in the City Hall Room 5 (Council Chambers).

## **12:00 p.m. ADMINISTRATIVE HEARING MEETING**

### **1.0 Business Items**

#### 1.1 Project CUP-24-017

Request by Jin-Xiang Yu, to operate a home business (Music Educator/Performer – Beyond 2135, LLC.) at 7485 S. 2135 E.

### **2.0 Consent Agenda**

2.1 Approval of Administrative Hearing Officer Minutes from December 4, 2024

*(The Administrative Hearing Officer will approve the minutes of the December 4, 2024 meeting after the following process is met: 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 stand approved. If there are changes, the process will be followed until the changes are made and the hearing officer is in agreement, at which time the minutes shall be deemed approved.)*

### **3.0 Adjourn**

## **Meeting Procedures**

Items will generally be considered 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. Administrative Hearing Officer Deliberation
6. Administrative Hearing Officer Decision

Administrative Hearing applications may be tabled if: 1) Additional information is needed in order to act on the item; OR 2) The Hearing Officer feels there are unresolved issues that may need further attention before the Officer is ready to make a decision. The Hearing Officer 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 12:00 p.m. MDT on Tuesday, December 3, 2024, the day before the meeting. Comments should be emailed to [planning@ch.utah.gov](mailto:planning@ch.utah.gov). After the public hearing has been closed, the Community and Economic Development Department will not accept any additional written or verbal comments on the application.

**Notice of Compliance with the Americans with 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 Tuesday, November 27, 2024, 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](http://www.cottonwoodheights.utah.gov) and the Utah public notice website at <http://pmn.utah.gov>.

DATED THIS 27<sup>th</sup> DAY OF November 2024

Attest: Maria Devereux, City Recorder

# COTTONWOOD HEIGHTS CITY ADMINISTRATIVE HEARING STAFF REPORT

December 4, 2024



## Summary

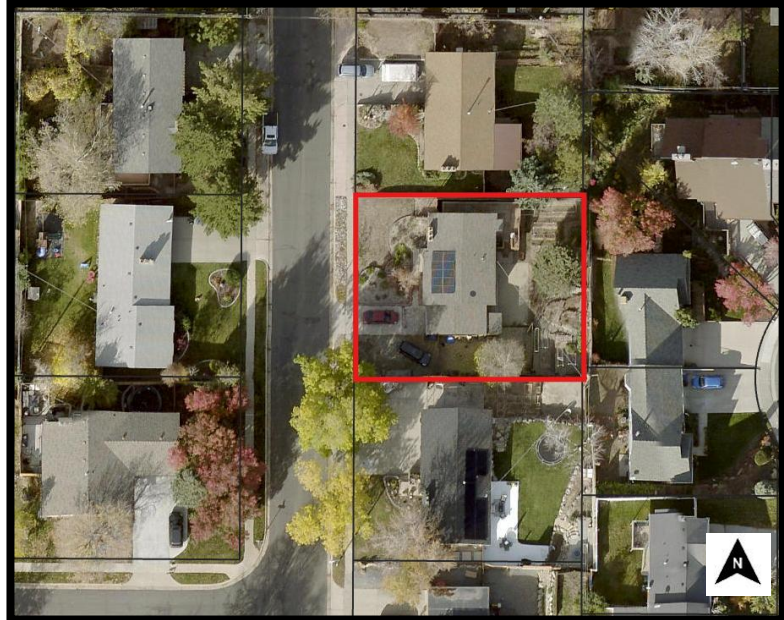
**Project #:**  
CUP-24-017

**Subject Property:**  
7485 S. 2135 E.

**Action Requested:**  
Conditional use approval to  
operate home business with  
clients (Music  
Educator/Performer – Beyond  
2135, LLC.)

**Applicant:**  
Jin-Xiang Yu

**Recommendation:**  
Approve, with conditions



*Aerial View*

## Context

**Property Owner:**  
William Fox, Jin-Xiang Yu

**Address & Parcel #:**  
7485 S 2135 E  
22-27-305-023-0000

**Acres:**  
0.18



*View of driveway and parking*

## Request

The applicant is seeking approval to operate a home-based business within their residence, offering private music instruction to clients of all ages by appointment. According to the applicant's narrative, lessons will be scheduled between 8:00 AM and 9:00 PM, primarily on weekdays, Monday through Friday. Weekend classes may occasionally be scheduled, though this will be limited and is not intended to be a regular occurrence.

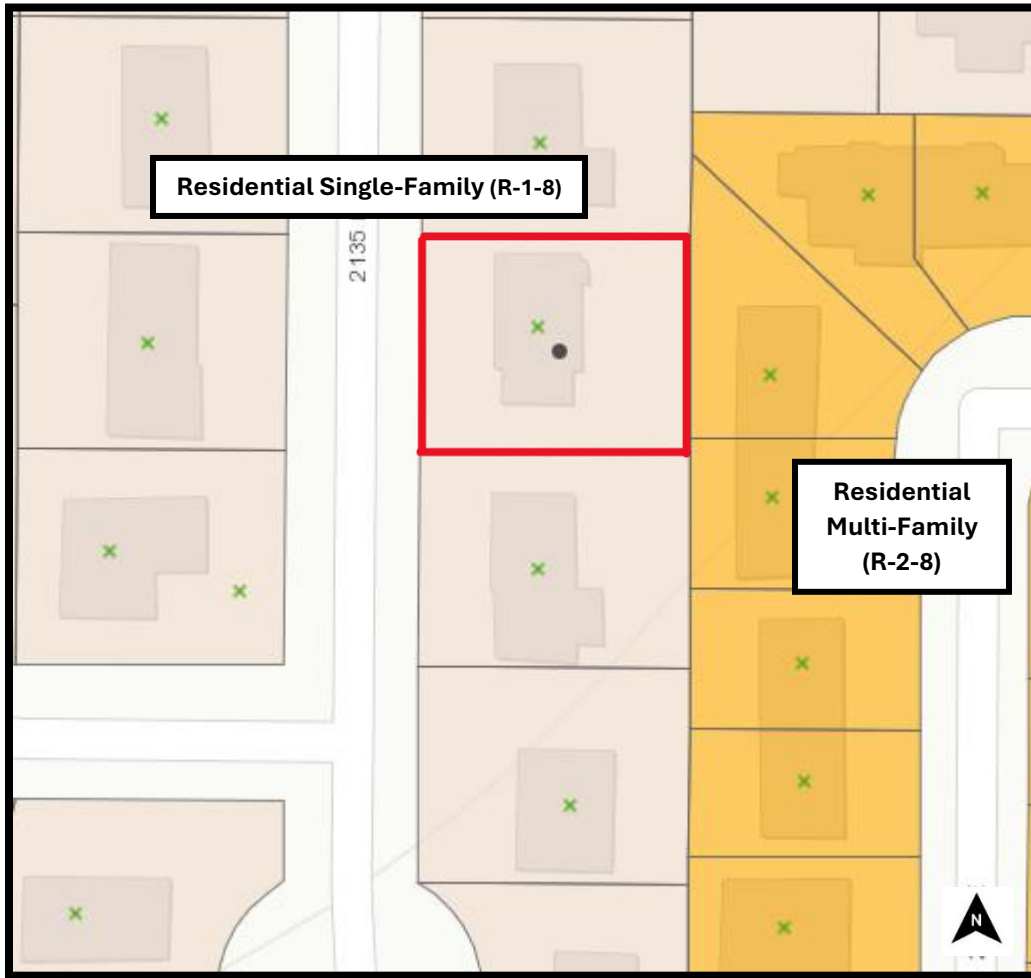
Music instruction will take place in the applicant's basement. The business will not produce excessive odors; all activities will be contained within a designated area. During lessons, windows will remain closed, and sound levels will be maintained at the lowest possible volume to minimize any disturbance. The property's front yard includes two parking spaces available for clients. Parking areas shall consist of a paved surface, covered by asphalt, concrete or other hard surface materials.

## Site Plan



Site Plan

## Zoning and Land Use



Zoning Map

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## Analysis

### Zoning

The zoning designation of the property is R-1-8 (Residential Single-Family). Home occupations with clients are listed as a conditional use in the R-1-8 zone, as referenced in §19.26.030. C. 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 Occupations are regulated in §19.76.040 Land Use:

#### **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.*
6. *"Minor home occupation" means a home occupation which complies with the requirements of Chapter 5.54 of this code and which will not otherwise have an offsite impact which, when combined with the impact of the primary residential use of the dwelling, exceeds the impact of the residential use alone. A minor home occupation is a permitted use in any zone which allows home occupations.*
7. *"Home occupation with clients" means a home occupation, not otherwise expressly prohibited by this code, where one or more persons visit the dwelling to conduct business on more than a very occasional, sporadic basis. A home occupation with clients requires a conditional use permit.*

## Noticing

Property owners within 300 feet of the subject property were mailed notices at least 10 days prior to the public hearing, as required by 19.84.050.

## Impact

The applicant has two available parking spaces in the front yard. Parking areas shall consist of a paved surface, covered by asphalt, concrete or other hard surface materials. The proposed home business will provide music instruction and use the subject property's basement space. Business hours are 9:00 AM to 7:00 PM, Monday through Friday. Because of the physical demands of an educator, the applicant will limit the number of daily lessons to six or fewer clients. Some lessons would need to be scheduled for the weekend, but they are very limited. There will be no additional employees working in the home.

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## 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 residence.
- An administrative hearing will be held in accordance with local and state requirements.

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## Recommendation

Staff recommends approval of the application with conditions:

## Conditions of Approval

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1. The applicant shall obtain and maintain an approved business license with Cottonwood Heights.
  2. Customers must use provided parking. Customers must be made aware of these parking restrictions.
  3. The business hours shall adhere to the applicant's narrative.
  4. Approval of this home occupation is subject to review upon complaint.
  5. No more than one non-resident employee is permitted at this business.
  6. Any business activity conducted outside the dwelling shall not violate the rule of the use being clearly incidental and secondary to the use of the dwelling for dwelling purposes.
  7. The parking area in the front yard must be paved before next year's business license renewal, and it needs to meet the city code required 11.04 R, 11.20.030 D.

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## Model Motions

### Approval

I move to approve project CUP-24-017, 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 CUP-24-017, based on the following findings:

- List findings for denial...

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## Attachments

1. Applicant Narrative
2. Parking and Floor Plan

# Project Narrative:

- Describe the overall proposal, including the type of services offered by the business, the proposed days and hours of operation, and the anticipated number of clients per day.**

I am a musician, performer, and educator. As someone who has been directly involved in Cottonwood Heights Arts Council's community events (2021 summer musical ("Matilda") choreographer, 2021 "Light the Heights" performer, 2024 Chinese New Year performer, 2024 summer musical ("Beauty and the Beast") performer), I wish to expand music education resources for members of the community. The purpose of this home business is to provide one-on-one instruction with clients interested in pursuing music in a safe space for artistic expression.

I anticipate providing private instruction to clients of all ages. Therefore, some clients will drive themselves, and clients not of age to drive themselves will be dropped off or accompanied during the lesson by their parent/chaperone. As some clients may have school, jobs, or families, lesson availability will be from 8AM-9PM MST, whenever it is convenient for their schedule. Since lessons will be private instruction and physically demanding on me as an educator, my goal is to limit the number of lessons per day to six clients or less. My goal is to contain all scheduled lessons during the week, Monday through Friday; however, as I am an active performer, there may be times where some lessons would need to be scheduled on weekend days. I anticipate those to be very limited and not the norm.

- Describe how many employees will be part of the business (including yourself), and which employees (including yourself) reside at the home.**

My current business structure with the state is as a Single-Member LLC. I am the only employee of the business and reside at the residence. In the future, I may consider employing my mother, a pianist, who also resides at the home.

- Describe what areas, both indoor and outdoor, will be used for the business.**

Outdoor business use is limited to the designated parking area and access to the home's entrance. Indoor business use is limited to the entryway, stairs to the basement of the home, basement level bathroom, and north half of the basement (see "Floor Plan" on Sheet 6). All other areas are restricted.

- Describe what efforts will be made to prevent noise, odor, or other potential nuisances from impacting neighboring properties, including any information about staggering business clients to reduce traffic.**

There should be no odors associated with this business. An air purifier with HEPA filter is in the studio to improve the air quality of the space and reduce the spread of airborne pathogens for the health and safety of the residents and clients.

Since this business results in the production of noise (music), the windows and doors will remain closed during the private instruction.

Since most clients would arrive via automobile, parking in the dedicated off-street spaces to prevent any adverse impacts on the neighbors (see "Parking and Circulation Plan" on Sheet 5). No more than two clients would be at the business at any given time, and for an anticipated period of no more than 15 minutes, the time between when one lesson is about to end and another lesson is about to start.

# Project Narrative:

**Describe what sale of product will take place at the home, if any.**

This business is not licensed with the state to permit the sale of any product, nor is it anticipated.

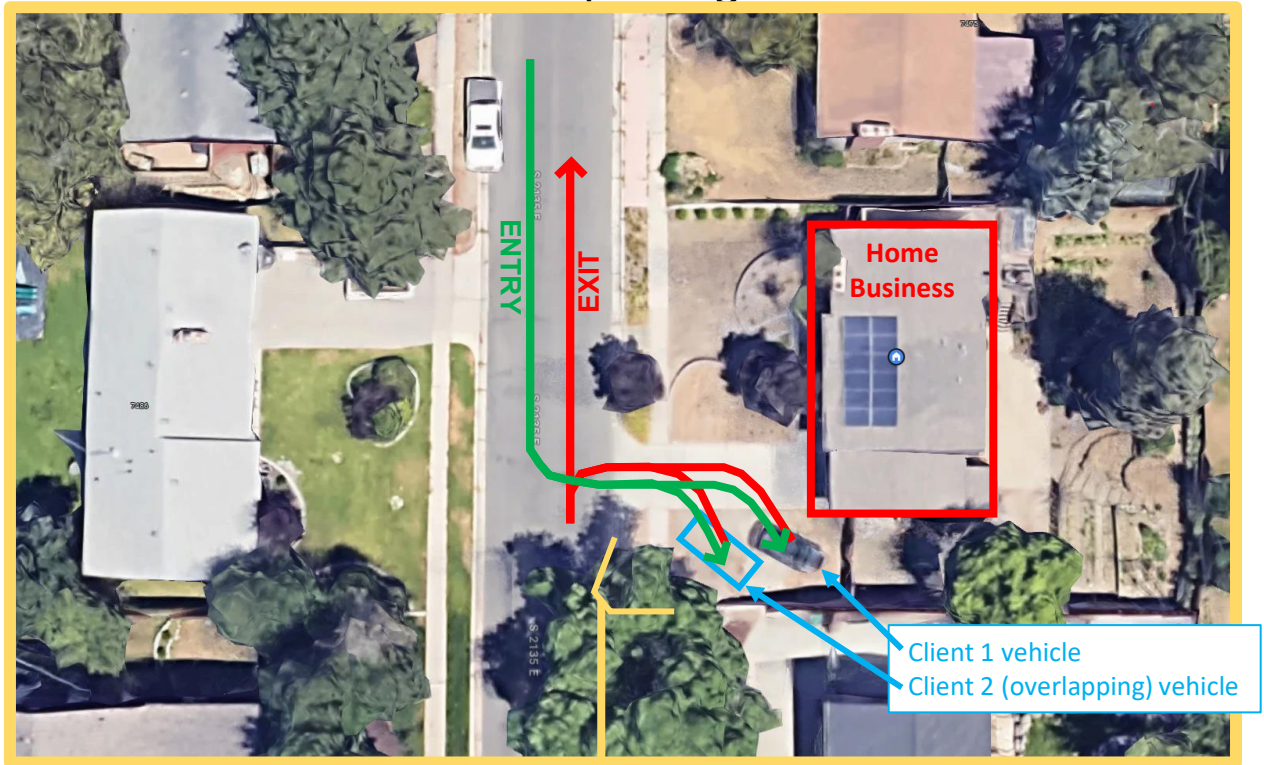
**Describe what remodels or additions are proposed for this business, if any.**

There are no remodels or additions proposed for this business. The business is expected to be conducted in the home's existing basement using current equipment and furniture (see "Floor Plan" on Sheet 6).

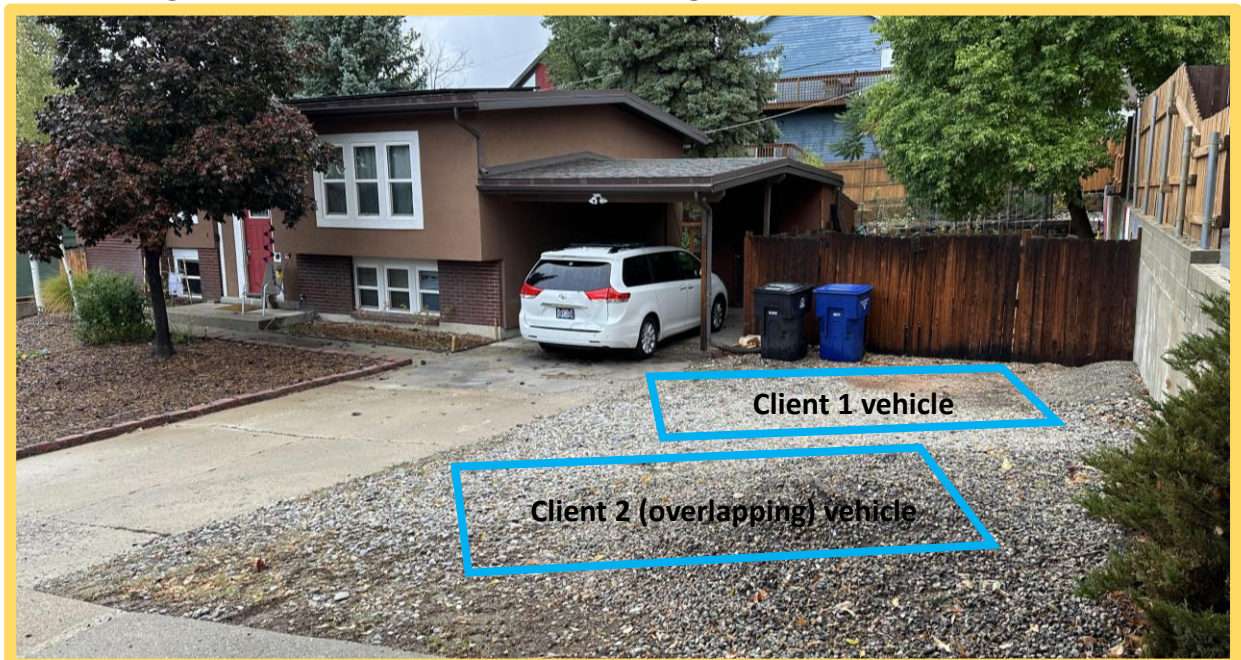
**Describe how the proposed project is consistent with the Cottonwood Heights zoning ordinance and master plans.**

This lot is zoned as R-1-8 Residential Single Family, in accordance with Cottonwood Heights Municipal Code Section 19.26. This conditional use permit is being applied for under section 19.26.030.E (Home occupation conditional use). As this is a low-density residential neighborhood and the number of clients per day (including overlapping clients) is limited to that described in this project narrative, I do not foresee any deviation from the existing zoning constraints and conditional use permit, nor are any disruptions to the neighboring residences expected.

# Parking and Circulation Plan: Satellite view of off-street parking area:



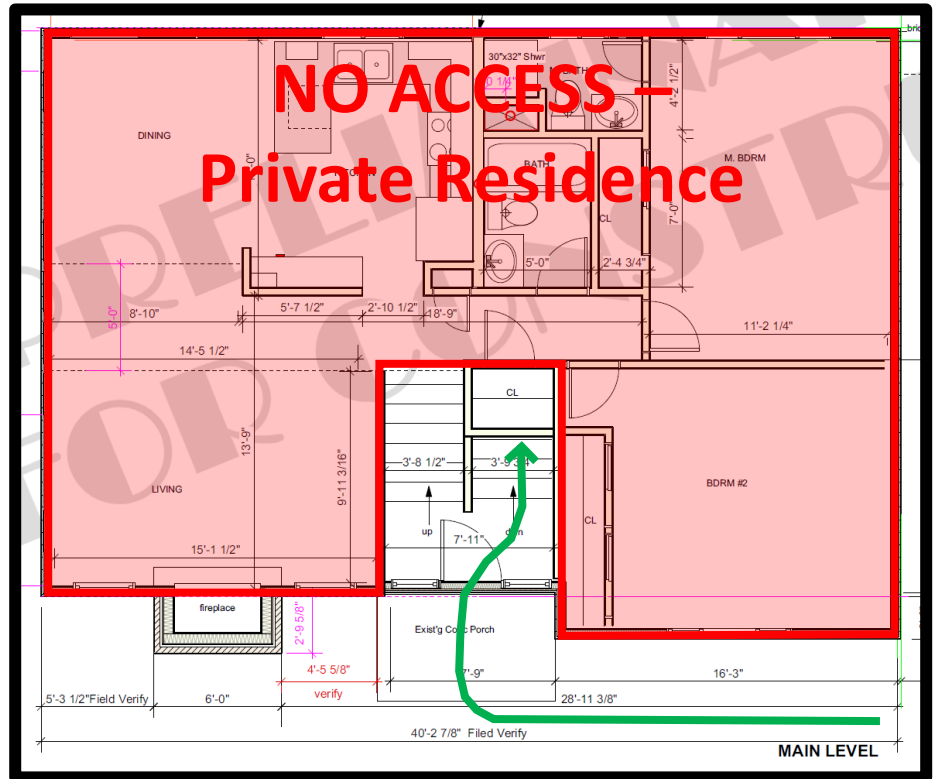
# Photograph of off-street parking area from above:



# Floor Plan:

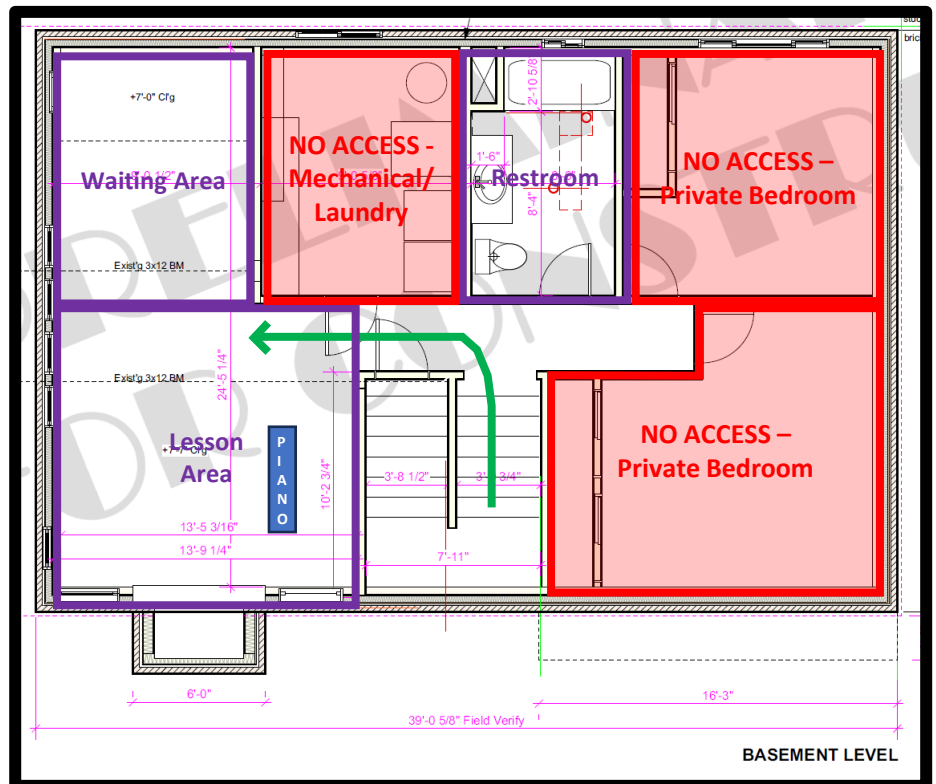
Clients would enter through the main front door using the paved sidewalk in front of the house. (Ref. "Parking and Construction Plan", Sheet 5).

Upon entry, Clients walk down the steps of the split-level entrance to the basement where the studio is.



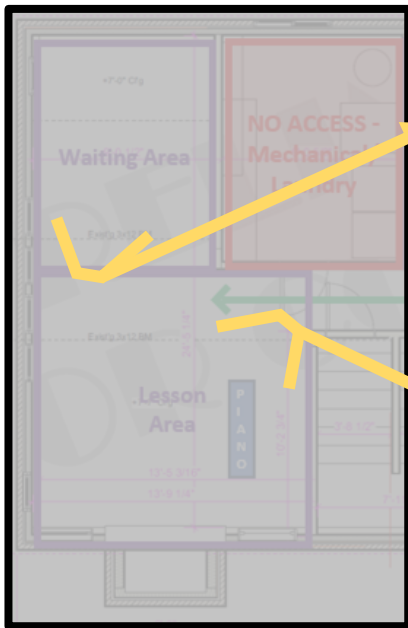
Upon entry to the studio, overlapping clients would have the availability to sit in a "Waiting Area" shown and pictured on Sheet 7.

Clients are able to use the restroom shown.



## Studio Photos:

Waiting Area, pictured right, for overlapping clients.

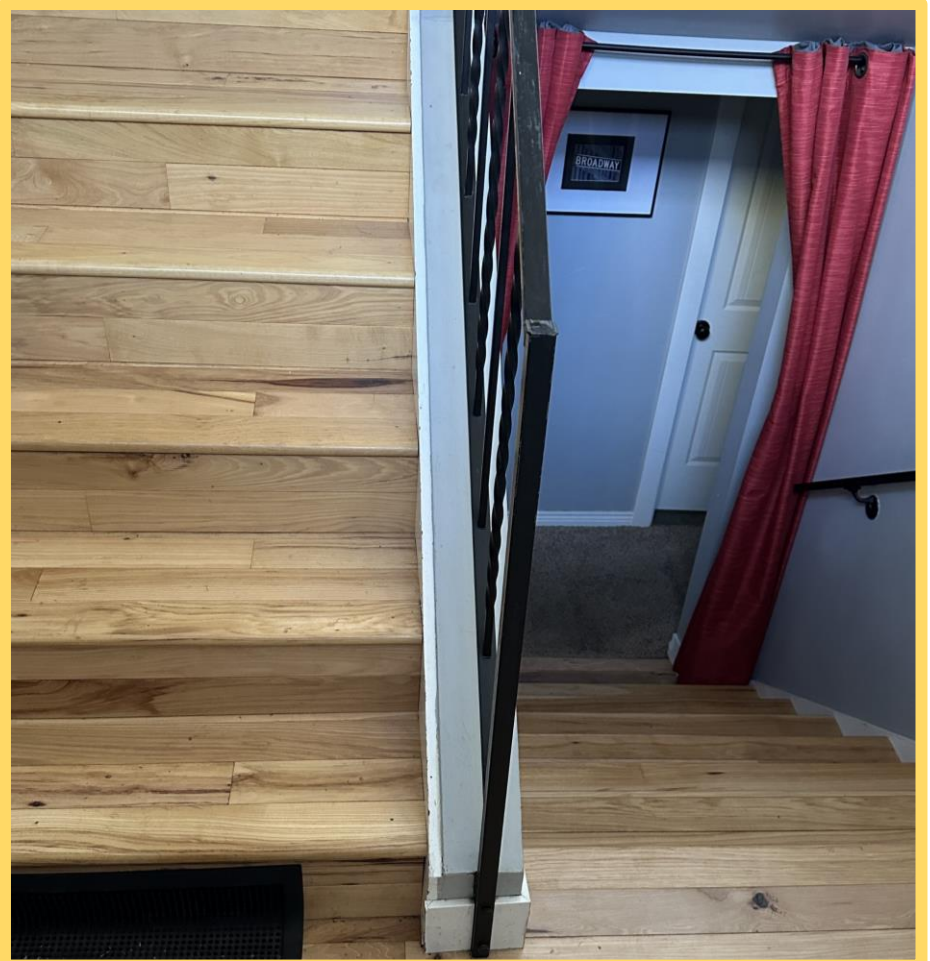


Lesson area, pictured right, where business (piano lessons, voice lessons, acting lessons, headshots) will be conducted.



## Entry/Restroom:

Restroom for clients is accessible before/during/after the lesson.



Entryway of residence/business. Clients will enter the home and head down the steps to the left to access the studio.