

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**

2 **ADMINISTRATIVE HEARING**

3 **Wednesday, January 8, 2025**

4 **Council Chambers**

5 **2277 East Bengal Boulevard**

6 **Cottonwood Heights, Utah**

7

8 **ATTENDANCE**

9 **Staff Present:**

10 Maverick Yeh, City Planner

11 Mike Johnson, Administrative Hearing Officer

12 Alex Earl, Systems Administrator

13 Kate Hoflich, Deputy City Recorder

14

15 **Attendees:**

16 Annaje Van der Toolen

17 Drew Rothkopf

18

19 **Business Meeting**

20 Administrative Hearing Officer, Michael Johnson called the meeting to order at 12:01  
21 p.m. and welcomed those present.

22 **1.0 Business Items:**

23 **1.1 (Project CUP-24-018) Request by Annaje Van der Toolen, to operate a home**  
24 **business (Massage Therapy Practice) at 7345 S. Sunhill Rd.**

25

26 City Planner, Maverick Yeh, presented the Staff Report and stated that the applicant is  
27 seeking approval to operate a home-based business within their residence, offering  
28 massage therapy services to clients. According to the applicant's narrative, massage  
29 services to individual clients in a room designed for this purpose. They will follow health  
30 code rules and will see a maximum of two clients on weekdays and a maximum of 3 clients  
31 on Saturdays. Appointments will be available during two time slots on weekdays (Monday  
32 through Friday): 10:00 AM to 1:00 PM and 3:00 PM to 7:00 PM. On Saturdays, services will  
33 be offered from 8:00 AM to 1:00 PM, with the business remaining closed on Sundays. All  
34 appointments will be scheduled online through a booking website that displays available  
35 services and hours. Walk-in clients are not allowed.

36

1 The massage therapy practice will take place in a designated room located on the main  
2 floor of the applicant's residence. The business will not produce excessive odors, and no  
3 loud equipment will be used, ensuring a calm and uninterrupted atmosphere during  
4 massage sessions. All activities will remain confined to the designated area. Additionally,  
5 the property has two off- street parking spaces for client use, in the existing driveway.  
6

7 City Planner Yeh outlined the zoning designation of the property is R-1-8 (Residential  
8 Single-Family). Home occupations with clients are listed as a conditional use in the R-1-8  
9 zone, as referenced in §19.26.030. C. Home occupations are allowed only if the proposed  
10 business is clearly secondary and incidental to the primary use of the property as the  
11 applicant's permanent and full-time place of residence. Home Occupations are regulated  
12 in §19.76.040  
13

14 Applicant Annaje Van der Toolen did not add comment and confirmed that the staff report  
15 was accurate.

16 Hearing Officer Johnson noted that there were two written public comments received by  
17 the city.

18 Hearing Officer Johnson opened the public hearing. There was one verbal public  
19 comments from Julie Van der Toolen. She noted that she was the property owner and that  
20 she is very much in support of the business venture and that the clients would be limited to  
21 people that are known to them. The public hearing was closed.

22  
23 **Hearing Officer Johnson moved to APPROVE Project CUP-24-018 pursuant to the**  
24 **Conditions of Approval**

25 **1. The applicant shall obtain and maintain an approved business license with**  
26 **Cottonwood Heights.**

27 **2. Customers must use provided parking. Customers must be made aware of these**  
28 **parking restrictions.** On-street parking for business use shall not be permitted.

29 **3. The business hours shall adhere to the applicant's narrative.**

30 **4. Approval of this home occupation is subject to review upon complaint.**

31 **5. No more than one non-resident employee is permitted at this business.**

32 **6. Any business activity conducted outside the dwelling shall not violate the rule of the**  
33 **use being clearly incidental and secondary to the use of the dwelling for dwelling**  
34 **purposes.**

35 Hearing Officer Johnson stated that Ms. Van der Toolen will receive an approval letter and  
36 recommended that she can follow up with the Business License Department regarding next  
37 steps.  
38

1           **1.2 Project CUP-24-020 Request by Drew Rothkopf, Alpenglow Property Rentals,**  
2           **on behalf of Matt Russell, to operate a short-term rental at 7430 S. Wasatch**  
3           **Blvd. J-4.**

4  
5 City Planner, Maverick Yeh, presented the Staff Report and stated that the applicant is  
6 seeking a Conditional Use Permit (Short-Term Rental). The unit contains three bedrooms.  
7 The applicant is proposing to accommodate up to 8 guests at a time. Occupants will have  
8 access to the property manager’s cell phone 24/7 to resolve concerns or issues. The  
9 property is located in the RM (Residential Multi-Family) zone. Short-term rentals may be  
10 approved as a conditional use in the RM zone, provided that the property is part of a  
11 planned unit development or condominium project that contains at least eight units and  
12 fronts on a private street. The subject property is a part of the Canyon Racquet Club Condo  
13 Project, which contains 40 units, and the property is accessed via an internal private road.

14 Hearing Officer Johnson noted that no written public comments were received.

15 Applicant was invited to speak but stated that he didn’t have anything to add.

16 Hearing Officer Johnson opened the public hearing. There were no public comments. The  
17 public hearing was closed.

18 ***Hearing Officer Johnson moved to APPROVE Project CUP-24-020 pursuant to the***  
19 ***Conditions of Approval***

20 ***1. The applicant must complete necessary steps to obtain a business license through***  
21 ***the city of Cottonwood Heights. Obtaining a business license will indicate final approval***  
22 ***of the short-term rental application. The short-term rental property will not be***  
23 ***considered legal until a business license is obtained.***

24 ***2. The short-term rental property is required to maintain compliance with all sections***  
25 ***and subsections of Chapter 19.89 and Chapter 5.85 of the Cottonwood Heights***  
26 ***Municipal Code, as hereafter amended from time to time, and all other legal***  
27 ***requirements and applicable laws.***

28 ***3. The Operators shall provide a 24/7 hotline to resolve issues. Operators shall respond***  
29 ***(in person, if appropriate) to telephonic complaints within one hour after such***  
30 ***complaint is made. Inappropriate and/or non-response to such complaints shall***  
31 ***constitute a violation.***

32 ***4. Occupancy in any short-term rental property shall not exceed the lesser of: (a) up to***  
33 ***two adults (persons aged 18 and above) and two related children (persons under age 18)***  
34 ***per bedroom, or (b) a total occupancy (adults and children) of no more than 12 persons***  
35 ***in the entire short-term rental property. It is prohibited to create artificial divisions or***  
36 ***partitions for the purpose of increasing available occupancy of an otherwise standard***  
37 ***dwelling unit.***

1 **5. This short-term rental property will be approved for no more than four (4) bedrooms.**  
2 **The term “bedroom” means a room designated and used primarily for sleeping and rest**  
3 **on a bed.**

4 **6. Upon issuance of a business license and conditional use permit, the applicant must**  
5 **display a copy of the business license inside the main entry of the property.**

6 ***Findings for Approval***

7 ***This recommendation is based on the following findings:***

8 ***1. The proposed short-term rental meets the applicable provisions of Chapter***  
9 ***19.89 and Chapter 5.85 of the Cottonwood Heights Municipal Code.***

10 ***2. That the proposed project will continue to meet the applicable provisions of***  
11 ***Chapter 19.84, “Conditional Uses,” of the zoning code:***

12 ***a. That the proposed use is one of the conditional uses specifically listed***  
13 ***in the zoning district in which it is to be located (19.89.050);***

14 ***b. That such use will not, under the circumstances of the particular case,***  
15 ***be detrimental to the health, safety, comfort, order or general welfare of***  
16 ***persons residing or working in the vicinity;***

17 ***c. That the use will comply with the intent, spirit and regulations of this***  
18 ***title and will be compatible with and implement the planning goals and***  
19 ***objectives of the city;***

20 ***d. That the use will be harmonious with the neighboring uses in the zoning***  
21 ***district in which it is to be located;***

22 ***e. That nuisances which would not be in harmony with the neighboring***  
23 ***uses will be abated by the conditions imposed;***

24 ***f. That protection of property values, the environment, and the tax base for***  
25 ***the city will be assured;***

26 ***g. That the use will comply with the city’s general plan;***

27 ***h. That the property will be required to comply with all conditions of***  
28 ***approval in perpetuity, in accordance with Sections 19.89.160 –***  
29 ***Inspections and 19.89.190 – Violations and penalties of the Cottonwood***  
30 ***Heights Municipal Code.***

31 Hearing Officer Johnson stated that Mr. Rothkopf will receive an approval letter and then  
32 can follow up with the Business License Department regarding next steps and to schedule  
33 an inspection.

34

1   **2.0   Consent Agenda**

2

3           **2.1 Approval of Administrative Hearing Officer Minutes from January, 8 2025.**

4   ***Hearing Officer Johnson moved to APPROVE the Minutes of January 8, 2025, after the***  
5 ***following process is met. The City Recorder will prepare the minutes and email them***  
6 ***to the Hearing Officer. The Hearing Officer will have five days to review the minutes***  
7 ***and provide any changes to the Recorder. If, after five days there are no changes, the***  
8 ***minutes will stand approved. If there are changes, the process will be followed until***  
9 ***the changes are made and the Hearing Officer is in agreement, at which time the***  
10 ***minutes shall be deemed approved.***

11

12   **3.0 Adjournment**

13   The Administrative Hearing adjourned at approximately 12:11 p.m.

14

15

16   ***I hereby certify that the foregoing represents a true, accurate, and complete record of the***  
17 ***Cottonwood Heights City Administrative Hearing held Wednesday, January 8, 2025.***

18   Kate Hoflich

19   Deputy City Recorder

20   

21   Minutes Approved: \_01/16/2025\_