

# COTTONWOOD HEIGHTS CITY ADMINISTRATIVE HEARING AGENDA



October 2, 2024

Notice is hereby given that the **Cottonwood Heights Hearing Officer** will convene on **Wednesday, October 2, 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-24-015**

Request by Amanda Martin, to operate a home business (Pet care for 2 dogs maximum) at 2426 E. Sarto Ave

### **2.0 Consent Agenda**

#### **2.1 Approval of Administrative Hearing Officer Minutes from October 2, 2024**

*(The Administrative Hearing Officer will approve the minutes of the October 2, 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, October 1, 2024, a 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) 944-7022 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 Friday, September 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 SEPTEMBER 2024

Attest: Maria Devereux, City Recorder

# COTTONWOOD HEIGHTS CITY ADMINISTRATIVE HEARING STAFF REPORT

October 2, 2024



## Summary

**Project #:**  
CUP-24-015

**Subject Property:**  
2426 E. Sarto Ave.

**Action Requested:**  
Conditional use approval to  
operate home business with  
clients (Pet care for 2 dogs  
maximum)

**Applicant:**  
Amanda Martin

**Recommendation:**  
Approve, with conditions



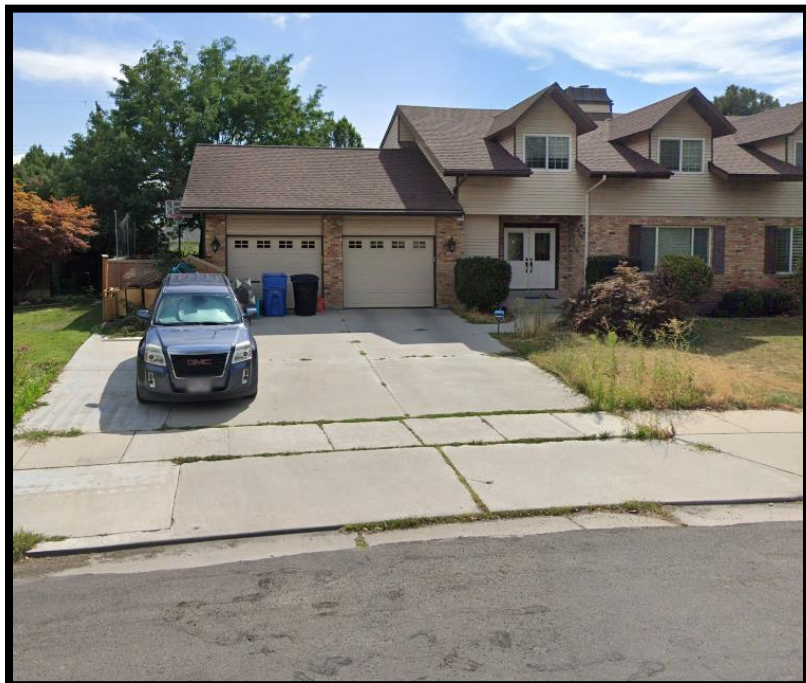
*Aerial View*

## Context

**Property Owner:**  
David Elwell

**Parcel #:**  
22-27-455-005-0000

**Acres:**  
0.25



*View of driveway and parking*

---

## Request

The applicant is seeking approval to operate a home-based business within their existing residence, offering pet care services by appointment. According to the applicant's narrative, services include daycare and boarding for durations ranging from one night to one week, available seven days a week. To mitigate issues pets may have with fireworks, the business will be closed on July 4th and July 24th.

The applicant plans to offer pet care services within their home and backyard. Customers will be required to complete a survey to determine whether their pet is a good fit for boarding or daycare. The survey will assess the pet's temperament, behavior, and any health concerns. Pets must have up-to-date vaccination records and be spayed or neutered. The applicant limits bookings to a maximum of two pets at a time and will notify other clients if no availability is left. In rare cases, the applicant may accept an existing client's pet based on pet behavior and ease of care. In such instances, the applicant will allow a maximum of three pets.

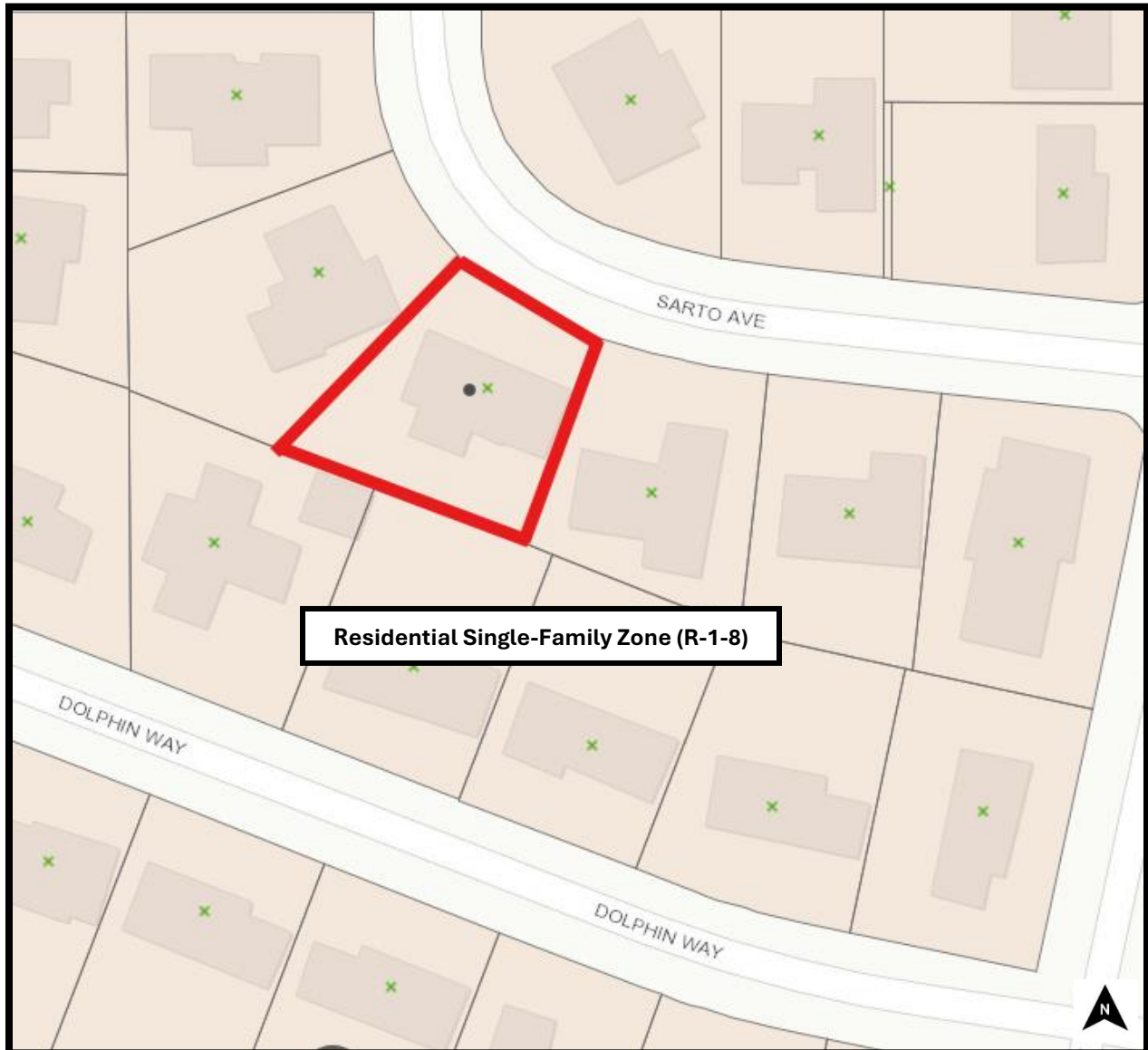
Parking is available in the applicant's driveway for drop-offs and pick-ups, shown in the satellite image below. To ensure a smooth process, only one client is scheduled for drop-off and pick-up at a time.

## Site Plan



Site Plan

## Zoning and Land Use



Zoning Map

---

## 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. E. 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 limited parking available in the driveway. The proposed home business will provide pet care services, utilizing both the main house and the backyard. The applicant will personally supervise the dogs while they are in the backyard to ensure neighbors are not disturbed by barking. The backyard is fully enclosed by a fence.

The business will operate seven days a week; however, drop-offs and pick-ups will not be permitted before 6:00 AM or after 9:00 PM. The applicant distinguishes between new and existing clients. When onboarding a new pet, the applicant will block all other bookings to focus on familiarizing herself with the pet and addressing any potential issues. The applicant has a standard policy of booking no more than two pets at a time and will notify prospective clients of unavailability once capacity is

reached. The maximum number of pets will adhere to the Cottonwood Heights Pet Licensing Ordinance 8.16.120. Additionally, the applicant plans to book services for only two weeks per month, allowing two weeks for personal respite. There will be no additional employees working in the home.

---

## 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.

---

## Recommendation

Staff recommends approval of the application with conditions:

### Conditions of Approval

- 
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. Per City Ordinance 8.16.120, no more than three dogs can be on-site, including any owned by the applicant.

---

## Model Motions

### Approval

I move to approve project CUP-24-015, 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-24-015, based on the following findings:

- List findings for denial...

---

## Attachments

1. Applicant Narrative
2. Parking and Floor Plan
3. Owner Consent

Project Narrative:

Numbers 1, 2, 3, 4, 5, 6, 7 will be included at the end of each paragraph to demonstrate what description is being addressed.

**1-Describe overall proposal**

**2-Describe how many employees**

**3-Describe areas used for pet care**

**4-Describe efforts made to prevent noise, odor, nuisances, and traffic.**

**5-Describe sale of product in home**

**6-Describe remodels or additions**

**7-Describe how project is consistent with Cottonwood Heights zoning ordinance.**

Many of my pet care bookings are scheduled through the Rover app. On occasion I get requests from neighbors and friends to board their pets. No sale of product takes place in my home other than when I get a booking request on my phone via the Rover app for day care or overnight boarding. **(Descriptions 1, 5)**

I have worked as a Veterinary Assistant at Alcor Cresta in Midvale in my late teens (approximately 1996-1998). I have fostered kittens and dogs through Best Friends Animal Society. I have had pets of my own my entire life. Since my last dog passed away, I no longer have any pets of my own. I have worked in housekeeping and been involved in policies and procedures for hospitals. I have a great deal of experience and understanding on how to keep an environment safe, sanitary, and healthy. I have spent the last few years working remotely from home as a records analyst and am with boarders and/or day care pets throughout the day (except to run an errand or go to appointments then the pet is secured in dedicated area or in crate area where picture is provided at the end of this narrative). **(Descriptions 3, 4)**

For every boarding or day care request that comes to me, I initiate a Meet and Greet. There I can assess if the pet is a good fit and if I can provide boarding or day care services. At Meet and Greets I look for temperament, behavioral, and health issues. I also ask a series of questions as listed on my Meet and Greet sheet attached to email. I assess the pet's needs and care routine. I require that a current vaccination record is sent to me before I allow the pet to stay with me. I require that the pets are spayed and neutered. I do not accept dogs who demonstrate excessive barking or behavioral issues. I always supervise the dogs when in the back yard so I can ensure neighbors are not disturbed by barking. **(Description 4)**

I have two types of clients New and Existing. If I have a new pet, I close out my calendar to all other bookings so I can get to know the pet and avoid any issues. Bookings can be for one day of day care or anywhere from one night to a week of boarding. **(Description 1, 4)**

I close out my calendar on the 4<sup>th</sup> of July and the 24<sup>th</sup> of July to avoid any issues pets have with fireworks. The rare exception is I will accept an existing pet if I am certain they are not bothered by fireworks. **(Descriptions 1, 4)**

I generally do not accept drop offs or pickups before 600am or after 900pm. The rare exception is a delayed flight. Otherwise, I ask the owner to have a friend or family member pick up the pet or book another night. I am generally available to accept day care or boarding request any day of the week. I have parking available in my driveway for drop offs and pick-ups and only schedule one client at a time for drop offs and pick-ups. The arial view in the photo at the end of this document demonstrates the open parking spots available in driveway for drop offs and pick-ups. Drop offs and pick-ups take only a few minutes allowing me time to accept the pet and the pet's supplies (Leashes, harnesses, food and crates). I shovel and clear walkways and use pet friendly ice melt when needed. **(Municipal Code 19.76.040 Land Use J). (Descriptions 1, 4, 7)**

I generally have a policy that two pets booked is my max and let others know I do not have any availability if more requests come to me. A rare exception is if I am booked and an existing customer asks for me to care for their pet in addition to already having two at my home, I may make an exception to accept the pet base on how well behaved/easy to care for the pet is. In this scenario I would at most allow three pets. Caring for three pets is rare and I mostly care for one or two pets at a time. I generally aim to have only two weeks out of the month booked to allow myself two weeks of respite. However, if an existing customer wants to book with me when my calendar is closed, I may accept their request if the pet is well behaved/easy to care for. I work from home and do not hire outside employees to assist with pet care. My sons, ages 15 and 13, live with me and assist with boarding and day care pets. **(Municipal Code 19.76.040 Land Use J. 1.) (Descriptions 1, 2, 4, 7)**

Indoor and outdoor areas are used to care for pets. There is a dedicated area that is solely used for pets located between the kitchen and laundry room that can be sectioned off with play pen type gates and doorway gates (photo included at end of Project Narrative). Pets can be under my supervision in any room as I move about the house daily. According to Zillow, my home, 2426 E. Sarto Avenue, Cottonwood Height, UT 84121 is on .25 Acres. Below is an arial view of the back yard highlighted in red. I believe the back yard is well over 1000 square feet. Owners provide compliant crates that allow their pets to move and stand freely with 6 inches over their pet's heads. I also provide large crates to use as needed that

are compliant. Any crate set up has its own dedicated space. **(Municipal Code 19.76.040 Land Use J. 2. ) (Descriptions 1, 7)**

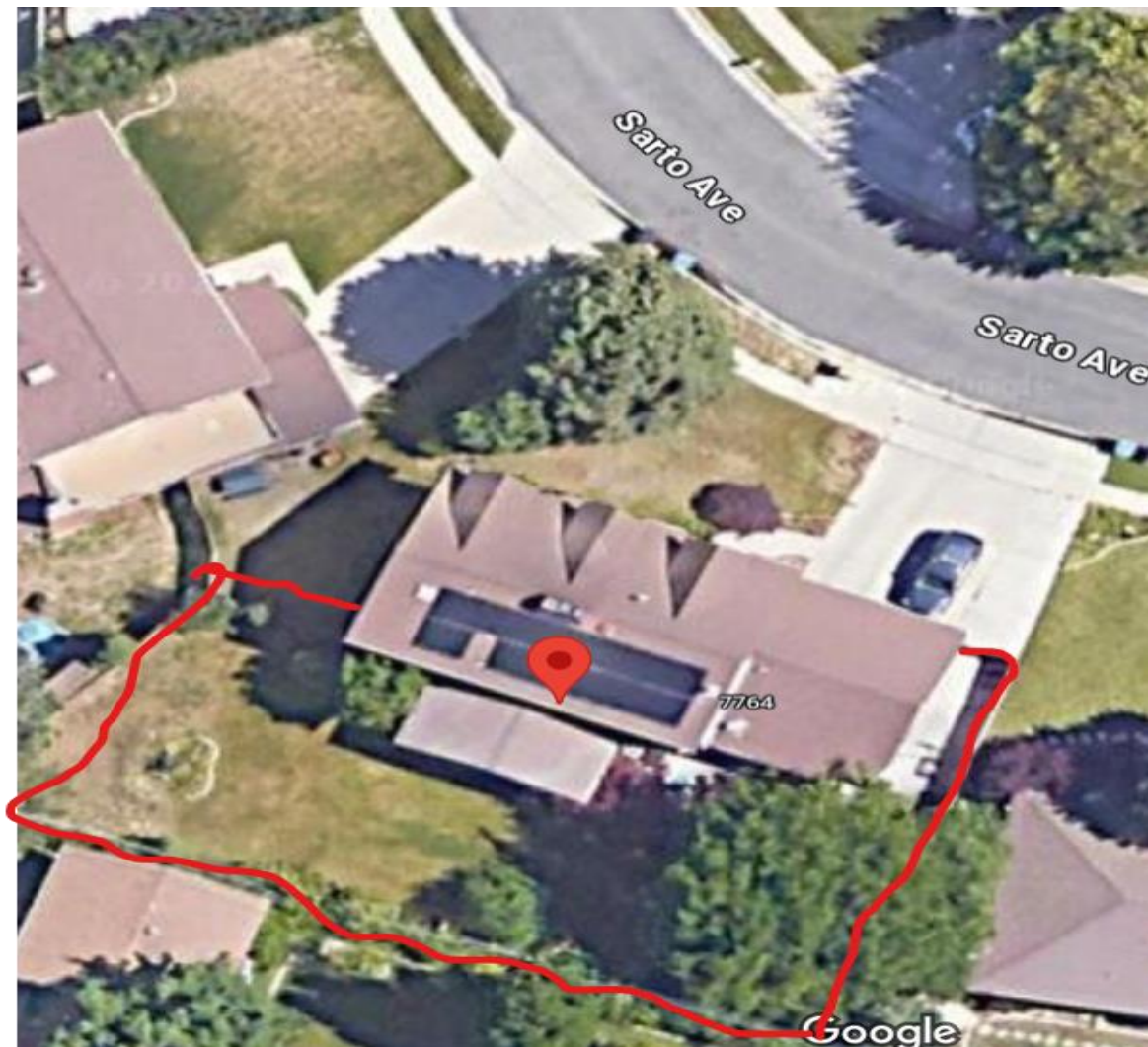
If an owner decides to book with me, I require they provide an emergency contact name and number. I have fire extinguishers on each level of home. I require a leash, collar or harness. Overnight pets are secured in dedicated area or in their crates. Leashes and collars are readily available near dedicated space and crates in the event of an emergency. I also have a backup harness and leash. **(Municipal Code 19.76.040 Land Use J. 3) (Descriptions 1, 7)**

I deep clean my home in between boardings. I do not leave pet food outside; pets are fed inside. I feed pets separately to avoid resource protective behavior. The house has fire detectors and CO2 detector. There is an alarm system set up and the front door locks automatically. Pets go to the fenced off back yard to potty (arial view of back yard attached below this description). I clean up all potty areas daily if not more frequently and hose down the potty areas. If I am walking a dog, I always have poop bags to ensure waste gets cleaned up immediately. I never walk a dog if it is reactive. Reactive dogs will get exercised in my fenced off back yard. **(Descriptions 1, 7)**

I do not have any remodels or additions proposed. **(Description 6)**

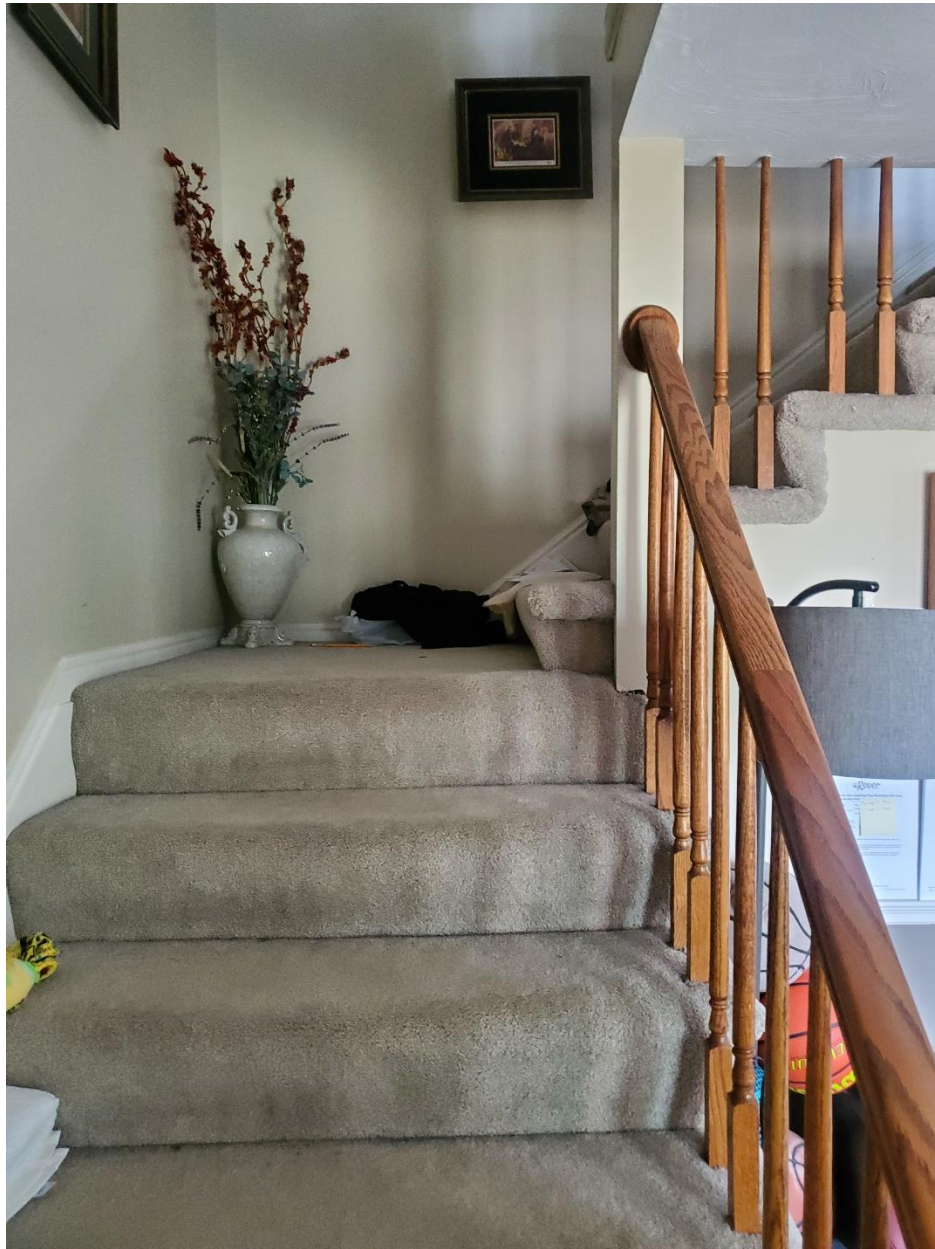
The outlined area in Red is the fenced off back yard.

The driveway allows for parking as pet is being dropped off or picked up



Second level of home (dogs may follow me around fully supervised as I move throughout the house, but this is not where their dedicated area is).

This is the stair well leading up to the second level



This is the office area at top of stairs leading up to the the second level



This is the hallway that leads to three bedrooms, a bathroom, and the master bedroom



This is the main level where pets may move through the house with me if directly supervised, but the following four photos are not the dedicated area.

The living room is accessed through the front door to the home, located near stairs in photo

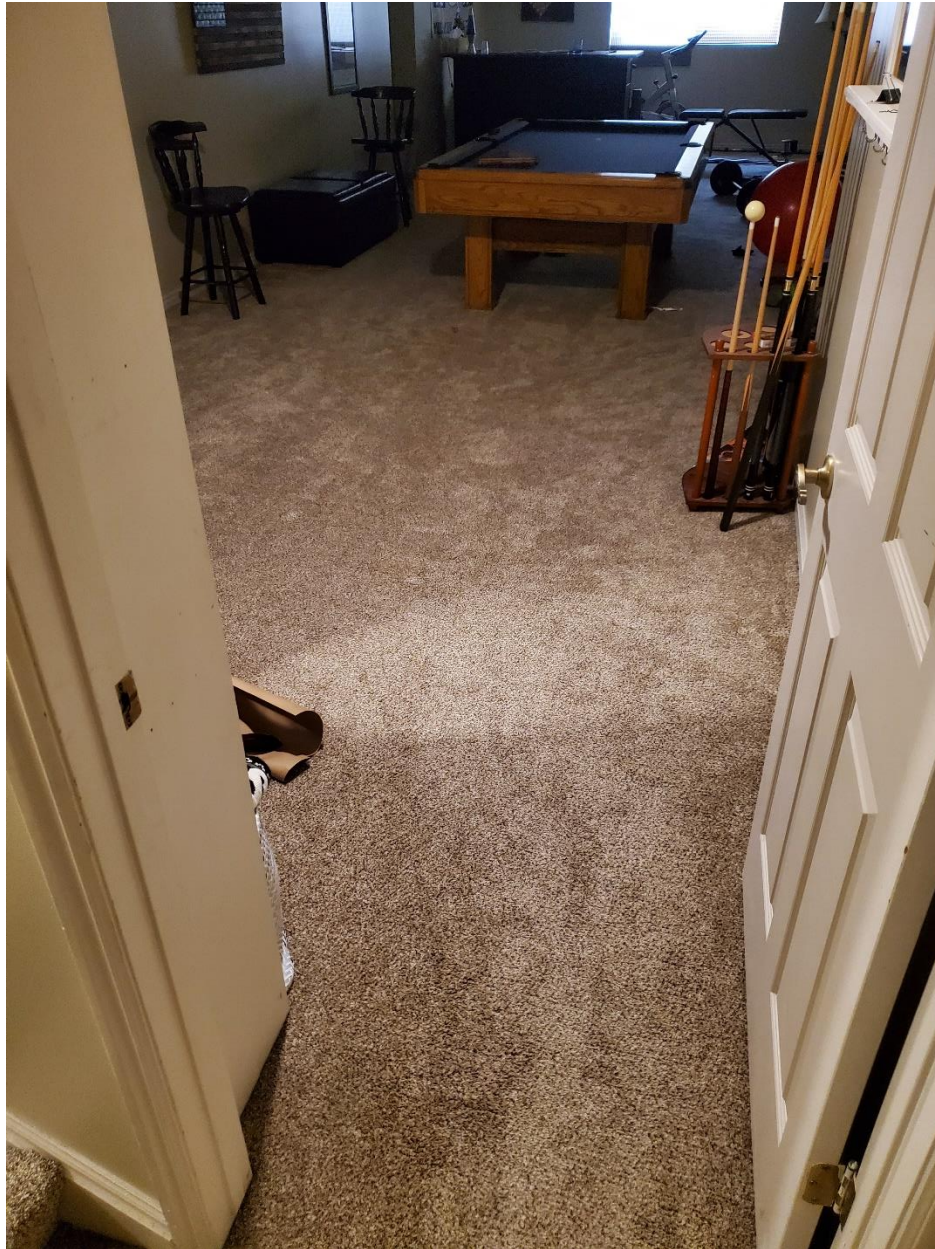


The kitchen area is next to the living room





The basement has a pool table, my son's bedroom, and a bathroom. Pets do not go to the basement.







The fenced off back yard is where pets get outside time







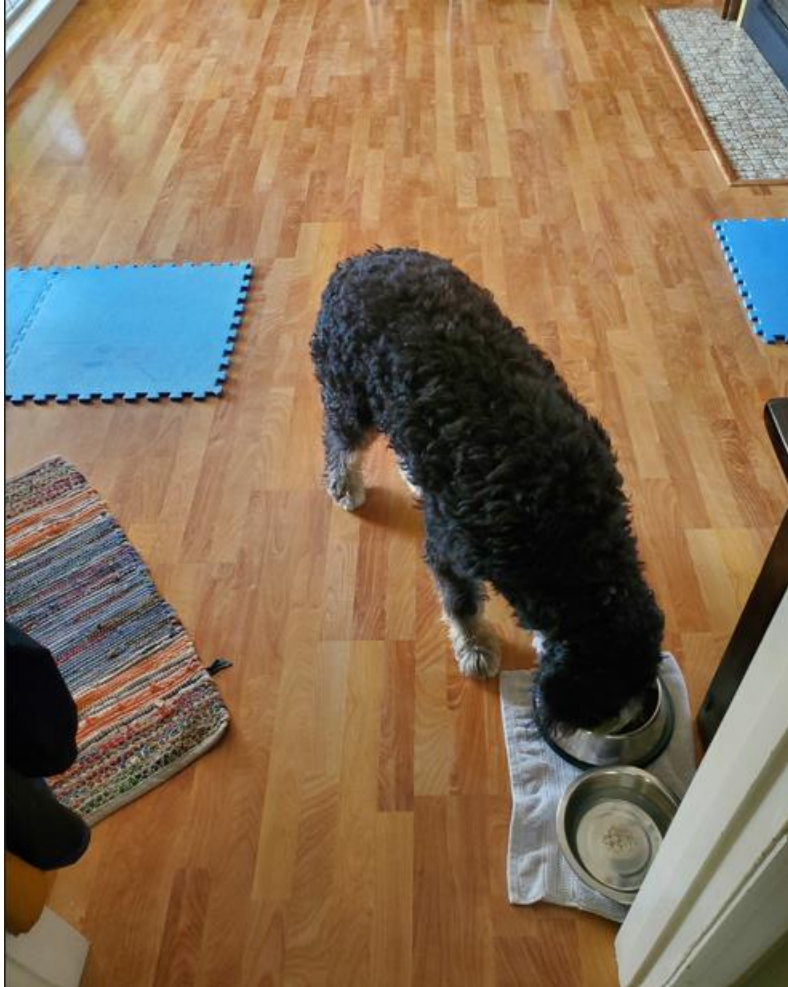


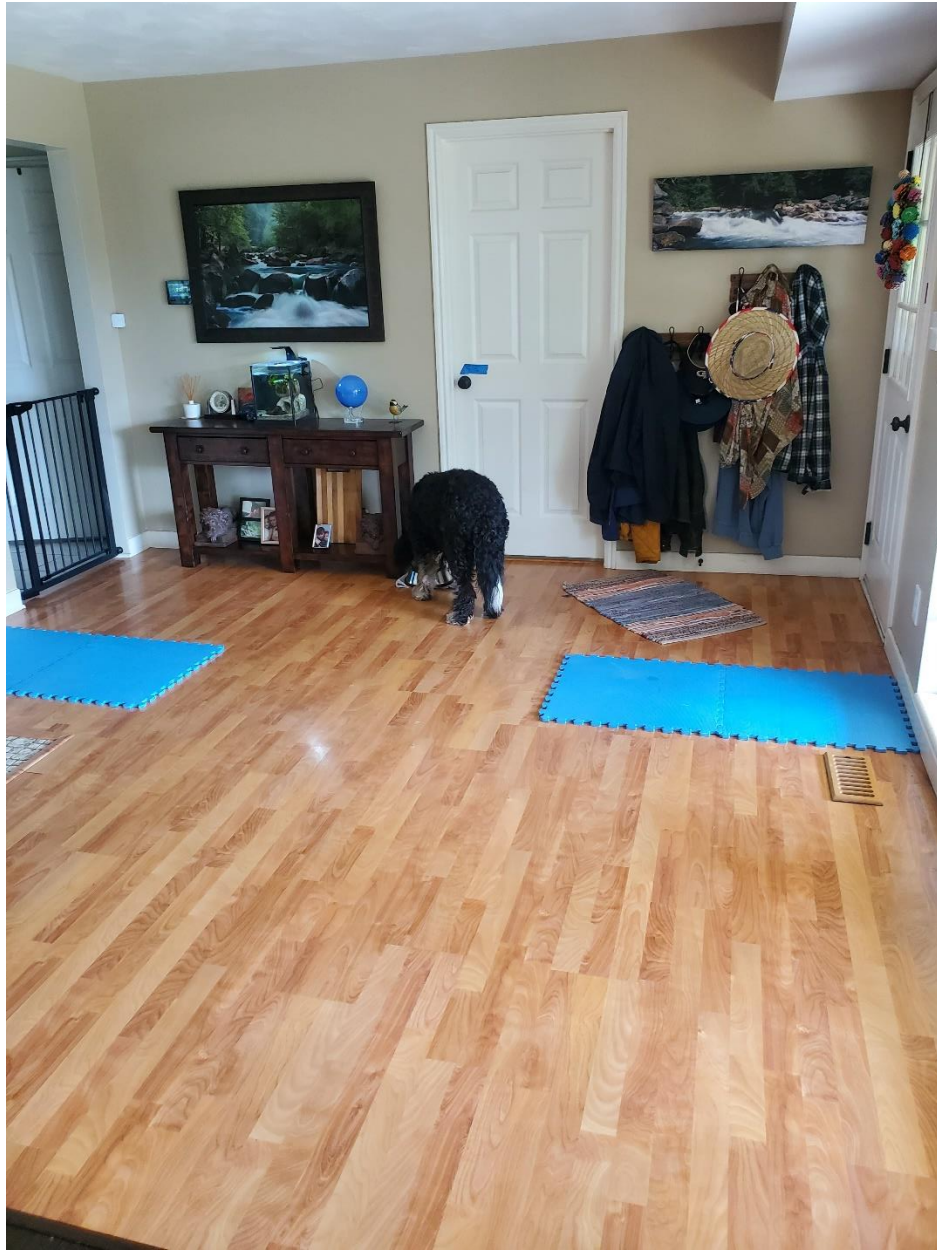
Here is an example of a divider picture outside that I can shape in various ways to section off the pets dedicated space near the kitchen

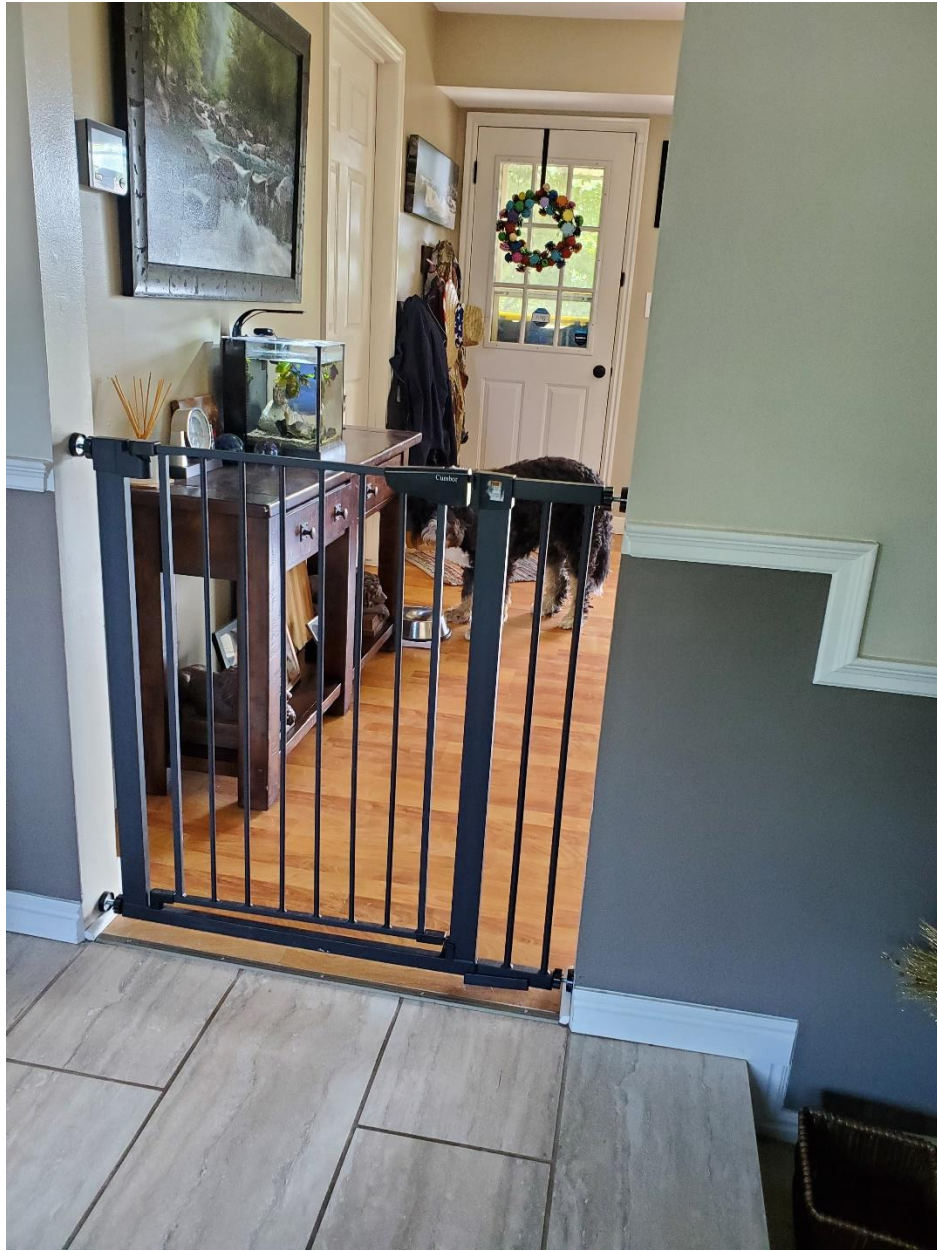




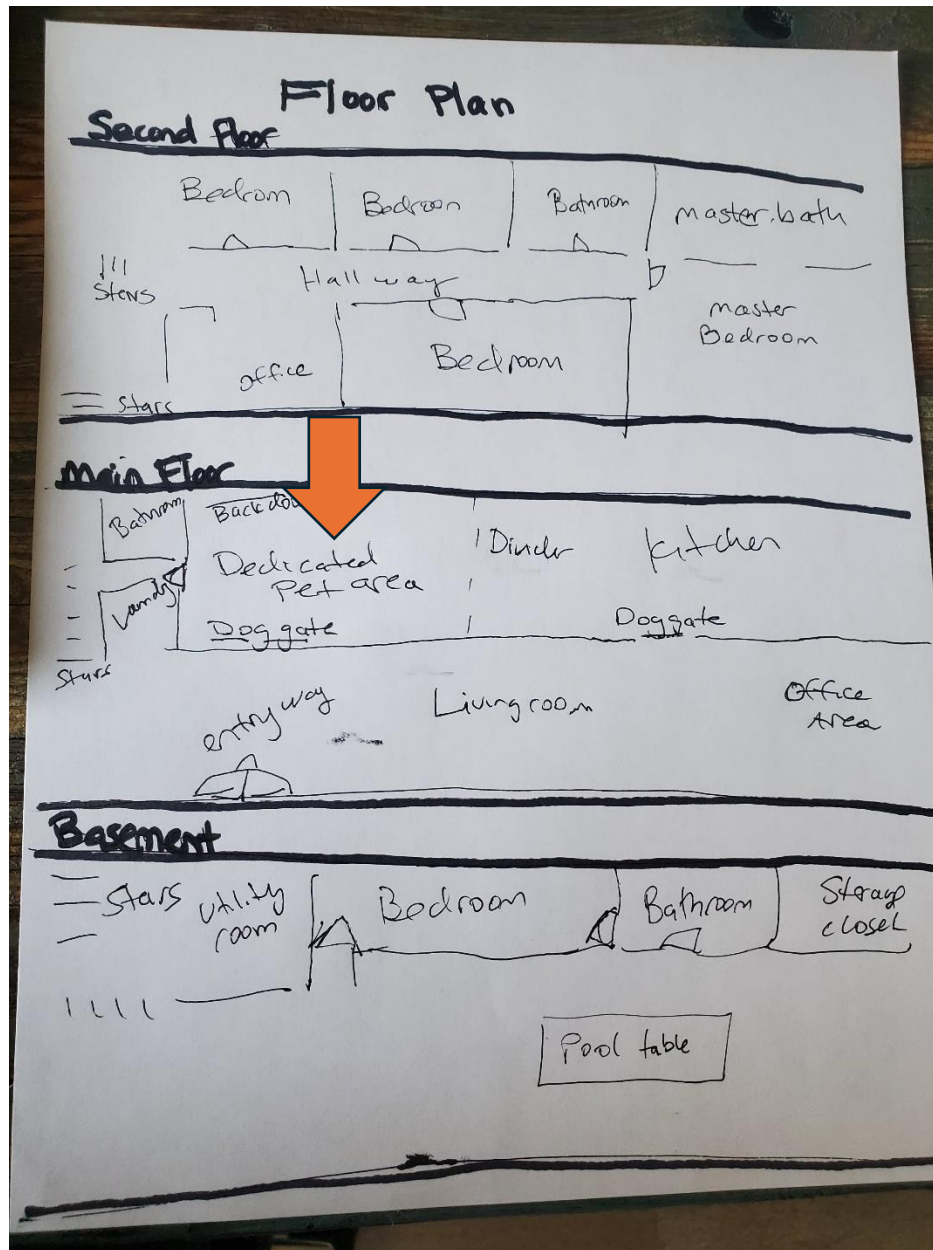
The following three photos are my dedicated pet space located between the kitchen and laundry room. This space is not shared with other household activities and is solely set up for pet care. The dog picture below does not require a crate. If owners bring crates, I set the crates up on the blue mats you can see in the photos.







I could not locate a floor plan online. Below I drew one out. If you need an official floor plan, would you please let me know how I can go about getting one? The dedicated pet area is 20 feet by 14 feet which is 280 square feet total for the dedicated pet area.



## OWNER'S CONSENT FORM

I/we, the Undersigned, do hereby grant permission to:

Amanda Martin / Highpoint Landing Co.

To act on my/our behalf for the purpose of the following application:

Pet Care Services

Owner(s): David Elwell

Address(es): 2426 E. Sarto Ave. Cottonwood Heights, UT 84121

Telephone Number(s): 385-242-2877

Signature of Owner: [Signature] Date: 9/11/24

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

State of UTAH

County Of: Salt Lake } ss.

On this 11<sup>th</sup> day of Sept., 2024 before me, the undersigned Notary Public, personally appeared David Xavier Elwell, personally known to me, or whose identity I verified on the basis of their Driver License, or on the oath of \_\_\_\_\_, a credible witness whose identity I verified on the basis of their \_\_\_\_\_, to be the person(s) whose name(s) is/are subscribed to in this instrument and acknowledged that they executed the same.

[Signature]  
Notary Public

6.13.2027

Notary Commission Expiry Date

