

1
2 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
3 **ADMINISTRATIVE HEARING**

4
5 **Wednesday, January 27, 2021**

6 **12:00 p.m.**

7 **Meeting Held Electronically**
8

9 ***ATTENDANCE***

10
11 **Present:** Michael Johnson, Community and Economic Development Director/Hearing Officer
12 Heather Sundquist, Deputy City Recorder
13 Samantha DeSeelhorst, Assistant City Planner
14 Gabrielle Regenhardt, Associate City Planner
15 David Wirth, Applicant
16

17 **1.0 BUSINESS ITEMS**
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19 Community and Economic Development Director/Hearing Officer, Michael Johnson called the
20 meeting to order at 12:00 p.m.
21

22 He read a determination regarding the remote meeting format.
23

24 **1.1 (Project CUP-21-001) Request from David Wirth for a Wall Height Extension**
25 **at 6713 South 2680 East.**
26

27 Associate City Planner, Gabrielle Regenhardt, presented the staff report and gave a visual
28 overview of the neighborhood. The property is located at 6713 South 2680 East. The request was
29 for Conditional Use Approval for a fence height extension. The property is zoned R-1-8, which is
30 a residential single-family home zone. The maximum height allowed is eight feet in any zone as
31 a conditional use and up to 12 feet with neighbor consent. Because the requested height is only
32 eight feet, no neighbor consent was required.
33

34 Ms. Regenhardt reported that a slope analysis was conducted with an upward slope of
35 approximately nine feet from the front of the applicant's property to the front of the rear neighbor's
36 property. The applicant was requesting the extension to increase privacy since their neighbor's
37 home is set a bit higher than theirs.
38

39 Public comments were received with most pertaining to whether this is a shared decision between
40 the rear eastern neighbor since the structural integrity of the fence has come into question. There
41 was also concern as to whether there is a mutual agreement between the neighbors on the fence
42 aesthetic and what is being proposed. There was a question as to whether the applicant intends to
43 paint their eastern neighbor's fence to match their own or use the paint that exists on the eastern
44 neighbor's fence.
45

46 Staff recommended approval with the following conditions:
47

- 1 1. The applicant must complete the necessary steps to obtain a business license
2 through the City of Cottonwood Heights.
- 3
- 4 2. As part of the permit, engineering must be provided to provide proof that the
5 existing fence is able to handle wind and loading with the added height.
- 6
- 7 3. If the existing fence cannot sustain the new height, the entire rear fence must be
8 replaced.
- 9

10 The applicant, David Wirth stated that they are requesting a Conditional Use Permit. They have
11 not decided if they will use it if approved. They were looking at options and whether to use a
12 fence or landscaping. They plan to work with the neighbors, particularly the eastern neighbor, to
13 ensure that there is an aesthetic and appealing structure. They have been working with contractors
14 to obtain bids. As outlined, they will likely do a teardown and rebuild to avoid engineering
15 problems with the extension. Mr. Wirth stated that they will paint the fence to be uniform on both
16 sides. In general, they were looking at a long-term investment to increase the value of the property
17 and resolve the privacy issue.

18

19 Mr. Johnson opened the public hearing.

20

21 *Mark Lazar* did not have a concern if the fence is replaced. His concern was if the fence were
22 added on and not knowing what it would look like in terms of appearance and structural integrity.
23 He stated that the fence is an older fence that is likely 20 to 30 years old. He stated that one of the
24 primary posts between his fence and Mr. Wirth's broke last year and they had it replaced.
25 Mr. Wirth and his wife were not around. Mr. Lazar spoke to their daughter and left his business
26 card. Since he never heard back from the Wirths he went ahead and replaced the post. Mr. Lazar
27 was concerned that he had heard nothing about the request until they received notice from the City.
28 He asked that they be involved in the plans. They would want the wall to be attractive and
29 structurally sound.

30

31 *Chelsey Voss* stated that they live on the southeast corner of the subject property. She asked Mr.
32 Wirth to let them know when they continue with construction. She has two dogs that she wants to
33 keep on her property.

34

35 There were no further public comments. The public hearing was closed.

36

37 Mr. Johnson commended Mr. Wirth for his willingness to work with his neighbors. He suggested
38 that Mr. Wirth get bids and come back with a specific proposal. He explained that with conditional
39 uses it is necessary to analyze whether there will be any detrimental impacts. A two-foot fence
40 extension is not a substantial proposal but different types of construction may create issues.
41 Mr. Johnson suggested that the hearing be continued and rescheduled when the plans are finalized.
42 Mr. Wirth stated that the purpose of his application was to obtain approval before moving forward
43 and collecting bids.

44

1 Mr. Johnson explained that a conditional use is entitled to approval. The City looks at perceived
2 negative impacts and whether they can be mitigated with reasonable conditions. The conditional
3 use is only denied if the negative impacts cannot be mitigated.

4
5 Mr. Wirth stated that the cost of the teardown is about the same as the extension so they were
6 looking to remove the existing fence and have a new cedar fence installed that would be repainted
7 similar to the way it is now. Mr. Wirth indicated that they would finalize the plans in the next two
8 weeks. Construction was not expected to begin for several months. He would alert the neighbors
9 before construction begins.

10
11 Mr. Johnson continued the hearing for three weeks and requested that the applicant come back
12 with a specific proposal. He recommended that Mr. Wirth coordinate the details with the adjacent
13 neighbor. He noted that the next meeting was rescheduled for Wednesday, February 17 at
14 12:00 p.m. to allow Mr. Wirth time to finalize the proposal details and speak with the adjacent
15 neighbor.

16 17 **2.0 CONSENT AGENDA**

18 19 **2.1 Approval of Minutes for January 27, 2021.**

20
21 ***Mr. Johnson moved to approve the January 27, 2021, minutes per the following procedure:***

22
23 ***The Director will approve the above-mentioned minutes after the following process is met. The***
24 ***recorder will prepare the minutes and email them to the Director and present staff members.***
25 ***The Director and members will have five days to review the minutes and provide any changes***
26 ***to the recorder. If, after five days there are no changes, the minutes will stand approved. If***
27 ***there are changes, the process will be followed until the changes are made and the Director and***
28 ***members agree, at which time the minutes shall be deemed approved.***

29 30 **3.0 ADJOURNMENT**

31
32 The Administrative Hearing adjourned at approximately 12:22 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, January 27, 2021.*
3

4 Teri Forbes

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8
9 Minutes Approved: February 2, 2021