

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

4
5 **Wednesday, March 17, 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 Andrew Hulka, Senior City Planner
13 Gabrielle Regenhardt, Associate City Planner
14 Krista El-Bakri, Applicant
15

16 Community and Economic Development Director/Hearing Officer, Michael Johnson called the
17 Administrative Hearing to order at 12:00 p.m. and read a statement regarding conducting the
18 meeting from an anchor location. He read in its entirety the declaration giving the Council the
19 authority to hold the meeting via Zoom, pursuant to Utah Code Annotated §52-4-207(4).
20

21 **1.0 BUSINESS ITEMS**

22
23 **1.1 (Project CUP-21-003) WITHDRAWN - Request from Bryan and Dotti Hicks**
24 **for Conditional Use Approval of a Wall Height Extension at 3164 East Old**
25 **Ridge Circle. The Application was Formally Withdrawn by the Applicant and**
26 **will not be Reviewed During the March 17, 2021, Administrative Hearing.**
27

28 The above item was withdrawn.
29

30 **1.2 (Project CUP-21-004) – Request from Jere and Krista El-Bakri for**
31 **Conditional Use Approval of a Wall Height Extension at 7731 South Forest**
32 **Creek Lane.**
33

34 Associate City Planner, Gabrielle Regenhardt, presented the staff report and stated this the request
35 is from Jere and Krista El-Bakri for conditional use approval of a wall height extension on property
36 within the RR-143 zone, which is a single-family residential zone with a maximum wall height
37 allowance of eight feet or up to 12 feet as a Conditional Use with neighbor consent. The applicant
38 has requested a proposed height of eight feet. The neighbor to the south has expressed concern
39 about erosion and privacy once the applicant has installed a pool. Staff conducted a privacy
40 analysis and determined that an eight-foot fence will not create any new nuisances and supported
41 the concerns of the neighbor. A property rendering was displayed. No comments from residents
42 were received by staff. Staff recommended approval with the conditions set forth in the staff
43 report.
44

45 The applicant, Krista El-Bakri, stated she has discussed the proposal with the adjacent neighbors
46 and have taken their suggestions. She asked about the procedure in the event the fence exceeds
47 the eight-foot requirement by a few inches. Mr. Johnson explained that generally if the fencing

1 extends slightly above eight feet at any point, a notarized signature from the neighbors would be
2 required.

3
4 Mr. Johnson opened the public hearing. There were no public comments. The public hearing was
5 closed.

6
7 **Hearing Officer Johnson approved Project CUP-21-004 subject to the following:**

8
9 ***Findings:***

- 10
11 1. ***There is clear and convincing evidence shown by the property owner relating to***
12 ***privacy and safety that will be substantially minimized or eliminated by the***
13 ***implementation of the requested wall and fence combination; (19.76.050.E.1.a)***
14
15 2. ***That construction of such wall and fence is the most reasonable solution under***
16 ***the circumstances. The additional fence height is necessary to ensure mitigation***
17 ***of aforementioned issues.***
18
19 3. ***The conditional use permit is granted by the director or his designee following***
20 ***an administrative hearing preceded by all required notifications.***
21 ***(19.76.050.E.1.b)***
22
23 4. ***The evidence presented with the proposed conditional use has been found to be***
24 ***compliant with the requirements of section 19.84.080 (Conditional Uses –***
25 ***Determination) and section 19.76.050.E (Miscellaneous – Fences).***
26
27 5. ***There is sufficient evidence that the standards for the issuance of a conditional***
28 ***use permit as outlined in Section 19.84.080 CH Code have been satisfied.***
29

30 ***Conditions:***

- 31
32 1. ***A building permit and all necessary inspections shall be obtained and completed.***
33
34 2. ***The building permit will clearly state materials, design, height of the fence in***
35 ***elevation grade format (i.e. 4500’), and shall not exceed a combined and total***
36 ***height of eight feet. If any portion of the combined height fence and wall after***
37 ***design extends above eight feet in height as measured by City Code, the applicant***
38 ***obtain a notarized consent letter from the adjacent neighbor.***
39

40 **2.0 CONSENT AGENDA**

41
42 **2.1 Approval of Minutes for March 17, 2021.**

43
44 **Mr. Johnson moved to approve the minutes per the following procedure:**
45

1 *The Appeals Hearing Officer will approve the minutes of the March 17, 2021, meeting after the*
2 *following process is met. The recorder will prepare the minutes and email them to the hearing*
3 *officer. The hearing officer will have five days to review the minutes and provide any changes*
4 *to the recorder. If, after five days there are no changes, the minutes will stand approved. If*
5 *there are changes, the process will be followed until the changes are made and the hearing*
6 *officer is in agreement, at which time the minutes shall be deemed approved.*

7
8 **3.0 ADJOURNMENT**

9
10 The Administrative Hearing adjourned at approximately 12:10 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, March 17, 2021.*
3

4 *Teri Forbes*

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8
9 Minutes Approved: March 23, 2021