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

4
5 **Wednesday, October 6, 2021**

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

7 **City Council Chambers**
8 **2277 East Bengal Boulevard**
9

10 ***ATTENDANCE***

11
12 **Present:** Community and Economic Development Director/Hearing Officer Michael Johnson,
13 Associate City Planner, Samantha DeSeelhorst
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15 **ADMINISTRATIVE HEARING MEETING**

16
17 **1.0 BUSINESS ITEMS**

18
19 **1.1 (Project CUP-21-014) Request from Richard and Stacy Goebel for a Seven-**
20 **Foot Fence Along the Eastern Property Line of 7967 South Sample Cove.**
21

22 Community and Economic Development Director/Hearing Officer, Michael Johnson, welcomed
23 those present and stated that the above request involves a Conditional Use request from Richard
24 and Stacy Goebel for a seven-foot fence along the eastern property line of 7967 South Sample
25 Cove.
26

27 City Planner, Samantha DeSeelhorst presented the staff report and displayed an aerial overview of
28 the property. The proposal includes a seven-foot fence with six feet of solid white vinyl and an
29 additional foot of white lattice. The rationale is to address privacy and safety concerns between
30 neighboring properties. Current City Code allows for an eight-foot fence as a conditional use and
31 up to 12 feet as a conditional use with neighbor consent. Staff recommended approval with the
32 conditions and full findings set forth in the staff report.
33

34 The applicant, Richard Goebel, reported that the proposed fencing will run along a portion of his
35 rear property line with the rest remaining as-is. Both portions will coordinate with the solid white
36 vinyl and lattice accent on top.
37

38 Mr. Johnson opened the public hearing.
39

40 *Emily Bone*, the adjoining property owner, identified where the proposed fence will be located.
41 She asked for clarification of the construction timeline and expressed concern with how the new
42 fencing will impact her property. Mr. Johnson clarified that construction of this type generally
43 prohibits the applicant from impacting a neighboring property without permission or consent. If
44 damage is done, the person doing the construction would be responsible for any damage.
45

46 Mr. Goebel noted that the existing fencing is located solely on his property. He confirmed that
47 they will be replacing the fencing without imposing on the adjacent property.

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

Mr. Johnson stated that fence height extensions are issued regularly and a desire for more privacy or visual barrier is enough precedent to approve these types of requests. Coordination and communication between existing neighbors are encouraged.

Mr. Johnson moved to approve Project CUP-21-014 pursuant to the following:

Findings:

- 1. There is clear and convincing evidence shown by the property owner relating to privacy and safety that will be substantially minimized or eliminated by the implementation of the requested wall and fence combination; (19.76.050.E.1.a)***
- 2. Construction of such wall and fence is the most reasonable solution under the circumstances. The additional fence height is necessary to ensure the mitigation of the aforementioned issues.***
- 3. The Conditional Use Permit is granted by the Director or his designee following an Administrative Hearing preceded by all required notifications. (19.76.050.E.1.b)***
- 4. The evidence presented with the proposed Conditional Use is compliant with the requirements of Section 19.84.080 (Conditional Uses – Determination) and Section 19.76.050.E (Miscellaneous – Fences).***
- 5. There is sufficient evidence that the standards for the issuance of a Conditional Use Permit as outlined in Section 19.84.080 of the Cottonwood Heights City Code have been satisfied.***

Conditions:

- 1. A Building Permit and all necessary inspections shall be obtained and completed.***
- 2. The Building Permit will state that materials, design, and shall not exceed a total height of eight feet from existing grade.***

2.0 CONSENT AGENDA

2.1 Approval of Minutes of October 6, 2021.

(The Appeals Hearing Officer will approve the minutes of the October 6, 2021, meeting after the following process is met. The 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

1 *approved. If there are changes, the process will be followed until the changes are made and the*
2 *Hearing Officer is in agreement, at which time the minutes shall be deemed approved.)*

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4 **4.0 ADJOURNMENT**

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6 The Administrative Hearing adjourned at approximately 12:12 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, October 6, 2021.*
3

4 Teri Forbes

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8
9 Minutes Approved: October 25, 2021