



COTTONWOOD HEIGHTS CITY
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

ADMINISTRATIVE HEARING AGENDA

March 9th, 2022

NOTICE is hereby given that the Cottonwood Heights Community and Economic Development Director or designee will hold an Administrative Hearing Meeting on **Wednesday, March 9th, 2022, beginning at 12:00 p.m.** in the Cottonwood Heights City Council Chambers located at 2277 E. Bengal Blvd., Cottonwood Heights, Utah 84121.

12:00 p.m. ADMINISTRATIVE HEARING MEETING

1.0 Business Items

1.1. (Project CUP-22-002)

Request from John Elkins, on behalf of Robert Byrne for an 8-foot wall along the northwest property line at 7275 S. Caladora Cove.

1.2. (Project CUP-22-003)

Request from Lanny and Cammie Derby for an 8-foot fence along the north property line at 6997 S. Canyon Creek Cir.

2.0 Consent Agenda

2.1. Approval of Minutes for March 9th, 2022

(The Director will move to approve the above-mentioned minutes after the following process is met. The recorder will prepare the minutes and email them to the Director and present staff members. The Director and members 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 Director and members agree, at which time the minutes shall be deemed approved.)

3.0 Adjournment

Meeting Procedures

Items will generally be heard 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. Community and Economic Development Director Deliberation
6. Community and Economic Development Director Decision

Administrative Hearing applications may be tabled if: 1) Additional information is needed in order to act on the item; OR 2) The Community and Economic Development Director feels there are unresolved issues that may need further attention before the Director is ready to make a decision. The Community and Economic Development Director 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. the day before the meeting. Comments should be emailed to myeh@ch.utah.gov. After the public hearing has been closed, the Community and Economic Development Director will not accept any additional written or verbal comments on the application.

Notice of Compliance with the American 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)944-7021 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 Thursday, March 3rd, 2022, 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 and the State Public Meeting Notice website at <http://pmn.utah.gov>.

DATED THIS 3rd Day of March 2022
Paula Melgar, City Recorder



ADMINISTRATIVE HEARING STAFF REPORT

Wall Height Extension: 7275 S. Caladora Cove.

Meeting Date: March 9th, 2022

Staff Contact: Maverick Yeh, Assistant Planner
(801-944-7018, myeh@ch.utah.gov)

Summary

Project #:

CUP-22-002

Subject Property:

7275 S. Caladora Cove.

Action Requested:

Conditional use Wall Height
Extension

Owner:

Robert Byrne

Applicant:

John Elkins

Recommendation:

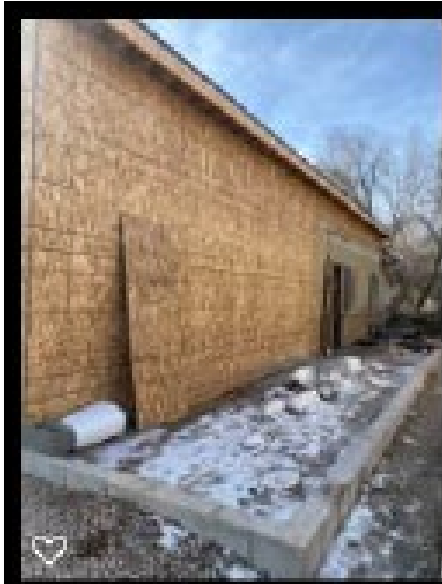
Approve, with conditions



This aerial image shows the subject property in context of the neighborhood. The blue line shows the location of the proposed wall height extension. Red lines show the other property lines of the home

APPLICANT'S PROPOSAL

The applicant is proposing to build a new eight-foot wall along their northwest the property line. The proposed wall, comprised of cinder block stuccoed to match existing residence, is proposed to encase the dog run and assist with noise reduction and security.



Existing

- Only the wall foundation
- Neither the applicant nor their neighbor have privacy at this time.



Proposed

- Eight feet of cinder block stuccoed to match existing residence
- The proposed fence format will provide significant privacy to both the applicant and their neighbor.

BACKGROUND

Zoning

The zoning designation of the property is R-1-8 (Residential Single-Family). Fences and walls may be allowed to a maximum height of eight feet in any zone as a conditional use, and up to 12 feet as a conditional use with neighbor consent, as outlined in section 19.76.050.E CH Code.

As this proposal is requesting only eight feet, consent was not required.

Conditional use. Fences in the side and rear yards may be erected to a maximum height of eight feet as a conditional use upon a clear and convincing showing by the property owner in accordance with subsections (a) and (b) below:

- a. The existence of unique or special circumstances of a natural, material and adverse nature relating to the property that will be substantially minimized or eliminated by the increased height of the requested fence; and
- b. That erection of such a fence is the most reasonable solution under the circumstances. Any such conditional use permit may be granted by the director or his designee following

an administrative hearing preceded by all required notifications. A building permit shall be required for all fences approved as a conditional use.

Neighbor consent. *Side and rear yard fences may exceed eight feet in height to a maximum height of 12 feet in cases where the applicant has neighbor consent, and has received conditional use approval in accordance with subsection 19.76.050(E)(3).*

IMPACT ANALYSIS

Staff Analysis: Staff finds the increased fence height proposed by this application to be a reasonable privacy and safety enhancement effort to address the nuisances resulting from the neighboring dogs.

Noticing

Property owners within 300 feet of the subject property have been mailed notices. Notices were mailed, as well as posted on noticing websites and the City Hall bulletin board, on February 23rd, 2022.

Conditional Use Permit Determining Criteria

Staff has found enough evidence that the standards for the issuance of a conditional use permit have been satisfied (see Section 19.84.080 CH Code).

FINDINGS FOR APPROVAL

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. That construction of such wall and fence is the most reasonable solution under the circumstances. The additional fence height is necessary to ensure mitigation of 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 has been found to be 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 CH Code have been satisfied.

RECOMMENDED CONDITIONS OF APPROVAL

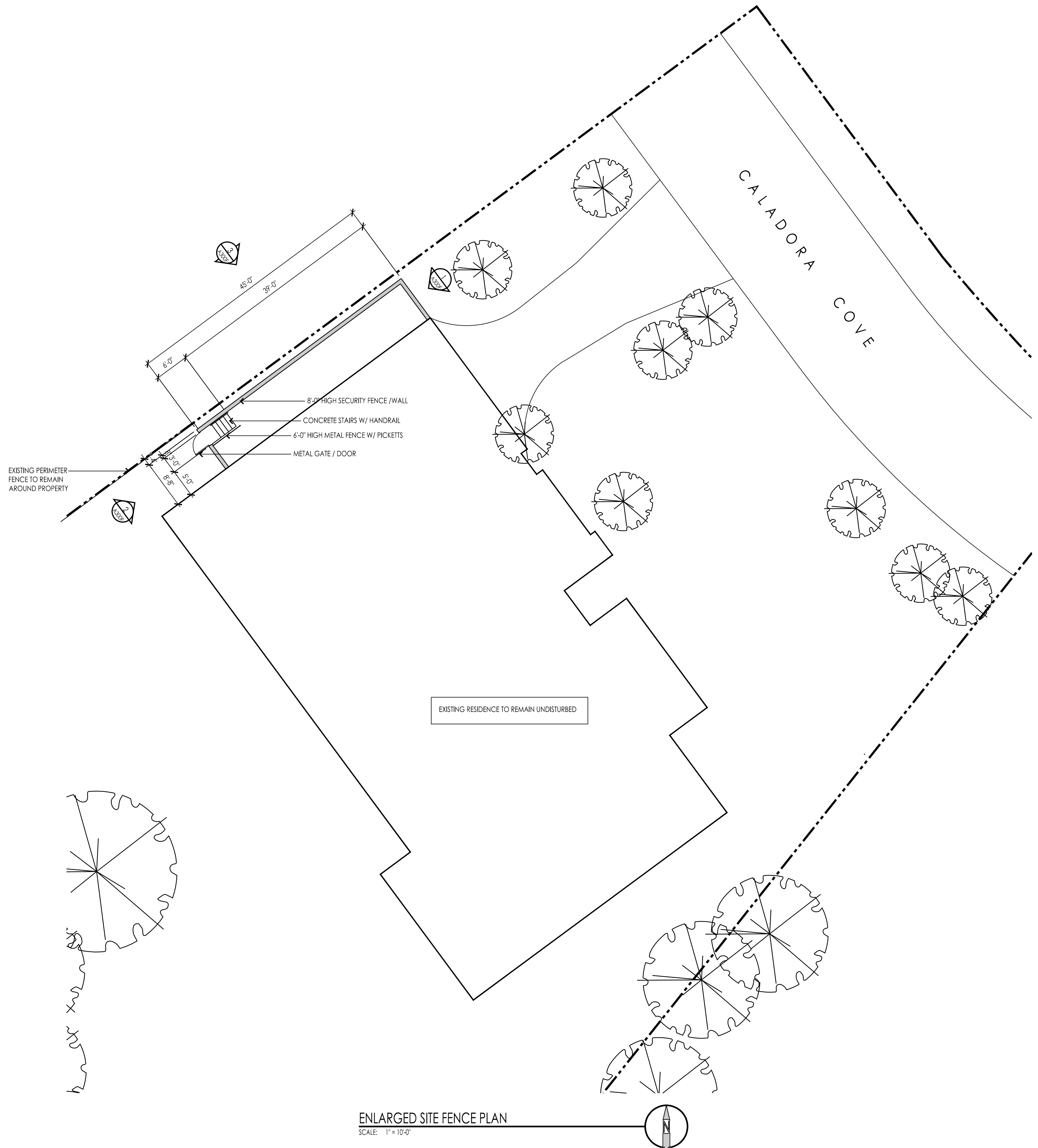
1. A building permit and all necessary inspections shall be obtained and completed.
2. The building permit will clearly state materials, design, and shall not exceed a total height of 8 feet from existing grade.
3. The proposed wall may not be enclosed. No additions to the home or accessory structures are permitted within the side yard setback area.

MODEL MOTIONS

- Approval
 - “I move to approve item CUP-22-002 pursuant to the conditions of approval outlined in the item’s staff report.”
 - Add any additional conditions of approval....
- Denial
 - “I move to deny item CUP-22-002 based on the following findings...”
 - List reasons for denial...

ATTACHMENTS:

1. **Applicant Application**
 - a. Existing conditions
 - b. Proposed layout
 - c. Proposed materials
 - d. Owner permission form



ENLARGED SITE FENCE PLAN
SCALE: 1" = 10'-0"



Topp Construction
9160 South 300 West
Suite 7
Sandy, Utah 84070
(801) 831-0264

THE DESIGNS SHOWN AND DESCRIBED HEREIN INCLUDING ALL TECHNICAL DRAWINGS, GRAPHIC REPRESENTATION, AND SPECIFICATIONS ARE PROPRIETARY AND CANNOT BE COPIED, DUPLICATED, OR COMMERCIALY EXPLOITED WITHOUT WRITTEN PERMISSION. THESE DRAWINGS ARE AVAILABLE FOR LIMITED REVIEW AND EVALUATION BY CLIENTS, CONSULTANTS, GOVERNMENT AGENCIES, VENDORS, ETC. ONLY IN ACCORDANCE WITH THIS NOTICE.

TOPP CONSTRUCTION AND/OR DESIGN WRIGHT, L.L.C. ITS INDIVIDUAL MEMBERS OR ASSOCIATES SHALL NOT BE HELD LIABLE FOR ANY ACTIONS OR INACTIONS FOR ANY DESIGNS SHOWN OR DESCRIBED HEREIN INCLUDING TECHNICAL DRAWINGS, INFORMATION, MODIFICATIONS, OPINIONS EXPRESSED, ETC. THESE DOCUMENTS ARE THE RESULT OF GOOD FAITH AND EXERCISE OF JUDGMENT AND WITHOUT MALICE.

consultant engineer

**L.R. Nelson
Engineering**
51 West 9000 South
Sandy, Utah 84070
(801) 565-8580

project

**Byrne
Residence
Garage
Addition**

7275 South Caladora
Cove
Cottonwood Heights,
Utah

project information

2021-15 Byrne

date

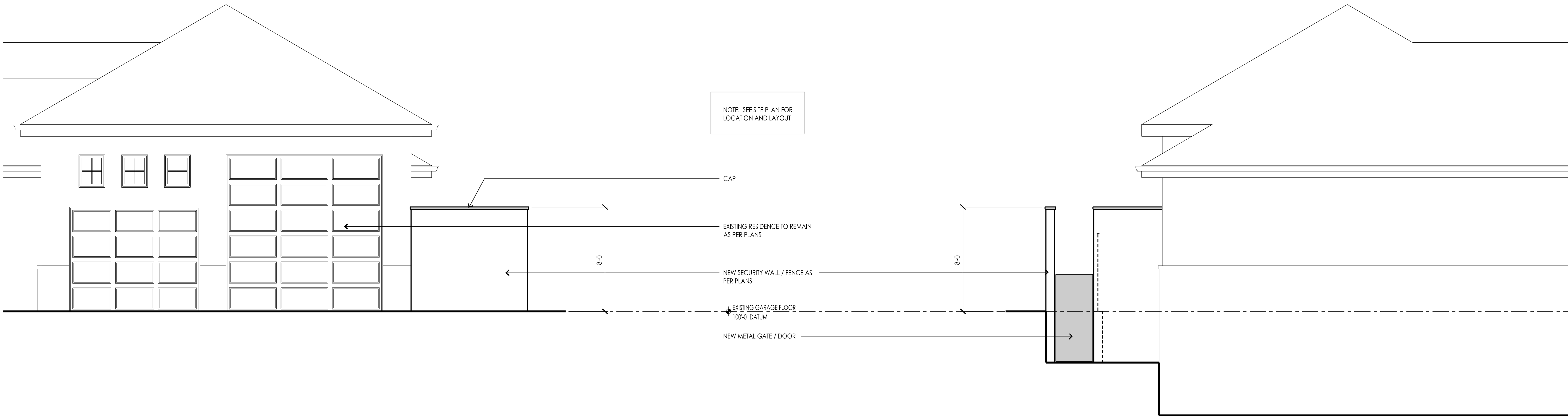
28 February 2022

sheet description

Site Fence Plan

sheet

A101

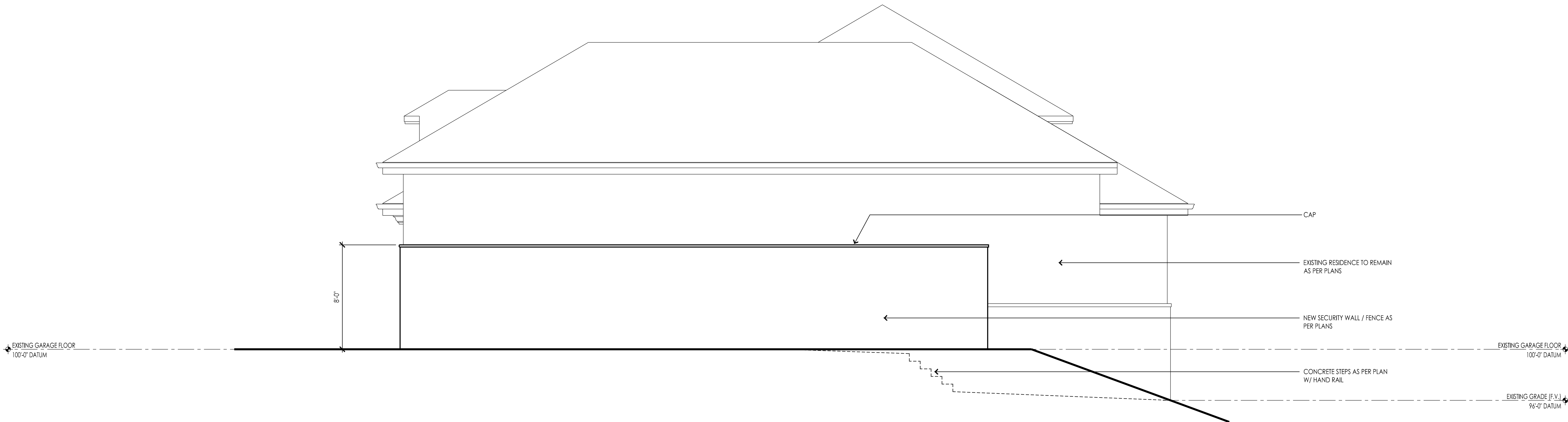


EXISTING FRONT ELEVATION
SCALE: 1/4" = 1'-0"

1
A300F

EXISTING FRONT ELEVATION
SCALE: 1/4" = 1'-0"

2
A300F



NEW FRONT ELEVATION
SCALE: 1/4" = 1'-0"

3
A300F



Topp Construction
9160 South 300 West
Suite 7
Sandy, Utah 84070
(801) 831-0264

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consultant engineer

L.R. Nelson
Engineering
51 West 9000 South
Sandy, Utah 84070
(801) 565-8580

project

Byrne Residence Garage Addition

7275 South Caladora
Cove
Cottonwood Heights,
Utah

project information

2021-15 Byrne

date

28 February 2022

sheet description

Exterior
Elevations
(Fence)

sheet

A300F



OWNER'S PERMISSION FORM

***This sheet must be completed if the applicant is not the owner of the property.

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

Topp Construction

to act on my/our behalf for the purpose of obtaining a Zone Change, Conditional Use permit, Site Plan Review, or Variance on the following described property:

Residential Home Cottonwood Heights

7275 S. Caladara CV, 84047

Owner(s)

Robert S. Byrne

Address

7275 S. Caladara CV

Cottonwood Heights, UT 84047

Telephone

(305) 645 9113

SIGNATURE OF OWNER

RB

DATE SIGNED

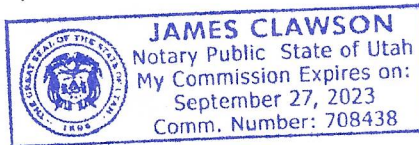
2/16/2022

State of

UTAH

County of

ss.



On this 16 day of February, 2022 before me, the undersigned Notary Public,

personally appeared Robert S. Byrne, personally known to me, or whose identity I

verified on the basis of his/her Utah Driver License, or on the oath of

(type of identification)

_____, a credible witness whose identity I verified on the basis of

his/her

(type of identification)

subscribed to in this instrument and acknowledged that he/she executed the same.

(Notary Public)

[Signature]

(Commission Expiry Date)

September 27, 2023



ADMINISTRATIVE HEARING STAFF REPORT

Wall Height Extension: 6997 S Canyon Creek Cir

Meeting Date: March 9th, 2022

Staff Contact: Maverick Yeh, Assistant Planner
(801-944-7018, myeh@ch.utah.gov)

Summary

Project #:

CUP-22-003

Subject Property:

6997 S. Canyon Creek Cir

Action Requested:

Conditional use Wall Height
Extension

Owner:

Lanny and Cammie Derby

Applicant:

Lanny and Cammie Derby

Recommendation:

Approve, with conditions



This aerial image shows the subject property in context of the neighborhood. The blue line shows the location of the proposed wall height extension. Red lines show the other property lines of the home

APPLICANT'S PROPOSAL

The applicant is proposing to replace an existing six-foot fence with an eight-foot fence along their north the property line. The proposed fence, comprised of eight feet of simulated wood vinyl, is proposed to provide increased privacy to both the applicant and their neighbor.



Existing Fence

- Six feet of solid vinyl fence
- Neither the applicant nor their neighbor have privacy at this time.



Proposed Fence

- Eight feet of simulated wood vinyl fence
- The proposed fence format will provide significant privacy to both the applicant and their neighbor.

BACKGROUND

Zoning

The zoning designation of the property is R-1-8 (Residential Single-Family). Fences and walls may be allowed to a maximum height of eight feet in any zone as a conditional use, and up to 12 feet as a conditional use with neighbor consent, as outlined in section 19.76.050.E CH Code.

As this proposal is requesting only eight feet, consent was not required.

Conditional use. Fences in the side and rear yards may be erected to a maximum height of eight feet as a conditional use upon a clear and convincing showing by the property owner in accordance with subsections (a) and (b) below:

- a. The existence of unique or special circumstances of a natural, material and adverse nature relating to the property that will be substantially minimized or eliminated by the increased height of the requested fence; and
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RECOMMENDED CONDITIONS OF APPROVAL

1. A building permit and all necessary inspections shall be obtained and completed.
2. The building permit will clearly state materials, design, and shall not exceed a total height of 8 feet from existing grade.

MODEL MOTIONS

- Approval
 - “I move to approve item CUP-22-003 pursuant to the conditions of approval outlined in the item’s staff report.”
 - Add any additional conditions of approval....
- Denial
 - “I move to deny item CUP-22-003 based on the following findings...”
 - List reasons for denial...

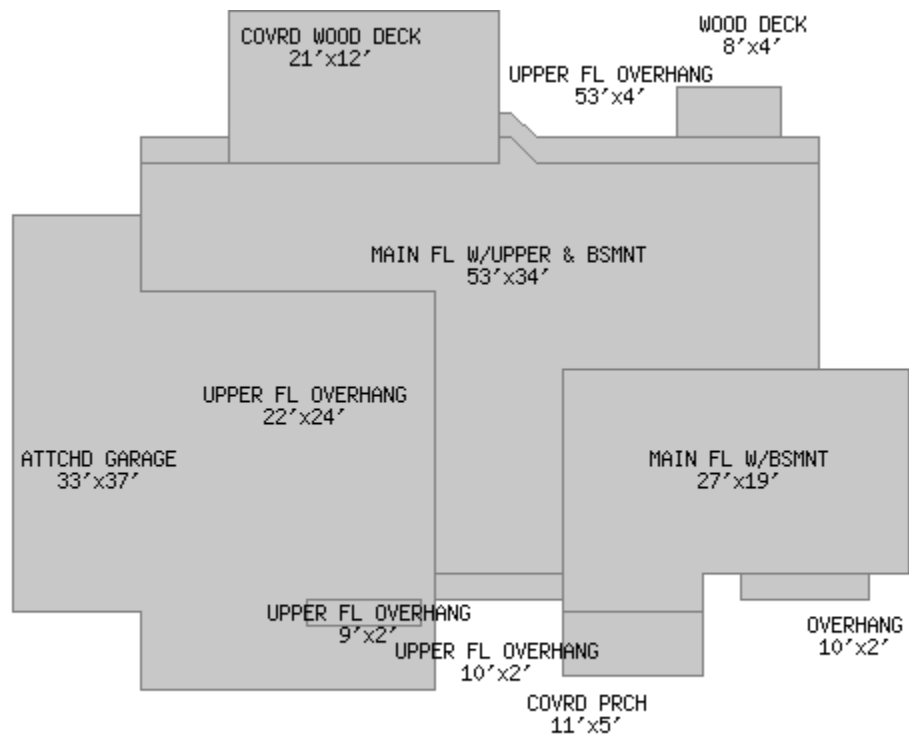
ATTACHMENTS:

- 1. Applicant Application**
 - a. Existing conditions
 - b. Proposed layout
 - c. Proposed materials

Proposed Project description: Derby Fence Replacement:

Address: 6997 S Canyon Creek Cir. Cottonwood Heights, UT 84121

The dilapidated and failing fence running along the rear of the property requires replacement. This represents 136 feet of 8 feet high fence separating two properties. Due to the orientation of the neighboring dwelling a privacy issue exists exposing the interior of the home through the rear windows of the home from the neighboring driveway. The home was designed with no expectation an additional dwelling would be shoehorned in between the subject property and big cottonwood creek. To place the neighbors dwelling on their lot, it had to be oriented in a nonstandard approach creating the privacy concern. Now, when the neighbor to the rear drives into their driveway they have a clear and direct view into the rear windows of the subject dwelling creating a privacy concern. This can be mitigated with an 8 feet tall fence. Due to the dead-end circle leading to the neighbor's driveway, an 8 ft fence will not provide any additional obstruction than a 6 ft tall fence meeting current code. An additional 113 feet of 6 feet tall fence will be replaced on the side yards. Approval for the 8 feet tall fence height extension is being requested. The fence material will be either Vinyl or Wood.





6997 S 3385 E

Cottonwood Heights, Utah



Google



Street View - Feb 2020

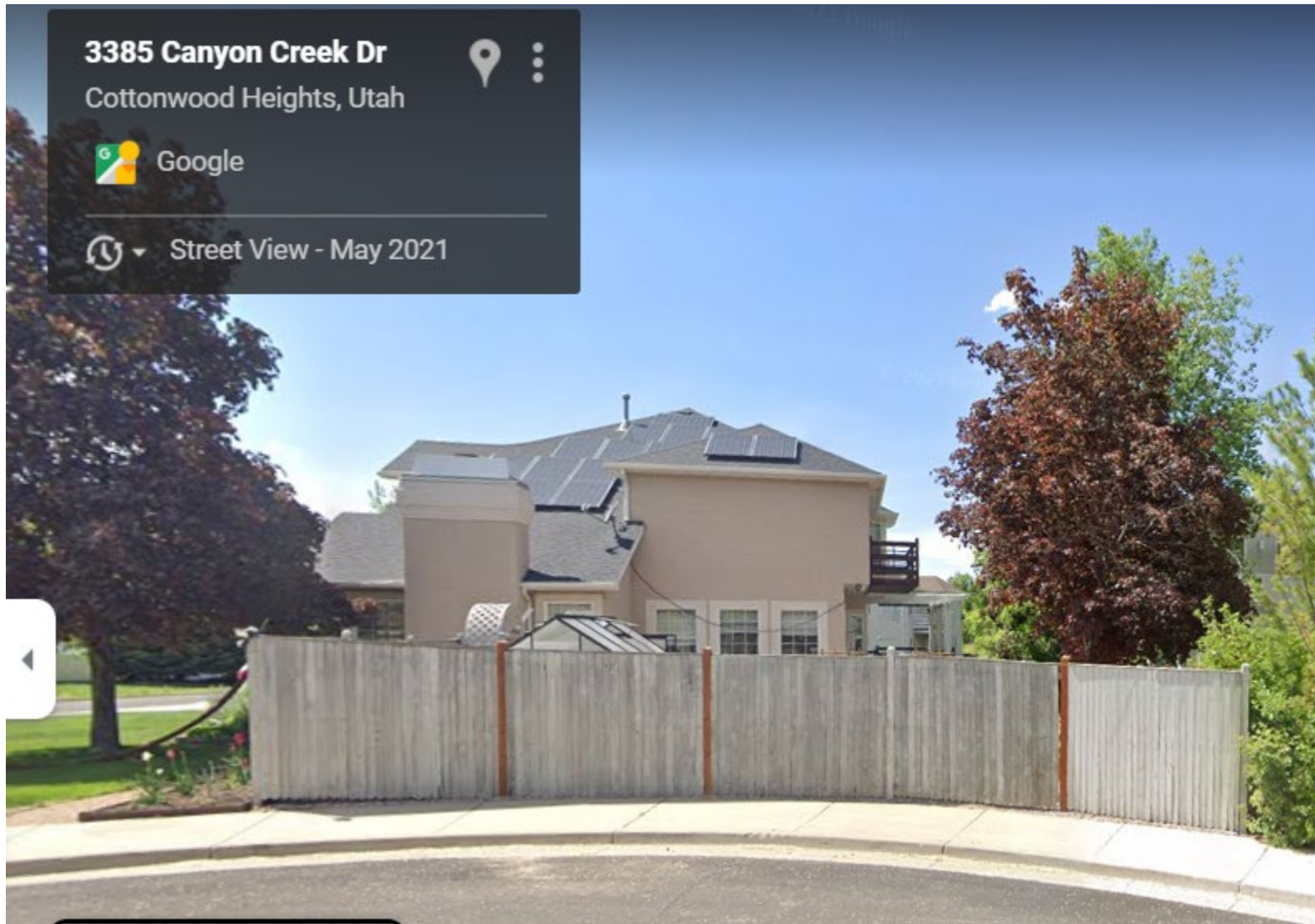


Google

3385 Canyon Creek Dr
Cottonwood Heights, Utah



 Street View - May 2021







This is a simulated wood vinyl fence that we are considering.