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

4
5 **Wednesday, October 5, 2022**
6 **12:00 p.m.**
7 **City Council Chambers**
8 **2277 East Bengal Boulevard**
9

10 ***ATTENDANCE***

11
12 **Present:** Michael Johnson, Community and Economic Development Director/Hearing Officer
13 Heather Sundquist, Deputy City Recorder
14 Maverick Yeh, Assistant City Planner
15

16 **ADMINISTRATIVE HEARING**

17
18 **1.0 Business Items**

19
20 Community and Economic Development Director/Hearing Officer, Michael Johnson called the
21 meeting to order at 12:00 p.m. and welcomed those present.
22

23 **1.1 (Project CUP-22-014) Request from David Stewart for a 3.5-Foot-High Retaining**
24 **Wall and an 8.5-Foot-High Fence Along the West and North Property Lines at**
25 **3579 East Avondale Drive.**
26

27 Mr. Johnson presented the Staff Report and stated that the above item was a request from David
28 Stewart for a 3.5-foot-high retaining wall and an 8.5-foot-high fence along the west and north property
29 lines at 3579 East Avondale Drive.
30

31 Assistant City Planner, Maverick Yeh, reported that the applicant is proposing to build a 3.5-foot-
32 high retaining wall with an 8.5-foot-high fence on top to block out noise and create a more private
33 outdoor space. The owner began building the fence prior to receiving approval and was instructed by
34 the Code Enforcement Officer to halt construction. The Officer requested the owner submit a permit
35 application for the proposed fence. The proposed total height of the fence is 12 feet along the west
36 side with 8.5 feet along the north. Both adjacent neighbors submitted their consent to the wall height.
37 The public was noticed and Staff received one public comment. Staff recommended approval with
38 the findings and conditions listed in the Staff Report.
39

40 The applicant, David Stewart, requested permission to continue with the project. He felt that the
41 height request was the best solution for the adjacent neighbors. He spoke with neighbors who were
42 in favor of the height and additional privacy. They intended to construct a pergola at a later date
43 without creating a negative impact. He noted that the fencing will be painted a wood finish to match
44 the house.
45

46 Mr. Johnson opened the public hearing. There were no public comments. The public hearing was
47 closed.

1
2 **Mr. Johnson moved to approve Project CUP 22-014 based on the following:**

3
4 **Findings:**

- 5
6 1. *There is clear and convincing evidence shown by the property owner relating to*
7 *privacy and noise that will be substantially minimized or eliminated by the*
8 *implementation of the requested wall and fence combination; (19.76.050.E.1.a)*
9
10 2. *Construction of such wall and fence is the most reasonable solution under the*
11 *circumstances. The additional fence height is necessary to ensure the mitigation of*
12 *the aforementioned issues.*
13
14 3. *The Conditional Use Permit is granted by the Director or his designee following an*
15 *administrative hearing preceded by all required notifications. (19.76.050.E.1.b).*
16
17 4. *The evidence presented with the proposed Conditional Use has been found to be*
18 *compliant with the requirements of section 19.84.080 (Conditional Uses –*
19 *Determination) and Section 19.76.050.E (Miscellaneous – Fences).*
20
21 5. *There is sufficient evidence that the standards for the issuance of a Conditional Use*
22 *Permit as outlined in Section 19.84.080 CH Code have been satisfied.*
23

24 **Conditions:**

- 25
26 1. *A Building Permit and all necessary inspections shall be obtained and completed.*
27
28 2. *The Building Permit will clearly show the proposed materials and design.*
29
30 3. *According to the neighbor's consent, the fence on the north side cannot be higher*
31 *than 8.5 feet.*
32

33 **2.0 Consent Agenda**

34
35 **2.1 Approval of Minutes for October 5, 2022.**

36
37 **Mr. Johnson moved to approve the Minutes of October 5, 2022.**

38
39 **3.0 Adjournment**

40
41 The Administrative Hearing adjourned at approximately 12:09 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 5, 2022.*

3
4 Teri Forbes

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8
9 Minutes Approved: October 12, 2022