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

4  
5 **Wednesday, October 12, 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-22-015) Request from Reza Ahmadi for Conditional Use Approval**  
24 **of an Eight-Foot Metal Fence along the South Portion of the East Property at**  
25 **8853 South Sutton Way.**  
26

27 City Planner, Maverick Yeh, presented the Staff Report and stated that the above request is for  
28 Conditional Use Approval of an eight-foot metal fence along the south portion of the east property  
29 located at 8853 South Sutton Way. The applicant requested the additional fencing height to provide  
30 privacy as the neighboring property intends to pour an RV parking pad up to the property line. The  
31 eight-foot fencing will limit the visibility of the RV and provide additional screening. The maximum  
32 fencing height allowed is eight feet in any zone as a Conditional Use and up to 12 feet with a  
33 Conditional Use Permit and the consent of the neighbor. Proper notice was given with one comment  
34 received. Staff recommended approval with conditions set forth in the Staff Report.  
35

36 The applicant, Reza Ahmadi, reported that the fence is located at the lowest point on the property and  
37 seems shorter than eight feet largely due to grade. He believed the proposed fencing will be  
38 maintenance-free and aesthetically pleasing.  
39

40 Mr. Johnson opened the public hearing.  
41

42 Mr. Johnson stated that due to the location, fencing higher than four feet is not permitted in the front  
43 yard. City Code restricts the first 25 feet of fencing to four feet with increased height allowed in the  
44 side and rear yards. He understood the request for privacy and questioned the increasing height along  
45 the rear.  
46

47 Mr. Ahmadi stated with the way the properties are situated there are areas of the yard where the six-  
48 foot line of sight will be visible. Prior to designing the fence, the requirements were reviewed with

1 former City Planner, Andrew Hulka, who indicated that a six-foot fence in the indicated location may  
2 be pursued. A visual rendering was provided.

3  
4 Mr. Johnson understood the applicant's concern and confirmed that the City Code specifies that the  
5 first 25 feet require a maximum height of four feet. The area in question is viewed as the front yard.  
6 He recommended either approving the request with conditions or continuing the item to allow for  
7 further discussion with Staff. He explained that the Conditional Use process does not apply to front  
8 yard fencing.

9  
10 The applicant's representative, Wayne Gordon, presented a plan rendering showing the front yard  
11 setbacks. He asked if there was a precedent for a fencing alternative. Allowing landscaping to serve  
12 as screening was discussed.

13  
14 There were no further comments. The public hearing was closed.

15  
16 ***Mr. Johnson moved to CONTINUE consideration of CUP-22-2015 to the November***  
17 ***Administrative Hearing.***

18  
19 **1.2 (Project CUP-22-016) Request from Drew Rothkopf for Conditional Use**  
20 **Approval of a Short-Term Rental at 3549 East Wasatch Grove Lane.**

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22 Mr. Yeh presented the Staff Report and stated that the above request is for Conditional Use approval  
23 of a short-term rental at 3549 East Wasatch Grove Lane. The property is located in the R-2-8 Zone  
24 where short-term rentals may be approved. The property is part of a Planned Unit Development  
25 ("PUD") that includes 107 units. Staff recommended approval with conditions set forth in the Staff  
26 Report.

27  
28 Mr. Johnson reported that these types of short-term rental requests are common in similar  
29 developments when in compliance with City Code.

30  
31 Mr. Johnson opened the public hearing. There were no public comments. The public hearing was  
32 closed.

33  
34 ***Mr. Johnson moved to approve Project CUP-22-016 with the following:***

35  
36 ***Conditions:***

- 37  
38 ***1. The applicant must complete the necessary steps to obtain a Business License***  
39 ***through the City of Cottonwood Heights. Obtaining a Business License will indicate***  
40 ***final approval of the Short-Term Rental Application. The short-term rental property***  
41 ***will not be considered legal until a Business License is obtained.***  
42  
43 ***2. The short-term rental property is required to maintain compliance with all sections***  
44 ***and subsections of Chapter 19.89 and Chapter 5.85 of the Cottonwood Heights***  
45 ***Municipal Code, as hereafter amended from time to time, and all other legal***  
46 ***requirements and applicable laws.***  
47

3. *Occupancy in any short-term rental property shall not exceed the lesser of: (a) up to two adults (persons aged 18 and above) and two related children (persons under age 18) per bedroom or (b) a total occupancy (adults and children) of no more than 12 persons in the entire short-term rental property. It is prohibited to create artificial divisions or partitions for the purpose of increasing available occupancy of an otherwise standard dwelling unit.*
4. *This short-term rental property will be approved for no more than four (4) bedrooms. The term “bedroom” means a room designated and used primarily for sleeping and rest on a bed.*
5. *Upon issuance of a Business License and Conditional Use Permit, the applicant must display a copy of the Business License inside the main entry of the property.*
6. *The facility and its use shall comply with all applicable laws, rules, and regulations, including those instituted by the state, county, county health department, or the City to mitigate the impact of the COVID-19 pandemic.*

***Findings:***

1. *The proposed short-term rental meets the applicable provisions of Chapter 19.89 and Chapter 5.85 of the Cottonwood Heights Municipal Code.*
2. *The proposed project will continue to meet the applicable provisions of Chapter 19.84, “Conditional Uses,” of the zoning code:*
  - a. *The proposed use is one of the conditional uses specifically listed in the zoning district in which it is to be located (19.89.050).*
  - b. *Such use will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort, order, or general welfare of persons residing or working in the vicinity.*
  - c. *The use will comply with the intent, spirit, and regulations of this title and will be compatible with and implement the planning goals and objectives of the City.*
  - d. *The use will be harmonious with the neighboring uses in the zoning district in which it is to be located.*
  - e. *Nuisances which would not be in harmony with the neighboring uses will be abated by the conditions imposed.*
  - f. *Protection of property values, the environment, and the tax base for the city will be assured.*
  - g. *The use will comply with the City’s General Plan.*

1                    *h. The property will be required to comply with all conditions of approval in*  
2                    *perpetuity, in accordance with sections 19.89.160 – Inspections and*  
3                    *19.89.190 – Violations and penalties of the Cottonwood Heights Municipal*  
4                    *Code.*

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6        **2.0     Consent Agenda**

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8                **2.1     Approval of Minutes for October 12, 2022.**

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10        *Mr. Johnson moved to approve the Minutes of October 12, 2022.*

11  
12        **3.0     Adjournment**

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14        The Administrative Hearing adjourned at approximately 12:17 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 12, 2022.*  
3

4 *Teri Forbes*

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8

9 Minutes Approved: October 20, 2022