

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

4
5 **Wednesday, November 2, 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 Samantha DeSeelhorst, Senior City Planner
14 Heather Sundquist, Deputy City Recorder
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**
24 **Approval of an Eight-Foot Metal Fence along the South Portion of the East**
25 **Property at 8853 South Sutton Way.**
26

27 Senior City Planner, Samantha DeSeelhorst presented the Staff Report and stated that the above
28 item is a request for a Conditional Use approval of an eight-foot metal fence located at 8853 South
29 Sutton Way. The applicant had revised their plan slightly since the last Administrative Hearing to
30 come into compliance with a front yard fencing requirement. An aerial image was displayed. The
31 height of the south property line fence was reduced to four feet for the first 25 feet of the property.
32 Wall materials were proposed to be a metal option. The Code allows for fencing of up to eight
33 feet as a Conditional Use without requiring neighbor consent. Staff recommended approval of the
34 project with the conditions listed in the Staff Report.
35

36 The applicant, Wayne Norton, reported that the height was reduced to four feet with the portion
37 closest to the street measuring two feet eight inches to assist with traffic pulling in and out.
38

39 Hearing Officer Johnson noted that the public hearing for the matter was conducted at the previous
40 meeting.
41

42 ***Hearing Officer Johnson moved to APPROVE Project CUP-22-015, a request from Reza***
43 ***Ahmadi for Conditional Use Approval of an eight-foot metal fence along the south portion of***
44 ***the east property line at 8853 South Sutton Way subject to the following:***
45

1 **Finding:**

- 2
- 3 1. *As outlined in the project's Staff Report, staff finds that the request meets the*
- 4 *standards for a short-term rental, as outlined in City Code.*
- 5

6 **Conditions:**

- 7
- 8 1. *A Building Permit and all necessary inspections shall be obtained and completed.*
- 9
- 10 2. *The Building Permit will clearly state that materials, design, and shall not exceed*
- 11 *a total height of eight feet from existing grade.*
- 12

- 13 1.2 **(Project CUP-22-017) Request from James and Claire Snow for Conditional**
- 14 **Use Approval of a Short-Term Rental at 3538 East Wasatch Grove Lane.**
- 15

16 Ms. DeSeelhorst presented the Staff Report and stated that the above item is a request for

17 Conditional Use approval of a short-term rental located at 3538 East Wasatch Grove Lane. A

18 property rendering was displayed. She indicated that the criteria were determined to have been

19 met by Staff and no public comments were received. Staff recommended approval with conditions

20 listed in the Staff report.

21

22 Hearing Officer Johnson opened the public hearing. There were no public comments. The public

23 hearing was closed.

24

25 **Hearing Officer Johnson moved to APPROVE Project CUP-22-017 a request from James and**

26 **Claire Snow for Conditional Use Approval of a Short-Term Rental at 3538 East Wasatch Grove**

27 **Lane subject to the following:**

28

29 **Finding:**

- 30
- 31 1. *As outlined in the project's Staff Report, staff finds that this request meets the*
- 32 *standards for a short-term rental, as outlined in City Code.*
- 33

34 **Conditions:**

- 35
- 36 1. *The applicant must complete the necessary steps to obtain a Business License*
- 37 *through the City of Cottonwood Heights. Obtaining a Business License will*
- 38 *indicate final approval of the short-term rental application. The short-term*
- 39 *rental property will not be considered legal until a Business License is obtained.*
- 40
- 41 2. *The short-term rental property is required to maintain compliance with all*
- 42 *sections and subsections of Chapter 19.89 and Chapter 5.85 of the Cottonwood*
- 43 *Heights Municipal Code, as hereafter amended from time to time, and all other*
- 44 *legal requirements and applicable laws.*
- 45

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 resting 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 entrance 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.*
- 1.3 **(Project CUP-22-018) Request from Daniel D. and Rebecca Gray for Conditional Use Approval of a Home Occupation with Clients (Psychotherapy Service) at 7955 South Forest Oaks Court.**

Ms. DeSeelhorst presented the Staff Report and stated that the above item involves a request for Conditional Use approval of a home occupation with clients located at 7955 South Forest Oaks Court. The applicant has proposed to offer counseling services through licensed clinical social work at their home to be located within the existing primary residence. The proposed hours of operation were from 8:30 a.m. to 4:00 p.m. or six hours per day Monday through Thursday with no more than six clients being served per day. Billing services will be located off-site. A property rendering was displayed. Ms. DeSeelhorst reported that one public comment was received in opposition to the request and was forwarded to the Director for review. Staff recommended approval with conditions set forth in the Staff Report.

The applicant, Daniel Gray, reported that six clients will be the maximum number on any given day with a large portion of sessions being conducted remotely. He explained that his clients will be staggered and will not generally be one after the other.

Hearing Officer Johnson opened the public hearing. There were no public comments. The public hearing was closed.

Hearing Officer Johnson moved to APPROVE Project CUP-22-2018 request from Daniel D. and Rebecca Gray for Conditional Use Approval of a Home Occupation with Clients (Psychotherapy Service) at 7955 South Forest Oaks Court subject to the following:

1 **Finding:**

- 2
- 3 1. *As outlined in the project's Staff Report, staff finds this request to fully comply*
- 4 *with the requirements for a home occupation.*
- 5

6 **Conditions:**

- 7
- 8 1. *The applicant shall obtain and maintain an approved Business License with*
- 9 *Cottonwood Heights.*
- 10
- 11 2. *Customers must use provided off-street parking, as the business may not rely*
- 12 *upon any on-street parking, customers must be made aware of these parking*
- 13 *restrictions.*
- 14
- 15 3. *The applicant shall adhere to the business hours of 8:30 am to 4:00 pm, Monday*
- 16 *to Thursday, with no more than six clients served per day, as described in the*
- 17 *written narrative in the official project file.*
- 18
- 19 4. *Approval of this home occupation is subject to review upon complaint.*
- 20
- 21 5. *One non-resident employee is permitted at this business, in addition to the one*
- 22 *resident employee described in the applicant's narrative.*
- 23

24 **2.0 Consent Agenda**

25

26 **2.1 Approval of Minutes for November 2, 2022.**

27

28 *The Appeals Hearing Officer moved to APPROVE the minutes of the November 2, 2022,*

29 *meeting after the following process is met. The Recorder will prepare the minutes and email*

30 *them to the hearing officer. The hearing officer will have five days to review the minutes and*

31 *provide any changes to the recorder. If, after five days there are no changes, the minutes will*

32 *stand approved. If there are changes, the process will be followed until the changes are made*

33 *and the hearing officer is in agreement, at which time the minutes shall be deemed approved.*

34

35 **3.0 Adjournment**

36

37 The Administrative Hearing adjourned at approximately 12:25 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, November 2, 2022.*
3

4 Teri Forbes

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8
9 Minutes Approved: November 17, 2022