COTTONWOOD HEIGHTS CITY ADMINISTRATIVE HEARING AGENDA

May 3rd, 2023

Notice is hereby given that the **Cottonwood Heights Hearing Officer** will convene on **Wednesday, May 3rd beginning at 12:00 p.m.** The meeting will be held virtually, via Zoom. For those wishing to attend this meeting, **please register in advance** by visiting www.ch.utah.gov/planningcommission, clicking on "Planning Commission Zoom Links," and then using the link labeled "May 3rd, 2023 Administrative Hearing Zoom Link."

12:00 p.m. ADMINISTRAIVE HEARING MEETING

1.0 Business Items

1.1 Project CUP-23-005

(The applicant has requested to move this project to June 7th, 2023, Administrative Hearing Meeting. It will no longer be reviewed during the May 3rd, 2023 meeting)

Request from Tom and Rosemary Hollinger for conditional use approval of short-term rental at 7430 S. Wasatch Blvd. unit I-1

1.2 Project CUP-23-006

Request from Michael and Heather King for conditional use approval to construct an eight-foot fence at 3197 E. Old Mill Cir.

2.0 Consent Agenda

2.1 Approval of Administrative Hearing Officer Minutes from May 3rd, 2023

(The Administrative Hearing Officer will approve the minutes of the May 3rd, 2023 meeting after the following process is met. The City 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 approved. If there are changes, the process will be followed until the changes are made and the hearing officer is in agreement, at which time the minutes shall be deemed approved.)

3.0 Adjourn

Meeting Procedures

Items will generally be considered 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. Administrative Hearing Officer Deliberation
6. Administrative Hearing Officer Decision

Administrative Hearing applications may be tabled if: 1) Additional information is needed in order to act on the item; OR 2) The Hearing Officer feels there are unresolved issues that may need further attention before the Officer is ready to make a decision. The Hearing Officer 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. Tuesday, May 2nd, 2023, the day prior to the meeting. Comments should be emailed to Planning@ch.utah.gov. After the public hearing has been closed, the Community and Economic Development Department will not accept any additional written or verbal comments on the application.

Notice of Compliance with the Americans with Disabilities Act (ADA)

In compliance with the Americans with Disabilities Act, individuals needing special accommodations or assistance during this meeting shallnotify 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 Friday, April 28th, 2023, 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 Utah public notice website at http://pmn.utah.gov.

DATED THIS 28th DAY OF APRIL, 2023

Attest: Paula Melgar, City Recorder

ADMINISTRATIVE HEARING STAFF REPORT

Wall Height Extension: 3197 E. Old Mill Cir.
Meeting Date: May 3rd, 2023
Staff Contact: Maverick Yeh, Assistant Planner
(801-944-7018, myeh@ch.utah.gov)

Summary

Project #:
CUP-23-006

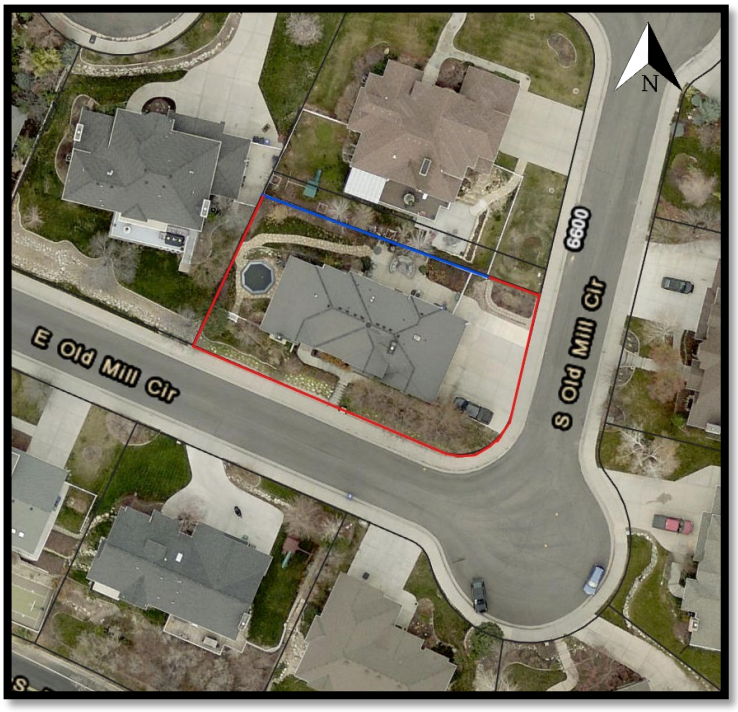
Subject Property:
3197 E. Old Mill Cir.

Action Requested:
Conditional Use Wall Height Extension

Owner:
Michael and Heather King

Applicant:
Michael and Heather King

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 eight-foot fence is used because the applicant is back porch and yard faces the neighbor's and are very close together. The applicant lives in a hillside neighborhood, and the neighbor's house and yard sit above the applicant, which adds to the lack of privacy for both parties. The eight-foot fence will provide privacy and block their view into the neighbor's basement windows and door, as well as a hot tub neighbor has on their back porch. The proposed fence, comprised of Trex composite fencing material, is proposed to provide increased privacy to both the applicant and their neighbor.



Existing Fence

- *Six feet of vinyl fencing*



Proposed Fence

- *Eight feet of Trex composite fencing*
- *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 enhancement.

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 April 21st, 2023.

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 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.

MODEL MOTIONS

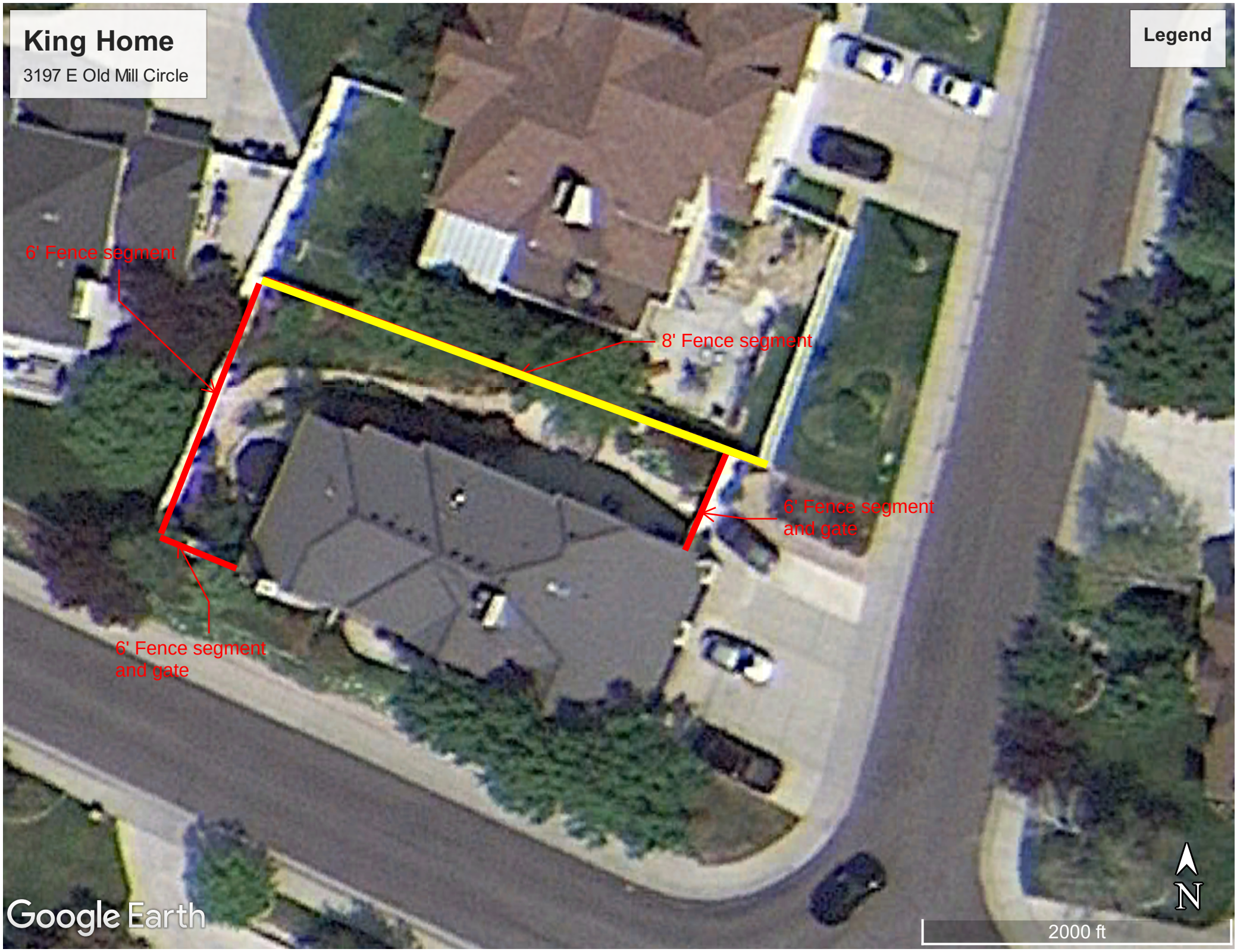
- Approval
  - "I move to approve item CUP-23-006 pursuant to the conditions of approval outlined in the item's staff report."
  - Add any additional conditions of approval….

- Denial
  - "I move to deny item CUP-23-006 based on the following findings…"
  - List reasons for denial…

ATTACHMENTS:

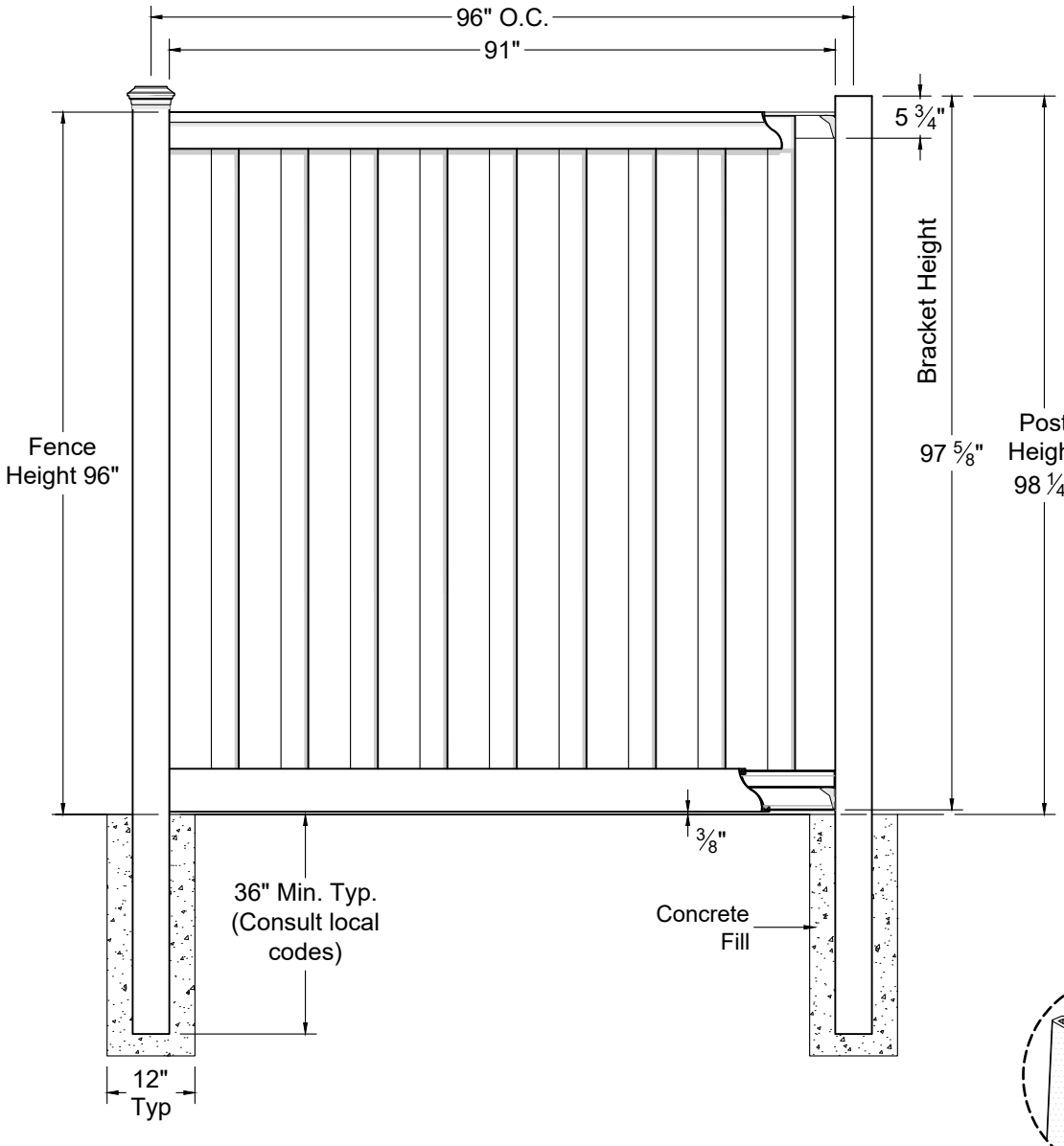
1. **Applicant Application**
   a. **Existing conditions**
   b. **Proposed layout**
   c. **Proposed materials**




King Home
3197 E Old Mill Circle
Legend
6' Fence segment
8' Fence segment
6' Fence segment
and gate
6' Fence segment
and gate
N
2000 ft
Google Earth

Trex® Seclusions®
COMPOSITE FENCE SYSTEMS

Fence Height: 8'



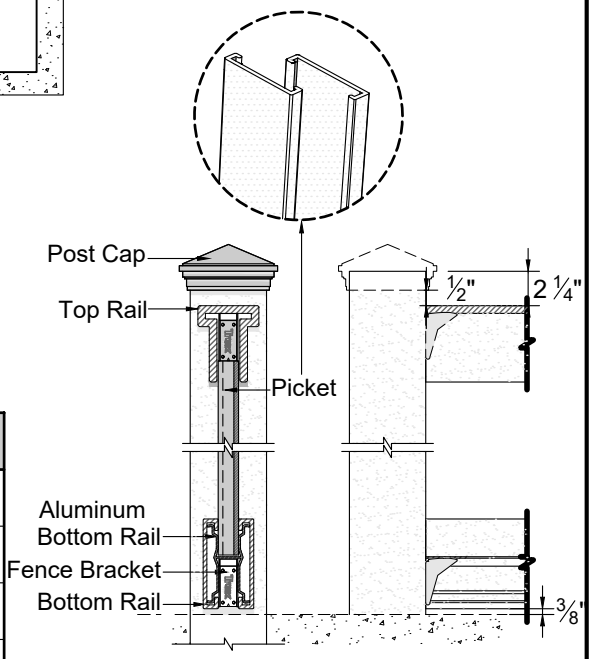
NOTES:

1. INSTALLATION TO BE COMPLETED PER MANUFACTURER'S SPECIFICATION.
2. REFER TO TrexFencingFDS.com FOR CONSTRUCTION DETAILS AND PRODUCT INFORMATION
3. DRAWING NOT TO SCALE.

COMPONENT		QTY.	LENGTH
Post Cap	Pyramid Flat Crown	1	N/A
Post	5" x 5"	1	144"
Top Rail	4" x 5"	1	91"
Bottom Rail / Picket	1" x 5 3/4"	19	91"

COMPONENT		QTY.	LENGTH
Bottom Rail / Picket	1" x 5 3/4"	2	91"
Aluminum Bottom Rail	2 3/4" x 5 1/8"	1	90 1/2"
Fence Bracket	1 1/4" x 3 1/8"	4	N/A
Ext. Wood Screw	#7	24	1 5/8"

Component lengths may vary



CUT VIEWS

010923

Trex Fencing
COMPOSITE FENCE SYSTEMS

FDS
FENCE DISTRIBUTORS

543 E. 600 S. Provo, UT 84606
1-877-700-8739 - TrexFencingFDS.com

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SECLUSIONS

Vertical Interlocking design

VERTICAL



COLORS



POST CAP STYLES



TREX PICKET SYSTEM

Interlocking Pickets



INSTALLATION RESOURCES



Visit us online:

TrexFencingFDS.com

- How to Order
- Find an Installer
- Style Samples

SECLUSIONS

Horizontal fence with composite top and bottom rail

HORIZONTAL



HORIZONS

Contemporary horizontal design with black metal frame



Trex® w/ HORIZONS™
HORIZONTAL FENCE SYSTEM



A STRIKING DESIGN

For a contemporary look, choose Trex horizontal fencing: Horizontal or the FDS-exclusive Horizons™. The parallel planes create an eye-catching perimeter. Enhance your space with style.



Trex® Horizontal
COMPOSITE FENCING SYSTEM

WHY CHOOSE TREX FENCING?

STYLE

- 3 rich, natural colors that complement any landscape
- Neighbor-friendly, board-on-board design looks the same on both sides
- Adaptable for slopes and heights up to 12 ft.
- Customizable for various applications (e.g., Trex posts with ornamental panels or lattice)

STRENGTH

- Backed by Trex's 25-year Residential and 10-year Commercial warranties
- Won't warp, rot, or splinter
- Resists insect damage
- Withstands hurricane-force winds

SERENITY

- Completely private interlocking pickets
- Never needs painting or staining
- Installs quickly and easily
- Composed of 95% recycled materials

Trex FENCE

LASTING BEAUTY AND PRIVACY FROM EVERY ANGLE

VISIT
TREXFENCING**FDS**.COM
1-877-700-8739

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FDS FENCE DISTRIBUTORS

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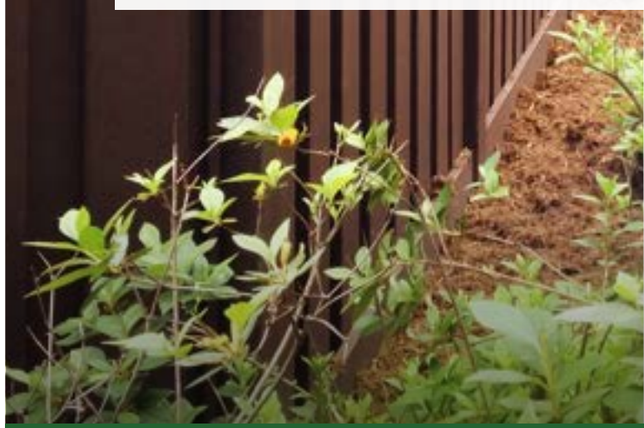
STYLE. STRENGTH. SERENITY.

THIS IS YOUR NEXT FENCE.



A BEAUTIFUL BACKDROP

Your landscape artistry deserves a picture frame. The classic, vertical lines of Trex Seclusions add security with style. With minimal maintenance and the assurance of the Trex warranty, this is the last fence you'll ever need.



Trex® Seclusions
COMPOSITE FENCING SYSTEM