

COTTONWOOD HEIGHTS CITY

ADMINISTRATIVE HEARING AGENDA

June 7th, 2023



Notice is hereby given that the **Cottonwood Heights Hearing Officer** will convene on **Wednesday, June 7th** **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 “June 7th, 2023 Administrative Hearing Zoom Link.”

12:00 p.m. ADMINISTRATIVE HEARING MEETING

1.0 Business Items

1.1 Project CUP-23-005

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-23-007

Request from Steve Jury for conditional use approval to construct an eight-foot fence at 7911 S. Danish Pine Ln.

2.0 Consent Agenda

2.1 Approval of Administrative Hearing Officer Minutes from June 7th, 2023

(The Administrative Hearing Officer will approve the minutes of the June 7th, 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, June 6th, 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 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 Wednesday, May 31st, 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 31st DAY OF MAY, 2023

Attest: Paula Melgar, City Recorder



ADMINISTRATIVE HEARING STAFF REPORT

Short-Term Rental: 7430 S. Wasatch Blvd. Unit I-1

Meeting Date: June 7th, 2023

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

Summary

Project #:

CUP-23-005

Subject Property:

7430 S. Wasatch Blvd. Unit I-1

Action Requested:

Conditional Use Permit
(Short-Term Rental)

Owner and Applicant:

Tom & Rosemary Hollinger

Recommendation:

Approve, with conditions



Aerial View

Analysis

Adjacent Zoning & Land Use

- **NORTH:** MU Mixed Use (Canyon Centre)
- **SOUTH:** R-1-8 Single-Family Residential (Brighton Point 4)
- **EAST:** R-1-8 Single-Family Residential (Prospector Hills 5)
- **WEST:** R-1-8 Single-Family Residential (Apple Valley 5)

Staff Analysis

The unit contains four bedrooms. The applicant is proposing to accommodate up to 8 guests at a time. Occupants will have access to the property manager's personal cell phone 24/7 to resolve concerns or issues. The property is located in the R-2-8 (Multi-Family Residential) zone. Short-term rentals may be approved as a conditional use in the R-2-8 zone, provided that the property is part of a planned unit development or condominium project that contains at least eight units and fronts on a private street. The subject property is a part of the Canyon Racquet Club Condo Project, which contains 40 units, and the property is accessed via an internal private road.

Recommended Conditions of Approval

Staff recommends approval, with conditions as outlined below:

1. The applicant must complete necessary steps to obtain a business license through the city of Cottonwood Heights. Obtaining a business license will indicate final approval of the short-term rental application. The short-term rental property will not be considered legal until a business license is obtained.
2. The short-term rental property is required to maintain compliance with all sections and subsections of Chapter 19.89 and Chapter 5.85 of the Cottonwood Heights Municipal Code, as hereafter amended from time to time, and all other legal requirements and applicable laws.
3. The Operators shall provide a 24/7 hotline to resolve issues. Operators shall respond (in person, if appropriate) to telephonic complaints within one hour after such complaint is made. Inappropriate and/or non-response to such complaints shall constitute a violation.
4. 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.
5. 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.
6. 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.
7. 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 for Approval

This recommendation is based on the following 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. That the proposed project will continue to meet the applicable provisions of Chapter 19.84, “Conditional Uses,” of the zoning code:
 - a. That 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. That 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. That 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. That the use will be harmonious with the neighboring uses in the zoning district in which it is to be located;
 - e. That nuisances which would not be in harmony with the neighboring uses will be abated by the conditions imposed;

- f. That protection of property values, the environment, and the tax base for the city will be assured;
- g. That the use will comply with the city's general plan;
- h. That the property will be required to comply with all conditions of approval in perpetuity, in accordance with Sections 19.89.160 – Inspections and 19.89.190 – Violations and penalties of the Cottonwood Heights Municipal Code.

Model Motions

- Approval
 - "I move to approve item CUP-23-005 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-23-005 based on the following findings..."
 - List reasons for denial...

Attachments

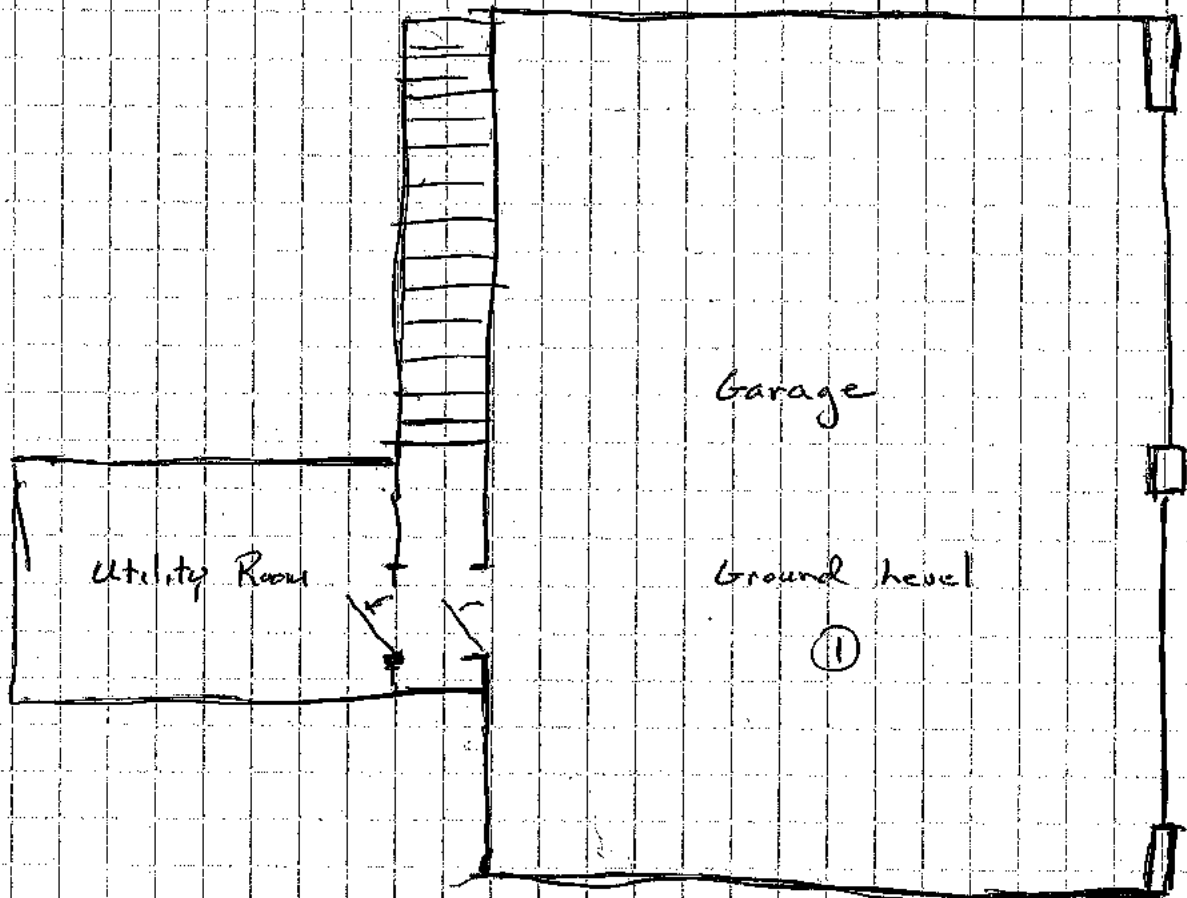
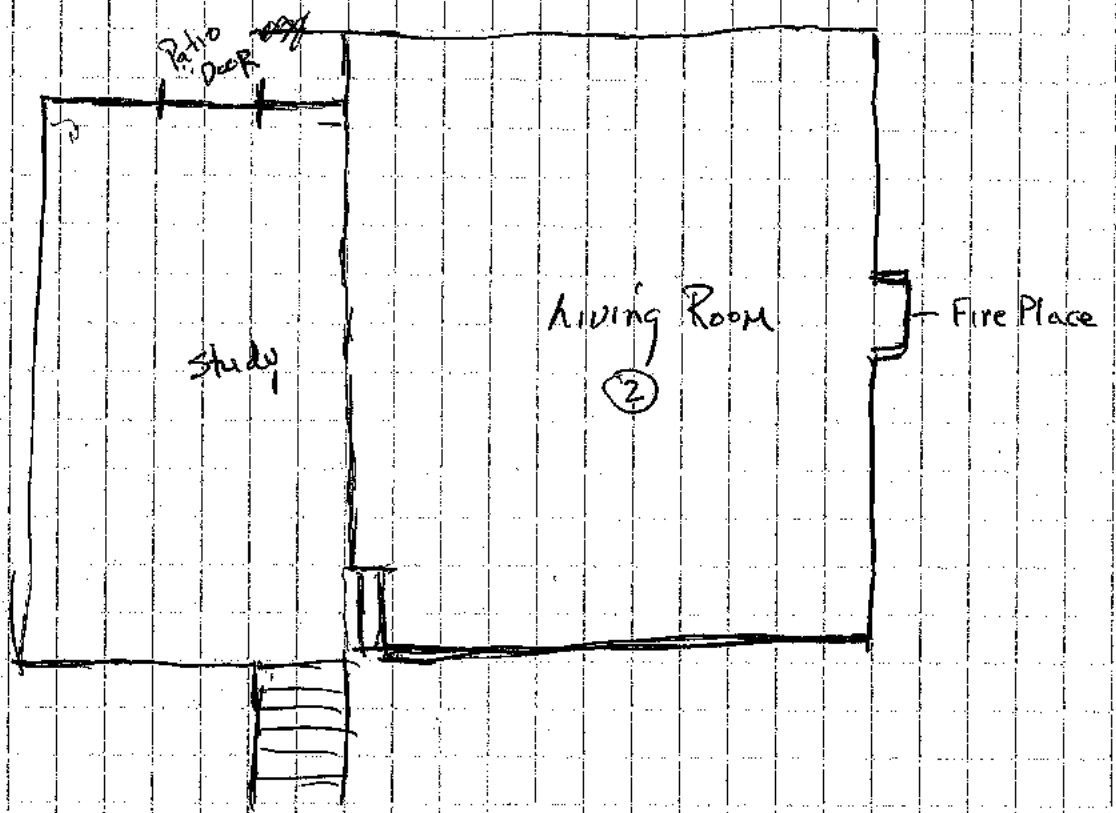
1. Floorplan
2. Photos

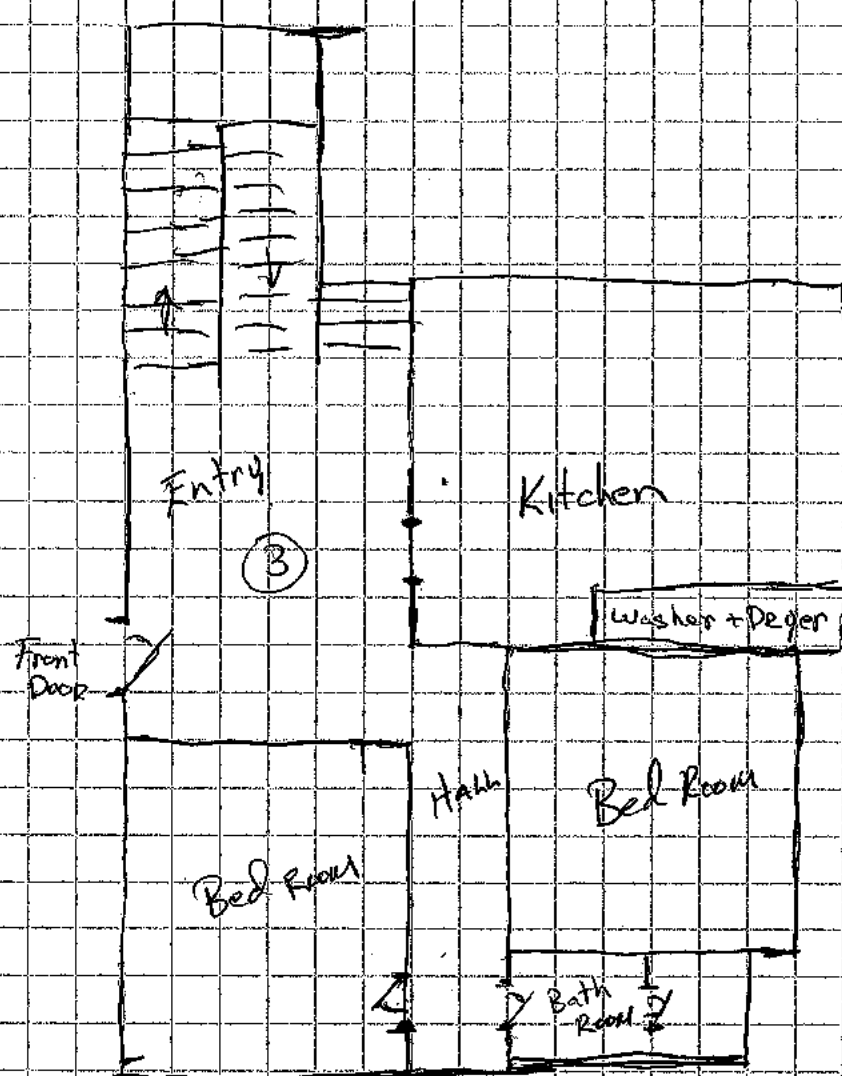
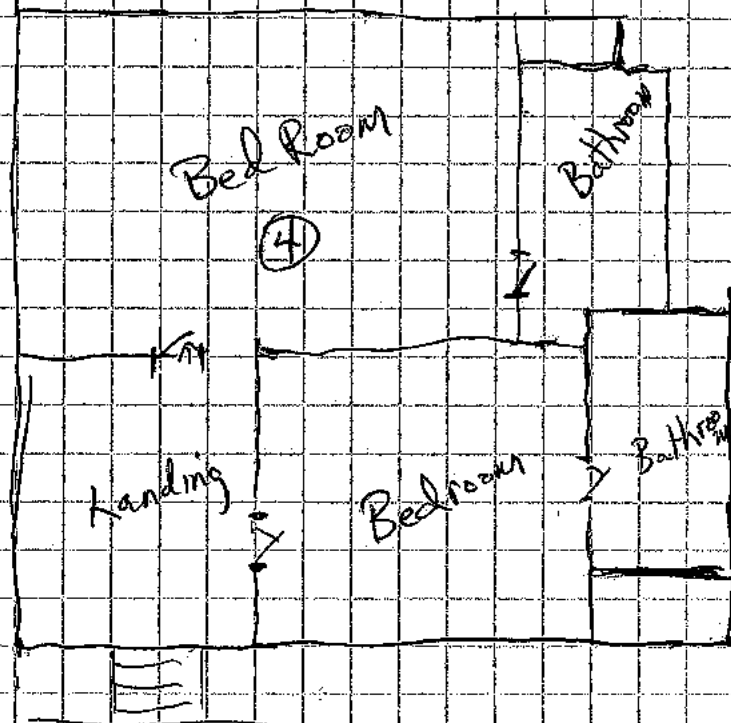
Parking at Canyon Racquet Club



Parking by Unit I-1









ADMINISTRATIVE HEARING STAFF REPORT

Wall Height Extension: 7911 S. Danish Pine Ln.

Meeting Date: June 7th, 2023

Staff Contact: Mike Johnson
(801-944-7060)

Summary

Project #:

CUP-23-007

Subject Property:

7911 S. Danish Pine Ln.

Action Requested:

Conditional Use Wall Height
Extension

Owner:

Steve Jury

Applicant:

Steve Jury

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.

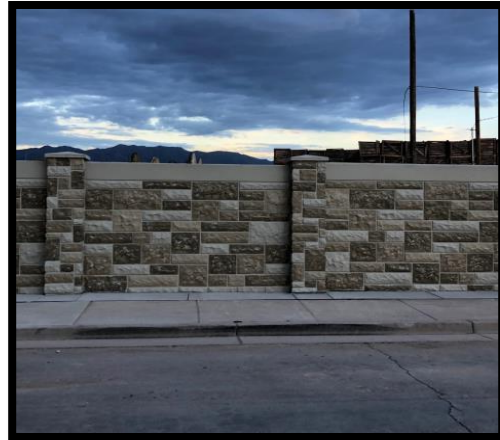
APPLICANT'S PROPOSAL

The applicant proposes the construction of an eight-foot fence/wall along the property line, encompassing the side and rear yard. The eight-foot fence/wall is requested because the applicant lives in a hillside neighborhood, and the house is situated on a small slope, with the land gradually sloping down from the northern neighbor to the south neighbor (the grade drops from 4885 to 4859), resulting in a lack of privacy for both parties. By erecting an eight-foot fence, the applicant aims to enhance privacy and obstruct the view into the neighbor's backyard, as well as a hot tub on their back porch. This fence/wall, standing at a height of 8 feet, will afford a reasonable level of privacy to all homeowners on both sides. The fence/wall is proposed to be constructed using precast concrete, further enhancing privacy for both the applicant and their neighbor.



Existing Fence

- *No Fence*



Proposed Fence

- *Eight feet of precast concrete fencing*
- *The proposed fence format will provide significant privacy to the applicant and their neighbors.*

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:*

- 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*
- 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 May 9th, 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

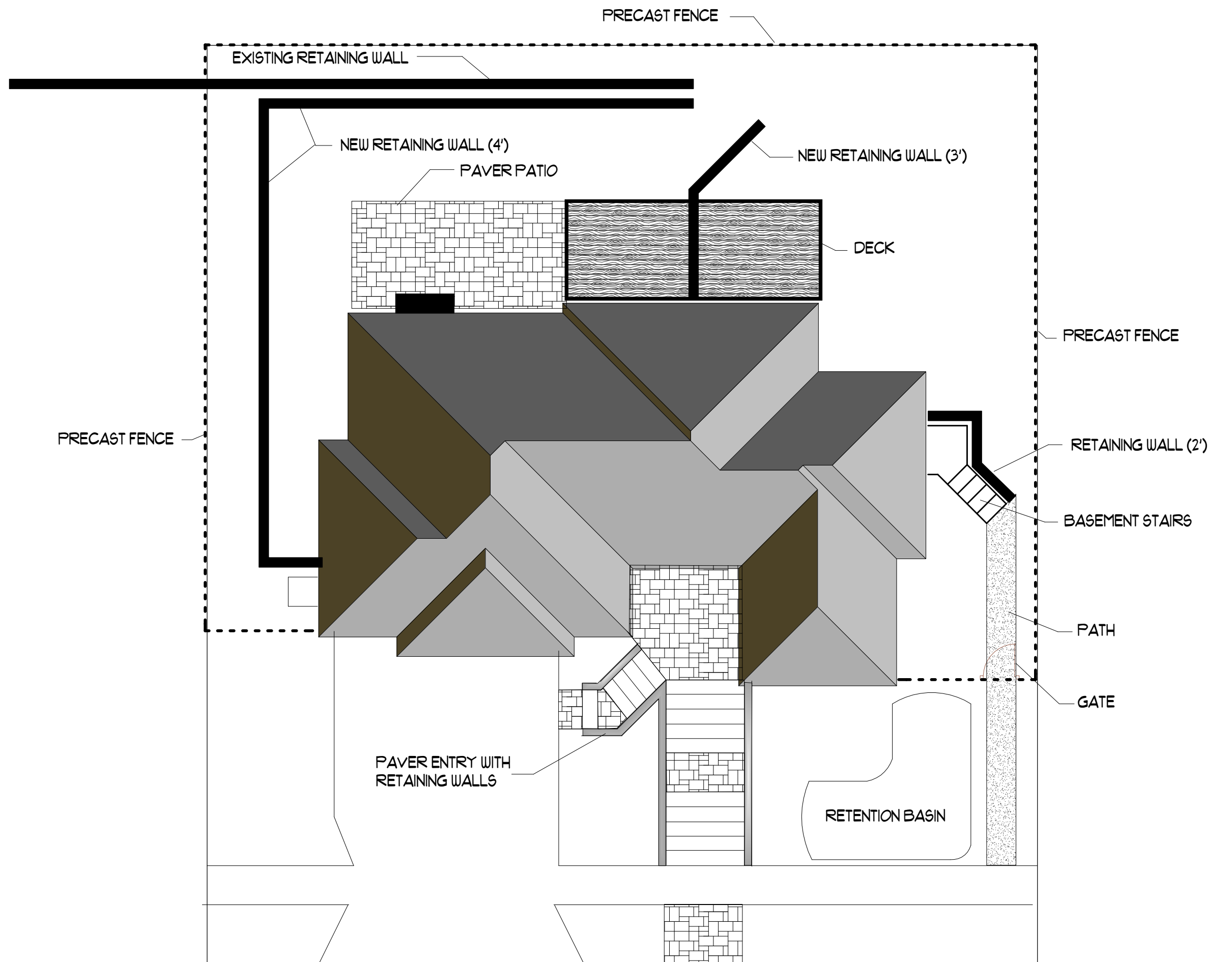
- Approval
 - “I move to approve item CUP-23-007 pursuant to the conditions of approval outlined in the item’s staff report.”
 - Add any additional conditions of approval....
- Denial
 - “I move to deny item CUP-23-007 based on the following findings...”
 - List reasons for denial...

ATTACHMENTS:

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







DANISH PINES LOT 107 - JURY HARDSCAPE LAYOUT

APRIL 17, 2023



1. Pictures of proposed fence
2. The fence will be made out of precast concrete, as depicted.