

# COTTONWOOD HEIGHTS CITY ADMINISTRATIVE HEARING AGENDA

April 19<sup>th</sup>, 2023



Notice is hereby given that the **Cottonwood Heights Hearing Officer** will convene on **Thursday, April 19<sup>th</sup>**, at **Cottonwood Heights City Hall** (2277 E. Bengal Blvd., Cottonwood Heights, UT 84121) for an **Administrative Hearing Meeting**.

The meeting will begin at **12:00 p.m.** in the City Hall Room 5 (Council Chambers).

## **12:00 p.m. ADMINISTRATIVE HEARING MEETING**

### **1.0 Business Items**

#### 1.1 Project CUP-23-003

Request from Leo Stanko for conditional use approval of short-term rental at 8184 S. Clover Spring Ln.

#### 1.2 Project CUP-23-004

Request from Angie Norris for conditional use approval of operate a home business to provide lash extension services to clients at 2353 E. Catalina Dr.

### **2.0 Consent Agenda**

2.1 Approval of Administrative Hearing Officer Minutes from April 19<sup>th</sup>, 2023

*(The Administrative Hearing Officer will approve the minutes of the April 19th, 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, April 18th, 2023, the day prior to the meeting. Comments should be emailed to [Planning@ch.utah.gov](mailto: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 Friday, April 14<sup>th</sup>, 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](http://www.cottonwoodheights.utah.gov) and the Utah public notice website at <http://pmn.utah.gov>.

DATED THIS 14<sup>TH</sup> DAY OF APRIL, 2023

Attest: Paula Melgar, City Recorder



## ADMINISTRATIVE HEARING STAFF REPORT

Short-Term Rental: 8184 S. Clover Spring Lane.

Meeting Date: April 19<sup>th</sup>, 2023

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

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### Summary

**Project #:**

CUP-23-003

**Subject Property:**

8184 S. Clover Spring Lane.

**Action Requested:**

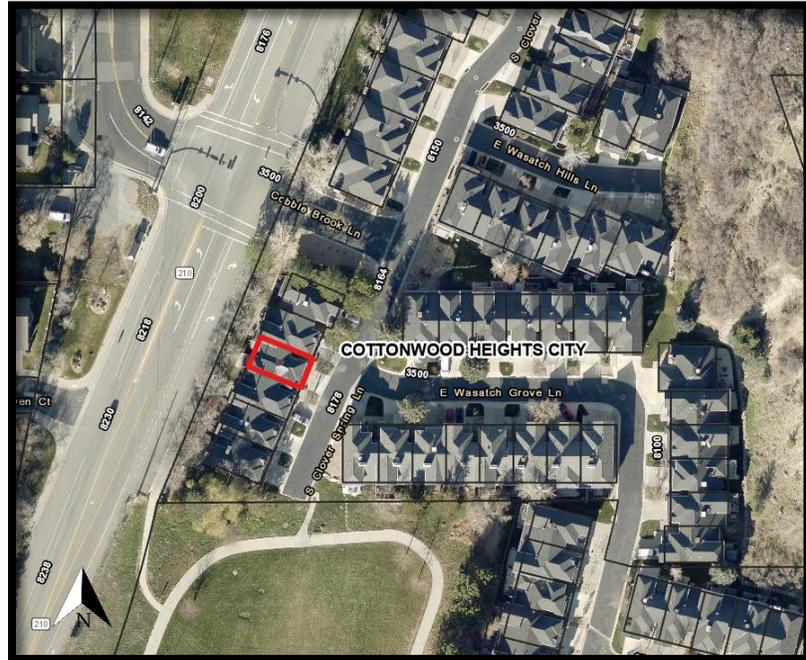
Conditional Use Permit  
(Short-Term Rental)

**Owner and Applicant:**

Leo Stanko

**Recommendation:**

Approve, with conditions



*Aerial View*

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### Analysis

#### Adjacent Zoning & Land Use

- **NORTH:** R-2-8 Multi-Family Residential (Oaks at Wasatch Place A PUD)
- **SOUTH:** R-2-8 Multi-Family Residential (Oaks at Wasatch Place A PUD), PF Public Facilities (Golden Hills Park)
- **EAST:** R-2-8 Multi-Family Residential (Oaks at Wasatch Place A PUD)
- **WEST:** Wasatch Blvd.

#### Staff Analysis

The unit contains three bedrooms. The applicant wants to rent to up to 8 guests at a time. The applicant will provide their personal cell phone for 24/7 issue resolution, with backup support from their partner, property manager, or craftsman. The property is located in the R-2-8 (Multi-Family Residential) zone. Short-term rentals may be approved as 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 Oaks at Wasatch PUD A, which contains 51 units—the property fronts Clover Spring Ln., which is a private street.

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## 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. 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.

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## 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-23-003 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-23-003 based on the following findings...”
  - List reasons for denial...

## Attachments

1. Applicant Statement
2. Floorplan
3. Photos



















## ADMINISTRATIVE HEARING STAFF REPORT

Home Occupation with Clients: 2353 E. Catalina Dr.

Meeting Date: April 19, 2023

Staff Contact: Ian Harris, Associate Planner/Sustainability Analyst  
(801-944-7065, [iharris@ch.utah.gov](mailto:iharris@ch.utah.gov))

### Summary

**Project #:**

CUP-23-004

**Subject Property:**

2353 E. Catalina Dr.

**Action Requested:**

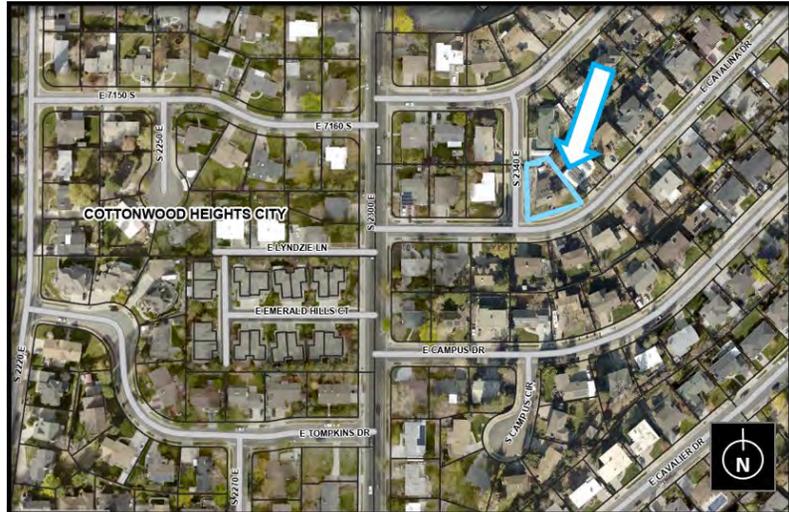
Conditional use approval to operate a lash extension business with clients

**Applicants:**

Angie Norris

**Recommendation:**

Approve, with conditions



*Aerial View*

### Context

**Property Owners:**

Shannon Norris

**Address & Parcel #:**

2353 E. Catalina Dr.

22-27-203-016

**Acres:**

0.17



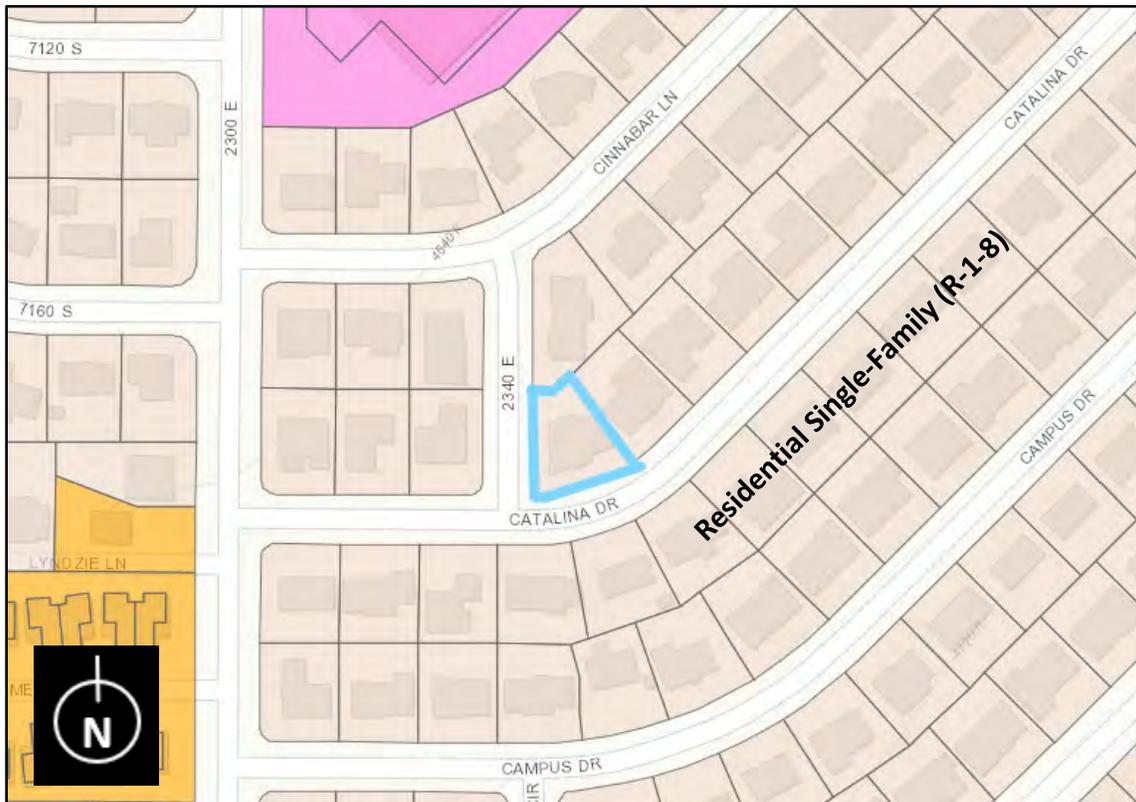
*View of West Parking*

## Site Photos



*View from South Facade*

## Zoning and Land Use



*Zoning Map*

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## Analysis

### Zoning

The zoning designation of the property is R-1-8 (Single-Family Residential). Home occupations with clients are listed as a conditional use in the R-1-8 zone, as referenced in §19.26.030.E. Home occupations are allowed only if the proposed business is clearly secondary and incidental to the primary use of the property as the applicant's permanent and full-time place of residence. Home Occupations are regulated in §19.76.040 Land Use:

#### **F. Home occupations.**

1. *"Home occupation" means, (unless otherwise provided in this code) any use conducted entirely within a dwelling and carried on by one person residing in the dwelling unit and one additional person who may, or may not, reside in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes, and in connection with which there is no display nor stock in trade, "stock in trade" being any item offered for sale which was not produced on the premises.*
2. *The home occupation shall not include the sale of commodities except those produced on the premises; provided, however, that original or reproductions of works of art designed or created by the artist operating a home occupation may be stored and sold on the premises. "Reproduction of works of art" includes, but is not limited to printed reproduction, casting, and sound recordings.*
3. *The home occupation shall not involve the use of any accessory building, yard space or activity outside the main building if the use of accessory buildings or outside activity, for the purpose of carrying on a home occupation, violates the rule of the use being clearly incidental and secondary to the use of the dwelling or dwelling purposes.*
4. *The director shall determine whether additional parking, in addition to the two spaces required per dwelling unit, is required for a home occupation and shall also determine the number and location of such additional parking spaces.*
5. *The director will review all home occupations for compliance with the above items. If the proposed home occupation cannot meet any one of the above items, the director shall not approve the home occupation.*
6. *"Minor home occupation" means a home occupation which complies with the requirements of Chapter 5.54 of this code and which will not otherwise have an offsite impact which, when combined with the impact of the primary residential use of the dwelling, exceeds the impact of the residential use alone. A minor home occupation is a permitted use in any zone which allows home occupations.*
7. *"Home occupation with clients" means a home occupation, not otherwise expressly prohibited by this code, where one or more persons visit the dwelling to conduct business on more than a very occasional, sporadic basis. A home occupation with clients requires a conditional use permit.*

The applicant submitted a narrative stating that the use of the primary dwelling for the home occupation is clearly incidental and secondary to the use of the building as a residence. The home business use will take up a single room inside the primary dwelling, as shown in the picture on the following page.



Lash Extension Room

### Noticing

Property owners within 300 feet of the subject property were mailed notices at least 10 days prior to the public hearing, as required by 19.84.050.

### Impact

The applicant has indicated that there are three off-street parking spaces available along the driveway and in front of the garage on the western side of the property (as shown on Pg. 1). There will be an average of three customers per day, with one client visiting the business at a time. There will be no additional employees working in the home. The applicant's schedule will depend on bookings, but she plans to be open to bookings 7 days a week from 9 AM to 9 PM.

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## Conclusions – Recommended Findings for Approval

- The applicant's narrative addresses client parking, employees, hours of operation, and business floorplan. Based on the materials submitted with the application, staff finds that the proposed home occupation will be incidental and secondary to the use of the property as a single-family residence.
- An administrative hearing will be held in accordance with local and state requirements.

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## Recommendation

Staff recommends approval of the application with conditions:

### Conditions of Approval

1. The applicant shall obtain and maintain an approved business license with Cottonwood Heights.

2. Customers must use provided off-street parking, as the business may not rely upon any on-street parking. Customers must be made aware of these parking restrictions.
3. Approval of this home occupation is subject to review upon complaint.
4. Signage must comply with all aspects of Cottonwood Heights City Code.
5. No more than one non-resident employee is permitted at this business.
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.

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## Model Motions

### Approval

I move to approve project CUP-23-004, based upon the recommended findings for approval outlined in this staff report:

- List any other findings or conditions of approval...

### Denial

I move to deny project CUP-23-004, based on the following findings:

- List findings for denial...

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## Attachments

1. Applicant Narrative
2. Parking Plan

To whom it concerns:

My name is Angie Norris I would like to get a Home Business Conditional Use Permit for my Lash Extension Business, I offer different styles and length of Lash Extensions.

I will work 7 days a week if needed from 9am to 9pm. On average doing 3/day each appointment ranges from 30 minutes to 2 hours. I will give a 30 minute between appointments.

I am the only employee that resides in the home.

I will be working from a room inside the home.

Clients come in and go to sleep so there is no noise, odor or potential nuisance if so I will not accept that client anymore.

I dont sell any product.

There will be no remodels or additions.

I am keeping my house a home in a residential area, just wanting to work from a room inside my home.

Thank You,

Angie Norris

801-759-2349

angienorris85@gmail.com



available parking

2353e. Catalina dr.

2340e.



Catalina dr.