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

5
6 **Wednesday, August 2, 2023**

7 **12:00 p.m.**

8 **City Council Chambers**
9 **2277 East Bengal Boulevard**

10
11 ***ATTENDANCE***

12
13 **Present:** Michael Johnson, Community and Economic Development Director/Hearing Officer
14 Maverick Yeh, Assistant Planner

15
16 **ADMINISTRATIVE HEARING**

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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-23-010) Request from Vizion Construction and Landscape, LLC**
24 **for Conditional Use Approval to Construct an Eight-Foot Retaining Wall Along**
25 **the West Property Line at 7834 South Danish Pine Lane.**

26
27 Assistant Planner, Maverick Yeh, presented the Staff Report and stated that the property is located at
28 7834 South Danish Pine Lane. The property owner was identified as Kevin Hughes. The request is
29 for construction of an eight-foot retaining wall along the west and north property lines. The property
30 slopes down from the foundation to the property line with the elevation change being eight feet in
31 height over a width of 25 feet. The owner desires to create a level space in the backyard for family
32 activities. The proposed eight-foot retaining wall will further enhance family activity space in the
33 backyard. An eight-foot fence is a conditional use in any zone and up to 12 feet with neighbor
34 consent. Proper public notice was sent and no public comment had been received by staff.

35
36 Staff found that the increased wall height proposed by the applicant is reasonable and will create
37 usable space for family activities. Staff recommended a condition of approval that the applicant finish
38 the impacted drainage system permit application process and record it with Salt Lake County.

39
40 Hearing Officer Johnson commented on an exhibit that shows landscaping along the wall but no
41 fencing. He asked if there were any plans to construct a fence on top of the retaining wall.
42 Mr. Hughes stated that that is a question the homeowner may eventually want to address. Hearing
43 Officer Johnson stated that sometimes when there is a vertical drop from a walking surface, a guard
44 rail may be needed to comply with the Building Code. The ordinance specifies that if the fence is
45 within three feet of the property line it is considered to be part of the same fence and wall system and
46 counts against the eight feet. Any height over eight feet will require neighbor consent. The alternative
47 would be to set back a fence at least three feet from the wall to create a buffer. Possible options were

1 for the applicant to come back and seek approval, which would allow them to build only a four-foot
2 fence or step back and build the fence separate from the top of the wall.

3
4 There was concern about the grading difference between this house and the neighboring property.
5 The existing six-foot fence will not be effective at providing privacy. Short of there being an actual
6 fence on the subject property, Hearing Officer Johnson wanted to see the landscaping be substantial
7 enough to create a visual barrier between properties. That can be verified at the time of Building
8 Permit issuance. Eight feet is the current drop from the back of the house to the property line.
9 Mr. Hughes stated that the corner of the home sits down significantly lower than the southwest corner.
10 Going north, the wall will step up and will be placed on the property line.

11
12 Hearing Officer Johnson stated that sometimes the excavation or subgrade portion of the retaining
13 wall protrudes out from the actual retaining wall and will need to be confined to the subject property.
14 He felt that the request was reasonable and matches other requests seen previously. Staff will need
15 to see a stormwater solution approved by the City Engineer prior to Building Permit issuance.

16
17 Hearing Officer Johnson opened the public hearing. There were no public comments. The public
18 hearing was closed.

19
20 **Hearing Officer Johnson moved to APPROVE item CUP-23-010 pursuant to the following**
21 **Conditions of Approval outlined in the Staff Report:**

- 22
23 **1. A Building Permit and all necessary inspections shall be obtained and completed.**
- 24
25 **2. The Building Permit will clearly state materials, design, and landscape plan and**
26 **shall not exceed a total height of eight feet from existing grade.**
- 27
28 **3. The conditional approval does not include a hot tub and outdoor court lighting**
29 **or fencing. They need a separate Building Permit.**
- 30
31 **4. The applicant needs to finish the impacted drainage system permit application**
32 **process and record it with Salt Lake County.**
- 33
34 **5. A resolution acceptable to the City Attorney shall be provided for the private**
35 **stormwater retention requirement.**
- 36
37 **6. Any future, subsequent, or required fencing on top of the wall, either voluntarily**
38 **by the property owner or as required by the Building Code, must either come**
39 **back and obtain conditional use approval to extend the fence height above eight**
40 **feet or meet the setback standard that the City would allow for a fence to not be**
41 **considered part of the same wall. One of those alternatives will need to be**
42 **complied with if fencing is required or installed.**
- 43
44 **7. The wall itself and limits of disturbance of the wall during construction and**
45 **afterward must be completely contained on the subject property or temporary**
46 **construction easements must first be obtained and signed by the adjacent**
47 **property owner if there is any encroachment during construction onto adjacent**

1 **properties. A copy of any construction easement should first be provided to the**
2 **City.**

- 3
4 **8. Submit a detailed landscape plan to show that the landscaping will serve as an**
5 **adequate visual buffer from the subject property to the adjacent property to the**
6 **west.**

7
8 Hearing Officer Johnson felt that the proposed conditions will mitigate any perceived negative impact
9 that may arise from the fence height extension. The matter was considered approved subject to the
10 foregoing conditions.

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12 **2.0 Consent Agenda**

13
14 **2.1 Approval of Minutes for August 2, 2023.**

15
16 **The Administrative Hearing Officer will approve the minutes of the August 2, 2023 meeting**
17 **after the following process is met. The City Recorder will prepare the minutes and email them**
18 **to the Hearing Officer. The Hearing Officer will have five days to review the minutes and**
19 **provide any changes to the Recorder. If, after five days there are no changes, the minutes will**
20 **stand approved. If there are changes, the process will be followed until the changes are made**
21 **and the Hearing Officer is in agreement, at which time the minutes shall be deemed approved.**

22
23 **3.0 Adjournment**

24
25 The Administrative Hearing adjourned at approximately 12:15 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, August 2, 2023.*

3

4 Teri Forbes

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8

9 Minutes Approved: _____