

1 MINUTES OF THE COTTONWOOD HEIGHTS CITY
2 ADMINISTRATIVE HEARING
3

4 Wednesday, April 3, 2024
5 12:00 p.m.
6 City Council Chambers
7 2277 East Bengal Boulevard
8

9 ***ATTENDANCE***

10
11 **Staff Present:** Michael Johnson, Community and Economic Development Director/Hearing Officer,
12 Maverick Yeh, Associate City Planner, Maria Devereux, Deputy City Recorder.
13

14 Attendees: Phil Tate, Amber Tate, Mary Bailey, Kelly Marsden
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-23-014 Request by Phil and Amber Tate to construct a fence taller**
24 **than 6' on the east and west property line at 3468 E Summer Hill Lane.**
25

26 Associate City Planner, Maverick Yeh, presented the Staff Report. He explained, The applicant is
27 proposing the construction of a fence exceeding six feet in height along the east and west property
28 lines. On the west side, the fence and concrete wall commence south of the former garage location,
29 following the foundation grade of the original house. The fence and concrete wall align with the
30 natural grade, descending from north to south, with varying heights across three sections. This
31 structure spans 31 feet 9 inches (first section fence and wall height 9 feet 1 inch), extends another
32 31 feet 9 inches southward (second section of the fence and wall height 7 feet 8 inches), and further
33 continues for 34 feet (third section fence height 6 feet 2 inches) until it intersects with the block
34 wall at the property line. The height of the fence on the east side is proposed to be 6 feet 5 inches.
35 This fence replaces an aging wooden fence that had deteriorated, with the goal to establish a secure
36 and private space for their family. It also prevents neighbors' pets from entering the applicant's yard,
37 ensuring the safety of family members.
38

39 Associate City Planner, Maverick Yeh, gave background on the property and project stating, the
40 zoning designation of the property is R-1-8 (Residential Single-Family). Fences and walls may be
41 allowed to a maximum height of eight feet in any zone as a conditional use, and up to 12 feet as a
42 conditional use with neighbor consent, as outlined in section 19.76.050.E CH Code. As a portion of
43 the proposal is requesting nine feet one inch, signed consent by the adjacent neighbor is required.
44

45 He noted the conditional use, fences in the side and rear yards may be erected to a maximum height
46 of eight feet as a conditional use upon a clear and convincing showing by the property owner in
47 accordance with subsections (a) and (b):

48 a. The existence of unique or special circumstances of a natural, material and adverse

1 nature relating to the property that will be substantially minimized or eliminated by the
2 increased height of the requested fence; and

3 b. That erection of such a fence is the most reasonable solution under the circumstances.
4 Any such conditional use permit may be granted by the director or his designee following
5 an administrative hearing preceded by all required notifications. A building permit shall
6 be required for all fences approved as a conditional use. He noted, that side and rear yard fences
7 may exceed eight feet in height to a maximum height of 12 feet in cases where the applicant has
8 neighbor consent, and has received conditional use approval in accordance with subsection
9 19.76.050(E)(3).

10
11 Associate City Planner, Maverick Yeh, noted, after staff review, the applicant plans to park a boat,
12 RV, and other vehicles in the west side yard. The nine-foot one-inch fence and the concrete wall
13 will effectively obstruct views between neighbors, providing increased privacy. Staff find the
14 increased fence height proposed by this application to be reasonable to provide the applicant's yard
15 with more privacy and safety. The Property owners within 300 feet of the subject property have
16 been mailed notices. Notices were mailed and posted on noticing websites and the City Hall bulletin
17 board on March 22, 2024. Staff has found enough evidence that the standards for the issuance of a
18 conditional use permit have been satisfied (see Section 19.84.080 CH Code).

19
20 Hearing Officer Johnson opened the public hearing and closed the public hearing without comment.

21
22 Hearing Officer Johnson noted the Public Works Department reviewed the site for clear view and
23 concluded there were no ordinance concerns.

24
25 Hearing Officer Johnson stated the findings for approval:

- 26
27 1. There is clear and convincing evidence shown by the property owner relating to privacy will
28 be substantially minimized or eliminated by the implementation of the requested wall and
29 fence combination; (19.76.050.E.1.e)
- 30
31 2. The construction of such a wall and fence is the most reasonable solution for the applicant's
32 increased privacy for both parties since the applicant will park vehicles in the west side yard.
- 33
34 3. The conditional use permit is granted by the director or his designee following an
35 administrative hearing preceded by all required notifications. (19.76.050.E.1.b)
- 36
37 4. The evidence presented with the proposed conditional use has been found to be compliant
38 with the requirements of section 19.84.080 (Conditional Uses – Determination) and section
39 19.76.050.E (Miscellaneous – Fences).
- 40
41 5. There is sufficient evidence that the standards for the issuance of a conditional use permit as
42 outlined in Section 19.84.080 CH Code have been satisfied.

43
44 Hearing Officer Johnson moved to APPROVE item CUP-23-014 pursuant to the following
45 Conditions of Approval outlined in the Staff Report, to include lowering the fence panel to 6 ft.:

- 46
47 1. A building permit and all necessary inspections shall be obtained and completed.

1 2. The building permit will detail the materials, design, and landscape plan, ensuring that the
2 total height aligns with the plan provided by the applicant and is measured from the existing
3 grade.

4
5 2.0 Consent Agenda

6
7 2.1 Approval of Minutes for April 03, 2024.

8
9 The Administrative Hearing Officer will approve the minutes of the April 3, 2024 meeting after the
10 following process is met. The City Recorder will prepare the minutes and email them to the Hearing
11 Officer. The Hearing Officer will have five days to review the minutes and provide any changes to
12 the Recorder. If, after five days there are no changes, the minutes will stand approved. If there are
13 changes, the process will be followed until the changes are made and the Hearing Officer is in
14 agreement, at which time the minutes shall be deemed approved.

15
16 3.0 Adjournment

17
18 The Administrative Hearing adjourned at 12:39 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, April 3, 2024.*

3

4 *Maria Devereux*

5 Maria Devereux
6 Deputy Recorder