

COTTONWOOD HEIGHTS CITY ADMINISTRATIVE HEARING AGENDA



September 4, 2024

Notice is hereby given that the **Cottonwood Heights Hearing Officer** will convene on **Wednesday, September 4, 2024**, 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-24-013

Request by Chad Cordell, to operate a home business (Dunder Cyclery) at 8007 S. Sunnyoaks Cir.

2.0 Consent Agenda

2.1 Approval of Administrative Hearing Officer Minutes from September 4, 2024

(The Administrative Hearing Officer will approve the minutes of the September 4, 2024 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. MDT on Tuesday, September 3, 2024, a day before 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 Friday, August 30, 2024, 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 30th DAY OF AUGUST, 2024

Attest: Paula Melgar, City Recorder

COTTONWOOD HEIGHTS CITY ADMINISTRATIVE HEARING STAFF REPORT

September 4, 2024



Summary

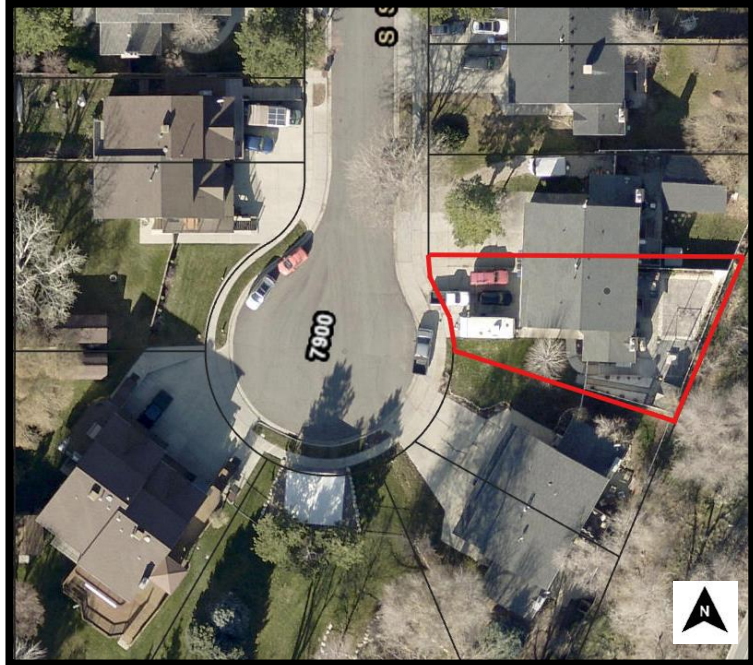
Project #:
CUP-24-013

Subject Property:
8007 S. Sunnyoak Cir.

Action Requested:
Conditional use approval to
operate home business with
clients (Dunder Cyclery)

Applicant:
Chad Cordell

Recommendation:
Approve, with conditions



Aerial View

Context

Property Owner:
Brenda Leonard

Address & Parcel #:
8007 S. Sunnyoak Cir.
22361040390000

Acres:
0.16



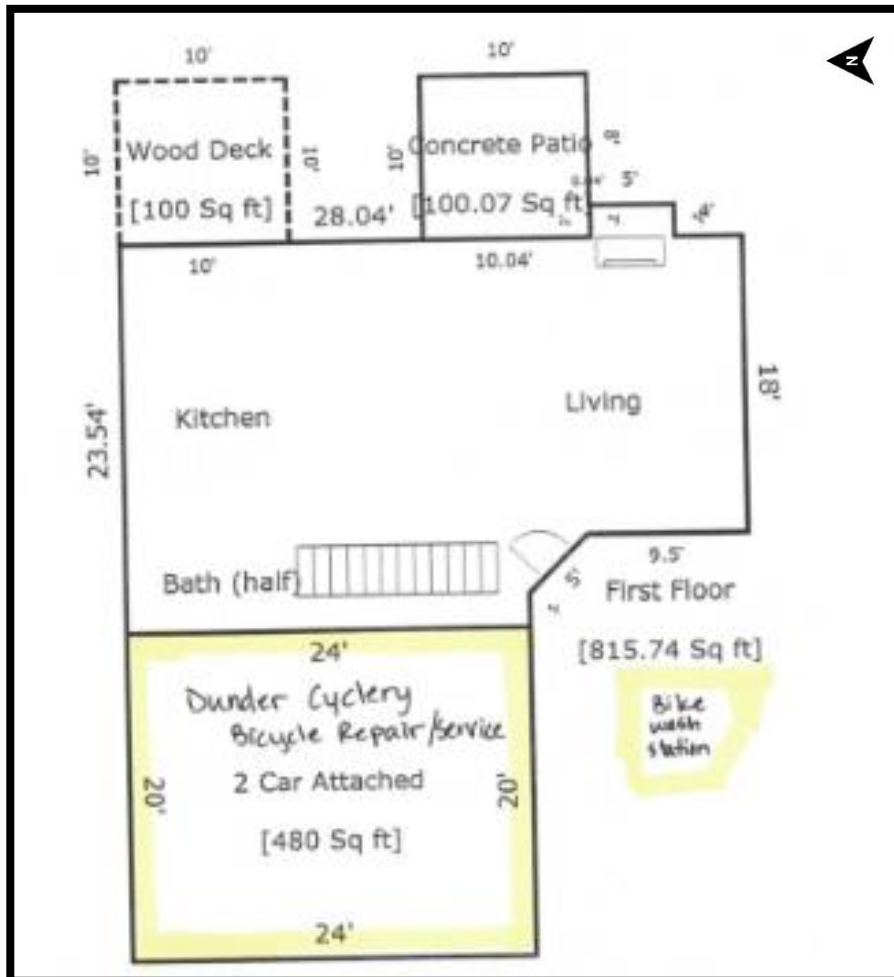
View of driveway and parking

Request

The applicant is seeking approval to operate a home-based business within their existing residence. The business will provide bicycle repair services to the local community available by appointment. Per the applicant's narrative, the business owner meets with clients between 9:00 AM and 7:00 PM, Monday through Sunday. Most transactions involve the business owner picking up and delivering customers' bikes. On rare occasions—typically no more than once per week—a customer may drop off a bike, and an appointment is required.

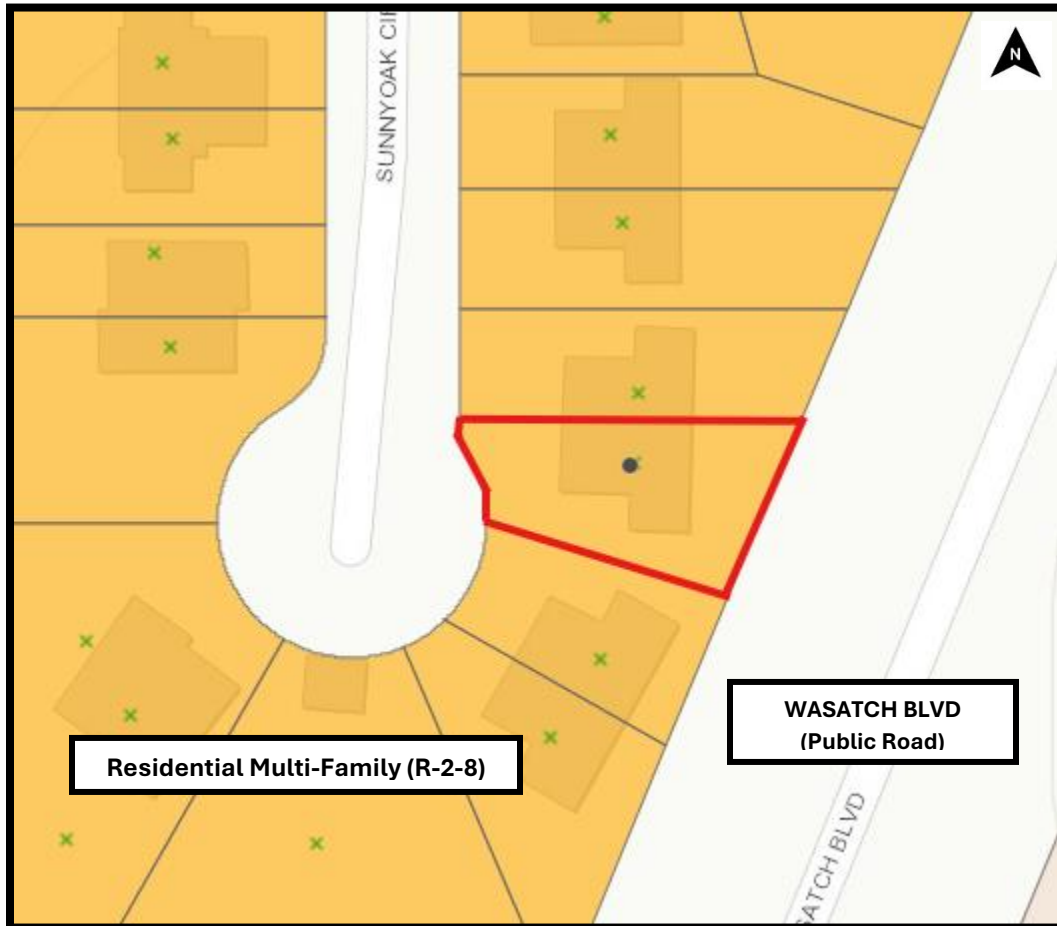
The applicant proposes to provide bicycle repair service in their garage. The business does not generate unreasonable noise or odors, as all activities occur within a contained area. The pick-up and drop-off area includes three parking spaces in the property's driveway.

Site Plan



Site Plan

Zoning and Land Use



Zoning Map

Analysis

Zoning

The zoning designation of the property is R-2-8 (Residential Multi-Family). Home occupations with clients are listed as a conditional use in the R-2-8 zone, as referenced in §19.31.020. C. 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.*

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 three available parking spaces in the driveway. The proposed home business will provide bicycle repair services to the local community and will use the garage space and a small 8'x8' area outside to wash bicycles located in the front yard of the subject property. Business hours are 9:00 AM to 7:00 PM, Monday through Sunday. The applicant picks up/delivers customers' bikes. Occasionally, a customer will drop off, but this is typically no more than once a week by appointment. There will be no additional employees working in the home.

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 residence.
- An administrative hearing will be held in accordance with local and state requirements.

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 parking. Customers must be made aware of these parking restrictions.
 3. The applicant shall adhere to the business hours of 9:00 AM to 7:00 PM, Monday through Sunday, by appointment only (including customer drop off the bike), as outlined in the written narrative within the official project file.
 4. Approval of this home occupation is subject to review upon complaint.
 5. No more than one non-resident employee is permitted at this business.
 6. Any business activity conducted outside the dwelling shall not violate the rule of the use being clearly incidental and secondary to the use of the dwelling for dwelling purposes.

Model Motions

Approval

I move to approve project CUP-24-013, 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-24-013, based on the following findings:

- List findings for denial...

Attachments

1. Applicant Narrative
2. Parking and Floor Plan
3. Owner Consent

Project Narrative

1. Describe the overall proposal, including the type of services offered by the business, the proposed days and hours of operation, and the anticipated number of clients per day.

I provide bicycle repair service to the local community at an affordable price and in a timely manner. I work by appointment and typically meet people between the hours of 9:00 AM and 7:00 PM. I mostly pick up/deliver customers' bikes, occasionally a customer will drop off but this is typically no more than once a week.

2. Describe how many employees will be part of the business (including yourself), and which employees (including yourself) reside at the home.

I am the only employee and I live at the home where I conduct the business.

3. Describe what areas, both indoor and outdoor, will be used for the business.

The business uses the garage space and a small 8'x8' area outside to wash bicycles.

4. Describe what efforts will be made to prevent noise, odor, or other potential nuisances from impacting neighboring properties, including any information about staggering business customers to reduce traffic.

My business does not create any unreasonable noise or odors. Everything takes place in a contained area. I have on average one customer per week so staggering them and reducing traffic is not an issue.

5. Describe what sale of product will take place at the home, if any.

I am a service provider that sells repair parts when needed.

6. Describe what remodels or additions are proposed for this business, if any.

No remodels or additions needed.

7. Describe how the proposed project is consistent with the Cottonwood Heights zoning ordinance and master plans.

My business coincides with the Cottonwood Heights Bicycle and Trails Master Plan to help with promoting multiple modes of transportation and enhancing human-scale activity. My business also sponsors the Brighton High School Mountain Biking Team by providing free seminars on fixing and maintaining their own bikes, discounted rates on service and I am also a level 1 coach. I truly believe in giving back to the local community and believe my business has helped me to do that. As of today the majority of my customers are Cottonwood Heights residents.

Parking Plan

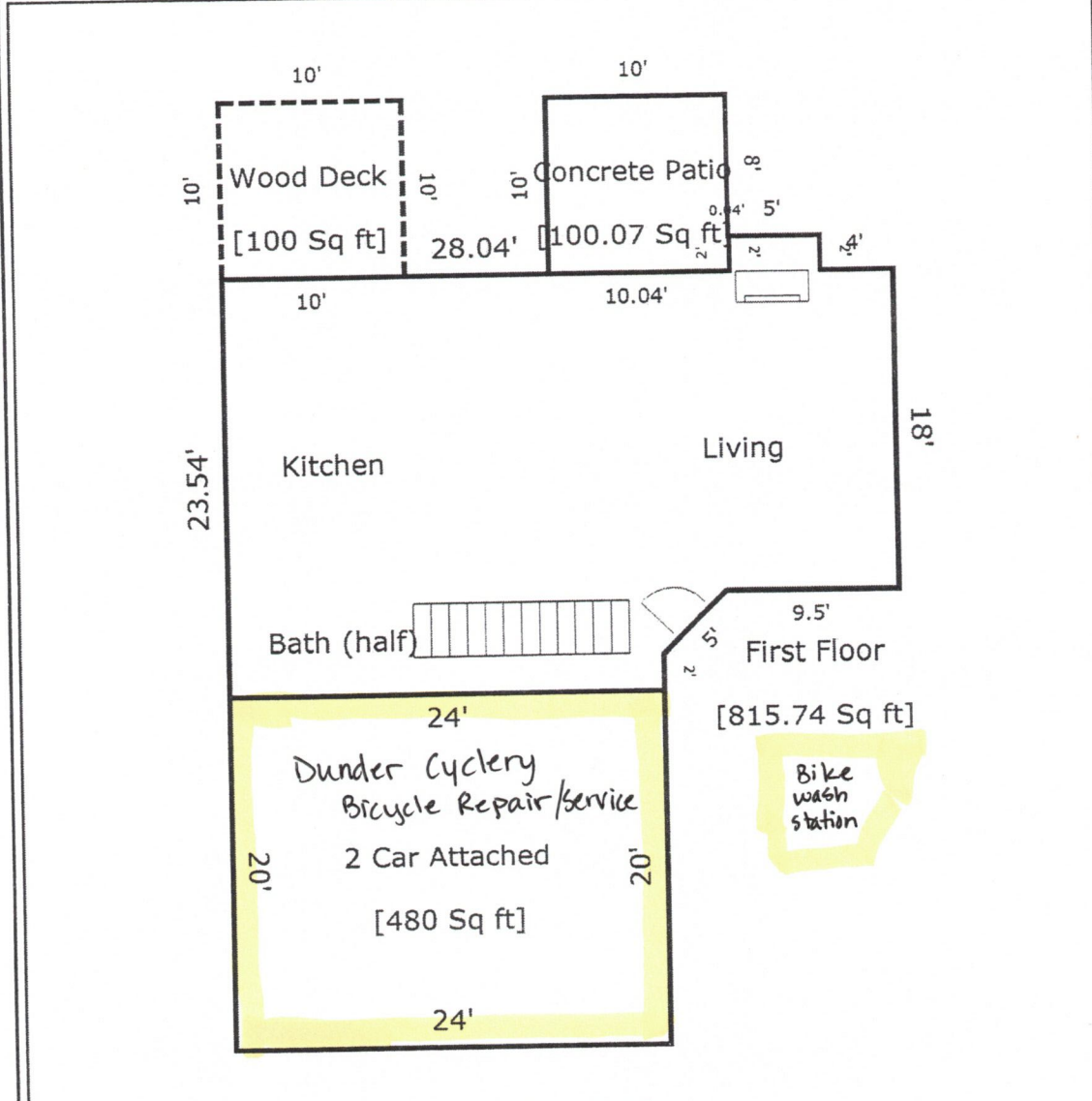
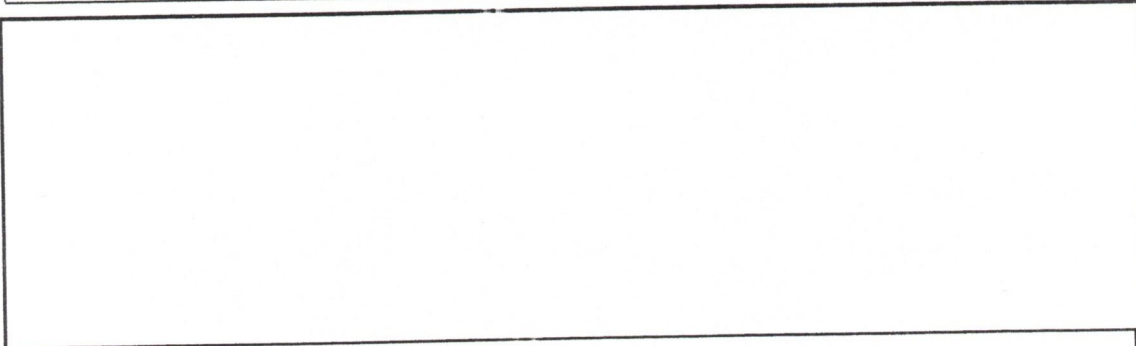
The photos below show 3 available parking spaces in the driveway



SKETCH ADDENDUM

File No. 14-0929-1

Borrower/Client Brenda M. Leonard
 Property Address 8007 S Sunnyside Cir
 City Cottonwood Heights County Salt Lake State UT Zip Code 84121
 Lender No AMC U.S. Bank, N.A.



TOTAL Sketch by a la mode, inc. Area Calculations Summary

		Calculation Details	
Living Area	815.74 Sq ft	5 x 2	= 10
First Floor		23.54 x 24	= 564.85
		13.04 x 18	= 234.64
		0.5 x 3.54 x 3.54	= 6.25
Total Living Area (Rounded):	816 Sq ft		
Non-living Area			
2 Car Attached	480 Sq ft	24 x 20	= 480
Wood Deck	100 Sq ft	10 x 10	= 100
Concrete Patio	100.07 Sq ft	10 x 10	= 100
		0.04 x 2	= 0.07

SKETCH ADDENDUM

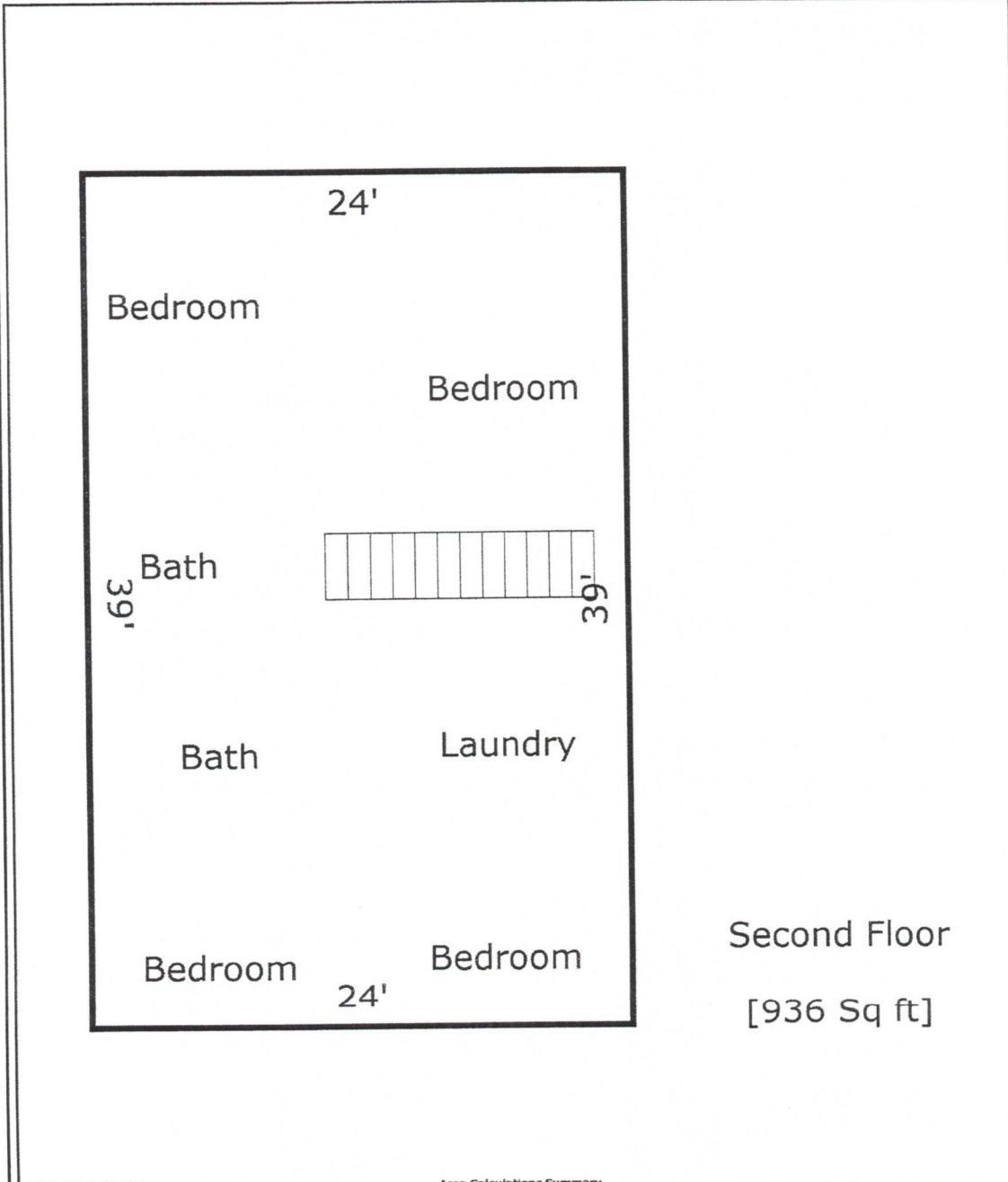
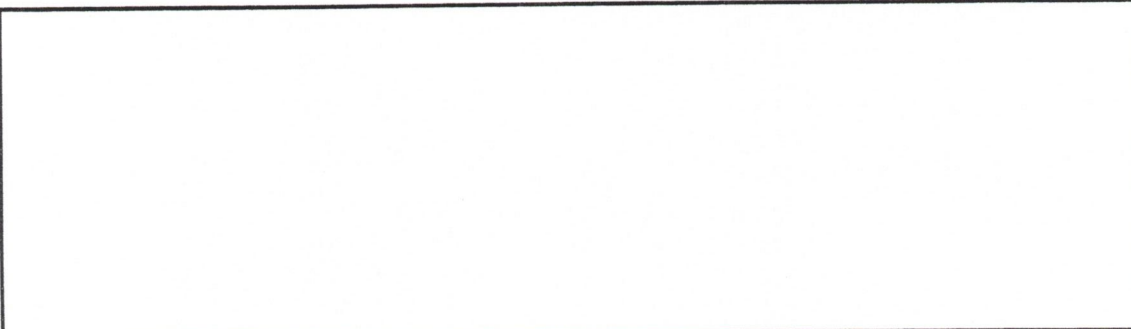
File No. 14-0929-1

Borrower/Client Brenda M. Leonard

Property Address 8007 S Sunnyoak Cir

City Cottonwood Heights County Salt lake State UT Zip Code 84121

Lender No AMC U.S. Bank, N.A.



Second Floor
[936 Sq ft]

TOTAL Sketch by a la mode, inc.

Area Calculations Summary

Calculation Details

Living Area
Second Floor

936 Sq ft

39 x 24 = 936

Total Living Area (Rounded):

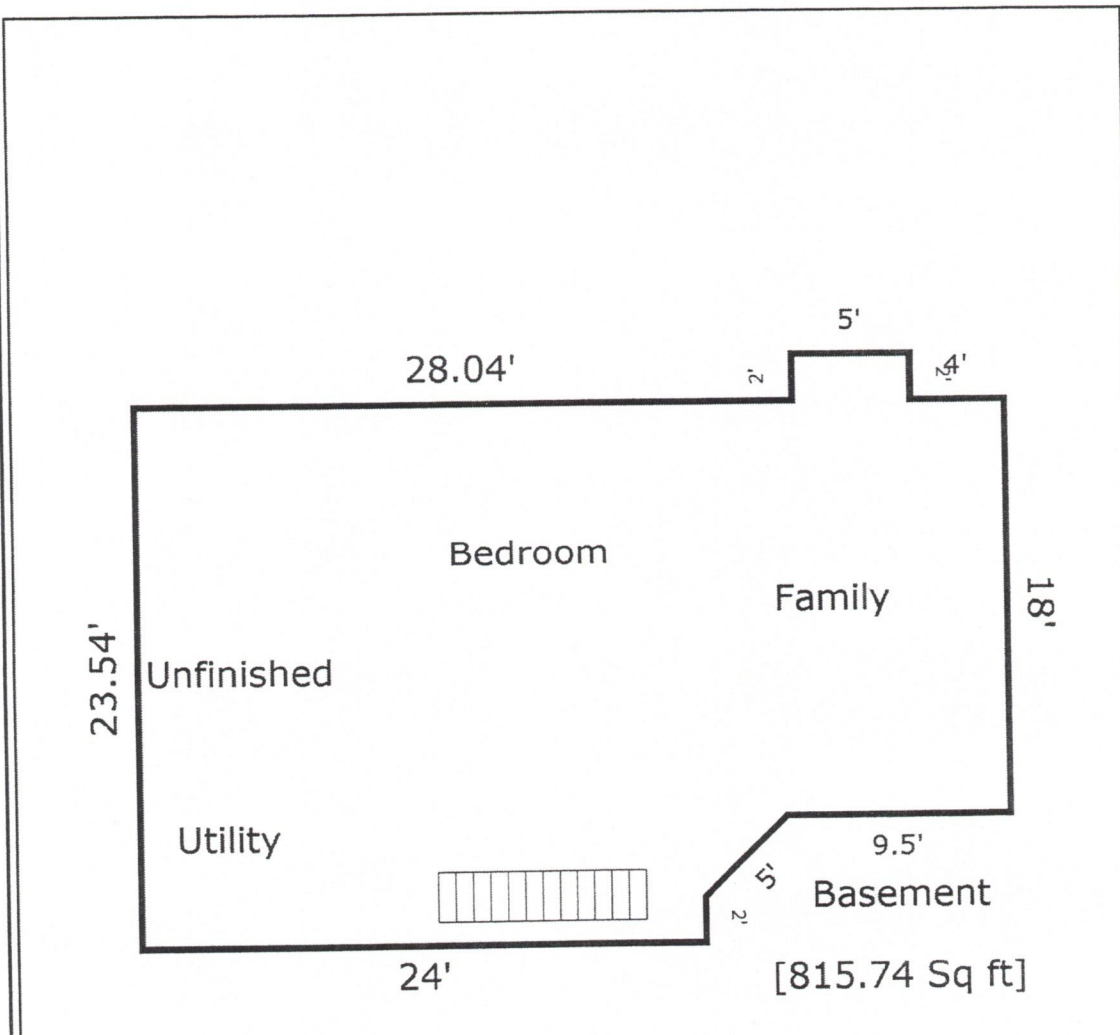
936 Sq ft

SKETCH ADDENDUM

Brenda Leonard

File No. 14-0929-1

Borrower/Client Brenda M. Leonard
 Property Address 8007 S Sunnyoak Cir
 City Cottonwood Heights County Salt lake State UT Zip Code 84121
 Lender No AMC U.S. Bank, N.A.



[815.74 Sq ft]

TOTAL Sketch by a la mode, inc. Area Calculations Summary

Non-living Area	815.74 Sq ft	5 x 2 = 10
Basement		23.54 x 24 = 564.85
		13.04 x 18 = 234.64
		0.5 x 3.54 x 3.54 = 6.25

OWNER'S CONSENT FORM

I/we, the Undersigned, do hereby grant permission to:

Chad Cordell

To act on my/our behalf for the purpose of the following application:

Home Business Conditional Use Permit

Owner(s): Brenda Leonard

Address(es): 8007 S Sunnyoak Circle
Cottonwood Heights, UT 84121

Telephone Number(s): 801-949-5257

Signature of Owner: Brenda Leonard Date: 8-13-24

Signature of Owner: _____ Date: _____

Signature of Owner: _____ Date: _____

State of UTAH

County Of: Salt Lake } ss.

On this 13 day of August, 2024 before me, the undersigned Notary Public, personally appeared Brenda Leonard, personally known to me, or whose identity I verified on the basis of their driver license, or on the oath of _____, a credible witness whose identity I verified on the basis of their _____, to be the person(s) whose name(s) is/are subscribed to in this instrument and acknowledged that they executed the same.

Elizabeth Flowers

Notary Public

02-21-2028

Notary Commission Expiry Date

