**TAYLORSVILLE CITY COUNCIL**
**AGENDA ITEM SUMMARY**

MEETING DATE: July 10, 2013

AGENDA ITEM: File # 7C13 – Appeal of an Animal Hobby Permit of five dogs on property located at 4425 South Jarrah Street (1265 West)

PRESENTER: MARK MCGRATH

AUTHOR: DAN UDALL

ISSUE SUMMARY:

On May 14, 2013 the Planning Commission voted to deny an Animal Hobby Permit application on property located at 4425 South Jarrah Street. The vote was 6-0 denying the request. The Planning Commission denied the request for the following reason:

> That the applicant is not demonstrating to care for the dogs in an orderly and responsible manner.

The applicant has submitted a letter appealing the Planning Commission decision to deny the full request of five dogs through an Animal Hobby Permit application. The letter is attached with this report.

Based on City Code, upon receiving this appeal request the City Council shall take one of three actions: reaffirm the Planning Commission decision, remand the matter to the Planning Commission for further consideration, or set a date for a public hearing meeting.

Staff has included a copy of the Planning Commission staff report and the minutes (including the motion) from the May 14, 2013 Planning Commission meeting for review by the City Council.

CITY OF
TAYLORSVILLE
UTAH

May 17, 2013

Jason Wilcox
4425 South Jarrah Street
Taylorsville, Utah 84123

SUBJECT: File # 7C13 – R-1-8 zone – 4425 South Jarrah Street – Animal Hobby Permit with five dogs

Dear Mr. Wilcox:

The Planning Commission on May 14, 2013 denied your animal hobby permit application for the following reason:

1) That the applicant is not demonstrating to care for the dogs in a proper manner.

The Planning Commission is concerned that the subject property does not meet city code as far as being orderly.

You have an opportunity to appeal the Planning Commission decision to the City Council. If you appeal the application, please write a letter stating the reason(s) you are appealing the Planning Commission decision. A 10-day appeal period to the City Council is provided. The eligible appeal period terminates on May 24, 2013.

Sincerely,

Dan Udall
City Planner

# Planning Commission Staff Report

## File # 7C13

## Animal Hobby Permit

## 4425 South Jarrah Street

CITY OF TAYLORSVILLE UTAH

Department of Community Development

| | |
|---|---|
| **Report Date:** | **May 2, 2013** |
| **Meeting Date:** | **May 14, 2013** |
| **Agenda Item:** | **Animal Hobby Permit** |
| **Subject Property Address:** | **4425 South Jarrah Street** |
| **Applicant:** | **Jason Wilcox** |
| **Applicant Agent:** | |
| **Author:** | **Dan Udall** |
| **Zoning designation:** | **R-1-8** |
| **Parcel #:** | **21-02-302-004** |
| **Applicable Ordinances:** | **Chapter 8** |
| **Public Notice:** | **Yes** |
| **Agenda item #:** | |

**Attachments:** **Exhibit A – Vicinity Map**
**Exhibit B - Application**

**Summary:** The applicant has requested a conditional use permit for an animal hobby permit to allow five dogs on property located at 4425 South Jarrah Street. The applicant is requesting a German Shepherd mix, Collie-Labrador mix, Bassett Hound mix, American Staffordshire Terrier, and a Boxer mix. The dogs are currently on the property. The dogs are indoors approximately 90 percent of the time. The applicant stated that a family member recently moved into the single-family home and brought 3 dogs with her. The family member is planning to live in the home for approximately two years.

On March 1, 2013, West Valley Animal Services received a complaint in regards to dogs barking and too many dogs on the subject property. The applicant was informed by West Valley Animal Services to obtain an animal hobby permit through the City of Taylorsville. The applicant has submitted an administrative conditional use animal hobby permit application to the Community Development Director to be able to have five dogs on the property.

**Analysis:** The applicant lives on a 9,583 square foot lot and in a single-family home. There is a 6' high vinyl and chain link fence that surrounds the entire rear yard of the property. The property is located in an R-1-8 zone. Property surrounding the site is zoned R-1-8.

For your reference I have provided below a copy of the City's animal "hobby permit" requirements as found in the City's Code of Ordinances, Title 8, Animals:

***Code Compliance Analysis:*** 8.12.100 Hobby permit. Where permitted by the zoning ordinances, owners of dogs, cats and ferrets may obtain a permit to keep more than two dogs, cats or ferrets in a residential area, provided:

A. Such pets are individually licensed;
B. Such pets are rendered sterile;
C. Complies with zoning requirements;
D. Approval is granted by the health department and the Director;
E. Adequate areas for confinement and shelter are provided; and,
F. Other provisions of this title are complied with, and no pet or premises is deemed to be a nuisance.

The following information was received from the applicant in regards to the five dogs.

| NAME | BREED | SEX | AGE | WEIGHT | STERILIZATION | IMMUNIZATION | LICENSED |
|---|---|---|---|---|---|---|---|
| Maizy | German Shepherd Mix | F | 12 | 75 lbs | Yes | Yes | Yes |
| Roxie | Collie Labrador Mix | F | 9 | 45 lbs | Yes | Yes | Yes |
| Roscoe | Bassett Hound mix | M | 4 | 25 lbs | Yes | Yes | No |
| Axill | American Staffordshire Terrier | M | 10 Mo. | 80 lbs | Yes | Yes | No |
| Leti | Boxer Mix | F | 3 | 40 lbs | Yes | Yes | No |

If the application is approved, West Valley City Animal Services will conduct an on-site inspection prior to approving a hobby permit application, and will conduct an annual on-site inspection following permit issuance.

A public notice was sent out to the surrounding property owners. Staff received the following complaints in regards to the 5 dogs: three complaints in regards to dog feces and odor, two complaints with too many dogs on the property and one complaint in regards to dogs barking.

The applicant has stated that they are currently repairing one of their fences. The applicant stated that a stray cat came into the rear yard through the unrepaired fence. The fence should be repaired before the applicant receives an animal hobby permit.

**Other Agencies/Departments:** West Valley Animal Services has recommended approval of the application.

**Adjacent Land Uses:**

**North: Single-family home**
**South: Single-family home**
**East: Single-family home**
**West: Single-family home**

**Findings of Fact:** Staff finds the following findings of fact regarding file 7C13:

1. That the applicant is proposing an animal hobby permit for 5 dogs.
2. That the animal hobby permit is an administrative conditional use.
3. That West Valley Animal Services received a complaint that dogs were barking and there were too many dogs on the subject property.
4. City staff has received three complaints in regards to dog feces and odor, two complaints with too many dogs on the property and one complaint in regards to dogs barking.

| | ***Additional Findings:*** |
|---|---|
| | |
| | |
| | |

**Staff Recommendation:** The Community Development Director has reviewed the application. Based on the number of dogs, the size of dogs, the breed of dogs, and the number of complaints a public hearing is needed.

Staff is not making a recommendation concerning this application. However, if the Planning Commission approves the application of file number 7C13 if should be based on the above stated findings of fact and contingent on input of the neighborhood residents in regards to the conditional use with the following conditions:

1) That the use is compliant with all requirements of applicable reviewing agencies.

2) Conditional Use Permit is subject to review upon substantiated and unresolved complaints. Complaints which cannot be resolved by staff or

West Valley Animal Services personnel may be grounds for permit revocation.

3) The applicant needs to comply with all requirements that are applicable under chapter 8 (animal permit regulations). All dogs need to be licensed and immunized.

4) That the perimeter fence is maintained and secured.

5) Unless supervised and on a leash the dogs must be contained on the subject property.

6) If any dogs are found to be running at large the Nonadministrative Conditional Use Permit is subject to review and/or revocation.

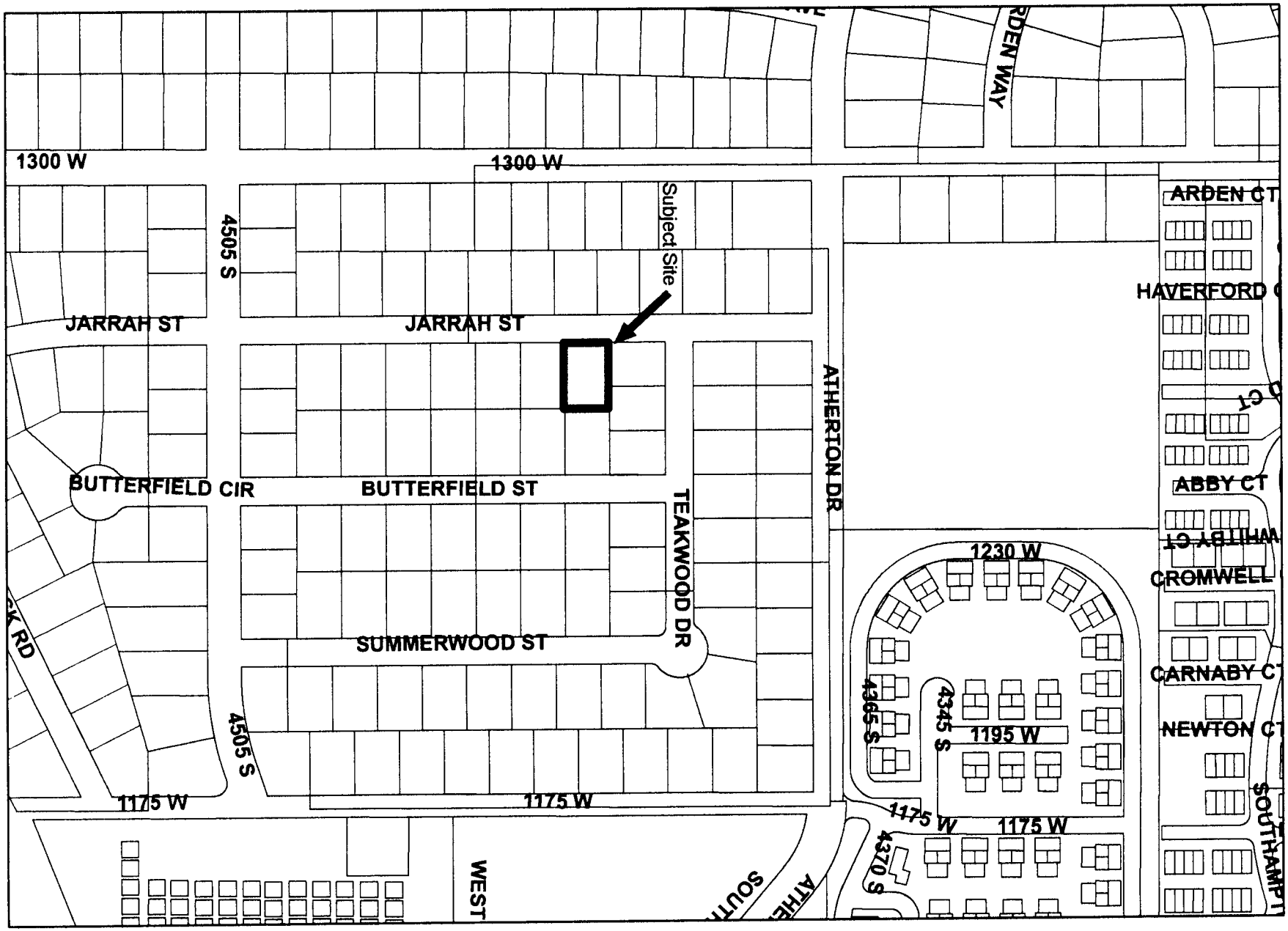
7) To keep dog barking to a minimum.

| ***Additional Conditions:*** | |
|---|---|
| | |
| | |
| | |

**Reviewed By:**

☐ Department Director

☑ Principal Planner Michael J Meldrum


1300 W
1300 W
4505 S
Subject Site
JARRAH ST
JARRAH ST
BUTTERFIELD CIR
BUTTERFIELD ST
TEAKWOOD DR
SUMMERWOOD ST
4505 S
1175 W
1175 W
WEST
ATHERTON DR
1230 W
4365 S
4345 S
1195 W
1175 W
1175 W
4370 S
ARDEN CT
HAVERFORD
ABBY CT
CROMWELL
CARNABY CT
NEWTON CT

# City of Taylorsville

Community Development Department
2600 West Taylorsville Boulevard
Taylorsville, Utah 84118
Phone: (801) 963-5400 Fax: (801) 963-7891


# CONDITIONAL ANIMAL PERMIT APPLICATION

**PLEASE COMPLETE BOTH SIDES OF APPLICATION**

**Type of Conditional Animal Permit Application:**

☒ **Hobby Permit** ☐ **Fancier's Permit** ☐ **Foster Permit**

☐ **Exotic Animal Permit** ☐ **Dangerous Animal Permit**

Subject Property Address: 4425 S Jarrah St

Parcel Area: _____ Current Use: _____

Parcel Identification (or Sidwell) Number: _____

Applicant Name: Jason Wilcox

Mailing Address: 4425 S Jarrah St

City, State, Zip: Taylorsville, Ut 84123

Daytime Phone #: 801-613-8396 Fax #: 866-438-5276

E-mail: jason@jasonsays.com

Business Name (if applicable): _____

Property Owners Name (if different): Guy and Sue Wilcox

Mailing Address: 2091 W Park Ave #316

City, State, Zip: Riverton, Utah 84065

Daytime Phone #: 801-631-4967 Fax #: _____

AHPR-3-13-455

**Office Use Only** 7C13

FILING NUMBER: ~~6C13~~

FILING FEE: $50.00

DATE ACCEPTED: 3/8/13

ACCEPTED BY: DSU

RECEIPT NUMBER: _____

ZONING CLASSIFICATION: R-1-8

MEETING DATE(S): _____

Application Approved: ☐ yes ☐ no
Conditions: ☐ yes ☐ no

☐ Chair, Planning Commission
☐ Director, Community Development

Describe your request in detail (use additional paper if necessary): _____

See attached sheet

July 10 2013

Authorized Signature: Jason L Wilcox Date: 3-8-2013

Note: Obtaining Planning Commission conditional use approval does not eliminate the necessity for obtaining other applicable approvals or permits (i.e. Salt Lake County Animal Services, Salt Lake County Health Department, pet license, etc.). Please contact the City of Taylorsville Planning Department regarding additional required permits or agency approvals.

## FOR YOUR INFORMATION...

For more information regarding zoning ordinances and the conditional use permit process, please refer to ***Taylorsville Information Form N-2 Conditional Animal Permits*** available from the City of Taylorsville Planning and Zoning Department or the Community Development Department counter at Taylorsville City Hall.

Dan,

I am writing today to appeal the decision by the Taylorsville City Planning Commission regarding my application for a hobby permit 7C13. While two of these dogs have been with us since we moved into the property 18 months ago, three additional dogs came to live with us between October 2012 and January 2013 when my sister in law came to live with us. These dogs are not just pets but part of a family and an integral part of my sister in laws support system since moving back to SLC, having a premature baby, and dealing with the aftermath of a six year abusive relationship.

While the planning commission did get some complaints during to our application, no one showed up to the public hearing to voice any concerns. And those complaints that were recieved, while I cannot discount completely as no one is home 24x7 can easily be explained by other items. The dog barking complaint is not our dog, but instead a dog in the property directly east of us, our dogs are primarily indoor dogs. Yes they have accesss to our fully secured back yard via a dog door, they are rarely outside, and never outside at night, they sleep in the bedrooms of various family members. And the complaints about dog feces and odor can be attributed to the house to the north of us which has numerous cats and this sprint had dead rotting cats in her yard. But to address that concern if it was at all valid we have contracted with a third party to come by the house twice a week specifically to look for and pick up any dog feces in the yard, in addition to the once a week they were already doing as part of lawn care. As a note on that, there were 15 piles of feces picked up in our front yard this last week all attributable to cats coming over the neighbors fence.

I would also like to point out that West Valley City animal control has recommended approval, and they did so as the only people that actually came and investigated the situation.

As I stated these dogs are part of our family and are treated as such. Beyond the normal care of these animals (Feeding, grooming, playing) they are all current on their immunizations, sterilization, and well animal checkups at the vet. Besides the exercise they get in our large and fully secured back yard they are also walked regularly by all members of our family (Ok not the newborn, but he comes along for the ride), participate in family outings, participate in family pictures, and provide a sense of security and safety for my family when I am away on business.

Now I know that 5 dogs sounds like a lot, and at times I will admit it certainly is. But those times are the exception and are rare. If you come to my door you will hear them all go nuts as any dog does when he hears a doorbell, but you will also quickly hear how when told to goto their rooms they do so quickly. If you were to come out back and watch them in the yard, you would see and the figurative mother, Maizy, resting in the grass watching as the other dogs play. You would see the blacksheep of the family, Roxie, worry about how the others are playing and eventually go into the house and do

her own thing. You would see the three younger kids; Rossco, Letti, and Axill playing tug together on whatever piece of robe they found or wrestling in the grass, or just romping around having fun. Take a knee and Rossco will stop what he's doing, come over to you, put his front paws around your neck and snuggle in with his nose giving you an honest to goodness hug.

I invite you all to come over and see just this, see that this isn't a lot of dogs, but instead a diverse family brought together by circumstances.

I am not asking for Cart Blanche here, I understand people have concerns. And I am more than willing to live with the conditions set forth by staff report, and other reasonable conditions as they are set forth. If you want to try it as temporary and see how things go, lets do so, if you want more than an annual inspection, I'm more than willing to reimburse the city for additional inspections. I am simply asking that you not break up a family, especially when this isn't a permanent living arrangement for them in the first place. If we are forced to give up the dogs, when my sister in law does move out, she may never be able to get them back.

Thank you

Jason Wilcox

5.1 **Mr. Udall** presented this item. The applicant has requested a conditional use permit for an animal hobby permit to allow five dogs on property located at 4425 South Jarrah Street. The applicant is requesting a German Shepherd mix, Collie-Labrador mix, Bassett Hound mix, American Staffordshire Terrier and a Boxer mix. The dogs are currently on the property. The dogs are indoors approximately 90 percent of the time. The applicant stated that a family member recently moved into the single-family home and brought three dogs with her. The family member is planning to live in the home for approximately two years. On March 1, 2013, West Valley Animal Services received a complaint in regards to dogs barking and too many dogs on the property. The applicant was informed by West Valley Animal Services to obtain an Animal Hobby Permit through the City of Taylorsville. The applicant has submitted an administrative conditional use animal hobby permit application to the Community Development Director to be able to have five dogs on the property. If the application is approved, West Valley City Animal Services will conduct an on-site inspection prior to approving a hobby permit application, and will conduct an annual on-site inspection following permit issuance. Staff received the following complaints in regards to the applicant having five dogs: Three complaints in regards to dog feces and odor, two complaints with too any dogs on the property and one complaint in regards to dogs barking. **Mr. Udall** advised there had been a fence in disrepair, which has subsequently been repaired by the home owner.

5.2 Findings of Fact: Staff finds the following findings of fact regarding File 7C13:

- That the applicant is proposing an animal hobby permit for five dogs.
- That the animal hobby permit is an administrative conditional use.
- That west Valley Animal Services received a complaint that dogs were barking and there were too many dogs on the subject property.
- City Staff has received three complaints in regards to dog feces and odor, two complaints with too many dogs on the property and one complaint in regards to dogs barking.

5.3 The Community Development Director has reviewed the application. Based on the number of dogs, the size of dogs, the breed of dogs, and the number of complaints, he felt a public hearing was needed. Staff is not making a recommendation concerning this application. However, if the Planning Commission approves the application of File #7C13, it should be based on the above stated findings of fact and contingent on input of the neighborhood residents in regards to the conditional use with the following conditions:

5.3.1 That the use is compliant with all requirements of applicable reviewing agencies.

5.3.2 Conditional Use Permit is subject to review upon substantiated and unresolved complaints. Complaints which cannot be resoled by

Staff or West Valley Animal Services personnel may be grounds for permit revocation.

5.3.3 The applicant needs to comply with all requirements that are applicable under Chapter 8 (Animal Permit Regulations). All dogs need to be licensed and immunized.

5.3.4 That the perimeter fence is maintained and secured.

5.3.5 Unless supervised and on a leash, the dogs must be contained on the subject property.

5.3.6 If any dogs are found to be running at large, the Non-administrative Conditional Use Permit is subject to review and/or revocation.

5.3.7 To keep dog barking to a minimum.

7:21

5.4 **APPLICANT ADDRESS**: **Jason Wilcox** was present. **Commissioner Cochran** asked what the square footage of the home was. **Mr. Wilcox** said he believed it was 2,200 square feet. **Commissioner Barbieri** asked if he was aware of some of the complaints. **Mr. Wilcox** advised he was aware of one complaint, which was barking and too many dogs, which was made by a neighbor north of his front yard. The way the yard is situated, the back of her house and another one face the front of his. **Mr. Wilcox** advised that one neighbor had complaints but none of the other neighbors expressed concern. That he had actually talked to all the neighbors surrounding him directly before submitted this application. The only concern expressed by any of them was the one neighbor on the back north side of his property where the dogs had actually broken through his fence chasing a stray cat. **Mr. Wilcox** talked to that particular neighbor weeks before about replacing that fence. The hole was repaired immediately, however. The replacement for the fence is still being discussed between him and his neighbor. He continued on to say that the dogs are indoors most of the time. The barking that most people would hear is being attributed to his dogs but the offending animals are actually in the house directly east of his home – that dog literally barks 24 hours a day. He said that his dogs don't bark that often and that usually only occurs when somebody comes to the door. As far as feces and odor are concerned, he volunteered that he would not say that it could not have been his yard but that it is picked up almost everyday and taken care. Since receiving that report, he has hired a crew to come over twice a week to police his back yard, including picked up feces. **Commissioner Fink** commented that if the Commission does approve this, the approval only follows these five dogs, so if one should die, the approval for that goes away and applicant must reapply for the fifth dog again. **Commissioner Cochran** asked if any of the dogs have history of being rough with kids or biting, etc. due to the fact that they are good sized dogs. **Mr. Wilcox** said that the only one that has ever bitten anybody is Roxie, who is the Shepherd Collie mix wherein she bit Mr. Wilcox's daughter shortly after they picked her up from the Humane Society, which was six years ago. **Commissioner Barbieri** added that when she went by the Wilcox home, she noticed that there was an old couch and dish washer, and bags of

garbage in the driveway and wanted to know when those would be properly removed from the site. **Mr. Wilcox** said that they actually should be gone by the upcoming Saturday. **Commissioner Cochran** said that Staff Condition #6 states that if any dogs are found to be running at large, the Nonadministrative Conditional Use Permit is subject to review and/or revocation. He asked the applicant if the yard was secure enough that a dog of that size would not be able to get out and did he read that specific Staff condition? **Mr. Wilcox** said that he did read that and would say with only that one caveat that the fence on the north side, which is 30 years old, could possibly go down. That is the fence he and his neighbor are trying to get bids for doing the replacement. **Commissioner Kehl** said that he understood that Mr. Wilcox had two dogs that were his own and another family moved in which had three more dogs. **Mr. Wilcox** said that his sister-in-law moved in with them with one dog to get away from a very bad situation, being seven months pregnant. Subsequently she had the baby two months premature and found that her ex-husband was not taking care of the other dogs and it was necessary for his family to go rescue those two dogs.

5.5 **SPEAKING**: No one came forward.

5.6 **DISCUSSION**: **Commissioner Kehl** said he was opposed to have that many animals in that neighborhood considering the condition of the surrounding yard. However, the citizens that did the complaining are not present this evening. Therefore, he leaned towards giving them the opportunity to clean up the yard and run the dogs properly.

5.7 **MOTION**: **Commissioner Kehl** said he would make a motion in light of what he previously stated that the Commission denies the application. **Commissioner Faurschou** advised he felt the same way as Commissioner Kehl in that he did not have a problem with families having five dogs but they must demonstrate responsibility of taking care of them and cleaning up after them and the surrounding area well maintained as well. With that he **SECONDED** the motion.

**DISCUSSION**: **Commissioner Fink** wanted to know if this could be tabled for like six months and have them come back? **Mr. Meldrum** said that would not be the proper way to do this. In that case, the Commission is tacitly giving approval by not taking any action. **Commissioner Fazzini** wanted to know if the Commission denies this then they have the right to appeal it to the City Council. **Mr. Meldrum** advised that was correct, ten days from the date of the decision to file a request.

**VOTE**: **Commissioner Barbieri** said there is a motion to deny this request and there was a second. All in favor signify by saying AYE. The motion passes unanimously.