

**TAYLORSVILLE CITY COUNCIL
AGENDA ITEM SUMMARY**

MEETING DATE: JULY 20, 2011

AGENDA ITEM:

Request for an appeal of a Conditional Use Permit denial for an animal hobby permit on property located at 5794 South Carranza Drive

PRESENTER: MARK MCGRATH

AUTHOR: DAN UDALL

ISSUE SUMMARY:

On June 14, 2011 the Planning Commission denied a Conditional Use Permit (Animal Hobby) application for four dogs. Due to the lack of a positive motion, the Planning Commission denied the permit by default. The subject property is located at 5794 South Carranza Drive. The applicant is requesting an English Mastiff, Border Collie, Heeler Australian Shepherd mix and a Chinese Crested.

The applicant has submitted a letter appealing the Planning Commission decision to deny the Conditional Use Permit (Animal Hobby) application. The letter is attached with this report.

Initially in May 2011, West Valley Animal Services received a complaint of too many dogs on the subject property. The applicant was informed by Animal Services to obtain an animal hobby permit. After the applicant submitted the animal hobby permit application staff received complaint letters from two couples in the neighborhood. One woman submitted two letters. These letters were submitted to the Planning Commission and they are also enclosed with this report. Staff also received a complaint on the phone in regards to the application. The letters and phone call that were received include complaints of barking, not taking care of the dogs, and odor of animal excretion. No neighbors attended the Planning Commission meeting on June 14, 2011.

Staff has included a copy of the Planning Commission staff report and the minutes with the motion from the June 14, 2011 Planning Commission meeting for review by the City Council.

Based on ordinance, the city council must take one of three courses of action regarding this appeal. They are the following:

- 1) Reaffirm the Planning Commission decision;**
- 2) Remand the matter to the Planning Commission for further consideration; or,**
- 3) Agree to hear the appeal and set a date for a public hearing meeting.**

If the City Council chooses option 3 then Section 13.50.120 of the Zoning Ordinance requires that the Planning Commission be notified of the date of review, in writing, at least 14 days preceding that date.

CITY ATTORNEY: N/A

PASSED AND APPROVED this ___ day of July 2011.

TAYLORSVILLE CITY COUNCIL

By: _____
Jerry W. Rechtenbach, Council Chair

VOTING:

Dama Barbour	Yea ___ Nay ___
D.L. "Bud" Catlin	Yea ___ Nay ___
Larry Johnson	Yea ___ Nay ___
Morris K. Pratt	Yea ___ Nay ___
Jerry W. Rechtenbach	Yea ___ Nay ___

PRESENTED to the Mayor of the City of Taylorsville for approval this ___ day of July 2011

APPROVED this ___ day of July 2011.

Russ Wall, Mayor

ATTEST:

Cheryl Peacock Cottle, Recorder

DEPOSITED in the Recorder's office this ___ day of July 2011.

POSTED this ___ day of July 2011.

06/20/11

RECEIVED
JUN 24 2011
City of Taylorsville

To whom this may concern,

My name is Jessica Smith. I had applied for a hobby permit in the city of Taylorsville. I went before the planning commission on 5/24/11, case number 19C11, to have my application voted upon. Due to two neighbors submitting letters my application was denied. I am writing this letter to appeal that decision. Two of the letters that were received, were from the same household. One of the other letters that was received was a letter that same neighbor had sent me two weeks after I moved back into the area. The fourth letter that was received was a letter from the neighbor next to the one with the original complaint. The complaints from that neighbor seem to be unrealistic, being how there is a six-foot high cement wall with large trees against it.

I am appealing this decision because I don't agree with the complaints. The complaints being that, the dogs are outside during the day, Barking, and not taking care of them. On the first note, it is not against any law or nor is it animal cruelty to let a dog be outside when they have shelter and water at all times. My dogs are brought in every night and sleep in my bed for that matter. On to the second note, as far as the barking goes, it is one dog that is causing the acclaimed commotion. That dog has been being kept inside, except to potty, until a bark collar can be purchased. To the third note, of taking care of my animals, I have held a valid USDA Animal Welfare License for the last 8 years. I have worked as a veterinary technician at one of the top veterinary clinics in the state for the last 4 years. I feel that I am very capable of understanding animal's needs. I have three children whom play with the dogs in the backyard daily.

All that I am asking is be able to keep my dogs and want to be in proper compliance with all ordinances. Please consider the fact that 3 of the letters are from a neighbor whom other neighbors in the area have had problems with. This is a battle of one word against another. I just want to be able to have and enjoy my dogs.

Thank you for your time

Sincerely,

Jessica Smith

Kathy Withers
5785 Bennion Drive, Taylorsville, UT 84118
(801) 968-6279

June 8, 2011

To Whom It May Concern,

Yesterday we received a letter in the mail from Dan Udall, City Planner, informing us that an application had been made by our neighbor, Jessica Smith (Filing #19C11), proposing an Animal Hobby Period for four dogs on her property located at 5794 South Carranza Drive.

In the 32 years that our family has lived in the same home in Taylorsville, we have never encountered such a disgusting problem as we have had with Jessica's four dogs. Since the time she moved into this home, her four dogs have been a neighborhood nuisance. These dogs bark incessantly, especially when we try to use our back yard. From the moment we open our back sliding door or come from the front yard to the back yard, the dogs start to bark. We can't enjoy our back yard because of their annoying barking, and now that summer is upon us, the stench that travels from their back yard to ours is unbearable. The entire south end of our yard, where we have our patio, is filled with the odor of animal excretion. The smell cannot be tolerated! Besides the four dogs living at this address, there have also been sightings of two or more additional dogs in this yard!

During the winter months, three of the dogs lived outside in the bitter cold. With the severe weather we experience in Utah during the winter season, these poor dogs would follow the sun until they could no longer use it for warmth, then they would howl and bark without anyone recognizing their pleas for help. Although these dogs are an absolute nuisance, I could not stand to see them neglected and left out in the cold. Even trying to enjoy a television program became near impossible for us because of their distracting howls. Shame on owners who do not take good care of their pets!

I have yet to see how these neglected animals are a "hobby" for anyone! When dogs are left outside without proper shelter—or even a blanket—who can blame them for barking?? Living in a neighborhood means trying to get along with your neighbors and making efforts to keep the peace. We choose not to have pets, therefore, we resent having the pets that others choose to have imposed on us.

Perhaps more thought and consideration should have been given to these four dogs before they were brought to a confined space to live. They do not appear to be happy in their surroundings, and they are making it so that we are not happy with their situation either. We would appreciate a congenial resolution to this dilemma.

Sincerely,

Kathy Withers

Mrs. Kathy Withers

Brian and Kathy Withers
5785 Bennion Drive, Taylorsville, UT 84118
(801) 968-6279

June 8, 2011

Mr. Michael Meldrum, City Planner
Mr. Dan Udall, City Planner

Gentlemen:

We received your letter in yesterday's mail regarding an application that has been made by our neighbor, Jessica Smith (Filing #19C11), proposing an Animal Hobby permit for four dogs on her rented property located at 5794 South Carranza Drive.

My family and I have lived in the same Taylorsville home for nearly 33 years. In that time, we have never encountered such a dog nuisance problem as we have had with Jessica's four dogs. From the time she moved into this home, her four dogs have been barking daily, disturbing the neighborhood peace. When we try to use our back yard—whether it be yard work, gardening, eating, or playing—the dogs bark. Now that summer is nearly here, our back yard smells bad every day because of the animals' waste production. It's not exactly appealing to try to eat a meal from the barbecue when the reigning smell is coming from the neighbor's multiple dogs.

We also noticed that at least three of the dogs live outside all the time, and in the wintertime they seemed to be very cold. Of course they would howl and bark regularly, probably because they were miserable being outside in the cold weather. The temperatures were frigid at night, and these dogs would spend the winter nights outside as well. Doesn't seem exactly humane for any kind of animal.

What is meant by an "Animal Hobby" permit? For what purposes will she be having the animals—just to *have* them? There doesn't seem to be a whole lot of interaction between the owners and the dogs in this yard. I don't have pets because I don't want pets. I *especially* don't want my neighbors' pets imposing their habits on *my* home and family.

These dogs are a nuisance and are very bothersome to the neighborhood. To have this many dogs, the owners should probably not be renters, and should probably have more space that is not located in a subdivision where neighbors are impacted by barking dogs and their odor.

Sincerely,



Brian G. Withers

June 9, 2011

To the Taylorsville City Council,

My name is Debbie Baty. I am a retired elementary school teacher and a Taylorsville resident of 33 years in August. I reside at 5797 Bennion Drive (which is located directly behind Jessica Smith's house). My husband and I are unable to attend the June 14th City Council meeting but I wish to use this opportunity to register my objections over a "Hobby Animal" permit being granted. First, the care of the 3 outside dogs during the winter appeared negligent. The dogs were left outside on a daily basis in the bitter cold with no blankets or other means of warmth. They were often still outside in the evening hours when the temperatures dropped even further. Second, I am a stay at home grandma and provide child care for my 2 yr. old (and sometimes) my 5 yr. old grandchildren. Their bedrooms face the two properties' adjacent backyards and barking from the 3 outside dogs have awakened them from afternoon naps.

The Smith family moved in during January of this year. Since then, I have made sincere attempts to contact Jessica and work with her on addressing my concerns regarding the care of the 3 outside dogs and their barking. On Wed., Jan. 5th, 2011, at 5:30 p.m., I went to Jessica's house to first voice my concerns about her 3 dogs being left outside in the cold and offered blankets for warmth and to let them inside for shelter while she was gone. She told me that they were still moving in but their kennels would be set up for them that weekend. I never did see them. At this time I also informed her that the dogs' barking was waking up my little ones and asked for their names so I could talk to them through the fence when they barked. However, talking to the dogs only made them more agitated instead of calming them down.

On Fri., Jan. 14th, 2011 at 2:30 p.m., after becoming very uncomfortable from watching the 3 outside dogs' attempts during the day to find warmth in the windy low degree temperatures I found nobody at home when I went to Jessica's house so I left a letter in her mailbox (see attached copy). She responded 6 days later with a defensive phone call on my voicemail telling me that she knows how to take care of her dogs and that she has an FDA approved license.

On Wed., Feb. 2nd, 2011, at 6:00 p.m. I called Jessica on her cell phone and offered to let her 3 outside dogs in. I had been watching them all day trying to find warmth outside in the wind and the single digit temperatures plus they had been barking for most of the day, were still barking at 6:00 p.m., and nobody was home. Jessica told me in an impatient and exasperated voice, "They are dogs. They're fine. I work with animals." I was very disturbed by her apparent lack of compassion for the comfort and welfare of her 3 outside dogs. And I got the distinct impression that my offers to work with her were not welcomed.

On Sat., Feb. 12th, 2011, at 9:15 p.m. I contacted Taylorsville Police and asked for help in getting assistance for Jessica's 3 outside dogs. They had been outside all day in the very low temperatures plus they had been barking most of the day, were still barking at 9:15 p.m., and nobody was home. I was directed to contact West Valley Animal Control (WVAC) on Tues. as Mon. was President's Day and the office was closed.

On Tues., Feb. 22nd, 2011, I sent an email to WVAC outlining my (above) concerns and asked what, if anything, could be done to see what could be provided for Jessica's 3 outside dogs.

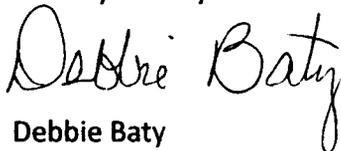
On Thurs., Feb. 24th, 2011, WVAC responded by email and assured me that a welfare check would be done and that I could document barking for 10 days and submit the information to WVAC for further action, if necessary. I also got a phone call from a field officer letting me know he had conducted a welfare check and found the 3 outside dogs 'happy and healthy' along with a shed and doghouse the dogs could use. He advised me that I could document the barking for 10 days and submit the information to WVAC.

Later that day Jessica called to tell me she was 'pissed off' that I had called Animal Control on her and she told me to mind my own business. She said that Animal Control told her she had adequate shelter and that her dogs could stay outside all night if she wanted because of their breeds. She also said that her brother, (Trevor), a Taylorsville police officer told her she could press charges against me for 'harassment' but she was choosing not to do that 'at this time.'

Jessica invited me to document her dogs' barking for 10 days and give her a copy of it. (I started to but after writing down the first few incidences the first day I decided that I didn't wish to spend my time listening for and recording the dogs and their barking, and would rather spend my time with my grandchildren.) We ended the conversation with an agreement that I could call Jessica on her cell phone when the dogs' barking becomes unbearable. However, I no longer make attempts to contact Jessica.

I appreciate this opportunity to make public my objections of a "Hobby Animal" permit. The permit application lists the 4 dogs that currently reside at the residence but I am convinced there are other dogs in Jessica's and her family's possession as they make occasional appearances. I wonder if this permit would also allow the other dogs to make their visits permanent?

Thank you for your consideration in this matter.



Debbie Baty

(801)969-8358

Friday, Jan. 14, 2011

2:30 p.m.

I just knocked on your door to talk to you but found nobody at home so I am writing this letter in a second attempt to ask for your help. Please provide shelter for your 3 outside dogs. You indicated that you would have kennels for them last weekend but the dogs have still nowhere to find warmth. As I type this Sky is huddled against the fenced curled in a ball with her nose burrowed in the snow and Titus is curled in a ball on the snow, also. My heart goes out to these poor animals and their discomfort makes me very uncomfortable.

I appreciate your attempts to keeping the barking at a minimum during the day this week when you have been home. However, when you are not home the dogs continue their barking and disrupt my little ones' naps. My husband occasionally works from home and finds the barking distracting while conducting business and especially during work phone calls.

Please find a way to control your dogs' barking and provide shelter and warmth for them. As I suggested last week, perhaps you could leave your garage back door open and leave blankets, rugs, etc. for the dogs to lay on instead of the hard ground. If you need extra blankets, I would be happy to provide them for you. I cannot continue to witness these dogs suffering and listen to their barking.

Debbie Baty

801-969-8358

June 9, 2011

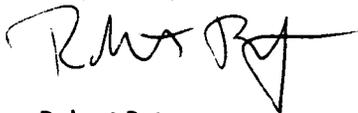
Taylorsville City Council,

My name is Robert Baty and I reside at 5797 Bennion Drive. I am writing to state my opposition to the application for an "Animal Hobby Permit" Filing #19C11, submitted by Jessica Smith. Our properties are adjacent and her four dogs deny me the right to enjoy my backyard. They are left out for extended periods of time during which they bark continuously whenever I am in my backyard. They are not well cared for inasmuch as they are left out regardless of the weather and their backyard is not cleaned on a regular basis which leads to a very unpleasant odor emanating from the yard.

In the event that this application is approved I would like Taylorsville City to explain to me what my rights are and what steps they are going to take to ensure that my rights are protected. Will the City respond to excessive noise complaints? Will the City respond to complaints of the animals being ill treated by being left outside during inclement weather? And finally, will the City respond to complaints generated by the continued failure to clean up behind these dogs? My concern is that Taylorsville City will issue this permit and when a complaint is filed the City is going to tell us that we have to direct our complaints to West Valley City as they handle Animal Control issues. This is the instruction we were given when we tried to address this issue in the past. If this is the case then West Valley should be a party to this decision.

Thank you for the notification of this Hearing. Unfortunately, I am not able to attend in person. Please accept this letter as my firm opposition to the granting of this permit as I believe it is not in the best interest of the dogs or our neighborhood.

Respectfully,

A handwritten signature in black ink, appearing to read "Robert Baty", with a stylized flourish at the end.

Robert Baty

19:32:19

6.1 **Mr. Udall** presented this application. The applicant is requesting a conditional use permit for an animal hobby permit for four dogs on her property. The applicant is requesting to have an English Mastiff, Border Collie, Heeler Australian Shepherd mix and a Chinese Crested. The applicant lives on an 8,076 square foot lot in a single-family home. There is a 6' high chain link fence surrounding the entire rear yard. The property is located in an R-1-8 zone and is surrounded by other lots zoned R-1-8. Animals spend 50/50 time out and indoors. The Chinese Crested is more. Complaint from Animal Services received from neighbors. 19:34:26 5 letters of complaint total. Received one phone call opposing this.

Findings of Fact:

1. That the applicant is proposing an animal hobby permit for four dogs.
2. That the animal hobby permit is a conditional use.
3. Currently there are four dogs located on the property.
4. There was one response by animal control to the property
5. One complaint of barking, lack of care and odor of animal excretion has been received by Staff.

Staff is recommending approval of preliminary conditional use application 17C10 with the following conditions:

1. Receive approval from and remain compliant with all 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. Property violations (if any) must be resolved prior to issuance of an animal hobby permit.
4. The applicant needs to comply with all requirements that are applicable under Chapter 8 (animal permit regulations). All dogs need to be licensed.
5. That the perimeter fence is maintained and secured.

Dale asked Dan where the complainants lived in reference to 19:36:21 Dan - 8,000 Square Feet - 19:36:32

6.2 **APPLICANT ADDRESS:** Jessica Smith, Carranza Drive. 19:37:33 From the time I moved in the neighbor complained. Animal control has been out 3 to 4 times. Told me everything was fine. 19:38:11 I take good care of my dogs. Work at a Veterinary Clinic. I clean my backyard daily. 19:38:56 She explained to her neighbors Garl - So these dogs have access all day. Her - The dogs would rather be outside. They have a shed to go into when necessary and under the patio. Jessica - Most barking occurs when another dog walks by the fence. She is home most of the time now. Dale asked if the neighbors have any dogs and if they bark. 19:42:38 Steve - I live in the neighborhood. A lot of dogs in the neighborhood. I am concerned about the barking of your dogs. 19:44:48

Open up to the public. (Dale did) Closed the public hearing.

6.3 **DISCUSSION:** Ted - 19:46:40 Explained the hobby permit. Jessica has achieved the portion of taking care of the animals appropriately. (Type what he said). Garl - The Hobby Permit applies to only these dogs. 19:48:35 Mike recommended that be added as #6. Burgess - On the shed where they go into. Is it warmer than outside. Jessica - When it gets below zero they are always inside. Dan - Shed - can modify the door. 19:50:48 Jessica - Every night they are inside. Garl - Come to us with no complaints - no feces, parking issues. If he made the motion it would be to deny.. Mike - 19:53:53 WVC Animal Services 19:54:19 Mike explained - 19:55:03 Dale - Where is her appeal if denied. Mike - To the CC. Fazzini - If we deny it, can she have the four dogs. 19:57:00 (Listen) The neighbor's house directly in the back. Jessica - 19:57:59 The one who complains has two Boxers. Garl - Can we but this on hold for a few months to allow WVC Animal Services to patrol more often. Dan - Could approve this and automatically have it come back to us in a set number of months. Mike - That would be my recommendation. Dale - You recommend approval in the Staff Report. Mike - Dan wrote it. 20:00:29 Since that time we have received four additional letters of complaint.

6.4 **SPEAKING:** None.

6.5 **MOTION:** Commissioner Ted. 20:01:10 - I would like to make a motion to approve File #19C11 based on the Findings of Fact and the input from the applicant here this evening. I would like to point out first of all that what we have received in the way of a call and a couple of letters, however, no one is here tonight to speak and that for me speaks volumes. I would like to make a recommendation for approval with five conditions that are currently listed and I would like to make a change to #4 so that it reads, "The applicant needs to comply with all requirements that are applicable under chapter 8, including shelter, food, water and sanitary conditions and all dogs need to be licensed. Then add #6 as just a reminder that this applies to the four dogs in the application and when one of the animals passes away or moves to a new location that it applies to the three. If you then want another one, you can come back here and get another permit. Commissioner Kehl asked Commissioner Jensen to restate the additions. Commissioner - #6 that this applies to the four animals alluded to in the staff report. 20:01:47

SECOND: Commissioner Burgess

DISCUSSION: Commissioner Fazzini 20:02:52 - Mr. Chair. Would you entertain adding the language to have them come back automatically in a time frame. Commissioner Jensen - I personally think that "reviewable upon

substantiated and unresolved complaints" is sufficient. If anyone complains after today, it will go to Animal Control and I have met and talked with the people in the Animal Control Department during previous actions within the City and know that they can be tough but also be fair. Commissioner Kehl - Then the motion stands as presented.

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurschou	NAY	Fink	NAY	Burgess	AYE
Jensen	AYE	Barbieri	Excused	Kehl	Chair
Overson	NAY	Fink	NAY	Fazzini	NAY
Motion fails 4 to 2.					

Nay, Nay, Nay, Yes, Nay, Yes

Commissioner Kehl called for a revision of the motion or a new motion.

MOTION: Commissioner Fazzini 20:05:18 I would like to make a motion to add to Commissioner Jensen's motion that this be reviewed by the Commission after three months and if someone can give us the correct date for that meeting, we can include it in the motion. Commissioner Overson advised that September 13th was the second Tuesday in September. Commissioner Fazzini - So then for the regular meeting on September 13th, 2011. 20:05:44 Commissioner Faurschou - For clarification, so during that three month period we will monitor any complaints through West Valley Animal Services. Mr. Meldrum - correct. Commissioner Faurschou - Neighbors complaining . . . Mr. Meldrum - Any type of complaints, regardless of how they are generated will be monitored. Commissioner Fazzini - Will this be re-noticed or is that essentially happening now? Mr. Meldrum - We would probably re-notice on something like that where it is that far out even though a specific date has been given. Commissioner Kehl - There are two things that have come up here. The original motion said that there is already enough information given in the approval and the second one has been added to it is that it has an automatic review in 90 days. Commissioner Fazzini - I added it but I don't think was part of that. We have Findings of Fact. I asked the question about adding that and he felt that there was enough under substantiated complaint. That can still happen before the 90 days. I think it is safe to have both of them in there. I don't see a conflict having both in there. Commissioner Kehl - so we are discussing Commissioner Fazzini's motion. Commissioner Burgess - Can we have the motion repeated one more time? Commissioner Kehl - Just the part that he is adding or the whole thing? Commissioner Fazzini - Just to follow Commissioner Jensen's motion. Basically make a motion based on the Findings of Fact, testimony and letters that we have today, that we accept the Findings of Facts 1 through 5, (I believe Commissioner Jensen said 1 through 4) but it is 5. Add #6 that all health and safety issues are taken care of. #7 that this application only refers to these four dogs and application and #8 that we come back in a meeting on the date and time listed earlier which is September 13th, 2011 for a review. 20:08:09 Commissioner Jensen - It is #4 because it applies to the requirements of Chapter 8.

SECOND: Commissioner Jensen.

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurschou	NAY	Fink	NAY	Burgess	AYE
Jensen	AYE	Barbieri	Excused	Kehl (Tie Breaker)	Chair NAY
Overson	NAY	Fazzini	AYE		
Motion was 3 to 3 Tie Breaker by Commissioner Kehl was Nay - Motion Fails)					

Tie must be broken by the Chair. Commissioner Kehl - 20:10:10 I go back to what Commissioner Jensen explained in the beginning as to the purpose for a Animal Hobby permit and my concern is more for the neighbors and the complaints that have not been satisfied so I vote NAY. So the motion fails. Final Vote was 4 to 3 - Motion was denied.

DISCUSSION: Commissioner Fazzini - I have a point of order question. What happens if we don't do anything. It is a denial by default, right and she can appeal it to the City Council? Mr. Meldrum - In essence you have denied it with the two votes taken. Commissioner Overson - Can we clarify for the applicant what her role now is? Mr. Meldrum - Sure, the appeal must be filed within ten business days of today. That would be filed in writing, working with Mr. Udall on Staff to get that application filed and then that will be heard by the City Council at their next available business meeting. Commissioner Jensen - Also, Mr. Chair, the main reason why I turned down the amendment in the first place was because I see that as arbitrary and capricious because we have never had an animal permit before where we have changed the time limit on them. That is something we have never done before and I feel that when that comes up, that will be a big thing in turning over turning the decision because we are playing favorites and it is also important for me to note that there is nobody else here tonight. So those two things to me tell me that she deserves a chance and the neighbors have their substantiated and unresolved complaint route if there is a problem and I hope they don't. Commissioner Kehl - Okay, let's see if there is another motion to be made. If not, we need to instruct her on her appeal process to the City Council. (No response) Okay, would you (Staff) instruct her on her procedures to get to the City Council and to tell who her representative is. Mr. Meldrum - Yes. Her representative on the City Council is Dama Barbour. The applicant does not need to contact Council Member Barbour necessarily because she would file that directly with Staff and we would prepare the report to go to City Council. Commissioner Kehl - I am making a statement that I think it is important for her to go to the person who represents her on the Council. I know that she doesn't have to do it as part of the process. Mr. Meldrum - Okay. Her name is Dama Barbour. I will have Mr. Udall call you in the morning with that information and you can contact her to let her be aware that you are going to be filing an appeal if that is what you choose to do. Staff will also send the applicant a letter detailing what the discussion was at this meeting and Mr. Udall will send that tomorrow. Commissioner Kehl - In the meantime while this appeal is going on, you assume the same status as you are at right now. My suggestion would be that you address all these things to make sure it is as clean as possible and there is no reason why the City Council can't take a different look at it. 20:15:53

Planning Commission Staff Report

File # 19C11
Animal Hobby Permit
5794 South Carranza
Drive



City of Taylorsville
Department of Community Development

Date:	June 6, 2011
Meeting Date:	June 14, 2011
Agenda Item:	Animal Hobby Permit
Subject Property Address:	5794 South Carranza Drive
Applicant:	Jessica Smith
Applicant Agent:	
Author:	Dan Udall
Zoning designation:	R-1-8
Parcel #:	21-16-154-026
Applicable Ordinances:	Chapter 8
Public Notice:	Yes
Agenda item #:	6

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

Summary: The applicant has requested a conditional use permit for an animal hobby permit to allow 4 dogs on property located at 5794 South Carranza Drive. The applicant is requesting an English Mastiff, Border Collie, Heeler Australian Shepherd mix and a Chinese Crested. The applicant has stated that the animals spend their time 50 percent indoors and 50 percent outdoors, except the Chinese Crested is indoors approximately 90 percent of the time.

In May 2011, Animal Services received a complaint of too many dogs on the subject property. The applicant was informed by Animal Services to obtain an animal hobby permit through the City of Taylorsville. The applicant submitted an animal hobby permit to the Planning Commission to be able to license the dogs on the property.

Analysis: The applicant lives on an 8,076 square foot lot and in a single-family home. There is a 6' high 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 by the applicant in regards to the four dogs.

NAME	BREED	SEX	AGE	WEIGHT	STERILIZATION	IMMUNIZATION	LICENSED
Titus	English Mastiff	M	3 years	160	Yes	Yes	Yes
Jasman	Border Collie	F	8 years	30	Yes	Yes	Yes
Sky	Heeler Australian Shepherd Mix	F	7 years	30	Yes	Yes	Yes
Elash	Chinese Crested	M	5 years	10	Yes	Yes	Yes

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 desires the Planning Commission to consider any public input. Staff received one complaint from the public in regards to barking, not taking care of the dogs, and odor of animal excretion at press time (see enclosed letter).

Other Agencies/Departments: West Valley Animal Services is okay with 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 19C11:

1. That the applicant is proposing an animal hobby permit for four dogs.
2. That the animal hobby permit is a conditional use.
3. Currently there are four dogs located on the property.
4. There was one response by animal control to the property.
5. One complaint of barking, lack of care, and odor of animal excretion has been received by staff at press time.

<i>Additional Findings:</i>	

Discussion Points:

- Is this animal hobby permit appropriate at the above location?
- Will there be any barking issues with the dogs?
- Are there too many dogs on the property?
- Are the dogs being cared for?
- Is the applicant cleaning up after the dogs?

Staff Recommendation: *Staff recommends approval of file number 19C11 based on the findings of fact and contingent on input of the neighborhood residents in regards to the conditional use with the following conditions:*

- 1) Receive approval from and remain compliant with all 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) Property violations (if any) must be resolved prior to issuance of an animal hobby permit.

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

5) That the perimeter fence is maintained and secured.

Additional Conditions:	

Reviewed By:

- Department Director MEM
- Principal Planner _____

City of Taylorsville

Community Development Department
2600 West Taylorsville Boulevard
Taylorsville, Utah 84118
Phone: (801) 963-5400 Fax: (801) 955-2052



CONDITIONAL ANIMAL PERMIT APPLICATION

PLEASE COMPLETE BOTH SIDES OF APPLICATION

Type of Conditional Animal Permit Application:

- Hobby Permit Fancier's Permit Dangerous Animal Permit
 Exotic Animal Permit Foster Permit Backyard Chicken Permit

Subject Property Address: 5794 Carranza Dr.

Parcel Area: Back Current Use: Dogs/Kids

Parcel Identification (or Sidwell) Number: _____

Applicant Name: Jessica Smith

Mailing Address: 5794 Carranza Dr.

City, State, Zip: Taylorsville UT 84118

Daytime Phone #: 801-455-5679 Fax #: _____

E-mail: barnyard-buddies@msn.com

Business Name (if applicable): _____

Property Owners Name (if different): Shiela Parker

Mailing Address: 1130 E. 76000 N.

City, State, Zip: Farmington UT 84629

Daytime Phone #: 801-824-4782 Fax #: _____

Describe your request in detail (use additional paper if necessary): would like to keep my 4 dogs. moved to taylorsville from Utah County

Authorized Signature: Jessica Smith Date: 4/28/11

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

Office Use Only

FILING #: 5/27/11 19C11

ENERGOV #: _____

FILING FEE: \$35.00

DATE ACCEPTED: 5/27/11

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

FOR YOUR INFORMATION...

For more information regarding conditional animal permits, please refer to **Taylorsville Information Form N-2 Conditional Animal Permits** or **Taylorsville Information Form P21 Raising Backyard Chickens** available from the Community Development Department at Taylorsville City Hall or online at www.taylorsvilleut.gov.

