

COTTONWOOD HEIGHTS CITY APPEALS HEARING OFFICER MEETING AGENDA



March 13, 2025

Notice is hereby given that the **Cottonwood Heights Appeals Hearing Officer** will convene on **Thursday, March 13, 2025**, at **Cottonwood Heights City Hall** (2277 E. Bengal Blvd., Cottonwood Heights, UT 84121) for a **public meeting**.

The meeting will begin at **5:00 p.m.** in the City Council Chambers.

5:00 p.m. Public Meeting

1.0 Welcome and Acknowledgements

- 1.1 Ex parte communications or conflicts of interest to disclose

2.0 Business Items

2.1 Project AHO-25-001

Consideration of a request by Anima Varma for an addition to residence at 3631 E. Brighton Point Dr. The proposed addition constitutes an expansion of a nonconforming structure, as the existing home is legally nonconforming in terms of side (southwest corner) setback measurement.

3.0 Consent Agenda

- 3.1 Approval of Appeals Hearing Officer Minutes from March 13, 2025

(The Appeals Hearing Officer will approve the minutes of the March 13, 2025 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.)

4.0 Adjourn

Meeting Procedures

The appeal hearing will proceed pursuant to applicable provisions of Chapter 19.92 of the Cottonwood Heights zoning ordinance, and the agreed-upon procedure between the city and the appellant.

Appeals Hearing Officer applications may be tabled if: 1) Additional information is needed to act on the item; OR 2) The Appeals Hearing Officer feels there are unresolved issues that may need further attention before the Officer is ready to make a decision. No agenda item will begin after 9:00 p.m. without approval from the Appeals Hearing Officer. The Appeals Hearing Officer may carry over agenda items, scheduled late in the evening and not heard, to the next regularly scheduled meeting.

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) 944-7015 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 Thursday, March 6, 2025, a copy of this agenda 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 6th DAY OF MARCH, 2025

Attest: Tiffany Janzen, City Recorder

COTTONWOOD HEIGHTS CITY APPEALS HEARING OFFICER STAFF REPORT



March 13, 2025

Summary

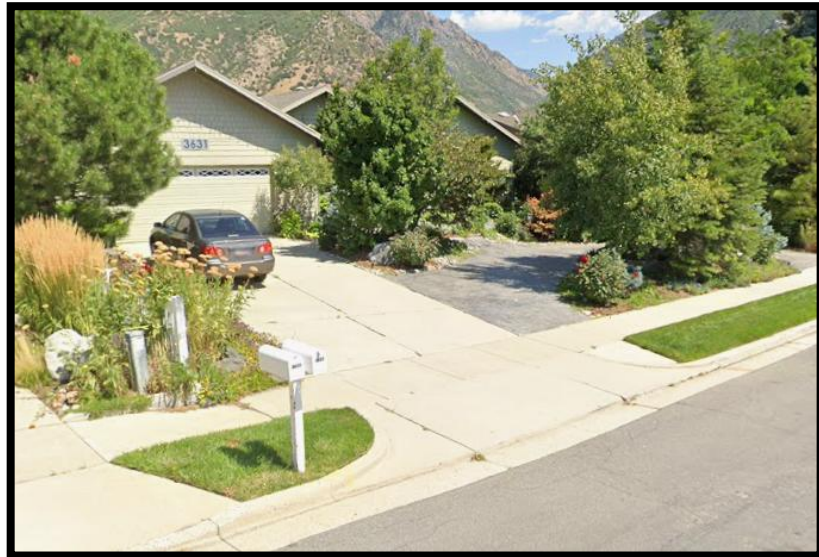
Project Number:
AHO-25-001

Subject Property:
3631 E. Brighton
Point Dr.

Action Requested:
Expansion of a
Non-Conforming
Structure

Applicants:
Anima Varma

Recommendation:
Approve



Subject Property Street View

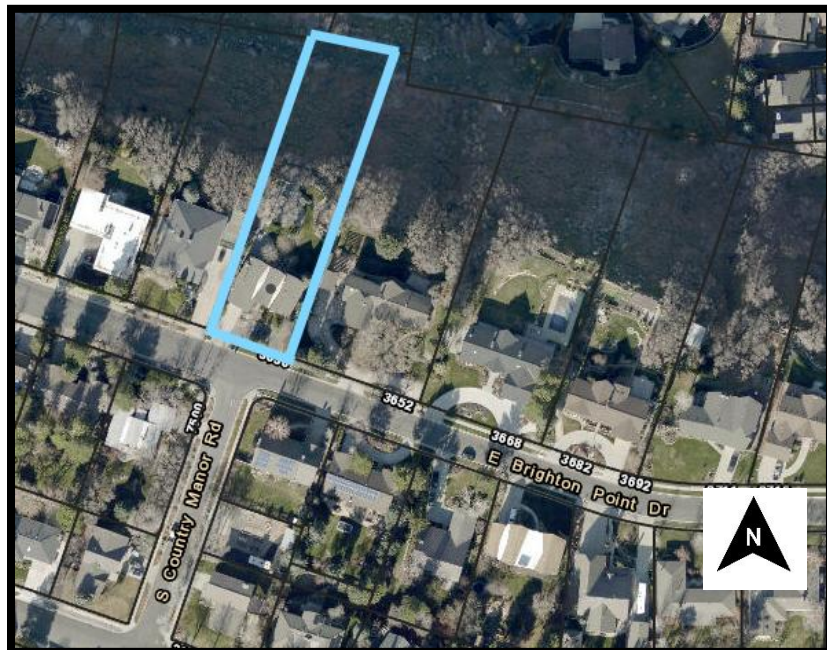
Context

Property Owner:
Anima Varma

Acres:
0.65

Parcel:
22-25-302-025-0000

Zoning:
Single-Family
Residential (R-1-8)



Subject Property Aerial Map

Overview

Request

This application requests approval for an addition to a legally nonconforming single-family home located at 3631 E. Brighton Point Dr.

The existing home is considered legally nonconforming due to the front (southwest) corner, which does not meet the current setback requirements. Per city code, single-family homes in the R-1-8 zone must maintain an 8-foot side yard setback. A portion of the existing home has setback of approximately 7'0".

Originally built in 1973, the home predates city incorporation. Historic satellite imagery confirms that the front (southwest) corner has remained in its current footprint since at least before the city's incorporation in 2005. Nonconforming setbacks are common among homes in Cottonwood Heights that were constructed or expanded prior to incorporation.



*Approximate outline of where second-story expansion will take place, shown in blue.
The expansion is entirely within the footprint of the existing dwelling.*



The above exhibit shows an elevation view of the existing home in green, with the proposed addition areas outlined in blue.

Analysis

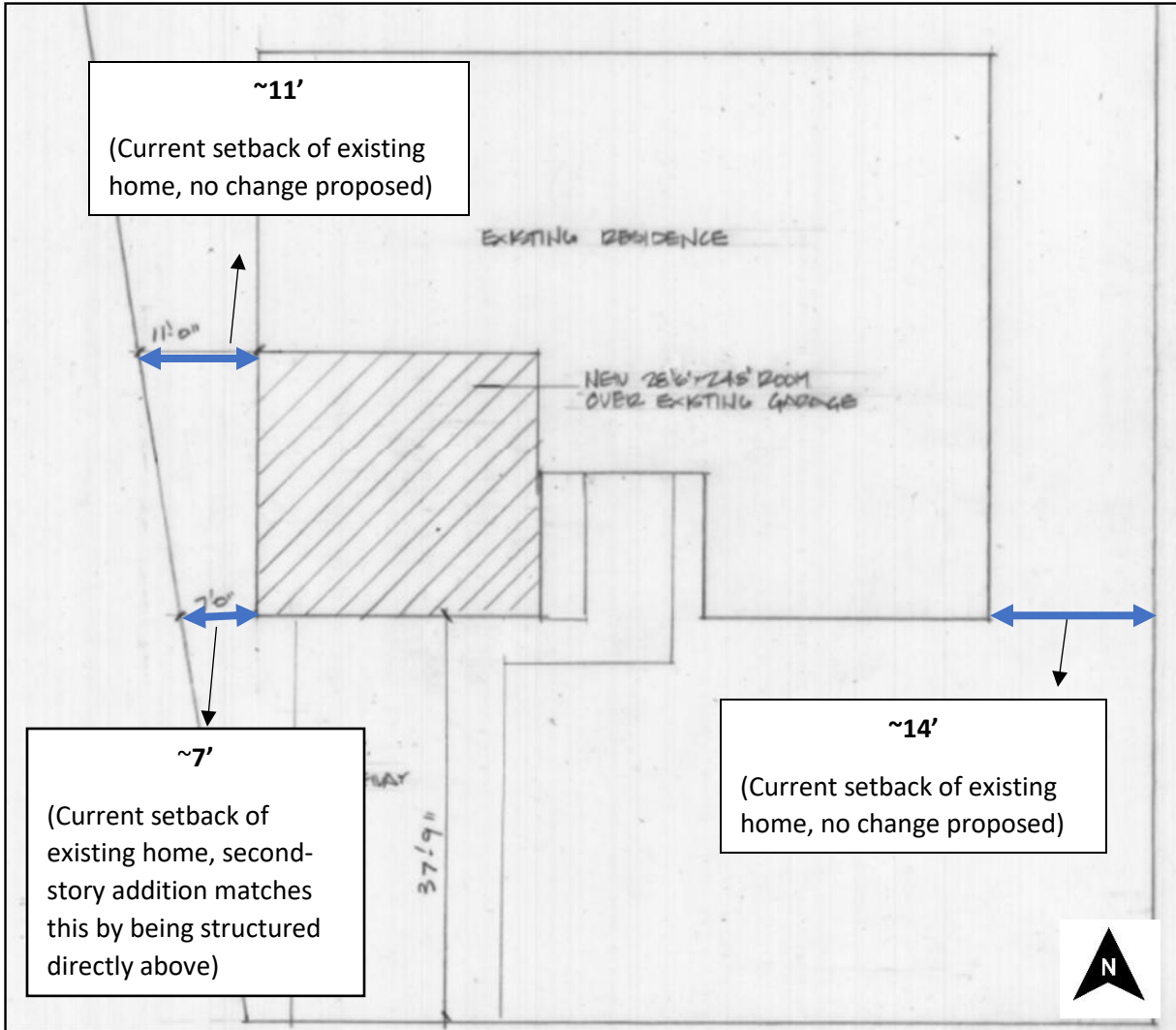
Only a portion of the proposed addition qualifies as an expansion of a nonconforming structure and, therefore, requires approval from the Appeals Hearing Officer. The addition to the west (side) of the home fully complies with current setback requirements. However, the expansion at the front (southwest) corner of the home, along with the second-story addition above the garage, are considered extensions of a nonconforming structure.

	Requirement	Existing	Proposed
Front Setback	Minimum 25'	~38'	~38'
Side Setbacks (Combined)	Minimum 20'	~28.1'	~28.1'
Side Setbacks (Individual)	Neither Side Less than 8'	~7'	~7'
Rear Setback	Minimum 20'	~245'	~245'
Height	Maximum 35'	~17'	~26'

Complies with code

Does not comply with code

As shown in the previous table, the front, rear, and east side setbacks currently comply with city code requirements, and the proposed addition maintains this compliance. Additionally, both the existing and proposed maximum building heights conform to code. The only legally nonconforming aspect is the southwest corner side setback, which is approximately 7 feet—less than the 8-foot minimum required by code. However, the proposed addition does not encroach any further into the side setback than the existing structure.



The exhibit above illustrates the home's side setbacks, highlighting the property's legally nonconforming status. As shown, the existing southwest side setback is approximately 7 feet, which falls short of the 8-foot minimum required by code. While the proposed addition does not extend any closer to the side property lines, it does increase the nonconforming square footage by introducing a second-story addition with the same ~7-foot side setback.

Appeals Hearing Officer Authority

Chapter 19.88 of the Cottonwood Heights Municipal Code allows for additions to non-conforming structures upon approval from the city's Appeals Hearing Officer:

19.88.070 Additions, enlargements, moving and reconstruction of building.

B. A building occupied by a nonconforming use or a building noncomplying as to height, area, or yard regulations may be added to or enlarged or moved to a new location on the lot or reconstructed at a new location on the lot upon a permit authorized by the Appeals Hearing Officer provided that the Appeals Hearing Officer, after the hearing, shall find:

- 1. The addition to, enlargement of, moving of, or reconstruction of the noncomplying building at a new location on the lot will be in harmony with one or more of the purposes stated in section 19.02.020, and shall be in keeping with the intent of this title;*
- 2. That the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or noncomplying building.*

19.02.020 Purpose of provisions.

This title is designed and enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the city, including, among other things, the lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, and securing economy in governmental expenditures, fostering the city's industries, and the protection of both urban and non-urban development.

Recommendation & Model Motions

Recommendation

Through analysis, staff has found that the proposed addition **does not increase the degree of nonconformity** of this structure, and **represents a reasonable effort to modify** an existing home. As such, **staff recommends approval** of this project, with the following findings:

1. The proposal will not negatively affect the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the city because the use is the same as what currently exists;
2. The proposal will not create any additional congestion in the streets or roads;
3. The proposal will not create a fire safety issue;
4. The proposal will not affect air flow or block natural light from adjoining properties by conforming with all height regulations;
5. The proposal will have no apparent negative effect on the city's tax base;
6. The proposal will not place any type of unreasonable burden upon neighboring properties;
7. The proposal is in keeping with the intent of the Cottonwood Heights Zoning Ordinance.

Model Motions

Approval

I move to approve project AHO-25-001, based on the findings listed in the staff report dated March 13, 2025, with the conditions outlined in this report.

- Add any additional findings for approval...
- Add any additional conditions for approval...

Denial

I move to deny project AHO-25-001, based on the following findings...

- List findings for denial...

Attachments

1. Project Narrative
2. Proposed Addition Plans

Subject: Request for Approval of Nonconforming Expansion

To Whom It May Concern,

I hope this message finds you well. I am writing to formally request approval for a nonconforming expansion to construct an accessory dwelling unit (ADU) above my garage for my aging parents.

The current footing in the northeast corner of my garage is 7 feet. If I were to build directly on this footprint with an additional 3-foot cantilever, it would not meet the required 8-foot side yard setback, which is why I am seeking this request.

To ensure my parents' comfort and safety, I plan to install an interior staircase with a chair lift, which requires a specific width for the stairs. If I am unable to build on the existing footprint plus the cantilever in front, it would significantly reduce the available space inside the ADU, making it challenging for them to maneuver a wheelchair.

Relocating the ADU further back toward the north on top is not a viable option, as it would compromise the interior layout due to the vaulted ceiling, tall kitchen cabinets and tall windows in my kitchen, resulting in increased project costs. Additionally, building on the east side of the house is not feasible, as it would hinder my parents' ability to access the interior staircase from garage comfortably.

Adding it in back yard also creates access issue for my parents due to not having enough space to create a driveway to their ADU to go to back yard.

Given these constraints, the most practical and cost-effective solution is to construct the ADU above the garage with a 3-foot cantilever in the front. This design will provide the necessary accessibility for my parents.

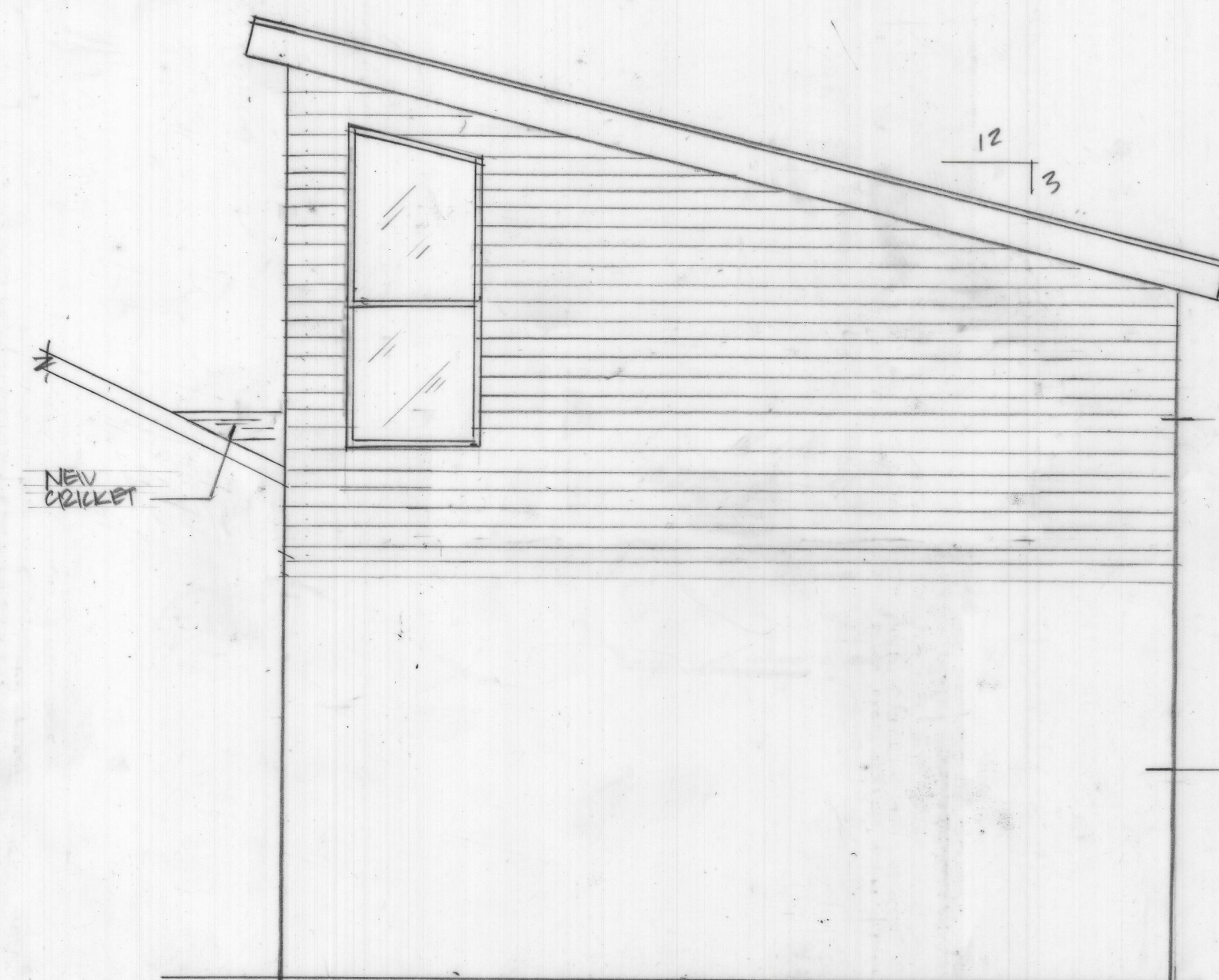
Thank you for your time and understanding.

Warm regards,

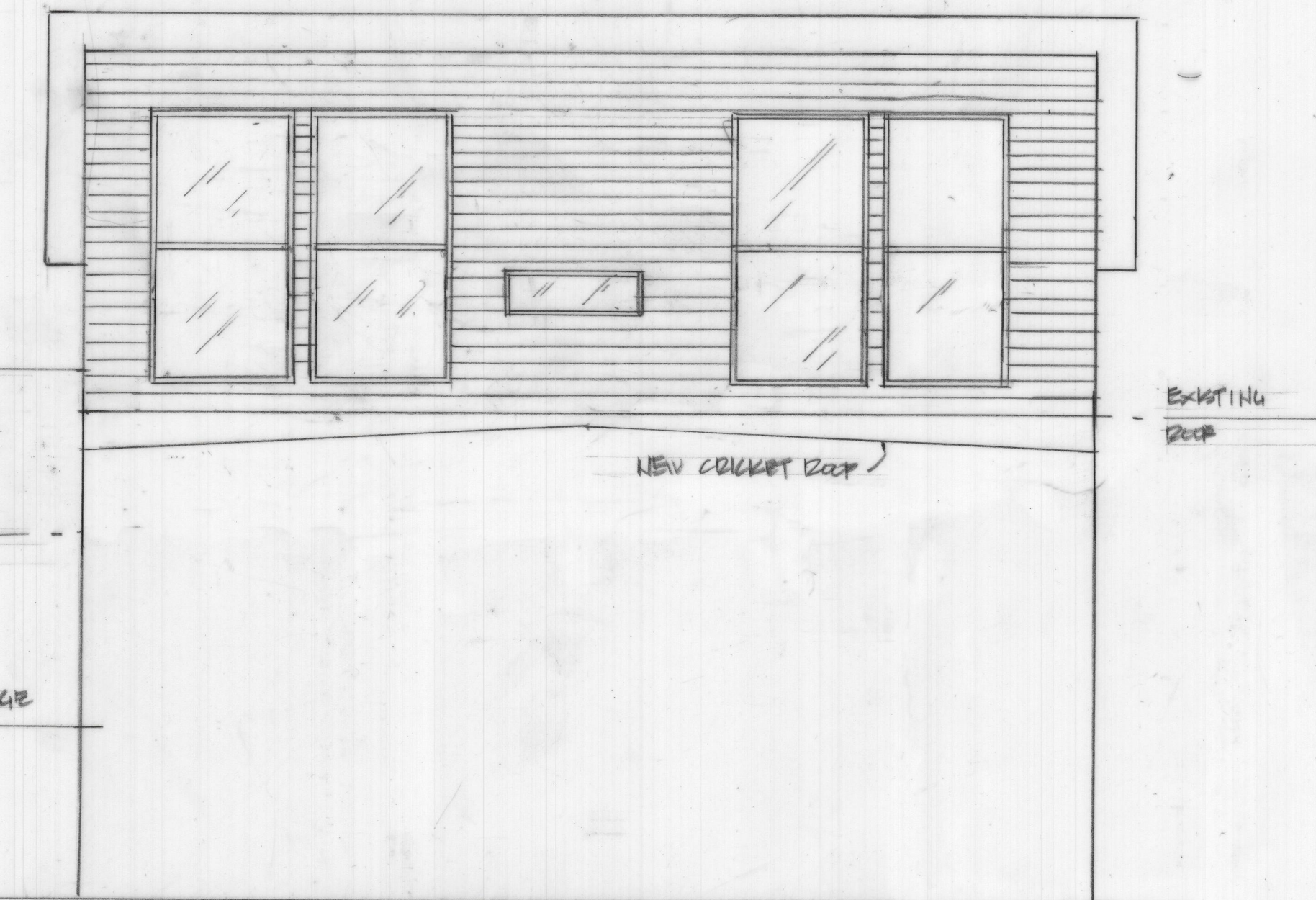
Anima Varma

animavarma@hotmail.com

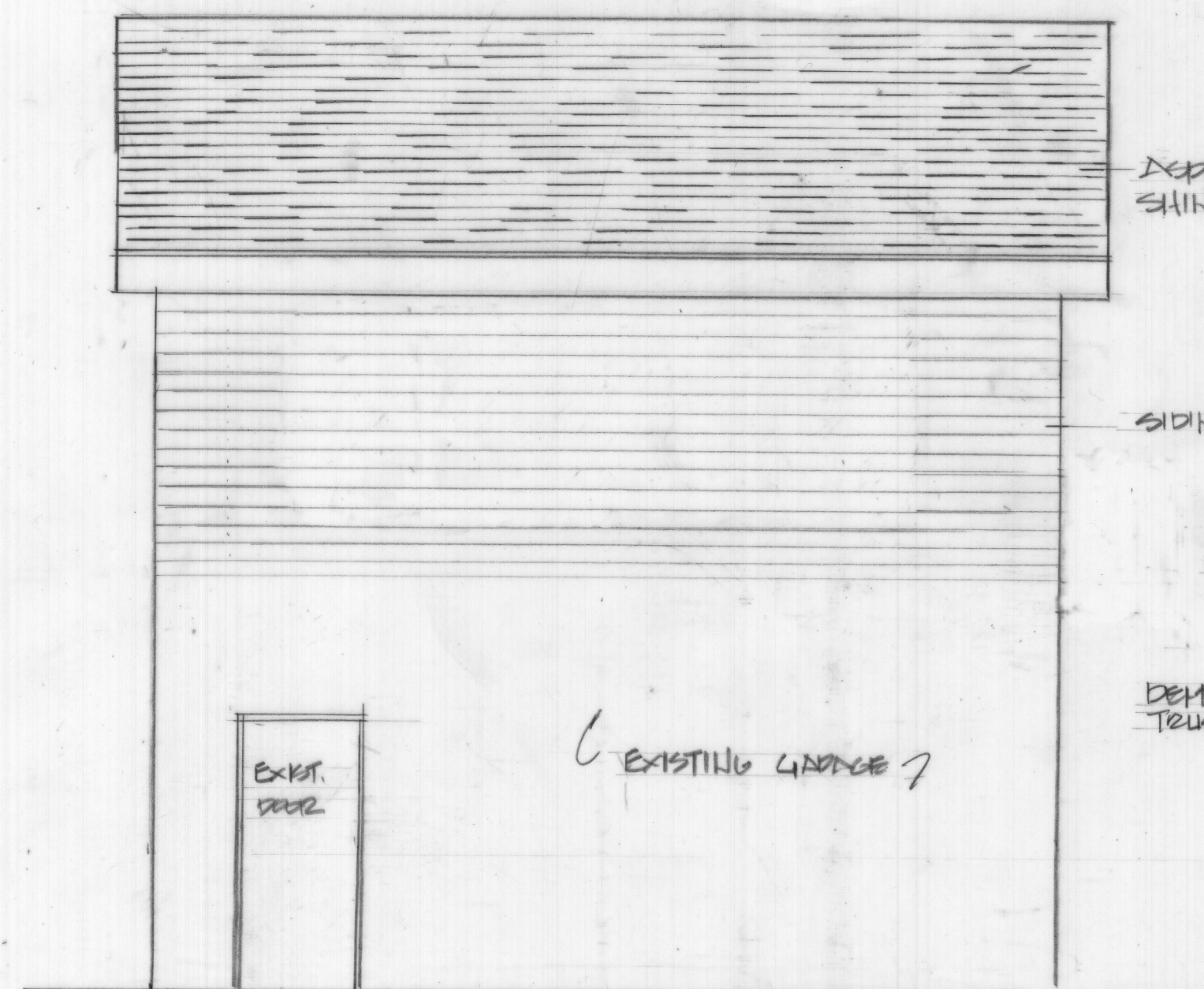
801-391-0467



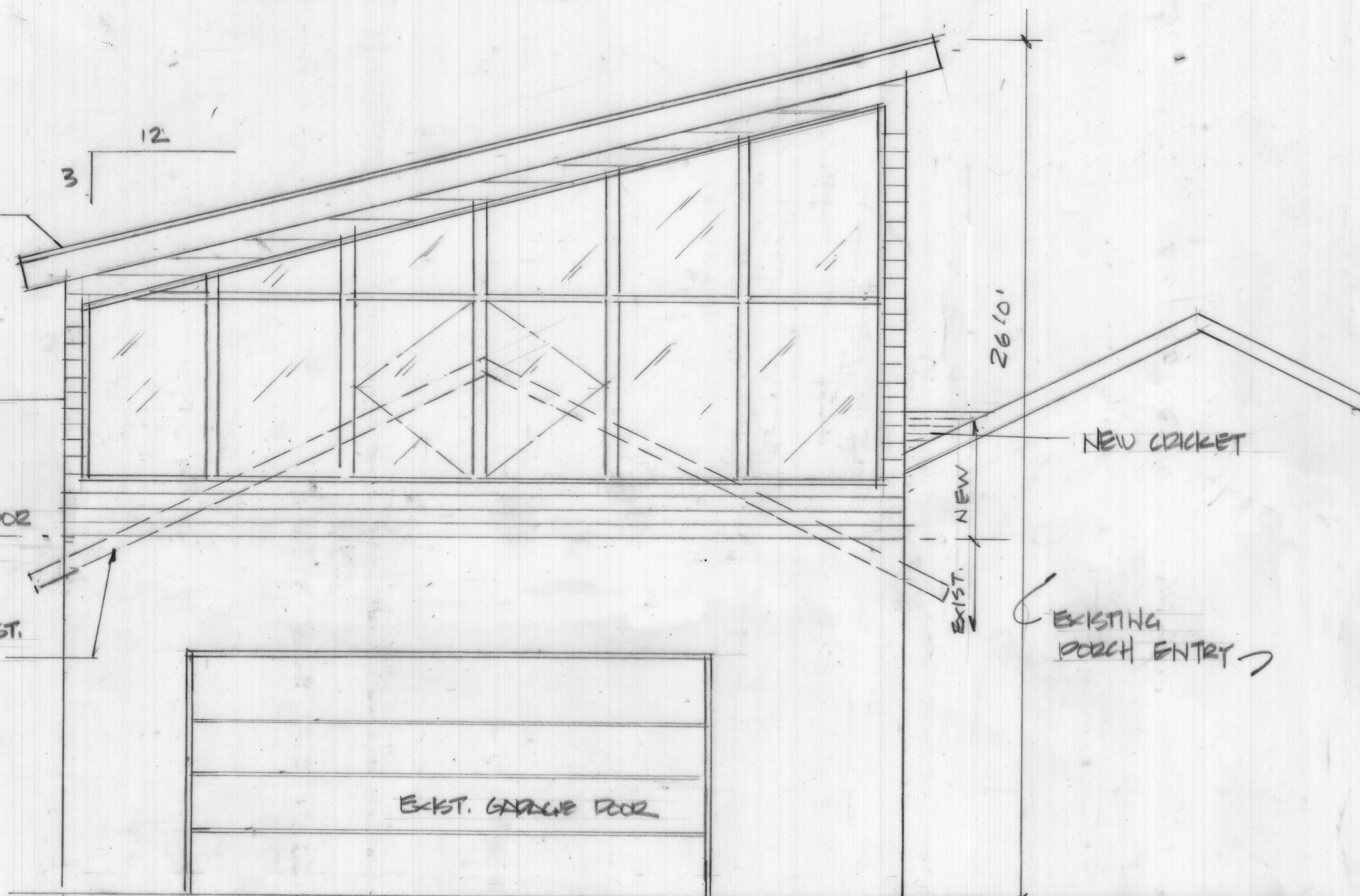
SOUTH ELEVATION
1/4" = 1'-0"



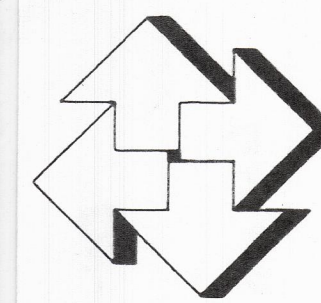
WEST ELEVATION
1/4" = 1'-0"



EAST ELEVATION
1/4" = 1'-0"



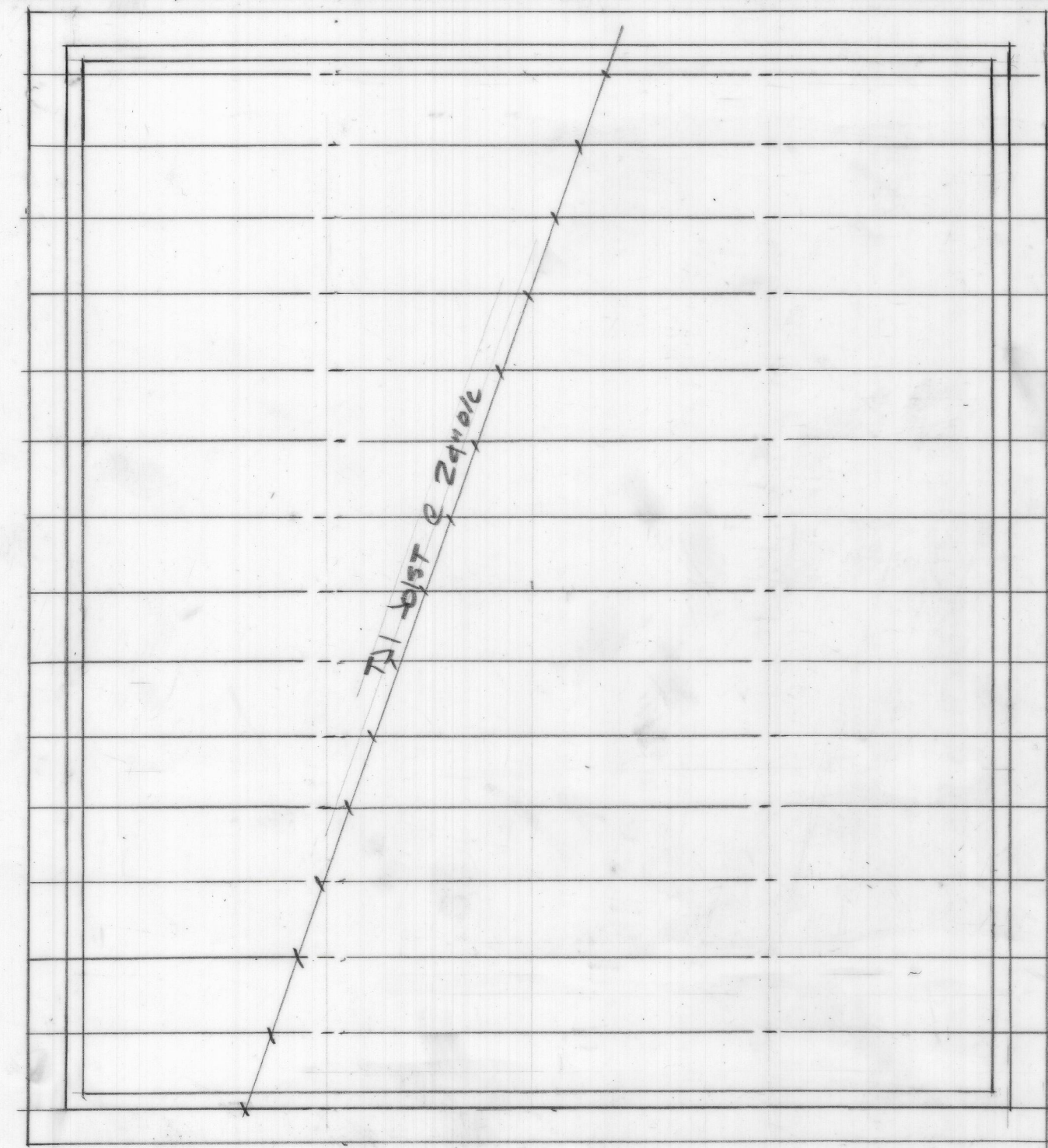
NORTH ELEVATION
1/4" = 1'-0"



AARON
DRAFTING
WVC, UT (801) 815-8953

ANIMA VARMA
3631 E. BRIGHTON POINT DR.
COTTONWOOD HT., UTAH

2-11-25
13-25
A3



DETAIL SHINGLES ON
(1) COURSE ICE/WATER
ON SYN. FELT ON 7/16"
OSB ON JOIST

CLOSE CELL SPRAY
FOAM

SOLID BLK

DEL. TOP FB

STUDS ON TRUSS ON 7/16"
OSB ON 2x6 STUDS @ 16" OC
W/ R-19 BATT INSUL.

3/4" T&G OSB ON JOIST

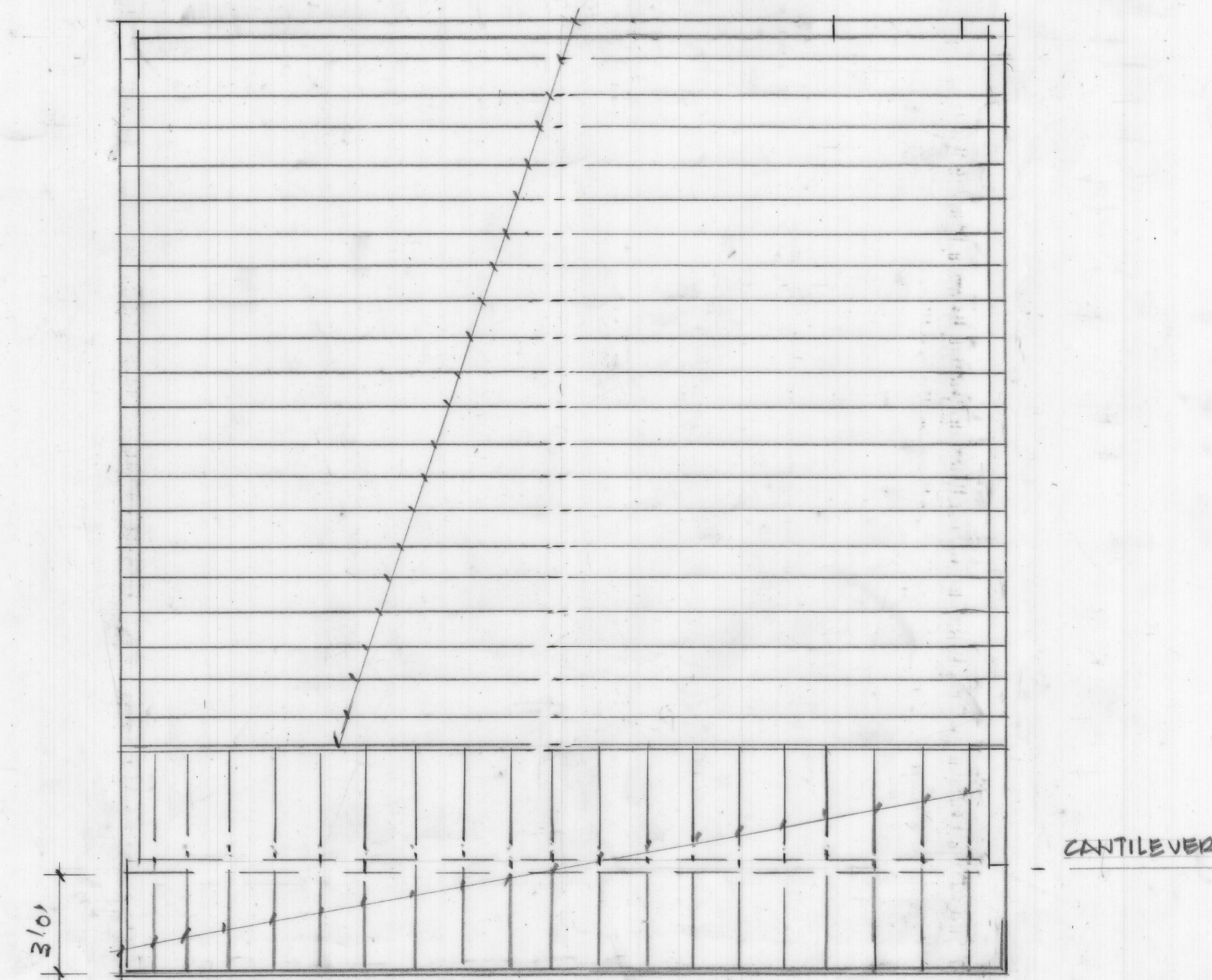
DEM. EXIST. TRUSS

R-30 BATT INSUL.

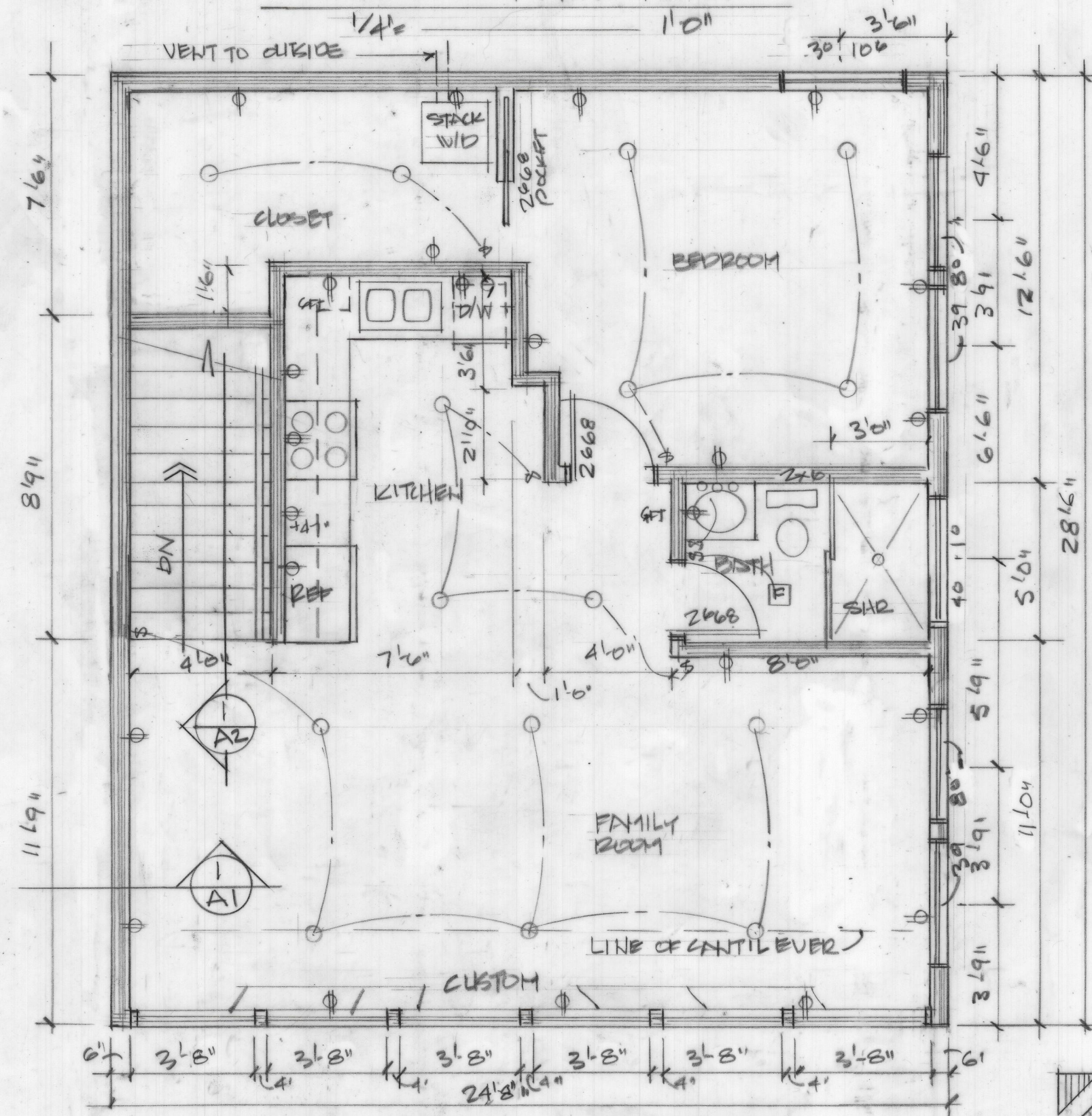
EXIST. STUD WALL

1
A1
WALL SECTION
1/2" = 1'-0"

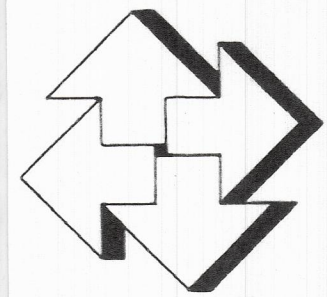
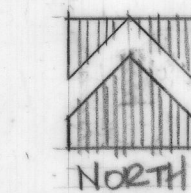
ROOF FRAMING PLAN
1/4" = 1'-0"



FLOOR FRAMING PLAN



UPPER LEVEL FLOOR PLAN
1/4" = 1'-0"



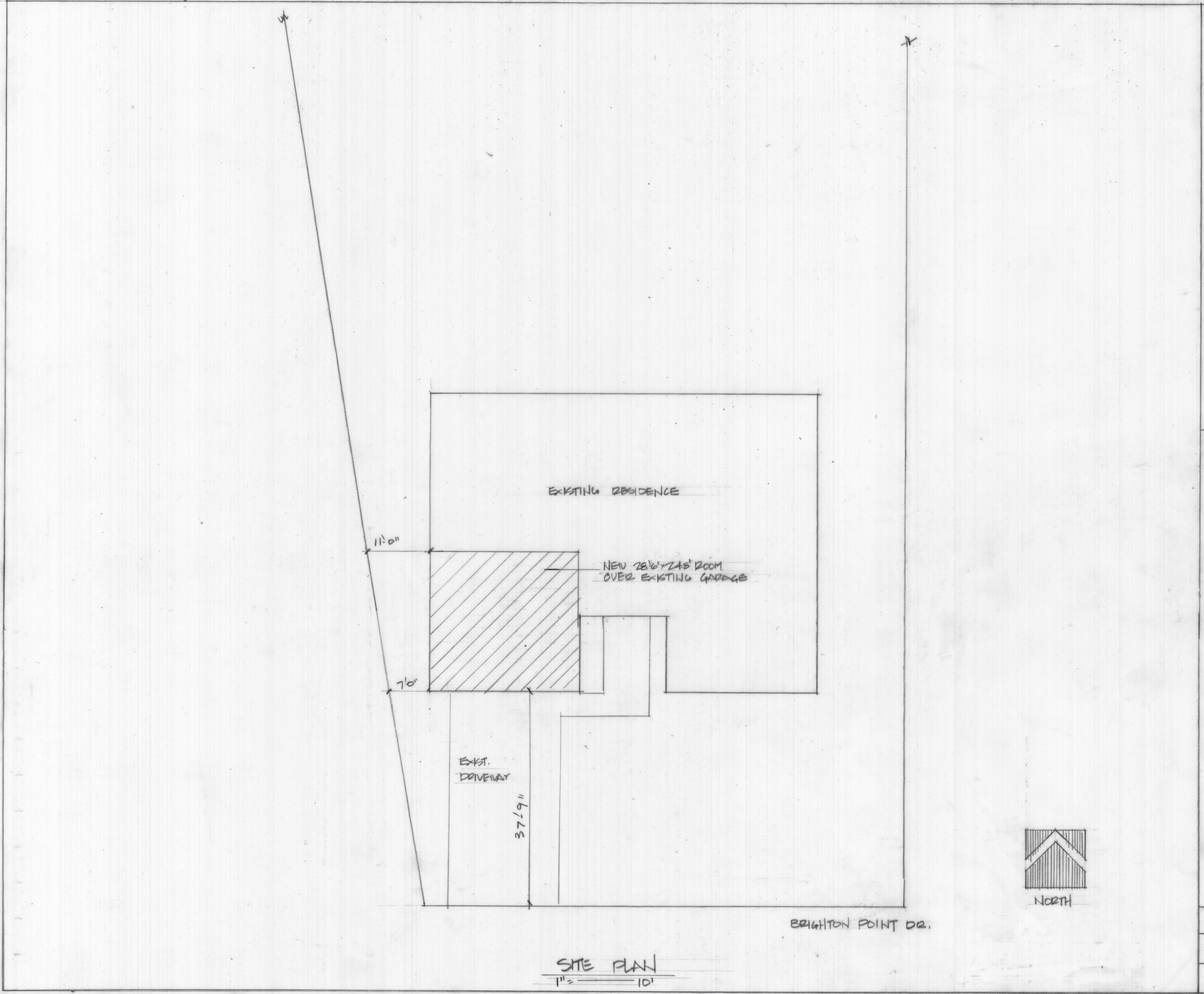
AARON
DRAFTING
WVC, UT (801)815-8953

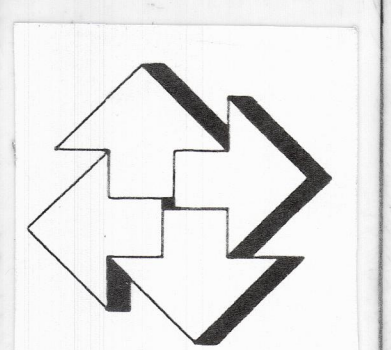
ANIMA VARMA
3631 E BRIGHTON POINT DR
COTTONWOOD HT. UTAH

2-11-25

13-25

A-1





AARON
DRAFTING
WVC, UT (801)815-8953

ANIMA VARMA 3631 E. BRIGHTON POINT DR., COTTONWOOD HT., UTAH	
2-11-25	
1-3-25	
SITE PLAN	