

# COTTONWOOD HEIGHTS CITY APPEALS HEARING MEETING AGENDA

July 10, 2025



Notice is hereby given that the **Cottonwood Heights Appeals Hearing Officer** will convene on **Thursday, July 10, 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-25-003**

Consideration of a request by Devin Rouso for an addition to residence at **6837 S. Pine Rock Dr.** The proposed addition/remodel constitutes an expansion of a nonconforming structure, with some nonconformities on the property proposed to be removed with new nonconformities added.

### **3.0 Consent Agenda**

#### **3.1 Approval of Appeals Hearing Officer Minutes from July 10, 2025**

*(The Appeals Hearing Officer will approve the minutes of the July 10, 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 Monday, July 7, 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](http://www.cottonwoodheights.utah.gov) and the Utah public notice website at <http://pmn.utah.gov>.

DATED THIS 7<sup>TH</sup> DAY OF JULY 2025

Attest: *Tiffany Janzen*, City Recorder

# COTTONWOOD HEIGHTS CITY APPEALS HEARING OFFICER STAFF REPORT



July 10, 2025

## Summary

**Project Number:**  
AHO-25-002

**Subject Property:**  
6837 S. Pine Rock  
Dr.

**Action Requested:**  
Expansion of a  
Non-Conforming  
Structure

**Applicant:**  
Devin Rousso

**Recommendation:**  
Approve



*Subject Property Street View*

## Context

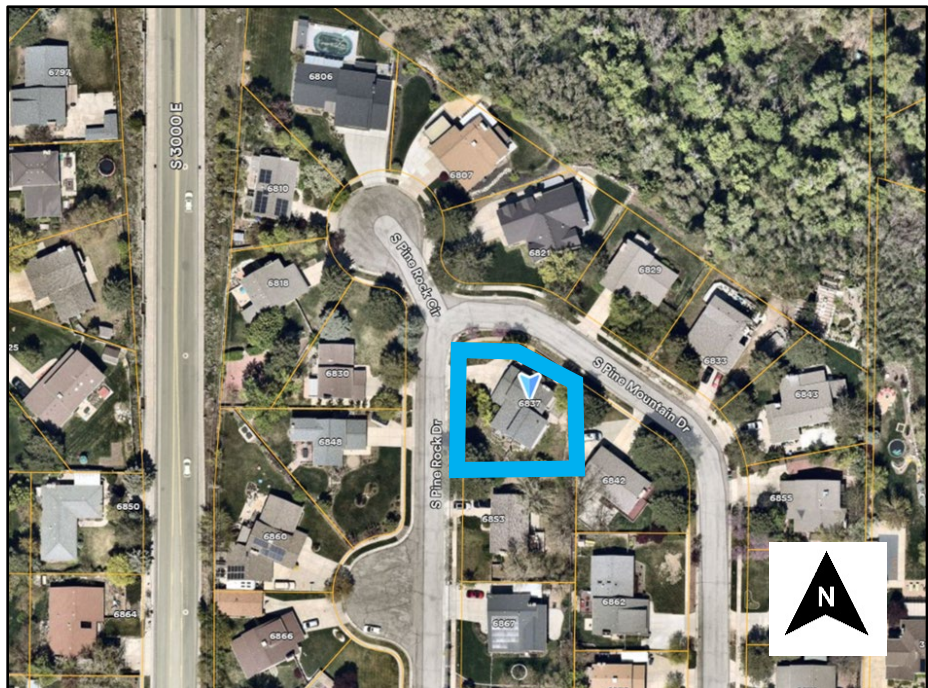
**Property Owner:**  
Devin Rousso

**Acres:**  
0.23

**Parcel:**  
22-23-379-001-0000

**Subdivision & Lot:**  
Pine Mountain  
(Lot #42)

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



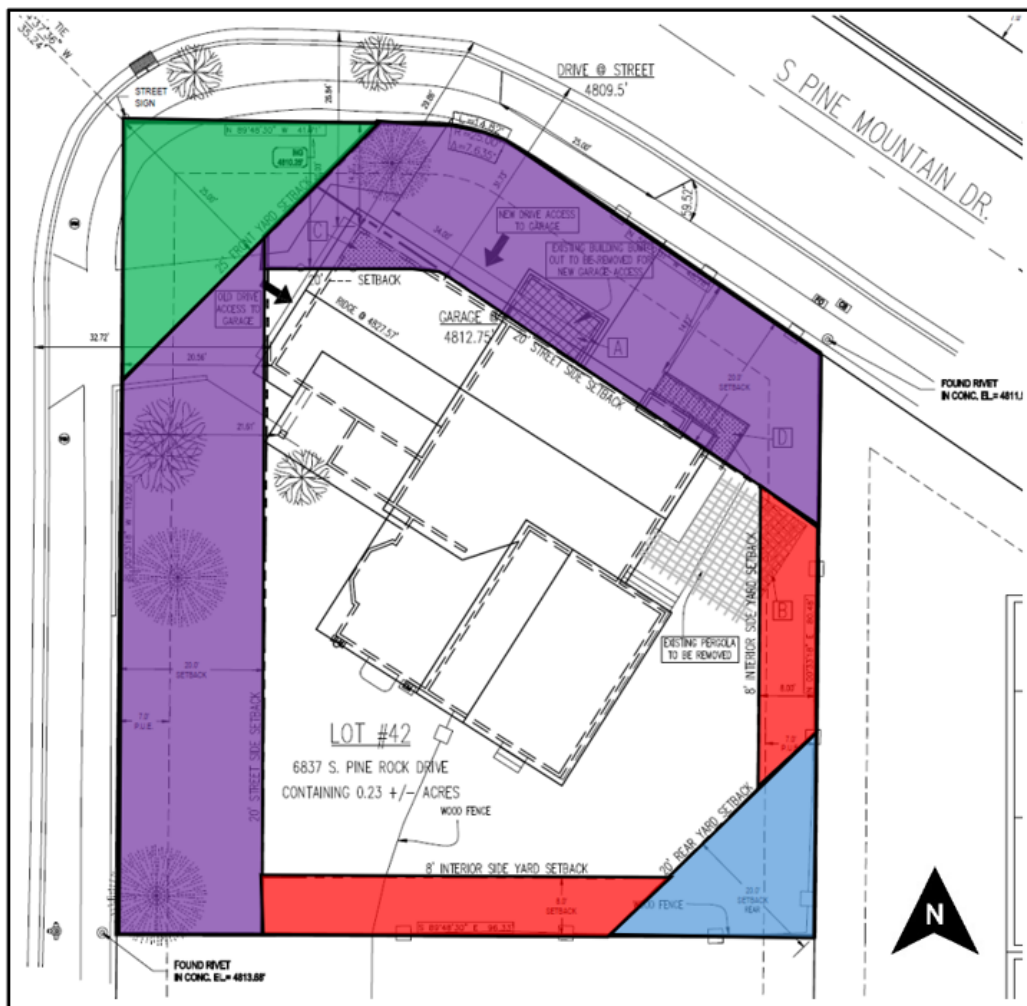
*Subject Property Aerial Map*

## Overview and Request

This application represents a request for an addition to a nonconforming single-family dwelling at 6837 S. Pine Rock Dr.

The existing home is considered nonconforming due to a pergola in the east side yard and a couple bump-outs within the north side yard, both within the required setback areas. The north side yard nonconformities were likely added onto the home without a permit in the early 2010s, based on historical street view imagery. The pergola was likely constructed in the mid-2010s, based on historic satellite imagery. While a permit for the north side yard nonconformity should have been applied for, City Code was unclear about the status of pergolas until recently.

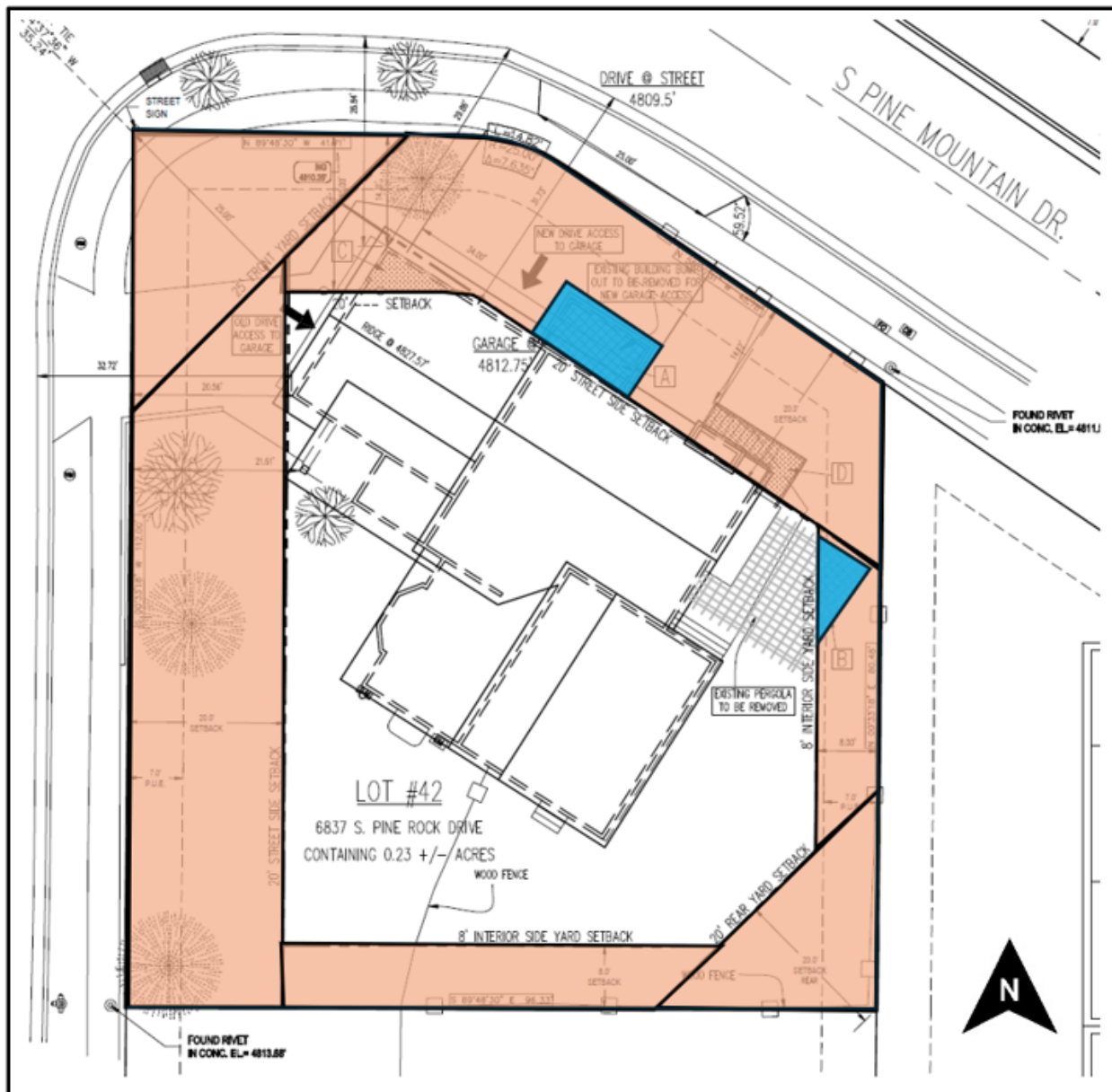
The property is an irregularly-shaped corner lot. The zoning for this lot is R-1-8 (Single-Family Residential), which is defined in §19.26 of City Code. Utilizing §19.26 and the various definitions for different yard types and a corner lot found in §19.04, staff has interpreted the property as having the following setback requirements:



|                  |                        |                         |                 |
|------------------|------------------------|-------------------------|-----------------|
| Front Yard (25') | Street Side Yard (20') | Interior Side Yard (8') | Rear Yard (20') |
|------------------|------------------------|-------------------------|-----------------|

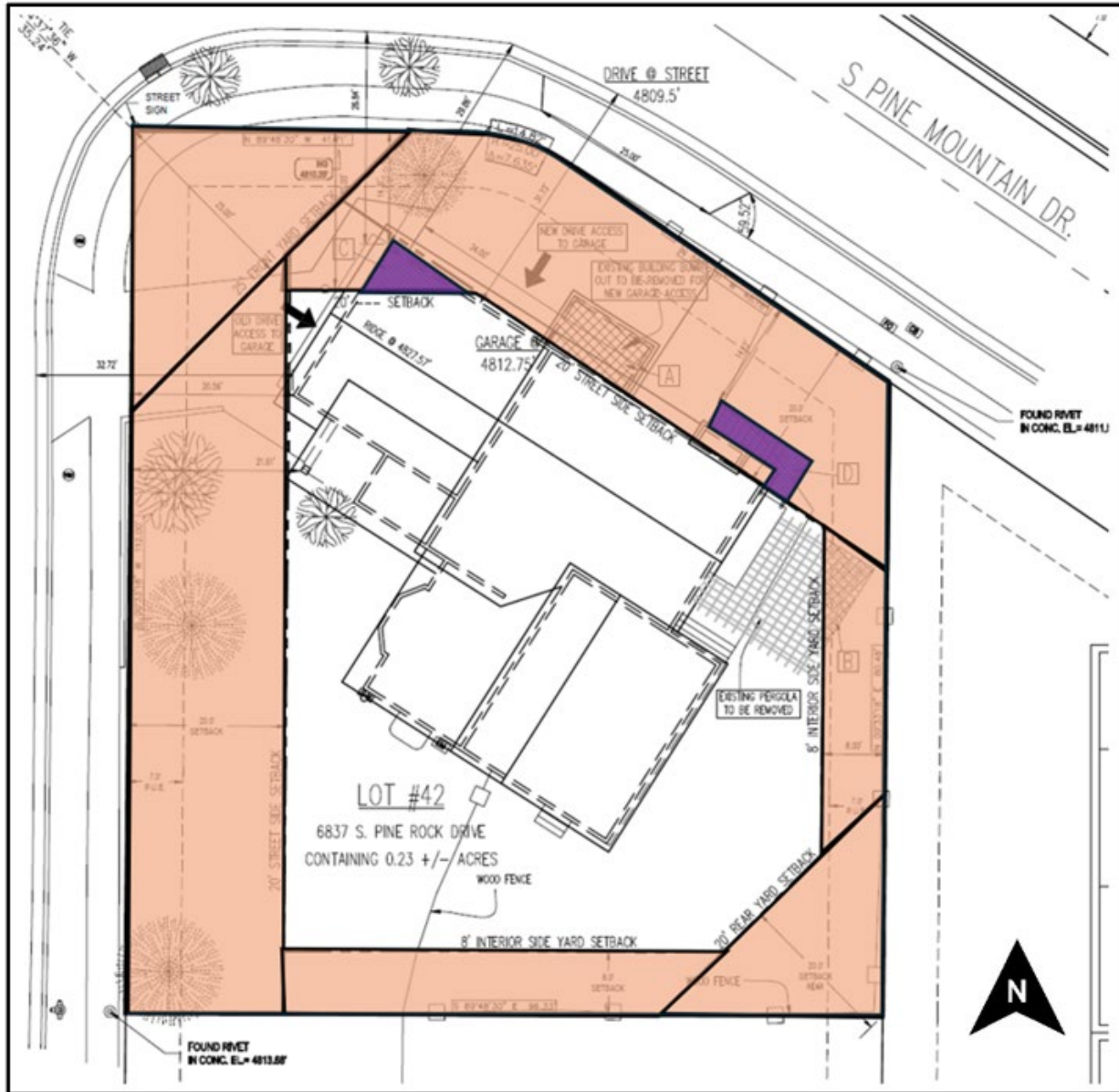
The applicant wishes to **remove 127 sq. ft.** of nonconforming parts of the existing home, including the presumed unpermitted bump-out on the north side yard, and **add 94 sq. ft.** of nonconforming parts onto the home as part of a remodel/addition. Essentially, the applicant wishes to relocate nonconformities to different areas of the home and reduce the total square footage which is nonconforming. In total, **this would reduce the nonconformity of the primary dwelling by 33 sq. feet.**

The figure below shows where nonconformities will be **removed** on the property (127 sq. ft):



| Setback Areas | Nonconformities to be <u>Removed</u> |
|---------------|--------------------------------------|
|---------------|--------------------------------------|

While this figure below shows where nonconformities will be **added** on the property (**94 sq. ft.**):



Setback Areas

Nonconformities to be **Added**

## Staff Analysis

This application constitutes an expansion of a nonconforming structure as it relocates nonconformities from one area of the property to another while increasing the floor area of the overall building. This application type requires approval from the Appeals Hearing Officer.

While the applicant is proposing to expand/remodel the building, the applicant is also proposing to both reduce the nonconforming structure square footage on the property, and eliminate what is likely an unpermitted addition, which brings the property into closer compliance with zoning and building code.

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## Appeals Hearing Officer Authority

Chapter 19.88 of the Cottonwood Heights Municipal Code allows for movement of non-conforming structures upon approval from the city's Appeals Hearing Officer (see underlined code):

**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.*

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## 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.

### Recommended Conditions of Approval

1. Prior to issuance of a building permit, the applicant shall provide a survey (or comparable certification by a licensed professional) to determine the exact location of their rear property line.

### Model Motions

#### **Approval**

*I move to approve project AHO-25-002, based on the findings listed in the staff report dated July 10, 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-25-002, based on the following findings...*

- List findings for denial...

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## Attachments

1. Project Narrative
2. Proposed Site Plan

## **Project Narrative: 6837 S. Pine Rock Drive, Cottonwood Heights, Utah**

### **RE: Non-Conforming Expansion Application**

**Project Type:** Single Family Residential Garage/Entry Addition + External Stair + Other Non-structural Home Upgrades.

To Whom it May Concern,

The following written narrative is to formally request approval for a legally non-conforming expansion to allow a small garage addition and exterior exit stair.

After recently purchasing the home located at 6837 S. Pine Rock Drive, the new owner began to pursue badly needed upgrades that would include replacing all (except one) of the original exterior doors and windows, exterior wood siding, and new roof. Part of this home makeover would also include an addition to the existing 2-car garage and re-orientating the current northwest corner facing garage door to a north facing garage door off of S. Pine Mountain Drive. All of these changes will greatly enhance the curb appeal of this uniquely shaped corner property on which has been constructed a uniquely situated home. An exterior stair is proposed as part of this project upgrade so as to provide a safe exit from the upstairs bedrooms of which one bedroom in particular is unable to have an egress window that meets current codes.

After the homeowner employed professional home design services to draw up the required construction documents for the project, the design firm performed due diligence up front by contacting the Cottonwood Heights planning department in January 2025 to verify all of the R 1-8 Zoning requirements. The home was originally built in 1977, which predates city incorporation. There was immediate discussion with the planners as to how to apply the building set backs to this uniquely shaped corner lot in regard to the existing home placement. The planning department prepared a color coded diagram showing all of the required set backs. Project plans were then drawn and engineered, taking into consideration and complying with the designated setbacks, and were subsequently submitted on May 7, 2025, for a building permit.

Upon planning department review of the submitted plans, it was brought to our attention that one of the corner side street setbacks was different than previously presented. This area in question is a small 36 sq ft. triangular area located on the northwest corner of the new garage addition. In reviewing this discrepancy with the planners, it was suggested by the planners that application be submitted for a Non-Conforming Expansion as allowed per City Code 19.88.070. Also, the new exterior stair as proposed should be included as part of this application, for safety purposes.

The existing home currently has two (2) noncomplying parts of the building structure; a small room which encroaches 8 feet into the north side street set back and a large Pergola that has a triangular part which extends into the east interior side yard set back. The total square feet of these noncomplying parts is 127 sq. ft.

It should be noted that the entire Pergola; while structurally sound, will be removed and replaced with new landscaping and the north room of the existing building structure will be removed in its entirety to allow driveway access to the proposed new garage orientation.

The triangular area of the proposed garage addition and the new exterior exit staircase, while currently noncomplying, totals only 94 sq. ft. of non-compliant area, which is 33 sq. ft. LESS than the existing noncomplying building parts to be removed.

It is our understanding that the new garage addition and garage access orientation proposed is in keeping with the intent of the set back ordinance as the small northwest corner of the garage in question is no closer than 26.84 feet from the edge of the pavement and the large amount of landscaping around the corner will be in keeping with the spirit and purposes of the city ordinances. It should also be noted that the corner sidewalk is outside of the street ROW and encroaches onto this property (as indicated in the property survey submitted with the permit application).

The proposed exit stair is an open tread metal stair supported only by a small steel column at the intermediate landing and will have minimal visual impact in the side yard of this neighborhood with minimal traffic.

It is our opinion that by granting approval of this Non-Conforming Expansion in conjunction with all the proposed other building upgrades, the project will be in keeping with the spirit and intent of the Cottonwood Heights ordinances, and significantly improve the curb appeal of this property to the benefit of the neighborhood.

Sincerely,

Devin Rousso - Home Owner

James Carroll - Residential Home Designer

PROPOSED CONSTRUCTION:  
LOT #42, PINE MOUNTAIN SUBDIVISION  
6837 SOUTH PINE ROCK DRIVE  
SALT LAKE CITY, UTAH 84121

PREPARED FOR:  
DEVIN ROUSSO  
6837 SOUTH PINE ROCK DRIVE  
SALT LAKE CITY, UTAH 84121  
(310) 497-4512

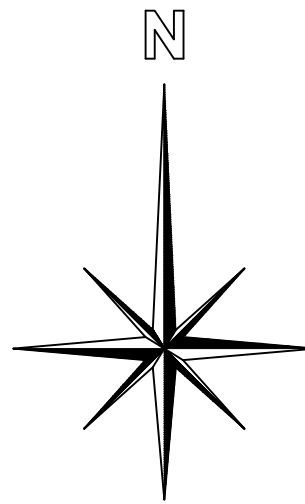
PREPARED BY:  
JAMES L. CARROLL & ASSOCIATES  
231 EAST 400 SOUTH SUITE #35  
SALT LAKE CITY, UTAH 84111  
(801) 359-8517

FLOOR ELEVATIONS (SURVEYED ELEVATIONS)

ELEVATION @ STREET 93'10" (4809.5')  
GARAGE FLOOR 97'0"-31'32" (4812.75')  
MAIN FLOOR 100' (4815.7')

LEGEND

EXISTING GRADE - - - - - PROPOSED GRADE \_\_\_\_\_



LOT 19

LOT 20

S PINE ROCK DR.

S PINE MOUNTAIN DR.

PROJECT BENCHMARK  
CEN. SEWER MANHOLE LID  
EL.= 4810.00'

DRIVE @ STREET  
4809.5'

FOUND RIVET  
IN CONC. EL.= 4811.53'

FOUND RIVET  
IN CONC.

OLD DRIVE  
ACCESS TO  
GARAGE

NEW DRIVE ACCESS  
TO GARAGE

EXISTING BUILDING BUMP  
OUT TO BE REMOVED FOR  
NEW GARAGE ACCESS

EXISTING PERGOLA  
TO BE REMOVED

LOT #42

6837 S. PINE ROCK DRIVE  
CONTAINING 0.23 +/- ACRES

WOOD FENCE

8' INTERIOR SIDE YARD SETBACK

WOOD FENCE

20' REAR YARD SETBACK

20' STREET SIDE SETBACK

23' FRONT YARD SETBACK

SETBACK

20' STREET SIDE SETBACK

20' SETBACK

8' SETBACK

20' SETBACK REAR

FOUND RIVET  
IN CONC. EL.= 4813.68'

HATCHING INDICATES  
NON-CONFORMING TO BE REMOVED

HATCHING INDICATES PROPOSED  
BLDG. & STAIR ADDITION

NON-CONFORMING  
EXPANSION CALCULATIONS

NONCOMPLYING PARTS TO BE REMOVED

A - HOUSE = 81 SQ FT  
B - PERGOLA = 46 SQ FT  
TOTAL = 127 SQ FT

NONCOMPLYING PARTS TO BE ADDED

C - HOUSE = 36 SQ FT  
D - STAIRS = 58 SQ FT  
TOTAL = 94 SQ FT

NONCOMPLYING PARTS TO BE REMOVED

EXCEEDS NONCOMPLYING PARTS TO BE  
ADDED BY 33 SQ FT

1  
L-0.1

NON-CONFORMING EXPANSION PLAN

SCALE: 1" = 10'

GRAPHIC SCALE



( IN FEET )  
1 inch = 10 ft.

James L. Carroll & Associates

"INNOVATORS OF AWARD WINNING DESIGN"  
231 EAST 400 SOUTH SUITE #35  
SALT LAKE CITY, UTAH 84111 (801) 359-8517  
www.jamescarrollandassociates.com

ROUSSO ADDITION

LOT #42, PINE MOUNTAIN SUBDIVISION  
6837 SOUTH PINE ROCK DRIVE  
SALT LAKE CITY, UTAH 84121

ALL WORK PERFORMED ON THIS DESIGN SHALL BE BY A  
LICENSED CONTRACTOR IN ACCORDANCE WITH NATIONAL AND  
UTAH BUILDING CODES. THE DESIGNER SHALL NOT BE  
RESPONSIBLE FOR ANY DAMAGES OR INJURIES TO PERSONS OR  
PROPERTY ARISING FROM THE USE OF THESE DRAWINGS.  
THESE PLANS, DRAWINGS, AND DESIGN ARE THE PROPERTY  
OF JAMES L. CARROLL & ASSOCIATES. NO PART OF THESE  
DRAWINGS SHALL BE REPRODUCED OR COPIED WITHOUT  
THE WRITTEN CONSENT OF JAMES L. CARROLL & ASSOCIATES.  
ON THE SITE DESCRIBED HEREON AND NO OTHER.

PROJECT: ROUSSO ADDITION  
PLAN DATE: 06-06-2025  
DRAWN BY: J.G.  
REVISED BY:  
REVISED DATE:  
PLOT DATE:  
DESCRIPTION:  
NON-CONFORMING EXPANSION PLAN  
SHEET #  
L-0.1

|                                 |  |
|---------------------------------|--|
| <b>PROJECT:</b> ROUSSO ADDITION |  |
| <b>PLAN DATE:</b> 06-06-2025    |  |
| <b>DRAWN BY:</b> J.G.           |  |
| <b>REVIEWED BY:</b>             |  |
| <b>REVISED DATE:</b>            |  |
| <b>PLOT DATE:</b>               |  |
| <b>DESCRIPTION:</b>             |  |
| <b>EXISTING SITE PLAN</b>       |  |

**SHEET #**  
**L-1.0**

