

COTTONWOOD HEIGHTS CITY APPEALS HEARING OFFICER MEETING AGENDA



May 13, 2026

Notice is hereby given that the **Cottonwood Heights Appeals Hearing Officer** will convene on **Wednesday, May 13, 2026**, at **Cottonwood Heights City Hall** (2277 E. Bengal Blvd., Cottonwood Heights, UT 84121) for a **public meeting**.

The meeting will begin at **10:00 a.m.** in the City Council Chambers.

10:00 a.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-26-003

Consideration of a request by Jeff Wade to construct an attached garage addition to an existing single-family residence on 8976 S. Sutton Way. The subject property is a flag lot with required 20-foot setbacks on all sides; the existing home encroaches into these setbacks, and the proposed addition would maintain the existing setback encroachment without further increase. The request involves expansion of a nonconforming structure to improve site access and functionality while remaining consistent with applicable design and safety standards.

3.0 Consent Agenda

3.1 Approval of Appeals Hearing Officer Minutes from May 13, 2026

(The Appeals Hearing Officer will approve the minutes of the May 13, 2026 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 3:00 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, May 7, 2026, 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 7th DAY OF MAY 2026

Attest: Tiffany Janzen, City Recorder

COTTONWOOD HEIGHTS CITY APPEALS HEARING OFFICER STAFF REPORT



May 13, 2026

Summary

Project Number:
AHO-26-003

Subject Property:
8976 S. Sutton Way

Action Requested:
Expansion of a Non-
Conforming Structure

Applicant:
Jeff Wade

Recommendation:
Approve, with
Conditions



Subject Property Oblique Aerial Image

Context

Property Owner:
Jeff Wade

Acres:
0.50

Parcel:
28-01-153-013-0000

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



Subject Property Aerial Map

Overview

Request

The applicant is requesting approval to construct an attached garage addition to the existing home on Sutton Way. The proposed garage is approximately 41 ft by 22 ft and will be attached to the home by a porte-cochère (a roofed structure extending from the entrance of a building over an adjacent driveway). The property meets the definition of a flag lot, as it is accessed via a shared easement, and does not directly front on a public roadway.

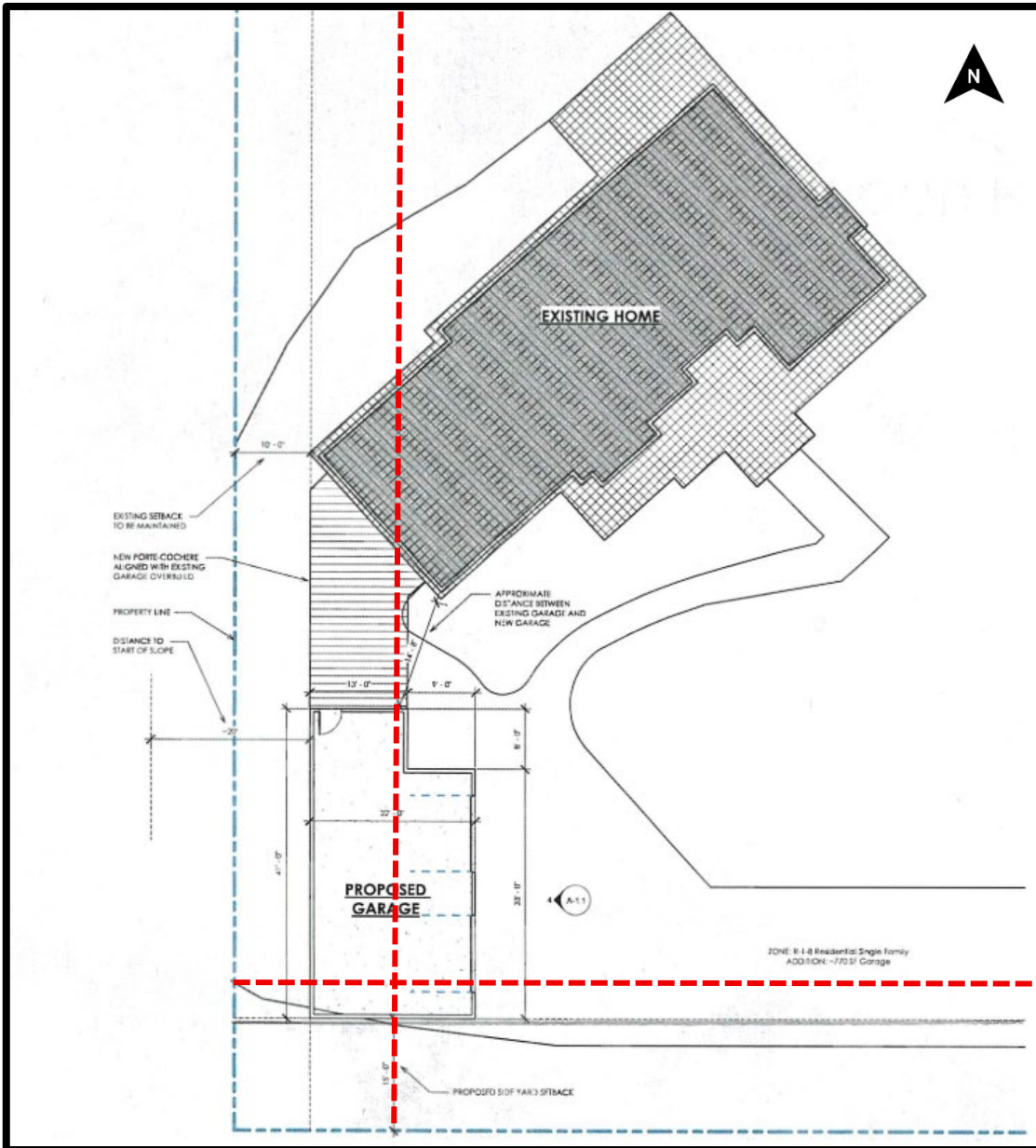
Due to the required 20-foot front, rear, and side setbacks for flag lots, the existing home already encroaches into these setbacks. The home is considered legal nonconforming because it was constructed before the City was incorporated in 2005. The proposed garage addition would not extend farther west than the current home and would maintain the same setback encroachment (approximately 10 feet from the west property line), rather than increasing it.

In the applicant’s original submittal, they requested a variance to reduce the southern setback to 15 feet to allow for additional design flexibility. Staff recommended maintaining the required 20-foot southern setback to avoid creating additional nonconformities on the site, and the applicant has since revised the proposal accordingly.



R-1-8 flag lot setbacks for the property (20-ft front, rear, and side setbacks)

The garage addition is intended to improve site functionality by allowing vehicles to enter directly from the existing stamped concrete driveway, eliminating the need for a tight turning maneuver required to access the current garage. The addition also allows for a wider garage, better accommodating vehicles and equipment. The applicant noted the potential need to store a small tractor or similar equipment for maintaining the several-hundred-foot-long driveway.



Initial garage plan showing a 15-ft south setback, instead of the 20-ft flag lot setback (shown in red)

The applicant has indicated that the addition will be compatible with the surrounding area by complying with retention requirements, incorporating fire-resistant materials, and matching the design and materials of the existing home. They also contacted three adjacent neighbors to the south (those most directly impacted by the addition) who expressed support for the proposal.

Analysis

The proposed expansion will not extend further into the west setback than the existing home, as it will match the current encroachment. Following discussion with the applicant, maintaining the required 20-foot setback along the southern property line was determined to provide sufficient space for the garage addition while avoiding the creation of any new nonconformities.

The addition is intended to improve on-site parking and facilitate construction of a garage. An attached garage is necessary, as detached garages are required to be in rear yards. Given the home's current placement near the rear of the lot and the configuration of the existing driveway, constructing a detached garage in the rear yard would be impractical.

Additionally, because of the property's unique position within the neighborhood, the proposed addition would be adjacent to the rear yards of the properties to the south, which helps minimize its overall impact on surrounding homes. The parcel to the west of the property is owned by a utility company, so no neighbors would be impacted on the west.

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 have found that although the proposed addition does increase the nonconforming footprint of the structure, the addition will not encroach any more into the western setback than the current home. As such, **staff recommends approval** of this project, on the **condition that the southern setback remain 20 feet**, 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-26-003 based on the findings listed in the staff report dated May 13, 2026, 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-26-003, based on the following findings...

- List findings for denial...

Attachments

1. Narrative
2. Proposed Plan
3. Site Photos

NON-CONFORMING EXPANSION APPLICATION

I am requesting a side yard variance from 20' to 15' on a new matching garage attached via breezeway/porte-cochere, (which is outside of the "Special Fault Hazard Zone" area) to the existing house garage. See attachment A.

I was one of the first houses to be constructed in the Charmar subdivision in 1979/1980. I bought lot #27 and several years later I bought lot #26. See attachment B. Eventually they were combined to make one lot. I would like to submit drawing A showing the original side yard distances/approvals, knowing the current lot is now considered a flag lot. I would prefer to keep it this way, as opposed to separating it as originally plotted, shown as lot #27 and Lot #26, because of the time/expense incurred by separating them (just so I could take advantage of the normal side yard setbacks of 20' total for both sides with a minimum of 8' on one side) and then switching it back to one lot again.

There are many reasons for the request, one is the ability to use my existing stamped concrete driveway to pull straight in as opposed to making a turn and then try to straighten the car in a confined area back in/out of the garage (with 70-year-old drivers we need all the help we can get). Another reason is to increase the width of the proposed garage since it is only 22' deep. I use a snow blower now to clear the 500' driveway, I foresee in the future I will need to use a small tractor, etc. See attachment C.

Regarding any "harmony" to the land and/or neighbors I complied with the then Chapter 70 retention guidelines by retaining all slopes, sides, backs, etc. with evergreens, etc. which have done an excellent job the last 45 years! The roof will match earth shade cement bartile, siding will match the house with James Hardie cement fiber shake siding, and the soffit/facia will be matching aluminum, which all are very fire resistant (per the Wildland Urban Interface Boundary Overlay).

I have contacted the only possible neighbors to the south with my plans and have gotten a positive response:

Kevin [REDACTED]

Don [REDACTED]

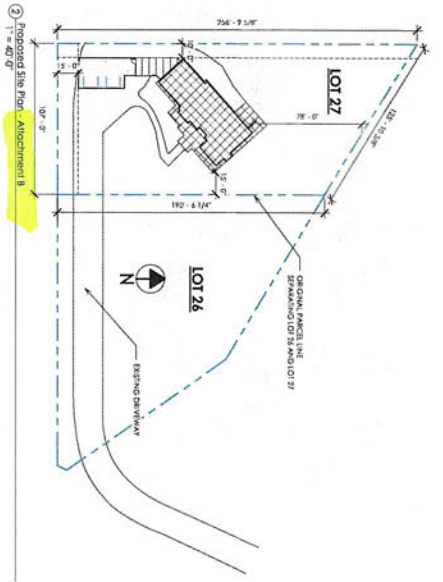
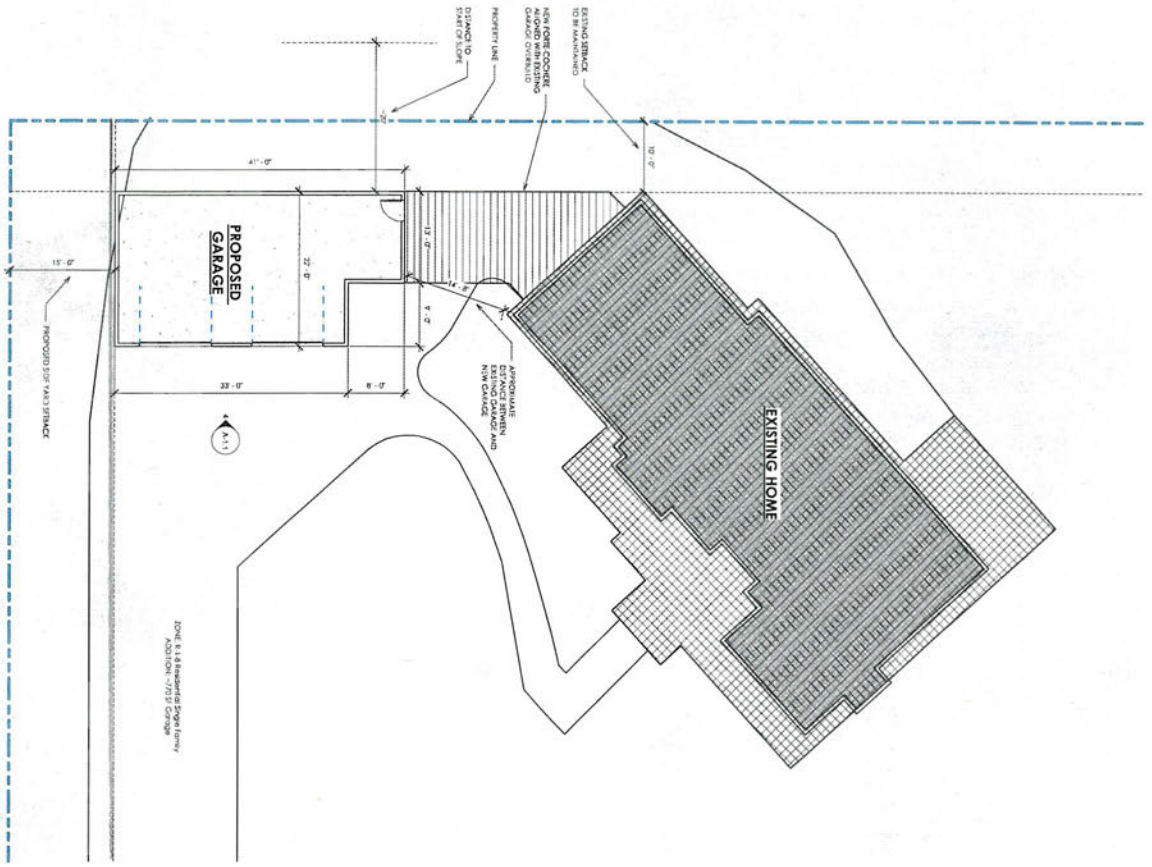
Chris [REDACTED]

In conclusion, I am not asking for an eight-foot-side yard, like the new construction examples I have seen in Cottonwood Heights. But I am only asking for an additional 5' decrease (from 20' to 15') for an original owner, not a flipper (whose wife is hell-bent on staying here until we pass) to try to make our later years simpler to navigate.

Thank you for your consideration,

Jeff and Andrea Wade

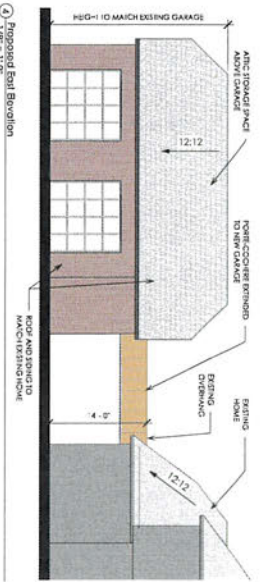
1 Proposed Site Plan - Attachment C
 1/8" = 1'-0"



2 Proposed Site Plan - Attachment B
 1/8" = 1'-0"



3 Equal Elevation Overlay - Attachment A
 1" = 40'-0"



4 Proposed Elevation
 1/8" = 1'-0"



JEFF WADE GARAGE ADDITION
 8976 S. Sutton Way Cottonwood Heights,
 Utah 8093

No.	Description	Date

JEFF WADE
 Site Plan
 Project Number: 2023.01
 Date: 4.12.23
A-1.1

