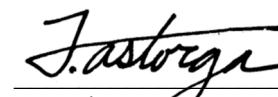


ADMINISTRATIVE COMMITTEE
Monday, January 27, 2020
5:00 p.m.

NOTICE IS HEREBY GIVEN that the Bountiful City Administrative Committee will hold its regular meeting in the Conference Room at **Bountiful City Offices, 150 North Main Street, Suite 103**, Bountiful, Utah, at the time and on the date given above. The public is invited. Persons who are disabled as defined by the Americans with Disabilities Act may request an accommodation by contacting the Bountiful City Planning Office at (801) 298-6190. Notification at least 24 hours prior to the meeting would be appreciated.

AGENDA

1. Welcome and Introductions.
2. Consider approval of minutes for January 20, 2020.
3. **PUBLIC HEARING:** Consider approval of Conditional Use Permit to allow for an Accessory Dwelling Unit at 1154 North 950 East, Duane W. Fisher, applicant.
4. Consider approval of a Conditional Use Permit, in written form, to allow for a Home Occupation Contractor Business at 374 East 1650 South, Gerald Deters, applicant.
5. Miscellaneous business and scheduling.



Francisco Astorga, Planning Director

**Bountiful City
Administrative Committee Minutes
January 20, 2020**

Present: Chairman – Francisco Astorga; Committee Members – Brad Clawson and Dave Badham; New Committee Member – Scott Schlegel; Assistant Planner – Curtis Poole; Recording Secretary – Julie Holmgren

1. Welcome and Introductions.

Chairman Astorga opened the meeting at 5:01 p.m. and introduced all present. Mr. Astorga noted the attendance of new Administrative Committee member Scott Schlegel, who will serve as a citizens' representative. Shawna Andrus, Bountiful City Recorder, swore in Mr. Schlegel as a member of the committee. Mr. Astorga explained that Mr. Schlegel would be observing the January 20, 2020 meeting but would not be voting.

2. Consider approval of minutes for January 13, 2020.

Mr. Badham made a motion to approve the minutes for January 13, 2020. Mr. Clawson seconded the motion.

<u>A</u>	Mr. Astorga
<u>A</u>	Mr. Clawson
<u>A</u>	Mr. Badham

Motion passed 3-0.

3. PUBLIC HEARING: Consider approval of Conditional Use Permit to allow for an Accessory Dwelling Unit at 1968 South Davis Boulevard, Douglas P. Thompson and Yaping Chen, applicants.

Douglas P. Thompson, applicant, was present.

Curtis Poole presented the staff report (the full staff report follows).

The Applicants, Douglas Thompson and Yaping Chen, request Conditional Use Permit approval to allow for an Accessory Dwelling Unit at 1968 South Davis Boulevard. The property is located in the R-4 Single- Family Residential Zone.

The Applicants are requesting approval of an existing Accessory Dwelling Unit (ADU). The Applicants have been renting part of their home unaware of amendments made to the Bountiful City Code. Information submitted show the ADU is located in the basement and contains two (2) bedrooms, a bathroom, kitchen and living space. The Applicants will live in the ADU and rent out the upper portion of the home, which include the storage and laundry rooms in the basement.

According to City Code, 14-4-124, a Conditional Use Permit for an ADU is required and the Applicants shall meet all standards of the Code for approval. The property is located in the

R-4 Single-Family Residential Zone and consists of an existing single-family dwelling which will be maintained as such by the Applicants. The lot is 0.201 acres (8,756 square feet). There will only be one (1) ADU and there will only be one (1) utility connection located at this property. The home is 2,746 square feet and the ADU is approximately 1,035 square feet, which is approximately 37% of the total home area and below the maximum 40% standard in the Code.

The property will meet the parking standard required for approval. The entrance to the ADU will either be through the front door or a door located at the back of the home, which would not be visible from the street. The property will continue to have the appearance of a single-family dwelling and should have minimal impact on the surrounding neighborhood.

Staff recommends the Administrative Committee approve the Conditional Use Permit to allow for an Accessory Dwelling Unit at 1968 South Davis Boulevard subject to the following conditions:

1. The owner(s) of the property must continually occupy the primary dwelling or the ADU.
2. The property is to be used only as a single-family use and shall be subject to a Deed Restriction.
3. There shall be no separate utility service connections.
4. The ADU shall meet all the standards in 14-14-124 of the City Land Use Ordinance.
5. The Conditional Use Permit is solely for this property and is non-transferable.

Mr. Thompson expressed his willingness to comply with the conditions.

PUBLIC HEARING: Mr. Astorga opened the Public Hearing at 5:07 p.m. Mr. Mike Rapp (1954 South Davis Boulevard) inquired regarding property rental. Mr. Astorga referenced the definition of Accessory Dwelling Unit from the code: "A self-contained dwelling unit within an owner occupied single-family residence or located on an owner occupied property that is either incorporated within the single-family residence or in a detached building which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen and/or laundry facilities." He summarized that the code allows the home to be divided as long as the owner lives on site; the code does not specify whether the owner should live in the primary unit or the ADU. Ms. Ginger Rapp (1954 South Davis Boulevard) explained that several homes on her street had renters in a portion of the home and questioned their compliance with code, and Mr. Astorga suggested that specific matter be discussed after the meeting and noted that the Planning Department responds to those types of issues on a citizen-complaint basis. The Public Hearing was closed at 5:13 p.m. with no further comment from the public.

Mr. Badham questioned the square footage of the ADU for Mr. Thompson's project. Mr. Poole explained that livable space is included in the 40% total floor area condition and that the utility room does not constitute livable space. Mr. Badham added that the stairway would also be non-livable space. Mr. Poole noted that the storage and the laundry area were not included as part of the ADU unit. Mr. Thompson noted that the ADU occupants will do their

laundry off-site, but in the past they have utilized the laundry room. Mr. Badham queried if ADU occupants use the home laundry room, does it become a shareable area? He wondered if the square footage included for the ADU was verified by staff and was compliant with the code. Mr. Poole explained that the home's square footage is verifiable with the County. Mr. Badham also inquired regarding the property's parking situation. The drive approach was measure via a Google image and was determined to be standard width. Mr. Poole noted that the code does not address driveway size or manipulation of vehicles in the driveway. A discussion ensued regarding the technicalities of moving vehicles in and out of the designated parking area. Mr. Thompson explained that the Google image being examined by the committee was out of date and a bush had been removed from the driveway area and the width had been extended. He noted that there is free movement from the garage for two cars. Mr. Thompson explained that the laundry room was not included in the ADU floor plan because he and his wife utilize it. He also explained that the storage area is shared by both units. Mr. Poole explained that calculations show the square footage of the ADU occupies 37% of the total floor area. Mr. Astorga noted he was not concerned with the driveway situation, but he questioned the laundry area usage. Mr. Clawson inquired regarding the entrance to the ADU and separation of access. Mr. Astorga read the definition of floor area from the code: "The sum of the areas of one or several floors of a building, including areas used for human occupancy in basements, attics and penthouses, as measured from the exterior face of walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the principal building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts." Mr. Astorga noted that the code does not give much guidance regarding ADU usage of laundry and storage. A discussion ensued regarding renter's usage of the laundry area. Mr. Astorga inquired regarding renter's usage of the storage area and if that should be included with the ADU. He asked Mr. Thompson if he already had a tenant, and Mr. Thompson explained that he had a tenant currently living in the primary unit. Mr. Badham inquired regarding the entrance to the ADU, and Mr. Thompson explained that the entrance was in the back of the home. Mr. Astorga expressed concern regarding the laundry room and if it should be included as part of the ADU.

Mr. Astorga made a motion to continue consideration of approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 1968 South Davis Boulevard, Douglas P. Thompson and Yaping Chen, applicants, pending inspection by staff of the applicant's laundry room. Mr. Badham seconded the motion to continue the item.

A Mr. Astorga
A Mr. Clawson
A Mr. Badham

Motion to continue passed 3-0.

4. **PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for a Home Occupation Contractor Business at 374 East 1650 South, Gerald Deters, applicant.**

Gerald Deters, applicant, was present.

Curtis Poole presented the staff report (the full staff report follows).

The Applicant, Gerald Deters, requests Conditional Use Permit approval to allow for a Home Occupation Contractor Business located at 374 East 1650 South. The property is located within the R-4 Single Family Residential Zone.

The Applicant operates a home remodel and repair business, Works by Gunther. The Applicant indicates he will be the only employee of the business and there will be one vehicle parked at the residence involved in the business. All of the Applicant's tools and supplies will be located in a storage unit in North Salt Lake. The Applicant has indicated no part of the home will be used in connection with the business; however, Bountiful City Code will allow up to 300 square feet of the home to be used for the business. Based upon the information submitted by the Applicant the residence will continue to have the appearance of a single-family dwelling and will not adversely affect the surrounding neighborhood.

Staff recommends the Administrative Committee approve the Conditional Use Permit to allow for a Home Occupation Contractor Business at 374 East 1650 South, subject to the following conditions:

1. The Applicant shall maintain an active Bountiful City Business License.
2. The Home Occupation will not create nuisances discernible beyond the premises (e.g., dust, odors, noxious fumes, glare, traffic, outdoor storage, etc.)
3. The use will comply with all the applicable fire, building, plumbing electrical and life safety and health codes in the State of Utah, Davis County and Bountiful City.
4. Any signage connected with the business shall meet the standards of the sign ordinance and receive approval through a separate permit.
5. The Conditional Use Permit is solely for this site and is non-transferable.

Mr. Badham stressed that the home occupation business should not be obvious to neighbors.

PUBLIC HEARING: Mr. Astorga opened and closed the Public Hearing at 5:35 p.m. with no comment from the public.

Mr. Badham made a motion to approve a Conditional Use Permit to allow for a Home Occupation Contractor Business at 374 East 1650 South, Gerald Deters, applicant. Mr. Clawson seconded the motion.

<u>A</u>	Mr. Astorga
<u>A</u>	Mr. Clawson
<u>A</u>	Mr. Badham

Motion passed 3-0 based on conditions outlined by staff.

5. Consider approval of Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 175 East 200 South, Tonya Hardy, applicant.

Mr. Clawson made a motion to approve a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 175 East 200 South, Tonya Hardy, applicant. Mr. Badham seconded the motion.

A Mr. Astorga
A Mr. Clawson
A Mr. Badham

Motion passed 3-0.

6. Consider approval of a Conditional Use Permit, in written form, to allow for a Temporary Sales Office Trailer at 2399 South Main, Applied Media Inc., applicant.

Mr. Badham made a motion to approve a Conditional Use Permit, in written form, to allow for a Temporary Sales Office Trailer at 2399 South Main, Applied Media Inc., applicant. Mr. Clawson seconded the motion.

A Mr. Astorga
A Mr. Clawson
A Mr. Badham

Motion passed 3-0.

7. Miscellaneous business and scheduling.

Mr. Astorga noted that the next meeting would be held on January 27, 2020 and ascertained there were no further items of business. The meeting was adjourned at 5:38 p.m.

Francisco Astorga, Planning Director

Administrative Committee Staff Report

Subject: PUBLIC HEARING: Conditional Use Permit to allow for an Accessory Dwelling Unit
Author: Curtis Poole, Assistant City Planner
Address: 1154 North 950 East
Date: January 27, 2020



Description of Request:

The Applicant, Duane Fisher, requests Conditional Use Permit approval to allow for an Accessory Dwelling Unit at 1154 North 950 East. The property is located in the R-4 Single-Family Residential Zone.

Background and Analysis:

The Applicant is requesting approval of an Accessory Dwelling Unit (ADU) which will be part of a new home construction as the Applicant's home was destroyed in the Gun Range Fire last summer. Information submitted shows the ADU will be located in the basement and contains one (1) bedroom, a bathroom, separate laundry room, kitchen and living space. The Applicant has recently been issued a building permit for the new home and construction has already begun; however, the Applicant applied for the Conditional Use Permit before the permit was issued.

According to City Code, 14-4-124, a Conditional Use Permit for an ADU is required and the Applicant shall meet all standards of the Code for approval. The property is located in the R-4 Single-Family Residential Zone and will consist of a single-family dwelling which will be maintained as such by the Applicant. The lot is 0.774 acres (33,715 square feet). There will only be one (1) ADU and there will only be one (1) utility connection located at this property. The home will be 3,886 square feet and the ADU will be approximately 800 square feet, which will be approximately 21% of the total home and will be below the maximum 40% standard in the Code.

The property will meet the parking standard required for approval. The entrance to the ADU can be through a connection in the basement or through a side entry door, which would not be visible from the street. The property will continue to have the appearance of a single-family dwelling and should have minimal impact on the surrounding neighborhood.

Recommended Action

Staff recommends the Administrative Committee approve the Conditional Use Permit to allow for an Accessory Dwelling Unit at 1154 North 950 East subject to the following conditions:

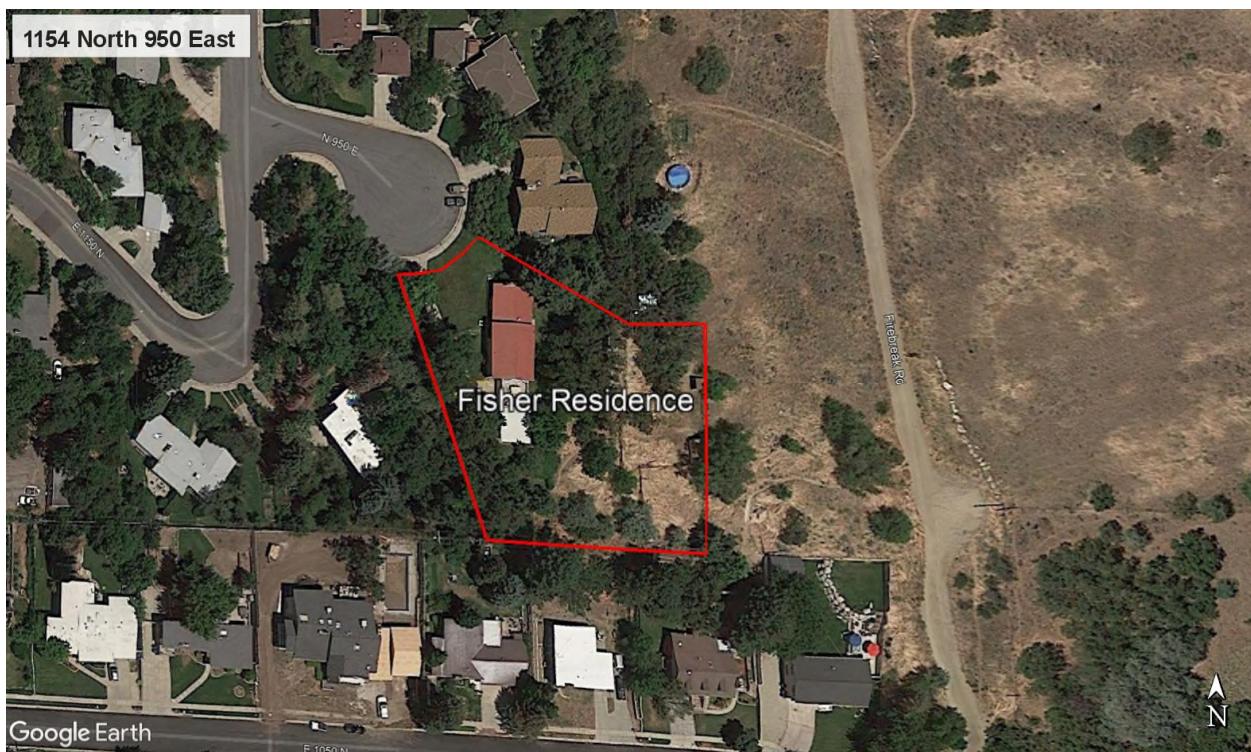
1. The owner(s) of the property must continually occupy the primary dwelling or the ADU.

2. The property is to be used only as a single-family use and shall be subject to a Deed Restriction.
3. There shall be no separate utility service connections.
4. The ADU shall meet all the standards in 14-14-124 of the City Land Use Ordinance.
5. The Conditional Use Permit is solely for this property and is non-transferable.

Attachments

1. Aerial Photo
2. Bountiful Land Use Ordinance
3. Site Plan
4. Application submitted

Aerial Photo



Bountiful Land Use Ordinance

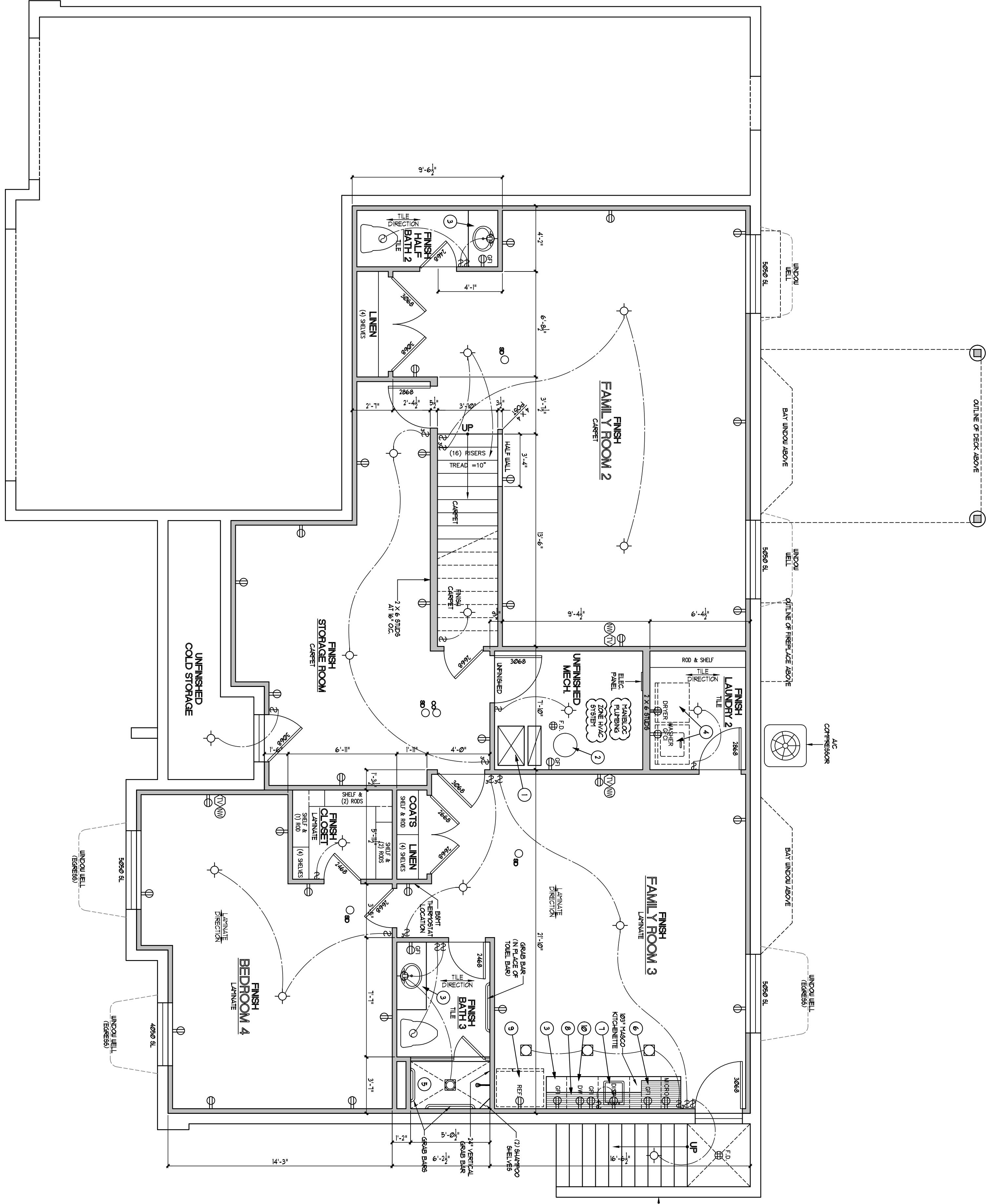
14-14-124 ACCESSORY DWELLING UNIT

- A. *Purpose: The city recognizes that accessory dwelling units (ADUs) in single-family residential zones can be an important tool in the overall housing plan for the city. The purposes of the ADU standards of this code are to:*
1. *Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;*

2. *Provide for affordable housing opportunities;*
 3. *Make housing units available to moderate income people who might otherwise have difficulty finding homes within the city;*
 4. *Provide opportunities for additional income to offset rising housing costs;*
 5. *Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle; and*
 6. *Preserve the character of single-family neighborhoods by providing standards governing development of ADUs.*
- B. *An accessory dwelling unit shall only be approved as a conditional use.*
- C. *An accessory dwelling unit shall not be approved, and shall be deemed unlawful, unless it meets all of the following criteria:*
1. *An accessory dwelling unit shall be conditionally permitted only within a single-family residential zone, and shall not be permitted in any other zone.*
 2. *It is unlawful to allow, construct, or reside in an accessory dwelling unit within a duplex or multi-family residential building or property.*
 3. *It is unlawful to reside in, or allow to reside in, an accessory dwelling unit that has not received a conditional use permit or without written authorization from the Bountiful City Planning Department.*
 4. *A maximum of one (1) accessory dwelling unit shall be permitted as a conditional use on any lot or parcel in a single-family zone.*
 5. *It is unlawful to construct, locate, or otherwise situate an accessory dwelling unit on a lot or parcel of land that does not contain a habitable single-family dwelling.*
 6. *A deed restriction limiting the use of a property to a single-family use, prepared and signed by the Bountiful City Planning Director and all owners of the property on which an accessory dwelling unit is located, shall be recorded with the Davis County Recorder's Office prior to occupancy of the accessory dwelling unit. If a building permit is required, then said deed restriction shall be recorded prior to issuance of the building permit.*
 7. *The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU, but not both, as their permanent residence and at no time receive rent for the owner occupied unit. Application for an ADU shall include proof of owner occupancy as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means.*
 8. *Separate utility meters shall not be permitted for the accessory dwelling unit.*
 9. *Any property and any structure that contains an approved accessory dwelling unit shall be designed and maintained in such a manner that the property maintains the appearance of a single-family residential use. A separate entrance to the ADU shall not be allowed on the front or corner lot side yard. Any separate entrance shall be located to the side or rear of the principal residence.*

10. *It is unlawful to construct an accessory dwelling unit, or to modify a structure to include an accessory dwelling unit, without a building permit and a conditional use permit.*
 11. *Adequate off-street parking shall be provided for both the primary residential use and the accessory dwelling unit, and any driveway and parking area shall be in compliance with this Title. In no case shall fewer than four (4) total off street parking spaces be provided with at least 2 of the spaces provided in a garage. Any additional occupant vehicles shall be parked off-street in City Code compliant parking areas.*
- D. *An attached accessory dwelling unit shall be deemed unlawful and shall not be occupied unless all of the following criteria are met:*
1. *Shall not occupy more than forty percent (40%) of the total floor area square footage of the primary dwelling structure,*
 2. *Shall not exceed ten percent (10%) of the buildable land of the lot,*
 3. *Shall be at least three hundred fifty (350) sq ft in size,*
 4. *Shall meet all of the requirements of the International Building Code relating to dwelling units,*
 5. *An attached accessory dwelling unit shall meet all of the required setbacks for a primary dwelling.*
 6. *Shall not have a room used for sleeping smaller than one hundred twenty (120) square feet, exclusive of any closet or other space,*
- E. *A detached accessory dwelling unit shall meet all of the above criteria, plus the following:*
1. *Shall require a conditional use permit, reviewed and approved by the Bountiful City Administrative Committee.*
 2. *Shall not be located on a lot with less than eight thousand (8,000) square feet buildable land.*
 3. *Shall be configured so that any exterior doors, stairs, windows, or similar features are located as far away from adjoining properties as is reasonably possible to provide privacy to those properties.*
 4. *Shall meet all of the setbacks required of a detached accessory structure requiring a conditional use permit.*

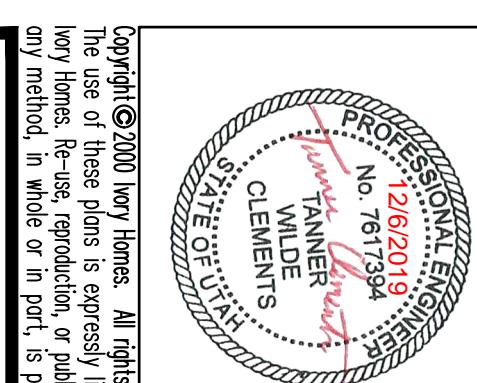
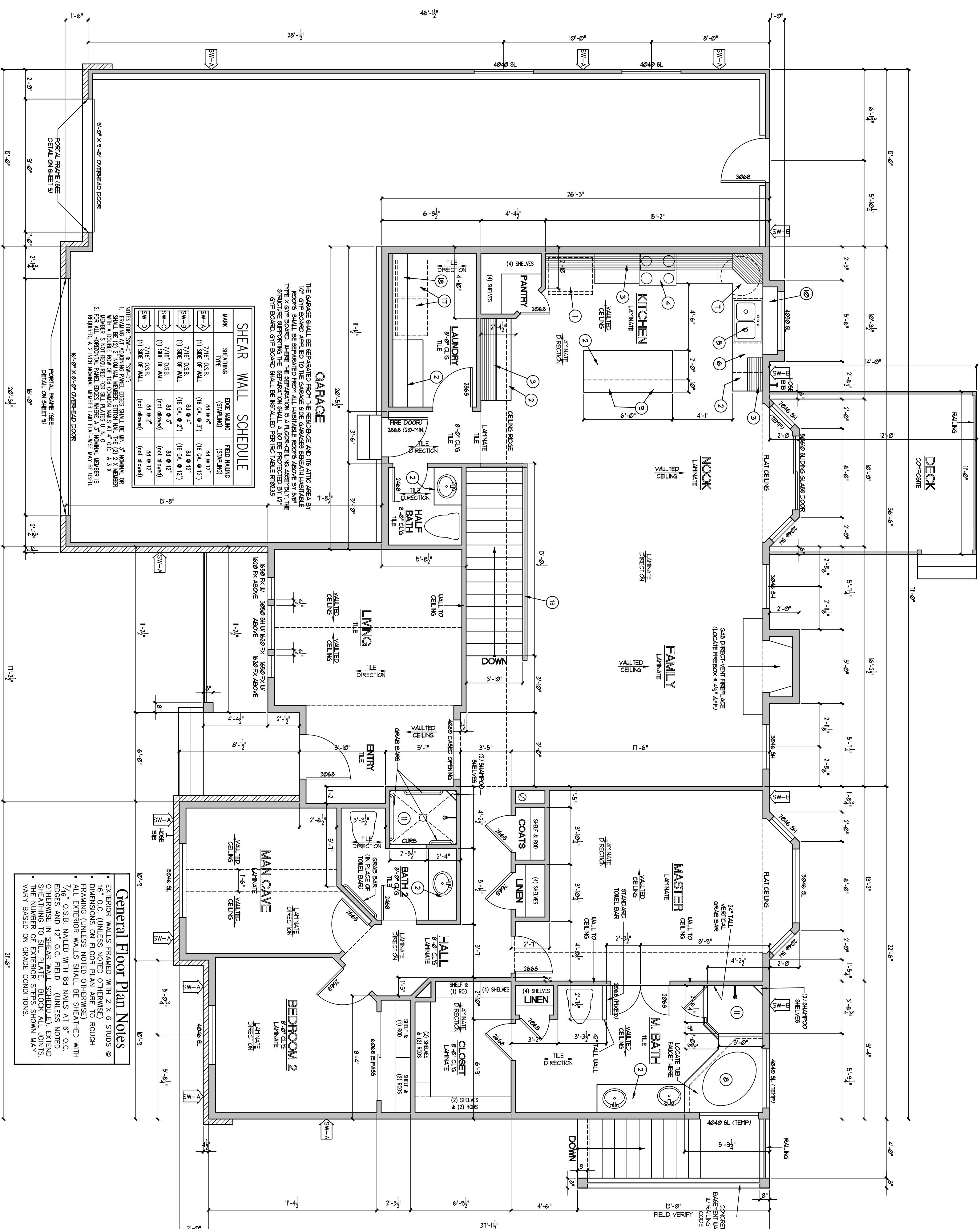
LOWER LEVEL FLOOR PLAN



SCALE: $\frac{1}{4}$ " = 1'-0"

MAIN LEVEL FLOOR PLAN

SCALE: $\frac{1}{4}$ " = 1'-0"



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Tivoli "Traditional" Twin Hollows Lot 3 Platinum

No. 767794
TANNER
WILDE
CLEMENTS
STATE OF UTAH
PROFESSIONAL DRAWING
12/20/2019

KEYNOTES

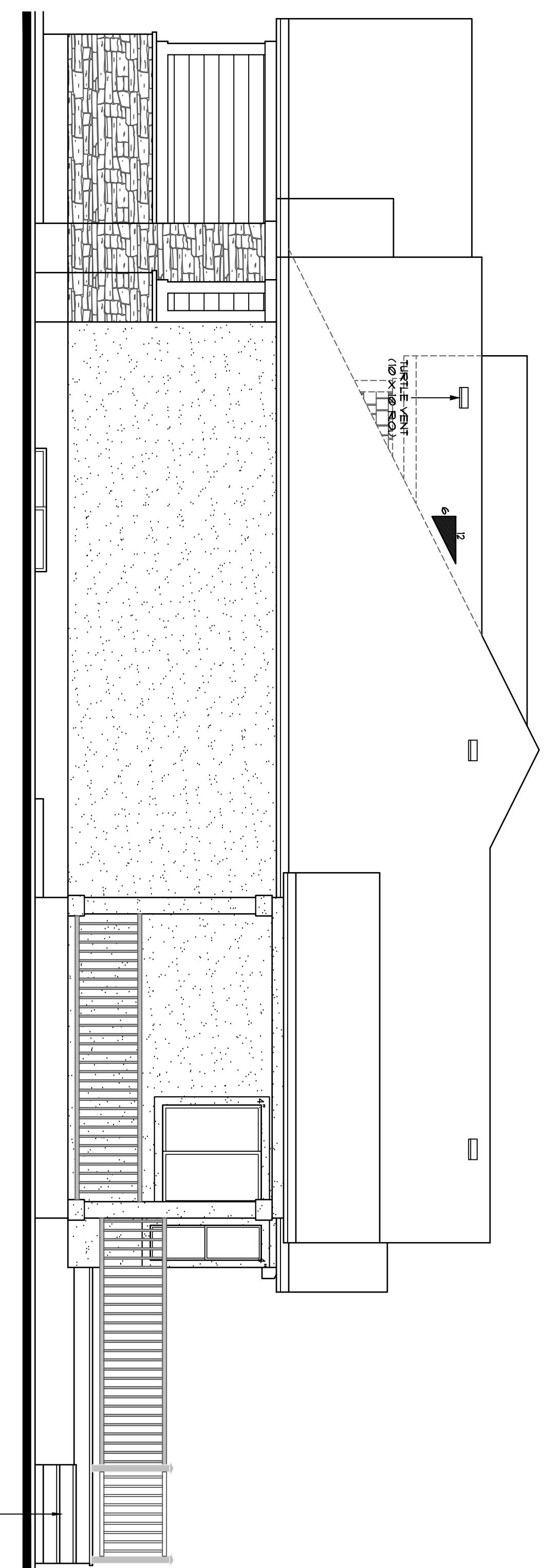
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MAIN LEVEL FLOOR PLAN

MAIN LEVEL 1986 Date Dec. 2019
FIN. BSMT 1900 Scale NOTED
TOTAL FINISHED 3886 Drawn MIZSAB
UNFIN. BSMT 71 Job Fisher
FRUIT ROOM 60 TOTAL UNFINISHED 151
GARAGE 4037 Sheet 4 of 10 Sheets

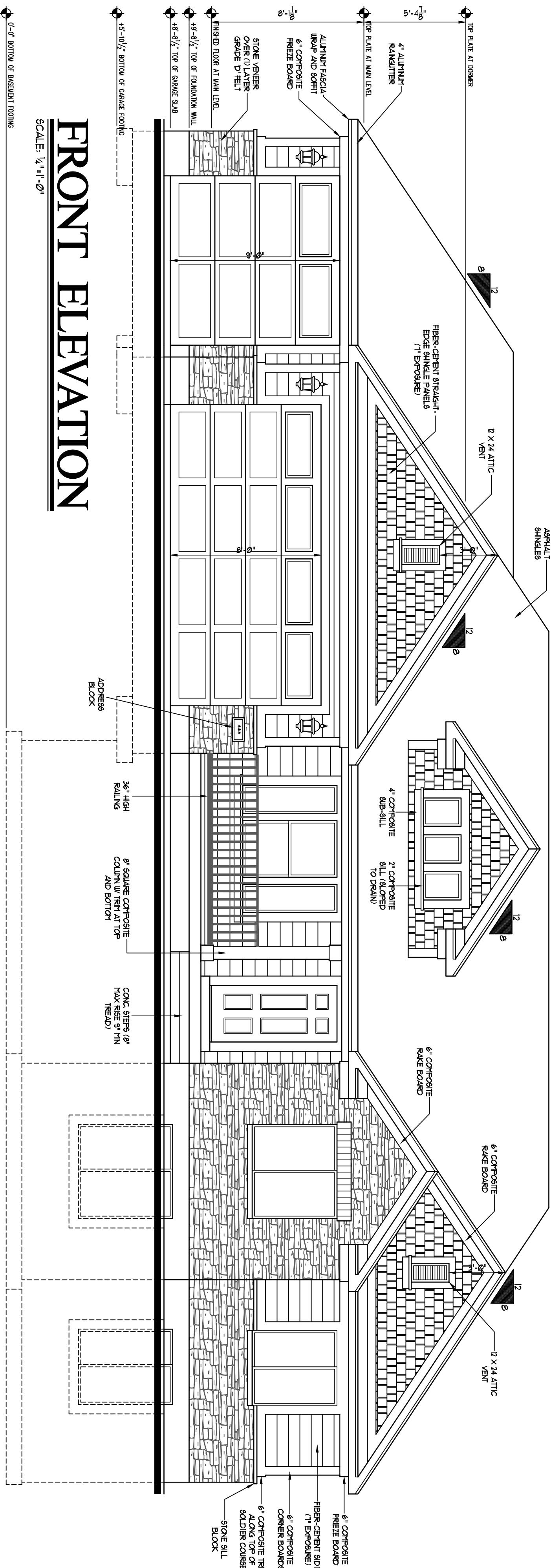


RIGHT SIDE ELEVATION

SCALE: $\frac{1}{4}'' = 1'-0''$

COMPOSITE STEPS
(8 MAX STEP 9 MIN
TREAD)

**NO GRIDS IN
ANY WINDOWS**



FRONT ELEVATION

SCALE: $\frac{1}{4}'' = 1'-0''$

Tivoli "Traditional" Twin Hollows Lot 3 Platinum	
MAIN LEVEL	1986
FIN. BSMT	1900
TOTAL FINISHED	3886
UNFIN. BSMT.	71
FRONT ROOM	80
TOTAL UNFINISHED	151
GARAGE	403
Sheet	5
of 10 Sheets	

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KEYNOTES	
REVISIONS	BS-TWEL1.CSMED.DWG 11/01/17

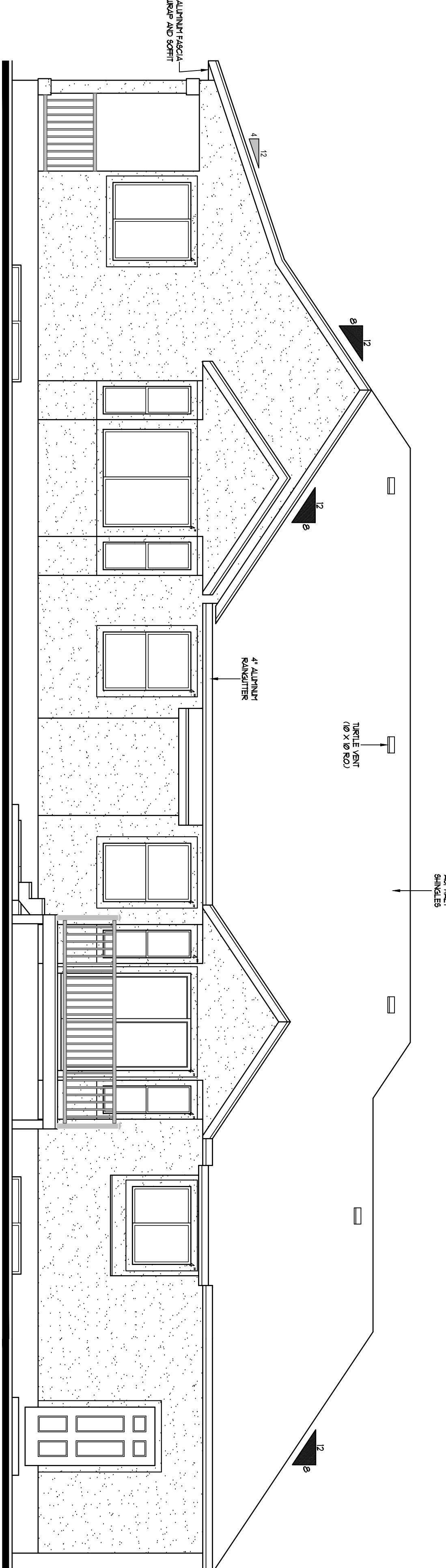


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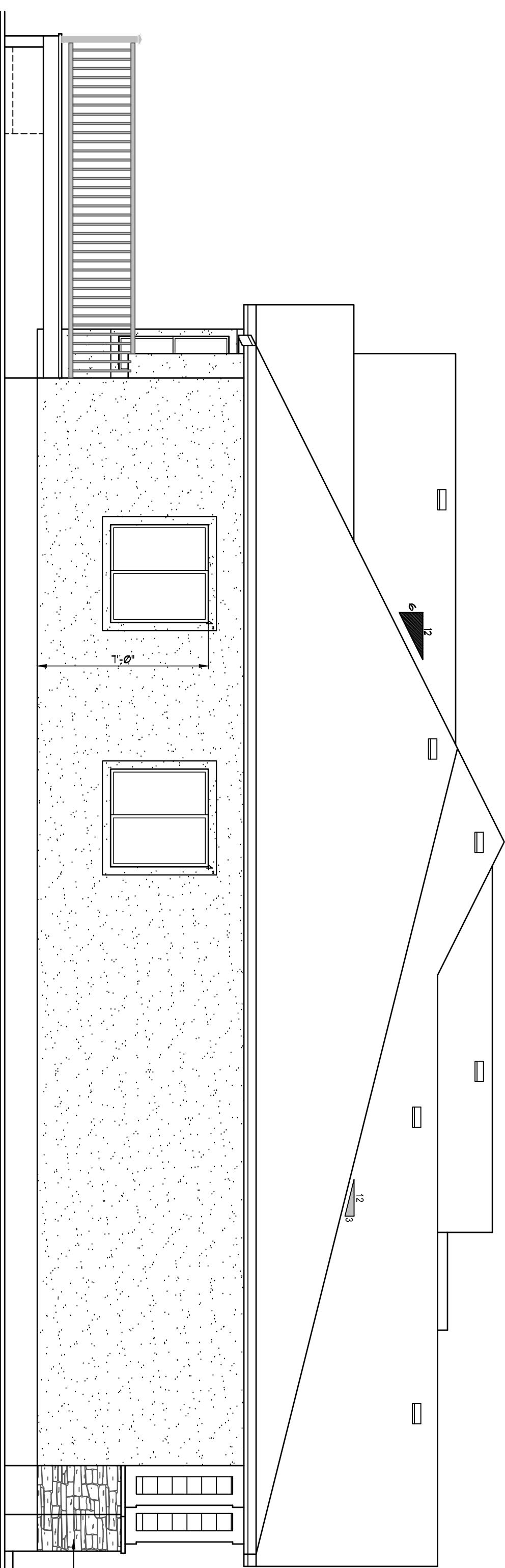
REAR ELEVATION

SCALE: $\frac{1}{4}'' = 1'-0''$



LEFT SIDE ELEVATION

SCALE: $\frac{1}{4}'' = 1'-0''$



Attic Ventilation Requirements

Main Roof
2483.00 SF
8.28 SF
4.14 SF
N/A
4.14 SF
0.35 SF
12
152.94 LF

Linear feet of soffit required

* Roof Louvers to be LOMANCO (Model 750-G) = 0.347 Sq. Ft. Each

* Soffit vents = .02708 sq. ft. per linear foot of soffit

* Soffit vents (w/ crown) = .00764 sq. ft. per linear foot of soffit

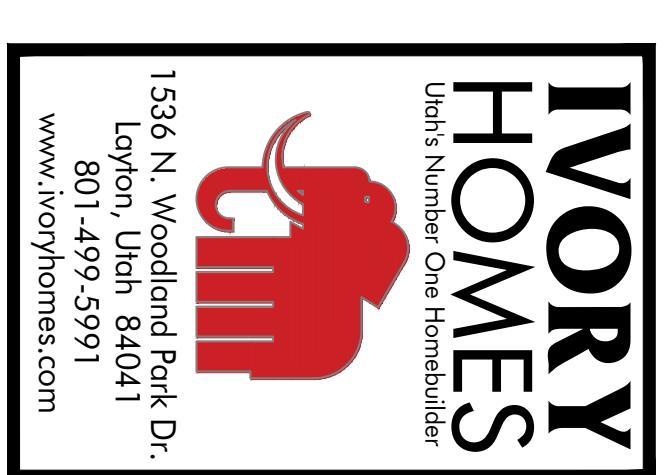
**NO GRIDS IN
ANY WINDOWS**

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Tivoli
"Traditional"
Twin Hollows Lot 3
Platinum

MAIN LEVEL	1986	Date Created	Dec. 2013
FIN. BSMT	1300	Scale	NOTED
TOTAL FINISHED	3086	Drawn	MZ/SAB
FRONT ROOM	80	Job	Fisher
TOTAL UNFINISHED	151	Sheet	6
CARAGE	403	of 10 Sheets	905

KEYNOTES
REVISIONS: DS-TWEL2-CSTONE.DWG 05/05/17 12:29





Conditional Use Permit

A public hearing was held on January 20, 2020, at Bountiful City Offices to consider the request of Gerald Deters, for a Conditional Use Permit allowing a Home Occupation Contractor Business at 374 East 1650 South, Bountiful, Utah.

The Bountiful City Administrative Committee heard the matter and considered the statements of the applicant, the City staff, and the public. As a result, the Administrative Committee makes the following findings:

1. This matter is properly heard before the Administrative Committee.
2. Appropriate public notice has been provided and a public hearing held.
3. The proposed request to operate a contractor business meets the letter and the intent of the specific requirements in §14-17 et seq. (Conditional Use Permit provisions) of the Bountiful City Land Use Ordinance.

The Bountiful City Administrative Committee hereby grants this Conditional Use Permit for Gerald Deters to operate a contractor business located at 374 East 1650 South, in Bountiful, Davis County, Utah, with the following conditions:

1. The Applicant shall maintain an active Bountiful City Business License.
2. The Home Occupation will not create nuisances discernible beyond the premises (e.g., dust, odors, noxious fumes, glare, traffic, outdoor storage, etc.)
3. The use will comply with all the applicable fire, building, plumbing electrical and life safety and health codes in the State of Utah, Davis County and Bountiful City.
4. Any signage connected with the business shall meet the standards of the sign ordinance and receive approval through a separate permit.
5. The Conditional Use Permit is solely for this site and is non-transferable.

The Conditional Use Permit was approved on January 20, 2020, and this written form was approved this 27th day of January, 2020.

Francisco Astorga
Planning Director

ATTEST: Julie Holmgren
Recording Secretary