ADMINISTRATIVE COMMITTEE

Monday, January 28, 2019 5:00 p.m.

NOTICE IS HEREBY GIVEN that the Bountiful City Administrative Committee will hold its regular meeting in the Conference Room at City Hall, 790 South 100 East, 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 7, 2019.
- 3. Consider approval of a Lot Line Adjustment at 441 West 850 South and 427 West 850 South, Sharon Moss and Kerry & Delynn Everett, applicants.
- 4. **PUBLIC HEARING**: Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 4482 Ridge Crest Circle, Matthew and Nicole Garff, applicants.
- 5. Consider approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 224 East Bonneville Drive, Steve and Debbie Nielsen, applicants.
- 6. Miscellaneous business and scheduling.

Chad Wilkinson, City Planner

Bountiful City Administrative Committee Minutes January 7, 2019

Present: Chairman – Chad Wilkinson; Committee Members – Brad Clawson and Dave Badham; Assistant Planner – Curtis Poole; Recording Secretary – Julie Holmgren

1. Welcome and Introductions.

Chairman Wilkinson opened the meeting at 5:01 p.m. and introduced all present.

2. Consider approval of minutes for December 17, 2018.

Mr. Badham made a motion for approval of the minutes for December 17, 2018. Mr. Wilkinson seconded the motion.

- A Mr. Wilkinson Mr. Clawson (abstained)
- A Mr. Badham

Motion passed 2-0.

3. Consider approval of a Lot Line Adjustment at 122 Monarch Drive and 104 Monarch Drive, Terrance Holbrook and Steve Broderick, applicants.

Terrance Holbrook, applicant, was present.

Mr. Poole presented a summary of the staff report (the full staff report follows).

The applicants are applying for a Lot Line Adjustment between their properties located at 122 Monarch Drive (Holbrook property), and 104 Monarch Drive (Broderick property). Both properties are located in the R-3 zone. The purpose of the adjustment is to memorialize a prior unauthorized boundary line adjustment which was not formalized with Bountiful City. The original lot line had a 7 foot public utility easement which ran on the Holbrook side of the property line between the two properties. The prior property line adjustment conveyed 1,548 square feet, shown on map as Adjustment Area A, from the Holbrook to the Broderick property; it also conveyed 2,081 square feet, shown on map as Adjustment brought the Broderick property to 19,194 square feet (approximately 0.44 acres) and the Holbrook property to 14,076 square feet (approximately 0.32 acres). No new lots were created in the conveyance; however, the utility easements were not adjusted and this is preventing construction of a detached accessory structure on the Holbrook property line will need to be released by the City Council.

1. No new lots were created in this conveyance so an amended subdivision plat will not be necessary.

<u>Pending minutes have not yet been approved by the Administrative Committee and are</u> <u>subject to change until final approval has been made.</u>

2. Authorizing the prior property line adjustment is conditioned upon City Council approval of releasing the existing easements and creating the new utility easements shown on the property line adjustment plat.

Based on the above findings, Staff recommends approval of the lot line adjustment, with the following conditions:

- 1. Complete any redline corrections required on the plat
- 2. The approved lot line adjustment shall be recorded with Davis County.
- 3. Obtain City Council approval for an easement release and modification of the existing PUE, a recorded copy of which shall be placed in the City's building permit file.

Note: Approval of the property line adjustment by the City does not act as a conveyance of real property and appropriate conveyance documents must be prepared and recorded by the county.

Mr. Badham clarified that the easement was not being abolished but was being re-routed and would become part of the new property record. Mr. Wilkinson affirmed and stated that the lot line adjustment was to authorize an off-the-books lot line adjustment agreed upon several years ago between neighbors. Mr. Holbrook stated that he had obtained signatures on the Release of Easement.

Mr. Badham made a motion for approval of a Lot Line Adjustment at 122 Monarch Drive and 104 Monarch Drive, Terrance Holbrook and Steve Broderick, applicants. Mr. Clawson seconded the motion.

A	Mr. Wilkinson
A	Mr. Clawson
A	Mr. Badham

Motion passed 3-0.

4. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 224 East Bonneville Drive, Steve and Debbie Nielsen, applicants.

Steve and Debbie Nielsen, applicants, were present.

Mr. Poole presented a summary of the staff report (the full staff report follows).

The applicants are requesting approval of an Accessory Dwelling Unit as part of their new home construction. The proposed unit will contain a full kitchen, a living space, a utility room and two bedrooms and two bathrooms. The plans show there is an external entry to the Accessory Dwelling Unit which can be accessed from the west side of the proposed home.

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According to City Code, 14-4-124, a Conditional Use Permit for Accessory Dwelling Units (ADU) is required and applicants shall meet all standards of the Code. The plans submitted by the applicants show the proposed home is located in the R-3 Single-Family Residential zone and is a single-family dwelling and will be maintained as such by the applicants. There will be only one ADU and there will only be one utility connection located at this property. The ADU will be 1,195 square feet of the proposed 6,675 square foot total living area at this residence, which is less than the 40% standard in the Code. The proposed primary structure meets all of the setback and lot building square footage requirements. The applicants will meet the minimum parking standard in the Code, requiring at least four parking spaces and at least 2 will be in the proposed garage. As the ADU can be accessed from the interior of the existing home (through the garage and through a doorway connecting it to the primary residence), or through the side entrance, it will have the appearance of a single-family dwelling and will have minimal impact on the neighboring properties.

Based upon the above findings, staff has determined the applicant would comply with all requirements for the Conditional Use Permit. Staff recommends approval of the Conditional Use Permit with the following conditions:

- 1. The principal owner(s) of the property must occupy the primary structure.
- 2. The entrance to the ADU must be located on the side or rear of the home and not facing the street in order to maintain the appearance of a single-family home.
- 3. The property is to be used only as a single-family use and shall be subject to a deed restriction.
- 4. There will be no separate utility service connections
- 5. The ADU shall meet all the criteria in 14-14-124 of the city Land Use Ordinance
- 6. The Conditional Use Permit is solely for this property and is non-transferable.
- 7. The plans be redlined to remove the garage wall.

PUBLIC HEARING: Mr. Wilkinson opened and closed the Public Hearing at 5:14 p.m. with no comments from the public.

Mr. Wilkinson expressed concern that the ADU not become a duplex use and suggested that the plans be revised to remove the internal wall between units in the garage in order that the project function as one unit. Mr. Wilkinson noted that changes had already been made on the original plans to relocate a door from the front to the side and to remove a kitchen in the basement. Mr. Wilkinson explained that the city has to be very careful about approving projects that have the appearance of multiple units. Mr. Badham asked if the wall in the garage was structural, and Mr. Nielsen stated that it was not. Mr. Badham noted that if the door was moved, the project won't appear as a duplex and stated that he agreed with Mr. Wilkinson's statement regarding the garage wall. Mr. Badham inquired regarding where the lot flattens out, and Mr. Nielsen stated that it flattens at the bottom. Mr. Wilkinson addressed that there was previously an issue with the driveway, and Mr. Nielsen stated that the driveway plans had been changed.

Mr. Wilkinson made a motion for approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 224 East Bonneville Drive, Steve and Debbie Nielsen,

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applicants, with an additional condition that the plans be redlined to remove the garage wall. Mr. Badham seconded the motion.

A	Mr. Wilkinson
Α	Mr. Clawson
_ <u>A</u> _	Mr. Badham

Motion passed 3-0.

5. Miscellaneous business and scheduling.

Mr. Wilkinson ascertained there were no further items of business. The meeting was adjourned at 5:21 p.m.

Chad Wilkinson, City Planner



RANDY C. LEWIS MAYOR

CITY COUNCIL Kate Bradshaw Kendalyn Harris Richard Higginson John Marc Knight Chris R. Simonsen CITY MANAGER

Gary R. Hill

Memo

Date:January 23, 2019To:Administrative CommitteeFrom:Curtis Poole, Assistant PlannerRe:Staff Report for the Administrative Committee Meeting on Monday, January 28, 2019

Overview

3. Consider approval of a Lot Line Adjustment at 427 and 441 West 850 South, Sharon Moss and Kerry and Delynn Everett, applicants.

Background

The applicants are applying for a Lot Line Adjustment between their properties located at 441 West 850 South (Moss property), and 427 West 850 South (Everett property). Both properties are located in the R-4 zone. The purpose of the adjustment is to convey a portion of the Moss property to the Everett property. The property line adjustment will convey approximately 6,124 square feet, shown on map as East Parcel, from the Moss to the Everett property. The adjustment will bring the Moss property to 20,190 square feet (approximately 0.464 acres) and the Everett property to 20,151 square feet (approximately 0.463 acres). No new lots are being created in the conveyance.

Findings

- 1. No new lots were created in this conveyance so an amended subdivision plat will not be necessary.
- 2. No new building permits have been issued or proposed.

Staff Recommendation

Based on the above findings, Staff recommends approval of the lot line adjustment, with the following conditions:

- 1. Complete any redline corrections required on the plat
- 2. The approved lot line adjustment shall be recorded with Davis County.

Note: Approval of the property line adjustment by the City does not act as a conveyance of real property and appropriate conveyance documents must be prepared and recorded by the county.



427 and 441 West 850 South





RANDY C. LEWIS MAYOR

CITY COUNCIL Kate Bradshaw Kendalyn Harris Richard Higginson John Marc Knight Chris R. Simonsen

CITY MANAGER Gary R. Hill

Memo

Date:	January 23, 2019
To:	Administrative Committee
From:	Curtis Poole, Assistant Planner
Re:	Staff Report for the Administrative Committee Meeting on Monday, January 28,
	2019

Overview

4. **PUBLIC HEARING -** Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 4482 Ridge Crest Circle, Matthew and Nicole Garff, applicants.

Background

The applicants are requesting approval of an Accessory Dwelling Unit existing in their newly purchased home, which had not gone through formal City approvals. The accessory unit contains a full kitchen, a living space, a bedroom and bathroom. The unit can be accessed from and interior door in the home or through a stairwell leading from the garage.

Findings

According to City Code, 14-4-124, a Conditional Use Permit for Accessory Dwelling Units (ADU) is required and applicants shall meet all standards of the Code. The existing home is located in the R-F Single-Family Residential zone and is a single-family dwelling and will be maintained as such by the applicants. There will be only one ADU and there will only be one utility connection located at this property. The ADU square footage is less than the 40% standard in the Code. The proposed primary structure meets all of the setback and lot building square footage requirements. Plans recently submitted for a remodeling project in the home showed three full kitchens. After a discussion with the applicants and the builder, a decision was made to apply for the Conditional Use Permit for the full kitchen. The applicants will meet the minimum parking standard in the Code, requiring at least four parking spaces and at least 2 will be in the proposed garage. As the ADU can be accessed from the interior of the existing home (through the garage and through a doorway connecting it to the primary residence), it will have the appearance of a single-family dwelling and will have minimal impact on the neighboring properties.

Staff Recommendation

Based upon the above findings, staff has determined the applicant would comply with all requirements for the Conditional Use Permit. Staff recommends approval of the Conditional Use Permit with the following conditions:

- 1. The principal owner(s) of the property must occupy the primary structure.
- 2. Any exterior entrance to the ADU must be located on the side or rear of the home and not facing the street in order to maintain the appearance of a single-family home.
- 3. The property is to be used only as a single-family use and shall be subject to a deed restriction.
- 4. There shall be no separate utility service connections.
- 5. The oven in the third kitchen downstairs and all electrical connections shall be removed so as not to allow the return of a fixed cooking appliance.
- 6. The ADU shall meet all the criteria in 14-14-124 of the City Land Use Ordinance.
- 7. The Conditional Use Permit is solely for this property and is non-transferable.

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,

4482 Ridge Crest Circle









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RANDY C. LEWIS MAYOR

CITY COUNCIL Kate Bradshaw Kendalyn Harris Richard Higginson John Marc Knight Chris R. Simonsen

CITY MANAGER Gary R. Hill

Bountiful City, Utah Conditional Use Permit

A public hearing was held on January 7, 2019, at Bountiful City Hall to consider the request of Steve and Debbie Nielsen for a Conditional Use Permit allowing an Accessory Dwelling at the following location:

224 East Bonneville Drive, Bountiful City, Davis County, Utah

ALL OF LOT 12, NORTH POINT COVE SUB PLAT A. CONT. 0.374 ACRES.

Parcel 01-034-0012

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 for an accessory dwelling shall meet all the criteria in 14-14-124 and other applicable sections of the City Ordinance.

The Bountiful City Administrative Committee hereby grants this Conditional Use Permit for an Accessory Dwelling Unit (ADU) as requested by Steve and Debbie Nielsen to be located at 224 East Bonneville Drive, Bountiful, Davis County, Utah, with the following conditions:

- 1. The principal owner(s) of the property must occupy the primary structure.
- 2. The entrance to the ADU must be located on the side or rear of the home and not facing the street in order to maintain the appearance of a single-family home.
- 3. The property is to be used only as a single-family use and shall be subject to a deed restriction.
- 4. There will be no separate utility service connections
- 5. The ADU shall meet all the criteria in 14-14-124 of the city Land Use Ordinance
- 6. The Conditional Use Permit is solely for this property and is non-transferable.
- 7. The plans be redlined to remove the garage wall.

The Conditional Use Permit was approved on January 7, 2019, and this written form was approved this 28th day of January, 2019.

Chad Wilkinson Planning Director ATTEST: Julie Holmgren Recording Secretary