


ADMINISTRATIVE COMMITTEE

Monday, March 4, 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 28, 2019.
3. **PUBLIC HEARING:** Consider approval of a Conditional Use Permit to allow for a Home Occupation Landscaping Business at 1552 Charlene Drive, Kenneth Judd, applicant.
4. Consider approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 4482 Ridge Crest Circle, Matthew and Nicole Garff, applicants.
5. Miscellaneous business and scheduling.



Chad Wilkinson, City Planner

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

**Bountiful City
Administrative Committee Minutes
January 28, 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 5:00 p.m. and introduced all present.

2. Consider approval of minutes for January 7, 2019.

Mr. Badham made a motion for approval of the minutes for January 7, 2019. Mr. Clawson seconded the motion.

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

Motion passed 3-0.

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.

Kerry and Delynn Everett, applicants, were 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 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.

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.

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

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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.

Mr. Wilkinson clarified that there were no redlines corrections for the plat, and Mr. Poole confirmed. Mr. Badham inquired regarding the intent for the lot line adjustment. Ms. Everett explained that Ms. Moss is her mother and currently resides at an assisted living facility. Ms. Moss's home will be marketed for sale in the near future and the applicants want to re-adjust property owned by Ms. Moss. Mr. Badham asked regarding the future possibility of a home being built on one of the back lots and if those lots would be considered as a flag lot. Mr. Wilkinson stated that the lots do not meet the definition of a flag lot. Mr. Badham observed that there is a home located between the Moss home and the Everett home and asked if that homeowner had expressed interest in the property owned by Ms. Moss. Mr. Everett stated that homeowner did not have any interest in purchasing the property.

Mr. Clawson made a motion for approval of a Lot Line Adjustment at 441 West 850 South and 427 West 850 South, Sharon Moss and Kerry & Delynn Everett, applicants. Mr. Badham seconded the motion.

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

Motion passed 3-0.

Mr. Wilkinson stressed the importance of the applicants taking care of any deed work necessary to effectuate the lot line adjustment transaction.

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.

Matthew and Nicole Garff, applicants, and their contractor, Chad Menlove, 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 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 an interior door in the home or through a stairwell leading from the garage.

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

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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 in the ADU and remove the oven and electrical connections in the wall in the downstairs 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.

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 principal unit or the ADU.
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.

Mr. Badham asked for clarification of the condition which requires the principal owner of the property to occupy the primary structure. Mr. Wilkinson noted that City Council had recently modified that requirement to state that the principal owner of a home with an ADU just needs to occupy one of the units, and he noted that condition #1 would be revised to reflect that. Mr. Badham asked if an ADU is required to have an outside entrance, and Mr. Wilkinson indicated that is not a requirement. Mr. Badham inquired regarding the third kitchen mentioned in condition #5, and asked for background information about inclusion of two kitchens in homes. Mr. Wilkinson explained that about five years ago the City Council made a decision to allow homes to have a second kitchen with the stipulation that a deed restriction be signed and recorded with the county. The Council set a limited of two for the number of kitchens to be allowed in a home. Mr. Wilkinson explained that an ADU counts as one of those kitchens. Mr. Badham clarified that the home at 4482 Ridge Crest Circle was not previously approved for an ADU; hence the necessity for the Garff's to obtain a CUP for the newly acquired home. Mr. Badham asked regarding the future intent for the ADU. Mr. Garff noted that he has no intent to rent out the ADU but that he applied for the CUP to follow city requirements. Mr. Garff explained that he recently purchased the home and that it was appraised with three kitchens, and he expressed frustration with the City's deed restriction requirement.

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PUBLIC HEARING: Mr. Wilkinson opened and closed the Public Hearing at 5:17 p.m. with no comments from the public.

Mr. Badham made a motion for approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 4482 Ridge Crest Circle, Matthew and Nicole Garff, applicants, with the aforementioned modification allowing the owner to occupy either unit. Mr. Clawson seconded the motion.

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

Motion passed 3-0.

Mr. Garff shared his belief that because of the population increase in the valley, the State legislature is considering a push for cities to change their zoning to allow more people to reside in their cities. Mr. Garff stated that he believes the City's restrictions are potentially in conflict with the State. Mr. Wilkinson stated his belief that Bountiful City is actually ahead of the curve in allowing ADUs because the State may eventually require this. Mr. Garff stated his understanding that not many cities require deed restrictions, and it is actually counter to the direction the State is going. Mr. Wilkinson stated that the City is consistent with the direction the State is taking on the issue.

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.

Mr. Badham made a motion for 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. Mr. Clawson seconded the motion.

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

Motion passed 3-0.

6. Miscellaneous business and scheduling.

As a side note to Mr. Garff's comments, Mr. Wilkinson explained there are many cities which require deed restrictions. Mr. Badham stated that deed restrictions can actually protect the situation, and when things are done correctly it allows a title company to flag certain situations. Mr. Wilkinson explained that in the Garff's situation, the appraiser or the title agency should have flagged the additional kitchen for legality and, unfortunately, did not. Mr. Wilkinson stated his belief that the City is doing what they can to provide additional housing; one evidence of this is the recent code change for ADUs. He further noted that for every person who believes the City is too restrictive, there are others who desire more

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restrictions. Mr. Badham noted the increased population in the area and the traffic problems it is causing.

Mr. Wilkinson ascertained there were no further items of business. The meeting was adjourned at 5:24 p.m.

Chad Wilkinson, City Planner

Pending



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: February 25, 2019
To: Administrative Committee
From: Curtis Poole, Assistant Planner
Re: Staff Report for the Administrative Committee Meeting on Monday, March 4, 2019

Overview

3. **PUBLIC HEARING** - Consider approval of a Conditional Use Permit to allow for a Home Occupation Contractor Business at 1552 Charlene Drive, Kenneth Judd, applicant.

Background

The property for the proposed Home Occupation request is located in the R-3 Zone. Home Occupations in this zone are allowed in City Code, 14-4-103, with approval of a Conditional Use Permit.

Findings

The application submitted indicates the property will be used to operate OverGrown Property Maintenance LLC, which provides weekly turf care, shrub trimming and basic property maintenance. The applicant will be storing a utility trailer, lawn mower and other tools pertaining to the business in an offsite storage facility and not at this location, although a truck used for the business will be parked in the driveway of the home. In addition the applicant indicates 1% or less of the home will be used in connection with the business, and mainly will be used for mailing and paperwork storage. The applicant indicates there will be no additional employees involved in the business. The business does appear incidental and secondary to the use of the dwelling and shall not change the appearance, character, or condition of the property.

Staff Recommendation

Based upon the above findings, staff has determined that the applicant would comply with all requirements for the Conditional Use Permit; therefore staff recommends approval of the Conditional Use Permit 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. noise, dust, odors, noxious fumes, glare, traffic, etc.).
3. The use will comply with all applicable fire, building, plumbing, electrical, and life safety and health codes in the State of Utah, Davis County, and Bountiful City.
4. The Conditional Use Permit is solely for this site and is non-transferable.

Bountiful Land Use Ordinance

14-17-105 HOME OCCUPATION REQUIREMENTS

A proposed home occupation use shall meet the following criteria to qualify for a Home Occupation Business License:

- A. The use shall be clearly incidental and secondary to the use of the dwelling and shall not change the appearance, character, or condition thereof. There shall be no displays, advertisements, stock in trade, or signs related to the business except for: one (1) flat wall sign placed on the dwelling that shall not exceed four (4) square feet in size, and any sign required by State Law and/or which meet the provisions of this Title.
- B. The use shall be conducted entirely within a dwelling, except for work performed offsite. Only members of the family related by blood, marriage, or adoption, and who reside in the dwelling, may work onsite. The only exception is that one (1) additional person may be employed as a secretary, apprentice, or assistant where there are no more than five (5) family members actively engaged in the home occupation. Employees who are not family members and/or who do not reside at the dwelling shall not meet, park, or otherwise congregate at the home or in the general vicinity. Additional outside employees are not allowed if there is more than one home occupation at the property.
- C. The use shall not involve more than 50% of the entire dwelling.
- D. The use shall not involve the area of required, covered, off-street parking.
- E. No product or commodity shall be stored onsite, and no customer may physically visit the site of a home occupation to take delivery of a product or commodity. Commodities may be produced on the premises and sold offsite.
- F. The use shall not create noise, dust, odors, noxious fumes, glare, or other nuisances, including interruption of radio and/or television reception, which are discernible beyond the premises.
- G. The use shall not involve using or storing flammable material, explosives, or other dangerous materials, including gun powder.
- H. The use shall not involve mechanical or electrical apparatus, equipment, or tools not commonly associated with a residential use or as are customary to home crafts.
- I. The use shall not generate traffic in greater volumes than would normally be expected in a residential neighborhood nor involve the use of commercial vehicles other than standard delivery vehicles for delivery of materials to or from the premises.
- J. The use shall not involve the parking of equipment or motor vehicles having a gross weight of twelve thousand (12,000) pounds or more directly at the residence.
- K. The use shall be in compliance with all applicable fire, building, plumbing, electrical and life safety and health codes of the State of Utah, Davis County, and the City of Bountiful.
- L. The residence and property may be inspected from time to time to determine continued compliance with the provisions of this Ordinance and other applicable codes.

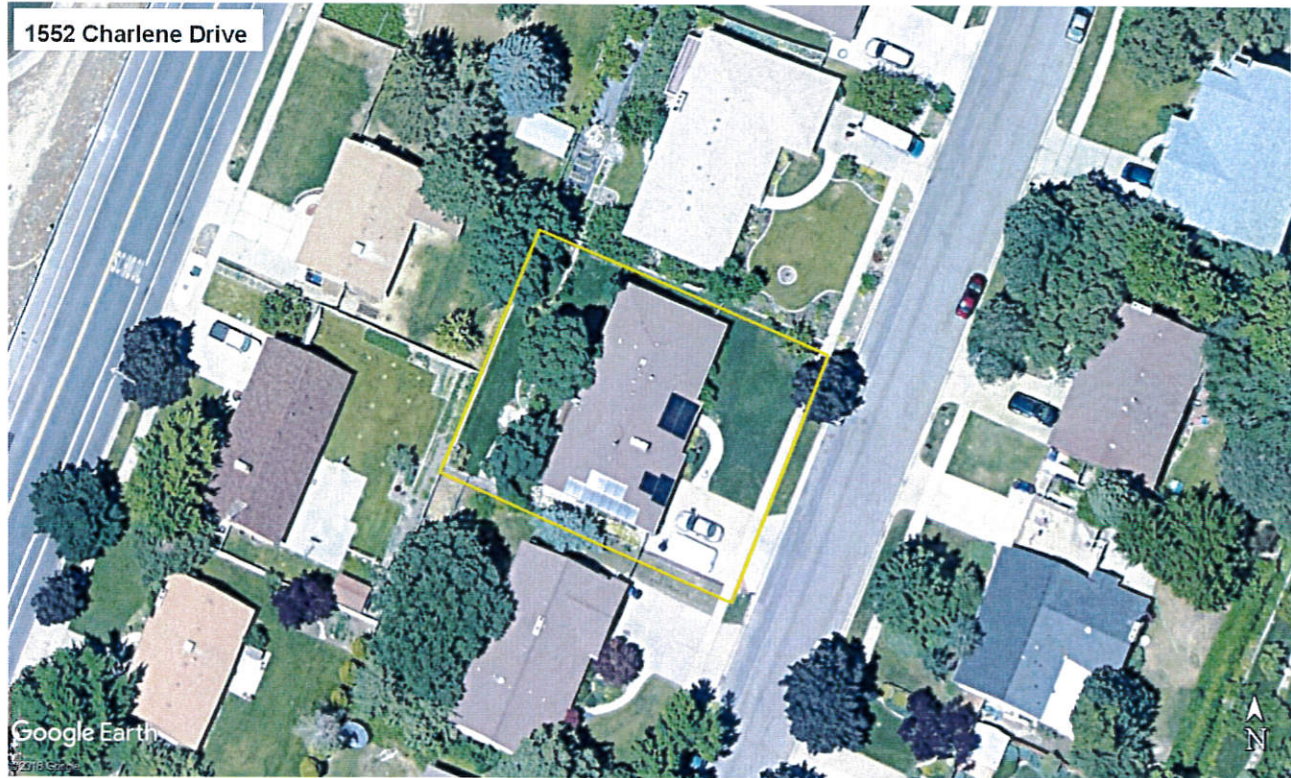
14-17-108 HOME OCCUPATION CONDITIONAL USES

Home occupations in the following areas of work are conditional uses, and licenses may be issued for them only if a conditional use permit is granted following notice and a public hearing:

- A. Lawn care and/or landscaping,
- B. Construction and/or contracting,
- C. Snow removal,
- D. Residential day care or group instruction facilities with more than eight (8) people,
- E. A home occupation office use may be allowed in a detached accessory structure in accordance with the following:
 1. The total office area, including a restroom and any storage space, shall not exceed three hundred (300) square feet.

2. The office shall not be located in an area of required, covered, off-street parking.
3. No part of the office space shall be utilized if the required, covered, off-street parking is being utilized for a purpose other than parking.
4. The only retail activity allowed is that transacted electronically or by mail. Any retail activity involving the physical delivery of goods or persons to the property is expressly prohibited.
5. A home occupation office in a detached accessory structure shall be deemed unlawful and shall not be occupied unless the owner has recorded a deed restriction on the property stating that the use of the property is for a single family dwelling, and that the office space shall only be used in accordance with the provisions of the Bountiful City Land Use Ordinance as it may be amended from time to time.

1552 Charlene Drive



□ Please respond to the following questions (per Land Use Code Section 14-17-105):

- What tools/equipment/materials will be used for the business, and where will they be stored? Riding Mower (walker), String trimmers, edgers, backpack blowers, and utility trailer. Stored at 1403 S. 600 W Woods
- Will you use any vehicles for the business? If so, please indicate on your site plan where the vehicle(s) will be parked. Yes 2008 F-250, Refer to site plan for details.
- How much of the home will be used for the business (percentage)? Please note that area on your site plan. 1% or less, mailing and paperwork storage.
- Are there any employees (besides those living at the home) who will be involved in the business? No.

Unit 67
Cross
8408:

Department of Planning and Economic Development
790 South 100 East • Bountiful, Utah 84010
Phone 801.298.6190

2/12/2019

Charlene Dr - Google Maps

Google Maps

1552
Charlene Dr, Bountiful, UT, 84010
OverGrown Property Maintenance LLC Site Plan

X = Truck Storage

★ = Paperwork storage





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 28, 2019, at Bountiful City Hall to consider the request of Matthew and Nicole Garff for a Conditional Use Permit allowing an Accessory Dwelling at the following location:

4482 Ridge Crest Circle, Bountiful City, Davis County, Utah

ALL OF LOT 304, HIDDEN LAKE AT SUMMERWOOD ESTATES PHASE 3. CONT. 3.995 ACRES

Parcel 01-286-0304

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 Matthew and Nicole Garff to be located at 4482 Ridge Crest Circle, Bountiful, Davis County, Utah, with the following conditions:

1. The principal owner(s) of the property must occupy the principal unit or the ADU.
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.

The Conditional Use Permit was approved on January 28, 2019, and this written form was approved this 4th day of March, 2019.

Chad Wilkinson
Planning Director

ATTEST: Julie Holmgren
Recording Secretary