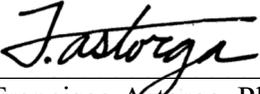


**ADMINISTRATIVE COMMITTEE**  
**Monday, January 20, 2020**  
**5:00 p.m.**

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 13, 2020.
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.
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.
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.
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.
7. Miscellaneous business and scheduling.

  
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Francisco Astorga, Planning Director

**Bountiful City  
Administrative Committee Minutes  
January 13, 2020**

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

**1. Welcome and Introductions.**

Chairman Astorga opened the meeting at 5:00 p.m. and introduced all present.

**2. Consider approval of minutes for December 23, 2019.**

Mr. Clawson made a motion to approve the minutes for December 23, 2019. Mr. Astorga seconded the motion.

<u>  A  </u>	Mr. Astorga
<u>  A  </u>	Mr. Clawson
—	Mr. Badham (abstained)

Motion passed 2-0.

**3. PUBLIC HEARING: Consider approval of Conditional Use Permit to allow for an Accessory Dwelling Unit at 175 East 200 South, Tonya Hardy, applicant.**

Tonya Hardy, applicant, and Brooks Gibbs (representing Real Property Service) were present.

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

The Applicant, Tonya Hardy, requests Conditional Use Permit approval to allow for an Accessory Dwelling Unit at 175 East 200 South. The property is located in the R-4 Single-Family Residential Zone.

The Applicant, Tonya Hardy, is requesting approval of a detached Accessory Dwelling Unit (ADU). The Applicant will demolish an existing single car garage and replace it with a two car garage with living space above. Plans submitted show the living unit will have one (1) bedroom, a living space, kitchen, and bathroom.

According to City Code, 14-4-124, a Conditional Use Permit for an ADU is required and Applicant 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 Applicant. The lot is 0.224 acres (9,757 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 1,780 square feet and the ADU is approximately 750 square feet, which is approximately 38 feet above the 40% standard in the Code.

The property will meet the parking standard required for approval. The entrance to the ADU will be on the rear of the detached garage and not 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 175 East 200 South 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. Prior to beginning any construction on the ADU, the Applicant shall receive a building permit.
4. Ensure the size of the ADU is less than 40% of the existing home as required by Code prior to applying for the building permit.
5. There shall be no separate utility service connections.
6. The ADU shall meet all the standards 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. Gibbs noted his understanding that the current ADU plans need to be reduced by approximately 30 feet and inquired regarding the use of a kicker wall in order to comply with the 40% condition. Mr. Badham expressed his opinion that this would reduce the interior square footage of the ADU, and Mr. Poole affirmed.

**PUBLIC HEARING:** Mr. Astorga opened and closed the Public Hearing at 5:06 p.m. with no comment from the public.

Mr. Badham asked regarding outside access to the ADU, and Mr. Gibbs referenced a large set of plans and noted the ADU access on the side entrance on the back on stairs. Mr. Badham inquired if the access counts toward the 40% condition, and Mr. Poole explained that only livable space is included. Mr. Astorga read the code definition of floor area: "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." A discussion ensued regarding the inclusion of a stairwell in the 40% ADU floor area, and Mr. Astorga read the code criteria that the ADU "[s]hall not occupy more than forty percent (40%) of the total floor area square footage of the primary dwelling structure." He noted that the code does not necessarily specify who gets the staircase and suggested further discussion of that point after the meeting. Mr. Badham inquired regarding the percentage of property landscaping, and Mr. Poole noted the property complies with code standards.

Mr. Badham made a motion to approve a Conditional Use Permit to allow for an Accessory Dwelling Unit at 175 East 200 South, Tonya Hardy, applicant, with the modification to condition four as noted below. Mr. Clawson seconded the motion.

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

Motion passed 3-0 based on conditions outlined by staff and the following modified condition:

4. Ensure the size of the ADU is less than 40% of the existing home, and meets all applicable zoning standards, including height, as required by Code prior to applying for the building permit.
4. **PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for a Temporary Sales Office Trailer at 2399 South Main, Applied Media Inc., applicant.**

Stefan Tseng, representing Applied Media Inc., applicant, was present.

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

The Applicant, Applied Media, Inc., requests Conditional Use Permit approval to allow for a Temporary Sales Office as part of a new commercial development for EOS Fitness at 2399 South Main Street. The property is located within the C-H (Heavy Commercial) Zone.

EOS Fitness received a building permit in August of 2019, and has since been remodeling the old Smith's Grocery building. As part of the construction the Applicant, Applied Media Inc., has requested a Temporary Sales Office to be located on site. The purpose of the office will be for pre-sales of gym memberships and to provide information for the new facility. The office will be a 32' x 40' portable trailer and will be on site for approximately four (4) months. The Applicant has indicated the trailer will be located on Site 1 of their Site Plan, which is the northeast side of the parking lot closest to the building. The hours of operation for the Temporary Sales Office will be 8:00 a.m. to 9:00 p.m.

As the Temporary Sales Office itself will be located on an active construction site, it should have little impact to the surrounding neighborhood. The office will have its own parking for patrons separate from the construction site and will not impact travel between Main Street and 500 West, or the commercial business to the north.

Staff recommends the Administrative Committee approve the Conditional Use Permit to allow for a Temporary Sales Office at 2399 South Main Street subject to the following conditions:

1. Any temporary signage connected with the sales office shall meet the standards of the sign ordinance and receive approval through a separate permit.
2. The Conditional Use Permit is solely for this site and in non-transferable

3. The Conditional Use Permit may be approved until an occupancy permit is issued for the permanent building or for up to six (6) months, whichever comes first.

Mr. Astorga noted that the committee viewed a Google photo showing many vehicles parked on the property, but those vehicles are no longer parked there. Mr. Tseng inquired regarding the city's sign ordinance and whether a vinyl wrap on the trailer would be permissible. A discussion ensued regarding business signs and banners, and Mr. Astorga suggested Mr. Tseng coordinate and submit sign plans to the Planning Office. Mr. Astorga noted that the proposed operating hours would comply and further noted that the city would be a little lenient if on occasion the trailer needed to be open a bit later than the proposed hours.

**PUBLIC HEARING:** Mr. Astorga opened and closed the Public Hearing at 5:29 p.m. with no comment from the public.

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

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

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

#### 5. **Miscellaneous business and scheduling.**

Mr. Astorga noted that at the January 14th City Council meeting the council would consider appointment of Scott Schlegel as an alternate member of Administrative Committee and, if approved, the Administrative Committee would devise a schedule for Mr. Schlegel's service on the committee. Mr. Astorga noted there were two applications to be considered at the January 20, 2020 committee meeting. He ascertained there were no further items of business, and the meeting was adjourned at 5:32 p.m.

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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:** 1968 South Davis Boulevard  
**Date:** January 20, 2020



## Description of Request:

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.

## Background and Analysis:

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 are 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.

## Recommended Action

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.

## 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.*

### Building Sketch

Borrower/Client	Thompson, Douglas P			
Property Address	1968 S Davis Blvd			
City	Bountiful	County Davis	State UT	Zip Code 84010
Lender	Provident Funding Associates			

1000<sup>2</sup>

$$\begin{array}{r} 1421 \\ - 48 \\ \hline 1373 \end{array}$$

$$\begin{array}{r} 261 \\ - 54 \\ \hline 315 \end{array}$$

10% = 275

Sketch by Apex Measure™

Comments:

AREA CALCULATIONS SUMMARY				LIVING AREA BREAKDOWN		
Code	Description	Net Size	Net Totals	Breakdown		Subtotals
GLA1	First Floor	1373.0	1373.0	First Floor		
BSMT	Basement	1373.0	1373.0	49.0 x	26.0	1274.0
CAR	Garage	510.0	510.0	3.0 x	33.0	99.0
Net LIVABLE Area		(rounded)	1373	2 Items	(rounded)	1373

# Administrative Committee Staff Report

**Subject:** PUBLIC HEARING: Conditional Use Permit to allow for a Home Occupation Contractor Business  
**Author:** Curtis Poole, Assistant Planner  
**Address:** 374 East 1650 South  
**Date:** January 20, 2020



## Description of Request

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.

## Background/Analysis

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.

## Recommended Action

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 in non-transferable.

## Attachments

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

## Aerial Photo



## 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.*

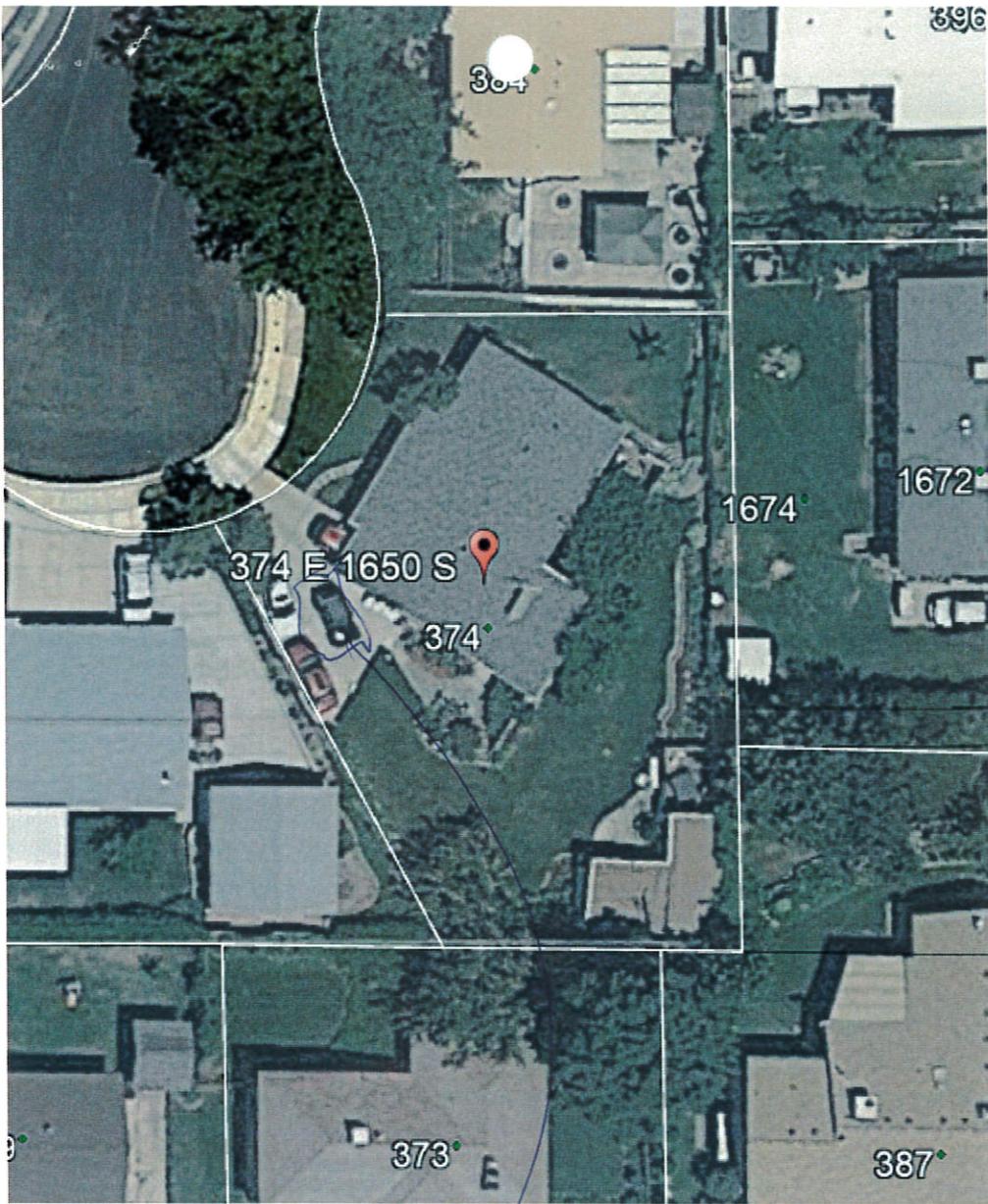
- D. *The use shall not involve the area of required, covered, off-street parking.*
- E. *No product or commodity shall be stored onsite, and no customer may physically visit the site of a home occupation to take delivery of a product or commodity. Commodities may be produced on the premises and sold 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 discernable 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,*



personal vehicle used for business  
no chemicals.



## Conditional Use Permit

A public hearing was held on January 13, 2020 at Bountiful City Offices to consider the request of Tonya Hardy for a Conditional Use Permit allowing an Accessory Dwelling at 175 East 200 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 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) with 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. Prior to beginning any construction on the ADU, the Applicant shall receive a building permit.
4. Ensure the size of the ADU is less than 40% of the existing home, and meets all applicable zoning standards, including height, as required by Code prior to applying for the building permit.
5. There shall be no separate utility service connections.
6. The ADU shall meet all the standards 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 13, 2020, and this written form was approved this 20<sup>th</sup> day of January, 2020.

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Francisco Astorga  
Planning Director

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ATTEST: Julie Holmgren  
Recording Secretary



## Conditional Use Permit

A public hearing was held on January 13, 2020, at Bountiful City Offices to consider the request of Applied Media Inc. (for EAS Fitness), for a Conditional Use Permit allowing a Temporary Sales Office Trailer at 2399 South Main, 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 allow a Temporary Sales Office Trailer 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 Applied Media Inc. (for EAS Fitness) allowing a Temporary Sales Office Trailer at 2399 South Main, in Bountiful, Davis County, Utah, with the following conditions:

1. Any temporary signage connected with the sales office shall meet the standards of the sign ordinance and receive approval through a separate permit.
2. The Conditional Use Permit is solely for this site and in non-transferable
3. The Conditional Use Permit may be approved until an occupancy permit is issued for the permanent building or for up to six (6) months, whichever comes first.

The Conditional Use Permit was approved on January 13, 2020, and this written form was approved this 20<sup>th</sup> day of January, 2020.

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Francisco Astorga  
Planning Director

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ATTEST: Julie Holmgren  
Recording Secretary