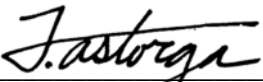


**ADMINISTRATIVE COMMITTEE**  
**Monday, March 23, 2020**  
**5:00 p.m.**

NOTICE IS HEREBY GIVEN that the Bountiful City Administrative Committee will hold its regular meeting in the Conference Room at **South Davis Metro Fire Station, 255 S 100 W, Bountiful, Utah, 84010**, 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 March 9, 2020 and March 16, 2020.
3. **PUBLIC HEARING:** Consider approval of Conditional Use Permit to allow for an Accessory Dwelling Unit at 621 East 350 North, Spencer Hymas, applicant.
4. Consider approval of Conditional Use Permit, **in written form**, to allow for an Accessory Dwelling Unit at 1968 South Davis Boulevard, Douglas P. Thompson and Yaping Chen, applicants.
5. Miscellaneous business and scheduling.

  
\_\_\_\_\_  
Francisco Astorga, Planning Director



**Bountiful City**  
**Administrative Committee Minutes**  
**March 9, 2020**

**Present:** Chairman – Francisco Astorga; Committee Members – Brad Clawson and Scott Schlegel; 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 February 24, 2020.**

Mr. Schlegel made a motion to approve the minutes for February 24, 2020. Mr. Clawson seconded the motion.

  A        Mr. Astorga  
  A        Mr. Clawson  
  A        Mr. Schlegel

Motion passed 3-0.

**3. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 36 East 1400 South, Ike Bradshaw, applicant.**

Ike Bradshaw, applicant, and his wife, Maggie, were present.

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

The Applicant, Ike Bradshaw, requests Conditional Use Permit approval to allow for an Accessory Dwelling Unit at 36 East 1400 South. The property is located in the R-4 Single-Family Residential Zone.

The Applicant's property is located in the R-4 Single-Family Residential Zone. In this part of the City there are a number of existing duplexes and recently approved Accessory Dwelling Units (ADU's). The Applicant is requesting approval of an ADU which is proposed as part of a new detached garage construction. There is currently a detached garage located on the property which will be demolished to build the new detached garage. Information submitted by the Applicant shows the proposed ADU will contain one (1) bedroom, a bathroom, kitchen and living space.

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 consists of a single-family dwelling which will be maintained as such by the Applicant. The lot is 0.281 acres (12,214 square feet). There will only be one (1) ADU and there will only be one (1) utility connection located at this property. The Applicant has indicated the residence at this location is 2,046 square feet and further indicated the proposed ADU will be approximately 752 square feet, which will be

approximately 37% of the total residence and will be below the maximum 40% standard in the Code.

The property will meet the parking standard required for approval with the construction of the new two (2) car garage and existing driveway. The entrance to the ADU will be on the west side of the detached garage and will 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 36 East 1400 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 residence and shall be subject to a Deed Restriction.
3. There shall be no separate utility service connections.
4. The Applicant shall apply separately for a building permit to be reviewed and inspected by Staff.
5. The ADU shall meet all the standards in 14-14-124 of the City Land Use Code.
6. The Conditional Use Permit is solely for this property and is non-transferable.

Mr. Bradshaw noted his garage will be similar in appearance to a neighbor's garage. Mr. Schlegel inquired regarding setbacks, and Mr. Bradshaw explained that the garage would follow the same basic footprint as the current garage, but setbacks would be modified to meet code. The committee examined the ADU plans as Mr. Bradshaw highlighted specific aspects. Mr. Bradshaw also noted there would be adequate parking for a renter.

**PUBLIC HEARING:** Mr. Astorga opened the Public Hearing at 5:10 p.m. Kathleen Terry (197 East 1400 South) inquired regarding potential renters of the garage apartment and also commented about congested street parking in the area. Mr. Poole explained that the ADU code allows for any person to rent an ADU as long as the property owner lives on site. Ms. Terry noted there are many rentals in the neighborhood. Mr. Poole addressed ADU parking and explained there must be four off-street spaces and that Mr. Bradshaw's project has ample parking. Mr. Bradshaw explained that he would run a background check on any person interested in renting his ADU. The Public Hearing was closed at 5:12 p.m. with no further comment from the public.

Mr. Clawson made a motion to approve a Conditional Use Permit to allow for an Accessory Dwelling Unit at 36 East 1400 South, Ike Bradshaw, applicant, with conditions outlined by staff. Mr. Schlegel seconded the motion.

A Mr. Astorga  
A Mr. Clawson  
A Mr. Schlegel

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

4. **Consider approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 3112 South 950 East, Bryan Spangler, applicant.**

Mr. Schlegel made a motion to approve a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 3112 South 950 East, Bryan Spangler, applicant. Mr. Clawson seconded the motion.

A Mr. Astorga  
A Mr. Clawson  
A Mr. Schlegel

Motion passed 3-0.

5. **Consider approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 3082 South 200 East, Scott Frost, applicant.**

Mr. Schlegel made a motion to approve a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 3082 South 200 East, Scott Frost, applicant. Mr. Clawson seconded the motion.

A Mr. Astorga  
A Mr. Clawson  
A Mr. Schlegel

Motion passed 3-0.

6. **Miscellaneous business and scheduling.**

Mr. Astorga noted the next meeting would be held on March 16<sup>th</sup> and ascertained there were no further items of business. The meeting was adjourned at 5:20 p.m.

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Francisco Astorga, Planning Director

**Bountiful City**  
**Administrative Committee Minutes**  
**March 16, 2020**

**Present:** Acting Chairman – Brad Clawson; Committee Member – Dave Badham; Assistant Planner – Curtis Poole; Recording Secretary – Julie Holmgren

**Excused:** Francisco Astorga

**1. Welcome and Introductions.**

Acting Chairman Clawson opened the meeting at 5:09 p.m. and introduced all present.

**2. Consider approval of minutes for March 9, 2020.**

Approval of minutes for March 9, 2020 was tabled until the next meeting.

**3. PUBLIC HEARING: Consider 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.**

Douglas Thompson and Yaping Chen, applicants, were 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). According to the Applicants, they 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 principal unit (upper portion) of the residence.

The Applicants appeared before the Administrative Committee on January 20, 2020. The Committee decided to continue this item to a future meeting to provide Staff an opportunity to inspect the proposed ADU. Staff visited the property and found the utility, laundry and storage area to be an open unfinished space. It was determined by Staff this space would not count for either the ADU or the square footage total of the home itself per the definition of floor area.

Revised measurements of the square footage of the home and the ADU provided by the Applicants and checked by Staff show the home is 2,520 square feet. The unfinished utility, laundry and storage space is 355 square feet. This would reduce the total square footage of the home to 2,165 square feet. The square footage of the ADU provided by the Applicants is 876 square feet which is 40% of the total home square footage meeting the standard of the Code.

As a reminder to the Committee, 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 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 based upon the information submitted by the Applicants and 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.

**PUBLIC HEARING:** Mr. Clawson opened the Public Hearing at 5:13 p.m. Bart Blackburn (1962 Spring Creek) expressed his support of the ADU project and inquired regarding the ADU location. Mr. Clawson explained that the ADU would be in the basement. The Public Hearing was closed at 5:14 p.m. with no further comment from the public.

Mr. Badham made a motion to approve a Conditional Use Permit to allow for an Accessory Dwelling Unit at 1968 South Davis Boulevard, Douglas P. Thompson and Yaping Chen, applicants, with conditions outlined by staff. Mr. Clawson seconded the motion.

A Mr. Clawson  
A Mr. Badham

Motion passed 2-0 based on conditions outlined by staff.

4. **Consider approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 36 East 1400 South, Ike Bradshaw, applicant.**

Mr. Badham made a motion to approve a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 36 East 1400 South, Ike Bradshaw, applicant, with conditions outlined by staff. Mr. Clawson seconded the motion.

A Mr. Clawson  
A Mr. Badham

Motion passed 2-0.

**5. Miscellaneous business and scheduling.**

Mr. Clawson noted the next meeting would be held on March 23, 2020, possibly located at the Fire Station, and ascertained there were no further items of business. The meeting was adjourned at 5:17 p.m.

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Francisco Astorga, Planning Director

PENDING APPROVAL



# Administrative Committee Staff Report

**Subject:** PUBLIC HEARING: Conditional Use Permit to allow for an Accessory Dwelling Unit  
**Author:** Curtis Poole, Assistant City Planner  
**Address:** 621 East 350 North  
**Date:** March 23, 2020



## Description of Request:

The Applicant, Spencer Hymas, requests Conditional Use Permit approval to allow for an Accessory Dwelling Unit (ADU) at 621 East 350 North. The property is located in the R-4 Single-Family Residential Zone.

## Background and Analysis:

The Applicant's property is located in the R-4 Single-Family Residential Zone. The Applicant is requesting approval of an ADU which is part of the construction of a new residence. Information submitted by the Applicant shows the proposed ADU will contain one (1) bedroom, a bathroom, kitchen, laundry room and living space.

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 currently a vacant lot and with the proposed construction will consist of one (1) Single-Family dwelling which will be maintained as such by the Applicant. The lot is 0.204 acres (8,886 square feet). There will only be one (1) ADU and there will only be one (1) utility connection located at this property. The Applicant has submitted building plans which indicate the living space at this location will be approximately 3,499 square feet and further indicates the proposed ADU will be approximately 691 square feet, which will be less than 20% of the total residence and below the maximum 40% standard in the Code.

The property will meet the parking standard required for approval with the construction of a two (2) car garage and driveway. The ADU will be accessed by a stairwell leading down from the interior of the garage or an interior door connection in the basement. The property will 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 621 East 350 North subject to the following conditions:

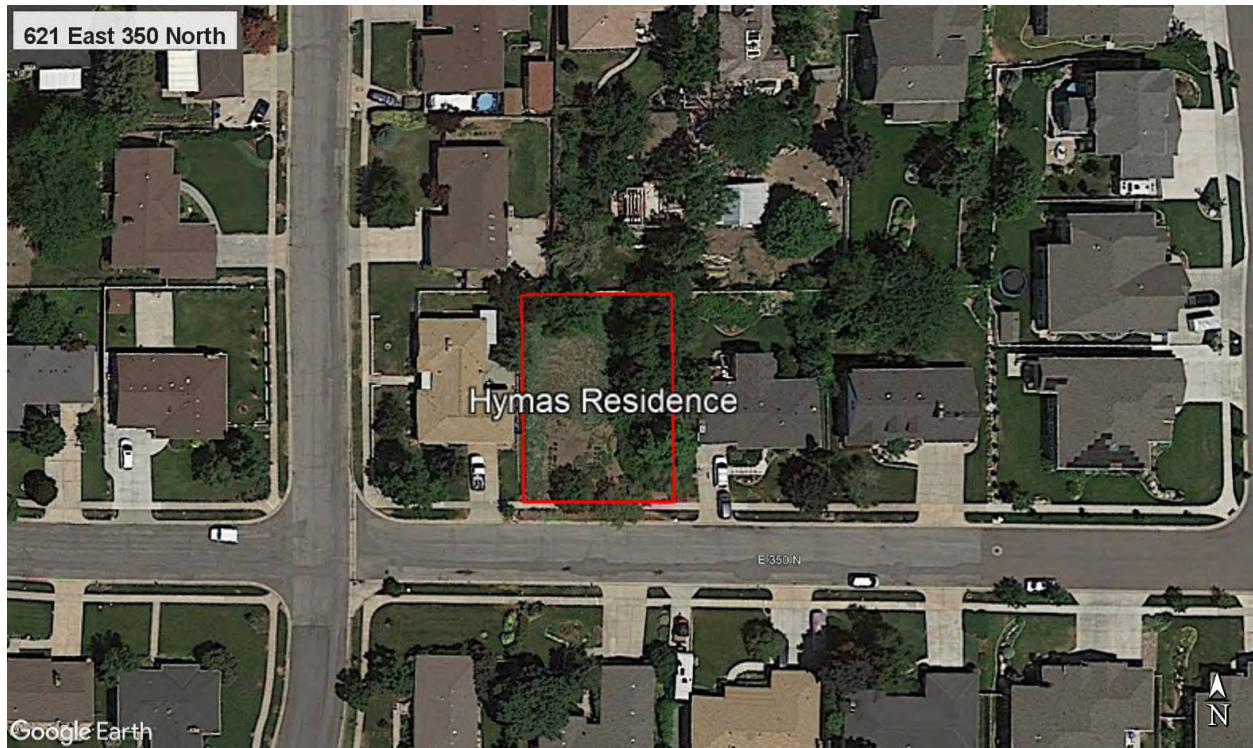
1. The Owner(s) of the property must continually occupy the primary dwelling or the ADU.

2. The property is to be used only as a Single-Family residence and shall be subject to a Deed Restriction.
3. There shall be no separate utility service connections.
4. The Applicant shall apply separately for a building permit to be reviewed and inspected by Staff.
5. The ADU shall meet all the standards in 14-14-124 of the City Land Use Code.
6. The Conditional Use Permit is solely for this property and is non-transferable.

### Attachments

1. Aerial Photo
2. Bountiful Land Use Code
3. Floor Plans
4. Site Plan
5. Application submitted
6. Public Comments

### Aerial Photo



## Bountiful Land Use Code

### 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.*

To: Councilwoman Kendalyn Harris, Commissioners Sean Monson, Jesse Bell, Von Hill, Lynn Jacobs, Jim Clark, and Sharon Spratley & Planning Director Francisco Astorga -

Subject: Conditional Use Permit to allow Accessory Dwelling unit at vacant lot 621 E. 350 N.

We, the neighbors of the subject property, have concerns about the Conditional Use Permit being allowed at this location. This street is all single family dwellings and this lot is the last vacant lot in the area. Recently we had a field developed just east on 350 N. (two homes east of the vacant lot) and no ADUs were allowed in that development. We feel that the new home should follow suit and be a single family only.

One of our concerns is that the ACU could be rented out to non-family relations. We have heard that the homeowner would be required to live on site that doesn't guarantee that the tenant at that location will be desirable. It takes a lot of time and energy to evict a bad tenant and during that time the neighborhood would suffer. Also in the future, this home could be sold and this ordinances might not be obeyed by the new owner. It would take a lot of time and effort to remedy that situation.

Another concern is one we have faced in the recent past on a neighboring street where a home was rented out. There was drug dealing out of this home and strangers hanging around our homes, getting into garages. Some neighbors had their mail stolen during this time by the druggies looking for a quick buck. It took a concerted neighborhood watch program with the efforts of the police department to clean up that home.

We have the best neighbors on 350 North, who care for each other and for their property.

Thanks for your consideration.

Paul & LuAnn Child  
634 E. 350 N.  
Bountiful, UT 84010  
801-927-7670 (LuAnn)

## Francisco Astorga

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**From:** gary-judy meacham <gjmeacham@hotmail.com>  
**Sent:** Wednesday, March 18, 2020 1:31 PM  
**To:** Francisco Astorga; Kendalyn Harris  
**Subject:** Conditional Use Permit at 621 East 350 North

To: Councilwoman Kendalyn Harris, Commissioners Sean Monson, Jesse Bell, Von Hill, Lynn Jacobs, Jim Clark, and Sharon Spratley & Planning Director Francisco Astorga -

Subject: Conditional Use Permit to allow Accessory Dwelling unit at vacant lot 621 E. 350 N.

We, the neighbors of the subject property, have concerns about the Conditional Use Permit being allowed at this location. This street is all single family dwellings and this lot is the last vacant lot in the area. Recently we had a field developed just east on 350 N. (two homes east of the vacant lot) and no ADUs were allowed in that development. We feel that the new home should follow suit and be a single family only.

One of our concerns is that the ADU could be rented out to non-family relations. We have heard that the homeowner would be required to live on site that doesn't guarantee that the tenant at that location will be desirable. It takes a lot of time and energy to evict a bad tenant and during that time the neighborhood would suffer. Also in the future, this home could be sold and this ordinance might not be obeyed by the new owner. It would take a lot of time and effort to remedy that situation.

Another concern is one we have faced in the recent past on a neighboring street where a home was rented out. There was drug dealing out of this home and strangers hanging around our homes, getting into garages. Some neighbors had their mail stolen during this time by the druggies looking for a quick buck. It took a concerted neighborhood watch program with the efforts of the police department to clean up that home.

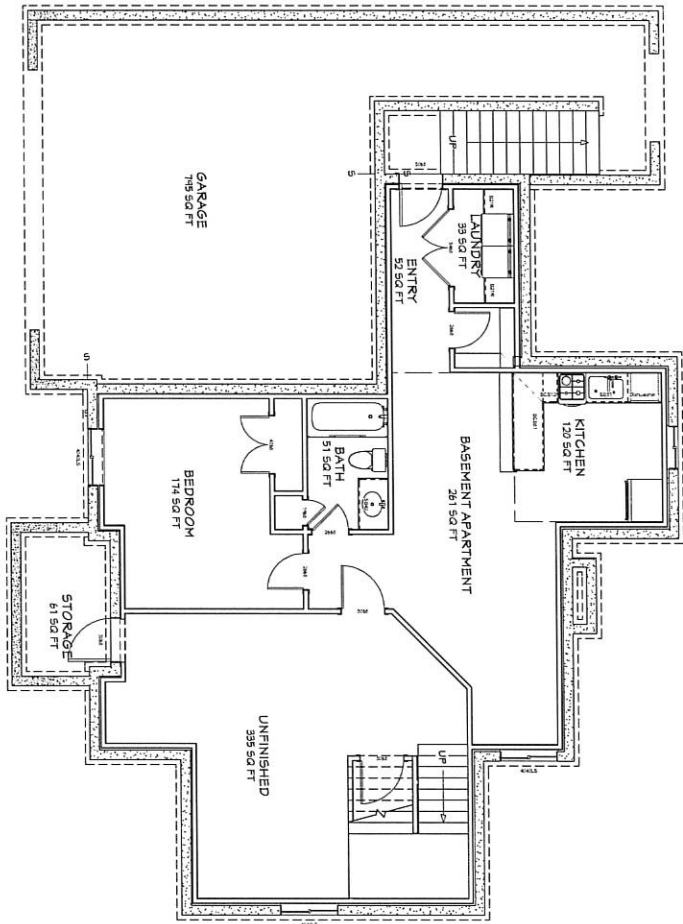
We have the best neighbors on 350 N, who care for each other and for their property values.

We would like to know if the hearing is still going to be held on March 23rd. Could you please let us know the status of that meeting since the neighborhood would like to attend. We will then pass the information on to our neighbors.

Thanks for your consideration.

Gary and Judy Meacham  
643 East 350 North

ALL BASEMENT LEVEL CEILINGS TO BE 9' U.N.O.



LIVING AREA  
154 SQ FT

SCALE	3/16" = 1'
DATE	DEC 2010
DRAWN BY	JARED BISHOP
CHECKED BY	SCOTT BISHOP
FILE	
SHEET NO.	S2.1

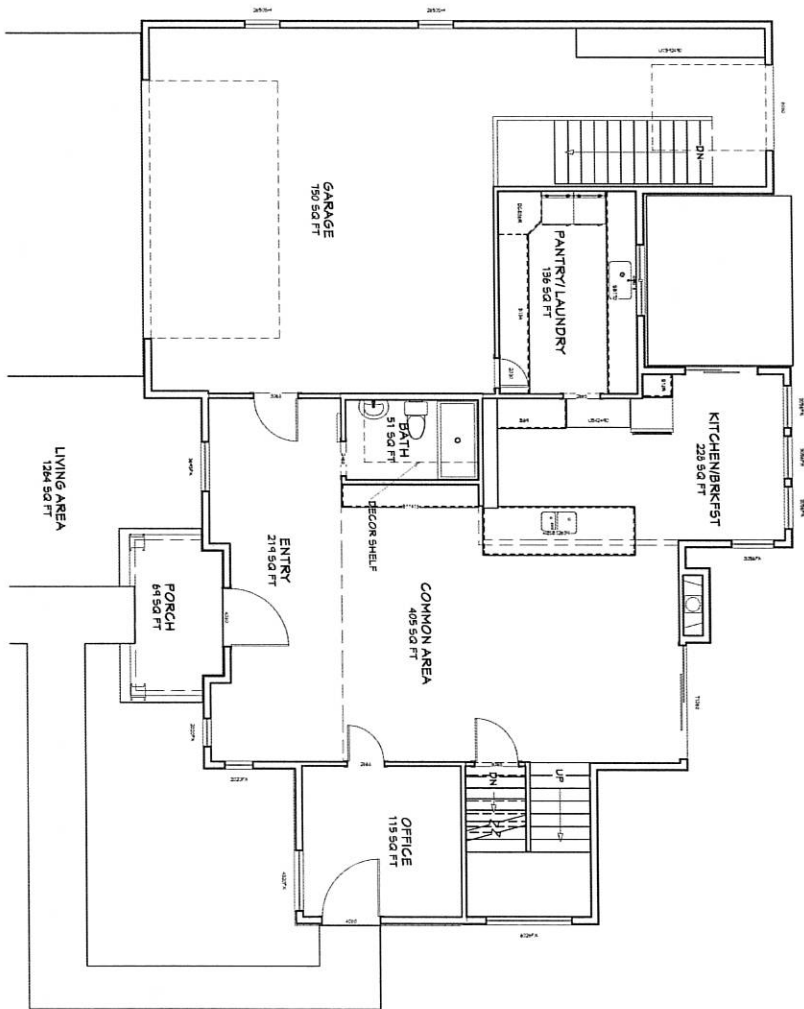
ARCHITECTURAL APPROVAL

**BSMT./FTG./ FND. PLAN**

**HYNAS RESIDENCE**  
BOUNTIFUL, UT

ARTISAN CONSTRUCTION AND DESIGN  
2904 N. 1230 W. PG., UTAH (801) 796-9552  
JARED BISHOP (801) 822-6640 SCOTT BISHOP (801) 234-0468  
CUSTOM CONSTRUCTION & Design





ALL MAIN LEVEL CEILING TO BE 9' U.N.O.

**MAIN FLOOR**

**HYMAS RESIDENCE**  
BOUNTIFUL, UT

ARTISAN CONSTRUCTION AND DESIGN  
2804 N. 1230 W. PG., UTAH (801)-786-9552  
JARED BISHOP (801)-822-6640 SCOTT BISHOP (801)-234-0468  
CUSTOM CONSTRUCTION & Design



SCALE 3/16"=1'  
DATE DEC 2011  
DRAWN BY JARED BISHOP  
JOB NO. 1021  
SHEET NO. 52.2

ARCHITECTURAL APPROVAL









## Conditional Use Permit

A public hearing was held on March 16, 2020 at Bountiful City Offices to consider the request of Douglas Thompson and Yaping Chen for a Conditional Use Permit allowing an Accessory Dwelling at 1968 South Davis Boulevard, 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. 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.

The Conditional Use Permit was approved on March 16, 2020, and this written form was approved this 23<sup>rd</sup> day of March, 2020.

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Francisco Astorga  
Planning Director

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ATTEST: Julie Holmgren  
Recording Secretary