

ADMINISTRATIVE COMMITTEE

Monday, July 15, 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 **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 July 8, 2019.
3. **PUBLIC HEARING:** Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 445 East 1800 South, Robert & Aari Halpin, applicants.
4. **PUBLIC HEARING:** Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 2881 South 625 West, Michael Brock, applicant.
5. Consider approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 144 Oakridge Drive, Kelly and Heather Passey, applicants.
6. Miscellaneous business and scheduling.


Francisco Astorga, Bountiful 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
July 8, 2019**

Present: Chairman – Francisco Astorga; Committee Members – Brad Clawson; Assistant Planner – Curtis Poole; Recording Secretary – Julie Holmgren; Planning Intern – Kai Uchida

Excused: Committee Member – Dave Badham

1. Welcome and Introductions.

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

2. Consider approval of minutes for June 17, 2019.

Mr. Astorga indicated that although he was not present at the June 17, 2019 Administrative Committee meeting, he had reviewed the audio recording of the meeting. Mr. Clawson made a motion for approval of the minutes for June 17, 2019. Mr. Astorga seconded the motion.

 A Mr. Astorga
 A Mr. Clawson

Motion passed 2-0.

3. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 144 Oakridge Drive, Kelly and Heather Passey, applicants.

Kelly and Heather Passey, 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 (ADU) to be constructed along with a new addition to the existing home on the property. The ADU living space will be above the new addition to the attached garage. The ADU will have a bedroom, a living space and full kitchen. The property is a corner lot.

According to City Code, 14-4-124, a Conditional Use Permit for an ADU is required and applicants shall meet all standards of the Code for approval. The existing 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. The lot is 0.439 acres (19,122 square feet). There will be only one ADU and there will only be one utility connection located at this property. The ADU will be less than the required 40% standard in the Code.

The proposed additions to the home and ADU meet all of the setback requirements and will meet the minimum parking standards in code. The proposed ADU will be accessed by a stairwell and breezeway on the interior of the building; however, plans also show an entrance

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

on the corner side of the property. One of the conditions of approval is that entrances to the ADU should not be on the front or corner side of the property, but shall be on an interior side or rear of the home to visually appear as a single-family home. This will need to be addressed in order to receive approval of the Conditional Use Permit.

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 residence 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. The entrances to the ADU shall be modified to meet the standards of the Code, particularly section 14-14-124, section C-9.
4. There shall 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.

Mr. Passey indicated that he intends to comply with the outlined conditions, but he inquired regarding a modification of the access point on the east side and a possible variance. A discussion ensued regarding the placement of the stairway, and Mr. Poole noted a potential alteration. Mr. Astorga reiterated that the entrance to the ADU cannot be located on the front or side of the property, and explained this is not an ideal variance case, but noted that the Passeys certainly have the right to apply. Mr. Passey pointed out that he was simply making an inquiry. Mr. Clawson clarified that the purpose of the code as it applies to ADUs is to prevent the structure from resembling a duplex.

PUBLIC HEARING: Mr. Astorga opened and closed the Public Hearing at 5:09 p.m. with no comments from the public.

Mr. Clawson made a motion for approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 144 Oakridge Drive, Kelly and Heather Passey, applicants. Mr. Astorga seconded the motion.

 A Mr. Astorga
 A Mr. Clawson

Motion passed 2-0.

4. Consider approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 620 East Pheasant Way, James Michael Carey, applicant.

Mr. Clawson made a motion for approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 620 East Pheasant Way, James Michael Carey, applicant. Mr. Astorga seconded the motion.

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

A Mr. Astorga
A Mr. Clawson

Motion passed 2-0.

5. Miscellaneous business and scheduling.

Mr. Astorga ascertained there were no further items of business. The meeting was adjourned at 5:10 p.m.

Francisco Astorga, Planning Director

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: July 10, 2019
To: Administrative Committee
From: Curtis Poole, Assistant City Planner
Re: Staff Report for the Administrative Committee Meeting on Monday, July 15, 2019

Overview

3. **PUBLIC HEARING** - Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 445 East 1800 South, Robert and Aari Halpin, applicants.

Background

The applicants are requesting approval of an Accessory Dwelling Unit (ADU) which currently exists in their home at this location; however, no prior approvals from the City have been given. The applicants recently purchased the home and want to make the use of the ADU legal. The ADU has two bedrooms, a living area, kitchen and bathroom.

Findings

According to City Code, 14-4-124, a Conditional Use Permit for an ADU is required and applicants shall meet all standards of the Code for approval. The existing home is located in the R-4 Single-Family Residential zone and is a single-family dwelling and will be maintained as such by the applicants. The lot is 0.206 acres (8,973 square feet). There will be only one ADU and there will only be one utility connection located at this property. The total home square footage is 2,252 and the ADU is 893 square feet, which is less than the 40% standard in the Code.

The site plan submitted by the applicants indicate there will be 5 total parking spaces off the street with two spaces parked tandem in the garage. The ADU will be accessed in the rear of the home and will not be visible from the street. The home will continue to have the appearance of a single-family home and should have minimal impact on the surrounding neighborhood.

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 residence 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 criteria in 14-14-124 of the City Land Use Ordinance.
5. 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.

- 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.

Aerial Map

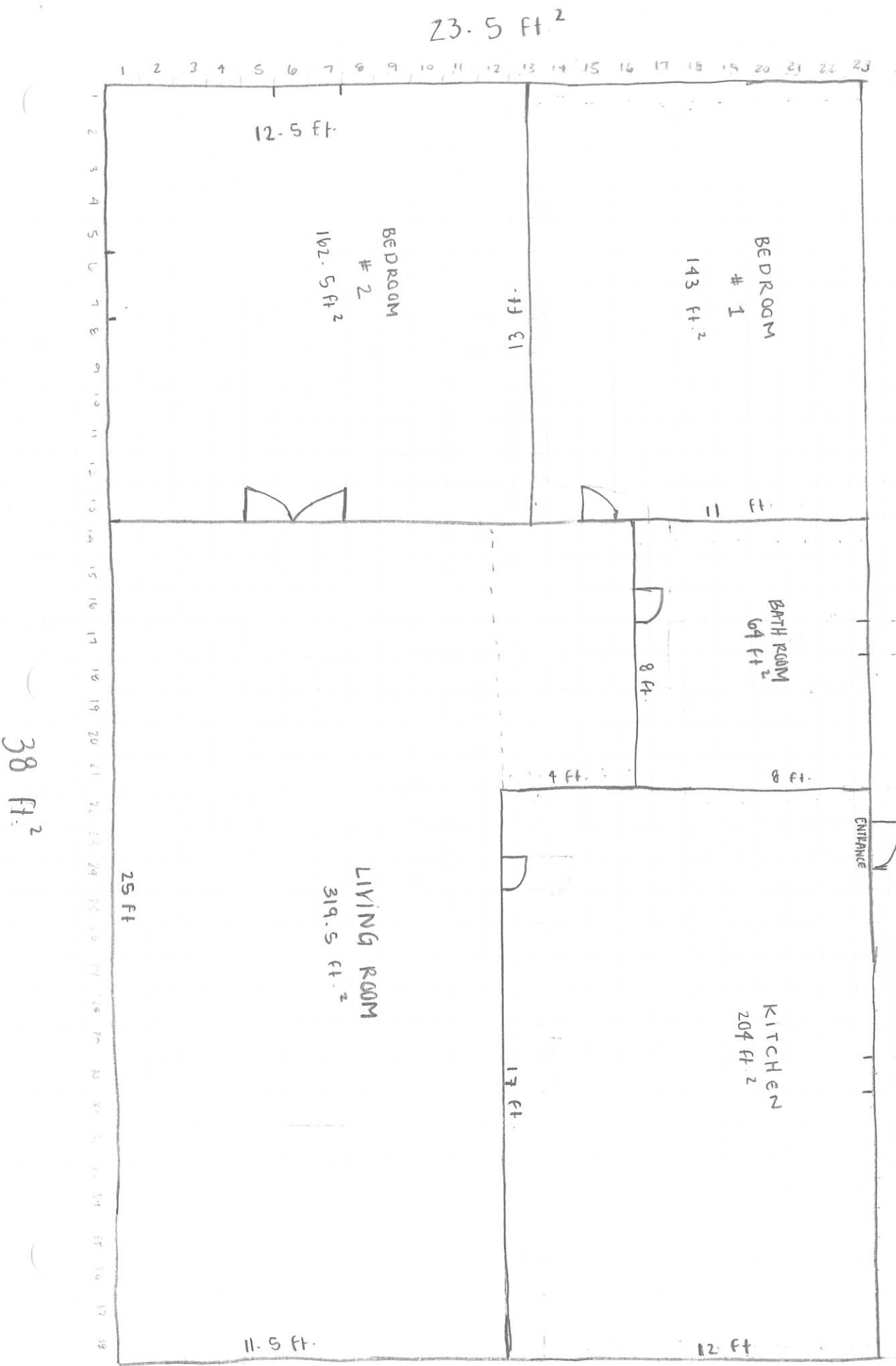


[1] Our project is in line with other surrounding properties as it will be used as a primary residence for a second family in the dwelling. All surrounding properties are family homes.

[2] It is not in line with other surrounding properties in the sense that we will be adding a second family to the home rather than a single family home. However there are other rental properties in the neighborhood.

[3] We will mitigate any potential conflict by addressing the issue right off the bat and resolving it in a timely issue. We will work together with our neighbors to ensure our community is safe and everyone is pleased. I think addressing others concerns and sympathizing with them goes a long way in mitigating conflict.

445 E. 1800 S.
 ADU FT.²: 893
 TOTAL HOME FT.²: 2252

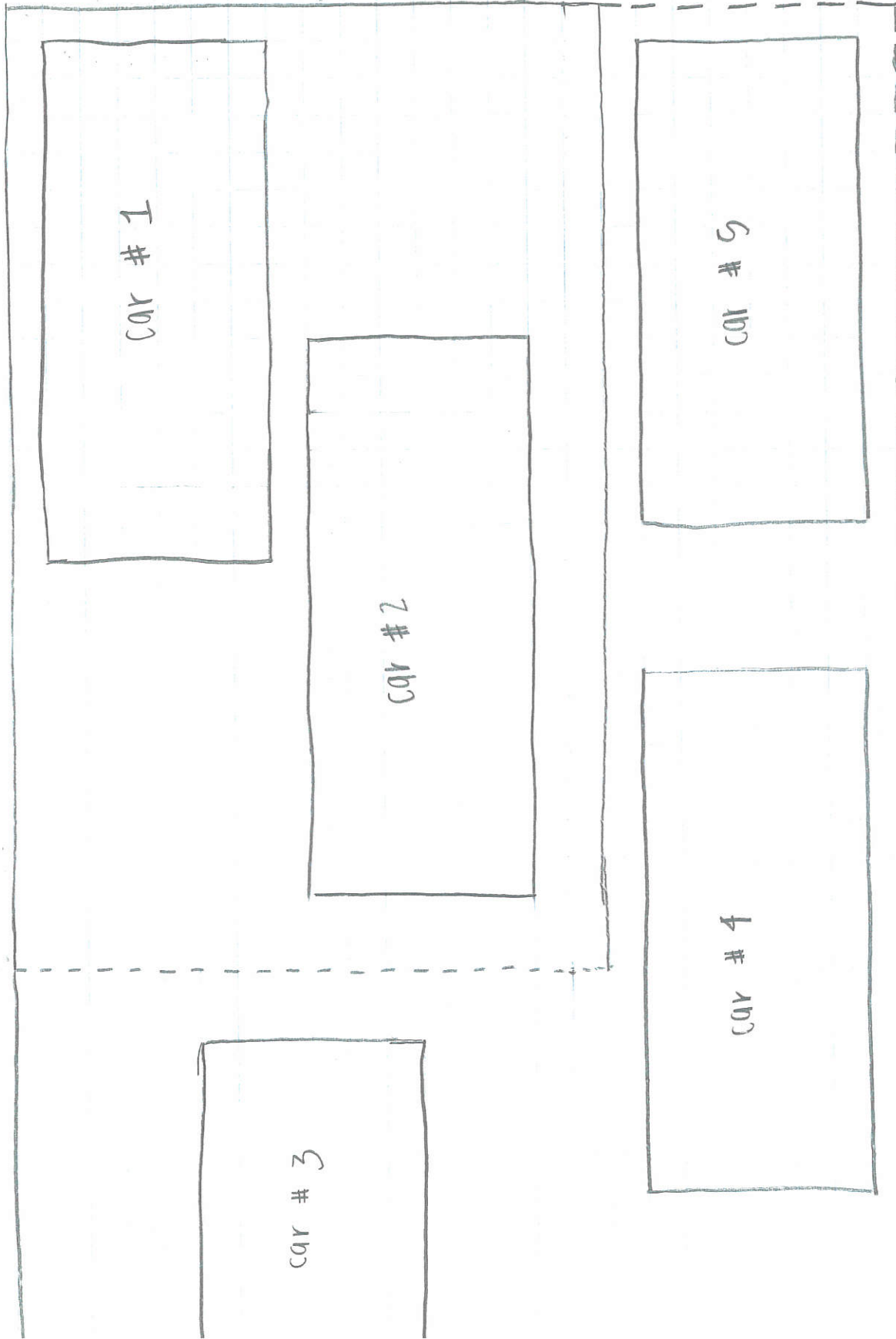


Garage + Driveway

Fits 2 sedans

* DRIVeway FITS 4 CARs *

+ 2 STREET PARKING IN SUMMER *





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: July 10, 2019
To: Administrative Committee
From: Curtis Poole, Assistant City Planner
Re: Staff Report for the Administrative Committee Meeting on Monday, July 15, 2019

Overview

- 4. PUBLIC HEARING** - Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 2881 South 625 West, Michael Brock, applicant.

Background

The applicant is requesting approval of an Accessory Dwelling Unit (ADU) which currently exists in the home at this location; however, no prior approvals from the City have been given. The applicant has recently purchased the home and wants to make the use legal. The ADU will have two bedrooms, a living space, bathroom and full kitchen.

Findings

According to City Code, 14-4-124, a Conditional Use Permit for an ADU is required and applicants shall meet all standards of the Code. The existing home is located in the R-4 Single-Family Residential zone and is a single-family dwelling and will be maintained as such by the applicant. The lot is 0.40 acres (approximately 17,424 square feet). There will be only one ADU and there will only be one utility connection located at this property. The primary home is 3,300 square feet and the square footage of the ADU is 890 which is less than the 40% standard in the Code.

The ADU is accessed by a walkway on the north side of the home leading to the door on the side of the home. The site plan indicates at least six parking spaces off the street with four spaces in the garage parked tandem. The home will continue to have the appearance of a single-family home and as such should 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 residence 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 criteria in 14-14-124 of the City Land Use Ordinance.
5. 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.

- 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.

Aerial Map



Michael Brock 2881 s 625 w Bountiful

Parking Every deep garage - additional driveway parking (if needed)



Basement is 890 sqft out of total 3300 sqft.
 $890 / 3300 = 27\%$



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 July 8, 2019, at Bountiful City Hall to consider the request of Kelly and Heather Passey for a Conditional Use Permit allowing an Accessory Dwelling at the following location:

144 East Oakridge Drive, Bountiful City, Davis County, Utah

BEG AT SW COR LOT 52, BONA VISTA SUB; TH S 89°40' E 210.07 FT; TH N 47°20'40" W 165.55 FT TO A PT ON A CURVE TO RIGHT THE CENTER OF WH IS N 11° W 125.0 FT; TH W'LY 50.90 FT AROUND SD CURVE TO PT OF 400 FT RAD REVERSE CURVE TO THE LEFT; TH W'LY 86.10 FT AROUND SD CURVE TO W LINE OF SD LOT 52; TH S 21°33'30" E 129.86 FT TO BEG. CONT. 0.53 ACRES

Parcel 01-032-0049

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 Kelly and Heather Passey to be located at 144 East Oakridge Drive, Bountiful, Davis County, Utah, with the following conditions:

1. The principal owner(s) of the property must occupy the primary residence 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. The entrances to the ADU shall be modified to meet the standards of the Code, particularly section 14-14-124, section C-9.
4. There shall 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.

The Conditional Use Permit was approved on July 8, 2019, and this written form was approved this 15th day of July, 2019.

Francisco Astorga
Planning Director

ATTEST: Julie Holmgren
Recording Secretary