

ADMINISTRATIVE COMMITTEE

Monday, December 10, 2018
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 November 19, 2018.
3. **PUBLIC HEARING:** Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 3273 South 200 West, Ann Marie W. Birkholz, applicant.
4. Consider approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 114 West 3300 South, Marco and Melynda Geronimo, applicants.
5. Consider approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 2008 Browns Park Drive (1200 East), John Norman, Jr., applicant.
6. 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
November 19, 2018**

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

1. Welcome and Introductions.

Chairman Wilkinson opened the meeting at 5:00 p.m. and introduced all present. Mr. Wilkinson welcomed Brad Clawson, staff engineer, who will attend future Administrative Committee meetings as the engineering representative.

2. Consider approval of minutes for October 22, 2018 and October 29, 2018.

Mr. Cheney made a motion for approval of the minutes for October 22, 2018 and October 29, 2018. Mr. Badham seconded the motion.

A Mr. Wilkinson
A Mr. Cheney
A Mr. Badham

Motion passed 3-0.

[Mr. and Mrs. Geronimo were detained; hence, item #4 was heard before item #3.]

3. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 114 West 3300 South, Marco and Melynda Geronimo, applicants.

Marco and Melynda Geronimo, applicants, were present.

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

The applicants are proposing an Accessory Dwelling Unit as part of their new home construction. The proposed unit will contain a full kitchen, bathroom and half bath, laundry room, living space and a bedroom. The plans submitted show the entrance to the unit in the rear of the home.

According to City Code, 14-4-124, a Conditional Use Permit for Accessory Dwelling Units (ADU) is required and applicants shall meet all standards of the Code. The plans submitted by the applicants show the proposed home is located in the R-4 Single Family Residential zone and will be a single family dwelling and maintained as such by the applicants. This will be the only ADU and there will be only one utility connection located at this property. According to plans submitted by the applicants, the ADU will be 1029 square feet of the 4657 square foot total living area at this proposed residence, which is less than the 40%

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standard in the Code. The plans for the proposed residence meet all of the setback and lot building square footage standards. The applicants will meet the minimum parking standard in the Code, requiring at least four parking spaces, as the plans show 4 garage spaces in addition to the driveway. The plans show access to the ADU from the rear of the home giving the proposed home the appearance of a single family dwelling and should have minimal impact on the neighboring properties.

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

1. The principal owner(s) of the property must occupy the primary structure.
2. The entrance to the accessory dwelling unit 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 applicants shall provide a complete set of architectural drawings as part of the building permit application.
4. The property is to be used only as a single-family use and shall be subject to a deed restriction.
5. There will be no separate utility service connections
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.

Mrs. Geronimo noted that their plans currently include an ADU door in the back of the home, but the plans might be revised to include that door on the side, depending on how the plans work with the property slope. Mr. Geronimo asked if they would need to have the Administrative Committee's approval in order to move the door to the side, and Mr. Wilkinson stated that the ADU entrance must be located on the side or rear of the home and not in the front.

PUBLIC HEARING: Mr. Wilkinson opened the Public Hearing at 5:15 p.m. Mr. Glen Ingersoll (1559 West 1300 South, Salt Lake City) noted that he was hopeful the committee would approve the ADU in order to provide a place for him to live. The Public Hearing was closed at 5:16 p.m. with no further comments from the public.

Mr. Wilkinson noted that this particular ADU is a bit challenging because it is attached by the garage door which makes it appear almost like a duplex, and he posed the possibility of the Geronimos revising their plans to include an interior connection for the two units. He noted that the ADU cannot have an entrance at the front of the property and that a side entrance might be the best alternative. Mr. and Mrs. Geronimo stated that they were willing to move the location of the door. Mr. Wilkinson asked if there would be a sidewalk included to get to the ADU entrance, and Mrs. Geronimo stated there would be a sidewalk with the sidewalk's placement depending upon how it works with the slope of the property. Mr. Badham inquired regarding the slope on the west side of the property and how that would impact the placement of the home on the property. Mrs. Geronimo stated that most likely the home will be tilted to mitigate as much retention as possible since their preference is to avoid the necessity of a retaining wall. Mr. Badham inquired if the basement would be a walkout

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on the west side. Mrs. Geronimo stated that it would be walkout about halfway back on the west with a walkout basement. Mr. Cheney pointed out that there is about ten feet of fall in the area in question and it could end up being significantly lower than the main floor. Mr. Badham stated that, to him, the plans appear to be a duplex or twin home. Mr. Wilkinson said that at a minimum there needs to be an additional interior connection to integrate the two units. Mrs. Geronimo asked if it might be better if they revised their plans by removing the separation wall, and Mr. Wilkinson said that would be helpful. Mr. Wilkinson inquired regarding the stairway in the garage. Mrs. Geronimo stated they want to have a suspended slab to provide for storage and that they would have a basement as well. Mr. Cheney asked if there would be access to the rest of the basement or just to the storage, and Mrs. Geronimo stated that there would be access to the rest of the basement. Mr. Badham reiterated his opinion that the proposed plans appear as a duplex and not as a single family home. Mr. Wilkinson agreed that it definitely has those elements, but there is no ADU door in the front and the units share a garage and that helps the situation. Mr. Cheney pointed out that the garage appears as a side-load garage and that from the front it could appear as a small storage area. Mr. Wilkinson stated that he was comfortable moving forward if the applicants' plans are revised to include an additional interior connection and that the ADU door is not at the front of the home. Mr. Geronimo stated that their intent was that the home appear as a single family home, and that their desire was to provide a place for his mother to live. Mr. Wilkinson re-emphasized that there needed to be an additional interior connection to show the ADU is part of the main home.

Mr. Cheney made a motion to approve of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 114 West 3300 South, Marco and Melynda Geronimo, applicants, with two additional conditions as follows: First, the applicants shall remove the interior garage wall from their plans. Second, the applicants shall revise their plans to provide for an additional interior connection between the ADU and the main floor. Mr. Wilkinson seconded the motion.

A Mr. Wilkinson
A Mr. Cheney
N Mr. Badham

Motion passed 2-1.

4. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 2008 Browns Park Drive (1200 East), John Norman, Jr., applicant.

Jill Norman, representing John Norman, Jr., was present.

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

The applicant is proposing an Accessory Dwelling Unit in the basement of their home. The proposed unit will contain a full kitchen, bathroom, a living space and a bedroom. The plans show there is an internal connection between the primary residence and the accessory dwelling unit as well as sliding glass doors which can be accessed from the rear of the home.

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According to City Code, 14-4-124, a Conditional Use Permit for Accessory Dwelling Units (ADU) is required and applicants shall meet all standards of the Code. The plans submitted by the applicant show the 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. This will be the only ADU and there will be one utility connection located at this property. The ADU will be 850 square feet of the 3600 square foot total living area at this residence, which is less than the 40% standard in the Code. The primary structure meets all of the setback and lot building square footage requirements. The applicant will meet the minimum parking standard in the Code, requiring at least four parking spaces and at least 2 will be in the existing garage. As the ADU can be accessed from the interior of the existing home, or through the rear sliding glass doors, it will continue the appearance of a single family dwelling and should have minimal impact on the neighboring properties.

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

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

Mrs. Norman clarified that non-transferable means the Conditional Use Permit runs with the property but cannot be transferred to another property.

PUBLIC HEARING: Mr. Wilkinson opened the Public Hearing at 5:06 p.m. Mr. John Norman, Sr. (2008 Browns Park Drive) voiced that he was hopeful the committee would approve the ADU in order to provide a place for him to live. The Public Hearing was closed at 5:07 p.m. with no further comments from the public.

Mr. Wilkinson inquired regarding sliding doors and a walkway on the property. Mrs. Norman explained that there's a walkway under the patio and the basement is a walkout basement, so there is access to the ADU in the back.

Mr. Badham made a motion to approve a Conditional Use Permit to allow for an Accessory Dwelling Unit at 2008 Browns Park Drive (1200 East), John Norman, Jr., applicant. Mr. Cheney seconded the motion. Prior to the vote being taken, Mr. Wilkinson reiterated the importance of the deed restriction, the necessity of the home appearing as a single dwelling, and that the owner must live in one part of the home.

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- A Mr. Wilkinson
- A Mr. Cheney
- A Mr. Badham

Motion passed 3-0.

5. Miscellaneous business and scheduling.

Mr. Wilkinson ascertained there were no further items of business. The meeting was adjourned at 5:28 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: December 4, 2018
To: Administrative Committee
From: Curtis Poole, Assistant Planner
Re: Staff Report for the Administrative Committee Meeting on Monday, December 10, 2018

Overview

3. **PUBLIC HEARING** - Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 3273 South 200 West, Ann Marie Birkholz, applicant.

Background

The applicant is requesting approval of an Accessory Dwelling Unit in the basement of her home. The unit currently contains a full kitchen, bathroom, a living space and two bedrooms. The plans show there is an external entry to the Accessory Dwelling Unit which can be accessed from the rear of the home and through the garage.

Findings

According to City Code, 14-4-124, a Conditional Use Permit for Accessory Dwelling Units (ADU) is required and applicants shall meet all standards of the Code. The plans submitted by the applicant show the 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. There will be only one ADU and there is only one utility connection located at this property. The ADU is 943 square feet of the 2,465 square foot total living area at this residence, which is less than the 40% standard in the Code. The primary structure meets all of the setback and lot building square footage requirements. The applicant will meet the minimum parking standard in the Code, requiring at least four parking spaces and at least 2 will be in the existing garage. The driveway to the south of the property was added before the home was annexed into the city and represents a legal non-conforming use. As the ADU can be accessed from the interior of the existing home (through the garage), or through the rear entrance, it will continue the appearance of a single-family dwelling and should continue to have minimal impact on the neighboring properties.

Staff Recommendation

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

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

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,*

3273 South 200 West



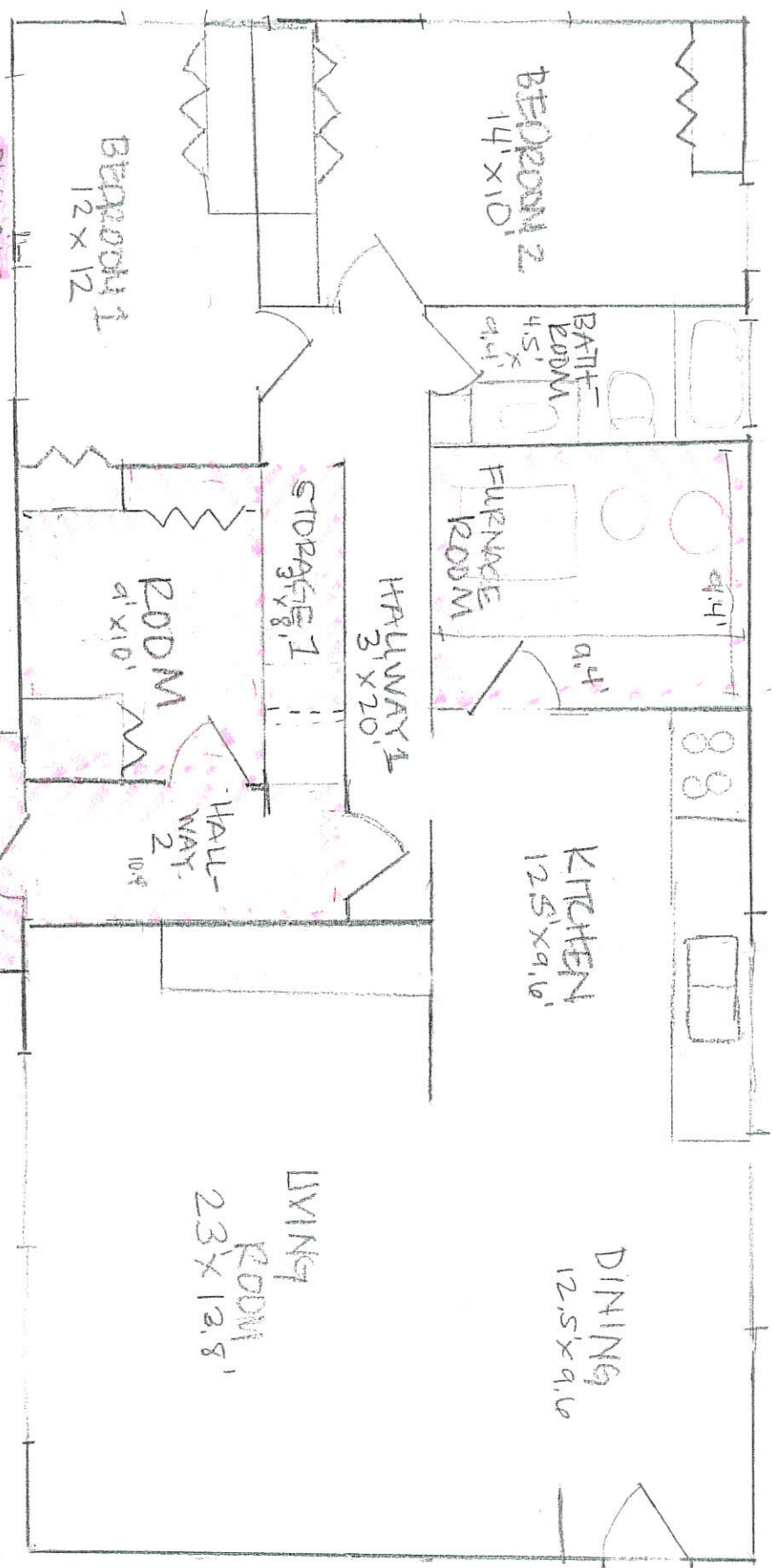


> BASEMENT <
Floor Layout

3273 So. 200 W. Bountiful

Approximate

Upstairs /
Downstairs: 1,232.8 sq. ft.
TOTAL sq. ft: 2,465.6



OWNER'S ROOMS
FURNACE;
STORAGE 1
HALLWAY 2
ROOM
STORAGE 2

SQ FT
88.4
24
47.8
9.0
38.9

289.1
23.8
11.7% of total

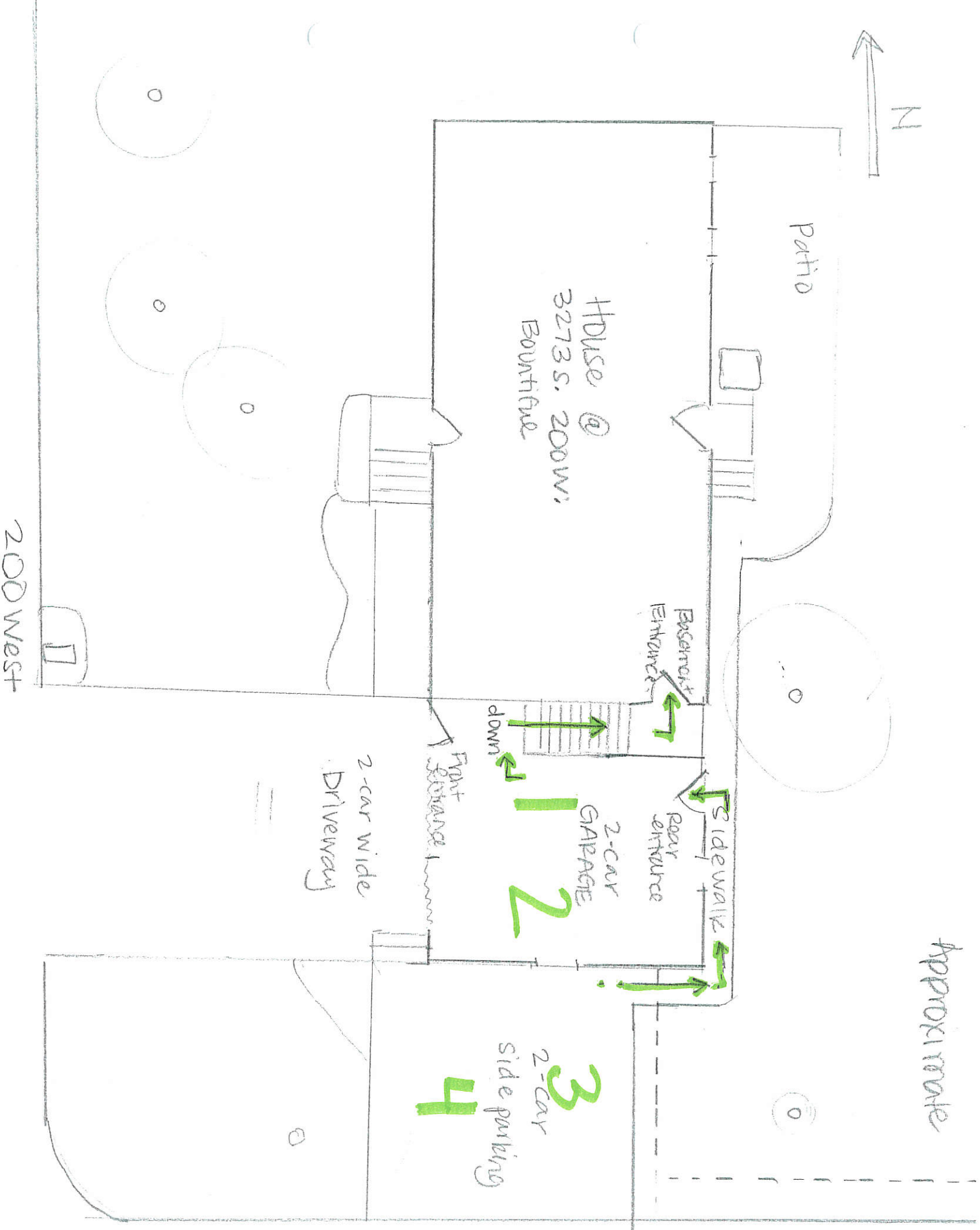
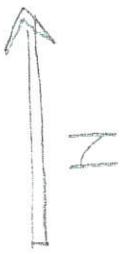
TOTAL: 1,232.8

ADJ ROOMS
LIVING
DINING
KITCHEN
HALLWAY 1
BATHROOM
BEDROOM 1
BEDROOM 2

317.4
120
120
600
42.3
144
140

943.7

76.5% of downstairs
38.5% of total



House @
3273 S. 200W,
Bountiful

Patio

Basement
Entrance

down

2-CAR
GARAGE

Rear
Entrance

Side walk

3
2-car
side parking

4

2-car wide
Driveway

Front
Entrance

Approximate

3300 South

200 West

Ann Marie W. Birkholz

3273 South 200 West, Bountiful

Typed Responses:

How does your proposed project fit in with surrounding properties and uses?

My home currently appears in every way a single family home just like my neighbors. Many of our neighbors have 5 or more people living in them, and we would have 5 total with an accessory dwelling unit. Only two cars will be parked outside of the home on a side parking pad, which is similar to the amount of cars parked in some of my neighbor's driveways. All the neighboring homes are single family and my home would remain from the exterior the same as any of my neighbors.

In what ways does the project not fit in with the surrounding properties and uses?

I believe there is just one other home in my neighborhood that I know which has or will soon have an accessory dwelling unit. All other homes are single families who do not have additional people living on the property, although, some do have the same amount of cars as we will (4).

What will you do to mitigate the potential conflicts with surrounding properties and uses?

We plan to have our tenants use the back entrance to the garage and then use the stairs leading down to the basement door. Once they are in the garage, no one will see them enter their own private basement main entrance. From the exterior there is no indication that a separate couple will live in my basement. We will share the backyard, so the backyard has no barriers or separation.



Bountiful City, Utah Conditional Use Permit

RANDY C. LEWIS
MAYOR

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

CITY MANAGER
Gary R. Hill

A public hearing was held on November 19, 2018, at Bountiful City Hall to consider the request of Marco and Melynda Geronimo for a Conditional Use Permit allowing an Accessory Dwelling at the following location:

**114 West 3300 South, Bountiful City, Davis County, Utah
ALL OF LOT 41, BLK 3, VALVERDA PLAT A. CONT. 1.00 ACRE
Parcel 01-022-0034**

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 Marco and Melynda Geronimo, to be located at 114 West 3300 South, Bountiful, Davis County, Utah, with the following conditions:

1. The principal owner(s) of the property must occupy the primary structure.
2. The entrance to the accessory dwelling unit 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 applicants shall provide a complete set of architectural drawings as part of the building permit application.
4. The property is to be used only as a single-family use and shall be subject to a deed restriction.
5. There will be no separate utility service connections
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.
8. The applicants shall remove the interior garage wall from their plans.
9. The applicants shall revise their plans to provide for an additional interior connection between the ADU and the main floor.

The Conditional Use Permit was approved on November 19, 2018, and this written form was approved this 10th day of December, 2018.

Chad Wilkinson
Planning Director

ATTEST: Julie Holmgren
Recording Secretary



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 November 19, 2018, at Bountiful City Hall to consider the request of John Norman, Jr. for a Conditional Use Permit allowing an Accessory Dwelling at the following location:

**2008 South 1200 East (Brown's Park), Bountiful City, Davis County, Utah
ALL OF LOT 88, BROWN'S PARK - PART II. CONT. 0.236 ACRES
Parcel 05-061-0088**

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 John Norman, Jr., to be located at 2008 South 1200 East (Brown's Park), Bountiful, Davis County, Utah, with the following conditions:

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

The Conditional Use Permit was approved on November 19, 2018, and this written form was approved this 10th day of December, 2018.

Chad Wilkinson
Planning Director

ATTEST: Julie Holmgren
Recording Secretary