

**Bountiful City  
Administrative Committee Minutes  
January 8, 2018**

**Present:** Chairman – Chad Wilkinson; Committee Member – Lloyd Cheney; Assistant Planner – Browne Sebright; Recording Secretary – Julie Holmgren

**Absent:** Committee Member – Dave Badham

**1. Welcome and Introductions.**

Chairman Wilkinson opened the meeting at 5:02 p.m. and introduced all present.

**2. Consider approval of minutes for December 18, 2017.**

Mr. Cheney made a motion for approval of the minutes for December 18, 2017. Mr. Wilkinson seconded the motion.

  A        Mr. Wilkinson

  A        Mr. Cheney

Motion passed 2-0.

**3. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow an Accessory Building exceeding 10% of the lot area at 55 West 700 North, Brent and Kathy Vodopich, applicants.**

Brent and Kathy Vodopich, applicants, were present.

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

The property is located in the R-4 Residential Single-Family Zone. The Applicant would like to build an accessory building which will serve as a garage. Bountiful City Land Use Code states that the total footprint of accessory structures may not exceed 10% of the entire lot of parcel area without requiring a Conditional Use Permit. The footprint of the proposed accessory structure will occupy more than 10% of the total parcel area so a Conditional Use Permit is required.

There is a potential for large accessory structures to be used for commercial purposes, which is not allowed in single family zones. Therefore, this type of configuration should be viewed as an “anticipated detrimental effect” as described in the Utah State Municipal Code which reads:

*10-9a-507 Conditional uses.*

*(1) A land use ordinance may include conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.*

*(2) (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.*

*(b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.*

According to the plans submitted by the applicant, the accessory building will be constructed of metal. The structure will be 40 feet deep and approximately 33 feet wide with the front facing north. The structure will be located 5 feet from the eastern property line, 10 feet from the southern property line, and 30 feet from the primary structure. The accessory building will meet all required setbacks, easements, and height restrictions. The accessory building will occupy approximately 14.4% of the total square footage of the property. The accessory building size will be approximately 91.7% of the main dwelling. The lot is 0.21 acres and the accessory building should have minimal impact on neighboring properties.

Based on the findings, staff has determined that 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 Accessory Building shall meet all criteria in 14-4-105 of the Bountiful City Code.
2. The property owner shall obtain a building permit.
3. The applicant shall follow IBC building codes.
4. The Conditional Use Permit is solely for this site and is non-transferable.
5. The accessory structure WILL NOT be used for commercial interests or monetary gain.

**PUBLIC HEARING:** Mr. Wilkinson opened and closed the Public Hearing at 5:05 p.m. with no comments from the public.

Mr. Wilkinson re-emphasized that the accessory structure cannot be used for commercial interests. Mr. Cheney inquired regarding the overhead power service on the property. Mr. Vodopich indicated there is an overhead power line, and the committee examined the Google Earth image of the property and the existing overhead power line. Mr. Wilkinson asked the applicants if they had contacted Bountiful Power regarding setbacks, and Mr. Vodopich indicated he had spoken with the power department, and they did not express concern regarding the accessory building project.

Mr. Cheney made a motion for approval of a Conditional Use Permit to allow an Accessory Building exceeding 10% of the lot area at 55 West 700 North, Brent and Kathy Vodopich, applicants, with conditions outlined by staff and with an additional condition that the rear yard setbacks on the plans be revised if Bountiful Power deems it necessary. Mr. Wilkinson seconded the motion.

A Mr. Wilkinson  
A Mr. Cheney

Motion passed 2-0.

Mr. Vodopich raised his concern regarding the timing for the project, and Mr. Wilkinson explained that the applicants would have a year from the date of the Conditional Use Permit for project completion. Mr. Cheney advised the applicants to ensure their plans include the proper wind design speed of 155.

4. **PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 1261 Cassidy Circle, Jeremy and Erin-Leigh Hess, applicants.**

Jeremy and Erin-Leigh Hess, applicants, were present. Several neighbors were also in attendance.

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

The applicant's home is in the R-3 Residential Single-Family Zone. The applicant would like to authorize an Accessory Dwelling Unit in the basement of the home. Plans submitted show the proposed accessory dwelling will include a full kitchen, a full bath, two bedrooms, and a family room. The ADU will have its own primary entrance, in addition to an internal connection to the rest of the home via the kitchen.

Single-family homes with second kitchens can be problematic in maintaining the proper use of the home once the property changes hands or when new situations arise. There can be a desire to use the space as a duplex or multi-family unit which is not allowed. Therefore, the Code requires approval of a Conditional Use permit and the recording of a deed restriction to provide notice to future owners that the home is not a duplex and that future use of the accessory unit is subject to specific conditions. The Code also requires that the owner of the property live in principal unit in order to maintain the single family nature of the home.

*10-9a-507*

*Conditional Uses*

2. *A. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.*

*B. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.*

According to the plans submitted, the home will maintain the appearance of a single-family residential home. The primary residence and the accessory dwelling unit will have a total of four parking spots, two inside the garage and two directly in front of the garage on the driveway. The Bountiful Land Use Ordinance restricts ADUs to 25% of the total square footage of the primary dwelling structure. The ADU will occupy approximately 24.5% of the square footage of primary structure. The lot is 0.21 acres and the ADU should have minimal impact on neighboring properties.

Based on the findings, staff has determined that 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 property is to be used only as a single-family use and a deed restriction must be signed.
3. Occupants of the Accessory Dwelling Unit shall be limited to: Legal dependents, children, parents, siblings, grandchildren, or grandparents of the primary occupant.
4. There will be no separate utility service connections
5. The ADU shall meet all the criteria in 14-14-124 of the city Ordinance
6. The Conditional Use Permit is solely for this property and is non-transferable.

**PUBLIC HEARING:** Mr. Wilkinson opened the Public Hearing at 5:12 p.m. As noted below, two public comments were shared in support of the applicants. The Public Hearing was closed at 5:16 p.m.

Howard VanOrman (1007 East Millstream Way) stated that he is a neighbor and former bishop in the area, and he spoke in support of the applicants. He noted that Ms. Hess's parents are currently residing in the applicant's basement, and that the basement kitchen existed when the applicants purchased the home. Mr. VanOrman stated his observation of the applicants' efforts to have vehicles parked off the street. Mr. VanOrman concluded with a statement of support.

Jan Hedberg (1269 Cassidy Circle) echoed Mr. VanOrman's statement of support for the applicants. Ms. Hedberg explained that she lives next door to the applicants and has not observed any sort of problem regarding the accessory dwelling unit.

Mr. Wilkinson thanked those in attendance for being at the meeting and expressed thanks for the process to legalize situations such as the one being addressed. Mr. Wilkinson noted that the applicants had submitted a good floor plan with their application. Mr. Cheney likewise thanked those in attendance and commended the neighborhood support.

Mr. Cheney made a motion for approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 1261 Cassidy Circle, Jeremy and Erin-Leigh Hess, applicants. Mr. Wilkinson seconded the motion.

  A        Mr. Wilkinson  
  A        Mr. Cheney

Motion passed 2-0.

Mr. Wilkinson explained that the next step in the approval process would involve the applicants signing a deed restriction prepared by the city. After the document is properly signed, the city will record the document with the county recorder.

5. **Consider approval of a Conditional Use Permit, in written form, for improvements to an existing building at a commercial location at 565 Medical Drive for Country Oaks Assisted Living of Bountiful, Gilda McBride, applicant.**

Mr. Cheney made a motion for approval of a Conditional Use Permit, in written form, for improvements to an existing building at a commercial location at 565 Medical Drive for

Country Oaks Assisted Living of Bountiful, Gilda McBride, applicant. Mr. Wilkinson seconded the motion.

A Mr. Wilkinson

A Mr. Cheney

Motion passed 2-0.

**6. Miscellaneous business and scheduling.**

Mr. Wilkinson outlined the variance agenda item for January 15, 2018, and a brief discussion ensued regarding that item. Mr. Wilkinson ascertained there were no further items of business. The meeting was adjourned at 5:21 p.m.

  
Chad Wilkinson, City Planner