


ADMINISTRATIVE COMMITTEE

Monday, October 8, 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 September 10, 2018.
3. Consider approval of a Lot Line Adjustment at 879 East San Simeon and 2262 South 900 East, Darren & Natalie Brown and Jana W. Spangenberg, applicants.
4. **PUBLIC HEARING:** Consider approval of a Conditional Use Permit to allow for a Home Occupation Contractor Business at 1221 South 400 East, Ian Cutler, applicant.
5. Consider approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 603 North 1200 East, Nate Wheatley, applicant.
6. Consider approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 1581 Stone Hollow Drive, William Low, applicant.
7. Miscellaneous business and scheduling.



Chad Wilkinson, City Planner

**Bountiful City
Administrative Committee Minutes
September 10, 2018**

Present: Chairman – Chad Wilkinson; Committee Members – Lloyd Cheney and Beth Holbrook; Assistant Planner – Curtis Poole; Recording Secretary – Julie Holmgren

1. Welcome and Introductions.

Chairman Wilkinson opened the meeting at 5:00 p.m. and introduced all present. [Ms. Holbrook was delayed and arrived at the meeting at 5:08 p.m. – after agenda item #3.]

2. Consider approval of minutes for August 27, 2018.

Mr. Cheney made a motion for approval of the minutes for August 27, 2018. 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 for an Accessory Dwelling Unit at 603 North 1200 East, Nate Wheatley, applicant.

Nate Wheatley, applicant, was present. Mrs. Steph Wheatley and Scott Martineau (contractor) were also present.

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

The applicant is proposing a separate unit for the purpose of providing a living area for their parents. Plans submitted show a separate entrance which will not give this home the appearance of a duplex. The unit will contain a full kitchen, bathroom, a living space and bedroom. The plans also show that there can be an internal connection between the primary living area and this unit.

According to City Code, 14-4-124, a Conditional Use Permit for Accessory Dwelling Units (ADU) is required to meet all of the criteria listed in the Code. The plans submitted by the applicants show the home is located in the R-3 Single Family Residential zone and the existing home is a single family dwelling and will be maintained as such by the applicant. This will be the only ADU located on this property. The ADU is for the purpose of providing living space for their parents. There will only be one utility connection located at this property. The ADU will not exceed 25% of the primary dwelling square footage, and meets all of the setback and lot building square footage requirements. The lot is 1.461 acres and should have minimal impact on the neighboring properties.

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

Based upon the above 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 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. Occupants of the Accessory Dwelling Unit shall be limited to: Legal dependents, children, parents, siblings, grandchildren, or grandparents of the primary occupant.
5. There will be no separate utility service connections.
6. The ADU shall meet all the criteria in 14-14-124 of the city Ordinance
7. The Conditional Use Permit is solely for this property and is non-transferable.

Mr. Poole noted the deed restriction had been signed and recorded. Mr. Wheatley stated that he will comply with the conditions outlined, and that his parents will be living in the ADU.

PUBLIC HEARING: Mr. Wilkinson opened the Public Hearing at 5:05 p.m. Sharon and Curtis Teel (1147 East 600 North), who live in a nearby home, welcomed the Wheatleys to the neighborhood and stated they enjoy the green space and nature between their property and the Wheatley's. They also stated they enjoy the quiet nature of the area. Mr. Wheatley shared that his plans include leaving most of the green space as is. The public hearing was closed at 5:07 p.m.

Mr. Wilkinson explained that the City Council is considering a modification of the code to allow non-relatives to occupy an ADU, and if that occurs the applicant will be informed in writing of the change.

Mr. Cheney made a motion for approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 603 North 1200 East, Nate Wheatley, applicant. Mr. Wilkinson seconded the motion.

 A Mr. Wilkinson
 A Mr. Cheney
____ Ms. Holbrook (abstain)

Motion passed 2-0. [Ms. Holbrook arrived after discussion of agenda item #3 and, hence, abstained from voting.]

4. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 1581 Stone Hollow Drive, William Low, applicant.

William Low, applicant, was present. Contractors Jose Medina and Brandon Quinton were also present.

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

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

The applicant is proposing a separate living unit as part of their new home construction. Plans submitted show a separate entrance which will not give this home the appearance of a duplex. The unit will contain a full kitchen, bathroom, a living space, bedroom and deck. The plans also show that there can be an internal connection between the primary living area and this unit.

According to City Code, 14-4-124, a Conditional Use Permit for Accessory Dwelling Units (ADU) is required to meet all of the criteria listed in the Code. The plans submitted by the applicants show the proposed home is located in the R-F Single Family Residential zone and is a single family dwelling and will be maintained as such by the applicants. This will be the only ADU located on this property. There will only be one utility connection located at this property. The ADU will not exceed 25% of the primary dwelling square footage, and meets all of the setback and lot building square footage requirements. The construction of the proposed home and ADU is contingent on the approval of a variance by the Planning Commission for encroachments on slopes greater than 30 percent and cuts and fills and retaining walls greater than 10 feet in height. The lot is 19.060 acres and should have minimal impact on the neighboring properties.

Based upon the above 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 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. Occupants of the Accessory Dwelling Unit shall be limited to: Legal dependents, children, parents, siblings, grandchildren, or grandparents of the primary occupant.
5. There will be no separate utility service connections
6. The ADU shall meet all the criteria in 14-14-124 of the city Ordinance
7. The Conditional Use Permit is solely for this property and is non-transferable.
8. The Conditional Use Permit is contingent on the approval of a variance for encroachments into slopes greater than 30 percent and cuts and fills and retaining walls greater than 10 feet in height.

Mr. Poole noted that a deed restriction has been prepared, but it is contingent on approval of a variance. Mr. Low noted it is his intent to be in the home for a long time and the ADU would be used for family members who may need to live there.

PUBLIC HEARING: Mr. Wilkinson opened and closed the Public Hearing at 5:12 p.m. with no comments from the public.

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

Mr. Wilkinson reiterated that the City Council is considering a change to the code which would allow non-relatives to reside in an ADU. Mr. Low inquired if a caregiver might be allowed to live in the ADU in the future. Mr. Wilkinson stated that would be allowed if the City Council modifies the code. Mr. Wilkinson also stressed that this CUP is contingent on approval of Mr. Low's variance application with the Planning Commission. Mr. Cheney noted that the city had received an inquiry from a neighbor regarding this item – the neighbor was not against the item but was simply curious.

Mr. Cheney made a motion for approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 1581 Stone Hollow Drive, William Low, applicant. Ms. Holbrook seconded the motion.

A Mr. Wilkinson
A Mr. Cheney
A Ms. Holbrook

Motion passed 3-0.

- 5. Consider approval of a Conditional Use Permit, in written form, for improvements to an existing building in conjunction with a proposed private school use at 95 North Main Street for Liberty Hills Academy, Jill Thompson, applicant.**

Mr. Cheney made a motion for approval of a Conditional Use Permit, in written form, for improvements to an existing building in conjunction with a proposed private school use at 95 North Main Street for Liberty Hills Academy, Jill Thompson, applicant. Mr. Wilkinson seconded the motion.

A Mr. Wilkinson
A Mr. Cheney
A Ms. Holbrook

Motion passed 3-0.

- 6. Consider approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 155 East 400 South, Curt and Teri Stock, applicants.**

Mr. Cheney made a motion for approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 155 East 400 South, Curt and Teri Stock, applicants. Ms. Holbrook seconded the motion.

A Mr. Wilkinson
A Mr. Cheney
A Ms. Holbrook

Motion passed 3-0.

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

7. Miscellaneous business and scheduling.

Mr. Wilkinson ascertained there were no further items of business. The meeting was adjourned at 5:16 p.m.

Chad Wilkinson, City Planner

Pending



RANDY C. LEWIS
MAYOR

CITY COUNCIL
Kendalyn Harris
Richard Higginson
Beth Holbrook
John Marc Knight
Chris R. Simonsen

CITY MANAGER
Gary R. Hill

Memo

Date: October 1, 2018
To: Administrative Committee
From: Curtis Poole, Assistant Planner
Re: Staff Report for the Administrative Committee Meeting on Monday, October 8, 2018

Overview

3. Consider approval of a Lot Line Adjustment at 879 East San Simeon Way and 2262 South 900 East, Darren and Natalie Brown and Jana Spangenberg, applicants.

Background

The applicants are applying for a Lot Line Adjustment between their properties at 879 East San Simeon Way (Brown property), shown as the South Parcel on the Boundary Survey plan, and 2262 South 900 East (Spangenberg property), shown as the North Parcel, in Bountiful, Utah. Both properties are located in the R-4 zone. The purpose of the property line adjustment is to convey 5,021 square feet (0.115 acres), shown as Parcel A, from the Brown property to the Spangenberg property. The conveyance of Parcel A will bring the Brown property to 13,590 square feet (0.312 acres) and will bring the Spangenberg property to 14,331 square feet (0.329 acres). The lot line adjustment does not create a new lot.

Findings

1. No new lots are being created in this transfer so this does not need to be an amended subdivision plat.
2. No new building permits have been issued or proposed for the newly created lot.

Staff Recommendation

Based on findings, Staff recommends approval for a lot line adjustment, with the following conditions:

1. Complete any redline corrections required on the plat
2. The approved lot line adjustment shall be recorded with Davis County.

Note: Approval of the property line adjustment by the City does not act as a conveyance of real property and appropriate conveyance documents must be prepared and recorded by the county.

879 E San Simeon and 2262 S 900 E





RANDY C. LEWIS
MAYOR

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Kendalyn Harris
Richard Higginson
Beth Holbrook
John Marc Knight
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CITY MANAGER
Gary R. Hill

Memo

Date: October 1, 2018
To: Administrative Committee
From: Curtis Poole, Assistant Planner
Re: Staff Report for the Administrative Committee Meeting on Monday, October 8, 2018

Overview

- 4. PUBLIC HEARING** - Consider approval of a Conditional Use Permit to allow for a Home Occupation Contractor Business at 1221 South 400 East, Ian Cutler, applicant.

Background

The property for the proposed Home Occupation request is located in the R-4 Zone. Home Occupations in this zone are permitted in the City Code, 14-4-103, as requiring a Conditional Use Permit.

Findings

The application submitted by the applicant indicates the property will be used to operate a heating and cooling services business for commercial and residential properties. The applicant will use 40 square feet in the garage to store ductwork incidental to the business, one service van containing tools, which will be parked in the driveway, and will use one room in the home as the business office. The applicant indicates all tools and supplies will be stored in the van or in the garage. Approximately 10% of the home will be used as office space for the business. There will only be one employee involved with the business, the applicant. The office space will only be used for billing and general office work. Less than 50% of the home will be used for the business and does appear incidental and secondary to the use of the dwelling and the home occupation shall not change the appearance, character, or condition of the property.

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 applicant shall maintain an active Bountiful City business license.
2. The Home Occupation will not create nuisances discernible beyond the premises (e.g. noise, dust, odors, noxious fumes, glare, traffic, etc.).
3. The use will comply with all applicable fire, building, plumbing, electrical, and life safety and health codes in the State of Utah, Davis County, and Bountiful City.
4. The Conditional Use Permit is solely for this site and is non-transferable.

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 discernible 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

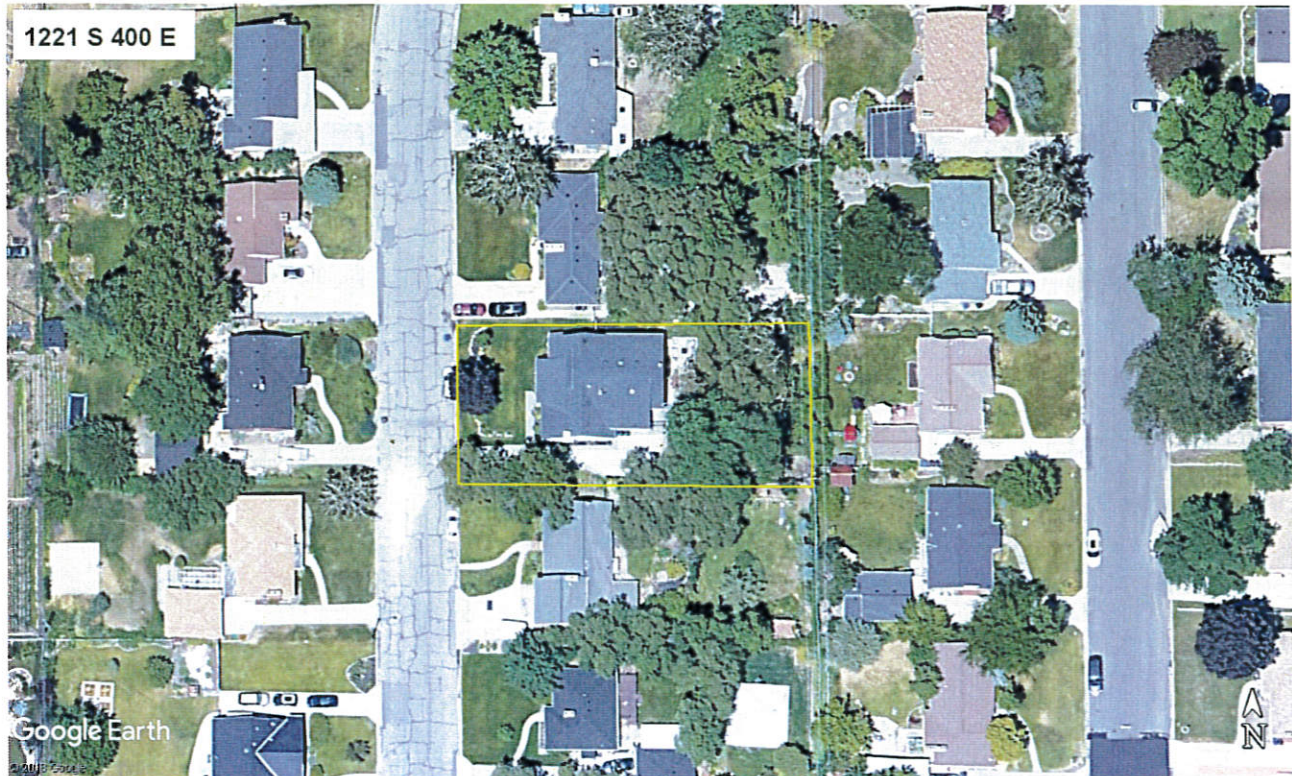
HOME OCCUPATION CONDITIONAL USES

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,
- E. A home occupation office use may be allowed in a detached accessory structure in accordance with the following:
1. The total office area, including a restroom and any storage space, shall not exceed three hundred (300) square feet.
 2. The office shall not be located in an area of required, covered, off-street parking.
 3. No part of the office space shall be utilized if the required, covered, off-street parking is being utilized for a purpose other than parking.
 4. The only retail activity allowed is that transacted electronically or by mail. Any retail activity involving the physical delivery of goods or persons to the property is expressly prohibited.
 5. A home occupation office in a detached accessory structure shall be deemed unlawful and shall not be occupied unless the owner has recorded a deed restriction on the property stating that the use of the property is for a single family dwelling, and that the office space shall only be used in accordance with the provisions of the Bountiful City Land Use Ordinance as it may be amended from time to time.

1221 S 400 E

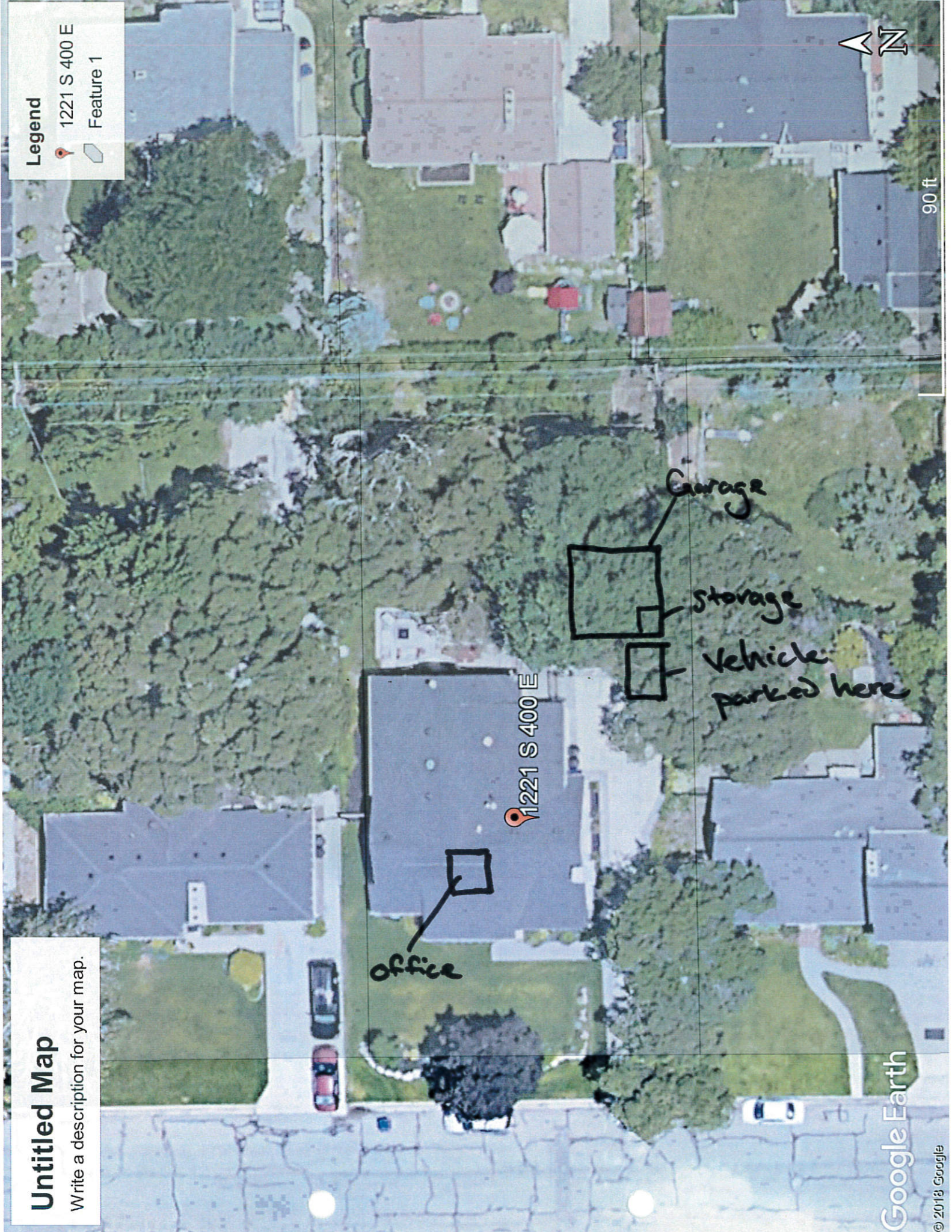


Untitled Map

Write a description for your map.

Legend

-  1221 S 400 E
-  Feature 1





RANDY C. LEWIS
MAYOR

CITY COUNCIL
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CITY MANAGER
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Bountiful City, Utah Conditional Use Permit

A public hearing was held on September 10, 2018, at Bountiful City Hall to consider the request of Nate Wheatley for a Conditional Use Permit allowing an Accessory Dwelling at the following location:

603 North 1200 East, Bountiful City, Davis County, Utah

BEG AT A PT ON THE S'LY LINE OF NORTHERN HILLS SUB PLAT A, WH PT IS S 66°40'03" W 193.90 FT ALG THE REAR LINE OF SD SUB & THE REAR LINE OF NORTHERN HILLS SUB PLAT B AMD FR THE NW COR OF LOT 59, NORTHERN HILLS SUB PLAT B AMD, LOC IN THE NE 1/4 OF SEC 20-T2N-R1E, SLB&M; SD PT IS ALSO S 01°06'42" W 907.81 FT ALG THE SEC LINE & S 90°00'00" W 148.38 FT TO THE MONU MARKING THE INTERSECTION OF 700 NORTH & NORTH RIDGE DRIVE STREETS & S 66°40'03" W 324.87 FT ALG THE MONU LINE & N 23°19'57" W 154.76 FT & S 66°40'03" W 193.90 FT FR THE NE COR OF SD SEC 20; & RUN TH S 16°14'02" E 164.05 FT TO THE W LINE OF 1200 EAST STR TO A PT THAT IS S 66°40'03" W 508.68 FT ALG THE MONU LINE OF 700 NORTH STR TO THE MONU IN THE INTERSECTION OF SD 1200 EAST & S 51°51'24" W 31.40 FT FR SD MONU AT THE INTERSECTION OF 700 NORTH STR & N RIDGE DRIVE; TH S 01°16'12" W 107.20 FT ALG THE W LINE OF 1200 EAST STR TO THE N LINE OF THE BANGERTER PROPERTIES; TH S 88°54'00" W 296.81 FT (300.44 FT BY RECORD) ALG SD LINE TO THE E LINE OF THE AMD & EXT PLAT OF ELLIS PARK SUB PLAT A; TH N 00°00'00" E 166.02 FT ALG SD E SUB LINE & ITS EXTENSION TO THE S LINE OF NORTHERN HILL SUB PLAT A; TH N 67°37'42" E 267.83 FT ALG SD S SUB LINE TO THE PT OF INTERSECTION ON THE S LINE OF LOT 9, NORTHERN HILLS SUB PLAT A; TH N 66°40'03" E 6.10 FT ALG SD S SUB LINE TO THE POB. CONT. 1.447 ACRES

Parcel 04-002-0149

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 Nate Wheatley, to be located at 603 North 1200 East, 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. Occupants of the Accessory Dwelling Unit shall be limited to: Legal dependents, children, parents, siblings, grandchildren, or grandparents of the primary occupant.
5. There will be no separate utility service connections.
6. The ADU shall meet all the criteria in 14-14-124 of the city Ordinance
7. The Conditional Use Permit is solely for this property and is non-transferable.

The Conditional Use Permit was approved on September 10, 2018, and this written form was approved this 8th day of October, 2018.

Chad Wilkinson
Planning Director

ATTEST: Julie Holmgren
Recording Secretary



RANDY C. LEWIS
MAYOR

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CITY MANAGER
Gary R. Hill

Bountiful City, Utah Conditional Use Permit

A public hearing was held on September 10, 2018, at Bountiful City Hall to consider the request of William Low for a Conditional Use Permit allowing an Accessory Dwelling at the following location:

1581 Stone Hollow Drive, Bountiful City, Davis County, Utah

ALL OF LOT 603, STONE RIDGE SUB PLAT F. EXCEPT: BEG AT THE MOST N'LY COR OF LOT 603 OF STONE RIDGE SUB PLAT F; & RUN TH S 33°01'23" E 148.25 FT ALG THE BNDRY OF SD LOT 603; TH N 58°13'00" W 118.59 FT; TH NE'LY 65.00 FT ALG THE BNDRY OF SD LOT 603 & THE ARC OF A 1,847.00 FT RAD CURVE TO THE LEFT THRU A CENTRAL ANGLE OF 2°00'59" (RAD PT BEARS N 71°03'40" W FR THE BEG OF THE CURVE) TO THE POB. ALSO LESS & EXCEPT: BEG AT THE E COR OF LOT 605, STONE RIDGE SUB PLAT F; & RUN TH N 32°18'08" W 228.42 FT ALG THE NE LINE OF LOT 605; TH N 49°24'27" E 38.72 FT; TH S 23°00'10" E 237.12 FT TO THE POB. CONT. 19.2216 ACRES. ALSO LESS & EXCEPT: BEG ON THE E LINE OF STONE HOLLOW DR AT THE MOST N'LY COR OF LOT 604, STONE RIDGE SUB PLAT F; & RUN TH S 23°00' E 308.35 FT; TH S 49°24'27" W 231.0 FT TO THE MOST S'LY COR OF SD LOT 604; TH N 36°31'05" E 204.06 FT; TH N 13°49'52" W 278.21 FT TO THE POB. 0.2777 ACRES TOTAL ACREAGE 19.0444 ACRES

Parcel 04-131-0611

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 William Low, to be located at 1581 Stone Hollow Drive, 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. Occupants of the Accessory Dwelling Unit shall be limited to: Legal dependents, children, parents, siblings, grandchildren, or grandparents of the primary occupant.
5. There will be no separate utility service connections
6. The ADU shall meet all the criteria in 14-14-124 of the city Ordinance
7. The Conditional Use Permit is solely for this property and is non-transferable.

8. The Conditional Use Permit is contingent on the approval of a variance for encroachments into slopes greater than 30 percent and cuts and fills and retaining walls greater than 10 feet in height.

The Conditional Use Permit was approved on September 10, 2018, and this written form was approved this 8th day of October, 2018.

Chad Wilkinson
Planning Director

ATTEST: Julie Holmgren
Recording Secretary