



BOUNTIFUL CITY
ADMINISTRATIVE COMMITTEE AGENDA
Monday, August 2, 2021
5:00 p.m.

NOTICE IS HEREBY GIVEN that the Bountiful City Administrative Committee will hold a meeting in the Planning Commission Conference Room, Bountiful City Hall at 795 South Main Street, Bountiful, Utah, 84010, 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.

1. Welcome
2. Consider approval of minutes for June 28, 2021
3. Consider approval of minutes for July 12, 2021
4. Consider a Conditional Use Permit for an Accessory Dwelling Unit (ADU) at 196 East 1650 South—Makell Webb & Taylor Lewis, applicant
 - a. Review and Public Hearing
 - b. Action
 - c. Consider drafted approval in written form
5. Adjournment

**Draft Minutes of the
BOUNTIFUL CITY ADMINISTRATIVE COMMITTEE
June 28, 2021**

Present: Committee members Francisco Astorga (Chair), Brad Clawson, and Scott Schlegel
Assistant City Planner Kendal Black
Recording Secretary Jacinda Shupe

1. Welcome and Introductions

Chair Astorga opened the meeting at 5:02 p.m. and introduced all present.

2. Consider approval of minutes for April 05, 2021

MOTION: Committee Member Clawson made a motion to APPROVE the minutes for April 05, 2021. Committee Member Schlegel seconded the motion. Chair Astorga was not present during the April 05, 2021 meeting.

VOTE: The motion passed 2-0 with Chair Astorga abstaining.

3. Consider a Conditional Use Permit for a Home Occupation Handyman at 848 South 450 West –Silvestre Resendiz, applicant

Mr. Resendiz, applicant, and his daughter were present. Planner Black presented the item.

Planner Black indicated that the applicant is requesting a Conditional Use Permit for a Handyman service located at 848 South 450 West. Mr. Resendiz would have no additional employees with one personal vehicle parked in the driveway. Associated tools will be stored in the garage.

Chair Astorga opened the public hearing at 5:05 p.m.

There were no comments.

Chair Astorga closed the public hearing at 5:05 p.m.

MOTION: Committee Member Schlegel made the motion to APPROVE a Conditional Use Permit for Home Occupation Handyman at 848 South 450 West as recommended by staff. Committee Member Clawson seconded the motion.

CONDITIONS OF APPROVAL:

1. The applicant shall maintain an active Bountiful City Business License.
2. The Home Occupation shall not create nuisances discernible beyond the premises (e.g., dust, odors, noxious fumes, glare, traffic, outdoor storage, etc.).

- 1 3. Any storage of material in connection with the business shall be in accordance with
- 2 standards of the Bountiful City Land Use Code.
- 3 4. The use shall comply with all the applicable fire, building, plumbing, electrical, life
- 4 safety, and health codes in the State of Utah, Davis County and Bountiful City.
- 5 5. Any signage connected with the business shall meet the standards of the Sign Code and
- 6 receive approval through a separate permit.
- 7 6. The Conditional Use Permit is solely for this site and in non-transferable.

8
9 VOTE: The motion passed unanimously (3-0).

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11 **4. Consider a Conditional Use Permit for an Accessory Dwelling Unit (ADU) at 1349 North**

12 **400 East –Andrew Koehler, applicant**

13
14 Mr. Koehler, applicant, was present. Planner Black presented the item.

15
16 Planner Black indicated that the applicant is requesting a basement Accessory Dwelling Unit

17 at 1349 North 400 East. Planner Black indicated that the applicant understands he needs a

18 building permit and is taking care of the meeting first. A walkway is currently being added

19 for the second entrance. The home meets all the city code requirements as far as second

20 entrance and parking.

21
22 Committee Member Schlegel inquired about the square footage requirements per the new

23 legislation. Chair Astorga briefly explained the new legislation pertaining to Accessory

24 Dwelling Units from the State.

25
26 Chair Astorga opened the public hearing at 5:11 p.m.

27
28 There were no comments.

29
30 Chair Astorga closed the public hearing at 5:11 p.m.

31
32 Committee Member Clawson inquired about the inspection of the walkway as discussed.

33 The walkway is addressed in item #2 under Conditions of Approval.

34
35 MOTION: Committee Member Clawson made a motion to APPROVE a Conditional Use

36 Permit to permit an Accessory Dwelling Unit located at 1349 North 400 East as

37 recommended by staff and in WRITTEN form. Committee Member Schlegel seconded the

38 motion.

39
40 **CONDITIONS OF APPROVAL:**

- 41 1. The accessory dwelling unit shall meet all the standards in Section 14-14-124 of the City
- 42 Land Use Code including the following:
 - 43 a. The owner(s) of the property must continually occupy the principal dwelling or
 - 44 the accessory dwelling unit.
 - 45 b. The property is to be used only as a Single-Family dwelling with an accessory
 - 46 dwelling unit and shall be subject to a Deed Restriction.
 - 47 c. There shall be no separate utility service connections.

- d. The Applicants shall apply separately for a building permit to be reviewed and inspected by Staff.
2. The required walkway and all other applicable aspects of the ADU conversion are to be inspected, including the required walkway, proper window egress, proper door width, that the ADU is an independent unit from the main dwelling, etc. Building codes shall be inspected prior to the City signing the deed restriction.
3. The Conditional Use Permit for the accessory dwelling unit is solely for this property and is non-transferable to another property.
4. The Deed Restriction shall be signed within six (6) months of the date of approval.

VOTE: The motion passed unanimously (3-0).

5. Consider a Conditional Use Permit for a Home Occupation Handyman at 1940 South 200 East –Paiten Sims, applicant

Mr. Sims, applicant, and his brother were present. Planner Black presented the item.

Planner Black indicated the applicant would have two (2) trucks, one (1) enclosed trailer, construction tools, and lawnmowing equipment. The trucks and trailer will be parked on the driveway and RV pad in tandem. The applicant will store lawn equipment in the shed and construction tools will be kept in the enclosed trailer. There will be sufficient parking at the residence and no additional employees.

Chair Astorga opened the public hearing at 5:15 p.m.

There were no comments.

Chair Astorga closed the public hearing at 5:15 p.m.

MOTION: Committee Member Schlegel made the motion to APPROVE a Conditional Use Permit for Home Occupation Handyman at 1940 South 200 East and in WRITTEN form. Committee Member Clawson seconded the motion.

CONDITIONS OF APPROVAL:

1. The applicant shall maintain an active Bountiful City Business License.
2. The Home Occupation shall not create nuisances discernible beyond the premises (e.g., dust, odors, noxious fumes, glare, traffic, outdoor storage, etc.).
3. Any storage of material in connection with the business shall be in accordance with standards of the Bountiful City Land Use Code.
4. The use shall comply with all the applicable fire, building, plumbing, electrical, life safety, and health codes in the State of Utah, Davis County and Bountiful City.
5. Any signage connected with the business shall meet the standards of the Sign Code and receive approval through a separate permit.
6. The Conditional Use Permit is solely for this site and is non-transferable.

VOTE: The motion passed unanimously (3-0).

1 **6. Consider approval of a Lot Line Adjustment at 3219 South 100 East & 3224 South 200**
2 **East, Kevin J & Maurine Young and Nicholas & Kellie Reynolds, applicants**

3
4 Kevin & Maurine Young and Nicholas & Kellie Reynolds, applicants, were present. Planner
5 Black presented the item.
6

7 Planner Black indicated the applicants would be transferring 0.1342 acres from the Youngs
8 to the Reynolds. This does affect a public utility easement. This public utility easement will
9 run with the property.
10

11 The applicants explained to the committee how the utility easement ran along the property
12 and that they had been in discussion with Luke from the Bountiful Power.
13

14 MOTION: Committee Member Schlegel made a motion to APPROVE the Lot Line as drafted
15 for a property located at 3219 South 100 East & 3224 South 200 East. Committee Member
16 Clawson seconded the motion.
17

18 **CONDITIONS OF APPROVAL:**

- 19 1. Complete any redline corrections required on the plat.
20 2. The approved Lot Line Adjustment shall be recorded with Davis County, subject to final
21 form approved by City Engineer.
22

23 VOTE: The motion passed unanimously (3-0).
24

25 Chair Astorga ascertained there were no further items of business. The meeting was adjourned
26 at 5:20 p.m.
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28
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30 _____
31 Francisco Astorga
Administrative Committee Chair

**Draft Minutes of the
BOUNTIFUL CITY ADMINISTRATIVE COMMITTEE
July 12, 2021**

Present: Committee members Francisco Astorga (Chair), Brad Clawson, and Dave Badham
Assistant City Planner Kendal Black
Recording Secretary Jacinda Shupe

1. Welcome and Introductions

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

2. Consider approval of minutes for June 28, 2021

Item moved to next meeting. Minutes were not included in the packet.

3. Consider drafted approval in written form for a Conditional Use Permit for a Home Occupation Handyman approved on June 28, 2021, at 848 South 450 West– Silvestre Resendiz, applicant

Committee Member Badham was not present at the meeting on June 28, 2021, however he read through the proposed written form.

MOTION: Committee Member Clawson made a motion to APPROVE the drafted approval in written form for a Conditional Use Permit for a Home Occupation Handyman approved on June 28, 2021, at 848 South 450 West. Chair Astorga seconded the motion.

VOTE: The motion passed 3-0.

4. Consider a Conditional Use Permit for a Home Occupation Landscape at 1310 North 250 West -Brian Ruesch, applicant

Mr. Ruesch, applicant, was present. Assistant Planner Black presented the item.

Assistant Planner Black indicated that the applicant is requesting a Conditional Use Permit for a Tree Service and Yard Care Occupation. There would be no additional employees and everything goes along with the Land Use Code. There will be one truck and one trailer parked in the driveway with all other tools being kept in the garage and no other portion of the house being used for business.

Applicant had nothing further to add.

Chair Astorga opened the public hearing at 5:04 p.m.

Mr. Danny Sorensen neighbor to the applicant at 258 West 1300 North commented in favor of

1 Mr. Ruesch starting a Tree Service and Yard Care business stating the applicant causes zero
2 conflict with the neighbors.

3
4 Chair Astorga closed the public hearing at 5:05 p.m.

5
6 MOTION: Committee Member Badham made a motion to APPROVE a Conditional Use
7 Permit for a Home Occupation Landscape located at 1310 North 250 West as recommended
8 by staff. Committee Member Clawson seconded the motion.

9
10 VOTE: The motion passed unanimously (3-0).

11
12 MOTION: Committee Member Badham made a motion to APPROVE this same as
13 recommended by staff in WRITTEN form as drafted. Committee Member Clawson
14 seconded the motion.

15
16 CONDITIONS OF APPROVAL:

- 17 1. The applicant shall maintain an active Bountiful City Business License.
18 2. The Home Occupation shall not create nuisances discernible beyond the premises (e.g.,
19 dust, odors, noxious fumes, glare, traffic, outdoor storage, etc.).
20 3. Any storage of material in connection with the business shall be in accordance with
21 standards of the Bountiful City Land Use Code.
22 4. The use shall comply with all the applicable fire, building, plumbing, electrical, life
23 safety, and health codes in the State of Utah, Davis County and Bountiful City.
24 5. Any signage connected with the business shall meet the standards of the Sign Code and
25 receive approval through a separate permit.
26 6. The Conditional Use Permit is solely for this site and in non-transferable.

27
28 VOTE: The motion passed unanimously (3-0).

29
30 Chair Astorga ascertained there were no further items of business. The meeting was adjourned
31 at 5:07 p.m.

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35
36 _____
37 Francisco Astorga
Administrative Committee Chair

Administrative Committee Staff Report



Subject: Conditional Use Permit for an attached (basement) Accessory Dwelling Unit at 196 East 1650 South
Authors: Kendal Black, City Planner
Date: August 2, 2021

Background

The applicants, MaKell Webb & Taylor Lewis, submitted a Conditional Use Permit (CUP) for an attached accessory dwelling unit (ADU) for their property located at 196 East 1650 South. Bountiful City Administrative Committee reviews all CUPs for ADUs. The Bountiful City Land Use Code defines an ADU (see also “Accessory In-Law Apartment”) as *a self-contained dwelling unit within an owner-occupied single-family residence or in a detached accessory structure located on an owner-occupied property.*

Analysis

Bountiful City Land Use Code 14-14-124(C) states that an ADU shall meet all the following standards below shown in *italics*. Staff findings for each standard are shown as underlined text.

- 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.*
The single-family dwelling is located within the Single-Family Res. Zone (R-4).
- 2. It is unlawful to allow, construct, or reside in an accessory dwelling unit within a duplex or multi-family residential building or property.*
The site currently contains one (1) single-family dwelling.
- 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.*
The applicant has submitted a CUP application for one (1) ADU.
- 4. A maximum of one (1) accessory dwelling unit shall be permitted as a conditional use on a lot or parcel in a single-family residential zone.*
The applicant has submitted a CUP application for one (1) ADU.
- 5. lot or parcel of land that does not contain a habitable single-family dwelling.*
The site currently contains one (1) single-family dwelling.
- 6. A deed restriction limiting the use of a property to a single-family dwelling, prepared by the Bountiful City Planning Director and signed by 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.

A building permit is not required for this apartment as it was already complete when the applicants purchased the home. A deed restriction needs to be recorded with Davis County.

A building permit is not required for this ADU as it was already complete when the applicants purchased the home. However, a site inspection will be performed by the Building Inspector or Building Official. A deed restriction needs to be recorded with Davis County.

7. *The property owner must occupy either the principal unit or the accessory dwelling unit, as their permanent residence and at no time receive rent for the owner-occupied unit. An application for an accessory dwelling unit shall include proof of owner occupancy as evidenced by voter registration, vehicle registration, driver's license, county assessor records or other means required by the Planning Department.*

The deed restriction will indicate that the property owner must either occupy the principal unit or the ADU, as their permanent residence.

8. *Separate utility meters shall not be permitted for the accessory dwelling unit.*
The restriction applies and the deed restriction will indicate such.

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 dwelling. Except as provided below, a separate entrance to the accessory dwelling unit is required and shall not be allowed on the front or corner lot side yard. A separate entrance shall be located to the side or rear of the principal residence.*

- i. *An accessory dwelling unit in a basement may share a common entrance with the principal unit, provided each unit has a separate interior door.*

As shown on the submitted application, the existing basement area of the home contains entrances on its north and west side elevations.

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.*

This site does not have any active building permits and will not require any as the ADU is already complete.

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 addition to the parking required for the principal unit at the time of construction, one (1) off-street parking space shall be provided for an accessory dwelling unit. Any additional occupant vehicles shall be parked off-street in City Code compliant parking areas. On-street parking may be utilized in compliance with the current parking limitations outlined in the Bountiful Traffic Code regarding on-street parking.*

The site has four (4) parking spaces. Per research of the Planning Department, when the single-family dwelling was built in 1960, the home required one (1) parking space.

Bountiful City Land Use Code 14-14-124(D) states that an attached ADU shall meet all of the general ADU requirements (above), plus the following:

1. *Shall be at least three hundred fifty (350) sq. ft. in size and shall not exceed one thousand two hundred fifty (1,250) sq. ft., however accessory dwelling units located in a basement may occupy the entire basement of the principal unit.*

According to Davis County Assessor's Office online records, the single-family dwelling is 2,296 square feet. The proposed ADU is in the basement. The basement ADU is 1,148 square feet.

2. *Shall have its own dedicated separate entrance from the principal unit in compliance with section 14-14-124(C)(9) and shall not have the appearance of a Two-Family Dwelling (duplex). The separate entrance shall have a walkway in compliance with applicable building codes.*

Staff recommends adding some shrubs to hide the ADU's entrance based on the location of the front door. Staff recommends adding a condition of approval regarding the required walkway to be inspected prior to the City signing the deed restriction.

Recommendation and Conditions of Approval

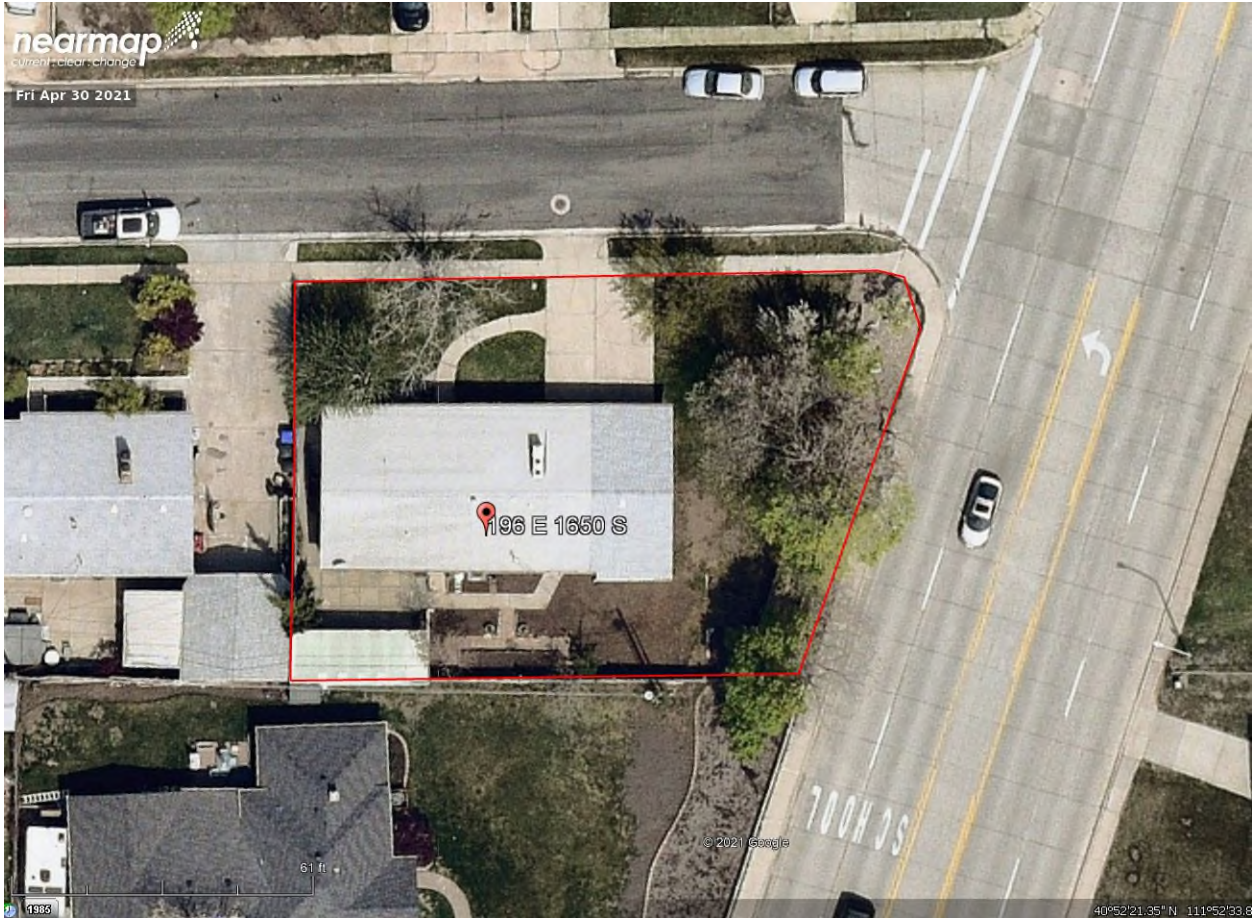
Staff recommends the Administrative Committee hold a public hearing and consider approving the requested Conditional Use Permit allowing an attached, basement accessory dwelling unit at 196 East 1650 South, subject to the following conditions of approval:

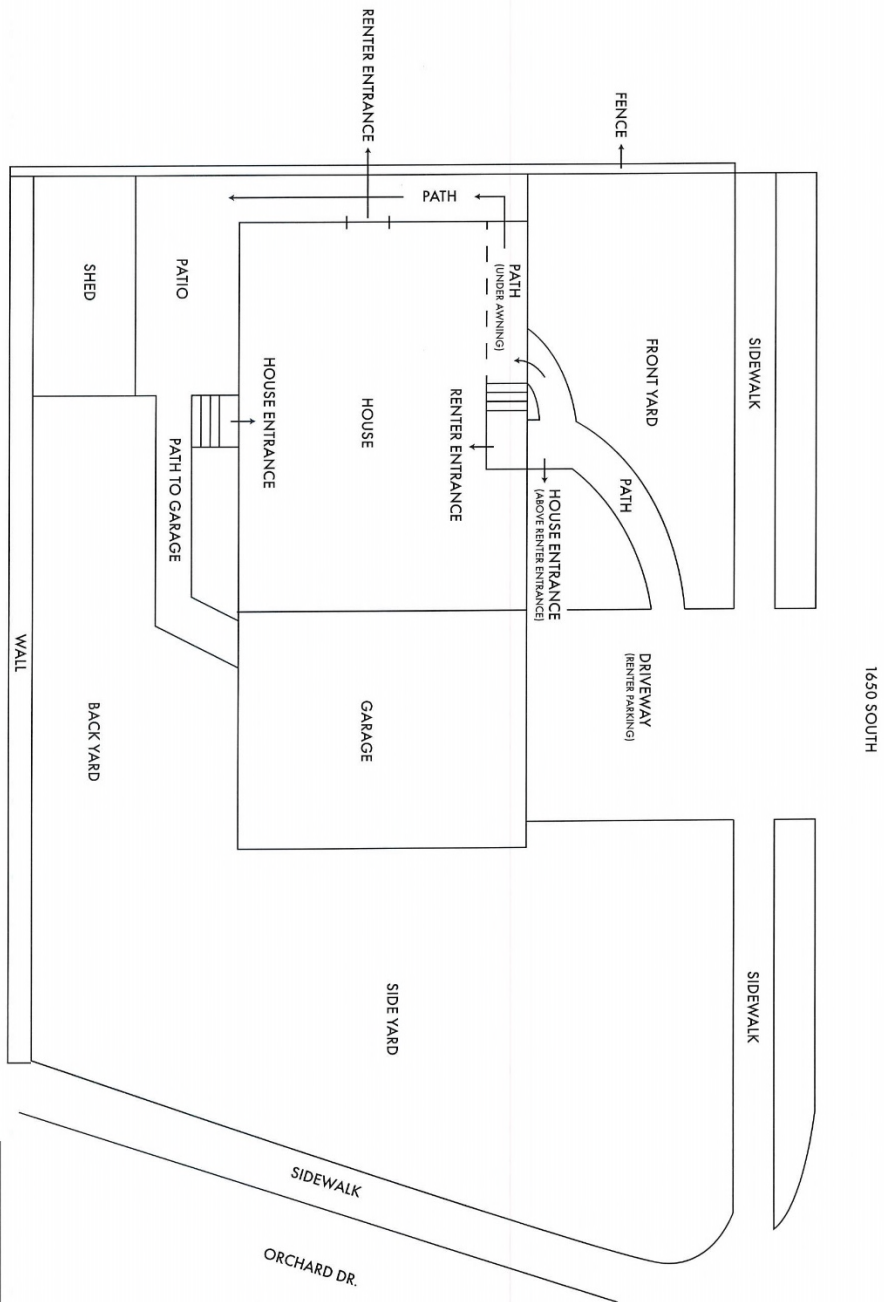
1. The accessory dwelling unit shall meet all the standards in Section 14-14-124 of the City Land Use Code including the following:
 - a. The owner(s) of the property must continually occupy the principal dwelling or the accessory dwelling unit.
 - b. The property is to be used only as a Single-Family dwelling with an accessory dwelling unit and shall be subject to a Deed Restriction.
 - c. There shall be no separate utility service connections.
 - d. The Applicants shall apply separately for a building permit to be reviewed and inspected by Staff.
2. The required walkway shall be inspected prior to the City signing the deed restriction.
3. The Conditional Use Permit for the accessory dwelling unit is solely for this property and is non-transferable to another property.
4. The Deed Restriction shall be signed within six (6) months of the date of approval.
5. Shrubs shall be planted directly in front of the entry to further hide the ADU's entrance.

Attachments

1. Drafted Approval in Written Form
2. Aerial Image
3. Site Plan

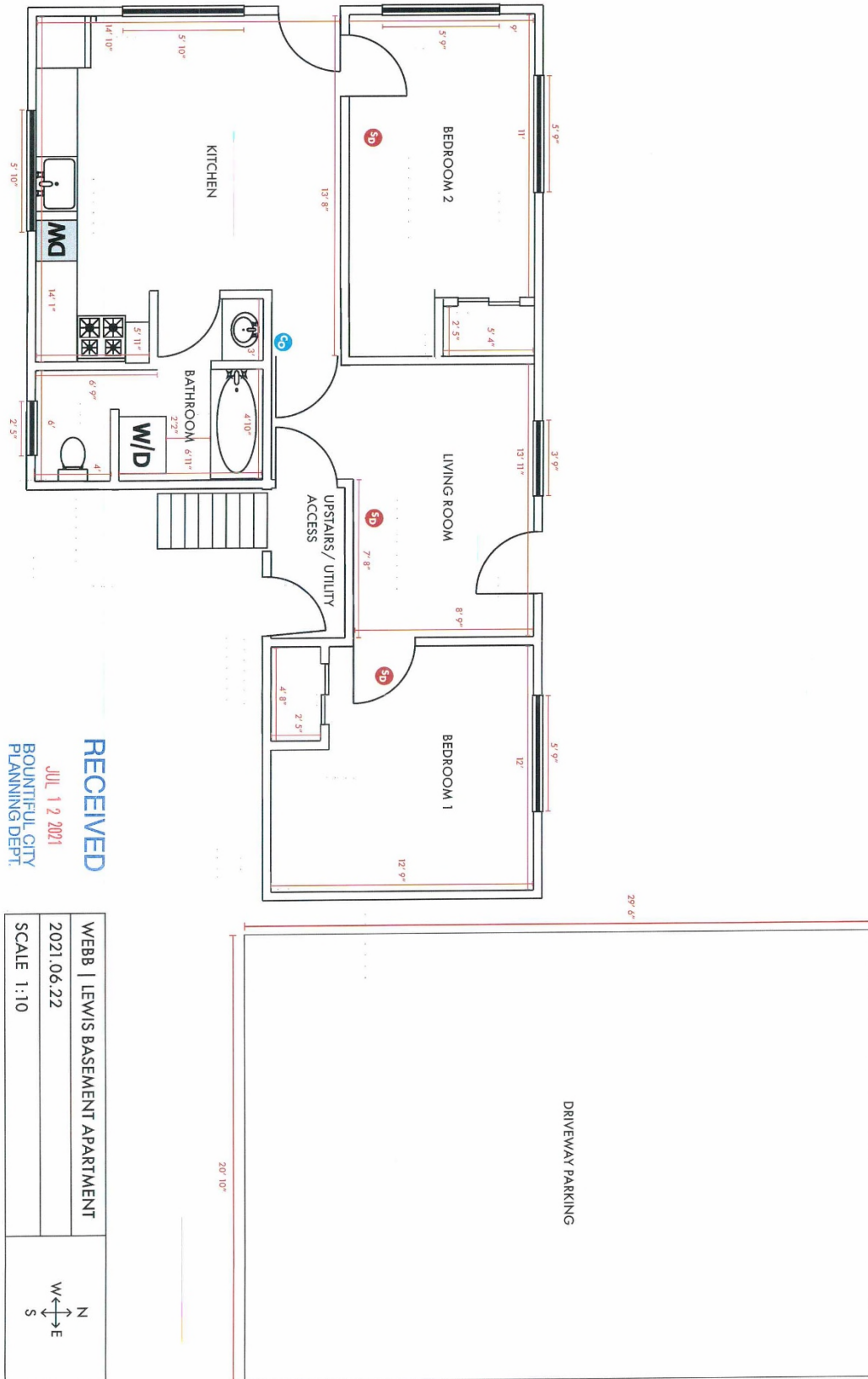
4. Floor Plan





APPROVED
 JUL 12 2021
 BOUNTIFUL CITY
 PLANNING DEPT.

WEBB LEWIS BASEMENT APARTMENT	
2021.07.12	



RECEIVED
 JUL 12 2021
 BOUNTIFUL CITY
 PLANNING DEPT.

WEBB | LEWIS BASEMENT APARTMENT
 2021.06.22
 SCALE 1:10

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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
Draft Conditional Use Permit Approval
of an Accessory Dwelling Unit

A public hearing was held on August 2, 2021, at the Bountiful City Hall located at 795 South Main Street, Bountiful, Utah 84010, to consider the request of MaKell Webb & Taylor Lewis for a Conditional Use Permit allowing an attached (basement) Accessory Dwelling at the following location:

196 East 1650 South, Bountiful, Davis County, Utah

Parcel# 03-042-0049

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 Section 14-14-124 of the Bountiful City Land Use Code, as conditioned.
4. The proposed request for an accessory dwelling shall meet all applicable sections of the City Code.

The Bountiful City Administrative Committee hereby grants this Conditional Use Permit for detached Accessory Dwelling Unit as requested by MaKell Webb & Taylor Lewis to be located at 196 East 1650 South, Bountiful, Davis County, Utah, with the following conditions:

1. The accessory dwelling unit shall meet all the standards in Section 14-14-124 of the City Land Use Code including the following:
 - a. The owner(s) of the property must continually occupy the principal dwelling or the accessory dwelling unit.
 - b. The property is to be used only as a Single-Family dwelling with an accessory dwelling unit and shall be subject to a Deed Restriction.
 - c. There shall be no separate utility service connections.
 - d. The Applicants shall apply separately for a building permit to be reviewed and inspected by Staff.
2. The required walkway shall be inspected prior to the City signing the deed restriction.

3. The Conditional Use Permit for the accessory dwelling unit is solely for this property and is non-transferable to another property.

4. The Deed Restriction shall be signed within six (6) months of the date of approval.

Shrubs shall be planted directly in front of the entry to further hide the ADU's entrance.

The Conditional Use Permit for an accessory dwelling unit was approved on August 2, 2021, and this written form was approved this August 2, 2021.

Francisco Astorga
Administrative Committee Chair

ATTEST: Jacinda Shupe
Recording Secretary