



BOUNTIFUL CITY
ADMINISTRATIVE COMMITTEE AGENDA
Monday, February 8, 2021
5:00 p.m.

NOTICE IS HEREBY GIVEN that the Bountiful City Administrative Committee will hold a meeting in the Conference Room at **150 North Main Street #103, 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.

Bountiful City Planning Commission meetings, including this one, are open to the public. In consideration of the COVID-19 Pandemic, Bountiful City will be observing social distancing and may limit the number of people at the meeting. If you would like to submit a comment for the public hearing listed on the agenda below, please e-mail that comment to planning@bountiful.gov prior to the meeting and indicate in the e-mail if you would like your comment read at the meeting; you are also welcome to attend the meeting in person.

1. Welcome and Introductions.
2. Consider approval of minutes for January 4, 2021.
3. Consider a Conditional Use Permit for a Home Occupation Welding at 325 West Center Street – Vernon C Taylor Jr., applicant
 - a. Public Hearing
 - b. Action
 - c. Consider drafted approval in written form
4. Consider a Conditional Use Permit for an Accessory Dwelling Unit (ADU) at 242 East 1950 South –Blake Nielson, applicant.
 - a. Public Hearing
 - b. Action
 - c. Consider drafted approval in written form

5. Consider a Conditional Use Permit for an Accessory Dwelling Unit (ADU) at 4 East 1100 South – Evan and Kamille Fox, applicant.
 - a. Consider drafted approval in written form

6. Miscellaneous business and scheduling.

1 **BOUNTIFUL CITY ADMINISTRATIVE COMMITTEE**

2 **January 04, 2021**

3 **5:00 p.m.**

4
5 **Present:** Committee members Francisco Astorga (chair), Brad Clawson, and Scott Schlegel
6 Assistant Planner Kendal Black
7 Recording Secretary Jacinda Shupe
8

9
10
11 **1. Welcome and Introductions.**

12
13 Chair Astorga opened the meeting at 5:05 p.m. and introduced all present.

14
15 **2. Approve the 2021 Administrative Committee Meeting Calendar**

16
17 MOTION: Committee Member Schlegel made a motion to APPROVE the Administrative
18 Committee Meeting Schedule. Committee Member Clawson seconded the motion.

19
20 VOTE: The motion passed unanimously (3-0).

21
22 **3. Consider approval of minutes for November 09, 2020.**

23
24 MOTION: Committee Member Clawson made a motion to APPROVE the minutes for
25 November 09, 2020. Chair Astorga seconded the motion.

26
27 VOTE: Voting was 2-1-0 with Committee Members Astorga and Clawson voted aye and
28 Committee Member Schlegel abstaining.

29
30
31 **Note:** Prior to moving forward with the Agenda. Chair Astorga clarified that item #6 on the
32 agenda was noticed incorrectly and that it is not a detached dwelling.

33
34 **4. Consider a Conditional Use Permit for an Accessory Dwelling Unit at 1561 North 700
35 East – Jace Riley, applicant.**

36
37 Mr. Riley, applicant, was present. Planner Black presented the item.

38
39 Planner Black indicated that the applicants are requesting a basement Accessory Dwelling
40 Unit at 1561 North 700 East and that the residence meets all the city code requirements for
41 parking, entrance in the rear, and pathway around to the entrance.

42
43 The new format of the staff report was discussed.

44
45 Committee Member Schlegel inquired about the parking spaces available. Planner Black
46 discussed the requirements for the number of parking spaces due to the year the house was
47 built. Committee Member Clawson had no further questions.
48

1 Chair Astorga opened the public hearing at 5:14 p.m.

2
3 There were no comments.

4
5 Chair Astorga closed the public hearing at 5:14 p.m.

6
7 MOTION: Committee Member Schlegel made a motion to APPROVE a Conditional Use
8 Permit for an Accessory Dwelling Unit located at 1561 North 700 East. Committee Member
9 Clawson seconded the motion.

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

12
13 MOTION: Committee Member Clawson made a motion to APPROVE a Conditional Use
14 Permit **in written form** for an Accessory Dwelling Unit at 1561 North 700 East. Committee
15 Member Schlegel seconded the motion.

16
17 VOTE: The motion passed unanimously (3-0).

18
19 **5. Consider a Conditional Use Permit for an Accessory Dwelling Unit at 4 East 1100 South**
20 **– Evan and Kamille Fox, applicant.**

21
22 Ms. Fox, applicant, was present. Chair Astorga requested this item be moved to the end of
23 the meeting for a correction that needs to be made to the report. Ms. Fox agreed to move the
24 item to the end of the meeting.

25
26 **6. Consider a Conditional Use Permit for an Accessory Dwelling Unit at 1606 Vineyard**
27 **Drive – Gerald and Alice Giaque, applicant**

28
29 Mr. and Mrs. Giaque, applicants, were present. Planner Black presented the item.

30
31 Planner Black indicated that the applicants are requesting a basement Accessory Dwelling Unit
32 at 1606 Vineyard Drive. He indicated that the home meets all city code requirements including
33 required square footage, parking spaces, and side entrance is on the west side.

34
35 Committee Member Schlegel requested verification of the sidewalk and Committee Member
36 Clawson had no questions.

37
38 Chair Astorga opened the public hearing at 5:22 p.m.

39
40 Charles Reese, neighbor at 1654 Vineyard Drive, inquired about the property. Mr. Reese asked
41 if the property would now be considered a Multi Family residence or single-family home. Chair
42 Astorga expanded explaining the property would be a single-family home with an Accessory
43 Dwelling Unit and verified that there would not be a detached dwelling. Mr. Reed inquired
44 about the deed restriction being recorded with the County. Chair Astorga verified the Deed
45 would be taken to the county and recorded on the property. Mr. Reese was concerned about
46 other homes in the are that were not permitted for an Accessory Dwelling Units. Chair Astorga
47 informed Mr. Reese that the public is our eyes and if he has any knowledge of other
48 nonconforming properties then to send them in.

1
2 There were no additional comments.

3
4 Chair Astorga closed the public hearing at 5:26 p.m.

5
6 MOTION: Committee Member Clawson made a motion to APPROVE a Conditional Use
7 Permit to Permit for an Accessory Dwelling Unit located at 1606 Vineyard. Committee
8 Member Schlegel seconded the motion.

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

11
12 MOTION: Committee Member Schlegel made a motion to approve the Conditional Use Permit
13 **in written form** for an Accessory Dwelling Unit at 1606 Vineyard Drive. Committee Member
14 Clawson seconded the motion.

15
16 Vote: The motion passed unanimously (3-0).

17
18 **7. Consider a Conditional Use Permit for a Home Occupation Daycare 12+ children at 893**
19 **East 250 North – Mary Carlisle, applicant.**

20
21 Ms. Carlisle was present. Planner Black presented the item.

22
23 Planner Black indicated the residence at 893 East 250 North meets all the requirements in the
24 code for a Conditional use Permit for a Daycare of up to 12 children.

25
26 Chair Astorga opened the public hearing at 5:28 p.m.

27
28 There were no comments.

29
30 Chair Astorga closed the public hearing at 5:28 p.m.

31
32 Committee Member Schlegel inquired about three houses on the same property. Planner
33 Black stated two of the homes were built in 1952 and third was built around 2010.

34
35 MOTION: Committee Member Schlegel made a motion to APPROVE the Conditional Use
36 Permit as drafted for an Accessory Dwelling unit located at 893 East 250 North as drafted and
37 **in written form**. Committee Member Clawson seconded the motion.

38
39 Vote: The motion passed unanimously (3-0).

40
41 **8. Consider a Conditional Use Permit for a Home Occupation Handyman at 393 West 200**
42 **North #1 – Deivis Ruiz, applicant.**

43
44 Mr. Ruiz, the applicant, was present. Planner Black presented the item.

45
46 Planner Black indicated there will be one van that will be used for work and that the tools will
47 be kept inside the van or at storage unit. He also reported that no other employees will be at
48 the residence, no more than 5% of the residence will be used, and that the residence meets all

1 requirements.

2
3 Committee Member Schlegel asked for clarification on the available parking spaces for the
4 residence. Planner Black clarified there are two spaces, one would be for personal use and the
5 other for the van. Committee Member Schlegel asked if the applicant owned the residence.
6 Planner Black stated that we have a notarized affidavit from the owner.

7
8 MOTION: Committee Member Schlegel made a motion to APPROVE the Conditional Use
9 Permit as drafted and **in written form** for a Home Occupation Handyman Business located at
10 393 West 200 North #1. Committee Member Clawson seconded the motion.

11
12 VOTE: The motion passed unanimously (3-0).

13
14 **9. Consider approval of a Lot Line Adjustment at 499 East 500 South and 485 East 500**
15 **South, CTR Partnership LP and David Bland representing Providential BBA Operating**
16 **LP, applicants.**

17
18 The applicant was present. Planner Black presented the item.

19
20 Planner Black indicated CTR Partnership is giving a chunk of property from Lot 1 to Lot 2.

21
22 MOTION: Committee Member Clawson made a motion to approve the Lot Line **in written**
23 **form** and as drafted for a property located at 485 East 500 South and 499 East 500 South.
24 Committee Member Schlegel seconded the motion.

25
26 VOTE: The motion passed unanimously (3-0).

27
28 **10. Continued from item 5 - Consider a Conditional Use Permit for an Accessory Dwelling**
29 **Unit at 4 East 1100 South – Evan and Kamille Fox, applicant.**

30
31 Chair Astorga addressed the change of language from the packet and stated he would look
32 for a section of the code while the staff report is being presented.

33
34 Ms. Fox, applicant, was present. Planner Black presented the staff report.

35
36 Planner Black indicated this is for a detached Accessory Dwelling of 663 square feet which
37 meets the square footage requirement as well as parking. He also indicated that all
38 requirements of the Code are met and that a building permit has already been issued for the
39 remodel.

40
41 Committee Member Schlegel inquired about the one additional parking space requirement
42 which also meets code.

43
44 Chair Astorga discussed the changes to the language that needs to be made as he stated that
45 the property is zoned R4 not R3, and that page 18 2nd paragraph needs to be removed from
46 packet. He also stated that page 18 item #9 meets the criteria, while page 18 item #10 does
47 have an active building permit. Also, page 19 item #11 changed to six parking spaces not
48 five, and item #1 changed to Detached Accessory Dwelling consisting of 663 square feet.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Chair Astorga opened the public hearing 5:46 p.m.

Craig Olsen, neighbor, asked if there were any reasons this would not pass the committee and whom they could rent to. Chair Astorga stated there are no reasons this would not meet approval requirements and that the property owners would be able to rent to whomever they saw fit for either long or short term. Mr. Olsen expressed his concerns for other Accessory Dwelling Units in the neighborhood. Committee Member Schlegel recognized the concerns of both sides. Chair Astorga added that there is currently a bill at the legislature being reviewed that loosens current municipal Accessory Dwelling control.

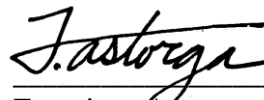
Chair Astorga closed the public hearing at 5:53 p.m.

Ms. Fox inquired about the corrections as she stated that they do not intend to use this for renting out currently. She reported that they want to go about this legally as they remodel the detached dwelling to make sure there are no issues in the future.

MOTION: Chair Astorga made a motion to **APPROVE** the Conditional Use Permit with staff report update scheduled for the next upcoming meeting for an Accessory Dwelling Unit located at 4 East 1100 South. Committee Member Schlegel seconded the motion.

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

Chair Astorga ascertained there were no further items of business. The meeting was adjourned at 5:59 p.m.



Francisco Astorga
Administrative Committee Chair

Administrative Committee Staff Report



Subject: Conditional Use Permit for a Mobile Welding Business Home Occupation at 325 West Center Street.
Authors: Kendal Black, City Planner
Date: February 8, 2021

Background

The applicant, Vernon C. Taylor, Jr., submitted a Conditional Use Permit (CUP) for a Contractor Home Occupation located at 325 West Center Street. The property is located within the R-4 Single-Family Residential Zone.

Analysis

The applicant operates a mobile welding and specialty welding business and there are no employees. The applicant proposed to utilize one (1) personal truck and trailer to be used for the business that shall be parked on the driveway on the property. There shall be no portion of the home that shall be used in connection with the business, which is within the standards required by the Land Use Code. The applicant indicates that associated tools shall be stored in the trailer used for the business. There is currently a vehicle and trailer that are parked on the grass, which is against multiple Bountiful City codes. Also, there is a large amount of outside storage/junk that needs to be moved inside a shed, a garage, or properly disposed of. The outside storage also violates multiple Bountiful City codes.

Recommendation

Staff recommends the Administrative Committee hold a public hearing and consider approving the requested Conditional Use Permit for a Contractor Home Occupation at 325 West Center Street, subject to the following conditions:

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.
7. The trailer and vehicle shall be removed from the grass, relocated to a paved surface, and not permitted to be parked on an unpaved surface on the property again. Additionally, the property shall be cleaned up of any outside storage/junk and the outside storage/junk will be moved into a shed, a garage, or disposed of properly.

Attachments

1. Aerial Photo
2. Bountiful Land Use Code
3. Site Plan

Attachment 1 – Aerial Photo



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 discernable 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 Code 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 Code as it may be amended from time to time.*

Attachment 3 – Site Plan



←
N
→

Administrative Committee Staff Report



Subject: Conditional Use Permit for an Accessory Dwelling Unit (ADU)
at 242 East 1950 South
Authors: Kendal Black, City Planner
Date: February 8, 2021

Background

The applicant, Blake Nielson submitted a Conditional Use Permit (CUP) for an attached accessory dwelling unit (ADU) for their property located at 242 East 1950 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. 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.*
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 deed restriction shall be placed on parcel #03-039-0027, ALL OF LOT 70, MUELLER HEIGHTS PLAT B. CONTAINS 0.201 ACRES

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 an entrance on its west side elevation.*
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. It is anticipated that the basement apartment ADU conversion will not require any permits. This will Compliance with ADU code requirements and building code requirements shall be determined by the Bountiful City Building Official and/or the Bountiful City Building Inspector after an inspection takes place.*
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 five (5) parking spaces. Per research of the Planning Department, when the single-family dwelling was built in 1961, the home required one (1) parking space.*

Bountiful City Land Use Code 14-14-124(D) states that a detached 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 2,160 square feet. The proposed ADU is in the basement. The basement ADU is 1,080 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. The submitted plans do show compliance with the required walkway. Staff recommends adding a condition of approval regarding the required walkway to be inspected prior to the City signing the deed restriction.*

Bountiful City Land Use Code 14-14-124(E) indicates that a detached ADU shall meet all the above criteria (section C and D), plus the following:

1. *Shall not be located on a lot with less than eight thousand (8,000) square feet buildable land.*
According to online records of the Davis County Assessor's Office, the subject property is 0.201 acres (approximately 8756 square feet).
2. *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.*
The existing basement portion that will be used for the ADU complies.
3. *Shall meet all the setbacks required of an accessory structure.*
The aerial photograph indicates compliance with the required setbacks.
4. *Shall be located behind the front building line of the principal unit.*
As the proposed ADU is in the basement or a portion of the existing home, this requirement does not apply to this ADU application.
5. *The separate entrance of the accessory dwelling unit may be visible from the front or corner lot side yard based on proximity and appropriate mitigation proposed by the applicant and approved by the Administrative Committee.*
The entrance is located towards the west. There are no recognized, unmitigated impacts.

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 242 East 1950 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 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.

Attachments

1. Drafted Approval in Written Form
2. Submitted Application
3. Aerial Image



Bountiful City, Utah
Draft Conditional Use Permit Approval
of an Accessory Dwelling Unit

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 February 8, 2021, at the South Davis Metro Fire Station located at 255 South 100 West, Bountiful, Utah 84010, to consider the request of Blake Nielson for a Conditional Use Permit allowing an Accessory Dwelling at the following location:

242 East 1950 South, Bountiful, Davis County, Utah

ALL OF LOT 70, MUELLER HEIGHTS PLAT B. CONTAINS 0.201 ACRES

Parcel 03-039-0027

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 Blake Nielson to be located at 242 East 1950 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.

The Conditional Use Permit for an accessory dwelling unit was approved on February 8, 2021, and this written form was approved this February 8, 2021.

Francisco Astorga
Administrative Committee Chair

ATTEST: Jacinda Shupe
Recording Secretary



Administrative Committee Staff Report



Subject: Conditional Use Permit for an Accessory Dwelling Unit
at 4 East 1100 South
Authors: Kendal Black, Assistant City Planner
Date: February 8, 2021

Background

The applicants, Evan and Kamille Fox, submitted a Conditional Use Permit (CUP) for a detached accessory dwelling unit (ADU) on their property located at 4 East 1100 South, on January 4, 2021. The Administrative Committee approved the staff report but there were typos in the original staff report that are now corrected. 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. 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.*
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.

The Planning Director will prepare a deed restriction once the Administrative Committee approves this application and all applicable conditions of approval are met. According to online records of the Davis County Assessor's Office, the subject property (parcel no. 03-039-0027) is owned by Evan and Kamille Fox. The applicant is aware of the owner occupancy requirements of the Code.

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 unit is detached and meets these criteria.*
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 has an active building 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 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 Dept., when the single-family dwelling was built in 1954 it required a total of one (1) parking space.*

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

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 2,306 square feet, which does not include the 663 square foot detached building. The proposed ADU is in the detached building.
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.*
The submitted plans show compliance with the required walkway.

Additional: In order to comply with the adopted definition of an ADU which clearly identifies them as a self-contained dwelling, the applicant will need to demonstrate to Staff how the ADU will be separated from the principal unit. Staff recommends adding a condition of approval regarding this requirement to be installed and 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 a basement accessory dwelling unit at 4 East 1100 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 City shall inspect the site prior to the Planning Director 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.

Attachments

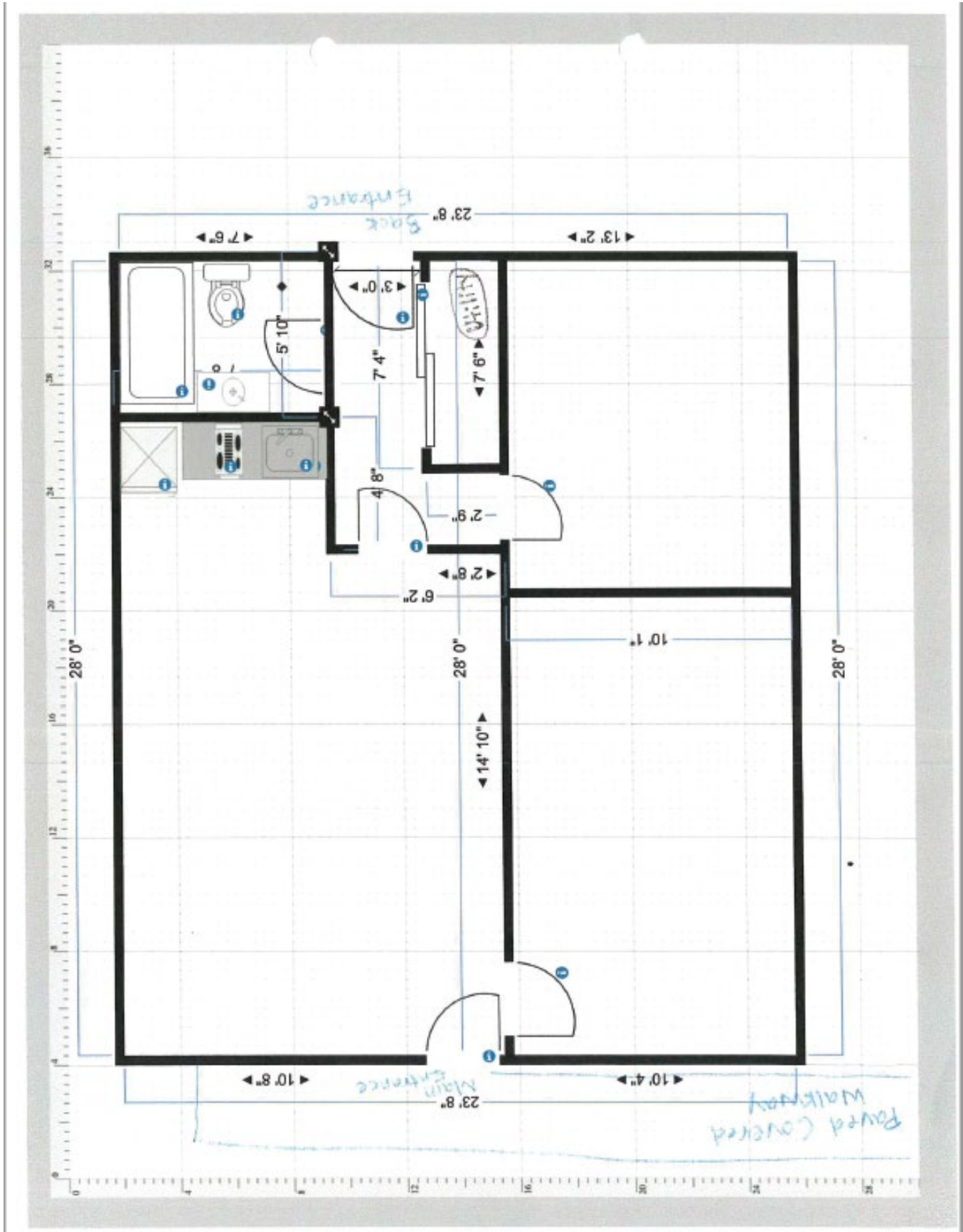
1. Aerial Photo
2. Floor Plans
3. Site Plan
4. Drafted Approval in Written Form
5. Submitted Application

ATTACHMENTS

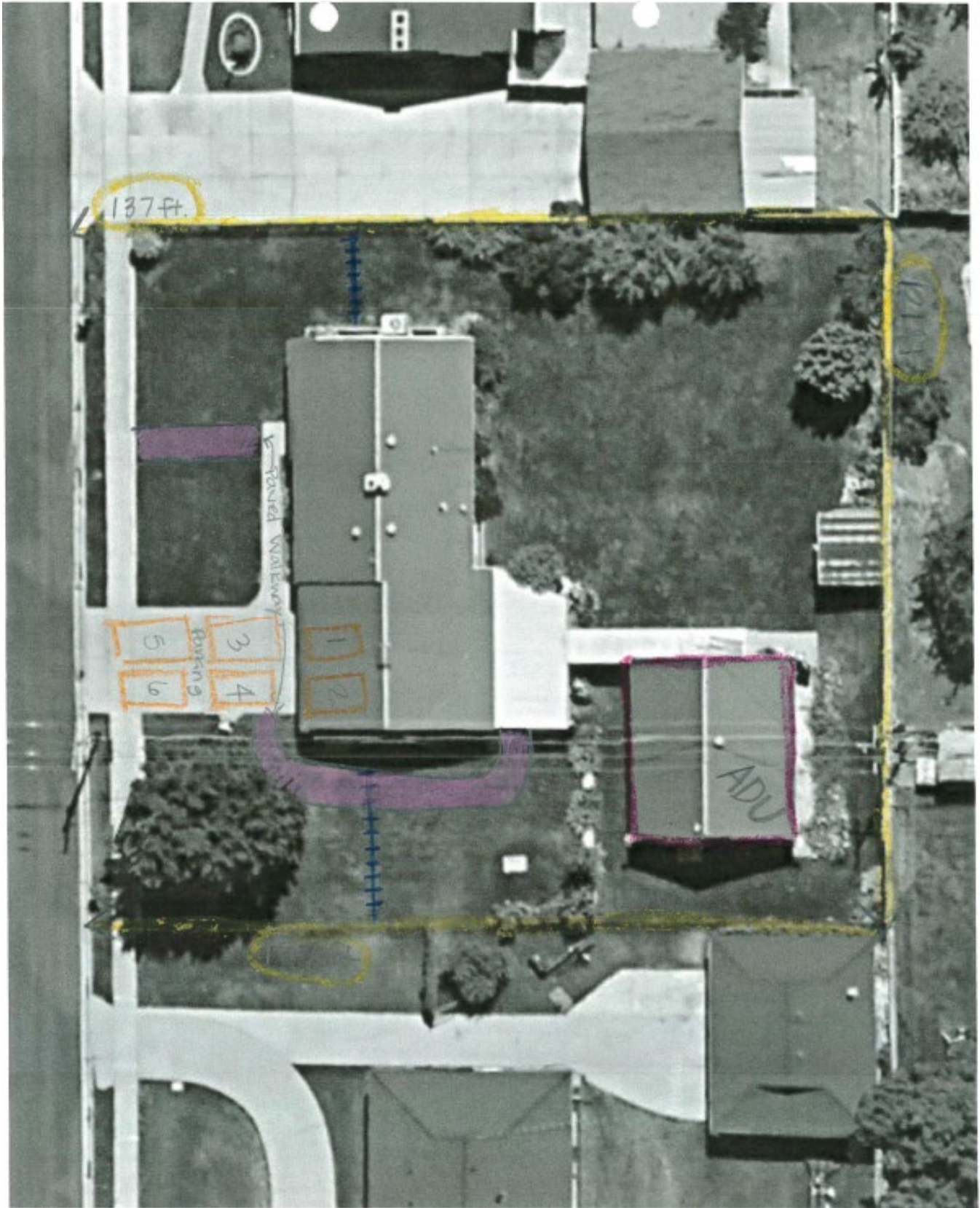
1. Aerial Photo



2. Floor Plan



3. Site Plan



4. Drafted Approval in Written Form



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 January 4, 2021, at the South Davis Metro Fire Station located at 255 South 100 West, Bountiful, Utah 84010, to consider the request of Evan and Kamille Fox for a Conditional Use Permit allowing an Accessory Dwelling at the following location:

4 East 1100 South, Bountiful, Davis County, Utah

ALL OF LOT 17, HILLS NO 2 SUB, THE. CONT. 0.211 ACRES

Parcel 02-079-0017

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 basement Accessory Dwelling Unit as requested by Evan and Kamille Fox to be located at 4 East 1100 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 City shall inspect the site prior to the Planning Director 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.

The Conditional Use Permit for an accessory dwelling unit was approved on January 4, 2021, and this written form was approved this January 4, 2021.

Francisco Astorga
Administrative Committee Chair

ATTEST: Jacinda Shupe
Recording Secretary