



**Bountiful City**  
**Administrative Committee Agenda**  
**Tuesday, February 18, 2025**  
**5:00 p.m.**

**Notice is hereby given** that the Bountiful City Administrative Committee will hold a meeting in the Planning Department Conference Room, Bountiful City Hall, located at 795 South Main Street, Bountiful, Utah, 84010, on the date and time provided. The public is invited to attend.

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1. Welcome
2. Meeting Minutes from December 16, 2024
  - Review
  - Action
3. Home Occupation Conditional Use Permit for a Construction Business at 404 West 325 South  
*Planning Tech Coleman*
  - Review
  - Public Hearing
  - Action
4. Conditional Use Permit for a Detached Accessory Dwelling Unit at 427 East 2050 South  
*Planning Tech Coleman*
  - Review
  - Public Hearing
  - Action
5. Adjourn



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**Draft Minutes of the  
BOUNTIFUL CITY ADMINISTRATIVE COMMITTEE  
Monday, December 16, 2024 – 5:00 p.m.**

Official notice of the Administrative Committee Meeting was given by posting an agenda at City Hall, and on the Bountiful City Website and the Utah Public Notice Website.

**Planning Conference Room**  
795 South Main Street, Bountiful, Utah 84010

Present:	Administrative Committee	Chair Francisco Astorga
		Andrew Hill
		Brad Clawson
	Assistant Planner	DeAnne Morgan
	Recording Secretary	Sam Harris

**1. Welcome**

Chair Astorga called the meeting to order at 5:01 p.m. and welcomed everyone.

**2. Meeting Minutes from August 05, 2024**

Committee Member Hill motioned to approve the minutes from August 05, 2024, and Chair Astorga seconded the motion. Committee Member Clawson abstained from the motion.

**3. Home Occupation Conditional Use Permit for a Construction Business at 1653 North Pages Place Drive**

Assistant Planner Morgan presented the item as outlined in the packet.

Chair Astorga asked if the condition of approval that the applicant shall maintain an active business license, was included in the first Conditional Use Permit granted in 2017. Assistant Planner Morgan stated that it was included in the 2017 Conditional Use Permit. Chair Astorga questioned that since they didn't renew their business license they were out of compliance. Assistant Planner Morgan stated that this is why they had to reapply for a Conditional Use Permit.

Committee Member Hill asked if there have been any reports or complaints from neighbors. Assistant Planner Morgan stated that there have not been any complaints and there are no changes to the previously granted Conditional Use Permit.

Chair Astorga opened the Public Hearing at 5:06 p.m. No comments were made. Chair Astorga closed the Public Hearing at 5:06 p.m.

46 Chair Astorga asked about the noticing requirements for a Conditional Use Permit Public  
47 Hearing. Assistant Planner Morgan stated that a sign is to be posted on the site ten (10) days  
48 prior, and a Public Notice posted on the City Website and the Public Notice Website. Committee  
49 Member Hill asked for the location of the public notice sign. Assistant Planner Morgan indicated  
50 that it was placed adjacent to the street as she pointed to the location on the printed packet.  
51

52 Committee Member Hill motioned to approve the Home Occupation Conditional Use Permit for  
53 a Construction Business at 1653 North Pages Place Drive. Committee member Clawson  
54 seconded the motion. The motion was approved with Committee Members Astorga, Hill, and  
55 Clawson voting “aye.”  
56

57 **4. Meeting Schedule for 2025**  
58

59 Committee Member Clawson motioned to approve the Public Notice for the Administrative  
60 Committee meeting schedule to remain as meetings taking place on Monday evenings as needed.  
61 Committee member Hill seconded the motion. The motion was approved with Committee  
62 Members Astorga, Hill, and Clawson voting “aye.”  
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64 Chair Astorga informed the Committee that the Administrative Committee may dissolve in 2025.  
65 Planning Director Astorga would then delegate those items to the Planning Commission or Staff.  
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67 **5. Adjourn**  
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69 Chair Astorga adjourned the meeting at 5:14 p.m.

# Administrative Committee Staff Report



**Subject:** Conditional Use Permit for a Home Occupation for Construction at 404 W 325 S  
**Authors:** Rachel Coleman, Planning Technician  
**Date:** February 18, 2025

## Background

The applicant, Jason Harker has submitted a Conditional Use Permit (CUP) for a Home Occupation – Construction for their construction business at 404 W 325 S, located in the R-4 (Single-Family Residential) zone. Home Occupations are listed as conditional use in the R4- Zone.

## Analysis

Bountiful City Land Use Code 14-17-108 Home Occupation Conditional Uses states that construction and/or contracting requires Conditional Use Permit approval. Bountiful City Administrative Committee reviews all CUPs for Home Occupation – Construction. Staff reviewed the submitted application and finds that a Home Occupations for Construction and contracting shall meet all the following standards below shown in *italics*. Staff findings for each standard are shown as underlined text.

1. *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 the Title.*

The applicant's submittal shows that the exterior of the structure is not being altered in any way and that the use is incidental to its primary purpose as a residential dwelling. The office will take up one small bedroom in the interior.

2. *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.*

The applicant stated that the construction business home office will be conducted within a single room within the dwelling and no other employees will be working onsite.

3. *The use shall not involve the area of required, covered, off-street parking.*

The applicant has indicated that the use is limited to the home office and only a personal vehicle will be parked in the driveway of the residence.

4. *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*

The applicant has stated that all tools and equipment will be stored off-site in a storage unit.

*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*

The applicant has stated that the use is confined to a home office and will not create any nuisances.

5. *The use shall not involve using or storing flammable material, explosives, or other dangerous materials, including gun powder.*

The applicant states that the use is confined to a home office and will not include flammable, explosive, or dangerous materials.

6. *The use shall not involve mechanical or electrical apparatus, equipment, or tools not commonly associated with a residential use or as a re customary to home crafts.*

The applicant states that the use is confined to a home office.

7. *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.*

The applicant states that the use is confined to a home office

8. *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.*

The applicant has stated that tools and equipment will be stored offsite at a storage unit.

9. *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.*

See Recommendations below.

### **Significant Impacts**

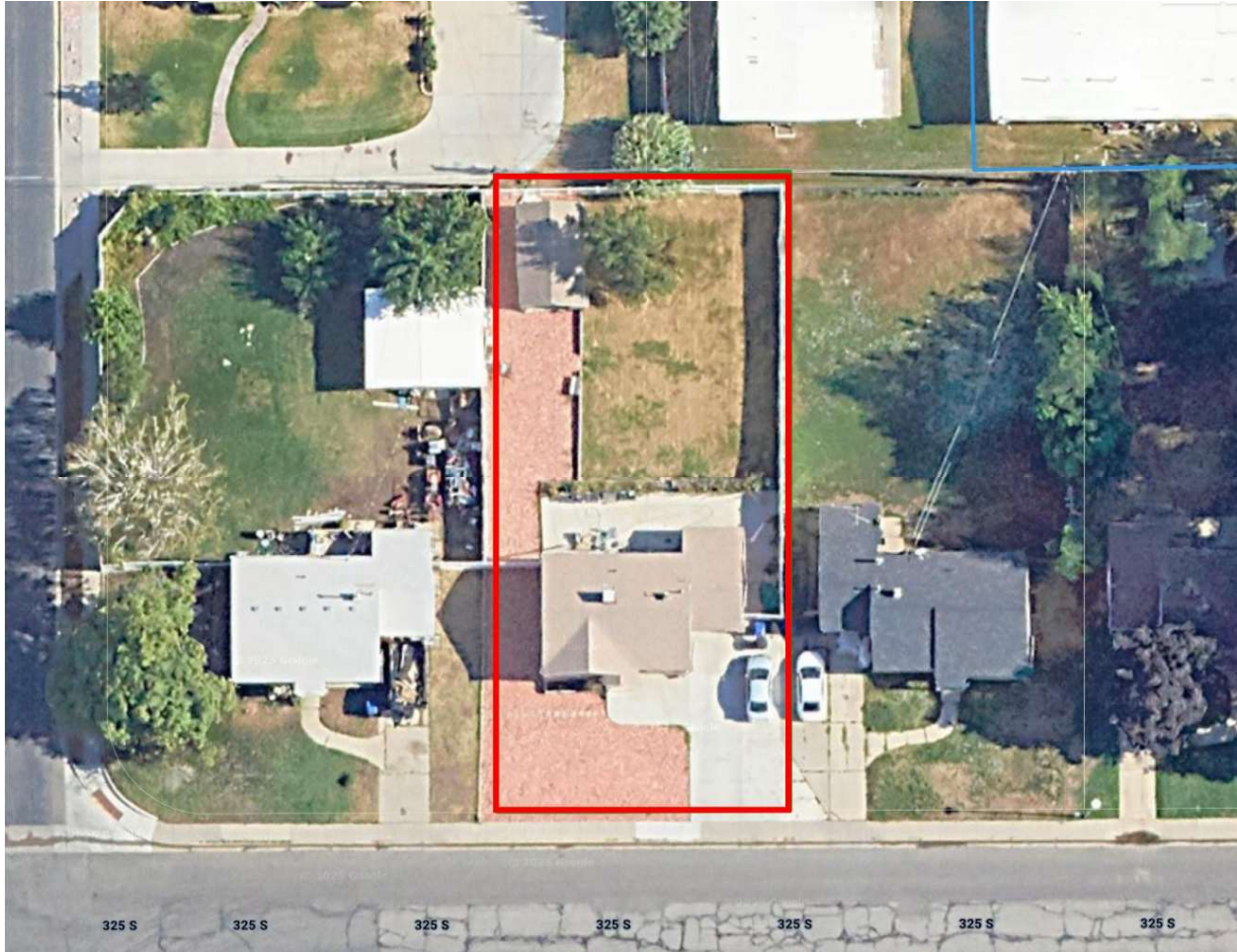
The applicant has stated that tools or equipment will not be stored onsite and that the use of a home office is not out of character for the neighborhood.

### **Recommendation**

Staff recommends that the Administrative Committee review the submitted application, hold a public hearing and approve the requested Home Occupation Contractor Conditional Use Permit for a construction business office at 404 W 325 S subject to the following conditions of approval:

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, 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.

# 404 West 325 South



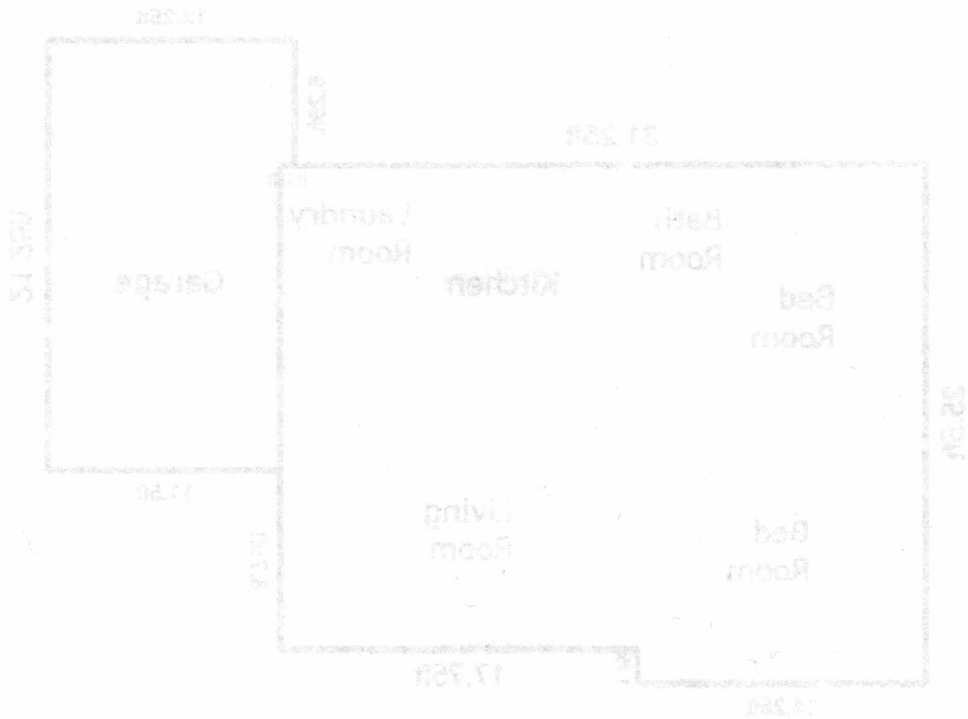
## Attachments

1. Statement of Intent
2. Floorplan with square footage
3. Image of parking arrangement for van



Intent

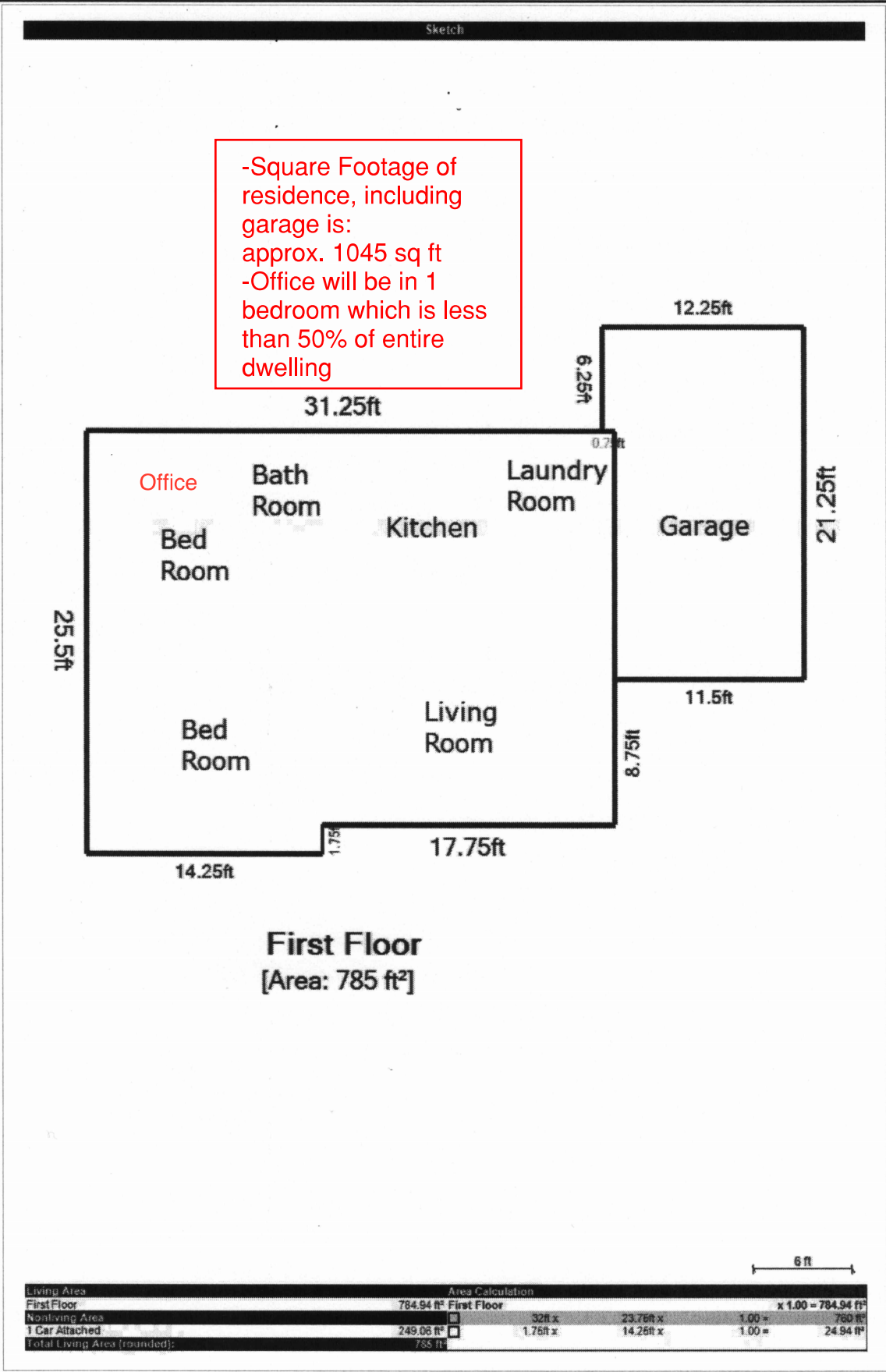
We run a small Home based Construction Company. Specializing in remodels, additions, and new construction. The home based office will be used for office work only and parking of company Van.



First Floor  
[Area: 782 sq ft]

## FLOORPLAN SKETCH

Borrower: Jason Harker	File No.: 404 W 325 S
Property Address: 404 W 325 S	Case No.:
City: Bountiful	State: UT
Lender: Kind Lending	Zip: 84010







# Administrative Committee Staff Report



**Subject:** Conditional Use Permit for a Detached Accessory Dwelling Unit  
427 East 2050 South

**Authors:** Rachel Coleman, Planning Technician  
Francisco Astorga, AICP, Planning Director

**Date:** February 18, 2024

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## Background

The applicant (property owner), Ana Patricia Jenkins, submitted a Conditional Use Permit (CUP) application for a detached accessory dwelling unit (ADU) located at 427 East 2050 South. The site is located in the Single-Family Residential (R-4) subzone. The Bountiful City Administrative Committee reviews CUP applications for detached ADUs. The Bountiful City Land Use Code defines an ADU 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. See Section 14-14-124.*”

## Analysis

Section I - ADU Compliance. Staff reviewed the submitted application and finds that the proposed detached ADU complies with Land Use Code § 14-14-124(C) (below in italics). Staff findings for each standard are shown as underlined text.

1. *Shall be a conditional use only within the Single-Family Residential zone, Residential Multiple (RM) Family Zone, and the Downtown (DN) Mixed Use Zone; and shall not be permitted in any other zone.*

The single-family dwelling is located within the Single-Family Residential (R-4) subzone.

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 a single-family dwelling and the proposed ADU is in an accessory structure.

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 this detached ADU as they have secured property permits to remodel the existing detached accessory structure to an ADU.

4. *A maximum of one (1) accessory dwelling unit shall be permitted on a qualifying lot.*

The applicant has submitted a CUP application for this one (1) detached 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 contains an existing 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 request, and all applicable conditions of approval are met. According to online records of the Davis County Assessor's Office, the subject property, parcel no. 05-046-0002, is owned by Ana Patricia Jenkins.

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 similar 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. The applicant is aware of the owner occupancy requirement.

8. *Separate utility meters shall not be permitted for the accessory dwelling unit.*

The deed restriction will indicate such.

9. *It is unlawful to construct an accessory dwelling unit, or to modify a structure to include an accessory dwelling unit, without a building permit, if applicable.*

Once the CUP is approved, the applicant will provide occupancy once the work is completed.

10. *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.*

According to Davis County Assessor’s Office online records the existing single-family dwelling was built in 1961. The off-street parking required for this unit “at the time of construction was one (1) parking space, according to the 1955 Bountiful City Code, 24-17-H-1a. There is adequate off-street parking for the primary residential use and the proposed detached ADU. The proposed site plan shows ample room for (4) parking spaces. The proposal requires two (2) parking spaces. One (1) for the principal unit and one (1) for the proposed ADU.

- 11. *Shall be at least three hundred fifty (350) square feet in size and shall not exceed one thousand two hundred fifty (1,250) square feet.*

The existing accessory structure / proposed ADU is approximately 651 square feet.

- 12. *Shall not be located on a lot with less than eight thousand (8,000) square feet buildable land.*

According to Davis County Assessor’s Office online records the lot area is 0.27 acres which equates to 11,761.2 square feet.

- 13. *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 proposed detached ADU is located six feet (6’) from the rear (north) and side (east) property lines. According to the original building permit of the accessory structure, submitted by the applicant, the rear (north) elevation and the side (east) elevation contain one (1) window each. Based on the existing location of the accessory structure, the interior remodel work to turn the structure into an ADU, and the heavy vegetation found onsite, Staff does not find that additional mitigation is needed.

- 14. *Shall meet all the setbacks required of an accessory structure.*

Accessory structures placed behind the main structure may be located at a minimum of three feet (3’) from the rear and side property lines. See item 15 below.

Setbacks, behind the main dwelling (10’ behind the front wall plane):

<u>Setback</u>	<u>Minimum</u>	<u>Proposed</u>
Side – East	3 feet	5 feet, complies
Side – West		54 feet (approx.), complies
Rear		6 feet, complies

- 15. *Shall be located behind the front building line of the principal unit.*

The proposed ADU is approximately 48 feet behind the principal unit.

16. *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.*

The entrance of the proposed detached ADU is located completely behind the existing single-family dwelling and is approx. 108 feet from the front property line.

Section II - Accessory Structure Compliance. Staff reviewed the submitted application and finds that the proposed accessory structure complies with Bountiful City Land Use Code Section 14-4-105(J)(1) (below in italics). Staff findings for each standard are shown as underlined text.

- a. *The total footprint of any and all accessory structures shall not exceed ten percent (10%) of the entire lot or parcel area, and no lot or parcel shall be reduced in area after the construction of an accessory building, such that it is in violation of this provision.*

The lot is 11, 761.2 square feet. Ten percent (10%) of the lot is 1,176.12 square feet. The existing accessory structure / proposed ADU is approximately 651 square feet.

- b. *An accessory structure shall meet all of the setbacks of a primary structure, or it shall be setback at least ten (10) feet behind the front building line of a primary structure, and shall be setback at least three (3) feet from a rear or interior side property line, and at least twenty (20) feet from a street side yard property line. (Underlined for applicability).*

See items 14 and 15 from Land Use Code § 14-14-124(C) section of this staff report, above.

- c. *An accessory structure shall be located at least five (5) feet from a primary structure, including eaves, bay windows, chimneys and any other protrusion on either the accessory building or the primary structure.*

The existing accessory structure is located approximately 48 feet from the primary structure.

- d. *No part of an accessory structure, excluding the eaves, shall be closer than twelve (12) feet to any primary dwelling on an adjacent property.*

Based on aerial photography the existing accessory structure complies with this standard.

- e. *The eaves of an accessory structure shall be setback at least one (1) foot from any property line.*

The original site plan for the existing accessory structure, submitted by the applicant, shows a 24" roof eave being four feet (4') from the rear property line and three feet (3') from the side property line.

- f. *An accessory structure shall be designed and constructed so as to prevent roof runoff from impacting an adjacent property.*



Based on the distance from all property lines the ADU will not impact roof runoff onto adjacent properties.

- g. *An accessory structure shall meet all applicable provisions of the International Building Code.*

The proposed ADU shall comply with all applicable building codes.

- h. *An accessory structure shall not encroach on any easements, recorded or otherwise.*

The proposed ADU is not over any known easements.

- i. *The sidewall of an accessory structure shall not exceed fifteen (15) feet in height, as measured from the average slope of the ground to the point where the undersides of the eaves connect to the top of the sidewall. For a flat or mansard roof, the sidewall shall be measured from the average slope of the ground to the highest point of the roof, including any coping, parapet or similar feature.*

The sidewall height of the existing structure / proposed ADU is approx. 10'-10" on the east elevation and approx. 12'-2" feet on the west elevation.

- j. *The height of an accessory structure shall not exceed twenty (20) feet.*

The height of the proposed ADU is 12'-8" feet (measured from average grade to the mid-point of the roof).

- k. *Accessory structures used or designed for vehicle parking shall be connected to the street by a paved driveway.*

Complies.

Section III - CUP Mitigation. Staff reviewed the submitted application and finds that the proposed detached ADU is mitigated, as conditioned, based on Land Use Code § 14-2-506(C) (below in italics). Staff findings for mitigation are shown as underlined text.

- A. *A conditional use permit shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the applicable standards.*
- B. *If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal, or if the imposition of reasonable conditions to achieve compliance with applicable standards is not possible, the conditional use permit request may be denied.*

*C. Standards applicable to conditional uses include all the requirements of this Title, and consideration of the following:*

- 1. The location of the proposed use in relationship to other existing uses in the general vicinity.*
- 2. The effects of the proposed use and/or accompanying improvements on existing developments in the general vicinity;*
- 3. The appropriate buffering of uses and buildings, proper parking and traffic circulation, and the use of building materials and landscaping which are in harmony with the area.*

Staff recommends that a condition of approval be added to this site affecting the usage of the ADU which includes providing a pedestrian access consisting of a three foot (3') minimum walkway from the parking area towards the front of the single-family dwelling leading to the front door of the proposed ADU. See drafted condition no. 3.

### **Department Review**

This staff report was written by the Planning Technician and the Planning Director.

### **Significant Impacts**

None.

### **Recommendation**

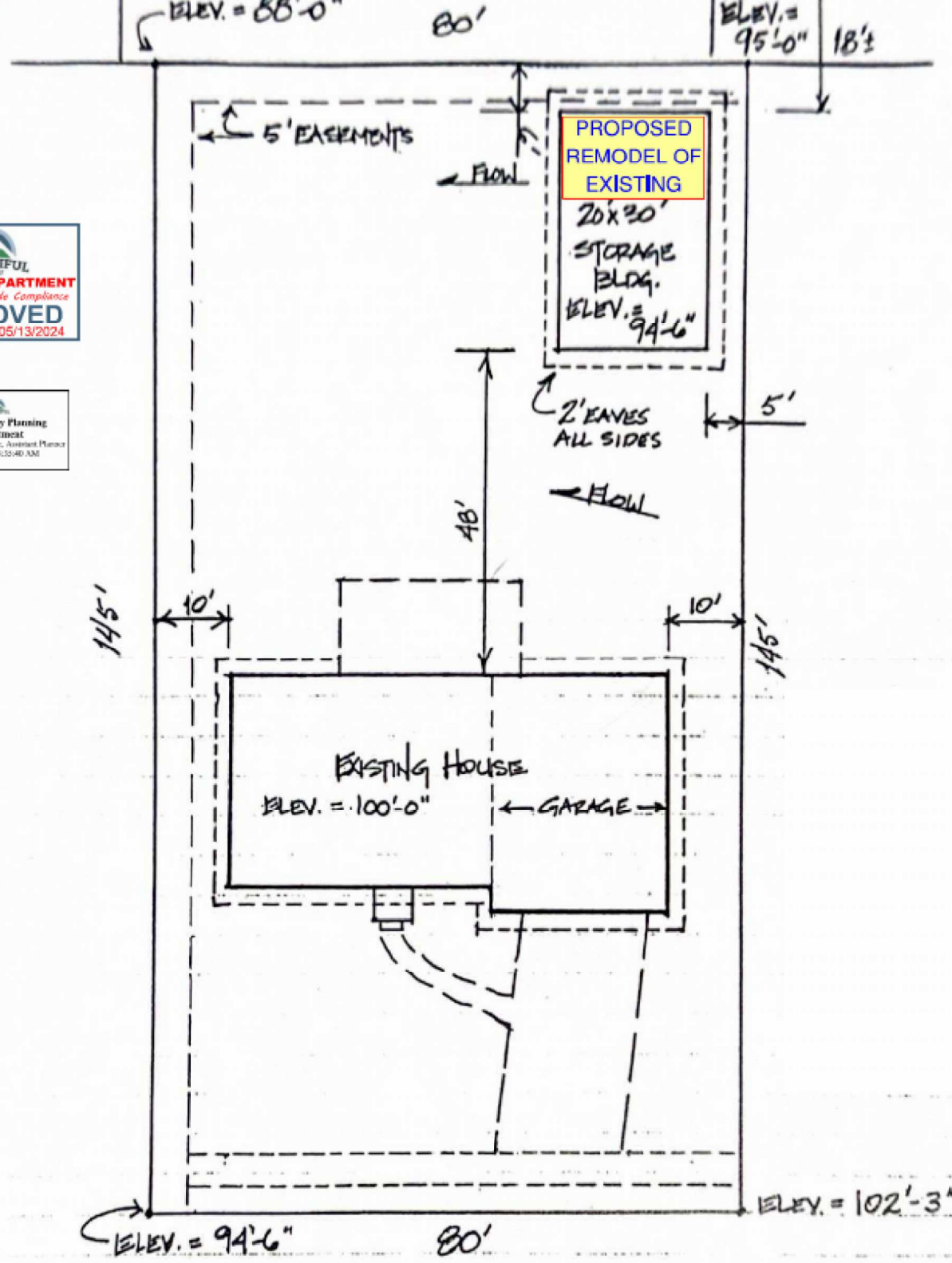
Staff recommends that the Administrative Committee review the request, hold a public hearing, and approve the Conditional Use Permit allowing a detached accessory dwelling unit at 427 East 2050 South, subject to the following conditions of approval:

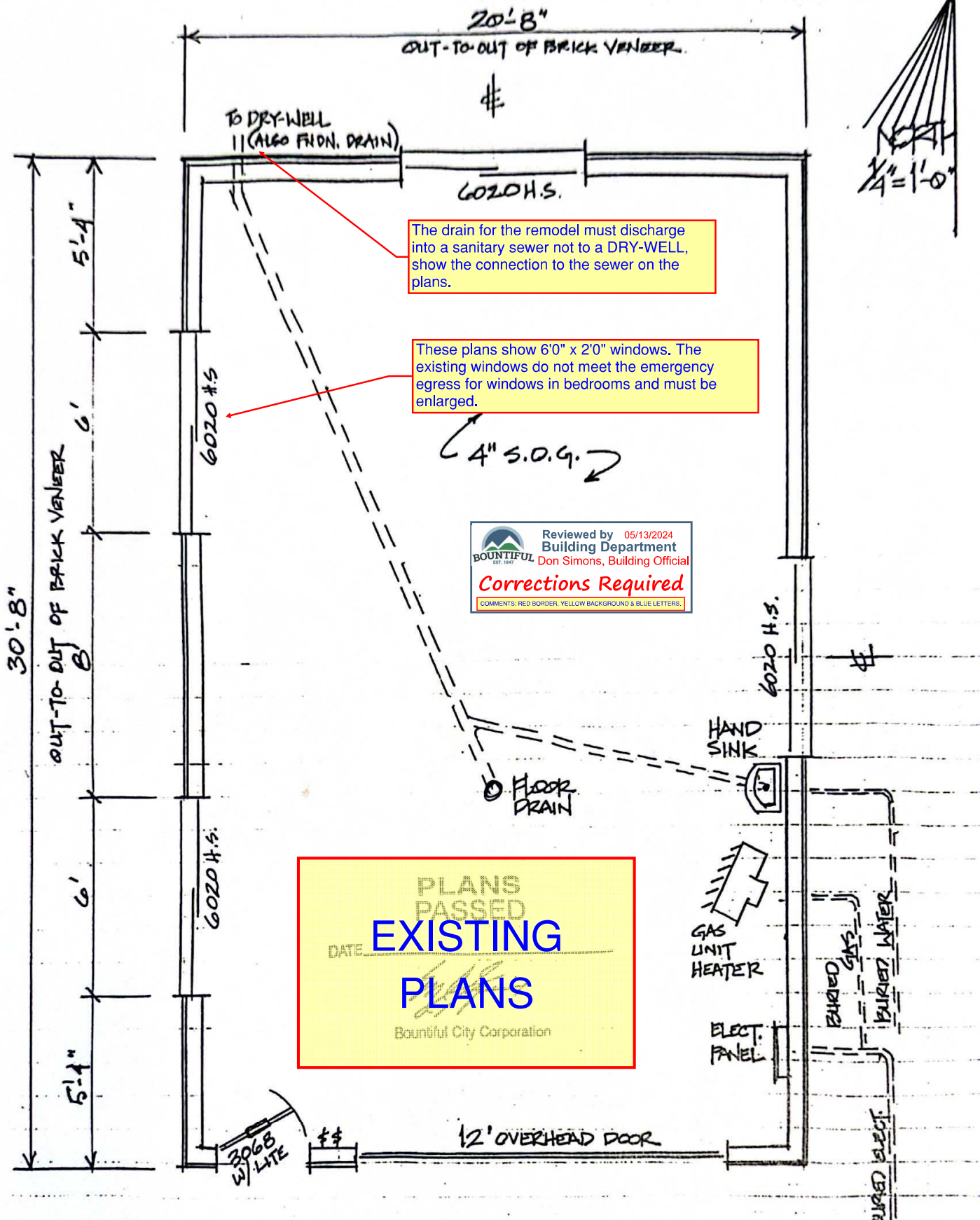
1. The accessory dwelling unit shall meet all the standards in Section 14-14-124 of the City Land Use Code including, but not limited to, the following:
  - a. The owner(s) of the property shall continually occupy the principal dwelling or the accessory dwelling unit.
  - b. The property is to be used only as a single-family dwelling with a detached accessory dwelling unit and shall be subject to a deed restriction.
  - c. There shall be no separate utility service connections.
2. The Applicant shall apply separately for a building permit to be reviewed and inspected by Staff.
3. A pedestrian walkway shall be installed leading from the parking area to the front door of the accessory dwelling unit. The minimum width of the walkway shall be three feet (3').

**Attachments**

1. Site Plan
2. Original Floor Plan
3. Original Building Section
4. Remodel Floor Plan
5. Aerial Photograph

OK! H  
1" = 20'  
SITE PLAN





PROPOSED BACKYARD STORAGE BUILDING  
 1/4" = 1'-0" FLOOR PLAN

LOT #128  
 TIM & YELENA BURKE  
 427 EAST 2050 SOUTH  
 BOUNTIFUL UTAH

