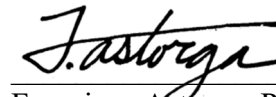


**ADMINISTRATIVE COMMITTEE**  
**Monday, February 10, 2020**  
**5:00 p.m.**

NOTICE IS HEREBY GIVEN that the Bountiful City Administrative Committee will hold its regular meeting in the Conference Room at **Bountiful City Offices, 150 North Main Street, Suite 103**, Bountiful, Utah, at the time and on the date given above. The public is invited. Persons who are disabled as defined by the Americans with Disabilities Act may request an accommodation by contacting the Bountiful City Planning Office at (801) 298-6190. Notification at least 24 hours prior to the meeting would be appreciated.

**AGENDA**

1. Welcome and Introductions.
2. Consider approval of minutes for January 27, 2020.
3. **PUBLIC HEARING:** Consider approval of Conditional Use Permit to allow for a Home Occupation Contractor Business at 124 West 3100 South, Bradley G. Rickards, applicant.
4. Consider approval of Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 1154 North 950 East, Duane W. Fisher, applicant.
5. Miscellaneous business and scheduling.



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Francisco Astorga, Planning Director

**Bountiful City  
Administrative Committee Minutes  
January 27, 2020**

**Present:** Chairman – Francisco Astorga; Committee Members – Brad Clawson, Dave Badham and Scott Schlegel; Assistant Planner – Curtis Poole; Recording Secretary – Julie Holmgren

**1. Welcome and Introductions.**

Chairman Astorga opened the meeting at 5:00 p.m. and introduced all present. Mr. Astorga noted the attendance of new committee member Scott Schlegel and explained that Mr. Schlegel would be observing the January 27, 2020 meeting but would not be voting.

**2. Consider approval of minutes for January 20, 2020.**

Mr. Clawson made a motion to approve the minutes for January 20, 2020. Mr. Badham seconded the motion.

  A      Mr. Astorga  
  A      Mr. Clawson  
  A      Mr. Badham

Motion passed 3-0.

**3. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 1154 North 950 East, Duane W. Fisher, applicant.**

Daniel Fisher (Duane Fisher’s son), was present to represent the applicant.

Curtis Poole presented the staff report (the full staff report follows).

The Applicant, Duane Fisher, requests Conditional Use Permit approval to allow for an Accessory Dwelling Unit at 1154 North 950 East. The property is located in the R-4 Single-Family Residential Zone.

The Applicant is requesting approval of an Accessory Dwelling Unit (ADU) which will be part of a new home construction as the Applicant’s home was destroyed in the Gun Range Fire last summer. Information submitted shows the ADU will be located in the basement and contains one (1) bedroom, a bathroom, separate laundry room, kitchen and living space. The Applicant has recently been issued a building permit for the new home and construction has already begun; however, the Applicant applied for the Conditional Use Permit before the permit was issued.

According to City Code, 14-4-124, a Conditional Use Permit for an ADU is required and the Applicant shall meet all standards of the Code for approval. The property is located in the R-4 Single-Family Residential Zone and will consist of a single-family dwelling which will be maintained as such by the Applicant. The lot is 0.774 acres (33,715 square feet). There will

only be one (1) ADU and there will only be one (1) utility connection located at this property. The home will be 3,886 square feet and the ADU will be approximately 800 square feet, which will be approximately 21% of the total home and will be below the maximum 40% standard in the Code.

The property will meet the parking standard required for approval. The entrance to the ADU can be through a connection in the basement or through a side entry door, which would not be visible from the street. The property will continue to have the appearance of a single-family dwelling and should have minimal impact on the surrounding neighborhood.

Staff recommends the Administrative Committee approve the Conditional Use Permit to allow for an Accessory Dwelling Unit at 1154 North 950 East subject to the following conditions:

1. The owner(s) of the property must continually occupy the primary dwelling or the ADU.
2. The property is to be used only as a single-family use and shall be subject to a Deed Restriction.
3. There shall be no separate utility service connections.
4. The ADU shall meet all the standards in 14-14-124 of the City Land Use Ordinance.
5. The Conditional Use Permit is solely for this property and is non-transferable.

**PUBLIC HEARING:** Mr. Astorga opened the Public Hearing at 5:07 p.m. Leann Phipps (1148 North 950 East) asked for a definition of ADU, and Mr. Astorga and Mr. Poole explained what an ADU is. Ms. Phipps inquired regarding square footage of the new home, and Mr. Astorga noted that the Public Hearing was to address the ADU. Mr. Fisher noted that the new home would be similar in size to the prior home. Trudy Guest (1226 North 950 East) expressed her disfavor of duplexes in the neighborhood. The Public Hearing was closed at 5:10 p.m. with no further comment from the public.

Mr. Poole explained the differences between an ADU and a duplex. He noted that in a duplex situation, both sides of the duplex can be rented and that ADU code requires the property owner to live on site in one of the units. He pointed out that in having the property owner live on site, the property is better maintained. Mr. Astorga noted the ADU code requirement of a deed restriction. A discussion ensued regarding particulars of this ADU including adequate parking, the property owner living on site, property ownership, and access to the ADU.

Mr. Clawson made a motion to approve a Conditional Use Permit to allow for an Accessory Dwelling Unit at 1154 North 950 East, Duane W. Fisher, applicant. Mr. Badham seconded the motion.

  A      Mr. Astorga  
  A      Mr. Clawson  
  A      Mr. Badham

Motion passed 3-0 based on conditions outlined by staff.

**4. Consider approval of a Conditional Use Permit, in written form, to allow for a Home Occupation Contractor Business at 374 East 1650 South, Gerald Deters, applicant.**

Mr. Badham made a motion to approve a Conditional Use Permit, in written form, to allow for a Home Occupation Contractor Business at 374 East 1650 South, Gerald Deters, applicant. Mr. Clawson seconded the motion.

A Mr. Astorga  
A Mr. Clawson  
A Mr. Badham

Motion passed 3-0.

**5. Miscellaneous business and scheduling.**

Mr. Astorga noted that the CUP/ADU application submitted by Douglas Thompson and Yaping Chen is still on hold pending updated measurements to be submitted by the applicants. He further noted that the driveway would accommodate parking for several vehicles. Mr. Astorga ascertained there were no further items of business, and the meeting was adjourned at 5:28 p.m.

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Francisco Astorga, Planning Director

# Administrative Committee Staff Report

**Subject:** PUBLIC HEARING: Conditional Use Permit to allow for a Lawn Care and/or Landscaping Home Occupation  
**Author:** Curtis Poole, Assistant Planner  
**Address:** 124 West 3100 South  
**Date:** February 10, 2020



## Description of Request

The Applicant, Bradley Rickards, requests Conditional Use Permit approval to allow for a Lawn Care and/or Landscaping Home Occupation at 124 West 3100 South. The property is located within the R-4 Single Family Residential Zone.

## Background/Analysis

The Applicant operates a lawn fertilization and weed and insect control business, Homerun Lawns LLC. The Applicant indicates he will be the only employee of the business and there will be one (1) vehicle, which will be parked in the garage, involved in the business. Only 10 percent (10%) of the home will be used for the business consisting of a computer desk; which is within the standards required by Code.

There will be tools, equipment and materials in connection with the business stored at the Applicant's home. The Applicant has indicated this storage area is on an RV pad behind a locked gate. The Committee should determine the nature of material stored and how it will be stored.

## Recommended Action

Staff recommends the Administrative Committee approve the Conditional Use Permit to allow for a Lawn Care and/or Landscaping Home Occupation at 124 West 3100 South, subject to the following conditions:

1. The Applicant shall maintain an active Bountiful City Business License.
2. The Home Occupation will not create nuisances discernible beyond the premises (e.g., 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 will comply with all the applicable fire, building, plumbing electrical and 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.



## Attachments

1. Aerial Photo
2. Bountiful Land Use Code
3. Application submitted

### Aerial Photo



### Bountiful Land Use Code

#### **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.*

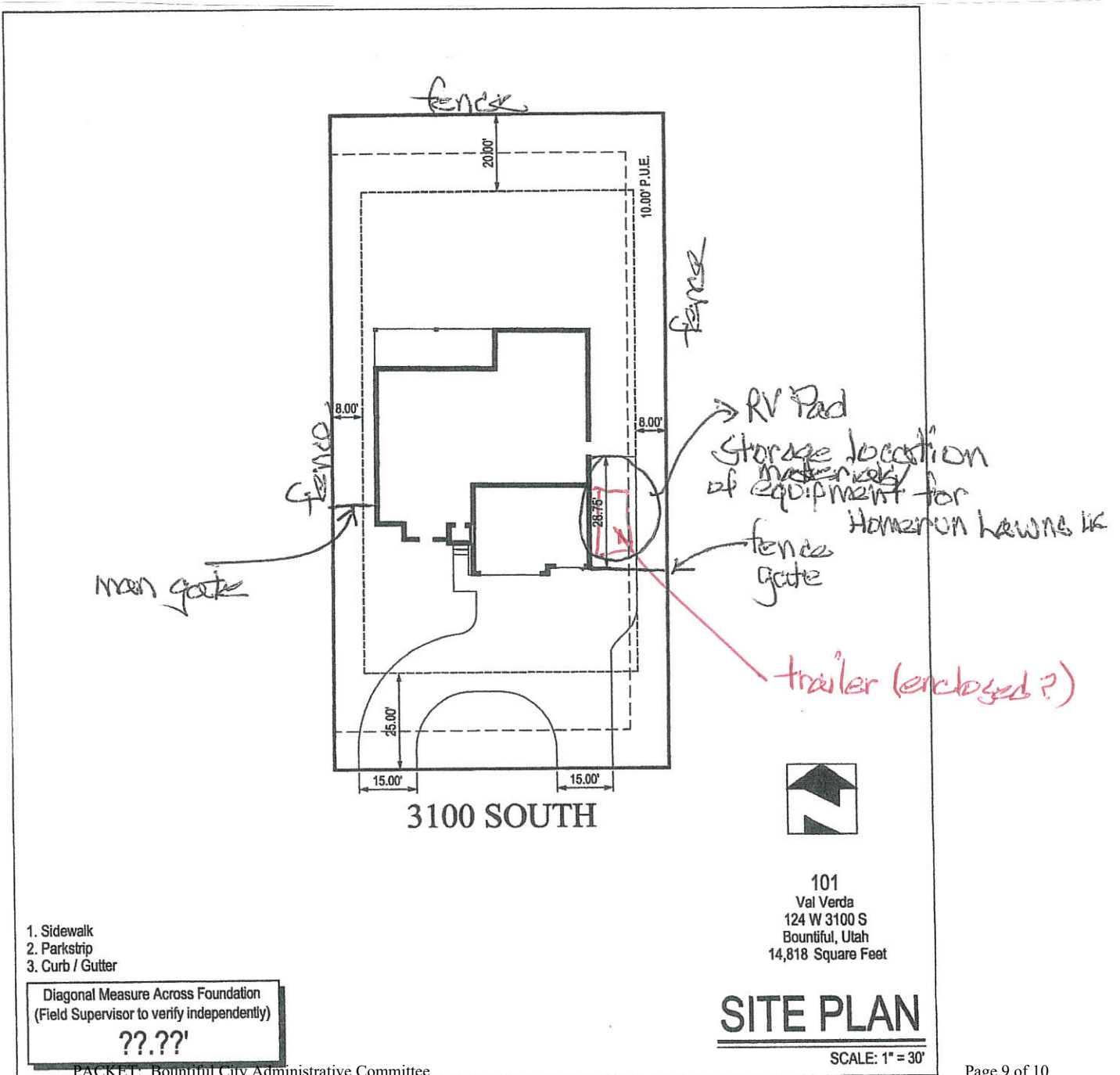
4. *The only retail activity allowed is that transacted electronically or by mail. Any retail activity involving the physical delivery of goods or persons to the property is expressly prohibited.*
5. *A home occupation office in a detached accessory structure shall be deemed unlawful and shall not be 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.*



□ **Site Plan**

Please include the following:

- A north arrow and the date of the drawing.
- Street names and addresses.
- All sidewalks, driveways, curbs and gutter, and parking areas.
- All existing easements, rights-of-way, and any other restrictions on the use of the property.
- Existing buildings, proposed buildings, and other significant features on the site.





## Conditional Use Permit

A public hearing was held on January 27, 2020 at Bountiful City Offices to consider the request of Duane W. Fisher for a Conditional Use Permit allowing an Accessory Dwelling at 1154 North 950 East, Bountiful, Utah.

The Bountiful City Administrative Committee heard the matter and considered the statements of the applicant, the City staff, and the public. As a result, the Administrative Committee makes the following findings:

1. This matter is properly heard before the Administrative Committee.
2. Appropriate public notice has been provided and a public hearing held.
3. The proposed request for an accessory dwelling shall meet all the criteria in 14-14-124 and other applicable sections of the City Ordinance.

The Bountiful City Administrative Committee hereby grants this Conditional Use Permit for an Accessory Dwelling Unit (ADU) with the following conditions:

1. The owner(s) of the property must continually occupy the primary dwelling or the ADU.
2. The property is to be used only as a single-family use and shall be subject to a Deed Restriction.
3. There shall be no separate utility service connections.
4. The ADU shall meet all the standards in 14-14-124 of the City Land Use Ordinance.
5. The Conditional Use Permit is solely for this property and is non-transferable.

The Conditional Use Permit was approved on January 27, 2020, and this written form was approved this 10<sup>th</sup> day of February, 2020.

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Francisco Astorga  
Planning Director

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ATTEST: Julie Holmgren  
Recording Secretary