

**Bountiful City
Administrative Committee Minutes
July 29, 2019**

Present: Chairman – Francisco Astorga; Committee Members – Brad Clawson and Dave Badham; Assistant Planner – Curtis Poole; Recording Secretary – Julie Holmgren; Planning Intern – Kai Uchida

1. Welcome and Introductions.

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

2. Consider approval of minutes for July 22, 2019.

Mr. Clawson made a motion for approval of the minutes for July 22, 2019. 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 a Home Occupation Contractor Business at 32 West 1000 North, Jason Barnett, applicant.

Jason Barnett, applicant, was present.

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

The property for the proposed Home Occupation request is located in the R-4 Zone. Home Occupations in this zone are allowed under City Code, 14-4-103, with approval of a Conditional Use Permit.

The application submitted indicates the property will be used to operate a handyman, property maintenance and woodworking business. There will be tools associated with this business which will all be stored in the applicant's truck. The only tool that will not be stored in the truck will be the mower which will be stored on the property. There will not be large saws involved in the woodworking business, just small hand tools. The applicant's truck will be the primary vehicle used in the business and will be parked in covered parking provided by the complex. A small portion of the applicant's home, less than 150 square feet, will be used for the business. The applicant indicates there will be no additional employees involved in the business. The business does appear incidental and secondary to the use of the dwelling and shall not change the appearance, character, or condition of the property. The applicant has received approval from the property owner to operate a business from this location.

Based upon the above findings, staff has determined that the applicant would comply with all requirements for the Conditional Use Permit; therefore staff recommends approval of the Conditional Use Permit with the following conditions:

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

Mr. Astorga directed the applicant to the Home Occupation Requirements and Home Occupation Conditional Use restrictions which were included in the staff report.

PUBLIC HEARING: Mr. Astorga opened and closed the Public Hearing at 5:05 p.m. with no comments from the public.

Mr. Badham inquired regarding the storage and size of the lawn mower. Mr. Barnett indicated the lawn mower is a walk-behind and will be stored in a shed. Mr. Badham emphasized that no employees should congregate at the home and that neighbors should not be aware that there is a business at the home.

Mr. Badham made a motion to approve a Conditional Use Permit to allow for a Home Occupation Contractor Business at 32 West 1000 North, Jason Barnett, applicant. Mr. Clawson seconded the motion.

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

Motion passed 3-0.

4. **PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 1444 South 75 East, Jim Miller, applicant.**

Jim Miller, applicant, was present.

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

The applicant is requesting approval of an Accessory Dwelling Unit (ADU) which will be constructed as part of basement finish. Plans show the proposed unit will have two bedrooms, a living area, kitchen and bathroom.

According to City Code, 14-4-124, a Conditional Use Permit for an ADU is required and applicants shall meet all standards of the Code for approval. The proposed home is located in the R-4 Single-Family Residential zone and is a single-family dwelling and will be maintained as such by the applicant. The lot is 0.19 acres (approximately 8,276 square feet). There will be only one ADU and there will only be one utility connection located at this

property. The total square footage of the existing home is 2,141 and the ADU will be 851 square feet which is less than the 40% standard in the Code.

Plans for the proposed ADU show the applicant will construct a new detached two car garage and by doing so will meet the minimum parking standard. As part of the renovations to the property the applicant will be removing existing parking spaces in front of the home which will bring the property into compliance with the parking and drive access in the Code. The entrance for the proposed ADU will be through a rear door leading to an interior stairwell. The home will continue to have the appearance of a single-family home and should have minimal impact on the surrounding neighborhood.

Based upon the above findings, staff has determined the applicant would comply with all requirements for the Conditional Use Permit. Staff recommends approval of the Conditional Use Permit with the following conditions:

1. The owner(s) of the property must occupy the primary residence 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. A two car garage shall be constructed to meet the parking requirements for the ADU.
4. The paved parking spaces in front of the home shall be removed and replaced with landscaping.
5. There shall be no separate utility service connections.
6. The ADU shall meet all the criteria in 14-14-124 of the City Land Use Ordinance.
7. The Conditional Use Permit is solely for this property and is non-transferable.

Mr. Poole noted that the city had received a few telephone calls and emails regarding the ADU. One neighbor expressed concern about having another apartment in the neighborhood. Another neighbor voiced concern about current neighborhood rentals that are not well maintained and stated that the ADU might cause a similar problem. Mr. Poole also reported that another citizen had questions about the ADU but became more comfortable with the project once Mr. Poole explained that the property owner must occupy one of the units. Mr. Astorga explained that he discussed the ADU, the driveway location, and ADU criteria with the neighbor to the north. That neighbor felt more comfortable with the ADU when he learned the intended location for the driveway. Mr. Astorga noted a few items on the property would be brought into code compliance with the completion of the ADU.

PUBLIC HEARING: Mr. Astorga opened the Public Hearing at 5:17 p.m. Kristy Moser (16 East 1400 South) inquired regarding transferability of the deed restriction. Mr. Astorga explained that a deed restriction runs with the land and that the next owner of the property would be allowed an ADU. Mr. Badham further explained that a new owner would not have to reapply for an ADU, and Mr. Poole noted that any owner of the property will need to meet the conditions placed on the ADU. Mr. Astorga reiterated that the owner must live on site. Ron Barlow (1470 South 75 East) expressed concern that in the future the property owner might leave the home, and then rent to two families. Mr. Barlow expressed concern with two families living in a single family home and asked if the owner has to comply with the requirement to occupy one of the units. Mr. Astorga explained that in order to maintain the ADU use the property owner has to comply with the conditions of the CUP. These conditions are derived from the city code. Mr. Barlow stated that he felt better knowing the owner has to live in the home, and then read a prepared letter stating specific concerns about parking at the

nearby church, parking on the street, trash receptacles being placed in front of his property, and parking on the street in front of his property. Mr. Badham noted that any street parking or street placement of trash receptacles would be on public property. Mr. Barlow stated that his biggest concern lies with people parking in front of his home, and he also expressed concern that two families in the home would produce twice as much waste. He expressed that he does not want another person's trash receptacle in front of his house. Mr. Barlow also stated that the ADU may lessen curb appeal and have a negative effect on his living conditions. Mr. Barlow provided his letter of concern for the applicant file and also provided similar signed letters from two neighbors, Trent Sterling and James L. Anderson. The Public Hearing was closed at 5:28 p.m. with no further comment from the public.

Mr. Miller stated that he is trying to follow the code, is trying to prevent future problems with renters, and is attempting to comply with the city's ADU requirements.

Mr. Astorga addressed the parking issue and reiterated that street parking is public parking and that no one is guaranteed a place to park on the street. He also noted that trash receptacle placement is not something the city regulates, but there is always hope that those receptacles will be properly placed in front of the owner's/renter's residence. Mr. Badham explained that the Bountiful City Council approved the allowance of ADUs and that the public had the opportunity to express their opinion. He expressed that whether a person agrees with it or not, if an ADU applicant meets the criteria then the application must be approved. Mr. Badham encouraged citizens to be proactive in policing code issues and to make the city aware of non-compliance. He also shared his opinion that ADU owners will most likely be selective of their tenants because they are sharing their home, and ADUs are not always locked off from the rest of the house. Mr. Badham inquired regarding the garage parking, and Mr. Astorga explained that the code doesn't specify who should park in the garage versus the driveway but that the property owner will most likely define that. Mr. Astorga highlighted condition number two which requires the property owner to sign a deed restriction, and he further emphasized that the property would remain classified as single family and that the property owner must live on site.

Mr. Barlow inquired regarding setbacks for the garage, and Mr. Astorga stated that the setbacks would be the same as for any other permit. Mr. Clawson inquired if Mr. Miller would live at the property. Mr. Miller explained that he is representing the property owners – his daughter and son-in-law – and that they will live in the home.

Mr. Badham recused himself from the vote. Mr. Clawson made a motion to approve a Conditional Use Permit to allow for an Accessory Dwelling Unit at 1444 South 75 East, Jim Miller, applicant. Mr. Astorga seconded the motion.

 A Mr. Astorga
 A Mr. Clawson
____ Mr. Badham (recused)

Motion passed 2-0.

5. **Consider approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 2905 Cave Hollow Way, Grant A. Horsley, applicant.**

Mr. Badham made a motion to approve a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 2905 Cave Hollow Way, Grant A. Horsley, applicant. Mr. Clawson seconded the motion.

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

Motion passed 3-0.

6. **Miscellaneous business and scheduling.**

Mr. Astorga announced that no meeting would be held on August 5, 2019 and ascertained there were no further items of business. The meeting was adjourned at 5:42 p.m.



Francisco Astorga, Planning Director