



**BOUNTIFUL CITY**  
**ADMINISTRATIVE COMMITTEE AGENDA**  
**Monday, January 31, 2022**  
**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 at 795 South Main Street, Bountiful, Utah, 84010, at the time and on the date given above. The public is invited. Persons who are disabled as defined by the Americans with Disabilities Act may request an accommodation by contacting the Bountiful City Planning Office at (801) 298-6190. Notification at least 24 hours prior to the meeting would be appreciated.

1. Welcome.
2. Review and approval of minutes for January 11, 2022.
3. 1106 East 400 North - Conditional Use Permit for a Detached Accessory Dwelling Unit (ADU), David Edwards, applicant - Assistant City Planner Lopez
  - a. Public Hearing
  - b. Action: Continuation to a date uncertain
4. 275 South 300 East - Conditional Use Permit for a Home Occupation Construction, Justin Brown, applicant – Assistant City Planner Lopez
  - a. Review and Public Hearing
  - b. Action
  - c. Consider drafted approval in written form
5. 50 West 400 South - Conditional Use Permit for a Detached Accessory Dwelling Unit (ADU), Ron Robinson, applicant - Assistant City Planner Lopez
  - a. Review and Public Hearing
  - b. Action
  - c. Consider drafted approval in written form
6. Adjournment



1 **Draft Minutes of the**  
2 **BOUNTIFUL CITY ADMINISTRATIVE COMMITTEE**  
3 **January 11, 2022**

4  
5 Present: Committee members Francisco Astorga (Chair), Todd Christensen, and Dave  
6 Badham  
7 Assistant City Planner Nicholas Lopez  
8 Recording Secretary Jacinda Shupe

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11 **1. Welcome and Introductions**

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

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15 **2. Review and approval of minutes for December 13, 2021**

16  
17 MOTION: Committee Member Badham made a motion to APPROVE the minutes for  
18 December 13, 2021. Chair Astorga seconded the motion.

19  
20 VOTE: The motion passed 2-0-1 with Committee Member Christensen abstaining.

21  
22 **3. Approval of the 2022 Administrative Committee meeting schedule.**

23  
24 **4. Consider approval of a Lot Line Adjustment at 1836 and 1820 Spring Creek Drive,**  
25 **William Kelly Orchard, applicant**

26  
27 Mr. Orchard, applicant, was present. Assistant Planner Lopez presented the item.

28  
29 Assistant Planner Lopez indicated the purposed adjustment would convey approximately  
30 3,262 square feet from Lot 2 (1820 Spring Creek) to Lot 1 (1836 Spring Creek) decreasing  
31 the area of lot 2 to 8,000 square feet which is the minimum allowable per code. Public utility  
32 easements are not affected.

33  
34 Mr. Orchard, Applicant had nothing further to add

35  
36 Committee Member Badham inquired about the right-angle jog on the new purposed lot line.  
37 Discussion ensued concerning the future of having the right angle versus a straight line. Mr.  
38 Orchard stated the Surveyor was most likely going off minimum code to meet the 8,000  
39 square feet for Lot 2. Mr. Orchard did not have any reservations about changing the lot line  
40 to a cleaner straight line.

41  
42 Committee Member Christensen inquired on the width between the properties for future  
43 placement of a driveway to a pool to be constructed on the additional land added to Lot 1.  
44 More for the purpose of informing Mr. Orchard on his options the Committee discussed  
45 setbacks and code for the driveway.

46  
47 MOTION: Committee Member Badham made a motion to APPROVE the Lot Line as drafted  
48 in the staff report for a property located at 1836 and 1820 Spring Creek Drive with the

1 exception of cleaning up the right angle on the survey and making it straight. Committee  
2 Member Christensen seconded the motion.

3

4 **CONDITIONS OF APPROVAL:**

5 1. The approved Lot Line Adjustment shall be recorded with Davis County, subject to final  
6 form approved by City Engineer.

7

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

9

10 Chair Astorga requested Mr. Orchard reach out to his surveyor to have him change the Lot  
11 Line according to the Committee's recommendation.

12

13 Chair Astorga ascertained there were no further items of business. The meeting was adjourned  
14 at 5:20 p.m.

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Francisco Astorga  
Administrative Committee Chair

## **Administrative Committee Staff Report**

**Subject:** Conditional Use Permit for a Construction / Contractor Home Occupation  
**Address:** 275 South 300 East      **Authors:** Nicholas Lopez, Assistant Planner  
**Date:** January 31, 2022

### **Background**

The applicant, Justin Brown, submitted a Conditional Use Permit (CUP) for a Construction / Contractor Home Occupation located at 275 South 300 East. The property is located within the Single-Family Residential (R-4) Subzone.

### **Analysis**

The applicant proposes to operate a construction / contractor business with no additional employees. The applicant proposes storage (parking) of the vehicle on site in the driveway. The proposal indicates less than ten percent (10%) of the house that will be used in connection with the business. The proposal indicates that associated tools are to be stored in the truck.

### **Recommendation & Conditions of Approval**

Staff recommends the Administrative Committee hold a public hearing and consider approving the requested Conditional Use Permit for a Construction / Contractor Home Occupation at 275 South 300 East, 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.

### **Attachments**

1. Aerial Photo & Site Plan
2. Bountiful Land Use Code Section 14-17-105 & 14-17-108
3. Application with Applicant Answers
4. Draft Approval

**Attachment 1 – Aerial Photo & Site Plan**



## **Attachment 2 – Bountiful City Land Use Code Section 14-17-105 & 14-17-108**

### **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 – Application with Applicant Answers**



<b>For Office Use Only</b>	
Date Rec'd	<u>1-11-2022</u>
Application Fee \$125.00	_____
Zone	_____

**CONDITIONAL USE PERMIT APPLICATION**  
(For Home Occupation - Contractors, Construction & Landscaping, Lawn Care or Snow Removal)

Date of Submittal: \_\_\_\_\_

Property Address: 275 South 300 East, Bountiful, UT 84010

Applicant Name: Justin Brown Designs, LLC

Applicant Address: 275 South 300 East, Bountiful, UT 84010

Applicant Phone #: 801-598-4223

Applicant E-Mail: justinbrowndesigns@gmail.com

Authorization (Owner Signature): \_\_\_\_\_

*(If applicant is not owner, applicant must submit notarized authorization from all property owners)*

**Project Name and Description:** Carpentry contractor/business owner of Justin Brown Designs.

**Please respond to the following questions (per Land Use Code Section 14-17-105):**

- What tools/equipment/materials will be used for the business, and where will they be stored? Carpentry tools and materials. Tools will be stored inside owner's truck.
- Will you use any vehicles for the business? If so, please indicate on your site plan where the vehicle(s) will be parked. Yes, personal truck will be used for the business and will be parked in the driveway.
- How much of the home will be used for the business (percentage)? Please note that area on your site plan. Whatever space owner's truck occupies.
- Are there any employees (besides those living at the home) who will be involved in the business? No.

Department of Planning and Economic Development  
790 South 100 East • Bountiful, Utah 84010  
Phone 801.298.6190

## Attachment 4 – Draft Approval



**DRAFT**  
**Bountiful City, Utah**  
**Conditional Use Permit Approval**  
**of a Contractor Home Occupation Permit**

A public hearing was held on January 31, 2022, at the Bountiful City Hall, located at 795 South Main Street, Bountiful, Utah 84010, to consider the request of Justin Brown for a Conditional Use Permit allowing a Contractor Home Occupation at the following location:

**275 South 300 East, Bountiful, Davis County, Utah**

**Parcel 03-034-0025**

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 a Contractor Home Occupation shall meet all the criteria in Sections 14-17-105 & 14-17-108 of the Bountiful City Land Use Code, as conditioned.
4. The proposed request for a Contractor Home Occupation shall meet all applicable sections of the City Code.

The Bountiful City Administrative Committee hereby grants this Conditional Use Permit for a Contractor Home Occupation as requested by Justin Brown, to be located at 275 South 300 East, Bountiful, Davis County, Utah, with 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.

The Conditional Use Permit for a Contractor Home Occupation and this written form were approved on January 31, 2022.

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Francisco Astorga  
Administrative Committee Chair

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ATTEST: Jacinda Shupe  
Recording Secretary



## Administrative Committee Staff Report



**Subject:** Conditional Use Permit for a Detached Accessory Dwelling Unit  
**Address:** 50 West 400 South  
**Authors:** Nicholas Lopez, Assistant City Planner  
**Date:** January 31, 2022

### **Background**

The applicant, Ron Robinson, submitted a Conditional Use Permit (CUP) for a detached accessory dwelling unit (ADU) on his property located at 50 West 400 South. Bountiful City Administrative Committee reviews CUPs 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.*

### **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. *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 downtown (DN) zone
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 on a qualifying lot.*
  - 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 14 - 14 Chapter 14 Supplementary Standards Ord 2021-10 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. 03-032-0054) is owned by Ronald Robinson. 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 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.
8. *Separate utility meters shall not be permitted for the accessory dwelling unit.*
- The site, located in the Downtown Mixed-Use Zone, received CUP approval by the Planning Commission on May 3, 2016 for a commercial component for cabinet shop within the detached building. Due to the mixed nature of the Zone, the City authorized three (3) power meters on the site: one (1) for the lower-level detached structure, one (1) for the upper-level detached structure, and one (1) for the single-family dwelling. In recognition of the purpose of the Downtown Mixed-Use Zone, flexibility should be granted in this case as the applicant requests to forego the commercial approval during the time that the detached ADU is authorized and is being utilized. Staff finds the existing situation as legal non-confirming, and with the requested use of a detached ADU the degree of noncompliance is not increased. Staff recommends adding specific language to the deed restriction indicating that the detached ADU is only approved while single-family dwelling is in use, not in conjunction with any commercial uses on site.
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.*
- This site was built with a building permit.
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.*
- The site has seven (7) designated parking spaces.

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.*
  - According to Davis County Assessor's Office online records the single-family dwelling is 1,956 square feet, which does not include the 1,196 square foot detached building, the proposed detached.
12. *Shall not be located on a lot with less than eight thousand (8,000) square feet buildable land.*
  - According to County records, the lot area is .26 acres which equates to approximately 11,326 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.*
  - Complies with the provision.
14. *Shall meet all the setbacks required of an accessory structure.*
  - Complies with the provision.
15. *Shall be located behind the front building line of the principal unit.*
  - The detached ADU is 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 detached ADU is not readily visibly from the front.

### **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.
2. The Conditional Use Permit for the accessory dwelling unit is solely for this property and is non-transferable to another property.
3. The Deed Restriction shall be signed within six (6) months of the date of approval.
4. The detached accessory dwelling unit is only approved while the single-family dwelling is in use and not in any conjunction with any commercial uses on site.

### **Attachments**

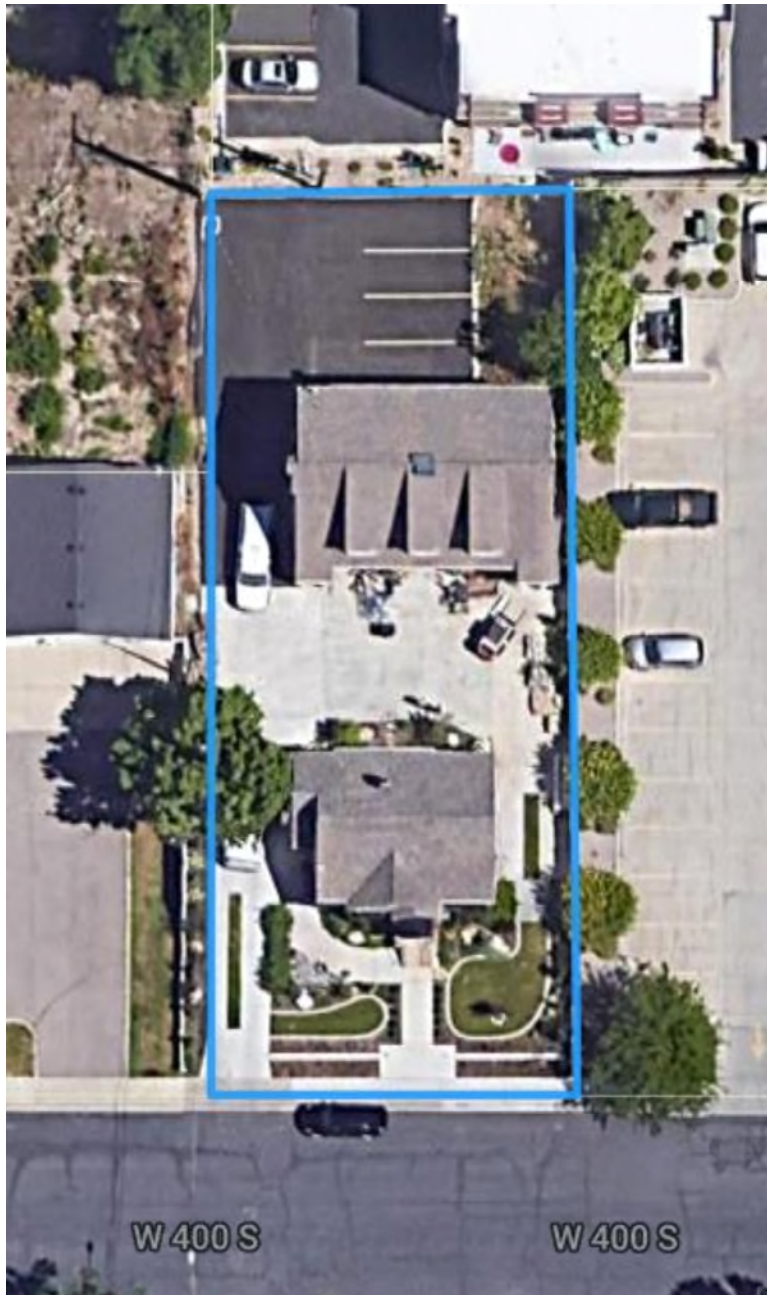
1. Aerial Photo
2. Floor Plans

3. Site Plan
4. Drafted Approval in Written Form

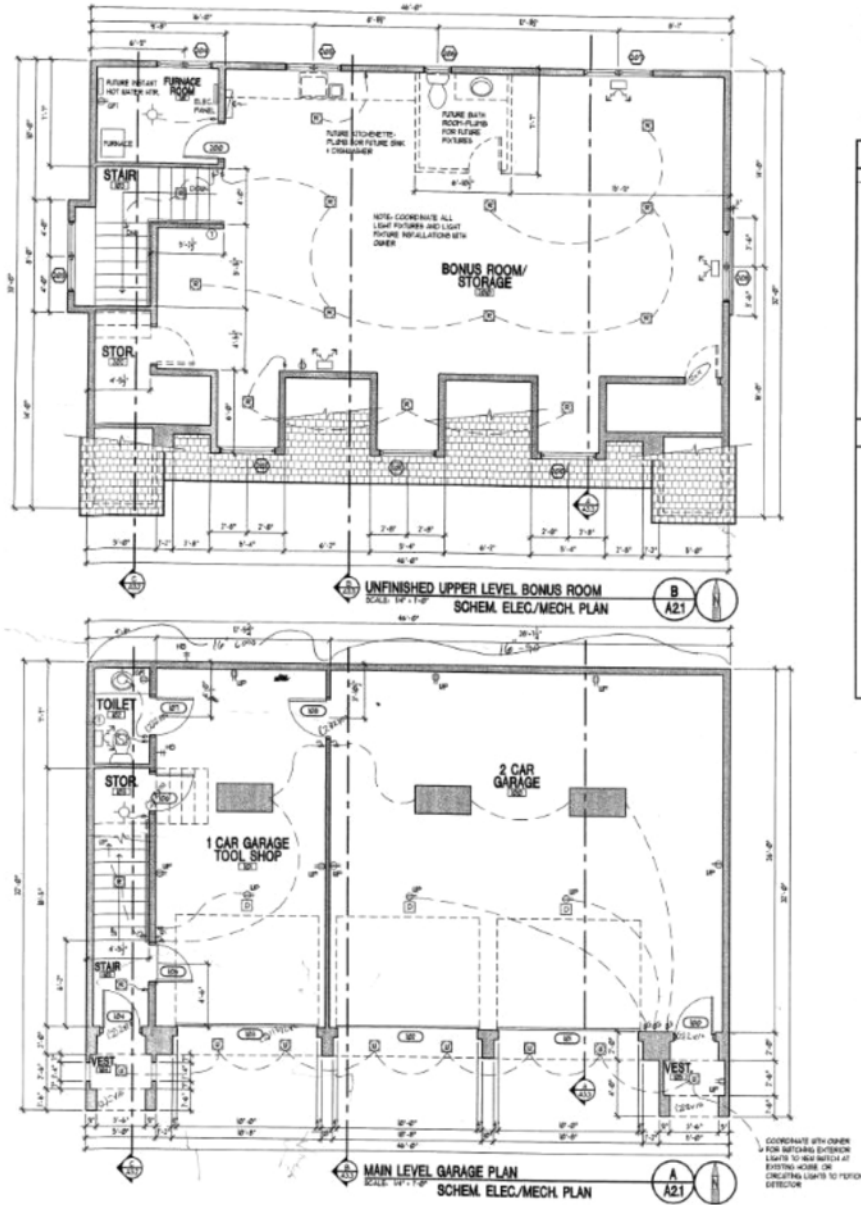


**ATTACHMENTS**

1. Aerial Photo



## 2. Floor Plan

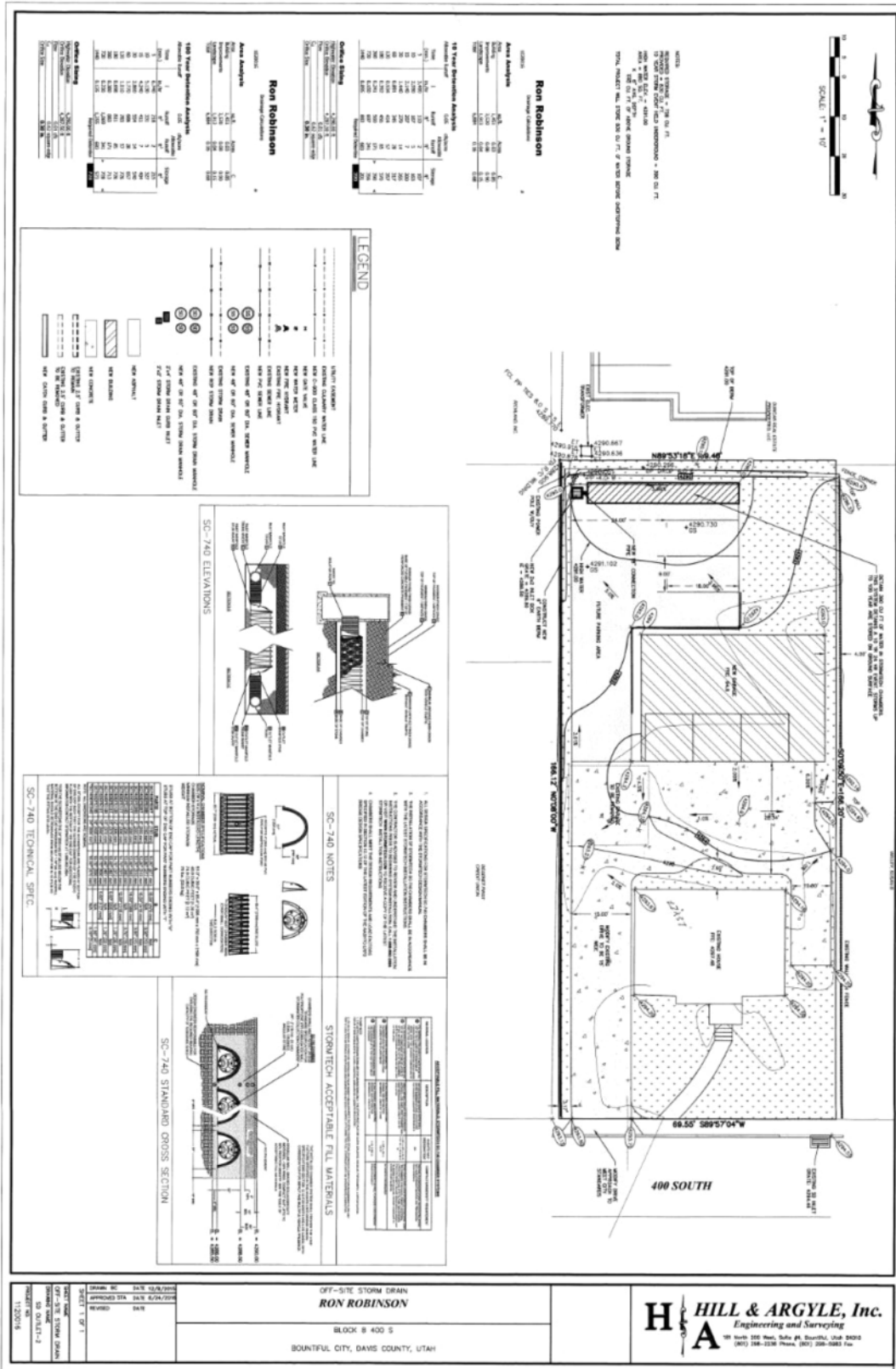


FLOOR PLAN KEY NOTES	
SYMBOL	DESCRIPTION
⊙	TANKLESS WATER HEATER EQUAL TO "PALOHA"™ SERIES HIGH VOLUME
⊗	EXTERIOR SOURCE 1/2" SOURCE 1/2" HOSE WATER SYSTEM, STANDARD HOPE WATER FILTER SYSTEM

MECHANICAL/PLUMBING PLAN LEGEND		
SYMBOL	SECTION	DESCRIPTION
⊙	00000	FLOOR OR CEILING POINTED HVAC REGISTER
⊗	00000	HVAC RETURN AIR REGISTER
⊙	00000	HVAC THERMOSTAT
⊕	00000	HOLE DDD (FREE, ECU)

- MECHANICAL/PLUMBING PLAN GENERAL NOTES**
- SEE SHEETS A23 FOR MECHANICAL AND PLUMBING PROJECT KEY NOTES AND INFORMATION.
  - MECHANICAL AND PLUMBING LAYOUTS ARE SHOWN IN SCHEMATIC. THE PLUMBING AND MECHANICAL CONTRACTORS ARE RESPONSIBLE DESIGN AND SIZE EQUIPMENT CAPACITY, PIPE AND DUCT LINES, PLUMBING LINES AND ALL OTHER EQUIPMENT AS PER NATIONAL, STATE AND LOCAL CODES AND AS PER THE GENERAL NOTE REQUIREMENTS. CONTRACTOR SHALL NOTIFY SHOP DRAWINGS TO ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION.
  - THE CONTRACTOR IS RESPONSIBLE TO COORDINATE THE LAYOUT AND INSTALLATION OF ALL RELATED ITEMS WITH EXISTING CONDITIONS AND ALL OTHER TRADES.

3. Site Plan



4. Drafted Approval in Written Form



**DRAFT**  
**Bountiful City, Utah**  
**Conditional Use Permit Approval**  
**of A Detached Accessory Dwelling Unit**

A public hearing was held on January 31, 2022, at the Bountiful City Hall located at 795 South Main, Bountiful, Utah 84010, to consider the request of Ron Robinson for a Conditional Use Permit allowing a Detached Accessory Dwelling at the following location:

**50 West 400 South, Bountiful, Davis County, Utah**

**Parcel 03-032-0054**

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 a Detached Accessory Dwelling Unit as requested by Ron Robinson to be located at 50 West 400 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. 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 31, 2022, and this written form was approved this January 31, 2022.

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Francisco Astorga  
Administrative Committee Chair

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ATTEST: Jacinda Shupe  
Recording Secretary