

**Bountiful City**  
**Administrative Committee Minutes**  
**July 15, 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 8, 2019.**

Mr. Clawson made a motion for approval of the minutes for July 8, 2019. Mr. Astorga seconded the motion.

<u>  A  </u>	Mr. Astorga
<u>  A  </u>	Mr. Clawson
—	Mr. Badham (abstained)

Motion passed 2-0.

**3. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 445 East 1800 South, Robert & Aari Halpin, applicants.**

Aari Halpin, applicant, was present.

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

The applicants are requesting approval of an Accessory Dwelling Unit (ADU) which currently exists in their home at this location; however, no prior approvals from the City have been given. The applicants recently purchased the home and want to make the use of the ADU legal. The ADU has 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 existing 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 applicants. The lot is 0.206 acres (8,973 square feet). There will be only one ADU and there will only be one utility connection located at this property. The total home square footage is 2,252 and the ADU is 893 square feet, which is less than the 40% standard in the Code.

The site plan submitted by the applicants indicate there will be 5 total parking spaces off the street with two spaces parked tandem in the garage. The ADU will be accessed in the rear of the home and will not be visible from the street. 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 principal 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. There shall be no separate utility service connections.
4. The ADU shall meet all the criteria in 14-14-124 of the City Land Use Ordinance.
5. The Conditional Use Permit is solely for this property and is non-transferable.

Mr. Badham inquired regarding the 40% ADU standard as it applies to this application. Ms. Halpin described a large storage area located in the basement which was not included on the submitted site plan, and which will not be included in the ADU percentage calculation. Mr. Badham noted for the record that the city adopted an ordinance allowing for ADUs, but that he, personally, is against them and feels that most citizens are against them, and he feels a duty to hold ADU applicants to the letter of the law. A discussion ensued regarding access to the storage unit through the ADU, and Mr. Astorga explained that if the access were in a different area, that the applicant would most likely be in compliance with the code. Mr. Badham reiterated his concern that the proposed ADU may be larger than the 40% allowed.

**PUBLIC HEARING:** Mr. Astorga opened the Public Hearing at 5:11 p.m. Steven Hadden (1821 South Oakmont Drive) inquired regarding the feasibility of parking two vehicles side-by-side in the garage. There were no further questions or comments from the public and the Public Hearing was closed at 5:12 p.m.

Mr. Poole addressed Mr. Hadden's question and explained that as it pertains to ADUs the code requires two garage parking spaces be provided. Mr. Astorga further explained that there is no specificity regarding management of who can actually park in the garage, and Mr. Poole noted the code has no exact dimension specifications for the garage. Mr. Badham inquired regarding the size of the Halpin's garage, and Ms. Halpin stated it was about 10 feet wide by 26 feet deep, and the width could be expanded to 16 feet with a different door. A discussion ensued regarding the feasibility of parking two cars in the garage space. Mr. Clawson suggested an additional condition be added requesting a photo showing two cars in the garage, and a short discussion ensued regarding options for the Halpins to provide further garage parking information to the committee. Mr. Astorga suggested that the item be continued in order that the Halpins might provide additional information.

Mr. Astorga made a motion to continue approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 445 East 1800 South, Robert & Aari Halpin, applicants, to a date uncertain, in order for the applicant to submit additional information, specifically: (1) exact dimensions of the garage with photos depicting two cars parked in the garage, and (2) a more detailed floor plan including location of all doors. Mr. Astorga explained that it would most likely not be appropriate to access the storage through the ADU, as this does not meet the intent of the code. Mr. Badham seconded the motion and added that he would like clarification from the Halpins that two cars can negotiate and utilize garage parking. Mr. Astorga indicated approval of this modification to his 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 2881 South 625 West, Michael Brock, applicant.**

Michael Brock, 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 currently exists in the home at this location; however, no prior approvals from the City have been given. The applicant has recently purchased the home and wants to make the use legal. The ADU will have two bedrooms, a living space, bathroom and full kitchen.

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. The existing 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 0.40 acres (approximately 17,424 square feet). There will be only one ADU and there will only be one utility connection located at this property. The primary home is 3,300 square feet and the square footage of the ADU is 890 which is less than the 40% standard in the Code.

The ADU is accessed by a walkway on the north side of the home leading to the door on the side of the home. The site plan indicates at least six parking spaces off the street with four spaces in the garage parked tandem. The home will continue to have the appearance of a single-family home and as such should have minimal impact on the neighboring properties.

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 principal 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. There shall be no separate utility service connections.
4. The ADU shall meet all the criteria in 14-14-124 of the City Land Use Ordinance.
5. The Conditional Use Permit is solely for this property and is non-transferable.

Mr. Badham asked for clarification as to whether the garage has open space for four cars to park. Mr. Brock explained that the garage is 38 feet deep and 21 feet wide, and there are no obstructions that would prevent four cars from parking in the garage space.

**PUBLIC HEARING:** Mr. Astorga opened the Public Hearing at 5:26 p.m. Frank Long (572 West 2900 South) asked regarding tenant parking in the garage and tenant access to the

ADU. Mr. Astorga noted that space would be provided for tenant parking in the garage. Mr. Long also inquired regarding potential parking on the private drive located near the Brock home. Mr. Brock noted that prior to his purchase of the home he believes that the ADU had been utilized as a rental, and he wondered when that use was severed. He inquired regarding the difference between an ADU and a duplex. A discussion ensued and the committee outlined several differences. Mr. Astorga noted that the applicant bears the responsibility of proving prior rental use. Sonja Long (572 West 2900 South) explained that she had lived in the neighborhood since 1993 and that the applicant's property was never utilized as a duplex, but the ADU was lived in by the prior owner's daughter and was never advertised as a rental. Ms. Long expressed concern with on-street parking in the area. Karen Rasmussen (2839 South 625 West) expressed her concern with on-street parking and the difficulties involved in navigating the street when cars are parked on the street. As a side note, Ms. Rasmussen also noted the street is in poor condition. The Public Hearing was closed at 5:34 p.m. with no further comment from the public.

Mr. Astorga asked Mr. Brock regarding the management plan for the ADU, specifically in regard to ADU access. Mr. Astorga addressed the question regarding the private drive and noted that he would need information regarding easements to adequately address the issue, and further noted that the applicant is not requesting parking on the public drive. Mr. Astorga explained that the role of the Administrative Committee is to determine compliance with the code. He also explained that parking on the street is generally allowed in the city except during specified winter months. He noted that one of the reasons the code requires the owner to live in one of the units is to manage the parking and address disputes that may arise.

Mr. Badham inquired regarding access to the ADU. Mr. Brock explained his management plan for parking would be to allow one half of the garage for tenant parking and that tenants would have direct access to the ADU through the garage. Mr. Poole expressed his opinion that the ADU meets the spirit of the code and that the unit is accessory to the primary home.

Mr. Clawson made a motion for approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 2881 South 625 West, Michael Brock, applicant. Mr. Astorga seconded the motion.

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

Motion passed 3-0.

**5. Consider approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 144 Oakridge Drive, Kelly and Heather Passey, applicants.**


Mr. Clawson made a motion for approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 144 Oakridge Drive, Kelly and Heather Passey, applicants. Mr. Astorga seconded the motion.

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

Motion passed 3-0.

**6. Miscellaneous business and scheduling.**

Mr. Astorga noted that the number of ADU applications being submitted to the Administrative Committee has increased and asked the committee to consider the possibility of changing meeting dates to twice a month rather than as needed. Mr. Badham expressed concern regarding timely turn around of applications, and Mr. Clawson noted that many ADUs accompany building permits and a quick turn around might be necessary. Mr. Astorga also noted that Mr. Badham had recently been re-appointed for an additional four year term on the committee, and the city was seeking an alternate citizen's representative. Mr. Astorga ascertained there were no further items of business. The meeting was adjourned at 5:54 p.m.

  
\_\_\_\_\_  
Francisco Astorga, Planning Director