

**ADMINISTRATIVE COMMITTEE**  
**Monday, March 16, 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 March 9, 2020.
3. **PUBLIC HEARING:** Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 1968 South Davis Boulevard, Douglas P. Thompson and Yaping Chen, applicants.
4. Consider approval of a Conditional Use Permit, **in written form**, to allow for an Accessory Dwelling Unit at 36 East 1400 South, Ike Bradshaw, applicant.
5. Miscellaneous business and scheduling.



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Francisco Astorga, Planning Director

**Bountiful City  
Administrative Committee Minutes  
March 9, 2020**

**Present:** Chairman – Francisco Astorga; Committee Members – Brad Clawson 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.

**2. Consider approval of minutes for February 24, 2020.**

Mr. Schlegel made a motion to approve the minutes for February 24, 2020. Mr. Clawson seconded the motion.

A        Mr. Astorga  
A        Mr. Clawson  
A        Mr. Schlegel

Motion passed 3-0.

**3. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 36 East 1400 South, Ike Bradshaw, applicant.**

Ike Bradshaw, applicant, and his wife, Maggie, were present.

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

The Applicant, Ike Bradshaw, requests Conditional Use Permit approval to allow for an Accessory Dwelling Unit at 36 East 1400 South. The property is located in the R-4 Single-Family Residential Zone.

The Applicant's property is located in the R-4 Single-Family Residential Zone. In this part of the City there are a number of existing duplexes and recently approved Accessory Dwelling Units (ADU's). The Applicant is requesting approval of an ADU which is proposed as part of a new detached garage construction. There is currently a detached garage located on the property which will be demolished to build the new detached garage. Information submitted by the Applicant shows the proposed ADU will contain one (1) bedroom, a bathroom, kitchen and living space.

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 consists of a single-family dwelling which will be maintained as such by the Applicant. The lot is 0.281 acres (12,214 square feet). There will only be one (1) ADU and there will only be one (1) utility connection located at this property. The Applicant has indicated the residence at this location is 2,046 square feet and further indicated the proposed ADU will be approximately 752 square feet, which will be

approximately 37% of the total residence and will be below the maximum 40% standard in the Code.

The property will meet the parking standard required for approval with the construction of the new two (2) car garage and existing driveway. The entrance to the ADU will be on the west side of the detached garage and will 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 36 East 1400 South 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 residence and shall be subject to a Deed Restriction.
3. There shall be no separate utility service connections.
4. The Applicant shall apply separately for a building permit to be reviewed and inspected by Staff.
5. The ADU shall meet all the standards in 14-14-124 of the City Land Use Code.
6. The Conditional Use Permit is solely for this property and is non-transferable.

Mr. Bradshaw noted his garage will be similar in appearance to a neighbor's garage. Mr. Schlegel inquired regarding setbacks, and Mr. Bradshaw explained that the garage would follow the same basic footprint as the current garage, but setbacks would be modified to meet code. The committee examined the ADU plans as Mr. Bradshaw highlighted specific aspects. Mr. Bradshaw also noted there would be adequate parking for a renter.

**PUBLIC HEARING:** Mr. Astorga opened the Public Hearing at 5:10 p.m. Kathleen Terry (197 East 1400 South) inquired regarding potential renters of the garage apartment and also commented about congested street parking in the area. Mr. Poole explained that the ADU code allows for any person to rent an ADU as long as the property owner lives on site. Ms. Terry noted there are many rentals in the neighborhood. Mr. Poole addressed ADU parking and explained there must be four off-street spaces and that Mr. Bradshaw's project has ample parking. Mr. Bradshaw explained that he would run a background check on any person interested in renting his ADU. The Public Hearing was closed at 5:12 p.m. with no further comment from the public.

Mr. Clawson made a motion to approve a Conditional Use Permit to allow for an Accessory Dwelling Unit at 36 East 1400 South, Ike Bradshaw, applicant, with conditions outlined by staff. Mr. Schlegel seconded the motion.

A Mr. Astorga  
A Mr. Clawson  
A Mr. Schlegel

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

4. **Consider approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 3112 South 950 East, Bryan Spangler, applicant.**

Mr. Schlegel made a motion to approve a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 3112 South 950 East, Bryan Spangler, applicant. Mr. Clawson seconded the motion.

A Mr. Astorga  
A Mr. Clawson  
A Mr. Schlegel

Motion passed 3-0.

5. **Consider approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 3082 South 200 East, Scott Frost, applicant.**

Mr. Schlegel made a motion to approve a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 3082 South 200 East, Scott Frost, applicant. Mr. Clawson seconded the motion.

A Mr. Astorga  
A Mr. Clawson  
A Mr. Schlegel

Motion passed 3-0.

6. **Miscellaneous business and scheduling.**

Mr. Astorga noted the next meeting would be held on March 16<sup>th</sup> and ascertained there were no further items of business. The meeting was adjourned at 5:20 p.m.

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Francisco Astorga, Planning Director

# Administrative Committee Staff Report

**Subject:** PUBLIC HEARING: Conditional Use Permit to allow for an Accessory Dwelling Unit  
**Author:** Curtis Poole, Assistant City Planner  
**Address:** 1968 South Davis Boulevard  
**Date:** March 16, 2020



## Description of Request:

The Applicants, Douglas Thompson and Yaping Chen, request Conditional Use Permit approval to allow for an Accessory Dwelling Unit at 1968 South Davis Boulevard. The property is located in the R-4 Single-Family Residential Zone.

## Background and Analysis:

The Applicants are requesting approval of an existing Accessory Dwelling Unit (ADU). According to the Applicants, they have been renting part of their home unaware of amendments made to the Bountiful City Code. Information submitted show the ADU is located in the basement and contains two (2) bedrooms, a bathroom, kitchen and living space. The Applicants will live in the ADU and rent out the principal unit (upper portion) of the residence.

The Applicants appeared before the Administrative Committee on January 20, 2020. The Committee decided to continue this item to a future meeting to provide Staff an opportunity to inspect the proposed ADU. Staff visited the property and found the utility, laundry and storage area to be an open unfinished space. It was determined by Staff this space would not count for either the ADU or the square footage total of the home itself per the definition of floor area.

Revised measurements of the square footage of the home and the ADU provided by the Applicants and checked by Staff show the home is 2,520 square feet. The unfinished utility, laundry and storage space is 355 square feet. This would reduce the total square footage of the home to 2,165 square feet. The square footage of the ADU provided by the Applicants is 876 square feet which is 40% of the total home square footage meeting the standard of the Code.

As a reminder to the Committee, the property is located in the R-4 Single-Family Residential Zone and consists of an existing single-family dwelling which will be maintained as such by the Applicants. The lot is 0.201 acres (8,756 square feet). There will only be one (1) ADU and there will only be one (1) utility connection located at this property. The property will meet the parking standard required for approval. The entrance to the ADU will either be through the front door or a door located at the back of the home, 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.

## Recommended Action

Staff recommends the Administrative Committee approve the Conditional Use Permit to allow for an Accessory Dwelling Unit at 1968 South Davis Boulevard based upon the information submitted by the Applicants and 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.

## Attachments

1. Aerial Photo
2. Bountiful Land Use Ordinance
3. Site Plan
4. Application submitted

### Aerial Photo



## Bountiful Land Use Ordinance

### 14-14-124 ACCESSORY DWELLING UNIT

- A. *Purpose: The city recognizes that accessory dwelling units (ADUs) in single-family residential zones can be an important tool in the overall housing plan for the city. The purposes of the ADU standards of this code are to:*
1. *Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;*
  2. *Provide for affordable housing opportunities;*
  3. *Make housing units available to moderate income people who might otherwise have difficulty finding homes within the city;*
  4. *Provide opportunities for additional income to offset rising housing costs;*
  5. *Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle; and*
  6. *Preserve the character of single-family neighborhoods by providing standards governing development of ADUs.*
- B. *An accessory dwelling unit shall only be approved as a conditional use.*
- C. *An accessory dwelling unit shall not be approved, and shall be deemed unlawful, unless it meets all of the following criteria:*
1. *An accessory dwelling unit shall be conditionally permitted only within a single-family residential zone, and shall not be permitted in any other 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.*
  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.*
  4. *A maximum of one (1) accessory dwelling unit shall be permitted as a conditional use on any lot or parcel in a single-family zone.*
  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.*
  6. *A deed restriction limiting the use of a property to a single-family use, prepared and signed by the Bountiful City Planning Director and 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.*
  7. *The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU, but not both, as their permanent residence and at no time receive rent for the owner occupied unit. Application for an ADU shall include proof of owner occupancy as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means.*

8. *Separate utility meters shall not be permitted for the accessory dwelling unit.*
9. *Any property and any structure that contains an approved accessory dwelling unit shall be designed and maintained in such a manner that the property maintains the appearance of a single-family residential use. A separate entrance to the ADU shall not be allowed on the front or corner lot side yard. Any separate entrance shall be located to the side or rear of the principal residence.*
10. *It is unlawful to construct an accessory dwelling unit, or to modify a structure to include an accessory dwelling unit, without a building permit and a conditional use permit.*
11. *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 no case shall fewer than four (4) total off street parking spaces be provided with at least 2 of the spaces provided in a garage. Any additional occupant vehicles shall be parked off-street in City Code compliant parking areas.*

D. *An attached accessory dwelling unit shall be deemed unlawful and shall not be occupied unless all of the following criteria are met:*

1. *Shall not occupy more than forty percent (40%) of the total floor area square footage of the primary dwelling structure,*
2. *Shall not exceed ten percent (10%) of the buildable land of the lot,*
3. *Shall be at least three hundred fifty (350) sq ft in size,*
4. *Shall meet all of the requirements of the International Building Code relating to dwelling units,*
5. *An attached accessory dwelling unit shall meet all of the required setbacks for a primary dwelling.*
6. *Shall not have a room used for sleeping smaller than one hundred twenty (120) square feet, exclusive of any closet or other space,*

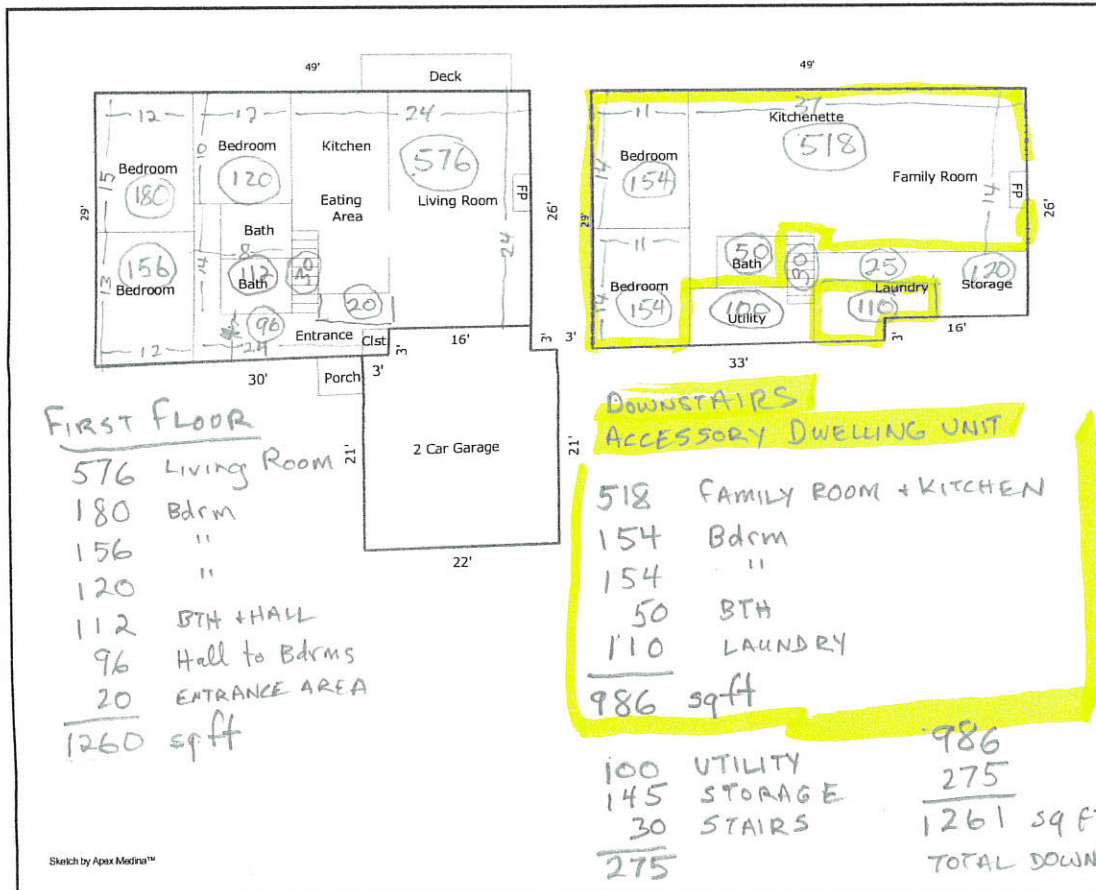
E. *A detached accessory dwelling unit shall meet all of the above criteria, plus the following:*

1. *Shall require a conditional use permit, reviewed and approved by the Bountiful City Administrative Committee.*
2. *Shall not be located on a lot with less than eight thousand (8,000) square feet buildable land.*
3. *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.*
4. *Shall meet all of the setbacks required of a detached accessory structure requiring a conditional use permit.*



### Building Sketch

Borrower/Client	Thompson, Douglas P			
Property Address	1968 S Davis Blvd			
City	Bountiful	County	Davis	State UT Zip Code 84010
Lender	Provident Funding Associates			



Comments:

AREA CALCULATIONS SUMMARY				LIVING AREA BREAKDOWN		
Code	Description	Net Size	Net Totals	Breakdown		Subtotals
GLA1	First Floor	1373.0	1373.0	First Floor		1274.0
BSMT	Basement	1373.0	1373.0	49.0 x	26.0	99.0
GAR	Garage	510.0	510.0	3.0 x	33.0	
		1260				
		1261				
		<hr/>				
		2521				
		x.4				
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		1008				
Net LIVABLE Area		(rounded)	1373	2 Items	(rounded)	1373





## Conditional Use Permit

A public hearing was held on March 9, 2020 at Bountiful City Offices to consider the request of Ike Bradshaw for a Conditional Use Permit allowing an Accessory Dwelling at 36 East 1400 South, 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 residence and shall be subject to a Deed Restriction.
3. There shall be no separate utility service connections.
4. The Applicant shall apply separately for a building permit to be reviewed and inspected by Staff.
5. The ADU shall meet all the standards in 14-14-124 of the City Land Use Code.
6. The Conditional Use Permit is solely for this property and is non-transferable.

The Conditional Use Permit was approved on March 9, 2020, and this written form was approved this 16<sup>th</sup> day of March, 2020.

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Francisco Astorga  
Planning Director

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ATTEST: Julie Holmgren  
Recording Secretary