

**Bountiful City
Administrative Committee Minutes
December 10, 2018**

Present: Chairman – Chad Wilkinson; Committee Members – Brad Clawson and Dave Badham; Assistant Planner – Curtis Poole; Recording Secretary – Julie Holmgren

1. Welcome and Introductions.

Chairman Wilkinson opened the meeting at 5:02 p.m. and introduced all present.

2. Consider approval of minutes for November 19, 2018.

Mr. Badham made a motion for approval of the minutes for November 19, 2018. Mr. Clawson seconded the motion.

A Mr. Wilkinson
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 3273 South 200 West, Ann Marie W. Birkholz, applicant.

The applicant, Ann Marie W. Birkholz, was not present, but the committee determined to move forward with the agenda item.

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

The applicant is requesting approval of an Accessory Dwelling Unit in the basement of her home. The unit currently contains a full kitchen, bathroom, a living space and two bedrooms. The plans show there is an external entry to the Accessory Dwelling Unit which can be accessed from the rear of the home and through the garage.

According to City Code, 14-4-124, a Conditional Use Permit for Accessory Dwelling Units (ADU) is required and applicants shall meet all standards of the Code. The plans submitted by the applicant show the 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. There will be only one ADU and there is only one utility connection located at this property. The ADU is 943 square feet of the 2,465 square foot total living area at this residence, which is less than the 40% standard in the Code. The primary structure meets all of the setback and lot building square footage requirements. The applicant will meet the minimum parking standard in the Code, requiring at least four parking spaces and at least 2 will be in the existing garage. The driveway to the south of the property was added before the home was annexed into the city and represents a legal non-conforming use. As the ADU can be accessed from the interior of the exiting home (through the garage), or through the rear entrance, it will continue the

appearance of a single-family dwelling and should continue to 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 structure.
2. The entrance to the ADU must be located on the side or rear of the home and not facing the street in order to maintain the appearance of a single-family home.
3. The property is to be used only as a single-family use and shall be subject to a deed restriction.
4. There will be no separate utility service connections
5. The ADU shall meet all the criteria in 14-14-124 of the city Land Use Ordinance
6. The Conditional Use Permit is solely for this property and is non-transferable.

Mr. Badham inquired regarding the driveway located to the south of the property, and Mr. Wilkinson noted that it was added before the home was annexed into the city and represents a legal non-conforming use. A discussion ensued regarding the possibility that the driveway was merely a parking pad during the annexation period, and Mr. Wilkinson explained that staff had researched the driveway issue and had determined, to the best of their ability, that it was legal non-conforming. Mr. Wilkinson noted that the city is currently investigating another driveway in the same neighborhood that is not legal non-conforming.

PUBLIC HEARING: Mr. Wilkinson opened and closed the Public Hearing at 5:15 p.m. with no comments from the public.

Mr. Badham inquired regarding the logistics of the ADU. Mr. Poole explained that the ADU has interior access from a stairway in the garage and exterior access from a sidewalk in the rear of the property and that the ADU is connected to the main home. Mr. Badham inquired regarding the total living area square footage for the ADU. A discussion ensued regarding whether the ADU living area met the standard of less than the 40% as required in the Code, and Mr. Wilkinson expressed his confidence that the ADU in question does comply.

Mr. Clawson made a motion to approve a Conditional Use Permit to allow for an Accessory Dwelling Unit at 3273 South 200 West, Ann Marie W. Birkholz, applicant. Mr. Badham seconded the motion.

 A Mr. Wilkinson
 A Mr. Clawson
 A Mr. Badham

Motion passed 3-0.

4. **Consider approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 114 West 3300 South, Marco and Melynda Geronimo, applicants.**

Mr. Badham clarified that a building permit for the project will not be issued until the Geronimos comply with the conditions listed in the Conditional Use Permit and that this approval is merely an approval of the written form, and Mr. Wilkinson noted that was the case. Mr. Badham made a motion to approve of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 114 West 3300 South, Marco and Melynda Geronimo, applicants. Mr. Clawson seconded the motion.

A Mr. Wilkinson
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 2008 Browns Park Drive (1200 East), John Norman, Jr., applicant.**

Mr. Badham made a motion to approve a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 2008 Browns Park Drive (1200 East), John Norman, Jr., applicant. Mr. Clawson seconded the motion.

A Mr. Wilkinson
A Mr. Clawson
A Mr. Badham

Motion passed 3-0.

6. **Miscellaneous business and scheduling.**

Regarding the Birkholz ADU, Mr. Wilkinson noted that because of the way Ms. Birkholz adjusted the ADU living area, he felt it was a good indicator that Ms. Birkholz planned to use certain areas of the basement for herself and not as part of the ADU. Mr. Clawson inquired regarding ADU access, and Mr. Wilkinson explained that the preference is to have a door between units. Mr. Wilkinson further explained that furnace or mechanical rooms are always considered as part of the main home footage. Mr. Badham explained that he is not completely in favor of the recent ordinance change. Mr. Badham expressed an opinion, in his capacity as the committee member representing the citizens of Bountiful, that there currently exists a general disapproval of ADUs in the community. Mr. Poole pointed out that another resident in the Birkholz neighborhood applied for an ADU, but that application was put on hold until the parking pad was in compliance.

Mr. Wilkinson ascertained there were no further items of business. The meeting was adjourned at 5:21 p.m.



Chad Wilkinson, City Planner