

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

Present: Chairman – Chad Wilkinson; Committee Members – Lloyd Cheney and Beth Holbrook; Assistant Planner – Curtis Poole; Recording Secretary – Julie Holmgren

1. Welcome and Introductions.

Chairman Wilkinson opened the meeting at 5:00 p.m. and introduced all present. [Ms. Holbrook was delayed and arrived at the meeting at 5:08 p.m. – after agenda item #3.]

2. Consider approval of minutes for August 27, 2018.

Mr. Cheney made a motion for approval of the minutes for August 27, 2018. Mr. Wilkinson seconded the motion.

 A Mr. Wilkinson
 A Mr. Cheney

Motion passed 2-0.

3. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 603 North 1200 East, Nate Wheatley, applicant.

Nate Wheatley, applicant, was present. Mrs. Steph Wheatley and Scott Martineau (contractor) were also present.

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

The applicant is proposing a separate unit for the purpose of providing a living area for their parents. Plans submitted show a separate entrance which will not give this home the appearance of a duplex. The unit will contain a full kitchen, bathroom, a living space and bedroom. The plans also show that there can be an internal connection between the primary living area and this unit.

According to City Code, 14-4-124, a Conditional Use Permit for Accessory Dwelling Units (ADU) is required to meet all of the criteria listed in the Code. The plans submitted by the applicants show the home is located in the R-3 Single Family Residential zone and the existing home is a single family dwelling and will be maintained as such by the applicant. This will be the only ADU located on this property. The ADU is for the purpose of providing living space for their parents. There will only be one utility connection located at this property. The ADU will not exceed 25% of the primary dwelling square footage, and meets all of the setback and lot building square footage requirements. The lot is 1.461 acres and should have minimal impact on the neighboring properties.

Based upon the above findings, staff has determined that 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 accessory dwelling unit 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. Occupants of the Accessory Dwelling Unit shall be limited to: Legal dependents, children, parents, siblings, grandchildren, or grandparents of the primary occupant.
5. There will be no separate utility service connections.
6. The ADU shall meet all the criteria in 14-14-124 of the city Ordinance
7. The Conditional Use Permit is solely for this property and is non-transferable.

Mr. Poole noted the deed restriction had been signed and recorded. Mr. Wheatley stated that he will comply with the conditions outlined, and that his parents will be living in the ADU.

PUBLIC HEARING: Mr. Wilkinson opened the Public Hearing at 5:05 p.m. Sharon and Curtis Teel (1147 East 600 North), who live in a nearby home, welcomed the Wheatleys to the neighborhood and stated they enjoy the green space and nature between their property and the Wheatley's. They also stated they enjoy the quiet nature of the area. Mr. Wheatley shared that his plans include leaving most of the green space as is. The public hearing was closed at 5:07 p.m.

Mr. Wilkinson explained that the City Council is considering a modification of the code to allow non-relatives to occupy an ADU, and if that occurs the applicant will be informed in writing of the change.

Mr. Cheney made a motion for approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 603 North 1200 East, Nate Wheatley, applicant. Mr. Wilkinson seconded the motion.

 A Mr. Wilkinson
 A Mr. Cheney
_____ Ms. Holbrook (abstain)

Motion passed 2-0. [Ms. Holbrook arrived after discussion of agenda item #3 and, hence, abstained from voting.]

4. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 1581 Stone Hollow Drive, William Low, applicant.

William Low, applicant, was present. Contractors Jose Medina and Brandon Quinton were also present.

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

The applicant is proposing a separate living unit as part of their new home construction. Plans submitted show a separate entrance which will not give this home the appearance of a duplex. The unit will contain a full kitchen, bathroom, a living space, bedroom and deck. The plans also show that there can be an internal connection between the primary living area and this unit.

According to City Code, 14-4-124, a Conditional Use Permit for Accessory Dwelling Units (ADU) is required to meet all of the criteria listed in the Code. The plans submitted by the applicants show the proposed home is located in the R-F Single Family Residential zone and is a single family dwelling and will be maintained as such by the applicants. This will be the only ADU located on this property. There will only be one utility connection located at this property. The ADU will not exceed 25% of the primary dwelling square footage, and meets all of the setback and lot building square footage requirements. The construction of the proposed home and ADU is contingent on the approval of a variance by the Planning Commission for encroachments on slopes greater than 30 percent and cuts and fills and retaining walls greater than 10 feet in height. The lot is 19.060 acres and should have minimal impact on the neighboring properties.

Based upon the above findings, staff has determined that 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 accessory dwelling unit 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. Occupants of the Accessory Dwelling Unit shall be limited to: Legal dependents, children, parents, siblings, grandchildren, or grandparents of the primary occupant.
5. There will be no separate utility service connections
6. The ADU shall meet all the criteria in 14-14-124 of the city Ordinance
7. The Conditional Use Permit is solely for this property and is non-transferable.
8. The Conditional Use Permit is contingent on the approval of a variance for encroachments into slopes greater than 30 percent and cuts and fills and retaining walls greater than 10 feet in height.

Mr. Poole noted that a deed restriction has been prepared, but it is contingent on approval of a variance. Mr. Low noted it is his intent to be in the home for a long time and the ADU would be used for family members who may need to live there.

PUBLIC HEARING: Mr. Wilkinson opened and closed the Public Hearing at 5:12 p.m. with no comments from the public.

Mr. Wilkinson reiterated that the City Council is considering a change to the code which would allow non-relatives to reside in an ADU. Mr. Low inquired if a caregiver might be allowed to live in the ADU in the future. Mr. Wilkinson stated that would be allowed if the City Council modifies the code. Mr. Wilkinson also stressed that this CUP is contingent on

approval of Mr. Low’s variance application with the Planning Commission. Mr. Cheney noted that the city had received an inquiry from a neighbor regarding this item – the neighbor was not against the item but was simply curious.

Mr. Cheney made a motion for approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 1581 Stone Hollow Drive, William Low, applicant. Ms. Holbrook seconded the motion.

A Mr. Wilkinson
A Mr. Cheney
A Ms. Holbrook

Motion passed 3-0.

- 5. Consider approval of a Conditional Use Permit, in written form, for improvements to an existing building in conjunction with a proposed private school use at 95 North Main Street for Liberty Hills Academy, Jill Thompson, applicant.**

Mr. Cheney made a motion for approval of a Conditional Use Permit, in written form, for improvements to an existing building in conjunction with a proposed private school use at 95 North Main Street for Liberty Hills Academy, Jill Thompson, applicant. Mr. Wilkinson seconded the motion.

A Mr. Wilkinson
A Mr. Cheney
A Ms. Holbrook

Motion passed 3-0.

- 6. Consider approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 155 East 400 South, Curt and Teri Stock, applicants.**


Mr. Cheney made a motion for approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 155 East 400 South, Curt and Teri Stock, applicants. Ms. Holbrook seconded the motion.

A Mr. Wilkinson
A Mr. Cheney
A Ms. Holbrook

Motion passed 3-0.

7. Miscellaneous business and scheduling.

Mr. Wilkinson ascertained there were no further items of business. The meeting was adjourned at 5:16 p.m.



Chad Wilkinson, City Planner