

# ADMINISTRATIVE COMMITTEE


**Monday, May 21, 2018**

**5:00 p.m.**

NOTICE IS HEREBY GIVEN that the Bountiful City Administrative Committee will hold its regular meeting in the Conference Room at City Hall, 790 South 100 East, 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 April 16, 2018.
3. **PUBLIC HEARING:** Consider approval of a Conditional Use Permit to allow for a Home Occupation Contractor Business at 240 West 400 North, Shawn Dee Petersen, applicant.
4. Consider approval of a Conditional Use Permit, in written form, to allow for a Home Occupation Contractor Business at 763 Park Shadows Circle, Dana Gray, applicant.
5. Miscellaneous business and scheduling.



Chad Wilkinson, City Planner

**Bountiful City  
Administrative Committee Minutes  
April 16, 2018**

**Present:** Chairman – Chad Wilkinson; Committee Members – Lloyd Cheney and Dave Badham; Assistant Planner – Kendal Black; 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 March 26, 2018.**

Mr. Cheney made a motion for approval of the minutes for March 26, 2018. Mr. Wilkinson seconded the motion.

|              |                        |
|--------------|------------------------|
| <u>  A  </u> | Mr. Wilkinson          |
| <u>  A  </u> | Mr. Cheney             |
| —            | Mr. Badham (abstained) |

Motion passed 2-0.

**3. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for a Home Occupation Contractor Business at 763 Park Shadows Circle, Dana Gray, applicant.**

Dana Gray, applicant, was present.

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

The property where the Home Occupation Business is proposed is located in the RM-13 Single Family Zone. Home Occupation Contractor Businesses in this zone are classified in the City Ordinance as requiring a Conditional Use Permit.

The application submitted indicates that the property will be used for the office of a construction business. The applicant indicated that a work vehicle will be parked in the garage of the home. The applicant has indicated that all tools and a trailer for the business will be located at an off-site storage facility. The applicant has indicated that roughly 108 square feet, approximately 7%, of the home will be used for the business. The total area of the business inside the home will not exceed 300 square feet. The applicant has acknowledged that there will be no signage or advertising the business on site. The applicant has indicated that there will be no other employees involved in the business working at the home. The use appears to be incidental and secondary to the use of the dwelling and shall not change the appearance, character, or condition of the property.

Based on the findings, staff has determined that the applicant would comply with all

**Pending minutes have not yet been approved by the Administrative Committee and are subject to change until final approval has been made.**

requirements for the conditional use permit. Staff recommends approval of the Conditional Use Permit with the following conditions:

1. The applicant shall maintain an active Bountiful City business license.
2. The Home Occupation will not create nuisances discernible beyond the premises (e.g. noise, dust, fumes, glare, traffic, etc.).
3. No work, other than office related operations, will be performed at this site.
4. The use will comply with all applicable fire, building, plumbing, electrical, and life safety and health codes in the State of Utah, Davis County, and Bountiful City.
5. The Conditional Use Permit is solely for this site and is non-transferrable.
6. The garage shall not be used for storage of construction materials, associated with the Home Occupation.

**PUBLIC HEARING:** Mr. Wilkinson opened and closed the public hearing at 5:05 p.m. with no comments from the public.

Mr. Wilkinson inquired regarding ownership of the property. Mr. Gray indicated that it is owned by a trust for which he is a trustee. Mr. Gray also explained that he serves as president of the Park Shadows homeowners association and has determined his business complies with their regulations. Mr. Badham inquired regarding the type of contractor business, and Mr. Gray indicated he is a handyman. Mr. Badham inquired regarding the use of the garage for storage. Mr. Black explained that the code allows for a certain percentage of the property to be utilized for the business. Mr. Gray noted that he will be utilizing off-site storage. Mr. Wilkinson added that the city code prohibits the exclusive use of a garage for a business.

Mr. Cheney made a motion for approval of a Conditional Use Permit to allow for a Home Occupation Contractor Business at 763 Park Shadows Circle, Dana Gray, applicant. Mr. Badham seconded the motion.

  A     Mr. Wilkinson  
  A     Mr. Cheney  
  A     Mr. Badham

Motion passed 3-0.

4. **Consider approval of a Conditional Use Permit, in written form, to allow for a Home Occupation Contractor Business at 449 West 3100 South, Kent Gines, applicant.**

Mr. Wilkinson explained that on April 16, 2018 Mr. Black completed an inspection regarding one of the conditions of the conditional use permit which required Mr. Gines to remove a dumpster situated on the property by a deadline of April 9, 2018. The inspection revealed that the dumpster was still situated on the property. Mr. Wilkinson explained that approval of the written form of the conditional use permit is simply approval of the decision which outlined the conditions. A written decision needs to be approved so that, if necessary, appeal rights may begin. He further explained that the city may pursue revocation of Mr. Gines' business license if the dumpster is not removed.

**Pending minutes have not yet been approved by the Administrative Committee and are subject to change until final approval has been made.**

Mr. Cheney made a motion for approval of a Conditional Use Permit, in written form, to allow for a Home Occupation Contractor Business at 449 West 3100 South, Kent Gines, applicant. Mr. Cheney seconded the motion.

A Mr. Wilkinson  
A Mr. Cheney  
A Mr. Badham

Motion passed 3-0.

**5. Miscellaneous business and scheduling.**

Mr. Wilkinson ascertained there were no further items of business. The meeting was adjourned at 5:10 p.m.

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Chad Wilkinson, City Planner



MAYOR  
RANDY LEWIS

CITY COUNCIL  
RICHARD HIGGINSON  
BETH HOLBROOK  
JOHN M. (MARC) KNIGHT  
KENDALYN HARRIS  
CHRIS R. SIMONSEN

CITY MANAGER  
GARY R. HILL

## Memo

Date: May 14, 2018  
To: Administrative Committee  
From: Browne Sebright, Assistant Planner  
Re: Staff Report for the Administrative Committee Meeting on Monday, March 26, 2018

## Overview

3. **PUBLIC HEARING** - Consider approval of a Conditional Use Permit to allow for a Home Occupation Contractor Business at 240 W 400 N, Shawn Petersen, applicant.

### Background

The property where the Home Occupation Business is proposed is located in the RM-13 Multiple Family Zone. Home Occupation Contractor Businesses in this zone are classified in the City Ordinance as requiring a Conditional Use Permit.

### Findings

The application submitted indicates that the property will be used for the office of a construction business. The applicant has indicated that he will use one personal truck for the business which will be parked on the driveway behind the home. The applicant has indicated that the home and yard tools for the business will be located in the shed in the back yard of the property. The shed is approximately 250 sq ft in size. The applicant has indicated that one 180 sq ft room in the basement of the home will be used as a small office for the applicant. The applicant has acknowledged that there will be no signage advertising the business on site. The use appears to be incidental and secondary to the use of the dwelling and shall not change the appearance, character, or condition of the property.

On a site visit to the property, staff observed several vehicles parked on unpaved surfaces in the rear yard of the home. Parking vehicles on unpaved surfaces is a Code violation in Bountiful City. The applicant was notified on this violation on May 14, 2018.

### Staff Recommendation

Based on the 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 applicant shall maintain an active Bountiful City business license.

2. The Home Occupation will not create nuisances discernible beyond the premises (e.g. noise, dust, fumes, glare, traffic, etc.).
3. No work, other than office related operations, will be performed at this site.
4. The use will comply with all applicable fire, building, plumbing, electrical, and life safety and health codes in the State of Utah, Davis County, and Bountiful City.
5. The Conditional Use Permit is solely for this site and is non-transferable.
6. The vehicles parked on unpaved surfaces must be moved to compliant locations prior to issuance of a business license.

## **Bountiful Land Use Ordinance**

### **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 discernible 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 Ordinance 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 Ordinance as it may be amended from time to time.

## 240 W 400 N





|                     |         |
|---------------------|---------|
| For Office Use Only |         |
| Date Rec'd          | _____   |
| Application Fee     | \$50.00 |
| Zone                | _____   |

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

Date of Submittal: 05/09/2018

Property Address: 240 West 400 North Bountiful,

Applicant Name: Shawn Dee Petersen

Applicant Address: 240 West 400 No. Bountiful, Ut

Applicant Phone #: 801-292-0629 Ce

Applicant E-Mail: Shawndepetersen1@gmail.com

Authorization (Owner Signature): Shawn Petersen

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

**Project Name and Description:** A.O.K. Handyman  
Home (small) repairs and yard  
service

**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? Home and yard tools and repair equipment. Equipment will be stored in shed or trailer.
- Will you use any vehicles for the business? If so, please indicate on your site plan where the vehicle(s) will be parked. One Personal Truck
- How much of the home will be used for the business (percentage)? Please note that area on your site plan. One room - located in basement for office and shed on 50x40 = 2000 sq feet of land
- Are there any employees (besides those living at the home) who will be involved in the business? No

Sited 13x17  
Office 12x15



The application must be signed and notarized by each property owner or authorized agent(s).

### Property Owners Affidavit

I (we) Shirl R. & John T. Petersen, being first duly sworn, depose and say that I (we) am (are) the current owner(s) of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my (our) personal knowledge.

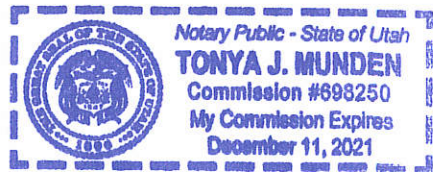
Shirl R. Petersen  
Owner's Signature

John T. Petersen  
Owner's Signature (co-owner if any)

State of Utah )  
County of Davis )

Subscribed and sworn to before me this 9th day of May, 2018.

Notary Public: Tonya J. Munden



### Agent Authorization

I (we), \_\_\_\_\_, the owner(s) of the real property located at \_\_\_\_\_, in Bountiful City, Utah, do hereby appoint \_\_\_\_\_, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize the aforementioned agent to appear on my (our) behalf before any City board or commission considering this application.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Owner's Signature (co-owner if any)

State of Utah )  
County of Davis )







On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me \_\_\_\_\_ the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.

Notary Public: \_\_\_\_\_

# Untitled Map

Write a description for your map.

## Legend

-  240 W 400 N
-  city limits bountiful
-  Feature 1
-  Feature 2
-  Feature 3
-  parcels





**Bountiful City, Utah  
Conditional Use Permit**

RANDY C. LEWIS  
MAYOR

CITY COUNCIL  
Kendalyn Harris  
Richard Higginson  
Beth Holbrook  
John Marc Knight  
Chris R. Simonsen

CITY MANAGER  
Gary R. Hill

A public hearing was held on April 16, 2018, at Bountiful City Hall to consider the request of Dana Gray, for a Conditional Use Permit allowing a Home Occupation Contractor Business at the following location:

**763 North Park Shadows Circle, Bountiful City, Davis County, Utah**

**ALL OF UNIT 34, BLDG 15, PARK SHADOWS CONDO PHASE 2.**

**Parcel 03-164-0034**

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 to operate a contractor business meets the letter and the intent of the specific requirements in §14-17 et seq. (Conditional Use Permit provisions) of the Bountiful City Land Use Ordinance.

The Bountiful City Administrative Committee hereby grants this Conditional Use Permit for Dana Gray to operate a contractor business located at 763 North Park Shadows Circle, in Bountiful, Davis County, Utah, with the following conditions:

1. The applicant shall maintain an active Bountiful City business license.
2. The Home Occupation will not create nuisances discernible beyond the premises (e.g. noise, dust, fumes, glare, traffic, etc.).
3. No work, other than office related operations, will be performed at this site.
4. The use will comply with all applicable fire, building, plumbing, electrical, and life safety and health codes in the State of Utah, Davis County, and Bountiful City.
5. The Conditional Use Permit is solely for this site and is non-transferable.
6. The garage shall not be used for storage of construction materials associated with the Home Occupation.

The Conditional Use Permit was approved on April 16, 2018, and this written form was approved this 21<sup>st</sup> day of May, 2018.

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Chad Wilkinson  
Planning Director

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ATTEST: Julie Holmgren  
Recording Secretary