

**Bountiful City
Administrative Committee Minutes
January 20, 2020**

Present: Chairman – Francisco Astorga; Committee Members – Brad Clawson and Dave Badham; New Committee Member – Scott Schlegel; Assistant Planner – Curtis Poole; Recording Secretary – Julie Holmgren

1. Welcome and Introductions.

Chairman Astorga opened the meeting at 5:01 p.m. and introduced all present. Mr. Astorga noted the attendance of new Administrative Committee member Scott Schlegel, who will serve as a citizens’ representative. Shawna Andrus, Bountiful City Recorder, swore in Mr. Schlegel as a member of the committee. Mr. Astorga explained that Mr. Schlegel would be observing the January 20, 2020 meeting but would not be voting.

2. Consider approval of minutes for January 13, 2020.

Mr. Badham made a motion to approve the minutes for January 13, 2020. Mr. Clawson seconded the motion.

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

Motion passed 3-0.

3. PUBLIC HEARING: Consider approval of Conditional Use Permit to allow for an Accessory Dwelling Unit at 1968 South Davis Boulevard, Douglas P. Thompson and Yaping Chen, applicants.

Douglas P. Thompson, applicant, was present.

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

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.

The Applicants are requesting approval of an existing Accessory Dwelling Unit (ADU). The Applicants 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 upper portion of the home, which include the storage and laundry rooms in the basement.

According to City Code, 14-4-124, a Conditional Use Permit for an ADU is required and the Applicants shall meet all standards of the Code for approval. 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 home is 2,746 square feet and the ADU is approximately 1,035 square feet, which is approximately 37% of the total home are and below the maximum 40% standard in the Code.

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.

Staff recommends the Administrative Committee approve the Conditional Use Permit to allow for an Accessory Dwelling Unit at 1968 South Davis Boulevard 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.

Mr. Thompson expressed his willingness to comply with the conditions.

PUBLIC HEARING: Mr. Astorga opened the Public Hearing at 5:07 p.m. Mr. Mike Rapp (1954 South Davis Boulevard) inquired regarding property rental. Mr. Astorga referenced the definition of Accessory Dwelling Unit from the code: “A self-contained dwelling unit within an owner occupied single-family residence or located on an owner occupied property that is either incorporated within the single-family residence or in a detached building which maintains complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation including a separate kitchen and/or laundry facilities.” He summarized that the code allows the home to be divided as long as the owner lives on site; the code does not specify whether the owner should live in the primary unit or the ADU. Ms. Ginger Rapp (1954 South Davis Boulevard) explained that several homes on her street had renters in a portion of the home and questioned their compliance with code, and Mr. Astorga suggested that specific matter be discussed after the meeting and noted that the Planning Department responds to those types of issues on a citizen-complaint basis. The Public Hearing was closed at 5:13 p.m. with no further comment from the public.

Mr. Badham questioned the square footage of the ADU for Mr. Thompson’s project. Mr. Poole explained that livable space is included in the 40% total floor area condition and that the utility room does not constitute livable space. Mr. Badham added that the stairway would also be non-livable space. Mr. Poole noted that the storage and the laundry area were not included as part of the ADU unit. Mr. Thompson noted that the ADU occupants will do their

laundry off-site, but in the past they have utilized the laundry room. Mr. Badham queried if ADU occupants use the home laundry room, does it become a shareable area? He wondered if the square footage included for the ADU was verified by staff and was compliant with the code. Mr. Poole explained that the home's square footage is verifiable with the County. Mr. Badham also inquired regarding the property's parking situation. The drive approach was measure via a Google image and was determined to be standard width. Mr. Poole noted that the code does not address driveway size or manipulation of vehicles in the driveway. A discussion ensued regarding the technicalities of moving vehicles in and out of the designated parking area. Mr. Thompson explained that the Google image being examined by the committee was out of date and a bush had been removed from the driveway area and the width had been extended. He noted that there is free movement from the garage for two cars. Mr. Thompson explained that the laundry room was not included in the ADU floor plan because he and his wife utilize it. He also explained that the storage area is shared by both units. Mr. Poole explained that calculations show the square footage of the ADU occupies 37% of the total floor area. Mr. Astorga noted he was not concerned with the driveway situation, but he questioned the laundry area usage. Mr. Clawson inquired regarding the entrance to the ADU and separation of access. Mr. Astorga read the definition of floor area from the code: "The sum of the areas of one or several floors of a building, including areas used for human occupancy in basements, attics and penthouses, as measured from the exterior face of walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the principal building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts." Mr. Astorga noted that the code does not give much guidance regarding ADU usage of laundry and storage. A discussion ensued regarding renter's usage of the laundry area. Mr. Astorga inquired regarding renter's usage of the storage area and if that should be included with the ADU. He asked Mr. Thompson if he already had a tenant, and Mr. Thompson explained that he had a tenant currently living in the primary unit. Mr. Badham inquired regarding the entrance to the ADU, and Mr. Thompson explained that the entrance was in the back of the home. Mr. Astorga expressed concern regarding the laundry room and if it should be included as part of the ADU.

Mr. Astorga made a motion to continue consideration of 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, pending inspection by staff of the applicant's laundry room. Mr. Badham seconded the motion to continue the item.

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

Motion to continue passed 3-0.

- 4. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for a Home Occupation Contractor Business at 374 East 1650 South, Gerald Deters, applicant.**

Gerald Deters, applicant, was present.

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

The Applicant, Gerald Deters, requests Conditional Use Permit approval to allow for a Home Occupation Contractor Business located at 374 East 1650 South. The property is located within the R-4 Single Family Residential Zone.

The Applicant operates a home remodel and repair business, Works by Gunther. The Applicant indicates he will be the only employee of the business and there will be one vehicle parked at the residence involved in the business. All of the Applicant's tools and supplies will be located in a storage unit in North Salt Lake. The Applicant has indicated no part of the home will be used in connection with the business; however, Bountiful City Code will allow up to 300 square feet of the home to be used for the business. Based upon the information submitted by the Applicant the residence will continue to have the appearance of a single-family dwelling and will not adversely affect the surrounding neighborhood.

Staff recommends the Administrative Committee approve the Conditional Use Permit to allow for a Home Occupation Contractor Business at 374 East 1650 South, subject to 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., dust, odors, noxious fumes, glare, traffic, outdoor storage, etc.)
3. The use will comply with all the applicable fire, building, plumbing electrical and life safety and health codes in the State of Utah, Davis County and Bountiful City.
4. Any signage connected with the business shall meet the standards of the sign ordinance and receive approval through a separate permit.
5. The Conditional Use Permit is solely for this site and in non-transferable.

Mr. Badham stressed that the home occupation business should not be obvious to neighbors.

PUBLIC HEARING: Mr. Astorga opened and closed the Public Hearing at 5:35 p.m. with no comment from the public.

Mr. Badham made a motion to approve a Conditional Use Permit to allow for a Home Occupation Contractor Business at 374 East 1650 South, Gerald Deters, applicant. Mr. Clawson seconded the motion.

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

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

5. Consider approval of Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 175 East 200 South, Tonya Hardy, applicant.

Mr. Clawson made a motion to approve a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 175 East 200 South, Tonya Hardy, applicant. Mr. Badham seconded the motion.

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

Motion passed 3-0.

6. Consider approval of a Conditional Use Permit, in written form, to allow for a Temporary Sales Office Trailer at 2399 South Main, Applied Media Inc., applicant.

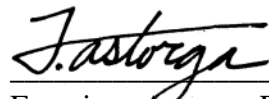
Mr. Badham made a motion to approve a Conditional Use Permit, in written form, to allow for a Temporary Sales Office Trailer at 2399 South Main, Applied Media Inc., applicant. Mr. Clawson seconded the motion.

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

Motion passed 3-0.

7. Miscellaneous business and scheduling.

Mr. Astorga noted that the next meeting would be held on January 27, 2020 and ascertained there were no further items of business. The meeting was adjourned at 5:38 p.m.



Francisco Astorga, Planning Director