

Bountiful City
Administrative Committee Minutes
September 30, 2019

Present: Chairman – Francisco Astorga; Committee Members – Dave Badham and Todd Christensen; Assistant Planner – Curtis Poole; Recording Secretary – Darlene Baetz

Excused: Committee Member – Brad Clawson

1. Welcome and Introductions.

Chairman Astorga opened the meeting at 5:00 p.m. and introduced all present.

2. Consider approval of minutes for September 23, 2019.

Mr. Badham made a motion to table approval of the minutes for September 23, 2019. Mr. Astorga seconded the motion.

 A Mr. Astorga
 A Mr. Christensen
 A Mr. Badham

Motion passed 3-0.

3. Consider approval of a Non-Complying Use Structure Determination at 1930 South 150 West, Clayton and Silvia Alvey, applicants.

Clayton and Silvia Alvey, applicants, were present.

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

The Applicant’s property is located in the R-4 Single-Family Residential Zone and was annexed into the City in October of 1952. The home may have been constructed in the early 1950’s; however, there are no building permits on file for the construction of the home. The City Code at the time (1947 City Code) required side yard setbacks to be a minimum of ten (10) feet. It is unclear what the County Code required, if the home was built in the County before it was annexed into the City. There have been no additional building permits since the home was constructed. The home is considered to be a Non-Complying structure because it does not meet the current City Code regarding a side yard setback of eight (8) feet. The home is five (5) feet from the south side yard property line.

The purpose of the request is to allow the Applicants the ability to fill the breezeway between their garage and home. City Code states, “*Any expansion of a nonconformity that increases the degree of nonconformance is prohibited except as provided in this Title or as may be required by law.*”

Based upon observation of the property the roofline appears to be part of the original design of the home. This is significant because Staff determines whether a building is connected if it

shares a common roofline. The roofline will not be altered as part of the alteration, nor will the building footprint be increased. The alteration to the home should be considered an interior remodel rather than an expansion. Also, Staff considers that filling in the breezeway between the garage and the home does not increase the degree of Noncompliance.

Based upon the above findings, Staff finds the proposed alterations to the property should not be considered an expansion and enlargement of the Non-Complying structure. All typical City building processes and procedures would apply, such as compliance with applicable provisions of the International Building Code, obtaining a building permit, etc.

Mr. Astorga referenced a photograph submitted by the Alveys representing the site plan and surmised that the proposed alterations would not increase the degree of non-compliance. Mr. Astorga presented hypothetical situations involving expansion of the garage and noted that as long as the eight foot setback was met, the hypothetical situations would be permitted. He further noted that the proposed expansion is taking place in the breezeway area and will not increase the degree of non-compliance.

Mr. Alvey commented that he and his wife enjoy living in Bountiful and that the proposed expansion of their kitchen will allow their growing family to remain in their current home.

Mr. Badham inquired regarding the front setback, and Mr. Poole noted that the required setback is 25 feet and the Alveys currently have 30 feet. Mr. Badham proposed a scenario where the applicant might extend the roofline, add columns, and provide an overhang to the entrance or a covered porch. Mr. Poole explained that would be permitted under the code. Mr. Badham wanted the applicants to be aware of their future options. Mr. Christensen noted that this specific type of expansion would not increase the level of non-conformance. Mr. Astorga demonstrated in a drawing the area where the Alveys might consider any future expansion and specifically noted that the side property line cannot be expanded.

Mr. Christensen made a motion for approval of a Non-Complying Use Structure Determination at 1930 South 150 West, Clayton and Silvia Alvey, applicants. Mr. Badham seconded the motion. Mr. Astorga noted that the addition of a stoop is not a condition requirement but merely a suggestion.

A Mr. Astorga
A Mr. Christensen
A Mr. Badham

Motion passed 3-0.

4. **PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 231 South 1300 East, Marci Rosenlof and Chad & Jamee Lefler, applicants.**

Marci Rosenlof and Chad & Jamee Lefler, applicants, were present.

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

The Applicants are requesting approval of an Accessory Dwelling Unit (ADU) which will be part of a new home construction project at this location. Plans show the proposed unit will have two bedrooms and two bathrooms, a living area, kitchen and laundry room.

According to City Code, 14-4-124, a Conditional Use Permit for an ADU is required and applicants shall meet all standards of the Code for approval. The property is located in the R-3 Single-Family Residential Zone and will consist of a Single-Family dwelling which will be maintained as such by the Applicants. The lot is 0.298 acres (12,980 square feet). There will only be one ADU and there will only be one utility connection located at this property. The proposed ADU will be 1,281 square feet and the square footage of the entire home will be 6,722, which is less than the 40% standard in the Code requiring ADU's to be smaller and an "accessory" to the Single-Family dwelling.

The plans submitted show the Applicants will meet the parking requirements for an ADU showing at least six (6) off-street parking spaces including three (3) in a garage. The entrance for the proposed ADU will be on the north side of the home, and will not be visible from the street. There will also be an interior connection between the ADU and the primary residence. The property will continue to have the appearance of a Single-Family dwelling and should have minimal impact on the surrounding neighborhood.

Based upon the above findings, Staff has determined the Applicants would comply with all requirements for the Conditional Use Permit. Staff recommends approval of the Conditional Use Permit subject to the following conditions:

1. The owner(s) of the property must occupy the primary residence 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 criteria 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. Lefler commented that the ADU would allow his mother to live with his family.

PUBLIC HEARING: Mr. Astorga opened the Public Hearing at 5:22 p.m.

Nathan Gardner inquired as to where the proposed home would be situated on the property. He also asked if the ADU would be in a separate building from the main home.

Rebecca Rausch asked to see the plot showing the house and the setbacks. She noted that another home near hers does not meet setbacks (and assumed there was a hearing which allowed for that) and expressed concern that the applicants' project might encroach on her property.

Steve Paxson inquired regarding the plans for the property.

Mr. Astorga closed the Public Hearing at 5:25 p.m. with no further comment from the public.

Mr. Astorga explained that he was not aware of the determination involving the property to the south of Mr. Gardner and Ms. Rausch. Mr. Astorga noted that homes with or without an ADU must meet current setback requirements – eight feet from the property line on the sides. Mr. Poole provided the site plan for the applicants’ project and noted that the project complies with all setback requirements. Mr. Astorga and Mr. Badham commented that ADU compliance is much easier when the initial building project includes ADU plans. Mr. Badham clarified that the ordinance allows for an ADU to be attached or detached to the main home. He also noted that ADUs can be utilized as a rental unit and expressed his dislike of the current ordinance allowing non-blood relatives to reside in an ADU. Mr. Christensen highlighted several conditions of the ADU, specifically that the owner must live in one of the units, that a deed restriction would be placed on the property, and that the property be used only as single-family. Mr. Badham noted that some ADUs are being used as income property. Mr. Astorga noted that the purpose of the committee is to determine if the applicant complies with code conditions, and in regard to ADUs, they can be used as income property. He also reiterated that the current property owner must live on site.

Mr. Badham made a motion for approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 231 South 1300 East, Marci Rosenlof and Chad & Jamee Lefler, applicants. Mr. Christensen seconded the motion.

A Mr. Astorga
A Mr. Christensen
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 1253 Northridge Drive, Larry Simper, applicant.

Mr. Badham made a motion to table approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 1253 Northridge Drive, Larry Simper, applicant. Mr. Astorga seconded the motion.

A Mr. Astorga
 Mr. Christensen (abstained)
A Mr. Badham

Motion passed 2-0.

6. Miscellaneous business and scheduling.

Mr. Astorga ascertained there were no further items of business. The meeting was adjourned at 5:35 p.m.



Francisco Astorga, Planning Director