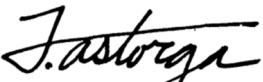


ADMINISTRATIVE COMMITTEE
Monday, October 21, 2019
5:00 p.m.

NOTICE IS HEREBY GIVEN that the Bountiful City Administrative Committee will hold its regular meeting in the Conference Room at **Bountiful City Offices, 150 North Main Street, Suite 103**, 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 September 23, 2019 and September 30, 2019.
3. Consider approval of a Lot Line Adjustment at 1060 John Thomas Circle and 1619 Lakeview Drive, Blake & Julie Murdock and Lauren Schweikle, applicants.
4. Consider approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 231 South 1300 East, Marci Rosenlof and Chad & Jamee Lefler, applicants.
5. Miscellaneous business and scheduling.



Francisco Astorga, Planning Director

**Bountiful City
Administrative Committee Minutes
September 23, 2019**

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

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 9, 2019.

Mr. Badham made a motion for approval of the minutes for September 9, 2019 as drafted. Mr. Clawson seconded the motion.

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

Larry Simper, applicant, was 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 was part of the home which was built in the mid 80's. Plans show the unit has two bedrooms, two bathrooms, a kitchen, living space and a 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 site is located in the R-3 Single-Family Residential zone and consists of a single-family dwelling which will be maintained as such by the applicant. The lot is 0.469 acres (20,429 square feet). There will only be one ADU and there will only be one utility connection located at this property. The ADU is approximately 1,630 square feet, and the home is 4,486 square feet, which is less than the 40% standard in the Code.

The property currently meets the parking requirements. It has a two-car garage, a carport and space for multiple cars in the driveway. The entrance for the ADU is on the side of the home and not 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.

Mr. Simper represents the contract purchaser, Adam Kerr, who will be residing at the home. The Code requires the property owner to reside at the home and further states a property

owner could also be a contract purchaser or titleholder.

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 with the following conditions:

1. The owner(s) of the property, or contract purchaser, must continually 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. Poole noted that the deed restriction, after being signed by the property owner(s) and the city, would be recorded with Davis County and the deed restriction states that the home is zoned as single family and cannot be used as a duplex.

Mr. Astorga requested that Mr. Poole access 14-14-124 of the Bountiful City Code and read it to those in attendance in order to familiarize them with that section of code. Mr. Poole explained that this particular section of code was adopted by the City Council in November, 2018. He further noted that ADU applicants start their process by applying for a Conditional Use Permit, as outlined in the Code, and if an applicant meets all of the Code criteria, the application should be approved.

Mr. Poole read from the Code: "1. An accessory dwelling unit shall be conditionally permitted only within a single-family residential zone" and noted that ADUs are not permitted in multi-family or commercial zones. Mr. Poole continued reading: "2. It is unlawful to allow, construct, or reside in an accessory dwelling unit within a duplex or multi-family residential building" and explained that this refers back to #1. Mr. Poole continued reading from the Code: "3. It is unlawful to reside in, or allow to reside in, an accessory dwelling unit that has not received a conditional use permit" and explained that was the purpose of the meeting. Mr. Poole summarized code criteria #4 by stating that only one ADU is allowed per parcel and noted that multiple ADUs are not permitted. Mr. Poole read: "5. It is unlawful to construct, locate, or otherwise situate an accessory dwelling unit on a lot or parcel of land that does not contain a habitable single-family dwelling" and explained that a home must exist before there can be an ADU. Mr. Poole noted that criteria #6 addresses the deed restriction previously discussed. Mr. Poole read: "7. The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU" and noted that the Code does not specify which unit the property owner should occupy, but they must occupy one of the units at the address. The owner cannot live somewhere else and rent out both units because that would then classify the home as a duplex, and that is noted on the deed restriction. Mr. Poole summarized criteria #8 by stating that separate utility meters are not permitted. Mr. Poole read: "9. Any property and any structure that contains an approved accessory dwelling unit shall be designed and maintained in such a manner that the property maintains the appearance of a single-family residential use. A separate entrance to the ADU shall not be allowed on the front or corner lot side yard.

Any separate entrance shall be located to the side or rear of the principal residence.” Mr. Poole noted that the City strives to eliminate the appearance of a home having two front doors, and that an ADU entrance must be on the side or rear of the building. Mr. Poole read: “10. It is unlawful to construct an accessory dwelling unit, or to modify a structure to include an accessory dwelling unit, without a building permit and a conditional use permit.” Mr. Poole explained that if someone is building a new home with an ADU, they would be required to obtain a building permit and a conditional use permit. Mr. Poole read: “11. Adequate off-street parking shall be provided for both the primary residential use and the accessory dwelling unit, and any driveway and parking area shall be in compliance with this Title.” Mr. Poole summarized that ADU code requires at least four off street parking spaces, two of which need to be in a garage.

Mr. Astorga invited comment from the applicant, Mr. Simper. Mr. Simper noted that the staff report seemed to have covered everything and expressed gratitude that the home was not harmed by the recent fire in the area. Mr. Simper further noted that he recognizes the value of maintaining the appearance of a single-family home for the Northridge Drive neighborhood. Mr. Simper also noted that he represents the company that fixed the home and landscaping from its prior poor condition into the present good condition.

PUBLIC HEARING: Mr. Astorga explained the Public Hearing rules and opened the Public Hearing at 5:17 p.m.

Wade Frey (1434 Northridge Drive) addressed the code change from last November and asked for an explanation of the reasoning behind the code change and what was changed. Mr. Astorga read the following code change reasons from Section 14-14-124(a):

1. *Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;*
2. *Provide for affordable housing opportunities;*
3. *Make housing units available to moderate income people who might otherwise have difficulty finding homes within the city;*
4. *Provide opportunities for additional income to offset rising housing costs;*
5. *Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle; and*
6. *Preserve the character of single-family neighborhoods by providing standards governing development of ADUs.*

Mr. Astorga noted that he was not employed by the City when the code change was adopted but that the code does contain the purpose for the change. Mr. Frey asked if the change came out of common concern for the City of Bountiful or was it brought forward by residents who wanted to see a change. Mr. Astorga indicated that he was uncertain if the change was initiated internally or by constituents and offered to provide pertinent City Council minutes to Mr. Frey. Mr. Frey expressed concern regarding the City’s ability to monitor ADU residency and stated that his concern is based on another residence on Northridge Drive where the owner is not regularly present.

Jacci Bacon (1241 Northridge Drive) asked how neighbors can be assured that the owner is actually living there. Mr. Poole noted that documentation was submitted with the CUP application, specifically the contract purchase agreement. Mr. Poole further noted that city

staff accesses county records to verify property ownership, and in this case staff verified the contract purchaser.

Kathleen Bailey (1272 Northridge Drive) expressed concern with the current code in that it does not define the term “contract purchaser,” and she stated her opinion that requests for ADUs from those other than the legal title holder should not be granted until that term is defined in the code. Ms. Bailey stated her belief that the term “contract purchaser” was probably meant for new construction, although she doesn’t know for sure. Ms. Bailey also stated her displeasure about the limited notice given for the code change public hearings last September, and stated that most people were probably shocked regarding the code change. Ms. Bailey said that regardless of why the term “contract purchaser” was added to the code language, she believes that the terms under which the contract is executed need to be considered, and further stated that a legal title holder is not the same as a contract purchaser. Mr. Astorga explained that the contract purchaser scenario had not previously come up on any ADU/CUP application and that the city attorney was consulted regarding the contract purchase agreement submitted with the application. Mr. Astorga described this situation as a sort of rent-to-own arrangement, and stated that the contract purchaser is currently living at the property, that the contract owner is acting as a bank of sorts, and that the city attorney concluded that the contract reflects that arrangement. Ms. Bailey asked to see the language in the code, and Mr. Astorga re-read the language stating, “The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU.” Ms. Bailey noted that the term “contract purchaser” is not defined. Mr. Astorga explained that he had contemplated that term and had concluded that the term is not meant to include those who are merely under contract to purchase because the purchase might not go through, but the term is meant to include contracts involving seller financing. Ms. Bailey said that her neighborhood was previously impacted by lack of clarity in the code regarding building height, and she stated her belief that the code needs to be very clear regarding what a contract purchaser is.

Clair Asay (1305 Northridge Drive) expressed his concern regarding how the city will monitor the ADU rental situation and explained a current neighborhood concern regarding a home with multiple renters with no owner living on site.

Steve Gulbrandsen (1337 Northridge Drive) expressed concern regarding the “contract purchaser” situation and requested that the city attorney review it to make sure it is legitimate and made a plea to the committee to not allow the neighborhood to be turned into multi-unit facilities.

Tim Jones (1385 Northridge Drive) noted that the referenced code section D(1) states that the ADU shall not occupy more than 40% of the total floor area square footage and asked if the application meets that requirement. Mr. Poole stated that it does. Mr. Jones stated his desire that no duplexes or multi-home units be created in the neighborhood as they might decrease property values. He stated that at 1375 Northridge Drive there are rooms being rented out – not just floors – and stated he would like to discuss this address with the city to see if they have the proper permit to do this. Mr. Jones further stated that he has concerns with potential fire at that address as he believes small kitchens have been set up in bedrooms because the renters share a kitchen, and it is a nightmare waiting to happen. Mr. Jones expressed concern

regarding the slippery slope of problems arising from multi-family homes being allowed in single family home neighborhoods.

Donald Milligan (1493 Skyline Drive) stated that he agreed with Mr. Asay and Mr. Gulbrandsen. Mr. Milligan stated his belief that the City needs a better system of monitoring and following up with these agreements.

Glenna Frey (1434 Northridge Drive) asked if there was a check and balance system to verify that the owner actually lives at the property in question and if rooms are being rented.

James Bacon (1241 Northridge Drive) presented an advertisement for rental of the bottom floor of the property and noted that the advertisement stated the square footage as 2,200. Mr. Bacon stated his belief that there are two utility meters at the applicant's address. Mr. Bacon read a text from a friend who had shown interest in the rental which stated that the property is a multi-family home. Mr. Bacon stated that the home has been used as a duplex for two years and wondered if the owner applied for permits in order to run a duplex. Mr. Astorga stated that that is the purpose of the meeting. Mr. Bacon clarified by asking if a permit was previously obtained and was there a penalty for not obtaining one earlier. Mr. Bacon asked how verifiable the contract was. Mr. Bacon recounted conversations with Adam Kerr regarding purchase of the home, specifically a conversation where Mr. Kerr stated he was going to buy the house for a while. Mr. Bacon expressed concern regarding the words "buy it for a while" and questioned if the purchase might be a sham. Mr. Bacon surmised that if the ADU is 2,200 square feet, it does not meet the code criteria. Mr. Bacon also raised concerns regarding the purchase contract because Mr. Kerr expressed uncertainty to him regarding the terms of the contract.

Josh Bacon (1241 Northridge Drive) asked regarding the ADU square footage calculation. Mr. Poole explained that the applicant provided the square footage calculation with the application. Mr. Bacon noted that the square footage of the home is 4,497, and questioned the accuracy of the ADU square footage as stated in the application as it is a mirror of the top floor. Mr. Bacon also inquired how "non-livable" space is determined. Mr. Astorga stated that questions would be answered after the close of the Public Hearing.

Dave Kurtz (827 Northridge Drive) inquired about the existence of ADUs in other high-end Bountiful City neighborhoods. Mr. Astorga explained that there is no definition of high-end neighborhood in Bountiful City. Mr. Astorga further explained that ADUs are permitted everywhere where single home dwellings are allowed – which is most of Bountiful City. Mr. Astorga noted that the Administrative Committee approves an ADU application about every other week – and that is for the entire city – not just for nice neighborhoods versus not-so-nice neighborhoods. Mr. Astorga added that, in his estimation, the bigger the lot the more easily an ADU can be accommodated.

Karen Whitehead (1227 Northridge Drive) stated that the past code allowed for a property owner to rent to a family member and asked about the code change. She also queried if the existence of an ADU in the neighborhood would classify the neighborhood as low rental income area. Mr. Astorga explained that the City does not determine low rental income areas – the market does that. Mr. Astorga noted that the prior code limited a mother-in-law

apartment, which is another name for an ADU, by allowing property owners to rent to a blood relative only, and that changed in November 2018. Ms. Whitehead asked who made that change, and Mr. Astorga answered that it was approved by the City Council. Ms. Whitehead requested information regarding the change, and Mr. Astorga agreed to provide that information and explained that the ADU changes were adopted as an amendment to the code. Ms. Whitehead inquired regarding the process for noticing the public regarding code changes, and Mr. Badham said he would address that at the close of the Public Hearing.

Roy Woodbury (1258 Northridge Drive) echoed prior concerns regarding monitoring the conditions of the ADU and protecting property values.

Kent Whitehead (1227 Northridge Drive) expressed frustration about not knowing about the change in the code prior to its being adopted by the City Council and pleaded that the committee deny the application as approval could destroy the neighborhood.

Cindy Dubois (1223 Northern Hills Drive) expressed agreement with all things said in the Public Hearing and noted that the neighborhood is beautiful with wonderful homes and families, and she expressed frustration about not being properly notified about changes in the city.

The Public Hearing was closed at 5:43 p.m.

Mr. Astorga expressed gratitude for the civility displayed during the Public Hearing.

Mr. Poole explained the notification requirements for Public Hearings and specifically noted that for a CUP a sign is posted on the property to alert neighbors regarding the considered action. Mr. Poole and Ms. Baetz further explained that for code changes the action to be considered is published in a local newspaper and for zone changes the action to be considered is published in a local newspaper and notice is given to each property owner within 500 feet of the affected area. In addition, regarding a CUP or code change, the agenda with the action to be considered is posted on Bountiful City's website, the Public Notice website, and on social media platforms. Mr. Poole indicated that the city follows state law when noticing these types of actions. Mr. Astorga noted that it is not feasible for the city to send out 43,000 letters for code changes.

Mr. Badham explained his role on the committee is that of an appointed citizens' representative. Mr. Badham noted that as people have learned about the ADU code change he has received many phone calls from concerned citizens. Mr. Badham explained, from his personal perspective, the reasoning behind the code change. He noted that the State of Utah encouraged cities to provide affordable housing and that Bountiful, following a trend, passed the revised ordinance. In accordance to the passed ordinance, if the criteria for an ADU are met, the committee cannot deny the application. Mr. Badham noted that one person who spoke at the Public Hearing requested a denial – but if the applicant meets the criteria it cannot be denied. Mr. Badham countered that the committee can hold the applicant to the letter of the law. He expressed agreement that the ADU code needs additional definitions and told the group that it would take people like them to advocate changes. He encouraged the group to contact their City Council and come to the city meetings. Mr. Badham explained

that the ADU ordinance did not change by itself and that there was a public meeting held at City Hall. He observed that people don't seem to respond until things hit home. Mr. Badham also explained that Bountiful City does not employ a full time ordinance enforcement officer. He encouraged the group to police the conditions placed on the ADU and contact the city if those conditions are not met. Regarding the comment that there are two meters, Mr. Badham noted that would need to be investigated and could disqualify the application. Regarding the ADU parking, Mr. Badham raised a question regarding whether two cars can park in the carport, and Mr. Poole indicated there was room for two cars. Mr. Badham also noted that the structure is close to the property line and suggested the city investigate its compliance with city requirements. He also noted that the ordinance does not specify which tenant parks where. Mr. Badham suggested that the city evaluate the ADU square footage and confirm that it complies with the code. He also noted that certain areas of the basement (i.e. staircase, furnace room, etc.) will be excluded from the square footage of the ADU. Mr. Badham addressed the concern raised regarding owner occupancy at the property and encouraged the group to know their neighbor. Mr. Badham stressed again that if the code criteria is met, the committee must grant approval in spite of public opposition to the ordinance.

Mr. Clawson noted that his concerns were mostly the same as Mr. Badham's.

Mr. Astorga explained that any code change goes through the Planning Commission and the City Council and that both require a Public Hearing – so two Public Hearings are held. Mr. Astorga noted that monitoring things like this are challenging based on the city budgeting resources. Mr. Astorga noted again that the idea of “contract purchaser” was discussed with the city attorney, the contract was examined, and it was determined to be aligned with the code. Mr. Astorga addressed the comment regarding the online ADU advertisement. He noted that determinations are not based on what is seen online but only through what is officially submitted with the application and added that this applies even if an incorrect term is used online or in social media (i.e. calling an ADU a duplex). Mr. Astorga addressed the question about checks and balances and noted that the conditions of approval serve this purpose, and he noted his desire to amend some of those conditions. Mr. Astorga reiterated that the contract between the contract purchaser and the property owner was reviewed by the city attorney and no issues were raised which prevented the item from being placed on the meeting agenda. Mr. Astorga addressed the issue of what is deemed “livable” and noted that an application cannot be denied simply based on what someone says regarding a supposed incorrect measurement. Mr. Astorga proposed a condition of approval in which the city would obtain owner permission to visit the property and take measurements in order to determine if the ADU complies with the 40% standard. He noted there are some basement areas which will not be considered part of the ADU. Mr. Astorga addressed the issue raised regarding two utility connections and noted that city records will show the number of utility connections on the property, and further noted that with owner permission the city can walk the site and verify the number of utility connections. He suggested this be another condition of approval in order to meet the land use code. Mr. Astorga addressed the question regarding the carport setbacks and noted that his examination of the site plan indicates that the carport does meet setbacks and that there appears to be ample parking based on the information submitted. Mr. Astorga indicated he would support a motion with conditions outlined by staff and with additional conditions which address verification of the utility connection,

verification of the ADU size, and actions to be taken if the contractor purchaser moves from the property. Mr. Astorga noted that a property owner or contractor purchaser must live on site in order to for the conditions of the ADU to be valid and suggested that the deed restriction be very specific in stating that. Mr. Astorga addressed the issue raised regarding the rear door and noted that is allowed by code. The idea of adding a condition for the applicant to install a fence, in order to mitigate impacts, was raised, and Mr. Astorga asked Mr. Simper about his willingness to install a fence. Mr. Simper indicated he was not willing to finance the fence installation, but he would support installation of a fence by the contractor owner and neighbor if they desire.

Mr. Clawson reminded the group that part of the responsibility of the ADU lies with the owner living on site and keeping the property properly maintained.

Mr. Poole explained that part of the reasoning behind a conditional use is putting conditions on a use and many issues can be mitigated by those conditions. Mr. Clawson noted that he was comfortable with most of the additional conditions suggested, but he did not think it was consistent with prior actions taken by the committee to require fence installation. He further noted his belief that the committee is tasked with enforcing the ordinance and felt that the applicant had met the conditions of the ordinance. Mr. Badham added his agreement that he felt the addition of a fence should not be included as a condition of approval.

Mr. Clawson made a motion to approve a Conditional Use Permit to allow for an Accessory Dwelling Unit at 1253 Northridge Drive, Larry Simper, applicant, according to conditions outlined by staff and with additional conditions as follows: the City will measure the ADU square footage to verify its size; the City will verify that the property has only one utility connection; and the City will ensure that current and future property owners, title holders or contract owners abide by the deed restriction. Prior to the vote being taken, Mr. Badham inquired whether any of the contractor owner's family would live in any portion of the ADU. Mr. Simper indicated that was not the case and that the ADU is separated from the main home. Mr. Badham clarified that certain rooms of the basement wouldn't be pulled from the proposed ADU area simply to meet the 40% criteria, and Mr. Simper said the entire basement is the ADU. Mr. Astorga interjected that the ADU area does not include the garage space or an inhabitable basement area with no windows. Mr. Simper verified that was the case, and in addition, a utility room and the staircase would not be included. Mr. Poole indicated that a garage should not be included in the ADU calculation. Mr. Astorga summarized that a motion for approval had been made with conditions outlined by staff with addition conditions as follows: the City shall verify the ADU square footage for compliance with the 40% criteria; the City shall verify the existence of only one utility connection; and measures will be taken to ensure that the current and next property owner, title owner or contract purchaser abide by regulations of the deed restriction. Mr. Badham seconded the motion with the amended conditions outlined.

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

Motion passed 3-0.

4. Consider approval of a Conditional Use Permit, in written form, to allow for a Home Occupation Group Instruction with up to 12 children at 1062 Arlington Way, Megan Bowden, applicant.

Mr. Badham made a motion to approve a Conditional Use Permit, in written form, to allow for a Home Occupation Group Instruction with up to 12 children at 1062 Arlington Way, Megan Bowden, applicant. Mr. Clawson seconded the motion.

A Mr. Astorga
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 2220 South 900 East, Carrie & Tad Mills, applicants.

Mr. Clawson made a motion to approve a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 2220 South 900 East, Carrie & Tad Mills, applicants. Mr. Astorga seconded the motion.

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

Motion passed 3-0.

6. Miscellaneous business and scheduling.

Mr. Astorga outlined the next committee meeting and ascertained there were no further items of business. The meeting was adjourned at 6:22 p.m.

Francisco Astorga, Planning Director

**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



RANDY C. LEWIS
MAYOR

CITY COUNCIL
Kate Bradshaw
Kendalyn Harris
Richard Higginson
John Marc Knight
Chris R. Simonsen

CITY MANAGER
Gary R. Hill

Memo

Date: October 16, 2019
To: Administrative Committee
From: Curtis Poole, Assistant City Planner
Re: Staff Report for the Administrative Committee Meeting on Monday, October 21, 2019

Overview

Consider approval of a Lot Line Adjustment between 1060 John Thomas Circle and 1619 Lakeview Drive, Blake and Julie Murdock and Lauren Schweikle, applicants.

Background

The applicants are requesting a Lot Line Adjustment between two properties located at 1060 John Thomas Circle and 1619 Lakeview Drive. Both properties, shown as Lot 46 and Lot 6, are located in the R-3 zone. The purpose of the adjustment is to convey a portion of Lot 6 to Lot 46. Lot 6 will convey 82 square feet (0.002 acres), shown as Conveyance Parcel to Lot 46. The adjustment will bring Lot 6 to 13,208 square feet (0.30 acres) and Lot 46 to 18,819 square feet (0.43 acres). No new lots are being created in the conveyance of property.

Findings

1. No new lots were created in this conveyance so an amended subdivision plat will not be necessary.
2. No new building permits have been issued or proposed.

Staff Recommendation

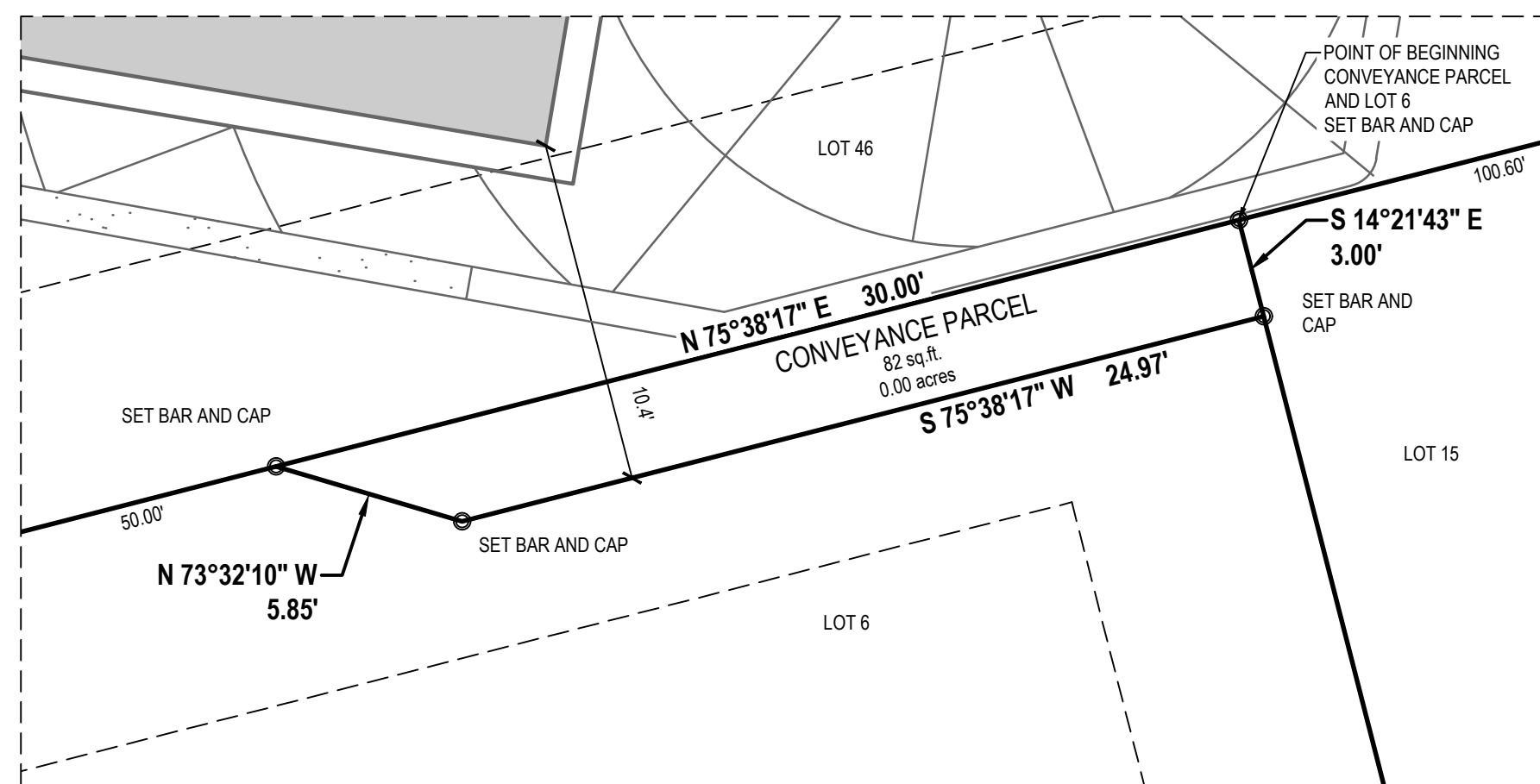
Based on the above findings, Staff recommends approval of the lot line adjustment, with the following conditions:

1. Complete any redline corrections required on the plat.
2. The approved lot line adjustment shall be recorded with Davis County.

Note: Approval of the property line adjustment by the City does not act as a conveyance of real property and appropriate conveyance documents must be prepared by the applicant and recorded by the County.

Aerial Map

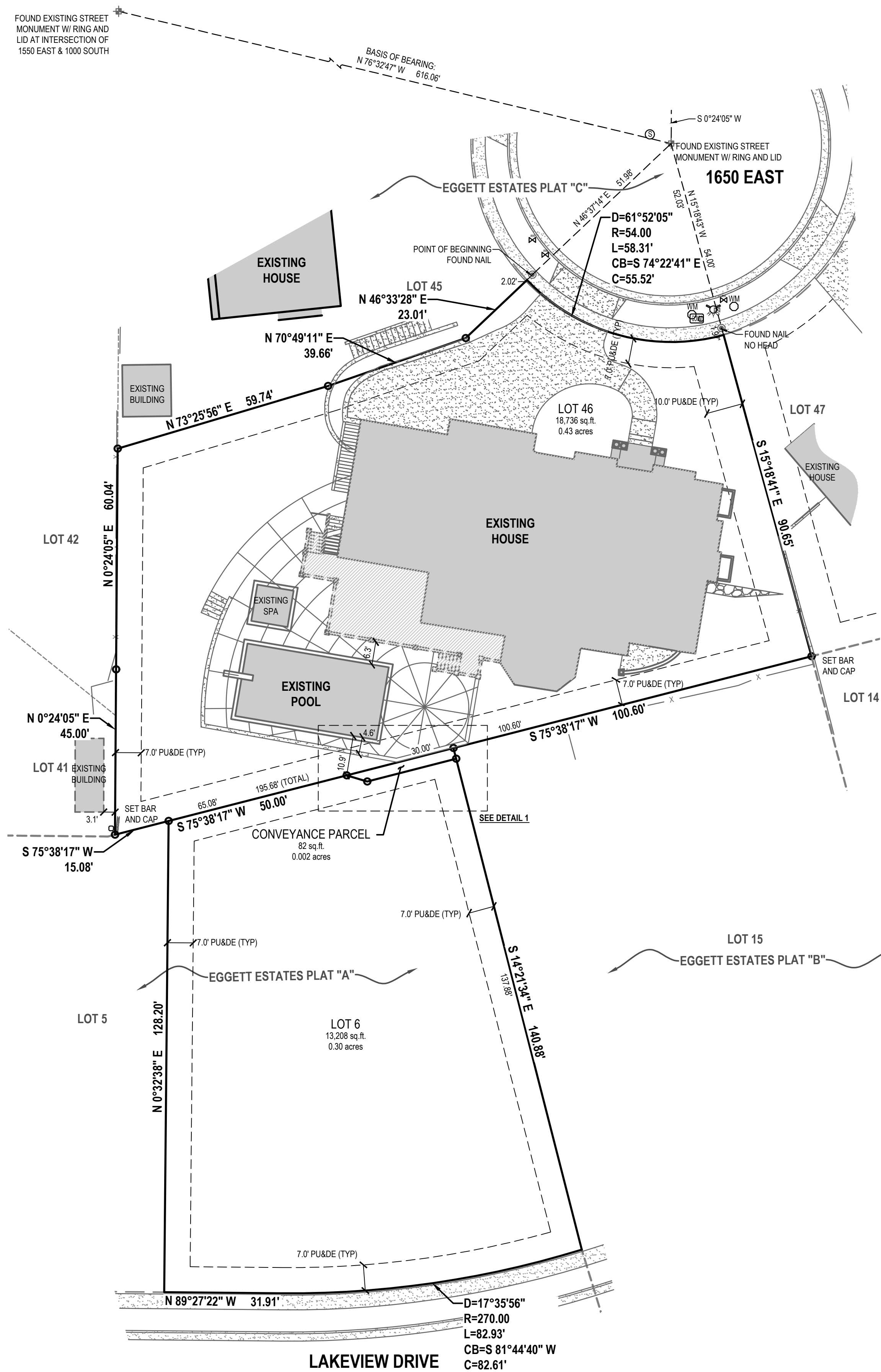




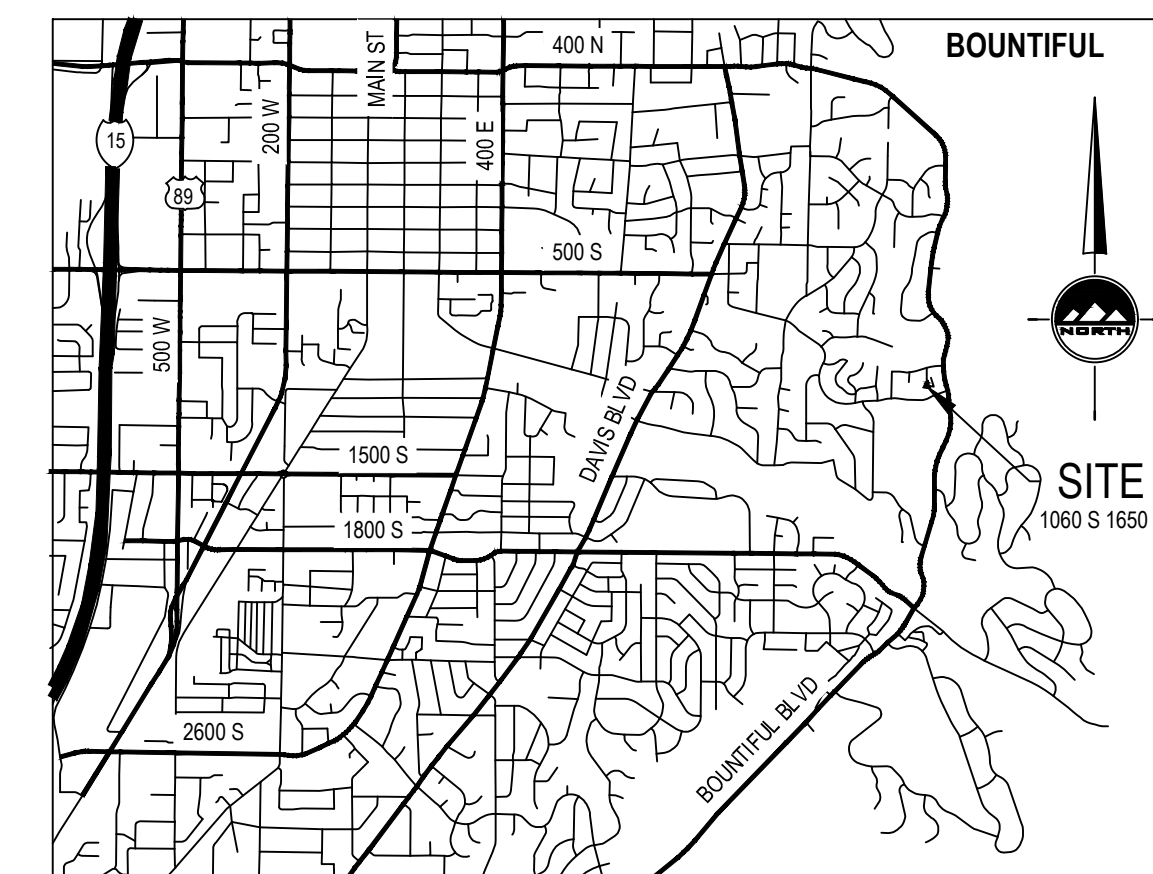
DETAIL 1
SCALE: 1" = 5'

LEGEND	
	SECTION CORNER
	EXIST REBAR AND CAP
	SET ENSIGN REBAR AND CAP
	WATER METER
	WATER MANHOLE
	WATER VALVE
	FIRE HYDRANT
	SECONDARY WATER VALVE
	IRRIGATION VALVE
	SANITARY SEWER MANHOLE
	STORM DRAIN CATCH
	UTILITY MANHOLE
	UTILITY POLE
	EXISTING TREE
	DENSE VEGETATION
	CONCRETE
	BUILDING PRIMARY
	EXISTING LAWN
	RIGHT OF WAY
	CENTERLINE
	PROPERTY LINE
	ADJACENT PROPERTY LINE
	SECTION LINE
	FENCE
	EDGE OF ASPHALT
	SANITARY SEWER
	STORM DRAIN LINE
	GRAVEL EDGE

NOTE: MAY CONTAIN SYMBOLS THAT ARE NOT USED IN THIS SURVEY.



LAKEVIEW DRIVE
D=17°35'56"
R=270.00
L=82.93'
CB=S 81°44'40" W
C=82.61'



VICINITY MAP
NOT TO SCALE

SURVEYORS NARRATIVE

I, Douglas J. Kinsman, do hereby state that I am a Professional Land Surveyor, and that I hold license no. 334575, as prescribed by the laws of the state of Utah, and represent that I have made a survey of the following described property. The purpose of this survey is to retrace the boundary, monument the corners, and provide boundary information to our client.

The surveyed boundary is based on the layout shown on the Plat of the "Eggett Estates Plat "C" subdivision, as recorded April 11, 1986, in Book 1082, at Page 826, under Entry no. 732887, in the Davis County Recorder's Office.

The basis of bearing for this survey is the measured line between the found monument in the cut-de-sac of 1650 east, and the found monument at the intersection of 1000 South and 1550 east, within said subdivision, which bears North 76°32'47" West 616.06 feet.

BOUNDARY DESCRIPTIONS
Original Lot 46

All of Lot 46 of the "Eggett Estates Plat "C" subdivision, as recorded April 11, 1986, in Book 1082, at Page 826, under Entry no. 732887, in the Davis County Recorder's Office.

Lot 46 contains: 15,952 square feet, or 0.37 acres.

Revised Lot 46

A parcel of land, situate in the Northwest Quarter of Section 28, Township 2 North, Range 1 East, Salt Lake Base and Meridian, and in Bountiful City, more particularly described as follows:

All of Lot 46 of the "Eggett Estates Plat "C" subdivision, as recorded April 11, 1986, in Book 1082, at Page 826, under Entry no. 732887, in the Davis County Recorder's Office.

Along with the following described portion of Lot 45 of said subdivision:

Beginning at the southwest corner of said Lot 45, and running:

thence North 0°24'05" East 60.04 feet along the west line of said Lot 45;
thence North 73°25'56" East 59.74 feet;
thence North 70°49'11" East 39.66 feet to the Lot line between said Lots 45 and 46;
thence South 46°33'28" West 131.04 feet along said line, to the Point of Beginning.

Parcel contains: 2,783 square feet, or 0.064 acres.

Along with the following described portion of Lot 6 of said subdivision:

Beginning at the northeast corner of said Lot 6, and running:

thence South 14°21'43" East 3.00 feet along the east line of said Lot 6;
thence South 75°38'17" West 25.00 feet;
thence North 73°15'33" West 5.83 feet to the Lot line between said Lots 6 & 46;
thence North 75°38'17" East 30.00 feet along said line, to the Point of Beginning.

Parcel contains: 83 square feet, or 0.002 acres.

Revised Lot 46 contains: 18,819 square feet, or 0.43 acres.

BOUNDARY DESCRIPTION
Conveyance Parcel

A parcel of land, situate in the Northwest Quarter of Section 28, Township 2 North, Range 1 East, Salt Lake Base and Meridian, and in Bountiful City, more particularly described as follows:

Beginning at the northeast corner of said Lot 6, and running:

thence South 14°21'43" East 3.00 feet along the east line of said Lot 6;
thence South 75°38'17" West 25.00 feet;
thence North 73°15'33" West 5.83 feet to the Lot line between said Lots 6 & 46;
thence North 75°38'17" East 30.00 feet along said line, to the Point of Beginning.

Parcel contains: 83 square feet, or 0.002 acres.

BOUNDARY DESCRIPTION
Original Lot 6

All of Lot 6 of the "Eggett Estates Plat "A" subdivision, as recorded April 11, 1986, in Book 1082, at Page 924, under Entry no. 732885, in the Davis County Recorder's Office.

Lot 6 contains: 13,208 square feet, or 0.31 acres.

Revised Lot 6

A parcel of land, situate in the Northwest Quarter of Section 28, Township 2 North, Range 1 East, Salt Lake Base and Meridian, and in Bountiful City, more particularly described as follows:

All of Lot 6 of the "Eggett Estates Plat "A" subdivision, as recorded April 11, 1986, in Book 1082, at Page 924, under Entry no. 732885, in the Davis County Recorder's Office.

Less the following described portion:

Beginning at the northeast corner of said Lot 6, and running:

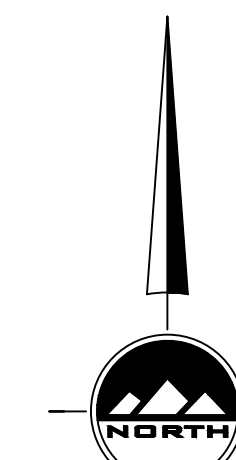
thence South 14°21'43" East 3.00 feet along the east line of said Lot 6;
thence South 75°38'17" West 25.00 feet;
thence North 73°15'33" West 5.83 feet to the Lot line between said Lots 6 & 46;
thence North 75°38'17" East 30.00 feet along said line, to the Point of Beginning.

Parcel contains: 83 square feet, or 0.002 acres.

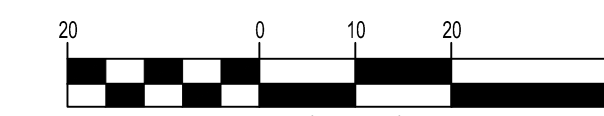
Revised Lot 6 contains: 13,208 square feet, or 0.30 acres.

Oct 10, 2019

Date:
Douglas J. Kinsman
License no. 334575



HORIZONTAL GRAPHIC SCALE



LOCATED IN THE NORTH QUARTER
OF SECTION 28, TOWNSHIP 2 NORTH,
RANGE 1 EAST, SALT LAKE BASE AND
MERIDIAN, BOUNTIFUL CITY, DAVIS COUNTY,
UTAH

ENSIGN
THE STANDARD IN ENGINEERING

TOOELE
169 N. Main Street, Unit 1
Tooele, UT. 84074
Phone: 435.843.3590

SALT LAKE CITY
Phone: 801.255.0529

LAYTON
Phone: 801.547.1100

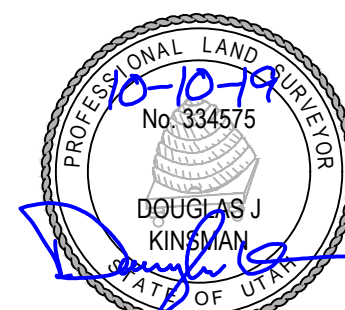
CEDAR CITY
Phone: 435.865.1453

RICHFIELD
Phone: 435.896.2983

WWW.ENSIGNENG.COM

FOR:
NEW CONCEPTS CONSTRUCTION
31 WEST GREGSON AVENUE
SOUTH SALT LAKE CITY, UTAH 84115
CONTACT:
KEVIN HUNT
PHONE: 801-450-5666

**MURDOCK HOME SITE LAYOUT
BOUNDARY LINE ADJUSTMENT**
1060 SOUTH 1650 EAST
BOUNTIFUL CITY, UTAH



**BOUNDARY LINE
ADJUSTMENT**

PROJECT NUMBER: 7121
PRINT DATE: 10/10/2019
DRAWN BY: C. CHILD
CHECKED BY: D. KINSMAN

PROJECT MANAGER:
D. KINSMAN

1 OF 1



Conditional Use Permit

A public hearing was held on September 30, 2019, at Bountiful City Offices to consider the request of Marci Rosenlof and Chad & Jamee Lefler for a Conditional Use Permit allowing an Accessory Dwelling at 231 South 1300 East, Bountiful, Utah.

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 for an accessory dwelling shall meet all the criteria in 14-14-124 and other applicable sections of the City Ordinance.

The Bountiful City Administrative Committee hereby grants this Conditional Use Permit for an Accessory Dwelling Unit (ADU) with 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.

The Conditional Use Permit was approved on September 30, 2019, and this written form was approved this 21st day of October, 2019.

Francisco Astorga
Planning Director

ATTEST: Julie Holmgren
Recording Secretary