

Bountiful City
Administrative Committee Minutes
November 18, 2019

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

1. Welcome and Introductions.

Chairman Astorga opened the meeting at 5:02 p.m. and introduced all present.

2. Consider approval of minutes for October 21, 2019.

Mr. Badham made a motion to approve the minutes for October 21, 2019. 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 66 East 1200 South, Todd Willey, applicant.

Todd Willey, applicant, was present.

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

The Applicant is requesting approval of a detached Accessory Dwelling Unit (ADU). The Applicant constructed a detached garage and is now requesting to modify the existing structure to include a partial garage with an ADU. The Applicant applied for, and received approval to build the detached garage. Plans submitted show the unit will have 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-4 Single-Family Residential Zone and consists of a single-family dwelling which will be maintained as such by the Applicant. The lot is 0.242 acres (10,541 square feet). There will only be one (1) ADU and there will only be one (1) utility connection located at this property. The ADU is approximately 1,160 square feet, and the home is 4,264 square feet, which is less than the 40% standard in the Code.

The property currently meets the parking standard required for approval. The primary dwelling has a three-car garage, plus parking in the driveway. In addition to the primary dwelling parking the detached garage has parking in front of the garage. The entrance to the ADU is on the east side of the detached garage, facing the primary dwelling 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.

Based upon the above findings, Staff has determined 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 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. Prior to beginning any construction on the ADU, the Applicant shall receive a building permit.
4. The Applicant shall resolve any concerns regarding setbacks, especially the distance from the detached garage to the primary dwelling, to the satisfaction of the Building Official, prior to receiving a Certificate of Occupancy.
5. There shall be no separate utility service connections.
6. The ADU shall meet all the standards in 14-14-124 of the City Land Use Ordinance.
7. The Conditional Use Permit is solely for this property and is non-transferable.

Mr. Poole noted that Mr. Willey currently has a permit for the detached garage and that it was red-tagged by the Engineering Department. Mr. Poole suggested that the distance issues be resolved prior to commencement of the ADU work. Mr. Astorga asked if the garage permit would be converted to an ADU permit, and Mr. Willey stated that there has not yet been an ADU permit issued, and that the original permit was for an RV garage. Mr. Astorga inquired regarding the utility services, and Mr. Willey stated that there is currently no power to the garage structure and that he is working with the Power Department regarding power specifications for the project. Mr. Astorga asked if there would only be one utility connection, and Mr. Willey said that was correct. Mr. Astorga referred to condition #4 and suggested that it be modified to include the words "specified in the Land Use Code" before the comma; this is in order to clarify that the setback is not dictated by the Building Official. Mr. Astorga referred to the plans for the ADU and specifically questioned the one foot setback distance. Mr. Willey stated that was a typographical error and should read as three feet, and he was tasked with remedying the error on the site plan. Mr. Astorga stated that in order to comply with the city code the wall must be at least three feet from the property line. Mr. Badham further clarified that the eaves can have a one foot overhang, leaving two feet of distance to the property line. Mr. Badham explained his role as citizens' representative on the committee and explained that he is finding that many Bountiful residents oppose ADUs. He further explained that the committee's role is to determine if an ADU applicant follows the ADU guidelines. Mr. Badham referenced the applicant's setbacks and the existing problem with the eaves and inquired if the project was properly permitted. Mr. Poole noted that the garage was built with a permit, but it was discovered by an inspector that the garage eaves were too close to the home. Mr. Badham suggested that the typo on the site plan not merely be changed but also verified, and Mr. Poole noted that the Planning Department could measure the area but that the Building Inspector would measure that area as part of his inspection. Mr. Astorga explained that property line disputes are not uncommon in the city and suggested that in the future it might be advisable to require applicants to obtain a survey or a surveyor's letter regarding the property lines – especially if a proposed project is situated

near a property line. A discussion ensued regarding the property setbacks and the proposed solution to the eaves issue. Mr. Willey noted that city staff had verified his setbacks in approximately 2016. Mr. Badham speculated that city staff based their verification on information provided but does not certify it. Mr. Willey explained that the setbacks were measured during a garage foundation inspection, and Mr. Badham reiterated that the city does not certify the setbacks nor take responsibility. Mr. Willey explained that the current setback problem would be rectified by clipping the corners of the eaves and that this clipping proposal had been discussed with the city inspector and determined to be a feasible solution. Mr. Astorga read from the code that “an accessory structure shall be located at least five (5) feet from a primary structure, including eaves, bay windows, chimneys, and any other protrusion on either the accessory building or the primary structure.” Mr. Willey requested the Certificate of Occupancy be contingent on him correcting the eaves issue rather than making the ADU permit contingent on the correction. Mr. Poole noted that work on the current building permit has been halted and no further construction can occur until the eaves issue has been rectified. Mr. Badham stated his belief that the committee does not have jurisdiction over the Certificate of Occupancy decision. Mr. Badham inquired regarding utilities for the ADU, and Mr. Willey explained that the power line would be run up the backside of the ADU (and not under the structure), there would be no gas line, and the structure already has water and sewer. Mr. Badham asked if the sewer had been inspected, and Mr. Willey said yes. Mr. Badham observed that the property has a large area covered by concrete and inquired regarding the code specifications for landscaping. Mr. Poole stated that landscaping code requires 50% front, 50% side and 50% rear. Mr. Badham expressed concern regarding too much concrete on the property. Mr. Willey noted that he had previously obtained a permit for work on his property and there were no issues regarding green space. A discussion ensued regarding the concrete, and Mr. Poole recommended that the committee investigate the issue to determine if modifications should be required. Mr. Badham queried if more concrete was possibly poured than was originally included on the plan. Mr. Astorga raised a question regarding the main door through the garage and wondered if it could be relocated in the back. Mr. Willey stated that he discussed the plans with his architect and they did not see that as a potential problem.

PUBLIC HEARING: Mr. Astorga opened the Public Hearing at 5:38 p.m. and closed the hearing at 5:39 p.m. with no comments from the public.

Mr. Willey stated that the current garage project has already had a permit issued and inspected and everything prior to the eaves situation passed.

Mr. Astorga made a motion for approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 66 East 1200 South, Todd Willey, applicant, with the following modifications to conditions: First, change condition #4 to read as, “The Applicant shall resolve any concerns regarding setbacks specified in the Land Use Code, especially the distance from the detached garage to the primary dwelling, to the satisfaction of the Building Official, prior to receiving a building permit.” Second, add an additional condition which reads, “A site plan shall be submitted to the City showing appropriate compliance with applicable codes. The site plan shall also show the existing landscaping for comparison to issued plans.” Mr. Badham clarified that if the existing landscaping meets with what is on an approved plan then the landscaping will be deemed compliant. Mr. Badham asked if the

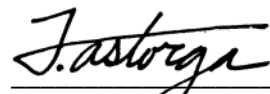
question of egress needed to be added to the conditions, and Mr. Astorga indicated it did not. Mr. Clawson seconded the motion.

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

Motion passed 2-1.

4. Miscellaneous business and scheduling.

Mr. Astorga ascertained there were no further items of business, and the meeting was adjourned at 5:45 p.m.



Francisco Astorga, Planning Director