

**BOUNTIFUL CITY**  
**PLANNING COMMISSION AGENDA**  
**Tuesday, April 5, 2016**  
**6:30 p.m.**

**NOTICE IS HEREBY GIVEN** that the Bountiful City Planning Commission will hold a 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 American with Disabilities Act may request an accommodation by contacting the Bountiful Planning Office at 298-6190. Notification at least 24 hours prior to the meeting would be appreciated.

1. Welcome and Introductions.
2. Approval of the minutes for March 1, 2016
3. Consider approval of Findings of Facts for denial of a variance to allow disturbance of areas with slopes greater than 30 percent located at 565 Hidden Hollow Ct, Jason Orvis, applicant.
4. **PUBLIC HEARING** - Consider approval of a Conditional Use Permit and preliminary and final site plan for mixed use development located at 50 W 400 South, Ron Robinson, applicant.
5. **PUBLIC HEARING** – Consider approval of a side yard setback variance for an addition to a single family home located at 350 E 300 N, Rod & Iris Hunt, applicant.
6. Consider preliminary site plan and preliminary PUD subdivision approval for Stone Creek Townhomes, 306 W Pages, Taylor Spendlove representing Brighton Homes.
7. Planning Director's report, review of pending applications and miscellaneous business.



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Chad Wilkinson, City Planner

**Bountiful City  
Planning Commission Minutes  
March 1, 2016  
6:30 P.M.**

Present: Chairman – Sean Monson; Vice Chairman – Mike Allen; City Council Representation - Richard Higginson; Planning Commission Members – Dave Badham, Von Hill, and Tom Smith, and Sharon Spratley; City Attorney – Russell Mahan; City Planner – Chad Wilkinson; City Engineer – Paul Rowland; and Recording Secretary – Darlene Baetz

Excused: Planning Commission Member – Tom Smith

**1. Welcome and Introductions.**

Chairman Monson opened the meeting at 6:30 pm and welcomed all those present.

**2. Approval of the minutes for February 16, 2016.**

Richard Higginson made a motion to approve the minutes for February 16, 2016 with minor corrections made. Corrections include: page 1 item 2 – corrections of dates, page 4 paragraph 1 and page 8 paragraph 4 – change “us” to “City”, page 6 paragraph 9 – addition of “presumption should be reputed”, page 11 – change Chairman’s name from Smith to Monson. Von Hill seconded the motion.

Voting passed 6-0-1 in favor with Commission Members Allen, Badham, Higginson, Hill, Monson, and Spratley voting aye and Tom Smith abstaining.

**5. Further consideration and adoption of Findings of Facts for denial of an expansion of a non-conforming use daycare at 130 E 100 N, Stacey Nerdin, applicant.**

Chad Wilkinson presented the Findings of Facts. Mr. Wilkinson explained the background of the findings. Item V-12 of the Findings was added based on the Commission’s motion. Mr. Mahan explained that the staff attached the wording for this agenda item “for further consideration” to allow the members a chance to have more discussion on this item. Ms. Spratley explained she feels a concern for the direction she voted. After further consideration the abandonment issue is a strong position as the expansion position. Mr. Higginson also felt the same way and wanted to make sure that the rest of the discussion of the proposal was also supported in the Findings of Facts.

Mr. Monson asks Mr. Mahan for clarification about Bountiful Code 14-2-402 the expansion of a non-conforming use that increase the degree of non-conformance is prohibited. Mr. Mahan stated that an increase of additional space in an existing building that you had already been doing would be part of the increase of degree of non-conformance.

Mr. Wilkinson stated that the Commission members were asked to determine at the previous meeting if the proposal was an increase of the non-conformance or whether the proposal was an

expansion allowed in the code.

Mr. Wilkinson mentioned that the applicant could appeal the decision of the Planning Commission. The non-conforming use has expired for this property.

Staff discussed the clarification of the conformity of Bountiful City code.

Mr. Higginson made a motion to include the additional findings in paragraph 10 and 11 in the decision to deny the variance. Sharon Spratley seconded the motion. Voting passed 6-0-1 in favor with Commission Members Allen, Badham, Hill, Higginson, Monson and Spratley voting aye with Tom Smith abstaining.

Mike Allen made a motion to approve the Findings of Facts for denial of an expansion of a non-conforming use daycare at 130 E 100 N. Dave Badham seconded the motion. Voting passed 6-0-1 in favor with Commission Members Allen, Badham, Higginson, Hill, Monson, and Spratley voting aye with Tom Smith abstaining.

**6. PUBLIC HEARING - Consider approval of a variance to allow disturbance of areas with slopes greater than 30 percent located at 565 Hidden Hollow Ct, Jason Orvis, applicant.**

Jayson Orvis was present. Chad Wilkinson presented staff report.

In September 2015, the City received an application for a variance to allow the installation of a solar array on slopes exceeding 30 percent on the applicant's property located above Hidden Hollow Circle. During the review of the application, staff conducted a site visit and discovered that a large pole barn (approx. 1,800 sq ft) had been constructed on areas that were previously shown to be over 30 percent slope. Based on aerial photography, the pole barn was constructed sometime between June 2013 and June 2015. The applicant has indicated that he believed that he was not required to obtain a building permit for the structure at the time of construction and has cited state code which exempts certain agricultural buildings from building permit requirements. State law exempts certain agricultural buildings from the requirement to obtain a permit under a very specific set of circumstances but does not exempt these buildings from complying with the zoning ordinance. Section 14-1-105 of the Bountiful Land Use Ordinance states that activities that do not require a building permit are still subject to the provisions of the zoning ordinance.

The building must still comply with the zoning ordinance which prohibits construction on slopes greater than 30 percent without first obtaining authorization from the City (Bountiful Code Section 4-5-106). The only way that the City may authorize construction on slopes exceeding 30 percent within the R-F zone is to grant a variance to the standards of the land use ordinance.

The pole barn included construction of a retaining wall. While state law may exempt the pole barn from building permits, state law does not exempt retaining walls from permit requirements. Should the commission approve the requested variance, a building permit will be required for the existing retaining wall in order to verify the structural integrity of the wall, particularly since the wall is retaining slopes exceeding 30 percent. Although not explicitly stated in the application, any variance allowing the pole barn must also include a variance for the retaining wall since the

wall supports the pole barn roof structure.

In a letter dated September 30, 2015, staff outlined several compliance issues that would be required to be resolved prior to the processing a variance for solar panels to be installed on slopes exceeding 30 percent. Besides the need to resolve the issues surrounding the construction of the pole barn, the applicant will be required to resolve the other issues, including lot consolidation, prior to processing of any variance or conditional use permit request for solar panels on the property.

Staff recommends denial of the requested variance.

Mr. Orvis showed commission members the location of the Kern River Pipeline on his property. The pole barn is located on top of the disturbance for the pipeline. He stated that the pipeline had received an easement to build a second pipeline on his property. Staff asked about the tanks that are located on his property. Mr. Orvis stated that the tanks are water holding tanks. He currently has water rights and had drilled a well on his property to help with the water he is using on his property.

Mr. Monson asked for clarification on the 6 ft cut into the hill. Mr. Orvis stated that vegetation had been planted around the pole barn to cut down on erosion from the pipeline installation.

The pole barn is a utility barn. There is no other place to put the pole barn on the property that won't be facing other property owners or that is not on a 30% slope. The pole barn would improve the erosion issues. Erosion and damage of vegetation was done by Kern River and the location of the pole barn is in a hole with the roof touching the slope. The proposed solar panels will be placed to be hidden from the neighbors.

Mr. Rowland confirmed that Kern River Pipeline that came through and confirmed that there was disturbance of the 30% slope and clarified the lot is not an approved lot but a parcel. He believes that if Mr. Orvis moved the pole barn 15 ft west, he would avoid the need for the cut back into the hillside and a variance.

Mr. Orvis confirms that the area of the pole barn was part of an easement that Kern River used as a working area for machinery. Kern River scraped off the top of the soil and left the area disturbed.

Chairman Monson opened and closed the Public Hearing at 7:19 p.m. without comments.

Mr. Badham asked if the other properties owned by Mr. Orvis have any buildable areas. Mr. Rowland explained that there are small areas at the top of the ridge and the bottom of the gullies that have slopes less than 30%. Mr. Badham voiced his view about the likes of the project and that this project was not intentional.

A question from the audience: Is the 30% slope code based on erosion? Staff stated that building on 30% slopes have many things that are taken into consideration, visual, erosion, open

space, preservation of vegetation, and restricting fills for erosion.

Mr. Wilkinson stated that Bountiful code says that any lot with an accessory building must have a primary structure on it. Staff discussed the need to have all parcels combined into one parcel.

Mike Allen made a motion to deny the variance for the property located at 565 Hidden Hollow Court as the applicant has not satisfied each of the conditions necessary to grant it. Richard Higginson seconded the motion. Voting passed 5-2 in favor with Commission Members Allen, Hill, Higginson, Monson, and Spratley voting aye and Badham and Smith voting nay.

Mr. Mahan discussed the procedure of appeal process to Mr. Orvis.

**3. Planning Director's report, review of pending applications and miscellaneous business.**

1. New Business in Bountiful - Downeast Outfitters will be moving into the Savers building.
2. Next Planning Commission meeting to be held on March 16, 2016.
3. Next City Council meeting to be held on March 15, 2016.
4. Upcoming agenda items.

Chairman Smith ascertained there were no other items to discuss. The meeting was adjourned at 7:42 p.m.

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Chad Wilkinson, City Planner

**BOUNTIFUL CITY PLANNING COMMISSION  
FINDINGS OF FACT AND CONCLUSIONS**

**APPLICANT:** Jayson Orvis

**APPLICATION TYPE:** Variance to allow for encroachments on slopes exceeding 30 percent.

**I. DESCRIPTION OF REQUEST:**

The applicant, Jayson Orvis, has requested a variance to allow for encroachments on slopes greater than 30 percent in order to authorize a recently constructed pole barn and retaining wall constructed in the R-F (Residential Foothill) zone.

**II. LAND USE ORDINANCE AUTHORITY:**

Section 14-2-111 authorizes the Administrative Committee as the review body for variance requests within the R-F zone related to disturbance of slopes exceeding 30 percent and retaining walls and cuts and fills exceeding 10 feet in height. Section 14-2-104 authorizes the chairman of the administrative committee to assign any item designated for administrative committee review to the Planning Commission, in which case the Planning Commission acts under the same authority granted to the Administrative Committee. This item has been assigned to the Planning Commission for review.

**III. APPEAL PROCEDURE:**

Bountiful City Land Use Ordinance section 14-2-108 states that an applicant, board or officer of the City, or any person adversely affected by a Land Use Authority's decision administering or interpreting a land use ordinance or ruling on a request for a variance may, within fourteen calendar days of the written decision, appeal that decision to the Appeal Authority. No other appeals may be made to the Appeal Authority.

The appeal must be in writing and specifically allege that there is an error in an order, requirement, decision or determination by the Land Use Authority. The appellant shall state every theory of relief that it can raise in District Court.

#### IV. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the staff report, which is attached as **Exhibit A** and is incorporated herein.
- B. The minutes of the public meeting held by the Planning Commission on **Tuesday, March 1, 2016** which are attached as **Exhibit B** summarize the oral testimony presented and are hereby incorporated herein.

#### V. FINDINGS OF FACT:

Based upon the information presented and oral testimony given at the public hearing the Planning Commission made the following findings:

- A. **The literal enforcement of the land use ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinance;**

The pole barn is constructed in a location that was previously shown to be over 30 percent slope. The applicant owns a large property with several areas that are less than 30 percent slope. Since there are adequate areas where a pole barn could be constructed without disturbance of 30 percent slopes, literal enforcement of the ordinance does not create an unreasonable hardship.

- B. **There are special circumstances attached to the property that do not generally apply to other properties in the district;**

The property is located in the R-F zone on a sloping property. Steep slopes are a common circumstance in the zone.

- C. **Granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the district;**

The applicant owns a large property with several locations where a pole barn of this size could be constructed on slopes not exceeding 30 percent. The applicant has already constructed a number of accessory structures, including an additional barn structure on areas that do not exceed 30 percent slope. Therefore, the variance is not necessary in order to protect a property right possessed by other property owners in the same zone.

- D. The variance will not substantially affect the general plan and will not be contrary to the public interest;**

The standards of the R-F zone implement the goals and policies of the general plan. The general plan encourages the preservation of the hillside areas in Bountiful. In order to protect the hillside areas the Code prohibits disturbances on slopes greater than 30 percent. .

- E. The spirit of the land use ordinance is observed and substantial justice done**

The purpose of the Residential foothill zone is to provide standards, guidelines, and criteria which permit reasonable development of private property while minimizing flooding, erosion, and other environmental hazards, and which protect the natural scenic character of the foothill areas. The requested variance is not consistent with the goals and policies for the zone.

**VI. DECISION AND SUMMARY**

The Planning Commission denied the requested variance by a vote of 5-2.

**VII. FINDINGS OF FACT APPROVED BY THE Bountiful City Planning Commission this \_\_\_\_\_ day of April 2016.**

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Sean Monson, Chair  
Bountiful City Planning Commission



# Commission Staff Report

Item # 4

**Subject: Public Hearing-** Conditional Use Permit and preliminary and final site plan review for mixed use development  
**Address:** 50 West 400 South  
**Author:** Chad Wilkinson, Planning Director  
**Department:** Planning and Engineering  
**Date:** April 5, 2016



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## Background

The applicant, Ron Robinson, is requesting a conditional use permit and preliminary and final site plan approval to convert an existing residence into a commercial use and to create a residential unit above a commercial garage previously constructed within the Downtown (D-N) zone.

## Analysis

The applicant received site plan approval for construction of a commercial structure on the rear portion of the lot in 2010. The previous approval included the continued residential use of the existing home located toward the front (south) of the lot with the construction of a large garage structure to be used as part of Mr. Robinson's furniture business. The applicant now wishes to convert the existing residence to commercial use and to construct a residential unit in the space above the existing garage. This will require the installation of additional parking to the rear of the lot in order to accommodate the commercial use of the home.

The proposed site plan includes the construction of four parking spaces and associated drive and maneuvering areas. The site was originally approved with three off-street parking spaces including two spaces within the garage and an additional space located on the east side of the home. Based on the size of the home, the 4 additional spaces will provide adequate parking for the site providing the garage spaces are used to meet the parking requirements for the upper floor residential use. The applicant will need to revise the plan to provide for one disabled person parking space on the lot with the accompanying unloading aisle.

In order to handle increased storm water run-off created by the new paved surfaces, the applicant has proposed an in-ground detention system. The system has been preliminarily reviewed by the City Engineer and this method will be allowed subject to final review and approval.

The applicant will need to obtain building permits for the conversion of the upper level of the commercial building to a residence and will need to obtain separate building permit for the conversion of the existing residence to a commercial use.

## Department Review

The application has been reviewed by the City Planner and City Engineer.

### **Significant Impacts**

The construction of the new parking area will create new impervious surface which will generate additional run-off. The impact of this storm water run-off will be mitigated with the construction of a storm tech detention system.

### **Recommendation**

Staff recommends that the Planning Commission approve the Conditional Use Permit for the mixed use commercial/residential development and forward a recommendation of approval to the City Council for the preliminary and final site plan subject to the following conditions:

1. Complete any and all redline corrections, including modifications.
2. Obtain required building permits for changes to residential use for the upper floor of the existing commercial garage located on the property.
3. Obtain building permit for the conversion of the existing residence to commercial use and comply with current building, fire and ADA requirements.
4. Prior to final approval, submit a revised final landscape plan consistent with the amended plan and meeting the requirements of Chapter 16 of the Bountiful City Zoning Ordinance.
5. Construction and striping of the new parking area, including provision of disabled person parking, shall be completed before commercial occupancy or business use of the existing residence on site.

### **Attachments**

1. Aerial photo
2. Site plan

# Aerial Photo





NOTES:  
 FINISHED GRADE: 272.00 FT.  
 EXISTING GRADE: 272.00 FT.  
 IN THE STORM CATCH BASIN UNDERGROUND = 280.00 FT.  
 AND 272.00 FT.  
 AND 272.00 FT.  
 TOTAL PROJECT WILL STORE 850 CU. FT. OF WATER BEFORE OVERFLOW BEGINS

### Ron Robinson

Change Calculations

100 Year Detention Analysis

Time (min)	Inflow (cfs)	Outflow (cfs)	Storage (cu ft)
5	1,840	110	107
10	2,240	267	400
20	1,480	279	14
30	1,200	418	351
40	1,030	446	65
50	900	697	204
60	810	887	503
70	750	887	703
80	700	887	703
90	650	887	703
100	600	887	703
110	550	887	703
120	500	887	703
130	450	887	703
140	400	887	703
150	350	887	703
160	300	887	703
170	250	887	703
180	200	887	703
190	150	887	703
200	100	887	703
210	50	887	703
220	0	887	703

### Ron Robinson

Change Calculations

10 Year Detention Analysis

Time (min)	Inflow (cfs)	Outflow (cfs)	Storage (cu ft)
5	1,840	110	107
10	2,240	267	400
20	1,480	279	14
30	1,200	418	351
40	1,030	446	65
50	900	697	204
60	810	887	503
70	750	887	703
80	700	887	703
90	650	887	703
100	600	887	703
110	550	887	703
120	500	887	703
130	450	887	703
140	400	887	703
150	350	887	703
160	300	887	703
170	250	887	703
180	200	887	703
190	150	887	703
200	100	887	703
210	50	887	703
220	0	887	703

### Ron Robinson

Change Calculations

Office Slating

Time (min)	Inflow (cfs)	Outflow (cfs)	Storage (cu ft)
5	1,840	110	107
10	2,240	267	400
20	1,480	279	14
30	1,200	418	351
40	1,030	446	65
50	900	697	204
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100	600	887	703
110	550	887	703
120	500	887	703
130	450	887	703
140	400	887	703
150	350	887	703
160	300	887	703
170	250	887	703
180	200	887	703
190	150	887	703
200	100	887	703
210	50	887	703
220	0	887	703

### Ron Robinson

Change Calculations

100 Year Detention Analysis

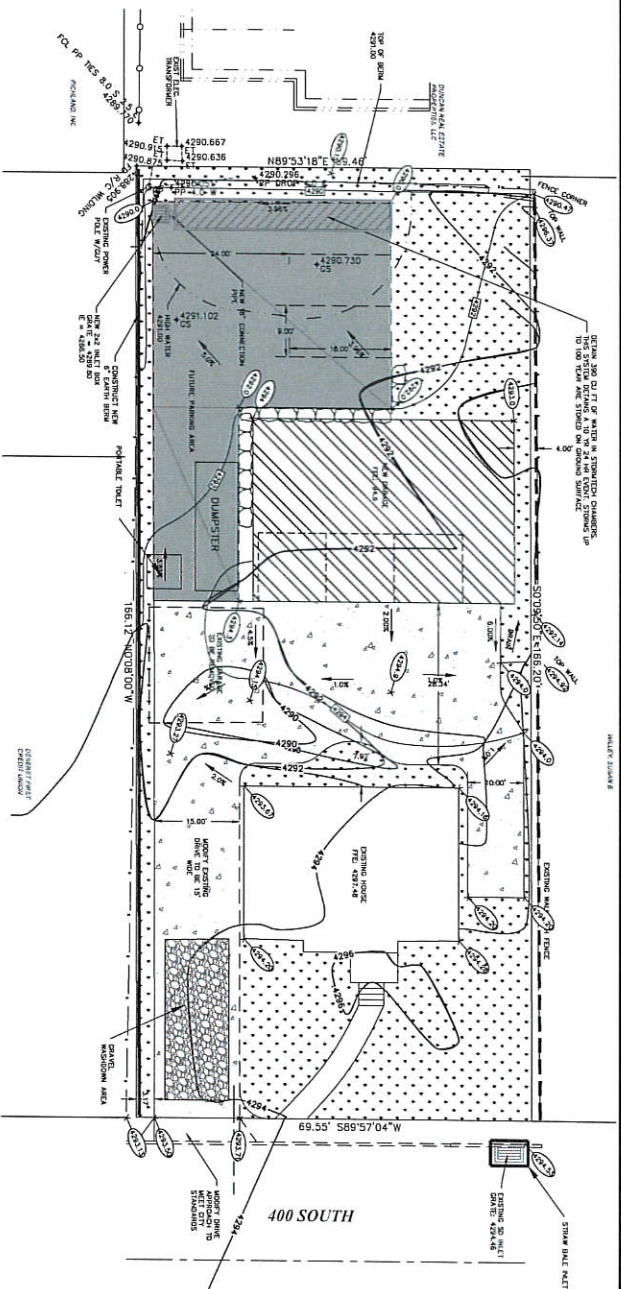
Time (min)	Inflow (cfs)	Outflow (cfs)	Storage (cu ft)
5	1,840	110	107
10	2,240	267	400
20	1,480	279	14
30	1,200	418	351
40	1,030	446	65
50	900	697	204
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100	600	887	703
110	550	887	703
120	500	887	703
130	450	887	703
140	400	887	703
150	350	887	703
160	300	887	703
170	250	887	703
180	200	887	703
190	150	887	703
200	100	887	703
210	50	887	703
220	0	887	703

### Ron Robinson

Change Calculations

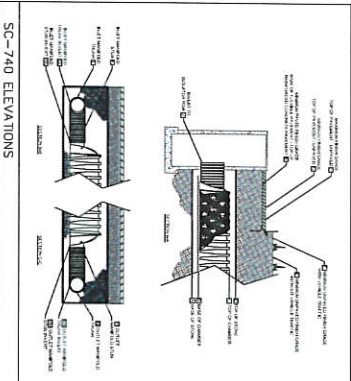
Office Slating

Time (min)	Inflow (cfs)	Outflow (cfs)	Storage (cu ft)
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110	550	887	703
120	500	887	703
130	450	887	703
140	400	887	703
150	350	887	703
160	300	887	703
170	250	887	703
180	200	887	703
190	150	887	703
200	100	887	703
210	50	887	703
220	0	887	703



### LEGEND

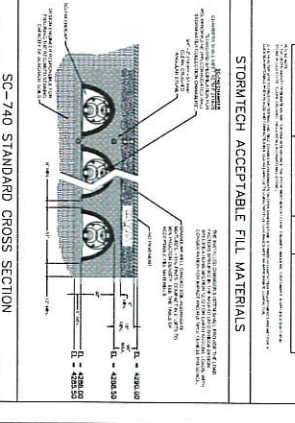
- UTILITY EASEMENT
- EXISTING QUARRY WATER LINE
- NEW 24" CLASS 150 PCP WATER LINE
- NEW DATE VALVE
- NEW WATER METER
- EXISTING PERMANENT
- NEW PCP SEWER LINE
- EXISTING 48" OR 60" DIA. STORM MANHOLE
- NEW 48" OR 60" DIA. STORM MANHOLE
- EXISTING STORM DRAIN
- NEW 36" STORM DRAIN
- EXISTING 36" OR 48" DIA. STORM GRATE MANHOLE
- NEW 48" OR 60" DIA. STORM GRATE MANHOLE
- 7.5'x7' STORM GRATE INLET
- NEW 36" STORM INLET
- NEW ASPHALT
- NEW BUILDING
- NEW CONCRETE
- EXISTING 2.5' CURB & GUTTER
- NEW 2.5' CURB & GUTTER
- NEW CURB CURB & GUTTER



### SC-740 NOTES

- ALL ELEVATIONS ARE TO FINISH GRADE UNLESS OTHERWISE NOTED.
- THE REINFORCING STEEL SHALL BE CONFORMING TO THE REQUIREMENTS OF THE AASHTO M 318.
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### STORMTECH ACCEPTABLE FILL MATERIALS



SC-740 TECHNICAL SPEC.

NO.	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	CONCRETE	100	CU YD	150	15000
2	ASPHALT	200	SQ YD	5	1000
3	STEEL	50	TON	100	5000
4	GRADATION	100	CU YD	20	2000
5	PAVING	100	SQ YD	10	1000
6	CONCRETE	100	CU YD	150	15000
7	ASPHALT	200	SQ YD	5	1000
8	STEEL	50	TON	100	5000
9	GRADATION	100	CU YD	20	2000
10	PAVING	100	SQ YD	10	1000
11	CONCRETE	100	CU YD	150	15000
12	ASPHALT	200	SQ YD	5	1000
13	STEEL	50	TON	100	5000
14	GRADATION	100	CU YD	20	2000
15	PAVING	100	SQ YD	10	1000
16	CONCRETE	100	CU YD	150	15000
17	ASPHALT	200	SQ YD	5	1000
18	STEEL	50	TON	100	5000
19	GRADATION	100	CU YD	20	2000
20	PAVING	100	SQ YD	10	1000

PROJECT NO: 1189016

DATE: 3/16/16

DATE: 3/16/16

DATE: 3/16/16

GRADING PLAN

**RON ROINSON**

BLOCK 8 400 S

BOUNTIFUL CITY, DAVIS COUNTY, UT, AH



181 North 200 West, Suite #4  
 Bountiful, Utah 84010  
 Phone 801-298-2236  
 Fax 801-298-5983

# Commission Staff Report

Item # 5

**Item:** PUBLIC HEARING – Request for a variance to side yard setback requirements in order to construct an addition and attach an existing 2 car garage to an existing home.  
**Address:** 350 E. 300 N  
**Author:** Chad Wilkinson, Planning Director  
**Date:** April 5, 2016



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## Description of Request

The applicants, Rod and Iris Hunt, request a variance to the required 3 foot separation from the side property line in order to attach an existing garage to a dwelling as allowed in Section 14-14-106 B.2 of Bountiful City Code. The proposal is to attach the garage to an addition to the rear of the home.

## Authority

Section 14-2-111 authorizes the Planning Commission as the review body for variance requests related to setbacks.

## Background and Analysis:

The applicants would like to add approximately 700 square feet to the rear of their existing home. The home was constructed in 1952 along with a detached garage which appears to have been constructed around the same time. The addition will extend the side yard area of the lot to the south placing the existing garage within the side yard. The Land Use Ordinance requires that accessory structures in side yards meet the setbacks for a primary structure which in the case of the R-4 zone is 8 feet. The existing garage is located on the west property line with no setback from the adjoining property. The Code also requires a minimum 5 foot separation between an accessory structure and a primary structure, measured from eave to eave. Section 14-14-106 B. 2. of the Land Use Ordinance allows a property owner to attach an existing detached garage to a home provided the home was constructed prior to 1965 and that a 3 foot setback is maintained between the garage and the side property line. The proposed variance would provide for the attachment of the garage without the required 3 foot setback to the west property line.

It should be noted that the applicant could also have proposed the addition without connecting the garage to the home. Based on the size of the addition, this option would have required a variance to both the 8 foot side yard setback for accessory structures located within the side yard and a variance to the 5 foot separation between the home and the garage. The proposal to attach the garage requires a 3 foot variance rather than an 8 to 12 foot variance if the garage was not proposed to be attached.

In their narrative, the applicants have cited three examples of what appear to be similar situations in the area that have been approved. Each of the examples cited differ from the current request. One of the examples on 146 E. 200 North was granted approval for an expansion of an existing nonconforming structure in 2012. The primary difference between the current request and the other examples cited is that none of the other requests increased the nonconformity of a detached garage. In the examples cited, the garages were already within side yards and additions to the home did not increase the degree of nonconformity of the accessory structures.

### **Variance Findings**

Utah Code 10-9a-702 establishes the criteria for review of a variance request. In order to grant a variance each of the following criteria must be met:

- (i) *Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;*

**Staff Response:** State law indicates that a hardship cannot be self-imposed. In the case of the current request, it is the size of the proposed addition that creates the need for the variance. A smaller addition could be constructed that would not place the garage in the side yard and would not require a variance. If an addition was constructed that maintained the required 5 foot separation from the garage and did not create a situation where the garage was now in a side yard, the garage could be considered existing legal nonconforming and construction could occur without a variance. It is the size of the proposed addition that creates the need for a variance. The size of the addition is a self-imposed condition.

- (ii) *There are special circumstances attached to the property that do not generally apply to other properties in the same zone;*

**Staff Response:** There are many detached garages in the neighborhood that do not meet the current setback standards. The predominant difference in this case is that it is the proposed construction of an addition that changes the status of the garage and places an accessory structure that was once in the rear yard into the side yard. This change increases the nonconformity of the garage which is not allowed without a variance to the standards of the Code.

- (iii) *Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;*

**Staff Response:** An addition could be constructed on the home that would not place the existing garage in the side yard. This would allow for a reasonable expansion to the home without increasing the nonconformity of the garage. By definition an expansion of the home that leaves the garage in the rear yard would not increase the nonconformity of the garage.

(iv) *The variance will not substantially affect the general plan and will not be contrary to the public interest;*

**Staff Response:** The setback standards of the ordinance implement the goals and policies of the general plan. If changes to the standards of the ordinance are desirable they should be made through the legislative process. Granting of the variance is not consistent with the public interest of orderly consistent development.

(v) *The spirit of the land use ordinance is observed and substantial justice done*

**Staff Response:** Setbacks serve the purpose of providing fire separation, preventing overcrowding of development on lots and protecting and enhancing open space on lots. A variance to the setback standards in this case would not be in keeping with the spirit of the land use ordinance.

### **Department Review**

City Planner, City Attorney

### **Recommended Action**

Staff recommends denial of the requested variance, based on analysis of the required review criteria from State law included in the findings above and the materials submitted by the applicant.

### **Attachments**

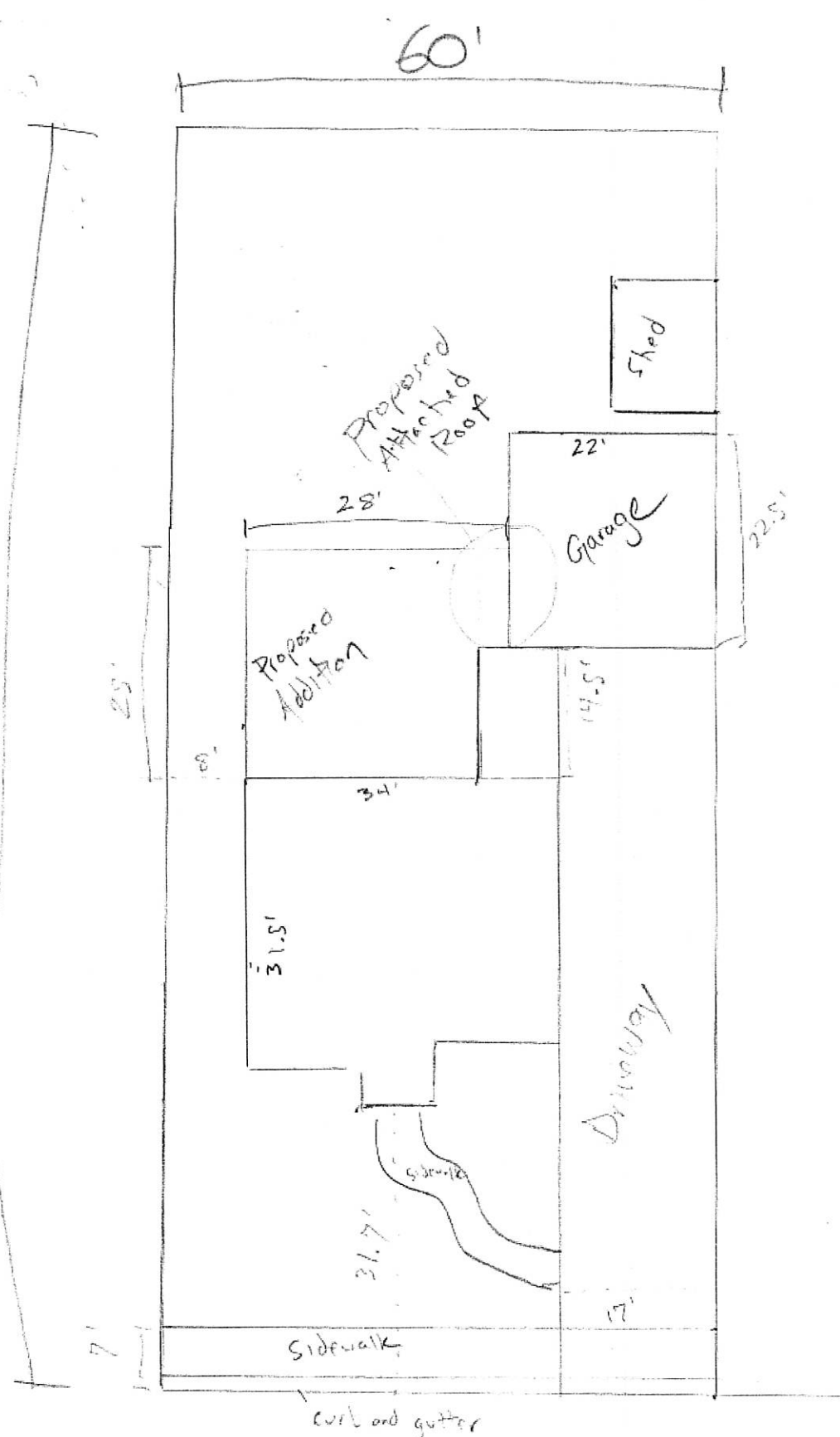
1. Aerial Photo
2. Site Plan
3. Applicant's Narrative

Aerial Photo





136'



1/8" = 1' scale

March 8, 2016

Bountiful Planning & Zoning  
790 North 100 East  
Bountiful, Utah 84010

Re: Variance for City Ordinance 14-14-106, B-2

To Whom It May Concern,

Over the past 28 years we have renovated the interior and exterior of our home on 350 East 300 North. We take great pride in our home, yard, surroundings and community and have really striven to keep the beauty of our great city of Bountiful apparent in our neighborhood.

We have since raised 5 amazing children in this home and it has become apparent, that over time, we desperately need space to *gather* our growing family and our current home does not afford us that pleasure. We have not been able to participate in enjoying a family dinner at a dining room table since our kids were very small. Our kitchen area is approximately 100 square feet and this space also includes our tiny little kitchen/dining table for two people.

We are asking for a variance from city ordinance 14-14-106, B-2. The following is our response to question #2 on the variance application:

- (i) With the current growth of our family, we are experiencing many hardships over being unable to *gather* together in one room, making all holidays including Thanksgiving, Christmas, and even birthdays very difficult to enjoy. Several of our children have their own children and we see our family continuing to grow over the next few years and beyond.
- (ii) We were told that we have a special circumstance with our property because our existing garage is part of our fence line and our home was also built in the early 1950's.
- (iii) We love to have our neighbors and friends over on almost a weekly basis for meals/dinners and we feel that this extra space would be beneficial to not only our family, but our neighbors that we serve. Being able to have a gathering space would be a great way for us to remain connected to our neighbors by allowing us the space to enjoy each other's company.
- (iv) Since this will be a single-level addition to our home in our backyard and not exceeding the height of our current home, it will not impact our neighbors view at all. Our entire backyard is either surrounded by our beautifully pruned bushes or by our privacy fence.
- (v) The city of Bountiful is well known for its emphasis on the raising of families and we feel that this variance request is in line with the spirit of this great land as we want to gather our family by making our home a gathering place. We want to ensure that our neighbors and our own family will have a place to gather

We have had several neighbors that have built on to their homes in the same fashion and were granted permission. A few of these homes in our neighborhood are located at the following:

- 248 North 200 East, Bountiful
- 146 East 200 North, Bountiful
- 255 East 200 North, Bountiful

Thank you for making this consideration!

Sincerely,

Rod and Iris Hunt

March 8, 2016

Bountiful Planning & Zoning  
790 North 100 East  
Bountiful, Utah 84010

Re: Variance for City Ordinance 14-14-106 B-2

To Whom It May Concern,

Over the past 28 years we have renovated the interior and exterior of our home on 350 East 300 North. We take great pride in our home, yard, surroundings and community and have really striven to keep the beauty of our great city of Bountiful apparent in our neighborhood.

We have since raised 5 amazing children in this home and it is become apparent, that over time, we desperately need space to gather our growing family and our current home does not afford us that pleasure. We have not been able to participate in enjoying a family dinner at a dining room table since our kids were very small. Our kitchen area is approximately 95 square feet and this space also includes our tiny little kitchen/dining table for two people.

Over the years, we were not financially able to build on to our home and recently we have decided that we are now capable of achieving this dream and have no desire to move out of our amazing neighborhood. We are interested in adding additional space for a room that would take some space out of our backyard.

We applied for a building permit with the help of our contractor, Crimson Rock Construction, LLC and was told last week at your office, that our permit was denied and were told that we would need to ask for a variance. We were told that since our existing garage is part of our fence line that we would need to ask for this variance especially since our home was built in the early 1950's.

We did not anticipate that we would have to ask for variances since there have been several neighbors that have built on to their homes in the same fashion and were granted permission. A few of these homes in our neighborhood are located at the following:

- 248 North 200 East, Bountiful
- 146 East 200 North, Bountiful
- 255 East 200 North, Bountiful

Since this will be a single-level addition to our home in our backyard and not exceeding the height of our current home, it will most definitely, not impact our neighbors view at all.

We are asking for a variance from city ordinance 14-14-106, B-2 and strongly hope that the great city of Bountiful will grant our dream of finally being able to gather our family together...in one room.

Sincerely,

Rod and Iris Hunt

# Commission Staff Report

Item #6

**Subject:** Preliminary Approval for the Brighton Townhomes PUD  
**Author:** City Engineer, Paul Rowland  
**Address:** 320 West Pages Lane  
**Date:** April 5, 2016



## Background

Brighton Homes is requesting preliminary approval for a 14 unit “townhome” style condominium development on three existing single family properties located at 320 West Pages Lane. The area of the new combined parcel is 1.21 acres, making the rounded off density 12 units/acre, which complies with the 13 unit per acre maximum for the zone. While this is simply a townhome style condo development, the term PUD is used in the proposed name to avoid financing issues in the future.

## Analysis

Brighton Homes is proposing to combine three single family properties, which currently contain three houses and several misc. sheds and out-buildings, into a single subdivision with 14- 3 bedroom townhome style units in three buildings. With three bedroom units, our ordinance requires 2.75 parking spaces per unit, which totals 39 parking spaces. Each unit has an attached 2 car garage and parking for 2 cars in the driveway, which along with the 4 visitor parking stalls provides 60 stalls, way exceeding the required parking. In addition to the parking requirements, each unit is required to have at least 50 sq.ft. of private outdoor space, which will need to be shown as limited common or private area on the final plat.

All utilities are available in Pages Lane. The preliminary utility drawings show an 8” water line and an 8” sewer main line extended into the property to serve the development. Brighton Homes is aware that the sidewalk on Pages Lane is really the top of a very large concrete culvert that carries Stone Creek to the west side of I-15, and that all access and utilities will have to contend with the issues that will arise from the culvert. There is currently a large overhead power line which runs east-west over the property for which the developer and Bountiful Power are in discussions about rerouting the wires underground through the parking/driveway. Since this will be recorded as a condominium plat, all of the common areas will be dedicated as public utility easement. The Fire Department has reviewed these plans and does not recommend that a new fire hydrant be placed on the property because of the proximity of existing hydrants.

As with all development in Bountiful City, the additional storm water runoff from this site will need to be retained on site. The developer is proposing a small detention basin in the front of the properties in a lawn area. With the Stone Creek culvert running along the south side of the property, there is a place to discharge the detention basin, however, the basin will need to be graded in such a way that an overflow in the culvert doesn’t back into and fill the small detention basin. These details will be worked out as the final plans are prepared. The Developer will need to coordinate with Davis County Public Works any

utilities that need to pass under the Stone Creek culvert, any storm water discharge into the culvert and how the driveway access will be constructed across the culvert.

Attached to this memo is a copy of the preliminary landscape plan for this development. It shows that the ground has 41% landscape coverage, which just exceeds the minimum requirement of 40% landscaping.

### **Recommended Action**

Recommend to the full City Council preliminary approval for The Brighton Townhomes PUD with the following conditions:

1. Complete all red-line corrections.
2. Indicate the private space which needs to be fenced off for each unit.
3. Coordinate with Davis County Public Works about access across and utilities under the existing box culvert.

### **Department Review**

This has been reviewed by the Engineering and Planning Departments.

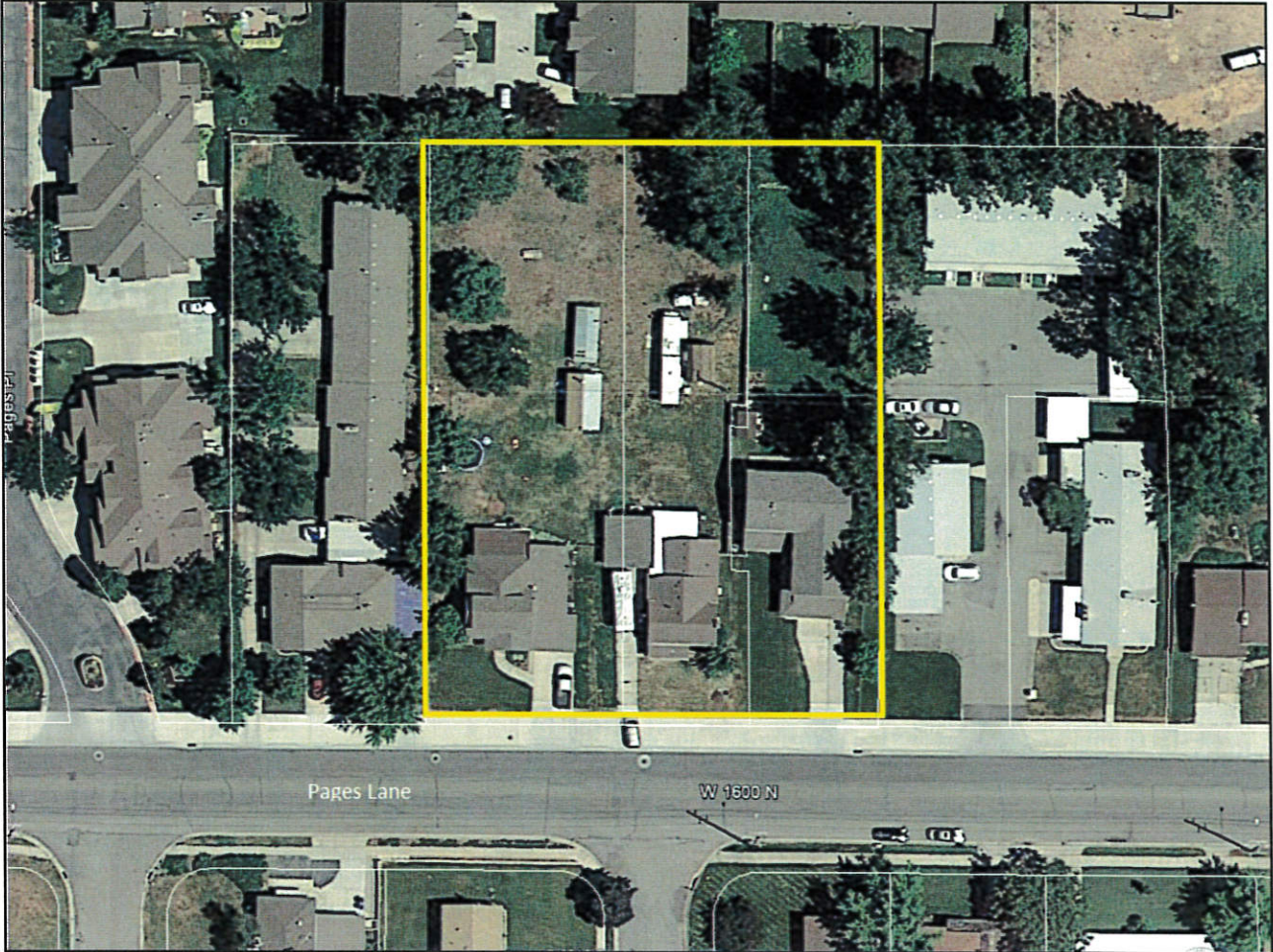
### **Significant Impacts**

This development is in an existing multi-family area and will not have significant impact on the surrounding area

### **Attachments:**

- Lovely color aerial photo of the property in its existing condition.
- Copy of preliminary grading and drainage plan.
- Copy of preliminary building elevations.
- Copy of proposed preliminary landscape plans.

Aerial Photo of Proposed Brighton Townhomes PUD











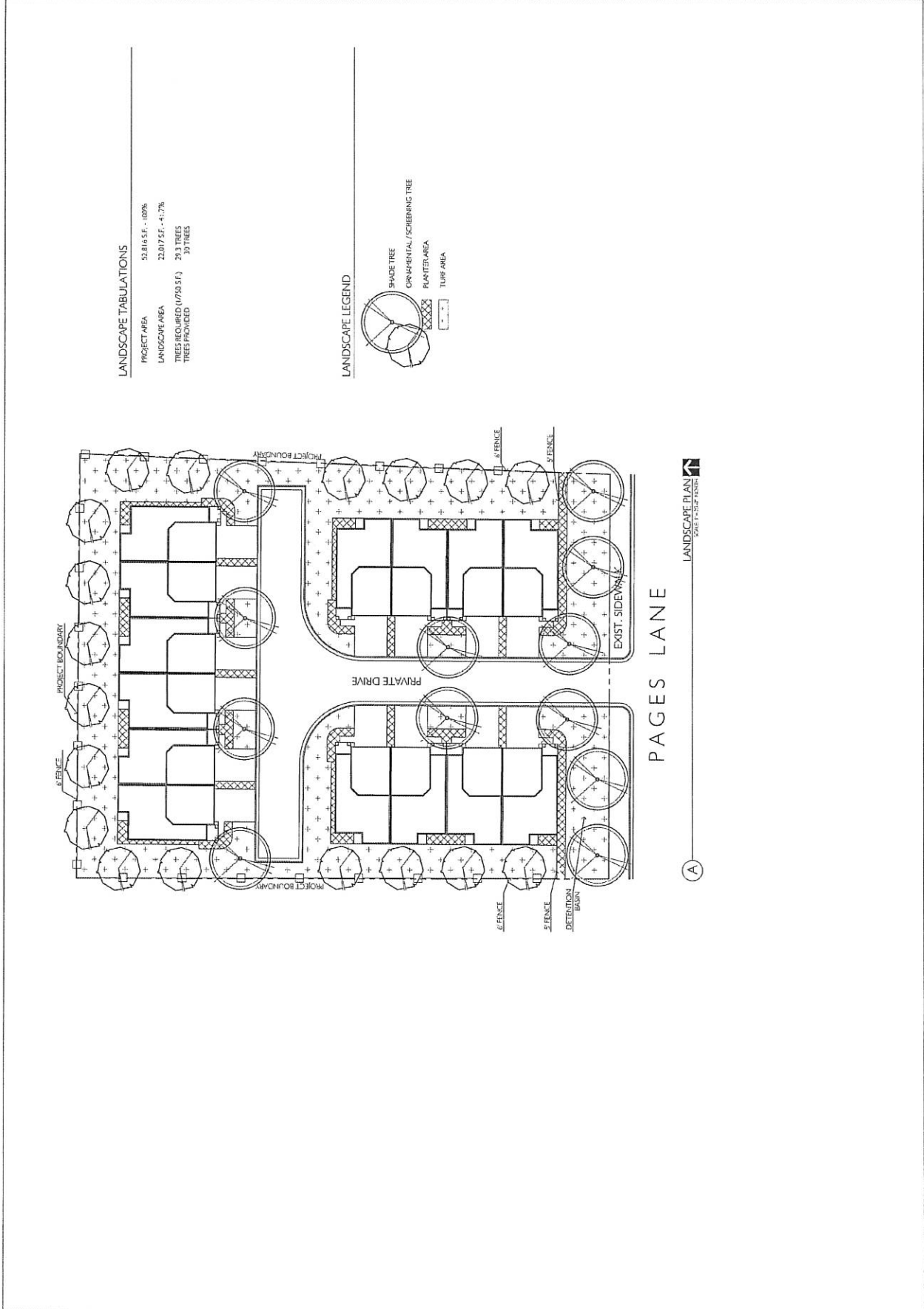
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3	REVISED	
4	REVISED	
5	REVISED	
6	REVISED	
7	REVISED	
8	REVISED	
9	REVISED	
10	REVISED	

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REVIEWED FOR  
BRIGHTON HOMES UTAH  
215 NORTH REDWOOD ROAD  
NORTH SALT LAKE, UTAH 84054

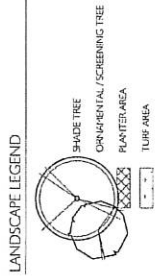
PRELIMINARY  
LANDSCAPE  
PLAN

L100



**LANDSCAPE TABULATIONS**

PROJECT AREA	52,816 SF - 100%
LANDSCAPE AREA	22,017 SF - 41.77%
TREES REQUIRED (1/750 SF)	29.3 TREES
TREES PROVIDED	30 TREES



PAGES LANE

LANDSCAPE PLAN  
SCALE: 1" = 20'-0" (HORIZ.)