NOTICE IS HEREBY GIVEN that the Bountiful City Administrative Committee will hold its regular 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 Americans with Disabilities Act may request an accommodation by contacting the Bountiful City Planning Office at 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 January 8, 2017.

3. PUBLIC HEARING: Consider approval of a Variance to allow disturbance of areas with slopes greater than 30 percent and cuts and fills exceeding 10 feet in height for property addressed 3884 South Mountain Oaks Drive, Shadd Johnson, applicant (Branden Hansen, property owner).

4. Consider approval of a Conditional Use Permit, in written form, to allow an Accessory Building exceeding 10% of the lot area at 55 West 700 North, Brent and Kathy Vodopich, applicants.

5. Consider approval of a Conditional Use Permit, in written form, to allow for an Accessory Dwelling Unit at 1261 Cassidy Circle, Jeremy and Erin-Leigh Hess, applicants.


Chad Wilkinson, City Planner
Pending minutes have not yet been approved by the Administrative Committee and are subject to change until final approval has been made.

Bountiful City
Administrative Committee Minutes
January 8, 2018

Present: Chairman – Chad Wilkinson; Committee Member – Lloyd Cheney; Assistant Planner – Browne Sebright; Recording Secretary – Julie Holmgren

Absent: Committee Member – Dave Badham

1. Welcome and Introductions.

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

2. Consider approval of minutes for December 18, 2017.

Mr. Cheney made a motion for approval of the minutes for December 18, 2017. Mr. Wilkinson seconded the motion.

_A_ Mr. Wilkinson
_A_ Mr. Cheney

Motion passed 2-0.

3. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow an Accessory Building exceeding 10% of the lot area at 55 West 700 North, Brent and Kathy Vodopich, applicants.

Brent and Kathy Vodopich, applicants, were present.

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

The property is located in the R-4 Residential Single-Family Zone. The Applicant would like to build an accessory building which will serve as a garage. Bountiful City Land Use Code states that the total footprint of accessory structures may not exceed 10% of the entire lot of parcel area without requiring a Conditional Use Permit. The footprint of the proposed accessory structure will occupy more than 10% of the total parcel area so a Conditional Use Permit is required.

There is a potential for large accessory structures to be used for commercial purposes, which is not allowed in single family zones. Therefore, this type of configuration should be viewed as an “anticipated detrimental effect” as described in the Utah State Municipal Code which reads:

10-9a-507 Conditional uses.

(1) A land use ordinance may include conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.
Pending minutes have not yet been approved by the Administrative Committee and are subject to change until final approval has been made.

(2) (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

(b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

According to the plans submitted by the applicant, the accessory building will be constructed of metal. The structure will be 40 feet deep and approximately 33 feet wide with the front facing north. The structure will be located 5 feet from the eastern property line, 10 feet from the southern property line, and 30 feet from the primary structure. The accessory building will meet all required setbacks, easements, and height restrictions. The accessory building will occupy approximately 14.4% of the total square footage of the property. The accessory building size will be approximately 91.7% of the main dwelling. The lot is 0.21 acres and the accessory building should have minimal impact on neighboring properties.

Based on the findings, staff has determined that 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 Accessory Building shall meet all criteria in 14-4-105 of the Bountiful City Code.
2. The property owner shall obtain a building permit.
3. The applicant shall follow IBC building codes.
4. The Conditional Use Permit is solely for this site and is non-transferable.
5. The accessory structure WILL NOT be used for commercial interests or monetary gain.

PUBLIC HEARING: Mr. Wilkinson opened and closed the Public Hearing at 5:05 p.m. with no comments from the public.

Mr. Wilkinson re-emphasized that the accessory structure cannot be used for commercial interests. Mr. Cheney inquired regarding the overhead power service on the property. Mr. Vodopich indicated there is an overhead power line, and the committee examined the Google Earth image of the property and the existing overhead power line. Mr. Wilkinson asked the applicants if they had contacted Bountiful Power regarding setbacks, and Mr. Vodopich indicated he had spoken with the power department, and they did not express concern regarding the accessory building project.

Mr. Cheney made a motion for approval of a Conditional Use Permit to allow an Accessory Building exceeding 10% of the lot area at 55 West 700 North, Brent and Kathy Vodopich, applicants, with conditions outlined by staff and with an additional condition that the rear yard setbacks on the plans be revised if Bountiful Power deems it necessary. Mr. Wilkinson seconded the motion.

A Mr. Wilkinson
A Mr. Cheney
Pending minutes have not yet been approved by the Administrative Committee and are subject to change until final approval has been made.

Motion passed 2-0.

Mr. Vodopich raised his concern regarding the timing for the project, and Mr. Wilkinson explained that the applicants would have a year from the date of the Conditional Use Permit for project completion. Mr. Cheney advised the applicants to ensure their plans include the proper wind design speed of 155.

4. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 1261 Cassidy Circle, Jeremy and Erin-Leigh Hess, applicants.

Jeremy and Erin-Leigh Hess, applicants, were present. Several neighbors were also in attendance.

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

The applicant’s home is in the R-3 Residential Single-Family Zone. The applicant would like to authorize an Accessory Dwelling Unit in the basement of the home. Plans submitted show the proposed accessory dwelling will include a full kitchen, a full bath, two bedrooms, and a family room. The ADU will have its own primary entrance, in addition to an internal connection to the rest of the home via the kitchen.

Single-family homes with second kitchens can be problematic in maintaining the proper use of the home once the property changes hands or when new situations arise. There can be a desire to use the space as a duplex or multi-family unit which is not allowed. Therefore, the Code requires approval of a Conditional Use permit and the recording of a deed restriction to provide notice to future owners that the home is not a duplex and that future use of the accessory unit is subject to specific conditions. The Code also requires that the owner of the property live in principal unit in order to maintain the single family nature of the home.

10-9a-507  Conditional Uses
2. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

B. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

According to the plans submitted, the home will maintain the appearance of a single-family residential home. The primary residence and the accessory dwelling unit will have a total of four parking spots, two inside the garage and two directly in front of the garage on the driveway. The Bountiful Land Use Ordinance restricts ADUs to 25% of the total square footage of the primary dwelling structure. The ADU will occupy approximately 24.5% of the square footage of primary structure. The lot is 0.21 acres and the ADU should have minimal impact on neighboring properties.
Pending minutes have not yet been approved by the Administrative Committee and are subject to change until final approval has been made.

Based on the findings, staff has determined that 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 principal owner(s) of the property must occupy the primary structure.
2. The property is to be used only as a single-family use and a deed restriction must be signed.
3. Occupants of the Accessory Dwelling Unit shall be limited to: Legal dependents, children, parents, siblings, grandchildren, or grandparents of the primary occupant.
4. There will be no separate utility service connections
5. The ADU shall meet all the criteria in 14-14-124 of the city Ordinance
6. The Conditional Use Permit is solely for this property and is non-transferable.

PUBLIC HEARING: Mr. Wilkinson opened the Public Hearing at 5:12 p.m. As noted below, two public comments were shared in support of the applicants. The Public Hearing was closed at 5:16 p.m.

Howard VanOrman (1007 East Millstream Way) stated that he is a neighbor and former bishop in the area, and he spoke in support of the applicants. He noted that Ms. Hess’s parents are currently residing in the applicant’s basement, and that the basement kitchen existed when the applicants purchased the home. Mr. VanOrman stated his observation of the applicants’ efforts to have vehicles parked off the street. Mr. VanOrman concluded with a statement of support.

Jan Hedberg (1269 Cassidy Circle) echoed Mr. VanOrman’s statement of support for the applicants. Ms. Hedberg explained that she lives next door to the applicants and has not observed any sort of problem regarding the accessory dwelling unit.

Mr. Wilkinson thanked those in attendance for being at the meeting and expressed thanks for the process to legalize situations such as the one being addressed. Mr. Wilkinson noted that the applicants had submitted a good floor plan with their application. Mr. Cheney likewise thanked those in attendance and commended the neighborhood support.

Mr. Cheney made a motion for approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 1261 Cassidy Circle, Jeremy and Erin-Leigh Hess, applicants. Mr. Wilkinson seconded the motion.

\_A\_ Mr. Wilkinson
\_A\_ Mr. Cheney

Motion passed 2-0.

Mr. Wilkinson explained that the next step in the approval process would involve the applicants signing a deed restriction prepared by the city. After the document is properly signed, the city will record the document with the county recorder.
Pending minutes have not yet been approved by the Administrative Committee and are subject to change until final approval has been made.

5. Consider approval of a Conditional Use Permit, in written form, for improvements to an existing building at a commercial location at 565 Medical Drive for Country Oaks Assisted Living of Bountiful, Gilda McBride, applicant.

Mr. Cheney made a motion for approval of a Conditional Use Permit, in written form, for improvements to an existing building at a commercial location at 565 Medical Drive for Country Oaks Assisted Living of Bountiful, Gilda McBride, applicant. Mr. Wilkinson seconded the motion.

A          Mr. Wilkinson
A          Mr. Cheney

Motion passed 2-0.


Mr. Wilkinson outlined the variance agenda item for January 15, 2018, and a brief discussion ensued regarding that item. Mr. Wilkinson ascertained there were no further items of business. The meeting was adjourned at 5:21 p.m.

Chad Wilkinson, City Planner
Memo

Date: January 3, 2018
To: Administrative Committee
From: Browne Sebright, Assistant Planner
Re: Staff Report for the Administrative Committee Meeting on Monday, January 15, 2018

Overview

3. PUBLIC HEARING - Consider approval of a Variance to allow disturbance of areas with slopes greater than 30 percent and cuts and fills exceeding 10 feet in height for property addressed 3884 S Mountain Oaks Drive, Shadd Johnson, applicant (Branden Hansen, property owner).

Description of Request

The applicant, Shadd Johnson, has requested a variance to allow for construction of a single-family home and retaining walls on slopes exceeding 30% in the R-F Residential Foothill zone.

Authority

Section 14-2-111 authorizes the Administrative Committee as the review body for variance requests related to building on slopes greater than 30%.

Background

The property is located at 3884 S Mountain Oaks Drive in the R-F zone and is adjacent to single-family residential properties to the north, south, and west. Section 14-4-104 (A) requires that all structures and all other site improvements of whatever description “shall be located only upon areas constituting usable land... that is located entirely on ground of less than thirty percent (30%) slope, that does not encroach into required setbacks or easements, and that meets the area requirements as outlined in this section.”

The property is identified as all of Lot 309, Highland Oaks Subdivision Plat C. The property is approximately 3.36 acres in size and approximately 100% of the lot exceeds 30 percent slope. The proposed area for the single-family home to be built is approximately a 47% slope. There are other parts of the property with 33-35% slope, located close to the utility easement. Required retaining walls for the garage will be in excess of 20 feet tall, with one being 30 feet plus for a bearing wall. There will also be other 10 foot retaining walls needed for other portions of the construction process to make this project feasible. Section 14-4-117, Part D, 9 of the Bountiful City Land Use Ordinance clearly states, “No retaining wall shall exceed ten (10) feet in height.”

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: The need for the variance arises from the slope of the property. Without a variance, the applicants are deprived of the ability of constructing a home on property meeting the standards of the Code. In addition, the lot was approved prior to the current ordinance which requires a buildable area of at least 6,000 square feet. Since the lot was approved under a different set of standards, not allowing for a reasonable development would constitute a hardship.

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

Staff Response: The properties in the general vicinity all have a flatter spot to build a home on. This property on which the house is being proposed by Mr. Johnson does not have a spot to build on that is less than 30% grade. The slope of the property constitutes a special circumstance as there is not a way to build a reasonably sized home on the lot without disturbing slopes greater than 30%. The proposed encroachments are not the minimum necessary to build the proposed home and will disturb large areas of the hillside.

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

Staff Response: All properties in the R-F zone are constrained by the restrictions on development on slopes exceeding 30 percent. The purpose statement for the R-F zoning standards indicates that any alteration of steep slope areas should be the “minimum necessary to allow for reasonable use of the property.” The standards do not guarantee the ability for a property owner in the R-F zone to build a home or create flat yard areas on their property. This home is being proposed to be built on slopes well above the allowed 30%, creating a need for large retaining walls, cuts, and fills. While there are some portions of the lot that contain slopes less than 30%, accessing those areas would require greater disturbance of steep areas than at the proposed location. Although the size and location of the house is relatively consistent with neighboring homes, the temporary access road is not. The temporary access road proposed for construction of the piers would require extensive alteration of steep slope and would significantly increase the home’s impact on sensitive lands.

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

Staff Response: Several properties in the immediate area have received variances in order to be built on slopes in excess of 30 percent. This proposed home will require extensive cuts, fills and retaining walls in order to allow for reasonable use of the property. Failure to grant this variance would prevent the owner from building on the lot. However, allowing this variance without minimizing the impact to steep slopes would significantly alter or affect the general plan.

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

Staff Response: The purpose of the land use ordinance requiring improvements to be located on slopes less than 30 percent is to preserve the hills and manage runoff and erosion on properties located in the foothills. The Code anticipates that there are existing lots with special circumstances and that the variance process provides a way for those lots to be developed. However, Section 14-4-101 of
the Code also stipulates that the alteration of sensitive lands should be the minimum necessary to allow for reasonable use of the property. As proposed, the area of disturbance includes impacts to areas that are not required in order to construct the desired home. This includes disturbance of steep areas that could be preserved without the proposed temporary access road. It is recommended that the approval of the variance should be contingent on the temporary access road being removed from the construction plans and that disturbance of the property shall be limited to areas within the “Limit of Disturbance” noted on the annotated site plan.

**Staff Recommendation**

Based on analysis of the required review criteria from State law included in the findings above and the materials submitted by the applicant, staff recommend that the Administrative Committee approve the variance with the following conditions:

1. The disturbance of the property shall be limited to areas within the “Limit of Disturbance” noted on the annotated site plan in order to minimize impacts on 30 percent or greater slopes.
VARIANCE APPLICATION

Date of Submittal: 11-28-17
Property Address: 3884 S MOUNTAIN OAKS DR.
Applicant Name: SHADO JOHNSON
Applicant Address: 3986 E HUDSON WAY EAGLE MOUNTAIN UT 84005
Applicant Phone #: 801-369-1663
Applicant E-Mail: Shaddesignsjo.com
Authorization (Owner Signature): [Signature]

(If applicant is not owner, applicant must submit notarized authorization from all property owners)

Project Name and Description: SINGLE FAMILY RESIDENTANCE

Committee
☒ Administrative Committee $50.00 (application fee)
☐ Planning Commission $250.00 (application fee)

• The Site Plan Review Committee will review complete applications prior to review by the Planning Commission.
Property Owners Affidavit

I (we) ________________, being first duly sworn, depose and say that I (we) am (are) the current owner(s) of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my (our) personal knowledge.

[Signature]

Owner's Signature

Owner's Signature (co-owner if any)

State of Utah

County of Davis

Subscribed and sworn to before me this 28th day of November, 2017.

Notary Public:

Agent Authorization

I (we), ____________________________________________, the owner(s) of the real property located at __________________________, in Bountiful City, Utah, do hereby appoint ____________________________________________, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize the aforementioned agent to appear on my (our) behalf before any City board or commission considering this application.

[Signature]

Owner's Signature

Owner's Signature (co-owner if any)

State of Utah

County of Davis

On the ___ day of __________________, 20___, personally appeared before me ____________________________________________, the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.

Notary Public: __________________________
All structures and all other site improvements of whatever description shall be located only upon areas constituting usable land. Furthermore, all lots or parcels that are designated or zoned for residential development shall have a minimum rectangular buildable area with a length to width ratio between 2:1 and 1:2, that is located entirely on ground of less than thirty percent (30%) slope, that does not encroach into required setbacks or easements, and that meets the area requirements as outlined in this section. The minimum building pad may not be modified by Council discretion. The exact location of the minimum building pad shall be designated by the developer or owner during the approval process and shown on the subdivision plat or site plan, as applicable.

Based on the survey that was done by Richard K Tate P.L.S. of Anderson Engineering Company. I have a street elevation of 5510 ft. If we use the south-east corner of the lot we will have a drop of 120 feet and a run of 251.0515 feet. This gives a slope of 47.71. Our average slope on this property is 47.65.

No retaining wall shall exceed ten (10) feet in height.

A standard garage is 20 feet to 24 feet deep. With having an average slope of 47.65 we will have a retaining wall that is a min of 20-24 feet to grade not including frost protection. We are asking for a wall that is on the garage west wall be a bearing wall that will be a min of 30 feet tall. All other walls will be around the 10 feet height.
We are requesting these variances to allow us to build a home on and enjoy this lot. With such ordinances enforced on this property we will not be able to build. The lot has a 47 percent slope, which is greater than the 30 percent that the ordinance allows us to build on. This lot is different than the other lots in the area due to the slope. If variances are not allowed, we will need to create a retaining wall that is roughly 56 feet tall. Having a wall that is 56 feet tall it will add a hardship on this land that would not be necessary. Also, with a wall of this height we are under the impression that the mountain side would not be able to handle the weight of the amount of soil needed. Granting these variances will allow us to enjoy the lot by giving us the chance to build a home that meets our needs and pleasure. Granting these variances will not affect the general plan of the area due to the fact that this lot has been approved for residential build, not only by the city but also the county. The proposed home we would like to build on the lot will fit in with the community. With the overall design of the home and the variances that we want appealed the overall spirit of the law will be observed and add value to the lot and the community.
Bountiful City, Utah
Conditional Use Permit

A public hearing was held on January 8, 2018, at Bountiful City Hall to consider the request of Brent and Kathy Vodopich for a Conditional Use Permit allowing an Accessory Building exceeding 10% of the lot area at the following location:

55 West 700 North, Bountiful City, Davis County, Utah

ALL OF LOT 12, JUDGE HOLBROOK SUB. CONT. 0.21 ACRES.

Parcel 03-051-0012

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 building shall meet all the criteria in 14-4-105 and other applicable sections of the City Ordinance.

The Bountiful City Administrative Committee hereby grants this Conditional Use Permit for an Accessory Building exceeding 10% of the lot area as requested by Brent and Kathy Vodopich to be located at 55 West 700 North, Bountiful, Davis County, Utah, with the following conditions:

1. The Accessory Building shall meet all criteria in 14-4-105 of the Bountiful City Code.
2. The property owner shall obtain a building permit.
3. The applicant shall follow IBC building codes.
4. The Conditional Use Permit is solely for this site and is non-transferable.
5. The accessory structure WILL NOT be used for commercial interests or monetary gain.
6. If deemed necessary by Bountiful City Light & Power, the applicant shall revise the rear yard setbacks on the building plans.

The Conditional Use Permit was approved on January 8, 2018, and this written form was approved this 15th day of January, 2018.

Chad Wilkinson
Planning Director

ATTEST: Julie Holmgren
Recording Secretary
Bountiful City, Utah
Conditional Use Permit

A public hearing was held on January 8, 2018, at Bountiful City Hall to consider the request of Jeremy and Erin-Leigh Hess for a Conditional Use Permit allowing an Accessory Dwelling at the following location:

1261 East Cassidy Circle, Bountiful City, Davis County, Utah
ALL OF LOT 25, BROWN’S PARK - PART I. CONT. 0.21 ACRES.
Parcel 05-060-0025

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 14-14124 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) as requested by Jeremy and Erin-Leigh Hess, to be located at 1261 East Cassidy Circle, Bountiful, Davis County, Utah, with the following conditions:

1. The principal owner(s) of the property must occupy the primary structure.
2. The property is to be used only as a single-family use and a deed restriction must be signed.
3. Occupants of the Accessory Dwelling Unit shall be limited to: Legal dependents, children, parents, siblings, grandchildren, or grandparents of the primary occupant.
4. There will be no separate utility service connections
5. The ADU shall meet all the criteria in 14-14-124 of the city Ordinance
6. The Conditional Use Permit is solely for this property and is non-transferable.

The Conditional Use Permit was approved on January 8, 2018, and this written form was approved this 15th day of January, 2018.

Chad Wilkinson
Planning Director

ATTEST: Julie Holmgren
Recording Secretary