

**Bountiful City  
Administrative Committee Minutes  
March 9, 2015**

**Present:** Chairman – Chad Wilkinson; Committee Members – Lloyd Cheney and Dave Badham; Assistant Planner – Tayler Jensen; Recording Secretary – Julie Holmgren.

**Excused:** John Marc Knight.

**1. Welcome and Introductions.**

Chairman Wilkinson opened the meeting at 5:01 p.m. and introduced all present.

**2. Consider approval of minutes for February 23, 2015.**

Mr. Cheney made a motion to approve the minutes for February 23, 2015. Mr. Badham seconded the motion.

  A       Mr. Wilkinson  
  A       Mr. Cheney  
  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 1038 East Highland Oaks Drive, David and Tracy Zitting, applicants.**

Tom Durrant, representing David and Tracy Zitting, was present.

Tayler Jensen presented a summary of the staff report (the full staff report follows).

The applicant's home is in a Residential Single-Family R-F Zone. The applicant would like to construct an Accessory Dwelling Unit above a proposed garage to be used for a family member. Plans submitted show the accessory dwelling will include a full kitchen, a full bath, a full laundry room, bedroom, and living space. The plans for the accessory dwelling unit are currently being reviewed in conjunction with the building permit for the primary residence.

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 an income producing unit which is not allowed. Therefore, this type of configuration should be viewed as an "anticipated detrimental effect" as described in the Utah State Code which reads:

## 10-9a-507 Conditional Uses

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 the home will maintain the appearance of a single-family residential home. There is adequate off street parking to facilitate both the primary residence and the Accessory Dwelling Unit. With the construction of the ADU the home will still meet setbacks, easements, and height restrictions. The ADU will not occupy more than 25% of the square footage of primary structure. The lot is 10.5 Acres and the ADU will 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 principal owner(s) of the property must occupy the primary structure.
2. No occupancy of the ADU shall occur until after passing final inspection.
3. The property is to be used only as a single-family use and shall be subject to a deed restriction, recorded with Davis County prior to obtaining a building permit.
4. Occupants of the Accessory Dwelling Unit shall be limited to: Legal dependents, children, parents, siblings, grandchildren, or grandparents of the primary occupant.
5. There will be no separate utility service connections
6. The ADU shall meet all the criteria in 14-14-124 of the city Ordinance
7. The Conditional Use Permit is solely for this property and is non-transferable.

Mr. Badham asked if *any* blood relative could occupy the Accessory Dwelling Unit, or was occupation limited to those listed in condition #4. Mr. Wilkinson replied that individuals listed in condition #4 came right out of the City code, and they are the only ones who may occupy the Accessory Dwelling Unit. Mr. Badham asked Mr. Durrant to reiterate that specific condition with the Zittings.

**PUBLIC HEARING:** Chairman Wilkinson opened the public hearing at 5:10 p.m., and the hearing was closed at 5:10 p.m. with no comment from the public.

Mr. Wilkinson explained that the Accessory Dwelling Unit will be located at a home with plenty of parking, on a large, private lot, and built on top of an oversized garage. It is a unique unit it that it will be larger than typical. It will require a Deed Restriction. Mr. Cheney inquired regarding the possible need for an internal connection between the unit and the home. Mr. Wilkinson said it is not required by Code. Mr. Cheney clarified that Mr. Durrant

understands the conditions. Mr. Durrant replied in the affirmative. A discussion ensued regarding a few specifics of the building.

Mr. Cheney made a motion to approve a Conditional Use Permit to allow for an Accessory Dwelling Unit at 1038 East Highland Oaks Drive, David and Tracy Zitting, applicants. Mr. Badham seconded the motion.

A Mr. Wilkinson  
A Mr. Cheney  
A Mr. Badham

Motion passed 3-0.

4. **Consider approval of a Conditional Use Permit, in written form, for a Landscaping Business (lawn care, sprinkler repair, and landscaping) at 385 East 1900 South, Nicholas K. Fisher, applicant.**

Mr. Badham made a motion to approve a Conditional Use Permit, in written form, for a Landscaping Business (lawn care, sprinkler repair, and landscaping) at 385 East 1900 South, Nicholas K. Fisher, applicant. Mr. Cheney seconded the motion.

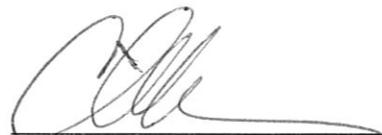
A Mr. Wilkinson  
A Mr. Cheney  
A Mr. Badham

Motion passed 3-0.

5. **Miscellaneous business and scheduling.**

Chairman Wilkinson noted the next Administrative Committee Meeting would be held March 16, 2015. The committee spent a few minutes answering questions and educating a group of Boy Scouts from Troop 4263 in attendance at the meeting.

The meeting was adjourned at 5:22 p.m.

  
Chad Wilkinson, City Planner