

**Mayor**  
Kenneth Romney

**City Engineer/ Land  
Use Administrator**  
Kris Nilsen

**City Recorder**  
Remington Whiting

**City Council  
Representative**  
Dell Butterfield

# **WEST BOUNTIFUL PLANNING COMMISSION**

550 North 800 West  
West Bountiful, Utah 84087

Phone (801) 292-4486  
FAX (801) 292-6355  
[www.WBCityut.gov](http://www.WBCityut.gov)

**Chairman**  
Alan Malan

**Vice Chairman**  
Corey Sweat

**Commissioners**  
Laura Mitchell  
Dennis Vest  
Robert Merrick  
Tyler Payne

**THE PLANNING COMMISSION WILL HOLD A REGULAR MEETING  
AT 7:30 PM ON TUESDAY, AUGUST 26<sup>TH</sup>, 2025 AT THE CITY OFFICES.**

*Invocation/Thought – Commissioner Vest*

*Pledge of Allegiance – Commissioner Merrick*

1. Confirm Agenda
2. Public Hearing –Proposed R-1-10 Rear Yard Setback Code Change.
3. Consider Proposed R-1-10 Rear Yard Setback Code Change Recommendation.
4. Consider Conditional Use Permit – Hug Hes Commissary.
5. Approve Meeting Minutes from August 11<sup>th</sup>, 2025.
6. Staff Reports.
7. Adjourn.

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*This agenda was posted on the State Public Notice website ([Utah.gov/pmn](http://Utah.gov/pmn)), the city website ([WBCityut.gov](http://WBCityut.gov)),  
and posted at City Hall on August 22<sup>nd</sup>, 2025 by Remington Whiting, City Recorder.*

# MEMORANDUM



**TO:** Planning Commission

**DATE:** August 22<sup>nd</sup>, 2025

**FROM:** Staff

**RE:** Code Change Application - Rear Yard Setback Regulations in R-1-10 Zone - Roberts

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This memo introduces a text change amendment application from Weston and Sarah Roberts related to rear yard setback requirements for main structures in the R-1-10 zone (attached).

## Background

West Bountiful City has a 30' setback requirement in the rear yard for main structures in all residential zones. During another recent discussion regarding rear yard setbacks, staff determined that this requirement has existed since at least 1965 and possibly even longer. The application was previously reviewed by the planning commission during a meeting on August 11<sup>th</sup>, 2025.

## Application

On July 21<sup>st</sup>, 2025, Weston and Sarah Roberts submitted a Text Change Application to change the current minimum rear yard setback for main structures from 30' down to 20'. The proposal stems from the applicant's desire to build an addition that would extend into their current rear yard setback.

## City Council Recommendation

Once a public hearing has been held, the commission may consider some of the following options:

1. Forward a recommendation to the city council. The planning commission may suggest approval or denial.
2. Direct staff and consultants to bring back other specific proposals or a larger review of options related to rear yard setbacks.



# APPLICATION TO REZONE/CHANGE TEXT

**West Bountiful City**  
**PLANNING AND ZONING**  
550 N 800 W  
West Bountiful, UT 84087  
(801) 292-4486  
www.WBCity.org

PROPERTY ADDRESS: 842 W 2400 N West Bountiful DATE OF APPLICATION: 7/21/2025

PARCEL NUMBER: 062450317 CURRENT ZONE: R-1-10 PROPOSED ZONE: R-1-10

LEGAL DESCRIPTION ATTACHED: YES ☐ NO ☒

Applicant Name(s): Weston and Sarah Roberts

Applicant Address (if different than above): \_\_\_\_\_

Primary phone: 801-680-6214 E-mail address: Sbellomy10@gmail.com

**Describe in detail the request being made and the reasons why the change will benefit the people of West Bountiful. A separate sheet with additional information may be submitted if necessary.**

See attached document

I hereby apply to change text in the West Bountiful Municipal Code, or rezone the property identified above in accordance with the provisions of Utah State Code 10-9a-503. I certify that the above information is true and correct to the best of my knowledge.

Date: 7/21/2025 Applicant Signature: Sarah Roberts

## FOR OFFICIAL USE ONLY

Application & \$150 Fee Received Date: \_\_\_\_\_ Public Hearing Date: \_\_\_\_\_

Letters sent to affected neighbors: \_\_\_\_\_ Public Notice Sign Placed \_\_\_\_\_

Planning Commission Approval: \_\_\_\_\_ City Council Approval: \_\_\_\_\_

**Describe in detail the request being made and the reasons why the change will benefit the people of West Bountiful.**

We respectfully propose a change to the rear yard set back regulations in R-1-10 Zones. Our proposed change is to reduce the minimum rear set back of 30 feet to 20 feet for main structures in R-1-10 zones.

We believe this change will benefit the people of West Bountiful for the following reasons:

- It will give opportunities for owners to better utilize their properties.

Current housing market strains and increased land values are causing people to stay where they are. In West Bountiful specifically, listings are sparse. This 10 feet can help people to maximize their property's potential and benefit from the land they own and live on.

- A change to the rear setback only, allows people to utilize their properties while still maintaining West Bountiful's unique rural feel.

West Bountiful's current zoning regulations maintain conservative front and side setbacks, allowing a great distance between homes and protecting the community's open spacious feel. Adjusting the rear set back only, while maintaining the current front and side set backs will provide the right balance between utilizing personal property without compromising the visual openness that residents cherish.

- This change will allow for owners to build off main living structures instead of resorting to detached accessory structures close to the home or property line.

Current zoning regulations permit large accessory structures to be built within feet of property lines. Some of these accessory structures are larger than main structure additions. A modest 10 foot reduction would allow for equitable use of property and people to build from main structures instead of resorting to a detached structure that encroaches far into the rear set back. These large accessory structures create a denser overcrowded look than home additions do.

- A general adjustment of 30 to 20 feet will allow for opportunities of people with unique property situations to make equitable changes.

Angled property lines, cul-de-sacs, curves from the streets, mixed with conservative set back rules are limiting certain properties from making changes they desire to their homes while neighboring properties have more freedom. This modest adjustment would allow for properties in these unique situations to better utilize their land without the need to make specific ordinance and zone request changes.

# MEMORANDUM



**TO:** Planning Commission

**DATE:** August 22<sup>nd</sup>, 2025

**FROM:** Staff

**RE:** Hug Hes Commissary – Conditional Use Permit

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This memo reviews a conditional use permit that was submitted for an internal commissary for Hug-Hes.

## Background

On August 14<sup>th</sup>, 2025, Hug-Hes submitted an application for a conditional use permit to operate an internal commissary at 2290 North 640 West. The property is located within the C-N zone. The commissary will be used for internal production for Hug-Hes and will have no retail or selling to outside customers. According to WMBC 17.28.030, businesses that are located in the C-N zone and include “*Restaurants, cafeterias and fast food eating establishments*” or “*Business and uses which are similar to those listed in this section*” are listed as a conditional use.

WBMC 17.60.040, requires the planning commission to consider whether:

1. The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community;
2. The proposed use, under the circumstances of the particular case, will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
3. The proposed use and/or accompanying improvements will not inordinately impact schools, utilities, and streets;
4. The proposed use will provide for appropriate buffering of uses and buildings, proper parking and traffic circulation, the use of building materials and landscaping which are in harmony with the area, and compatibility with adjoining uses;
5. The proposed use will comply with the regulations and conditions specified in the land use ordinance for such use;
6. The proposed use will conform to the intent of the city’s general plan; and
7. The conditions to be imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection.



# CONDITIONAL USE PERMIT APPLICATION

**West Bountiful City**

**PLANNING AND ZONING**

550 N 800 W, West Bountiful, UT 84087

Phone: (801) 292-4486

www.wbcityut.gov

**PROPERTY ADDRESS:** 2290 N 640 W West Bountiful, Utah 84087

**NAME OF BUSINESS/USE:** Hug-Hes Commissary

**PARCEL NUMBER:** \_\_\_\_\_ **ZONE:** \_\_\_\_\_ **DATE OF APPLICATION:** 8/11/2025

**Applicant Name:** Jordan Hawkins **Address:** 1220 E 4800 S 84403

**Applicant E-mail:** jordan.hawkins@hughescafe.com **Primary Phone:** 8016451018

**Property Owner, Phone (if different):** 801-499-1112

**Describe in detail the conditional use for which this application is being submitted. Attach a site plan which clearly illustrates the proposal and separate sheet with additional information if necessary.**

Internal Commissary production for Hug-Hes. There will be no retail or selling to outside customers

The Applicant(s) hereby acknowledges that they have read and are familiar with applicable requirements of Title 17.60 of the West Bountiful City Code, pertaining to the issuance of Conditional Use Permits. If the applicant is a corporation, partnership or other entity other than an individual, this application must be in the name of said entity, and the person signing on behalf of the Applicant hereby represents that they are duly authorized to execute this Application on behalf of said entity.

**Fee must accompany this application - \$20 for Residential Zone, \$50 for Business Zone**

*I hereby apply for a Conditional Use Permit from West Bountiful City in accordance with the provisions of Title 17, West Bountiful Municipal Code. I certify that the above information is true and correct to the best of my knowledge. I understand the information on this application may be made available to the public upon request.*

**Date:** 8/14/2025 **Applicant Signature:** Jordan Hawkins

**Date:** 8/14/2025 **Property Owner (if different):** [Signature]

## FOR OFFICIAL USE ONLY

**Application Received Date:** \_\_\_\_\_

**Permit Number:** \_\_\_\_\_

**Application Fee Received Date:** \_\_\_\_\_

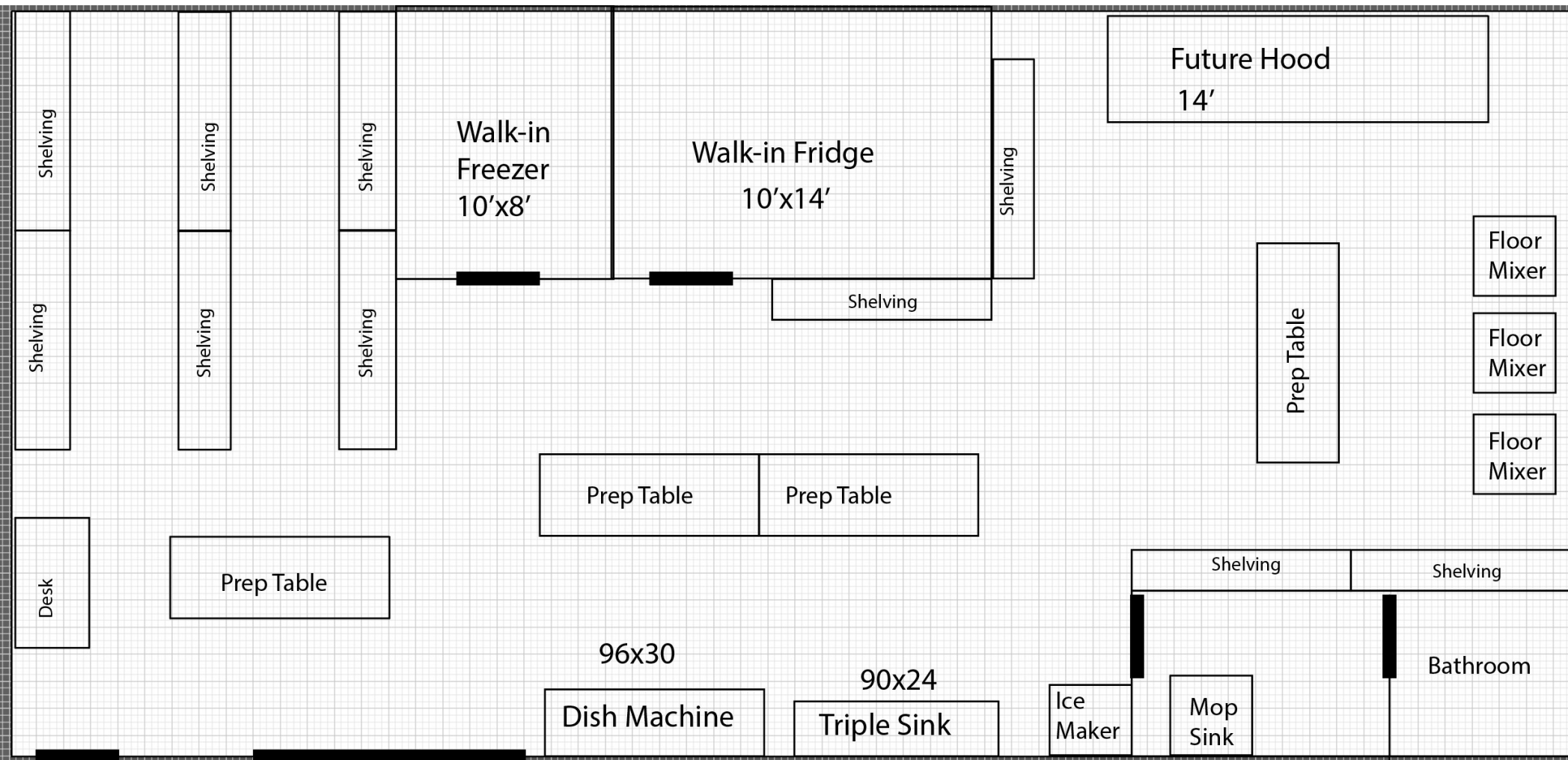
**Fire Inspection Date:** \_\_\_\_\_

**Permit Approval:** \_\_\_\_\_

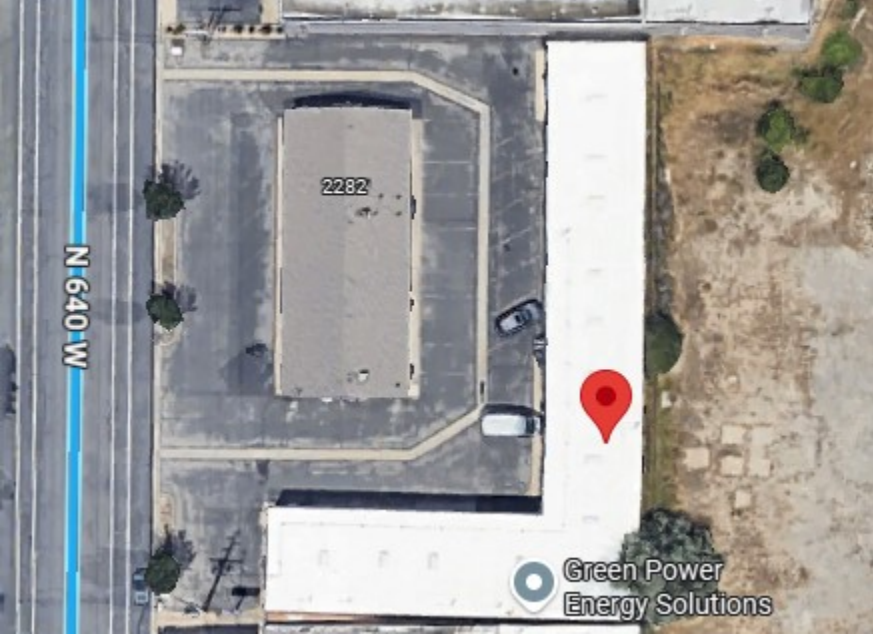
**Fire Inspection Approval Date:** \_\_\_\_\_

Recommended Conditions, consistent with similar businesses in the area:

1. Fire Inspection approval;
2. Health Inspection approval;
3. Upon issuance of this Permit, Hug-Hes will acquire a West Bountiful City business license.
4. All food, storage and cleaning will be conducted indoors;
5. Signage will comply with city regulations.
6. The Conditional Use Permit will only be valid for the current business occupant and shall not transfer automatically to the new tenants.







N 640 W

2282



Green Power  
Energy Solutions

**PENDING – NOT APPROVED**

**Posting of Agenda** - *The agenda for this meeting was posted on the State of Utah Public Notice website, on the West Bountiful City website, and at city hall on August 8, 2025, per state statutory requirement.*

Minutes of the Planning Commission of West Bountiful City held on Monday, August 11, 2025, at West Bountiful City Hall, Davis County, Utah. *(Meeting day changed due to the Primary Elections being held on Tuesday, August 12<sup>th</sup>, 2025).*

**MEMBERS ATTENDING:** Chairman Alan Malan, Commissioners Dennis Vest, Laura Mitchell, Robert Merrick, Tyler Payne (Alternate), and Council member Dell Butterfield.

**MEMBERS/STAFF EXCUSED:** Corey Sweat

**STAFF ATTENDING:** Kris Nilsen (City Engineer), Remington Whiting (Community Development), and Debbie McKean (Secretary).

**PUBLIC ATTENDING:** Mike Youngberg, Joan and Frank Zumpano, Todd Smith, Nate Ashby, Manny Zauala, Sarah and Weston Roberts, Mike Loscalco.

**Thought/Invocation by Commissioner Mitchell**  
**Pledge of Allegiance- Commissioner Vest**

**1. Confirm Agenda**

Chairman Malan reviewed the proposed agenda. Dennis Vest moved to approve the agenda as presented. Robert Merrick seconded the motion. Voting was unanimous in favor among all members present.

**2. Consider Approval of 8ft Fence at 980 North 600 West**

Commissioner packets included a memorandum from Staff dated August 8, 2025 regarding a request for approval of an 8 ft fence at 980 North 600 West including site plan and photos.

Remington Whiting explained that on August 6th, 2025, a conditional use permit application was submitted by Frank Zumpano to bring his rear and side yard fence into compliance as they are already at an 8ft fence along the entire rear and a portion of side of the property. A site diagram illustrating the location and layout of the proposed fence was provided.

He noted that pursuant to WBMC 17.50.040 the maximum height for fences in the rear and side yards is 6 ft. If the commission finds that an additional height allowance is reasonably necessary, it may grant approval of the request by motion in accordance to WBMC 17.50.050 which grants the planning commission the ability to extend the height to 8ft.

Mr. Whiting informed the commission that the rear yard of the property already has a non-permitted 8' fence constructed for its entire length. It is parallel to property owned by the Oregon Short Line Railroad Co.

*He also noted that staff can see a reasonable argument that residential property and railroad property are an incompatible use, and that additional height may be reasonably necessary to protect both properties.*

Regarding the side yard, Mr. Whiting explained that approximately 65 feet of side yard fence has been built unpermitted at 8', and the applicant is desirous to complete an additional 35'. A small portion (15') of side yard is adjacent to a city well property. The applicant, Mr. Zumpano argues that the additional height is reasonably necessary to protect the residential property from the adjunct road (the bend on 1000 N and 550 W).

*Staff believes that since residential properties are adjacent to roads throughout the city, that it should not be considered an incompatible use. Staff also cannot see the justification in additional height to protect the property from vehicles.*

After consideration, the commission decided to make the following motion:

**Action Taken:**

***Tyler Payne moved to approve the request for the 8 ft fence and to add the additional 8 ft to the edge of the east driveway including an 8 ft high 12-foot-wide gate across the driveway, and build a 6 ft high fence running north and south along the west side of the driveway. Laura Mitchell seconded the motion and voting was unanimous in favor.***

**3. Consider Conditional Use Permit – 24 Hour Rooterman Plumbing and Drain Cleaning**

Commissioner packets included a memorandum from Staff dated August 8, 2025 regarding a request for a Conditional Use Permit for 24 Hour Rooter Plumbing and Drain Cleaning located at 2337 North 640 West for Todd Smith. A site plan was included in the submittal.

Mr. Whiting informed the commission that in a recent audit of the city's business licenses, staff discovered a plumbing business operating within the C-N zone at 2337 N 640 W. On August 7th, 2025, a conditional use permit application was submitted by Mr. Todd Smith.

Todd Smith stated that the location is used for the storing of fittings, pipe and plumbing tools which are located inside the shop. He leases the property so the vehicles stored on the property do not belong to him.

After some discussion among the commissioners, it was decided to make the following motion:

#### **Action Taken:**

***Laura Mitchell moved to approve the conditional use permit for Todd Smith/24 Hour Rooterman Plumbing and Drain Cleaning at 2337 North 640 West located in the C-N zone with the following positive findings: the proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community; under the circumstances of the particular case, will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; use and/or accompanying improvements will not inordinately impact schools, utilities, and streets; the proposed use will provide for appropriate buffering of uses and buildings, proper parking and traffic circulation, the use of building materials and landscaping which are in harmony with the area, and compatibility with adjoining uses; will comply with the regulations and conditions specified in the land use ordinance for such use; will conform to the intent of the city's general plan; and the conditions to be imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection which conditions are to receive required fire Inspection approval; any signage will comply with city regulations; the Conditional Use Permit will only be valid only for the current business occupant and shall not transfer automatically to the new tenants and there will be no outdoor storage allowed. Tyler Payne seconded the motion and voting was unanimous in favor.***

#### **4. Consider Conditional Use Permit – Lifetime Store**

Commissioner packets included a memorandum from Staff dated August 8, 2025 regarding a Conditional Use Permit for Lifetime Store located at 206 South 625 West in the West Bountiful Commons area. A site plan was included in the submittal.

Mr. Whiting explained to the Commission that on July 23rd, 2025, a conditional use permit application was submitted for a proposed Lifetime Store to be located at 206 South 625 West. The proposed retail use includes the continuous outdoor display of products such as sheds, playground equipment, tables, benches, chairs, pergolas and grills. Per WBMC 17.92.020, outdoor storage in the C-G zone requires a conditional use permit.

He further explained that the proposed outdoor storage area will be enclosed by a 6-foot wrought iron fence and will only be accessible from within the building. A site diagram illustrating the location and layout of the outdoor storage area was provided to the commission for their review.

After some discussion, the commission made the following motion:

**Action Taken:**

***Laura Mitchell moved to approve the Conditional Use Permit for Lifetime Store located at 206 South 625 West with the following affirmative findings: the proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community; under the circumstances of the particular case, will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; use and/or accompanying improvements will not inordinately impact schools, utilities, and streets; will provide for appropriate buffering of uses and buildings, proper parking and traffic circulation, the use of building materials and landscaping which are in harmony with the area, and compatibility with adjoining uses; will comply with the regulations and conditions specified in the land use ordinance for such use; will conform to the intent of the city's general plan; and the conditions to be imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection along with the following conditions: The display area must remain within the boundaries shown on the submitted site plan; no encroachment into landscaping, fire lanes, drive aisles, or ADA-accessible paths is permitted; outdoor display shall be limited to merchandise related to the primary on-site business; no accumulation of debris, pallets, or packing materials in any outdoor area of the property; the fence for the outdoor display shall be maintained; display area must be maintained in a neat, orderly, and litter-free condition; obtain fire inspection approval; signage will comply with city regulations; the Conditional Use Permit shall be valid only for the current business occupant and shall not transfer automatically to new tenants. Dennis Vest seconded the motion and voting was unanimous in favor.***

**5. Consider Conditional Use Permit- Cleartone Inc.**

Commissioner packets included a memorandum from Staff dated August 8, 2025 regarding a request for a conditional use permit that was submitted for Cleartone Inc, a guitar accessory manufacturing business. A site plan was included in the submittal.

Remington Whiting explained that on July 23rd, 2025, Cleartone Inc. submitted an application for a conditional use permit to operate a guitar accessory manufacturing business at 740 West 500 South, Unit #2. The property is located within the C-H zone. These accessories include guitar strings, picks and other guitar accessories. According to WMBC 17.34.030, businesses that include "Indoor fabrication machining or welding of materials or equipment not for sale" are listed as a conditional use in the C-H zone. The applicant has indicated that the business will primarily involve small-scale indoor manufacturing and assembly of guitar-related products.

Commissioners reviewed the application and the following motion was made:

**Action Taken:**

***Robert Merrick moved to approve the Conditional Use Permit for Cleartone, Inc. located at 740 West 500 South Unit # 2 Michael Loscalzo with the following affirmative findings; the proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community; under the circumstances of the particular case, will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; use and/or accompanying improvements will not inordinately impact schools, utilities, and streets; will provide for appropriate buffering of uses and buildings, proper parking and traffic circulation, the use of building materials and landscaping which are in harmony with the area, and compatibility with adjoining uses; will comply with the regulations and conditions specified in the land use ordinance for such use; will conform to the intent of the city's general plan; and the conditions to be imposed in the conditional use permit will mitigate the reasonably anticipated detrimental effects of the proposed use and accomplish the purposes of this subsection and with the following conditions; fire Inspection approval obtained; upon issuance of this Permit, Cleartone Inc. will acquire a West Bountiful City business license; all fabrication, assembly, storage and related business activities must be conducted indoors; signage will comply with city regulations. Laura Mitchell seconded the motion and voting was unanimous in favor.***

**6. Code Change Application – Residential Rear Yard Setbacks- Roberts.**

Commissioner packets included a memorandum from Staff dated August 8, 2025 regarding a request for a text change amendment application from Weston and Sarah Roberts related to rear yard setback requirements for main structures in the R-1-10 zone that included a descriptive details from the applicant of how this change would benefit the people of West Bountiful City.

Remington Whiting noted that West Bountiful City has a 30' setback requirement in the rear yard for main structures in all residential zones. During another recent discussion regarding rear yard setbacks, staff determined that this requirement has existed since at least 1965 and possibly even longer.

Under the direction of staff, commissioners were reminded and discussed the reasons for the setback requirements and noted that this item has come up for discussion many times. The following are reasons as to why setbacks in residential zones exist and include the need for Usable backyards; privacy; noise mitigation; safety and access in case of fires or other disasters; aesthetic and predictable development patterns.

Mr. Whiting introduced the application submitted on July 21st, 2025, by Weston and Sarah Roberts requesting a text change to change the current minimum rear yard setback for main structures from 30' down to 20'.

He read a letter of from Commissioner Corey Sweat who was excused from the meeting this evening. The letter contained comments for reasons Mr. Sweat opposes the text/zone change application from the Roberts.

The applications includes four reasonings justifying this request. The Commission reviewed these reasons and discussed if they would create the following that should be considered when making such a change:

Would this change to rear yard setbacks be compatible with the General Plan for residential zones? How would this change affect established neighborhoods, new development, and the re development of residential properties? How would this change work with other yard requirements such as the requirement that no accessory or group of accessory structures cover more than 35% of a rear yard? Is it reasonable and equitable to allow for accessory structures to encroach into rear yard setbacks but not parts of the main structure? For example, why can a detached garage encroach into the setback, but not an attached addition? Will future discussions about detached ADUs change the city's way of regulating rear yard setbacks?

Sarah Roberts took the stand and explained the unique situation of their property in regards to what they would like to do.

Laura Mitchell suggested we may want to consider not changing the text for all of the R-1-10 zone but create an exception for that property.

Robert Merrick stated that he is opposed to spot zoning.

Remington Whiting informed the commission and applicant of the process for reviewing an application for text/code changes which is to review the application, discuss at planning and zoning level, hold a public hearing and then address any other needed discussion or deliberations. After that, planning commission will send their recommendation to the city council for review to either approve or deny the request or make a text/code change that would be a modification to the request.

A public hearing will be held on August 19<sup>th</sup> at the regularly scheduled meeting for the applicant's request.

**7. Approve Meeting Minutes from July 22, 2025.**

**Action Taken:**

***Robert Merrick moved to approve the minutes from the July 22 2025, Planning Commission Meeting as presented. Dennis Vest seconded the motion, and voting was unanimous in favor.***

## 8. Staff Reports

### a. Engineering (Kris Nilsen)

- Belmont 1 A will appear n the agenda for our next meeting
- Staff has sent a response to Ivory Homes for their last submittal so the ball is in their court at this time.
- Staff will check out the dust problem that is occurring on the city property located to the east of the Vest Property off 1200 North.
- The 660 West project will have some heavy hauling going on the next few days. 700 North to 400 North will be paved first which is the south side of the project, followed by the remaining road to the north of that.
- Communication is needed with the school as that area is a main means of transportation for elementary students. Laura Mitchell offered a few suggestions. Kris will work it out with the school asap.
- 1100 West needs the residential mailboxes to be put in permanently.

### b. Community Development (Remington Whiting)

- Primary Election will be held tomorrow.
- Receiving a inflects of building permits.
- UDOT is obtaining the needed properties for their project. So far the two shell gas stations and the hotel property has been purchased.
- Ken Garff will be buying the Larry Miller Dealership property.
- At Home is closing due to bankruptcy.
- There will be a work session with UDOT at the next City Council Meeting around 6:00 pm on August 19<sup>th</sup>.
- Remington is researching the process for demolishing property.

## 9. Adjourn.

### **Action Taken:**

***Laura Mitchell moved to adjourn the regular session of the Planning Commission meeting at approximately 9:00 pm. Dennis Vest seconded the motion. Voting was unanimous in favor.***

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*The foregoing was approved by the West Bountiful City Planning Commission, by unanimous vote of all members present.*