



Provo City Board of Adjustment

Report of Action

August 21, 2023

Item 1 Colin Geoffrey Brodie appeals a staff determination of legal use for property at 1045 West 300 North, in the R1.6 (One Family Residential) Zone. Dixon neighborhood. Dustin Wright (801) 852-6414
dwright@provo.org PLABA20230199

The following action was taken on the above described item by the Board of Adjustment at its regular meeting on August 21, 2023:

DENIED

On a vote of 5:0, the Board of Adjustment denied the above noted application.

Motion By: Maria Winden

Second By: Laurie Urquiaga

Votes in Favor of Motion: Maria Winden, Laurie Urquiaga, Thomas Halladay, Eric Chase, Andrew Renick

Thomas Halladay was present as chair.

- Includes facts of the case, analysis, conclusions, and recommendations outlined in the Staff Report with any changes noted. The Board of Adjustment determination is generally consistent with the Staff analysis and determination.

STAFF PRESENTATION

The Staff Report to the Board of Adjustment provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

CITY DEPARTMENTAL ISSUES

- There are no remaining issues from the Coordinator Review Committee (CRC) review that need to be resolved.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was not present or did not address the Board of Adjustment during the hearing.
- Neighbors or other interested parties were present or addressed the Board of Adjustment.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Board of Adjustment. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- Neighbors or other interested parties did not address the Board of Adjustment.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Board of Adjustment included the following:

- John Sears represented the applicant and stated that the city has arbitrarily targeted this property.
- The seller disclosure said that there were no known issues with the use of the property.
- The home has two doors, one for 1045 and the other for 1047, that are both rented.
- Other surrounding homes are grandfathered duplexes and so this one should be too.
- There are no issues with the current tenants or the property.
- There are three years of records that utilities have been paid for two meters.

BOARD OF ADJUSTMENT DISCUSSION

Key points discussed by the Board of Adjustment included the following:

- It is unfortunate and unfair when a seller misinforms a buyer and this is why title reports and due diligence are important.
- Owner occupancy is an important asset in the neighborhoods.
- We have to focus on if an error was made in the staff decision and it is clear that the nonconforming use ended with the Redevelopment Agency conversion of the property.
- The research provided by staff shows that this is not a duplex.

FINDINGS / BASIS OF BOARD OF ADJUSTMENT DETERMINATION

- The Board of Adjustment determination is generally consistent with the Staff analysis and determination from the staff report.

DECISION

The Board of Adjustment made a motion to deny the appeal.



Board of Adjustment Chair



Development Services Director