



Provo City Board of Adjustment

Report of Action

September 18, 2023

ITEM 1 Roger and Virginia Galland request an Appeal to the Board of Adjustment of a staff interpretation of accessory use in a R1 (One Family Residential) Zone (Section 14.10.020(5)), related to the denial of a building permit on a residential lot, located at 2958 N Iroquois Circle. Rock Canyon Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.org PLABA20230212

The following action was taken on the above described item by the Board of Adjustment at its regular meeting on September 18, 2023:

DENIED

On a vote of 3:0, the Board of Adjustment denied the above noted application.

Motion By: Andrew Renick

Second By: Eric Chase

Votes in Favor of Motion: Andrew Renick, Eric Chase, Thomas Halladay

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

- The Coordinator Review Committee (CRC) has reviewed the application.

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:

- The proposed use seems inappropriate in a residential neighborhood.
- A structure like this would be an eyesore and diminish the surrounding property values.
- If this is approved, then more such structures could come next.
- It will block existing views neighboring property owners enjoy and could be used to look into neighbor's property.
- An expectation would be established by approving this to allow for others.

APPLICANT RESPONSE

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

- The goal is not to change the code to allow this.
- The code already allows other uses because it says that it is not limited to listed items.
- This will not affect the city as a whole; it is site specific.
- The proposed use of the structure is to provide unique views of the trees that have been protected.

BOARD OF ADJUSTMENT DISCUSSION

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

- A lookout tower is not something that is customarily used on a residential property. This is the first time that a lookout tower has been proposed in a residential zone, so it can't be considered customarily used in conjunction with a residential home.
- There may be other more appropriate channels to try and get this approved.
- Elevation change across a property is not considered in the building height measurement.
- If this is approved it would be setting the standard for how staff would respond to similar proposals in the future.

DECISION

The Board of Adjustment made a motion to deny the appeal and affirm the decision by staff that a lookout tower is not a permitted accessory structure.



Board of Adjustment Chair



Development Services Director