



Provo City Board of Adjustment

Report of Action

September 30, 2024

ITEM #1 Scott Murray requests a Variance to Section 14.10.080, Provo City Code, to allow a deck on a new home to extend six feet (6') into a required ten foot (10') side yard in a R1.10 (One Family Residential) Zone, located at 2723 N Canyon Road. Edgemont Neighborhood. Aaron Ardmore (801) 852-6404 PLVAR20240248

The following action was taken on the above described item by the Board of Adjustment at its regular meeting on September 30, 2024:

DENIED

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

Motion By: Andrew Renick

Second By: Amanda Peterson

Votes in Favor of Motion: Andrew Renick, Amanda Peterson, Tom Halladay, Eric Chase, Laureen Urquiaga

Tom 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. Staff also answered questions from the Board regarding the size of the proposed deck and gave a summary of public feedback.

CITY DEPARTMENTAL ISSUES

- The Coordinator Review Committee (CRC) has reviewed the application and have no concerns.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood District Chair was not present or did not address the Board of Adjustment during the hearing.

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:

- Emails of support were sent to staff and the Board of Adjustment from the following neighbors: Elray Roper, Robert Bailey, Douglas Kleven, and Alan Larsen.

APPLICANT RESPONSE

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

- Scott Murray gave an overview of his request and justifications for the variance. He also answered questions from the Board regarding placement and design of the home and proposed deck.

BOARD OF ADJUSTMENT DISCUSSION

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

- The Board discussed the strict criteria for a variance, and even though some felt the request was not unreasonable or would cause harm, the applicant failed to meet the criteria to grant a variance.
- The Board was sympathetic to the request, but found that because it is a new build and the difficulty with the standard setback is self-imposed, a hardship could not be found.

DECISION

The Board of Adjustment made a motion to Deny the requested variance.



Board of Adjustment Chair



Development Services Director