



# Provo City Board of Adjustment

## Report of Action

### January 27, 2025

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Item 1 Walter Keane (on behalf of Daniel Larson) requests an Appeal to the Board of Adjustment disputing a Zone Verification for a car wash in the SC1 (Neighborhood Shopping Center) Zone, located at 3645 N Canyon Road. Edgemont Neighborhood. Jessica Dahneke (801) 8526413 jdahneke@provo.org PLABA20240346

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The following action was taken on the above described item by the Board of Adjustment at its regular meeting on January 27, 2025:

## CONTINUED

On a vote of 4:0, the Board of Adjustment continued the above noted application to February 24, 2025.

Motion By: Andrew Renick

Second By: Amanda Peterson

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

*Laureen Urquiaga was present as chair.*

- New findings stated as basis of action taken by the Board of Adjustment. Determination is not 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 and given their approval.

### **NEIGHBORHOOD AND PUBLIC COMMENT**

- The Neighborhood District Chair was present /addressed the Board of Adjustment during the public hearing.
- Sharon Memmott, Vice Chair of District One stated that she has never been made aware of complaints or enforcement cases against the property. She also stated she had questions regarding the process as her understanding is that if there is an issue that neighbors cannot resolve then going to the city to address a code violation is the next step in the process. She wondered why this is being presented to the Board of Adjustment instead of being dealt with through a code enforcement case.

### **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:

- Dan Larson, the adjacent homeowner stated that he first tried to work with the car wash owner and some of his concerns were partially resolved, from there he reached out to the zoning office and the police. He stated the police had admitted there was a violation but would not be issuing tickets.
- Michael Field, the owner of the car wash at 3645 N Canyon Rd stated that the car wash has been in operation since the late 90s, and the adjacent home has only been around for 11 to 12 years.

### **APPLICANT RESPONSE**

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

- The applicant cited 14.05.030 highlighting the powers and duties of the Board of Adjustment regarding appeals.
- The applicant cited a case from 2009 where code enforcement was triggered by the issuance of a zone verification.

- In response to the Board asking if these codes existed at the time the car was built, he responded that the staff report hasn't raised the argument that the codes cited in his submittal did not exist at the time, so he assumed it wasn't a valid argument.
- The request was made that the Board of Adjustment require city staff to conduct a site visit and issue a new zone verification with more precise wording about violations at the property.

### **BOARD OF ADJUSTMENT DISCUSSION**

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

- The Board of Adjustment asked staff to explain the authority the board has and the remedies they can propose as part of the meeting. Development Services Director, Bill Peperone, explained that he is not sure it is within the Board's purview to assign remedies. It is the Board's responsibility to determine if staff acted reasonably with respect to the City's process. He stated that the city would be ok with a continuance to allow for a site visit for further investigation.
- Member Urquiaga asked to clarify that the zone verification is an administrative process. Staff confirmed that it was.
- Member Peterson asked to clarify if we continue this meeting, and staff did find violations would that report be brought back to them. Staff explained that at that point staff would work with the owner to correct the violation. It would depend on the applicant if they wanted to come back. Staff also explained that there would not be a problem to issue a more finely worded zone verification after additional investigation has been done at the property.
- Member Urquiaga asked if a motion to continue would be necessary for the onsite investigation to happen or could it be recommended as part of the board's decision. Staff explained that making the motion to continue would be the simplest option.
- Member Chase stated that he would be comfortable with the idea of a continuance.

### **FINDINGS / BASIS OF BOARD OF ADJUSTMENT DETERMINATION**

The Board of Adjustment identified the following findings as the basis of this decision or recommendation:

- The Board of Adjustment agreed that the issued zone verification could be more thoroughly investigated to verify possible code violations at the property, as such they made the motion to continue the item to the next month's meeting.

### **DECISION**

The Board of Adjustment made a motion to continue the item.



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Board of Adjustment Chair



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Development Services Director