



Provo City Board of Adjustment Report of Action June 15, 2026

ITEM 1 Kohy Atkins requests a Variance to Provo City Code 14.10.080 to reduce the side yard requirement from 10' to 5' for an existing structure built without a permit in the R1.10 (One Family Residential) Zone, located at 2082 S Mountain Vista Ln. Spring Creek Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.gov PLVAR20260122

The following action was taken on the above described item by the Board of Adjustment at its regular meeting on June 15, 2026:

DENIED

On a vote of 3:0, 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, Laurie Urquiaga

Laurie Urquiaga was present as chair.

- Includes facts of the case, analysis, conclusions, and findings 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 findings.

- Staff presented an overview of the request and gave background information on why the variance was requested.
- Staff responded to questions about the property and slope. The slope of the property is not substantial, but there is a similar slope to surrounding properties.
- When asked about if there were other variances granted in the area, staff noted that the addresses that the applicant provided on the slides did not have variances. Staff also noted that these other properties may be or may not be in violation of city code, but they are not relevant to this variance request.

APPLICANT RESPONSE

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

- The applicant explained that building near the property lines is the norm within the neighborhood.
- This garage blends in with the other properties.
- Granting the variance would be consistent with what is in the neighborhood.
- Moving the structure to other locations on the lot would not just have a financial burden but would have a negative effect on the use of the lot.
- Moving the garage would not improve the area.
- This area is surrounded by industrial uses and would have little impact on the community.
- The applicant stated that another variance was granted in the area.

BOARD OF ADJUSTMENT DISCUSSION

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

- All five variance criteria must be met and not just some of them.
- Board noted that they do not have flexibility to approve something if only meets some of the criteria.
- Board asked about other properties and if they could be grandfathered. Staff noted that they would have to have been conforming at the time that they were built prior to the change of code.

- Slope of the property was discussed and how this similar slope exists on surrounding properties in the area and is not unique to this property.

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 found that the variance application did not meet all five variance criteria, specifically criteria 1-3 were not met.

DECISION

The Board of Adjustment made a motion to deny the requested variance as it was determined to not meet all the criteria required for a variance to be granted.



Board of Adjustment Chair



Development Services Director