



Provo City Planning Commission

Report of Action

August 26, 2026

Item 6 Kevin Jimenez requests a Variance to Provo City Code 15.05.160 (Hillside Development Standards) to allow grading and the building of a single-family home on slopes 30% or greater in the R1.10 (One Family Residential) Zone, located at 1065 E Hillside Circle. Sherwood Hills Neighborhood. Scott Johnson (801) 852-6417 snjohnson@provo.gov PLVAR20260373

The following action was taken by the Planning Commission on the above described item at its regular meeting of August 26, 2026:

APPROVED WITH CONDITIONS

On a vote of 4:1, the Planning Commission approved the above noted application, with the following condition:

- The home is constructed as shown on the site plan.

Motion By: Melissa Kendall

Second By: Tosh Metzger

Votes in Favor of Motion: Jonathon Hill, Melissa Kendall, Tosh Metzger, Jon Lyons

Votes Not in Favor of Motion: Joel Temple

Jon Lyons was present as Chair.

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

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis and conclusions.

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 Planning Commission during the public hearing.
- Neighbors or other interested parties were present and addressed the Planning Commission.

CONCERNS RAISED BY PUBLIC

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

- The neighborhood district chair pointed out the location of the landslides noted in the public comments of the staff report and asked for clarification on the decision to include or not include properties in the TDR Overlay Zone.
- Potential soil erosion and landslides may occur if a water line is hit during construction.
- Additional weight added to the hillside may contribute to future landslides.
- The proposed home fits the neighborhood.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- Design process considered family needs, the building envelope, and slopes at the property.
- Home will have a basement walkout.
- Cutting into 30% slope is necessary for the driveway.

- Geotech analysis didn't point out any risks regarding the building envelope or slope instability with anticipated loads of proposed house.
- Property owner has met with adjacent neighbors and received their support.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The history of landslides in the area and if this property was affected by such events.
- The potential to change the size and/or location of the home on the property.
- The timing of the 30% slope restrictions being included in City Code and the purchase of the property by the current owner.
- If all variance criteria were met.
- The creation of the TDR Overlay Zone and if this property is or should have been included in the overlay.



Planning Commission Chair



Director of Development Services

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to the Development Services Department, 445 W Center Street, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS