

Provo City Board of Adjustment Report of Action March 21, 2019

ITEM 2 Paul Evans requests an appeal of an administrative decision to the Board of Adjustment for the Blue Rock Medical Group sign, located at 3152 N University Ave in the Professional Office (PO) Zone. Riverside neighborhood. Brian Maxfield (801) 852-6429 PLABA20190056

The following action was taken on the above described item by the Board of Adjustment at its regular meeting on March 21, 2019:

DISMISS THE APPEAL

Motion By: Richard Peterson

Second By: Barbara Smith

Votes in Favor of Motion: Richard Peterson; Barbara Smith.

Votes Opposed to Motion: Wes Marriott.

Richard Petersen was present as chair.

- The staff report includes facts of the case, analysis, and conclusions. The Board of Adjustment determination is generally consistent with the Staff analysis and determination.

DISCUSSION BY BOARD

Discussion of this item centered on the findings of the staff report that the appeal of the Indemnification Agreement was outside the purview of the Board; that the building permit was not filed in a timely manner; and, even if the appeal were to be determined as timely, the Board would lack jurisdiction as the building permit was issued pursuant to a settlement agreement entered into by the city to resolve a lawsuit over the meaning of the underlying sign ordinance.

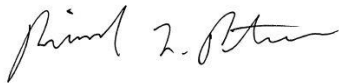
Board members expressed their belief that this was a very difficult issue, and while they had a desire to further address this appeal and the issues with the sign, the actual appeals being made were outside their jurisdiction.

PUBLIC COMMENT

Paul Evans presented information that he felt established why the appeal was timely and should be heard by the Board. Several citizens commented on the error they felt the City made in issuing the permit, or in the settlement of the lawsuit that allowed for the larger sign.

DECISION

The Board of Adjustment made a motion to dismiss the appeal based upon the findings and conclusions of the staff report.



Board of Adjustment Chair

March 26, 2019

Date Signed