



Provo City Board of Adjustment

Report of Action

May 20, 2021

Taylor Shaw requests an Appeal of an Alleged Error to the Board of Adjustment for property located at 2813 S Sierra Vista Way in the Planned Industrial Commercial zone. Spring Creek neighborhood. Robert Mills (801) 852-6407
rmills@provo.org PLABA20210081

The following action was taken on the above-described item by the Board of Adjustment at its regular meeting on May 20, 2021:

APPROVED

On a vote of 3:0, the Board of Adjustment approved the above application.

Motion By: Wes Marriott

Second By: Richard Petersen

Votes in Favor of Motion: Wes Marriott, Richard Petersen, and Andrew Renick

Richard Petersen 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 supported by the facts outlined by the motion.

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.

Mr. Mills provided a general overview of the issues at hand, including the history, relevant arguments, and the options for the Board of Adjustments. Mr. Draper, from the City Attorney's office, presented the findings of the determination letter which denied nonconforming status to the applicant's operation.

NEIGHBORHOOD AND PUBLIC COMMENT

There was no neighborhood comment or concerns expressed.

APPLICANT RESPONSE

The applicant provided details explaining why the operation, in their view, was clearly a nonconforming use and should be granted nonconforming status by the city.

BOARD OF ADJUSTMENT DISCUSSION

The board members discussed the various points of each argument at great length. There were several comments made regarding the "intent" of the business and whether that includes future intent. There were also several points made

regarding whether the proper licensing was in place to operate in the manner outlined by the applicant. Additionally, much discussion focused on the specific sections of State code relating to industrial hemp and cannabinoid operations. Ultimately, the members felt the evidence presented was sufficient to reverse the decision of the city and grant nonconforming status to the operation.

FINDINGS / BASIS OF BOARD OF ADJUSTMENT DETERMINATION

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

- A preponderance of the evidence concluded the applicant's operation was in fact nonconforming.

DECISION

The Board of Adjustment made a motion to reverse the decision of the City and grant nonconforming status to the applicant's operation at the subject property.

Board of Adjustment Chair

Date Signed