



Provo City Board of Adjustment Report of Action October 21, 2021

Item 2 Marc Hyde is appealing the Planning Commission decision of September 8, 2021, to deny a variance request to Subsection 15.07.010, Provo City Code to impact 30 percent (30%) slopes to facilitate a three-lot, residential subdivision, located at 3605 N Foothill Drive in the R1.10 zone. Sherwood Hills Neighborhood. Robert Mills (801) 852-6407 rmills@provo.org PLABA20210312

The following action was taken on the above-described item by the Board of Adjustment at its regular meeting on October 21, 2021:

DECISION TO DENY VARIANCE REQUEST UPHOLD

On a vote of 3:0, the Board of Adjustment upheld the Planning Commission's decision to deny the variance request.

Motion By: Andrew Renick

Second By: Wes Marriott

Votes in Favor of Motion: Wes Marriott, Andrew Renick, and Maria Winden

Andrew Renick was acting 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.

NEIGHBORHOOD AND PUBLIC COMMENT

There were several concerns expressed by neighbors. A total of 16 residents spoke in opposition of reversing the Planning Commission's decision.

APPLICANT RESPONSE

The applicant provided additional details of the proposed request. The applicant expressed that a substantial property right would be ignored if the request wasn't granted by reversing the Planning Commission's decision.

BOARD OF ADJUSTMENT DISCUSSION

The board members discussed the various points of the request.

Mr. Marriott considered the idea of “public interest” at length. Ms. Winden felt the Planning Commission did not error in its findings or decision. She felt that reversing the decision of the Planning Commission would not be in the public interest. She was also concerned about increased fire risk if the variance was granted and increased slope destabilization.

Mr. Renick felt that more substantial arguments would need to be made to reverse the decision of the Planning Commission and was more comfortable upholding the decision that had been made.

FINDINGS / BASIS OF BOARD OF ADJUSTMENT DETERMINATION

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

- Reversing the decision of the Planning Commission to deny the variance request would be deleterious to the public interest.

DECISION

The Board of Adjustment made a motion to uphold the Planning Commission’s decision to deny the variance request.



Board of Adjustment Chair



Community and Neighborhood Services Director