Provo City Board of Adjustment

Report of Action

December 16, 2021

Jennifer McCann appeals a staff determination of the legal use of the property for a residential property located at 562 North 600 West within the Residential Conservation (RC) zone. North Park Neighborhood. Melissa McNalley (801) 852-6164 mmcnalley@provo.org PLABA20210388

The following action was taken on the above-described item by the Board of Adjustment at its regular meeting on December 16, 2021:

DECISION TO UPHOLD ZONING DETERMINATION

On a vote of 4:0, the Board of Adjustment upheld the Planning Commission's decision to deny the variance request.

Motion By: Maria Winden

Second By: Tom Halladay

Votes in Favor of Motion: Wes Marriott, Andrew Renick, Tom Halladay 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.

Ms. McNalley provided a general overview of the zoning determination and the relevant history of the property and documentation provided by the applicant.

NEIGHBORHOOD AND PUBLIC COMMENT

There were no concerns expressed by neighbors.

APPLICANT RESPONSE

The applicant stated that she thought she was applying for a zone change and not an application to the Board of Adjustment. Applicant also stated that the current tenants residing at the subject property would be economically challenged if they could no longer rent at the location.

BOARD OF ADJUSTMENT DISCUSSION

The board members discussed the various points of the request.

Mr. Marriott recommended the applicant go through the rezoning process.
Ms. Winden discussed the make-up of the neighborhood and wondered whether there were other non-compliant duplexes in the immediate area. Zoning staff was not aware of any aside from the property at 562 North 600 West.
The board discussed the zoning actions and the legal recognized use of the property.

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 zoning determination would indicate that staff had been mistaken in their research and decision. Staff was not mistaken and was thorough in their research of the property.

DECISION

The Board of Adjustment made a motion to uphold the zoning determination and deny the request to recognize the property as a duplex.

Board of Adjustment Chair

Development Services Director