



Provo City Board of Adjustment

Report of Action

March 17, 2022

ITEM #2 Eric Merrill requests a Variance to Section 14.10.100 to vary the height limits in order to build an accessory building within the R1.10 (One-Family Residential) zone, located at 2588 W 1210 N. Lakeview North Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org
PLVAR20220062

The following action was taken on the above described item by the Board of Adjustment at its regular meeting on March 17, 2022:

APPROVED

On a vote of 3:0, the Board of Adjustment approved the above noted application for a height variance of five (5) feet for an accessory building.

Motion By: Thomas Halladay

Second By: Maria Winden

Votes in Favor of Motion: Thomas Halladay, Maria Winden, Andrew Renick

Andrew Renick was present as chair.

- New findings stated as basis of action taken by the Board of Adjustment. Determination is not generally consistent with the Staff analysis and determination.

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. Staff also responded to questions from the Board related to how the City measures building height with a variety of roof styles.

CITY DEPARTMENTAL ISSUES

- The Coordinator Review Committee (CRC) has reviewed the application and given their approval.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was not present or did not address the Board of Adjustment during the public hearing.
- Neighbors or other interested parties were present or addressed the Board of Adjustment.

CONCERNS RAISED BY PUBLIC

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

- There were no concerns prior to or during the hearing expressed by the public, only support.
- Dean Anderson called in and confirmed his support for the proposal.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Board of Adjustment included the following:

- Eric Merrill stated his reasons for the variance request, pointing to the need for sufficient ceiling heights in the proposed garage and hobby space. He analyzed how Provo measures building height and shared examples from around the City.

BOARD OF ADJUSTMENT DISCUSSION

Key points discussed by the Board of Adjustment included the following:

- Mr. Halladay shared his concern for having sufficient room heights and asked about the proposed buildings compliance with building code standards, he noted he was comfortable with the proposal.
- Ms. Winden noted that the height at the peak seemed to be the same for the proposed building and the home on the lot. She said she understands why the code is defined as it is but believes the proposed structure may dwarf the house. However, she stated that if the neighbors don't object, then she doesn't mind.
- There was additional discussion by the board on how building heights are measured.

FINDINGS / BASIS OF BOARD OF ADJUSTMENT DETERMINATION

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

- The Board found that the proposed garage and bonus room would be unusable with less height and that literal enforcement would cause undue hardship to the applicant. The Board determined that granting a five (5) foot variance to the height of an accessory building still kept the spirit of the law intact.

DECISION

The Board of Adjustment made a motion to approve a five (5) foot height variance for an accessory building.



Board of Adjustment Chair



Development Services Director