



Provo City Board of Adjustment

Report of Action

August 18, 2022

ITEM #2 Rachel Whoolery has filed an Appeal to the Board of Adjustment to dispute the legal use of property at 427 West 400 South in the R1.6 (One Family Residential) zone. Franklin Neighborhood. Sione Manoa (801) 852-6405 smanoa@provo.org PLABA20220193

The following action was taken on the above described item by the Board of Adjustment at its regular meeting on August 18, 2022:

DENIED

On a vote of 3:0, the Board of Adjustment denied the above noted application for the appeal to dispute the legal use of the property at 427 West 400 South in the R1.6 zone.

Motion By: Maria Winden

Second By: Jennifer Welsh

Votes in Favor of Motion: Andrew Renick, Maria Winden, Jennifer Welsh

Andrew Renick 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 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.

CITY DEPARTMENTAL ISSUES

- The Coordinator Review Committee (CRC) has reviewed the application and agreed with staff's recommendation for denial.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was not present or did not address the Board of Adjustment during the 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 (2) two concerned neighbors during the hearing who expressed concern about this appeal.

APPLICANT RESPONSE

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

- Rachel Whoolery stated her reasons for the appeal, stating the home originally was planned to be built as a two-family dwelling. Due to the original owner not being able to afford the completion of the basement she was hoping to get this grandfathered duplex approved now that she is able to complete this process. She pointed the main goal was to allow more affordable housing for families in the zone.

BOARD OF ADJUSTMENT DISCUSSION

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

- Ms. Welsh shared that the housing market is understandably expensive but unfortunately the neighborhood has voiced their opinions on the change of status to the home.
- Ms. Winden noted that she liked the home and the improvements, but the status of the home was never completed to be a duplex.
- Mr. Renick voiced his concerns and specified that the status of the home is a one-family dwelling and not a duplex.

DECISION

The Board of Adjustment made a motion to deny the appeal to dispute the legal use of the property at 427 West 400 South in the R1.6 zone.



Board of Adjustment Chair



Development Services Director