



Provo City Board of Adjustment

Report of Action

September 15, 2022

ITEM #1 Maggie Hammond is appealing a Notice of Violation regarding the legal use of property at 2560 North 560 East, in the R1.10 (One Family Residential) zone. Rock Canyon Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLABA20220233

The following action was taken on the above described item by the Board of Adjustment at its regular meeting on September 15, 2022:

DENIED

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

Motion By: Andrew Renick

Second By: Maria Winden

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

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 given their approval.

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 several neighbors that vocalized support for the applicant to be able to have an Accessory Dwelling Unit (ADU) in the home at 2560 N 560 E.
- Marilyn Dahneke, Judy Clark, and David Magleby sent emails to indicate their opposition to the establishment of an ADU at 2560 N 560 E.
- David Wright shared his concerns of the proposed ADU and stated laws should be followed.

APPLICANT RESPONSE

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

- Mark Stubbs, Jeff Hammond, and Maggie Hammond spoke to the support of their appeal.
- Maggie Hammond gave a history and overview of the property stating that the ADU should be a nonconforming use, the basement has always had an apartment, there are several elderly ADUs in the area, there is support from neighbors, and the existing apartment would meet code of Chapter 14.30.

BOARD OF ADJUSTMENT DISCUSSION

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

- Wes Marriott requested a copy of the 1974 zoning code from when the home was built. He has concerns about the disclosure the applicants received when they bought the home but can't find a legal use of the ADU.
- Maria Winden agreed that the home was built as a single-family home and that there was no establishment for a nonconforming right to the ADU.
- Andrew Renick stated that the applicant had a good presentation but that the Board could not find a nonconforming right to overturn the staff findings.

DECISION

The Board of Adjustment made a motion to Deny the appeal.



Board of Adjustment Chair



Development Services Director