



Provo City Board of Adjustment
Report of Action
October 18, 2018

PLABA20180298 Andrew Payne requests an Appeal of an Administrative Decision to the Board of Adjustment to allow a duplex at 266 S 100 W in the General Downtown Zone. Downtown neighborhood. Ellen Karren 801-852-6421 PLABA20180298

The following action was taken on the above described item by the Board of Adjustment at its regular meeting on October 18, 2018:

DENIED

Motion By: Wes Marriott

Second By: Tom Halladay

Votes in Favor of Motion: Wes Marriott, Tom Halladay, Barbara Smith, Richard Petersen

Votes Opposed to Motion: None

Richard Petersen 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.
- New findings stated as basis of action taken by the Board of Adjustment. Determination is generally consistent with the Staff analysis and determination.

The Board of Adjustment adopted the following Findings of Fact in reaching its decision:

FINDINGS OF FACT

- That the home located at 266 S 100 W was built in 1921.
- That the home at 266 S 100 W has one address.
- That the subject property has not met the zoning requirements for two dwellings since 1955.
- That the Rental Dwelling License, which was valid from 2004 to 2014, recognized the property as a single-family dwelling.
- That the owner of the property from 2004 to 2014 did not challenge the rental dwelling license that classified the home as a single-family dwelling.

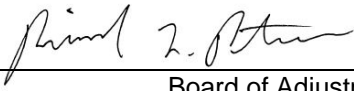
DISCUSSION BY BOARD

The Board discussed the matter of there being one address at the property and the Rental Dwelling License from 2004 to 2014 recognizing the property as a single-family dwelling. The Board asked if a home was used as two dwellings for a sufficient period of time, would this allow for the property to be recognized by the City as two dwellings. The Board was told that it would not. To claim legal, nonconforming rights, a property had to be legally permitted by the City at some point in time and it would have to be used in that capacity continuously.

It was concluded by the Board that insufficient evidence was presented to prove that the home was legally established and consistently used as a two-family dwelling.

DECISION

The Board of Adjustment made a motion to Deny.



Board of Adjustment Chair

October 23, 2018

Date Signed