



Provo City Board of Adjustment
Report of Action
November 21, 2019

PLABA20190279 Jane Loftus requests an Appeal of an Administrative Decision regarding a building permit for a deck, located at 326 W 4620 N in the R2PD Zone. Riverbottoms Neighborhood. Robert Mills (801) 852-6407 PLABA20190279

The following action was taken on the above described item by the Board of Adjustment at its regular meeting on November 21, 2019:

Appeal is timely and can be heard by Board of Adjustment

Motion By: Richard Petersen

Second By: None

Votes in Favor of Motion: Motion Failed

Appeal is untimely and cannot be heard by Board of Adjustment

Motion By: Wes Marriott

Second By: Andrew Renick

Votes in Favor of Motion: Wes Marriott and Andrew Renick

Votes Opposed to Motion: Richard Petersen

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.

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

FINDINGS OF FACT

- The appellant had actual knowledge of an approved building permit for the deck on July 12, 2019.
- The appellant provided pictures on July 16, 2019 of the deck being constructed.
- The appellant filed an appeal to building permit No. PRDK201900995 on July 31, 2019.

DISCUSSION BY BOARD

The Board members had a great deal of discussion on the information that was presented by the applicant and by staff. Mr. Marriott expressed sympathy to the applicant for the situation, but felt that the law was quite clear regarding the timing. Mr. Petersen did not agree. He felt the circumstances regarding the timing seemed more to be in favor of the applicant and made a motion that the appeal was timely. The other two members did not agree and instead voted to support a motion concluding that the appeal was untimely.

DECISION

The Board of Adjustment made a motion that concluded that the appeal was untimely and that the Board of Adjustment did not have the jurisdiction to make a decision on the appeal.



Board of Adjustment Chair

11/27/2019

Date Signed