



Provo City Board of Adjustment
Report of Action
August 18, 2022

ITEM #4 Lindsay Stott is appealing the issuance of a building permit, PRAD202102238, for property at 80 West Marrcrest South, in the R1.8PD zone. Riverside Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLABA20220240

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.

Motion By: Andrew Renick

Second By: Jennifer Welch

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

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.

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:

- The attorney for Mr. Boyle (Randy Jeffs) stated that the appeal has no standing since the appellant is not a Provo resident, but also indicated that the HOA president was made aware of the building permit on June 27th, making the appeal untimely.
- John Max, a resident of the Marrcrest HOA, spoke of concerns with the architectural review and the CCRs for Marrcrest.
- Mr. Boyle verified that he informed the HOA president of the building permit and asked for an email to verify that conversation (which was presented to the board).

APPLICANT RESPONSE

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

- Scott Smith, on behalf of the appellant, stated that nobody received notice of the permit until July 5th and that if the HOA president was made aware of the permit before then, they did not notify the rest of the board.

BOARD OF ADJUSTMENT DISCUSSION

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

- The board discussed the timeliness of the appeal and the fact that the HOA president was made aware but failed to notify the rest of the board.
- The board feels that due diligence was done in a timely manner and that the opportunity to make an appeal within the 14-day window was not taken.
- Since the appeal came after the 14-day appeal period of when the HOA president was first made aware the appeal is not timely and cannot be heard.



Board of Adjustment Chair



Development Services Director