

Provo City Board of Adjustment

Report of Action

March 20, 2023

Item 2	Brian Gibson is appealing a Staff Determination of Legal Use of a Two Family Dwelling for the property at 129/131 East 300 North, in the RC (Residential Conservation) zone. Joaquin Neighborhood. PLABA20230025
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The following action was taken on the above described item by the Board of Adjustment at its regular meeting on March 20, 2023:

APPEAL DENIED

On a vote of 3:1, the Board of Adjustment denied the above noted application.

Motion By: Laurie Urquiaga

Second By: Maria Winden

Votes in Favor of Motion: Laurie Urquiaga, Maria Winden, Andrew Renick

Votes Against the Motion: Eric Chase

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.

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:

- One of the tenants living in one of the units spoke of the difficulty that it would be to find a new place to live in the middle of the semester. This unit is very affordable for them to rent.
- There are other single-family homes around that have four kitchens.

APPLICANT RESPONSE

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

- The applicant explained that there are no negative impacts to allowing the unit to remain.
- Other properties in the RC zone have more units.
- He was unable to find any documentation that it is not a triplex.
- Occupancy would remain the same.
- Doesn't conflict with the purposes listed for the RC zone.

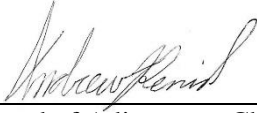
BOARD OF ADJUSTMENT DISCUSSION

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

- The Board asked if there were three kitchens before and if a title report would show the reasonable accommodation. Staff explained that the reasonable accommodation was recorded on the title of the property.
- In 2018 he must have gone through a title company when he purchased the home.
- A better option would be to look at rezoning the property to a zone that would allow this use.
- Parking standards would need to be met and the applicant stated that the existing tenants for one of the units are parking on the street because there are not enough parking spaces on the property.

DECISION

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



Board of Adjustment Chair



Development Services Director