



Provo City Board of Adjustment

Report of Action

February 26, 2024

ITEM 1 Tim Anderson and Barbara Mapes request a Variance from Section 14.10.080 (Yard Requirements) to reduce the side yard setback from ten feet to eight feet to accommodate a patio roof in the R1.10 (One Family Residential) Zone, located at 3737 N Foothill Drive. Sherwood Hills Neighborhood. Nancy Robison (801) 852-6417 nrobison@provo.org PLVAR20230251

The following action was taken on the above described item by the Board of Adjustment at its regular meeting on February 26, 2024:

DENIED

On a vote of 5:0, the Board of Adjustment denied the above noted application

Motion By: Laurie Urquiaga

Second By: Andrew Renick

Votes in Favor of Motion: Eric Chase, Laurie Urquiaga, Maria Winden, Amanda Peterson, Andrew Renick.

Maria Winden 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 District Representative, Sharon Memmot, was present and addressed the Board of Adjustment during the public hearing. She felt the request doesn't meet the criteria for a variance and the border dispute should be settled outside of the variance process.

CONCERNS RAISED BY PUBLIC

Ron Bohannon, the neighbor to the north of the property disputing the location of the boundary line, said that a string line was originally placed on sprinklers that the previous owner said was the property line. Ron noted that the string line was moved several times. He also paid for a surveyor to come and do an official plat. That survey showed that the cement stairs were across the property line and the patio roof was encroaching too far into the yard setback area.

Cynthia Bohannon: if the applicant had applied for a building permit before any of this work was done, it could have saved them from all this trouble.

APPLICANT RESPONSE

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

- Presentation for the applicant was made by his lawyer Phil Ballif
- The lawyer argued that the property line was established by estoppel.
- The lawyer also argued that the property line dispute should be decided in the court, and that could possibly make the request for the variance unnecessary.

BOARD OF ADJUSTMENT DISCUSSION

Regardless of a court decision on the property line, the board did not feel there was significant justification to approve the variance.

DECISION

The Board of Adjustment Denied the requested Variance.



Board of Adjustment Chair



Development Services Director