

Provo City Board of Adjustment  
**Report of Action**  
July 16, 2009

ITEM 2 Placido Valadez requests a variance to Section 14.32.100, Lot Coverage Requirements, in order to provide additional parking for the property generally located at 810 North 600 West. This property is located in the RC (Residential Conservation) zone. *North Park Neighborhood* 09-0003VB *Continued from the May 21, 2009 meeting.*

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The following action was taken on the above described item by the Board of Adjustment at its regular meeting on July 16, 2009:

**DENIED**

Motion by: Tim Brough

Second by: Kent Nelson

Votes in Favor of Motion: 3

Votes Opposed to Motion: 0

*Steve Sabin 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**

1. Please refer to the Staff Report of May 21, 2009 for other Findings of Fact.
2. Marc Molling owns a 6 foot strip of land at the rear of the subject property. Mr. Molling contacted Staff prior to the May meeting to express his concern regarding whether the new paving encroached onto his property.
3. The Board voted to continue this case until the July 16, 2009 meeting in order to allow the applicant to obtain a land survey to ensure that the paving was not encroaching on any neighboring properties.
4. The applicant has not submitted a survey or any other new documentation to show that the paving is solely on his property.
5. The applicant did state to Staff that he was going to remove the majority of the paving. The applicant stated that he desired to leave a portion of paving measuring 6 feet by 10 feet to store his trash receptacles on. He was instructed to provide a letter and a new site plan reflecting his request. However, as of July 6, 2009, no documentation has been provided.
6. Section 14.05.030(9), Variations, paragraph (b) of the Provo Municipal Code states that the Board of Adjustment may grant variances if the following criteria are met:

- (i) Literal enforcement of this Title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this Title;
- (ii) There are special circumstances attached to the property that do not generally apply to other properties in the same district;
- (iii) Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;
- (iv) The variance will not substantially affect the general plan and will not be contrary to the public interest; and
- (v) The spirit of this Title is observed and substantial justice done.

**DISCUSSION BY BOARD**

Staff presented to the Board that the applicant had removed all of the concrete which was the subject for the variance request. However, since the applicant had not requested that the item be withdrawn in writing, the Board determined that it was necessary to deny the request.

**DECISION**

The Board of Adjustment made a motion to deny the variance request.



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Board of Adjustment Chair

August 4, 2009

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Date Signed