

**Provo City Board of Adjustment
Appeal Staff Report
Hearing Date: November 19, 2009**

Agenda Item: 1

Applicant: John Sharpe

Staff Coordinator: Hugh Van Wagenen

Property Owner: John Sharpe

Parcel ID#: 05:013:0006

Acreage: 0.18

Number of Properties: 1

Number of Lots: 1

REQUEST

John Sharpe appeals a staff determination of legal use for property generally located at 257 South University Avenue where staff has determined that the property does not have a nonconforming right to Land Use Code 4603, long-term vehicle storage. The property is located in the Central Business District Commercial Zone. *CBD Neighborhood 09-0015AP Continued from the October 15, 2009 hearing.*

CURRENT LEGAL USE

Vacant lot.

NEIGHBORHOOD ISSUES

None brought forward at this time.

STAFF REPORT SUMMARY OF KEY ISSUES

Please see the Staff Report from the October 15th Board of Adjustment Meeting.

ALTERNATIVE ACTIONS

- 1 **Deny** the requested appeal. *This action would be consistent with the recommendations of the Staff Report.*
2. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is December 17, 2009, 6:00 P.M.*
3. **Approve** the requested appeal. *This action would not be consistent with the recommendations of the Staff Report. The Board of Adjustment should state new findings.*

OVERVIEW

This item was continued from the October 15, 2009 Board of Adjustment Meeting. Please refer to the Staff Report from that meeting in order to review any evidence submitted at that time. If you need another copy, please contact Becky Cheever at 801-852-6424.

With only three members of the Board present at the previous meeting, the applicant chose to exercise his right to a continuance so that more members of the Board may be present to hear his appeal.

JUDICIAL APPEAL OF BOARD OF ADJUSTMENT ACTION

Chapter 14.05 provides a process for appeal of a determination by the Board of Adjustment (quoted in part):

04.05.050. Judicial Appeal.

- (i) Any person aggrieved by or affected by any decision of the Board of Adjustment may have and maintain a plenary action for relief from the District Court of competent jurisdiction, provided petition for such relief is presented to the court within thirty (30) days after the filing of such decision in the office of the Board of Adjustment or with the City Recorder.