

Board of Adjustment
October 25, 2023
BOA-2324-6

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Dr. Greg Emmert
LOCATION	1134 McGee Drive
ZONING	C-2, General Commercial District
REQUESTED ACTION	Variance to 36-547(a)(1), the exterior appearance requirements
SUPPORTING DATA	Location Map Application with attachments Site Plan

SYNOPSIS: The applicant requests a variance to the exterior materials requirement in C-2, General Commercial District, which requires 80% of all exterior walls, exclusive of windows, doors, walkway covers, etc., to be constructed using masonry materials. The applicant would like to build a building that includes other materials, such as painted EIFS and prefinished metal panels, with the following percentages of masonry on each facade:

- East (Building entrance and main façade) = 30% masonry
- North = 30% masonry
- West = 20% masonry
- South = 30% masonry

The application and the site plan are attached for your review. The building's exterior facades are included in your packet.

VARIANCE CRITERIA PER SECTION 570(k):

A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

- (1) An applicant shall submit to the Board of Adjustment a written application indicating:
 - (a) That special conditions and circumstances exist that are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same district;

- (b) That the literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
- (c) That the special conditions and circumstances do not result from the actions of the applicant;
- (d) That granting the variances requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district;

No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

Before any VARIANCE can be granted, the Board shall make a finding that the four requirements have been met by the applicant. Please see the attached document from the applicant detailing their justification for their request.

DISCUSSION: To the north and west of the subject property is the parking lot for Bethel Student Ministry and Community Building. Farther to the north and west are apartment complexes. To the east is single-family residential and Bethel Baptist Church. To the south are commercial businesses. The applicant owns the commercial property next door to the south, the original building on this site was constructed more than 30 years ago. There have been additions for expansion over the years. The applicant intends to use similar exterior materials to those used by the adjacent properties.

This application was postponed from the September BOA meeting because the Board needed more information from the applicant. The applicant has provided additional details on the proposed materials and has confirmed a representative will be in attendance at the meeting.

CONCLUSION: Staff forwards this request for BOA-2324-6 to the Board of Adjustment for consideration.