

Board of Adjustment
January 25, 2023
BOA-2223-10

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Hymer Hall #4, L.L.C. and Carol A. Iman
LOCATION	1300 Lindsey Plaza Drive
ZONING	C-2, General Commercial District
REQUESTED ACTION	Variance to 22:431.4(1)(a) – the exterior appearance requirement for all exterior walls, exclusive of windows, doors, roofs, glass, or sidewalk and walkway covers, to be constructed using masonry material covering at least eighty (80) percent of said walls.
SUPPORTING DATA	Location Map Application with attachments Site Plan

SYNOPSIS: The applicant is requesting 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. be constructed using masonry materials. The applicant would like to construct an all metal building with no masonry materials to match the existing building on the property.

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 441.11:

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

- (a) An applicant shall submit to the Board of Adjustment a written application indicating:

Please see the applicant's responses to each of the below criteria in the attached document.

- (1) 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;
- (2) 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;
- (3) That the special conditions and circumstances do not result from the actions of the applicant;
- (4) 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 letter from the applicant detailing their justification for their request.

DISCUSSION: This development began construction prior to the adoption of the Exterior Masonry requirements in 2005. The exterior materials utilized in this general area vary from a mix of metal, EIFS and brick.

The building reflected in this application was constructed with metal siding. The applicant plans to continue this with the expansion of the building.

CONCLUSION: Staff forwards this request for BOA-2223-10 to the Board of Adjustment for consideration.