

Date of Meeting: February 4, 2016
Subject: Variance to allow increased building height for un-habitable space
Project Name: Pike House
Location: 1015 W University Ave

BACKGROUND

The Pike House, a fraternity, is under construction at the southeast corner of University Avenue and Monroe Street. Due to the phased construction, the construction of the foundation has commenced prior to approval of the building permit for the structure. In review of the building plans for the structure, it was found that an architectural dome feature will exceed the maximum building height in the RMU, Residential Multi-family – Urban district of 50 feet. The dome is proposed to a height of 52'2" feet.

CODE APPLICATION

Section 23.141. RMU, Residential Multi-family – Urban district.

(d) *Bulk Regulations:*

- (1) **The maximum structure height as measured from the finished floor elevation of the first floor to the highest point of the roof: Fifty (50) feet.**

DISCUSSION/ANALYSIS/FINDINGS

City Code Section 23.23. Variances.

A variance from the terms, standards and criteria that pertain to an allowed use category within a zoning district as authorized by Chapter 23, Article 7 may be granted, in whole, in part, or upon reasonable conditions as provided in this Article, only upon a finding by the board of adjustment that:

- (1) The application of the ordinance to the particular piece of property would create an unnecessary hardship;

Staff cannot identify a hardship, as the dome could be redesigned to meet the maximum height (50 feet). Financial difficulty is not a hardship, as the property would still have a reasonable use with or without the excess dome height.

- (2) Such conditions are peculiar to the particular piece of property involved;

No conditions peculiar to the particular property can be identified by staff. Most existing fraternity/sorority houses are less than 50 feet in height. The newer houses, Farmhouse and AGR, are just over 50 feet in height, however, the excess height is allowed in the zoning district in which those properties are located. The AOP Sorority was approved for a variance to allow a steep pitched roof 39.5 feet in height in a district that limits height to 35 feet. The FIGI House, under construction, does meet the 50 foot height maximum despite being in the same zoning district as the subject property.

- (3) Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the Comprehensive Plan; and

The request for increased building height to allow for an architectural feature would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or Comprehensive Plan. The ordinance does not provide for staff discretion for architectural features.

- (4) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

No hardship was identified; however, the request would be the minimum relief necessary to allow for the building plans to be approved as proposed regarding the building height.

MINIMUM RELIEF NECESSARY

The requested increase in maximum building height from 50 feet to 52'2" feet to allow for the architectural dome feature would be the minimum relief necessary for the proposed project.

RECOMMENDATION

After reviewing the four (4) criteria as indicated above, staff finds that the applicant has met item 3. Staff would recommend that the Board further review items 1, 2, and 4 to determine, if in the Board's opinion, the information provided in the report and by way of testimony, allows the Board to make findings in the applicant(s) favor and grant the request.

Prepared by: Tom Coots, Planner I
Date of Preparation: January 27, 2016
Attachments: Area Map, Letter of Request, Building Elevations