




MEMORANDUM

Date: July 13, 2023

To: Honorable Mayor and Commissioners

Via: Albert P. Childress
City Manager 

From: Katie Halloran
Planning Director

Subject: **Request for a Height Variance at 1500 Reynolds Street (RE #00037160-000100)**

Introduction

The property located at 1500 Reynolds Street is owned by Casa Marina Owner, LLC and currently operates as the Casa Marina Hotel. The applicant has requested to vertically increase the height of two elevator towers situated on the roof of the west wing of the property, allowing for an area to house elevator equipment. The request is associated with two elevator towers: PE-6, the pool-side elevator, and PE-7, the elevator adjacent to Seminole Street. The elevator equipment is currently located in-ground on the property. The applicant has proposed to elevate the elevator equipment to mitigate the impact of any future flood events on the mechanical equipment, ensuring the elevators will remain operational during a flood.

Background

The requested height variance would allow the property owner to increase the height of two existing elevator towers above the 35' maximum required height in the Historic Commercial Tourist (HCT) zoning district. The existing height of the elevator tower for PE-6 is 48.73', and the existing height of the elevator tower PE-7 is 49.50'. Both elevator towers were constructed prior to adoption of the current Land Development Regulations and are noncomplying with respect to height. The applicant has requested to increase the noncomplying height of both elevator towers by 5' each. The property owner is represented by K2M Design, Inc.

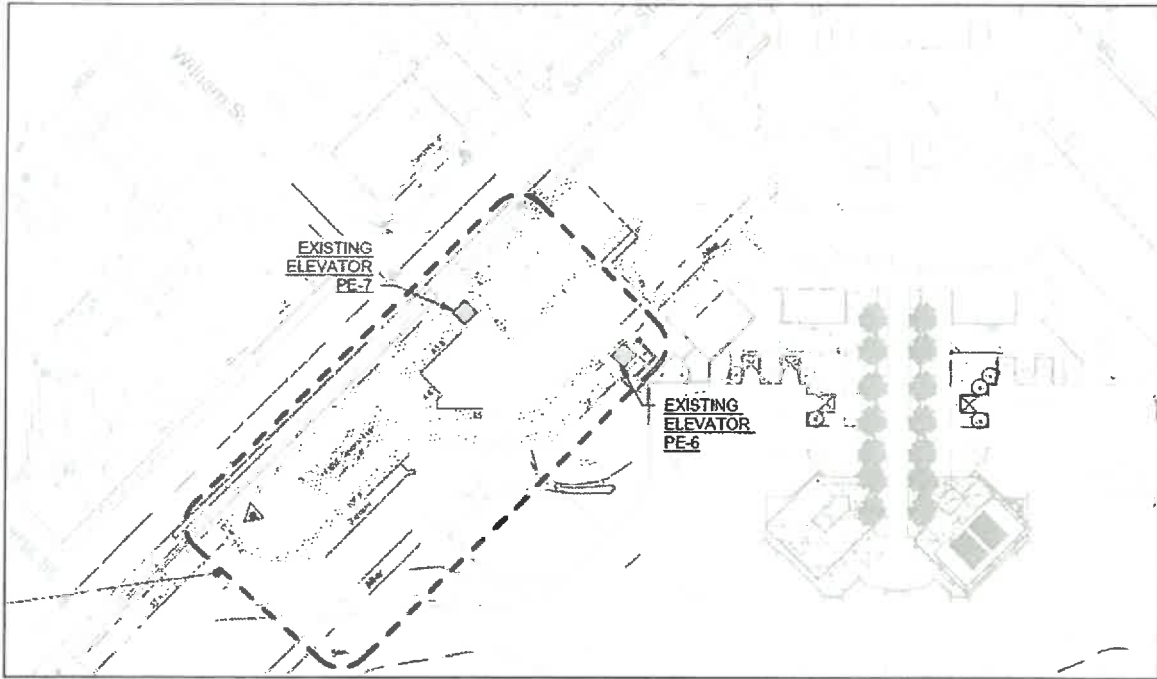


Image depicts the location of PE-6 and PE-7.

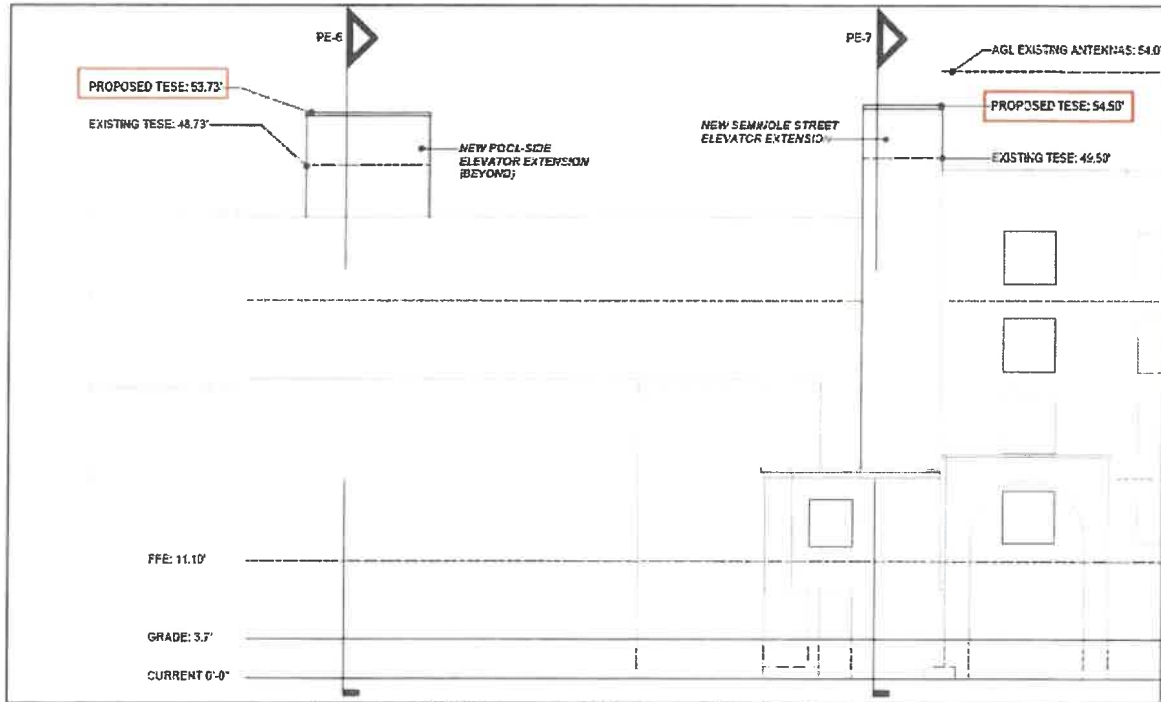


Image depicts the proposed elevations of the two towers

Analysis

The criteria for evaluation of a variance are provided in Section 90-395 of the Code of Ordinances. Before granting a variance the Board of Adjustment must find all the following:

- (1) *Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures or buildings in the same zoning district.*

The proposal to elevate the in-ground elevator equipment is due to the site's proximity to the Atlantic Ocean and its elevation, causing increased risk for flooding. The structure was constructed prior to the adoption of the Land Development Regulations and is noncomplying with respect to height. The elevator tower labeled PE-6 was constructed in 1978, while the tower labeled PE-7 was constructed in 1993. The applicant has no choice other than to increase the noncomplying height of the elevator towers to allow for the mechanical equipment to be elevated.

IN COMPLIANCE

- (2) *Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.*

The elevator equipment is located in-ground and is proposed to be elevated to mitigate future floodwater damage. Despite the applicant opting to elevate out of caution, the elevator equipment could eventually be required to be elevated in the future due to FEMA regulations.

IN COMPLIANCE

- (3) *Special privileges not conferred. That granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district.*

Granting of the requested height variance would allow the applicant to vertically increase two elevator tower building envelopes. Given this request is associated with the special flood hazard area or elevation of this property, and given a variance would also be appropriate, if requested, for continued ingress/egress to other similarly constricted existing noncomplying structures, staff does not find that special privileges would be conferred.

IN COMPLIANCE

- (4) *Hardship conditions exist. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.*

The elevator equipment for the two subject elevators has been in-ground since 1978 and 1993 respectively, and currently function to provide full accessibility to all floors of this legal noncomplying commercial structure. The proposed increased elevation of the shafts is to minimize risk of any potential flood damage that could negatively impact the equipment. It

would be a hardship to the applicant if flood conditions disallowed use of elevators given literal interpretation of the Land Development Regulations.

NOT IN COMPLIANCE

- (5) *Only minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.*

The applicant has requested an additional 5' in height on each elevator tower to allow for the elevation of elevator equipment. Although the proposed height is over the 35' maximum, the application states the proposed tower expansion has been designed to not exceed the height of other existing roof elements on the property.

IN COMPLIANCE

- (6) *Not injurious to the public welfare. That the grant of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.*

The requested variance to exceed the maximum height is not injurious nor detrimental to the public interest or welfare however must comply with any applicable historic district guidelines.

IN COMPLIANCE

- (7) *Existing nonconforming uses of other property not the basis for approval. No nonconforming 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.*

Existing non-conforming uses of other properties, use of neighboring lands, structures, or buildings in the same district, or other zoning districts, are not the basis for this request.

IN COMPLIANCE

Concurrency Facilities and Other Utilities or Service (Section 108-233):

It does not appear that the requested variance will trigger any public facility or utility service capacity issues.

Pursuant to Code Section 90-395(b), the Board of Adjustment shall make factual findings regarding the following:

1. *That the standards established by Section 90-395 of the City Code have been met by the applicant for a variance.*

The Applicant has met all of the standards established by the City Code for a variance.

2. *That the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.*

Planning staff has not received any objections as of the date of this report.

Procurement

The requested height variance would not have any financial impact on the City.

Recommendation

Based upon the criteria established by the Comprehensive Plan and the Land Development Regulations, and provided that the Applicant has met all of the standards established by the City Code for a variance, the Planning Department recommends the request for a variance to maximum building height be **APPROVED** with a condition:

The Planning Department recommends the following condition:

1. The proposed construction shall be consistent with the plans signed, sealed, and dated June 14, 2023, by Scott C. Maloney, RA, with any design modifications required by the Historic Architecture Review Commission.

Exhibits:

Exhibit A – Application & Supporting Documents

Exhibit B – Resolution