



CITY OF OREM
BOARD OF ADJUSTMENT MEETING
56 North State Street, Orem Utah
July 17, 2019

*This meeting may be held electronically
to allow a Board Member to participate.*

5:30 PM PRE-MEETING – AGENDA REVIEW, CITY COUNCIL CONFERENCE ROOM, 56
NORTH STATE STREET, OREM, UT

6:00 PM REGULAR SESSION – CITY COUNCIL CHAMBERS

1. CALL TO ORDER

2. INVOCATION BY INVITATION

3. 6:00 PM SCHEDULED ITEM

3.1. SITE PLAN VARIANCE – The applicant requests the Board of Adjustment grant a variance from the maximum setback, requirement as required by Section 22-8-8(B) at 1901 North State in the C2 zone.

Staff recommends the Board of Adjustment approve the request of Knight West Builders for a variance from the maximum setback requirement as required by Section 22-8-8(B) at 1901 North State Street as shown on the proposed concept plan.

Presenter: Grant Allen

[StaffReport-BoardofAdjustment-MaximumSetback.docx](#)

[BOA - Sunrise Square Assoc - Lexington Office Plaza 6.27.19.pdf](#)

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4. MINUTES REVIEW AND APPROVAL

4.1. August 29, 2018 Board of Adjustment Minutes

Review and Approve

[2018-08-29.boa - DRAFT.docx](#)

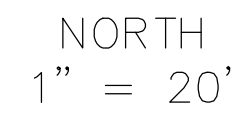
5. ADJOURN

ACCESS TO THE MEETING IS THROUGH THE NORTH (NEAR LIBRARY) DOORS ONLY

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL BOARD OF ADJUSTMENT MEETINGS.
If you need a special accommodation to participate in the Board of Adjustment Meetings and Study Sessions,
please call the Development Services Office at least 3 working days prior to the meeting.
(Voice 801-229-7183)

This agenda is also available on the City's webpage at orem.org

Item #: 3.1	Board of Adjustment July 17, 2019		
Prepared By: Grant Allen			
Applicant: Knight West Builders	VARIANCE – The applicant requests the Board of Adjustment grant a variance from the maximum setback requirement as required by Section 22-8-8(B) at 1901 North State in the C2 zone.		
<u>NOTICES:</u> • Posted in 2 public places • Posted on City webpage and City hotline • Faxed to newspapers • E-mailed to newspapers • Posted at utah.gov/pmn • Mailed 117 notices on July 9, 2019 <u>SITE INFORMATION:</u> • General Plan Designation: Regional Commercial • Current Zone: C2 • Acreage: 1.58 • Neighborhood: Aspen <u>ACTION:</u> The Board of Adjustment shall approve or deny the applicant's variance request. <u>FIVE CRITERIA:</u> • Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance; • There are special circumstances attached to the property that do not generally apply to other properties in the same district; • Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district; • The variance will not substantially affect the general plan and will not be contrary to the public interest; and • The spirit of the zoning ordinance is observed, and substantial justice done.	<u>REQUEST:</u> The applicant requests the Board of Adjustment grant a variance from the maximum setback requirement as required by Section 22-8-8(B) at 1901 North State in the C2 zone. <u>BACKGROUND:</u> The item was continued at the last meeting to allow the applicant time to come up with alternative proposals that would work and still reflect the spirit of the ordinance. The applicant would like to construct a building on the property just to the east of the Legacy House. However, due to the location of the drive access installed as part of the Legacy House development, which takes up about 50% of the frontage and the configuration of the subject lot with the angles of the lot as it connects with State Street, the applicant contends that compliance with the new State Street development standards would constitute an unreasonable hardship. The State Street Development standards allow a maximum setback of 10 feet (or 20 feet where combined with a “space open to the public”) which is intended to bring buildings up closer to State Street. The applicant claims that if it were to meet that standard, a significant portion of the building would be unusable. The applicant requests a variance from the maximum setback requirement to allow the applicant to build a new 10,000 square foot building on the property. Under the applicant's proposal, the northeast corner of the building would be set back 20 feet with an increasing setback for the southerly portion of the building. Under this configuration, the northeast corner would be in compliance with the maximum setback requirement, but a variance would be required for the increasing setback for the southerly portions of the building. The applicant proposes to install a large “space open to the public” in front of the building in an effort to meet the intent and spirit of the maximum setback requirement. <u>RECOMMENDATION:</u> Staff recommends the Board of Adjustment approve the request of Knight West Builders for a variance from the maximum setback requirement as necessary to allow it to construct a new building at 1901 North State Street as shown on the proposed concept plan subject to a requirement that a “space open to the public” as defined in Orem City Code Section 22-2-1 be constructed and maintained as part of the site as shown in the proposed concept plan.		



4

For more information, contact
Grant Allen at (801) 229-7095
or grallen@orem.org



City Council Chambers, 56 N State Street

Board of Adjustment
Wed, Jul 17, 2019
6:00 pm

Site Plan Variance - The applicant requests the Board of Adjustment grant a variance for the front setback at 1901 North State in the C2 zone.

Additional information can be viewed on orem.org/planning under "Current Planning (Public Hearing Notices)" tab.

MARTINEZ, LUIS A
1626 CREEKSIDE DR
CORINTH, TX 76210

For more information, contact
Grant Allen at (801) 229-7095
or grallen@orem.org



City Council Chambers, 56 N State Street

Board of Adjustment
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MIC ROCK SENIOR CARE LLC (ET AL)
11635 S 700 E # 100
DRAPER, UT 84020

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or grallen@orem.org



City Council Chambers, 56 N State Street

Board of Adjustment
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Additional information can be viewed on orem.org/planning under "Current Planning (Public Hearing Notices)" tab.

KNOLL, LINDA K & HARVEY
7712 S OLD FARM LN
MERIDIAN, ID 83642

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Grant Allen at (801) 229-7095
or grallen@orem.org



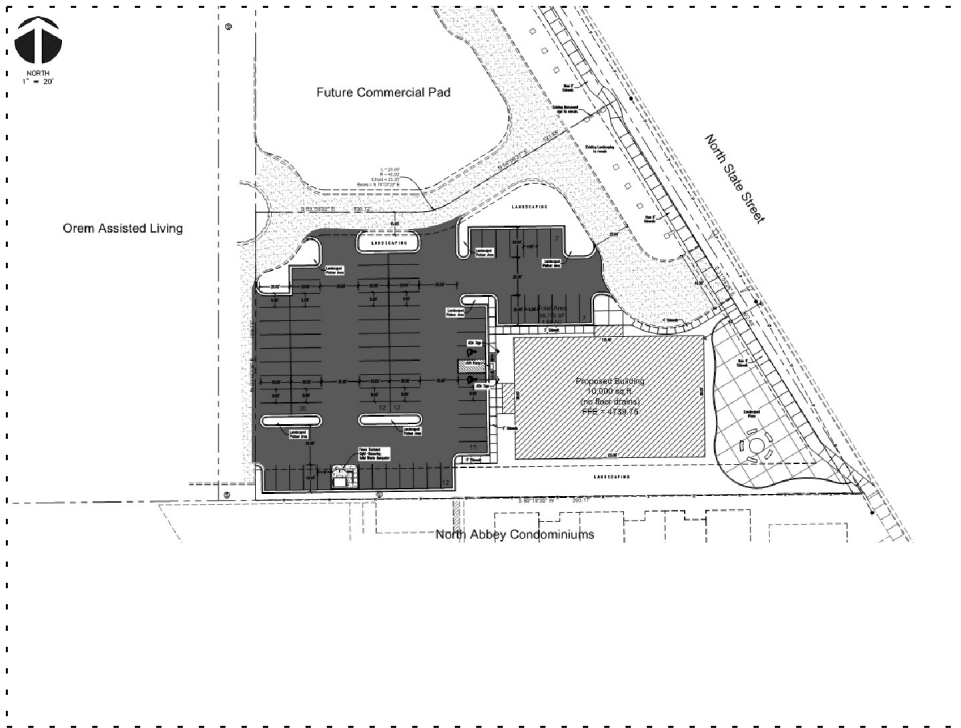
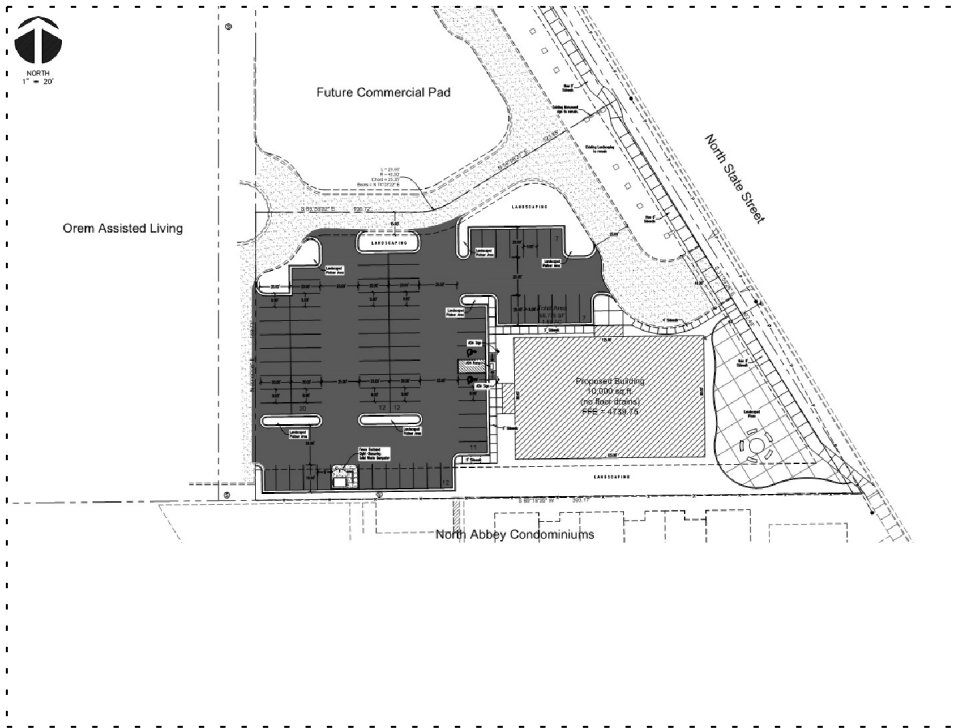
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DEARING, ARTHUR H & RHONDA C
1713 CRIMSON OAK DR
DRAPER, UT 84020



MARK SEASTRAND
35 WEST 1670 SOUTH
OREM, UT 84058

KRISTIE SNYDER
56 N STATE STREET
OREM, UT 84057

OREM CITY
59 N STATE ST
OREM, UT 84057

MAZEIKA, PETER & ANGELA
250 N 1400 E
PLEASANT GROVE, UT 84062

THOMAS MACDONALD
489 NORTH PALISADES DR
OREM, UT 84097

TIEMANN, PAUL & MARY ANN
521 VILLAGE DR
OREM, UT 84058

REEDY, DARYL S
632 W 1820 N
OREM, UT 84057

GLR INVESTMENTS L C
633 S 200 W
OREM, UT 84058

SMITH, MICHAEL P & MARY JANE
634 W 1820 N
OREM, UT 84057

GISH, CRYSTAL & KELLY
636 W 1820 N
OREM, UT 84057

SAAVEDRA, ALEJANDRA (ET AL)
--OR CURRENT RESIDENT--
638 W 1820 NORTH
OREM, UT 84057

KNOLL, LINDA K & HARVEY
--OR CURRENT RESIDENT--
640 W 1820 NORTH
OREM, UT 84057

KAHL, CHRISTOPHER LEE VORN
642 W 1820 N
OREM, UT 84057

POWERS, BURKE & EMILY
--OR CURRENT RESIDENT--
644 W 1820 NORTH
OREM, UT 84057

GLR INVESTMENTS L C
--OR CURRENT RESIDENT--
646 W 1820 NORTH
OREM, UT 84057

CAMERON, ANNIE M
647 W 1870 N
OREM, UT 84057

KJAR, DAWN LIPPLY
648 W 1820 N
OREM, UT 84057

BYBEE, KIRSTIN
649 W 1870 N
OREM, UT 84057

AVALOS, GONZALO
650 W 1820 N
OREM, UT 84057

BYRNE, BONNEE & JACK
651 W 1870 N
OREM, UT 84057

LAW, JASON A & ASPEN
--OR CURRENT RESIDENT--
652 W 1820 NORTH
OREM, UT 84057

BOYER, CAMERON
653 W 1870 N
OREM, UT 84057

TAYLOR, MILTON J & JOHANNA F
(ET AL)
--OR CURRENT RESIDENT--
654 W 1820 NORTH
OREM, UT 84057

TAYLOR, MILTON J & JOHANNA F
(ET AL)
654 W 1820 N UNIT 25
OREM, UT 84057

MONTANO, AMY
655 W 1870 N
OREM, UT 84057

PETTERSSON, EDWARD & DELORES
656 W 1820 N
OREM, UT 84057

MILLER, JAMES PHILLIP & TERIN
657 W 1870 N
OREM, UT 84057

KUHNI, JOETTE
658 W 1820 NORTH 24
OREM, UT 84057

KUHNI, JOETTE
--OR CURRENT RESIDENT--
658 W 1820 NORTH
OREM, UT 84057

PACHECO, HAROLDO FERNANDO &
IDALINA RESENDE
659 W 1870 N
OREM, UT 84057

RIVERA, MIRIAM
661 W 1870 N
OREM, UT 84057

AARON, DOUGLAS SIDNEY &
RACHEL ASHCROFT (ET AL)
--OR CURRENT RESIDENT--
662 W 1870 NORTH
OREM, UT 84057

WANLASS, BRIAN
--OR CURRENT RESIDENT--
664 W 1870 NORTH
OREM, UT 84057

WANLASS, BRIAN
664 W 1870 N # 7
OREM, UT 84057

CHAVEZ, PAUL T & OLIVETTA C
668 W 1870 N
OREM, UT 84057

BATAA, TUSHIGSAIKHAN (ET AL)
--OR CURRENT RESIDENT--
670 W 1870 NORTH
OREM, UT 84057

SAUSED0, MICHAEL EDWARD &
HELEN
672 W 1870 N
OREM, UT 84057

PERKINS, DEANNE & DEAN
674 W 1870 N
OREM, UT 84057

CARTER, KATHLEEN J
676 W 1870 N
OREM, UT 84057

FLETCHER, KERI A
678 W 1870 N
OREM, UT 84057

HAVE, KORBY JO (ET AL)
680 W 1870 N
OREM, UT 84057

KEYL, SHIREEN
--OR CURRENT RESIDENT--
682 W 1870 NORTH
OREM, UT 84057

KEYL, SHIREEN
682 W 1870 N # 11
OREM, UT 84057

OLIVE, KENNETH R & BARBARA F
--OR CURRENT RESIDENT--
684 W 1870 NORTH
OREM, UT 84057

TWITCHELL, JAKE
--OR CURRENT RESIDENT--
686 W 1870 NORTH
OREM, UT 84057

TWITCHELL, JAKE
686 W 1870 N # 12
OREM, UT 84057

JACKMAN, RACHEL C & RACHEL
CHRISTINE
700 W 1800 N
OREM, UT 84057

HEATON, GERRY WAYNE
712 W 1800 N
OREM, UT 84057

WARDLE, DIANE D & CHARLES J (ET
AL)
722 W 1850 N
OREM, UT 84057

ASHWORTH, JAMES GERALD &
CHERYL (ET AL)
724 W 1800 N
OREM, UT 84057

PARKER, BRUCE D & JANALEE H (ET
AL)
725 W 1850 N
OREM, UT 84057

HARRISON, MICHAEL & JESSIE
--OR CURRENT RESIDENT--
726 W 1850 NORTH
OREM, UT 84057

HARRISON, MICHAEL & JESSIE
726 W 1860 N
OREM, UT 84057

AXELGARD, MIKEL A & JULIE A
737 W 1850 N
OREM, UT 84057

POWERS, BURKE & EMILY
738 E 700 N
OREM, UT 84097

GURULE, KENNETH A
738 W 1850 N
OREM, UT 84057

BRENT SUMNER
744 WEST 550 SOUTH
OREM, UT 84058

SAM LENTZ
882 W 1720 N
OREM, UT 84057

DAVID SPENCER
899 NORTH 550 EAST
OREM, UT 84097

MAYOR RICHARD F. BRUNST, JR.
900 E HIGH COUNTRY DRIVE
OREM, UT 84097-2389

MONEY, MINA MARIA
1010 E 1240 S
SPANISH FORK, UT 84660

BATAA, TUSHIGSAIKHAN (ET AL)
1315 CANBERRA DR
LONDON, UT 84042

MARTINEZ, LUIS A
1626 CREEKSIDE DR
CORINTH, TX 76210

OLIVE, KENNETH R & BARBARA F
1671 FOSTER DR
RENO, NV 89509

SAAVEDRA, ALEJANDRA (ET AL)
1680 N MOUNTAIN OAKS DR
OREM, UT 84097

DEARING, ARTHUR H & RHONDA C
1713 CRIMSON OAK DR
DRAPER, UT 84020

MAZEIKA, PETER & ANGELA
--OR CURRENT RESIDENT--
1824 N STATE
OREM, UT 84057

NICHOLAS, MARK A
1829 N 680 W
OREM, UT 84057

NICHOLAS, MARK A
--OR CURRENT RESIDENT--
1829 N STATE
OREM, UT 84057

LYMAN, MATTHEW & EMILY
1831 N 680 W
OREM, UT 84057

FINLINSON, LLOYD & GAYLENE
1833 N 680 W
OREM, UT 84057

FINLINSON, LLOYD & GAYLENE
--OR CURRENT RESIDENT--
1833 N STATE
OREM, UT 84057

HATCH, BONNIE L
1834 N 680 W
OREM, UT 84057

BIRD, SCOTT & EMILEE
--OR CURRENT RESIDENT--
1835 N 680 WEST
OREM, UT 84057

BIRD, SCOTT & EMILEE
1835 N 680 W # 9
OREM, UT 84057

ALONSO, CLAUDIA
1836 N 680 W
OREM, UT 84057

BRADLEY, DAVID C & LINDA
MICHELE
1836 N 760 W
OREM, UT 84057

MONEY, MINA MARIA
--OR CURRENT RESIDENT--
1837 N STATE
OREM, UT 84057

THOMAS, KATHRYN
1838 N 680 W
OREM, UT 84057

RADMALL, CLINT R & LISA M
1839 N 680 W
OREM, UT 84057

EPPERSON, DWIGHT
1840 N 680 W
OREM, UT 84057

CROSS, CINDY SUE
1841 N 680 W
OREM, UT 84057

CROSS, CINDY SUE
--OR CURRENT RESIDENT--
1841 N STATE
OREM, UT 84057

DEARING, ARTHUR H & RHONDA C
--OR CURRENT RESIDENT--
1842 N 680 WEST
OREM, UT 84057

COX, KATRINA
--OR CURRENT RESIDENT--
1843 N 680 WEST
OREM, UT 84057

COX, KATRINA
1843 N 680 W UNIT 7
OREM, UT 84057

MARTINEZ, LUIS A
--OR CURRENT RESIDENT--
1844 N 680 WEST
OREM, UT 84057

CHRISTOPHERSON, ROBERT &
ELLEN LASCHELLE
1846 N 680 W
OREM, UT 84057

BREEDEN, KIAH
1847 N 680 W
OREM, UT 84057

TIEMANN, PAUL & MARY ANN
--OR CURRENT RESIDENT--
1848 N 680 WEST
OREM, UT 84057

OLSON, HOLLY
1849 N 680 W
OREM, UT 84057

THUESON, DAVID & TRACY (ET AL)
--OR CURRENT RESIDENT--
1851 N 680 WEST
OREM, UT 84057

THUESON, DAVID & TRACY (ET AL)
1851 N 680 W APT 5
OREM, UT 84057

ODGEN, JACKSON R
1853 N 680 W
OREM, UT 84057

LIU, JUN (ET AL)
1855 N 680 W
OREM, UT 84057

WINTERS, DOUGLAS & DIANA
--OR CURRENT RESIDENT--
1857 N 680 WEST
OREM, UT 84057

HATCH, EARL W & KARIN K
1859 N 680 W
OREM, UT 84057

SANT, M JEANE
1861 N 680 W
OREM, UT 84057

NG, YUK BUN WILLIAM (ET AL)
1863 N 680 W
OREM, UT 84057

GILES, JAMES W & AMY M
1864 N 760 W
OREM, UT 84057

PRICE, JUDY (ET AL)
1865 N 680 W
OREM, UT 84057

ROBBINS, KEVIN C
--OR CURRENT RESIDENT--
1867 N 680 WEST
OREM, UT 84057

ROBBINS, KEVIN C
1867 N 680 W UNIT 1
OREM, UT 84057

DEBBY LAURET
1869 N 80 E
OREM, UT 84057

DENSMORE, ERIC (ET AL)
1869 N 680 W
OREM, UT 84057

KNIGHT WEST BUILDERS LLC
1901 N STATE ST
OREM, UT 84057

JASON BENCH
1911 N MAIN STREET
OREM, UT 84057-2101

BARRY FAMILY ENTERPRISES LLC
1943 N STATE ST
OREM, UT 84057

IHC HOSPITALS INC
--OR CURRENT RESIDENT--
1975 N STATE ST
OREM, UT 84057

KNEADERS AND ASSOCIATES LLC
1990 N STATE
OREM, UT 84057

LAW, JASON A & ASPEN
2644 W 14150 S
BLUFFDALE, UT 84065

IHC HOSPITALS INC
%WOOD, JAMES F
4766 S HOLLADAY BLVD
HOLLADAY, UT 84117

WINTERS, DOUGLAS & DIANA
4851 CHARLEMAGNE AV
LAS VEGAS, NV 89130

AARON, DOUGLAS SIDNEY &
RACHEL ASHCROFT (ET AL)
5617 BETTENCOURT DR
CLAYTON, CA 94517

ROCKWORKS LAND LLC
6891 S 700 W STE 100
MIDVALE, UT 84047

KNOLL, LINDA K & HARVEY
7712 S OLD FARM LN
MERIDIAN, ID 83642

MIC ROCK SENIOR CARE LLC (ET AL)
11635 S 700 E # 100
DRAPER, UT 84020

CITY OF OREM
DRAFT BOARD OF ADJUSTMENTS MINUTES
August 29, 2018

STUDY SESSION

Place: City Council Conference Room

At 5:30 p.m. Ms. Seaver called the Study Session to order.

Those present: Mickey Cochran, Karl Gadd, Leslie Nelson and Meredith Seaver, Board of Adjustment members; Jason Bench, Planning Division Manager; Kristina Haycock, Planner; Steve Earl, Legal Counsel; Cheryl Vargas, Minutes Secretary

Those excused: Gene Robison, Board of Adjustment member

The Board members and staff reviewed the agenda items and July 25, 2018 minutes, and adjourned at 5:55 p.m. to the City Council Chambers for the regular meeting.

REGULAR MEETING

Place: City Council Chambers

At **6:00 p.m.** Ms. Seaver called the meeting to order.

Those present: Mickey Cochran, Karl Gadd, Leslie Nelson and Meredith Seaver, Board of Adjustment members; Jason Bench, Planning Division Manager; Kristina Haycock, Planner; Steve Earl, Legal Counsel; Cheryl Vargas, Minutes Secretary

Those excused: Gene Robison, Board of Adjustment member

Ms. Seaver asked Kristina Haycock to introduce **Agenda Item 3.1**.

Ms. Haycock introduced **Agenda Item 3.1** as follows:

Agenda Item 3.1 is a request by Knight West Builders for the Board of Adjustment to grant a variance from the maximum setback, landscaping and sidewalk requirements as required by Section 22-8-8(B) at 1901 North State in the C2 zone.

Staff Presentation: The item was continued at the last meeting to allow the applicant time to come up with alternative proposals that would work and still reflect the spirit of the ordinance. As of the time of publishing, no further proposals have been received.

In 2014, the Legacy House of Orem applied to build on the property at 1925 North State Street. Part of the site plan process included the determination and installation of two access points on State Street. The purpose of the access configuration was based on safety and the need to provide two points of access as required by the city engineer. The two access points line up with the access on the east side of State Street providing safer turning movements for both sides of State Street. The existing drive access on the property takes up much of the frontage on the lots located at 1943 North and 1901 North, but because the ordinance at the time did not have a maximum setback requirement, the access location did not cause any concerns. Landscaping was also put in with a ten-foot landscaping strip and an eight-foot sidewalk.

Following the approval of the Legacy House of Orem, the City Code was amended to require new development on State Street to have a maximum building setback of ten feet as well as a buffered sidewalk consisting of an eight-foot sidewalk and a 15-foot landscaped planter strip.

The applicant would like to construct a building on the property just to the east of the Legacy House. However, due to the location of the drive access installed as part of the Legacy House development, which takes up about 50% of the frontage, the applicant contends that compliance with the new State Street development standards would

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1 constitute an unreasonable hardship. The applicant also argues that it would be an unreasonable hardship to re-do the
2 landscaping and sidewalk along the front of the property adjacent to State Street.

3
4 If the variance is granted, the applicant will build the new 20,000 square foot building 13 feet behind the existing
5 drive access and 70 feet behind the back of curb. Staff does not support a variance from the maximum setback
6 requirement to allow the applicant to build the building in the location proposed because the applicant can meet the
7 current code requirements required for all new site plans along State Street. Staff believes the current city code
8 requirements do not constitute an unreasonable hardship for the applicant. The applicant has submitted drawings
9 showing they could meet required setbacks but are requesting the variance because they prefer the proposed layout.

10
11 A setback variance was granted to the property to the north because the applicant for that property had already met
12 with staff multiple times for site plan help before the setback rules changed. Because the applicant had already spent
13 several thousand dollars under staff guidance, staff felt it would be a hardship for the applicant to have to change
14 their plans. The current applicant has no such circumstances and the setback rules were enacted before the applicant
15 started planning the layout of the lot.

16
17 The property owner to the north also requested a variance from the sidewalk and planter strip requirements which
18 the Board of Adjustment denied on November 29, 2017.

19
20 **Recommendation:** Staff recommends the Board of Adjustment deny the request of Knight West Builders for a
21 variance from the maximum setback, landscaping and sidewalk requirements as required by Section 22-8-8(B) at
22 1901 North State Street. Staff believes that the applicant could develop the property in conformance with these
23 requirements without incurring an unreasonable hardship.

24
25 Ms. Seaver asked if the Board had any questions for Ms. Haycock. Ms. Nelson asked why the driveway entrances
26 needed to come together in the middle from the north and the south. Ms. Haycock said there is another property
27 behind this project and they need access. There is also is an easement there.

28
29 Ms. Seaver invited the applicant to come forward. Paul Washburn introduced himself. He said at the end of the
30 discussion last time, they were asked to explore abandoning a section of the driveway. He met with Horrocks
31 Engineering and UDOT, and they believe the southern driveway could be abandoned without hardship. The other
32 two property owners using the driveway are resistant to giving it up, as they went to a lot of expense to put it in. Ms.
33 Haycock spoke earlier about Barry Dental to the north. The City decided not to enforce the new rules for them
34 because it was already in the process when the new ordinance went into effect. He would argue that they have the
35 same hardship, with the driveway in the same configuration. It has the same effect on their ability to develop the
36 property as the other tenants did before. A City ordinance, since mid-1970's expected setbacks to be as far back as
37 possible. Now they are held to a new and different standard. Looking at the requirements of the variance, they have
38 to show their project will not impact the purpose of the zone. The purpose of the zone is in Section 22-8-6. They are
39 not doing anything that impacts the purpose of this zoning ordinance. This property is unique in that north of 1600
40 North, the angle of State Street deepens. They will have to build a trapezoid building which is difficult to build and
41 utilize the space. It is frustrating to see how they can move forward where this property is not seriously impacted.
42 Between 2000 North and 1600 North, this is basically the last piece of property to be developed. All others in that
43 area have the 20-foot setback. He feels this project meets all the qualifications of the variance. Trapezoidal,
44 triangular buildings are hard to market, more expensive to build and interior space is not usable.

45
46 Mr. Washburn said the buildable area is limited and they are being forced close to State Street and to build a
47 building that is not functional. Ms. Seaver asked why they were not willing to move that building back into some of
48 the extra parking spaces. If they eliminated some of the parking spaces at the back of the building, the building
49 could be extended back, picking up more square footage and remove the triangular shape of the building. Mr.
50 Cochran said they were told last time that they could open the southern space to green space for the public, could get
51 a greater square footage and even larger building. Right now, this ordinance was in place before these plans were
52 submitted, so it should have been known to you. The engineer could have brought this into compliance. According
53 to the ordinance, he does not see a hardship.

54
55 Mr. Washburn said he is representing Knight West Builders, LLC and Dan Jones, the owner of the property. He
56 owns a piece of property that is difficult to market. They will still have a triangular building.

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There was then discussion about last month's proposals. Ms. Seaver said you were to consider those changes and bring something new to this meeting. You could propose something that is more in harmony with the plan for that part of State Street. Mr. Gadd said they could build it with a split face, bringing more of the building to State Street. Ms. Seaver said there are ways to build this, get what you want and be compatible with the goals of this part of State Street.

Mr. Earl said there are elements of the variance in meeting the spirit and intent of the ordinance. You are dealing with two elements of the variance. One is the buffered sidewalk, and the other is maximum setback of ten feet. You have to look at the specific requirements. The intent of the ten-foot maximum setback is to make the State Street corridor more walkable, more visual interest and better aesthetic appeal. That is what the City has determined is desirable in terms of aesthetics. The split front would still need a variance, but not as much as this present proposal and the spirit and intent of bringing that building up to the sidewalk is still largely preserved. Mr. Cochran said the jog out would allow increased square footage. Ms. Seaver said they expected to see something new tonight.

Ms. Seaver said she would not vote to give a variance on landscaping or the sidewalk buffer zone. She would want to preserve the landscaping requirements in the buffer zone. Barry Dental to the north requested a landscaping variance and it was denied. You will need to work with Staff, so you know that everything is as close as possible to meeting the ordinance before requesting a variance. She said she thought some part of the building needs to be within 10 feet of State Street. Mr. Bench said the entire building must be within 10 feet according to the ordinance.

Mr. Washburn said the frustration with this property is it was developed with the intense scrutiny of Staff over five or six years. Now the ordinance has changed, and this will be the only building on top of the sidewalk. Between 800 North and 1200 South that makes sense. He wishes there would have been more thought as to what the impact of changing this ordinance would be. Mr. Cochran said they had been talking about who would be the first to build in the core. If you are the first, you will be the example of what can be done.

Mr. Jones said he has lost a lot of money in this process. They built Covington Senior Living and developed these lots and had the plats approved. In the process of trying to sell these lots, developers wanted to put used car lots and a quickie bar. They said no. They put the pergola up front and landscaped it nicely. They spent time and money and jumped through every hoop the City asked of them. They expected when this was platted, they would be able to sell this and it would work out. This is now being delayed more and more and costing a lot of money.

Ms. Seaver asked if the Board had any more questions for the applicant or staff. When no one did, she called for a motion.

Board of Adjustment Action: Ms. Seaver moved to continue the request of Knight West Builders for a variance from the maximum setback, landscaping and sidewalk requirements as required by Section 22-8-8(B) at 1901 North State Street; based on the applicants request for a continuance so that he can work with staff and come back with a plan that is more compatible with the vision for this section and the ordinance for this part of State Street, and also more closely meets the owner's needs. Mr. Cochran seconded the motion. Those voting aye: Mickey Cochran, Karl Gadd, Leslie Nelson and Meredith Seaver. The motion passed unanimously.

Minutes: Ms. Seaver called for a motion to approve the draft minutes of the July 25, 2018 meeting. Ms. Nelson moved to approve the meeting minutes for July 25, 2018. Mr. Gadd seconded the motion. Those voting aye: Mickey Cochran, Karl Gadd, Leslie Nelson and Meredith Seaver. The motion passed unanimously.

Adjourn: Ms. Seaver called for a motion and moved to adjourn. Ms. Nelson seconded the motion. Those voting aye: Mickey Cochran, Karl Gadd, Leslie Nelson and Meredith Seaver. The motion passed unanimously.

Adjourn: 6:33 p.m.

Jason Bench

Approved: