

Subject Property: 720 Powell Drive, Garner, NC
North Garner Middle School
Property Owner: Wake County Board of Education
Applicant: CLH Design, P.A.
Wake County PIN: 1711-55-2890
Wake County REID: 0103214

Return to:
Joseph Linsky, Planner II
Town of Garner
Planning Department
900 7th Avenue
Garner, North Carolina 27529

**TOWN OF GARNER
BOARD OF ADJUSTMENT**

In the matter of:
Rachel Watson, CLH Design, P.A.)
Application No. VAR-24-001) **ORDER GRANTING**
720 Powell Drive) **VARIANCE**
Garner, North Carolina 27529)

ORDER

This matter came before the Board of Adjustment of the Town of Garner on February 27, 2025 for public hearing upon application for a variance. The applicant, CLH Design, P.A., on behalf of the property owner, the Wake County Board of Education, was represented by Kenneth C. Haywood. The applicant requests a variance of the following Town of Garner Unified Development Ordinance (“UDO”) provisions pursuant to Article 4.9.4 of the UDO, related to the construction of a new middle school at 720 Powell Drive, Garner, NC 27529:

1. Article 5, Section 9.1, Nonresidential Development Standards: The applicant requests the primary structure to be 49’-4” in height where the maximum allowable height in the R4 district is 35’. This would amount to a variance of just less than 42% (increase in maximum height).
2. Article 9, Section 2.3, Transparency: The chart in 9.2.3.D requires a minimum transparency of 33% for the ground floor and 20% for upper floors in the R4 district which is grouped into the ‘Other Districts’ category. The applicant requests that transparency on the ground floor to be as low as 22% and upper story as low as 0%.
3. Article 9, Section 2.4, Roof Articulation: To avoid large, continuous building mass of uniform height, the UDO requires that no portion of the roofline may continue for more than 100 feet horizontally without a break. The applicant requests the roof of gymnasium be built to 123’-9” without articulation and 112’-3” on the perpendicular part of the gymnasium roof (an increase in the minimum standard of up to just under 24%).
4. Article 9, Section 2.5, Materials: The UDO requires that no more than 10 percent of the structure’s exterior materials may be metal. Metal fastenings and trim shall not count toward this standard. The applicant request the total metal on building facade be 20% of the structure’s exterior (an increase in the minimum standard of 100%).
5. Article 9, Section 2.6 Façade: The UDO required that structures greater than four units

with facades longer than 50 feet in must contain façade articulation in the following manner:

1. Projections and/or recesses of the average wall plane of at least two feet in depth and eight feet in width.
2. No wall plane shall extend for greater than 25 percent of the length of the entire façade.

The applicant requests structural bays to be built up to 59'-4" without articulation (an increase in the minimum standard of just under 19%). The gymnasium is proposed to have a facade of 123'-9" without articulation (an increase in the minimum standard of just under 148%).

After conducting a duly advertised quasi-judicial hearing and after considering the application materials, testimony, exhibits, and evidence presented at the hearing or otherwise appearing on the record, the Town of Garner Board of Adjustment makes the following:

FINDINGS OF FACT:

1. The variance application is complete.
2. The property is located at 720 Powell Drive and can be further identified by Wake County PIN #: 1711-55-2890 and REID #0103214.
3. The property is zoned R4.
4. The Wake County Public School System is replacing the existing North Garner Middle School which is outdated, not ADA-compliant and fails to meet current building codes. The new school will be constructed on the current location of the football field, thereby allowing students to use the old building while the new one is being built.
5. The property, owned by the Wake County Board of Education since 1955, is approximately 17 acres and is smaller than the average site for a middle school in Wake County. The property is in a residential neighborhood and bounded by residential lots on all sides. The property was used as a school before the UDO was adopted.
6. In addition to the new building on the site, the project includes a new track and field and expanded carpool queuing to improve traffic flow.
7. The property has a steep slope which requires the new school to be constructed in a stepped manner. The new building will be built between the setback lines and the existing building.
8. Due to the small size of the property and the steep slope, a compact design which stacks classrooms is necessary. Each grade level will be assigned its own floor in the new building. By stacking the classrooms, the building footprint is minimized and the building fits within the setbacks, but the height limits are exceeded. The new building adheres to the natural grade of the site and the floor to floor heights of the building are dictated by the space needed to accommodate plumbing, mechanical, electrical and sprinkler systems. The three-story design is integral to fulfilling the school's programmatic needs and serving the current student population.
9. The new building will provide a much-needed educational facility while preserving public safety and maintaining the character of the surrounding area.
10. The structural bays required by the school's design necessitate a length of 57 feet for certain sections of the building to accommodate classroom sizes and layouts. The gymnasium exceeds the façade limit due to structural requirements and program needs. The gymnasium design is essential to meet the educational and functional needs of the

school while maintaining structural integrity.

11. A 50-foot maximum vertical articulation requirement would conflict with the structural bay layout necessary for classrooms and science rooms. The internal layout and spacing of classrooms and corridors dictate the placement of structural bays. The science room design is essential to meet the educational and functional needs of the school while maintaining structural integrity.
12. The façade remains visually engaging, proportionate and does not compromise the building's aesthetic quality or structural safety.
13. It is not feasible to meet the UDO requirements pertaining to roof articulation as to the gymnasium. The gymnasium's size is dictated by its programmatic needs. The design ensures the gymnasium can fulfill its intended purpose while maintaining the overall design integrity. Altering the design would compromise the functionality of the gymnasium space.
14. The new building utilizes translucent glass that allows daylight to enter the building but does not contribute to transparency percentages required by the UDO. The glass used meets the programmatic and safety needs of the school. The UDO requires ground-floor transparency to provide visibility into the building to a depth of at least five feet. In order to prioritize the safety and security of the students, certain areas of the building are designed to limit direct visibility of the students, resulting in deviations from the UDO requirement. The building has unique safety and functional needs that most commercial buildings do not require.
15. Certain areas such as the gymnasium and auditorium cannot be used for their intended use and still comply with the UDO's glazing transparency requirements. Transparency requirements are met on several facades of the building. Safety and security concerns limit the amount of glazing that can be used on the ground floors of the new building. The applicant has maximized glazing on all floors to improve overall building transparency while addressing safety and functional needs.
16. The UDO limits the use of metal to 10% on buildings facades. The new building design incorporates metal panels in place of spandrel glass to enhance the building's aesthetics, improve energy efficiency, and provide a durable façade. The metal panels are visually attractive and were chosen for their functionality and durability. The metal panels promote diverse and high-quality exterior materials and ensures that no single material dominates the façade.
17. The exterior metal used on the roof provides protection for the mechanical equipment needed on the roof. The design uses vertically ribbed metal siding to enclose the penthouse as a screening material. Vertically ribbed siding is lighter than brick and reduces the structural loads carried by the structure making the building design more efficient. Due to the small size of the site, a penthouse is necessary to house mechanical equipment for the building and will remain unobtrusive.


CONCLUSIONS:

1. Facts 1-17 are found.
2. An unnecessary hardship would result from the strict application of the UDO.
3. The hardship results from conditions that are peculiar to the property.
4. The hardship did not result from actions taken by the applicant or property owner.
5. The requested variance is consistent with the spirit, purpose and intent of the ordinance.

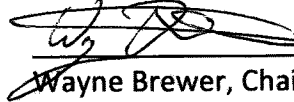
6. The variance will not result in the extension of a non-conforming use and will not result in a use variance.

NOW, THEREFORE, IT IS ORDERED a variance from Sections 5.9.1, 9.2.3, 9.2.4, 9.2.5 and 9.2.6 of the Garner Unified Development Ordinance is granted to allow for construction of a new school building as requested above and as shown on the applicant's plans.

This 1st day of May 2025.



Joseph Linsky, Secretary
Board of Adjustment



Wayne Brewer, Chairperson
Board of Adjustment
Town of Garner
Garner, North Carolina

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, Kimberly Anderson, a Notary Public of the County and State aforesaid, do hereby certify that on this day that Joseph Linsky personally appeared before me, who acknowledged that he is the Secretary to the Board of Adjustment and that Wayne Brewer is the Chairperson of the Board of Adjustment of the Town of Garner, North Carolina, a Municipal Corporation named within and the foregoing instrument was signed in its name by the Chairperson of said Town Board, and witnessed by its Secretary.

Witness my hand and notarial seal, this the 1st day of May, 2025.



Notary Public

Kimberly Anderson
(Printed name of Notary Public)

My Commission expires: 3-7-2029

