

APPLICATION NUMBER

5323

A REQUEST FOR

**USE, PARKING RATIO AND PARKING SURFACE
VARIANCES TO REOPEN PREVIOUS VARIANCES TO
ALLOW THE EXPANSION OF 553 SQUARE FEET TO AN
EXISTING 4,100 SQUARE FEET RESTAURANT IN A R-1,
SINGLE-FAMILY RESIDENTIAL DISTRICT WITH 29
AGGREGATE PARKING SPACES; THE ZONING
ORDINANCE REQUIRES A MINIMUM OF B-2,
NEIGHBORHOOD BUSINESS DISTRICT WITH 47 ON-
SITE PARKING SPACES, AND THAT PARKING BE
ASPHALT, CONCRETE OR AN APPROVED
ALTERNATIVE PAVING SURFACE**

LOCATED AT

351 GEORGE STREET

(Southeast corner of George Street and Savannah Street)

APPLICANT/OWNER

CONLON & DEUPREE, LLC

BOARD OF ZONING ADJUSTMENT

OCTOBER 2005

The applicant is requesting Use, Parking Ratio and Parking Surface Variances to reopen previous variances to allow the expansion of 553 square feet to an existing 4,100 square feet restaurant in a R-1, Single-Family Residential District with 29 aggregate parking spaces; the Zoning Ordinance requires a minimum of B-2, Neighborhood Business District with 47 on-site parking spaces, and that parking be asphalt, concrete or an approved alternative paving surface.

The site is developed with an existing restaurant that was granted Use and Parking Ratio Variances by the Board in April 1998. The Board referenced that the variance was subject to the following conditions: 1) full compliance with municipal codes and ordinances; and 2) no public access to the second floor of the building.

The applicant states that a full service restaurant exists at the location with approximately 100 seats for dining and 12 seats positioned at the bar. The applicant proposes an additional dining and bar area upstairs consisting of approximately 553 square feet that is currently used as storage.

The proposed addition would maintain the current character of the neighborhood and the Board has been mindful of the unique character of older areas when considering variance applications. However, the addition proposed does bring up a concern regarding the need for additional parking spaces required. Additionally, when the previous variance was approved, the Board denied the applicant use of this space due to concerns about parking.

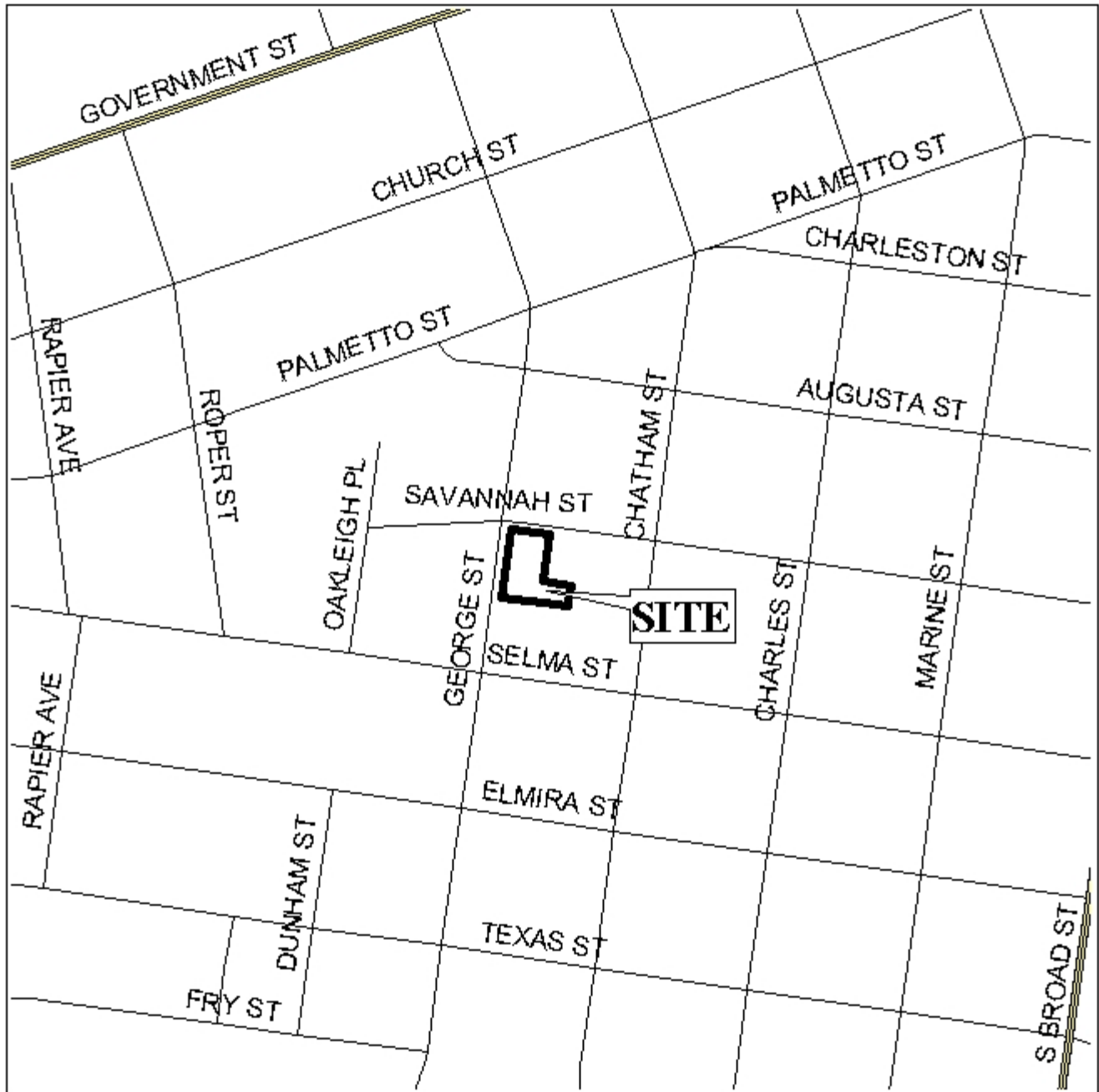
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed, and substantial justice done to the applicant and the surrounding neighborhood.

The applicant failed to illustrate that there is a hardship associated with the property. It is simply the applicant's desire to expand the existing variance

RECOMMENDATION 5323**Date: October 3, 2005**

Based upon the preceding, this application is recommended for denial.

LOCATOR MAP



APPLICATION NUMBER 5323 DATE October 3, 2005

APPLICANT Conlon & Deupree, LLC

REQUEST Use, Parking Ratio, and Parking Surface Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential dwellings.

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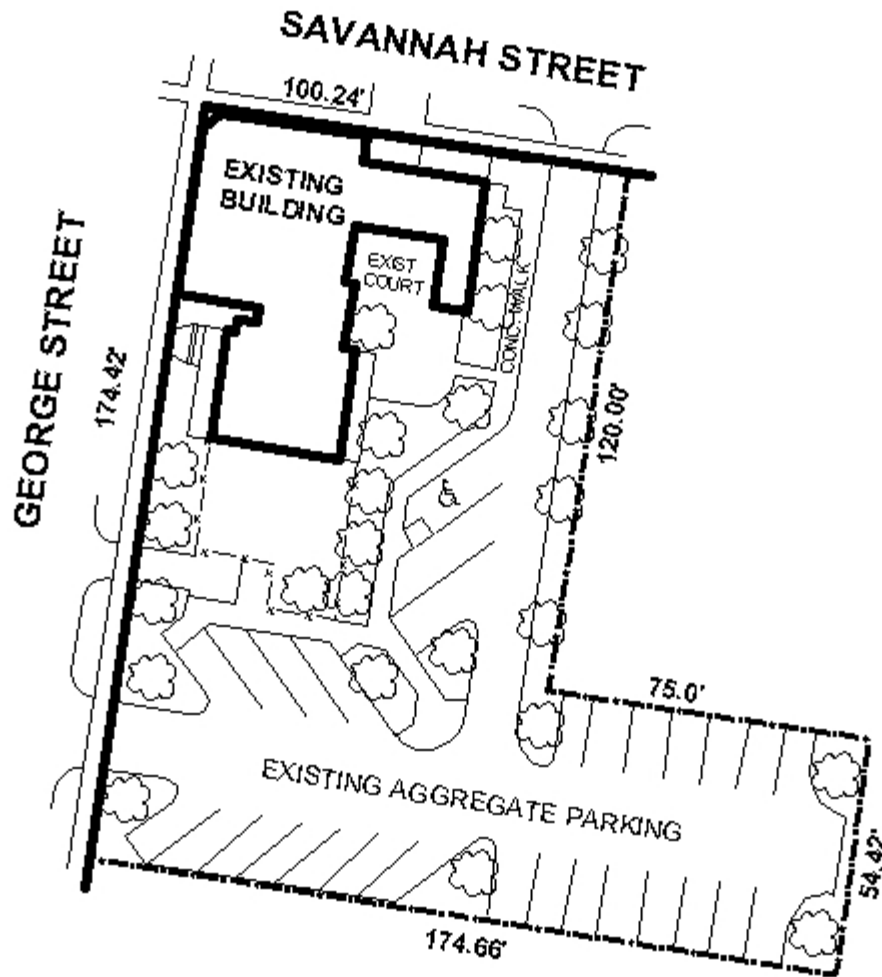
APPLICANT Conlon & Deupree, LLC

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LEGEND



SITE PLAN



The site is located on the Southeast corner of George Street and Savannah Street. The plan illustrates the existing structure and parking.

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