

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: May 2, 2011****CASE NUMBER**

5672/5608

**APPLICANT NAME**

Tamara Taylor

**LOCATION**1252 Government Street  
(North side of Government Street, 55'± West of South  
Georgia Avenue)**VARIANCE REQUEST****USE:** To allow a restaurant in a B-1, Buffer Business District.**TREE PLANTING AND LANDSCAPING:** To allow no tree plantings or landscaping**ZONING ORDINANCE  
REQUIREMENT****USE:** The Zoning Ordinance requires a minimum of a B-2, Neighborhood Business District zoning for a restaurant.**TREE PLANTING AND LANDSCAPING:** Requires full compliance with tree planting and landscaping requirements.**ZONING**

B-1, Buffer Business District

**AREA OF PROPERTY**

11,769± square feet/0.28±Acres

**TRAFFIC ENGINEERING  
COMMENTS**

No Comments

**CITY COUNCIL  
DISTRICT**

District 2

**ANALYSIS**

The applicant is requesting Use and Tree Planting and Landscaping Variances to allow a restaurant in a B-1, Buffer Business District and no tree plantings or landscaping; the Zoning Ordinance requires minimum B-2, Neighborhood Business District zoning for a restaurant and full compliance with tree planting and landscaping requirements.

The applicant applied for and was granted these variances at the Board of Zoning Adjustment's April 5, 2010 meeting; however, no permits or business license was issued before the expiration

date of October 20, 2010. As a result, the variances must be granted again in order for the applicant to obtain a business license and begin operation.

This site has been previously used as a restaurant for many years. Non-conforming use documentation shows that the building housed the former Steak and Egg Restaurant since the 1960's, and later the Saucy Q Bar-B-Q Restaurant from 1998 until January 2005. The site has been vacant since 2005, and, as such, legal non-conforming use status as a restaurant expired in 2007. The applicant's proposal is essentially the same scope of operation as the previous use.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, 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.

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

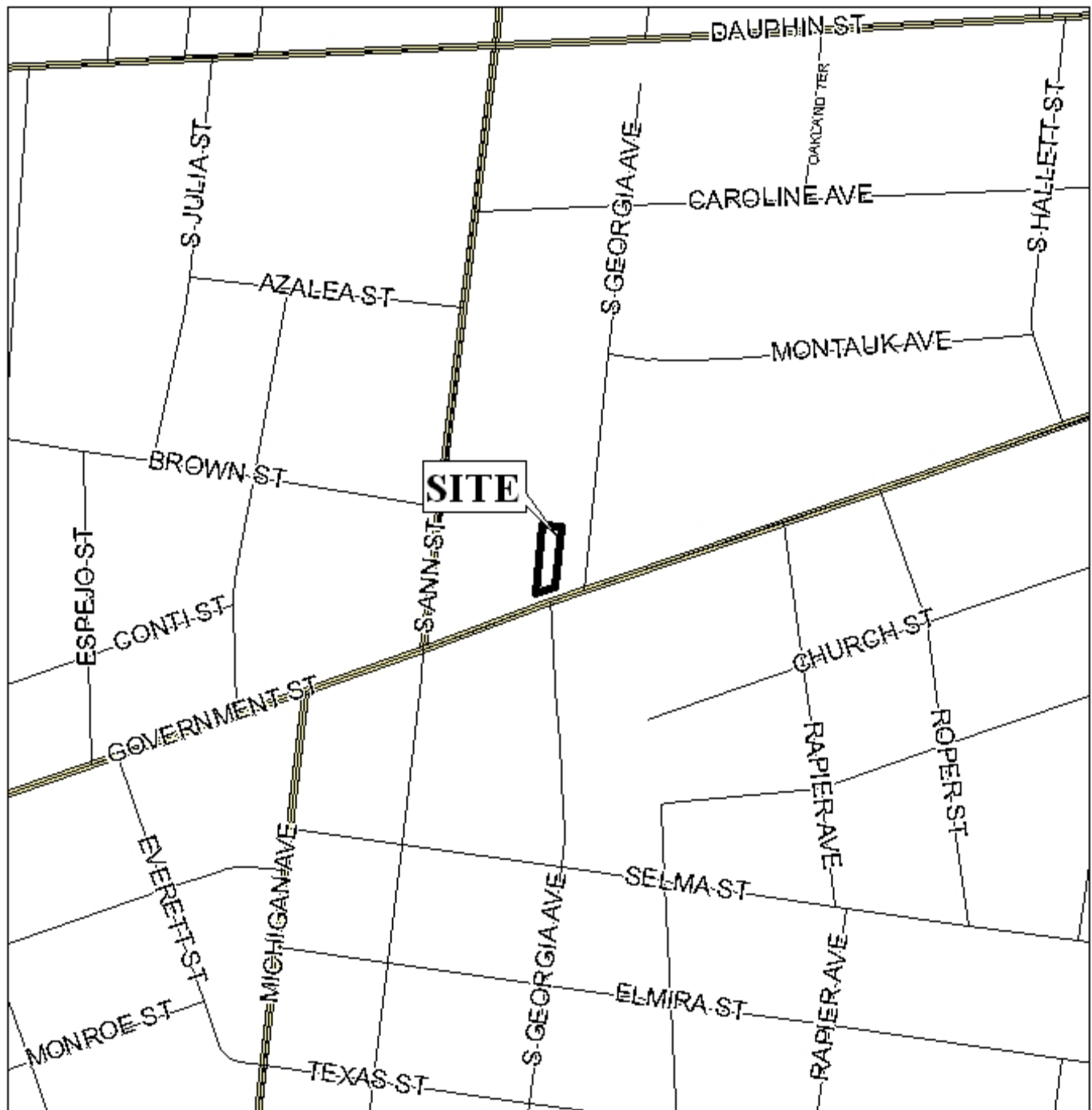
As this site has historically been a restaurant, and the building is currently set up for a restaurant, it would seem to be reasonable to grant the use variance for a restaurant use, as this request simply is to reopen a restaurant, and not for expansion. The site has adequate paved parking for the use, and, as such, would not overburden the site. In regards to the landscaping and tree planting requests, the site is almost 100% developed, and removing any parking or maneuvering areas to plant trees would result in another variance request either for parking or maneuvering area. Aerial photography reveals a large live oak on the right-of-way directly in front of this site, with the remainder of the right-of-way frontage being taken up by the site's curb-cut. These conditions could be considered hardships, and as such, the landscaping and tree planting variances may be appropriate.

**RECOMMENDATION:** Based on the preceding, this application is recommended for approval, subject to the following conditions:

- 1) hours of operation be limited to 6:00 AM – 6:00 PM;
- 2) provision that the dumpster pick-up be between 9:00 AM and 9:00 PM on weekdays only;
- 3) provision that deliveries are restricted to the hours of operation;
- 4) the site not be allowed the sales of alcohol;
- 5) the smoker be limited to the hours of operation;
- 6) lighting of the site to focus only on the site and not overflow to the adjacent residential properties;
- 7) provision of a hedge or fence along the North property line, to be approved by the Architectural Review Board;
- 8) provision of a dumpster, screened from view and in compliance with Section 64-4.D.9 of the Zoning Ordinance;

- 9) provision of a revised site plan to the Planning Section of Urban Development prior to the issuance of any permits or land disturbance activities; and
- 10) full compliance with all other municipal codes and ordinances.

# LOCATOR MAP



APPLICATION NUMBER 5672/5608 DATE May 2, 2011  
 APPLICANT Tamara Taylor  
 REQUEST Use, Tree Planting, Landscaping Variances



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Residential land use is located to the west, north, and east of the site.  
Commercial land use is located to the west and south of the site.

APPLICATION NUMBER 5672/5608 DATE May 2, 2011  
 APPLICANT Tamara Taylor  
 REQUEST Use, Tree Planting, Landscaping Variances

LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2



NTS

# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

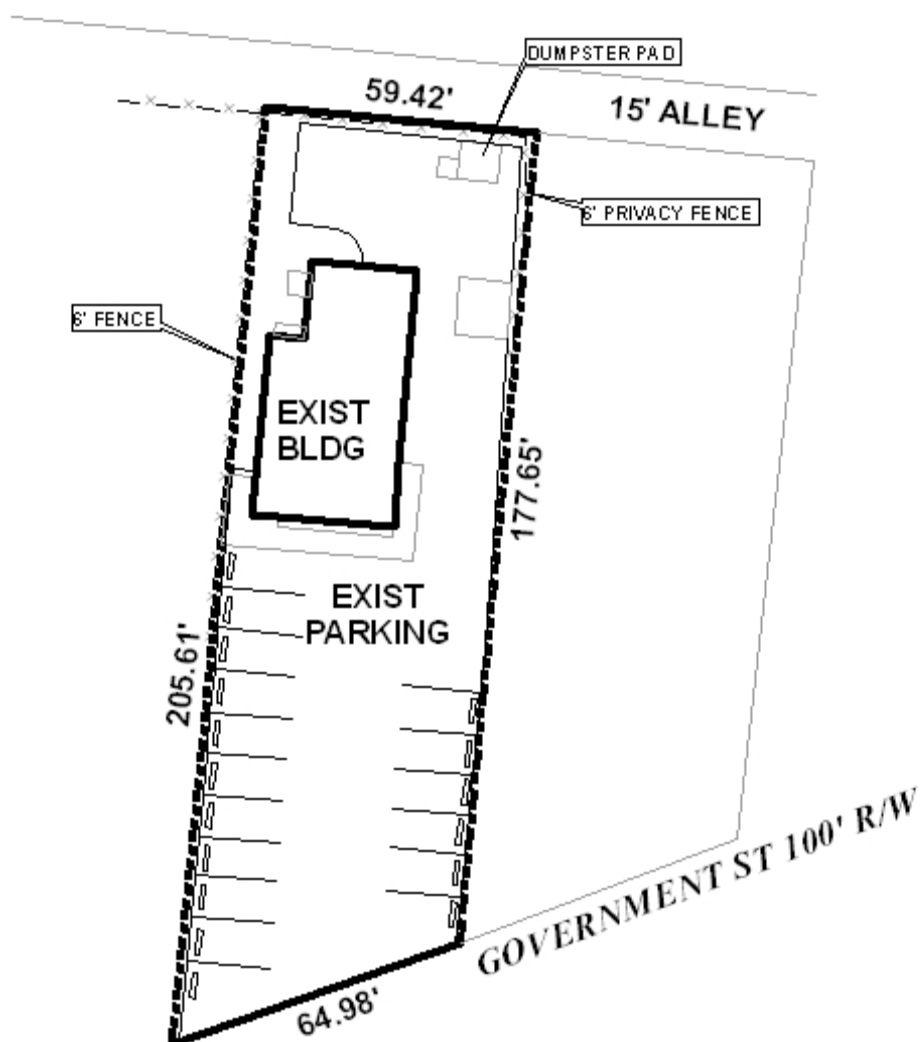


Residential land use is located to the west, north, and east of the site.  
Commercial land use is located to the west and south of the site.

APPLICATION NUMBER 5672/5608 DATE May 2, 2011  
APPLICANT Tamara Taylor  
REQUEST Use, Tree Planting, Landscaping Variances



## SITE PLAN



The site plan illustrates the existing development.

APPLICATION NUMBER 5672/5608 DATE May 2, 2011  
APPLICANT Tamara Taylor  
REQUEST Use, Tree Planting, Landscaping Variances

N  
NTS