

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: November 7, 2011**

| | |
|--|---|
| <u>CASE NUMBER</u> | 5720 / 5323 / 4729 / 4500 / 4429 |
| <u>APPLICANT NAME</u> | S.O.A.P., LLC |
| <u>LOCATION</u> | 351 George Street (Southeast corner of George Street and Savannah Street) |
| <u>VARIANCE REQUEST</u> | USE: Amend a previous use variance to allow a restaurant in an R-1, Single-Family Residential District |
| <u>ZONING ORDINANCE REQUIREMENT</u> | USE: Restaurant use requires a minimum of B-2, Neighborhood Business District, zoning |
| <u>ZONING</u> | R-1, Single-Family Residential District. |
| <u>AREA OF PROPERTY</u> | 0.50 ± Acre |
| <u>TRAFFIC ENGINEERING COMMENTS</u> | None received |
| <u>CITY COUNCIL DISTRICT</u> | District 2 |

ANALYSIS The applicant is requesting a Use Variance to amend a previously approved variance to allow the expansion of an existing restaurant in a R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum of a B-2, Neighborhood Business District for a restaurant.

This site has been the subject of several variances. The restaurant on the site was developed in 1998 after variances for the Use and Parking Ratio were granted in April of the year. In 2005, the Board approved a seating expansion for the restaurant. The applicant now requests a modification to the variance to allow an minimal expansion of the building in order to add a new walk-in cooler.

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.

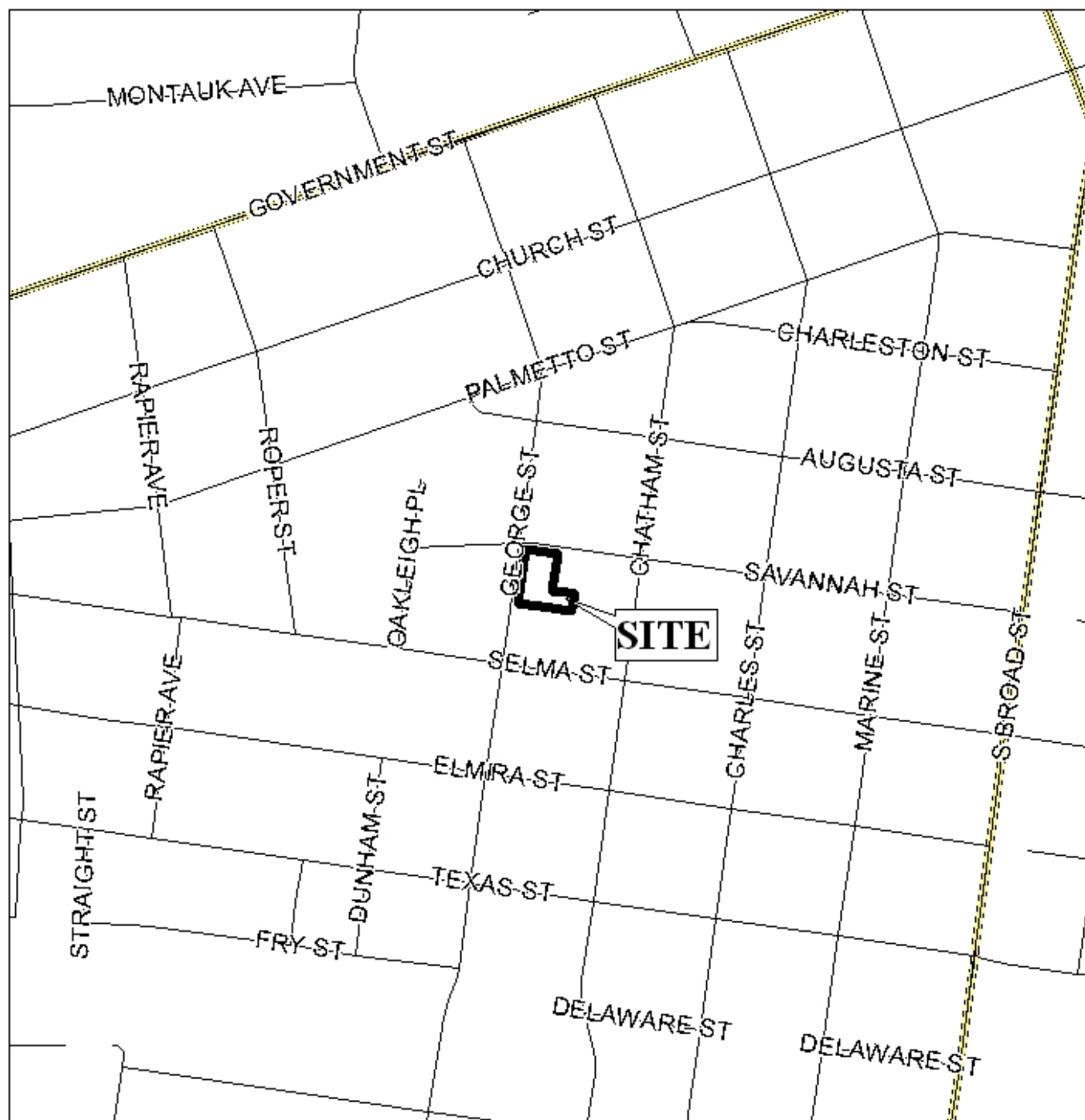
The applicant did not state what, if any, hardship exists on the property. However, the site has functioned, with Board approval, as a restaurant, since 1998. The expansion of the building footprint is minimal, and the expansion does not occupy any parking or maneuvering area. The addition will be placed in an area currently occupied by outdoor seating. If anything, the addition may have the effect of reducing the number of available seats at the restaurant. Given the previous variances granted by the Board on this site, and the minimal nature of the building expansion, this application should be recommended for approval.

RECOMMENDATION

Based upon the preceding, this application is recommended for approval subject to the following conditions:

- 1) full compliance with all municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 5720/5323 DATE November 7, 2011

APPLICANT S.O.A.P, LLC.

REQUEST Use Variance



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

APPLICATION NUMBER 5720/5323 DATE November 7, 2011

APPLICANT S.O.A.P, LLC.

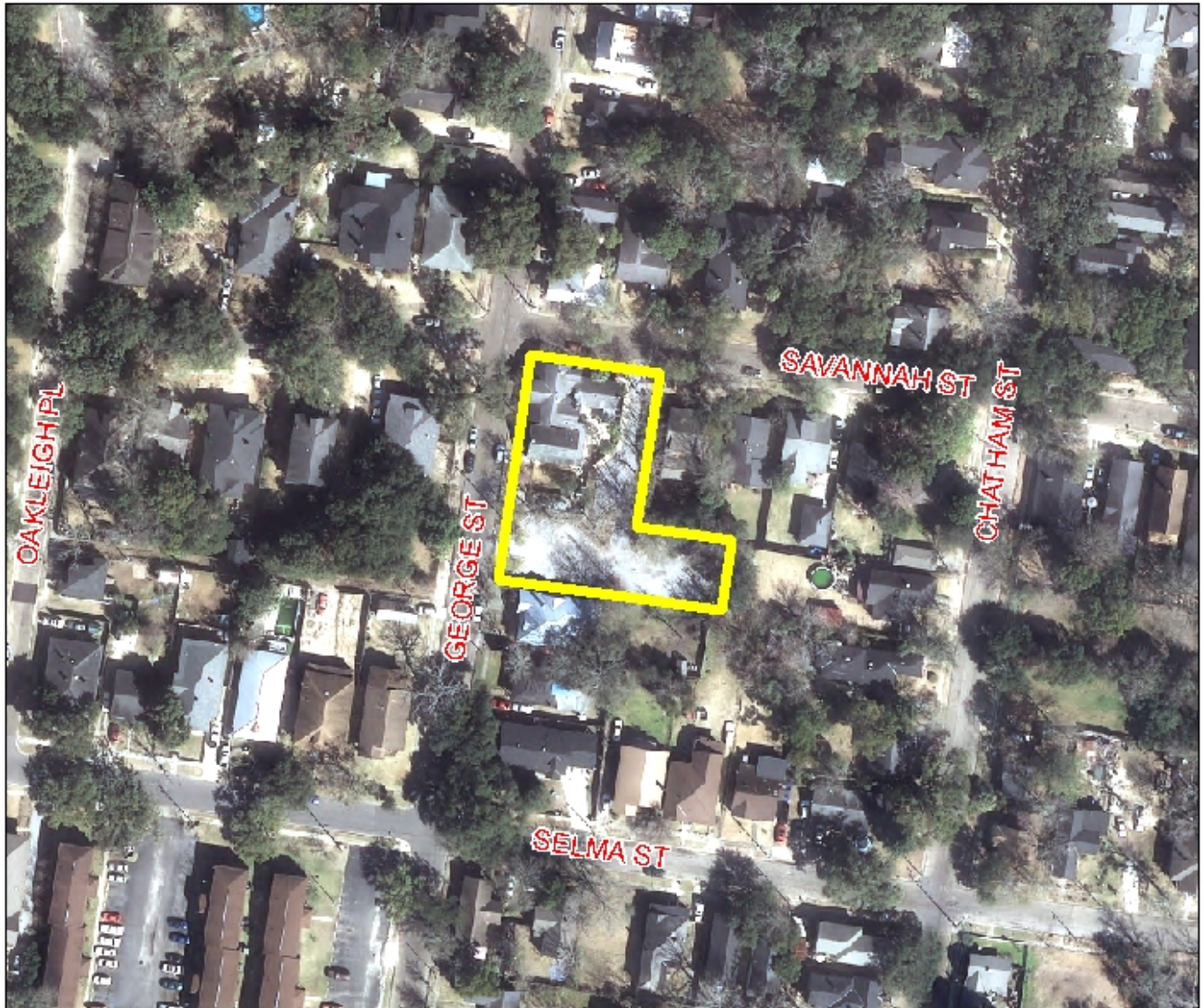
REQUEST Use Variance

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



The site is surrounded by single family residential units.

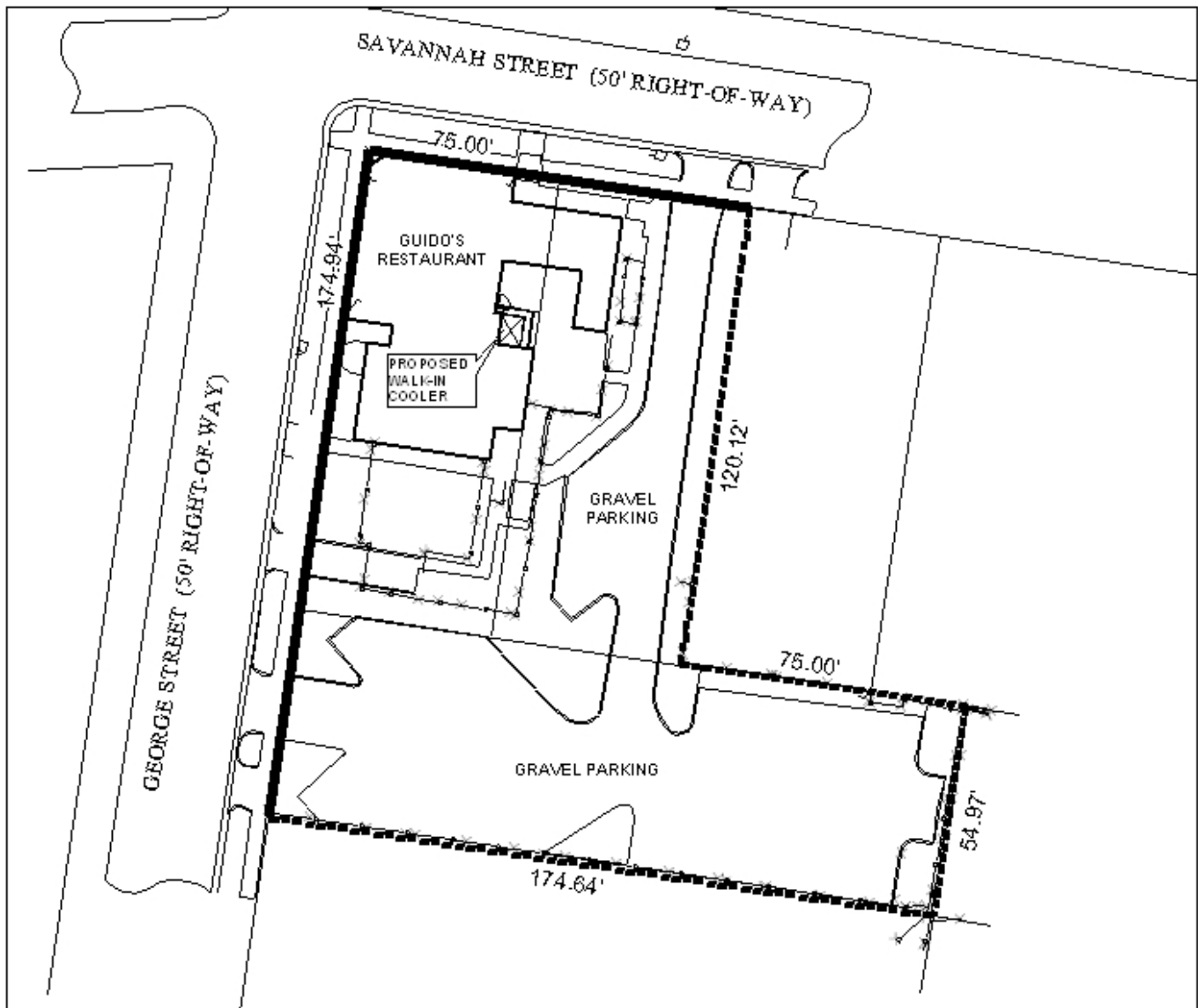
APPLICATION NUMBER 5720/5323 DATE November 7, 2011

APPLICANT S.O.A.P. LLC, Kevin M. Carley

REQUEST Use Variance



SITE PLAN



The restaurant, parking, and drives are illustrated in the site plan.

APPLICATION NUMBER 5720/5323 DATE November 7, 2011

APPLICANT S.O.A.P, LLC.

REQUEST Use Variance

N
↑
NTS