

MEETING OF May 18, 2015

WARD/COMMITTEE 3

ITEM NUMBER V15-022

\$ IMPACT N/A

ISSUE: Allow pouring of beer and wine at a restaurant within 600 feet of a public school and 200 feet from residential property.

SUMMARY: The applicant requests a variance to allow pouring of beer and wine at a restaurant within 600 feet of a public school and 200 feet from residential property. The restaurant is located at 1651 Roswell Street Suite C, and the school, Haven Academy, is 474 feet away and Morgan's Point Apartments 110 feet away. Chapter 6 – Alcoholic Beverages, Section 6-118 (b)(4) states:

For a license for pouring wine and malt beverages, a suitable distance is 600 feet from a school, and 200 feet from a church, park, public building, library or residence; provided, however, in no event shall the primary customer entrance of the proposed premises be located closer than 75 feet from the property line of the school, church, park, public building, library, or residence.

BACKGROUND: An application for package sales was denied at 1649 Roswell Street due to the location being within 600 feet of a school. The subject property, 1651 Roswell Street is immediately adjacent to the 1649 Roswell Street, and is within the same 600 foot school buffer, as well as the 200 foot residential buffer.

STAFF RECOMMENDATION: The applicant located at 1651 Roswell Street, Ste C, is requesting to deviate from the City's requirement for a restaurant pouring beer and wine to have a minimum 600 foot distance from a school and 200 feet from residential property. The subject property is 474 feet from Haven Academy and 110 feet from Morgan's Point Apartments. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances applying to the property; (2) Whether any alleged hardship is self-created by any person having an interest in the property; (3) Whether strict application of the relevant provisions of the code would deprive the applicant of reasonable use of the property; and (4) Whether the variance proposed is the minimum variance needed. Community Development has reviewed the request against the variance review standards and found no exceptional hardship that would warrant a recommendation of approval. Community Development recommends denial of the requested variance due to the lack of hardship presented by the applicant as well as the negative precedent approving such a request would set.

REQUESTED ACTION: Mayor and Council hold a public hearing per Section 1400 of the Smyrna Code.