

**April 4, 2017 Board of Adjustment
Staff Recommendation**

PETITIONER: Angel Ameng, for Latin Cafe

LOCATION: 1011 N State Road 7

ZONING: TOC-CC City Center District

INTRODUCTION

The subject property of this variance request is a vacant freestanding restaurant located within Chevy Chase Shopping Center, owned by the Margate Community Redevelopment Agency. The subject property is located on the west side of State Road 7, and on the south side of Margate Boulevard. This building was occupied by Beijing Express for nearly 20 years, and now Latin Café will occupy the premises. The applicant submitted a Local Business Tax Receipt application and an alcohol application. Economic Development staff processed the alcohol application and found that Latin Café was 916 feet from Prince of Peace Lutheran Church.

HEARING NO.: BA-11-2017

SECTION OF CODE: Section 3.22(VIII)(A)

Code provides that no beer and wine license approval for consumption on premises shall be issued where the place of business designated in the application is within one thousand (1,000) feet of a house of worship. Petitioner is requesting permission to operate a restaurant with a 2-COP alcohol license that is located 916 feet from an existing house of worship.

The intent of the code provision that the applicant is seeking relief from is to offer certain protections and safeguards to sensitive uses within the community. Those protections also include due processes and appeals in order to provide the City an opportunity to give each application individual attention. The Board of Adjustment is the appropriate body to hear such appeals. In this case, the applicant is located within an "L-shaped" commercial shopping center that has been home to other restaurants, bars, and liquor stores with alcohol licenses. These businesses did not have a conflict with Section 3.22(VIII) due to the respective locations within the shopping center and the measuring methodology provided in Section 3.22 (IX).

Staff finds that due to the historical presence of alcohol allocations within this shopping center, the granting of this variance will not create a nuisance within the City, and would otherwise create a hardship for the applicant if this request was denied. **Staff recommends approval of this variance request.**

RECOMMENDATION: APPROVE

APPROVE WITH
CONDITIONS

DENY


Director of Economic Development.

3-21-17
Date