



CASE NUMBER 13-2021 BZA

THE LOUNGE – 7740 BEECHMONT AVENUE

FOR CONSIDERATION BY THE BOARD OF ZONING APPEALS ON AUGUST 5, 2021

APPLICANT: Amy & Todd Sledge, on behalf of TNF Holdings LLC, Property Owner

LOCATION & ZONING: 7740 Beechmont Avenue
(Book 500, Page 201, Parcel 178) – “E” Retail

REQUEST: A variance request to allow for an overhead covering for the existing 10’ x 16’ (160 SF) outdoor patio and expansion of the existing patio by 10’ with a front yard setback of 13’ where 23’ is required per Case 10-2007 BZA.

SITE DESCRIPTION:
Tract Size: 0.763 Acres
Frontage: Approximately 116’ on Beechmont Avenue
Topography: Flat
Existing Use: The Lounge - Bar

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	“E” Retail	Mike’s Automotive
South:	“E” Retail	Retail
East:	“E” Retail	Retail
West:	“E PUD” Retail Business	Gold Star Chili

PROPOSED DEVELOPMENT: The applicant is proposing the installation of an overhead covering for the existing 10’ x 16’ (160 SF) outdoor patio. The applicant is also proposing the extension of the existing concrete patio by adding a 10’ x 16’ (160 SF) concrete patio extending towards Beechmont Avenue. The existing fence will also be moved 10’ to the south to enclose the proposed concrete patio.

HISTORY: The building was constructed in 1959 and purchased by the current property owner in January 2021. In 2007, the BZA approved a front patio addition with a front yard setback of 23’ through Case 10-2007 BZA. In 2017, a face change to an existing wall sign was approved.

The site in question is located within “Neighborhood 3/ Downtown Anderson” of the Beechmont Plan (2018). The vision for this area recommends buildings fronting Beechmont be placed 10–15 feet from the right-of-way while maintaining adequate sight distance for vehicles entering and exiting Beechmont, buildings that promote a pedestrian-friendly environment, street-facing retail and outdoor plazas that engage the street.

FINDINGS: Staff is of the opinion that the variance is not substantial. The property in question is located within the Neighborhood 3/ Downtown Anderson area of the

Beechmont Plan. The proposed patio and addition meet the following recommendations of Neighborhood 3/ Downtown Anderson: 1) Outdoor plazas that engage the street, 2) Street-facing retail and 3) Buildings that promote a pedestrian-friendly environment. In addition, the applicant is only reducing the number of parking spaces by 1 space and has additional parking located to the rear of the building.

The essential character of the neighborhood would not be altered, and adjoining properties would not suffer a substantial detriment as a result of the variance. The proposed concrete patio and canopy addition is consistent with the recommendations of the Beechmont Plan as outlined above.

The variance would not adversely affect the delivery of governmental services.

The property owner's predicament can be feasibly obviated through some other method other than a variance. The applicant would be permitted to construct an addition with a 23' front yard setback per Case 10-2007 BZA, however the applicant has indicated that the existing patio area is not large enough to meet customer demand.

Staff is of the opinion that the spirit and intent behind the zoning requirement would be observed by granting the variance based on the recommendations of the Beechmont Plan, the amount of parking spaces to the rear of the building, and the applicant's desire to increase the patio area due to customer demand.

**STANDARDS TO
BE CONSIDERED:**

The aforementioned variance requested should be evaluated on the following criteria:

- (1) The property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- (2) The variance is substantial.
- (3) The essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
- (4) The variance would not adversely affect the delivery of governmental services (i.e. water, sewer, garbage).
- (5) The property owner purchased the property with knowledge of the zoning restrictions.
- (6) The property owner's predicament can be feasibly obviated through some method other than a variance.
- (7) The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance

Disclaimer: This staff recommendation is based on the facts known to the author at the time the recommendation was made. Staff attempted to use those known facts to analyze the relationship of those facts to the standards set forth in the Zoning Resolution for the particular issue and property before the BZA, and in keeping with past decisions of the BZA. The BZA members have an obligation to consider all of the evidence that is entered into this case during the BZA hearing through the sworn testimony of the witnesses, as well as the documents submitted as part of the witnesses' testimony. The staff recommendation should be considered as part of the evidence before you. The Zoning Resolution empowers the BZA to make reasonable interpretations of the Zoning Resolution, to judge the credibility and reliability of the witnesses, and to decide each case based on the evidence presented during the BZA hearing process.