



Memo

Project #00424

Application(s)	AV #0079, AV #0092, AV #0093
Property Address	1053 Broadway
Applicant	Druthers Brewing Company II, Inc.
Zoning District	Mixed-Use, Form-Based Warehouse (MU-FW)
Proposal	Construction of a 13-foot wide, 110 foot long deck in the public right-of-way.
Requests	Rehearing of Area Variance – §375-402(1)(c)(vii)(G)(4)– to allow a front deck to extend into the right-of-way or any easement in a Mixed-Use; Form-Based zoning district. Area Variance - §375-402(2)(c)/Table 375-402.1- to allow for the construction of a front porch, which is not permitted under the Mixed-Use Core frontage standards. Area Variance - §375-402(2)(c)/Table 375-402.1- to allow for the porch to extend past the front build-to zone under the Mixed-Use Core frontage standards.

Review Criteria for Area Variance Review:

- **§375-505(10)(c)(i)** – *Area variance. In making its determination regarding a request for an area variance, the BZA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community. In making such determination, the BZA shall also consider:*
- **§375-505(10)(c)(i)(A)** – *Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.*

Staff Opinion: Staff opinion is that the proposed deck will not produce an undesirable change in the character of the neighborhood. Section 375-204(7)(c) of the Unified Sustainable Development Ordinance (USDO) states the purpose of the Mixed-Use, Form-Based Warehouse (MU-FW) zoning district as follows: *“The purpose of the MU-FW District is to allow for a greater variety of building reuse and encourage the redevelopment of the Warehouse District into a walkable, urban mixed-use center containing residential, retail, commercial, and entertainment uses, while protecting the continued viability of the existing industrial uses that are included in and surround that area. Permitted uses are shown in Table 375.302.1 (Permitted Use Table).”* Furthermore, the uses of the site in question (restaurant, artisan/light manufacturing) are both permitted uses within the MU-FW district.

- **§375-505(10)(c)(i)(B)** – *Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.*

Staff Opinion: During the public hearing process the applicant adequately demonstrated that the alternatives considered, such as a rooftop patio or the purchase of adjacent properties, were not viable, and that the only way to achieve the desired outcome would be to construct the proposed deck.

- **§375-505(10)(c)(i)(C)** – *Whether the requested area variance is substantial.*

Staff Opinion: The size of the proposed deck would be small relative to the footprint of the existing building, and would only make up a small portion of Druthers total operations.

- **§375-505(10)(c)(i)(D)** – *Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.*

Staff Opinion: The proposed deck will not have an adverse or negative impact on the physical or environmental conditions of the neighborhood. The environmental concerns presented during the public hearing were in reference to an adjacent use and the vehicular activity associated with said use, and not to the environmental impact of the deck itself, of which there will be none. Furthermore, the proposed installation of a sidewalk along the south side of Bridge Street will enhance the pedestrian experience by providing a safe alternative to walking in the street. With that being said, staff has attached a set of conditions that could potentially mitigate the impacts that the neighboring use may have on the deck and its users.

- **§375-505(10)(c)(i)(E)** – *Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the BZA but shall not necessarily preclude the granting of the area variance.*

Staff Opinion: Since the beginning of the ongoing pandemic City policies and procedures have become friendlier to outdoor dining as a way for businesses to safely operate. There is not a viable alternative to implement outdoor dining at 1053 Broadway without the proposed deck.

Recommended Action: Approval with attached conditions.