

Department of Permitting & Inspections

Zoning Division
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TO: Development Review Board
FROM: Scott Gustin
DATE: December 1, 2020
RE: 21-0374CA; 160 Bank Street

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Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: FD6 Ward: 3C

Owner/Applicant: Handy Sisters, LLC / Catamount Hospitality, LLC

Request: Construct gallery seating area with canopy on south side – seeking alternative compliance as to gallery dimensions

Applicable Regulations:

Article 14 (Downtown Code)

Background Information:

The applicant is proposing renovations to the existing restaurant at 160 Bank Street including additional enclosed seating area, beer storage, and walk-in cooler. A new gallery and canopy are proposed along the front of the building to provide shelter for the outdoor seating presently there. The property is located within the FD6 zone, and much of the proposed work is subject to administrative zoning review under the form code standards. The applicant is seeking alternative compliance for the depth of the proposed gallery. The form code limits gallery depth to 10,' whereas the applicant is seeking 12' depth. The request is subject to review and approval by the Development Review Board upon recommendation by the Design Advisory Board.

The Design Advisory Board reviewed this application November 10, 2020 and unanimously recommended approval of the project as proposed.

Previous zoning actions for this property are noted below:

- 10/1/18, Approval to install retractable awning, relocate sheds, install pavers.
- 1/25/18, Approval to install a sign.
- 10/13/16, Approval to install rooftop hood system.
- 8/19/16, Approval to install a storage unit.
- 3/24/14, Approval to install retractable awnings.
- 4/4/13, Approval to install retractable awnings.
- 3/23/12, Approval to construct rear beer garden shelter.
- 4/14/11, Approval to construct pergola and stone service station.
- 9/20/10, Approval to convert storage space to finished dining space.

- 4/30/10, Approval to install sign.
- 4/1/10, Approval to extend wrought iron fencing.
- 2/26/10, Approval to install 3 signs.
- 2/26/10, Approval to install new rooftop HVAC unit.
- 2/16/10, Approval to renovate façade and outdoor seating area.
- 2/8/10, Approval for four signs.
- 12/21/09, Approval to add garage doors and windows.
- 1/12/89, Approval to install outdoor lighting.

Recommendation: Consent approval as per, and subject to, the following findings and conditions:

I. Findings

Article 14: Downtown Code

Sec. 14.7.3; Variation from the form: Administrative relief, DRB alternative compliance, and Variances

b) Alternative Compliance Granted by the Development Review Board

Up to 20% relief from numerical standards may be granted by the Development Review Board following recommendation by the Design Advisory Board. In this case, the 12' gallery depth proposed represents the maximum 20% relief possible from the 10' maximum gallery depth standard. **(Affirmative finding)**

i) DRB Alternative Compliance

A) The relief sought is necessary in order to accommodate unique site and/or Building circumstances or opportunities;

The deeper gallery, along with the proposed canopy, will provide shelter to the existing outdoor seating area. There is opportunity to enhance this outdoor seating area and to lengthen the time that it can serve as functional outdoor space for patrons. A semi-sheltered space under retractable awnings will become more permanently sheltered. **(Affirmative finding)**

B) The relief if granted is the minimum necessary to achieve the desired result;

The proposed gallery, along with the canopy, will cover essentially the entire outdoor dining area in front of the building. Narrower dimension may fall short of providing full cover. **(Affirmative finding)**

C) The property will otherwise be developed consistent with the purpose of this ordinance, the intent of the Form District, the intent and purpose of the section that the relief is being sought, and all other applicable standards;

Except for the proposed 12' depth, the proposed gallery is otherwise compliant with the form code standards for galleries. Note that the width of the gallery is limited to the width of the building façade. That appears to be the case here, although it is somewhat offset. The applicable standard is silent as to such configuration. **(Affirmative finding)**

D) The relief if granted will not impose an undue adverse burden on existing or future development of adjacent properties; and,

Nothing about a 12' deep gallery will impose an undue burden on the existing or future development of adjacent properties. **(Affirmative finding)**

E) The relief if granted will yield a result equal to or better than strict compliance with the standard being relieved.

Limiting the gallery to 10' depth would fall short of the intended purpose of sufficiently sheltering the outdoor seating area in front of the building. The 2' wider dimension will achieve the desired end goal with little perceptible difference as viewed from the street. The gallery as proposed clearly reads as intended for this frontage type. It is simply 2' wider than would otherwise be allowed. **(Affirmative finding)**

II. Conditions of Approval

1. Standard conditions 1-15.