

**Project Description:**

The applicant is not proposing any interior or exterior changes to the property, the site will remain as is. There is no proposed change in use.

**Applicant's Variance Request:**

The applicant requests a variance from Title 2 of the UDO:

1. Variance from Section 240-13(b)(19)(a), to allow a tobacco products shop to be located within 1/2 mile of another tobacco products shop.

Per the review and approval criteria found in Sec. 280-32(a), the Mayor and City Council may authorize variances from the provisions of the UDO only after making the following findings:

- a. **There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography;**

The property does not have extraordinary or exceptional conditions pertaining to its size, shape, or topography.

- b. **The application of this zoning ordinance to the particular piece of property would create an unnecessary hardship;**

The application of the zoning ordinance would not create an unnecessary hardship as the distance requirements could have been sufficiently met through due diligence and through prompt revision and submission of the correct documentation outlining the business use.

- c. **Such conditions are peculiar to the particular piece of property involved;**

The conditions are not peculiar to the particular piece of property involved. There are similar commercial buildings along Buford Highway and Laventure Drive.

- d. **Such conditions are not the result of any actions of the property owner; or**

Such conditions are the result of actions of the applicant. The applicant has been operating under an incorrect occupational tax certificate for four years. The applicant was notified and was given an opportunity to revise their application and the revision was not submitted until two months later.

- e. **Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.**

Approval to not maintain the half mile distance minimum would impair and undermine the intent of the zoning ordinances to limit the concentration of tobacco related uses within a specified vicinity. This could possibly create a precedent to not meet the distance requirements for other tobacco products shops and other use types requiring a minimum distance.

**Staff Recommendation:**

Based on the analysis of this application, using the standards and criteria found in Chapter 280 and 300 of the UDO, Staff recommends **DENIAL** of the following variance request, in application PZ2024-1350:

1. Variance from Section 240-13(b)(19)(a), to allow a tobacco products shop to be located within 1/2 mile of another tobacco products shop.

**Attachments:**

Attachment 1 – Application

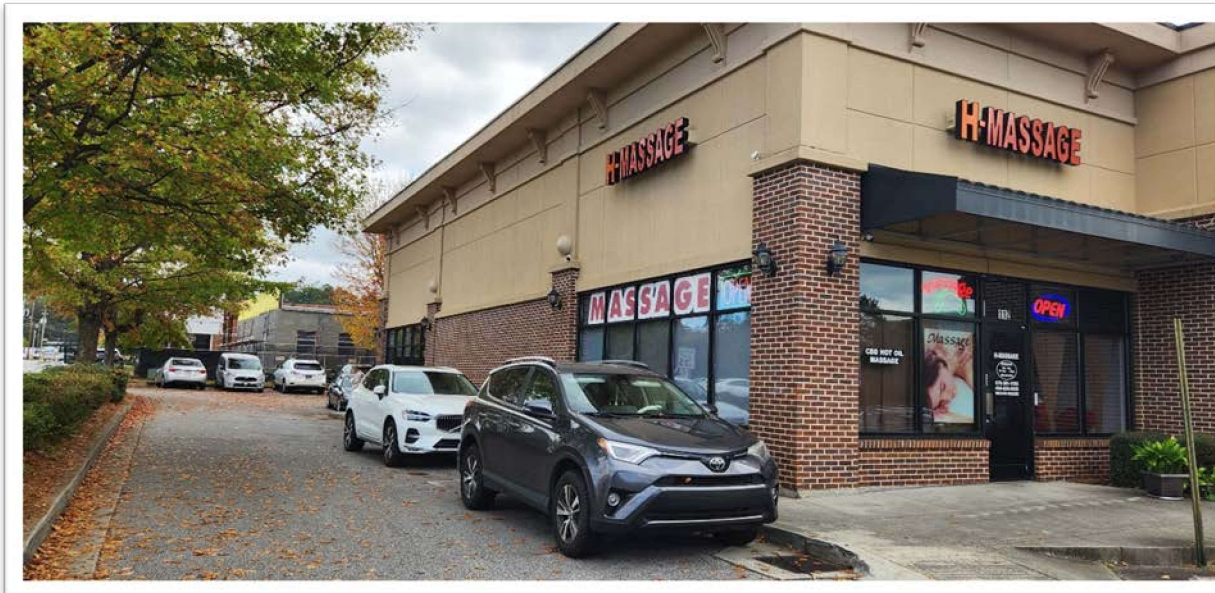
Attachment 2 – Survey and store interior

Attachment 3 – Maps

**Site Visit:**



Front building façade



Building façade along Laventure Drive



Frontage along Laventure Drive



Frontage along Buford Highway facing the other tobacco product shop