

OFFICE OF THE CITY ADMINISTRATOR

Subject: Recommendations for ZBA Meeting of April 13, 2026

Item 1 CALL TO ORDER

Item 2 ROLL CALL

Prerogative of the Chair to request the City Clerk to take attendance.

Item 3 ACCEPTANCE OF AGENDA Prerogative of the Zoning Board of Appeals that all items on tonight's agenda be received, placed on file, and taken in order of appearance.

Item 4 PUBLIC HEARING

Open the Public Hearing. Receive and place on file all communications pertaining to this request. Request an overview from the City Planner. Hear any comments, first in support of, second in opposition to, the request. Make a motion to close the Public Hearing.

Item 4A VARIANCE REQUEST: 20195 MACK AVENUE – WALK-UP WINDOW FOR EMPLOYEE SERVICE

The applicant, Branden McRill, on behalf of Lola's Taco Bar, requests a use variance for the restaurant at 20195 Mack Avenue. The subject site is a 6,877 square foot corner lot, is zoned the C, Commercial Business District, and is located south of Norwood Drive and east of Jackson Avenue. The applicant proposes utilizing a walk-up window for employee-only service. In the C, Commercial Business District, restaurants that serve alcohol are permitted (as a Special Land Use), provided that food or beverages are not dispensed or served from an outside counter.

As presented, the waitstaff will use the window off Norwood Drive to pick up items and deliver them to patrons dining on the seasonal patio along Mack Avenue. This will reduce the need for employees to navigate food and beverages through the primary building entrance (a single door on Mack Avenue). The walk-up window will not be used for pedestrian or customer pick-up, and no point-of-sale purchases will be made at the window.

The applicant requests the following use variance, pursuant to the City's Zoning Ordinance:

Code Section	Ordinance Use Requirements		Proposed Use	Requested Use Variance
Sec. 50-4.9.A.6	Retail Businesses	<i>“Restaurants, lunchrooms and cafeterias and places for the sale of soft drinks, juices, ice cream and nonalcoholic liquors, but excluding drive-thru facilities and places or businesses providing dancing or entertainment and places where food or beverages are dispensed to or served in automobiles parking on private property adjacent to and in connection with such establishments <u>or are dispensed or served from an outside counter.</u>”</i>	The primary use of the property will remain a sit-down restaurant (with alcohol service) and an accessory, seasonal, outdoor patio area. The requested use of the employee-only window is accessory to the site’s principal use.	Utilization of a walk-up window facing Norwood, for employee service only.

Per Section 50-7.15.I.2, the Zoning Board of Appeals may grant a use variance only upon finding that there is an unnecessary hardship in the way of carrying out the requirements of the chapter. A finding of unnecessary hardship, based on competent, material, and substantial evidence on the record, shall require the petitioner to demonstrate that all of the following conditions are met.

The City Planners recommend that the Zoning Board of Appeals approve the requested use variance for an employee-only window at 20195 Mack Avenue, subject to the following conditions:

1. Window service is limited to employee use only; no customer ordering, point-of-sale, or pick-up is permitted.
2. The use of the window is restricted to on-site employees of Lola’s Taco Bar only; no third-party delivery service is permitted to use the window.
3. Signage must be posted to the effect: *“For Employee-Only Use, No Customer or Delivery Service.”*
4. No menu boards, speakers, lighting, or ordering features are permitted.
5. The previously proposed awning on north elevation is removed.
6. The City reserves the right to direct the applicant to modify the window operations to address any potential impacts, should this need arise.

The above recommendation of approval is based on the following findings:

- A. The Ordinance does not distinguish between customer-facing outdoor service and internal operational features, limiting reasonable restaurant operations.
- B. The request is driven by ordinance limitations, not applicant action.
- C. The proposal reflects modern service practices, not an expansion of use.

The proposal avoids the negative impacts the Ordinance intends to prevent (e.g., congestion, noise, etc.).

I concur with the City Planners’ recommendation.

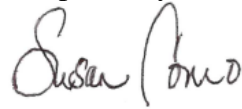
Prerogative of the Zoning Board of Appeals as to action taken.

Item 5 NEW BUSINESS/PUBLIC COMMENT

Item 6 IMMEDIATE CERTIFICATION OF MINUTES Prerogative of the Zoning Board
of Appeals to immediately certify tonight's meeting minutes.

Item 7 ADJOURNMENT

Respectfully submitted,

A handwritten signature in cursive script that reads "Susan Como".

Susan Como
City Manager