

STAFF REPORT



SUBJECT: Request for a Variance from the City of Stephenville Code of Ordinances, Section 130.16 Sale of Alcoholic Beverages for Don Nico’s Restaurant, located at 966 W. Washington

DEPARTMENT: Administration

STAFF CONTACT: Sarah Lockenour, City Secretary

BACKGROUND:

On March 16, 2023, the City Secretary’s Office was contacted in reference to alcohol sales at Don Nico’s Restaurant, located at 966 W. Washington. Chapter 130.16 of the City of Stephenville Code of Ordinances prohibits the sale of alcohol within 300 feet of a school, hospital, or church. It further states that *“In a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections.”* The GIS Manager prepared a map measuring the distance from Don Nico’s Restaurant to Central Elementary School using the parameters of the ordinance; Don Nico’s Restaurant was found to be 151 feet from Central Elementary School.

Venigno Mascorro, owner of Don Nico’s Restaurant has requested that the Council consider granting a variance in accordance with Chapter 130.16(4) to allow for the sale of alcohol.

Don Nico’s currently has a TABC N/FB (Private Club Registration/Food and Beverage) Permit that expires September 13, 2023.

REFERENCE:

Chapter 130, Section 16.4 of the Ordinance allows for the City Council to grant a variance to the distance requirements *“if it determines that the enforcement of the regulations in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on the applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or, for any other reason the City Council determines, after consideration of the health, safety, and welfare of the public and the equities of the situation, that the variance is in the best interest of the community.”*