

CASE DESCRIPTION

1740 W Maple (21-40)

Hearing date: September 14, 2021

Appeal No. 21-40: The owner of the property known 1740 W Maple, requests to appeal a use interpretation of the Building Official regarding indoor seating for a bakery in a B1 Neighborhood Business zone.

Staff Notes:

After a recent expansion of the Holiday Market, the appellant inquired about adding indoor seating in a bakery section of the existing grocery store. The question was brought to the Building Official to determine if indoor dining would be a permitted use in a B1 Zoning District. The Building Official ruled that it would not and the appellant is appealing that decision.

The decision that indoor dining is not permitted in a B1 district was made after reviewing the district intent and the permitted uses in that district compared to other districts. The intent of the B1 District as stated in the Zoning Ordinance is to allow only uses necessary to satisfy basic shopping and/or service needs for adjacent residential areas which are not related to the shopping pattern of the general business district. In accordance with Section 1.13 of the Zoning Ordinance, any use not specifically listed as permitted in each district is considered non-permitted. The uses permitted in B1 as listed in Section 2.27 of the Zoning Ordinance would not include indoor seating for dining purposes that are typically found in other zones closer to the general shopping district. As you get closer to the downtown, the B2, B2B, B2C, and B4 Zoning Districts all permit food and drink establishments and delicatessens that would have indoor seating.

The appellant questioned how Cannelle Patisserie located at 159 N. Eton in a B1 zoned district was approved with indoor seating. It appears an oversight by staff was made when Cannelle Patisserie was approved with indoor seating for dining purposes.

This property is zoned B1.

Bruce Johnson
Building Official