

**BOARD OF ZONING APPEALS
CITY OF BARNWELL**

**IN THE MATTER OF
Peter Palmer, Appellant**

**EX PARTE
Zoning Administrator
City of Barnwell**

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

Peter Palmer appeals to Zoning Board of Appeals by an appeal dated March 7, 2023 of the denial of the Zoning Administrator of the City of Barnwell to have his property rezoned for compatibility for restaurant use as set forth in his letter of February 15, 2023. The Zoning Administrator's findings were further supplemented by her letter of February 28, 2023.

A hearing on the appeal was heard in City Council Chambers on April 13, 2023. All parties have been properly notified.

Appearing at the hearing were the Appellant Peter Palmer, City Zoning Administrator Lynn McEwen and City Attorney Thomas M. Boulware.

The Board received the testimony of the Appellant as well as that of the Zoning Administrator which was supported by Exhibit's which contained all of the documents in the file of the Zoning Administrator received or relied upon by the Zoning Administrator.

The issue in this matter is whether or not at 674 Jackson Street can be used as a restaurant.

FINDINGS OF FACTS

There is no dispute that this property is zoned R-15 residential.

There is no dispute that building on this property is a non conforming use governed by Chapter 3-106 of the City of Barnwell Zoning Ordinance and has not operated as a business for more than 90 days before Palmer's application with no business license being issued since 2006.

There is no dispute that the property can not be rezoned to create a new zoning district because it contains less than 2 acres. See Chapter 8, Section 8-101.

There is no dispute Zoning Ordinance, Section 701-3 special exceptions does not apply since it is not for a use that is permitted.

There is no dispute that Ordinance 701 (2)(e) would not allow for a variance.

Palmer's grounds for appeal have no applications to The City of Barnwell Zoning Ordinances.

CONCLUSION OF LAW

Based upon the record before us and upon the Zoning Ordinance of the City of Barnwell we find that the appeal of the property owner, Peter Palmer, should be denied.

AND IT IS SO ORDERED.

(SIGNATURES APPEAR ON NEXT PAGE)



Miles Loadholt, Chairman



William H. Alexander



Kent Kirkland

April 13, 2023.