

RESOLUTION NO. 2002- 206 R

A RESOLUTION GRANTING A VARIANCE FROM SECTION 14-10(b) OF THE VICTORIA CITY CODE WHICH PROHIBITS THE SALE OF ALCOHOLIC BEVERAGES WITHIN 300 FEET OF A CHURCH, PUBLIC SCHOOL, OR PUBLIC HOSPITAL, TO 3702 N. LAURENT AND 1201 SAM HOUSTON DRIVE, VICTORIA, TEXAS; AND DECLARING AN EFFECTIVE DATE.

Section 14-10(b) of the Victoria City Code prohibits any person and any agent, servant, or employee of such person from selling or offering for sale any alcoholic beverage at a place of business located within 300 feet of a church, public school, or public hospital.

Section 109.33(e) of the Texas Alcoholic Beverage Code provides that the City's governing body may allow a variance to this distance requirement if it determines that enforcement of the regulation in a particular instance:

- (1) is not in the best interest of the public;
- (2) constitutes waste or inefficient use of land or other resources;
- (3) creates an undue hardship on an applicant for a license or permit;
- (4) does not serve its intended purpose;
- (5) is not effective or necessary; or
- (6) for any other reason the City Council, after consideration of the health, safety, or welfare of the public and the equities of the situation, determines is in the best interest of the community

Munir A. Muniwar, owner of 3702 N. Laurent and 1201 Sam Houston Drive, has requested a variance of the distance regulation to obtain approval for a liquor license for the sale of alcoholic beverages from each of the locations.

The City Council finds adequate evidence has been presented to establish that the variances would be proper because denial does not serve its intended purpose, and after consideration of the health, safety and welfare of the public and the equities of the situation, the variances are in the best interest of the community.

THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

The variances from Section 14-10(b) of the Victoria City Code, which prohibits the sale of alcoholic beverages within 300 feet of a church, public school, or public hospital, in accordance with Section 109.33(e) of the Texas Alcoholic Beverage Code, are granted to 3702 N. Laurent and 1201 Sam Houston Drive, Victoria, Texas, which are owned by Munir A. Muniwar.

2.

This resolution shall become effective immediately upon adoption.

PASSED, this the 3rd day of December, 2002.

AYES: 7

NAYS: 0

ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 3rd day of December, 2002.



ATTEST:

Scarlet Swoboda
SCARLET SWOBODA, City Secretary

Distribution: Legal Department

Gary Middleton
GARY MIDDLETON, Mayor of the City of Victoria, Texas

APPROVED AS TO LEGAL FORM:

David Atmar Smith
DAVID ATMAR SMITH, City Attorney

Copies Sent: **DECEMBER 11, 2002**