

STATE OF TEXAS §

COUNTY OF FORT BEND §

**RESOLUTION AND ORDER GRANTING A VARIANCE TO THE FORT BEND
COUNTY LOCAL ALCOHOL DISTANCE REGULATIONS
ON BEHALF OF NAWAB'S BIRYANI HOUSE**

On this the ____ day of _____ 2022, at a regular meeting of Commissioners Court of Fort Bend County, Texas (the "County") upon motion of _____, seconded by _____, duly put and carried:

WHEREAS, the Commissioners Court of Fort Bend County enacted LOCAL ALCOHOL DISTANCE REGULATIONS which were effective as of July 22, 2014, as allowed by Section 109.33 Texas Alcoholic Beverage Code, which regulates the sale of alcoholic beverage outside of an incorporated city or town by a dealer whose place of business is within 300 feet a church, public or private school, or public hospital; and

WHEREAS, the Commissioners Court of a County that has enacted a regulation under Section 109.33 of the Texas Alcoholic Beverage Code may also allow variances to the regulation if the Commissioners Court determines that enforcement of the regulation in a particular instance is not in the best interest of the public; and

WHEREAS, Nawab's Biryani House, owned by SMARK Food LLC, has applied for a Mixed Beverage Permit for the location address: 6734 Westheimer Lakes, N. Dr., Suite 112, Katy, Texas 77494, which is within 300 feet of a day-care center; and

WHEREAS, the Commissioners Court of Fort Bend County does wish to GRANT a variance to Nawab's Biryani House, owned by SMARK Food LLC for the reason that a denial of this Permit would constitute waste or inefficient use of land or resources, creates an undue hardship on an applicant for a license, does not serve its intended purpose and is not in the best interest of the community.

NOW, THEREFORE, BE IT RESOLVED, that the Commissioners Court of Fort Bend County, Texas hereby grants a variance to the LOCAL ALCOHOL DISTANCE REGULATIONS to Nawab's Biryani House, owned by SMARK Food LLC located at 6734 Westheimer Lakes, N. Dr., Suite 112, Katy, Texas 77494, as authorized under Section 109.33(e) of the Texas Alcoholic Beverage Code.

FORT BEND COUNTY, TEXAS

ATTEST:

Laura Richard, County Clerk

KP George, County Judge