

APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

**PLEASE:
APPLICATION MUST
BE TYPED WITH ALL
REQUESTED
INFORMATION
COMPLETED.**

STREET ADDRESS: 1501 South 1st Street, Austin, Tx
78704

LEGAL DESCRIPTION: Subdivision - D.W.
Bouldin Addition

Lot(s) 1 Block 2 Outlot
Division

I/We Lawrence McGuire on
behalf of myself/ourselves as authorized agent for

affirm that on September 15th, 2010

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

 ERECT ATTACH COMPLETE x REMODEL MAINTAIN

The current use of this location is as a café. We would like to remodel the property and request a Parking Variance to exempt the new tenant from providing the required number of parking spots. We would like to continue to operate in a similar or reduced volume and square footage then the current tenant, Bouldin Creek Coffee House

16 reqd 5 provid.
in a _____ district.
(zoning district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

C15-2010-0120
10502068
0400000204

CS-MU-V-CO-NP

Bouldin
Creek
N.P.

There are only 5 spots currently available on the property. The business is currently over 2000 sqf with outdoor dining areas and so 15 spots would be required to meet parking code. There is no room on the existing location to add parking and the business is located in a dense urban location. A reduction of the space would not provide the business enough revenue to survive given the current property values and competitive rents of the area.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

Much of the lot that could be used for a parking lot is in the flood plain. Therefore it is not possible to provide the required number of spots for any reasonably sized business. Also, there are no available lots within the required legal distance that could provide offsite parking. There is available street parking adjacent to the property, which is currently being used by the existing business.

(b) The hardship is not general to the area in which the property is located because:

Many of the other businesses along first street and in the bouldin creek neighborhood have parking that is not in the flood plain. Because the lot backs right up to Bouldin Creek much of the property is in the flood plane.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

We will continue to utilize the property in the same way and in a similar or smaller volume than the existing café, Bouldin Creek Coffee House.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

The property is located in a dense area very close to downtown and busy South Congress, and there is no way to provide the required number of parking spots on site nor in close proximity off site. The use of the property is intended to serve the neighborhood and will be pedestrian and bicycle friendly.

Office 2004 Test Driv..., 9/15/10 11:30 AM
Deleted: _____

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

There is legal street parking in close vicinity to the business. Our use of the space will be a small café and we do not plan on doing a high volume business.

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:


We do not intend to change the use or size of the existing business which has been in operation for over 12 years.

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

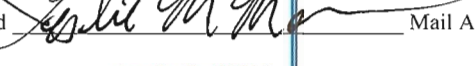
There is available legal street parking surrounding the location.

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

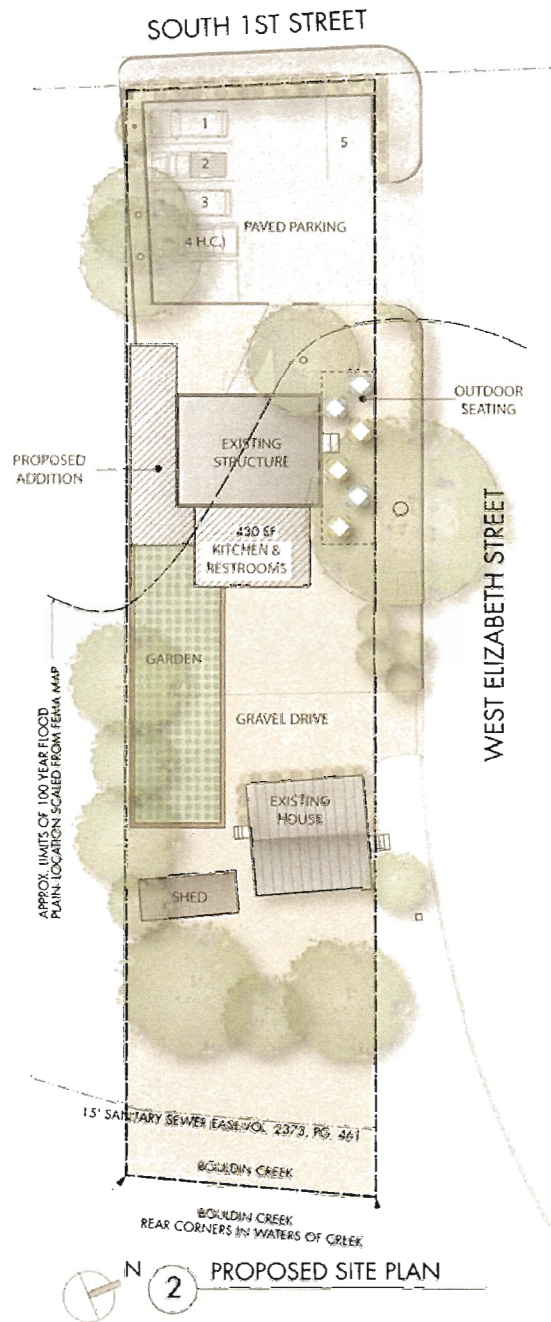
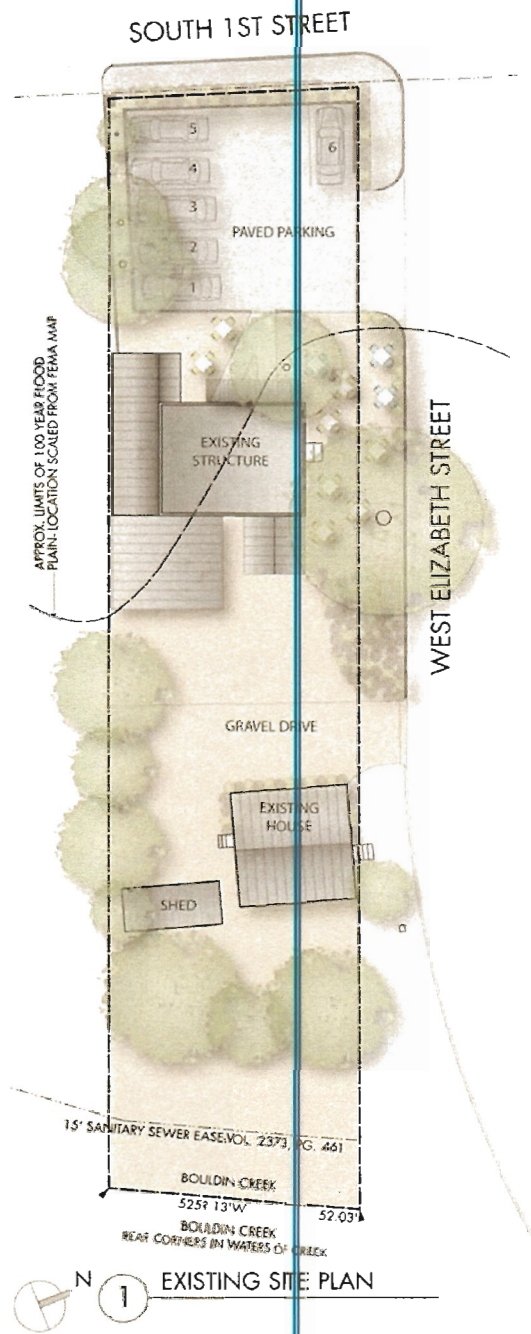
Signed  Mail
Address 1912 Eastside Drive
City, Austin State TX & Zip 78704
Printed Lawrence McGuire
Phone 512.799.8243 Date 10.5.2010

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 1003 South Second Street
City, State & Zip Austin Tx 78704
Printed Leslie Moore Phone 512.917.8734 Date 10.5.2010

Elizabeth St. Bakery & Noodle House

1501 South 1st Street. Austin, TX 78704



Proposed Addition	- 444 S.F.
Outdoor Seating	- 400 S.F.
Existing Structure	- 726 S.F.
Kitchen & Restrooms	- 430 S.F.

Total - 2000 S.F.

Required Parking

On Site	- 5
Off Site	- 11

Total - 16

CHIOCO design

3423 guadalupe street, building a suite 200, austin tx 78705
 t 512.706.4303 f 512.706.4304 e jamie@chiocodesign.com



BOARD OF ADJUSTMENTS

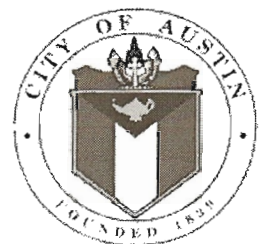
CASE#: C15-2010-0120
LOCATION: 1501 S 1ST ST
GRID: H 20
MANAGER: SUSAN WALKER



SUBJECT TRACT



ZONING BOUNDARY



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.