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CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, November 8, 2010

CASE NUMBER: C15-2010-0123

- Y Jeff Jack
- Y Michael Von Ohlen **2nd the Motion**
- Y Nora Salinas
- Y Bryan King
- Y Leane Heldenfels, Chairman
- Y Clarke Hammond, Vice Chairman **Motion to PP to Dec 13, 2010**
- Y Heidi Goebel

APPLICANT: Sarah D, Cheatham

ADDRESS: 2502 WEBBERVILLE RD

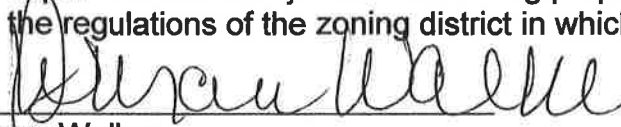
VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum off-street parking requirement of Section 25-6 Appendix A from 16 off-street parking spaces to 7 off-street parking spaces in order to remodel to create a Food Sales use with Restaurant (Limited) in a "CS-CO-MU-NP", Commercial Services – Conditional Overlay – Mixed Use – Neighborhood Plan zoning district. (Central East Austin Neighborhood Plan)

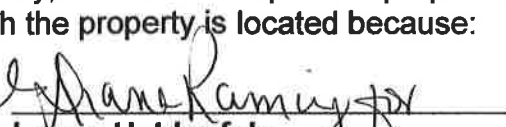
BOARD'S DECISION: The public hearing was closed on Board Member Clarke Hammond motion to Postpone to December 13, 2010 to have applicant find additional parking, Board Member Michael Von Ohlen second on a 7-0 vote; **POSTPONED TO DECEMBER 13, 2010.**

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:

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


 Susan Walker
 Executive Secretary


 Leane Heldenfels
 Chairman

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

C15-2010-0123
ROW-10502165
TP-0205101908

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

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STREET ADDRESS: 2502 ~~7th~~ Webberville Rd

LEGAL DESCRIPTION: Subdivision – Grandview Place

Lot(s) 7 Block 27 Outlot 8&62 Division B

I/We Sarah Cheatham and Angelina Garner on behalf of
myself/ourselves as authorized agent for

Happy Hobo Co-op affirm that on
September 15, 21010

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

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

To create a grocery with limited restaurant with 7 spaces. (16 are required)

in a CS-CO-MU-NP district. Central east Austin N.P.
(zoning district)

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:

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

Our business and its location caters to walkers and bicyclists. We won't need more parking spaces in order to satisfy the relatively low number of car drivers we expect to serve.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that: The property is in a neighborhood and built out. There are no places to lease parking. The property is in a neighborhood with high foot traffic and bicycle traffic.

The hardship is not general to the area in which the property is located because: Our business won't require more parking spaces because of our expectation to serve mostly foot traffic and bicycle traffic. We do not anticipate being a destination spot for many drivers. Also, only 300 square feet of our 2050 square foot space is designated for eating, which means we will not be serving large crowds, and focusing instead on high customer turnover. The rest of our space is kitchen, grocery, and community space.

AREA CHARACTER:

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: Our business will attract more bicyclists and walkers than car drivers. The neighborhood already has a dense foot and bike population, and we believe our establishment will only encourage more of the same.

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:

Neither present nor anticipated future traffic volumes generated by the use of the site or

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the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

We anticipate selling high volumes of eatables and coffee without aggravating existing traffic by catering directly to the residents in our establishment's neighborhood rather than marketing ourselves as a destination spot. We plan to encourage bicyclists and walkers by offering them specific discounts.

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:

We have three employees who will bike back and forth to work. We all live within a mile of property. We won't be using existing parking spaces.

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 expect to receive a large number car drivers at our establishment. Those customers who do choose to drive to our locale are likely to be to-go customers making a quick stop on their way to other destinations.

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

Variance request is for limited restaurant in Happy Hobo Co-op only.

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 Sarah Cheatham *Sarah Cheatham* Mail Address 3606
Govalle Ave _____

City, State & Zip Austin, tx
78702

Printed Sarah Cheatham Phone 512-796-

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2415 _____ Date _____

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 Elvira Sandoval Mail Address 1004 E 2nd St,

City, State & Zip Austin TX 78702

Printed Elvira Sandoval Phone 484-3335 Date September 24, 2010

GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

VARIANCE REQUIREMENTS:

General Requirements:

A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.

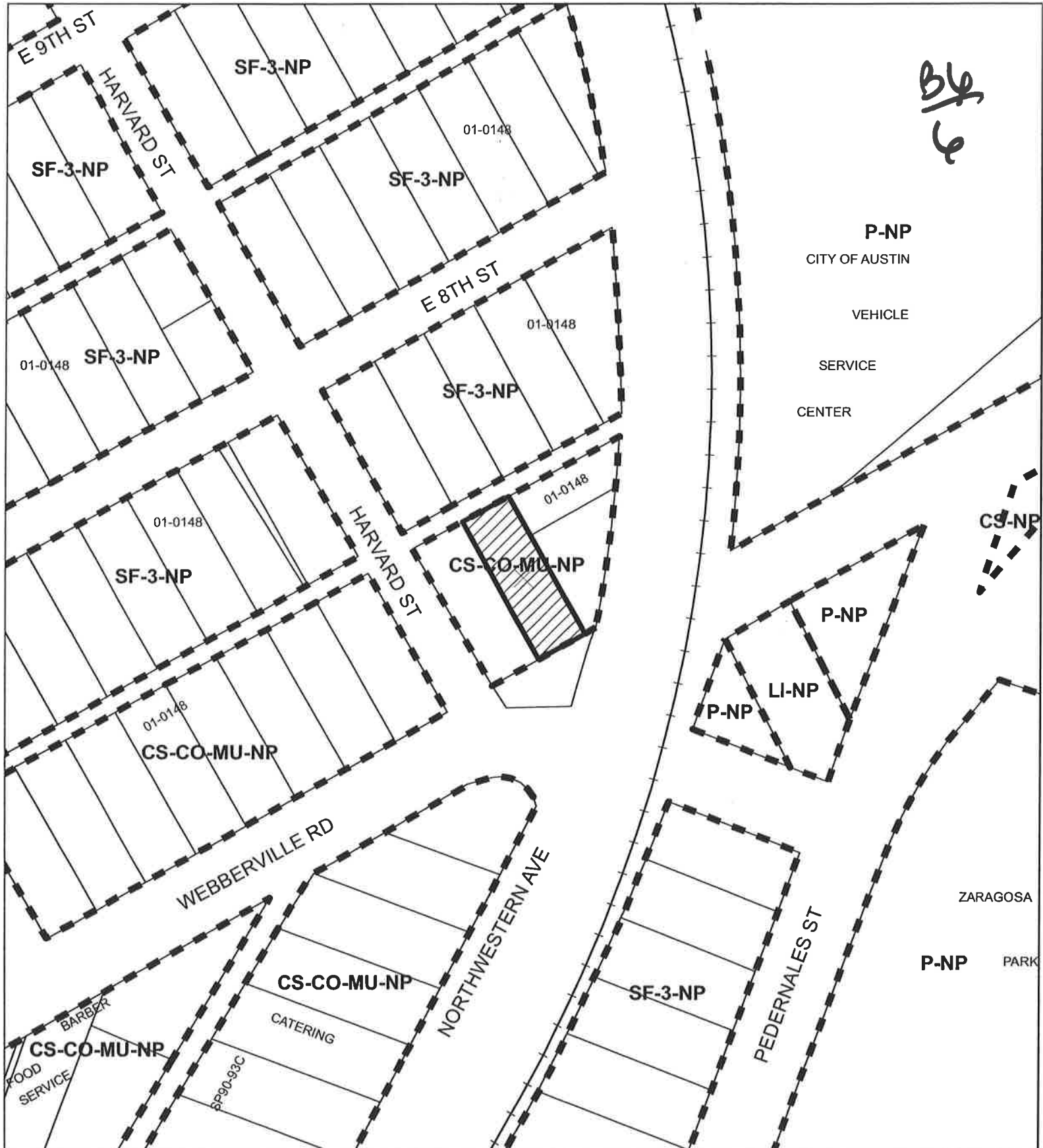
A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

SUBMITTAL REQUIREMENTS: (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.

A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.

A tax plat with subject property clearly marked indicating property within a 500-foot



B/C

P-NP
CITY OF AUSTIN
VEHICLE
SERVICE
CENTER

CS-NP

P-NP
LI-NP
P-NP

ZARAGOSA

P-NP PARK

BOARD OF ADJUSTMENTS

CASE#: C15-2010-0123
LOCATION: 2502 WEBBERVILLE RD
GRID: K22
MANAGER: SUSAN WALKER



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.

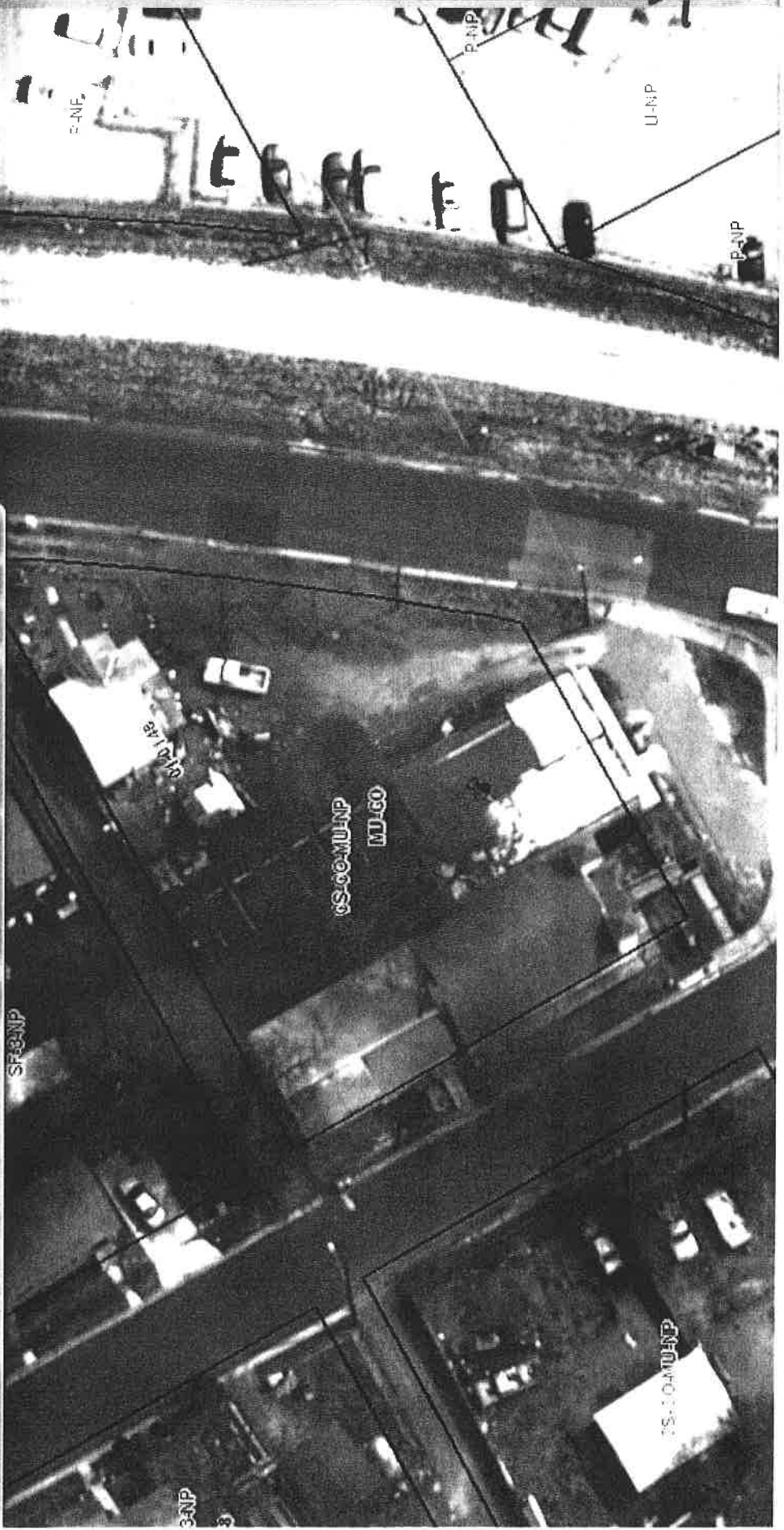
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Search type DEVELOPMENT WEB MAP

Address 2502 WEBBERVILLE RD



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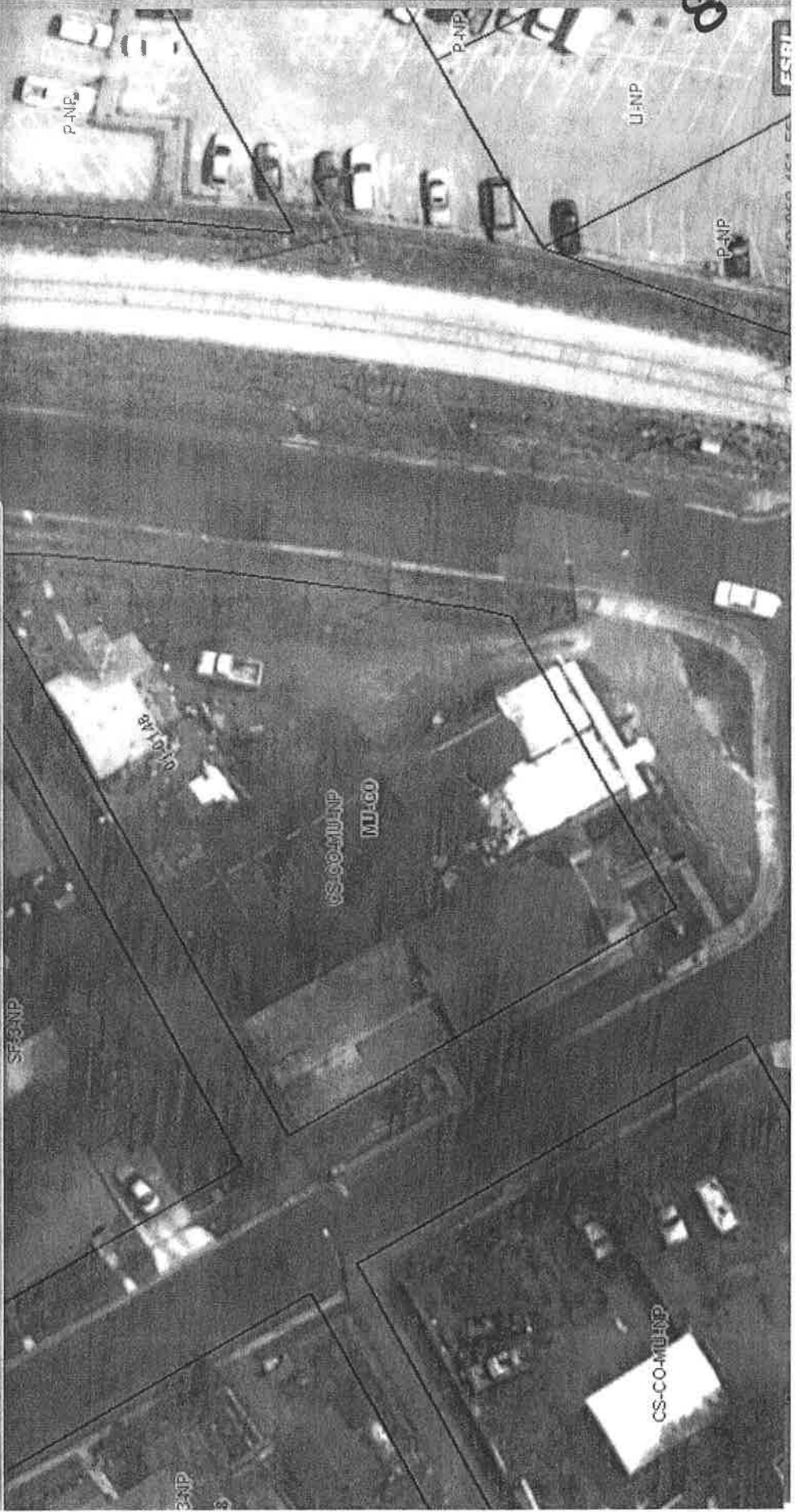
DEVELOPMENT WEB MAP

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Map Tools:



<http://www.ci.austin.tx.us/GIS/developmentwebmap/Viewer.aspx>

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Map Layers Map Pan



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