

**AGENDA**



**Recommendation for Council Action**

Austin City Council	<b>Item ID</b>	64736	<b>Agenda Number</b>	79.
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<b>Meeting Date:</b>	11/3/2016	<b>Department:</b>	Development Services
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**Subject**

Conduct a public hearing and consider a resolution regarding a request by Kyle Hill (Martin, Frost & Hill) for Snarf’s Sandwiches located at 1404 S. 1st St. for a waiver from the distance requirement of City Code Section 4-9-4(A) which requires a minimum of 300 feet between a business that sells alcoholic beverages and a school.

**Amount and Source of Funding**

**Fiscal Note**

<b>Purchasing Language:</b>	
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<b>Prior Council Action:</b>	
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<b>For More Information:</b>	Viktor Auzenne, (512) 974-2941; Bryan Walker, (512) 974-2686; Christopher Johnson, (512) 974-2769
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<b>Council Committee, Boards and Commission Action:</b>	
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<b>MBE / WBE:</b>	
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<b>Related Items:</b>	
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**Additional Backup Information**

The owner of Snarf’s Sandwiches at 1404 S. 1st St., requests a waiver from the minimum distance requirement of 300 feet in Section 4-9-4(A) of the Austin City Code because they intend to sell alcoholic beverages at this location which is approximately 220 feet to the west of a school, the Texas School for the Deaf, at 1102 S. Congress Ave.

Section 4-9-5 allows the City Council to waive the 300 foot distance requirement if it determines that the enforcement of the distance requirement in a particular instance:

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