

OUTDOOR MUSIC VENUE APPEAL

CASE #: SO-2009-0006M

APPLICANT: Rebecca Ledesma

PROJECT NAME: ATX Sports Bar

ADDRESS: 1504 East 6th Street

PROPOSED USE: Outdoor Music Venue Permit

APPELLANT: Elda Bruciaga

STAFF SUMMARY

On June 26, 2009, the Watershed Protection and Development Review Department approved an application for the renewal of an existing Outdoor Music Venue permit for a 1,140 sq. ft. cocktail lounge locally known as ATX Sports Bar, located at 1504 East 6th Street. The original permit was issued on September 15, 2006.

The Outdoor Music Venue Ordinance (Ord. 20090312-017) provides the opportunity for an interested party to appeal a decision to approve the renewal of an Outdoor Music Venue permit if they are:

1. the applicant,
2. the notice owner of a single-family use located within 600 feet of the proposed outdoor music venue; or
3. a registered neighborhood organization whose declared boundaries are within 600 feet of the proposed outdoor music venue.

REQUEST:

Ms. Elda Bruciaga, owner of a single-family use within 600 feet of the outdoor music venue, is appealing the decision to approve the renewal of an outdoor music permit. Ms. Bruciaga's appeal is based on the following:

1. the sound disrupts the use and enjoyment of her property;
2. the sound requires expensive modifications of windows and insulation; and
3. the sound drastically reduces the use and fair market value of her property either at its present use or any future use.

STAFF RECOMMENDATION:

Staff recommends denial of the appeal due to a lack of previous noise complaints or noise violation convictions with the Austin Police Department or Code Enforcement

DEPARTMENT COMMENTS:

August 20, 2009 – Council postponed action to August 27, 2009. Council encouraged all concerned parties to meet and see what kind of common ground could be found on the number of events, the notice procedure, sound mitigation being provided by the operator (landscaping, buffering, and building design), and limitation on the hours.

August 27, 2009 – Postponed to September 24, 2009

CITY COUNCIL DATE: September 24, 2009

CITY COUNCIL ACTION:

ASSIGNED STAFF: Clara Hilling, 974-2686