

Item 63

9-29-05

STAFF REPORT

ALCOHOLIC BEVERAGE WAIVER REQUEST

CASE NUMBER: SP-05-1560(AW)

NAME AND LOCATION OF RESTAURANT: Doc's Motorworks Bar and Grill, 1123 S. Congress Avenue.

NAME AND LOCATION OF SCHOOL WITHIN 300 FEET OF PROPOSED SALE OF ALCOHOLIC BEVERAGES: Texas School for the Deaf, 1102 S. Congress

ZONING: CS-MU

NEIGHBORHOOD PLAN: N/A

APPLICANT: Kareem T. Hajjar

REQUEST: The applicant, Kareem T. Hajjar, requests a waiver from the minimum distance requirement of 300 feet in Section 4-9-4(A) of the Austin City Code. The owners of the restaurant propose adding alcoholic beverage sales to the existing restaurant, which is located 118 feet from the Texas School for the Deaf.

Section 4-9-5(A) allows the City Council to waive the 300 foot distance requirement if they determine that enforcement of the distance requirement in a particular instance:

- (a) is not in the best interest of the public;
- (b) constitutes waste or the inefficient use of land or other resources;
- (c) creates an undue hardship on an applicant
- (d) does not serve its intended purpose
- (e) is not effective or necessary; or
- (f) for any other reason the City 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.

Section 4-9-5(B) provides that the City Council may consider a written consent to the waiver of the 300-foot distance requirement provided by each church, public school, public hospital, day-care center or child-care facility within 300 feet of the proposed place of business to be sufficient justification for the waiver. The superintendent for the Texas School for the Deaf, Claire Bugen, has provided a letter indicating they are aware of the waiver request.

Staff recommends approval of the waiver request.



City of Austin  
Watershed Protection Department

To Whom It May Concern:

The purpose of this letter is to inform you that, as Superintendent of the Texas School for the Deaf, I am aware that Doc's Motorworks Bar and Grill is operating within 300 feet of the Texas School for the Deaf.

Sincerely,

*Claire Bugen*

Claire Bugen  
Superintendent

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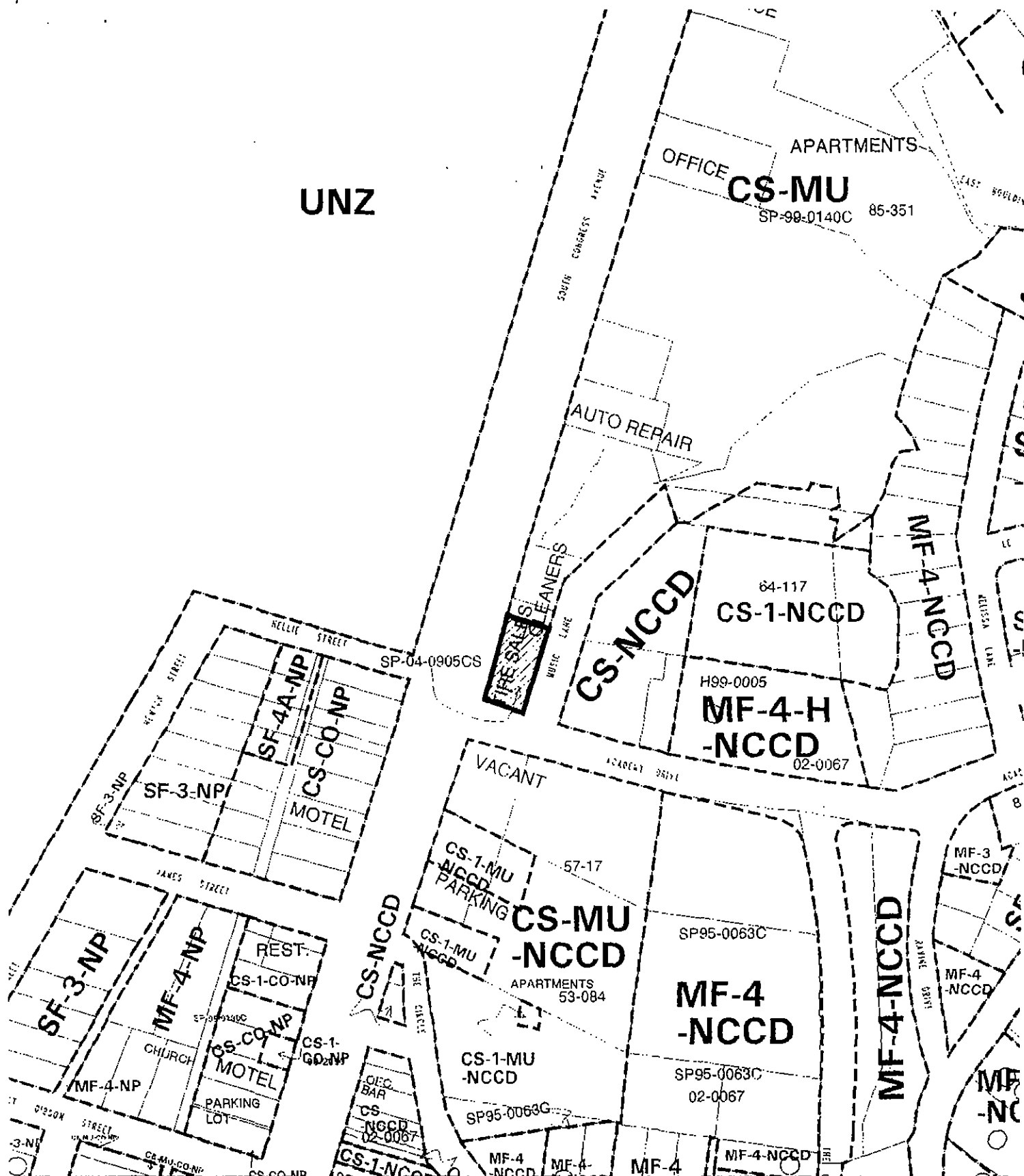
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UNZ



SUBJECT TRACT  
PENDING CASE  
ZONING BOUNDARY  
CASE MGR: LGALLAHAN

## SITE PLAN

CASE #: SP-05-1560(AW)

ADDRESS: 1123 S. CONGRESS AVE.

SUBJECT AREA (acres): 0.230

DATE: 05-09

INTLS: TRC

CITY GRID  
REFERENCE  
NUMBER

J21

1<sup>re</sup> = 2004