



# APPLICATION SPECIAL USE PERMIT

SUP 2010-0065

## ADMINISTRATIVE CHANGE OF OWNERSHIP OR MINOR AMENDMENT

Change of Ownership       Minor Amendment

[must use black ink or type]

**PROPERTY LOCATION:** 2411 Mt. Vernon Avenue  
**TAX MAP REFERENCE:** 034.02-04-02      **ZONE:** CL

**APPLICANT**

Name: Jill Erber - Cheesetique  
Address: 110 Belleaire Rd. Alexandria, VA 22301

**PROPERTY OWNER**

Name: Mt. Vernon Avenue, LLC  
Address: P.O. Box 7001 Alexandria, VA 22307

**SITE USE:** Retail & Restaurant

**THE UNDERSIGNED** hereby applies for a Special Use Permit for **Change in Ownership**, in accordance with the provisions of Article XI, Division A, Section 11-503 (5)(f) of the 1992 Zoning Ordinance of City of Alexandria, Virginia.

**THE UNDERSIGNED**, having read and received a copy of the special use permit, hereby agrees to comply with all conditions of the current special use permit, including all other applicable City codes and ordinances.

**THE UNDERSIGNED** hereby applies for a Special Use Permit for **Minor Amendment**, in accordance with the provisions of Article XI, Division A, Section 11-509 and 11-511 of the 1992 Zoning Ordinance of City of Alexandria, Virginia.

**THE UNDERSIGNED**, having obtained permission from the property owner, hereby requests this special use permit. The undersigned also attests that all of the information herein required to be furnished by the applicant are true, correct and accurate to the best of his/her knowledge and belief.

Jill Erber  
Print Name of Applicant or Agent  
110 Belleaire Rd.  
Mailing/Street Address  
Alexandria, VA 22301  
City and State      Zip Code

Jill Erber  
Signature  
202-549-0985  
Telephone #      Fax #  
jill@cheesetique.com  
Email address  
9/29/10  
Date

**DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY**

Application Received: _____	Fee Paid: \$ _____
Legal advertisement: _____	_____
ACTION - PLANNING COMMISSION _____	ACTION - CITY COUNCIL: _____





Minor Amendment Application  
Cheesetique LLC  
SUP #2007-0120

SUP 2010-0065

#### Question #2

Type of operation: The existing operation is a retail cheese shop with a restaurant in the back.

Retail Shop: Sells cheese, cured meats, antipasto items, and accessory food items. Wine and beer are sold off-premises, per our current Special Use Permit.

Restaurant: Menu consists of cheese boards, sandwiches, salads, soups, quiche, etc. Wine and beer are served on-premises

Patrons served: The restaurant seats 30 people indoors and 10 people on an outdoor patio.

Number of employees: We currently have 10 employees working at peak times.

Parking: Off-street parking is available in a lot behind the business. The lot has 27 spots available during the weekdays and 73 available after 5 pm and on weekends.

#### Question #3

We request one change: to add additional seats to the restaurant, bringing the total seats from 35 to 80. The additional seats will be added in an adjoining dining room. Existing parking is ample for the increase in seating, as 80 patrons will require 20 spots. We have 27 spots available for our use in the lot behind our building on weekdays and 73 after 5 pm and on weekends (our peak times).

The number of employees will increase from 10 at current peak times to approximately 14 during in the new operation.

The nature of the business will not change in any way.

4. Is the use currently open for business?  Yes  No

If the use is closed, provide the date closed. \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
month day year

5. Describe any proposed changes to the conditions of the special use permit:

Add dining (indoor), bringing total seats to 80.

6. Are the hours of operation proposed to change?  Yes  No

If yes, list the current hours and proposed hours:

Current Hours: (currently allowed by	Proposed Hours:
<u>Sun-Thurs 7AM-10PM</u>	<u>No change</u>
<u>Fri-Sat 7AM-11PM</u>	_____
_____	_____
_____	_____

7. Will the number of employees remain the same?  Yes  No

If no, list the current number of employees and the proposed number.

Current Number of Employees:	Proposed Number of Employees:
<u>10</u>	<u>APPOX. 14</u>

8. Will there be any renovations or new equipment for the business?  Yes  No

If yes, describe the type of renovations and/or list any new equipment proposed.

Add second dining room, increase size of kitchen.

9. Are you proposing changes in the sales or service of alcoholic beverages?  Yes  No

If yes, describe proposed changes:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. **Is off-street parking provided for your employees?**  Yes \_\_\_ No  
If yes, how many spaces, and where are they located?

Parking lot behind building. 27 spots are  
available during the weekday and ~~20~~ are  
available evenings and weekends. 73

11. **Is off-street parking provided for your customers?**  Yes \_\_\_ No  
If yes, how many spaces, and where are they located?

See #10

12. **Is there a proposed increase in the number of seats or patrons served?**  Yes \_\_\_ No  
If yes, describe the current number of seats or patrons served and the proposed number of seats and patrons served. For restaurants, list the number of seats by type (i.e. bar stools, seats at tables, etc.)

Current:  
30 (10 at bar, 20  
at tables)

Proposed:  
80 (10 at bar, 70  
at tables)

13. **Are physical changes to the structure or interior space requested?**  Yes \_\_\_ No  
If yes, attach drawings showing existing and proposed layouts. In both cases, include the floor area devoted to uses, i.e. storage area, customer service area, and/or office spaces.

See attached sheet

14. **Is there a proposed increase in the building area devoted to the business?**  Yes \_\_\_ No  
If yes, describe the existing amount of building area and the proposed amount of building area.

Current:  
Dining: 420  
Kitchen: 160  
Retail: 680

Proposed:  
Dining: 980  
Kitchen: 320  
Retail: 680 (no change)

15. **The applicant is the** (check one) \_\_\_ Property owner  Lessee  
\_\_\_ other, please describe: \_\_\_\_\_

16. **The applicant is the** (check one)  Current business owner \_\_\_ Prospective business owner  
\_\_\_ other, please describe: \_\_\_\_\_

17. Each application shall contain a clear and concise statement identifying the applicant, including the name and address of each person owning an interest in the applicant and the extent of such ownership interest. If the applicant, or one of such persons holding an ownership interest in the applicant is a corporation, each person owning an interest in excess of ten percent (10%) in the corporation and the extent of interest shall be identified by name and address.

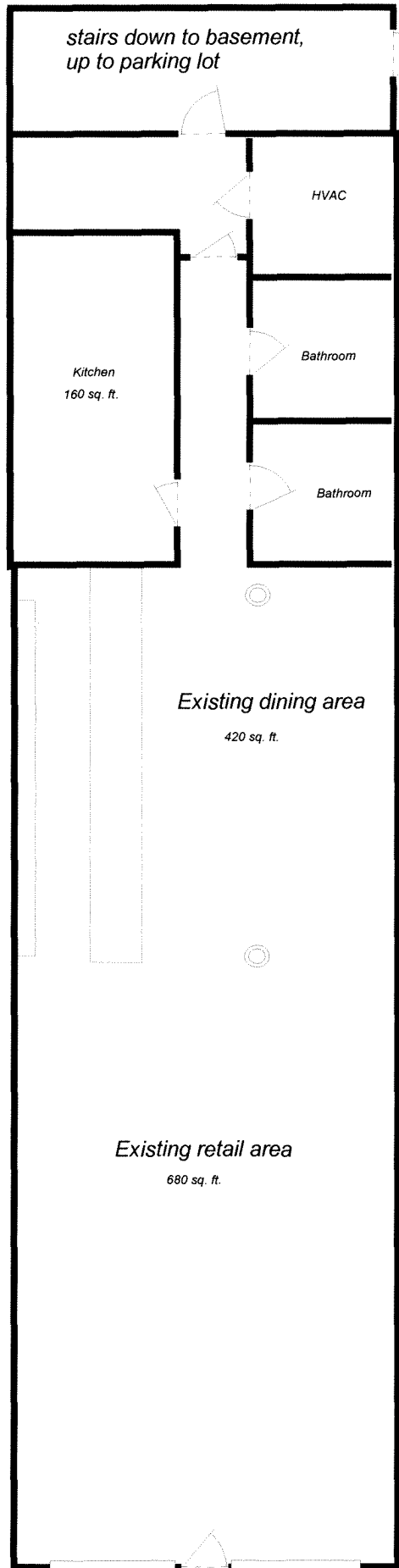
For the purpose of this section, the term "ownership interest" shall include any legal or equitable interest held in the subject real estate at the time of the application. If a nonprofit corporation, the name of the registered agent must be provided.

**Please provide ownership information here:**

Jill Erber - 51% owner  
110 Belleaire Rd. Alexandria, VA 22301

Jeff Erber - 49% owner  
110 Belleaire Rd. Alexandria, VA 22301

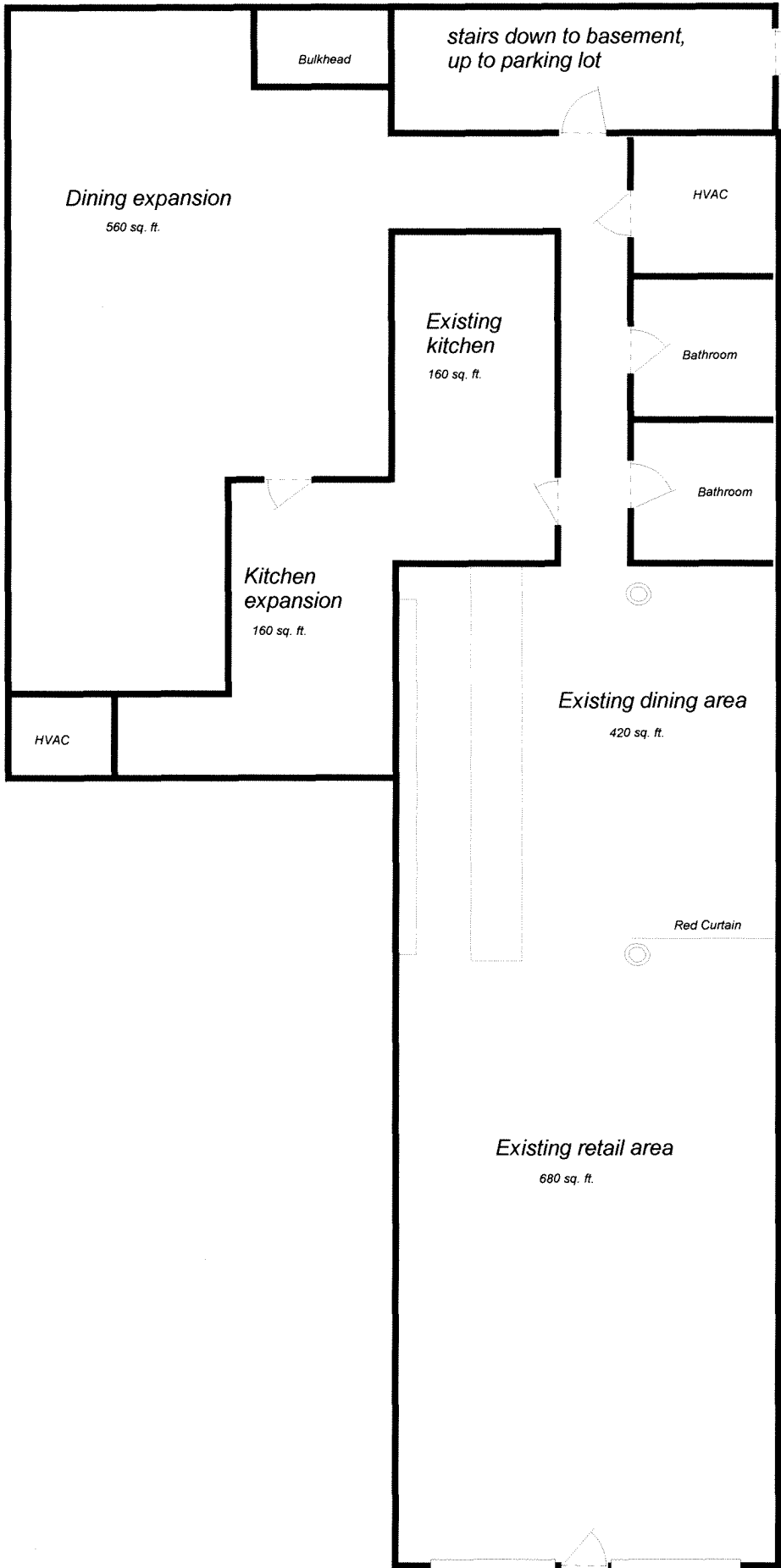
SUP 2010 -0065



Current

Cheesetique (current)  
2411 Mt. Vernon Avenue





Sup 2010-0065

Proposed

Cheesetique (proposed expansion)  
2411 Mt. Vernon Avenue

Cheesetique, 2411 Mount Vernon Avenue  
Application for Minor Amendment  
September 29, 2010

This restaurant/retail combined use seeks to add approximately 900 sq ft of floor area and to increase the number of seats from an approved 40 to a total of 70 seats (both figures include up to 10 outdoor seats.) The remaining new floor space will be used for an expanded kitchen. Planning and zoning has reviewed the application, the existing SUP (#2007-0120) and is allowing it to proceed as a minor amendment, for the following reasons:

1. When the overall use is considered, the changes will have little or no zoning impact. (11-511(A)(2)(a)). While there is the potential of parking impacts, there is a sufficient number of spaces in the lot behind, within the retail parking area, to meet the technical parking requirements for this and the other business uses on the block for which parking is required..
2. The proposal meets the criteria for an increase in intensity under section 11-511(A)(2)(b)(ii) because the proposed change is within the 100 seat maximum allowed for administrative approval for a restaurant under section 11-513. The restrictions of section 11-511(A)(2)(b)(i) do not apply when the provisions of (b)(ii) work to allow the change, i.e., what is asked for is no more than would otherwise be allowed under the administrative SUP program.

One element of the standards for the administrative SUP for a restaurant, that the restaurant not include off premise alcohol, is not present. This restaurant does have an off premise license, and its current SUP allows it to sell off premise alcohol. This feature is consistent with its original and continuing business as a retail store offering wine and cheese and related items to both retail and restaurant customers. The regulations for minor amendment do not speak to this circumstance and do not technically require compliance with *all* of the administrative regulations in order to meet section 11-511(A)(2)(b)(ii). More significant to staff is the fact that City Council has already approved the off premise alcohol element, and done so after a public hearing. Furthermore, in this particular case of a hybrid retail/restaurant use, the allowing off premise alcohol relates to the original retail wine business. It was not a separate feature of the restaurant use, as is sometimes the case where off premise alcohol is permitted as part of an SUP approval for a restaurant.

3. There have been no substantiated violations of the special use permit conditions within the last five years.

Staff recognizes that the above application presents a close case, but understands Council's guidance on minor amendments over the past year to be consistent with staff's approach here. Under section 11-511 (C) (3), the director is authorized to promulgate regulations, and the application of the rules in this case will become part of those regulations and case examples