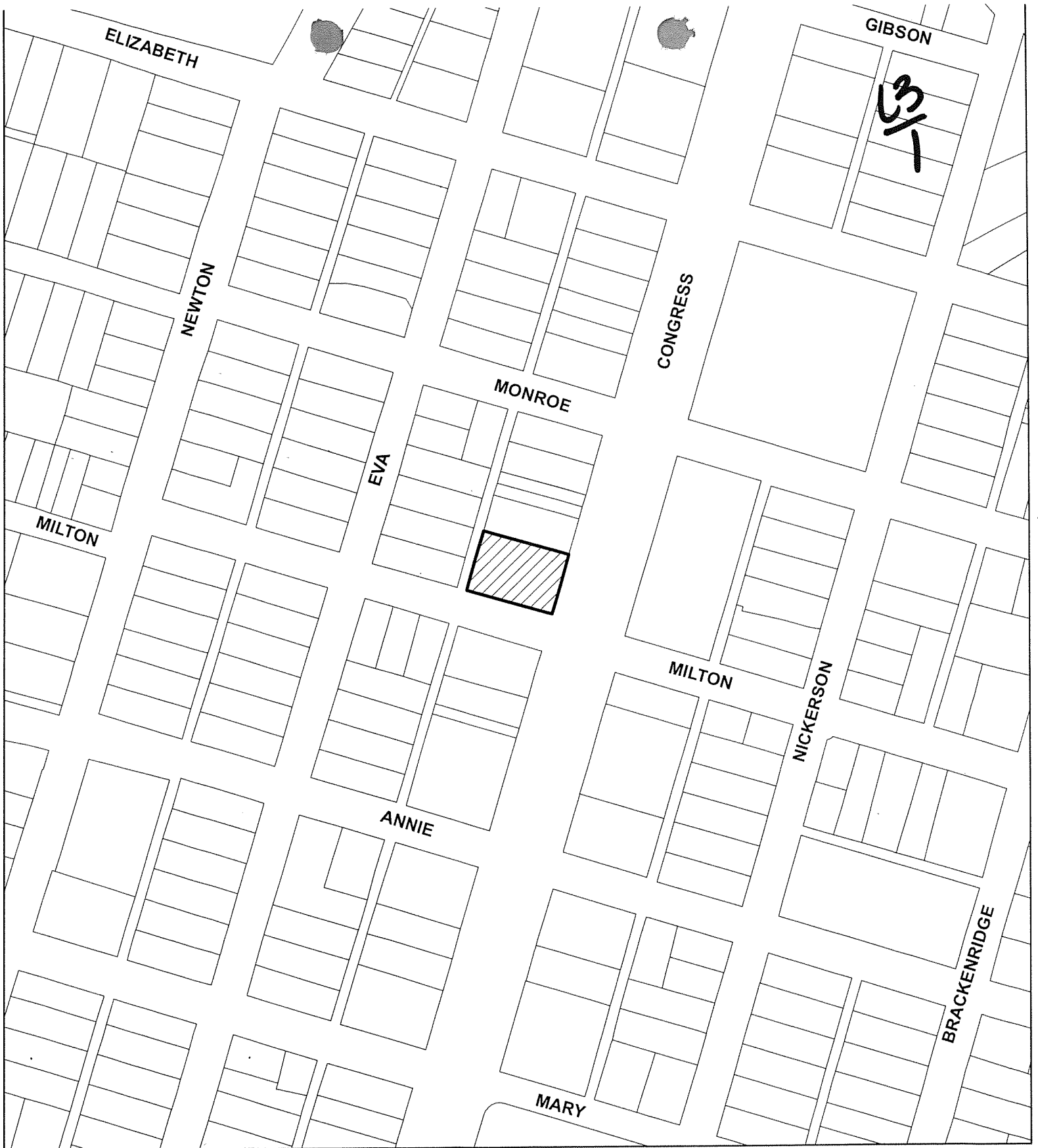




SUBJECT TRACT

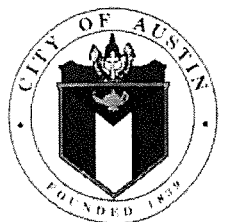


PENDING CASE



ZONING BOUNDARY

CASE#: C15-2015-0071
Address: 1612 S CONGRESS AVE



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1" = 200'

This product has been produced by CTM 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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2

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

DATE: Monday, July 13, 2015

CASE NUMBER: C15-2015-0071

____ Angela Atwood
____ Michael Benaglio
____ William Burkhardt
____ Vincent Harding
____ Melissa Hawthorne
____ Don Leighton-Burwell
____ Melissa Neslund
____ James Valadez
____ Michael Von Ohlen

APPLICANT: David Cancialosi

OWNER: Claude Benayoun

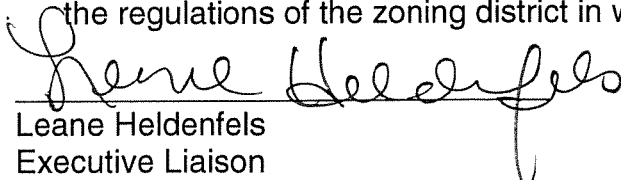
ADDRESS: 1612 CONGRESS AVE

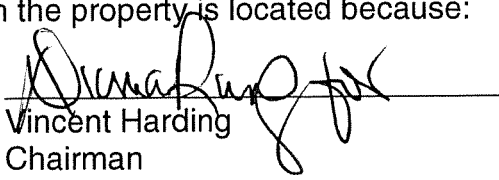
VARIANCE REQUESTED: The applicant has requested variance(s) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the street side yard setback from 10 feet (required) to 0 feet (requested) in order to construct a patio cover structure in an "CS-V-CO-NP", General Commercial Services – Vertical Mixed Use - Conditional Overlay– Neighborhood Plan zoning district. (Bouldin Creek)

BOARD'S DECISION: POSTPONED TO July 13, 2015 AT THE APPLICANT'S REQUEST; July 13, 2015 POSTPONED TO September 14, 2015 AT THE APPLICANT'S REQUEST

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:


Leane Heldenfels
Executive Liaison


Vincent Harding
Chairman

3/3

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

DATE: Monday, June 8, 2015

CASE NUMBER: C15-2015-0071

____ Jeff Jack - Chair
____ Michael Von Ohlen
____ Melissa Whaley Hawthorne - Vice Chair
____ Sallie Burchett
____ Ricardo De Camps
____ Brian King
____ Vincent Harding
____ Will Schnier - Alternate
____ Stuart Hampton - Alternate

APPLICANT: David Cancialosi

OWNER: Claude Benayoun

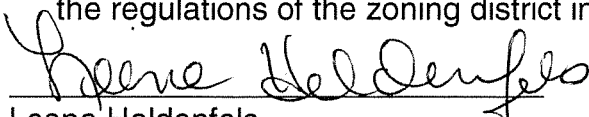
ADDRESS: 1612 CONGRESS AVE

VARIANCE REQUESTED: The applicant has requested variance(s) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease the street side yard setback from 10 feet (required) to 0 feet (requested) in order to construct a patio cover structure in an "CS-V-CO-NP", General Commercial Services – Vertical Mixed Use - Conditional Overlay– Neighborhood Plan zoning district. (Bouldin Creek)

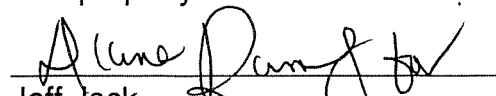
BOARD'S DECISION: POSTPONED TO July 13, 2015 AT THE APPLICANT'S REQUEST

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:



Leane Heldenfels
Executive Liaison



Jeff Jack
Chairman

CASE# C15-2015-0071
ROW# 11345627
TAX# _____

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**CITY OF AUSTIN APPLICATION
TO BOARD OF ADJUSTMENT GENERAL TCAD 040001318
VARIANCE/PARKING VARIANCE**

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

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED
INFORMATION COMPLETED.

STREET ADDRESS: 1612 South Congress

LEGAL DESCRIPTION: Subdivision – LOT 5&6 BLK 22 SWISHER ADDN

Lot(s) 5&6 Block 22 Outlot _____ Division _____

I/We David Cancialosi on behalf of myself/ourselves as authorized agent for

Claude Benayoun affirm that on February 25, 2015, hereby

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

**(check appropriate items below and state what portion of the Land Development Code you
are seeking a variance from)**

X ERECT ___ ATTACH ___ COMPLETE ___ REMODEL ___ MAINTAIN

Variance from LDC 25-2-492 (D) to erect an open air, cantilevered 661.80 SF patio cover over
existing impervious cover to reduce the street side yard setback from 10' to 0'.

in a ^{√-}CS-CO-NP district. (Bouldin Creek)
(zoning district)

**NOTE: The Board must determine the existence of, sufficiency of and weight of
evidence supporting the findings described below. Therefore, you must complete each
of the applicable Findings Statements as part of your application. Failure to do so may
result in your application being rejected as incomplete. Please attach any additional
support documents.**

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):

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REASONABLE USE:

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

The site has an available patio area that has existing impervious coverage. This area is not shielded from noise or weather and the uncovered patio and exposed exterior facade is suffering from weatherization. The increased density and associated noise, traffic, and use of the area as a whole is contributing to the need for a covered patio. The proposed cantilevered structure will not have any supporting posts and thus not block any line of sight views from intersecting traffic. The cover will offer shade in the summer and warmth in the winter, promoting year round use on a portion of property valued at \$1,000,000+ that is taxed accordingly. The owner requests he be able to utilize a legal portion of this property consistent with several other restaurants in the area.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

The site is a corner lot at the corner of West Milton St. and South Congress Avenue that has an existing outdoor corner patio which is currently in use, but who's use is extremely limited due to inconsistent weather patterns and increased surrounding noise. The physical building that this particular restaurant (Enoteca) is housed within is very small and cannot fully utilize the patio portion of the property to the full extent allowed by zoning regulations without a patio cover. Customers are continually wanting to site outside, but desire to avoid the sun or inclement weather.

Regarding parking, the site is fully parked so adding the cantilevered cover will not generate the need for more parking spaces. The same number of seats / tables will be utilized with or without the cover; however, the cover will allow the existing outdoor space to be utilized in a more consistent manner similar to other restaurants with covered patios in the area which are allowed to respond to requests for full time seating on a year round basis. In the immediate area this includes Doc's Motorworks, Guero's Bar and Grill, and Homeslice Pizza.

The existing patio is part of the same legal lot(s) that Travis County has recognized as taxable land since 1935 and specific to the patio since 1977, yet the owner cannot fully develop and use the commercial property to the extent possible due to strict application of the CS zoning side-street setback performance standards.

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

There are no known commercial properties in the immediate area with outdoor patios situated on 2 intersecting streets that are not allowed to utilize the space in a reasonable and comfortable manner due to the strict application of the zoning code.

AREA CHARACTER:

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:

The proposed cover would be cantilevered from the existing 1 story building and has no supports. It would not be blocking anyone's view. This includes pedestrian, bicycle, and automotive traffic. The canopy itself will be stepped down from the edge of the building height, yet high enough to allow considerable head clearance and multiple outdoor fans hung from underneath the cover. The cover will also help dress up the bare concrete wall exposed to West Milton Street. This cover is substantially less intrusive than has been previously proposed to prior BOA commissioners, and certainly less obtrusive with a more thoughtful streetscape design than the hotel being built across the street. Allowing the cantilevered patio cover over the existing concrete does nothing to impair the use of adjacent property, and in fact, allows a better method for capturing and managing run off during rain events. The cover allows the corner patio area to enhance what is now a deteriorating sidewall façade that detracts from the overall area aesthetic. The owner has several neighbors who support this request.

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:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

43
6

2. 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:

3/7

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

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  Mail Address 105 W. Riverside Suite 225

City, State & Zip Austin, TX 78704

Printed David C. Cancialosi Phone 512-593-5368 Date February 25, 2015

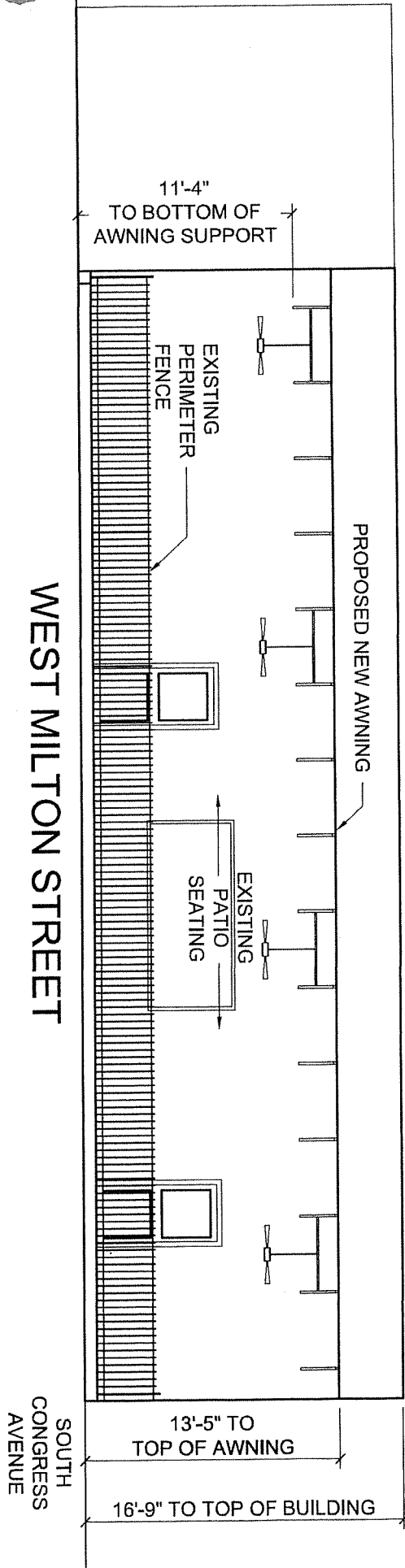
OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Claude Benayoun Mail Address 1610/1612 Congress avenue

City, State & Zip Austin Texas 78704

Printed Claude Benayoun Date February 25, 2015

5/8



ENOTECA
ITALIAN DELICATESSEN
1612 S. CONGRESS AVE.
AUSTIN, TEXAS 78704

ELEVATION

SCALE: 1/8" = 1'-0"

13/9

EXISTING ENOTECA RESTAURANT

5' BUILDING SETBACK

CONCRETE WALK

BUILDING ON
PROPERTY LINE
(GRANDFATHERED
FROM SETBACK
REQUIREMENTS)

SPACES

22



AWNING INTRUSION
INTO SETBACK

NEW 561.8 SF AWNING OVER
EXISTING OUTDOOR DINING
(AWNING EXTENDS TO FRONT AND
SIDE PROPERTY LINE)

10' BUILDING SETBACK

5.00'
AWNING INTRUSION
INTO SETBACK

STREET
LIGHT

CONCRETE WALK

EXISTING FENCE

EXISTING ON STREET ACCESSIBLE SPACE
(CITY PROVIDED)



SOUTH CONGRESS AVENUE

WEST MILTON STREET

ENOTECA

ITALIAN DELICATESSEN
1612 S. CONGRESS AVE.
AUSTIN, TEXAS 78704

SITE PLAN

SCALE: 1" = 10'-0"

63
10

11'-4" BOTTOM OF AWNING SUPPORT

13'-5" TOP OF AWNING

16'-9" TOP OF BUILDING

WEST
MILTON
STREET

SOUTH CONGRESS AVENUE

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PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, **you are not required to attend.** However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice will be sent.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: <http://www.austintexas.gov/devservices>.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record for the case.

Case Number: C15-2015-0071, 1612 South Congress

Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, June 8th, 2015

Elizabeth Joe Day

Your Name (please print)

☐ I am in favor
☒ I object

1609 Nickerson St. Austin 78704

Your address(es) affected by this application

Elizabeth Joe Day

Signature

Date

Daytime Telephone: 512-441-1759

Comments:

The awning will allow for more tables but all times - which will generate even MORE traffic near our street and cars parking in front of our house. This venue does not have adequate parking for patrons & employees as it is

Note: All comments received will become part of the public record of this case

If you use this form to comment, it may be returned by noon the day of the hearing to:

City of Austin-Planning & Development Review Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Or fax to (512) 974-6305

Or scan and email to leane.heldenfels@austintexas.gov

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PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, **you are not required to attend**. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

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Case Number: C15-2015-0071, 1612 South Congress
Contact: Leane Heldenfels, 512-974-2202, leaneheldenfels@austintexas.gov
Public Hearing: Board of Adjustment, June 8th, 2015

Armandina Flores

Your Name (please print)

☒ I am in favor
☐ I object

1607 Newton St. Austin, TX 78704

Your address(es) affected by this application

Armandina Flores 6-8-15

Signature

Date

Daytime Telephone: 512-560-7544

Comments:

Note: All comments received will become part of the public record of this case

If you use this form to comment, it may be returned by noon the day of the hearing to:

City of Austin-Planning & Development Review Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Or fax to (512) 974-6305

Or scan and email to leaneheldenfels@austintexas.gov

South Congress Improvement Association (SCIA)

Serving SoCo since 2014

June 5, 2015

Leane Heldenfels
City of Austin
Planning & Development Review Department
P.O. Box 1088
Austin, TX 78767-1088

RE: Case Number C15-2015-0071, 1612 South Congress

Dear Ms. Heldenfels,

The Board of the South Congress Improvement Association (SCIA) would like to register its support of the variance request to construct a patio cover structure for Enoteca located at 1612 South Congress Avenue.

The Board supports the request because Vespaio/Enoteca is a long established, successful restaurant which adds significantly to the vitality of the South Congress District and to Austin. Patios and outdoor dining are encouraged as they help promote a vibrant pedestrian environment. The proposed patio cover structure will provide much needed shade and protection from the elements and we commend Mr. Benayoun for the aesthetically pleasing design. Sub Chapter E – Commercial Design Standards allow awnings to cover sidewalks to the property line. This cover will also go the property line and provide a similar type of relief and enjoyment.

The Board supports the request as it is reasonable in this urban location and is consistent with Austin's goals of providing vibrant, commercial districts where residents can enjoy outdoor dining in a pedestrian friendly environment. Please provide this letter of support to the Board of Adjustment members for their consideration.

Best Regards,

Andrew Moore
Executive Director
South Congress Improvement Association

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13

South Congress Merchants Association

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14

June 5, 2015

Leane Heldenfels
City of Austin
Planning & Development Review Department
P.O. Box 1088
Austin, TX 78767-1088

RE: Case Number C15-2015-0071, 1612 South Congress

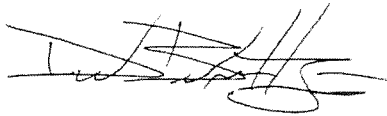
Dear Ms. Heldenfels,

The South Congress Merchants Association (SCMA) recently learned of the variance request to construct a patio cover structure for one of our association's members, Enoteca, located at 1612 South Congress Avenue. As both Enoteca and Vespaio are long-standing businesses and positive contributors to both the South Congress shopping district and greater Austin as a whole, the SCMA fully supports the requested variance.

Mr. Benayoun's excellent design for the new awning will allow Enoteca to continue serving customers both during inclement weather and during hot weather when outdoor diners require shade. South Congress merchants welcome such additions to our shopping district's environment, as it promotes business both during inclement weather and otherwise, and encourages commerce. Furthermore, such awnings already have precedent in the City of Austin's Commercial Design Standards, and this variance will not exceed similar design standards granted to other businesses.

In closing, the South Congress Merchants Association fully supports Enoteca's request as a positive and worthwhile effort that will contribute to our vibrant and pedestrian-friendly commercial corridor, and we ask that you provide this letter to the Board of Adjustment as evidence of our support.

Sincerely,



Brandon Hodge
President
South Congress Merchants Association

