


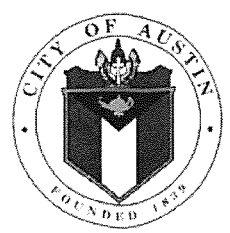




-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

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



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1" = 200'

CASE# C15-2015-0071
ROW# 11349627
TAX# _____

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

TCAD 0400001318

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)**

☒ 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):

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:

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. 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.

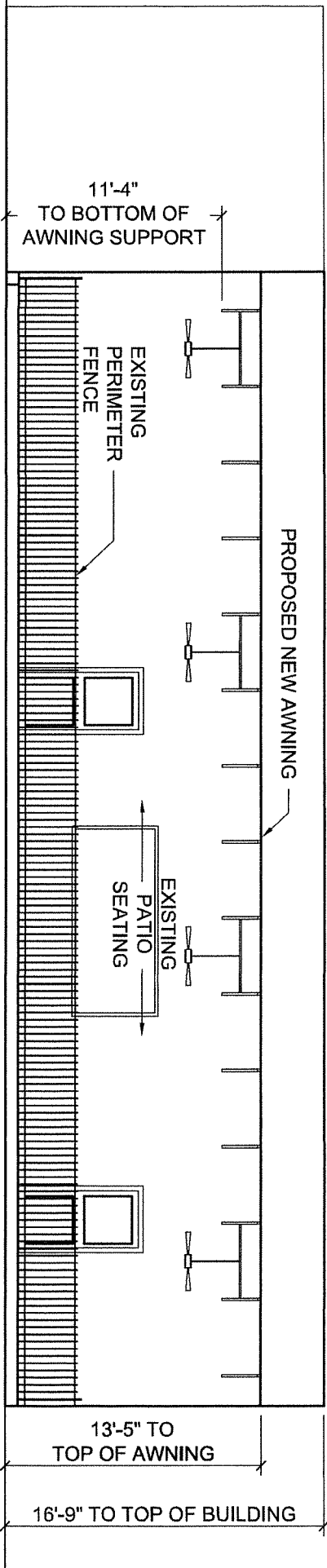
Signed Claude Benayoun Mail Address 1610/1612 Congress avenue

City, State & Zip Austin Texas 78704

Printed Claude Benayoun Date February 25, 2015

WEST MILTON STREET

SOUTH
CONGRESS
AVENUE



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

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

SOUTH CONGRESS AVENUE

EXISTING ENOTECA RESTAURANT

BUILDING ON
PROPERTY LINE
(GRANDFATHERED
FROM SETBACK
REQUIREMENTS)

CONCRETE WALK

5' BUILDING SETBACK

SPACES

22



AWNING INTRUSION
INTO SETBACK

NEW 661.8 SF AWNING OVER
EXISTING OUTDOOR DINING
(AWNING EXTENDS TO FRONT AND
SIDE PROPERTY LINE)

10' BUILDING SETBACK

AWNING INTRUSION
INTO SETBACK

STREET
LIGHT

CONCRETE WALK

EXISTING FENCE

EXISTING ON STREET ACCESSIBLE SPACE
(CITY PROVIDED)



WEST MILTON STREET

ENOTECA

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

SITE PLAN

SCALE: 1" = 10'-0"



11'-4" BOTTOM OF AWNING SUPPORT

13'-5" TOP OF AWNING

16'-9" TOP OF BUILDING

WEST
MILTON
STREET

SOUTH CONGRESS AVENUE