

Heldenfels, Leane

5/16

From: Kevin Lewis [REDACTED]
Sent: Monday, November 09, 2015 10:42 AM
To: Ramirez, Diana; Heldenfels, Leane
Cc: John Bodek
Subject: BCNA Support for Enoteca case C15-2015-0071, 1612 S. Congress
Attachments: BCNA Support - Enoteca BOA case C15-2015-0071 1612 S. Congress.pdf

Dear Ms. Ramirez and Ms. Heldenfels,

Below and attached please find the position of the Bouldin Creek Neighborhood Association (BCNA) regarding the variance case C15-2015-0071, item L-1 on tonight's BOA agenda. (The text is the same below and on the attachment.)

Thanks as always for your good work.

Best,
Kevin Lewis
President
Bouldin Creek Neighborhood Association

Board of Adjustment

City of Austin

Attn: City of Austin Staff Liaison Diana Ramirez, Planning and Development Review

Re: Case # C15-2015-0071

Variance request for 1612 S. Congress Ave.

November 9, 2015

Dear Ms. Ramirez and Board Members,

Please be informed regarding case C15-2015-2071 at 1612 S. Congress Ave., the Bouldin Creek Neighborhood Association (BCNA) has voted a position of "in support" of the requested variance. The requested variance would allow reducing the side-yard setback from 10 ft. to 0 feet in order to construct a patio cover over an outdoor seating area.

4/27

As a part of our support for this variance, BCNA did ask that the applicant and the applicant agreed to have read into the record and made a binding part of the BOA decision the following statement:

"The properties known as 1610 S. Congress and 1612 S. Congress will continue to maintain and make available to customers the existing twenty-one (21) paved and striped parking spaces immediately behind their structures."

Please forward this statement to the members of the BOA for their consideration. Please do contact me if you have any questions. Thanks as always for your good work.

Respectfully,

Kevin Lewis

President

BCNA


512-627-6898



4/28

Board of Adjustment

City of Austin

Attn: City of Austin Staff Liaison Diana Ramirez, Planning and Development Review

Re: Case # C15-2015-0071

Variance request for 1612 S. Congress Ave.

November 9, 2015

Dear Ms. Ramirez and Board Members,

Please be informed regarding case C15-2015-2071 at 1612 S. Congress Ave., the Bouldin Creek Neighborhood Association (BCNA) has voted a position of "in support" of the requested variance. The requested variance would allow reducing the side-yard setback from 10 ft. to 0 feet in order to construct a patio cover over an outdoor seating area.

As a part of our support for this variance, BCNA did ask that the applicant and the applicant agreed to have read into the record and made a binding part of the BOA decision the following statement:

"The properties known as 1610 S. Congress and 1612 S. Congress will continue to maintain and make available to customers the existing twenty-one (21) paved and striped parking spaces immediately behind their structures."

Please forward this statement to the members of the BOA for their consideration. Please do contact me if you have any questions. Thanks as always for your good work.

Respectfully,

Kevin Lewis

President

BCNA

KLewis849@gmail.com

512-627-6898



4/29

**AGREEMENT RESPECTING SUPPORT OF PROPOSED VARIANCE
BEFORE THE BOARD OF ADJUSTMENT**

Date of Agreement

On the date signed by the parties, as below appearing.

Parties to the Agreement

Bouldin Creek Neighborhood Association (BCNA)

Vespaio Restaurant (Vespaio and/or Enoteca)

Preamble

Whereas Vespaio Restaurant seeks a variance from the City of Austin Board of Adjustment (BoA) and BCNA is in a position to support such a variance, the parties enter into this Agreement outlining the duties and obligation of each.

Agreement

The BCNA will recommend that the BCNA support and not oppose Vespaio's variance request to the BoA subject to the following terms and conditions:

1. The properties known as 1610 S. Congress and 1612 S. Congress will continue to maintain and make available to customers the existing twenty-one (21) paved and striped parking spaces immediately behind their structures;
2. BCNA and Vespaio hereby create a Restrictive Covenant whereby Vespaio shall not construct a permanent enclosure of the patio area;
3. Temporary enclosures, such as plastic curtains, shall be permitted;
4. The properties shall maintain existing drainage from the roof;
5. Vespaio shall execute an Irrevocable Letter of Credit in the amount of \$15,000.00 naming BCNA as beneficiary. Drafting under the letter of credit would occur in the event of a violation of any of the terms and conditions outlined above;
6. Before a draft may occur under the letter of credit, BCNA shall give Vespaio a Notice of Violation, in writing, and delivered CERTIFIED MAIL to 1610 S. Congress, Austin TX 78701. Such Notice shall apprise Vespaio on the purported violation and the parties agree that Vespaio shall immediately cease any work in progress or

ORIGINAL
FILED FOR RECORD

4/30

scheduled related specifically to the outdoor patio and Vespaio shall have ten (10) days to cure the alleged violation;

- 7. In the event Vespaio disagrees with the occurrence of a purported violation, the parties agree to appoint a disinterested third party, such third party agreeable to both BCNA and Vespaio, to act as an arbiter of the issue, via binding arbitration; and
- 8. In the event the arbiter finds a violation of the terms and conditions outlined herein has occurred, a draft under the letter of credit shall be authorized.

Disapproval of Variance Request

In the event the requested variation is not approved by the BoA, this agreement is rendered null and void.

Entire Agreement

The parties hereby acknowledge this is the entire agreement as relates to Vespaio's request for a variance from the BoA and BCNA's agreement to support and not oppose such variance request.

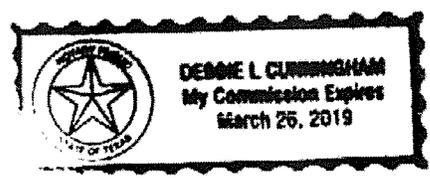
Kevin Lewis
 Kevin Lewis, President
 Bouldin Creek Neighborhood Association

The State of Texas §
 County of Travis §

The foregoing Agreement Respecting Support of Proposed Variance Before the Board of Adjustment was acknowledged before me by Kevin Lewis on the 21 day of October, 2015.

[Signature]
 Notary Public
 State of: Texas

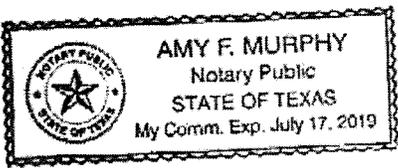
Vespaio
 By: [Signature]
Scott Belin



The State of Texas §
 County of Travis §

4/31

The foregoing Agreement Respecting Support of Proposed Variance Before the Board of Adjustment was acknowledged before me by Alan Lazarus on the 12th day of October, 2015.



Amy F. Murphy
Notary Public
State of: Texas

Ret:

PERMIT PARTNERS
105 W RIVERSIDE DR
STE 225
AUSTIN TX 78704

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Oct 22, 2015 09:54 AM 2015169608

RODRIGUEZA: \$34.00

Dana DeBeauvoir, County Clerk
Travis County TEXAS