Recommendation for Council Action

<table>
<thead>
<tr>
<th>Austin City Council</th>
<th>Item ID</th>
<th>Agenda Number</th>
<th>Planning and Development Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meeting Date:</td>
<td>8/2/2012</td>
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<td>Department:</td>
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**Subject**

Conduct a public hearing and consider an appeal by David Whitworth (appellant) of a decision by the Residential Design and Compatibility Commission (RDCC) denying a modification request for 2.6% increase in the allowable Floor-to-Area Ratio (FAR) for a two-story duplex at 5504 Jeff Davis Avenue.

**Amount and Source of Funding**

There is no anticipated fiscal impact. A fiscal note is not required.

**Fiscal Note**

**Purchasing Language:**

**Prior Council Action:**

Denied by the Residential Design and Compatibility Commission.

**For More Information:** John M. McDonald, 974-2728.

**MBE / WBE:**

**Related Items:**

**Additional Backup Information**

The appellant, David Whitworth, is appealing the RDCC’s denial of a modification request to increase the FAR 2.6% above the maximum allowable 40%.

Granting the appeal would allow the applicant to have a FAR of 42.6% (3,082 square feet), where the maximum FAR would have been 40% (2,895.6 square feet).

**Background and Basis for the Appeal**

The appellant challenges the RDCC’s decision to deny the increase in FAR based on four reasons alleged in his letter (attached) and summarized below:
1. The RDCC did not rule on the specific waiver request.
2. The RDCC misinterpreted the character of the area.
3. There was zero opposition to the modification waiver request.
4. The RDCC based its decision on BOA guidelines.
The appellant requests the RDCC’s decision be overturned. The appellant requested that Council grant the modification request to build a two-story duplex with a 2.6% increase in FAR for the site.