

A G E N D A



Recommendation for Council Action

Austin City Council	Item ID	17503	Agenda Number	92.
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Meeting Date:	8/23/2012	Department:	Planning and Development Review
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Subject

Conduct a public hearing to consider an appeal by Richard and Andrea Stovall of a decision by the Residential Design and Compatibility Commission denying a modification request for an increase in the floor-to-area ratio from 40% (4,425.6 square feet) to 48.2% (5,335 square feet) to construct a 132 square foot accessory building consisting of a bathroom and storage area at 1807 Stamford Lane.

Amount and Source of Funding

Fiscal Note

Purchasing Language:

Prior Council Action:

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

Boards and Commission Action: Not recommended by the Residential Design and Compatibility Commission.

MBE / WBE:

Related Items:

Additional Backup Information

The appellant, Richard and Andrea Stovall, are appealing the RDCC's denial of a modification request to increase the FAR 8.2% above the maximum allowable 40%.

Granting the appeal would allow the applicant to have a FAR of 48.2% (5,335 square feet), where the maximum FAR would have been 40% (4,425.6 square feet).

Background and Basis for the Appeal

The appellant challenges the RDCC's decision to deny the increase in FAR based on the following ten reasons that are summarized below:

1. The separate structure (accessory building) does not add any bulk to the existing house.
2. The accessory building is not visible from the street; therefore, it does not impact the streetscape.
3. The accessory building is only visible to two neighbors who submitted written letters of support.
4. The accessory building is situated far from any property lines and does not block light, air flow, nor views from any

neighbors.

5. The accessory building has surrounding retaining walls that make it blend in visually.
6. The accessory building is designed with the architectural style of the existing home and follows the same architectural styles of the neighborhood.
7. The accessory building will not be conditioned for air and would not require additional off-street parking.
8. The resulting FAR would remain under 0.5%.
9. The accessory building solves a unique need, including people's safety whereas the need cannot be solved with the existing footprint of the house.
10. The bathroom being added in the accessory building would not set any precedent as Subchapter F allows for granting a modification to a project with a reasonable need and with a reasonable harmonious design.

See the attached "Notice of Appeal Information" form for additional information.

On July 12, 2012 the Residential Design and Compatibility Commission voted to deny the modification of FAR from 40% to 48.2% and the motion failed on a 2 to 3 vote. A separate motion to approve the modification of FAR from 40% to 48.2% also failed on a 3 to 2 vote. The appellant requests the RDCC's decision be overturned, and allow the appellant to be granted the modification request to construct an accessory building resulting in a FAR of 48.2% for the site.