

AGENDA



Recommendation for Council Action

Austin City Council - Commissioners Court Meeting	Item ID	35050	Agenda Number	140.
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Meeting Date:	9/25/2014	Department:	Planning and Development Review
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Subject

Conduct a public hearing and consider an appeal by David Cancialosi regarding the denial of a waiver request by the Residential Design and Compatibility Commission to increase the maximum floor-to-area ratio allowed by the McMansion ordinance, City Code Chapter 25-2 (Subchapter F), for an existing single-family residence located at 903 Ethel Street (2014-056362 PR).

Amount and Source of Funding

Fiscal Note

Purchasing Language:	
Prior Council Action:	
For More Information:	Daniel Word, Planning and Development Review, 512-974-3341.
Boards and Commission Action:	July 2, 2014 – Not approved by the Residential Design and Compatibility Commission on a 6-0 vote with Commissioner Jackson absent.
MBE / WBE:	
Related Items:	

Additional Backup Information

A waiver request (2014-056362 PR) was submitted to the Residential Design and Compatibility Commission (RDCC) to increase the maximum allowable floor-to-area ratio (FAR) for the single-family residence located at 903 Ethel Street (Zilker). Under Subchapter F (McMansion) the FAR of single-family residences are limited to 0.4 to 1, and certain parking areas are excluded from the calculation.

The home was constructed in 2013 with an attached carport and sold to the current owner. As permitted, the carport was not included in the original FAR calculation with the total FAR standing at 0.399 to 1. The current owner added a garage door to the carport and was cited by the Code Department as the addition of the garage door caused the previously excluded carport area to now be factored into the FAR calculation, which now exceeds the 0.4 to 1 limitation.

The owner's agent (David Cancialosi) applied for a waiver through the RDCC to increase the maximum allowable FAR. The case was heard on July 2, 2014 and the request was denied by a 6-0 vote. As allowed by Subchapter F (McMansion), the denial of the waiver request has been appealed to the City Council.

During the time leading up the hearing, it was determined that the original home as designed, permitted, constructed, and inspected was already in violation of the maximum FAR as the FAR exemption applied by the original builder to the carport area required that the carport be 80% open on two sides of the carport. Upon closer examination, the open sides were only 73% and 65% open as defined by the McMansion ordinance. The realization of the existing non-compliance with FAR was not brought to light until the code violation case was initiated. At present, the code violation remains open until a resolution to the violation is achieved.