

11-4-04
#52

ORDINANCE NO.

AN ORDINANCE WAIVING THE DEVELOPMENT REGULATIONS OF ORDINANCE NO. 040624-52 TO ALLOW THE CONSTRUCTION OF A SECONDARY APARTMENT SPECIAL USE AT 5409 AVENUE H IN EXCESS OF 425 FEET ON THE GROUND FLOOR AND 425 FEET ON THE SECOND STORY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Findings. The Council finds:

- (A) Ordinance No. 040624-52, as amended by Ordinance Nos. 040805-34 and 041007-18, establishes interim development regulations for a secondary apartment special use and a two-family residential use.
- (B) Section (B) of Part 3 of the ordinance provides that for the rear unit of a two-story secondary apartment special use, the maximum building footprint for the ground floor is 425 square feet and the maximum square footage for the second story is 425 square feet.
- (C) Mr. and Mrs. Gilbert Puga requested a waiver of Section (B) of Part 3 of Ordinance No. 040624-52 to allow the construction of a secondary apartment special use at 5409 Avenue H that contains a maximum of 810 feet on the ground floor and 810 feet on the second story.
- (D) The development limitations of Ordinance No. 040624-52 impose an undue burden on the owner of the property located at 5409 Avenue H.
- (E) The proposed development will not adversely affect the public health, safety and welfare.

PART 2. A waiver from Part 3 (B) (*Development Limitations*) of Ordinance No. 040624-52 is granted to allow the construction of a secondary apartment special use at 5409 Avenue H that contains a maximum of 810 feet on the ground floor and 810 feet on the second story.

PART 3. This ordinance takes effect on _____, 2004.

PASSED AND APPROVED

_____, 2004 §
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 § _____
 Will Wynn
 Mayor

APPROVED: _____
 David Allan Smith
 City Attorney

ATTEST: _____
 Shirley A. Brown
 City Clerk