



**Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 58
AGENDA DATE: Thu 05/27/2004
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SUBJECT: Set a public hearing on an appeal by Melton West of the Planning Commission's decision to deny a compatibility height waiver for property located at 1106 West 6th Street, Unit 301. (Suggested date and time: June 17, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building)

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Watershed Protection and **DIRECTOR'S**
DEPARTMENT: Development Review **AUTHORIZATION:** Joe Pantalione

FOR MORE INFORMATION CONTACT: Lynda Courtney, 974-2830; Martha Vincent, 974-3371

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: Denied by the Planning Commission.

The applicant is requesting a compatibility height waiver to continue construction of a vertical addition in an existing condominium building in the CS-MU-CO-NP zoning district. The building to which the addition was initiated is within 100 feet of a single-family property, and height of the structure is limited to 40 feet due to compatibility height standards, of LDC 25-2-1062. The addition of the building exceeds the 40 feet height, but there is an existing intervening structure between the addition and the single-family property which is of a greater height than the proposed addition. Under the provision of LDC 25-2-1081 (D) the land use commission or city council can approve a waiver of compatibility height if the proposed structure does not exceed the height of the existing intervening structure.

Staff recommended the compatibility height waiver as complying with City regulations. The Planning Commission heard the case on April 13, 2004, and denied the waiver 5-2-1. Melton West is appealing the Commission's denial on the basis that this request meets the requirements for consideration of a waiver under Land Development Code section 25-2-1081 and feels that one should be granted.