



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

**AGENDA ITEM NO.: 21  
AGENDA DATE: Thu 10/07/2004  
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**SUBJECT:** Set a public hearing to consider a waiver to Ordinance 040624-52 to allow the construction of a Secondary Apartment Special Use at 5407 Evans Avenue, 5409 Evans Avenue, and 5005 Eilers Avenue. Ordinance 040624-52 established interim development regulations prohibiting the issuance of a building permit for the construction of a high occupancy Two-Family Residential Use or Secondary Apartment Special Use. (Suggested date and time: October 21, 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:**

**FOR MORE INFORMATION CONTACT:** Luci Gallahan, 974-2669; Martha Vincent, 974-3371

**PRIOR COUNCIL ACTION:** N/A

**BOARD AND COMMISSION ACTION:** N/A

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On June 24, 2004, the City Council adopted interim development regulations, which provided development limits for the construction of Two-Family Residential Use or Secondary Apartment Special Use development. The interim development regulations allow a secondary structure that is two stories, a maximum of 425 square feet for the building footprint and a maximum of 425 square feet for the second floor. This ordinance includes a provision which allows the City Council to waive the development limits if the Council determines that the development limitations impose an undue hardship on the applicant and the development proposed by the applicant will not adversely affect the public health, safety, and welfare.

Mr. and Mrs. Robert Lee, owners of 3 lots located at 5407 Evans Avenue, 5409 Evans Avenue, and 5005 Eilers Avenue are requesting waivers for the 3 lots from Ordinance 040624-52 in order to construct a Secondary Apartment Special Use that would not exceed 850 square feet for the ground floor and not exceed 850 square feet for the second floor on each lot. The proposed structures do not meet the definition of high occupancy use as the second unit would not be greater than two stories or 30 feet in height, and the lot would not have more than 45 percent impervious cover, or 40 percent building coverage.