



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

AGENDA ITEM NO.: 20
AGENDA DATE: Thu 10/07/2004
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SUBJECT: Set a public hearing to consider an ordinance waiving the development regulations of Ordinance 040624-52 to allow the construction of a Two-Family Residential Use at 4904 Caswell 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:** Tammie Williamson

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

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

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. Mack Green, owner of a lot located at 4904 Caswell Avenue is requesting a waiver from Ordinance 040624-52 in order to construct a Two-Family Residential Use that would include 600 square feet for the ground floor and 600 square feet for the second floor. The proposed construction would replace a garage apartment currently on the lot, which is old and in disrepair. The proposed structure does 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.