



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

**AGENDA ITEM NO.: 52
AGENDA DATE: Thu 11/04/2004
PAGE: 1 of 1**

SUBJECT: Conduct a public hearing to consider an ordinance waiving the development regulations of Ordinance 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. 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.

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 Pantalion

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

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

PURCHASING: N/A

MBE / WBE: 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. and Mrs. Gilbert Puga, owners of a lot located at 5409 Avenue H, are requesting a waiver from Ordinance 040624-52 in order to construct a secondary apartment special use that would include an 810 square foot garage and an 810 square feet apartment on the second floor.

STAFF REPORT

REQUEST FOR WAIVER TO INTERIM DEVELOPMENT REGULATIONS

Applicant/Owner: Gilbert and Frances Puga

Waiver Request Location: 5409 Avenue H

Zoning: SF-3-NP

Neighborhood Plan: North Loop

Background: The Watershed Protection and Development Review Department has received a request for a waiver to Ordinance 040624-52, passed by City Council on June 24, 2004, which prohibits the issuance of a building permit for the construction of a Two-Family Residential Use or a Secondary Apartment Special Use. The ordinance provides limits for development of a Two-Family Residential Use or a Secondary Apartment Special Use while the interim development regulations are in effect. The Ordinance allows Council to waive the interim development regulations if they determine that the development limitation imposes undue hardship on the applicant; and the development proposed by the applicant will not adversely affect the public health, safety, and welfare.

Waiver Description: The Interim Development Regulations allow a Secondary Apartment Special Use if the maximum building footprint of the ground floor is 425 square feet and the maximum square footage of the second floor is 425 feet. The applicant is requesting a waiver in order to build a Two-Family Residential Use that is 810 square feet on the ground floor for a garage and 810 square feet on the second floor for living space.

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SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE MGR: L. GALLAHAN

ZONING

CASE #: BP-04-8184RA

ADDRESS: 5409 AVENUE H.

SUBJECT AREA (acres): N/A

DATE: 04-10

INTLS: SM

CITY GRID
REFERENCE
NUMBER

K26

1-25C

SP-3-NF

কম্পিউটার/ইউসিএ

Augusts 02, 2004

Dear Ms. Luci Gallahan,

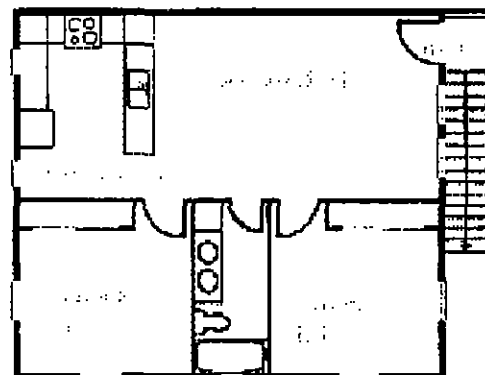
My name is Gilbert Puga. I respectfully submit this letter in accordance with ordinance #040624-52 to submit for building a detached garage & apartment.

Together with my wife, Frances Puga, we own a residence at 5409 Avenue H, Austin Texas, 78751. The legal description is: Lot 23-24, Blk 31, The Highlands. We are proposing to build a detached garage with a two (2) bedroom apartment on the second level. The garage and apartment would be located at the rear of the property, facing the alley. The bottom level would consist of a three (3) car garage of approximately 810 sq. ft. with an equal sized apartment above (810 living sq. ft.).

The purpose of the apartment is to provide additional rental housing. Along with the housing the tenant(s) would have one (1) enclosed garage parking unit and an adjacent gravel area to meet the parking requirement for the two (2) bedroom unit (and thus preventing any parking problems in the front of the house). Our plans also maintain all necessary side, rear and height restrictions that may be in place; therefore we do not feel that we would be adversely affecting the public health, safety or welfare of the community. Additionally, we have spoken with our neighbors on both sides and neither of them feels that the construction would impose any undue burden or hardship to the community.

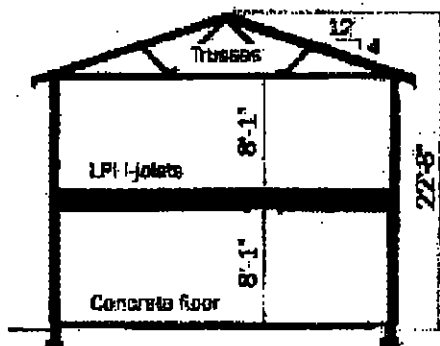
Thank you for your time and consideration in this matter.

Sincerely,
Gilbert and Frances Puga

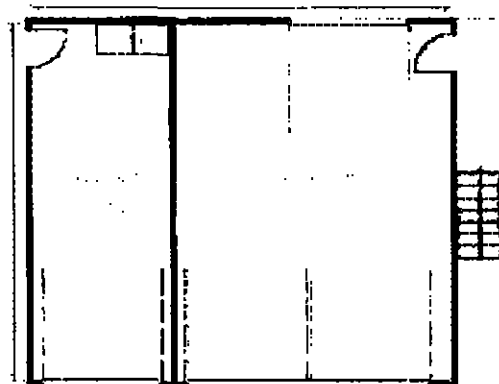


SECOND FLOOR PLAN

Note:
No interior supports
required due to clear-
spanning second floor
joists and roof trusses



CROSS-SECTION



FIRST FLOOR PLAN



WIDTH: 31'
DEPTH: 21'
RIDGE HEIGHT: 22'8"
FLOOR AREA: 837 SF

PLAN No.
1632-1

I, THE UNDERSIGNED, HAVE THIS DATE, MADE A CAREFUL AND ACCURATE SURVEY OF THE PROPERTY LOCATED AT: 5405 AVENUE H, AUSTIN, TEXAS, BEING DESCRIBED AS FOLLOWS: LOTS 22 AND 24, BLOCK 31, THE HIGHLANDS, 1 SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF RECORD IN VOLUME 3, PAGE 55, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

OF NO.: 513832

BUYER: KENNETH CHRISTOPHER AND MILENA CHRISTOPHER

SELLER: BERNARD GOTHOLF & WIFE, JUDITH D. GOTHOLF AND MARK GOTHOLF

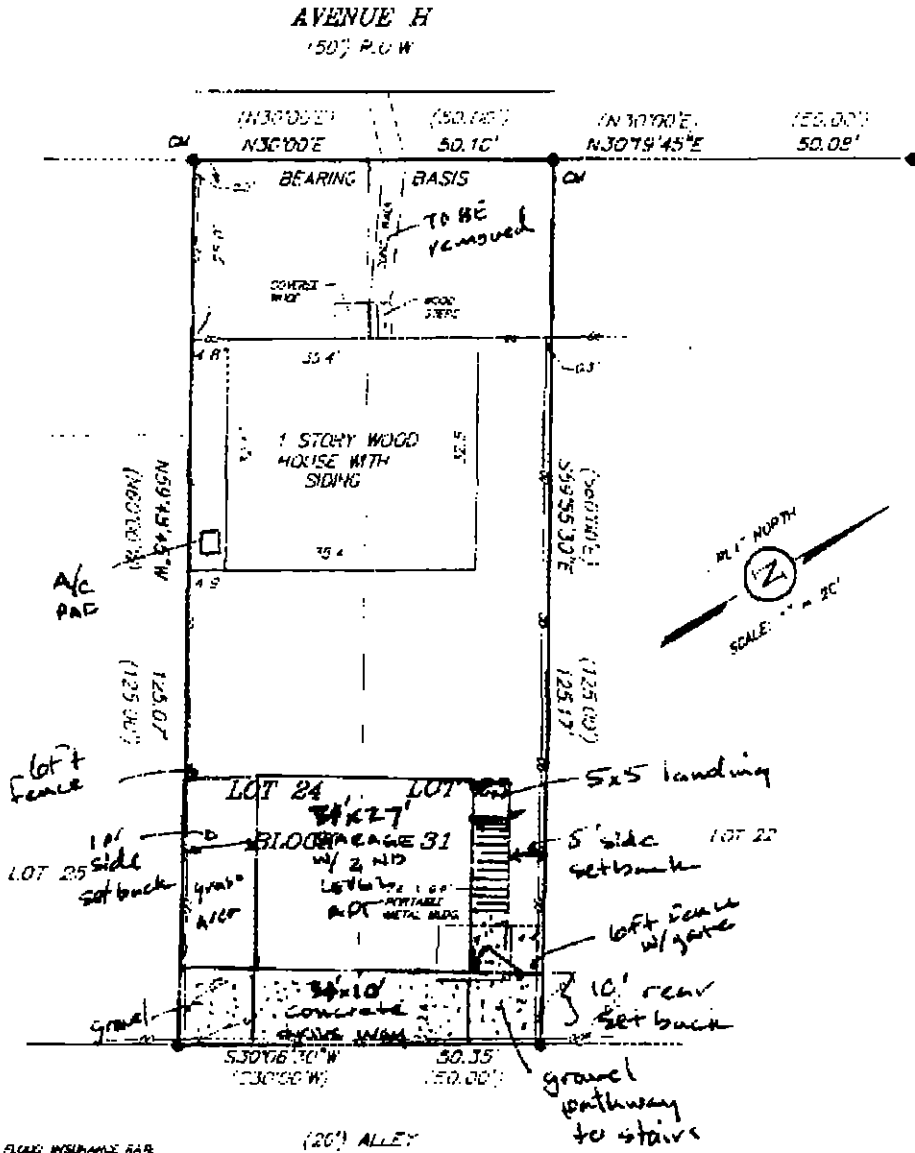
LENDER: SHULTER MORTGAGE

TITLE CO.: TEXAS PROFESSIONAL TITLE, INC.

UNDERWRITER: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

NOTES: 1 FOR RESTRICTIONS AFFECTING THIS LOT SEE 295/197; 2633/129 (DEED REC.)

- BARETT WIRE FENCE
- CHAIN LINK FENCE
- WOOD BOARD FENCE
- UTILITY LINE
- 15.00' UTILITY EASEMENT
- BUILDING JAIL
- 15.00' REAR FOUND
- 15.00' REAR SET
- 15.00' REAR FOUND
- CONTROL MONUMENT
- PLACING DATA FROM
- 15.00' V. 3, P. 55, 56
- WHEN DIFFERENT FROM
- MEASURED DATA
- 15.00' EASEMENT
- RIGHT-OF-WAY
- 15.00' CONDITIONS
- POWER POLE



ON NOTE:
WE EXAMINED THE FEMA'S FLOOD INSURANCE RATE
FOR TRAVIS COUNTY, TEXAS
SET THE DATE 05-15-84 AND THAT MAP INDICATED THAT
PROPERTY IS WITHIN ZONE X (DETERMINED TO BE
ZONE A DESIGNATED 100-YEAR FLOOD PLAIN AREA) AS
SHOWN ON PAGE 11, 180 OF SAID MAP
NOTING IF THIS SITE IS NOT WITHIN ZONE XE (AN
"EXTREME 100-YEAR FLOOD PLAIN AREA") THIS "100-YEAR
FLOOD" DOES NOT APPLY TO THE PROPERTY AND/OR THE
ADJACENT THEREIN WILL BE FREE FROM FLOODING OF FLOOD
AGE ON RARE OCCASION. GREATER FLOODS CAN AND
DO OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY
-WIND OR HAILSTORM CAUSES. THIS FLOOD STATEMENT
IS NOT GREAT LIABILITY ON THE PART OF THE SURVEYOR

THE UNDERSIGNED DOES HEREBY CERTIFY TO BUYER, SELLER, LENDER,
TITLE COMPANY AND UNDERWRITER ABOVE-NAMED THAT THIS SURVEY WAS
THIS DAY MADE ON THE GROUND OF THE PROPERTY DESCRIBED HEREON
AND IS ACCURATE AND THAT THERE ARE NO VISIBLE DISCREPANCIES,
CONFLICTS, OVERLAPPING OR IMPROVEMENTS, VISIBLE UTILITY EASEMENTS OR
ROADWAYS EXCEPT AS SHOWN HEREON, AND THE SAID PROPERTY HAS ACCESS TO
AND FROM A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON. THIS PLAT IS NOT
VALID UNLESS ACCOMPANIED BY AN ORIGINAL SEAL.

RALPH HARRIS SURVEYOR INC. 1406 HETHER, AUSTIN, TEXAS 78704 (512) 444-1781

James M. Grant
JAMES M. GRANT R.P.S. NO. 1919 MARCH 18 1989
INVOICE NO. 34220

WORK ORDER NO. 32800