



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

AGENDA ITEM NO.: 60
AGENDA DATE: Thu 11/18/2004
PAGE: 1 of 1

SUBJECT: Conduct a public hearing to consider an ordinance waiving the development regulations of Ordinance No. 040624-52 to allow the construction of a two-family residential use at 2302 Arpdale Street. Ordinance No. 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:** 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

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. Douglas Johnston, are requesting a waiver from Ordinance No. 040624-52 in order to construct a single-family residence at 2302 Arpdale which currently has an existing garage apartment on the lot. The addition of the single-family residence to this lot would create a two family residential use. The existing garage apartment has 600 square feet on the ground floor and 600 square feet on the second floor. The proposed development would comply with all other development limits in the moratorium ordinance, including impervious and building cover limits, and height limits.

STAFF REPORT

REQUEST FOR WAIVER TO INTERIM DEVELOPMENT REGULATIONS

Applicant/Owner: Douglas A. Johnston

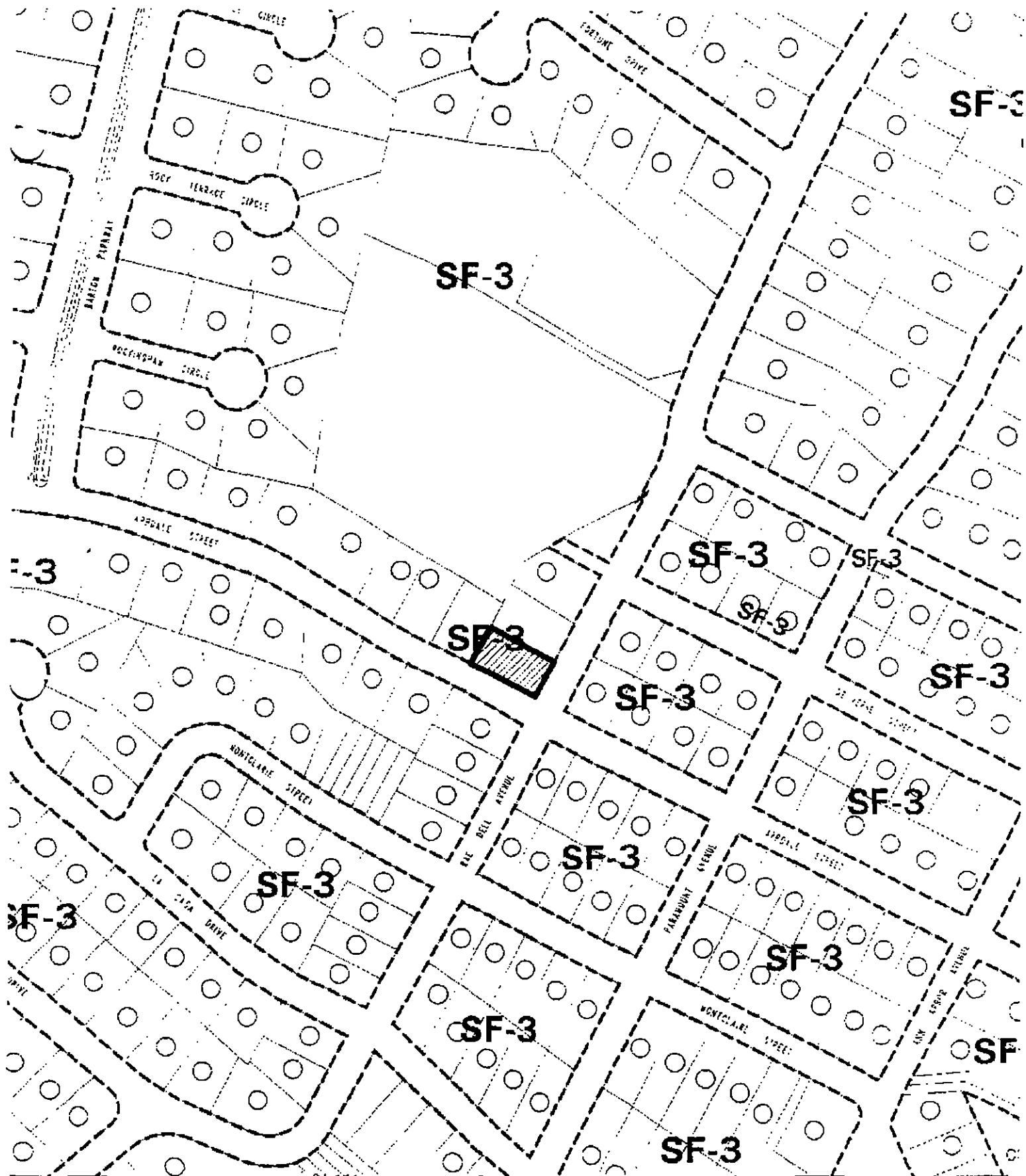
Waiver Request Location: 2302 Arpdale Street


Zoning: SF-3

Neighborhood Plan: N/A

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 Two-Family Residential 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 add a single-family residence to a lot that currently has only a garage apartment and no primary residence. The addition of the single-family residence on this lot would create a Two-Family Residential Use. The existing garage apartment has 600 square feet on the ground floor and 600 square feet on the second floor.



 1" = 200'	SUBJECT TRACT	BUILDING PERMIT		CITY GRID
	PENDING CASE			REFERENCE
	ZONING BOUNDARY			NUMBER
	CASE MGR: L. GALLAHAN	CASE #: BP-04-8586R	DATE: 04-10	G20
	ADDRESS: 2302 ARPDAL ST			
	SUBJECT AREA (acres): N/A		INTLS: SM	

To: Austin City Council

From: Douglas A. Johnston
1607 Virginia Ave.
Austin, TX. 78704
Ph. 448-4372

Dear Council,

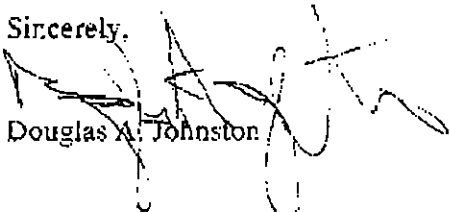
I am writing this letter to request the Council to waive by resolution a development limitation imposed by the moratorium ordinance.

At the beginning of this year I began to negotiate a contract to purchase 2302 Arpdale St. This property has an existing garage apartment, but no longer has a primary residence. I believe that the development limitation imposes undue hardship given my intention to build a primary residence on this property.

The development I propose will not adversely affect the public health, safety, or welfare, because it will be better than what current zoning allows. The development that I propose is less dense than what is allowed under current zoning. Current zoning allows me to build a duplex on my property given my lot size. I believe it is better for all concerned to build a primary structure that is not connected by a roof structure, allowing more space between it and the garage apartment. House/ garage apartments provide better living environments for their residences than a duplex. House/ garage apartments are valued higher per square foot than duplexes by Travis County Appraisal District for taxing purposes.

Currently, my property has no off street parking, if I am allowed to build a primary residence and renovate the garage apartment I will need to come into compliance current off street parking requirements. The two properties that share property lines with my property are both duplexes. Thank you for your consideration in this matter

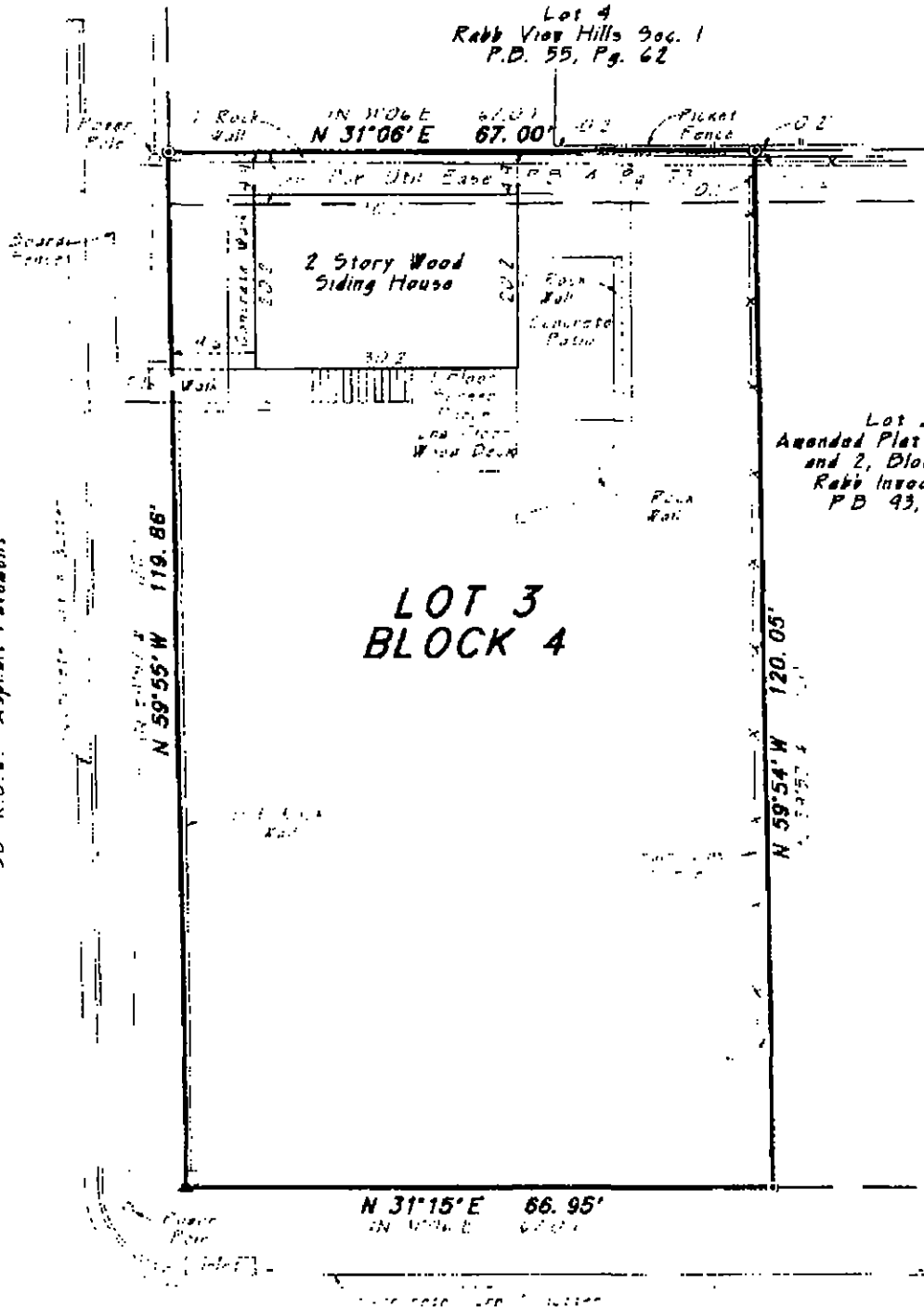
Sincerely,


Douglas A. Johnston

SURVEY PLAT

Local Address 3302 Arpdale Street Described As Lot No. 3
 Block 4 Rabb Inwood Hills. A Subdivision in
Travis County, Texas. Recorded in Plat Book 4 Page(s) 13
 Plat Records. Travis County, Texas. Ref. 2512001903 / Johnst.

ARPDAL STREET
 50' R.O.W. -- Asphalt Pavement



Lot 4
 Rabb View Hills Soc. 1
 P.D. 55, Pg. 62

Lot 2A
 Amended Plat of Lots 1
 and 2, Block 4 of
 Rabb Inwood Hills
 P.D. 43, Pg. 1

RAE DELL AVENUE
 50' R.O.W. -- Asphalt Pavement

ORDINANCE NO.

AN ORDINANCE WAIVING THE DEVELOPMENT REGULATIONS OF ORDINANCE NO. 040624-52 TO ALLOW THE CONSTRUCTION OF A TWO FAMILY RESIDENTIAL USE AT 2302 ARPDAL STREET.

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) Subsection (C) of Part 3 of Ordinance No. 040624-52 provides that a person may file for a waiver from the requirements of the ordinance.
- (C) Mr. and Mrs. Douglas Johnston requested a waiver to allow the construction of a single-family residence at 2302 Arpdale Street. The property currently has an existing garage apartment on the lot which contains 600 square feet on the ground floor and 600 square feet on the second floor. The construction of the single-family residence creates a two-family residential use subject to Ordinance No. 040624-52. The ordinance limits the rear unit of a two-family residential use to a building footprint of 425 square feet on the ground floor and 425 square feet on the second floor.
- (D) The director of the Watershed Protection and Development Review Department recommends granting a waiver of the square foot limitations in Ordinance 040624-52.
- (E) A public hearing was properly noticed and held on November 18, 2004 relating to this matter.
- (F) The development limitations of Ordinance No. 040624-52 impose an undue burden on the owners of the property located at 2302 Arpdale Street.
- (G) 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 construction of a two-family residential use that consists of a single-family residential structure and a garage apartment that contains 600 square feet on the ground floor and 600 square feet on the second floor.

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

PASSED AND APPROVED

_____, 2004 §
 §
 § _____
 Will Wynn
 Mayor

APPROVED: _____
 David Allan Smith
 City Attorney

ATTEST: _____
 Shirley A. Brown
 City Clerk