

ORDINANCE NO. 041118-60

**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.**

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 November 29, 2004.

PASSED AND APPROVED

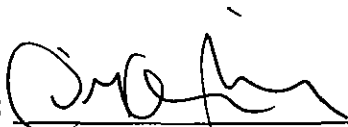
_____, November 18, 2004

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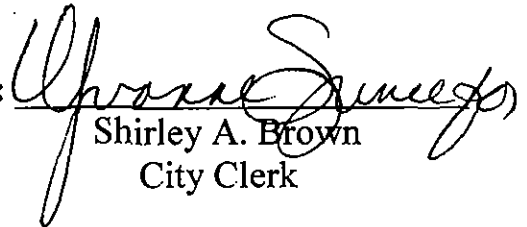
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Brown
City Clerk