

**ORDINANCE NO. 041104-52**

**AN ORDINANCE WAIVING THE DEVELOPMENT REGULATIONS OF ORDINANCE NO. 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.**

**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) Section (B) of Part 3 of the ordinance provides that for the rear unit of a two-story secondary apartment special use, the maximum building footprint for the ground floor is 425 square feet and the maximum square footage for the second story is 425 square feet.
- (C) Mr. and Mrs. Gilbert Puga requested a waiver of Section (B) of Part 3 of Ordinance No. 040624-52 to allow the construction of a secondary apartment special use at 5409 Avenue H that contains a maximum of 810 feet on the ground floor and 810 feet on the second story.
- (D) The development limitations of Ordinance No. 040624-52 impose an undue burden on the owner of the property located at 5409 Avenue H.
- (E) 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 the construction of a secondary apartment special use at 5409 Avenue H that contains a maximum of 810 feet on the ground floor and 810 feet on the second story.

**PART 3.** This ordinance takes effect on November 15, 2004.

**PASSED AND APPROVED**

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November 4, 2004

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*Will Wynn*  
Will Wynn  
Mayor

**APPROVED:**

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*David Allan Smith*  
David Allan Smith  
City Attorney

**ATTEST:**

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*Shirley A. Brown*  
Shirley A. Brown  
City Clerk