ORDINANCE NO. 20060406-033

AN ORDINANCE GRANTING A WAIVER FOR PROPERTY LOCATED AT 1305 WALLER STREET FROM CERTAIN INTERIM DEVELOPMENT REGULATIONS PRESCRIBED BY ORDINANCE NO. 20060309-058 FOR CONSTRUCTION OF A DUPLEX RESIDENCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

- **PART 1.** This ordinance applies to the construction of a 3,806.4 square foot duplex residence located at 1305 Waller Street.
- **PART 2.** Applicant has filed a waiver application requesting that Council waive Part 3(2) of Ordinance No. 20060309-058 which limits construction of a new single family structure on a lot where a structure has been or will be demolished or relocated to the greater of the following:
 - (A) 0.4 to 1 floor-to-area ratio;
 - (B) 2,500 square feet; or
 - (C) the existing size plus 1,000 square feet, if the applicant has been granted a homestead exemption for the duplex.
- **PART 3.** Council has considered the factors for granting a waiver from interim development regulations prescribed by Ordinance No. 20060309-058. Council finds that such a waiver is justified because:
 - (A) the development limitation imposes undue hardship on the applicant; and
 - (B) the development proposed by the applicant will not adversely affect the public health, safety, and welfare.
- **PART 4.** A waiver is granted from Part 3(2) of Ordinance 20060309-058 to allow the construction of a 3,806.4 square foot duplex residence located at 1305 Waller Street.

PART 5. A waiver is granted from Part 5(D)(2)(a) and (b) of Ordinance 20060309-058 to allow a minimum front yard setback not to exceed 7.8 feet and a maximum front yard setback not to exceed 15 feet for a duplex residence located at 1305 Waller Street.

PART 6. This ordinance takes effect on April 17, 2006.

PASSED AND APP	RO	VED
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April 6	, 2006	\$ \$	Win Wha
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			Mayor

APP ROVED: David Allan Smith
City Attorney

ATTEST: Juriley & Hentry
City Clerk