

STAFF RECOMMENDS DENIAL

Item# 26
3-9-06

ORDINANCE NO.

1 **AN ORDINANCE GRANTING A WAIVER FOR PROPERTY LOCATED AT**
2 **2308 WEST 9TH STREET FROM CERTAIN INTERIM DEVELOPMENT**
3 **REGULATIONS PRESCRIBED BY ORDINANCE NO. 20060216-043 FOR**
4 **CONSTRUCTION OF A DUPLEX.**

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

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8 **PART 1.** This ordinance applies to the construction of a 3,996 square foot duplex
9 located at 2308 West 9th Street.

10 **PART 2.** Applicant has filed a waiver application requesting that Council waive Part
11 3(2) of Ordinance No. 20060216-043 which limits construction of a new duplex on a lot
12 where a structure has been or will be demolished or relocated to the greater of the
13 following:

- 14 (A) 0.4 to 1 floor-to-area ratio;
15 (B) 2,500 square feet; or
16 (C) the existing size plus 1,000 square feet, if the applicant has been granted a
17 homestead exemption for the duplex.

18 **PART 3.** Council has considered the factors for granting a waiver from interim
19 development regulations prescribed by Ordinance No. 20060216-043. Council finds that
20 such a waiver is justified because:

- 21 (A) the development limitation imposes undue hardship on the applicant; and
22 (B) the development proposed by the applicant will not adversely affect the
23 public health, safety, and welfare.

24 **PART 4.** A waiver is granted from Part 3(2) of Ordinance 20060216-043 to allow the
25 construction of a 3,996 square foot duplex located at 2308 West 9th Street.

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2 **PART 5.** This ordinance takes effect on _____, 2006.

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4 **PASSED AND APPROVED**

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8 _____, 2006

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10 Will Wynn
11 Mayor

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13 **APPROVED:**

14 David Allan Smith
15 City Attorney

ATTEST:

Shirley A. Gentry
City Clerk