

**STAFF RECOMMENDS DENIAL**

Item # 25

13-09-06

**ORDINANCE NO.**

**AN ORDINANCE GRANTING A WAIVER FOR PROPERTY LOCATED AT 2005 MATTHEWS DRIVE FROM CERTAIN INTERIM DEVELOPMENT REGULATIONS PRESCRIBED BY ORDINANCE NO. 20060216-043 FOR CONSTRUCTION OF A SINGLE FAMILY RESIDENCE.**

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

**PART 1.** This ordinance applies to the construction of a 3,400 square foot single family residence located at 2005 Matthews Drive.

**PART 2.** Applicant has filed a waiver application requesting that Council waive Part 3(2) of Ordinance No. 20060216-043 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. 20060216-043. 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 20060216-043 to allow the construction of a 3,400 square foot single family residence located at 2005 Matthews Drive.

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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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Will Wynn  
Mayor

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13 **APPROVED:** \_\_\_\_\_  
14 David Allan Smith  
15 City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk