

#33R
4-6-06

ORDINANCE NO.

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.

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

5 **PART 6.** This ordinance takes effect on _____, 2006.

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7 **PASSED AND APPROVED**

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11 _____, 2006

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Will Wynn
Mayor

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16 **APPROVED:** _____
17 David Allan Smith
18 City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk