

STAFF RECOMMENDS DENIAL

ORDINANCE NO.

Item # 53
May 25, 2006

AN ORDINANCE GRANTING A WAIVER FOR PROPERTY LOCATED AT 505 DEEP EDDY AVENUE FROM CERTAIN 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 duplex residence located at 505 Deep Eddy Avenue. The two story structure will have a floor area of 3,825 square feet.

PART 2. Applicant has filed a waiver application requesting that Council waive Part 4 Section (C) of Ordinance No. 20060309-058 which limits a building permit to construct a duplex or single-family structure to the greater of the following:

- (1) 0.4 to 1 floor-to-area ratio;
- (2) 2,500 square feet; or
- (3) 20 percent more square feet than the existing or pre-existing structure.

PART 3. Council has considered the factors for granting a waiver from 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 4 Section (C) of Ordinance 20060309-058 to allow the construction of a duplex residence located at 505 Deep Eddy Avenue, for a total structure size not to exceed 3,825 square feet. This waiver is conditioned upon a maximum impervious cover of 45 percent for the lot.

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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