

10.22.06  
Item # 65

**ORDINANCE NO.**

**AN ORDINANCE GRANTING A WAIVER FOR PROPERTY LOCATED AT  
1306 CHICON STREET FROM CERTAIN DEVELOPMENT REGULATIONS  
PRESCRIBED BY ORDINANCE NO. 20060309-058 TO ALLOW  
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 on property located at 1306 Chicon Street. The two story structure will have a floor area of 3,376 square feet.

**PART 2.** Applicant has filed a waiver application requesting that Council waive Part 4(B) of Ordinance No. 20060309-058 which limits a building permit for the size of a new structure to the greater of the following:

- (1) 0.4 to 1 floor-to-area ratio;
- (2) 2,500 square feet; or

**PART 3.** Applicant has also requested that Council waive Part 5(D)(2) of Ordinance No. 20060309-058 which prescribes minimum and maximum front yard setbacks for a lot on a block face on which one lot is developed for a use described in subsection (B):

- (a) the minimum front yard setback is the same as the minimum front yard setback of the principal structure on the developed lot; and
- (b) the maximum front yard setback is equal to the minimum front yard setback of the principal structure on the developed lot plus ten percent of the distance of that setback.

**PART 4.** 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.

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2 **PART 5.** A waiver is granted from Part 4(D) and Part 5(D)(2) of Ordinance 20060309-  
3 058 to allow the construction of a duplex residence located at 1306 Chicon Street, for a  
4 total structure size not to exceed 3,376 square feet and with a front yard setback of no less  
5 than 15 feet 2 ½ inches.

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

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8 **PASSED AND APPROVED**

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10 \_\_\_\_\_, 2006

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Will Wynn  
Mayor

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17 **APPROVED:** \_\_\_\_\_  
18 David Allan Smith  
19 City Attorney

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