

MEMORANDUM

WAIVER REQUEST STAFF REPORT

6/8/06
Item #64

PERMIT NUMBER: BP-06-4815R

COUNCIL DATE: June 8, 2006

APPLICATION DATE: May 12, 2006

OWNER: Caswell Avenue Partners, LLC

ADDRESS: 4705 Caswell Avenue

BACKGROUND

On March 9, 2006 the City Council adopted Ordinance 20060309-058 establishing development regulations applicable to certain building permits for single-family, single family attached, two-family, secondary apartment, and duplex structures in areas of the City that were subdivided prior to March 1974.

APPLICATION

On May 12, 2006, the applicant submitted an application for a waiver from Part 4 Section (C) of Ordinance 20060309-058 that for a building permit for a new structure on a lot where, before March 9, 2006, a structure has been or will be demolished or relocated, the structure's size is limited the greater of:

- (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.

DEVELOPMENT REGULATIONS

The proposed new construction requires the applicant to request a Council Waiver because it creates a structure that exceeds all three size limitations set forth in Part 4(C) of the ordinance:

- (a) 0.4 to 1 FAR would allow 2804 s.f.
 - Proposed structure creates 3800 s.f. on 7010 s.f. lot, which equates to a 0.54 FAR.
- (b) Proposed structure will exceed 2,500 s.f. by 1300 s.f.
- (c) An application for a demolition permit has not been filed with the Historic Preservation Office to demolish the existing duplex totaling 1050 s.f.
 - Ordinance allows for 20 percent increase over previous structure size
 - $1050 \text{ s.f.} + 210 \text{ s.f. (20 percent)} = 1260 \text{ s.f. maximum size allowed}$
 - $\text{Proposed } 3800 \text{ s.f.} - 1260 \text{ s.f.} = 2540 \text{ s.f. over maximum allowed}$

Applicant will be requesting a waiver from Ordinance No. 20060309-58 Part 4 (A) – An application for a demolition or relocation permit for a structure must be filed concurrently with an application for a permit described in Subsection (C) or (D).

SETBACKS

Existing Setbacks

802 East 47 th Street	65 ft.
4705 Caswell	25 ft.
4709 Caswell	25 ft..
801 East 48 th Street	16 ft.

SETBACKS CALCULATIONS

Under Part 5, Section D (5) of Ordinance 20060309-058, the setback for the proposed duplex is figured thusly:

- (a) the lot with a principal structure closest to the street is disregarded, and the lot with a principal structure farthest from the street is disregarded;
 - 65 ft. and 16 ft. are disregarded
- (b) the minimum front setback is equal to the average of the minimum front yard setbacks of the principal structures on the remaining lots minus ten percent of the distance of that average;
 - $25 + 25 = 50 \text{ ft.} / 2 = 25 - 2.5 \text{ (10 percent)} = 22.5 \text{ ft. minimum setback}$
- (c) the maximum front yard setback is equal to the average of the minimum front yard setbacks of the principal structures on the remaining lots plus ten percent of the distance of that average.
 - $25 + 25 = 50 \text{ ft.} / 2 = 25 + 2.5 \text{ (10 percent)} = 27.5 \text{ ft. maximum setback}$

No waiver will be required for the Part 5, Setback Section, of the ordinance.

PROPOSED DEVELOPMENT

Applicant proposes the following construction:

- Proposed front setback of 25 ft.
- Construct a new 3800 s.f. duplex at 4705 Caswell Avenue
- Demolish existing duplex of 1050 s.f. (demo application was not filed concurrently with waiver application)

Applicant proposes additional construction:

- 566 s.f. (598 s.f. if granted Board of Adjustment variance) attached garage
- 288 s.f. (200 s.f. if granted Board of Adjustment variance) uncovered patio
- 60 s.f. walkway on private property
- 540 s.f. (1,621 s.f. if granted Board of Adjustment variance) new driveway area.

ZONING

- This lot is currently zoned Single Family Residential (SF-3).
- It lies within the Hyde Park Neighborhood Assn., North Austin Neighborhood Alliance, Austin Neighborhoods Council, Mueller Neighborhoods Coalition, Alliance to Save Hyde Park, and Taking Action Inc.

WAIVER

The applicant requests the waiver under Part 4 (A) and Part 4, Section (C) on the following grounds:

- The regulations imposes undue hardship on the applicant, the development proposed by the applicant will not adversely affect the public health, safety and welfare and waiving the regulation will not have a substantially adverse impact on neighboring properties.

NOTE

Applicant will ask the Board of Adjustment for a variance from 45 % impervious cover to 60 % impervious cover. If variance is not granted, applicant will move driveway to flag lots and would be able to meet the 45 % impervious cover.

STAFF ASSESSMENT

The information submitted with the applicant's waiver application can be summarized as follows:

- Letter from P.E. stating development will not cause additional impacts to the existing drainage system.
- Information was provided indicating undue financial hardship.
- Photos from the neighborhood showing the new development will be compatible to the existing structures.

STAFF RECOMMENDATION: APPROVAL

Staff recommends approval of the waiver request based on the information that the applicant has submitted.

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION

BP Number BP-06-4815 R
Building Permit No. _____
Plat No. _____ Date 5-12-06
Reviewer gk

PRIMARY PROJECT DATA

Service Address 4705 Caswell Avenue (lot 2) Tax Parcel No. _____
Legal Description
Lot 2 Block _____ Subdivision East Nelson Subdivision, Vol 38, Page 44 Section _____ Phase _____
If in a Planned Unit Development, provide Name and Case No. _____
(attach final approved copies of subdivision and site plan)
If this site is not a legally subdivided lot, you must contact the Development Assistance Center for a Land Status Determination.
Description of Work
Remodel (specify) _____
New Residence _____
X Duplex _____
Garage attached detached Addition (specify) _____
Carport attached detached _____
Pool Other (specify) _____
Zoning (e.g. SF-1, SF-2...) SF-3 Height of building 30 ft. # of floors 2
Does this site have an approved septic permit? Yes X No If yes, please attach documentation. If no, an approved septic permit must be obtained prior to zoning Zoning Review approval.
Does this site have a Board of Adjustment ruling? Yes Ruling pending No If yes, attach the B.O.A. documentation
Will this development require a cut and fill in excess of 4 feet? Yes X No
Does this site front a paved street? x Yes No A paved alley? Yes X No

**VALUATIONS FOR
REMODELS ONLY**

Building \$ _____
Electrical \$ _____
Mechanical \$ _____
Plumbing \$ _____
Driveway
& Sidewalk \$ _____
TOTAL \$ _____
(labor and materials)

**DATA FOR NEW CONSTRUCTION
OR ADDITIONS ONLY**

Lot Size 7010 sq.ft.
Job Valuation \$320,000
(Labor and materials)
Total Job Valuation (remodels and additions)
\$ _____
(Labor and materials)

**PERMIT FEES
(For office use only)**

	NEW/ADDITIONS	REMODELS
Building	\$ _____	\$ _____
Electrical	\$ _____	\$ _____
Mechanical	\$ _____	\$ _____
Plumbing	\$ _____	\$ _____
Driveway & Sidewalk	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____

OWNER / BUILDER INFORMATION

OWNER	Name <u>Caswell Avenue Partners, LLC</u>	Telephone (h) NA _____ (w) <u>512-478-1621</u>
BUILDER	Company Name NA _____ Contact/Applicant's Name <u>Ben Heimsath</u>	Telephone NA _____ Pager NA _____ FAX NA _____
DRIVEWAY /SIDEWALK	Contractor NA _____	Telephone NA _____
CERTIFICATE OF OCCUPANCY	Name _____ Address _____ City _____ ST _____ ZIP _____	Telephone _____

If you would like to be notified when your application is approved, please select the method:

telephone X e-mail: benh@heimsath.com

You may check the status of this application at www.ci.austin.tx.us/development/pierivr.htm

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION

I understand that in accordance with Sections 25-1-411 and 25-11-66 of the Land Development Code (LDC), non-compliance with the LDC may be cause for the Building Official to suspend or revoke a permit and/or license. I understand that I am responsible for complying with any subdivision notes, deed restrictions, restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions (i.e., height, access, screening, etc.) on this property. If a conflict should result with any of these restrictions, it will be my responsibility to resolve it. I understand that, if requested, I must provide copies of all subdivision plat notes, deed restrictions, restrictive covenants, and/or zoning conditional overlay information that may apply to this property.

I acknowledge that this project qualifies for the Site Plan Exemption as listed in Section 25-5-2 of the LDC.

I also understand that if there are any trees greater than 19 inches in diameter located on the property and immediately adjacent to the proposed construction, I am to schedule a Tree Ordinance review by contacting (512) 974-1876 and receive approval to proceed.

I agree that this application will expire on the 181st day after the date that the application is filed if the application is not approved and an extension is not granted. If the application expires, a new submittal will be required.

APPLICANT'S SIGNATURE

DATE 5/11/06



HOME BUILDER'S STATE REGISTRATION NUMBER (required for all new construction)

Rejection Notes/Additional Comments (for office use only):

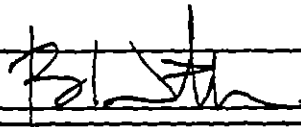
- Per Interim Ordinance - front setback is 25' based on
4 residences fronting block of Caswell Ave. Closest is 10' from set-back,
Farthest is 65' set-back. Two existing buildings are both 25'. Disregarding
Closest and farthest results in 25' setback.

Waiver requested for FAR of .56

Waiver requested for non-conformance of permit with demolition.

Service Address

Applicant's Signature



Date

5/11/06

BUILDING COVERAGE

The area of a lot covered by buildings or roofed areas, but not including (i) incidental projecting eaves and similar features, or (ii) ground-level paving, landscaping, or open recreational facilities.

Existing

New / Addition

- a. 1st floor conditioned area
 b. 2nd floor conditioned area
 c. 3rd floor conditioned area
 d. Basement
 e. Garage / Carport
 ☒ attached
 ☐ detached
 f. Wood decks [must be counted at 100%]
 g. Breezeways
 h. Covered patios
 i. Covered porches
 j. Balconies
 k. Swimming pool(s) [pool surface area(s)]
 l. Other building or covered area(s)
 Specify _____

1,050 sq.ft.	1,650	1,617	sq.ft.
sq.ft.	2,150	2,183	sq.ft.
sq.ft.			sq.ft.
sq.ft.			sq.ft.
400 sq.ft.	578	566	sq.ft.
sq.ft.			sq.ft.
sq.ft.			sq.ft.
sq.ft.			sq.ft.
sq.ft.			sq.ft.
sq.ft.			sq.ft.
sq.ft.			sq.ft.
sq.ft.			sq.ft.

TOTAL BUILDING AREA (add a. through l.) 1,450 sq.ft. 2,248 2,183 sq.ft.

TOTAL BUILDING COVERAGE ON LOT (subtract b., c., d., and k. if applicable)

32% 31% of lot sq.ft.

IMPERVIOUS COVERAGE

Include building cover and sidewalks, driveways, uncovered patios, decks, air conditioning equipment pad, and other improvements in calculating impervious cover. Roof overhangs which do not exceed two feet or which are used for solar screening are not included in building coverage or impervious coverage. All water must drain away from buildings on this site and buildings on adjacent lots.

- a. Total building coverage on lot (see above)
 b. Driveway area on private property
 c. Sidewalk / walkways on private property
 d. Uncovered patios
 e. Uncovered wood decks [may be counted at 50%]
 f. Air conditioner pads
 g. Concrete decks
 h. Other (specify) _____

Drive off Caswell (B.O.A.)	Drive off 47th St.
2,248	2,183
1,621	586
60	60
200	288
50	50

TOTAL IMPERVIOUS COVERAGE (add a. through h.) 4,179 3,161 sq.ft. 31%
 60% 45% of lot

RESIDENTIAL APPLICATION CHECKLIST

This checklist is to assist you in providing all required information. It is not required to be submitted with your application(s); however, it is encouraged you do so to ensure a complete application and thorough review.

Residence Address 4705 Caswell Date Submitted 6/1/06

TO BE COMPLETED BY APPLICANT:

- ☒ Primary Project Data
☒ Address, legal description, subdivision with section and phase if applicable – make sure this is correct
☒ Description of work – provide thorough description of all proposed work
 Height of building and number of floors – the zoning district has restrictions to both

Miscellaneous Information:

- ☒ Is there a Board of Adjustment ruling? – Attach the decision sheet B.O.A. action requested for option of Drive off Caswell