

MEMORANDUM

6/8/06
Item #65

WAIVER REQUEST STAFF REPORT

PERMIT NUMBER: BP-06-4818RA

COUNCIL DATE: June 8, 2006

APPLICATION DATE: May 12, 2006

OWNER: Caswell Avenue Partners, LLC

ADDRESS: 4707 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 (D) of Ordinance 20060309-058 that for a remodel permit to increase the size of a structure, the structure's size after the remodel is limited to the greater of:

- (1) 0.4 to 1 floor-to-area ratio;
- (2) 2,500 square feet; or
- (3) the existing size plus 1,000 square feet, if the applicant has been granted a homestead exemption for the structures

DEVELOPMENT REGULATIONS

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

- (a) 0.4 to 1 FAR would allow 2780.8 s.f.
 - Proposed structure creates 3800 s.f. on 6952 s.f. lot, which equates to a 0.54 FAR.
- (b) Proposed structure will exceed 2500 s.f. by 1300 s.f.
- (c) The homeowner does not have a homestead exemption as per Travis Central Appraisal District. The residence is not owner occupied.
If residence did have a homestead exemption, the 3800 s.f. would exceed the maximum allowable 1000 s.f. addition size limitation by 1750 s.f

Applicant will be requesting a waiver from Ordinance No. 20060309-58 Part 4 (A) – An applicant for 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 REMODEL (ADDITION)

Applicant proposes the following construction:

- Proposed front setback of 25 ft
- Adding 2750 s.f. to an existing duplex creating a total of 3800 gross floor area

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. (1621 s.f. if granted Board of Adjustment Variance) new driveway area.

NOTES

Applicant will ask the Board of Adjustments to allow new construction of a duplex for a lot size of 6952 square feet. If variance is not granted, applicant will do the above-mentioned, if variance is granted, then applicant will do new construction instead of remodeling (adding) the existing duplex. The new construction of the duplex will have the same calculations. In addition, applicant is asking for a variance from 45 %

impervious cover. The applicant would like to move driveway to the flag lots and would be able to meet the 45 % impervious cover.

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 D (1) 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.

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-06-4818RA
 Building Permit No. _____
 Plat No. _____ Date 5/12/06
 Reviewer JH

PRIMARY PROJECT DATA

Service Address 4707 Caswell Avenue (lot 3) Tax Parcel No. _____
 Legal Description
Lot 3 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 _____
 Duplex *(if variance is approved by B.O.A.)* Addition (specify) Addition and expansion of existing duplex
 Garage attached detached _____
 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 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 No
 Does this site front a paved street? Yes No A paved alley? Yes No

VALUATIONS FOR REMODELS ONLY

DATA FOR NEW CONSTRUCTION OR ADDITIONS ONLY

PERMIT FEES (For office use only)

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

Lot Size 6,952 sq.ft.
 Job Valuation \$320,000 *total remodel/addition*
(Labor and materials)
 Total Job Valuation (remodels and additions)
 \$ _____
(Labor and materials)

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

OWNER / BUILDER INFORMATION

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

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

telephone e-mail: benh@heimsath.com

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

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.

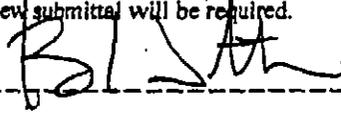
I acknowledge that this project qualifies for the Site Plan Exemption as listed in Section 25-5-2 of the LDC.

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
DATE 5/11/06

SIGNATURE



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

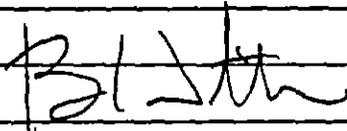
Rejection Notes/Additional Comments (for office use only):

Per Interior Ordinance - front setback is 25' based on 4 residences
fronting block of Cassell Ave. Closest is 10' set-back. Farthest is 65'
set-back. Two existing buildings are both 25'. Divergingly closest and
farthest results in 25' setback.

Waiver requested for FAR of .57

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. 1 st floor conditioned area	1,050 sq.ft.	1,650	1,617	sq.ft.
b. 2 nd floor conditioned area	sq.ft.	2,150	2,183	sq.ft.
c. 3 rd floor conditioned area	sq.ft.			sq.ft.
d. Basement	sq.ft.			sq.ft.
e. Garage / Carport				
✓ attached	400 sq.ft.	598	566	sq.ft.
___ detached	sq.ft.			sq.ft.
f. Wood decks [must be counted at 100%]	sq.ft.			sq.ft.
g. Breezeways	sq.ft.			sq.ft.
h. Covered patios	sq.ft.			sq.ft.
i. Covered porches	sq.ft.			sq.ft.
j. Balconies	sq.ft.			sq.ft.
k. Swimming pool(s) [pool surface area(s)]	sq.ft.			sq.ft.
l. Other building or covered area(s)	sq.ft.			sq.ft.
Specify _____				

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)	<u>32%</u>	<u>31%</u>	sq.ft. of lot
---	------------	------------	---------------

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)	2,248	2,183	sq.ft.
b. Driveway area on private property	1,621	586	sq.ft. 540
c. Sidewalk / walkways on private property	60	60	sq.ft.
d. Uncovered patios	200	288	sq.ft.
e. Uncovered wood decks [may be counted at 50%]			sq.ft.
f. Air conditioner pads	50	50	sq.ft.
g. Concrete decks			sq.ft.
h. Other (specify) _____			sq.ft.
	4,179		

TOTAL IMPERVIOUS COVERAGE (add a. through h.)	4,179	3,161	sq.ft. 2121
	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 4707 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
- Sight 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 required for option of Drive off of Caswell