

## MEMORANDUM

6/8/06  
Item #66

### WAIVER REQUEST STAFF REPORT

**PERMIT NUMBER:** BP-06-4817R

**COUNCIL DATE:** June 8, 2006

**APPLICATION DATE:** May 12, 2006

**OWNER:** Caswell Avenue Partners, LLC

**ADDRESS:** 4709 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 (A) of Ordinance 20060309-058 that 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).

On May 12, 2006, the applicant submitted an application which does not need a waiver from Part 4 Section (D) of Ordinance 20060309-058 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 new structure's size is limited to 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 does not require the applicant to request a Council Waiver because it creates a structure that does not exceed all three size limitations set forth in Part 4(C) of the ordinance:

- (a) 0.4 to 1 FAR would allow 5710 s.f.
  - Proposed structure creates 3800 s.f. on 14,275 s.f. lot, which equates to a 0.26 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 s.f. + 210 s.f. (20 percent) = 1260 s.f. maximum size allowed
  - Proposed 3800 s.f. - 1260 s.f. = 2540 s.f. over maximum allowed

### **LOT CALCULATIONS – Note:**

FAR = Size of the lot is 14,275 sq. ft. with the flag pole and 10,141 sq. ft. without the flag pole. The flag pole was counted in the Floor to Area Ratio (FAR) calculation per the definition in Land Development Code (25-1-21)(39) FAR means the ratio of gross floor area to gross site area and gross site area means the total site area.

MEASUREMENTS = Per interpretation, flag pole is not counted towards lot size (for or against) in calculating impervious cover. Land Development Code 25-1-22.

### **BOARD OF ADJUSTMENT – Note:**

Applicant will ask the Board of Adjustment for a variance to for the addresses 4705 and 4707 Caswell to have the driveway located off Caswell and not the 47<sup>th</sup> Street access. If variance is not granted, the driveways will be located on this lot.

### **SETBACKS**

#### **No Existing Setbacks**

The existing lot is a flag lot which has no block face, so the front setback will defer the Land Development Code and the structure will meet the 25 ft front setback. No waiver required for Part 5 Setback Section of Ordinance No. 20060309-058 and no setback calculations required.

### **PROPOSED DEVELOPMENT**

Applicant proposes the following construction:

- Proposed front setback of 25 ft.
- Construct a new 3800 s.f. duplex at 4709 Caswell Avenue
- Demolish existing duplex of 1050 s.f. (demolition application has not been filed concurrently with waiver application)

Applicant proposes additional construction:

- 566 s.f. (598 if granted Board of Adjustment Variance) attached garage
- 288 s.f. (200 if granted Board of Adjustment Variance) uncovered patio.
- 60 s.f. walkway on private property.
- 3213 s.f. (2790 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) on the following grounds:

- The regulations imposes undue hardship on the applicant 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-06-48172  
Building Permit No. \_\_\_\_\_  
Plat No. \_\_\_\_\_ Date 5/12/06  
Reviewer GH

**PRIMARY PROJECT DATA**

Service Address 4709 Caswell Avenue (lot 4) Tax Parcel No. 0220101217, 0220101218?  
Legal Description  
Lot 4 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 \_\_\_\_\_  
\_\_\_\_\_ Garage \_\_\_\_\_ attached \_\_\_\_\_ detached \_\_\_\_\_ Addition (specify) \_\_\_\_\_  
\_\_\_\_\_ Carport \_\_\_\_\_ attached \_\_\_\_\_ detached \_\_\_\_\_ Other (specify) \_\_\_\_\_  
\_\_\_\_\_ Pool \_\_\_\_\_  
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**

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

**DATA FOR NEW CONSTRUCTION  
OR ADDITIONS ONLY**

Lot Size 14,275 sq.ft.  
V.S. Plans 10,141 s.f.  
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) <u>NA</u> (w) <u>512-478-1621</u>
BUILDER	Company Name <u>NA</u>	Telephone <u>NA</u>
	Contact/Applicant's Name <u>Ben Heimsath</u>	Pager <u>NA</u>
DRIVEWAY /SIDEWALK	Contractor <u>NA</u>	FAX <u>NA</u>
		Telephone <u>NA</u>
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 ☒ e-mail: benh@heimsath.com

You may check the status of this application at [www.ci.austin.tx.us/development/pierivr.htm](http://www.ci.austin.tx.us/development/pierivr.htm)

**CITY OF AUSTIN**  
**RESIDENTIAL PERMIT APPLICATION**

a. 1 <sup>st</sup> floor conditioned area	1,050 sq.ft.	Drive off of Caswell (B.A.) 1,650	Drive off of 47th St. 1,617	sq.ft.
b. 2 <sup>nd</sup> floor conditioned area	sq.ft.	2,150	2,183	sq.ft.
c. 3 <sup>rd</sup> 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) 16% 15% 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	.ft.
b. Driveway area on private property	2,790	3,213	sq.ft.
c. Sidewalk / walkways on private property	60	60	sq.ft.
d. Uncovered patios	200	228	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.

**TOTAL IMPERVIOUS COVERAGE** (add a. through h.) 5,348 5,794 sq.ft.  
37% 41 % 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 4709 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 required for option of Drive off of Caswell

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):**

Applicant requests waiver for concurrent demolition permit with building permit.

No street fee applicable - 25' setback from West property line.

Waiver requested for non-concurrence of permit v. 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 (i) ground level paving, landscaping, or open recreational facilities.

Existing

New / Addition