

#64
6-8-06

ORDINANCE NO.

AN ORDINANCE GRANTING WAIVERS FOR PROPERTY LOCATED AT 4705 CASWELL DRIVE 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 4705 Caswell Drive. The two story structure will have a floor area of 3,800 square feet.

PART 2. Applicant has filed an application requesting that Council waive Part 4(A) of Ordinance No. 20060309-058 which states 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) of Ordinance No. 20060309-058.

PART 3. Applicant has filed a waiver application requesting that Council waive Part 4(C) of Ordinance No. 20060309-058 which limits a building permit to increase the size of a new structure on a lot where, before May 9, 2006, a structure has been or will be demolished or relocated, 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 4. Council has considered the factors for granting waivers from development regulations prescribed by Ordinance No. 20060309-058. Council finds that such waivers are 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 5. Waivers are granted from Part 4(A) and Part 4(C) of Ordinance 20060309-058 to allow Applicant to fail to file a demolition permit concurrently with a building permit and to allow the construction of a duplex residence located at 4705 Caswell Drive, for a total structure size not to exceed 3,800 square feet.

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2 **PART 6.** 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