



**RCA
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 26
AGENDA DATE: Thu 03/09/2006
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SUBJECT: Approve an ordinance waiving the interim development regulations of Ordinance No. 20060216-043 to allow the construction of a single family residence at 2308 West 9th Street.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Watershed Protection and **DIRECTOR'S**
DEPARTMENT: Development Review **AUTHORIZATION:** Joe Pantalione

FOR MORE INFORMATION CONTACT: Sylvia Benavidez, 974-2522; David Cancialosi, 974-2635

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

PURCHASING: N/A

MBE / WBE: N/A

On February 16, 2006 the City Council adopted interim development regulations which provided development limits in subdivisions within the City limits for which the original plat was approved before March 7, 1974, or on a tract that may legally be developed without being platted. For a building permit to construct a new duplex or single family structure on a lot where a structure has been or will be demolished or relocated, the new structure's size is limited to the greater of the following:

- (a) 0.4 to 1 floor-to-area ratio;
- (b) 2,500 square feet; or
- (c) 20 percent more square feet than the existing or pre-existing structure.

This ordinance includes a provision which allows City Council to waive the development limitations if the Council determines that the development regulations impose an undue hardship on the applicant and the development proposed by the applicant will not adversely affect public health, safety, and welfare.

Applicant Mr. Rhett Hoesthenbach is requesting a waiver from Ordinance No. 20060216-043 in order to construct a duplex at 2308 West 9th Street. The two story structure will have 3,996 square feet of gross floor area. The proposed development would comply with all other zoning regulations, including building and impervious cover limitations as well as height requirements.

Staff recommends approval on the condition that the applicant provides documentation that there is no adverse impact to the public health, safety, and welfare.