



Item # 33

**Watershed Protection and Development Review
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

AGENDA DATE: 4/6/2006

Subject: Approve an ordinance waiving the development regulations of Ordinance No. 20060309-058 to allow construction of a duplex at 1305 Waller Street.

Amount and Source of Funding:

Fiscal Note: There is no unanticipated fiscal impact. A fiscal note is not required.

Requesting Department: WPDR

For More Information: Sylvia Benavidez, 974-2522; Joi Harden, 974-3345

Prior Council Action:

Boards and Commission Action:

Purchasing Language:

MBE/WBE:

On March 9, 2006 the City Council adopted 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 single-family, single family attached, two-family, secondary apartment, and duplex structures 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, the development proposed by the applicant will not adversely affect public health, safety and welfare, and waiving the regulations will not have a substantially adverse impact on neighboring properties.

Applicant Mr. Robert Seidenberg is requesting a waiver from Ordinance No. 20060309-058 in order to construct a duplex residence at 1305 Waller Street. The two story structure will have 3806.4 square feet of gross floor area. The proposed development exceeds the floor to area ratio and square footage limitations under Ordinance No. 20060309-058. The proposed development would comply with all other zoning regulations, including building and impervious cover limitations as well as height requirements.

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

WAIVER REQUEST STAFF REPORT

PERMIT NUMBER: BP-06-2699R

COUNCIL DATE: APRIL 6, 2006

APPLICATION DATE: March 20, 2006

OWNER: Robert Seidenburg

ADDRESS: 1305 Waller Street

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 March 20, 2006, the applicant submitted an application for a waiver from Part 4 Section C of Ordinance 20060309-058 that limits construction of a new residence on a lot where a structure has been or will be demolished or relocated to the greater of:

- (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.

PROPOSED DEVELOPMENT

Applicant proposes the following construction:

- Construct a new 3806.4 s.f. duplex at 1305 Waller Street.
- Demolish two uninhabitable structures of, respectively, 478 s.f. and 472 s.f. (demo application filed concurrently with waiver application)

Applicant proposes additional construction:

- 496.5 s.f. 1st floor covered porches
- 41.6 s.f. 2nd floor covered porch (included in gross square footage number above)
- 519 s.f. attached garages
- 595 s.f. additional driveway area (garage to have alley access)

ZONING

- This lot is currently zoned Single Family Residential (SF-3-NP)
- It lies within the Swede Hill Neighborhood Assn., Austin Neighborhoods Council, Mueller Neighborhoods Coalition, Sentral Plus East Austin Koalition (SPEAK),

Organization of Central East Austin Neighborhoods (OCEAN) and PODER People
Organized in Defense of Earth & Her Resources.

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 Section C of the ordinance:

- (a) 0.4 to 1 FAR would allow 3305.2 s.f.
 - Proposed structure creates 3806.4 s.f. on 8263 s.f. lot, which equates to a 0.46 FAR
- (b) Proposed structure will exceed 2,500 s.f. by 1306.4 s.f.
- (c) An application for a demolition permit has been filed with the Historic Preservation Office to demolish two uninhabitable structures totaling 950 s.f. structure
 - Ordinance allows for 20 percent increase over previous structure size
 - 950 s.f. + 190 s.f. (20 percent) = 1140 s.f. maximum size allowed
 - Proposed 3806.4 s.f. - 1140 s.f. = 2666.4 s.f. over maximum allowed

WAIVER

The applicant requests the waiver under Part 6 Section A(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.

SETBACKS

1305 Waller Street is located on the east side of Waller St. between 13th St. & 14th St.

Existing Setbacks of Lots running North from 13th St.

1000 East 13th St. {corner of 13th St. & Waller St.}
7.8 feet [from property line to façade]

1305 Waller St.
{This is a small uninhabitable structure for which a demo permit has been issued}
25.7 feet [from property line to façade](this structure will not be counted)

Alley

1307 Waller St. {proposed address}
Vacant lot

1309 Waller St. {proposed address}

Vacant lot

1001 East 14th St. {corner of 14th St. & Waller St.}

Vacant lot

SETBACK CALCULATIONS

Under Part 5, Section D2(a)(b) of Ordinance 20060309-058, the setback for the proposed duplex is figured thusly:

7.8 feet = Minimum setback

$7.8 + (.78)10\% = 8.58$ feet = Maximum setback

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.

**BUILDING PERMIT AND WAIVER
APPLICATION**

CITY OF AUSTIN
RESIDENTIAL PERMIT APPLICATION

BP Number	<u>BP-06-2699R</u>		
Building Permit No.	_____		
Plat No.	<u>94</u>	Date	<u>3/17/06</u>
Reviewer	_____		

PRIMARY PROJECT DATA

Service Address <u>1305 Waller St.</u>		Tax Parcel No. _____	
Legal Description Lot <u>36A</u> Block _____ Subdivision <u>Joseph Limerick Subdivision of Outlot 41 - Division B</u> 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) _____	
<input checked="" type="checkbox"/> New Residence		_____	
<input checked="" type="checkbox"/> Duplex		Addition (specify) _____	
Garage <input type="checkbox"/> attached <input type="checkbox"/> detached		_____	
Carport <input type="checkbox"/> attached <input type="checkbox"/> detached		_____	
<input type="checkbox"/> Pool		Other (specify) _____	
Zoning (e.g. SF-1, SF-2...) <u>SF-3 SF-3-NP</u>		Height of building <u>26.5 feet from finished floor</u> <u>29.5 feet ft. # of floors 2</u> <u>from lowest grade</u>	
On lots with LA zoning, the approved septic permit must be submitted with the Residential Permit application for zoning approval. {LDC 25-2-551(B)(6)}			
Does this site have a Board of Adjustment ruling? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach the B.O.A. documentation			
Will this development require a cut and fill in excess of 4 feet? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Does this site front a paved street? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No A paved alley? <input type="checkbox"/> Yes <input type="checkbox"/> No			

**VALUATIONS FOR
REMODELS ONLY**

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

**DATA FOR NEW CONSTRUCTION
OR ADDITIONS ONLY**

Lot Size	<u>8,263</u> sq.ft.
Job Valuation	<u>\$ 340,000</u>
(Labor and materials)	
Total Job Valuation (remodels and additions)	
\$ _____	
(Labor and materials)	

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

	NEW/ADDITIONS	REMODELS
Building	\$ <u>370.00</u>	\$ _____
Electrical	\$ <u>230.00</u>	\$ _____
Mechanical	\$ <u>120.00</u>	\$ _____
Plumbing	\$ <u>125.00</u>	\$ _____
Driveway & Sidewalks	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____

OWNER / BUILDER INFORMATION

OWNER	Name <u>Robert Seidenberg</u>	Telephone (h) <u>512-228-2400</u> (w) _____
BUILDER	Company Name <u>None Assigned/under contract</u>	Telephone _____
	Contact/Applicant's Name _____	Pager _____
		FAX _____
DRIVEWAY /SIDEWALK	Contractor <u>None Assigned/under contract</u>	Telephone _____
CERTIFICATE OF OCCUPANCY	Name <u>Robert Seidenberg</u>	Telephone <u>512-228-2900</u>
	Address <u>1801 E. 13th St</u>	City <u>Austin</u> ST <u>TX</u> ZIP <u>78702</u>

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

_____ telephone ☒ e-mail: robseidenberg@yahoo.com

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

Service Address 1365 Waller St Austin TX 78702Applicant's Signature Robert S. SullyDate 3/9/06**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	_____ sq.ft.		<u>1995.8</u>	sq.ft.
b. 2 nd floor conditioned area	_____ sq.ft.		<u>1769.0</u>	sq.ft.
c. 3 rd floor conditioned area	_____ sq.ft.		_____	sq.ft.
d. Basement	_____ sq.ft.		_____	sq.ft.
e. Garage / Carport				
<input checked="" type="checkbox"/> attached	_____ sq.ft.		<u>519</u>	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 & 2 nd floor porch	_____ sq.ft.		<u>538.1</u>	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.) _____ sq.ft. 4821.9 sq.ft.

**also subtracting 44.6 SF porch on 2nd level*

TOTAL BUILDING COVERAGE ON LOT (subtract b., c., d., and k. if applicable) 3052.9 sq.ft.
3011.3 / 36.4 % 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)	<u>3011.3</u>	sq.ft.
b. Driveway area on private property	<u>595</u>	sq.ft.
c. Sidewalk / walkways on private property	<u>27</u>	sq.ft.
d. Uncovered patios	_____	sq.ft.
e. Uncovered wood decks [may be counted at 50%]	_____	sq.ft.
f. Air conditioner pads	<u>8</u>	sq.ft.
g. Concrete decks	_____	sq.ft.
h. Other (specify) _____	_____	sq.ft.

TOTAL IMPERVIOUS COVERAGE (add a. through h.) 3641.3 sq.ft.
44.2 % of lot

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 _____

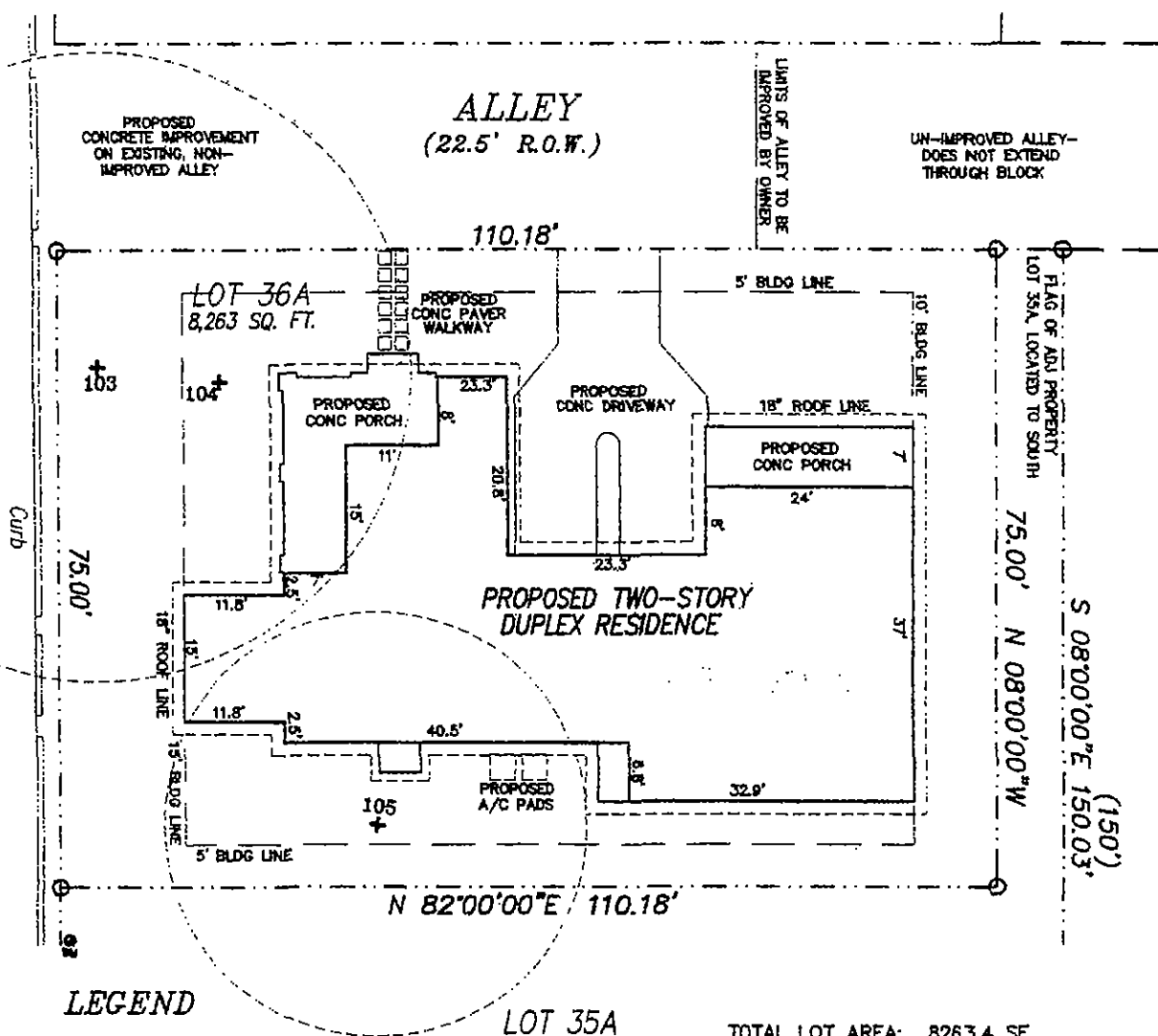
DATE _____

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

No builder yet assigned / under contract - going for bids soon

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

WALLER STREET



TOTAL LOT AREA: 8263.4 SF

LIVING AREA: 3764.8 SF

GARAGE AREA: 519 SF

PORCH AREA: 538.1 SF (41.5' ON LVL 2)

CONCRETE DRIVEWAY: 595 SF

CONC WALK & A/C PAD: 35 SF

TOTAL BUILDING COVERAGE: 3011.3 SF

TOTAL IMPERVIOUS COVERAGE: 3641.3 SF

TREE LIST

P.T.NO.	DESCRIPTION
103	38" LIVE OAK
104	ELBOW OF #103
105	25" PECAN

SCALE: 1" = 20'

Prepared By:

Sentient Architecture, LLC

702 San Antonio St.

Austin, TX 78701

512-444-0777

Issue Date: 3/8/06

Robert Brett Pitt, AIA

PLOT PLAN

1305 Waller St.
Austin, TX 78702

Prepared For:

El Centro Group, Robert Seidenberg

1001 E. 13th Street

Austin, TX 78702

512-524-1280

**CITY OF AUSTIN
REQUEST TO WAIVE INTERIM DEVELOPMENT REGULATIONS
UNDER ORDINANCE NUMBER 2060216-043**

STREET ADDRESS: 1305 Waller St., Austin TX 78702
 LEGAL DESCRIPTION: Subdivision _____
 Lot(s) 36A Block _____ Outlot _____ Division Joseph Limerick Subdivision of lot 41, Division B
 Zoning District: SF-3 Neighborhood Plan (if applicable): Central East Austin

Type of work to be done (Select appropriate option and provide description of the proposed project):

☒ New Construction: Construction of new duplex
☐ Addition: _____

Please select one of the following:

☒ 1. I request a waiver to the interim development regulations because the regulations impose an undue hardship as described below: See Attached Notes

If you select Option 1, you must select one of the following:

☒ The granting of this waiver will not adversely affect the public health, safety and welfare.

Explain: See attached engineer's letter: "The granting of this variance to add additional space relative to the FAR within the existing allowable impervious cover entitled by zoning will not cause additional impacts to the existing drainage system."

-or-

☐ I am proposing to mitigate the effect of the redevelopment by providing adequate safeguards which will adequately protect the health, safety and welfare of the public.

Explain: _____

☐ 2. The following development agreement permits the activity: SF-3 zoning

☐ 3. I have acquired a right under Texas Local Government Chapter 245 (Issuance of Local Permits), or have a common law vested right that has been fully adjudicated by a court of competent jurisdiction. Please specify and provide supporting documentation: _____

☐ 4. I am providing appropriate drainage facilities. Explain: _____

ALL APPLICATIONS MUST BE ACCOMPANIED BY A RESIDENTIAL PERMIT APPLICATION

Signature of applicant/ owner: [Signature]

Note: The waiver application will be considered incomplete if the applicant fails to provide information requested in this application. Please attach any additional information that will support your request, such as: photos, architectural drawings, letters of support from neighbors or additional documentation.

FOR STAFF USE

Date waiver application filed with City of Austin: _____

Date scheduled for City Council action: _____

CITY OF AUSTIN
REQUEST TO WAIVE INTERIM DEVELOPMENT REGULATIONS
UNDER ORDINANCE NUMBER 2060216-043

STREET ADDRESS: 1305 Waller St., Austin, TX 78702

LEGAL DESCRIPTION: Lot 36A, Joseph Limerick Subdivision of Outlot 41, Division "B," City of Austin, Travis County, Texas

Zoning District: SF-3 Neighborhood Plan: Central East Austin

Type of work to be done:

☒ New Construction: Construction of new duplex
☐ Addition:

Please select one of the following:

☒ I request a waiver to the interim development regulations because the regulations impose an undue hardship as described below: **SEE ATTACHED NOTES & BACKUP MATERIALS**

If you select Option 1, you must select one of the following:

☒ The granting of this waiver will not adversely affect the public health, safety and welfare.

Explain: See attached engineer's letter, which attests: "The granting of this variance to add additional space relative to the FAR within the existing allowable impervious cover entitled by zoning will not cause additional impacts to the existing drainage system."

ALL APPLICATIONS MUST BE ACCOMPANIED BY A RESIDENTIAL PERMIT APPLICATION

Signature of applicant/owner: _____

FOR STAFF USE

Date waiver application filed with City of Austin: _____

Date scheduled for City Council action: _____

WAIVER APPLICATION

REQUEST TO WAIVE INTERIM DEVELOPMENT REGULATIONS

NAME OF APPLICANT: Robert Seidenberg

NAME OF PROPERTY OWNER: Robert Seidenberg & Winifred Harte

ADDRESS OF LOT SEEKING WAIVER: 1305 Waller St.

LEGAL DESCRIPTION: Lot 36A, Joseph Limerick Subdivision of Outlot 41, Division "B," City of Austin, Travis County, Texas

For more than a year I have been working on a project in Swede Hill, across the street from the house in which my wife and I live, a 100-year-old home that we just finished rehabilitating. This project, which we have named Swede Hill Row, includes the design and construction of three single-family homes and one duplex, along with the rehabilitation of two old homes (see attached site plan and rendering). It's a project that will enhance the character of our historic neighborhood with appropriate, compatible architectural styles and result in livable, beautiful homes less than a mile from the state Capitol.

Equally important, it is a project that grows out of our concern about how Austin is being developed. I am a musician/producer; my wife is a visual artist. Shortly after we moved here 15 months ago to begin work on our own home, several tracts across the street came up for sale. We decided to stretch our finances and purchase them, partially to ensure that they would be developed in a tasteful, respectful, attractive way.

Thus, our plan, upon which we have been working for more than a year, is created in the same spirit as the "moratorium." (It also falls in direct alignment with the Central East Austin Neighborhood Plan for infill growth.)

Because we are building right across the street from our own home—and because of our concerns about recent Austin development—we have already gone to considerable expense to create a development that matches both the spirit of the moratorium and the sensibilities of our neighborhood.

As we learned upon diving in to the project, it is much less expensive, time-consuming and stressful to create a cookie-cutter development that, at best, poorly relates to its neighbors. Yet we chose to spend extra money, time and energy creating something that would mesh with our historic neighborhood—and we did so of our own volition, not because we were forced to do so by the recent ordinance.

Additionally, since the ordinance's passing, we have already decided to change one previously designed duplex unit to two single-family homes (now noted as Units E and F on the site plan)--at considerable expense. The new ordinance--along with our knowledge that this unit is on a street face with higher elevation and could perhaps be more imposing--convinced us to voluntarily make this expensive change.

We are, however, seeking a waiver from the City's interim development regulations for one small portion of our overall project: the size of our plan's lone duplex (Unit B on the site plan), which exceeds the new ordinance's FAR restriction by 500.6 square feet but is 235 square feet below the maximum gross square footage allowed by the land development code for duplexes. (Its current FAR is .46.)

This structure:

- Is the only remaining duplex in our plan (since the change detailed above)
- Is bordered only by other buildings in our development and is adjacent to an alley, which creates additional space between it and the next adjacent building.
- Is next to no existing occupied home and is designed with a low profile to diminish any sense of intrusion on the immediate street front (see Unit B elevation).
- Is designed, like all of the houses in our development, to be architecturally compatible with the historic homes in the neighborhood.
- Is designed, like all of the houses in our development, to minimize the impact on the existing large caliper trees.

We would like to proceed with our project as designed because:

- a) Our project is exceedingly compatible with the neighborhood in regard to architectural style, size and massing (see attached renderings and photographs).
- b) We are extremely far along in our plan and have invested more than \$200,000 and countless hours in its preparation with our team of architects, engineers and consultants (see "Swede Hill Row Costs" spreadsheet and photocopied receipts). In fact, we were less than two months away from submitting for our building permits before the new regulations passed.
- c) Our project will not adversely affect the public's health, safety and welfare. As attested to by the attached engineer's letter: "The granting of this variance to add additional space relative to the FAR within the existing allowable impervious cover entitled by zoning will not cause additional impacts to the existing drainage system."

COMPATIBILITY & AESTHETICS

Because we are building these homes in our own neighborhood, the over-riding design objective for our project has always been making the homes we construct and rehabilitate look as if they are and have always been part of the neighborhood fabric—in terms of their size, scale, materials and architectural styles. Each structure is unique; each fits seamlessly with the neighborhood's current styles, scale and textures.

Since our project encompasses the entire block-face of Waller St. between 13th St. and 14th St., we are determined that all of the houses properly relate to each other in terms of style and scale (see rendering). Here, again, our concerns and desires align exactly with those of the Council and the City's temporary regulations.

There are additional aspects of our project that specifically address the needs and wants of the neighborhood:

- We are minimizing the amount of tree disruption throughout the site
- We are adhering to the design guidelines of the Central East Austin Neighborhood Plan
- We are providing much-needed off-street parking
- We are attempting to maintain a consistency throughout our historical neighborhood.

Thus, when we embarked on the project we received nothing but encouragement from the neighborhood to rehabilitate the overgrown lots and decrepit structures.

(Currently sitting on the lot for the proposed duplex are two uninhabitable structures of, respectively, 478 s.f. and 472 s.f. The structure closer to Waller will either be relocated to an adjacent lot for rehabilitation and re-use or razed. The other structure will be razed.)

My wife and I noted frequent newspaper reports about the City's desire for more housing density in the urban core. Finally, we received further encouragement when looking at the Central East Austin Neighborhood Plan, which has adopted Urban Home special use lots to help encourage density. (Four structures in our proposed development will be designated Urban Home special use.)

When replatting the lot on which the duplex in question sits, we requested three variances from the Board of Adjustment. These related to front-yard setbacks and were sought so that we could align the street face overlooking Swede Hill Park, match the other adjacent street-front setbacks—which are 15 feet--and allow one of the to-be-rejuvenated homes to stay where it has stood for more than 100 years.

In this process we received unanimous support from the Swede Hill Neighborhood Association and the variances were granted. Unfortunately the timing of this waiver

request did not coincide with Neighborhood Association meetings in a way that allowed the Association to take an official stand on this specific waiver issue. It is, however, important to note that my wife and I live directly across the street from the planned development and that I am both a member of the Swede Hill Neighborhood Association's executive board and the neighborhood's representative on the board of the Austin Revitalization Authority.

INCURRED COSTS

Since purchasing the tracts in February, 2005, we have spent hundreds of hours working on this project. We have engaged the services of more than a dozen professionals, including, but not limited to, architects, civil engineers, structural engineers, consultants, attorneys and land surveyors. And we have, as seen in the attached materials, spent more than \$200,000 thus far in its preparation (c.f., "Swede Hill Row Costs" XL spreadsheet and photocopied invoices).

We also have incurred significant expenditures of time and money in replating and subdividing the land to ensure that our work adhered to the City's requirements. At the time of the ordinance's passing, we were possibly but a few weeks away from construction drawings and applying for building permits. All home designs adhered to the City's pre-moratorium land development code requirements. Specifically, the duplex in question is in 100% compliance with the City's duplex requirements and is, in fact, 285 square feet below the maximum allowed by those requirements.

Additionally, in the wake of the new ordinance, we voluntarily made a major shift to our project. Initially, we planned on having two duplexes. Subsequent to the moratorium, we altered the plan so that it now includes the construction of only one duplex. For this we incurred additional costs of approximately \$10,000.

Finally, should this waiver be denied, we would incur further design and engineering costs in the range of \$10,000-\$15,000.

DRAINAGE

Our project will not adversely affect the public's health, safety and welfare. As attested to by the attached engineer's letter: "The granting of this variance to add additional space relative to the FAR within the existing allowable impervious cover entitled by zoning will not cause additional impacts to the existing drainage system."

Check one:

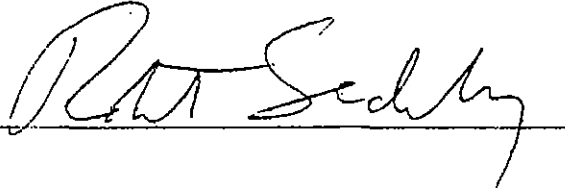
 X The granting of this waiver will not adversely affect the public health, safety and welfare. Describe why:

See "Drainage" section above and attached engineer's letter.

Or

_____ I am proposing to mitigate the effect of the redevelopment by providing adequate safeguards which will adequately protect the health, safety and welfare of the public.
Explain those safeguards:

Signature of applicant/owner: _____



Note:

The waiver application will be considered incomplete if the applicant has failed to provide all information requested in this application. Please attach any additional information that will support your request.

FOR STAFF USE

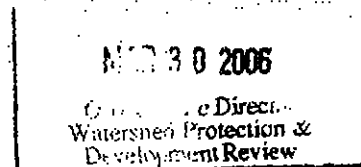
Date waiver application filed with City: _____

Date scheduled for City Council hearing: _____

**SUPPLEMENTAL INFORMATION
SUBMITTED BY APPLICANT**

March 30, 2006

Joe Pantalione
W.P.D.R.D
City of Austin
P.O. Box 1088
Austin, TX 78756



RE: VARIANCE REQUEST 1305 WALLER ST (ORD NO. 20060216-043)

Mr. Pantalione:

Mr. Seidenberg is proposing to construct a duplex at 1305 Waller Street which will exceed the 0.40 FAR restriction of Ordinance No. 20060216-043 by 459 square feet. These proposed homes will require 44% of impervious cover; less than the 45% impervious cover allowable under current zoning for this lot.

Therefore, the granting of this variance to add additional space relative to the FAR, within the existing allowable impervious cover entitled by zoning, will not cause additional impacts to the existing drainage system.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew H. Moore".

Matthew H. Moore, P.E.



SWEDE HILL ROW - SITE CALCULATION MATRIX

Unit E- New Urban Home

Special Use Lot

3810 sf lot
2500 GSF house allowed
2095 sf max bldg cov'g
2476 sf max impervious cov'g

Unit F- Renovated Home on Urban Home Special Use Lot

4138 sf lot
3511 sf useable (without pole of flag)
2500 GSF house allowed
(existing house = 1003 sf)
1931 sf allowed bldg cov'g
2282 sf max impervious cov'g

**Note: Units E and F are currently being redesigned. They were previously planned as a duplex unit.*

Unit D- New Urban Home Special Use Lot

4488 sf lot
1572.9 sf bldg cov'g = 35%
310 sf hardscape
1882.9 sf impervious cov'g = 42%

Unit C- New Urban Home Special Use Lot

4127 sf lot
1697.5 sf bldg cov'g = 41.1% (55% allowed)
259 sf hardscape
1956.5 impervious cov'g = 47.4% (65% allowed)

Unit B- New Duplex

8264.1 sf lot
3011.3 sf bldg cov'g = 36.8% (40% allowed)
630 sf hardscape
3641.3 sf impervious cov'g = 44.1% (45% allowed)

Total Building SF = 3764.8

Unit B1

Level 1 GSF = 1045.2
Level 2 GSF = 829.7

Total GSF = 1874.9

Porches SF = 237.1
Garage SF = 259.5

Unit B2

Level 1 GSF = 950.6
Level 2 GSF = 939.3
Total GSF = 1889.9

Porches SF = 237.1
Garage SF = 259.5

Unit A- Renovated Home

9391 sf lot
8829 sf usable (without pole of flag)
3420.5 sf bldg cov'g = 38.7% (40% allowed)
493 sf hardscape

SWEDE HILL ROW – Neighboring Properties (see photos)

The proposed development runs along the east side of Waller St. between East 13th St. and East 14th St. The houses along this block-face will be, from north to south:

1001 East 14th St. – Unit E, proposed at approx. 2,100 s.f.

1309 Waller St.** – Unit D, proposed at approx. 2,100 s.f.

1307 Waller St.** – Unit C, proposed at approx. 2,100 s.f.

1305 Waller St.** – Units B1 & B2, proposed at approx. 1,900 per unit
[This is the duplex under discussion]

1000 East 13th St. – Unit A, proposed at approx. 2,400 s.f.

The proposed development also includes:

1003 East 14th St. – Unit F, proposed at approx. 1,600 s.f.

The two existing houses that bookend the proposed development are:

1001 East 13th St. – approx. 2,900 s.f.
(This house sits immediately across 13th St. from the proposed development)

B) 1000 East 14th St. – approx. 1,600 s.f.
(This house sits immediately across 14th St. from the proposed development)

Properties within a three-block radius that are of compatible architectural style and/or size include:

C) 1007 East 16th St. – approx. 1,500 s.f.

D) 1506 Waller St. – approx. 3,000 s.f.

E) 810 East 13th St. – approx. 2,150 s.f.

F) 908 East 14th St. – approx. 1,600 s.f.

G) 1007 East 14th St. – approx. 1,700 s.f.

H) 910 East 14th St. – approx. 1,530 s.f.

**** Proposed street addresses**

SWEDE HILL ROW – NEIGHBORHOOD COMPATIBILITY



A – 1001 East 13th St. – Approximately 2,900 s.f.



B – 1000 East 14th St. – Approximately 1,600 s.f.

SWEDE HILL ROW – NEIGHBORHOOD COMPATIBILITY



C – 1007 East 16th St. – Approximately 1,500 s.f.



D – 1506 Waller St. – Approximately 3,000 s.f.

SWEDE HILL ROW - NEIGHBORHOOD COMPATIBILITY



E - 810 East 13th St. - Approximately 2,150 s.f.



F - 908 East 14th St. - Approximately 1,600 s.f.

SWEDE HILL ROW – NEIGHBORHOOD COMPATIBILITY



G – 1007 East 14th St. – Approximately 1,700 s.f.



H – 910 East 14th St. – Approximately 1,530 s.f.

EXPENSES FOR SWEDE HILL ROW

1/20/2005	Federal Express	Closing papers	\$ 17.71
1/3/2005	John Downes	Option fee for land purchase	\$ 200.00
1/3/2005	Gracy Title	Earnest money for land	\$ 4,000.00
2/28/2005	Gracy Title	Down payment for tracts	\$ 86,080.46
3/4/2005	Woodlands Financial	Insurance	\$ 2,389.71
4/10/2005	JP Morgan	Mortgage	\$ 1,095.45
4/25/2005		Various upkeep & repair	\$ 2,000.00
5/2/2005	Jim Phillips	Bamboo removal	\$ 100.00
5/10/2005	JP Morgan	Mortgage	\$ 1,933.15
6/10/2005	JP Morgan	Mortgage	\$ 1,933.15
6/16/2006		Various upkeep & repair	\$ 3,000.00
6/21/2005		Various upkeep & repair	\$ 2,000.00
7/10/2005	JP Morgan	Mortgage	\$ 2,068.93
7/12/2006		Various upkeep & repair	\$ 550.00
7/19/2005	Mail Boxes Etc.	Notary public	\$ 12.00
7/25/2005		Various upkeep & repair	\$ 1,000.00
7/25/2005	City of Austin	Plat maps	\$ 4.70
7/25/2005	City of Austin	Amended plat application	\$ 200.00

7/25/2005	City of Austin	Plat maps	\$ 9.40
7/29/2005	City of Austin	Variance application	\$ 360.00
8/2/2005	Simmons-Smith Consulting	Amended plat services	\$ 3,176.28
8/3/2005	Miller Blueprint	Plat & area maps & prints	\$ 83.35
8/8/2005		Various upkeep & repair	\$ 250.00
8/10/2005	JP Morgan	Mortgage	\$ 2,139.96
8/18/2005	Terra Firma Surveying	Field surveying	\$ 270.63
9/1/2005		Various upkeep & repair	\$ 1,250.00
9/7/2005		Various upkeep & repair	\$ 500.00
9/10/2005	JP Morgan	Mortgage	\$ 2,139.85
9/19/2005	Simmons-Smith Consulting	Amended plat services	\$ 1,030.08
9/26/2005	Arbortech	Tree service	\$ 487.13
10/3/2005	Arbortech	Tree service	\$ 676.83
10/10/2005	JP Morgan	Mortgage	\$ 2,139.85
10/14/2005	Mail Boxes Etc.	Notary public	\$ 12.00
10/17/2005	Travis County	Plat recording fee	\$ 48.00
10/17/2005	Travis County	Tax certificate fee	\$ 16.00
10/17/2005	City of Austin	Engineering review	\$ 80.63

10/17/2005	City of Austin	Plat recordation	\$ 22.50
11/2/2005	Simmons-Smith Consulting	Amended plat services	\$ 121.11
11/10/2005	JP Morgan	Mortgage	\$ 2,282.50
11/14/2006		Various upkeep & repair	\$ 500.00
11/21/2006		Various upkeep & repair	\$ 200.00
12/10/2005	JP Morgan	Mortgage	\$ 2,277.91
12/16/2005	Michael Casias/Attorney	Subdivision work	\$ 500.00
2005 TOTAL (not including 2005 Taxes - see below)			\$ 129,359.27
1/10/2006	JP Morgan	Mortgage	\$ 2,353.83
1/11/2006	Sentient Architecture	Design	\$ 6,790.00
1/30/2006	Travis County Tax Collector	2005 Taxes	\$ 7,308.09
		8,708 - 1,399.91 reimbursed at closing	
2/1/2006	Sentient Architecture	Design	\$ 5,165.00
2/4/2006	Terra Firma Surveying	Topographic survey	\$ 650.00
2/4/2006	Terra Firma Surveying	Subdivision survey	\$ 2,360.75
2/10/2006	JP Morgan	Mortgage	\$ 2,425.16
2/10/2006	City of Austin	Plat maps	\$ 14.10
2/13/2006	City of Austin	Variance application	\$ 360.00
2/14/2006	Ted's Trees	Trees	\$ 500.00

3/1/2006	Sentient Architecture	Design	\$ 17,830.00
3/8/2006	JP Morgan	Mortgage	\$ 2,254.90
	Water Street Engineering	Civil Engineer/Consultant As per 1/5/2005 contract	\$ 18,500.00
	Gessner Engineering 2,200	Geo-Tech engineering As per 1/18/2005 contract	\$ 2,200.00
	Gessner Engineering 8,300	Structural engineering As per 1/18/2005 contract	\$ 8,300.00
2006 TOTAL TO DATE			\$ 77,011.83
TOTAL TO DATE			\$ 204,116.20

**

Note: These are costs for the entire Swede Hill Row project. For the sake of the waiver, it is reasonable to apply 40% of these costs to the development of the two duplexes and the elimination of one of those duplexes in the wake of the interim development requirements.

STAFF RECOMMENDS DENIAL

ORDINANCE NO.

1 **AN ORDINANCE GRANTING A WAIVER FOR PROPERTY LOCATED AT**
2 **1305 WALLER STREET FROM CERTAIN INTERIM DEVELOPMENT**
3 **REGULATIONS PRESCRIBED BY ORDINANCE NO. 20060309-058 FOR**
4 **CONSTRUCTION OF A DUPLEX RESIDENCE.**

5
6 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

7
8 **PART 1.** This ordinance applies to the construction of a 3,806.4 square foot duplex
9 residence located at 1305 Waller Street.

10 **PART 2.** Applicant has filed a waiver application requesting that Council waive Part
11 3(2) of Ordinance No. 20060309-058 which limits construction of a new single family
12 structure on a lot where a structure has been or will be demolished or relocated to the
13 greater of the following:

- 14 (A) 0.4 to 1 floor-to-area ratio;
15 (B) 2,500 square feet; or
16 (C) the existing size plus 1,000 square feet, if the applicant has been granted a
17 homestead exemption for the duplex.

18 **PART 3.** Council has considered the factors for granting a waiver from interim
19 development regulations prescribed by Ordinance No. 20060309-058. Council finds that
20 such a waiver is justified because:

- 21 (A) the development limitation imposes undue hardship on the applicant; and
22 (B) the development proposed by the applicant will not adversely affect the
23 public health, safety, and welfare.

24 **PART 4.** A waiver is granted from Part 3(2) of Ordinance 20060309-058 to allow the
25 construction of a 3,806.4 square foot duplex residence located at 1305 Waller Street.

1
2 **PART 5.** This ordinance takes effect on _____, 2006.

3
4 **PASSED AND APPROVED**

5
6
7
8 _____, 2006

§
§
§

9 _____
Will Wynn
Mayor

10
11
12
13 **APPROVED:** _____

14 David Allan Smith
15 City Attorney

ATTEST: _____

Shirley A. Gentry
City Clerk

R