

A U S T I N C I T Y C O U N C I L

**AGENDA**

Thursday, May 25, 2006

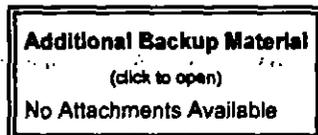
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**Watershed Protection and Development Review  
RECOMMENDATION FOR COUNCIL ACTION**

**Subject:** Approve an ordinance waiving the development regulations of Ordinance No. 20060309-058 to allow the construction of a two-family residence at 1001 East Riverside Drive.

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



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

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. Part 5 (E) of Ordinance 20060309-058 prescribes minimum and maximum street side yard setbacks for a corner lot.

- 1) Subsection (D) is applied to the block face on which the street side yard is located.
- 2) The minimum street side yard setback is equal to the minimum front yard setback on that block face under Subsection (D).
- 3) The maximum street side yard setback is equal to the maximum front yard setback on that block face under Subsection (D).

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. Gotchall is requesting a waiver from Ordinance No. 20060309-058 in order to construct a two-family residence at 1001 E. Riverside with a street side yard setback of 15 ft. The average of the minimum street side yard setback on the block face is 25 ft. The two-family residential structure will have 550 square feet of gross floor area and combined with the principal structure the gross floor area will be 3,570 square ft. The proposed development complies with the floor to area ratio and square footage limitations under Ordinance No. 20060309-058. The proposed development would also 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.