

AGENDA



Thursday, June 8, 2006

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RECOMMENDATION FOR COUNCIL
ACTION**

ITEM 64

Subject: Approve an ordinance waiving the development regulations of Ordinance No. 20060309-058 to allow the construction of a duplex at 4705 Caswell, Austin, TX.

Amount and Source of Funding:

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

Additional Backup Material

(click to open)

No Attachments Available

For More Information:**Prior Council Action:****Boards and Commission Action:**

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; 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:

- (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. Ben Helmsath is requesting a waiver from Ordinance No. 20060309-058 in order to construct a duplex at 4705 Caswell Drive, Austin, TX. If a new duplex is constructed, it will be a two story structure and will have 3800 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 other zoning regulations, including building cover limitations as well as height requirements.

Applicant is also requesting a waiver from Ordinance No. 20060309-058 Part 4 (A) - 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).

Staff recommends approval of the waiver request based on the information that the applicant has provided that there is no adverse impact to the public health, safety, and welfare.