

**AGENDA**



**Recommendation for Council Action**

Austin City Council	Item ID	13694	Agenda Number	121.
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Meeting Date:	4/26/2012	Department:	Planning and Development Review
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**Subject**

Conduct a public hearing to consider an appeal by Kerri and Max Krupp (appellant), along with David Cancialosi (appellant's agent) of a decision by the Residential Design and Compatibility Commission (RDCC) denying a modification request for an addition of a second story dwelling unit above an existing detached garage located at 3700 Lawton Avenue to increase the floor-to-area ratio (FAR) by 5.2%.

**Amount and Source of Funding**

**Fiscal Note**

Purchasing Language:	
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Prior Council Action:	
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For More Information:	John M. McDonald, 974-2728
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Boards and Commission Action:	Denied by the Residential Design and Compatibility Commission.
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MBE / WBE:	
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Related Items:	
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**Additional Backup Information**

The appellant, Kerri and Max Krupp, are appealing the RDCC's denial of a modification request to increase the FAR 5.2% above the maximum allowable 40%.

Granting the appeal would allow the applicant to have a FAR of 45.2% (3,171 s.f.). The maximum FAR would have been 40% (2,804.4 s.f.).

**Background and Basis for the Appeal**  
 On February 27, 2012 at a "Special Called Meeting" the Residential Design and Compatibility Commission denied the modification request by 3-1. Four commissioners were present; three voted to deny the modification for the increase in FAR. The appellant challenges the RDCC's decision to deny the increase in FAR as arbitrary and capricious with numerous reasons outlined in the appeal letter (see attached exhibit).

The appellant requests the RDCC's decision be overturned, and allow the appellant to be granted the modification request to build a second story dwelling unit above an existing detached garage with a 5.2% increase in FAR for the site.