

STAFF RECOMMENDS DENIAL

ORDINANCE NO.

AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT 1104 RICHARDINE AVENUE FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE FOR CONSTRUCTION OF A RESIDENCE IN THE 25- AND 100-YEAR FLOODPLAINS; AND PROVIDING AN EXPIRATION DATE FOR THE VARIANCES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. This ordinance applies to the construction of a 1,873 square foot residence located at 1104 Richardine Avenue within the 25- and 100-year floodplains as described in Building Permit Application No. BP-06-7970R.

PART 2. Council has considered the factors for granting a variance from floodplain regulations prescribed by City Code Section 25-12-3, Building Code Appendix G, Section G105.7 (*Conditions for Issuance*). Council finds that the variances granted by this ordinance are the minimum necessary to afford relief, are based on good and sufficient cause, and failure to grant the variance would result in exceptional hardship. Council further finds that the variances granted in this ordinance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, or create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

PART 3. A variance is granted from:

- (A) the restriction on construction in the 25-year floodplain prescribed by City Code Section 25-7-92(A) (*Encroachment On Floodplain Prohibited*);
- (B) the easement requirements in City Code Section 25-7-152 (*Dedication of Easements and Rights-of-Way*), to exclude the residence from the requirement to dedicate an easement to the limits of the 100-year floodplain;
- (C) the prohibition against placing an obstruction in a waterway prescribed by City Code Section 25-7-2 (*Obstruction of Waterways Prohibited*); and
- (D) the requirement that normal access to the building be by direct connection with an area at least one foot above the design flood elevation prescribed by City Code Section 25-12-3, Building Code Section 1612.4.3 (*Means of Egress*).

1 **PART 4.** The variance granted in this ordinance is only effective if the applicant submits
2 a completed Elevation Certificate to the City certifying the elevation of the finished floor
3 of the finished structure signed by a Texas registered professional land surveyor. The
4 City may not issue a Certificate of Occupancy for the proposed structure until the
5 applicant submits the Elevation Certificate.

6 **PART 5.** This variance expires if the project for which this variance is granted does not
7 receive all necessary building permits before June 4, 2008.

8 **PART 6.** Approval of this variance does not constitute approval of zoning, subdivision,
9 a site plan, a building permit, or any other development permit, and it does not constitute
10 a commitment to any particular land use, intensity of land use, or utility services.
11 Approval of this variance does not constitute a guarantee of flood insurance availability,
12 rates, or requirements.

13 **PART 7.** This ordinance takes effect on _____, 2007.

14 **PASSED AND APPROVED**

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19 _____, 2007

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Will Wynn
Mayor

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24 **APPROVED:** _____
25 David Allan Smith
26 City Attorney

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29 **ATTEST:** _____
Shirley A. Gentry
City Clerk