

VARIANCES REQUESTED AND APPLICABLE CODE:

- I. Section 25-12-3, (*Local Amendment to the Building Code*), Appendix G, Section G102.3 (*Nonconforming Uses*) provides that a structure, or use of a structure or premises, which was lawful before the adoption of the Building Code floodplain regulations but does not conform to the floodplain regulations may be continued, subject to specific conditions, including:

- (4) Any nonconforming use or structure which is destroyed by means, including fire, to an extent of 50 percent or more of its market value, shall not be reconstructed except in conformance with the provisions of these regulations .

VARIANCE REQUESTED: *The existing, nonconforming structure will be demolished and a new house built. The applicant requests a variance to IBC Section G102.3 (4) to construct a nonconforming residence in the floodplain after demolishing the existing nonconforming structure.*

- II. LDC Section 25-7-92 (A) (*Encroachment on Floodplain Prohibited*) prohibits construction of a building or parking area in the 25-year floodplains.

VARIANCE REQUESTED: *The applicant requests a variance from LDC Section 25-7-92(A) to allow construction of the proposed house in the 25-year floodplain.*

- III Section 25-12-3, Building Code Section 1612.4.3 Means of Egress provides that normal access to a building shall be by direct connection with an area that is a minimum of one foot above the design flood elevation.

VARIANCE REQUESTED: *The applicant requests a variance to Building Code Section 1612.4.3, to allow construction of a single-family house without normal access by connection with an area that is a minimum of one foot above the design flood elevation. Access to the residence from Jim Hogg Avenue will be within the 100-year floodplain with a depth of 1.05 feet of water at the curb line and water depths ranging from 0.45 to 1.25 feet around the structure.*

- IV. LDC Section 25-7-152 (*Dedication of Easements and Rights-of-way*) requires that the owner of real property proposed to be developed dedicate to the public an easement or right-of-way for a drainage facility, open or enclosed, and storm water flow to the limits of the 100-year floodplain.

VARIANCE REQUESTED: *The applicant requests a variance to Section 25-7-152(A) to exclude the footprint of the proposed house from the requirement to dedicate a drainage easement.*

PREREQUISITES FOR GRANTING VARIANCES:

Per Section 25-12-3, Building Code, Appendix G; Section G105 Variances, Paragraph G105.7 variances shall only be issued by the City Council upon an affirmative finding of the conditions described below:

- 1) A technical showing of good and sufficient cause based on the unique characteristics of the size, configuration or topography of the site;
- 2) A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable;
- 3) A determination that granting a variance would not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances;
- 4) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and
- 5) Notification to the applicant in writing by the City of Austin building official that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risk to life and property.