

# **STAFF RECOMMENDS DENIAL**

## **ORDINANCE NO.**

**AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT 8204 AND 8206 SANDALWOOD COVE FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE FOR CONSTRUCTION OF A RESIDENCE IN THE 25 AND 100-YEAR FLOODPLAIN, 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 5353 square foot residence, with a 1422 square foot garage and carport, a 818 square foot enclosed storage area, and a 2277 square foot covered porch located on two lots currently addressed as 8204 Sandalwood Cove and 8206 Sandalwood Cove within the 25 and 100-year floodplain described in Building Permit Application No. BP-08-043886R.

**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 and 100-year floodplains prescribed by City Code Section 25-7-92 (*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, garage, storage area and covered porch 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*);

- 1 (D) the requirement that normal access to the building be by direct connection  
2 with an area at least one foot above the design flood elevation prescribed by  
3 City Code Section 25-12-3, Building Code Section 1612.4.3 (*Means of*  
4 *Egress*); and
- 5 (E) the requirement that a non conforming use not be expanded, changed, or  
6 altered in a way which increases its nonconformity prescribed by City Code  
7 Section 25-12-1, Building Code Section G102.3 (*Nonconforming Uses*).

8 **PART 4.** The variance granted in this ordinance is only effective if the applicant meets  
9 the following conditions:

- 10 (1) The applicant shall submit to the City a completed Elevation Certificate  
11 certifying the elevation of the finished floor of the finished structure is a  
12 minimum of one foot above the 100-year floodplain elevation, signed by a  
13 Texas registered professional land surveyor, before the City may issue a  
14 Certificate of Occupancy for the proposed structure.
- 15 (2) The applicant shall submit to the City a certification by a Texas registered  
16 professional engineer or architect certifying that the proposed structure will  
17 withstand the flood forces generated by the 100-year flood and that the  
18 design and construction is in accord with the latest edition of the American  
19 Society of Engineers Manual 24 (Flood Resistant Design and Construction).
- 20 (3) The applicant shall dedicate an easement to the City as required by City  
21 Code Section 25-7-152 to the limits of the 100 year floodplain, excluding the  
22 footprint of the residence, garage and carport, enclosed storage area, and  
23 covered porch. The City may not approve the Certificate of Occupancy for  
24 the residence until the applicant submits all information and documentation  
25 necessary for the easement, and the easement as approved by the City  
26 Attorney is filed by the applicant in the Official Records of Travis County,  
27 Texas.

28 **PART 5.** If the project for which this variance is granted does not receive all necessary  
29 building permits before December 29, 2009, this variance expires.

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

**PART 7.** This ordinance takes effect on December 29, 2008.

**PASSED AND APPROVED**

\_\_\_\_\_, 2008

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Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk