

AGENDA



Thursday, October 1, 2009

**Public Hearings and Possible Actions
RECOMMENDATION FOR COUNCIL ACTION****Item No. 65**

Subject: Conduct a public hearing and consider an ordinance for floodplain variances requested by Mr. Efrain V. Avila for an existing development that converted an attached garage into a habitable area at the single-family residence at 306 Heartwood Drive. This structure is in the 25-year and 100-year floodplains of Williamson Creek. The applicant also requests waiving the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain to exclude the footprint of the existing house from the easement dedication requirement.

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

For More Information: Kevin Shunk, 974-9176; Mapi Vigil, 974-3384; Joe Pantalion, 974-3438

The property located at 306 Heartwood Drive is entirely within the 25-year and 100-year floodplains of Williamson Creek and is currently developed with a single-family residence. On April 14, 2009, a City inspector visited the property to respond to a code complaint. The Code Enforcement inspector examined the property and noticed that the garage had been converted into conditioned space without proper permits from the City. The current owner, Mr. Efrain Avila submitted a residential permit application to the City on April 20, 2009, to validate the conversion of the garage. The development is the subject of Building Permit application number 2009-033439 PR.

The development included converting approximately 340 square feet of garage area into conditioned space. A previous owner of the property converted the garage, which was not in compliance with the Land Development Code when purchased by Mr. Avila. The development does not increase flood levels on other properties. However, habitable living area is increased in the floodplain, which increases the non-compliance of the property. The house does not have access during a 25-year nor during a 100-year flood event. The depth of water at the curb of 306 Heartwood Drive and at the existing house is approximately 6.9 feet during the 100-year flood event and 3.9 feet during the 25-year flood event.

The Watershed Protection Department recommends denial of this variance request.