ORDINANCE NO. 20110428-065

AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT 1505 PARKWAY FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE FOR CONSTRUCTION OF AN ADDITION TO A SINGLE FAMILY RESIDENCE IN THE 25 AND 100-YEAR FLOODPLAINS; ESTABLISHING CONDITIONS FOR THE VARIANCES; 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 an addition to a single family residence at 1505 Parkway within the 25-year and 100-year floodplains as described in Building Permit application number 2010-089531-PR.

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, extraordinary public expense, 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 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 footprint of the existing building from the requirement to dedicate an easement to the limits of the 100-year floodplain;

(C) 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)*; and

(D) the requirement that a nonconforming use not be expanded, changed, or altered in a way which increases its nonconformity, prescribed by City Code Section 25-12-3, Building Code Section G102.3 (*Nonconforming Uses*).

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

(A) The applicant shall dedicate an easement to the City as required by City Code Section 25-7-152 to the limits of the 100 year floodplain, excluding the footprint of the existing building. The City may not issue a Certificate of Occupancy for the new residence until the applicant submits all information and documentation necessary for the easement, and the easement as approved by the City Attorney is filed by the applicant in the Official Records of Travis County, Texas.

(B) The applicant shall submit a completed Elevation Certificate certifying the elevation of the finished floor of the structure, signed by a Texas registered professional land surveyor, before the City may issue a Certificate of Occupancy for the new residence.

PART 5. This variance expires if the project for which this variance is granted does not receive a building permit before May 9, 2012.

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

PART 7. This ordinance takes effect on May 9, 2011.

PASSED AND APPROVED

April 28, 2011 §

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Lee Leffingwell
Mayor

APPROVED:

Karen M. Kennard
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk