

ORDINANCE NO.

1 AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT
2 5505 JIM HOGG AVENUE FROM CERTAIN FLOODPLAIN REGULATIONS
3 PRESCRIBED BY THE CITY CODE FOR CONSTRUCTION OF A SINGLE
4 FAMILY RESIDENCE AND SECOND DWELLING UNIT IN THE 25- AND 100-
5 YEAR FLOODPLAINS; ESTABLISHING CONDITIONS FOR THE
6 VARIANCES; AND PROVIDING AN EXPIRATION DATE FOR THE
7 VARIANCES.
8

9 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
10

11 **PART 1.** This ordinance applies to the construction of a single family residence and
12 a second dwelling unit at 5505 Jim Hogg Avenue within the 25-year and 100-year
13 floodplains as described in Building Permit application number 2013-067257 PR.

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

23 **PART 3.** A variance is granted from:

- 24 (A) the restriction on construction in the 25-year and 100-year floodplains
25 prescribed by City Code Section 25-7-92 (*Encroachment On Floodplain*
26 *Prohibited*);
- 27 (B) the easement requirements in City Code Section 25-7-152 (*Dedication of*
28 *Easements and Rights-of-Way*), to exclude the footprint of the single family
29 residence and additional dwelling unit from the requirement to dedicate an
30 easement to the limits of the 100-year floodplain;
- 31 (C) the requirement that normal access to the building be by direct connection
32 with an area at least one foot above the design flood elevation, prescribed by

1 City Code Section 25-12-3, Building Code Section 1612.4.3 (*Means of*
2 *Egress*); and

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

6 **PART 4.** The variances granted in this ordinance are effective only if the applicant
7 meets the following conditions:

8 (A) The applicant shall dedicate an easement to the City as required by City
9 Code Section 25-7-152 to the limits of the 100-year floodplain, excluding
10 the single family residence and second dwelling unit. The City may not
11 issue a Certificate of Occupancy for the building until the applicant submits
12 all information and documentation necessary for the easement, and the
13 easement as approved by the city attorney is filed by the applicant in the
14 Official Records of Travis County, Texas.

15 (B) The applicant shall submit a completed Elevation Certificate certifying the
16 elevation of the finished floor of the two buildings, signed by a professional
17 land surveyor, engineer or architect authorized by law to certify elevations,
18 before the City may issue a Certificate of Occupancy for the building.

19 (C) The applicant shall submit a certification by a registered design professional
20 certifying that the proposed development will withstand the flood forces
21 generated by the 100-year flood and that the design is in accordance with the
22 latest edition of the ASCE 24-05 before the City may issue building permits
23 for the single family residence and second dwelling unit.

24 **PART 5.** This variance expires if the project for which this variance is granted does not
25 receive a Building Permit before [March 31, 2015.]

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

PART 7. This ordinance takes effect on_____, 2014.

PASSED AND APPROVED

www

_____, 2014

Lee Leffingwell
Mayor

APPROVED: _____
Karen Kennard
City Attorney

ATTEST: _____
Jannette Goodall
City Clerk