

#65
4-28-05

DEPARTMENT RECOMMENDS DENIAL

ORDINANCE NO.

AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT 2608 GREAT OAKS PARKWAY FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE FOR REMODELING AN EXISTING HOUSE AND CONSTRUCTION OF A SECOND STORY ADDITION IN THE 25 AND 100-YEAR FLOODPLAIN; AND PROVIDING AN EXPIRATION FOR THE VARIANCES.

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

PART 1. Council has considered the factors for granting a variance from floodplain regulations prescribed by Section 25-12-3 (*Local Amendments to the Building Code*), Appendix Chapter 58, Article 8, Subsection D (*Variance Procedures*) of the City Code. Council finds that the variance granted by this ordinance is the minimum necessary to afford relief, is based on good and sufficient cause, and failure to grant the variance would result in exceptional hardship. Council further finds that the variance granted in this ordinance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

PART 2. This ordinance applies to the remodeling, construction of a second story addition, and expansion of the carport on an existing house at 2608 Great Oaks Parkway within the 25 and 100-year floodplain, subject to Building Permit Application No. BP-04-9260RA.

PART 3. A variance is granted from:

- (A) the restriction on construction in the 25-year floodplain prescribed by Section 25-7-92(A) (*Encroachment On Floodplain Prohibited*) of the City Code; and
- (B) Section 25-7-152 (*Dedication of Easements and Rights-of-Way*) of the City Code to exclude the house and addition from the requirement to dedicate an easement to the limits of the 100-year floodplain; and
- (C) the requirement that the lowest floor of a residential structure be elevated one foot above the 100-year floodplain prescribed by Section 25-12-3,

Building Code Appendix Chapter 58, Article 9B(1) (*Provisions for Flood Hazard Reduction*) of the City Code; and

- (D) the requirement that a structure may not be expanded, changed, enlarged, or altered in any way which increases its nonconformity prescribed in Section 25-12-3, Building Code Appendix Chapter 59, Section 5903 (*Nonconforming Uses*) of the City Code.

PART 4. If the project for which this variance is granted does not receive all necessary building permits on or before May 9, 2006, this variance expires.

PART 5. 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 6. This ordinance takes effect on _____, 2005.

PASSED AND APPROVED

_____, 2005 §
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 § _____
 Will Wynn
 Mayor

APPROVED: _____
 David Allan Smith
 City Attorney

ATTEST: _____
 Shirley A. Brown
 City Clerk