



**Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

AGENDA ITEM NO.: 43
AGENDA DATE: Thu 06/10/2004
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SUBJECT: Set a public hearing to consider a request for a variance from the Land Development Code to allow construction of a room addition to the residence at 2713 Cascade in the 100-year floodplain of Shoal Creek. (Suggested date and time: June 17, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building)

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: N/A

REQUESTING Watershed Protection and **DIRECTOR'S**
DEPARTMENT: Development Review **AUTHORIZATION:** Joe Pantalione

FOR MORE INFORMATION CONTACT: Gary Kosut, 974-3374; Martha Vincent, 974-3371

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

The applicant, Mr. Randy Turner, proposes to construct a new bathroom and kitchen and convert the existing garage into a bedroom at a single-family residence at 2713 Cascade Drive. A building permit was issued on April 28, 2004 for the proposed construction. The permit was approved and issued "on condition that the finished floor of (the) addition be one foot above (elevation) 684.16 ft. - minimum finished floor elevation of 685.16 ft.". The existing house is within the 100-year flood-elevation (684.16 ft.) of Shoal Creek. The existing house has a finished floor elevation of 684.50 ft. according to a survey by a Texas Registered Professional Surveyor.

City Code, Appendix Chapter 58, Article 8 requires that: "All new and substantial improvements of residential structures shall have the lowest floor elevated above the adjacent grade at least as high as the depth number specified in feet on the City's Flood Insurance Rate Map plus one foot of freeboard...". Mr. Turner seeks a variance from the City of Austin Code related to floodplain development to allow the proposed new construction to be built with a finished floor elevation of 684.50 ft. (to match the finished floor elevation of the existing "non-complying" home) rather than the minimum finished floor elevation of 685.16 ft. as required by the Code.

APPLICABLE CODE:

LDC Section 25-7-92 prohibits construction of buildings or parking areas in the 25-year flood plain and restricts encroachment on the 100-year flood plain.

Building Code, Appendix Chapter 58, Article 8 outlines procedures for consideration of flood plain development and evaluation of variance requests.

PREREQUISITES FOR GRANTING VARIANCES:

Variances shall only be issued upon:

- 1) A determination that the variance is the minimum necessary, considering the flood hazard, to



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afford relief.

- 2) Showing a good and sufficient cause;
- 3) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
- 4) A determination that granting a variance would not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances.

VARIANCE PROCEDURES:

The City Council shall hear and render judgment on requests for variances from the flood plain management regulations. Variances shall not be issued within any designated floodway (25-year floodplain) if any increase in flood levels during the base flood (100-year flood) discharge would result. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing relevant factors have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases. The relevant factors to be considered are:

- 1) The danger to life and property due to flooding or erosion damage;
- 2) The susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the individual owner;
- 3) The danger that materials may be swept onto other lands to the injury of others;
- 4) The compatibility of the proposed use with existing and anticipated development;
- 5) The safety of access to the property during times of flood for ordinary and emergency vehicles;
- 6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- 7) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site;
- 8) The necessity to the facility of a waterfront location, where applicable;
- 9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- 10) The relationship of the proposed use to the comprehensive plan for the area.