

**ORDINANCE NO. 050217-48**

**AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT 1605 HOUSTON STREET FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE FOR CONSTRUCTION OF A RESIDENTIAL CONDOMINIUM 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 construction of a residential condominium at 1605 Houston Street within the 25 and 100-year floodplain, subject to Site Plan Permit No. SP-04-0019C.

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

- (A) the restriction on construction in the 25 and 100-year floodplain prescribed by Section 25-7-92 (*Encroachment On Floodplain Prohibited*) of the City Code; and
- (B) the requirement to dedicate the 100-year floodplain easement prescribed by Section 25-7-152 (*Dedication of Easements and Rights-of-Way*) of the City Code.

**PART 4.** The variance granted in this ordinance is effective only upon the satisfaction of the following conditions:

- (A) The applicant shall submit a complete application for Letter of Map Revision (LOMR) to the Federal Emergency Management Agency (FEMA) prior to final acceptance of the proposed improvements.

**PART 7.** This ordinance takes effect on February 28, 2005.

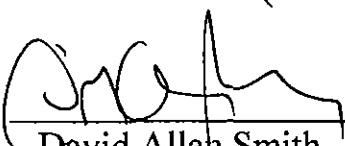
**PASSED AND APPROVED**

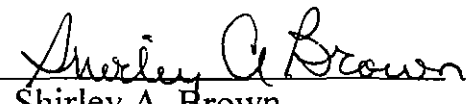
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February 17, 2005

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Will Wynn  
Mayor

**APPROVED:**   
David Allan Smith  
City Attorney

**ATTEST:**   
Shirley A. Brown  
City Clerk