

ORDINANCE NO. 20051006-038

AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT 2503 TYDINGS COVE FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE FOR CONSTRUCTION OF AN ADDITION, PATIO AND GARAGE TO AN EXISTING HOUSE IN THE 100-YEAR FLOODPLAIN, 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 a one-story addition, patio and garage to an existing house located at 2503 Tydings Cove within the 100-year floodplain subject to Building Permit Application No. BP-05-4191 RA.

PART 2. Council has considered the factors for granting a variance from floodplain regulations prescribed by City Code Section 25-12-3, Appendix Chapter 58, Article 8, Subsection D (*Variance Procedures*). 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, or extraordinary public expense, or 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 100-year floodplain prescribed by City Code Section 25-7-92 (*Encroachment On Floodplain Prohibited*);
- (B) City Code Section 25-7-152 (*Dedication of Easements and Rights-of-Way*) to exclude the house, addition, patio and garage from the requirement to dedicate an easement to the limits of the 100-year floodplain;
- (C) the requirement that the lowest floor of a residential structure be elevated one foot above the 100-year floodplain prescribed by City Code Section 25-12-3, Building Code Appendix Chapter 58, Article 9B(1) (*Provisions for Flood Hazard Reduction*); and
- (D) the prohibition against expanding, changing, enlarging, or altering a structure in a way which increases its nonconformity prescribed by City

Code Section 25-12-3, Building Code Appendix Chapter 59, Section 5903
(Nonconforming Uses).

PART 4. If the project for which this variance is granted does not receive all necessary building permits before October 7, 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 October 17, 2005.

PASSED AND APPROVED

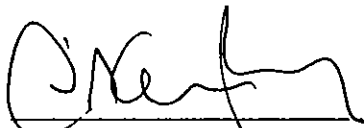
_____, October 6 _____, 2005

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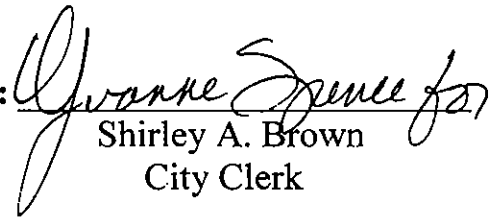
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Brown
City Clerk