

**ORDINANCE NO. 20051103-037**

**AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT 403 WEST 55 ½ STREET FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE FOR CONSTRUCTION OF AN ADDITION TO AN EXISTING HOUSE IN THE 25 AND 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 the addition of a bedroom and an adjacent deck to an existing house located at 403 West 55 ½ Street within the 25 and 100-year floodplain subject to Building Permit Application No. BP-05-7130RA.

**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 25 and 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, and deck from the requirement to dedicate an easement to the limits of the 100-year floodplain;
- (C) 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*).
- (D) the requirement that normal access to the building be by direct connection with areas above the Regulatory Flood Datum prescribed by City Code Section 25-12-3, Building Code Appendix Chapter 59, Section 5912(b) (*Requirements for Other Flood-Proofing Methods*).

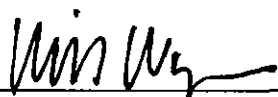
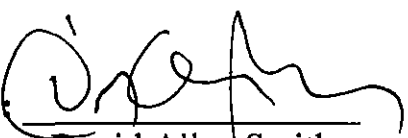
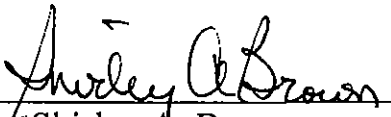
**PART 4.** If the project for which this variance is granted does not receive all necessary building permits before November 3, 2006, this variance expires.

**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 November 14, 2005.

**PASSED AND APPROVED**

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| <u>November 3</u> , 2005   | §<br>§<br>§    | <br>_____<br>Will Wynn<br>Mayor              |
| <b>APPROVED:</b> <br>_____<br>David Allan Smith<br>City Attorney | <b>ATTEST:</b> | <br>_____<br>Shirley A. Brown<br>City Clerk |