

ORDINANCE NO. 20060504-040

AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT 806 EAST 30TH STREET FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE FOR CONSTRUCTION OF A HOUSE IN THE 25 AND 100-YEAR FLOODPLAINS, 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 1,628 square foot house located at 806 East 30th Street within the 25 and 100-year floodplains subject to Building Permit Application No. BP-04-9680R.

PART 2. Council has considered the factors for granting a variance from floodplain regulations prescribed by City Code Section 25-12-3, Building Code Appendix G, Section G105.7 (*Conditions for Issuance*). 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 floodplains prescribed by City Code Section 25-7-92 (*Encroachment On Floodplain Prohibited*);
- (B) the easement requirements in City Code Section 25-7-152 (*Dedication of Easements and Rights-of-Way*) to exclude the house 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 G, Section G102.3(1) (*Nonconforming Uses*);
- (D) the requirement in City Code Section 25-12-3, Building Code Appendix G, Section G102.3(3) (*Nonconforming Uses*) that future use of the premises after a nonconforming use is discontinued must conform to floodplain regulations;

- (E) the requirement in City Code Section 25-12-3, Building Code Appendix G, Section G102.3(4) (*Nonconforming uses*) that reconstruction after a nonconforming use is destroyed must conform to floodplain regulations; and
- (F) the requirement that normal access to the building be by direct connection with an area at least one foot above the design flood elevation prescribed by City Code Section 25-12-3, Building Code Section 1612.4.3 (*Means of Egress*).

PART 4. The variances granted in this ordinance are only effective if the applicant meets the following conditions:

- (1) The finished floor of the structure and all electrical and mechanical components susceptible to flood damage shall have a minimum elevation of one foot above the 100-year floodplain elevation.
- (2) The applicant shall submit a completed Elevation Certificate certifying the elevation of the finished structure, signed by a Texas registered professional land surveyor, before the City may issue a Certificate of Occupancy for the structure.
- (3) The applicant shall submit a letter from a Texas registered professional structural engineer certifying that the structure can withstand forces from the 100-year flood event, before the City may issue a Certificate of Occupancy for the structure.
- (4) The applicant shall dedicate an easement to the City as required by City Code Section 25-7-152 for that portion of the property for which a variance is not granted.

PART 5. If the project for which this variance is granted does not receive all necessary building permits before May 4, 2007, this variance expires.

PART 6. 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 7. This ordinance takes effect on May 15, 2006.

PASSED AND APPROVED

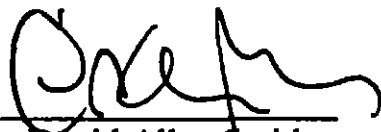
May 4, 2006

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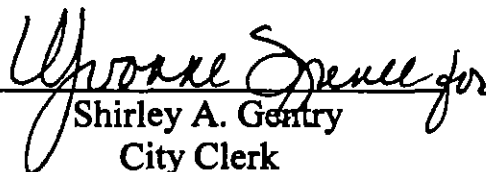
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk