

#56
1-12-06

ORDINANCE NO.

AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT 4512 AVENUE D FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE FOR REMODELING AN EXISTING HOUSE AND CONSTRUCTION OF AN ADDITION 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 remodeling, and construction of a 950 square foot addition on an existing house at 4512 Avenue D within the 25 and 100-year floodplain, subject to Building Permit Application No. BP-05-9043A.

PART 3. A variance is granted from:

- (A) the requirement that normal access to a building be by direct connection with an area at least one foot above the design flood elevation prescribed by Section 25-12-3, Building Code Section 1612.4.3 (*Means of Egress*) of the City Code; and
- (B) the requirement that a structure may not be expanded, changed, enlarged, or altered in any way which increases its nonconformity prescribed in Section 25-12-3, Building Code Appendix G, Section G102.3 (*Nonconforming Uses*) of the City Code; and
- (C) the restriction on construction in the 25 and 100-year floodplains prescribed by Section 25-7-92(A) (*Encroachment On Floodplain Prohibited*) of the City Code; and

1 (D) Section 25-7-152 (*Dedication of Easements and Rights-of-Way*) of the City
2 Code to exclude the house, addition and existing garage apartment from the
3 requirement to dedicate an easement to the limits of the 100-year floodplain.

4 **PART 4.** The variance granted in this ordinance is only effective if the applicant meets
5 the following conditions:

- 6 (1) The proposed building shall be supported on pier and beam foundation.
- 7 (2) Flood conveyance area below the floor beams shall be maintained clear
8 except for the piers.
- 9 (3) The underside of the proposed floor joists shall have a minimum elevation
10 equal to the 100-year floodplain elevation.
- 11 (4) The finished floor of the existing structure and of the proposed building and
12 all electrical and mechanical components susceptible to flood damage shall
13 have a minimum elevation of two feet above the 100 year floodplain
14 elevation.

15 **PART 5.** If the project for which this variance is granted does not receive all necessary
16 building permits on or before January 23, 2007, this variance expires.

17 **PART 6.** Approval of this variance does not constitute approval of zoning, subdivision,
18 a site plan, a building permit, or any other development permit, and it does not constitute
19 a commitment to any particular land use, intensity of land use, or utility services.
20 Approval of this variance does not constitute a guarantee of flood insurance availability,
21 rates, or requirements.

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2 **PART 7.** This ordinance takes effect on _____, 2006.

3 **PASSED AND APPROVED**

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7 _____, 2006

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8 Will Wynn
9 Mayor

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12 **APPROVED:** _____
13 David Allan Smith
14 City Attorney

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17 **ATTEST:** _____
Shirley A. Gentry
City Clerk