



**Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 21
AGENDA DATE: Thu 02/09/2006
PAGE: 1 of 2**

SUBJECT: Set a public hearing to consider variance requests by Joel Mitchell to allow construction of an addition to a single-family residence at 1505 Parkway in the 25-year and 100-year floodplains of Shoal Creek and to waive the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain for the footprint of the residence. (Suggested date and time: February 16, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.)

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Watershed Protection and **DIRECTOR'S**
DEPARTMENT: Development Review **AUTHORIZATION:** Joe Pantalion

FOR MORE INFORMATION CONTACT: Ray Windsor, 974-3362; Gary M. Kosut, P.E., 974-3374;
George E. Oswald, P.E., 974-3369

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

Joel Mitchell, the homeowner and applicant, through his contractor, Wells Teague, proposes to enlarge his home at 1505 Parkway. The proposed addition is the subject of Building Permit Number BP-05-9437RA. The applicants' residence is in the 100-year and 25-year floodplains of Shoal Creek. The applicant seeks variances to the City of Austin's floodplain management regulations in order to obtain a building permit to construct a 676 sq. ft. addition (approximately 20.5 feet X 33 feet) to the existing 3722 sq. ft. single-family house. The 100-year floodplain and the 25-year floodplain of Shoal Creek completely surround the existing house and would surround the room addition as well.

APPLICABLE CODE AND VARIANCES REQUESTED

- I. Section 25-12-3, (*Local Amendment to the Building Code*), Appendix G, Section G102.3 (*Nonconforming Uses*) provides that a structure which was lawful before the adoption of the floodplain regulations but does not conform to the floodplain regulations may be continued, subject to specific conditions, including:
- (1) No such use shall be expanded, changed, enlarged or altered in a way which increases its nonconformity.

VARIANCE REQUESTED: The applicant requests a variance to IBC Section G102.3, to expand and enlarge an existing, nonconforming residence in the floodplain.

- II. LDC Section 25-7-92 (*Encroachment on Floodplain Prohibited*) prohibits construction of a building or parking area in the 25 and 100-year floodplains.



**Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 21
AGENDA DATE: Thu 02/09/2006
PAGE: 2 of 2**

VARIANCE REQUESTED: The applicant requests a variance from LDC Section 25-7-92(A) to allow construction of the addition in the 25-year floodplain.

- III. Section 25-12-3, (*Local Amendments to the Building Code*), Section 1612.4.3 (*Means of Egress*) provides that normal access to a building shall be by direct connection with an area that is a minimum of one foot above the design flood elevation.

VARIANCE REQUESTED: The applicant requests a variance to Building Code Section 1612.4.3, to allow construction of an addition to an existing structure without normal access by connection with an area that is a minimum of one foot above the design flood elevation.

- IV. LDC Section 25-7-152 (*Dedication of Easements and Rights-of-way*) requires that the owner of real property proposed to be developed dedicate to the public an easement or right-of-way for a drainage facility, open or enclosed, and stormwater flow to the limits of the 100-year floodplain.

VARIANCE REQUESTED: The applicant requests a variance to Section 25-7-152(A) to exclude the footprint of the residence from the requirement to dedicate a drainage easement.

PREREQUISITES FOR GRANTING VARIANCES:

Per Section 25-12-3, (*Local Amendments to the Building Code*), Appendix G, Section G105.7 (*Conditions for Issuance*) variances shall only be issued by the City Council upon an affirmative finding of the conditions described below:

- 1) A technical showing of good and sufficient cause based on the unique characteristics of the size, configuration or topography of the site;
- 2) A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable;
- 3) A determination that granting a variance would not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances;
- 4) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and
- 5) Notification to the applicant in writing by the City of Austin building official that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risk to life and property.