

A U S T I N C I T Y C O U N C I L  
**AGENDA**

Thursday, May 4, 2006

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**Item(s) to Set Public Hearing(s)****RECOMMENDATION FOR COUNCIL ACTION**

**Subject:** Set a public hearing to consider floodplain variance requests by Mr. Enrique Parada in order to obtain a building permit to create a duplex structure from his single-family residence and an adjacent, recently placed structure at 1610 Houston Street in the 100-year floodplain of the Hancock Branch of Shoal Creek and to waive the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain by deleting the footprint of the structures from the easement-dedication requirement. (Suggested date and time: May 18, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.)

**Amount and Source of Funding:**

**Fiscal Note:** There is no unanticipated fiscal impact. A fiscal note is not required.

**Additional Backup Material**

(click to open)

D [RCA text - 1610 Houston](#)

**For More Information:** Ray Windor, Gary Kosut, George Oswald

**Prior Council Action:**

**Boards and Commission Action:** Board of Adjustment, 11/14/2005, C15-05-136; Applicant's request for a variance to decrease the minimum rear yard setback from 10 feet to 6.4 feet was granted 5-0.

Mr. Enrique Parada, the owner and applicant, has placed a second single-family house structure adjacent to his existing single-family house on a lot at 1610 Houston Street. The second house structure was placed without obtaining a building permit. The newly-placed house is the subject of the Residential Building Permit Application Number BP-05-11385RM. The applicant seeks variances to the City of Austin's floodplain management regulations in order to obtain a building permit to create a duplex structure by interconnecting his existing residence and the recently placed house. The applicant's lot, including the existing residence and recently placed house, are totally within the 100-year floodplain of the Hancock Branch of Shoal Creek. The existing house is surrounded by 1.51 to 0.66 feet (18.1 to 7.9 inches) of water during the 100-year flood. The newly-placed house is surrounded by 1.04 to 0.86 feet (12.5 to 10.3 inches) of water during the 100-year flood; the depth of water at the adjacent roadway curb line is 1.81 feet.

## **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.

**VARIANCE REQUESTED:** The applicant requests a variance from LDC Section 25-7-92(A) to allow placement of the single-family house to create a duplex in the 100-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 placement of a structure adjacent to an existing structure, both of which are 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 both residences 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.