

ORDINANCE NO. 20060727-083

AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT 1610 HOUSTON STREET FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE FOR CONSTRUCTION OF A DUPLEX IN THE 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 placement of a second house and interconnecting it with the existing house to create a duplex located at 1610 Houston Street within the 100-year floodplain subject to Building Permit Application No. BP-05-11385RM.

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 100-year floodplain 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 duplex from the requirement to dedicate an easement to the limits of the 100-year floodplain; provided that the applicant dedicates an easement as required by 25-7-152 for that portion of the property for which a variance is not granted.
- (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 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. If the project for which this variance is granted does not receive all necessary building permits before May 18, 2007, 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 August 7, 2006.

PASSED AND APPROVED

_____, July 27 _____, 2006 §
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 Will Wynn
 Mayor

APPROVED: _____ **ATTEST:** _____
 David Allan Smith Shirley A. Gentry
 City Attorney City Clerk