

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

Thursday, October 19, 2006

 + **Back** **Print****Item(s) to Set Public Hearing(s)**
RECOMMENDATION FOR COUNCIL ACTION**ITEM No. 50**

Subject: Set a public hearing to consider variance requests by Mr. Matt Worrall to allow construction of a single-family residence at 1115 Desirable Drive in the 25-year and 100-year floodplains of Tannehill Branch 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: November 2, 2006 at 6:00 p.m., Austin City Hall, Council Chambers, 301 W. Second Street, Austin, TX.)

Additional Backup Material

(click to open)

backup

For More Information: George Oswald, 974-3369, Gary Kosut, 974-3374; Ray Windsor, 974-3362, Joan Esquivel, 974-3371

Mr. Matt Worrall, the agent of the owner of the property and applicant, proposes to construct a new residence at 1115 Desirable Drive. The property is in the northeast quadrant of the City of Austin near the intersection of Airport Boulevard and Springdale Road and the confluence of Tannehill Branch and Boggy Creek.

The proposed house is the subject of Building Permit Number BP-06-1962R. The applicant proposes a new, two-story, single-family house in the 100-year and 25-year floodplains of Tannehill Branch. The applicant seeks variances to the City of Austin's floodplain management regulations in order to obtain a building permit to construct a 1870 sq. ft. single-family house (the proposed two-story structure includes 1535 sq. ft. of conditioned space, 264 sq. ft. of attached garage, and a 71 sq. ft. porch). The 100-year floodplain almost inundates the entire lot. Most of the lot is also within the 25-year floodplain according to a recent field survey. The depth of water at the Desirable Drive curb line during the 100-year flood event will be approximately 1.0 feet deep. Water depth at the rear of the proposed house on the side nearest the creek will be approximately 2.3 feet deep during the 100-year flood event.

APPLICABLE CODE AND VARIANCES REQUESTED

- I. LDC Section 25-7-92 (Encroachment on Floodplain Prohibited) prohibits construction of a building or parking area in the 25-year floodplain.

VARIANCE REQUESTED: *The applicant requests a variance from LDC Section 25-7-92(A) to allow encroachment of the proposed structure into the 25-year floodplain.*

- II. LDC Section 25-12-3, (Local Amendment 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 a structure without normal access by connection with an area that is a minimum of one foot above the design flood elevation. Access to the building from Desirable Drive will be within the 100-year floodplain with a depth of 1.0 feet of water at the curb line in front of the proposed structure and a depth of about 1.0 feet of water at the front wall of the structure.*

- 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 exclude the footprint of the proposed structure from the requirement to dedicate a drainage easement to the full extent of the 100-year floodplain.*

- V. LDC Section 25-7-2, Obstruction of Waterways Prohibited prohibits the placement of an obstruction in a waterway.

VARIANCE REQUESTED: *The applicant requests a variance to place a structure (an obstruction to flow of floodwaters) in a waterway.*

PREREQUISITES FOR GRANTING VARIANCES:

Per Section 25-12-3, Building Code, Appendix G; Section G105 Variances, Paragraph G105.7 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.