



Thursday, October 19, 2006

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

ITEM No. 49

Subject: Set a public hearing to consider floodplain management regulation variances requested by Louis Williams III and Andrea Williams to allow construction of an addition to the residence at 8312 Millway Drive in the 100-year and 25-year floodplains 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 residence from the easement-dedication requirement (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. Louis Williams III and Ms. Andrea Williams through their agent, Mr. Garrett S. Quinn, propose to enlarge their residence at 8312 Millway Drive. The proposed addition is the subject of Residential Permit Application Number BP-05-10017RA. The applicant seeks variances to the City of Austin's floodplain management regulations in order to obtain a building permit to construct a 663 sq. ft. addition (including a family room, bedroom and bathroom) to the existing non-conforming single-family house (1442 sq. ft.) and attached garage (403 sq. ft.). The rear of the lot includes the Shoal Creek channel. The existing structure and proposed addition are entirely within the 100-year floodplain of Shoal Creek. The 25-year floodplain crosses the middle of the lot and one corner of the existing building.

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 enlarged structure into the 25-year floodplain.*

- II. LDC Section 25-12-3, (Local Amendment to the Building Code), Appendix G, Section G102.3(1) (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 expand and enlarge an existing, nonconforming structure in the floodplain.*

- III. 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 expansion of the existing 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 Millway Drive will be within the 100-year floodplain with a depth of 1.6 feet of water at the curb in front of the existing structure and .71 feet of water at the front door.*

- 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 enlarged 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 an addition (an obstruction to flow of floodwaters) to an existing structure in a waterway.*

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.