

**ORDINANCE NO. 20061102-064**

**AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT 8312 MILLWAY DRIVE FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE FOR CONSTRUCTION OF A DUPLEX IN THE 25 AND 100-YEAR FLOODPLAINS, 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 an addition to an existing residence at 8312 Millway Drive within the 25 and 100-year floodplains subject to Building Permit Application No BP-05-11017RA

**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 25 and 100-year floodplains prescribed by City Code Section 25-7-92 (*Encroachment On Floodplain Prohibited*),
- (B) the easement requirement in City Code Section 25-7-152 (*Dedication of Easements and Rights-of-Way*) to exclude the residence from the requirement to dedicate an easement to the limits of the 25 and 100-year floodplain, provided that the applicant dedicate 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 prohibition against placing an obstruction in a waterway prescribed by City Code Section 25-7-2 (*Obstruction of Waterways Prohibited*)

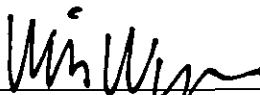
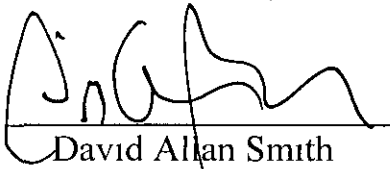
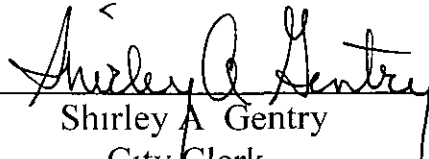
- (E) the requirement that normal access to the building be by direct connection with an area at least one foot above the design flood elevation prescribed by City Code Section 25-12-3, Building Code Section 1612 4 3 (*Means of Egress*)

**PART 4.** If the project for which this variance is granted does not receive all necessary building permits before November 2, 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 November 13, 2006

**PASSED AND APPROVED**

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November 2, 2006		 Will Wynn Mayor
<b>APPROVED:</b> 		<b>ATTEST:</b> 
David Allan Smith City Attorney		Shirley A. Gentry City Clerk