

ORDINANCE NO. 20061102-063

AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT 1115 DESIRABLE DRIVE FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE FOR CONSTRUCTING A NEW HOUSE IN THE 25 AND 100-YEAR FLOODPLAINS; AND PROVIDING AN EXPIRATION FOR THE VARIANCES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. This ordinance applies to the construction of a new residence at 1115 Desirable Drive within the 25 and 100-year floodplains, subject to Building Permit Application No BP-06-1962R

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, extraordinary public expense, or create 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 requirement that normal access to a building be by direct connection with an area that is a minimum of one foot above the design flood elevation prescribed by Section 25-12-3, Building Code Section 1612 4 3 (*Means of Egress*) of the City Code, and
- (B) the prohibition against placing an obstruction in a waterway prescribed by CityCode Section 25-7-2 (*Obstruction of Waterways Prohibited*), and
- (C) the restriction on construction in the 25 and 100-year floodplains prescribed by City Code Section 25-7-92 (*Encroachment On Floodplain Prohibited*), and
- (D) 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 100-year floodplain,

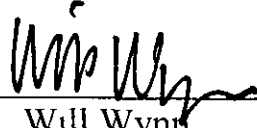
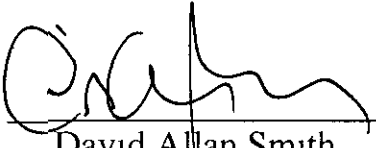
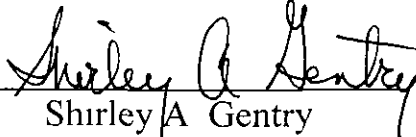
provided that the applicant dedicate an easement as required by Section 25-7-152 for that portion of the property for which a variance is not granted

PART 4. If the project for which this variance is granted does not receive all necessary building permits on or 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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<u>November 2</u> , 2006	§	 _____ Will Wynn Mayor
APPROVED:  _____ David Allan Smith City Attorney	ATTEST:  _____ Shirley A. Gentry City Clerk	