

1/11/07  
#83

**STAFF RECOMMENDS DENIAL**

**ORDINANCE NO.**

1 **AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT**  
2 **5613 JOE SAYERS AVENUE FROM CERTAIN FLOODPLAIN REGULATIONS**  
3 **PRESCRIBED BY THE CITY CODE FOR CONSTRUCTION OF A DUPLEX IN**  
4 **THE 25 AND 100-YEAR FLOODPLAIN, AND PROVIDING AN EXPIRATION**  
5 **DATE FOR THE VARIANCES.**

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7 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**  
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9 **PART 1.** This ordinance applies to the construction of a 4,723 square foot duplex  
10 located at 5613 Joe Sayers Avenue within the 25 and 100-year floodplain subject to  
11 Building Permit Application No. BP-05-9457R.

12 **PART 2.** Council has considered the factors for granting a variance from floodplain  
13 regulations prescribed by City Code Section 25-12-3, Building Code Appendix G,  
14 Section G105.7 (*Conditions for Issuance*). Council finds that the variance granted by this  
15 ordinance is the minimum necessary to afford relief, is based on good and sufficient  
16 cause, and failure to grant the variance would result in exceptional hardship. Council  
17 further finds that the variance granted in this ordinance will not result in increased flood  
18 heights, additional threats to public safety, or extraordinary public expense, or create a  
19 nuisance, cause fraud on or victimization of the public, or conflict with existing local  
20 laws or ordinances.

21 **PART 3.** A variance is granted from:

- 22 (A) the restriction on construction in the 25 and 100-year floodplains prescribed  
23 by City Code Section 25-7-92 (*Encroachment On Floodplain Prohibited*);
- 24 (B) the easement requirements in City Code Section 25-7-152 (*Dedication of*  
25 *Easements and Rights-of-Way*) to exclude the house and addition from the  
26 requirement to dedicate an easement to the limits of the 100-year floodplain;
- 27 (C) the prohibition against placing an obstruction in a waterway prescribed by  
28 City Code Section 25-7-2, (*Obstruction of Waterways Prohibited*).
- 29 (D) the requirement that normal access to the building be by direct connection  
30 with an area at least one foot above the design flood elevation prescribed by  
31 City Code Section 25-12-3, Building Code Section 1612.4.3 (*Means of*  
32 *Egress*).

**PART 4.** If the project for which this variance is granted does not receive all necessary building permits before January 22, 2008, 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 January 22, 2007.

**PASSED AND APPROVED**

\_\_\_\_\_, 2007

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§ \_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk