ORDINANCE NO. 20200206-062

AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT 13108 TRAVIS VIEW LOOP FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE FOR CONSTRUCTION OF AN ADDITION TO A SINGLE-FAMILY RESIDENCE IN THE 100-YEAR FLOODPLAIN; ESTABLISHING A CONDITION FOR THE VARIANCES; 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 the construction of an addition to a single-family residence located at 13108 Travis View Loop within the 100-year floodplain of Lake Travis as described in Building Permit application number 2018-079364 PR.

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 variances granted by this ordinance are the minimum necessary to afford relief, are based on good and sufficient cause, and failure to grant the variance would result in exceptional hardship. Council further finds that the variances granted in this ordinance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, 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 easement requirements in City Code Section 25-7-152 (*Dedications of Easements and Rights-of-Way*), to exclude the footprint of the building from the requirement to dedicate an easement to the limits of the 100-year floodplain;

(B) the requirement in City Code Section 25-12-3, Building Code Section G102.3 (*Nonconforming Uses*), that a nonconforming use not be expanded, changed, enlarged, or altered in a way which increases its nonconformity;

(C) the requirement in City Code Section 25-12-243, Residential Code Section R322.2.1 (*Elevation Requirements*), that the lowest floor of a building or structure must be elevated a minimum of one foot above the design flood elevation; and

(D) the requirement in City Code Section 25-12-243, Residential Code Section R322.2.6 (*Means of Egress*), 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.

PART 4. The variances granted in this ordinance are effective only if the applicant dedicates an easement to the City as required by City Code Section 25-7-152 to the limits of the 100-year floodplain, excluding the footprint of the residential building. The City may not issue a Certificate of Occupancy for the building until the applicant submits all information and documentation necessary for the easement and the easement, as approved by the City Attorney, is filed by the applicant in the Official Records of Travis County, Texas.

PART 5. This variance expires if the additions for which this variance is granted do not receive a released Building Permit within one year of the effective date of this ordinance.

PART 6. 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 7. This ordinance takes effect on February 17, 2020.

PASSED AND APPROVED

§
§
February 6, 2020 §

Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk