



**Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 23
AGENDA DATE: Thu 04/14/2005
PAGE: 1 of 2**

SUBJECT: Set a public hearing to consider a variance request by Garrett Quinn to allow remodeling of the existing house and construction of a second story addition. The existing house encroaches the 25-year and 100-year floodplains for the Hancock Branch of Shoal Creek at 2608 Great Oaks Parkway. (Suggested date and time: April 28, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street)

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Watershed Protection and **DIRECTOR'S**
DEPARTMENT: Development Review **AUTHORIZATION:** Joe Pantalione

FOR MORE INFORMATION CONTACT: Ray Windsor, 974-3362; Gary M. Kosut P.E., 974-3374; Ruth O. Dumaine, 974-2501

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

The applicant, Mr. Jim Bennett, on behalf of the property owners, Mr. and Mrs. Garrett Quinn, has submitted a building permit application (BP-04-9260RA) for new construction of a second story above the existing split-level house, remodeling of the existing house, and expansion of the existing carport. A corner of the house encroaches into the 25-year floodplain of Hancock Branch; this encroachment triggers the LDC 25-7-92 (a), which prohibits buildings in the 25-year floodplain.

The existing lowest floor of the house does not conform to (i.e., is lower than) the Land Development Code's requirement for elevation above the floodplain. Because the applicant proposes substantial improvements to the house the original house must be brought into compliance with respect to the elevation requirement according to the City's LDC. The Land Development Code 25-12-3, Section 5903, states that a structure that does not conform to the floodplain regulations shall not be expanded, changed, enlarged, or altered in a way which increases its nonconformity. Additionally, no substantial improvement of the structure shall be made unless the structure is changed to conform to the floodplain regulations.

The owners do not wish to abide with the LDC elevation requirement for the lowest floor and have been denied a building permit. These conditions will require a variance from the floodplain management regulations of the City of Austin in order for the project to possibly receive a building permit. Proposed as a second story, the addition will be elevated above the Regulatory Flood Datum (RFD, the 100-year floodplain elevation plus one foot).

The Land Development Code (LDC) 25-7-92 prohibits encroachment of a building or parking area in the 25-year floodplain and restricts encroachment of buildings or parking areas in the 100-year floodplain. The applicants wish to substantially improve a structure encroaching on the 25-year floodplain and seek a variance for this purpose.



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The LDC 25-12-3, Section 5903, states that a structure that does not conform with the floodplain regulations shall not be expanded, changed, enlarged, or altered in a way which increases its nonconformity. Additionally, no substantial improvement of the structure shall be made unless the structure is changed to conform to the floodplain regulations. The applicants wish to substantially improve a structure encroaching on the 25-year and 100-year floodplains and do not wish to raise the elevation of the lower level of their existing home to conform to floodplain regulations and seek a variance for these purposes.

LDC 25-7-152 requires the dedication of drainage easement to the extent of the 100-year floodplain. Notwithstanding the acceptance or rejection of the Watershed Protection and Development Review Department's recommendation herein, the applicant shall, on behalf on the property owners, provide for the dedication of a drainage easement on the property to the full extent of the 100-year floodplain excluding areas which are occupied by the existing residential structure.

VARIANCE PROCEDURES:

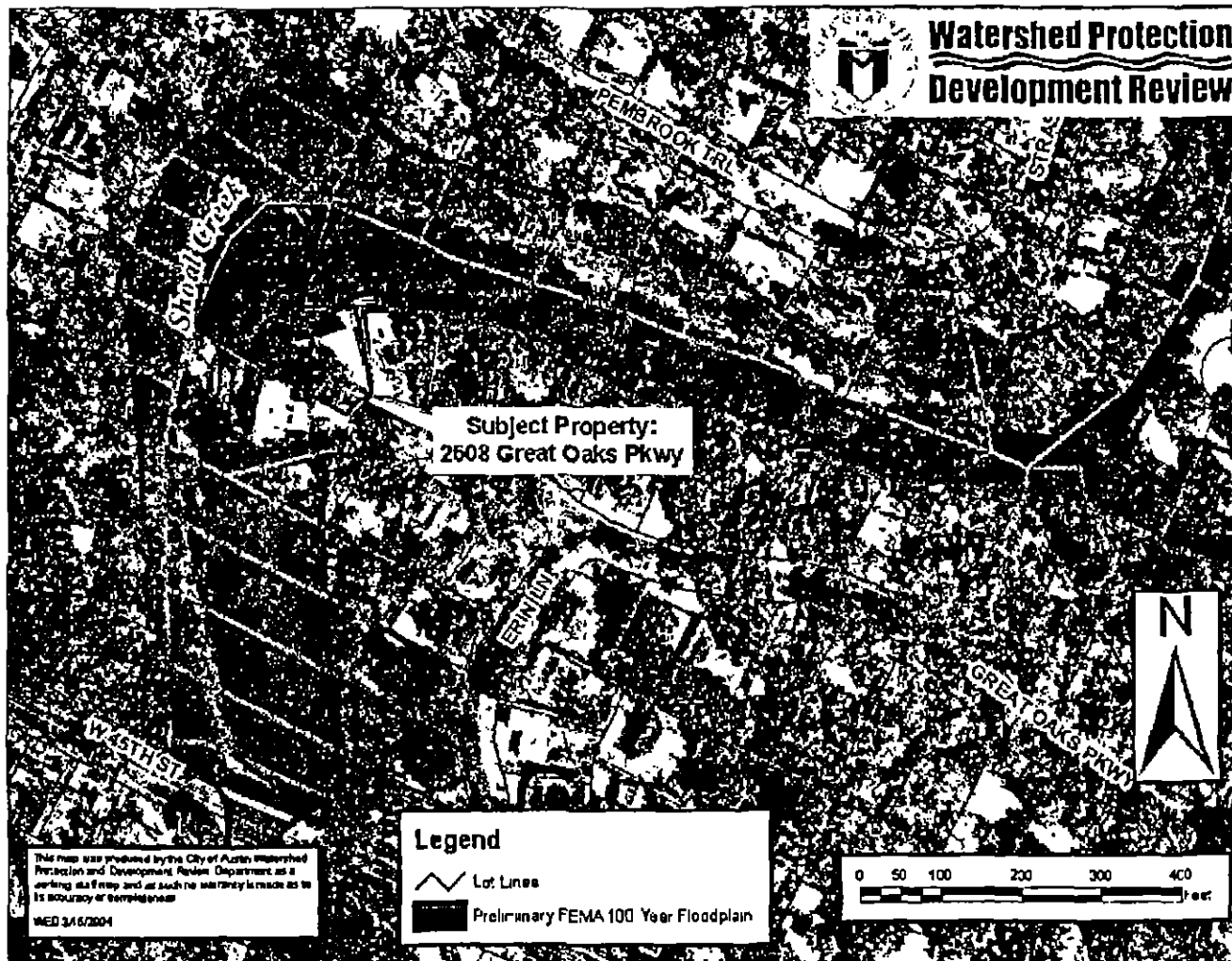
The City Council shall hear and render judgment on requests for variances from the floodplain management regulations. Variances shall not be issued within any designated floodway (25-year floodplain) if any increase in flood levels during the base flood (100-year flood) discharge would result. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing relevant factors have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases. The relevant factors to be considered are:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property during times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the comprehensive plan for the area.

Backup Information Packet

Conduct a public hearing to consider a variance request to allow remodeling of the existing house and construction of a second story addition. The existing house encroaches the 25-year and 100-year floodplains of the Hancock Branch of Shoal Creek at 2608 Great Oaks Parkway. (Suggested date and time: April 28, 2005, at 6:00 p.m.)

1. Site Location Map for 2608 Great Oaks Parkway.
2. Floodplain Variance Procedures.
3. Photograph of the existing house at 2608 Great Oaks Parkway
4. Photograph of the existing house at 2608 Great Oaks Parkway
5. Photograph of the existing house at 2608 Great Oaks Parkway



Location Map for 2608 Great Oaks Parkway Drive

2. FLOODPLAIN VARIANCE PROCEDURES

Building Code, Appendix Chapter 58, Article 8 outlines procedures for consideration of flood plain development and evaluation of variance requests.

PREREQUISITES FOR GRANTING VARIANCES:

Variances shall only be issued upon:

- 1) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 2) Showing a good and sufficient cause;
- 3) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
- 4) A determination that granting a variance would not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances.

VARIANCE PROCEDURES:

The City Council shall hear and render judgement on requests for variances from the flood plain management regulations. Variances shall not be issued within any designated floodway (25-year floodplain) if any increase in flood levels during the base flood (100-year flood) discharge would result. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing relevant factors have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases. The relevant factors to be considered are:

- 1) The danger to life and property due to flooding or erosion damage;
- 2) The susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the individual owner;
- 3) The danger that materials may be swept onto other lands to the injury of others;
- 4) The compatibility of the proposed use with existing and anticipated development;
- 5) The safety of access to the property during times of flood for ordinary and emergency vehicles;
- 6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- 7) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site;
- 8) The necessity to the facility of a waterfront location, where applicable;
- 9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- 10) The relationship of the proposed use to the comprehensive plan for the area.

Photograph of existing house at 2608 Great Oaks Parkway



Approximate Regulatory Flood Datum (RFD)

Approximate 100-year Flood level

Approximate 25-year Flood Level



Photograph of existing house at 2608 Great Oaks Parkway



Existing house at 2608 Great Oaks Parkway

