

ORDINANCE NO. 20050428-065

AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT 2608 GREAT OAKS PARKWAY FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE FOR REMODELING AN EXISTING HOUSE AND CONSTRUCTION OF A SECOND STORY ADDITION IN THE 25 AND 100-YEAR FLOODPLAIN; AND PROVIDING AN EXPIRATION FOR THE VARIANCES.

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

PART 1. Council has considered the factors for granting a variance from floodplain regulations prescribed by Section 25-12-3 (*Local Amendments to the Building Code*), Appendix Chapter 58, Article 8, Subsection D (*Variance Procedures*) of the City Code. 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, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

PART 2. This ordinance applies to the remodeling, construction of a second story addition, and expansion of the carport on an existing house at 2608 Great Oaks Parkway within the 25 and 100-year floodplain, subject to Building Permit Application No. BP-04-9260RA.

PART 3. A variance is granted from

- (A) the restriction on construction in the 25-year floodplain prescribed by Section 25-7-92(A) (*Encroachment On Floodplain Prohibited*) of the City Code; and
- (B) Section 25-7-152 (*Dedication of Easements and Rights-of-Way*) of the City Code to exclude the house and addition from the requirement to dedicate an easement to the limits of the 100-year floodplain; and
- (C) the requirement that the lowest floor of a residential structure be elevated one foot above the 100-year floodplain prescribed by Section 25-12-3, Building Code Appendix Chapter 58, Article 9B(1) (*Provisions for Flood Hazard Reduction*) of the City Code; and

- (D) the requirement that a structure may not be expanded, changed, enlarged, or altered in any way which increases its nonconformity prescribed in Section 25-12-3, Building Code Appendix Chapter 59, Section 5903
(*Nonconforming Uses*) of the City Code

PART 4. If the project for which this variance is granted does not receive all necessary building permits on or before May 9, 2006, 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.

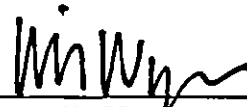
Approval of this variance does not constitute a guarantee of flood insurance availability, rates, or requirements

PART 6. This ordinance takes effect on May 9, 2005.

PASSED AND APPROVED

_____, April 28 _____, 2005

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Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Brown
City Clerk