

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

ORDINANCE NO. _____

AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT 4515 SPEEDWAY FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE FOR CONSTRUCTION OF A DUPLEX IN THE 25 AND 100-YEAR FLOODPLAINS; ESTABLISHING CONDITIONS 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 a two-story duplex after demolition of an existing single family residence located at 4515 Speedway within the 25 and 100-year floodplains as described in Building Permit application number 2012-052598 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 restriction on construction in the 25-year and 100-year floodplains prescribed by City Code Section 25-7-92 (*Encroachment On Floodplain Prohibited*);
- (B) the easement requirements in City Code Section 25-7-152 (*Dedication of Easements and Rights-of-Way*), to exclude the footprint of the two-story duplex from the requirement to dedicate an easement to the limits of the 100-year floodplain;
- (C) the requirement that normal access to the building be by direct connection with an area at least one foot above the design flood elevation, prescribed by City Code Section 25-12-3, Building Code Section 1612.4.3 (*Means of Egress*); and

1 (D) the requirement that a non conforming use not be expanded, changed,
2 or altered in a way which increases its nonconformity, prescribed by
3 City Code Section 25-12-3, Building Code Section G102.3
4 (*Nonconforming Uses*).

5 **PART 4.** The variances granted in this ordinance are effective only if the
6 applicant meets the following conditions:

7 (A) The applicant shall dedicate an easement to the City as required by
8 City Code Section 25-7-152 to the limits of the 100 year floodplain,
9 excluding the two-story duplex. The City may not issue a Certificate
10 of Occupancy for the duplex until the applicant submits all
11 information and documentation necessary for the easement, and the
12 easement as approved by the City Attorney is filed by the applicant in
13 the Official Records of Travis County, Texas.

14 (B) The applicant shall submit a completed Elevation Certificate
15 certifying the elevation of the finished floor of the building, signed by
16 a professional land surveyor, engineer or architect authorized by law
17 to certify elevations, before the City may issue a Certificate of
18 Occupancy for the building.

19 **PART 5.** This variance expires if the project for which this variance is granted
20 does not receive a Building Permit before _____, 2014.

21 **PART 6.** Approval of this variance does not constitute approval of zoning,
22 subdivision, a site plan, a building permit, or any other development permit, and it
23 does not constitute a commitment to any particular land use, intensity of land use,
24 or utility services. Approval of this variance does not constitute a guarantee of
25 flood insurance availability, rates, or requirements.

1 **PART 7.** This ordinance takes effect on _____, 2013.

2 **PASSED AND APPROVED**

3
4 §
5 _____, 2013 § _____

6 Lee Leffingwell
7 Mayor

8
9
10 **APPROVED:** _____
11 Karen Kennard
12 City Attorney

ATTEST: _____
Jannette Goodall
City Clerk

Draft