

Late Backup

THE MOORE GROUP, INC.

Engineering, Planning and Construction Services

1000 Cuernavaca

Austin, Texas 78733

May 16, 2013

Mr. Kevin Autry
Watershed Protection Department
City of Austin
P.O. Box 1088
Austin, Texas 78767

RE: 4518 Avenue D
Request for Variance to Land Development Code 25-12-3
1612.4.3 Means of Egress, and
G102.3 Nonconforming Uses

Dear Mr. Autry,

I am writing to you on behalf of my client, Clear Blue Sky Properties Inc. ("Owner"), to formally request that the variances addressed below be granted.

(1) Section 25-12-3, 1612.4.3: Means of Egress

This Austin City Code provision requires that "normal access to the building shall be by direct connection with an area that is a minimum of one (1) foot above the design flood elevation, unless otherwise approved by the building official."

Owner requests a variance from this provision to allow for Egress from this property at an elevation of approximately 615.40, at the point where a person would leave the property and enter the Public Right-of-Way, which is approximately 1.43-feet below the 100-year base flood elevation, (which is considered the design flood elevation).

A variance from § 25-12-3, 1612.4.3: Means of Egress should be granted due to the topography of the property and the fact that the adjacent Right-of-Way is lower than the design flood elevation. Therefore, there is no way for the Owner to meet the requirements of Section 25-12-3, 1612.4.3: Means of Egress. Owner has looked at all options for meeting the Means of Egress requirement, but because the Right-of-Way is below the design flood elevation, the requirement can not be met.

(2) Section 25-12-3, G102.3: Nonconforming Uses

This Austin City Code provision states that a structure, or the use of a structure or premises, which was lawful before the adoption of the Building Code, but which does not conform with the requirements of these regulations, may be continued only subject to the following conditions:

1. No such use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.
2. No substantial improvement of the structure shall be made unless the structure is changed to conform to these regulations.
3. (items 3 and 4 under Section 25-12-3, G102.3: Nonconforming Uses do not apply to this variance request)

The subject property includes an existing home that has been lawfully used on a continuous basis since a time prior to the adoption of the Building Code. Therefore the current non-conforming use is allowable under the Austin City Code.

However, Owner requests a variance from this provision to allow for construction of an addition to the existing home.

This variance is necessary in order for the Owner to be able to improve the property. The Owner will not increase the departure from the code because the living space (Minimum Finished Floor Elevation) of the addition will be at least 1-foot above the 100-year base flood elevation, (which is considered the design flood elevation). Therefore, the granting of this variance does not increase the amount of construction in the floodplain, or increase the degree of non-conforming use.

This variance is necessary to allow for the reasonable improvement of the property and, if granted, it would not create a significant probability of harmful environmental or flooding consequences, as explained above.

The Following Addresses the Conditions for Issuance

G105.7 Conditions for issuance. Variances shall only be issued by the City Council upon:

1. A technical showing of good and sufficient cause based on the unique characteristics of the size, configuration or topography of the site;

This site is unique because the public right-of-way it takes access from is in the floodplain. Therefore it is impossible for improvements to be made on this property without the variance that is being requested. Also, the topography of the site does not allow egress above the 100-year base flood elevation.

2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable;

Failure to grant the variance would prevent the Owner from improving or developing the lot. The existing house on the lot is undersized and is not proportional to other similarly located homes. The adjacent house is much larger. The Owner would be deprived of his right to improve his property in a way similar to area property without the variance.

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances;

Granting this variance will not increase flood heights, cause additional threats to public safety, cause any public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances because the volume compensation performed by the engineer shows that there is no reduction in the floodplain volume. Because there is no reduction in the floodplain volume, the flood elevation will not be increased by the granting of this variance.

4. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and

The Owner has minimized the amount of the variance. First, the Owner originally planned to build the addition that is the reason the variance is needed using a slab on grade foundation. That would have increased the amount of the variance and increased the displacement of floodplain volume. Instead, after originally designing the house with a slab on grade, the Owner has gone to the expense of changing the design to pier & beam. The pier & beam displacement of the floodplain is negligible, consisting of only the volume of the piers. Secondly, the Owner has removed a secondary structure from the property that was in the floodplain, thereby increasing the floodplain volume. The net result of granting this variance will actually benefit the area around this property should there ever be a flood with a 100-year frequency, because the volume available for such a flood is increased by the Owners proposed development.

5. Notification to the applicant in writing over the signature of the building official that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

The Owner/Applicant consents to such notification and understands the implication in #5 above.

Thank you for your assistance with the above variance requests. If you have any questions or concerns, please do not hesitate to contact me by phone at (512) 442-0377 or by email at emoore@mooregroup.net.

Very truly yours,

Edward C. Moore, P.E.

c: Chris Dennis

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Austin, Texas 78733

May 17, 2013

Mr. Kevin Autry
Watershed Protection Department
City of Austin
P.O. Box 1088
Austin, Texas 78767

RE: 4518 Avenue D
Volume Compensation Calculations per LDC section 25-7-92 (C) 1 (d)3
Foundation Type
Minimum Finished Floor Elevation

Dear Mr. Autry,

I am writing to you on behalf of my client, Clear Blue Sky Properties Inc. ("Owner"), to provide the following information in support of the request for a Variance to Land Development Code 25-12-3:

- Volume Compensation Calculations per LDC section 25-7-92 (C) 1 (d)3
- Foundation Type
- Minimum Finished Floor Elevation

Volume Compensation Calculations per LDC section 25-7-92 (C) 1 (d)3

The volume of the Floodplain on this property will be increased by the following two proposed measures:

- The existing home will be lifted out of the floodplain
- The existing Shed will be demolished and removed from the property

The existing home will be lifted out of the floodplain, using 12' Diameter Reinforced Concrete Piers.

The existing house footprint in the floodplain is;

$$24.17' \times 30.17'$$

Therefore the volume of floodplain added by raising the existing house is

$$24.17' \times 30.17' \times 0.83' = 605.24 \text{ CF}$$

The existing Shed that was removed had a 16' x 25' foundation

Removing this shed also removed volume displaced from the Floodplain equal to:

$$24' \times 16' \times 0.83' = 318.72 \text{ CF}$$

Volume of the floodplain on this property will be displaced by the construction of the piers to raise the structures out of the floodplain and by the skirting around the structure.

Volume of floodplain displaced by piers =

$$84 \text{ piers} \times (0.5')^2 \times 0.83' = 55.25 \text{ CF}$$

Volume of floodplain displaced by Skirting =

$$\text{Perimeter @ } 178 \text{ LF} \times 1/12 \times 0.83' = 14.83 \text{ CF}$$

Summary of Changes to the Floodplain Volume:

Volume Added to Floodplain:

By Raising the existing home above the floodplain = 605.24 CF

By removal of shed = 318.72 CF

Total Volume Added to Floodplain 923.96 CF

Volume Removed from Floodplain:

By installing piers = 55.25 CF

By installing Skirting = 14.83 CF

Total Volume Removed from Floodplain 70.08 CF

Net Volume Added to Floodplain = 853.88 CF

Foundation Type

The existing home will be modified to become a pier and beam foundation home. The existing home is a slab on grade currently. The engineer and the contractor have proposed to lift the concrete slab using steel I-beams and Drilled 12" diameter reinforced concrete piers. The finished floor of the existing structure will be lifted 1-foot above the 100-year design flood elevation of 616.83.

The proposed addition will be on a pier and beam foundation utilizing Drilled 12" diameter reinforced concrete piers with treated wooded beams and floor joists.

Summary of Foundation Type:

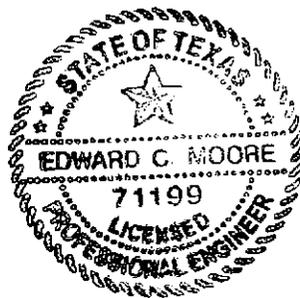
Both the existing structure and the proposed addition will be pier and beam foundation structures.

Minimum Finished Floor Elevation

The design 100-year floodplain elevation at the property is 616.83. The Owner proposes to raise the finished floor of both the existing structure and the proposed addition to a minimum of one-foot above the 100-year floodplain, to a minimum finished floor elevation of 617.83.

Thank you for your assistance with this variance request. If you have any questions or concerns, please do not hesitate to contact me by phone at (512) 442-0377 or by email at emoore@mooregroup.net.

Very truly yours,



Edward C. Moore, P.E.

c: Chris Dennis
Brian Weber