

**ORDINANCE NO. 20131212-141**

**AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT 4508 SPEEDWAY FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE FOR REMODELING AND CONSTRUCTION OF AN ADDITION TO A SINGLE FAMILY RESIDENCE 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 remodeling and construction of an addition to a single family residence located at 4508 Speedway within the 25- and 100-year floodplains as described in Building Permit application number 2013-088878 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 remodeled house and addition, deck, and shed 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
- (D) the requirement that a non-conforming use not be expanded, changed, or altered in a way which increases its nonconformity, and the requirement that a non-conforming use conform with floodplain regulations if substantial

improvement is made, prescribed by City Code Section 25-12-3, Building Code Section G102.3 (*Nonconforming Uses*).

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

- (A) The applicant shall dedicate an easement to the City as required by City Code Section 25-7-152 to the limits of the 100 year floodplain, excluding the remodeled house and addition, deck, and shed. 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.
- (B) The applicant shall submit a completed Elevation Certificate certifying the elevation of the finished floor of the building, signed by a professional land surveyor, engineer or architect authorized by law to certify elevations, before the City may issue a Certificate of Occupancy for the building.

**PART 5.** This variance expires if the project for which this variance is granted does not receive a Building Permit before December 23, 2014.

**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 December 23, 2013.

**PASSED AND APPROVED**

December 12, 2013      §  
   §  
   §      Lee Leffingwell  
        Lee Leffingwell  
        Mayor

**APPROVED:** Karen M. Kennard  
   Karen M. Kennard  
   City Attorney

**ATTEST:** Jannette S. Goodall  
   Jannette S. Goodall  
   City Clerk