

ORDINANCE NO.

AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT 1120 ELEANOR STREET FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE FOR CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE IN THE 25-YEAR 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 single-family residence at 1120 Eleanor Street within the 25-year and 100-year floodplains as described in Building Permit application number 2013-093639 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 single-family residence from the requirement to dedicate an easement to the limits of the 100-year floodplain; and
- (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*).

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

3 (A) The applicant shall dedicate an easement to the City as required by City
4 Code Section 25-7-152 to the limits of the 100-year floodplain, excluding
5 the single-family residence. The City may not issue a Certificate of
6 Occupancy for the single-family residence until the applicant submits all
7 information and documentation necessary for the easement, and the
8 easement as approved by the City Attorney is filed by the applicant in the
9 Official Records of Travis County, Texas.

10 (B) The applicant shall submit a completed Elevation Certificate certifying the
11 elevation of the finished floor of the single-family residence, signed by a
12 professional land surveyor, engineer or architect authorized by law to certify
13 elevations, before the City may issue a Certificate of Occupancy for the
14 building.

15 (C) The applicant shall submit a certification by a registered design professional
16 certifying that the proposed development will withstand the flood forces
17 generated by the 100-year flood and that the design is in accordance with the
18 latest edition of the ASCE 24-05 before the City may issue building permits
19 for the single family-residence and second dwelling unit.

20 **PART 5.** This variance expires if the project for which this variance is granted does not
21 receive a Building Permit before May 12, 2015.

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

PART 7. This ordinance takes effect on_____, 2014.

PASSED AND APPROVED

_____, 2014 § _____
 § _____
 § _____
 Lee Leffingwell
 Mayor

APPROVED: _____
 Karen M. Kennard
 City Attorney

ATTEST: _____
 Jannette S. Goodall
 City Clerk