

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT 1121 EBERT AVENUE FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE FOR CONSTRUCTION OF A SINGLE-FAMILY DWELLING WITH A DETACHED GARAGE IN THE 100-YEAR FLOODPLAIN; ESTABLISHING THE 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 dwelling with a detached garage located at 1121 Ebert Avenue within the 100-year floodplain as described in building permit application number 2023-007697 PR.

**PART 2.** Council has considered the factors for granting a variance from floodplain regulations prescribed by Subsection (F) of City Code Section 25-12-54 (*Flood Resistant Construction*). Council finds that the variances granted by this ordinance are the minimum necessary to afford relief and are based on good and sufficient cause, and that failure to grant the variances 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 requirement in City Code Section 25-12-92 (*Encroachment on the Floodplain Prohibited*) that a development application may not be approved if a proposed building or parking area encroaches on the 100-year floodplain;
- (B) the requirement in City Code Section 25-12-53 (*Flood Loads*) that normal access to a building be by direct connection with an area that is a minimum of one foot above the design flood elevation; and

- 30 (C) the easement requirements in City Code Section 25-7-152 (Dedication of  
31 Easements and Rights-of-Way), to exclude the footprint of the home and  
32 garage from the requirement to dedicate an easement to the limits of the  
33 100-year floodplain.

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

- 36 (A) The applicant shall dedicate an easement to the City as required by City  
37 Code Section 25-7-152 (*Dedication of Easements and Rights-of-Way*) to  
38 the limits of the 100-year floodplain less the footprint of the buildings. The  
39 City may not issue a Certificate of Occupancy for the buildings until the  
40 applicant submits all information and documentation necessary for the  
41 easement and the easement, as approved by the City Attorney, is filed by  
42 the applicant in the Official Records of Travis County, Texas.
- 43 (B) Before the City may issue a Certificate of Occupancy for the buildings, the  
44 applicant must submit a completed Elevation Certification certifying the  
45 elevation of the finished floor of the buildings as proposed by the approved  
46 site plan application, signed by a professional land surveyor, engineer, or  
47 architect authorized by law to certify elevations.

48 **PART 5.** These variances expire if the dwellings for which these variances are  
49 granted do not receive a building permit within one year of the effective date of this  
50 ordinance.

51 **PART 6.** Approval of these variances does not constitute approval of zoning,  
52 subdivision, a site plan, a building permit, or any other development permit and does  
53 not constitute a commitment to any particular land use, intensity of land use, or utility  
54 services. Approval of these variances does not constitute a guarantee of flood insurance  
55 availability, rates, or requirements.

**PART 7.** This ordinance takes effect on \_\_\_\_\_, 2024.

**PASSED AND APPROVED**

\_\_\_\_\_, 2024      § \_\_\_\_\_  
§ \_\_\_\_\_

Kirk Watson  
Mayor

**APPROVED:** \_\_\_\_\_

Anne L. Morgan  
City Attorney

**ATTEST:** \_\_\_\_\_

Myrna Rios  
City Clerk