



City of Austin

Recommendation for Action

File #: 25-1287, **Agenda Item #:** 131.

7/24/2025

Posting Language

Conduct a public hearing and consider an ordinance regarding floodplain variances for a permit for the conversion of a garage into an occupied building at 209 Nelray Boulevard that is within the 25-year and 100-year floodplains of Waller Creek. Funding: This item has no fiscal impact.

Lead Department

Watershed Protection Department.

Fiscal Note

This item has no fiscal impact.

For More Information:

Kevin Shunk at 512-974-9176 or kevin.shunk@austintexas.gov; or Rebeka McKay at 512- [974-3353](tel:974-3353) or rebeka.mckay@austintexas.gov <<mailto:rebeka.mckay@austintexas.gov>>.

Additional Backup Information:

The owner of the property located at 209 Nelray Boulevard has applied for residential building permit 2024-048136 PR to convert a detached garage into an occupied residential building. The conversion was originally completed without the proper permits. The project included converting a 369 square-foot detached garage into a dwelling unit.

The property is located within the 25-year and 100-year floodplains of Waller Creek. The dwelling unit is entirely within the 25-year floodplain.

The owner seeks variances from the City's floodplain management regulations to 1) encroach on the 25-year and 100-year floodplains with the converted residential building; 2) not provide normal access from the building to an area that is a minimum of one foot above the design flood elevation (100-year floodplain); 3) not elevate the converted building a minimum of two feet above the design flood elevation (100-year floodplain) to meet the freeboard requirements; 4) not require the design and construction of the building to be in accordance with ASCE 24, Flood Resistant Design and Construction; and 5) exclude the footprints of the converted garage building and primary single-family dwelling from the required drainage easement..

THE WATERSHED PROTECTION DEPARTMENT RECOMMENDS DENIAL OF THIS VARIANCE REQUEST. The Watershed Protection Department is especially concerned about the requested variance to the freeboard requirements and have included a summary of findings in backup.