

ORDINANCE NO. _____

AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT 209 NELRAY BOULEVARD FROM CERTAIN FLOODPLAIN REGULATIONS PRESCRIBED BY THE CITY CODE FOR THE CONVERSION OF A DETACHED GARAGE INTO AN OCCUPIED RESIDENTIAL BUILDING IN THE 25-YEAR AND 100-YEAR FLOODPLAINS; 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 conversion of a detached garage into an occupied residential building at 209 Nelray Boulevard within the 25-year and 100-year floodplain as described in residential building permit application number 2024-048136 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, are based on good and sufficient cause, and 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, a nuisance, fraud on or victimization of the public, or conflict with existing local laws or ordinances.

PART 3. Variances are granted from:

- (A) the requirement in City Code Section 25-7-92 (*Encroachment on the Floodplain Prohibited*), that a development application may not be approved if a proposed building or parking area encroaches on the 25-year floodplain or 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 one foot above the design flood elevation;
- (C) the requirement in City Code Section 25-12-53 (*Flood Loads*), that the lowest floor of the building be elevated a minimum of 2 feet above the design flood elevation; and
- (D) the requirement in City Code Section 25-12-53 (*Flood Loads*), that the building be designed and constructed with flood damage-resistant materials in accordance with ASCE 24, Flood Resistant Design and Construction; and

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(E) the easement requirements in City Code Section 25-7-152 (*Dedication of Easements and Rights-of-Way*), to exclude the footprints of the converted garage building and primary single-family dwelling from the requirement to dedicate an easement to the limits of the 100-year floodplain.

PART 4. These variances expire if the building for which the variances are granted does not receive a residential building permit within one year of the effective date of this ordinance.

PART 5. Approval of these variances does not constitute approval of zoning, subdivision, a site plan, a building permit, or any other development permit, and does not constitute a commitment to any particular land use, intensity of land use, or utility services. Approval of these variances does not constitute a guarantee of flood insurance availability, rates, or requirements.

PART 6. This ordinance takes effect on _____, 2025.

PASSED AND APPROVED

_____, 2025

Kirk Watson
Mayor

APPROVED: _____ **ATTEST:** _____

Deborah Thomas
City Attorney

Erika Brady
City Clerk