

RESOLUTION NO. __ OF 2013

A RESOLUTION GRANTING A VARIANCE FROM CERTAIN PROVISIONS OF CHAPTER 34 OF THE CODE OF ORDINANCES RELATIVE TO FLOOD HAZARD PREVENTION AND OTHERWISE PROVIDING WITH RESPECT THERETO

Whereas, Chapter 34 of the Code of Ordinances relative to flood hazard prevention requires certain elevations for buildings in areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Caddo Parish, Louisiana and incorporated Areas"; and

Whereas, Section 34-53 authorizes the City Council to hear and decide requests for variances from the requirements of Chapter 34, Article II, relative to Floods, and provides in Section 34-53(d) that in passing upon such applications, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of said article, and other information submitted to it with regard to:

- (1)The danger that materials may be swept onto other lands to the injury of others;
- (2)The danger to life and property due to flooding or erosion damage;
- (3)The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4)The importance of the services provided by the proposed facility to the community;
- (5)The necessity to the facility of a waterfront location, where applicable;
- (6)The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (7)The compatibility of the proposed use with existing and anticipated development;
- (8)The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
- (9)The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10)The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (11)The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

Whereas, Section 34-54 of the Code of Ordinances further provides that:

(a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided subsections (1) through (11) in section 34-53(d) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(b) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this section.

(c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(e) Variances shall only be issued upon:

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section 34-53(d), or conflict with existing local laws or ordinances.

(f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Whereas, the City Council has received a request for a variance from Mr. Jimmy Silvio, who has requested a development permit for property located at 4456 Youree Drive, for a proposed Boneheads restaurant, with plans to build an addition onto the existing building which was not required to meet flood hazard elevations when it was built; and

Whereas, the City Council has requested a report from the City Engineer and a report from the owner addressing the issues listed in Section 34-53(d), and has considered said information prior to making this decision.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened that:

1. A variance from the required flood elevation is hereby granted for property located at 4456 Youree Drive, for an addition onto the existing building to be built at the same elevation as the existing building.

2. The Director of Public Works is hereby authorized to issue a development permit under Code of Ordinances Section 34-46, if all ordinance requirements are met other than the elevation requirement for which this variance is granted.

BE IT FURTHER RESOLVED that if any provision of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without the invalid provisions, items or applications and to this end the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed.

Approved as to legal form:

City Attorney's Office