



CITY OF SAN ANTONIO
TRANSPORTATION & CAPITAL IMPROVEMENTS

August 15, 2018

Philip Burzynski
GB Contractors
6438 Randolph Blvd
San Antonio, TX 78233

**Re: Floodplain Variance (FPV) #18-002
FPDP #2018153- AP #2347546 Mountain
1910 Deer Mountain, San Antonio, TX 78232**

Dear Mr. Burzynski;

The Transportation & Capital Improvements (TCI) Department Storm Water Division has been in review of Floodplain Development Permit (FPDP) #2018153 associated with the proposed reconstruction of the home at 1910 Deer Mountain. The proposed development is not in compliance with the current City of San Antonio Unified Development Code (UDC) Appendix F – Floodplains.

1. The proposed development does not meet the following UDC requirements:

- Appendix F, Section 35-F124(f)(16), which allows “Improvements to a structure that do not fall under the definition of substantial improvement.”
- Appendix F, Section 35-F125(a)(2), which prohibits habitable structures from being constructed in the floodplain.
- The code requirements above are supported by Appendix F, Section 35-F106, which defines habitable structure, substantial improvement, and substantial damage.
 - “Habitable structure means a structure that has facilities to accommodate people for an overnight stay. These include, but are not limited to, residential homes, apartments...”
 - “Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before “start of construction” of the improvement. This includes “substantial damage”, regardless of the structures which have incurred “repetitive loss” or actual repair work performed.”
 - “Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.”

2. A variance to the above UDC requirements will be required by TCI Storm Water Division prior to approval of any permit and issuance of the Floodplain Development Permit (FPDP).
3. The applicant has provided the following information to assist with the review of the variance to the above UDC requirements:
 - The applicant's surveyor has provided an elevation certificate indicating the 1% annual chance (100-year) floodplain Base Flood Elevation (BFE), and the existing bottom floor and lowest adjacent grade elevations.
 - The applicant has indicated that the reconstructed building will be elevated to at least one foot (1') above the BFE of the future conditions 1% annual chance floodplain (regulatory floodplain).

Rationale as to why the Administrative Exception/Variance will not be contrary to the spirit and intent of the UDC and the specific regulations from which an exception is requested.

- The variance will be in keeping with the spirit of the UDC. The applicant will be replacing an existing home with another home on the same footprint and will not endanger the neighbors. Not rebuilding the home will cause the lot to be an eyesore for the existing neighbors.

Assertion that the applicant has taken all practicable measure to minimize any adverse impacts on the public health, safety, and public welfare.

- Applicant is agreeing to raise the current slab to 810.41' which is at least one foot (1') above the Base Flood Elevation (BFE) of 809.40. None of the work to be done will block flows and will not have negative impact on the neighbors.

Justification stating that under the circumstances, the public interest underlying the proposed exception outweighs the public interest underlying the particular regulation for which the exception/variance is granted.

- The variance does not negatively impact public interest. The applicant is not changing the use of the property. By not rebuilding, the vacant lot would be an eyesore.

Identify the alternatives or consequences of the City not approving this request.

- Without the variance the applicant will not be able to rebuild the home. There would be lost tax revenue for the city due to the drop in property value.

The variance is the minimum necessary, considering the flood hazard, to afford relief.

- Applicant is raising the foundation one foot above the BFE of 809.40. Raising the home will not increase flooding, and will not impact the neighbors.

There is good and sufficient cause.

- Without the variance the applicant cannot move back into the home and the lot would remain vacant with an empty pool and decaying tennis court causing a significant eyesore to the well-established neighborhood. Without a home on the property, the land is useless.

Failure to grant the variance will result in exceptional hardship to the applicant.

- The hardship is not due to any action by the applicant, but is related to the land. This is a unique hardship and not common for every property. Without the variance the applicant will lose his homestead and the property will be of no value to anyone.

The variance will not result in increased flood heights, cause an additional threat to public safety, result in extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

- Applicant will only be elevating the structure and will not be adding onto the home. The footprint from the existing structure will not change, thus not blocking the flow and not impacting the neighbors.

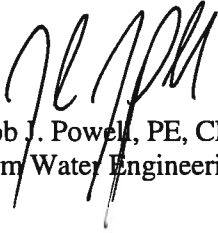
4. TCI will support a variance to the above UDC requirements with the following conditions:

- Construction activities associated with the project within the FEMA designated floodplain shall not commence prior to approval of a building permit and FPDP submitted to and approved by the TCI Storm Water.
- The lowest finished floor will be at least one foot (1') above the regulatory floodplain.
- The owner will provide an elevation certificate or survey once the foundation forms are in place to ensure the finished floor elevation is at least one foot (1') above the regulatory floodplain. Additionally, a post-construction elevation certificate will be required to document the finished floor elevation relative to the regulatory floodplain. The home cannot be occupied until the post-construction elevation certificate has been submitted to, reviewed, and accepted by the TCI Storm Water Division.
- The proposed construction will not include additions beyond the existing footprint. Future permits will be reviewed separately from this specific variance and may be denied if they are not in compliance with the floodplain ordinance.

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If the Variance is approved by the Planning Commission, TCI Storm Water Division will issue a floodplain development permit once the above conditions are met. If you have further questions or require any further assistance and/or information, please contact Jacob Powell at (210) 207-0176 or jacob.powell@sanantonio.gov

Sincerely,



Jacob J. Powell, PE, CFM
Storm Water Engineering Manager & Floodplain Administrator

Attachments: AEVR #18-002 Application
Variance Request Letter
Elevation Certificate
Denied FPDP #2018287

cc: Mr. Scott Purcell
Nefi Garza, PE, Assistant Director, TCI Storm Water Division
City of San Antonio, Planning Commission