Travis County Commissioners Court Agenda Request

Meeting Date: May 13, 2014
Prepared By: Stacey Scheffel **Phone #:** (512) 854-7565
Division Director/Manager: Anna Bowlin, Director Development Services and Long Range Planning

Department Head: Steven M. Manilla, P.E., County Executive-TNR
Sponsoring Court Member: Commissioner Gomez, Precinct Four

AGENDA LANGUAGE: Receive briefing on a potential variance to Chapter 64, Travis County Regulations for Floodplain Management for a home located at 8607 Bluff Springs Road. (This item may be taken in Executive Session under the consultation with attorney exception.)

BACKGROUND/SUMMARY OF REQUEST:

The home at 8607 Bluff Springs Road was damaged by the October 31, 2013 flood. The owner requested that TNR declare his property to be substantially damaged so he could collect increased cost of compliance coverage on his flood insurance policy. Based on damage reports from his insurance adjuster provided to TNR by the property owner, TNR was able to declare the property to be substantially damaged. On December 13, 2013, TNR hand delivered a letter to the owners stating that the home could not be repaired at its current elevation because it was substantially damaged. At some point after, the owner decided that he wanted to repair his home at its existing location. He submitted a contractor estimate for repair to TNR on January 2, 2014. The estimate was for just less that 50% of the pre-flood value of the home, but it did not include the repair of all damages. Based on TNRs initial damage assessment and the insurance adjuster's assessment, TNR staff believes that home is substantially damaged. On January 6, 2014, TNR again informed the property owner that the property is substantially damaged and of the procedure to apply for a variance if he wished to repair his home. Staff has also advised him of our buyout program. As of the date of this memo, the owner has not applied for a variance nor has he applied for buy out. On May 5, 2014, TNR issued a notice of violation to the owner for repairing his home without a permit. The repairs were continuing on May 6, 2014, therefore TNR issued a second notice of violation. On May 7, 2014, construction had not stopped. TNR issued its third and final notice of violation. TNR has referred to the non-compliance case to County Attorney's office in order to get a temporary injunction in order to stop construction until the permit/variance issues can be worked out.

STAFF RECOMMENDATIONS:

Staff does not recommend the variance because it would jeopardize the County's participation in the National Flood Insurance Program (NFIP).

ISSUES AND OPPORTUNITIES:

NFIP: The National Flood Insurance Program (NFIP) is administered by the Federal Emergency Management Agency (FEMA). In order to participate, the County must require that all substaintially damaged strutures that are repaired be elevated or removed from the floodplain. Participation in the NFIP allows all citizens of Travis County to purchase federally subsidized flood insurance. For structures in the floodplain, flood insurance through the NFIP is a requirement of most mortgages. In addition, participation in the NFIP makes the County eligible to receive Federal disaster assistance and qualifies the County to apply for Federal and State grants. Granting variances to County floodplain regulations would jeopardize the County's participation in the NFIP.

FEMA Variance Expectations: County and Federal floodplain regulations do allow for variances on elevation, but only if there is a condition unique to the property that would not allow the structure to be elevated to the required elevation. In this case, FEMA would expect the County to require that the structure be elevated as high as possible. According to FEMA and Federal Floodplain Regulations, economic hardship or the lack of compliance of neighboring properties is not a valid reason to grant a variance.

Substantial Damage (50% rule): A structure is concidered to be substaintially damaged if it is damged more than 50% of its value. Structures that are substainatally damaged must come into compliance with curent floodplain regulations. Contractor cost of repair is a good estimate for damaged, but insurance adjusters evalluations are coonsidered better.

FISCAL IMPACT AND SOURCE OF FUNDING:

None

ATTACHMENTS/EXHIBITS:

13-2676 Cost Estimate
13-2676 Revised Cost Estimate

REQUIRED AUTHORIZATIONS:

Cynthia McDonald	Financial Manager	TNR	(512) 854-4239
Steven M. Manilla	County Executive	TNR	(512) 854-9429
Anna Bowlin	Division Director	TNR	(512) 854-7561

CC:

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