MINUTES OF BRENTWOOD BOARD OF CONSTRUCTION APPEALS

The Brentwood Board of Construction Appeals met on Monday, September 20, 2021 at 6:00 p.m. at the Brentwood City Hall.

Present were Chairman Michael Vines, Vice Chairman Christian Noble, Jim Spangler, Dan Jordan, and David Flow. Staff members present were Todd Petrowski, Michael Rinehart, and Allison Henry.

Mr. Flow moved for approval of the minutes from the August 16, 2021 meeting as written; seconded by Mr. Jordan. Approval was unanimous.

**New Business**

**Item 1: BBCA2108-002 Request of Variance from Chapter 56, Article II – Flood Prevention Ordinance. Reconstruct elevated home in the floodway.**

Superior Remodeling, LLC requested approval of a variance from Section 56-83 of the Brentwood Municipal Code, which prohibited new homes in the regulatory floodway. Staff determined that the existing home was substantially damaged during the March 2021 flood. Substantially damaged homes cannot be repaired – they must be elevated or removed from the property. The property owner decided to remove the damaged home and build a new compliant elevated structure within the same building footprint. No increase in the existing building footprint would be allowed.

County tax records show that the existing home was built in 1969 and before detailed flood mapping or modern flood damage reduction ordinances were in place. Since the lot is existing and the new home will be elevated on the same building footprint, City staff supported the request.

In considering variance requests, the Board of Building Construction Appeals considered the following:

Sec. 56-93. - Conditions for variances.

(a) In reviewing applications for variances, the board of building construction appeals shall consider all technical evaluations, all relevant factors, and all standards specified in other sections of this division. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. Variances from the provisions of this article may be granted by the board of building construction appeals only upon:

1. A showing of good and sufficient cause; and
2. A determination that:
3. The variance is the minimum relief necessary, considering the flood hazard and each of the factors listed in subsection (b) of this section;

The variance would allow for an elevated home on an existing lot.

1. Failure to grant the variance would result in exceptional hardship; and

Failure to grant the variance would result in a vacant parcel.

1. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense; create nuisance; cause fraud on or victimization of the public; or conflict with existing local laws or divisions.

All improvements would be within the existing footprint of the house. Flood heights would not be increased.

(b) In addition to the general determinations set forth in subsection (a) above, the board of building construction appeals shall consider each of the following factors in considering a request for a variance from the provisions of this article:

1. The danger that materials may be swept onto other property to the injury of others;

House would be elevated and in same footprint.

1. The danger to life and property due to flooding or erosion;

This will not be increased.

1. The susceptibility of the proposed facility and its contents to flood damage;

The variance, if granted, would reduce potential damage to contents & structure.

1. The importance of the services provided by the proposed facility to the community;

Not applicable.

1. The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

Not applicable.

1. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

Not applicable.

1. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

Not applicable.

1. The safety of access to the property in times of flood for ordinary and emergency vehicles;

Not applicable.

1. 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

Not applicable.

1. 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, water systems, and streets and bridges.

Not applicable.

(d) Upon consideration of the factors listed above, and the purposes of this division, the board of building construction appeals may attach such additional conditions to the granting of variances as it deems necessary to effectuate the purposes of this division.

Mr. Noble moved that the Board grant the variance. Mr. Jordan seconded; approval was unanimous.

Being no further business, the meeting adjourned at 6:09 p.m.

Approved: August 15, 2022 Holly Earls

 Holly Earls, City Recorder