

MINUTES OF THE MEETING OF THE ZONING BOARD OF ADJUSTMENT HELD IN THE CONFERENCE ROOM, AT CITY HALL, 1212 AVENUE M, HUNTSVILLE, TEXAS ON THE 27 TH DAY OF JANUARY, 2017 AT 12:00 NOON.

Members present: Hannes; Montgomery; Holland; Alternates Zuniga & Watkins

Members absent: Cromer, Grigsby

Staff present: Kulhavy, Ridley, Martin

1. CALL TO ORDER

This meeting was called to order by Chairman Hannes. [12:00PM]

2. ROLL CALL and selection of Alternate(s) if needed.

Alternates Watkins and Zuniga will be voting due to the absence of Board Members Cromer and Grigsby.

3. PUBLIC HEARING for the variance request by Nicholas Gignac, applicant, for a variance to *Section 10.500 Sidewalks in Article 10: Infrastructure and Public Improvements of the Development Code* to not construct the required sidewalk on property located at 7174 SH 75 S.

Chairman Hannes opened the public hearing. [12:01 PM]

Aron Kulhavy began by stating that this case and the next case on the agenda are both for relief from the updated “new” Development Code requirement for sidewalk construction for new development. **Kulhavy** then gave a brief overview of the specifics of this case per the staff discussion form. Staff recommends denial for it does not meet all criteria however variances have been granted for adjacent properties.

Board Member Holland asked if TxDOT had any known plans to widen SH 75 where **Kulhavy** answered that were none. **Board Members** discussed the need for improvement of this portion of SH 75 S and future construction of sidewalks on both sides of the highway if this were to occur; and the effect this might have on a sidewalk which would be constructed at this time.

Applicant Presentation:

There was no representative in attendance.

Speakers in support of the variance request:

There were none.

Speakers in opposition of the variance request:

There were none.

Betty Storms, property owner at 7191 SH 75 S, spoke noting the importance of sidewalks located near a school.

Chairman Hannes closed the public hearing. [12:11PM]

4. **CONSIDER** the variance request by Nicholas Gignac, applicant, for a variance to *Section 10.500 Sidewalks in Article 10: Infrastructure and Public Improvements of the Development Code* to not construct the required sidewalk on property located at 7174 SH 75 S.

Aron Kulhavy stated that the Board has the option to proceed with consideration and vote on this variance case or to table the case to the next meeting due to the lack of applicant representation.

Board Member Montgomery made a motion to deny the variance. There was no second. The motion failed.

Board Member Zuniga made a motion to table/ postpone the vote on the variance request so that the applicant can have the opportunity to present at the next meeting. Second was by Chairman Hannes. The motion carried 4-1. [For: Hannes, Holland, Watkins, and Zuniga. Against: Montgomery].

5. **PUBLIC HEARING** for the variance request by Neil Atkinson of Atkinson Engineers, applicant, for a variance to *Section 10.500 Sidewalks in Article 10: Infrastructure and Public Improvements of the Development Code* to not construct the required sidewalk on property located at 193 IH 45 S.

Chairman Hannes opened the public hearing [12:15 PM]

Aron Kulhavy offered to answer questions.

Board Member Holland questioned the Development Code addressed optional, more logical, locations for the placement of sidewalks on property. Kulhavy state that sidewalks need to be located to tie in with adjoining property sidewalks. The Board is able to grant conditions for the variance. TxDOT is in the conceptual design phase for the near future widening of IH 45 through the City. The plans show that sidewalks are to be constructed. The exact locations for the sidewalks are unknown at this point in time.

Application Presentation:

Neil Atkinson and Bob Mackelroy presented their case for the granting of the variance. Additional pictures were shown to further demonstrate why they felt that construction of the required sidewalk is not practical or logical.

Speakers in support of the variance request:

There were none.

Speakers in opposition of the variance request:

There were none.

Chairman Hannes closed the public hearing [12:29 PM]

6. **CONSIDER** the variance request by Neil Atkinson of Atkinson Engineers, applicant, for a variance to *Section 10.500 Sidewalks in Article 10: Infrastructure and Public Improvements of the Development Code* to not construct the required sidewalk on property located at 193 IH 45 S.

Board Member Watkins noted that the Buffalo Wild Wings Development could have extended sidewalks across their property. **Kulhavy** stated that this development was under the “old” Development Code. The Target/Olive Garden development sidewalks that have been constructed were negotiated per a Developer’s Agreement, not per Development Code requirement.

Board Member Holland made a motion to approve variance request by Neil Atkinson of Atkinson Engineers, applicant, for a variance to Section 10.500 Sidewalks in Article 10: Infrastructure and Public Improvements of the Development Code to not construct the required sidewalk on property located at 193 IH 45 S. Second was by Montgomery. The vote was unanimous.

- 7. CONSIDER** Board recommendation to City Council regarding the current requirements of *Development Code Section 10.500 Sidewalks in Article 10: Infrastructure and Public Improvements.*

Aron Kulhavy opened the discussion by noting one of The Planning Commission’s 2017 work items is to review and possibly revise *Section 10.500 Sidewalks in Article 10: Infrastructure and Public Improvements.*

After some discussion by the Board, **Kulhavy** suggested the Board hold a joint workshop with the Planning Commission to further discuss and consider the current requirements of *Development Code Section 10.500 Sidewalks in Article 10: Infrastructure and Public Improvements* in an effort to resolve the current issue of frequent sidewalk variance requests.

The Board Members agreed to hold a joint workshop with The Planning Commission at a later date.

- 8. CONSIDER** the minutes of December 16, 2016.

Board Member Watkins made a motion to approve the minutes. Second was by Board Member Holland. The vote was unanimous.

- 9. ADJOURNMENT**

Chairman Hannes adjourned the meeting [12: 52 PM]