

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 24TH DAY OF FEBRUARY, 2017 AT 12:00 NOON.

Members present: Cromer; Grigsby; Hannes; Holland; Montgomery; Alternate Zuniga

Members absent: Alternate Watkins

Staff present: Kulhavy, Ridley, Martin

1. CALL TO ORDER

This meeting was called to order by Chairman Hannes. [12:01PM]

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

Alternate Zuniga will not be voting.

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 then gave a brief overview of the specifics of this case per the staff discussion form. This case was tabled at the last meeting due to applicant not being present. Staff recommendation is to deny the variance because it does not meet all required criteria per the Development Code.

Board Member Hannes inquired regarding any known plans to widen/improve SH 75. Kulhavy responded that there were none. **Board Members** discussed the much needed improvement for this portion of SH 75 S and the effect that future road improvement might have on a sidewalk which is constructed at this point in time. It was noted that TxDOT is requiring that a right turn lane be constructed into the subject property.

Applicant Presentation:

Richard Tagle, with Gignac Architects, presented the applicant's case for the requested variance making note of a conflict with existing drainage and issues in regards to meeting ADA slope requirements for the sidewalk.

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. [12:06 PM]

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.

Board Member Holland discussed the previous workshop pertaining to sidewalks. The Members suggested granting variance until needed in future. **Richard Tagle** informed the Board that the school will be developed in two phases. Construction of Phase II of the school development will depend on student enrollment. Phase II construction plans will be required to be submitted to the City of review and approval.

Board Member Grigsby made a motion to approve variance request until the Phase II development of the school, when construction of a sidewalk will be re-considered. Second was by Member Cromer. The vote was unanimous.

5. **PUBLIC HEARING** for the variance request by Brittanie Chastain, applicant and property owner, 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 the property located at 200 FM 980.

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

Aron Kulhavy gave a brief overview of the property noting the closest sidewalk to the property is located at Smileys, approximately .6 miles away. City Staff has received one phone call and one letter in opposition to the granting of the variance from neighboring property owners. The letter which expressed concern for pedestrian safety was provided to the Board Members prior to the meeting.

Applicant Presentation:

Brittanie Chastain and her mother, Claudia Rebel, presented their case for variance request. Rebel noted that she has not observed any foot traffic along FM 980 and a sidewalk, if constructed, would not connect to anything.

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. [12:21 PM]

6. **CONSIDER** the variance request by Brittanie Chastain, applicant and property owner, 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 the property located at 200 FM 980.

Board Member Cromer reiterated Ms. Rebel's observation, saying there is no pedestrian traffic along FM 980 ditches.

Board Member Zuniga told the applicant they may be required to build sidewalks in the future.

Board Member Cromer made a motion to approve the variance request with the condition that construction of the sidewalk is deferred until such time that it is appropriate to construct the sidewalk. Second was by Board Member Montgomery. The vote was unanimous.

7. CONSIDER the minutes of January 27, 2017.

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

8. ADJOURNMENT

Board Member Montgomery made a motion to adjourn the meeting. Second was by Board Member Cromer. The vote was unanimous. [12:24 PM]