

MINUTES OF THE MEETING OF THE ZONING BOARD OF ADJUSTMENT HELD IN THE COUNCIL CHAMBERS, AT CITY HALL, 1212 AVENUE M, HUNTSVILLE, TEXAS ON THE 28TH DAY OF APRIL, 2017 AT 12:00 NOON.

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

Members absent: None

Staff present: Kulhavy; Ridley

1. CALL TO ORDER

This meeting was called to order by Chairman Hannes. [12:04 PM]

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

All Board Members were present.

3. PUBLIC HEARING for the variance request by Meihai Isaac Afik, applicant, for a variance to *Section Table 5-1: Lot and Building Setback Regulation in Article 5: Lot and Setback Regulations of the Development Code* for a variance for the density regulation for an apartment development located on Lake Road and Windsor Street.

Chairman Hannes opened the public hearing. [12:05 PM]

Aron Kulhavy gave a brief overview of this case per the staff discussion form providing additional explanation regarding the calculation of density per the number of apartment units as opposed to the number of bedrooms.

Board Member Holland inquired regarding any staff concern over increased traffic which may result from granting the variance. **Board Member Cromer** noted that even though 1 bedroom units are being proposed, there may be more than one person residing in each unit and therefore more and one vehicle per unit. He inquired as to the project meeting more than the minimum parking requirement of one space per bedroom.

Applicant Presentation:

Isaac Afik, applicant, spoke noting that the project is intended to be one student per unit. The project is to be built from shipping containers. Each unit will come with a bicycle. The project is targeting students who care about the environment and want to reside in a shipping container, (reuse/recycle of existing materials), and will use a bicycle to commute to campus.

Speakers in support of the variance request:

There were none at this time.

Speakers in opposition of the variance request:

Fred and Jodi Otto, residing at 1327 Windsor, spoke to express their concern that the project would adversely affect the value of their home. They also expressed concern regarding the impact the project will have on traffic in the area, especially with the other new apartment complex currently under construction of Lake Road. **Board Member Watkins** inquired as whether they were opposed to the variance for the increase in density or opposed to the entire project. **Board Member Cromer** noted, (wanting the Otto's to understand), that the variance request is to allow for an increase in the density for the apartment project only. There is not a question as to

whether the property can be developed as an apartment complex. **Board Member Holland** clarified that the property is located in the Management (M) Development District which allows for any type of commercial development if it is an allowed use per the City of Huntsville Development Code.

Allen Graham, representing Focus Care & Green Acres of Huntsville, (a nursing home), that is located at 1302 Nottingham Street, spoke to express his concern for the ingress and egress for the proposed development from Windsor Street. The street already has quite a bit of traffic. Deliveries and ambulance services for the nursing home are from Windsor Street.

Audrey Baker McFail, (has office at 1325 Windsor Street), spoke regarding concern with parking within the proposed development and the possibility that residents may park in the street.

At this time **Rosalia Orozco**, a SHSU student, spoke in support of the variance request stating that it is difficult to find an affordable apartment without having room-mates. She and many other students prefer to live alone and also walk to campus. She feels that bicycles seem to be also be a feasible option for students commute to campus.

Donna Pinon also spoke in support of the variance request. She stated that there are a huge number of two bedroom unit apartments in Huntsville. There is a need for one bedroom units. She noted that per the City's Code, the project would not need a variance for sixty-four (64) bedrooms/units if they were provided in thirty-two (32) two bedroom units. She also stated that the subject property is already surrounded by commercial development, apartments and otherwise.

Rebuttal by the Applicant:

Isaac Afik stated that he intends to save as many trees as possible on the property and the units in the development will be of maximum stories in height. He is planning a cutting-edge design, high quality development.

Staff noted the email received from **Barbara Dominey** in opposition to the variance which expressed concern for parking overflow which may affect her property; concern about increased traffic in the area; and concern for increased storm water which will result from the clearing and developing of the property.

Chairman Hannes closed the public hearing. [12:33 PM]

4. **CONSIDER** for the variance request by Meihai Isaac Afik, applicant, for a variance to *Section Table 5-1: Lot and Building Setback Regulation in Article 5: Lot and Setback Regulations* of the *Development Code* for a variance for the density regulation for an apartment development located on Lake Road and Windsor Street.

Commissioners discussed and questioned staff regarding the Code definition of density, (units and number of bedrooms per units), as well as the parking requirements for the project and other project development requirements per the City's Development Code. Staff assured the Board that the proposed development will have to meet all of the Development Code requirements.

Board Member Cromer made a motion to approve the variance request. Second was by Board Member Holland. The vote was unanimous.

5. **PUBLIC HEARING** for the variance request by John Rose, applicant for HEB Grocery Company, property owner, for a variance to *Section 8.503, Sub-section 3. (c) in Article 8: Signs of the Development Code* for a variance for sign height for development located at 1702 11th Street.

Chairman Hannes opened the public hearing. [12:42 PM]

Aron Kulhavy gave a brief overview of the variance request per the staff discussion form. Per the Development Code the applicant can reface and leave the existing sign as presently located on the property. The applicant would like remove the old sign and replace it with a new sign at a more advantageous location on the property, but still at a height that exceeds the current Development Code height requirement.

Applicant Presentation:

John Rose, applicant and representative of the property owner, presented his case for the granting of the variance. He stated that HEB is excited about building the new store for Huntsville. He pointed out that the existing sign can be refaced and used by HEB, but they would prefer to relocate and sign on the property. The intent of HEB is to draw people, (regional customers), into town to shop at their store. He also noted that the City has expressed interest in obtaining an easement on the property for placing a community information sign. He stated that HEB is will to provide an easement for such City signage.

Board Member Grigsby inquired as to the intent of HEB to remove any of the existing trees which are currently located the property, (along an existing natural drainage channel), as they affect visibility signage as approached from SH 75 N. Mr. Rose responded that it depends upon the location of the trees in relation to the the high water mark of the drainage channel as to whether trees will be removed/trimmed. They are not allowed to touch any trees that are at or below the high water mark of the drainage channel. The may remove/trim trees above the high water mark. Their concern is the visibility of signage for regional customers approaching the store from the west on 11th Street, (coming off of IH 45).

Speakers in support of the variance request:

Staff noted the email in support of the variance received from the 11th Street Veterinary Clinic as well several conversations from neighboring property owners who do not have any opposition to the variance request.

Speakers in opposition of the variance request:

There were none.

Rebuttal by the Applicant:

No Rebuttal was given by the Applicant.

Chairman Hannes closed the public hearing. [12:50 PM]

6. **CONSIDER** for the variance request by John Rose, applicant for HEB Grocery Company, property owner, for a variance to *Section 8.503, Sub-section 3. (c) in Article 8: Signs*

of the *Development Code* for a variance for sign height for development located at 1702 11th Street.

The **Board** discussed and questioned staff and applicant regarding many aspects of the case including past sign variance cases and precedents that have been set by past Board decisions. **Staff** offered that if the Board chooses to grant the variance, conditions for the removal of the existing sign may be added.

Board Member Holland made a motion to approve the replacement of the existing sign with a relocated new sign at a height not to exceed 40' with the condition that the old existing sign is removed from the property. Second was by Board Member Montgomery. The vote was unanimous.

7. CONSIDER the minutes of March 31, 2017.

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

8. ADJOURNMENT

The meeting was adjourned. [1:05 PM]