

MINUTES OF THE MEETING OF THE BOARD OF ADJUSTMENT HELD IN THE COUNCIL CHAMBERS, AT CITY HALL, 1212 AVENUE M, HUNTSVILLE, TEXAS, ON THE 21ST DAY OF DECEMBER 2018 AT 12:00 NOON.

Members present: Holland; Hannes; Zuniga; Watkins; Alternate Miller & Alternate Reader

Members absent: Grigsby

Staff present: Larkins; Ridley; Byal; Trejo

1. CALL TO ORDER

The meeting was called to order by Board Chairman Holland. [12:01 PM]

2. PLEDGE OF ALLEGIANCE

a. **U.S. Flag**

b. **Texas Flag**

3. INVOCATION

Board Member Hannes led the invocation

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

In the absence of Board Member Grigsby, Alternate Miller will vote as the senior Alternate Board Member.

Chairman Holland welcomed Cheryl Reader, appointed in December 2018, as Alternate Board Member.

5. PUBLIC HEARING for the variance request by Nathan Winkelman, applicant and property owner, for variance to *Section 10.500 Sidewalks in Article 10: Infrastructure and Public Improvements of the City of Huntsville Development Code* to not construct a sidewalk along 7th Street, as required for the proposed development of property located at 640 University Avenue.

Chairman Holland opened the public hearing.

Janet Ridley, City Planner, gave an overview of this case per the Agenda Item Discussion Form noting that 7th Street is classified as a Collector Street per the City's Transportation Plan. Each of staff's responses to the Development Code six criteria which are to be met in order to grant a variance were presented. It was noted that the Applicant's responses to the six criteria are attached to the application which was included in the meeting packet. **Ridley** stated that Staff recommends denial of the variances because the location of the property does warrant the construction of a sidewalk; the existing power pole and guy wire do not present obstacles that cannot be overcome to construct a sidewalk as required; and because the request does not meet all of the six criteria per the requirement of the Development Code to grant a variance.

Applicant Presentation:

Nathan Winkelman, applicant and property owner, presented his case for the granting of the variance. Winkelman stated that the steepness of the street presented an accessibility issue.

Speakers in support of the variance request:

There were none.

Speakers in opposition of the variance request:

Juan Nuñez, with Sam Houston State University, spoke stating his opposition to the variance, noting that sidewalks are needed for pedestrian safety and the university is working to provide sidewalks on campus.

Andie Ho, residing at 331 Oak Lawn, expressed her opposition to the variance stating that there is a lack of sidewalks in Huntsville.

Martin Malandro, residing at 331 Oak Lawn, expressed his opposition to the variance stating that sidewalks are important for pedestrian safety.

Chairman Holland made note of the two letters staff had received stating opposition to the variance from Robert Van Burkleo, residing at 428A University Avenue, and Rose Stuber, residing at 917 9th Street.

Rebuttal:

Nathan Winkelman, applicant and property owner, provided the Board with pictures of the property, street, and adjacent property to indicate the steepness of the street and other property conditions.

Board Chairman Holland closed the public hearing.

6. **CONSIDER** the variance request by Nathan Winkelman, applicant and property owner, for variance to *Section 10.500 Sidewalks in Article 10: Infrastructure and Public Improvements of the City of Huntsville Development Code* to not construct a sidewalk along 7th Street, as required for the proposed development of property located at 640 University Avenue.

Board Members questioned staff regarding accessibility and possibility of having the utility pole moved. Staff responded that accessibility regulations allow for sidewalks located adjacent to existing streets to match the grade of the existing street; the Development Code allows for the City Engineer to decrease the required width of sidewalks when there is inadequate space or other factors prevent installation of a full width sidewalk; and a property owner can request that a power pole be moved.

Board Member Zuniga made a motion to deny the variance to not construct a sidewalk along 7th Street. Second was by Board Member Miller. The vote was unanimous.

7. **CONSIDER** the request by Darrell Grein, property owner, for a 6-month extension of the expiration period for the Density Variance granted by the Board of Adjustment on December 15, 2017 for property located on 21st Street and Avenue J, BOA Case 15-2017.

Janet Ridley, City Planner, gave an overview of the request for the extension of the expiration period for the variances noting that Mr. Grein is working with the City for the possible extension of 22nd Street east from Sam Houston Avenue, through the proposed student housing development property, to Avenue J. Staff recommends that the Board extend the expiration of the variances for the six (6) months period as requested.

Board Member Hannes made a motion to grant the six (6) month extension of the expiration period for the variances as requested. Second was by Board Member Zuniga. The vote was unanimous

8. **CONSIDER** the minutes of November 30, 2018.

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

9. ADJOURNMENT

The meeting was adjourned. [12:29 PM]