

CITY OF HUNTSVILLE, TEXAS

Ken Holland, Chairman

Nate Grigsby, Position 1
Cheryl Reader, Position 2
Michelle Spencer, Position 3
Elliot Herzlich, Position 5



Jason Warren, Alternate A
Tracy Richardson, Alternate B

BOARD OF ADJUSTMENT AGENDA

THURSDAY, FEBRUARY 23, 2023, 5:30 PM

NASH BOARD ROOM
HUNTSVILLE PUBLIC LIBRARY, 1219 13th STREET

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the Planning Division, at 936-294-5782 two working days prior to the meeting so that appropriate arrangements can be made.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

- a. U.S. Flag
- b. Texas Flag - *Honor the Texas Flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible.*

3. INVOCATION

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

5. PUBLIC HEARING

- a. For a variance request, (BOA Case 01-2023), by Daniel White, applicant, to *Article 10.200, 10.201, and 10.201.B (Infrastructure and Improvements Required)* of the Development Code not to extend Col. Etheredge Boulevard across the intersection of Col. Etheredge Boulevard and Veterans Memorial Parkway, to connect to property located at 1157 Veterans Memorial Parkway.
- b. For a variance request, (BOA Case 02-2023), by Cynthia Hardy, applicant, to *Article 4.203.H (Use Regulations)* of the Development Code for the placement of a manufactured home older than 20 years old within the city limits of Huntsville on property located at 1180C Fish Hatchery Road.

6. CONSIDER

- a. The variance request, (BOA Case 01-2023), by Daniel White, applicant, to *Article 10.200, 10.201, and 10.201.B (Infrastructure and Improvements Required)* of the Development Code not to extend Col. Etheredge Boulevard across the intersection of Col. Etheredge Boulevard and Veterans Memorial Parkway, to connect to property located at 1157 Veterans Memorial Parkway.
- b. The variance request, (BOA Case 02-2023), by Cynthia Hardy, applicant, to *Article 4.203.H (Use Regulations)* of the Development Code for the placement of a manufactured home older than 20 years old within the city limits of Huntsville on property located at 1180C Fish Hatchery Road.
- c. The minutes of the November 29, 2022, meeting.

7. ADJOURNMENT

If, during the course of the meeting and discussion of any items covered by this notice, the Board of Adjustment determines that a Closed or Executive session of the Commission is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Sections: 551.071 – consultation with counsel on legal matters; 551.072 – deliberation regarding purchase, exchange, lease or value of real property; 551.073 – deliberation regarding a prospective gift; 551.074 – personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; 551.076 – implementation of security personnel or devices; 551.087 – deliberation regarding economic development negotiation; and/or other matters as authorized under the Texas Government Code. If a Closed or Executive session is held in accordance with the Texas Government Code as set out above, the Board of Adjustment will reconvene in Open Session in order to take action, if necessary, on the items addressed during Executive Session.

CERTIFICATE

I, Sharon Schultz, Deputy City Secretary, do hereby certify that a copy of the February 23, 2023, Board of Adjustment Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING: February 15, 2023

TIME OF POSTING: 12:30 p.m.

DATE REMOVED: _____

Sharon Schultz

Sharon Schultz, Deputy City Secretary



BOARD OF ADJUSTMENT AGENDA ITEM DISCUSSION FORM

Prepared by: Layne Yeager
Planner

Armon Irones
City Planner

MEETING DATE: February 23, 2023

TYPE OF REVIEW: Variance from the Requirements of *Development Code*

SUBJECT: Infrastructure and Public Improvements (Article 10)

REQUESTED BY: Daniel White

CASE OVERVIEW: CASE 01-2023

Daniel White has submitted an application on behalf of Kaye Boehning for a **Variance** from the *Development Code* in order to omit the placement of access from Col. Etheredge Boulevard on the lot located at 1157 Veterans Memorial Parkway. The lot is 1.63-acre lot and the proposed structures are 4,480 and 1,272 square feet. The property is located in the Management (M) District.

The applicant has provided responses to the Variance Criteria in the attached application. The applicant is requesting variances from one sub-section of the Development Code: 10.201B. The site will include one entry/exit location that will be off Veterans Memorial Parkway.

Development Code Section 10.201 outlines developers are responsible for the construction and installation of the following infrastructure and public improvements, in accordance with the standards of this Development Code. Subsection 10.201.B outlines streets within the development and improvements to existing streets that border the development and that are required for safe and adequate access to the development.

Development Code Section 12.907 Standards and Review Criteria

1. 12.907.A No variance may be approved unless the Board of Adjustment finds that the variance to be approved is consistent with the spirit and intent of this Development Code and that strict compliance with the subject provisions would result in an unnecessary hardship(s) for the subject property owner.
2. 12.907.B In its consideration of whether a variance request has met the standard of unnecessary hardship, the Board of Adjustment must make all of the following findings from the evidence presented:
 1. The variance is necessary to overcome a condition of the property itself;
 2. The condition necessitating the variance is unique to the subject property;
 3. The condition necessitating the variance was not created by the subject property owner;
 4. Literal enforcement of the subject regulation will deprive the property owner of any economically beneficial use of the subject property;
 5. Approval of the variance will not be contrary to the public interest; and
 6. Approval of the variance is in keeping with the overall spirit of this Development Code and furthers substantial justice.

STAFF RECOMMENDATION

The requirement of access points to each public road right of ways is recommended not to be required at this location due to Col. Etherage Boulevard. Currently, this roadway has not been constructed to the west of Veterans Memorial and is not under evaluation for extension.

Staff recommend approval of the variance.

ATTACHMENTS:

- **Application**
- **Vicinity Map**
- **Exhibits**



Variance/Appeal Request Application

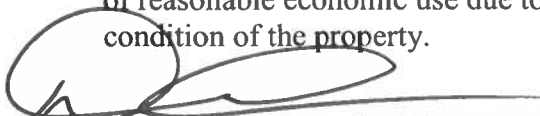
City of Huntsville | 448 State Highway 75 North | Huntsville, TX 77320 | 936-294-5782

Applicant Information - As authorized by the property owner(s)

Name DANIEL WHITE / DSW CONSTRUCTION SERVICES, LLC
PO BOX 40 NEW WAVERLY TX 77358
Mailing Address City State Zip Code
Phone Number 936-661-5602 Alternate Phone Number 936-435-0641
E-mail: DSWCONSTRUCTIONSERVICESLLC@GMAIL.COM

I, the undersigned, understand the provision of the Huntsville Development Code, especially Sections 12.900 and 12.1000, and hereby submit this request based upon one (1) of the following:

- ☐ There has been an alleged error in an order, requirement, decision or determination by an administrative official in the enforcement of the Development Code.
- ☒ The strict application of one or more requirements of the Development Code renders the parcel incapable of reasonable economic use due to the particular physical surroundings, shape, or topographical condition of the property.


Signature

1-30-23
Date

Property Owner Information - By signing below, I acknowledge that I am the rightful owner of the property proposed for development; and, if different, I authorize the "Applicant" to serve as my agent for matters pertaining to this application.

Name Kaye Boehning
2817 Old Houston Rd Huntsville TX 77310
Mailing Address City State Zip Code
Phone Number 936-438-1624 Alternate Phone Number _____
E-mail: kaye@tpms.life

Signature Date 1-29-23

Variance/Appeal Information

Please provide a description of your request. (If requesting a variance, please answer the attached questions.)

NOT TO BUILD COL. ETHEREGE BLVD DUE TO PROPERTY IT GOES TO IS
IN A TRUST AND CAN NEVER BE DEVELOPED AND ENTRANCE AND EXITS TO PROJECT WILL
BE ON VETERANS MEMORIAL PKWY FOR PROPERTY 1157 VETERANS MEMORIAL
PKWY

Application Fee

\$300.00

Public Hearing

A public hearing is required for this request. City staff will complete all the requirements of the public hearing notice process.

For Staff Use Only

Received/By:	Fee Paid:	Board of Adjustments Date:	Outcome:

Applicant Name

Questions

Please answer the following questions. Attach a separate sheet if additional space is needed.

1. Is the variance necessary to overcome a condition of the property itself?

WILL NOT NEED ROADWAY DUE TO ENTRANCE AND EXIT IS ONE
DRIVE ON VETERANS MEMORIAL PKWY

2. Is the condition necessitating the variance unique to the subject property?

ROADWAY GOING TO NOTHING IS NOT NEEDED AND PROPERTY IT
WOULD GO TO IS IN A TRUST TO NEVER BE DEVELOPED.

3. Is the condition necessitating the variance created by the subject property owner?

NO

4. Will literal enforcement of the subject regulation deprive the property owner of any economically beneficial use of the subject property?

NO

5. Will approval of the variance be contrary to the public interest?

NO

6. Will the approval of the variance be in keeping with the overall spirit of the Development Code and further substantiate justice?

YES



The City of Huntsville, Texas or its employees gives NO warranty, expressed or implied, as to the accuracy, reliability, or completeness of these data. See full GIS Data Disclaimer at: www.huntsvilletx.gov/gis

1 in = 100 ft

On 8.5 x 11 inch Print

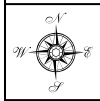
0 0.0075 0.015 0.03 mi

On Any Print Size

CREATED DATE: 2/7/2023

CITY OF HUNTSVILLE, TX
ENGINEERING DEPARTMENT / GIS DIVISION

Vicinity Map
Huntsville GIS Division



Service Layer Credits: City of Huntsville GIS Division



**CITY OF
Huntsville**
Incorporated in 1845 under the Republic of Texas

February 7, 2023

RE: Public Hearing for a Variance Request – 1157 Veterans Memorial Parkway
Board of Adjustment Case No. 01-2023

Dear Property Owner:

On Thursday, February 23, 2023, at 5:30pm, the City of Huntsville Board of Adjustment will meet to conduct business at the Huntsville Public Library in the Nash Board Room, located at 1219 13th Street, Huntsville, Texas, 77340.

According to the City of Huntsville Development Code, you have received this notice because you are listed on the Walker County Tax Roll as owning property within 300 feet of the applicant's property that will be under consideration at the above meeting.

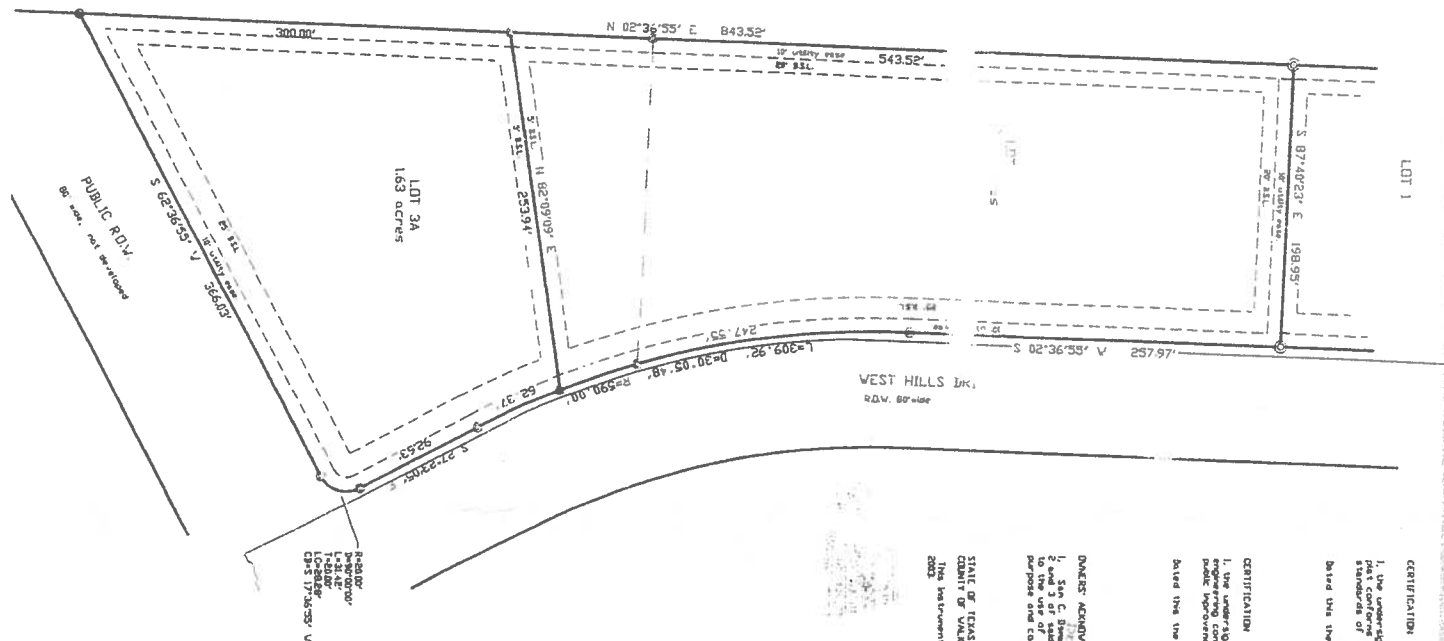
Daniel White, the applicant, and Kaye Boehning, the property owner, are asking for variances from the requirements of Article 10: Infrastructure and Public Improvements of the City of Huntsville Development Code to omit the placement of access from Col. Etheredge Boulevard.

You are hereby notified in accordance with the City of Huntsville Development Code, this Board plans to take action on this matter. The documents will be available on-line or at the City Service Center once the Board of Adjustment's agenda is posted, which is 72 hours before the meeting date.

If you are unable to attend the public hearing, written comments will be accepted during normal business hours in the office of the Planning Division located at the City Service Center, 448 State Highway 75 North, Huntsville, TX 77320 or you may email lyeager@huntsvilletx.gov or call 936-294-5782 for more information.

Respectfully,

Layne Yeager
Planner




FEDERAL BUREAU OF INVESTIGATION
 U.S. DEPARTMENT OF JUSTICE
 440 Constitution Avenue, N.W.
 Washington, D.C. 20535
 February 21, 2004

COMMENT

956-661-6602

SHEET:

WATER DEMANDS		(1) ADF	(2) MGD	(3) PHD	(4) PHD (mgd)
Unit Description	Projected Water Demands (gpm)	SF Acres	Average Daily Flow (ADF) (gpm)	Maximum Daily Demand (MGD) ADF = 1.70 (gpm)	Peak Hourly Demand (PHD) (MGD = 1.75) (gpm)
Leaving Classroom/Armory Space	620	3732	62	139	244
					4
Sub Totals			62	139	244
			53,842	91,531	160,180
					4
					2,670

Water Pipe Type	Average Discharge Pipe Rate
Residential	1.00 gpm
SPST Residential	1.00 gpm
Municipal	6.00 gpm

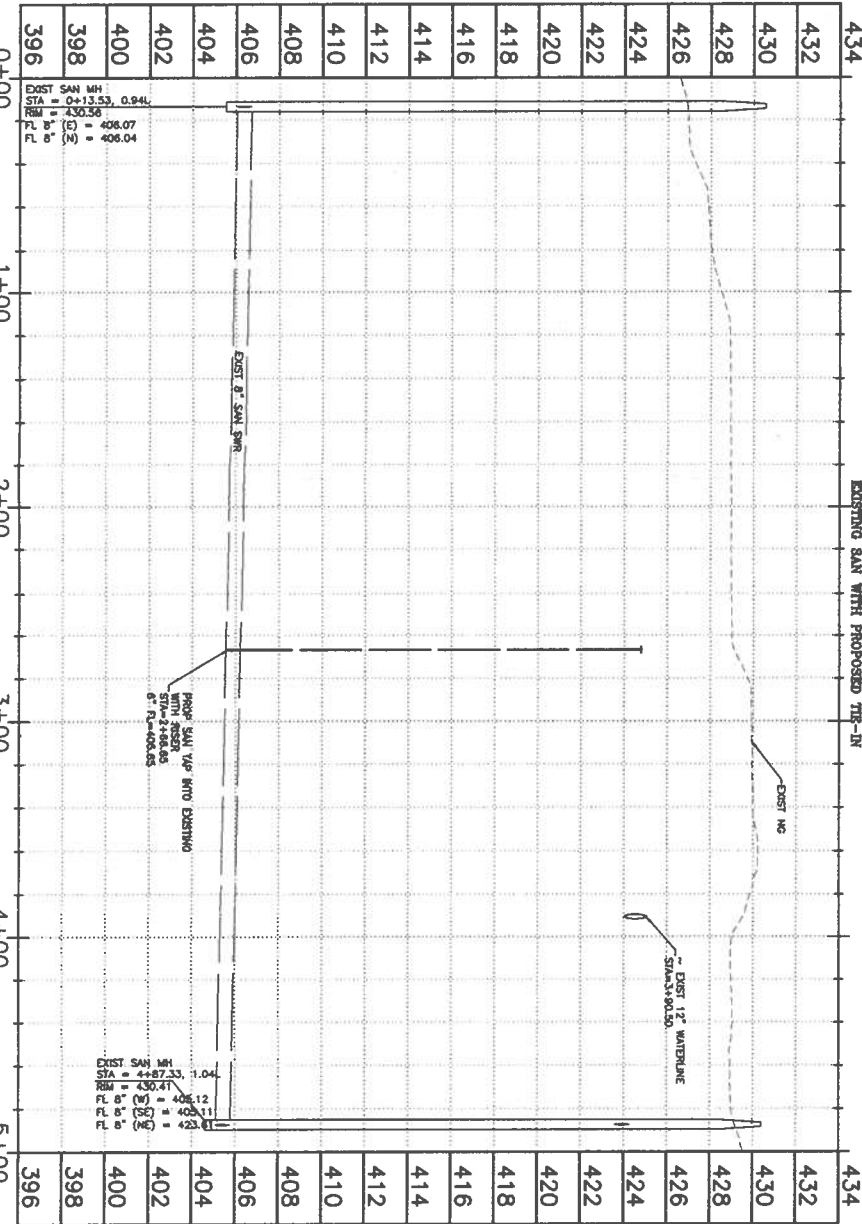
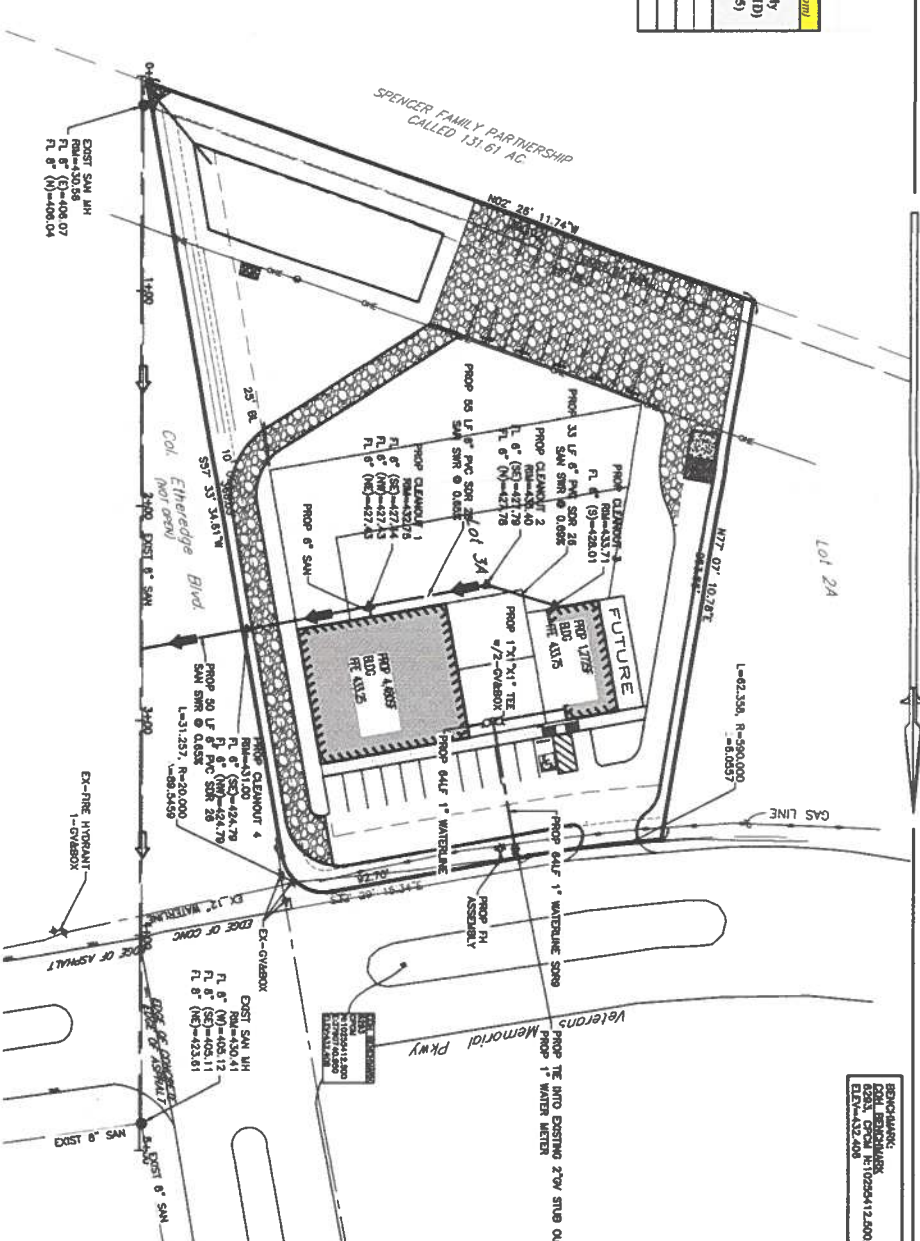
Project Name: Veteran Memorial Parkway Lot 3A
Prepared By: SPEARPOINT ENGINEERING, LLC

WASTEWATER DEMANDS		IP	EPF	PHF	PHF (grams) Peak Hourly Flow (PBF/24) (converted to gpm)
Unit Description	Projected WW Generate (gpm)				
	SF				
	Acres				
Leasing Clubroom Amenity Space	465	5752	0.132	-	-
		61	3.65	10	0
	Total	54,973	219,994	9,152	153

Wastewater Flow Type	Flow Rate
Household Residential	105 gpd
5000 sq. ft. school	14.4 gpd
Community	2.5 gpd

CONTRACTOR SHALL USE CAUTION DURING CONSTRUCTION IN THE VICINITY OF ALL OVERHEAD ELECTRIC. CONTRACTOR SHALL COMPLY WITH ALL LOCAL, STATE, AND FEDERAL REQUIREMENTS IN REGARDS TO CLEARANCES AND CONSTRUCTION ACTIVITIES.

LOCATION AND ELEVATION OF EXISTING UTILITIES SHOWN HEREIN ARE PROVIDED BY OTHERS. CONTRACTOR SHALL FIELD VERIFY LOCATION AND ELEVATION OF EXISTING UTILITIES AT ALL CROSSINGS AND CONNECTION POINTS PRIOR TO ANY WORK. ANY DISCREPANCIES BETWEEN THESE PLANS AND ACTUAL FIELD CONDITIONS SHALL BE IMMEDIATELY REPORTED TO THE ENGINEER.



BENCHMARK:
COM BENCHMARK
6283, CPM 110235412.500, E:5790740.850
E:579437408

[illegible][illegible]

LEGEND	
PROPOSED	EXISTING
Type A Type B Type C	STORM SEWER INLET STORM SEWER MANHOLE REDUCER GATE VALVE & BOX FIRE HYDRANT BLOW OFF VALVE TAPPING SLEEVE AND VALVE SANITARY SEWER MANHOLE
PROPOSED WATERLINE PROPOSED DOUBLE SERVICE LEAD PROPOSED SINGLE SERVICE LEAD PROPOSED SANITARY PROPOSED SINGLE SERVICE LEAD	STREET LIGHT TREE PRESERVATION ESMT (TPE) PROPOSED DOUBLE 1" WATERLINE SERVICE LEAD PROPOSED DOUBLE WATER METER BOX PROPOSED SINGLE WATERLINE SERVICE LEAD W/ METER BOX
POE PRIVATE DRAINAGE ESMT	

This review of the submitted drawings and documents does not relieve the owner, developer, engineer, contractor, and their consultants of their responsibility to comply with the applicable provisions of the City of Huntsville Development Code of Ordinances. This review is also not to be construed as a seal of any kind in the submitted drawings and documents. The City of Huntsville does not warrant the accuracy and resulting conditions of errors and omissions in the drawings and documents for construction.

REVIEWED BY: _____
 DATE: _____

**WATER AND SANITARY
OVERALL**

VETERANS MEMORIAL PARKWAY
1.63 ACRES OF LAND
WEST HILL - SEC 1, BLOCK 2, LOT 3A CITY
OF HUNTSVILLE/WALKERCOUNTY, TEXAS

SPEAR POINT ENGINEERING, LLC
 TBPE Firm No. 18904
 604 W. Worsham Street, Ste. 100
 Willis, Texas 77378
 (936) 718-1998

PREPARED FOR:
NSW CONSTRUCTION SERVICES
P.O. BOX 40
NEW WAVERLEY, TX 77358
classroom@udonlinetextbook.com
(336-681)-9602

JOB #
1285

SHEET:



BOARD OF ADJUSTMENT AGENDA ITEM DISCUSSION FORM

Prepared by: Layne Yeager
Planner

Armon Irones
City Planner

MEETING DATE: February 23, 2023

TYPE OF REVIEW: Variance from the Requirements of *Development Code*

SUBJECT: Use Regulations (Article 4)

REQUESTED BY: Cynthia Hardy

CASE OVERVIEW: CASE 02-2023

Cynthia Hardy has submitted an application for a **Variance** from the *Development Code* for the placement of a manufactured home older than 20 years on property located at 1180C Fish Hatchery Road. The lot is approximately 2.12 acres and there is an existing single-family home and two other manufactured homes on it. The property is in the Management (M) District.

The applicant has provided responses to the Variance Criteria in the attached application. The applicant is requesting a variance from one sub-section of the Development Code: 4.203.H. The manufactured home was built in 1999, however; according to the property owner the siding, skirting, and roof are only 4 years old.

Development Code Section 4.203.H states any new manufactured housing unit placed inside the city limits shall be less than 20 years old on the date of application. The proposed manufactured home is 24 years old.

Development Code Section 12.907 Standards and Review Criteria

1. 12.907.A No variance may be approved unless the Board of Adjustment finds that the variance to be approved is consistent with the spirit and intent of this Development Code and that strict compliance with the subject provisions would result in an unnecessary hardship(s) for the subject property owner.
2. 12.907.B In its consideration of whether a variance request has met the standard of unnecessary hardship, the Board of Adjustment must make all of the following findings from the evidence presented:
 1. The variance is necessary to overcome a condition of the property itself;
 2. The condition necessitating the variance is unique to the subject property;
 3. The condition necessitating the variance was not created by the subject property owner;
 4. Literal enforcement of the subject regulation will deprive the property owner of any economically beneficial use of the subject property;
 5. Approval of the variance will not be contrary to the public interest; and
 6. Approval of the variance is in keeping with the overall spirit of this Development Code and furthers substantial justice.

STAFF RECOMMENDATION

The Development Code states that manufactured homes that are being brought into the city limits must be less than 20 years old. This manufactured home has received upgrades and improvements than are less than 5 years old. The City's Building Official has viewed the housing unit and supports the variance request.

Staff recommends approval of the variance.

ATTACHMENTS:

- **Application**
- **Vicinity Map**



Variance/Appeal Request Application

City of Huntsville | 448 State Highway 75 North | Huntsville, TX 77320 | 936-294-5782

Applicant Information - As authorized by the property owner(s)

Name Cynthia Ann HARDY 1180 Fish Hatchery Rd
210 Rosenwall Rd Huntsville TX 77320
Mailing Address City State Zip Code
Phone Number 281-433-2881 Alternate Phone Number _____
E-mail: Cynhardy@swbell.net

I, the undersigned, understand the provision of the Huntsville Development Code, especially Sections 12.900 and 12.1000, and hereby submit this request based upon one (1) of the following:

- ☐ There has been an alleged error in an order, requirement, decision or determination by an administrative official in the enforcement of the Development Code.
- ☒ The strict application of one or more requirements of the Development Code renders the parcel incapable of reasonable economic use due to the particular physical surroundings, shape, or topographical condition of the property.

Cynthia Hardy 2/8/2023
Signature Date

Property Owner Information - By signing below, I acknowledge that I am the rightful owner of the property proposed for development; and, if different, I authorize the "Applicant" to serve as my agent for matters pertaining to this application.

Name Cynthia Ann Hardy
210 Rosenwall Rd Huntsville TX 77320
Mailing Address City State Zip Code
Phone Number 281-433-2881 Alternate Phone Number _____
E-mail: Cynhardy@swbell.net
Cynthia Hardy 2/8/2023
Signature Date

Variance/Appeal Information

Please provide a description of your request. (If requesting a variance, please answer the attached questions.)

I want to sell my 1999 double wide mobile home.
Interested parties have all been in the City limits, unable to move

Application Fee

\$300.00

Public Hearing

A public hearing is required for this request. City staff will complete all the requirements of the public hearing notice process.

For Staff Use Only

Received/By:	Fee Paid:	Board of Adjustments Date:	Outcome:
--------------	-----------	----------------------------	----------

Applicant Name

Cynthia Ann Hardy

Questions

Please answer the following questions. Attach a separate sheet if additional space is needed.

1. Is the variance necessary to overcome a condition of the property itself?

yes, mobile home exceeds 20 year age Restriction

2. Is the condition necessitating the variance unique to the subject property?

Yes, the age. However the Siding, Skirting + Roof are only 4 years old.

3. Is the condition necessitating the variance created by the subject property owner?

no

4. Will literal enforcement of the subject regulation deprive the property owner of any economically beneficial use of the subject property?

Yes, Restricts sale of property

5. Will approval of the variance be contrary to the public interest?

No, house has been maintained and has new Siding, Skirting + Roof. 4yrs old

6. Will the approval of the variance be in keeping with the overall spirit of the Development Code and further substantiate justice?

yes



The City of Huntsville, Texas or its employees gives NO warranty, expressed or implied, as to the accuracy, reliability, or completeness of these data. See full GIS Data Disclaimer at: www.huntsvilletx.gov/gis

1 in = 100 ft

On 8.5 x 11 inch Print

0 0.0075 0.015 0.03 mi

On Any Print Size

CREATED DATE: 2/9/2023

CITY OF HUNTSVILLE, TX
ENGINEERING DEPARTMENT / GIS DIVISION

Vicinity Map
Huntsville GIS Division





**CITY OF
Huntsville**
Incorporated in 1845 under the Republic of Texas

February 10, 2023

RE: Public Hearing for a Variance Request – 1180C Fish Hatchery Road
Board of Adjustment Case No. 02-2023

Dear Property Owner:

On Thursday, February 23, 2023, at 5:30pm, the City of Huntsville Board of Adjustment will meet to conduct business at the Huntsville Public Library in the Nash Board Room, located at 1219 13th Street, Huntsville, Texas, 77340.

According to the City of Huntsville Development Code, you have received this notice because you are listed on the Walker County Tax Roll as owning property within 300 feet of the applicant's property that will be under consideration at the above meeting.

Cynthia Ann Hardy, the applicant/property owner, is asking for a variance from the requirements of Article 4: Use Regulation of the City of Huntsville Development Code, to allow the placement of a manufactured home within the city limits older than 20 years at 1180 C Fish Hatchery Road.

You are hereby notified in accordance with the City of Huntsville Development Code, this Board plans to take action on this matter. The documents will be available on-line or at the City Service Center once the Board of Adjustment's agenda is posted, which is 72 hours before the meeting date.

If you are unable to attend the public hearing, written comments will be accepted during normal business hours in the office of the Planning Division located at the City Service Center, 448 State Highway 75 North, Huntsville, TX 77320 or you may email lyeager@huntsvilletx.gov or call 936-294-5782 for more information.

Respectfully,

Layne Yeager
Planner

MINUTES OF THE MEETING OF THE BOARD OF ADJUSTMENT HELD IN THE LARGE CONFERENCE ROOM, AT CITY HALL, 1212 AVENUE M, HUNTSVILLE, TEXAS, ON THE 29TH DAY OF NOVEMBER 2022 AT 5:30 PM.

Members present: Holland; Grigsby; Reader; Spencer; Alternate Herzlich

Members absent: Alternate Warren

Staff present: Irones; Sheffield

1. CALL TO ORDER

Chairman Holland called the meeting to order. [12:00 PM]

2. PLEDGE OF ALLEGIANCE

- a. U.S. Flag**
- b. Texas Flag**

3. INVOCATION

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

One alternate board member, Warren, was absent – Armon Irones informed the Board that Matt Hannes had resigned.

5. CONSIDER

- a.** The minutes of the May 26, 2022, meeting.
Board Member Spencer made a motion to accept the minutes. Second by Board Member Grigsby. The vote was unanimous.
- b.** The FY 2022-2023 Meeting Schedule & Submission Deadlines.
Board Member Reader moved to accept the FY 2022-2023 Meeting Schedule & Submission Deadlines as presented. Second was by Board Member Spencer. The vote was unanimous.

6. ELECTION:

Board Member Reader moved to re-elect the Chairman Ken Holland and elect Board Member Nate Grigsby to Vice-Chairman. Second was by Board Member Spencer. The vote was unanimous.

- a. Chairman**
Ken Holland
- b. Vice-Chairman**
Nate Grigsby

7. ADJOURNMENT

Board Member Spencer moved to adjourn the meeting. Second was by Board Member Grigsby. The vote was unanimous. [12:15 pm]