

CITY OF HUNTSVILLE, TEXAS

Ken Holland, Chairman

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



Jason Warren, Alternate A
Tracy Richardson, Alternate B

BOARD OF ADJUSTMENT AGENDA

THURSDAY, MARCH 23, 2023, 4:00 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.

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 minutes of the February 23, 2023, 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 March 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: March 15, 2023

TIME OF POSTING: 8:30 a.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: March 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. Etherge 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

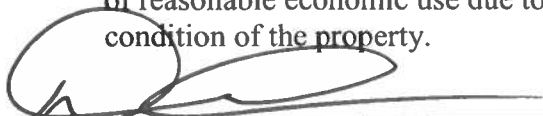
City of Huntsville | 448 State Highway 75 North | Huntsville, TX 77320 | 936-294-5782

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?

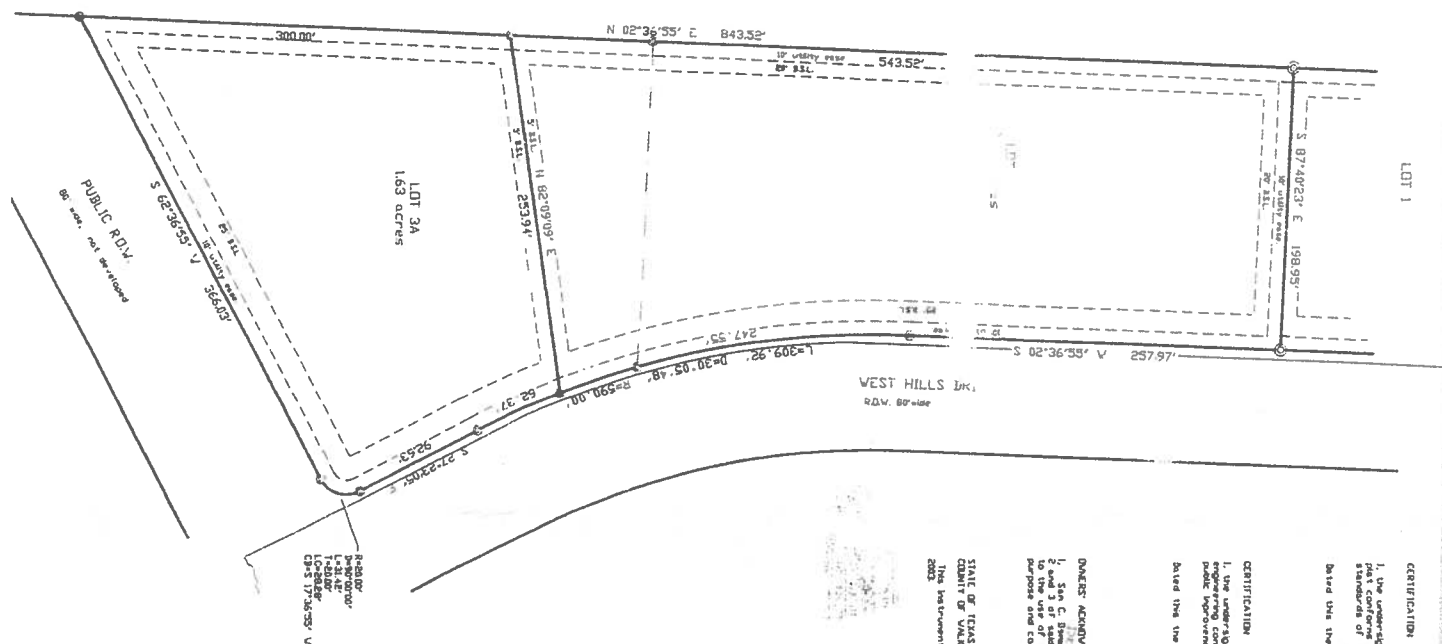
NO

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



VICINI 1179

Page 6 of 12

Vol 169, Pg 320 V.C.D.R.

SHEET: 43

WATER CAPACITY DEMAND CALCULATION

Project Name: Veterans Memorial Parkway Lot 3A
Prepared By: SPEARPOINT ENGINEERING, LLC
Date Prepared: 1-5-23

WATER DEMANDS						
Unit Description	Projected Water Demand (gpd)	SF	Acres	Average Daily Flow (ADF) (gpd)	Maximum Daily Demand (MDD) (gpd)	Peak Hourly Demand (PHD) (gpd)
Leasing/Construction Agency Spec	620	5732	0.132	62	139	244
Sub-Totals				82	139	244
Total				53,842	91,531	160,180

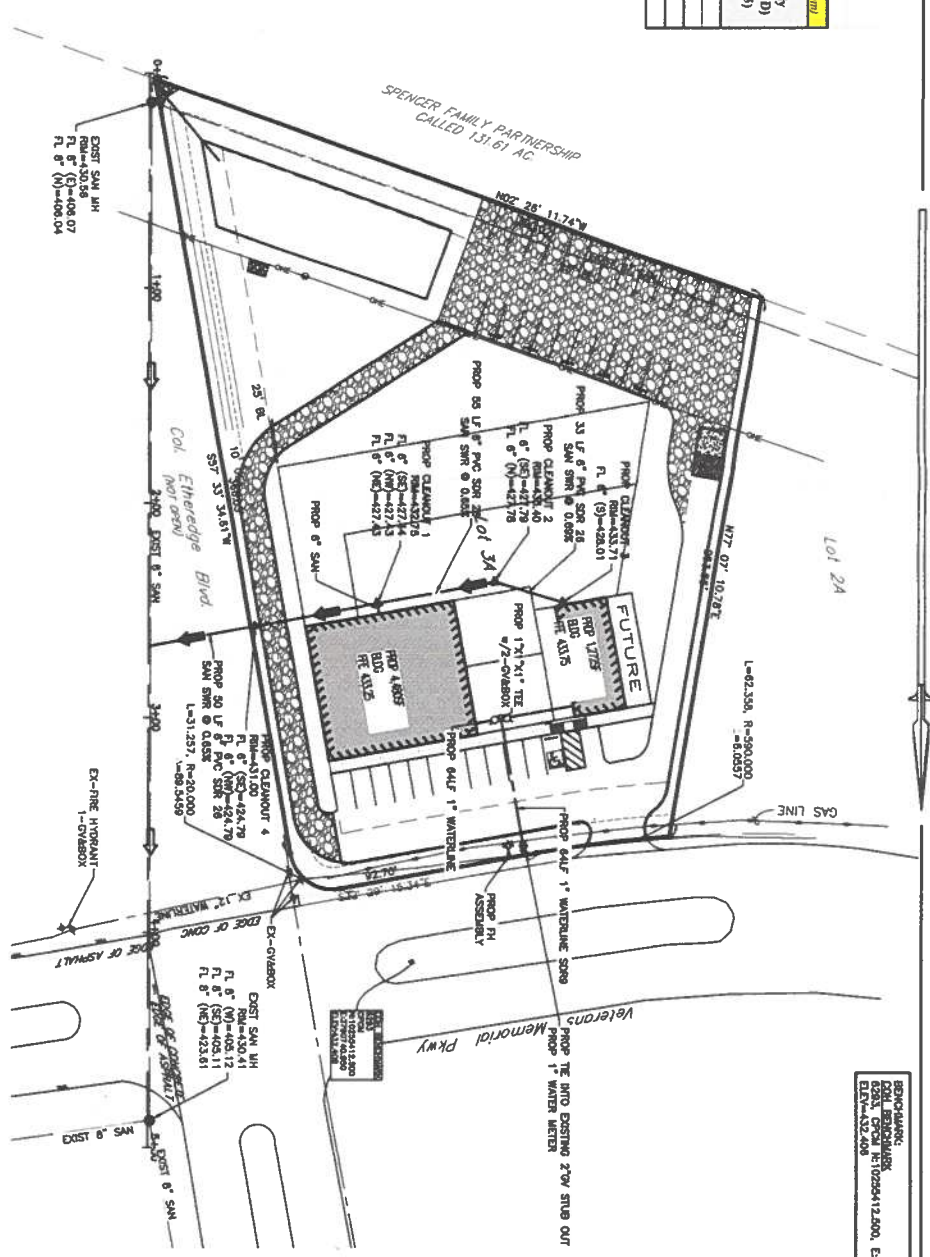
Water Flow Type	Average Flow Rate (gpd)
Leasing/Construction Agency Spec	620
Sub-Totals	620
Total	620

WASTEWATER CAPACITY CALCULATION

Project Name: Veterans Memorial Parkway Lot 3A
Prepared By: SPEARPOINT ENGINEERING, LLC
Date Prepared: 1-5-23

WASTEWATER DEMANDS						
Unit Description	Projected WY Demand (gpd)	SF	Acres	Total Flow (gpd)	Peak Daily Flow (PDD) (gpd)	Peak Hourly Flow (PHD) (gpd)
Leasing/Construction Agency Spec	465	5732	0.132	61	246	110
Total				54,973	219,894	9,153

Wastewater Flow Type	Flow Rate (gpd)
Leasing/Construction Agency Spec	465
Total	465

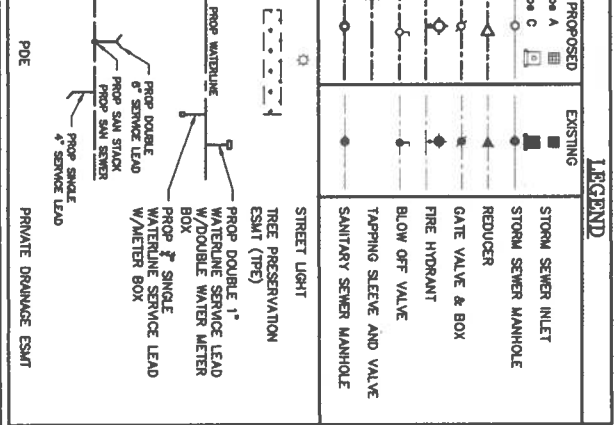


Station	Existing Elevation	Proposed Elevation	Notes
0+00	434	434	
0+10	432	432	
0+20	430	430	
0+30	428	428	
0+40	426	426	
0+50	424	424	
0+60	422	422	
0+70	420	420	
0+80	418	418	
0+90	416	416	
1+00	414	414	
1+10	412	412	
1+20	410	410	
1+30	408	408	
1+40	406	406	
1+50	404	404	
1+60	402	402	
1+70	400	400	
1+80	398	398	
1+90	396	396	

CONTRACTOR SHALL USE CAUTION DURING CONSTRUCTION IN THE VICINITY OF ALL OVERHEAD ELECTRIC, GAS, AND TELEPHONE LINES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

REVISIONS:
1. 1/5/23
2. 1/5/23
3. 1/5/23

ENGINEERING DEPARTMENT
CITY OF HUNTSVILLE, TX
REVIEWED FOR CONSTRUCTION PERMIT
This review of the submitted drawings and documents does not constitute a warranty or endorsement of the City of Huntsville. The City of Huntsville is not responsible for the accuracy or completeness of the information provided in these drawings and documents. The City of Huntsville is not responsible for the accuracy or completeness of the information provided in these drawings and documents. The City of Huntsville is not responsible for the accuracy or completeness of the information provided in these drawings and documents.



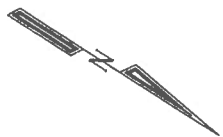
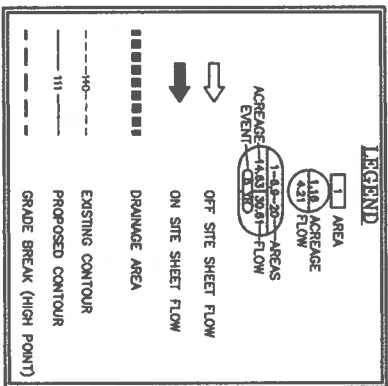
PREPARED FOR:
SPEARPOINT ENGINEERING, LLC
1285
JOB #

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

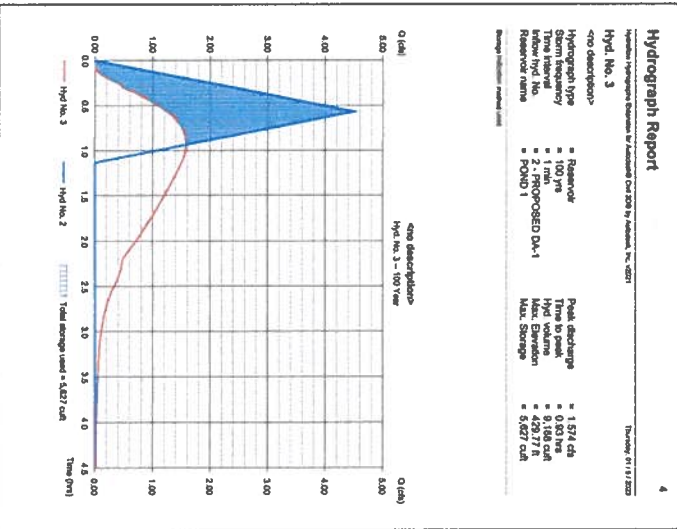
DATE: 1/5/23
SHEET: 6 OF 15

POST-DEVELOPED

REV	DATE
COMMENT	
REV	DATE
COMMENT	



100 YR DETENTION SUMMARY



FLOOD PLANE: THIS PROJECT DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLANE IN ACCORDANCE WITH FEMA COMMUNITY MAP PANEL NO.4447100350D, WALKER COUNTY, TEXAS.
EFFECTIVE DATE AUGUST 10, 2011.

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.

14

DSW CONSTRUCTION SERVICES
P.O. BOX 40

NEW WARELY, TX 77366

936-661-5622

JOB #

1206

1203

SHEET:

SHEET: _____

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

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





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



MINUTES OF THE MEETING OF THE BOARD OF ADJUSTMENT HELD IN THE NASH BOARD ROOM, AT THE HUNTSVILLE PUBLIC LIBRARY, 1219 13th STREET, HUNTSVILLE, TEXAS, ON THE 23RD DAY OF FEBRUARY 2023 AT 5:30 PM.

Members present: Grigsby; Reader; Herzlich; Alternate Warren

Members absent: Holland; Spencer; Alternate Richardson

Staff present: Yeager; Byal; Gibson

1. CALL TO ORDER

Vice-Chairman Grigsby called the meeting to order. [05:35 PM]

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

A quorum was present. Holland, Spencer, and alternate Richardson were absent.

3. INVOCATION

4. PLEDGE OF ALLEGIANCE

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

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.

Board Member, Grigsby pulled item from agenda to be presented at a later date.

- 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. Vice-Chairman Grigsby opened the Public Hearing at 5:35 p.m.

Applicant Presentation:

Cindy Hardie presented her case for the requested variance. The applicant explained the circumstances that require a variance. Director Byal's spoke in approval of variance stating he inspected the mobile home in question prior to meeting.

City Staff and Hardie addressed Board Member's questions.

Variance Request Item

Variance 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.

Speakers in support of the variance request:

Two people spoke in support of the variance request: Cindy Hardie and Theresa Frazier

Speakers in opposition of the variance request:

None spoke in opposition of the variance.

6. CONSIDER

- 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.

Staff Planner Layne Yeager gave the staff report for the requested variance.

Vice-Chairman Grigsby moved to Approve the Variance Request. The vote passed 4-0. None opposed.

7. CONSIDER the minutes of the November 29, 2022, meeting.

Board Member Reader moved to approve the minutes. It was seconded by Board Member Warren. The vote was unanimous.

8. ADJOURNMENT

Board Member Warren moved to adjourn the meeting. Second was by Board Member Reader. The vote was unanimous. [05:44 pm]