

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, APRIL 27, 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 03-2023), by George Spentzos, applicant, to *Article 5.200 (Lot and Setback Regulations)* of the *Development Code* to allow the replacement of a covered patio for a restaurant to encroach into the front setback along Sam Houston Avenue, located at 1930 Sam Houston Avenue.

6. CONSIDER

- a. The variance request, (BOA Case 03-2023), by George Spentzos, applicant, to *Article 5.200 (Lot and Setback Regulations)* of the *Development Code* to allow the replacement of a covered patio for a restaurant to encroach into the front setback along Sam Houston Avenue, located at 1930 Sam Houston Avenue.
- b. The minutes of the February 23, 2023, and March 23, 2023, meetings.

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 April 27, 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: April 19, 2023

TIME OF POSTING: 3:45 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: April 27, 2023

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

SUBJECT: Use Regulations (Article 5)

REQUESTED BY: George Spentzos

CASE OVERVIEW: CASE 03-2023

George Spentzos has submitted an application for a **Variance** from the *Development Code* to allow the replacement of a covered patio within the streetside setback along Sam Houston Avenue. The lot is approximately 0.33 acres and there is an existing eating establishment 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*: 5.200. The original covered patio was constructed prior to 2005, however; according to current regulations this location is within the 25-foot setbacks.

Development Code Section 5.500 states Commercial, office, industrial, public, civic and institutional and other nonresidential uses are subject to compliance with the nonresidential lot and building setback regulations.

STAFF RECOMMENDATION

Within *Development Code* Section 11.105 Repairs and Maintenance states that nonconformities must be maintained to be safe and in good repair and in sound condition. This is the intent of this project with no other expansion beyond the original footprint.

Staff recommend 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 Cowboy Contractors LLC.
Po Box 334 Dodge TX 77334
Mailing Address City State Zip Code
Phone Number 936 355 4637 Alternate Phone Number _____
E-mail: cwilecb9@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

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 George Spentzos (Humphreys)
1930 SAM HOUSTON AVE Huntsville TX 77340
Mailing Address City State Zip Code
Phone Number 936 439 0664 Alternate Phone Number _____
E-mail: SPENTZOSGEORGE@yahoo.com
George Spentzos 3/29
Signature Date

Variance/Appeal Information

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

Allow to Put BAND Stage (deck) in front of Restaurant.

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:
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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?

yes

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

yes

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

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

ⓐ 3/29

Modifications & Waivers of Subdivision Standards Information

Applicant Name

Cowboy Contractors LLC.

Please provide a description of your request.

Construct deck with Pergola top on lower
Concrete Arch.

Questions

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

1. Are there special circumstances or conditions affecting the property?

I don't believe there are special circumstances.
The deck will be built within Property
Setbacks.

2. Is the waiver or modification necessary for the reasonable and appropriate development of the property and it is not a greater modification or waiver than is required to allow reasonable and appropriate development of the subject property?

I think the setbacks on this Property
have been in place for years. We are
not building outside original setbacks.

3. Will the granting of the waiver or modification be detrimental to the public welfare or be injurious to other property in the vicinity in which the subject property is situated?

No

Cowboy Contractors LLC. Clint Wilson

Application Fee \$300

For Staff Use Only

Received/By:

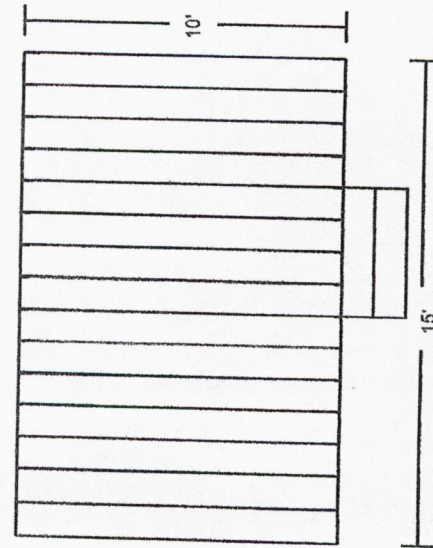
Fee Paid:

Planning Commission Date:

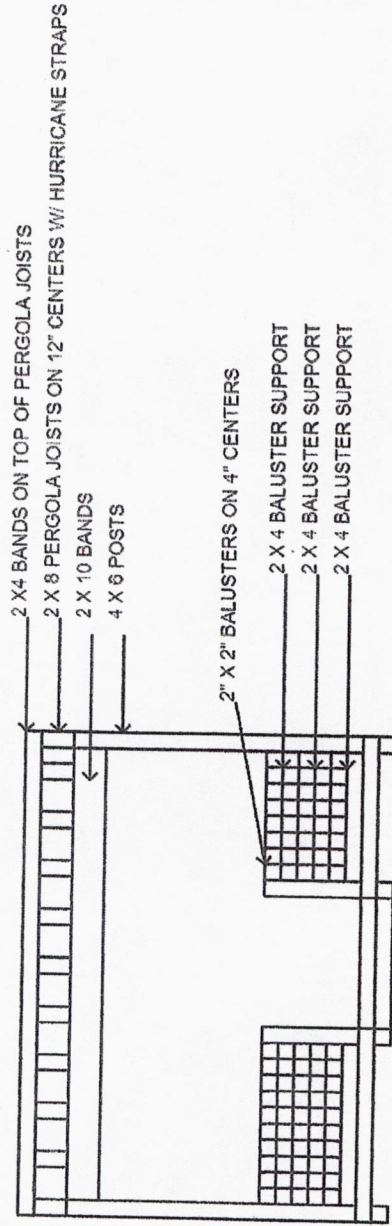
Outcome:

Humphrey's
Band Stand Pergola

1930 San Houston Ave
Huntsville, Texas



2" X 8" DECK BANDS WITH 2" X 8" JOISTS ON 16" CENTERS AND JOIST HANGERS, 5/4" DECK BOARDS

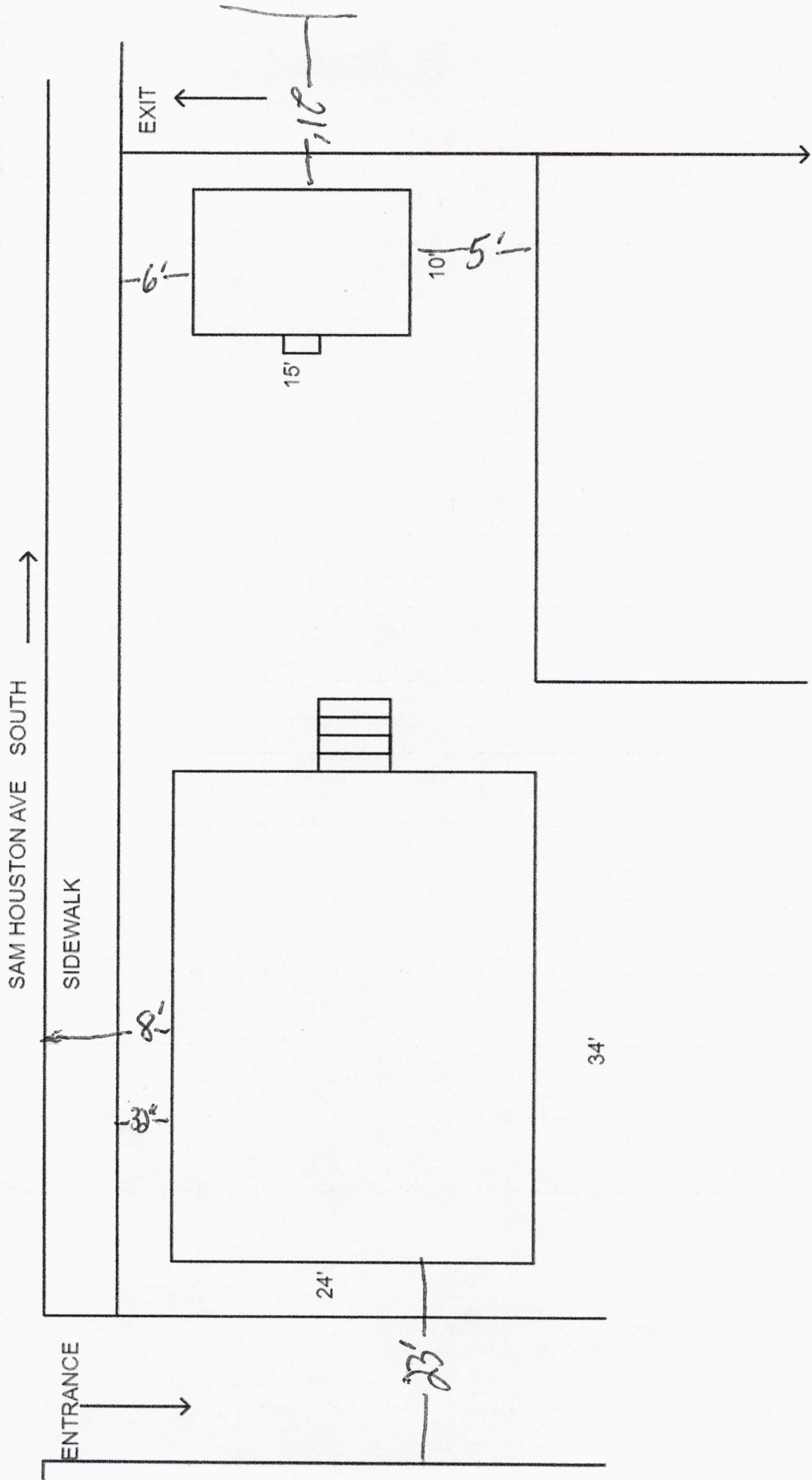


CITY OF HUNTSVILLE
CENTRAL INSPECTION

REVIEWED FOR PERMIT EB

DATE 3.13.23

Humphrey



Comboy Contractors (936) 355 4637



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 = 50 ft
On 8.5 x 11 inch Print

0 0.00475 0.0095 0.019 mi

On Any Print Size

CREATED DATE: 4/19/2023

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]

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 MARCH 2023 AT 4:00 PM.

Members present: Holland; Reader; Spencer; Alternate Warren; Alternate Richardson

Members absent: Grigsby; Herzlich

Staff present: Irones; Yeager; Byal; Gibson

1. CALL TO ORDER

Chairman Holland called the meeting to order. [04:01 PM]

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

A quorum was present for the item but not for the minutes. Vice-Chairman Grigsby and Board member Herzlich 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.

Applicant Presentation:

Daniel White presented the case for the requested variance. The applicant explained the circumstances that require a variance. Director Byal spoke in approval of variance by staff.

City Staff, White, and owners Rick & Kaye Boehning addressed Board Member's questions.

Variance Request Item

Variance 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.

Speakers in support of the variance request:

Kevin Byal as well as two people spoke in support of the variance request: Owners Rick & Kaye Boehning.

Speakers in opposition of the variance request:

None spoke in opposition of the variance.

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.

Board Member Reader moved to Approve the Variance Request. Second was by Board Member Spencer. Chairman Holland recused himself from voting due to business relations with the parties involved. The vote passed 4-0.

- b. **CONSIDER** the minutes of the February 23, 2023, meeting.

A quorum was not present to vote on the minutes. Will be carried over to the next meeting.

7. ADJOURNMENT

Board Member Spencer moved to adjourn the meeting. Second was by Board Member Warren. The vote was unanimous. [04:09 pm]