

CITY OF HUNTSVILLE, TEXAS

Ken Holland, Chairman

Nate Grigsby, Position 1
Cheryl Reader, Position 2
Michelle Spencer, Position 3
Elliott Herzlich, Position 4



Jason Warren, Alternate A
Vacant, Alternate B

**BOARD OF ADJUSTMENTS AGENDA
THURSDAY, OCTOBER 26, 2023, 5:30 PM**

Johnnie Jo Sowell Dickenson Genealogy Room,
Huntsville Public Library, 1219 13th Street, Huntsville, Texas, 77340

Persons with disabilities who plan to attend this meeting and may need auxiliary aids or services are requested to contact the City Secretary's office (936.291.5413) two working days prior to the meeting for appropriate arrangements.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. INVOCATION

4. ROLL CALL AND SELECTION OF ALTERNATE(S) IF NEEDED.

5. PUBLIC HEARING

- a. For a variance request, (BOA Case 06-2023), by Ree Slovin, applicant, to Article 5 (Lot and Setback Regulations) of the Development Code for a carport to be placed in the 25-foot front building setback within the city limits of Huntsville on property located at 2319 Avenue P.

6. CONSIDER

- a. The variance request, (BOA Case 06-2023), by Ree Slovin, applicant, to Article 5 (Lot and Setback Regulations) of the Development Code for a carport to be placed in the 25-foot front building setback within the city limits of Huntsville on property located at 2319 Avenue P.
- b. The minutes of the September 28, 2023, meeting.

7. ADJOURNMENT

CERTIFICATE

I, Sharon Schultz, Deputy City Secretary, do hereby certify that the above notice was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.HuntsvilleTX.gov, in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING: October 20, 2023

TIME OF POSTING: 1:45 p.m.

TAKEN DOWN:

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: October 26, 2023

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

SUBJECT: Lot and Setback Regulations (Article 5.705.B)

REQUESTED BY: Ree Slovin

CASE OVERVIEW: CASE 05-2023

Ree Slovin has submitted an application for a **Variance** from the *Development Code* to allow the placement of a carport within the front 25' setback at 2319 Avenue P. The property is in the Neighborhood Conservation (NC) District. A Development Permit Application (DPA) was denied by Planning staff in August 2023 because of the setback issue.

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: 5.705.B. The applicant is requesting to construct an unattached carport over the existing driveway within the 25' front building line.

STAFF RECOMMENDATION

Within Development Code Section 5.705.B states that required setbacks must be unobstructed and unoccupied from the ground to the sky. Within this section there are no exemptions for carports to be allowed. There is not an undue hardship that has been shown. Upon investigation of this street, there are no other carports along this portion of Avenue P. In addition to no other houses on the street having carports, none of the other properties have structures that intrude within the front setback line.

Staff does not recommend approval of the requested variance.

ATTACHMENTS:

- Application
- Site layout
- 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 REE SLOVIN
2319 AVENUE P Huntsville TX 77340
Mailing Address City State Zip Code
Phone Number 936/662-6710 Alternate Phone Number 936/294-0897
E-mail: reeslovin@yahoo.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.

REE SLOVIN
Signature

10/5/23
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 SAME as above
Mailing Address City State Zip Code
Phone Number Alternate Phone Number
E-mail:
Signature Date

Variance/Appeal Information

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

Request to build an unattached carport over my
existing concrete driveway.

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, the property is too narrow to construct a carport adjacent to the house or in the backyard.

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

Yes, due to property size.

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

No, the home and driveway were there prior to my purchase of the property. I simply want to protect my personal property (vehicle) from hail storms.

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

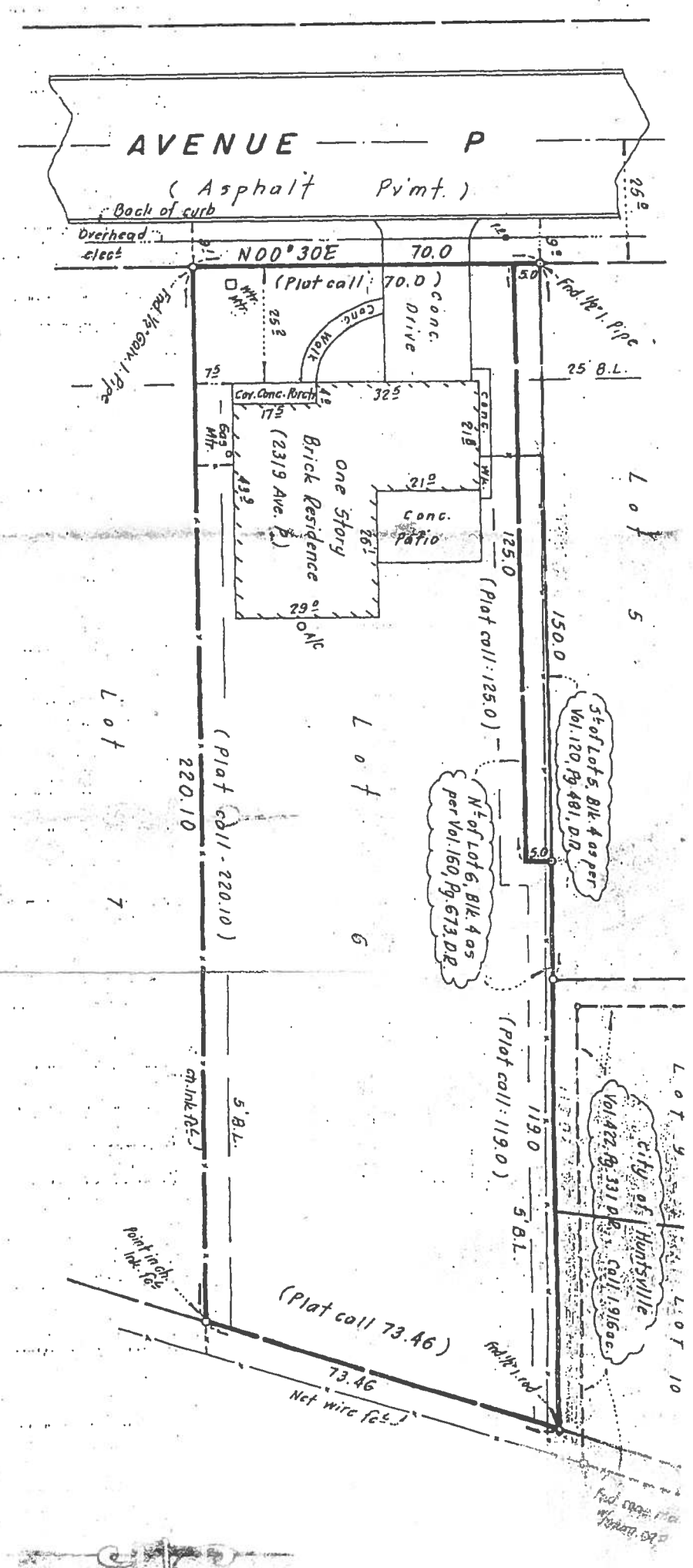
Yes, if future hail storms result in extensive and costly vehicle damage resulting in loss of insurance coverage.

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

No since it is over my existing driveway similar to other homes with carports.

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

Yes since the carport will not be attached to my home and can be removed if needed.



PLAN OF IMPROVEMENTS ON

LOT 6, BLOCK 4
PINEVIEW ADDITION

In the City of Huntsville
JOHN W. ADAMS SURVEY, A-12
Walker County, Texas

September, 1983

Scale: 1" = 30 Feet

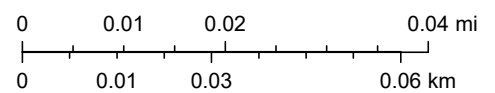
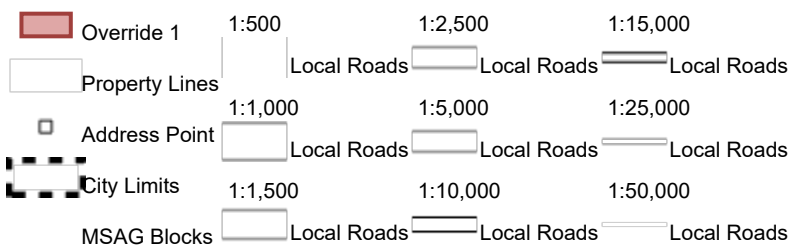
FULMER and ASSOCIATES
1023 3rd Houston Avenue
Huntsville, Texas

Vicinity Map



10/20/2023, 8:16:22 AM

1:1,200



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 28th DAY OF SEPTEMBER 2023 AT 12:00 PM.

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

Members absent: Reader

Staff present: Irones; Byal; Gibson

Public Present:

1. CALL TO ORDER

Chairman Holland called the meeting to order. [5:30 PM]

2. PLEDGE OF ALLEGIANCE

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

3. INVOCATION

Vice-Chairman Grigsby led the invocation.

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

Board Member Reader was absent.

5. CONSIDER

a. CONSIDER the minutes of the following meetings:

i. February 23, 2023

Vice-Chairman Grigsby moved to approve the minutes. It was seconded by Board Member Herzlich. The vote was unanimous.

ii. April 27, 2023

Board Member Spencer moved to approve the minutes. It was seconded by Vice-Chairman Grigsby. The vote was unanimous.

iii. June 29, 2023

Board Member Spencer moved to approve the minutes. It was seconded by Vice-Chairman Grigsby. The vote was unanimous.

iv. August 31, 2023

Vice-Chairman Grigsby moved to approve the minutes. It was seconded by Board Member Herzlich. The vote was unanimous.

b. CONSIDER the FY 2023-24 Meeting Schedule and Submission Deadlines.

Vice-Chairman Grigsby moved to approve the minutes. It was seconded by Board Member Herzlich. The vote was unanimous.

6. ELECTION

- a. Chairman**
- b. Vice-Chairman**

Vice-Chairman Grigsby moved to keep Holland as Chairman and Himself as Vice-Chair. Second was by Board Member Spencer. The vote was unanimous.

7. ADJOURNMENT

Vice-Chairman Grigsby moved to adjourn the meeting. Second was by Board Member Spencer. The vote was unanimous. [12:07 pm]