

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
Vacant, Alternate B



BOARD OF ADJUSTMENT AGENDA

THURSDAY, FEBRUARY 8, 2024, NOON

CONFERENCE ROOM

HUNTSVILLE CITY HALL, 1220 11th STREET, HUNTSVILLE, TEXAS 77340

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 01-2024), by Fernando Lopez, property owner, to *Article 5.705.A (Lot and Setback Regulations)* of the Development Code to allow an existing single-family home to partially remain within the 25' setback lines along Roundabout Road and Normal Park Drive for the purpose of replatting, on property located at 515 Roundabout Road.

6. CONSIDER

- a. The variance request, (BOA Case 01-2024), by Fernando Lopez, property owner, to *Article 5.705 A (Lot and Setback Regulations)* of the Development Code to allow an existing single-family home to partially remain within the 25' setback lines along Roundabout Road and Normal Park Drive for the purpose of replatting, on property located at 515 Roundabout Road.
- b. The minutes of the October 26, 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: February 2, 2024

TIME OF POSTING: 9:45 a.m.

DATE REMOVED: _____


Sharon Schultz, Deputy City Secretary



BOARD OF ADJUSTMENT AGENDA ITEM DISCUSSION FORM

Prepared by: Layne Yeager
Planner

Armon Irones
City Planner

MEETING DATE: February 8, 2024

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

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

REQUESTED BY: Fernando Lopez

CASE OVERVIEW: CASE 01-2024

Fernando Lopez has submitted an application for a **Variance** from the *Development Code* to allow for the replat of 515 Roundabout Road. It is proposed to split the lot into two lots for the future development of a single-family structure on the south portion of the property of Normal Park Drive. The existing single-family structure will remain as is and the new lot will comply with all current building setback lines. After the property is replatted, both lots will be 0.21 acres. The property is in the Neighborhood Conservation (NC) 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: 5.705.B. The applicant is requesting to have a portion of the single-family dwelling remain within the 25' front building line on the replat.

STAFF RECOMMENDATION

Within Development Code Section 5.705.A states that required setbacks are measured from the referenced lot line to the closest point of the building or structure. The replat of the property cannot be approved due to the existing single-family structure will be located within the proposed building setbacks. The variance will allow for the existing single-family structure to extend past the proposed building setbacks. Currently, the single-family structure is a legal non-conforming use.

Staff does recommend approval of the requested variance.

ATTACHMENTS:

- Application
- Site layout
- Vicinity Map

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?

Yes, although the house was constructed in compliance with Far Hills Addition
Section Two Restrictions and Dedicated Normal Park street width. The street at
that time was constructed after dedication by COH with width of 36 feet pavement.

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

Vicinity Map



1/18/2024, 4:38:16 PM

Override 1

Property Lines

Address Point

City Limits

MSAG Blocks

1:500

1:1,000

1:1,500

Local Roads

Local Roads

Local Roads

1:2,500

1:5,000

1:10,000

Local Roads

Local Roads

Local Roads

1:15,000

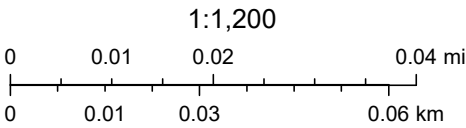
1:25,000

1:50,000

Local Roads

Local Roads

Local Roads



**MINUTES OF THE MEETING OF THE BOARD OF ADJUSTMENT HELD IN THE
JOHNNIE JO SOWELL DICKENSON GENEALOGY ROOM, AT THE HUNTSVILLE
PUBLIC LIBRARY, 1219 13th STREET, HUNTSVILLE, TEXAS, ON THE 26th DAY OF
OCTOBER 2023 AT 5:30 PM.**

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

Members absent: Warren

Staff present: Yeager; Byal; Gibson

Public Present: Jeremy Romoses; Maghan Mahmood; Afshan Mahmood

1. CALL TO ORDER

Chairman Holland called the meeting to order. [5:32 PM]

~~2. PLEDGE OF ALLEGIANCE~~

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

~~3. INVOCATION~~

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

Alternate Warren was absent.

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.

Planner, Layne Yeager, gave the staff report for the requested variance. Staff does not recommend approval of the requested variance.

Applicant Presentation:

Ree Slovin presented her case for the requested variance. The applicant explained the circumstances that require a variance.

Ree Slovin, along with Jeremy Romoses & City Staff addressed questions from Board Members.

Variance Request Item

Variance for the placement of 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

Speakers in support of the variance request:

Neighbors, Maghan & Afshan Mahmood, came to support the variance.

Speakers in opposition of the variance request:

None spoke in opposition of the variance request.

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.

Vice-Chairman Grigsby moved to Deny the Variance. Second was by Board Member Reader. Chairman Holland voted to approve the variance. Board Member Herzlich abstained from voting. The variance was denied by a vote of 3-1-1.

- b. The minutes of the September 28, 2023, meeting.

Vice-Chairman Grigsby moved to approve the minutes. 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. [6:13 pm]