

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
Vacant, Alternate B

BOARD OF ADJUSTMENT AGENDA

THURSDAY, APRIL 11, 2024, NOON

STAGGS COMMUNITY ROOM

HUNTSVILLE PUBLIC LIBRARY, 1219 13th 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 02-2024), by FTC Realty & Development, LLC, property owner, to *Article 5.705.A (Lot and Setback Regulations)* of the Development Code to allow the 10' side and rear setback lines to be reduced to 5' for the purpose of platting and developing property located at 932 Hwy 190 East.
- b. For a variance request, (BOA Case 03-2024), by Paul Kooi and Deke Neves, property owners, to *Article 5.705.A (Lot and Setback Regulations)* of the Development Code to allow the 10' side setback lines to be reduced to 5' for the purpose of platting and selling a portion of the property located at 2800 Aberdeen Drive.

6. CONSIDER

- a. The variance request, (BOA Case 02-2024), by FTC Realty & Development, LLC, property owner, to *Article 5.705 A (Lot and Setback Regulations)* of the Development Code to allow the side and rear setback lines to be reduced to 5' for the purpose of platting and developing property located at 932 Hwy 190 East.
- b. The variance request, (BOA Case 03-2024), by Paul Kooi and Deke Neves, property owners, to *Article 5.705 A (Lot and Setback Regulations)* of the Development Code to allow the side setback line to be reduced to 5' for the purpose of platting and selling a portion of the property located at 2800 Aberdeen Drive.
- c. The minutes of the February 8, 2024, meeting.

7. ADJOURNMENT

CERTIFICATE

I, Kristy Doll, 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: April 4, 2024

Kristy Doll

TIME OF POSTING: 11:00 a.m.

Kristy Doll, City Secretary

DATE REMOVED:



BOARD OF ADJUSTMENT AGENDA ITEM DISCUSSION FORM

Prepared by: Layne Yeager
Planner

Armon Irones
City Planner

MEETING DATE: April 11, 2024

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

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

REQUESTED BY: FTC Realty & Development, LLC

CASE OVERVIEW: CASE 02-2024

FTC Realty & Development, LLC has applied for a **Variance** from the *Development Code* to allow for the plat of 932 Hwy 190 East. It is proposed to reduce the side and rear setback lines from 10-feet to 5-feet to allow for an increase in the developable area within this narrow lot. 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: 5.705.A. The applicant is requesting to utilize the additional 5-feet for the increased buildable area.

COMMUNITY INPUT

Staff received a call from Ms. Mary Willis for clarification and she has no objections.

STAFF RECOMMENDATION

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 variance will allow for the development to utilize the additional area within the narrow lot for the development of the proposed commercial warehouse development.

Staff does recommend approval of the requested variance.

ATTACHMENTS:

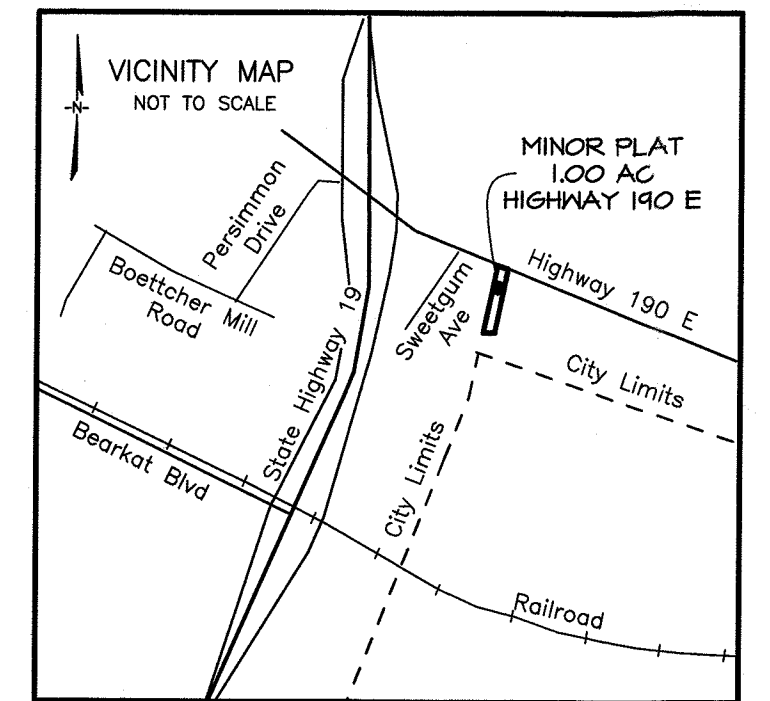
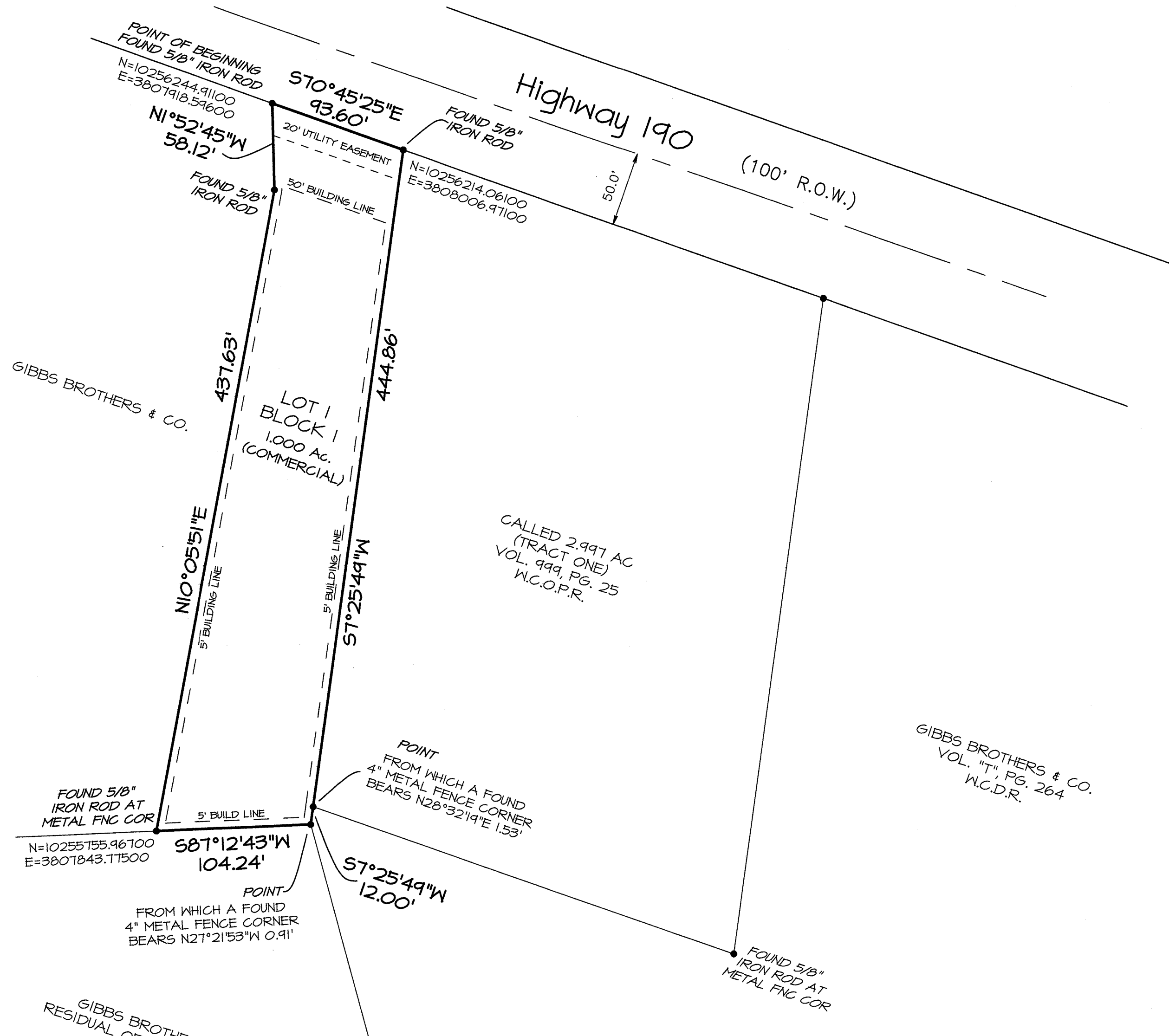
- Application
- Minor Plat
- Vicinity Map

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. The current shape and proportion of the property create a condition where a 10' setback does not allow the property to be fully developed into its highest and best use.
2. Is the condition necessitating the variance unique to the subject property?
Yes, it is unique to this because of the shape of the property, and the necessity to incorporate a fire lane as part of the development, which is required by code
3. Is the condition necessitating the variance created by the subject property owner?
No, the property boundary has remained since the lot was originally purchased by the current owner.
4. Will literal enforcement of the subject regulation deprive the property owner of any economically beneficial use of the subject property?
Yes, without a reduction in the setback, the site could not be fully developed with the full number of units to make the development commercially viable.
5. Will approval of the variance be contrary to the public interest?
No, as it results in a fully developed site and expanded tax base.
6. Will the approval of the variance be in keeping with the overall spirit of the Development Code and further substantiate justice?
Absolutely, it allows for the owner to fully develop the property he already owns, and provides a new real estate offering to the local market.



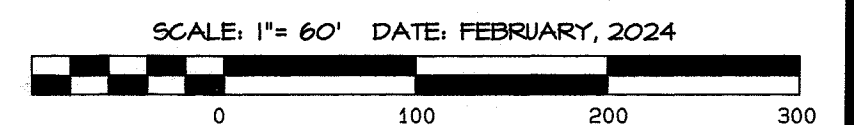
NOTES:

1. THE PURPOSE OF THIS MINOR PLAT IS TO CREATE ONE LOT AND ONE BLOCK OUT OF THE CALLED 1.00 ACRE (TRACT TWO) AS RECORDED IN VOLUME 999, PAGE 25, OFFICIAL PUBLIC RECORDS WALKER COUNTY, TEXAS.
2. ALL BEARINGS, DISTANCES, COORDINATES AND ACRES HEREON ARE GRID AND REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83, NAVD 88. DISTANCES ARE U.S. SURVEY FEET AND MAY BE CONVERTED TO GEODETIC HORIZONTAL (SURFACE) BY DIVIDING BY A COMBINED SCALE FACTOR OF 0.999888.
3. THIS PROPERTY IS LOCATED IN ZONE "X" AND IS NOT WITHIN THE 100 YEAR FLOODPLAIN AS PER FEMA MAP NUMBER 48471C0360D, EFFECTIVE DATE AUGUST 16, 2011.
4. W.C.O.P.R. DENOTES WALKER COUNTY OFFICIAL PUBLIC RECORDS. W.C.D.R. DENOTES WALKER COUNTY DEED RECORDS.
5. ABSENT WRITTEN AUTHORIZATION BY THE AFFECTED UTILITIES, ALL UTILITY AND AERIAL EASEMENTS MUST BE KEPT UNOBSTRUCTED FROM ANY NON-UTILITY IMPROVEMENTS OR OBSTRUCTIONS BY THE PROPERTY OWNER. ANY UNAUTHORIZED IMPROVEMENTS OR OBSTRUCTIONS MAY BE REMOVED BY ANY PUBLIC UTILITY AT THE PROPERTY OWNERS EXPENSE. WHILE WOODEN POSTS AND PANELED WOODEN FENCES ALONG THE PERIMETER AND BACK TO BACK EASEMENTS AND ALONGSIDE REAR LOTS ARE PERMITTED. THEY TOO MAY BE REMOVED BY PUBLIC UTILITIES AT THE PROPERTY OWNERS EXPENSE SHOULD THEY BE AN OBSTRUCTION, PUBLIC UTILITIES MAY PUT SAID WOODEN POSTS AND PANELED WOODEN FENCES BACK UP, BUT GENERALLY WILL NOT REPLACE WITH NEW FENCING.
6. SITE DRAINAGE PLANS FOR THE FUTURE DEVELOPMENT OF THIS RESERVE MUST BE SUBMITTED TO THE WALKER COUNTY FLOOD CONTROL DISTRICT AND THE WALKER COUNTY ENGINEERING DEPARTMENT.
7. THIS PLAT REQUIRES COMPLIANCE WITH LANDSCAPING REQUIREMENTS PRIOR TO OCCUPANCY OF STRUCTURES AS MANDATED IN REGULATIONS OF WALKER COUNTY, TEXAS FOR THE APPROVAL AND ACCEPTANCE OF INFRASTRUCTURE.
8. UNABLE TO LOCATE RECORDING INFORMATION FOR HIGHWAY 190 AT TIME OF PLAT.
9. A VARIANCE HAS BEEN REQUESTED TO REDUCE THE SIDE AND REAR 10' BUILDING LINE DOWN TO 5' BUILDING LINES.

CERTIFICATION BY THE SURVEYOR

I hereby certify that this survey was made on the ground under my supervision that this drawing correctly represents the facts found at the time of this survey and that this professional service substantially conforms to the current Texas Surveyors Association Standards and Specifications for a Category 1A survey.

Jarrod Antley, R.P.L.S.
Texas Registration No. 6071



PRELIMINARY FOR REVIEW

MINOR PLAT
1.00 AC HIGHWAY 190 EAST
1 LOT * 1 BLOCK
IN THE HARVEY GRAY SURVEY, A-212
WALKER COUNTY, TEXAS
BEING 1.000 AC
OUT OF CALLED 1.00 AC (TRACT TWO)
AS RECORDED IN VOLUME 999, PAGE 25
OFFICIAL PUBLIC RECORDS
WALKER COUNTY, TEXAS

LONE STAR

LAND SURVEYING & MAPPING
P.O. BOX 1598, MONTGOMERY, TEXAS 77356
PH: (936) 522-8716

SCALE: 1" = 60' DATE: 2/20/2024
FIRM NO. 10194680 SHEET 1 OF 1

OWNERS ACKNOWLEDGMENT AND DEDICATION

STATE OF TEXAS
COUNTY OF WALKER

We, the undersigned, owners of the land shown on this plat, and designated as The Minor Plat of 1.00 acre Highway 190 East, in the City Limits of Huntsville, Walker County, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all water courses, utility easements and public places thereon shown for the purpose and consideration therein.

FTC Realty and Investments, LLC

Managing Member

OWNER:
FTC REALTY AND INVESTMENT, LLC
936 HIGHWAY 190 EAST
HUNTSVILLE, TX 77340

NOTARY PUBLIC ACKNOWLEDGMENT

STATE OF TEXAS
COUNTY OF WALKER

Before me on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 2024.

Notary Public for the State of Texas

CERTIFICATION BY THE CITY ENGINEER

STATE OF TEXAS
COUNTY OF WALKER

I, the undersigned, City Engineer of Huntsville, Texas, hereby certify that proper engineering consideration has been given to this plat regarding the design and construction of public improvements and related easements and right-of-way.

Dated this _____ day of _____, 2024.

City Engineer

CERTIFICATION BY THE CITY PLANNING OFFICER

I, the undersigned, Planning Officer for the City of Huntsville, Texas, certify that this plat conforms to the City Comprehensive Plan, and all applicable development criteria and standards of the City of Huntsville, Texas.

Dated this _____ day of _____, 2024.

City Huntsville Planning Officer

CERTIFICATION BY THE COUNTY CLERK

STATE OF TEXAS
COUNTY OF WALKER

I, Kari French, County Clerk in and for Walker County, do hereby certify that this plat, with its certificates of authentication, was filed for record

in my office the _____ day of _____, 2024 in the Plat Records of Walker County in Volume _____, Page _____.

County Clerk, Walker County, Texas

Vicinity Map



3/21/2024, 8:24:55 AM

Override 1

Property Lines

Address Point

ETJ

City Limits

MSAG Blocks

1:500

FM; Park Road; State Highway; US Highway

1:1,000

FM; Park Road; State Highway; US Highway

Local Roads

Local Roads

1:2,400

Huntsville GIS Division



BOARD OF ADJUSTMENT AGENDA ITEM DISCUSSION FORM

Prepared by: Layne Yeager
Planner

Armon Irones
City Planner

MEETING DATE: April 11, 2024

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

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

REQUESTED BY: Paul Kooi and Deke Neves

CASE OVERVIEW: CASE 03-2024

Paul Kooi and Deke Neves have applied for a **Variance** from the *Development Code* to allow for the replat of 2800 Aberdeen Drive. It is proposed to reduce the side setback from 10-feet to 5-feet to allow for the replating of the property to allow for the separation and sale of the building on the north of the property. 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: 5.705.A. The applicant is requesting to utilize the additional 5-feet for the separation of the two buildings and allow for the sale of the northern building.

COMMUNITY INPUT

Staff received an email from Mr. Omar Shouhayib of Choice Properties for clarification and he has no objections.

STAFF RECOMMENDATION

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 variance will allow for the separation of the two buildings and allow for the sale of the northern building. Coordination will need to be made with the City Building Official on required improvements to ensure fire safety standards are made to each building.

Staff does recommend approval of the requested variance.

ATTACHMENTS:

- Application
- Site layout
- Vicinity Map

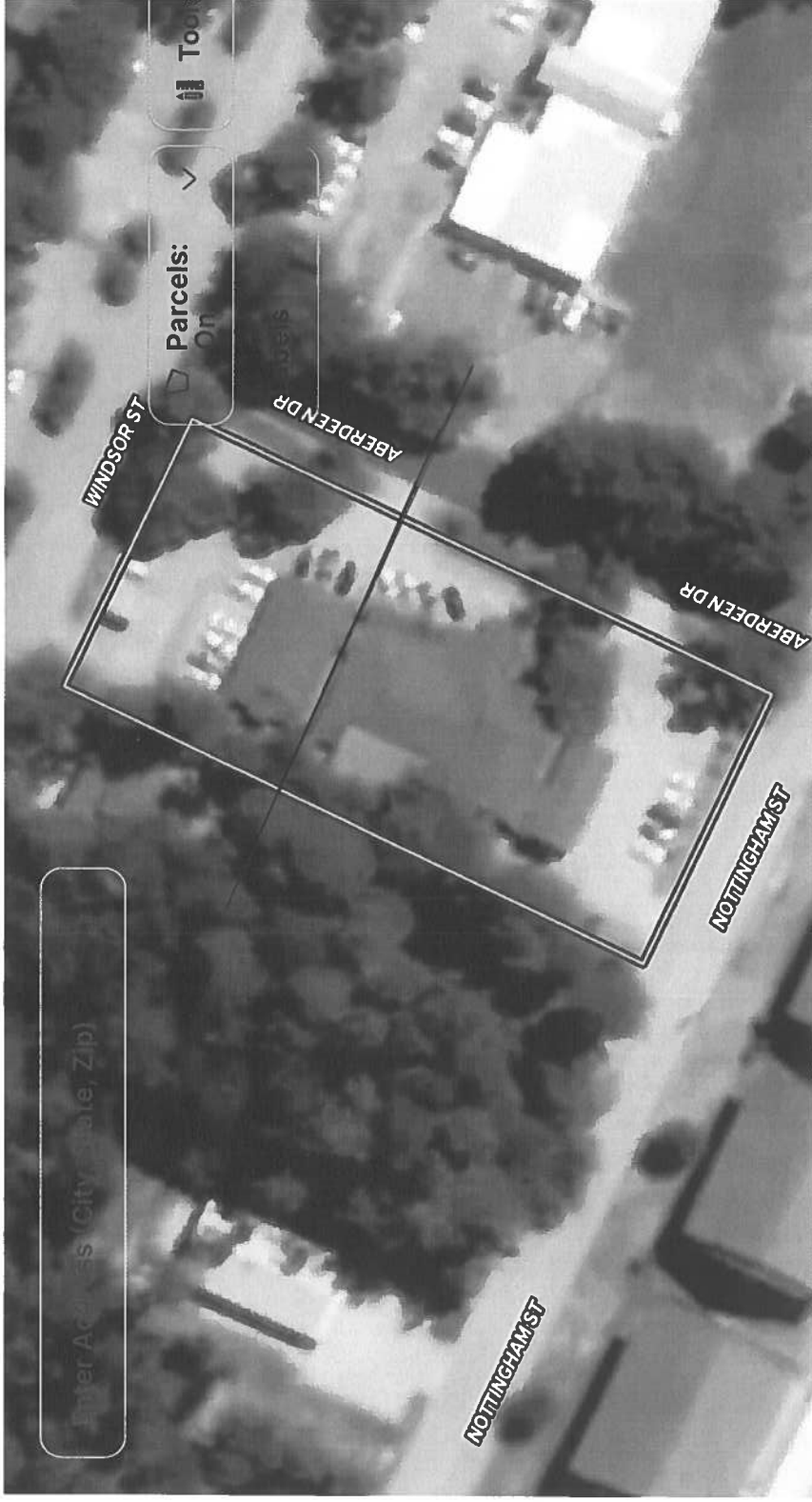
Applicant Name

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, I ORDER TO SALE OFF the PAROLE Building
2. Is the condition necessitating the variance unique to the subject property?
YES, SEPERATION OF THE PROPERTY
3. Is the condition necessitating the variance created by the subject property owner?
YES, there IS A WALK way ROOF ATTACHING the PAROLE OFFICE & DENTIST OFFICE that needs to Be REMOVED
4. Will literal enforcement of the subject regulation deprive the property owner of any economically beneficial use of the subject property?
WE CAN NOT SALE OFF the PAROLE OFFICE UNLESS SEPARATE the two BUILDINGS
5. Will approval of the variance be contrary to the public interest?
No, Should NOT EFFECT the Public Interest
6. Will the approval of the variance be in keeping with the overall spirit of the Development Code and further substantiate justice?
YES





Enter Address (City, State, Zip)

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Tools

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3D

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30.7025,
-95.554



Huntsville, Texas
Google Street View
Mar 2013

Image capture: Mar 2013 © 2024 Google

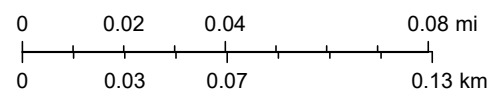
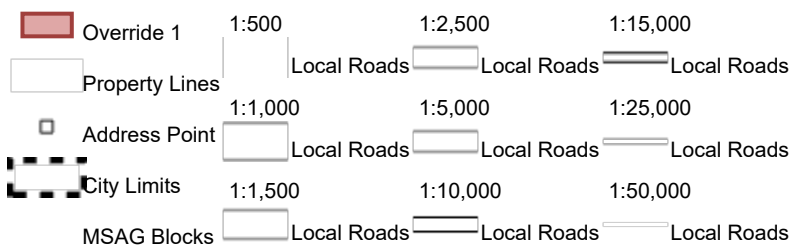


Vicinity Map



3/21/2024, 8:42:12 AM

1:2,400



**MINUTES OF THE MEETING OF THE BOARD OF ADJUSTMENT HELD IN THE
CONFERENCE ROOM, AT HUNTSVILLE CITY HALL, 1219 13th STREET, HUNTSVILLE,
TEXAS, ON THE 8th DAY OF FEBRUARY 2024 AT 12:00 PM.**

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

Members absent: Warren

Staff present: Irones; Yeager; Byal; Gibson

Public Present:

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.

Alternate Warren was absent.

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 replating, on property located at 515 Roundabout Road.

Planner, Layne Yeager, gave the staff report for the requested variance. Staff recommend approval of the requested variance.

Applicant Presentation:

Fernando Lopez presented his case for the requested variance. The applicant explained the circumstances that require a variance.

Fernando Lopez, with the help of Jaime Lopez to translate, & City Staff addressed questions from Board Members.

Variance Request Item

Variance 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 replating, on property located at 515 Roundabout Road.

Speakers in support of the variance request:

None spoke in support of the variance request.

Speakers in opposition of the variance request:

None spoke in opposition of the variance request.

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 replating, on property located at 515 Roundabout Road.

Vice-Chairman Grigsby moved to approve the Variance. Second was by Board Member Reader. The vote was unanimous.

- b. The minutes of the October 26, 2023, meeting.

Board Member Spencer moved to approve the minutes with a correction to Jeremy Romoser's name. Second was by Vice-Chairman Grigsby. The vote was unanimous.

7. ADJOURNMENT

Board Member Reader moved to adjourn the meeting. Second was by Vice-Chairman Grigsby. The vote was unanimous. [12:11 pm]