

CITY OF HUNTSVILLE, TEXAS

Ken Holland, Chairman

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



Jason Warner, Alternate A
Vacant, Alternate B

BOARD OF ADJUSTMENTS AGENDA

THURSDAY, AUGUST 22, 2024, 12:00 PM

**CITY OF HUNTSVILLE NEW SERVICE CENTER COMPLEX
448 SH 75, HUNTSVILLE, TEXAS 77320**

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 06-2024), by Michael Jenkins, applicant, to Article 4.203.H (Use Regulations) of the Development Code to allow a manufactured home older than 20 years old to be placed within the city limits of Huntsville on property located at 7684 SH 75 S.
- b. For a variance request, (BOA Case 07-2024), by Jeff Wisdom, applicant, on behalf of John Okperuvwe pastor of The Redeemed Christian Church of God, 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 replating and developing the property located at 318 16th Street.
- c. For a variance request, (BOA Case 08-2024), by Harold McAdams, applicant, on behalf of Lucy Maliti-Mjema, property owner, to Article 5.705.A (Lot and Setback Regulations) of the Development Code to allow the 10' side setback lines of a flag lot to be reduced to 5' and to allow two existing single-family homes to partially remain within the setback lines, for the purpose of replating and developing the property located at 1302 & 1306 20th Street.

6. CONSIDER

Hear announcements concerning items of community interest from the Commission and City Staff for which no action will be discussed or taken.

- a. The variance request, (BOA Case 06-2024), by Michael Jenkins, applicant, to Article 4.203.H (Use Regulations) of the Development Code to allow a manufactured home older than 20 years old to be placed within the city limits of Huntsville on property located at 7684 SH 75 S.

- b. The variance request, (BOA Case 07-2024), by Jeff Wisdom, applicant, on behalf of John Okperuvwe pastor of The Redeemed Christian Church of God, 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 replating and developing the property located at 318 16th Street.
- c. For a variance request, (BOA Case 08-2024), by Harold McAdams, applicant, on behalf of Lucy Maliti-Mjema, property owner, to Article 5.705.A (Lot and Setback Regulations) of the Development Code to allow the 10' side setback lines of a flag lot to be reduced to 5' and to allow two existing single-family homes to partially remain within the setback lines, for the purpose of replating and developing the property located at 1302 & 1306 20th Street.
- d. The minutes of the May 23, 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: August 19, 2024

TIME OF POSTING: 9:00 a.m.

TAKEN DOWN:

Kristy Doll

Kristy Doll, City Secretary



BOARD OF ADJUSTMENT AGENDA ITEM DISCUSSION FORM

Prepared by: Layne Yeager
Planner

Armon Irones
City Planner

MEETING DATE: August 22, 2024

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

SUBJECT: Mobile Homes and Manufactured Housing Units (Article 4.203)

REQUESTED BY: Michael Jenkins on behalf of J & S Development LLC

CASE OVERVIEW: CASE 05-2023

Michael Jenkins has submitted an application for a **Variance** from the *Development Code* to allow the placement of a manufactured home that is older than 20 years old at 7684 SH 75. The property is in the Management (M) District.

The applicant is requesting a variance from one sub-section of the Development Code: 4.203.H. The applicant is requesting to place an existing manufactured home that is within the city limits that is older than 20 years old. The applicant also provided pictures of the manufactured home.

STAFF RECOMMENDATION

Within Development Code Section 4.203.H states that any new manufactured housing units placed inside the city limits shall be less than 20 years old on the date of application. City staff has contacted the property owner to schedule an inspector of the home with the Assistant City Building Official to determine if the structure is acceptable but at the time of this report, staff hadn't heard back from the property owner.

Staff recommend approval of the variance.

ATTACHMENTS:

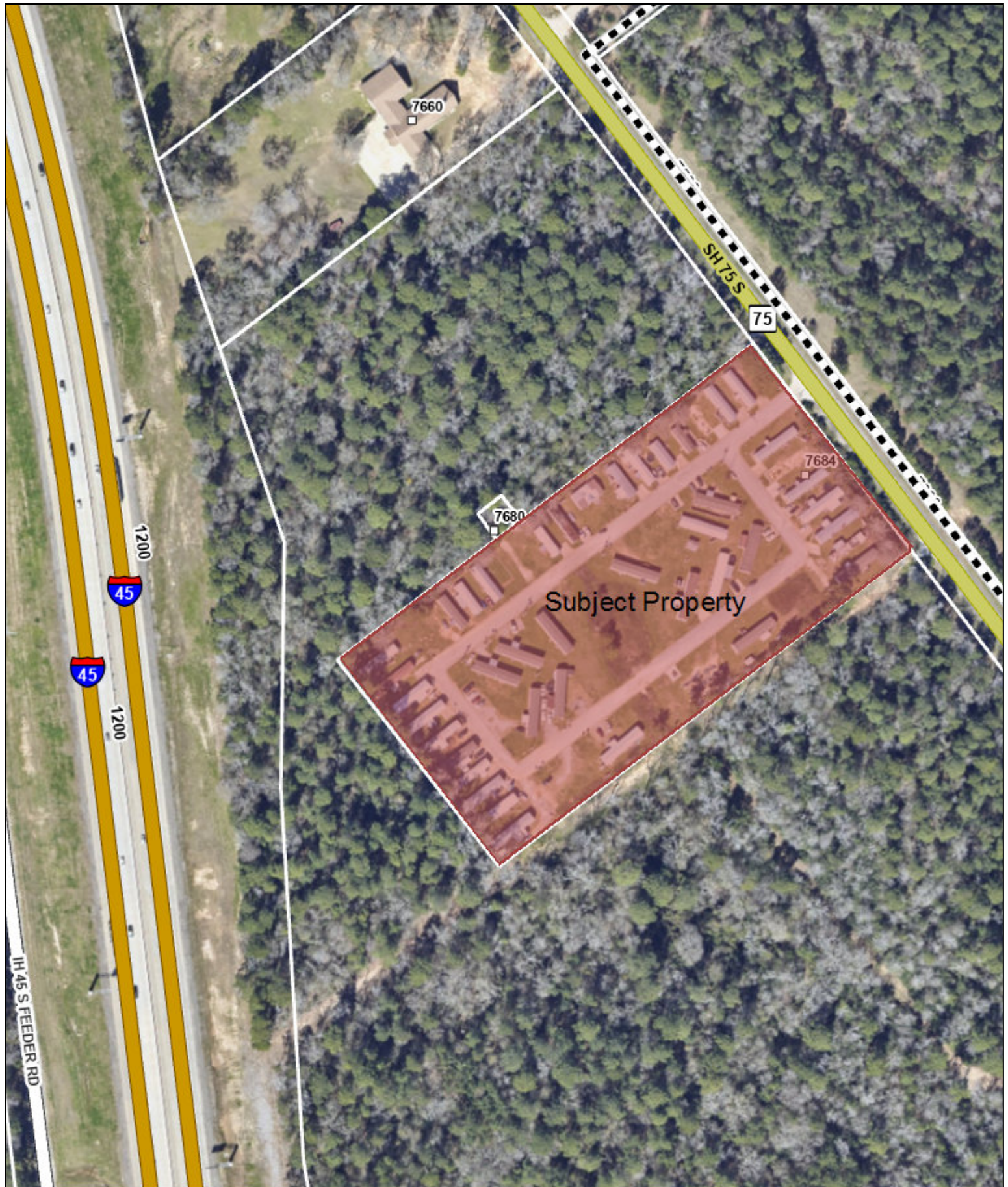
- Pictures of manufactured home
- Vicinity Map







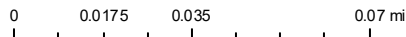




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1 in = 200 ft

On 8.5 x 11 inch Print



On Any Print Size

CREATED DATE: 8/6/2024

CITY OF HUNTSVILLE, TX
ENGINEERING DEPARTMENT / GIS DIVISION

7684 SH75

Huntsville GIS Division



Service Layer Credits:



BOARD OF ADJUSTMENT AGENDA ITEM DISCUSSION FORM

Prepared by: Armon Irones
City Planner

Layne Yeager
Planner

MEETING DATE: August 22, 2024

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

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

REQUESTED BY: Jefferson L. Wisdom on behalf of John O. Okperuvwe, property owner

CASE OVERVIEW: CASE 08-2024

John O. Okperuvwe has submitted an application for a **Variance** from the *Development Code* to allow for the replat of 318 16th Street. It is proposed to reduce the all setbacks to 5-feet to allow for the replating of the property to allow for the future development of a church on the property. The existing sanitary sewer easement will be abandoned, a new sewer line will be constructed, and an easement will be dedicated to city standards. The property is in the Management Development 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.

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 variance will allow for the construction of the proposed church. The proposed front setback will be behind a proposed 20-foot sanitary easement and a non-buildable portion of land. The total of these combined will total over 25-feet. Coordination will be made with city staff for the design and inspection of the proposed sanitary sewer line and easement dedication.

Staff does recommend approval of the requested variance.

ATTACHMENTS:

- **Application**
- **Proposed plat**
- **Vicinity Map**

Applicant Name

Questions

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

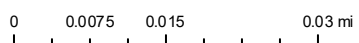
1. Is the variance necessary to overcome a condition of the property itself?
with 10' setback lines and a 20' sanitary easement, the property is too small to build on. We are
already prepared to redesign the building plan to fit within the bounds of the buildable area.
2. Is the condition necessitating the variance unique to the subject property?
the subject property has an 8" sanitary easement running transverse through the property
that we are looking to relocate. Once the easement is relocated, and the 10' build line is set in
we would only have 60'-0" of buildable width.
3. Is the condition necessitating the variance created by the subject property owner?
Property is not buildable with the existing sanitary easement in place.
4. Will literal enforcement of the subject regulation deprive the property owner of any economically beneficial use of the subject property?
yes. between the construction loan payment and the clients current rent rate, the clients are
paying over \$8,000 per month which is financially crippling the church.
5. Will approval of the variance be contrary to the public interest?
paying over \$8,000 per month which is financially crippling the church.
6. Will the approval of the variance be in keeping with the overall spirit of the Development Code and further substantiate justice?
yes. we will be following all development code requirements with the construction of this new
church building.



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



On Any Print Size

CREATED DATE: 8/6/2024

CITY OF HUNTSVILLE, TX
ENGINEERING DEPARTMENT / GIS DIVISION

318 16th Street
Huntsville GIS Division



Service Layer Credits:



BOARD OF ADJUSTMENT AGENDA ITEM DISCUSSION FORM

Prepared by: Armon Irones
City Planner

Layne Yeager
Planner

MEETING DATE: August 22, 2024

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

SUBJECT: Lot and Setback Regulations (Article 5)

REQUESTED BY: Harold McAdams on behalf of Lucy Maliti-Mjema, property owner

CASE OVERVIEW: CASE 08-2024

Harold McAdams has submitted an application on behalf of Lucy Maliti-Mjema, property owner, for Variances from the *Development Code* to allow for the platting of 1302-1306 20th Street. The property is currently one lot and is located at the west corner of the intersection at Avenue M and 20th Street. The property owner is proposing to split the lot into two lots. Currently there is one existing single-family structure on each of the proposed lots. The existing single-family structures will remain as is and any new development on Lot 2 will comply with all current building setback lines. After the property is platted, Lot 1 will be 0.116 acre and Lot 2 will be 0.216 acre. The property is in the Management Development District.

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 on Lot 1 to remain within the 5' side setback line and the single-family dwelling on Lot 2 to remain within the 25' front building line along Avenue M. The applicant is also requesting a variance from the minimum square footage of a residential lot. Per Table 5-1 within Article 5 of the Development Code, the minimum square footage of a residential lot is 6,000 square feet and with the platting of the property, Lot 1 will only be 5,053 square feet.

COMMUNITY INPUT

There were 23 300' notices mailed out to the surrounding property owners and staff received a phone call from one property owner. The property owner wanted to know what was being proposed and they offered no objection to the platting of the property.

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 plat cannot be approved due to the existing single-family structures being within the proposed building setbacks. The variances will allow for the existing single-family structures to extend past the proposed building setbacks. Currently, the single-family structures are legal non-conforming uses.

Staff does recommend approval of the requested variance.

ATTACHMENTS:

- Proposed plat
- Vicinity Map

Applicant Name

Harold E. (Eddie) McAdams

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, since there are two existing residential buildings on property, built prior to establishment of City of Huntsville codes, there was not enough distance between buildings to comply with current City of Huntsville Code therefore 5 foot BSL between building are requested.

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

Yes, without this variance the division of this property could not be done.

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

No, the buildings were on property when property was purchased by Mjema.

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

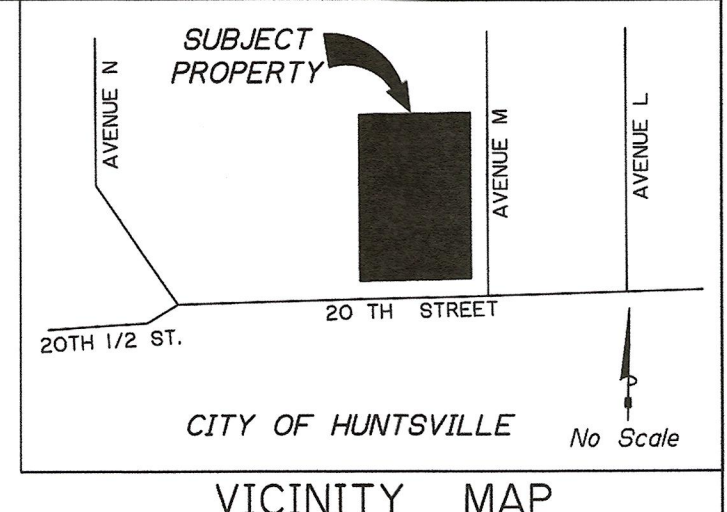
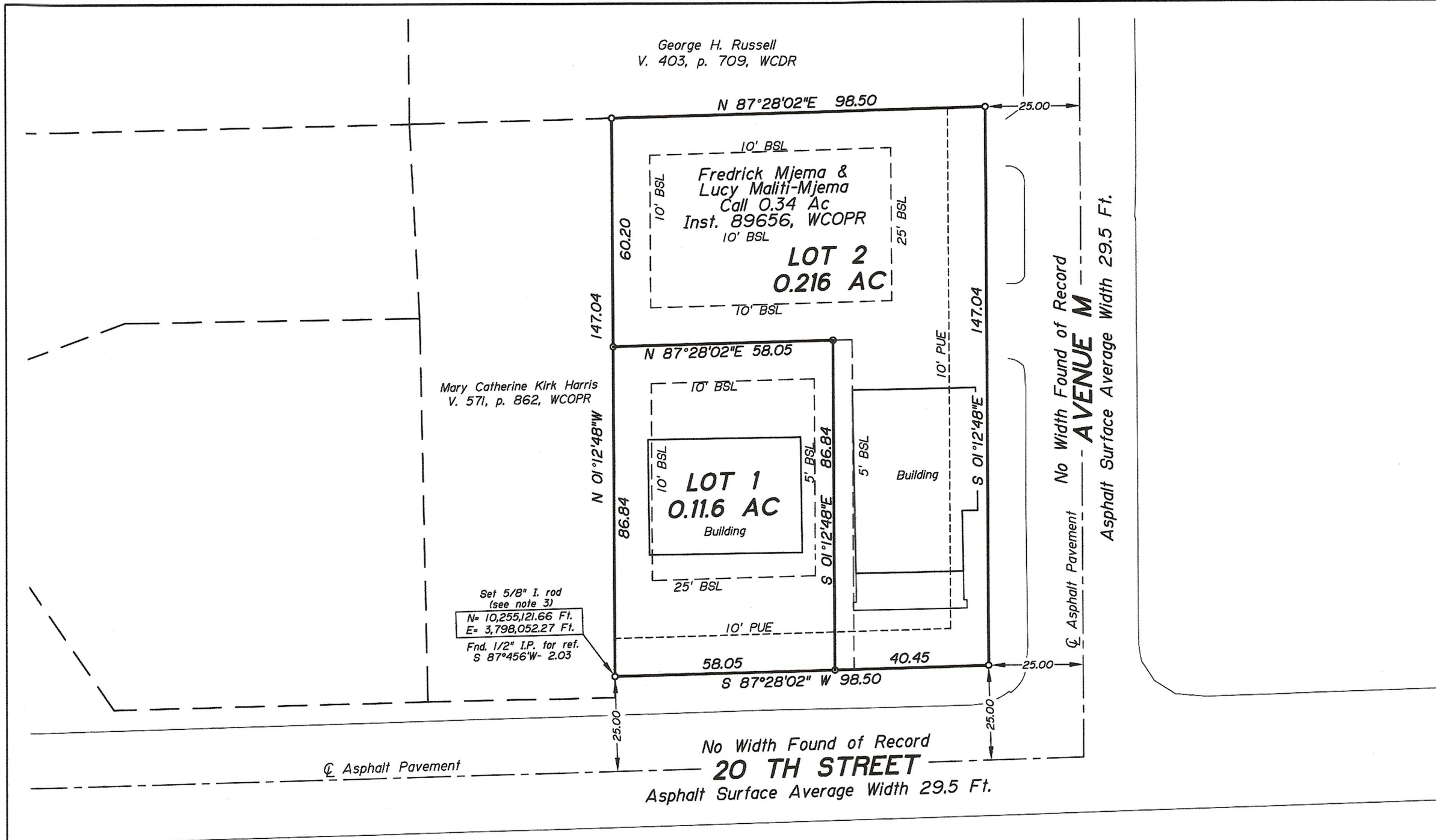
Yes, without variance the building could no be separated into its own lot.

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



PRELIMINARY
SUBJECT TO CHANGE
DO NOT RECORD THIS PLAT
FOR ANY REASON.

CERTIFICATION BY THE CITY PLANNING OFFICER

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

Dated this _____ day of _____, 20____

Signed _____
City of Huntsville Planning Officer

APPROVAL OF THE PLANNING COMMISSION

This plat has been submitted to and considered by the Planning Commission of the City of Huntsville, Texas, with respect to the platting of the land and is hereby approved by the Commission.

Dated this _____ day of _____, 20____

Signed _____
Chairman

OWNER'S ACKNOWLEDGMENT AND DEDICATION

The State of Texas §
County of Walker §

We, the undersigned, owners of the land shown hereon and designated as PLAT OF SUBDIVISION OF FREDRICK P. MJEMA AND LUCY MALITI-MJEMA 0.33 ACRE TRACT, a subdivision within the City of Huntsville, Walker County, Texas and whose names are subscribed hereto, do hereby dedicate to the use of the public all streets, parks, easements and public places shown thereon for the purpose and consideration therein expressed.

Signed _____
Fredrick Mjema
808 Newport Bridge Dr.
Edmond, OK 73034

Signed _____
Lucy Maliti-Mjema
808 Newport Bridge Dr.
Edmond, OK 73034

The State of Texas)(
County of Walker)(

This instrument was acknowledged before me on the _____ day of _____, 20____ by Fredrick Mjema and Lucy Maliti-Mjema.

Notary Public
State of Texas

CERTIFICATION BY THE CITY ENGINEER

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 rights-of-way.

Dated this _____ day of _____, 20____

Signed _____
City of Huntsville Engineer

CERTIFICATION BY THE COUNTY CLERK

THE STATE OF TEXAS §
COUNTY OF WALKER §

I, Kari A. 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 _____, 20____ in Volume _____, page _____ of the Plat Records of Walker County, Texas.

County Clerk
Walker County, Texas

By _____
Deputy

PRELIMINARY
SUBJECT TO CHANGE
DO NOT RECORD THIS PLAT
FOR ANY REASON.

CERTIFICATION BY SURVEYOR

I, Harold E. McAdams, do hereby state that this plat represents a survey made on the ground and that all corners and monuments are as shown hereon.

Signed **Preliminary**
Harold E. McAdams
Reg. Prof. Land Surveyor No. 2005
June 20, 2024

NOTES:

- The purpose of this Plat is to create Lots 1 and 2 shown hereon out of the Fredrick and Lucy Mjema Revocable Trust called 0.34 acre tract and to establish 10 foot and 25 foot Building Setback lines (BSL) and Public Utility Easement (PUE) shown hereon.
- Coordinates, bearings, distances and areas surveyed hereon are Grid NAD 83 (1993), Texas Central Zone as determined by Global Positioning System (GPS) with NGS OPUS post processing. Distances hereon may be converted to Geodetic Horizontal (surface) by dividing by a Combined Scale Factor of 0.99988.
- Set 5/8" iron rods with 1-3/4" diameter yellow plastic caps stamped "H.E. McAdams, R.P.L.S. No. 2005" at all corners.
- This property is within Zone X, "areas determined to be outside the 0.2% annual chance floodplain", according to F.E.M.A. Flood Insurance Rate Map, Community-Panel No. 480639-0360D and Map Number 48471C0360D, dated August 16, 2011.
- If any structure is removed or demolished any replacement, construction or addition will comply with Building Setback Lines (BSL) shown hereon.
- All public easements denoted on this plat are hereby dedicated to the use of the public forever. Any public utility, including the City of Huntsville, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of the property owner. Any public utility, including the City of Huntsville, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of the easements shown on this plat. Neither the City of Huntsville or any public utility shall be responsible for replacing or reimbursing the property owner due to removal or relocation of any obstructions in the public.
- This survey was completed without an Abstract of Title. There may be easements and/or other matters not shown.

PLAT OF SUBDIVISION OF

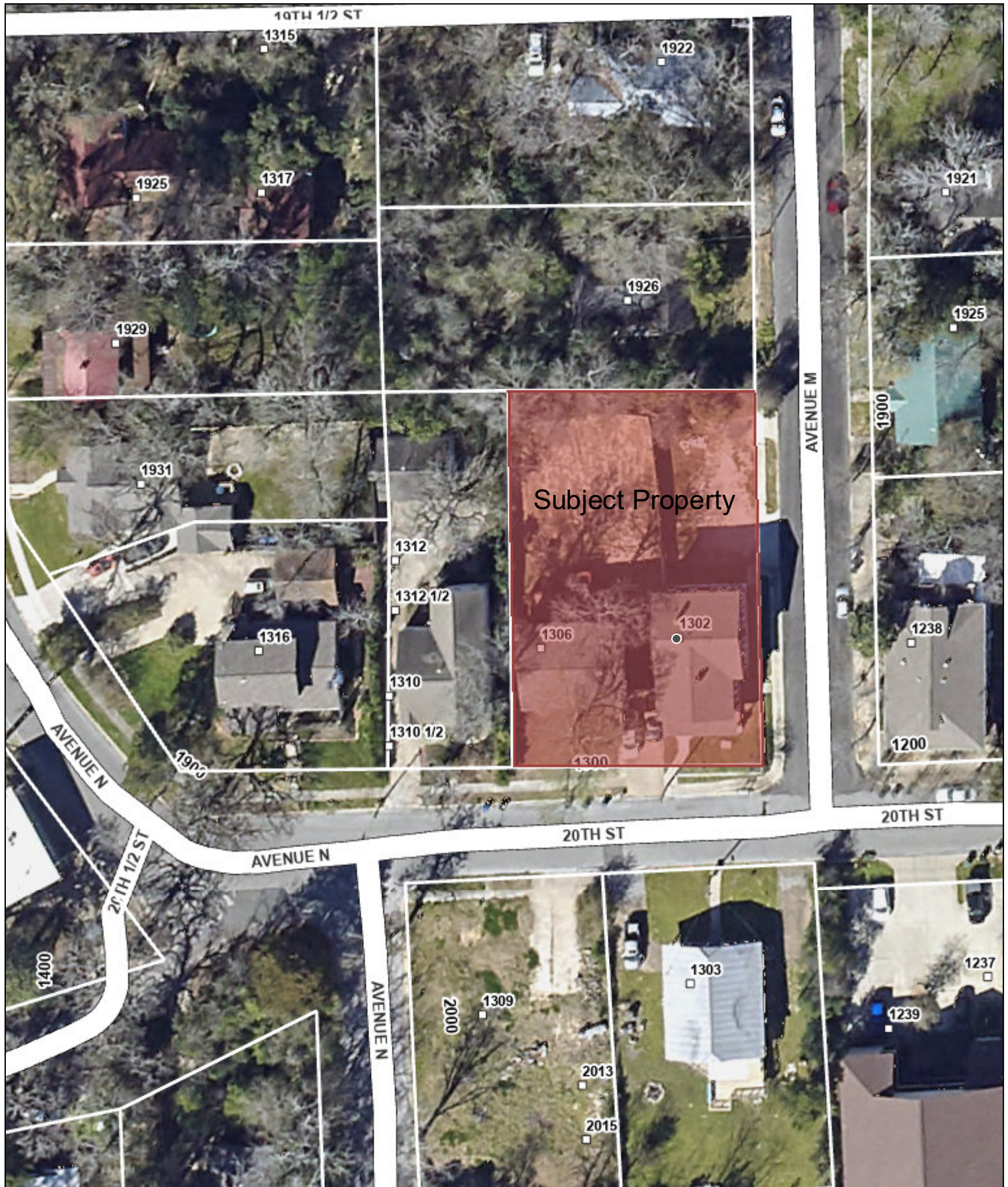
**FREDRICK P. MJEMA AND
LUCY MALITI-MJEMA
0.333 ACRE TRACT**

**CITY OF HUNTSVILLE
P. GRAY LEAGUE, A-24
WALKER COUNTY, TEXAS**

JUNE 2024

SCALE: 1"= 30 FEET

H.E. McADAMS & SON SURVEYING, INC.
Registered Professional Land Surveyors
P.O. Box 5047, Huntsville, Texas 77342
TBPELS Firm No. 10194425



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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: 8/6/2024

CITY OF HUNTSVILLE, TX
ENGINEERING DEPARTMENT / GIS DIVISION

1302-1306 20th Street
Huntsville GIS Division



MINUTES OF THE MEETING OF THE BOARD OF ADJUSTMENT HELD IN THE COMMUNITY ROOM, AT THE HUNTSVILLE PUBLIC LIBRARY, 1219 13TH STREET, HUNTSVILLE, TEXAS, ON THE 23rd DAY OF MAY 2024 AT 12:00 PM.

Members present: Holland; Spencer; Herzlich; Reader

Members absent: Grigsby; Warren

Staff present: Irones; Yeager; Byal; Gibson

Public Present: Roberto Galindo; Austin Humphrey; Spencer Covey

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

Chairman Holland led the invocation.

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

Vice-Chairman Grigsby and Alternate Warren were absent.

5. PUBLIC HEARING

- a.** For a variance request, (BOA Case 04-2024), by Equipment Share, property owner, to Article 6.1106.A (Parking and Driveway Regulations) of the Development Code to increase their commercial driveway from 24' to 40' to allow heavy commercial trucks safe access to their property site, located at 604 IH-45 N.

Planning Technician, Daneatria Gibson, gave the staff report for the requested variance. Staff recommend approval of the requested variance.

Applicant Presentation:

Roberto Galindo presented his case for the requested variance. The applicant explained the circumstances that require a variance and that TXDOT approves of it as long as the owners agree.

Variance Request Item

Variance to increase their commercial driveway from 24' to 40' to allow heavy commercial trucks safe access to their property site, located at 604 IH-45 N.

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.

- b. For a variance request, (BOA Case 05-2024), by Winter Wonder LLC, property owners, to the 2021 International Plumbing Code to allow the usage of temporary luxury restrooms and holding tanks instead of a septic system, located at 1998 IH-45 S.

Planning Technician, Daneatria Gibson, gave the staff report for the requested variance. Staff recommend approval of the requested variance.

Applicant Presentation:

Spencer Covey presented his case for the requested variance. The applicant explained the circumstances that require a variance.

City Staff addressed questions from Board Members.

Variance Request Item

Variance to allow the usage of temporary luxury restrooms and holding tanks instead of a septic system, located at 1998 IH-45 S.

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 04-2024), by Equipment Share, property owner, to Article 6.1106.A (Parking and Driveway Regulations) of the Development Code to increase their commercial driveway width from 24' to 40' to allow heavy commercial trucks safe access to their property site, located at 604 IH-45 N.

Board Member Spencer moved to approve the Variance. Second was by Board Member Herzlich. The vote was unanimous.

- b. The variance request, (BOA Case 05-2024), by Winter Wonder LLC, property owners, to the 2021 International Plumbing Code to allow the usage of temporary luxury restrooms and holding tanks instead of a septic system, located at 1998 IH-45 S.

Board Member Reader moved to approve the Variance. Second was by Board Member Herzlich who modified the approval to a provisional approval for 2 years as requested by the applicant. The vote was unanimous.

- c. The minutes of the April 11, 2024, meeting.

Board Member Herzlich moved to approve the minutes. Second was by Board Member Spencer. The vote was unanimous.

7. ADJOURNMENT

Board Member Spencer moved to adjourn the meeting. Second was by Board Member Reader. The vote was unanimous. [12:17 pm]