

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, OCTOBER 31, 2024, NOON

CITY OF HUNTSVILLE NEW SERVICE CENTER COMPLEX

448 SH 75, HUNTSVILLE, TEXAS 77320

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 11-2024), by Scott Martsolf, applicant, on behalf of Cross Development, property owner, to Article 10.1300 (Utilities) of the Development Code to allow for proposed overhead utility lines for proposed improvements to 2918 Pine Shadows Drive.

6. CONSIDER

- a. For a variance request, (BOA Case 11-2024), by Scott Martsolf, applicant, on behalf of Cross Development, property owner, to Article 10.1300 (Utilities) of the Development Code to allow for proposed overhead utility lines for proposed improvements to 2918 Pine Shadows Drive.
- b. 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: October 24, 2024

TIME OF POSTING: 4:15 p.m.

DATE REMOVED: _____

Kristy Doll

Kristy Doll, City Secretary



BOARD OF ADJUSTMENT AGENDA ITEM DISCUSSION FORM

Prepared by: Layne Yeager
City Planner

Deborah Capaccioli
Staff Planner

MEETING DATE: October 31, 2024

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

SUBJECT: Nonresidential and Mixed Use Lot Size and Building Setback Regulations (Article 5.300)

REQUESTED BY: Johnathan White

CASE OVERVIEW: CASE 11-2024

Scott Martsolf has submitted an application on behalf of Cross Development, property owner, for a **Variance** from the *Development Code* to allow for proposed overhead utility lines for proposed improvements to 2918 Pine Shadows Drive.

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: 10.1300. The applicant is requesting to install an overhead utility line to serve power to a transformer that is being placed within the property adjacent to the proposed improvements.

COMMUNITY INPUT

No Input received

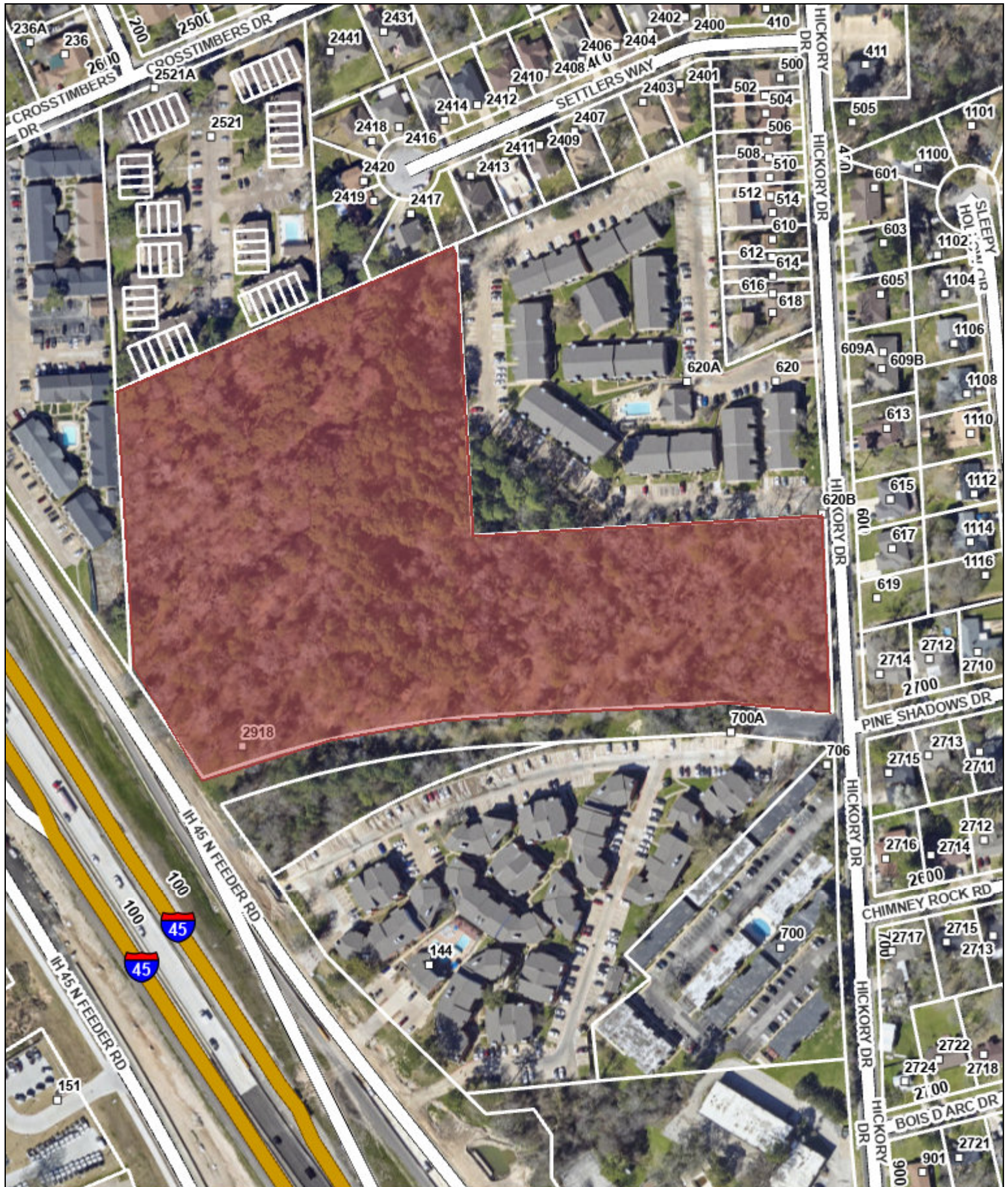
STAFF RECOMMENDATION

Development Code Section 10.1300 states that all new electric and similar utilities should be placed underground in accordance with the policies and specifications of the respective providers.

Staff does not recommend approval of the requested variance.

ATTACHMENTS:

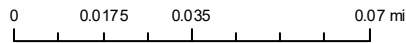
- Application
- Site layout
- Vicinity Map



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 = 200 ft

On 8.5 x 11 inch Print



On Any Print Size

CREATED DATE: 10/24/2024

CITY OF HUNTSVILLE, TX
ENGINEERING DEPARTMENT / GIS DIVISION

2918 Pine Shadows
Huntsville GIS Division



Service Layer Credits:



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 Scott Martsof

4317 Marsh Ridge Road

Mailing Address

Carrollton

City

TX

State

75010

Zip Code

Phone Number 469-556-9647

Alternate Phone Number _____

E-mail: scott@crossdevelopment.net

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

10/14/24

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 Cross Development CC Huntsville, LLC

4317 Marsh Ridge Rd

Mailing Address

Carrollton

City

TX

State

75010

Zip Code

Phone Number 469-556-9647

Alternate Phone Number _____

E-mail: scott@crossdevelopment.net


Signature

10/14/24

Date

Variance/Appeal Information

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

The applicant is requesting a variance to the Development Code (section 10.1300 Utilities), which states that "all new electric utilities must be placed underground in accordance with the policies and specifications of the respective utility providers, except that the requirements for underground utilities do not apply in infill situations when property adjacent to the subject lot is served by above-ground utilities."

Application Fee

\$350.00

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:

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?

No.

Note: In addition to the previously dedicated Pine Shadow Drive right-of-way, the property owners have dedicated another 20' along the entire property boundary for use as a public utility easement and future road expansion, which will benefit the community and surrounding development.

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

Yes. All existing facilities along public right-of-ways adjacent to the site are above ground utilities. We would connect to existing overhead power facilities on Hickory Drive. The overhead power lines would be located within the northern 10' of the 20' Public Utility Easement dedicated to The City of Huntsville. Service lines from the 20' Public Utility Easement to the building could still be run underground to meet the development code.

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?

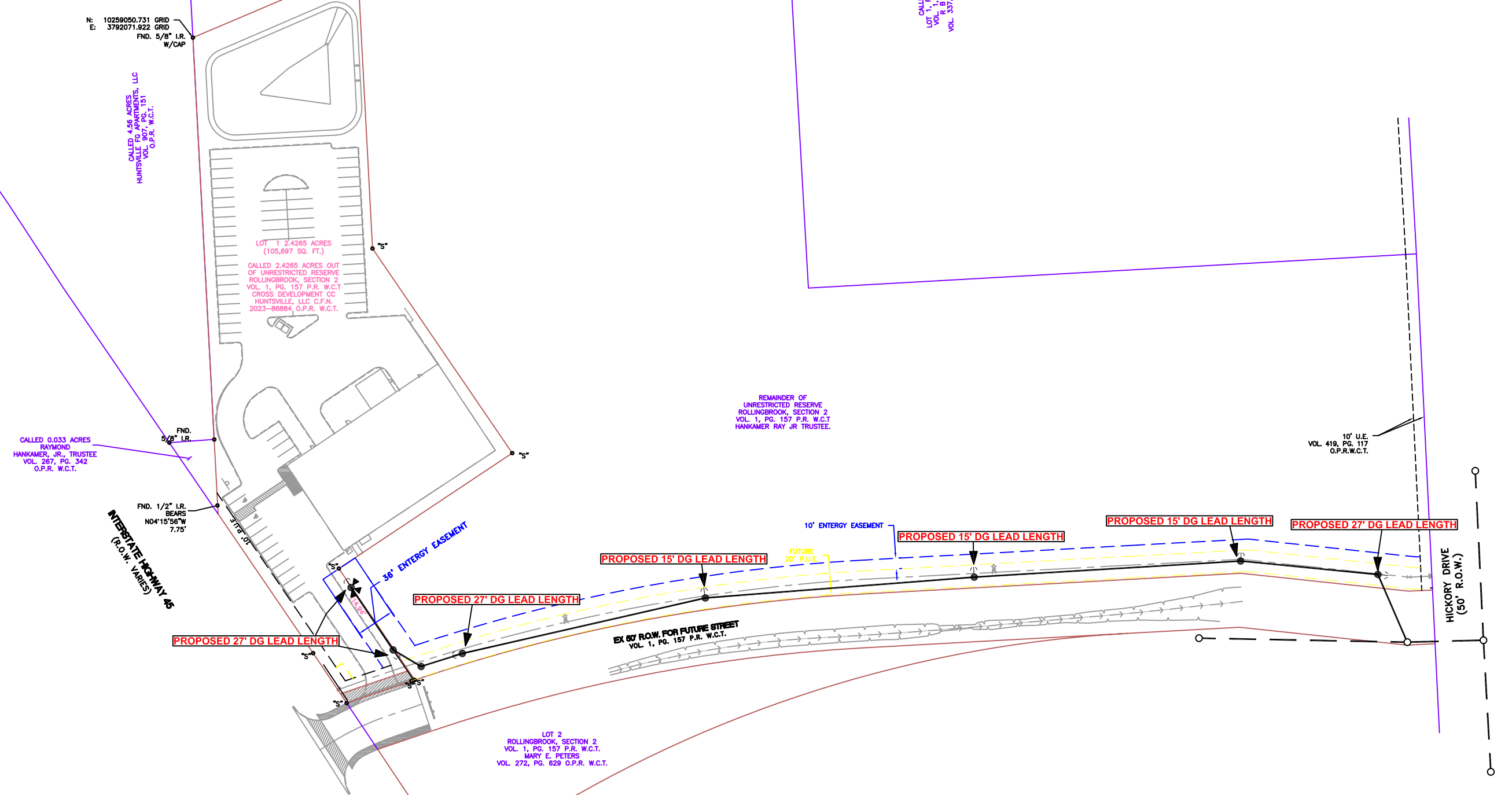
Yes. Requiring the property owner, who will be tying into existing overhead facilities, to place 968' of new electric facilities underground will pose an undue hardship on the subject property. Additionally, the portion of the public utility easement where the power lines will be located are within a 10' area that will contain a newly constructed 6" public water line. Trenching, installing conduit, and pulling wire underground would impede future service connections and the safety of the water lines. Finally, underground power will require all future property owners to loop back to the original tie-in location via the same underground trenching and installation process. If the facilities are above ground, future property owners can readily connect and avoid additional trenching near the public water line.

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.



	W.R. Name/Desc. PRELIMINARY OH ROUTE PINE SHADOWS	WR# XXXXXX	
	Notes: **NOT FOR CONSTRUCTION**	Date: 10/02/24	Customer Service Voltage/AMP
LOC OFFICE:		Upstream Device:	
WR TYPE:		Substation:	
Phone#:	SO#:	Feeder No.:	Page 1 of 1
Contact Person:	Acct#:	Phase:	Designer:
Map/DLOC:		Scale: 1" = 100'	

MINUTES OF THE MEETING OF THE BOARD OF ADJUSTMENT HELD IN THE COMMUNITY ROOM, AT THE CITY OF HUNTSVILLE NEW SERVICE CENTER COMPLEX, 448 SH 75, HUNTSVILLE, TEXAS, ON THE 26th DAY OF SEPTEMBER 2024 AT 12:00 PM.

Members present: Holland; Grigsby; Spencer; Reader

Members absent: Herzlich; Warren

Staff present: Byal; Gibson

Public Present: Johnathan White; Ben Bius; Chris Hogan

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

Vice-Chairman Grigsby led the invocation.

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

Board Member Herzlich and Alternate Warren were absent.

5. PUBLIC HEARING

- a.** For a variance request, (BOA Case 10-2024), by Johnathan White, applicant, on behalf of Prairie Flower, Ltd, property owner, to Article 5.300. (Nonresidential and Mixed Use Lot Size and Building Setback Regulations) of the Development Code to allow the 25' street setback lines to be reduced to 18' for the purpose of allowing for site development of the property located at 916 Veterans Memorial.

Director of Development Services, Kevin Byal, gave the staff report for the requested variance. With this decreased street lot line, the required Intersection Site Triangle requirements will still be required to be met within Article 10.400 Streets. Staff recommended approval of the requested variance.

Applicant Presentation:

Johnathan White presented his case for the requested variance. The applicant explained the circumstances that require a variance.

Variance Request Item

Variance to allow the 25' street setback lines to be reduced to 18' for the purpose of allowing for site development of the property located at 916 Veterans Memorial.

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. For a variance request, (BOA Case 10-2024), by Johnathan White, applicant, on behalf of Prairie Flower, Ltd, property owner, to Article 5.300. (Nonresidential and Mixed Use Lot Size and Building Setback Regulations) of the Development Code to allow the 25' street setback lines to be reduced to 18' for the purpose of allowing for site development of the property located at 916 Veterans Memorial. With this decreased street lot line, the required Intersection Site Triangle requirements will still be required to be met within Article 10.400 Streets.

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

- b. The minutes of the August 22, 2024, meeting.

Board Member Spencer moved to approve the minutes. 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. [12:09 pm]