

MINUTES OF THE MEETING OF THE ZONING BOARD OF ADJUSTMENT HELD IN THE CONFERENCE ROOM, AT CITY HALL, 1212 AVENUE M, HUNTSVILLE, TEXAS ON THE 4TH DAY OF MARCH, 2016 AT 12:00 NOON.

Members present: Hannes; Grigsby; Montgomery; Holland; Alternates Zuniga & Cromer

Members absent: Position 3 - open

Staff present: Kulhavy, Ridley, Moss

1. CALL TO ORDER

This meeting was called to order by Chairman Hannes. [12:01PM]

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

Alternate Comer will be voting due to the open/unfilled status of Position 3 Board Member.

3. PUBLIC HEARING for the variance request by Philip Bargas, applicant, for a variance to Article 5: Lot and Setback Regulations, Table 5-1: Lot & Building Setback Regulations of the Development Code to decrease the minimum required street setback of 25 feet to 13.5 feet along Ave J for a proposed student apartment project to be located at 2257 Sam Houston Avenue.

Chairman Hannes opened the public hearing at 12:03 pm.

Aron Kulhavy gave an overview of the case as outlined in the staff discussion form stating that this property was granted a variance by the Board for increase in density on January 31, 2014. The density variance was granted for the property, not the applicant, so the variance still applies.

Zack Markwell and Philip Bargas, Developer representatives, presented their case for the variance stating that the relocation of existing utilities which cross the site is the reason for the request. The utilities will be placed in a required 20' wide utility easement adjacent to the south property line, increasing that property line setback from 10' to 20'. They indicated that the proposed project will not have any vehicular access from Avenue J. There will be a continuous building face along Avenue J. Examples of existing projects which have been constructed by the Developer were shown as part of the presentation. The proposed density for the project is 65 dwelling units per acre. The variance granted on January 31, 2014 was for a maximum of 80 dwelling units per acre.

Speakers in support of the variance request:

Lanny Ray and **Jeff Hackelman** both spoke in favor of the variance request. **Tarek Maalouf**, the current owner of the property, stated that this Developer is able to bring a much better quality of development for the property than he personally would be able to offer.

There were no speakers in opposition of the variance request.

Chairman Hannes closed the public hearing at 12:20 pm.

4. CONSIDER the variance request by Philip Bargas, applicant, for a variance to Article 5: Lot and Setback Regulations, Table 5-1: Lot & Building Setback Regulations of the Development Code to decrease the minimum required street setback of 25 feet to 13.5 feet along Ave J for a proposed student apartment project to be located at 2257 Sam Houston Avenue.

Board Member **Holland** inquired as to any required setbacks for buildings on the Sam Houston State University Campus. **Kulhavy** responded that the University is not required to adhere to City of Huntsville Development Code setback regulations. Existing buildings and current building projects vary in setbacks from greater than 25 feet to less than 25 feet.

Upon questioning by the Board, **Kulhavy** stated that City Staff does not have any issues with public safety for the proposed development with the requested setback. The proposed project is in accordance with the Comprehensive Plan which recommends higher density residential close to the SHSU Campus. The only reservation that Staff has is that there are other uses for the property if the variance is not granted.

Board Member Comer made a motion to grant the variance for setback with the condition that no vehicular access will be allowed from Avenue J. There was not a second to the motion. The motion failed.

Kulhavy questioned the Developer representatives regarding vehicular access for the proposed project from Avenue J. They responded that there would not be vehicular access for the project from Avenue J.

Vice-Chairman Grigsby made a motion to grant the variance for setback as presented. Second was by Board Member Holland. The vote was unanimous.

5. CONSIDER the draft of the City of Huntsville Board of Adjustment Rules and Procedures.

Aron Kulhavy presented the revised draft of the Board of Adjustment Rules and Procedures making note of the changes which were made.

Board Member Zuniga made a motion to adopt the revised draft of the Board of Adjustment Rules and Procedures. Second was by Vice-Chairman Grigsby. The vote was unanimous.

6. CONSIDER the minutes of January 29, 2016.

Board Member Comer made a motion to accept the minutes. Second was by Vice-Chairman Grigsby. The vote was unanimous.

7. ADJOURNMENT

This meeting was adjourned. [12:37 PM]