

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 29TH DAY OF April, 2016 AT 12:00 NOON.

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

Members absent: Holland

Staff present: Kulhavy, Moss

1. CALL TO ORDER

This meeting was called to order by Chairman Hannes. [12:10PM]

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

Alternates Zuniga and Watkins will be voting due to the absence of Board Member Holland and a conflict of interest with Board Member Grigsby.

3. PUBLIC HEARING for the variance request by Diane Mack, applicant, for variances to Article 5 Lot and Setback Regulations, Table 5-1: Lot & Building Setback Regulations and Article 10 Infrastructure and Public Improvements, Section 10.200 Infrastructure and Improvements Required of the City of Huntsville Development Code relating to Minimum Street Setback and Infrastructure/Public Improvement construction.

Chairman Hannes opened the public hearing

Aron Kulhavy gave an overview of the case as outlined in the staff discussion form stating that the applicant requests a variance for setback and infrastructure. The applicant request a 25' setback from the east property line; 10' setback from the south and west property line; and 15' setback from the north property line, and to provide infrastructure of a private drive.

Board Member **Zuniga** inquired if the city would construct the roads and who covers the cost of infrastructure. Kulhavy responded that the city would not be responsible for the construction of the roads and the infrastructure would be covered by the owners, Robert and Diane Mack.

Board Member **Cromer** inquired there are currently no plans for a road to be built, but what about the future? Also, how will they run sewer and water on city property, and would anyone else be able to build on this property? Kulhavy responded that it is possible that there will be no request to build a road here. Regarding the sewer line, the city agrees to allow Mrs. Mack to have a private line through the right of way for sewer and water. Others wishing to build on neighboring property will have to request a variance as well.

Chairman **Hannes** inquired if a lift station would be needed. Kulhavy responded that it is possible that a lift station would be needed considering the length between the property and the road.

Board member Cromer questioned if there would be any potential for future development besides a mobile home. Kulhavy responded that all of the lots in question are zoned management and cannot be developed without the same requirements.

Speakers in support of the variance request:

Nate Grigsby spoke in favor of the variance request, and read letters on behalf of Gospel Hill Missionary Baptist Church and Faith Temple Holiness Church of God supporting the variance request.

Diane Mack, the applicant, stated that she was raised on Brunch Ave. and has a desire to go back home. The neighborhood has changed and she believes that her moving back will leave a positive impact on the neighborhood as a whole.

There were no speakers in opposition of the variance request.

Chairman Hannes closed the public hearing

4. CONSIDER the variance request by Diane Mack, applicant, for variances to Article 5 Lot and Setback Regulations, Table 5-1: Lot & Building Setback Regulations and Article 10 Infrastructure and Public Improvements, Section 10.200 Infrastructure and Improvements Required of the City of Huntsville Development Code relating to Minimum Street Setback and Infrastructure/Public Improvement construction.

The board discussed the infrastructure requirements and how the location of a private drive being built would affect the neighboring property owners. Without the property owners being present to give their opinion of the issue, it is difficult to make a decision based on the benefit of one person. The infrastructure variance would allow for the applicant to have right to determine who can and cannot use the private drive to gain access to their property. The concern is that if this variance is approved then others will request to have properties developed at a lower cost as well.

Board Member **Montgomery** inquired if approved, what vulnerability on the City does it create legal issues? **Kulhavy** responded that granting the variance would subject staff to a challenge in court.

Board Member Comer made a motion to grant the variance for setback. Second was by Board Member Watkins. The vote was unanimous.

Board Member Comer made a motion to deny the variance for infrastructure. There was not a second to the motion. The motion failed.

Board Member Zuniga made a motion to grant the variance for infrastructure. There was not a second to the motion. The motion failed.

The board further discussed the repercussions of building a private drive.

Board Member Montgomery made a motion to deny the variance for infrastructure as presented. Second was by Chairman Hannes. The motion carried 4-1 [For the denial: Hannes, Cromer, Watkins, and Montgomery. Against the denial: Zuniga].

5. CONSIDER the minutes of March 4, 2016.

Board Member Comer made a motion to accept the minutes. Second was by Zuniga. The vote was unanimous.

6. ADJOURNMENT

This meeting was adjourned. [1:17 PM]