

**MINUTES OF THE AIRPORT
BOARD OF ADJUSTMENT MEETING**

Thursday, June 16, 2022
Council Chambers, Public Level, City Hall Annex, 900 Bagby Street, Houston, TX
6:00 p.m.

CALL TO ORDER

Thomas Seymour, Board Chair, called the meeting to order at 6:25 p.m. with a quorum present.

Thomas Seymour – acting board chairman
Lee Allen Krause
Johnny Gant
Garry Reece
Ray Jones – Non-Voting Member
Bennie Trujillo – Board Secretary

HOUSTON TELEVISION STAFF

Cheryl Pressley

HOUSTON AIRPORT SYSTEM STAFF

Bill Zrioka
Bennie Trujillo

CITY OF HOUSTON PLANNING & DEVELOPMENT STAFF

Terresa Geisheker

CITY OF HOUSTON ATTORNEY

Kim Mickelson

I. SECRETARY'S REPORT

Presenter: Bennie Trujillo, Board Secretary. Introduction of the items to be considered at the meeting included the approval of the minutes from the April 13, 2022 Board of Adjustment meeting and Airport Hazard Area Ordinance Variance Request HAS 2022-HV29.

II. LEGAL COMMENTS CONCERNING BOARD OF ADJUSTMENT ROLES AND RESPONSIBILITIES

Presenter: Kim Mickelson, City of Houston Attorney. Kim Mickelson described why the Board of Adjustment exists, how the board is structured, the procedure to remove a board member, along with the seriousness of the airport ordinances and variance process in the context of state law and Federal Aviation Administration funding requirements. Kim Mickelson emphasized the importance of

board attendance at variance hearings and the criticality of giving advance notice of scheduling conflicts board members may encounter. Kim Mickelson added that the mayor has mandated roles and ethics training for all boards and commissions this year.

III. CONSIDERATION AND POSSIBLE ACTION ON MINUTES FROM APRIL 13, 2022 AIRPORT BOARD OF ADJUSTMENT MEETING

Board Action: Board members present approved minutes from the April 13, 2022 Board of Adjustment meeting at 6:33 p.m.

Motion: **Lee Krause** Second: **Johnny Gant** Vote: **Unanimous** Abstaining: **None**

IV. PRESENTATION AND PUBLIC HEARING ON VARIANCE REQUEST HAS 2022-HV29

Presenter: Bill Zrioka, HAS Division Manager. Presentation of Variance Request HAS 2022-HV29 by Hunter Wanek of WGA Consultant Engineer to allow the use of available drainage capacity in an existing non-conforming retention pond in the 3300 block of Farrell Road and within the Airport Hazard Area associated with Intercontinental Airport-Houston (IAH). Acting Board Chairman Thomas Seymour opened the public hearing at 6:38 PM. Acting Chairman Seymour asked Bill Zrioka to introduce the variance request and the Houston Airport System staff recommendation.

Bill Zrioka stated that the existing retention pond was in direct violation of Sections 9-701, 9-709, 7-111 and 9-751 (a) of the Airport Hazard Area Ordinance (City of Houston Ordinance #2009-1301), Section 9-360 of the Airport Compatible Land Use Ordinance (City of Houston Ordinance #2008-1052) and the Federal Aviation Administration Advisory Circular 150\5200-33B Section 2-3-2. Bill Zrioka said the restrictions impacting the retention pond are based on the pond's proximity to four existing runway ends and one proposed runway end within the Airport Hazard Area boundary associated with IAH. Bill Zrioka said the pond was erroneously approved by the City of Houston Permitting Center in March of 2014 with no restrictions required placing the applicant in a difficult position because of a city staff discrepancy. Bill Zrioka added that the applicant has agreed to enter into a binding contract to modify the retention pond to a detention pond and in compliance with all city and federal restrictions if the client purchases the adjoining property, the variance is approved and the development permits are granted. Bill Zrioka said Houston Airport System staff, with City Legal support, recommends to the Board of Adjustment that the variance be approved.

Acting Chairman Seymour asked the applicant to state their case for a variance.

Hunter Wanek, Project Manager for WGA Consultant Engineers requested a variance from the Airport Hazard Area Ordinance in order to allow use of available drainage capacity in an existing non-conforming retention pond in the 3300 block of Farrell Road.

Hunter Wanek stated he was representing the client CT Investors/Clean Energy and working with Northwood MUD in relation to the retention pond. Hunter Wanek said the client was seeking to develop that the six-acre property the subject pond is designated to serve and is requesting a variance to allow permitting of the property ahead of the pond improvements. Hunter Wanek added that although the client did not create the wet-bottom pond issue, the client has acknowledged and accepted the task of bringing

the retention pond into compliance within 180 days of approved plans provided the client is not delayed in developing the property by the forthcoming pond improvements.

Acting Board Chairman Thomas Seymour asked HAS Division Manager Bill Zrioka if there were any speakers or submitted comments on this variance request. Bill Zrioka responded that there were no other speakers.

Acting Board Chairman Thomas Seymour asked if the client will be 100 percent in compliance once the project is finished.

Bill Zrioka stated that the client would be in compliance.

Acting Board Chairman Thomas Seymour asked if the board was approving a variance to take something not in compliance to get it into compliance.

Bill Zrioka stated that was accurate.

Kim Mickelson stated that a letter the applicant shared previously with HAS staff and City Legal regarding compliance be finalized and uploaded into the City of Houston's Permitting software as a condition to approving the variance.

A motion was made to close the public hearing.

Motion: **Thomas Seymour** Second: **Garry Reese** Vote: **Unanimous** Abstaining: **None**

Acting Board Chairman Thomas Seymour closed the public hearing at 6:46 p.m.

V. CONSIDERATION AND POSSIBLE ACTION ON VARIANCE REQUEST NO. HAS 2022-HV29

There was no further discussion by the board on this request. Acting Board Chairman Thomas Seymour asked for a motion on the variance request.

Board Member Lee Krause motioned to approve the variance with the condition that a finalized letter from the applicant be entered into the City of Houston Permitting software to ensure compliance is met at the end of the project.

Board Member Gerry Reese seconded the motion.

Motion: **Lee Krause** Second: **Gerry Reese** Vote: **Unanimous** Abstaining: **None**

Board Action: Motion for approval was granted for variance request HAS 2022-HV29 by a vote of 4-0.

VI. ADJOURN

There being no further business before the Board, Acting Board Chairman Thomas Seymour adjourned the meeting at 6:52 p.m.

Motion: **Johnny Gant** Second: **Lee Krause** Vote: **Unanimous**

Abstaining: **None**

MINUTES APPROVED ON _____

Thomas Seymour, Acting Board Chair

Bennie Trujillo, Board Secretary