

AIRPORT BOARD OF ADJUSTMENT

ORDER OF DECISION—HAS 2022-HV30
June 16, 2022

The Airport Board of Adjustment held a meeting on June 16, 2022 to hear a request for a variance from Sections 9-901; 9-709; 9-711; and 9-751 of the Airport Hazard Area Regulations Ordinance and 9-360 and 9-728, to allow for the construction of modified retention/detention pond & use of available drainage capacity located at:

0 Farrell Road near Bush Intercontinental Airport. Parcel No. 1345840010003
3300 block of Farrell Road existing non-conforming retention pond.

The meeting was called to order at 6:25 PM with the following board members in attendance:

Thomas Seymour (Acting), Chair
Lee Allen Krause
Johnny Gant
Garry Reece
Ray Jones (non-voting)
Bennie Trujillo, Secretary

The public hearing on this item was opened at approximately 6:33 PM, and closed by the chair following all public comments. Bill Zrioka, representing Houston Airport System made opening comments and presented the staff report.

Hunter Wanek, Project Mgr., presented the request of CT Investors/Clean Emergy for the variances at 0 Farrell Road/3300 block of Farrell existing non-conforming retention pond.

Speakers then presented supporting and opposing arguments for the variance request. A list of witnesses, recording of the hearing, and exhibits received are included in the case file.

Following the presentation of evidence and discussion by the Board, Board Member Krause made a motion, to approve the request by the applicant:

MOTION: To approve variance HAS 2022-HV30 to grant the requested variances and allow construction on 0 Farrell Road/3300 block of Farrell existing non-conforming retention pond in accordance with this variance and compliance with all other city regulations and ordinances.

FINDINGS: The Board finds that granting the variance is appropriate based on the evidence presented during the hearing. The Board specifically finds and relies on the following evidence:

Requiring the applicant to bring the retention pond into compliance before the issuing of building permits for the new development is considered onerous both in time lost and cost incurred to the applicant since the current situation was created by COH staff discrepancy. Upon the condition that the applicant enter into a binding contract with the City of Houston and the Houston Airport System to modify the pond to meet FAA recommendations and comply with both ordinances if the client purchases the property, substantial justice will be done by granting the variance.

The Board further finds that granting the variance under these circumstances will result in substantial justice being done, not be contrary to the public interest, and is in accordance with the spirit of the airport hazard ordinance.

The motion was seconded by Board Member Reece .

A roll call vote was taken by the Board Chair, as recorded below:

MEMBER	VOTE
<u>Thomas Seymour (Ac</u>	<u>Aye</u>
<u>Lee Allen Krause</u>	<u>Aye</u>
<u>Johnny Gant</u>	<u>Aye</u>
<u>Garry Reece</u>	<u>Aye</u>
<u>Ray Jones (non-voting</u>	<u></u>
<u>Bennie Trujillo, Secre</u>	<u></u>

The motion was passed and approved unanimously, and the applicant's request for variance was granted. This Order shall be entered into the Board's Records as of this 16th day of June, 2022.

Thomas Seymour, Chairman
AIRPORT BOARD OF ADJUSTMENT
HOUSTON AIRPORT SYSTEM
CITY OF HOUSTON

ATTEST:

Bennie Trujillo, Secretary