

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

Tuesday, March 8, 2022
Council Chambers, Public Level, City Hall Annex, 900 Bagby Street, Houston, TX
Meeting held in person and virtually on
Microsoft Teams
7:00 p.m.

CALL TO ORDER

John Martinec, Board Chair, called the meeting to order at 7:00 p.m. with a quorum present.

John Martinec
Thomas Seymour
Lee Allen Krause
Johnny Gant
Ann Collum
Scott Hill – Board Secretary

CITY OF HOUSTON PLANNING & DEVELOPMENT DEPARTMENT STAFF

Teresa Geisheker

HOUSTON TELEVISION STAFF

Bryan Hill

HOUSTON AIRPORT SYSTEM STAFF

Bill Zrioka
Bennie Trujillo

ATTORNEY

Kim Mickelson

I. SECRETARY'S REPORT

Presenter: Scott Hill, Board Secretary. Introduction of the items to be considered at the meeting included the approval of the minutes from the November 18, 2021 and Airport Compatible Land Use Ordinance Variance Request HAS 2022-LV13.

**II. CONSIDERATION AND POSSIBLE ACTION ON MINUTES FROM NOVEMBER 18, 2021
AIRPORT BOARD OF ADJUSTMENT MEETINGS**

Board Action: Board members present approved minutes from the November 18, 2021 meeting at 7:03 PM.

Motion: **Thomas Seymour** Second: **Lee Krause** Vote: **Unanimous** Abstaining: **None**

III. PRESENTATION AND PUBLIC HEARING ON VARIANCE REQUEST HAS 2022-LV13

Presenter: Bill Zrioka, HAS Division Manager. Presentation of Variance Request HAS 2021-LV13 by Charles Klein of International Leadership of Texas to install four modular classrooms at 9901 Windmill Lakes Boulevard near William P. Hobby Airport. Board Chairman John Martinec opened the public hearing at 7:13 PM. Chairman Martinec asked Bill Zrioka to introduce the variance request and the Houston Airport System staff recommendation.

Bill Zrioka stated modular classrooms installed in Hobby Airport's Tier One associated with the City of Houston Ordinance 2008-1052 would violate Section 9-503 (1) d (1). Bill Zrioka said the applicant has maintained frequent contact with the Houston Airport System and City of Houston Code Enforcement concerning the adherence to sound attenuation requirements in the renovation of a church into a school. Bill Zrioka also said the applicant has agreed to a June 30, 2024 expiration date for the usage of the modular classroom and the execution of an avigation easement. Bill Zrioka said Houston Airport System staff, with City Legal support, recommends to the Board of Adjustment that the variance be approved.

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

Charles Klein, Senior Executive Director of Construction for International Leadership of Texas requested a variance from the Airport Compatible Land Use Ordinance in order to install four modular classrooms on an approximately 9.3-acre parcel located at 9901 Windmill Lakes Boulevard near William P. Hobby Airport.

Charles Klein stated that having portable classroom buildings custom-manufactured by two different suppliers to meet sound attenuation standards would cost \$740,000 and \$979,559 respectively, International Leadership of Texas would have to own, not lease, the portables and neither manufacturer would offer a performance guarantee that the portables would limit the interior sound level to 45 dBA or less. He said that left International Leadership of Texas with the choice of purchasing the portable classrooms with no real way to demonstrate they meet sound attenuation standards or removing students from school until the church renovation to a school was complete. Charles Klein said that as a public charter school, the school is publicly funded like an independent school district and is very cognizant of its fiduciary duty when faced with these choices which he said are an unnecessary hardship and practical difficulty. He said he was requesting the variance for usage of the portable classrooms for twelve months. He then introduced Stephanie Mott, principal of the Windmill Lakes Orem High School.

Stephanie Mott said the school has an enrollment of close to 500 students and is anticipating over 650 students next year. She said the portable buildings will provide necessary classroom expansion as they are already using every available space currently.

Board Chairman John Martinec 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.

City of Houston Attorney Kim Mickelson asked why the variance request designated a June 30, 2024 expiration date for the modular classrooms when the applicant stated they would be needed for twelve months and how such a motion to account for the time period disparity would be crafted.

Charles Klein responded that International Leadership of Texas had every intention to remove the buildings in twelve months but needed the additional time in the variance request to address the possibility of construction delays.

Board Member Johnny Gant asked for confirmation of the 45 dBA noise level requirement and what would be used in the wall structure to achieve the requirement.

HAS Division Manager Bill Zrioka responded that the applicant could attempt to meet the sound attenuation standards with a custom-built modular building but that the manufacturer could not guarantee the decibel level requirement.

Board Member Johnny Gant said he did not expect the principal to tell the engineer what relates to safety. He said that he did not vote against the first variance request because of money but because of student safety and the ability of students to understand the instructor.

A motion was made to close the public hearing.

Motion: **Johnny Gant** Second: **Thomas Seymour** Vote: **Unanimous** Abstaining: **None**

Board Chairman John Martinec closed the public hearing at 7:19 p.m.

IV. CONSIDERATION AND POSSIBLE ACTION ON VARIANCE REQUEST NO. HAS 2022-LV13

There was no further discussion by the board on this request. Board Chairman John Martinec asked for a motion on the variance request.

Board Member Thomas Seymour motioned to approve the variance because literal application of enforcement would result in practical difficulty and unnecessary hardship with the condition that the modular classrooms be removed before June 30, 2024 and an avigation easement be executed.

Board Member Lee Allen Krause seconded the motion.

In favor: **Ann Collum, Lee Allen Krause, Thomas Seymour, John Martinec,**
Denied: **Johnny Gant**
Abstaining: **None**


Board Action: Motion for approval was granted for variance request HAS 2022-LV13 by a vote of 4-1; four votes are required to grant the variance.

V. ADJOURN

There being no further business before the Board, Board Chairman John Martinec adjourned the meeting at 7:24 p.m.

Motion: **Thomas Seymour** Second: **Johnny Gant** Vote: **Unanimous** Abstaining: **None**

MINUTES APPROVED ON 4/13/23



John Martinec, Board Chair



Scott Hill, Board Secretary