

## AIRPORT BOARD OF ADJUSTMENT

ORDER OF DECISION— ON FILE NO. HAS 2020-LV9

Date: July 6, 2020

The Airport Board of Adjustment held a meeting on July 6, 2020 to hear a request for a variance from Section(s) 9-503; and 9-782 of the Airport Compatible Land Use Regulations Ordinance to allow for the construction of multi-family residential development located at:

9150 Gulf Freeway near William P. Hobby Airport. Parcel ID #034203002016

The meeting was called to order at 6:10 PM with the following board members in attendance:

John Martinec, Chair

Thomas Seymour

Lee Allen Kraus

Johnny Gant

Ann Collum

Scott Hill

The public hearing on this item was opened at approximately 6:10 PM and closed by the chair following conclusion of all public comments. Bill Zrioka, representing Houston Airport System made opening comments and presented the staff report. CJ Lintner, on behalf of KCG Company, presented the request for the variance. Robert Gallegos, a Council Member, presented his findings and evidence to support the variance. There were no other speakers. The 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 Gant made a motion, to approve the request by the applicant:

### MOTION:

To approve variance HAS 2020-LV9 to grant the requested variance and allow construction of multi-family residential development located approximately at 9150 Gulf Freeway near William P. Hobby Airport. Parcel ID #034203002016 conditioned on sound attenuation measures. All construction to be completed in accordance with this variance and in 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:

The 2015 Hobby Master Plan Update contains updated future 65 DNL noise contours for the year 2030 and these contours are substantially less extensive in area. Historical trends have not demonstrated what the 2003 estimates predicted possibly because of slower air volume traffic growth, changes in flight operation hours or other factors such as technological advances in jet engine performance reducing noise. Also, the elimination of the proposed Runway 4R-22L from the 2003 Hobby Master Plan in the 2015 Hobby Master Plan Update is a substantial factor in a less extensive 65 DNL noise contour. Therefore, the applicant's proposed multi-family project would be outside the future 65 DNL noise contour and, in turn, outside of Tier One and in Tier Two if the Airport Compatible Land Use Ordinance were to be amended to reflect the noise contour change. Multi-family is allowed in Tier Two with sound attenuation measures.

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 Krause

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

| MEMBER          | VOTE |
|-----------------|------|
| John Martinec   | Aye  |
| Thomas Seymour  | Aye  |
| Lee Allen Kraus | Aye  |
| Johnny Gant     | Aye  |
| Ann Collum      | Nay  |
| Scott Hill      | Aye  |

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 6th day of July 2020.

John Martinec, Chairman  
AIRPORT BOARD OF ADJUSTMENT  
HOUSTON AIRPORT SYSTEM  
CITY OF HOUSTON

ATTEST:

Scott Hill, Secretary