

## AIRPORT BOARD OF ADJUSTMENT

ORDER OF DECISION—HAS 2022-HV29  
April 13, 2022

The Airport Board of Adjustment held a meeting on April 13, 2022 to hear a request for a variance from Sections 9-709; 9-711; and 9-751 of the Airport Hazard Area Regulations Ordinance and 9-782, to allow for the construction of seven power poles between 45' and 50' in height located at:

8400 Block of Nelms Road along the southern edge at Hobby Airport.

The meeting was called to order at 6:00 PM with the following board members in attendance:

John Martinec, Chair  
Ray Jones  
Lee Allen Krause  
Johnny Gant  
Ann Collum  
Bennie Trujillo, Secretary

The public hearing on this item was opened at approximately 6:09 PM, and closed by the chair following all public comments. Bill Zrioka representing Houston Airport System made opening comments and presented the staff report.

Kevin Townsend, Prog. Mgr, presented the request of Yonkers Industries, Inc. for the variances at 8400 Block of Nelms Rd along the southern edge at Hobby Airport.

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 Collum made a motion, to approve the request by the applicant:

MOTION: To approve variance HAS 2022-HV29 to grant the requested variances and allow construction on 8400 Block of Nelms Rd along the southern edge at Hobby Airport 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:

The recently Federal Aviation Administration (FAA)-approved 2015 Hobby Master Plan Update eliminates Runway 4R-22L from future development along with the associated airspace surface, adjusting the airspace height restriction to approximately 100 feet and, consequently, removing the airspace penetration. The FAA-approved 2015 Hobby Master Plan Update renders the variance request as reasonable in order for CenterPoint Energy to install replacement power poles on Hobby Airport property for tenant electrical consumption. The applicant has previously submitted a Form 7460-1 airspace study request concerning this project to the FAA and, consequently, the applicant received a "No Hazard To Air Navigation" determination from the FAA on December 1, 2021.

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 Jones

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

MEMBER	VOTE
John Martinec	Aye
Ray Jones	Aye
Lee Allen Krause	Aye
Johnny Gant	Aye
Ann Collum	Aye
Bennie Trujillo, Secre	

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 13th day of April, 2022.

[Redacted Signature]

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

ATTEST:

[Redacted Signature]

Bennie Trujillo, Secretary