

AIRPORT BOARD OF ADJUSTMENT



ORDER OF DECISION: CASE NO: HAS 2009-V1

July 23, 2009

The Airport Board of Adjustment held a meeting on **July 23, 2009**, to hear a request for a variance from section 9-503 (5) c. of the City Code:

To subdivide a lot on which an existing single family use is located.

The meeting was called to order at 6:05 with the following board members in attendance:

Dale Rudick, Chair
Gary Shirley
Wally Huerta
Pardha Namuduri
Hugo Alvarez

The applicant, Director, and members of the public presented evidence and make comments. Witnesses were/were not sworn in by the Chair. A list of witnesses and exhibits received is included in the case file.

Following the presentation of evidence and discussion by the Board, Board Member Huerta made a motion to approve/deny the request by the applicant to allow a subdivision of an existing lot to an additional single family lot, as follows:

MOTION:

To approve Variance HAS 2009-V1, for the replat and subdivision of the lot located at 8249 Jet Pilot, into no more than two single family lots.

The Board finds that granting of the relief is appropriate in this case since the applicant began the process of subdivision in April 2004, creating practical difficulties and undue hardship to the use of the land, and the granting of the variance:

1. results in substantial justice being done;
2. is not contrary to the public interest; and
3. is in accordance with the spirit of these regulations and Chapter 241.

The Board further finds that the following conditions are appropriate in this case:

1. That the new single family residence to be constructed on the property comply with the sound attenuation

standards of Article VI, Chapter 9 of the Code of Ordinances imposed upon single family construction in Tiers One and Two;

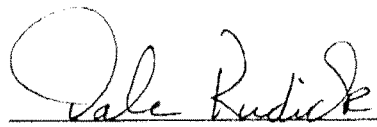
2. That the replat contain the note required by Section 9-359(a) of Article VI, Chapter 9 of the Code of Ordinances, notifying future owners that the property is located in Tier One; and
3. That the applicant execute an avigation easement in favor of the Houston Airport System.

The motion was seconded by Board Member Shirley.

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

MEMBER	VOTE
Dale Rudick	<u>YES</u>
Gary Shirley	<u>YES</u>
Wally Huerta	<u>YES</u>
Pardha Namuduri	<u>YES</u>
Hugo Alvarez	<u>YES</u>

The motion failed/was approved, and the applicant's request to overturn the Directors decision was denied/approved/approved with conditions. This Order is entered into the Board's Records this 23 day of July 2009.



Mr. Dale Rudick, Chairman
AIRPORT BOARD OF ADJUSTMENT
HOUSTON AIRPORT SYSTEM
CITY OF HOUSTON

ATTEST:



Eric Potts, Secretary