

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

Monday, August 24, 2017
Meeting held in
City of Houston Council Chambers
City Hall Annex, 900 Bagby
6:00 p.m.

CALL TO ORDER 6:32PM

John Martinec, Board Chairman, called the meeting to order at 6:32 p.m. with a quorum present.

John Martinec - Board Chairman.
Lee Allen Krause
Ann Collum
Johnny Gant
Carlos Ortiz – Board Secretary

HOUSTON AIRPORT SYSTEM STAFF

Bill Zrioka
Rudolph Lopez

ATTORNEYS

Kim Mickelson
Robert Collins
Jenny Nguyen

I. SECRETARY'S REPORT

Presenter: Carlos Ortiz, Board Secretary. Introduction of the items that will be considered at the meeting included the approval of the minutes from the June 12, 2017 Board of Adjustment meeting and Airport Compatible Land Use Ordinance Variance Request HAS 2017-LV7

II. CONSIDERATION AND POSSIBLE ACTION ON MINUTES FROM JUNE 12, 2017 AIRPORT BOARD OF ADJUSTMENT MEETINGS

Board Action: Board members approved minutes from the June 12, 2017 meeting.
Motion: **Lee Allen Krause** Second: **Ann Collum** Vote: **Unanimous** Abstaining: **None**

III. PRESENTATION AND PUBLIC HEARING ON VARIANCE REQUEST HAS 2017-LV7

Presenter: Bill Zrioka, HAS Division Manager. Presentation of Variance Request HAS 2017-LV7 submitted by Evan Jarvis, representing the applicant, Athlos Academies, constructing a new school at 9898 Windmill Lakes Drive near William P. Hobby Airport. Board Chairman John Martinec opened the public hearing.

Bill Zrioka presented the variance request and the staff recommendation. Bill Zrioka stated that Athlos Academics submitted plans for the construction of the school in October of 2016 and received the approved development plans with no airport sound attenuation requirements noted. The applicant proceeded with construction under the impression that all permit requirements had been satisfied. Over five months of construction work and numerous inspections had been undertaken until the applicant was made aware of the airport sound attenuation requirements for a school at this Tier One location. Compliance with the airport sound attenuation requirements would necessitate the applicant to perform a complete de-construction of the school and the re-ordering of materials in order to incorporate airport sound attenuation requirements. Bill Zrioka stated that the HAS staff recommendation was to approve the variance request.

Board Chairman John Martinec invited the applicant to present the variance request to the Board of Adjustment.

Evan Jarvis, construction manager for Athlos Academics, requested a variance from the Airport Compatible Land Use Ordinance in order to continue construction without incorporating airport sound attenuation requirements on a recently constructed K-8 school in Tier One near William P. Hobby Airport.

Board Member Ann Collum asked how the applicant received a Certificate of Occupancy permit without sound attenuation being incorporated in the construction.

Applicant Evan Jarvis replied that it was his understanding that the school received the Certificate of Occupancy because he properly followed the city permitting process.

HAS Division Manager Bill Zrioka added that the construction plans were not routed to the HAS plan review desk due to a software malfunction in the Interactive Land Management System used to review permits. Therefore, there would have been no notification to permitting staff to deny a Certificate of Occupancy.

Board Member Ann Collum asked if the software malfunction had been repaired.

HAS Division Manager Bill Zrioka said that the software developer stated that he had advised certain city permitting staff that the malfunction existed and gave instructions for corrective action. However, the software developer said that the notified permitting staff did not respond or institute the corrective measures. Bill Zrioka further stated that the city permitting staff in question, although not for this incident alone, have since been dismissed.

Attorney Kim Mickelson stated that it would not be unusual for a conditional or temporary Certificate of Occupancy to be issued by the city to operate the school while the variance hearing was pending.

Board Member Johnny Gant asked how the applicant knew in advance that sound attenuation needed to be incorporated.

Applicant Evan Jarvis replied that he did not know city ordinance required sound attenuation measures. He said that the end user of the school requested certain sound attenuation elements as part of the construction.

Board Member Johnny Gant said the sound attenuation is primarily focused on the inside of the building and not necessarily on the exterior.

Applicant Evan Jarvis replied that the sound attenuation measures inside the building are effective.

Board Member Lee Allen Krause asked if the architect of the school was aware of the school being built in an area needing sound attenuation measures, if any decibel readings based on nearby aircraft were taken and if there were any long term plans to retrofit windows with additional sound attenuation measures.

Applicant Evan Jarvis replied that no additional sound attenuation measures are planned at this time. He stated that he did not know of any decibel readings being done and that the architect went through the permitting process and was not made aware during the permitting process that sound attenuation measures were required.

Board Member Johnny Gant asked if all inspection permits for the school are final and if there were any outstanding permit issues related to electricity, plumbing or heating, ventilation and air conditioning.

Applicant Evan Jarvis said no and that all inspection permits were final.

There were no other public speakers. Board Chairman John Martinec closed the public hearing.

Motion: **Ann Collum** Second: **Johnny Gant** Vote: **Unanimous** Abstaining: **None**

IV. CONSIDERATION AND POSSIBLE ACTION ON VARIANCE REQUEST NO. HAS 2017-LV7

Board Member Lee Allen Krause asked for an explanation of an avigation easement.

HAS Division Manager Bill Zrioka said that an avigation easement is an agreement the city uses to release itself from complaints based on aircraft flying over a development.

Board Member Lee Allen Krause asked if the applicant was willing to accept the avigation easement.

HAS Division Manager Bill Zrioka replied yes.

Board Member Lee Allen Krause asked if there were any plans to extend Runway 13L-31R.

HAS Division Manager Bill Zrioka replied yes and is the reason why the Tier One designation stretches into the vicinity of the school since the extension is included in the 2003 Hobby Master Plan.

Board Secretary Carlos Ortiz added that the runway extension will not take place for at least five years.

Board Member Ann Collum asked is if the future runway extension is in the 2013 Hobby Master Plan.

Board Secretary Carlos Ortiz replied yes.

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

Board Action: Board members approved the variance request for HAS 2017-LV7.

Motion: **Johnny Gant** Second: **Lee Allen Krause** Vote: **Unanimous** Abstaining: **None**

V. ADJOURN

There being no further business before the Board, Board Chairman John Martinec adjourned the meeting at 6:40 p.m.

Motion: **Ann Collum** Second: **Johnny Gant** Vote: **Unanimous** Abstaining: **None**

MINUTES APPROVED ON

John Martinec, Board Chair

Carlos Ortiz, Board Secretary