

MINUTES OF THE BOARD OF ADJUSTMENT
CITY OF HUNTERS CREEK VILLAGE, TEXAS
August 24, 2020

The Board of Adjustment of the City of Hunters Creek Village, Texas convened in regular session on Monday, August 24, 2020 at 6:00 p.m. in City Hall, #1 Hunters Creek Place. Members of the public were invited to attend the meeting in person or by video or audio conference.

Vice Chairman Brad Klein announced that a quorum of the members were present and called the meeting to order at 6:14 p.m. after problems with the Zoom conference were resolved. In attendance were Board Members Brad Klein (Vice Chairman), Linda Knox, Steve Pearson (teleconference) and Josh Pratt (teleconference), and Alternate Board Member John Braddock (serving in the place of Board Member Position No. 5 which was vacant). Also in attendance were Tom Fullen, City Administrator; John Hightower, City Attorney; James Stewart, City Building Official and Crystal Dozier, City Secretary.

1. Discussion and possible action to approve the minutes of the May 18, 2020 meeting.

A motion was made by Board Member Knox to approve the minutes of the May 18, 2020 meeting and Board Member Pratt seconded the motion. The vote to approve the motion was unanimous.

2. Discussion and possible action to appoint a Chairman to the Board of Adjustment.

A motion was made by Board Member Knox to appoint Brad Klein as Chairman of the Board of Adjustment. Steve Pearson Seconded the motion. The vote to approve the motion was as follows:

Aye (4) – Knox, Pearson, Pratt and Braddock Nay (1) – Klein

A motion was made by Board Member Klein to appoint Linda Knox as Vice Chairman of the Board of Adjustment. Board Member Pratt seconded the motion. The vote to approve the motion was unanimous.

3. Discussion and possible action regarding an application from Travis Landers, for a variance to Section 44-162 (2) Accessory Structures of the Zoning Chapter, for the property located at 5 Cape Cod Lane, Hunters Creek Village, Texas, 77024 (also known as, Lot 5, Cape Cod Village) to allow a constructed garage to remain at 4'-6" instead of 5'-0'.

The Board discussed the application and City staff answered questions about the background of the application. A motion was made Board Member Klein to grant a variance to Section 44-162 (2) Accessory Structures of the Zoning Chapter, for the property located at 5 Cape Cod Lane, Hunters Creek Village, Texas, 77024 (also known as, Lot 5, Cape Cod Village) to allow a constructed garage to remain at 4'-6" instead of 5'-0'. Board Member Pratt seconded the motion. The vote to grant the variance was as follows:

Aye (4) – Klein, Braddock, Pearson and Pratt Nay (1) – Knox

Chairman Klein then noted the motion had received the minimum number of votes required for passage, that the application for a variance was granted, and that a signed order would follow.

ADJOURNMENT

With no further business coming before the Board, a motion was made and seconded to adjourn. The motion carried unanimously. The meeting was adjourned at 6:47 p.m.

**BOARD OF ADJUSTMENT OF
THE CITY OF HUNTERS CREEK VILLAGE, TEXAS**

**Order Granting Variance
for 5 Cape Cod Lane**

1. On August 24, 2020, the Board of Adjustment of the City of Hunters Creek Village, Texas, (the "Board") met to consider an application filed by Travis Landers (the "Applicant"), seeking a variance in connection with the construction of a new single-family residence at 5 Cape Cod Lane, Hunters Creek Village, Texas (also known as Lot 5, Cape Cod Village). More specifically, the Applicant sought:

a variance to Section 44-162 of the Zoning Chapter of the Code of Ordinances of the City of Hunters Creek Village to allow a detached garage, which was mistakenly constructed less than five feet from the main residence, to remain at its current location, approximately 4.5 feet from the nearest part of the main residence.

2. The Board, having considered the evidence and arguments presented, is of the opinion that the request for a variance should be granted, subject to the conditions described below.

3. The Board finds that: a) the granting of a variance in this instance for this lot is not contrary to the public interest; b) a literal enforcement of the restriction in this case would result in unnecessary hardship; and c) the granting of a variance in this case is within the spirit of the zoning chapter.

4. The Board, by a vote of 4 to 1, grants a variance to Section 44-162 of the Zoning Chapter of the Code of Ordinances of the City of Hunters Creek Village to allow the detached garage that has been constructed at 5 Cape Cod Lane, and that is less than 5 feet from the main residence, to remain at its current location.

5. This variance shall run with the land and inure to the benefit of subsequent owners of the subject property.



Chairman, Board of Adjustment
City of Hunters

August 24, 2020
Date of Signature