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

The Board of Adjustment of the City of Hunters Creek Village, Texas convened in regular session on Monday, February 24, 2020 at 6:00 p.m. in City Hall, #1 Hunters Creek Place.

Chairman Richard Heustess announced that a quorum of the members were present and called the meeting to order at 6:01 p.m. In attendance were Board Members Richard Heustess (Chairman), Brad Klein (Vice Chairman), Steve Pearson, Linda Knox and Kristopher Dusek. Also in attendance were Tom Fullen, City Administrator; John Hightower, City Attorney; Crystal R. Dozier, City Secretary; and James Stewart, City Building Official.

1. Discussion and possible action to approve the minutes of the August 26, 2019 Board meeting.

A motion was made by Board Member Brad Klein to approve the minutes from the August 26, 2019 Board meeting and Board Member Steve Pearson seconded the motion. The motion carried unanimously.

- 2. Discussion and possible action regarding an application from Christopher Rutherford, for variances to the following provisions of the Zoning Chapter:
  - 1) Section 44-218(b)(3) (maximum lot coverage for non-conforming lots);
  - 2) Section 44-218(b)(2)b.3. (minimum rear yards for non-conforming lots);
  - 3) Section 44-159(c) (maximum height of structures that are constructed or placed within a required rear or side yard);

for the property located at 10822 Long Shadow Lane, Hunters Creek Village, Texas, 77024 (also known as Lot 6 and the west 23 feet of Lot 5 of Long Shadows, an unrecorded addition located in the John D. Taylor Survey, Abstract 27, Harris County, Texas) to allow construction of an attached covered patio, a detached covered patio, or a pergola.

The Board took up the variance application referenced above. The application requested approval of three alternative sets of variances. The applicant, Christopher Rutherford, made a presentation in support of his application and the Board asked questions of Mr. Rutherford and City staff and discussed the merits of the application. Then, after considering the evidence and arguments presented, the Board took the following actions.

a) A motion was made by Board Member Linda Knox and seconded by Board Member Steve Pearson to grant the first alternative set of requested variances to permit the construction of an "attached covered patio".

The vote to approve the motion was:

Aye (0) – Nay (5) – Heustess Klein Pearson Dusek Knox b) A motion was made by Board Member Brad Klein and seconded by Board Member Kristopher Dusek to grant the second alternative set of requested variances to permit the construction of a "detached covered patio".

The vote to approve the motion was:

c) Before the vote on the third alternative set of variances to permit the construction of a "pergola", the applicant orally amended his application to omit the request for a variance to the maximum height restrictions contained in section 44-159(c)(2) and to ask only for a variance to section 44-159(c)(6) to allow the measurement of the height of the pergola to be made from the elevation of the slab of the home, rather than from the natural ground. A motion was made by Board Member Brad Klein with a second by Board Member Steve Pearson to grant the requested variance. The vote to approve the motion was:

The Board noted that 4 affirmative votes are required to grant a variance and thus the effect of the vote was to deny the requested variance. The Board directed the Chair of the Board to prepare and execute an order reflecting the Board's decisions on the three requests.

(A copy of the signed order is attached to and incorporated into these minutes as Exhibit "A".)

## **ADJOURNMENT**

With no further business coming before the Board, a motion was made by Board Member Brad Klein with a second by Board Member Richard Heustess to adjourn. The motion carried unanimously. The meeting was adjourned at 7:20 p.m.

Respectfully submitted,

Crystal R. Dozier, TRMC City Secretary

These minutes were approved on <u>18<sup>th</sup></u> day of <u>May</u>, 2020.

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

## Order on Variance Request for 10822 Long Shadow Lane

- 1. On February 24, 2020, the Board of Adjustment of the City of Hunters Creek Village, Texas, (the "Board") met to consider a request filed by Christopher Rutherford for variances to the following provisions of the Zoning Chapter to allow construction of either an attached covered patio, a detached covered patio, or a pergola, at 10822 Long Shadow Lane, Hunters Creek Village, Texas, 77024 (also known as Lot 6 and the west 23 feet of Lot 5 of Long Shadows, an unrecorded addition located in the John D. Taylor Survey, Abstract 27, Harris County, Texas):
  - 1) Section 44-218(b)(3) (maximum lot coverage for non-conforming lots);
  - 2) Section 44-218(b)(2)b.3. (minimum rear yards for non-conforming lots);
  - Section 44-159(c) (maximum height of structures that are constructed or placed within a required rear or side yard);
- 2. Having considered the evidence and arguments presented by the applicant, the Board orders as follows:
  - a) The applicant's request for variances to Sections 44-218 (3) (maximum lot coverage for nonconforming lots) and 44-218 (2) b. 3 (minimum required rear yards) to permit construction of an attached covered patio is denied.
  - b) The applicant's request for variances to Sections 44-218 (3) (maximum lot coverage for nonconforming lots) and 44-159 (c) (2) (maximum height of accessory structures) to permit construction of a detached covered patio is denied.
  - c) The applicant's request for variances to Sections 44-159 (c) (2) (maximum height of accessory structures) and 44-159 (c) (6) (measuring point for height of accessory structures) to permit construction of a pergola is denied.

DECISION AND ORDER ENTERED this 24th day of February, 2020.

Richard Heustess

Chairman, Board of Adjustment

City of Hunters

Date of Signature