

- 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:

Aye (0) – Nay (5) – Heustess
 Klein
 Pearson
 Dusek
 Knox

- 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:

Aye (3) – Heustess Nay (2) – Dusek
 Klein Knox
 Pearson

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 18th day of May, 2020.

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

**Order on Variance Request
for 10822 Long Shadow Lane**

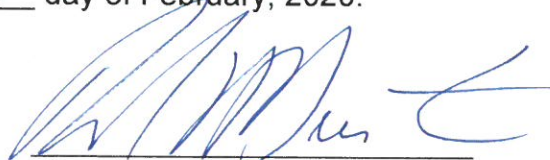
1. On February 24, 2020, the Board of Adjustment of the City of Hunters Creek Village, Texas, (the "Board") met to consider a request filed by Christopher Rutherford for variances to the following provisions of the Zoning Chapter to allow construction of either an attached covered patio, a detached covered 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);
- 3) Section 44-159(c) (maximum height of structures that are constructed or placed within a required rear or side yard);

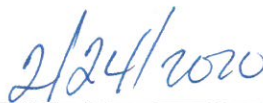
2. Having considered the evidence and arguments presented by the applicant, the Board orders as follows:

- 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