

MINUTES OF THE BOARD OF ADJUSTMENT
CITY OF HUNTERS CREEK VILLAGE, TEXAS
September 13, 2016

The Board of Adjustment of the City of Hunters Creek Village, Texas convened in regular session on Tuesday, September 13, 2016 at 7:00 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 7:02 p.m. In attendance were Board Members Brad Klein, John Meredith (Vice Chairman), Sean Johnson, and Ed Holland (Alternate). Also in attendance were Tom Fullen, City Administrator; John Hightower, City Attorney; Crystal R. Seagler, City Secretary; Robert Pemberton, City Building Official; Amber Hurd, City Engineer; and Steve Byington, City Engineer.

1. Discussion and possible action to approve the minutes of the August 29, 2016 meeting.

A motion was made by Board Member Brad Klein to approve the minutes as written and Board Member Ed Holland seconded the motion. The motion carried unanimously.

2. Discussion and consider action regarding an application by Memorial Villages Water Authority, (the "Applicant"), are requesting a special exception to allow an expansion of the existing water plant and pumping station on the property located at 739 W. Creekside Drive (Lot 14 of Creekside Manor), as provided in Sections 44-158(2) and 44-94(2) of the Code of Ordinances of the City of Hunters Creek Village.

The Board considered an appeal filed by the Memorial Village Water Authority, (the "MVWA") from a decision of the City's Building Official interpreting the Zoning Chapter. More specifically, MVWA appealed from a written decision issued on June 3, 2016, by Robert Pemberton, the Building Official of the City of Hunters Creek Village (the "City"). In that decision, Mr. Pemberton concluded that MVWA is required to obtain a special exception from the Board of Adjustment in order to expand its existing water plant in the City's residential zoning district.

After considered the evidence and arguments presented to the Board was of the opinion that Mr. Pemberton's interpretation is correct. A motion was made by Board Member Brad Klein with a second by Board Member Sean Johnson to deny MVWA's appeal and affirm the decision of the City Building Official. The vote to approve the motion was unanimous.

Residents Dan Boyles at 756 W. Creekside, Bill Earle at 738 W. Creekside, Phillip Curry at 745 W. Creekside, James Woolley at 21 Creekside Circle along with Richard Price with Richard Price Custom Homes builder at 737 W. Creekside and Terrie Sechrist, attorney for Diana Lynne Smith at 800 Kuhlman, all spoke before

the board either for or against the application submitted by the Memorial Village Water Authority.

The Board considered an application filed by the Memorial Village Water Authority, (the “MVWA”) for a special exception to permit an expansion of the MVWA’s existing water plant in the City’s residential zoning district as detailed in the application and other materials MVWA submitted.

After considered the evidence and arguments presented; a motion was made by Brad Klein with a seconded by Ed Holland to grant the application and issue a special exception. The vote to approve the motion was:

**Aye (3) – Klein
Holland
Heustess**

**Nay (2) – Johnson
Meredith**

The Board voted 3 to 2 to grant the application and issue a special exception. Under the applicable law, a vote to grant an application for a special exception is not effective unless 75% of the members of the Board vote in favor of granting the application. Accordingly the vote of 3 to 2 was insufficient to grant the application and, as a matter of law, the application was denied.

ADJOURNMENT

With no further business coming before the Board, a motion was made by Board Member John Meredith with a second by Board Member Brad Klein to adjourn. The motion carried unanimously. The meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Crystal R. Dozier, TRMC
City Secretary

These minutes were approved on 27th day of March, 2017.