

**MAYOR**  
Jim Pappas

# CITY OF HUNTERS CREEK VILLAGE

**CITY COUNCIL**  
Stuart Marks  
Fidel Sapien  
Ken Spalding  
Chip Cowell  
Jay Carlton



**CITY ADMINISTRATOR**  
Tom Fullen, MPA, CPM

## **BOARD OF ADJUSTMENT AGENDA**

The Board of Adjustment of the City of Hunters Creek Village, Texas will meet in regular session **Monday August 30, 2021 at 6:00 p.m.** in City Hall, #1 Hunters Creek Place, to consider the following items.

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*Call the meeting to order and the roll of appointed officers will be taken.*

1. Discussion and possible action to approve the minutes of the October 26, 2020 meeting.
2. Discussion and possible action regarding an application from Kenny Grace, for a variance to Section 44-160 of the Zoning Chapter, Area Regulations, to permit the construction, at 7607 River Point Drive, Hunters Creek Village, Texas, 77063 (also known as, Lot 35, Block 1, River Bend Subdivision) to allow the front yard setback to be at 36ft and 1 ½ inches instead of 50ft as required by city ordinance.

*Adjourn Open Meeting*

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### CERTIFICATION

I, the undersigned authority, does hereby certify that this Notice of a Meeting was posted on the bulletin board at City Hall, #1 Hunters Creek Place, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the following date and time: August 26, 2021 at 3:00 p.m. and remained so posted continuously for at least 72 hours before said meeting was convened.

\_\_\_\_\_  
/s/  
Tom Fullen, City Administrator  
Acting City Secretary

The City Hall is wheelchair accessible and accessible parking spaces are available. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Administrator's Office at 713.465.2150, by fax at 713.465.8357, or by email at [tfullen@cityofhunterscreek.com](mailto:tfullen@cityofhunterscreek.com) Requests should be made at least 48 hours prior to the meeting. This agenda is posted on the city's web site at <http://cityofhunterscreek.com>

MINUTES OF THE BOARD OF ADJUSTMENT  
CITY OF HUNTERS CREEK VILLAGE, TEXAS  
October 26, 2020

The Board of Adjustment of the City of Hunters Creek Village, Texas convened in regular session on Monday, October 26, 2020 at 6:00 p.m. in City Hall, #1 Hunters Creek Place.

Vice Chairman Brad Klein announced that a quorum of the members were present and called the meeting to order at 6:00 p.m. In attendance were Board Members Richard Heustess (Chairman), Linda Knox, Kristopher Dusek, Steve Pearson, Alternate Board Members John Braddock and Kelly Somoza. Also in attendance were Tom Fullen, City Administrator, and John Hightower, City Attorney.

1. Discussion and possible action to approve the minutes of the August 24, 2020 meeting.

**A motion was made by Board Member Braddock to approve the minutes of the August 24, 2020 meeting and Board Member Knox seconded the motion. The vote to approve the motion was unanimous.**

2. Discussion and possible action regarding an application from Vy Thoa Le and Nathan Robertson, for a variance to Section 44-161 (2) b. Automobile Shelters of the Zoning Chapter, for the property located at 215 Voss Road, Hunters Creek Village, Texas, 77024 (also known as, Lot 4, Cooper's Retreat - Replat) to allow a front facing garage to be constructed in a position closer than the required 50 foot setback from the front line of the dwelling.

**The Board discussed the application and City staff answered questions about the background of the application.**

**The resident at 216 Voss commented that the height of the structure was overkill as a flood prevention tactic and that the ground floor of the structure would be considerably higher than his.**

**Board Member Knox asked if the garage in the photo will still be located on the North end of the lot. The garage will actually be relocated to the South end of the lot.**

**A motion was made Board Member Knox to grant a variance to Section 44-161 (2) b. Automobile Shelters of the Zoning Chapter, for the property located at 215 Voss Road, Hunters Creek Village, Texas, 77024 (also known as, Lot 4, Cooper's Retreat - Replat) under the following conditions: the location on the lot of the residence and the attached garage must be substantially the same as shown on the attached drawing and the owners of the lot must construct and current owners and future owners must maintain, a 9 foot high masonry fence along Voss Road to screen the garage opening from view. The motion**

was seconded by Board Member Braddock. The vote on the motion was as follows:

**Aye (5)**      **Brad Klein**  
**Kristopher Dusek**  
**Steve Pearson**  
**John Braddock**  
**Linda Knox**  
**Kelly Somoza**

**The motion carried unanimously.**

ADJOURNMENT

With no further business coming before the Board, a motion was made to adjourn. The motion carried unanimously. The meeting was adjourned at 6:50 p.m.

Respectfully submitted,

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Tom Fullen, City Administrator  
Acting City Secretary

These minutes were approved on \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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

**Order Granting Variance  
for 215 Voss Road**

1. On October 26, 2020, the Board of Adjustment of the City of Hunters Creek Village, Texas, (the "Board") met to consider an application filed by Vy Thoa Le and Nathan Robertson, (the "Applicants"), seeking a variance in connection with the construction of a new single-family residence at 215 Voss Road, Hunters Creek Village, Texas (also known as Lot 4, Coopers Retreat Replat). More specifically, the Applicants sought:

a variance to Section 44-161 (2) b. of the Zoning Chapter of the Code of Ordinances of the City of Hunters Creek Village to allow a front facing garage to be constructed in a position closer than the required 50 foot setback from the front line of the dwelling.

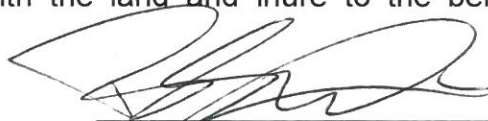
2. The Board, having considered the evidence and arguments presented, is of the opinion that the request for a variance should be granted, subject to the conditions described below.

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 5 to 0, grants a variance to Section 44-161 (2) b. of the Zoning Chapter of the Code of Ordinances of the City of Hunters Creek Village to allow the construction of a front facing garage closer than the required 50 foot setback from the front line of the dwelling under the following conditions:

- a) the location on the lot of the residence and attached garage must be substantially the same as show on the attached drawing; and
- b) the owners of the lot must construct, and the current, and any future owners, must maintain, a 9 foot high masonry fence along Voss Road to screen the garage opening from view.

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

10/27/20

Date of Signature



Robertson - Le Residence | 215 Voss  
FRONT ELEVATION

©FRANKEL BUILDING GROUP | 7800 WASHINGTON AVE. SUITE 200 | HOUSTON, TX 77007 | 713-623-4646 | FRANKELBUILDINGGROUP.COM





**CITY OF HUNTERS CREEK VILLAGE  
AGENDA DISCUSSION FORM**

**AGENDA DATE:** August 30, 2021

**AGENDA SUBJECT:** Discussion and possible action regarding an application from Kenny Grace, for a variance to Section 44-160 of the Zoning Chapter, Area Regulations, to permit the construction, at 7607 River Point Drive, Hunters Creek Village, Texas, 77063 (also known as, Lot 35, Block 1, River Bend Subdivision) to allow the front yard setback to be at 36ft and 1 ½ inches instead of 50ft as required by city ordinance.

**EXHIBITS:** Variance Application Packet

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**MAYOR**  
*Jim Pappas*

CITY OF  
HUNTERS CREEK VILLAGE

**CITY COUNCIL**  
*Stuart Marks*  
*Fidel Sapien*  
*Ken Spalding*  
*Chip Cowell*  
*Jay Carlton*



**CITY ADMINISTRATOR**  
*Tom Fullen, MPA, CPM*

**NOTICE OF A PUBLIC HEARING  
BOARD OF ADJUSTMENT  
CITY OF HUNTERS CREEK VILLAGE, TEXAS**

Notice is hereby given that the Board of Adjustment of the City of Hunters Creek Village, Texas will hold a public hearing on Monday, August 30, 2021 at 6:00 p.m. at City Hall at #1 Hunters Creek Place, Hunters Creek Village, Texas, for the purpose of receiving testimony for and against:

1. An application from Brian Thompson, for a variance to Section 44-160 of the Zoning Chapter, Area Regulations, to permit the construction, at 514 Wellesley Drive, Hunters Creek Village, Texas, 77024 (also known as, Lot 9, Block 1, Wellesley Subdivision) to allow the front yard setback to be at 35 feet as originally platted instead of 50ft as required by city ordinance.
2. An application from Kenny Grace, for a variance to Section 44-160 of the Zoning Chapter, Area Regulations, to permit the construction, at 7607 River Point Drive, Hunters Creek Village, Texas, 77063 (also known as, Lot 35, Block 1, River Bend Subdivision) to allow the front yard setback to be at 36ft and 1 ½ inches instead of 50ft as required by city ordinance.

Written comments may be submitted during normal business hours in the office of the City Secretary at #1 Hunters Creek Place, Hunters Creek Village, Texas 77024, or at the public hearing. For more information, you may call (713) 465-2150 during normal business hours.

A handwritten signature in blue ink that reads "Tom Fullen". The signature is written in a cursive style.

Tom Fullen  
Acting City Secretary



CITY OF HUNTERS CREEK VILLAGE, TEXAS  
BOARD OF ADJUSTMENT  
APPLICATION FOR REQUEST FOR VARIANCE

*A \$300.00 non-refundable fee is due upon submission of the application.*

**PROPERTY INFORMATION FOR WHICH VARIANCE BEING REQUESTED:**

Address: 7607 River Point Dr.  
Legal Description: Lot 35 Block: 1 Subdivision: Riverbend

**APPLICANT INFORMATION:**

Kenneth R. & Susan W. Grace 713-829-5136  
Property Owner Telephone Number  
1963 Haddon St Houston TX 77019  
Street Address City State Zip Code

The provision of the zoning chapter from which the applicant seeks: \_\_\_\_\_  
CH 44, Sec. 44-218

Give a description of the specific variance the applicant seeks: \_\_\_\_\_  
See attached letter.

Give a brief explanation why the applicant believes the Board should grant the requested variance: \_\_\_\_\_  
See attached letter.

Give any information the applicant believes to be relevant to the Board's consideration of the matter: \_\_\_\_\_  
See attached letter.

**The following items are required to be submitted with application:**

- Letter of denial from the building official
- Site Plan
- Survey

K.G. Susan W. Grace  
Signature of Applicant

8/11/21  
Date



Susie and Kenny Grace  
7607 River Point Drive  
APPLICATION FOR REQUEST FOR VARIANCE

**Variance Description**

We are formally requesting a variance for the front set back of our house, 7606 River Point Drive, to be 25 feet, in alignment with our neighbors to the left (the Yeagers, 7603 River Point Drive) and to the right (the Kirkpatricks, 7611 River Point Drive).

**Basis for Variance**

We believe the Board of Adjustments should grant the requested variance based on the following:

We believe our lot is a non-conforming lot, pursuant to Section 44-218, due to the **unbuildable** portion of our lot that falls:

- a. in the bayou and
- b. beyond the utility line that bifurcates the property.

Therefore, we should be granted relief from the building lines prescribed for conforming lots in Sec. 44-160. Additionally, we believe precedence has been set in River Bend for such relief.

**Calculation of Buildable Lot:**

	<b>Per Site Plan, A0.10 (Prepared by Travis Mattingly, Architectural Solutions, Inc.)</b>
Lot Area	24,687 sq. ft.
Unbuildable/Unusable	<u>(5,627) sq. ft.</u>
<b>Buildable Lot Area</b>	<u>19,060 sq. ft.</u>

- Unbuildable/Unusable
  1. A portion of our lot sq. ft. is in the bayou (see A0.10) and is therefore not permissible to build.
  2. Several easements encumber the back portion of our lot (see A0.10) creating a hardship for building with the codified setback standard for conforming lots.
  3. The unbuildable/unusable portion, sum of 1 and 2 above, is 5,627 sq. ft. (see A0-10).

**1. Conforming Lot**

- A. Section 44-160 defines a conforming lot as 22,500 sq ft or greater.
- B. The lot size restrictions, pursuant to Sec. 44-160, were written as if the entire lot is buildable and the setback requirements for conforming lots are for lots that have **buildable** areas 22,500 or greater.

Susie and Kenny Grace  
7607 River Point Drive  
APPLICATION FOR REQUEST FOR VARIANCE

2. Nonconforming Lot

A. When a lot is less than 22,500 sq. ft., it falls under the nonconforming lot rules, per Sec. 44-218, meaning the conforming lot setback rules would not apply.

B. We believe we have proved that our **buildable** lot area is 19,060 sq. ft. and is subject to the **nonconforming** lot rules pursuant to Sec. 44-218.

C. Under Sec. 44-218, the building regulations for nonconforming regulations fall into two categories:

1a. Per Sec. 44-218, (b)(2)a, lots created and have a recorded plat prior to 3/25/55, building line requirements are that of the recorded plat.

1b. In our case, our original plat is recorded on 4/15/1953, showing a building line of 20 ft.

Or

2a. According to Section 44-218, there is a scale for sets backs based on the square footage of the lot.

2b. In our case, the required front yard is 40 ft. for nonconforming lots between 18,000-19,999. (Our nonconforming lot being 19,060)

2c. Per our site plan, A0.10, our set back is 36 ft. (4 ft less than the 40 ft setback requirement in 2b) and therefore is approximately 4 ft. out of compliance with the rules for a nonconforming lot.

**Additional Relevant Information**

**1. Precedence set in River Bend:**

A. Our next-door neighbors, The Kirkpatricks, 7611 River Point, just completed construction of their new home and were granted a variance to build on the 25 ft line and are proponents of our receiving this variance.

B. The Zimmermans, 1122 River Bend, also received a variance based on their buildable lot being less than 22,500 sq ft and thus a nonconforming lot.

2. By granting our variance, the homes would align on our street, creating neighborhood cohesion and uniformity.



GF NO. TH17201329-P TITLE HOUSTON HOLDINGS  
 ADDRESS: 7607 RIVER POINT DRIVE  
 HOUSTON, TEXAS 77063  
 BORROWER: W. SCOTT FORTNEY

**24,645 SQ. FT.  
 TOPO./TREE SURVEY:  
 LOT 35, BLOCK 1  
 REPLAT OF RIVERBEND ADDITION**

ACCORDING TO THE MAP OR PLAT THEREOF RECORDED  
 IN VOLUME 43, PAGE 21 OF THE MAP RECORDS  
 OF HARRIS COUNTY, TEXAS

NOTE: BOUNDARY LINE EASEMENT AS PER H.C.C.F.  
 NO. 20170015315 OF THE HARRIS COUNTY  
 OFFICIAL PUBLIC RECORDS

NOTE: ELEVATIONS ARE BASED IN HARRIS COUNTY  
 FLOODPLAIN REFERENCE MARKER NO. 210125  
 ELEVATION=58.80 FEET 1/1/2008 2001 ADJ.

NOTE: ALL ELEVATIONS ARE MEASURED IN FEET (').



THIS PROPERTY IS AFFECTED BY THE  
 100 YEAR FLOOD PLAIN AS PER FIRM  
 PANEL NO. 48201C 0645 L  
 MAP REVISION: 6/18/2007  
 ZONE AE

BASED ONLY ON VISUAL EXAMINATION OF MAPS,  
 INACCURACIES OF FEMA MAPS, PREVENT EXACT  
 DETERMINATION WITHOUT DETAILED FIELD STUDY.

A SUBSURFACE INVESTIGATION  
 WAS BEYOND THE SCOPE OF THIS SURVEY

D.C.L.=DIRECTIONAL CONTROL LINE  
 RECORD BEARING: VOL. 43, PG. 21 H.C.M.R.

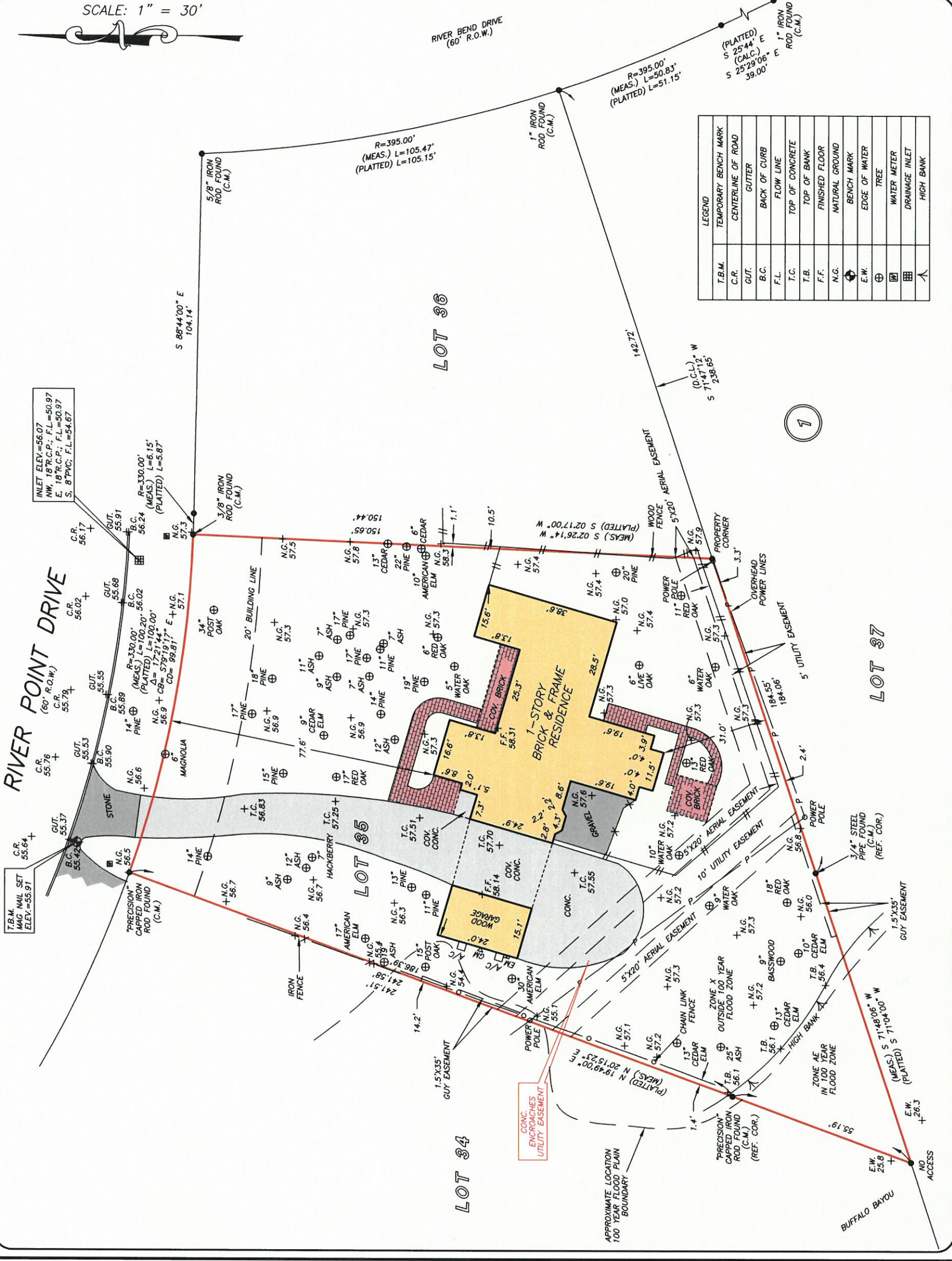
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE  
 ON THE GROUND THAT THIS PLAT CORRECTLY  
 REPRESENTS THE FACTS FOUND AT THE  
 TIME OF THE SURVEY. THERE ARE NO  
 ENCUMBRANCES APPARENT ON THE GROUND,  
 EXCEPT AS SHOWN HEREON. THIS SURVEY IS  
 CERTIFIED FOR THIS TRANSACTION ONLY AND  
 ABSTRACTING FOR THIS TRANSACTION WAS REPLIED  
 UPON IN PREPARATION OF THIS SURVEY.

JAMES P. WALKOVAK  
 PROFESSIONAL LAND SURVEYOR  
 NO. 5971  
 JOB NO. 17-13302  
 DECEMBER 21, 2017  
 REVISED: JUNE 22, 2020 (SQ. FOOTAGE)



DRAWN BY: BR

SCALE: 1" = 30'



T.B.M.	LEGEND
C.R.	TEMPORARY BENCH MARK
GUT.	CENTERLINE OF ROAD
B.C.	GUTTER
F.L.	BACK OF CURB
T.C.	FLOW LINE
T.B.	TOP OF CONCRETE
F.F.	TOP OF BANK
N.G.	FINISHED FLOOR
⊕	NATURAL GROUND
⊕	BENCH MARK
⊕	EDGE OF WATER
⊕	TREE
⊕	WATER METER
⊕	DRAINAGE INLET
⊕	HIGH BANK

**PRECISION**  
 surveyors



TITLE HOUSTON  
 KELLI BEDNARZ  
 713-589-9000



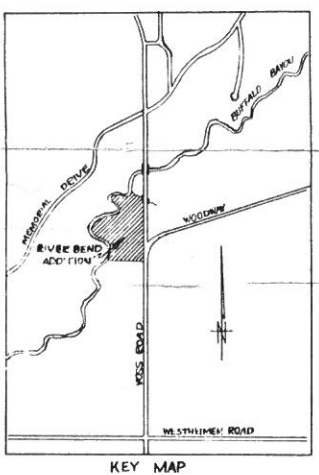
HERITAGE  
 TEXAS PROPERTIES  
 LYNN ZARR, JR.  
 713-965-0812



1-800-LANDSURVEY  
 www.precisionlandsurvey.com  
 281-496-1586 FAX 281-496-1867 210-829-4941  
 950 THREACONEDDLE STREET SUITE 150 HOUSTON, TEXAS 77079 1777 NE LOOP 410 SUITE 600 SAN ANTONIO, TEXAS 78217  
 FIRM NO. 10063700



VALUABLE RECORDS  
If found  
PLEASE RETURN  
TO  
DEPT. OF PUBLIC WORKS  
409 CITY HALL  
HOUSTON, TEXAS



REPLAT OF  
**RIVERBEND ADDITION**  
A SUBDIVISION OF 56 ACRES  
JOHN D. TAYLOR SURVEY  
HARRIS COUNTY, TEXAS  
FOR GEO. N. ALLEN, et. al.  
EDWARD G. PEARSON C.E. MARCH 24, 1953  
SCALE 1" = 100'

1121609  
1:45  
APR 28 1953

STATE OF TEXAS:  
COUNTY OF HARRIS:  
We, George N. Allen and Jack C. Pollard, President and Secretary, respectively of the RIVERBEND, INC., owners of the property subdivided in the above and foregoing map of RIVERBEND ADDITION, Except lots 9, 13, 30 and 36, shown on said map. Do hereby make resubdivision of said property for and on behalf of said RIVERBEND, INC. according to the lines, lots, building lines, streets, alleys, parks and easements thereon shown and designate said resubdivision as RIVERBEND ADDITION, located in the JOHN D. TAYLOR SURVEY in Harris County, Texas, and on behalf of said RIVERBEND, INC., dedicate to the public use, as such, all of the streets, alleys, parks and easements shown thereon forever and do hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated, or occasioned by the alteration of the surface of any portion of the streets and alleys to conform to such grades and do hereby bind ourselves, our successors and assigns to warrant and forever defend the title to the land so dedicated.  
There is also dedicated for utilities an unobstructed aerial easement five (5) feet wide from a plane twenty (20) feet above ground upward located adjacent to all easements shown hereon as Utility Easements.  
FURTHER, We, RIVERBEND, INC. do hereby dedicate forever to the public a strip of land fifteen (15) feet wide on each side of the centerline of any and all gullies, ravines, draws, sloughs, or other natural drainage courses located in the said subdivision, as easements for drainage purposes, giving HARRIS COUNTY and/or any other public agency the right to enter upon at any and all times for the purpose of constructing and/or maintaining drainage work and/or structures.  
FURTHER, all of the property subdivided in the above and foregoing map shall be restricted in its use, which restrictions shall run with title to the property and shall be enforceable at the option of HARRIS COUNTY, by Harris County or any Citizen thereof by injunction, as follows:  
1- The drainage of septic tanks into road, streets, alley, or other public ditches, either directly or indirectly is strictly prohibited.  
2- Drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and shall be a minimum of one and three quarters (1 3/4) square feet (18" diameter pipe culvert). Culverts, or bridges, must be used for driveways and/or walks.  
3- We hereby covenant and agree with HARRIS COUNTY and/or the CITY OF HOUSTON that lots and Reserve Area, abutting on Voss Road shall not have driveway access to Voss Road.  
IN TESTIMONY WHEREOF, RIVERBEND, INC. has caused these presents to be signed by George N. Allen, its President, thereunto, authorized, attested by its Secretary, Jack C. Pollard and its common seal hereunto affixed this 30th day of March A.D. 1953.

RIVERBEND INC.  
BY: George N. Allen  
SECRETARY: Jack C. Pollard

STATE OF TEXAS:  
COUNTY OF HARRIS:  
Before me, the undersigned authority, on this day personally appeared George N. Allen, President, and Jack C. Pollard, Secretary of RIVERBEND, INC., known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed, and in the capacity therein set out, and as the act and deed of said corporation.  
Given under my hand and seal of office this 30th day of March A.D. 1953.  
Harry Plaker  
NOTARY PUBLIC IN AND FOR HARRIS COUNTY, TEXAS

STATE OF TEXAS:  
COUNTY OF HARRIS:  
Before me, the undersigned authority on this day personally appeared L. H. Thomas and H. H. Burghard of the FIRST NATIONAL BANK IN HOUSTON, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they had executed the same for the purposes and consideration therein expressed and in the capacity therein and herein set out and as the act and deed of said corporation.  
Given under my hand and seal of office this 2nd day of April A.D. 1953.

L. H. Thomas  
Notary Public in and for Harris County, Texas

STATE OF TEXAS:  
COUNTY OF HARRIS:  
This is to certify that I, Edw. G. Pearson, a registered engineer of the State of Texas, have plotted the above subdivision from an actual survey on the ground and that all block corners, angle points, and points of curve are properly marked with iron rods 3/4" in diameter and 2" feet long or equivalent, and that this plat correctly represents that survey made by me.  
Edward G. Pearson  
ENGINEER - TEXAS REGISTRATION NO. 2850

This is to certify that the City Planning Commission of the City of Houston, Texas, has approved this plat and subdivision of RIVERBEND ADDITION, as shown hereon.  
In testimony whereof witness the official signature of the Chairman and Secretary of the City Planning Commission of the City of Houston, Texas, this 15th day of April A.D. 1953.

Ruel S. Saffell Secretary - Engineer  
Jane Andrews Chairman

This is to certify that the above and foregoing plat and subdivision complies with all rules and regulations of Commission Court of Harris County, Texas, as set forth in the  
APPROVED: W. D. Miller Clerk of the Commission Court  
Approved by the Commissioners' Court of Harris County, Texas, this 21st day of March 1953.

W. D. Miller Clerk of the Commission Court  
P. C. Sayre Commissioner Precinct 3  
B. A. Lyons Jr. Commissioner Precinct 14

THE STATE OF TEXAS:  
COUNTY OF HARRIS:  
I, W. D. Miller, Clerk of the County Court of Harris County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on Apr 28, 1953, at 1:45 o'clock P.M., and duly recorded on Dec 16, 1953, at 9:15 o'clock A.M. in Vol 43 Page 21 of record in Harris County.  
WITNESS my hand and seal of office, at Houston, the day and date last above written.  
W. D. MILLER  
CLERK COUNTY COURT, HARRIS COUNTY, TEXAS  
By W. R. Wiseman Deputy

CITY OF HOUSTON -  
COUNTY OF HARRIS:  
The First National Bank in Houston, trustee and holder of a lien upon said property, does hereby ratify and confirm said subdivision and dedication, and do hereby in all things subordinate to said subdivision and dedication the lien (or liens) upon said land owned and held by it.  
By: L. H. Thomas Vice Pres.  
Attest: H. H. Burghard Asst. Cashier

2437-ARFD



**MAYOR**  
*Jim Pappas*

# CITY OF HUNTERS CREEK VILLAGE

**CITY COUNCIL**  
*Stuart Marks*  
*Fidel Sapien*  
*Ken Spalding*  
*Chip Cowell*  
*Jay Carlton*



**CITY ADMINISTRATOR**  
*Tom Fullen, CPM*  
**CITY SECRETARY**  
*Crystal R. Dozier, TRMC*

August 10, 2021

## NOTICE OF PLAN REVIEW STATUS

**The following Plans are NOT Approved for Construction**

7607 River Point Dr. – New Home (Partial Review)  
Hunters Creek Village, TX 77024

Overall Lot Size for this lot is 24,645 square feet making this a Conforming Lot in the City of Hunters Creek Village. The minimum front setback for a Conforming Lot is 50 feet from the front lot line. The proposed house is set back 36 feet 1 ½ inches from the front lot line, encroaching 13 feet, 10 1/2 inches into the required 50 foot Front Building setback. Therefore, the City of Hunters Creek Village cannot issue a Building Permit to construct the house in the proposed location on the lot.

Please see attached sections of The Hunters Creek Village Code of Ordinances for your review.

James A. Stewart, CBO  
Building Official

applying the limitations in this subsection (b), the height of a structure shall be measured from the top of the slab. The top of slab may be up to 24 inches higher than required by all other applicable codes without affecting the maximum allowed height. For any slab height exceeding 24 inches above what would otherwise be required, the maximum allowed height of the structure shall be diminished by the amount that the slab height exceeds 24 inches above what would otherwise be required. The structure height limitation provided in this section shall not apply to church steeples. Aerial antennas shall not exceed a height of 45 feet as measured from the top of slab.

(c) *Structures that are constructed or placed within a required rear or side yard.* Except for detached garages in compliance with Section 44-161(2)a., fences in compliance with section 44-163 and dish antenna in compliance with section 44-164, the maximum height for any structure that is constructed or placed in a required rear or side yard shall be determined as follows.

- (1) The maximum height is eight feet for structures that are located more than five feet but less than ten feet from the rear or side property lines.
- (2) The maximum height is ten feet for structures that are located ten feet or more but less than 15 feet from the rear or side property lines.
- (3) The maximum height is 15 feet for structures that are located 15 feet or more from the rear and side property lines.
- (4) Notwithstanding section (1) above, the maximum height is ten feet for any open-air structure located more than five feet but less than 15 feet from the rear or side property lines.
- (5) Notwithstanding sections (1), (2) and (4) above, the maximum height is 14 feet for any trampoline or batting cage located less than 15 feet from the rear or side property lines.

- (6) For purpose of applying the limitations in this subsection (c), the height of a structure shall be measured from the natural ground level where it is located and shall exclude chimneys.

(d) *Structures in front yard.* Except for signs in compliance with section 44-157(3) and fences in compliance with section 44-163. No structure, regardless of height, shall be constructed or placed in front of the front line of the residence. (Ord. No. 340, § 6-3, 5-20-1980; Ord. No. 657, § 2, 2-21-2006; Ord. No. 2018-884, § 1, 2-27-2018)

#### **Sec. 44-160. Area regulations.**

The following area regulations shall apply in district R:

##### **(1) Size of lot.**

- a. *Lot area.* No building shall be constructed on any lot that is less than 22,500 square feet in area. The area of the lot, expressed in square feet, shall not include any portion of the public right-of-way or any private road easement.
- b. *Lot width.* The width of the lot shall be not less than 75 feet at the front building line, nor shall its average width be less than 75 feet.
- c. *Lot depth.* The average depth of the lot shall not be less than 120 feet.
- d. *Exceptions.* Where a lot having less area, width or depth than herein required existed in separate ownership of record on March 25, 1955, the regulations relating to the size of the lot in this section shall not prohibit the erection of a single-family dwelling thereon.

##### **(2) Size of yards.**

- a. *Front yard.* There shall be a front yard having a depth of not less than 50 feet.  
Where lots have double frontage running through from one street to another, the required front yard shall

be provided on both streets. For computation of front yard depth, the building shall not be less than 70 feet minimum from the building to the center of the street, whether public or private, and not less than 50 feet from the edge of the street easement or right-of-way; provided, however, that a front yard on a turn circle shall have a front yard depth not less than 35 feet from the street right-of-way line and not less than 70 feet from the center of a turn circle. Where lots are located at the corner of two streets the required front yard shall be provided on one of the two streets. Once a front yard has been established for a particular lot, it may not be changed unless the Planning & Zoning Commission approves a replat of the lot that establishes a front building line reflecting the desired change. For purpose of this section a front yard is established if:

- i) A front building line is designated on a subdivision plat; or
- ii) A residence has been constructed on the lot.

b. *Side yard.* There shall be two side yards on each lot, having a combined width of not less than 35 feet; neither of such side yards shall be less than 15 feet in width. A side yard adjacent to a side street shall not be less than 20 feet in width.

c. *Rear yard.* There shall be a rear yard having a depth of not less than 25 feet.

(3) *Size of building.*

a. *Building area.* The building area, exclusive of outdoor swimming pools, shall not exceed 25 percent of the lot area. Tennis courts, paddle ball and game courts are included in the computation of building area.

b. *Dwelling area.* Each single-family dwelling must be so designed and constructed that it shall have a minimum space of enclosed living area of 2,000 square feet, exclusive of porches and automobile shelters. At least 1,500 square feet of such enclosed living area shall be contained on the ground floor. Living area shall be computed from the exterior wall surface.

(Ord. No. 340, § 6-4, 5-20-1980; Ord. No. 666, § 1, 4-18-2006; Ord. No. 824, § 1, 4-22-2014; Ord. No. 825, § 1, 4-22-2014)

**Sec. 44-160.1. Exception to side yard requirement for certain porte cocheres.**

(a) A porte cochere, as defined in this chapter, may extend into a required side yard if it meets all of the following conditions:

- (1) It must extend no closer than ten feet to the nearest side property line;
- (2) It must be ten feet or less in height;
- (3) It must be located at least 15 feet behind the front line of the residence to which it is attached;
- (4) The structure shall be attached to the residence on only one side, and all sides of the structure, other than the side attached to the residence, must be at least 90 percent open to view; and
- (5) It must be constructed of like kind materials of the residence to which it is attached.

(b) The area covered by the roof of a porte cochere shall be included in the computation of the building area for purpose of applying the applicable limits on total building area. (Ord. No. 2021-915, § 2, 4-27-2021)

**Sec. 44-161. Automobile shelters.**

The following shall apply to automobile shelters in district R:

- (1) *Generally.* Every single-family dwelling must have at least a 200 square foot