

MINUTES OF THE BOARD OF ADJUSTMENT  
CITY OF HUNTERS CREEK VILLAGE, TEXAS  
April 16, 2007

The Board of Adjustment of the City of Hunters Creek Village, Texas convened in regular session on Monday, April 16, 2007 at 7:30 p.m. in City Hall, #1 Hunters Creek Place.

Chairman Russ Schulze announced that a quorum of the members were present and called the meeting to order at 7:30 p.m. In attendance were Board Members Russ Schulze, Ken Spalding, David Wegner, Mike Schoenberger, Kathleen Slaydon, and John Lester. Also in attendance were Deborah Loesch, City Secretary; John Hightower, City Attorney; and Dennis Holm, Building Official.

Discussion and consider action to approve the minutes of the November 21, 2005 meeting.

A motion was made by Ken Spalding with a second by David Wegner to approve the minutes as written. The motion carried unanimously.

Discussion and consider action regarding an application filed by C. Tracy Munden for the lot located at 8413 Hunters Creek Drive, Hunters Creek Village, Texas (Lots 10, Block 1 of the Inverness Subdivision):

a. an appeal regarding the application of the City's Zoning Ordinance of the decision of the City's Building Official determining that the lot is a conforming lot within the meaning of Section 9-2 of the City's Zoning ordinance and alternatively,

b. an appeal requesting a variance from the minimum yard requirements contained in Section 6-4 of the Zoning Ordinance.

A presentation was made by Tracy Munden explaining that the lot as according to Harris County Appraisal District is 21,250 sq. ft. which would then qualify the lot as non-conforming. Dennis Holm, Building Official, explained the drainage easement in the back lot has no basis for excluding the easement from the square footage that would reduce the size of the lot from conforming lot size. Mr. Munden was concerned if he had to build with a front set back of 50' his house would look different from the rest of the homes in the subdivision. He was also concerned with the side set backs and the narrowness of the lot.

A motion was made by Ken Spalding with a second by Russ Schulze to grant a variance to allow for the building lines at the dimensions for non-conforming lot setbacks as exists in deed restrictions and recorded plat prior to 1955. The motion failed, with the Board voting (3) votes AYE (Schulze, Spalding, and Wegner) and (2) NAY (Slaydon and

Schoenberger). Since four votes are required to grant a variance, the motion is considered as failed.

A motion was made by Mike Schoenberger with a second by Kathleen Slaydon affirm the decision of the Building Official's interpretation that the lot is a conforming lot. The motion carried unanimously, with the Board voting five (5) votes for and none (0) against.

A copy of the written decision was provided to the applicant at the meeting and is attached hereto as a part of these minutes.

To address the remaining concerns on this lot, the Board requested that Mr. Munden provide a foot print of where he would propose to place the house within the required building lines. Therefore, a motion was made by Kathleen Slaydon with a second by David Wegner to table the matter until the May regular meeting. The motion carried unanimously, with the Board voting five (5) votes for and none (0) against.

#### ADJOURNMENT

With no further business before the Board, a motion was made by Kathleen Slaydon and a second by David Wegner to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Deborah L. Loesch, TRMC  
City Secretary

These minutes were approved on 21<sup>st</sup> day of May, 2007.