

MINUTES OF THE BOARD OF ADJUSTMENT
CITY OF HUNTERS CREEK VILLAGE, TEXAS
May 21, 2007

The Board of Adjustment of the City of Hunters Creek Village, Texas convened in regular session on Monday, May 21, 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, Mike Schoenberger, and Kathleen Slaydon. 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 April 16, 2007 meeting.

A motion was made by Kathleen Slaydon with a second by Ken Spalding 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) requesting a variance from the minimum yard requirements contained in Section 6-4 of the Zoning Ordinance.

Mr. Munden provided the Board with two surveys showing the placement of a structure on the lot based on conforming and non-conforming status.

A motion was made by Ken Spalding with a second by Mike Schoenberger to grant a variance to allow for a 7' side setback lines in accordance with the Inverness Subdivision deed restrictions indicating that a hardship exist with the drainage easement on the back of the property. The motion failed, with the Board

Voting: (2) Ayes: Spalding and Schoenberger
(2) Nays: Slaydon and Schulze.

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

A motion was made by Kathleen Slaydon with a second by Mike Schoenberger to grant a variance to allow for a 10' side yard based on the pie shape of the lot with 75' frontage which widens to the back and the easements are at the back of the lot. The motion carried unanimously.

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

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ADJOURNMENT

With no further business before the Board, a motion was made by Ken Spalding and a second by Kathleen Slaydon to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Deborah L. Loesch

Deborah L. Loesch, TRMC
City Secretary

These minutes were approved on 16th day of July, 2007.

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

**Decision and Order on
Application for Variance**

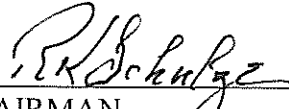
On May 21, 2007, the Zoning Board of Adjustment of the City of Hunters Creek Village, Texas (the "Board") held a hearing to consider an application submitted by C. Tracy Munden, 12419 Rip Van Winkle, Houston, Texas 77024 (the "Appellant"), seeking a variance from the ~~minimum front and~~⁹ side yards requirements contained in subsection 6-4 b. of the Zoning Ordinance as applied to the property located at 8413 Hunters Creek, Hunters Creek Village, Texas (Lot 10, Block 1 of the Inverness Subdivision) (the "Lot"). More specifically, the Appellant seeks a reduction in ~~the~~ ~~minimum required front yard to~~ feet and in the minimum required side yards to a ~~combined width of~~ feet, and an individual minimum width of ~~7~~⁷ feet.

The Appellant contended that: a) the requested variance would not be contrary to the public interest; b) due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; c) that the spirit of the ordinance would be observed and substantial justice would be done if the variances⁹ were granted.

After considering the evidence and arguments presented at the hearing, it is the opinion of the Board that the requested variances⁹ should be granted. It is therefore ordered that ~~the minimum required front yard for the Lot shall be~~ feet and the minimum required side yards for the Lot shall be a ~~combined width of~~ feet and an individual width of 10 feet.

but that the minimum side yard should be reduced to 10 feet rather than the 7 feet requested

DECISION AND ORDER ENTERED this 21st day of May, 2007.



CHAIRMAN
ZONING BOARD OF ADJUSTMENT
CITY OF HUNTERS CREEK VILLAGE

ATTEST:

Deborah L. Loesch
CITY SECRETARY