

MINUTES OF THE BOARD OF ADJUSTMENT  
CITY OF HUNTERS CREEK VILLAGE, TEXAS  
FEBRUARY 18, 2008

The Board of Adjustment of the City of Hunters Creek Village, Texas convened in regular session on Monday, February 18, 2008 at 7:00 p.m. in City Hall, #1 Hunters Creek Place.

Chairman Mike Schoenberger announced that a quorum of the members were present and called the meeting to order at 7:15 p.m. In attendance were Board Members Mike Schoenberger, Chip Cowell, Ken Spalding, John Lester, and Nancy Golberg Wilks (Alternate, sitting in for Richard Heustess). Also in attendance were Deborah Loesch, City Secretary; Loren Smith, City Attorney; Dennis Holm, Building Official and Carmen Knezeak, Assistant City Secretary.

Discussion and consider action to approve the minutes of the November 19, 2007 meeting.

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

Discussion and consider action regarding an application filed by Earthman Funeral Home, 8303 Katy Freeway, for a variance to Chapter 44, Section 44-188(f)(3) of the Code of Ordinances from the requirement not to exceed 80 square feet to allow for the installation of a sign with a sign with a sign area on each side of the double-sided, freestanding sign of 104 square feet.

Mr. Chad Clisby, General Manager of Earthman's Funeral Home explained their request for a variance that a hardship exists due to visibility along I-10 and the on-going freeway construction. He stated that they needed more exposure from the freeway. Visibility is a hardship and crucial to the success of the business. The Height of sign will not exceed the height of building and no message center will be incorporated on the sign.

A motion was made by Ken Spalding with a second by Chip Cowell to uphold the determination of the Building Official to deny a permit for a larger sign and therefore the request for a variance should be denied. The motion carried unanimously.

It was noted that Ken Spalding suggested that with the change in I-10 traffic flow, the sign regulations for the commercial district should be reviewed by the Planning and Zoning Commission.

Discussion and consider action regarding an application filed by Justin and Leslie Cornett for a variance at 523 Three Corners Drive, to Chapter 44, Section 44-160(2)a of the Code of Ordinances to the regulations for conforming lots for the set back line of the front yard from 50 feet to 30 feet.

A presentation was made by the applicant, Justin Cornett who applied for the above variance. Mr. Cornett stated that the placement of the residence setback at

50 feet would destroy several 40+ year old oak trees. Whereas their lot is the only conforming lot in the subdivision subject to the 50 foot setback, however, all of the other lots located in the Three Corners Subdivision are nonconforming (less than 22,500 sq. ft.). A new residence would look odd and disrupt the uniformity of the subdivision if set back to 50 feet. In addition the lot is irregular in shape causing the front area to look smaller and the back corner having more area. The City's current tree ordinance, Section 18-20(a) states that the City's intent is to protect healthy trees and preserve a natural, environmental and aesthetic quality of the city. Mr. Cornett also stated that he was not aware of the 50 foot setback when the property was purchased.

Several residents of the Three Corners Subdivision (Roger Stark, Winnie Ngan, and Brad Conrad) spoke to the Board in favor of the variance stating that since that lot is the only conforming lot in the subdivision and the residents of the subdivision would prefer not to have one home out of the rest setback at 50 feet.

A motion was made by John Lester with a second by Chip Cowell to approve the request for a variance as presented that the front yard shall be setback at 30 feet. Under discussion Chip Cowell supported the request due to the unique nature of the lot, especially keeping uniformity within the subdivision and preserving trees as necessary. However, he would like to make sure that the structure built will be built at the same foot print presented in the survey.

Chip Cowell offered an amendment to the motion and John Lester seconded, provided that building area of the new construction shall be limited to the area provided in the current survey. The amendment to the motion carried unanimously.

The motion carried granting the variance. Voting: Aye (4) Mike Schoenberg, Chip Cowell, John Lester, Nancy Goldberg Wilks; Abstaining (1) Ken Spalding.

#### ADJOURNMENT

With no further business coming before the Board, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Deborah L. Loesch, TRMC  
City Secretary

These minutes were approved on 10th day of March, 2008.