

MINUTES OF THE BOARD OF ADJUSTMENT  
CITY OF HUNTERS CREEK VILLAGE, TEXAS  
MARCH 10, 2008

The Board of Adjustment of the City of Hunters Creek Village, Texas convened in regular session on Monday, March 10, 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 7:00 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; John Hightower, City Attorney; and Dennis Holm, Building Official.

Discussion and consider action to approve the minutes of the February 18, 2008 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 John and Joni Zavitsanos at Lot 6 & Tract 5B, Block 3 of the Karankawa Pines Subdivision, also known as 485 Trails End Street, requesting a variance from the requirements contained in Chapter 44, Section 44-2 and 44-157(5) of the Code of Ordinances relating to the definition of side yard and swimming pools permitted in back or side yards to allow for the installation of a pool in an enclosed front court yard.

Mr. John Zavitsanos, the applicant, along with Robert Covington, the builder, presented their case as to why the Board should grant this variance. Before any further discussions were allowed, Chairman Schoenberger asked the Mr. Zavitsanos to explain why the variance should be permitted and what the hardship is. Mr. Zavitsanos stated that the architectural style of the home was designed to be that of a Mediterranean villa which has court yards in the front of the residence. Further if the pool is placed in the back yard, the pool would take away the area used for children to play in a back yard without the danger presented by the presence of a pool.

A motion was made by Ken Spalding to grant the variance with a second by John Lester. Under discussion Chairman Schoenberger indicated that in the application they were seeking a variance from the definition of side yard and in his opinion that was not open for interpretation. Calling the question, the motion failed. Voting: Nay (3) Cowell, Schoenberger, Goldberg-Wilks; Aye (2) Spalding and Lester.

Discussions continued whether there were any unique aspects to the property that would allow granting the variance. The Board determined that there were none. Another motion was made by John Lester to grant the variance. There being no second to the motion, the motion died. Therefore the variance to allow a pool to not be in the side or rear yard of the lot was denied.

Discussion and consider action regarding an application filed by Claire and Sean Johnson at Lot 1, Brownie Woods Subdivision, also known as 10729 Beinhorn requesting a variance from the requirements contained Chapter 44, Section 44-161c.3. of the Code of Ordinances relating to automobile shelters requiring that the opening will be at least 28 feet from the side lot line to allow for at least 25 feet from the side lot line for a proposed automobile shelter to be built “flush” with the existing structure.

A presentation was made by the applicant, Mr. Sean Johnson, explaining the need for a 3<sup>rd</sup> car garage and the unique nature of this property by being on a corner lot and limited to building the garage facing street. He also stated that the existing garage structure is not in compliance with city codes. If the structure were recessed it would make the structure look odd shaped. He is asking that the additional space be allowed to be flush with the existing structure.

A motion was made by Ken Spalding with a second by Nancy Goldberg-Wilks to grant the variance to allow for the addition on the existing east building line to be flush with the existing structure. The motion carried unanimously granting the variance to allow for the construction of additional garage space with the opening to be the same distance from the side lot line as the opening of the existing garage structure.

#### ADJOURNMENT

With no further business coming before the Board, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Deborah L. Loesch, TRMC  
City Secretary

These minutes were approved on 16th day of June, 2008.