

MINUTES OF THE BOARD OF ADJUSTMENT  
CITY OF HUNTERS CREEK VILLAGE, TEXAS  
JUNE 16, 2008

The Board of Adjustment of the City of Hunters Creek Village, Texas convened in regular session on Monday, June 16, 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 Stewart Robinson (Alternate, sitting in for Richard Heustess). Also in attendance were Deborah Loesch, City Secretary; David Olson, City Attorney; and Dennis Holm, Building Official.

Discussion and consider action to approve the minutes of the March 10, 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 Tom Manning at 803 Wade Hampton on behalf of the Tara Oaks Subdivision regarding the replacement of an existing fence granted by a variance to allow for a modification to the original variance or grant a new variance allowing the fence to be constructed of red cedar.

Mrs. Tom Manning presented the case on behalf of Tara Oaks Subdivision. In addition, Robert Brann, president of the homeowners association was present. A special exception was granted that allowed the existing fence to be constructed in February 2, 1965. The fence was to be constructed of cedar, solid boards with 6 x 6 posts every 16 feet and painted grey. The fence runs along Beinhorn from the rear property line on Wade Hampton to the brick entry on the west side of Wade Hampton which is in front of the 50 foot building line. The subdivision has requested to replace the existing wood fence with the natural cedar, but prefers not to paint the new fence the color stated in the 1965 variance.

A motion was made by Ken Spalding to grant the variance with a second by Stewart Robinson to grant the variance as requested to replace the existing wood fence with natural cedar. The motion carried unanimously

Discussion and consider action regarding an application filed by Austin and Saba Syed regarding the lot located at #4 Voss Park Drive (Lot 7 Voss Park Subdivision) requesting a variance from the requirements contained in Chapter 44, Section 44-157(5) of the Code of Ordinances requiring swimming pools shall only be permitted in back or side yards.

A presentation was made by the applicant, Mr. Austin Syed, explaining that the home they wish to build is a court-yard Mediterranean design. However, they believe the triangular shape of the property, being adjacent to Las Alamedas Restaurant's proposed 3-story garage, and the fact that TXDOT has decided not to

install the freeway noise abatement barrier wall proposes a privacy issue for having a pool in the backyard which could be viewed from the garage at Las Alamedas as well as no buffer for the noise. In addition a ravine backs up to the property where people are seen hanging out in the brush. They have proposed a front courtyard concept with a 7 foot wall separating the courtyard from the street for privacy. The pool will not be visible from any view from the street. The design shows that the pool would be behind the front building line.

Board member Chip Cowell asked if the pool could be placed in the side yard. A drainage easement exists on the east side of the lot. Board member John Lester stated that this is a pool inside the house. John made a motion to approve the pool as designed and to grant the variance as requested. The motion died due to a lack of a second.

Chairman Mike Schoenberger opened for discussion as whether a pool is considered a necessity. Board member Ken Spalding stated that it appears that there is substantial reduction in the use of the back yard by the expansion of I-10 and the proximity of Las Alamedas.

The property owner at #5 Voss Park, Ted Doebbler, expressed his objections to allowing the pool in the front yard because of the traffic of children playing then in the front yard. He prefers that the pool be located on the side yard.

John Lester made a motion to approve the plans as presented with a 7 foot solid wall fence with a second by Chip Cowell. The motion carried.

Voting:           Aye (4) – Lester, Cowell, Spalding, Stewart  
                      Nay (1) - Schoenberger

Discussion and consider action regarding an application filed by Parkerhouse regarding a lot located at #15 Hedwig Shadows requesting a variance from the requirements contained in Chapter 44, Section 44-161(1)c.1 of the Code of Ordinances requiring that an automobile shelter opening may face toward a side line of the lot, provided that such opening will not face a side street.

Dan Parker presented his position on the request for the variance. He explained that the job had been shut down for 45 days. David Olson, City Attorney, advised the board to ask if it would cause an undue hardship to move the garage to the east side because of the floodplain. Several residents from Hedwig Shadows were present and stated that they were in favor of granting the variance.

A motion was made by Ken Spalding with second by John Lester to grant the variance as presented in the plans to allow for the garage opening to face the side line of the lot facing the side street. The motion carried unanimously.

As a side comment, Dan Parker asked if there would be any relief available for the monetary loss of he has taken on this project while being shut down in the form of a refund on the building fees. The Board advised that is something that would need to be taken up with the City Council.

ADJOURNMENT

With no further business coming before the Board, a motion was made by Ken Spalding with a second by Chip Cowell to adjourn. The meeting was adjourned at 8:10 p.m.

Respectfully submitted,



Deborah L. Loesch, TRMC  
City Secretary

These minutes were approved on 21st day of July, 2008.