

MINUTES OF THE BOARD OF ADJUSTMENT
CITY OF HUNTERS CREEK VILLAGE, TEXAS
NOVEMBER 17, 2008

The Board of Adjustment of the City of Hunters Creek Village, Texas convened in regular session on Monday, November 17, 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, Stewart Robinson, Nancy Goldberg Wilks, and Alexia Benavides (Alternate). 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 August 18, 2008 meeting.

A motion was made by Chip Cowell with a second by Stewart Robinson to approve the minutes as written. The motion carried unanimously.

Discussion and consider action to establish a new meeting day for regular meetings.

A motion was made by Stewart Robinson with a second by Chip Cowell to approve Amendment No. 4 to the Rules and Procedures for the Board of Adjustment to amend Section 203. Regular Meeting to hold regular meetings on the fourth (4th) Monday of each month at 7:00 p.m. on an as needed basis. The motion carried unanimously.

Discussion and consider action regarding an application for variance filed by Dr. Abdel Rehman Alsyaya, at 737 Kuhlman, Lot 6, Block B of the Memorial Oaks Subdivision requesting a variance from the provisions in Section 44-162 governing the location of accessory structures to allow the construction of a guard house in front of the main structure and a variance from certain provisions in Section 44-165 governing home occupations in District R.

Chairman Schoenberger explained to the applicants the procedure for hearing the requests that they must show that granting the variance would not be contrary to the public interest; show what special conditions exist that literal enforcement of the ordinance would result in an unnecessary hardship; and that the spirit of the ordinance would be observed.

Representatives for the applicant stated that the addition of the guard house in front of the residence would be necessary for the security of the Consul General of Saudi Arabia.

After consideration of the evidence presented, a motion was made by Chip Cowell with a second by Stewart Robinson to deny the request as there are no special conditions existing that would result in an unnecessary hardship. The motion carried unanimously and the variance is denied.

To address the matter regarding Home Occupations in Section 44-165(b)(3) of the Code of Ordinances, a motion was made by Stewart Robinson with a second by Nancy Goldberg Wilks that a security guard would not be a family member but would provide a service that is incidental to the residence and falls outside of the scope of home occupations. The motion carried unanimously.

Discussion and consider action regarding an application filed by Justin and Leslie Cornett for an amendment to a variance granted on February 18, 2008 for 523 Three Corners Drive to Chapter 44, Section 44-160(2)a. allowing the size of the front yard for the conforming lot from 50 feet to 30 feet. The request for the amendment originally granted would be to allow for the same set back requirements with a different building footprint.

A variance was granted on February 18, 2008 allowing for the construction of a residence with a required front yard to be 30 feet provided that the building area of the new construction to be limited to the area provided in the current plan. Since that variance was granted, the applicants have proposed changes to the footprint of the structure and therefore submitted a new variance request based on the increased building area.

After hearing testimony from the applicants, a motion was made by Chip Cowell with a second by Stewart Robinson to conditionally grant the variance with the conditions that the required front yard will be at 30 feet, provided that the new footprint shall not change to exceed a 22% lot coverage and shall not change to allow more than 5 feet of variation from any building line as presented in the new footprint. The motion carried unanimously.

ADJOURNMENT

With no further business coming before the Board, a motion was made by Stewart Robinson with a second by Nancy Goldberg Wilks to adjourn. The meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Deborah L. Loesch, TRMC
City Secretary

These minutes were approved on 23rd day of February, 2009.