

MINUTES OF THE BOARD OF ADJUSTMENT
CITY OF HUNTERS CREEK VILLAGE, TEXAS
FEBRUARY 23, 2009

The Board of Adjustment of the City of Hunters Creek Village, Texas convened in regular session on Monday, February 23, 2009 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, Richard Heustess, Nancy Goldberg Wilks, and Catherine Ozdogan (Alternate). 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 November 17, 2008 meeting.

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

Discussion and consider action regarding a request from Sandy and Jay Carlton, 1 Cape Cod Lane, to grant a special exception to permit a swimming pool to be located seven (7) feet from the side set back requirement of fifteen (15) feet as provided for in Section 44-175(5) a and b of the Code of Ordinances.

Sandy Carlton, the Applicant, presented a request for a special exception from the minimum side yards setback requirements to reduce the required minimum distance a swimming pool must be set back from the east side lot line of the lot from fifteen feet to seven feet. The lot is a nonconforming lot in a subdivision with more restrictive setbacks in the deed restrictions than required in the zoning ordinance. Her argument for not asking for a reduced setback to the rear was because it is adjacent to a side yard of the neighboring property. Moving the pool into the east side yard would be more practical as it would be adjacent to a driveway of the neighboring lot to the east. The decking of the pool would have to be on the other side of the pool as the pool is very close to the house. She considers the lot to be an unusual size lot because of the restrictive setbacks and thus the nonconforming lot.

The Board discussed the request based on evidence and arguments that did not support the requirement of unusual shape or size of lot and that no tree issues exist.

A motion was made by Nancy Goldberg Wilks with a second by Richard Heustess to deny the request for a special exception that the Applicant did not demonstrate that they met the requirements for issuance of a special exception under Section 44-157(5)(b). The motion carried.

Voting: Aye (4): Schoenberger, Heustess, Goldberg Wilks, Ozdogan
 Nay (1): Cowell

ADJOURNMENT

With no further business coming before the Board, a motion was made by Richard Heustess with a second by Nancy Goldberg Wilks to adjourn. The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Deborah L. Loesch, TRMC
City Secretary

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