



**CITY OF HEDWIG VILLAGE, TEXAS  
BOARD OF ADJUSTMENT  
SPECIAL CALLED MEETING  
TUESDAY, AUGUST 11, 2020  
6:30 P.M. - 955 PINEY POINT ROAD**

**MINUTES**

**1. Call To Order**

Chairman Schenk called the meeting to order at 6:30 p.m.

Present: Gary Schenk, Chair

Laurence Abrams, Member  
Charles Matthews, Member  
Jeremy Sanders, Member (via phone)  
Sam Searcy, Member

Laura McKenery, City Attorney (via phone)  
Kevin Taylor, Building Official  
Evan DuVall, Deputy Building Official  
Lisa Modisette, Assistant City Secretary, Board of Adjustment Secretary

Absent: Harlan Bergen, Member

**2. Approval of Minutes for: June 20, 2019**

Member Searcy motioned, Member Abrams seconded, to approve the minutes from the June 20, 2019 meeting as presented.

Members Abrams, Matthews, Sanders, Schenk, and Searcy voted "Aye", "Noes" none.

**MOTION CARRIED UNANIMOUSLY**

**3. Public Hearing on a request for a variance:**

Property: 9225 Katy Freeway (HCAD #0410770000030)  
Applicant: Premier Property, Inc/Art Troscher  
Variance request: Variance from Section 507.C.1, Signs, of the Planning and Zoning Code of the City of Hedwig Village, in order to allow for a 10-foot tall by 10 foot in length large monument sign on the property.  
Legal Description: TRS 2C & 2D, ABST 121 I Bunker, in Harris County, Texas

**4. Discussion and Action:** Regarding the requested Variance at 9225 Katy Freeway (HCAD #0410770000030).

Mark Krasnov, property owner for 9225 Katy Freeway, and Art Troscher, applicant and property manager with Premier Property Services, stated the sign for the office building was damaged beyond repair during an auto accident. The office building at 9225 Katy

Freeway has been without a sign for the tenants since the accident occurred. Approval of the variance request would allow a 10-foot tall by ten foot in length sign to replace the previous sign. After multiple discussions with the City's Building Official, he was told he can rebuild the previous sign in exactly the same style, size, and materials. He stated his property has the largest frontage along the I-10 service road for an office building in the City. He quoted Section 507.A.1.a which states "Provide a reasonable balance between the right of a business to advertise and identify itself and the right of the public to be protected against the unrestricted proliferation of signs". Mark Krasnov stated the previous sign was, and the proposed sign will be, shorter than any sign already in place along the I-10 Frontage Road.

Art Troscher stated the new office building on the east side of the City has a taller sign than what would be allowed by the section of the code that regulates signs. He stated the building at 9225 Katy Freeway should be allowed to have the proposed sign. He stated the tenants in the building want to advertise their location on a sign in front of the building. He stated the building is at a disadvantage due to the lack of a sign. He stated the property owners have renovated the building to a more modern look and standard. He would like the property to also have a more modern monument sign. He stated the Code should be followed and if one property can deviate then his request for a taller sign should be allowed. He stated the previous sign was a brick monument sign, was old, and dated. The building has a name and brand – The Buckley Building. The proposed monument sign would give the building a new updated "look". The proposed monument sign will be only four feet taller than the previous sign. The previous sign had spaces for four tenants. The proposed sign will have room for more than four tenants.

Chairperson Schenk, Art Troscher, and Mark Krasnov asked the Building Official why the new development on the east side of the City was allowed a large sign without having the required service road frontage.

Kevin Taylor, Building Official, and Evan DuVall, Deputy Building Official, stated the new development is part of a Planned Unit Development (PUD). The PUD Ordinance, recommended by the Planning and Zoning Commission and approved by City Council, allows for deviation for certain sections of the code. The PUD for that property allows for a taller sign and applies to that property only.

Chairperson Schenk asked Kevin Taylor, Building Official, if the previous sign can be put back in place. He also asked if the property owner considered installing a small monument.

Kevin Taylor stated rebuilding the previous sign would be allowed.

Chairperson Schenk asked if the City would have any control over the style, writing, or color of the proposed sign.

Kevin Taylor stated the City would have some control over the materials used for the sign.

Board of Adjustment (BoA) Member Abrams stated the Planning & Zoning (P&Z) Commission could be tasked with changing the standards set forth in the Code of Ordinances to allow the sign the applicant is wanting.

Kevin Taylor stated this request would be a variance to the standards as set by P&Z. P&Z has not shown an interest in modifying or changing the standards set out in the Code of Ordinances.

Mark Krasnov asked for equal treatment from the City regarding his variance request for a large monument sign, the same as the development on the east side of the City.

There were no speakers in favor or against the variance request.

The BoA members deliberated on the variance request for the proposed sign and upon a duly made motion and second, the request for a variance for a 10 foot by 10-foot monument sign was denied by a vote of 3-2.

Member Matthews motioned, Member Searcy seconded, to approve the granting of the variance to allow a 10-foot tall by 10-foot in length large monument sign.

Members Matthews and Sanders voted "Aye", Members Abrams, Schenk, and Searcy voted "No".

#### **MOTION DENIED**

#### **5. Public Hearing on a request for a variance:**

Property: 935 Magdalene (HCAD #09633800000020)  
Applicant: Michael and Michelle Rigo  
Variance request: Variance from Section 505,E, Yard Required, of the Planning and Zoning Code of the City of Hedwig Village, to allow for continued use of the existing open air pergola (without walls) within the rear yard and side yard setbacks on the property.  
Legal Description: TRS 2C & 2D, ABST 121 I Bunker, in Harris County, Texas

#### **6. Discussion and Action: Regarding the requested Variance at 935 Magdalene (HCAD #09633800000020)**

Michelle and Michael Rigo stated their lot on Magdalene is shaped differently than other lots within Hedwig Village. The size of the property and location of the house on the property leaves no room for any additional structures. The previous owners built a swimming pool which takes up even more room. The current location of the open-air pergola was the only available space they could put an outdoor space. The pergola is not a large structure. The space allows the family a place to sit outside and enjoy their property. The Rigo's stated the neighbors are not opposed to the open-air pergola and are in favor of allowing the Rigo's to keep the structure. The Rigo's stated the property

values in the area have not been adversely affected by the pergola; in fact, their property value has increased. The pergola is not visible from the street.

Chairperson Schenk stated the lot diagram provided by the Rigo's show the entire pergola structure within the rear and side yard setback but do not appear to interfere with any aerial easement. He asked the City Attorney for clarification that conditions could be attached to the variance approval.

Lisa Modisette, Assistant City Secretary, stated the variance could be approved with conditions.

Several neighbors attended the hearing and spoke in favor of allowing the Rigo's to keep the pergola.

Member Searcy asked if the Rigo's attempted to get permitting approval prior to construction.

Michael Rigo stated he and Michelle relied on the contractor's opinion regarding permitting. The contractor told them permitting would not be required. He stated he did not realize the pergola was a code violation. He stated there is no other location on the property to move the pergola. The Rigo's would accept conditions placed on the approval of the variance. Michelle Rigo stated the variance approval should not set a precedent due to very unique nature and size of the property. She stated the family is trying to use the property to the best of their ability.

Member Sanders stated this variance request is a good example of the purpose of the Board of Adjustment.

Kevin Taylor stated the Planning & Zoning Commission will not make changes to the Code of Ordinances for such a specific purpose.

Member Matthews asked if the BoA could grant a temporary approval while the family seeks out their options.

Kevin Taylor stated the family would not have to remove the structure while they investigate their appeal options.

The BoA members deliberated on the variance request for the pergola and upon a duly made motion and second, the request for a variance for the pergola to remain was denied by a vote of 3-2.

Member Matthews motioned, Member Searcy seconded, to approve the granting of the variance due to a non-conforming lot to allow the continued use of the existing open-air pergola within the rear and side yards setbacks with the condition of no audio/visual.

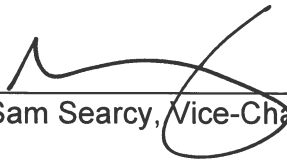
Members Matthews and Sanders voted "Aye", Members Abrams, Schenk, and Searcy voted "No".

**MOTION DENIED**

**7. Adjournment**

Member Matthews motioned, Member Abrams seconded, to adjourn the meeting at 7:57 p.m.

Approved and accepted on February 16, 2021.

  
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Sam Searcy, Vice-Chairman

ATTEST:

Lisa Modisette

  
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Assistant City Secretary  
Board of Adjustment Secretary

