



**CITY OF HEDWIG VILLAGE, TEXAS
BOARD OF ADJUSTMENT
SPECIAL CALLED MEETING
MONDAY, FEBRUARY 25, 2019
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
Harlan Bergen, Member
Charles Matthews, Member
Jeremy Sanders, Member
Sam Searcy, Member

Zack Petrov, City Attorney
Kevin Taylor, Building Official
Evan DuVall, Building Official
Lisa Modisette, Assistant City Secretary, Board of Adjustment Secretary

Absent: None

2. Vote for Chairperson and Vice-Chairperson

Member Charles Mathews motioned, Member Searcy seconded, to nominate Gary Schenk as Board of Adjustment Chairperson.

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

MOTION CARRIED UNANIMOUSLY

Chairperson Schenk motioned, Member Sanders seconded, to nominate Gary Schenk as Board of Adjustment Chairperson.

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

MOTION CARRIED UNANIMOUSLY

3. Approval of Minutes

Member Searcy motioned, Member Lam seconded, to approve the minutes from the March 22, 2011 meeting and the minutes from the April 27, 2017 meeting.

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

MOTION CARRIED UNANIMOUSLY

4. Public Hearing on a request for a variance:

Property: 11618 Spriggs Way, (HCAD #0853430000007)
Applicant: Partners in Building/Jaime Dutton
Property owner: Scott and Linda Nguyen
Action requested: Variance from Section 505(D), ground coverage, of the Zoning Ordinance of the City of Hedwig Village, in order to allow more than the maximum of 25% ground coverage for buildings on the property.
Legal Description: Lot 10, Block 2 of Loma Linda, a subdivision in Harris County, Texas

Zach Petrov, City Attorney, explained the Board of Adjustment (BoA) process. He stated there are standards required for the BoA to approve a variance. He stated the BoA may approve a variance if the requested variance:

- Is not contrary to the public interest.
- Is not contrary to the spirit of the Code.
- Denial of the variance does not result in an unnecessary hardship for the property owners. The hardship may not be solely financial and cannot be self-created.

The process for the public hearing will be as follows:

- The applicant will speak to make their case.
- The City's Building Official will present the City's case.
- Members of the public will giving an opportunity to speak for or against the variance.
- The applicant will be given an opportunity to speak in rebuttal to comments made by the public.
- The BoA may ask questions of city staff, the applicant, and any member of the public who spoke.
- The BoA members will deliberate on the variance. The vote must have at least four members in favor of the variance to pass.

5. Discussion and Action: Regarding the requested Variance at 11619 Spriggs Way (HCAD #0853430000007).

Scott and Linda Nguyen, property owner, stated Kevin Lee with Partners in Building will speak on their behalf.

Kevin Lee stated the property owners have a hardship in the lot size. He stated the lot in question is smaller than most lots in Hedwig Village. He stated the size of this lot in 11,770 square feet. He stated the average lot size in Hedwig Village is roughly 15,000 square feet. He stated the proposed home is approximately 4,000 square feet. The proposed home meets all required build lines. The issue is the lot coverage. The Code requires a home to cover no more than 25% of the lot with all impermeable structures covering no more than 40%. He

stated the proposed home will be 27% of lot coverage and all other impermeable structures will be less than 40% of lot coverage. He stated the proposed home would be three hundred and eleven feet over the allowed maximum lot coverage for a home. He stated the property owners are willing to do extra drainage to compensate for the larger home. The property owners are also willing to put in permeable pavers for the driveway to help with the drainage. He stated the property owners feel a three car garage, rather than a two car garage, would be a better investment decision.

Evan DuVall, BBG Consulting, Inc, Building Official stated the proposed plans were denied a permit due to the size of the proposed home. The home would exceed the allowable lot coverage. He stated the maximum building size for this lot based on the current Code would be 2,945.5 square feet. The total lot coverage for proposed plans, including all structures and garage, would be 3,461 square feet, which is approximately seventeen percent over the allowable coverage. He stated the previous home on this lot was slightly larger than 2,000 square feet. He stated the Building Department has not reviewed all the permeable areas in the proposed plans but it appears the property owners may be under the 40% total lot coverage. He stated the lot is a legally platted lot.

Casey Boettcher, 11611 Spriggs Way, stated she was concerned about damage to the trees that line the street and she is concerned about drainage. She stated that during a storm all the water flows toward her home. She stated the proposed home looks to be closer to side fence.

Kevin Lee stated the trees along the street will not be damaged. There will be no damage to the root system. The proposed plan includes removing several trees in the back yard and the side yards. He stated the proposed home is in line with the other homes on the street.

Mary Anne Goodearle, 11610 Spriggs Way, stated she is also concerned about the trees and drainage.

Kevin Lee stated the Code of Ordinance requires a fifteen foot side yard setback. There would be thirty feet of green space between the homes.

No other members of the public wished to speak on the issue.

Member Lam asked for clarification on the total lot coverage.

Kevin Lee stated the total lot coverage will be approximately 38.5%.

Kevin Taylor stated the Building Department has not seen the final plans with what type of pavers the owners choose to have.

Member Searcy asked if drainage plans were required for all new construction.

Kevin Lee stated the drainage at the proposed home would be underground.

Evan DuVall, Building Official, stated the drainage plan would show that the property will continue to drain with the new construction as it drains currently. He stated water from a rain event would be somehow slowed down and directed toward the City right-of-way.

Member Searcy asked about reducing the garage from a three car to a two car and installing a gate.

Kevin Lee stated the property owners are worried about safety. An enclosed garage would be safer for the occupants.

Member Sanders asked about personal safety versus home value.

Kevin Lee stated home values increase if the home has a three car garage. The three car garage allows space for indoor storage, as well.

Chairperson Schenk asked why a home builder experienced building in Hedwig Village would design a home that exceeded the allowable lot coverage.

Kevin Lee stated that in the past the City's Building Official allowed homes to exceed the required lot coverage as long as the total lot coverage was at or lower than the required 40%.

Chairperson Schenk asked if a two car garage would meet the 25% lot coverage requirement.

Kevin Lee stated the plans could be changed to a two car garage with a one car carport. He stated this change would not change the size of the footprint but it would meet the 25% coverage requirement. The property owners would prefer not to make that change for safety reasons.

Kevin Taylor stated a two car garage would probably meet the requirement. He stated the ordinance is written to exclude carports when calculating lot coverage.

Chairperson Schenk stated the lot size has not changed since the lot was platted. The Nguyen's were aware of the lot size when they purchased the property. He stated Partners in Building should have designed a home that fit the guidelines and requirements in the Code. He stated he was concerned about setting a precedent.

Mary Anne Goodearle questioned the circular drive the property owners want to put in. She worries the circular drive might damage the front trees.

Member Searcy asked about reducing the size of the rooms.

Kevin Lee stated the property owners have family and grandchildren that visit. He stated the main living area for the property owners would be the first floor. He stated it would be difficult to reduce the size of the first floor rooms.

Member Searcy asked about using pavers for the driveway.

Kevin Lee stated the property owners would like to have the circular drive. He understands the driveway would put the structures over the 40% lot coverage. He stated the use of pavers was another avenue to assist with drainage and to allow the lot coverage to be under the 40%.

Member Matthews motioned, Member Lam seconded, to approve the granting of the variance

Members Abrams, Lam, Matthews, Searcy, and Schenk voted “No”, “Ayes” none.

MOTION CARRIED UNANIMOUSLY

6. Adjournment

Chairman Schenk motioned, Member Sanders seconded, to adjourn the meeting at 8:05 p.m.

Approved and accepted on June 20, 2019.

/s/
Gary Schenk, Chairman

ATTEST:

Lisa Modisette

/s/
Board of Adjustment Interim Secretary