



**CITY OF HEDWIG VILLAGE, TEXAS
BOARD OF ADJUSTMENT
SPECIAL CALLED MEETING
TUESDAY, OCTOBER 19, 2021
6:30 P.M. - 955 PINEY POINT ROAD**

MINUTES

1. Call to Order

Vice-Chairman Searcy called the meeting to order at 6:30 p.m.

Present: David Lam, Member
Charles Matthews, Member
Jeremy Sanders, Member
Sam Searcy, Vice-Chairperson
Zach Petrov, City Attorney
Kevin Taylor, Building Official
Evan DuVall, Assistant Building Official
Lisa Modisette, Assistant City Secretary,
Board of Adjustment Secretary

Absent: Harlan Bergen, Member

2. Appointment of Chairperson and Vice-Chairperson

Member Lam motioned, Member Matthews seconded, to appoint Member Searcy as Chairperson and Member Sanders as Vice-Chairperson. Motion carried 4-0.

MOTION APPROVED

Zach Petrov, City Attorney, explained the procedures for the hearing. The applicant will speak and present first at which time they will state the reasons for their requests. Members of the public who oppose the variance will speak next, followed by the members of the public in favor of the variance. Following public comments, the applicant can offer any rebuttal to the public comments. Board of Adjustment (BOA) members will then be able to ask questions of the applicant. BOA members will need to vote on both variance requests separately. BOA members can vote in favor of both, can vote in favor on one variance and not the other variance, or members can vote against both variance requests. Seventy five percent of the Board must vote in favor of the requests. The Board consists of five members so four members must vote in favor in order for the variance to be approved. The standards to approve a variance are as follows:

1. A hardship must exist that is not solely financial or self-inflicted.
2. The variance is necessary to properly develop the property.
3. The variance is not materially detrimental or injurious to adjacent property or property within the area.
4. Granting the variance would not be against the general spirit or intent of the ordinance.

3. Approval of Minutes for: March 30, 2021

Member Lam motioned, Member Sanders seconded, to approve the minutes from the March 30, 2021 hearing as presented. Motion carried 4-0.

MOTION APPROVED

4. Public Hearing on a request for a variance:

Property: 9 Hedwig Circle (HCAD #0986450000003)
Applicant: Marc Anderson
Variance request: Variance from Section 505.E & 505.D, Yard Required & Ground Coverage and lot area covered by impermeable surfaces, of the Planning and Zoning Code of the City of Hedwig Village, to allow for the construction of a new outdoor pool pavilion structure within the rear yard required setback for accessory structures and to increase the amount of lot coverage over the maximum permitted by impermeable surfaces of the property.
Legal Description: Lots 3, Sycamore Circle, in Harris County, Texas

5. Discussion and Action: Regarding the requested Variance at 9 Hedwig Circle (HCAD #0986450000003).

Marc Anderson, Benjamin-Johnston Design, stated the property owners request the two variances due to the unusual shape of the property. The driveway that is required to reach the property requires a significant percentage of the impermeable lot coverage. The remaining coverage would not leave much room for the house and the pavilion. The portion of the pavilion that will sit in the setback is the restroom and is only five feet inside the setback. He stated that if the pavilion were to be moved to another location on the property there would be very little yard for the owners to enjoy.

Diane Wilkins, 830 Hedwig Way, spoke in opposition to the variances. She commented on the following:

- The property owners were aware of the size and shape of the property when they purchased the property.
- Concern about possible flooding due to the increase in lot coverage.
- Concern about the actual placement of the pavilion in the rear setback.
- Concern about noise from the pavilion.
- Concern about smoke from the pavilion.
- Concern about odor from the placement of the restroom.
- Concern about the view from neighbors' yards.
- Landscaping is not permanent and will not hide the structure from view.
- There is another possible location on the property for the structure.

A petition with seventeen residents' signatures was submitted. All seventeen residents oppose the variances.

Brian T. Muecke, 811 Hedwig Way, spoke in opposition to the variance requests. He stated the following:

- The property could be developed without the variances.
- The variances could be detrimental to the area properties.
- The variance would be against the spirit and the intent of the ordinances.
- The construction plans could be changed to stay within the required lot coverage.

Timothy Davis, 815 Hedwig Way, spoke in opposition to the variance requests. He stated at least seventeen residents oppose the variance requests. BOA should not set precedent with a vote to approve the requests. The structure could be moved to another location on the property.

Chris Juban, property owner, stated he did not realize so many area residents were angered by the requests. He addressed several of the comments. He stated a hydrology study has been done and flooding is not an issue. The restroom for the pavilion is connected to the sewer line, not a septic tank, so odor would not be an issue. He stated he is requesting only five feet inside the rear setback. He stated a favorable decision would not be setting precedence as the Code states the Board considers any variances on a case-by-case basis. He stated the landscaping and trees survived the winter storm and should continue to grow. He stated if the structure were moved to another location on the property, it would reduce the enjoyment of his yard. The restroom is the only portion of the structure set within the setback.

Chairperson Searcy asked if the pool could be moved to another location on the property.

Mr. Juban stated the pool will remain in its current location and will be re-surfaced. The pool deck will also be re-done.

Mr. Anderson stated moving the pavilion would affect the resale value of the property and reduce the useable yard.

There were no speakers in favor of the variance requests.

The BOA members deliberated on the proposed variance requests and both variances were denied by a vote of 4-0.

Member Lam motioned, Member Matthews seconded, to approve the granting of the setback variance as presented. Members Searcy, Lam, Matthews, and Sanders voted against approving the setback variance. Motion failed 4-0.

MOTION DENIED

Member Lam motioned, Member Sanders seconded, to approve the granting of the increase in lot coverage variance as presented. Members Searcy, Lam, Matthews, and Sanders voted against approving the lot coverage variance. Motion failed 4-0.

MOTION DENIED

6. Adjournment

Member Matthews motioned, Member Lam seconded, to adjourn the meeting at 7:20 p.m. Motion carried 4-0.

MOTION APPROVED

Approved and accepted on March 22, 2022.



David Lam,
Board of Adjustment Member

ATTEST:



Lisa Modisette, Assistant City Secretary
Board of Adjustment Secretary