



**CITY OF HEDWIG VILLAGE, TEXAS
BOARD OF ADJUSTMENT
SPECIAL CALLED MEETING
TUESDAY, JULY 26, 2022
6:30 P.M. - 955 PINEY POINT ROAD**

MINUTES

1. Call to Order

Chairperson Searcy called the meeting to order at 6:30 p.m.

Present:	Harlan Bergen, Member	Zach Petrov, City Attorney
	Michael Rigo, Member	Evan DuVall, Assistant Building Official
	Jeremy Sanders, Member	Lisa Modisette, City Secretary
	Sam Searcy, Chairperson	Board of Adjustment Secretary

Absent: Charles Matthews, Member

2. Approval of Minutes: June 21, 2022

Member Searcy motioned, Member Sanders seconded, to approve the minutes as presented. Motion carried 4-0.

MOTION APPROVED UNANIMOUSLY

3. Public Hearing on a request for a variance:

Property:	9021 Katy Freeway (HCAD #0440340010572)
Applicant:	Fred Gorman
Variance request:	Variance from Section 810(F)(2), Nonconforming uses and structures, Termination, Damage or destruction, and Section 202(36), Definitions, Nonconforming use, of the Planning and Zoning Code of the City of Hedwig Village, to rebuild a nonconforming structure damaged by fire.
Legal Description:	TR 78E, ABST 610 A H Osborne, in Harris County, Texas

4. Discussion and Action: Regarding the requested Variance at 9021 Katy Freeway (HCAD #0440340010572).

Paul Waller, spokesman for Fred Gorman, stated the building that Gorman's Uniform and Linen used for the cleaning and storage of their uniform business was damaged by fire. The building housed the cleaning equipment used for the business. The building was demolished after the fire. The requested variance, if approved, will allow the property owner to rebuild the structure in the same footprint as the previous building. The previous building was considered non-conforming due to the City's Planning and Zoning Code not being in effect when the building was built. The new structure would encroach on the rear setback on the property as set out in the Code. The building plans include adding a green space in the front of the new building. The new building would not affect the neighboring properties. The new building is already paid for and would be a financial hardship to

change the plans at this point. The concrete for the new building has already been poured and additional drainage added to the property.

Board of Adjustments members asked questions regarding the build date of the previous building, requested confirmation the new building would remain in the footprint of the previous building, asked for clarification of why the setbacks were not enforced when the previous building was built, requested confirmation that the new building, if approved, would not impede air, light, safety, etc. of the neighboring structures.

Evan DuVall, Assistant Building Official, stated the building was originally built around 1948. The new building would remain in the footprint of the previous building. The City was not incorporated when the original building was constructed, there was no Code to follow at that time. The new building would not impede air, light, or safety of any existing neighboring buildings. Building Official DuVall stated that if the variance were to be approved, he recommended adding the condition that the building permit be issued within one year of the variance approval date and the variance would not apply to any subsequent property owner.

Fred Gorman, property owner, stated that if the variance were to be approved, he anticipated the business would continue to grow.

There were no citizen comments in favor of or against the variance.

The Board of Adjustment members deliberated on the proposed variance request and the variance was approved by a vote of 4-0.

Member Bergen motioned, Member Rigo seconded, to approve the variance with the condition the permit must be issued within one year of the variance approval date and the use of the same footprint as the previous building. Motion carried 4-0.

MOTION APPROVED UNANIMOUSLY

5. Public Hearing on an Appeal of a Building Official Decision:

Property: 8741 Katy Freeway (HCAD #0440340010245)
Applicant: Trent Grothues
Variance request: An appeal of the Building Official Decision determining the classification of the proposed business on the first floor as a medical office and not a retail business by the Planning and Zoning Code, Section 506(A)(1)(e)(1), Business District B, Use of property, Business District B-4, and Section 506(A)(1)(f)(21), Business District B, Use of property, Permitted uses list.
Legal Description: TR 15D, ABST 610 A H Osborne, in Harris County, Texas

6. Discussion and action: Regarding the requested Appeal of Building Official Decision at 8741 Katy Freeway (HCAD #044340010245)

The applicant withdrew his application for consideration for the requested variance.

7. Public Hearing on a request for a Variance:

Property: 811 Lochtyne Way (HCAD #0936410000004)
Applicant: Ivan Alvarez
Variance Request: Variance from Section 505(B)(3), Residential district A and C, Limitations, Swimming Pools, of the planning and Zoning Code of the City of Hedwig Village, to build a swimming pool with the edge of the pool within one foot of the rear ground utility easement.
Legal Description: LT4, Crestwood Sec 3 R/P, in Harris County, Texas

8. Discussion and action: regarding the requested variance for 811 Lochtyne Way (HCAD #0936410000004).

Ivan Alvarez, property owner, stated his property is an unusual shape. The Piney Point Fault runs through part of his property, which limits where he can build a swimming pool. The location chosen for the swimming pool would place the edge of the pool within one foot of the utility easement that runs the length of the rear property line. Mr. Alvarez stated any utility worker would still have enough room within the easement to complete any work that would need to be done if the variance is approved. The below ground utilities are actually on the rear neighbor's property, but the easement extends onto his property.

Evan DuVall, Assistant Building Official, stated that the Hedwig Village Planning and Zoning Code requires five feet from the property line for swimming pools if there is no easement. However, if there is an easement, the Code requires an additional three feet in addition to the footage of the easement. There would be no impact on safety if the variance were to be approved.

Board of Adjustment members asked questions pertaining to the request. Was the fault line confirmed to run through part of the property? Why does Hedwig Village require the additional three feet? Requested confirmation the swimming pool would not be in the easement.

Mr. DuVall did not confirm the fault line. The additional three feet would be to ensure safety, however, the placement of the pool within one foot of the easement would not affect safety. No part of the pool would be placed within the easement.

Andrea Hermann asked about trees.

The Board of Adjustment members deliberated on the proposed variance request and the variance was approved by a vote of 4-0.

Member Bergen motioned, Member Sanders seconded, to approve the variance with the condition the swimming pool is built to the dimensions on the submitted building plans. Motion carried 4-0.

MOTION APPROVED UNANIMOUSLY

9. Adjournment

Member Bergen motioned, Member Sanders seconded, to adjourn the meeting at 7:10 p.m. Motion carried 4-0.

MOTION APPROVED UNANIMOUSLY

Approved and accepted on January 31, 2023.

ATTEST:

/s/
Sam Searcy, Chairperson
Board of Adjustment

/s/
Lisa Modisette, City Secretary
Board of Adjustment Secretary