



**CITY OF HEDWIG VILLAGE, TEXAS
BOARD OF ADJUSTMENT
SPECIAL CALLED MEETING
TUESDAY, JANUARY 31, 2023
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
Michael Rigo, Member
Jeremy Sanders, Member
Sam Searcy, Chairperson
Will Petrov, City Attorney
Ian Knox, Assistant Building Official
Lisa Modisette, City Secretary
Board of Adjustment Secretary

Absent: Charles Matthews, Member

2. Approval of Minutes: July 26, 2022

Member Bergen 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: 823 Hedwig Way (HCAD #0985410000006)
Applicant: Kelsey Dawson
Owner: Mike Manning
Variance request: Variance from Article V, Section 505 (E)(2), Residential districts A and C, Yard required, Front yard, from the Code of Ordinances of the Planning and Zoning Code of the City of Hedwig Village, into the required front yard setback of 70 feet from the centerline of the street, approximately three feet, six inches (3'6"), to allow an entrance porch to encroach into the front setback.
Legal Description: Lot 6, Beinhorn Manor, in Harris County, Texas

4. Discussion and Action: Regarding the requested Variance at 823 Hedwig Way (HCAD #0985410000006).

Ian Knox, BBG Consulting, Inc and the City's Building Official, testified briefly regarding the requested variance, explained the Owner is updating the residence with various projects, some of which are on hold until the variance is approved. The current Planning and Zoning Code requires a 70 foot front yard setback from the centerline of the street. The requested variance, if approved, would allow an entrance porch to encroach on the front yard setback by three feet, six inches (3'6"). The Building Official stated that approving the variance would not have an adverse effect on the Property or neighboring properties.

The Owner's presentation included a rendering of the property, including a location of proposed entrance porch, a description of the reasons for the variance request, testimony from the Owner that the entrance porch will protect the front door, any visitors, and any packages from any weather conditions, such as glaring sunlight, wind, rain, etc. The owner stated the proposed entrance porch would add curb appeal and value to the property, as well as add to the aesthetics of the property. The proposed entrance porch would also prevent rain from entering the home by way of the front door and would reduce the potential for flooding of the residence by moving the surface water away from the residence.

Furthermore, the Owner had the opportunity to discuss the variance request as well as answer questions regarding the request. During questioning of the Applicant, the City Building Official and Members of the Board briefly discussed the variance, the improved safety of the owner and the residence, other possible construction options in adding an entrance porch, and the reasons for approval of the variance. Approval of the variance would not be injurious to other property on the street, would not be contrary to the spirit or the intent of the Code, and would allow for appropriate development of the property. Member Rigo requested that if the variance is approved, a condition be added stating the variance applies to this current residence only, and not to future residences that may be built on the property.

Will Petrov, City Attorney, stated the approval of a variance does not set a precedent. Each variance is considered separately and on its own merits when reviewed by the Board at a hearing.

Jeanette Muecke, 811 Hedwig Way, spoke in favor of the variance.

Brian Muecke, 811 Hedwig Way, spoke in favor of the variance. He stated the variance would benefit the residence.

Jeremy Sanders, 819 Hedwig Way, stated that there is no material evidence that would not allow an approval of the variance request to adding an entrance porch and cover.

The Board of Adjustment members deliberated on the proposed variance request and found that the owner did satisfy his burden of showing that the standards for a variance had been met. Specifically, the Board addressed the fact that approval of the variance would not be injurious to other properties on Hedwig Way, would not be contrary to the spirit or intent of the Code, and would allow for appropriate development of the property. The Board concluded from the evidence presented that the variance requirements were met as required by the Planning and Zoning Code.

Member Rigo motioned, Member Bergen seconded, to approve the variance with the condition the variance applies to this residence only and does not apply to any future residence or structure that may be built on the property. Motion carried 4-0.

MOTION APPROVED UNANIMOUSLY

