



## **CITY OF BUNKER HILL VILLAGE**

**THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, WILL MEET ON WEDNESDAY, MAY 15, 2024, AT 5:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS AT 11977 MEMORIAL DRIVE FOR THE PURPOSE OF DISCUSSION AND POSSIBLE ACTION ON THE FOLLOWING:**

### **NOTICE OF MEETING BY TELEPHONE AND VIDEO CONFERENCE:**

In accordance with Texas Government Code, Sec. 551.127, on a regular, non-emergency basis, Board members may attend and participate in a meeting remotely by video conference. Should such attendance transpire, a quorum of the Zoning Board of Adjustment will be physically present at the location noted above on this agenda.

This meeting agenda, and the agenda packet, are posted online at:

[www.bunkerhilltx.gov](http://www.bunkerhilltx.gov)

The public will be able to observe and participate in the meeting as follows:

#### **Join Zoom Meeting**

<https://us06web.zoom.us/j/85428973894?pwd=7a2uWOYbsVxGHqYJKfJnK1eEJ7lZ66.1>

**Meeting ID:** 854 2897 3894

**Passcode:** 815402

**Dial by your location:** +1 346 248 7799 US (Houston)

The public will be permitted to offer public comments by video conference as provided by the agenda and as permitted by the presiding officer during the meeting. A recording of the meeting will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

- I. CALL TO ORDER**
- II. PUBLIC COMMENT**
- III. CONSIDERATION AND POSSIBLE ACTION REGARDING APPROVAL OF THE APRIL 25, 2024, MEETING MINUTES**
- IV. PUBLIC HEARING REGARDING A REQUEST FROM WILLIAM MURPHY FOR A VARIANCE TO APPENDIX A, SECTION 5.08 B. OF THE CITY’S CODE OF ORDINANCES REQUIRING A SIX FOOT (6’) SEPARATION BETWEEN THE MAIN BUILDING AND AN ACCESSORY BUILDING AT THE PROPERTY 11734 BAYHURST DRIVE**

*Open Public Hearing*

ALL INTERESTED PARTIES SHALL HAVE THE RIGHT AND OPPORTUNITY TO APPEAR AND BE HEARD ON THE ITEM LISTED ABOVE

*Close Public Hearing*

- V. CONSIDERATION AND POSSIBLE ACTION REGARDING A REQUEST FROM WILLIAM MURPHY FOR A VARIANCE TO APPENDIX A, SECTION 5.08 B. OF THE CITY’S CODE OF ORDINANCES REQUIRING A SIX FOOT (6’) SEPARATION BETWEEN THE MAIN BUILDING AND AN ACCESSORY BUILDING AT THE PROPERTY 11734 BAYHURST DRIVE**
- VI. PUBLIC HEARING REGARDING A REQUEST FROM RAHUL PRAKASH AND RUPI CHATHA FOR A VARIANCE TO APPENDIX A, SECTION 5.06 E. OF THE CITY’S CODE OF ORDINANCES PROHIBITING OVERHANG AND ENCROACHMENTS INTO YARD SPACE AT THE PROPERTY 1 OUR LANE TRAIL**

*Open Public Hearing*

ALL INTERESTED PARTIES SHALL HAVE THE RIGHT AND OPPORTUNITY TO APPEAR AND BE HEARD ON THE ITEM LISTED ABOVE

*Close Public Hearing*

- VII. CONSIDERATION AND POSSIBLE ACTION REGARDING A REQUEST FROM RAHUL PRAKASH AND RUPI CHATHA FOR A VARIANCE TO APPENDIX A, SECTION 5.06 E. OF THE CITY’S CODE OF ORDINANCES PROHIBITING OVERHANG AND ENCROACHMENTS INTO YARD SPACE AT THE PROPERTY 1 OUR LANE TRAIL**

**VIII. ADJOURN**

**I, Gerardo Barrera, City Administrator/ Acting City Secretary, for the City of Bunker Hill Village certify that the above notice of meeting was posted in a place convenient to the general public in compliance with Chapter 551, Texas Government Code, by Friday, May 10, 2024, by 12:00 p.m.**

(SEAL)



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Gerardo Barrera, City Administrator/ Acting City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation or interpretive services must be made 48 hours prior to public meetings. Please contact the office of the City Secretary at 713-467-9762 for further information.

**MINUTES OF A PUBLIC MEETING  
OF THE CITY OF BUNKER HILL VILLAGE  
ZONING BOARD OF ADJUSTMENT  
THURSDAY, APRIL 25, 2024**

**I. CALL TO ORDER**

Vice-Chair Patricia Shuford called the Zoning Board of Adjustment Meeting to order at 5:07 p.m. based on a quorum of members present:

Present

Patricia Shuford, Vice-Chair  
Michelle Belco, Member  
David Marshall, Member  
Josh Pratt, Member  
Ryan West, Alternate Member (arrived at 5:10 p.m.)

Staff in Attendance

Gerardo Barrera, City Administrator  
Elvin Hernandez, Director of Public Works  
Loren Smith, City Attorney  
Jennifer Namie, Assistant to the City Secretary  
Mallory Pack, Management Analyst

Absent

David Light, Chair  
Louie Crapitto, Alternate

**II. PUBLIC COMMENT**

**There were no public comments.**

**III. CONSIDERATION AND POSSIBLE ACTION REGARDING APPROVAL OF THE OCTOBER 18, 2023, MEETING MINUTES**

*This item was taken out of order*

**A motion was made by Board Member Belco and seconded by Board Member Pratt to approve the October 18, 2023, meeting minutes.**

**The motion carried 4 - 0**

**IV. PUBLIC HEARING REGARDING A REQUEST FROM WILLIAM CADE WILEY AND WILEY HOMES, LLC FOR AN APPEAL OF THE CALCULATION AND/ OR INCLUSION OF THE SQUARE FOOTAGE UPON WHICH THE CITY'S BUILDING OFFICIAL USED TO CALCULATE THE 50% SUBSTANTIAL IMPROVEMENT THRESHOLD AS DEFINED BY CHAPTER 4, SECTION 4-81 OF THE CITY'S CODE OF ORDINANCES THAT TRIGGERED THE APPLICATION OF THE CITY'S FLOOD DAMAGE PREVENTION ORDINANCE AT THE PROPERTY 11722 GREENBAY**

ALL INTERESTED PARTIES SHALL HAVE THE RIGHT AND OPPORTUNITY TO APPEAR AND BE HEARD ON THE ITEM LISTED ABOVE

*Commission requested a break to allow for alternate Commissioner to arrive.*

*Vice-Chair Shuford opened the Public Hearing at 5:12 p.m.*

### **Applicant's Request**

Chris Nichols, counsel for applicant/ contractor Cade Wiley, Wiley Homes, presented a request for an appeal to the calculation and/ or inclusion of the square footage upon which the City's building official used to calculate the 50% improvement threshold as defined by Section 4-81 of the City's Code of Ordinances that triggered the application of the City's flood damage prevention ordinance and resulted in the issuance of a stop-work order for a home remodel project at 11722 Greenbay.

He stated that the project intended to be, and was permitted for, a remodel that affected less than 50% of the existing home. During the remodel, walls were temporarily cut open to install additional components for the HVAC system. These components were necessary to prevent short cycling, which could potentially cause moisture and mold issues. These cuts were not included in the project's submittal or approval. The City's former Building Official determined that the cuts counted towards the remodeled square footage, thus exceeding the 50% substantial improvement threshold. This triggered the application of the City's Drainage and Flood Damage Prevention Ordinance, resulting in a stop work order issued in May 2022. Mr. Nichols requested that the temporary wall cuts made specifically for HVAC improvements not be considered in calculating the 50% substantial improvement threshold requirement.

Cade Wiley, President of Wiley Homes spoke reiterating Mr. Nichols's statement that the cuts were needed due to the system being "too much" for the home. It was outdated and needed to be replaced as during the installation, they realized 3 areas of the house would not be properly conditioned by the new system. The additional work increased the 50% threshold by 351 square feet.

### **Public Comment**

Jennifer Chang, 11722 Greenbay homeowner, stated that she requested to file an appeal after the stop work order was issued in 2022 and was told that an appeal was not available at the time. Met with the City in January 2023 and was told again no appeal would be granted. She noted that the resulting situation has created financial hardship for her family.

*Vice-Chair Shuford closed the Public Hearing at 5:35 p.m.*

- V. DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FROM WILLIAM CADE WILEY AND WILEY HOMES, LLC FOR AN APPEAL OF THE CALCULATION AND/ OR INCLUSION OF THE SQUARE FOOTAGE UPON WHICH THE CITY'S BUILDING OFFICIAL USED TO CALCULATE THE 50% SUBSTANTIAL IMPROVEMENT THRESHOLD AS DEFINED BY**

**CHAPTER 4, SECTION 4-81 OF THE CITY’S CODE OF ORDINANCES THAT TRIGGERED THE APPLICATION OF THE CITY’S FLOOD DAMAGE PREVENTION ORDINANCE AT THE PROPERTY 11722 GREENBAY**

A motion was made by Board Member Pratt and seconded by Board Member Marshall to grant an appeal of the calculation and/ or inclusion of the square footage upon which the City’s building official used to calculate the 50% substantial improvement threshold as defined by Chapter 4, Section 4-81 of the City’s Code of Ordinances that triggered the application of the city’s flood damage prevention ordinance at the property 11722 Greenbay

**Roll Call Vote**

Michelle Belco..... YES  
David Marshall..... YES  
Patricia Shuford..... YES  
Josh Pratt..... YES  
Ryan West..... YES

The motion carried 5 - 0

- VI. PUBLIC HEARING REGARDING A REQUEST FROM WILLIAM CADE WILEY AND WILEY HOMES, LLC FOR A VARIANCE TO CHAPTER 4, ARTICLE 5 OF THE CITY’S CODE OF ORDINANCES REQUIRING THE LOWEST FLOOR OF ANY RESIDENTIAL STRUCTURE TO BE ELEVATED TO OR ABOVE THE FIVE HUNDRED (YEAR) ELEVATION AT THE PROPERTY 11722 GREENBAY**

ALL INTERESTED PARTIES SHALL HAVE THE RIGHT AND OPPORTUNITY TO APPEAR AND BE HEARD ON THE ITEM LISTED ABOVE

*This item was not needed and was not discussed.*

- VII. DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FROM WILLIAM CADE WILEY AND WILEY HOMES, LLC FOR A VARIANCE TO CHAPTER 4, ARTICLE 5 OF THE CITY’S CODE OF ORDINANCES REQUIRING THE LOWEST FLOOR OF ANY RESIDENTIAL STRUCTURE TO BE ELEVATED TO OR ABOVE THE FIVE HUNDRED (YEAR) ELEVATION AT THE PROPERTY 11772 GREENBAY**

*This item was not needed and not discussed.*

- VIII. PUBLIC HEARING REGARDING A REQUEST FROM FREDERICK WOLFEAN FOR A VARIANCE TO APPENDIX A, SECTION 9.08 OF THE CITY’S CODE OF ORDINANCES AT THE PROPERTY 12123 RHETT DRIVE**

ALL INTERESTED PARTIES SHALL HAVE THE RIGHT AND OPPORTUNITY TO APPEAR AND BE HEARD ON THE ITEM LISTED ABOVE

*Vice-Chair Shuford opened the Public Hearing at 5:46 p.m.*

**§ 9.08. Repairs, modifications, and maintenance.**

- A. On any nonconforming building or structure, work may be done on ordinary maintenance and repair.
- B. On any nonconforming building or structure, the modification or replacement of nonbearing walls, fixtures, wiring, plumbing, and similar items shall be allowed after the owner thereof or his duly authorized representative has obtained any and all necessary permits to perform such work, only under the following conditions:
  - 1. The cubic content of such building or structure existing at the time it became nonconforming shall not be increased; and
  - 2. The modification of an existing structure involves structural modifications, including wall or ceiling board replacement, in rooms constituting no more than fifty (50) percent of the climate controlled square footage of the structure; provided, however, that this subsection shall not apply to situations where the wall board replacement is for the lowest forty-eight (48) inches of the first floor of the structure within sixty (60) days of a verifiable water damage event; and
  - 3. The cost of repair or modification does not exceed fifty (50) percent of the value of the structure prior to the repair or modification. For purposes of this subsection, the value of the structure shall be the average cost per square foot of all new construction within the city for the last three (3) years based on certified values from the Harris County Appraisal District, as set forth in the City of Bunker Hill Village Fee Schedule as adopted by City Council.

**Applicant’s Request**

Neil Nesmith, contractor for the remodel project at 12123 Rhett Dr., presented a request for a variance to Appendix A, Section 9.08 (2) to the City’s Code of Ordinances. He requested to temporarily remove wall board in areas of the home not being remodeled to upgrade to a more efficient HVAC system and to bring outdated plumbing to the current code for safety standards. He stated that no additional renovation work would occur outside the scope of the remodel project.

Frederick Wolfean, 12123 Rhett Dr. homeowner, stated that remodeling the home without addressing outdated plumbing/ pipes was not sensible. He explained that the purpose of the request is to enhance home safety.

**Public Comment**

**There were no public comments.**

*Vice-Chair Shuford closed the Public Hearing at 5:53 p.m.*

**IX. CONSIDERATION AND POSSIBLE ACTION REGARDING A REQUEST FROM FREDERICK WOLFEAN FOR A VARIANCE TO APPENDIX A, SECTION 9.08 OF THE CITY’S CODE OF ORDINANCES AT THE PROPERTY 12123 RHETT DRIVE**

Staff stated that no objections were received regarding the project.

ZBOA recommended that staff review the 50% substantial improvement calculation to prevent restricting work done for home safety improvements and to introduce some flexibility. City Administrator Gerardo Barrera noted that these type of changes to the ordinance are usually by direction of Council. The Administrator will do an internal review with staff prior to discussing with Council for additional feedback and direction.

**A motion was made by Board Member Pratt and seconded by Board Member Belco to grant a variance to Appendix A, Section 9.08 of the City’s Code of Ordinances at the property 12123 Rhett Drive.**

**Roll Call Vote**

**Michelle Belco..... YES**  
**David Marshall..... YES**  
**Patricia Shuford..... YES**  
**Josh Pratt..... YES**  
**Ryan West..... YES**

**The motion carried 5 - 0**

**X. ADJOURN**

**A motion was made by Board Member Pratt and seconded by Board Member Marshall to adjourn the meeting at 5:58 p.m.**

**The motion carried 5 - 0**

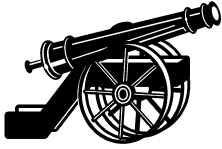
Approved and accepted on May 15, 2024.

\_\_\_\_\_  
Patricia Shuford, Vice Chair

ATTEST:

\_\_\_\_\_  
Gerardo Barrera, City Administrator/ Acting City Secretary





**City of Bunker Hill Village  
Zoning Board of Adjustment  
Agenda Request**

**Agenda Date:** May 15, 2024  
**Agenda Item:** IV - V  
**Subject:** Variance Request  
**Exhibits:** Application  
**Presenter(s):** Gerardo Barrera, City Administrator

**Executive Summary**

The applicant requests a variance to Appendix A, Section 5.08 B of the City’s Code of Ordinances requiring a six-foot separation between the main building and an accessory structure at the property 11734 Bayhurst to construct a carport.

**§ 5.08. Accessory use regulations.**

The following regulations shall apply to all accessory buildings, structures, and uses:

- A. *Limitations on use.* An accessory building, structure, or use shall not be rented, shall not be used for commercial, or manufacturing purposes, and shall not contain any kitchen, living, or sleeping facilities. The foregoing notwithstanding, an accessory building or use subordinate to a main building may contain kitchen or living facilities for use in conjunction with recreational activities only.
- B. *Distance requirements from main building.* No wall of an accessory building or use shall be located less than six (6) feet from an outside wall of the main building. An accessory building or use may be connected to the main building by a covered walkway; provided, however, such covered walkway shall not be more than six (6) feet in width.
- C. *Restrictions on location.* Except as specifically permitted in this section or elsewhere in this ordinance, an accessory building, structure, or use shall not be erected, constructed, installed, placed, or maintained in any required yard. On an interior lot, if an accessory building, structure, or use is not attached to or made a part of the main building and is located in the rear one-third of the lot, it shall be set back at least ten (10) feet from the rear lot line and at least ten (10) feet from each side lot line. On a corner lot, if an accessory building, structure, or use is not attached to or made a part of the main building and is located in the rear one-third of the lot, it shall be set back at least ten (10) feet from the rear lot line; at least ten (10) feet from the interior side yard line (the side yard line farthest removed from the side street); and at least twenty (20) feet or a distance at least equal to the required depth of that yard of the contiguous lot

which abuts such side street, whichever is greater, from the interior side lot line (the side lot line which abuts the side street).

- D. *Placement of windows and doors.* Windows and doors shall not be allowed on the side(s) of accessory structures which have less than the required main structure setback. Windows and doors on accessory structures can only face internally to the lot.

### **Recommended Action**

Staff recommends the Zoning Board of Adjustment take the following actions:

1. Hold a public hearing
2. Discuss and take any desired action



CITY OF BUNKER HILL VILLAGE  
APPLICATION FOR  
ZONING BOARD OF ADJUSTMENT REQUEST

Owner's Name: William Murphy Phone: 252-640-2360

Mailing Address: 11734 Bayhurst Dr. Zip: 77024

Property Address (If Different): Same

Action Requested: Variance  Appeal  Special Exceptions  Zoning District  A  B

Project Description and Request: Carport. See Attached

Section of Code at Issue: 5.02

Attachments as applicable:

- Site Plan
- Letter of Permit Denial
- Any Additional Information

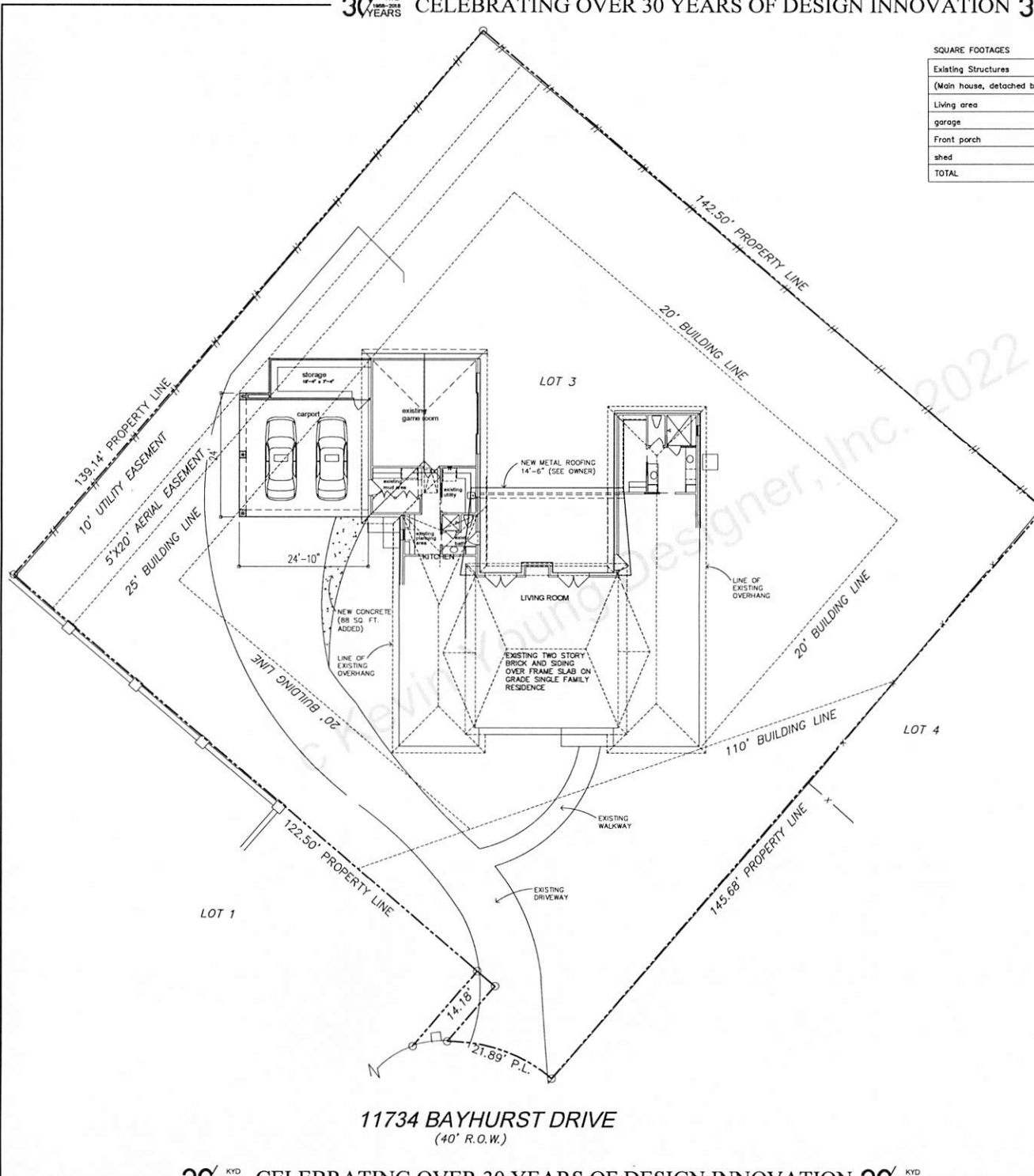
*A fee of \$300.00 is required for processing*

Signature of Applicant: W. Murphy Date: 5/2/24



SQUARE FOOTAGES

Existing Structures	
(Main house, detached buildings)	
Living area	3415
garage	657
Front porch	36
shed	124
<b>TOTAL</b>	<b>4,232 square feet</b>



unless noted otherwise

site plan

- SP 1 Contractor or sub-contractor shall verify, at time of stake-out and prior to ordering of any materials, all dimensions and measurements, existing grades, location of all lot lines, easements, building set-back lines and rear yard requirements (whether shown or not on the drawings) and shall be responsible for their accuracy.
- SP 14 This site plan is based upon data derived from a survey conducted by Precision Surveyors, James E. Moseley Job No. 16-06059 date July 15, 2016.
- SP 2 Drainage design is beyond the scope of this work. The foundation design shall be predicated upon proper final grading by others to ensure adequate drainage. Provisions shall be made for the control and drainage of surface water from around the perimeter of the proposed foundation and these patterns of drainage shall not be subjected to impediments by landscaping or other site improvements.
- SP 3 Tree locations if shown are approximate and should be site verified. Builder shall verify location of and tag any existing trees which are to remain and provide adequate interim protection against damage.
- SP 4 The builder and/or owner shall be responsible for consulting with a licensed professional engineer regarding the foundation, superstructure and site drainage. KEVIN YOUNG DESIGNERS, INC. is a professional building design firm, not an engineering firm and consequently is not qualified nor licensed to design structural framing or foundations. Should an engineer's seal be present on these drawings, the engineer of record shall bear the responsibility for the structural design. KEVIN YOUNG DESIGNERS, INC. will not be held responsible for the structural design in any way or with any problems associated with the engineering aspects of the structure.
- SP 5 Air conditioning condensing units shall be accessible in accordance with Section 1100.3 of the Mechanical Code. A minimum of 24" wide by 6'-0" high access passageway must be maintained to each condensing unit. A minimum 30" service trap must be maintained on the service panel access side of each condensing unit. Where a condensing unit is allowed to be installed immediately adjacent to a property line the neighboring property cannot be considered a means of access to the unit of service area for the unit.



NORTH

LEGAL DESCRIPTION

lot 3, of  
Camden Place subdivision

SITE PLAN

scale: 1" = 10'-0"

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Plan Number: 205  
Date: 08/19/22

11734 BAYHURST DRIVE  
Camden Place Subdivision  
Lot 3  
1173-6900-1138  
www.kyd.com  
email: kyoung@kyd.com

**KYD**  
KEVIN YOUNG DESIGNERS, INC.

A remodel for:  
Murphy family

REDLINED  
MAY 2, 2024

### **Statement of Facts and Reasons for Adjustment**

The City of Bunker Hill Village (“City”) Ordinance that addresses “Secondary Structures” is Ordinance Appendix A, Section 5.08 ~~6.08~~ and requires that a secondary structure be at least 6 feet from the primary structure. The Ordinance does allow for a 6 foot wide covered connection connecting the Accessory Structure to the Primary Structure. The Ordinance reads as follows:

5.08 B ~~6.08 A~~ Accessory use regulations.

*B. Distance requirements from main building.* No wall of an accessory building or use shall be located less than six (6) feet from an outside wall of the main building. An accessory building or use may be connected to the main building by a covered walkway; provided, however, such covered walkway shall not be more than six (6) feet in width.

This covered walkway most commonly was the long covered walkway from a Primary Structure to the Secondary Structure garage/carport in the back of the lot with the covered portion running next to and parallel to the driveway. There are plenty of other applications of the walkway, but that I think is the most familiar. It would not make sense to ask for or need a wider walkway and this rule did its job for most primary and accessory structures.

The application of the rule in the specific case of the lot at 11734 Bayhurst (“Subject Property”) as described in more detail below does not make sense, it does not allow for “reasonable use” of the Subject Property and, fortunately, the proposed variance to the rule would not affect or impact any neighbors, neighborhoods, other citizens or the City.

I am the owner of the Subject Property and am trying to build a carport. The Subject Property lot is the shape of a diamond vs. the shape of a square, which with regard to setbacks, puts it in the small minority of lots in the City and, on occasion, can create unnecessary hardship. In this case, the application proposes a carport that is within the setback of 10 feet from the property line, and thus in conformity with the Ordinance. For carports and garages Ordinance 5.07 requires 400 square feet of floor space capable of parking two reasonably sized cars side by side. This requirement is also met and in conformity. As proposed, the carport addition is all within conformity except for one item—the walkway between the Primary Structure and Accessory Structure is wider than 6 feet. This is because this carport is next to the primary structure, not behind it, as the original and common example above. In the current case, there is no rational need for the application of this rule and it creates an unnecessary hardship on the owner by restricting any reasonable use of the space between the Primary and Accessory Structures. It would be a no mans land, so to speak and there is simply nothing that can be done with that space at this point and no one benefits from the literal application of this rule. No neighbors, the public, other citizens or the City would be the least bit affected by this change. The carport would be built at this location regardless of this Variance as it is in conformity except for this portion. There is actually no adjacent neighbor as the lot on the other side of the fence is vacant and it only ~5,000 feet and cannot be built on. The closest lot is ~100 feet away and the closest structure is ~135 feet away.

This proposal makes common sense and allows the property owner to have reasonable use of this space by making it functional and affects no one at all.



SQUARE FOOTAGES	
Existing Structures	
(Main house, detached buildings)	
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Front porch	36
shed	124
<b>TOTAL</b>	<b>4,232 square feet</b>

A remodel for:  
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unless noted otherwise

site plan

- SP 1 Contractor or sub-contractor shall verify, at time of stake-out and prior to ordering of any materials, all dimensions and measurements, existing grades, location of all lot lines, easements, building set-back lines and rear yard requirements (whether shown or not on the drawings) and shall be responsible for their accuracy.
- SP 1A This site plan is based upon data derived from a survey conducted by Precision Surveyors, James E. Mossey Job No. 16-06/09 dated July 10, 2016.
- SP 2 Drainage design is beyond the scope of this work. The foundation design shall be predicated upon proper final grading by others to ensure adequate drainage. Provisions shall be made for the control and drainage of surface water from around the perimeter of the proposed foundation and these patterns of drainage shall not be subjected to impediments by landscaping or other site improvements.
- SP 3 Tree locations if shown are approximate and should be site verified. Builder shall verify location of and tag any existing trees which are to remain and provide adequate interim protection against damage.
- SP 4 The builder and/or owner shall be responsible for consulting with a licensed professional engineer regarding the foundation, superstructure and site drainage. KEVIN YOUNG DESIGNERS, INC. is a professional building design firm, not an engineering firm and consequently is not qualified nor licensed to design structural framing or foundations. Should an engineer's seal be present on these drawings, the engineer of record shall bear the responsibility for the structural design. KEVIN YOUNG DESIGNERS, INC. will not be held responsible for the structural design in any way or with any problems associated with the engineering aspects of the structure.
- SP 5 Air conditioning condensing units shall be accessible in accordance with Section 1103.3 of the Mechanical Code. A minimum of 24" wide by 6'-8" high access passageway must be maintained to each condensing unit. A minimum 30" service area must be maintained on the service panel access side of each condensing unit. Where a condensing unit is allowed to be installed immediately adjacent to a property line the neighboring property cannot be considered a means of access to the unit of service area for the unit.



NORTH

LEGAL DESCRIPTION

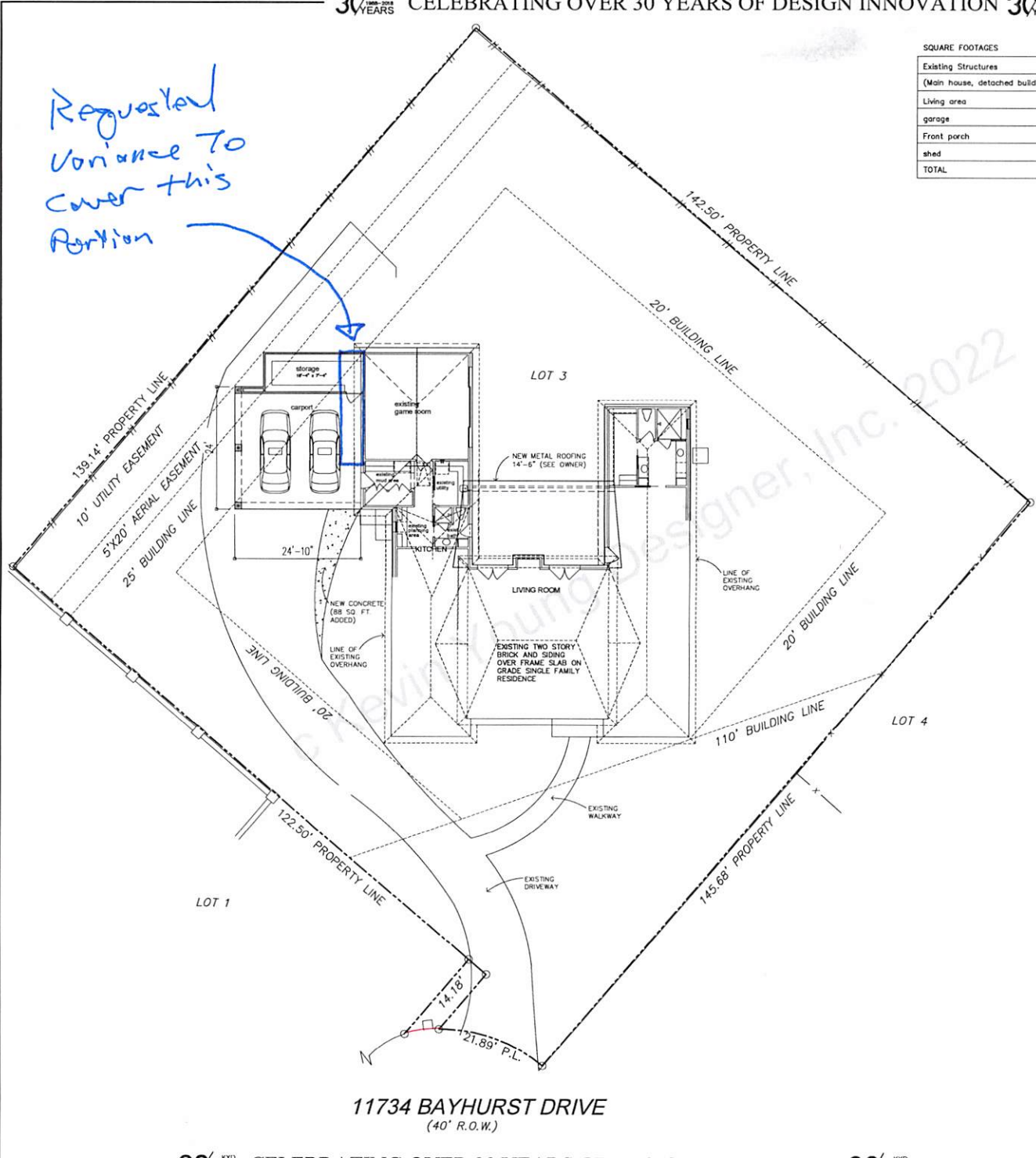
lot 3, of  
Camden Place subdivision

SITE PLAN

scale: 1" = 10'-0"

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Plan Number 205  
1 of 7  
Drawn By JC Date 08/19/22



Requested  
Variance To  
Cover this  
Portion



**City of Bunker Hill Village  
Zoning Board of Adjustment  
Agenda Request**

**Agenda Date:** May 15, 2024  
**Agenda Item:** VI - VII  
**Subject:** Variance Request  
**Exhibits:** Application  
**Presenter(s):** Gerardo Barrera, City Administrator

**Executive Summary**

The applicant requests a variance to Appendix A, Section 5.06 E of the City’s Code of Ordinances prohibiting overhangs and encroachments into yard space at the property 1 Our Lane Trail to install a retractable pool awning.

**§ 5.06. Area regulations, size of yards.**

The following regulations shall apply to all yards:

- A. *Front yard, standard lot.* On a standard lot there shall be a front yard with a depth of at least fifty (50) feet. Alongside lot lines within a required front yard, a five-foot-wide green space shall be maintained.
- B. *Front yard, cul-de-sac lot.* A cul-de-sac lot shall abut a portion of the front street line which forms the bulb or arc of the cul-de-sac. Such lot shall have a front yard depth of at least forty feet (40), and shall complement adjacent homes creating a consistent neighborhood look as approved by the zoning official. Alongside lot lines within a required front yard, a five-foot-wide green space shall be maintained.
- C. *Side yards.* There shall be two (2) side yards on each lot. Each side yard shall have a depth of at least twenty (20) feet. Alongside lot lines within a required front yard a five-foot wide green space shall be maintained.
- D. *Rear yard.* Each lot shall have a rear yard with a depth of at least twenty-five (25) feet. In addition to this requirement, if a two-story main building is hereafter erected, constructed, or placed on a lot or if a second story is hereafter added to an existing one-story main building, the second story of such building shall be set back from the rear lot line of the lot on which it is situated a distance of at least forty (40) feet. As used herein, the term "second story" shall be deemed to include all portions of the building above the point where the top of the floor of the second story intersects or, if extended on a horizontal plane, would intersect the wall or roof of such building. Along rear lot lines a five-foot-wide green space shall be maintained.

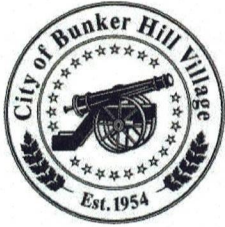
- E. *Overhang and encroachments into yard space prohibited, with exceptions.* No balcony, cornice, eave, roof overhang, or protrusion of any kind or character from the walls or roof of a building or structure, other than uncovered and unenclosed driveways, walkways, steps, and porches, shall extend into or beyond any required yard or building line a distance of more than thirty (30) inches.
- F. In the event of a reconstruction of an existing structure (50% or more) as an "In Kind/Same Kind" as defined by the City's subdivision ordinance, meaning there is no modification to the existing footprint or exterior structural components of the structure, the foregoing regulations relating to the size of yards shall not prohibit the reconstruction of a single-family residence provided that the reconstruction is in compliance with all other provisions of the City's zoning ordinance.

### **Recommended Action**

Staff recommends the Zoning Board of Adjustment take the following actions:

1. Hold a public hearing
2. Discuss and take any desired action





**CITY OF BUNKER HILL VILLAGE  
APPLICATION FOR  
BOARD OF ADJUSTMENT REQUEST**

Owner's Name: Rahul Prakash and Rupi Chatha Phone: 713-927-3846

Mailing Address: 1 Our Lane Trail Houston, TX Zip: 77024

Property Address (If Different): \_\_\_\_\_

Action Requested: Variance xx Appeal     Special Exceptions     Zoning District   A  B

Project Description and Request: Installation of a retractable awning to cover pool. The pool awning will remain closed more than 95% of the time and when closed will only extend 8 inches from the building. It's installation will allow a family member who is on immunosuppressive medication to control a skin condition and advised on strict sun avoidance to use the pool. When open the awning will extend 12 feet which will cover most but not all of the pool but will be more than 10 feet away from set back/property line. The placement of the awning in other areas near the pool will either go into the 10 feet set back/property line or will not provide adequate coverage of pool to enable its use.

Section of Code at Issue: **§ 5.06. - Area regulations, size of yards.**

*"Overhang and encroachments into yard space prohibited, with exceptions. No balcony, cornice, eave, roof overhang, or protrusion of any kind or character from the walls or roof of a building or structure, other than uncovered and unenclosed driveways, walkways, steps, and porches, shall extend into or beyond any required yard or building line a distance of more than thirty (30) inches."*

Attachments as applicable:

- Site Plan

- Letter of Permit Denial
- Any Additional Information

*A fee of \$300.00 is required for processing*

Signature of Applicant: RG Khanokh Date: April 30, 2024

April 28, 2024

Dear Board Members,

We are interested in installing a retractable pool awning to cover our pool and would like to request a variance regarding section 5.06 of city code which reads as follows:

§ 5.06.- Area regulations, size of yards. "Overhang and encroachments into yard space prohibited, with exceptions. No balcony, cornice, eave, roof overhang, or protrusion of any kind or character from the walls or roof of a building or structure, other than uncovered and unenclosed driveways, walkways, steps, and porches, shall extend into or beyond any required yard or building line a distance of more than thirty (30) inches."

Without this variance, we are currently unable to use our pool. We request a variance due to a chronic medical condition affecting my husband. In 2021 after receiving the Moderna COVID vaccine, he developed a chronic skin condition which is currently manifested by skin discoloration, itching, severe hives, and redness/inflammation. He has been treated by steroids, multiple skin creams, and is currently on immunosuppressive medication typically given to transplant patients to treat these symptoms. He has been advised to avoid all sun exposure. Medical records are enclosed for your review. A pool awning would allow him to avoid sun exposure and to be able to use the pool.

We would like to install a retractable pool awning (drawings enclosed) which will be in compliance with city code 90-95% of the time when it is closed. It will however, when it is being used (when open and fully extended, not be in compliance with code as it will extend beyond 30 inches away from the building line. When fully extended it will cover a distance of 13 feet.

We have met with our building official, Mr. Elvin Hernandez, who has informed us of the problems with the awning addition. We have explored other options of adding the awning on the other side of the pool near the fence line (this would put us within the set back or property line and would also only allow for less than half of the width of the pool to be covered) so it is problematic. We also discussed with Mr. Hernandez, putting the awning on either end of the pool. This is also problematic as it would not allow for full coverage of the pool area due to the weight of the awning and length of the pool.

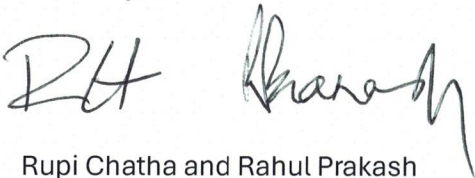
We would request board members to consider that a literal application of the code in this scenario would not allow us reasonable use of our property ie pool area at this time. We would request

board members to consider that by placing a retractable awning, we are attempting to follow the spirit of the ordinance as when the awning is in closed position it will be in compliance with current code. We also request the board members to consider that without this variance request, we are unable to use our pool.

In the interest of brevity, we have omitted more details but happy to provide or answer questions as they arise.

Please see attached renderings and other documentation and thank you for your assistance and cooperation.

Sincerely,

Handwritten signatures of Rupi Chatha and Rahul Prakash in black ink. The signature on the left is 'Rupi Chatha' and the one on the right is 'Rahul Prakash'.

Rupi Chatha and Rahul Prakash

1 Our Lane Trail

Houston, Texas 77024



Rupi Chatha &lt;rupichatha@gmail.com&gt;

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**Fwd: Awning**

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**Rahul Prakash** <rprakash103@gmail.com>  
To: Rupi Chatha <rupichatha@gmail.com>

Tue, Apr 23, 2024 at 3:42 PM

Best Regards

Rahul Prakash  
Cell# 832-264-1550

----- Forwarded message -----

From: **Elvin Hernandez** <ehernandez@bunkerhilltx.gov>  
Date: Thu, Apr 18, 2024 at 10:20 AM  
Subject: Re: Awning  
To: Rahul Prakash <rprakash103@gmail.com>

Hello,

We have informed your contractor Charles via phone call that the project cannot proceed, did he relay that information to you? Please see the referenced city code below that would not allow for this awning to move forward unless it meets the specific requirements. There may be other avenues we can pursue in order for this to be compliant.

**§ 5.06. - Area regulations, size of yards.**

*"Overhang and encroachments into yard space prohibited, with exceptions.* No balcony, cornice, eave, roof overhang, or protrusion of any kind or character from the walls or roof of a building or structure, other than uncovered and unenclosed driveways, walkways, steps, and porches, shall extend into or beyond any required yard or building line a distance of more than thirty (30) inches."

V/r,

**Elvin Hernandez, PMP**

Director of Public Works / Building Official

City of Bunker Hill Village

11977 Memorial Drive

Houston, Texas 77024



**JULIA KAUFFMAN, M.D., FAAD**  
BOARD CERTIFIED DERMATOLOGIST

ADULT • PEDIATRIC  
SURGICAL • COSMETIC

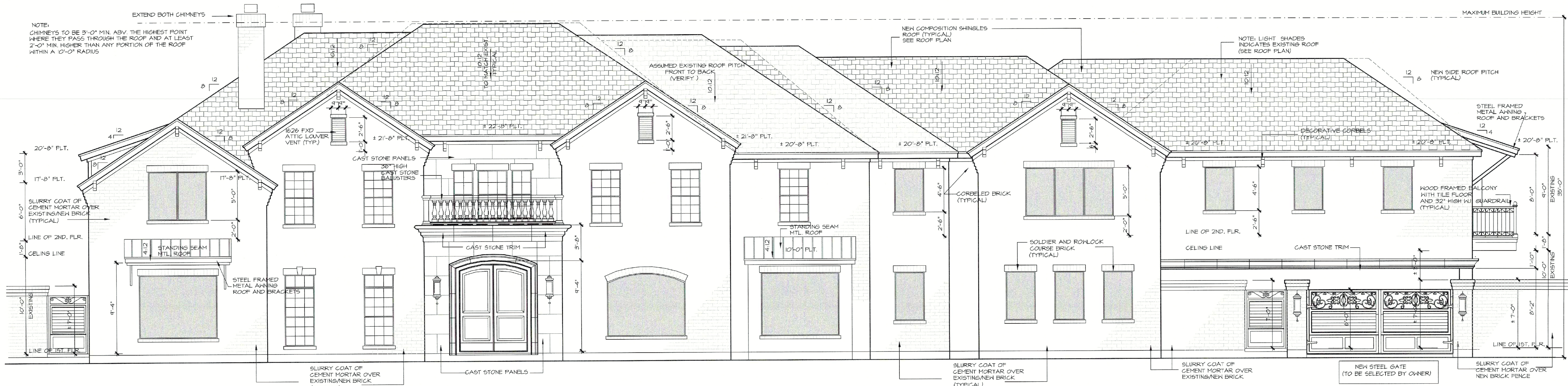
4/23/24

To Whom it may Concern,

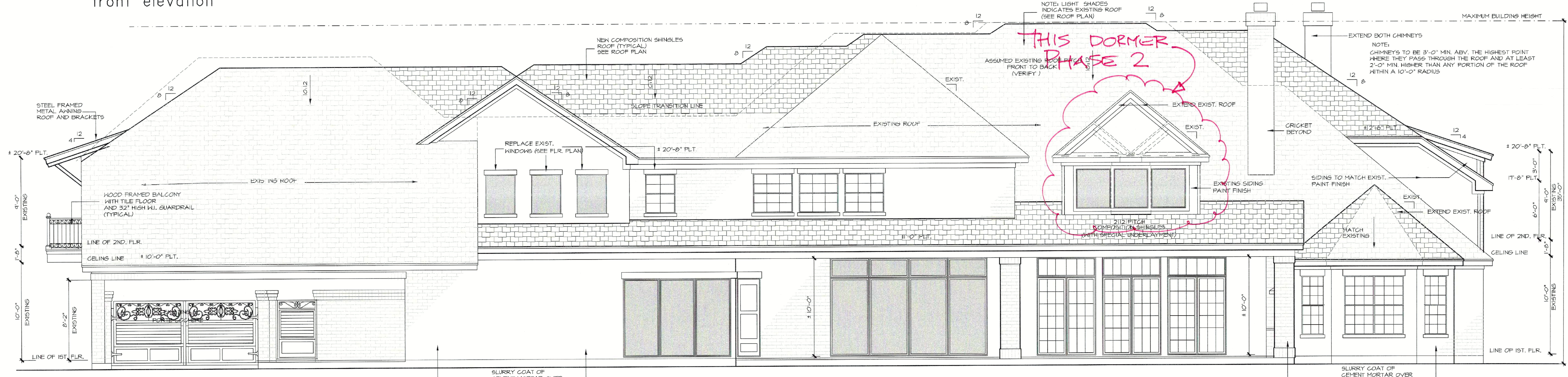
I am treating Rahul Prakash as a patient in my dermatology clinic for a sun-sensitive skin disorder. I recommend he have shaded coverings for all outdoor activities, including a physical shade over his swimming pool. Feel free to contact me with any questions.

Sincerely,

Julia Kauffman MD  
cell 713-416-6581



front elevation



rear elevation

elevation notes

- OVERHANGS TO BE 1'-6" FROM EXTERIOR FRAME AT 12/12 SLOPE, OTHERS TO MATCH U.O.N.
- RAKES TO BE 8" FROM EXTERIOR WALL, U.O.N.
- PROVIDE SPARK ARRESTORS AT CHIMNEYS TO COMPLY WITH IRC 2018, WITH 1/2" GAP MAX.
- GUTTERS AND DOWNSPOUTS PER OWNER.
- PROVIDE STEEL LINTEL AT ALL OPENINGS WITH MASONRY ABOVE. REFER TO REAR DETAIL SHEET.
- BRICK/MASONRY VENEER SHALL BE SUPPORTED PER R103.8.
- WINDOW SILLS SHALL BE 24" A.F.F. MIN ABV THE FIRST FLOOR, WINDOWS LESS THAN 24" A.F.F. SHALL BE FIXED OR HAVE OPENINGS THROUGH WHICH A 4" DIA. SPHERE CANNOT PASS.

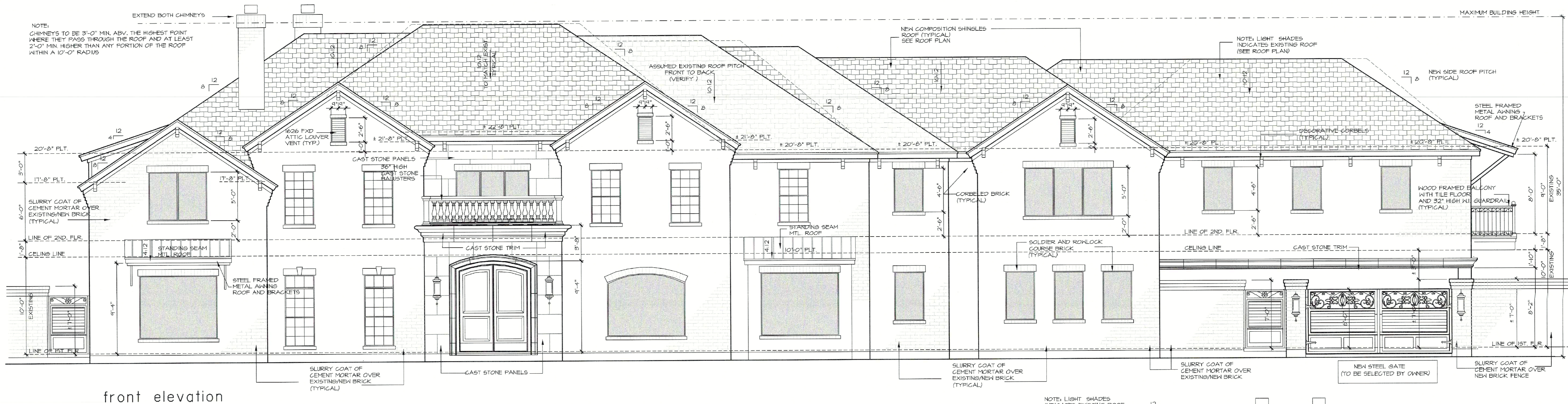
Phase I proposed front and rear elevations

SCALE: 1/4" = 1'-0"

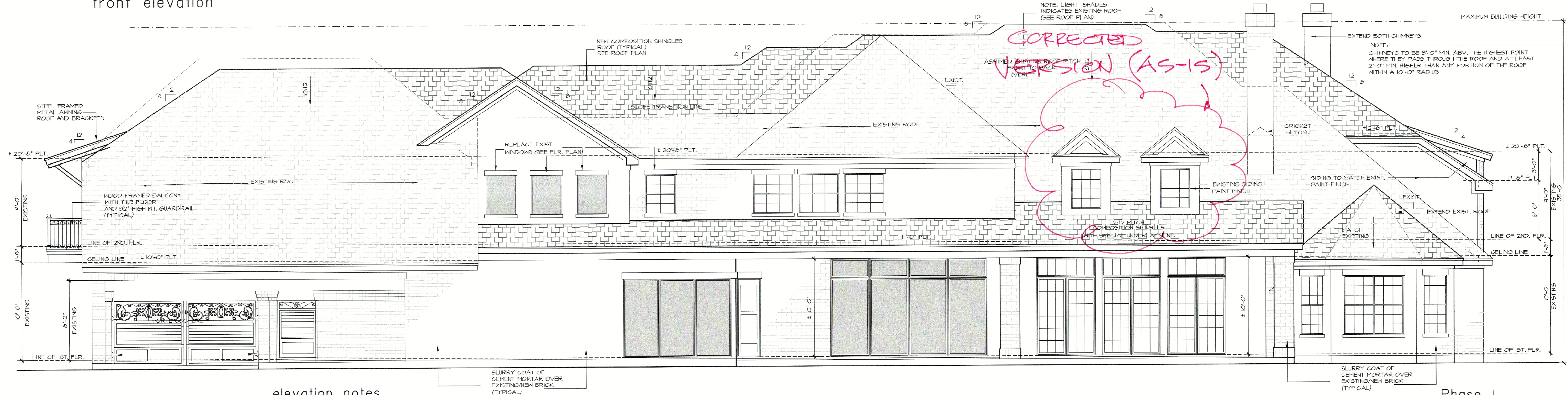
PERMIT SET

PLAN NO. 200070	SHEET NO. 7 OF 14
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front elevation



rear elevation

elevation notes

- OVERHANGS TO BE 1'-6" FROM EXTERIOR FRAME AT 8/12 SLOPE, OTHERS TO MATCH, U.O.N.
- RAKES TO BE 8" FROM EXTERIOR WALL, U.O.N.
- PROVIDE SPARK ARRESTORS AT CHIMNEYS TO COMPLY WITH 18C 2019, WITH 1/2" GAP MAX.
- GUTTERS AND DOWNSPOUTS PER OWNER.
- PROVIDE STEEL LINTEL AT ALL OPENINGS WITH MASONRY ABOVE. REFER TO REAR DETAIL SHEET.
- BRICK/MASONRY VENEER SHALL BE SUPPORTED PER R703.8.
- WINDOW SILLS SHALL BE 24" A.F.F. MIN ABV THE FIRST FLOOR. WINDOWS LESS THAN 24" A.F.F. SHALL BE FIXED OR HAVE OPENINGS THROUGH WHICH A 4" DIA. SPHERE CANNOT PASS.

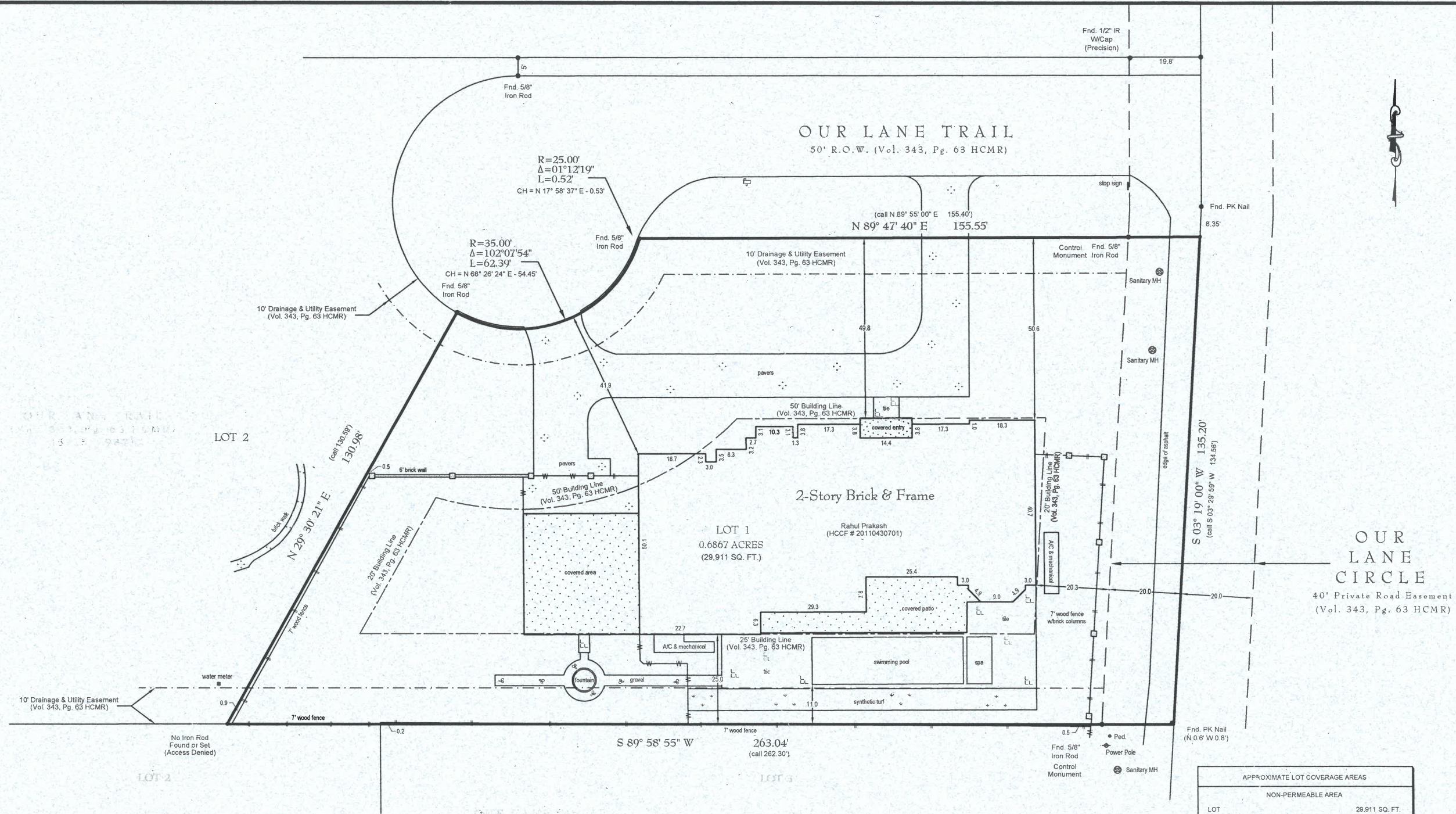
**CORRECTED**  
**VERSION (AS-IS)**

Phase I  
proposed  
front and rear elevations

SCALE: 1/4" = 1'-0"

**PERMIT SET**





**PLAT OF PROPERTY**

FOR: RAHUL PRAKASH  
 AT: 1 OUR LANE TRAIL - BUNKER HILL VILLAGE, TX  
 LGL: LOT 1  
OUR LANE TRAIL  
 VOLUME 343, PAGE 63 OF THE MAP RECORDS OF  
 HARRIS COUNTY, TEXAS  
 SCALE: N. T. S.  
 DATE: 2/4/2021 REVISED DATE: 7/14/2023

**This Property DOES NOT Lie within the designated 100 year Floodplain.**  
 PANEL NO: 48201C 0645 L  
 ZONE: X EFF. DATE: 6/18/07  
 BASE FLOOD ELEVATION: N/A  
 LOCATED BY GRAPHIC PLOTTING ONLY AND NOT RESPONSIBLE FOR ACTUAL DETERMINATION.

THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH TITLE COMMITMENT  
 PROVIDED BY: **NO TITLE COMMITMENT WAS PROVIDED**  
 GF#: ALL ESM'T'S/BUILDING LINES MAY NOT BE SHOWN.

**NOTES:**

- Fences do not follow boundary lines as shown above.
- Lot subject to any and all zoning ordinances or proposed zoning ordinances including those by the City of Bunker Hill Village, Texas. Front, side and rear yards shown above as set forth per the recorded plat and those under Article V ~ District A Regulations. A one-story main building shall not exceed 25 feet in height, a multiple story main building shall not exceed 35 feet in height. Chimneys may extend a maximum of 5 feet above the roof line. The impermeable building area shall not exceed 45 percent of the area of the lot. Impermeable building area shall include portions of a lot which are covered with buildings or structures including, but not limited to, building foundations, driveways, sidewalks, walkways, sun decks, patios, tennis courts or other impervious surfaces. The water surface of a swimming pool shall be considered a permeable surface. The maximum lot coverage calculation shall not exceed 55 percent of the area of the lot. This shall include both impermeable and permeable surfaces. Additional conditions for accessory structures, sports courts, generators, swimming pools, fences etc., are not shown and should be verified prior to any planning or construction.
- Surveyor has not abstracted this property. This survey was performed without the benefit of a current title opinion and is subject to any facts a full and accurate title search may disclose. All easements, building lines, zoning setbacks, restrictions and covenants of record may not be shown.
- All bearings are based on the West right of way line of Our Lane Circle. (S 03° 19' 00" W)

I hereby certify that the above plat correctly represents the facts found at the time of the survey made on the ground, under my supervision, and there are no apparent encroachments at the time of this survey, unless shown or noted otherwise.

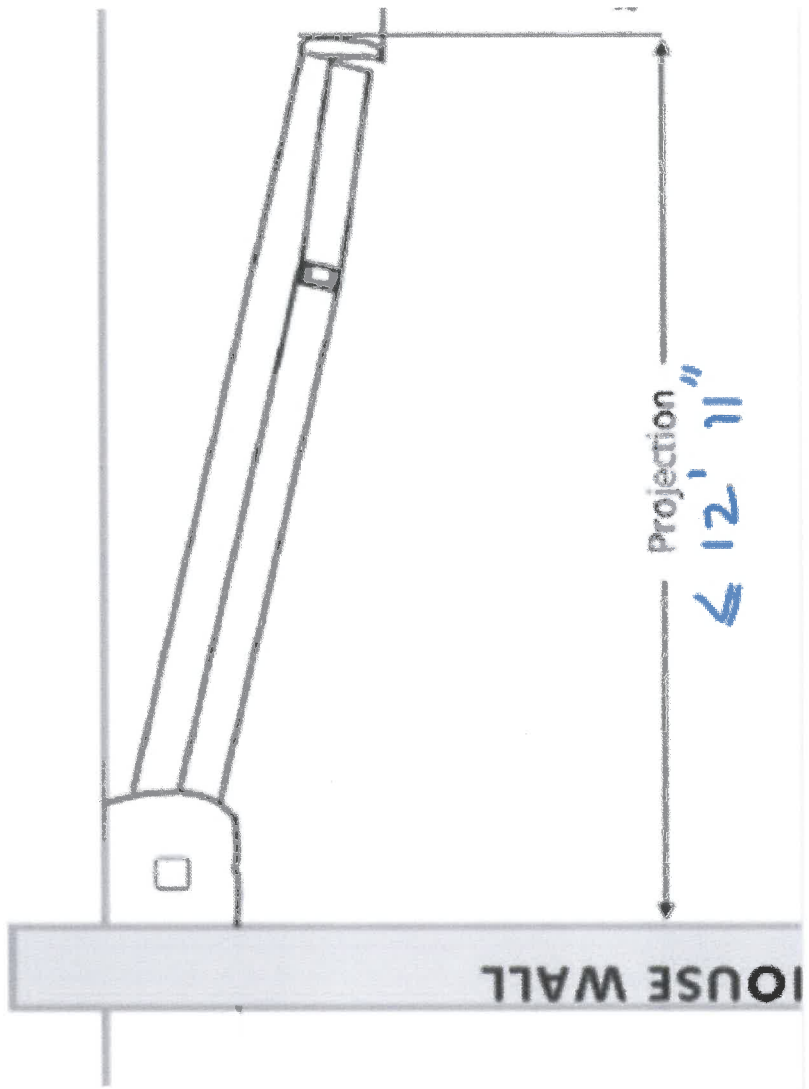


MATHEW J. PROBSTFELD  
 Registered Professional Land Surveyor  
 State of Texas No. 4985  
 PROBSTFELD & ASSOCIATES, INC - FIRM #10066100

JOB # 3099-001 DRAWN BY: DP

APPROXIMATE LOT COVERAGE AREAS	
NON-PERMEABLE AREA	
LOT RESIDENCE & COVERED AREAS	29,911 SQ. FT.
PAVERS	2,747 SQ. FT.
TILE	952 SQ. FT.
GRAVEL	230 SQ. FT.
A/C & POOL MECH.	135 SQ. FT.
BRICK WALLS & COLUMNS	49 SQ. FT.
ASPHALT IN OUR LANE CIRCLE R.O.W	1,026 SQ. FT.
TOTAL	12,191 SQ. FT.
% COVERAGE	(0.407) or 41%
PERMEABLE AREA	
LOT SWIMMING POOL	29,911 SQ. FT.
SPA	546 SQ. FT.
FOUNTAIN	91 SQ. FT.
SYNTHETIC TURF	35 SQ. FT.
TOTAL	1,253 SQ. FT.
% COVERAGE	(0.042) or 4%
TOTAL LOT COVERAGE	
LOT NON-PERMEABLE AREA	29,911 SQ. FT.
PERMEABLE AREA	12,191 SQ. FT.
TOTAL	13,416 SQ. FT.
% COVERAGE	(0.449) or 45%

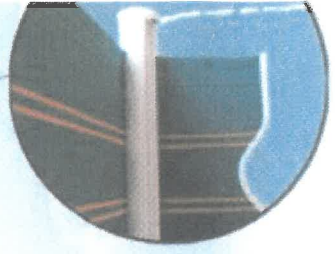
**PROBSTFELD & ASSOCIATES**  
 PROFESSIONAL LAND SURVEYORS



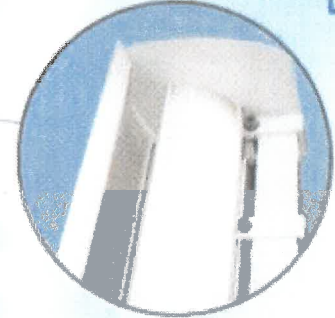
14

12' 11" or less

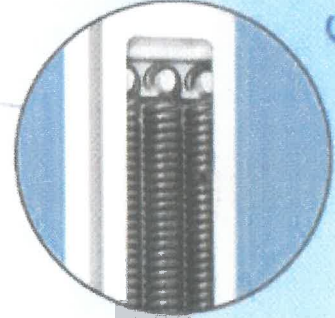
14



A.



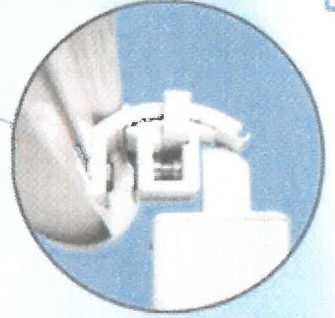
B.



C.



D.



E.





