

## CITY OF BUNKER HILL VILLAGE

THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, WILL MEET ON WEDNESDAY, JUNE 26, 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/87838336982?pwd=6vVUicYM0lzxaWsmZxQUasDT4MQNW2.1>

**Meeting ID:** 878 3833 6982

**Passcode:** 823092

**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 MAY 15, 2024, MEETING MINUTES**
- IV. **PUBLIC HEARING REGARDING A REQUEST FROM MARK DOUGLAS MADDOX AND CANDACE DIANE MADDOX FOR AN APPEAL OF THE CITY'S BUILDING OFFICIAL'S INTERPRETATION OF ARTICLE IV, SECTION 4-70 (1) OF THE CITY'S CODE OF ORDINANCES AT THE PROPERTY 11926 SURREY LANE**

*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 MARK DOUGLAS MADDOX AND CANDACE DIANE MADDOX FOR AN APPEAL OF THE CITY'S BUILDING OFFICIAL'S INTERPRETATION OF ARTICLE IV, SECTION 4-70 (1) OF THE CITY'S CODE OF ORDINANCES AT THE PROPERTY 11926 SURREY LANE**
- VI. **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, June 21, 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.



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

<b>Agenda Date:</b>	June 26, 2024
<b>Agenda Item:</b>	IV - V
<b>Subject:</b>	Appeal Request
<b>Exhibits:</b>	Application
<b>Presenter(s):</b>	Elvin Hernandez, Director of Public Works

**Executive Summary**

The applicant is remodeling an existing home at 11926 Surrey Ln. and requests an appeal of the City's Building Official's interpretation of Article IV, Section 4-70 (1) of the City's Code of Ordinances.

**Sec. 4-70. Applicability.**

- (1) The provisions of this article shall be applicable to all construction within the city, including all repairs, modifications or alterations of existing structures within the city. In the following circumstances, the repair, modification or alteration of a structure shall require that the entire structure and property on which it is located shall comply with the provisions of this article: the repair, modification or alteration involves structural modifications, including wall or ceiling board replacement, in rooms constituting more than fifty (50) percent of the climate controlled square footage of the structure; provided, however, that this section 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; or
- (2) The cost of repair, modification or alteration exceeds fifty (50) percent of the value of the structure prior to the repair or modification. For purposes of this section, 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 county appraisal district.

**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



11926 Surrey Lane Appeal  
Mark and Candy Maddox

May 17, 2024



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

Owner's Name: Mark Douglas Maddox and Candace Diane Maddox Phone: 832-819-8815

Mailing Address: 11926 Surrey Lane Zip: 77024

Property Address (If Different): Same

Action Requested: Variance  Appeal  Special Exceptions  Zoning District  A  B

Project Description and Request: Remodel the home within the existing footprint to include the kitchen, laundry, family room, pantry and primary bathroom. Additionally the replacement of interior plumbing (not underground) was completed. We request that a variance be granted so as not to require the homeowner to comply with new construction standards based on the small access panels cut in drywall to replace plumbing.

Section of Code at Issue: Section 4.70 (1) Applicability of Construction Codes.

Attachments as applicable:

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

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

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Board of Adjustment  
Notice of Appeal

Submitted: May 17, 2024  
Re: 11926 Surrey Lane

SUMMARY OF APPEAL

Homeowner and Builder appeal the decision of the City of Bunker Hill Village Director of Public Works (the “Building Official”) determining that remodeling work being done at 11926 Surrey Lane constitutes “Reconstruction” under Chapter 4 of the Code of Ordinances City of Bunker Hill Village (the “Ordinance”), and issuing a Stop Work Order on a previously approved Remodeling permit. As shown below, Homeowners and Builder (“Appellants”) believe the decision of the Building Official is an incorrect application of Section 4-70(1) of the Ordinance. Alternatively, Appellants request a variance from the Ordinance inasmuch as “a literal enforcement of the provisions of the ordinance would result in unnecessary hardship to the Homeowner, and so that the spirit of the ordinance shall be observed and substantial justice done.” Such a variance also would be consistent with the public interest. See, Article 11.04.B.

BACKGROUND AND TIMELINE

Mark and Candace Maddox (“Homeowners”) purchased the home at 11926 Surrey Lane (the “Home”), on Feb 22, 2024. The Home was built in 1970, and consists of 3,077 square feet. The Home required significant updating, and the Homeowners retained Clark Campbell Homes, a registered contractor with the City of Bunker Hill Village (“Builder”), for purposes of remodeling construction.

Builder filed an application for Remodel Permit on or about March 10, 2024, for purposes of remodeling the home, including remodeling the Kitchen, Laundry, Family Room, Pantry and Primary Bathroom. The Remodel permit (#20240183) represented that 34% of the square footage of the Home would be affected, and it was approved by the City on April 2, 2024.

In addition to the Remodel Permit, FSB Electric and Chavez Plumbing (“Plumber”) each applied for and received permits for their respective trades. The Electrical Permit and the Plumbing Permit each referenced the Remodel Permit.

Construction commenced on or about April 8th, 2024, and continued throughout April 2024 following the approved plans, until Homeowner and Builder agreed it would be in the interest of the project and consistent with optimal water use efficiency and safety to replace the outdated original plumbing in the Home. This would require multiple small temporary openings in drywall (see attached photos) to allow Plumber to pull upgraded flexible plumbing lines as required. On April 26, Plumber contacted the City permit office in order to obtain an additional Plumbing permit to replace the waterlines. The Building Official Mr. Hernandez responded by directing the Plumber to apply on-line for a re-pipe permit, but if that option was not available to “apply for the option closest related to your job and very clearly describe the job under the comments section.” Exhibit. That application was filed online by Plumber that same day, April 26, 2024. The next business day, April 29, 2024, Plumber received a response from the City:

“Your permit application submitted on 4/26/2024 for CHAVEZ PLUMBING, INC. was not approved. YOU ALREADY HAVE A PERMIT FOR THIS REMODEL PROJECT. OTHER INSPECTIONS ARE INCLUDED.

The additional plumbing work involved opening 9 small holes in the drywall of several rooms in the Home in which no other permitted remodeling work was being performed. The minor work was completed quickly, and Plumber requested an inspection of the work. Upon inspection on May 1<sup>st</sup>, the inspector notified Plumber that the additional work was outside the scope of the original permit would potentially reclassify the entire project as Reconstruction pursuant to the Ordinance. On May 2, 2024, the Building Official emailed Builder notifying him to stop work on the project until the parties could meet to discuss. (Copy attached as Exhibit \_\_). Builder immediately stopped further construction, and requested a meeting with Mr. Hernandez.

On May 6, 2024, Mr. Hernandez met at the Home with the Inspector, the Homeowner and Builder, and informed the parties that the City considered the access panels cut to complete the plumbing work the same as if the whole room was being remodeled. He stated this would trigger the need for a Reconstruction permit, requiring the Home and property to be completely brought up to current code. He added that the new Reconstruction permit could require moving or filling in the existing swimming pool, as well as raising the elevation of the Home, burying power underground, planting trees, updating all electrical, installing a fire sprinkler system and installing underground detention among other additional costs. Appellants filed this Notice of Appeal on May 17, 2024.

### DISCUSSION

The decision of the Building Official, although made in good faith, will inflict unnecessary hardship on Homeowners, preventing them from any reasonable use of their Home. The economic cost of bringing the home to New Construction standards is not financially feasible for the Homeowners and would, if work is not permitted to continue under the current permit, force the home to be salvaged and the lot sold for lot value. This outcome is not in the best interest of the Homeowners, the other Surrey Lane owners, the neighborhood or the city.

#### Board of Adjustment

The Board of Adjustment has the authority to grant both variances and special exceptions to decisions of the Building Official. Code Article XI authorizes the Board of Adjustment within its designated powers under Section 11.04.B. to “authorize in special cases such variance from the terms of this ordinance as will not be contrary to public interest where, because of special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.”

In this case, a literal enforcement of the decision by the Building Official that this project can only be completed under a reconstruction permit would work an unnecessary hardship on the Homeowners, and would do nothing to advance the public interest. The Homeowners and Builder request a variance to continue and complete the project under the existing remodel permit.

List of Exhibits

Exhibit A	Applicable Bunker Hill Village Ordinances
Exhibit B	Photos of Impacted Area and Square Footage Calculations
Exhibit C	Email request for additional plumbing approval
Exhibit D	Stop Work Order
Exhibit E	Floor Plan Exhibit



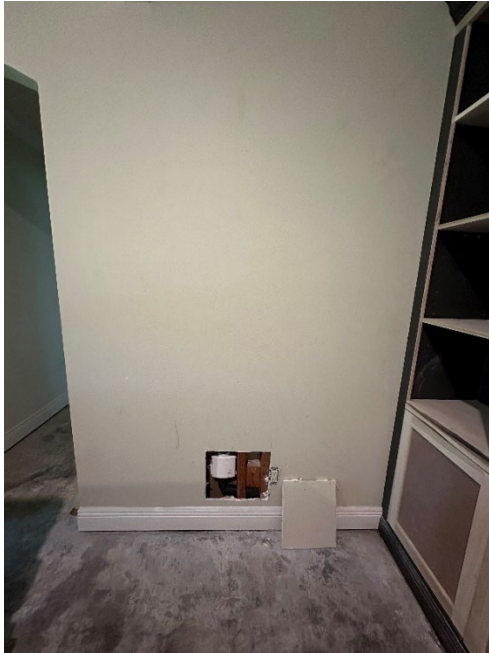
# EXHIBIT A

## **Sec. 4-70. - Applicability.**

(1)The provisions of this article shall be applicable to all construction within the city, including all repairs, modifications or alterations of existing structures within the city. In the following circumstances, the repair, modification or alteration of a structure shall require that the entire structure and property on which it is located shall comply with the provisions of this article: the repair, modification or alteration involves structural modifications, including wall or ceiling board replacement, in rooms constituting more than fifty (50) percent of the climate controlled square footage of the structure; provided, however, that this section 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; or

# EXHIBIT B

## Dining Room



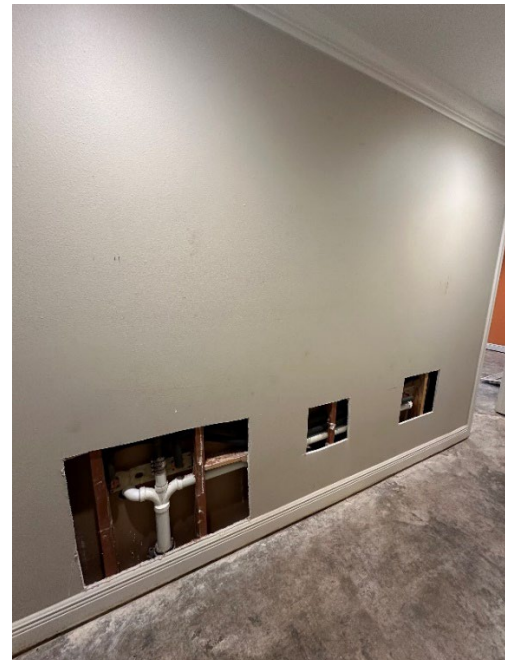
## Hall Closet



## Bedroom 2 Closet



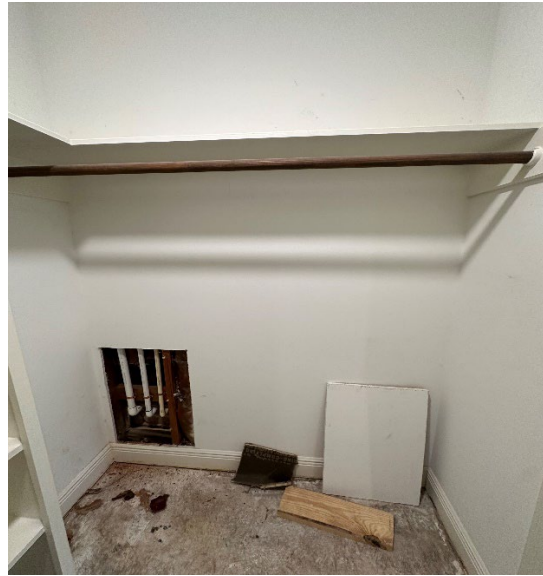
## Hallway



Bedroom 3



Bedroom 3 Closet



Bedroom 1



Primary Closet



# Powder Bath



Original Approved Remodel Permit	
Square Footage Remodeled	1,040
Total Home SF	3,027
<b>Percent of Home Remodeled</b>	<b>34.4%</b>

Additional Walls Impacted	
Rooms Impacted x 20%	228
New Remodel SF	1,268
<b>New Remodel SF %</b>	<b>41.9%</b>

**From:** [julio chavez](#)  
**To:** [David Morrison](#)  
**Subject:** Fwd: Help needed with Plumbing Permit  
**Date:** Friday, May 3, 2024 3:02:05 PM  
**Attachments:** [Outlook-naweruvi.png](#)  
[image001.png](#)  
[Outlook-kkcsqrhl](#)

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This was our first inquiry with the city.

Get [Outlook for iOS](#)

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**From:** Elvin Hernandez <ehernandez@bunkerhilltx.gov>  
**Sent:** Friday, April 26, 2024 10:55 AM  
**To:** chavez\_plumbing@hotmail.com <chavez\_plumbing@hotmail.com>  
**Subject:** Re: Help needed with Plumbing Permit

Hello,

Regarding your permits, there should be an option for a re-pipe plumbing application. Otherwise apply for the option closest related to your job and very clearly describe the job under the comments section.

V/r,

**Elvin Hernandez, PMP**  
Director of Public Works / Building Official  
City of Bunker Hill Village  
11977 Memorial Drive  
Houston, Texas 77024  
713-467-9762  
[www.bunkerhilltx.gov](http://www.bunkerhilltx.gov)



*Be advised that emails are subject to the **Texas Public Information Act**.  
City emails should not be considered confidential.*

***ELECTED OFFICIALS, BOARD AND COMMITTEE MEMBERS:***  
***Be advised that email communications could lead to violations of the Texas Open Meetings Act.***

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**From:** information <info@bunkerhilltx.gov>  
**Sent:** Friday, April 26, 2024 10:33 AM  
**To:** Elvin Hernandez <ehernandez@bunkerhilltx.gov>  
**Subject:** FW: Help needed with Plumbing Permit

Thank you,

**City of Bunker Hill Village**

11977 Memorial Drive  
Houston, Texas 77024  
713-467-9762  
[www.bunkerhilltx.gov](http://www.bunkerhilltx.gov)



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**From:** julio chavez <chavez\_plumbing@hotmail.com>  
**Sent:** Friday, April 26, 2024 10:27 AM  
**To:** information <info@bunkerhilltx.gov>  
**Subject:** Help needed with Plumbing Permit

Good morning,

I'm needing to purchase an additional plumbing permit for the property below, but don't see an option for water lines replacement inside the home. Can you please tell me what option to select online?



Address: 11926 SURREY LN

Thanks,

Vicki Mendez  
Office Manager/ Chavez Plumbing, Inc  
281-591-3032

[www.chavezplumbinginc.com](http://www.chavezplumbinginc.com)

Follow us on Social!





**From:** [julio chavez](#)  
**To:** [David Morrison](#)  
**Subject:** Fw: Building Projects Application #028993  
**Date:** Friday, May 3, 2024 3:06:09 PM  
**Attachments:** [Outlook-y0tqn1hz.png](#)

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This was their response after submitting the permit with the notes as Elvin indicated. As mentioned, I followed up with them yesterday and was asked to speak with Jason Bennett since he was the one in charge of permit approvals. When I spoke with him this morning, he said because of the amount of cutting into sheetrock the GC would need to submit another application to recalculate the square footage.

Thanks,

Vicki Mendez  
Office Manager/ Chavez Plumbing, Inc  
281-591-3032  
[www.chavezplumbinginc.com](http://www.chavezplumbinginc.com)

Follow us on Social!



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**From:** info@bunkerhilltx.gov <info@bunkerhilltx.gov>  
**Sent:** Monday, April 29, 2024 11:59 AM  
**To:** chavez\_plumbing@hotmail.com <chavez\_plumbing@hotmail.com>  
**Subject:** Building Projects Application #028993

Your permit application submitted on 4/26/2024 for CHAVEZ PLUMBING, INC. was not approved. YOU ALREADY HAVE A PERMIT FOR THIS REMODEL PROJECT. OTHER INSPECTIONS ARE INCLUDED.

**From:** [Elvin Hernandez](#)  
**To:** [David Morrison](#)  
**Subject:** Re: 11926 Surrey Ln Stop Work Order  
**Date:** Thursday, May 2, 2024 6:55:13 AM  
**Attachments:** [Outlook-yze5i4z1](#)

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Hello,

During inspection, one of our inspectors identified various areas (not included in the plans) to have the wallboard and ceiling board removed, which ultimately puts this project out of compliance. Because this has happened, those areas are subject to inclusion of the remodeled sqft. Your project is paused at this moment in time until we can properly meet and take the appropriate steps forward that would put this project in compliance with BHV code. As I have time to do so, I will be reviewing this project and what was originally submitted.

Currently my earliest availability is Monday at 1:30PM in order to go over the details of this project. I would need the project supervisor as well as the residents present to have this meeting so that everyone can understand where we stand.

Please review the city code below that will fully outline the rules of engagement associated with remodel and the remodel vs reconstruction implications. View page 3 of 13 in the Remodel PDF in the link attached, specifically the section on reconstruction.

[https://library.municode.com/tx/bunker\\_hill\\_village/codes/code\\_of\\_ordinances?nodeId=COOR\\_APXAZO\\_ARTIXNOUS\\_S9.08REMOMA](https://library.municode.com/tx/bunker_hill_village/codes/code_of_ordinances?nodeId=COOR_APXAZO_ARTIXNOUS_S9.08REMOMA)

[https://library.municode.com/tx/bunker\\_hill\\_village/codes/code\\_of\\_ordinances?nodeId=COOR\\_CH4DEBUCO\\_ARTIINGE\\_S4-3DE](https://library.municode.com/tx/bunker_hill_village/codes/code_of_ordinances?nodeId=COOR_CH4DEBUCO_ARTIINGE_S4-3DE)

<https://bunkerhilltx.gov/images/documents/Building-Information/RemodelRev02-2020.pdf>

V/r,

**Elvin Hernandez, PMP**

Director of Public Works / Building Official  
City of Bunker Hill Village  
11977 Memorial Drive  
Houston, Texas 77024

713-467-9762

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**From:** David Morrison <david@clarkcampbellhomes.com>

**Sent:** Wednesday, May 1, 2024 4:17 PM

**To:** Elvin Hernandez <ehernandez@bunkerhilltx.gov>

**Subject:** 11926 Surrey Ln Stop Work Order

Elvin,

I was just informed by my plumber that there was a stop work order placed on our remodel project at 11926 Surrey Lane. I believe Bob the inspector informed my plumber of this.

Do you have any information about what caused the stop work order and what we need to do to resolve it? Also, does this pertain to drywall repair, carpentry, cleaning or any other activities at the house or just plumbing work? I want to make sure I understand it so I can get any issues resolved as quickly as possible.

Thanks in advance for your time. Happy to chat on the phone if that is easier.

David Morrison

210-365-3004

President

Clark | Campbell Homes

Red Lines Indicate Temporary Plumbing Access Panels

