

**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