

**MINUTES OF A PUBLIC MEETING
OF THE CITY OF BUNKER HILL VILLAGE
ZONING BOARD OF ADJUSTMENT
WEDNESDAY, MAY 15, 2024**

I. CALL TO ORDER

Chair David Light called the Zoning Board of Adjustment Meeting to order at 5:00 p.m. based on a quorum of members present:

Present

David Light, Chair
Patricia Shuford, Vice-Chair
Michelle Belco, Member
Josh Pratt, Member
Louis Crappito, Member
Ryan West, Alternate Member

Staff in Attendance

Gerardo Barrera, City Administrator
Elvin Hernandez, Director of Public Works
Loren Smith, City Attorney
Mallory Pack, Management Analyst

Absent

David Marshall, Member

II. PUBLIC COMMENT

There were no public comments.

City Administrator Barrera addressed the Commission on behalf of Mr. Aaron Thomas to ensure a clarification comment be included in the April 25, 2024 minutes that was made by Mrs. Jennifer Chang.

The following was read by City Administrator Barrera:

The homeowners bank is foreclosing on the house for being in technical default of their loan. While they have made every mortgage payment, the home is uninsurable and therefore does not meet the requirements of their deed. While we appreciate the City holding this hearing at their request We do not know how reinstating the permit would help us specifically because 1: we have now lost our loan and 2: the house has now deteriorated to such a state that it now requires additional work for completion... to such a state that it now requires additional work for completion than when the stop work order was issued two years ago.

A motion was made by Board Member Pratt and seconded by Board Member Belco to include the comment made by Mrs. Chang in the April 25, 2024, meeting minutes.

The motion carried 6 - 0

III. CONSIDERATION AND POSSIBLE ACTION REGARDING APPROVAL OF THE APRIL 25, 2024, MEETING MINUTES

A motion was made by Board Member Shuford and seconded by Board Member Pratt to approve the April 25, 2024, meeting minutes as amended.

The motion carried 6 - 0

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

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

Chair Light opened the public hearing at 5:06 p.m.

Applicant's Request

William Murphy, applicant and property owner, presented a request for 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 covered walkway. Staff noted that this variance was also due to the requirement of needing either a garage or carport per ordinance. Mr. Murphy converted this former garage into a habitable space thus needing a separate carport to comply with City ordinance.

Mr. Murphy requested a variance to construct a covered walkway that is wider than 6 ft. to connect the primary structure and accessory structure (carport). He stated that the property is diamond-shaped rather than the more common square shape, which creates a hardship for land use concerning setback requirements and structure placement. The carport, located next to the primary structure rather than behind it as is typically common, satisfies all requirements for an accessory structure. It was also noted that the new carport would extend beyond the 25' building line but not within the utility easement. The strict application of this requirement would restrict any reasonable use of the space between the structures, thereby diminishing the functionality of the property. Mr. Murphy stated there is no adjacent neighbor, a vacant portion of lot immediately behind his property, with the closest structure approximately 135' ft.

Public Comment

There were no public comments.

Chair Light closed the public hearing at 5:25 p.m.

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

Staff stated that no objections were received regarding the variance request.

A motion was made by Board Member Pratt and seconded by Board Member West to grant 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.

Roll Call Vote

- David Light..... YES**
- Michelle Belco..... YES**
- Patricia Shuford..... YES**
- Josh Pratt..... YES**
- Ryan West..... YES**
- Louis Crappito.....YES**

The motion carried 6 - 0

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

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

Chair Light opened the public hearing at 5:27 p.m.

Applicant’s Request

Rupi Chatha, applicant and property owner, presented a request for 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.

Ms. Chatha stated that the purpose of installing a retractable awning over the pool is to allow her husband, who is on immunosuppressive medication, to use the pool with minimal sun exposure, per medical guidance. When open/ in use, the awning will extend 12 ft., but will be in compliance with city requirements when retracted/ closed. The awning will remain closed most of the time. She stated that a literal application of the code would restrict reasonable use of the pool area.

Public Comment

- 1. Patti Turner, 3 Ourlane Cove, submitted a written statement opposing the variance request. City Administrator Barrera read the following into the record:**

I am writing to express my strong opposition to the variance request submitted for the installation of a large retractable awning in our neighborhood. This is a high-end residential area known for its architectural integrity and aesthetic appeal.

Granting this variance would set a concerning precedent that could jeopardize the character and charm of our neighborhood. Allowing oversized structures, such as the proposed awning could potentially diminish property values and detract from the overall ambiance that attracted residents to this area.

Furthermore, it is crucial to uphold existing zoning regulations to preserve the integrity of our community. These regulations were put in place to ensure that developments are in harmony with the surrounding environment and do not disrupt the visual landscape or compromise the quality of life for the residents.

In conclusion, I urge you to deny the variance request for the large retractable awning. Doing so will uphold the standards of our neighborhood and protect its unique character for the current and future residents.

- 2. Courtney Mitchell, 2 Ourlane Court, submitted a written statement in opposition to the variance request. City Administrator Barrera read the statement into the record:**

I am writing in reference to the variance being proposed by my back neighbor. He is proposing a structure to cover his pool. Let this email serve as my strong opposition to this variance.

- 3. Paul Moreton, 2 Ourlane Cove, submitted a written statement against the variance request. City Administrator Barrera read the statement into the record:**

I am a resident of Bunker Hill living at 2 Ourlane Cove. I am against granting the variance requested at 1 Ourlane Trail.

- 4. Angie Hardin, 3 Ourlane Court, submitted a written statement opposing the variance request. City Administrator Barrera read the statement into the record:**

Please accept this email to share with the Zoning Board that our desire is for them to DENY the variance request for 1 Ourlane Trail to install a retractable awning to cover their pool from sunlight. I feel that rules and ordinances are in place for a reason and should be respected and enforced in all of Bunker Hill. We bought our house 7 years ago in this location because it feels like a peaceful, quaint and beautiful hidden piece of nature in our big city. An oversized structure like this

would resemble something you would see at a commercial property such as a hotel pool, resort pool, community pool, etc., not in our neighborhood with wooded lots and gorgeous private homes with families who love to walk around and enjoy the sights and people. This house is on a central corner (within Ourlane) with only a 7-8 foot side fence just barely 20 feet from the edge of the pool/spa (where the awning would begin) so, it would be extremely visible to every single person walking or driving by (and even some residents just sitting in their homes). Given the angle of the house and their yard, an awning of this size and height could actually be seen all the way from Taylorcrest. There are numerous Bunker Hill residents who enjoy walking peacefully down Ourlane Circle that take in the scenic views as they head to and from Pocket Park walking right by this house. The awning would be a nuisance for everyone passing by, especially the 3 homes whose front doors would face this large structure.

There are many alternatives to avoiding sun exposure than installing an awning to cover an entire pool 13 deep x 12 feet tall x 60 feet wide such as: planting shade trees, wearing protective clothing or sunscreen, swimming when cloudy or at dusk and more. I already planted 22 trees early last fall to create privacy on the other half of my yard (to block out his 50 solar panels, 9 second story back windows and balcony addition) and this awning would create more hardship and require more landscaping and yet still not even hide this massive structure. Since it sides Ourlane Circle, every single passer by would still see it. More trees along my fence would barely even help. The homeowners at 1 Ourlane Trail chose to move their pool from a back/side yard to where it is currently during the remodel years ago. They chose to remove numerous mature trees when they began the project well over 3 years ago, then lost two more trees due to excessive trimming and stress from the construction. They could easily plant more trees in their backyard in lieu of this proposed plan.

Allowing this awning to be constructed will diminish the property values of everyone in the neighborhood because it will be unsightly and it a bother to everyone. Resale values would be affected. Even though it would be retractable, it could most likely be left open more than they think. When open, it could also be a possible danger in storms (we just had a huge scary lightening/thunderstorm Monday and plus we have tropical storms, hail storms, and hurricanes in Houston). Often, we can't plan ahead and don't know when storms will be as bad as they are. We are all human..... we forget to lock a door or close a gate, etc.....they could easily leave the awning "open" and a storm could pose a threat to something that massive in size. I have been at public pools and they had to even close a simple umbrella because of the winds. Also, this awning would collect leaves, limbs, pollen, animal feces, etc. becoming a burden to clean, so once again, everyone would get to stare at that unpleasant sight. I also feel that if this variance is granted, there will be many more requests from others to follow. This is not the best scenario since this can cause uncertainty with code enforcement and others may question regulations.

Thank you for listening and I hope you will agree that this variance should be denied due to it: being extremely unsightly (resemble commercial property), a nuisance, interfering with our "slice" of nature/peace, causing mental anguish,

diminish property values, (which creates hardship to all), collecting debris, and potentially a danger in storms and begin other variance requests from others.

- 5. Leticia Roinesdal, 777 Ourlane Circle, submitted a written statement against the variance request. City Administrator Barrera read the statement into the record:**

My question and concern is around the safety of such awning in case of a storm (high wind or hurricane) and ensuring that if this is approved, the owners will be able to show satisfactory safety provisions will be put in place to prevent damage to neighboring properties.

- 6. Margaret Burrow, 2 Ourlane Trail, submitted a written statement in opposition of the request. City Administrator Barrera read the statement into the record:**

Neighbors living in the OurLane area have been asked to express our opinion concerning a new large striped awning proposed to cover the newly constructed pool at 1 OurLane Trail. This new rectangular pool occupies an extremely small narrow rectangular land area of their back yard. The installation of a striped awning would be highly visible to OurLane neighbors and frankly, anyone driving north on OurLane Circle.

When we selected and built our home 30+ years ago we did so because of the unique natural landscape and beauty of this area. The OurLane area is more of a country road within the large city of Houston. The area has never had a resort look or the look of crowded houses - or objects on lots - striped or otherwise.

Our vote is NO. Please help us to preserve the OurLane countryside look.

Chair Light closed the public hearing at 5:44 p.m.

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

The Board inquired whether the applicants considered alternative options to reduce sun exposure, such as planting shade trees or constructing an accessory structure over the pool area. The applicants stated that the awning was the best choice because it is minimally intrusive and the most visually appealing option.

A motion was made by Board Member Shuford and seconded by Board Member Belco to grant 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 Tail.

Roll Call Vote

David Light..... NO
Michelle Belco..... NO
Patricia Shuford..... NO
Josh Pratt..... YES
Ryan West..... NO
Louis Crappito..... NO

The motion failed 1 – 5

VIII. ADJOURN

A motion was made by Board Member Pratt and seconded by Board Member Belco to adjourn the meeting at 6:03 p.m.

The motion carried 6 - 0

Approved and accepted on June 26, 2024.



David Light, Chair

ATTEST:



Gerardo Barrera, City Administrator/ Acting City Secretary