

**MINUTES OF A PUBLIC MEETING
OF THE CITY OF BUNKER HILL VILLAGE
ZONING BOARD OF ADJUSTMENT
AUGUST 28, 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
Michelle Belco, Member
Louis Crappito, Member (left at 5:49 p.m.)
Josh Pratt, Member
David Marshall, Member (left at 6:45 p.m.)
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

Patricia Shuford, Vice-Chair

II. PUBLIC COMMENT

There were no public comments.

III. CONSIDERATION AND POSSIBLE ACTION REGARDING APPROVAL OF THE JUNE 26, 2024, MEETING MINUTES

A motion was made by Board Member Pratt and seconded by Board Member Marshall to approve the July 26, 2024, meeting minutes.

The motion carried 6 - 0

IV. PUBLIC HEARING REGARDING A REQUEST FROM JON SLAGLE FOR AN APPEAL OF THE BUILDING OFFICIAL'S DETERMINATION UNDER CHAPTER 4, ARTICLE 5 OF THE CITY'S CODE OF ORDINANCES REQUIRING THAT THE LOWEST FLOOR OF ANY RESIDENTIAL STRUCTURE BE ELEVATED TO OR ABOVE THE FIVE HUNDRED YEAR ELEVATION AT THE PROPERTY 301 RAINIER 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 5:03 p.m.

Director Hernandez briefly addressed the Board that the application submitted to the City was for a remodel, however based on the scope of work as described within the application, and that the project would be reconstructing more than fifty (50) percent of the existing structure within the existing footprint, the project by definition is considered a reconstruction. Furthermore, all non-conforming items will need to conform to the new building guidelines as stated for a reconstruction project that includes flood prevention requirements within the City ordinance.

Applicant's Request

Jon Slagle, applicant and property owner, is remodeling an existing home at 301 Rainier Drive and submitted an application for an appeal of the City's Building Official's interpretation defining reconstruction per the Code of Ordinances that would require the entire property to be brought up to current standards, including complying with new slab elevation requirements per the flood damage prevention ordinance.

The applicant explained that the remodel involves removing drywall to replace all plumbing, electrical, and duct work to meet modern safety standards. Applicant noted that this work would not impact the structure, exterior walls, or foundation of the home, therefore in his opinion, should not be defined as reconstruction

Per Section 4-171, the property is shown to be higher than the five-hundred (500) year flood plain elevation, is twelve (12") above the top of the nearest sanitary sewer manhole, 12" above the crown of the street, and 12" above the elevation at which the water enters the nearest drainage inlet. The only criteria not met, is that the slab elevation is 6" lower than the hydraulic grade line modeled and profiled for the City's major drainage way based on the 100-year storm event as adopted in the City's Drainage Criteria Manual. The applicant stated that raising the foundation 6" inches is not reasonable given the age of the home nor financially viable without complete demolition or reconstruction.

Public Comment

There were no public comments.

Chair Light closed the public hearing at 5:24 p.m.

V. CONSIDERATION AND POSSIBLE ACTION REGARDING A REQUEST FROM JON SLAGLE FOR AN APPEAL OF THE BUILDING OFFICIAL'S DETERMINATION UNDER CHAPTER 4, ARTICLE 5 OF THE CITY'S CODE OF ORDINANCES REQUIRING THAT THE LOWEST FLOOR OF ANY RESIDENTIAL STRUCTURE BE ELEVATED TO OR ABOVE THE FIVE HUNDRED YEAR ELEVATION AT THE PROPERTY 301 RAINIER DRIVE

Staff stated no public comments were received for or against the request. City Attorney Smith addressed the Board that based on the appeal submitted, the Board must either uphold or overturn the Building Official's interpretation of the ordinance.

City Attorney Smith explained the differences between a variance, appeal, and special exception, noting that each term has a different meaning. A special exception is not applicable to Chapter 4 because it can only be granted when there is language within the zoning ordinance allowing for a special exception. A variance is when the Board decides the ordinance is correctly interpreted but a hardship exists that would allow for and/ or justify a variance against the ordinance. An appeal is when contesting the building official’s interpretation of an ordinance. In this case, the applicant selected “appeal” on the application, but presented a request for a variance, however, the applicant did not select the appropriate box on the application, therefore the matter before the Board is regarding an appeal to the Building Official’s interpretation of the definition of “reconstruction”. To clarify, a variance request relating to decreasing a nonconformity as stated in §9.07 of Appendix A is not applicable or needed.

Per the applicant, the intent was to appeal the Building Official’s interpretation based on a published 2017 graph within the Drainage Criteria Manual illustrating the 100-year hydraulic grade line and not the recent model and information provided by the Drainage Engineer. City Attorney Smith clarified that per the application, the appeal was for interpreting the definition of reconstruction as defined in Chapter 4.

The City Attorney stated that it is highly unlikely that the Drainage Criteria Manual has not been updated since then. Board member Pratt stated that the 2021 revised manual is on the City’s webpage. As this is a fact question and not on the agenda, the Board cannot take any action regarding the referencing of the correct Drainage Criteria Manual.

City Attorney Smith clarified again that per the application, the appeal was for the interpretation of the definition of reconstruction as defined in Chapter 4. That is the only matter the Board can consider at this time.

A motion was made by Board Member Marshall and seconded by Board Member Belco to uphold the City’s Building Official’s interpretation of Chapter 4, Article 5 of the City’s Codes of Ordinances n for the property located at 301 Rainier Drive.

Roll Call Vote

David Light..... YES
Michelle Belco..... YES
Ryan West..... YES
Josh Pratt.....YES
David Marshall.....YES

The motion carried 5 - 0

VI. PUBLIC HEARING REGARDING A REQUEST FROM JON SLAGLE FOR A VARIANCE TO APPENDIX A, SECTION 9.07 AT THE PROPERTY 301 RAINIER DRIVE

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

Applicant's Request

The applicant is remodeling an existing home at 301 Rainier Dr. Surrey Ln. and requests a variance to Appendix A, Section 9.07 of the City's Code of Ordinances.

After discussion, it was determined that the variance was not needed but also incorrectly cited by the applicant. Staff explained to the applicant that the submitted request was not applicable to Chapter 4. Staff explained the two options were; (1) continue with the public hearing, and likely be denied based on lack of applicability, which would prevent the applicant from bringing the same request before the Board and filing any appeals through Harris County court, or (2) reconsider the request entirely. The applicant voluntarily withdrew the application with the intent to resubmit for a future meeting.

There was no public hearing.

VII. CONSIDERATION AND POSSIBLE ACTION REGARDING A REQUEST FROM JON SLAGLE FOR A VARIANCE TO APPENDIX A, SECTION 9.07 AT THE PROPERTY 301 RAINIER DRIVE

No action was taken on this item.

VIII. ADJOURN

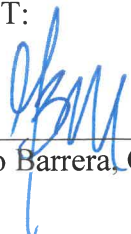
Chair Light adjourned the meeting at 6:33 p.m.

Approved and accepted on October 30, 2024.



David Light, Chair

ATTEST:



Gerardo Barrera, City Administrator/ Acting City Secretary