

**MINUTES OF A PUBLIC MEETING
OF THE CITY OF BUNKER HILL VILLAGE
ZONING BOARD OF ADJUSTMENT
OCTOBER 30, 2024**

I. CALL TO ORDER

Chair David Light called the Zoning Board of Adjustment Meeting to order at 5:05 p.m. based on a quorum of members present:

Present

David Light, Chair
Patricia Shuford, Vice-Chair
Louis Crappito, Member
Josh Pratt, Member
David Marshall, Member

Staff in Attendance

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

Absent

Michelle Belco, Member
Ryan West, Alternate Member

II. PUBLIC COMMENT

There were no public comments.

III. CONSIDERATION AND POSSIBLE ACTION REGARDING APPROVAL OF THE AUGUST 28, 2024, MEETING MINUTES

A motion was made by Board Member Pratt and seconded by Board Member Marshall to approve the August 28, 2024, meeting minutes.

The motion carried 5-0

IV. PUBLIC HEARING REGARDING A REQUEST FROM JON SLAGLE FOR A VARIANCE TO SECTION 4-171(C)(4) OF THE CITY'S CODE OF ORDINANCES REQUIRING THAT THE FIRST LEVEL FINISHED FLOOR OF A STRUCTURE BE ELEVATED TO 12 INCHES ABOVE THE 100-YEAR HYDRAULIC GRADE LINE AS MODELED FOR THE CITY OF BUNKER HILL VILLAGE FOR THE PROPERTY LOCATED AT 301 RANIER DRIVE

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

Director Hernandez addressed the Board that the applicant resubmitted a request from the August 28, 2024, ZBOA meeting. At the August meeting, the applicant presented a request for a variance but selected “appeal” on the submitted application. As the applicant did not select the appropriate box on the application, the only matter the Board could consider at the time was regarding an appeal to the Building Official’s interpretation of the definition of “reconstruction.” During the meeting, staff clarified a variance request related to the decreasing nonconforming as stated in section 9.07 of Appendix A was not applicable or needed.

Due to the incorrectly cited variance request, staff explained the applicant had two options: (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.

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

Applicant’s Request

Jon Slagle, applicant and property owner, is completing a home remodel at the property located at 301 Rainier Drive. Due to the complete removal of drywall, the project is now classified as reconstruction, requiring all items to be in compliance with new construction requirements. While most aspects of the project are compliant with the new construction requirements, the existing slab elevation is 6” inches 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. Raising the slab by 6” inches (to 12” inches) is not economically reasonable and would destroy the condition of the slab. The applicant verified with the former property owners and neighbors that the home has not previously flooded.

The Board inquired whether the applicant intended to complete any major interior changes. The applicant explained that interior structural changes include removing walls to create a large bathroom and closet in the primary bedroom, and extending the size of the garage to accommodate a vehicle.

Public Comment

Mike McClung, the City’s Drainage Engineer, provided an overview of the hydraulic grade line (HGL) modeled and profiled for the City’s major drainage ways. While the City is not in the floodplain, homes have flooded during major rain events. He noted that an HGL model exists for every address in the City and that ponding on the applicant’s street is shown to be less than 6” inches. Only one home on Rainer Dr. – located north of the applicant’s property – has experienced flooding.

Chair Light closed the public hearing at 5:22 p.m.

V. CONSIDERATION AND POSSIBLE ACTION REGARDING A REQUEST FROM JON SLAGLE FOR A VARIANCE TO SECTION 4-171(C)(4) OF THE CITY’S CODE OF ORDINANCES REQUIRING THAT THE FIRST LEVEL FINISHED FLOOR OF A STRUCTURE BE ELEVATED TO 12 INCHES ABOVE THE 100-YEAR HYDRAULIC GRADE LINE AS MODELED FOR THE CITY OF BUNKER HILL VILLAGE FOR THE PROPERTY LOCATED AT 301 RANIER DRIVE

City Attorney Smith addressed the Board that the motion must be made in the affirmative per Local Government Code.

Board Member Marshall and Light stated that property owners should not be penalized for removing drywall to bring electrical, plumbing, etc. up to code.

A motion was made by Board Member Pratt and seconded by Board Member Shuford to grant a variance to Section 4-171(C)(4) of the City’s Code of Ordinances requiring that the first level finished floor of a structure be elevated to 12 inches above the 100-year hydraulic grade line as modeled for the City of Bunker Hill Village for the property located at 301 Ranier Drive.

Roll Call Vote

David Light..... YES
Patricia Shuford..... YES
Louis Crappito.....YES
Josh Pratt.....YES
David Marshall.....YES

The motion carried 5-0

Director Hernandez informed the applicant that with the approved variance, the project may move forward without raising the slab elevation; however, all other applicable ordinances must still be met.

VI. PUBLIC HEARING REGARDING A REQUEST FROM CY AND ALLISON CATTAN FOR A VARIANCE TO APPENDIX A, SECTION 2.01 (SETBACK) OF THE CITY’S CODE OF ORDINANCES REQUIRING SETBACKS ON A PROPERTY ABUTTING A PRIVATE STREET BE MEASURED FROM THE LINE DEMARKING THE EDGE OF THE EASEMENT OF INGRESS AND EGRESS SHOWN ON THE SURVEY WHICH IS NEAREST THE APPLICABLE LOT FOR THE PROPERTY LOCATED AT 1 LEISURE LANE

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Chair Light opened the public hearing at 5:26 p.m.

Public Works Director Hernandez stated the property is located on a private street. On private streets, the setback is measured from the back of the right-of-way (ROW), whereas the setback is measured from the lot line of public streets. Should the City ever annex the street (Leisure Ln.), the lot would be considered nonconforming.

Applicant's Request

Cy Cattan, applicant and property owner, purchased the property in December 2023 to build a new home to accommodate his son with special needs. Before closing on the lot, he met with the City and understood that the 50' foot front setback was measured from the front property line rather than the ROW. Based on this understanding, the home was designed to meet his son's needs while considering this lot line measurement.

He explained that the variance requested is due to the hardship posed by his son's medical needs and the irregular shape of the lot, which makes it challenging to build the home as originally designed while complying with the additional 10' foot setback requirement on the property. He stated the proposed home would not create any safety or aesthetic concerns for the street.

Public Comment

Allison Cattan, applicant and property owner, stated the new construction guidelines packet was not clear or detailed about the setback requirements on private streets.

Board Member Shuford asked whether the setback would create a problem if the street were to become public. Director Hernandez explained the lot would then be considered nonconforming but would not create any anticipated safety issues.

Chair Light closed the public hearing at 5:42 p.m.

VII. CONSIDERATION AND POSSIBLE ACTION REGARDING A REQUEST FROM CY AND ALLISON CATTAN FOR A VARIANCE TO APPENDIX A, SECTION 2.01 (SETBACK) OF THE CITY'S CODE OF ORDINANCES REQUIRING SETBACKS ON A PROPERTY ABUTTING A PRIVATE STREET BE MEASURED FROM THE LINE DEMARKING THE EDGE OF THE EASEMENT OF INGRESS AND EGRESS SHOWN ON THE SURVEY WHICH IS NEAREST THE APPLICABLE LOT FOR THE PROPERTY LOCATED AT 1 LEISURE LANE

Staff stated no public comments were received for or against the request. City Attorney Smith addressed the Board that the motion must be made in the affirmative per Local Government Code.

A motion was made by Board Member Pratt and seconded by Board Member Shuford to approve a variance to Appendix A, Section 2.01, Setbacks, of the City's Code of Ordinances requiring setbacks on a property abutting a private street be measured from the line demarking the edge of the easement of ingress and egress shown on the survey which is nearest the applicable lot for the property located at 1 Leisure Lane.

Roll Call Vote

David Light..... YES
Patricia Shuford..... YES
Louis Crappito.....YES
Josh Pratt.....YES
David Marshall.....YES

The motion carried 5-0

VIII. ADJOURN

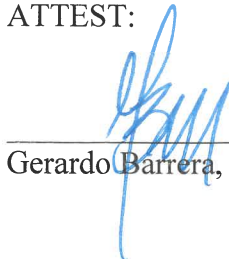
Chair Light adjourned the meeting at 5:43 p.m.

Approved and accepted on March 26, 2025.



David Light, Chair

ATTEST:



Gerardo Barrera, City Administrator/ Acting City Secretary