



## CITY OF BUNKER HILL VILLAGE

**THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, WILL MEET ON WEDNESDAY, MARCH 26, 2025, 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:**

**This meeting agenda, and the agenda packet, are posted online at [www.bunkerhilltx.gov](http://www.bunkerhilltx.gov)**

### **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.

#### **Zoom Meeting:**

<https://us06web.zoom.us/j/87058124037?pwd=4Qz9KbYWp5HSaN4IHhjOTdbIq0xOZu.1>

**Meeting ID:** 870 5812 4037

**Passcode:** 501589

**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 OCTOBER 30, 2024, MEETING MINUTES**
- IV. PUBLIC HEARING REGARDING A REQUEST FROM KEITH WILLIAMS FOR A VARIANCE TO SECTION 4-75(6)(G) OF THE CITY’S CODE OF ORDINANCES REQUIRING A GENERATOR NOT TO BE LOCATED WITHIN THE REQUIRED FRONT YARD OF A LOT FOR THE PROPERTY LOCATED AT 11651 GREENBAY STREET**

*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 KEITH WILLIAMS FOR A VARIANCE TO SECTION 4-75(6)(G) OF THE CITY’S CODE OF ORDINANCES REQUIRING A GENERATOR NOT TO BE LOCATED WITHIN THE REQUIRED FRONT YARD OF A LOT FOR THE PROPERTY LOCATED AT 11651 GREENBAY STREET**
- VI. PUBLIC HEARING REGARDING A REQUEST FROM JON SLAGLE FOR A VARIANCE TO APPENDIX A, SECTION 7.14 OF THE CITY’S CODE OF ORDINANCES REQUIRING LOTS ADJACENT TO A MAJOR STREET AND A MINOR STREET HAVE VEHICULAR DRIVEWAYS CONNECTING WITH THE MINOR STREET ONLY FOR THE PROPERTY LOCATED AT 301 RAINIER DRIVE**

*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*

- VII. CONSIDERATION AND POSSIBLE ACTION REGARDING A REQUEST FROM JON SLAGLE FOR A VARIANCE TO APPENDIX A, SECTION 7.14 OF THE CITY’S CODE OF ORDINANCES REQUIRING LOTS ADJACENT TO A MAJOR STREET AND A MINOR STREET HAVE VEHICULAR DRIVEWAYS CONNECTING WITH THE MINOR STREET ONLY FOR THE PROPERTY LOCATED AT 301 RAINIER DRIVE**

**VIII. PUBLIC HEARING REGARDING A REQUEST FROM JON SLAGLE FOR AN APPEAL OF THE BUILDING OFFICIAL'S INTERPRETATION OF SECTION 4-3 (RECONSTRUCTION) OF THE CITY'S CODE OF ORDINANCES FOR THE PROPERTY LOCATED AT 301 RAINIER DRIVE**

*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*

**IX. CONSIDERATION AND POSSIBLE ACTION REGARDING A REQUEST FROM JON SLAGLE FOR AN APPEAL OF THE BUILDING OFFICIAL'S INTERPRETATION OF SECTION 4-3 (RECONSTRUCTION) OF THE CITY'S CODE OF ORDINANCES FOR THE PROPERTY LOCATED AT 301 RAINIER DRIVE**

**X. 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 March 11, 2025, by 5:00 p.m.**

(SEAL)

  
\_\_\_\_\_  
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.

**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**

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 5:26 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.

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David Light, Chair

ATTEST:

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Gerardo Barrera, City Administrator/ Acting City Secretary



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

**Agenda Date:** March 26, 2025  
**Agenda Item:** IV - V  
**Subject:** Variance Request  
**Exhibits:** Application  
**Presenter(s):** Elvin Hernandez, Public Works Director

**Executive Summary**

The applicant requests a variance to Chapter 4, Section 4-75 (6)(g) of the City's Code of Ordinances to install a generator at the property 11651 Greenbay. The proposed location of the generator is within the required front yard, which is not permitted by ordinance.

**Sec. 4-75. National Electrical Code and International Electrical Code.**

The National Electrical Code, 2020 Edition, including all appendices, as published by the National Fire Protection Association, Inc., save and except the administrative provisions contained in Annex "H" thereof, and the 2015 International Code Council Electrical Code, as published by the International Code Council, authentic copies of which has been filed with the city secretary, are hereby adopted and made a part of this Code of Ordinances with the following amendments:

- (1) Minimum wire size for lighting and branch circuits is 12 gage in areas of new construction. Number 14 gage wire is not allowed for any purposes in areas of new construction.
- (2) All wiring beyond the electrical service meter must be copper. No aluminum wiring allowed beyond the electric meter.
- (3) All circuits, except those dedicated for specific appliances are required to be protected by GFCI, must be protected with combination breakers for arc and ground fault protection. A testing device shall be provided by the electrician at the final electrical inspection to test the arc and ground fault breakers at the receptacles.
- (4) Hallways and stair landings of at least 3 feet (914 mm) or more in length as measured horizontally along the wall shall have at least one receptacle outlet. The hall length shall be considered the length measured along the centerline of the hall without passing through a doorway. Additional receptacles are required for each additional length of 12 feet (3658 mm).

- (5) Receptacle requirements for kitchen islands. Any kitchen island with a work surface area, inclusive of sinks and appliances, of twelve (12) square feet or more must have a minimum of 4 individual receptacles generally distributed around the island.
- (6) Standby and emergency generators shall be installed in accordance with the National Electrical Code, 2020 and the following restrictions:
  - a. All wiring shall meet all requirements outlined in this code.
  - b. Maximum sound level at anytime shall be 70db or less measured at the property line.
  - c. Generator shall be positioned so that no structure, roof or overhang is over any portion of the generator enclosure.
  - d. Minimum clearance between generator foundation and other structures shall be twenty-four (24) inches or greater as determined by manufacturers' specifications. At no time shall the clearance be less than twenty-four (24) inches.
  - e. No portion of the generator or wiring may be located in an easement or right-of-way.
  - f. Generator may not be located in any restricted area or required green space.
  - g. Generator may not be located within the required front yard of a lot.**
  - h. A generator cannot be visible from a public or private street.
  - i. A load analysis, generator specifications and one-line electrical diagram must be posted with the permit on the project site.
- (7) 680.23 Underwater Luminaires. All underwater luminaires shall be low voltage L.E.D.
- (8) Wireless smoke detectors are acceptable without a signal communication wire if they meet all of the following:
  - a. All detection devices must be of the same type and brand;
  - b. All detection devices must communicate inter locally;
  - c. All detention devices must sounds simultaneously with an indication as to what area has triggered the alarm.

### 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



CITY OF BUNKER HILL VILLAGE  
APPLICATION FOR  
BOARD OF ADJUSTMENT REQUEST

Owner's Name: Keith Williams Phone: 713 204 9109

Mailing Address: 11651 Greenbay St Zip: 77024

Property Address (If Different): \_\_\_\_\_

Action Requested: Variance  Appeal  Special Exceptions  Zoning District  A  B

Project Description and Request: Request to install new emergency backup generator on my property

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Section of Code at Issue: Ordinance 4-75g

\_\_\_\_\_  
\_\_\_\_\_

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: 2/13/25

## Keith Williams

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**From:** Elvin Hernandez <ehernandez@bunkerhilltx.gov>  
**Sent:** Monday, October 21, 2024 9:50 AM  
**To:** Keith Williams  
**Subject:** GENERATOR PROJECT

Mr. Williams,

Thank you for taking the time to discuss this matter with me last week. After conducting an additional review of our ordinances and exploring potential options, I regret to inform you that I must stand by my initial decision: this project, in its current form, cannot proceed.

In my review, I revisited key points we discussed, including non-conforming lot use, repairs, modifications, and maintenance. The purpose of non-conforming use provisions is to allow certain existing conditions to remain but not to permit new non-conforming elements to be established, installed, or constructed. Additionally, Section 4-75(g) clearly prohibits the placement of a generator in the front yard of any lot.

I understand this may not be the outcome you were hoping for, but I am bound by the city's ordinances in making this determination. That said, I would be happy to assist you in exploring alternative solutions that would enable you to move forward with the installation of a new generator in compliance with our regulations.

V/r,

**Elvin Hernandez, MBA, PMP**  
Director of Public Works / Chief 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:**



Untitled Map

11651 Greenbay Aerial View

Legend

📍 11651 Greenbay Dr

GENERATOR IS LOCATED  
160' FROM THE ROAD  
HOUSE IS LOCATED 275'  
FROM THE ROAD  
IT IS COMPLETELY HIDDEN FROM  
THE ROAD

Gen

414

410

11643

11635

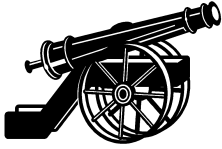
11651

11651 Greenbay Dr

406

403





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

**Agenda Date:** March 26, 2025  
**Agenda Item:** VI - VII  
**Subject:** Variance Request  
**Exhibits:** Application  
**Presenter(s):** Elvin Hernandez, Public Works Director

**Executive Summary**

The applicant is completing a home reconstruction project at the property located at 301 Rainer Dr. and requests a variance to maintain the existing driveway connection to a major street (Memorial Dr.) rather than the adjacent minor street (Rainer Dr.) as required by Appendix A, Section 7.14 of the City's Code of Ordinances.

**§ 7.14. Limitation on driveways/curb cuts connecting with major streets.**

It shall be unlawful for any person to cause or permit the placement or construction of a vehicular driveway, or any portion thereof, which violates the provisions of this section. Lots that are adjacent to a major street and a minor street shall have vehicular driveways connecting with the minor street only. Lots that are adjacent to a major street only shall have vehicular driveways with turn-around areas so that existing may be accomplished without backing onto the major street. For the purposes of this section, a "major street" shall mean and include Memorial Drive, Gessner Road, Strey Lane, Bunker Hill Road, Blalock Drive, Knipp Road and Taylorcrest Road.

This property and applicant were granted a variance request for Section 4-171(C)(4) from this Board on October 30, 2024. During the proceedings, the applicant acknowledged that all non-confirming aspects of the lot applicable for a reconstruction project would still need to be resolved to comply with the City's ordinances.

**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



CITY OF BUNKER HILL VILLAGE  
APPLICATION (1) FOR  
BOARD OF ADJUSTMENT REQUEST

Owner's Name: Jon Slagle Phone: 281-793-7139

Mailing Address: 301 Rainier Dr, Houston, TX Zip: 77024

Property Address (If Different): N/A

Action Requested: Variance  Appeal  Special Exceptions  Zoning District  A  B

**Project Description:** Remodel ("Reconstruct") the home, extend garage, and add covered patio. The remodel includes replacement of all plumbing, electrical, and duct work to bring these up to a safe, modern standard and into conformity with current codes/Ordinances. Some reframing of the interior of the house is planned, with minor changes to load bearing walls (structure).

**Request:** I request a variance to Appendix A (Zoning), Article VII (Supplementary District Regulations), Section 7.14 (Limitation on Driveways/Curb Cuts Connecting with Major Streets) in order to allow the lot at 301 Rainier Dr to maintain its existing driveway, connecting to a major street (Memorial Dr), despite being "adjacent to [both] a major street (Memorial Dr) and a minor street (Rainier Dr)". Given the "reconstruction" nature of this project, this Ordinance would otherwise require the driveway/garage to be relocated, "connecting with the minor street (Rainier Dr) only". The existing "turn-around area [will be maintained] so that exiting may be accomplished without backing onto the major street".

**Section of Code at Issue:** Appendix A (Zoning), Article VII (Supplementary District Regulations), Section 7.14 (Limitation on Driveways/Curb Cuts Connecting with Major Streets).

Attachments as applicable:

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

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

Signature of Applicant: Jon Slagle Date: 2/19/2025



CITY OF BUNKER HILL VILLAGE  
APPLICATION (2) FOR  
BOARD OF ADJUSTMENT REQUEST

Owner's Name: Jon Slagle Phone: 281-793-7139

Mailing Address: 301 Rainier Dr, Houston, TX Zip: 77024

Property Address (If Different): N/A

Action Requested: Variance  Appeal  Special Exceptions  Zoning District  A  B

**Project Description:** Remodel ("Reconstruct") the home, extend garage, and add covered patio. The remodel includes replacement of all plumbing, electrical, and duct work to bring these up to a safe, modern standard and into conformity with current codes/Ordinances. Some reframing of the interior of the house is planned, with minor changes to load bearing walls (structure).

**Request:** I appeal the decision of the City of Bunker Hill Village Director of Public Works ("Building Official") determining that the remodel work planned at 301 Rainier Dr constitutes "Reconstruction" under Chapter 4 (Development, Building and Construction), Article I (In General), Section 4-3 (Definitions). Alternatively, the work planned at 301 Rainier Dr is better described as "Remodel/maintenance improvements" and therefore should not "require ALL nonconforming aspects of the lot to be resolved". An effort will be made to resolve nonconforming aspects of the lot, which can reasonably be resolved within the scope of the planned work.

**Section of Code at Issue:** Chapter 4 (Development, Building and Construction), Article I (In General), Section 4-3 (Definitions).

Attachments as applicable:

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

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

Signature of Applicant: Jon Slagle Date: 2/19/2025

**City of Bunker Hill Village  
Board of Adjustment  
Notice of Variance Request**

Submitted: February 19, 2025  
301 Rainier Dr

**SUMMARY OF VARIANCE REQUEST**

The Homeowner requests a variance to Appendix A (Zoning), Article VII (Supplementary District Regulations), Section 7.14 (Limitation on Driveways/Curb Cuts Connecting with Major Streets) in order to allow the lot at 301 Rainier Dr to maintain its existing driveway, connecting to a major street (Memorial Dr), despite being “adjacent to [both] a major street (Memorial Dr) and a minor street (Rainier Dr)”. Given the “reconstruction” nature of this project, this Ordinance would otherwise require the driveway/garage to be relocated, “connecting with the minor street (Rainier Dr) only”. The existing “turn-around area [will be maintained] so that exiting may be accomplished without backing onto the major street”. Relocating the driveway/garage to Rainier Dr is not possible, safe, or economically viable without demolishing and reconstructing the home entirely, which would constitute the “destruction of any reasonable use of the property” and “an undue hardship” (qualifying variance criteria). Appellant requests a variance from the Ordinances inasmuch as “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.” Such a variance also “will not be contrary to public interest” (Section 11.04 B – Variances).

The section of Memorial Dr that the existing 301 Rainier Dr driveway connects to is slow paced due to several consecutive 90 degree turns in Memorial Dr and safe for a driveway to be connected to. The majority of lots in the area also have driveways connecting to a major street, and this will remain the case, as neighboring Lakeview (Memorial Dr) and Knipp (Knipp Rd) lots do not have access to minor streets.

**BACKGROUND AND TIMELINE**

Jon Slagle (“Homeowner”) purchased the home at 301 Rainier Dr (“Home”) on 10/25/2023. The Home was built in 1958, and consists of 2,887 square feet. Given the original 1958 construction of the Home, inspections identified significant issues with the existing electrical and plumbing that do not meet current code/Ordinance requirements and are unsafe for both the Homeowner and surrounding community. For example, cloth insulated electrical wiring, in poor condition, was identified throughout the Home, with a large number of open grounds. The need to bring this unsafe electrical up to code was the catalyst for the planned removal of all drywall in the Home. With the need to remove this drywall, it made sense to plan for some additional remodeling. The Homeowner plans to work with Pletcher Construction (“Builder”) for this remodel/addition project, with the intent to correct these electrical and plumbing Ordinance nonconformities and bring the Home up to a safe, modern standard.

The Homeowner entered into a contract with an architect to begin planning for this remodel/addition project on 3/5/2024. After studying the Ordinances and other available resources, Homeowner identified the unusual “Reconstruction” definition in the Ordinances, which is based on drywall and plumbing/electrical rather than actual structural changes to the Home. As required in the Ordinances for a “Reconstruction” project, Homeowner attempted to confirm that the project would meet all new construction requirements. Homeowner, architect, and Builder (“Remodel Team”) met with the City of Bunker Hill Village Director of Public Works (“Building Official”) for a pre-development meeting on 5/29/2024, where project details and permitting requirements were discussed. Building Official was asked specifically about potential issues related to existing driveway coming off a major street (Memorial Dr). Building Official told Remodel Team that existing driveway was not an issue, provided that the existing turn-around area was maintained, to avoid backing onto the major street. Remodel Team trusted Build Official’s statement to be true and moved forward planning project with this in mind. Pre-development meeting also included discussion of upcoming plans to change the “Reconstruction” definition in question to focus more on true structural changes rather than non-structural drywall, plumbing, and electrical. After 7 months of working towards a permit, including a pre-development meeting, 2 prior permit package reviews, 2 ZBOA meetings, and numerous discussions with the Building Official, permit was denied (12/30/2024) on the 3<sup>rd</sup> permit package submission, citing this driveway location issue for the first time.

### **DISCUSSION**

Given the driveway location requirement, triggered by the “Reconstruction” definition, it is not possible, safe, or economically viable to bring the Home completely up to new construction standards. Safety concerns with the current state of the Home, most notably the unsafe electrical, cannot be corrected without triggering the “Reconstruction” definition. This leaves no path forward, but to demolish the Home entirely and sell the property at lot value. For this reason, the decision of the Building Official, although made in good faith, will inflict undue hardship on the Homeowner, destroying any reasonable use of his property. The Homeowner requests a variance such that a permit will be granted to begin this remodel/addition project as planned. Granting this variance is to the benefit of the public interest, as it will allow this currently unsafe Home to be brought up to a safe, modern standard, and into closer conformity with the Ordinances.

The Board of Adjustment has the power to grant both variances and special exceptions to decisions of the Building Official. Under Article XI (Board of Adjustment), Section 11.04 (Powers) of the Ordinances, the Board of Adjustment is granted the power “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.”

## LIST OF EXHIBITS

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Exhibit C	Driveways – Major Street or Minor Street Only	Page 8
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## Exhibit A – Applicable Bunker Hill Village Ordinances

### Application 1 (Variance):

#### **Appendix A (Zoning), Article VII (Supplementary District Regulations), Section 7.14 (Limitation on Driveways/Curb Cuts Connecting with Major Streets):**

It shall be unlawful for any person to cause or permit the placement or construction of a vehicular driveway, or any portion thereof, which violates the provisions of this section. **Lots that are adjacent to a major street and a minor street shall have vehicular driveways connecting with the minor street only.** Lots that are adjacent to a major street only shall have vehicular driveways with turn-around areas so that existing may be accomplished without backing onto the major street. For the purposes of this section, a "major street" shall mean and include **Memorial Drive**, Gessner Road, Strey Lane, Bunker Hill Road, Blalock Drive, Knipp Road and Taylorcrest Road.

### Application 2 (Appeal):

#### **Chapter 4 (Development, Building and Construction), Article I (In General), Section 4-3 (Definitions):**

**Reconstruction** shall mean the reconstruction of fifty (50) percent or more, either value or living area, (of which a building permit is required) of an existing structure within the existing footprint. This includes structural (**wall board or ceiling board is removed**), **and/or if plumbing or electrical utilities are impacted.** The reconstruction shall be cumulative of all remodeling or modification work to the structure within any consecutive twenty-four (24) month period. 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.

**Remodel/maintenance improvements** shall mean (i) the **repair, upkeep, reconstruction or remodeling** of a house/structure, building, or slab which does not change, influence or impact the **structural integrity** or existing utilities for the building or (ii) the alteration of less than fifty (50) percent (of which a building permit is required) of an existing house/structure, building, or slab within the existing building footprint with no net impact to lot coverage or impervious cover calculations.

## End Exhibit A – Applicable Bunker Hill Village Ordinances

Exhibit B – Letter of Permit Denial



Plan Review Comment Letter

**Plan Review Comments:**

**Building, Electrical, Mechanical, Plumbing: Resubmittal Required - Carrie Jones, Cjones@safebuilt.com, :**

No Comments

**Building: Resubmittal Required - Evan Duvall, evduvall@safebuilt.com, (346) 516-4131:**

1. Driveway will have to be relocated to Rainier Drive, as Memorial Drive (Section 7.14) does not allow driveways and remodel is a complete reconstruction (Section 9.07).

2. Call-out northerly setback, must be 20 feet in width.

**§ 9.07.**

...

This section shall not apply to the reconstruction of accessory or *driveway* structures whereby the reconstruction consists of the same, or less, land use, location, and size as the improvements previously in place. Reconstruction of the main structure requires all nonconforming aspects of the lot to be resolved.

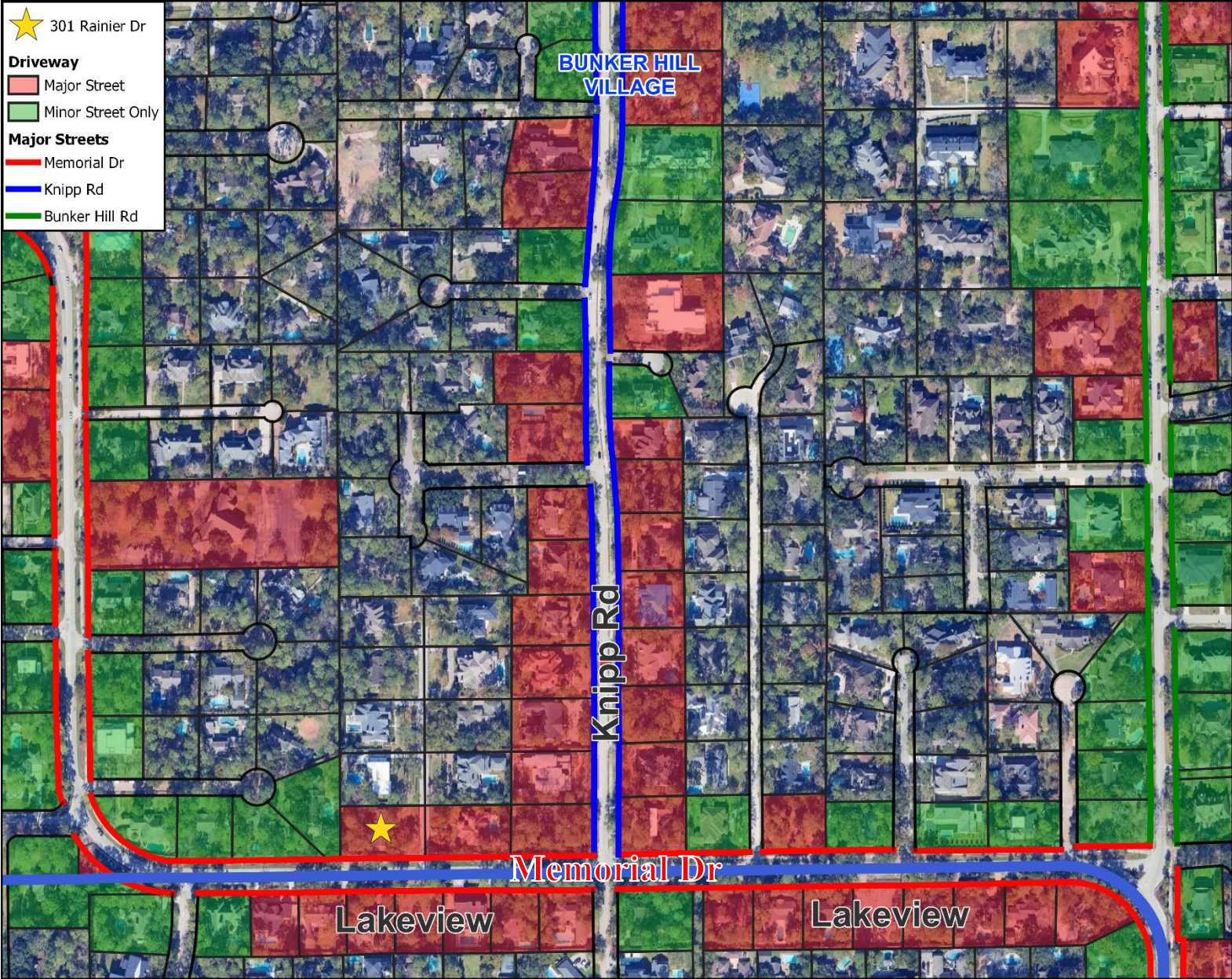
**§ 7.14. - Limitation on *driveways*/curb cuts connecting with major streets.**

Share Link to sectionPrint sectionDownload (Docx) of sectionsEmail sectionCompare versions

It shall be unlawful for any person to cause or permit the placement or construction of a vehicular *driveway*, or any portion thereof, which violates the provisions of this section. Lots that are adjacent to a major street and a minor street shall have vehicular *driveways* connecting with the minor street only. Lots that are adjacent to a major street only shall have vehicular *driveways* with turn-around areas so that existing may be accomplished without backing onto the major street. For the purposes of this section, a "major street" shall mean and include Memorial Drive, Gessner Road, Strey Lane, Bunker Hill Road, Blalock Drive, Knipp Road and Taylorcrest Road.

End Exhibit B – Letter of Permit Denial

**Exhibit C – Driveways – Major Street or Minor Street Only**



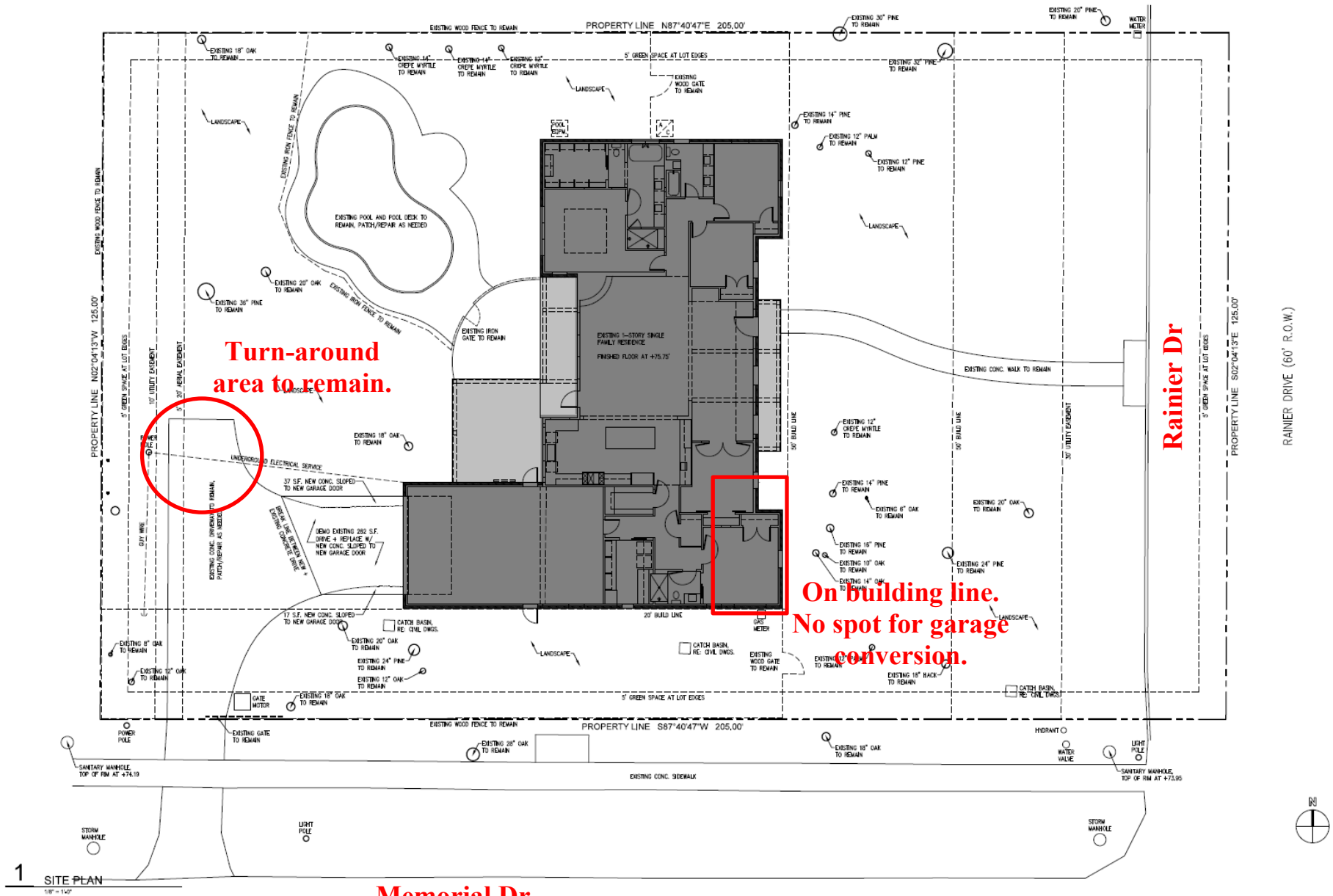
**End Exhibit C – Driveways – Major Street or Minor Street Only**

**Exhibit D – Highlighted Major Street Driveways**



**End Exhibit D – Highlighted Major Street Driveways**

**Exhibit E – Site Plan**







1 SITE PLAN  
118 - 147

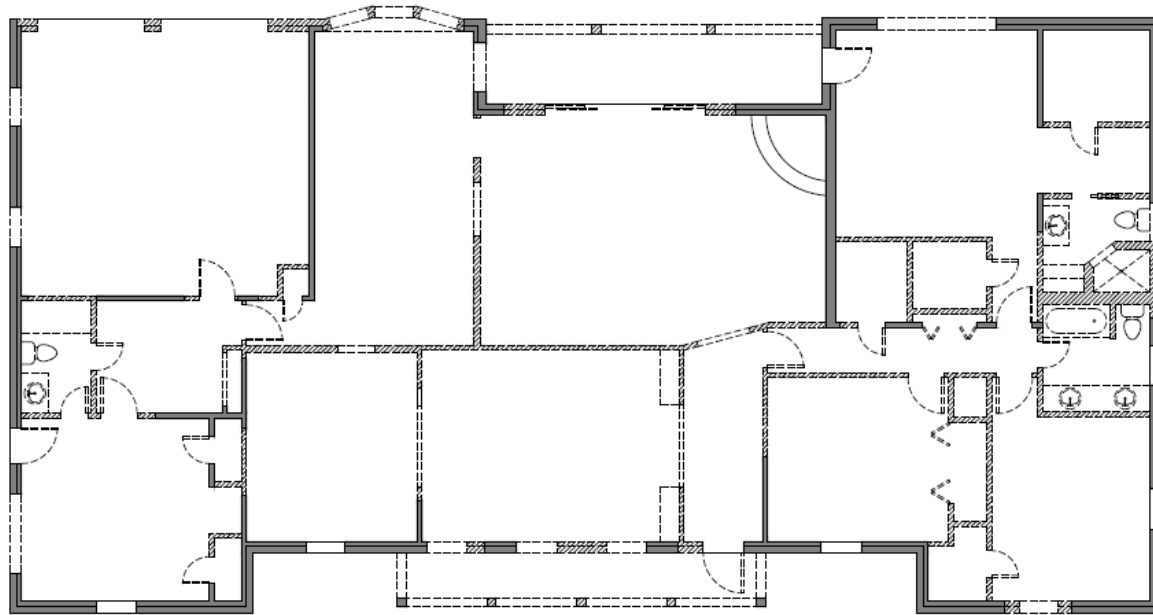
**Memorial Dr**

**End Exhibit E – Site Plan**

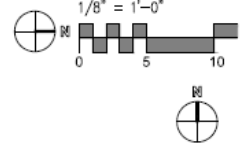
# Exhibit F – Existing Floor Plan

## DEMOLITION PLAN LEGEND

-  EXISTING WALL TO REMAIN, PATCH AND REPAIR AS NEEDED TO BRING CONDITION UP TO MEET NEW CONSTRUCTION
-  EXISTING WALL TO BE REMOVED
-  EXISTING DOOR TO REMAIN OR BE RELOCATED, VERIFY SIZE AND LOCATION W/ DOOR SCHEDULE
-  EXISTING DOOR TO BE REMOVED



**J** 301 Rainier  
SLAGLE RESIDENCE  
05.06.24  
1/8" = 1'-0"



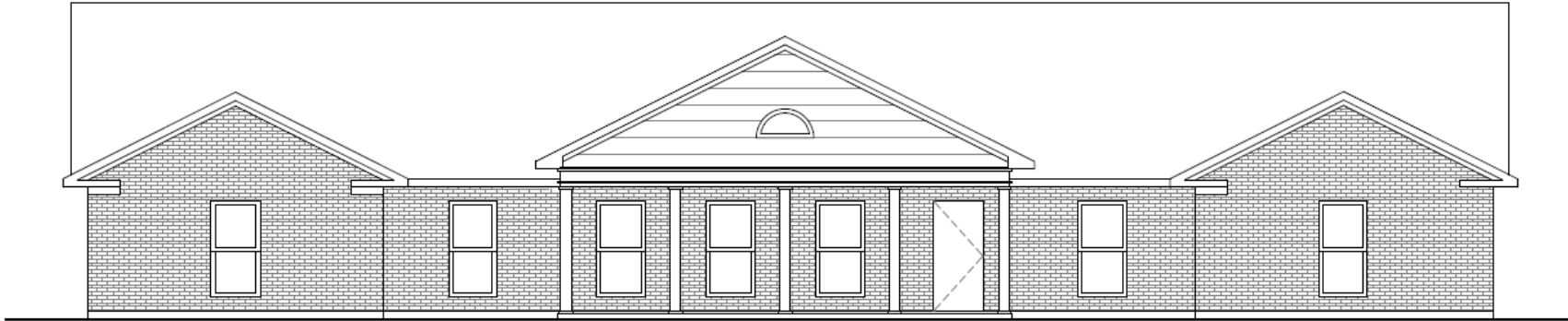
A north arrow is located to the left of the scale bar. The scale bar is a horizontal line with vertical tick marks at 0, 5, and 10 feet.

**1** LEVEL 1 - DEMOLITION PLAN  
DATE: 05.06.24

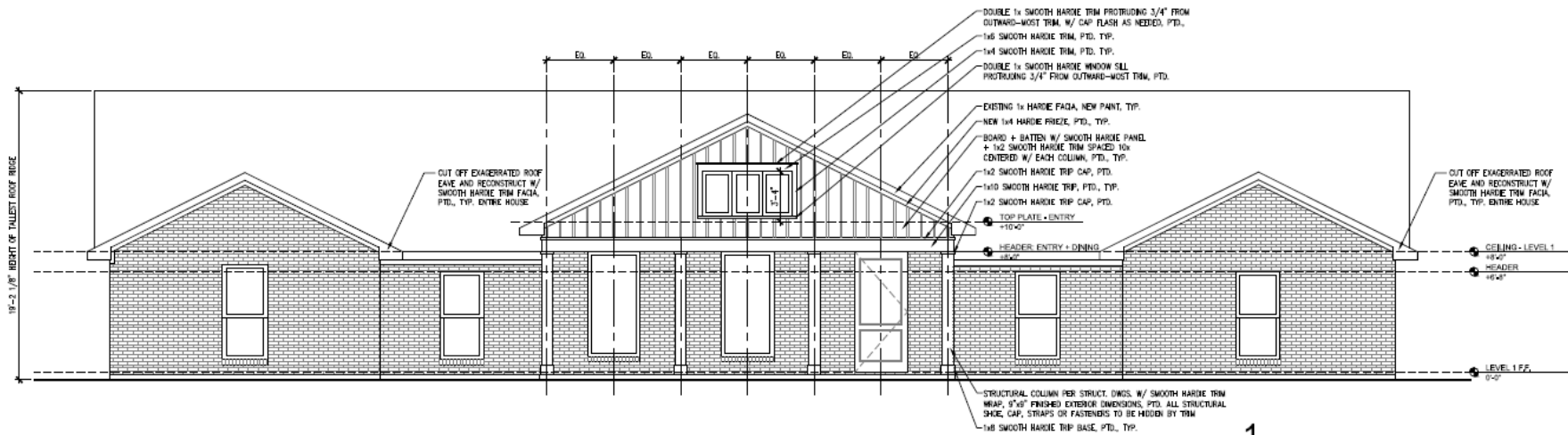
# End Exhibit F – Existing Floor Plan



**Exhibit H – Existing/Proposed East (Front) Elevation**



**1** EXISTING ELEVATION: EAST  
1/4" = 1'-0"



**1** NEW ELEVATION: EAST  
1/4" = 1'-0"

**End Exhibit H – Existing/Proposed East (Front) Elevation**

**Exhibit I – Ruling Options for ZBOA**

**Ruling Of The Board:**

After your appeal has been presented and after proper deliberation among the Board's members, they will make a ruling on your application. Law requires the approval of four of the five Board members; a simple majority is not sufficient. There are four options available to the Board.

- (1) Grant the relief you have requested in your application.
- (2) Grant the relief you have requested upon satisfaction of whatever conditions might be imposed by the Board.
- (3) Deny the relief you have requested, but grant some sort of modification of the relief requested.
- (4) Deny the relief you have requested.

**End Exhibit I – Ruling Options for ZBOA**



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

<b>Agenda Date:</b>	March 26, 2025
<b>Agenda Item:</b>	VIII - IX
<b>Subject:</b>	Appeal Request
<b>Exhibits:</b>	Application ( <i>under item VI</i> )
<b>Presenter(s):</b>	Elvin Hernandez, Public Works Director

**Executive Summary**

The applicant is completing a home reconstruction project at the property located at 301 Rainer Dr. and requests an appeal of Section 4-3 (Reconstruction) of the City's Code of Ordinances.

**Sec. 4-3. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this article. Words and terms not defined herein shall be construed in accordance with the ordinances of the city or their customary usage and meaning. When necessary for a reasonable construction of this article, words in the singular shall include the plural, words in the plural shall include the singular, and words used or defined in one tense or form shall include other tenses or derivative forms. The word "building" shall include the meaning of the word "structure." The words "shall," "will," and "must" are mandatory, and the word "may" is directory.

*Building* shall mean any structure designed or built for support, enclosure, shelter or protection of persons, animals or property of any kind.

*Building area* shall mean the maximum portion of a lot, defined by building setbacks, over which buildings and structures may be constructed.

*District A* shall mean one of the city's two (2) residential zoning districts and consists mainly of large and medium lots with single-family dwellings and open spaces designed and desirable for large lot single-family dwellings as defined in appendix A of this Code of Ordinances.

*District B* shall mean one of the city's two (2) residential zoning districts and consists mainly of small, medium and large lots, with single-family dwellings as defined in appendix A of this Code of Ordinances.

*Expansion/addition* shall mean any construction which expands or enlarges the footprint greater than two hundred (200) square feet (impermeable slab) of the existing surface area by a change/addition such as an room, pool, garage, driveway, patio, outdoor kitchen, etc. Should an expansion/addition be combined with a remodel/maintenance improvements or a reconstruction project, the stricter requirements will be enforced.

*Footprint* shall mean the surface area on a lot used by the building structure, defined by the perimeter of the building plan in addition to garages, pools, patios and driveways.

*In kind/same kind* shall mean a reconstruction of structures whereby the new project consists of the same land use, location, and size or less as previously in place.

*Lot* shall mean a parcel of land as defined in section 2.01 of appendix A of this Code.

*New construction* shall mean the construction of a new home or main structure, beginning with a vacant lot; the vacant lot can be a result of removing or tearing down existing structure(s).

*Reconstruction* shall mean the reconstruction of fifty (50) percent or more, either value or living area, (of which a building permit is required) of an existing structure within the existing footprint. This includes structural (wall board or ceiling board is removed), and/or if plumbing or electrical utilities are impacted. The reconstruction shall be cumulative of all remodeling or modification work to the structure within any consecutive twenty-four (24) month period. 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.

*Remodel/maintenance improvements* shall mean (i) the repair, upkeep, reconstruction or remodeling of a house/structure, building, or slab which does not change, influence or impact the structural integrity or existing utilities for the building or (ii) the alteration of less than fifty (50) percent (of which a building permit is required) of an existing house/structure, building, or slab within the existing building footprint with no net impact to lot coverage or impervious cover calculations.

*Structure* shall mean anything constructed or erected which requires location on the ground or is attached to something having a location on the ground including, but not limited to, signs, fences, walls, poles and buildings, whether of a temporary or permanent nature.

### **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