

**MINUTES OF THE BOARD OF ADJUSTMENT MEETING  
CITY OF SPRING VALLEY VILLAGE, TEXAS  
WEDNESDAY, FEBRUARY 22, 2023 AT 6:00 P.M.  
IN THE COUNCIL CHAMBERS OF CITY HALL  
1025 CAMPBELL ROAD, HOUSTON, TEXAS**

**1. CALL THE ROLL AND ANNOUNCE A QUORUM IS PRESENT**

With a quorum of the Board present, the Meeting of the Spring Valley Village Board of Adjustments was called to order by Acting Chairman Bradley Jones at 6:00 p.m.

Members Present:

Acting Chairman Bradley Jones

Board Member Cameron Kreager

Alternate Board Member Susan Diehl

Alternate Board Member Douglas Potts

Board Secretary William Featherston (online, non-voting)

Also present were:

City Attorney Loren Smith

Director of Community Development Zachary Meadows

Assistant to the City Administrator Carianne Riley

Building Official Kevin Taylor

**2. APPROVAL OF MEETING MINUTES: November 16, 2022 Meeting**

Board Member Diehl made a motion to approve the November 16, 2022 meeting minutes, and Acting Chairman Jones seconded the motion. Motion carried 5-0.

**3. CONDUCT A PUBLIC HEARING CONCERNING: A Request From Clarence Boeckman For A Variance From Chapter 12 Of The City Of Spring Valley Village's Code of Ordinances, Planning And Zoning, Section 05:02.01.01, Prohibition Of Carports, And Section 05:02.01 of Section 5, Building And Use Restrictions In Dwelling District "A", To Allow A New Structure To Be Constructed At 1308 Modiste Street, In The City Of Spring Valley Village, Texas.**

Acting Chairman Jones opened the Public Hearing at 6:02 p.m.

**A. Presentation of Variance Request by Applicant**

Director of Community Development, Zachary Meadows, provided background for the request. The variance is being requested by the owner of the property in question to allow a structure over the garage that would be larger than allowed within the aforementioned ordinances.

Clarence Boeckman, property owner at 1308 Modiste Street, spoke regarding his request. He stated that the variance was primarily denied because of the position of the front door to the home is too far away according to the ordinance. His belief was that the porch area, which stretches much closer to the garage, should be considered the entry to the home because it covers the front door area as well and one must enter the porch to enter the home.

**B. Those In Favor**

Bill West, of 1306 Modiste, spoke in favor of the request. He has no issue with how the home across the street is set up or with the presence of carports in general.

**C. Those Opposed**

Jim Schwabenland, of 8445 Merlin, spoke against the request. He stated that the zoning ordinance does not allow carports and so he does not want the carport there regardless of what the owners call it. If this variance is granted then there is no point to having an ordinance that does not allow them.

**C. Adjourn Public Hearing**

Acting Chairman Jones closed the Public Hearing at 6:13 p.m.

- 4. CONSIDERATION AND POSSIBLE ACTION CONCERNING:** A Request From Clarence Boeckman For A Variance From Chapter 12 Of The City Of Spring Valley Village's Code of Ordinances, Planning And Zoning, Section 05:02.01.01, Prohibition Of Carports, And Section 05:02.01 of Section 5, Building And Use Restrictions In Dwelling District "A", To Allow A New Structure To Be Constructed At 1308 Modiste Street, In The City Of Spring Valley Village, Texas.

Alternate Board Member Susan Diehl made a motion to approve the variance as requested. Acting Chairman Jones seconded the motion.

Board Member Cameron Kreager asked for clarification on the difference between a porte-cochere and a carport. Building Official Kevin Taylor explained that the ordinances at the time the carport at 1307 Modiste was approved allowed structures that looked like a carport as long as they were within certain guidelines.

Director of Community Development Meadows stepped in to explain the situation surrounding the ordinances being different before Mr. Boeckman's submittal and afterward. He stated that although the new ordinances don't apply, the application was still denied due to the lack of a door within the required distance to the porte-cochere.

Alternate Board Member Douglas Potts asked what the hardship is to justify the request. Mr. Boeckman explained that there was an elderly couple that wanted to rent the property that could not access the front door in a sheltered way because the handicap van wouldn't fit in the garage. He states that they wanted to make the property more handicap friendly.

Following discussion, motion failed 0-4. A copy of the Decision is attached to these minutes.

- 5. CONDUCT A PUBLIC HEARING CONCERNING:** A Request From Jorge Garduno For A Variance From Chapter 12 of The City of Spring Valley Village's Code of Ordinances, Planning And Zoning, Section 05:02.01.01, Garages And Carports, Building And Use Restrictions In Dwelling District "A" To Allow A Single Car Garage At 8601 Cedarspur Street, In The City of Spring Valley Village, Texas.

Acting Chairman Jones opened the Public Hearing at 6:28 p.m.

A. Presentation of Variance Request by Applicant

Director of Community Development Meadows provided background for the request. The property has an existing one-car garage which does not conform to city ordinances. The variance would be to allow the existing non-conforming garage to remain as-is while they add on to the back of the structure with extra livable space.

Jorge Garduno, property owner at 8601 Cedarspur Street, spoke regarding the request. He stated that when his family bought the house 13 years ago it was already non-conforming. They did not know and were not told that the garage wasn't allowed under the ordinances. He explained that there is enough space behind the gated area to park 5 cars so there has not been and there would continue to not be parking in the street. They want the addition primarily because when Mr. Garduno's parents come to visit there is enough living space for them to stay comfortably on-property.

Daniela Garduno spoke regarding the request as well. She stated that this request was not their original plan and that the original plan was to sell the home. They were unable to sell and so tried to build new but that didn't work because the market and prices shot up so they were unable to afford a new home. This request is the final try for them to get the square footage they need. The room they are trying to add would be a multipurpose room for kids to come visit or their parents to stay in when they visit. She mentioned that they are aware of the ordinances but not every house is going to comply with every ordinance and that is why there is a variance process.

B. Those In Favor

James Wuerth, of 8614 Cedarspur, spoke in favor of the request. He mentioned that he had never seen any cars parked outside of their gate and that the remodel would add value to the property.

Clarence Boeckman, of 1307 Modiste, spoke in favor of the request. He mentioned that because it's an existing structure that they're just trying to add to, he thinks that it should be allowed.

C. Those Opposed

None.

D. Adjourn Public Hearing

Acting Chairman Jones closed the Public Hearing at 6:40 p.m.

6. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** A Request From Jorge Garduno For A Variance From Chapter 12 of The City of Spring Valley Village's Code of Ordinances, Planning And Zoning, Section 05:02.01.01, Garages And Carports, Building And Use Restrictions In Dwelling District "A" To Allow A Single Car Garage At 8601 Cedarspur Street, In The City of Spring Valley Village, Texas.

Acting Chairman Jones made a motion to approve the variance as presented. Board Member Potts seconded the motion.

Board Member Diehl asked for the square footage of the proposed addition. She wanted to

see where the door is for the existing structure and the new entryways that are proposed. Board Member Kreager asked for an explanation as to why the garage is non-conforming, and Director of Community Development Meadows said that it is non-conforming because it is only a one car garage while Spring Valley Village requires a two car garage. The building is the size of a two car garage, but at some point half of the garage was converted into an office space without permits.

Acting Chairman Jones asked how the proposed addition would increase the non-conformity and Director of Community Development Meadows stated that it would not, it would be adding square footage but not adding to the non-conformity. Board Member Kreager asked why they couldn't convert the garage back to a two-car garage in order to allow the addition. Daniela Garduno stated that the livable space currently present was going to become her husband's office and was part of the selling part of the home initially.

Board Member Kreager stated that regardless of the discussion, the structure is still in violation of the ordinances so the most prudent way forward is for the garage to be converted back into a two-car garage so they can continue with the addition. He stated that he did not see hardship. Mr. Garduno explained that he would lose his office space if they converted the garage back and that perhaps his family's situation is the whole reason variances exist. Board Member Kreager and Community Development Director Meadows had a discussion on the limitations of being able to expand the addition any further back on the property if they were forced to convert the garage back to a two-car garage. With other setback limitations and their desire to keep a large tree in the area, there is little space for a larger addition than the one that has been proposed.

Board Member Kreager asked for clarification on what the hardship is for this property. Mr. Garduno's parents are older and are currently unable to stay with his family in their home and they don't have an office space for him to work at home.

Following discussion, motion failed 2-2. A copy of the Decision is attached to these minutes.

7. **ADJOURNMENT**

Acting Chairman Jones adjourned the meeting at 7:02 p.m.

Signed: \_\_\_\_\_

Chairman, Board of Adjustment

Attest: \_\_\_\_\_

Jasmin Torres, City Secretary

