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Members of the Board of Adjustment:
City of Bunker Hill Village
11977 Memorial Drive
Houston, TX 77024

Dear Members of the Board of Adjustment:

It has come to my attention that certain violations of the City of Bunker Hill Village Code of Ordinances appear to have occurred in the construction of the new home at 512 Knipp Rd (located on the south side of Hackamore Lane). As neighbors, we rely on the city's Building Official to uniformly apply the Code, as the same Building Official did in the past with respect to the construction of my home and the homes of several other neighbors. Violations of the Code impair the use, enjoyment and value of our properties. Therefore, I wish to express several concerns, which I believe must be corrected prior to the City issuing a Certificate of Zoning Compliance.

Location of Air Conditioning Condensers

Two air conditioning condenser units have been installed on a poured concrete pad remotely from the house. They are located five-feet from the east-side property-line. I believe this is contrary to the Code, which requires a ten-foot setback from the side property-line.



The Code in Section 2.01 of Appendix A – Zoning Regulations contains the following definition of a Structure:

Structure. 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.

Under the code’s definition, an air conditioning unit and the concrete pad on which it sits is a Structure.

Section 5.08 C states:

Restrictions on location. Except as specifically permitted in this section or elsewhere in this ordinance, an accessory building, structure, or use shall not be erected, constructed, installed, placed, or maintained in any required yard. On an interior lot, if an accessory building, structure, or use is not attached to or made a part of the main building and is located in the rear one-third of the lot, it shall be set back at least ten (10) feet from the rear lot line and at least ten (10) feet from each side lot line.

The following is the response of the Building Official

The ordinance is silent on appliances which means that we have no restriction on condenser location other than the 5 foot greenspace around the perimeter of the lot.

This is a fundamentally incorrect interpretation of the law. The Code provides a clear definition of a Structure as something that is constructed or erected which requires a location on the ground. It lists signs, fences, walls, poles and buildings as examples, but states clearly that Structures are not limited to those things. Because the ordinance is silent on appliances (and poured concrete slabs for that matter) it in no way means that they are exempt from being Structures. They are obviously Structures under the definition. If the City Council had wished to treat appliances or concrete slabs differently under the law, they would have made a specific exception for them, as they did do for swimming pools in the same ordinance.

Dimensions and Use of Accessory Building

An Accessory Building has been constructed on the property approximately twenty-feet from the west-side property-line and approximately ten-feet from the rear property line. As it stands within the Required Rear Yard, it can only be an Accessory Building, as no other building is permitted there. However, the building does not appear to comply with the requirements of

the Code to be an Accessory Building in two ways: 1) it exceeds the permitted height for an Accessory Building; and 2) it contains Sleeping Facilities.



Section 5.03 C of the Code states:

Height, accessory building or structure. An accessory building or structure shall not exceed eighteen (18) feet in height and its walls shall not exceed ten (10) feet in height.

The building that has been constructed has walls on three sides of approximately 27 feet in height, exceeding both the maximum wall-height and the maximum building height permitted for an Accessory Building.

Section 2.01 of the Code defines Accessory Building as follows:

Accessory building and accessory use. A building or use which is clearly subordinate and customarily incidental to and serves the principal or main building or use; is subordinate in area, extent, and purpose to the principal or main building or use served: contributes to the comfort, convenience or necessity of the occupant of the principal or main

building or use; and is located on the same lot as the principal or main building or use. Notwithstanding the foregoing or any other provision contained in this appendix "A" to the contrary, no building, or any part thereof, constructed, altered, improved or used for the purpose of human habitation shall be deemed an accessory building hereunder. For the purposes hereof, a building or part thereof shall be deemed habitable if it is constructed, altered or improved so as to be suitable for, or used for, sleeping purposes.

The building contains a garage on the ground floor and a guest or maid's quarters on the second floor including a full bathroom with tub and shower, as well as plumbing for a kitchenette. The room would be described by a Texas realtor as a bedroom, as it meets all the requirements of a bedroom under the realtors' IRC code. The full-bathroom makes the room obviously suitable for sleeping purposes.

"Guardhouse" In Front Yard

A small building resembling a guardhouse has been erected in the Required Front Yard near the street. I have raised no concern about this previously under the assumption that it was a temporary building that would be removed. The Code, in the definition of Structure includes both permanent and temporary buildings, so it is in violation. I assume this Structure will be removed.



Thank you for your consideration of my concerns, and I look forward to an action by this Board of Adjustment that will bring the construction into compliance with the Code.

Sincerely,


Stephen M. Pearlman

To: Ms. Jennifer Rigamonti
Ms. Michelle Belco
Mr. David W. Light III
Ms. Patricia Shuford
Mr. David Marshall

cc: Mayor Robert P. Lord
Mr. William R. Purifoy
Ms. Catherine Wile