

City of West Lake Hills

MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO)

REGULAR MEETING

Wednesday, June 19th, 2024 at 6:30 PM

1. **Call to Order:** Chair Robert Meisel.

- a. Meeting begins at 6:30pm
- b. Roll Call
 - i. Chair Robert Meisel: Present
 - ii. Vice-Chair Jim Pledger: Present
 - iii. Commissioner Julia Webber: Present
 - iv. Commissioner Karen Bartoletti: Absent (Excused)
 - v. Commissioner Patrick Stewart: Absent (Excused)
 - vi. Commissioner Laurie Maccini: Present

2. **Citizen Communications:**

- 1. None

3. **Consent Agenda:** The following items are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these items unless a Commission Member or citizen so requests.

- a. **Action:** Commissioner Pledger moves that all items be approved
 - Commissioner Webber Seconds
 - Motion carries 3:0

Deliberation/Action: 207 Yaupon Valley Dr.: Consider action to recommend approval with conditions for the Osuri Subdivision Minor Plat, being 1.743 acres out of the Thomas J. Chambers Survey No. 504 (Section 36.01.018 of the West Lake Hills Code of Ordinance).

Applicant: Davin Fillpot, Agent

a. **Staff Report:**

- Director Bills explained the Minor Plat and the recommended conditions for approval

b. **Public Comments:**

- None

c. **Discussion:**

- None

d. Action:

- Commissioner Webber moves that the plat be forwarded to Council with a recommendation of **Conditional Approval** based on staff conditions
 - Commissioner Pledger Seconds
 - Motion carries (3-0)

Recommendation will be forwarded to City Council for final consideration on July 10, 2024.

4. **Public Hearing: 717 ½ Yaupon Valley Road:** Hold a public hearing and make a recommendation for the rezoning of 0.13 acres out of Lot 2A Ben Riske Subdivision Amended Plat of Lots 1 & 2 from R-1, One-Family Residential District to GUI, Governmental, Utility, and Institutional District (Section 38.05.092 of the West Lake Hills Code).

Applicant: James McDermot, DEC Central Texas, LLC

a. Staff Report: Director Bills delivers briefing on zoning for Water District

- Commissioner Webber asks if former property owner is aware of planned tank
 - Director Bills: Yes

b. Public Comment:

- i. None

c. Discussion:

- i. None

d. Action: Commissioner Pledger moves that the zoning change be forwarded to Council with a recommendation of **approval**.

- Commissioner Webber Seconds
- Motion Carries Unanimously (3-0)

Recommendation will be forwarded to City Council for final consideration on July 10, 2024.

5. **Public Hearing 103 Yaupon Valley Drive:** Discuss and make recommendations on the proposed variances:

1. Excavation, grading or filling greater than 18" in setbacks (Section 22.03.170 (f) of the West Lake Hills Code)
2. Closed cut of 11 feet for the house where maximum allowed is 10 feet (natural grade 25-35%) or 0 feet (natural grade >35%), and a closed fill of 3 feet where the maximum is 0 feet for the driveway (7.4.1 of the Drainage and Erosion Control Manual).

Applicant: Erica and Ashton Weinberger, Property Owners

a. Staff Report:

- Director Bills delivers briefing on prior variance requests and subsequent building reviews leading to current variance requests
 - Explains limitations on lot created by topography and setback restrictions
- Commissioner Pledger: Asks Director Bills to explain previous setback variances.
 - Director Bills: No setback variances have been approved.
- Commissioner Webber: Asks if cut/fill limitations account for footings.
 - City Engineer Morales: Measured from base of finished floor elevation
- Commissioner Webber: Code may need to be revisited
- Commissioner Webber: Asks about structure of driveway
 - City Engineer Morales: Concrete material with a 12-18" dropoff depending on landscaping
 - Seeing driveway from main roadway should not be visibly distinct

b. Public Hearing:

- Erica Weinberger: Owner
 - Delivers presentation on variance request
- Cynthia Brandimarte: 808 Westlake
 - Expected that there would be no more variances after previous requests
 - Asks Commission to recommend denial of variance request
- Debrorah Stewart: 100 Yaupon Valley
 - Worried about drainage from lot
 - Asks Commission to recommend denial of variance request
- Roxxanne Yates: 200 Yaupon
 - Agrees with opinion of 2 previous speakers
 - Concerned about contractors parking on her land during construction
 - West Lake Hills Has Ordinances for reasons and ordinances need to be upheld
 - Asks Commission to recommend denial of variance request
- Glen Stotts: 102 Yaupon Valley
 - Concerned about runoff associated with variances
 - Asks Commission to recommend denial of variance request

- Request made to display on-screen an email (*Attachment A*) from Katherine Loayza that was received after the Agenda had been officially posted for the ZAPCO hearing.
- Daniel Mann: 201 Laurel Valley
 - Wants to discuss history of property
 - Chair Meisel: Can't discuss item off agenda
 - Worried about runoff
- Jay Corder: Architect
 - Doesn't want to be bringing variances
 - Permit will not be granted by City Staff if drainage isn't properly designed
 - House well-under impervious cover limitations – increased square footage compared to initial variance requests is from adding 3rd floor. The building footprint has been reduced to fall within building setback lines.

c. Discussion:

- Commissioner Webber: These are the only 2 variances?
 - Director Bills: Yes. The only remaining comment aside from variance items is a small discrepancy on the square footage of the house between the septic and architectural plans.
- Commissioner Webber: When in the process is drainage reviewed?
 - Director Bills: Architectural and Civil plans are reviewed concurrently
- Commissioner Webber: We're not here to discuss drainage, but it is clearly a concern.
 - City Engineer Morales: Explains drainage review process
 - Drainage life, health, and safety issues cannot receive a variance
 - Design staff has done their due diligence with respect to drainage models
 - Has accounted for impact to surrounding properties
 - Describes location of detention and water quality facilities
 - Commissioner Webber: Cases like this the water quality and drainage can actually be improved.
- Chair Meisel: Is rainwater collection and detention calculated for 100-year event?
 - Rainwater collection is for 1.5" of rain
 - Detention is for 100-year event

- Commissioner Maccini: Are removed trees accounted for in modeling?
 - City Engineer Morales: Yes
- Chair Meisel: Where is drainage pond, and is its size determined?
 - City Engineer Morales: Explains location and modeling, and that the size has already been determined through the modeling
 - Pond will drain into culvert
- Members of audience ask how Engineers can really know how water will behave.
 - Chair Meisel: Our licensed consultants are relied upon to know their field.
- Chair Meisel: If the city absolutely denies the right to build entirely, the city condemns the property and must buy it.
- Commissioner Pledger:
 - What kind of structural changes have been made with the detention pond and culvert that will help protect the neighbors?
 - City Engineer Morales: Drainage is designed to prevent adverse impact compared to existing conditions.
 - Why isn't property designed to improve existing drainage instead of just preventing adverse impact?
 - City Engineer Morales: City is limited in what it can impose on a property owner for a private development.
- Commissioner Webber:
 - Lot was separated from larger parcel. Are lots checked for development hurdles during platting?
 - Director Bills: This lot was platted prior to existing development standards. Newly subdivided lots in West Lake Hills must meet minimum lot size requirements, provide slope analysis, and demonstrate that there is an area large enough to build a compliant structure on the lot.
- Commissioner Webber: Property owners are asking for 2 minor variances that they are close to meeting and have met the rest of the code
 - Sensitive to neighboring homeowner wishes, but not within the purview of ZAPCO
 - In support of property owners if 2 minor variances are all that's required to develop lot.
- d. **Action:** Commissioner Webber moves that the variance be forwarded to BOA with a recommendation of approval.
 - **Motion dies for lack of second**

e. Chair Meisel moves for denial

- Commissioner Pledger seconds
- Motion Carries 2-1 – Commissioner Webber dissenting

Recommendation will be forwarded to the Board of Adjustment on July 10, 2024

6. **Public Hearing: 304 Yaupon Valley Rd:** Discuss and make recommendation on a variance to the 30-foot front setback with an encroachment of up to 10 feet (Section 22.03.275 and 22.03.281 of the West Lake Hills Code).

Applicant: James Bylander, homeowner

a. **Staff Report:** Director Bills delivers briefing on generator location and setback variance

b. **Public Comment:** None

c. **Discussion:**

- Commissioner Maccini: If the generator is too loud, would noise screening need additional variance?
 - Director Bills: Most screening for mechanical equipment is vegetative and wouldn't require variance

d. **Action:** Commissioner Pledger moves that the variance be forwarded to Council with a recommendation of approval. Based on hardship of health and safety.

- Commissioner Maccini Seconds
- Motion Carries Unanimously (3-0)

Recommendation will be forwarded to the Board of Adjustment on July 12, 2024

7. **Public Hearing: 1427 Redbud Trail:** Discuss and make recommendation on a 38-foot encroachment into a 50- foot front setback for a new carport (Section 22.03.275 and 22.03.281 of the West Lake Hills Code).

Applicant: Stacy Paulson

a. **Staff Report:** Director Bills delivers briefing on variance for carport over existing maneuvering strip. Explains that granting of variance would create new violation by removing required maneuvering strip.

b. **Public Comment:**

- i. None

c. **Discussion:**

- i. None
- d. **Action:** Commissioner Pledger moves that the variance be forwarded to Council with a recommendation of denial for lack of hardship
 - i. Commissioner Webber Seconds
 - ii. Motion Carries Unanimously (3-0)

Recommendation will be forwarded to the Board of Adjustment on July 12, 2024

8. Public Hearing: 205 W Spring

Applicant: Will McAshan

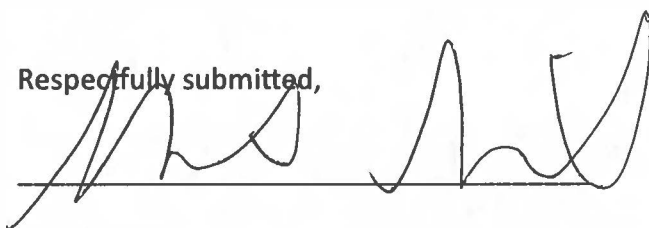
- a. **Staff Report:** Director Bills delivers briefing on previous approved variance and additional variance requests
 - i. Commissioner Webber: Has minimization of eaves been discussed?
 - a) Not with staff
- b. **Public Comment:**
 - i. **Will McAshan: Owner**
 - a) Explains that additional setback variance is due to an oversight in previous variance request. Prior setback encroachment variance request was based on the location of the wall but didn't account for code requirement prohibiting eaves and overhangs from encroaching on setback.
 - b) Explains poor condition of tree.
- c. **Discussion:**
 - i. Commissioner Webber: Initial variance was to save the tree
 - a) Has there been consideration to replace the tree?
 - Replacement trees will be planted on the property
 - ii. Commissioner Webber: Doesn't object to extending encroachment to include eaves, but doesn't want house to be extended with shorter eaves
 - iii. Will McAshan: Willing to have condition that additional encroachment is limited to eaves only
- d. **Action:** Commissioner Webber moves that the variance be forwarded to Council with a recommendation of **approval** with condition that the eave be shown on the drawings as the only extra encroachment
 - i. Commissioner Pledger Seconds
 - ii. Motion Carries Unanimously (3-0)

Recommendation will be forwarded to the Board of Adjustment on July 12, 2024

9. **Adjournment:**

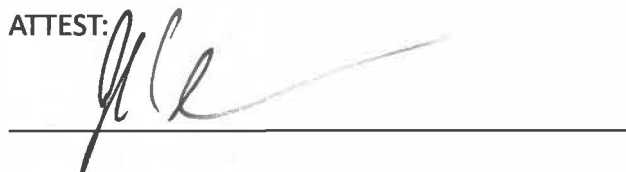
Chair Meisel Adjourns the meeting at 8:32pm

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'R. Meisel', written over a horizontal line.

ROBERT MEISEL, CHAIRMAN

ATTEST:

A handwritten signature in black ink, appearing to be 'Joel Sherrouse', written over a horizontal line.

Development Coordinator Joel Sherrouse

These minutes were approved on August 21, 2024.

From: [Trey Fletcher](#)
To: [Jennifer Bills](#); [Joel Sherrouse](#)
Subject: FW: Zapco Item #6 103 Yaupon Drive additional variances
Date: Tuesday, June 18, 2024 8:22:39 AM
Importance: High

Please provide this email to the ZAPCO. Thank you.

From: Loayza, Katherine <kloayza@jw.com>
Sent: Monday, June 17, 2024 8:31 PM
To: Trey Fletcher <tfletcher@westlakehills.gov>
Subject: Zapco Item #6 103 Yaupon Drive additional variances
Importance: High

Trey,

I am adamantly opposed to the two additional variances for the construction of a residence that is much too big for this lot. I have opposed the previous variances for the construction of this residence on the grounds that they do not meet the criteria for granting such variances. Rather than minimizing the degree of variance required by reducing the size of the structure, the owners came back to the City and **Increased** the building square footage.

The key question at this point is why were these current variances not identified by staff previously? It begs the question of what other issues/variances will come to light if these additional variances are granted?

This property is not suitable for the size of the proposed structure given the number of variances triggered by approval of the proposed building permit. Furthermore, although this lot has many challenges, granting the requested new variances is contrary to our Master Plan and impact on drainage and the environment (all the drainage will flow to my property which is the lowest point downstream from this lot).

Therefore, I request that Zapco deny these additional new variances.

Please include my comments in the ZAPCO meeting backup materials.

Respectfully,

Katherine Loayza

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