

City of West Lake Hills

MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO)

REGULAR MEETING

Wednesday, July 17th, 2024 at 6:30 PM

1. **Call to Order: Vice-Chair Jim Pledger**

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

2. **Citizen Communications:**

- a. 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. Approval of the May 15, 2024 Zoning and Planning Commission minutes
 - Item pulled for having incorrect date on Agenda. Consent Agenda item should have been for June 19, 2024 minutes.
- b. Report of the Previous ZAPCO cases acted on by the BOA/City Council
- c. **Action:** None required

4. **Deliberation/Action:** **4 N Peak Road:** Consider action to recommend Approval with Conditions for the 4 N North Peak Rd. Minor Plat, being .0848 acres out of the Henry P Hill Survey Abstract No. 14 (Section 36.01.018 of the West Lake Hills Code of Ordinance).

Applicant: Kent Stromberg, Agent

a. **Staff Report:**

- i. Director Bills explains the Minor Plat and the recommended conditions for approval

- ii. **Commissioner Bartoletti:** Are the plat notes substantive, or does simply having them meet requirements?
 - 1. The city has pre-defined plat notes that must be included for platting
 - iii. **Commissioner Maccini:** What is the difference between a subdivision and a lot?
 - 1. Platting process must meet city codes, whereas deed-dividing process does not.
 - iv. **Commissioner Bartoletti:** Does this process create a legal lot?
 - 1. Yes
- b. **Public Comments:**
 - i. None
- c. **Discussion:**
 - i. None
- d. **Action:**
 - i. Commissioner Bartoletti moves that the plat be forwarded to Council with a recommendation of **Approval with Conditions** based on staff conditions
 - 1. Commissioner Webber Seconds
 - 2. Motion carries (4-0)

Recommendation will be forwarded to City Council for final consideration on August 14, 2024.

- 5. Public Hearing 703 Loma Linda Dr.: Discuss and make recommendation on a variance to encroach 8 feet into the 25-foot side setback (Section 22.03.275 and 22.03.281 of the West Lake Hills Code).

Applicant: Steven Johnson, Property Owner

- a. **Staff Report:**
 - i. Director Bills delivers briefing on HVAC equipment encroachment into setback
 - ii. **Commissioner Webber:** How close is neighboring property structure?
 - 1. 25-ft setbacks place structures at least 50 feet apart
 - iii. **Commissioner Webber:** Incredibly sensitive to HVAC equipment inside yard due to noise

- iv. **Commissioner Stewart:** How long has ordinance been in existence?
 - 1. Multiple code cycles – not a new ordinance
- b. **Public Comment:**
 - i. **Applicant: Steven Johnson**
 - 1. Builder assumed HVAC could go in setback
 - 2. Detention Pond in back is close to where AC pad should go by code
 - 3. Wall and vegetative screening should reduce visual and auditory impact
- c. **Discussion:**
 - i. **Commissioner Maccini:** What species trees have been planted?
 - 1. Appear to be Cherry Laurels in pictures
 - ii. **Commissioner Maccini:** What kind of understory blocking?
 - 1. **Commissioner Pledger:** Tree removal has already been approved by staff
 - iii. **Commissioner Bartoletti:** Difficulty seeing hardship
 - iv. **Commissioner Webber:** Trying to balance benefits of noise reduction through walls, distance, and vegetation combined with energy efficiency and possible future code amendments versus lack of hardship
 - v. **Commissioner Webber:** Are there fines for this kind of mistake where items aren't built to plan?
 - 1. No fines in these cases. But final inspection and CO cannot be completed, so house cannot be used until resolved. Extra time is required to move into house plus added expense of correcting errors.
 - vi. **Commissioner Stewart:** Mistakes by builders should be owned by builders. As code is written today, no hardship exists.
- d. **Action:**
 - i. Commissioner Bartoletti moves to forward to Board of Adjustment with recommendation of **denial** for lack of hardship, but requests that Council consider code amendment to address this issue going forward.
 - 1. Commissioner Webber Seconds
 - 2. Motion carries 4-0

Recommendation will be forwarded to Board of Adjustment for final consideration on August 14, 2024.

6. Public Hearing: 807 Loma Linda Dr.: Discuss and make recommendation on a variance for an 8.5-foot-tall fence where the maximum height is 6 feet over natural grade (Section 22.03.173 of the West Lake Hills Code).

Applicant: Carrie Steilen, Property Owner

a. Staff Report:

- i. Director Bills delivers staff report on property history and over-height fence built without permit
 - 1. **Commissioner Stewart:** Why isn't fence height considered from both sides?
 - a. Code bases height on grade beneath fence
 - 2. **Commissioner Stewart:** Does a cinder fence require more extensive design
 - a. Fences over 7 feet require engineering

b. Public Comment:

- i. **Jared Ficklin** – Owner's Representative
 - 1. Explains history of fence replacement
 - 2. Explains slopes around property
 - 3. Explains the added cost of building 6' instead of 6'3"

c. Discussion:

- i. **Commissioner Webber:** Could have built shorter than maximum with 8" blocks instead of taller than is allowed
- ii. **Commissioner Stewart:** 3" could be adjusted
- iii. **Commissioner Maccini:** Difficult because already built, and asking to take down is a lot, but if you know you know that adding an additional row of blocks will take the fence from being under the limit to over the limit, you should stay under.
- iv. **Commissioner Pledger:** Similar after-the-fact variances for other properties have been denied and walls have had to be revised.
- v. **Commissioner Webber:** Concrete blocks can be taken off 8" at a time – entire wall doesn't necessarily need to be removed.

- d. **Action:** Commissioner Webber moves that the variance be forwarded to Council with a recommendation of **denial** for lack of hardship.

- i. Commissioner Maccini Seconds
- ii. Motion Carries Unanimously (4-0)

Recommendation will be forwarded to City Council for final consideration on August 14, 2024.

7. Public Hearing 200 Wildcat Hollow: Discuss and make recommendation to allow for 25-foot encroachment for the building and grading for structures into a 50-foot front setback adjacent to Skyline Dr. for the redevelopment of a single-family residential structure (22.03.275 and 22.03.281 of the West Lake Hills Code).

Applicant: Rachel Jones, McCollum Studio

a. Staff Report:

- i. Director Bills explains property layout with 4 frontages and requested variance along skyline drive
- ii. **Commissioner Webber:** Pool on proposed plan is not existing. House could go in that location.
- iii. **Commissioner Bartoletti:** Would variance change the setbacks?
 1. No – would allow encroachment into setback for the house

b. Public Hearing:

- i. **Rachael Jones:** Architect
 1. Explains variance request
 2. Staying close to existing house and within setback will allow more trees to be saved
- ii. **Jeffrey Dochen:** Neighbor
 1. Fully supports approval of the variance request

c. Discussion:

- i. **Commissioner Maccini:** What is the planned square footage?
 1. 6,000 sft
 - a. **Commissioner Maccini:** Design driven decision to build pool and large house
- ii. **Commissioner Webber:**
 1. 25' setback along skyline could be used for anything
- iii. **Commissioner Pledger:** There is an obligation to minimize the variance
- iv. **Commissioner Webber:** Feels like too early in process to request variance
- v. **Commissioner Bartoletti:** Doesn't understand practical downside to coming back with more-complete plans
- vi. **Commissioner Bartoletti:** Would limiting the encroachment to the extent of the existing house meet the applicant's needs?
 1. **Rachel Jones:** Could work within those constraints

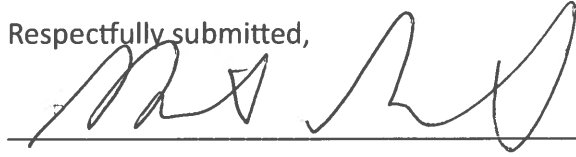
- vii. **Commissioner Maccini:** Alright with limiting encroachment, but not sure how to word it
 - viii. **Miss Jones:** Explains concept of plans
 - 1. **Commissioner Bartoletti:** That is the kind of detail that more plans would provide
 - ix. **Commissioner Pledger:** Would be comfortable limiting encroachment to outline of existing house
 - x. **Commissioner Maccini:** Would applicant be willing to request postponement?
 - xi. **Applicant:** more comfortable with recommendation to BOA now, and can provide more information at that point
- d. **Action:**
- i. Commissioner Webber moves that the variance be forwarded to the Board of Adjustment with a recommendation of **denial** for lack of hardship.
 - 1. Commissioner Stewart Seconds
 - 2. Motion Carries 4-0

Recommendation will be forwarded to the Board of Adjustment for final consideration on August 14, 2024

8. Adjournment:

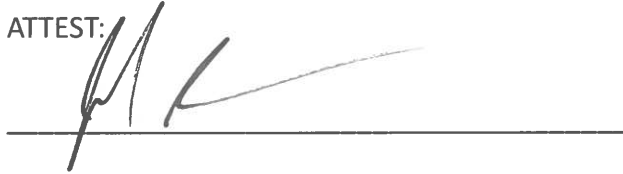
- a. Vice-Chair Pledger Adjourns the meeting at **7:58pm**

Respectfully submitted,

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

ROBERT MEISEL, CHAIRMAN

ATTEST:

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

Development Coordinator Joel Sherrouse

These minutes were approved on August 21, 2024.