

CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, May 20, 2020 at 6:30 PM

1. Call to Order. Chairman Robert Meisel.

With a quorum present, Chairman Meisel called the meeting to order at 5:30 p.m.

Members in attendance were Robert Meisel, Bill Harwell, James Vaughan, Bill Vandersteel and Laurie Maccini.

2. 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 item/s unless a Commission Member or citizen so requests.

- a. Approval of the April 15, 2020 Regular Meeting Minutes.

COMMISSIONER MACCINI MOVES TO APPROVE THE MINUTES ALAURIE MOVES TO AOPROVE AS PRESENTED. BILL VANDERSTEEL. (6-0).

3. Land Use 4609 Bee Cave Road: Discussion/recommendation of a sign application for two (2) projecting/wall numerical street address signs at Creekside at the Hills (Chapter 32 of the West Lake Hills Code). Applicant CND Signs.

- a. Staff Briefing

City Planner Naini reads the staff report. The signs comply with the Code. Staff Recommendation: Approval of the two signs.

- b. Presentation by applicant
 - c. Public Hearing: All persons wishing to speak for or against shall be heard.

Chairman Meisel opened the meeting for public comments. Hearing none, the public comment section was closed.

- d. Deliberation and Action

Commissioner Vandersteel: Were all conditions met?

Planner Naini: Yes.

COMMISSIONER VANDERSTEEL MOVES TO RECOMMEND APPROVAL. COMMISSIONER HARWELL SECONDS. (5-0) APPROVAL.

4. Land Use 901 Forest View Drive: Discussion/recommendation of a variance request for a fence to exceed the maximum allowed height in order to install privacy panels to a section of an existing fence. (City of West Lake Hills Code Sec. 22.03.173). Owner/Applicant June Janes.

a. Staff Briefing

City Planner Naini gives the staff briefing. The fence is 10' in particular sections. A previous variance had been approved for several years. We received a letter from a neighbor speaking against the application..

Staff

Recommendation:

Approval.

b. Presentation by applicant

June Janes is the applicant. Her husband Brandon is also present.

On page 23 of your packet is what we are requesting to replace a 20 year old fence and a variance for height in that one section with some panels on top of the fence. It will be on the property line where it has been for the last 28 years. We purchased the house in 1992. We obtained a permit in 2000 to replace the fence at the same height and same place. We paid the total cost of that fence. We want to keep one section tall. When it was built in 1960 there wasn't a house behind us. A two-story was built in 1980. I met with neighbors whose property lines we share. I'm happy to answer any questions.

Brandon Janes: The fence was built before the neighbor bought their place. We will be willing to re-survey to show it is on our property.

- c. Public Hearing: All persons wishing to speak for or against shall be heard.

**Chairman Meisel opened the meeting for public comments.
Hearing none, the public comment section was closed.**

d. Deliberation and Action

Chairman Harwell: Is the fence the letter owner's property? He has issues with the production.

Chairman Meisel: The city cannot issue a permit to build a fence on someone else's property. Get that done first to make sure the line is where it supposed to be.

Commissioner Vandersteel: I didn't have a problem with it when the photos make it very clear. It's important that the neighbor has some input of how it looks.

Brandon: I don't think he has issues with the style; oit's the disruption.

Commissioner Maccini: Is there any reason for safety concerns for having a fence that high?

Brandon: It's been that way 28 years and we're lowering it.

Commissioner Maccini: You're asking for over 4' more than what we allow. Are you making it that high to provide security or privacy?

June: Privacy, no other reason.

Commissioner Maccini: Thank you.

Chairman Meisel: The ordinance requires that it meets the minimum goal that is not as disruptive as our ordinance scheme. If the issues is privacy, the answer is a window treatment and not a fence. I don't think the city can go with a new variance. It does allow you to repair but does not allow a new fence.

Commissioner Vandersteel: I'm a confused about the initial construction. That was 12' feet high. Why are we having a new variance if they are replacing it lower?

Chairman Meisel: This does require a variance. The old one won't cover it.

Commissioner Pledger: Mr. Janes an I are partners and I believe that privacy is a reasonsable basis for a higher fence. We have approved fences for privacy.

Commissioner Vandersteel: The need for height is much more obvious for this smaller lot.

Commissioner Vaughan: Since they already have a variance for the

5. Land Use 917 Calithea Road: Discussion/recommendation of two variance requests in order to construct a swimming pool and yard area: 1) retaining wall that encroaches the side building setback (West Lake Hills Code Sec. 22.03.281); and 2) retaining wall exceeds 6 feet in height (West Lake Hills Code Sec.22.03.170). Owners/Applicants Cortney & Patrick Johnson.

a. Staff Briefing

Planner Naini gives the Staff Report. This property is over 2 acres and is very steep. Neighbors are supportive. Staff Recommendation: Approval.

b. Presentation by applicant

Cortney Johnson is the owner. Our lot is extremely steep. The location is located on Page 61 with pictures showing the hardship. Our neighbors have been supportive as well.

c. Public Hearing: All persons wishing to speak for or against shall be heard.

**Chairman Meisel opened the meeting for public comments.
Hearing none, the public comment section was closed.**

d. Deliberation and Action

Commissioner Vandersteel: Have you considered it being moved to the middle of the property?

Cortney: We did consider a number of locations. There were concerns but we would have the same variance request because of the topography. This was less invasive. Page 75 is more clear of the retaining that the neighbor has installed. The wall is below grade and is less visible.

Commissioner Maccini: This is design driven.

COMMISSIONER VANDERSTEEL MOVES TO RECOMMEND APPROVAL. COMMISSIONER HARWELL SECONDS. (4-1) COMMISSIONER MACCINI DISAPPROVES.

6. Land Use 301 Buckeye Trail: Discussion/recommendation of variance requests for the construction of a new garage: 1) removal of Tree # 217 - 14" Cedar (West Lake Hills Code Sec. 22.03.304); 2) removal of Tree # 218 - 16" double Live Oak (West Lake Hills Code Sec. 22.03.304); 3) encroachment of a new structure into side and rear building setbacks (West Lake Hills Code Sec. 22.03.281); and 4) exceed maximum impervious cover up to 30.5% (West Lake Hills Code Sec. 22.03.281). Owner Ben Brieger/Applicant Marc Madely.

a. Staff Briefing

Planner Naini gives the Staff Briefing . Letters of support are provided from neighbors. Staff Recommendation: Denial.

b. Presentation by applicant

Ben Brieger: I'm still applying for the same variances. A few have changed. The whole reason for this is safety to continue this hobby. I have explored some alternatives. Bill Vandersteel came up with several solutions. Putting the garage in the front yard it would effect large oak trees. Third was impervious cover. I appreciate Bill's help with this. I've looked at alternatives. The two effective neighbors have written letters in support of this.

c. Public Hearing: All persons wishing to speak for or against shall be heard.

**Chairman Meisel opened the meeting for public comments.
Hearing none, the public comment section was closed.**

d. Deliberation and Action

Commissioner	Vaughan:	Alternatives?
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Commissioner Vandersteel: We met and tried to come up with solutions that would fit. The spaces weren't quite large enough.

Chairman Meisel: I need to offer an observation that this is design driven. This is too much too far.

COMMISSIONER PLEDGER MOVES TO RECOMMEND DENIAL FOR LACK OF HARDSHIP. COMMISSIONER HARWELL SECONDS. (5-0) DENIAL.

7. Land Use **119 Redbud Trail**: Discussion/recommendation of four variance requests for the construction of a second driveway: 1) construct a second driveway entrance/exit (West Lake Hills Code Sec. 22.03.175; 2) site disturbance/excavation up to 24 inches for a retaining wall in a setback (West Lake Hills Code Sec. 22.03.170); 3) removal of Tree # 35 - 18" Crepe Myrtle (West Lake Hills Code Sec. 22.03.304); 4) removal of Tree # 38 - 19" Crepe Myrtle (West Lake Hills Code Sec. 22.03.304). Owner Charles Holley/Applicant Scott Cassel.

a. Staff Briefing

Planner Naini gives the Staff Briefing . Staff Recommendation: Approval

Commissioner Harwell: What is the Impervious Cover?

Charles: The previous owner built a small concrete parking area and put in gravel. We have closed that up. That is just a parking area.
Scott Cassel is also on.

Commissioner Maccini: How long is the driveway from the street to the garage?

Commissioner Vandersteel: It's about 50' from the garage to the street.

Chairman Meisel: Is there a history in the file?

ZAPCO Secretary: It had a hammerhead for a turnaround.

Chairman Meisel: It was not on the building plan set.

Commissioner Vandersteel: Was it ever built?

Chairman Meisel: It's there.

b. Presentation by applicant

Scott Cassel is the landscape architect. The grade is 16.5%. The driveway is 51' from the roadway. The hardship is it impossible to turnaround. They have to back out onto Redbud. People go so fast on that roadway. Due to that issue we deem it a hardship. The impervious cover is under. The two trees to be removed are crape mertles which are not native. The other homes all have driveways with the same issues.

Charles Holley: The hammerhead was approved about three months before we bought the house.

- c. Public Hearing: All persons wishing to speak for or against shall be heard.

**Chairman Meisel opened the meeting for public comments.
Hearing none, the public comment section was closed.**

d. Deliberation and Action

Chairman Meisel: I don't see why you need a cut there other than convenience.

Charles: There is enough room to back up to the left but to get out is more difficult if you have another car. It's impossible.

Commissioner Vandersteel: If the hammerhead was deeper it would be adequate.

Charles: Are you saying to expand the hammerhead?

Commissioner Vandersteel: You can't back into that. I'm suggesting on the other side of the driveway.

Charles: It will still be difficult if another car is in the driveway.

Scott: There is also the visibility and safety issue.

Commissioner Maccini: Looking at it it's a 3 car garage. We use our hammerhead, it looks like it would be possible and would do the job and not require a variance. The variance is more design driven.

Charles: People will still have to back out and create a very dangerous situation.

Chairman Meisel: Redbud is a problem.

Commissioner Vandersteel: Would delivery would be using it or parking in the street?

Charles: There is going to be no gate.

Commissioner Pledger: I believe it would be beneficial; I'm leaning approval.

COMMISSIONER VANDERSTEEL MOVES TO RECOMMEND APPROVAL. COMMISSIONER VAUGHAN SECONDS. (5-0).

Commissioner Harwell: If the drivers on Redbud are speeding, using traffic calming and enforce the limits in place, that would be preferable.

Commissioner Pledger: I don't disagree I think it's a design issue. It's a weird lot. The better solution is to add a second driveway.

8. Adjournment. Chairman Robert Meisel.

Meeting is adjourned at 8:04 p.m.

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

ZAPCO Secretary Mark Litrell

These minutes were approved on _____, 2020.