

City of West Lake Hills

MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING

Wednesday, April 16, 2025 at 6:30 PM

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

- a. Meeting begins at 6:30pm
- b. Roll Call
 - o Chair Robert Meisel: Present
 - o Vice-Chair Jim Pledger: Present
 - o Commissioner Julia Webber: Present
 - o Commissioner Karen Bartoletti: Present
 - o Commissioner Patrick Stewart: Present
 - o 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 March 19, 2025 Zoning and Planning Commission minutes
- b. Report of previous ZAPCO cases acted upon by the BOA/Council
- c. **Action:** Commissioner Bartoletti moves for approval of the Consent Agenda
 - i. Commissioner Pledger Seconds
 - ii. Motion carries unanimously 5 - 0

4. **Land Use: 201 Wildcat Hollow** – Consider action to recommend approval with conditions for the 201 Wildcat Minor Plat, being 01.0 acres out of the Wilkinson Sparks Survey Abs No. 21 (Section 36.01.018 of the West Lake Hills Code of Ordinances).

Applicant: Bradley Lane, TRE and Associates, LLC

a. **Staff Report:**

- i. Director Bills describes the minor plat and the conditions for approval
 - a. **Commissioner Bartoletti:** Can we proceed straight to a motion since it's a non-discretionary item?
 - b. **Commissioner Webber:** Can we approve an un-buildable lot?

1. Director Bills: It is not an unbuildable lot because if the existing structure were to be torn down, a new, conforming structure could be built on the newly proposed lot.

b. Public Comments:

- i. None

c. Discussion:

- i. None

d. Action:

- i. Commissioner Bartoletti moves that the minor plat be forwarded to City Council with a recommendation of approval with conditions based on staff conditions.
 1. Commissioner Pledger seconds
 2. Motion carries unanimously (5-0)

Recommendation will be forwarded to City Council for consideration on April 23, 2025.

5. **Land Use: 419 Ridgewood Rd** – Consider action to make a recommendation for Lot 3R, a replat of portions of Lot 3 and 4 of Ridgewood Village Section 2 Subdivision, within the city limits (Section 36.01.018 of the West Lake Hills Code).

Applicant: Minnie Webb, Arterberry Cooke Architecture

a. Staff Report:

- i. Director Bills describes the re-plat and the conditions for approval.

b. Public Comments:

- i. Alice Arterberry: Arterberry Cooke Architecture (via Zoom)
 1. Wanting to follow steps to bring lot into conformance.

d. Discussion:

- i. None

e. Action:

- i. Commissioner Stewart moves that the minor plat be forwarded to City Council with a recommendation of approval with conditions based on staff conditions.
 1. Commissioner Bartoletti seconds
 2. Motion carries unanimously (5-0)

Recommendation will be forwarded to City Council for consideration on April 23, 2025.

6. **Public Hearing: 4 N Peak Rd** – Discuss and make a recommendation on a variance to allow for an encroachment of 10 feet into the 50-foot front setback for the construction of a new house (Section 22.03.275 and 22.03.281 of the West Lake Hills Code).

Applicant: Kent Stromberg, Eppright Homes, LLC

a. Staff Report:

- i. Director Bills explains the setback variance request
- ii. Commissioner Webber: How are setbacks determined?
 - 1. Director Bills: Based on size of lot

b. Public Comments:

- i. Wesley Parks – Architect
 - 1. Explains that existing house is not livable
 - 2. Expresses desire to save trees on site by using existing footprint

f. Discussion:

- i. Commissioner Stewart: Would be in favor of variance
- ii. Commissioner Webber: At what point does stacking of variances along a street become an issue? Austin has provisions allowing for variances if a certain percentage of existing properties in an area are non-conforming. Is that something West Lake Hills has considered?
 - 1. Chair Meisel: That is a question for Council
- iii. Commissioner Bartoletti: Is wanting to build a larger house on an existing lot a hardship? What is the hardship?
 - 1. Chair Meisel: Building on top of existing foundation minimizes impact on the environment.
- iv. Commissioner Maccini: New house footprint is much larger than existing house. This is a design driven.
- v. Commissioner Webber: If we want to shape our community in accordance with how the code is written going forward, we can't simply approve a variance for a new house just because the old house didn't conform.

g. Action:

- i. Commissioner Webber moves that the variance be forwarded to City Council with a recommendation of denial based on lack of hardship
 - 1. Commissioner Maccini seconds
 - 2. Motion carries (3-2)

- a. Pledger, Webber, and Maccini voting in favor of denial
- b. Bartoletti and Stewart opposed to denial

Recommendation will be forwarded to the Board of Adjustment for consideration on May 14, 2025.

7. **Public Hearing: 1001 Madrone Rd** – Discuss and make recommendations on the following variance requests for the construction of a new residential home:
- 1. To allow for an encroachment of approximately 5.2 feet into the 25-foot side setback for the construction of a new deck (Section 22.03.281 and 22.03.275)
 - 2. Elimination of the maneuvering area for exiting without backing into a public street (Section 22.03.175 (d))
 - 3. 3. To allow three driveways, where only one per primary dwelling unit is allowed (Section 22.03.175 (e)(2))
 - 4. 4. To allow the driveway width exceeding the maximum 20 feet by 12.5 feet (Section 22.3.175(e) (2)).

Applicant: Edgar Prats, Property Owner

a. Staff Report:

- i. Director Bills explained the variance requests for side setback encroachment, number of driveways, turnaround (maneuver) space, and driveway widths.
- ii. Commissioner Pledger: Requests clarification on maneuvering area
 - i. Director Bills: The previous variance allowing the garage to be moved closer to the street makes placement of the driveway turnaround behind the driveway setback impossible, so staff recommends approval of its relocation as is represented in the 2024 approved plans, but not its elimination in favor of a wider driveway as it was built.
- iii. Commissioner Webber: How is this house occupied with the current state of the site?
 - i. A Temporary Certificate of Occupancy was issued when the building finals were completed and the structure of the building itself deemed safe.
- iv. Commissioner Bartoletti: Are we guilty of having approved something that we are having to correct?

- i. Project was approved during development staff transition in mid-2023. The driveway maneuvering area setback was missed in initial reviews. The remaining variances are for items not built according to approved plans.
- v. Commissioner Stewart: What is the hardship?
 - i. Director Bills: It is already built
 - ii. Commissioner Stewart: We told the last applicant “no” when they asked permission ahead of time. What kind of precedent does it set to grant a variance after the fact?
- vi. Commissioner Pledger:
 - i. Asks for clarification on why deck would have to be built into setback for electrical panel’s location.
 - 1. Building Official Jordan Word explains building code requirements for clearance around electrical panels, necessitating that the deck be kept in its current location or that the electrical panel be moved.

b. Public Comments:

- i. Edgar Prats: homeowner – provided conceptual landscape plans to commission appended to minutes as Exhibit A
 - i. Believes that setback wouldn’t bother neighbor
 - ii. Expresses that existing driveway was thicker than expected and difficult to remove
 - iii. Explains that daughter has special needs, and the garage is being used as a gym instead of vehicle storage. The extra parking areas are required for family and workers visiting the house.

c. Discussion:

- i. Commissioner Webber:
 - 1. Does this meet impervious cover restrictions with all the extra driveways?
 - a. With the driveways, it is under the 25% maximum, but over the 20% threshold that requires a Type III drainage and water quality review, which is currently underway.
 - 2. Would be comfortable granting leniency on the deck, but not other items
 - 3. Is there a way that the drives could be reconfigured to connect the new driveway to one of the existing, making a two drive-circle driveway?
 - a. Bills – Hasn’t been considered.

- ii. Commissioner Stewart: Could drainage review trigger additional variances?
 - 1. 1st engineering comments were submitted to city staff today, and comments will be provided to applicant tomorrow.
 - iii. Chair Meisel: Could item be postponed to next meeting?
 - 1. Staff is not sure how quickly the applicant's engineering team can respond to comments, and adding another month may cause issues with the Temporary Certificate of Occupancy's timeline.
 - iv. Commissioner Maccini: I don't see how the driveway is a hardship, and the applicant turned in plans that meet most driveway requirements and didn't follow them.
 - v. Commissioner Bartoletti: Can't see a hardship.
- d. **Action:**
- i. Commissioner Webber moves that the variance be forwarded to City Council with a recommendation of approval for the deck encroachment into the side setback and staff-recommended maneuvering strip encroachment, but denial of the remaining variances related to the driveways.
 - 1. Commissioner Bartoletti seconds
 - 2. Motion carries (4-1)
 - a. Commissioner Stewart opposed

Recommendation will be forwarded to the Board of Adjustment for consideration on February May 14, 2025.

8. **Public Hearing: 109 Stratford Reserve PI** – Discuss and make recommendations on the following variances for a fence:
- 1. Placement of a vehicle gate that causes stacking not on private property, but into the public street. (Section 22.03.173(d)(5))
 - 2. Front yard fence 0% transparent (wall) at southwest corner and chain-link fence in front-yard fence setback (Section 22.03.173(d)(6)(A)(iv))
 - 3. Front yard fence and gate encroaching 30 feet into the 30-foot front yard fence setback (Section 22.03.173(d)(6)(B)(ii))
 - 4. Side yard fence (0% transparent wall and chain-link) encroaching approximately 21.5 feet into front-yard setback (Section 22.03.173(d)(7))
 - 5. Solid wall (0% transparency) encroaching approximately 45 feet into front yard setback (Section 22.03.173(d)(8)(A) and (B))

6. Exceeding required 6 foot maximum by 10.5 feet (16.5 feet from existing grade) on west side of property and 2 feet (8 feet from existing grade) along front of property (Section 22.03.173(d)(9)).

Applicant: Tisha Ritta, Central Texas Permit Partners, LLC

c. Staff Report:

- i. Director Bills describes the security fence installed at the property and the requested variances.
- ii. Commissioner Webber: Was this house existing when the client bought it?
 - i. Yes, and the fence was built about 2.5 years ago
 1. Commissioner Webber: How was that done?
 - a. It was built without a permit on a cul-de-sac at the edge of City Limits that staff does not regularly drive by.
- iii. Commissioner Maccini: Requests clarification on front yard fence setback based on property line instead of distance.
 - i. Director Bills explains that fence setbacks are based on distance from pavement, not right-of-way, and that distance between property line and pavement edge varies on site.
- iv. Commissioner Webber: Is staff making these recommendations based on hardship?
 - i. Yes. Due to the slope, if the gate were moved back you could see right into the property, and gate cannot be screened with vegetation. Moving the entire fence would require removal of lots of existing vegetation that is grown into fence, and additional vegetation at 30-ft setback would need to be removed.
- v. Commissioner Webber: Is the need for privacy driven by the occupant and not the lot?
 - i. Yes
- vi. Commissioner Maccini: A neighbor's letter says it is not being used as a residential home.
 - i. Staff has no evidence the house is not being used as a residence. There is private security on the lot, but that is increasingly common in West Lake Hills.
- vii. Commissioner Maccini: Are there other options than a swinging gate?
 - i. Sliding would be difficult with the cross slope.

d. Public Comments:

- i. Tisha Ritta: Applicant
 - i. Fence was installed in 2022 as an oversight from the property owner to address immediate security issues
 - ii. There have been several incidents with the neighbor
 - iii. Chair Meisel: What are the unique conditions on the lot that create the hardship requiring these variances?
 - iv. Commissioner Webber:
 - 1. Why did the property owner purchase the property when it makes security and privacy so difficult?
 - v. Commissioner Bartoletti: Is it fair to say that the terrain only creates a hardship in light of the security situation?
 - 1. Yes
 - vi. Tisha Ritta: Fence does not create negative impact on any neighboring properties.
- ii. Paul Hemmer: Neighbor – provided letter to Commission – appended to minutes as Exhibit B
 - i. Oppose any and all variances for this lot
 - ii. House is being used as a 24/7 security and support office and services other properties in the area owned by the owner
 - iii. Nobody lives in the house
 - iv. Staff for other houses use this house as a parking area and are transported to other properties
 - v. We have been trying very hard to get a permit for a pool and gone out of our way to avoid requiring variances
- iii. Anne Yeakel: Neighbor
 - i. Against the variances

h. Discussion:

- i. Commissioner Webber:
 - 1. Process for variances are based on hardships linked to land and not occupants.
 - 2. Surprised staff is recommending approval.
 - 3. West Lake Hills may need to consider steeper consequences to prevent projects from moving forward without permits then asking for variances after installation, but that is a conversation for another time
- ii. Commissioner Pledger:
 - 1. There are other ways to provide security

2. Applicant chose to violate ordinances
3. Should not be approving extreme after-the-fact variances
- iii. Commissioner Bartoletti:
 1. Concurs with Commissioners Webber and Pledger.

i. Action:

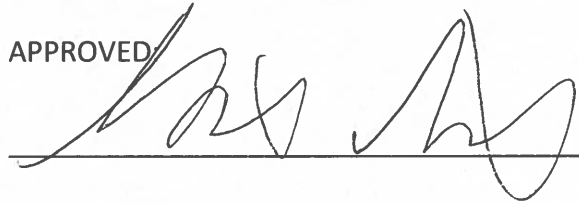
- i. Commissioner Bartoletti moves that the variance be forwarded to City Council with a recommendation of denial based on lack of appropriate hardships
 1. Commissioner Pledger seconds
 2. Motion carries unanimously (5-0)

Recommendation will be forwarded to City Council for consideration on May 14, 2025.

9. Adjournment - Chair Robert Meisel

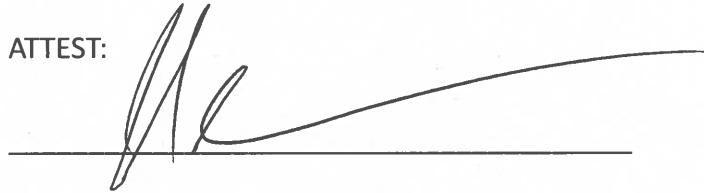
1. Chair Meisel adjourns the meeting at 8:05pm

APPROVED



Robert Meisel, Chair

ATTEST:



Joel Sherrouse, Development Coordinator

These minutes were approved on May 21, 2025.

Exhibit A

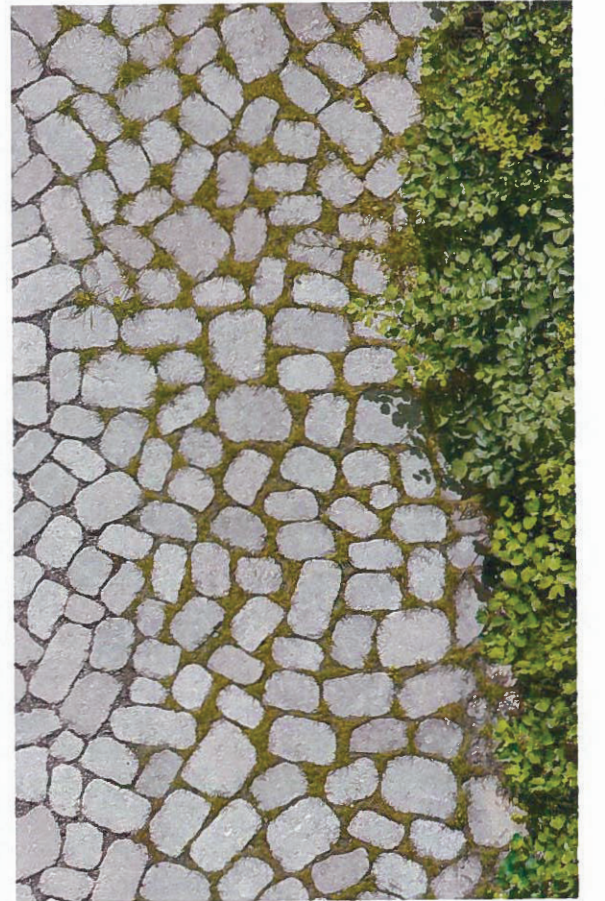






Exhibit A



PALO VERDE



CHERRY LAUREL



CORAL BARK JAPANESE MAPLE



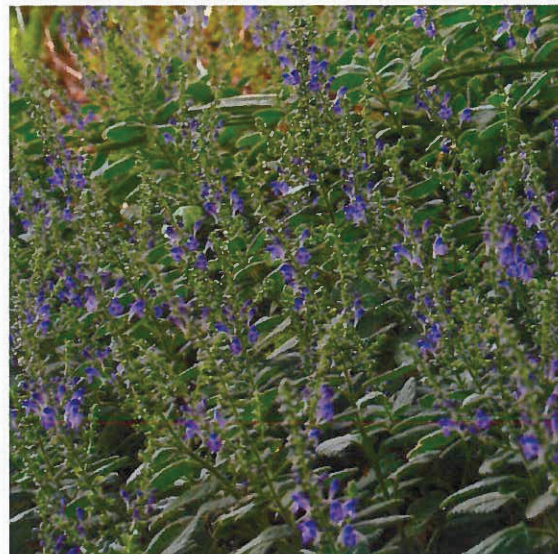
FRENCH MULBERRY



DWARF PALMETTO



MEXICAN BUSH SAGE



HEARTLEAF SKULLCAP



MEXICAN FEATHER GRASS



FORTNIGHT LILY



GIANT TURK'S CAP



GREY DESERT SPOON SOTOL



HORSETAIL



LITTLELEAF BOXWOOD



MONDO GRASS



FROG FRUIT

Exhibit B

From: [Paul Hemmer](#)
To: [Planner](#)
Cc: [Ted Lorenz](#); [Lesley Lorenz](#); [Chris Hester](#); [Arron Hester](#); [Jim Lewis](#)
Subject: ZAPCO Meeting; April 16, 2025 Item #8
Date: Wednesday, April 16, 2025 12:42:10 PM

You don't often get email from [REDACTED] [Learn why this is important](#)

**To: Zoning & Planning Commission
West Lake Hills, Texas
Re: 109 Stratford Reserve Place Variance Requests
Item #8 on the agenda for April 16, 2025**

As neighbors to this property we oppose any and all variance requests to be granted. Our neighborhood consists of 4 single family residential homes. The lot in question isn't being used as a single family residence but actually as a 24/7/365 security office, and as an operation hub for other houses that the same owners own in the adjoining subdivisions. Granting these variances would do nothing but facilitate their bad behavior on our quiet little culdesac, which at times appears to be a parking lot with many employee cars parked every which way. Shift change happens 3 times a day, with cars coming and going, along with most of these employees ordering food deliveries all hours of the day and night. Transporting service employees to other houses leaving their cars on our quiet streets, hauling laundry to and fro to other houses has to stop.

I personally have been blocked by cars waiting to

Exhibit B

access through the vehicle gate while they use the call box and they wait for it to open. This isn't only in bad taste but it's dangerous for emergency vehicles. The very tall metal gate that is used as an employee entrance is not in keeping of the neighborhood. Actually it looks like it belongs at Ft. Knox. This same gate was built over the property line of the neighbors lot by 5 feet. The chain link fence that is super tall has fabric sheeting hanging down in need of repair.

I'm sure that the owners are going to say they need a fortress-like property for security reasons but they should have had their lawyers review these very ordinances before they purchased in our city. I believe that they need the fortress-like property to hide their behavior, since rarely does anyone stay at the residence besides security employees. These violations include the ignoring single family residences ordinance, construction workers working after hours and on weekends, remodeling garages to air conditioned spaces and septic/plumbing modifications without permits, etc....

Building codes and ordinances are for everyone in the city, not for one person!

Thank you for your time,

Exhibit B

Signed;

Paul Hemmer

[REDACTED]

Jim Lewis

[REDACTED]

Chris Hester

Arron Hester

[REDACTED]

Ted Lorenz

Lesley Lorenz

[REDACTED]