

CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, November 18, 2020 at 6:30 PM

1. Call to Order. Chairman Robert Meisel.

With a quorum present, ZAPCO Chairman Meisel called the meeting to order at 6:30 p.m.

Members in attendance were Chairman Robert Meisel, Vice-Chairman Jim Pledger, Commissioners Bill Harwell, James Vaughan, Karen Bartoletti 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 October 21, 2020 Regular Meeting Minutes.

Vice-Chairman Pledger: Suggests we spent a lot of time at the last meeting that were associated with the condo project. Those need more information because it is an important component.

Bill Harwell: Jim was listed instead of Bill Harwell.

Chairman Meisel: Bring them back for final approval.

3. Personnel Recognition of Commissioner Bill Vandersteel for his several years of service.

Chairman Meisel recognizes Bill Vandersteel's service. It has always been a joy and want to say thank you for everything you've done.

Chairman Meisel welcomes Karen Bartoletti to the Commission.

Commissioner Bartoletti: I'll try my best.

4. Personnel Welcome new Commissioner Karen Bartoletti.

5. Land Use 416 Ridgewood Road: Discussion/recommendation on a variance request to encroach a setback in order to construct an accessory building to serve as a home office or school room (West Lake Hills Code Sec. 22.03.001) Applicant Victoria Keith.

a. Staff Briefing

Planner Naini gives the staff briefing. Staff Recommendation: Denial due to the lack of physical hardship.

b. Presentation by applicant

Victoria Keith is the applicant. I bought the house in 2019 and have a 13 year old son. Working and schooling from home has created the request. The building is 10 x 12 and would be painted the same colors as the home. The hardship is the loss of use to my backyard.

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: Is page 30 where I see a photo of the neighbor's house?

Planner Naini: It shows the neighbors.

Victoria: Both are non-conforming.

Chairman Meisel: Be sure to point out to Board of Adjustment that it has not been built. Nobody anticipated having to work from home so we might be getting more of these requests.

Commissioner Bartoletti: If this was an addition to the home and no closer to the setback, would it be grandfathered?

Chairman Meisel: Extending a non-conforming encroachment, we don't have that in our code.

Vice-Chairman Pledger: I'm still not seeing a hardship.

Chairman Meisel: We need to be ready to make that accommodation to allow home offices due to unexpected conditions.

Commissioner Maccini: She is on an extremely small lot. In this case I'm in favor and doing it in a thoughtful manner.

Commissioner Vaughan: Is this structure slab built, pier and beam?

Victoria: I'm going to do a skid foundation on wood. It could be moved and will have no plumbing.

COMMISSIONER MACCINI MOVES TO RECOMMEND APPROVAL. COMMISSIONER BARTOLETTI SECONDS. UNANIMOUS (6-0) APPROVAL.

6. Land Use 895 Live Oak Circle: Discussion/recommendation on a variance request to build a front yard fence that encroaches the front building setback (West Lake Hills Code Sec. 22.03.173 (d)(6)(A)). Applicants/Owners Thomas & Gesine Seifert.

a. Staff Briefing

Planner Naini gives staff briefing. Staff Recommendation: Denial.

Vice-Chairman Pledger: Did you receive photos of the fence?

Planner Naini: If you click on the individual exhibits under the agenda item.

Commissioner Maccini: Those are sketches.

b. Presentation by applicant

Gesine and Thomas Seifert: We did provide photos so they should be with your documents. We want the fence for not only privacy but for dogs and children. If we push the fence back it would need to be higher and would be on top of a 3' retaining wall. The design will match the modern design of the house. The original fence was even closer.

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

Vice-Chairman Pledger: I drove by and looked at the layout and there was a cord or line that indicated the location of the fence. Is that where the fence would be?

Thomas Seifert: Yes.

Vice-Chairman Pledger: It is a very steep lot and being close to the road, it has a lot of glass and it would benefit from a little bit of privacy.

Commissioner Maccini: It would have a double gate inward, that wouldn't cause trouble with cars coming in and out? I'm a little concerned about that and the height.

Thomas Seifert: The gate would be further back than the fence.

Vice-Chairman Pledger: There is a representation of where the gate would be. Have you considered landscaping along the street to achieve the same effect?

Gesine Seifert: Security for the grandchildren and the dogs.

Commissioner Vaughan: The neighbors providing support, can they see the gate?

Thomas Seifert: The 900 Live Oak Circle property is right across from us.

Commissioner Vaughan: I'm appreciative of the need for grandchildren having a fence.

COMMISSIONER VAUGHAN MOVES TO RECOMMEND APPROVAL. VICE-CHAIRMAN PLEDGER SECONDS. (4-1) APPROVAL. COMMISSIONER HARWELL OBJECTS.

7. Land Use 1 Sweet Sky Road: Discussion/recommendation on a variance request for three variances for the construction of a fence and driveway gate: 1) side yard fence encroaching front fence setback; 2) install driveway gate encroaching the front setback; 3) install front fence connecting to driveway gate that encroaches the front setback. (West Lake Hills Code Sec. 22.03.173). Applicants/Owners Kevin Stutz & Jeannette Spinelli.

a. Staff Briefing

Planner Naini gives the staff briefing. Staff Recommendation: Denial due to lack of hardship for the driveway gates and fence.

b. Presentation by applicant

Kevin Stutz and Jeannette Spinelli are the applicants. There is a safety issue with the wall. We've had two incidents where 2 people have fallen off that wall. 70% of the lot is too steep to be used.

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

Vice-Chairman Pledger: I got the impression that the guardrail was a good guardrail. If I'm looking at the topo and the area between the street and house, where were the people that fell off the ledge?

Jeannette: About the 8' line.

Commissioner Bartoletti: I thought that fence was going to be covered by council?

Planner Naini: You are correct.

Jeannette: We can put the gate at 30' but it would create more of a wall. We're pushing for safety.

Commissioner Maccini: There was something turned in as a letter. What is that encroachment?

Jeannette: From where the 15' marker in the street, that is where the hydrant is located.

Commissioner Maccini: What is that side setback?

Planner Naini clarifies the side yard ordinance.

Commissioner Maccini: It would be nice to know there would be fire access to that valley.

Vice-Chairman Pledger: Anybody that wants access will come to the lower side.

Chairman Meisel: This is no pre-existing condition. It sounds like a design driven variance request.

Vice-Chairman Pledger: The drop off is not anything that the homeowners designed. I'm not a fan of putting a fence along a guardrail.

Commissioner Vaughan: Points out the HOA.

VICE-CHAIRMAN PLEDGER MOVES TO RECOMMEND APPROVAL OF VARIANCES AS REQUESTED. COMMISSIONER VAUGHAN SECONDS. MOTION DIES WITH NO VOTE.

COMMISSIONER BARTOLETTI MOVES TO RECOMMEND DENIAL. VICE-CHAIRMAN PLEDGER

8. Land Use 310 Westhaven Drive: Discussion/recommendation on a request for two variances to remodel an existing nonconforming cabana: 1) building setback encroachment; and 2) exceed maximum allowed impervious cover. (West Lake Hills Code Sec. 22.03.281). Applicants/Owners Andrew Schwartz and Sylvia Arabian.

a. Staff Briefing

Planner Naini gives the staff report. Staff Recommendation: Approval as proposed.

b. Presentation by applicant

Andrew Schwartz is the applicant and discusses the previously approved variances.

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 Maccini: I voted to approve in 2018.

COMMISSIONER MACCINI MOVES TO RECOMMEND APPROVAL. VICE-CHAIRMAN PLEDGER SECONDS. UNANIMOUS (5-0) APPROVAL.

9. Land Use 702 Loma Linda: Discussion/recommendation on a variance request to remove six trees 14" or greater in order to construct a new home: 1) Tree # 595 - 17" Spanish Oak; 2) Tree # 597 - 15.5" Cedar; 3) Tree # 604 - 18" Live Oak; 4) Tree # 607 - 34.5" Multi-Trunk Cedar; 5) Tree # 626 - 14" Cedar; and 6) Tree # 649 - 14" Cedar. (West Lake Hills Code Sec. 22.03.304). Applicant Adam Mosier - Mosier Luxury Homes/Owners Santiago & Jenna Montoya.

a. Staff Briefing

Planner Naini gives the staff briefing. Staff Recommendation: Approval of Tree 649 and Tree 604. Denial of Trees 607, 595, 597 and 626. They may need to be considered differently.

b. Presentation by applicant

Adam Mosier explains the request of the owners. The hardship is the lot shape and would be difficult to build a functional home with the setbacks. The majority of the trees removed are cedars.

- 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

Vice-Chairman Pledger: I thought the recommendations Ms. Naini made made sense. I'm comfortable with the staff recommendation for the removal of trees.

**VICE-CHAIRMAN PLEDGER MAKES THAT A MOTION.
COMMISSIONER BARTOLETTI SECONDS.**

Commissioner Bartoletti: The staff recommendation makes sense to me.

Commissioner Harwell: In the recommendation regarding septic field, is there a plan for that?

Adam: There is no other place for the septic field.

Chairman Meisel: We cannot protect trees and enforce setbacks. We have to decide I think the applicant has made a reasonable choice. It's up to the city to move forward. I think we should approve it.

Vice-Chairman Pledger: If there are trees that cause a septic problem, we should delegate that distinction.

Commissioner Maccini: I appreciate wanting to save as many as we possibly came.

Vice-Chairman Pledger: I want a septic engineer to say it's critical to the septic system.

Commissioner Maccini: I agree.

Commissioner Vaughan: Are the trees directly related to the septic field?

Commissioner Bartoletti: We might have to reconsider those trees that effect the septic.

Planner Naini: There are two site plans in the packet, they don't have the same septic field. On page 99 you can see the field there is different.

Mr. Montoya: We've tried our best to save as many trees as we could.

Vice-Chairman Pledger: My original motion was on the smaller septic field.

10. Land Use 4611 Bee Cave Road (Eagle Center): Discussion/recommendation on a variance request to construct a new monument sign that exceeds the maximum allowed height, sign base height, and area. (West Lake Hills Code Sec. 32.03.006). Applicant David Alsmeyer.

a. Staff Briefing

Planner Naini states applicant chose to withdraw.

b. Presentation by applicant

N/A

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

NO ACTION TAKEN.

11. Adjournment. Chairman Robert Meisel.

Motion to adjourn the meeting at 8:40 p.m.

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

ZAPCO Secretary Mark Litrell

These minutes were approved on _____, 2020.