

CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, April 21, 2021 at 6:30 PM

1. Call to Order. Chairman Robert Meisel.

With a quorum present, 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, Laurie Maccini and Karen Bartoletti. Commissioner Vaughan is not present.

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 March 17, 2021 Regular Meeting Minutes.

**COMMISSIONER BARTOLETTI MOVES TO APPROVE.
COMMISSIONER HARWELL SECONDS. (4-0) APPROVAL.**

3. Land Use 1437 Circle Ridge Drive: Discussion/recommendation on an application for a variance request to install septic tanks encroaching a side yard setback (West Lake Hills Code Sec. 22.03.281). Owners Bobby & Ida Floyd/Applicant Kristopher White, Dick Clark + Associates.

- a. Staff Briefing

**Planner Naini: Staff briefing is read. Recommendation:
Approval due to topography.**

Commissioner Maccini: Has this property gotten an earlier variance?

Planner Naini: Yes, a couple of years ago.

- b. Presentation by applicant

**Kristopher White: Explains the need for the request of a five foot
grace for the septic.**

- 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 Harwell: What is the requirement for septic inspections?

Planner Naini: I believe in the code it's every three years.

Commissioner Harwell: Any issue with the driveway?

Kristopher; No issue.

Commissioner Maccini: This is a lot that received a significant setback variance. The architect didn't address the slope during construction? That is a concern.

Kristopher: We made sure the house didn't encroach because the drop off was significant.

Commissioner Maccini: You managed to get in a pool. I am concerned about that. The waste disposal should be first consideration.

Commissioner Bartoletti: I see no concern.

Chairman Meisel: The septic could have gone right where the pool is.

Commissioner Harwell: I'm looking at the diagram of the new location, I don't see the location of the new septic field?

Kristopher: The field was planned to stay; it is troublesome. It will be routed down.

Commissioner Harwell: It's as longer run than first proposed.

Chairman Meisel: I'm getting more uncomfortable the more we talk about it.

Commissioner Maccini: Has the foundation already been poured? How does the digging not effect the trees?

Chairman Meisel: I'm not seeing a hardship. You can ask for PP to get your engineers up here.

Kristopher requests to postpone.

4. Land Use 701 S. Capital of Texas Highway, Ste. C300 (HEB):

Discussion/recommendation on a building permit application to extend the HEB building footprint to accommodate expanded Curbside services. (West Lake Hills Code Chapter 22). Applicants PermitUsNow & Acuform Architecture.

a. Staff Briefing

Planner Naini: Staff briefing is given. Recommendation: Approval due to meeting our Codes.

b. Presentation by applicant

Aaron Dahl is representing HEB. The staff summed it up well. They are wanting to accommodate additional orders.

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 HARWELL MOVES TO RECOMMEND APPROVAL AS PRESENTED. COMMISSIONER BARTOLETTI SECONDS. UNANIMOUS (4-0) APPROVAL.

5. Land Use Seven Point Seven Ranch: Discussion/recommendation on an application for several variance requests for a proposed subdivision located at Caravan Circle between Kennan Road and Terrace Mountain: 1) Variance for more than 50% of the lot area with slopes greater than 30%; 2) Variance to showing two 6,000sf septic drain fields on each lot on slopes less than 30%; and 3) Variance to allow for driveway and parking on slopes greater than 25%. (West Lake Hills Code Sec. 36.01.009(A)(2)(E), 36.01.011(E), & 36.01.007(f)(2)XV(b)). Owner Ranch Dubois Holdings & Jeffrey Dochen/Power of Attorney Michele Lynch and Ric Thompson.

a. Staff Briefing

Planner Naini: Staff briefing is given: Recommendation: Approval. These variances are before they submit for the subdivision application.

b. Presentation by applicant

Chairman Meisel: If a septic is limited to 4,000 sq. ft., does that limit the house?

Planner Naini: Maybe the engineer can answer that.

Michelle Lynch: Navigates the commission through the exhibits and slides. Alternative plans are also addressed. We're only asking for two houses on 7 acres. Neither tract can be developed without variances.

Ric Thompson is the engineer.

- c. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard.

Ric Thompson: I'm available to questions.

Jeffrey Dochen: I've lived here for 50 years. We are not planning a subdivision here. These are two privately owned tracts. I hope you vote yes.

Chris Thu: We abut the property. We would be effected by this. They are building two houses from one side of these lots. We have no issue with change or someone building on their property. I do have issue with destructive change. It is a self-made hardship. I'm asking you not approve these variances.

John Nicklos lives at 1000 Redbud Trail. I hold the easement which goes to Thu's lot. I'm uncomfortable with this meeting. There have been 3 difference times we've received notices. It's more than confusing. If this project goes through because it will destroy the value of my property. We're talking about a road and a valley. I don't understand what you're doing here.

Rose Cardona Hargrave is the attorney representing 10 properties. We are asking for direction. We consider this a change of use. We request denial for the variances. Secondary we don't believe these are justified. Who is the actual applicant? This is as self-made hardship.

Gita Lal has lived here since 1998 on Kennan Road. The approach taken prior to this they requested numerous variances. Caravan was the front road and Kennan was the side road. Our codes are not being enforced and too many variances are granted. My request that these not be granted.

Dwight Thompson lives at 900 Redbud Trail. 808 Caravan borders this property. These homes will be too close to other properties. It was a disorderly process. There is no effort to enhance fire safety. When I bought both properties, Caravan was the road for those plats. I do appreciate all the work that ZAPCO does.

Chairman Meisel closes the public comment section.

d. Deliberation and Action

Chairman Meisel: Caravan Circle has been continuous since 1967. It is a public right-of-way.

Commissioner Maccini: I have a huge question. We're talking about two lots. This land is not platted as two?

Chairman Meisel: Yes. It is appropriate to apply for variances before the plat.

Commissioner Maccini: Talking septic seems premature to me. I needed that clarified.

Vice-Chairman Pledger: I apologize for being late. I heard everything on this application. I believe Caravan Circle is a road regardless of who owns the property. I think the fact it has been a road for decades. Fire risk is a serious problem.

Commissioner Harwell: Judging from the comments from the neighbors regarding how presented, a delay is required for clarification.

Vice-Chairman Pledger: Do we have flexibility to postpone this matter?

City Attorney: If it is a new application, it is up to the commission.

Chairman Meisel: We can table it and take it up at the next meeting.

Commissioner Bartoletti: Are we required to rationalize a denial? The last thing I saw from the applicant, Mr. Dochen doesn't speak for her. I'm not sure how to go on I know that I'm going to vote to denial.

Chairman Meisel: Hardship is certainly an issue and I'm not seeing one.

VICE-CHAIRMAN PLEDGER MOVES TO RECOMMEND DENIAL OF ALL VARIANCES ON THE GROUNDS THAT THE VARIANCES INCLUDE A CHANGE OF USE AND ATTEMPT THE ABANDONMENT OF A PUBLIC RIGHT-OF-WAY. COMMISSIONER BARTOLETTI SECONDS. UNANIMOUS (4-0) DENIAL.

6. Adjournment. Chairman Robert Meisel.

Chairman Meisel adjourns the meeting at 8:00 p.m.

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

ZAPCO Secretary Mark Litrell

These minutes were approved on _____, 2020.