

CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, June 16, 2021 at 6:30 PM

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

With a quorum present, Chairman Meisel called the meeting to order at 6:35 p.m. Members in attendance were Chairman Robert Meisel, Vice-Chairman Jim Pledger, Commissioners Bill Harwell, Laaurie Maccini, Karen Bartoletti and James Vaughan.

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 May 19, 2021 Regular Meeting Minutes**

COMMISSIONER BARTOLETTI MOVES TO APPROVE. VICE-CHAIRMAN PLEDGER SECONDS. UNANIMOUS (5-0) APPROVAL.

3. Land Use **507 Konstanty Circle** in the City of West Lake Hills, Texas Tom **Hank and Brandon Brydson** have filed an Application with the City of West Lake Hills, Texas requesting variances according to the following Sections of the City's Code of Ordinances:

Section 22.03.281 – Encroachment into a 50' front building setback

Staff Briefing

Interim Planner Cullis gives the staff briefing. Staff Recommendation: Approval based on topography.

Commissioner Maccini: We talked about lights and fencing. I don't see anything in this report.

Interim Planner Cullis: The adjacent property has a sport court out front that doesn't encroach.

Presentation by Applicant

Hank Smith: I'm the engineer. The owner met with city staff. The house behind us the front faces the back of our house. If we put the court in the back it would be within 50' from their front porch which would be closer to the neighbor. We do not have any fencing around the court. If lighting, it would meet code. It will not be visible. This is 300' from Westlake stadium. It will flat, at grade and within code. I appreciate your

time.

Public Hearing

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

Deliberation and Action

Commissioner Maccini: I appreciate the applicant showing the reason. There is no hardship.

Commissioner Harwell: On the aerial photo, is there a swimming pool in the back park?

Interim Planner Cullis: Yes.

Commissioner Harwell: Is there ample room in the back yard and be within the allotted setback?

Hank: We would encroach a setback. It is smaller than the neighbor's court. There would be more tree removal in the rear.

Chairman Meisel: The court is considered flatwork.

Commissioner Bartoletti: The initial rationale was not a viable place because of topography. Is it trees or topo?

Hank: Trees would have to be removed. It is flat at grade on the grass. It's a very steep driveway.

Commissioner Maccini: Are you doing any fill?

Hank: Roughly 4'.

Chairman Meisel: That's within the allowable.

COMMISSIONER MACCINI MOVES TO RECOMMEND DENIAL DUE TO LACK OF HARDSHIP. VICE-CHAIRMAN JIM PLEDGER SECONDS. UNANIMOUS (5-0) DENIAL.

4. Land Use 3625 Bee Cave Road in the City of West Lake Hills, Texas, Casey Britten and Yoshihiro Hatsuno have filed an Application with the City of West Lake Hills, Texas requesting variances according to the following Sections of the City's Code of Ordinances:

Section 32.01.016(16) – Freestanding Commercial Signs – LED Signs

Re-facing an existing monument sign and retrofitting to LED lighting.

Chairman Meisel: LED signs are prohibited. I don't think we can use a variance to allow this.

Assistant City Attorney Cristian Rosas-Grillet: It would be an amendment to the ordinance.

Commissioner Harwell: We approved a similar sign change to McDonald's a few months ago?

Chairman Meisel: Let's proceed.

Staff Briefing

Interim Planner Cullis gives the Staff Briefing. Staff Recommendation: Denial with no hardship and not within the content of the code.

Presentation by Applicant

Ruben Britten: The issue is there is no hardship. Our objection is that right now the 7-Eleven is having to manually change those numbers. We want to get on one program so it can be done by computer. This isn't an LED board, it is just the gas price digits that change. That is pretty much all I have.

Public Hearing

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

Deliberation and Action

VICE-CHAIRMAN PLEDGER MOVES TO RECOMMEND DENIAL FOR LACK OF HARDSHIP AND CONSISTENCY TO CODE. COMMISSIONER BARTOLETTI SECONDS. DENIED (4-1) COMMISSIONER HARWELL OPPOSES.

5. Land Use 4100 Westbank Drive in the City of West Lake Hills, Texas Eanes ISD (Westlake High School Robotics Center) have filed an Application with the City of West Lake Hills, Texas requesting variances according to the following Sections of the City's Code of Ordinances:

Section 32.03.009(2) – Projecting, wall and commercial hanging signs

Purpose: Allow sign to exceed allowable square footage to 59.5 sq. ft.

Chairman Meisel requests to discuss Items 5 and 6 together.

Staff Briefing

Interim Planner Cullis gives the staff briefing. Staff Recommendation: Denial due to no hardship and the scale of the signs.

Presentation by Applicant

Brian Bolek: This one is something because these buildings are really far off the road. The sign is just the name of the building. We have many visitors that will be coming to these facilities. It does fit the buildings really well. The parking lot is at different elevations. We do recognize that is not a hardship but we do need the ability to locate the buildings.

Public Hearing

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

Deliberation and Action

Commissioner Maccini: As a parent of a recent graduate, the directional signs are what matter; not what is on the building. You're right; there is no hardship.

Vice-Chairman Pledger: Can the applicant give us information of where these buildings are located?

Commissioner Maccini: Westbank toward Loop 360. The Robotics Building is attached to the Bus Barn Building. The Aquatics Center is on the top of the hill. You won't be able to miss it.

Chairman Meisel: Put up Robotics and Aquatics and drop the Westlake High School. Directional is much more important.

Brian: I will bring up your suggestions.

COMMISSIONER HARWELL MOVES TO RECOMMEND DENIAL AS SUBMITTED. COMMISSIONER MACCINI SECONDS. UNANIMOUS (5-0) DENIAL.

6. Land Use 4100 Westbank Drive in the City of West Lake Hills, Texas Eanes ISD (West Lake High School Aquatics Center) have filed an Application with the City of West Lake Hills, Texas requesting variances according to the following Sections of the City's Code of Ordinances:

Section 32.03.009(2) – Projecting, wall and commercial hanging signs
Allow sign to exceed allowable square footage to 59.5 sq. ft.

This Item was addressed with Item 5.

7. Land Use 313 Oak Ridge Drive in the City of West Lake Hills, Texas **Angelica Norton, Todd and Katrina Ohlmeyer** have filed an Application with the City of West Lake Hills, Texas requesting variances according to the following Sections of the City's Code of Ordinances:

Section 22.03.281 – Encroachment into a building setback;
Section 22.03.281 - Increase in the maximum impervious coverage; and
Section 22.03.003 - Outdoor lighting in the minimum side-yard setback.

The request is so that the property owners may: Encroach 14' 11" into a 30' rear setback and encroach 9' 11" into a 20' side setback for the construction of decking around an existing non-conforming swimming pool.

Staff Briefing

Interim Planner Cullis gives the staff briefing. Staff Recommendation: Approval

Presentation by Applicant

Angelica Norton is with Open Envelope. Erosion is a huge problem. The hardship is the house is located far enough back that most of the house is in the setback. The living space in the back is stacked. Our design solution was to create two living spaces around the pool and connect to the doors. Our intent was to not change waterflow dramatically. The impervious number is inflated but it is for erosion control. The intent is to make livable space. Lighting is for security and we're using low landscape lighting and more in tune with the dark sky initiative.

Public Notice

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

Deliberation and Action

Commissioner Maccini: This was recently remodeled. They have a huge flat front yard. This is design driven and there is not a hardship.

Chairman Meisel: A significant portion is the driveway. It is pre-existing non-conforming. At this point, the applicant is seeking to modernize their use of the pool. There is legal precedent.

Commissioner Maccini: It was there when they moved in. Just the extension of it. Denying them is not disallowing them from using their pool.

Todd is the property owner: We feel that it is a hardship that we can't use the area around the pool. It makes it very difficult because of the mud. Our front yard is usable for some activities but not when kids are coming in and out of the mud from the front and back yard. When we bought this house complete, we did not remodel it. We didn't know this would be an issue.

Commissioner Maccini: You can fix that with the landscaping without asking for variances.

Angelica: Mulch would just end up running off. That adds to the need to increase the impervious cover.

Commissioner Vaughan: I'm not inclined to vote for this.

Commissioner Bartoletti: What is existing impervious cover now?

Angelica: It started at 29.68%. It was already non-compliant.

Vice-Chairman Pledger: Did you consider plants?

Angelica: If there is going to be any furniture, we would need a little hardscape under it. This would still allow soil to runoff.

Commissioner Harwell: Is the artificial turf is that erosion control?

Angelica: There was river stone in that area which is not a great path to walk on.

Commissioner Harwell: Astroturf?

Angelica: It has realistic look to it until you get up to it and is permiable.

Commissioner Maccini: It looks like bamboo along the fence line?

Angelica: This variety is not invasive.

Vice-Chairman Pledger: I heard a comment I heard a while ago, a putting green? We are always required to insure that the applicant has minimized the amount of the variance. The idea that we need a deck and putting green is part of what is causing

this to go over.

Todd: The turf is for the kids to be able to run and play in the backyard.

Chairman Meisel: This is driven by the non-conforming.

COMMISSIONER VAUGHAN MOVES TO RECOMMEND APPROVAL AS REQUESTED. COMMISSIONER BARTOLETTI SECONDS. MOTION DIES.

VICE-CHAIRMAN PLEDGER MOVES TO RECOMMEND DENIAL FOR LACK OF MINIMIZATION AND LACK OF HARDSHIP. COMMISSIONER MACCINI SECONDS. DENIED (3-2) COMMISSIONER VAUGHAN AND BARTOLETTI OPPOSE.

8. Land Use 110 Skyline Drive in the City of West Lake Hills, Texas **James Saadi and Ashley Kroh** have filed an Application with the City of West Lake Hills, Texas requesting variances according to the following Sections of the City's Code of Ordinances:

Section 22.03.281 – Encroachment in a building setback;

Section 22.03.170(f) – Cut and Fill/Grading in a building setback; and

Section 22.03.275 – Building structure in a front yard setback.

Staff Briefing

Interim Planner Cullis gives staff briefing. Staff Recommendation: Approval due to the shape of the property.

Commissioner Maccini: Is the deck already existing?

Presentation by Applicant

James Leguia is with Dick Clark and Associates. James describes existing conditions. Existing house was built in 1955 as a hunting lodge. The expansion on page 3 includes a new master bed and bath. This is already permitted and under construction. We're asking for an extension of the living room roof and loft space for a home office. The buildable area is quite small. Page 4 shows the rear view. The expansion will accommodate a home office. Page 9 shows you where we are extending and page 10 is the current view from Skyline and future view. We appreciate your time and am here to answer any questions.

Public Hearing

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

Deliberation and Action

Commissioner Maccini: I'm okay with the third floor extension. I'm concerned about trees. The pool could be minimized and is design driven.

Vice-Chairman Pledger: When I looked at this house, my first thought was it did leave the original house in the setback and you did a good job in staying, but the pool is totally in the setback. I worry about trees a lot and the pool will cause the loss of a couple. That troubles me a lot.

COMMISSIONER MACCINI MOVES TO APPROVE THIRD FLOOR EXTENSION AND DENY THE POOL AS DESIGNED.

James Leguia: If we were able to pull that pool back would that be sufficient?

Vice-Chairman Pledger: Grading all relates to the pool.

VICE-CHAIRMAN PLEDGER MAKES A MOTION TO RECOMMEND APPROVAL SUBJECT TO MINIMIZATION OF THE POOL TO AVOID DAMAGE TO THE TREES.

Commissioner Bartoletti: We're talking about a Cedar and a Hackberry?

Commissioner Vaughan: I second Karen's motion.

Commissioner Bartoletti: I'm not bothered by the potential harm to these trees. Page 134, can they tell us which of these request go with what aspect? The pool impacts the front setback?

James Leguia: The first is for the pool; second is cut and fill; third is two trees; and four is the third floor structure and fifth is extension of the roof.

COMMISSIONER BARTOLETTI MOVES TO RECOMMEND APPROVAL OF THE WHOLE PACKAGE. COMMISSIONER VAUGHAN SECONDS. APPROVED (4-1) COMMISSIONER MACCINI OPPOSES.

9. Land Use 1407 Wildcat Hollow in the City of West Lake Hills, Texas Andrew and Kaitlyn Comey have filed an Application with the City of West Lake Hills, Texas requesting variances according to the following Sections of the City's Code of Ordinances:

Section 22.03.281 – Encroachment in a building setback;

Section 22.03.125 – Excavating or grading.

Remodeling an existing non-conforming house and driveway.

Staff Briefing

Interim Planner Cullis gives the staff briefing. Staff Recommendation: Approval

based on topography.

Commissioner Maccini: Was this property effected by the Jaffe property?

Presentation by Applicant

Kristopher White is with Dick Clark and Associates. There are two different variances. They want to evenly displace the water. We are over the impervious cover. We are not adding, we are re-shaping for a turnaround space. Second, our site was not impacted so there weren't trees cleared on our problem. We do want a retaining wall for erosion which is affecting septic. We thank you for considering this matter.

Commissioner Maccini: You're protecting trees in that driveway?

Kristopher White: Yes, they bought this property and want to protect those trees. We are re-grading.

Vice-Chairman Pledger: I would get rid of that 18" drain. Get water away from the driveway.

Chairman Meisel: I see a safety issue and they are creating a drain away from the house. We require that.

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

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

10. Adjournment. Chairman Robert Meisel.

Motion to adjourn the meeting made at 8:41 p.m. by Chairman Meisel.

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

ZAPCO Secretary Mark Litrell

These minutes were approved on _____, 2021.