

CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, July 20, 2022 at 6:30 PM

1. Call to Order. Chairman Robert Meisel.

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

Members in attendance were Chairman Robert Meisel, Vice-Chairman Jim Pledger, Commissioners James Vaughan 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.

Vice-Chairman Pledger moves to approve the consent agenda. Seconded by Commissioner Vaughan. Unanimous (3-0) approval.

- a. Approval of the May 18, 2022 Minutes.

- b. Board of Adjustment and City Council Results.

3. Land Use 803 Westlake Drive: Discussion/Recommendation on an application for variances for side setback reduction, a conservation easement reduction, driveway setback encroachment and minimum lot width variance for a proposed subdivision. (West Lake Hills Code Section 22.03.281, Section 3.01.007, 22.03.249). Applicants Doyle and Colleen Moore.

Commission goes into Executive Session at 6:32 p.m.

Commissioners return from Executive Session at 6:38 p.m.

Staff Briefing

Director Grundman: Staff briefing is given. Staff recommendation: None at this time.

Commissioner Maccini: What is the concept plan?

Director Grundman: Exhibit C is the layout.

Presentation by Applicant

Michael Linehan is representing the application and gives a history of the property. They are requesting 7 one-acre lots. We want to meet the intent of West Lake Hills.

Each variance request is explained. The 7 lots would be narrow and have 2 access driveways for the property.

Public Hearing

Chairman Meisel opened the meeting for public comments.

Robert Kleeman is the attorney representing some adjacent property owners and references the letter he sent. This sounds like a Zoning Application. The Board of Adjustment has strict state law requirements. Robert references the pending lawsuit. Special conditions don't exist on the property. What can be developed without variances? I urge you to not recommend approval.

Jack Downing lives at 905 Westlake Drive which is next door to City Hall. The setbacks are 10' in the plans. 50 Live Oak trees would be destroyed in this application. This is not the right site to be approved. The hardship is created by the applicants.

George Payton lives at 7 Rocky River Cove which is directly behind this property. My comments were mailed in. ZAPCO has a good history of requesting hardships.

Randy Lee lives at 6 Rocky River Cove since 1989. It doesn't fit with the character of the city. Make this a preserve. It would add value to the community.

Chairman Meisel closes the Public Hearing

Discussion/Recommendation

Vice-Chairman Pledger: I didn't hard about a hardship.

Commissioner Vaughan: I'm conflicted because of the agreement. I see no hardship.

Commissioner Maccini: I'm concerned by the size of the houses as a hardship and also concerned about the setbacks.

VICE-CHAIRMAN PLEDGER MOVES TO RECOMMEND DENIAL DUE TO LACK OF HARDSHIP. SECONDED BY COMMISSIONER MACCINI. UNANIMOUS (3-0) DENIAL.

4. Land Use 301 Buckeye Trail - Discussion/Recommendation on an application for variance to remove one tree of fourteen inches or greater (Tree #199 - 14" Live Oak) to remodel and expand an existing garage (Section 22.03.304 of the West Lake Hills Code). Applicant Ben Brieger.

Staff Briefing

Director Grundman: Staff Recommendation is approval conditioned on tree replacements.

Presentation by Applicant

Ben Brieger is the applicant and property owner and explains his previous variance request that was denied. ZAPCO recommended he remodel. It is not visible from the street.

Alfredo is the architect. The impervious cover was reduced and the design protects the larger trees.

Public Hearing

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

Discussion/Recommendation

Vice-Chairman Pledger: If we expand the driveway, will there be a line of cars waiting to be worked on?

Ben: No. It will be out of sight. We will be beautifying the yard.

Commissioner Maccini: Your safety is compelling. The replacement should be trees that grow well.

Commissioner Vaughan: This is a 1,379 sq. ft. house? The garage is over 1,000 sq. ft.? I'm for the variance.

Vice-Chairman Pledger: There are four 10" Live Oak and four 11" Live Oak on the property.

**COMMISSIONER VAUGHAN MOVES TO RECOMMEND APPROVAL.
SECONDED BY COMMISSIONER MACCINI. UNANIMOUS (3-0) APPROVAL.**

5. **Land Use 803 Forest View** - Discussion/Recommendation on a variance application for a front setback encroachment (West Lake Hills Code Section 22.03.281). Applicants Sam and Katie Owen.

Staff Briefing

Director Grundman: Staff Recommendation: Approval.

Presentation by Applicant

Not present.

Public Hearing

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

Discussion/Recommendation

Commissioner Maccini: This property is for sale? I have a problem granting variance for a house for sale.

ITEM IS TABLED.

6. **Land Use 300 Hillcrest Court** - Discussion/Recommendation on an After-the-Fact variance to locate pool equipment in a setback. (West Lake Hills Code Section 22.03.281). Applicant Robert Stephen Homes.

Staff Briefing

Director Grundman: Staff Recommendation: Denial due to no hardship.

Presentation by Applicant

Robert Swett is the applicant. After the snow storm they needed to relocate the equipment. Photos are handed out for reference. When relocating we didn't know it would be a building issue.

Public Hearing

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

Discussion/Recommendation

Chairman Meisel: Was this permitted?

Director Grundman: After-the-fact.

Vice-Chairman Pledger: References a location inside the setback.

COMMISSIONER VAUGHAN MOVES TO DENY THE VARIANCE. SECONDED BY VICE-CHAIRMAN PLEDGER. UNANIMOUS (3-0) DENIAL.

7. Land Use **707 Butler Cove** - Discussion/Recommendation on numerous after-the-fact tree removals, accessory structure in a side building setback and cut and fill in a setback. (Sections 22.03.304, 22.03.281 and 22.03.170 of the West Lake Hills Code.) Applicant Justin Zucurelli.

Staff Briefing

Director Grundman: Staff Recommendation: Denial due to lack of hardship.

Vice-Chairman Pledger: Are Cherry Laurels appropriate?

Director Grundman: Code states like for like.

Vice-Chairman Pledger: Planters in the setback are an issue?

Director Grundman: Yes.

Presentation by Applicant

Chris Johns is the attorney for the applicant. They were unaware of the tree regulations. The owners regret cutting trees. We are seeking a path to correct everything. Explains the 59" removed off of the neighbor's property. Russell Cain approved the Cherry Laurels. Total of 600" of replacement. We are trying to resolve the situation with the neighbors, the Patels. We are going above and beyond the ordinance requirements. We need guidance. The planters help with run-off.

Public Hearing

Vijay Patel resides at 711 Butler Cove. Large photos are presented. The attorney gave incorrect information. We reported our trees being cut. Before and after photos are presented.

Keely Denenberg lives at 719 Butler Cove. There is no hardship. The trees referenced were put in last week. Why would they plant last week? They know the rules. Why is the homeowners not here but has 3 paid employees? The run-off issue was created when they removed cedars.

Dina Patel resides at 711 Butler Cove. The word I can think of that is appropriate is "respect" the community. I request you deny. The owners knew what they were doing. Today is the first day the attorney contacted us.

James Ferguson lives at 501 Redbud Trail. When we built we had to plant Live Oaks

and Red Oaks to make it a forest.

Steve Butler lives at 3 Limerick Lane. I'm against the variances. This is a like a small condo unit. They clear cut. Whatever you are required to replace will never mitigate to how it was.

Chairman Meisel closes the Public Hearing.

Discussion/Recommendation

Commissioner Vaughan: Where is this agreement with Russell Cain?

Director Grundman: It would have been on e-mail. No formal agreement.

Commissioner Maccini: i find these actions awful. Ignorance of the law is no excuse. Putting Cherry Laurels in a planter is not planting a tree. I'm sad for the Patels. Absolutely no on the request.

Chairman Meisel: After-the-fact variances require like-for-like?

Director Grundman: References the Code.

Chairman Meisel: Staff is not authorized to grant variances. We need to enforce Code. Replacement needs.

Vice-Chairman Pledger: References the planting last week?

Commissioner Vaughan: If we deny and they come back, we just deny?

Chairman Meisel: We are policy keepers.

COMMISSIONER VAUGHAN MOVES TO RECOMMEND DENIAL ON ALL VARIANCES. SECONDED BY COMMISSIONER MACCINI. UNANIMOUSLY (3-0) DENIAL.

8. Land Use 212 Buckeye Trail - Discussion/Recommendation on an encroachment into a building setback to replace old retaining walls. (Section 22.03.281 of the West Lake Hills Code.) Applicant Darush Rahmani.

Staff Briefing

Director Grundman: Approval based on the existing non-conforming.

Commissioner Maccini: Is there a future gate?

Director Grundman: Gate columns are not part of the approval.

Presentation by Applicant

Darush Rahmani is the applicant and homeowner. I don't know when they were built. The wall was rebuilt inside the footprint. Height is the same. We hopefully will build a gate in the future.

Public Hearing

Al Bessin lives at 216 Buckeye Trail. We share the driveway. I have concerns about the wall comes out to the street. The narrowness is a concern. Having a long wall is not in character.

Darush: It is replacing what was there. We did not decrease the width.

Vice-Chairman Pledger: This sounds like an after-the-fact?

Director Grundman: We issued a stop work order but the wall was finished. That is code enforcement.

Commissioner Vaughan: Staff recommends for approval?

Director Grundman: There is a more appropriate solution.

COMMISSIONER VAUGHAN MOVES TO RECOMMEND APPROVAL OF THE EXISTING RETAINING WALLS WITH NO INCREASE IN HEIGHT OR GATE POSTS. SECONDED BY VICE-CHAIRMAN PLEDGER. UNANIMOUS (3-0) APPROVAL WITH CONDITIONS.

9. **Land Use 902 Yaupon Valley** - Discussion/Recommendation on tree removals (Tree #3008 - 20" Cedar, Tree #3027 - 15" Cedar and Tree #3025 - 16" Live Oak) for construction of a single family residence. (Section 22.03.304 of the West Lake Hills Code.) Applicant Shayne Horne.

Staff Briefing

Director Grundman: Denial due to no hardship.

Presentation by Applicant

James is one of the contractors. We want to demo. Time is important.

Public Notice

Joe Loehman lives at 900 Yaupon for 28 years. The proposed 9,100 sq. ft. home is a concern for flooding problems. It's going to be a year and a half to build that large of a house.

Erica Nelson lives at 904 Yaupon Valley. It will not fit in with the neighborhood. I have concerns about the trees. I moved here for the trees.

Chairman Meisel closes the Public Hearing.

Discussion/Recommendation

Vice-Chairman Pledger: I hate reposting variances.

Chairman Meisel: We'll deal with all the variances with the August meeting.

10. **Land Use 706 Terrace Mountain** - Discussion/Recommendation on variances to encroach a front building setback, fence height, cut and fill, front yard fence visibility, landscape wall in a building setback and removal of a 17" Cedar Tree for the construction of a new single family residence. (Sections 22.03.281, 22.03.173, 22.03.125, 22.03.173 and 22.03.304 of the West Lake Hills Code.) Applicant Ashley Knight.

Staff Briefing

Director Grundman: Staff Recommendation: Approval of the setbacks and tree. Denial all others.

Presentation by Applicant

Ashley Knight is the applicant and addresses the front setbacks and slopes. The design is done to go with the slope of the lot. The cut and fill is for drainage improvements.

Public Hearing

John Kato lives on Basin Ledge. This suggests a setback variance. Are the drawings wrong? The fence directs the water run-off and the current grade is toward my garage. They are asking to remove one tree. Removing the tree will cause more water problems.

Jared Haas: The updated plans were not provided to the neighbors but added to the packet. This lot has many trees.

Chairman Meisel closes the Public Hearing.

Discussion/Recommendation

Commissioner Vaughan: The updated design meets code.

Chairman Meisel: The drawings submitted give me concern. The setback should be limited to the building footprint.

Commissioner Maccini: I agree with that.

Director Grundman: Drainage is addressed at the building stage.

COMMISSIONER VAUGHAN MOVES TO RECOMMEND APPROVAL ON THE SETBACK IN STRUCTURE ONLY AND THE TREE VARIANCE. NO ON THE OTHERS. SECONDED BY COMMISSIONER MACCINI. UNANIMOUS (3-0) APPROVAL WITH CONDITIONS.

11. Adjournment. Chairman Robert Meisel.

Meeting is adjourned at 9:09 p.m.

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

ZAPCO Secretary Mark Litrell

These minutes were approved on _____, 2020.