

CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, January 18, 2023 at 6:30 PM

1. Call to Order. Vice-Chairman Jim Pledger.

With a quorum present, Acting Chairperson Karen Bartoletti called the meeting to order at 6:30 p.m.

**ZAPCO COMMISSIONERS
PRESENT:**

Vice-Chairman Jim Pledger
Karen Bartoletti
Julia Webber
Patrick Stewart
Laurie Maccini

CITY STAFF PRESENT:

Director of BDS Ashby Grundman
Assistant City Attorney Nicole Warren
ZAPCO Secretary Mark Littrell

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 November 16, 2022 Regular Zoning and Planning Commission Meeting Minutes.
 - b. Report on Board of Adjustment and City Council Responses.

Commissioner Bartoletti: I want to pull the November 16, 2022 minutes to amend the statement regarding the Moore Subdivision Settlement Agreement. Please amend as follows:

MOTION TO RECOMMEND APPROVAL SUBJECT TO TERMS OF THE AGREEMENT. COMMISSIONER BARTOLETTI MOVES TO AMEND THE MOTION BY ADDING THE FOLLOWING WORDS TO THE BEGINNING OF THE MOTION: "BASED ON THE COMMISSION'S UNDERSTANDING THAT THE PLAT APPROVAL IS MINISTERIAL IN NATURE AND THAT THE COMMISSION IS LEGALLY COMPELLED TO APPROVE THE PLAT, . . . " AMENDMENT ACCEPTED AND MOTION APPROVED (3 - 1). COMMISSIONER MACCINI ABSTAINS.

MOTION: Upon a motion made by Commissioner Maccini and a second by Vice-Chairman Pledger, the Commission voted five (5) for and none (0) opposed to the approval of the minutes as amended. Motion carried.

3. Land Use 103 Yaupon Valley: Discussion/Recommendation on variances to remove 5 trees with diameters larger than 14 inches and three building setback encroachments for the construction of a new single family residence (Sections 22.03.304 and 22.03.281 of the West Lake Hills Code). Applicants Ashton and Erica Weinberger.

Staff Briefing

Director Grundman gives the Staff Briefing. There are 8 total variances. This was postponed in November and they've added information about the septic. We did receive two e-mails opposing the request. 3 residents did speak at the last meeting. Staff Recommendation: Approval as requested.

Presentation by Applicant

Erica Weinberger is the applicant. We were not aware there was opposition. I appreciate all the members that I have reached out to. Our lot is .51 acre which gives us 25' setbacks. What we are wanting are 20' setbacks. The property is an unusual lot. We have a "K" shaped lot covered in trees and it is very steep. We need to have a safe driveway in the area. We will need a turning radius. There is a sort of blind corner so we have designed around that.

Public Hearing

Cindy Brandimarte lives at 808 Westlake Drive. I'll summarize what I sent to ZAPCO members today. I concur with the nearby residents, one of whom wrote: "The justification for the variances is not completely honest; for these reasons I vehemently oppose any variances for the proposed development." I refer you to my memo that was submitted November 16th. These are fixed factors that you know at closing and know upon purchase. The variances would affect water, drainage and erosion. Nothing of substance has changed since November. The same problems remain. The designers aren't as familiar with the lot as they should be. What they are designing doesn't fit the spot.

Acting Chairperson Bartoletti closes the Public Hearing.

Deliberation and Recommendation

Commissioner Webber: I've enjoyed reviewing this project. I agree that this project is a non-conforming lot. Given the space available, I understand your request for the variances but I have concerns. On the driveway, while it does conform to the height above the natural grade, it is in excess of 12". Am I seeing that correctly?

Architect: Not at 12". We have planters that would scale down to 18" allowed within the setback.

Commissioner Webber: The auto court, there is a planter that appears to be above. It would be helpful if the elevations were noted for conformity. There is a 30' rise from the street level to the motor court. Look at 22.03.170 to says that no wall can exceed 6'. The A/C appear to be beyond the setback. Section 22.03.171 states those need to comply. The house will exceed the 32' height. It would be helpful if your dimensions to show that.

Architect: I have the elevations in what will be the permit submittal package. We

were very tight.

Commissioner Webber: The last is that one of the concerns is the entrance could be a hazard. Have you considered working with the neighbor?

Architect: That was considered.

Acting Chairperson Bartoletti: Can staff comment on any of these points. Are we confident all the variances requested are all the variances required or at this stage do we leave that to the applicant to determine?

Director Grundman: I'm confident that the variances requested tonight are necessary for this project to move forward. The only caviot is the planters that are in the setback but if they are terraced at 18" then it complies. I'll felt confident in the height. The variances requested tonight are the only ones necessary to move forward.

Acting Chairperson Bartoletti: So the part about the A/C unit in the setback, is it the thought that gets caught later in the process?

Director Grundman: I think there are two ways that can be handled. They could alter it to comply with the current setbacks but there is already an encroachment in the rear setback for the house.

Commissioner Maccini: The septic system, has a drainage study been done on the lot itself?

Director Grundman: I haven't seen one. Our city engineer will review that at the time when it is submitted for permitting. I know that has been a concern throughout this process.

Erica: We didn't include the drainage information which isn't up for a vote tonight. We have retained a drainage report that an engineer prepared. It was his professional opinion that no mitigation was necessary. We will be complying with what is needed before permitting.

Commissioner Stewart: I have a question for staff. Was this lot platted in this shape?

Director Grundman: Yes in 1968.

Commissioner Stewart: This type of lot is why we have the variance application. Correct me if I'm wrong but it shows a pad of 552 sq. ft.? I don't see how this lot doesn't demand some type of variance. The drainage is a concern. I've walked the lot. You almost need a horse. If the driveway was moved to a different location, would it impact more trees?

Architect: Yes.

Commissioner Maccini: It's just not a good lot to build a family home. I enjoyed the

conversation with the owners and they are aware of my concerns.

Acting Chairperson Bartoletti: I'm really conflicted with this. I'm concerned when a variance is requested and a neighbor that is most affected is here objecting.

Commissioner Maccini: This lot is strange.

Director Grundman: I can meet with the applicants before the BOA meeting to make sure it complies.

Motion for Approval made by Commissioner Webber with a Second by Commissioner Stewart.

Motion for Approval carried unanimously by a vote of 3 ayes (Bartoletti, Stewart, Webber) to 2 nays (Pledger/Maccini).

4. **Land Use 517 Buckeye Trail:** Discussion/Recommendation on a variance request to allow a front driveway gate (Section 22.03.173 of the West Lake Hills Code). Applicant Jeffery Foster.
Staff Briefing

Director Grundman gives the Staff Briefing. One letter of support was received. Staff Recommendation: Denial with lack of hardship.

Presentation by Applicant

Jeff Foster is the property owner. We've been here for 5 years. We love living here and love our house. The one drawback that we have living at this address is we have the best view of the Austin sky line and we love when people stop and look at the top of our driveway but I can count the dozens of times people have pulled in my driveway all the way to the end and gotten out and walked around; come up to my door; looked in my door, and it's actually a safety issue for my family. We've looked at moving the driveway out.

Public Hearing

Earl Broussard lives at 515 Buckeye Trail. He does have a difficult situation. The city didn't want that lot to be built. There is a lot of bad ju-ju. I worked on the Master Plan, Planning and Zoning as well as City Council. The Master Plan really wants a natural country look. We really don't want to see fences. The code is written in a way if you do build a fence we want it to be pretty much invisible. And after you build a fence we want you to hide it. So we really don't like fences. There is a failure of a hardship. The application is not complete. It doesn't have the elevations and doesn't show a landscape plan. It's very difficult to read. There is no planting plan provided. There is limited visibility in that area. When you go down this street on one side there is a large cut on Spiller. A little history on it, the next door neighbor got robbed the day they moved. We granted a fence variance on an emotional move. Mine is a difficult lot. We don't feel putting a fence there would help. I also represent several

people that live on the street as well.

Acting Chairperson Bartoletti closes the Public Hearing.

Deliberation and Recommendation

Commissioner Stewart: The 20' is where the asphalt stops?

Director Grundman: The gate is here and it comes up to 10' from the street.

Commissioner Maccini: It covers the entire property? There's not one there now?

Director Grundman: No.

Commissioner Stewart: Is it for the gate or all the fence?

Director Grundman: All.

Commissioner Maccini: The gate is 20' instead of 30'? Bukeye is not a idea road. I don't see a hardship.

Commissioner Webber: It is a safety issue. I object to the fence but not the gate.

Motion for Denial made by Commissioner Maccini with a Second by Vice-Chairman Pledger.

Motion for Denial carried unanimously by a vote of 5 ayes to 0 nays.

5. **Land Use 425 Ridgewood Road:** Discussion/Recommendation on a variance request to allow an addition of a second story to a non-conforming structure (Section 22.03.281 of the West Lake Hills Code). Applicant Patrick Stewart.

Commissioner Stewart recuses himself from the meeting. Documentation is provided to staff.

Staff Briefing

Director Grundman gives the staff briefing. Staff Recommendation: Approval.

Presentation by Applicant

Katie is the architect. This is a second story addition. Other designs affected trees. All adjacent homes are also 2-story homes.

Public Hearing

Acting Chairperson Bartoletti opened the meeting for public comments. Hearing none, the public comment section was closed.

Deliberation and Recommendation

Commissioner Maccini: As long as trimming is minimal. This is what is there.

Commissioner Bartoletti: It is already non-conforming.

Motion for Approval made by Commissioner Maccini with a Second by Vice-Chairman Pledger.

Motion for Approval carried unanimously by a vote of 4 ayes to 0 nays.

6. Adjournment. Vice-Chairman Jim Pledger.

MOTION: Upon a motion made by Commissioner Bartoletti , the Commission voted five (5) for and none (0) opposed to adjourn the meeting at 7:28 p.m. Motion carried.

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

ZAPCO Secretary Mark Litrell

These minutes were approved on _____, 2020.