

MINUTES OF BOARD OF ADJUSTMENT (BOA)
PUBLIC HEARINGS AND REGULAR MEETING
CITY OF WEST LAKE HILLS, TEXAS
Wednesday, March 9, 2016
7:00 p.m.

PRESENT: BOA Chairman Linda Anthony, BOA Members Stan Graham, Jim O'Connor, Brian Plunkett, Beth South and Darin Walker.

ABSENT: None.

1. **Called to Order by Chair Linda Anthony at 7:05 PM, suspended at 8:34 PM and reconvened at 8:35 PM .**
2. **CONSENT AGENDA:** The following items are anticipated to require little or no individualized discussion due to their nature being clerical, ministerial, mundane or routine. In an effort to enhance the efficiency of BOA Meetings, it is intended that these items will be acted upon by the BOA with a single motion because no public hearing or determination is necessary. However, a BOA Member or Citizen may request separate deliberation for a specific item, in which event those items will be removed from the consent agenda prior to the BOA voting on the consent agenda as a collective, singular item. Citizens requesting items be removed from the consent agenda must submit a written Speaker Card to the City Secretary before the meeting begins. Prior to voting on the consent agenda, the BOA may add additional items that are listed elsewhere on the same agenda.
 - a. Approval of the February 10, 2016 Regular Meeting Minutes. City Secretary Lacie Hale.

BOA MEMBER WALKER MOTIONED TO APPROVE THE CONSENT AGENDA. BOA MEMBER O'CONNOR SECONDED THE MOTION AND IT PASSED BY 6-0 VOTE.

3. **Land Use:** Multiple variances for a new driveway at 103 Crestwood Court. (Section 22.03.281 of the West Lake Hills Code.) Applicant Justin Jacobs.
 - a. Staff Briefing. **None was given.**
 - b. Presentation by applicant. **Applicant Justin Jacobs gave a brief history of his family and purchasing the house. He explained how the Zoning and Planning Commission had asked for additional engineering information regarding the ambulances ability to turn around in the proposed driveway. Mr. Jacobs then went through his presentation explaining the requested variances.**
 - c. **Public Hearing:**
Don Bennett of 101 Crestwood Court are neighbors of the Jacobs. Mr. Bennett shared his concerns of how the drawings and plans have been confusing. He explained that he and his wife are in support of this project. They feel that it is a good project but the setbacks are important. They would conditionally support this project if it was better defined.

Peter Morford of 105 Crestwood Court is a neighbor to this property. Shared his suggestion of replacing vegetation to block the wall. He does agree with the resolution to include exact engineered dimensions.

Mark Rankin is the father of one of the property owners and also the Real Estate Broker for the property. He explained that even if the wall is built on the Bennett's property line they will not have anyway of knowing it. There are trees between the driveway and the Bennett's house. He encouraged BOA

to come walk the driveway and you will not see any glimpse of the Bennett's home. He appreciates the Bennett's but doesn't understand their objection.

Dani Moford of 105 Crestwood Court reinforced what Mr. Rankin stated. She had walked the property many times. The brush and bushes is thick back there. She can't even see the pool. She doesn't think how anything could disrupt privacy. She is also very concerned about the safety of the children.

d. Deliberation and action.

Board of Adjustment deliberated and determined that the drawings did not include specifics and dimensions. Chair Anthony decided to schedule a special Board of Adjustment meeting on March 23, 2016 to discuss this agenda item.

BOA MEMBER GRAHAM MOTIONED TO POSTPONE THIS ITEM UNTIL MARCH 23, 2016 WITH A REQUEST TO INCLUDE SPECIFIC DRAWINGS WITH DIMENSIONS WITH ASHBYS REVIEW. BOA MEMBER O'CONNOR SECONDED THE MOTION AND IT PASSED BY 6-0 VOTE.

4. Land Use: Variance to request for a retaining wall in a building setback at 5103 Rollingwood Drive. (Section 22.03.281 of the West Lake Hills Code.) Applicant Charles Martin.

a. Staff Briefing. None was given.

b. Presentation by applicant. Applicant Charles Martin gave brief background that they originally requested a retaining wall in the setback that was approved. Mr. Martin is returning to request a modification to divide it into two terraces instead of one wall.

c. Public Hearing: No one spoke.

d. Deliberation and action.

BOA deliberated and agreed that it is not an unreasonable request but would like to hear from the neighbors.

BOA MEMBER WALKER MOTIONED TO APPROVE THE VARIANCES AS REQUESTED. BOA MEMBER O'CONNOR SECONDED THE MOTION AND IT PASSED BY 5-1 VOTE. BOA MEMBER GRAHAM OPPOSED.

5. Land Use: Variances to remove trees greater than 14 inches in trunk diameter, cut and fill and retaining walls in a building setback at 2 Sweet Sky. (Section 22.03.304 of the West Lake Hills Code.) Applicant David Smith.

a. Staff Briefing. Chair Anthony gave a recap of the history of the subdivisions project. The approval was for the subdivision plan not buildings on individual lots. The 3,000 square feet is what is required to be sited on lots. It is not requiring a limitation of home size.

b. Presentation by applicant. Applicant's Representative Chris White with Dick Clark and Associates, presented the variances to the Board of Adjustment.

c. Public Hearing:

Chris Gunter of Skyline Drive shared how this is a controversial subdivision. He would like the developer to be held accountable that this subdivision can be developed without any variances. He also explained that the variances should not be granted because this project is too big. Mr. Gunter doesn't

understand the hardship when this house was not originally designed for this particular lot. Now West Lake Hills is changing into who can build the biggest monolith. He is asking the BOA to use their authority to reign it in.

Ace Pickens of 713 Windsong Trail explained that he looks across the canyon, every morning into the great wall of Westlake. This all began in 2014. He shared a conversation he had with the developer and took it to mean that the developer thought that this project could be built without any variances. He then shared a quote from Mr. Clark at ZAPCO stating that there is no way to design and construct a house on this property without requiring variances. He agreed with Mr. Gunter about the changes and appearances. If this can be built without any variances he will not be back. He asked the BOA to deny the variances.

Newell Starks of Kennan Road stated that he bought one of the original houses in Westlake. He has seen a lot of changes. He explained that the thing that is most distressing to him is the amount of variances they see when builders come in. He shared his observation of dramatic shifts of variances from previous administration. He asked BOA to try to maintain some resemblance of what the city stands for. He would like to keep it the way it is.

d. Deliberation and action.

(Note: This item requires dual action. BOA action on the building setback variances. Council action on the tree variances.)

BOA deliberated and shared their concerns with the requested variances. They felt that it could be redesigned.

BOA MEMBER GRAHAM MOTIONED TO APPROVE THE VARIANCES AS REQUESTED. BOA MEMBER WALKER SECONDED THE MOTION AND IT FAILED BY 4-2 VOTE. BOA CHAIR ANTHONY AND BOA MEMBER PLUNKETT OPPOSED. THE VARIANCE FOR THE CUT AND FILL WAS DENIED.

6. Land Use: Request for a Special Use Permit for a construction trailer at 501 Rocky River Road. (Section 38.04.032 of the West Lake Hills Code.) Applicant Joe Pinelli.

a. Staff Briefing. None was given.

b. Presentation by applicant. Applicant Joe Pinelli provided photos of where the proposed construction trailer will be placed. He spoke with the neighbors and they are fine with it. He further explained the dimensions and color of the building. It will be placed on existing road base. There is also a small tool shed on the property that will sit behind the office. He concluded with estimating that the construction trailer will be on the property for two years.

c. Public Hearing: No one spoke.

d. Deliberation and action.

BOA asked if a variance is required because the building is in the setback. City Attorney Alan Bojorquez explained that it is temporary structure and can be done through this process. It is a special provision. They also shared their concerns with location but if the neighbor is ok with it then it's fine. BOA concluded with how aesthetically pleasing the building is.

BOA MEMBER GRAHAM MOTIONED TO APPROVE THE SPECIAL USE PERMIT. BOA MEMBER O'CONNOR SECONDED THE MOTION AND IT PASSED BY 6-0 VOTE.

7. Land Use: Variance to exceed allowed impervious cover at 515 South Capital of Texas Highway. (Section 22.03.281 of the West Lake Hills Code.) Applicant David Zedeck.
- Staff Briefing.
 - Presentation by applicant.
 - Public Hearing: All persons wishing to speak for or against shall be heard.
 - Deliberation and action.

Item was not discussed.

8. Land Use: Variances to encroach into one building setback and one driveway setback at 5105 Rollingwood Drive. (Section 22.03.281 of the West Lake Hills Code). Applicant Brad Hoskins.
- Staff Briefing.
 - Presentation by applicant.
 - Public Hearing: All persons wishing to speak for or against shall be heard.
 - Deliberation and action.

Item was not discussed.

9. Land Use: Variance request to encroach a driveway setback for a new driveway at 311 Westlake Drive. (Section 22.03.281 of the West Lake Hills Code.) Applicant Liana Davis.
- Staff Briefing. **None was given.**
 - Presentation by applicant. **Applicant Liana Davis went through her packet that she presented at ZAPCO. She shared how restricted the lot is because of the setbacks.**
 - Public Hearing: **No one spoke.**
 - Deliberation and action.
BOA expressed that it is a unique situation because they are separate properties.

BOA MEMBER GRAHAM MOTIONED TO APPROVE THE VARIANCE BASED ON THE HARDSHIP BEING THE SAFETY OF THE DRIVEWAY. BOA MEMBER O'CONNOR SECONDED THE MOTION AND IT PASSED BY 6-0 VOTE.

10. Land Use: 1801 Wildcat Hollow Variance Extension for Three variances; (1) Add an emergency vehicle access driveway (second driveway entrance/exit); (2) Build a driveway on a slope greater than 25%; and (3) Removal of 3 Juniper trees with a trunk greater than 14" at 1801 Wildcat Hollow. (Sections 22.03.175 and 22.03.304 of the West Lake Hills Code.) Applicant John Masek.
- Staff Briefing. **City Administrator Robert Wood explained that the applicant is requesting an extension for the emergency vehicle access driveway, the driveway slope greater than 25% and also the removal of three juniper trees. Now they are requesting for one juniper tree to be removed and a new variance to remove one pecan tree. BOA Member Graham pointed out that the variance to build the driveway on a slope greater than 25% is no longer needed.**
 - Presentation by applicant. **Applicant's Representative Christa Witsen gave a brief background of the project and reasons for requesting the extension.**
 - Public Hearing: **No one spoke.**
 - Deliberation and action.

(Note: This item requires dual action. BOA action on the driveway variances. Council action on the tree variances.)

BOA recognized that the original proposed plan that the variances were granted for has changed.

BOA MEMBER GRAHAM MOTIONED TO DENY THE REQUEST TO EXTEND THE VARIANCES. BOA MEMBER O'CONNOR SECONDED THE MOTION AND IT PASSED BY 6-0 VOTE.

11. Land Use: After-the-fact variance for a cut in a side setback at 5 Wren Valley Cove. (Section 22.03.281 of the West Lake Hills Code.) Applicant Edward Gordon.

- a. Staff Briefing. **None was given.**
- b. Presentation by applicant. **Applicant's Representative Winn Whitman gave an explanation of the stop work order and the three pending items that were outstanding have been corrected. He invited the project's Landscape Designer Mark Word to explain the cut and proposed vegetation plan.**
- c. Public Hearing: **No one spoke.**
- d. Deliberation and action.

BOA was pleased and found the proposed vegetation plan to be responsive to what they requested.

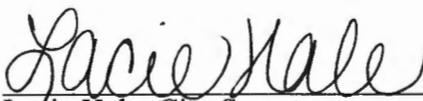
BOA MEMBER PLUNKETT MOTIONED TO APPROVE THE AFTER THE FACT VARIANCE. BOA MEMBER O'CONNOR SECONDED THE MOTION AND IT PASSED BY 6-0 VOTE.

12. **Adjourned by Chair Anthony at 9:30 PM.**

Certificate


LINDA ANTHONY, CHAIR

ATTEST:


Lacie Hale, City Secretary

