

**City of Alamo Heights**  
**BOARD OF ADJUSTMENT**  
**MINUTES**  
January 05, 2022

The Board of Adjustment held a regularly scheduled meeting in the Council Chambers of the City of Alamo Heights, located at 6116 Broadway St, and via Zoom with teleconference on Wednesday, January 05, 2022, at 5:30 p.m. due to pandemic, COVID-19, also known as coronavirus.

**Members present and composing a quorum of the Board:**

Bill Orr, Chairman  
Lott McIlhenny  
David Rose  
Jimmy Satel

**Members absent:**

Wayne Woodard  
Sean Caporaletti, Alternate  
Jessica Drought, Alternate

**Staff members present:**

Buddy Kuhn, City Manager  
Phil Laney, Assistant City Manager  
Lety Hernandez, Director of Community Development Services  
M Gdovin, Fire Chief  
Rick Pruitt, Police Chief  
Allen Ottmers, Fire Marshal  
John Massey, Deputy Chief  
Richard Lindner, City Attorney  
Frank Garza, City Attorney (via Zoom)

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The meeting was called to order by Chairman Orr at 5:43p.m.

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Mr. McIlhenny moved to approve the minutes of the December 01, 2021 meeting. Mr. Rose seconded the motion.

The motion was approved with the following vote:

FOR: Orr, McIlhenny, Rose, Satel  
AGAINST: None

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**Public Hearing – Case No. 2352 – 302 Alta**

Application of Luis Velez, owner, requesting the following variance(s) in order to install a new generator and build a fence at the property located at **CB 4024, BLK 147, LOTS 9 & 10**, also known as 302 Alta, zoned SF-B:

1. The proposed generator is in front of the main structure instead of to the side or rear as required per Section 3-18 and
2. The proposed 3.3ft high fence within the minimum required portion of a front yard setback exceeds the maximum 3ft allowed per Section 3-81(7) of the City's Zoning Code.

Ms. Hernandez presented the case to the board. Lyndsay Thorn, Architect, was present to address the board on the owners' behalf. Ms. Hernandez informed that the applicant had addressed variance #2 to comply with current regulations.

Chairman Orr opened the public hearing at 5:52pm.

Mr. Velez, owner of 302 Alta, requested to speak regarding the case. He spoke regarding the location and the current equipment. He added that the size of the new equipment limited placement.

Chairman Orr closed the public hearing at 5:55pm.

**Discussion and possible action on Board of Adjustment Case No. 2352**, application of Luis Velez, owner, requesting the following variances(s) in order to install a new generator and build a fence at the property located at **CB 4024, BLK 147, LOTS 9 & 10**, also known as 302 Alta, zoned SF-B: 1) The proposed generator is in front of the main structure instead of to the side or rear as required per Section 3-18 and 2) The proposed 3.3ft high fence within the minimum required portion of a front yard setback exceeds the maximum 3ft allowed per Section 3-81(7) of the City's Zoning Code.

The board discussed the proposed and asked for clarification regarding the placement. They expressed concerns regarding the location and its proximity to the street.

Mr. Rose moved to deny variance one (1). Mr. McIlhenny seconded the motion.

The motion to deny the variance was approved with the following vote:

FOR: Orr, McIlhenny, Rose, Satel  
AGAINST: None

No action was taken on variance two (2).

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**Public Hearing – Case No. 2353 – 125 Primrose**

Application of David Mauze of Mauze Construction Corp. representing RJS and KGS Ice Management Trust, owner, requesting the following variance(s) in order to build a new

masonry fence at the property located at **CB 5571B, BLK 17, LOT 3 #C55-12957**, also known as 125 Primrose, zoned SF-A:

1. The proposed impervious cover in the front yard setback is 32.8% instead of the maximum 30% allowed per Section 3-18 and
2. The height of the proposed 5ft wall within the minimum required portion of a front yard setback exceeds the maximum 3ft allowed per Section 3-81(7) of the City's Zoning Code.

**Discussion and possible action on Board of Adjustment Case No. 2353**, application of David Mauze of Mauze Construction Corp. representing RJS and KGS Ice Management Trust, owner, requesting the following variance(s) in order to build a new masonry fence at the property located at **CB 5571B, BLK 17, LOT 3 #C55-12957**, also known as 125 Primrose, zoned SF-A: 1) The proposed impervious cover in the front yard setback is 32.8% instead of the maximum 30% allowed per Section 3-18 and 2) The height of the proposed 5ft wall within the minimum required portion of a front yard setback exceeds the maximum 3ft allowed per Section 3-81(7) of the City's Zoning Code.

Due to administrative error, the case was rescheduled for the February 02, 2022 meeting. No action was taken.

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**Public Hearing - Case No. 2354 – 111, 119, 131, 133 & 135 Katherine Ct**

Application of Mr. C. Trebes Sasser, Jr. of Ridgemont Properties, Inc. and Kris Feldmann of CREO Architecture, representing Harrigan Ltd, owner, requesting the following variance(s) in order to construct a new three-story multi-family structure with accessory structure(s) at the properties located at CB 5600, BLK 2, LOTS 46.66ft of 24, all of 25-27, and W 25ft of 28 also known as 111, 119, and 131 Katherine Ct, zoned MF-D (Multi-Family District) and CB 5600, BLK 2, LOT 29 and E 25ft of 28 also known as 133 & 135 Katherine Ct, zoned MF-D (Multi-Family District):

1. The proposed thirty-five (35) units exceed the maximum twenty-seven (27) units allowed per Section 3-42(4),
2. The proposed fifty-one (51) parking spaces is less than the minimum sixty-two and one-half (62.5) spaces required per Section 3-49(3),
3. A proposed three (3) foot landscaping buffer at the rear of the property instead of the minimum eight (8) feet required per Section 3-49(4)(a) and 3-50(1),
4. The proposed wall/planter/brick faced site wall exceeds the maximum 3ft height measured from the lower side of the fence, wall or other barrier allowed per Section 3-81(7),
5. A proposed aisle width of twenty-two (22) feet six (6) inches instead of the minimum twenty-four (24) feet required for a 90-degree parking angle with two-way traffic and 60ft section width per Section 3-84(2)(a) and Section 3-84(2)(b) of the City's Zoning Code.

Ms. Hernandez presented the case. The applicants were present to address the board.

Chairman Orr opened the public hearing at 7:37pm.

Bianca Zuniga Goldwater, Attorney with Farrimond, Castillo, and Bresnahan, representing the Residents of Katherine Ct, spoke and provided a presentation.

There was a discussion regarding the public being able to yield their three (3) minutes to another member of the public. Mr. Lindner clarified.

Mr. Rose moved to allow a member of the public to yield to another for a total of five (5) minutes. Mr. Satel seconded the motion.

The motion was approved with the following vote:

FOR: Orr, McIlhenny, Rose, Satel

AGAINST: None

The public hearing continued. Those yielding to Ms. Zuniga were as follows: Michael McGuire of 150 Katherine Ct.

Jim Loyd of 138 Katherine Ct addressed the board. Those yielding to Mr. Loyd were as follows: Suzanne Menick of 162 Katherine Ct and Patience McGuire of 150 Katherine Ct.

Deb Bolner Prost of 158 Katherine Ct addressed the board. Those yielding to Ms. Prost were as follows: Dora Leal of 149 Katherine Ct.

John Fietshans of 134 Katherine Ct addressed the board.

Freddie Longoria of 158 Katherine Ct addressed the board.

The board recessed at 8:23pm and reconvened at 8:31pm. The public hearing continued.

Elizabeth Yust of 134 Katherine Ct addressed the board.

Andrew Sandler of 134 Harrigan Ct addressed the board.

Mike Wargovich of 137 Katherine Ct addressed the board.

Joan Cunningham of 137 Katherine Ct addressed the board.

Chairman Orr closed the public hearing at 8:45pm.

Concerns of those speaking regarding the case were density, lack of hardships, slope, shortage in parking, number of variances, overflow parking on the street, increase in traffic, parking spaces based on number of bedrooms, loss of sunlight, fumes, noise during construction, integrity of driveway, and not following rules.

Chairman Orr closed the public hearing at 8:45pm.

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**Discussion and possible action on Board of Adjustment Case No. 2354**, application of Mr. C. Trebes Sasser, Jr. of Ridgemont Properties, Inc. and Kris Feldmann of CREO Architecture, representing Harrigan Ltd, owner, requesting the following variance(s) in order to construct a new three-story multi-family structure with accessory structure(s) at the properties located at **CB 5600, BLK 2, LOTS 46.66ft of 24, all of 25-27, and W 25ft of 28** also known as 111, 119, and 131 Katherine Ct, zoned MF-D (Multi-Family District) and **CB 5600, BLK 2, LOT 29 and E 25ft of 28** also known as 133 & 135 Katherine Ct, zoned MF-D (Multi-Family District): 1) The proposed thirty-five (35) units exceed the maximum twenty-seven (27) units allowed per Section 3-42(4), 2) The proposed fifty-one (51) parking spaces is less than the minimum sixty-two and one-half (62.5) spaces required per Section 3-49(3), 3) A proposed three (3) foot landscaping buffer at the rear of the property instead of the minimum eight (8) feet required per Section 3-49(4)(a) and 3-50(1), 4) The proposed wall/planter/brick faced site wall exceeds the maximum 3ft height measured from the lower side of the fence, wall or other barrier allowed per Section 3-81(7), and 5) A proposed aisle width of twenty-two (22) feet six (6) inches instead of the minimum twenty-four (24) feet required for a 90-degree parking angle with two-way traffic and 60ft section width per Section 3-84(2)(a) and Section 3-84(2)(b) of the City's Zoning Code.

Trebes Sasser spoke regarding the concerns of the neighbors, size of the proposed, zoning, walkability, density, and parking based on number of bedrooms. He went on to speak regarding traffic and how Katherine Ct is the least traveled street per the traffic counts and how the zoning is not "one size fits all".

James Griffin, Attorney with Killen, Griffin, & Farrimond, representing the applicant, addressed the board and spoke regarding hardships, setbacks, and variances. He stated that literal enforcement of the code would result in more people and less parking and approval would result in less people and more parking meeting the intent of the code.

The board posed several questions regarding on-street parking, should the applicant seek that in the future, and staff responded that they would need to further research the information. Police Chief spoke regarding restricted parking and surrounding parking issues. He informed that drivers would not be able to park in the right-of-way spaces during the current ordinance.

Chairman Orr commended on the design and went on to speak regarding the board's rules for hardships to be able to approve and/or deny a variance.

The applicant requested to table variance one and two for the next meeting and vote on the remainder of the requested variances.

Mr. Rose moved to table variances one (1) and two (2) for the next regularly scheduled meeting of February 02, 2022. Mr. McIlhenny seconded the motion.

The motion was approved with the following vote:

FOR: Orr, McIlhenny, Rose  
AGAINST: Satel

Mr. Rose moved to approve variance three (3) as stated. Mr. McIlhenny seconded the motion.

The motion was approved with the following vote:

FOR: Orr, McIlhenny, Rose

AGAINST: Satel

The applicant requested to table variances four (4) and five (5) at that time. Mr. Rose moved to table variances four (4) and five (5) for the next regularly scheduled meeting of February 02, 2022. Mr. McIlhenny seconded the motion.

The motion was approved with the following vote:

FOR: Orr, McIlhenny, Rose, Satel

AGAINST: None

Discussion followed regarding the motion and tabling of variances. The Chairman reopened discussion of Item 3A at 9:09pm.

Mr. Rose moved to reconsider variance three (3). Mr. McIlhenny seconded the motion.

The motion was approved with the following vote:

FOR: Orr, McIlhenny, Rose, Satel

AGAINST: None

Mr. Rose moved to table discussion and possible action regarding variance three (3) to the next regularly scheduled meeting of February 02, 2022 at the request of the applicant. Mr. McIlhenny seconded the motion.

The motion was approved with the following vote:

FOR: Orr, McIlhenny, Rose, Satel

AGAINST: None

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**Public Hearing – Case No. 2355 – 111, 119, 131, 133, & 135 Katherine Ct**

Appeal of Mr. James Loyd, citizen representing property owners within 200 feet of 111, 119, 131, 133, & 135 Katherine Ct. per Section 211.101 (a-1) of Texas Local Government Code, regarding their position that additional variance(s) are required to construct a new three-story multi-family structure with accessory structure(s) at the properties located at **CB 5600, BLK 2, LOTS 46.66ft of 24, all of 25-27, and W 25ft of 28** also known as 111, 119, and 131 Katherine Ct, zoned MF-D (Multi-Family District) and **CB 5600, BLK 2, LOT 29 and E 25ft of 28** also known as 133 & 135 Katherine Ct, zoned MF-D (Multi-Family District):

6. Height: Ridgmont uses an erroneous baseline elevation to calculate the 35' building height limit as defined in Section 3-2.

7. East side drive width: There are several conflicts and discrepancies on the plans regarding the required width of the main (east side) drive per Section 3-84(2)(a),(b) and Plan references C 1.00, L 3.3.02.

8. East side fire lane overhang: The above dimensioning error also affects the overhead clearance of the fire lane per International Fire Code Appendix D, D 105.4 and Plan references C 1.20.

9. Landscape buffer: Plans do not show a required landscape area along the East property line per Section 3-49(4)(a) and Plan references L 1.1.03.

10. Canopy trees: Plans show parking in the public right of way with only 5 trees instead of 12 canopy trees per Section 3-50(5) and Plan references L 1.1.03, L5.101, et al.

11. Street side parking: Plans show ten (10) parking spaces into the public right of way per Section 3-84(2) and 18.101 and Plan references C 1.00, et al.

Ms. Hernandez presented the case. The appellee was present to address the board and made a presentation. The board posed questions and asked for clarification on items shown in the presentation versus items on the appeal. Mr. Loyd responded.

Those requesting to speak regarding the case were as follows:

Joan Cunningham, 137 Katherine Ct (opposed)

Mike Wargovich, 137 Katherine Ct, yielded to Joan Cunningham

Deb Bolner Prost, 158 Katherine Ct, (opposed)

John Fietschans, 134 Katherine Ct (opposed)

Maria Longoria (address not stated), yielded to John Fietschans

Freddy Longoria, 158 Katherine, Unit A (opposed)

Tim Caffrey, 167 Katherine Ct (opposed)

Mr. Rose spoke regarding the demolition and construction of new structures and how the designs fit with the neighborhood.

Chairman Orr closed the public hearing at 10:30pm.

**Discussion and possible action on Board of Adjustment Case No. 2355**, Appeal of Mr. James Loyd, citizen representing property owners within 200 feet of 111, 119, 131, 133, & 135 Katherine Ct., per Section 211.101 (a-1) of Texas Local Government Code, regarding their position that additional variance(s) are required to construct a new three-story multi-family structure with accessory structure(s) at the properties located at **CB 5600, BLK 2, LOTS 46.66ft of 24, all of 25-27, and W 25ft of 28** also known as 111, 119, and 131 Katherine Ct, zoned MF-D (Multi-Family District) and **CB 5600, BLK 2, LOT 29 and E 25ft of 28** also known as 133 & 135 Katherine Ct, zoned MF-D (Multi-Family District): 6). Height: Ridgmont uses an erroneous baseline elevation to calculate the 35' building height limit as defined in Section 3-2, 7). East side drive width: There are several conflicts and discrepancies on the plans regarding the required width of the main (east side) drive per Section 3-84(2)(a),(b) and Plan references C 1.00, L 3.3.02, 8). East side fire lane overhang: The above dimensioning error also affects the overhead clearance of the fire lane per International Fire Code Appendix D, D 105.4 and Plan references C 1.20, 9). Landscape buffer: Plans do not show a required landscape area along the East property line per Section 3-49(4)(a) and Plan references L 1.1.03, 10). Canopy trees: Plans show parking in the public

right of way with only 5 trees instead of 12 canopy trees per Section 3-50(5) and Plan references L 1.1.03, L5.101, et al., 11). Street side parking: Plans show ten (10) parking spaces into the public right of way per Section 3-84(2) and 18.101 and Plan references C 1.00, et al.

The board asked for clarification regarding the items listed as part of the appeal and staff spoke regarding code interpretation.

The board convened into Executive Session at 10:35pm.

The board reconvened in Open Session at 10:45pm. Chairman Orr stated no action had been taken during the executive session.

At that time, Mr. McIlhenny moved to table variance six (6) and readdress within the next sixty (60) days. Mr. Satel seconded the motion.

The motion was approved with the following vote:

FOR: Orr, McIlhenny, Rose, Satel

AGAINST: None

Mr. McIlhenny moved to uphold staff's interpretation regarding variance seven (7). Mr. Satel seconded the motion.

The motion was approved with the following vote:

FOR: Orr, McIlhenny, Rose, Satel

AGAINST: None

As the board had no authority to rule on a non-zoning matter, no action was taken on variance eight (8).

Mr. McIlhenny moved to uphold staff's interpretation regarding variance nine (9). Mr. Rose seconded the motion.

The motion was approved with the following vote:

FOR: Orr, McIlhenny, Rose, Satel

AGAINST: None

Mr. McIlhenny moved to uphold staff's interpretation regarding variance ten (10). Mr. Rose seconded the motion.

The motion was approved with the following vote:

FOR: Orr, McIlhenny, Rose, Satel

AGAINST: None

Mr. McIlhenny moved to uphold staff's interpretation regarding variance eleven (11). Mr. Rose seconded the motion.



The motion was approved with the following vote:

FOR: Orr, McIlhenny, Rose, Satel

AGAINST: None

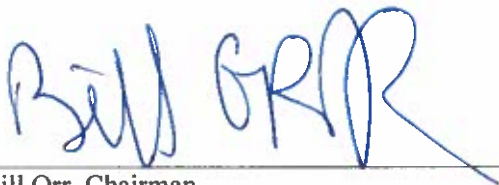
Chairman Orr thanked the developer and commended the architects on their design. He went on to thank the public for their concerns, showing up and doing their due diligence. Lastly, he expressed appreciation of staff.

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There being no further business, Mr. Satel moved to adjourn the meeting and Mr. Rose seconded the motion. The meeting was adjourned at 10:52p.m.

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**THE PROCEEDINGS OF THE MEETING ARE ALSO DIGITALLY RECORDED, AND THESE MINUTES ARE ONLY A SUMMARY OF THE MEETING. THESE MINUTES ARE NOT A VERBATIM TRANSCRIPT OF THE PROCEEDINGS AND DO NOT PURPORT TO INCLUDE ALL IMPORTANT EVIDENCE PRESENTED OR STATEMENTS MADE.**



Bill Orr, Chairman  
(Board Approval)

04/06/2022  
Date Signed & Filed

  
Lety Hernandez, Director  
Community Development Services