

City of Alamo Heights
BOARD OF ADJUSTMENT
MINUTES
February 02, 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, February 02, 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
David Rose
Jimmy Satel
Lott McIlhenny
Jessica Drought, Alternate

Members absent:

Wayne Woodard
Sean Caporaletti, Alternate

Staff members present:

Lety Hernandez, Director of Development Services
Buddy Kuhn, City Manager
Phil Laney, Assistant City Manager
Frank Garza, City Attorney
Rick Pruitt, Police Chief
Cindy Pruitt, Asst. Police Chief

The meeting was called to order by Chairman Orr at 5:38 p.m.

Chairman Orr announced that the January 05, 2022 meeting minutes were not available for review and the item was rescheduled for the next regular meeting. No action was taken.

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 6ft 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. David Mauze, applicant, attended via teleconference and addressed the board.

Discussion followed regarding the height and placement of the fence. Mr. Mauze stated and Ms. Hernandez confirmed staff had received a letter in support of the project from the adjacent church.

Chairman Orr opened the public hearing at 5:44 p.m. but no one was present to speak with interest in the case so the the public hearing was closed.

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 6ft 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.

After further discussion, Mr. Satel moved to approve the variance as requested. Mr. McIlhenny seconded the motion.

The motion was approved with the following vote via roll call:

FOR: Orr, Rose, Satel, Drought, McIlhenny

AGAINST: None

Discussion and possible action on Board of Adjustment Case No. 2354, Application of Mr. C. Trebes Sasser, Jr. of Ridgmont 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.

Ms. Hernandez provided background on the case tabled from the January 05, 2022 meeting. She stated that due to the revisions, staff are of the opinion that item four (4), the variance for wall heights, was no longer required.

Mr. Sasser, applicant, was present and addressed the Board. He spoke regarding the number of bedrooms and parking in the proposed plan. He stated that the proposed plan included 46 bedrooms while City code would allow up to 54 bedrooms. He went on to say that there would be 55 expected occupants in the proposed plan versus 61 allowed by code and based

on data from the Texas Department of Housing and Community Affairs. He added that the parking ratio would be 17 percent lower in the allowed plan.

Mr. James Griffin, attorney for applicant, spoke regarding relevant state and city laws.

Chairman Orr asked for clarification regarding the previous multi-family code amendments and Mr. Griffin responded.

Ms. Drought asked about the number of units and reluctance to use 3-bedrooms units. Discussion followed about the density of the project and the economics of the apartments.

Chairman Orr opened the public hearing at 6:28 p.m.

Those speaking regarding the case were as follows:

Jim Lloyd of 138 Katherine (opposed)

John Feitshans of 134 Katherine (opposed)

Deb Prost of 158 Katherine Unit B (opposed)

Edward Bartholomei of 321 Castano (support)

Chairman Orr closed the public hearing at 6:36 p.m.

Comments from the public included concerns on the amenities provided at the apartments, the number of 2 and 3-bedroom apartments, and that economics do not count as a hardship for the applicant.

Kris Feldman of CREO Architecture, representing applicant, spoke on working within the parameters and how they determine design, as well as issues that limit aspects that are desirable adding that there was more strain on the parking.

Mr. Lott moved to approve the first variance. Mr. Rose seconded the motion.

The motion to approve was denied with the following vote:

FOR: Rose, McIlhenny

AGAINST: Orr, Satel, Drought

Mr. Satel moved to deny the second variance. Ms. Drought seconded the motion.

The motion was approved with the following vote:

FOR: Orr, Satel, Drought, McIlhenny

AGAINST: Rose

Mr. Rose moved to approve the third variance. Mr. Satel seconded the motion.

The motion was approved with the following vote:

FOR: Orr, Rose, Satel, Drought, McIlhenny

AGAINST: None

Mr. Rose moved to approve the fourth variance. Ms. Drought seconded the motion.

The motion was approved with the following vote:

FOR: Orr, Rose, Satel, Drought, McIlhenny

AGAINST: None

Mr. Rose moved to approve the fifth variance. Ms. Drought seconded the motion.

The motion was approved with the following vote:

FOR: Orr, Rose, Satel, Drought, McIlhenny

AGAINST: None

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) Ridgemont uses an erroneous baseline elevation to calculate the 35' building height limit as defined in Section 3-2.**

Ms. Hernandez presented the revised plans regarding height calculations and deferred to the applicant to speak regarding the information provided.

Mr. Loyd of 138 Katherine Ct. spoke regarding the height calculations and the method for calculating those.

Carl Bain, Engineer, representing applicant, spoke regarding his analysis of the revised plans. He stated that his findings were that the proposed height of the building exceeded the allowable.

Chairman Orr opened the public hearing at 6:58 p.m.

Taylor Dawson, with Pape-Dawson Engineers, representing Ridgemont Properties, spoke defending their method of calculating the proposed structure height.

James Griffin, attorney, representing Ridgemont Properties, spoke further on the calculations for the height.

Chairman Orr closed the public hearing at 7:02 p.m.

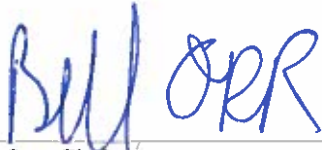
Chairman Orr asked for clarification regarding the building height measurement and Ms. Hernandez responded. Mr. Laney added that the City did not dispute the height measurements as submitted.

Mr. McIlhenny moved to uphold staff interpretation. Mr. Rose seconded the motion.

The motion was approved with the following vote:
FOR: Orr, Rose, Satel, Drought, McIlhenny
AGAINST: None

There being no further business, Mr. McIlhenny moved to adjourn the meeting. Mr. Rose seconded the motion. The meeting was adjourned at 7:03 p.m.

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)



Date Signed & Filed



Daniel Thale-Galat, Permit Technician
Community Development Services