



## **CITY OF ROLLINGWOOD BOARD OF ADJUSTMENT MEETING MINUTES**

**Wednesday, January 11, 2023**

The Board of Adjustment of the City of Rollingwood, Texas held a meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on January 11, 2023. Members of the public and the Board of Adjustment were able to participate in the meeting virtually, as long as a quorum of the Board of Adjustment and the presiding officer were physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. A video recording of the meeting was made and will be posted to the City's website and is available to the public in accordance with the Texas Public Information Act upon written request.

### **CALL BOARD OF ADJUSTMENT MEETING TO ORDER**

1. Roll call

**Chair Brad O'Donnell called the meeting to order at 6:00 p.m.**

**Present Members:** Robert Turner, Kevin Schell, Keith Martinson, Gerald Speitel, and Chair Brad O'Donnell.

**Also Present:** City Administrator Ashley Wayman, City Attorney Charles Zech, Mayor Pro Tem Sara Hutson, Council Member Brook Brown, Council Member Phil McDuffee, Development Services Manager Nikki Dykes, and City Secretary Desiree Adair.

### **PUBLIC COMMENTS**

There were no public comments.

### **CONSENT AGENDA**

All Consent Agenda items listed are considered to be routine by the Board of Adjustment and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a Board Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.

2. Discussion and possible action on the minutes from the October 26, 2022 Board of Adjustment meeting

**Chair Brad O'Donnell moved to approve the minutes. Keith Martinson seconded the motion. The motion carried with 5 in favor and 0 against.**

## **REGULAR AGENDA**

3. Public hearing, discussion, and possible action on a request for special exception under the City's Code of Ordinances, Section 107-491(a)(2), to permit the enlargement and expansion of the nonconforming tennis courts at the Western Hills Athletic Club located at 4801 Rollingwood Drive

Robert Turner asked questions about the decision to have a Public Hearing. City Attorney Charles Zech answered the questions.

Chair Brad O'Donnell explained that this is a continuation of the previous Public Hearing and explained the topics, meeting rules, and the granting of a special exception.

### **Chair Brad O'Donnell opened the Public Hearing at 6:12 p.m.**

Duncan Ashworth, 2910 Hatley Drive, made a presentation regarding the application for special exception and its implications.

Anne Turner, 301 Almarion Drive, spoke regarding the WHAC, pickleball, and the lack of enforcement of rules.

Sara Hutson, 2805 Rock Way, spoke regarding council members' ability to be present and speak at board and commission meetings. She discussed the proposed plans, the lack of benefit to the City, and the impacts to residents around the pool.

Kent Metschan, 3504 Peregrine Falcon Drive in Westlake Hills, spoke regarding pickleball noise reduction options.

### **Chair Brad O'Donnell closed the Public Hearing at 6:28 p.m.**

Zach Elkins, 16 N Peak Road and member of the Western Hills Athletic Club (WHAC) board, presented for the applicant. He discussed the history of this application, pickleball noise tests and accommodations, member and community outreach, existing structures, original proposed design, an alternative design, a design with California corners, the revised proposed design, and design enhancements. He spoke regarding the percentage of Rollingwood residents that belong to the WHAC.

Brian Nash, 4 Chris Cove, spoke regarding setback concerns and Section 107-491 Special Exceptions defined in the Code.

Marie Timmerman, 501 Vale and member of the WHAC, spoke regarding the challenging process and the history of the WHAC's permit application.

Brook Brown requested that the record reflect that she would like to make a comment but was denied the opportunity to do so.

Chair Brad O'Donnell and the BOA asked the designer why the 2 new courts couldn't move further south and completely out of the setbacks. David Cazares, MWM Design Group, answered with reasons including overall construction cost, space issues, and tree removal.

The Board of Adjustment asked questions including setback encroachment of the new design and drainage issues with moving the courts further south. The Board discussed the presentation and the application and options regarding drainage including detention pond and release rate.

Zach Elkins spoke regarding water detention and release and how they would be happy to explore that option.

The Board of Adjustment discussed impervious cover and rainwater harvesting. They continued to discuss section 107-491 (c) Special Exceptions, the reduction of the existing encroachment, and conditions that could be imposed for approval.

City Attorney Charles Zech interjected that the motion needs to be very specific with respect to conditions.

Kevin Schell commented on the WHAC dues letter and survey of the members.

City Attorney Charles Zech interjected regarding the welfare of the community.

The Board of Adjustment discussed the relevant issues associated with the property.

Marie Timmerman spoke regarding the adjacent neighbors and a letter that they wrote.

Zach Elkins commented regarding neighbor letters and coordination with the WHAC on landscaping and drainage impact.

Brook Brown, 307 Nixon Drive, spoke regarding new evidence presented by the applicant – the claim of less encroachment and the consideration of doing specific things.

City Secretary Desiree Adair explained when the applicant's presentation was placed in the packet.

City Attorney Charles Zech explained the details of a special exception and the nature of a quasi-judicial body.

Chair Brad O'Donnell proposed conditions for approval.

Mr. Elkins answered questions from Kevin Schell regarding decreasing the distance from the baseline to the fence.

Jenny Hill, of the WHAC board, spoke regarding the land and the trees in the setback.

The Board of Adjustment asked questions of designer David Cazares regarding the drawings provided to the Board. Chair Brad O'Donnell discussed the possibility of adding the condition that site discharge must be reduced by an additional 5% from current discharge rates.

City Attorney Charles Zech reviewed the three affirmative findings needed for a special exception.

Chair Brad O'Donnell moved to approve the special exception as presented under regular agenda item number 3 after having found that:

- 1) The Board of Adjustment is empowered under Chapter 107 of the City's Code of Ordinances to grant the special exception, also that
- 2) The public convenience and welfare will not be substantially or permanently injured in the granting of the special exception, and
- 3) The granting of the special exception will not adversely affect the public health, convenience, safety or general welfare,

with the added stipulations that the final permitted court layout must follow the proposed courts with California corners as layed out on page 27 of this meeting's agenda packet, also known as Impervious Cover Calculation Fence and Tree plan, drawn by MWM Design Group. Further, proposed site stormwater runoff must be reduced by 5% of its current existing as built conditions. Robert Turner seconded the motion.

The Board of Adjustment discussed future precedent and benefits to the City.

Robert Turner	Yes
Kevin Schell	No
Keith Martinson	Yes
Gerald Speitel	Yes
Brad O'Donnell	Yes

The motion carried with 4 in favor and 1 against.

### ADJOURNMENT OF MEETING

Chair Brad O'Donnell adjourned the meeting at 8:20 p.m.

Minutes Adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Brad O'Donnell, Chair

ATTEST:

\_\_\_\_\_  
Desiree Adair, City Secretary