



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

**Monday, April 15, 2024**

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 April 15, 2024. 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

**Jerry Speitel called the meeting to order at 6:05 p.m.**

**Present Members:** Kevin Schell, Keith Martinson, Gerald Speitel, Susan Hinton and Ellin Wilson

**Also Present:** City Administrator Ashley Wayman, City Attorney Lee Simmons, Assistant City Administrator Desiree Adair, Development Services Manager Nikki Stautzenberger, Council Member Brook Brown, and Council Member Sara Hutson

### **PUBLIC COMMENTS**

There were no public comments.

### **CONSENT AGENDA**

2. Discussion and possible action on the minutes from the January 11, 2023 Board of Adjustment meeting

**Kevin Schell moved to approve the Consent Agenda. Keith Martinson seconded the motion. The motion carried with 5 in favor and 0 against.**

### **REGULAR AGENDA**

3. Discussion and possible action to elect a Chair of the Board of Adjustment

**Keith Martinson nominated Jerry Speitel for the Board of Adjustment Chair. Kevin Schell seconded the motion. The motion carried with 5 in favor and 0 against.**

4. Discussion and possible action on amendments to the Board of Adjustment Rules of Procedure

Chair Jerry Speitel stated that City Council has requested that all individuals giving testimony before the Board of Adjustment will be sworn in.

City Administrator Ashley Wayman explained that City Council did change the ordinance so the City's Code of Ordinances does require this and the Board of Adjustment Rules of Procedure should be changed to be accordance with the Code.

The Board of Adjustment discussed procedures for swearing persons in.

**Keith Martinson moved to accept these changes related to people having to swear in before giving testimony. Susan Hinton seconded the motion. The motion carried with 5 in favor and 0 against.**

## **PUBLIC HEARING**

**Chair Jerry Speitel swore in the speakers and presenters for the hearings in this meeting.**

5. Public hearing, discussion, and possible action on a request for a variance under Section 107-492 of the City's Code of Ordinances to reduce the depth of the rear yard from 20 feet to 10 feet at 2409 Vance Lane in order to construct an accessible bathroom and bedroom on the first floor of the main structure and construct a pool

City Administrator Ashley Wayman discussed the staff report for this item in the meeting packet. The owners and applicant are requesting a variance from Section 107-76 (d) of the City's Code of Ordinances minimum required depth and width of yards. She stated 2409 Vance Lane does abut 2507 Stratford Drive which is located in the City of Austin to the rear.

Carina Coel, Restructure Studio architect, on behalf of Kurt and Erica Lanzavecchia who are owners of 2409 Vance Lane, discussed the variance requesting a reduction in the minimum depth of the rear yard from 20 feet to 10 feet. She discussed an addition for a guest suite with an accessible bathroom and bedroom for an aging parent. Ms. Coel described that there are no bedrooms on the first floor, the property is on a corner lot with 30 foot setbacks in the front, the property has a lot of slope, and the most accessible area is through the living room. She discussed the proposed site plan and property location near the City of Austin.

Erica Lanzavecchia, 2409 Vance Lane, added that the structure is constrained by wires in the back yard. She stated that the architect has tried multiple ways to make this work.

Keith Martinson asked if anyone has spoken with the neighbor on Stratford.

Keith Martinson asked about the taking out of trees. Ms. Coel stated that two to three trees that would be impacted, but they are not protected trees. Ms. Lanzavecchia stated that she loves trees.

Kevin Schell asked questions about the power lines. They discussed lowest and closest wire elevations.

The Board of Adjustment and Ms. Coel discussed 107-76 (c) regarding a 20 foot setback as opposed to a 30 foot setback.

The Board of Adjustment members asked questions of the applicant and property owners about the pool. The applicants responded.

Kurt Lanzavecchia, 2409 Vance Lane, spoke regarding the space needed for the aging parent and the standards of Rollingwood.

Susan Hinton and Keith Martinson asked about the gallery. Ms. Coel and Ms. Lanzavecchia responded.

The Board of Adjustment deliberated regarding the criteria of granting a variance.

Erica Lanzavecchia discussed access and trees with regard to the structure.

Chair Jerry Speitel reminded the board of the seven findings that the Board of Adjustment would have to be in agreement with in order to grant a variance.

**Chair Jerry Speitel moved to accept the variance as proposed. Kevin Schell seconded the motion. The Board of Adjustment took a roll call vote:**

<b>Kevin Schell</b>	<b>No</b>
<b>Keith Martinson</b>	<b>Yes</b>
<b>Gerald Speitel</b>	<b>No</b>
<b>Susan Hinton</b>	<b>No</b>
<b>Ellin Wilson</b>	<b>No</b>

**The motion failed with 1 in favor and 4 against.**

6. Public hearing, discussion, and possible action on a request for a special exception under Section 107-491(a)(1) of the City's Code of Ordinances to permit the reconstruction of a non-conforming driveway at 3220 Park Hills Drive

**Kevin Schell recused himself from the rest of the proceedings.**

City Administrator Ashley Wayman discussed the special exception request from the 3220 Park Hills Drive owners and applicants. Ms. Wayman provided the history of this construction.

Steve Marcie, 3220 Park Hills, thanked the members for their service on the Board. He discussed his personal history with Rollingwood, work with architectural firms, construction on the property, and described the reason for the replacement of the driveway. Mr. Marcie stated that the replacement driveway made four significant changes including reduced drainage to the neighbors, reduction of impervious cover, addition of a rainwater tank and a retention pond with a grate to direct water, and addition of a curb. He discussed hardships that they are experiencing.

Comments were opened up to neighboring parties within 250 feet of the applicant.

Thom Farrell, 3223 Park Hills Drive, discussed his support of this application and the history of construction on the street. He spoke regarding the special exception request and its consistency

with other homes in Rollingwood. Mr. Farrell believes this is a reasonable request. He thanked the board's members for their service.

The Board of Adjustment asked questions of the applicant.

City Administrator Ashley Wayman commented that there are many application processes in our Code that do not go through My government Online, variance and special exception applications are examples of them; for these, one can come to City Hall to request. She explained that once staff was contacted, the driveway had already been removed and reconstructed and the staff response was that the City does not have a process for retroactively approving what 107-422 talks about.

The Board of Adjustment continued to ask questions of the applicant.

Development Services Manager Nikki Stautzenberger discussed that with the Temporary Certificate of Occupancy request, it was noticed that the as-built drawings did not match the permitted plan.

The Board asked questions regarding a drainage review post a decision of granting a special exception and other options for drainage improvements.

The Board of Adjustment deliberated the request for a special exception.

Chair Jerry Speitel discussed the three findings required to grant a special exception.

**Keith Martinson moved to accept the special exception. Chair Jerry Speitel seconded the motion.**

<b>Keith Martinson</b>	<b>Yes</b>
<b>Gerald Speitel</b>	<b>Yes</b>
<b>Susan Hinton</b>	<b>No</b>
<b>Ellin Wilson</b>	<b>No</b>

**The motion fails with 2 in favor and 2 against.**

### **ADJOURNMENT OF MEETING**

**Chair Jerry Speitel adjourned the meeting at 7:25 p.m.**

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

\_\_\_\_\_  
**Jerry Speitel, Chair**

**ATTEST:**

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**Desiree Adair, City Secretary**