



CITY OF ROLLINGWOOD BOARD OF ADJUSTMENT MEETING MINUTES

Tuesday, June 22, 2021

On Tuesday, June 22, 2021 at 6:00 p.m., the Board of Adjustment of the City of Rollingwood, Texas held a regular meeting, open to the public, via video conference and telephone in accordance with an order of the Office of the Governor issued March 16, 2020. The public was able to watch this meeting live and had the opportunity to comment via audio devices with the following meeting login information:

Link: <https://us02web.zoom.us/j/85952472198?pwd=VVVmbmd2S0REVzFJVUFja3E5UHVLdz09>

Toll-Free Numbers: (833) 548-0276 or (833) 548-0282

Meeting ID: 859 5247 2198

Passcode: 2021

The public was permitted to offer public comments via their audio devices when logged in to the meeting or telephonically by calling in as provided by the agenda and as permitted by the presiding officer during the meeting. A video recording of the meeting was made and posted to the City's website and available to the public in accordance with the Texas Public Information Act upon written request. The following items were discussed:

CALL BOARD OF ADJUSTMENT MEETING TO ORDER

1. Roll Call

Chair Chris Braden called the meeting to order at 6:03 p.m.

Present Members: Chair Chris Braden, Jim Beneke, Keith Martinson, Brad O'Donnell, and Brook Brown

Also Present: City Administrator Amber Lewis, City Attorney Megan Santee, Assistant City Administrator Ashley Wayman, and Development Services Director Carrie Caylor

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 December 8, 2020 Board of Adjustment meeting

Keith Martinson motioned to approve the consent agenda. Jim Beneke seconded the motion.

- **Chair Chris Braden – Yes**
- **Keith Martinson – Yes**
- **Jim Beneke – Yes**
- **Brad O'Donnell – Yes**
- **Brook Brown – Abstain**

Brook Brown abstained because she was not a member of the Board of Adjustment on the date of the December 8 meeting.

The motion passed 4-0 with one abstention.

REGULAR AGENDA

3. Public hearing, discussion and possible action on a variance from the City's Code of Ordinances, Section 107-35, no tennis court shall be constructed or maintained in the area between the rear setback line and the rear lot line for the Western Hills Athletic Club at 4801 Rollingwood Drive

Chair Chris Braden opened the public hearing at 6:07 p.m.

The following individuals spoke during the public hearing:

- Zachary Elkins, 16 North Peak, discussed the services that WHAC offers the community and stated his support for this request.
- Marie Timmerman, WHAC board member and resident at 501 Vale, discussed this request and the current age and state of the tennis courts.
- Brad Walters, 2702 Rollingwood Drive, discussed his support for this request.
- Mike Fitzgerald, 442 Ridgewood Road, discussed his support for this request.
- Phil McDuffee, 4711 Timberline Drive, asked how increased flooding issues will be mitigated with this project.
- Development Services Director Carrie Caylor discussed these concerns explaining the process from this point, as well as that drainage and impervious cover are not up for discussion at this meeting.

Chair Chris Braden closed the public hearing at 6:23 p.m.

The Board Members discussed this request and asked questions regarding the number of tennis courts needed, the configuration of the courts and drainage. They also asked David Cazares, with MWM Design Group, questions about the project.

Chair Chris Braden re-opened the public hearing at 6:57 p.m.

- Councilmember Buck Shapiro, 406 Wallis, asked a question regarding the configuration of the courts and stated his support for improvements to the courts and adding additional courts.
- The Board of Adjustment further discussed this request.
- Julia Harrod, P.E., with MWM Design Group, discussed the setbacks in this request.
- Marie Timmerman further discussed this request and reasons why the BOA might approve the continuation of the non-conforming use.

Chair Chris Braden closed the public hearing at 7:06 p.m.

The Board of Adjustment further discussed this request.

Chair Chris Braden discussed the seven criteria that must be met in order for a variance to be granted, stating his findings that this request meets those criteria, and motioned to approve a variance from the City's Code of Ordinances, Section 107-35.

The Board of Adjustment further discussed this request.

Brook Brown discussed a concern she has with this request and that she will be calling a point of order.

Development Services Director Carrie Caylor discussed why staff brought these requests to the Board of Adjustment when they did and that it had been to City Council first.

Brook Brown motioned to dismiss the appeal because it is untimely filed.

City Attorney Megan Santee and staff discussed the processes in the City's Code of Ordinances. City Attorney Megan Santee explained her interpretation of the code.

The motion failed for lack of a second.

Jim Beneke seconded Chris Braden's motion.

Brad O'Donnell asked that the motion to approve this variance include the requirement that adjacent property owners, owners having a common property line with the Western Hills Athletic Club, must agree to it in writing for it to be granted.

Chair Chris Braden agreed and amended his motion to state that any motion to approve be contingent upon each adjoining property owner stating that they are satisfied with the application.

Brook Brown stated, in opposition to the motion, that she does not believe findings 1, 3, 5 or 7 of Section 107-492 of the City's Code have been met by the applicant.

Chair Chris Braden restated the motion to approve item 3, for a court to be constructed and maintained in the area between the rear setback line and the rear lot line, approval of which per Brad O'Donnell's suggestion is subject to owners that share property lines with the Western Hills Athletic Club giving written consent.

- **Chair Chris Braden – Yes**

- **Keith Martinson – Yes**
- **Jim Beneke – Yes**
- **Brad O’Donnell – Yes**
- **Brook Brown – No**

The motion passed 4-1.

4. Public hearing, discussion and possible action on a variance from the City’s Code of Ordinances, Section 107-242 regarding the requirement of the 30 foot greenbelt zone for each lot in a park district which abuts a lot in a residential district for at the Western Hills Athletic Club at 4801 Rollingwood Drive

Chair Chris Braden opened the public hearing at 7:35 p.m.

- No individuals spoke during the public hearing.

Chair Chris Braden closed the public hearing at 7:36 p.m.

Brad O’Donnell motioned to combine items 4 and 5. The motion failed for lack of a second.

Brook Brown stated that she has the same concerns with the city’s authority to grant this request as she did in the previous item.

Chair Chris Braden motioned to approve a variance with respect to item number 4 granting a variance to the requirement of the 30 foot greenbelt zone for the Western Hills Athletic Club, discussing the seven criteria in the City’s Code of Ordinances that must be met, and stating that he believes these criteria are satisfied. Keith Martinson seconded the motion.

Brook Brown stated, in opposition to the motion, that she does not believe findings 1, 3, 5 or 7 of Section 107-492 of the City’s Code have been met by the applicant or that this was timely filed.

- **Chair Chris Braden – Yes**
- **Keith Martinson – Yes**
- **Jim Beneke – Yes**
- **Brad O’Donnell – Yes**
- **Brook Brown – No**

The motion passed 4-1.

5. Public hearing, discussion and possible action on a variance from the City’s Code of Ordinances, Section 107-422, a nonconforming structure may not be altered to increase the extent of the nonconformity for at the Western Hills Athletic Club at 4801 Rollingwood Drive

Chair Chris Braden opened the public hearing at 7:42 p.m.

- No individuals spoke during the public hearing.

Chair Chris Braden closed the public hearing at 7:43 p.m.

The Board of Adjustment discussed this request.

Chris Braden motioned to approve a variance from the City’s Code of Ordinances, Section 107-422, a nonconforming structure may not be altered to increase the extent of the nonconformity for at the Western Hills Athletic Club at 4801 Rollingwood Drive, reading the seven criteria in the City’s Code of Ordinances that must be met, and stating that he believes these criteria are satisfied. Jim Beneke seconded the motion.

Brook Brown stated, in opposition to the motion, that she does not believe findings 1, 3, 5 or 7 of Section 107-492 of the City’s Code have been met by the applicant or that this was timely filed.

- **Chair Chris Braden – Yes**
- **Keith Martinson – Yes**
- **Jim Beneke – Yes**
- **Brad O’Donnell – Yes**
- **Brook Brown – No**

The motion passed 4-1.

ADJOURNMENT OF MEETING

The meeting was adjourned at 7:49 p.m.

Minutes Adopted on the 13th day of September, 2021.

Chris Braden
[Chris Braden \(Sep 14, 2021 16:40 CDT\)](#)

Chris Braden, Chair

ATTEST:

Awayman

Ashley Wayman, City Secretary






06-22-2021 BOA Minutes

Final Audit Report

2021-09-14

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Status:	Signed
Transaction ID:	CBJCHBCAABAAXk3vhsiV2eQjnEO0LEndB-cF4zs_hgqa

"06-22-2021 BOA Minutes" History

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2021-09-13 - 11:29:50 PM GMT- IP address: 23.168.160.66
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2021-09-14 - 9:39:57 PM GMT- IP address: 24.55.61.231
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