

*Balcones Heights City Council will be present as the Board of Adjustments & Appeals
Possible quorum of Planning and Zoning Commission*

NOTICE OF MEETING OF THE BOARD OF ADJUSTMENTS & APPEALS

**CITY OF BALCONES HEIGHTS
3300 Hillcrest Drive
BALCONES HEIGHTS, TEXAS 78201**

Notice is hereby given that a called meeting of the Board of Adjustments and Appeals of Balcones Heights, Texas, will be held on **Monday, July 22, 2019 at 5:00 p.m.** at the Justice Center located at 3300 Hillcrest Drive, Balcones Heights, Texas, at which time the following subjects will be discussed, to-wit:

I. Call to Order and Recording of Quorum:

II. Approval of Minutes:

June 24, 2019

III. Business Matters:

1. The Board will hear, consider, and take **ACTION** on the application request for variance submitted by Wayne Wirth for placement of dumpster at 600 Gentleman Rd. (*Public Hearing was held June 24, 2019*)

IV. Adjournment:

The Balcones Heights Board of Adjustments reserves the right to adjourn into **executive session** at any time to discuss any of the matters listed above, as authorized by Texas Government Code § 551.071 (Consultation with

DECORUM REQUIRED

Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

Attorney) § 551.072 (Deliberations about Real Property) § 551.073 (Deliberations about Gifts and Donations) § 551.074 (Personnel Matters) § 551.076 (Deliberations about Security Devices), and § 551.086 (Economic Development)

NOTICE OF ASSISTANCE AT THE PUBLIC MEETING

The City of Balcones Heights Board of Adjustments meetings are available to all persons regardless of disability. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations, should you require special assistance, must be made 48 hours prior to this meeting. Braille is not available. Please contact the City Secretary's office at 210-957-3542 or write to 3300 Hillcrest Drive, Balcones Heights, Texas 78201

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the bulletin board, at the Justice Center / City Hall of Balcones Heights, Texas, in a place convenient and readily accessible to the general public at all times, and said Notice was posted on the following date and time: July 19, 2019, at 4:30 P.M. and remained so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

City of Balcones Heights:

**Delia R. Sanchez
City Secretary**

BOARD OF ADJUSTMENTS AND APPEALS
3300 Hillcrest Drive
Balcones Heights, TX 78201
Minutes

DATE: June 24, 2019

TIME: 5:01 p.m.

Members Present: Donovon J. Rodriguez Henry Hannasch Bennie Cass
 David Sellars

Members Absent: Jeanette Galish Lamar Gillian (Alternate) Stephen Lara (Alternate)

Sign In Sheet: Wayne Wirth

I. Call to Order and Recording of Quorum:

Meeting was called to order and quorum was present.

II. Approval of Minutes:

March 25, 2019

MOTION: I make a motion to approve.

Motion by: Board Member Sellars Second: Board Member Cass 4/0/0 PASSED

III. Business Matters:

Public Hearing opened at 5:02 p.m.

1. Board will conduct a **PUBLIC HEARING** to hear from the public on the application submitted by Wayne Wirth on the following variance:

Applicant: Wayne Wirth

Location: 600 Gentleman Rd., Balcones Heights, TX 78201

Legal Description: CB 5894, Lot 3E

Zoning: R-6 Multifamily Mid-rise Residence

Applicant is requesting a variance to Sec. 153.11.5 that requires: A drain to the sewer system shall be provided. It shall meet the City Code standard for refuse enclosures. Refuse container and enclosure shall be located to the rear of secondary side of the building in order to minimize visual impact from the street.

Applicant is requesting to maintain the refuse container where it has maximum visibility from the Siesta Lane right-of-way.

Ms. Hoyl came up and gave background on the variance request.

Wayne Wirth came up and gave explanation for his variance request.

Public Hearing closed at 5:42 p.m.

2. The Board will hear, consider, and take **ACTION** on the application request for variance submitted by Wayne Wirth.

MOTION: Motion to table until the next meeting to get the information from the various entities.

Motion by: Henry Hannasch Second: David Sellars 4/0/0 PASSED

IV. Adjournment:

Meeting adjourned at 5:45 p.m.

Submitted by:

Delia R. Sanchez
City Secretary



City of Balcones Heights

MEMO TO THE BOARD OF ADJUSTMENT

DATE: July 22, 2019

FROM: Janet Thelen, Director of Community Development

SUBJECT: **Appeal/Variance Request for Placement of Dumpster
600 Gentleman Rd., Zoned R-6**

DATE AND TIME OF HEARING: **July 22, 2019, 5:00 P.M.**

BACKGROUND: This item was discussed and tabled last month to allow applicant time to obtain additional information asked by the Board.

The Board was concerned and commented on the excessive trash/debris that leaves the dumpster and blows down the street to other properties due to placement of the dumpster and no enclosure.

At this meeting, Mr. Wirth committed to placing a concrete pad for placement of the dumpster and enclosing the dumpster as required by Section 153.11.5 of our Code of Ordinances.

Mr. Wirth also commented that the size of the current dumpster is adequate for the eight (8) unit complex. Additionally Mr. Wirth committed to repairing the driveway with concrete.

Mr. Wirth is to return to the meeting with the following information requested by the Board.

- Obtain the location of the gas line in order to ascertain the dumpster pad and the dumpster will not be placed on top of the gas line.
- What is the depth and width of the proposed pad?

Attached is the Memo from last month's meeting to the Board.

RECOMMENDATION: Staff recommends denial to allow the dumpster to remain in its current location and require the dumpster moved to the back of the property to minimize visual impact from the street as outlined in the Code of Ordinances.



City of Balcones Heights

MEMO TO THE BOARD OF ADJUSTMENT

DATE: June 4, 2019
FROM: Janet Thelen, Director of Community Development
SUBJECT: **Appeal/Variance Request for Placement of Dumpster
600 Gentleman Rd., Zoned R-6**

DATE AND TIME OF HEARING: **June 24, 2019, 5:00 P.M.**

BACKGROUND: Late May 2018 staff observed a dumpster that had been relocated from the back of the parking lot and placed along Siesta Ln. The placement of the dumpster resulted in maximizing the visual impact of the dumpster from the street. Balcones Heights Zoning Code of Ordinances states:

Sec. 153.11.5. COMMERCIAL REFUSE CONTAINERS.

Commercial refuse enclosure(s) for commercial, industrial, or multifamily uses shall be provided that matches the building exterior and utilize metal doors on the front. A drain to the sewer system shall be provided. It shall meet the City Code standard for refuse enclosures. Refuse container and enclosure shall be located to the rear or secondary side of the building in order to minimize visual impact from the street.

A notice of violation was issued to the owner of the property, Mr. Wayne Wirth. Ultimately, Mr. Wirth requested a permit to retain the dumpster in place, due to the condition of the driveway at the back of the property. However, now that the dumpster has been relocated to the side of the building along Siesta Lane, the same problem with the driveway has occurred and is more of a visual nuisance.

Staff denied the permit to retain the dumpster in its current placement due to the language in Section 153.11.5; Mr. Wirth has applied for a variance to retain the dumpster in place.

Mr. Wirth submitted the Board of Adjustment application and responded to questions with his justification of the new dumpster placement.

Staff later visited the property and took additional photos. Staff's position is the carport structure is sound and secure, aesthetically pleasing as it matches the home, and does not have a negative impact on the surrounding properties or neighborhood. Additionally, the distance between the property to the east is approximately 40' separated by a drainage ditch.

RECOMMENDATION: Staff recommends denial to allow the dumpster to remain in it's current location and require the dumpster moved to the back of the property to minimize visual impact from the street as outlined in the Code of Ordinances.