

City of Windcrest

**AGENDA****BOARD OF ADJUSTMENT MEETING****FEBRUARY 08, 2021****CITY COUNCIL CHAMBERS @ 8601 MIDCROWN****6:00 P.M.**

NOTICE IS HEREBY GIVEN THAT A CITY OF WINDCREST BOARD OF ADJUSTMENT MEETING WILL BE HELD AT WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS ON THE 8th DAY OF FEBRUARY 2021, STARTING AT 6:00 P.M. DURING THE MEETING THE FOLLOWING SUBJECTS WILL BE CONSIDERED AND THE BOARD MAY TAKE ACTION ON ANY OF THE LISTED SUBJECTS.

THE BOARD OF ADJUSTMENT RESERVES THE OPTION TO RECESS THE MEETING DURING THE EVENING OF FEBRUARY 08, 2021, AND TO RECONVENE THE MEETING ON THE FOLLOWING DAY, FEBRUARY 09, 2020, AT 9:00 A.M. AT THE WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS.

DUE TO THE GOVERNOR'S SUSPENSION OF CERTAIN PROVISIONS OF THE TEXAS OPEN MEETINGS ACT TO HELP SLOW THE SPREAD OF COVID-19, NOTICE IS HEREBY GIVEN THAT ONE OR MORE OF THE BOARD MEMBERS MAY BE IN ATTENDANCE VIA WEBEX AND WILL ATTEND FROM A LOCATION OTHER THAN 8601 MIDCROWN.

NOTICE OF ASSISTANCE AT THE PUBLIC MEETING

The City of Windcrest Council Chambers are wheelchair accessible, and accessible parking spaces are available. In compliance with Americans with Disabilities Act, the City of Windcrest will provide reasonable accommodations for persons attending the meeting. To better serve you, requests should be received 48 hours prior to the meeting. Please contact the City Secretary's Office, at 210-655-0022 ext. 2150 or Fax 210-655-8776, or 711 Texas Relay.

- I. Call to Order**
- II. Roll Call**
- III. Pledge of Allegiance**
- IV. Citizens to be Heard**
 - a) Citizens may address the Board of Adjustment on topics not on the agenda for no more than three (3) minutes.
 - b) Citizens shall also have the opportunity to address the Board of Adjustment during consideration of posted agenda items for no more than six (6) minutes.
 - c) Only a maximum of six (6) members of the public will be permitted in the City Council Chambers at a time. All attendees will be required to be screened for present signs of COVID-19 prior to entering City Hall.
 - d) Four (4) hours prior to the meeting, an email to the city secretary at citysecretary@windcrest-tx.gov is required to be added to the attendee list to ensure proper physical distance seating inside and outside City Council Chambers.
 - e) An email statement may be sent to the City Secretary @ citysecretary@windcrest-tx.gov

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which may be read into the meeting to the Board of Adjustment. Statements will be provided to the Board and available to the public not in attendance after the meeting.

- f) A Board Member may make a statement of specific factual information in response to an inquiry made by a member of the public, or a recitation of existing policy in response to an inquiry made by a member of the public.

V. Public Hearing

Opening of Public Hearing

- a) Public Hearing to receive comments on a variance request to Code of Ordinances Sec. 103-58(b)(12)(a), to construct an accessory building with a sewer connection at 8610 Windway Drive, more particularly described as BCAD Property #343351.

Closing of Public Hearing

VI. Items for Individual Consideration/Action

- a) Discussion of and action on a variance request to Code of Ordinances Sec. 103-58(b)(12)(a), to construct an accessory building with a sewer connection at 8610 Windway Drive, more particularly described as BCAD Property #343351.

VII. General Announcements & Future Agenda Items Requested

Per Ordinance No. 618, repealing Ordinance No. 593; Section 9: Every agenda shall include an item entry granting a member the opportunity to propose an item for consideration of future agendas for Regular or Special Meetings. Any member may request the inclusion of such items at any meeting.

VIII. Adjournment

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Board of Adjustment of the City of Windcrest is a true and correct copy of said Notice and was posted on the bulletin board at City Hall of said City in a convenient place to the public and said Notice was posted more than seventy-two (72) hours prior to the meeting on February 08, 2021.

By:


Rachel C. Dominguez, City Secretary

AGENDA NOTICES:

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.

ACTION BY COUNCIL AUTHORIZED:

The Board of Adjustment may vote and/or act upon any item within this Agenda. The Board reserves the right to retire into executive session concerning any of the items listed on this Agenda, pursuant to and in accordance with Texas Government Code § 551.072 (Deliberations about Real Property); § 551.073 (Deliberations about Gifts & Donations); § 551.076

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(Deliberations about Security Devices); §551.087 (Economic Development); and, § 551.071 to seek the advice of its attorney about pending or contemplated litigation, settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflict with the Open Meetings Act and may invoke this right where the City Attorney, the Mayor or a majority of the Governing Body deems an executive session is necessary to allow privileged consultation between the City Attorney and the governing body, if considered necessary and legally justified under the Open Meetings Act. The attorney may appear in person, or appear in executive session by conference call in accordance with applicable state law.

EXECUTIVE SESSIONS APPROVED BY CITY ATTORNEY:

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

ATTENDANCE BY OTHER ELECTED OR APPOINTED OFFICIALS:

It is anticipated that members of the City Council, or other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

Sec. 103-58. - Permits.

- (a) No structure, building or parking lot (area), shall be erected, sited, constructed, altered, reconstructed, enlarged, finished out, or demolished in any zoning district of the city, without a permit therefor having first been issued by the director of building services, and no such permit shall be issued unless the tract or lot upon which such structure, building or parking lot (area) is now or is to be located shall have been formally platted as required by chapter 111, and said plat filed for record in the manner provided by law.
- (b) The following types of construction work are specifically identified as requiring permits to be issued by the city in the manner prescribed in this division:
 - (1) New residential building, including mechanical, electrical, and plumbing work.
 - (2) Remodeling and additions, including mechanical, electrical, and plumbing work.
 - (3) All types of roofing, to include replacement of shingles.
 - (4) Fence, new or replacement of an existing fence, when using different material or placed in a different location. (All masonry fences require a permit.)
 - (5) Furnace, or central air conditioning, entire new unit or replacement of an existing unit or component.
 - (6) Flatwork:
 - a. Driveways, new or a replacement, including curb cut.
 - b. Sidewalks.
 - c. Slabs in front or side yards exceeding 16 square feet.
 - (7) New irrigation or lawn sprinkler systems or the replacement of backflow prevention.
 - (8) New swimming pools, either above or in the ground.
 - (9) New spas or hot tubs.
 - (10) Masonry mailboxes on public sidewalks.
 - (11) New or replacement water heaters or water softeners.
 - (12) Accessory buildings as defined herein above (see chapter 113 for additional accessory building requirements) and used as a tool, greenhouse, playhouse, storage shed or similar use, located in an R-1 zoned district, and erected, sited, constructed, reconstructed, or enlarged must comply with the following requirements:
 - a. No sewer connections shall be installed. Electrical, water or gas connections may be made with appropriate permits.
 - b. No more than two buildings, one being a greenhouse, may be erected if other than 90 percent masonry buildings.
 - c. Buildings shall not be sited or constructed forward of the rear-most portion of the main structure.
 - d. All accessory buildings shall be set-back not less than ten feet from the main dwelling and not less than three feet from all lot lines and shall not occupy any portion of easements if placed on permanent foundation. If portable the three-foot setback applies. Masonry buildings shall not be less than ten feet from all lot lines and shall not occupy any portion of easements.
 - e. Excluding masonry buildings, buildings will not exceed 144 square feet of interior space nor nine feet in height (above grade level). The term "grade level" is defined as the highest point of elevation of the finished surface of the ground, paving, or sidewalk between the main structure and the property line.

- f. Buildings will be of a color which matches or is in harmony with the existing main structure. Masonry buildings will be in harmony in design, color and materials with the existing main structure.
- (13) Accessory buildings or portable containers used as a storage shed or similar use located in a B-1 or B-2 zoned district are not permissible without the specific approval of the city council. The procedures outlined in section 103-59 will be followed to obtain a building permit for the addition or placement of an accessory building.
- (14) No temporary or permanent building or structure shall be constructed, erected, sited, altered, enlarged or finished out on any lot forward of the rear most portion of the main structure unless it is attached to the main structure and its walls are at least 90 percent masonry, such as stone, brick, stone veneer, brick veneer or cement plaster. Attached buildings or structures without walls shall be constructed of cedar, cypress or redwood lumber which is painted or stained to correspond in style and architecture to the main structure to which it is appurtenant. Attached buildings or structures with roofs shall have the same material, color and design as the structure to which it is appurtenant. Any attached building or structure shall not encroach past a building setback line in the applicable plat or city code.
- (15) All temporary or permanent buildings and structures, whether attached or freestanding, shall meet the design loads and anchorage criteria of the International Building Code. An applicant for a building permit shall furnish verification of compliance with such design loads and anchorage criteria.

(Code 1986, § 5.1201; Ord. No. 192, 3-9-1987; Ord. No. 346, 2-21-2000)



WINDCREST

TEXAS

Universal Development Application

(Please use separate application for each submittal)

- | | | |
|---|---|--|
| ☐ Land Use Amendment | ☐ Land Study | ☐ Replat |
| ☐ Thoroughfare Amendment | ☐ Final Plat | ☐ Amending Plat |
| ☐ Zoning Change (choose one) | ☐ Preliminary Plat | ☐ Minor Plat |
| ☐ Straight Zoning | ☐ Specific Use Permit | ☐ Vacating Plat |
| ☐ PUD (Planned Unit Development) | ☐ Conditional Use Permit | ☐ Site Plan |
| ☒ Variance | ☐ Exception | ☐ Tree Removal Permit |

Project Name: 8610 Windway Dr. Art/Music Studio
Total Acres: 3.4 Survey Name: _____ Abstract No.: _____
Project Location (address): _____

Current Zoning: R1 Current Use: _____ # of Lots/Units: _____ For Commercial/Industrial:
Proposed Zoning: _____ Proposed Use: _____ Please Circle One: _____ Total Proposed Sq. Ft. _____
SF MF COMM IND OTHER

Applicant Information:

Property Owner Name: Honer Gutierrez
Address: 8610 Windway Dr. City: Windcrest St/Zip: 78239
Phone: _____ Fax: _____ E-Mail: _____

Applicant (if different than Owner): Same
Address: _____ City: _____ St/Zip: _____
Phone: _____ Fax: _____ E-Mail: _____

Representative: Same
Address: _____ City: _____ St/Zip: _____
Phone: _____ Fax: _____ E-Mail: _____

Authorization: By signing this application, you hereby grant Staff access to your property to perform work related to your application. Also, you waive the statutory time limits in accordance with Section 211, 212 and 245 of the Texas Local Government Code.

Honer Gutierrez
Owner's Signature
Honer Gutierrez
Typed/Printed Name

Known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration expressed and in the capacity herein stated. Given under my hand and seal on this 13 day of Jan, 2021.



(Notary Seal)

City of Windcrest Use Only

Project No.: 210113009
Total Fees: \$35.00
Payment Method: Card
Submittal Date: 1/13/2021
Accepted by: Andrew Walker

City of Windcrest

Building permit overview

Greetings,

I have submitted this project once before and was turned down (without a site visit) because I "need plans for walls, ceilings, and roof", and because of the "no sewer connection shall be installed" policy.

I have since had plans for the walls, ceiling, and roof commissioned and are included.

The toilet and sink will be connected to my sewer line inside my property line, and the city's main sewer line will not be disturbed. I understand that if my sewer line inside my property develops a crack or a leak, I would be responsible for the cost of repairing it, not the city. This work will be done by a licensed Plummer.

I have seen several similar small "casitas" or "workshops" (whatever) in the Windcrest city limits, one two blocks from our home, which appears to have a bathroom and a kitchen (based on exposed roof vents and exhaust pipes). So, my request is not the first or unusual. There is easy access to the construction area and there will be no interference to local traffic or neighbor's access to their homes. My property sits on almost ¾ of an acre and there is plenty of clearance between my property line and neighbors.

Thank you for reviewing my documents again, and I look forward to a quick and positive outcome this time.

Sincerely,

Homer Gutierrez

[REDACTED]

8610 Windway Dr.

Windcrest, TX 78239

[REDACTED]



Permit and address must be posted and visible from the street. Plans to be onsite.

PLAN REVIEW

Project Name: SFR, Accessory building

Valuation \$

Project Address: 8610 Windingway Dr.

Permit #

☐ OK to issue

☒ Return for corrections

☒ Building Permit

☐ HVAC Permit

☐ Electrical Permit

☐ Plumbing Permit

☐ TDLR Registration #

☐ Other

Reviewer Comments:

Need framing plans for walls, ceiling, roof.

May not have a bathroom (sewer connection - a. below).

Sec. 103-58. - Permits.

(12) Accessory buildings as defined herein above (see chapter 113 for additional accessory building requirements) and used as a tool, greenhouse, playhouse, storage shed or similar use, located in an R-1 zoned district, and erected, sited, constructed, reconstructed, or enlarged must comply with the following requirements:

a. No sewer connections shall be installed. Electrical, water or gas connections may be made with appropriate permits.

b. No more than two buildings, one being a greenhouse, may be erected if other than 90 percent masonry buildings.

c. Buildings shall not be sited or constructed forward of the rear-most portion of the main structure.

d. All accessory buildings shall be set-back not less than ten feet from the main dwelling and not less than three feet from all lot lines and shall not occupy any portion of easements if placed on permanent foundation. If portable the three-foot setback applies. Masonry buildings shall not be less than ten feet from all lot lines and shall not occupy any portion of easements.

e. Excluding masonry buildings, buildings will not exceed 144 square feet of interior space nor nine feet in height (above grade level). The term "grade level" is defined as the highest point of elevation of the finished surface of the ground, paving, or sidewalk between the main structure and the property line.

f. Buildings will be of a color which matches or is in harmony with the existing main structure. Masonry buildings will be in harmony in design, color and materials with the existing main structure.

Final approval of the permit application is contingent upon review and approval from all required city departments.

Construction to comply with all current state and local codes and ordinances.

Failure to discover all code violations through the city's review process does not relieve the designer/architect and contractor from the responsibility of producing a product in total compliance with all requirements of the currently adopted International Code Series, the NEC, and local ordinances.

Reviewer: Bealor 2708

Date: 8/15/20



Permit and address must be posted and visible from the street. Plans to be onsite.

PLAN REVIEW

Project Name: SFR, Accessory building

Valuation \$ NA

Project Address: 8610 Windingway Dr.

Permit # Need

☐ OK to issue

☒ Return for corrections

☒ Building Permit

☐ HVAC Permit

☐ Electrical Permit

☐ Plumbing Permit

☐ TDLR Registration #

☐ Other

Reviewer Comments:

"May not have a bathroom (sewer connection - a. below).

Sec. 103-58. - Permits.

(12) Accessory buildings as defined herein above (see chapter 113 for additional accessory building requirements) and used as a tool, greenhouse, playhouse, storage shed or similar use, located in an R-1 zoned district, and erected, sited, constructed, reconstructed, or enlarged must comply with the following requirements:

a. No sewer connections shall be installed. Electrical, water or gas connections may be made with appropriate permits."

No drainage connections are allowed within an accessory building. A water line may be installed but no fixtures can be used that require a drain, waste, vent system. For a detached accessory structure, the sewer connection referenced applies to both the public and private sewer line connections. A variance is required to connect an accessory structure to the sewer.

Final approval of the permit application is contingent upon review and approval from all required city departments.

Construction to comply with all current state and local codes and ordinances.

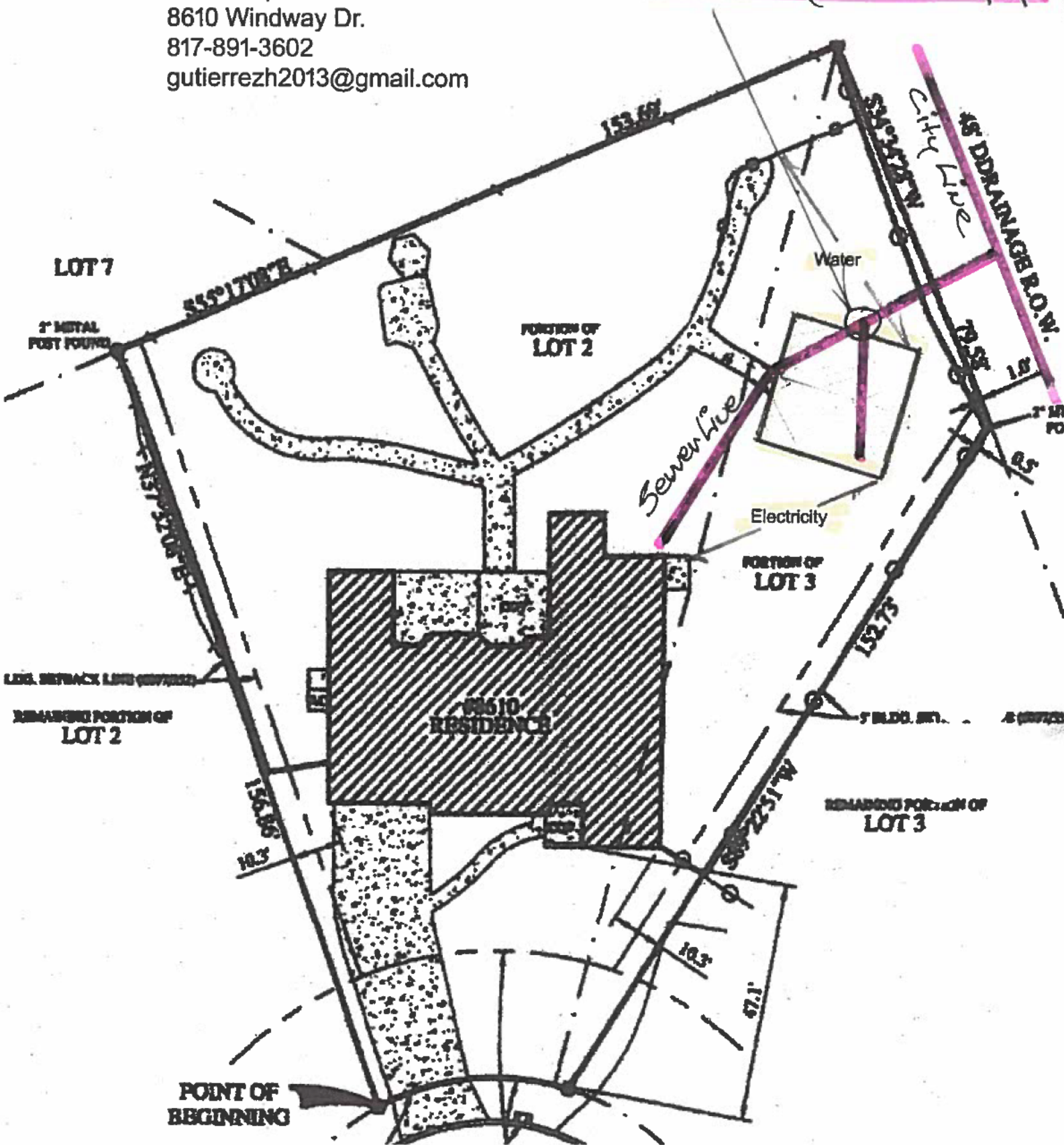
Failure to discover all code violations through the city's review process does not relieve the designer/architect and contractor from the responsibility of producing a product in total compliance with all requirements of the currently adopted International Code Series, the NEC, and local ordinances.

Reviewer: Bealor 2708

Date: 12.3.2020

Workshop Plan
8610 Windway Dr.
817-891-3602
gutierrezh2013@gmail.com

Sewer line hook up takes
Place on my line and property





Building Permit Application

Date: 11/17/2020

Permit # _____

Project Address: 8610 Windway Dr.

Owner/Tenant Name: Homer Gutierrez Address: 8610 Windway Dr.

Legal Description: 2-3

Proposed Use: Workshop/Art Studio Square Footage: ~~220 SF~~ 520 SF
Front Set Back: 80' Side Set Back: 10' Rear Set Back: 6'

TYPE OF PERMIT: ☐ New Residential* ☐ New Commercial* ☐ Demolition ☐ Fire Sprinkler* ☒ Other
☐ Residential Addition* ☐ Commercial Addition* ☐ Driveway* ☐ Foundation* ☐ Pool*
☐ Residential Remodel* ☐ Commercial Remodel* ☐ Fence* ☐ Sidewalk* ☐ Sign*

* AT LEAST 2 FULL SETS OF PLANS ARE REQUIRED UPON SUBMITTAL

Description of Work: One story workshop/Art Studio
Slab, Framing, toilet/sink, Siding, insulation

Valuation of Work: _____
Contractor: Homer Gutierrez Address: 8610 Windway Dr.
Windcrest, TX 78239 Same
City/State/Zip Business Phone & Fax Cell Number

COMMERCIAL PROJECTS ONLY	
TDLR NUMBER:	(If valuation is > \$50,000) Texas Accessibility Standards (ADA 800-803-9202)
☐ A copy of the asbestos survey for the area(s) to be renovated / demolished has been included with this permit application. This survey has been done in accordance with the Texas Asbestos Health Protection Rules (TAHPR) and the National Emissions Standards for Hazardous Air Pollutants (NESHAP). If there is no survey submitted, then as the owner / operator of the renovation / demolition site, I understand that it is my responsibility to have this asbestos survey conducted in accordance with Texas Asbestos Health Protection Rules (TAHPR) and the National Emission Standards for Hazardous Air Pollutants (NESHAP) prior to renovation / demolition permit being issued by the City of Windcrest.	

This permit becomes null and void if work or construction authorized is not commenced in ninety (90) days, or if construction or work is suspended or abandoned for a period of sixty (60) days at any time after work is commenced.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel provisions of any other state or local law regulating construction or the performance of construction

Signature of Contractor or Authorized Agent: Homer Gutierrez Printed Name: Homer Gutierrez Company: _____ Date: 11/17/2020
Signature of Owner (If Builder): _____ Printed Name: _____ Date: 11/17/2020

City Official Comments: _____

Plans Reviewed & Approved By _____

Date _____

Permit Fee: _____ Plan Check Fee: _____ Permit Fee Total: _____