



AGENDA

BOARD OF ADJUSTMENT MEETING

JANUARY 20, 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 20th DAY OF JANUARY 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 JANUARY 20, 2021, AND TO RECONVENE THE MEETING ON THE FOLLOWING DAY, JANUARY 21, 2020, AT 9:00 A.M. AT THE WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS.

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 four (4) 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 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)(e), to construct a shed that will exceed 144 square feet of interior space and 9 feet in height on the property located at 5637 Galewind Drive, more particularly described as BCAD Property #342425.

*Closing of Public Hearing***VI. Items for Individual Consideration/Action**

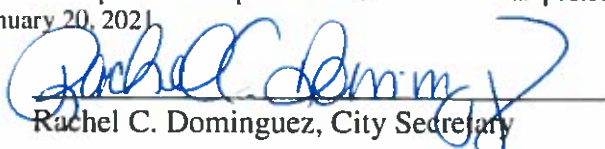
- a) Discussion of and action on a variance request to Code of Ordinances Sec. 103-58(b)(12)(e), to construct a shed that will exceed 144 square feet of interior space and 9 feet in height on the property located at 5637 Galewind Drive, more particularly described as BCAD Property #342425.

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.

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 January 20, 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 (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.

Section 103-58

(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.



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: SHED
Total Acres: _____ Survey Name: _____ Abstract No.: _____
Project Location (address): 5637 GALBURN DRIVE

Current Zoning: _____ 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: TROY DAVID FISHER
Address: 5637 GALBURN DRIVE City: WINDCREST St/Zip: TX 78239
Phone: _____ Fax: _____ E-Mail: _____

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

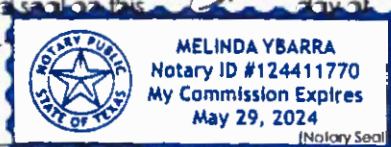
Representative: SAME
Address: _____ City: _____ St/Zip: _____
Phone: _____ Fax: _____ E-Mail: _____

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.

T. David Fisher
Owner's Signature
T. DAVID FISHER II
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 _____ day of _____, 2020.

Melinda Ybarra
Notary Public



City of Windcrest Use Only

Project No.: 201215002
Total Fees: \$35.00
Payment Method: Credit Card
Submittal Date: 12/15/2020
Accepted by: Lindsey Walker

Monday, December 14, 2020

I am requesting a variance to Windcrest building policies to replace an existing 12 x 12 shed in my back yard with a 12 x 20 Tuff Shed, Sundance Series, model TB-600. The new building is 13 feet to the peak and will be in the back of the property. (See attachment 1). My next-door neighbor has a 20 x 24, 2 ½ car garage in a comparable area in his back yard. My property backs up to Windsor Park Center Shopping mall, so the shed will not normally be seen by the casual passersby. (See Attachments 2 & 3)

Since Tuff Shed is a reputable builder of quality products, and holds their value, this is a better solution than adding a second 12 x 12 shed, remaining within the Windcrest Policies.

T. David Fisher II
5637 Galewind Drive
Windcrest TX
78239
210-602-6227



Building Permit Application

Date: 14 DEC 2020

Permit # _____

Project Address: 5637 GALEWIND DRIVE

Owner/Tenant Name: TROY DAVID FISHORFF Address: 5637 GALEWIND DRIVE

Legal Description: 3 9
Lot/Track Block Section Addition Zoning

Proposed Use: STORAGE Square Footage: 320 240

Front Set Back: _____ Side Set Back: 3 FEET Rear Set Back: 3 FEET

TYPE OF () New Residential* () New Commercial* () Demolition () Fire Sprinkler* () Other
PERMIT: () 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: INSTALL 12' X 20' TUFF SHED, SUNDANCE SERIES, MODEL TB600

Valuation of Work: _____

Contractor: TUFF SHED Address: _____

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	Printed Name	Company	Date
<u>[Signature]</u>	<u>T. DAVID FISHORFF</u>		<u>14 DEC 2020</u>
Signature of Owner (If Builder)	Printed Name		Date

City Official Comments: Shed Exceeds 144 Sq Feet Shed Exceeds 9' Tall

R. S. H 14 Dec 2020
Plans Reviewed & Approved By Date
Denial
Permit Fee: _____ Plan Check Fee: _____ Permit Fee Total: _____

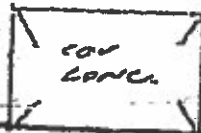
WINDCREST Unit No 3

NOT
TO
SCALE

70-0' N 1° 14' W

Lot 3
Bik 9

16



SINGLE story
Bik / WD

130.95' S 88° 34' W

5 setback

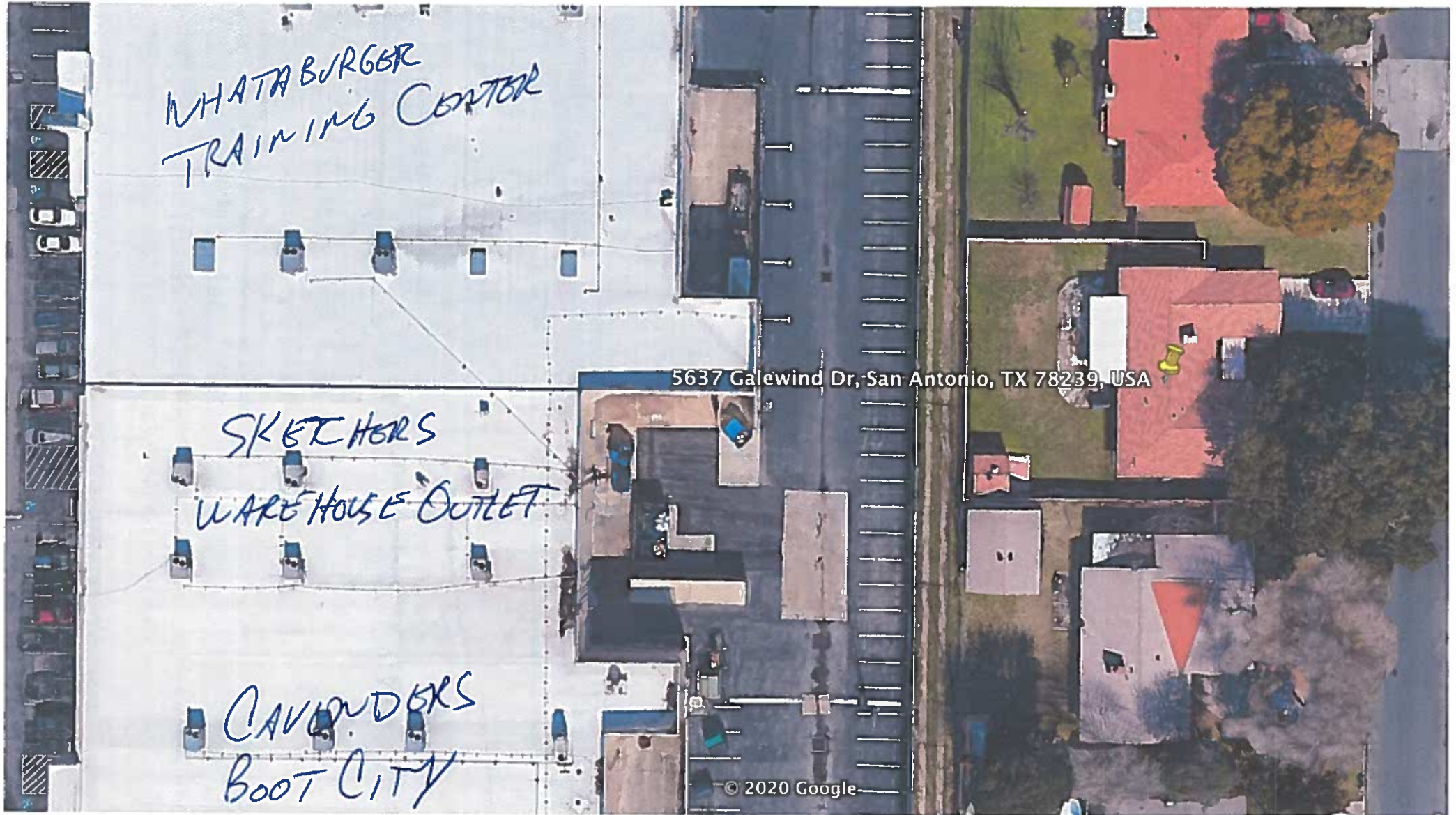
5 setback

70-0' N 1° 14' W

BEARINGS AND DISTANCES
SUBSTANTIALLY MATCH
THAT OF RECORDED PLAT

Rest: 4275/57

ATTACHMENT 2



5637 Galewind Dr, San Antonio, TX 78239, USA



CITY OF WINDCREST

<http://windcrest-tx.gov>

REC#: 00317057 12/15/2020 9:24 AM
OPER: 00 TERM: 010
REF#:

ACCT #: XXXX-XXXX-XXXX-5631
AUTH #: 792743
TRAN #: 000000317057
TYPE: PURCHASE
ENTRY MODE: MANUAL
CVM: SIGN

TRAN: 502.0000 BUILDING PERMITS
201215002 35.00CR
FISHER, DAVID
5637 GALEWIND
OTHER 35.00CR

TENDERED: 35.00 CREDIT CARD
APPLIED: 35.00-

CHANGE: 0.00