

City of Windcrest



AGENDA BOARD OF ADJUSTMENT MEETING APRIL 26, 2023

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 26TH DAY OF APRIL 2023, 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 APRIL 26, 2023, AND TO RECONVENE THE MEETING ON THE FOLLOWING DAY, APRIL 27, 2023, 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. Vote to Excuse Absent Board Members

IV. Pledge of Allegiance

V. Citizens to be Heard

- Citizens may address the Board of Adjustment on topics not on the agenda for no more than three (3) minutes.
- In addition to the foregoing, 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.
- A City Official 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.

VI. Ceremonial

- a) The Board of Adjustment will take action to elect officer positions of Chair, Vice Chair, and Secretary.

VII. Board Training

- a) Commission will receive training and have discussion on the Board of Adjustment's authority and procedures as outlined in the Texas Local Government Code and the City of Windcrest Code of Ordinances.

VIII. Presentation by Applicant

- a) Applicant may present their request to the Board of Adjustment.

IX. Public Hearing***Opening of Public Hearing***

Public Hearing to receive comments from the public to consider a request for a variance from the City of Windcrest Code of Ordinances Sec. 103-58(b)(12)(e), to construct an accessory building to exceed one hundred and forty-four (144) sq ft. and nine (9) feet in height, at 226 Weathercock Ln., more particularly described as BCAD Property #342259.

Closing of Public Hearing**X. Items for Discussion/Action**

- a) Commission will review, discuss, and may take action on a request for a variance from the City of Windcrest Code of Ordinances Sec. 103-58(b)(12)(e), to construct an accessory building to exceed one hundred and forty-four (144) sq ft. and nine (9) feet in height, at 226 Weathercock Ln., more particularly described as BCAD Property #342259.

XI. 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.

XII. Adjournment**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.

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 April 26, 2023.

By: _____
Rachel C. Dominguez, City Secretary

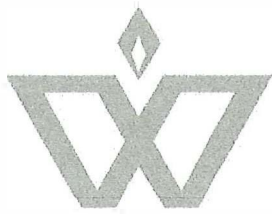
Sec. 103-58. Permits.

- (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: Shed @ 226 Weathercock Ln
Total Acres: N/A Survey Name: N/A Abstract No.: N/A
Project Location (address): 226 Weathercock Ln

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: Silvia Turrubiates
Address: 226 Weathercock Ln City: Windcrest St/Zip: TX 78239
Phone: _____ Fax: _____ E-Mail: _____

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

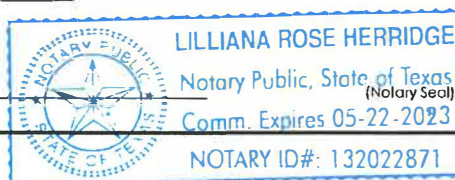
Representative: _____
Address: _____ City: _____ St/Zip: _____
Phone: _____ Fax: _____ E-Mail: _____

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.

Silvia Turrubiates
Owner's Signature
Silvia Turrubiates
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 21 day of March, 20 23.

JLH
Notary Public



City of Windcrest Use Only

Project No.: _____
Total Fees: _____
Payment Method: _____
Submittal Date: _____
Accepted by: _____

WEATHERCOCK LANE (50' R.O.W.)(WEATHER COCK LANE PER PLAT)

SCALE: 1"=30'

12 feet 3 inches
Peak to ground

8.11 tall 9.11 ft wide
Location of new shed

3 ft from the fence

16.11 x 8.11 x 9.4 w

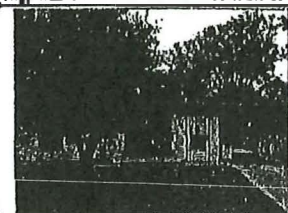
12 feet 3 inches
Peak to ground

Location of the old shed

NOTE:
THIS PROPERTY IS SUBJECT TO RESTRICTIVE COVENANTS, EASEMENTS, AGREEMENTS, AND/OR
SETBACK LINES (IF ANY) AS FOLLOWS: VOLUME 3535, PAGE 19, DEED AND PLAT RECORDS,
AND VOLUME 3930, PAGE 217, DEED RECORDS OF BEXAR COUNTY, TEXAS.

NOTE:
BORINGS SHOWN HEREON ARE BASED ON RECORD PLAT INDICATED BELOW.

FLOOD ZONE INTERPRETATION: IT IS THE RESPONSIBILITY OF THE INTERESTED PERSONS TO VERIFY THE ACCURACY OF FEMA FLOOD ZONE DESIGNATION OF THIS PROPERTY WITH FEMA AND STATE
AND LOCAL OFFICIALS AND TO DETERMINE THE EFFECT THAT THE PROPERTY MAY BE IN FLOOD ZONE. THIS SURVEY DOES NOT CERTIFY THE ACCURACY OF THE FLOOD ZONE DESIGNATION OF THE
PROPERTY. BECAUSE THIS IS A BOUNDARY SURVEY, THE SURVEY DID NOT TAKE ANY ACTIONS TO DETERMINE THE FLOOD ZONE STATUS OF THE
SURVEYED PROPERTY OTHER THAN TO INTERPRET THE INFORMATION SET OUT ON FEMA'S FIRM, AS DESCRIBED ABOVE. THIS SURVEY DOES NOT CERTIFY THE ACCURACY OF THE FLOOD ZONE
DESIGNATION, WHICH MAY NOT AGREE WITH THE INTERPRETATION OF FEMA OR STATE OR LOCAL OFFICIALS, AND WHICH MAY NOT AGREE WITH THE TRACT'S ACTUAL CONDITIONS. MORE INFORMATION CONCERNING FEMA'S SPECIAL
FLOOD HAZARD AREAS AND ZONES CAN BE FOUND AT: <http://www.fema.gov>



Property Address:
226 WEATHERCOCK LANE (WEATHER COCK LANE PER PLAT)
Property Description:
LOT 7, BLOCK 2, WINDCREST UNIT 1, SITUATED IN
THE CITY OF WINDCREST, BEXAR COUNTY, TEXAS,
ACCORDING TO THE MAP OR PLAT THEREOF
RECORDED IN VOLUME 3535, PAGE 19, DEED AND
PLAT RECORDS OF BEXAR COUNTY, TEXAS.

FIRM REGISTRATION NO.
10111700
**Westar
Alamo**
LAND SURVEYORS, L.L.C.
P.O. BOX 1845 DOERNE, TEXAS 78008
PHONE (210) 372-9300 FAX (210) 372-9900

LEGEND
● FND. 1/2" IRON PIPE
○ FND. 1/2" IRON ROD
() RECORD INFORMATION
B.S. BUILDING SETBACK
C.M. CONTROLLING MONUMENT
⊙ GAS METER
⊙ WATER METER
⊙ ELECTRIC METER
⊙ CABLE TELEVISION
⊙ POWER POLE
⊙ CHAIN LINK FENCE
-E- OVERHEAD ELECTRIC



Owner:
KEVIN IVE
I, MARK J. EWALD, Registered Professional
Land Surveyor, State of Texas, do hereby
certify that the above plot represents an
actual survey made on the ground under my
supervision, and there are no discrepancies,
conflicts, shortages in area or boundary
lines, or any encroachment or overlapping
of improvements, to the best of my knowledge
and belief, except as shown herein.
MARK J. EWALD
Registered Professional Land Surveyor
Texas Registration No. 5095

Site Plan



Date: Wednesday, January 18, 2023

Silvia Turrubiates

226 Weathercock Ln
Windcrest 78239
anaisehernandez@live.com

Permit Number 23-1612
Job Address: 226 Weathercock Ln, Windcrest 78239

Dear Silvia Turrubiates,

Staff has completed its review of plans for the that is to be located at 226 Weathercock Ln, Windcrest 78239. Comments from this review follow.

Residential Plan Review

The following comments have been provided by Reviewer BB. Should you have any questions or require additional information regarding any of these comments, please contact Reviewer BB by telephone at or by email at bbihost.mgo@gmail.com.

Shed cannot exceed 144 sq ft. Measurements show 150 sq ft. Provide construction documents from the manufacturer.

Shed cannot exceed 9' height. Measurement taken from grade to ridge (not floor to wall plate height).

Original shed described as leaking. Was it removed? Will new the shed be the only shed on property? Will existng concrete foundation be removed as well?

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.

1/18/2023 11:54:49 AM

23-1612

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Please revise the project plans to address the comments noted above. Following revision, please upload one full set of the revised drawings in PDF format. To access your project online, please go to www.mygovernmentonline.org and use the online portal to upload your drawings in PDF format.

Should you have questions regarding specific comments, please contact the staff member referenced under the section in which the comment occurs. Should you have questions or require additional information regarding the plan review process itself, please feel free to contact me directly. I can be reached by telephone at , or by e-mail at rdominguez@windcrest-tx.gov.

Thank you,

Rachel Dominguez

City of Windcrest
8601 Midcrown Street
Windcrest, TX 78239
(210) 655-0022