

CITY OF CASTLE HILLS
ZONING COMMISSION PUBLIC HEARING
JANUARY 2, 2008

The Zoning Commission of the City of Castle Hills convened on the 2nd day of January, 2008, at 7:00 P.M. in the City of Castle Hills City Hall, 209 Lemonwood Drive, San Antonio, Texas.

Guests present were Katherine London, Richard Evans, Lisa Evans, David Merrell, Margo Merrell, Joan Buerschinger, Sandra L. Lands, Terry and Norma Thompson, Rev. Thomas Coughlin, Mrs. Helen B. Glass, Lesley Wenger, Matthew D. Stroud, Tom Davis, Mary Chapman, Clyde Chapman, Frank Paul, Deborah Dillard, Mr. and Mrs. Eli Guerra, Barbara Johnson, B. Rosas, Kathy Tarkington, Andrew Sanchez, Derrick Elkins, Robbie and Raymond Casey, Bill Martin, C.R. West, Patsy Pelton, Nancy La Croix, Doris La Croix, William and Helen Schluter, Michael Strobietto, Monika Perez-Moad, Tony and Sherry Di Baggio, Brad Boeckner, Judith Boeckner, Doug Steadman, Rick Steele, Stefano, William Beuhler, William T. Johnson, Brother William Dooling, Mike Manuppelli, Kelley Manuppelli, Joan and Beverly Bihn, Jeannie O'Sullivan, Gregoir Youbara, Sharon Inchan, Patricia Gawlik Lee Lanford, and Norma Lands.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Present and composing a quorum of the Zoning Commission were Chairman Marc Schnall, Tim Turner, Douglas Lewis, LaVerne Japhet, and Walter Beuhler.

Staff present included City Manager Mike Rietz, Assistant City Manager Rita Hoyl, City Secretary Linda Gill, and City Attorney Mike Brenan.

II. CONSIDER AND ACT UPON THE MINUTES OF THE DECEMBER 4, 2007, MEETING.

Mr. Lewis moved to approve the minutes of the December 4, 2007, meeting. Mr. Turner seconded the motion. The motion carried with a unanimous vote.

III. PUBLIC HEARING AND DISCUSSION OF THE REQUEST FOR A SPECIAL USE PERMIT, AS DEFINED IN SECTION 31.1702, (6) TO ALLOW MORE THAN FIVE (5) NON-RELATED INDIVIDUALS TO LIVE TOGETHER IN A DWELLING AS AN INSTITUTION OF RELIGIOUS NATURE AT 143 HONEYSUCKLE LANE IN THE "A" SINGLE FAMILY DWELLING DISTRICT.

Chairman Schnall opened the Public Hearing at 7:07 p.m. and asked the applicant or owner to come forward to make his presentation.

Father Thomas Coughlin, who is deaf, explained, through an interpreter, how he bought the house in January of 2007. He stated that he was unaware of the zoning regulations until after the purchase. Had he known, he said he would have pursued the matter before then. He said he would like to petition for a Special Use Permit (SUP) so that deaf and hearing seminarians can reside, pray, socialize, and study at the 8,100 square foot home

with nine bedrooms and nine bathrooms and a large chapel on the second floor. Father Coughlin explained that the individuals who would be living in the house were a community, and they have taken evangelical vows of poverty, chastity, and obedience. He indicated that the dwelling would be a house of study, owned by Mark Seven-DePaul House of Studies for Deaf Seminarians, which is a tax exempt organization. He said the seminarians go to the Oblate College of Theology, Our Lady of the Lake University, and San Antonio Community College. He said he has done \$35,000 worth of renovation since purchasing the house. He added that they are the only deaf ministry in the world. He said that they would like to request that as many as eleven residents can reside in the house at any one time. He said they own a total of four cars, which they park under the carport in front of the house. He said the residents are a family of religious brothers and live like a family whether related or not. They live with sign language, and Father Coughlin said that he is the present director of the deaf ministry in San Antonio. He said his neighbors have come to him with full support, and he has yet to receive one single complaint. He said that they are committed to staying in San Antonio to serve the deaf community. He said the deaf seminarians pay no room and board. The Mark Seven DePaul House of Studies pays all room and board and educational expenses for the seminarians and operates with grants, contributions, and donations. He said they are committed to living in peace, fraternity, and goodness with everyone in the Castle Hills area.

For the record, Chairman Schnall asked Father Thomas Coughlin to state his name, which he did through the interpreter. The chairman asked commission members for any questions.

Ms. Japhet asked Father Coughlin if he was associated with the Missionaries of the Holy Family. Father Coughlin answered that he knows who they are, but is not associated with them, and explained that he is a separate religious community formed for the deaf. He said he is not planning to expand the group to other cities, but he does go to Corpus Christi to say mass for the deaf community there.

Father Coughlin assured Mr. Beuhler that there would be no seminars or retreats held on the premises for non-residents.

In answer to questions from Chairman Schnall and Mr. Turner, Father Coughlin explained that they have four cars and described the parking under the carport, saying that the house has no garage. He said that, if they could afford five or six vehicles, they would probably not buy them. He said he prefers that the men to go to school by bicycle or bus.

Chairman Schnall asked for comments from the public.

Sherry Di Baggio of 98 Bluet questioned who regulated the group, which diocese managed it. She asked if Father Coughlin told the realtor who sold him the house about the living arrangements. She wanted to know why there were 20 cars parked around the house and on the street the previous Saturday night. She asked who financed the property. Father Coughlin responded that the group did not need managing, that they are fully capable of managing themselves. He said the realtor knew what he was buying the house for, but did not advise him of the ordinance. He said they paid cash for the house. He said

the reason for so many cars the previous Saturday was that a celebration was held for one of the men. The cars belonged to family and friends and were only there for two or three hours.

Matthew Stroud of 100 Wickford Way said he can see the house from his driveway. He pointed out that there are several houses in the area that are very big and oversized for a residential neighborhood. He said that the seminarians will probably be the best possible neighbors. He suggested that the SUP could be issued with an upper limit to the number of residents and be effective for only the current residents.

William Beuhler of 124 Cas Hills said he lives one and one-half blocks from the property. He said he was opposed to a rooming house, dormitory, or anything of that nature. He requested denial of the SUP.

Evangeline O'Sullivan of 115 Castle Lane voiced her opposition to granting the SUP.

Joan Buerschinger of 212 Glentower said the problem should have been stopped by the realtor. She requested denial of the SUP.

Mike Manuppelli of 144 Honeysuckle said he lives directly across the street from 143 Honeysuckle. He said he visited with real estate people, who said the house appraised for \$550,000, which is 2-3 times more than other houses in the area. He added that it is oversized for the area. He recalled that many people have moved in and out of the house, and that it was vacant for many months. He said no family has lived there with less than 5 cars. He said what hurts the ambiance of the neighborhood is a vacant house. He asked the commission to approve the SUP.

Robbie Casey of 144 Cas Hills said the commission should go by the current zoning ordinance.

Eli Guerra of 209 Honeysuckle said he's thankful that the seminarians are there. He asked the commission to approve the SUP.

Bill Schluter of 112 Lemonwood said Father Coughlin should have been informed by realtors or lawyers, and an SUP should have been requested before buying the house. He said that he does not approve issuing the SUP.

Barbara Johnson of 203 Honeysuckle presented the commission with a petition signed by 21 immediate neighbors that said, *So long as the Dominican Missionaries for the Deaf Apostolate, under the guidance of Father Tom Coughlin, retain ownership of the property at 143 Honeysuckle Lane and not more than eleven unrelated persons remain in residence at one time, (while the seminarians pursue their studies), and the house and grounds continue to be maintained in accordance with the neighborhood policy, I have no objection.* She stated that she was 100% in favor of the SUP.

Andrew Sanchez, a seminarian from 143 Honeysuckle, commented that they have not violated the city ordinance. He asked that the commission give them a miracle and grant the SUP.

Bryan Paul of 112 Shalimar said the issue is not about people; it's about property. He said he is against the SUP.

Brother William Dooling of 201 Gladiola, a member of Holy Cross for 50 years said 20% or more of Castle Hills is exempt from property taxes. He said he supports the group, but the city loses taxes, and somebody has to pay for police and fire and other city services.

Bill Martin of 113 Cobblestone Court said that he spoke against the SUP at the last meeting, because he was concerned about the loss of tax revenue. He said he would have no problem with it if the SUP expires when the property is sold and if the number of residents is held to 10.

Michael Strobietto of 111 Wickford Way pointed out that if this group is allowed the SUP, what about the next group? He said that, at some point, we have to draw a line in the sand, and now seems a good time to do that.

Clyde Chapman of 301 Wickford Way opposed the SUP and said that, if City Council votes in favor of it, they should let it be the last one.

Albert Glenberry of 128 Cas Hills spoke against granting the SUP.

Ms. London of 140 Twin Leaf and 156 Trillium said she is retired military. She said she kept her house in Castle Hills during the time she was in the military, and she has bought another one in Castle Hills. She said she has stayed in Castle Hills because of the residential areas and the city services. She spoke against the SUP.

Father Coughlin explained to the commission how he came to be in San Antonio. He said he came because of the excellent program at the Oblate School of Theology. He said he wanted to buy a house that was near the seminary. The house at 143 Honeysuckle was close to the seminary and was big enough for his purposes. He added that the realtor who handled the sale of the house knew what his purpose was. He said he needed 9-10 bedrooms with a large room for a chapel. He asked the commission to give them a chance, to waive the law, as long as the seminarians live there. He remarked that it would be a real challenge for them if they had to move.

There being no further questions from the commission, Chairman Schnall closed the public hearing at 8:32 p.m.

IV. DISCUSSION AND POSSIBLE ACTION ON RECOMMENDATIONS TO CITY COUNCIL REGARDING ISSUANCE OF A SPECIAL USE PERMIT FOR 143 HONEYSUCKLE LANE.

The chairman asked for questions or discussion among the commission members. Mr. Turner commented that the City of Castle Hills has been presented with a challenge and an opportunity.

Motion: Mr. Turner made a motion that the Zoning Commission recommend approval of the Special Use Permit requested by the Reverend Tom Coughlin for the DePaul House of Studies, 143 Honeysuckle Lane, with the following five stipulations: (1) that there be no more than 11 individuals in residence at said premises; (2) that there be no more than four vehicles regularly stored at said premises; (3) that said premises not become in whole or in part a de facto church or place for public worship; (4) that the premises not become in whole or in part a de facto school or place of instruction for individuals other than those in residence.; (5) that the subject Special Use Permit shall terminate with either of the following two occurrences: (a) the property is sold, or (b) the property is rented in whole or in part to a third party. Chairman Schnall seconded the motion. The motion was defeated 3 to 2, with Mr. Lewis, Ms. Japhet, and Mr. Beuhler opposed and Mr. Turner and Mr. Schnall in favor.

Motion: Ms. Japhet said that she is not in favor of the application, that it defeats the code and the city's ambiance. She then moved to recommend to City Council that they deny the application for the Special Use Permit for the DePaul House of Studies at 143 Honeysuckle Lane. Mr. Lewis seconded the motion. Mr. Turner commented that the zoning for the city provides for special uses. He said the commission's purpose is to address issues out of the ordinary. He asked the commission, except Ms. Japhet and Mr. Lewis, to vote against the motion. He said the house is oversized for the area. He added that the property is ideal for the use, especially since the immediate neighbors are in favor of it. He said that by his count, 27 people spoke in favor of it, either by voice or by petition, which is more than those who spoke against it. Mr. Lewis said the Special Use Permit does give the right to change or vary from the ordinances. He said that he thought that the Special Use Permit was honored that evening in its intended way.

Chairman Schnall pointed out that the zoning ordinance, Section 31.401, provides in part as follows: in an A Single Family Dwelling District, no land shall be used and no building shall be erected for or converted to any use other than (1) a single family residence, (2) schools, churches, rectories, parish houses, and convents in connection with schools, (3) public parks and public playgrounds, (4) community club facilities, (5) fire stations, (6) accessory buildings, (7) telephone exchange facilities, (8) railroad rights-of-way and tracks, bridges signals, (9) electrical facilities and electrical energy facilities, (10) temporary buildings to be used for construction purposes only, (11) such uses as may be permitted by Section 31.1700 Special Use Permits with any use, except a single family residence, in this district requiring a Special Use Permit. He clarified that the main reason the commission was there had to do with the number of non-related individuals to reside at the property.

The chairman re-read the motion and asked for a vote. The motion carried 3 to 2, with Mr. Lewis, Ms. Japhet, and Mr. Beuhler voting in favor of the motion, and Mr. Schnall and Mr. Turner opposing the motion.

V. ADJOURNMENT

Motion: Ms. Japhet moved to adjourn the meeting at 8:47 p.m. Mr. Turner seconded the motion. The motion carried unanimously.

Marc Schnall, Chairman

Attest:

Linda Gill, City Secretary