



CITY OF WEST LAKE HILLS, TEXAS  
NOTICE OF ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING  
Wednesday, June 21, 2023 at 6:30 PM

Notice is hereby given that the Zoning and Planning Commission (ZAPCO) of the City of West Lake Hills, Texas, will hold a Regular Meeting on the 21st day of June, 2023 at 6:30 p.m., in the Council Chamber, Municipal Building, 911 Westlake Drive, West Lake Hills, Texas, at which time the following items will be discussed, to-wit:

REMOTE ACCESS:

Any citizens or applicants that wish to speak at the meeting are encouraged to attend virtually, as the number of people in the chambers will be limited due to physical distancing. Facial coverings are not required, but highly recommended, and will be available for any that need one. Join Zoom Meeting: <https://us02web.zoom.us/j/3499549035> Meeting ID: 349 954 9035 If you wish to listen to the meeting via telephone: Dial (346) 248-7799, Meeting ID 349 954 9035. If you wish to speak during the meeting or provide written comments, please provide your name, phone number, comments, and the item number you wish to speak on to [pzsec@westlakehills.gov](mailto:pzsec@westlakehills.gov) by 1:00 P.M. on June 21, 2023.

1. Call to Order. Chairman Robert Meisel.
2. Consent Agenda The following items are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these item/s unless a Commission Member or citizen so requests.
  - Approval of the May 17, 2023 Zoning and Planning Commission Meeting Minutes
3. Land Use 434 Brady Lane - Discuss and make a recommendation on proposed variances for the removal of two (2) trees with trunk diameters of 14 inches or greater, a double trunk 14"/19" live oak and an 18" live oak (Section 22.03.304 of the West Lake Hills Code).  
Applicant: Monte Janssen, J5 Homes, LLC.
  - Tree # 323 - Double trunk 14"/19" Live Oak; and
  - Tree # 325 - 18" Live Oak.
4. Land Use 1002 Live Oak Ridge Road - Discuss and make a recommendation on a release

of easement for a 100-foot LCRA easement on a recorded plat (Section 36.01.017 of the West Lake Hills Code). Applicant Matthew Bentley and Sallie Bentley

5. **Land Use 301 Yaupon Valley Road** - Discuss and make a recommendation on proposed variances for the removal of two (2) trees with trunk diameters of 14 inches or greater, a double trunk 6"/14" ash juniper and an 18" ash juniper (Section 22.03.304 of the West Lake Hills Code). Applicant Mark Hawkins.

- Tree #29 - 18 inch ash juniper
- Tree #33/34 - 6"/14" ash juniper

6. **Land Use 301 Yaupon Valley Road** - Discuss and make a recommendation on proposed variances for the height of a retaining wall in the front setback greater than 18" (Section 22.03.170 f) and a retaining wall exceeding six (6) feet in height above natural grade (Section 22.03.170 g), to allow a not to exceed 8 foot and 2.5-foot-tall retaining walls within the front yard setback. Applicant: Mark Hawkins

7. Adjournment. Chairman Robert Meisel.

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Robert Meisel, Chairman  
By Mark Littrell, Zoning & Planning  
Secretary

#### Certificate

I certify that the above Notice of the June 21, 2023 Zoning & Planning Commission Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on June 16, 2023 at 5:00 pm. and will remain posted continuously until said meeting is convened.

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By Mark Littrell, Zoning & Planning Secretary

*The City of West Lake Hills is committed to compliance with the Americans with Disabilities Act. Reasonable accommodations and equal access to communications will be provided upon request.*

*All items on the agenda are for discussion and/or action. ZAPCO reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with 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).*

CITY OF WEST LAKE HILLS, TEXAS  
MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING  
Wednesday, May 17, 2023 at 6:30 PM

1. Call to Order. Chairman Robert Meisel.

Welcoming the new Director of Building and Development Services, Jennifer Bills, to the City of West Lake Hills.

**With a quorum present, Chairman Robert Meisel called the meeting to order at 6:30 p.m.**

**Members in attendance were Chairman Robert Meisel, Vice-Chairman Jim Pledger, Commissioners Laurie Maccini, Karen Bartoletti, Julia Webber and Patrick Stewart.**

2. Consent Agenda The following items are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these item/s unless a Commission Member or citizen so requests.

- Approval of the March 22, 2023 Special Called Zoning and Planning Commission Meeting Minutes.
- Report on Board of Adjustment and City Council Responses.

**Chairman Meisel welcomes and introduces Jennifer Bills as our new Director of Building and Development Services.**

**Motion for Approval made by Commissioner Webber with a Second by Commissioner Stewart.**

**Motion for Approval carried unanimously by a vote of 5 ayes to 0 nays.**

3. Land Use 1108 Blackacre Trail - Discussion/Recommendation on a variance request for a front yard fence and gate to encroach 10' into a 30' front building setback. (Section 22.03.173 of the West Lake Hills Code). Applicant Gail O'Kelly.

**Staff Briefing**

**Director Bills gives the staff briefing. Staff Recommendation: Denial**

**Presentation by Applicant**

**Luis Jauregui is the builder on this application. There is 150' frontage on this lot. A couple of other houses have front fences that encroach. There is very minimal encroachment. The 30' setback is not as esthetic.**

**Public Hearing**

**Tim Clark lives at 1105 Blackacre and is also the Homeowner's Association President. Many neighbors are against this fence. We have large lots that are open. This is not consistent with the neighborhood. There is no hardship. It maximizes the front yard. My lot, 1105 Blackacre, is the original ranch house and my fence is at 31'.**

**Chairman Meisel closes the Public Hearing and reconvenes the meeting.**

**Deliberation/Recommendation**

**Commissioner Webber: Is the driveway already paved?**

**Luis: No.**

**Commissioner Webber: I see a fence column is in the critical root zone of a tree.**

**Commissioner Maccini: There is no hardship.**

**Commissioner Stewart: I don't see a hardship.**

**MOTION: Upon a motion made by Vice-Chairman Pledger and a second by Commissioner Bartoletti, the Commission voted five (5-0) to deny due to a lack of hardship.**

4. **Land Use 10 Las Brisas Drive - Discussion/Recommendation on a variance requesting the removal of a tree larger than 14" in diameter for the demolition and construction of a new family residence. (Section 22.03.304 of the West Lake Hills Code). Applicant Gail O'Kelly.**

- Tree #827 - 21" Live Oak

**Staff Briefing**

**Director Bills gives the staff briefing. Staff recommendation: Approval**

**Commissioner Maccini: The new house design on Page 28, the tree is the one by the front door?**

**Director Bills: Yes.**

**Commissioner Bartoletti: On Page 36, it is in terrible shape. I would support a variance.**

**Presentation by Applicant**

**Luis Jauregui: The new home is almost identical. It will comply to Code and it will be a better design. It is currently dangerous.**

### **Public Hearing**

**Chairman Meisel closes the Public Hearing and reconvenes the meeting.**

### **Deliberation/Recommendation**

**Commissioner Bartoletti moves to recommend approval based on the conditions. Vice-Chairman Pledger seconds. Unanimous (5-0) approval.**

5. **Land Use 604 Rocky River Road** - Discussion/Recommendation on a variance request to allow a side yard building encroachment for an A/C Unit and generator for a new residence under construction (Section 22.03.281 of the West Lake Hills Code). Applicants Philip and Mindy Vescovo.

**Commissioner Maccini recuses herself and steps away from the dais.**

### **Staff Briefing**

**Director Bills gives the staff briefing. Staff recommendation: Denial due to design.**

**Commissioner Stewart: Was is on that original plans?**

**Director Bills: No. It is on a land-locked property.**

**Commissioner Webber: How large is the equipment?**

**Director Bills: It's a 33.4 sq. ft. pad.**

**Commissioner Bartoletti: Is there an alternative location?**

**Commissioner Webber: On our house, we put it on our roof.**

### **Presentation by Applicant**

**Mindy Vescovo is the property owner. I was here before with an eave. The eave was at the request of the builder. To clarify, there is no front setback. The flatwork would require a variance. I asked the builder and he said because of the panel. HVAC thought no variances were needed. The house has been under construction since January 2022. Only one neighbor is affected.**

### **Public Hearing**

**Chairman Meisel closes the Public Hearing and reconvenes the meeting.**

### **Deliberation/Recommendation**

**Commissioner Webber: I feel as an architect always includes mechanical and should be noted.**

**COMMISSIONER WEBBER MOVES TO RECOMMEND APPROVAL AS WRITTEN BASED ON HEALTH AND SAFETY. COMMISSIONER BARTOLETTI SECONDS. (4-0) APPROVAL.**

**Vice-Chairman Pledger: It should be noted in the minutes.**

6. Land Use 304 McConnell Drive - Discussion/Recommendation on a variance requesting the removal of a tree larger than 14" in diameter to prevent further property damage and maintain safety (Section 22.03.304 of the West Lake Hills Code). Applicant Ruth Fulton.

- 28.1" Red Oak

**Staff Briefing**

**Director Bills gives the staff briefing. Staff recommendation: Approval.**

**Commissioner Maccini: Just removal?**

**Director Bills: Still requires replacement.**

**Presentation by Applicant**

**Ruth Fulton is the applicant. There is a letter from an arborist and is damaged with decay and is a life safety issue. We moved into the house in 2005. In 2006 an arborist said we would eventually lose the tree. I plan to ask for a waiver on replacement.**

**Public Hearing**

**Chairman Meisel closes the Public Hearing and reconvenes the meeting.**

**Deliberation/Recommendation**

**Commissioner Maccini: I can tell you love the tree. I would ask you to consider planting under brush trees.**

**COMMISSIONER MACCINI MOVES TO RECOMMEND APPROVAL.  
COMMISSIONER STEWART SECONDS. UNANIMOUS (5-0) APPROVAL.**

7. Adjournment. Chairman Robert Meisel.  
**Chairman Meisel adjourns the meeting at 7:20 p.m.**

Respectfully submitted,

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ROBERT MEISEL, CHAIRMAN

ATTEST:

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ZAPCO Secretary Mark Littrell

These minutes were approved on \_\_\_\_\_, 2023.



# City of West Lake Hills

## Zoning and Planning Commission

# AGENDA REPORT

|               |                                 |                  |      |
|---------------|---------------------------------|------------------|------|
| Meeting Date: | June 21, 2023                   | Item Number:     | 3    |
| Department:   | Building & Development Services |                  |      |
| Prepared By:  | Jennifer C. Bills               | Cost / Budget:   | None |
| Exhibits:     | See Attached                    | Source of Funds: | N/A  |

### Subject

**434 Brady Ln:** Discuss and make recommendation on proposed variances for the removal of two (2) trees with trunk diameters of 14 inches or greater, a double trunk 14"/19" live oak and an 18" live oak (Section 22.03.304 of the West Lake Hills Code).

Applicant: Monte Janssen, J5 Homes, LLC

### Recommendation

Staff recommends denial of the variance request. The trees appear to be viable and a house with a smaller footprint could be built on the lot. However, the existing house is nonconforming and to rebuild in the same location, setback variances would be needed to build within the existing footprint.

This item will be forwarded to the June 28, 2023 City Council meeting for consideration.

### Discussion

#### Property Information, Zoning & Site Characteristics:

Owner: Monte Janssen, J5 Homes LLC

Legal Description: 0.235 acres of the Henry P. Hill League Survey, Abstract 21

Lot Size: 0.235 acre (10,454 sq. ft.)

Zoning: R-1 (One Family)

The properties surrounding the subject property are zoned R-1 (One-Family).

#### Background & Analysis:

The applicant is proposing to demolish the existing home on the lot and rebuild a new home (Attachment 1). The applicant seeks a variance for the removal of Tree #323, a double trunk 14"/19" live oak and Tree #325 – an 18" live oak (Attachment 2 and 3). The existing house is a two-story house (second story is as partial story) with a 2,180 sq. ft. footprint, built in 1960. The existing house does not meet the setbacks required by the adopted Code. The proposed house would be a two-story home with a walk-out basement, with a 3,052 sq. ft. footprint and is proposed to meet the required setbacks. The applications for demolition and new residential construction are under review.

**Variance Criteria Review:**

When applying for a variance, the applicant has provided the following evidence:

1. The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.  
*With 20' side setbacks and a 15' rear setback, the buildable area of the lot is significantly reduced from existing setbacks. To comply with city codes on setbacks, several trees must be removed.*
2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.  
*The trees are in the back of the existing house and obscured from neighbors. They are not "beautiful and majestic" by any means. Rather the canopies are thin and sprawling. The February ice storm damaged much of the canopies and damaged several limbs as it is.*
3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.  
*The existing house is dangerous and does not meet many current codes and building practices for construction. Without removing the trees, the proposed new family house will not be able to be built on this lot. A new house is essential.*
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.  
*We want to remove as few trees as possible, and with 11 trees to be removed, we believe we have been successful in our efforts for this result.*
5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.  
*We believe the circumstances of building a new, safe house that meets all building codes and fire safety standards is the preferred intent of the City.*
6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.  
*The trees are located in the back of back of the property and unseen by neighbors. There are NO trees inside the building setbacks that we seek a variance.*

**Outdoor Lighting**

Outdoor lighting is not proposed with this variance request. Any outdoor lighting will need to comply with the City's Code.

**Compliance with Adopted International Building Code**

The property and future construction will have to comply with all applicable City codes.

**Subdivision**

There is no change to the subdivision proposed with this application.

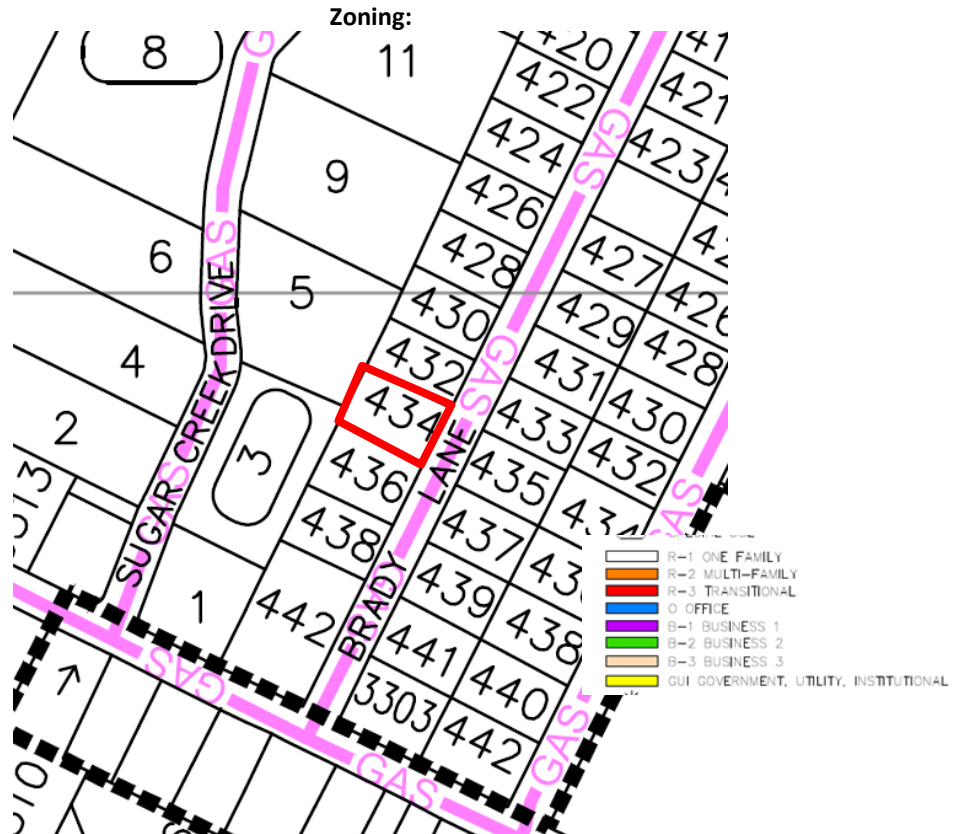
**Comprehensive Planning Analysis**

The existing and future land use is in conformance with the City of West Lake Hills Master Plan.

**Links to Relevant Code:**

- [Sec. 22.03.034](#) [Tree and Vegetation Removal and Replacement](#)
- [Section 38.05.031](#) [Variances](#)
- [Section 22.03.511](#) [Criteria and process required for granting variance](#)





Aerial:



## J5 Homes, LLC

3108 Thousand Oaks Drive  
Austin, TX 78746  
(512) 627-1678

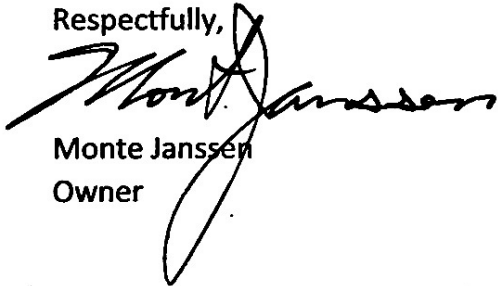
Robert Meisel  
ZAPCO Chairman  
City of West Lake Hills

Dear Mr. Meisel,

We have submitted building plans and a tree removal variance for our property at 434 Brady Lane with a need to remove a total of eleven trees. With the necessary side and rear setbacks taken into account, the trees prevent the proposed new construction. Nine (9) of the trees are under 14". Two of the trees require a variance for removal: a dbl trunk 14/19" live oak; and an 18" live oak. The total replacement value of the 11 trees to be removed is 124 inches.

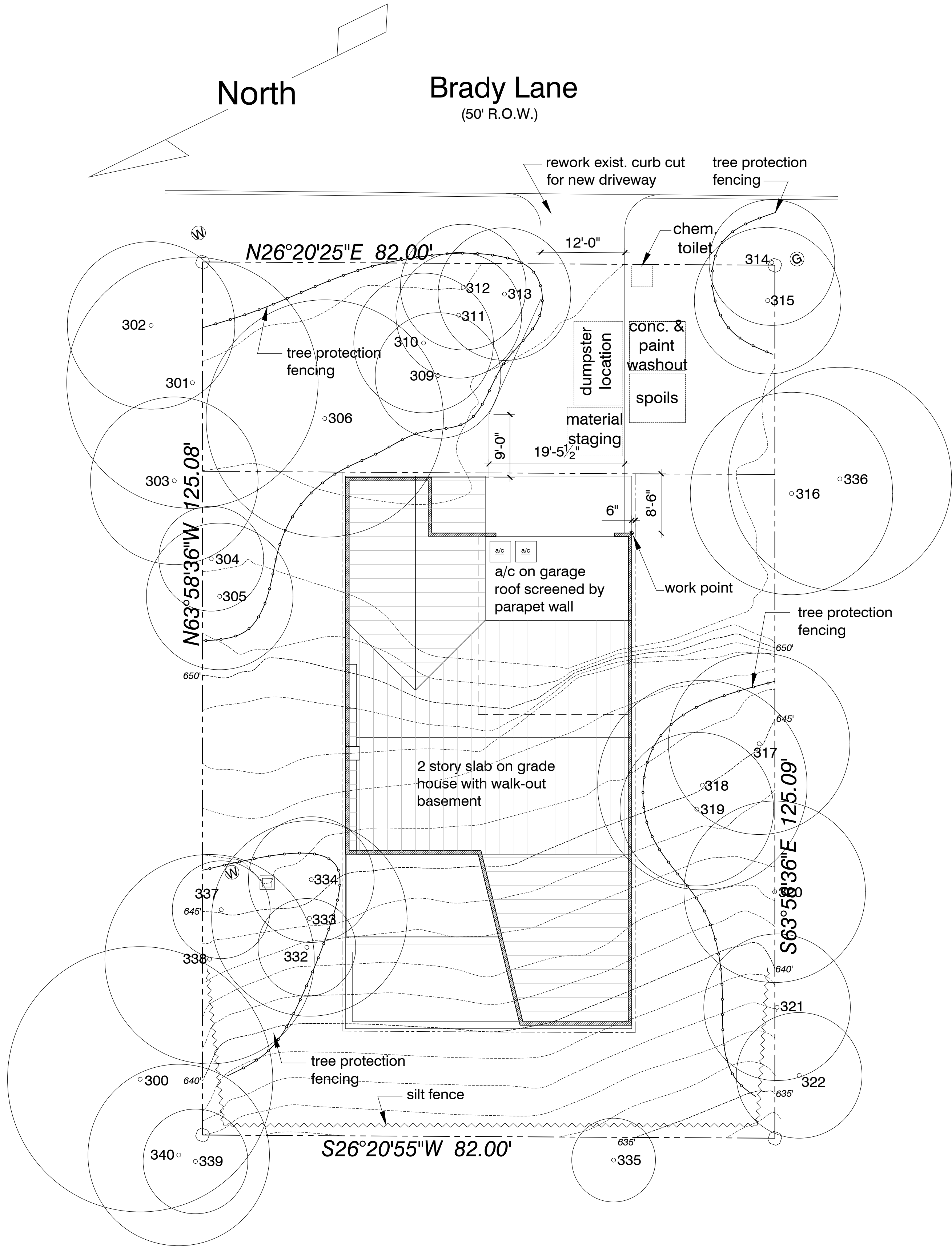
We ask that ZAPCO approve our variance with the first opportunity possible.

Respectfully,

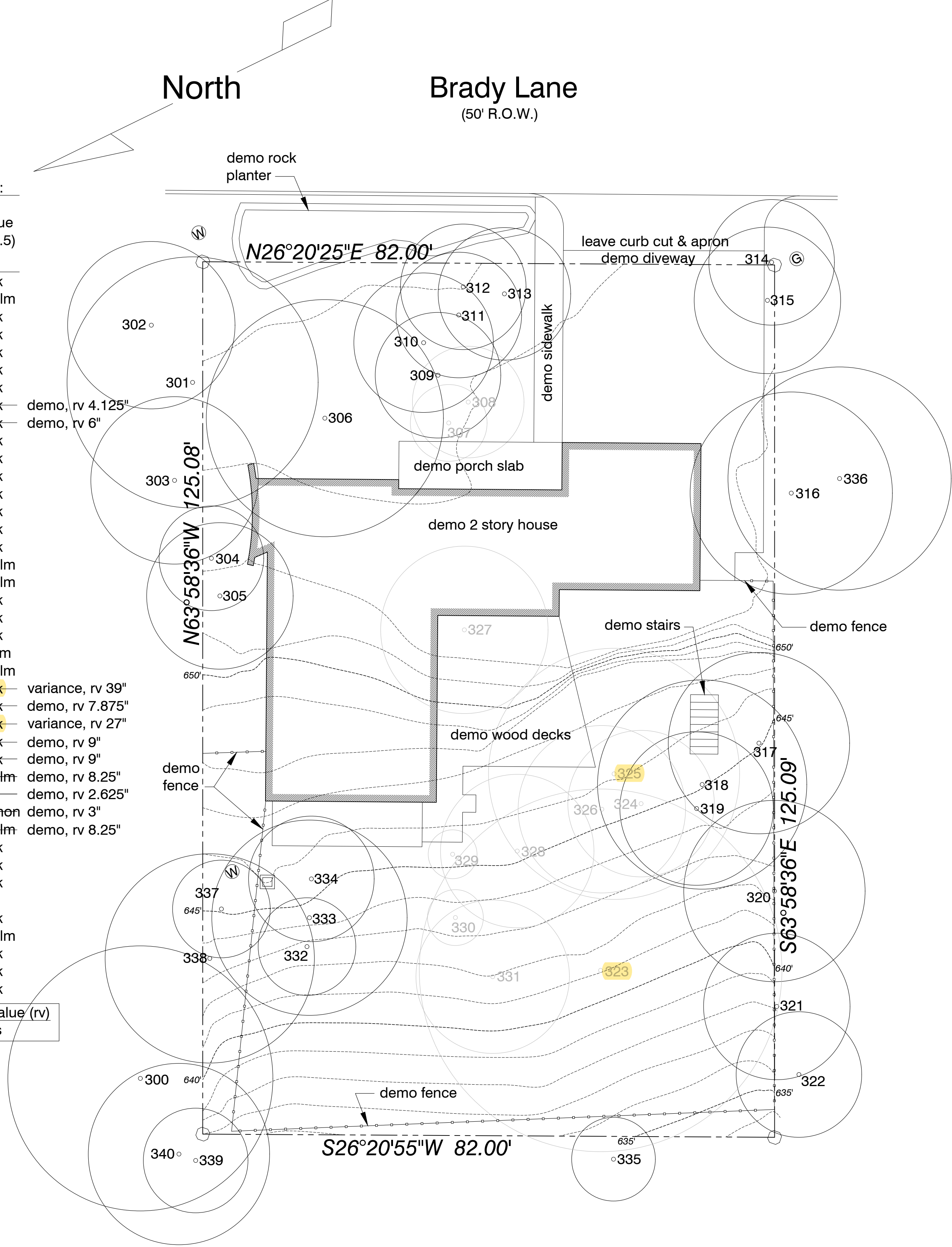
A handwritten signature in black ink, appearing to read "Monte Janssen", written over a horizontal line.

Monte Janssen  
Owner





1 Proposed Site Plan  
scale: 1"=10'



1 Demo Site Plan  
scale: 1"=10'

Tree Schedule Notes:  
demo = demolition  
rv = replacement value  
( $< 14" = 0.75$ ,  $> 14" = 1.5$ )

| Tree Schedule: |       |           |
|----------------|-------|-----------|
| 300            | 19"   | Live Oak  |
| 301            | 18"   | Cedar Elm |
| 302            | 12"   | Live Oak  |
| 303            | 12"   | Live Oak  |
| 304            | 7.5"  | Live Oak  |
| 305            | 10.5" | Live Oak  |
| 306            | 17"   | Live Oak  |
| 307            | 5.5"  | Live Oak  |
| 308            | 8"    | Live Oak  |
| 309            | 9"    | Live Oak  |
| 310            | 10"   | Live Oak  |
| 311            | 9"    | Live Oak  |
| 312            | 9"    | Live Oak  |
| 313            | 9.5"  | Live Oak  |
| 314            | 9"    | Live Oak  |
| 315            | 10.5" | Live Oak  |
| 316            | 14.5" | Cedar Elm |
| 317            | 13"   | Cedar Elm |
| 318            | 15"   | Live Oak  |
| 319            | 11"   | Live Oak  |
| 320            | 13"   | Live Oak  |
| 321            | 3/4/7 | Ligustrum |
| 322            | 9"    | Cedar Elm |
| 323            | 14/19 | Live Oak  |
| 324            | 10.5" | Live Oak  |
| 325            | 18"   | Live Oak  |
| 326            | 12"   | Live Oak  |
| 327            | 12"   | Live Oak  |
| 328            | 11"   | Cedar Elm |
| 329            | 3.5"  | Bumelia   |
| 330            | 4"    | Persimmon |
| 331            | 11"   | Cedar Elm |
| 332            | 7"    | Live Oak  |
| 333            | 14"   | Live Oak  |
| 334            | 9"    | Live Oak  |
| 335            | 6"    | Cedar     |
| 336            | 16"   | Live Oak  |
| 337            | 7"    | Cedar Elm |
| 338            | 15"   | Live Oak  |
| 339            | 7.5"  | Live Oak  |
| 340            | 13"   | Live Oak  |

Total Replacement Value (rv)  
(124.125") 124 inches

Tree Notes:

- Concrete line pump: Wrap connections of concrete line pump with plastic to prevent concrete slurry from leaching into ground and near roots of trees.
- Concrete truck: If heavy equipment of any kind will be rolling over any area of the full CRZ of protected trees, provide 3/4" plywood over 2x4 lumber over 12" layer of mulch to bridge over the roots and prevent soil/root compaction. After construction is completed, spread mulch around site to leave a max layer of 3" within root zones.
- Provide orange construction fencing around all remaining trees - fence to be placed at a minimum of  $\frac{1}{2}$  the diameter of the tree, example 16" diameter =  $8' \times 12' = 96"$  (8'-0")

General Notes:

- All dimensions are to face of stud or center line of structure
- Contractor to field verify all dimensions prior to work
- Contractor to provide temporary weather protection and security during construction
- If you encounter any errors or omissions in this set, stop work in that area and contact Architect 512-201-3572.



New Single Family Construction  
434 Brady Lane  
West Lake Hills, Texas 78746

Michael Andrew Barber  
Architects

0.0  
DRAWN BY: MB  
REVISION: 0  
DATE: 05/08/2023







# City of West Lake Hills

## Zoning and Planning Commission

# AGENDA REPORT

|               |                                 |                  |      |
|---------------|---------------------------------|------------------|------|
| Meeting Date: | June 21, 2023                   | Item Number:     | 4    |
| Department:   | Building & Development Services |                  |      |
| Prepared By:  | Jennifer C. Bills               | Cost / Budget:   | None |
| Exhibits:     | See Attached                    | Source of Funds: | N/A  |

### Subject

**1002 Live Oak Ridge Rd:** Discuss and make recommendation on a release of easement for a 100-foot LCRA easement on a recorded plat (Section 36.01.017 of the West Lake Hills Code).

Applicant: Matthew Bentley and Sallie Bentley

### Recommendation

Staff recommends approval of the release of easement request.

This item will be forwarded to the June 28, 2023 City Council meeting for consideration.

### Discussion

#### Property Information, Zoning & Site Characteristics:

Owner: Matthew Bentley and Sallie Bentley

Legal Description: Amended Plat of the Resubdivision of Tract 4 the Bichteler Addition, Lot 3

Lot Size: 1.227 acres (53,448.12 sf)

Easement Area: 12,480 sf

Zoning: R-1 (One-Family)

The properties surrounding the subject property are zoned One-Family.

#### Background & Analysis:

The applicant is proposing to vacate an easement that was established on the Amended Plat of the Resubdivision of Tract 4 of the Bichteler Addition in 1995 (Attachment 1). The easement is shown to be a 100-foot easement set on the center line of the LCRA overhead transmission line. The applicant is seeking the easement release so they can build a pool in the area adjacent to the house.

#### Easement Release Criteria:

Location of the easement area to be released.

*The applicant has provided a surveyed metes and bound description of the easement (Attachment 2).*



Permission from applicable entities releasing rights to easement.

*The applicant has provided a release from LCRA that states that they have no equipment in the easement and no objection to the release. The applicant has also provided a release from Southwestern Bell, and a statement from Austin Energy that they have no equipment or rights to the easement (Attachment 3).*

**Compliance with Adopted International Building Code**

The property and future construction will have to comply with all applicable City codes.

**Subdivision**

There is no change to the subdivision proposed with this application.

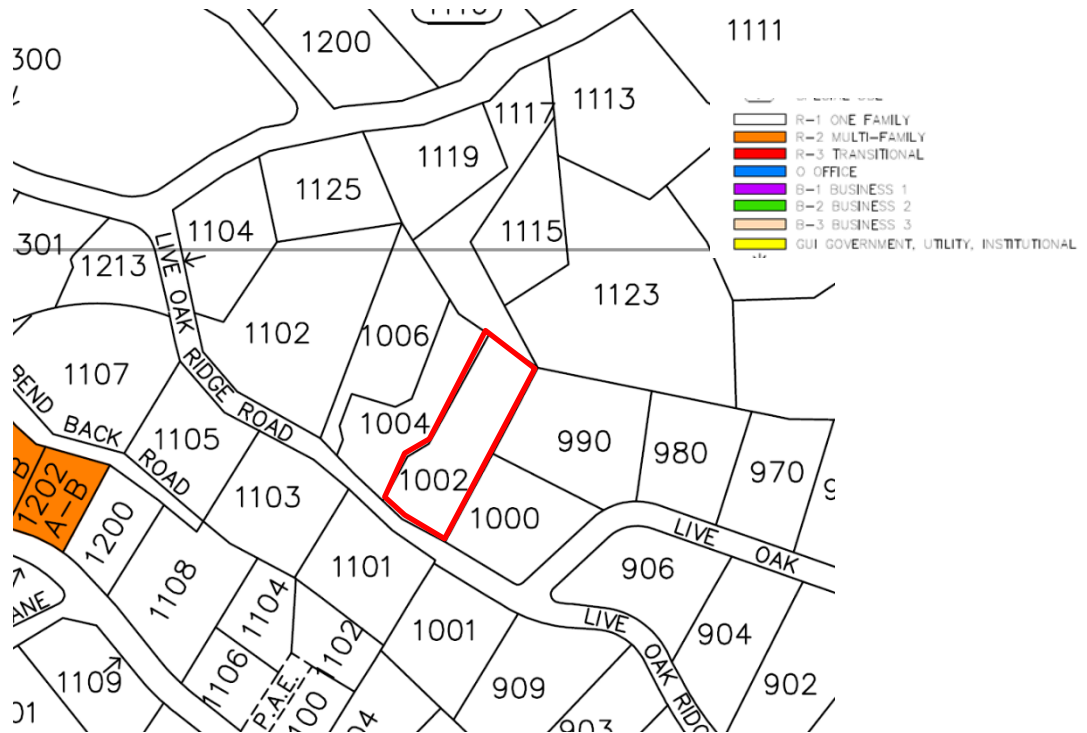
**Comprehensive Planning Analysis**

The request is in conformance with the City of West Lake Hills Master Plan.

**Links to Relevant Code:**

[§ 36.01.017: Release of easement.](#)

**Zoning:**



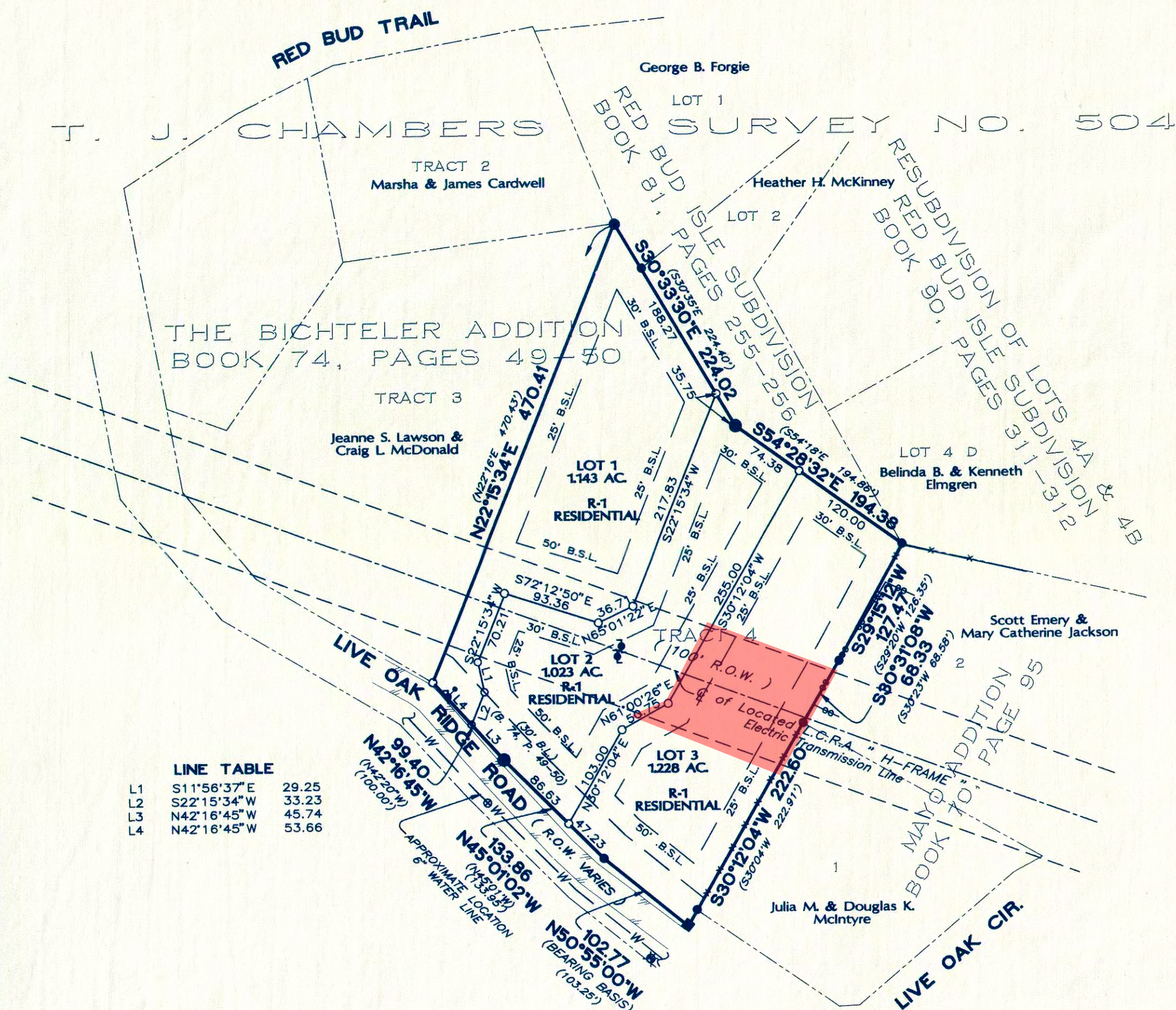
Aerial:



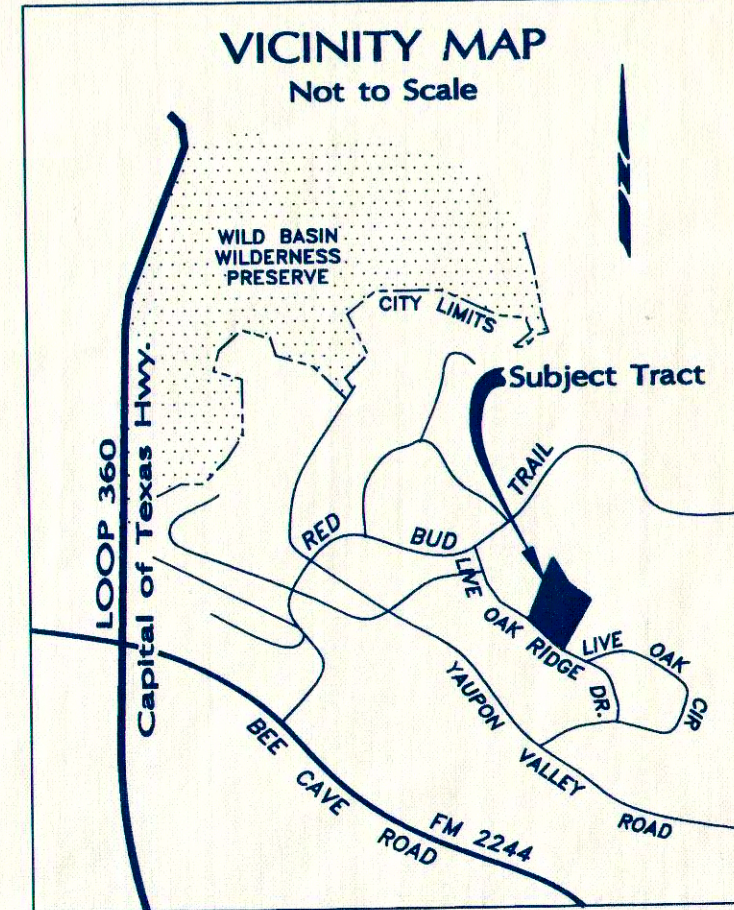


# RESUBDIVISION OF TRACT 4, THE BICHTELER ADDITION

SHEET 1 OF 2



| LINE TABLE |                   |
|------------|-------------------|
| L1         | S11°56'37"E 29.25 |
| L2         | S22°15'34"W 33.23 |
| L3         | N42°16'45"W 45.74 |
| L4         | N42°16'45"W 53.66 |

SCALE: 1" = 100'  
DATE: AUGUST, 1995

## LEGEND

- 2'X2' Rock Column
- 3/4" Iron Rod Found
- 5/8" Iron Rod Found
- 1/2" Iron Rod Found
- 1/2" Iron Rod Set
- B.S.L. Building Setback Line
- D.E. Drainage Easement
- ⚡ Power Pole with Down Guy and Anchor
- W — Water Line
- ⚡ Fire Hydrant
- ⊗ Water Valve
- X — Wire Fence
- ○ — Chainlink Fence

## LOT SUMMARY

|       |          |
|-------|----------|
| LOT 1 | 1.143 AC |
| LOT 2 | 1.023 AC |
| LOT 3 | 1.228 AC |
| TOTAL | 3.394 AC |

## 1) SEPTIC TANK NOTE:

"SEPTIC SYSTEMS: EVERY LOT WITHIN THE CITY'S MUNICIPAL BOUNDARIES IN THIS SUBDIVISION IS SUBJECT TO THE CITY OF WEST LAKE HILLS' SANITATION ORDINANCE 108, AS AMENDED. NO SEPTIC SYSTEMS OR OTHER PRIVATE SEWAGE FACILITY MAY BE CONSTRUCTED ON THOSE IN CITY LOTS UNTIL THE CITY OF WEST LAKE HILLS HAS ISSUED A PERMIT FOR THEIR CONSTRUCTION. NO PRIVATE SEWAGE FACILITY IN THE CITY LIMITS MAY BE USED UNTIL THE FACILITY HAS BEEN APPROVED AND LICENSED BY THE CITY. LOT SIZE REQUIREMENTS FOR RESIDENTIAL AND COMMERCIAL PRIVATE SEWAGE FACILITIES SHALL CONFORM TO CONSTRUCTION AND DEVELOPMENT LIMITATIONS IN THE SANITATION ORDINANCE 108, AS AMENDED."

## 2) SITE CLEARANCE, SITE DISTURBANCE, OR IMPERVIOUS COVER:

EVERY LOT IN THIS SUBDIVISION IS SUBJECT TO THE CITY OF WEST LAKE HILLS' SITE CLEARANCE PROCEDURES. NO SITE CLEARANCE, EXCAVATION, GRADING OR LANDFILL SHALL COMMENCE UNLESS A PERMIT SHALL HAVE FIRST BEEN ISSUED FOR SUCH WORK IN ACCORDANCE WITH THE PROVISIONS OF APPLICABLE ORDINANCES. IMPERVIOUS COVER SHALL NOT EXCEED THE MAXIMUM PERCENTAGE PERMITTED UNDER CITY ORDINANCE.

## 3) FLOOD HAZARD NOTE:

THE FEDERAL INSURANCE ADMINISTRATION MAPS FOR THE CITY OF WEST LAKE HILLS, TEXAS, INDICATE THAT THE PROPERTY SHOWN HEREON DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS DEFINED BY SAID MAPS, DATED JUNE 16, 1993.

## 4) STREETS, ROADS AND OTHER PUBLIC THOROUGHFARES SHOWN ON THIS PLAT:

THE BUILDING OF ALL STREETS, ROADS AND OTHER PUBLIC THOROUGHFARES SHOWN ON THIS PLAT AND ANY BRIDGES OR CULVERTS NECESSARY TO BE CONSTRUCTED OR PLACED IN SUCH STREETS, ROADS OR OTHER PUBLIC THOROUGHFARES OR IN CONNECTION THEREWITH, SHALL BE THE RESPONSIBILITY OF THE OWNER AND/OR DEVELOPER OF THE TRACT OF LAND COVERED BY THIS PLAT IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PRESCRIBED BY THE CITY COUNCIL OF THE CITY OF WEST LAKE HILLS, TRAVIS COUNTY, TEXAS. IF SAID PLAT IS WITHIN THE CITY LIMITS OF THE CITY OF WEST LAKE HILLS, TEXAS. THE CITY OF WEST LAKE HILLS, ASSUMES NO RESPONSIBILITY TO BUILD ANY OF THE STREETS, ROADS OR OTHER PUBLIC THOROUGHFARES SHOWN ON THIS PLAT OR ANY BRIDGES OR CULVERTS IN CONNECTION THEREWITH.

## 5) UTILITY NOTES:

ALL UTILITIES INCLUDING ELECTRIC SERVICE TO EACH LOT SHALL BE UNDERGROUND.

PER THE BICHTELER ADDITION, AS RECORDED IN BOOK 74, PAGES 49-50 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, L.C.R.A. ELECTRIC TRANSMISSION LINE NOTE: NO STRUCTURE SHALL BE ERECTED OR PERMITTED WITHIN FIFTY FEET OF THE CENTERLINE OF THE L.C.R.A. ELECTRIC TRANSMISSION LINE AS DENOTED ON THE PLAT PER RESTRICTIONS IN DEEDS AS RECORDED IN VOLUME 554, PAGE 502; VOLUME 661, PAGE 565; AND 667, PAGE 298 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

## 6) RESTRICTIVE COVENANTS AND EASEMENT NOTE:

RESTRICTIVE COVENANTS AND EASEMENTS AS RECORDED IN BOOK 74, PAGE 49 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND VOLUME 823, PAGE 542; VOLUME 858, PAGE 582; VOLUME 554, PAGE 502; VOLUME 661, PAGE 565 AND VOLUME 676, PAGE 298 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS MAY AFFECT THIS TRACT.

STATE OF TEXAS )  
COUNTY OF TRAVIS )

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

LANDMARK SURVEYING, INC.  
1301 SOUTH CAPITAL OF TEXAS HWY. BLDG A  
AUSTIN, TEXAS 78746

*Dana A. Markus-Wolf* 9/22/95  
DANA A. MARKUS-WOLF  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4996

FILE NO.



# RESUBDIVISION OF TRACT 4, THE BICHTELER ADDITION

SHEET 2 OF 2

STATE OF TEXAS }  
COUNTY OF TRAVIS }

WHEREAS, ADELE ELY AND WARREN ELY, THE OWNERS OF TRACT 4, THE BICHTELER ADDITION, AS RECORDED IN BOOK 74, PAGES 49 AND 50, PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND OUT OF THE T. J. CHAMBERS SURVEY 504, ABSTRACT NO. 198 OF TRAVIS COUNTY, TEXAS CONVEYED TO (US) BY DEED RECORDED IN VOLUME 12490 PAGE 1940, OF THE TRAVIS COUNTY DEED RECORDS;

NOW, THEREFORE, KNOW ALL BY THESE PRESENTS:

THAT WE THE UNDERSIGNED OWNERS OF THE LAND SHOWN OF THIS PLAT, AND DESIGNATED HEREIN AS TRACT 4, THE BICHTELER ADDITION, OF THE CITY OF WEST LAKE HILLS, TRAVIS COUNTY, TEXAS, AND WHOSE NAMES ARE SUBSCRIBED HERETO, HEREBY SUBDIVIDE SAID 3.394 ACRES OF LAND TO BE KNOWN AS THE RESUBDIVISION OF TRACT 4, THE BICHTELER ADDITION, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, PUBLIC EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

WITNESS MY HAND THIS 27th DAY OF SEPTEMBER 1995.

Adele Ely  
ADELE ELY  
2900 REGENTS PARK  
AUSTIN, TEXAS 78746

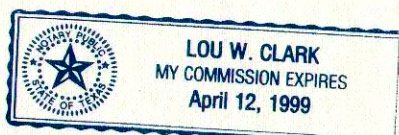
Warren Ely  
WARREN ELY  
2900 REGENTS PARK  
AUSTIN, TEXAS 78746

STATE OF TEXAS }  
COUNTY OF TRAVIS }

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED ADELE ELY, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 27th DAY OF September, 1995.

Lou W. Clark  
NOTARY PUBLIC IN AND FOR  
TRAVIS COUNTY, TEXAS  
MY COMMISSION EXPIRES : 4-12-99

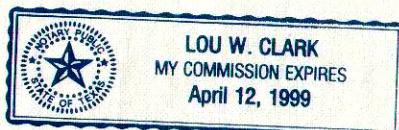


STATE OF TEXAS }  
COUNTY OF TRAVIS }

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED WARREN ELY, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 27th DAY OF September, 1995.

Lou W. Clark  
NOTARY PUBLIC IN AND FOR  
TRAVIS COUNTY, TEXAS  
MY COMMISSION EXPIRES : 4-12-99



CERTIFICATION BY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 10:

THE TRACT OF LAND DESCRIBED ON THIS PLAT IS WITHIN THE BOUNDARIES OF TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT (WCID) NO. 10 AND HAS WATER SERVICE AVAILABLE.

DATED: 18 Oct 95  
Cliff Drummond  
CLIFF DRUMMOND  
PRESIDENT OF THE BOARD, WCID NO. 10

CERTIFICATION BY THE CITY INSPECTOR/PLANNER:

I, THE UNDERSIGNED, CITY INSPECTOR/PLANNER OF THE CITY OF WEST LAKE HILLS, TEXAS, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY FOR WHICH MY APPROVAL IS REQUIRED,

DATED: September 20, 1995  
R. Dan Sims  
R. DAN SIMS, R.S.  
CITY INSPECTOR/PLANNER  
CITY OF WEST LAKE HILLS, TEXAS

RECOMMENDATION FOR APPROVAL BY THE ZONING AND PLANNING COMMISSION OF THE CITY:

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE ZONING AND PLANNING COMMISSIONS (ZAPCO) OF THE CITY OF WEST LAKE HILLS, TEXAS, AND IS HEREBY RECOMMENDED FOR APPROVAL BY THE CITY COUNCIL.

DATED THIS 20 DAY OF September, 1995.

Katherine Loayza  
ZAPCO CHAIRPERSON  
KATHERINE LOAYZA

APPROVAL BY THE CITY COUNCIL:

APPROVED AND AUTHORIZED FOR RECORD BY THE CITY COUNCIL OF THE CITY OF WEST LAKE HILLS, TEXAS.

DATED THIS 27 DAY OF September, 1995.  
Linda Winn  
LINDA WINN  
CITY SECRETARY



Tom H. Taylor  
TOM H. TAYLOR  
MAYOR  
CITY OF WEST LAKE HILLS, TEXAS

FILING CERTIFICATION

STATE OF TEXAS }  
COUNTY OF TRAVIS }

I DANA DeBEAUVIOR, CLERK OF THE COUNTY OF TRAVIS COUNTY, TEXAS, HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WITH ITS CERTIFICATION OF AUTHENTICATION WAS FILED IN MY OFFICE AT 9:00 O'CLOCK A.M. ON THIS THE 25th DAY OF October, 1995, AND DULY RECORDED AT 9:00 O'CLOCK A.M. ON THIS THE 25th DAY OF October, 1995, IN THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, IN BOOK 95, AT PAGES 387 THROUGH 388.

WITNESS MY HAND AND SEAL OF THE COURT OF TRAVIS COUNTY, TEXAS THIS 25th DAY OF October, 1995.

CLERK OF THE COUNTY COURT  
TRAVIS COUNTY, TEXAS

BY : V. Leal  
DEPUTY

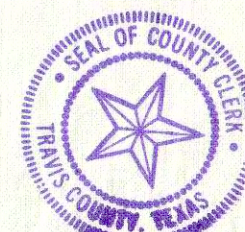


STATE OF TEXAS }  
COUNTY OF TRAVIS }

FILED FOR RECORD THIS 25th DAY OF October, 1995.  
AT 9:00 O'CLOCK A.M.

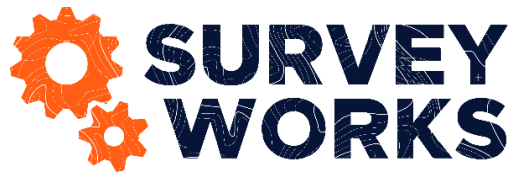
CLERK OF THE COUNTY COURT  
TRAVIS COUNTY, TEXAS

BY : V. Leal  
DEPUTY



FILE NO.





DESCRIPTION OF A 0.286 ACRE TRACT OF LAND, BEING A PORTION OF LOT 3 AMENDED PLAT OF THE RESUBDIVISION OF TRACT 4, THE BICHTLER ADDITION, A SUBDIVISION IN THE CITY OF WESTLAKE HILLS, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 96, PAGE 268, PLAT RECORDS, TRAVIS COUNTY TEXAS AS CONVEYED TO MATTHEW SWIFT BENTLEY AND SALLIE ARMSTRONG BENTLEY, HUSBAND AND WIFE, IN A WARRANTY DEED WITH VENDOR'S LEIN, DOCUMENT NUMBER 2021211636, OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF AN EASEMENT TO SOUTHWESTERN BELL TELEPHONE COMPANY AS DESCRIBED IN VOLUME 676, PAGE 298 DEED RECORDS OF TRAVIS COUNTY, TEXAS AND DEPICTED AS A ONE HUNDRED (100) FOOT WIDE L.C.R.A. EASEMENT ACROSS SAID LOT 3 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** at an iron rod found (1/2-Inch diameter) for the northwest corner of said Lot 3, common with northeast corner of Lot 2 of said resubdivision, and being a point in a southerly line of Lot 2, Red Bud Isle Subdivision, as recorded in Volume 81, Pages 255-256, Plat Records, Travis County, Texas;

**Thence, S 28°05'26" W** along the west line of said Lot 3, same being the east line of Lot 2 of said resubdivision, a distance of **172.24 feet** to a calculated point, being the **POINT OF BEGINNING** of the tract described herein, from which an iron rod found (1/2-Inch diameter) for a westerly corner of said Lot 3 bears S 28°05'26" W (called S 30°12'04" W) a distance of 82.70 feet;

**Thence, S 72°01'40" E** over and across said Lot 3, a distance of **123.47 feet** to a calculated point on the east line of said Lot 3, same being the west line of Lot 2, Mayo Addition, as recorded in Volume 70, Page 95, Plat Records, Travis County, Texas, from which an iron rod found (1/2-Inch diameter) for a easterly corner of said Lot 3 bears N 28°27'50" E (called S 29°15'12" W) a distance of 12.02 feet;

**Thence, S 28°27'50" W** along the east line of said Lot 3, same being the west line of said Lot 2, Mayo Addition, a distance of **56.32'** to an iron rod found (1/2-Inch diameter) for the southwest corner of said Lot 2, Mayo Addition and the northwest corner of Lot 1 of said Mayo Addition, and being an easterly corner of said Lot 3;

**Thence, S 28°06'07" W** along the east line of said Lot 3, same being the west line of said Lot 1, Mayo Addition, a distance of **45.33'** to calculated point on the common line between said Lot 3 and said Lot 1, Mayo Addition, from which a 2-foot by 2-foot rock column found for the southeast corner of said lot 3 bears S 28°06'07" W (called S 30°12'04" W) a distance of 177.26 feet;



**Thence, N 72°01'40" W** over and across said Lot 3, a distance of **135.90 feet** to a calculated point on the west line of said Lot 3, same being the east line of Lot 2 of said resubdivision, from which an iron rod found (1/2-Inch diameter) for a westerly corner of said Lot 3 and an easterly corner of Lot 2 of said resubdivision bears S 58°55'00" W (called N 61°00'26" E) a distance of 26.14 feet;

**Thence, N 58°55'00" E** along the west line of said Lot 3, same being the east line of Lot 2 of said resubdivision a distance of **24.61'** to an iron rod found (1/2-Inch diameter) being a westerly corner of said Lot 3, and an easterly corner of Lot 2 of said resubdivision;

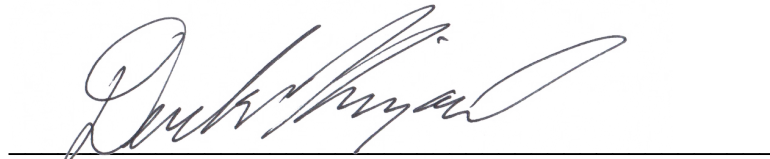
**Thence, N 28°05'26" E** along the west line of said Lot 3, common with the east line of Lot 2 of said resubdivision a distance of **82.70'** to the **POINT OF BEGINNING**, in all containing 0.286 acres of land, more or less.

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF TRAVIS

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas on  
July 13th, 2022



Derek Kinsaul  
Registered Professional Land Surveyor No. 6356

Project #22-0121.01  
City Map Grid ME25  
TCAD: 0117190336





## EXHIBIT "A"

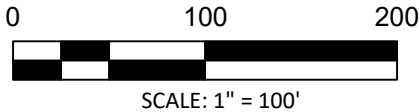
# EASEMENT RELEASE

(MAP TO ACCOMPANY FIELD NOTES)

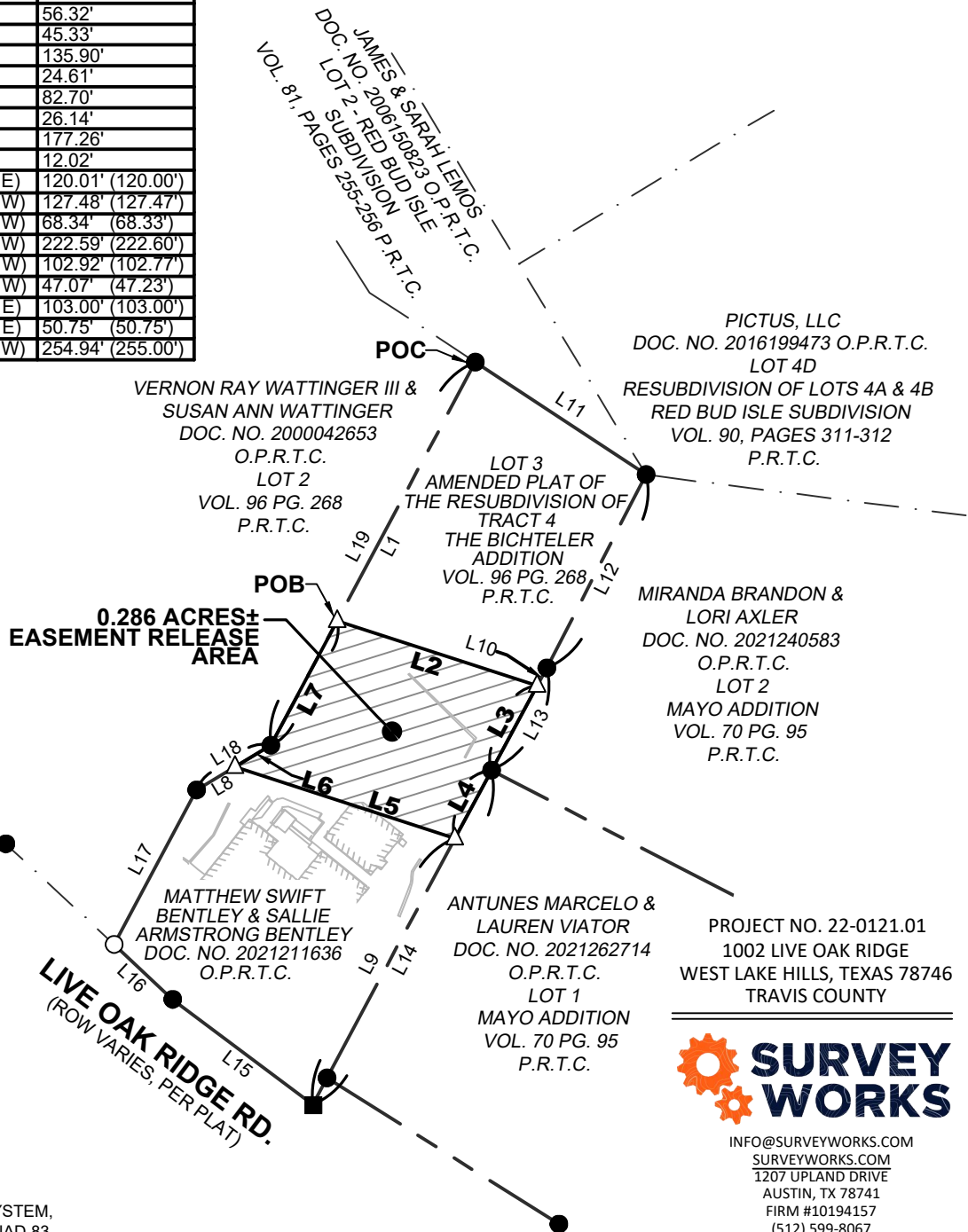
## LEGEND

- 1/2" IRON ROD SET  
WITH PINK CAP STAMPED  
"SURVEY WORKS"
- 1/2" IRON ROD FOUND  
(UNLESS NOTED)

- O.P.R.T.C. OFFICIAL PUBLIC RECORDS  
TRAVIS COUNTY
- P.R.T.C. PLAT RECORDS  
TRAVIS COUNTY
- VOL. PG. VOLUME AND PAGE
- ( ) RECORD INFORMATION
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- S.F. SQUARE FEET



| LINE | BEARING                       | DISTANCE          |
|------|-------------------------------|-------------------|
| L1   | S 28°05'26" W                 | 172.24'           |
| L2   | S 72°01'40" E                 | 123.47'           |
| L3   | S 28°27'50" W                 | 56.32'            |
| L4   | S 28°06'07" W                 | 45.33'            |
| L5   | N 72°01'40" W                 | 135.90'           |
| L6   | N 58°55'00" E                 | 24.61'            |
| L7   | N 28°05'26" E                 | 82.70'            |
| L8   | S 58°55'00" W                 | 26.14'            |
| L9   | S 28°06'07" W                 | 177.26'           |
| L10  | N 28°27'50" E                 | 12.02'            |
| L11  | S 56°37'01" E (S 54°28'32" E) | 120.01' (120.00') |
| L12  | S 27°07'50" W (S 29°15'12" W) | 127.48' (127.47') |
| L13  | S 28°27'50" W (S 30°31'08" W) | 68.34' (68.33')   |
| L14  | S 28°06'07" W (S 30°12'04" W) | 222.59' (222.60') |
| L15  | N 53°04'00" W (N 50°55'00" W) | 102.92' (102.77') |
| L16  | N 47°00'00" W (N 45°01'02" W) | 47.07' (47.23')   |
| L17  | N 28°06'37" E (N 30°12'04" E) | 103.00' (103.00') |
| L18  | N 58°55'00" E (N 61°00'26" E) | 50.75' (50.75')   |
| L19  | N 28°05'26" E (S 30°12'04" W) | 254.94' (255.00') |



### DATUM & BEARING BASIS

TEXAS STATE PLANE COORDINATE SYSTEM,  
GRID NORTH, CENTRAL ZONE (4203), NAD 83.  
ELEVATION DATA NAVD 88, GEOID 12B.  
DISTANCES IN US SURVEY FEET (GRID).



INFO@SURVEYWORKS.COM  
SURVEYWORKS.COM  
1207 UPLAND DRIVE  
AUSTIN, TX 78741  
FIRM #10194157  
(512) 599-8067

SHEET  
3 of 3





March 8, 2022

West Lake Hills City Hall  
911 Westlake Drive  
West Lake Hills, TX 78746

To Whom it May Concern,

The Lower Colorado River Authority ("LCRA") has done an evaluation on 1002 Live Oak Ridge Road, West Lake Hills, Texas 78746. To our knowledge, LCRA has no record of an easement or LCRA equipment at the address.

If you have any questions or would like additional information, please feel free to contact Jeff Mayronne at 512-578-4587 or 1-800-776-5272, ext. 4587.

Sincerely,

A handwritten signature in blue ink that reads "Mark Sumrall". The signature is written in a cursive, flowing style.

Mark Sumrall  
Director of Real Estate Services





## RELEASE OF EASEMENT

SUSAN ANN HATTINGER

THIS RELEASE OF EASEMENT, entered into by SOUTHWESTERN BELL TELEPHONE COMPANY, GRANTOR, and ~~VERNON RAY HATTINGER III~~ AND GRANTEE(S), hereby acknowledged, does by these presents ABANDON, RELEASE, RELENDISH AND DISCLAIM to GRANTEE (S), all or a specific portion of a certain easement for telephone communication purposes hereinafter described that affects land owned by GRANTEE (S) situated in Travis County, Texas, and described as follows

**Lot 2, Resubdivision of Tract 4, The Bichteler Additions, Bichtler, a subdivision recorded in the County of Travis, State of Texas.**

Said land of GRANTEES (S) being subject to.

**Easement assigned to Southwestern Bell Telephone Company.**

The portion of said easement to be hereby released is described as follows

**Easement found in Volume 676, Page 298 of the Public Records of Travis County, Texas.**

TO HAVE AND TO HOLD same, together with all rights and appurtenances to the same belonging, unto GRANTEE (S), their heirs, successors and assigns forever

IN WITNESS WHEREOF, GRANTOR has caused this Release of Easement to be executed by its duly authorized officers this 20<sup>th</sup> day of March, 192000

Concurrence

Wayne Rider  
DIRECTOR ENG/CONST.  
Wayne Rider

SOUTHWESTERN BELL TELEPHONE COMPANY

By

Randall Johnson  
Randall Johnson

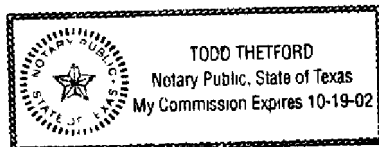
THE STATE OF TEXAS

COUNTY OF Travis

BEFORE ME, the undersigned authority on this day personally appeared Wayne Rider and Randall Johnson of Southwestern Bell Telephone Company, a Missouri corporation, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for and as the act and deed of Southwestern Bell Telephone Company, as Vice President-Network Distribution Services (Texas) thereof, and for purposes and consideration therein expressed

Given under my hand and seal of office this the 20<sup>th</sup> day of March, A D 192000

Todd Thetford  
Notary Public in and for Travis County, Texas  
My Commission Expires





**Subject:** Fwd: Property Profile  
**Date:** Wednesday, May 18, 2022 at 4:14:39 PM Central Daylight Time  
**From:** Jordon Russell  
**To:** Matthew Bentley  
**Attachments:** image001.png, ~WRD0001.jpg, image002.png

----- Forwarded message -----

From: **Jordon Russell** <[jordon@livetexanrealty.com](mailto:jordon@livetexanrealty.com)>  
Date: Wed, May 18, 2022 at 12:46 PM  
Subject: Fwd: Property Profile  
To: Beto Lopez <[beto@archiveproperties.com](mailto:beto@archiveproperties.com)>, Ken Dineen <[ken@archiveproperties.com](mailto:ken@archiveproperties.com)>, Pamela Stearns <[pstearns@surveyworks.com](mailto:pstearns@surveyworks.com)>, Derek Kinsaul <[derek@surveyworks.com](mailto:derek@surveyworks.com)>, Michelle Barron <[mbarron@surveyworks.com](mailto:mbarron@surveyworks.com)>

Please see the email thread below between the City of Austin and myself.

The Texas Real Estate Commission requires all license holders to provide the [Information About Brokerage Services](#) form and [Consumer Protection Notice](#) to potential clients. Please feel free to contact us with any questions regarding these forms.

Regards,

**Jordon Russell, Owner/Realtor**  
Phone: 512-285-0557  
[Jordon@Livetexanrealty.com](mailto:Jordon@Livetexanrealty.com)  
[www.livetexanrealty.com](http://www.livetexanrealty.com)



----- Forwarded message -----

From: **Jordon Russell** <[jordon@livetexanrealty.com](mailto:jordon@livetexanrealty.com)>  
Date: Fri, Feb 25, 2022 at 1:24 PM  
Subject: Re: Property Profile  
To: Smith, Mashell <[Mashell.Smith@austintexas.gov](mailto:Mashell.Smith@austintexas.gov)>  
Cc: Smith, Mashell <[Mashell.Smith@austintexas.gov](mailto:Mashell.Smith@austintexas.gov)>

Thank you Ms. Smith, the quick response is very much appreciated.

The Texas Real Estate Commission requires all license holders to provide the [Information About Brokerage Services](#) form and [Consumer Protection Notice](#) to potential clients. Please feel free to contact us with any questions regarding these forms.

Regards,

**Jordon Russell, Owner/Realtor**



Phone: 512-285-0557

[Jordon@Livetexanrealty.com](mailto:Jordon@Livetexanrealty.com)

[www.livetexanrealty.com](http://www.livetexanrealty.com)



On Fri, Feb 25, 2022 at 1:16 PM Smith, Mashell <[Mashell.Smith@austintexas.gov](mailto:Mashell.Smith@austintexas.gov)> wrote:

Hi Jordon ~

I'm glad Kathy was able to assist. I am attaching the plat of the property showing why the City of Austin Property Profile believes there is a LCRA easement on the lot. I am also attaching the Property Profile showing the type of easement. Finally, I am attaching a Property Profile Report showing Jurisdiction to be West Lake Hills Full Purpose.

Due to the easement being dedicated to LCRA and it being in West Lake Hills Full Purpose jurisdiction, the City of Austin has no rights to the easement.

Please let me know if additional information is needed.

Mashell

~ ~Mahalo ~ ~

**Mashell Smith**

*Property Agent Senior, Land Management*

City of Austin Development Services Department

6310 Wilhelmina Delco Dr | Austin, Texas 78752

**Office:** 512-974-7079



For more information about land management, visit us online at [austintexas.gov/page/land-management](http://austintexas.gov/page/land-management).





# City of West Lake Hills

## Zoning and Planning Commission

# AGENDA REPORT

|               |                                 |                  |      |
|---------------|---------------------------------|------------------|------|
| Meeting Date: | June 21, 2023                   | Item Number:     |      |
| Department:   | Building & Development Services |                  |      |
| Prepared By:  | Jennifer C. Bills               | Cost / Budget:   | None |
| Exhibits:     | See Attached                    | Source of Funds: | N/A  |

### Subject

**301 Yaupon Valley Dr:** Discuss and make arecommendation on proposed variances for the removal of two (2) trees with trunk diameters of 14 inches or greater, a double trunk 6"/14" ash juniper and an 18" ash juniper (Section 22.03.304 of the West Lake Hills Code).

Applicant: Mark J & Laura A Hawkins

### Recommendation

Staff recommends approval of the variance request. The City Engineering team has been onsite and evaluated options regarding the slope and the existing structures in the right-of-way. Due to the existing conditions, removal of the trees and relocating the retaining wall onto private property within the front yard setback is the recommendation of the City Engineer.

This item will be forwarded to the July 12, 2023 City Council meeting for consideration (setback variance will be reviewed the same night by the Board of Adjustment).

### Discussion

#### Property Information, Zoning & Site Characteristics:

Owner: Mark J & Laura A Hawkins

Legal Description: Laurel Valley Subdivision, Lot 1

Lot Size: 1.393 acres (60,679 sf)

Zoning: R-1 (One-Family)

The properties surrounding the subject property are zoned R-1 One Family.

#### Background & Analysis:

The applicant is seeking approval to remove two trees in order to relocate an existing retaining wall in the right-of-way onto the private property within the front yard setback (Attachment 1). The location of the wall will require the removal of a double trunk (6"/14") ash juniper and an 18" ash juniper (Attachment 2).

The existing house was built in 2019 by the previous owner. During construction, a retaining wall was constructed into the right-of-way, along with a portion of the driveway wall. The new owners have submitted a conceptual plan that would move the retaining wall back onto the property, necessitating variances to remove the trees and for a height variance for the proposed retaining wall within the setback. The property has a steep slope from the ROW up to the house. The city engineering team has met with the owner's contractor and engineer on site and recommended the proposed plan as the best option to remove the retaining wall out of



the ROW and secure the slope. The plans submitted for the variance are conceptual for the variance approval. Upon the approval of the variances, the owner will submit engineered plans for review and approval for the grading, structural walls, and drainage for the site.

The applicant has also submitted a request for a license to encroach for the driveway wall that is encroaching into the ROW. It is the opinion of city staff that the relocation/removal of the wall will create additional site concerns and that leaving it in place is the best option. The license to encroach will be considered at the July 12, 2023 City Council meeting.

### **Variance Criteria Review:**

*When applying for a variance, the applicant has provided the following evidence:*

1. *The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.*

*The open-faced cut along the street facing / front property line has existed for as long as Yaupon Valley has been a public street in WLH. It varies in height up to approx. 6'.*

2. *There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.*

*The natural terrain and existing flora will largely remain intact if this variance is approved. In fact, the street facing retaining wall will also feature an incorporated planter bed in front of the wall, so that an ADDITIONAL layer of permanent vegetative screening can be planted to mask the wall and provide a dense vegetative buffer between the street edge along and inside the front property line.*

3. *There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.*

*With respect to the street facing retaining wall...the only alternative is to do NOTHING, and allow this long standing water condition to remain as a safety hazard. As far as the shorter, upper retaining wall is concerned, it is needed to provide stabilization to the top of the detention pond and allow the spoils to be removed below it, restoring it back to natural grade. This shorter upper wall also incorporates 2 tree wells for the 2 protected trees located on the upside of the existing detention pond. If the variance for this upper wall is not granted these 2 protected trees (#26 -) are in jeopardy of losing a permanent stable soil base.*

4. *The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.*

*We believe that the variance requests are minimized as the proposed drainage wall and planter bed will simply provide a facing to the rock cut and provide a permanent solution to the groundwater runoff. The design helps prevent erosion, diverts runoff into pre-existing drainage features along the ROW, and enhances the streetscape by providing an area for a permanent vegetative screening buffer directly against the street edge and front property line.*

5. *In addition, the variance related to the construction of a new 3' rear detention pond wall is an effort of minimization by demolishing and replacing the pre-existing / nonconforming 7' tall rear detention pond wall that currently exists.*

*We believe that this variance does not violate the intent of the Zoning Ordinance and goals of the City's Comprehensive plan. We feel that the retaining wall and integrated planting / screening bed will help provide a permanent solution to the runoff issues as well as provide a location for dense vegetative*



*screening for the wall and green buffer between the street and the front property. We feel that this engineered design follows and meets all of the following tenets of the City's Master Plan:*

- "Provide for the health, safety, and public welfare of our citizens"*
- "Promulgate the need for cleanliness of our street rights-of-way and beautification throughout the area"*
- "A buffer zone of natural tree growth should be left between roads and building sites to preserve the wooded, rural character of the hills"*
- "In areas where general planting will not prosper, other materials such as paving, walls, and fences of wood, brick, stone, rocks, and gravel shall be used."*

6. *The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.*

*We feel that the granting of these variances will not adversely affect neighboring properties or interfere with the enjoyment of the properties by their owners because the entire scope of the variances and associated improvements will directly benefit adjacent downhill property owners by diverting / eliminating the perpetual groundwater runoff and ponding issues, while providing an area of permanent vegetative screening, which currently does not exist.*

7. *The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.*

### **Outdoor Lighting**

Outdoor lighting is not proposed with this variance request. Any outdoor lighting will need to comply with the City's Code.

### **Compliance with Adopted International Building Code**

The property and future construction will have to comply with all applicable City codes.

### **Subdivision**

There is no change to the subdivision proposed with this application.

### **Comprehensive Planning Analysis**

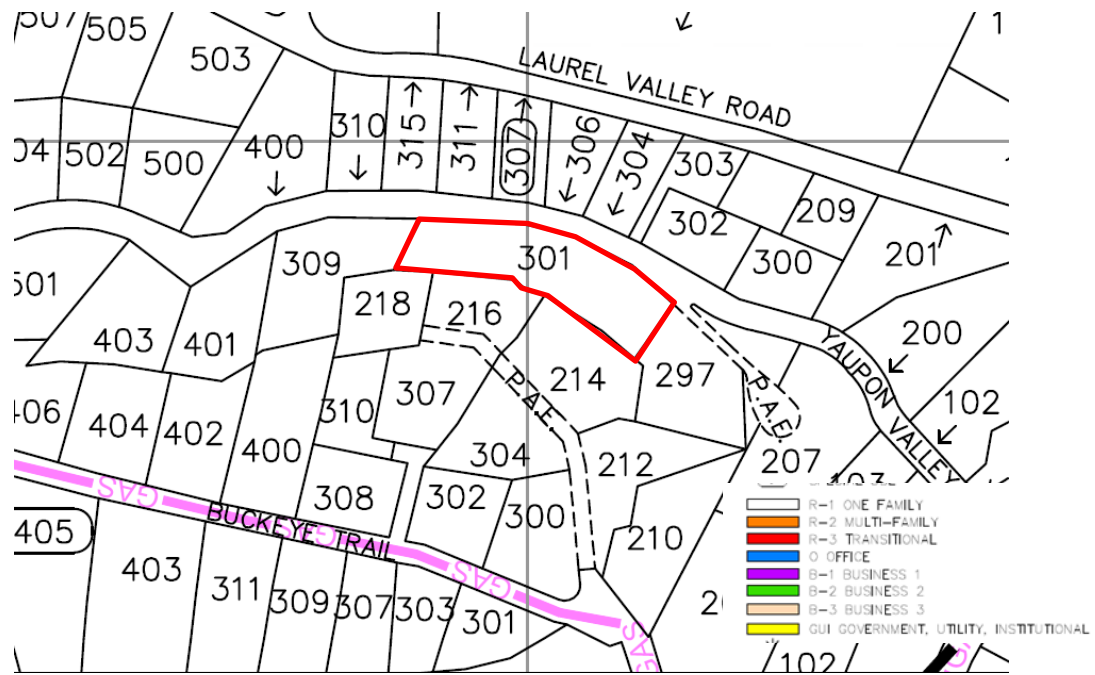
The existing and future land use is in conformance with the City of West Lake Hills Master Plan.

### **Links to Relevant Code:**

- [Section 22.03.034 Tree and Vegetation Removal and Replacement](#)
- [Section 38.05.031 Variances](#)
- [Section 22.03.511 Criteria and process required for granting variance](#)



**Zoning:**



**Aerial:**





# Attachment 1

5/20/2023

Chairman Robert Meisel  
West Lake Hills Zoning and Planning Commission  
911 Westlake Drive  
West Lake Hills, Texas 78746

Dear Chairman Meisel

In December of 2021, The Hawkins family purchased the home located at 301 Yaupon Valley Road. The house was a new build and received final inspections and subsequent Certificate of Occupancy prior to the Hawkins moving into the home.

In the time since the Hawkins moved into the home, it has been discovered that there were a number of nonconforming built conditions that were inherited on the property from the original contractor. These conditions were not identified or called out for correction by the City inspectors or City Engineers at the time of final inspections / issuance of a Certificate of Occupancy. It is our understanding that these inspections were done with former, not current staff members. This has left the Hawkins family with the task of correcting and remediating these non-conforming conditions that carried over, after the fact.

The variances included in this application are only part of a larger scope of work that the owners are seeking approval for in order to remediate and correct the non-conforming conditions.

We are enumerating each of the conditions that would require variances, as well as the other inherited non-conforming issues and their alternative paths to approval. We feel that this will be helpful in providing context to ZAPCO and BOA as to the full scope of proposed improvements and remediation that the Hawkins family is bearing the financial burden to correct.

- The original contractor installed the drainage and detention pond in a location that did not correspond with the location of the pond as indicated on the approved and permitted drainage plans. **The owner is seeking a variance to build a NEW UPHILL SUBGRADE retaining wall in the Front Setback that will now serve as the upper back portion of the detention pond. This new wall will replace the existing back portion of the detention pond and reduce the overall height of the back wall of the detention pond by approx. 3' in height. This new upper wall will also have integrated tree wells to preserve 2 large existing trees (#26 - 17" Juniper & #30 - 20" Oak) whose long term health is in jeopardy due to their unprotected proximity to the existing detention pond.**
- The original contractor did not haul off all the spoils from the excavation of the detention pond, rather spread them around in the front setback between the front property line and the 50' Front Setback. These spoils have proven to be a nuisance to the property owner and city as ice and rain events have caused some of these spoils to sluff off into the ROW. **The owner is seeking a variance to build a NEW UPHILL SUBGRADE retaining wall in the Front Setback that will allow for the removal and regrading (back to natural grade) of the spoils left behind by the original contractor, in the areas of the existing detention pond.**
- There is an existing 5 to 6' tall open faced street cut along the front property line that has long been a source of groundwater runoff which results in ponding at the ROW, onto Yaupon Valley,



and sheet flows across the street, impacting lower lying adjacent property owners. This runoff is not able to be captured by the on site detention pond, as it is only designed to capture surface runoff on the property. Portions of this open face cut are inside the existing property lines, and some of them are just beyond the front property line. It is the owner's and his engineer's desire to capture this subsurface runoff and divert it to drainage features currently being used by the City of WLH in their ROW. The proposed engineered solution to permanently resolve the subsurface runoff is to build a retaining wall INSIDE THE PROPERTY LINES and along the front face of the cut. There will be a french drain behind the wall to capture all of this runoff and then divert to adjacent drainage features. In order for this to be achieved the following variances must be applied for:

- **1) Variance to create a cut in the Front Setback that exceeds 18" in height.**  
extending along the front property line that essentially trims the existing open face cut BACK INTO THE PROPERTY for the depth of the retaining wall assembly and back side french drain
- **2) Variance to create a structure in the Front Setback that exceeds 18" in height.**  
The wall would only be as tall as needed to completely face the existing open cut and would vary in height along the front property line. The wall would also contain a lower planter bed directly in front of the taller wall, in order to provide a location for permanent vegetation to become established and provide screening to the wall with ivy, yaupons, laurels and other approved native vegetation.
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The issues related to drainage improvements located OFF THE PROPERTY can not be addressed by the variance process. How that water is collected and diverted is currently being worked through between the City Inspectors, City Drainage Engineers and the Hawkins' hired engineers. We are hopeful that the City Engineers will have their assessments and recommendations prior to the scheduled June ZAPCO meeting.

- Also, the original contractor built the driveway apron and driveway retaining walls into the City ROW. **As these conditions are in the ROW, they can not be resolved through the variance process. The owner has received direction from the City of WLH with regards to these conditions and will need to follow its own separate approval process with the City. They must submit a request for a licensing agreement with the City of WLH for the driveway apron and driveway retaining walls that exist beyond the property lines of the lot.**

Please do not hesitate contacting the owner, their engineers or myself with any questions or concerns regarding this proposal or the contents of this application. I look forward to being in attendance with the owner and their engineers to present this to you at the June Zoning and Planning Committee meeting.

Kind Regards,

Mark Hawkins (Applicant) and Davin Fillpot (Code Consultant)



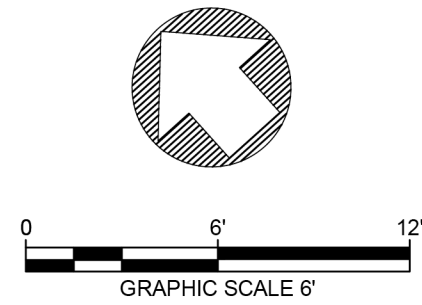




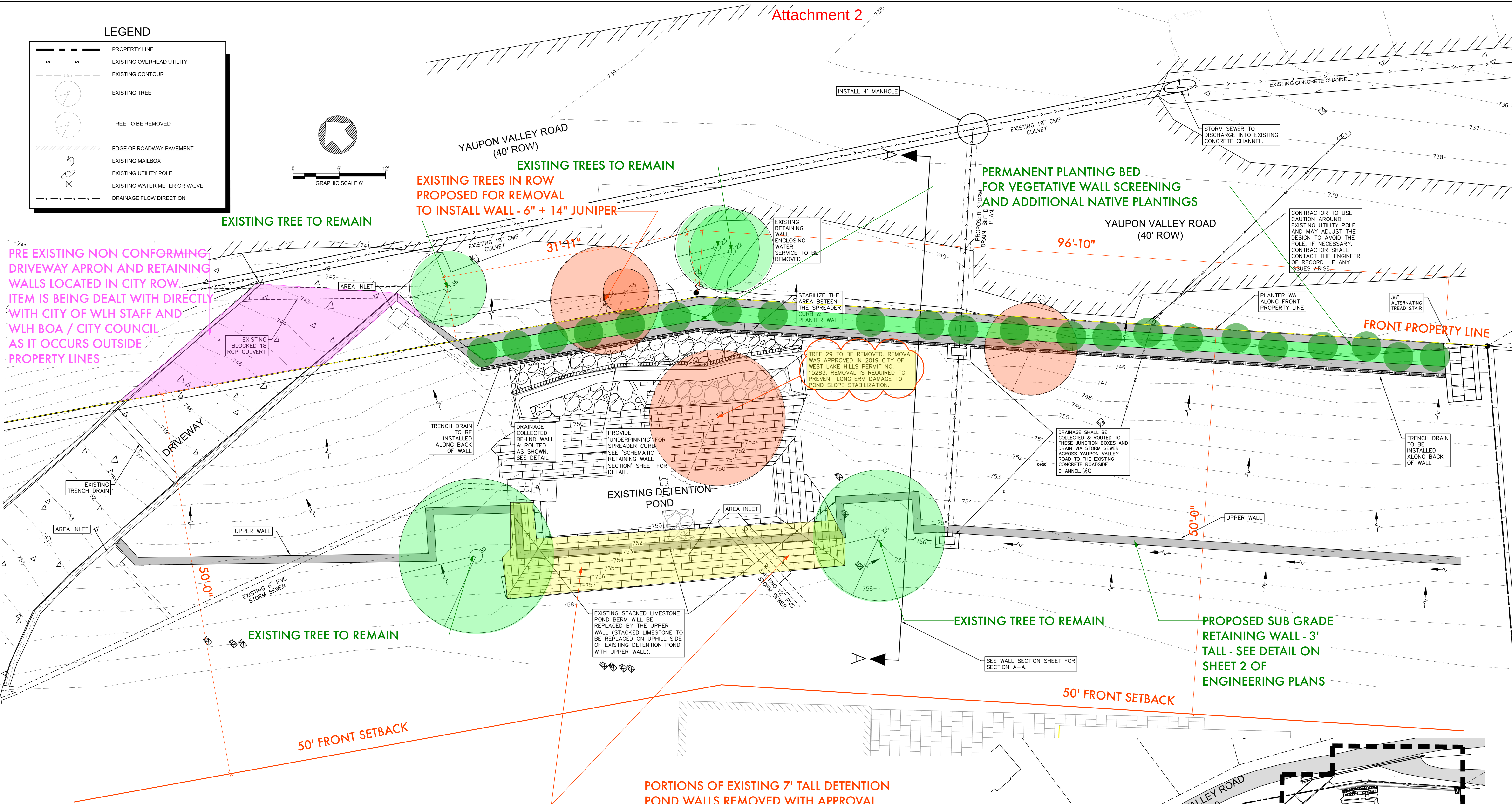
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### LEGEND

|  |                               |
|--|-------------------------------|
|  | PROPERTY LINE                 |
|  | EXISTING OVERHEAD UTILITY     |
|  | EXISTING CONTOUR              |
|  | EXISTING TREE                 |
|  | TREE TO BE REMOVED            |
|  | EDGE OF ROADWAY PAVEMENT      |
|  | EXISTING MAILBOX              |
|  | EXISTING UTILITY POLE         |
|  | EXISTING WATER METER OR VALVE |
|  | DRAINAGE FLOW DIRECTION       |

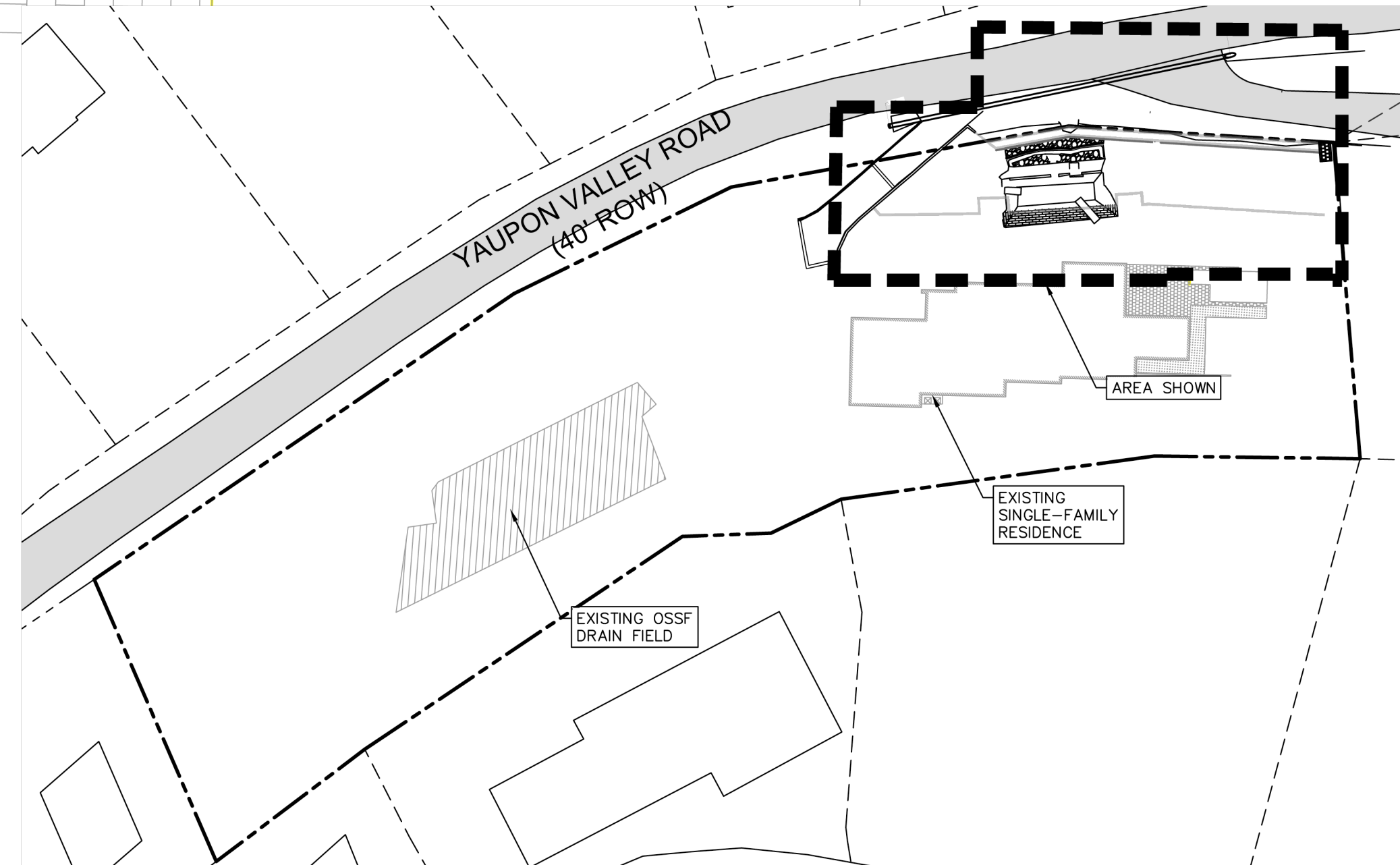


PRE EXISTING NON CONFORMING DRIVEWAY APRON AND RETAINING WALLS LOCATED IN CITY ROW. ITEM IS BEING DEALT WITH DIRECTLY WITH CITY OF WLH STAFF AND WLH BOA / CITY COUNCIL AS IT OCCURS OUTSIDE PROPERTY LINES



| TREE TABLE  |      |             |         |  |
|-------------|------|-------------|---------|--|
| TREE NUMBER | SIZE | SPECIES     | REMOVED |  |
| 17          | 12"  | JUNIPER ASH | YES     |  |
| 22          | 11"  | MAPLE       | NO      |  |
| 23          | 11"  | JUNIPER ASH | NO      |  |
| 26          | 17"  | JUNIPER ASH | NO      |  |
| 29          | 18"  | JUNIPER ASH | YES     |  |
| 30          | 20"  | OAK         | NO      |  |
| 33          | 6"   | JUNIPER ASH | YES     |  |
| 34          | 14"  | JUNIPER ASH | YES     |  |
| 36          | 10"  | MAPLE       | NO      |  |

PORTIONS OF EXISTING 7' TALL DETENTION POND WALLS REMOVED WITH APPROVAL OF NEW REAR POND DETENTION WALL (YELLOW)



AREA OVERVIEW 1" = 50'

|                                                                       |              |               |                 |                                                                             |      |           |         |
|-----------------------------------------------------------------------|--------------|---------------|-----------------|-----------------------------------------------------------------------------|------|-----------|---------|
| Drawn: PCM                                                            | Checked: ECM | Approved: ECM | Date: 5/19/2023 | No.                                                                         | DATE | REVISIONS | RECOM'D |
| FOR REVIEW ONLY<br>NOT FOR CONSTRUCTION                               |              |               |                 |                                                                             |      |           |         |
| THE MOORE GROUP<br>Firm Reg. # 249                                    |              |               |                 | ENGINEERING, SURVEYING & PLANNING<br>1000 CUERNAVACA<br>AUSTIN, TEXAS 78733 |      |           |         |
| 301 YAUPON VALLEY<br>SITE DEVELOPMENT<br>AUSTIN, TRAVIS COUNTY, TEXAS |              |               |                 | SCHEMATIC GRADING PLAN                                                      |      |           |         |
| SHEET NO. _____                                                       |              |               |                 |                                                                             |      |           |         |
| OF XX SHEETS                                                          |              |               |                 |                                                                             |      |           |         |



18" Ash Juniper



6"/14" Ash Juniper







# City of West Lake Hills

## Zoning and Planning Commission

# AGENDA REPORT

|               |                                 |                  |      |
|---------------|---------------------------------|------------------|------|
| Meeting Date: | June 21, 2023                   | Item Number:     | 6    |
| Department:   | Building & Development Services |                  |      |
| Prepared By:  | Jennifer C. Bills               | Cost / Budget:   | None |
| Exhibits:     | See Attached                    | Source of Funds: | N/A  |

### Subject

**301 Yaupon Valley Road:** Discuss and make a recommendation on proposed variances for the height of a retaining wall in the front setback greater than 18" (Section 22.03.170 f) and a retaining wall exceeding six (6) feet in height above natural grade (Section 22.03.170 g), to allow a not to exceed 8 foot and 2.5-foot-tall retaining walls within the front yard setback.

Applicant: Mark Hawkins

### Recommendation

Staff recommends approval of the variance request. Due to the existing conditions, the proposed location for the retaining wall is recommendation of the City Engineer.

This item will be forwarded to the July 12, 2023 Board of Adjustment meeting for consideration (tree variance will be reviewed the same night by the City Council).

### Discussion

#### Property Information, Zoning & Site Characteristics:

Owner: Mark J & Laura A Hawkins

Legal Description: Laurel Valley Subdivision, Lot 1

Lot Size: 1.393 acres (60,679 sf)

Zoning: R-1 (One-Family)

The properties surrounding the subject property are zoned R-1 One Family.

#### Background & Analysis:

The applicant is seeking approval to place a seven-foot-tall retaining wall and a two-foot-tall retaining wall in the front yard setback (Attachment 1). The up to eight-foot retaining wall will allow the property owner to remove the existing retaining wall in the right-of-way and secure the slope. The two and a half-foot wall in front will create a planting bed, to comply with Section 22.03.170 (i), which requires walls of 3 feet or more to have shrubbery and/or vines planted in front for screening (Attachment 2).

The existing house was built in 2019 by the previous owner. During construction, a retaining wall was constructed into the right-of-way, along with a portion of the driveway wall. The new owners have submitted a conceptual plan that would move the retaining wall back onto the property, necessitating variances to remove the trees and for a height variance for the proposed retaining wall within the setback. The property has a steep slope from the ROW up to the house. The city engineering team has met with the owner's contractor and



engineer on site and recommended the proposed plan as the best option to remove the retaining wall out of the ROW and secure the slope. The plans submitted for the variance are conceptual for the variance approval. Upon the approval of the variances, the owner will submit engineered plans for review and approval for the grading, structural walls, and drainage for the site.

The applicant has also submitted a request for a license to encroach for the driveway wall that is encroaching into the ROW. It is the opinion of city staff that the relocation/removal of the wall will create additional site concerns and that leaving it in place is the best option. The license to encroach will be considered at the July 12, 2023 City Council meeting.

### **Variance Criteria Review:**

*When applying for a variance, the applicant has provided the following evidence:*

1. *The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.*

*The open-faced cut along the street facing / front property line has existed for as long as Yaupon Valley has been a public street in WLH. It varies in height up to approx. 6'.*

2. *There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.*

*The natural terrain and existing flora will largely remain intact if this variance is approved. In fact, the street facing retaining wall will also feature an incorporated planter bed in front of the wall, so that an ADDITIONAL layer of permanent vegetative screening can be planted to mask the wall and provide a dense vegetative buffer between the street edge along and inside the front property line.*

3. *There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.*

*With respect to the street facing retaining wall...the only alternative is to do NOTHING, and allow this long standing water condition to remain as a safety hazard. As far as the shorter, upper retaining wall is concerned, it is needed to provide stabilization to the top of the detention pond and allow the spoils to be removed below it, restoring it back to natural grade. This shorter upper wall also incorporates 2 tree wells for the 2 protected trees located on the upside of the existing detention pond. If the variance for this upper wall is not granted these 2 protected trees (#26 -) are in jeopardy of losing a permanent stable soil base.*

4. *The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.*

*We believe that the variance requests are minimized as the proposed drainage wall and planter bed will simply provide a facing to the rock cut and provide a permanent solution to the groundwater runoff. The design helps prevent erosion, diverts runoff into pre-existing drainage features along the ROW, and enhances the streetscape by providing an area for a permanent vegetative screening buffer directly against the street edge and front property line.*

*In addition, the variance related to the construction of a new 3' rear detention pond wall is an effort of minimization by demolishing and replacing the pre-existing / nonconforming 7' tall rear detention pond wall that currently exists.*

*- "In areas where general planting will not prosper, other materials such as paving, walls, and fences of wood, brick, stone, rocks, and gravel shall be used."*

5. *The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.*



*We believe that this variance does not violate the intent of the Zoning Ordinance and goals of the City's Comprehensive plan. We feel that the retaining wall and integrated planting / screening bed will help provide a permanent solution to the runoff issues as well as provide a location for dense vegetative screening for the wall and green buffer between the street and the front property. We feel that this engineered design follows and meets all of the following tenets of the City's Master Plan:*

- *"Provide for the health, safety, and public welfare of our citizens"*
- *"Promulgate the need for cleanliness of our street rights-of-way and beautification throughout the area"*
- *"A buffer zone of natural tree growth should be left between roads and building sites to preserve the wooded, rural character of the hills"*

6. *The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.*

*We feel that the granting of these variances will not adversely affect neighboring properties or interfere with the enjoyment of the properties by their owners because the entire scope of the variances and associated improvements will directly benefit adjacent downhill property owners by diverting / eliminating the perpetual groundwater runoff and ponding issues, while providing an area of permanent vegetative screening, which currently does not exist.*

#### **Outdoor Lighting**

Outdoor lighting is not proposed with this variance request. Any outdoor lighting will need to comply with the City's Code.

#### **Compliance with Adopted International Building Code**

The property and future construction will have to comply with all applicable City codes.

#### **Subdivision**

There is no change to the subdivision proposed with this application.

#### **Comprehensive Planning Analysis**

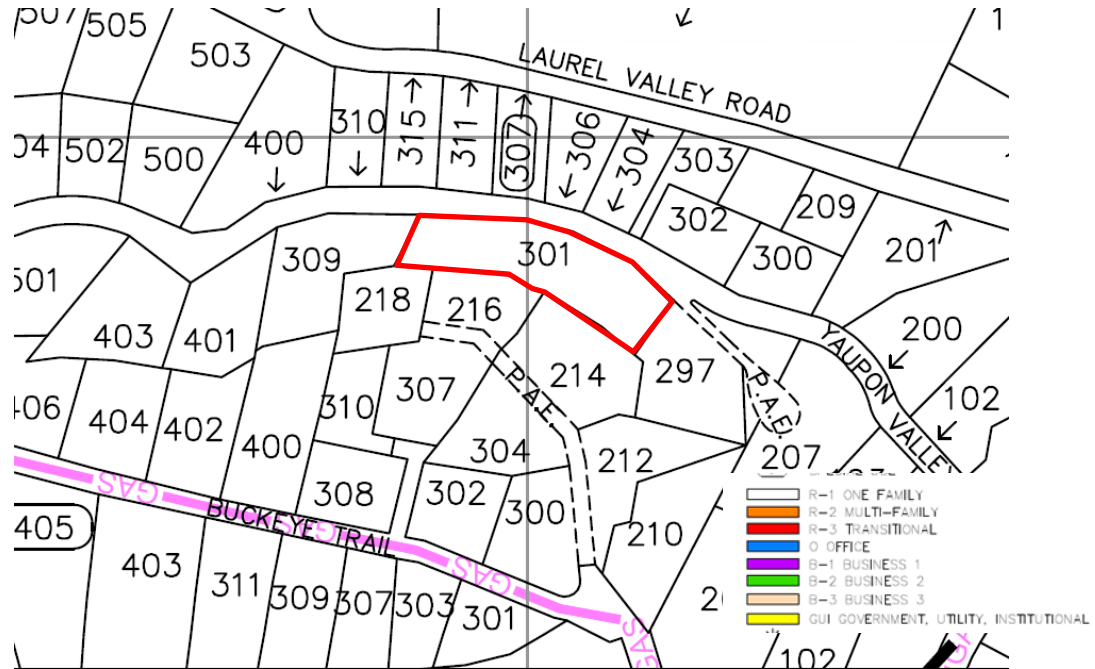
The existing and future land use is in conformance with the City of West Lake Hills Master Plan.

#### **Links to Relevant Code:**

- [Section 22.03.170 Site disturbance \(excavation, grading or filling\).](#)
- [Section 38.05.031 Variances](#)
- [Section 22.03.511 Criteria and process required for granting variance](#)



### Zoning:



### Aerial:





5/20/2023

Chairman Robert Meisel  
West Lake Hills Zoning and Planning Commission  
911 Westlake Drive  
West Lake Hills, Texas 78746

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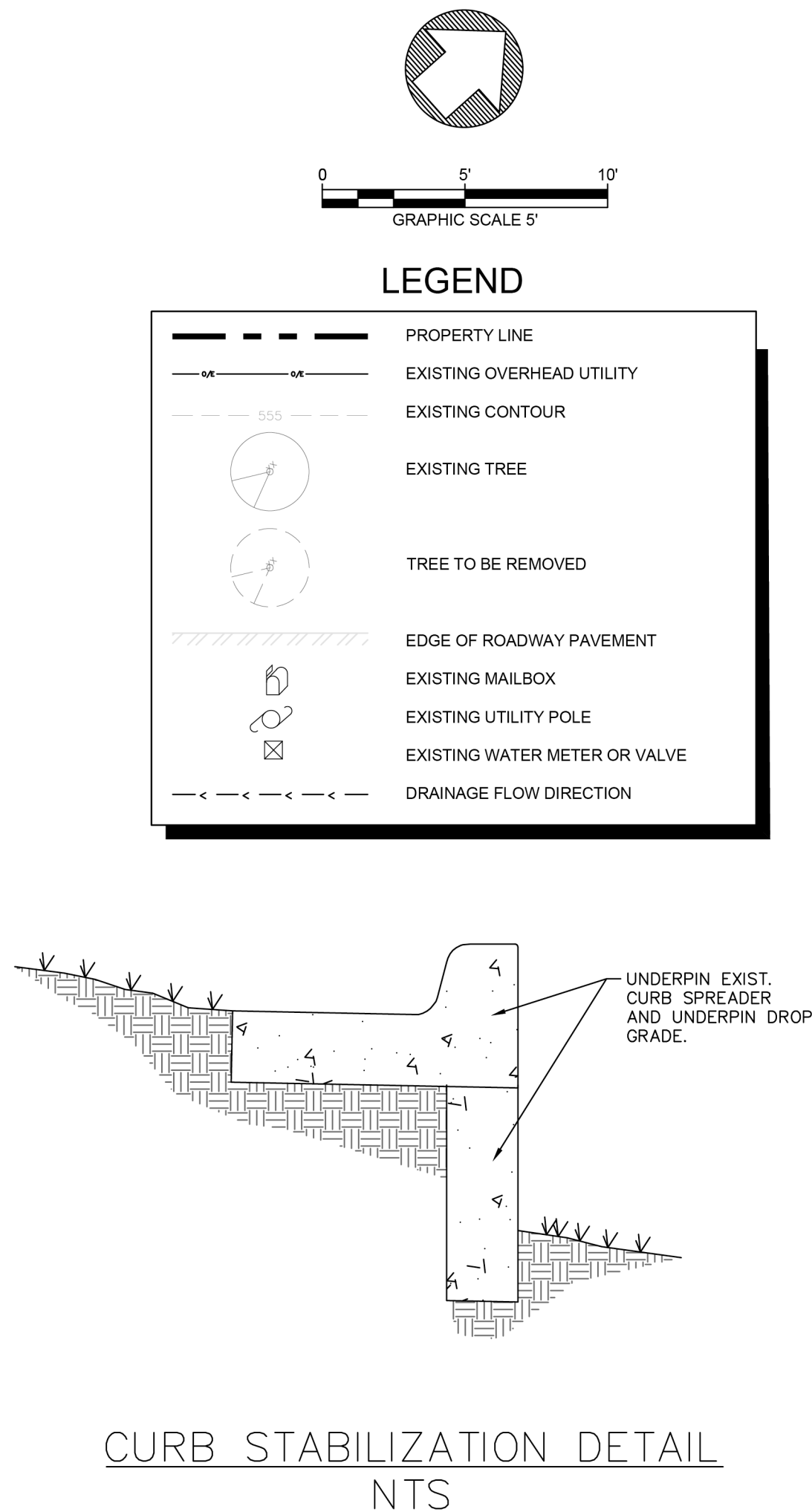
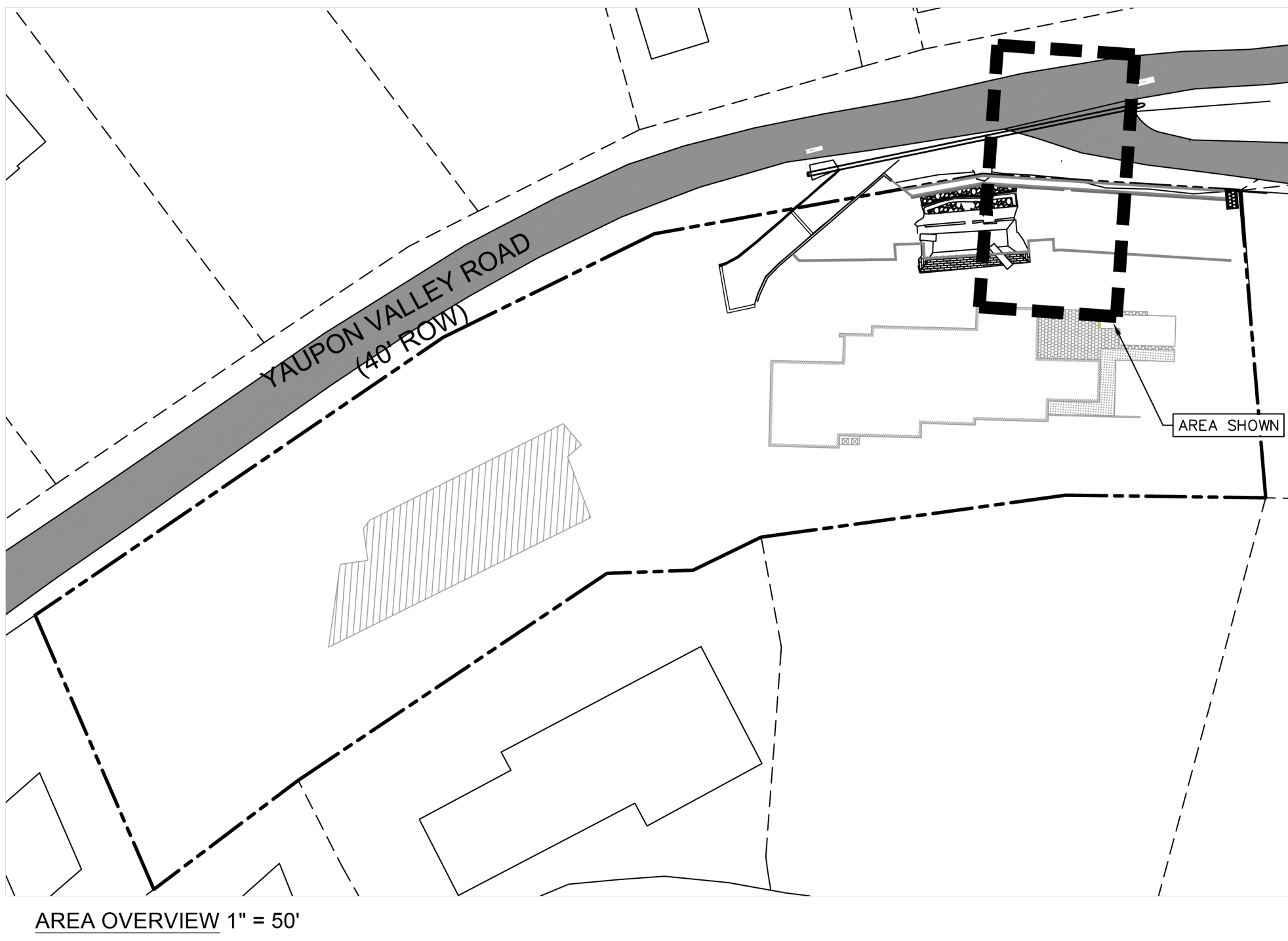
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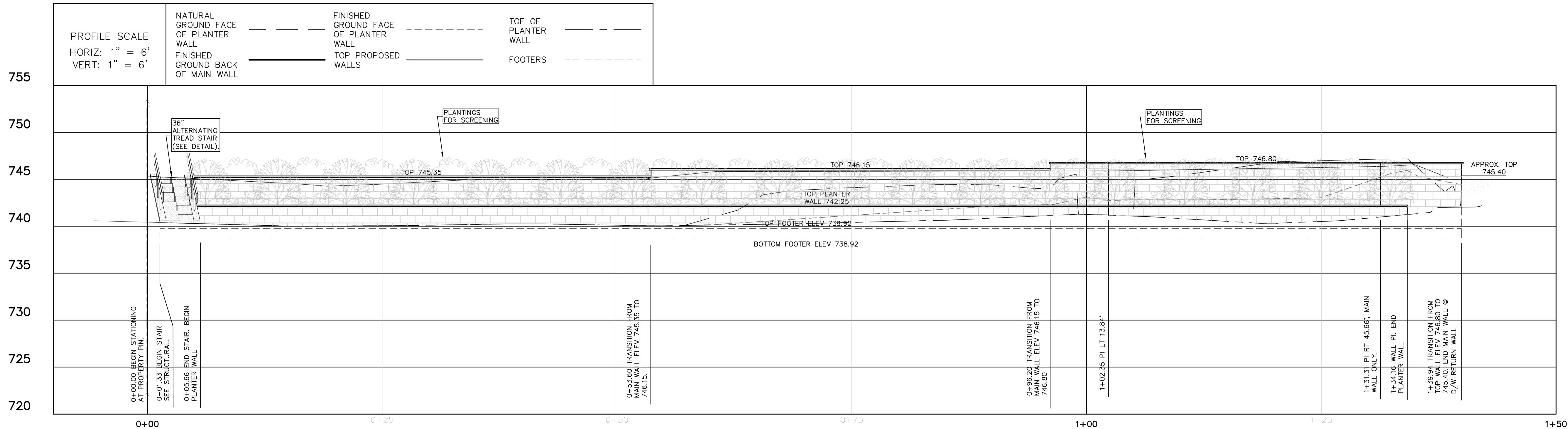
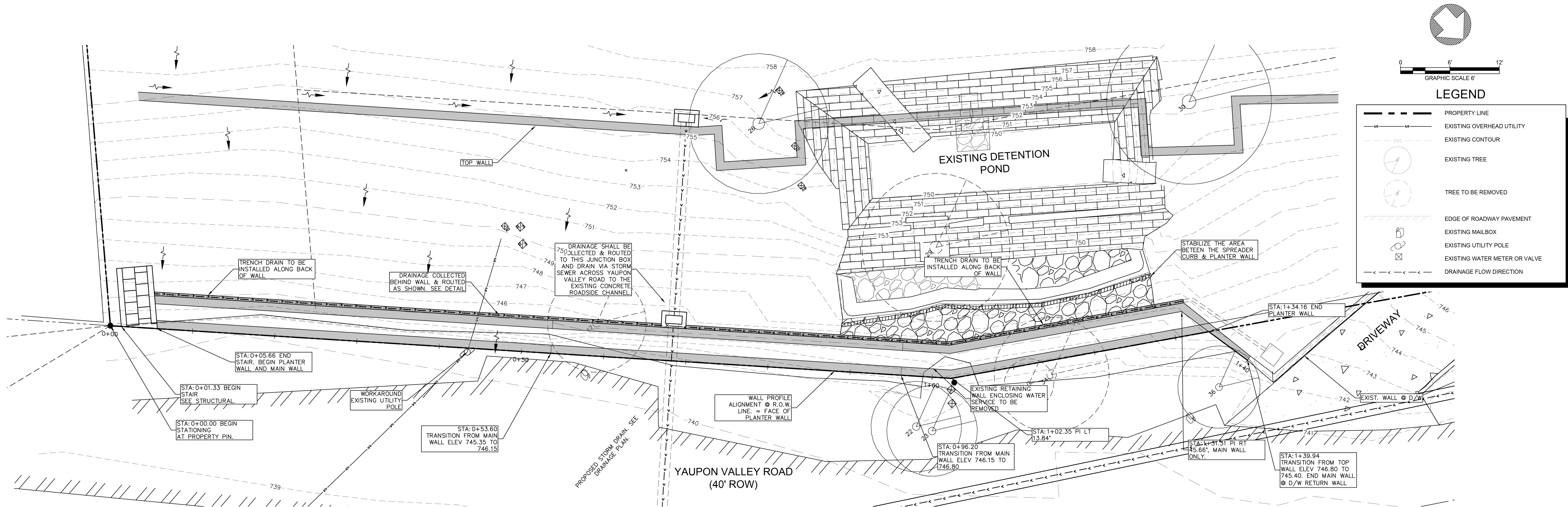




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|------------------------------------|-------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|-------------------------------------|-----------|--------------|----------------------------------------------------------------|-----------------------------------------|-----|------|-----------|---------|
| THE MOORE GROUP<br>Firm Reg. # 249 | ENGINEERING, SURVEYING & PLANNING<br>1000 CUERNAVACA<br>AUSTIN, TEXAS 78733<br>PH. (512) 442-0377<br>FAX (512) 442-7807 | 301 YAUPOON VALLEY<br>SITE DEVELOPMENT<br>AUSTIN, TRAVIS COUNTY, TEXAS | SCHEMATIC RETAINING WALL<br>PROFILE | SHEET NO. | OF XX SHEETS | Drawn: PCM<br>Checked: ECM<br>Approved: ECM<br>Date: 5/19/2023 | FOR REVIEW ONLY<br>NOT FOR CONSTRUCTION | No. | DATE | REVISIONS | RECOM'D |
|                                    |                                                                                                                         |                                                                        |                                     |           |              |                                                                |                                         |     |      |           |         |







