



CITY OF WEST LAKE HILLS, TEXAS  
NOTICE OF BOARD OF ADJUSTMENT (BOA) REGULAR MEETING  
Wednesday, July 12, 2023 at 7:00 PM

Notice is hereby given that the Board of Adjustment (BOA) of the City of West Lake Hills, Texas, will hold a Regular Meeting on the 12th day of July 2023 at 7:00 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:**

Due to the COVID-19 status in Travis County, 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 email your name, phone number, comments, and the item number you wish to speak on to [citysec@westlakehills.gov](mailto:citysec@westlakehills.gov) by 1:00 P.M. on July 12, 2023.

1. Call to Order
2. Citizen Communications The Board welcomes public comments at this point on any issue. If the issue is listed on the agenda, the speaker may choose to comment during the Public Comment period or when the specific agenda item is taken up by the Board later in the meeting. The Board cannot respond to or discuss matters not listed on the agenda. The Board may provide factual information, refer the item to a staff member, or request the item be added to a future meeting agenda. Speakers shall limit their comments to five (5) minutes each.
3. Consent Agenda All Consent Agenda items listed are considered to be routine by the Board and will be enacted by one (1) motion. No separate discussion or action on any of

the items is necessary unless requested by a Board Member.

a. Approval of the June 14, 2023 Regular Meeting Minutes.

4. **Land Use 301 Yaupon Valley Road** - Discuss and consider action on variance requests 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 not-to-exceed 8-foot and 2.5-foot-tall retaining walls within the front yard setback. Applicant Mark Hawkins.
5. Adjournment

Approved by: Linda Anthony, Chair

Certificate

I certify that the above Notice of the July 12, 2023 Board of Adjustment Regular Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on Friday, July 7, 2023 by 5:00 pm. and will remain posted continuously until said meeting is convened.

Signed by: Terry Blanchard, City Secretary

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

*All items on the agenda are for discussion and/or action. The BOA 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 BOARD OF ADJUSTMENT (BOA) REGULAR MEETING  
Wednesday, June 14, 2023 at 7:00 PM

1. Call to Order

**With a quorum present, Chair Anthony called the meeting to order at 7:04 p.m.**

**BOARD MEMBERS PRESENT:**

Chair Linda Anthony  
Gordon Bowman  
James Vaughan  
Brian Plunkett  
Darin Walker

**CITY STAFF PRESENT:**

City Administrator Trey Fletcher  
City Secretary Terry Blanchard  
Director of BDS Jennifer Bills  
Chief of Police Scott Gerdes  
Assistant City Attorney Nicole Warren

2. Citizen Communications The Board of Adjustment (BOA) welcomes public comments at this point on any issue. If the issue is listed on the agenda, the speaker may choose to comment during the Public Comment period or when the specific agenda item is taken up by the Board later in the meeting. The Board cannot respond to or discuss matters not listed on the agenda. The Board may provide factual information, refer the item to a staff member, or request the item be added to a future meeting agenda. Speakers shall limit their comments to five (5) minutes each.

**Chair Anthony opened the meeting for public comments.** Joseph Lucas (100 Swiftcurrent Trail) spoke to the Board regarding access to his property and the ingress/egress easement agreement with the adjacent property owner at 98 Swiftcurrent Trail. Mr. Lucas asked the Board to review the administrative staff's decision regarding the construction plans and to withhold any approvals until a case study is completed. Hearing no further comments, the public communication section was closed.

3. Consent Agenda All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one (1) motion. No separate discussion or action on any of the items is necessary unless requested by a Council Member.
- a. Approval of the May 10, 2023 Regular Meeting Minutes.
  - b. Approval of the May 24, 2023 Special Meeting Minutes.

**MOTION: Upon a motion made by Board Member Walker and a second by Board Member Bowman, the Board voted five (5) for and none (0) opposed to approve the consent agenda as presented. Motion carried.**

4. Land Use **604 Rocky River Road** - Discuss and consider action on a variance request to allow an encroachment into the 25' side yard setback by 4' (four feet) for an A/C unit and generator for a new residence under construction (Section 22.03.275 (b) 3 of the West Lake Hills Code). Applicants Philip and Mindy Vescovo.

Director Bills gave a brief summary. Comments were received from Mindy Vescovo.

**MOTION: Upon a motion made by Board Member Vaughan and a second by Board Member Walker, the Board voted five (5) for and none (0) opposed to approve the variance request as presented. Motion carried.**

5. **Ordinance 701 South Capital of Texas Highway, Suite 500** - Discuss and consider action to adopt an ordinance for a Special Use Permit request to sell beer and wine for on-site consumption on a property Zoned B-3 Business 3 (West Lake Hills Code, Section 38.03.038(c)(3). Applicant Brian Borichevsky (ROK Golf ATX WL, LLC).

- a. **Public Hearing**: All persons wishing to speak for or against shall be heard.

Public hearing was opened at 7:23 p.m. Director Bills gave a brief summary. Comments were received from Brian Borichevsky. With no further comments, the public hearing was closed at 7:33 p.m.

**MOTION: Upon a motion made by Board Member Walker and a second by Board Member Plunkett, the Board voted five (5) for and none (0) opposed to approve the ordinance as presented. Motion carried.**

6. Adjournment

**MOTION: Upon a motion made by Board Member Walker and a second by Board Member Vaughan, the Board voted five (5) for and none (0) opposed to adjourn the meeting at 7:34 p.m. Motion carried.**

Respectfully submitted,

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LINDA ANTHONY, CHAIR

ATTEST:

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Terry Blanchard, TRMC  
City Secretary

These minutes were approved on July 12, 2023.



City of West Lake Hills  
Board of Adjustment

## AGENDA REPORT

|               |                                 |                  |      |
|---------------|---------------------------------|------------------|------|
| Meeting Date: | July 12, 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

**301 Yaupon Valley Road:** Discuss and consider action on variance requests 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 was considered at the June 21, 2023 Zoning & Planning Commission meeting. The Commission recommended approval of the variance request by a vote of 5 to 0 (Attachment 4).

### 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.

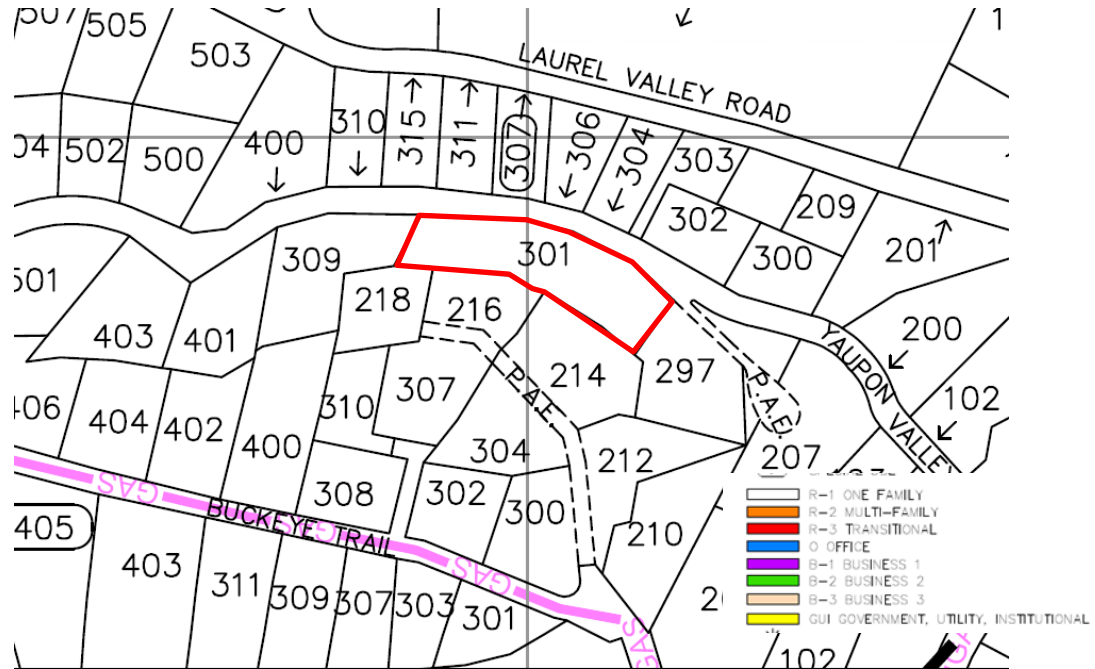
#### **Comprehensive Planning Analysis**

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

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.
- **3) Variances** to remove trees with diameters of 10" and greater in the front setback of the property, in order to properly install the new retaining wall. The City has asked the owner to indicate any tree over 10" in diameter that would be affected by the retaining walls and proposed drainage improvements.

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.

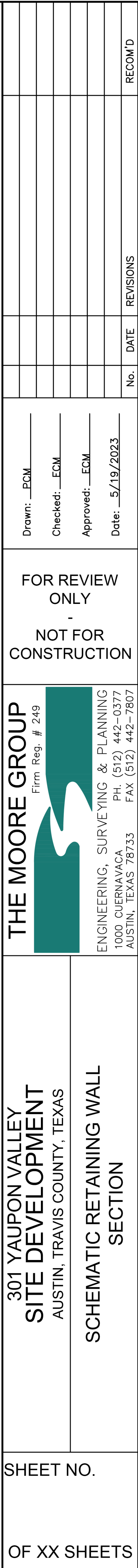
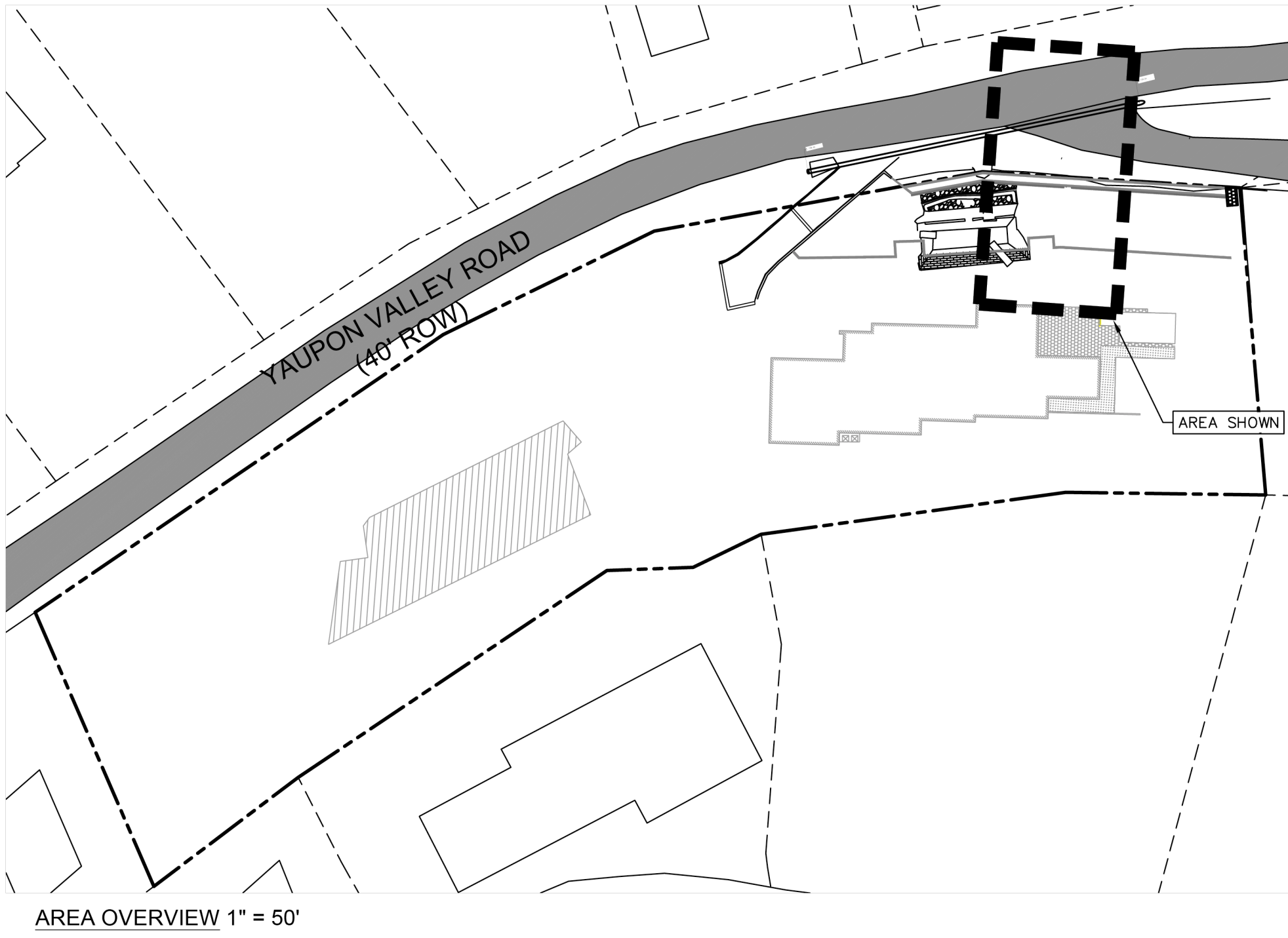
- Also, the original contractor built the driveway apron and driveway retaining walls into the City ROW. **As these conditions are in the ROW, they can not be resolved through the variance process. The owner has received direction from the City of WLH with regards to these conditions and will need to 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.**

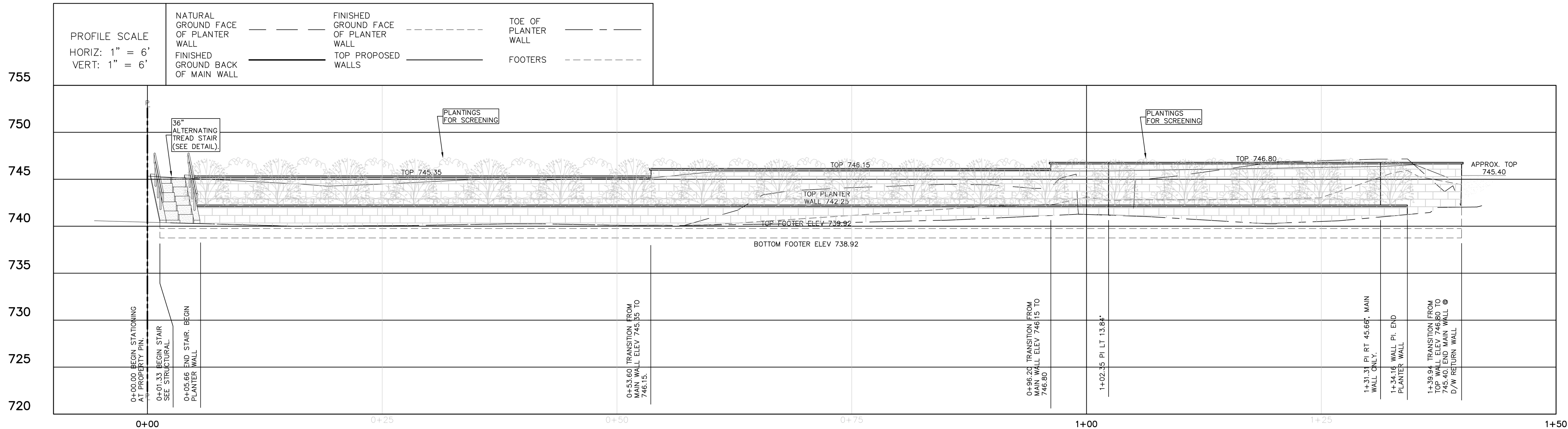
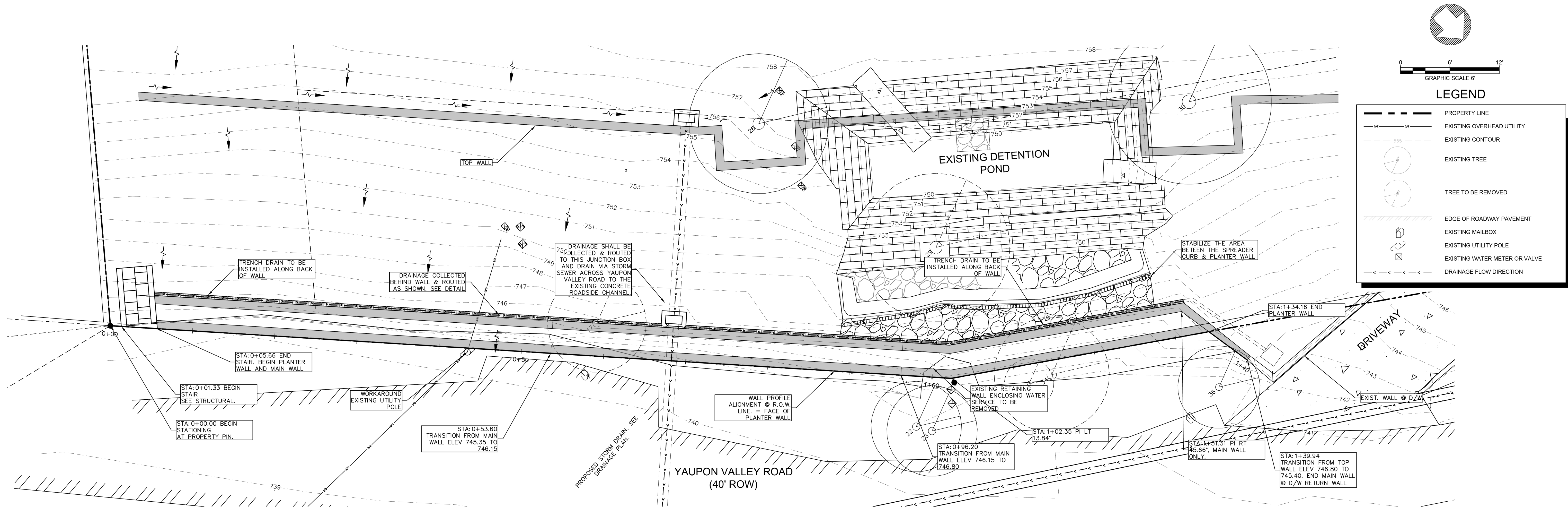
Please do not hesitate contacting the owner, their engineers or myself with any questions or concerns regarding this proposal or the contents of this application. I look forward to being in attendance with the owner and their engineers to present this to you at the June Zoning and Planning Committee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

Kind Regards,

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







|                                    |                                                                                                                         |                                                                        |                                     |           |              |                                                                |                                         |     |      |           |         |
|------------------------------------|-------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|-------------------------------------|-----------|--------------|----------------------------------------------------------------|-----------------------------------------|-----|------|-----------|---------|
| 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 |
|                                    |                                                                                                                         |                                                                        |                                     |           |              |                                                                |                                         |     |      |           |         |





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

1. Call to Order. Chairman Robert Meisel.

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

**ZAPCO MEMBERS PRESENT:**

**Chairman Robert Meisel  
Vice-Chairman Jim Pledger  
Laurie Maccini  
Karen Bartoletti  
Julia Webber  
Patrick Stewart**

**CITY STAFF PRESENT:**

**Director of BDS Jennifer Bills  
ZAPCO Secretary Mark Littrell  
Asst. City Attorney Nicole Warren**

**Chairman Meisel changes the order of Agenda Items taking Item 5 and Item 6 together relating to 301 Yaupon Valley Road.**

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

**Chairman Meisel: Please note in the minutes that ZAPCO recommends Denial or Approval. We don't approve or deny anything.**

**Motion for Approval made by Vice-Chairman Pledger with a Second by Commissioner Stewart.**

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

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.

**Staff Briefing**

**Director Bills gives the Staff Report.**

**Staff Recommendation: Denial due to the fact it is design driver. You could build a smaller house on the footprint.**

**Commissioner Maccini: Were there more plans submitted?**

**Director Bills: This is all that was submitted with the variance. They have submitted plans that have had one round of reviews but they haven't been approved yet.**

**Commissioner Webber: I wanted to clarify what the zoning rules if they wanted to keep the existing house could they remodel and keep the existing footprint?**

**Director: So if they wanted to remodel the existing house and not change the existing footprint they can do that. If they want to add on they could keep the existing footprints as long as the addition meets the current setbacks.**

**Commissioner Maccini: The new home is at what percentage?**

**Director Bills: It's around 35%. New plans have been submitted but not approved.**

**Commissioner Maccini: It's higher because it's a smaller lot.**

**Chairman Meisel: They are increasing the house by 50%.**

#### **Presentation by Applicant**

**Monte Janssen is the owner. The two trees are by the deck. Based on the setbacks, we don't have room. The current house does not meet code. (Pictures are passed out at the dais). A new project is impossible with these trees.**

#### **Public Hearing**

**Mary Williams lives at 3 Sugar Creek. (Pictures were added to slide show). I'm concerned about the slope. Those are large trees. If they are removed we would see the house. These houses have been here since the 60's. We built within the footprint for our home. They provide privacy.**

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

#### **Discussion/Recommendation**

**Commissioner Stewart: Has there been an arborist assessment?**

**Monte: I don't have anything.**

**Commissioner Webber: Was the existing home a AD Stanger?**

**Monte: Yes. We will plant for privacy.**

**Commissioner Webber: The new trees, they aren't listed.**

**Director Bills: Tree replacement is required.**

**Commissioner Webber: They are large and you taking out 9 trees, replacement is not going to be easy. I'm curious about the new planting. Additional drawings would be helpful.**

**Commissioner Maccini: Design driven is my concern. There are more creative ways to build.**

**Motion for Recommend Denial made by Commissioner Webber with a Second by Vice-Chairman Pledger.**

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

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

**Staff Briefing**

**Director Bills gives the Staff Report.**

**Staff Recommendation: Approval.**

**Commissioner Stewart: Any plans for building?**

**Director Bills: A pool.**

**Presentation by Applicant**

**Matthew and Susan Bentley are the owners since 2021. This is our forever home. We will be putting in a pool. There is no way that LCRA will come back and ask for the easement. We love our neighbors.**

**Public Hearing**

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

**Discussion/Recommendation**

**Commissioner Maccini: No future variances for a pool?**

**Matthew: No.**

**Motion for Recommended Approval made by Vice-Chairman Pledger with a Second by Commissioner Bartoletti.**

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

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

### **Staff Briefing**

**Director Jennifer Bills gives the staff report on both items.**

**Staff Recommendation on Step 5 - Approval.**

**Staff Recommendation on Step 6 - Approval.**

**Commissioner Webber: The 8' retaining wall, is that measured above the planting bed or from the base of the planting bed?**

**Director Bills: From the base.**

### **Presentation by Applicant**

**Mark Hawkins and his wife Laura are the property owners since December 2, 2021.**

**My dear neighbor Kay is here. She's been here for more than 35 years. I have David Kettler as a representative; we have Davin Fillpot who is helping us. Since we've moved in we have inherited some non-conforming conditions from the previous home builder. We are trying to remedy the situation. We have a significant sub-surface drainage issue that effects the neighbors across the street. The ice storm was a concern because of standing water and ice. The neighbors are supportive because the water could impact them in the long term. We're trying to do the right thing.**

### **Public Hearing**

**Kay Abikhaled lives at 297 Yaupon Valley which is next door to Mark and Laura.**

**They have been next door for a year and I can say I'm so blessed to have such wonderful neighbors and I am here to give moral support.**

**Davin Fillpot lives at 404 Redbud Trail and I'm here to assist the Hawkins family and answer any questions related to the application. They are here to mediate and rectify the non-conforming conditions. Fixing those conditions are triggering those variances. I'm here to help answer any questions.**

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

**Discussion/Recommendation**

**Chairman Meisel: Is there a building permit in the works?**

**Mark: Correcting drainage.**

**Commissioner Webber: The graphics are very helpful.**

**Chairman Meisel: The water and ice can be a real hazard.**

**Commissioner Maccini: When replacing the trees, there is a variety. No ligustrums. I really appreciate your being pro-active.**

**Motion for Recommended Approval made by Commissioner Maccini on both Item 5 and Item 6 with a Second by Commissioner Webber.**

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

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  
**ITEM 6 WAS ADDRESSED WITH THE PREVIOUS ITEM.**

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 Litrell

These minutes were approved on \_\_\_\_\_, 2020.