



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF BOARD OF ADJUSTMENT (BOA) REGULAR MEETING
Wednesday, December 13, 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 13th day of December 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 - Join Zoom Meeting: <https://us02web.zoom.us/j/3499549035>
Or 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 by 1:00 P.M. on December 13, 2023.

1. Call to Order
2. Citizen Communications The 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 BOA later in the meeting. The BOA cannot respond to or discuss matters not listed on the agenda. The BOA 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 BOA 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 November 8, 2023 Regular Meeting Minutes.
4. Land Use **100 Redbud Trail** - Discuss and consider action on a variance for a 17-foot encroachment into the 50-foot front yard setback to demolish and reconstruct a pool house (Section 22.03.275 of the West Lake Hills Code). Applicant James Hughes Holland.

5. Land Use 603 Spurlock Valley - Discuss and consider action on a proposed variance to encroach 10' into a 20' side building setback to construct a swimming pool (Section 22.03.281 of the West Lake Hills Code). Applicant Tim Kirkendall.
6. Adjournment

Approved by: Linda Anthony, Chair

Certificate

I certify that the above Notice of the December 13, 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, December 8, 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. City Council 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, November 8, 2023 at 7:00 PM

1. Call to Order

With a quorum present, Chair Pro-Tem Bowman called the meeting to order at 7:07 p.m.

BOARD MEMBERS PRESENT:

Chair Pro-Tem Gordon Bowman
James Vaughan
Brian Plunkett
Beth South
Darin Walker

CITY STAFF PRESENT:

City Administrator Trey Fletcher
City Secretary Terry Blanchard
Director of BDS Jennifer Bills
Chief of Police Scott Gerdes
City Attorney Patty Akers

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.

Chair Pro-Tem Bowman opened the meeting for public comments. Hearing none, the public comment section was closed.

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 October 25, 2023 Regular Meeting Minutes.

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 approve the Consent Agenda as presented. Motion carried.

4. Land Use 5 North Peak - Discuss and consider action on a variance for encroachment into the side setbacks by 4.5 feet for replacement and expansion of the pool and placement of pool equipment (Section 22.03.275 and 22.03.281 of the West Lake Hills Code). Applicant Jennifer Smith, Permit Solutions LLC.

Director Bills gave a brief summary. Applicant Jennifer Smith answered Council questions regarding the request.

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. 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 7:18 p.m. Motion carried.

Respectfully submitted,

LINDA ANTHONY, CHAIR

ATTEST:

Terry Blanchard, TRMC
City Secretary

These minutes were approved on December 13, 2023.



City of West Lake Hills Board of Adjustments

AGENDA REPORT

Meeting Date:	December 13, 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

100 Redbud Trail: Discuss and consider action a recommendation on a variance for a 17-foot encroachment into the 50-foot front yard setback to demolish and reconstruct a pool house (Section 22.03.275 of the West Lake Hills Code).

Applicant: James Hughes Holland

Recommendation

Staff recommends approval of the variance request, given the existing non-conforming shape of the lot and the current location of the pool house.

This item was recommended for **approval** by the Zoning & Planning Commission by a vote of 3-0 (Maccini arrived after item) at the November 15, 2023 regular meeting (Attachment 3).

Discussion

Property Information, Zoning & Site Characteristics:

Owner: Patrick & Renee Feigley

Legal Description: 0.610 acres of the W. Sparks Survey, Abstract 21

Lot Size: 0.610 acres (26,571.6 sq. ft.)

Zoning: R-1, One-Family

The properties surrounding the subject property are zoned R-1, One Family, B-2 Business and GUI Government, Utility, and Institutional.

Background & Analysis:

The applicant was requesting two variances to demolish and build a new pool house and shed. This item was discussed at the October 18, 2023 ZAPCO meeting and was postponed to the November meeting pending new information. The previous request was to demolish and rebuild a storage shed and pool house. The plans also showed replacement of the pool deck in the rear setback and replacement of a non-conforming fence.

The applicant has revised the request and provided a new exhibit for just the demolition and replacement of the pool house. The existing shed, deck, and fence will not be replaced. With the proposed revisions, the applicant will remove existing impervious cover down to the allowed 25% so they are not asking for an impervious cover variance (Attachment 1).

The existing property is triangle shaped and has frontage on Wild Cat Hollow and Redbud Trail. The driveway access for the lot is off Wild Cat Hollow. In the code, both road frontages have 50-foot front yard setbacks. The existing house, shed, and pool house are all encroaching into the front and side yard setback.

Variance Criteria Review:

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

- The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.
As of right now the pool house needs to be demo'ed as it is falling apart and someone could get injured. We are proposing to rebuild the pool house in its exact location and even with the second floor workout room only increasing the square footage from 837sf to 968sf.
- There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
There is no change and no existing flora that will be disrupted or destroyed.
- There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
The existing pool house needs to be demo'ed due to safety concerns.
- The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
We are doing the best we can to abide by the City of West Lake Hills building guidelines.
- The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.
We are only rebuilding a decrepit structure and making it better and we are staying within the City of West Lake Hills guidelines in doing so.
- The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.
We meet all of the building requirements set out by the City of West Lake Hills.

Outdoor Lighting

Outdoor lighting is not proposed with this variance request. Any outdoor lighting will 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

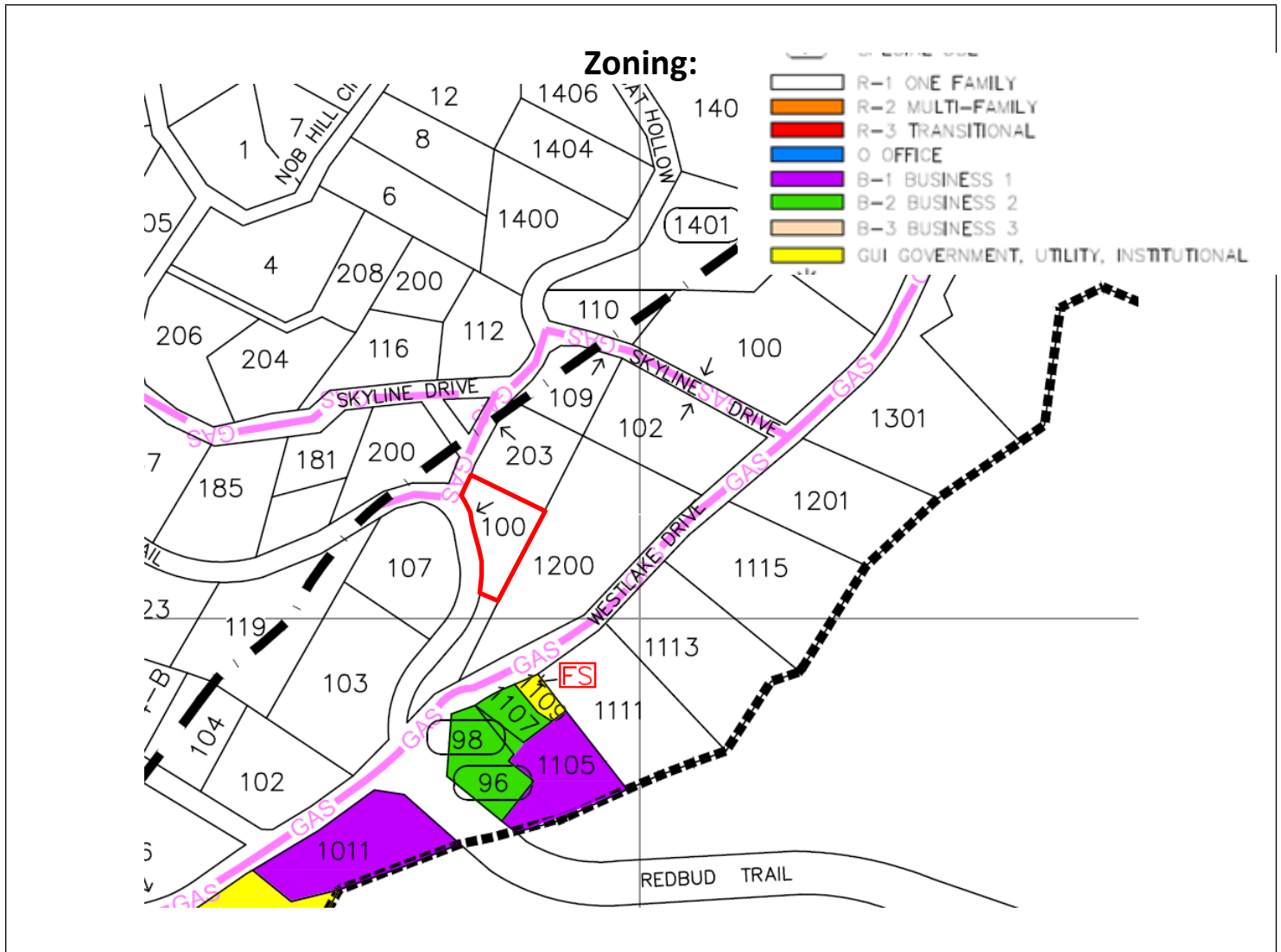
There is no change to the subdivision proposed with this application.

Comprehensive Planning Analysis

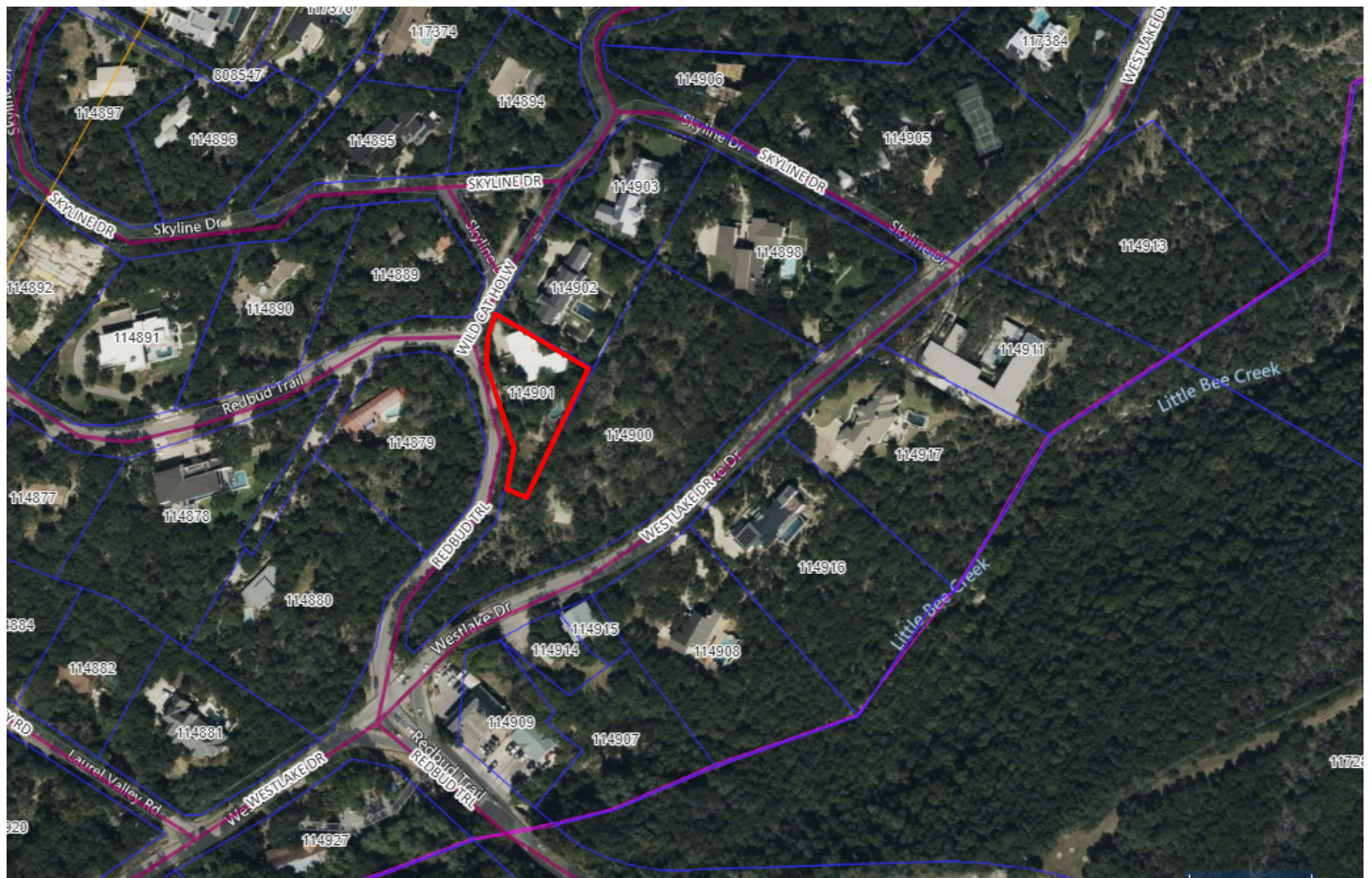
The existing and future land use is in conformance with the City of West Lake Hills Master Plan.

Links to Relevant Code:

- [Section 22.03.275 Building setback distances](#)
- [Section 38.04.061 - Nonconforming uses of land and structures](#)
- [Section 22.03.281 Schedule of Regulations](#)
- [Section 38.05.031: Variances](#)
- [Section 22.03.511: Criteria and process required for granting variance](#)



Aerial:





100 Redbud was originally constructed in 1957 — some say to the designs of iconic Austin architect Alan Taniguchi. It is a fantastic example of mid-century Texas modernism.



EXISTING
MAIN HOUSE

EXISTING
POOL HOUSE

EXISTING
POOL

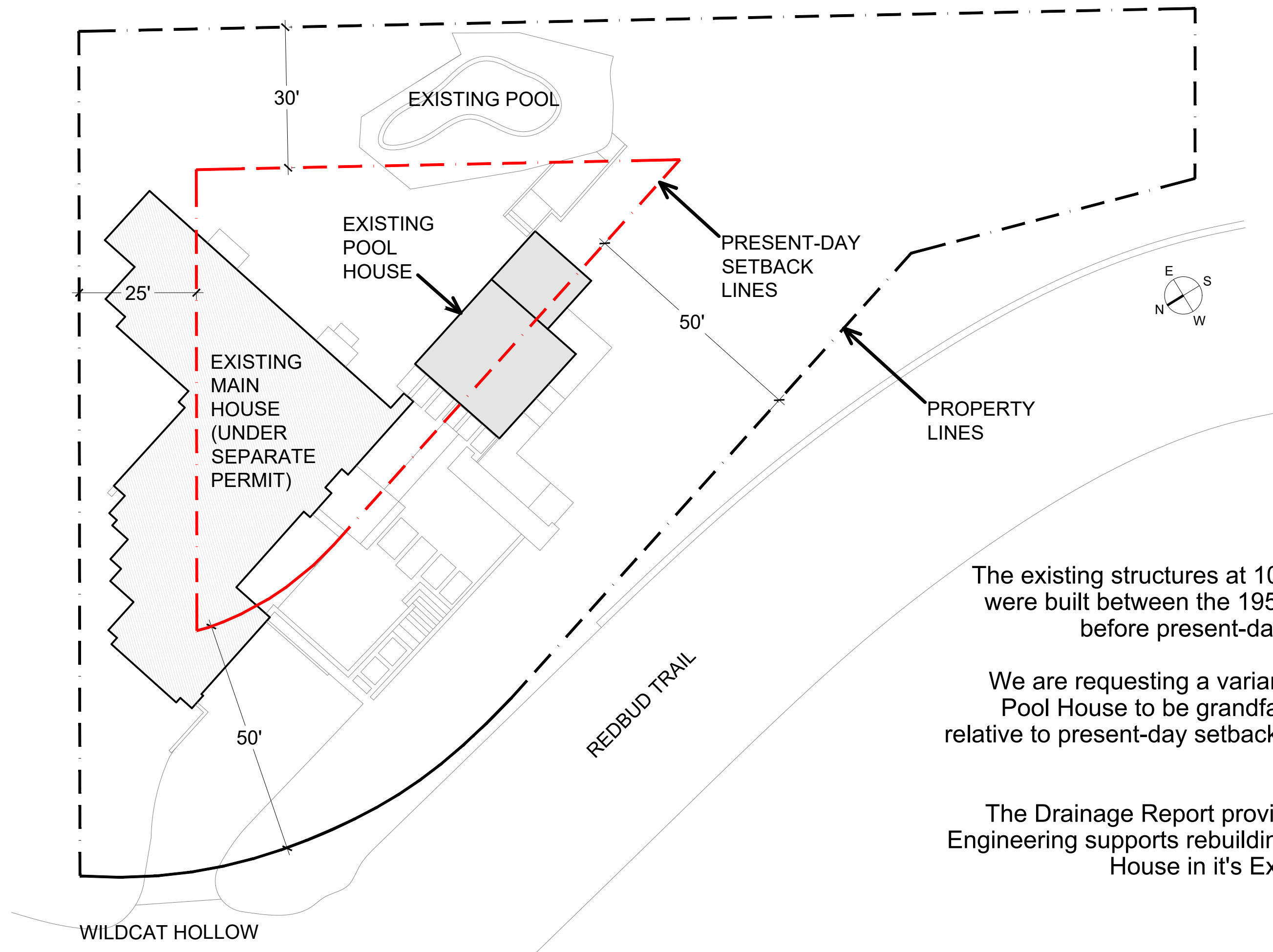
Redbud Trail

Redbud Trail

Redbud Trail

Wildcat Hollow

SITE PLAN



The existing structures at 100 Redbud Trail were built between the 1950's and 1970's, before present-day setback lines.

We are requesting a variance to allow the Pool House to be grandfathered in place relative to present-day setback lines, so it can be renovated.

The Drainage Report provided by Servant Engineering supports rebuilding the new Pool House in it's Existing Location.

EXISTING PHOTO AT BACK YARD

The Pool House structure is badly in need of repair.

The floorboards and substructure of the deck have rotted through, making it unsafe. The windows, siding and roof are in disrepair. All need to be replaced. The interior floor structure is cracking.

The building is also infested with fleas, termites and other insects.

The Main House is undergoing repairs under separate permit.



PROPOSED RENDERING AT BACKYARD

Our proposal is to revitalize the Pool House using it's existing footprint, matching the mid-century style of the main house.



We tested a layout where the Pool House was moved to within the setback. However this presents several hardships:

- Significantly more expensive to demo and rebuild elsewhere, rather than use existing footprint and utility locations.
- Major reduction in usable Backyard space.
- Relocating the Pool House will impact the protected tree and the critical root zone.
- Blocks views from existing windows in the main house.
- Hinders access to existing pool equipment and other parts of the property.
- The Drainage Report does not support relocating the Pool House, rather it supports building it in it's existing location.

Proposed location with variance



Proposed location without variance

Thank you for your time. We hope that you can approve this variance so we can make necessary improvements to this Westlake home, while retaining the original building footprint.

PROPOSED RENDERINGS

Thank you!

Renovated Pool House
at existing footprint



Main House
(under separate permit)

Back Yard View

Main House
(under separate permit)



Renovated Pool House
at existing footprint

Entry View

Attachment 2

100 REDBUD TRAIL - - - IMPERVIOUS COVERAGE CALCULATIONS								
DOB&EEL ARCHITECTURE - - - 2023-9-14								
EXISTING IMPERVIOUS			PROPOSED IMPERVIOUS					
LOT AREA	26,665		LOT AREA	26,665				
DRIVEWAY	1244		DRIVEWAY	1244				
MAIN HOUSE + GARAGE	3442		MAIN HOUSE + GARAGE	3442				
REAR WALLS + PAVING	285		REAR WALLS + PAVING	285				
SIDE STEPS	80		SIDE STEPS	0 *				
WOOD POOL DECK	316		WOOD POOL DECK	349 **				
POOL	429		POOL	429				
POOL EQUIP. AREA BELOW	219		POOL EQUIP. AREA BELOW	219		**= INCREASED		
BRICK + RETAINING WALLS	809		BRICK + RETAINING WALLS	0 *		* = DECREASED		
GRAVEL AREA #1	184		GRAVEL AREA #1	0 *		WE REDUCED THE IMPERVIOUS		
SEPTIC TANK	78		SEPTIC TANK	78		1,623	SF	
GRAVEL AREA #2	335		GRAVEL AREA #2	0 *				
AC PAD	9		AC PAD	8 *				
POOL HOUSE + DECK	837		POOL HOUSE + DECK	968 **				
STORAGE AND CONCRETE	484		STORAGE AND CONCRETE	330 *				
STONE SWALE	472		STONE SWALE	472				
ENTRY PATHS + FISH POND	511		ENTRY PATH (FISH POND REMOVED)	287 *		8542	SUBTOTAL OF REDUCED EXISTING	
DINING PATIO	211		DINING PATIO	211		TAKES THE IMPERVIOUS DOWN TO		
ENTRY STEPS AND SITE WALLS	220		ENTRY STEPS AND SITE WALLS	220		32.03%		
			(N) STONE WALL CLOSURE	8				
			(N) WOOD BRIDGE	74				
			(N) WOOD BACK HOUSE DECK	216				
			(N) WOOD WALK + STEPS	160		THEN ADDED BACK		
			(N) FLAGSTONE PATH	138		596	IN NECESSARY IMPROVEMENTS	
TOTAL IMPERVIOUS (EXISTING)	10,165.00		TOTAL IMPERVIOUS (EXISTING)	9,138.00				
PERCENTAGE OF LOT AREA	38.12%		PERCENTAGE OF LOT AREA	34.27%				
			AN OVERALL NET REDUCTION OF	3.85%				

CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, November 15, 2023 at 6:30 PM

1. Call to Order. Chairman Robert Meisel.

With a quorum present, Vice-Chairman Pledger called the meeting to order at 6:31 p.m.

ZAPCO Members Present

**Vice-Chairman Jim Pledger
Patrick Stewart
Julia Webber
Laurie Maccini - arrived 6:54
Karen Bartoletti**

City Staff Present

**Dir. of Building & Development Jennifer Bills
Development Coordinator Joel Sherrouse
Asst. City Attorney Josh Brockman-Weber**

2. Citizen Communications The Commission 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 Commission later in the meeting. The Commission cannot respond to or discuss matters not listed on the agenda. The Commission 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.

Vice-Chairman Pledger opened the meeting for public comments. Hearing none, the public comment section was closed.

3. 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.
Motion for Approval made by Commissioner Stewart with a Second by Commissioner Bartoletti.
Motion for Approval carried unanimously by a vote of 3 ayes to 0 nays.

4. Land Use 100 Redbud Trail - Discuss and make a recommendation on variances for a 17-foot encroachment into the 50-foot front yard setback to demolish and reconstruct a pool house (Section 22.03.275 of the West Lake Hills Code). Applicant James Hughes Holland
Staff Briefing

Director Bills gives the staff briefing.

Staff Recommendation: Approval.

Presentation by Applicant

Hughes Holland is the applicant and explains the variance request. The impervious

cover is reduced.

Public Hearing

Vice-Chairman Pledger opened the meeting for public comments. Hearing none, the public comment section was closed.

Discussion/Recommendation

Commissioner Webber: Thank you for changing the submittal.

Commissioner Stewart: We appreciate the impervious cover reduction.

**COMMISSIONER BARTOLETTI MOVES TO RECOMMEND APPROVAL.
COMMISSIONER WEBBER SECONDS. UNANIMOUS (3-0) APPROVAL.**

5. 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 briefing.

Staff Recommendation: Denial due to design.

Commissioner Webber: Can you remind me what the impervious cover is?

Director Bills: It's about 37%.

Presentation by Applicant

Monte Janssen is the applicant and is with J5 Homes and I am the builder and the owner of this property. By the time you bring in 20' from both sides there's not a lot of lot left. We don't have enough left to build a house. I did go to various neighbors and gotten support for the removal of the trees and moving our project forward. We don't have anybody that's against us but we want you to be with us to be able to improve this property.

Public Hearing

Thomas Finsberg: I'm here to support this because I'm a potential buyer. All four of

our children have been raised and educated in Westlake; this is our home. We're interested in purchasing the home for our son who is wanting to do his residency in Austin. We learned the setbacks were changed from 5' to 20' and that would limit rebuilding the house. We're wanting to bring in more trees than what are there. We've been working really hard to comply with the new rules. I think the plans we have would be a significant improvement.

Vice-Chairman Pledger closes the Public Hearing.

Discussion/Recommendation

Commissioner Maccini: Before I say anything I want to apologize for my tardiness.

Commissioner Stewart: I think this is another one to tag along with Julia earlier, I appreciate we've received a great deal more information from the first time we saw this application. I do see a hardship in the lot size. I'm encouraged by what I see and the support of the neighbors.

Commissioner Webber: Thank you for the resubmittal with the additional information. I still have reservations about this project because the lot size is not unique to projects in our city. The street would like a much smaller house. The original house is 1,000 sq. ft. smaller. It's unfortunately we're trying to stuff all that into a Brady Lane lot. However, you've met the impervious cover restrictions and fitting in the setback rules. I'm in support because our zoning rules don't stop this sort of building on smaller lots.

Commissioner Maccini: We're changing the lot to fit the design instead of the design to fit the lot. Brady is a charming street. Replacement trees need to be watered.

COMMISSIONER WEBBER MOVES TO RECOMMEND APPROVAL DUE TO THE SIZE OF THE LOT AND ALL OTHER ASPECTS MEET CODE. COMMISSIONER STEWART SECONDS. APPROVED (3-1) COMMISSIONER BARTOLETTI OPPOSES.

Commissioner Webber: How and when do we bring up the discussion of potential code modifications to keep the nature and character we are talking about?

Director Bills: We can add that to the report that ZAPCO makes the request to look at design considerations dealing with the smaller lots because we can't have a one size fits all in the smaller neighborhoods.

Commissioner Maccini: Would that also include design?

Director Bills: Explains the state law has limitations on a municipality's ability to regulate design and materials.

6. Land Use 603 Spurlock Valley - Discuss and make recommendation on a variance to the side setback for pool encroachment of 10 feet to the required 20-foot side setback (Section 22.03.275 and 22.03.281 of the West Lake Hills Code.) Applicant Tim Kirkendall

Staff Briefing

Director Bills gives the staff briefing.

Staff Recommendation: Denial. No public responses.

Commissioner Bartoletti: I have a couple of questions. The diagrams we've got are a little bit different than what was in the package and what we got tonight. Are we clear that there's not an encroachment into the 30' front setback? The original looks like there is an encroachment.

Director Bills: There has been an inspection and there isn't an encroachment.

Commissioner Stewart: Did I hear you correctly that with the pool addition it would put them over the impervious cover?

Director Bills: By the plans we have on file, yes.

Commissioner Maccini: Were there no trees on most of the lot?

Director Bills: The trees, under a separate action, they removed trees without permits and they have a court ordered replacement.

Commissioner Maccini: It just stood out to me.

Commissioner Webber: One portion of the pool is going to be 9' above grade?

Director Bills: The lot has a significant slope to it. 18" is the maximum grading they can do.

Presentation by Applicant

Richard Weise is the architect with the project. One item I'd like to clear up is the impervious cover issue. When we submitted our application we were required to do a detention pond and when they sized it they included additional square feet on Sheet 8 of the civil package and so that was in the original application but it's unused. It's a relatively small lot and going over the hardships, the setbacks take up 56% of the overall lot. We had limited possibilities working with the natural grade. One of the biggest hardships is we have a Spurlock Valley address but our lot is completely inaccessible from Spurlock Valley because of the culvert. The setbacks are a hardship because it compresses the lot. We do have letters of support (not provided to ZAPCO).

Public Hearing

The next door neighbor is present and states this is the first time he's seeing this.

Vice-Chairman Pledger closes the Public Hearing.

Discussion/Recommendation

Vice-Chairman Pledger: I can't imagine an argument that the existing setbacks that are applicable would constitute a hardship. I don't think that works.

Commissioner Webber: Remind me the square footage of the lot?

Director Bills: It's .46 acres. Roughly 20,000 sq. ft.

Commissioner Webber: I agree. The setbacks are not an issue for hardship. I also think placing a 3,600 sq. ft. house that takes up available land with a pool was a choice that was made. My biggest objection is that the pool will be 9' above grade. I'm very unconvinced of the viability of a pool that requires that condition of the land. I'm not compelled to change a setback for a pool if there's no real hardship. So I'm not in support of this project.

Commissioner Bartoletti: I might also add, I live in this general neighborhood and I wish I had a dollar for every unbuildable lot that I've seen a house get built on. The argument that the lot may not ever be built on the adjacent lot doesn't ring true.

COMMISSIONER WEBBER MOVES TO RECOMMEND DENIAL BASED ON LACK OF HARDSHIP AND LACK OF FEASIBILITY FOR FURTHER CONSTRUCTION AND VARIANCES. COMMISSIONER MACCINI SECONDS. UNANIMOUS (4-0) DENIAL.

7. **Land Use 499 Rocky River Road** - Discuss and make recommendations on variances to the front yard setbacks and to allow a second driveway (Section 22.03.275 and 22.03.175 of the West Lake Hills Code). Applicant Aaron McIntyre, Munir Group

Staff Briefing

Director Bills gives the staff briefing.

Staff Recommendation: Approval of front yard to 30'. Denial of second driveway. No public responses.

Commissioner Bartoletti: I have a question for staff and probably you, Jim. When a variance is granted like this, ZAPCO can't approve changing a 50' setback to a 30' setback. Am I just dreaming that we've had this conversation?

Vice-Chairman Pledger: ZAPCO doesn't have the authority to approve anything. We just make recommendations.

Commissioner Bartoletti: But as part of the variance process in general.

Commissioner Webber: I thought that once a variance is passed it is with the lot.

Commissioner Stewart: We're not approving the entire 50' setback, we're only approving the encroachment into that setback.

Commissioner Bartoletti: So if this particular project does not get built, it's not like the setback has been changed.

Vice-Chairman Pledger: Right.

Commissioner Stewart: On the second driveway, if that is approved, they will be over the impervious cover?

Director Bills: They are proposing pervious pavers which is calculated at 50%.

Commissioner Stewart: It will still be over.

Presentation by Applicant

Michael Munir and Aaron McIntyre are the owners of the property. It came with a permissible set of plans with approved variances. The previous house had been demolished. Given the lot size that we were showing good faith. We did keep the trees and it is a hardship with the width on the Reveille side of the street. We wanted to look at the second drive as a safety issue. Our primary concern is the buildability of the lot. I don't think we're asking for more than what has previously been approved. The previous plan that was approved was around 7,000 sq. ft. We designed a smaller structure so we're decreasing the coverage.

Aaron McIntyre: I would just emphasize the placement of the trees. The previous variance approval was to remove some of those trees.

Commissioner Webber: If you were to have that second driveway do you foresee any place on the lot you could remove 229 sq. ft. of hardscape to be compliant with the impervious cover?

Michael: I'm just trying to stay in the rules. We maybe might make the existing driveway grasscrete.

Commissioner Webber: You may have more parking on that grasscrete.

Michael: That's something we discussed in the design meetings.

Commissioner Webber: I want to commend you for your presentation and thank you for your clarity.

Public Hearing

Vice-Chairman Pledger opened the meeting for public comments. Hearing none, the public comment section was closed.

Discussion/Recommendation

Commissioner Maccini: I have my own perspective of this lot. I live down the street. I have walked this street for 28 years. We're talking about adjusting a lot for the house instead of adjusting the house for the lot. I see a 3-car garage. There is also a pool house and a pool. I appreciate that it's less than 7,000 sq. ft. but there is almost 5,600 sq. ft. of conditioned space. I think the house is just too large for the lot. Off street parking is difficult on Reveille. I was one of the people fighting to get a sidewalk. If you didn't have so much sq. ft. of house you would have more room. I'm not in favor for the setbacks or the second driveway.

Commissioner Webber: I see this as a failing of our code to restrict this kind of project. As long as our code is written the way it is, I agree is it too large for the lot. The project should be delaying to ascertain the true clarification around the setback so the drawings truly reflect the information. There are two A/C units that are outside the setback that I would flag and I'm not in favor or increasing the impervious cover for this project for approving a second driveway.

Commissioner Stewart: Are we able to vote on this? It seems incomplete.

Vice-Chairman Pledger: Would the 50' setback on the side follow the street?

Director Bills: Yes.

Vice-Chairman Pledger: It's a very large house for a very small lot.

Commissioner Webber: And our code doesn't restrict that.

Vice-Chairman Pledger: It does through variances for setbacks.

Commissioner Webber: I agree with you. Until the proper setbacks are on the plan, I'm not sure we can make a recommendation.

Applicant requests to postpone.

**COMMISSIONER BARTOLETTI MOVES TO APPROVE TO POSTPONE TO JANUARY MEETING. SECONDED BY COMMISSIONER WEBBER.
UNANIMOUS APPROVAL (4-0).**

8. **Land Use 5001 Jeffery Place** - Discuss and make recommendations on variances for 1. A 13-foot encroachment for a fence in a 20-foot fence setback, 2. To allow 0% transparency, where 80% is required and 3. Encroachment of pool equipment 1.5 feet in the 20-foot side

yard setback on a corner lot (Section 22.03.173 and Section 22.03.275 of the West Lake Hills Code). Applicants Huang Lung Wang (Victor) & Elisa Jiang, Property Owners
Staff Briefing

Director Bills gives the staff briefing.

Staff Recommendation: Denial for fence location and transparency. No public comments received.

Presentation by Applicant

Victor Wang and wife Elisa, are the owners. This is a corner lot. We want 7.5' into the front setback and privacy. We moved the pool equipment so that variance isn't needed. Victor goes over each slide showing the details of the fence. Traffic is an issue on Ridgewood going to Rollingwood Drive. Having a solid fence will act as a buffer and also provide privacy. We do have support from our neighbors.

Vice-Chairman Pledger: All those properties you have marked, are they in Rollingwood?

Victor: No. All the lots on the left are West Lake Hills. The other side is Rollingwood.

Public Hearing

Vice-Chairman Pledger opened the meeting for public comments. Hearing none, the public comment section was closed.

Discussion/Recommendation

Commissioner Maccini: Here's where I stand with it. I'm not in favor of changing the setback. I am fine with a modified solid fence and no higher than six feet.

Vice-Chairman Pledger: I know we recently approved a fence for noise mediation at Westlake Drive and Yaupon. I think it's a flat fence completely.

Commissioner Maccini: I'm not at all in favor of modifying the setback. We have setbacks for a reason.

Commissioner Webber: This is my neighborhood. I drive by this property all the time. Welcome back to the hood and glad to have you back. It's a tricky situation for me to saying no that at least the property line request given there are other property line fences. I don't know when we stop approving these variances. I'm not in favor of a 0% fence. That can be resolved through greenery. Your presentation was beautiful.

Commissioner Stewart: We have to be careful using non-conforming things because we don't know how those came to be. I don't see the hardship.

COMMISSIONER WEBBER MOVES TO RECOMMEND DENIAL TO ALL

REQUESTS DUE TO LACK OF HARDSHIP AND NOT MEETING THE CONCERNS IN OTHER WAYS. COMMISSIONER BARTOLETTI SECONDS. UNANIMOUS (4-0) DENIAL.

9. **Ordinance:** Discuss and make a recommendation on the approval of an ordinance to adopt a Subdivision Checklist, as required by House Bill 3699, codified in the Texas Local Government Code Section 212.0081

Staff Briefing

Director Bills goes over the subdivision checklist.

Discussion/Recommendation

Commissioner Bartoletti: One of these items talks about deed restrictions. The plat notes should show the pre-existing deed restrictions. For example, HOA restrictions. I thought the subdivision checklist should say existing and proposed should be connected with the subdivision. If you look at some of the new subdivisions they don't look like the rest of the city. The people moving in look at the HOA rules, not the code. I wish it would refer to deed restrictions.

Director Bills: Those are private property agreements and the city doesn't enforce those.

Commissioner Bartoletti: Would like to make HOA regulations be consistent with City Code.

Director Bills: They are private restrictions that the city is not a party to. The city regulations trump private restrictions.

Commissioner Bartoletti: They don't know that.

Public Hearing

Vice-Chairman Pledger opened the meeting for public comments. Hearing none, the public comment section was closed.

Continued Discussion

Commissioner Webber: Anytime I see an X I don't want to do it. Change it to a bullet on the checklist. Can we give an example of an approved plat?

Director Bills: We can definitely look into doing that.

Commissioner Maccini: We should do the same for variances.

COMMISSIONER MACCINI MOVES TO RECOMMEND APPROVAL AS PRESENTED WITH AMENDMENTS AND GRAPHICS. COMMISSIONER WEBBER SECONDS. UNANIMOUS (4-0) APPROVAL.

10. Administration Update from staff on items forwarded to BOA and City Council from the previous meeting.

Staff Briefing

Director Bills gives updates.

11. Adjournment. Chairman Robert Meisel.

Vice-Chairman Pledger adjourns the meeting at 9:03 p.m.

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

Development Coordinator Joel Sherrouse

These minutes were approved on _____, 2024.



City of West Lake Hills

Zoning and Planning Commission

AGENDA REPORT

Meeting Date:	December 13, 2023	Item Number:	5
Department:	Building & Development Services		
Prepared By:	Jennifer C. Bills	Cost / Budget:	None
Exhibits:	See Attached	Source of Funds:	N/A

Subject

603 Spurlock Valley: Discuss and consider action on a variance to the side setback for pool encroachment of 10 feet to the required 20-foot side setback (Section 22.03.275 and 22.03.281 of the West Lake Hills Code).

Applicant: Tim Kirkendall

Recommendation

Staff recommends **denial** of the variance request. As the property is less than 0.5 acres, it is already afforded reduced setbacks compared to the 1 acre lots in the area. This would also require grading in excess of 18 inches in the setback. Without fully updated drainage and pool plan set, the extent of grading is currently unknown.

This item was recommended for **denial** by the Zoning and Planning Commission by a vote of 4-0 at their regular meeting on November 15, 2023 (Attachment 7).

Discussion

Property Information, Zoning & Site Characteristics:

Owner: Martha Farmer Allday

Legal Description: Stonehedge Estates Block G, Lot 9

Lot Size: As Surveyed - 0.465 acres (20,252 sf), on TCAD - 0.55 acres (23,958 sf)

Zoning: R-1 One Family

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

Background & Analysis:

The applicant is requesting a variance to encroach into the 20-foot east side set with a pool up to 10 feet from the property line (Attachment 1). The house is currently under construction for a remodel/addition to the original structure that is adding 1,205 square feet to the house footprint. The proposed site plan shows the addition of a pool to the east of the addition to the house (Attachment 2). Attachment 4 shows the location of the pool to the side of the house but does not show the front elevation view that would be facing Spurlock Valley.

The pool was not depicted in the drawings in the drainage study reviewed with the approved residential addition permit that was approved on April 11, 2023. Their engineer would have to verify that the impervious cover is within the impervious cover limits (Attachment 6).

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.

Development Hardships on this lot include a 37' steep grade change (16% slope), a small footprint that places 56% of the total land area within setbacks, a continuous drainage culvert at the front requiring an access easement from the western (side) property line and building an addition to an existing structure.

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

Our goal is to maintain the natural terrain. The lot slope provides an opportunity to build the pool in with minimal cut and fill of the existing terrain, however optimal placement encroaches on the side setback. The pool will not create additional runoff and the detention pond was sized with a future pool accounted for the additional impervious cover requirement.

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

The existing slope, setbacks, location of the existing house, and access easement limit other development options. The original platted subdivision had 10' side setbacks, this is the least visible location to neighboring properties and the abutting lot on the east is undeveloped and has a culvert that limits adjacent development.

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

We are proposing a modest pool that would fit within the boundary of the original subdivision setbacks (10') and less than 250 sf of the 11,305 sf of setbacks on the lot will be impacted.

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

This variance will not impact the goals of the ordinance or the comprehensive plan because it is based on site specific conditions and meets the intent of the originally platted subdivision. It is also reasonable based on neighboring jurisdiction's allowing pools in setbacks and treating pools as pervious cover.

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

The pool is located so it is not visible to any of the adjacent developed properties. The property to the east is double the size of 603 Spurlock Valley and has yet to be developed, because it has over 50' of slope on a shallow lot.

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

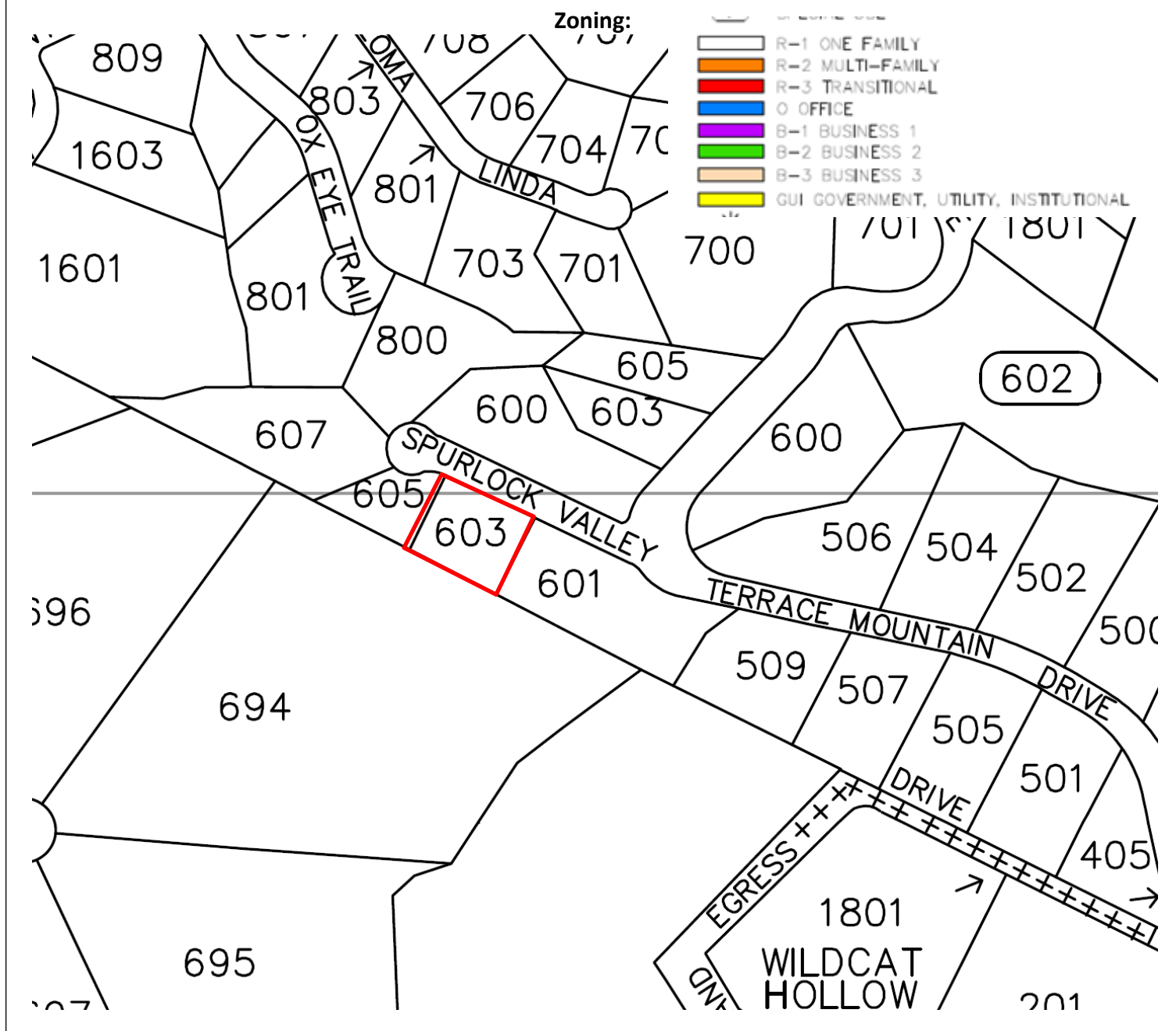
There is no change to the subdivision proposed with this application.

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 22.03.275 Building setback distances](#)
- [Section 22.03.281 Schedule of Regulations](#)
- [Section 38.05.031: Variances](#)
- [Section 22.03.511: Criteria and process required for granting variance](#)



Aerial:





3355 BEE CAVE RD. #303 AUSTIN TX 78746
512.447.6806 • WEISSARCHITECTURE.COM

Jennifer C. Bills, AICP, LEED AP
Director of Building and Development Services
[Email jbills@westlakehills.gov](mailto:jbills@westlakehills.gov)
Phone: [\(512\) 327-3628](tel:5123273628)

Director Bills

We appreciate the opportunity to submit this variance application to reduce the side setback for 603 Sprulock Valley from the 20' setback specified in the code (22.92.281) to the 10' setback that was outlined in the original plat. We believe this variance is supported by numerous hardships on site, will have no impact on any of the surrounding properties, and will not set a precedent based on unique site conditions.

603 Sprulock Valley was platted in 1967 and the original structure, built in 1972, is currently being renovated with an addition and a new garage replacing the existing free standing garage. The owners would like to add a pool, but the existing conditions on site do not allow for one within the city specified setbacks. However, we believe that development hardships combined with a sensitive approach to situating the pool will minimize any potential impacts this variance may cause.

Development Hardships on this lot include a 37' steep grade change (16% slope), a small footprint that places 56% of the total land area within setbacks, a continuous drainage culvert at the front requiring an access easement from the western (side) property line, and building an addition to an existing structure

The existing slope, setbacks, location of the existing house, and access easement limit other development options. The original platted subdivision had 10' side setbacks, where the pool is being proposed is the least visible location to neighboring properties and the abutting lot on the east is undeveloped and has a culvert that limits adjacent development

We are proposing a modest pool that would fit within the boundary of the original subdivision setbacks (10') and less than 250 sf of the 11,305 sf of setbacks on the lot will be impacted

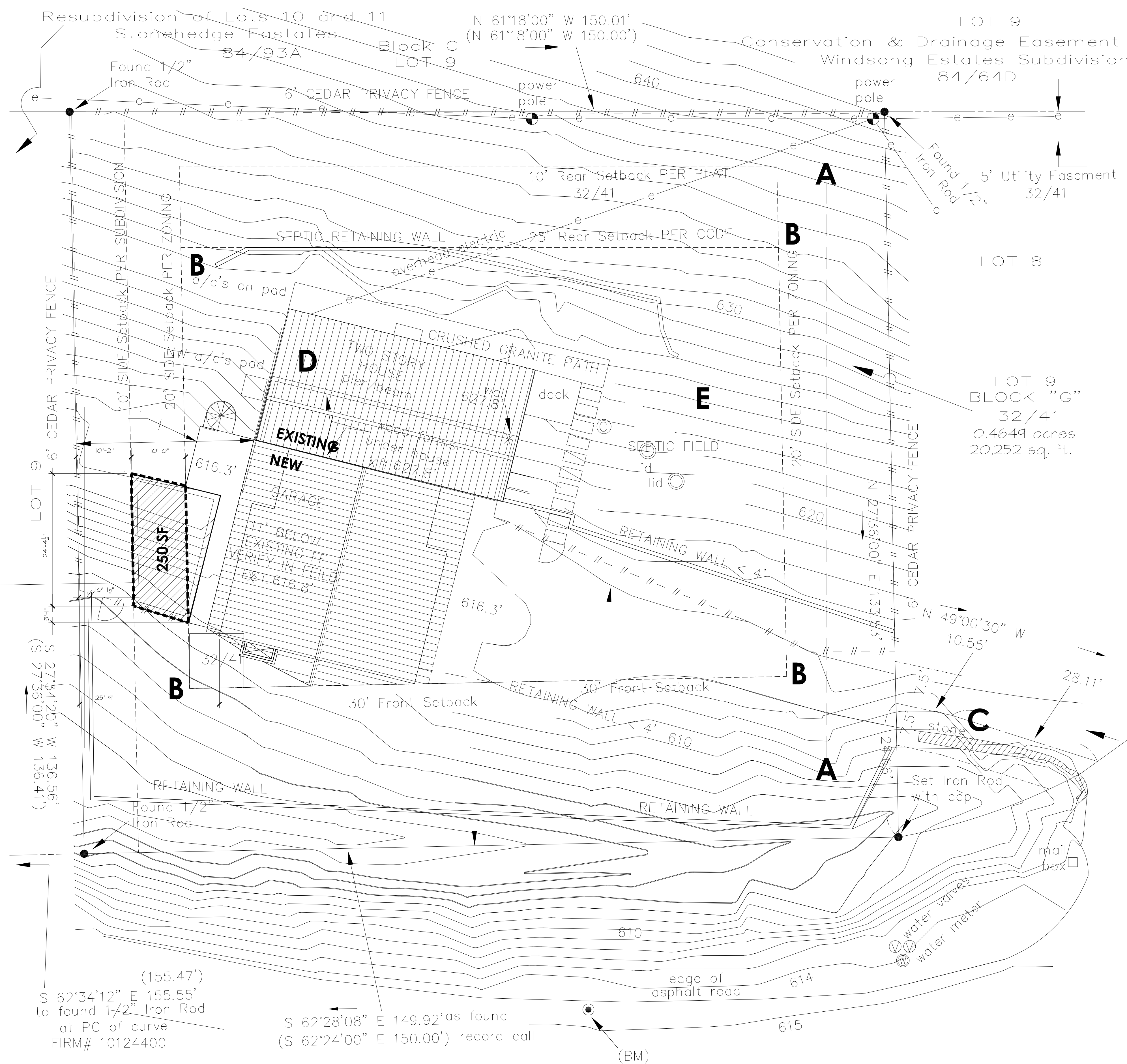
Attached are all of the submittal requirements as well as some photographs of the existing conditions.

Thank you for your consideration and please reach out if you have any questions at 512-924-0433

Richard Weiss AIA
Weiss Architecture Inc







REQUESTING
LESS THAN 250
SF OF AREA IN
THE REAR 20'
SETBACK
ADJACENT TO
UNDEVELOPED
LAND

VARIANCE REQUEST

REQUESTING ONE VARIANCE-
RELIEF FROM 22.02.281 SCHEDULE
OF REGULATIONS SIDE SETBACK
REQUIREMENTS.

FOR LOTS <.5 ACRES, THERE IS A
20' SETBACK. REQUESTING THAT
THE EAST SIDE SETBACK BE 10',
WHICH WAS THE ORIGINAL SIDE
SETBACK REQUIREMENT, IN
ORDER TO ADD A POOL.

EXISTING HARDSHIPS

- A. 37' STEEP GRADE CHANGE
ON LOT (16% SLOPE)
- B. OVER 56% OF THE LOT IS IN
SETBACKS
- C. ACCESS EASEMENT DUE TO
CONTINUOUS CULVERT ON
THE FRONT OF THE LOT
- D. EXISTING BUILDING
LOCATION AND GRADE AT
EXISTING GARAGE/ DRIVE
- E. LOCATION OF EXISTING
SEPTIC SYSTEM

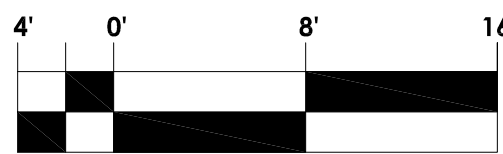
ENCROACHMENT WILL NOT BE
VISIBLE FROM NEIGHBORING
LOTS, FALLS WITHIN THE
ORIGINAL 10' SETBACK LINE, AND
WILL NOT INCREASE IMPERVIOUS
COVER OVER 25% OF LOT. POOL
FUNCTIONS AS PERVIOUS COVER
AND DETENTION POND HAS BEEN
SIZED TO ACCOMODATE

TREE LIST

NOTE: REFER TO SHEET AS1.2
FOR TREE LIST NO TREES TO
BE REMOVES

LEGEND AND SCALE

- NEW FENCE LINE
- EXISTING EASEMENT LINE
- VISITABLE ROUTE (MAX 6.25% SLOPE)
- PROPERTY LINE
- SET BACK LINE
- TOPOGRAPHY LINE



FULL SIZE SCALE: 1/8" = 1'-0"
(HALF SIZE SCALE: 1/16" = 1'-0")



WEISS ARCHITECTURE
3355 BEE CAVE RD
STUDIO # 303
AUSTIN TX 78746
(512) 447-6806 TEL
WEISSARC.COM

11 NOV 2022

603 SPURLOCK VALLEY
WEST LAKE HILL TEXAS 78746
VARIANCE SUBMITAL

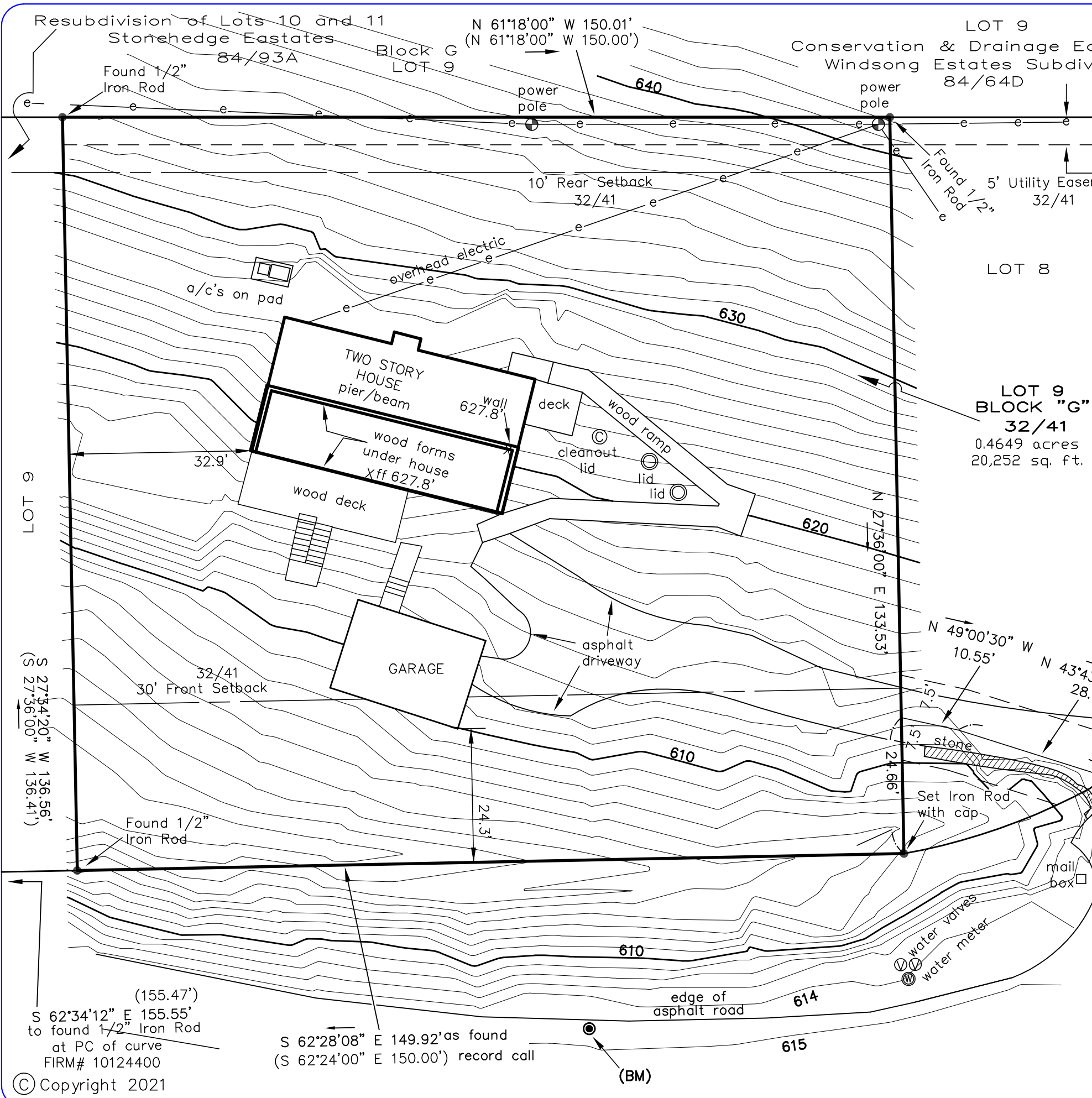
The document, whether in hard copy or
digital form, is copyrighted and an
instrument of services in respect to the
project for which it was proposed. The
document is not intended or authorized
for use by any party on any other
project. Any reuse including copying
and/or modifying the document
without written permission from Weiss
Architecture, Inc. for the specific
purpose intended is a violation of
Federal Copyright law.

REV. #	DATE	DESCRIPTION
	09/01/23	VARIANCE SUBMITAL

JOB NO. C2105
DRAWN BY RW

SHEET NAME

SHEET NUMBER



Waterloo Surveyors A0180TT
SURVEY PLAT
TOPOGRAPHIC & FORM SURVEY

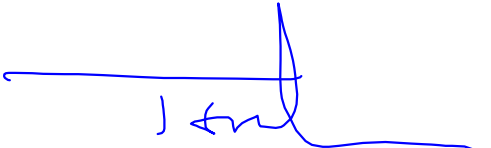
State of Texas:
County of Travis:

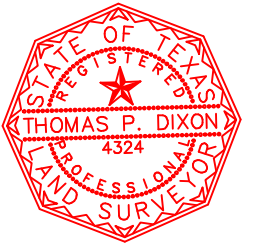
The undersigned does hereby certify that this survey was this day made on the property legally described hereon and is correct, and this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 15TH Condition II Survey. Dated this the 1B,3,6 day of NOVEMBER, 2021,

And I certify that the property shown hereon IS NOT within a special flood hazard area as identified by the Federal Insurance Adm. Department of HUD Flood hazard boundary map revised as per Map Number: 48453C0445K
Zone: X
Dated: 01/22/2020

NOTE:
SEE SHEET TWO (2) FOR TREE SURVEY

ADDRESS:
603 SPURLOCK VALLEY, 78746
LEGAL DESCRIPTION:
LOT NONE (9), STONEHEDGE ESTATES, BLOCK "G", A SUBDIVISION IN TRAVIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 32, PAGE 41, PLAT RECORDS, TRAVIS COUNTY, TEXAS, TOGETHER WITH INGRESS/EGRESS EASEMENT ACROSS LOT EIGHT (8), BEING MORE PARTICULARLY DESCRIBED IN DEED RECORDED IN VOLUME 11166, PAGE 1148, DEED RECORDS, TRAVIS COUNTY, TEXAS.


Thomas P. Dixon R.P.L.S. 4324



(BM)
BENCH MARK
SET SPINDLE
ELEVATION 614.8'
NAVD88

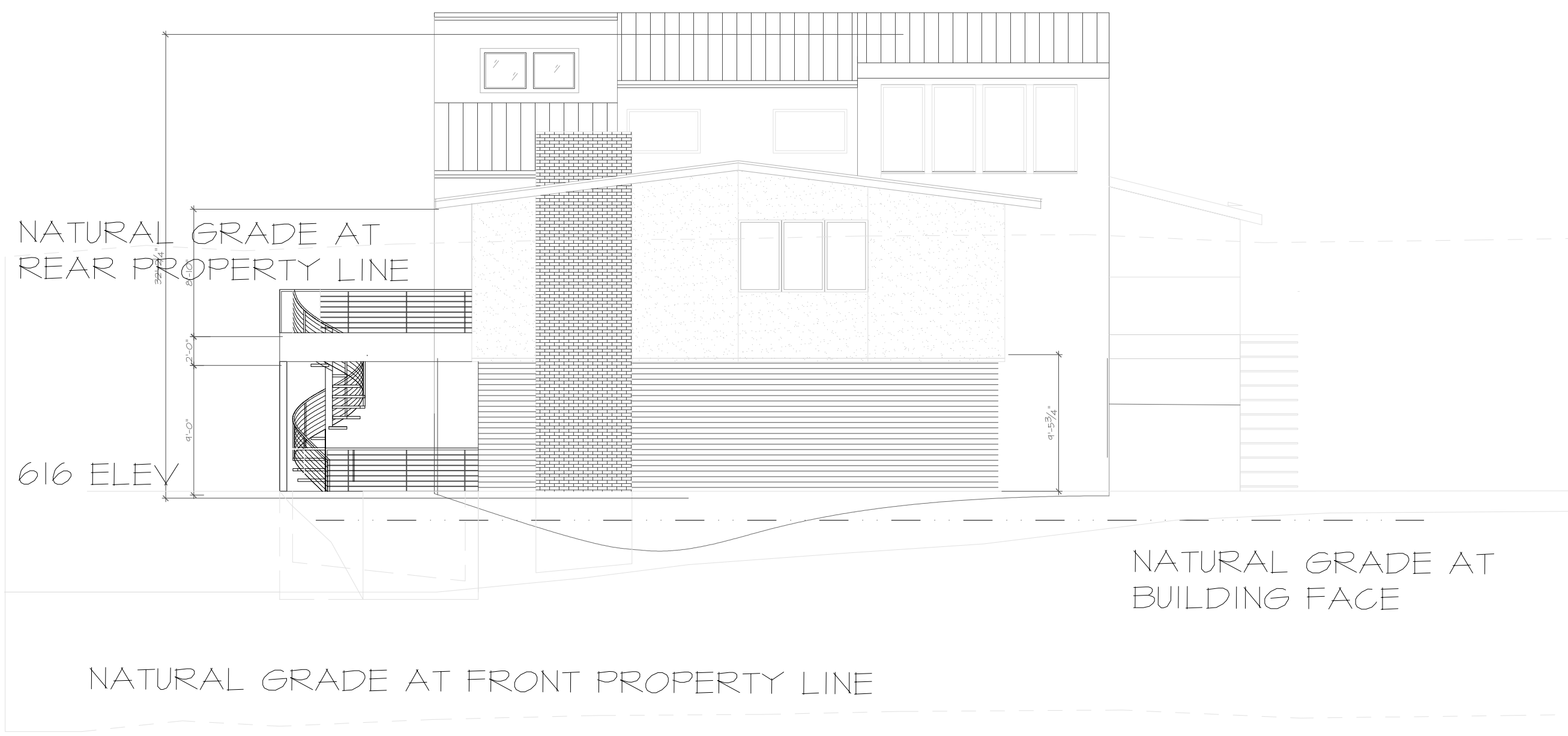
FINISHED FLOOR ff

NOTE:
THE ELEVATIONS SHOWN HEREON ARE NAVD88, BASED ON LOCAL NETWORK GPS OBSERVATION.

NOTE:
THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND OTHER EASEMENTS, RESTRICTIONS AND CONDITIONS MAY APPLY

Spurlock Valley

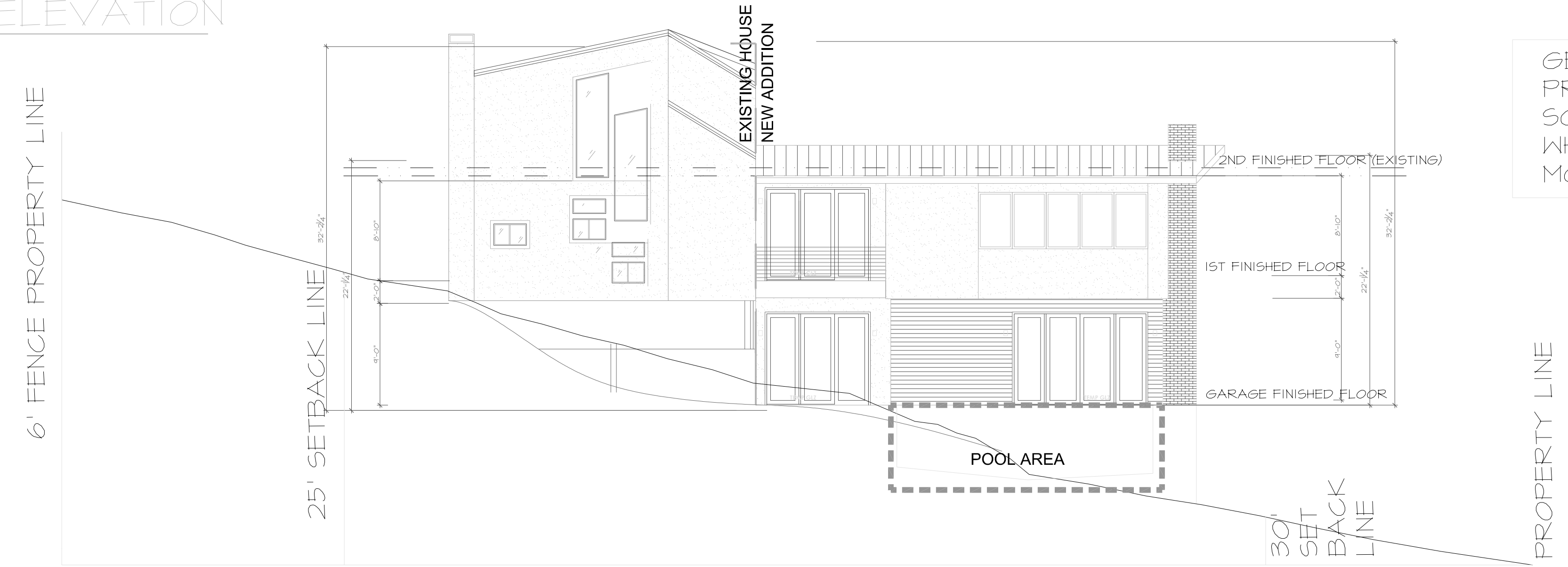




A NORTH ELEVATION



B SOUTH ELEVATION



C EAST ELEVATION



D WEST ELEVATION

GENERAL NOTE
PROVIDE LANDSCAPE
SCREENING IN ALL LOCATIONS
WHERE FOUNDATION IS VISIBLE
MORE THAN 3'

11 NOV 2022

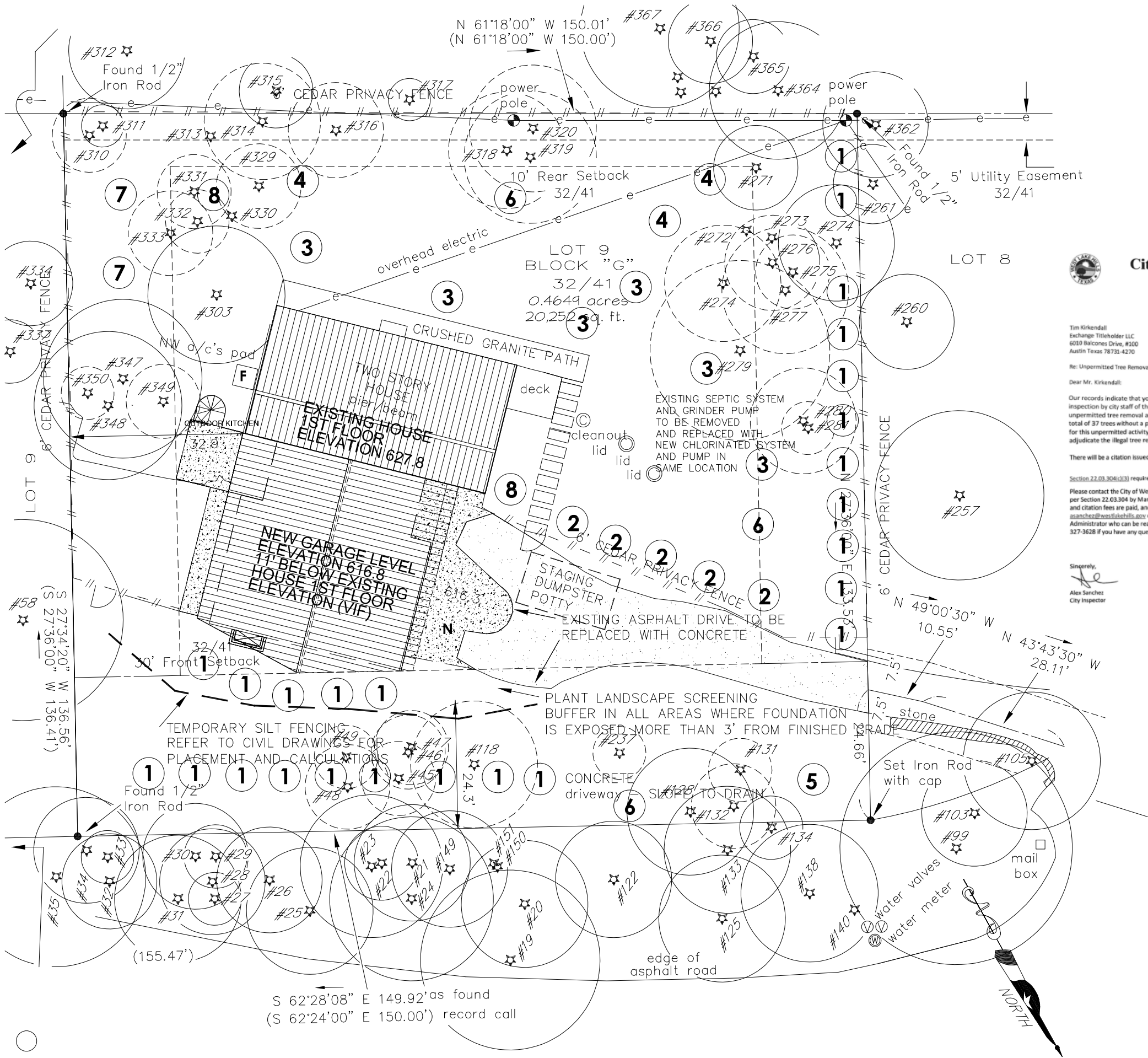
**603 SPURLOCK VALLEY
WEST LAKE HILL TEXAS 78746
VARIANCE SUBMITTAL**

This document, whether in hard copy or digital form, is copyrighted and an instrument of services in respect to the project for which it was proposed. This document is not intended or authorized for use by any party on any other project. Any reuse including copying and/or modifying this document, without written permission from Weiss Architecture, Inc. for the specific purpose intended is a violation of Federal Copyright law.

REV. #	DATE	DESCRIPTION
	09/01/23	VARIANCE SUBMITTAL

JOB NO. C2105
DRAWN BY RW

SHEET NAME
SHEET NUMBER



City of West Lake Hills

911 Westlake Drive
West Lake Hills, TX 78746
(512) 327-3628 www.westlakehills.org

February 10, 2023

Tim Kirkendall
Exchange Titleholder LLC
6010 Balcones Drive, #300
Austin Texas 78731-4270

Re: Unpermitted Tree Removal at 603 Spurlock Valley

Dear Mr. Kirkendall:

Our records indicate that you are the owner of the above referenced property. A site inspection by city staff of the City of West Lake Hills has confirmed a total of 277.5 inches, unpermitted tree removal and violations from your property. This included the removal of a total of 37 trees without a permit. This letter is to inform you that you are receiving citations for this unpermitted activity and the citations will be handled by the Municipal Court to adjudicate the illegal tree removal and penalties associated with the tree removal.

There will be a citation issued for each tree that was removed without proper approval.

Section 22.03.304(c)(3) requires 100% replacement for trees removed without proper permits.

Please contact the City of West Lake Hills and submit a tree replacement plan for the inches owed, per Section 22.03.304 by March 10, 2023. We will not release the stop work order until the penalty and citation fees are paid, and the landscape plan is approved. I can be reached by email at asanchez@westlakehills.gov or by phone (512) 610-6836 as well as Ashby Grundman, Assistant City Administrator who can be reached by email grundman@westlakehills.gov or by phone at (512) 327-3628 if you have any questions.

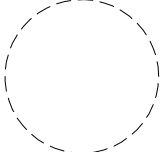
Sincerely,

Alex Sanchez
City Inspector

TREE NOTES

CITY OF WESTLAKE TYPE II NOTES ARE LOCATED ON SHEET2 OF THE CIVIL ENGINEERING DRAWINGS- TYPE II DEVELOPMENT PERMIT PLANS

REMOVED TREES HAVE BEEN INDICATED WITH A DASHED LINE



VEGETATION IS BEING ADDED TO SCREEN THE FOUNDATION IN ALL LOCATIONS WHERE THE FOUNDATION IS VISIBLE FOR MORE THAN 3' ABOVE GRADE

PER THE CITY OF WESTLAKE HILLS CORRESPONDENCE DATED FEB 10, 2023 FROM ALEX SANCHEZ, THE TREE MITIGATION PLAN MUST INCLUDE 277.5 CALIPER INCHES EACH NEW TREE WILL BE PLANTED AT 6 CALIPER INCHES

TREE TYPES AND QUANTITIES ARE AS FOLLOWS

TREE SPECIES	CALIPER INCHES
1 (25) THUJA GREEN GIANT @ 6" PER	150
2 (5) YOSHINO CHERRY TREE @ 6" PER	30
3 (6) CHEROKEE CHIEF DOGWOOD @ 6" PER	36
4 (3) GREEN MOUNTAIN SUGAR MAPLE @ 6" PER	18
5 (1) OCTOBER GLORY RED MAPLE @ 6" PER	6
6 (3) GINKGO TREE @ 6" PER	18
7 (2) CHEROKEE CHIEF DOGWOOD @ 6" PER	12
8 (2) WISTERIA @ 6" PER	12
TOTAL	282
TOTAL NEW CALIPER INCHES	182
TOTAL REQUIRED	277.5

STAGING DUMPSTER AND PORT-A-POTTY TO BE LOCATED

WEISS ARCHITECTURE
3355 BEE CAVE RD
STUDIO # 303
AUSTIN TX 78746
(512) 447-6806 TEL
WEISSARC.COM

20 FEB 2023

603 SPURLOCK VALLEY
WEST LAKE HILL TEXAS 78746

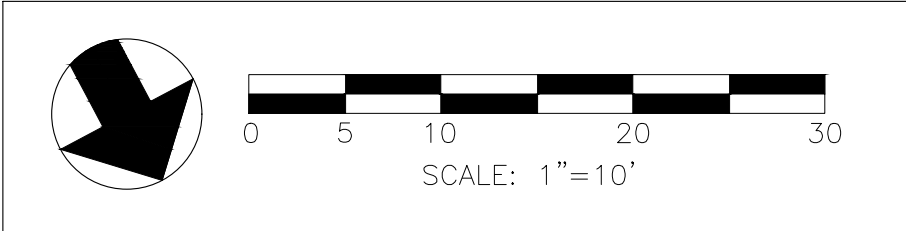
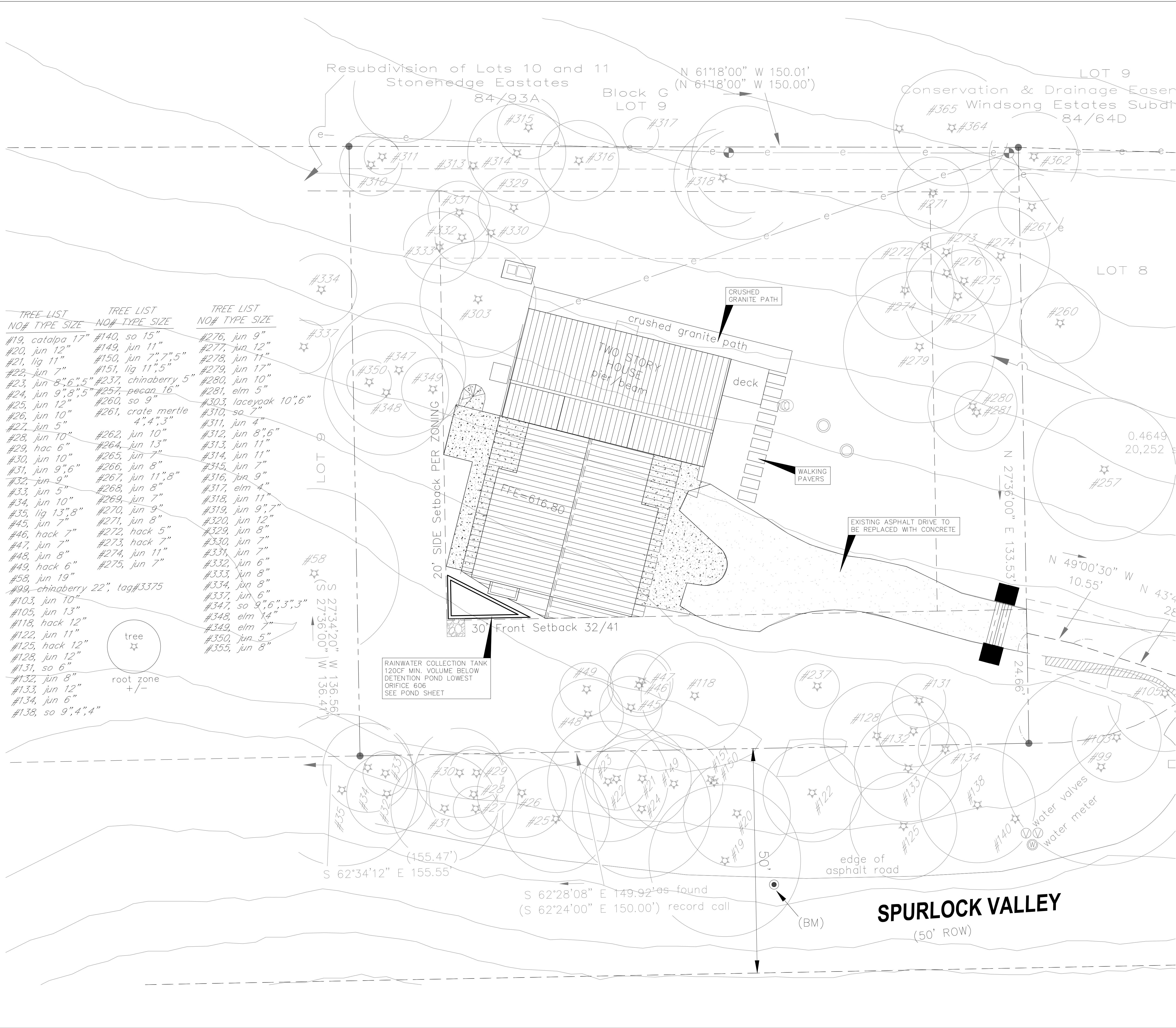
This document, whether in hard copy or digital form, is copyrighted and an instrument of services in respect to the project for which it was proposed. The document is not intended or authorized for use by any party on any other project. Any reuse including copying and/or modifying the document without written permission from Weiss Architecture, Inc. for the specific purpose intended is a violation of Federal Copyright law.

REV. #	DATE	DESCRIPTION
1	01/28/22	CLIENT REVIEW
2	03/15/22	75% DD CHECK SET
3	03/23/22	100% DD CHECK SET
4	06/10/22	100% PERMIT SET
5	11/10/22	PERMIT RESPONSE SET
6	02/22/23	PERMIT RESPONSE SET #2

JOB NO. C2105
DRAWN BY RW

SHEET NAME
TREE PLAN
SHEET NUMBER

AS1.2



LEGEND		
---	BOUNDARY / RIGHT OF WAY	
---	EASEMENT	
---	ADJOINER	

Total Site Area:			20,252	
Ex. IC Areas			SF	% of Site
House			1585	7.8%
Driveway			1177	5.8%
Deck, ramps, steps			430	2.1%
PreDeveloped IC:			3192	15.8%
Prop. IC Areas				
House			2790	13.8%
Driveway			1447	7.1%
Patio, Sidewalks, paved areas, p			734	3.6%
Post-Development IC:			4971	24.5%
Net Incease of Impervious			1779	8.8%
Roof Area Deduction			960	4.7%
Net Impervious*			4011	19.8%
*with rainwater harvest imperious cover deduction				
RAINWATER COLLECTION CALC'S				
Roof Capture Area			960	SF
Required Capture Depth			1.5	IN
Required Capture Volume			120	CF
			898	GAL
Provided Storage Volume			120.0	CF
			898	GAL

NOTES
1. ALL DOWNSPOUTS SHALL BE HARD PIPED TO RAINWATER COLLECTION TANK.
O&M MAINTENANCE REQUIREMENTS AND SCHEDULE
FOR DETENTION PONDS:
INSPECT POND AFTER INTENSE RAINFALLS AND ON A REGULAR BASIS FOR THE FOLLOWING:
1. INSPECT THE ENTIRE POND INCLUDING THE WEIR AND DRAINAGE OUTLET PIPES FOR ACCUMULATED SEDIMENT, PAPER, TRASH, AND DEBRIS AND REMOVE AS NEEDED.
2. INSPECT POND FOR BARE SOIL AND REVEGETATE AS NEEDED.
3. MAINTAIN VEGETATION TO PREVENT HEIGHT FROM EXCEEDING EIGHTEEN (18) INCHES.
4. MEASURE DEPTH AND WIDTHS OF POND AND RESHAPE POND AS NECESSARY TO MAINTAIN SHAPE PER
APPROVED DRAINAGE PLAN. NOTE: OVERTIME, THE POND WILL ACCUMULATE SEDIMENT, LAWN CLIPPINGS, AND LEAVES THAT WILL BUILD UP AND VOLUME WILL BE LOST IF NOT MAINTAINED AND RESHAPED AS NEEDED.
5. INSPECT POND FOR SIGNS OF EROSION OR ANY SHIFTING, COLLAPSING, OR DETERMINATION OF THE POND BERM, OUTLET PIPES, AND WEIRS AND RESTORE TO APPROVED DRAINAGE PLAN DESIGN.

IRRIGATION SYSTEM SPECIFICATIONS
IRRIGATION SYSTEM SHALL BE DESIGNED TO EMPTY RAINWATER COLLECTION VOLUME WITHIN 7 DAYS FROM END OF RAIN EVENT. IRRIGATION SHALL BE DELAYED A MINIMUM OF 12 HOURS FROM END OF RAIN EVENT. IRRIGATION DESIGNER SHALL PROVIDE FOR PUMP, CONTROLLER AND PIPING/NOZZLES TO MEET THESE REQUIREMENTS.

TCMBENGINEERING
Together Collaboration Moves Business
BOB.D@TCMB.ENGINEERING
440-708-4121

TCMB ENGINEERING, LLC
2704 Firecrest Dr. Austin TX 78704
F-21921

TYPE II DEVELOPMENT PERMIT PLANS
603 SPURLOCK VALLEY
WEST LAKE HILLS, TX 78746

STATE OF TEXAS
REGISTERED PROFESSIONAL ENGINEER
ROBERT M. DEMYAN
123628
FIRM REG. # F-21921

DATE: 3/28/2023
DRAWN BY:
DESIGNER: BD
REVIEWER:
PROJECT No.: 1044-001

SHT 5 OF 11

CAUTION:
CONTRACTOR TO VERIFY ALL EXISTING UTILITIES VERTICALLY AND HORIZONTALLY PRIOR TO CONSTRUCTION. CONTRACTOR TO NOTIFY THE ENGINEER IMMEDIATELY OF ANY DISCREPANCIES.

CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, November 15, 2023 at 6:30 PM

1. Call to Order. Chairman Robert Meisel.

With a quorum present, Vice-Chairman Pledger called the meeting to order at 6:31 p.m.

ZAPCO Members Present

**Vice-Chairman Jim Pledger
Patrick Stewart
Julia Webber
Laurie Maccini - arrived 6:54
Karen Bartoletti**

City Staff Present

**Dir. of Building & Development Jennifer Bills
Development Coordinator Joel Sherrouse
Asst. City Attorney Josh Brockman-Weber**

2. Citizen Communications The Commission 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 Commission later in the meeting. The Commission cannot respond to or discuss matters not listed on the agenda. The Commission 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.

Vice-Chairman Pledger opened the meeting for public comments. Hearing none, the public comment section was closed.

3. 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.
Motion for Approval made by Commissioner Stewart with a Second by Commissioner Bartoletti.
Motion for Approval carried unanimously by a vote of 3 ayes to 0 nays.

4. Land Use 100 Redbud Trail - Discuss and make a recommendation on variances for a 17-foot encroachment into the 50-foot front yard setback to demolish and reconstruct a pool house (Section 22.03.275 of the West Lake Hills Code). Applicant James Hughes Holland
Staff Briefing

Director Bills gives the staff briefing.

Staff Recommendation: Approval.

Presentation by Applicant

Hughes Holland is the applicant and explains the variance request. The impervious

cover is reduced.

Public Hearing

Vice-Chairman Pledger opened the meeting for public comments. Hearing none, the public comment section was closed.

Discussion/Recommendation

Commissioner Webber: Thank you for changing the submittal.

Commissioner Stewart: We appreciate the impervious cover reduction.

**COMMISSIONER BARTOLETTI MOVES TO RECOMMEND APPROVAL.
COMMISSIONER WEBBER SECONDS. UNANIMOUS (3-0) APPROVAL.**

5. 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 briefing.

Staff Recommendation: Denial due to design.

Commissioner Webber: Can you remind me what the impervious cover is?

Director Bills: It's about 37%.

Presentation by Applicant

Monte Janssen is the applicant and is with J5 Homes and I am the builder and the owner of this property. By the time you bring in 20' from both sides there's not a lot of lot left. We don't have enough left to build a house. I did go to various neighbors and gotten support for the removal of the trees and moving our project forward. We don't have anybody that's against us but we want you to be with us to be able to improve this property.

Public Hearing

Thomas Finsberg: I'm here to support this because I'm a potential buyer. All four of

our children have been raised and educated in Westlake; this is our home. We're interested in purchasing the home for our son who is wanting to do his residency in Austin. We learned the setbacks were changed from 5' to 20' and that would limit rebuilding the house. We're wanting to bring in more trees than what are there. We've been working really hard to comply with the new rules. I think the plans we have would be a significant improvement.

Vice-Chairman Pledger closes the Public Hearing.

Discussion/Recommendation

Commissioner Maccini: Before I say anything I want to apologize for my tardiness.

Commissioner Stewart: I think this is another one to tag along with Julia earlier, I appreciate we've received a great deal more information from the first time we saw this application. I do see a hardship in the lot size. I'm encouraged by what I see and the support of the neighbors.

Commissioner Webber: Thank you for the resubmittal with the additional information. I still have reservations about this project because the lot size is not unique to projects in our city. The street would like a much smaller house. The original house is 1,000 sq. ft. smaller. It's unfortunately we're trying to stuff all that into a Brady Lane lot. However, you've met the impervious cover restrictions and fitting in the setback rules. I'm in support because our zoning rules don't stop this sort of building on smaller lots.

Commissioner Maccini: We're changing the lot to fit the design instead of the design to fit the lot. Brady is a charming street. Replacement trees need to be watered.

COMMISSIONER WEBBER MOVES TO RECOMMEND APPROVAL DUE TO THE SIZE OF THE LOT AND ALL OTHER ASPECTS MEET CODE. COMMISSIONER STEWART SECONDS. APPROVED (3-1) COMMISSIONER BARTOLETTI OPPOSES.

Commissioner Webber: How and when do we bring up the discussion of potential code modifications to keep the nature and character we are talking about?

Director Bills: We can add that to the report that ZAPCO makes the request to look at design considerations dealing with the smaller lots because we can't have a one size fits all in the smaller neighborhoods.

Commissioner Maccini: Would that also include design?

Director Bills: Explains the state law has limitations on a municipality's ability to regulate design and materials.

6. Land Use 603 Spurlock Valley - Discuss and make recommendation on a variance to the side setback for pool encroachment of 10 feet to the required 20-foot side setback (Section 22.03.275 and 22.03.281 of the West Lake Hills Code.) Applicant Tim Kirkendall

Staff Briefing

Director Bills gives the staff briefing.

Staff Recommendation: Denial. No public responses.

Commissioner Bartoletti: I have a couple of questions. The diagrams we've got are a little bit different than what was in the package and what we got tonight. Are we clear that there's not an encroachment into the 30' front setback? The original looks like there is an encroachment.

Director Bills: There has been an inspection and there isn't an encroachment.

Commissioner Stewart: Did I hear you correctly that with the pool addition it would put them over the impervious cover?

Director Bills: By the plans we have on file, yes.

Commissioner Maccini: Were there no trees on most of the lot?

Director Bills: The trees, under a separate action, they removed trees without permits and they have a court ordered replacement.

Commissioner Maccini: It just stood out to me.

Commissioner Webber: One portion of the pool is going to be 9' above grade?

Director Bills: The lot has a significant slope to it. 18" is the maximum grading they can do.

Presentation by Applicant

Richard Weise is the architect with the project. One item I'd like to clear up is the impervious cover issue. When we submitted our application we were required to do a detention pond and when they sized it they included additional square feet on Sheet 8 of the civil package and so that was in the original application but it's unused. It's a relatively small lot and going over the hardships, the setbacks take up 56% of the overall lot. We had limited possibilities working with the natural grade. One of the biggest hardships is we have a Spurlock Valley address but our lot is completely inaccessible from Spurlock Valley because of the culvert. The setbacks are a hardship because it compresses the lot. We do have letters of support (not provided to ZAPCO).

Public Hearing

The next door neighbor is present and states this is the first time he's seeing this.

Vice-Chairman Pledger closes the Public Hearing.

Discussion/Recommendation

Vice-Chairman Pledger: I can't imagine an argument that the existing setbacks that are applicable would constitute a hardship. I don't think that works.

Commissioner Webber: Remind me the square footage of the lot?

Director Bills: It's .46 acres. Roughly 20,000 sq. ft.

Commissioner Webber: I agree. The setbacks are not an issue for hardship. I also think placing a 3,600 sq. ft. house that takes up available land with a pool was a choice that was made. My biggest objection is that the pool will be 9' above grade. I'm very unconvinced of the viability of a pool that requires that condition of the land. I'm not compelled to change a setback for a pool if there's no real hardship. So I'm not in support of this project.

Commissioner Bartoletti: I might also add, I live in this general neighborhood and I wish I had a dollar for every unbuildable lot that I've seen a house get built on. The argument that the lot may not ever be built on the adjacent lot doesn't ring true.

COMMISSIONER WEBBER MOVES TO RECOMMEND DENIAL BASED ON LACK OF HARDSHIP AND LACK OF FEASIBILITY FOR FURTHER CONSTRUCTION AND VARIANCES. COMMISSIONER MACCINI SECONDS. UNANIMOUS (4-0) DENIAL.

7. **Land Use 499 Rocky River Road** - Discuss and make recommendations on variances to the front yard setbacks and to allow a second driveway (Section 22.03.275 and 22.03.175 of the West Lake Hills Code). Applicant Aaron McIntyre, Munir Group

Staff Briefing

Director Bills gives the staff briefing.

Staff Recommendation: Approval of front yard to 30'. Denial of second driveway. No public responses.

Commissioner Bartoletti: I have a question for staff and probably you, Jim. When a variance is granted like this, ZAPCO can't approve changing a 50' setback to a 30' setback. Am I just dreaming that we've had this conversation?

Vice-Chairman Pledger: ZAPCO doesn't have the authority to approve anything. We just make recommendations.

Commissioner Bartoletti: But as part of the variance process in general.

Commissioner Webber: I thought that once a variance is passed it is with the lot.

Commissioner Stewart: We're not approving the entire 50' setback, we're only approving the encroachment into that setback.

Commissioner Bartoletti: So if this particular project does not get built, it's not like the setback has been changed.

Vice-Chairman Pledger: Right.

Commissioner Stewart: On the second driveway, if that is approved, they will be over the impervious cover?

Director Bills: They are proposing pervious pavers which is calculated at 50%.

Commissioner Stewart: It will still be over.

Presentation by Applicant

Michael Munir and Aaron McIntyre are the owners of the property. It came with a permissible set of plans with approved variances. The previous house had been demolished. Given the lot size that we were showing good faith. We did keep the trees and it is a hardship with the width on the Reveille side of the street. We wanted to look at the second drive as a safety issue. Our primary concern is the buildability of the lot. I don't think we're asking for more than what has previously been approved. The previous plan that was approved was around 7,000 sq. ft. We designed a smaller structure so we're decreasing the coverage.

Aaron McIntyre: I would just emphasize the placement of the trees. The previous variance approval was to remove some of those trees.

Commissioner Webber: If you were to have that second driveway do you foresee any place on the lot you could remove 229 sq. ft. of hardscape to be compliant with the impervious cover?

Michael: I'm just trying to stay in the rules. We maybe might make the existing driveway grasscrete.

Commissioner Webber: You may have more parking on that grasscrete.

Michael: That's something we discussed in the design meetings.

Commissioner Webber: I want to commend you for your presentation and thank you for your clarity.

Public Hearing

Vice-Chairman Pledger opened the meeting for public comments. Hearing none, the public comment section was closed.

Discussion/Recommendation

Commissioner Maccini: I have my own perspective of this lot. I live down the street. I have walked this street for 28 years. We're talking about adjusting a lot for the house instead of adjusting the house for the lot. I see a 3-car garage. There is also a pool house and a pool. I appreciate that it's less than 7,000 sq. ft. but there is almost 5,600 sq. ft. of conditioned space. I think the house is just too large for the lot. Off street parking is difficult on Reveille. I was one of the people fighting to get a sidewalk. If you didn't have so much sq. ft. of house you would have more room. I'm not in favor for the setbacks or the second driveway.

Commissioner Webber: I see this as a failing of our code to restrict this kind of project. As long as our code is written the way it is, I agree is it too large for the lot. The project should be delaying to ascertain the true clarification around the setback so the drawings truly reflect the information. There are two A/C units that are outside the setback that I would flag and I'm not in favor or increasing the impervious cover for this project for approving a second driveway.

Commissioner Stewart: Are we able to vote on this? It seems incomplete.

Vice-Chairman Pledger: Would the 50' setback on the side follow the street?

Director Bills: Yes.

Vice-Chairman Pledger: It's a very large house for a very small lot.

Commissioner Webber: And our code doesn't restrict that.

Vice-Chairman Pledger: It does through variances for setbacks.

Commissioner Webber: I agree with you. Until the proper setbacks are on the plan, I'm not sure we can make a recommendation.

Applicant requests to postpone.

**COMMISSIONER BARTOLETTI MOVES TO APPROVE TO POSTPONE TO JANUARY MEETING. SECONDED BY COMMISSIONER WEBBER.
UNANIMOUS APPROVAL (4-0).**

8. Land Use 5001 Jeffery Place - Discuss and make recommendations on variances for 1. A 13-foot encroachment for a fence in a 20-foot fence setback, 2. To allow 0% transparency, where 80% is required and 3. Encroachment of pool equipment 1.5 feet in the 20-foot side

yard setback on a corner lot (Section 22.03.173 and Section 22.03.275 of the West Lake Hills Code). Applicants Huang Lung Wang (Victor) & Elisa Jiang, Property Owners
Staff Briefing

Director Bills gives the staff briefing.

Staff Recommendation: Denial for fence location and transparency. No public comments received.

Presentation by Applicant

Victor Wang and wife Elisa, are the owners. This is a corner lot. We want 7.5' into the front setback and privacy. We moved the pool equipment so that variance isn't needed. Victor goes over each slide showing the details of the fence. Traffic is an issue on Ridgewood going to Rollingwood Drive. Having a solid fence will act as a buffer and also provide privacy. We do have support from our neighbors.

Vice-Chairman Pledger: All those properties you have marked, are they in Rollingwood?

Victor: No. All the lots on the left are West Lake Hills. The other side is Rollingwood.

Public Hearing

Vice-Chairman Pledger opened the meeting for public comments. Hearing none, the public comment section was closed.

Discussion/Recommendation

Commissioner Maccini: Here's where I stand with it. I'm not in favor of changing the setback. I am fine with a modified solid fence and no higher than six feet.

Vice-Chairman Pledger: I know we recently approved a fence for noise mediation at Westlake Drive and Yaupon. I think it's a flat fence completely.

Commissioner Maccini: I'm not at all in favor of modifying the setback. We have setbacks for a reason.

Commissioner Webber: This is my neighborhood. I drive by this property all the time. Welcome back to the hood and glad to have you back. It's a tricky situation for me to saying no that at least the property line request given there are other property line fences. I don't know when we stop approving these variances. I'm not in favor of a 0% fence. That can be resolved through greenery. Your presentation was beautiful.

Commissioner Stewart: We have to be careful using non-conforming things because we don't know how those came to be. I don't see the hardship.

COMMISSIONER WEBBER MOVES TO RECOMMEND DENIAL TO ALL

REQUESTS DUE TO LACK OF HARDSHIP AND NOT MEETING THE CONCERNS IN OTHER WAYS. COMMISSIONER BARTOLETTI SECONDS. UNANIMOUS (4-0) DENIAL.

9. **Ordinance:** Discuss and make a recommendation on the approval of an ordinance to adopt a Subdivision Checklist, as required by House Bill 3699, codified in the Texas Local Government Code Section 212.0081

Staff Briefing

Director Bills goes over the subdivision checklist.

Discussion/Recommendation

Commissioner Bartoletti: One of these items talks about deed restrictions. The plat notes should show the pre-existing deed restrictions. For example, HOA restrictions. I thought the subdivision checklist should say existing and proposed should be connected with the subdivision. If you look at some of the new subdivisions they don't look like the rest of the city. The people moving in look at the HOA rules, not the code. I wish it would refer to deed restrictions.

Director Bills: Those are private property agreements and the city doesn't enforce those.

Commissioner Bartoletti: Would like to make HOA regulations be consistent with City Code.

Director Bills: They are private restrictions that the city is not a party to. The city regulations trump private restrictions.

Commissioner Bartoletti: They don't know that.

Public Hearing

Vice-Chairman Pledger opened the meeting for public comments. Hearing none, the public comment section was closed.

Continued Discussion

Commissioner Webber: Anytime I see an X I don't want to do it. Change it to a bullet on the checklist. Can we give an example of an approved plat?

Director Bills: We can definitely look into doing that.

Commissioner Maccini: We should do the same for variances.

COMMISSIONER MACCINI MOVES TO RECOMMEND APPROVAL AS PRESENTED WITH AMENDMENTS AND GRAPHICS. COMMISSIONER WEBBER SECONDS. UNANIMOUS (4-0) APPROVAL.

10. Administration Update from staff on items forwarded to BOA and City Council from the previous meeting.

Staff Briefing

Director Bills gives updates.

11. Adjournment. Chairman Robert Meisel.

Vice-Chairman Pledger adjourns the meeting at 9:03 p.m.

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

Development Coordinator Joel Sherrouse

These minutes were approved on _____, 2024.