



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, August 21, 2024 at 6:30 PM

Notice is hereby given that the Zoning and Planning Commission (ZAPCO) of the City of West Lake Hills, Texas, will hold a Regular Meeting on the 21st day of August 2024 at 6:30 p.m., in the Council Chamber, Municipal Building, 911 Westlake Drive, West Lake Hills, Texas, at which time the following items will be discussed, to-wit:

REMOTE ACCESS - Join Zoom Meeting at <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 planner@westlakehills.gov by 1:00 P.M. on August 21, 2024

1. Call to Order. Chairman Robert Meisel.
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.
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.
 - a. Approval of the June 19, 2024 Zoning and Planning Commission Minutes
 - b. Approval of the July 17, 2024 Zoning and Planning Commission Minutes
 - c. Report of the Previous ZAPCO cases acted on by the BOA/City Council
4. Public Hearing 1501 Wildcat Hollow: Discuss and make recommendations on the proposed variances:

1. Allow up to 6 feet of grading in the 50-foot Harbor View Drive front setback for the

- garage access/drive court where grading greater than 18” is not allowed (Section 22.03.170 (f));
2. Allow a retaining wall up to 6’7” in height above natural grade, where the maximum wall height anywhere on the site is 6 feet. (Section 22.03.170);
 3. Allow an encroachment of 6 feet for a drive court and 8 feet for a side parking area, into the required 20-foot parking setback from Harbor View Drive. (Section 22.03.175);
 4. Allow a 12-foot encroachment into the required 50-foot front setback at Harbor View Drive (Section 22.03.275 and 22.03.281);
 5. Request to maintain the existing nonconforming circle drive with access on Wildcat Hollow and Harbor View Drive, where only one driveway is allowed per lot. (Section 22.03.175).

Applicant: Davin Filpot, R&D Architecture

5. **Public Hearing 22 Hull Circle:** Discuss and make recommendation on a variance for an 8-foot encroachment into the 20 foot-side setback for the replacement of a non-conforming deck (Section 22.03.276 and 22.03.281 of the West Lake Hills Code).

Applicant: James Odom, Archadeck of Austin

6. **Public Hearing 102 W Spring Dr.:** Discuss and make recommendations on the proposed variances:
 1. To encroach 16’4” feet into the required 20-foot west side setback (Section 22.03.275 and 22.03.281);
 2. Encroach 8’4” feet into the required 20-foot east side setback (Sections 22.03.275 and 22.03.281); and
 3. Maintain the existing impervious cover allowance of 44.1% (Sections 22.03.278 and 22.03.281 of the West Lake Hills Code).

Applicant: Michael Deere, Archadia Design

7. Adjournment. Chairman Robert Meisel.

By Jennifer C. Bills, Director of Building & Development Services

Certificate

I certify that the above Notice of the August 21, 2024 Zoning & Planning Commission Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on August 16, 2024 at 5:00 pm. and will remain posted continuously until said

meeting is convened.

By Joel Sherrouse, Development Coordinator

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

All items on the agenda are for discussion and/or action. ZAPCO reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development).

City of West Lake Hills

MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO)

REGULAR MEETING

Wednesday, June 19th, 2024 at 6:30 PM

1. **Call to Order:** Chair Robert Meisel.

- a. Meeting begins at 6:30pm
- b. Roll Call
 - i. Chair Robert Meisel: Present
 - ii. Vice-Chair Jim Pledger: Present
 - iii. Commissioner Julia Webber: Present
 - iv. Commissioner Karen Bartoletti: Absent (Excused)
 - v. Commissioner Patrick Stewart: Absent (Excused)
 - vi. Commissioner Laurie Maccini: Present

2. **Citizen Communications:**

- 1. None

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 items unless a Commission Member or citizen so requests.

- a. **Action:** Commissioner Pledger moves that all items be approved
 - Commissioner Webber Seconds
 - Motion carries 3:0

Deliberation/Action: **207 Yaupon Valley Dr.:** Consider action to recommend approval with conditions for the Osuri Subdivision Minor Plat, being 1.743 acres out of the Thomas J. Chambers Survey No. 504 (Section 36.01.018 of the West Lake Hills Code of Ordinance).

Applicant: Davin Fillpot, Agent

a. **Staff Report:**

- Director Bills explained the Minor Plat and the recommended conditions for approval

b. **Public Comments:**

- **None**

c. **Discussion:**

- **None**

d. Action:

- Commissioner Webber moves that the plat be forwarded to Council with a recommendation of **Conditional Approval** based on staff conditions
 - Commissioner Pledger Seconds
 - Motion **carries** (3-0)

Recommendation will be forwarded to City Council for final consideration on July 10, 2024.

4. Public Hearing: **717 ½ Yaupon Valley Road**: Hold a public hearing and make a recommendation for the rezoning of 0.13 acres out of Lot 2A Ben Riske Subdivision Amended Plat of Lots 1 & 2 from R-1, One-Family Residential District to GUI, Governmental, Utility, and Institutional District (Section 38.05.092 of the West Lake Hills Code).

Applicant: James McDermot, DEC Central Texas, LLC

a. Staff Report: Director Bills delivers briefing on zoning for Water District

- Commissioner Webber asks if former property owner is aware of planned tank
 - Director Bills: Yes

b. Public Comment:

- i. None

c. Discussion:

- i. None

d. Action: Commissioner Pledger moves that the zoning change be forwarded to Council with a recommendation of **approval**.

- Commissioner Webber Seconds
- Motion Carries Unanimously (3-0)

Recommendation will be forwarded to City Council for final consideration on July 10, 2024.

5. Public Hearing **103 Yaupon Valley Drive**: Discuss and make recommendations on the proposed variances:

1. Excavation, grading or filling greater than 18" in setbacks (Section 22.03.170 (f) of the West Lake Hills Code)
2. Closed cut of 11 feet for the house where maximum allowed is 10 feet (natural grade 25-35%) or 0 feet (natural grade >35%), and a closed fill of 3 feet where the maximum is 0 feet for the driveway (7.4.1 of the Drainage and Erosion Control Manual).

Applicant: Erica and Ashton Weinberger, Property Owners

a. Staff Report:

- Director Bills delivers briefing on prior variance requests and subsequent building reviews leading to current variance requests
 - Explains limitations on lot created by topography and setback restrictions
- Commissioner Pledger: Asks Director Bills to explain previous setback variances.
 - Director Bills: No setback variances have been approved.
- Commissioner Webber: Asks if cut/fill limitations account for footings.
 - City Engineer Morales: Measured from base of finished floor elevation
- Commissioner Webber: Code may need to be revisited
- Commissioner Webber: Asks about structure of driveway
 - City Engineer Morales: Concrete material with a 12-18" dropoff depending on landscaping
 - Seeing driveway from main roadway should not be visibly distinct

b. Public Hearing:

- Erica Weinberger: Owner
 - Delivers presentation on variance request
- Cynthia Brandimarte: 808 Westlake
 - Expected that there would be no more variances after previous requests
 - Asks Commission to recommend denial of variance request
- Debrorah Stewart: 100 Yaupon Valley
 - Worried about drainage from lot
 - Asks Commission to recommend denial of variance request
- Roxxanne Yates: 200 Yaupon
 - Agrees with opinion of 2 previous speakers
 - Concerned about contractors parking on her land during construction
 - West Lake Hills Has Ordinances for reasons and ordinances need to be upheld
 - Asks Commission to recommend denial of variance request
- Glen Stotts: 102 Yaupon Valley
 - Concerned about runoff associated with variances
 - Asks Commission to recommend denial of variance request

- Request made to display on-screen an email (*Attachment A*) from Katherine Loayza that was received after the Agenda had been officially posted for the ZAPCO hearing.
- Daniel Mann: 201 Laurel Valley
 - Wants to discuss history of property
 - Chair Meisel: Can't discuss item off agenda
 - Worried about runoff
- Jay Corder: Architect
 - Doesn't want to be bringing variances
 - Permit will not be granted by City Staff if drainage isn't properly designed
 - House well-under impervious cover limitations – increased square footage compared to initial variance requests is from adding 3rd floor. The building footprint has been reduced to fall within building setback lines.

c. Discussion:

- Commissioner Webber: These are the only 2 variances?
 - Director Bills: Yes. The only remaining comment aside from variance items is a small discrepancy on the square footage of the house between the septic and architectural plans.
- Commissioner Webber: When in the process is drainage reviewed?
 - Director Bills: Architectural and Civil plans are reviewed concurrently
- Commissioner Webber: We're not here to discuss drainage, but it is clearly a concern.
 - City Engineer Morales: Explains drainage review process
 - Drainage life, health, and safety issues cannot receive a variance
 - Design staff has done their due diligence with respect to drainage models
 - Has accounted for impact to surrounding properties
 - Describes location of detention and water quality facilities
 - Commissioner Webber: Cases like this the water quality and drainage can actually be improved.
- Chair Meisel: Is rainwater collection and detention calculated for 100-year event?
 - Rainwater collection is for 1.5" of rain
 - Detention is for 100-year event

- Commissioner Maccini: Are removed trees accounted for in modeling?
 - City Engineer Morales: Yes
- Chair Meisel: Where is drainage pond, and is its size determined?
 - City Engineer Morales: Explains location and modeling, and that the size has already been determined through the modeling
 - Pond will drain into culvert
- Members of audience ask how Engineers can really know how water will behave.
 - Chair Meisel: Our licensed consultants are relied upon to know their field.
- Chair Meisel: If the city absolutely denies the right to build entirely, the city condemns the property and must buy it.
- Commissioner Pledger:
 - What kind of structural changes have been made with the detention pond and culvert that will help protect the neighbors?
 - City Engineer Morales: Drainage is designed to prevent adverse impact compared to existing conditions.
 - Why isn't property designed to improve existing drainage instead of just preventing adverse impact?
 - City Engineer Morales: City is limited in what it can impose on a property owner for a private development.
- Commissioner Webber:
 - Lot was separated from larger parcel. Are lots checked for development hurdles during platting?
 - Director Bills: This lot was platted prior to existing development standards. Newly subdivided lots in West Lake Hills must meet minimum lot size requirements, provide slope analysis, and demonstrate that there is an area large enough to build a compliant structure on the lot.
- Commissioner Webber: Property owners are asking for 2 minor variances that they are close to meeting and have met the rest of the code
 - Sensitive to neighboring homeowner wishes, but not within the purview of ZAPCO
 - In support of property owners if 2 minor variances are all that's required to develop lot.
- d. Action:** Commissioner Webber moves that the variance be forwarded to BOA with a recommendation of **approval**.
 - **Motion dies for lack of second**

e. Chair Meisel moves for **denial**

- Commissioner Pledger seconds
- Motion Carries 2-1 – Commissioner Webber dissenting

Recommendation will be forwarded to the Board of Adjustment on July 10, 2024

6. **Public Hearing: 304 Yaupon Valley Rd:** Discuss and make recommendation on a variance to the 30-foot front setback with an encroachment of up to 10 feet (Section 22.03.275 and 22.03.281 of the West Lake Hills Code).

Applicant: James Bylander, homeowner

a. Staff Report: Director Bills delivers briefing on generator location and setback variance

b. Public Comment: None

c. Discussion:

- Commissioner Maccini: If the generator is too loud, would noise screening need additional variance?
 - Director Bills: Most screening for mechanical equipment is vegetative and wouldn't require variance

d. Action: Commissioner Pledger moves that the variance be forwarded to Council with a recommendation of **approval**. Based on hardship of health and safety.

- Commissioner Maccini Seconds
- Motion Carries Unanimously (3-0)

Recommendation will be forwarded to the Board of Adjustment on July 12, 2024

7. **Public Hearing: 1427 Redbud Trail:** Discuss and make recommendation on a 38-foot encroachment into a 50- foot front setback for a new carport (Section 22.03.275 and 22.03.281 of the West Lake Hills Code).

Applicant: Stacy Paulson

a. Staff Report: Director Bills delivers briefing on variance for carport over existing maneuvering strip. Explains that granting of variance would create new violation by removing required maneuvering strip.

b. Public Comment:

i. None

c. Discussion:

- i. **None**
- d. **Action:** Commissioner Pledger moves that the variance be forwarded to Council with a recommendation of **denial** for lack of hardship
 - i. Commissioner Webber Seconds
 - ii. Motion Carries Unanimously (3-0)

Recommendation will be forwarded to the Board of Adjustment on July 12, 2024

8. Public Hearing: **205 W Spring**

Applicant: Will McAshan

- a. **Staff Report:** Director Bills delivers briefing on previous approved variance and additional variance requests
 - i. Commissioner Webber: Has minimization of eaves been discussed?
 - a) Not with staff
- b. **Public Comment:**
 - i. **Will McAshan: Owner**
 - a) Explains that additional setback variance is due to an oversight in previous variance request. Prior setback encroachment variance request was based on the location of the wall but didn't account for code requirement prohibiting eaves and overhangs from encroaching on setback.
 - b) Explains poor condition of tree.
- c. **Discussion:**
 - i. Commissioner Webber: Initial variance was to save the tree
 - a) Has there been consideration to replace the tree?
 - Replacement trees will be planted on the property
 - ii. Commissioner Webber: Doesn't object to extending encroachment to include eaves, but doesn't want house to be extended with shorter eaves
 - iii. Will McAshan: Willing to have condition that additional encroachment is limited to eaves only
- d. **Action:** Commissioner Webber moves that the variance be forwarded to Council with a recommendation of **approval** with condition that the eave be shown on the drawings as the only extra encroachment
 - i. Commissioner Pledger Seconds
 - ii. Motion Carries Unanimously (3-0)

Recommendation will be forwarded to the Board of Adjustment on July 12, 2024

9. Adjournment:

Chair Meisel Adjourns the meeting at **8:32pm**

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

Development Coordinator Joel Sherrouse

These minutes were approved on _____, 2024.

From: [Trey Fletcher](#)
To: [Jennifer Bills](#); [Joel Sherrouse](#)
Subject: FW: Zapco Item #6 103 Yaupon Drive additional variances
Date: Tuesday, June 18, 2024 8:22:39 AM
Importance: High

Please provide this email to the ZAPCO. Thank you.

From: Loayza, Katherine <kloayza@jw.com>
Sent: Monday, June 17, 2024 8:31 PM
To: Trey Fletcher <tfletcher@westlakehills.gov>
Subject: Zapco Item #6 103 Yaupon Drive additional variances
Importance: High

Trey,

I am adamantly opposed to the two additional variances for the construction of a residence that is much too big for this lot. I have opposed the previous variances for the construction of this residence on the grounds that they do not meet the criteria for granting such variances. Rather than minimizing the degree of variance required by reducing the size of the structure, the owners came back to the City and **Increased** the building square footage.

The key question at this point is why were these current variances not identified by staff previously? It begs the question of what other issues/variances will come to light if these additional variances are granted?

This property is not suitable for the size of the proposed structure given the number of variances triggered by approval of the proposed building permit. Furthermore, although this lot has many challenges, granting the requested new variances is contrary to our Master Plan and impact on drainage and the environment (all the drainage will flow to my property which is the lowest point downstream from this lot).

Therefore, I request that Zapco deny these additional new variances.

Please include my comments in the ZAPCO meeting backup materials.

Respectfully,

Katherine Loayza

Katherine Loayza
Land Use Consultant
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DRAFT

City of West Lake Hills

MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO)

REGULAR MEETING

Wednesday, July 17th, 2024 at 6:30 PM

1. **Call to Order: Vice-Chair Jim Commissioner Pledger**
 - a. Meeting begins at 6:30pm
 - b. Roll Call
 - Chair Robert Meisel: Absent (Excused)
 - Vice-Chair Jim Pledger: Present
 - Commissioner Julia Webber: Present
 - Commissioner Karen Bartoletti: Present
 - Commissioner Patrick Stewart: Present
 - Commissioner Laurie Maccini: Present
2. **Citizen Communications:**
 - a. None
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 items unless a Commission Member or citizen so requests.
 - a. Approval of the May 15, 2024 Zoning and Planning Commission minutes
 - Item pulled for having incorrect date on Agenda. Consent Agenda item should have been for June 19, 2024 minutes.
 - b. Report of the Previous ZAPCO cases acted on by the BOA/City Council
 - c. **Action:** None required
4. **Deliberation/Action: 4 N Peak Road:** Consider action to recommend Approval with Conditions for the 4 N North Peak Rd. Minor Plat, being .0848 acres out of the Henry P Hill Survey Abstract No. 14 (Section 36.01.018 of the West Lake Hills Code of Ordinance).

Applicant: Kent Stromberg, Agent

- a. **Staff Report:**
 - i. Director Bills explains the Minor Plat and the recommended conditions for approval

- ii. **Commissioner Bartoletti:** Are the plat notes substantive, or does simply having them meet requirements?
 - 1. The city has pre-defined plat notes that must be included for platting
- iii. **Commissioner Maccini:** What is the difference between a subdivision and a lot?
 - 1. Platting process must meet city codes, whereas deed-dividing process does not.
- iv. **Commissioner Bartoletti:** Does this process create a legal lot?
 - 1. Yes
- b. **Public Comments:**
 - i. None
- c. **Discussion:**
 - i. None
- d. **Action:**
 - i. Commissioner Bartoletti moves that the plat be forwarded to Council with a recommendation of **Conditional Approval** based on staff conditions
 - 1. Commissioner Webber Seconds
 - 2. Motion **carries** (4-0)

Recommendation will be forwarded to City Council for final consideration on August 14, 2024.

- 5. Public Hearing 703 Loma Linda Dr.: Discuss and make recommendation on a variance to encroach 8 feet into the 25-foot side setback (Section 22.03.275 and 22.03.281 of the West Lake Hills Code).

Applicant: Steven Johnson, Property Owner

- a. **Staff Report:**
 - i. Director Bills delivers briefing on HVAC equipment encroachment into setback
 - ii. **Commissioner Webber:** How close is neighboring property structure?
 - 1. 25-ft setbacks place structures at least 50 feet apart
 - iii. **Commissioner Webber:** Incredibly sensitive to HVAC equipment inside yard due to noise

iv. **Commissioner Stewart:** How long has ordinance been in existence?

1. Multiple code cycles – not a new ordinance

b. **Public Comment:**

i. **Applicant: Steven Johnson**

1. Builder assumed HVAC could go in setback
2. Detention Pond in back is close to where AC pad should go by code
3. Wall and vegetative screening should reduce visual and auditory impact

c. **Discussion:**

i. **Commissioner Maccini:** What species trees have been planted?

1. Appear to be Cherry Laurels in pictures

ii. **Commissioner Maccini:** What kind of understory blocking?

1. **Commissioner Pledger:** Tree removal has already been approved by staff

iii. **Commissioner Bartoletti:** Difficulty seeing hardship

iv. **Commissioner Webber:** Trying to balance benefits of noise reduction through walls, distance, and vegetation combined with energy efficiency and possible future code amendments versus lack of hardship

v. **Commissioner Webber:** Are there fines for this kind of mistake where items aren't built to plan?

1. No fines in these cases. But final inspection and CO cannot be completed, so house cannot be used until resolved. Extra time is required to move into house plus added expense of correcting errors.

vi. **Commissioner Stewart:** Mistakes by builders should be owned by builders. As code is written today, no hardship exists.

d. **Action:**

- i. Commissioner Bartoletti moves to forward to Board of Adjustment with recommendation of **denial**, but requests that Council consider code amendment to address this issue going forward.
 1. Commissioner Webber Second
 2. Motion carries 4-0

Recommendation will be forwarded to Board of Adjustment for final consideration on August 14, 2024.

6. Public Hearing: 807 Loma Linda Dr.: Discuss and make recommendation on a variance for an 8.5-foot-tall fence where the maximum height is 6 feet over natural grade (Section 22.03.173 of the West Lake Hills Code).

Applicant: Carrie Steilen, Property Owner

a. Staff Report:

- i. Director Bills delivers staff report on property history and over-height fence built without permit
 - 1. **Commissioner Stewart:** Why isn't fence height considered from both sides?
 - a. Code bases height on grade beneath fence
 - 2. **Commissioner Stewart:** Does a cinder fence require more extensive design
 - a. Fences over 7 feet require engineering

b. Public Comment:

- i. **Jared Ficklin** – Owner's Representative
 - 1. Explains history of fence replacement
 - 2. Explains slopes around property
 - 3. Explains the added cost of building 6' instead of 6'3"

c. Discussion:

- i. **Commissioner Webber:** Could have built shorter than maximum with 8" blocks instead of taller than is allowed
- ii. **Commissioner Stewart:** 3" could be adjusted
- iii. **Commissioner Maccini:** Difficult because already built, and asking to take down is a lot, but if you know you know that adding a row of blocks will take the fence from being under the limit to over the limit, you should stay under.
- iv. **Commissioner Pledger:** Similar after-the-fact variances for other properties have been denied and walls have had to be revised.
- v. **Commissioner Webber:** Concrete blocks can be taken off 8" at a time – entire wall doesn't necessarily need to be removed

- d. Action:** Commissioner Webber moves that the zoning change be forwarded to Council with a recommendation of **denial** for lack of hardship.

- i. Commissioner Maccini Seconds
- ii. Motion Carries Unanimously (4-0)

Recommendation will be forwarded to City Council for final consideration on August 14, 2024.

7. Public Hearing 200 Wildcat Hollow: Discuss and make recommendation to allow for 25-foot encroachment for the building and grading for structures into a 50-foot front setback adjacent to Skyline Dr. for the redevelopment of a single-family residential structure (22.03.275 and 22.03.281 of the West Lake Hills Code).

Applicant: Rachel Jones, McCollum Studio

a. Staff Report:

- i. Director Bills explains property layout with 4 frontages and requested variance along skyline drive
- ii. **Commissioner Webber:** Pool on proposed plan is not existing. House could go in that location.
- iii. **Commissioner Bartoletti:** Would variance change the setbacks?
 1. No – would allow encroachment into setback for the house

b. Public Hearing:

- i. **Rachael Jones:** Architect
 1. Explains variance request
 2. Staying close to existing house and within setback will allow more trees to be saved
- ii. **Jeffrey Dochen:** Neighbor
 1. Fully supports approval of the variance request

c. Discussion:

- i. **Commissioner Maccini:** What is the planned square footage?
 1. 6,000 sft
 2. **Commissioner Maccini:** Design driven decision to build pool and large house
- ii. **Commissioner Webber:**
 1. 25' setback along skyline could be used for anything
- iii. **Commissioner Pledger:** Obligation to minimize the variance
- iv. **Commissioner Webber:** Feels like too early in process to request variance
- v. **Commissioner Bartoletti:** Doesn't understand practical downside to coming back with more-complete plans
- vi. **Commissioner Bartoletti:** Would limiting the encroachment to the extent of the existing house meet the applicant's needs?
 1. **Rachel Jones:** Could work within those constraints

- vii. **Commissioner Maccini:** Alright with limiting encroachment, but not sure how to word it
- viii. **Architect:** Explains concept of plans
 - 1. **Commissioner Bartoletti:** That is the kind of detail that more plans would provide
- ix. **Commissioner Pledger:** Would be comfortable limiting encroachment to outline of existing house
- x. **Commissioner Maccini:** Would applicant be willing to request postponement?
- xi. **Applicant:** more comfortable with recommendation to BOA now, and can provide more information at that point
- d. **Action:**
 - i. Commissioner Webber moves that the variance be forwarded to the Board of Adjustment with a recommendation of **denial**.
 - 1. Commissioner Stewart Seconds
 - 2. Motion Carries 4-0

Recommendation will be forwarded to the Board of Adjustment for final consideration on August 10, 2024

8. **Adjournment:**

- a. Vice-Chair Pledger Adjourns the meeting at **7:58**

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

Development Coordinator Joel Sherrouse

These minutes were approved on _____, 2024.



City of West Lake Hills Zoning & Planning Commission

AGENDA REPORT

Meeting Date:	August 21, 2024	Item Number:	3c
Department:	Building & Development Services		
Prepared By:	Jennifer C. Bills	Cost / Budget:	None
Exhibits:	See Attached	Source of Funds:	N/A

Subject

Report of Previous ZAPCO cases acted on by the BOA/City Council.

Discussion

Since the July 17, 2024 ZAPCO meeting the following cases forwarded by ZAPCO were considered at City Council/BOA.

Board of Adjustment

- a. 703 Loma Linda – Side setback encroachment for HVAC Equipment, pad, and screening wall – Approved

City Council

- a. 807 Loma Linda – Fence height variance – Approved
- b. 4 N Peak Minor Plat - Approved



City of West Lake Hills

Zoning and Planning Commission

AGENDA REPORT

Meeting Date:	August 21, 2024	Item Number:	4
	Building & Development		
Department:	Services		
Prepared By:	Jennifer C. Bills	Cost / Budget:	None
Exhibits:	See Attached	Source of Funds:	N/A

Subject

1501 Wildcat Hollow: Discuss and make recommendation on the following variance requests:

1. Allow up to 6 feet of grading in the 50-foot Harbor View Drive front setback for the garage access/drive court where grading greater than 18" is not allowed (Section 22.03.170 (f));
2. Allow a retaining wall up to 6'7" in height above natural grade, where the maximum wall height anywhere on the site is 6 feet. (Section 22.03.170);
3. Allow an encroachment of 6 feet for a drive court and 8 feet for a side parking area, into the required 20-foot parking setback from Harbor View Drive. (Section 22.03.175);
4. Allow a 12-foot encroachment into the required 50-foot front setback at Harbor View Drive (Section 22.03.275 and 22.03.281);
5. Request to maintain the existing nonconforming circle drive with access on Wildcat Hollow and Harbor View Drive, where only one driveway is allowed per lot. (Section 22.03.175).

Applicant: Davin Fillpot, Agent

Recommendation

Staff recommends denial of all the variance requests (or request for postponement to provide alternatives). One of the criteria for variance requests is that they not be greater than the minimum deviation required to alleviate the difficulty or hardship. Given the topography and two front setbacks, it is reasonable that some variances may be needed, but given the multiple parking areas and proposed location of the house, staff believes that the amount and extent of the requests can be reduced.

This item will be forwarded to the September 11, 2024 Board of Adjustment meeting for consideration.

Discussion

Property Information, Zoning & Site Characteristics:

Owner: 1501 Wild Cat Hollow LLC

Legal Description: Wildcat Harbor Conforming Lot 1

Lot Size: 1.1426 acres

Zoning: R-1 One-Family Residential

Wastewater: On-site Sewer Facility (OSSF)

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

Background & Analysis:

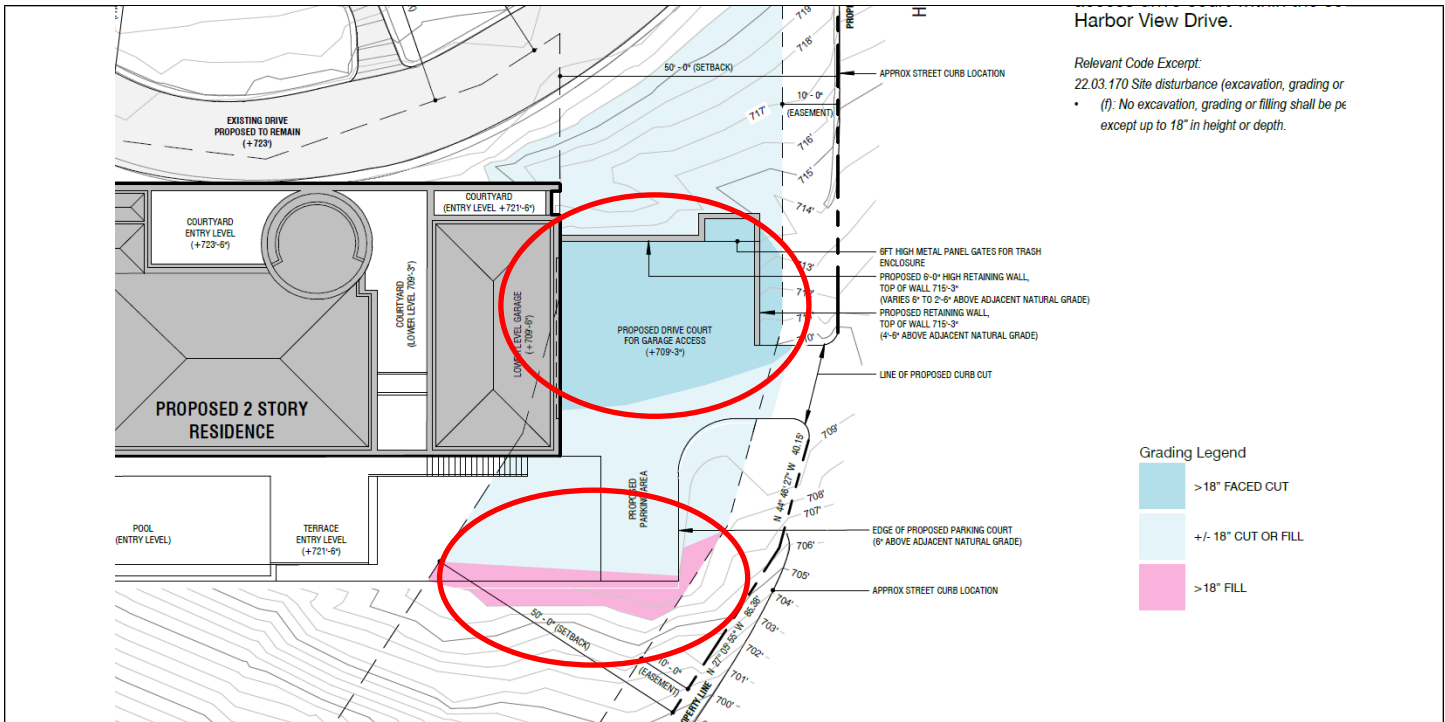
The applicant is proposing to build a new house at the corner southeast corner of Wildcat Hollow and Harbor View Drive (Attachment 1). The previous structure was demolished in 2023.



The applicant is requesting multiple variances related to grading and encroachments into the setbacks for a new residential structure and drive court.

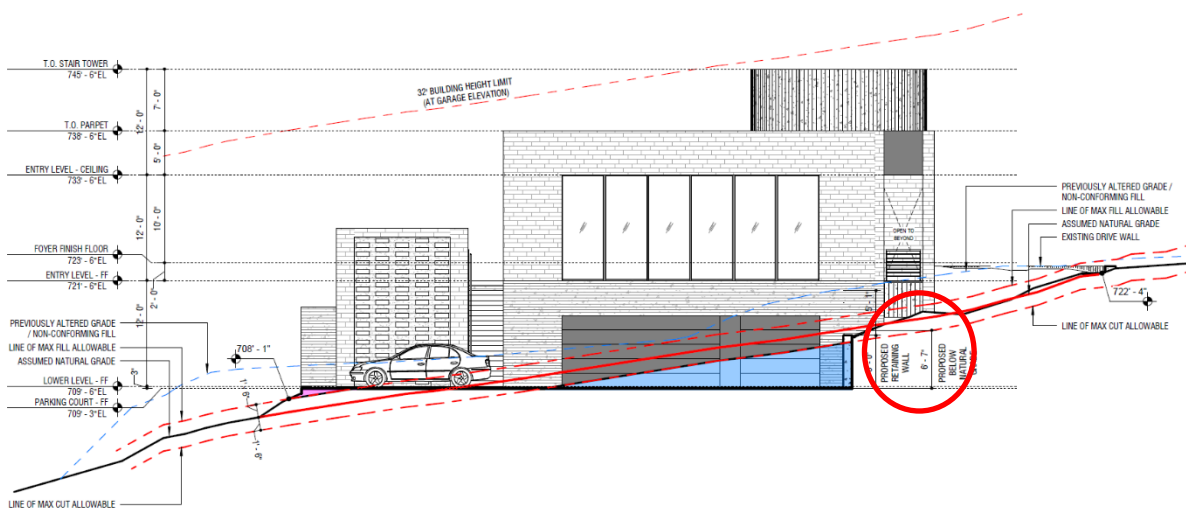
1. Allow up to 6 feet of grading in the 50-foot Harbor View Drive front setback for the garage access/drive court where grading greater than 18" is not allowed (Section 22.03.170 (f)).

All of the proposed drive court and parking area off Harbor View would be in the 50-foot building setback, in which grading (cut or fill) cannot exceed 18 inches.



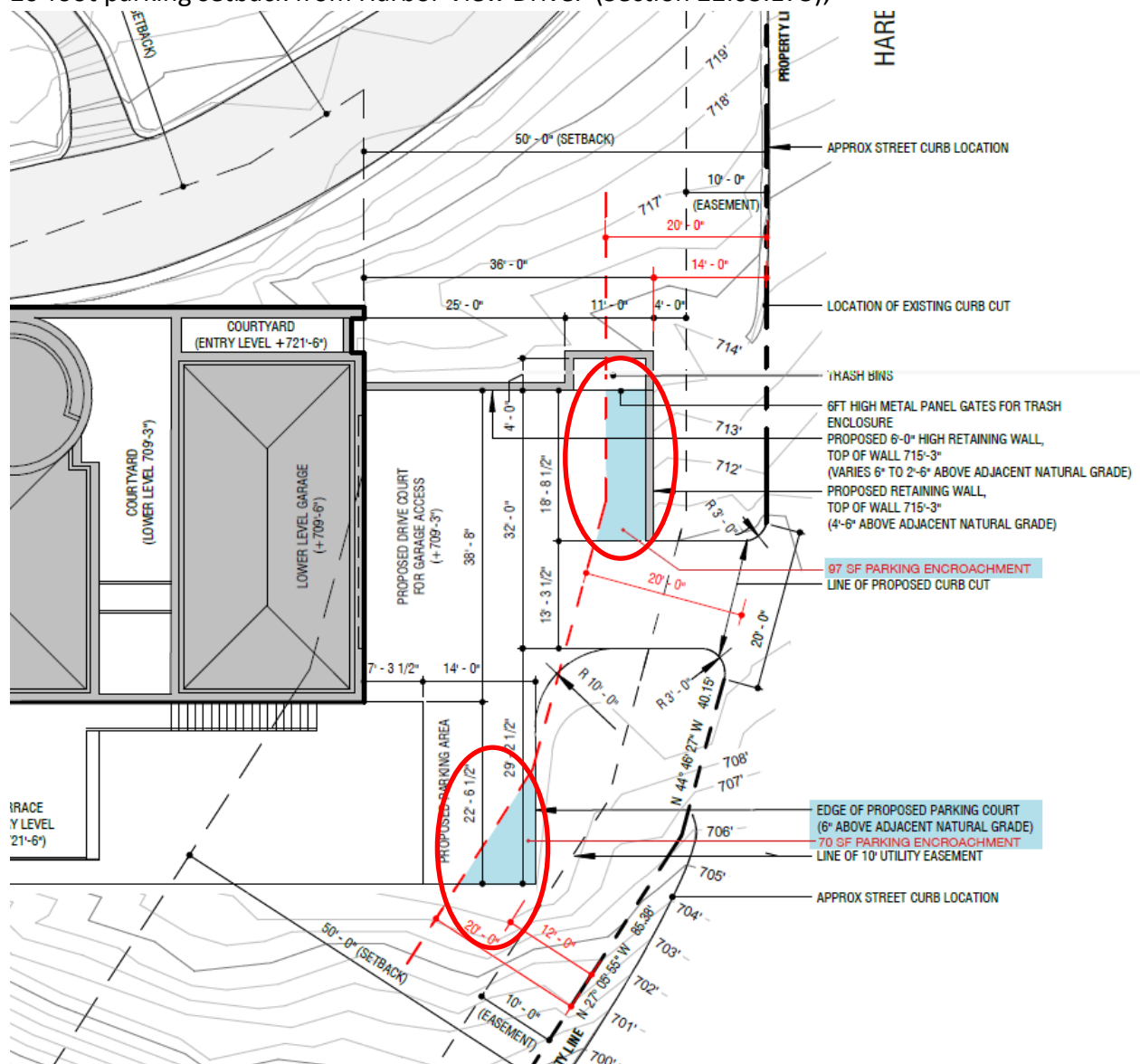
On the uphill slope, they are proposing more than 18 inches of cut (up to six feet), and on the down slope, they are proposing more than 18 inches of fill (up to six feet). The proposed area is indicated to have 0% slope. Some of the excess grading could be limited with a partial match of the existing slope. The drive court area size could also be reduced, considering that they are also asking for the existing circle drive that provides additional parking to remain.

2. Allow a retaining wall up to 6'7" in height above natural grade, where the maximum wall height anywhere on the site is 6 feet. (Section 22.03.170);



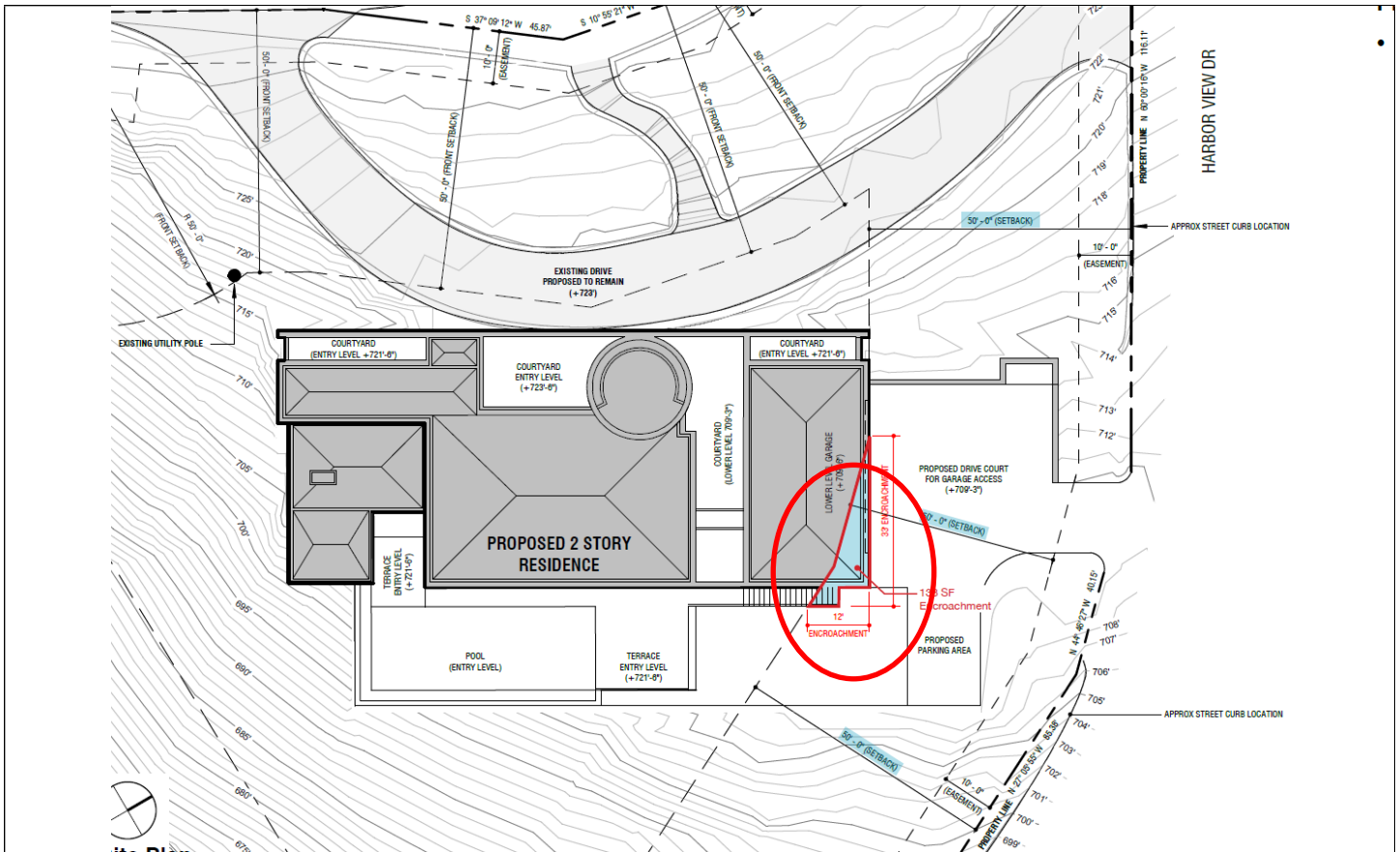
This variance request goes along with the first variance request. Determining the "natural grade" on an already disturbed site is difficult. They have estimated the original grade (solid red line) and that the grade cut from that point is 6 feet 7 inches.

3. Allow an encroachment of 6 feet for a drive court and 8 feet for a side parking area, into the required 20-foot parking setback from Harbor View Drive. (Section 22.03.175);



Both of these encroachments seem driven by the proposed location of the house and the size of the drive court.

4. Allow a 12-foot encroachment of the house into the required 50-foot front setback at Harbor View Drive (Section 22.03.275 and 22.03.281);



The house location appears to be driven by centering the house on the existing circle drive. Shifting the house to the west or shifting the orientation may alleviate the need for the encroachment.

5. Request to maintain the existing nonconforming circle drive with access on Wildcat Hollow and Harbor View Drive, where only one driveway is allowed per lot. (Section 22.03.175).

The applicant is requesting to keep the existing nonconforming circle drive, while modifying the third driveway/parking area. The proposed project seeks to increase the nonconformity of the site with additional encroachments and site disturbance, rather than reducing the existing nonconformance.

City Engineer's Analysis:

The city engineering team has provided analysis and recommends denial of all variances. They also recommend that the applicant provide additional analysis on the grading for the house, as additional variances might be needed from the Drainage & Erosion Control Manual cut and fill limits (Attachment 5).

Public Comments:

The applicant submitted two letters of support with the application (Attachment 4). As of the date of the staff report, no other written comments have been received.

Variance Criteria Review:

No variance shall be granted unless the following conditions are fulfilled:

1. The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.
2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.
6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.

The findings of fact as alleged by the applicant and city staff are attached in the following exhibits.

- Exhibit A - From the applicant
- Exhibit B - Staff recommendation

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

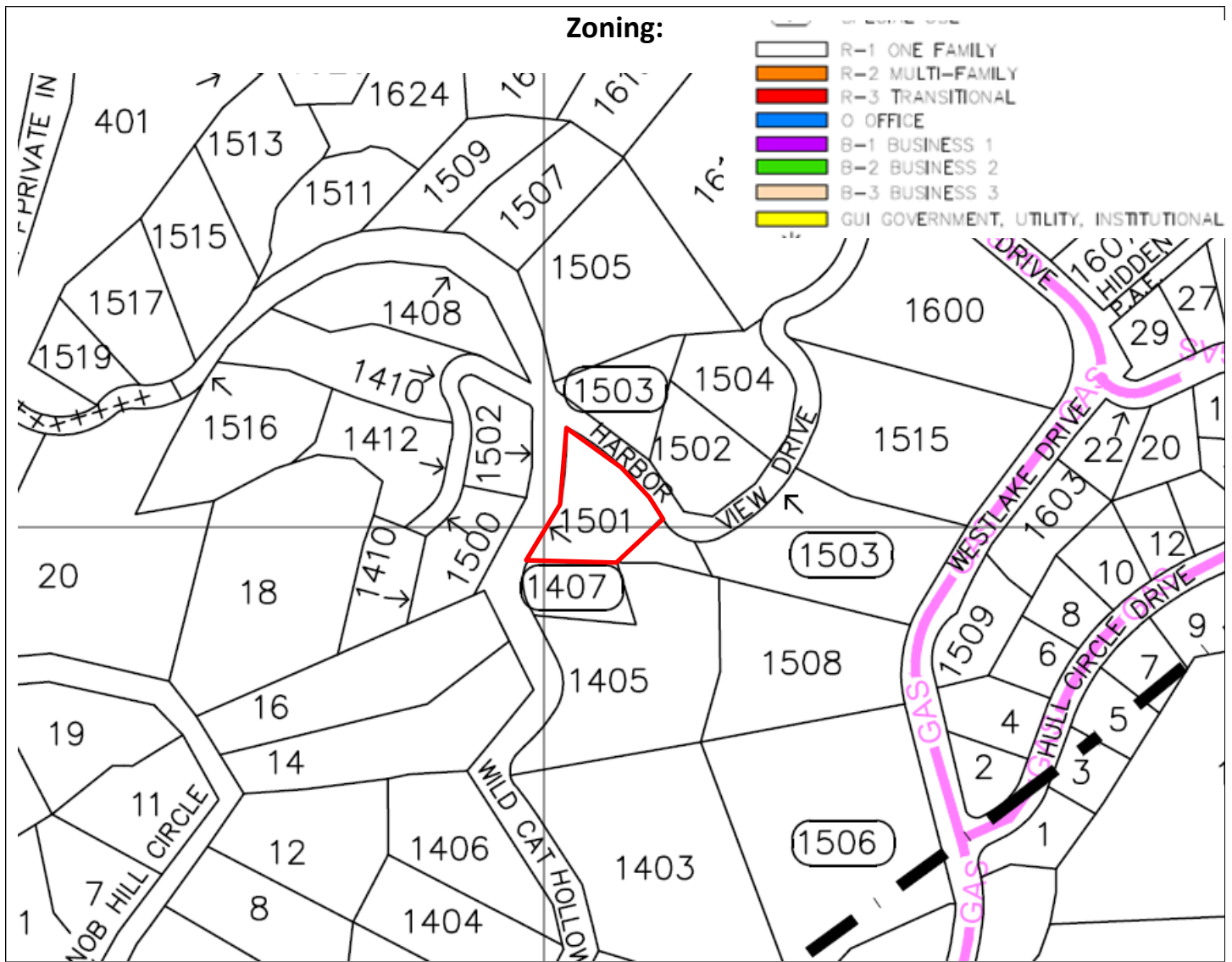
There is no change to the subdivision proposed with this application.

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 22.03.170 Site disturbance \(excavation, grading or filling\)](#)
- [Section 38.05.031 Variances](#)
- [Section 22.03.514 Criteria and process required for granting a variance](#)



Aerial:



Mr. Robert Meisel, Chair of Zoning and Planning Commission
City of West Lake Hills
911 Westlake Drive
West Lake Hills, TX 78746

July 2, 2024

Re: 1501 Wildcat Hollow Variance Request Letter

Dear Mr. Meisel,

Our family has been residents of West Lake Hills since 2001, first at 502 Terrace Mountain Drive and now at 402 Redbud Trail. As a daily walker / runner over much of the city, Wildcat Hollow has long held a special place in my heart due to its scenic views and flat terrain. In 2014, we purchased 1501 Wildcat Hollow with the intention of building our dream home after our kids grew up, and we plan to live here for the remainder of our lives.

1501 Wildcat Hollow is a challenging corner lot at the intersection of Wildcat Hollow on the west and Harbor View on the north with steep slopes, two 50-foot front setbacks, and frontage onto narrow Harbor View. These challenges are compounded by the site's original modifications for the original 1970s nearly 6,000 square foot house, which included a circular driveway on Wildcat Hollow and an expansive concrete drive on Harbor View for parking and garage access. It's worth noting that these areas have been used for parking and storage by various individuals over the years, including city construction crews. *[See the 6/19/24 photo in the exhibit showing city project equipment on our property. We weren't asked for permission to use our land. This isn't the first time. A few years ago, city crews stored equipment on our property for almost a year during water line work on Skyline, Wildcat Hollow, and Harbor View. We would have been happy to give permission in both cases, just like we did for other neighbors with construction projects.]*

We always aimed to redesign and rebuild without needing variances, in part due to our 2001 or 2002 variance experience. We believed it would be possible due to the combined 1.1-acre plat (vs .83 acres the original house was on), our desire for a smaller home than the original, and our understanding of the city's philosophy. However, navigating the lot's challenges while adhering to all city requirements has proved impossible. Our proposed plan focuses on minimizing site disturbance by preserving existing cuts and conditions. The property's main difficulties are its topography, safety concerns, and inherited non-conforming conditions. The original house and garage access drive violated many parts of current city code, including:

- House encroaching 39 feet, 9 inches into the Harbor View setback.
- Retaining walls within the setback exceeding 18 inches.
- Overly wide (65') driveway on Harbor View.
- Parking area within the 20-foot street setback.
- Cuts and fills in the Harbor View setback for the driveway exceed 18" depth and height
- Non-compliant front yard fence

Our design proposes a smaller, approximately 4,000 square foot two-story residence that reuses the existing circular driveway. It also includes a reconfigured driveway on Harbor View with significantly reduced concrete, restored vegetation, and minimized parking visibility. The house placement was carefully determined to observe setbacks, maintain the easements, ensure safe access and parking, and most importantly, to preserve the steep hillside and mitigate erosion. The overall house footprint was also reduced in an attempt to minimize variances. Our proposed rebuild prioritizes preserving natural terrain, minimizing further site disturbances, and aligning with the city's comprehensive plan while fulfilling basic

functional requirements for the house. Where possible, we also try to remediate existing non-conforming conditions.

Variance requests 1-3 address the existing garage access drive on Harbor View, which is linked to previous non-conforming conditions. Variance request 4 concerns a slight, 12-foot encroachment of the new house into the setback (133 square feet of building footprint), significantly less than the previous 39-foot encroachment (1000 square feet of building footprint) where Harbor View curves going down the hill. Variance request 5 maintains the existing circular drive. We worked with the previous administration to preserve the existing driveways during the 2022 demolition, intending to grandfather them.

We kindly request your consideration of these variance requests and look forward to discussing them further.

Most Sincerely,

Heidi and Vin Restivo, currently reside at 402 Redbud Trail and owners of 1501 Wildcat Hollow

VARIANCE QUESTIONNAIRE

1) Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.

The special conditions referenced throughout this application and questionnaire pertain to the steep topography and site modifications made to accommodate the original home, demolished in December 2022. Despite the home's removal, the existing cuts and fills within the setback necessitate variances for remediation.

2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed if the variance you are requesting is granted?

Approval of these variances will largely preserve the natural terrain and existing vegetation. The requested variances primarily address pre-existing non-conforming conditions from the original construction. The slight encroachment variance into the 50-foot front setback off Harbor View allows the new building to be sited above the existing cut, significantly reducing the need to place the foundation on the steep ravine slopes which would further disrupt the natural site conditions. This also minimizes erosion, potential runoff, and the removal of additional vegetation.

3) What other alternatives have you considered? Why won't those other options alleviate the difficulty or hardship that you think exists?

Exhaustive exploration with the architect revealed that the site's limitations, including two 50-foot front setbacks and a steep ravine, necessitate the building's placement as depicted in the documentation. The only alternative—shifting the building toward the drainage ravine—would cause significant environmental impact through erosion and runoff onto neighboring properties.

4) Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?

The requested variances represent the absolute minimum modifications needed to address the unique challenges posed by the site's pre-existing conditions and constraints. The variances will alleviate the hardships and rectify many pre-existing / nonconforming conditions that remain on the site post demolition of the original home. These include the old foundation cut that extends well into the 50' Harbor View setback and reducing the existing driveway cut off of Harbor View that exceeded the maximum driveway width by 45'

5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?

We believe the variances do not violate the intent of the Zoning Ordinance and goals of the City's Comprehensive plan, because we feel that these variances are rooted in preservation of existing site cuts and conditions and minimization of site disturbance and erosion. The requested modifications prioritize preserving natural site conditions, minimizing disturbance and erosion, and significantly remediating pre-existing non-conformities. Additionally, these variances enable a proposed house that is ~30% smaller than the original on a plat that is 20% larger and a 45-foot reduction in the driveway width off Harbor View with restoration of vegetation in the "reduced" areas.

6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?

Granting these variances will not negatively impact neighboring properties or their owners' enjoyment. Instead, it will allow for a smaller proposed building (30% smaller than the original) to be centrally located mostly within the two 50' setbacks, significantly improving the existing conditions for neighbors on Harbor View. Further, it preserves the site's existing topography and vegetation, maximizes use of the existing cuts, and reduces the existing concrete parking area, making cars much less visible than they are now and were with the original house.

REQUESTED VARIANCES

Proposed Variance 01:

Request to allow grading greater than the 18" maximums within Harbor View Drive setback.

Request to allow 6'-0" greater than the 18" deviation from natural grade for proposed garage access drive court within the setback at Harbor View Drive.

Relevant Code Excerpt:

22.03.170 Site disturbance (excavation, grading or filling).

(f): No excavation, grading or filling shall be permitted in setbacks except up to 18" in height or depth.

Proposed Variance 02:

Request to provide retaining walls within Harbor View setback to accommodate grading required for proposed garage access drive court.

Request for 6' high retaining wall to extend 6'-7" from line of assumed natural grade.

Relevant Code Excerpt:

22.03.281 Schedule of Regulations

Minimum Building Setback Distance in Feet From Front Lot Line

Lot Size > 0.5 acre with R-1 zoning = 50 ft Front Setback

22.03.170 Site disturbance (excavation, grading or filling).

Any wall shall not exceed six (6) feet in height above natural grade.

Proposed Variance 03:

Request to decrease the parking setback from Harbor View Drive to 14 ft for the proposed garage access drive court and 12 ft for the side parking area.

Relevant Code Excerpt:

22.03.175 Off-street parking and parking pad requirements in residential areas.

(a) Off-street parking and loading areas, including parking pads shall be located no closer to street right-of-way lines and to lot boundary lines than the applicable minimum distances prescribed in the following schedules:

(1) The minimum setback distance for driveways and parking areas from street right-of-way lines shall be 20 feet. Excluded from this setback is the first 20 feet of the driveway that connects to the adjacent street.

Proposed Variance 04:

Request for proposed house to encroach 12'-0" into 50 ft setback at Harbor View Drive.

Relevant Code Excerpt:

22.03.281 Schedule of Regulations

Minimum Building Setback Distance in Feet From Front Lot Line

Lot Size > 0.5 acre with R-1 zoning = 50 ft Front Setback

Proposed Variance 05:

Request to maintain existing circle drive with access on Wildcat Hollow and Harbor View Drive.

Relevant Code Excerpt:

22.03.175 Off-street parking and parking pad requirements in residential areas

(e)(2) Only one driveway is allowed per primary dwelling unit, regardless of the number of lots, frontage on more than one roadway, or character of accessory structures.

VARIANCES REQUESTED 1501 WILDCAT HOLLOW

Proposed Design | Variance 01

- Request to allow grading greater than the 18" maximums within Harbor View Drive setback.
- Request to allow 6'-0" greater than the 18" deviation from natural grade for garage access drive court within the setback at Harbor View Drive.

CODE REFERENCE

22.03.170 Site disturbance (excavation, grading or filling).

- (f): No excavation, grading or filling shall be permitted in setback except up to 18" in height or depth.

Proposed Design | Variance 02

- Request to provide retaining walls within Harbor View setback to accommodate the grading required for the proposed drive court for garage access.
- Request for 6' high retaining wall to extend 6'-7" from line of assumed natural grade. (Reference section diagram)

CODE REFERENCE

22.03.281 Schedule of regulations

- Minimum Building Setback Distance in Feet From Front Lot Line
- Lot Size > 0.5 acre with R-1 zoning = 50 ft Front Setback

22.03.170 Site disturbance (excavation, grading or filling).

- Any wall shall not exceed six (6) feet in height above natural grade.
- Walls shall either incorporate the use of native materials or be earth-tone colors to match native soils
- All walls of three (3) feet or more shall require shrubbery and / or vines of healthy stock and a minimum of two (2) feet in height immediately after planting in front of the retaining wall. All shrubbery and/or vines shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen which will grow to the same height or more of the retaining wall.

Proposed Design | Variance 03

- Request to decrease the parking setback from Harbor View Drive to 14 ft for the proposed drive parking court and 12 ft for the parking area.

CODE REFERENCE

22.03.175 Off-street parking and parking pad requirements in residential areas.

- (a) Off-street parking and loading areas, including parking pads shall be located no closer to street right-of-way lines and to lot boundary lines than the applicable minimum distances prescribed in the following schedules:
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Proposed Design | Variance 04

- Request for proposed house to encroach 12'-0" into 50 ft setback at Harbor View Drive.

CODE REFERENCE

22.03.281 - Setback Table

22.03.170 Site disturbance (excavation, grading or filling).

- (f): No excavation, grading or filling shall be permitted in setback except up to 18" in height or depth.

Proposed Design | Variance 05

- Request to maintain existing circle drive with access on Wildcat Hollow and Harbor View Drive.

CODE REFERENCE

22.03.175 Off-street parking and parking pad requirements in residential areas

- (e)(2) Only one driveway is allowed per primary dwelling unit, regardless of the number of lots, frontage on more than one roadway, or character of accessory structures.

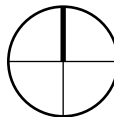
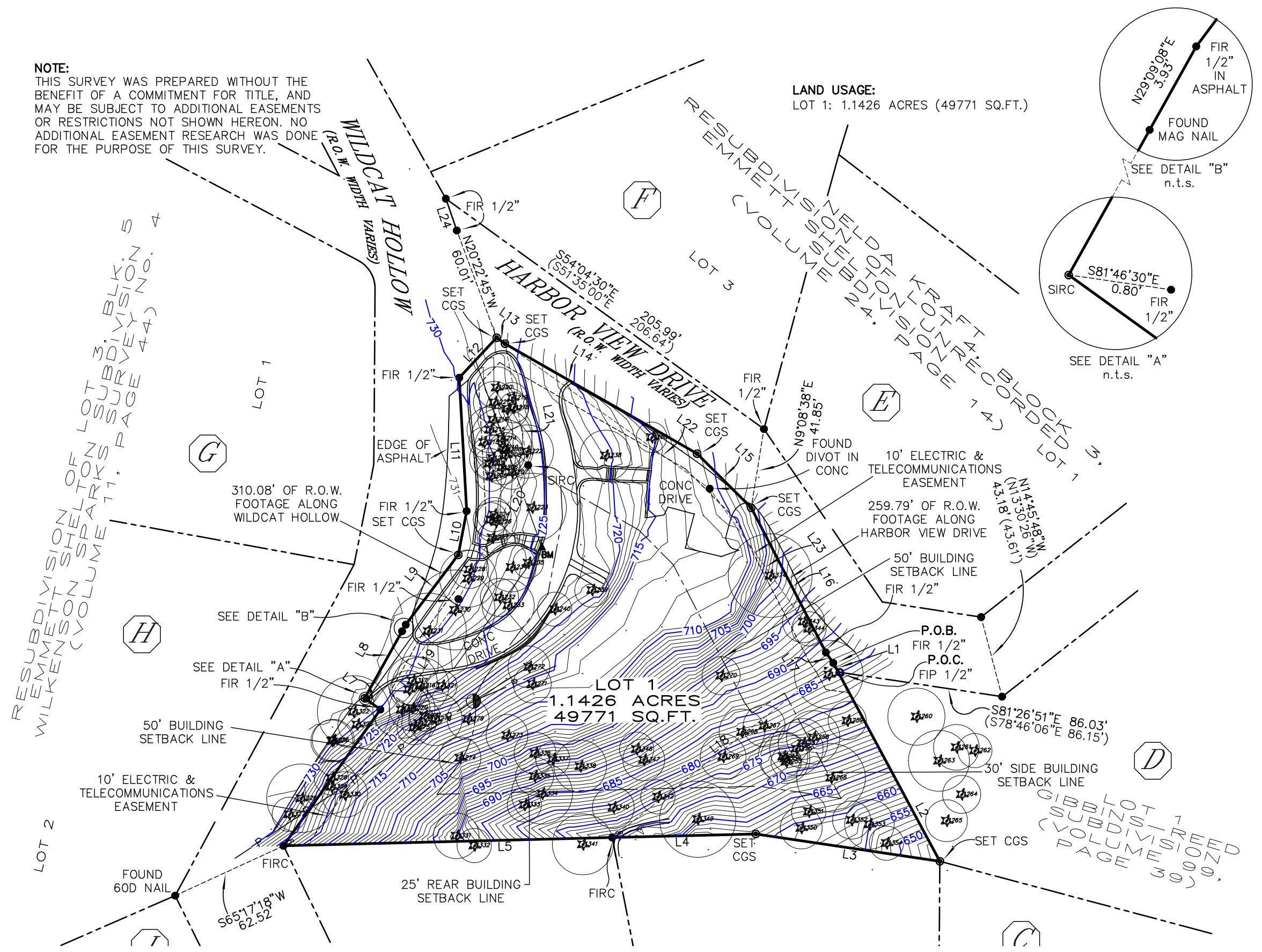
1501 Wildcat Hollow

Variance Request
June 28, 2024

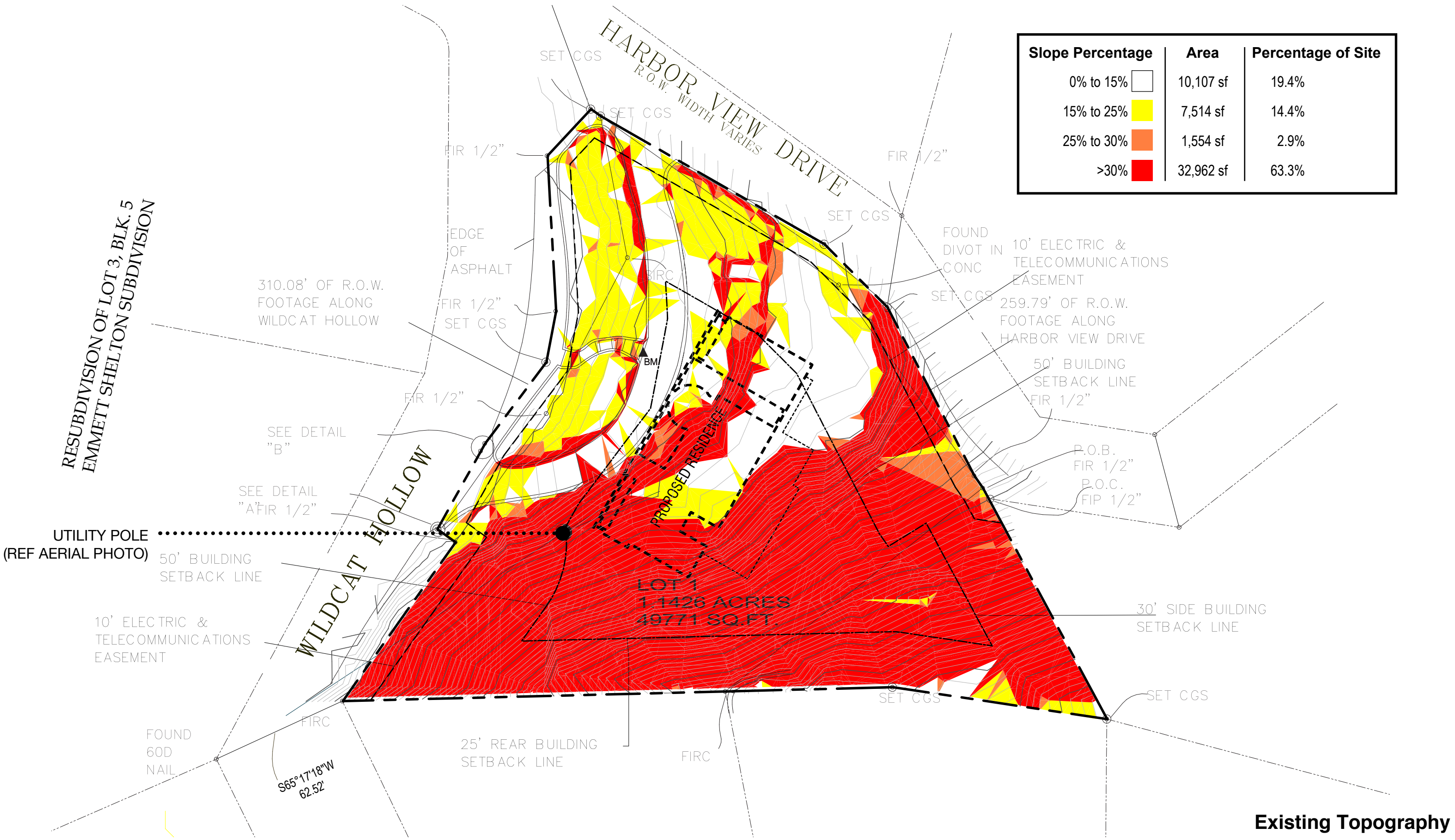
Specht Novak

NOTE:
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMMITMENT FOR TITLE, AND MAY BE SUBJECT TO ADDITIONAL EASEMENTS OR RESTRICTIONS NOT SHOWN HEREON. NO ADDITIONAL EASEMENT RESEARCH WAS DONE FOR THE PURPOSE OF THIS SURVEY.

LAND USAGE:
LOT 1: 1.1426 ACRES (49771 SQ.FT.)



Site Survey



Slope Percentage	Area	Percentage of Site
0% to 15%	10,107 sf	19.4%
15% to 25%	7,514 sf	14.4%
25% to 30%	1,554 sf	2.9%
>30%	32,962 sf	63.3%



UTILITY POLE
(LOCATION SHOWN ON PLAN DIAGRAMS FOR REFERENCE)

TIMBER RETAINING WALL FOR
PREVIOUSLY GRADED DRIVEWAY

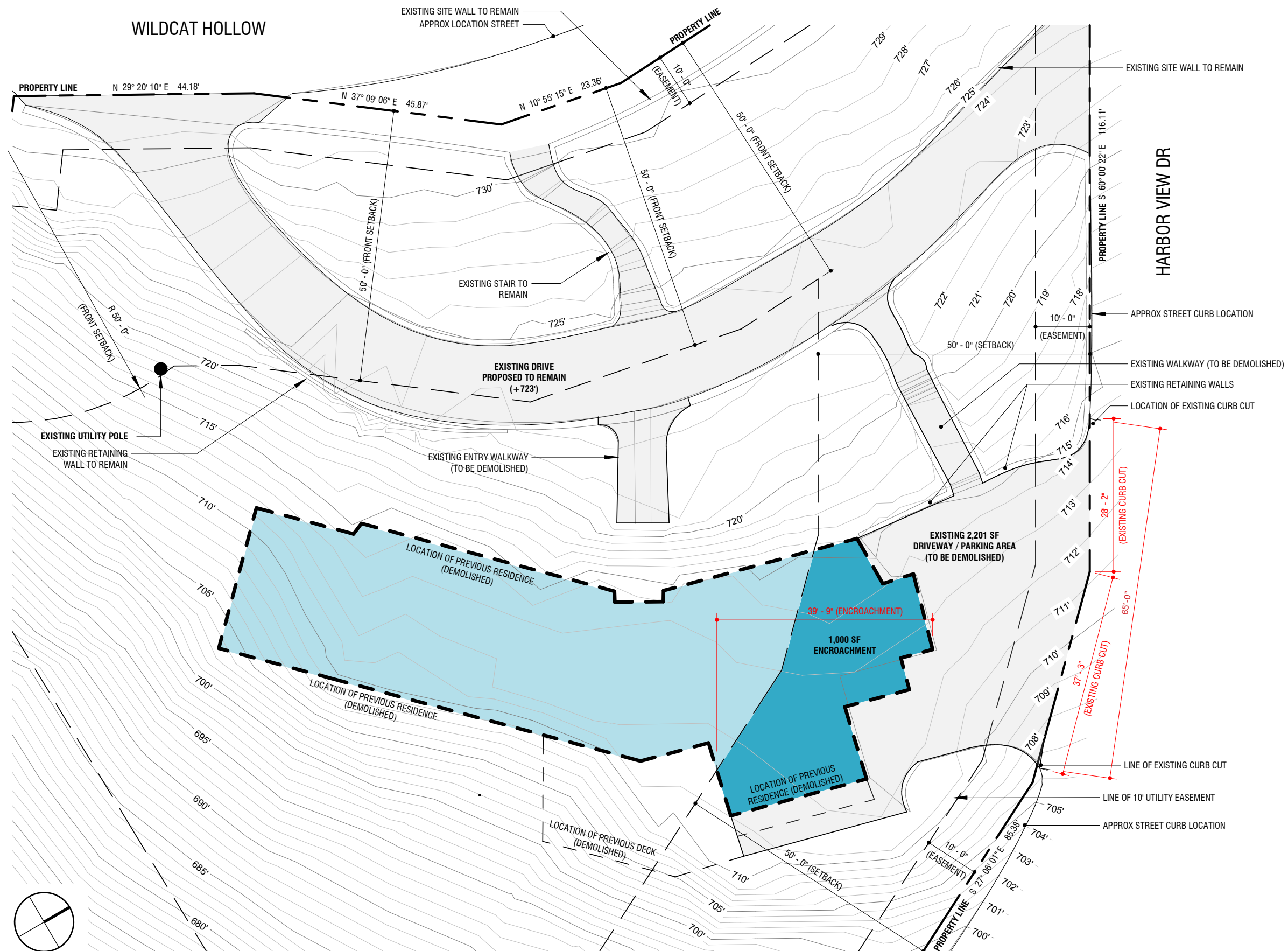
Aerial view looking west



Existing timber retaining wall



Steep hillside view looking west



Previous House, Existing Drives, & Grading



Previous house / Existing drive from Harbor View



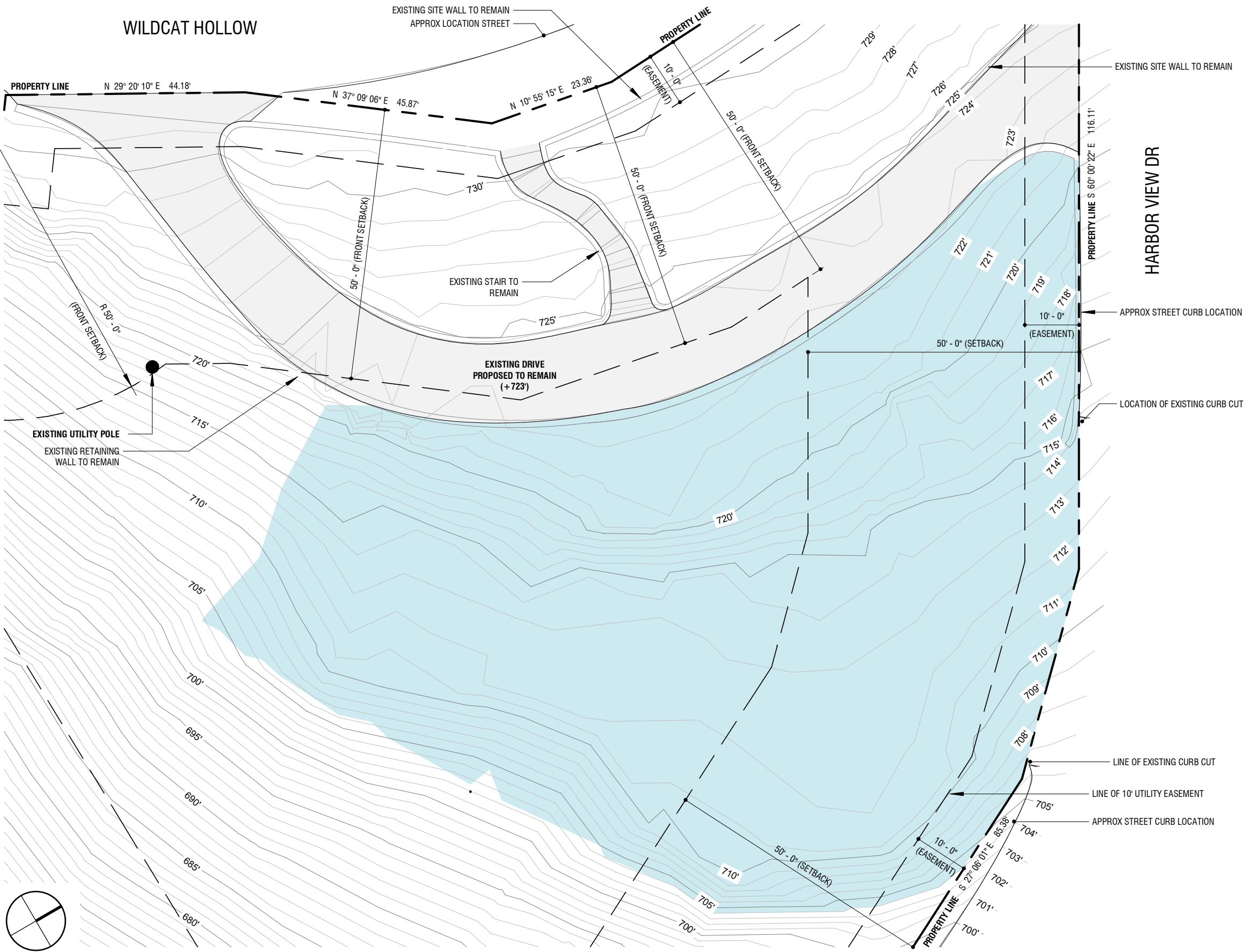
Previous house / Existing drive from Harbor View



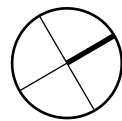
Previous house demolished / Existing drive & retaining walls (view from Harbor View)



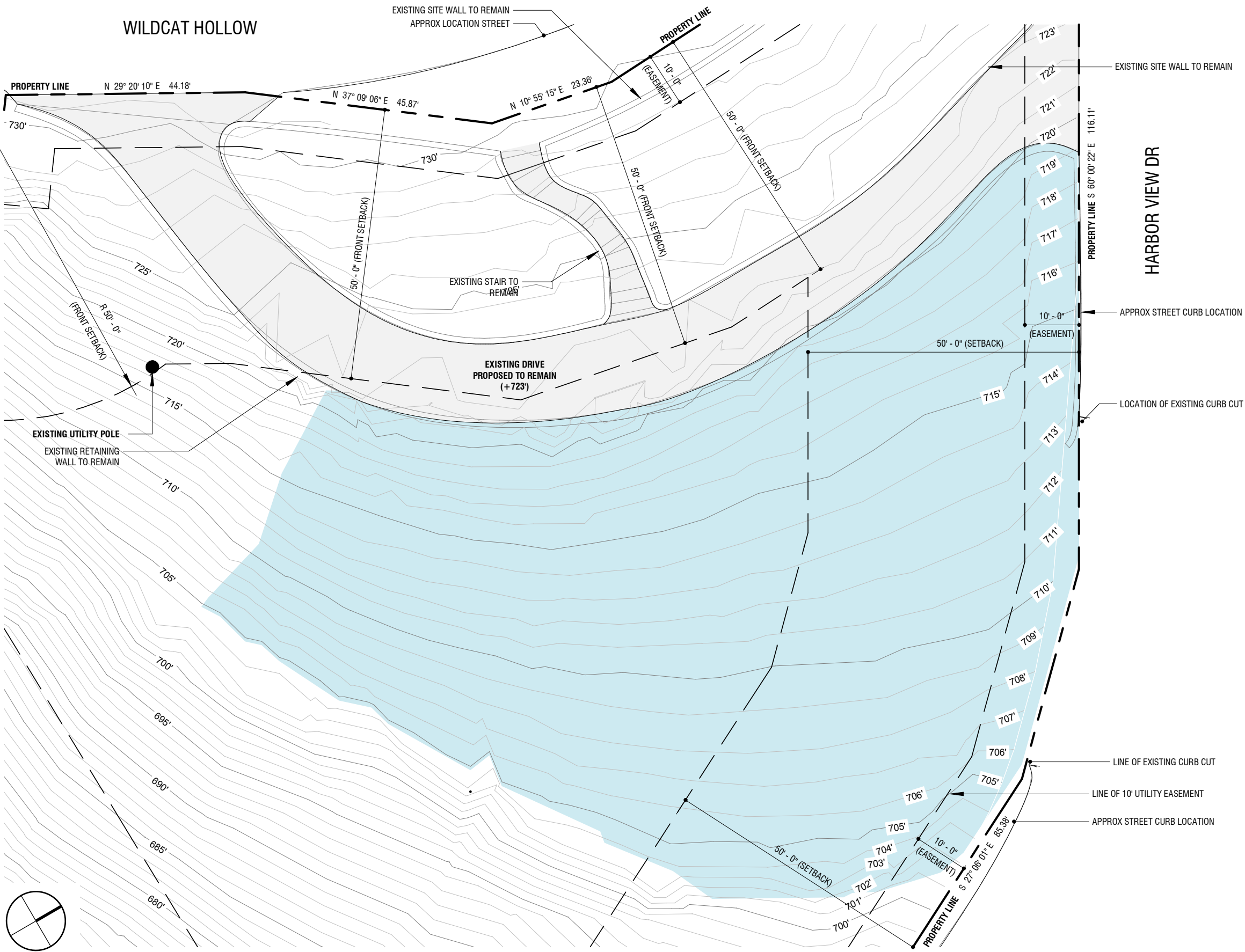
City contractor equipment being stored on property



**Inherited Altered Grade /
Non-Conforming Fill**



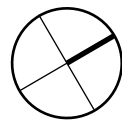
Site Plan
(not to scale)



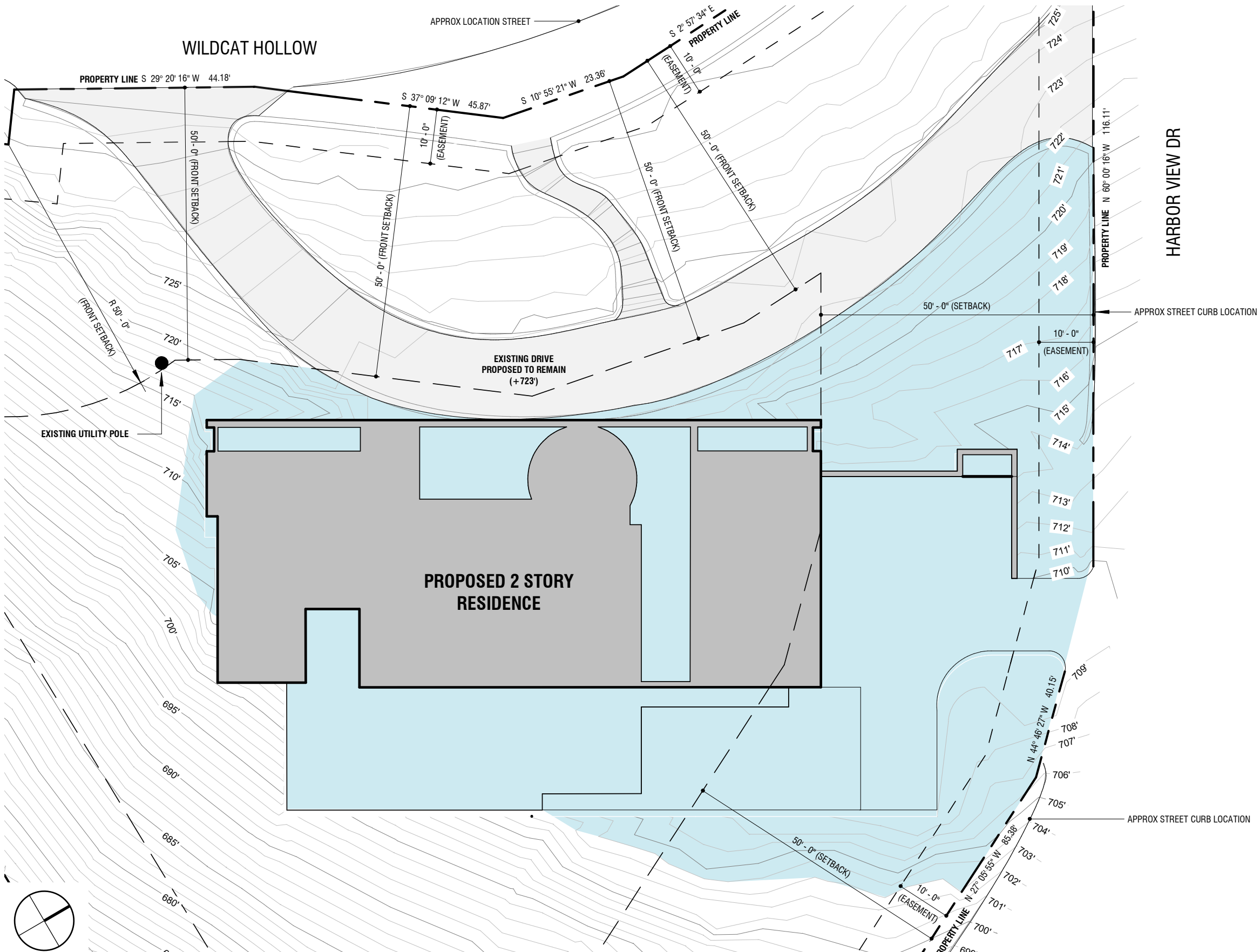
Assumed Natural Grade

Legend

Area of Altered Grading



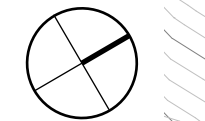
Site Plan
(not to scale)

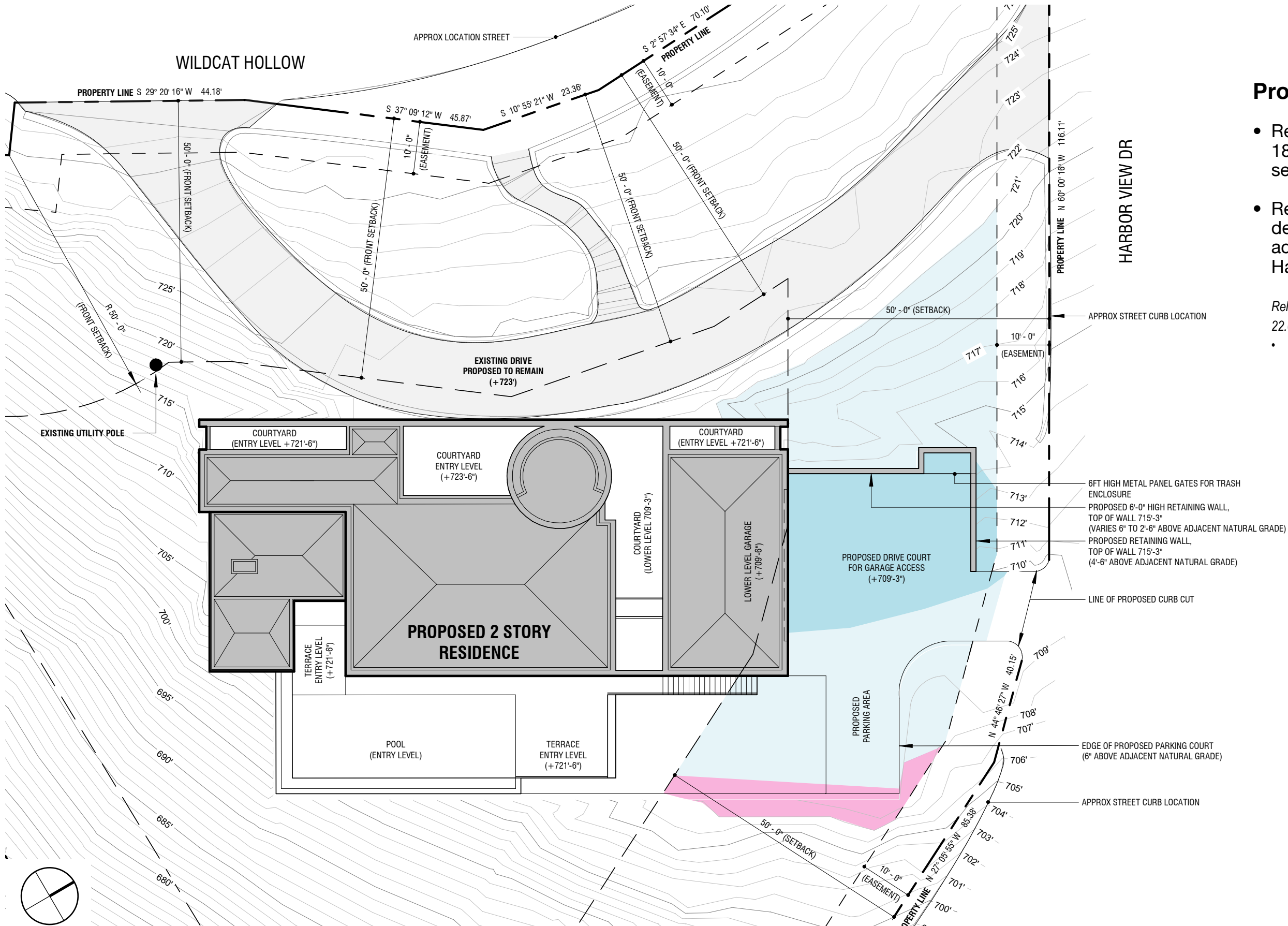


Proposed Grade

Legend

Area of Altered Grading


Site Plan
 (not to scale)



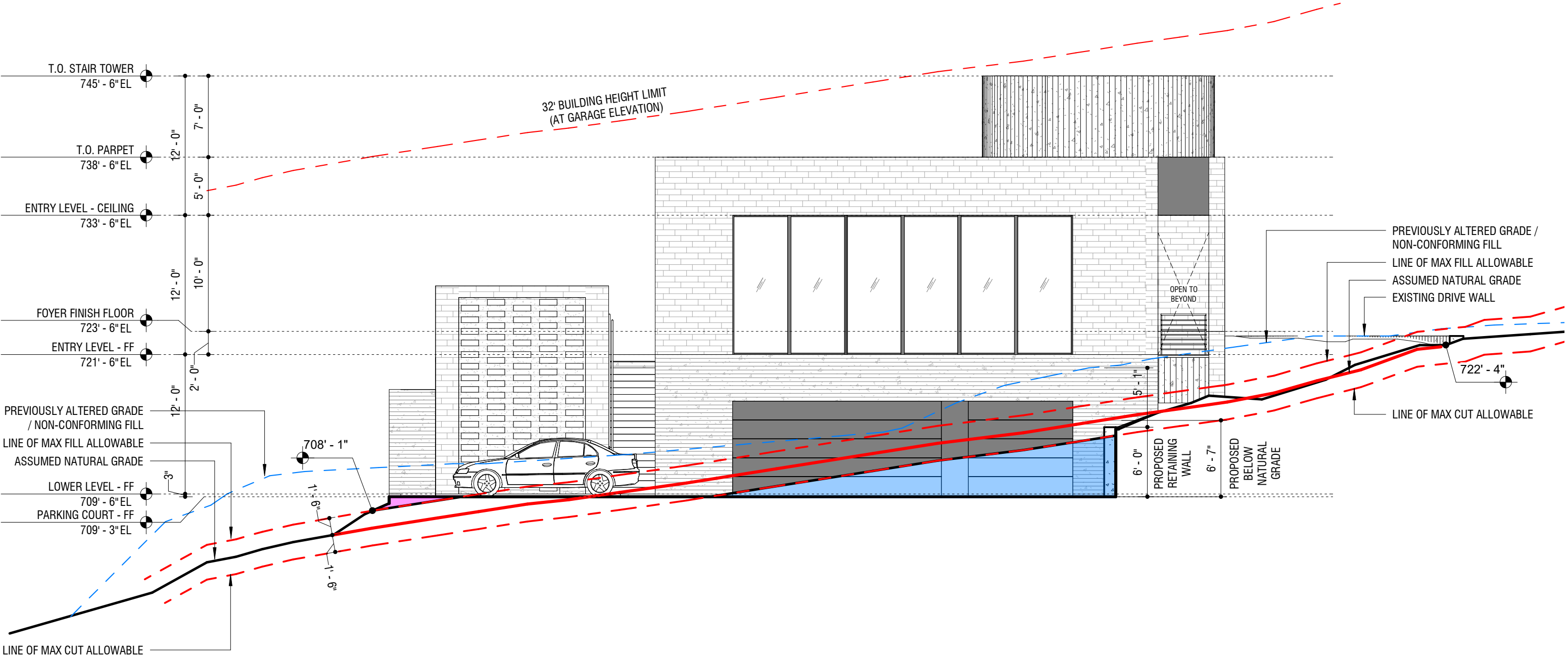
Proposed Design I Variance 01

- Request to allow grading greater than the 18" maximums within Harbor View Drive setback.
- Request to allow 6'-0" greater than the 18" deviation from natural grade for garage access drive court within the setback at Harbor View Drive.

Relevant Code Excerpt:

22.03.170 Site disturbance (excavation, grading or filling).

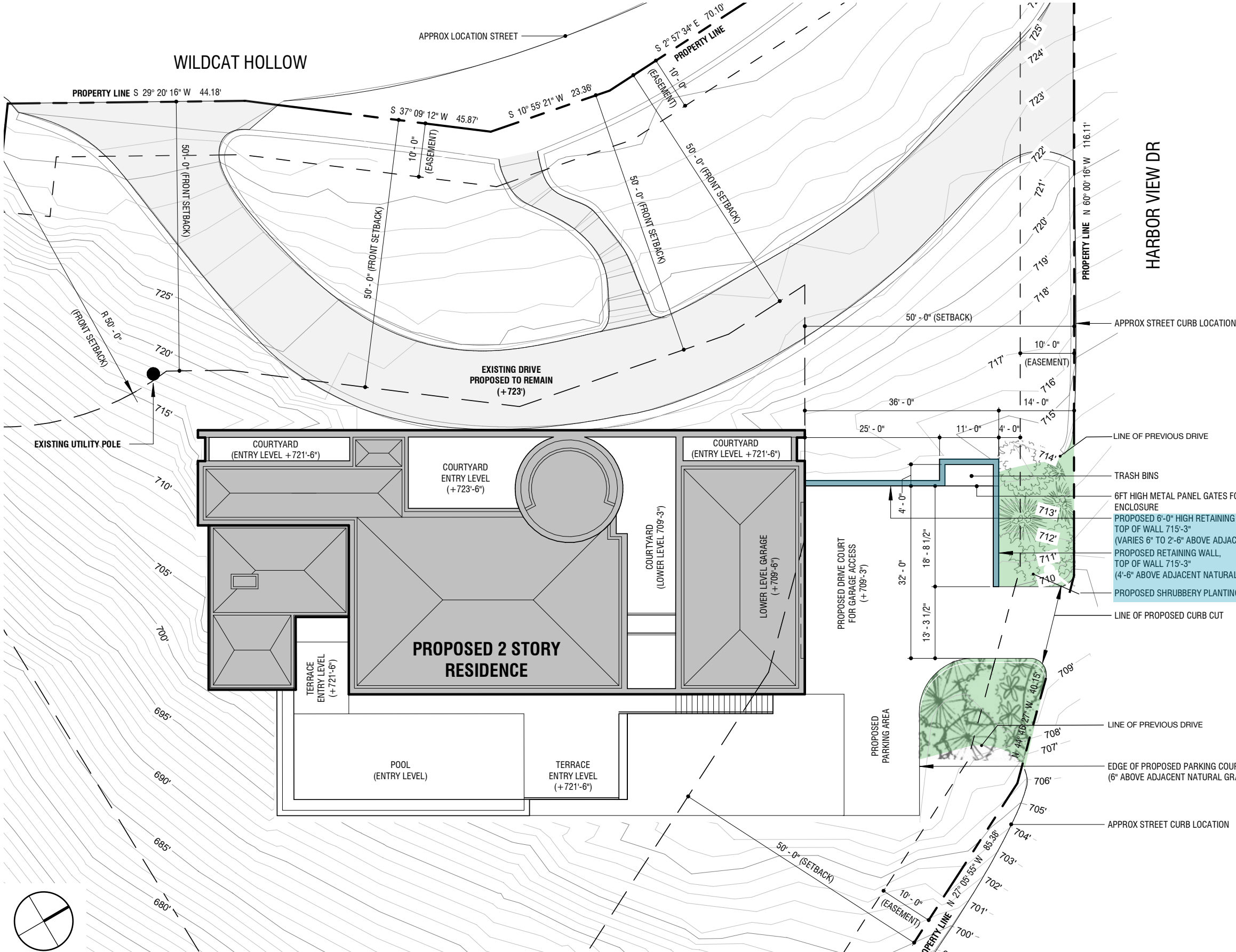
- (f): No excavation, grading or filling shall be permitted in setbacks except up to 18" in height or depth.



Proposed design I North elevation along Harbor View



Proposed design & entry drive from Harbor View



Site Plan
(not to scale)

Proposed Design I Variance 02

- Request to provide retaining walls within Harbor View setback to accommodate the grading required for the proposed drive court for garage access.
- Request for 6' high retaining wall to extend 6'-7" from line of assumed natural grade. (Reference section diagram)

Relevant Code Excerpts:

22.03.281 Schedule of regulations

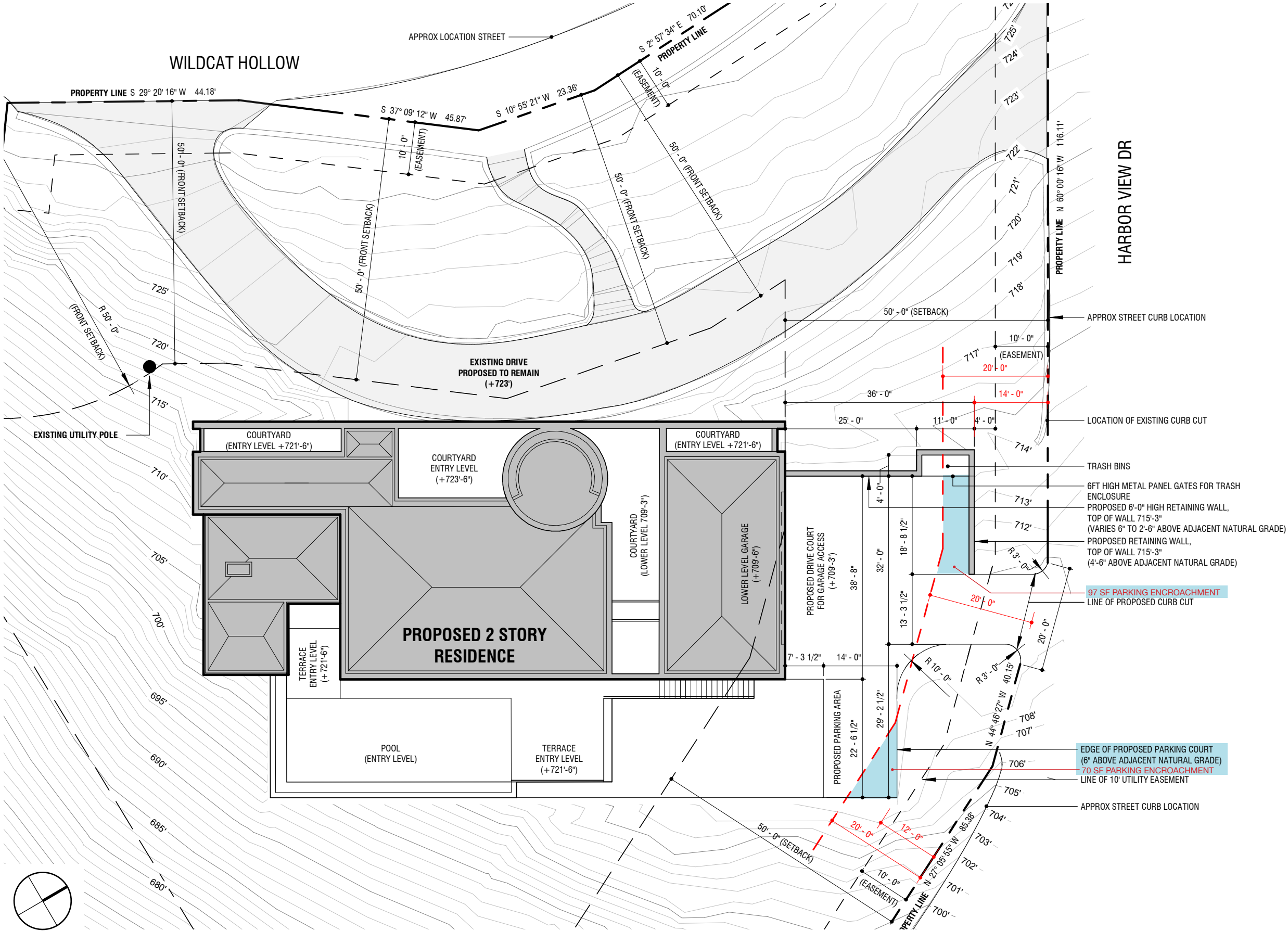
- Minimum Building Setback Distance in Feet From Front Lot Line
- Lot Size > 0.5 acre with R-1 zoning = 50 ft Front Setback

22.03.170 Site disturbance (excavation, grading or filling).

- Any wall shall not exceed six (6) feet in height above natural grade.
- Walls shall either incorporate the use of native materials or be earth-tone colors to match native soils
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Legend

 Restored Landscape Vegetation (682 SF)



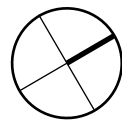
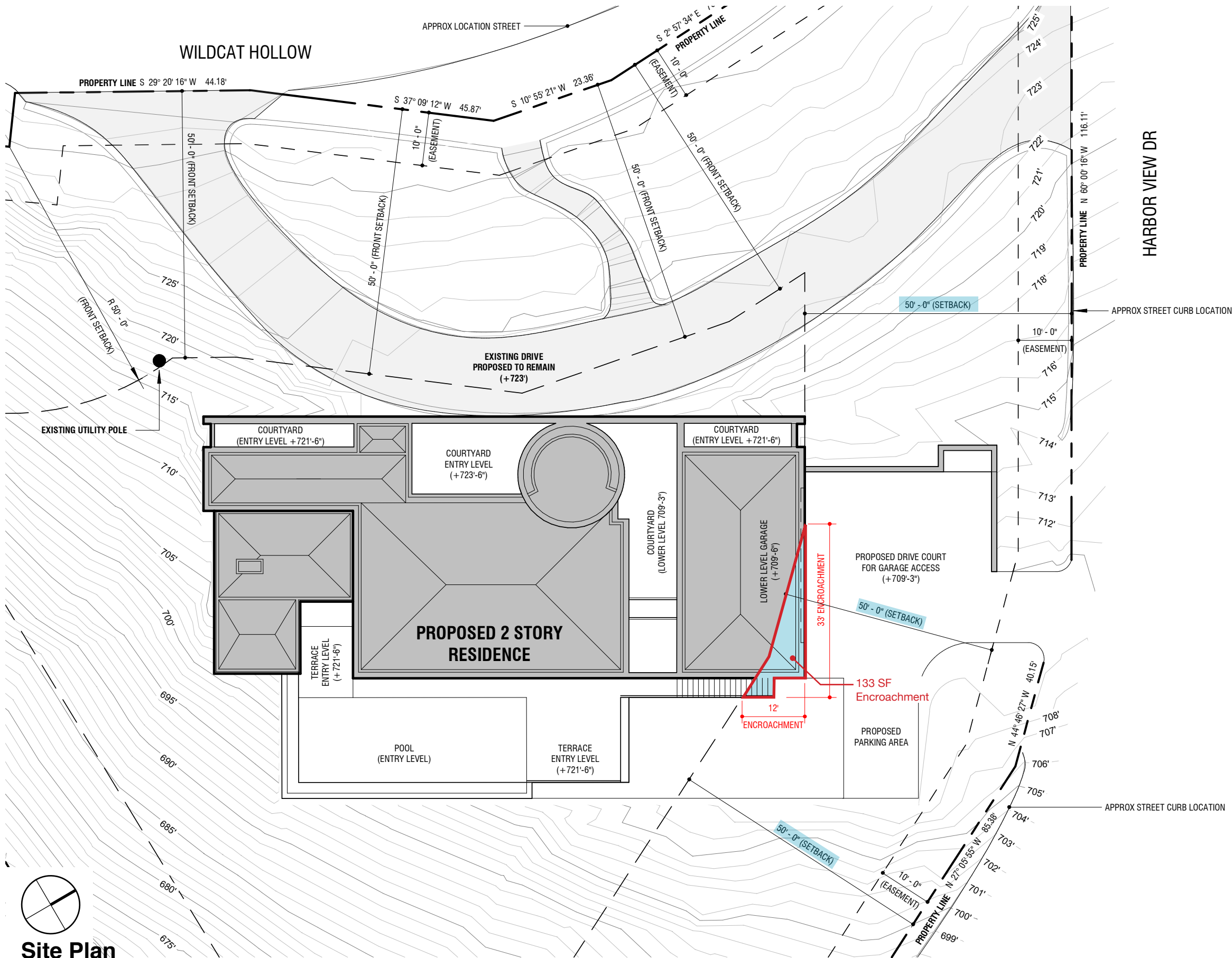
Site Plan
(not to scale)

Proposed Design I Variance 03

- Request to decrease the parking setback from Harbor View Drive to 14 ft for the proposed drive parking court and 12 ft for the parking area.

Relevant Code Excerpt:
22.03.175 Off-street parking and parking pad requirements in residential areas.

- (a) Off-street parking and loading areas, including parking pads shall be located no closer to street right-of-way lines and to lot boundary lines than the applicable minimum distances prescribed in the following schedules:
- (1) The minimum setback distance for driveways and parking areas from street right-of-way lines shall be 20 feet. Excluded from this setback is the first 20 feet of the driveway that connects to the adjacent street.



Site Plan
(not to scale)

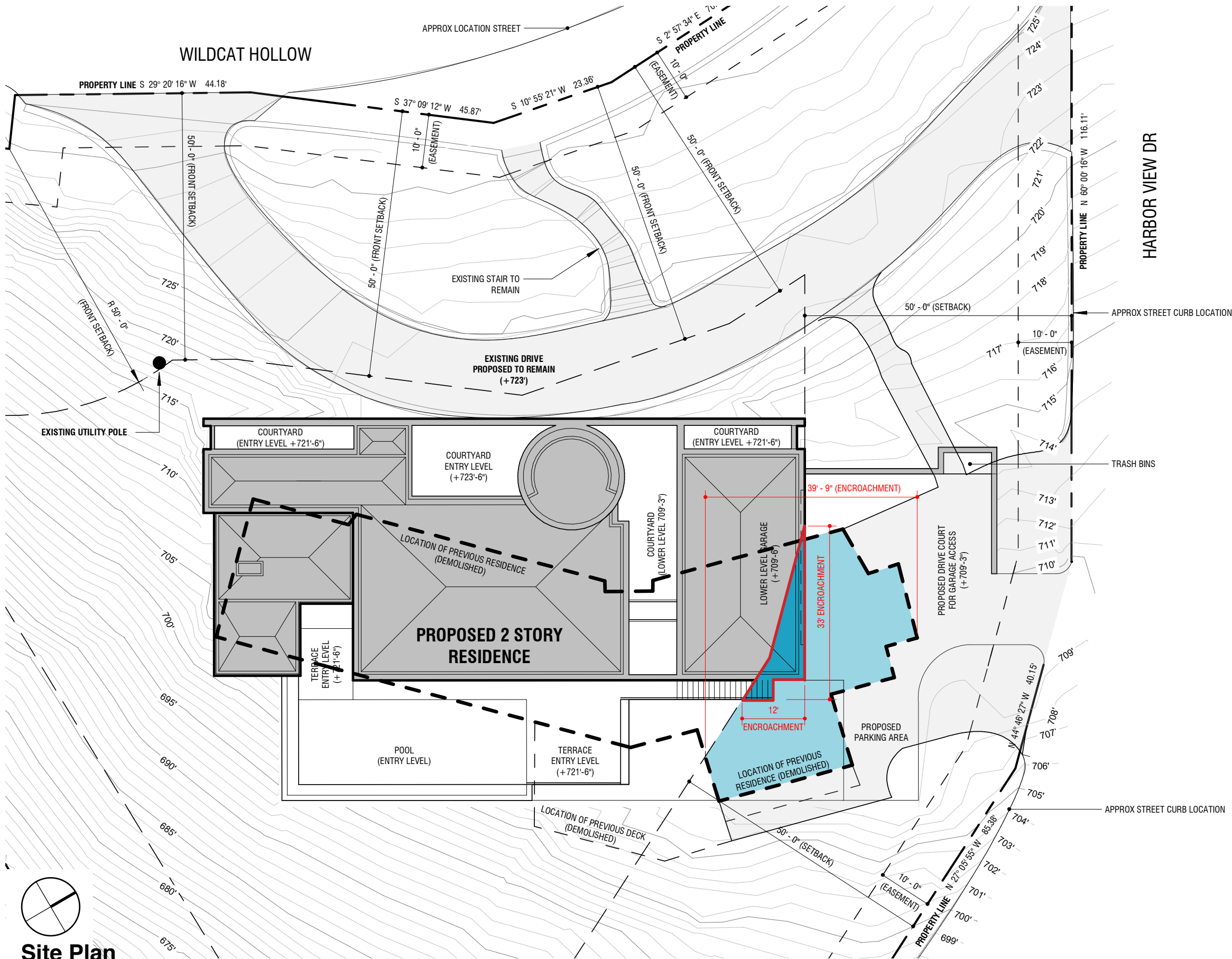
Proposed Design I Variance 04

- Request for proposed house to encroach 12'-0" into 50 ft setback at Harbor View Drive.

Relevant Code Excerpt:

22.03.281 Schedule of Regulations

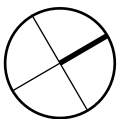
- Minimum Building Setback Distance in Feet From Front Lot Line
- Lot Size > 0.5 acre with R-1 zoning = 50 ft Front Setback



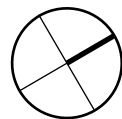
Previous / Proposed Overlay

Legend

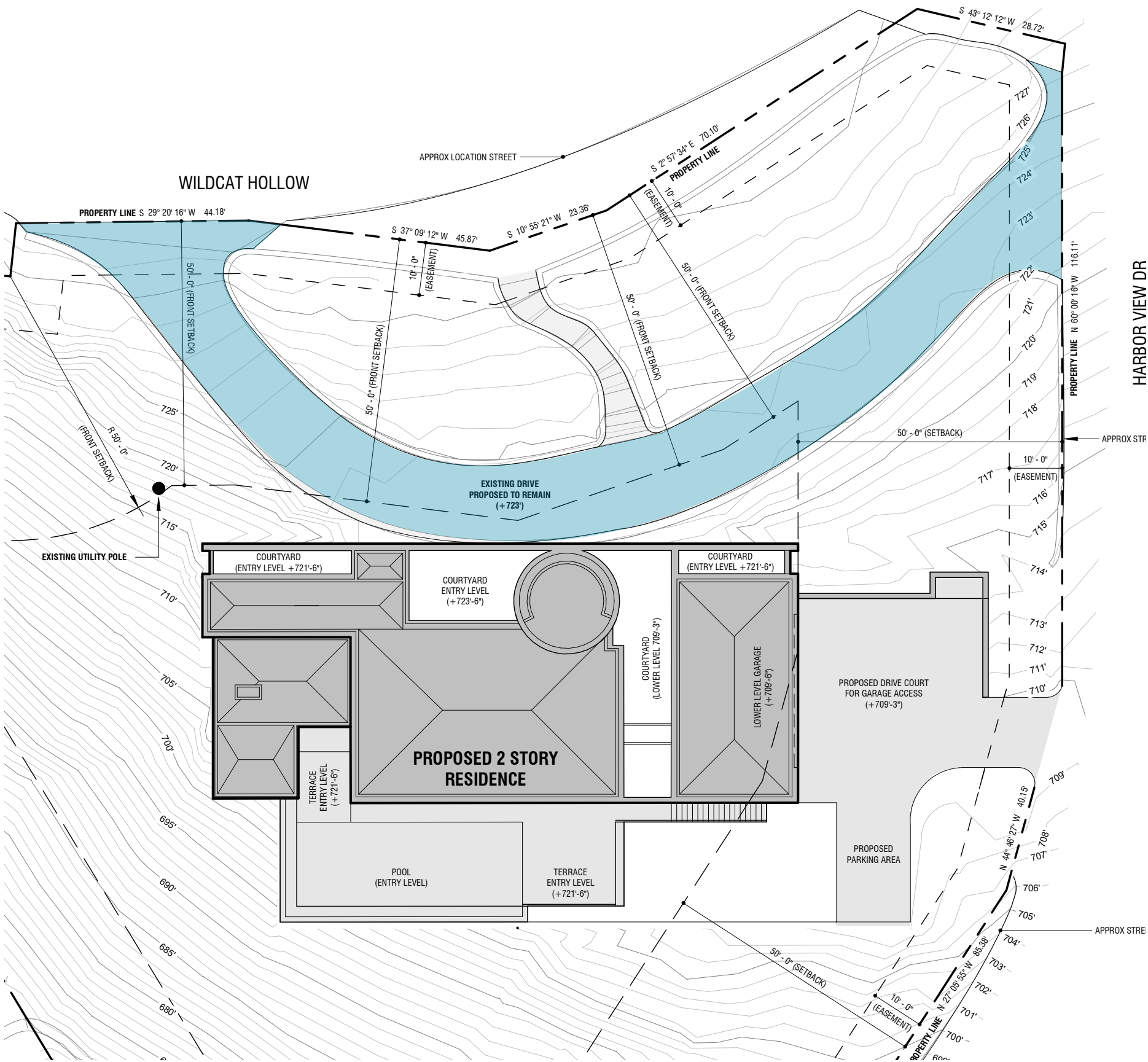
-  Proposed Residence (133 sf Encroachment)
-  Previous Residence (1,000 sf Encroachment)



Site Plan
(not to scale)



Site Plan
(not to scale)



Proposed Design I Variance 05

- Request to maintain existing circle drive with access on Wildcat Hollow and Harbor View Drive.
- Relevant Code Excerpt:
22.03.175 Off-street parking and parking pad requirements in residential areas
- (e)(2) Only one driveway is allowed per primary dwelling unit, regardless of the number of lots, frontage on more than one roadway, or character of accessory structures.

Proposed Impervious Coverage:	
Existing Driveway & Walkway:	3,758 sf
New Drive Court & Parking:	1,809 sf
New Residence:	4,356 sf
Pool & Terraces:	1,662 sf
Proposed Total:	11,585 sf (23%)
Allowable Impervious Coverage:	
1.41 acre (49,771 sf) X 25%	12,442 sf



Existing circle drive / Wildcat Hollow entrance



Existing circle drive / View looking northeast



Existing circle drive / Harbor View entrance



Proposed design / Front facade

Thank You!
Specht Novak



Davin Fillpot <davinfillpot@gmail.com>

Fwd: Variance Requests for 1501 Wildcat Hollow

1 message

heidi restivo <restivo4@gmail.com>
To: Davin Fillpot <davinfillpot@gmail.com>

Tue, Jul 9, 2024 at 1:23 PM

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

From: **Pam Reed** <pgr@austin.rr.com>
Date: Wed, Jul 3, 2024, 4:08 PM
Subject: Variance Requests for 1501 Wildcat Hollow
To: heidi restivo <restivo4@gmail.com>
Cc: Vincent Restivo <varestivo@gmail.com>

To ZAPCO and WLH Councilmembers:

I live at 1502 Harbor View, slightly downhill and across the street from the Restivo's property.

Heidi and Vincent have been very proactive in sharing their plans and outlining the variances necessary to implement same.

I have reviewed the variance request package they are submitting and support all of their requests.

The vacant lot is wonderful, but the graphics of the proposed dwelling are fabulous and will be an exponential improvement over what was demolished.

Thanks!

Pam Reed

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

July 9, 2024

To ZAPCO:

My husband, David Carr, and I, Katy Rees, of 1503 Wildcat Hollow are writing to support the variance requests of the Restivos of 1501 Wildcat Hollow. The Restivos have shared their comprehensive building plans and proposed variances and we support them wholeheartedly. The Restivo's should be a model of how to work with neighbors when requesting a variance.

Please don't hesitate to ask us if you have any questions or concerns.

Best regards,

Katy Rees and David Carr
1503 Wildcat Hollow
West Lake Hills, TX 78746

Re: 1501 WILDCAT VARIANCE REQUEST
Application #2024-1225

On behalf of the City of West Lake Hills, Engineering staff has reviewed the variance requests for the property located at 1501 Wildcat Hollow. This review was performed in the context of the City of West Lake Hills Code of Ordinances which states that no variance shall be granted unless it meets the following criteria:

1. The strict or literal enforcement of the terms of the code, because of special conditions, will result in unnecessary hardship to the applicant.
2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship.
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship.

The following requests were made:

1. Allow grading greater than 18" within the Harbor View Drive setback
 - a. Allow 6'-0" greater than the 18" deviation from natural grade for proposed garage access drive court within the setback at Harbor View Drive
2. Request to provide retaining walls within Harbor View Drive setback to accommodate grading required for proposed garage access drive court.
 - a. 6' high retaining wall to extend 6'7" from line of assumed natural grade
3. Request to decrease the parking setback from Harbor View Drive to 14' for the proposed drive court and 12' for the side parking area.
4. Request for proposed house to encroach 12" into the 50' setback at Harbor View Drive.
5. Request to maintain existing circle drive with access on Wildcat Hollow and Harbor View Drive.

The hardships mentioned are as follows:

1. Steep topography and site modifications made to accommodate the original home, demolished in December 2022.

After reviewing the provided documents and the city code, the engineering team on behalf of the City of West Lake Hills recommends the following:

1. Allow 6'0" greater than the 18" deviation from natural grade to proposed garage access drive court within the setback at Harbor View Drive.
 - a. **We suggest that this variance is denied.**
 - i. **Existing grade has already been flattened in this area for the construction of the previous home. If a home was built in this area, there is no reason a driveway or parking area could not exist on or near current grade.**

- ii. **Variance 2 suggests that the deviance from existing grade may surpass 6' in the setback (6'7"). Engineering may be willing to support a variance which is more reasonable given the natural topography.**
 - iii. **Driveways and parking areas are allowed to, and often do in this area, have slopes. The proposed footprint shown on the house cross-section suggests that there is 0 slope across the entirety of the proposed drive court and parking area.**
- 2. Allow 6'7" retaining wall from line of assumed natural grade.
 - a. **Assumed natural grade is not an item which is taken into account when reviewing grading plans. Only natural grade, which is the existing grade as documented by a licensed surveyor, should be compared to proposed grade. The engineering team cannot support this request given the proposed wall height exceeds allowable open cut (Ch. 7 Drainage Manual) and the walls are located within the setback where 18" of maximum grade change is allowed per the city code of ordinances.**
- 3. Decrease the parking setback from Harbor View drive to 14' for the proposed drive court and 12' for the side parking area.
 - a. **We suggest that this variance is denied. There is no unnecessary hardship which requires the requested parking area to be within the driveway setback. Maneuvers to enter and exit the residence are contained within the proposed area without a reduction of the parking setback. If the driveway and parking areas were shifted or reconfigured, there is a possibility they would not be within the 20' driveway setback.**
- 4. Allow the proposed house to encroach 12"-0" into the 50' setback at Harbor View Drive.
 - a. **Based on provided documents, we assume that the applicant is meaning 12'. We suggest that this variance is denied. We do not see any hardship which would require the applicant to encroach 12' into the setback along Harbor View Drive. It is recommended the design team look at the remaining area outside of the setback(s) to accommodate the requests of the property owner.**
- 5. Maintain existing circle drive with access on Wildcat Hollow and Harbor View Drive.
 - a. **We suggest that this variance is denied. There is no hardship provided to support the need for three separate driveways and two large parking areas for this lot.**

Based on the information received and the extents of which existing trees that are proposed to be removed or saved is unknown - we cannot support the requested variances at this time. We recommend revising the exhibits to show the surveyed topography with respect to an estimated proposed grade with retaining walls, along with the existing trees to determine any impact to the trees. Per the city code of ordinances, tree mitigation and/or preservation should be considered with respect to overall site grading. Due to the natural topography of the site, we believe that the applicant will also need a variance to the allowable cut/fill on the site per the Drainage Manual (Chapter 7) and should be considered.

Exhibit

1501 Wildcat Hollow – Multiple Variances

Staff Findings of Fact

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 special conditions referenced throughout this application and questionnaire pertain to the steep topography and site modifications made to accommodate the original home, demolished in December 2022. Despite the home's removal, the existing cuts and fills within the setback necessitate variances for remediation.

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

Approval of these variances will largely preserve the natural terrain and existing vegetation. The requested variances primarily address pre-existing non-conforming conditions from the original construction. The slight encroachment variance into the 50-foot front setback off Harbor View allows the new building to be sited above the existing cut, significantly reducing the need to place the foundation on the steep ravine slopes which would further disrupt the natural site conditions. This also minimizes erosion, potential runoff, and the removal of additional vegetation.

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

Exhaustive exploration with the architect revealed that the site's limitations, including two 50-foot front setbacks and a steep ravine, necessitate the building's placement as depicted in the documentation. The only alternative—shifting the building toward the drainage ravine—would cause significant environmental impact through erosion and runoff onto neighboring properties.

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

The requested variances represent the absolute minimum modifications needed to address the unique challenges posed by the site's pre-existing conditions and constraints. The variances will alleviate the hardships and rectify many pre-existing / nonconforming conditions that remain on the site post demolition of the original home. These include the old foundation cut that extends well into the 50' Harbor View setback and reducing the existing driveway cut off of Harbor View that exceeded the maximum driveway width by 45'.

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

We believe the variances do not violate the intent of the Zoning Ordinance and goals of the City's Comprehensive plan, because we feel that these variances are rooted in preservation of existing site cuts and conditions and minimization of site disturbance and erosion. The requested modifications prioritize preserving natural site conditions, minimizing disturbance and erosion, and significantly remediating pre-existing non-conformities. Additionally, these variances enable a proposed house that is ~30% smaller than the original on a plat that is 20% larger and a 45-foot reduction in the driveway width off Harbor View with restoration of vegetation in the “reduced” areas.

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

Granting these variances will not negatively impact neighboring properties or their owners' enjoyment. Instead, it will allow for a smaller proposed building (30% smaller than the original) to be centrally located mostly within the two 50' setbacks, significantly improving the existing conditions for neighbors on Harbor View. Further, it preserves the site's existing topography and vegetation, maximizes use of the existing cuts, and reduces the existing concrete parking area, making cars much less visible than they are now and were with the original house.

Exhibit B

1501 Wildcat Hollow – Multiple Variance

Staff Findings of Fact

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

Staff agrees that there are site conditions that provide potential hardships. More information is needed to justify the cause and effect of the specific hardship on the requested variance.

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

The natural terrain has already been disrupted and the proposed project would increase disruption. The applicant has not requested any tree variances, so it is assumed that will not be an unreasonable disruption to the existing flora.

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

Given the topography and two front setbacks, it is reasonable that some variances may be needed, but given the multiple parking areas and proposed location of the house, staff believes that the amount and extent of the requests can be reduced.

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

The proposed project seeks to increase the nonconformity of the site with additional encroachments and site disturbance, rather than reducing the existing nonconformance.

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

The Zoning Ordinance seeks to minimize site disturbance and construction with the setbacks. The proposed plan increases the extent of the grading and encroachment beyond the existing nonconforming driveways.

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

No comments have been received to indicate existing neighbors will be affected.



City of West Lake Hills

Zoning and Planning Commission

AGENDA REPORT

Meeting Date:	August 21, 2024	Item Number:	5
	Building & Development		
Department:	Services		
Prepared By:	Jennifer C. Bills	Cost / Budget:	None
Exhibits:	See Attached	Source of Funds:	N/A

Subject

22 Hull Circle: Discuss and make a recommendation on a variance for an 8-foot encroachment into the 20 foot-side setback for the replacement of a non-conforming deck (Section 22.03.276 and 22.03.281 of the West Lake Hills Code).

Applicant: James Odom - Archadeck of Austin

Recommendation

Staff recommends approval of the variance request. See the attached applicant findings of fact in Exhibit A.

This item will be forwarded to the September 11, 2024 Board of Adjustment meeting for consideration.

Discussion

Property Information, Zoning & Site Characteristics:

Owner: Matthew and Emily Robbins

Legal Description: Lakeview Gardens Lot 14

Lot Size: 0.3495 acres

Zoning: R-1 One-Family Residential

Wastewater: Public Sewer

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

Background & Analysis:

The applicant is proposing to remove and replace the existing wood deck to the northeast of the house (Attachment 1). A door from the rear of the property currently opens on to the deck approximately 8 feet above the existing grade. The existing deck is non-conforming and encroaching 8 feet into the side setback. The new deck would be a replacement occupying the same footprint and height of the existing deck, as shown in the proposed plans in Attachment 3.

Variance Criteria Review:

No variance shall be granted unless the following conditions are fulfilled:

1. The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.
2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.
6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.

The findings of fact as alleged by the applicant are attached in the following exhibits.

- Exhibit A - From the applicant

Public Comment:

No written comments have been received as of the date of the staff report.

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

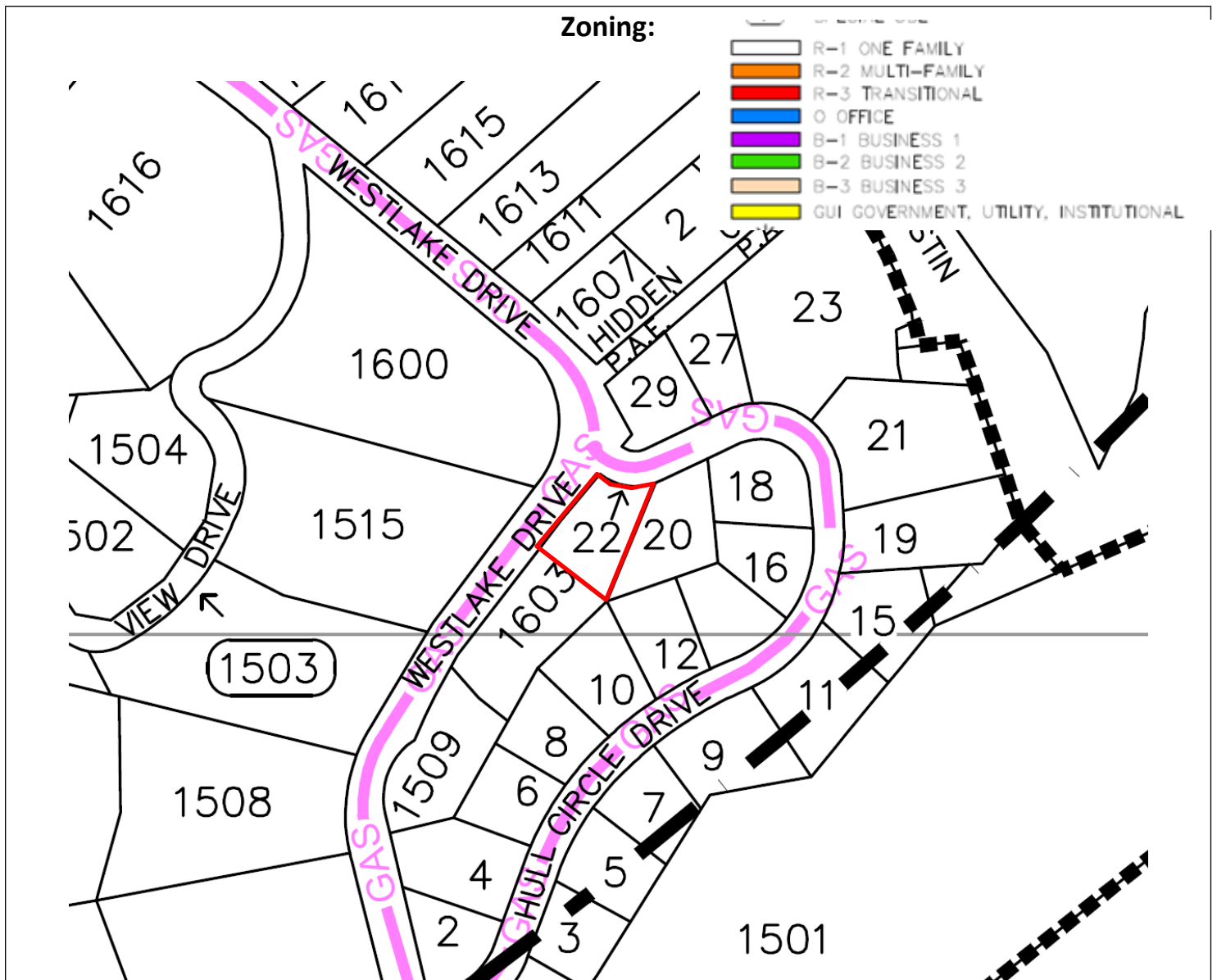
There is no change to the subdivision proposed with this application.

Comprehensive Planning Analysis

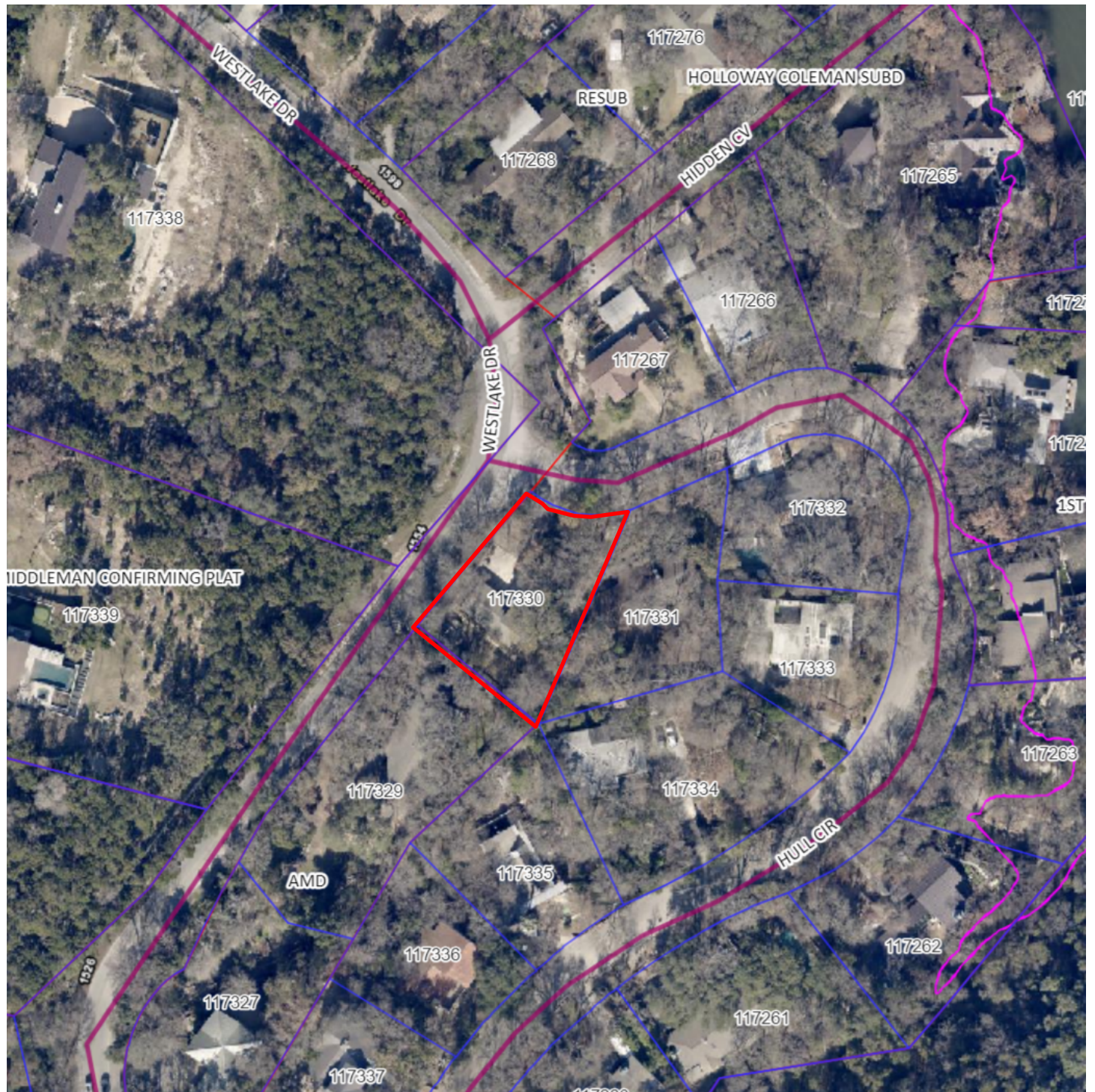
The existing and future land use is in conformance with the City of West Lake Hills Master Plan.

Links to Relevant Code:

- [Section 22.03.275 Building setback distances](#)
- [Section 22.03.281 Schedule of Regulations](#)
- [Section 38.05.031 Variances](#)
- [Section 22.03.514 Criteria and process required for granting a variance](#)



Aerial:



Jimmy Odom

551 S IH 35 Frontage
Round Rock, TX 78664

Jennifer C. Bills, AICP, LEED AP

Director of Building and Development Services
911 Westlake Drive
West Lake Hills, TX 78746

July 8, 2024

Subject: Variance Request for 22 Hull Circle

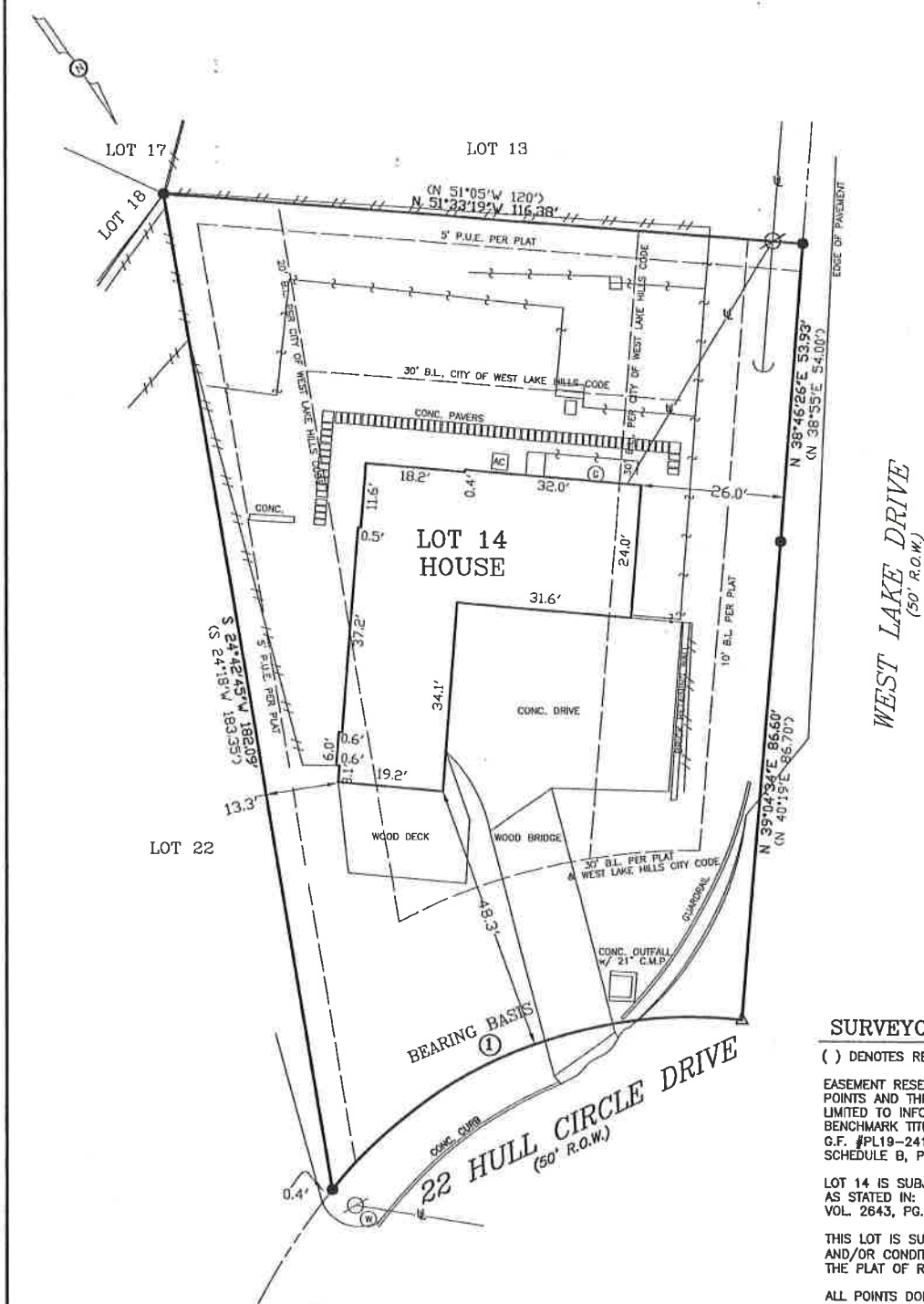
I am writing on behalf of **Matt and Emily Robbins** whose residence is 22 Hull Circle. The Robbins have a very nice recently remodeled home on a large heavily wooded lot. There is an entry bridge over a dry gulch connected to the driveway. The lot is so covered with trees that it is hard to see the house from the street. Adjacent to the driveway is an old wood deck in need of replacement. The deck runs in front of the living area with 2 patio doors exiting the house to it. The deck and a large part of the house all encroach on the 20ft setback established by West Lake Hills. We are not requesting to change the deck footprint but need a variance to encroach that set back by 8ft. The deck is still 13 ft from the property line and follows the angle of the property line. There are no real options since the house patio doors must open to something.

We appreciate your consideration regarding this.

Regards

Jimmy Odom
President, Archadeck of Austin

SCALE: 1"=20'



LEGEND

- WOOD FENCE
- UTILITY LINE
- WROUGHT IRON FENCE
- ⊗ A/C UNIT
- ⊗ GAS METER
- ⊗ WATER METER
- IRON ROD FND.
- NAIL FND.
- BUILDING LINE
- PUBLIC UTILITY EASEMENT

SURVEYOR'S NOTES

() DENOTES RECORD INFORMATION

EASEMENT RESEARCH PERFORMED BY ALL POINTS AND THE UNDERSIGNED SURVEYOR WAS LIMITED TO INFORMATION SUPPLIED BY BENCHMARK TITLE COMPANY PER COMMITMENT G.F. #PL19-24123, EFFECTIVE MAY 20, 2019; SCHEDULE B, PARAGRAPH 10.

LOT 14 IS SUBJECT TO RESTRICTIVE COVENANTS AS STATED IN: VOL. 2643, PG. 247, VOL. 17, PG. 97

THIS LOT IS SUBJECT TO ALL EASEMENT RIGHTS AND/OR CONDITIONS WHICH MAY APPEAR ON THE PLAT OF RECORD.

ALL POINTS DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.

CURVE TABLE

①
C=S 78°23'00"E 80.57'
A=84.04' R=83.85'
(C=S 78°23'E 80.93')
(A=84.00')

LOT No. 14 BLOCK --
SECTION -- PHASE --
CITY TRAVIS COUNTY, TEXAS
SUBDIVISION / ADDITION LAKEVIEW GARDENS
Book -- Page(s) 97 PLAT RECORDS
Volume 17
Street Address: 22 HULL CIRCLE DRIVE
Reference: MATTHEW D. ROBBINS AND EMILY P. ROBBINS

TO THE LIENHOLDERS AND/OR OWNERS OF THE PREMISES AND/OR BENCHMARK TITLE COMPANY

The undersigned certifies that this survey was this day made by me or under my supervision on the ground of the real property shown on the survey and after the exercise of reasonable care and in reliance on record searches by the title company that this survey is correct to the best of the undersigned's knowledge and belief and that the property has access to and from a roadway, except as shown hereon. There are no visible discrepancies, conflicts, shortages or overlapping of improvements or encroachments except as shown hereon.



ALL POINTS SURVEYING

1714 FORTVIEW ROAD - SUITE 200

AUSTIN TX. 78704

TELE.: (512) 440-0071 - FAX: (512) 440-0199

FIRM REGISTRATION # 10110000



FIELD WORK By: Date:
DRAWING CR 05-20-19
DM
SURVEY DATE: 06-21-19
Job No. 08R11419
SCALE: 1"=20'

archadeck® | outdoor living

Scope of Work

Robbins Residence
22 Hull Circle
West Lake Hills, TX 78746



Prepared by:

archadeck® | outdoor living

551 S IH35 Frontage #337

Round Rock, TX 78664

(512) 259-8282

7/2/2024

PROPOSED SCOPE OF WORK

Robbins Residence
22 Hull Circle
West Lake Hills, TX 78746

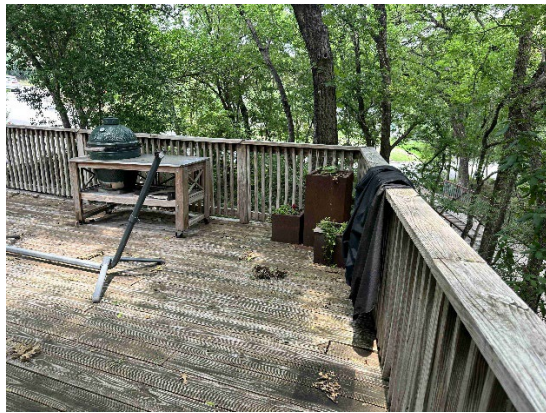
Archadeck of Austin proposes to remodel a section of the back yard at the above-referenced property, per the following Scope of Work. We warrant our work to be performed in accordance with all local and national building codes and standards. The project will be permitted through the City of West Lake Hills.

- Demo existing deck, frame, and existing footings - haul off all material and old footings
- Repour new footings with sono-tubes extended 1' above grade
- Frame new deck frame with 6x6 posts, 2x10 joists and (2x) x 10" beams or as specified in drawings
- Deck with Azek Landmark decking including a picture frame, horizontal decking and a parting board
- Install 1x6 horizontal cedar slat skirting to the footings and stain to color to match existing privacy wall
- Fabricate and install a custom railing with horizontal balusters and powder coated flat black.

•

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Existing Photos

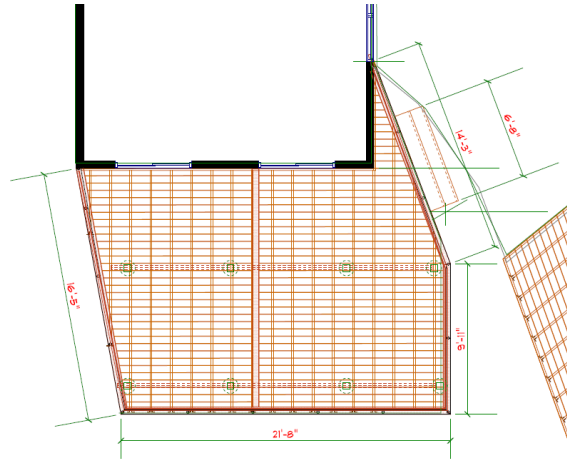


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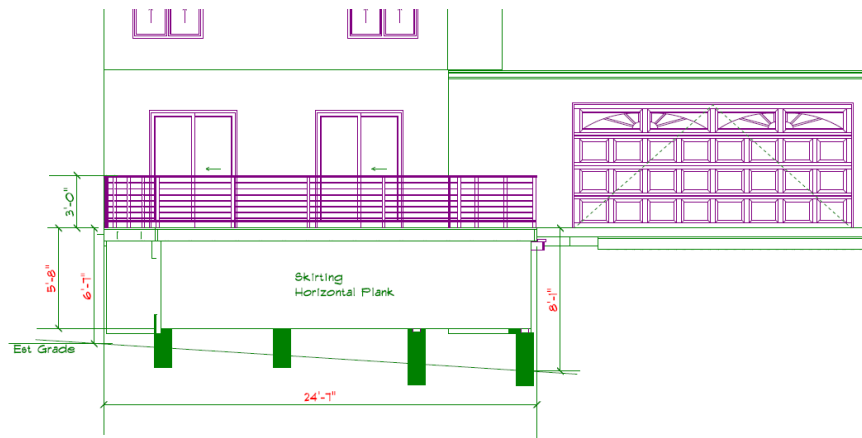
Proposed Renderings



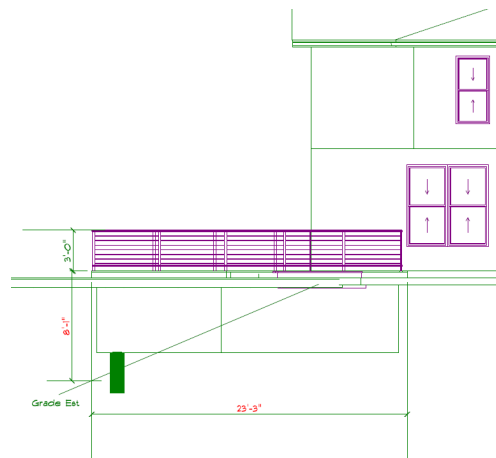
Dimensioned Plan View



Dimensioned Main Elevation



Dimensioned Side Elevation



Survey Overlay – SCALE = 1:20



Site Plan
with Overlay

Robbins Residence
22 Hull Circle
West Lake Hills, TX 78156

prepared by
Jenny Odor
Archadeck of Austin
jlo.odor@archadeck.net
512.716.296

SURVEYOR'S
() DENOTES RECORD
EASEMENT RESEARCH
POINTS AND THE UN
LIMITED TO INFORM
BENCHMARK TITLE C
G.F. #PL19-24123
SCHEDULE B, PARAG
LOT 14 IS SUBJECT
AS STATED IN
VOL. 2643, PG. 247

Exhibit A

22 Hull Circle - Side Setback Encroachment

Applicant's Findings of Fact

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 existing deck has been there for a long time, at least 20 years, The deck width matches the house width and there are 2 double patio doors that open to the deck. Pulling the deck in would completely alter the livability of the house. The deck is also angled to match the property line and 13' from the property line with natural privacy from large trees.

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

The project represents no change to the footprint intentionally to avoid impact to the natural terrain and flora.

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

Due to the nature of the lot - this deck is the outdoor living space. It is the only logical place to entertain and it's as though the house were designed with the deck in mind.

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

The new deck will be the same size as the existing deck

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

The proposed deck does not change anything regarding the current use of the property

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

The proposed deck does not change anything regarding the current use of the property. There is natural privacy by way of trees and flora to buffer the neighbors and the deck is still 12' from the property line



City of West Lake Hills

Zoning and Planning Commission

AGENDA REPORT

Meeting Date:	August 21, 2024	Item Number:	6
	Building & Development		
Department:	Services		
Prepared By:	Jennifer C. Bills	Cost / Budget:	None
Exhibits:	See Attached	Source of Funds:	N/A

Subject

102 West Spring Dr.: Discuss and make recommendation on variances

1. To encroach 16'4" feet into the required 20-foot west side setback (Section 22.03.275 and 22.03.281);
2. Encroach 8'4" feet into the required 20-foot east side setback (Sections 22.03.275 and 22.03.281); and
3. Maintain the existing impervious cover allowance of 44.1% (Sections 22.03.278 and 22.03.281 of the West Lake Hills Code).

Applicant: Michael Deere, Archadia Design

Recommendation

Staff recommends approval of the variance request. The applicant is proposing to add on to the existing structure and maintain architectural and general footprint of the existing house. The site is currently legal nonconforming, and this a good reuse without tearing down and starting over within the buildable area allowed by code. See Exhibit A for applicant's justification.

This item will be forwarded to the September 11, 2024 Board of Adjustment meeting for consideration.

Discussion

Property Information, Zoning & Site Characteristics:

Owner: Donald A Rademacher, John A Rademacher & Paul Andrew Rademacher

Legal Description: Westlake Park, Lot 24

Lot Size: 0.2551

Zoning: R-1 One-Family Residential

Wastewater: Public Sewer

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

Background & Analysis:

The applicant is proposing an addition to the existing house at 102 West Spring Dr. The existing house was built in 1958 as a single-story, 1,364 square foot house. The applicant is requesting a variance to add on to the existing structure first floor in the west side setback at the front of the building for covered parking and into the east side setback at the rear of the property for a wood deck. The applicant is also proposing to add a second story, which would be compliant with all setbacks. The site previous received a variance for increased impervious cover to add an uncovered deck on February 20, 2018 for 44.1% impervious cover. The applicant is

asking to maintain the existing impervious cover for the site with the site changes. The International Residential Code requires a house with less than a five-foot setback from a property line to be built with fire rated construction. This will be required if the west side setback variance is granted.

Variance Criteria Review:

No variance shall be granted unless the following conditions are fulfilled:

1. The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.
2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.
6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.

The findings of fact as alleged by the applicant are attached in the following exhibits.

- Exhibit A - From the applicant

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

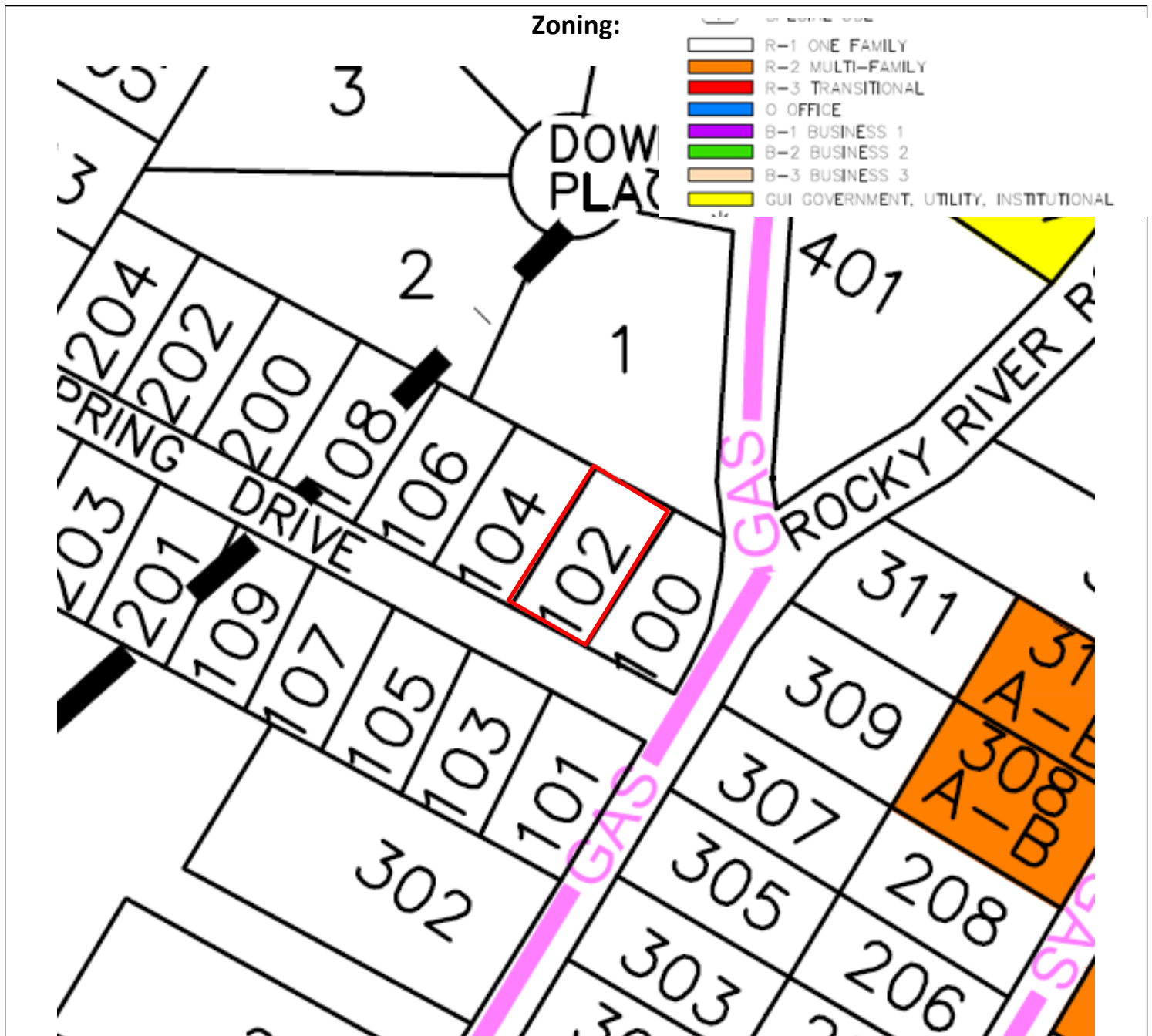
There is no change to the subdivision proposed with this application.

Comprehensive Planning Analysis

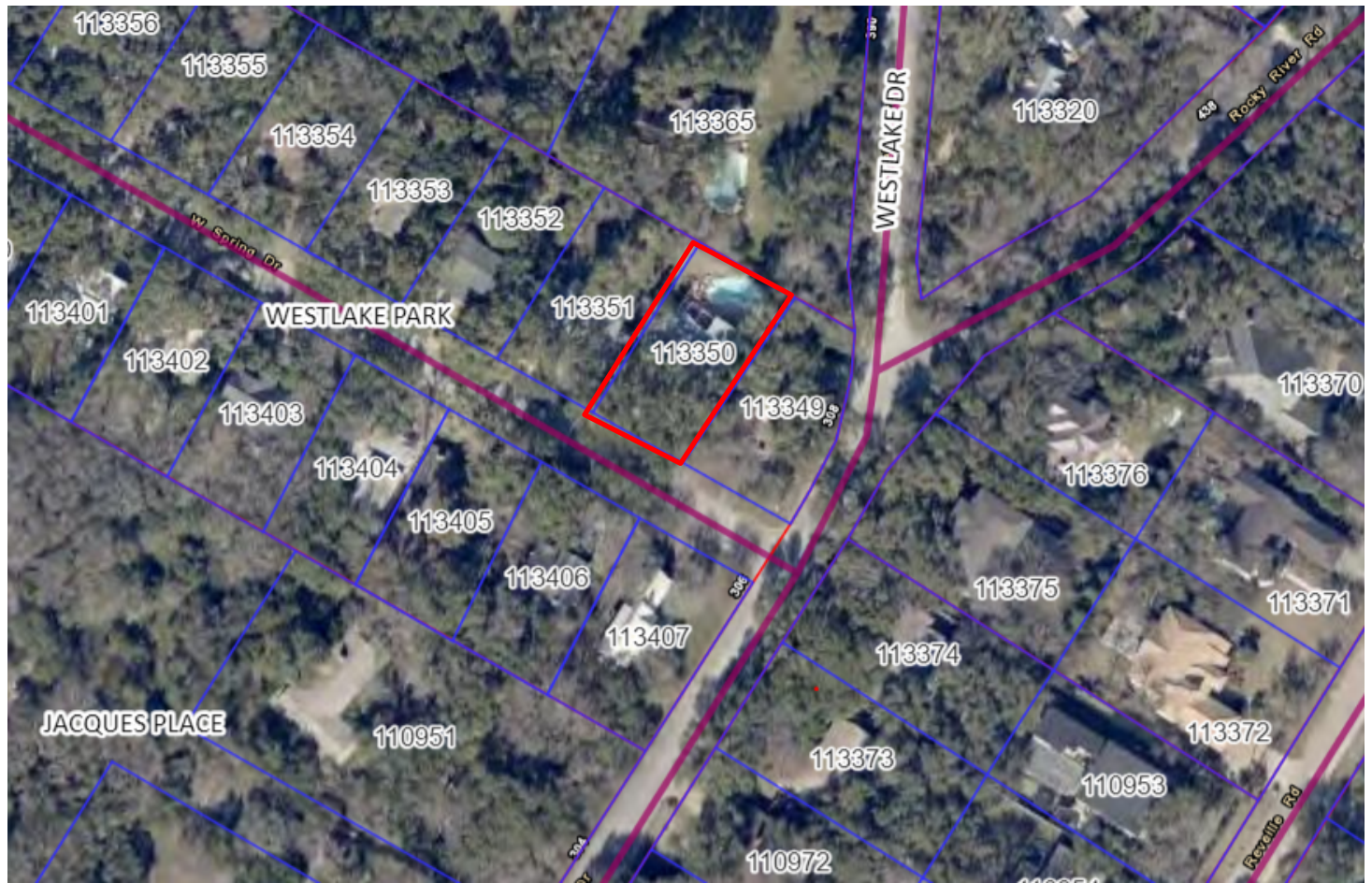
The existing and future land use is in conformance with the City of West Lake Hills Master Plan.

Links to Relevant Code:

- [Section 22.03.275 Building setback distances](#)
- [Section 22.03.278 Lot coverage](#)
- [Section 22.03.281 Schedule of Regulations](#)
- [Section 38.05.031 Variances](#)
- [Section 22.03.514 Criteria and process required for granting a variance](#)



Aerial:



Michael Deere
Architect
Archadia Design
1144 Salina Street
Austin, Texas 78702

July 8, 2024

To:
Robert Meisel
Chair
Zoning and Planning Commission
City of West Lake Hills, TX

Dear Mr. Meisel, and Commissioners,

I am writing to you on behalf of my clients Paul Rademacher and Cindy West of 102 West Spring Drive to request a variance to the zoning regulations for a proposed addition and renovation to the home.

The variance we request is to the side setback of the property, where we are proposing a portion of an uncovered wood deck, and a portion of an unconditioned open carport.

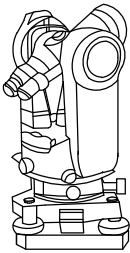
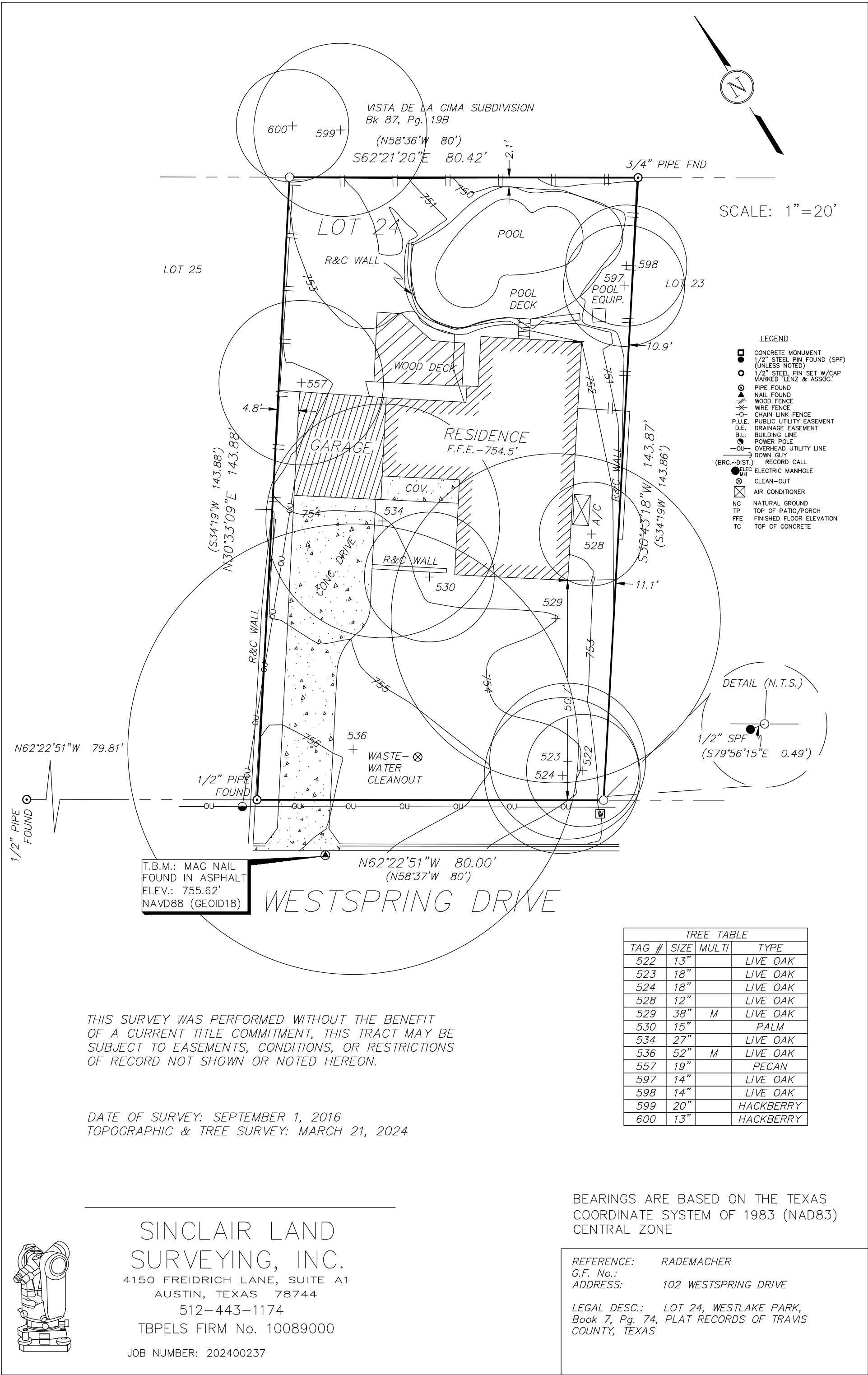
The lot in question is quite small - roughly 50% smaller than the minimum lot size in the current zoning regulations. This along with a number of live oaks that we would like to preserve have created a hardship in terms of buildable area. Mr. Rademacher's grandfather is the original owner of the house from the time of its construction, and so we have taken great care and consideration in the design of an addition to the home for his growing family to also preserve the character of the home, its landscape, and its trees that he has grown up loving.

The encroachment of the deck and carport into the side setback have been designed to align with the side extent of the existing home, and are limited to the ground floor. This allowed us to propose a 2nd story addition that is more in keeping with the original architecture and character of the home without disturbing the tree canopy or root zones as well.

There is also an existing variance on the property for an increase in Impervious Cover, which we would like to maintain. We are not requesting any additional impervious coverage, and have proposed a project that will net a reduction of total impervious cover on the property from what is existing.

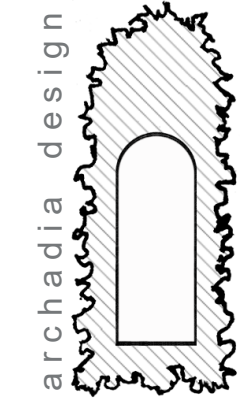
We thank you for your time and consideration in this matter.

Thank you,
Michael Deere



SINCLAIR LAND
SURVEYING, INC.
4150 FREIDRICH LANE, SUITE A1
AUSTIN, TEXAS 78744
512-443-1174
TBPELS FIRM No. 10089000
JOB NUMBER: 202400237

REFERENCE: RADEMACHER
G.F. No.:
ADDRESS: 102 WESTSPRING DRIVE
LEGAL DESC.: LOT 24, WESTLAKE PARK,
Book 7, Pg. 74, PLAT RECORDS OF TRAVIS
COUNTY, TEXAS



archadiadesign.com
1144 salina street
austin, texas 78702

OAK PARK RESIDENCE

3004 Oak Park Drive | Austin, Texas | 78704

NOT FOR REGULATORY APPROVAL,
PERMITTING, OR CONSTRUCTION.

ARCHITECT:
MICHAEL DEERE

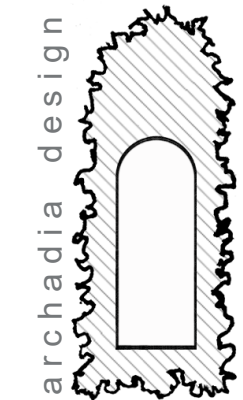
ISSUE INFORMATION
sd

DATE:
2024

REVISIONS:

SHEET NAME:
SITE PHOTOS

A001



archadiadesign.com
1144 salina street
austin, texas 78702

OAK PARK RESIDENCE

3004 Oak Park Drive | Austin, Texas | 78704

NOT FOR REGULATORY APPROVAL,
PERMITTING, OR CONSTRUCTION.

ARCHITECT:
MICHAEL DEERE

ISSUE INFORMATION
sd

DATE:
2024

REVISIONS:

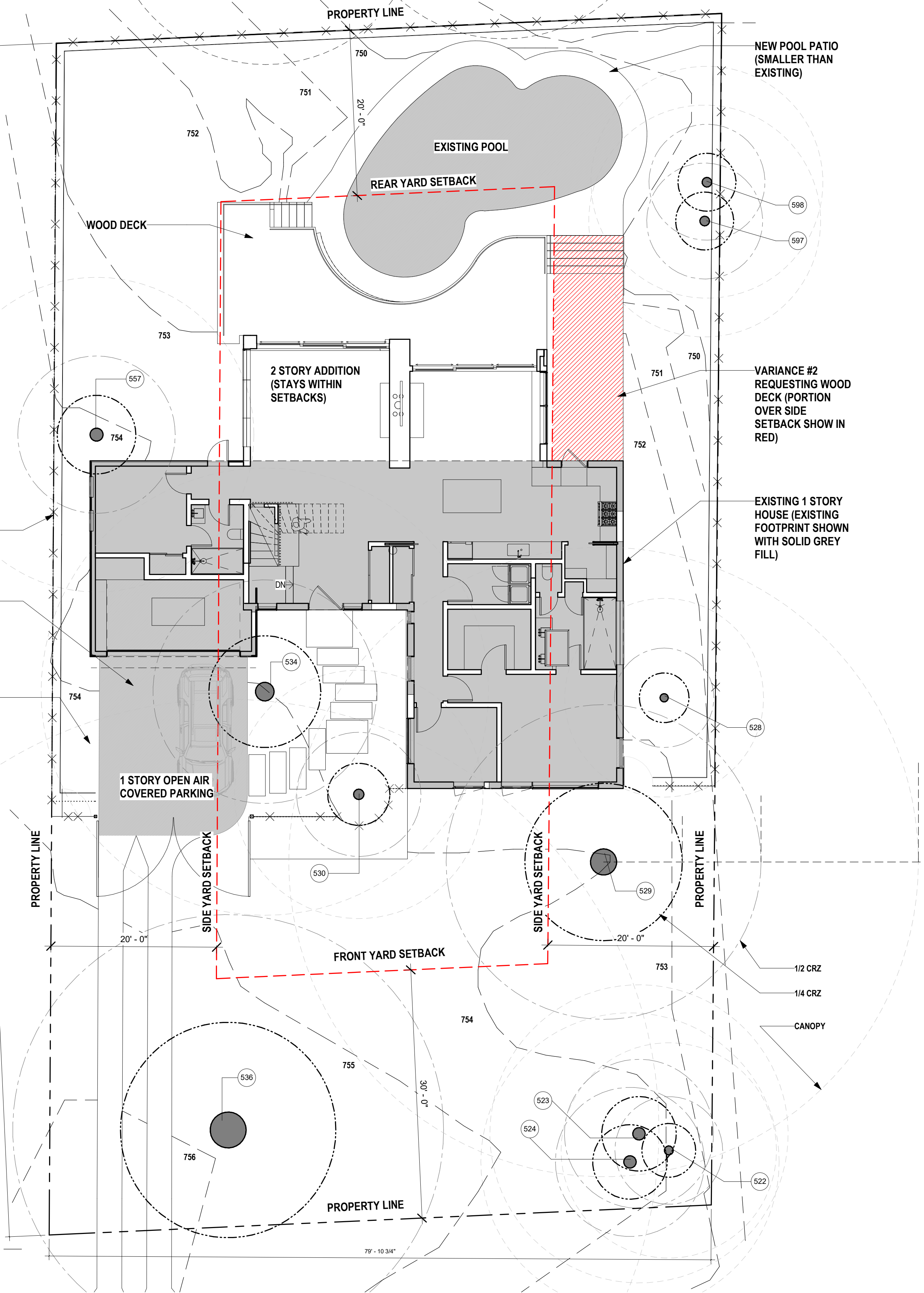
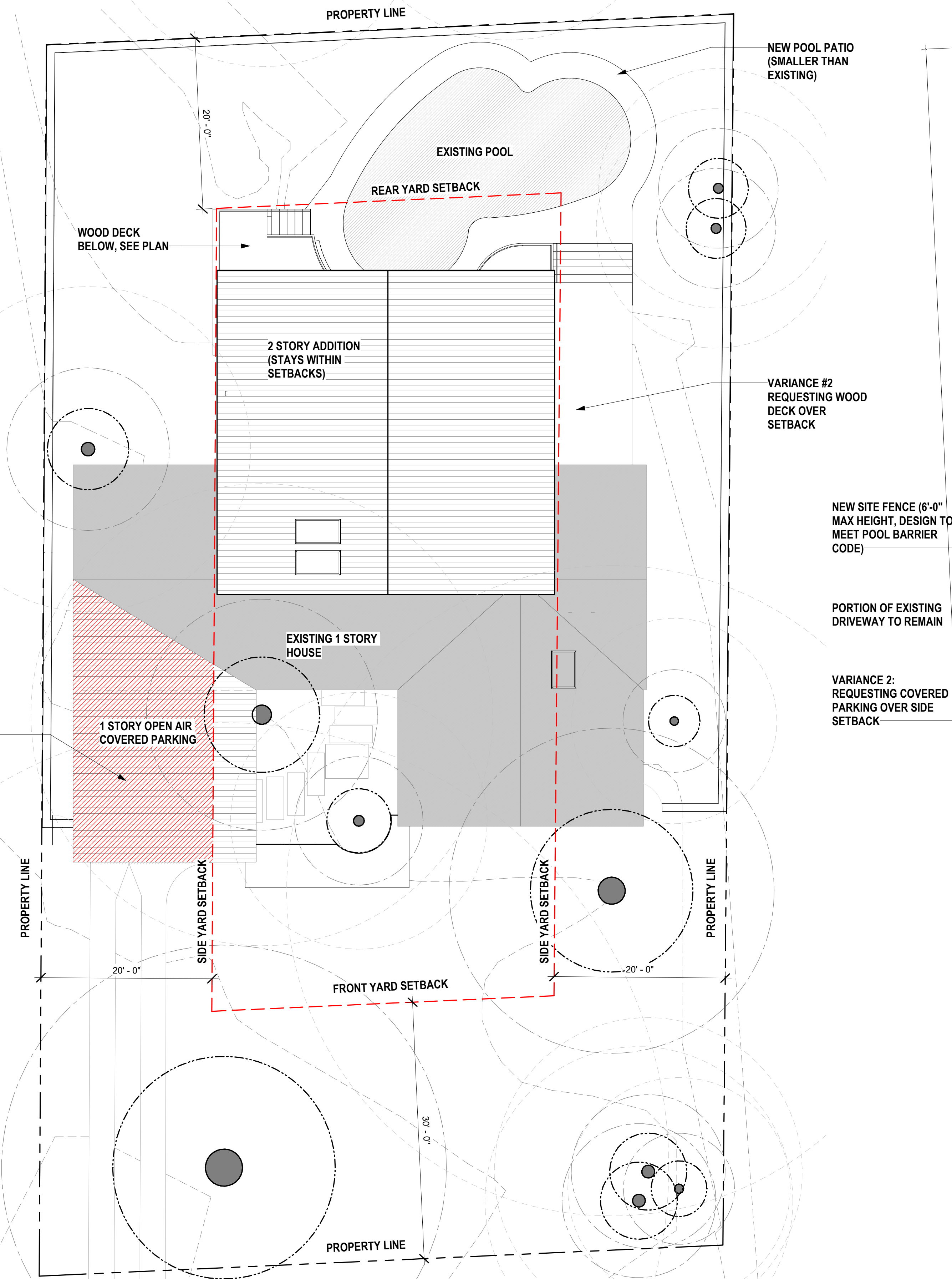
SHEET NAME:
SITE PLAN

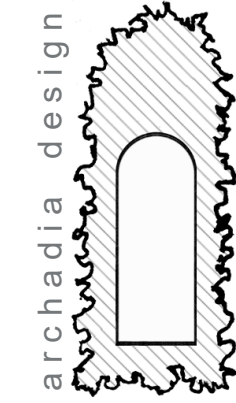
A010

② Site Plan - Roof Level
1/8" = 1'-0"

① Site Plan-First Floor
1/8" = 1'-0"

VARIANCE 2:
REQUESTING COVERED
PARKING, PORTION OVER
SIDE SETBACK SHOWN IN
RED





archadiadesign.com

1144 salina street
austin, texas 78702

OAK PARK RESIDENCE

3004 Oak Park Drive | Austin, Texas | 78704

NOT FOR REGULATORY APPROVAL,
PERMITTING, OR CONSTRUCTION.

ARCHITECT:
MICHAEL DEERE

ISSUE INFORMATION
sd

DATE:
2024

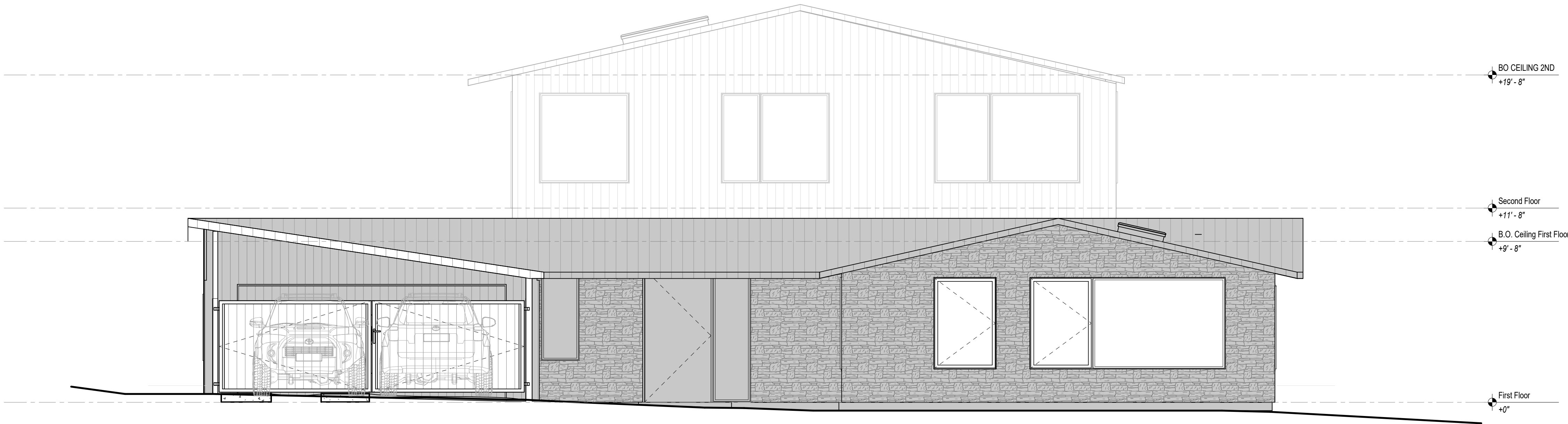
REVISIONS:

SHEET NAME:
ELEVATIONS

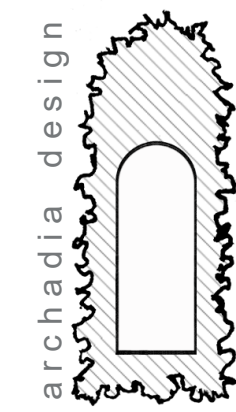
A300



② NORTH ELEVATION
1/4" = 1'-0"



① SOUTH ELEVATION
1/4" = 1'-0"



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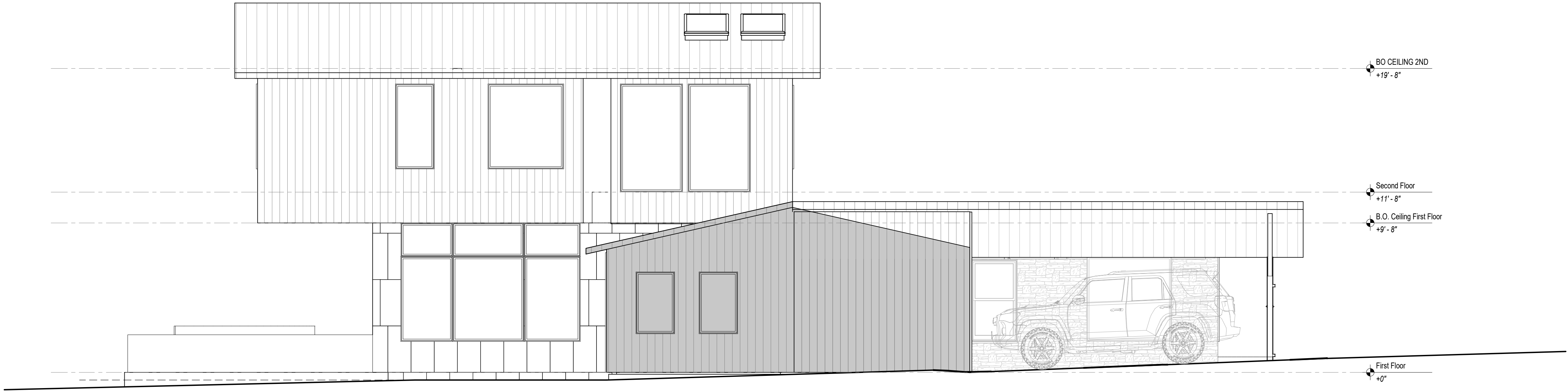
ISSUE INFORMATION
sd

DATE:
2024

REVISIONS:

SHEET NAME:
Elevations

A301



② WEST ELEVATION
1/4" = 1'-0"



① EAST ELEVATION
1/4" = 1'-0"

Exhibit A

102 West Spring Dr. – Setback Variance

Staff Findings of Fact

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 lot size is unique relative to the majority of R-1 lots in the city - roughly 50% smaller than minimum R-1 lot size. Adhering to the 20'-0" side setback considerably reduces the build-able area of this lot in a way that places a unique restriction on this property. There are several heritage oaks within the buildable area of the setbacks which prevent any construction without risking damage to the oaks. We find the best design to maintain the character of the home and neighborhood while simultaneously preserving the wonderful trees on the property is to push slightly into the side setback with these unconditioned portions of the addition. The proposed conditioned area will not encroach over the side setback.

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

The proposed design has been planned with great care to the existing trees, and has been designed around all critical rootzones and canopies. The existing landscape is of high sentimental importance to the owners and the intent is to completely preserve the character of the existing landscape features.

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

For the carport variance request, we considered adding more square footage to the upper story addition on the side toward the road to accommodate vehicles at the existing location (which also encroaches the side setback). We found that the additional mass at the second floor would require removal of some of the tree canopy and would also take away some of the historic character we have worked in the design to preserve.

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

The amount of the encroachment for both sides aligns with the existing footprint of the original home, and this alignment will allow the addition to not appear as a deviation from the character of the existing architecture.

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

With the size of the lot being such a difference from the typical lot size, we feel that by not expanding past the existing footprint of the house the intent of the ZO, and Comprehensive Plans are upheld. The requested variance will respect the character of the existing architecture and will not damage or compromise the health of any existing landscape including all of the heritage oak trees by remaining in alignment with the footprint of the existing home.

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

The requested encroachments to the side setbacks are limited to two small areas on the ground floor and align to existing features of the house and thus will not negatively affect the adjacent properties. The second-floor addition is set back beyond the original roof ridgeline at the front of the house and complies with all setbacks. This variance allows us to preserve the scale and character of the existing home in a way that will have no effect on the neighboring homes.