



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF BOARD OF ADJUSTMENT (BOA) REGULAR MEETING
Wednesday, September 11, 2024 at 7:00 PM

Notice is hereby given that the Board of Adjustment (BOA) of the City of West Lake Hills, Texas, will hold a Regular Meeting on the 11th day of September 2024 at 7:00 p.m., in the Council Chamber, Municipal Building, 911 Westlake Drive, West Lake Hills, Texas, at which time the following items will be discussed, to-wit:

REMOTE ACCESS - Join Zoom Meeting 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 citysec@westlakehills.gov by 1:00 P.M. on September 11, 2024.

1. **Call to Order**
2. **Citizen Communications** The Board welcomes public comments at this point on any issue. If the issue is listed on the agenda, the speaker may choose to comment during the Public Comment period or when the specific agenda item is taken up by the Board later in the meeting. The Board cannot respond to or discuss matters not listed on the agenda. The Board may provide factual information, refer the item to a staff member, or request the item be added to a future meeting agenda. Speakers shall limit their comments to five (5) minutes each.
3. **Administration** Discuss and consider approval of the August 14, 2024 Regular Meeting Minutes.
4. **Public Hearing 3663 Bee Cave Rd Suite 4-A** – Discuss and consider action to approve Ordinance 157-2024-D for a Special Use Permit request to allow the sale of beer and wine beverages in a restaurant for on-premise and off-premise consumption on a property Zoned B-2 Business 2 District (West Lake Hills Code, Section 38.04.031). Applicant: Westlake Swedish, LLC (Swedish Hill).
5. **Land Use 200 Wildcat Hollow**: Discuss and consider action to allow for 25-foot encroachment for the building and grading for structures into a 50-foot front setback adjacent

to Skyline Drive for the redevelopment of a single-family residential structure (Sections 22.03.275 and 22.03.281 of the West Lake Hills Code). Applicant: Rachel Jones, McCollum Studio.

6. **Land Use 1501 Wildcat Hollow:** Discuss and consider action 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 (Sections 22.03.275 and 22.03.281); and
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, R&D Architecture

7. **Land Use 22 Hull Circle:** Discuss and consider action on a variance for an 8-foot encroachment into the 20-foot side setback for the replacement of a nonconforming deck (Sections 22.03.276 and 22.03.281 of the West Lake Hills Code). Applicant: James Odom, Archadeck of Austin.

8. **Land Use 102 West Spring Drive:** Discuss and consider action on the proposed variances:

1. To encroach 16'4" into the required 20-foot west side setback (Sections 22.03.275 and 22.03.281);
2. Encroach 8'4" 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.

9. Adjournment

Approved by: James Vaughan, Chair

Certificate

I certify that the above Notice of the September 11, 2024 Board of Adjustment Regular Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on Friday, September 6, 2024 by 5:00 pm. and will remain posted continuously until said meeting is convened.

Signed by: Terry Blanchard, City Secretary

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

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

CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A BOARD OF ADJUSTMENT (BOA) REGULAR MEETING
Wednesday, August 14, 2024 at 7:00 PM

1. Call to Order

With a quorum present, Board Member Bowman called the meeting to order at 7:00 p.m.

BOARD MEMBERS PRESENT:

Vice Chair Brian Plunkett
Gordon Bowman
Dana Harmon
Beth South
Darin Walker
Jim O'Connor (alternate)

CITY STAFF PRESENT:

City Administrator Trey Fletcher
City Secretary Terry Blanchard
Finance Director Vonda Ragsdale
Director of BDS Jennifer Bills
Chief of Police Scott Gerdes
City Attorney Josh Brockman-Weber

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

Board Member Bowman opened the meeting for public comments. Hearing none, the public comment section was closed.

3. Consent Agenda All Consent Agenda items listed are considered to be routine by the Board and will be enacted by one (1) motion. No separate discussion or action on any of the items is necessary unless requested by a Board Member.

- a. Approval of the July 10, 2024 Regular Meeting Minutes.

MOTION: Upon a motion made by Board Member Plunkett and a second by Board Member South, the Board voted four (4) for and none (0) opposed to approve the Consent Agenda as presented. Board Members Bowman and O'Connor abstained. Motion carried.

4. Land Use 703 Loma Linda Drive: Discuss and consider action 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.

Board Member Walker filed a Conflict of Interest form with the City Secretary and will not participate in the discussion or vote on this item.

Director Bills gave a brief summary. The variance request has been revised to a 4.5' encroachment into the side setback. Staff and ZAPCO recommend denial. Steve Johnson (property owner) spoke to Council. The closest neighbor to the proposed variance site is in support of the project.

MOTION: Upon a motion made by Board Member Plunkett and a second by Board Member O'Connor, the Board voted five (5) for and none (0) opposed to approve the revised variance. Motion carried.

5. Public Hearing 18 Nob Hill Circle: Discuss and consider action on a Special Use Permit for a domestic employee quarters (Section 38.03.032 (c) of the West Lake Hills Code).

Applicant: Lisa Vela, NextLevel Permits, LLC

Director Bills gave a brief summary. In 2019, an employee quarters request was approved. The permit expired in 2024. Requests for new permits and SUP are under review. Staff recommends approval.

Board Member Walker encouraged the property owner to avoid further delays on the project and to cease subjecting the neighbors to extended construction issues. The project is an eyesore for the neighborhood and needs to be completed.

MOTION: Upon a motion made by Board Member Plunkett and a second by Board Member O'Connor, the Board voted six (6) for and none (0) opposed to approve the SUP for domestic employee quarters. Motion carried.

6. Adjournment

MOTION: Upon a motion made by Board Member Walker and a second by Board Member O'Connor, the Board voted six (6) for and none (0) opposed to adjourn the meeting at 7:45 p.m. Motion carried.

Respectfully submitted,

JAMES VAUGHAN, CHAIR

ATTEST:

Terry Blanchard, TRMC
City Secretary

These minutes were approved on September 11, 2024.



City of West Lake Hills

Board of Adjustments

AGENDA REPORT

Meeting Date:	September 11, 2024	Item Number:	4
	Building and Development		
Department:	Services		
Prepared By:	Jennifer C. Bills	Cost / Budget:	None
Exhibits:	SUP, Presentation	Source of Funds:	N/A

Subject

3663 Bee Cave Rd Suite 4-A – Discuss and consider action to approve Ordinance 157-2024-D for a Special Use Permit request to allow the sale of beer and wine beverages in a restaurant for on-premise and off-premise consumption on a property Zoned B-2 Business 2 District (West Lake Hills Code, Section 38.04.031).

Applicant: Westlake Swedish, LLC (Swedish Hill)

Recommendation

Staff recommend approval of the special use permit.

Discussion

Property Information, Zoning & Site Characteristics:

Business Owner: Westlake Swedish, LLC dba Swedish Hill

Legal Description: West Lake Court, Lot 1

Lot Size: 5.2112 acres

Zoning: B-2 – Business 2

Hours of Operation: 7:00 am – 7:00 pm Monday through Sunday

The properties surrounding the subject property are zoned R-3 Transitional Residential, B-1 Business 1, B-2 Business 2, and O-Office.

Background & Analysis:

The business owners are requesting a Special Use Permit to sell alcoholic beverages as a supplementary use to the primary use as a restaurant. The previous restaurant at this location, Blue Dahlia had a SUP for alcohol sales. As the space has changed businesses, a new SUP is required. The Neighborhood Vintner and Marye's Gourmet Pizza also have SUPs to sell and serve alcohol within this shopping center.

SUP Criteria & Analysis:

(1) The restaurant where the alcoholic beverage is proposed to be sold shall not be located within 300 feet of a church or school as measured by state law;

The location complies with TABC requirements regarding distance to churches and schools.

(2) The restaurant where the alcoholic beverage is proposed to be sold shall not be located on property, two or more sides of which abut property in a residential zoning district;

Refer to the zoning map included at the end of this report. There is one property zoned R-3 – Transitional Residential abutting 3663 Bee Cave Rd on the south property line (one side).

(3) The gross receipts derived from the sale of alcoholic beverages shall not exceed the gross receipts derived from the sale of food;

The primary business of this restaurant is the sale of food.

(4) The permit shall be reviewed annually by the city administrator and, if reissued, reissued at the end of the calendar year; and

City staff will review annually and keep track of when the SUP needs to be reissued.

(5) Additional fees are to be collected after three years' operation in accordance with the alcoholic beverage commission permit rules.

City staff will review and ensure all applicable fees are collected in accordance with TABC rules.

Outdoor Lighting

No outdoor lighting is being considered with this SUP.

Compliance with Code of Ordinances

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.

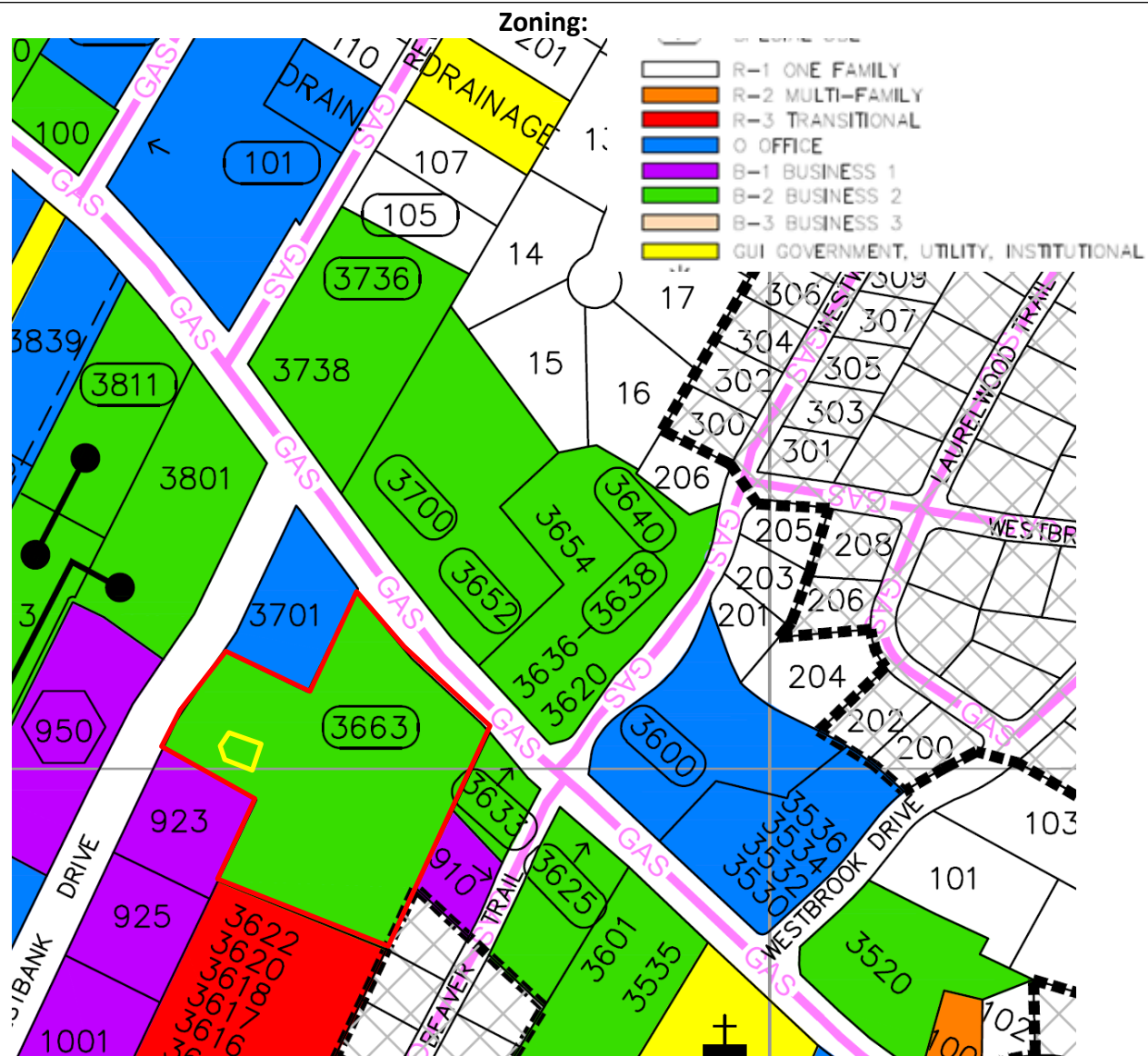
Links to Relevant Code:

[Section 38.03.037\(c\) Special uses \(in B-2 Business 2\)](#)

[Section 38.04.033: General criteria applicable to all special uses.](#)

[Section 38.04.034\(e\) Criteria applicable to Alcoholic beverages sold in a restaurant for on- or off-premises consumption.](#)

[Section 38.04.035: General conditions for all special uses.](#)



Aerial:



SPECIAL USE PERMIT 157-2024-D

A PERMIT SETTING FORTH THE CONDITIONS UNDER WHICH BEER AND WINE BEVERAGES MAY BE SOLD FOR ON- AND OFF-PREMISE CONSUMPTION, AND AUTHORIZING THE CITY ADMINISTRATOR TO NOTE THE CHANGE ON THE OFFICIAL ZONING MAP OF THE CITY.

WHEREAS, Westlake Swedish, LLC, has requested a Special Use Permit (SUP) for the sale of on-premises consumption of beer and wine at Swedish Hill located at 3663 Bee Cave Road, Suite 4-A, West Lake Hills, Texas, the herein described parcel of land; and

WHEREAS, the notice as required by Section 38.03.037, of the West Lake Hills Code has been given to adjacent property owners; and

WHEREAS, Public Hearings have been held by the Board of Adjustment (BOA) as required by law; and

WHEREAS, any and all protests submitted against the proposed SUP have been considered by BOA; and

WHEREAS, BOA find that the application for Special Use Permit meets the requirements of Section 38.04.033 and 38.04.034 of the West Lake Hills Code; and

WHEREAS, beer and wine will be sold and consumed on the premises, and the premises will be used as a restaurant; and

WHEREAS, the public interest dictates that special conditions be set forth regulating the sale of beer and wine beverages under the Special Use Permit provisions of the West Lake Hills Code; and

WHEREAS, the applicant has agreed to the special conditions regulating the sale of beer and wine contained herein; and

WHEREAS, BOA at its Public Hearing on the Special Use Permit on the herein described parcel is not contrary to the public interest;

NOW, THEREFORE, BE IT ORDAINED BY BOARD OF ADJUSTMENTS OF THE CITY OF WEST LAKE HILLS, TEXAS:

Article 1. The legal description of said parcel of land is as follows:

Lot 1, West Lake Court

Article 2. The permit is granted under the following terms and conditions:

1. Beer and wine may be sold on- or off-premises under the following conditions:
 - (a) The restaurant where the alcoholic beverage is proposed to be sold shall not be located within 300 feet of a church or school as measured by state law.
 - (b) The restaurant where the alcoholic beverage is proposed to be sold shall not be located on property, two or more sides of which abut property in a residential zoning district.

- (c) The gross receipts derived from the sale of alcoholic beverages shall not exceed the gross receipts derived from the sale of food.
 - (d) The permit shall be reviewed annually by the city administrator and, if reissued, reissued at the end of the calendar year.
 - (e) Additional fees are to be collected after three years' operation in accordance with the alcoholic beverage commission permit rules.
 - (f) Special offers to the public promoting the sale of alcoholic beverages commonly known as "happy hour" shall be conducted only at times when the permittee offers full food service and only during the period of time from 4:00 p.m. through 7:00 p.m. during the days of Monday through Friday inclusive except as indicated in this subsection. The permittee may select a period of time not to exceed three hours per each day to conduct a happy hour promotion for the days of Saturday and Sunday. The permittee shall give written notification to the city administrator of the hour selected for such a happy hour and any changes thereto. The permittee shall give a 72-hour notice to the city administrator of changes to any happy hour designation.
 - (g) Live entertainment utilizing electronically amplified musical instruments or an associated sound system shall not be permitted. Live entertainment is permitted as follows:
 - 1. The group of performers is limited to not more than four persons;
 - 2. The entertainment must be located within the confines of the restaurant interior;
 - 3. The sound is not to be heard outside the restaurant premises; and
 - 4. All performances must end at 10:30 p.m. daily.
2. Applicant must comply with all applicable federal, state and local statutes, rules, regulations and ordinances.

Article 3. This Special Use Permit is not transferable to another person/business or another parcel of land.

Article 4. The Board of Adjustment after notice and public hearing, may revoke this Special Use Permit for one or more of the following reasons:

- 1. A violation of any of the representations, plans, terms, general, or special conditions and limitations applicable to this Special Use Permit.
- 2. A violation of any laws, ordinances or regulations.
- 3. A change in the nature of the use of Swedish Hill.
- 4. Operation or maintenance of the Special Use Permit in a manner that is detrimental to the public health or safety, or so as to constitute a nuisance.

Article 5. If this Special Use Permit is discontinued for more than sixty (60) consecutive days, it shall be deemed abandoned.

Article 6. The duration of this Special Use Permit shall be for two (2) years from the effective date hereon.

Article 7. This Special Use Permit may be renewed for two (2) year periods at the discretion of the City Administrator provided no written complaints have been received during the use period. When complaints have been registered, the applicant will obtain renewal approval from the Board of Adjustment.

Article 8. The supporting correspondence and documents and marked as Exhibit "A" attached hereto are incorporated herein by reference for all pertinent purposes.

Article 9. The City Administrator is hereby authorized and shall promptly note the change on the Official Zoning Map of the City of West Lake Hills, Texas. The zoning map shall indicate that there is a Special Use Permit for the premises.

Article 10. This Special Use Permit shall become effective on the 11th day of September, 2024.

PASSED AND APPROVED this 11th day of September, 2024.

James Vaughan, BOA CHAIR

ATTEST:

Terry Blanchard, City Secretary

I/We acknowledge receipt of this SUP and agree to abide by its terms and conditions.

Applicant's Signature

SPECIAL USE PERMIT APPLICATION



Date Received: _____ Received By: _____
Amount Due \$ _____ Date Payment Received: _____
Admin Complete Date: _____ Permit No: _____

****All applications and supporting documents should be submitted electronically to
pzsec@westlakehills.org and planner@westlakehills.org****

APPLICANT INFORMATION

The agent is the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the agent. If no agent is listed, the owner will be considered the agent.

Property Owner: West Lake Court, Ltd. Phone: [REDACTED]
Email: [REDACTED]
Address: c/o Carr Development, 5121 Bee Cave Rd, Ste 207 City: Austin State: TX Zip: 78746
Agent*: Kyle V Hill Phone: [REDACTED]
Email: [REDACTED]
Address: 3345 Bee Cave Rd, Ste 105 City: Austin State: TX Zip: 78746

*Please submit Power of Attorney form designating authorized agent.

PROJECT INFORMATION

Property Address: 3663 Bee Cave Road, Suite 4-A
Subdivision Name: West Lake Court
Block: _____ Lot: 1 Tax Parcel ID: 107812
Current Zoning Classification: _____ Total Lot Area: N/A acres
Proposed Special Use: beer/wine sold in restaurant Applying for Variance ☐ Yes ☒ No
(if yes, please submit separate variance application)
Name of Business (if applicable): Westlake Swedish, LLC dba Swedish Hill
Hours of Operation: 7a-7p every day Duration of Use: expiration or termination of lease
Present Land Use: vacant restaurant



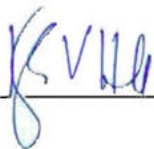
SPECIAL USE PERMIT APPLICATION

Brief description of proposed project:

Swedish Hill will offer coffee, freshly baked breads and pastries, made-to-order sandwiches, salads, deli case, specialities, and cakes. Swedish Hill would like to obtain a TABC Wine and Malt Beverage Retailer's permit with Food and Beverage Certificate (BG-FB) from TABC authorizing it to also sell beer and wine for on- and off-premises consumption at the restaurant. Attached is a copy of Swedish Hill's proposed menu for reference.

AUTHORIZATION & ACKNOWLEDGEMENT

The above information is true to the best of my knowledge. I attest that the real property described is owned by me and all others as signed below. If the below is signed by the authorized agent of said property, the signature of the property owner must be included below or consent must be attached (Power of Attorney Form).

Signature 

07/18/2024

Date

Kyle V Hill

Printed Name

APPLICATION CHECKLIST

Special Use Permit Application Checklist

- ☒ Completed, signed application
- ☒ Power of Attorney form, if applicable
- N/A Proof of ownership of subject property
- N/A Traffic Impact Analysis, if applicable (*required for projects expected to generate 200 trips a day, refer to Chapter 38 of the Code*)
- N/A Letter addressed to BOA Chairperson describing proposed Special Use
- N/A Property survey/Site Plan
- N/A Building elevations if available
- N/A Pictures of property
- ☐ Payment of application fees by check or credit card (*refer to Appendix A: Fee Schedule in the Code of Ordinances for current fees*)
- N/A Other applicable information as required by staff



SPECIAL USE PERMIT APPLICATION

SPECIAL USE PERMIT PROCESS & PROCEDURES

Public Hearings

SUP applications are considered by the Board of Adjustment, which meets the second (2nd) Wednesday of the month. All meetings are held in the Council Chambers at City Hall, 911 Westlake Drive at 7:00pm and the agenda and meeting packet are posted on the City website the Friday before.

Public Notices

All public notices are handled by staff. Letters are sent to neighbors within 300' of the applicant's property at least ten (10) days before the BOA meeting; a notice in the newspaper is published at least fifteen (15) days prior to the meeting; and staff will provide the applicant with a notice sign to be placed on the property at least ten (10) days before the meeting.

Application Deadlines

Applications are due forty-five (45) days prior to the next BOA meeting. In some circumstances it may be possible to receive an extension by contacting planner@westlakehills.org

SUP Review Criteria

Refer to the City's Zoning Ordinance, Chapter 38, Article 38.04, Division 2 for Special Use criteria applicable to all special uses and criteria applicable to individual special uses.

STAFF NOTES

For Completion by Staff Only

Date public notification letters mailed: _____

Newspaper notice deadline: _____ Publication Date: _____

Date of Board of Adjustment Meeting: _____

Board of Adjustment Action: _____

Notes:



SPECIAL POWER OF ATTORNEY FORM

KNOW ALL PERSONS BY THIS DOCUMENT that I, Larry McGuire
have made, constituted and appointed Kyle V Hill
to be my duly authorized representative in connection with an application dated 07/18/2024,
to be heard by the Building Design Committee, Zoning & Planning Commission, and City
Council/Board of Adjustment of the City of West Lake Hills, Texas. All representations, whether
oral or written, made by the representative in support of the request have the full force and effect
of the applicant's approval. I do by this document constitute the above named representative as
my true and lawful attorney-in-fact to act in my name, place and stead, to do and perform any act
in connection with such application which I myself might perform or do if I was personally present.

Westlake Swedish, LLC

~~Property Owner~~/Applicant Name

1711 S Congress Ave, Ste 200 **Austin**

Street Address

City


~~Property Owner~~/Applicant Signature

TX

State

78704

Zip Code

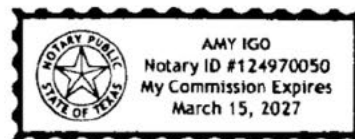
512-387-4094

~~Property Owner~~/Applicant Phone Number

This instrument was acknowledged before me on this the 18th day of July, 20 24.



Notary Public in and for the State of Texas



3663 Bee Cave Road #4-A

4. Discuss and consider action to approve Ordinance 157-2024-D for a Special Use Permit request to allow the sale of beer and wine beverages in a restaurant for on-premise and off-premise consumption on a property Zoned B-2 Business 2 District (West Lake Hills Code, Section 38.04.031). Applicant: Westlake Swedish, LLC (Swedish Hill).
 - a. Public Hearing – All persons wishing to speak for or against shall be heard.



3663 Bee Cave Road #4-A

New restaurant in this location requiring a new SUP

- Had an SUP for on/off premise sales for previous restaurant (Blue Dahlia).
- Hours of operation: Mon-Sun 7:00am to 7:00 pm

Staff recommends approval.



3663 Bee Cave Road #4-A





City of West Lake Hills Board of Adjustment

AGENDA REPORT

Meeting Date:	September 11, 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

200 Wildcat Hollow: Discuss and consider action 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

Recommendation

Staff recommends approval of the variance request based on the staff findings of fact in Exhibit B, with the following conditions:

- 25- foot encroachment into the northwest portion of Skyline
- 20-foot encroachment into the northeast portion of Skyline (as shown conceptually in Attachment 3).

This item was reviewed by the ZAPCO at their regular meeting on July 17, 2024 and recommended denial by a vote of 4-0 (Attachment 6).

- The Commission felt that the variance request was too broad and early in the process to consider.
- They stated that the variance should be minimized to just what is necessary, and the building could encroach within the 25 feet for the entire length of the Skyline street frontage.

Discussion

Property Information, Zoning & Site Characteristics:

Owner: Willmack LLC, (John and Erin Brenner)

Legal Description: 1.005 acres of the Wilkinson Sparks Survey, Abstract No. 21

Lot Size: 1.005 acres

Zoning: R-1 One Family

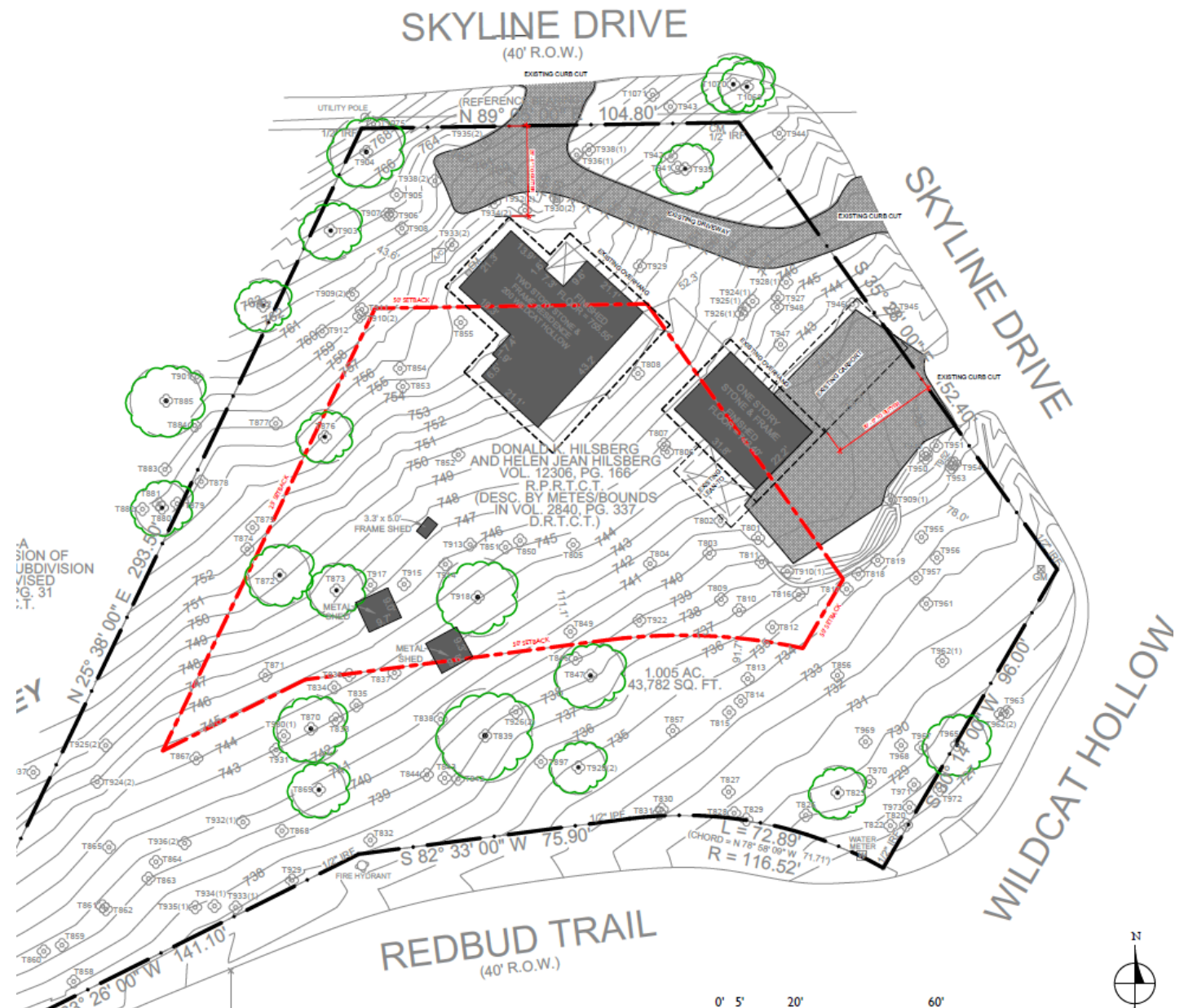
Wastewater: On-site Sewage Facility (public sewer not available)

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

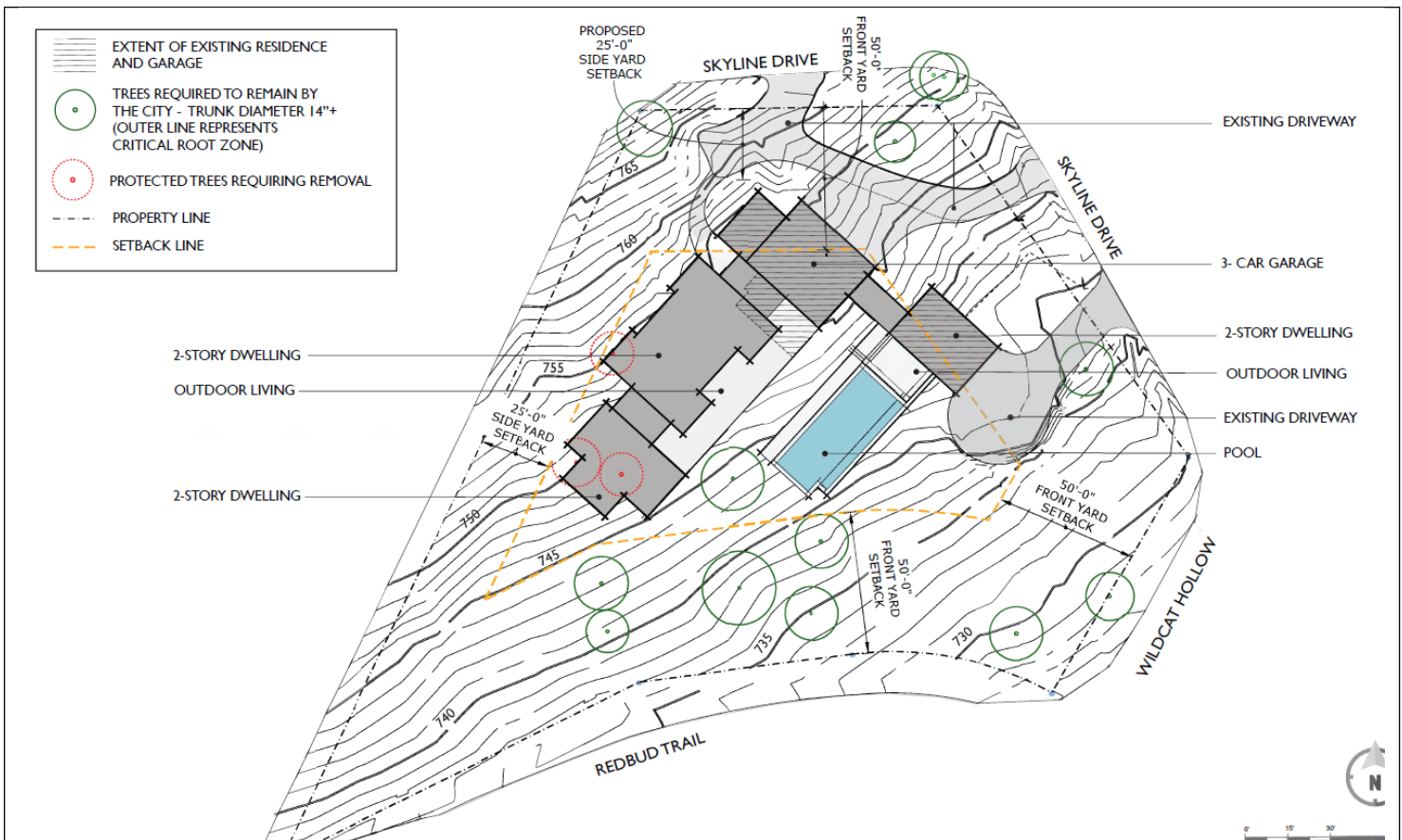
Background & Analysis:

The applicant is proposing to redevelop the existing lot (Attachment 1). The existing 2,240 square foot house was built in 1960 and is currently encroaching into the 50-foot setback adjacent to Skyline Drive. The existing

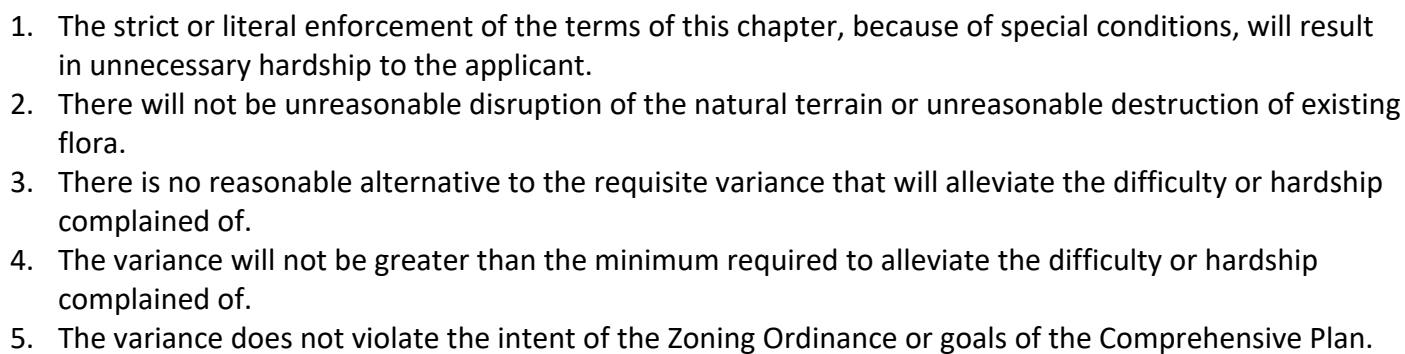
lot is 1.005 acres in size and is bounded by Skyline Dr., Wildcat Hollow and Redbud Trail on four out of the five sides of the property. (Attachment 2).



The applicant has provided two conceptual site plans to ZAPCO, one keeping the existing structure and adding on to the structure within the required setbacks, which would remove three trees 14" or greater (Attachment 4).



The second site plan shows the demolition and construction of a new house, with a 25-foot encroachment into the setback along Skyline Dr. Since the ZAPCO meeting, the applicant has provided a revised site plan that depicts a 25-foot encroachment for the primary building into the northwest portion of Skyline and a 20-foot encroachment for a guesthouse and pool cabana along the northeast portion of Skyline (Attachment 3).



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's recommendation

Public Comment:

At the time of this report, there has been on written letter of support provided (Attachment 5). Mr. Dochen also spoke in support of the variance request at the July 17, 2024 ZAPCO meeting.

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.

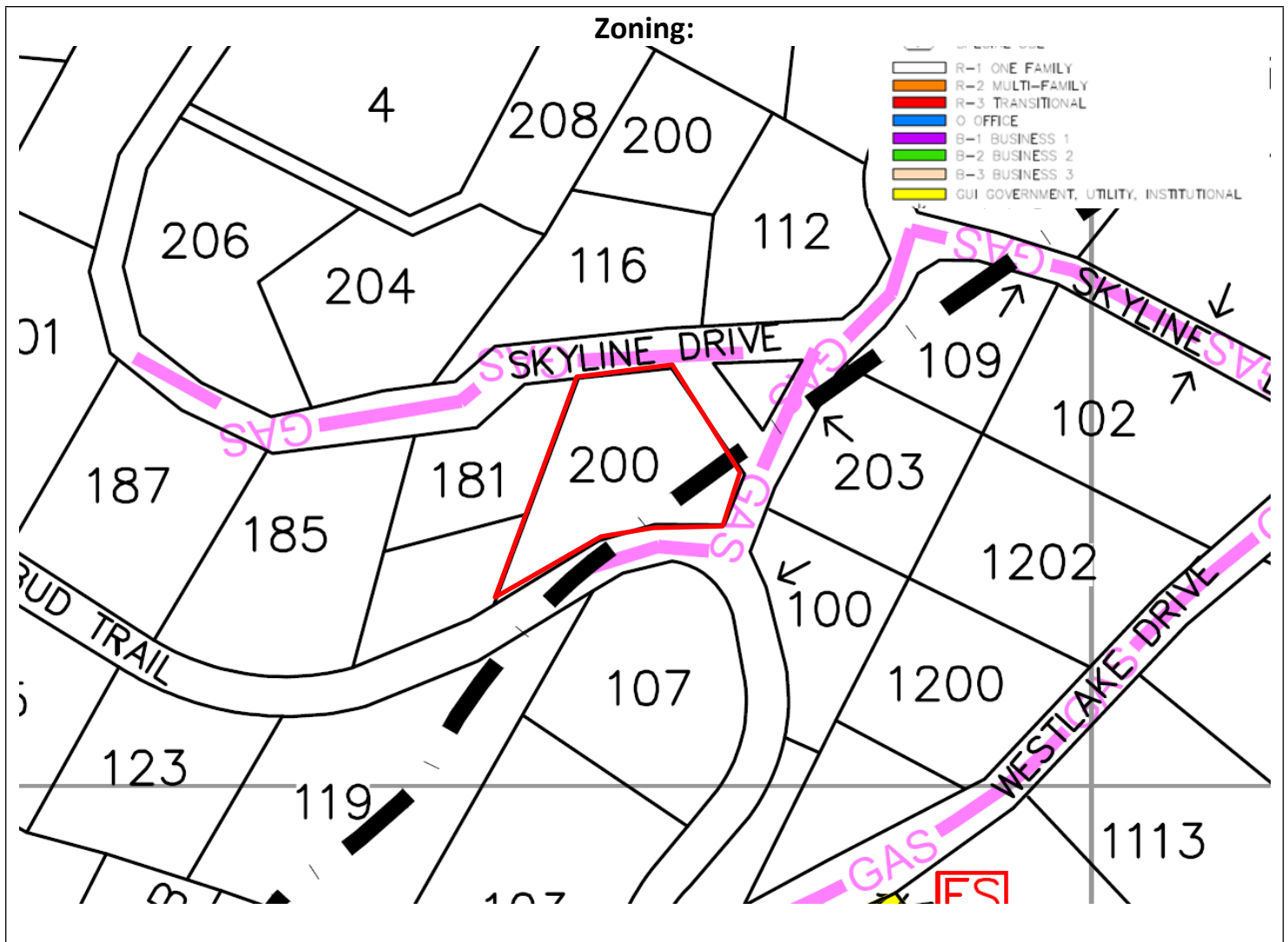
Links to Relevant Code:

[Section 22.03.249 Driveway Parking and Loading Setbacks](#)

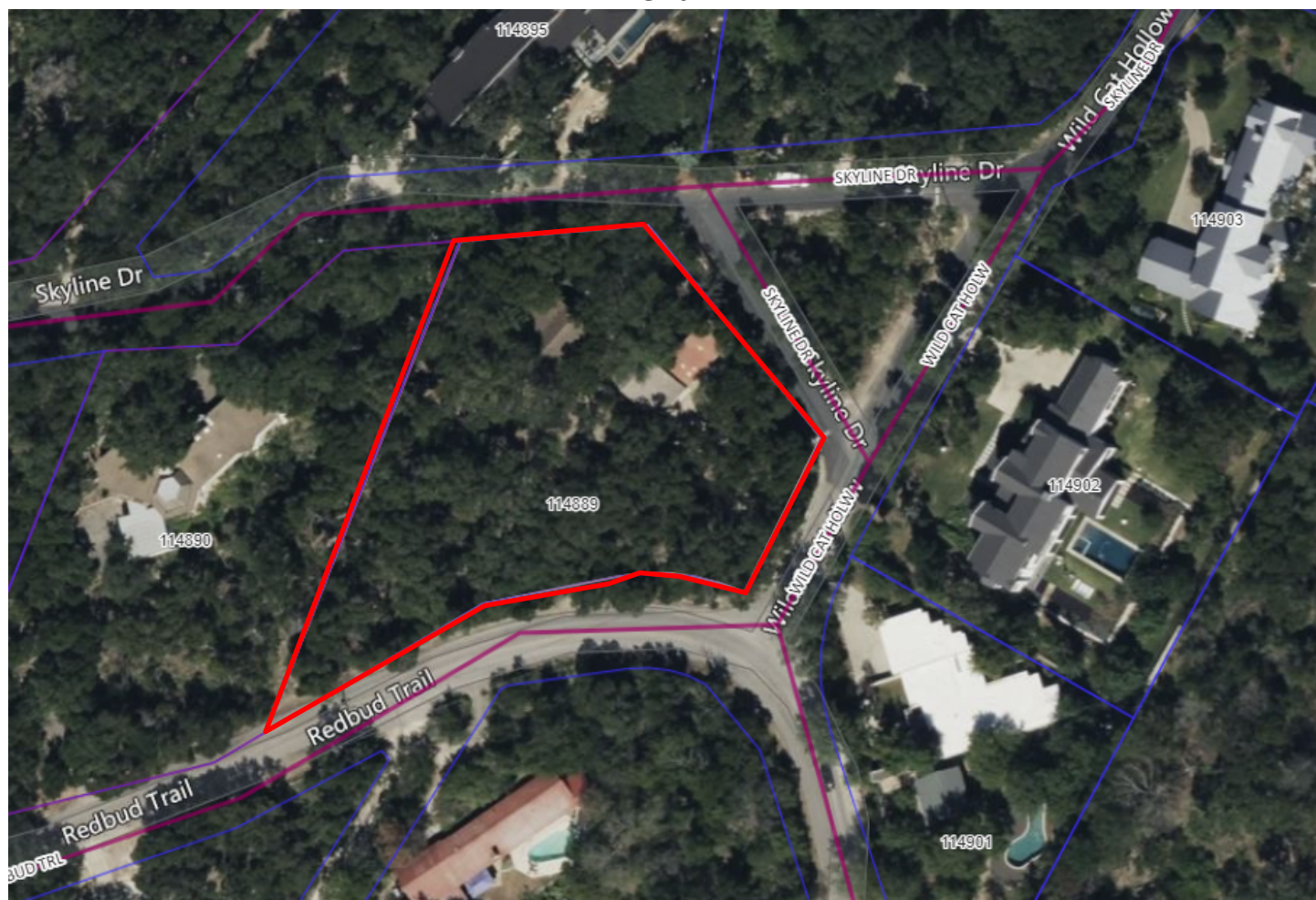
[Drainage and Erosion Control Manual](#)

[Section 38.05.031 Variances](#)

[Section 22.03.514 Criteria and process required for granting variance](#)



Aerial:





m c c o l l u m s t u d i o
a r c h i t e c t s

McCollum Studio Architects, LLC

1300 West Lynn St., Suite 110

Austin, Texas 78703

www.mccollumstudio.com

To: Robert Meisel

Zoning and Planning Commission

911 Westlake Drive

West Lake Hills, TX 78746

Dear Mr. Meisel,

I am writing to formally request a zoning variance for a front yard setback change from 50 feet to 25 feet on areas fronting Skyline Drive for our property located at 200 Wildcat Hollow. We have carefully considered this request and believe it is essential for the following reasons:

- **Unique Site Conditions:** The property is bound by three streets, Redbud Trail, Wildcat Hollow, and Skyline Drive. Therefore, within the current setback requirements there is a 50-foot front yard setback on four out of the five sides of the lot, presenting significant challenges for development. The limited available space within the setback areas severely constrains our ability to design and construct a functional and aesthetically pleasing structure.
- **Preservation of Flora:** The property boasts several mature trees, many of which are protected. Adhering to the current setback requirements would most likely necessitate the removal of some protected trees, which we are committed to preserving. By allowing a 25-foot setback on the Skyline Drive frontage, we can retain all protected trees while still accommodating the proposed plans.
- **Topographical Constraints:** With a variance granted to 25 feet a more aesthetically pleasing design will also be able to comply with the cut and fill limits inside and outside the setback areas.

In conclusion, we respectfully request that the zoning board grant the variance to reduce the front yard setback on Skyline Drive from 50 feet to 25 feet for our property. We are confident that this request is reasonable and justified based on the unique circumstances and considerations outlined above.

Thank you for considering our application. We are happy to provide any additional information or answer any questions you may have regarding this request.

Sincerely,

A handwritten signature in black ink that reads "Rachel Jones". The script is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Rachel Jones

Project Manager

McCollum Studio Architects, LLC

T: 717-425-8135

E: rachel@mccollumstudio.com

PROPERTY DESCRIPTION:

BEING A 1.005 ACRE TRACT OF LAND SITUATED IN THE WILKINSON SPARKS SURVEY, ABSTRACT NO. 21, TRAVIS COUNTY, TEXAS, BEING ALL THAT CERTAIN TRACT OF LAND CONVEYED IN DEED TO DONALD K. HILSBERG AND HELEN JEAN HILSBERG, AS RECORDED IN VOLUME 12306, PAGE 166, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS (DESCRIBED BY METES AND BOUNDS IN VOLUME 2840, PAGE 337, DEED RECORDS, TRAVIS COUNTY, TEXAS), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD FOUND AT THE COMMON SOUTH CORNER OF SAID HILSBERG TRACT AND LOT 1-A, RESUBDIVISION OF M. R. COLVIN SUBDIVISION NO. 2, REVISED, AN ADDITION TO TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 52, PAGE 31, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID IRON ROD BEING ON THE NORTH LINE OF REBUD TRAIL (40 FOOT RIGHT-OF-WAY);

THENCE NORTH 25° 38' 00" EAST, A DISTANCE OF 293.50 FEET ALONG THE COMMON LINE OF SAID HILSBERG TRACT AND SAID LOT 1-A TO A 1/2-INCH IRON ROD FOUND AT THE COMMON NORTH CORNER OF SAID HILSBERG TRACT AND SAID LOT 1-A, SAID IRON ROD BEING ON THE SOUTH LINE OF SKYLINE DRIVE (40 FOOT RIGHT-OF-WAY);

THENCE NORTH 89° 05' 00" EAST, A DISTANCE OF 104.80 FEET ALONG SAID SOUTH LINE TO A 1/2-INCH IRON ROD FOUND AT THE MOST NORTHERLY NORTHEAST CORNER OF SAID HILSBERG TRACT, SAID IRON ROD BEING THE INTERSECTION OF SAID SOUTH LINE AND THE SOUTHWEST LINE OF SAID SKYLINE DRIVE;

THENCE SOUTH 35° 28' 00" EAST, A DISTANCE OF 152.40 FEET ALONG SAID SOUTHWEST LINE TO A 1/2-INCH IRON ROD FOUND AT THE MOST SOUTHERLY NORTHEAST CORNER OF SAID HILSBERG TRACT, SAID IRON ROD BEING THE INTERSECTION OF SAID SOUTHWEST LINE AND THE NORTHWEST LINE OF WILDCAT HOLLOW;

THENCE SOUTH 30° 14' 00" WEST, A DISTANCE OF 96.00 FEET ALONG SAID NORTHWEST LINE TO A 1/2-INCH IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID HILSBERG TRACT, SAID IRON ROD BEING THE INTERSECTION OF SAID NORTHWEST LINE AND THE AFORESAID NORTH LINE OF REDBUD TRAIL, BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 116.52 FEET;

THENCE ALONG SAID NORTH LINE AND SAID CURVE AN ARC DISTANCE OF 72.89 FEET, HAVING A CHORD BEARING AND DISTANCE OF NORTH 78° 58' 09" WEST - 71.71 FEET TO A 1/2-INCH IRON PIPE FOUND;

THENCE SOUTH 82° 33' 00" WEST, A DISTANCE OF 75.90 FEET ALONG SAID NORTH LINE TO A 1/2-INCH IRON ROD FOUND;

THENCE SOUTH 63° 26' 00" WEST, A DISTANCE OF 141.10 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING AND CONTAINING 43,782 SQUARE FEET OR 1.005 ACRES OF LAND.

TBM = TEMPORARY BENCHMARK.
CONTOUR INTERVAL EQUALS ONE FOOT.
ELEVATIONS WERE DERIVED FROM GPS OBSERVATIONS.
THIS PROPERTY MAY BE SUBJECT TO THE FOLLOWING:
EASEMENT, VOL. 695, PG. 457, D.R.T.C.T.
EASEMENT, VOL. 554, PG. 635, VOL. 614, PG. 260, VOL. 661, PG. 568, VOL. 676, PG. 298, D.R.T.C.T.

FEMA NOTE

FLOOD INFORMATION:
THE SUBJECT PROPERTY DOES NOT APPEAR TO LIE WITHIN THE LIMITS OF A 100-YEAR FLOOD HAZARD ZONE ACCORDING TO THE MAP PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND HAS A ZONE "X" RATING AS SHOWN BY MAP NO. 48453C0445 K, DATED JANUARY 22, 2020.

SURVEYOR'S CERTIFICATION:
THIS IS TO CERTIFY THAT ON THIS DATE A SURVEY WAS MADE ON THE GROUND, UNDER MY SUPERVISION AND REFLECTS A TRUE AND CORRECT REPRESENTATION OF THE DIMENSIONS AND CALLS OF PROPERTY LINES AND LOCATION AND TYPE OF IMPROVEMENTS, THERE ARE NO VISIBLE AND APPARENT EASEMENTS, CONFLICTS, INTRUSIONS OR PROTRUSIONS, EXCEPT AS SHOWN. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES AND WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT PROVIDED BY A TITLE COMPANY. THERE MAY BE EASEMENTS AND OTHER MATTERS OF RECORD AFFECTING THE PROPERTY SHOWN HEREON THAT ONLY A PROPER TITLE SEARCH WOULD REVEAL. THIS SURVEY IS SUBJECT TO ANY AND ALL COVENANTS AND RESTRICTIONS PERTAINING TO THE RECORDED DEED REFERENCED HEREON.

GENERAL NOTES

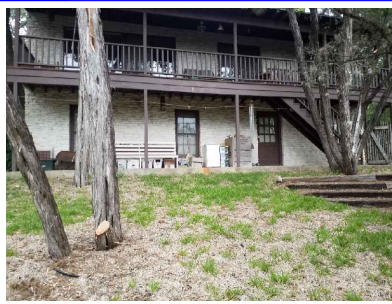
- 1.) THE BASIS OF BEARINGS FOR THIS SURVEY WAS DERIVED FROM DATA PROVIDED IN THE RECORDED DEED.
- 2.) THERE ARE NO VISIBLE CONFLICTS OR PROTRUSIONS, EXCEPT AS SHOWN. FENCES MAY BE MEANDERING.
- 3.) THIS SURVEY IS FOR THE EXCLUSIVE USE OF THE NAMED CLIENT, MORTGAGE COMPANY, TITLE COMPANY, OR OTHER.
- 4.) AS OF THIS DATE, ALL EASEMENTS, RIGHTS-OF-WAY OR OTHER LOCATABLE MATTERS OF RECORD SHOWN OR NOTED HEREON WERE DERIVED FROM THE RECORDED PLAT, THE VESTING DEED, OR THE TITLE REPORT AND SUPPORTING DOCUMENTS. ALL SUCH ITEMS WERE OBTAINED DURING THE RESEARCH PHASE OF THIS SURVEY OR PROVIDED BY THE CLIENT/TITLE COMPANY LISTED HEREON. PREMIER SURVEYING MAKES NO REPRESENTATION AS TO THE ACCURACY OR COMPLETENESS OF SUCH ITEMS AND HAS MADE NO ATTEMPTS TO OBTAIN OR SHOW ANY ADDITIONAL RESTRICTIONS ON OR NEAR THIS PROPERTY PUT IN PLACE BY LOCAL MUNICIPALITIES OR ASSOCIATIONS.
- 5.) THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.
- 6.) THIS SURVEY IS NOT INTENDED TO ADDRESS OR IDENTIFY WETLANDS, FAULT LINES, TOXIC OR HAZARDOUS WASTE AREAS, SUBSIDENCE OR ANY OTHER ENVIRONMENTAL OR GEOLOGICAL ISSUE.
- 7.) THE EXISTING UTILITIES DEPICTED HEREON ARE BASED ON FIELD LOCATION OF VISIBLE, ABOVE GROUND EVIDENCE. UTILITIES AND OTHER MINOR IMPROVEMENTS MAY EXIST THAT ARE NOT SHOWN ON THIS SURVEY. PREMIER SURVEYING IS NOT RESPONSIBLE FOR THE EXACT LOCATION OF SUBSURFACE UTILITIES, NOR FOR ANY DAMAGES BY ANY CONSTRUCTION OR EXCAVATION ON OR NEAR SAID UTILITIES.
- 8.) SYMBOLS AS SHOWN IN THE LEGEND ARE NOT TO SCALE AND MAY HAVE BEEN MOVED FROM THE ACTUAL HORIZONTAL LOCATION FOR CLARITY.

200 WILDCAT HOLLOW
CITY OF AUSTIN
TRAVIS COUNTY, TEXAS

PREMIER JOB #: 23-04570TOPOTS

TECH: MSP DATE: 04/30/24

FIELD: RC FIELD DATE: 04/29/24



CONCRETE	WOOD FENCE
BRICK	CHAIN LINK FENCE
ASPHALT	WROUGHT IRON FENCE
WOOD	BARBWARE FENCE
STONE	R.R. TIE RETAINING WALL
GRAVEL	BRICK WALL
COVERED AREA	STONE WALL
CM = CONTROLLING MONUMENT	OVERHEAD TELEPHONE LINE
	OVERHEAD ELECTRIC LINE
	IRF = IRON ROD FOUND
	IPF = IRON PIPE FOUND
	MFCP = METAL FENCE COR POST
	WFCP = WOOD FENCE COR POST

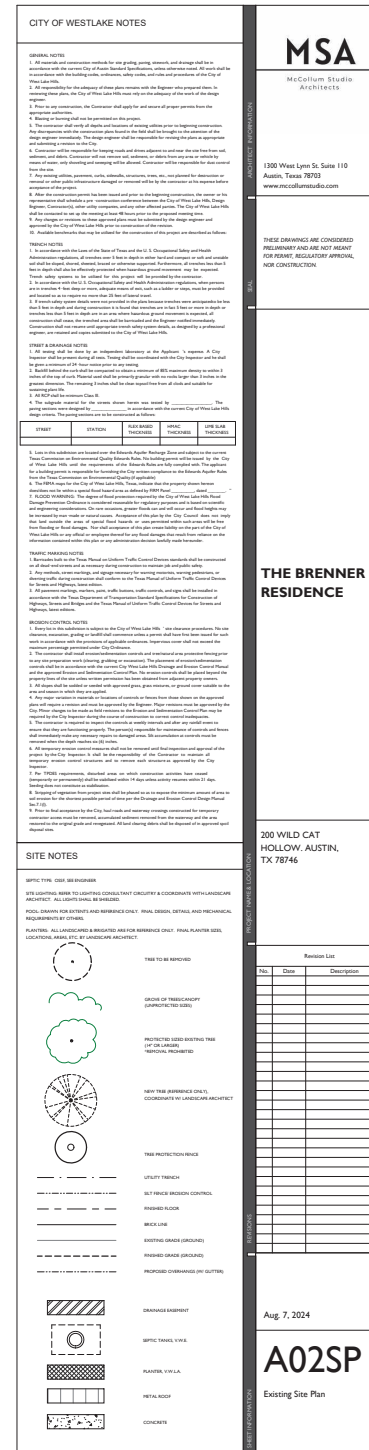
Premier
Surveying LLC

5700 W. Plano Parkway
Suite 1200
Plano, Texas 75093
972-612-3601 (O) | 855-892-0468 (F)
www.premiersurveying.com
premierorders@premiersurveying.com

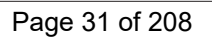
Premier
Surveying LLC
5700 W. Plano Parkway
Suite 1200
Plano, Texas 75093
Office: 972-612-3601
Fax: 855-892-0468
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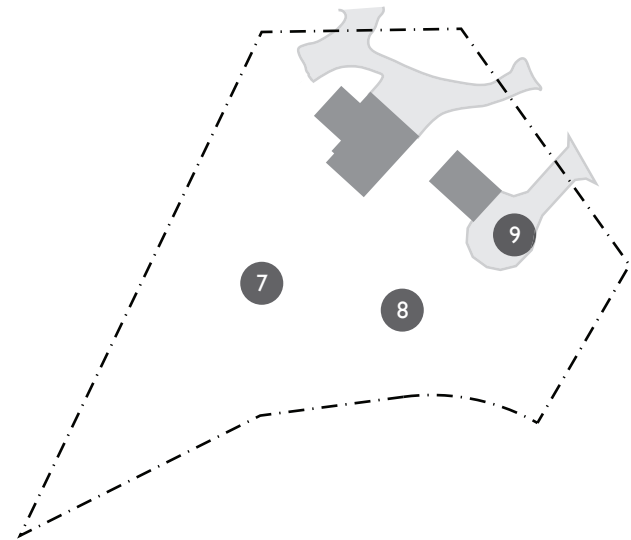
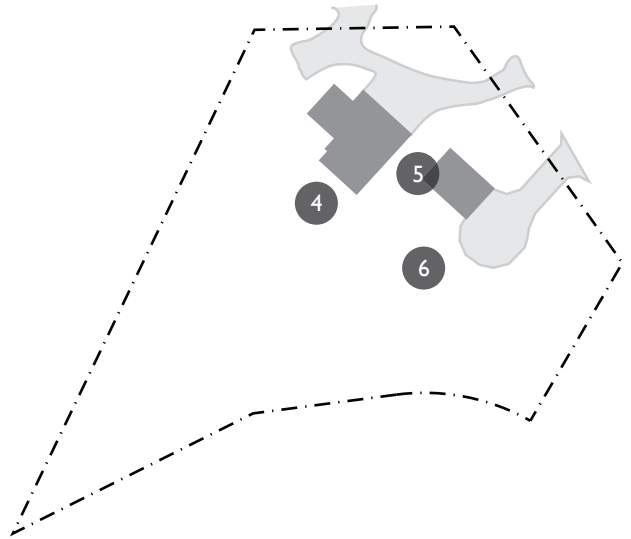
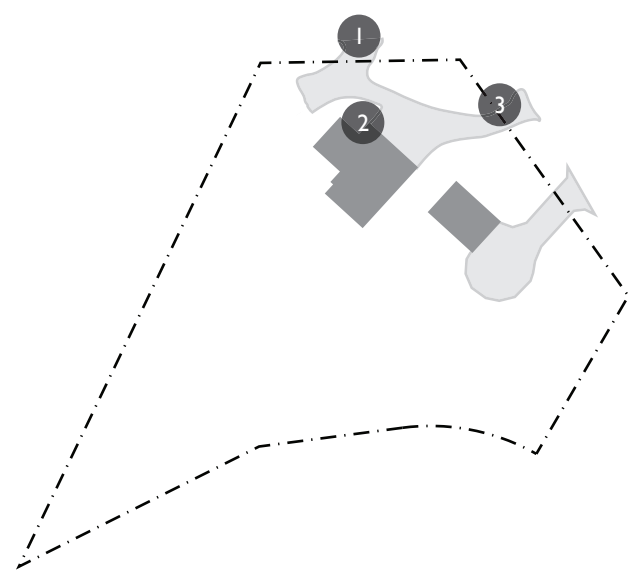


SKYLINE DRIVE



(40' R.O.W.)

[illegible]



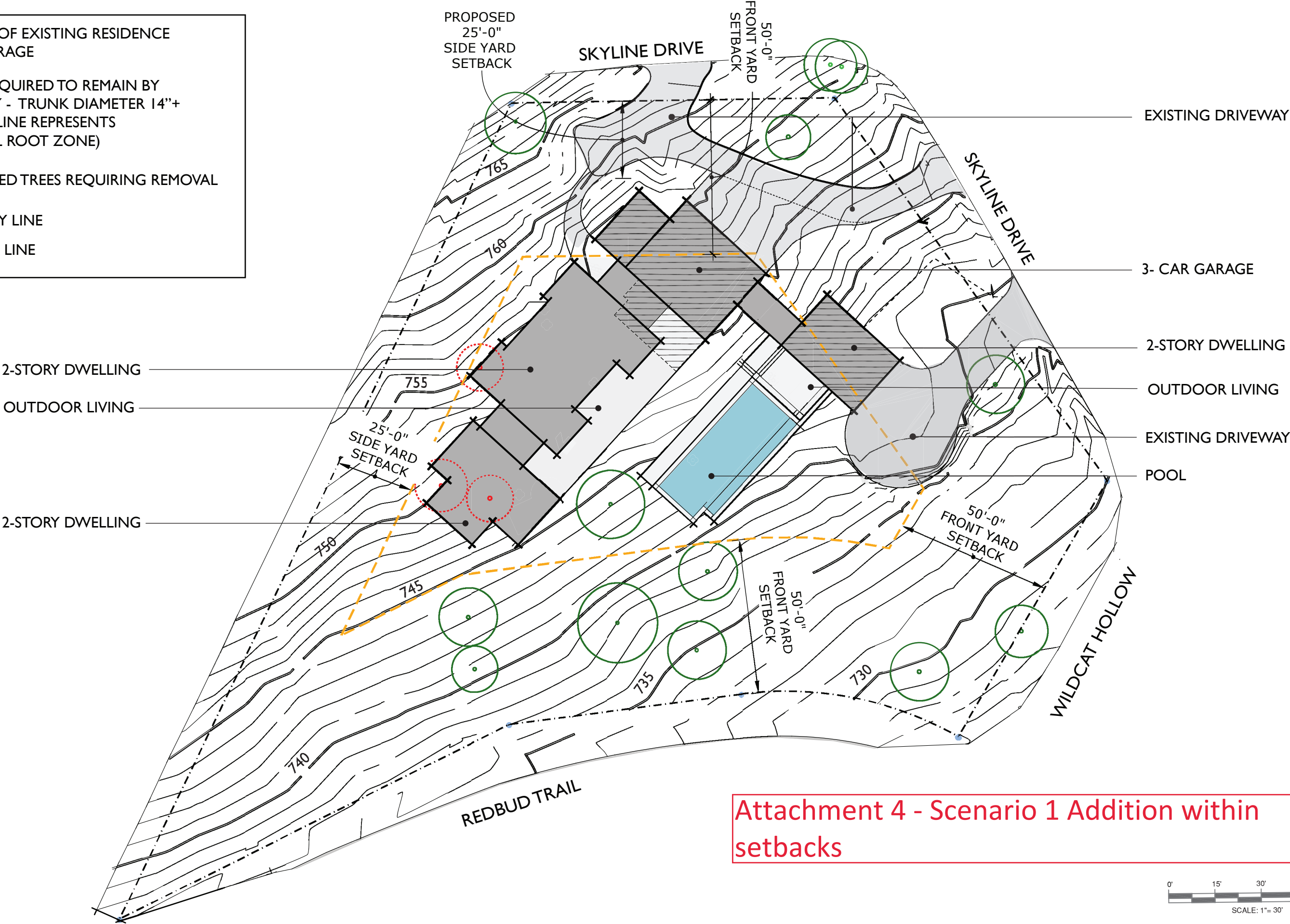
EXTENT OF EXISTING RESIDENCE AND GARAGE

TREES REQUIRED TO REMAIN BY THE CITY - TRUNK DIAMETER 14"+ (OUTER LINE REPRESENTS CRITICAL ROOT ZONE)

PROTECTED TREES REQUIRING REMOVAL

PROPERTY LINE

SETBACK LINE



EXTENT OF EXISTING RESIDENCE AND GARAGE

TREES REQUIRED TO REMAIN BY THE CITY - TRUNK DIAMETER 14"+ (OUTER LINE REPRESENTS CRITICAL ROOT ZONE)

PROTECTED TREES REQUIRING REMOVAL

PROPERTY LINE

SETBACK LINE

2-STORY DWELLING

OUTDOOR LIVING

2-STORY DWELLING

EXISTING DRIVEWAY

3- CAR GARAGE

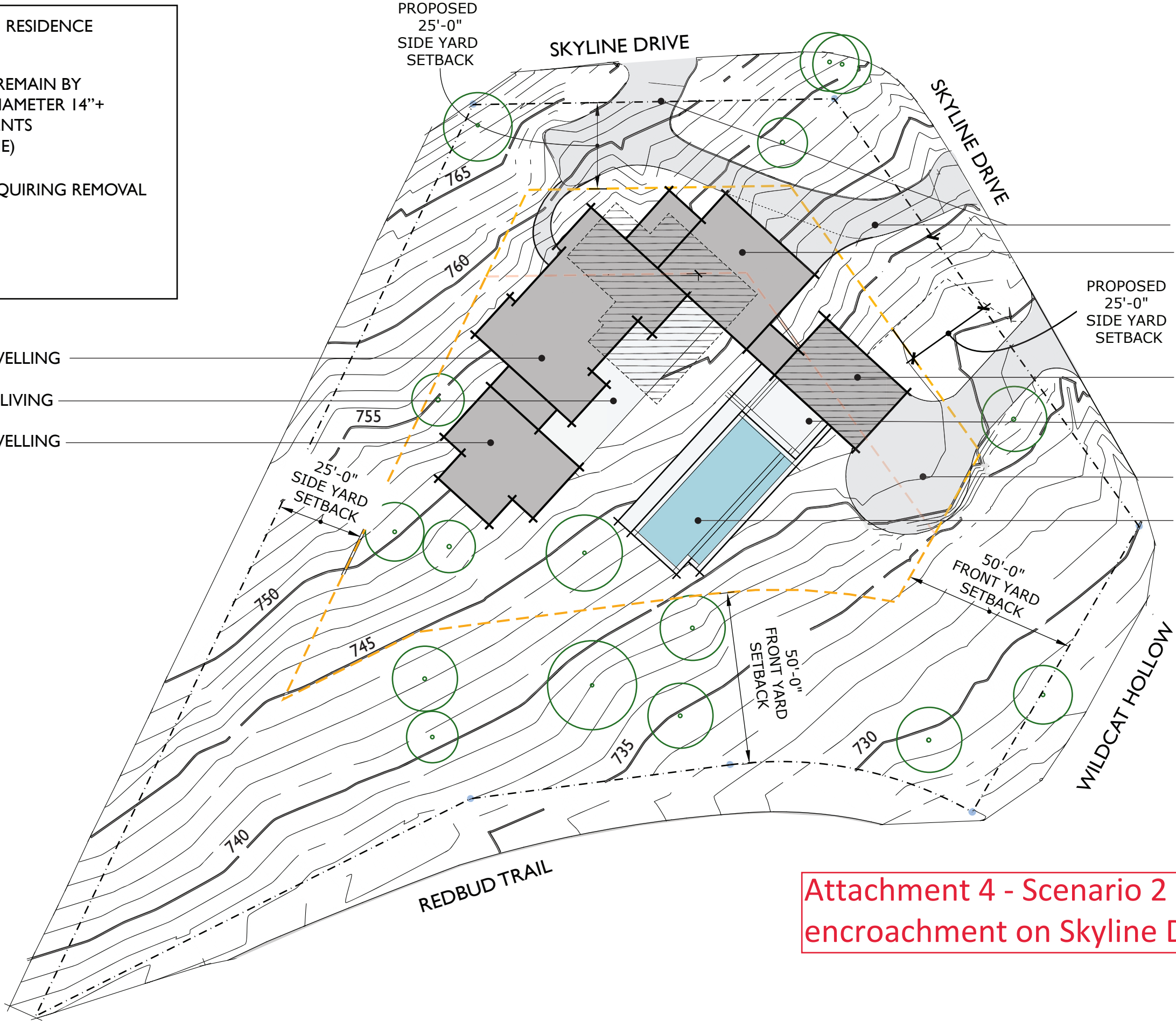
PROPOSED 25'-0" SIDE YARD SETBACK

2-STORY DWELLING

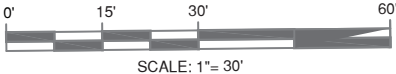
OUTDOOR LIVING

EXISTING DRIVEWAY

POOL



Attachment 4 - Scenario 2 - 25-foot encroachment on Skyline Drive





City of West Lake Hills Zoning and Planning Commission & Board of Adjustment

Project Regarding:
200 Wild Cat Hollow
West Lake Hills, TX 78746

August 11, 2024

Dear Committee & Council,

I am writing to formally announce my full support for the variance being requested at 200 Wild Cat Hollow, the neighboring property along the eastern side of my boundary. My home is located at 181 Skyline Drive and I've lived at that address since 2004, however I have been a resident of Westlake Hills since September 1963 when I was 10 years old.

- **Family History:** My father is the regarded Emmett Shelton Sr., whom is widely recognized as the founder of the City of West Lake Hills in 1953.
- **Preservation of Property Value:** The variance in consideration allows the neighbor to locate the bulk of development uphill and away from our view corridor. The granting of the variance preserves our visual and acoustic privacy as well and would be a welcome relief to my family.
- **Topographical Constraints:** It is my belief that the variance will allow for the protection of several protected trees (on our neighbor's lot) that are within my view corridor that I wish to continue to enjoy into the future.

In conclusion, I fully support the variance being considered as it will materially protect my property and quality of life for my family.

Thank you for considering their application. I am happy to provide any additional information or answer any questions you may have.

Sincerely,

A handwritten signature in black ink that reads 'Jeffrey Dochen'. The signature is written in a cursive, flowing style. Below the signature, the name 'Jeffrey Dochen' is printed in a standard, sans-serif font.

Jeffrey Dochen, Broker

cell: 512-784-4115 · office: 512.328.2500 · dochen@texas.net

1011 Westlake Drive · West Lake Hills, TX 78746

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 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 **Approval with Conditions** 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** for lack of hardship, but requests that Council consider code amendment to address this issue going forward.
 - 1. Commissioner Webber Seconds
 - 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 an additional 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 variance 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
 - a. **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:** There is an 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

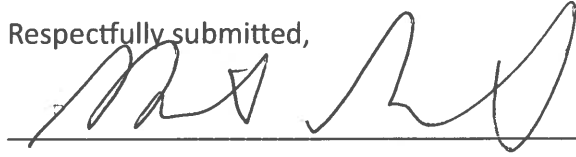
- vii. **Commissioner Maccini:** Alright with limiting encroachment, but not sure how to word it
 - viii. **Miss Jones:** Explains concept of plans
 - 1. **Commissioner Bartoletti:** That is the kind of detail that more plans would provide
 - ix. **Commissioner Pledger:** Would be comfortable limiting 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** for lack of hardship.
 - 1. Commissioner Stewart Seconds
 - 2. Motion Carries 4-0

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

8. Adjournment:

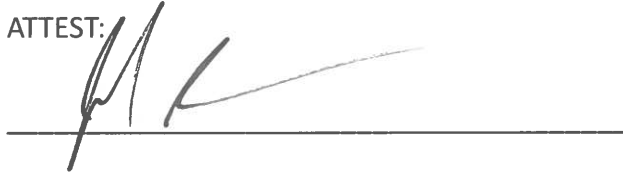
- a. Vice-Chair Pledger Adjourns the meeting at **7:58pm**

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'R. Meisel', written over a horizontal line.

ROBERT MEISEL, CHAIRMAN

ATTEST:

A handwritten signature in black ink, appearing to be 'Joel Sherrouse', written over a horizontal line.

Development Coordinator Joel Sherrouse

These minutes were approved on August 21, 2024.

Exhibit A

200 Wildcat Hollow – Front Setback (Skyline) Variance

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 restricted development negatively impacts protected trees.
2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
Additional buildable area will allow us to limit disruption to natural flora in particular existing protected trees.
3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
Renovation of existing non-compliant structures and potential removal of protected trees.
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
Agreed.
5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.
Does not violate.
6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.
Does not impact.

Exhibit B

200 Wildcat Hollow – Front Setback (Skyline) 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 has frontage on three public streets, which results in multiple 50-foot front setbacks. The proposed variance would continue to adhere to the 50-foot front setbacks along Redbud Trail and Wildcat Hollow.

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

The existing structure is currently located in the front setback of Skyline Dr. Allowing the new structure to utilize the already disturbed area will reduce the impact on the undisturbed areas of the lot.

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

The house location could be shifted into the required setbacks but would require the removal of protected trees and additional ground clearing.

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

The applicant is requesting encroachment up to 25 feet, which would meet the requirements of a side setback.

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

The intent of the Zoning Ordinance and Comprehensive Plan are to manage health and safety along with conservation of the existing natural conditions. This request is seeking to maintain the existing protected trees with the encroachment into the Skyline setback.

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

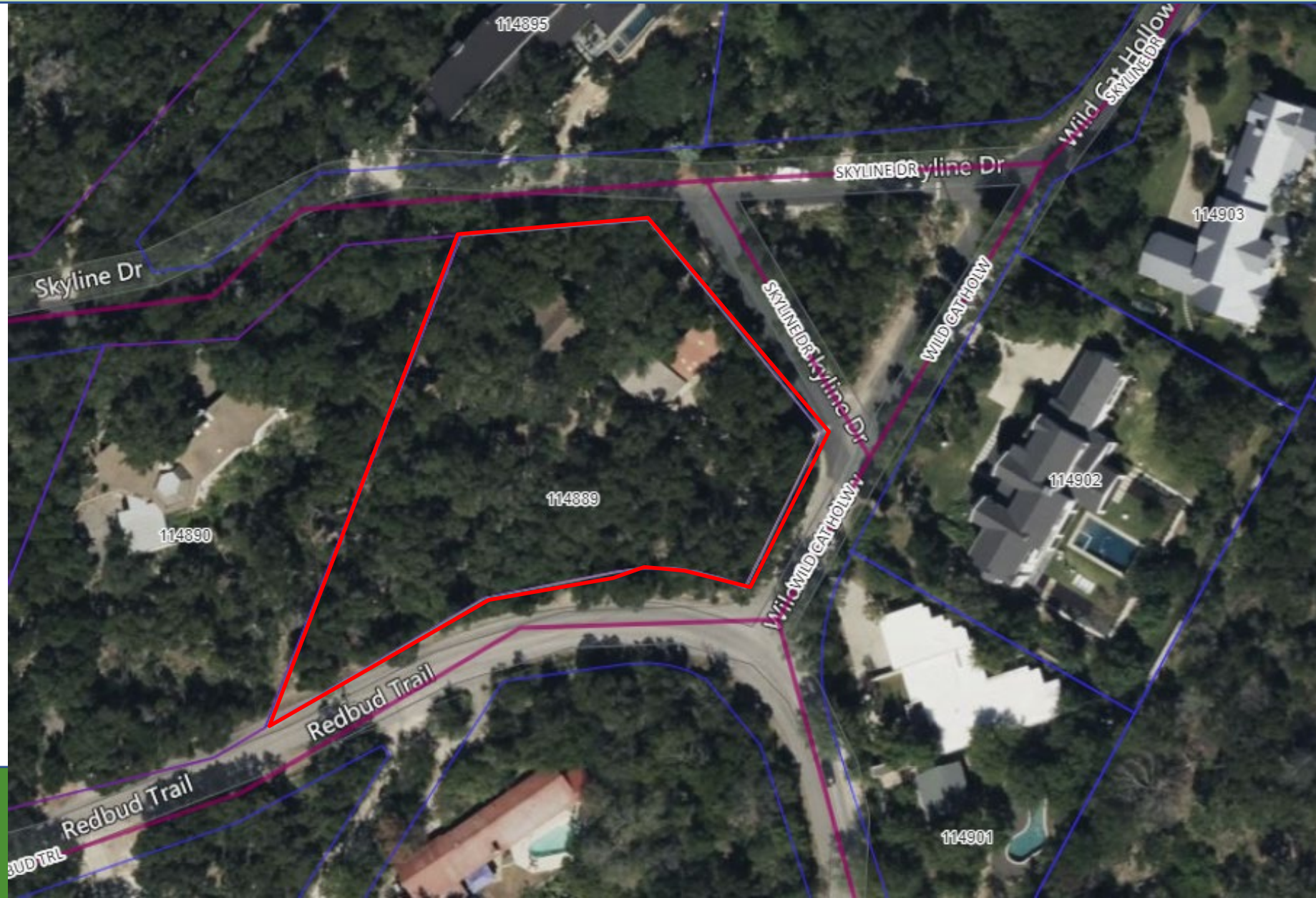
No neighbors have alleged any adverse impact from the encroachment.

200 Wildcat Hollow

5. Discuss and consider action 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).

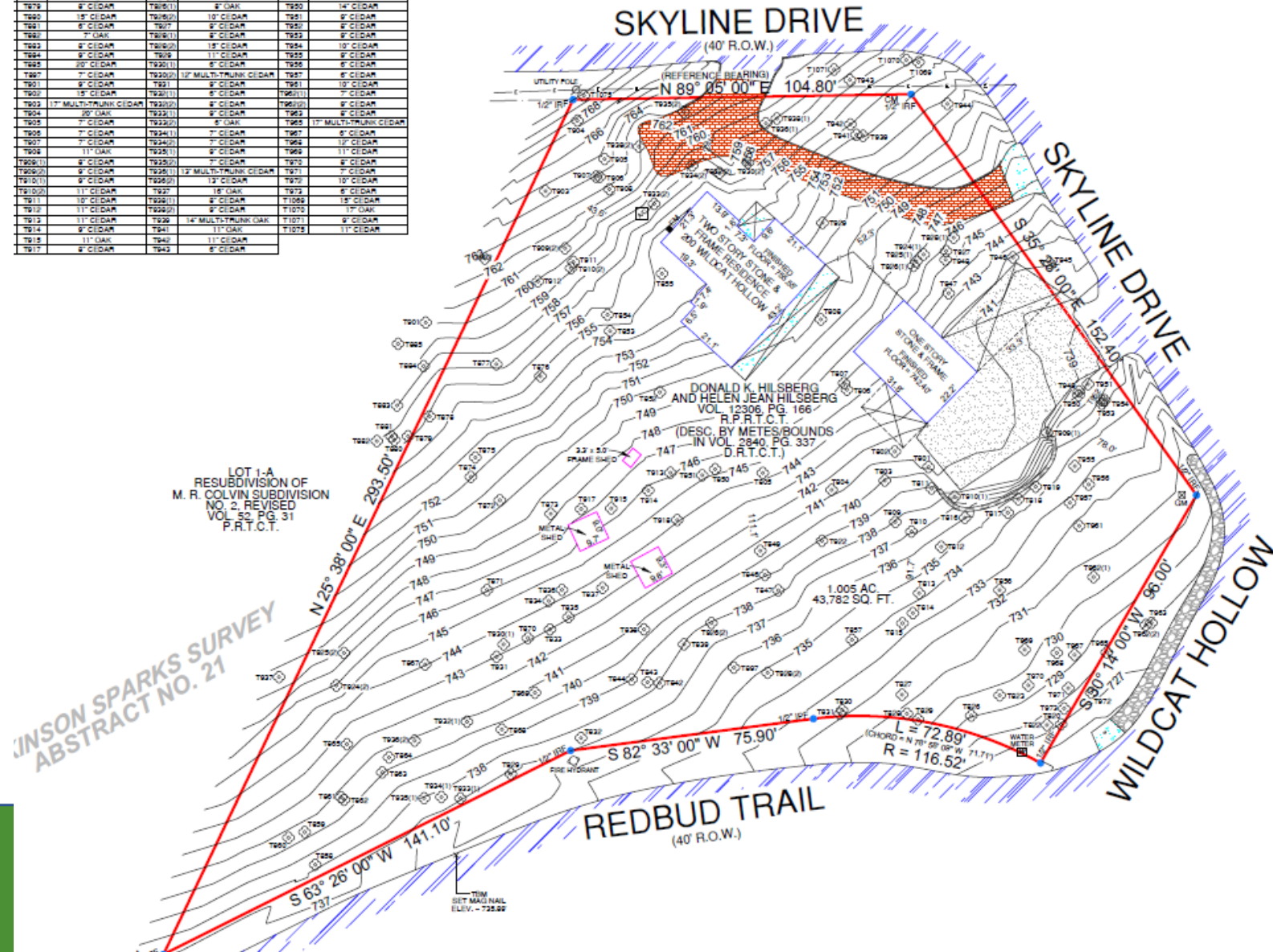
Applicant: Rachel Jones, McCollum Studio

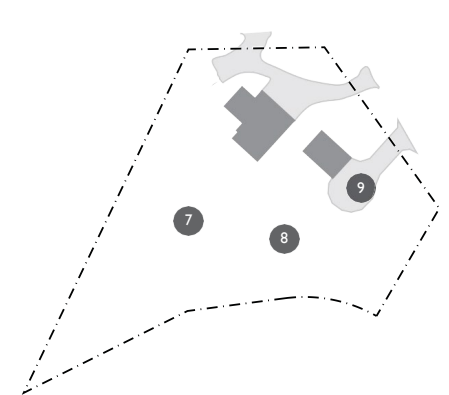
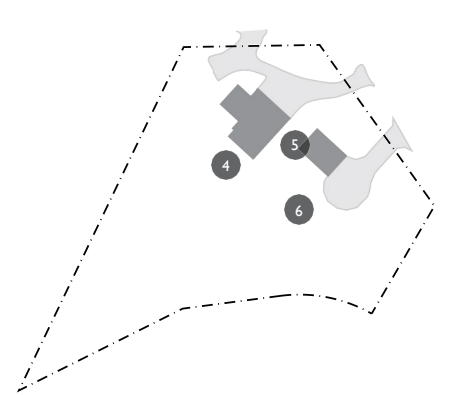
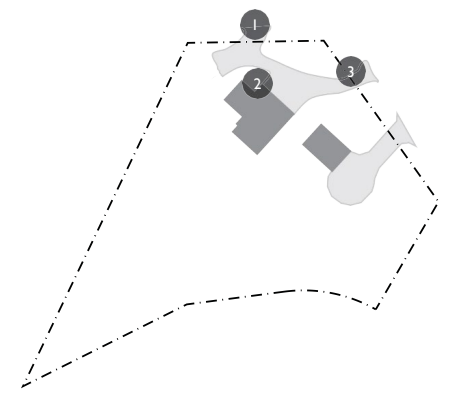
200 Wildcat Hollow



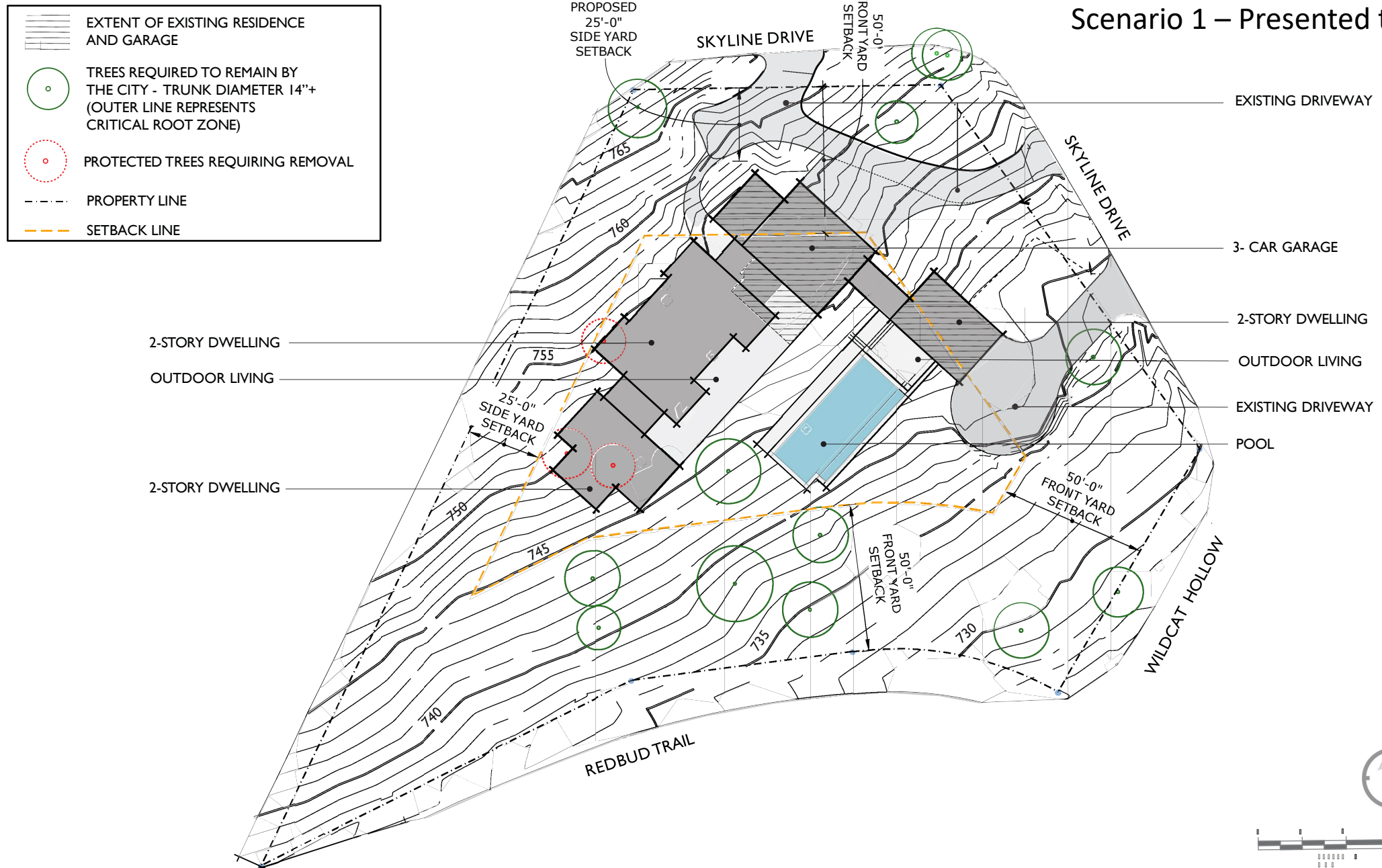
200 Wildcat Hollow

7974	6" CEDAR	7969	12" CEDAR	7945	12" CEDAR
7975	12" CEDAR	7968	17" OAK	7946	11" CEDAR
7976	15" CEDAR	7967	5" CEDAR	7947	7" CEDAR
7977	12" CEDAR	7966	12" OAK	7948	6" CEDAR
7978	12" CEDAR	7965	5" CEDAR	7949	5" CEDAR
7979	5" CEDAR	7964	5" OAK	7950	14" CEDAR
7980	15" CEDAR	7963	10" CEDAR	7951	12" CEDAR
7981	5" CEDAR	7962	5" CEDAR	7952	5" CEDAR
7982	7" OAK	7961	5" CEDAR	7953	5" CEDAR
7983	6" CEDAR	7960	15" CEDAR	7954	12" CEDAR
7984	15" CEDAR	7959	5" CEDAR	7955	15" CEDAR
7985	20" CEDAR	7958	11" CEDAR	7956	5" CEDAR
7986	7" CEDAR	7957	12" CEDAR	7957	5" CEDAR
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7989	15" CEDAR	7954	11" CEDAR	7960	7" CEDAR
7990	17" MULTI-TRUNK CEDAR	7953	5" CEDAR	7961	5" CEDAR
7991	10" CEDAR	7952	5" CEDAR	7962	5" CEDAR
7992	17" CEDAR	7951	5" OAK	7963	15" MULTI-TRUNK CEDAR
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7999	11" CEDAR	7944	17" OAK	7970	5" CEDAR
8000	11" CEDAR	7943	5" CEDAR	7971	7" CEDAR
8001	11" CEDAR	7942	5" CEDAR	7972	10" CEDAR
8002	11" CEDAR	7941	17" OAK	7973	5" CEDAR
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8018	5" CEDAR	7925	11" CEDAR	7989	5" CEDAR
8019	5" CEDAR	7924	11" CEDAR	7990	5" CEDAR
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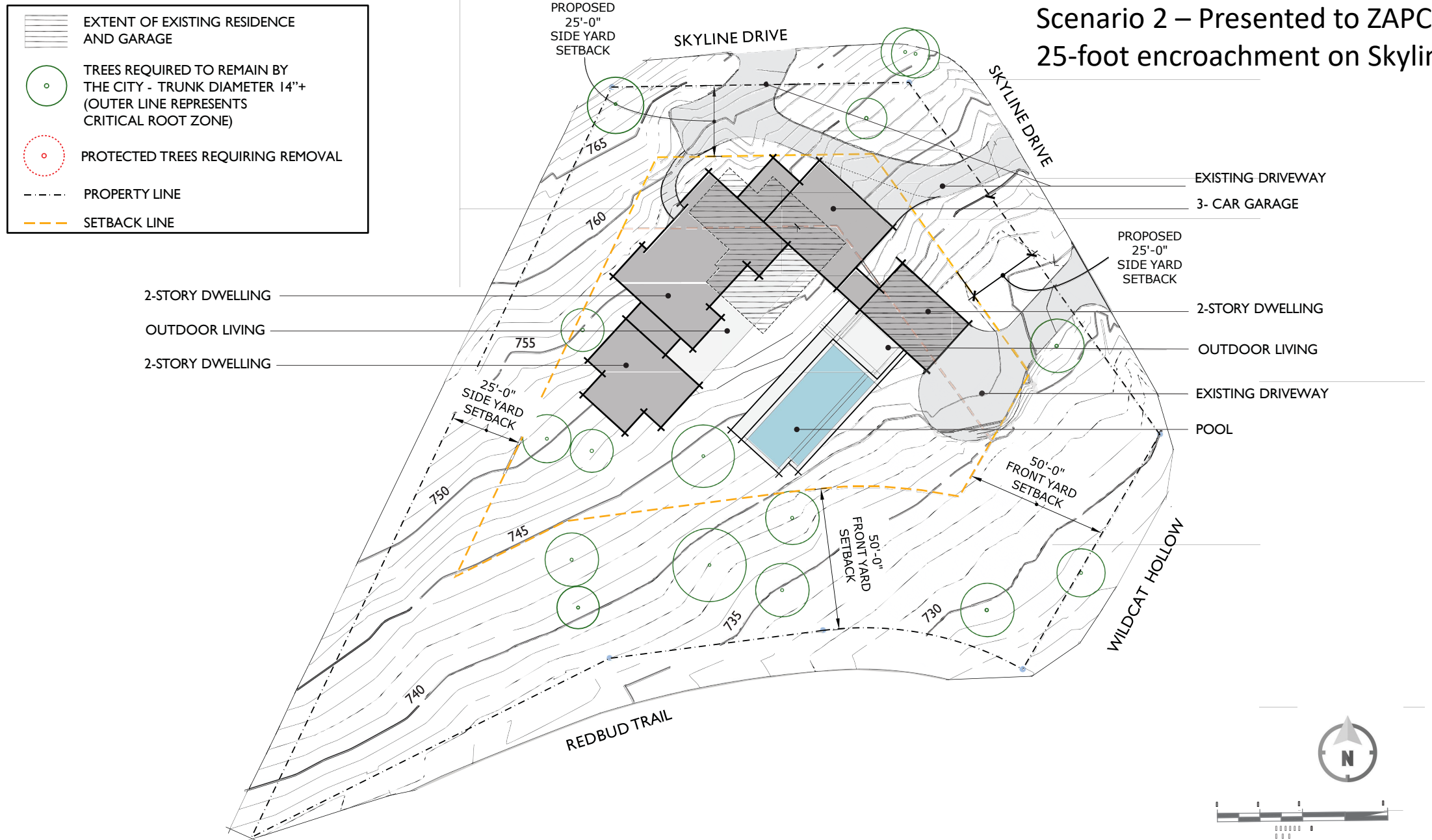




Scenario 1 – Presented to ZAPCO



Scenario 2 – Presented to ZAPCO 25-foot encroachment on Skyline



SKYLINE DRIVE
(40' R.O.W.)

(40' R.O.W.)

[illegible]

Encroachment area



200 Wildcat Hollow

- Applicant is proposing a 25-foot encroachment to the 50-foot front setback adjacent to the northwest part of Skyline Dr. and a 20-foot encroachment for the northeast part of Skyline Dr. for a new structures and grading.
- Property has five sides. Four of them are along streets (Skyline Drive, Wildcat Hollow, Redbud Trail).
- Existing driveways are nonconforming and are not part of this request.
- There are four trees 14 inches or greater within the buildable area that limit construction without a variance.

200 Wildcat Hollow

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 has frontage on three public streets, which results in multiple 50-foot front setbacks. The proposed variance would continue to adhere to the 50-foot front setbacks along Redbud Trail and Wildcat Hollow.
2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
 - The existing structure is currently located in the front setback of Skyline Dr. Allowing the new structure to utilize the already disturbed area will reduce the impact on the undisturbed areas of the lot.
3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
 - The house location could be shifted into the required setbacks but would require the removal of protected trees and additional ground clearing.
4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
 - The applicant is requesting encroachment up to 25 feet, which would meet the requirements of a side setback.
5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.
 - The intent of the Zoning Ordinance and Comprehensive Plan are to manage health and safety along with conservation of the existing natural conditions. This request is seeking to maintain the existing protected trees with the encroachment into the Skyline setback.
6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.
 - No neighbors have alleged any adverse impact from the encroachment.

200 Wildcat Hollow

- Staff recommends approval of the variance request based on the staff findings of fact in Exhibit B, with the following conditions:
 - 25- foot encroachment into the northwest portion of Skyline
 - 20-foot encroachment into the northeast portion of Skyline
- Public Comment:
 - One written comment has been received in support.

200 Wildcat Hollow

- This item was reviewed by the ZAPCO at their regular meeting on July 17, 2024 and recommended **denial** by a vote of 4-0 (Attachment 6).
- The Commission felt that the variance request was too broad and early in the process to consider.
- They stated that the variance should be minimized to just what is necessary, and the building could encroach within the 25 feet for the entire length of the Skyline street frontage.



City of West Lake Hills Board of Adjustment

AGENDA REPORT

Meeting Date:	September 11, 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

1501 Wildcat Hollow: Discuss and consider action 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, R&D Architecture

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 was reviewed by the Zoning & Planning Commission on August 21, 2024, and recommended for approval by a vote of 4-0, on the basis that the existing topography provides a hardship to development (Attachment 6).

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:

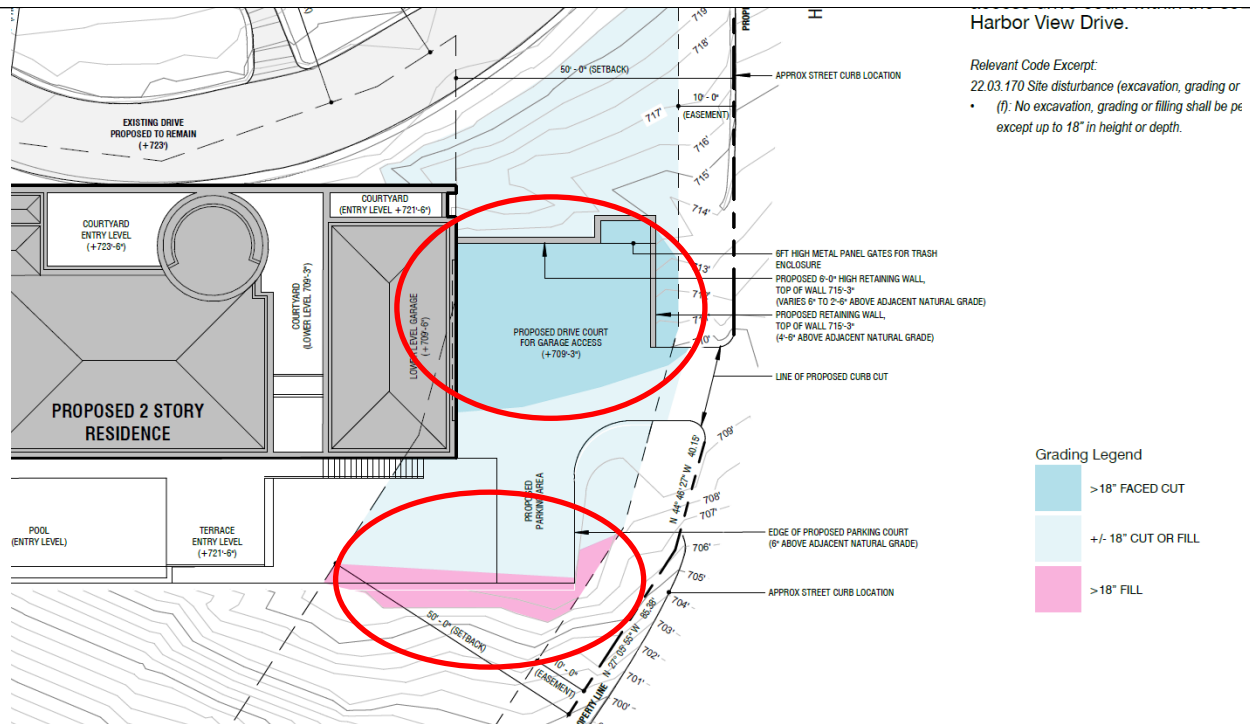
The applicant is proposing to build a new house at the corner southeast corner of Wildcat Hollow and Harbor View Drive (Attachment 1). The previous structure was demolished in 2023.



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

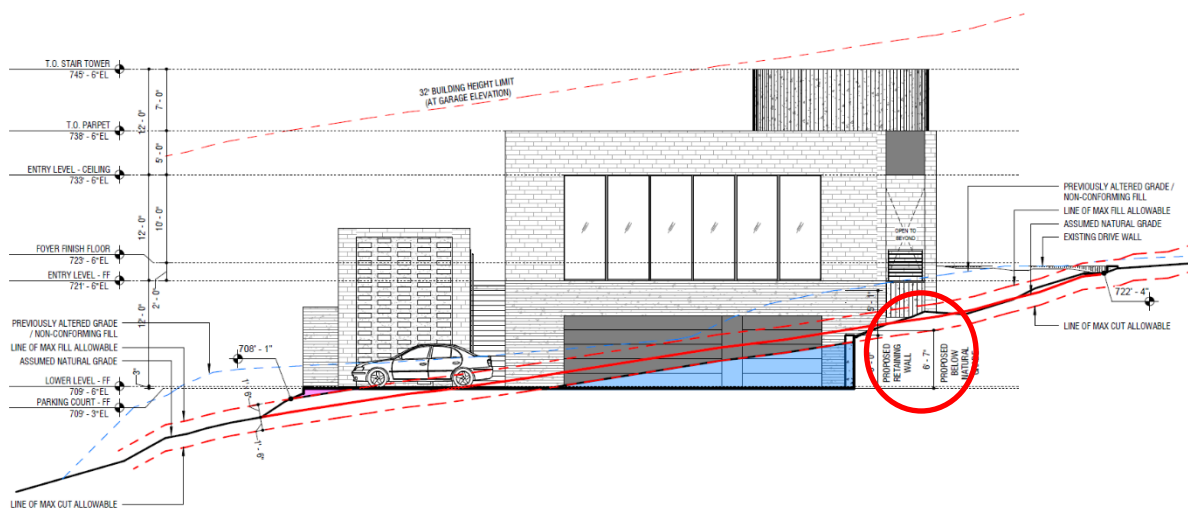
1. Allow up to 6 feet of grading in the 50-foot Harbor View Drive front setback for the garage access/drive court where grading greater than 18" is not allowed (Section 22.03.170 (f)).

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.



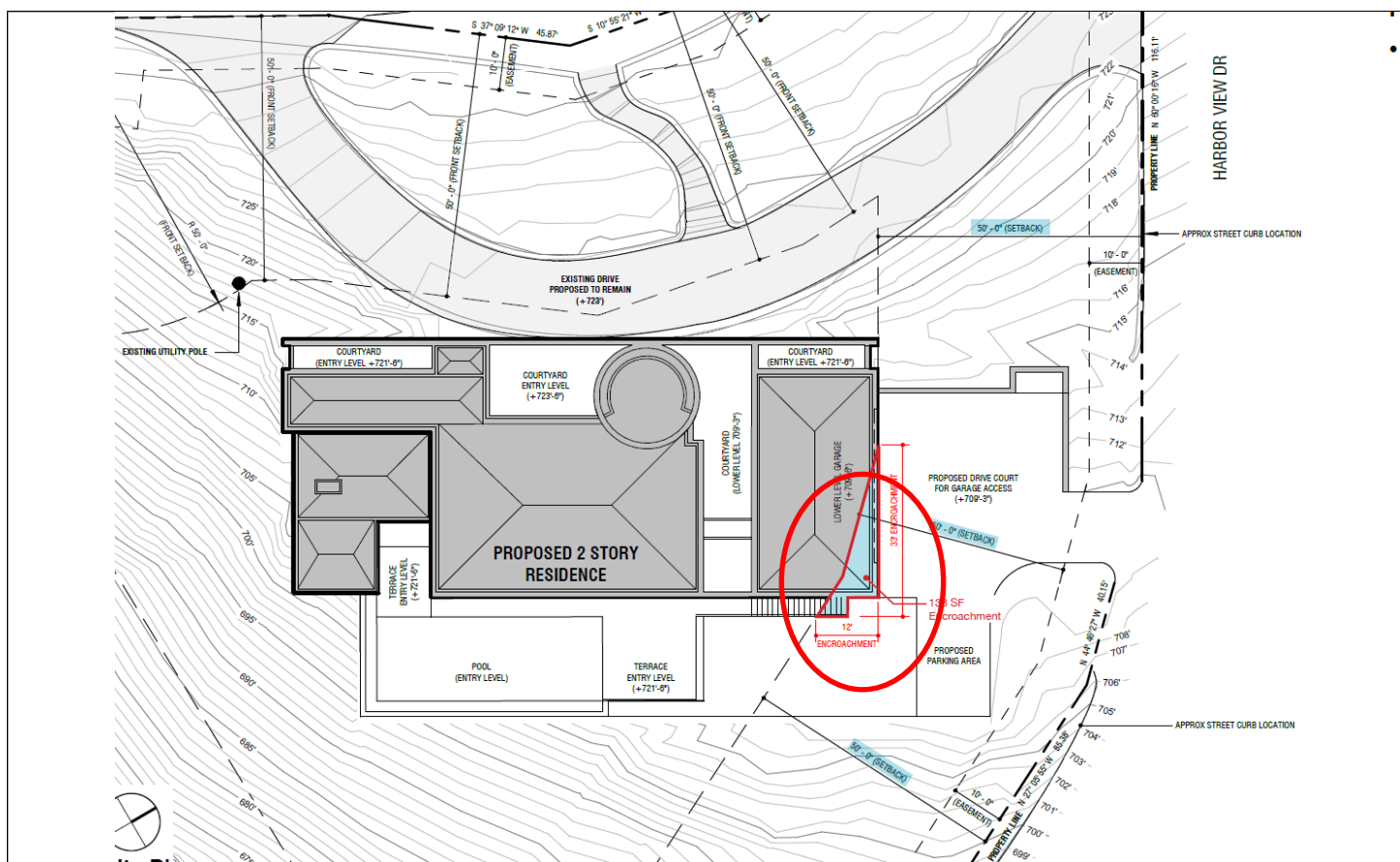
On the uphill slope, they are proposing more than 18 inches of cut (up to six feet), and on the down slope, they are proposing more than 18 inches of fill (up to six feet). The proposed area is indicated to have 0% slope. Some of the excess grading could be limited with a partial match of the existing 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.

-



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.

- 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

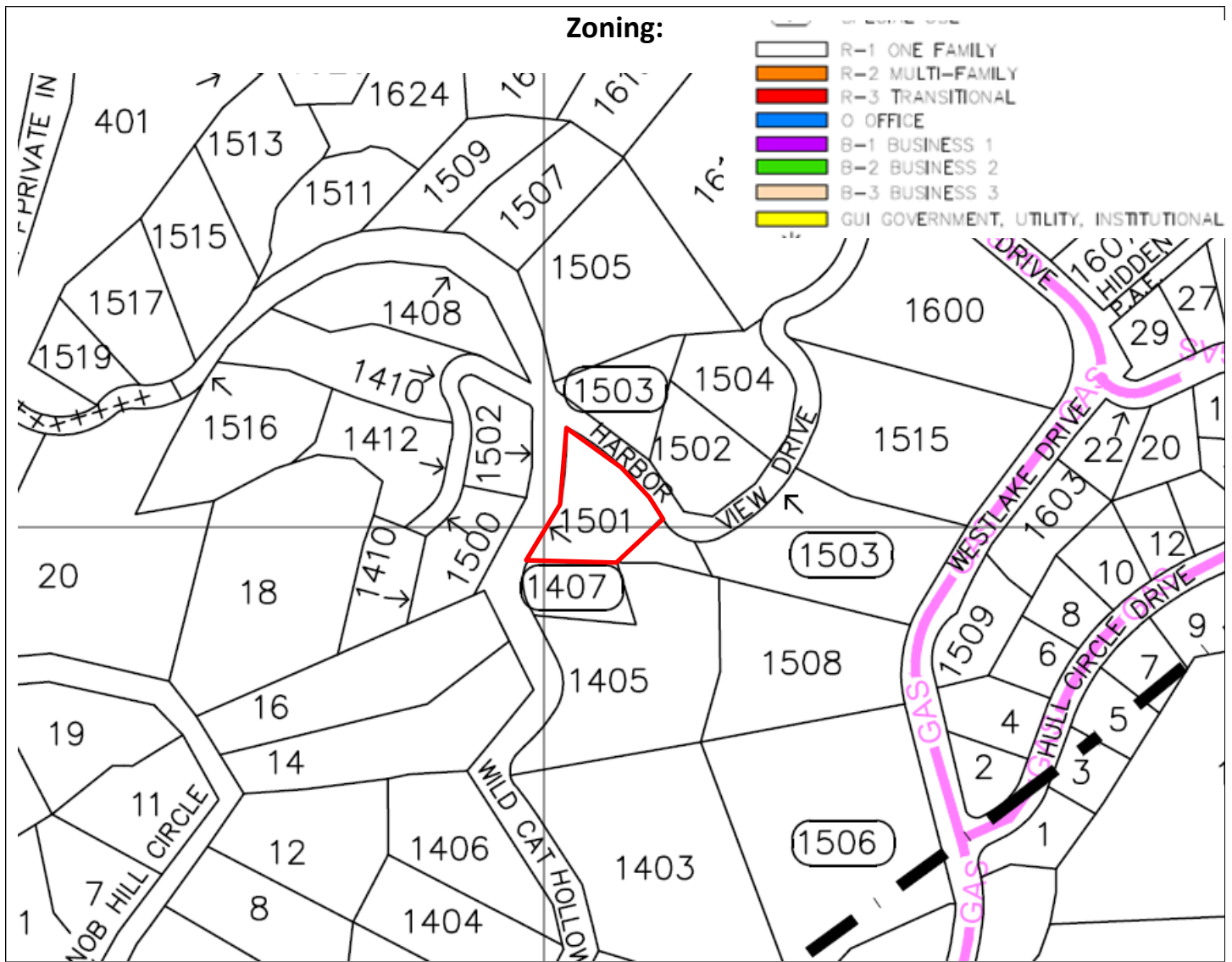
There is no change to the subdivision proposed with this application.

Comprehensive Planning Analysis

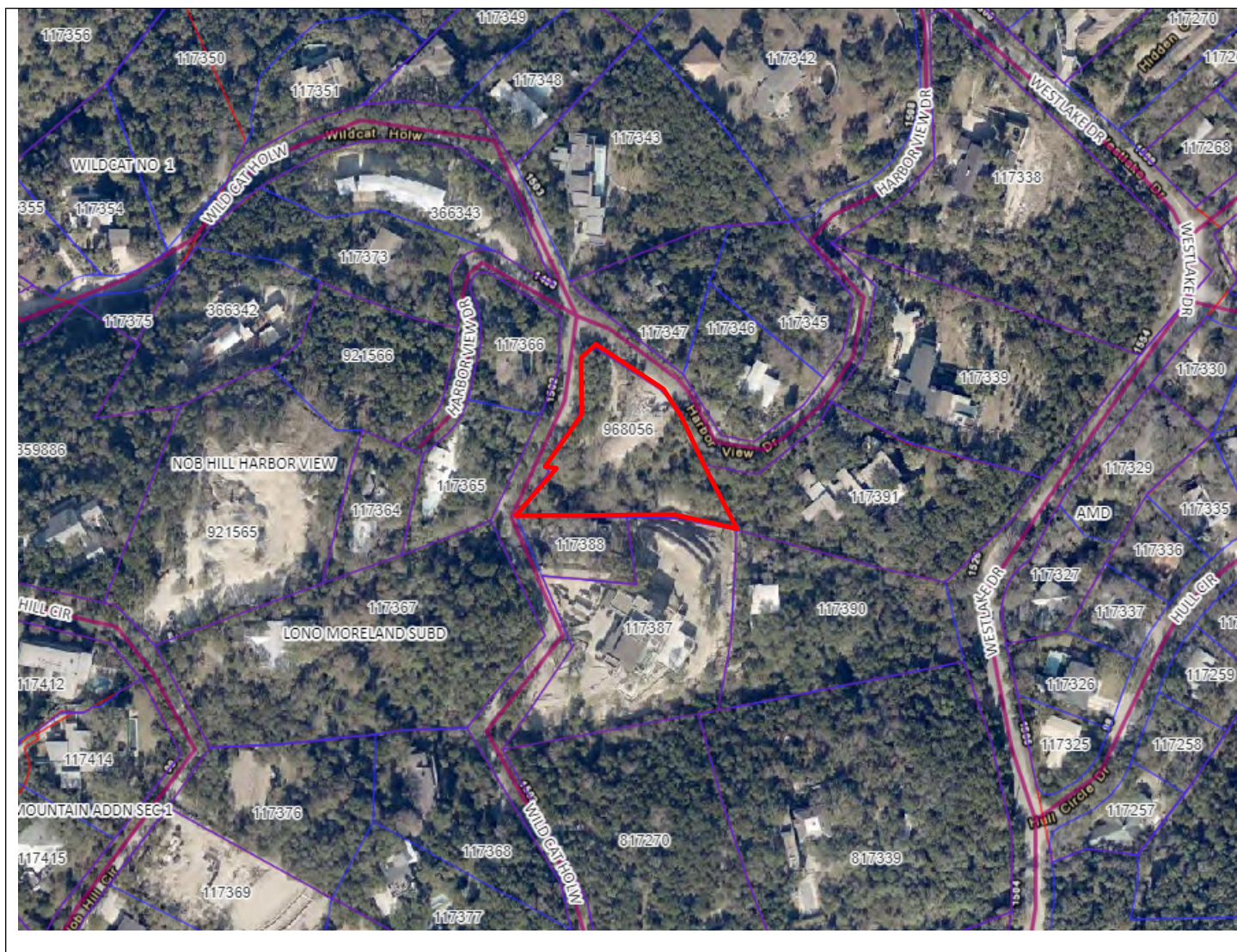
The existing and future land use is in conformance with the City of West Lake Hills Master Plan.

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:
 - (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 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.

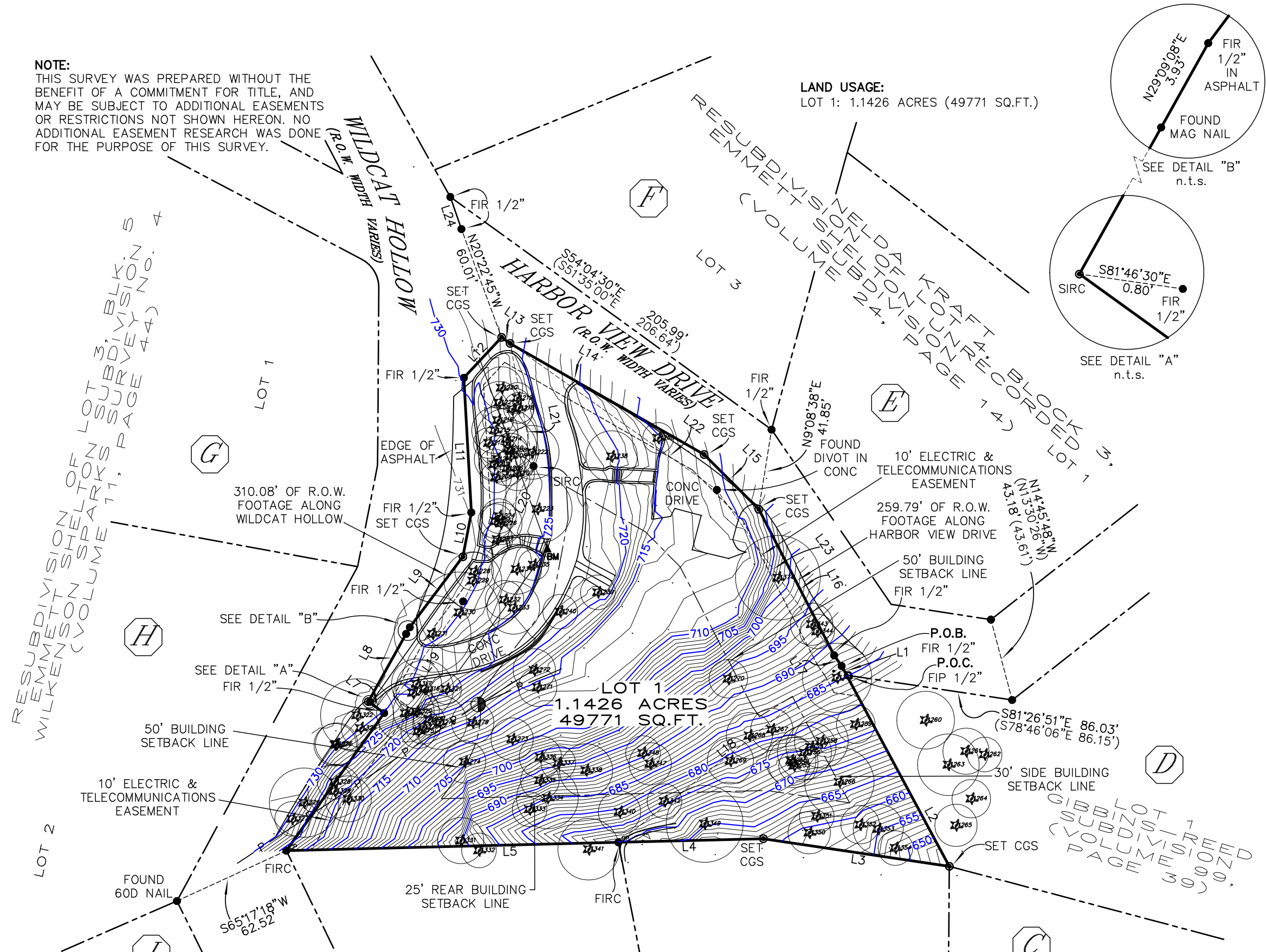
1501 Wildcat Hollow

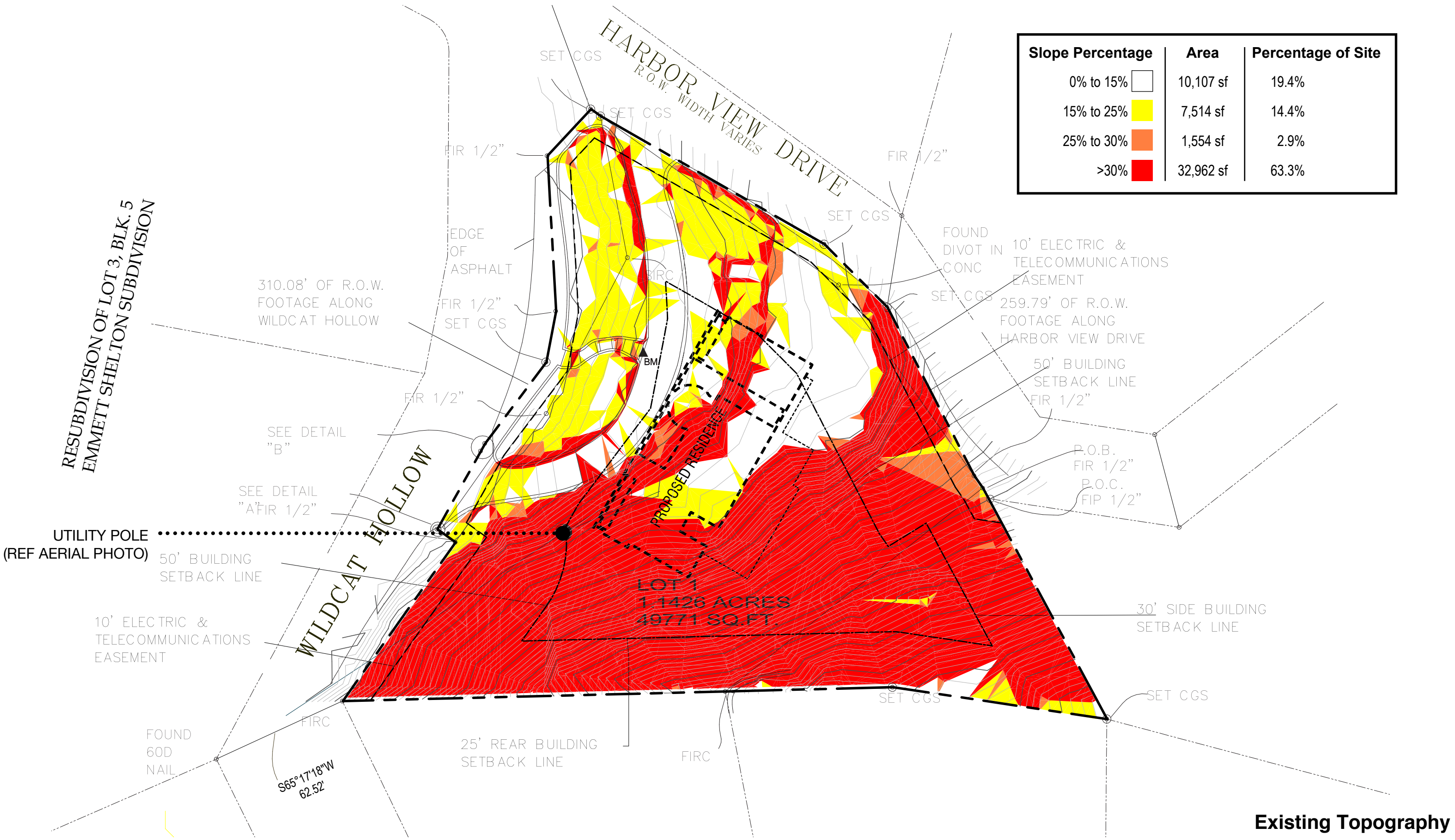
Variance Request
June 28, 2024

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.)







UTILITY POLE
(LOCATION SHOWN ON PLAN DIAGRAMS FOR REFERENCE)

TIMBER RETAINING WALL FOR
PREVIOUSLY GRADED DRIVEWAY

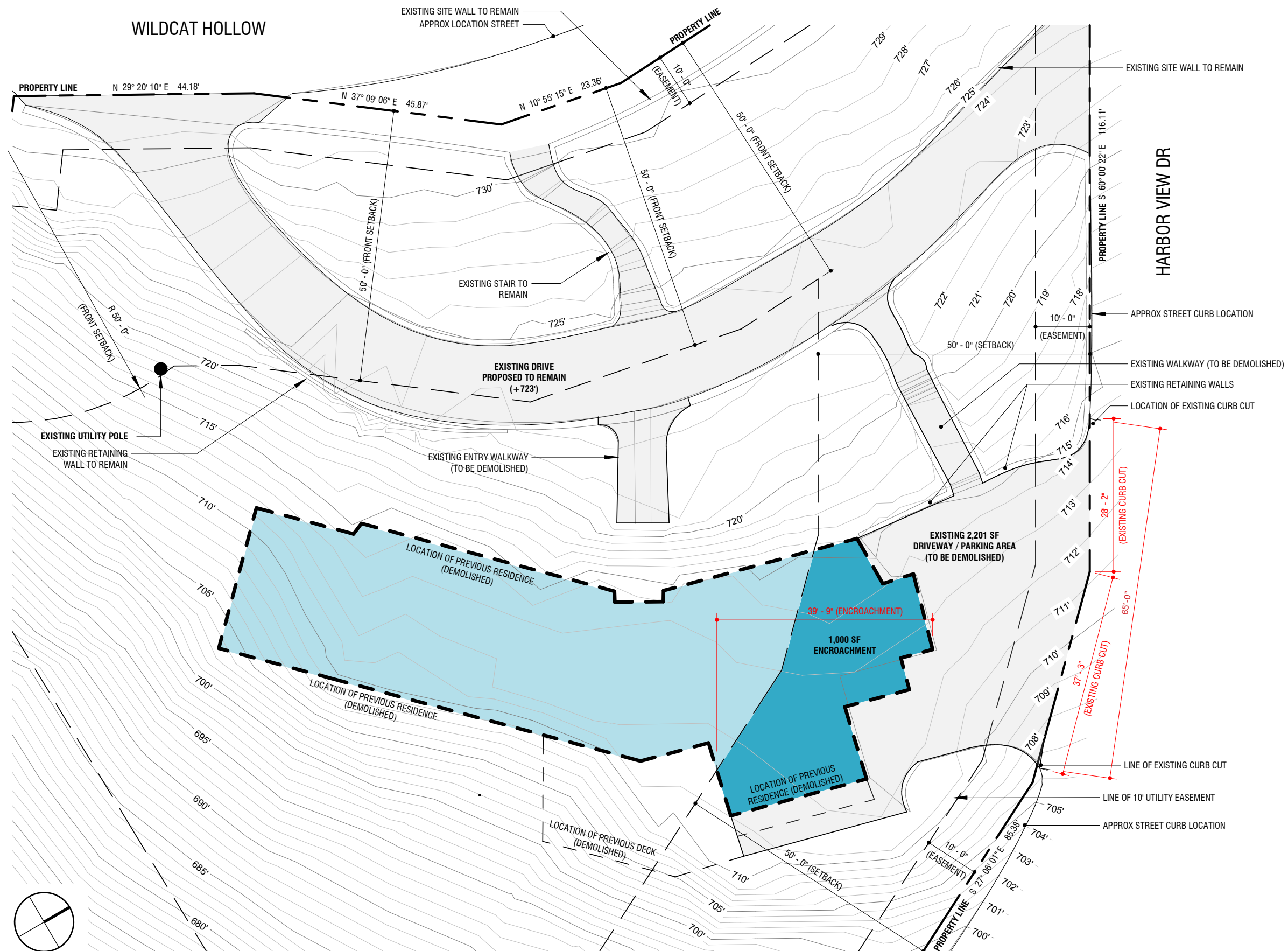
Aerial view looking west



Existing timber retaining wall



Steep hillside view looking west



Previous House, Existing Drives, & Grading



Previous house / Existing drive from Harbor View



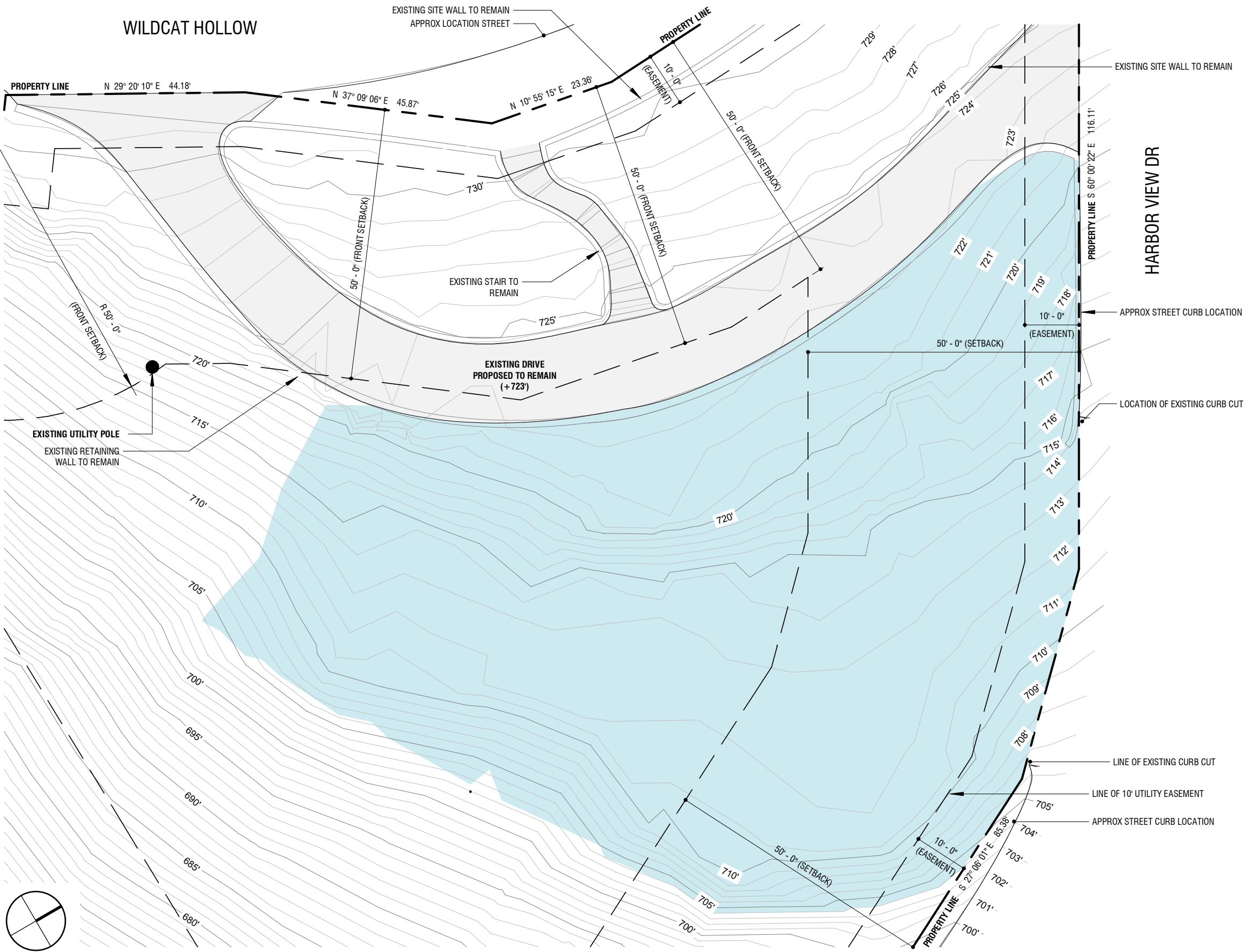
Previous house / Existing drive from Harbor View



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



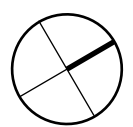
City contractor equipment being stored on property

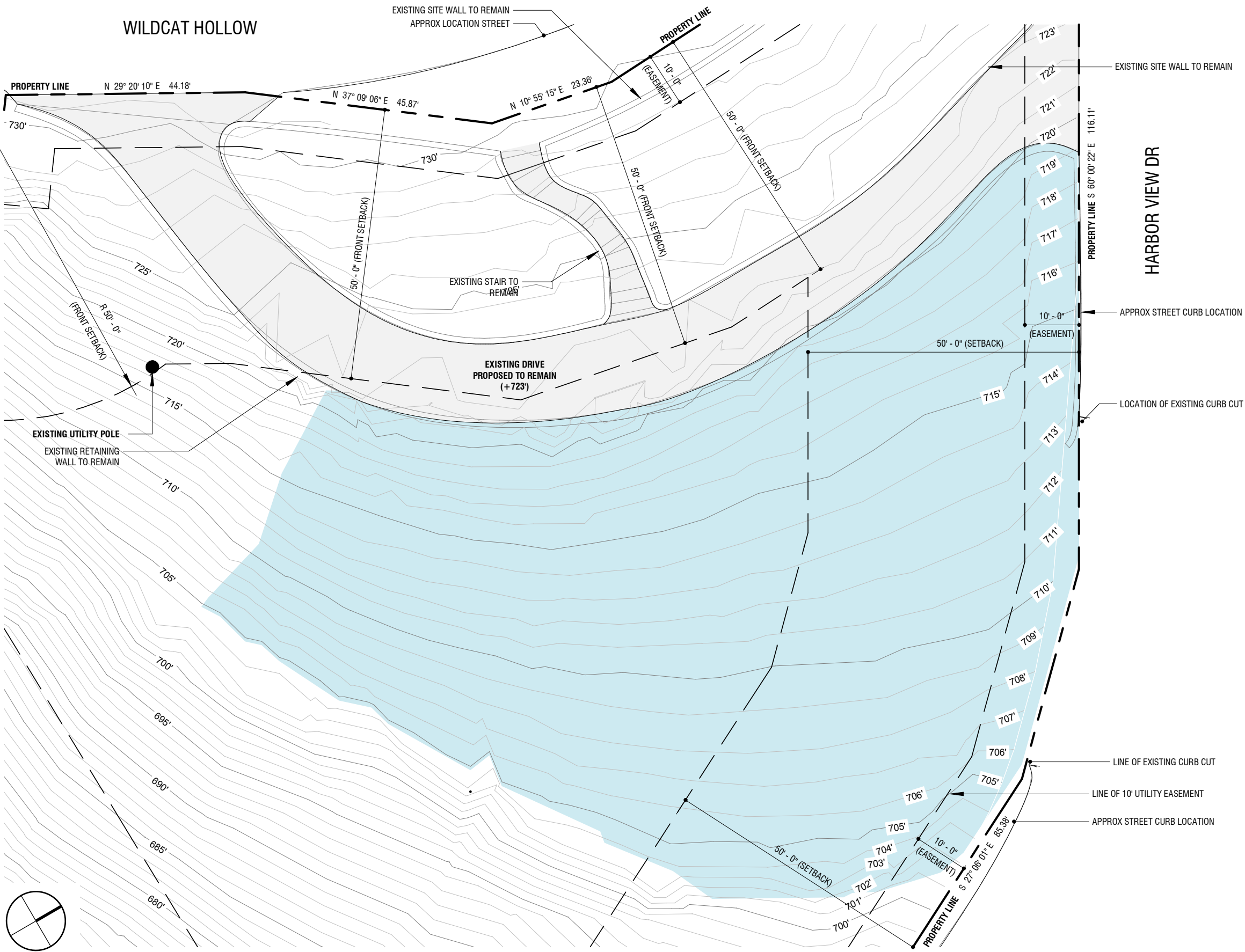


**Inherited Altered Grade /
Non-Conforming Fill**

Legend

Area of Altered Grading


Site Plan
 (not to scale)

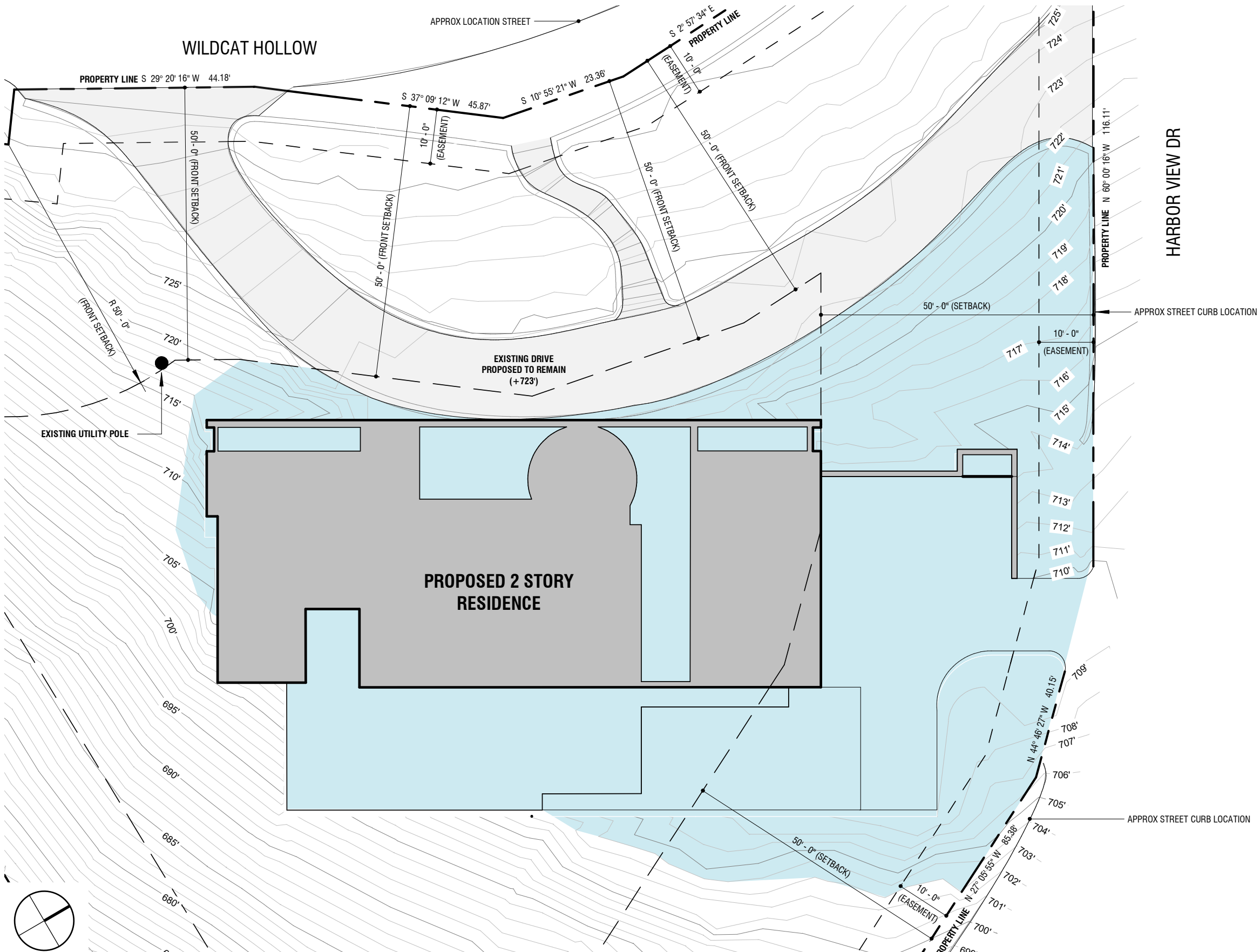


Assumed Natural Grade

Legend

Area of Altered Grading

Site Plan
(not to scale)

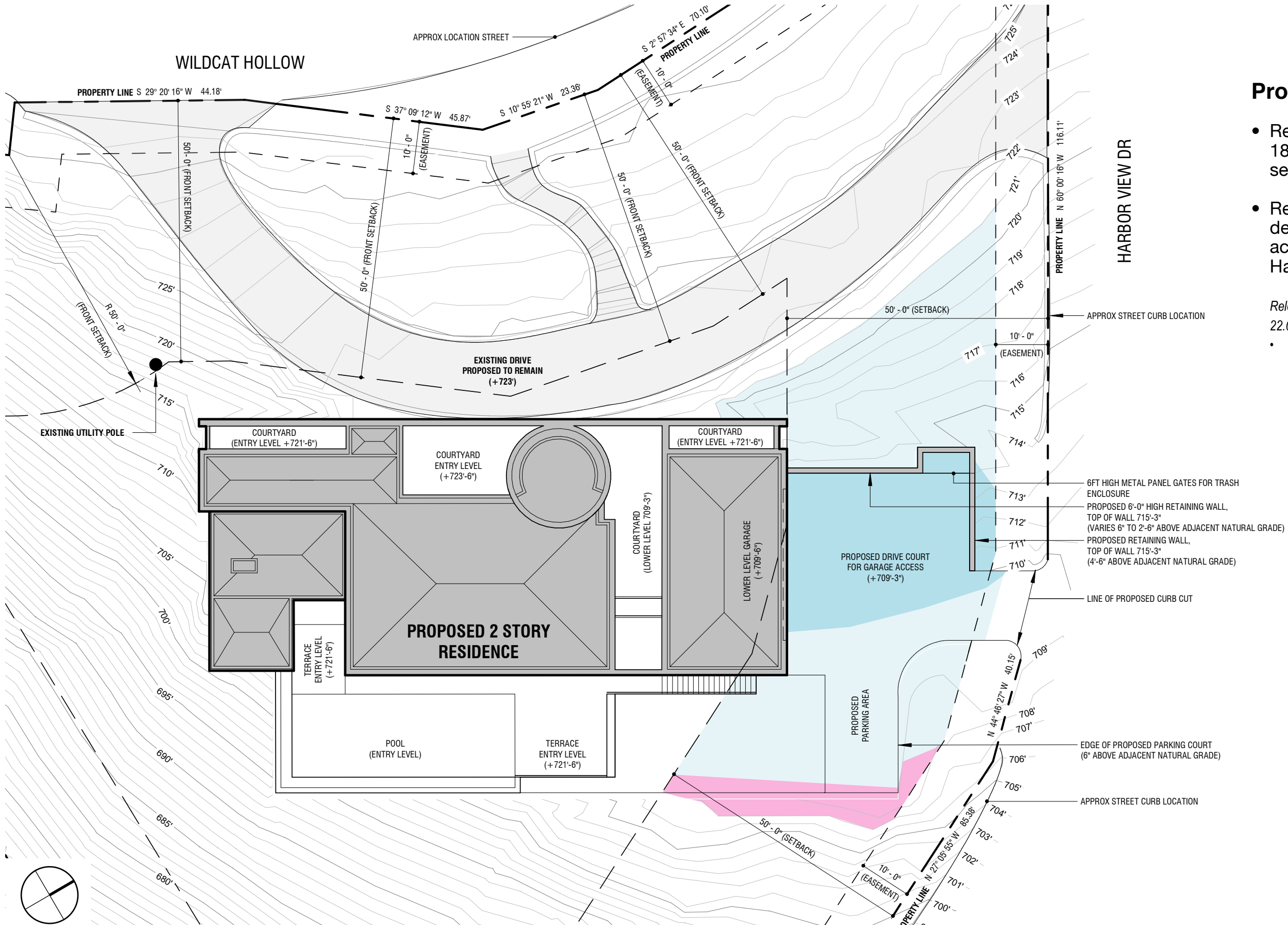


Proposed Grade

Legend

Area of Altered Grading

Site Plan
(not to scale)



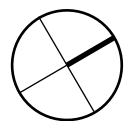
Proposed Design I Variance 01

- 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.

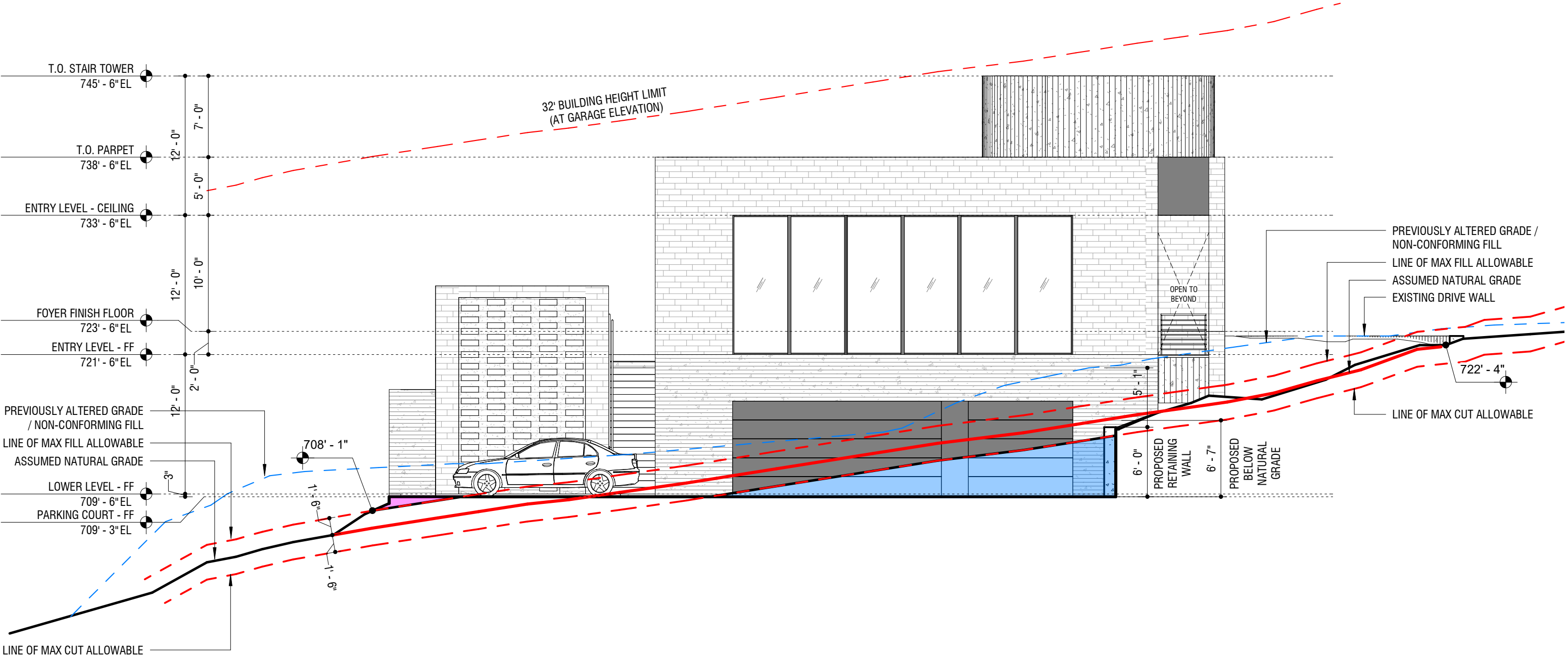
Relevant Code Excerpt:

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.



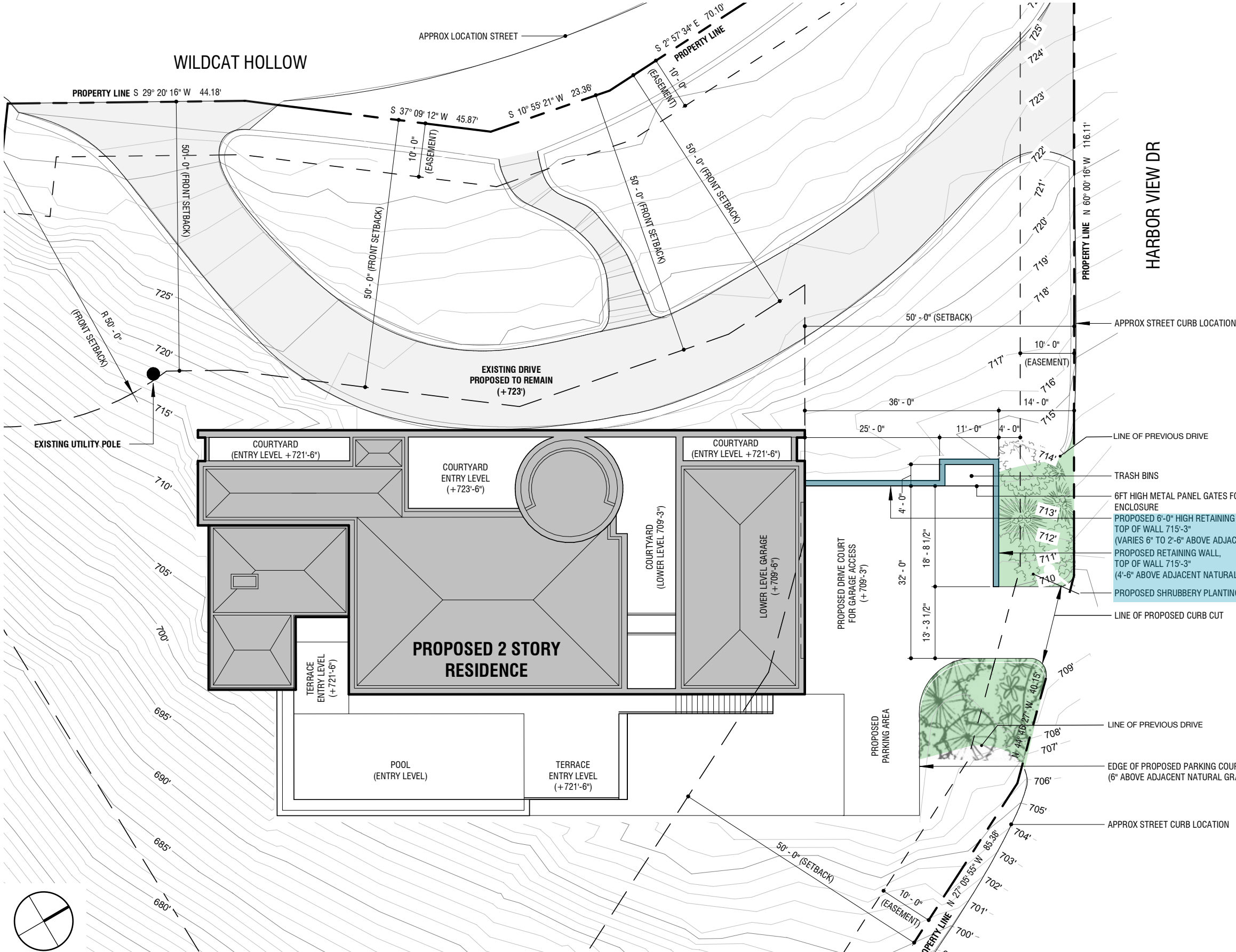
Site Plan
(not to scale)



Proposed design I North elevation along Harbor View



Proposed design & entry drive from Harbor View



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

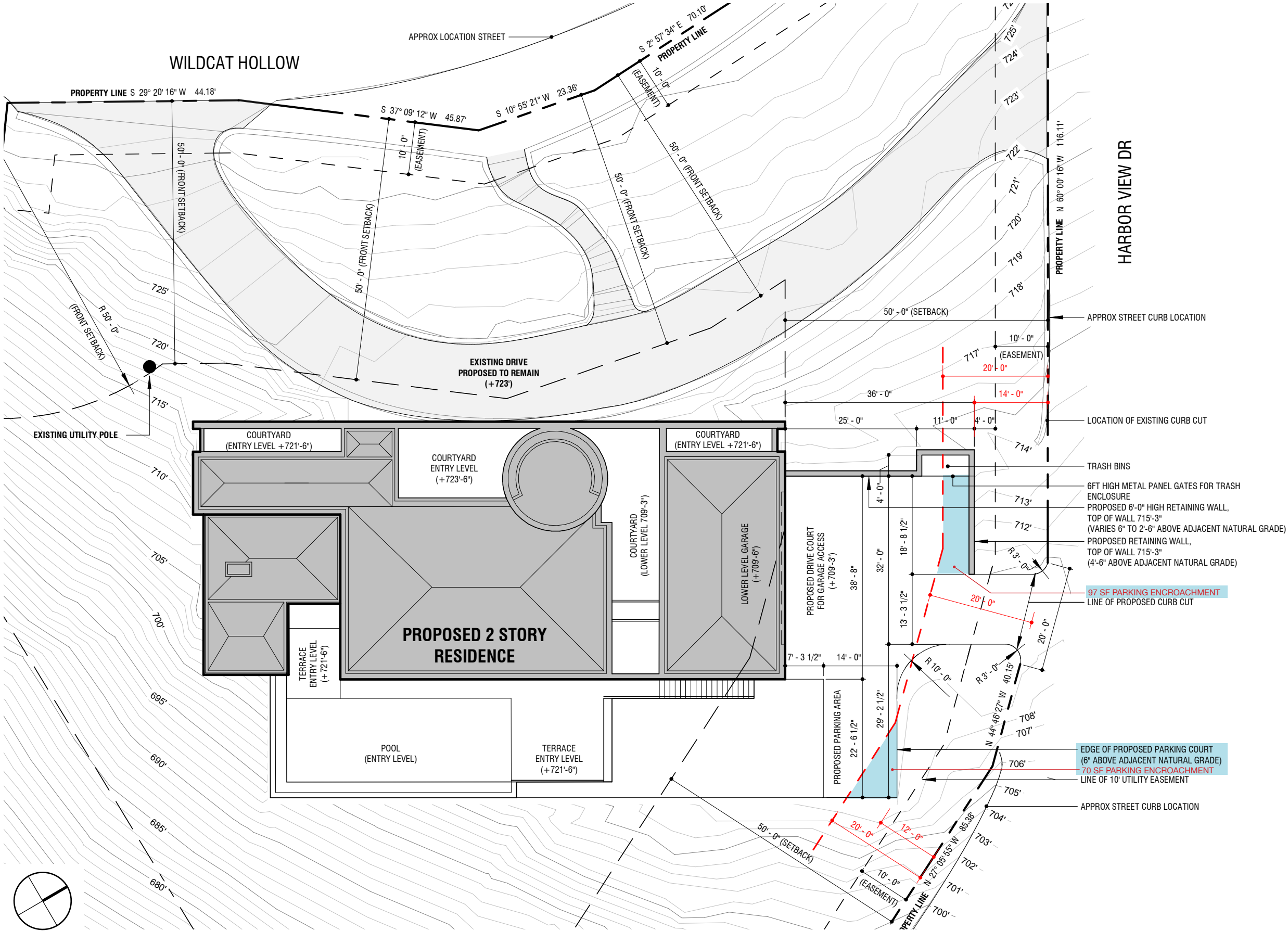
22.03.170 Site disturbance (excavation, grading or filling).

- 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
- 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.

Legend

Restored Landscape Vegetation (682 SF)

Site Plan
(not to scale)



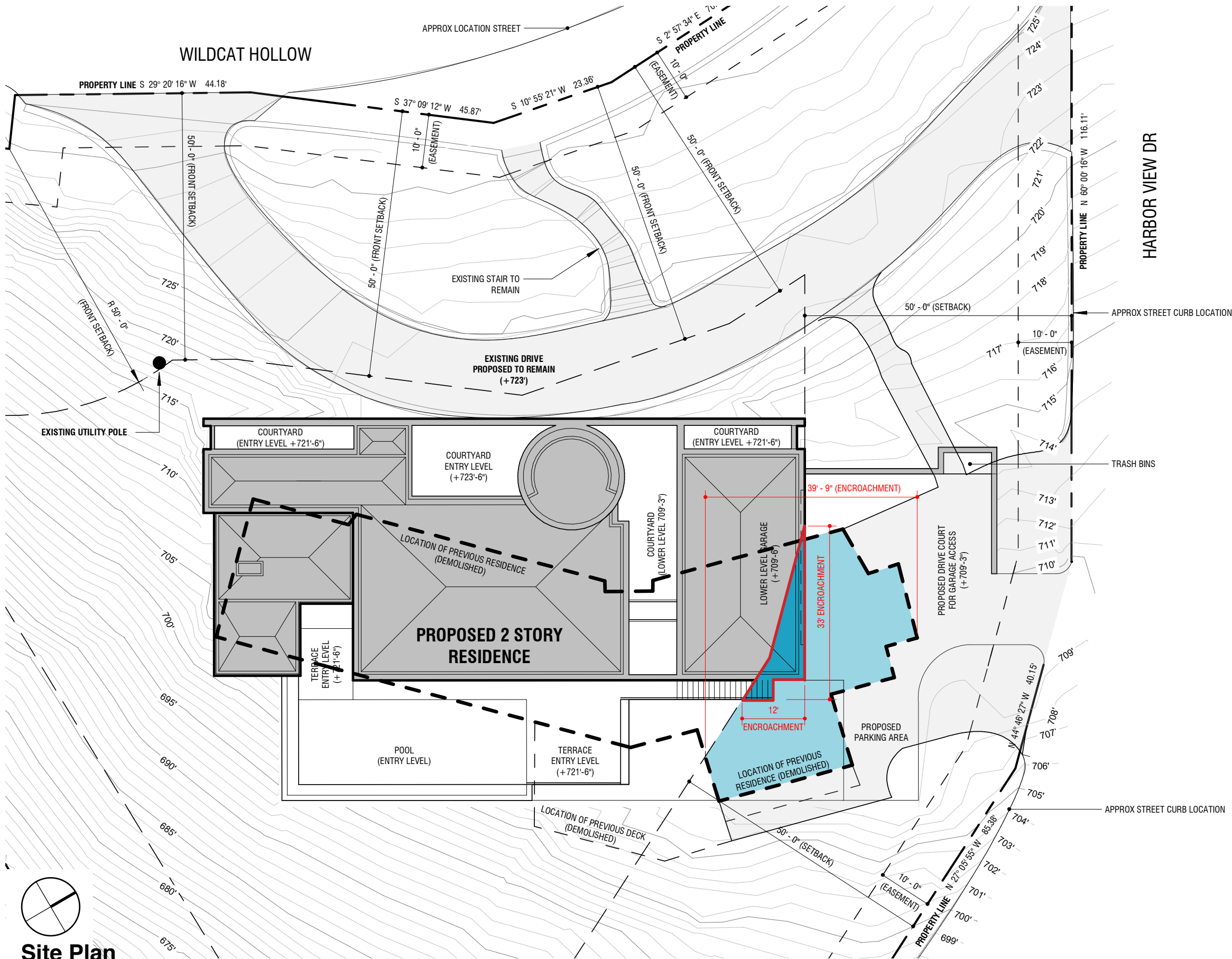
Site Plan
(not to scale)

Proposed Design I Variance 03

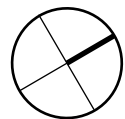
- Request to decrease the parking setback from Harbor View Drive to 14 ft for the proposed drive parking court and 12 ft for the parking area.

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

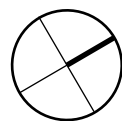
- (a) Off-street parking and loading areas, including parking pads shall be located no closer to street right-of-way lines and to lot boundary lines than the applicable minimum distances prescribed in the following schedules:
- (1) The minimum setback distance for driveways and parking areas from street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



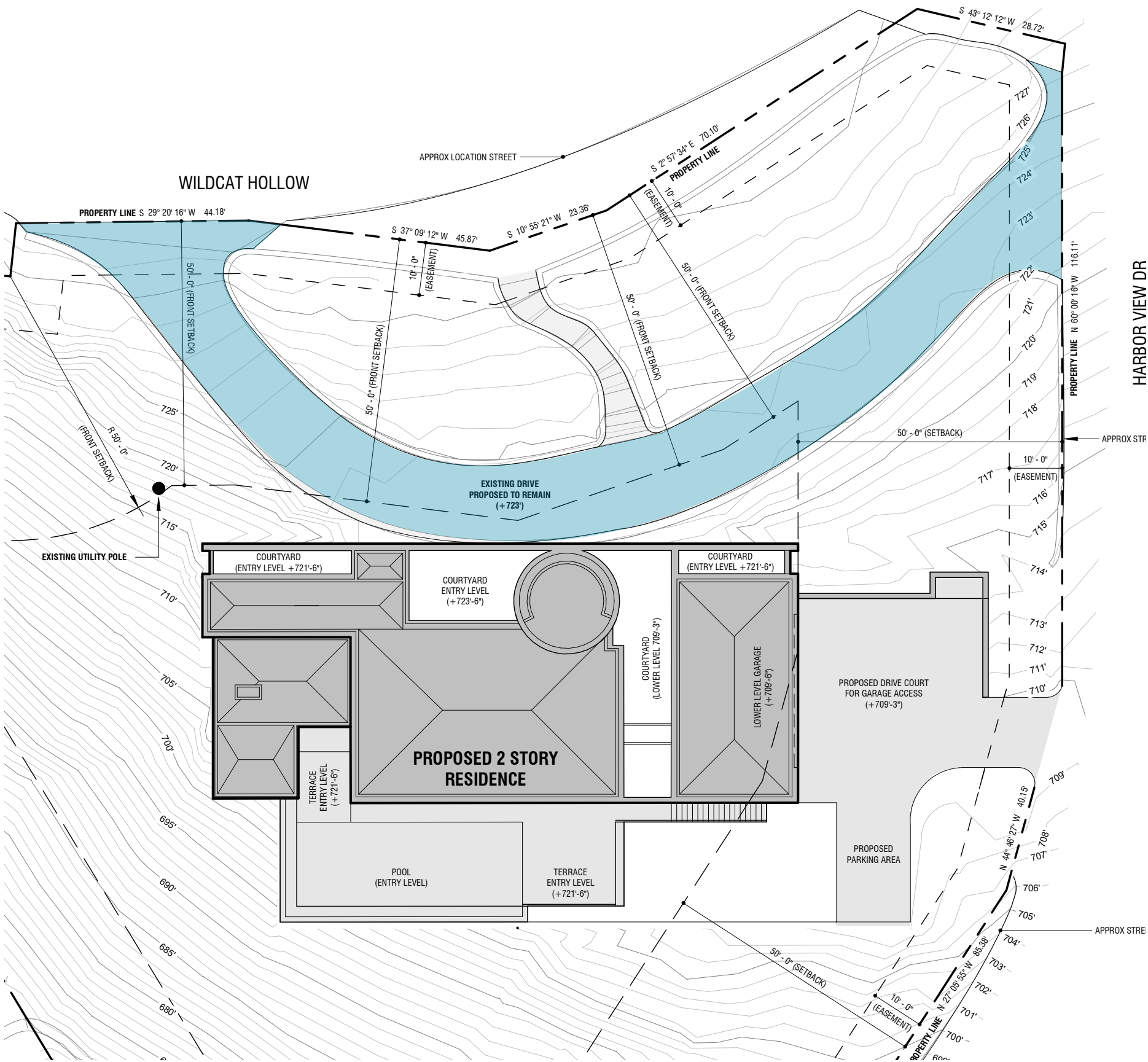
Previous / Proposed Overlay



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

Attachment 4



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

From: [Davin Fillpot](#)
To: [Joel Sherrouse](#); [PZSec](#); [Jennifer Bills](#)
Subject: Fwd: Plans for 1501 WCH
Date: Wednesday, August 21, 2024 1:23:14 PM

Additional Letter of support for 1501 Wildcat Hollow tonight.
If this could please be added to the application, or printed on the dais, it would be greatly appreciated.

Davin Fillpot

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

From: **heidi restivo** <restivo4@gmail.com>
Date: Wed, Aug 21, 2024 at 1:19 PM
Subject: Fwd: Plans for 1501 WCH
To: Davin Fillpot <davinfillpot@gmail.com>

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

From: **Scott Thiede** <asthiede@gmail.com>
Date: Tue, Jul 2, 2024 at 12:43 AM
Subject: Re: Plans for 1501 WCH
To: heidi restivo <restivo4@gmail.com>

Sounds good. Let me know if you want me to write something more formal.

Thanks

Scott

On Jul 1, 2024, at 7:54 PM, heidi restivo <restivo4@gmail.com> wrote:

I'm looking at the variance application checklist and I think I only need to include "emails of support". So if it's OK with you, I will include your email with the application. Thank you again!

On Mon, Jul 1, 2024 at 11:35 AM heidi restivo <restivo4@gmail.com> wrote:
Thank you, Scott. Will let you know, when I know. Really appreciate it.

On Mon, Jul 1, 2024 at 11:27 AM Scott Thiede <asthiede@gmail.com> wrote:
Hi Heidi,

Yes you absolutely have our support. Please let me know what you need me to do.

Good luck!

Scott

> On Jul 1, 2024, at 7:11 PM, heidi restivo <restivo4@gmail.com> wrote:

>

>

> Hi Scott,

>

> Hope you are doing well. We are getting closer on building and will be seeking variances despite efforts to avoid...which is basically impossible with current code. Want to share our plans in hopes of garnering support from the neighbors.

>

> I'm including a few things for your review: (1) our schematic plans and (2) the variance application exhibit. In general, this house conforms with current regulations (so shifts significantly to the south) and is 2000 sq feet smaller than the original house. The exterior will be travertine, poured concrete, glass and metal as you can see in the renderings.

>

> Our plan is to submit the variance application for July (so this week) which means ZAPCO in August and Council in Sept. If everything goes well, we'd then go on to permitting and likely would start construction in January. Please let us know if you have any concerns or questions. We would greatly appreciate your support.

>

> Best,

> Heidi

> <240628 RES2301 - DD Renders (Exterior).pdf>

> <240628 RES2301 - Variance Presentation (1).pdf>

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.

City of West Lake Hills

MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO)

REGULAR MEETING

Wednesday, August 21, 2024 at 6:30 PM

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

- a. Meeting begins at 6:30pm
- b. Roll Call
 - o Chair Robert Meisel: Present
 - o Vice-Chair Jim Pledger: Present
 - o Commissioner Julia Webber: Present
 - o Commissioner Karen Bartoletti: Present
 - o Commissioner Patrick Stewart: Present
 - o Commissioner Laurie Maccini: Absent (excused)

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 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
- d. **Action:** Commissioner Pledger moves for approval of the Consent Agenda
 - i. Commissioner Webber Seconds
 - ii. Motion carries unanimously 4:0

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); and
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, R&D Architecture

b. Staff Report:

- i. Director Bills presents staff briefing on existing conditions and proposed variances
- ii. **Commissioner Webber:** Has staff seen the interior design?
 1. No
- iii. **Commissioner Stewart:** Has the commission seen this property before?
 1. **Chair Meisel:** Only in the platting process

c. Public Comments:

- i. **Heidi Restivo** – owner
 1. Delivered presentation on property history and requested variances

d. Discussion:

- i. **Commissioner Webber:** Appreciates the presentation
 1. Would appreciate having the floorplan available
 2. No objection to current variances
- ii. **Commissioner Bartoletti:** A great deal of the property is restricted from building by City codes
 1. Harbor View is winding and dangerous, and the circle drive should make access safer
- iii. **Commissioner Meisel:** If house is pushed further south, property is extremely steep.
 1. Historically, city has been willing to provide relief on setbacks to have a level area for building.
- iv. **Commissioner Stewart:** Some type of variance will be required.
- v. **Commissioner Bartoletti:** In the Agenda packet, there is mention of cut/fill and the drainage requirements. What is that regarding?

1. **Director Bills:** The drainage manual has regulations on maximum cut and fill based on slope of lot, with the most significant restriction being that there is no cut or fill allowed on slopes with a grade over 35%. The applicant's presentation shows slopes over 30%, but it is unclear how much of that is over 35%. It is unknown at this time if additional variances for cut and fill will be required, as slope analysis is generally performed at the time of building plan application and review.
- vi. **Commissioner Webber:** Is there a reason the floor plan hasn't been provided?
 1. Applicants didn't believe it was important for variance application but are able to provide.
- e. **Action:**
 - i. Commissioner Webber moves that the variance request be forwarded to the Board of Adjustments with a recommendation of **Approval** for all variances.
 1. Commissioner Stewart Seconds
 2. Motion **carries** unanimously (4-0)

Recommendation will be forwarded to the Board of Adjustment for final consideration on September 11, 2024.

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

- a. **Staff Report:**
 - i. Director Bills gave presentation on existing deck that is being entirely replaced in the existing footprint
- b. **Public Comment:**
 - i. None
- c. **Discussion:**
 - i. **Commissioner Stewart:** Pretty straightforward request
- d. **Action:**

- i. Commissioner Stewart moves that the variance request be forwarded to the Board of Adjustment with a recommendation of **approval**
 1. Commissioner Bartoletti Seconds
 2. Motion **carries** unanimously 4-0

Recommendation will be forwarded to Board of Adjustment for final consideration on September 11, 2024.

6. Public Hearing: 102 W Spring Drive: 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

b. Staff Report:

- i. Director Bills delivers presentation on existing house and impervious cover variance as well as additional requested variances for house addition.

c. Public Comment:

- i. **Michael Deere** – architect
 1. Explains preservation of trees and requested variances
 2. Clarifies that impervious cover reduction is proposed, but not to the point of compliance

d. Discussion:

- i. **Commissioner Stewart:** Well-thought-out plan
 1. Appreciates lack of tree variances and potential reduction in impervious cover
- ii. **Commissioner Webber:** Also lives on small lot and appreciates difficulty of design constraints

- e. **Action:** Commissioner Bartoletti moves that the variance request be forwarded to the Board of Adjustment with a recommendation of **approval** for all variances

- i. Commissioner Webber Seconds
- ii. Motion **carries** Unanimously (4-0)

Recommendation will be forwarded to the Board of Adjustment for final consideration on September 11, 2024.

7. **Adjournment:**

- f. **Chair Meisel** adjourns the meeting at **7:24pm**

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

Development Coordinator Joel Sherrouse

These minutes were approved on _____, 2024.

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.

1501 Wildcat Hollow

6. Discuss and consider action 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).
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, R&D Architecture



1501 Wildcat Hollow



1501 Wildcat Hollow

Owner is proposing to build a new house.

Previous house on the site was demolished in 2023.

Driveways were left as the owner intended to reuse, but as they are nonconforming need to either come into compliance or receive a variance to remain.

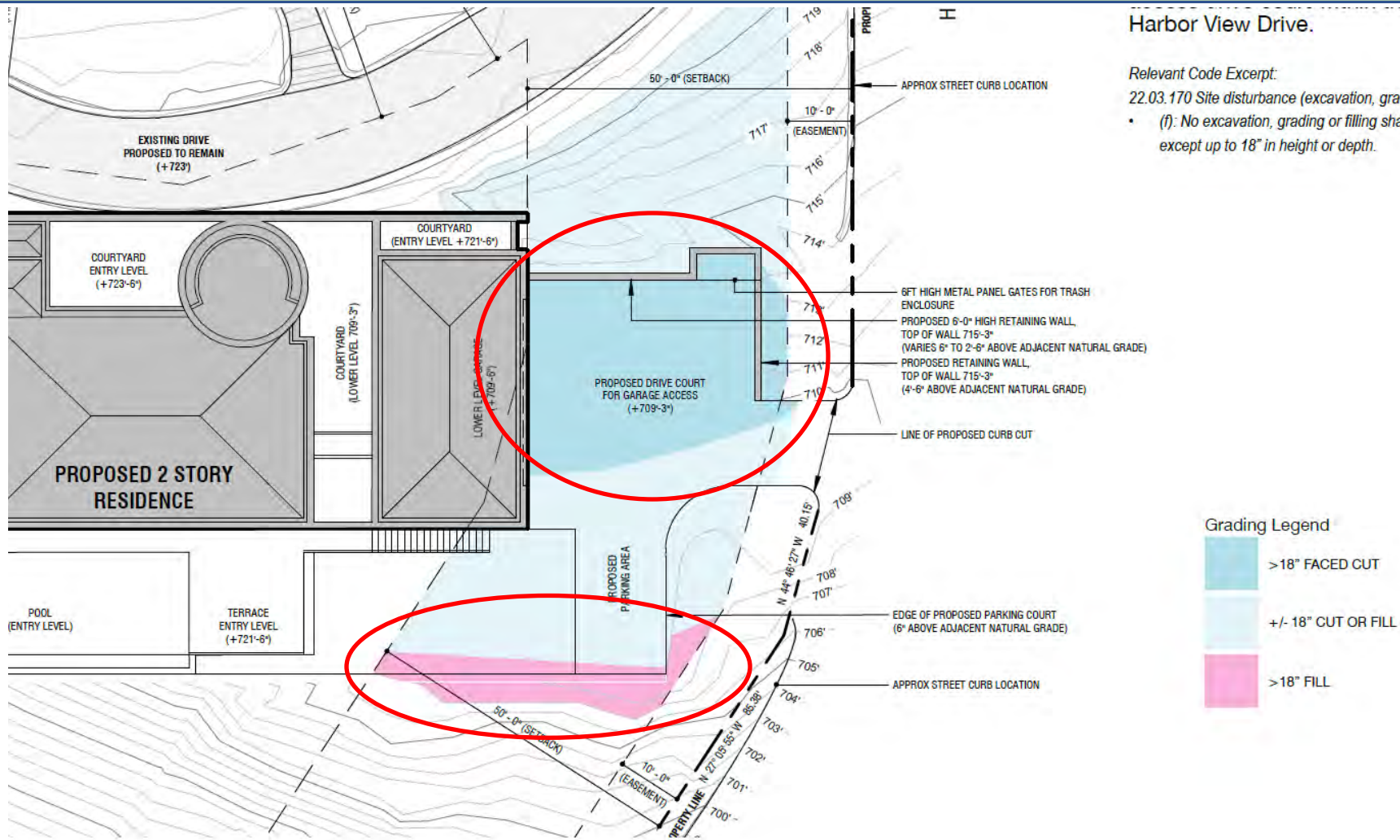
Site has natural and previously disturbed slopes.



1501 Wildcat Hollow

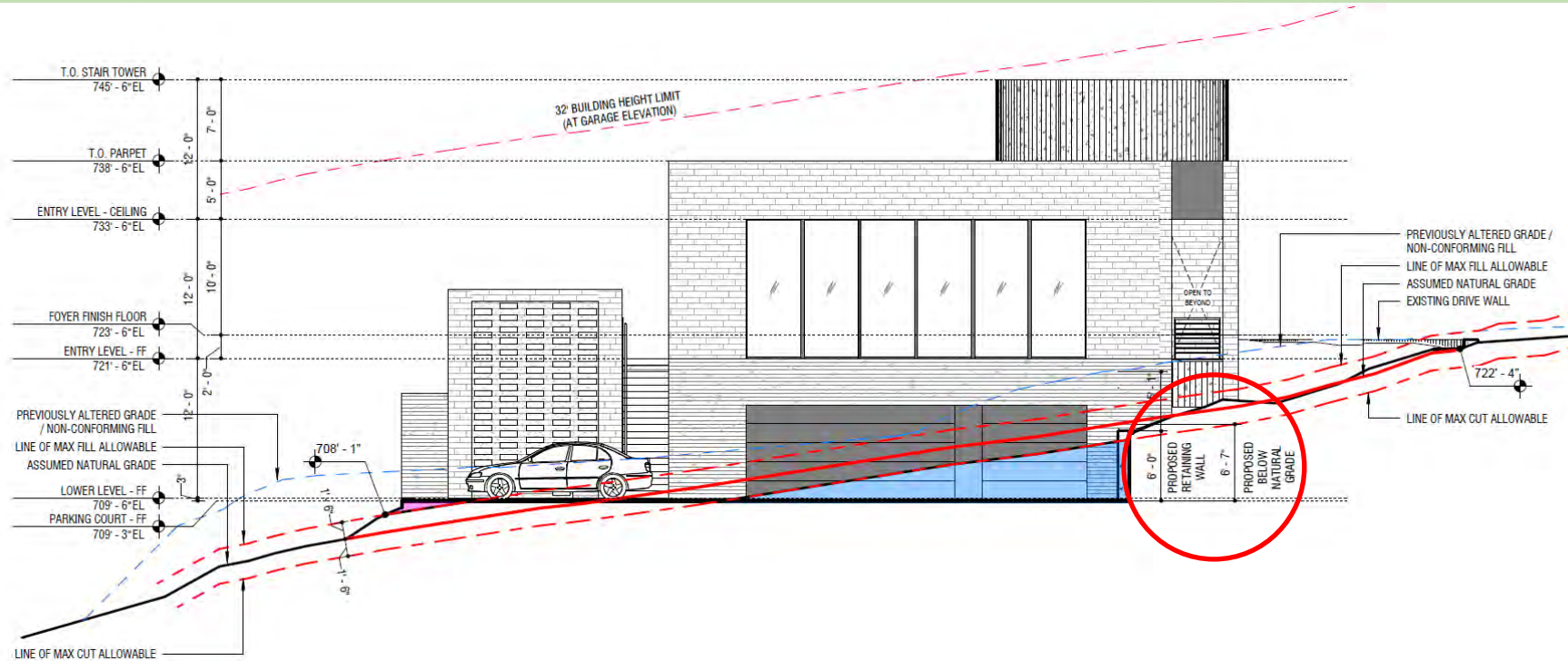


1501 Wildcat Hollow



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.

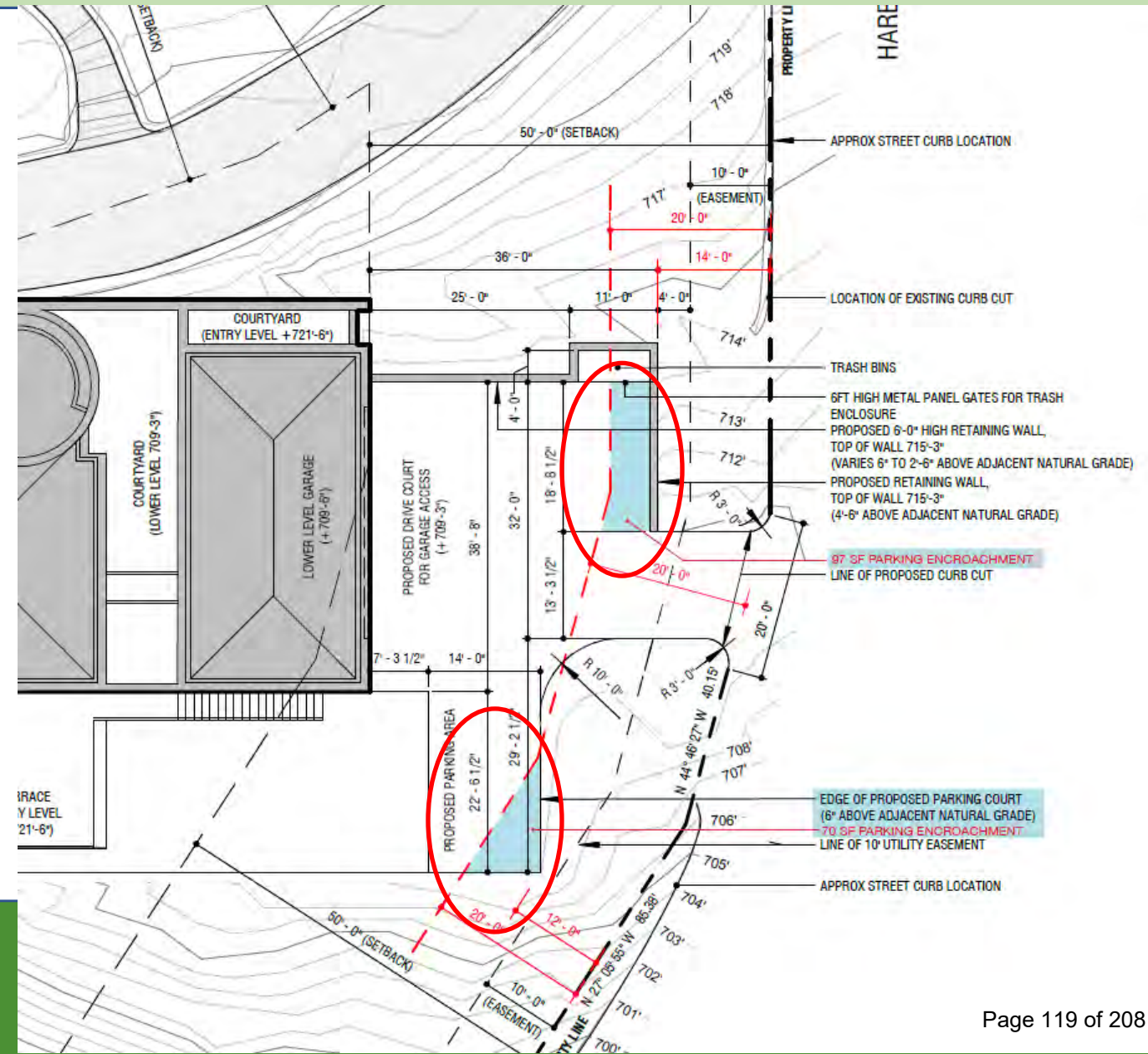
1501 Wildcat Hollow



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

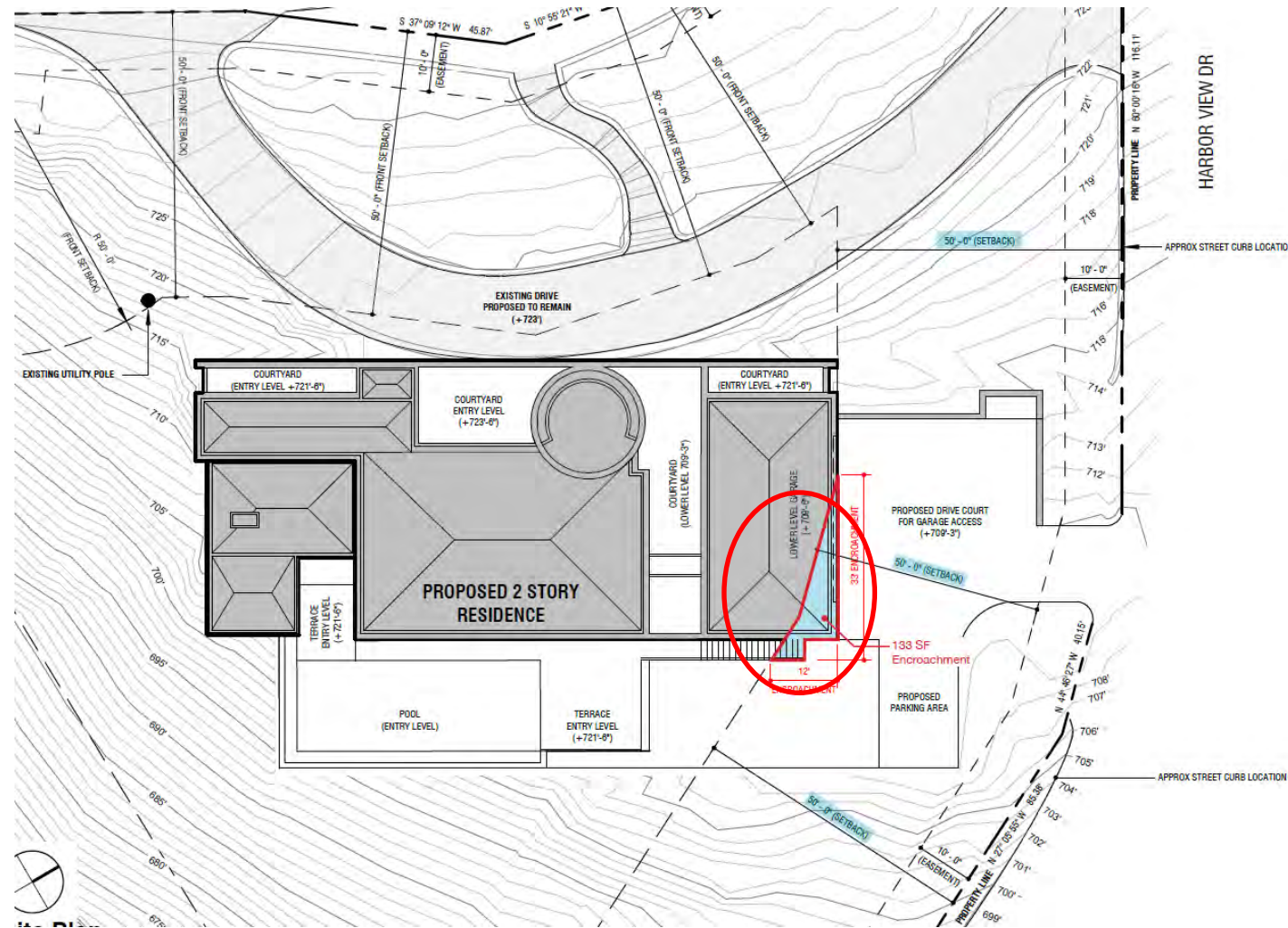
1501 Wildcat Hollow

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



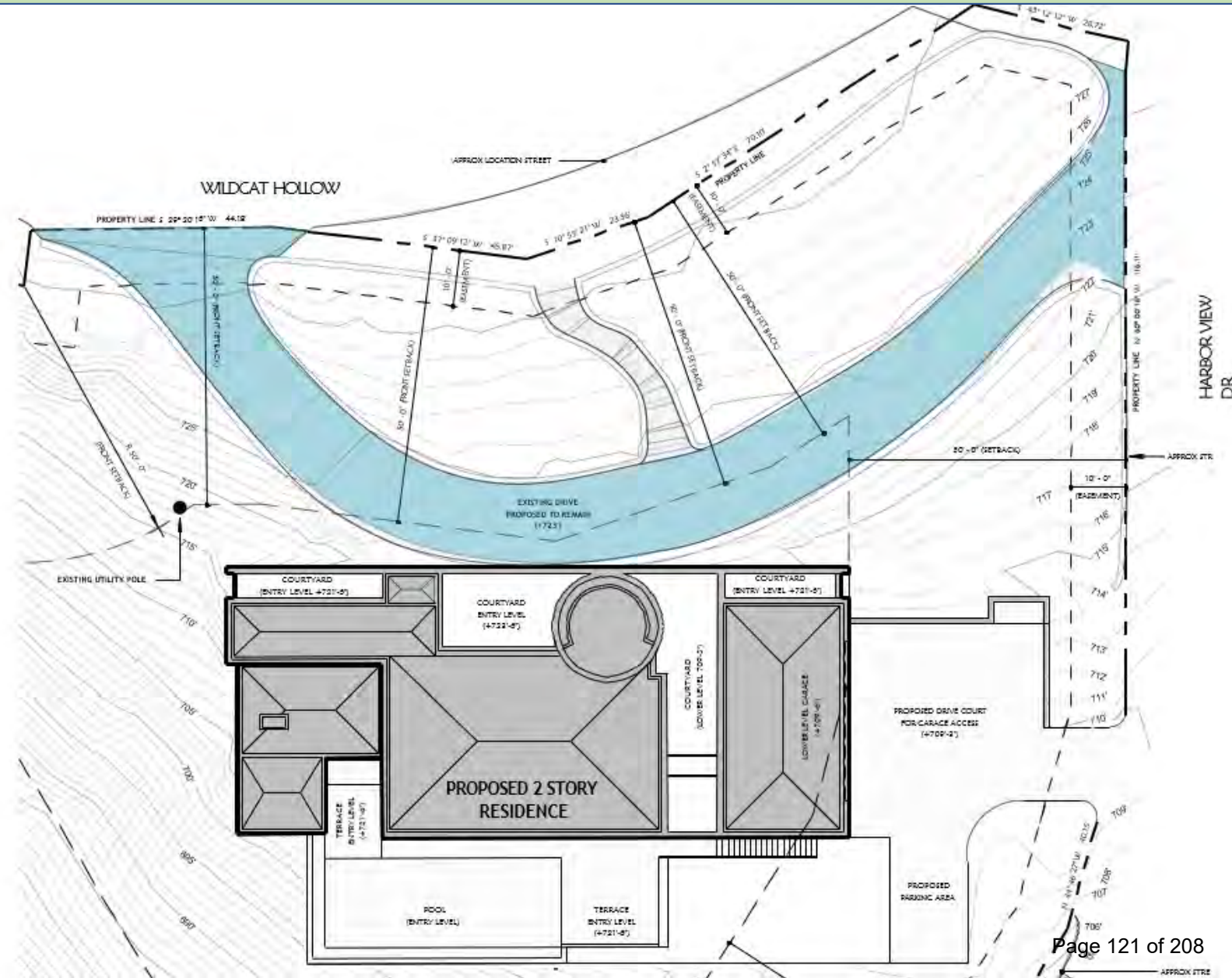
1501 Wildcat Hollow

4. Allow a 12-foot encroachment of the house into the required 50-foot front setback at Harbor View Drive



1501 Wildcat Hollow

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



1501 Wildcat Hollow

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 hardships 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.

1501 Wildcat Hollow

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 negatively affected.

1501 Wildcat Hollow

- Staff and the city engineer recommend denial of all the variance requests (or request for postponement to provide alternatives).
 - Given the topography and two front setbacks, it is reasonable that some variances may be needed
 - Multiple parking areas and location of the house increases the amount and extent of variances needed.
- Public Comment:
 - Two letters of support were submitted with the application. An additional support was provided via email.
- This item was reviewed by the Zoning & Planning Commission on August 21, 2024, and recommended for approval by a vote of 4-0, on the basis that the existing topography provides a hardship to development.

1501 Wildcat Hollow

Applicant Presentation



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.)

RESUBDIVISION OF LOT 1, HARBOR VIEW DRIVE (VOLUME 11, PAGE 44)

RESUBDIVISION OF LOT 2, HARBOR VIEW DRIVE (VOLUME 11, PAGE 44)

RESUBDIVISION OF LOT 3, HARBOR VIEW DRIVE (VOLUME 11, PAGE 44)

RESUBDIVISION OF LOT 1, HARBOR VIEW DRIVE (VOLUME 99, PAGE 39)

LOT 1: 1.1426 ACRES 49771 SQ.FT.

LOT 2

LOT 3

WILDCAT HOLLOW

HARBOR VIEW DRIVE

310.08' OF R.O.W. FOOTAGE ALONG WILDCAT HOLLOW

50' BUILDING SETBACK LINE

10' ELECTRIC & TELECOMMUNICATIONS EASEMENT

25' REAR BUILDING SETBACK LINE

30' SIDE BUILDING SETBACK LINE

50' BUILDING SETBACK LINE

10' ELECTRIC & TELECOMMUNICATIONS EASEMENT

259.79' OF R.O.W. FOOTAGE ALONG HARBOR VIEW DRIVE

50' BUILDING SETBACK LINE

10' ELECTRIC & TELECOMMUNICATIONS EASEMENT

FOUND 60D NAIL

FOUND MAG NAIL

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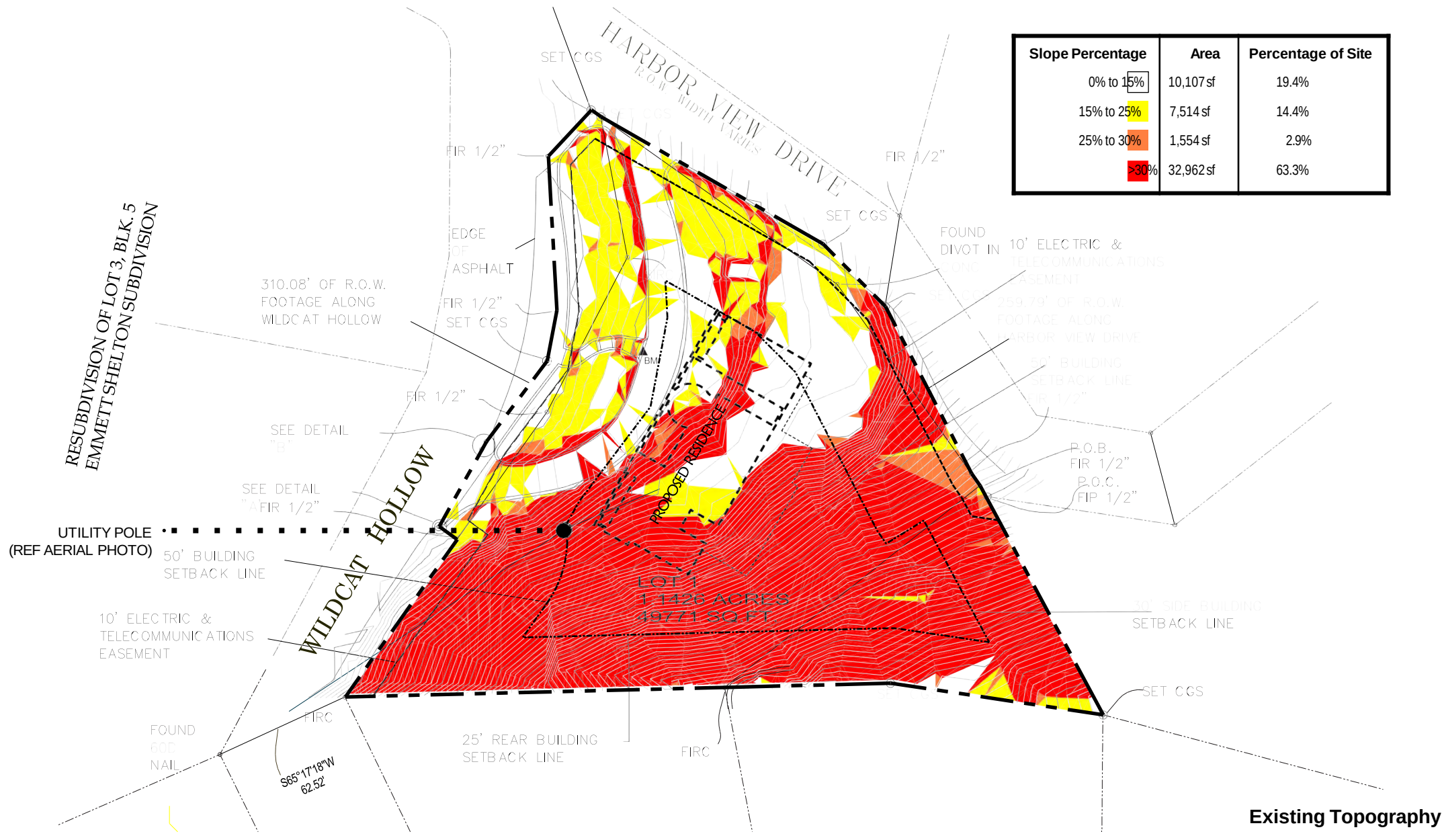
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•• UTILITY POLE
(LOCATION SHOWN ON PLAN DIAGRAMS FOR REFERENCE)

•• TIMBER RETAINING WALL FOR
PREVIOUSLY GRADED DRIVEWAY

Aerial view looking west



Existing timber retaining wall



Steep hillside view looking west



Previous house / Existing drive from Harbor View



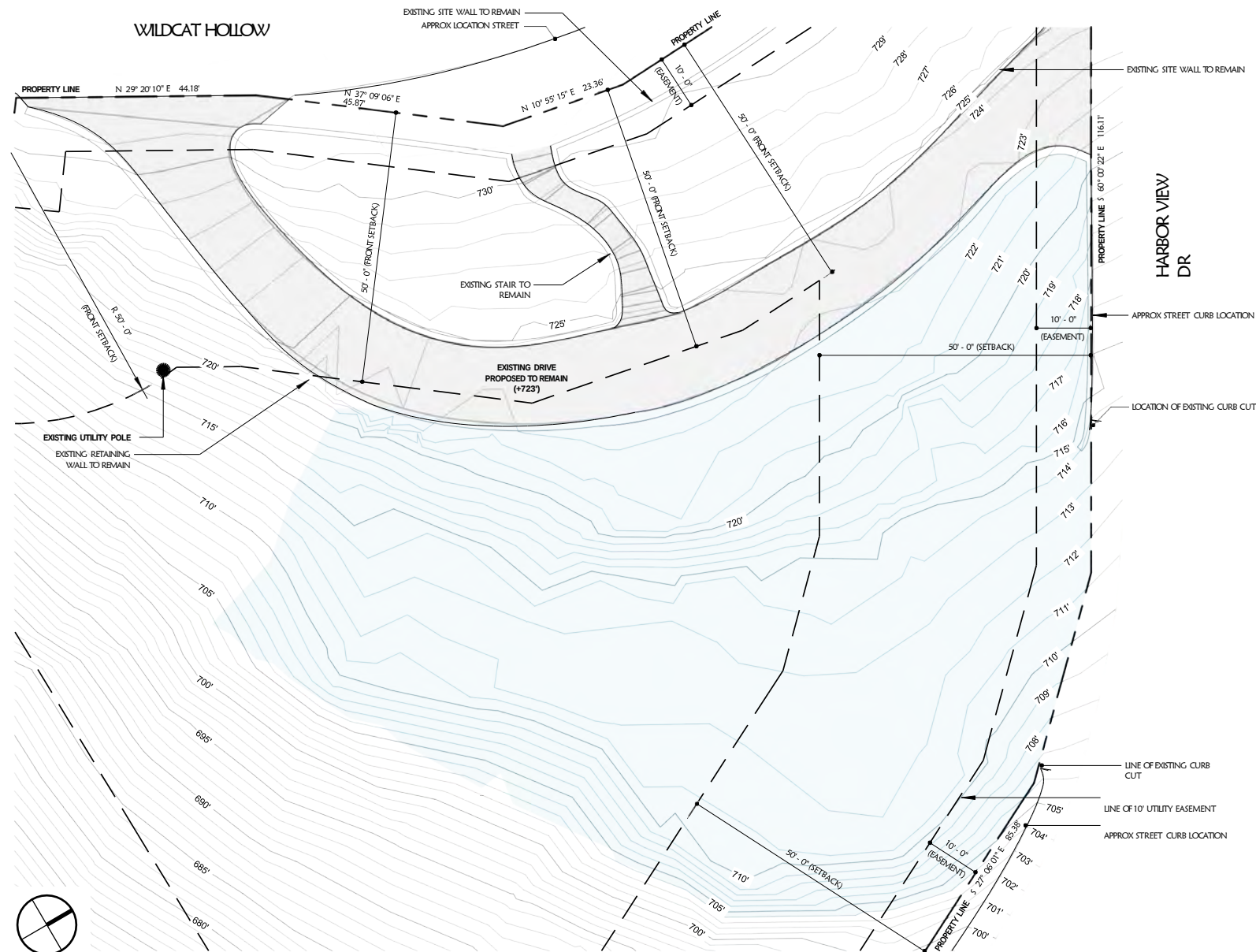
Previous house / Existing drive from Harbor View



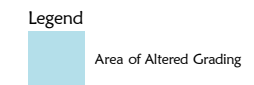
Previous house demolished / Existing drive & retaining walls (view from Harbor View)



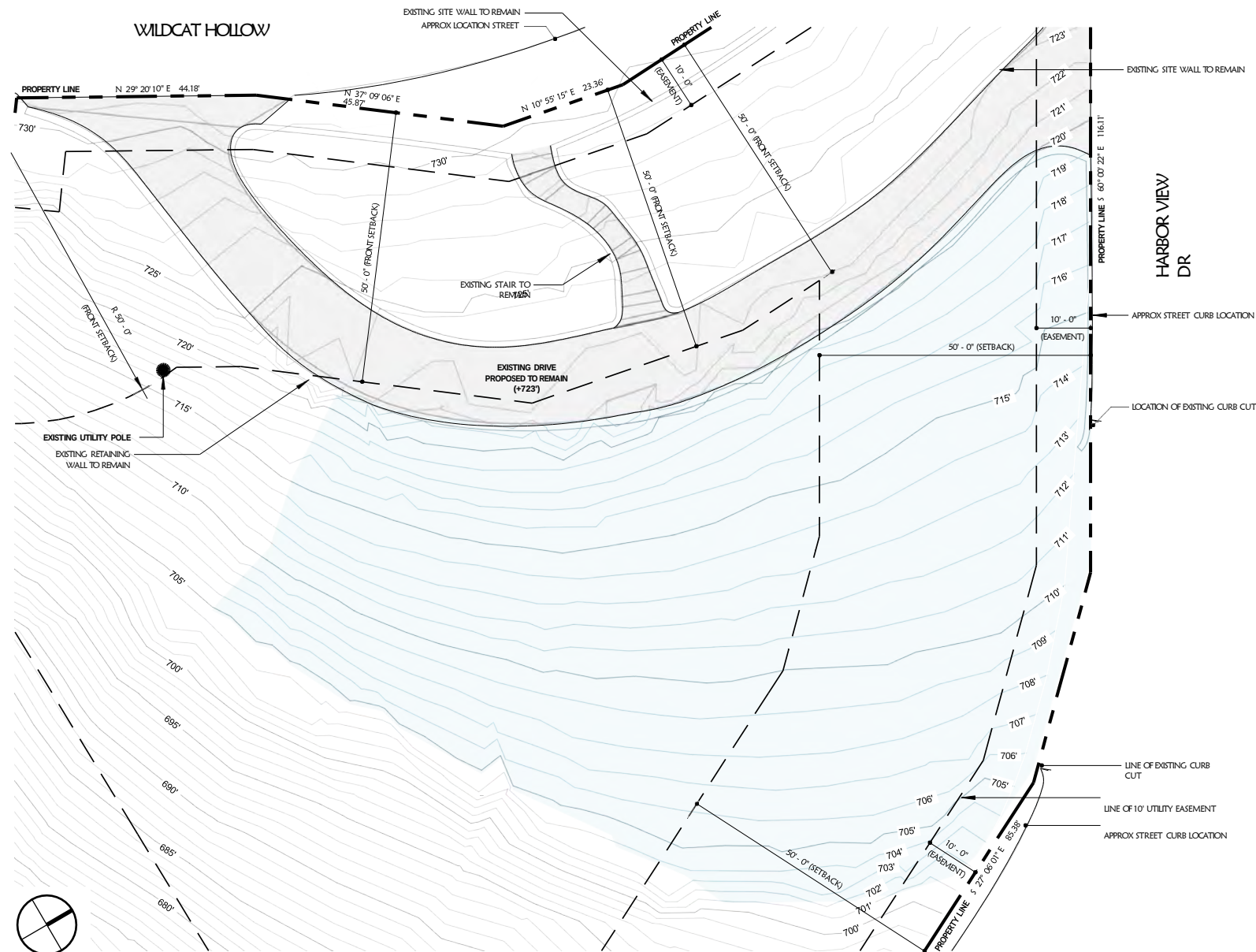
City contractor equipment being stored on property



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

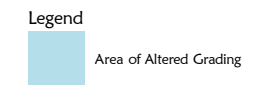


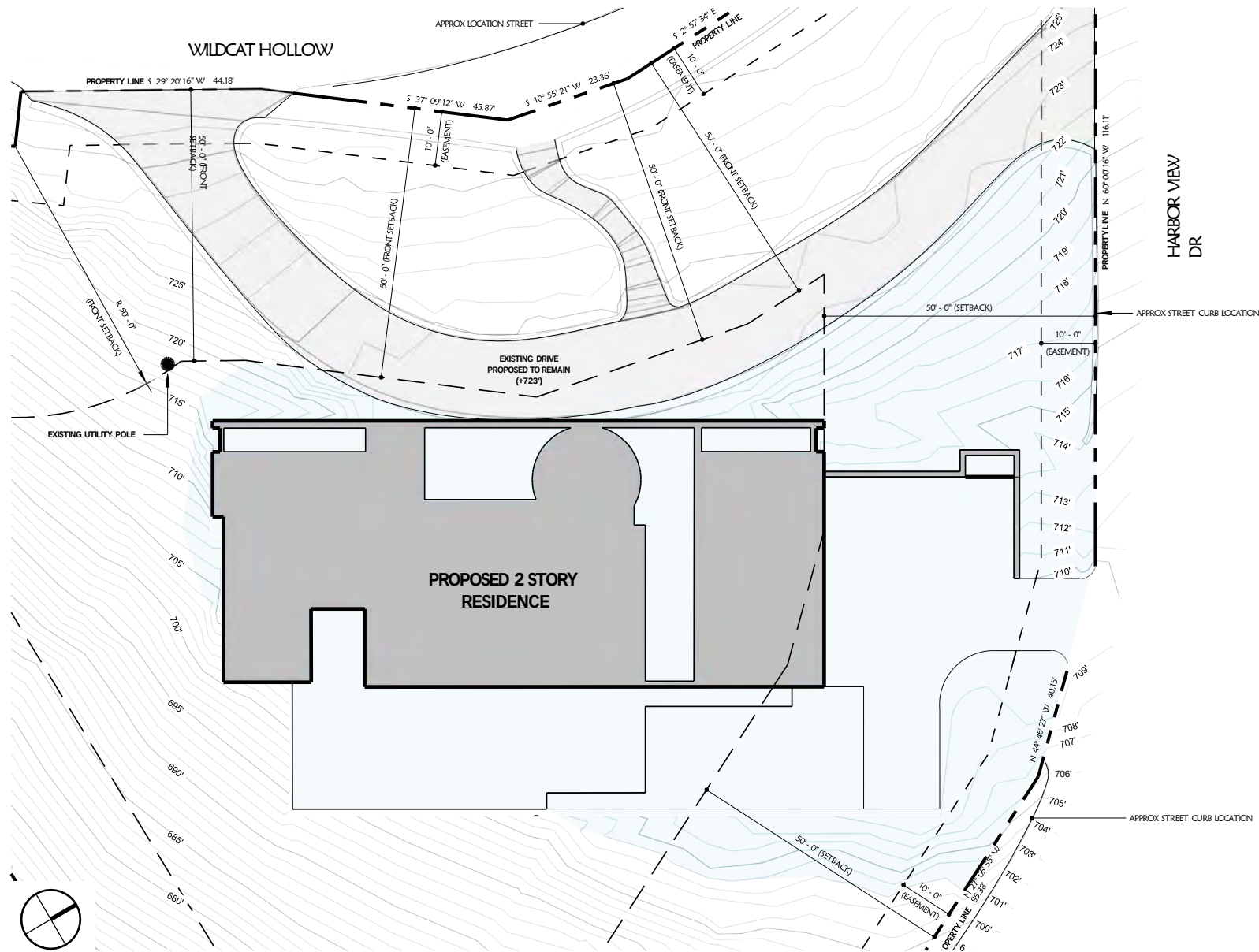
Site Plan
(not to scale)



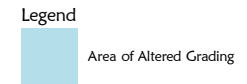
Site Plan
(not to scale)

Assumed Natural Grade

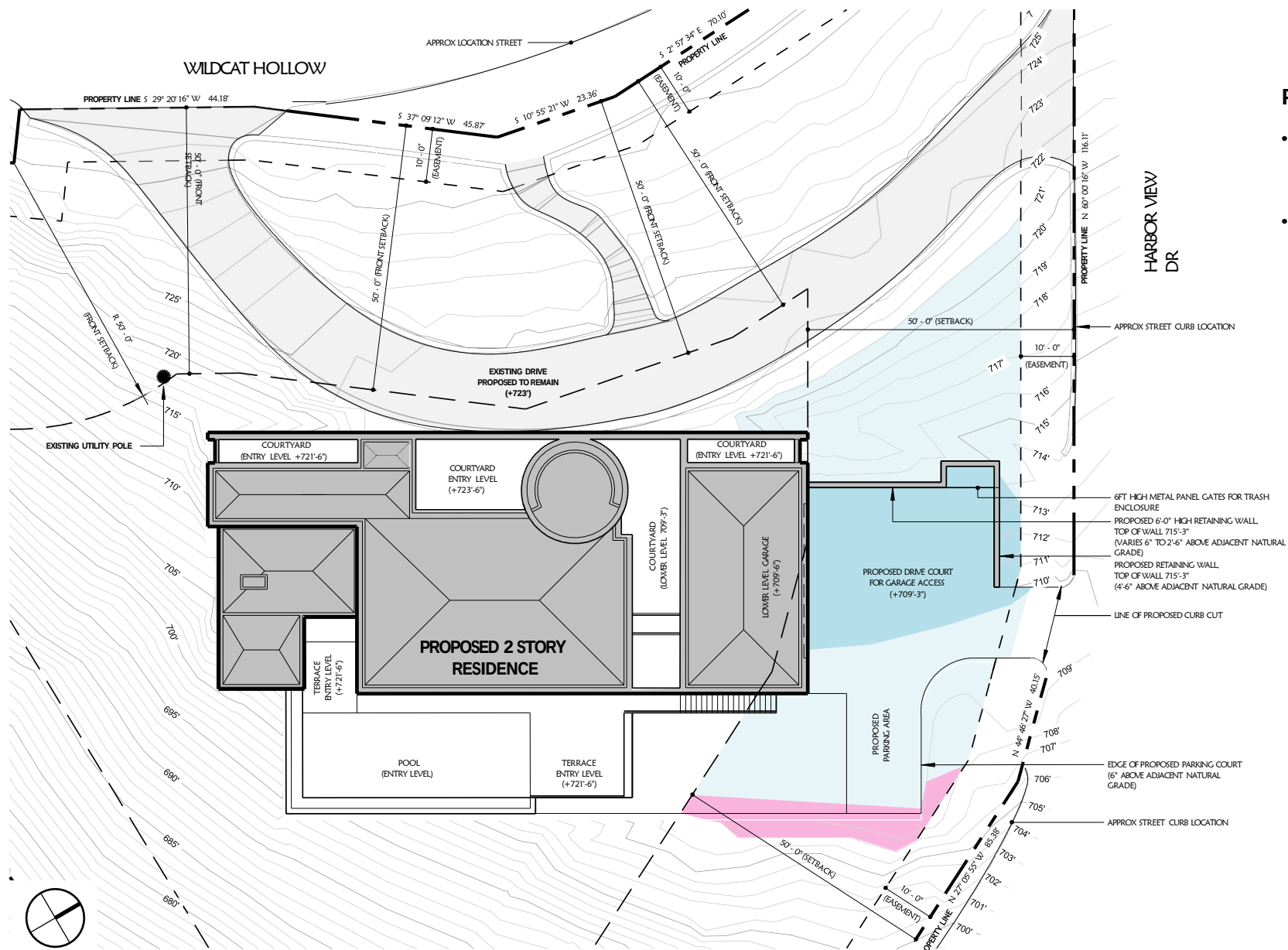




Proposed Grade



Site Plan
(not to scale)



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.

Relevant Code Excerpt:

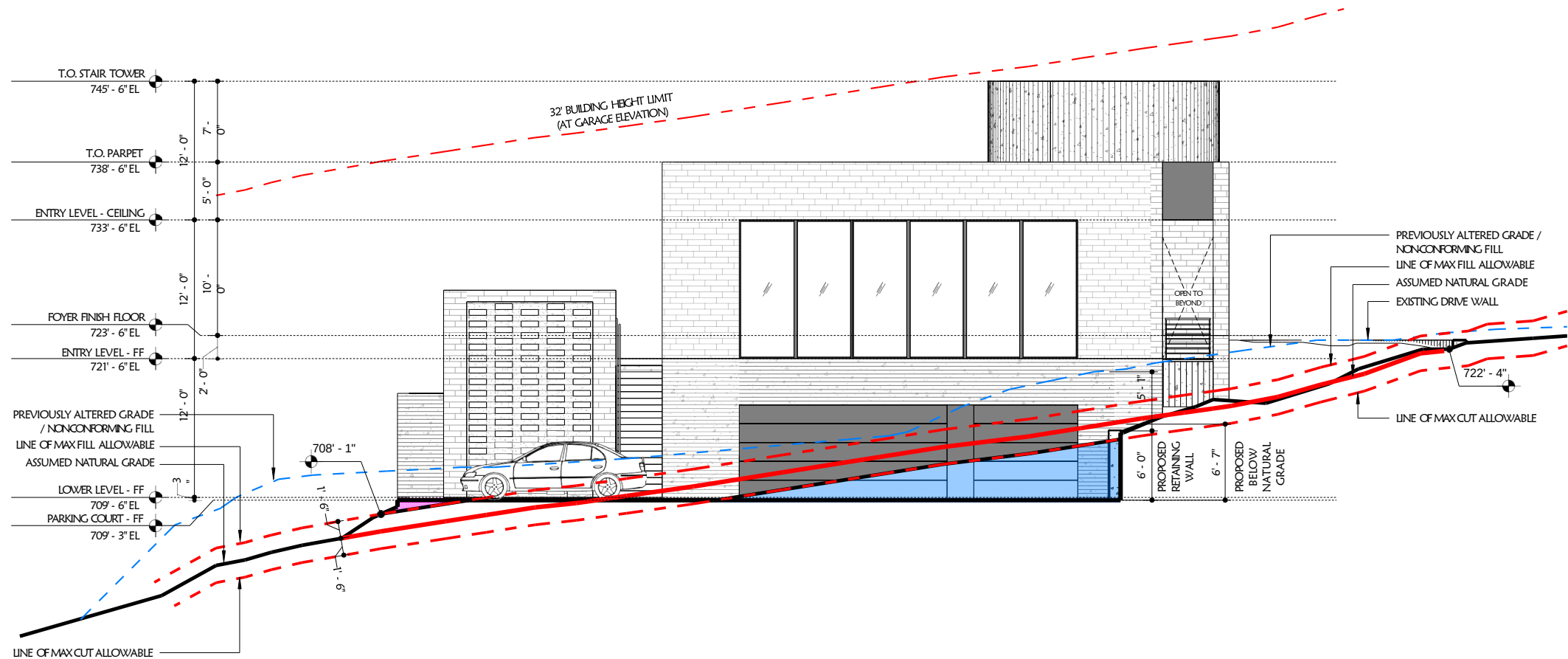
22.03.170 Site disturbance (excavation, grading or filling).

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

Grading Legend

>18" FACED CUT
+/- 18" CUT OR FILL
>18" FILL

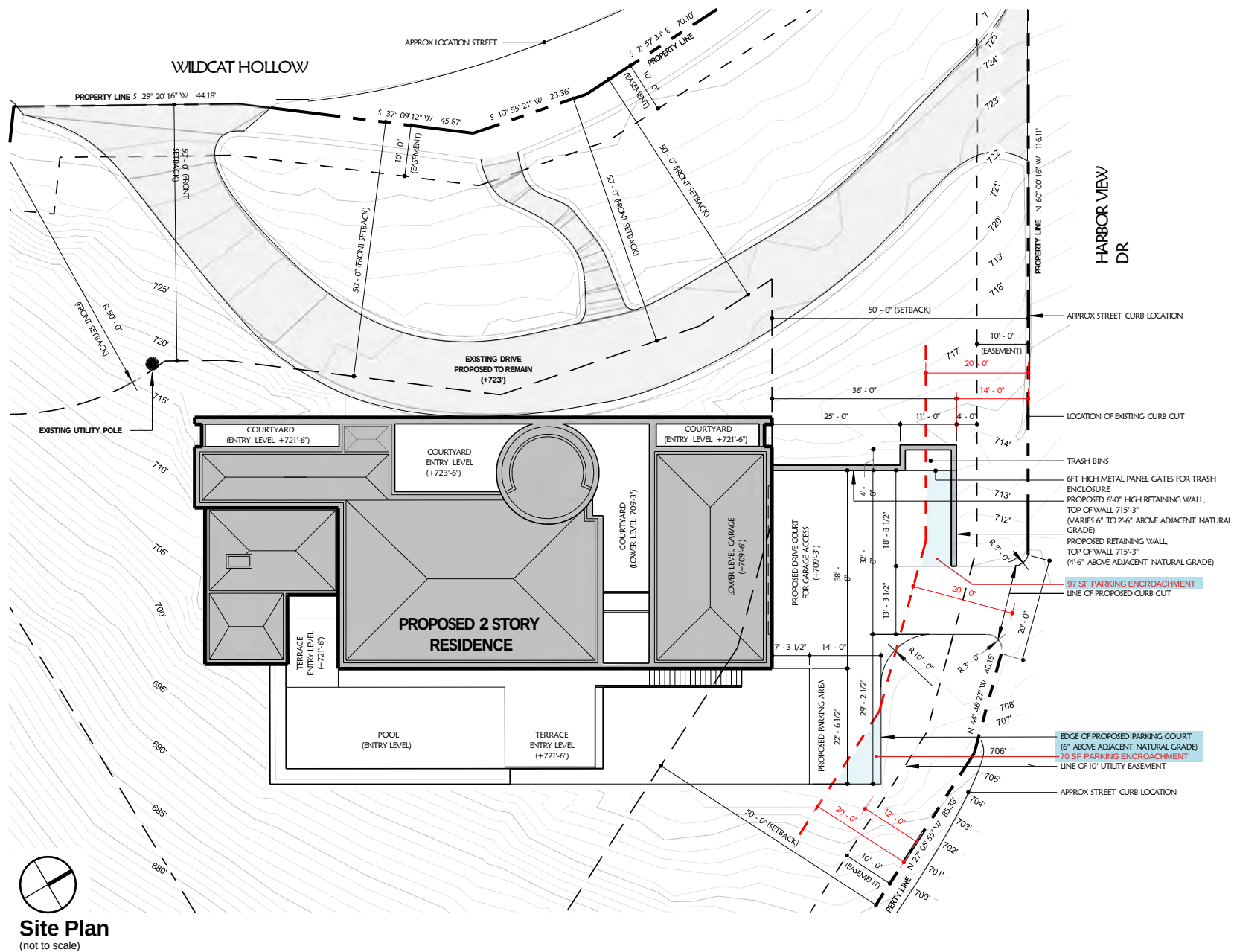
Site Plan
(not to scale)



Proposed design | North elevation along Harbor View



Proposed design & entry drive from Harbor View



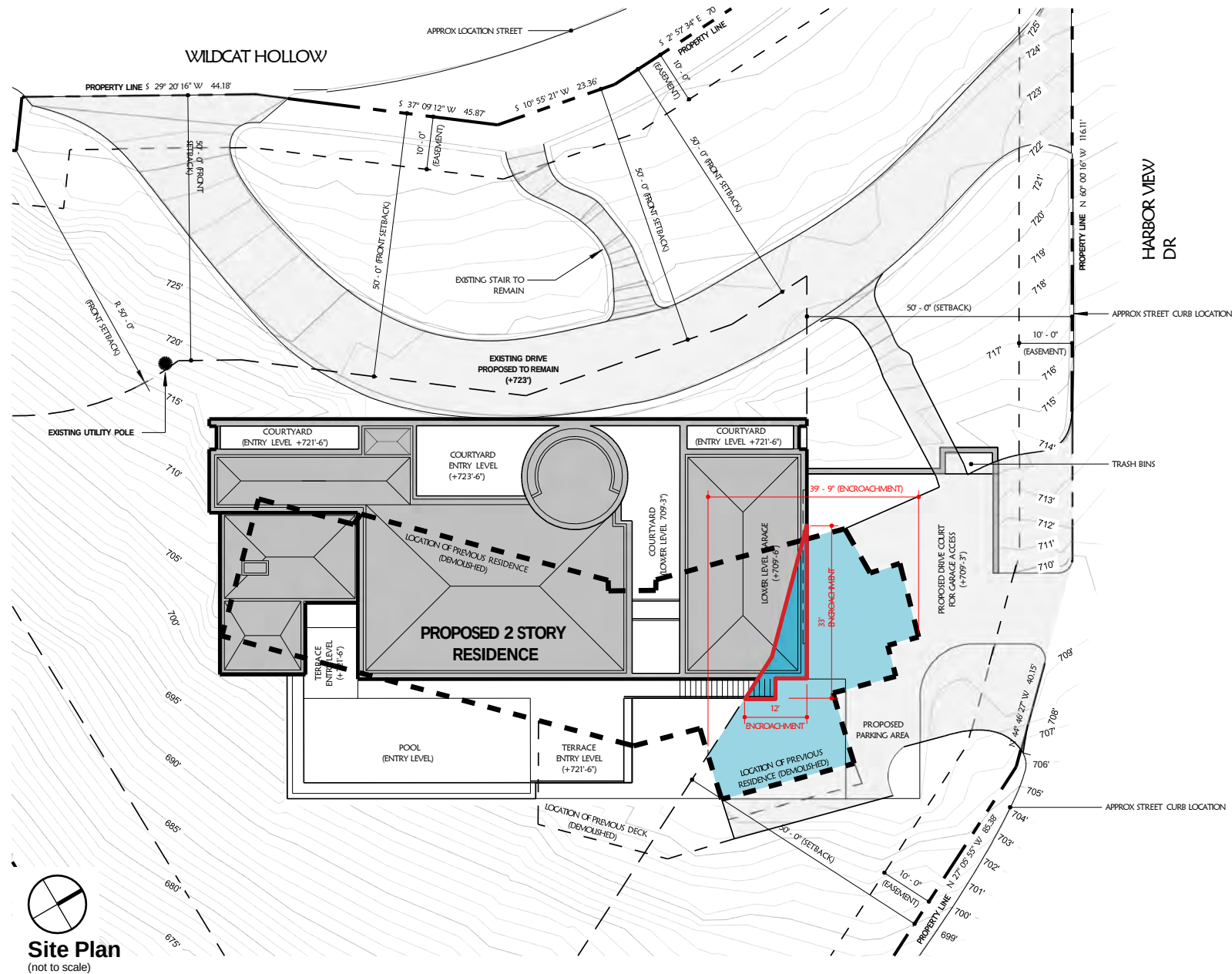
Proposed Design | Variance 03

- 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.

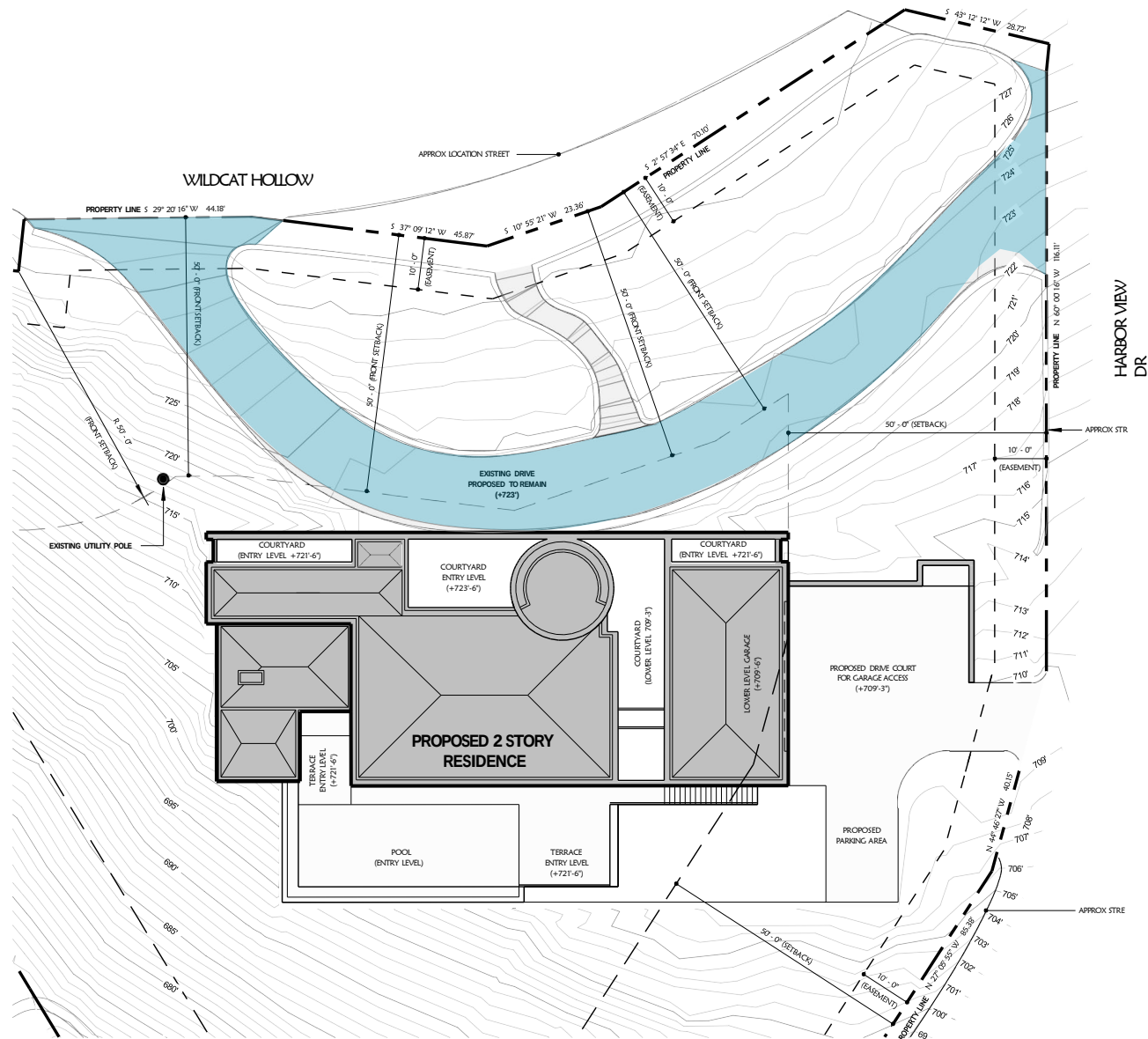
Relevant Code Excerpt:

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.



Previous / Proposed Overlay



Site Plan
(not to scale)

Proposed Design | 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



City of West Lake Hills
Board of Adjustment

AGENDA REPORT

Meeting Date:	September 11, 2024	Item Number:	7
	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 consider action 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 was reviewed by the Zoning & Planning Commission on August 21, 2024, and recommended for approval by a vote of 4-0. The Commission found that the structure is already nonconforming and the replacement will not increase the footprint or height.

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

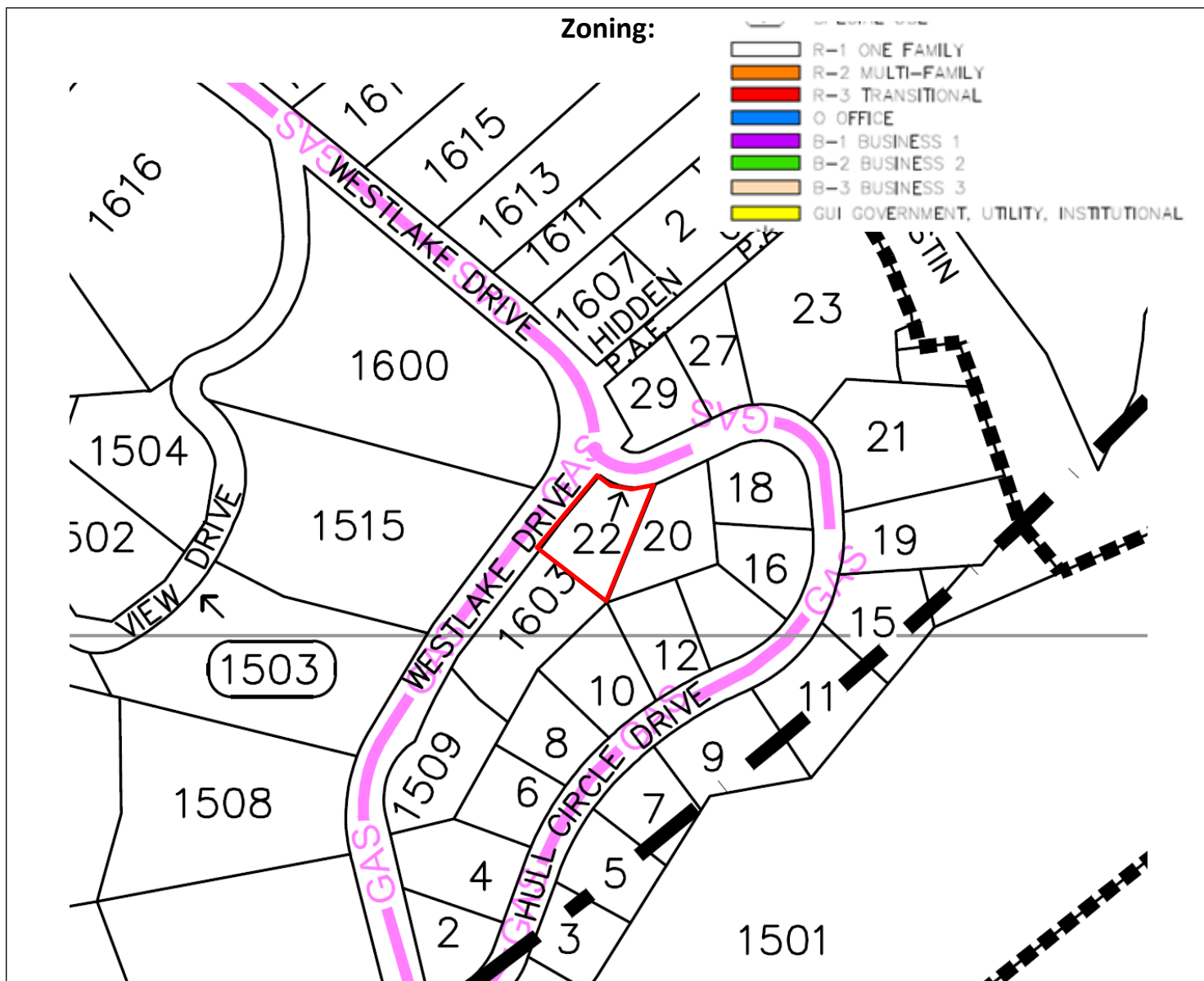
There is no change to the subdivision proposed with this application.

Comprehensive Planning Analysis

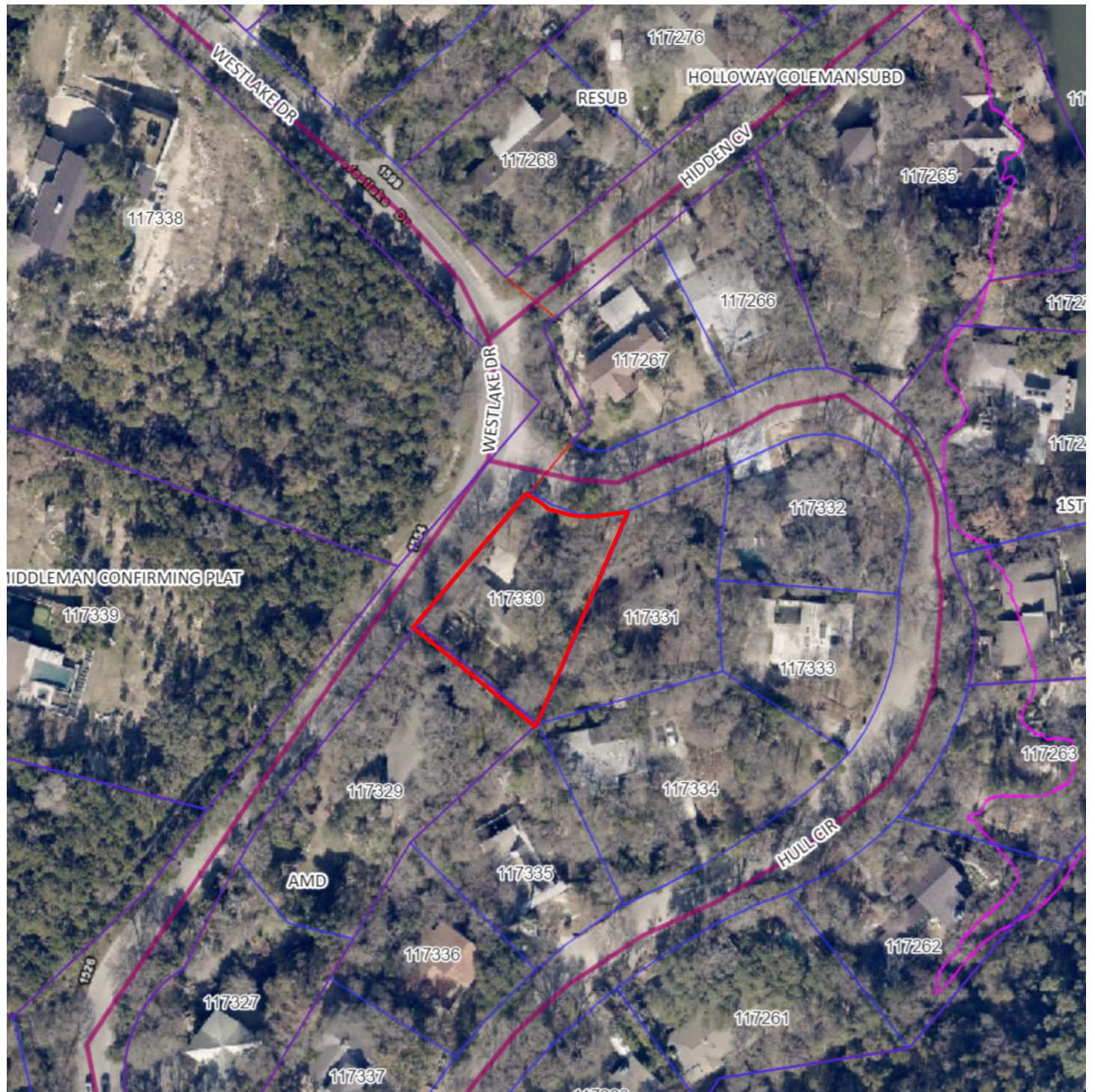
The existing and future land use is in conformance with the City of West Lake Hills Master Plan.

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

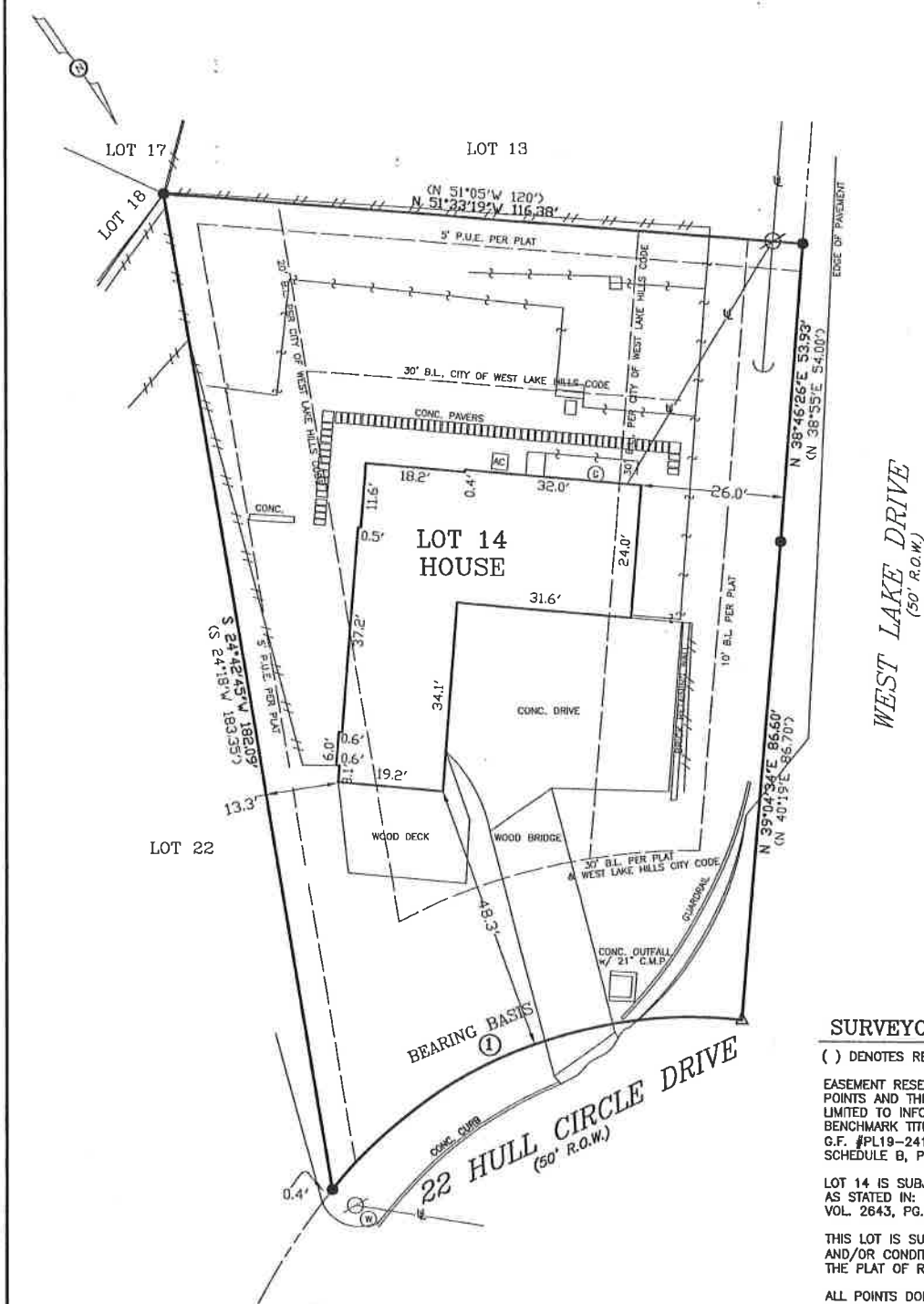
I am writing on behalf of **Matt and Emily Robbins** whose residence is 22 Hull Circle. The Robbins have a very nice recently remodeled home on a large heavily wooded lot. There is an entry bridge over a dry gulch connected to the driveway. The lot is so covered with trees that it is hard to see the 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 # 1011000



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

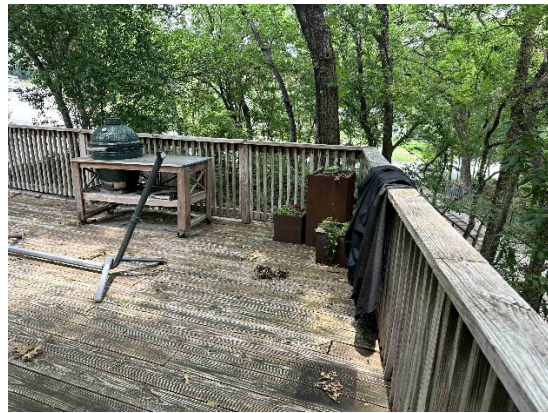
Archadeck of Austin proposes to remodel a section of the back yard at the above-referenced property, per the following Scope of Work. We warrant our work to be performed in accordance with all local and national building codes and standards. The project will be permitted through the City of West Lake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

•

archadeck® | outdoor living

Existing Photos

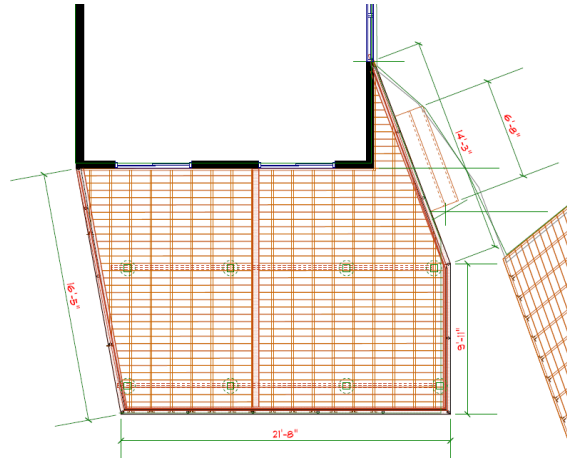


archadeck® | outdoor living

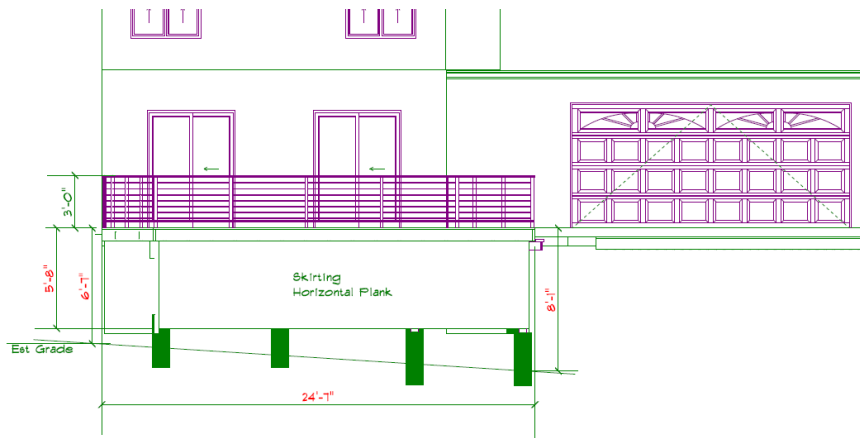
Proposed Renderings



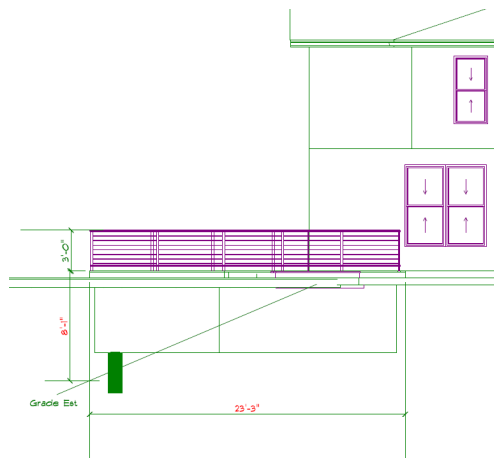
Dimensioned Plan View



Dimensioned Main Elevation



Dimensioned Side Elevation



Survey Overlay – SCALE = 1:20



Robbins Residence
 22 Hull Circle
 West Lake Hills, TX 78746

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

City of West Lake Hills

MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO)

REGULAR MEETING

Wednesday, August 21, 2024 at 6:30 PM

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

- a. Meeting begins at 6:30pm
- b. Roll Call
 - o Chair Robert Meisel: Present
 - o Vice-Chair Jim Pledger: Present
 - o Commissioner Julia Webber: Present
 - o Commissioner Karen Bartoletti: Present
 - o Commissioner Patrick Stewart: Present
 - o Commissioner Laurie Maccini: Absent (excused)

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 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
- d. **Action:** Commissioner Pledger moves for approval of the Consent Agenda
 - i. Commissioner Webber Seconds
 - ii. Motion carries unanimously 4:0

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); and
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, R&D Architecture

b. Staff Report:

- i. Director Bills presents staff briefing on existing conditions and proposed variances
- ii. **Commissioner Webber:** Has staff seen the interior design?
 1. No
- iii. **Commissioner Stewart:** Has the commission seen this property before?
 1. **Chair Meisel:** Only in the platting process

c. Public Comments:

- i. **Heidi Restivo** – owner
 1. Delivered presentation on property history and requested variances

d. Discussion:

- i. **Commissioner Webber:** Appreciates the presentation
 1. Would appreciate having the floorplan available
 2. No objection to current variances
- ii. **Commissioner Bartoletti:** A great deal of the property is restricted from building by City codes
 1. Harbor View is winding and dangerous, and the circle drive should make access safer
- iii. **Commissioner Meisel:** If house is pushed further south, property is extremely steep.
 1. Historically, city has been willing to provide relief on setbacks to have a level area for building.
- iv. **Commissioner Stewart:** Some type of variance will be required.
- v. **Commissioner Bartoletti:** In the Agenda packet, there is mention of cut/fill and the drainage requirements. What is that regarding?

1. **Director Bills:** The drainage manual has regulations on maximum cut and fill based on slope of lot, with the most significant restriction being that there is no cut or fill allowed on slopes with a grade over 35%. The applicant's presentation shows slopes over 30%, but it is unclear how much of that is over 35%. It is unknown at this time if additional variances for cut and fill will be required, as slope analysis is generally performed at the time of building plan application and review.
- vi. **Commissioner Webber:** Is there a reason the floor plan hasn't been provided?
 1. Applicants didn't believe it was important for variance application but are able to provide.
- e. **Action:**
 - i. Commissioner Webber moves that the variance request be forwarded to the Board of Adjustments with a recommendation of **Approval** for all variances.
 1. Commissioner Stewart Seconds
 2. Motion **carries** unanimously (4-0)

Recommendation will be forwarded to the Board of Adjustment for final consideration on September 11, 2024.

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

- a. **Staff Report:**
 - i. Director Bills gave presentation on existing deck that is being entirely replaced in the existing footprint
- b. **Public Comment:**
 - i. None
- c. **Discussion:**
 - i. **Commissioner Stewart:** Pretty straightforward request
- d. **Action:**

- i. Commissioner Stewart moves that the variance request be forwarded to the Board of Adjustment with a recommendation of **approval**
 1. Commissioner Bartoletti Seconds
 2. Motion **carries** unanimously 4-0

Recommendation will be forwarded to Board of Adjustment for final consideration on September 11, 2024.

6. Public Hearing: 102 W Spring Drive: 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

b. Staff Report:

- i. Director Bills delivers presentation on existing house and impervious cover variance as well as additional requested variances for house addition.

c. Public Comment:

- i. **Michael Deere** – architect
 1. Explains preservation of trees and requested variances
 2. Clarifies that impervious cover reduction is proposed, but not to the point of compliance

d. Discussion:

- i. **Commissioner Stewart:** Well-thought-out plan
 1. Appreciates lack of tree variances and potential reduction in impervious cover
- ii. **Commissioner Webber:** Also lives on small lot and appreciates difficulty of design constraints

- e. **Action:** Commissioner Bartoletti moves that the variance request be forwarded to the Board of Adjustment with a recommendation of **approval** for all variances

- i. Commissioner Webber Seconds
- ii. Motion **carries** Unanimously (4-0)

Recommendation will be forwarded to the Board of Adjustment for final consideration on September 11, 2024.

7. **Adjournment:**

- f. **Chair Meisel** adjourns the meeting at **7:24pm**

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

Development Coordinator Joel Sherrouse

These minutes were approved on _____, 2024.

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

22 Hull Circle

7. Discuss and consider action 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



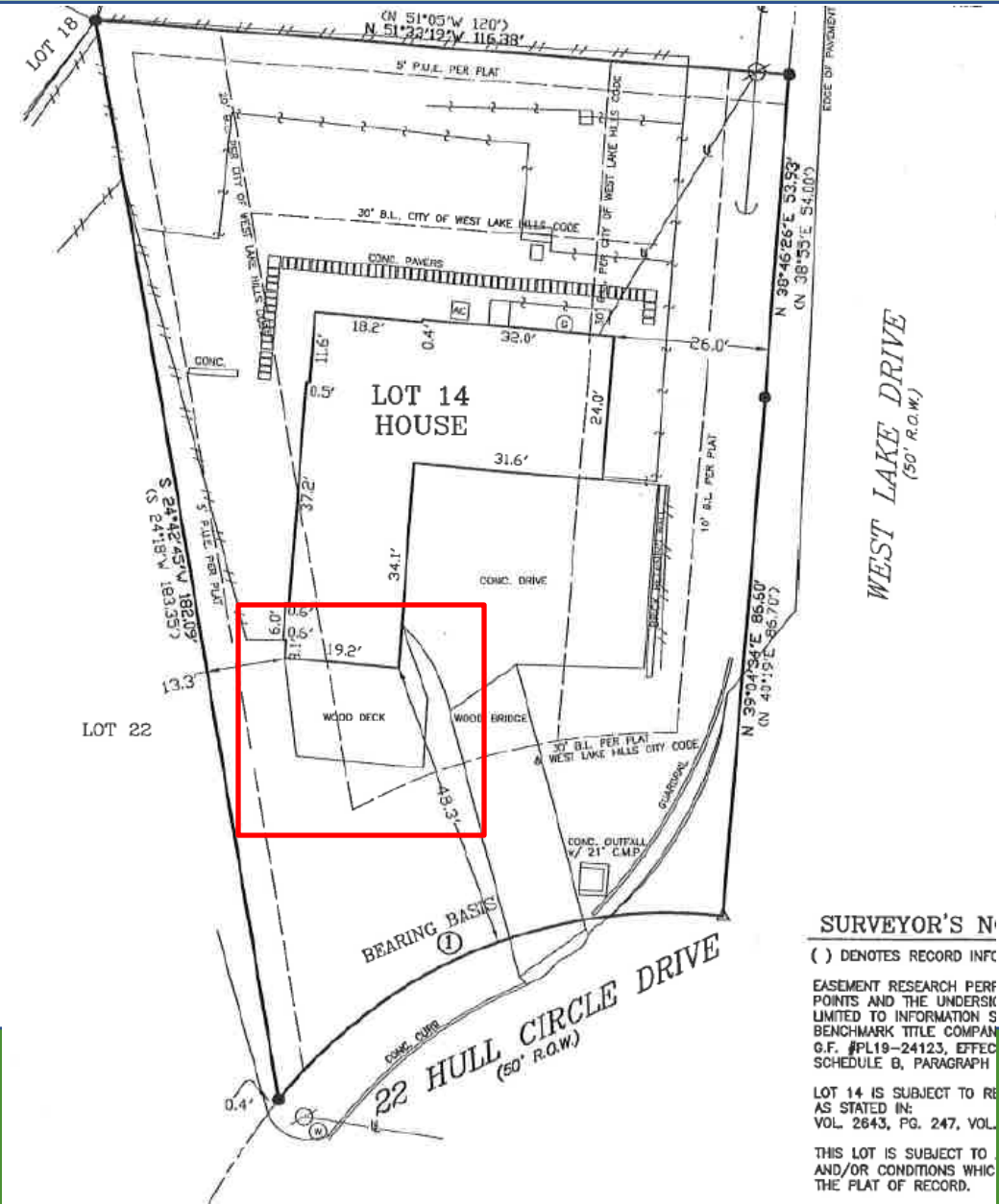
22 Hull Circle



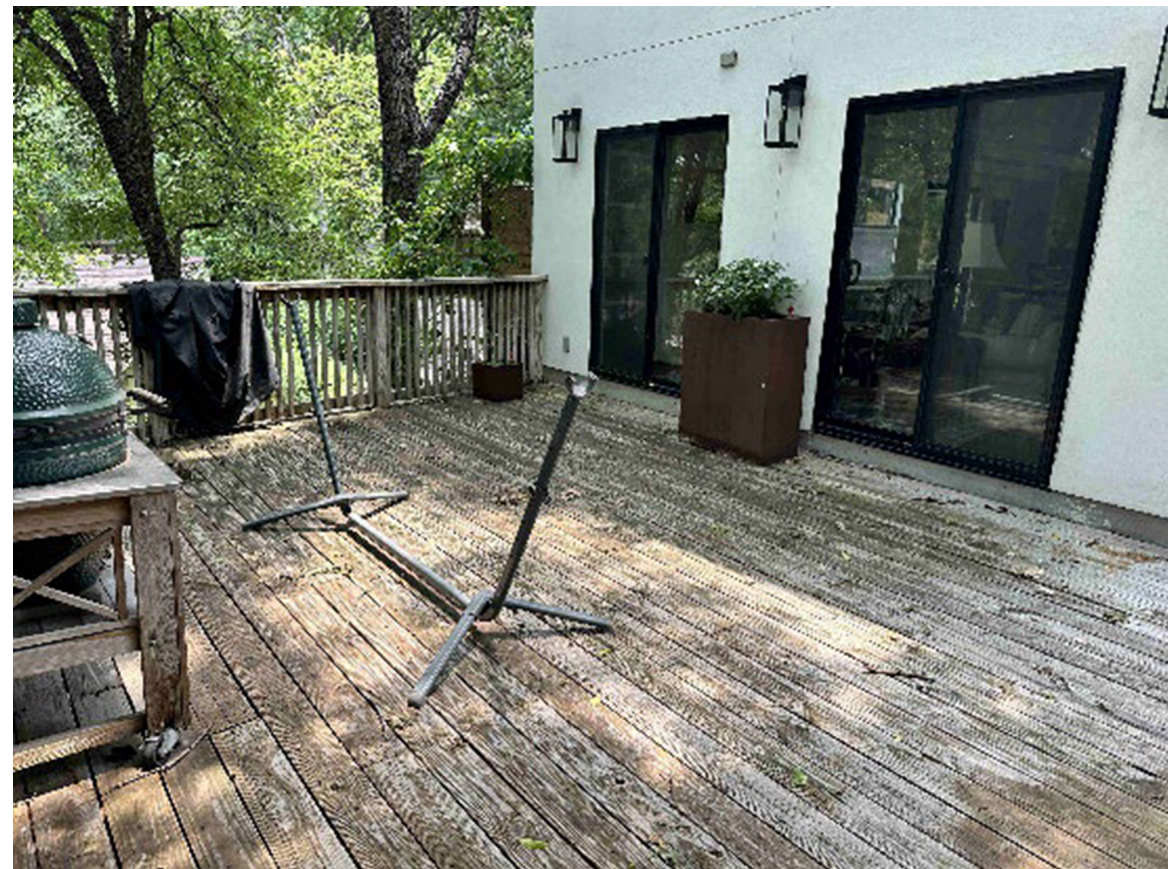
22 Hull Circle

- Request to tear down and replace existing deck that is currently encroaching into the setback.





22 Hull Circle



22 Hull Circle



22 Hull Circle



22 Hull Circle

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.



22 Hull Circle

- Staff recommends approval of the variance request due to the existing non-conforming location.
- Public Comment:
 - No comments have been received.
- This item was reviewed by the Zoning & Planning Commission on August 21, 2024, and recommended for approval by a vote of 4-0. The Commission found that the structure is already nonconforming and the replacement will not increase the footprint or height.



City of West Lake Hills Board of Adjustment

AGENDA REPORT

Meeting Date:	September 11, 2024	Item Number:	8
	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 consider action 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 was reviewed by the Zoning & Planning Commission on August 21, 2024, and recommended for approval by a vote of 4-0, on the basis of the applicant and staff analysis (Attachment 6).

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

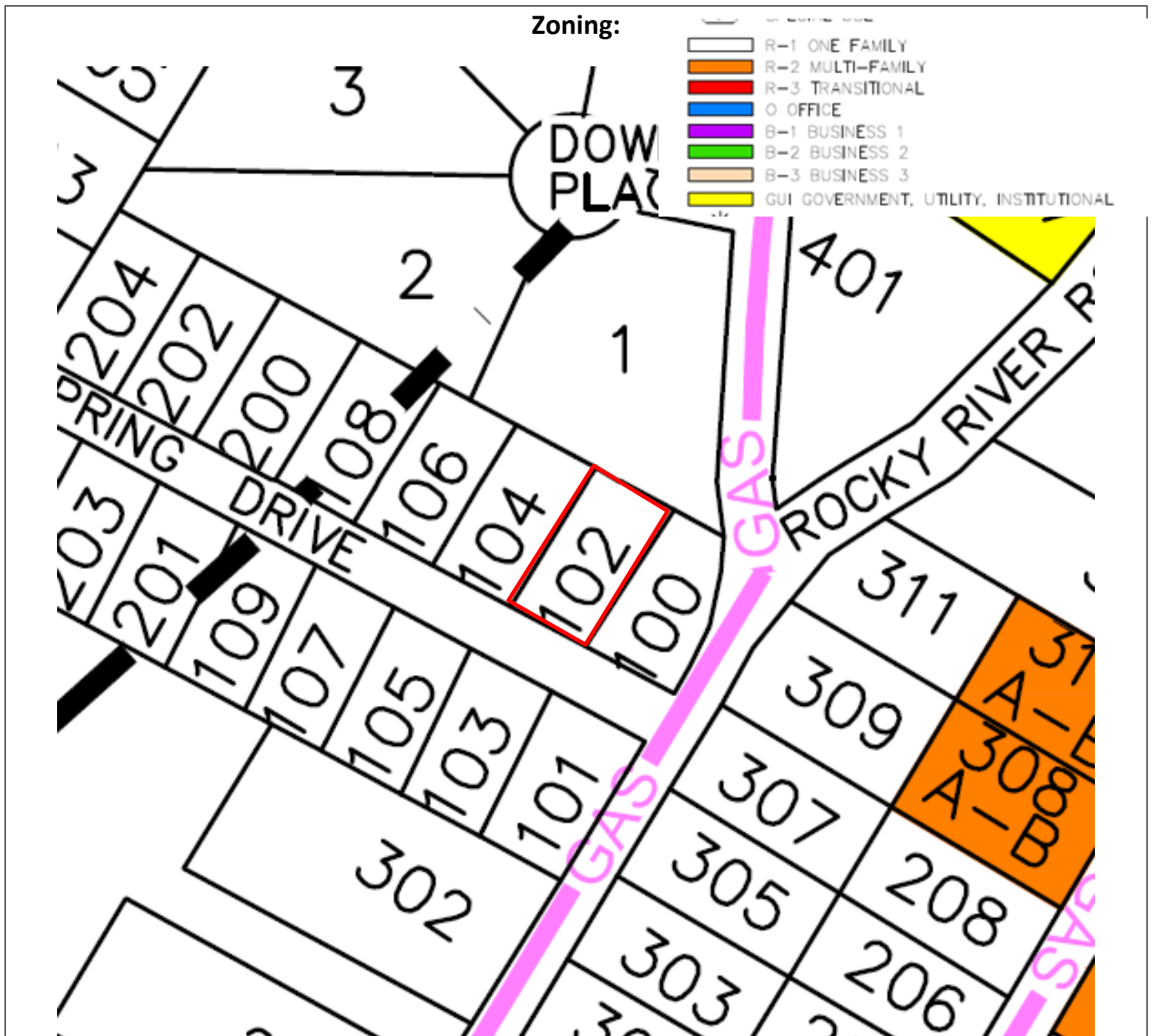
There is no change to the subdivision proposed with this application.

Comprehensive Planning Analysis

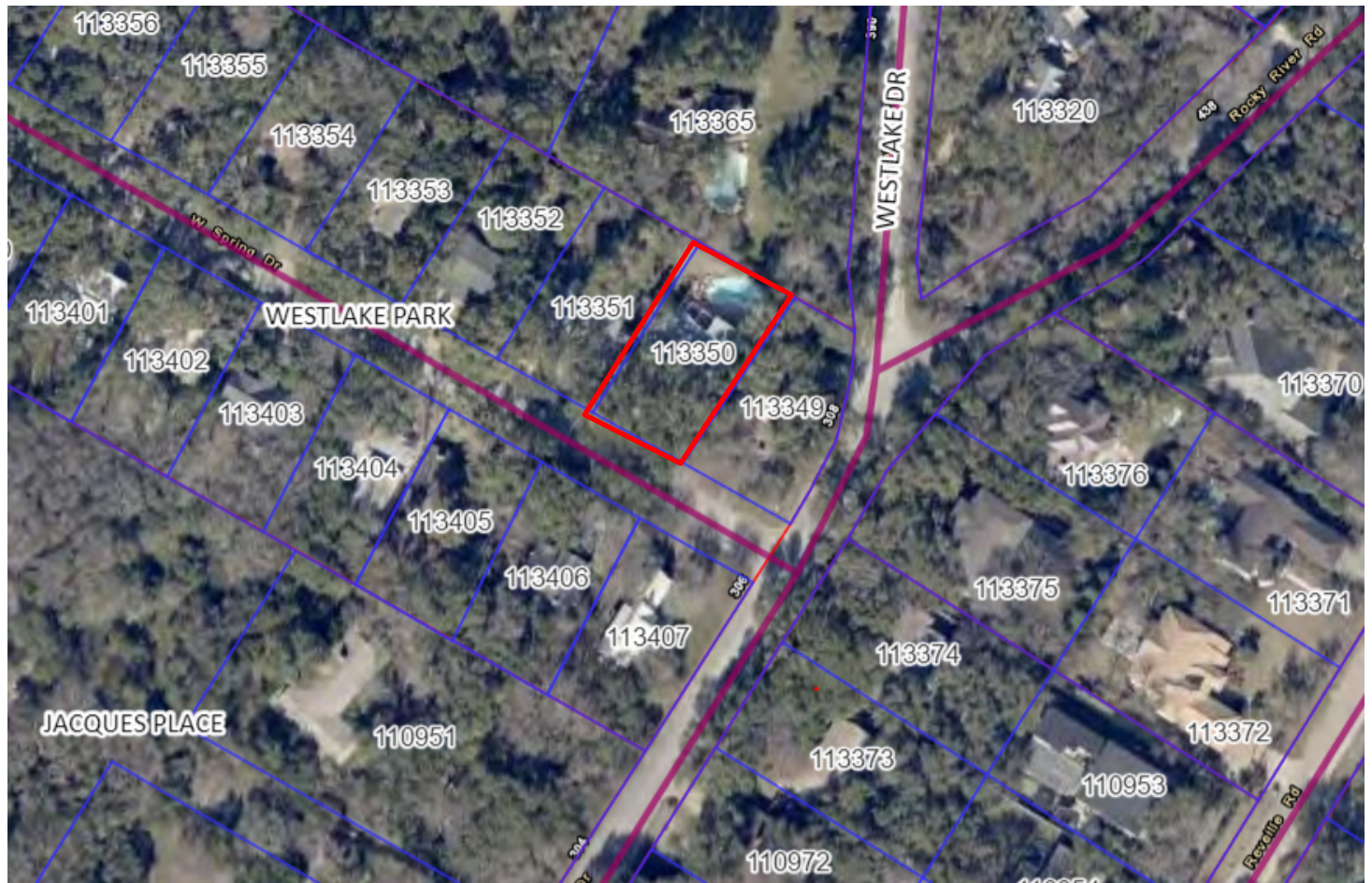
The existing and future land use is in conformance with the City of West Lake Hills Master Plan.

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.

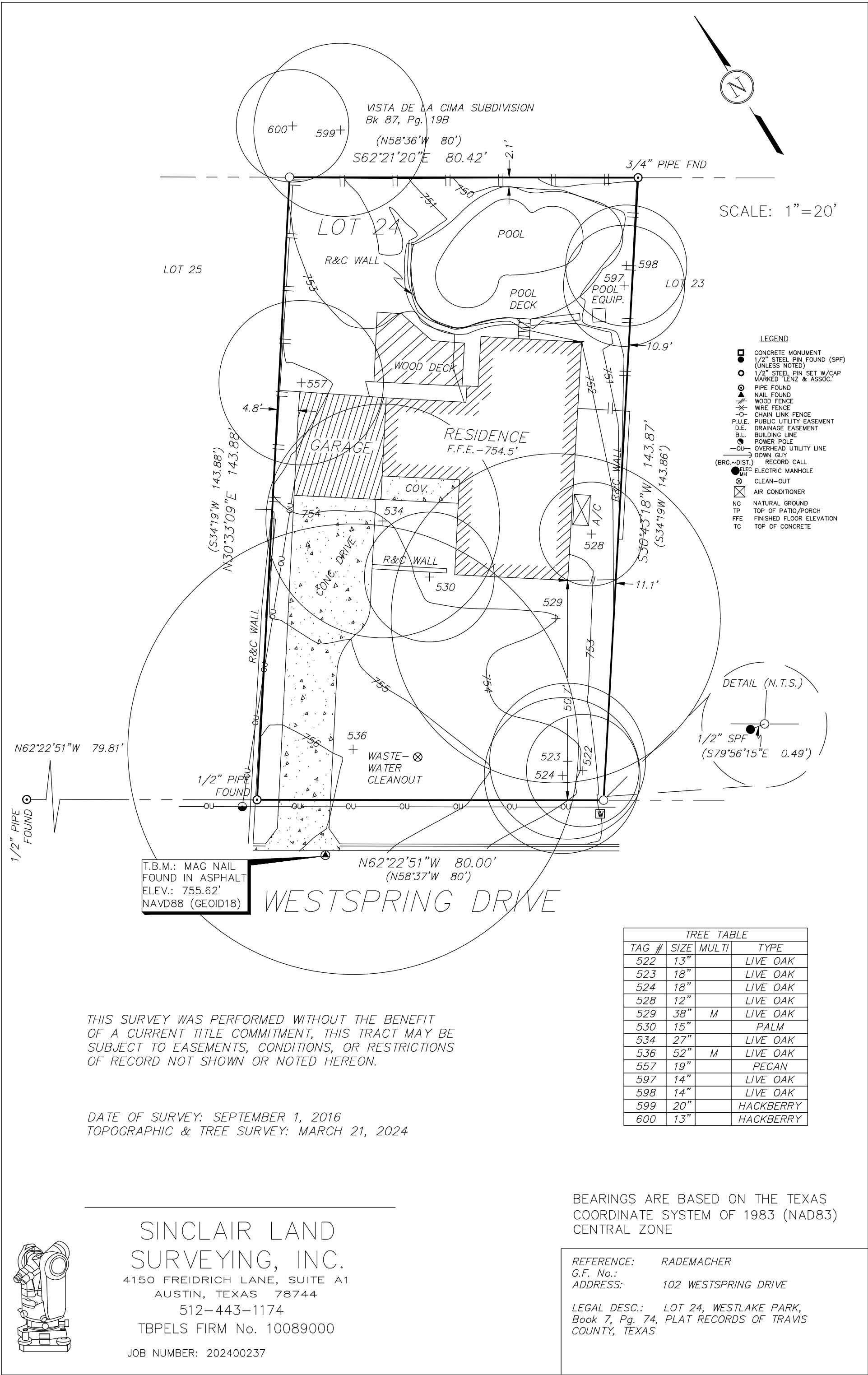
The lot in question is quite small - roughly 50% smaller than the minimum lot size in the current zoning regulations. This along with a number of live oaks that we would like to preserve have created a hardship in terms of buildable area. Mr. Rademacher's grandfather is the original owner of the house 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.

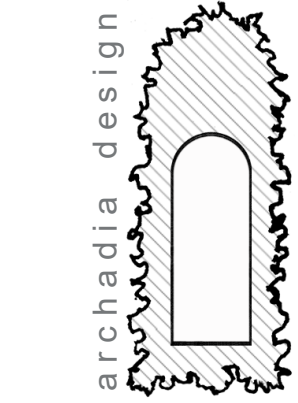
The encroachment of the deck and carport into the side setback have been designed to align with the side extent of the existing home, and are limited to the ground floor. This allowed us to propose a 2nd story addition that is more in keeping with the original architecture and character of the home without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





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

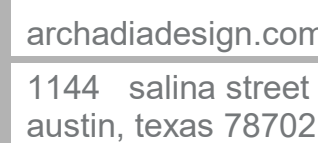
ISSUE INFORMATION
sd

DATE:
2024

REVISIONS:

SHEET NAME:
SITE PHOTOS

A001



OAK PARK RESIDENCE

3004 Oak Park Drive | Austin Texas | 78704

**NOT FOR REGULATORY APPROVAL,
PERMITTING, OR CONSTRUCTION.**

ARCHITECT:
MICHAEL DEERE

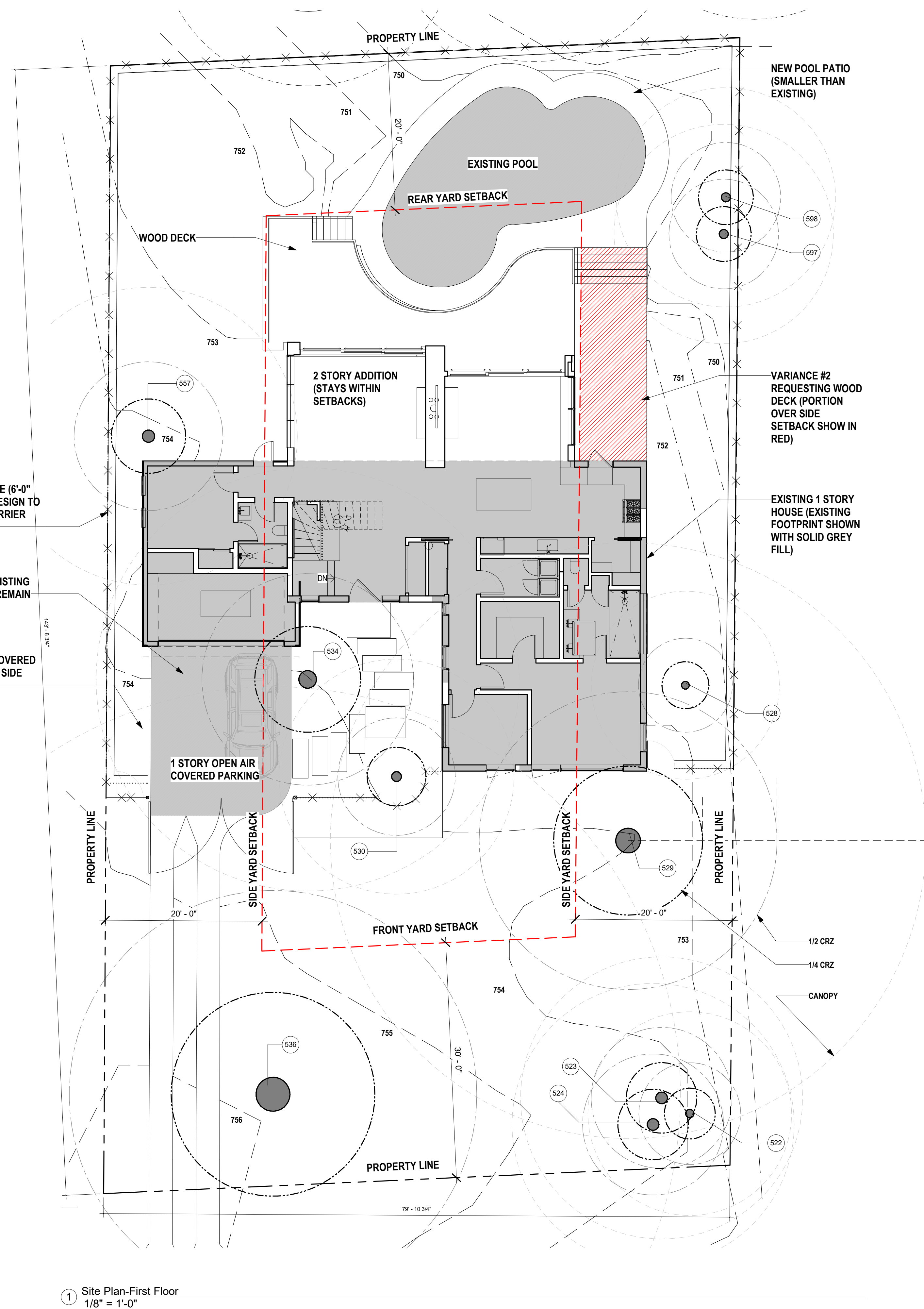
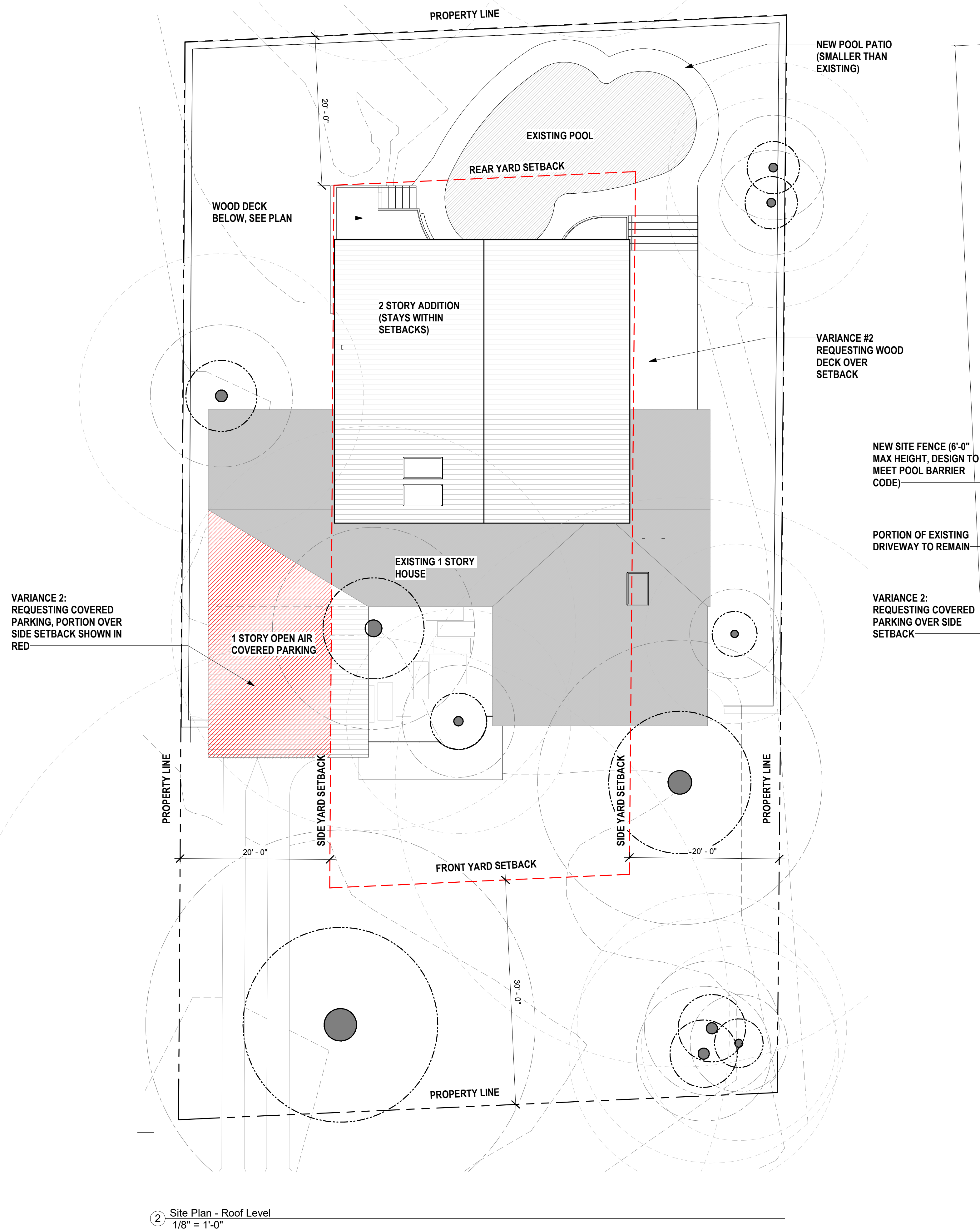
ISSUE INFORMATION
sd

DATE:
2024

REVISIONS:

SHEET NAME:
SITE PLAN

A010



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

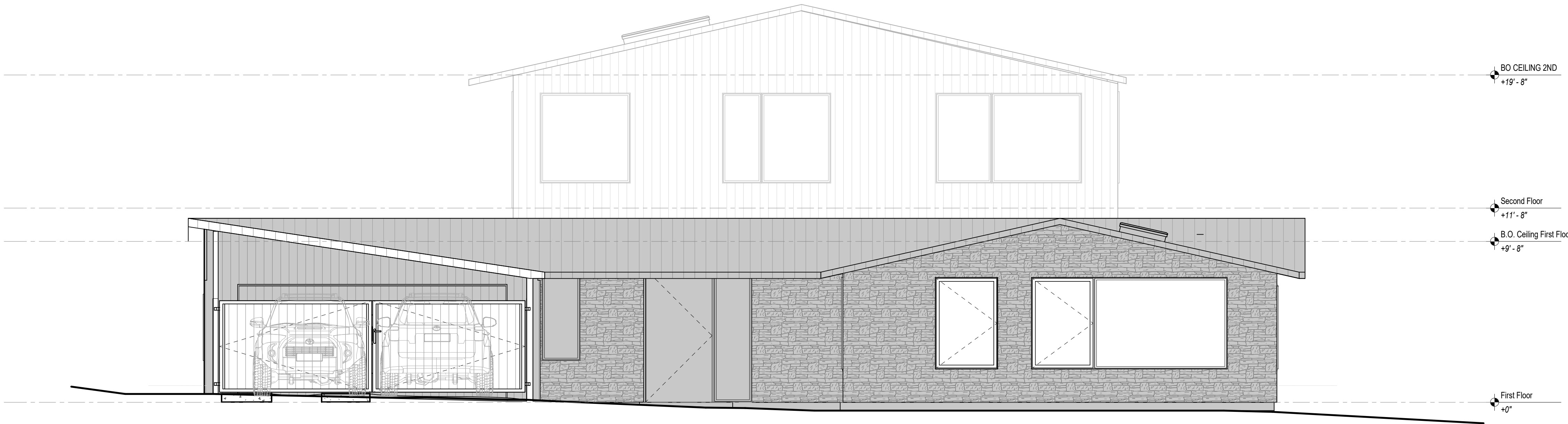
REVISIONS:

SHEET NAME:
ELEVATIONS

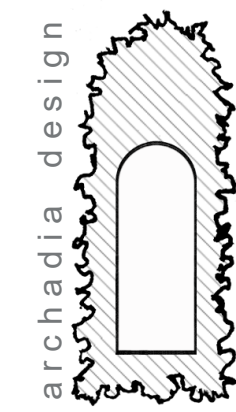
A300



② NORTH ELEVATION
1/4" = 1'-0"



① SOUTH ELEVATION
1/4" = 1'-0"



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

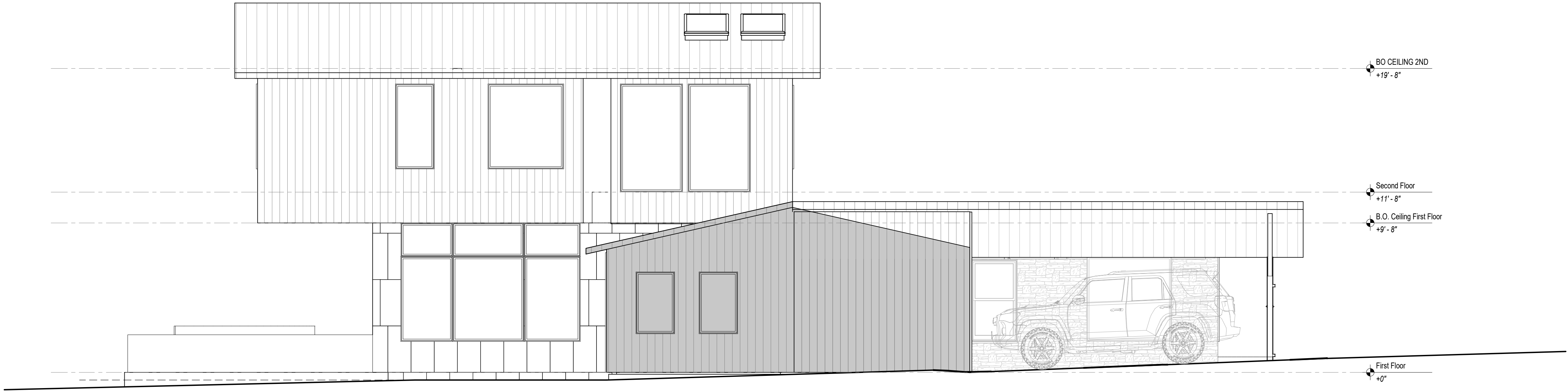
ISSUE INFORMATION
sd

DATE:
2024

REVISIONS:

SHEET NAME:
Elevations

A301



② WEST ELEVATION
1/4" = 1'-0"



① EAST ELEVATION
1/4" = 1'-0"

City of West Lake Hills

MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO)

REGULAR MEETING

Wednesday, August 21, 2024 at 6:30 PM

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

- a. Meeting begins at 6:30pm
- b. Roll Call
 - o Chair Robert Meisel: Present
 - o Vice-Chair Jim Pledger: Present
 - o Commissioner Julia Webber: Present
 - o Commissioner Karen Bartoletti: Present
 - o Commissioner Patrick Stewart: Present
 - o Commissioner Laurie Maccini: Absent (excused)

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 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
- d. **Action:** Commissioner Pledger moves for approval of the Consent Agenda
 - i. Commissioner Webber Seconds
 - ii. Motion carries unanimously 4:0

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); and
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, R&D Architecture

b. Staff Report:

- i. Director Bills presents staff briefing on existing conditions and proposed variances
- ii. **Commissioner Webber:** Has staff seen the interior design?
 1. No
- iii. **Commissioner Stewart:** Has the commission seen this property before?
 1. **Chair Meisel:** Only in the platting process

c. Public Comments:

- i. **Heidi Restivo** – owner
 1. Delivered presentation on property history and requested variances

d. Discussion:

- i. **Commissioner Webber:** Appreciates the presentation
 1. Would appreciate having the floorplan available
 2. No objection to current variances
- ii. **Commissioner Bartoletti:** A great deal of the property is restricted from building by City codes
 1. Harbor View is winding and dangerous, and the circle drive should make access safer
- iii. **Commissioner Meisel:** If house is pushed further south, property is extremely steep.
 1. Historically, city has been willing to provide relief on setbacks to have a level area for building.
- iv. **Commissioner Stewart:** Some type of variance will be required.
- v. **Commissioner Bartoletti:** In the Agenda packet, there is mention of cut/fill and the drainage requirements. What is that regarding?

1. **Director Bills:** The drainage manual has regulations on maximum cut and fill based on slope of lot, with the most significant restriction being that there is no cut or fill allowed on slopes with a grade over 35%. The applicant's presentation shows slopes over 30%, but it is unclear how much of that is over 35%. It is unknown at this time if additional variances for cut and fill will be required, as slope analysis is generally performed at the time of building plan application and review.
- vi. **Commissioner Webber:** Is there a reason the floor plan hasn't been provided?
 1. Applicants didn't believe it was important for variance application but are able to provide.
- e. **Action:**
 - i. Commissioner Webber moves that the variance request be forwarded to the Board of Adjustments with a recommendation of **Approval** for all variances.
 1. Commissioner Stewart Seconds
 2. Motion **carries** unanimously (4-0)

Recommendation will be forwarded to the Board of Adjustment for final consideration on September 11, 2024.

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

- a. **Staff Report:**
 - i. Director Bills gave presentation on existing deck that is being entirely replaced in the existing footprint
- b. **Public Comment:**
 - i. None
- c. **Discussion:**
 - i. **Commissioner Stewart:** Pretty straightforward request
- d. **Action:**

- i. Commissioner Stewart moves that the variance request be forwarded to the Board of Adjustment with a recommendation of **approval**
 1. Commissioner Bartoletti Seconds
 2. Motion **carries** unanimously 4-0

Recommendation will be forwarded to Board of Adjustment for final consideration on September 11, 2024.

6. Public Hearing: 102 W Spring Drive: 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

b. Staff Report:

- i. Director Bills delivers presentation on existing house and impervious cover variance as well as additional requested variances for house addition.

c. Public Comment:

- i. **Michael Deere** – architect
 1. Explains preservation of trees and requested variances
 2. Clarifies that impervious cover reduction is proposed, but not to the point of compliance

d. Discussion:

- i. **Commissioner Stewart:** Well-thought-out plan
 1. Appreciates lack of tree variances and potential reduction in impervious cover
- ii. **Commissioner Webber:** Also lives on small lot and appreciates difficulty of design constraints

- e. **Action:** Commissioner Bartoletti moves that the variance request be forwarded to the Board of Adjustment with a recommendation of **approval** for all variances

- i. Commissioner Webber Seconds
- ii. Motion **carries** Unanimously (4-0)

Recommendation will be forwarded to the Board of Adjustment for final consideration on September 11, 2024.

7. **Adjournment:**

- f. **Chair Meisel** adjourns the meeting at **7:24pm**

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

Development Coordinator Joel Sherrouse

These minutes were approved on _____, 2024.

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.

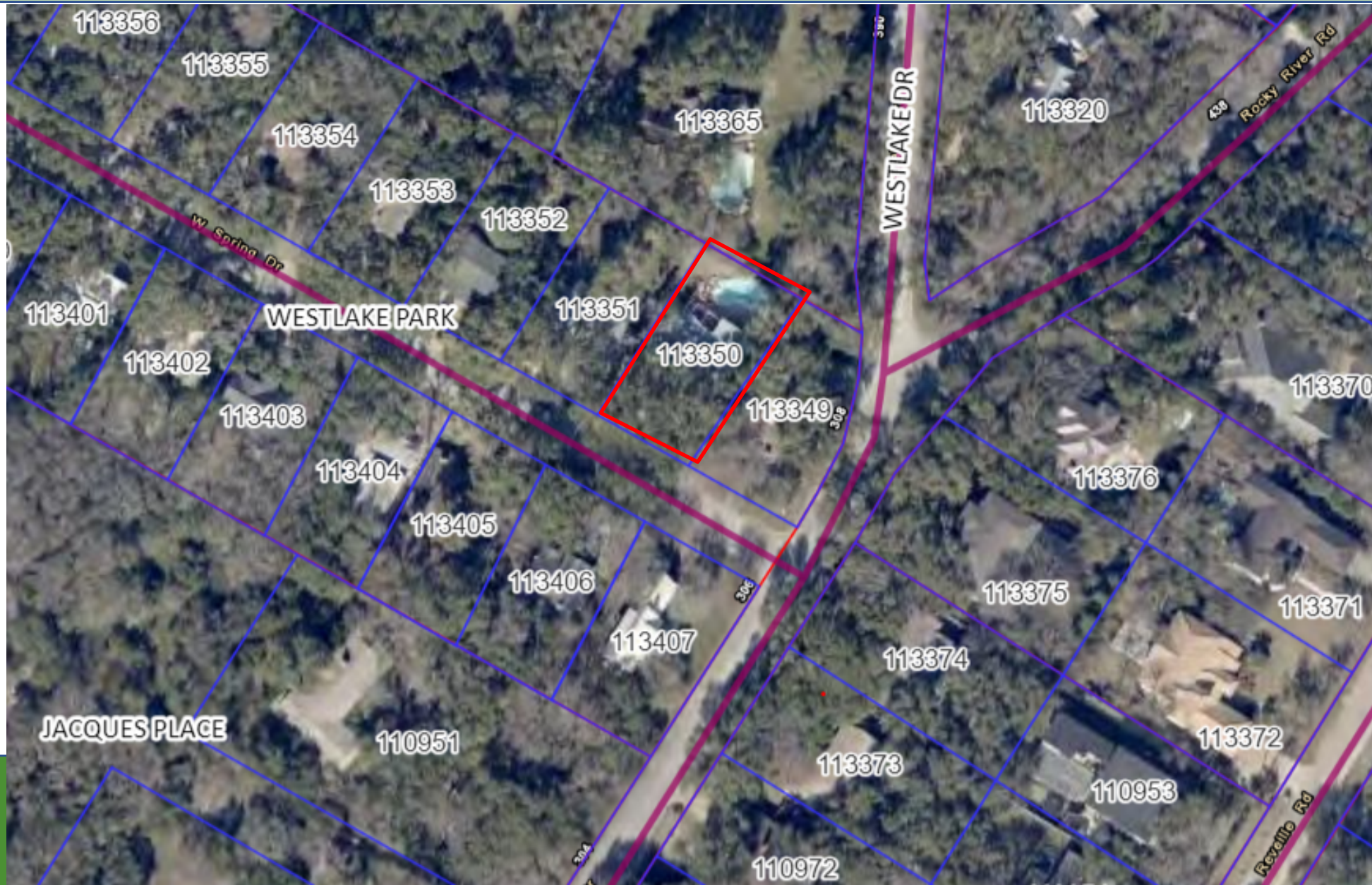
The requested encroachments to the side setbacks are limited to two small areas on the ground floor and align to existing features of the house and thus will not negatively affect the adjacent properties. The second-floor addition is set back beyond the original roof ridgeline at the front of the house 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.

102 W Spring Dr.

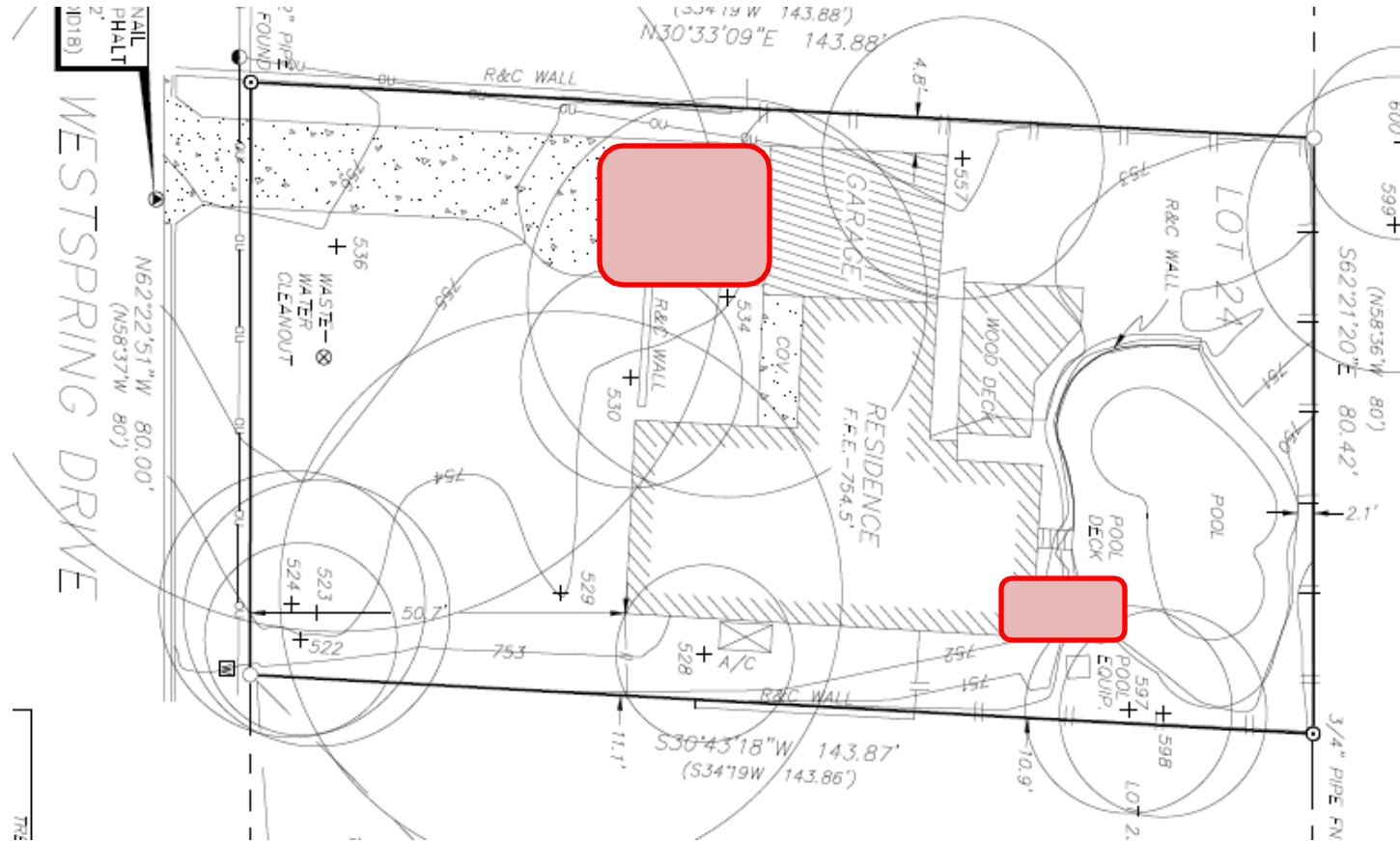
8. Discuss and consider action on the proposed variances:
1. To encroach 16'4" feet into the required 20-foot west side setback (Section 22.03.275 and 22.03.281);
 2. Encroach 8'4" feet into the required 20-foot east side setback (Sections 22.03.275 and 22.03.281); and
 3. Maintain the existing impervious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

Applicant: Michael Deere, Archadia Design

102 W. Spring Dr.

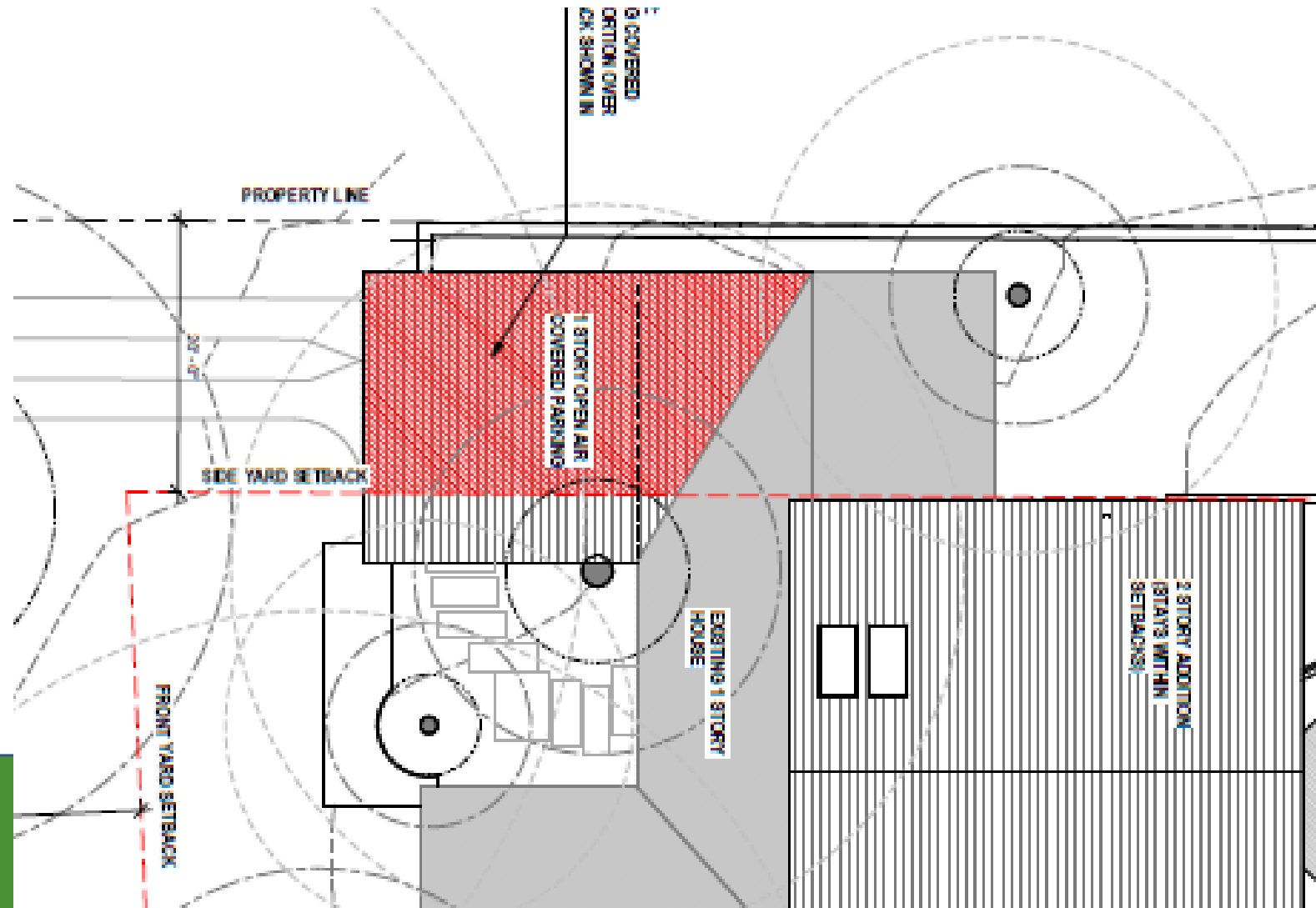


102 W. Spring Dr.



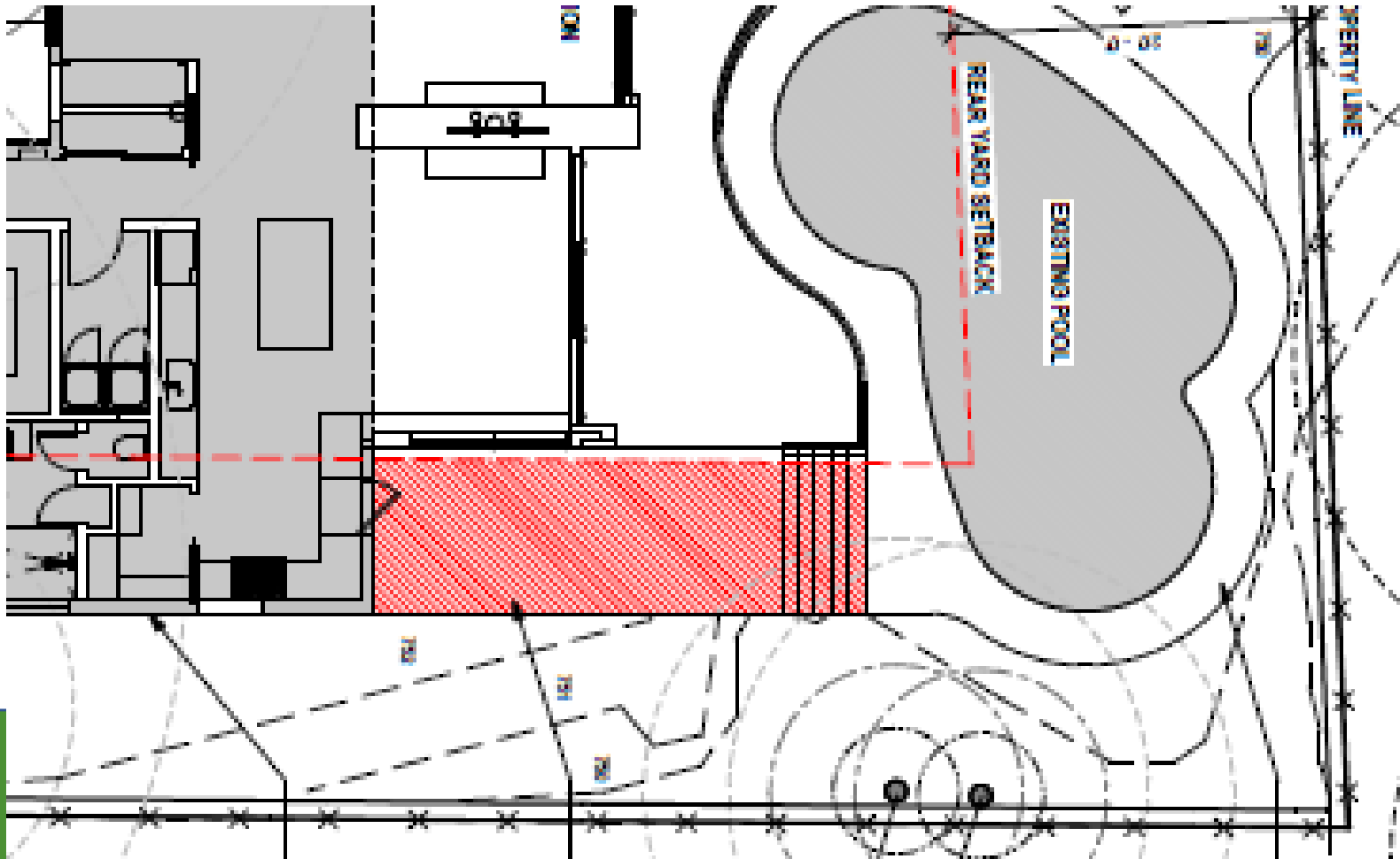
102 W. Spring Dr.

- Encroach 16'4" feet into the required 20-foot west side setback



102 W. Spring Dr.

- Encroach 8'4" feet into the required 20-foot east side setback



102 W. Spring Dr.



102 W. Spring Dr.



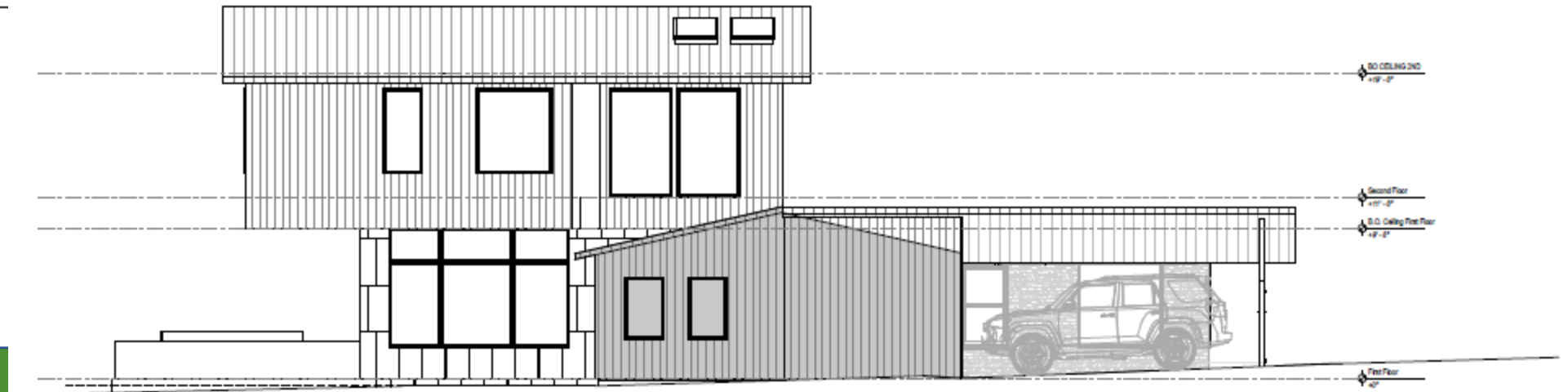
102 W. Spring Dr.



102 W. Spring Dr.



① SOUTH ELEVATION
1/4" = 1'-0"



② WEST ELEVATION
1/4" = 1'-0"

102 W. Spring Dr.

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.



102 W. Spring Dr.

- Staff recommends approval of the variance request. Proposal maintains architectural and general footprint of the existing house. Site is nonconforming. Good reuse without tearing down and starting over within the buildable area allowed by code.
- Public Comment:
 - No comments have been received.
- This item was reviewed by the Zoning & Planning Commission on August 21, 2024, and recommended for approval by a vote of 4-0, on the basis of the applicant and staff analysis.