



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF BOARD OF ADJUSTMENT (BOA) REGULAR MEETING
Wednesday, February 12, 2025 at 7:00 PM

Notice is hereby given that the Board of Adjustment (BOA) of the City of West Lake Hills, Texas, will hold a Regular Meeting on the 12th day of February 2025 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 February 12, 2025.

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 action on the approval of the January 8, 2025 Regular Meeting Minutes.
4. Land Use **716 Laurel Valley** - Discuss and consider action on an appeal of a decision made by the Building Official/City Inspector per Section 38.02.008 (3), Procedure for appeals to the board. Applicant: Barry Schwartz.
5. Adjournment

Approved by: James Vaughan, Chair

Certificate

I certify that the above Notice of the February 12, 2025 Board of Adjustment Regular Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on Friday, February 7, 2025 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, January 8, 2025 at 7:00 PM

1. Call to Order

With a quorum present, Chair Vaughan called the meeting to order at 7:03 p.m.

BOARD MEMBERS PRESENT:

Chair James Vaughan
Gordon Bowman
Dana Harmon
Brian Plunkett
Beth South
Darin Walker

CITY STAFF PRESENT:

City Administrator Trey Fletcher
City Secretary Terry Blanchard
Director of BDS Jennifer Bills
Building Official Jordan Word
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.

Chair Vaughan opened the meeting for public comments. Hearing none, the public comment section was closed.

3. Administration Discuss and consider approval of the December 11, 2024 Regular Meeting Minutes.

MOTION: Upon a motion made by Board Member Harmon and a second by Board Member South, the Board voted five (5) for and none (0) opposed with one (1) abstention to approve the minutes as presented. Board Member Bowman abstained. Motion carried.

4. Administration **716 Laurel Valley** - Discuss and consider action on an appeal of a decision made by the Building Official/City Inspector per Section 38.02.008 (3), Procedure for appeals to the board.
Applicant: Barry Schwartz

Building Official Word gave a brief summary and presentation to the Board. Applicant Barry Schwartz provided a history of the project to the Board. Since the project began, there have been two (2) ice storms that damaged trees on the property. He cited a letter mailed by the City to all residents directing them to remove dead/damaged trees or be fined up to

\$2,000 per day. Mr. Schwartz contacted a local arborist to provide a letter as requested by City staff, but the arborist was not certified, therefore, the letter could not be accepted. Mr. Schwartz stated that he does not have an issue with putting funds into replanting on the lot, but he refuses to pay a fine as well as replant. Suggestions for a favorable resolution to the issue included planting native trees as close to the replacement inches as possible. Applicant was asked to work with staff to develop an acceptable plan.

Chair Vaughan requested to meet in executive session under Section 551.071 of the Texas Government Code for a consultation with the attorney. The Board convened into Executive Session at 7:45 p.m.

The Board reconvened into Open Session at 7:56 p.m.

MOTION: Upon a motion made by Board Member Bowman and a second by Board Member Plunkett, the Board voted six (6) for and none (0) opposed to stay the decision for lack of information to render a verdict and come back to it at the next meeting with a landscaping plan which may or may not, at staff discretion, include a driveway modification. Motion carried.

5. Adjournment

Mayor adjourned the meeting at 8:00 p.m.

Respectfully submitted,

JAMES VAUGHAN, MAYOR

ATTEST:

Terry Blanchard, TRMC
City Secretary

These minutes were approved on _____, 20__.



City of West Lake Hills Board of Adjustments

AGENDA REPORT

Meeting Date:	February 12, 2025	Item Number:	4
Department:	Building and Development Services		
Prepared By:	Jordan Word, Building Official/City Inspector	Cost / Budget:	None
Exhibits:	See Attached	Source of Funds:	N/A

Subject

716 Laurel Valley Rd. – Discuss and consider action on an appeal of a decision made by the Building Official/City Inspector per Section 38.02.008 (3), Procedure for appeals to the board.

Applicant: Barry Schwartz

Recommendation

Staff will continue working with the applicant on a satisfactory replanting plan.

Discussion

Property Information, Zoning & Site Characteristics:

Owner: Barry Schwartz

Legal Description: Lot 31 Mayo Addition

Lot Size: 1.00 acres

Zoning: R-1 One Family

The site is surrounded by R-1 – One Family lots.

Status Update:

The property owner is requesting an appeal of the determination of the Building Official of administrative fees associated with unauthorized tree removal. After bringing appeal to Council staff was directed to work with the applicant to find a reasonable solution to the mitigation totals and administrative fees.

- Since the last meeting, emails have been shared between applicant and staff to develop a conceptual plan including locations of tree plantings, septic field, and driveway relocation (desired by the applicant).
- The applicant and staff met on Friday, February 6, 2025 to discuss comments, concerns and provide feedback pertaining to the floodplain, septic location, and mitigation inches.
- Additional meetings between staff and applicants will be needed before coming to a final Landscaping plan.

Background & Analysis:

The property owner is requesting to appeal the determination of the Building Official of administrative fees and tree replacement associated with unauthorized tree removal (Attachment 1). The applicant had received a tree removal permit in response to the 2023 ice storm, but one of the requirements from the Deputy City Inspector was to submit an updated tree survey for the trees to be removed, which was never done.

The tree removal and replacement regulations require replacement of unauthorized tree removal with equivalent species and caliper inches, as well as a \$500 per caliper inch replacement fee.

- Per Section A9.003 Building, unauthorized tree removal of non-diseased trees shall carry an administrative fee of \$500 per caliper inch.
- Per Section 22.03.304 (c)(2), The diameter of trees removed in violation of this division shall be measured at the widest portion of the exposed base of the trunk for purposes of calculating replacement requirements. If no exposed base of trunk exists, then the city inspector shall estimate the diameter of trees that were removed for purposes of calculating replacement requirements.

Based on surveys and site pictures, staff has determined the following administrative fee and replacement requirements.

- Mitigation for trees 10 inches and greater – 421 inches
- Administrative fee: \$286,500 (total caliper inches of trees 8 inches and greater, 573 inches)

In subsequent communication, staff offered the applicant the opportunity to provide a letter from a certified arborist listing the removed trees that were diseased and dying in order to reduce the required mitigation. The applicant provided a letter from Green Arbors Tree Care (Attachment 6), but the arborist did not provide a list of specific trees and any professional certification information, citing 30 years of experience instead. The Code Ordinances does not specifically define certified arborist, but the ordinarily accepted meaning (Section 1.01.003) in this instance is having earned a certification or possessing a document that proves successfully training as an arborist. The state does not provide licensing to arborists, but the American Society of Consulting Arborists and the International Society of Arboriculture both provide certifications, based on a combination of education, experience, and testing.

Timeline

- October 6th, 2021 – Demolition Permit for Existing Structure Issued
 - Structure only, no site clearing allowed
- October 5th, 2021 – Dead Tree/Veg Removal Permit Issued
 - Inspector notes: “Several dead trees and branch to be removed”, “Storm Damage”.
- June 28th, 2022 – Initial Complaint (Attachment 2)
 - Initial complaint pertaining to unauthorized tree removal.
 - Email chain and images attached.
 - No documented action was taken.

- June 3rd, 2023 – Preservation of existing landscape vegetation and natural features.
 - A city-wide notice was sent out to all property owners stating an ordinance was adopted, requiring all property owners to remove and maintain the dead vegetation from their properties to reduce the risk of wildfire, per 22.03.302.
- July 20th, 2023 - Dead Tree/Veg Removal Permit Issued (Attachment 3)
 - Permit notes from Inspector: “Permit is only to remove dead trees vegetation from property, survey to be submitted”. (Permit attached)
 - Field Inspection notes: “Inspector met property owner at site. A tree survey will be submitted on dead trees and dead vegetation removal on his property. There are dead trees fallen over on his creek and along driveway.”
 - No updated survey was submitted with permit or with new construction building permit that was under review.
- August 22nd, 2023 - Building Permit for New Residential Construction Issued
 - New residential house and guest house (SUP approved May 2023)
- July 22nd, 2024 – Notice of Violation Issued (Attachment 4 & 5)
 - Unauthorized tree removal, notice & tree survey attached.
 - Allowed for the submittal of a Certified Arborist letter for all trees considered dead or dying requested in an attempt to reduce the fee amount.
- September 24th, 2024 - Arborist letter received and denied; due to lack of information (identifying tree #'s) and not having arborist certification, per 22.03.303 (7)(C) (Attachment 6)
- October 21st, 2024 – Per the property owner (via email), an update tree survey was acquired and an attempt to certify the arborist letter was being made (Attachment 7).
 - Notified that certification of arborist letter was unsuccessful, an attempt to appeal administrative determination will be pursued.
- November 26th, 2024 – Appeal to Council by property owner submitted (Attachment 1).

38.02.006 Appeals to the board of adjustment

- (a) The board shall have the power to subpoena witnesses, administer oaths, and require the production of documents under regulations it may establish.
- (b) The board shall have the power to:
 - (1) Hear and decide an appeal where it is alleged that there is an error in any order, requirements, decision or determination made by an administrative official in the enforcement of chapters 22, 32, 36, and 38 of the Code; and
 - (2) Authorize, in specific cases, variances from the Code that will not be contrary to the public interest; in these specific cases, owing to special conditions, literal enforcement of the provisions of the Code provisions will result in unnecessary hardship, and so that the spirit of the Code shall be observed and substantial justice done. A variance shall not be granted, however, to authorize a change of use.
 - (3) Consider and take action concerning applications for special use permits made pursuant to article 38.04, division 2 of the Code.

38.02.008 (a) Procedure for appeals to the board:

(3) Any of the following persons may appeal to the board of adjustment a decision made by an administrative official that is related to a specific application, address, or project under chapters 22, 32, and 36 of the Code:

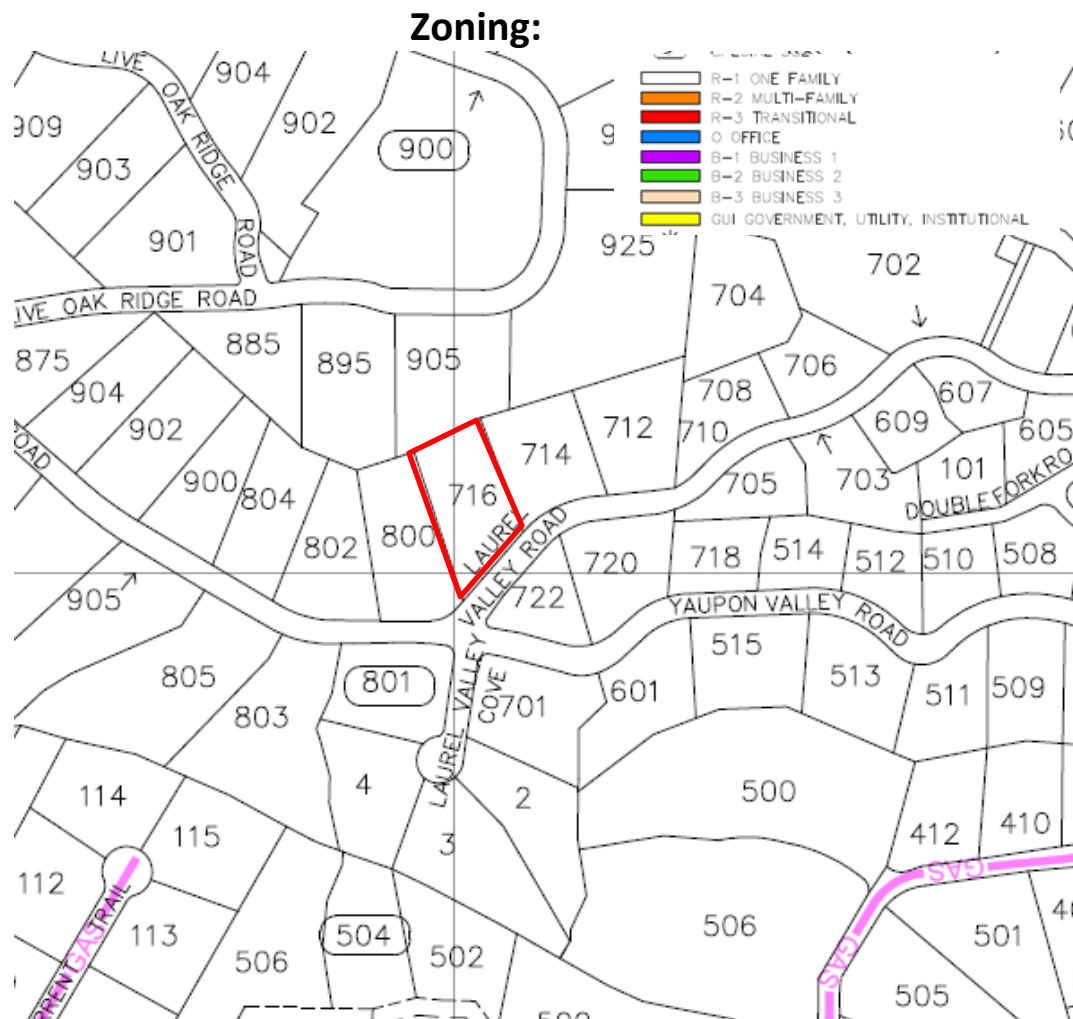
- (A) A person who filed the application that is the subject of the decision; or
- (B) A person is the owner or representative of the owner of the property that is the subject of the decision.

Attachments:

- [January 8, 2025 Staff Report Attachments](#)
- Attachment 10 – Initial Concept Plan
- Attachment 11 – Latest Concept Plan

Links to Relevant Code:

- [Section 1.01.003 Definitions and rules of construction](#)
- [Section 22.03.304 Tree and vegetation removal and replacement](#)
- [Section 38.02.006 Appeals to Board of Adjustment](#)
- [Section 38.02.008 Procedure for appeals to the Board](#)
- [Section A9.003 Building](#)

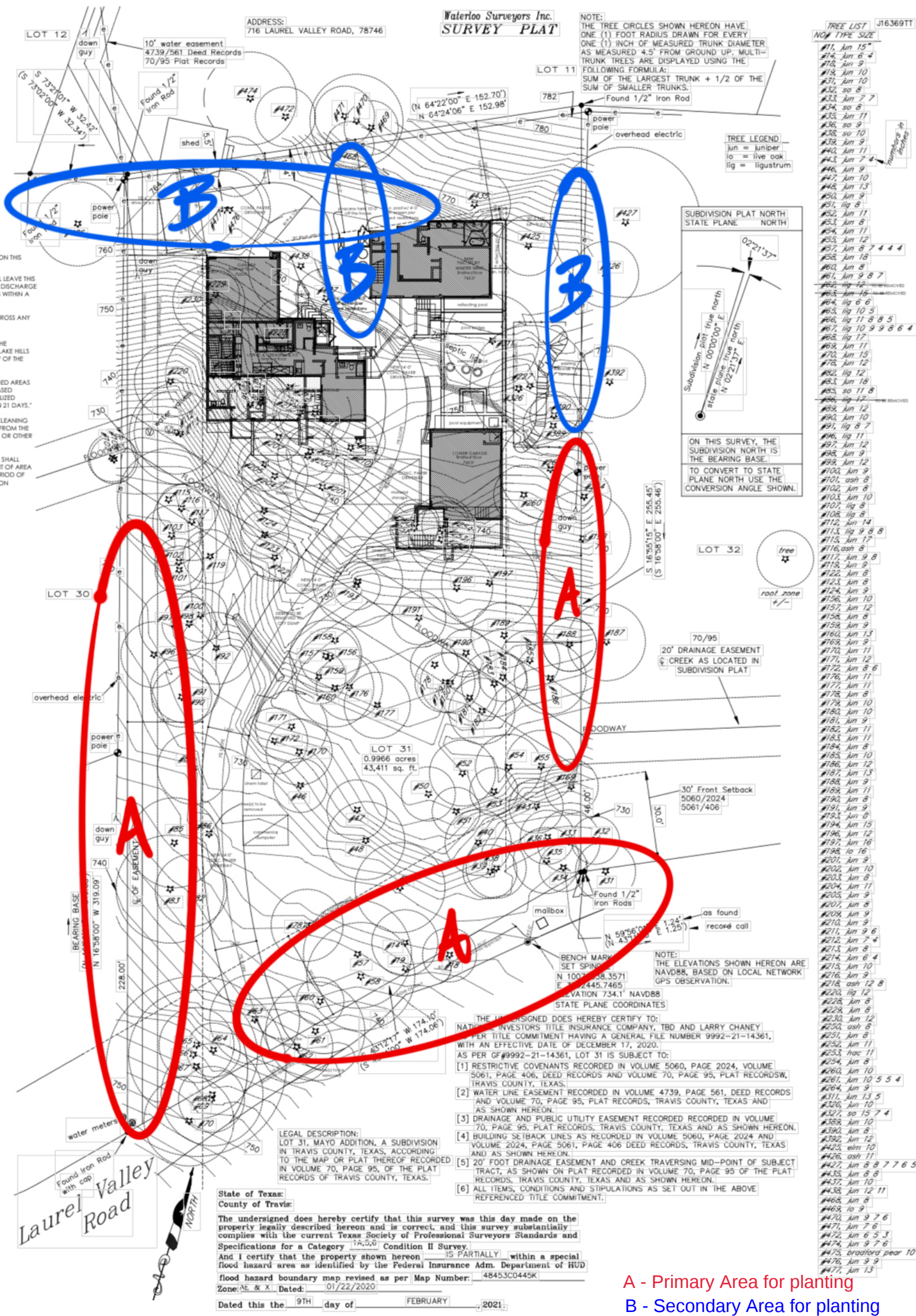


Aerial June 2023:



Aerial Oct 2024:





TREE LIST J16369TT		
NO	TYPE	SIZE
#11	jun 15"	
#14	jun 6 4	
#15	jun 9	
#19	jun 10	
#21	jun 10	
#32	so 8	
#33	jun 7 7	
#34	so 8	
#35	jun 11	
#36	so 9	
#38	so 10	
#39	jun 9	
#40	jun 11	
#43	jun 7 4	
#46	jun 9	
#47	jun 10	
#48	jun 13	
#50	jun 9	
#51	lig 8	
#52	jun 11	
#53	jun 11	
#54	jun 8	
#55	jun 12	
#57	jun 8 7 4 4 4	
#58	jun 18	
#60	jun 8	
#61	jun 9 8 7	
#62	lig 12	REMOVED
#63	jun 18	REMOVED
#64	lig 6 8	
#65	lig 10 5	
#66	lig 11 8 8 5	
#67	lig 10 9 9 8 6 4 4	
#68	lig 17	
#69	jun 11	
#70	jun 15	
#76	jun 12	
#82	lig 12	
#83	jun 18	
#85	so 11 8	
#86	lig 17	REMOVED
#89	jun 12	
#90	jun 10	
#91	lig 8 7	
#96	lig 11	
#97	jun 12	
#98	jun 9	
#99	jun 12	
#100	jun 9	
#101	ash 8	
#102	jun 8	
#103	jun 10	
#107	lig 6	
#108	lig 8	
#112	jun 14	
#113	lig 9 8 8	
#115	jun 17	
#116	ash 8	
#117	jun 9 8	
#119	jun 9	
#122	jun 8	
#123	jun 8	
#124	jun 9	
#136	jun 10	
#137	jun 12	
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#159	jun 9	
#160	jun 13	
#169	jun 9	
#170	jun 11	
#171	jun 12	
#172	jun 8 6	
#176	jun 11	
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#213	jun 8	
#214	jun 6 4	
#215	jun 10	
#216	jun 9	
#218	ash 12 8	
#220	lig 12	
#228	jun 8	
#229	jun 8	
#230	jun 12	
#231	jun 8	
#252	jun 11	
#253	hac 11	
#254	jun 8	
#260	jun 10	
#261	jun 10 5 5 4	
#264	jun 9	
#311	jun 13 5	
#326	jun 10	
#327	so 15 7 4	
#359	jun 10	
#360	jun 8	
#392	jun 12	
#425	elm 10	
#426	ash 11	
#427	jun 8 8 7 7 6 5	
#435	jun 8 8	
#437	jun 10	
#438	jun 12 11	
#468	jun 8	
#469	to 9	
#470	jun 9 7 6	
#471	jun 7 6	
#472	jun 6 5 3	
#474	jun 9 7 6	
#475	bradford pear 10	
#476	jun 9 9	
#477	jun 13	

A - Primary Area for planting
B - Secondary Area for planting

CLIENT IS RESPONSIBLE FOR NOTIFYING DOUBLE B DESIGN, LLC IN WRITING MINIMUM 10 BUSINESS DAYS PRIOR TO INSTALLING LANDSCAPE AS SHOWN ON THESE PLANS TO COORDINATE FINAL CONSTRUCTION DRAWINGS AND SCHEDULE A PRE-CONSTRUCTION MEETING.

TREE MITIGATION:

TREE MITIGATION PROPOSED: 44"

TREE MITIGATION PROVIDED (PER SEC. 22.03.304(D)(8)) CALCULATIONS
(BREAKDOWNS OF EACH GALLON SIZE BELOW CHART)

QTY. PROPOSED	PLANTING CONTAINER SIZE	EQUIVALENT TRUNK DIAMETER	TOTAL MITIGATION INCHES
0	20 GALLON	3"	0
7	30 GALLON	4"	28"
29	40 GALLON	5"	145"
		TOTAL	173"

(7) 30 GALLON ABOVE (4" EQUIVALENT) (7' x 4" = 28")
• (7) MOUNTAIN LAUREL

(29) 45 GALLON ABOVE (5" EQUIVALENT) (29' x 5" = 145")
• (29) YAUPOIN HOLLY

(14) 3" CALIPER LIVE OAK (14' x 3" = 42")
(7) 5" CALIPER LIVE OAK (7' x 5" = 35")

(16) 3" CALIPER BALD CYPRESS (16' x 3" = 48")
(2) 4" CALIPER BALD CYPRESS (2' x 4" = 8")

TOTAL INCHES PROPOSED 28" + 145" + 42" + 35" + 48" + 8" = 306"

PLANT LIST

SHADE CANOPY TREES

SYMBOL	QTY.	PLANT NAME	SIZE
	16	BALD CYPRESS <i>Taxodium distichum</i>	3" CAL.
	2	BALD CYPRESS <i>Taxodium distichum</i>	4" CAL.
	14	LIVE OAK - SINGLE TRUNK <i>Quercus virginiana</i>	3" CAL.
	7	LIVE OAK - SINGLE TRUNK <i>Quercus virginiana</i>	5" CAL.

ORNAMENTAL TREES

SYMBOL	QTY.	PLANT NAME	SIZE
	29	YAUPON HOLLY <i>Ilex vomitoria</i>	45 GAL.
	7	MOUNTAIN LAUREL <i>Sophora secundiflora</i>	30 GAL.

DOUBLE B
B·B
DESIGN

DOUBLE B
DESIGN, LLC

P.O. BOX 340443
Austin, TX 78734 | 512.740.9323
WWW.DOUBLEBLANDDESIGN.COM

PLANS FOR REVIEW PURPOSES
ONLY. BRIAN BAUGHMAN, TXLA
3536. NOT ISSUED FOR
REGULATORY APPROVAL,
PERMITTING OR CONSTRUCTION.

PRIVATE RESIDENCE
716 LAUREL VALLEY RD. WEST LAKE HILLS, TX

DRAWING INFO.

DATE:2025-1-31
FOR REVIEW ONLY
FILE NAME:25101

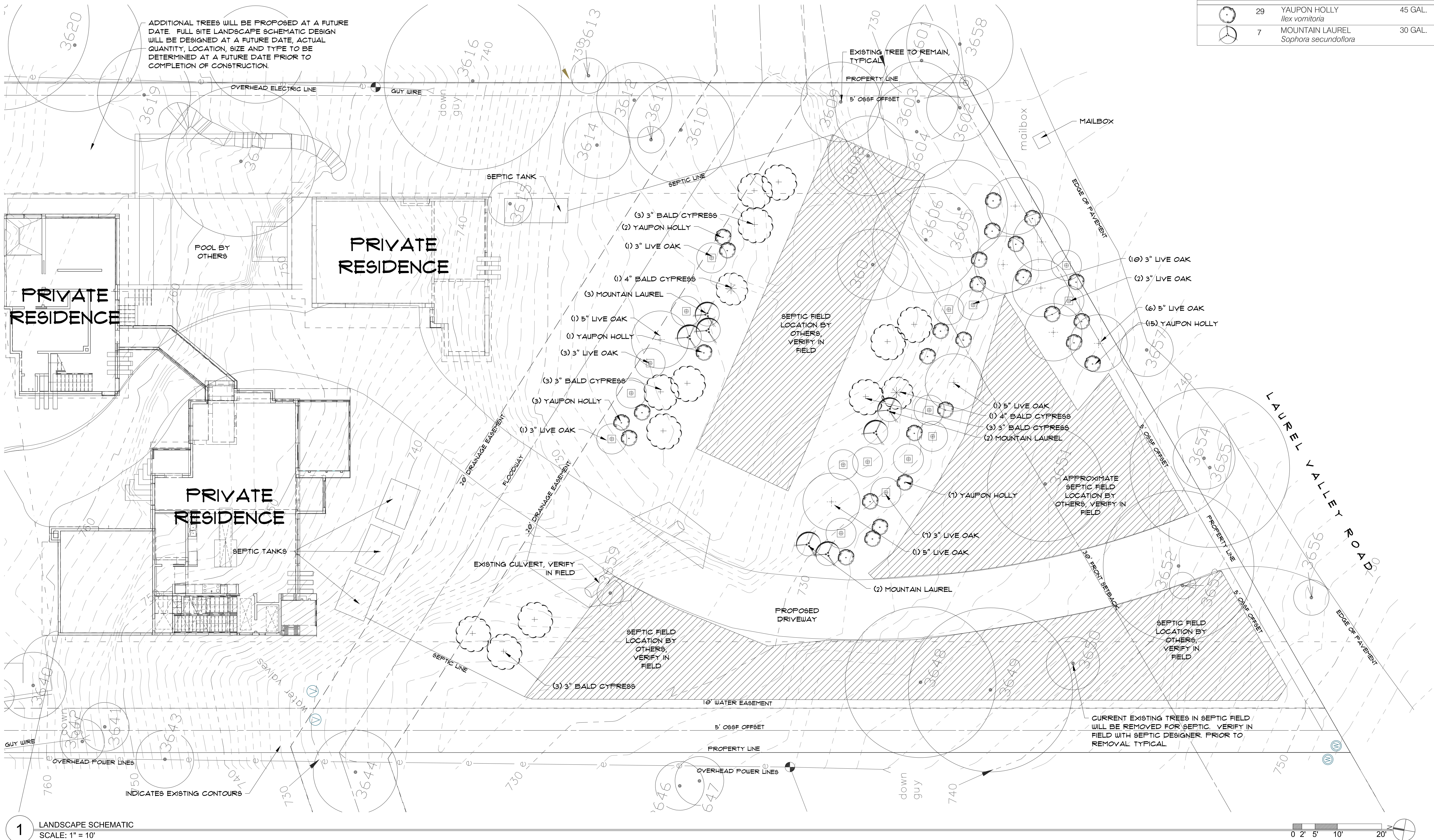
REVISIONS

- 1)
- 2)
- 3)
- 4)
- 5)

SHEET TITLE

PLANTING SCHEMATIC

LP 1.1



716 Laurel Valley Rd.

4. Discuss and consider action on an appeal of a decision made by the Building Official/City Inspector per Section 38.02.008 (3), Procedure for appeals to the board.

Applicant: Barry Schwartz

716 Laurel Valley Rd.



716 Laurel Valley Rd.



June 2023

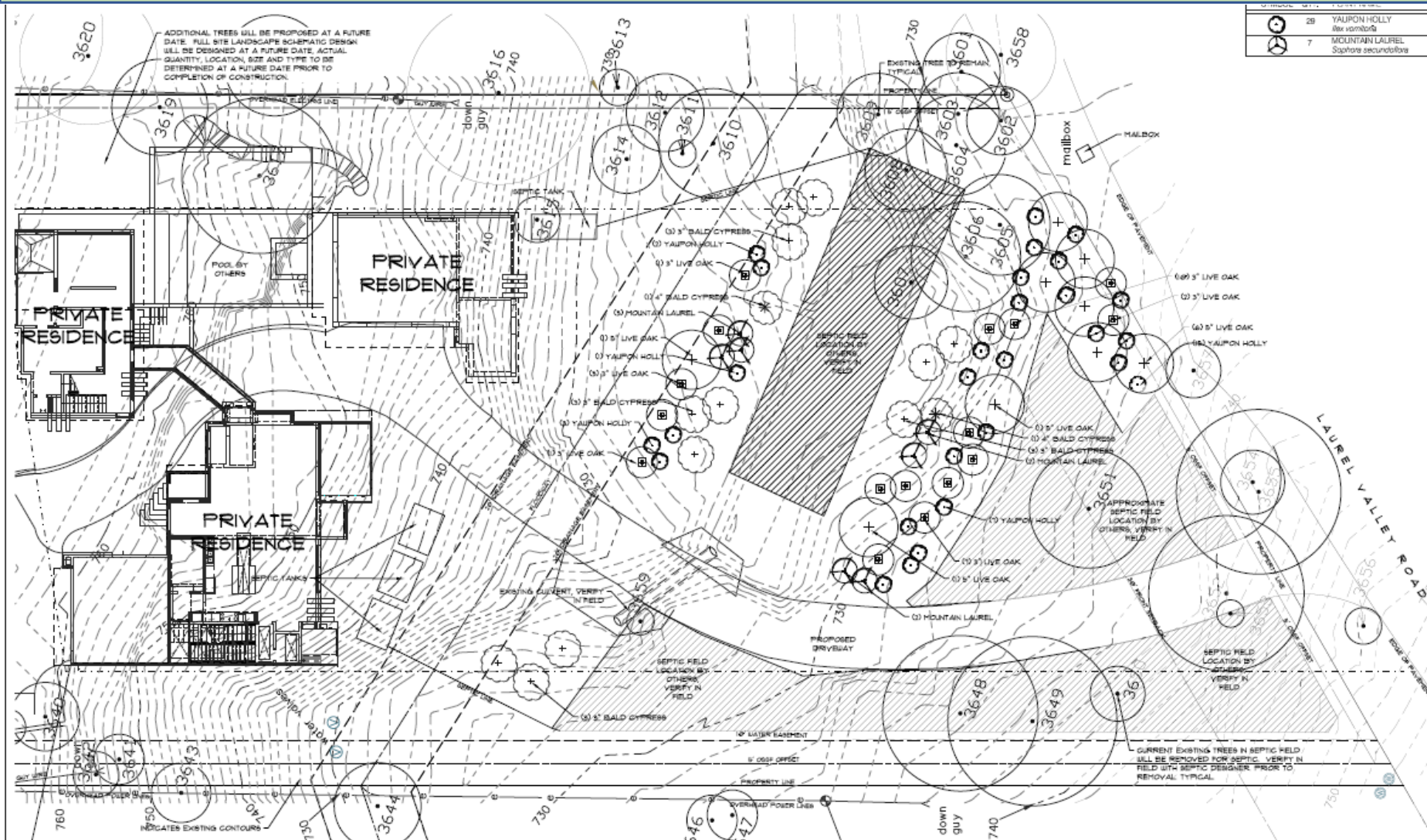


October 2024

716 Laurel Valley Rd.

- At the January 8, 2025, Board of Adjustment staff presented an appeal of the building official determination regarding the removal and replacement of trees.
- Staff determined that 421 replacement inches and \$268,500 administrative fee are required for the removal.
- The BOA directed staff to work with the applicant to develop a replanting plan that replaces the trees with a long-term successful outcome.
- Staff has worked with the applicant to develop a conceptual planting plan, that looks at relocating the driveway, septic fields and tree locations.

716 Laurel Valley Rd.



PLANT LIST

SHADE CANOPY TREES

SYMBOL	QTY.	PLANT NAME	SIZE
	16	BALD CYPRESS <i>Taxodium distichum</i>	3" CAL.
	2	BALD CYPRESS <i>Taxodium distichum</i>	4" CAL.
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ORNAMENTAL TREES

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	29	YAUPON HOLLY <i>Ilex vomitoria</i>	45 GAL.
	7	MOUNTAIN LAUREL <i>Sophora secundiflora</i>	30 GAL.

TREE MITIGATION:

TREE MITIGATION PROPOSED: 444"

TREE MITIGATION PROVIDED THROUGH SEC. 22.03.304(D)(9) CALCULATIONS
(BREAKDOWNS OF EACH GALLON SIZE BELOW CHART)

QTY. PROPOSED	PLANTING CONTAINER SIZE	EQUIVALENT TRUNK DIAMETER	TOTAL MITIGATION INCHES
0	20 GALLON	3"	0
7	30 GALLON	4"	28"
29	40 GALLON	5"	145"
		TOTAL	173"

(7) 30 GALLON ABOVE (4" EQUIVALENT) (7 x 4" = 28")
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(7) 5" CALIPER LIVE OAK (7 X 5" = 35")

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TOTAL INCHES PROPOSED 28" + 145" + 42" + 35" + 48" + 8" = 306"

716 Laurel Valley Rd.

- Staff recommendation:
Continue working with the application a final plan to present the BOA.

