



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF BOARD OF ADJUSTMENT (BOA) SPECIAL MEETING
Wednesday, February 26, 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 Special Meeting on the 26th 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 26, 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. Land Use **1501 Wildcat Hollow-** Discuss and consider action on a recommendation from ZAPCO on the following variance requests to Section 7.4.1 Cut/Fill Limits of the Drainage and Erosion Control Design Manual (Section 22.03.059 of the West Lake Hills Code of Ordinances):
 1. To allow for closed cut of up to 13 feet on a slope between 25% and 35% grade where the maximum closed cut allowed is 10 feet.
 2. To allow for closed cut of up to 7 feet on a slope with a grade greater than 35% where no cut or fill is allowed.
 3. To allow for closed fill of up to 5 feet on a slope with a grade greater than 35% where no cut or fill is allowed.

Applicant: Davin Fillpot, R&D Architecture.

4. Adjournment

Approved by: James Vaughan, Chair

Certificate

I certify that the above Notice of the February 26, 2025 Board of Adjustment Special Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on Friday, February 21, 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 Board of Adjustment

AGENDA REPORT

Meeting Date:	February 26, 2024	Item Number:	3
	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 a recommendation from ZAPCO on the following variance request to the Section 7.4.1 Cut/Fill Limits of the Drainage and Erosion Control Design Manual (Section 22.03.059 of the West Lake Hills Code of Ordinances):

1. To allow for closed cut of up to 13 feet on a slope between 25% and 35% grade where the maximum closed cut allowed is 10 feet.
2. To allow for closed cut of up to 7 feet on a slope with a grade greater than 35% where no cut or fill is allowed.
3. To allow for closed fill of up to 5 feet on a slope with a grade greater than 35% where no cut or fill is allowed.

Applicant: Davin Fillpot, R&D Architecture

Recommendation

Staff recommends approval of the variance request to Section 7.4.1 of the Drainage and Erosion Control Design Manual (Section 22.03.059 of the Code of Ordinances) due to the slope of the site and limited nature of the disturbance.

This item was reviewed by the Zoning and Planning Commission at their regular meeting on February 19, 2025 and recommended approval by a vote of 5-0 due to the hardship of the topography.

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.

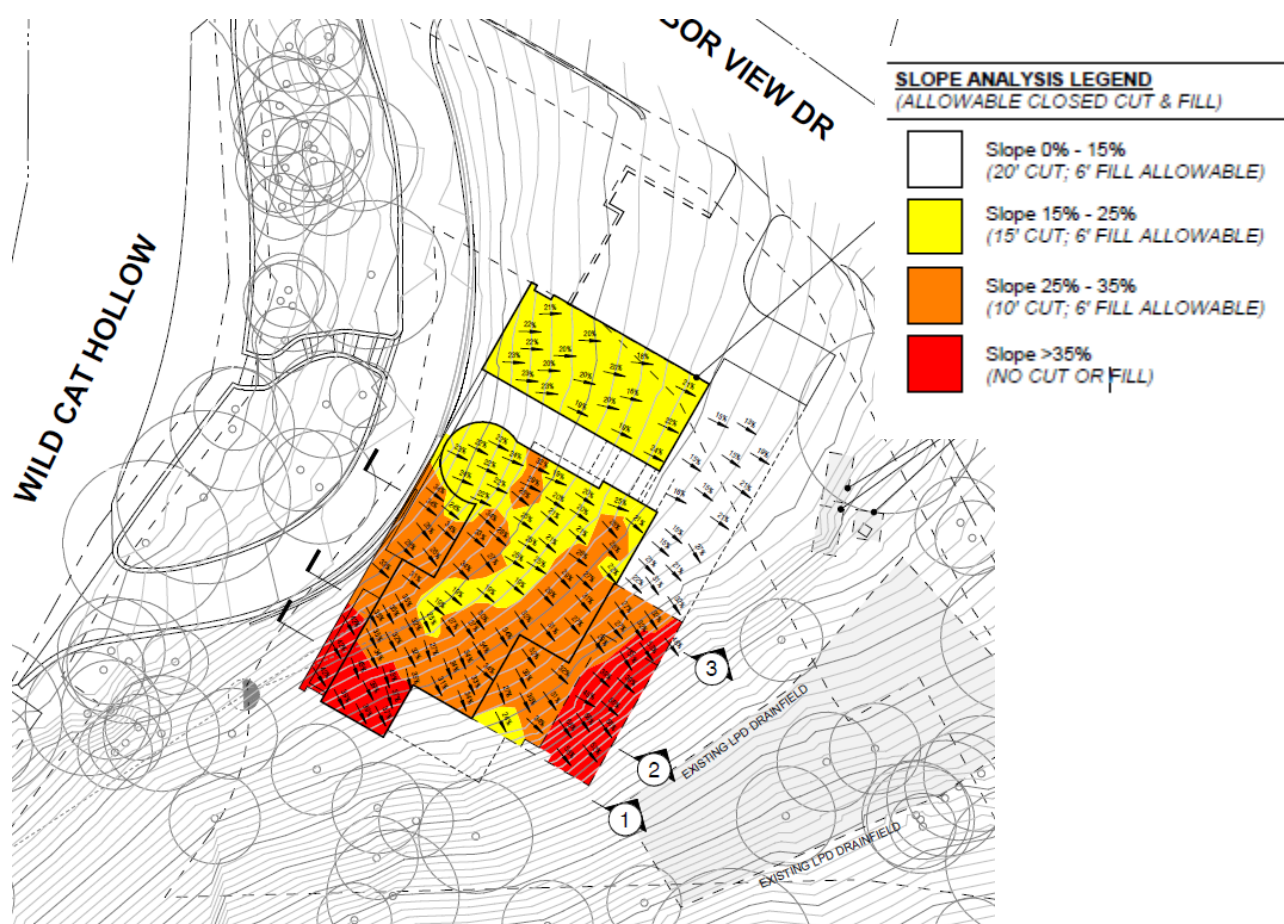
Background & Analysis:

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 received five variances related to encroachments and grading in the front setbacks on September 11, 2024. The

engineering and staff report recommended denial and noted that not enough information had been submitted to determine if the cut and fill proposed on the site was in compliance with the Drainage and Erosion Control Design Manual

(<https://westlakehillstx.portal.civicclerk.com/event/390/files/attachment/4037>). The Drainage and Erosion Control Design Manual is adopted by reference within the Code of Ordinances.

A site plan showing the layout over the existing slopes does not provide enough information to determine cut and fill, as buildings can be constructed with an elevated design (pier and beam/cantilevered) that would not require such activities. With the full submittal of the engineering plans, it was determined that there are three areas of the house and patio/pool, where the cut and fill limits would be exceeded (Attachment 3).



City Engineer's Analysis:

The city engineering team has provided analysis and recommends approval of the variance due to the natural topography and two front setbacks. The variance would not adversely impact the natural characteristics of the land and waterways of the watershed the property is located within (Attachment 4).

Public Comments:

As of the date of the staff report, two letters of support were received (Attachment 5).

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

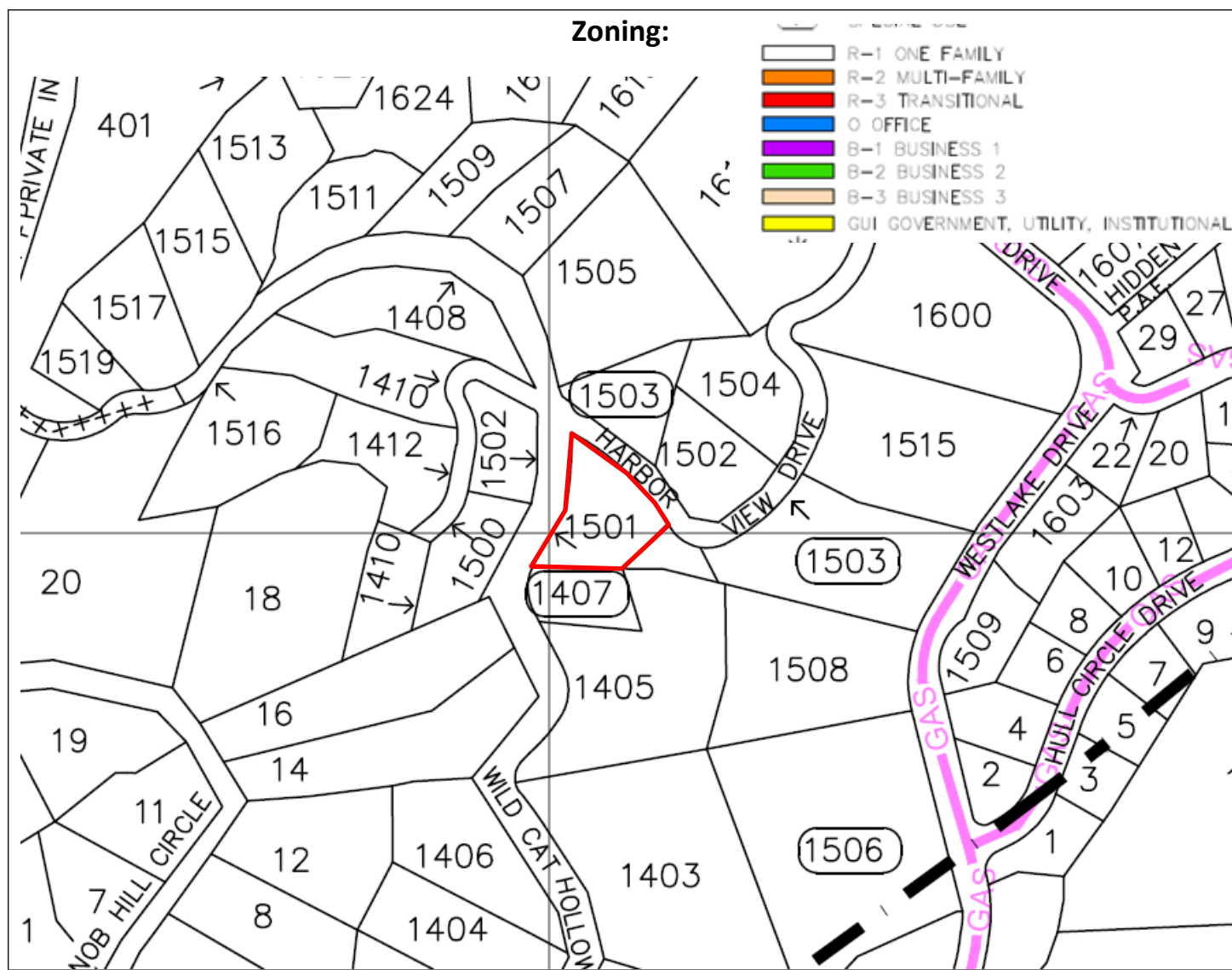
There is no change to the subdivision proposed with this application.

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 22.03.059 Drainage and Erosion Control Manual](#)
- [Section 38.05.031 Variances](#)
- [Section 22.03.514 Criteria and process required for granting a variance](#)



Aerial:





Letter to ZAPCO Chair
RE: 1501 Wild Cat Hollow Variance Request

January 9th, 2025

Dear Chairman Meisel,

This project appeared before the Zoning and Planning Commission and the Board of Adjustments in August and September of 2024. All previously requested variances were unanimously Recommended for Approval by ZAPCO, and subsequently approved unanimously by the Board of Adjustments. Upon approval of the variances, the owners proceeded to engage with their outside engineers again (Structural, Septic and Drainage) to complete the necessary construction documentation to submit for permitting.

The complete project package (including engineering) was submitted for Permit on 10/29/2024. On 12/10/2024, the City of West Lake Hills provided all plan review comments from their plan review.

In the review the Drainage Engineer indicated that there were a number of items that would need additional variances to be applied for, before it could be approved. Ourselves and our team were confused as to how they would now need to apply for more variances because the building footprint, site plan and volume had not changed since the variances were approved in the summer and the site plan was shared with the entire team including the drainage engineer in pre-planning guidance in the spring. The only changes slightly shifted the building and reduced square footage by ~200 sq feet to demonstrate the owners' attempts to mitigate the variances the City identified in pre-planning as required to increase likelihood of approval.

After receiving the plan review, the feedback was minor with the exception of the extensive drainage report. In order to understand what was needed to clear the drainage comments, the ourselves, our design team, West Lake Hills staff and the City's Drainage Engineer scheduled a follow up meeting on Tuesday 12/17/2024 to discuss the review comments and discuss the additional variances that were newly indicated as needed. The group was unable to work their way completely through the extensive drainage comments in that meeting. A follow up meeting was held Wed 1/9/2025, and the team completed going through the remaining comments.

Throughout the course of the 2 follow up meetings, it was explained that even though the design had not changed from the variance approvals to permitting, there were 2 areas of the drainage manual relating to cut/fill on varying slopes that were not able to be identified prior to the variance approvals. The drainage engineer said that full construction plans were needed to identify these variances

So, even though the project received variance approval and the design has not changed, in order to obtain the permit, the project has to come back through the city variance process to address the areas of cut/fill of varying slopes due to areas of the house foundation walls in areas with specific slope criteria from the Drainage Manual (not the City of West Lake Hills Code of Ordinances).

We kindly request your consideration of this variance request 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

Waterloo Surveyors Inc.
SURVEY PLAT
As-built, Tree & Topography

OWNER: 1501 WILD CAT HOLLOW, LLC. ADDRESS: 1501 WILDCAT HOLLOW
WEST LAKE HILLS, TEXAS 78746

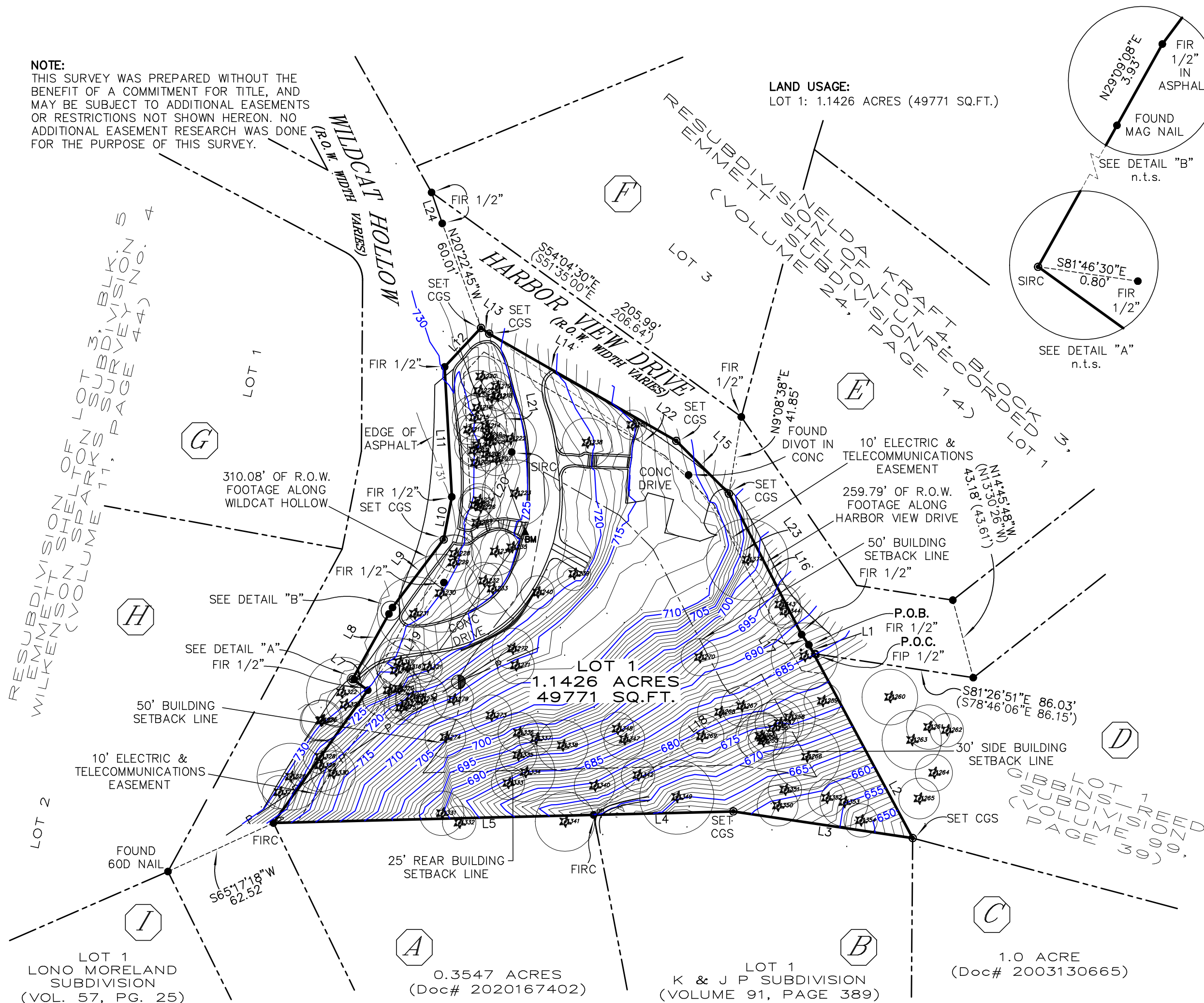
LEGAL DESCRIPTION:
LOT 1, OF WILDCAT HARBOR CONFORMING PLAT, A SUBDIVISION
IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT
THEREOF RECORDED IN DOCUMENT No. 202200177, OF THE
OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

ADJOINERS

A 1407 WILDCAT HOLLOW ANDREW & KAITLYN CONEY (DOC# 2020167402)	C 1508 WESTLAKE DRIVE ARNOLD D. & BILLIE J. KELLEY (DOC# 2003130665)	E 1502 HARBOR VIEW ROAD PAMELA G. REED (DOC# 2014134964)	G 1502 WILDCAT HOLLOW PATRICK & PAMELA NUNNELLY (VOL. 10997, PG. 1540)	I 16 NOB HILL CIRCLE SUSAN DELAIN WEIL LIFE ESTATE (DOC# 2012220885)
B 1405 WILDCAT HOLLOW JAFF VENTURES, LLC. (DOC# 2017008915)	D 1511 HARBOR VIEW ROAD MARK L. LACY & SCOTT E. BARRETT (DOC# 2013111868)	F 1503 WILDCAT HOLLOW DAVID LAWRENCE CARR & CATHERINE BRANNOCK REES (DOC# 2015130835)	H 1500 WILDCAT HOLLOW MICHAEL T. & BEVERLY A. OBRIEN ()	

NOTE:
BEARING BASED ON THE TEXAS COORDINATE
SYSTEM OF 1983(NAD83) CENTRAL TEXAS
ZONE, BASED ON LOCAL GPS OBSERVATIONS.

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.)

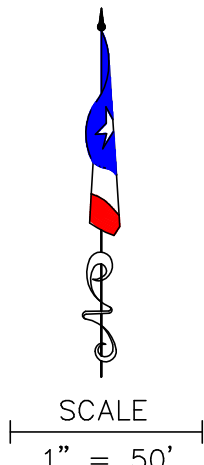
LINE TABLE				
LINE	BEARING	DISTANCE	(BEARING)	(DISTANCE)
L1	N35°27'00\"W	5.95'		
L2	S28°15'34\"E	118.10'	S25°43'41\"E	117.94'
L3	N81°32'42\"W	97.64'	N79°00'45\"W	97.52'
L4	S88°32'32\"W	75.28'	N89°03'25\"W	75.59'
L5	S88°33'38\"W	172.50'	N89°03'25\"W	172.80'
L6	N35°23'50\"E	87.73'	N37°50'05\"E	88.19'
L7	N54°09'37\"W	10.13'	N51°37'05\"W	10.13'
L8	N29°09'08\"E	44.18'	N31°51'17\"E	44.21'
L9	N36°58'03\"E	45.87'	N39°35'11\"E	45.87'
L10	N10°44'13\"E	23.36'	N12°57'01\"E	23.46'
L11	N3°08'42\"W	70.10'	N0°40'07\"W	70.09'
L12	N43°01'10\"E	28.72'	N46°17'09\"E	29.26'
L13	S54°40'11\"E	5.41'	S51°52'45\"E	5.00'
L14	S60°11'24\"E	116.11'	S57°39'40\"E	116.13'
L15	S44°57'35\"E	40.15'	S42°32'25\"E	40.16'
L16	S27°17'04\"E	85.38'	S24°43'05\"E	85.41'
L17	S34°58'08\"E	6.79'	S31°00'25\"E	7.04'
L18	S51°41'25\"W	147.73'	S54°16'05\"W	147.97'
L19	N35°15'38\"E	71.01'	N37°50'05\"E	70.83'
L20	N27°29'00\"E	79.16'	N30°03'58\"E	79.43'
L21	N10°45'49\"W	64.90'	N7°58'59\"W	65.20'
L22	S54°40'11\"E	131.55'	S51°59'00\"E	131.75'
L23	S35°20'12\"E	105.34'	S32°58'25\"E	105.08'
L24	N19°00'03\"W	17.64'		

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WAS DONE FOR THE PURPOSE OF THIS SURVEY.

NOTE:
BEARING BASED ON THE TEXAS COORDINATE SYSTEM OF 1983(NAD83)
CENTRAL TEXAS ZONE, BASED ON LOCAL GPS OBSERVATIONS.

LEGEND
RECORD CALL ()
BUILDING SETBACK LINE B.L.
FOUND IRON ROD FIR
SET IRON ROD WITH CAP SIRC
FOUND IRON ROD WITH CAP FIRC
FOUND IRON PIPE FIP
COTTON GIN SPINDLE CGS
WOOD DECK WD
POINT OF COMMENCING P.O.C.
POINT OF BEGINNING P.O.B.
UTILITY POLE/GUY ANCHOR P
UTILITY LINE P
FINISHED FLOOR ELEVATION FF
TREE, DRIPLINE & NUMBER

BENCHMARK: **BM**
SET 60D NAIL
NAVD88 ELEVATION: 723.37'



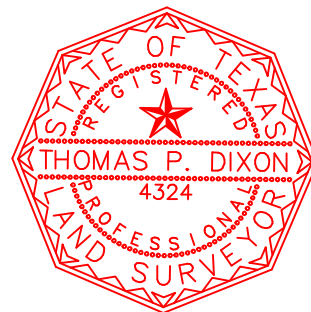
State of Texas:
County of Travis:

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

And I certify that the property shown hereon IS NOT within a special flood
hazard area as identified by the Federal Insurance Adm. Department of HUD
Flood hazard boundary map revised as per Map Number: 48453C0445K,
Zone: X, Dated: 1/22/2020.

Dated this the 17th day of APRIL, 2024.
Updated this the 30th day of MAY, 2024.

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



TREE LIST:
TYPE SIZE

1205, Live Oak 8
1206, Live Oak 9
1207, Live Oak 9
1208, Live Oak 10
1209, Live Oak 9
1210, Live Oak 11 8
1211, Live Oak 9 6
1212, Live Oak 8
1213, Live Oak 8
1214, Live Oak 13 6
1215, Live Oak 12
1216, Juniper 8
1217, Juniper 9 4
1218, Juniper 8
1219, Live Oak 8
1220, Ash 8 6
1221, Live Oak 11
1222, Juniper 14
1223, Juniper 10 9 7
1224, Live Oak 9

TREE LIST:
TYPE SIZE

1225, Live Oak 9
1226, Live Oak 11
1227, Ash 8
1228, Mountain Laurel 5 5 4
1229, Juniper 15
1230, Juniper 15 11
1231, Mountain Laurel 9 6 5 5 5
1232, Juniper 10
1233, Juniper 13.69
1234, Juniper 9 7
1235, Juniper 8
1238, Juniper 9.2 8.2
1239, Mountain Laurel 5 4 4
1240, Mountain Laurel 7 3
1250, Juniper 8
1253, Live Oak 8
1254, Juniper 13
1255, Live Oak 13
1256, Live Oak 14
1257, Live Oak 13

TREE LIST:
TYPE SIZE

1258, Live Oak 14
1259, Juniper 7.5
1260, Live Oak 15
1261, Juniper 12
1262, Juniper 9
1263, Juniper 12 7
1264, Juniper 10
1265, Juniper 8 5
1266, Live Oak 18
1267, Juniper 11
1268, Juniper 12
1269, Juniper 12
1270, Lace Oak 7 5
1271, Ash 10
1272, Ash 11
1273, Hackberry 11
1274, Juniper 11
1275, Live Oak 9
1276, Live Oak 9
1277, Live Oak 8

TREE LIST:
TYPE SIZE

1278, Juniper 9 9
1279, Juniper 11
1316, Live Oak 15
1317, Live Oak 13
1318, Live Oak 10
1319, Juniper 9 6 5
1320, Hackberry 12
1321, Juniper 8
1322, Live Oak 19
1323, Hackberry 10
1324, Juniper 11
1325, Ligustrum 11
1326, Juniper 14 8
1327, Hackberry 9
1328, Juniper 9
1329, Live Oak 13.5
1330, Juniper 12
1331, Juniper 12
1332, Ash 9
1333, Hackberry 9

TREE LIST:
TYPE SIZE

1334, Hackberry 16
1335, Ligustrum 9.5
1336, Ligustrum 11
1337, Hackberry 9
1338, Juniper 13.8
1340, Chinaberry 9 4
1341, Hackberry 16
1342, Chinaberry 9
1343, Elm 10.5
1344, Elm 9
1346, Live Oak 14 8
1347, Juniper 11
1348, Ash 9
1349, Ligustrum 15 9
1350, Juniper 11
1351, Juniper 9
1352, Juniper 10
1353, Juniper 13
1354, Juniper 9
1374, Live Oak 16 11

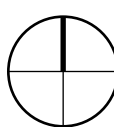
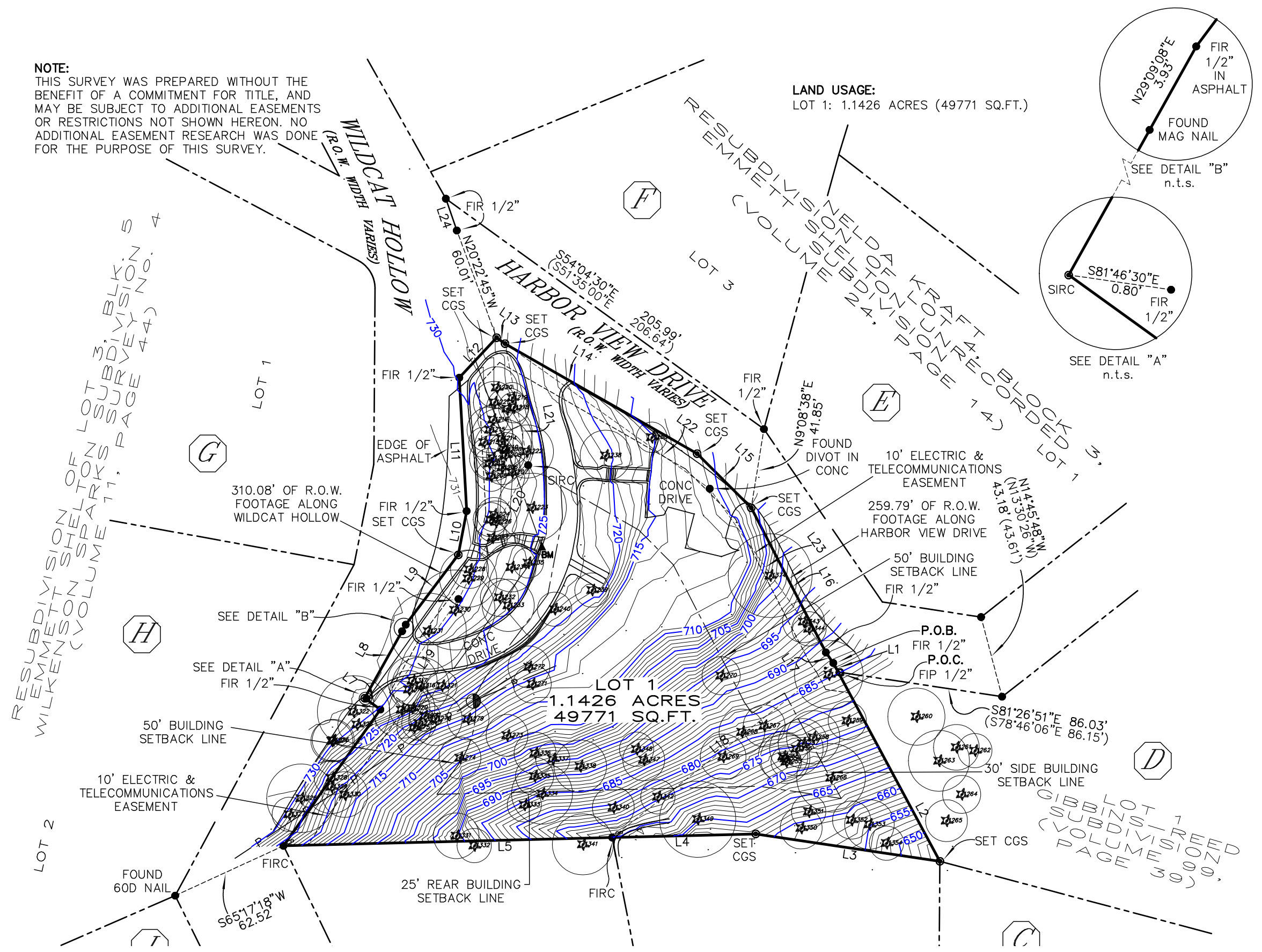
1501 Wildcat Hollow

Variance Request
February 19, 2025

Specht Novak

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



Site Survey

RESUBDIVISION OF LOT 3, BLK. 5
EMMETT SHELTON SUBDIVISION

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

SEE DETAIL
"B"

SEE DETAIL
"A"

50' BUILDING
SETBACK LINE

10' ELECTRIC &
TELECOMMUNICATIONS
EASEMENT

FOUND
60D
NAIL

S65°17'18"W
62.52'

25' REAR BUILDING
SETBACK LINE

LOT 1
1.1426 ACRES
49771 SQ.FT.

HARBOR VIEW DRIVE
R.O.W. WIDTH VARIES

FOUND
DIVOT IN
CONC
10' ELECTRIC &
TELECOMMUNICATIONS
EASEMENT

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

50' BUILDING
SETBACK LINE
FIR 1/2"

P.O.B.
FIR 1/2"
P.O.C.
FIR 1/2"

30' SIDE BUILDING
SETBACK LINE

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

Existing Topography

Existing conditions with previously altered grade / nonconforming fill

G

LOT 1

WILD CAT HOLLOW

HARBOR VIEW DR

E

SLOPE ANALYSIS LEGEND (ALLOWABLE CLOSED CUT & FILL)	
	Slope 0% - 15% (20' CUT; 6' FILL ALLOWABLE)
	Slope 15% - 25% (15' CUT; 6' FILL ALLOWABLE)
	Slope 25% - 35% (10' CUT; 6' FILL ALLOWABLE)
	Slope >35% (NO CUT OR FILL)

SOLID OUTLINE INDICATED
CONDITIONED BUILDING FOOTPRINT

EXISTING SEPTIC TANKS AND PUMP
TANK TO REMAIN, REFERENCE
SEPTIC ENGINEER DRAWINGS FOR
COMPLETE INFORMATION

3

2

1

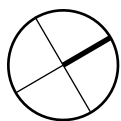
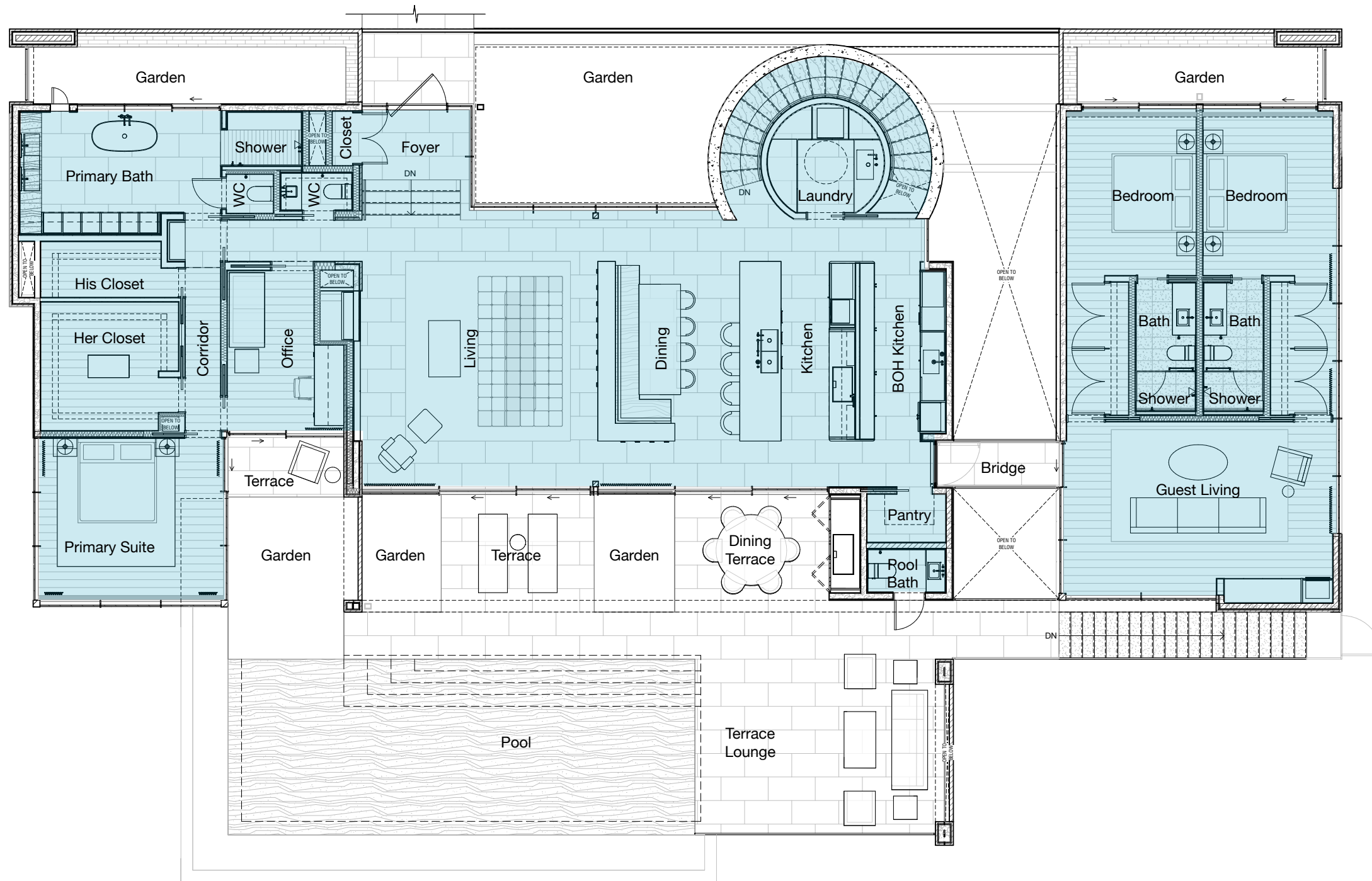
EXISTING LPD DRAINFIELD

EXISTING LPD DRAINFIELD

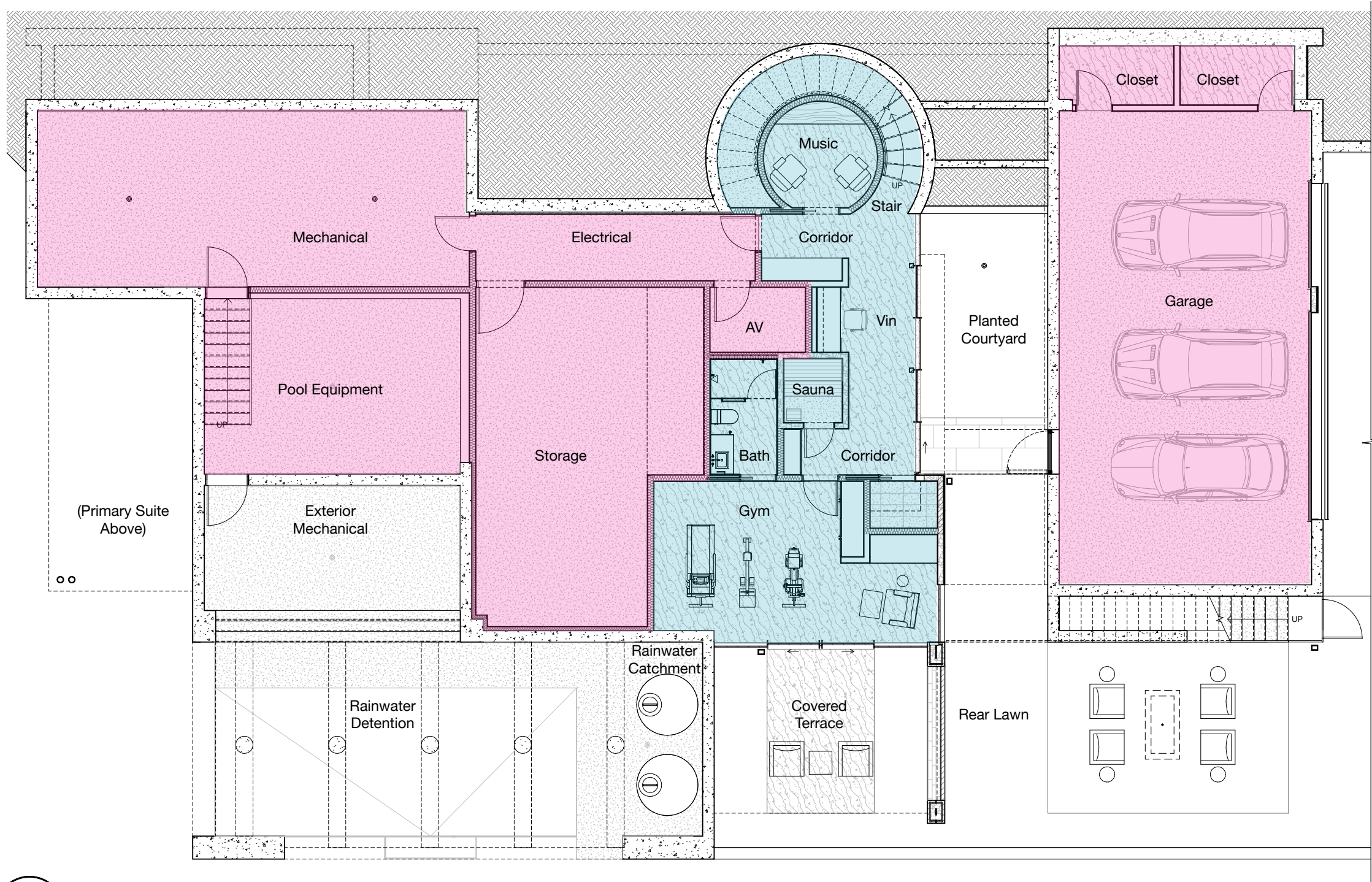
Existing Topography
Assumed Natural Grade



Aerial view looking west



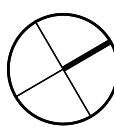
Entry Level Plan
(not to scale)

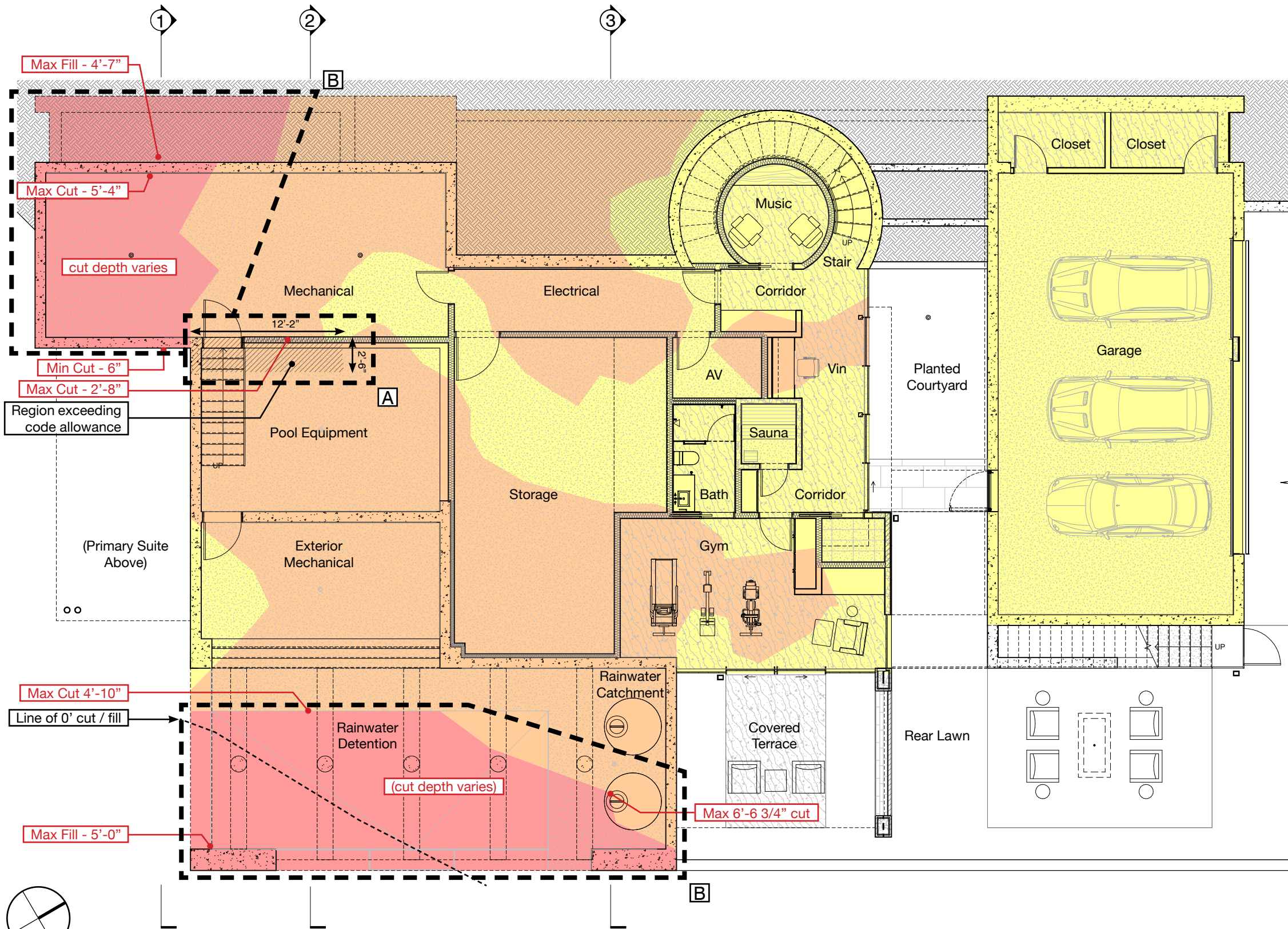


Legend

CONDITIONED SPACE

UNCONDITIONED SPACE


Lower Level Plan
 (not to scale)



Lower Level Plan
(not to scale)

Proposed Design I Variance 01

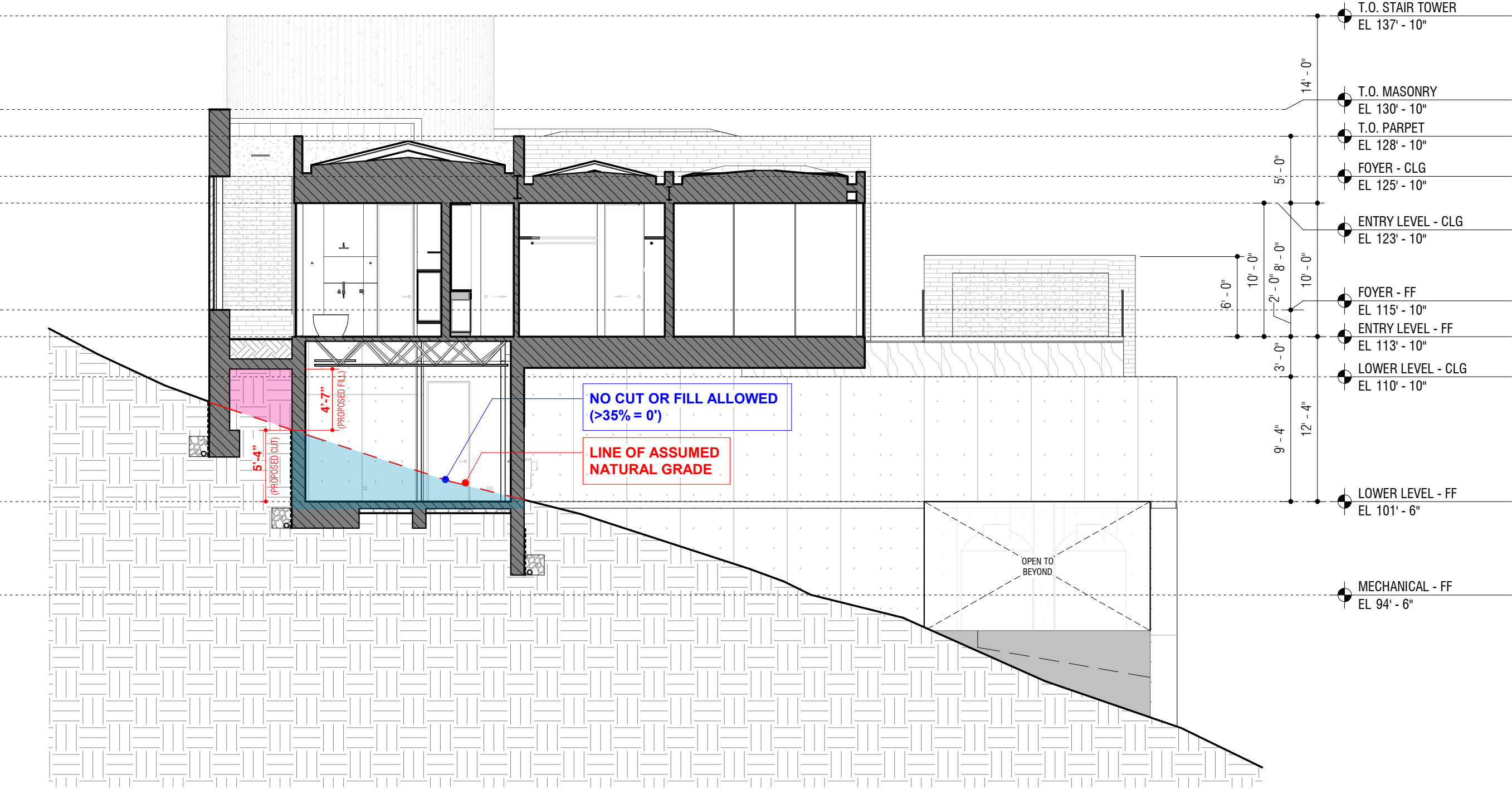
- A** Request to allow maximum 13'-0" (3'-0" beyond allowable) cut in areas where assumed natural grade slope is between 25%-35% slope, limited to areas under the building footprint.
- B** Request to allow maximum 7'-0" cut and 5'-0" fill in areas where assumed natural grade exceeds 35% slope, limited to areas under the building footprint and Rainwater Detention pond.

Relevant Code Excerpt:

City of Westlake Hills - Drainage and Erosion Control Design Manual
7.4.1 CUT / FILL LIMITS

- In order to reduce storm water runoff, resulting in erosion, sedimentation and conveyance of nonpoint source pollutants, the layout of the street network, lots and building sites shall, to the greatest extent possible, be sited and aligned along natural contour lines, and shall minimize the amount of cut and fill on slopes in order to minimize the amount of land area disturbed during construction. The maximum cut and fill limits are shown in Table 7-1.

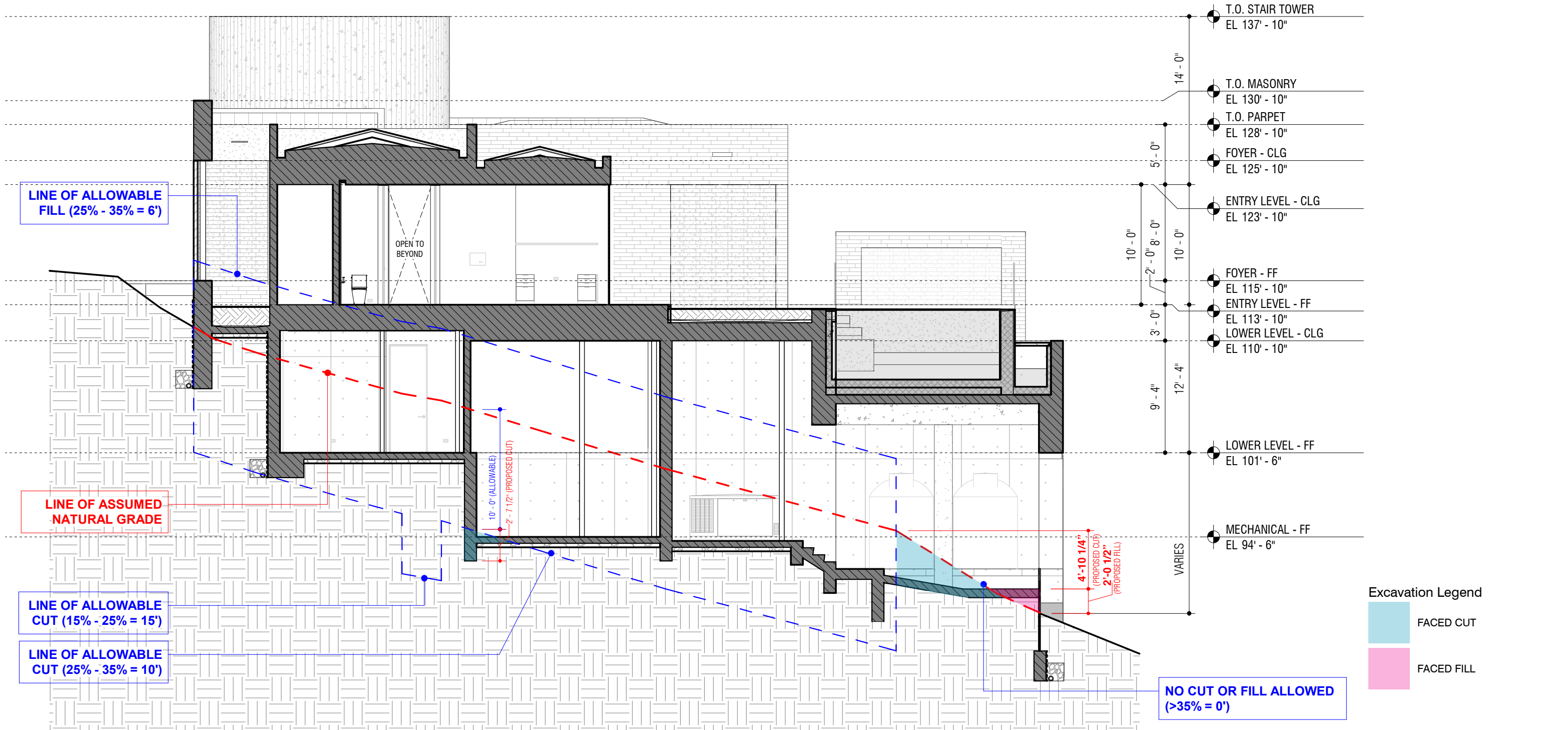
SLOPE ANALYSIS LEGEND (ALLOWABLE CLOSED CUT & FILL)	
	Slope 0% - 15% (20' CUT; 6' FILL ALLOWABLE)
	Slope 15% - 25% (15' CUT; 6' FILL ALLOWABLE)
	Slope 25% - 35% (10' CUT; 6' FILL ALLOWABLE)
	Slope >35% (NO CUT OR FILL)



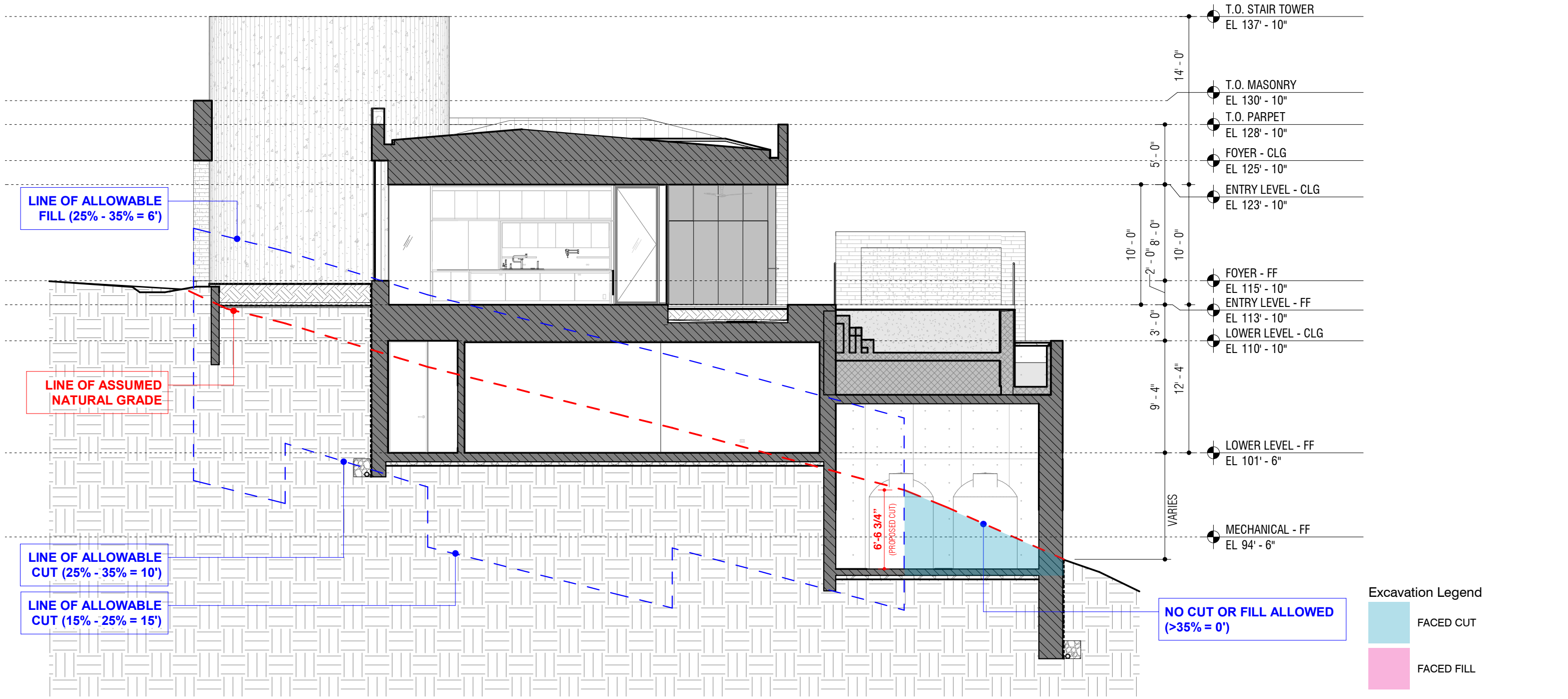
Excavation Legend

	FACED CUT
	FACED FILL

Proposed Design I Building Section 1



Proposed Design I Building Section 2



Proposed Design I Building Section 3



Proposed Design I Looking North



Proposed Design I Front Facade

Thank You!
Specht Novak

RE: 1501 WILDCAT HOLLOW VARIANCE REQUEST
Application #2025-1247

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. Request to allow maximum 11'-2" (1'-2" beyond allowable) where assumed natural grade slope is between 25-35% slope, limited to areas under the building footprint shown on sheet 8 in the exhibit package.
2. Request to allow maximum 7'-0" cut and 5'-0" fill in areas where assumed natural grade exceeds 25% slope, limited to the areas shown on sheet 8 in the exhibit package all of this is occurring under the footprint of the main level of the house on a sub level that will primarily accommodate mechanical, pool equipment, detention and drainage.

The hardships mentioned are as follows:

Natural topography. Two existing roadways fronting the property – reducing buildable area.

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. Chapter 7.4.1 – Cut/Fill Limits 25%-35% - **To allow for closed cut of up to 13 feet on a slope between 25% and 35% grade where the maximum closed cut allowed is 10 feet.**
 - a. We suggest that this variance is **approved.**
 - **Per Chapter 7 of the Drainage and Erosion Control Manual (Rev. 2020), the variance requested does not adversely impact the natural characteristics of the land and waterways of the watershed the property is located in.**
 - **Erosion control measures are proposed in place to limit impact to the watershed during construction.**

2. Chapter 7.4.1 – Cut/Fill Limits greater than 35% - **To allow for closed cut of up to 7 feet on a slope with a grade greater than 35% where no cut or fill is allowed.**
 - a. We suggest that this variance is **approved.**
 - **Per Chapter 7 of the Drainage and Erosion Control Manual (Rev. 2020), the variance requested does not adversely impact the natural characteristics of the land and waterways of the watershed the property is located in.**
 - **Erosion control measures are proposed in place to limit impact to the watershed during construction.**
3. Chapter 7.4.1 – Cut/Fill Limits greater than 35% - **To allow for closed fill of up to 5 feet on a slope with a grade greater than 35% where no cut or fill is allowed.**
 - a. We suggest that this variance is **approved.**
 - **Per Chapter 7 of the Drainage and Erosion Control Manual (Rev. 2020), the variance requested does not adversely impact the natural characteristics of the land and waterways of the watershed the property is located in.**
 - **Erosion control measures are proposed in place to limit impact to the watershed during construction.**

From: [David L. Carr](#)
To: [Trey Fletcher](#); [Jennifer Bills](#); [Joel Sherrouse](#)
Cc: [REDACTED]
Subject: No objection to 1501 Wildcat Hollow variance request
Date: Thursday, January 9, 2025 10:26:23 AM

[REDACTED]

To the City of Westlake Hills,

We live across the street from 1501 Wildcat Hollow where the Restivo's have requested a variance for cut and fill for the stormwater detention area. We fully support this request and ask the city to expedite the variance. Thank you.

Kind regards,

David Carr & Katy Rees
1503 Wildcat Hollow
Westlake Hills, TX 78746
D 512-656-7530
K 512-789-8207

From: [PATRICK NUNNELLY](#)
To: [Jennifer Bills](#)
Cc: [Heidi Restivo](#)
Subject: 1501 Wildcat Hollow variance
Date: Monday, January 13, 2025 1:34:46 PM

[REDACTED]

Jennifer, please forward to ZAPCO:

I own the property at 1502 Wildcat Hollow. The Restivos have been very upfront with us and neighbors about their proposed home construction. I support and encourage that the current variance under consideration be expedited ASAP so that they may begin construction.

Respectfully,
Pat Nunnelly.

Exhibit A

1501 Wildcat Hollow – Cut and Fill Limits

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 as well as the original variance application from August 2024 pertain to the steep topography, 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.

A very small portion of the building footprint exists on slopes greater than 25% and 35%. Though the Drainage Manual indicates that No Foundation Wall can go below grade on slopes 35% or greater, the drainage engineer created a drainage design that will 100% comply with all other drainage regulations in the manual, thus meeting goals and engineering requirements for a successful and compliant drainage plan.

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

Approval of these variances largely preserves the natural terrain and existing vegetation. The requested variances in this package as well as the original variance package primarily address pre-existing non-conforming conditions from the original construction. The plan also minimizes erosion, potential runoff, and the removal of additional vegetation by building on the original house footprint while removing 1000 sq feet of house encroachment from the Harborview setback. The cut / fill vs Slope criteria in the drainage manual were considered by the Drainage Engineer, Jay Campbell; he was able to create a drainage plan that works with the small portion of foundation walls that exist on slopes greater than 35% and 25% slopes.

This plan, site plan and building envelope have not changed since ZAPCO and BOA reviewed this application in August / Sept 2024.

This plan, site plan and building envelope have not changed since ZAPCO and BOA reviewed this application in August 2024.

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

Exhaustive exploration with the architect prior to engaging with the city in pre-planning was done in order to avoid the variance process. The owners have been City of WLH

residents and home owners since 2001 and requested the architectural team to design a home that could be built variance free based on their prior painful experience in 2001-2 seeking variances related to their original WLH home. These extensive design efforts and pre-planning with the city team, including the drainage engineer, revealed that the site's limitations, including two 50-foot front setbacks, the septic system, and a steep ravine are the only viable option for the building's placement as depicted in the documentation and thus variances would be required. This was previously discussed in the August and September 2024 ZAPCO and BOA meetings, for which the project received a unanimous vote recommending approval from ZAPCO and unanimous vote for approval from the BOA.

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

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 in the August 2024 Package and this package will alleviate the hardships and rectify many pre-existing / nonconforming conditions that remain on the site post demolition of the original home. The city team suggested we could change the house and foundation design to pier in beam and this additional variance would not be required (which does not really make sense to us given the piers would still be in the slope area). That said, making this change, the owners will lose the mechanical room in their design and there is no place to move it. Additionally, design and structural, civil and MEP engineering work would have to be redone, yet again due to this newly identified necessary variance, creating non-trivial budget impact. The owners believe they and their team have demonstrated good faith efforts to comply with city code, and the team spent extensive time looking at alternatives and ways to mitigate variances, and shrinking the footprint wherever possible without compromising the features they want in their new home to come up with a plan that by current standards is a smaller home.

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 these variances are rooted in preservation of existing site cuts and conditions and minimization of site disturbance, tree removal, and erosion. The requested modifications prioritize preserving natural site conditions and significantly remediating pre-existing non-conformities. Additionally, these variances enable a proposed house that is: (1) ~30% smaller than the original house, (2) on a 1.1+acre plat compared to .87 acres the original house was on, (3) reduces the driveway width 45-foot off of Harborview with restoration of vegetation in the "reduced" areas, and (4) reduces setback encroachment where the original house stood by ~1000 square feet.

The owners believe that many of the unsolicited offers they've received for the property would have designed a much larger building than what is being proposed. Based on offers they received, these parties would also likely have the resources to fight the city and build what they wanted. The owners also chose not to take the "easy path" and keep the original house footprint with a take it to the studs remodel. They are trying to build a smaller home than what was previously on the property in generally the same location as the previous home, save for the majority of building encroachment in the Harborview setback.

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 as stated in the August 2024 Variance Package, 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 and the safety issues associated with entry and exit off of what is essentially a 1 lane road. The adjacent neighbors are supportive. 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 agree that there are site conditions for the specific cut and fill requests results in unnecessary hardship.

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

Engineering review of the drainage plans agrees that there will be no adverse impact to the existing watershed from the proposed variances.

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, the cut and fill in the proposed location is the best alternative for the site.

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 intent of the Zoning Ordinance to minimize site disturbance is not violated due to the intentional cut and fill locations.

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

5. Discuss and consider action on a recommendation from ZAPCO on the following variance request to the Section 7.4.1 Cut/Fill Limits of the Drainage and Erosion Control Design Manual (Section 22.03.059 of the West Lake Hills Code of Ordinances):
 1. To allow for closed cut of up to 13 feet on a slope between 25% and 35% grade where the maximum closed cut allowed is 10 feet.
 2. To allow for closed cut of up to 7 feet on a slope with a grade greater than 35% where no cut or fill is allowed.
 3. To allow for closed fill of up to 5 feet on a slope with a grade greater than 35% where no cut or fill is allowed.

Applicant: Davin Fillpot, Agent

1501 Wildcat Hollow

Owner is proposing to build a new house.

Previous house on the site was demolished in 2023.

Five variances were granted by BOA on September 11, related to encroachments into the front setbacks, grading in the setback, and retaining the nonconforming driveways.

Engineering/staff recommended denial at the time and noted that not enough information had been submitted to determine if the cut and fill proposed on the site was in compliance with the DECDM.

Site has natural and previously disturbed slopes.

1501 Wildcat Hollow

Once the civil drainage/grading plans were submitted, engineer it was noted that additional variance are required for cut/fill because of the slopes.

The Drainage and Erosion Control Design Manual has limitations on the amount of open and closed cut/fill that can occur on different slopes.

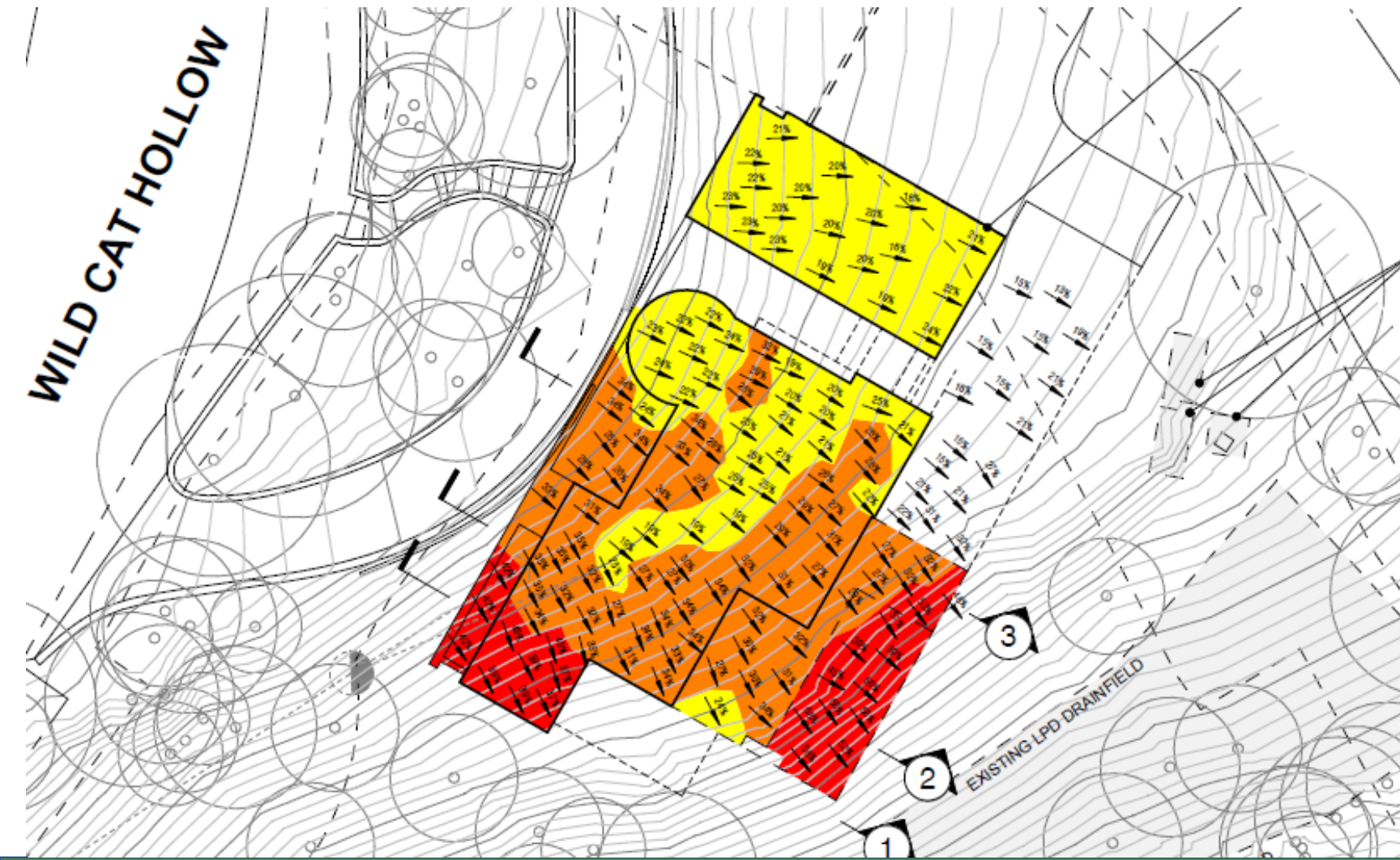
7.4.1 CUT/FILL LIMITS

In order to reduce stormwater runoff, resulting in erosion, sedimentation and conveyance of nonpoint source pollutants, the layout of the street network, lots and building sites shall, to the greatest extent possible, be sited and aligned along natural contour lines, and shall minimize the amount of cut and fill on slopes in order to minimize the amount of land area disturbed during construction. The maximum cut and fill limits are shown in Table 7-1.

Table 7-1: Maximum Cut and Fill Limits

Slope	Open Cuts and Fills	Closed Cuts	Closed Fill
0 - 15%	3 feet	20 feet	6 feet
15 - 25%	1 foot	15 feet	6 feet
25% - 35%	0 feet	10 feet	6 feet
> 35%	0 feet	0 feet	0 feet

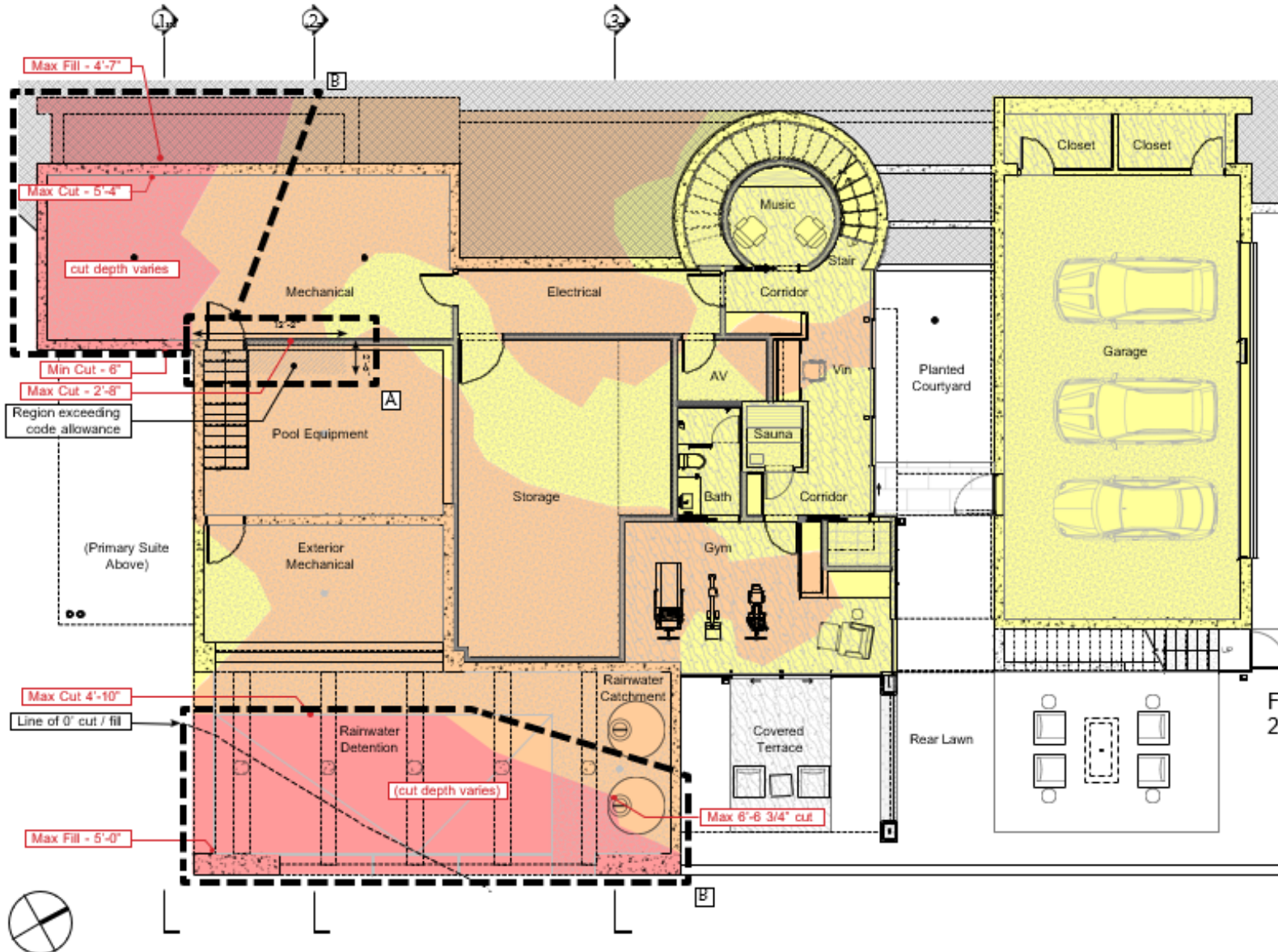
1501 Wildcat Hollow



SLOPE ANALYSIS LEGEND (ALLOWABLE CLOSED CUT & FILL)

-  Slope 0% - 15%
(20' CUT; 6' FILL ALLOWABLE)
-  Slope 15% - 25%
(15' CUT; 6' FILL ALLOWABLE)
-  Slope 25% - 35%
(10' CUT; 6' FILL ALLOWABLE)
-  Slope >35%
(NO CUT OR FILL)

1501 Wildcat Hollow



Proposed Design | Va

- [A] Request to allow maximum (3'-0" beyond allowable) cut assumed natural grade slope 25%-35% slope, limited to building footprint.
- [B] Request to allow maximum 5'-0" fill in areas where as grade exceeds 35% slope under the building footprint.

Relevant Code Excerpt:

City of Westlake Hills - Drainage and Erosion Control Ordinance
7.4.1 CUT/FILL LIMITS

- In order to reduce storm water runoff, sedimentation and conveyance of runoff, the layout of the street network, lots, and the greatest extent possible, be sited to follow contour lines, and shall minimize the slopes in order to minimize the amount of grading during construction. The maximum cut and fill shall be as shown in Table 7-1.

February 19, 2025

SLOPE ANALYSIS LEGEND (ALLOWABLE CLOSED CUT & FILL)	
	Slope 0% - 15% (20' CUT, 5' FILL ALLOWABLE)
	Slope 15% - 25% (15' CUT, 5' FILL ALLOWABLE)
	Slope 25% - 35% (10' CUT, 5' FILL ALLOWABLE)
	Slope >35% (NO CUT OR FILL)

1501 Wildcat Hollow

- Staff and the city engineer recommend approval of the variance requests
 - Due to the natural topography and two front setbacks.
 - The variance would not adversely impact the natural characteristics of the land and waterways of the watershed the property is located within.
- Public Comment:
 - Two letters of support were received by the City.
- The ZAPCO reviewed the item at the regular meeting on February 19, 2025 and recommended approval by a vote of 5-0 due to the hardship of the topography.

1501 Wildcat Hollow

Applicant Presentation

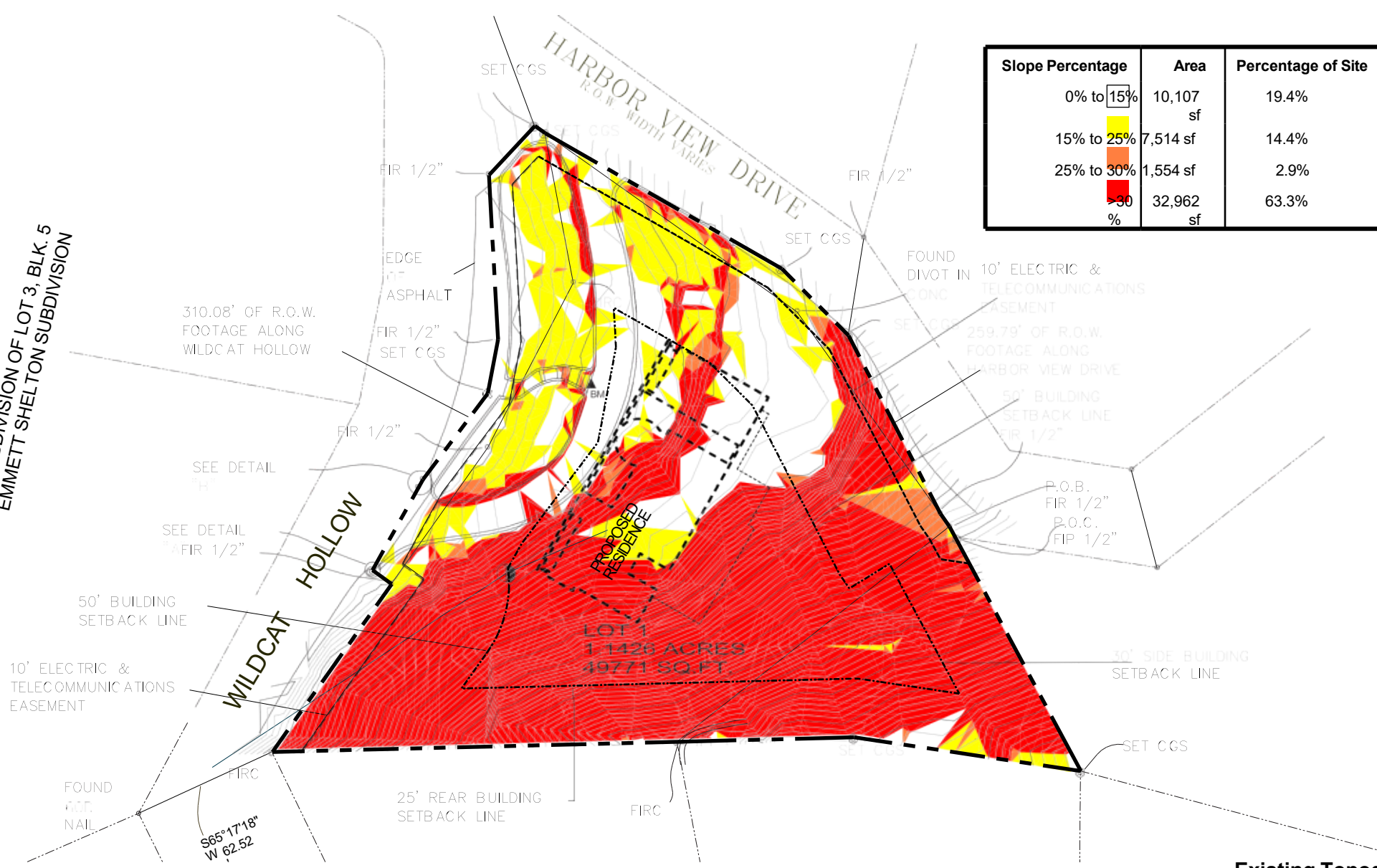


1501 Wildcat Hollow

Variance Request
February 19, 2025

Specht Novak

RESUBDIVISION OF LOT 3, BLK. 5
EMMETT SHELTON SUBDIVISION



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

Existing Topography

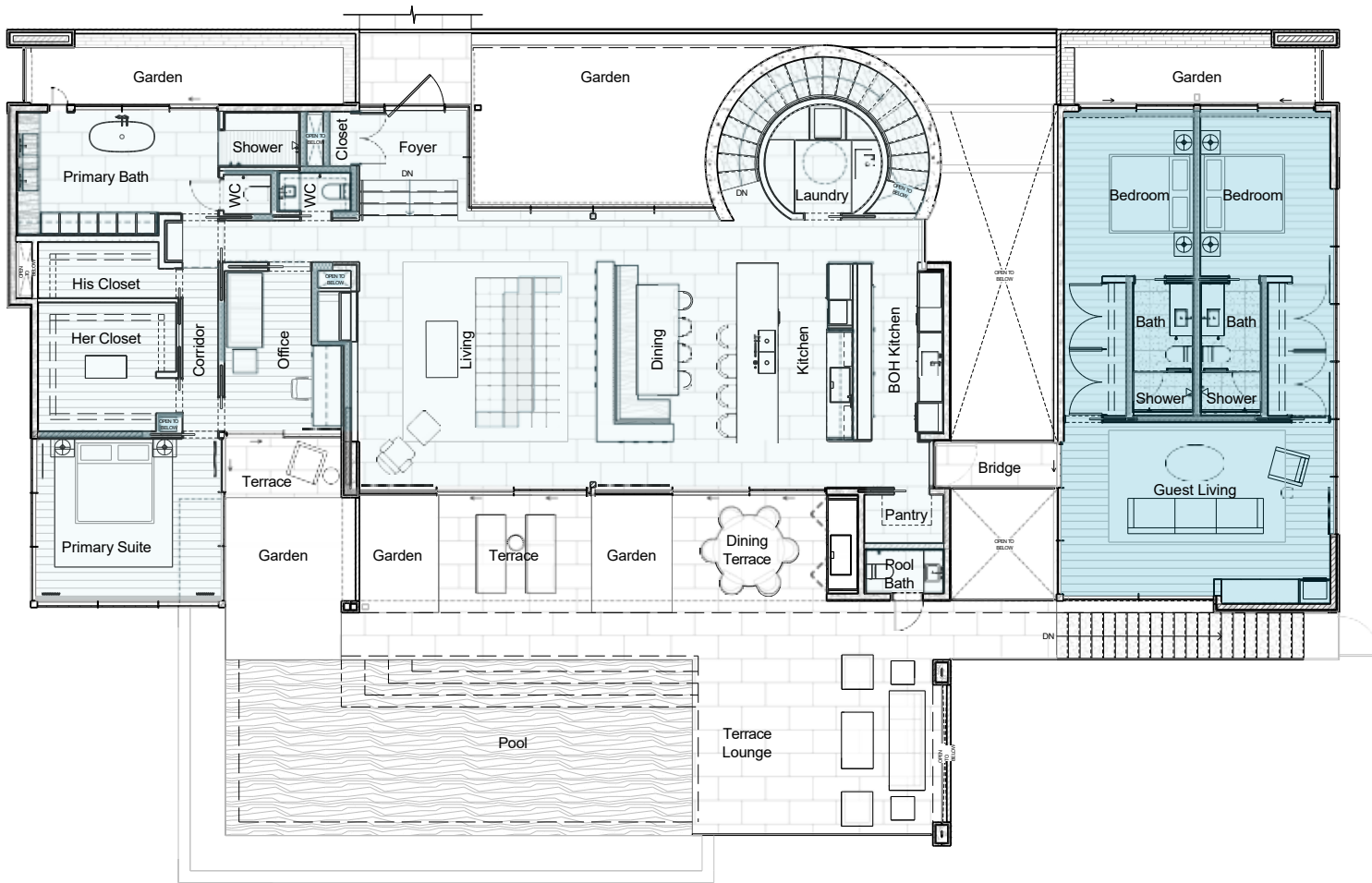
Existing conditions with previously altered grade / nonconforming fill



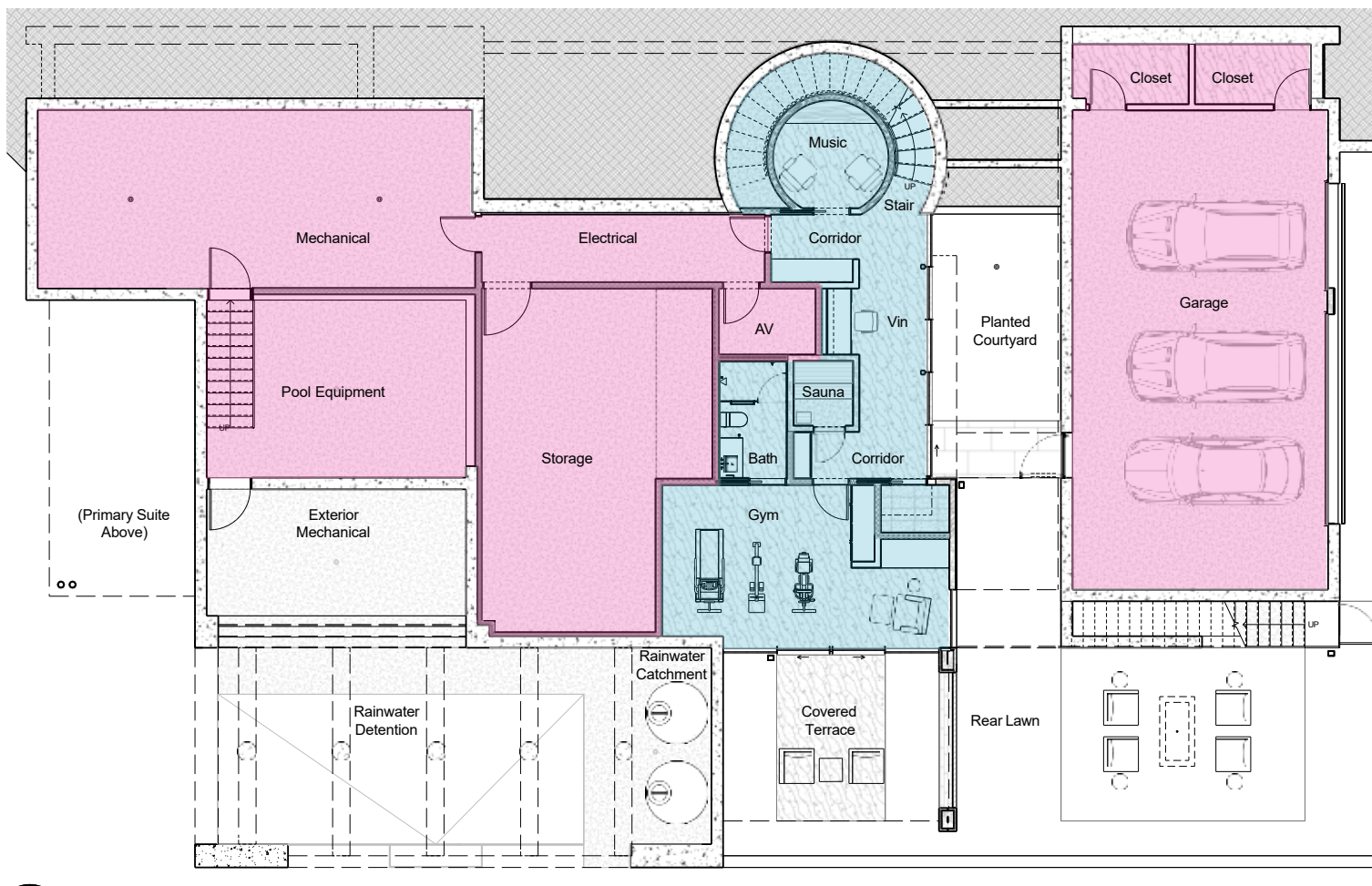
Existing Topography
Assumed Natural Grade



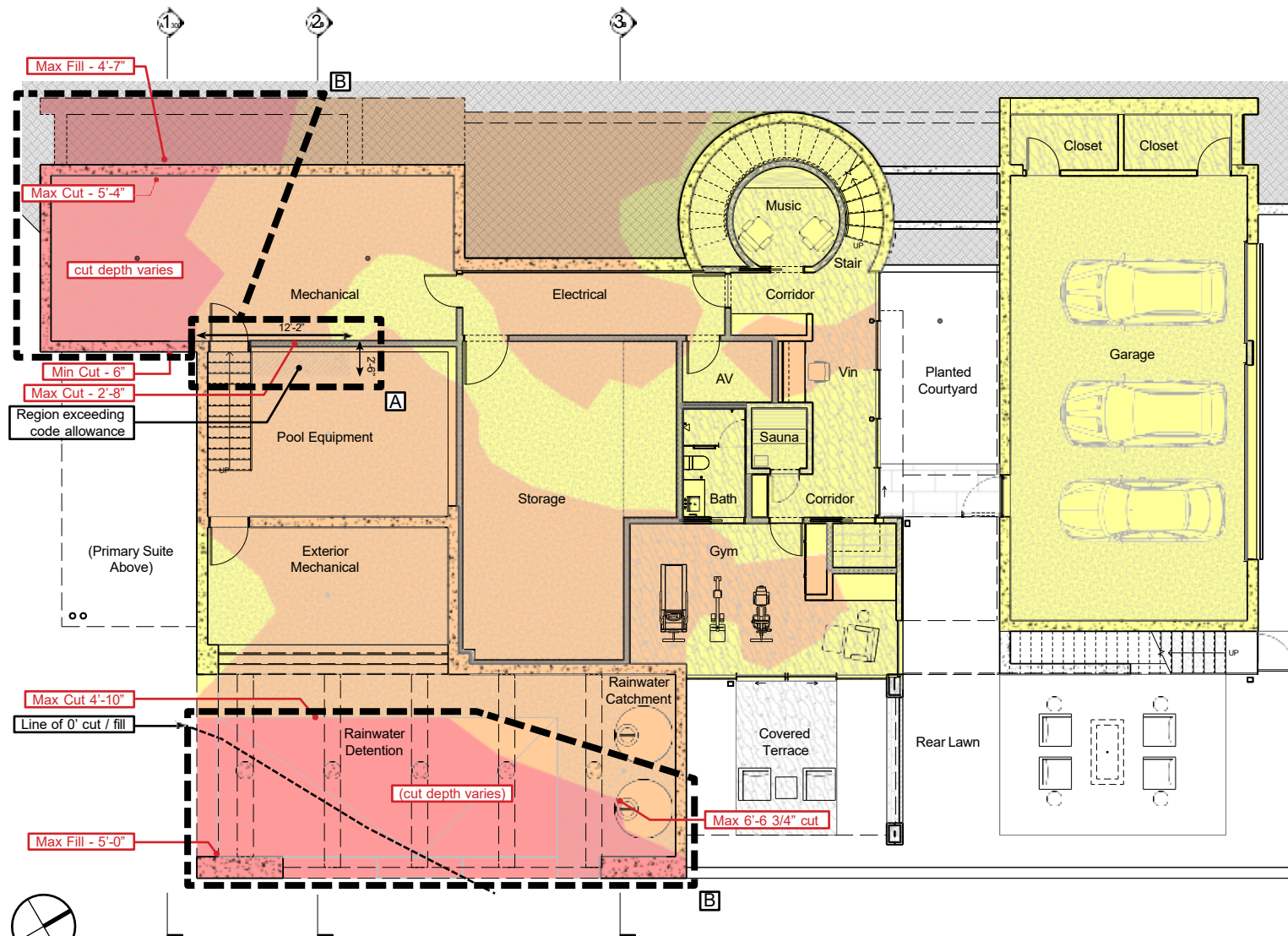
Aerial view looking west



Entry Level Plan
(not to scale)



Lower Level Plan
(not to scale)



Lower Level Plan

(not to scale)

Proposed Design | Variance 01

- A** Request to allow maximum 13'-0" (3'-0" beyond allowable) cut in areas where assumed natural grade slope is between 25%-35% slope, limited to areas under the building footprint.
- B** Request to allow maximum 7'-0" cut and 5'-0" fill in areas where assumed natural grade exceeds 35% slope, limited to areas under the building footprint and Rainwater Detention pond.

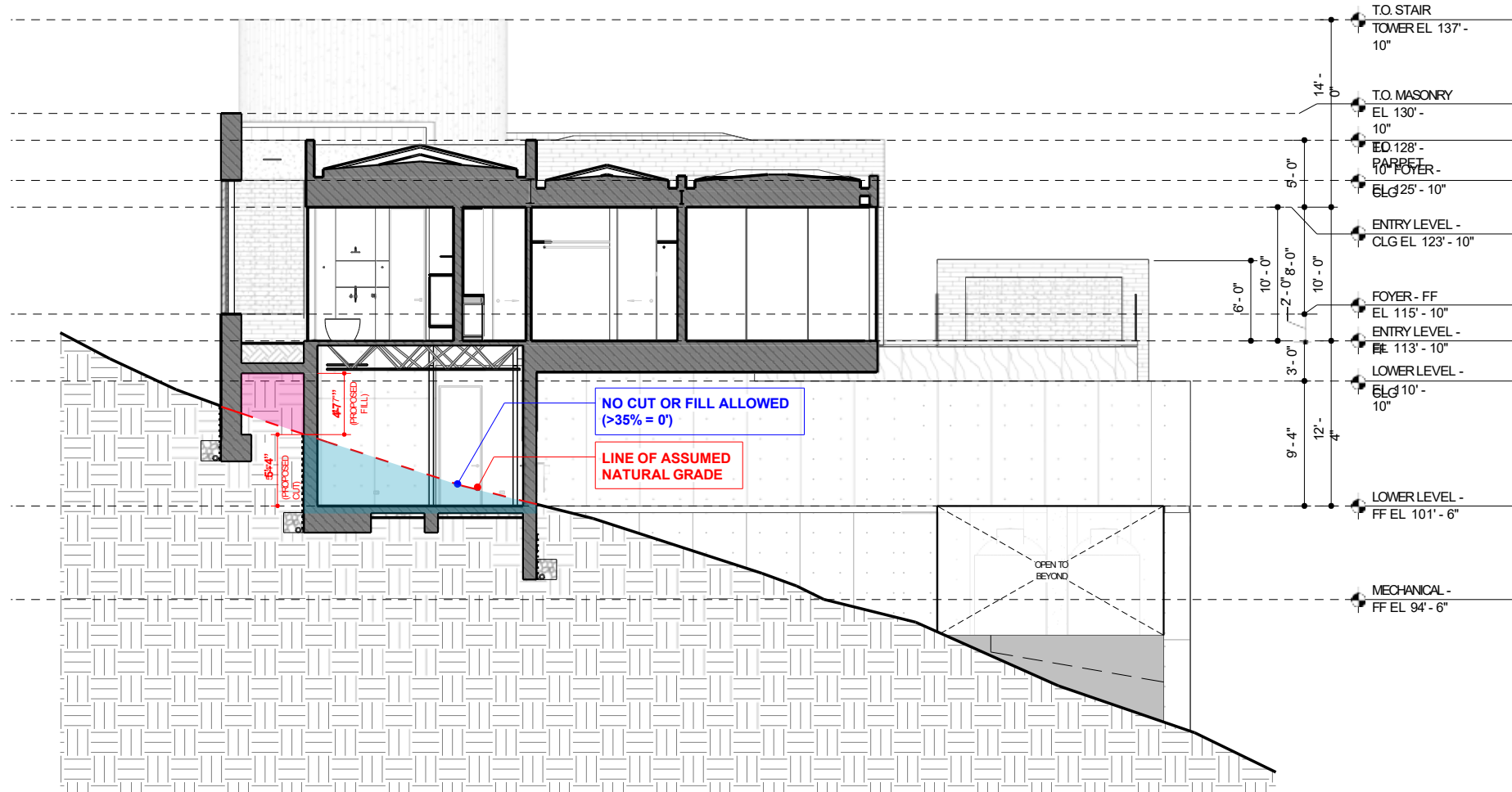
Relevant Code Excerpt:

City of Westlake Hills - Drainage and Erosion Control Design Manual

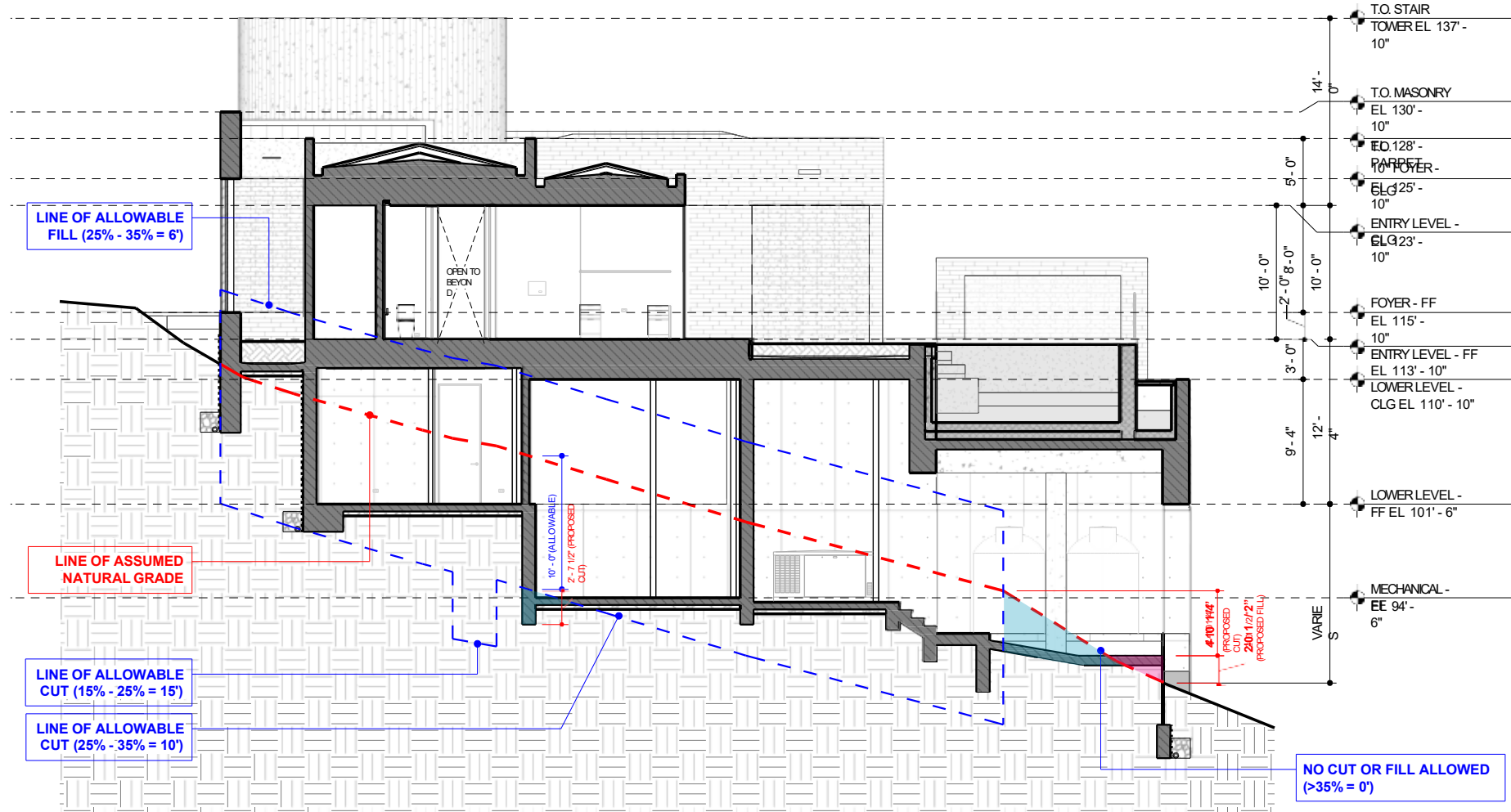
7.4.1. **CUT/FILL LIMITS**
In order to reduce storm water runoff, resulting in erosion, sedimentation and conveyance of nonpoint source pollutants, the layout of the street network, lots and building sites shall, to the greatest extent possible, be sited and aligned along natural contour lines, and shall minimize the amount of cut and fill on slopes in order to minimize the amount of land area disturbed during construction. The maximum cut and fill limits are shown in Table 7-1.

SLOPE ANALYSIS LEGEND (ALLOWABLE CLOSED CUT & FILL)

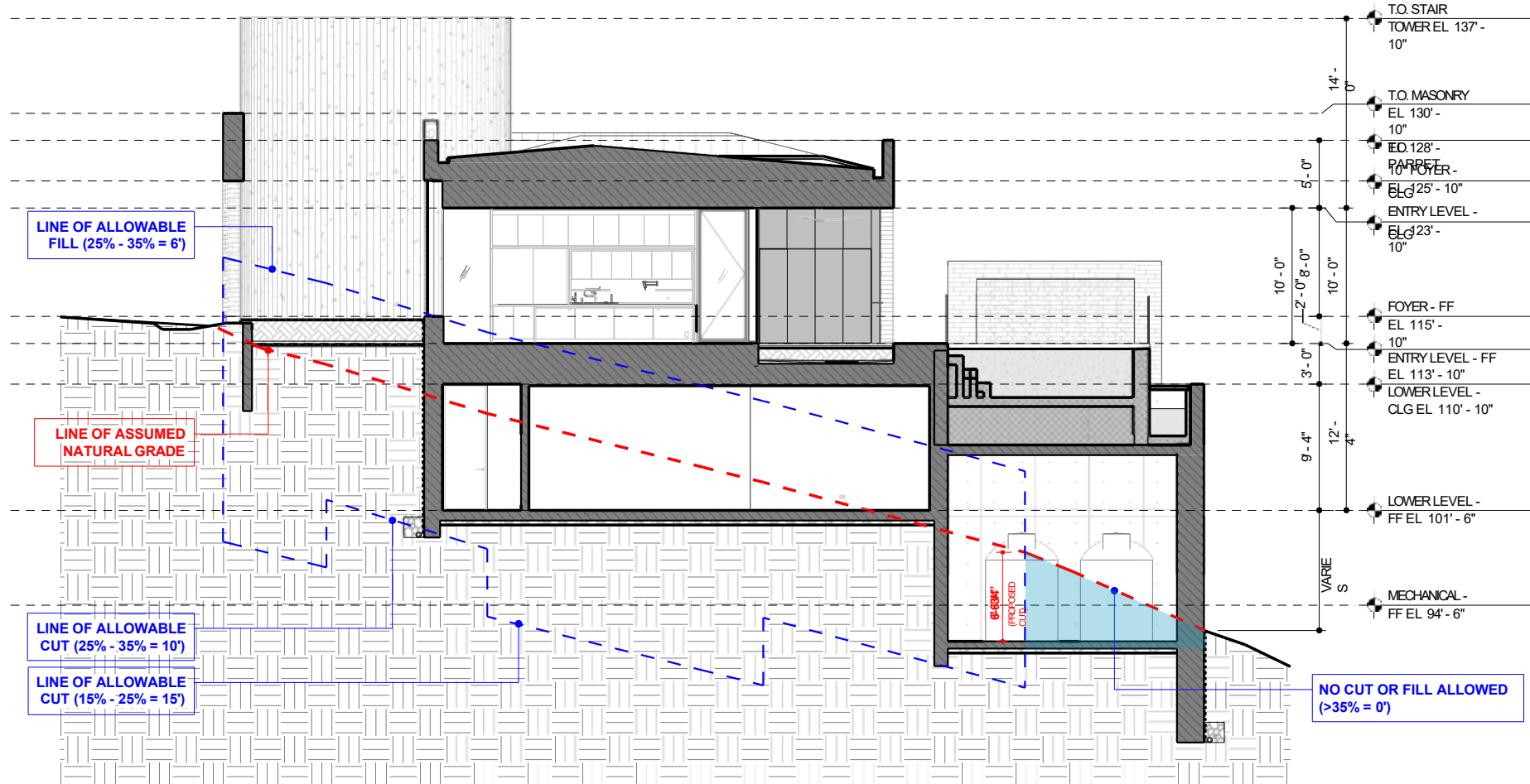
	Slope 0% - 15% (20' CUT; 6' FILL ALLOWABLE)
	Slope 15% - 25% (15' CUT; 6' FILL ALLOWABLE)
	Slope 25% - 35% (10' CUT; 6' FILL ALLOWABLE)
	Slope >35% (NO CUT OR FILL)



Proposed Design | Building Section 1



Proposed Design | Building Section 2



Proposed Design | Building Section 3



Proposed Design | Looking North



Proposed Design | Front Facade

Thank You!
Specht Novak