



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF BOARD OF ADJUSTMENT (BOA) SPECIAL MEETING
Wednesday, March 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 MARCH 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 March 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. 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 February 12, 2025 Regular Meeting Minutes.
 - b. Approval of the February 26, 2025 Special Meeting Minutes.
4. Land Use 717 1/2 Yaupon Valley Road - Discuss and consider action to approve Ordinance 157-2025-A for a Special Use Permit request to allow for the construction of a potable water storage tank for Water Control and Improvement District #10 (West Lake Hills Code of Ordinances, Section 18.02.033).

5. Land Use 717 1/2 Yaupon Valley Road - Discuss and consider action on a recommendation from ZAPCO on following variances:

1. Encroachment into the side setbacks for GUI (Section 22.03.170 Dimensional Standards for Zoning Districts).
2. Grading greater than 18 inches with the east side setback (Section 22.03.281: Site Disturbance (excavation, filling, or grading)).

for the installation of a water storage tank for Travis County Water Control and Improvement District 10. Applicant: James McDermott, Dannenbaum Engineering - Austin LLC.

6. Land Use 502 Spiller Lane - Discuss and consider action on a recommendation from ZAPCO on two variances:

1. To allow for encroachment of up to 13 feet into the 30-foot rear setback for a residential addition (Section 22.03.275 and 22.03.281 of the West Lake Hills Code); and
2. To allow for the increase of impervious cover from 25.9% to 28.7% where the maximum allowed by code is 25% (Section 22.03.281 of the West Lake Hills Code).

Applicant: Davin Fillpot, Architect.

7. Adjournment

Approved by: James Vaughan, Chair

Certificate

I certify that the above Notice of the March 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, March 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, TEXAS
MINUTES OF A BOARD OF ADJUSTMENT (BOA) REGULAR MEETING
Wednesday, February 12, 2025 at 7:00 PM

1. Call to Order

With a quorum present, Vice Chair Plunkett called the meeting to order at 7:01 p.m.

BOARD MEMBERS PRESENT:

Vice Chair Brian Plunkett
Gordon Bowman
Dana Harmon
Beth South
Darin Walker

CITY STAFF PRESENT:

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

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

3. Administration Discuss and consider action on the approval of the January 8, 2025 Regular Meeting Minutes.

MOTION: Upon a motion made by Board Member Harmon and a second by Board Member Walker, the Board voted five (5) for and none (0) opposed to approve the minutes as presented. Motion carried.

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.

Director Bills gave an update. Staff is working with the applicant on a plan to revegetate the site. A recommendation should be ready for Board review at the next meeting.

5. Adjournment

MOTION: Upon a motion made by Board Member South and a second by Board Member Harmon, the Board voted five (5) for and none (0) opposed to adjourn the meeting at 7:10 p.m. Motion carried.

Respectfully submitted,

JAMES VAUGHAN, CHAIR

ATTEST:

Terry Blanchard, TRMC
City Secretary

These minutes were approved on March 26, 2025.

CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A BOARD OF ADJUSTMENT (BOA) SPECIAL MEETING
Wednesday, February 26, 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 (arrived at 7:06 p.m.)
Beth South
Jim O'Connor (alternate)

CITY STAFF PRESENT:

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

The meeting was suspended at 7:04 p.m.

The meeting was reconvened at 7:05 p.m.

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 Plunkett arrived at 7:06 p.m.

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

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.

Director Bills gave a brief summary. ZAPCO, staff and city engineer recommend approval.

Heidi and Vincent Restivo gave a presentation to the Board.

MOTION: Upon a motion made by Board Member Harmon and a second by Board Member South, the Board voted six (6) for and none (0) opposed to approve the variances as requested. Motion carried.

4. Adjournment

MOTION: Upon a motion made by Board Member O'Connor and a second by Board Member Bowman, the Board voted six (6) for and none (0) opposed to adjourn the meeting at 7:23 p.m. Motion carried.

Respectfully submitted,

JAMES VAUGHAN, CHAIR

ATTEST:

Terry Blanchard, TRMC
City Secretary

These minutes were approved on March 26, 2025.



City of West Lake Hills

Board of Adjustment

AGENDA REPORT

Meeting Date:	March 26, 2025	Item Number:	5
Department:	Building & Development Services		
Prepared By:	Jennifer C. Bills	Cost / Budget:	None
Exhibits:	Ord 57-2025-A, Exhibit A	Source of Funds:	N/A

Subject

717 ½ Yaupon Valley Dr.: Discuss and consider action to approve Ordinance 157-2025-A for a Special Use Permit request to allow for the construction of a potable water storage tank for Water Control and Improvement District #10 (West Lake Hills Code of Ordinances, Section 18.02.033).

Applicant: James McDermott, Dannenbaum Engineering

Recommendation

Staff recommend approval of the Special Use Permit request. Co-locating the required new storage tank with the existing infrastructure and tank is less intrusive to the city than having to create a new site to provide adequate water service for domestic consumption and fire service.

Five variance requests were considered at the February 19, 2025 regular Zoning and Planning Commission meeting. ZAPCO recommended for approval by a vote of 5-0 (Attachment 2). Variances are on the BOA and City Council agenda March 26, 2025.

Discussion

Property Information, Zoning & Site Characteristics:

Owner: Travis County Water Control and Improvement District #10

Legal Description: 0.13 acres out of Lot 2A Ben Riske Subdivision Amended Plat of Lots 1 & 2

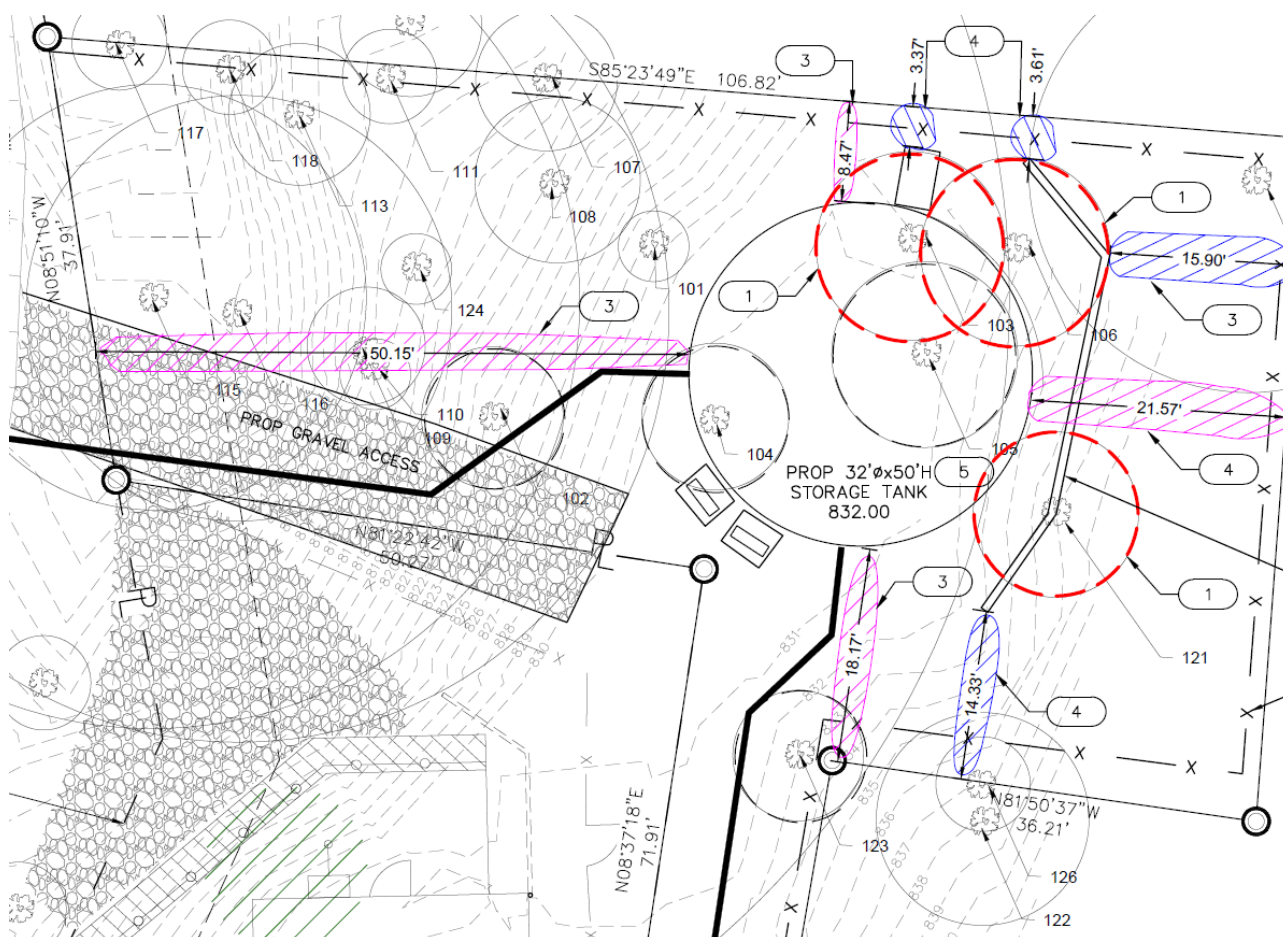
Lot Size: 0.13 Acres

Zoning: R-1 One Family

The properties surrounding the subject property are zoned R-1, One-Family Residential or GUI, Governmental, Utility and Institutional. The adjacent lot to the south is occupied by a single-family home, but the three parcels surrounding the remainder of the lot are vacant. The lot is accessed from a driveway in a private access easement from Yaupon Valley.

Background & Analysis:

The Water District #10 acquired a 0.13-acre tract last year from the neighboring lot for a future water tank and infrastructure necessary to adequately serve the residents of West Lake Hills with water. The District currently owns 0.2471 acres to the south of this tract, that is the location of the McConnell pump station and ground storage tank. This site is the primary distribution point for the entire Water District 10 system with over 10,000 residents. The existing tank was built in the 1950s and has reached the end of the useful life and needs to be replaced. The Water District's long-range planning efforts have determined that a new tank will be necessary both for replacing the existing tank during reconstruction and for additional storage capacity.



Along with the SUP request, five variances have been requested to dimensional standards for the placement and height of the tank on the additional acreage that was acquired by the Water District in 2024.

Public Comments:

As of the date of the staff report, no other written comments have been received.

General Conditions for Storage Tanks:

1. Construction of potable water storage tanks in the city will require that a special use permit be secured from the city in accordance with the requirements outlined in the zoning ordinance as amended. Setback lines for all tanks shall be a minimum of 100 feet from all property lines with a maximum height of 30 feet above existing natural grade elevation. Lot size shall be a minimum of two acres and zoned GUI, governmental, utility and institutional district. A maximum of one potable water storage tank shall be constructed per two acres.
2. Landscaping shall be preserved in its natural state to the greatest extent feasible with additional landscaping added subsequent to completion of tank construction as approved by the city.
3. Potable water storage tanks shall conform with the requirements outlined in this article and the Manual on Rules and Regulations for Public Water Systems, promulgated by the state commission on environmental quality in their current edition. Where any conflicts exist between the state standards and the city standards, the city standards shall govern, provided such standards do not fall below state standards.
4. All potable water storage reservoirs and pressure maintenance facilities must be enclosed by an intruder-resistant fence with lockable gates as approved by the city.
5. No potable water supply storage, ground storage or hydropneumatic tank shall be located within 1,500 feet of any public or private sewage treatment plant or any land which is spray irrigated with treated sewage effluent.

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

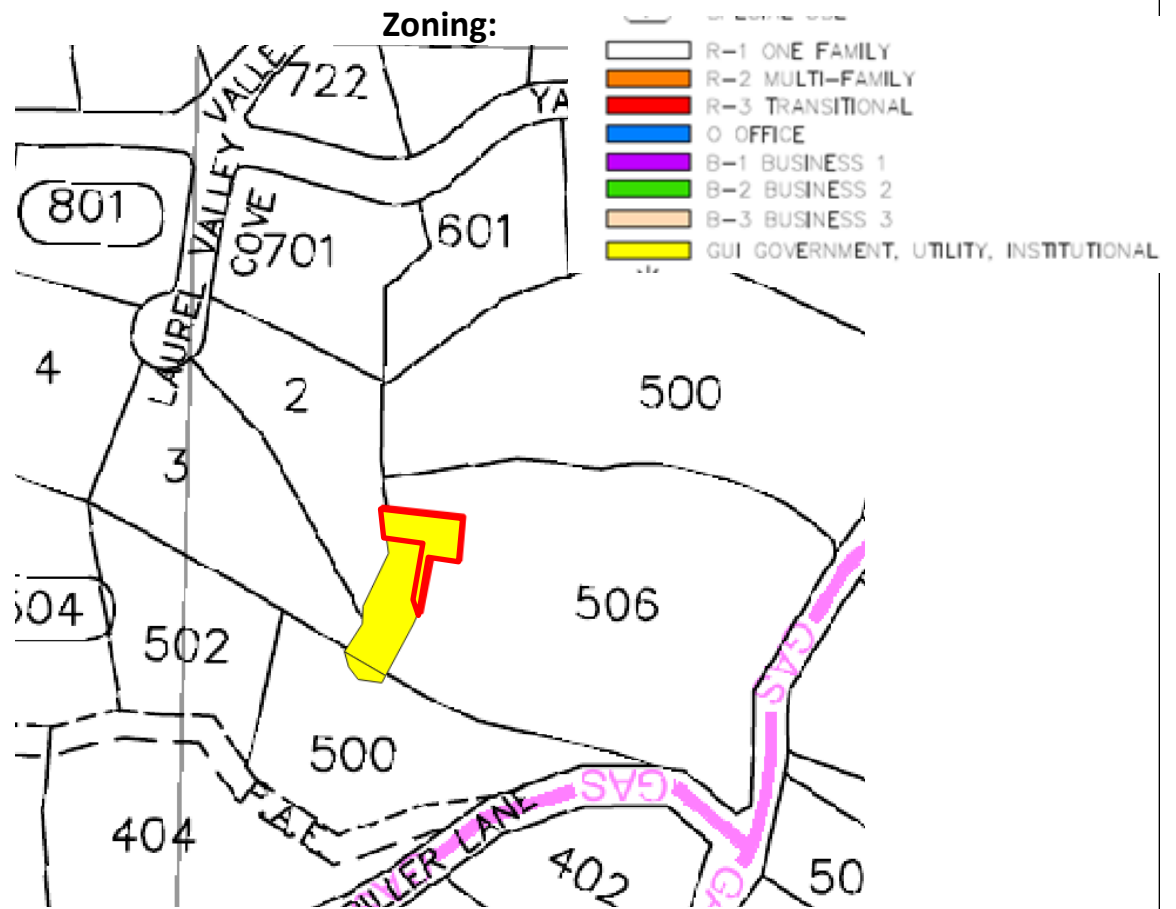
There is no change to the subdivision proposed with this application.

Comprehensive Planning Analysis

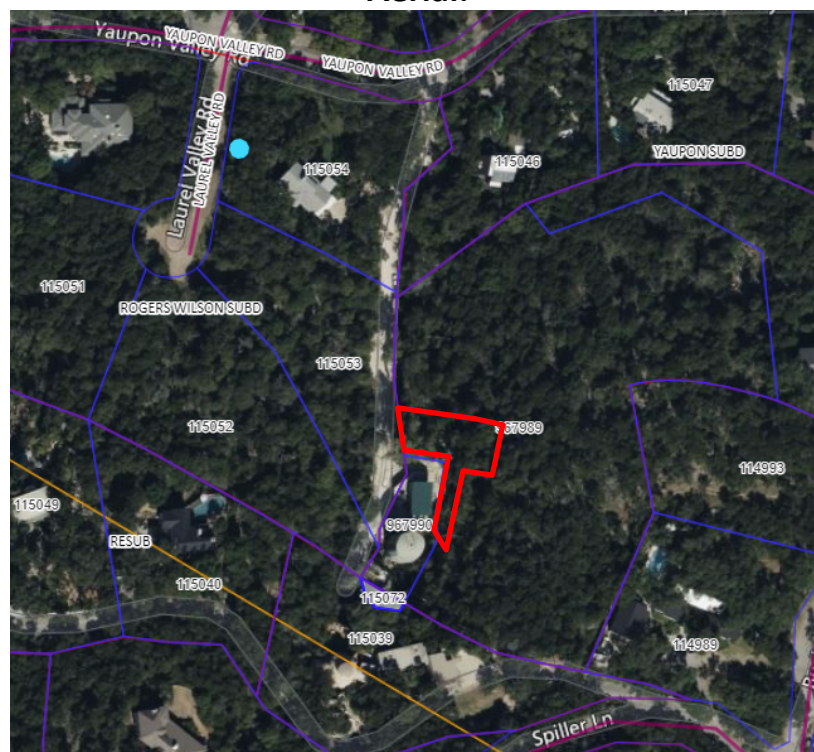
The existing and future land use is in conformance with the City of West Lake Hills Master Plan.

Links to Relevant Code:

- [Section 38.04.032 Special Use Permit](#)
- [Section 38.04.033 General Criteria applicable to all special uses](#)
- [Section 18.02.033 General provisions for Storage Tanks](#)



Aerial:



SPECIAL USE PERMIT 157-2025-A

A PERMIT SETTING FORTH THE CONDITIONS FOR THE CONSTRUCTION OF AN ADDITIONAL POTABLE WATER STORAGE TANK AT 717.5 YAUPON VALLEY ROAD AND AUTHORIZING THE CITY ADMINISTRATOR TO NOTE THE CHANGE ON THE OFFICIAL ZONING MAP OF THE CITY.

WHEREAS, Water Control and Improvement District #10, has requested a Special Use Permit (SUP) for the construction of an additional potable water storage tank at 717.5 Yaupon Valley Road, West Lake Hills, Texas, the herein described parcel of land; and

WHEREAS, the notice as required by Section 38.04.032, 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 as required by law; and

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

WHEREAS, the Board of Adjustment finds that the application for Special Use Permit meets the requirements of Section 18.02.033 of the West Lake Hills Code; and

WHEREAS, two variances to Section 18.02.033 of the West Lake Hills Code were granted by City Council, and three variances to Sections 22.03.170, 22.03.281 and 22.03.304(a)(4) of the West Lake Hills Code were granted by the BOA and City Council on March 26, 2025; and

WHEREAS, the potable water storage tanks are allowed with a Special Use Permit in Government, Institutional and Utility; and

WHEREAS, the public interest dictates that an adequate water supply is critical to serve the residents with potable water and to the ability to provide fire protection; and

WHEREAS, the applicant has agreed to the special conditions regulating the new potable water storage tank; and

WHEREAS, the Board of Adjustments, at its Public Hearing on the Special Use Permit, determined that the proposed activities as described on the 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:

0.130 acres of the Lot 2A, Amended Plat of Lots 1 and 2, Ben Riske Subdivision Section 2 (0.13 acres of the TJ Chamber Survey No. 504) Abstract No. 198)

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

1. Site construction shall be in compliance with the West Lake Hills ordinances and the variances approved on March 26, 2025.

2. Landscaping shall be preserved in its natural state to the greatest extent feasible with additional landscaping added subsequent to completion of tank construction as approved by the city.
3. Potable water storage tanks shall conform with the requirements outlined in this article and the Manual on Rules and Regulations for Public Water Systems, promulgated by the state commission on environmental quality in their current edition. Where any conflicts exist between the state standards and the city standards, the city standards shall govern, provided such standards do not fall below state standards.
4. All potable water storage reservoirs and pressure maintenance facilities must be enclosed by an intruder-resistant fence with lockable gates as approved by the city.
5. No potable water supply storage, ground storage or hydropneumatic tank shall be located within 1,500 feet of any public or private sewage treatment plant or any land which is spray irrigated with treated sewage effluent.
6. 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 substantial violation of any of the representations, plans, terms, general, or special conditions and limitations applicable to this Special Use Permit.
2. A substantial violation of any laws, ordinances or regulations.
3. A change in the nature of the use of the property.
4. Discontinuance of the use.

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 26th day of March, 2025.

PASSED AND APPROVED this 26th day of March, 2025.

James Vaughan, Board of Adjustment Chair

ATTEST:

Terry Blanchard, City Secretary

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

Carla Orts, General Manager
Water Control and Improvement District #10

May 7, 2024

Mr. James Vaughn
Board of Adjustment
911 Westlake Drive
West Lake Hills, Texas 78746

**REFERENCE: Travis County WC&ID 10
717 ½ Yaupon Valley Road**

SUBJECT: SPECIAL USE PERMIT

Dear Mr. Vaughn:

A Special Use Permit (SUP) is requested as per 18.02.033(a) of the West Lake Hills Code of Ordinances in conjunction with the proposed 717 ½ Yaupon Valley Road (McConnell Pump Station) new tank addition. Travis County Water Control and Improvement District No. 10 is proposing to construct a new 300,000-gallon ground storage tank to supply additional drinking water to all of its customers in West Lake Hills.

The tank will be placed on the existing Pump Station site with another existing ground storage tank. The site has existed since the 1950's and has been supplying water to West Lake Hills since then. The new ground storage tank will supply additional capacity to the system as needed.

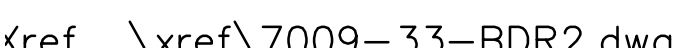
If you have any questions concerning this application, please email me at james.mcdermott@decorp.com or call me at 512-427-3236.

Sincerely,

DEC CENTRAL TEXAS LLC



James P. McDermott, P.E.



City of West Lake Hills

MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING

Wednesday, February 19, 2025 at 6:30 PM

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

- a. Meeting begins at 6:30pm
- b. Roll Call
 - Chair Robert Meisel: Present
 - 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 January 15, 2025 Zoning and Planning Commission minutes
- b. Approval of the January 24, 2025 Zoning and Planning Commission workshop minutes
- c. Report of previous ZAPCO cases acted upon by the BOA/Council
- d. **Action:** Commissioner Pledger moves for approval of the Consent Agenda
 - i. Commissioner Webber Seconds
 - ii. Motion carries unanimously 5 - 0

4. **Public Hearing: 704 Rocky River Rd.** – Discuss and make a recommendation on a variance to allow for the removal four trees: Tree Number 146 – a 14.5-inch oak, Tree Number 197 – a 16-inch elm, Tree Number 201 – a 17-inch oak, Tree Number 224 – a 14.5-inch elm, when trees 14-inches and greater require a variance for removal (Section 22.03.304(a)(4) of the West Lake Hills Code of Ordinances).

Applicant: Nina Falgout Sterrett, Arterberry Cooke Architecture

a. **Staff Report:**

- a. Director Bills and Building Official Jordan Word explain the tree removal permit that was obtained using an arborist's certification that 2 of the previous variance trees had died, and the applicant's withdrawal of the variance request due to the site being redesigned to save remaining trees.
 - i. Additional non-variance trees were removed that were not included on the tree survey, and staff is working with applicants to mitigate for trees between 10 and 14 inches.
- b. Chair Meisel: Is this arborist on our arborist list?
 - i. City staff accepts ISA Arborist Certifications, which this arborist has.
- c. Commissioner Webber: Is there any kind of fine that's applied to the tree person?
 - i. The property owner will be required to mitigate.
- d. Chair Meisel: Will this go to Court?
 - i. If they don't comply, court would be the next step
- e. Chair Maccini: Will they have to mitigate before receiving permits?
 - i. Yes.
- f. Chair Maccini: will new tree survey be required prior to permit approval?
 - i. Yes
- b. Public Comments:**
 - a. Nina Falgout Sterrit
 - i. Explains that trees will be saved or were removed by permit
 - b. Randy Lee – 6 Rocky River Cove:
 - i. Wanted to see how this was proceeding and has questions
 - 1. Says he has photographs of large trees not included on surveys
 - c. Luke Woolridge – 10 Rocky River Cove:
 - i. Site looks "bushwhacked"
 - ii. Concerned applicants will try to violate other ordinances
- c. Discussion:** None
- d. Action:** None needed – application has been withdrawn

5. **Public Hearing: 1501 Wildcat Hollow** - Discuss and make a recommendation 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

a. Staff Report:

- i. Director Bills describes nature of property, previous variances granted, and additional cut/fill variance request

b. Public Comments:

- a. Heidi Restivo: Property Owner
 - i. Shared her thoughts on the development process

c. Discussion:

- i. Commissioner Stewart: Will variances be visible?
 1. No – foundation only
- ii. Commissioner Maccini:
 1. Appreciates that home size is reduced

d. Action: Commissioner Pledger moves that the variance request be forwarded to the Board of Adjustment with a recommendation of approval based on hardship of steep lot.

- i. Commissioner Webber seconds
- ii. Motion carries unanimously (5-0)

Recommendation will be forwarded to the Board of Adjustment for consideration at a special session on February 26, 2025.

6. Public Hearing: 717 ½ Yaupon Valley Road - Discuss and make a recommendation on the following variances:

1. Encroachment into all setbacks where 100 feet is required. (Section 18.02.033(a): Dimensional Standards for Water Storage Tanks)
2. Tank height of 60 feet where 30 feet is the maximum (Section 18.02.034: Design and construction of potable water tanks)
3. Encroachment into the side setbacks for GUI (Section 22.03.281 Dimensional Standards for Zoning Districts)
4. Grading greater than 18 inches with the east side setback (Section 22.03.281: Site Disturbance (excavation, filling, or grading))

5. Removal of three ash juniper (cedar) trees; #103 – 14 inch, #106 – 20 inch, #121 – 15 inch; 14 inches or greater (Section 22.03.304(a)(4): Removal of trees 14" or greater);

for the installation of a water storage tank for Travis County Water Control and Improvement District 10.

Applicant: James McDermott, Dannenbaum Engineering - Austin LLC

a. Staff Report:

- i. Director Bills explains the variance requests for the Water District 10 water storage tanks site
- ii. Commissioner Webber: When was the parcel purchased?
 1. Late 2023
- iii. Commissioner Webber: When was the code written that requires 100-foot setbacks
 1. Unknown
- iv. Commissioner Webber: Why did they acquire such a small property knowing that it would not meet code, when there are empty lots surrounding the existing site?
- v. Commissioner Maccini: Are cedars held to the same replacement standard as other trees?
 1. Yes

6. Public Comments:

- i. Carla Orts: Water District 10 General Manager
 1. Critical need for second tank:
 - a. WD10 has run out of water once in a freeze, and almost a second time.
 2. Fire protection
 3. Life expectancy of existing tank is expiring
- ii. Chair Meisel: concerned about security from attacks on public infrastructure

c. Discussion:

- i. Commissioner Webber: Strongly supports all requests

d. Action: Commissioner Stewart moves that the variance request be forwarded to the City Council with a recommendation of **approval**.

- i. Commissioner Bartoletti seconds

- ii. Motion carries unanimously (5-0)

Recommendation will be forwarded to City Council and Board of Adjustment for consideration on March 12, 2025.

7. Public Hearing: 502 Spiller Lane - Discuss and make a recommendation on two variances:

1. To allow for encroachment of up to 13 feet into the 30-foot rear setback for a residential addition (Section 22.03.275 and 22.03.281 of the West Lake Hills Code); and
2. To allow for the increase of impervious cover from 25.9% to 28.7% where the maximum allowed by code is 25%. (Section 22.03.281 of the West Lake Hills Code.)

Applicant: Davin Fillpot, Architect

a. Staff Report:

- i. Director Bills describes the existing non-conforming site, easement, and the requested variances for additional impervious cover and rear setback encroachments

b. Public Comments:

- ii. Logan Reichle – homeowner
 1. Describes variance request
- iii. Davin Fillpot – applicant
 1. Existing pool is almost entirely in rear setback
 2. Private access easement increases impervious cover on site and cannot be removed by applicant
 3. Willing to modify the request to keep existing impervious cover of 25.9%

e. Discussion:

- ii. Commissioner Bartoletti: Will maintaining the 25.9% still require a variance?
 1. Yes
- iii. Commissioner Webber: Sympathetic to addition placement design. Not opposed to conditioned portion within building area. How is tree near new building being preserved?

1. Davin Fillpot: Will follow tree and root preservation regulations.
Applicant planning on floating foundation
- iv. Commissioner Maccini: How will limbs be handled?
 1. Davin Fillpot: Less than 25% of canopy will be impacted
- v. Commissioner Pledger: Concerned with taking impervious cover from flattest part of lot and placing it into the hill and the setback
 1. Davin Fillpot: Area of proposed structure less than 15% slope
 - a. If not for impervious cover and setback issues, the location would be suitable for building
- vi. Chair Meisel: Impervious cover drives runoff
 1. Building impervious cover on slope in setback can impact neighbors
 - a. Davin Fillpot: Drainage Waiver has been requested
- vii. Commissioner Webber: Does existing house have rainwater detention?
 1. Davin Fillpot: If waiver is denied, then rainwater collection tank is required
- viii. Commissioner Maccini: Neighbors are opposed, and existing site conditions, impervious cover and setback limits were all in place at time of purchase. This isn't a hardship, but a desire for more room
 1. There are solutions that don't require variances. Variances may negatively impact neighbors
- ix. Commissioner Webber: There are potentially ways of designing around these variances
- x. Commissioner Maccini: This is design driven
- xi. Item tabled to later in meeting for applicant to discuss with homeowner (8:01 PM).**
- xii. Item reconvened after all other items closed (8:39 PM).**
 1. Davin Fillpot:
 - a. Will withdraw Impervious Cover variance request
 - b. Will remove roof from patio and keep entire deck at 50% impervious
- xiii. Commissioner Bartoletti: Still adding IC in setback
 1. Davin: sidewalk would be allowed, and current proposal would be less impervious cover in the setback than sidewalk

- f. Action:** Commissioner Webber moves that the variance request be forwarded to the City Council with a recommendation of **approval** for an uncovered deck in the setback.

- iii. Commissioner Maccini seconds
- iv. Motion fails (2-3)
 - 1. Commissioners Pledger, Stewart, and Maccini opposed
- ii. Commissioner Pledger moves for denial for lack of hardship
 - 1. Bartoletti Seconds
 - 2. Motion carries (3-2)
 - a. Maccini and Webber opposed to denial

Recommendation will be forwarded to City Council and Board of Adjustment for consideration on March 12, 2025.

- 8. Public Hearing: 413 Ledgeway Ridge - Discuss and make recommendations on proposed variances for the removal of six (6) trees with trunk diameters of 14 inches or greater, (Section 22.03.304 of the West Lake Hills Code).
 - 1. #339 - 19-inch double trunk live oak
 - 2. #342 - 17-inch double trunk ash juniper (cedar)
 - 3. #346 - 23-inch double trunk ash juniper (cedar)
 - 4. #2407 - 25-inch double trunk ash juniper (cedar)
 - 5. #2420 - 17-inch triple trunk ash juniper (cedar)
 - 6. #2437 - 18-inch live oak

Applicant: Emily Haydon, LaRue Architects

a. Staff Report:

- i. Director Bills describes the site, FEMA/Army Corps of Engineers floodway restrictions, and the requested tree variances
- ii. Commissioner Stewart: Lots 6 and 7 on the exhibits are actually built?
 - 1. Yes
- iii. Commissioner Webber: Are those the actual footprints of existing homes?
 - 1. Yes
- iv. Chair Meisel: What is the buildable area?
 - 1. 3789 square feet

7. Public Comments:

- i. Emily Hadon – LaRue Architects
 - 1. Trying to fit a house appropriate with adjacent neighbors
- ii. Greg Reynolds – owner
 - 1. Have letters showing all neighbors in favor of variance request

2. Site is extremely difficult.

g. Discussion:

- i. Commissioner Stewart: looks like a very challenging lot
 - a. Surprised and encouraging that it is designed to avoid cut/fill variances
 - b. Attempt has been made to minimize the request
- ii. Commissioner Webber: Finding a place to put replacement trees will be difficult. What if they can't find a spot?
 - a. Fee in lieu can be paid for up to 10% with staff approval. Council would have to approve more.
- iii. Commissioner Maccini: Appreciate that it's a difficult lot, but it's West Lake Hills.

h. Action: Commissioner Bartoletti moves that the variance request be forwarded to the City Council with a recommendation of **approval**

- v. Commissioner Stewart seconds
- vi. Motion fails (2-3)
- vii. **Webber:** motion for denial for more information
 - 1. Pledger: Seconds
 - 2. Motion carries (3-2)
 - a. Commissioners Pledger, Webber, Maccini for denial
 - b. Commissioner Stewart and Bartoletti opposed the denial

9. **Public Hearing: 1420 Redbud Trail:** Discuss and make a recommendation on a variance for an encroachment into the required 50-foot front setback (Section 22.03.275 and 22.03.281 of the West Lake Hills Code).

Applicant: Renee Salazar, Property Owner

a. Staff Report:

- a. Director Bills describes the site and variance request

b. Public Comments:

- a. **Renee Salazar:** homeowner
 - i. Explained request to build roof over front porch

c. Discussion:

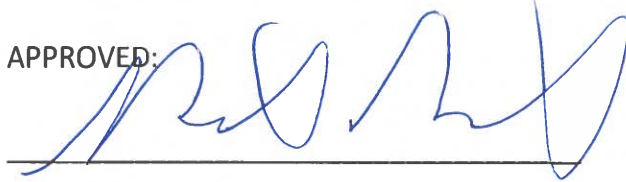
- i. Commissioner Webber: inclined to approve
- ii. Commissioner Pledger: No hardship
- iii. Commissioner Stewart: Not enough information. Don't even know the amount of the encroachment

- i. **Action:** At applicant request – item postponed to March 19, 2025 ZAPCO meeting.

10. Adjournment - Chair Robert Meisel

- 1. Chair Meisel adjourns the meeting at 8:51pm

APPROVED:



Robert Meisel, Chair

ATTEST:



Joel Sherrouse, Development Coordinator

These minutes were approved on March 19, 2025.

717 ½ Yaupon Valley Rd.

Discuss and consider action to approve Ordinance 157-2025-A for a Special Use Permit request to allow for the construction of a potable water storage tank for Water Control and Improvement District #10 (West Lake Hills Code of Ordinances, Section 18.02.033).

Applicant: James McDermott, Dannenbaum Engineering - Austin LLC

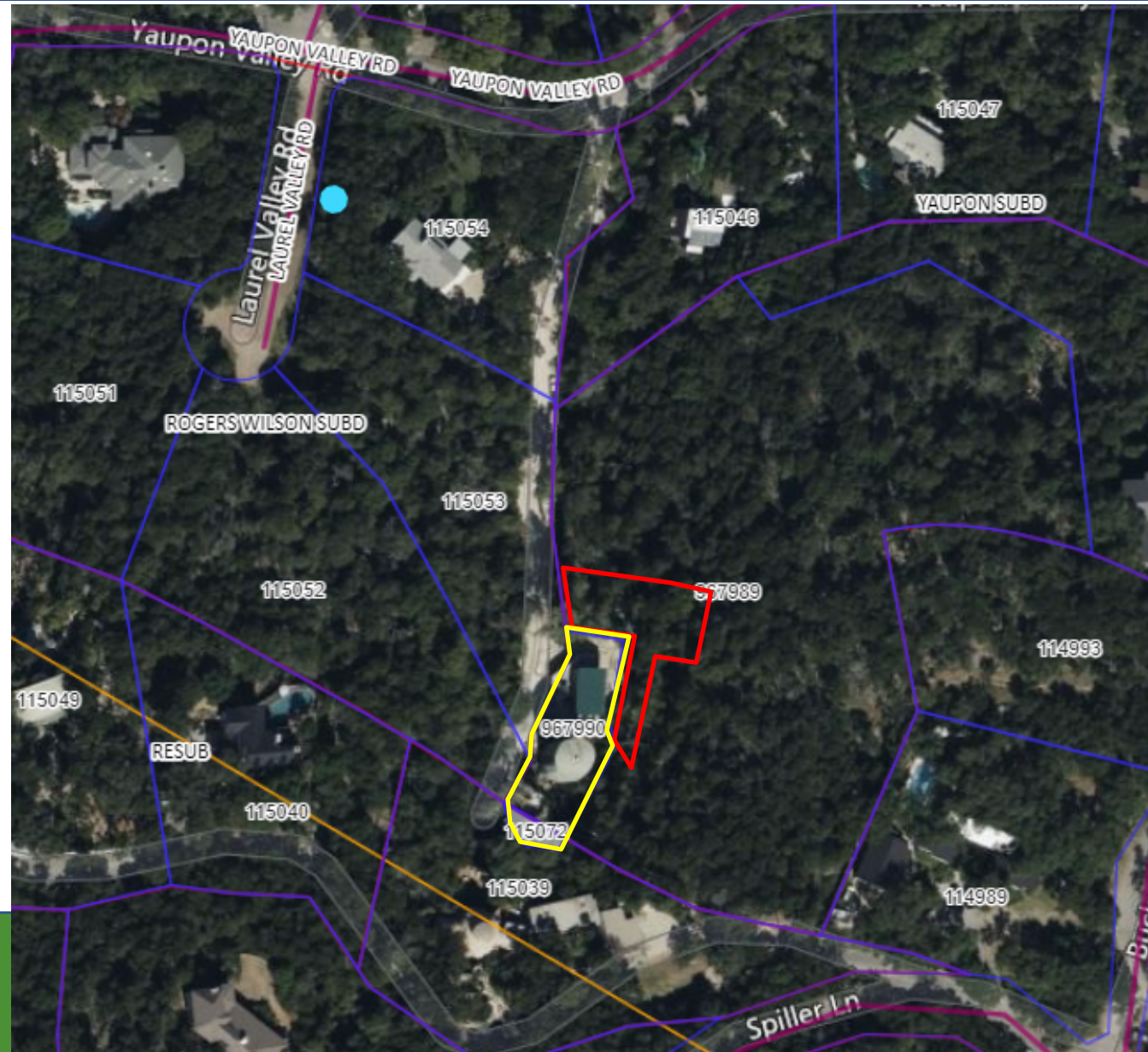


717 ½ Yaupon Valley Rd.

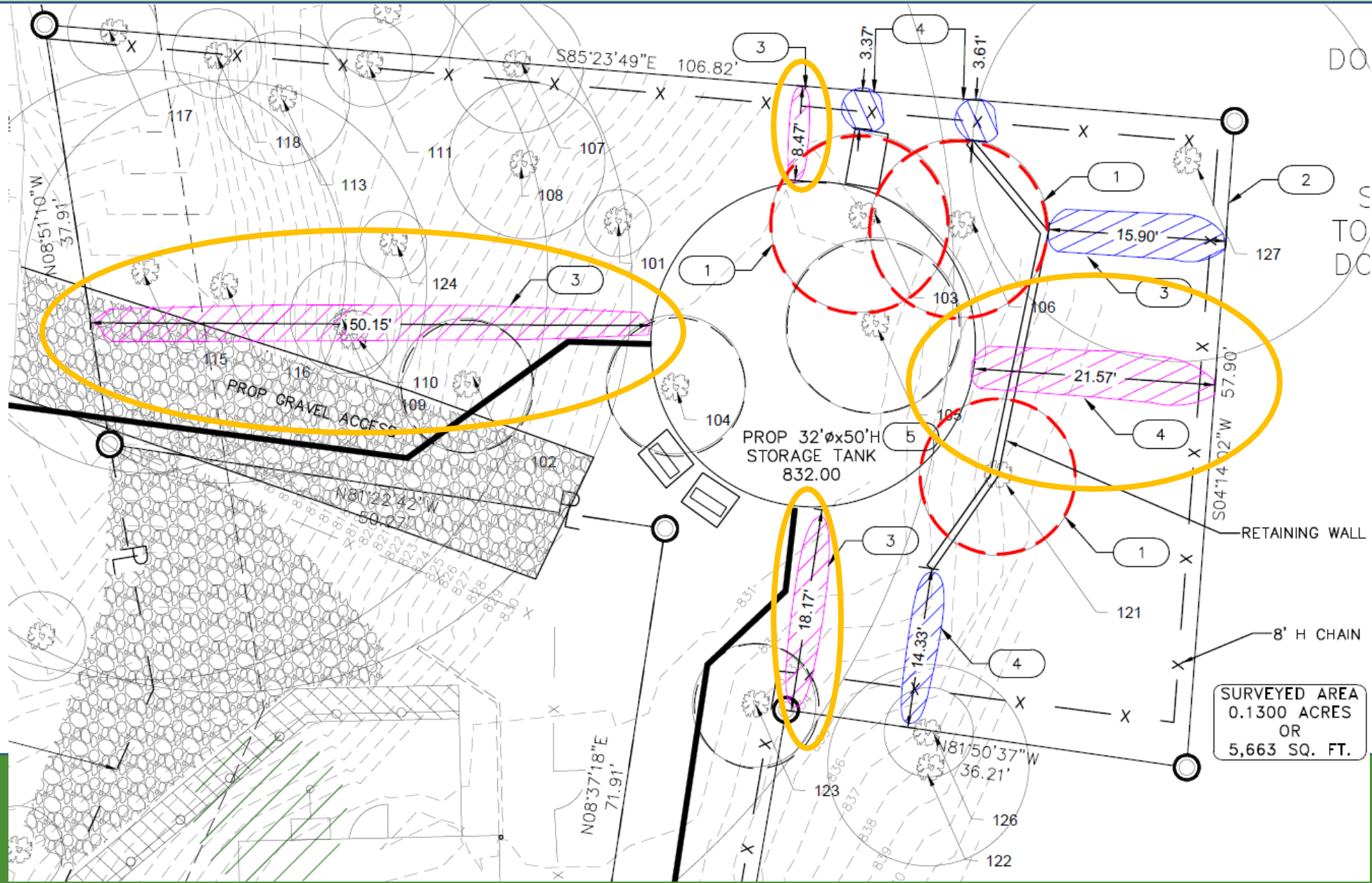
The applicant is requesting to build a second water storage tank on the site of the existing water tank and pump station for Water District #10.

The existing water tank must be replaced. The second tank will serve as primary capacity during reconstruction and as additional capacity for the Water District after construction.

717 ½ Yaupon Valley Rd.



717 ½ Yaupon Valley Rd.



717 ½ Yaupon Valley Rd.

Public comment:

- No comments have been received.

Staff recommends approval of the Special Use Permit.

- Co-locating the required new storage tank with the existing infrastructure and tank is less intrusive to the city than having to create a new site to provide adequate water service for domestic consumption and fire service.

There are five companion variances on the City Council and BOA agendas.



City of West Lake Hills

Board of Adjustment

AGENDA REPORT

Meeting Date:	March 26, 2025	Item Number:	6
Department:	Building & Development Services		
Prepared By:	Jennifer C. Bills	Cost / Budget:	None
Exhibits:	See Attached	Source of Funds:	N/A

Subject

717 ½ Yaupon Valley Dr.: Discuss and make a recommendation on the following variances:

1. Encroachment into the side setbacks for GUI (Section 22.03.281 Dimensional Standards for Zoning Districts)
2. Grading greater than 18 inches with the east side setback (Section 22.03.170: Site Disturbance (excavation, filling, or grading))

For the installation of a water storage tank for Travis County Water Control and Improvement District 10.
Applicant: James McDermott, Dannenbaum Engineering

Recommendation

Staff recommend approval of the variance request. The area is already improved with water infrastructure to provide domestic water service to the city. The physical/mechanical requirements for storage and distribution of water provide a physical hardship for the required location of infrastructure. Co-locating the required new storage tank with the existing infrastructure and tank is less intrusive to the city than having to create a new site to provide adequate water service for domestic consumption and fire service. Staff recommend the Applicant's findings of fact (Exhibit A).

This item was considered at the February 19, 2025, regular Zoning and Planning Commission meeting and recommended for approval by a vote of 5-0 (Attachment 3). Variances for encroachment into the 100 foot water storage setback (Section 18.02.033(a), tank height exceeding 30 feet (Section 18.02.034) and removal of trees 14 inches or greater (Section 22.03.304(a)(4) were considered with this request and are on the March 26, 2025 City Council agenda.

Discussion

Property Information, Zoning & Site Characteristics:

Owner: Travis County Water Control and Improvement District #10

Legal Description: 0.13 acres out of Lot 2A Ben Riske Subdivision Amended Plat of Lots 1 & 2

Lot Size: 0.13 Acres

Zoning: R-1 One Family

The properties surrounding the subject property are zoned R-1, One-Family Residential or GUI, Governmental, Utility and Institutional. The adjacent lot to the south is occupied by a single-family home, but the three parcels surrounding the remainder of the lot are vacant. The lot is accessed from a driveway in a private access easement from Yaupon Valley.

Background & Analysis:

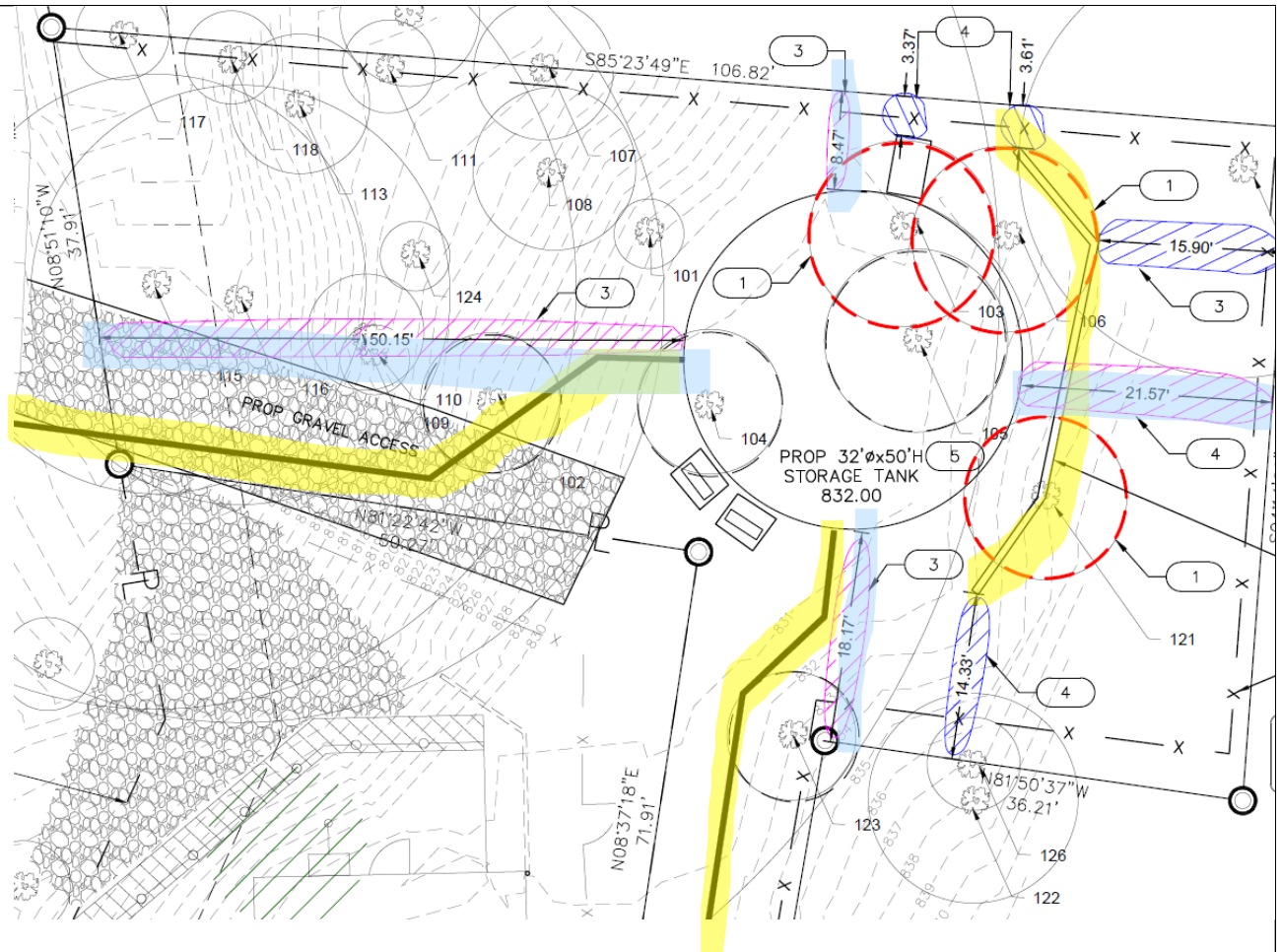
The Water District #10 acquired a 0.13-acre tract last year from the neighboring lot for a future water tank and infrastructure necessary to adequately serve the residents of West Lake Hills with water. The District currently owns 0.2471 acres to the south of this tract that is the location of the McConnell pump station and ground storage tank. This site is the primary distribution point for the entire Water District 10 system with over 10,000 residents. The existing tank was built in the 1950s and has reached the end of the useful life and needs to be replaced. The Water District's long-range planning efforts have determined that a new tank will be necessary both for replacing the existing tank during reconstruction and for additional storage capacity.

1. Encroachment into the side setbacks for GUI (Section 22.03.281 Dimensional Standards for Zoning Districts)

For the GUI district, the side setbacks are 30 feet. The proposed site plan encroaches into the north (21.53 feet), east (8.43 feet) and south (11.83 feet) side setbacks.

2. Grading greater than 18 inches with the east side setback (Section 22.03.281: Site Disturbance (excavation, filling, or grading))

The site plan shows site disturbance greater than 18 inches within the setback for the installation of infrastructure below ground, as well as a 6-foot-tall retaining wall on the east side of the property.



- 3.
4. Removal of three juniper ash (cedar) trees; #103 – 14 inch, #106 – 20 inch, #121 – 15 inch; 14 inches or greater (Section 22.03.304(a)(4): Removal of trees 14" or greater).

The proposed site plan show three trees 14 inches or greater that would be removed.

- 103 – 14-inch ash juniper (cedar)
- 106 – 20-inch ash juniper (cedar)
- 121 – 15-inch ash juniper (cedar)

Public Comments:

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

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

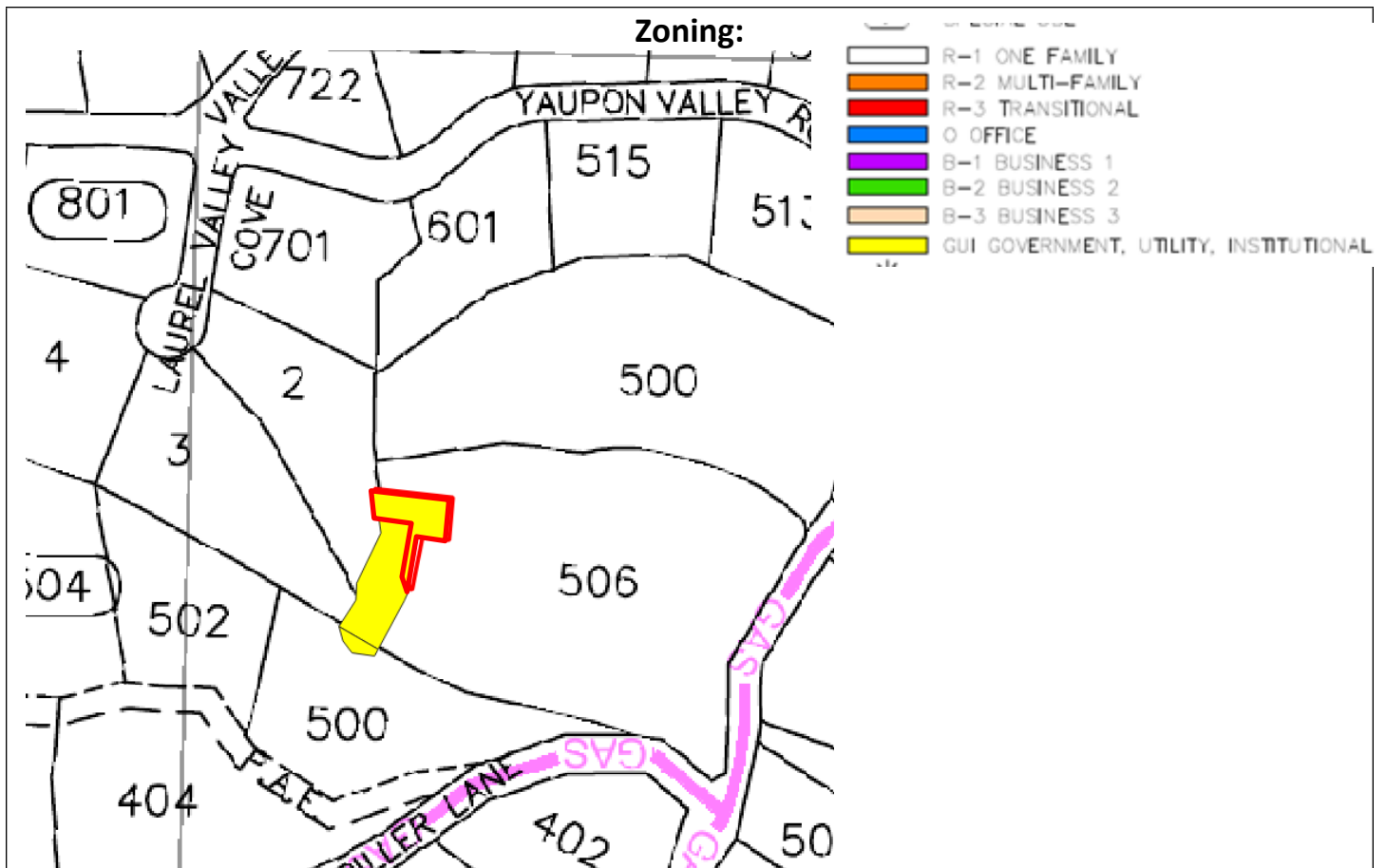
There is no change to the subdivision proposed with this application.

Comprehensive Planning Analysis

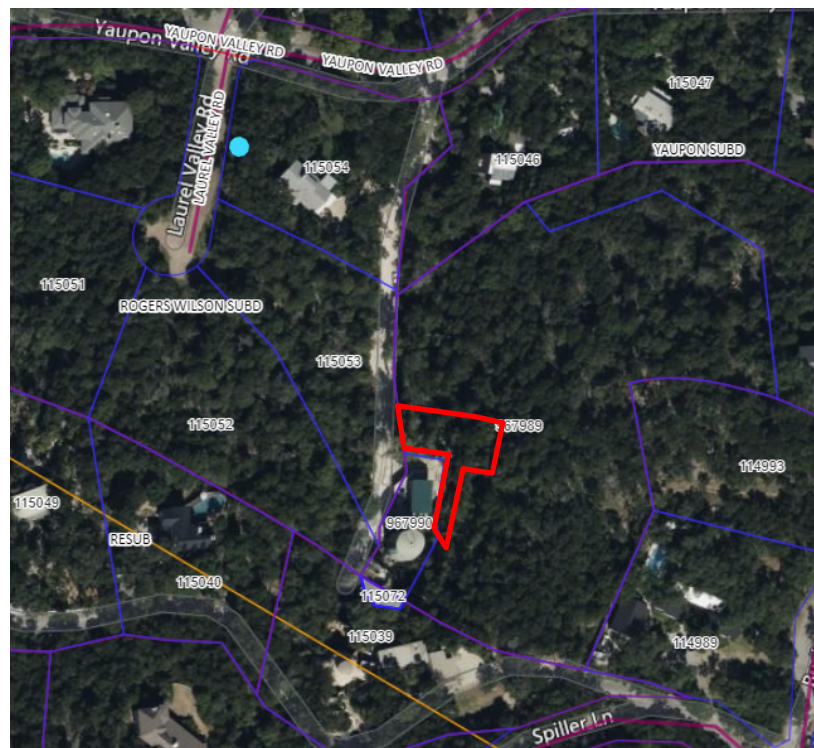
The existing and future land use is in conformance with the City of West Lake Hills Master Plan.

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 22.03.034 Tree and Vegetation Removal and Replacement](#)
- [Section 38.05.031 Variances](#)
- [Section 22.03.514 Criteria and process required for granting a variance](#)



Aerial:





Travis County WC&ID NO. 10

5324 Bee Cave Road Austin, TX 78746

Office (512) 327-2230

Fax (512) 327-6218

CustomerService@WaterDistrict10.org

www.WaterDistrict10.org

Commissioner Meisel,

I wanted to take the opportunity to provide a heads up that Travis County Water District 10 will soon come through with several variance requests for expansion and improvements regarding the McConnell Pump Station located at 717 Yaupon Valley Road (this site is not visible from Yaupon Valley).

This station has been in the midst of a Bond approved project that received overwhelming support from the community. The project improved fire flow and pressure availability systemwide.

Through long range planning as well as discoveries made during the improvements, we have **added a requirement for a second tank.**

Primarily, the original tank which was constructed prior to the early 1950's has come to the end of its life expectancy. During the course of the construction project certain tasks included excavation near the tank, upon seeing the erosion it was determined that the replacement project needed to be escalated. The second tank is also needed for additional storage capacity. During two separate extreme weather events the District had supply issues which caused complete draining of available water or near outage of system wide water availability. These events confirmed that emergency preparedness improvements were not limited to additional generators, but also increasing storage capacity to protect water availability for the customers. This is a health and safety measure that absolutely cannot be avoided.

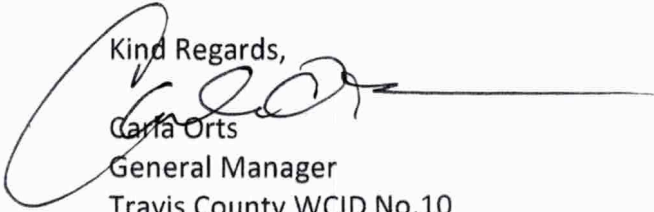
The McConnell Pump Station is designated as the heart of the District, meaning all water runs through this station. It is the most critical facility in the distribution system. In other words, when something catastrophic occurs at this site it cripples the entire system. Travis County Water District 10 provides water service to over 10,000 residents.

The project in a nut shell would add a second tank. Once the second tank is erected the original tank will be demolished and rebuilt. This process keeps the system on line during replacement and upon completion gives double storage capacity on that site.

District engineers were thorough in their exploration of locations for the tank. Due to limited options that lend both proper elevation and proximity to the existing infrastructure it was determined that the only viable location is directly adjacent to the original tank. The tanks will float at the same level and serve for double capacity as well as backup to each other, creating redundancy is crucial for this site.

We have several variances coming your way, but have done everything possible to minimize the asks. I am available to answer any questions you have and appreciate your time.

Kind Regards,



Carla Orts

General Manager

Travis County WCID No.10

(512) 912-6423 cell

(512) 327-2230 office

generalmanager@waterdistrict10.org

April 15, 2024

Chairman Robert Meisel
West Lake Hills Zoning and Planning Commission
911 Westlake Drive
West Lake Hills, Texas 78746

**REFERENCE: Travis County WC&ID 10
McConnell Pump Station Property
717 ½ Yaupon Valley Road**

SUBJECT: Variance Request

Dear Mr. Chairman:

A variance to sections 18.02.033(a), 18.02.034(a), 22.03.281, 22.03.304(a)(4), 22.03.210, of the West Lake Hills Code of Ordinances is hereby requested in conjunction with the proposed 717 ½ Yaupon Valley Road (McConnell Pump Station) new tank addition. An overview and efforts to minimize requested variances are as follow:

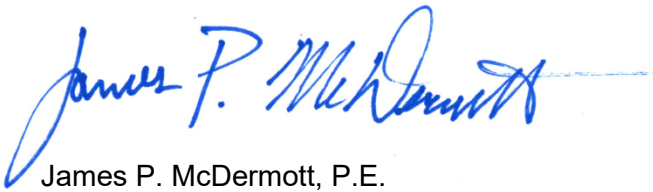
- 18.02.033(a) - "Setback lines for all tanks shall be a minimum of 100 feet from all property lines...A maximum of one potable water storage tank shall be constructed per two acres" The extended property to include the second tank is 0.13 acres and is sufficient to add new tank. There is limited space on site and there is an existing tank and pump station on site. It is extremely critical to add second tank to increase system capacity and redundancy to prepare District for any emergencies such as power outages. Storage tank setbacks are less than 100-feet off all property lines.
- 18.02.034(a) – The tank height will be up to 60-feet tall. The tank height must be this height in order to match the height of the other existing tank on site. They must be at the same hydraulic grade level.
- 22.03.281 – Some minimum setbacks on this property cannot be achieved without variances. The proposed configuration minimizes grading and filling to the greatest extent possible and removal of large trees as well as maintain site and vehicle safety as the new tank will be placed in area with least amount of slope change.
- 22.03.304(a)(4) – "Removal of trees greater than or equal to 14-inches in diameter..." Three (3) cedar trees equal to 14-inches will have to be removed to allow installation of proposed ground storage tank. Cedar is considered a flammable tree and a threat to the fire buffer zone. There are several other trees less than 14-inches that will be required to be removed for site and fire safety purposes.
- 22.03.210 – "No excavation, grading or filling shall be permitted in setbacks..." Minor excavation, grading and filling will occur within minimum side setback on east side of the property for installation of proposed retaining wall.

It should be noted that the previously McConnell site with an existing storage tank was 0.221-acres with 52.8% impervious coverage. The District is acquiring an additional 0.130-acre site for a second tank. The impervious coverage on this additional land is 21%, less than required 35% as per 22.03.281, therefore no waiver is required. The two (2) site together total to 0.351-acres with 42.9% impervious coverage, which is reduction from previous impervious coverage of 52.8%.

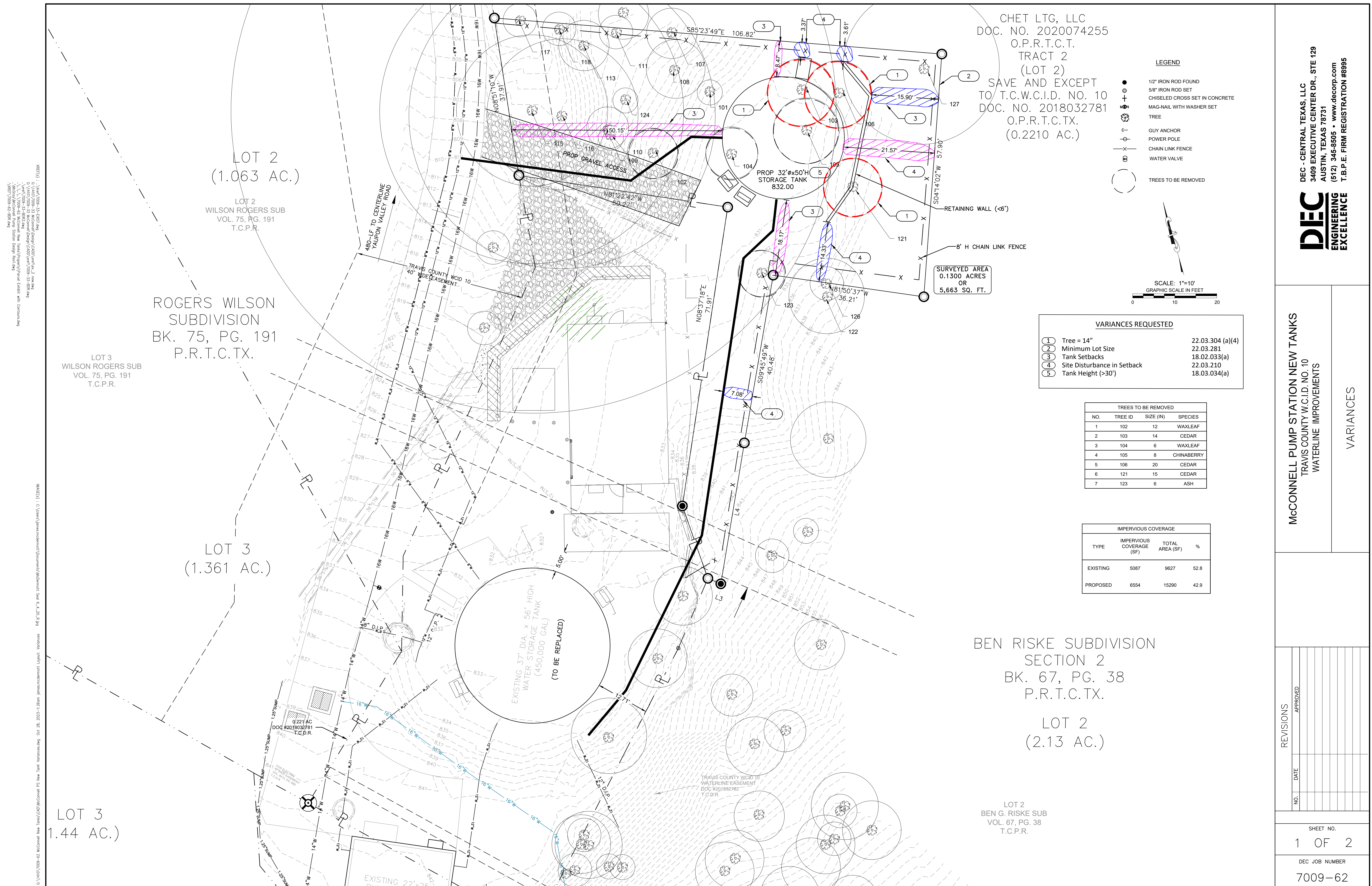
If you have any questions concerning this application, please email me at james.mcdermott@dannenbaum.com or call me at 512-427-3236.

Sincerely,

DE CORP- CENTRAL TEXAS LLC

A handwritten signature in blue ink that reads "James P. McDermott". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

James P. McDermott, P.E.



City of West Lake Hills

MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING

Wednesday, February 19, 2025 at 6:30 PM

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

- a. Meeting begins at 6:30pm
- b. Roll Call
 - Chair Robert Meisel: Present
 - 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 January 15, 2025 Zoning and Planning Commission minutes
- b. Approval of the January 24, 2025 Zoning and Planning Commission workshop minutes
- c. Report of previous ZAPCO cases acted upon by the BOA/Council
- d. **Action:** Commissioner Pledger moves for approval of the Consent Agenda
 - i. Commissioner Webber Seconds
 - ii. Motion carries unanimously 5 - 0

4. **Public Hearing: 704 Rocky River Rd.** – Discuss and make a recommendation on a variance to allow for the removal four trees: Tree Number 146 – a 14.5-inch oak, Tree Number 197 – a 16-inch elm, Tree Number 201 – a 17-inch oak, Tree Number 224 – a 14.5-inch elm, when trees 14-inches and greater require a variance for removal (Section 22.03.304(a)(4) of the West Lake Hills Code of Ordinances).

Applicant: Nina Falgout Sterrett, Arterberry Cooke Architecture

a. **Staff Report:**

- a. Director Bills and Building Official Jordan Word explain the tree removal permit that was obtained using an arborist's certification that 2 of the previous variance trees had died, and the applicant's withdrawal of the variance request due to the site being redesigned to save remaining trees.
 - i. Additional non-variance trees were removed that were not included on the tree survey, and staff is working with applicants to mitigate for trees between 10 and 14 inches.
- b. Chair Meisel: Is this arborist on our arborist list?
 - i. City staff accepts ISA Arborist Certifications, which this arborist has.
- c. Commissioner Webber: Is there any kind of fine that's applied to the tree person?
 - i. The property owner will be required to mitigate.
- d. Chair Meisel: Will this go to Court?
 - i. If they don't comply, court would be the next step
- e. Chair Maccini: Will they have to mitigate before receiving permits?
 - i. Yes.
- f. Chair Maccini: will new tree survey be required prior to permit approval?
 - i. Yes
- b. Public Comments:**
 - a. Nina Falgout Sterrit
 - i. Explains that trees will be saved or were removed by permit
 - b. Randy Lee – 6 Rocky River Cove:
 - i. Wanted to see how this was proceeding and has questions
 - 1. Says he has photographs of large trees not included on surveys
 - c. Luke Woolridge – 10 Rocky River Cove:
 - i. Site looks "bushwhacked"
 - ii. Concerned applicants will try to violate other ordinances
- c. Discussion:** None
- d. Action:** None needed – application has been withdrawn

5. **Public Hearing: 1501 Wildcat Hollow** - Discuss and make a recommendation 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

a. Staff Report:

- i. Director Bills describes nature of property, previous variances granted, and additional cut/fill variance request

b. Public Comments:

- a. Heidi Restivo: Property Owner
 - i. Shared her thoughts on the development process

c. Discussion:

- i. Commissioner Stewart: Will variances be visible?
 1. No – foundation only
- ii. Commissioner Maccini:
 1. Appreciates that home size is reduced

d. Action: Commissioner Pledger moves that the variance request be forwarded to the Board of Adjustment with a recommendation of approval based on hardship of steep lot.

- i. Commissioner Webber seconds
- ii. Motion carries unanimously (5-0)

Recommendation will be forwarded to the Board of Adjustment for consideration at a special session on February 26, 2025.

6. Public Hearing: 717 ½ Yaupon Valley Road - Discuss and make a recommendation on the following variances:

1. Encroachment into all setbacks where 100 feet is required. (Section 18.02.033(a): Dimensional Standards for Water Storage Tanks)
2. Tank height of 60 feet where 30 feet is the maximum (Section 18.02.034: Design and construction of potable water tanks)
3. Encroachment into the side setbacks for GUI (Section 22.03.281 Dimensional Standards for Zoning Districts)
4. Grading greater than 18 inches with the east side setback (Section 22.03.281: Site Disturbance (excavation, filling, or grading))

5. Removal of three ash juniper (cedar) trees; #103 – 14 inch, #106 – 20 inch, #121 – 15 inch; 14 inches or greater (Section 22.03.304(a)(4): Removal of trees 14" or greater);

for the installation of a water storage tank for Travis County Water Control and Improvement District 10.

Applicant: James McDermott, Dannenbaum Engineering - Austin LLC

a. Staff Report:

- i. Director Bills explains the variance requests for the Water District 10 water storage tanks site
- ii. Commissioner Webber: When was the parcel purchased?
 1. Late 2023
- iii. Commissioner Webber: When was the code written that requires 100-foot setbacks
 1. Unknown
- iv. Commissioner Webber: Why did they acquire such a small property knowing that it would not meet code, when there are empty lots surrounding the existing site?
- v. Commissioner Maccini: Are cedars held to the same replacement standard as other trees?
 1. Yes

6. Public Comments:

- i. Carla Orts: Water District 10 General Manager
 1. Critical need for second tank:
 - a. WD10 has run out of water once in a freeze, and almost a second time.
 2. Fire protection
 3. Life expectancy of existing tank is expiring
- ii. Chair Meisel: concerned about security from attacks on public infrastructure

c. Discussion:

- i. Commissioner Webber: Strongly supports all requests

d. Action: Commissioner Stewart moves that the variance request be forwarded to the City Council with a recommendation of **approval**.

- i. Commissioner Bartoletti seconds

- ii. Motion carries unanimously (5-0)

Recommendation will be forwarded to City Council and Board of Adjustment for consideration on March 12, 2025.

7. Public Hearing: 502 Spiller Lane - Discuss and make a recommendation on two variances:

1. To allow for encroachment of up to 13 feet into the 30-foot rear setback for a residential addition (Section 22.03.275 and 22.03.281 of the West Lake Hills Code); and
2. To allow for the increase of impervious cover from 25.9% to 28.7% where the maximum allowed by code is 25%. (Section 22.03.281 of the West Lake Hills Code.)

Applicant: Davin Fillpot, Architect

a. Staff Report:

- i. Director Bills describes the existing non-conforming site, easement, and the requested variances for additional impervious cover and rear setback encroachments

b. Public Comments:

- ii. Logan Reichle – homeowner
 1. Describes variance request
- iii. Davin Fillpot – applicant
 1. Existing pool is almost entirely in rear setback
 2. Private access easement increases impervious cover on site and cannot be removed by applicant
 3. Willing to modify the request to keep existing impervious cover of 25.9%

e. Discussion:

- ii. Commissioner Bartoletti: Will maintaining the 25.9% still require a variance?
 1. Yes
- iii. Commissioner Webber: Sympathetic to addition placement design. Not opposed to conditioned portion within building area. How is tree near new building being preserved?

1. Davin Fillpot: Will follow tree and root preservation regulations.
Applicant planning on floating foundation
- iv. Commissioner Maccini: How will limbs be handled?
 1. Davin Fillpot: Less than 25% of canopy will be impacted
- v. Commissioner Pledger: Concerned with taking impervious cover from flattest part of lot and placing it into the hill and the setback
 1. Davin Fillpot: Area of proposed structure less than 15% slope
 - a. If not for impervious cover and setback issues, the location would be suitable for building
- vi. Chair Meisel: Impervious cover drives runoff
 1. Building impervious cover on slope in setback can impact neighbors
 - a. Davin Fillpot: Drainage Waiver has been requested
- vii. Commissioner Webber: Does existing house have rainwater detention?
 1. Davin Fillpot: If waiver is denied, then rainwater collection tank is required
- viii. Commissioner Maccini: Neighbors are opposed, and existing site conditions, impervious cover and setback limits were all in place at time of purchase. This isn't a hardship, but a desire for more room
 1. There are solutions that don't require variances. Variances may negatively impact neighbors
- ix. Commissioner Webber: There are potentially ways of designing around these variances
- x. Commissioner Maccini: This is design driven
- xi. Item tabled to later in meeting for applicant to discuss with homeowner (8:01 PM).**
- xii. Item reconvened after all other items closed (8:39 PM).**
 1. Davin Fillpot:
 - a. Will withdraw Impervious Cover variance request
 - b. Will remove roof from patio and keep entire deck at 50% impervious
- xiii. Commissioner Bartoletti: Still adding IC in setback
 1. Davin: sidewalk would be allowed, and current proposal would be less impervious cover in the setback than sidewalk

- f. Action:** Commissioner Webber moves that the variance request be forwarded to the City Council with a recommendation of **approval** for an uncovered deck in the setback.

- iii. Commissioner Maccini seconds
- iv. Motion fails (2-3)
 - 1. Commissioners Pledger, Stewart, and Maccini opposed
- ii. Commissioner Pledger moves for denial for lack of hardship
 - 1. Bartoletti Seconds
 - 2. Motion carries (3-2)
 - a. Maccini and Webber opposed to denial

Recommendation will be forwarded to City Council and Board of Adjustment for consideration on March 12, 2025.

- 8. Public Hearing: 413 Ledgeway Ridge - Discuss and make recommendations on proposed variances for the removal of six (6) trees with trunk diameters of 14 inches or greater, (Section 22.03.304 of the West Lake Hills Code).
 - 1. #339 - 19-inch double trunk live oak
 - 2. #342 - 17-inch double trunk ash juniper (cedar)
 - 3. #346 - 23-inch double trunk ash juniper (cedar)
 - 4. #2407 - 25-inch double trunk ash juniper (cedar)
 - 5. #2420 - 17-inch triple trunk ash juniper (cedar)
 - 6. #2437 - 18-inch live oak

Applicant: Emily Haydon, LaRue Architects

a. Staff Report:

- i. Director Bills describes the site, FEMA/Army Corps of Engineers floodway restrictions, and the requested tree variances
- ii. Commissioner Stewart: Lots 6 and 7 on the exhibits are actually built?
 - 1. Yes
- iii. Commissioner Webber: Are those the actual footprints of existing homes?
 - 1. Yes
- iv. Chair Meisel: What is the buildable area?
 - 1. 3789 square feet

7. Public Comments:

- i. Emily Hadon – LaRue Architects
 - 1. Trying to fit a house appropriate with adjacent neighbors
- ii. Greg Reynolds – owner
 - 1. Have letters showing all neighbors in favor of variance request

2. Site is extremely difficult.

g. Discussion:

- i. Commissioner Stewart: looks like a very challenging lot
 - a. Surprised and encouraging that it is designed to avoid cut/fill variances
 - b. Attempt has been made to minimize the request
- ii. Commissioner Webber: Finding a place to put replacement trees will be difficult. What if they can't find a spot?
 - a. Fee in lieu can be paid for up to 10% with staff approval. Council would have to approve more.
- iii. Commissioner Maccini: Appreciate that it's a difficult lot, but it's West Lake Hills.

h. Action: Commissioner Bartoletti moves that the variance request be forwarded to the City Council with a recommendation of **approval**

- v. Commissioner Stewart seconds
- vi. Motion fails (2-3)
- vii. **Webber:** motion for denial for more information
 - 1. Pledger: Seconds
 - 2. Motion carries (3-2)
 - a. Commissioners Pledger, Webber, Maccini for denial
 - b. Commissioner Stewart and Bartoletti opposed the denial

9. **Public Hearing: 1420 Redbud Trail:** Discuss and make a recommendation on a variance for an encroachment into the required 50-foot front setback (Section 22.03.275 and 22.03.281 of the West Lake Hills Code).

Applicant: Renee Salazar, Property Owner

a. Staff Report:

- a. Director Bills describes the site and variance request

b. Public Comments:

- a. **Renee Salazar:** homeowner
 - i. Explained request to build roof over front porch

c. Discussion:

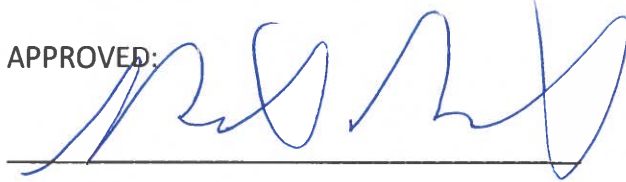
- i. Commissioner Webber: inclined to approve
- ii. Commissioner Pledger: No hardship
- iii. Commissioner Stewart: Not enough information. Don't even know the amount of the encroachment

- i. **Action:** At applicant request – item postponed to March 19, 2025 ZAPCO meeting.

10. Adjournment - Chair Robert Meisel

- 1. Chair Meisel adjourns the meeting at 8:51pm

APPROVED:



Robert Meisel, Chair

ATTEST:



Joel Sherrouse, Development Coordinator

These minutes were approved on March 19, 2025.

Exhibit A

717 ½ Yaupon Valley Dr – Multiple Variances

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.

If the terms of this ordinance are strictly or literally enforced, the City will be without additional supply of drinking water, it will result in significant disruption of the natural terrain. There would be significant grading and filling with high retaining walls.

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

The proposed configuration minimizes disruption to natural terrain to the greatest extent possible. Several large diameter trees will be able to remain and there will be no increased impervious coverage to the overall site.

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

Different alternatives and layouts were approached. The current layout is the layout that will best meet the City's goals under 22.03.302C in avoiding the removal of large diameter trees and minimizing cut and fill as much as possible. Other alternatives included the removal of at least (15) trees including large diameter trees and significant cutting with high retaining walls.

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

The current layout will best meet the City's goal under 22.03.302c in avoiding removal of large trees and minimizing cut and fill to greatest extent possible.

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

The variances requested eliminate the need to remove any large trees and minimize cut and fill as well as avoid increased impervious coverage. This fits with the City's goal of preserving the existing character of the site to the greatest extent possible.

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

The proposed ground storage tank will be built on site that already includes an existing pump building, and existing electrical building, large emergency standby generator and ground storage tank of the same height. The proposed tank will be painted natural colors to blend in with heavily dense wooded area that surrounds the proposed site.

717 ½ Yaupon Valley Rd.

6. Discuss and make a recommendation on the following variances:
 1. Encroachment into the side setbacks for GUI (Section 22.03.281 Dimensional Standards for Zoning Districts)
 2. Grading greater than 18 inches with the east side setback (Section 22.03.170: Site Disturbance (excavation, filling, or grading))for the installation of a water storage tank for Travis County Water Control and Improvement District 10.

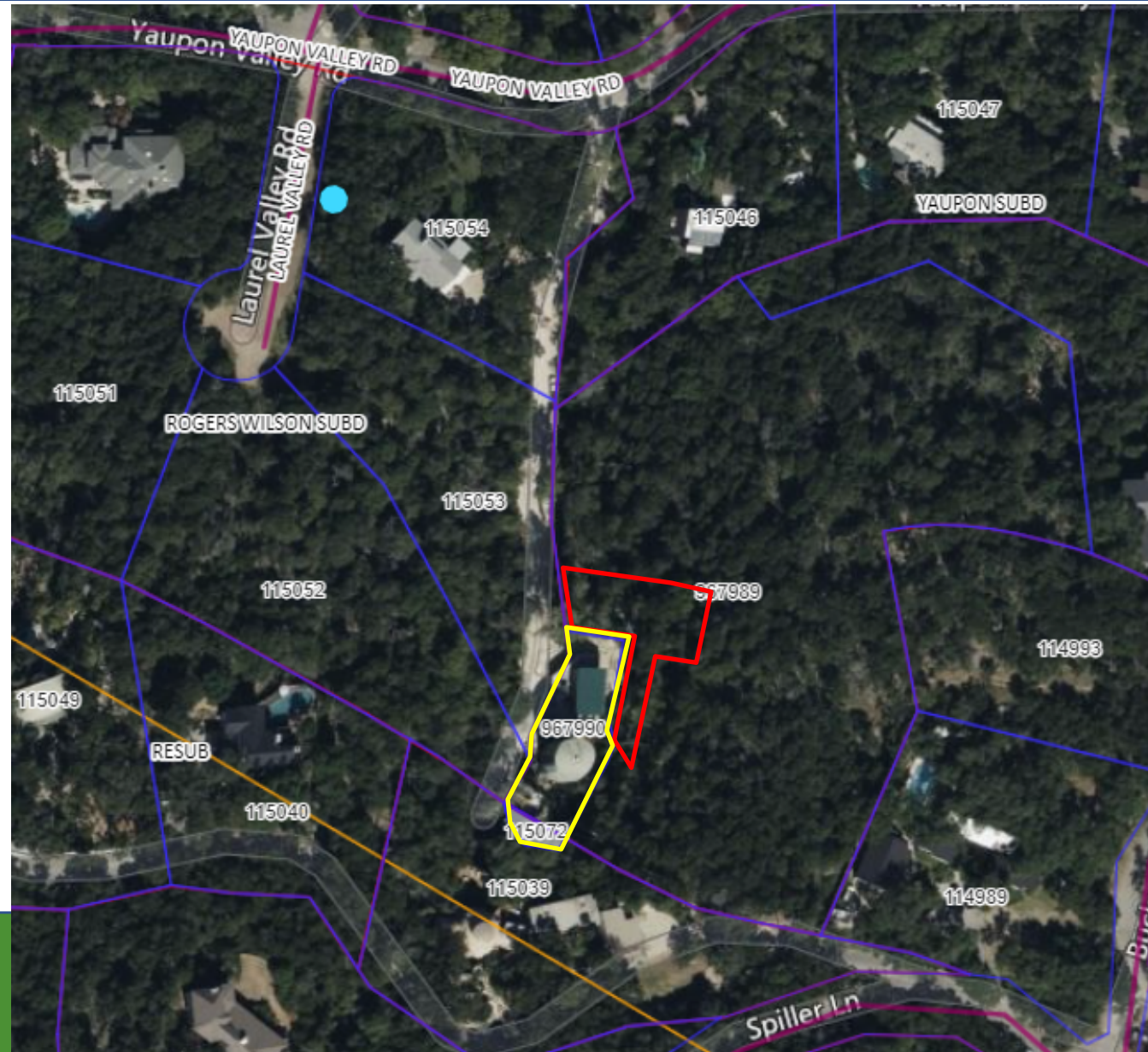
Applicant: James McDermott, Dannenbaum Engineering - Austin LLC

717 ½ Yaupon Valley Rd.

The applicant is requesting to build a second water storage tank on the site of the existing water tank and pump station for Water District #10.

The existing water tank must be replaced. The second tank will serve as primary capacity during reconstruction and as additional capacity for the Water District after construction.

717 ½ Yaupon Valley Rd.



717 ½ Yaupon Valley Rd.

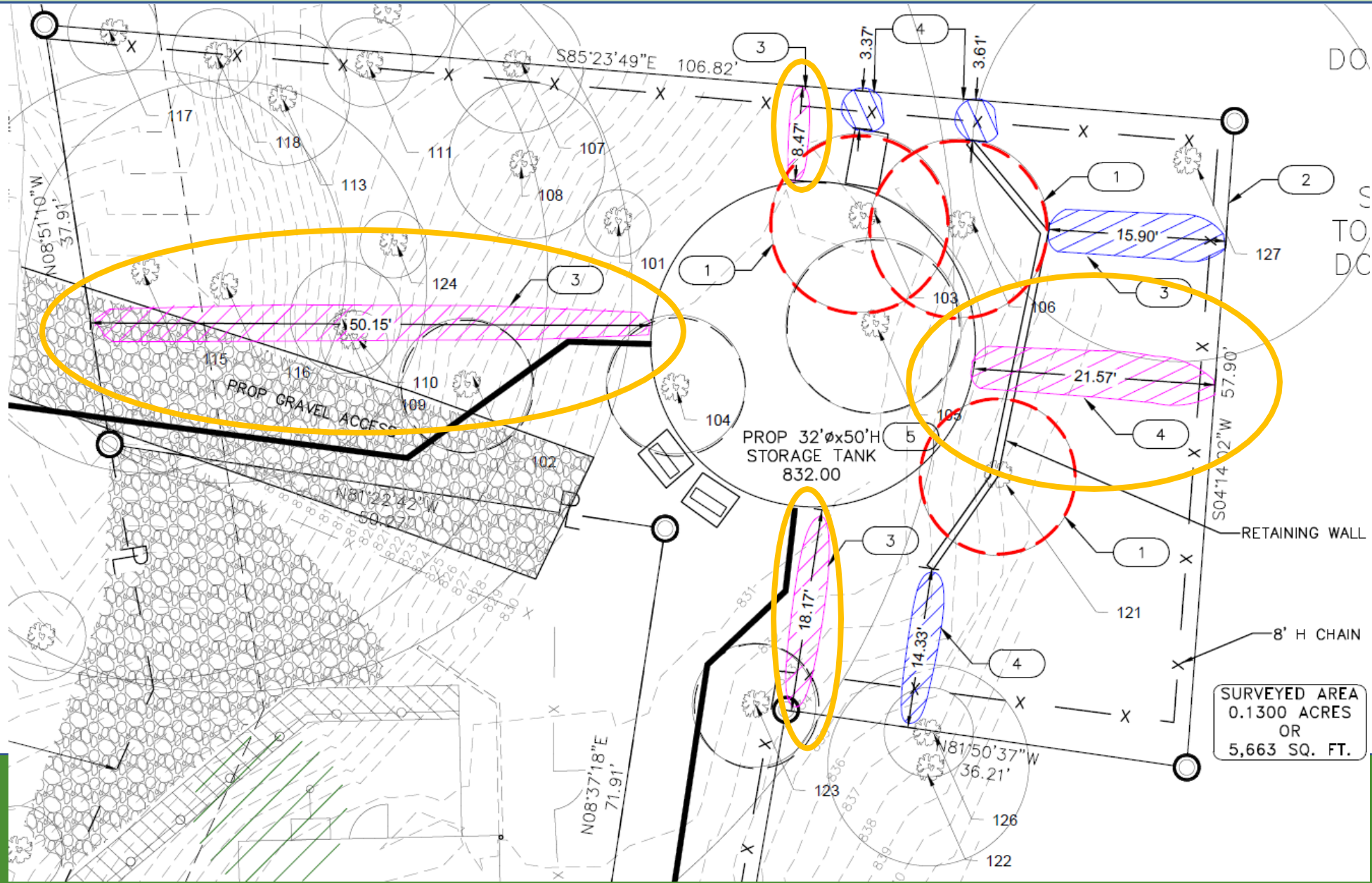
1. Encroachment into all setbacks where 100 feet is required. (Section 18.02.033(a): Dimensional Standards for Water Storage Tanks).

The maximum encroachment is 91.53 feet into the required 100 feet (8.47 feet from the north property line). The existing tank encroaches up to 87.29 feet (12.71 feet from the side setbacks).

3. Encroachment into the side setbacks for GUI (Section 22.03.281 Dimensional Standards for Zoning Districts)

For the GUI district, the side setbacks are 30 feet. The proposed site plan encroaches into the north (21.53 feet), east (8.43 feet) and south (11.83 feet) side setbacks.

717 ½ Yaupon Valley Rd.



717 ½ Yaupon Valley Rd.

2. Tank height of 60 feet where 30 feet is the maximum (Section 18.02.034: Design and construction of potable water tanks)

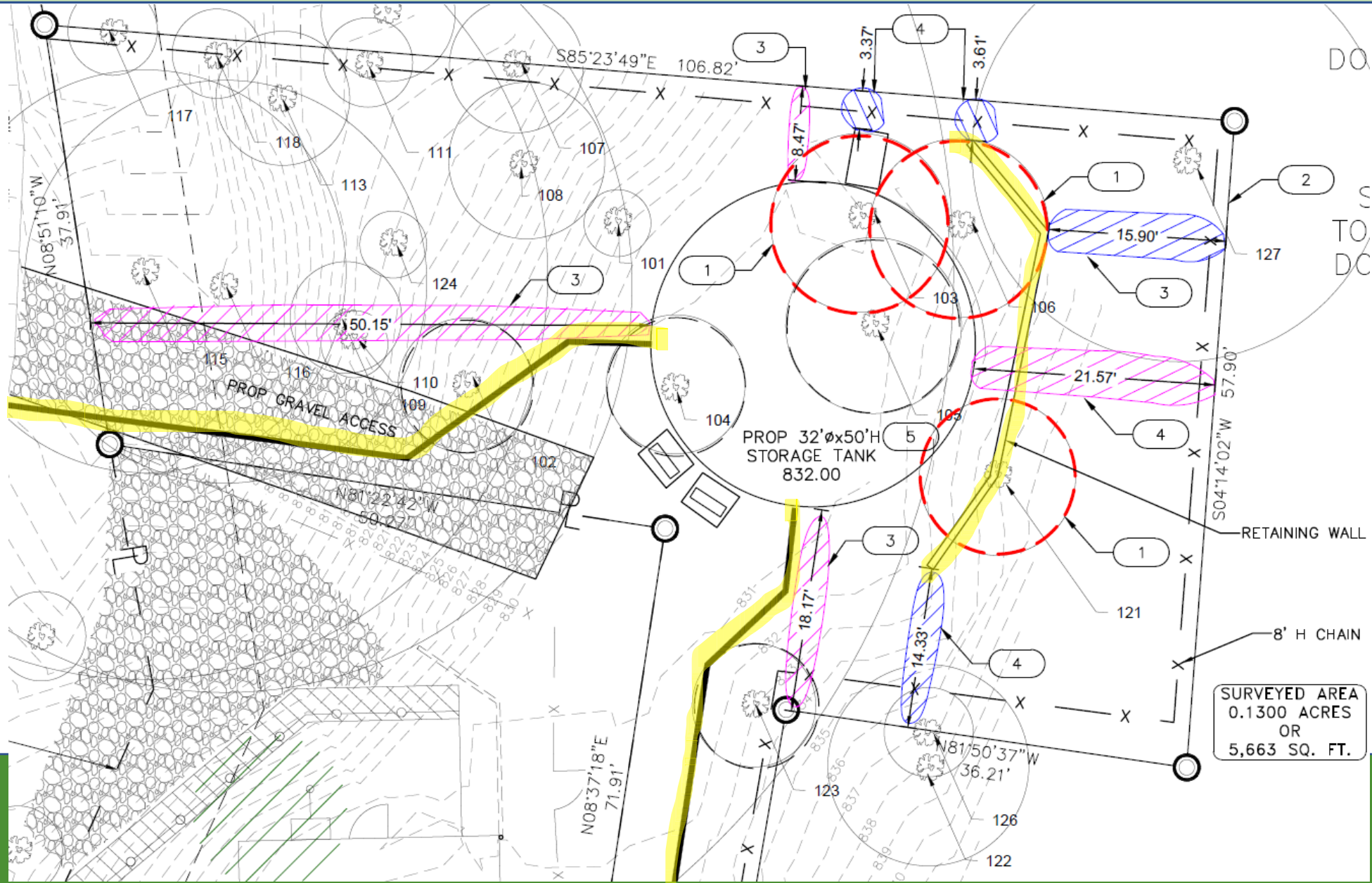
Existing tank is 56 feet with roof equipment. New tank height, with roof equipment will not exceed 60 feet. The new tank has to sit at the same level for the water pressure between the two tanks.

717 ½ Yaupon Valley Rd.

4. Grading greater than 18 inches with the east side setback (Section 22.03.281: Site Disturbance (excavation, filling, or grading))

The site plan shows site disturbance greater than 18 inches within the setback for the installation of infrastructure below ground, as well as a 6-foot-tall retaining wall on the east side of the property.

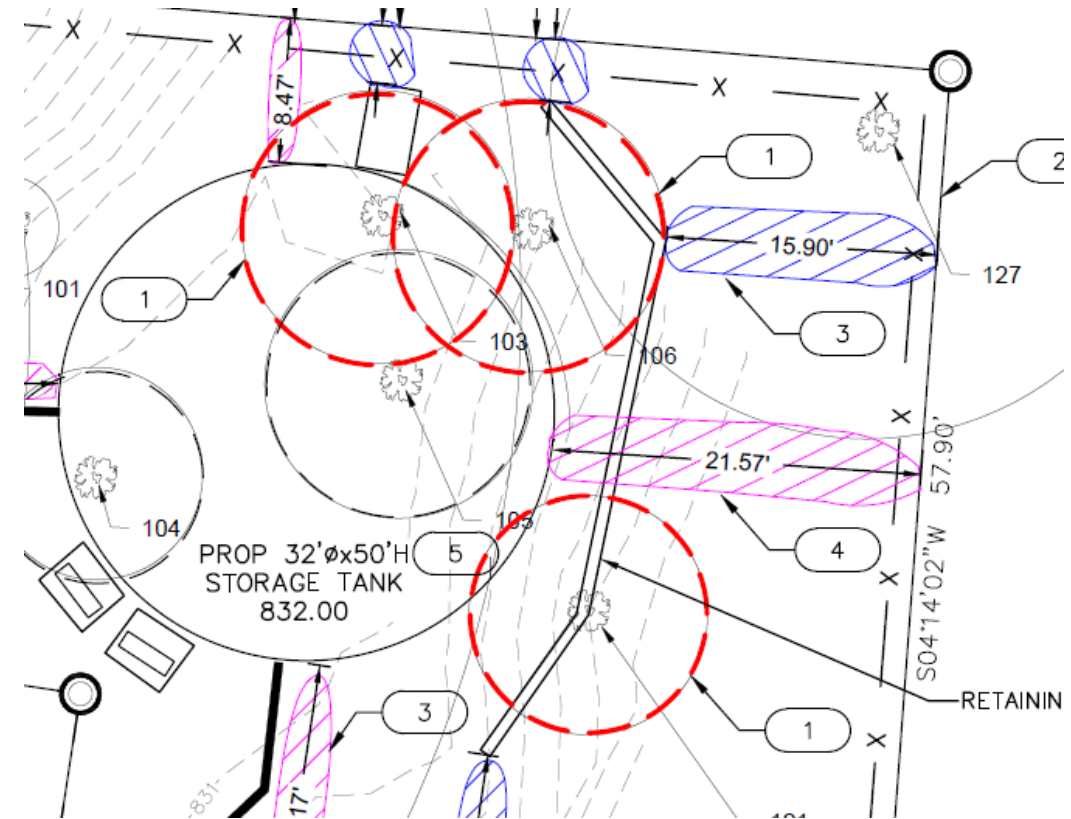
717 ½ Yaupon Valley Rd.



717 ½ Yaupon Valley Rd.

5. Removal of three ash juniper(cedar) trees; #103 – 14 inch, #106 – 20 inch, #121 – 15 inch; 14 inches or greater (Section 22.03.304(a)(4): Removal of trees 14" or greater).

- 103 – 14-inch ash juniper (cedar)
- 106 – 20-inch ash juniper (cedar)
- 121 – 15-inch ash juniper (cedar)



717 ½ Yaupon Valley Rd.

Public comment:

- No comments have been received.

Staff recommends approval of the variance.

- The physical/mechanical requirements for storage and distribution of water provide a physical hardship for the required location of infrastructure.
- Co-locating the required new storage tank with the existing infrastructure and tank is less intrusive to the city than having to create a new site to provide adequate water service for domestic consumption and fire service.

This item was considered at the February 19, 2025, regular Zoning and Planning Commission meeting and recommended for approval by a vote of 5-0.. There are three companion variances on the City Council agenda.



City of West Lake Hills Board of Adjustment

AGENDA REPORT

Meeting Date:	March 26, 2025	Item Number:	7
	Building & Development		
Department:	Services		
Prepared By:	Jennifer C. Bills	Cost / Budget:	None
Exhibits:	See Attached	Source of Funds:	N/A

Subject

502 Spiller Ln.: Discuss and consider action on a recommendation from ZAPCO on two variances:

1. To allow for encroachment of up to 13 feet into the 30-foot rear setback for a residential addition (Section 22.03.275 and 22.03.281 of the West Lake Hills Code); and
2. To allow for the increase of impervious cover from 25.9% to 28.7% where the maximum allowed by code is 25%. (Section 22.03.281 of the West Lake Hills Code.)

Applicant: Davin Fillpot, Architect LLC

Recommendation

Staff recommend denial of the variance requests. As uncovered steps are allowed in the setbacks, the request for the deck/covered patio in the setbacks is a design choice not a hardship. The impervious coverage is already over the maximum. While the access drive accounts for 3.5% of the impervious cover, 13.1% of the driveway paving directly serves the site and could be reduced to stay at 25%.

This item was considered at the Zoning & Planning Commission February 19, 2025 regular meeting. The applicant, during ZAPCO deliberations, revised the request to reduce the impervious cover to the allowed 25% and only require a variance for encroachment into the rear setback with an uncovered deck. ZAPCO recommended denial by a vote of 3-2 on the revised request (Attachment 9).

Discussion

Property Information, Zoning & Site Characteristics:

Owner: Logan & Carly Reichle

Legal Description: Lot 2B Cardona Rodolfo Subdivision, Resub of Lots 1 & 2

Lot Size: 1.00 acre (43,560 sf)

Zoning: R-1 One-Family Residential

Wastewater: On-Site Sewage Facility (Septic)

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

Background & Analysis:

The applicant is proposing to add living space to the primary structure, an enclosed patio and egress stairs that will connect the living space to the existing pool (Attachment 1). The enclosed patio and egress stairs would encroach into the required 30-foot rear setback. Uncovered steps can encroach into the required setbacks, and the house addition is outside of the required setbacks.

The applicant is also proposing to add an additional 1,177 square feet of impervious cover to the site to bring the total to 28.7%. The impervious coverage is 25.9% which is already over the maximum 25% limit.

The applicant states that the encumbrance of the private access drive that serves the adjacent lots as a hardship with 1,512 sf (3.5%) of the site impervious cover. However, the existing site has two driveway accesses off the access easement that make up 5,713 sf (13.1%) of the impervious cover on the site (Attachment 3).

The applicant also requested a drainage waiver to allow a Type I drainage study instead of a Type III. A Type I drainage study is allowed when the increase in impervious cover is less than 1,000 sf and there are no variances on the property. A Type I application does not require an engineering study or calculations of drainage or water quality. A Type III study is required when the impervious cover exceeds 20% and requires a civil engineer to certify that the drainage basin is not adversely impacted by increased drainage and that the drainage over 20% is treated for water quality. The waiver request is reviewed and determined by the City Administrator, who has denied the request. A denied waiver is then forwarded to the City Council for their review.

City Engineer's Analysis:

The city engineering team has provided analysis and recommends denial of all variances and the drainage waiver request (Attachment 8).

Public Comments:

Two letters of opposition have been received (Attachment 7).

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

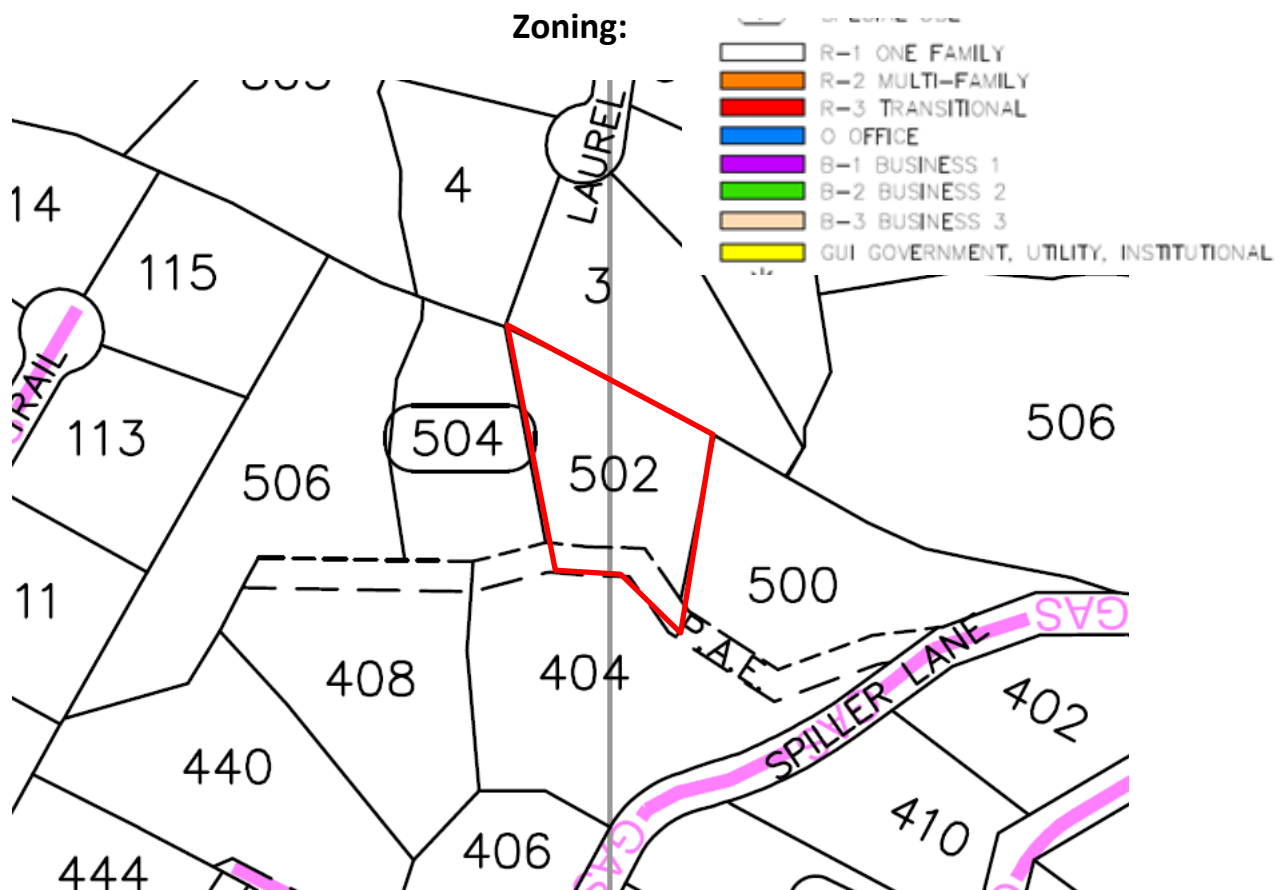
There is no change to the subdivision proposed with this application.

Comprehensive Planning Analysis

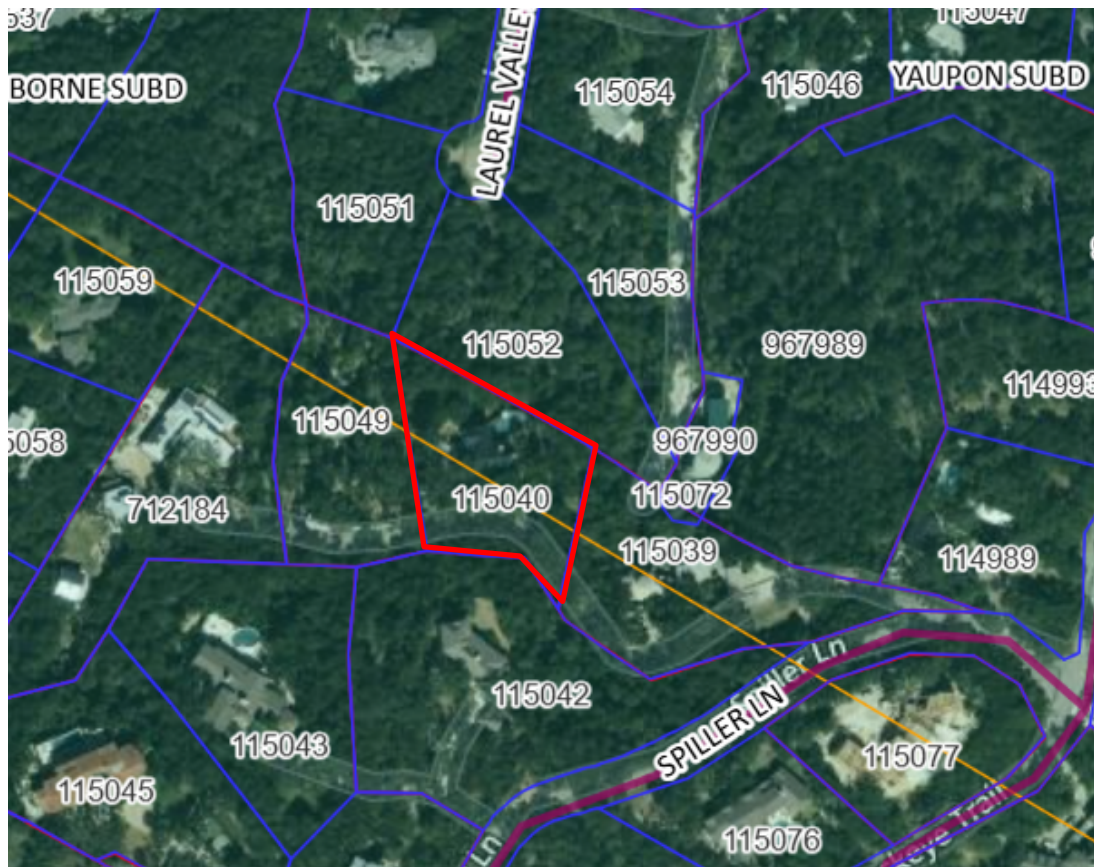
The existing and future land use is in conformance with the City of West Lake Hills Master Plan.

Links to Relevant Code:

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



Aerial:



Letter to ZAPCO Chair
RE: 502 Spiller Lane Variance Requests

January 2nd, 2024

Dear Chairman Meisel,

We respectfully submit this letter to you as part of our variance package. We are seeking 2 variances to the Code of Ordinances to build a small guest suite and connecting deck on the first floor of our home.

My name is Logan Reichle. My wife, Carly, and I are the owners and residents of 502 Spiller Lane. We purchased our 3,700 SF, 3 Bedroom home in the spring of 2022. We are a young family, with 2 children (a 1 and a 3 YO). We love living in West Lake Hills and love our home, as it currently works great for our family. However with a home that was built in 1983, it did come with a few quirks that differ from many homes built in the last 20 years. In our home, all of the bedrooms are located on the second floor, and there are not any spaces downstairs that could be converted to a bedroom space. As our family grows, we have discussed being able to add a ground level bedroom suite for relatives and grandparents to visit. Additionally, we are excited to share that we are expecting a third child in August.

So, in the Fall of 2024 we engaged our architects, Davin Fillpot and Richard Hamer of R&D Architecture, to assist us with a design for a small first floor guest suite addition, with an emphasis on accessibility for older visitors.

As we started designing, we were made aware that there were a handful of hardship conditions on our property that would make this a challenging project for several reasons:

- 1) Our property, as well as the 2 properties to the west of ours, are not served by a traditional public street with dedicated Right Of Way, but rather by a joint use access easement. This easement is used by WCID10, ESD9 as well as the City of WLH. The fully paved easement runs completely across our property from east to west and comprises approximately 2,300 SF of Impervious Cover, that counts against our 25% IC. Once the paved access easement passes by the initial driveway entrance to 502 Spiller, it has a footprint of approximately 1,512 Sf of Impervious Cover.
- 2) As you can tell by the site plan contained in our packet, when the home was originally built it was designed to be located deep into the site. We assume that it was designed this way in order to preserve the 20 Trees with diameters of 14" or greater. Also, the pool and the exterior deck are fully located in the rear 30' setback, which are treated as pre-existing nonconforming structures. It is our understanding that if we wanted to do any small addition or re-work of our pool deck area that it would require a variance.

In working with our architect, we explored different design options for the first floor guest suite.

We decided that the best solution was to design the addition so that all proposed conditioned space would exist in the allowable buildable area, and not encroach into either the rear 30' or 25' side setbacks. We also adjusted the building footprint so that we could preserve tree #340, (15" oak) as well as a grove of trees in the side setback that serves as a nice vegetative screening. We were able to achieve this with the physical addition, but we also would like the new structure to have access to the pool area and our square up our oddly shaped deck. In order to achieve this we would like to extend an exterior egress walkway, egress stair to grade, and a small enclosed patio between the proposed addition and the pre existing nonconforming pool deck. This will require a variance for the deck/patio structure to encroach into the rear 30' setback to connect to the existing deck.

Our detailed impervious cover calculation for existing improvements on the site is 25.9%, and INCLUDES the 2,300 SF fully paved easement as part of that calculation. The proposed improvements for both the footprint of the addition (793 SF) and the deck extension, patio and stair (384 SF) add up to an additional 1,177 SF for a Grand total of 28.7% Impervious Cover for the existing and proposed.

The 2 variances that we are seeking are: (1) Impervious Cover of 28.7% and (2) Deck / Patio extension with a max encroachment (at the stair) of 15'-4" into the 30' rear setback. The granting of these 2 variances would allow us to move forward with the permitting and construction of a ground level bedroom addition, and deck connection.

We are also applying for a petition for waiver with the City of WLH to be permitted to create a Type I Drainage Report, rather than a Type II / III report due to the minimal on the ground impervious cover associated with this project. We are not sure if this will be granted, or if it will need to be an additional variance request that appears before City Council along with this application.

We appreciate your consideration of our requests. Please do not hesitate reaching out to us with any additional questions that you might have as you evaluate and consider this application.

Kind Regards,
Logan Reichle

A handwritten signature in black ink, appearing to read 'Logan Reichle', with a stylized, cursive script.

502 Spiller Lane
West Lake Hills, Texas 78746

Email: logan.reichle@cbre.com
Phone: 512-217-6401

Waterloo Surveyors
SURVEY PLAT
Design Survey

LEGEND
RECORD CALL ()
BUILDING SETBACK LINE
CITY OF WEST LAKE HILLS ZONING
CONTROLLING MONUMENT
FINISHED FLOOR
FINISHED FLOOR GARAGE
PUBLIC UTILITY EASEMENT
FOUND 1/2" IRON ROD
FOUND 1" IRON PIPE
SET 1/2" IRON ROD WITH CAP "WATERLOO SURVEYORS"
CABLE PEDESTAL
ELECTRIC DROP
ELECTRIC MANHOLE
ELECTRIC METER
PROPANE TANK
SEPTIC LID
TREE, DRIPLINE & NUMBER
CHAIN LINK FENCE
HOGWIRE FENCE
BENCHMARK:
SET COTTON GIN SPINDLE IN ASPHALT
NAVD88 ELEVATION: 913.0'

ASPHALT
BRICK
CONCRETE
POOL
RAILROAD TIE
WOOD DECK

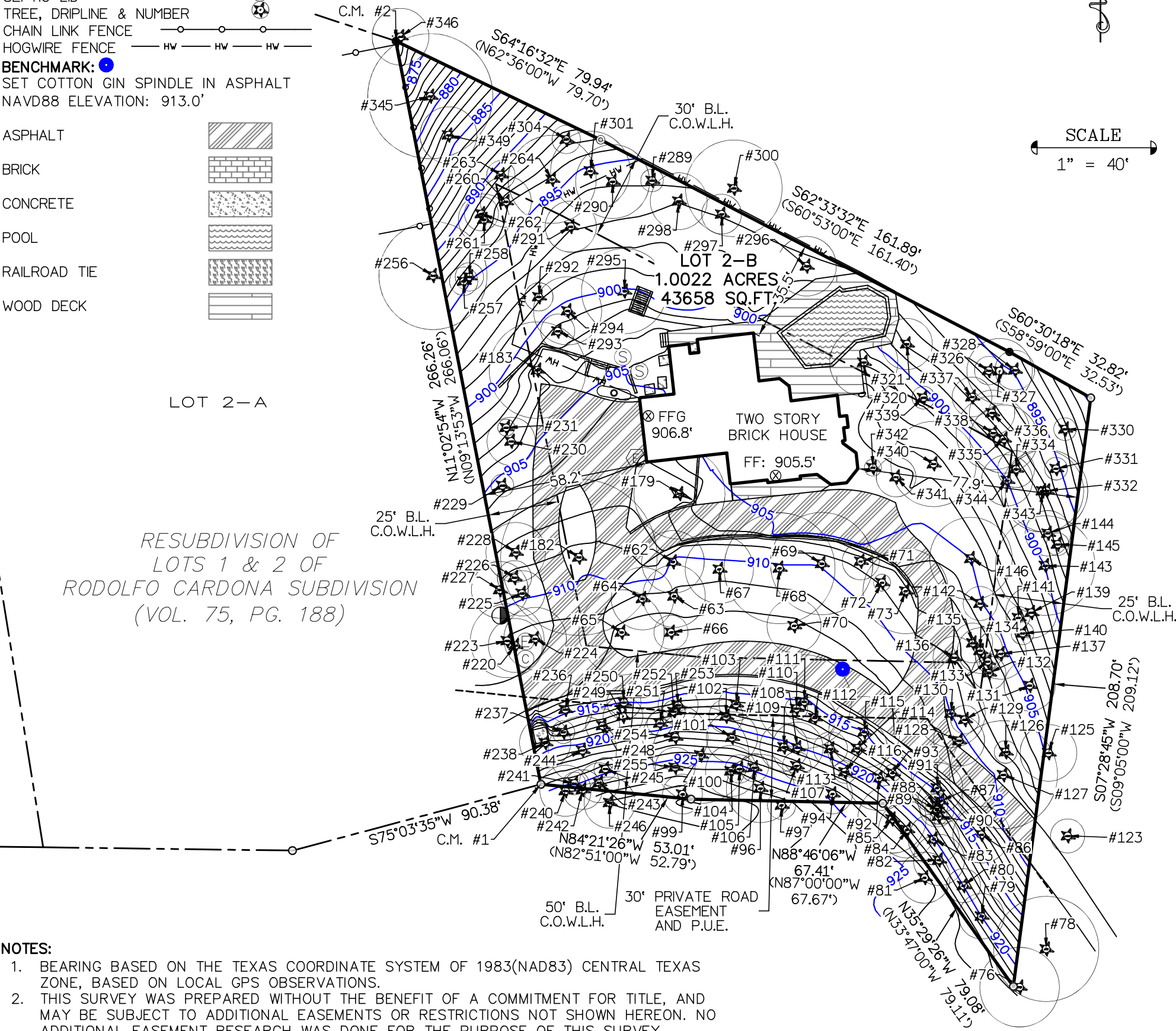
OWNER:
RICHARD LOGAN REICHLE AND
CARLY GUILLOT REICHLE

ADDRESS:
502 SPILLER LANE
WESTLAKE HILLS, TEXAS 78746

GENERAL DESCRIPTION:
LOT 2-B, RESUBDIVISION OF LOTS 1 & 2 OF RODOLFO
CARDONA SUBDIVISION, A SUBDIVISION IN TRAVIS
COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT
THEREOF RECORDED IN VOLUME 75, PAGE 188, PLAT
RECORDS OF TRAVIS COUNTY, TEXAS.



SCALE
1" = 40'



- NOTES:**
1. BEARING BASED ON THE TEXAS COORDINATE SYSTEM OF 1983(NAD83) CENTRAL TEXAS ZONE, BASED ON LOCAL GPS OBSERVATIONS.
 2. 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.
 3. THE TREE CIRCLES SHOWN HEREON HAVE ONE (1) FOOT RADIUS DRAWN FOR EVERY ONE (1) INCH OF MEASURED TRUNK DIAMETER. GENERALLY, TRUNK DIAMETER IS MEASURED AT A DISTANCE OF 4.5 FEET ABOVE GROUND LEVEL. MULTI-TRUNK TREES ARE DISPLAYED USING THE FOLLOWING FORMULA: SUM OF THE LARGEST TRUNK + 1/2 OF THE SUM OF SMALLER TRUNKS.
 4. SEE TREE LIST ON PAGE 2.
 5. THE PROPERTY SHOWN HEREON IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL INSURANCE ADM. DEPARTMENT OF HUD FLOOD HAZARD BOUNDARY MAP REVISED AS PER MAP NUMBER: 48453C0445K, ZONE: X, DATED: 01/22/2020.

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 Conditions II Survey.

I Karl E. Atkins, a Texas Registered Professional Land Surveyor do hereby certify to the land owners, that this the above survey, represents an on the ground survey conducted under my supervision this the 20TH day of NOVEMBER, 2024 and is true and correct to the best of my knowledge.

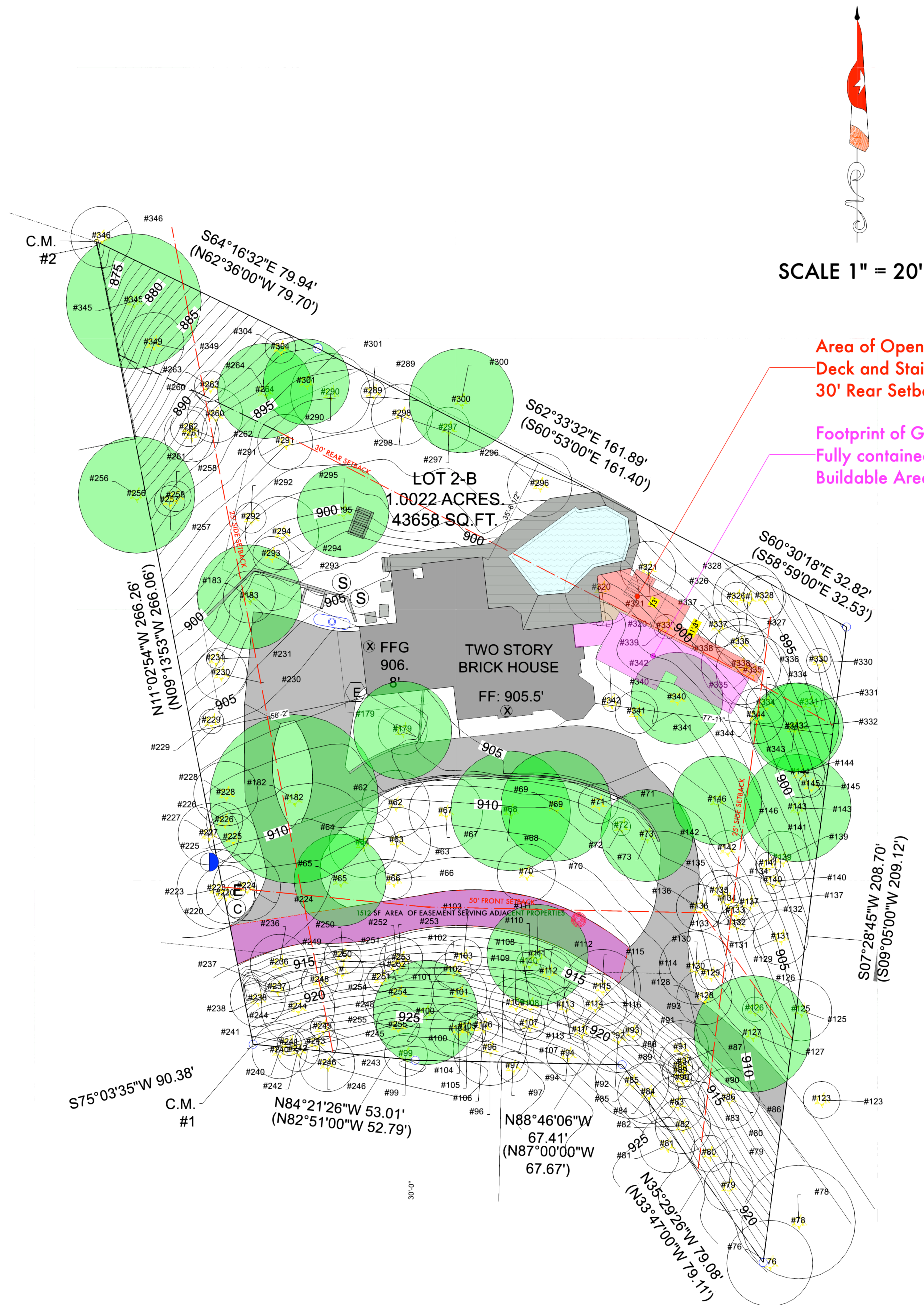


Karl E. Atkins
Karl E Atkins, RPLS 4618

11/20/2024

Date of Signature

TREE LIST:					
#.	TYPE.	SIZE.	TAG NO.		
62	JUNIPER	8 6		179	LIVE OAK 16
63	JUNIPER	11		182	LIVE OAK 20 15 TAG 453
64	JUNIPER	11		183	LIVE OAK 17
65	JUNIPER	11 8		220	JUNIPER 7 5
66	JUNIPER	6		223	JUNIPER 13
67	SPANISH OAK	12		224	JUNIPER 11
68	SPANISH OAK	14 11 TAG 450		225	JUNIPER 8
69	SPANISH OAK	18 TAG 451		226	JUNIPER 6
70	MOUNTAIN LAUREL	4 4 3 2 2		227	JUNIPER 10
71	MOUNTAIN LAUREL	4 3 2		228	JUNIPER 7 7
72	SPANISH OAK	3		229	LACEY OAK 4
73	JUNIPER	15		230	YAUPON 5 4 3
76	JUNIPER	14		231	YAUPON 3
78	JUNIPER	14 9		236	JUNIPER 7 5
79	JUNIPER	8		237	JUNIPER 4
80	SPANISH OAK	6		238	JUNIPER 9
81	JUNIPER	9		240	JUNIPER 7 4
82	JUNIPER	9		241	JUNIPER 4
83	JUNIPER	9		242	JUNIPER 7
84	JUNIPER	10		243	JUNIPER 7
85	JUNIPER	12		244	JUNIPER 9 6
86	JUNIPER	7 6		245	SPANISH OAK 4
87	JUNIPER	8		246	JUNIPER 9
88	JUNIPER	4		248	JUNIPER 6
89	JUNIPER	6		249	JUNIPER 5 4
90	JUNIPER	3		250	JUNIPER 6
91	JUNIPER	9		251	JUNIPER 3 3
92	JUNIPER	8 7		252	JUNIPER 4
93	JUNIPER	3		253	JUNIPER 5 4
94	JUNIPER	7		254	JUNIPER 6 6 5
96	JUNIPER	12		255	SPANISH OAK 7
97	SPANISH OAK	5		256	JUNIPER 19 TAG 409
99	JUNIPER	7		257	LACEY OAK 5
100	JUNIPER	17		258	LACEY OAK 5
101	JUNIPER	7 4		260	SPANISH OAK 9
102	JUNIPER	6		261	SPANISH OAK 9
103	JUNIPER	6		262	SPANISH OAK 6
104	JUNIPER	9		263	SPANISH OAK 5
105	SPANISH OAK	5		264	SPANISH OAK 7 6 6 5 TAG 454
106	JUNIPER	5		289	LACEY OAK 4
107	JUNIPER	5		290	JUNIPER 13
108	JUNIPER	9		291	YAUPON 5 4 4
109	JUNIPER	7 3		292	MAPLE 5
110	JUNIPER	4		293	MAPLE 6
111	JUNIPER	9 9 6		294	CHINKAPIN OAK 12
112	SPANISH OAK	5 5		295	CHINKAPIN OAK 15
113	JUNIPER	6		296	MOUNTAIN LAUREL 5 4 4 3
114	JUNIPER	9 3		297	YAUPON 4 4 2
115	JUNIPER	9 7		298	SPANISH OAK 10
116	SPANISH OAK	4		300	SPANISH OAK 12 10
123	CAROLINA LAUREL	3 2 2 2		301	JUNIPER 14
125	JUNIPER	10		304	YAUPON 3 2 2
126	JUNIPER	4		320	JUNIPER 12
127	JUNIPER	13 12 TAG 146		321	JUNIPER 9
128	JUNIPER	9		326	JUNIPER 5
129	JUNIPER	5		327	JUNIPER 9 5
130	JUNIPER	12		328	JUNIPER 7
131	JUNIPER	9		330	JUNIPER 3 2
132	JUNIPER	6		331	JUNIPER 4
133	JUNIPER	3		332	JUNIPER 11 7
134	JUNIPER	8		334	JUNIPER 5 3
135	JUNIPER	7		335	LIVE OAK 12
136	SPANISH OAK	6 3		336	LIVE OAK 8
137	SPANISH OAK	9		337	JUNIPER 7
139	JUNIPER	9		338	JUNIPER 10 6
140	JUNIPER	4		339	GUM 4
141	JUNIPER	4		340	LIVE OAK 15
142	JUNIPER	6		341	BUR OAK 7
143	JUNIPER	10 9 6 TAG 452		342	MOUNTAIN LAUREL 3
144	JUNIPER	8		343	JUNIPER 8 7 6
145	LACEY OAK	4		344	LIVE OAK 9
146	LIVE OAK	10 9		345	LIVE OAK 9 8 7 6 5
				346	CHERRY 10
				349	SPANISH OAK 10



SCALE 1" = 20'

Area of Open and Covered
Deck and Stair Area in
30' Rear Setback

Footprint of Grandparents Suite
Fully contained in Allowable
Buildable Area

Lot Area	43658 SF
25% Allowable IC	10,914.5 SF

Impervious Cover - Existing Elements

EXIST House / Garage	2540 SF
EXIST Driveway Paving	7225 SF
EXIST Pool	717 SF
EXIST Pool Deck (1030@50%)	515 SF
EXIST Entry Deck (182@50%)	91 SF
EXIST AC Pads	36 SF
EXIST 3 Rock Walls	145 SF
EXIST Stone Steps	52 SF

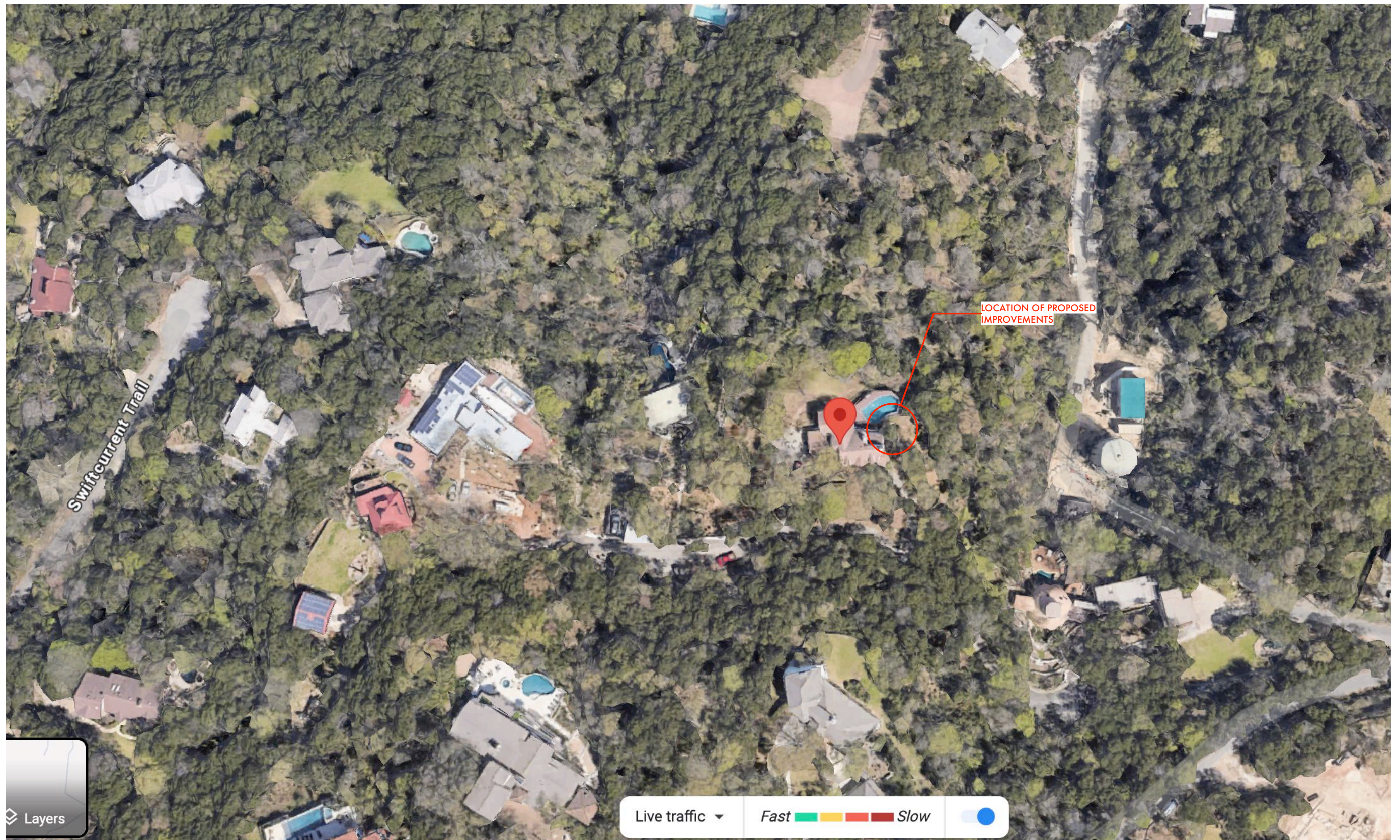
TOTAL EXISTING IMP. COVER	11,321 SF
IMPERVIOUS COVER	25.9 %

Proposed Improvements

Guest Suite Addition	793 SF
Uncovered Connecting Deck /Stair	82 SF
(164 SF @ 50%)	
Covered Screened In Porch	182 SF
Roof Extension over Grill area	120 SF

TOTAL PROPOSED NEW IC	1177 SF
-----------------------	---------

GRAND TOTAL EXIST + PROPOSED - 28.7%



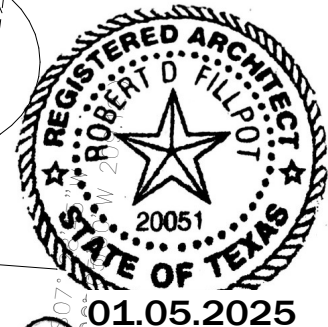
PROXIMITY MAP OF PROPOSED IMPROVEMENTS

PROJECT:
502 SPILLER
LANE

WEST LAKE HILLS,
TEXAS

DATE: 01052025
PROJECT NO: SPL_24
REVISION DATE

NOTES:

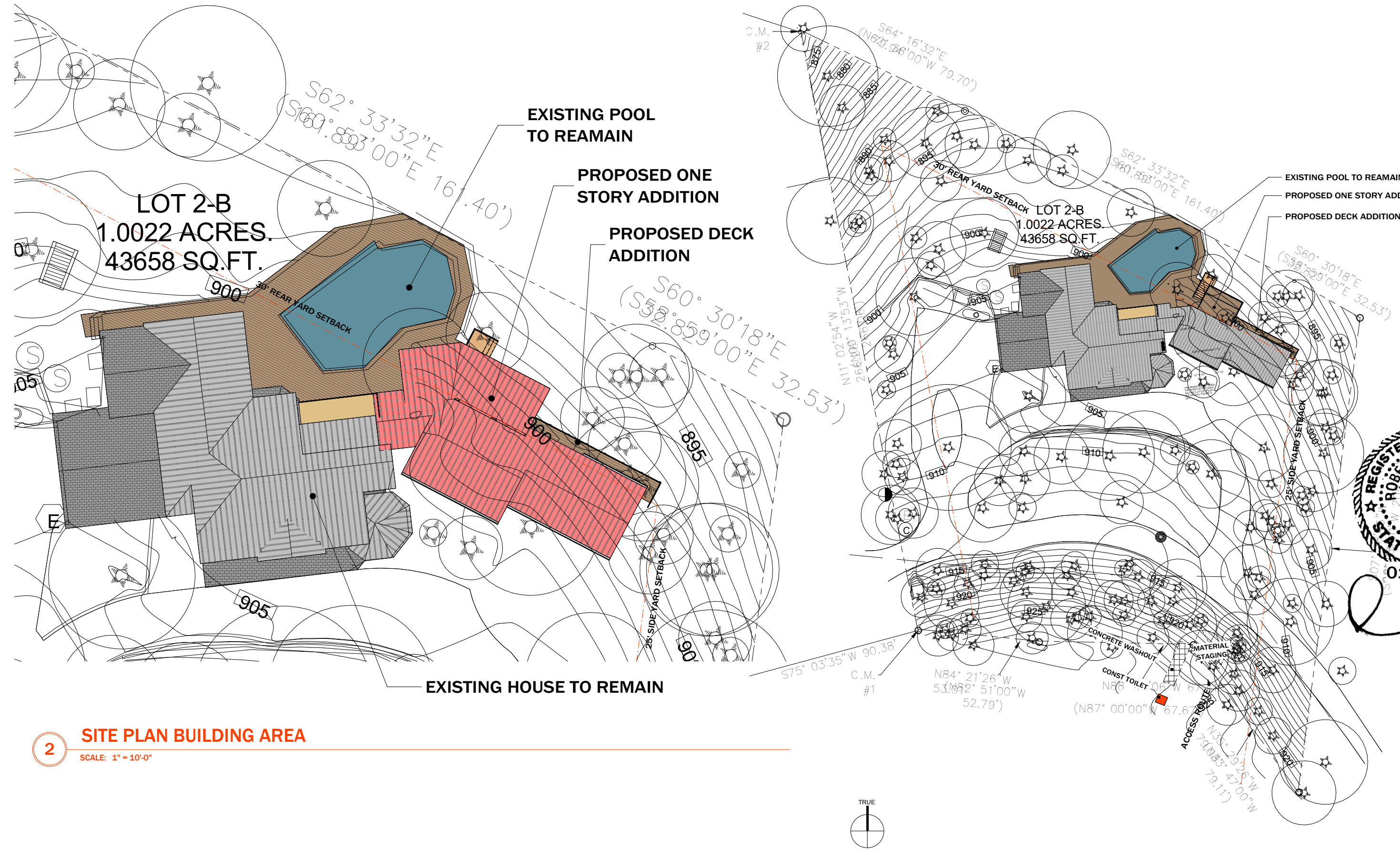


[Signature]

SITE PLAN

A1.0

DRAWN BY: Author



2

SITE PLAN BUILDING AREA

SCALE: 1" = 10'-0"

1

SITE PLAN

SCALE: 1" = 20'-0"

PROJECT:
502 SPILLER LANE

WEST LAKE HILLS,
TEXAS

DATE: 01052025
PROJECT NO: SPL_24
REVISION DATE

NOTES:

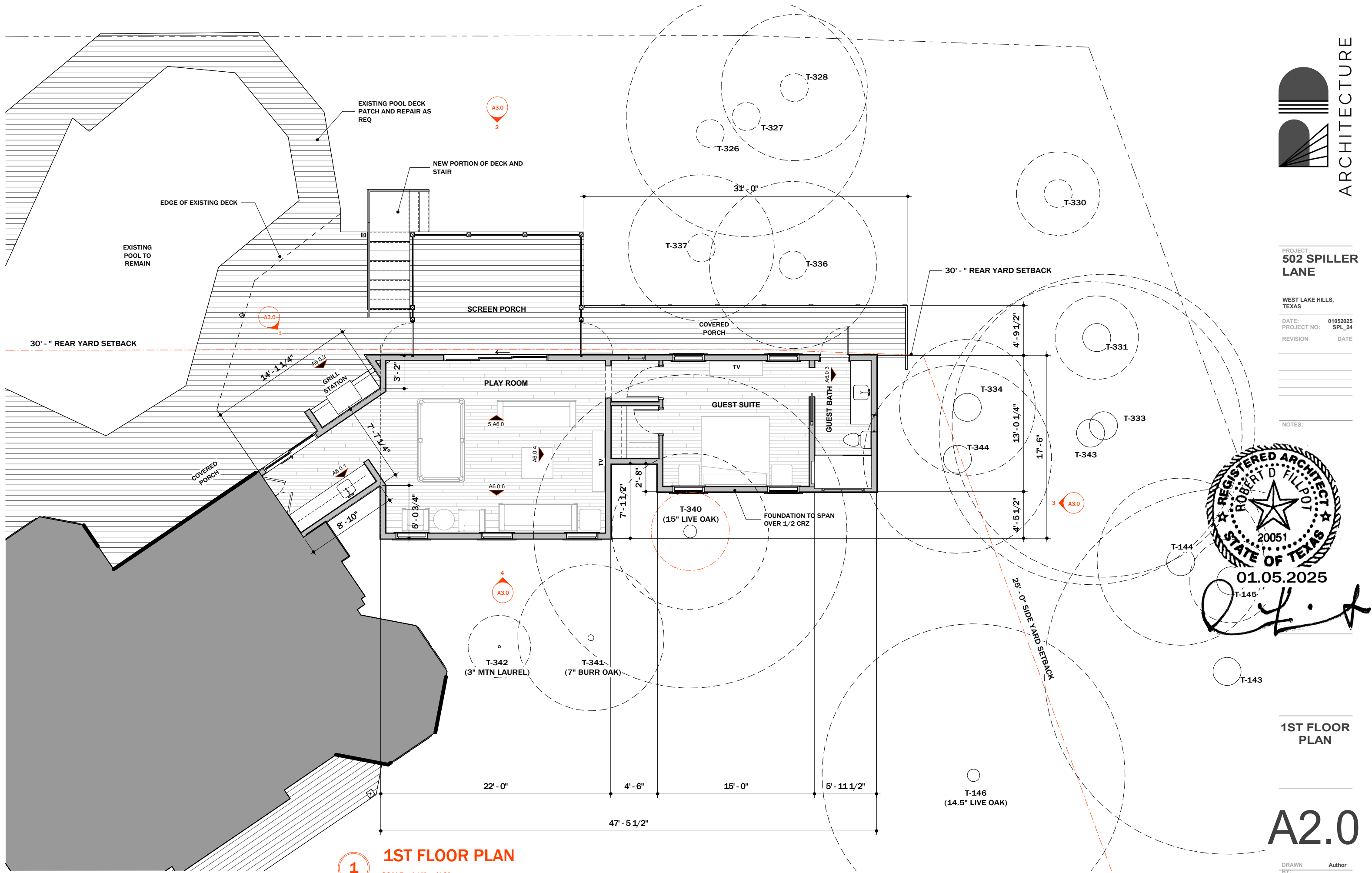


01.05.2025
T-145

1ST FLOOR
PLAN

A2.0

DRAWN BY: Author



PROJECT:
502 SPILLER
LANE

WEST LAKE HILLS,
TEXAS

DATE: 01052025
PROJECT NO: SPL_24

REVISION DATE

NOTES:



[Signature]

2ND FLR PLAN
11' - 6"

1ST FLR CLG
10' - 0"

1ST FLOOR PLAN
0' - 0"

EXTERIOR
ELEVATIONS

A3.0

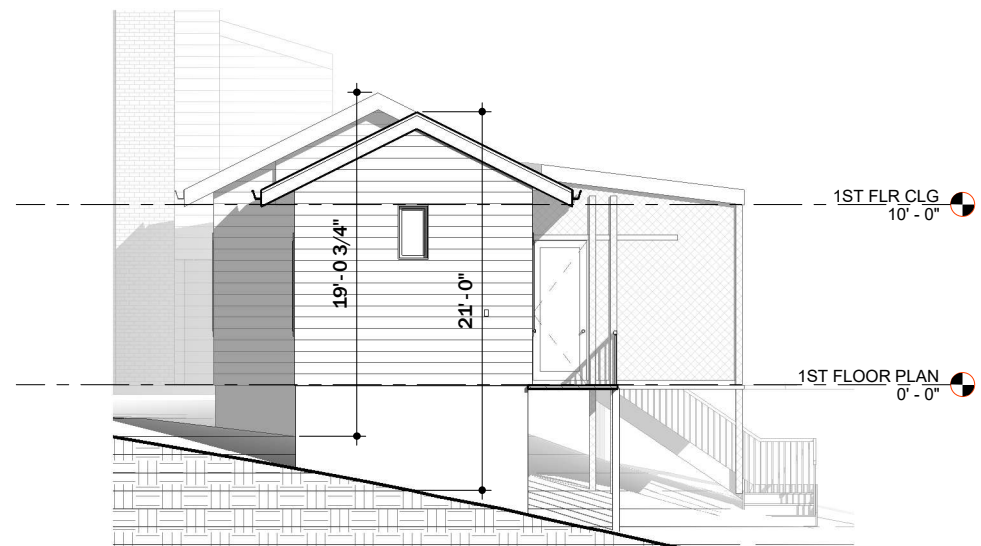
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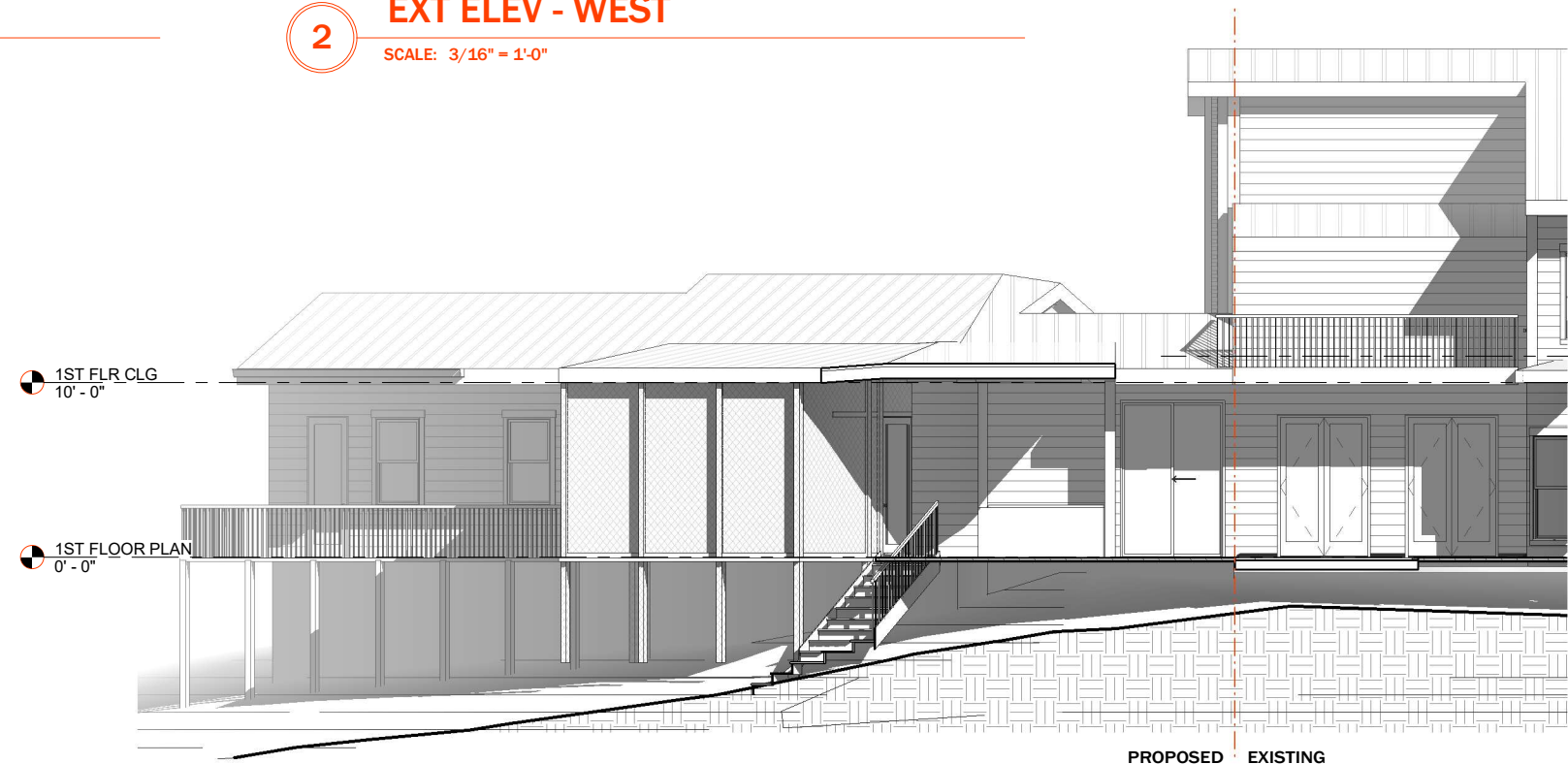
4 EXT ELEV - NORTH
SCALE: 3/16" = 1'-0"



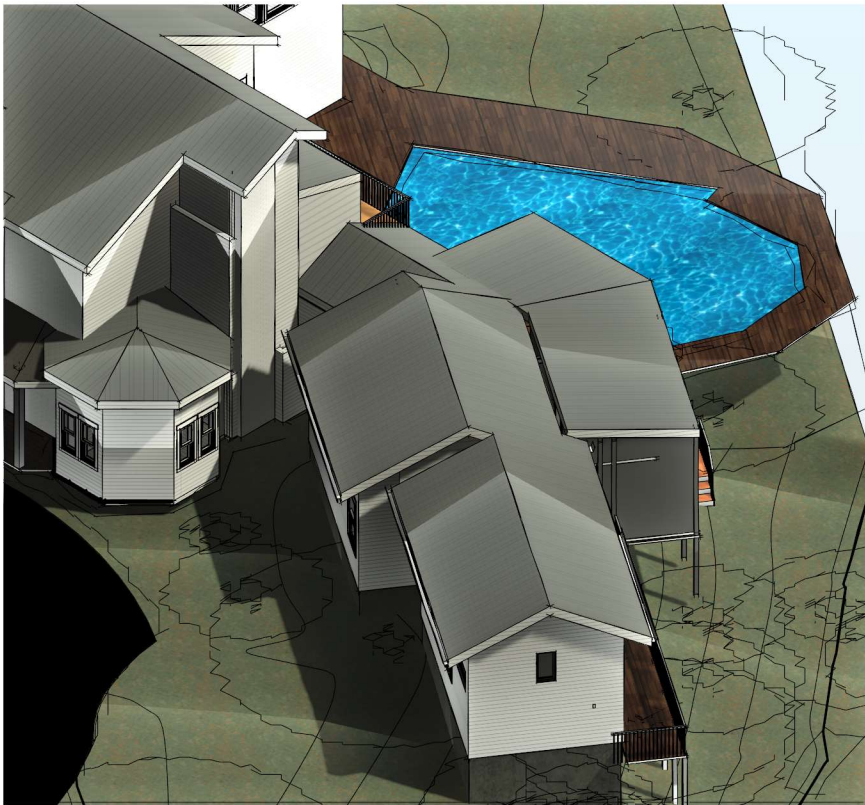
2 EXT ELEV - WEST
SCALE: 3/16" = 1'-0"



3 EXT ELEV - EAST
SCALE: 3/16" = 1'-0"



1 EXT ELEV - SOUTH
SCALE: 3/16" = 1'-0"





PROJECT:
**502 SPILLER
LANE**

WEST LAKE HILLS,
TEXAS

DATE: 01052025
PROJECT NO: SPL_24

REVISION DATE

NOTES:

NOT FOR CONSTRUCTION

RENDERINGS

A8.1

DRAWN BY: Author



PROJECT:
**502 SPILLER
LANE**

WEST LAKE HILLS,
TEXAS

DATE: 01/05/25
PROJECT NO: SPL_24

REVISION DATE

NOTES:

NOT FOR CONSTRUCTION

RENDERINGS

A8.2

DRAWN BY: Author

PROJECT:
**502 SPILLER
LANE**

WEST LAKE HILLS,
TEXAS

DATE: 01/05/25
PROJECT NO: SPL_24

REVISION DATE

NOTES:

NOT FOR CONSTRUCTION

RENDERINGS

A8.3

DRAWN BY: Author

Letter to City Administrator
RE: 502 Spiller Lane petition for a waiver for a Type I Drainage Report
January 2nd, 2024

Dear City Administrator Fletcher,

Greetings. My name is Logan Reichle. My wife, Carly, and I are the owners of 502 Spiller Lane. We are in the process of designing a 793 SF - First Floor Addition to our home as well as an elevated deck extension that connects to our existing deck that encroaches into our rear setback. We are in the process of going through the variance process with the City of West Lake Hills, starting with ZAPCO in February.

The purpose of this letter is to petition the City of West Lake Hills for a waiver to be permitted to perform Type 1 Drainage Report, rather than a Type II or III Drainage Report.

We feel that once you have a chance to review the ZAPCO Application, along with all of the supporting documentation, that you will be able to understand the unique conditions that we are dealing with on our property. And even though we are having to apply for variances and our proposed impervious cover is slightly higher than the 1000SF permitted with a Type I Drainage Report, our on the ground improvements are less than 800 SF that is in the allowable buildable area and our proposed deck is elevated 5' above natural grade and not disturbing the grade below it.

We purchased our 3700 SF, 3 Bedroom home in the spring of 2022. We are a young family, with 2 children (a 1 and a 3 YO), and expecting our third in August of this year. We love living in West Lake Hills and love our home, as it currently works great for our family. However with a home that was built in 1983, it did come with a few quirks that differ from many homes built in the last 20 years. In our home, all of the bedrooms are located on the second floor, and there are not any spaces downstairs that could be converted to a bedroom space. As our family grows, we have discussed being able to add a ground level bedroom suite for relatives and grandparents to visit.

So, in the Fall of 2024 we engaged our architects, Davin Fillpot and Richard Hamer of R&D Architecture, to assist us with a design for a small first floor guest suite addition, with an emphasis on accessibility for older visitors.

As we started designing, we were made aware that there were a handful of hardship conditions on our property that would make this a challenging project for several reasons:

- 1) Our property, as well as the 2 properties to the west of ours, are not served by a traditional public street with dedicated Right Of Way, but rather by a joint use access easement. This easement is used by WCID10, ESD9 as well as the City of WLH. The fully paved easement runs completely across our property from east to west and comprises approximately 2300 SF of Impervious Cover, that counts against our 25% IC.

- 2) As you can tell by the site plan contained in our packet, when the home was originally built it was designed to be located deep into the site. We assume that it was designed this way in order to preserve the 20 Trees with diameters of 14" or greater. Also, the pool and the exterior deck are fully located in the rear 30' setback, which are treated as pre-existing nonconforming structures. It is our understanding that if we wanted to do any small addition or re-work of our pool deck area that it would require a variance.

In working with our architect, we explored different design options for the first floor guest suite. We decided that the best solution was to design the addition so that all proposed conditioned space would exist in the allowable buildable area, and not encroach into either the rear 30' or 25' side setbacks. We also adjusted the building footprint so that we could preserve tree #340, (15" oak) as well as a grove of trees in the side setback that serves as a nice vegetative screening. We were able to achieve this with the physical addition, but we also would like the new structure to have access to the pool area and our square up our oddly shaped deck. In order to achieve this we would like to extend an exterior egress walkway, egress stair to grade, and a small enclosed patio between the proposed addition and the pre existing nonconforming pool deck. This will require a variance for the deck/patio structure to encroach into the rear 30' setback to connect to the existing deck.

Our detailed impervious cover calculation for existing improvements on the site is 25.9%, and INCLUDES the 2300 SF fully paved easement as part of that calculation. The proposed improvements for both the footprint of the addition (793 SF) and the deck extension, patio and stair (384 SF) add up to an additional 1177 SF for a Grand total of 28.7% Impervious Cover for the existing and proposed.

We feel that our proposed improvements are more in line with a Type I Drainage Report rather than a Type II / III, because of the limited impact on the site with the proposed 793 SF footprint being the only on the ground improvement, and the deck being elevated above natural grade by 5' to match the existing pool deck.

Please don't hesitate reaching out with any additional questions or clarifications.
Thank you for your consideration.

Sincerely,



Logan Reichle
502 Spiller Lane
West Lake Hills, Texas 78746
Email: logan.reichle@cbre.com
Phone: 512-217-6401

From: [REDACTED]
Sent: Monday, February 10, 2025 11:09 AM
To: Terry Blanchard <tBlanchard@westlakehills.gov>
Subject: Variance request for 502 Spiller Lane/February 19 ZAPCO agenda

Dear ZAPCO members,

We are writing to oppose the variance request for 502 Spillar Lane to allow for the increase of impervious cover from 25.9% to 28.7% where the maximum allowed by code is 25%.

We live below the subject property. We have lived there for 33 plus years. For many years we had no issues with run-off from the properties above us. However, after a series of snow/ice storms and increased removal of trees by property owners for fire safety, we have encountered drainage issues and have had to spend more that \$10,000 in drainage improvements. We will suffer additional damage from any increase in impervious cover up the hill from us. A review of the topography of the area shows that run-off flows from the Spillar property toward our property and into the wet weather creek to the west of our house.

The property has already exceeded the allowable impervious cover. Please do not allow **additional** impervious cover at our expense. There are reasons for impervious cover limitations, and our situation is the perfect example of why these rules exist. No property owner should be granted a variance at the expense of their neighbors. Please DENY this impervious cover variance.

If you have any questions, you can contact us at 512-423-7830.

Thank you for considering the potential damage to our property from this substantial variance request.

Jane and Jerry Noble
801 Yaupon Valley Road

From: [Jordan Weingarten](#)
To: [Planner](#)
Subject: Variance Request 502 Spiller Lane, ZAPCO agenda 02/19/2025
Date: Monday, February 10, 2025 6:34:14 PM

Re: Variance request for 502 Spiller Lane, ZAPCO agenda 02/19/2025

Dear ZAPCO members

We have lived at 805 Yaupon Valley Rd for 25 years. As long-time residents of this geographically and architecturally diverse area, we understand and respect the need for reasonable, small variances for new construction and remodels. But the variances requested for 502 Spillar Lane are major deviations from current regulations and, if granted, set a concerning precedent.

There is a vacant lot next to our property. If we ignore setbacks and impervious cover regulations to the extreme degree requested by this variance request, we set a dangerous precedent in loss of privacy and storm runoff issues for current residents. Please deny the variance requests as written.

Respectfully,

Jordan and Lyn Weingarten

RE: 502 SPILLER LN VARIANCE REQUEST
Application #2025-1245

On behalf of the City of West Lake Hills, Engineering staff has reviewed the variance requests for the property located at 502 Spiller Lane. 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 Impervious Cover of 28.7%
2. Allow Deck/Patio Extension with a maximum encroachment at the stair of 15'-4" into the 30' rear setback.
3. Allow Waiver to be permitted to create a Type I drainage report, rather than a Type II/III due to the minimal on the ground impervious cover associated with this project.

The hardships mentioned are as follows:

1. Our property, as well as the 2 properties to the west of ours, are not served by a traditional public street with dedicated Right of Way, but rather by a joint use access easement. This easement is used by WCID10, ESD9 as well as the City of WLH. The fully paved easement runs completely across our property from east to west and comprises approximately 2,300 SF of Impervious Cover, that counts against our 25% IC. Once the paved access easement passes by the initial driveway entrance to 502 Spiller, it has a footprint of approximately 1,512 Sf of Impervious Cover.
2. As you can tell by the site plan contained in our packet, when the home was originally built it was designed to be located deep into the site. We assume that it was designed this way to preserve the 20 Trees with diameters of 14" or greater. Also, the pool and the exterior deck are fully located in the rear 30' setback, which are treated as pre-existing nonconforming structures. It is our understanding that if we wanted to do any small addition or re-work of our pool deck area that it would require a variance.

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 Impervious Cover of 28.7%
 - a. We suggest that this variance is **denied**.
 - **Per Chapter 6 of the Drainage and Erosion Control Manual (Rev. 2020), water quality treatment Best Management Practices (BMP's) are required for single-family residents where the property impervious cover percentage is greater than 20%.**
 - **This lot is currently zoned "R-1". Per Ordinance 22.03.281 "Schedule of Regulations" the maximum allowed impervious cover for a single lot greater than 0.50-acres is 25%.**
 - **The existing impervious cover for the access easement does not appear to have water quality and detention infrastructure independent of the remaining site impervious cover. An analysis of water quality and detention infrastructure is required on a lot-by-lot basis.**
 - **Regulations will require water quality and detention to bring the site into compliance with current city and state requirements.**
2. Allow Deck/Patio Extension with a maximum encroachment at the stair of 15'-4" into the 30' rear setback.
 - a. We suggest that this variance is **denied**.
 - **Existing site impervious cover exceeds the maximum allowed impervious cover by zoning.**
3. Allow Waiver to be permitted to create a Type I drainage report, rather than a Type II/III due to the minimal on the ground impervious cover associated with this project.
 - a. We suggest that this variance is **denied**.
 - **The Drainage and Erosion Control Manual Table 2-1 (Rev. 2020. only allows for Type I applications are proposing less than 1,000 sf in increased impervious cover.**

City of West Lake Hills

MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING

Wednesday, February 19, 2025 at 6:30 PM

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

- a. Meeting begins at 6:30pm
- b. Roll Call
 - Chair Robert Meisel: Present
 - 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 January 15, 2025 Zoning and Planning Commission minutes
- b. Approval of the January 24, 2025 Zoning and Planning Commission workshop minutes
- c. Report of previous ZAPCO cases acted upon by the BOA/Council
- d. **Action:** Commissioner Pledger moves for approval of the Consent Agenda
 - i. Commissioner Webber Seconds
 - ii. Motion carries unanimously 5 - 0

4. **Public Hearing: 704 Rocky River Rd.** – Discuss and make a recommendation on a variance to allow for the removal four trees: Tree Number 146 – a 14.5-inch oak, Tree Number 197 – a 16-inch elm, Tree Number 201 – a 17-inch oak, Tree Number 224 – a 14.5-inch elm, when trees 14-inches and greater require a variance for removal (Section 22.03.304(a)(4) of the West Lake Hills Code of Ordinances).

Applicant: Nina Falgout Sterrett, Arterberry Cooke Architecture

a. **Staff Report:**

- a. Director Bills and Building Official Jordan Word explain the tree removal permit that was obtained using an arborist's certification that 2 of the previous variance trees had died, and the applicant's withdrawal of the variance request due to the site being redesigned to save remaining trees.
 - i. Additional non-variance trees were removed that were not included on the tree survey, and staff is working with applicants to mitigate for trees between 10 and 14 inches.
- b. Chair Meisel: Is this arborist on our arborist list?
 - i. City staff accepts ISA Arborist Certifications, which this arborist has.
- c. Commissioner Webber: Is there any kind of fine that's applied to the tree person?
 - i. The property owner will be required to mitigate.
- d. Chair Meisel: Will this go to Court?
 - i. If they don't comply, court would be the next step
- e. Chair Maccini: Will they have to mitigate before receiving permits?
 - i. Yes.
- f. Chair Maccini: will new tree survey be required prior to permit approval?
 - i. Yes
- b. Public Comments:**
 - a. Nina Falgout Sterrit
 - i. Explains that trees will be saved or were removed by permit
 - b. Randy Lee – 6 Rocky River Cove:
 - i. Wanted to see how this was proceeding and has questions
 - 1. Says he has photographs of large trees not included on surveys
 - c. Luke Woolridge – 10 Rocky River Cove:
 - i. Site looks "bushwhacked"
 - ii. Concerned applicants will try to violate other ordinances
- c. Discussion:** None
- d. Action:** None needed – application has been withdrawn

5. **Public Hearing: 1501 Wildcat Hollow** - Discuss and make a recommendation 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

a. Staff Report:

- i. Director Bills describes nature of property, previous variances granted, and additional cut/fill variance request

b. Public Comments:

- a. Heidi Restivo: Property Owner
 - i. Shared her thoughts on the development process

c. Discussion:

- i. Commissioner Stewart: Will variances be visible?
 1. No – foundation only
- ii. Commissioner Maccini:
 1. Appreciates that home size is reduced

d. Action: Commissioner Pledger moves that the variance request be forwarded to the Board of Adjustment with a recommendation of approval based on hardship of steep lot.

- i. Commissioner Webber seconds
- ii. Motion carries unanimously (5-0)

Recommendation will be forwarded to the Board of Adjustment for consideration at a special session on February 26, 2025.

6. Public Hearing: 717 ½ Yaupon Valley Road - Discuss and make a recommendation on the following variances:

1. Encroachment into all setbacks where 100 feet is required. (Section 18.02.033(a): Dimensional Standards for Water Storage Tanks)
2. Tank height of 60 feet where 30 feet is the maximum (Section 18.02.034: Design and construction of potable water tanks)
3. Encroachment into the side setbacks for GUI (Section 22.03.281 Dimensional Standards for Zoning Districts)
4. Grading greater than 18 inches with the east side setback (Section 22.03.281: Site Disturbance (excavation, filling, or grading))

5. Removal of three ash juniper (cedar) trees; #103 – 14 inch, #106 – 20 inch, #121 – 15 inch; 14 inches or greater (Section 22.03.304(a)(4): Removal of trees 14” or greater);

for the installation of a water storage tank for Travis County Water Control and Improvement District 10.

Applicant: James McDermott, Dannenbaum Engineering - Austin LLC

a. Staff Report:

- i. Director Bills explains the variance requests for the Water District 10 water storage tanks site
- ii. Commissioner Webber: When was the parcel purchased?
 1. Late 2023
- iii. Commissioner Webber: When was the code written that requires 100-foot setbacks
 1. Unknown
- iv. Commissioner Webber: Why did they acquire such a small property knowing that it would not meet code, when there are empty lots surrounding the existing site?
- v. Commissioner Maccini: Are cedars held to the same replacement standard as other trees?
 1. Yes

6. Public Comments:

- i. Carla Orts: Water District 10 General Manager
 1. Critical need for second tank:
 - a. WD10 has run out of water once in a freeze, and almost a second time.
 2. Fire protection
 3. Life expectancy of existing tank is expiring
- ii. Chair Meisel: concerned about security from attacks on public infrastructure

c. Discussion:

- i. Commissioner Webber: Strongly supports all requests

d. Action: Commissioner Stewart moves that the variance request be forwarded to the City Council with a recommendation of **approval**.

- i. Commissioner Bartoletti seconds

- ii. Motion carries unanimously (5-0)

Recommendation will be forwarded to City Council and Board of Adjustment for consideration on March 12, 2025.

7. Public Hearing: 502 Spiller Lane - Discuss and make a recommendation on two variances:

1. To allow for encroachment of up to 13 feet into the 30-foot rear setback for a residential addition (Section 22.03.275 and 22.03.281 of the West Lake Hills Code); and
2. To allow for the increase of impervious cover from 25.9% to 28.7% where the maximum allowed by code is 25%. (Section 22.03.281 of the West Lake Hills Code.)

Applicant: Davin Fillpot, Architect

a. Staff Report:

- i. Director Bills describes the existing non-conforming site, easement, and the requested variances for additional impervious cover and rear setback encroachments

b. Public Comments:

- ii. Logan Reichle – homeowner
 1. Describes variance request
- iii. Davin Fillpot – applicant
 1. Existing pool is almost entirely in rear setback
 2. Private access easement increases impervious cover on site and cannot be removed by applicant
 3. Willing to modify the request to keep existing impervious cover of 25.9%

e. Discussion:

- ii. Commissioner Bartoletti: Will maintaining the 25.9% still require a variance?
 1. Yes
- iii. Commissioner Webber: Sympathetic to addition placement design. Not opposed to conditioned portion within building area. How is tree near new building being preserved?

1. Davin Fillpot: Will follow tree and root preservation regulations.
Applicant planning on floating foundation
- iv. Commissioner Maccini: How will limbs be handled?
 1. Davin Fillpot: Less than 25% of canopy will be impacted
- v. Commissioner Pledger: Concerned with taking impervious cover from flattest part of lot and placing it into the hill and the setback
 1. Davin Fillpot: Area of proposed structure less than 15% slope
 - a. If not for impervious cover and setback issues, the location would be suitable for building
- vi. Chair Meisel: Impervious cover drives runoff
 1. Building impervious cover on slope in setback can impact neighbors
 - a. Davin Fillpot: Drainage Waiver has been requested
- vii. Commissioner Webber: Does existing house have rainwater detention?
 1. Davin Fillpot: If waiver is denied, then rainwater collection tank is required
- viii. Commissioner Maccini: Neighbors are opposed, and existing site conditions, impervious cover and setback limits were all in place at time of purchase. This isn't a hardship, but a desire for more room
 1. There are solutions that don't require variances. Variances may negatively impact neighbors
- ix. Commissioner Webber: There are potentially ways of designing around these variances
- x. Commissioner Maccini: This is design driven
- xi. Item tabled to later in meeting for applicant to discuss with homeowner (8:01 PM).**
- xii. Item reconvened after all other items closed (8:39 PM).**
 1. Davin Fillpot:
 - a. Will withdraw Impervious Cover variance request
 - b. Will remove roof from patio and keep entire deck at 50% impervious
- xiii. Commissioner Bartoletti: Still adding IC in setback
 1. Davin: sidewalk would be allowed, and current proposal would be less impervious cover in the setback than sidewalk

- f. Action:** Commissioner Webber moves that the variance request be forwarded to the City Council with a recommendation of **approval** for an uncovered deck in the setback.

- iii. Commissioner Maccini seconds
- iv. Motion fails (2-3)
 - 1. Commissioners Pledger, Stewart, and Maccini opposed
- ii. Commissioner Pledger moves for denial for lack of hardship
 - 1. Bartoletti Seconds
 - 2. Motion carries (3-2)
 - a. Maccini and Webber opposed to denial

Recommendation will be forwarded to City Council and Board of Adjustment for consideration on March 12, 2025.

- 8. Public Hearing: 413 Ledgeway Ridge - Discuss and make recommendations on proposed variances for the removal of six (6) trees with trunk diameters of 14 inches or greater, (Section 22.03.304 of the West Lake Hills Code).

- 1. #339 - 19-inch double trunk live oak
- 2. #342 - 17-inch double trunk ash juniper (cedar)
- 3. #346 - 23-inch double trunk ash juniper (cedar)
- 4. #2407 - 25-inch double trunk ash juniper (cedar)
- 5. #2420 - 17-inch triple trunk ash juniper (cedar)
- 6. #2437 - 18-inch live oak

Applicant: Emily Haydon, LaRue Architects

a. Staff Report:

- i. Director Bills describes the site, FEMA/Army Corps of Engineers floodway restrictions, and the requested tree variances
- ii. Commissioner Stewart: Lots 6 and 7 on the exhibits are actually built?
 - 1. Yes
- iii. Commissioner Webber: Are those the actual footprints of existing homes?
 - 1. Yes
- iv. Chair Meisel: What is the buildable area?
 - 1. 3789 square feet

7. Public Comments:

- i. Emily Hadon – LaRue Architects
 - 1. Trying to fit a house appropriate with adjacent neighbors
- ii. Greg Reynolds – owner
 - 1. Have letters showing all neighbors in favor of variance request

2. Site is extremely difficult.

g. Discussion:

- i. Commissioner Stewart: looks like a very challenging lot
 - a. Surprised and encouraging that it is designed to avoid cut/fill variances
 - b. Attempt has been made to minimize the request
- ii. Commissioner Webber: Finding a place to put replacement trees will be difficult. What if they can't find a spot?
 - a. Fee in lieu can be paid for up to 10% with staff approval. Council would have to approve more.
- iii. Commissioner Maccini: Appreciate that it's a difficult lot, but it's West Lake Hills.

h. Action: Commissioner Bartoletti moves that the variance request be forwarded to the City Council with a recommendation of **approval**

- v. Commissioner Stewart seconds
- vi. Motion fails (2-3)
- vii. **Webber:** motion for denial for more information
 - 1. Pledger: Seconds
 - 2. Motion carries (3-2)
 - a. Commissioners Pledger, Webber, Maccini for denial
 - b. Commissioner Stewart and Bartoletti opposed the denial

9. **Public Hearing: 1420 Redbud Trail:** Discuss and make a recommendation on a variance for an encroachment into the required 50-foot front setback (Section 22.03.275 and 22.03.281 of the West Lake Hills Code).

Applicant: Renee Salazar, Property Owner

a. Staff Report:

- a. Director Bills describes the site and variance request

b. Public Comments:

- a. **Renee Salazar:** homeowner
 - i. Explained request to build roof over front porch

c. Discussion:

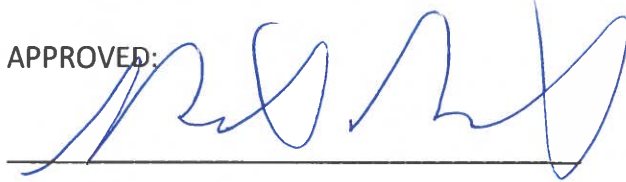
- i. Commissioner Webber: inclined to approve
- ii. Commissioner Pledger: No hardship
- iii. Commissioner Stewart: Not enough information. Don't even know the amount of the encroachment

- i. **Action:** At applicant request – item postponed to March 19, 2025 ZAPCO meeting.

10. Adjournment - Chair Robert Meisel

- 1. Chair Meisel adjourns the meeting at 8:51pm

APPROVED:



Robert Meisel, Chair

ATTEST:



Joel Sherrouse, Development Coordinator

These minutes were approved on March 19, 2025.

Exhibit A

502 Spiller Lane – rear setback and Impervious Cover

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.

1) This property is encumbered by a Joint Use Access Easement that serves as the access to the 2 neighboring properties to the West (504 & 506 Spiller) and we feel provides a hardship to this variance request. The easement also provides service to ESD9, WCID10 and the City of West Lake Hills. The total impervious Cover Associated with the paved easement totals 2276 SF = which is 20% of the Existing IC on site. Once the paved easement passes by the initial driveway entrance for 502 Spiller, the footprint for the easement is 1512 SF of impervious coverage.

2) The property contains pre-existing, non-conforming built conditions in the backyard that we feel, creates a hardship. The survey and site plan indicate that the swimming pool and surrounding pool deck fully encroach into the rear 30' setback. The new addition can be built in the allowable buildable area, however an egress deck needs to be provided to connect to the existing deck by the pool, and provide a stair to natural grade.

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

The proposed location for the first floor addition is in the Right Front Sideyard which only requires the removal of only 3 trees measuring under 14" in Diameter, while positioning itself to preserve a 15" Oak at the street facing front elevation.

Site disturbance will remain at a minimum to the building footprint location, as the proposed deck connection will be elevated on piers to match the existing deck, and limit site disturbance.

The existing vegetative buffer in the 25' side setback will be preserved to continue to provide privacy between the 2 properties.

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

The footprint of the proposed addition for all conditioned space, is actually completely within the Allowable Building Area on the property. The addition needed to rotate to be

parallel to the rear setback line to minimize it's footprint as well as preserve the existing 15" Oak directly adjacent to it. The proposed egress deck, stair and the screened in porch are simply a connection between the proposed addition and the existing pool deck, and will not encroach any further than the existing deck, because that deck already exists. The proposed deck fills in the gap shown on the as built survey.

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

We believe that the variances we are requesting are the minimum required to alleviate the difficulty or hardship we feel exists in the following ways.

- The Egress Deck / Egress Stair / Patio location is the only proposed encroachment into the 30' rear setback, and provides a connection to the odd shaped existing pool deck. It encroaches less than 1/2 the

- As mentioned, the addition can be built and adhere to all WLH building regulations (setbacks, height, trees) except for meeting the 25% Impervious Coverage limitation. The footprint for the addition + deck extension is only 1177 SF of Impervious Cover, and the property is burdened with a paved access easement that serves the 2 additional properties to the west and is also used by WCID10, ESD9 and the City of WLH. Once the paved easement makes it past the initial driveway for 502 Spiller, it tallies 1512 SF of additional impervious cover that counts against the property's 25% Max. IC.

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

We believe that the variance does not violate the intent of the Zoning Ordinances, because the proposed addition containing all of the new conditioned space can be located entirely within the allowable buildable area, and the egress deck will match and provide a connection to the pre-existing nonconforming pool and pool deck.

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

It can be observed on the Site Plan and the Proximity Aerial View diagram that the improvements are located at the rear side of the home, and would be less of an encroachment than the existing pool and pool deck. It will be extremely difficult for any neighboring property to be able to actually see the deck improvements that are requiring the setback variance. In addition the existing vegetative buffer between this property and the property located directly to the east will be fully preserved and serve as dense screening between the 2 properties.

Exhibit B

502 Spiller Ln - Impervious Cover and Rear Setback

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 subdivision was designed with private access, which included the private access easement on the plat. The site has other paving that could be removed to meet the impervious cover requirements. Additionally, the other lots in the subdivision with the PAE have the same conditions.

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

The proposed development would potentially create additional drainage from the impervious cover.

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

The applicant could remove existing impervious cover that would not affect the primary structure or the pool.

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

The addition to the house can be built within the setbacks with uncovered stairs in the rear setback for access and remove the patio addition from the plans.

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

The request is counter to the Zoning Ordinance contains setbacks to provide buffering from adjacent properties, as well as keep sites natural with limited impervious cover.

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

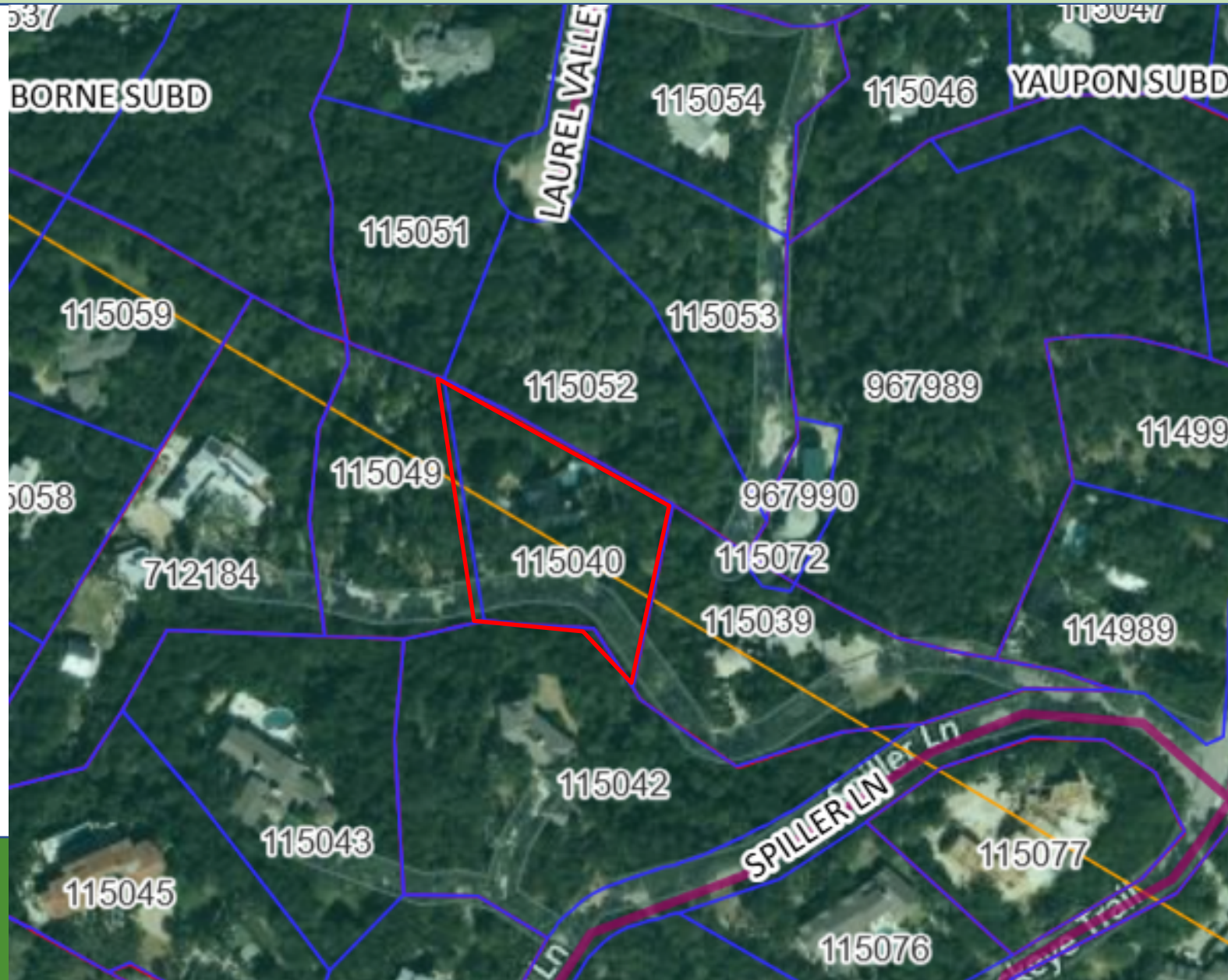
Two neighbors have provided concerns that the additional impervious cover and encroachment would impact their properties which are downhill to the north of the site.

502 Spiller Ln.

7. Discuss and consider action on a ZAPCO recommendation on two variances:
 1. To allow for encroachment of up to 13 feet into the 30-foot rear setback for a residential addition (Section 22.03.275 and 22.03.281 of the West Lake Hills Code);and
 2. To allow for the increase of impervious cover from 25.9% to 28.7% where the maximum allowed by code is 25%. (Section 22.03.281 of the West Lake Hills Code.)

Applicant: Davin Fillpot, Architect

502 Spiller Ln.



502 Spiller Ln.

Proposing to add living space to the primary structure, and enclosed patio/deck and egress stairs that would connect to the existing pool.

Lot was platted with a private access in 1971. The existing structure was built in 1984.

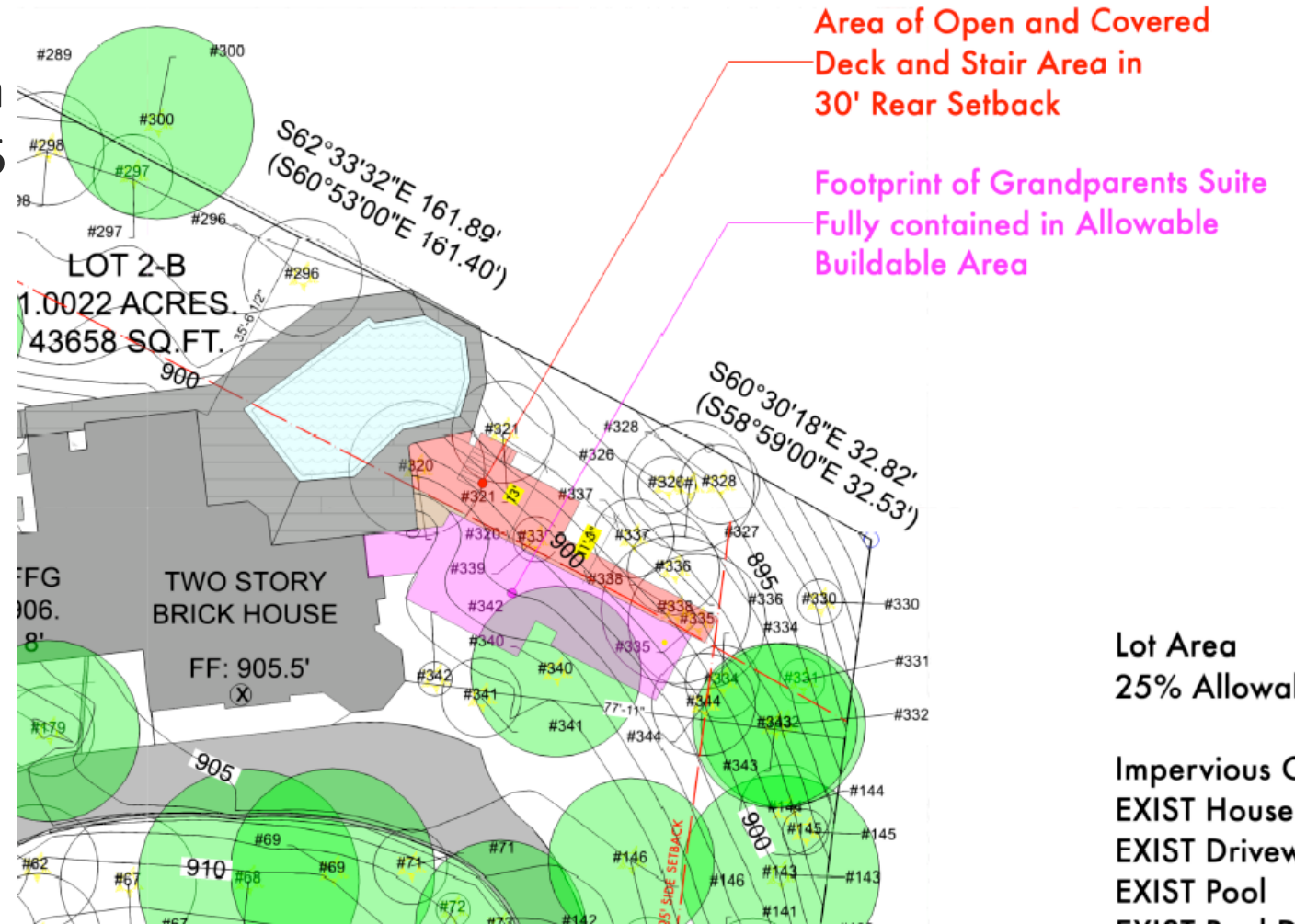
The applicant states the private access drive through their property as the hardship that requires them to go over the maximum impervious cover.

502 Spiller Ln.

1. Allow for encroachment of up to 13 feet into the 30-foot rear setback for a residential addition (Section 22.03.275 and 22.03.281 of the West Lake Hills Code).

The applicant requests to encroach 13 feet into the 30-foot rear setback with egress stairs and enclosed patio/deck to connect to the existing pool and deck.

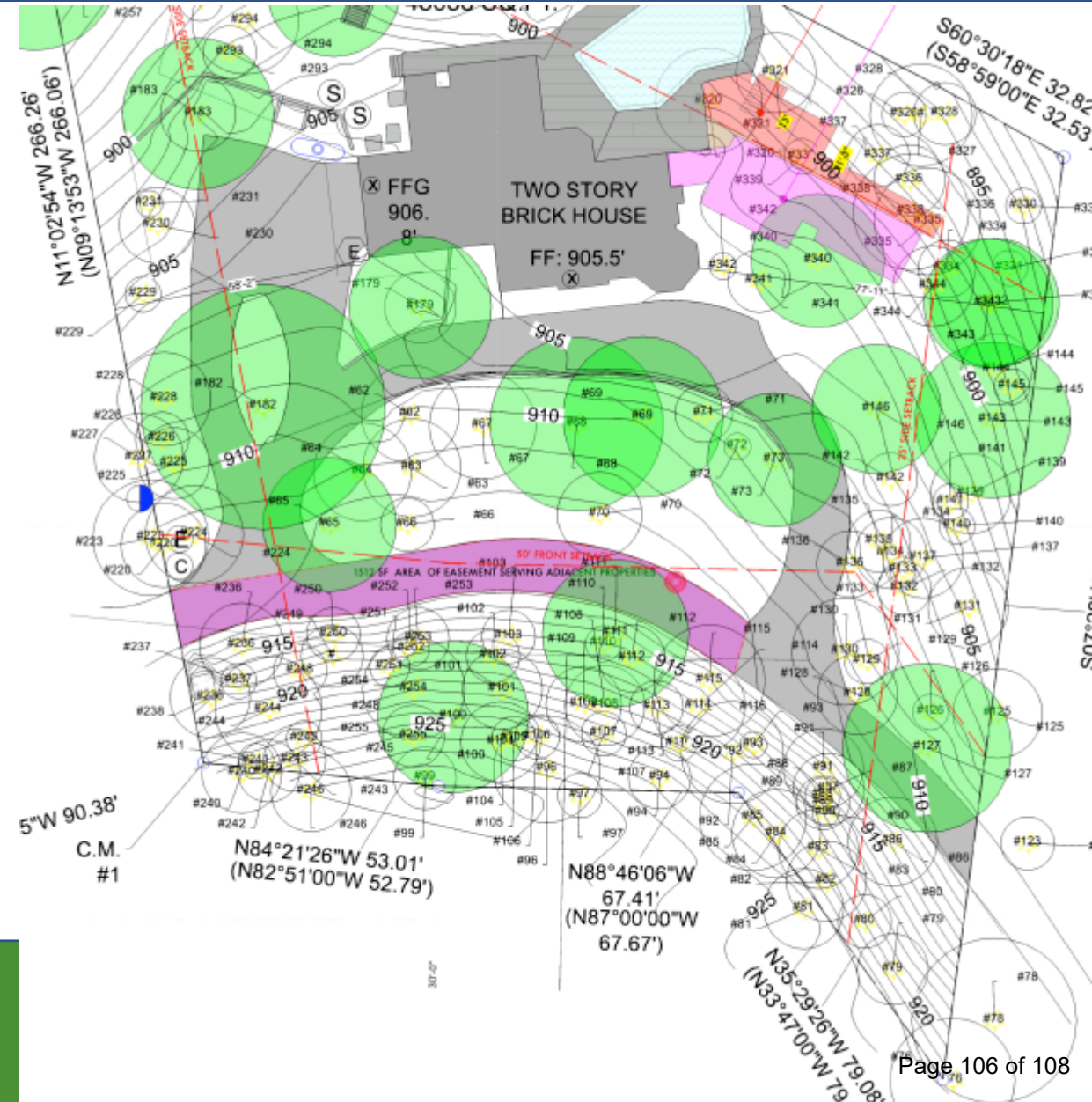
Uncovered steps are allowed to encroach into the setback.



502 Spiller Ln.

2. Allow for the increase of impervious cover from 25.9% to 28.7% where the maximum allowed by code is 25%. (Section 22.03.281 of the West Lake Hills Code.)

Area of driveway to neighboring lot 1,512 sf (3.5% of 25 % IC). Multiple driveways off of easement 5,713 sf (13.1%)



502 Spiller Ln.

Public comment:

- Two written comments in opposition were included in the packet.

Staff recommends denial of the variance as,

1. Inclusion of additional decks/patios are a design choice and not a requirement of the primary structure.
2. The impervious cover is already over the maximum and there are opportunities to reduce pavement to comply.

502 Spiller Ln.

This item was considered at the Zoning & Planning Commission February 19, 2025 regular meeting.

The applicant during deliberations revised the request to reduce the impervious cover to the allowed 25% and only require a variance for encroachment into the rear setback with an uncovered deck.

ZAPCO recommended for denial by a vote of 3-2 on the revised request.