



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF BOARD OF ADJUSTMENT (BOA) REGULAR MEETING
Wednesday, April 9, 2025 at 7:00 PM

Notice is hereby given that the Board of Adjustment (BOA) of the City of West Lake Hills, Texas, will hold a Regular Meeting on the 9th day of April 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 April 9, 2025.

1. Call to Order
2. Citizen Communications The Board welcomes public comments at this point on any issue. If the issue is listed on the agenda, the speaker may choose to comment during the Public Comment period or when the specific agenda item is taken up by the Board later in the meeting. The Board cannot respond to or discuss matters not listed on the agenda. The Board may provide factual information, refer the item to a staff member, or request the item be added to a future meeting agenda. Speakers shall limit their comments to five (5) minutes each.
3. Administration Discuss and consider action on approval of the March 26, 2025 Special Meeting Minutes.
4. Administration **704 Rocky River Road** - 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, regarding a citation for the unauthorized removal of trees. Applicant: Nina Falgout Sterrett.
5. Administration **716 Laurel Valley** - Discuss and consider action on an appeal of a decision made by the Building Official/City Inspector per Section 38.02.008(3), Procedure for appeals to the board. Applicant: Barry Schwartz.

6. Adjournment

Approved by: James Vaughan, Chair

Certificate

I certify that the above Notice of the April 9, 2025 Board of Adjustment Regular Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on Friday, April 4, 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) SPECIAL MEETING
Wednesday, March 26, 2025 at 7:00 PM

1. Call to Order

With a quorum present, Chair Vaughan called the meeting to order at 7:08 p.m.

BOARD MEMBERS PRESENT:

Chair James Vaughan
Dana Harmon
Beth South
Darin Walker
Jim O'Connor - Alternate
Katherine Loayza - Alternate

CITY STAFF PRESENT:

City Administrator Trey Fletcher
City Secretary Terry Blanchard
Finance Director Vonda Ragsdale
Director of BDS Jennifer Bills
Chief of Police Scott Gerdes
Asst. City Attorney Art Rodriguez

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

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

3. 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.

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

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).

Director Bills gave a brief summary. No comments were received. Staff recommends approval.

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

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.

Director Bills gave a brief summary. No comments were received. ZAPCO and staff recommend approval. Carla Orts and James McDermott provided information to the Board on events leading up to this request. Replacement of the existing tank is a necessity, not a wish list item. The project timeline is three to six months. The McConnell pump station is responsible for the water of everyone in the District.

MOTION: Upon a motion made by Board Member Walker 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.

The meeting was suspended at 7:25 p.m.

The meeting was reconvened at 7:26 p.m.

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.

Director Bills gave a summary. Two written comments were received. ZAPCO and staff recommend denial. Logan Reichle (property owner) addressed the Board. The plans have been revised to allow the removal of the impervious cover variance request to be removed. They are working to reduce the impervious cover to 25% or less. Instead of covering the deck, it will be uncovered and connect to the existing non-conforming deck. With these changes, the hope is to allow consideration of a drainage waiver for a Type I drainage report instead of a Type III drainage report.

Davin Fillpot (architect) distributed handouts to the Board. He stated that they listened to staff, ZAPCO, and the neighbors to make revisions to the original plans. The intent is to bring the plans into compliance to meet the Type I drainage report requirements by removing pavement and using pervious coverage.

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 postpone until the April 9, 2025 meeting. Motion carried.

7. Adjournment

MOTION: Upon a motion made by Board Member Walker and a second by Board Member Harmon, the Board voted six (6) for and none (0) opposed to adjourn the meeting at 7:52 p.m. Motion carried.

Respectfully submitted,

JAMES VAUGHAN, CHAIR

ATTEST:

Terry Blanchard, TRMC
City Secretary

These minutes were approved on April 9, 2025.



City of West Lake Hills
Board of Adjustments

AGENDA REPORT

Meeting Date:	April 9 th , 2025	Item Number:	_____
	Building and Development		
Department:	Services		
	Jordan Word, Building		
Prepared By:	Official/City Inspector	Cost / Budget:	None
Exhibits:	See Attached	Source of Funds:	N/A

Subject

704 Rocky Rive Rd. – Discuss and consider action on an appeal of a decision made by the Building Official/City Inspector per Section 38.02.008 (3), Procedure for appeals to the board, regarding a citation for the unauthorized removal of trees.

Applicant: Nina Falgout Sterrett

Recommendation

Staff recommend that the Board of Adjustment uphold the Building Official’s determination of 77.5 caliper inches of mitigation and \$38,750 administrative fee.

Discussion

Property Information, Zoning & Site Characteristics:

Owner: Jeff Townsend

Legal Description: LOT 1 *LESS SW TRI LOT 2 *NE TRI WHITE & MURDOCK SUBD ABS 21 SUR 1 *.420AC SPARKS W

Lot Size: 0.89 acre(s)

Zoning: R-1 One Family

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

Background & Analysis:

The property owner is requesting to appeal the determination of the Building Official of administrative fees and tree replacement associated with unauthorized tree removal (Attachment 7). The information and analysis provided in the appeal appear to have been conducted after the removal (Attachment 9). The property owner also provided a proposed landscape plan that has not been reviewed as the full building permit application has not been submitted and reviewed (Attachment 10).

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

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

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

- Mitigation for unauthorized removal: 77.5 caliper inches
- Administrative fee: \$38,750

Timeline

- December 12th, 2024 - Initial Variance request for the removal of 4 trees. ZAPCO denied removal request on January 15th (<https://westlakehillstx.portal.civicclerk.com/event/400/files/attachment/4456>).
- January 29th, 2025 – Tree removal permit requested for 16 Dead/Dying trees, including 2 of the 4 variance trees. A permit was approved due to a specific Arborist letter detailing all (16) trees as deceased and/or dying (Attachment 1, 2 & 3). This letter did not include the trees that were sited in the notice of violation.
- February 17th, 2025 - After trees were removed a follow up inspection was carried out and it was found that additional removals occurred that were not associated with what was approved in the tree removal permit (Attachment 4 & 5). Variance request official withdrawn by applicant.
- Notice of violation was issued the same day for 77.5 Caliper Inches and \$38,750 due to unauthorized removal of trees. The Arborist letter provided only gave information for the 16 trees shown in the permit file.
- March 21, 2025 – Appeal filed with new Arborist letter detailing “diseased” trees from pictures and stumps.

38.02.006 Appeals to the board of adjustment

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

38.02.008 (a) Procedure for appeals to the board:

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

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








Attachments:

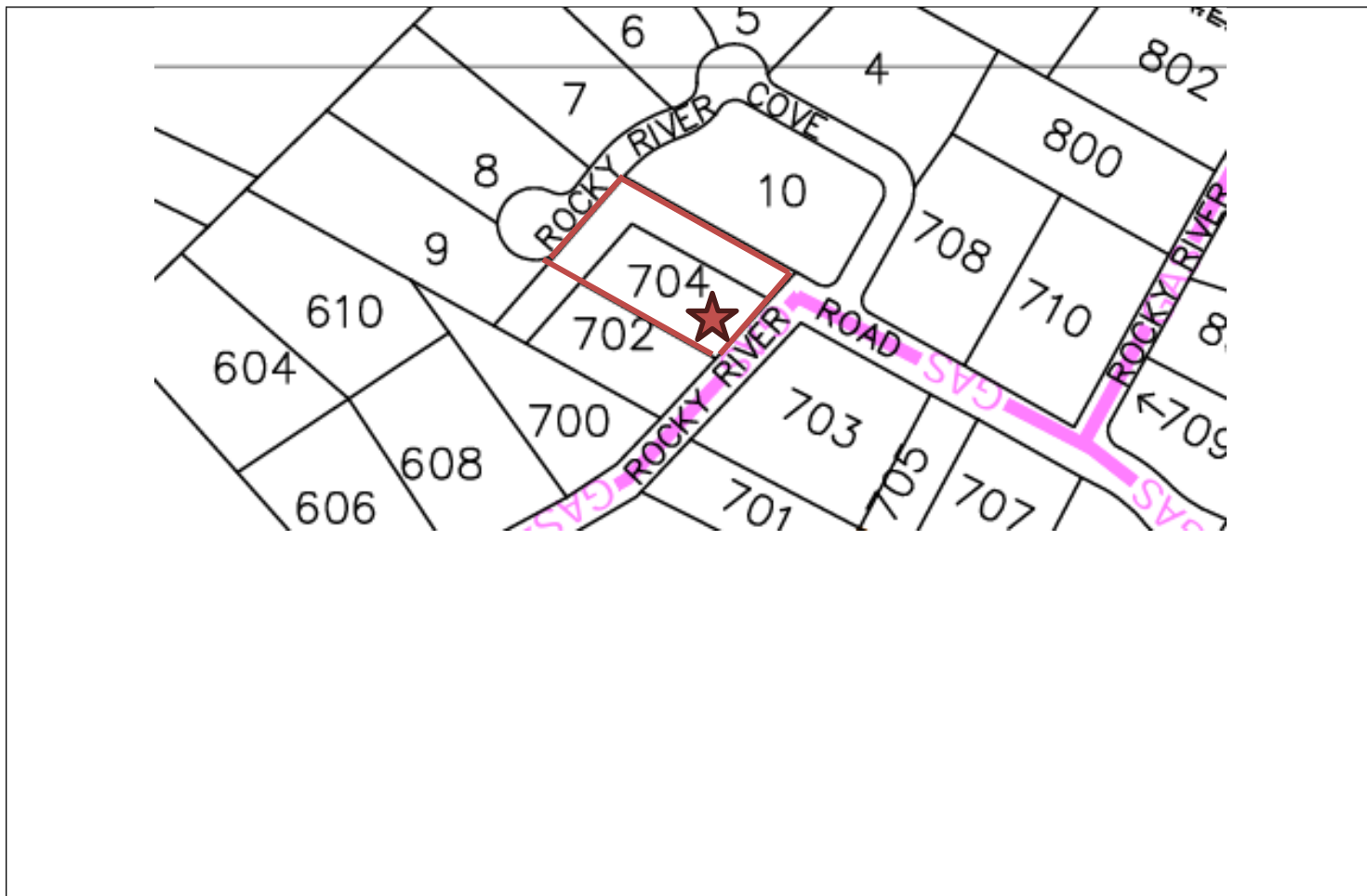
- Attachment 1 - Tree Permit 1-29-25
- Attachment 2 - Tree Permit - Approved Removals
- Attachment 3 - Tree Permit - Arborist Letter
- Attachment 4 - 704 Rocky River Rd - NOV (1)
- Attachment 5 - 704 Rocky River Rd - Tree Removal Pics & Locations
- Attachment 6 – Local Gov. Code 212.905 (b)
-

Links to Relevant Code:

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

Zoning:

	R-1 ONE FAMILY
	R-2 MULTI-FAMILY
	R-3 TRANSITIONAL
	O OFFICE
	B-1 BUSINESS 1
	B-2 BUSINESS 2
	B-3 BUSINESS 3



Aerial:





TREE / VEGETATION REMOVAL PERMIT

Application Date: 12525 Date(s) work to be performed:

Site Location Address: 704 Lady Ln

Owner Name, Address, Phone, & Email: Jeff Townsend

Contractor Name, Phone, & Email: 572 897 8555

As shown by their signatures below, the Property Owner and/or Contractor agree to comply with all City regulations regarding tree removal/replacement and the policy statements on the back of this form.

[Signature] AND [Signature]
Property Owner Contractor Performing Work (if applicable)

PERMITTED ACTIVITY

<input type="checkbox"/> Fire Safety Buffer Zone Removal: Removal of trees < 12" in order to establish a Fire Safety Buffer Zone per WLH Code Section 22.03.303(b)(5). <input type="checkbox"/> 30 feet <input type="checkbox"/> 100 feet on slope > 25% (ashe juniper, aka "cedar" only)	<input type="checkbox"/> Remove A Single Live Tree of Any Species < 10 Inches: Once per year, property owners may remove a single living tree with a trunk diameter less than ten inches as measured at a point on the trunk 54" above grade.
<input type="checkbox"/> Invasive Removal: Limited to invasive species as listed in the ordinance.	<input type="checkbox"/> Remove Dead Understory: Removal of dead underbrush, shrubs, ground cover or other vegetation. <u>No live vegetation may be removed.</u>
<input type="checkbox"/> Remove Dead Trees, Dead Limbs or Dead Vegetation: <u>No live vegetation may be removed.</u>	<input type="checkbox"/> Remove Ashe Juniper (Cedar) Trees < 3 Inches: Removal of any Ashe Juniper (Cedar) tree with a trunk diameter of 3" or less in diameter as measured at a point on the trunk 54" above grade.
<input checked="" type="checkbox"/> Remove Diseased or Dying Trees Removal of trees or other vegetation that are diseased, distressed or dying.	<input type="checkbox"/> Remove Trees and Vegetation for New Construction: <u>No tree removal for construction is allowed until a tree removal permit AND a building permit have both been obtained. Attach additional pages if needed.</u>
<input checked="" type="checkbox"/> Other Removal/Notes: <u>removed white topple</u>	

Replacement Required: Some tree and vegetation removal requires the installation of replacement vegetation within 90 days in accordance with the City's Code of Ordinances.

Permit Approved by AF on 12525 PERMIT#: 602 Follow-up: 602

20150313



IMPERVIOUS COVER

SITE AREA	39179.38 SQFT	0.89 ACRES
IMPERVIOUS COVER LIMIT	SITE AREA X 0.25	
RESIDENCE	3408.95 SQFT	
CONCRETE DRIVE	2191.61 SQFT	
SIDEWALK	374.21 SQFT	
DECKS	313.19 SQFT	
ATRIUM	147.48 SQFT	
SHED	141.55 SQFT	
FIRE PIT	16.26 SQFT	
AC/MISC	12.00 SQFT	
TOTAL	6605.25 SQFT	

- ROOF OUTLINE
- SETBACK / EASEMENT
- PROPERTY LINE
- FENCING
- OVERHEAD LINE
- AC AIR CONDITIONER
- F.F.E. FINISH FLOOR ELEVATION
- W UTILITY METER
- WASTE WATER
- GAS LINE
- WATER LINE
- UNDERGROUND ELEC

TREE TAG NO.#	DIAMETER	SPECIES	DESCRIPTION	TREE TAG NO.#	DIAMETER	SPECIES	DESCRIPTION	TREE TAG NO.#	DIAMETER	SPECIES	DESCRIPTION
100	10.5"	ELM	PROTECTED	125	12"	OAK	PROTECTED	150	7"	ELM	UNPROTECTED
101	9.5"	ELM	UNPROTECTED	126	11.5"	ELM	PROTECTED	151	14.5"	OAK	PROTECTED
102	6"	ELM	UNPROTECTED	127	8.5"	OAK	UNPROTECTED	152	10"	OAK	PROTECTED
103	8"	ELM	UNPROTECTED	128	8"	ELM	UNPROTECTED	153	10.5"	OAK	PROTECTED
104	12.5"	ELM	PROTECTED	129	6"	OAK	UNPROTECTED	154	11"	OAK	PROTECTED
105	17.5"	ELM	PROTECTED	130	10"	OAK	PROTECTED	155	11"	OAK	PROTECTED
106	6.5"	ELM	UNPROTECTED	131	8"	ELM	UNPROTECTED	156	14"	ELM	PROTECTED
107	17.5"	ELM	PROTECTED	132	7"	OAK	UNPROTECTED	157	10.5"	OAK	PROTECTED
108	10"	OAK	PROTECTED	133	7"	OAK	UNPROTECTED	158	6"	OAK	UNPROTECTED
109	9.5"	ELM	UNPROTECTED	134	8.5"	ELM	UNPROTECTED	159	13.5"	OAK	PROTECTED
110	9.5"	OAK	UNPROTECTED	135	6"	OAK	UNPROTECTED	160	7.5"	OAK	UNPROTECTED
111	6.5"	ELM	UNPROTECTED	136	6.5"	OAK	UNPROTECTED	161	10"	OAK	PROTECTED
112	7.5"	OAK	UNPROTECTED	137	7"	OAK	UNPROTECTED	162	8.5"	OAK	UNPROTECTED
113	6.5"	OAK	UNPROTECTED	138	8"	OAK	UNPROTECTED	163	8.5"	ELM	UNPROTECTED
114	10"	OAK	PROTECTED	139	9.5"	ELM	UNPROTECTED	164	6"	OAK	UNPROTECTED
115	7.5"	OAK	UNPROTECTED	140	8"	OAK	UNPROTECTED	165	11"	OAK	PROTECTED
116	6"	OAK	UNPROTECTED	141	7"	OAK	UNPROTECTED	166	7.5"	OAK	UNPROTECTED
117	9.5"	ELM	UNPROTECTED	142	12"	OAK	DEAD	167	11"	OAK	PROTECTED
118	6.5"	OAK	UNPROTECTED	143	12.5"	OAK	DEAD	168	10"	OAK	PROTECTED
119	9"	ELM	UNPROTECTED	144	11"	OAK	DEAD	169	10"	OAK	PROTECTED
120	8.5"	OAK	UNPROTECTED	145	13.5"	OAK	DEAD	170	7.5"	OAK	UNPROTECTED
121	6.5"	OAK	UNPROTECTED	146	14.5"	OAK	PROTECTED	171	6.5"	ELM	UNPROTECTED
122	8"	ELM	UNPROTECTED	147	11.5"	OAK	PROTECTED	172	8"	ELM	UNPROTECTED
123	10"	OAK	PROTECTED	148	11.5"	ELM	PROTECTED	173	7"	OAK	UNPROTECTED
124	10"	ELM	PROTECTED	149	10"	OAK	PROTECTED	174	8"	OAK	UNPROTECTED

TREE TAG NO.#	DIAMETER	SPECIES	DESCRIPTION	TREE TAG NO.#	DIAMETER	SPECIES	DESCRIPTION	TREE TAG NO.#	DIAMETER	SPECIES	DESCRIPTION
175	7.5"	OAK	UNPROTECTED	200	9"	OAK	PROTECTED	225	10"	ELM	PROTECTED
176	9.5"	ELM	UNPROTECTED	201	17"	OAK	DEAD	226	8.5"	ELM	UNPROTECTED
177	11.5"	ELM	PROTECTED	202	13"	OAK	DEAD	227	9"	ELM	UNPROTECTED
178	10"	ELM	PROTECTED	203	23"	OAK	DEAD	228	12"	ELM	PROTECTED
179	11"	ELM	PROTECTED	204	12.5"	OAK	DEAD	229	8"	OAK	UNPROTECTED
180	7"	ELM	UNPROTECTED	205	12.5"	OAK	DEAD	230	8"	OAK	UNPROTECTED
181	11.5"	ELM	PROTECTED	206	11"	OAK	DEAD	231	11"	OAK	PROTECTED
182	6.5"	ELM	UNPROTECTED	207	12.5"	OAK	DEAD	233	9.5"	ELM	UNPROTECTED
183	8.5"	ELM	UNPROTECTED	208	12.5"	OAK	DEAD	234	7.5"	ELM	UNPROTECTED
184	6.5"	ELM	UNPROTECTED	209	11.5"	OAK	DEAD				
185	8"	ELM	UNPROTECTED	210	6"	ELM	UNPROTECTED				
186	6.5"	OAK	UNPROTECTED	211	10.0"	OAK	PROTECTED				
187	11.5"	OAK	PROTECTED	212	7.5"	OAK	UNPROTECTED				
188	11"	OAK	PROTECTED	213	11"	OAK	PROTECTED				
189	8.5"	OAK	UNPROTECTED	214	12.5"	OAK	DEAD				
190	8"	OAK	UNPROTECTED	215	9"	OAK	UNPROTECTED				
191	7"	OAK	UNPROTECTED	216	9"	OAK	UNPROTECTED				
192	8.5"	OAK	UNPROTECTED	217	8"	ELM	UNPROTECTED				
193	7.5"	OAK	UNPROTECTED	218	7.5"	ELM	UNPROTECTED				
194	12.5"	ELM	PROTECTED	219	10.5"	OAK	PROTECTED				
195	10"	ELM	PROTECTED	220	12.5"	OAK	PROTECTED				
196	11"	ELM	PROTECTED	221	8.5"	OAK	UNPROTECTED				
197	16"	ELM	DEAD	222	14"	ELM	PROTECTED				
198	19"	OAK	DEAD	223	7.5"	ELM	UNPROTECTED				
199	10.5"	OAK	PROTECTED	224	14.5"	ELM	PROTECTED				

TREE PROTECTION NOTES:

- * A MINIMUM OF 50 PERCENT OF THE CRITICAL ROOT ZONE MUST BE PRESERVED AT NATURAL GRADE, WITH NATURAL GROUND COVER.
- * THERE IS NO CUT OR FILL WITHIN THE 1/4 CRITICAL ROOT ZONES. NO IMPACTS ARE PERMITTED WITHIN THE 1/4 CRITICAL ROOT ZONE.
- * PRIOR TO CONSTRUCTION, 5' HIGH CHAIN-LINK MESH, PROTECTIVE FENCING IS REQUIRED AROUND ALL PROTECTED TREES WITHIN THE LOC. WHEN THE PROTECTIVE FENCING CANNOT INCORPORATE THE ENTIRE 1/2 CRITICAL ROOT ZONE, AN 8" LAYER OF MULCH WITHIN THE ENTIRE AVAILABLE ROOT ZONE AREA IS REQUIRED FOR ALL TREES WHICH HAVE ANY DISTURBANCE INDICATED WITHIN ANY PORTION OF THE CRITICAL ROOT ZONE. ADDITIONALLY, MIN 2X4 OR GREATER SIZE PLANKS (6' TALL MINIMUM) TO BE STRAPPED SECURELY AROUND A PROTECTED TREE'S TRUNK AND ROOT FLARE WHEN PROTECTIVE FENCING DOESNT INCORPORATE THE ENTIRE 1/2 CRZ FOR ANY REASON AT ANY TIME IN THE PROJECT.
- * THERE IS NO CUT OR FILL 4" OR GREATER WITHIN THE 1/2 CRITICAL ROOT ZONE OF PROTECTED TREES. ONLY PIERS ARE ALLOWED WITHIN 1/2 CRITICAL ROOT ZONE AND PIERS MUST BE AIR-SPADED.
- * DEMOLITION WITHIN THE 1/2 CRITICAL ROOT ZONE MUST BE ACCOMPLISHED WITH HAND TOOLS.
- * NOT MORE THAN 25 PERCENT OF THE CROWN SHOULD BE REMOVED WITHIN AN ANNUAL GROWING SEASON, AND THAT THE PERCENTAGE AND DISTRIBUTION OF FOLIAGE TO BE REMOVED SHALL BE ADJUSTED ACCORDING TO THE PLANT'S SPECIES, AGE, HEALTH, AND SITE. IF ANY PRUNING IS REQUIRED, A CERTIFIED ARBORIST MUST PERFORM THE PRUNING AND PRUNING MAY ONLY HAPPEN ONCE DURING THE PROJECT DURATION. THIS SHOULD OCCUR PRIOR TO CONSTRUCTION TO AVOID DAMAGING THE TREES DURING CONSTRUCTION. A "PAID IN FULL" RECEIPT FROM A CERTIFIED ARBORIST, FOR THE WORK, WILL BE REQUIRED FROM THE FINAL TREE INSPECTOR. IF 25% OR MORE OF THE CANOPY IS DESIRED TO BE REMOVED, THE CERTIFIED ARBORIST MUST PROVIDE A WRITTEN REPORT TO US TO SEEK A PERMIT, BEFORE PERFORMING THIS WORK.)
- * ACCESS ROUTES, MATERIAL STAGING, DUMPSTER AND SPOILS MAY NOT BE PLACED WITHIN A PROTECTED TREE'S 1/2 CRZ
- * PORTABLE TOILET, CONCRETE WASHOUT AND PAINT WASHOUT MAY NOT BE PLACED WITHIN A PROTECTED TREE'S FULL CRZ
- * AVOID THE 1/2 CRITICAL ROOT ZONES OF PROTECTED TREES WITH ANY NEWLY PROPOSED UTILITY WORK. IF TRENCHING WITHIN THE 1/2 CRZ OF PROTECTED TREES CANNOT BE AVOIDED, THE TRENCHES WILL BE AIR SPADED BY A CERTIFIED ARBORIST FOR THE TOP 30" TO AVOID CUTTING ROOTS 1.5"+ IN DIAMETER AND THE PAID RECEIPT FOR THE WORK WILL BE REQUIRED BY THE FINAL TREE INSPECTOR.
- * IF HEAVY EQUIPMENT WILL BE ROLLING OVER ANY AREA OF THE FULL CRZ OF PROTECTED TREES, PROVIDE 3/4" PLYWOOD OVER 2X4 LUMBER OVER 12" LAYER OF MULCH TO BRIDGE OVER THE ROOTS AND PREVENT SOIL/ROOT COMPACTION. AFTER CONSTRUCTION IS COMPLETED, SPREAD MULCH AROUND SITE TO LEAVE A MAX LAYER OF 3" WITHIN ROOT ZONES.

Revisions By

ARTERBERRY COOKE architecture

Architect:
Alice Arterberry
3411 Windsor Rd
Austin, TX 78703
alice@arterberrycooke.com
323.236.5182

Project Owner:
Holly and Jeff Townsend
3604 West Lake Drive

Project Address:
704 Rocky River Rd
West Lake Hills TX

Contractor:
Captex Construction

EXISTING SITE / DEMO PLAN

drawn by: NFS
checked by: AA
scale: 1" = 20'-0"
first issue:
plot date: 01/17/2025
SCHEMATIC DRAWING
FOR CONSTRUCTION

A1.0

January 16, 2025



Dead, Diseased, and Imminent Hazard Tree Report

Re. 704 Rocky River Rd
West Lake Hills TX 78746

This report provides information regarding dead, diseased and/or imminent hazard trees at 704 Rocky River Rd. The house and existing improvements at the site are to be demolished for the proposed construction of a new residence, and its related site development.

On December 2, 2024, January 6th and January 16th, I performed onsite inspection and assessment of the trees. Visual assessment was made from the from ground level to determine tree health. Inspection was limited to defects that were seen while standing on the ground. There may be defects below the ground or in the canopy that were not visible from this perspective. This report refers to the trees as they are identified on a survey provided by the Owners.

Generally, maintenance of this lot has been deferred. It is our recommendation that the lot be cleared of non-native undergrowth and the dead trees identified in this report. The condition of the trees on this site has rapidly evolved over the course of my visits the last two months. There is some suspicion, but no confirmed evidence, of infestation or disease that could pose threat. A secondary assessment should follow the first wave of clean up and removal to determine the health of the remaining trees that will be better accessed once the house and other improvements have been removed.

January 16, 2025

Tree 132, located behind the existing house, approximately 35'-6" north of the house's northwest corner. This 7" diameter tree leans toward the house, stretching toward the back patio. This tree is dead; its removal is recommended.



January 16, 2025

Trees labeled 142, 143, 144, 145 are (2) multi-trunk oaks, located behind the existing house, approximately 5' from the rear patio. Trees labeled 142 and 143 comprise a single, multi-trunk 18.5" diameter tree. Trees labeled 144 and 145 comprise a single, multi-trunk 19" diameter tree. Approximately 50% of these trees' branches are above the roof of the existing structure and roughly 35% of their CRZs are impacted by the house's foundation. These trees are dead; their removal is recommended.



January 16, 2025

Trees 197 and 198, a 16" elm and 19" oak, in front of the existing garage, about 5' from the foundation. Approximate 30% of the CRZs are beneath the house's foundation. The tree's branches are upright. Roughly 66% of the crown of 198 is dead, with the tree unlikely to survive. Given its proximity to the existing house being demolished and its poor health, it's recommended this tree be removed. Tree 197 is also dead, suffering from storm damage and root suffocation. Removal of this tree is recommended.



January 16, 2025

Trees 201, a 17" oak about 7' from the garage, and 14' in front on the existing dog runs. Approximate 28% of the CR is beneath the house's foundation, another 37% of the CRZ is beneath the existing driveway for a total impact of about 65%. The tree's branches are upright. This tree is dead, suffering from storm damage and roof suffocation. Removal of this tree is recommended.



January 16, 2025

Trees labeled 202 and 203, on the survey, is a single multi-trunk oak. This tree is in front of the kennels, and to the right of the driveway. Approximately 20% of its CRZ is impacted by impervious cover. There is no foliage on its crown, which is evenly distributed about its trunk. Its diameter is about 29.5". This tree suffered damage in recent ice storms and has died. It is recommended this tree be removed.



January 16, 2025

Trees labeled 204, 205, 206, 207, 208, 209 and 214, all oaks, are within a copse in front of the house and to the right of the driveway primarily within the side yard setback. Their diameters range from 11" to 12.5". They're largely upright, with minimal existing impacts to their CRZs. These trees are dead and their removal is recommended. Their removal may impact the health of other trees within the copse.



Colby Green
Owner of Green Leaf Arbor Care
512-720-2733
Colby@greenleafarborcare.com
www.greenleararborcare.com
Tx-4236A



City of West Lake Hills

911 Westlake Drive
West Lake Hills, TX 78746
(512) 327-3628 www.westlakehills.org

February 17th, 2024

Jeff Townsend
3604 Westlake Dr
Austin, Texas 78746

NOTICE OF VIOLATION

On **February 17th, 2024**, an ordinance violation was initially documented at the subject location in which you live, manage, or own property. The following violations of the City of West Lake Hills Code of Ordinances were noted at the property identified as **704 Rocky River Road** West Lake Hills, Travis County, Texas 78746.

Violation description:

1. **22.03.304 Tree and vegetation removal and replacement.**

(c)(4) Any person violating any of the provisions of this division shall be deemed guilty of a class C misdemeanor, and such offense shall be punishable by a fine not to exceed two thousand dollars (\$2,000.00) per offense. Each tree removed in violation of this division shall be considered a separate offense. A person does not commit an offense under this section unless the person intentionally, knowingly, recklessly, or with criminal negligence engages in conduct as the definition of the offense requires.

Unauthorized removal of non-diseased trees carries a fee of \$500 per caliper inch, per City Ordinance [22.03.304 \(c\)\(4\)](#) & [A9.003 Building](#), in accordance with Local Government Code [212.905 \(2\)\(b\)\(2\)](#). In addition to the fee, a one-to-one replacement of all trees removed without authorization is required, per City Ordinance [22.03.304 \(c\)\(3\)](#). The total fee and mitigation amounts listed below:

Tree Type/Size: Unknown, Trees not surveyed prior to removal.

Total Tree Replacement: 77.5" Caliper Inches (using min. 2" trees) **OR;**

Total Fee Amount: \$38,750 (total caliper inches of trees 10" and over: 0")

The fee associated with this notice is to be paid within the timeline provided below **OR;** a Tree permit is to be submitted to the City providing an updated Tree Survey, Tree Mitigation plan as well as any other standard documentation as required by the City of West Lake Hills, before any work is to commence/continue at the subject address.


We request your cooperation in correcting the above violation(s) **within thirty (30) days** after notice is served (by **March 18th, 2025**), at which time a follow-up inspection will occur. Properties that remain in violation and that have not contacted the office for an extension will be subject to additional enforcement actions (municipal court tickets and/or the correction of the violation by the City with related costs plus administrative fees being filed against the property by lien) as deemed necessary to ensure that West Lake Hills maintains a healthy and safe community. Please

be advised that such citations may be issued each and every day the violation exists. If the City is forced to correct the violation, you shall be billed for the work done, plus a two hundred dollar (\$200.00) administrative fee.

Should you have any questions concerning this notice, please contact West Lake Hills Code Enforcement at (512) 327-3628. Your cooperation is appreciated.

Respectfully,

City of West Lake Hills Code Enforcement

Jordan Word 
Building Official/City Inspector
City of West Lake Hills, TX
Direct – (512) 610-6827
Office – (512) 327-3628 (ext. 827)



Tree # 18, 6" (Not on survey, Partial)



Tree # 17, 2" (Not on survey)



Tree # 16, 7" (Not on survey)



Tree # 15, 3" (Not on survey)



Tree # 14, 2" (Not on survey)



Tree # 13, 2" (Not on survey)



Tree # 12, 4" (Not on survey)



Tree #11, 4" (Not on survey)



Tree # 10, 8.5" (Surveyed, Tree #134)



Tree #9, 5" (Not on survey)



Tree # 8, 4" (Not on survey)



Tree #7, 4" (Not on survey)



Tree # 5, 6" (Not on survey)



Tree # 4, 4" (Not on survey)



Feb 17, 2025 at 1:40:41 PM
10 Rocky River Cove
West Lake Hills TX 78746
United States

Tree # 3, 4" (Not on survey)



Tree # 2, 6" (Not on survey)



Tree # 1, 6" (Not on survey)

-16 Trees Removal without Permit (verified)

-1 Partial Tree Removal without Permit (verified)

-77.5 total Caliper Inch (\$500/ caliper inch)

-\$38,750 Administrative Fees

**** APPROXIMATE LOCATIONS ****



10 - Trees (16)
 1 - Pastoral (1)
 77.5
 Caliper Inch (77.5")

- (a) In this section:
- (1) "Residential structure" means:
 - (A) a manufactured home as that term is defined by Section 1201.003 (Definitions), Occupations Code; [§](#)
 - (B) a detached one-family or two-family dwelling, including the accessory structures of the dwelling;
 - (C) a multiple single-family dwelling that is not more than three stories in height with a separate means of entry for each dwelling, including the accessory structures of the dwelling; **or**
 - (D) any other multifamily structure.
 - (2) "Tree mitigation fee" means a fee or charge imposed by a municipality in connection with the removal of a tree from private property.
- (b) A municipality may not require a person to pay a tree mitigation fee for the removed tree if the tree:
- (1) is located on a property that is an existing one-family or two-family dwelling that is the person's residence; **and**
 - (2) is less than 10 inches in diameter at the point on the trunk 4.5 feet above the ground.
- (c) A municipality that imposes a tree mitigation fee for tree removal on a person's property must allow that person to apply for a credit for tree planting under this section to offset the amount of the fee.
- (d) An application for a credit under Subsection (c) must be in the form and manner prescribed by the municipality. To qualify for a credit under this section, a tree must be:
- (1) planted on property:
 - (A) for which the tree mitigation fee was assessed; **or**
 - (B) mutually agreed upon by the municipality and the person; **and**
 - (2) at least two inches in diameter at the point on the trunk 4.5 feet above ground.



CERTIFIED ARBOR CARE

PO BOX 1868 ROUND ROCK, TEXAS 78680 - 512.671.8733 OFFICE - 512.532.6272 FAX - WWW.CERTIFIEDARBORCARE.NET

Jordan Word, Building Inspector
City of West Lake Hills
911 Westlake Drive
West Lake Hills, Texas 78746

March 14th, 2025

Re: 704 Rocky River Road
Notice of Violation, dated 2/17/2025

Dear Mr. Word,

Thank you for meeting with Jeff Townsend and I last week, on site to discuss the Notice of Violation you have issued and the appeal process that is available.

This week, I have assembled data, photos and relevant information needed to pursue appealing the NOV.

I will submit the application this morning and upload the supporting documentation. Please review the information at your earliest opportunity and let me know if anything else is required.

We look forward to the earliest appeal date you have available.

Thank you for your assistance in this matter,

Sincerely,

Douglas Land Dear, ASLA

Landscape Architect TX #1838
ISA Certified Arborist TX #3919
ISA Tree Risk Assessment Qualified, Arborist
Texas ISA Oak Wilt Qualified, Arborist TX-#216
Texas ISA Wildfire Risk Reduction Qualified, Arborist TX-#120
TCEQ Licensed Irrigator LI #5131

Cell 512-818-5840

Site Meeting to discuss site and existing tree and vegetation condition.

January 29, 2025, 10:00am:

A site meeting was held at 704 Rocky River Road at the request of the property owner, Jeff Townsend.

Those present:

West Lake Hills inspector, Alex Sanchez, Jeff Townsend, Architect, Nina Falgout-Sterrett and I.

Meeting topics that were discussed:

1. The general condition of property neglect and the structures standing in ruin.
2. Larger trees that had been previously identified as diseased or dead.
3. The remaining trees are a predominance of Live Oaks, Cedar Elms, Texas Persimmon, and Ash Juniper (Mountain Cedar).
4. Other vegetation and undergrowth on site.
5. Significant trash build-up and stacked randomly on site, internal cross fencing, dog kennel fencing and non-purposed building materials. consisted of a predominance of Live Oaks, Cedar Elms, Texas Persimmon, and Ash Juniper (Mountain Cedar).

Action taken:

We walked the site, discussed the condition of the sixteen existing trees, identified as dead or diseased and highlighted in red on Nina’s drawings. Alex asked questions about each tree and I presented the necessary information he needed to agree on their condition as “Standing Dead” trees. We also discussed the other smaller trees, “Other vegetation” and undergrowth (mainly consisting of Nandina domestica, Ligustrum japonica, Ligustrum lucidum and Ligustrum sinense).

Summary:

The tree species were found to be in “Fair” to “Poor” condition. All trees that had viable tissue, or any canopy (leaf and needle growth) demonstrated a thin, “Stalky” non-developed canopy and no significant “Scaffold” branches. This growth pattern is a result of all species competing for the available sunlight. The years of neglect and previous storm damage are contributing factors to the declining tree canopy condition.

There are a significant amount of undergrowth vegetation and smaller trees that have yielded to these conditions, died, and have begun to lean and/or fallen over.

The extensive amount of leaf fall, limb debris and general trash throughout the site was concerning and identified as excessive available wildfire fuel with unchecked “Continuity”. Disruption and removal of available fuel “Continuity” is considered the first priority in Best Management Practices for reducing wildfire risk.

Alex explained, all trees 3” (measured at 12” above grade, and larger would need a Permit prior to being removed per found in Division 9, Chapter 22 of the Code. Alex agreed that the interior “Other vegetation” and undergrowth could be removed, leaving the undergrowth found along the site perimeter as a buffer. He also agreed that the trash, stacked clutter, non-purposed materials, old interior fencing and trash could be removed.

At this time, no demolition of the building is allowed.

We closed the meeting with a Tree / Vegetation Removal Permit being issued by Inspector Alex. The Permit specifically states “Permitted Activity” includes “Remove Diseased or Dying Trees, Removal of trees or other vegetation that are diseased, distressed or dying” with Other Removal/Notes: “Report with Table”. The “Report with table” was supplied by Architect Nina Falgout-Sterrett. The permitted work was scheduled to begin the following week

Douglas Land Dear, ASLA

Landscape Architect TX #1838
ISA Certified Arborist TX #3919
ISA Tree Risk Assessment Qualified, Arborist
Texas ISA Oak Wilt Qualified, Arborist TX-#216
Texas ISA Wildfire Risk Reduction Qualified, Arborist TX-#120
TCEQ Licensed Irrigator LI #5131

Cell 512-818-5840



CERTIFIED ARBOR CARE

PO BOX 1868 ROUND ROCK, TEXAS 78680 - 512.671.8733 OFFICE - 512.532.6272 FAX - WWW.CERTIFIEDARBORCARE.NET

Dead tree photos showing trees prior to removal on February 6th, 2025

704 Rocky River Road

Tree numbers are used to match up with the Notice of Violation written 2/17/2025



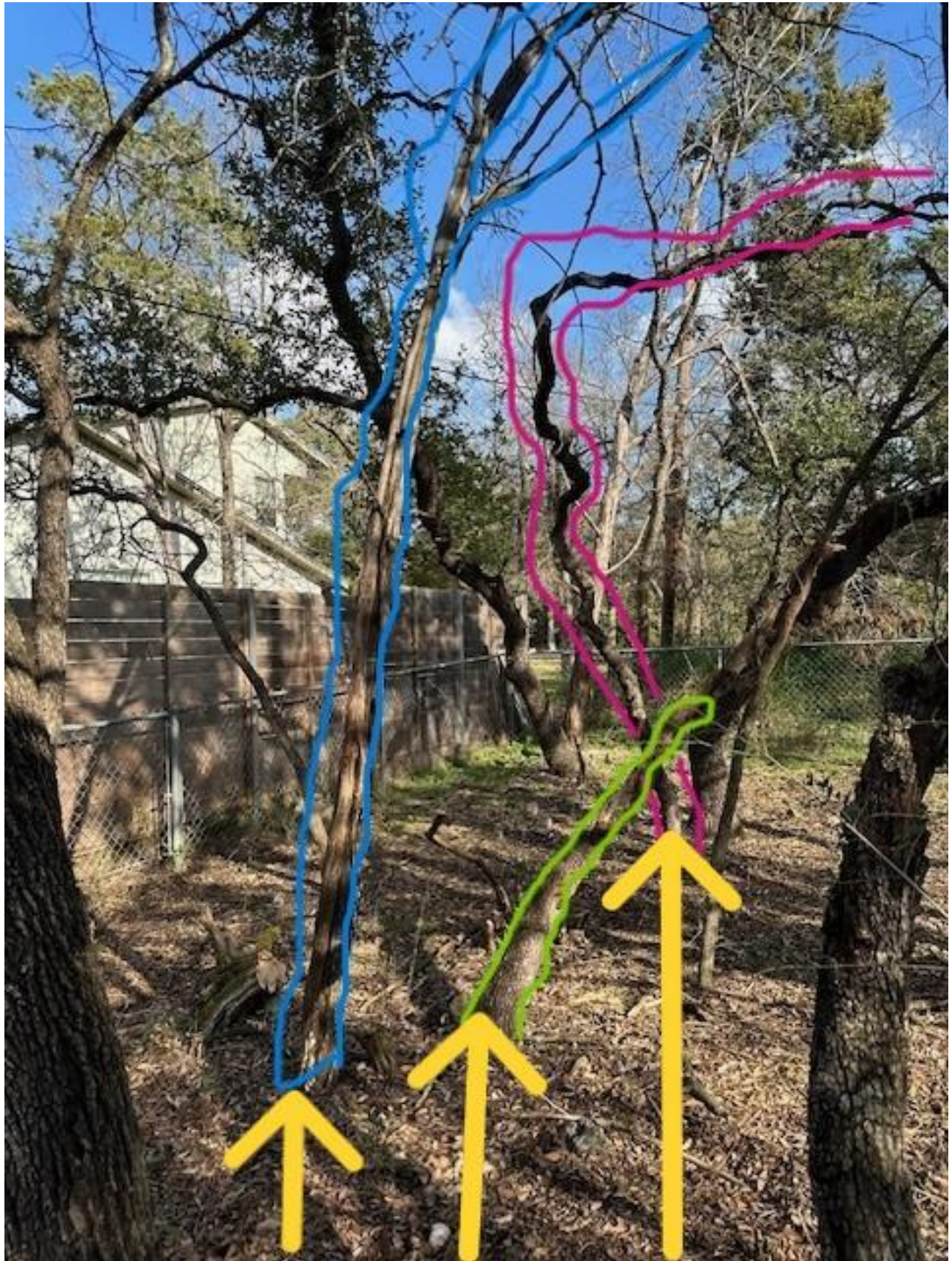
**General view of the South East corner of property,
Inside chain link fence**



Tree # 3 Dead Ash Juniper

Tree #2 Dead Live Oak

Tree #1 Dead Live Oak



Tree #3 Dead Ash Juniper
Outlined in blue.

Tree #2 Dead Live Oak,
Outlined in green.

Tree #1 Dead Live Oak
outlined in pink.



Tree #4 dead Ash Juniper, with significant lean.



Tree #4 Dead Ash Juniper



Tree #5 Dead Live Oak,
outlined in yellow, only stubbed trunk was remaining.



Tree # 5 Dead Live Oak, only stubbed trunk was remaining.

Tree # 6 was intentionally left out and not used in the Notice of Violation.



Tree #7 Dead Ash Juniper (w/significant lean & dead canopy)
South west corner of property near property line.



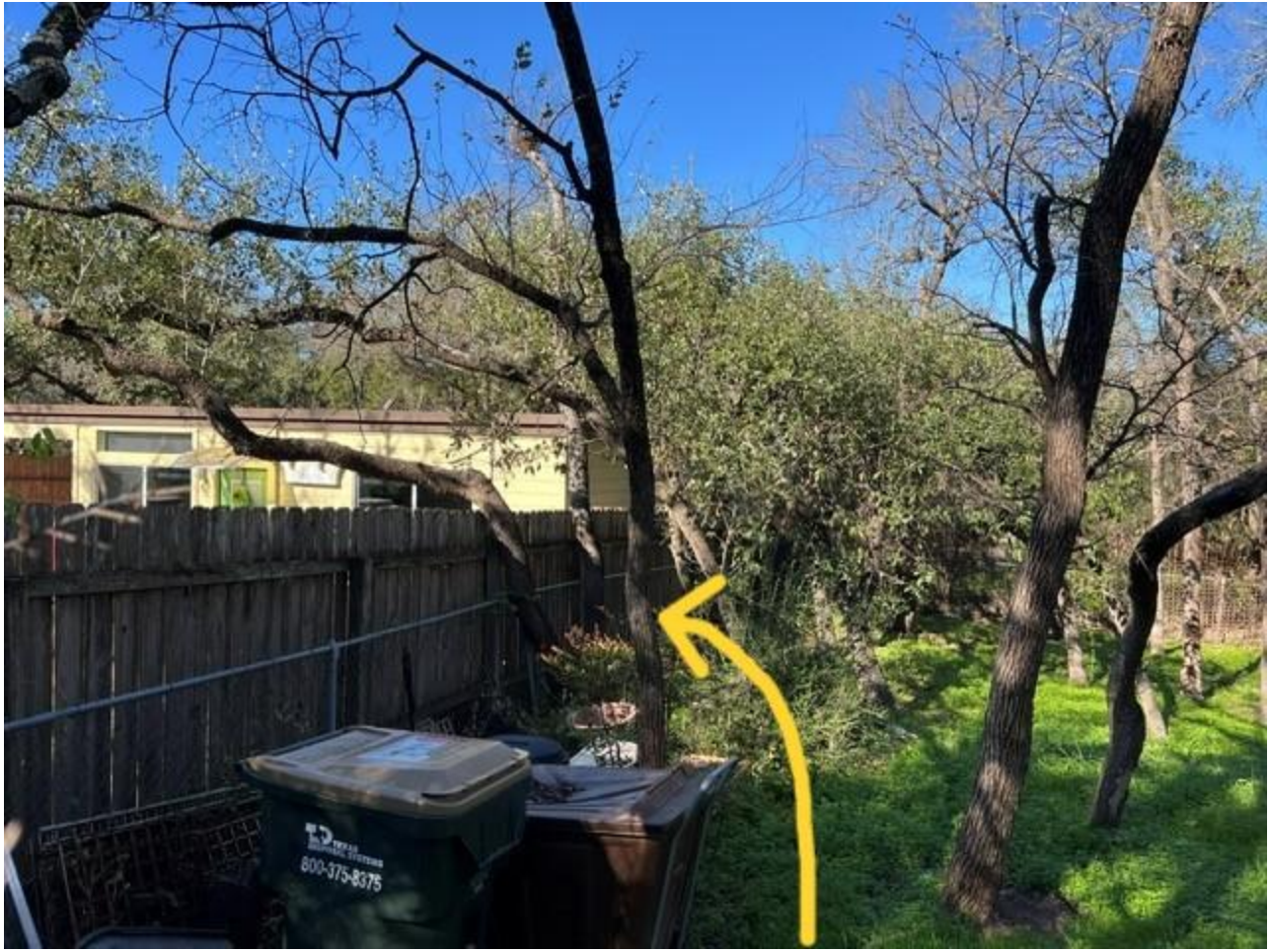
Tree #8 Dead Live Oak, along south west property boundary.



Tree # 8 Dead Live Oak



Condition of dead trunk belonging to **Tree #8 Live Oak.**



Tree #9 Dead Cedar Elm in backyard, west side.



Tree Stump #9, Dead Cedar Elm in the backyard.
No viable tissue found in the cambium layer.



Tree #10 Dead Cedar Elm in the backyard.



Tree #9 Dead Cedar Elm, stump.

Tree #10, Dead Cedar Elm, Stump

DDI tree #132



Tree Stump #10, Dead Cedar Elm.

Bark has separated from the sap wood, no viable tissue found in the cambium layer.



Tree # 11 Dead Live Oak, near interior cross fence.



Epicormic sprouts, indicating drought stress.

Violation Tree stump #16

Dead Ligustrum, no viable tissue found in main trunk cambium layer.



Violation Tree #16 Dead Ligustrum



Violation Tree #16
Dead Ligustrum outlined in blue.



Violation tree stump #17

Dead Ligustrum, no viable tissue found in cambium layer.



Tree #18 Dead Ash Juniper limb (Cedar)
Prior to the limb being broken by the delivery driver.
Limb attachment is below 9 feet (height above grade).
Tree is located just inside the driveway gate.



Cut made by others for damaged limb.

Historic cuts

Tree #18 Ash Juniper (Cedar)
with dead limbs that had been previously been removed by others.

Inside gate



Tree #18 Ash Juniper, Dead limb removed by others,
after limb was damaged by delivery truck.
Limb is located less than nine feet above grade.

SHEET:
1 of 1

SCALE:
1" = 20'

CHECKED BY:
dipm

DRAWN BY:
Dean Morin
LI 3214

JOB NUMBER:
12345

DATE:
3/22/25

REVISIONS:
Rev. 3.23.25
Rev. 4/1/25

PROJECT:

CapTex Construction
Holly & Jeff Townsend Res.
704 Rocky River Road
Westlake Hills, TX 78746

SHEET DESCRIPTION:

Landscape - Site plan & Trees

The Grass Patch, Inc.
633 CR 175
Leander, TX 78641
512-259-5188

2 Oak, Lacey 65 Gallon

1 - Red Oak - 65 gallon - 3" cal.

1 Redbud, Texas 30 Gallon

1 Redbud, Texas 30 Gallon

4 - Monterrey Oak 65 gallon - 3"

Townsend Res.

1 - Red Oak - 3" cal. 65 gal.

24 Cherry, Laurel 3 to 3 1/2

1"=20'-0"
LTS = 240

REVISIONS:
 Rev. 3/23/25
 Rev. 4/1/25
 DATE: 3/22/25
 JOB NUMBER: 12345
 DRAWN BY: Dean Morin
 CHECKED BY: dpm
 SCALE: 1" = 20'
 SHEET: 1 of 1

PROJECT:
 CapTex Construction
 Holly & Jeff Townsend Res.
 704 Rocky River Road
 Westlake Hills, TX 78746


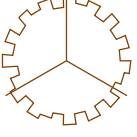



SHEET DESCRIPTION:
 Sheet Description
Tree Legend

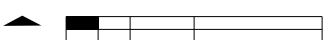
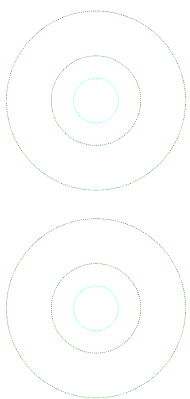
The Grass Patch, Inc.
 633 CR 175
 Leander, TX 78641
 512-259-5188

Landscape

Quantity	Symbol	Description
----------	--------	-------------

Trees

24		Cherry, Laurel / Prunus laurocerasus 3 to 3 1/2 24 x 3" cal. = 72"
4		Monterrey Oak / 400 Gallon - 4" 65 4 x 3" cal. = 12"
3		Oak, Lacey / New Plant 65 Gallon 3 x 3" cal. = 9"
2		Oak, Southern Red / Quercus falcata 100 Gallon 65 2 x 3" cal. = 6"
2		Redbud, Texas / Cercis canadensis var. texensis 30 Gallon 2 x 2" cal. = 4"
		35 trees = 103" cal. inches



704 Rocky River Road

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

Applicant: Nina Falgout Sterrett

Property Owner: Jeff Townsend

704 Rocky River Road



704 Rocky River Road

- Notice of Violation filed for the property on February 17th, 2025, for tree removal observed during a follow up inspection.
- From the tree survey in the approved tree removal permit, staff determined that 77.5 caliper inches of trees 8 inches and smaller were removed that were not shown on the approved plans.
- Required mitigation:
 - 77.5 caliper inches replaced on site
 - \$38,750 administrative fee

704 Rocky River Road

Arborist Letter Examples

January 16, 2025

Tree 132, located behind the existing house, approximately 35'-6" north of the house's northwest corner. This 7" diameter tree leans toward the house, stretching toward the back patio. This tree is dead; its removal is recommended.



January 16, 2025

Trees labeled 142, 143, 144, 145 are (2) multi-trunk oaks, located behind the existing house, approximately 5' from the rear patio. Trees labeled 142 and 143 comprise a single, multi-trunk 18.5" diameter tree. Trees labeled 144 and 145 comprise a single, multi-trunk 19" diameter tree. Approximately 50% of these trees' branches are above the roof of the existing structure and roughly 35% of their CRZs are impacted by the house's foundation. These trees are dead; their removal is recommended.



704 Rocky River Road

Arborist Letter Examples

January 16, 2025

Trees 197 and 198, a 16" elm and 19" oak, in front of the existing garage, about 5' from the foundation. Approximate 30% of the CRZs are beneath the house's foundation. The tree's branches are upright. Roughly 66% of the crown of 198 is dead, with the tree unlikely to survive. Given its proximity to the existing house being demolished and its poor health, it's recommended this tree be removed. Tree 197 is also dead, suffering from storm damage and root suffocation. Removal of this tree is recommended.



January 16, 2025

Trees 201, a 17" oak about 7' from the garage, and 14' in front on the existing dog runs. Approximate 28% of the CR is beneath the house's foundation, another 37% of the CRZ is beneath the existing driveway for a total impact of about 65%. The tree's branches are upright. This tree is dead, suffering from storm damage and root suffocation. Removal of this tree is recommended.



704 Rocky River Road

Example of pictures from the Arborist report provided March 14th after trees were removed.



Tree #4 Dead Ash Juniper



Tree Stump #9, Dead Cedar Elm in the backyard.
No viable tissue found in the cambium layer.

704 Rocky River Road

- The Building Official issued the NOV for the additional removal.
- There is a typo on the NOV stating either the mitigation of 77.5 caliper inches are to be planted OR the administrative fee of \$38,750 is to be paid.
- This is in line with LGC 212.905 (b) (Attachment 6) which disallows both mitigation and fees be assessed when tree area unauthorized for removal IF BOTH apply;
 - Tree is located on a property that is an existing one-family or two-family dwelling **that is the person's residence**; and
 - is less than 10 inches in diameter at the point of 4.5 feet about ground.

704 Rocky River Road

- Staff recommendation:
Uphold the Building Official's determination of 77.5 caliper inches of mitigation and \$38,750 administrative fee.



City of West Lake Hills
Board of Adjustments

AGENDA REPORT

Meeting Date:	March 26, 2025	Item Number:	4
	Building and Development Services		
Department:	Jordan Word, Building Official/City Inspector		
Prepared By:	Official/City Inspector	Cost / Budget:	None
Exhibits:	See Attached	Source of Funds:	N/A

Subject

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

Applicant: Barry Schwartz

Recommendation

Staff recommend approval of the Tree Mitigation as proposed and request the BOA to consider a reduction of administrative fees from \$268,500 to \$10,000 with the requirement that the applicant replace onsite in compliance with the proposed landscape plan (Attachment 12).

Discussion

Property Information, Zoning & Site Characteristics:

Owner: Barry Schwartz
Legal Description: Lot 31 Mayo Addition
Lot Size: 1.00 acres
Zoning: R-1 One Family

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

Status Update:

The property owner is requesting an appeal of the determination of the Building Official of administrative fees associated with unauthorized tree removal. After bringing appeal to Council on January 15, staff was directed to work with the applicant to find a reasonable solution to the mitigation totals and administrative fees.

- Since the January 15 meeting, emails have been shared between applicant and staff to develop a conceptual plan including locations of tree plantings, septic field, and driveway relocation (desired by the applicant).
- The applicant and staff met on Friday, February 6, 2025 to discuss comments, concerns and provide feedback pertaining to the floodplain, septic location, and mitigation inches.

- On February 12, staff provided an update to the Board of Adjustment that progress was being made but had not landed on a final plan yet (<https://westlakehillstx.portal.civicclerk.com/event/470/files/agenda/1378>).
- March 21, the property owner provided a final proposed mitigation plan that staff consider in compliance with the code.
- For administrative fee, staff recommends reducing the fee to \$10,000. Section A9.008 Work done without obtaining a no fee permit has a \$250 fee to recoup the city's reasonable administrative expense of the enforcement. This would charge for not obtaining a permit for 40 trees that were removed.

Background & Analysis:

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

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

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

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

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

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

Timeline

- October 6th, 2021 – Demolition Permit for Existing Structure Issued
 - Structure only, no site clearing allowed

- October 5th, 2021 – Dead Tree/Veg Removal Permit Issued
 - Inspector notes: “Several dead trees and branch to be removed”, “Storm Damage”.
- June 28th, 2022 – Initial Complaint (Attachment 2)
 - Initial complaint pertaining to unauthorized tree removal.
 - Email chain and images attached.
 - No documented action was taken.
- June 3rd, 2023 – Preservation of existing landscape vegetation and natural features.
 - A city-wide notice was sent out to all property owners stating an ordinance was adopted, requiring all property owners to remove and maintain the dead vegetation from their properties to reduce the risk of wildfire, per 22.03.302.
- July 20th, 2023 - Dead Tree/Veg Removal Permit Issued (Attachment 3)
 - Permit notes from Inspector: “Permit is only to remove dead trees vegetation from property, survey to be submitted”. (Permit attached)
 - Field Inspection notes: “Inspector met property owner at site. A tree survey will be submitted on dead trees and dead vegetation removal on his property. There are dead trees fallen over on his creek and along driveway.”
 - No updated survey was submitted with permit or with new construction building permit that was under review.
- August 22nd, 2023 - Building Permit for New Residential Construction Issued
 - New residential house and guest house (SUP approved May 2023)
- July 22nd, 2024 – Notice of Violation Issued (Attachment 4 & 5)
 - Unauthorized tree removal, notice & tree survey attached.
 - Allowed for the submittal of a Certified Arborist letter for all trees considered dead or dying requested in an attempt to reduce the fee amount.
- September 24th, 2024 - Arborist letter received and denied; due to lack of information (identifying tree #'s) and not having arborist certification, per 22.03.303 (7)(C) (Attachment 6)
- October 21st, 2024 – Per the property owner (via email), an update tree survey was acquired and an attempt to certify the arborist letter was being made (Attachment 7).
 - Notified that certification of arborist letter was unsuccessful, an attempt to appeal administrative determination will be pursued.
- November 26th, 2024 – Appeal to Council by property owner submitted (Attachment 1).
- April 9th, 2025 – Staff has worked with applicant and been provided a Tree Mitigation plan that is being recommended for approval to the BOA.

38.02.006 Appeals to the board of adjustment

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

38.02.008 (a) Procedure for appeals to the board:

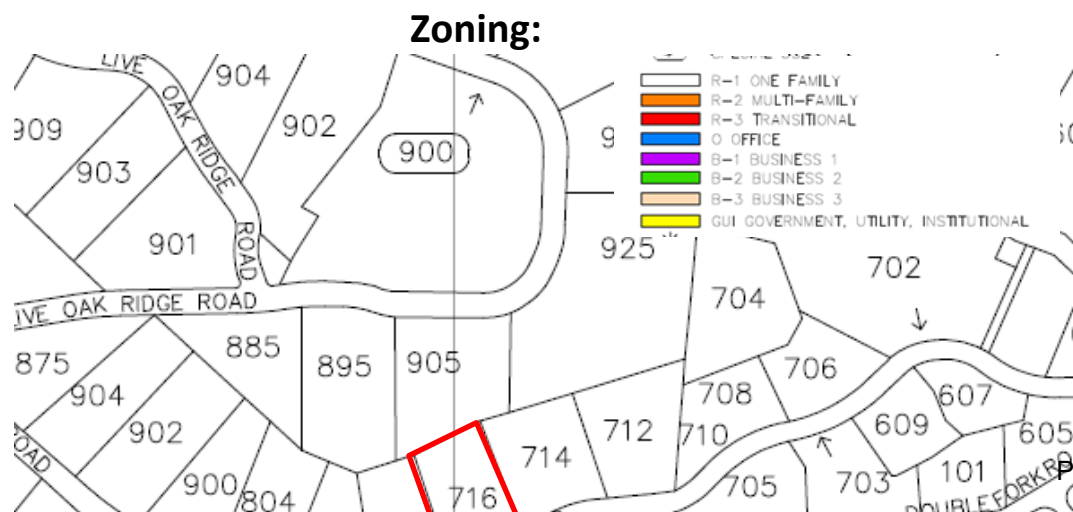
- (3) Any of the following persons may appeal to the board of adjustment a decision made by an administrative official that is related to a specific application, address, or project under chapters 22, 32, and 36 of the Code:
- (A) A person who filed the application that is the subject of the decision; or
 - (B) A person is the owner or representative of the owner of the property that is the subject of the decision.

Attachments:

- [January 8, 2025 Staff Report Attachments](#)
- Attachment 10 – Initial Concept Plan
- Attachment 11 – Updated Concept Plan
- Attachment 12 – 716 Laurel Valley - Final

Links to Relevant Code:

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



Aerial June 2023:



Aerial Oct 2024:



Waterloo Surveyors Inc.
SURVEY PLAT

ADDRESS:
716 LAUREL VALLEY ROAD, 78746

NOTE:
THE TREE CIRCLES SHOWN HEREON HAVE ONE (1) FOOT RADIUS DRAWN FOR EVERY ONE (1) INCH OF MEASURED TRUNK DIAMETER AS MEASURED 4.5' FROM GROUND UP. MULTI-TRUNK TREES ARE DISPLAYED USING THE FOLLOWING FORMULA:
SUM OF THE LARGEST TRUNK + 1/2 OF THE SUM OF SMALLER TRUNKS.

TREE LIST J16369TT
NO# TYPE SIZE

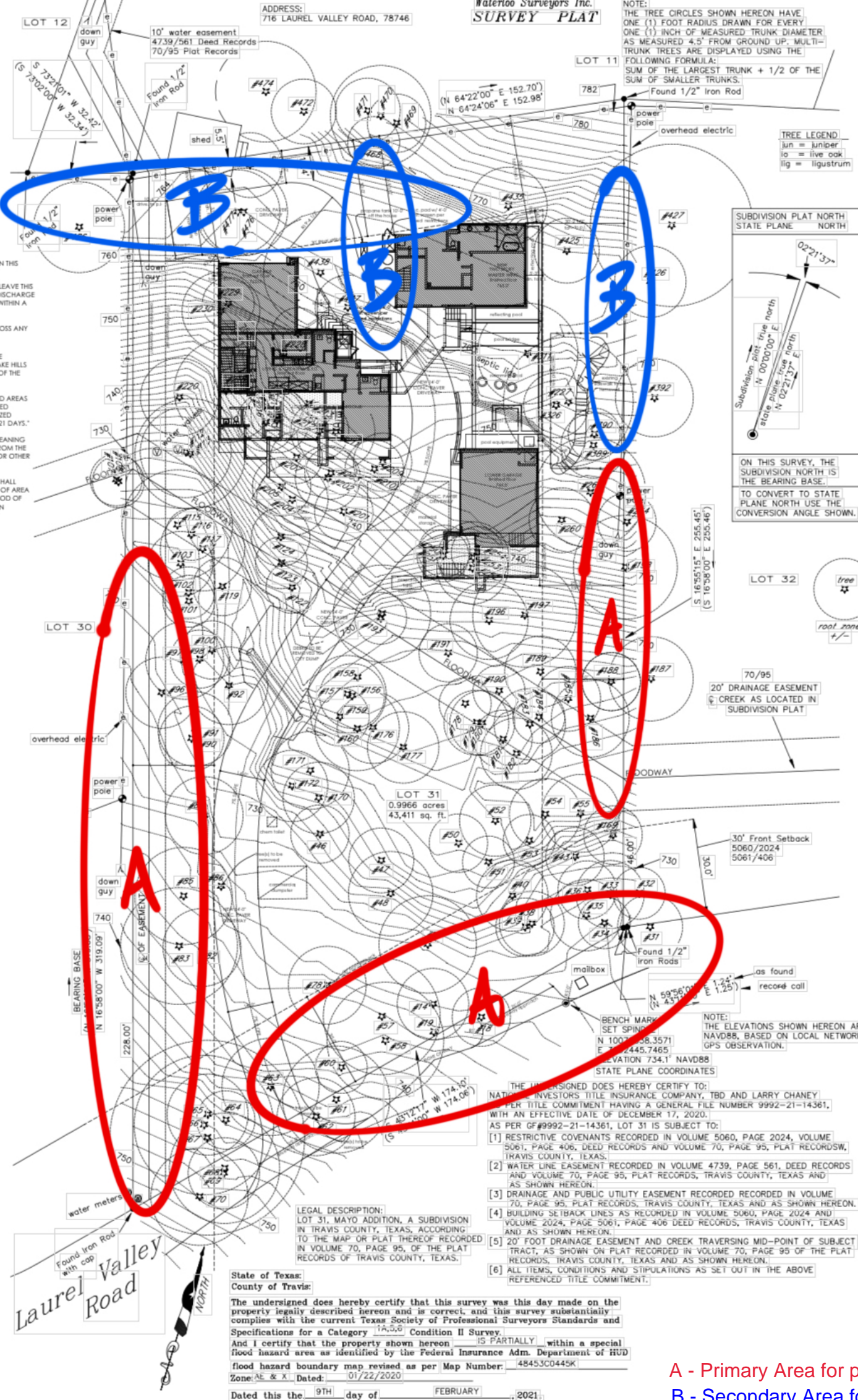
NO#	TYPE	SIZE
#11	Jun	15"
#14	Jun	6' 4"
#15	Jun	9"
#19	Jun	10"
#21	Jun	10"
#32	so	8"
#33	Jun	7' 7"
#34	so	8"
#35	Jun	11"
#36	so	9"
#38	so	10"
#39	Jun	9"
#40	Jun	11"
#43	Jun	7' 4"
#46	Jun	9"
#47	Jun	10"
#48	Jun	13"
#50	Jun	9"
#51	lig	8"
#52	Jun	11"
#53	Jun	6"
#54	Jun	11"
#55	Jun	12"
#57	Jun	8' 7' 4' 4' 4'
#58	Jun	18"
#60	Jun	8"
#61	Jun	9' 8' 7"
#62	lig	12"
#63	Jun	18"
#64	lig	6' 8"
#65	lig	10' 5"
#66	lig	11' 8' 8' 5"
#67	lig	10' 9' 9' 8' 6' 4' 4' 4'
#68	lig	17"
#69	Jun	11"
#70	Jun	15"
#76	Jun	12"
#82	lig	12"
#83	Jun	18"
#85	so	11' 8"
#86	lig	17"
#89	Jun	12"
#90	Jun	10"
#91	lig	8' 7"
#96	lig	11"
#97	Jun	12"
#98	Jun	9"
#99	Jun	12"
#100	Jun	9"
#101	ash	8"
#102	Jun	8"
#103	Jun	10"
#107	lig	8"
#108	lig	8"
#112	lig	14"
#113	lig	9' 8' 8"
#115	Jun	17"
#116	ash	8"
#117	Jun	9' 8"
#119	Jun	9"
#122	Jun	8"
#123	Jun	8"
#124	Jun	9"
#126	Jun	10"
#137	Jun	12"
#158	Jun	8"
#159	Jun	9"
#160	Jun	13"
#163	Jun	9"
#170	Jun	11"
#171	Jun	12"
#172	Jun	8' 6"
#176	Jun	11"
#177	Jun	11"
#178	Jun	8"
#179	Jun	10"
#180	Jun	10"
#181	Jun	9"
#182	Jun	11"
#183	Jun	11"
#184	Jun	8"
#185	Jun	10"
#186	Jun	12"
#187	Jun	13"
#188	Jun	9"
#189	Jun	11"
#190	Jun	8"
#191	Jun	9"
#192	Jun	8"
#193	Jun	8"
#194	Jun	15"
#196	Jun	12"
#197	Jun	16"
#198	lo	16"
#201	Jun	9"
#202	Jun	10"
#203	Jun	8"
#204	Jun	11"
#205	Jun	9"
#207	Jun	8"
#209	Jun	9"
#210	Jun	9"
#211	Jun	9' 6"
#212	Jun	7' 4"
#213	Jun	8"
#214	Jun	6' 4"
#215	Jun	10"
#216	Jun	9"
#218	ash	12' 8"
#220	lig	12"
#228	Jun	8"
#229	Jun	8"
#230	Jun	12"
#250	ash	8"
#251	Jun	8"
#252	Jun	11"
#253	hoc	11"
#254	Jun	8"
#260	Jun	10"
#261	Jun	10' 5' 5' 4'
#264	Jun	9"
#311	Jun	13' 5"
#326	Jun	10"
#327	so	15' 7' 4"
#369	Jun	10"
#380	Jun	8"
#392	Jun	12"
#425	elm	10"
#426	ash	11"
#427	Jun	8' 8' 7' 7' 6' 5"
#435	Jun	8' 8"
#437	Jun	10"
#474	Jun	9' 7' 6"
#475	bradford pear	10"
#476	Jun	9' 9"
#477	Jun	13"

TREE LEGEND
jun = juniper
lo = live oak
lig = ligustrum

SUBDIVISION PLAT NORTH
STATE PLANE NORTH



ON THIS SURVEY, THE SUBDIVISION NORTH IS THE BEARING BASE. TO CONVERT TO STATE PLANE NORTH USE THE CONVERSION ANGLE SHOWN.



THE UNDERSIGNED DOES HEREBY CERTIFY TO:
NATIONAL INVESTORS TITLE INSURANCE COMPANY, TBO AND LARRY CHANEY
PER TITLE COMMITMENT HAVING A GENERAL FILE NUMBER 9992-21-14361,
WITH AN EFFECTIVE DATE OF DECEMBER 17, 2020,
AS PER GF#9992-21-14361, LOT 31 IS SUBJECT TO:
[1] RESTRICTIVE COVENANTS RECORDED IN VOLUME 5060, PAGE 2024, VOLUME 5061, PAGE 406, DEED RECORDS AND VOLUME 70, PAGE 95, PLAT RECORDS, TRAVIS COUNTY, TEXAS.
[2] WATER LINE EASEMENT RECORDED IN VOLUME 4739, PAGE 561, DEED RECORDS AND VOLUME 70, PAGE 95, PLAT RECORDS, TRAVIS COUNTY, TEXAS AND AS SHOWN HEREON.
[3] DRAINAGE AND PUBLIC UTILITY EASEMENT RECORDED IN VOLUME 70, PAGE 95, PLAT RECORDS, TRAVIS COUNTY, TEXAS AND AS SHOWN HEREON.
[4] BUILDING SETBACK LINES AS RECORDED IN VOLUME 5060, PAGE 2024 AND VOLUME 2024, PAGE 5061, PAGE 406 DEED RECORDS, TRAVIS COUNTY, TEXAS AND AS SHOWN HEREON.
[5] 20' FOOT DRAINAGE EASEMENT AND CREEK TRAVERSING MID-POINT OF SUBJECT TRACT, AS SHOWN ON PLAT RECORDED IN VOLUME 70, PAGE 95 OF THE PLAT RECORDS, TRAVIS COUNTY, TEXAS AND AS SHOWN HEREON.
[6] ALL ITEMS, CONDITIONS AND STIPULATIONS AS SET OUT IN THE ABOVE REFERENCED TITLE COMMITMENT.

LEGAL DESCRIPTION:
LOT 31, MAYO ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 70, PAGE 95, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

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 TA.5.6 Condition II Survey.
And I certify that the property shown hereon IS PARTIALLY 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: AE & X Dated: 01/22/2020
Dated this the 9TH day of FEBRUARY, 2021.

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

DRAWING INFO.

DATE: 2025-3-12
FOR REVIEW ONLY
FILE NAME: 25101

REVISIONS

1)	
2)	
3)	
4)	
5)	

SHEET TITLE

PLANTING SCHEMATIC

LP 1.1

PLANT LIST

SHADE CANOPY TREES

SYMBOL	QTY.	PLANT NAME	SIZE
⊕	16	BALD CYPRESS <i>Taxodium distichum</i>	3" CAL.
⊗	2	BALD CYPRESS <i>Taxodium distichum</i>	4" CAL.
⊕	15	LIVE OAK - SINGLE TRUNK <i>Quercus virginiana</i>	3" CAL.
⊕	7	LIVE OAK - SINGLE TRUNK <i>Quercus virginiana</i>	5" CAL.

ORNAMENTAL TREES

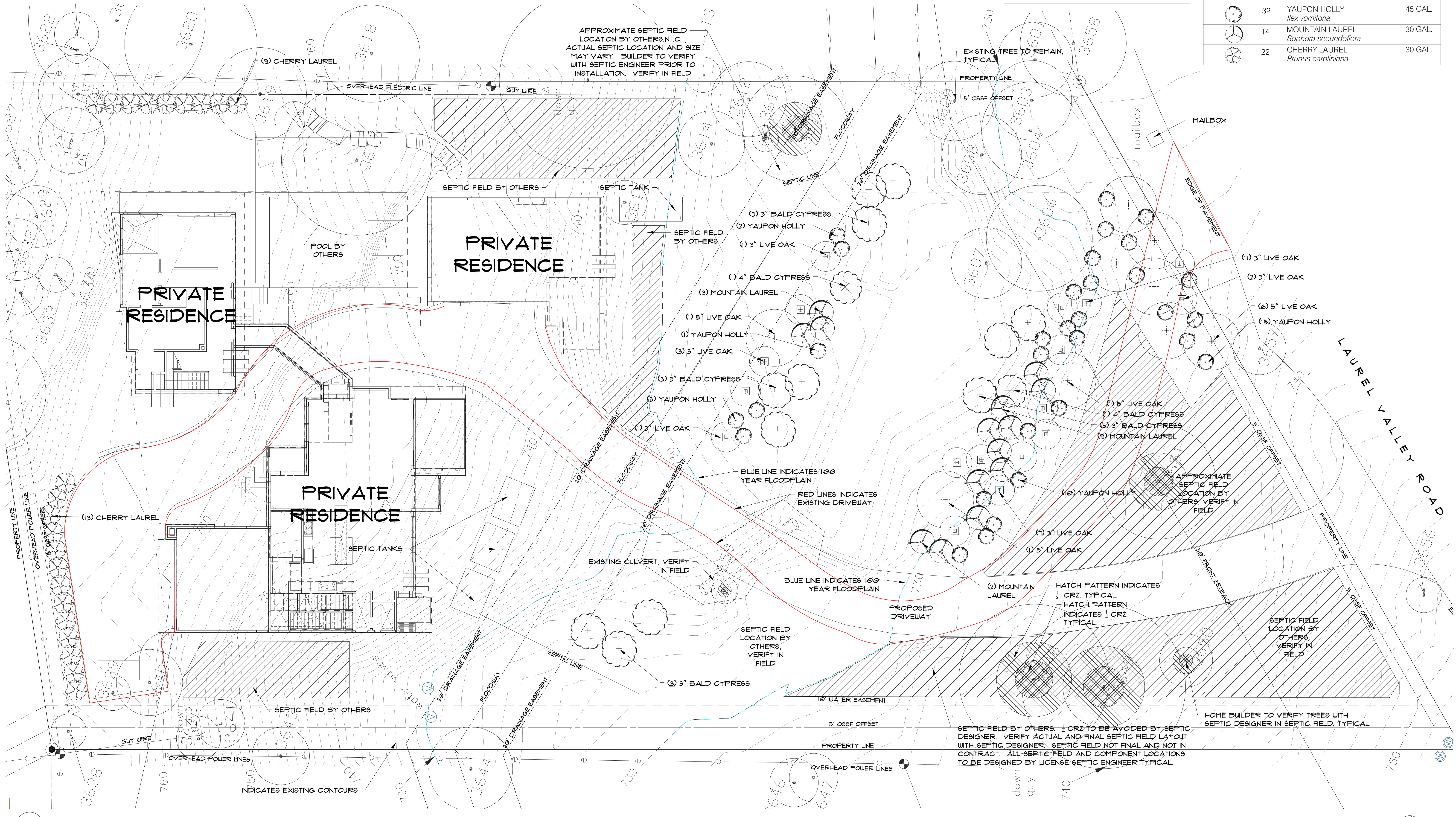
SYMBOL	QTY.	PLANT NAME	SIZE
⊕	32	YAUPON HOLLY <i>Ilex vomitoria</i>	45 GAL.
⊗	14	MOUNTAIN LAUREL <i>Sophora secundiflora</i>	30 GAL.
⊗	22	CHERRY LAUREL <i>Prunus caroliniana</i>	30 GAL.

TREE MITIGATION:
TREE MITIGATION PROPOSED: 424"

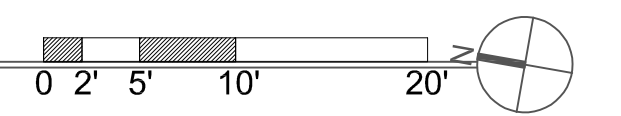
QTY. PROPOSED	PLANTING CONTAINER SIZE	EQUIVALENT TRUNK DIAMETER	TOTAL MITIGATION INCHES
0	20 GALLON	3"	0
36	30 GALLON	4"	144"
32	40 GALLON	5"	160"
	TOTAL		304"

(22) 30 GALLON ABOVE (4" EQUIVALENT) (22 x 4" = 88")
+ (22) CHERRY LAUREL
(14) 30 GALLON ABOVE (4" EQUIVALENT) (14 x 4" = 56")
+ (14) MOUNTAIN LAUREL
(32) 45 GALLON ABOVE (5" EQUIVALENT) (32 x 5" = 160")
+ (32) YAUPON HOLLY
(15) 3" CALIPER LIVE OAK (15 x 3" = 45")
(7) 5" CALIPER LIVE OAK (7 x 5" = 35")
(16) 3" CALIPER BALD CYPRESS (16 x 3" = 48")
(2) 4" CALIPER BALD CYPRESS (2 x 4" = 8")
TOTAL INCHES PROPOSED: 88" + 56" + 160" + 45" + 35" + 48" + 8" = 440"

NOTES:
CONTRACTOR RESPONSIBLE FOR PROVIDING AND ENSURING ALL PROPER DRAINAGE FOR SITE. SLOPE AWAY FROM POOL AND BUILDING. PREVENT ANY POOLING OR STANDING WATER OR WATER ENTERING THE HOUSE OR POOLING IN LAWN AND BED AREAS. ENSURE NEIGHBORING PROPERTIES AREN'T AFFECTED BY DRAINAGE OR RUNOFF.
CONTRACTOR TO VERIFY ALL EXISTING AND PROPOSED UTILITIES, TREES, PROPERTY LINES, EASEMENTS, ETC., GRADES, ELEVATIONS, QUANTITIES, DIMENSIONS OF EXISTING AND PROPOSED HARDSCAPE AND SOFTSCAPE ELEMENTS IN FIELD PRIOR TO INSTALLATION. VERIFY GRADES AND LAYOUT ELEMENTS FOR APPROVAL PRIOR TO INSTALLATION. CONTRACTOR RESPONSIBLE FOR ALL STRUCTURAL, WATERPROOFING AND DRAINAGE ASPECTS OF PROJECT. CONTRACTOR RESPONSIBLE FOR REPAIRING ANY DAMAGED UTILITY LINES OR ANY OTHER FORM OF DAMAGE TO SITE. ALL GRADES ARE ESTIMATED. VERIFY IN FIELD. NOTIFY OWNER IF ANY UTILITIES, EASEMENTS, ETC., INTERFERE OR CONFLICT WITH PROPOSED PLAN ITEMS PRIOR TO INSTALLATION. NOTIFY OWNER OF ANY CONCERNS, DISCREPANCIES OR ISSUES.
PLANS FOR REVIEW AND BIDDING PURPOSES ONLY. VERIFY ACTUAL DIMENSIONS AND LAYOUT IN FIELD PRIOR TO CONSTRUCTION. VERIFY IMPERVIOUS COVER MEETS CITY REQUIREMENTS PRIOR TO CONSTRUCTION. VERIFY WITH THE CITY REGULATORY AUTHORITY.
CONTRACTOR TO FOLLOW ANY AND ALL APPLICABLE RULES, PERMITTING PROCESS REQUIRED. SEEK ANY AND ALL REQUIRED REGULATORY APPROVAL, CODES AND ORDINANCES. CONTRACTOR RESPONSIBLE FOR INSTALLING AND DETERMINING ALL LOCATIONS FOR GATES, GUARDRAILS, HANDRAILS, AND POOL FENCE PER CODE AS REQUIRED. VERIFY ON SITE. PLANS ARE FOR REVIEW ONLY AND HAVE NOT BEEN PERMITTED.
CLIENT IS RESPONSIBLE FOR NOTIFYING DOUBLE B DESIGN, LLC IN WRITING MINIMUM 10 BUSINESS DAYS PRIOR TO INSTALLING LANDSCAPE AS SHOWN ON THESE PLANS TO COORDINATE FINAL CONSTRUCTION DRAWINGS AND SCHEDULE A PRE-CONSTRUCTION MEETING.



1 LANDSCAPE SCHEMATIC
SCALE: 1" = 10'



716 Laurel Valley Rd.

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

Applicant: Barry Schwartz

716 Laurel Valley Rd.



716 Laurel Valley Rd.



June 2023

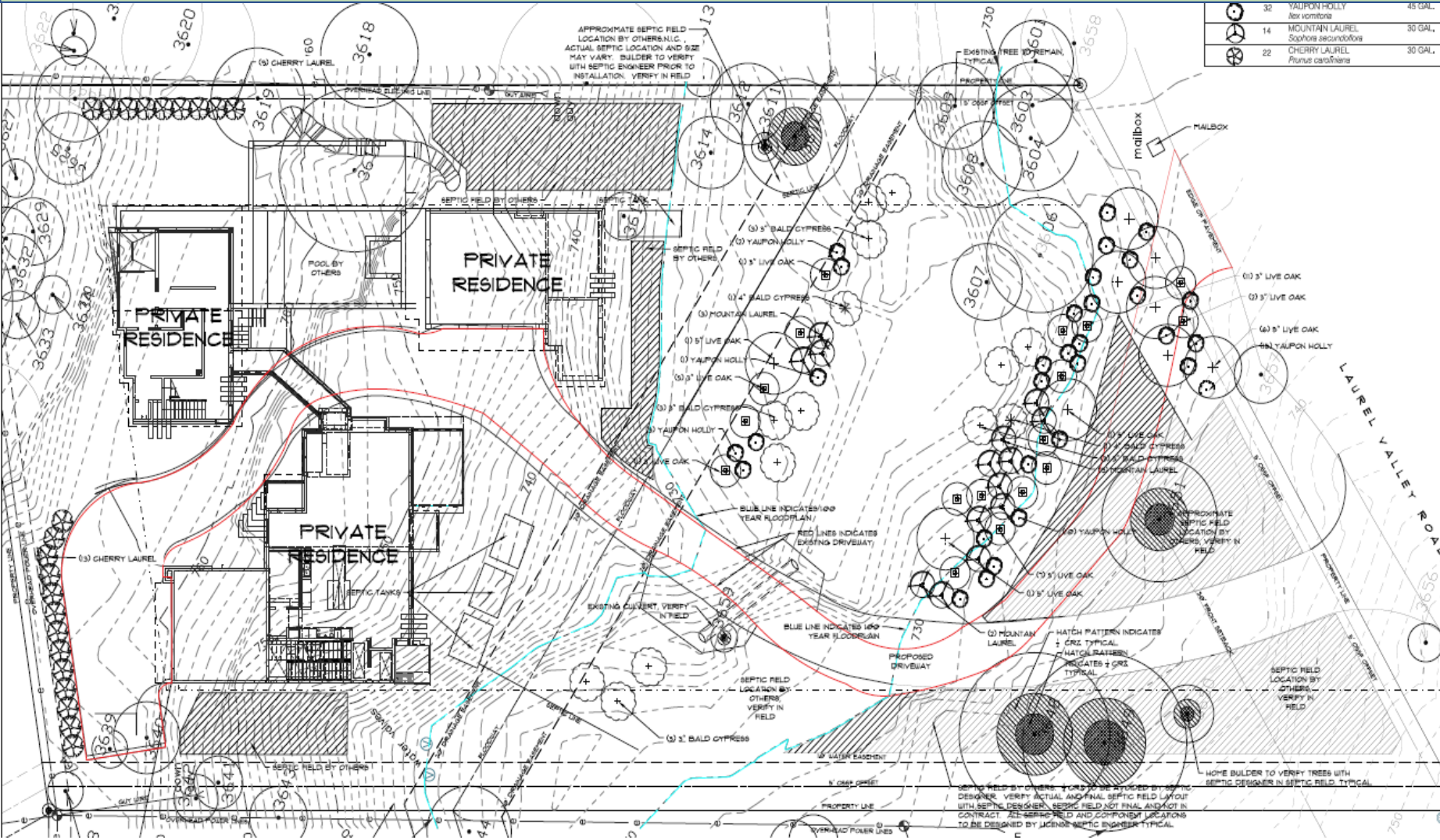


October 2024

716 Laurel Valley Rd.

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

716 Laurel Valley Rd.



PLANT LIST

SHADE CANOPY TREES

SYMBOL	QTY.	PLANT NAME	SIZE
+	16	BALD CYPRESS <i>Taxodium distichum</i>	3" CAL.
*	2	BALD CYPRESS <i>Taxodium distichum</i>	4" CAL.
⊕	15	LIVE OAK - SINGLE TRUNK <i>Quercus virginiana</i>	3" CAL.
+	7	LIVE OAK - SINGLE TRUNK <i>Quercus virginiana</i>	5" CAL.

ORNAMENTAL TREES

SYMBOL	QTY.	PLANT NAME	SIZE
⊙	32	YAUPON HOLLY <i>Ilex vomitoria</i>	45 GAL.
⊗	14	MOUNTAIN LAUREL <i>Sophora secundiflora</i>	30 GAL.
⊗	22	CHERRY LAUREL <i>Prunus caroliniana</i>	30 GAL.

TREE MITIGATION:

TREE MITIGATION PROPOSED: 424"

TREE MITIGATION PROVIDED THROUGH SEC. 22,03.304(D)(9) CALCULATIONS (BREAKDOWNS OF EACH GALLON SIZE BELOW CHART)

QTY. PROPOSED	PLANTING CONTAINER SIZE	EQUIVALENT TRUNK DIAMETER	TOTAL MITIGATION INCHES
0	20 GALLON	3"	0
36	30 GALLON	4"	144"
32	40 GALLON	5"	160"
TOTAL			304"

- (22) 30 GALLON ABOVE (4" EQUIVALENT) (22 x 4" = 88")
- (22) CHERRY LAUREL
- (14) 30 GALLON ABOVE (4" EQUIVALENT) (14 x 4" = 56")
- (14) MOUNTAIN LAUREL
- (32) 45 GALLON ABOVE (5" EQUIVALENT) (32 x 5" = 160")
- (32) YAUPON HOLLY
- (15) 3" CALIPER LIVE OAK (15 x 3" = 45")
- (7) 5" CALIPER LIVE OAK (7 x 5" = 35")
- (16) 3" CALIPER BALD CYPRESS (16 x 3" = 48")
- (2) 4" CALIPER BALD CYPRESS (2 x 4" = 8")

TOTAL INCHES PROPOSED: 88" + 56" + 160" + 45" + 35" + 48" + 8" = 440"

716 Laurel Valley Rd.

- Staff recommendation:
Staff recommends approval of the Tree Mitigation as proposed and requests the BOA to consider a reduction of administrative fees of \$286,500 to \$10,000 due to applicant compliance and previous storm damage to lot.