

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:

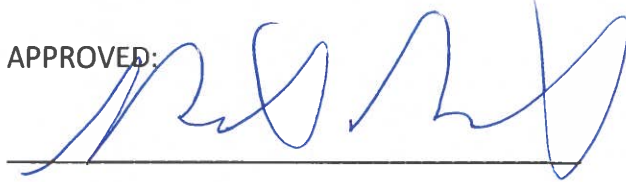
- i. Commissioner Webber: inclined to approve
- ii. Commissioner Pledger: No hardship
- iii. Commissioner Stewart: Not enough information. Don't even know the amount of the encroachment

- 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.

