



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF BOARD OF ADJUSTMENT (BOA) REGULAR MEETING
Wednesday, August 13, 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 13th day of August 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 August 13, 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 approval of the June 11, 2025 Regular Meeting Minutes.
4. Public Hearing **3736 Bee Cave Road, Suite 8** - Discuss and consider action to approve Ordinance 157-2025-D for a Special Use Permit request to allow the sale of wine and malt beverages in a restaurant for on-premise consumption on a property zoned B-2 Business 2 District (West Lake Hills Code, Section 38.04.031). Applicant: Zeds Holdings LLC.
5. Administration **1513 Flintridge 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.
Applicant: Donald Arnold, Property Owner.

6. **Land Use 105 Wood Trail** - Discuss and consider action on a recommendation from ZAPCO on a proposed variance to Section 22.03.278 and 22.03.281 to allow:
 - a. The removal and replacement of impervious cover up to the existing non-conforming amount of 28.5% where 25% is the maximum.

Applicant: Tanya Clement, Property Owner.

7. Adjournment

Approved by: James Vaughan, Chair

Certificate

I certify that the above Notice of the August 13, 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, August 8, 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, June 11, 2025 at 7:00 PM

1. Call to Order

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

BOARD MEMBERS PRESENT:

Chair James Vaughan
Jim O'Connor (Alternate)
Dana Harmon
Brian Plunkett
Beth South
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
City Attorney Charles E. Zech

Meeting was suspended at 7:02 p.m.

Meeting was reconvened at 7:03 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.

Chair Vaughan 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 May 14, 2025 Regular Meeting Minutes.

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 approval the May 14, 2025 Regular Meeting Minutes. Motion carried.

4. Administration Discuss and consider action on the selection of a Vice Chairperson.

MOTION: Upon a motion made by Chair Vaughan and a second by Board Member Harmon, the Board voted six (6) for and none (0) opposed to appoint Brian Plunkett as Vice Chairman. Motion carried.

5. Land Use 9 Rocky River Cove - Discuss and consider action on a recommendation from ZAPCO regarding a variance to allow:

1. An encroachment of 20 feet into the 50-foot front setback for the addition of a 2nd story over the existing nonconforming first floor (Section 22.03.275 and 22.03.281 of the West Lake Hills Code).
2. An encroachment of 20 feet into the 50-foot front setback for the conversion of a portion of the garage.
3. An encroachment of 20 feet into the 50-foot front setback for the addition of 4 feet onto the front of the garage on the 1st and 2nd story.

Applicant: Tisha Ritta, Central Texas Permit Partners.

Director Bills gave a brief summary. Staff and ZAPCO recommend approval. Tisha Ritta was available online to answer any questions.

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

6. Land Use 1002 Old Stonehedge - Discuss and consider action on a recommendation from ZAPCO regarding a variance to allow for an encroachment of 15 feet into the 50-foot front setback for the construction of a new house (Section 22.03.275 and 22.03.281 of the West Lake Hills Code). Applicant: Tisha Ritta, Central Texas Permit Partners.

Director Bills gave a brief summary. Staff and ZAPCO recommend denial. Tisha Ritta and the property owner gave a presentation and were available to answer any questions from the Council.

MOTION: Upon a motion made by Board Member Plunkett and a second by Board Member Harmon, the Board voted six (6) for and none (0) opposed to the following: Due to the special conditions peculiar to this land, mainly the two front-yard setbacks and the unnecessary hardship given the lower size of the house relative to the median size of such houses being built on similar lots by our residents, we are proposing to accept the variances as requested so long as they adhere to the area of encroachment as described in Exhibit 3, page 74 of 98, and no impervious cover enters the critical root zones of either the large 33" live oak or the large unidentified live oak in the front right-hand corner. Motion carried.

7. Adjournment

Chair Vaughan adjourned the meeting at 7:50 p.m.

Respectfully submitted,

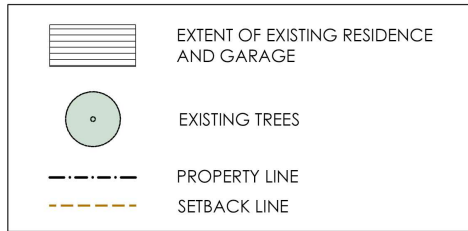
JAMES VAUGHAN, CHAIR

ATTEST:

Terry Blanchard, TRMC
City Secretary

These minutes were approved on August 13, 2025.

EXHIBIT 3



SEPTIC

OUTDOOR LIVING

3-CAR GARAGE

2-STORY DWELLING

NEW PROPOSED DRIVEWAY

EXISTING DRIVEWAY
(TO BE REMOVED)

PROPOSED 40'
FRONT YARD SETBACK

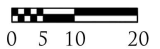
PROPOSED 35'
FRONT YARD SETBACK

PROPOSED 35'
FRONT YARD SETBACK

OLD STONEHEDGE



SCALE: 1:20



1002 OLD STONEHEDGE - PROPOSED SETBACK VARIANCE



City of West Lake Hills
Board of Adjustments

AGENDA REPORT

Meeting Date:	<u>August 13, 2025</u>	Item Number:	<u>4</u>
	<u>Building and Development</u>		
Department:	<u>Services</u>		
Prepared By:	<u>Jennifer C. Bills</u>	Cost / Budget:	<u>None</u>
Exhibits:	<u>SUP, Exhibit A, Presentation</u>	Source of Funds:	<u>N/A</u>

Subject

3736 Bee Cave Rd Suite 8 – Discuss and consider action to Special Use Permit 157-2025-D for a request to allow the sale of beer and wine beverages in a restaurant for on-premise and off-premise consumption on a property Zoned B-2 Business 2 District (West Lake Hills Code, Section 38.04.031).

Applicant: McKinley Brown, Zeds Holdings LLC

Recommendation

Staff recommend approval of the special use permit.

Discussion

Property Information, Zoning & Site Characteristics:
 Business Owner: Zed’s Real Fruit Ice Cream Bee Caves
 Legal Description: Joe Smith Resubdivision, Block B Lot 16A, Amending Plat of Block B, Lots 15 & 16
 Lot Size: 2.323 acres
 Zoning: B-2 – Business 2
 Hours of Operation: 8:00 am – 10:00 pm Monday through Sunday

The properties surrounding the subject property are zoned B-2 Business 2, O-Office, and R-1 One Family.

Background & Analysis:
 The business owners are requesting a Special Use Permit to sell alcoholic beverages as a supplementary use to the primary use as a restaurant. Fajita Pete’s and the Austin Epicure also have SUPs to sell and serve alcohol within this shopping center.

SUP Criteria & Analysis:
 (1) *The restaurant where the alcoholic beverage is proposed to be sold shall not be located within 300 feet of a church or school as measured by state law;*
 The location complies with TABC requirements regarding distance to churches and schools.

(2) The restaurant where the alcoholic beverage is proposed to be sold shall not be located on property, two or more sides of which abut property in a residential zoning district;
Refer to the zoning map included at the end of this report. The property as adjacent to R-1 One Family on the north property line (one side).

(3) The gross receipts derived from the sale of alcoholic beverages shall not exceed the gross receipts derived from the sale of food;
The primary business of this restaurant is the sale of food.

(4) The permit shall be reviewed annually by the city administrator and, if reissued, reissued at the end of the calendar year; and
City staff will review annually and keep track of when the SUP needs to be reissued.

(5) Additional fees are to be collected after three years' operation in accordance with the alcoholic beverage commission permit rules.
City staff will review and ensure all applicable fees are collected in accordance with TABC rules.

Outdoor Lighting

No outdoor lighting is being considered with this SUP.

Compliance with Code of Ordinances

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.

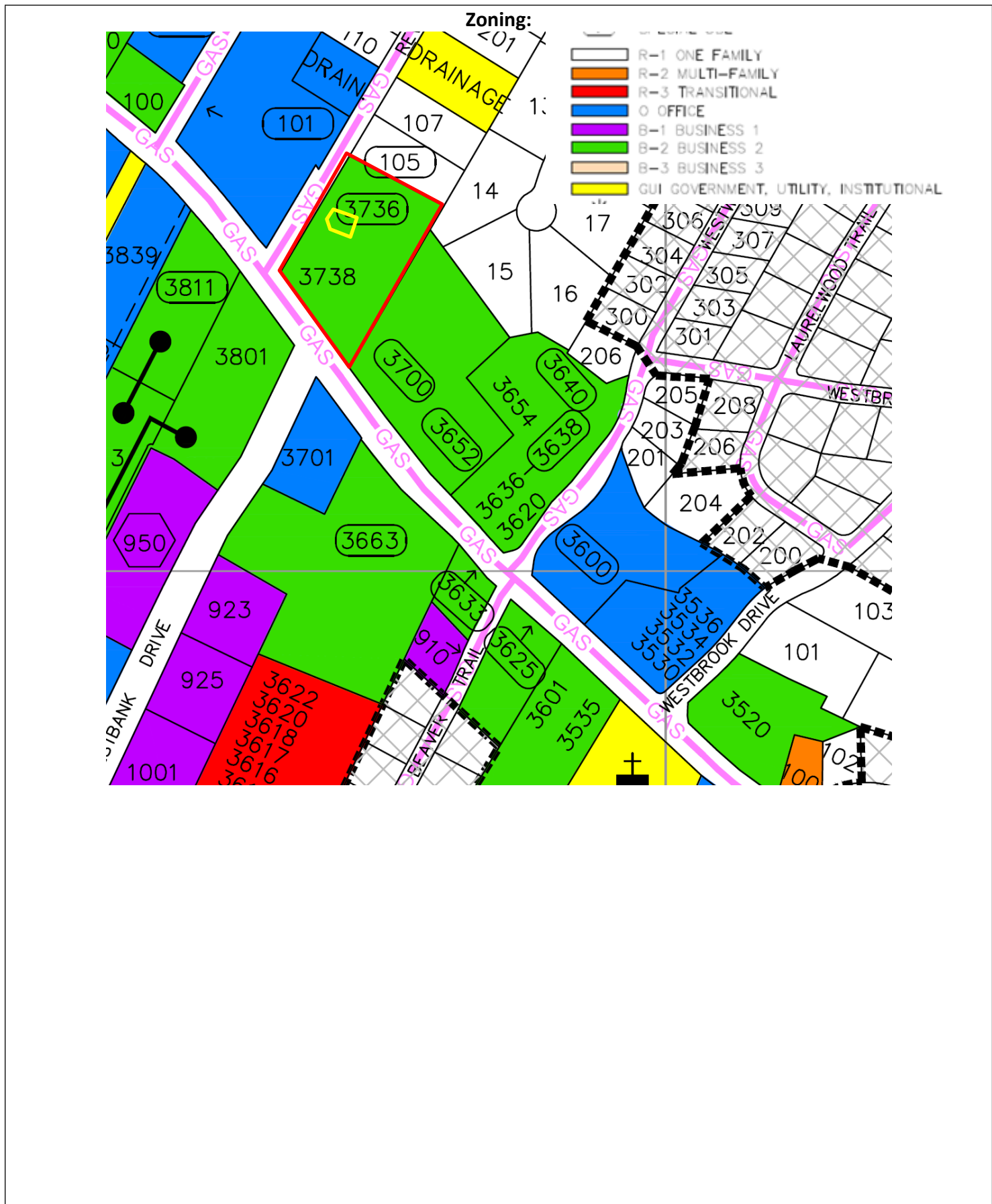
Links to Relevant Code:

[Section 38.03.037\(c\) Special uses \(in B-2 Business 2\)](#)

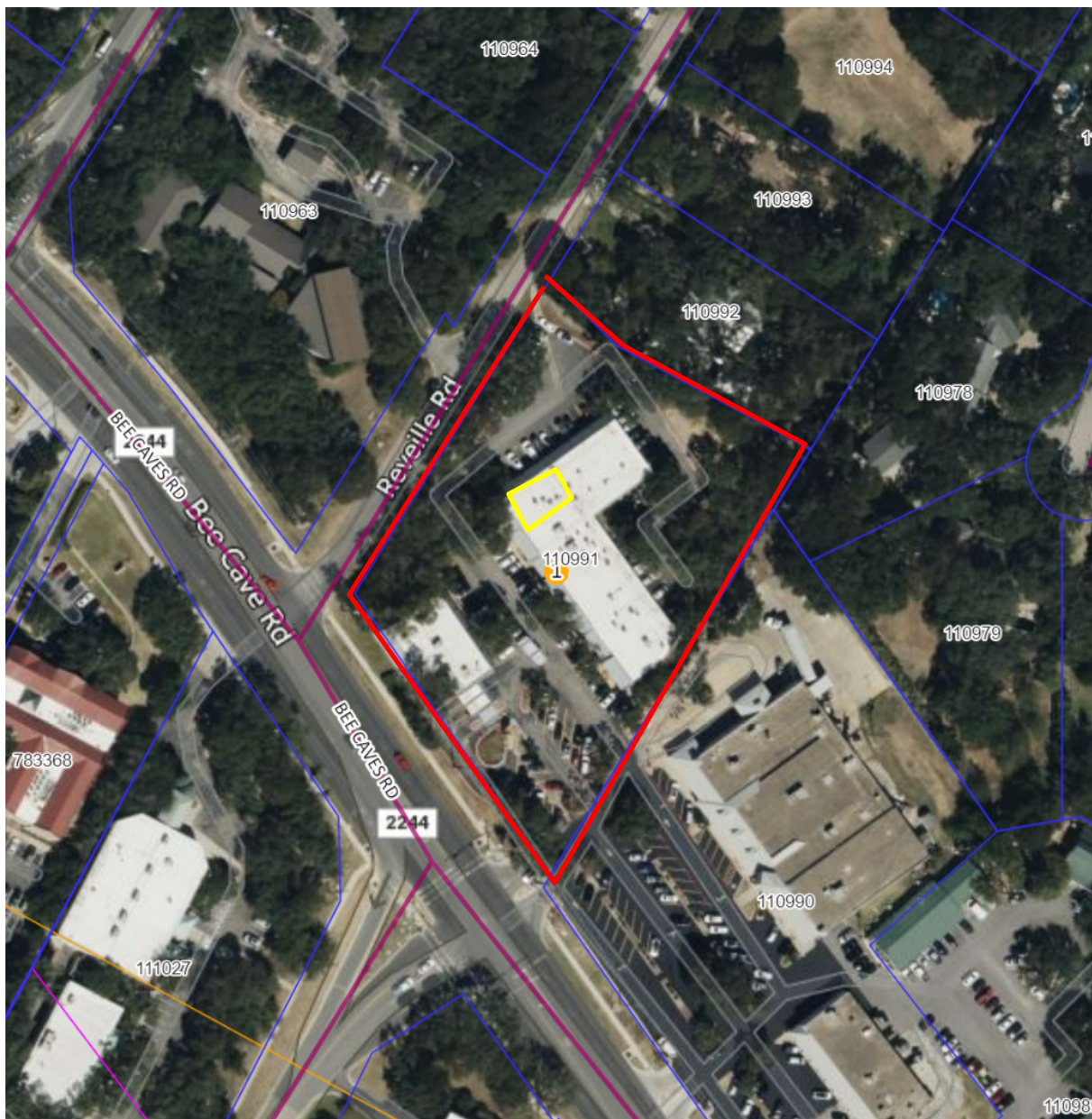
[Section 38.04.033: General criteria applicable to all special uses.](#)

[Section 38.04.034\(e\) Criteria applicable to Alcoholic beverages sold in a restaurant for on- or off-premises consumption.](#)

[Section 38.04.035: General conditions for all special uses.](#)



Aerial:



SPECIAL USE PERMIT 157-2025-D

A PERMIT SETTING FORTH THE CONDITIONS UNDER WHICH BEER AND WINE BEVERAGES MAY BE SOLD FOR ON- AND OFF-PREMISE CONSUMPTION, AND AUTHORIZING THE CITY ADMINISTRATOR TO NOTE THE CHANGE ON THE OFFICIAL ZONING MAP OF THE CITY.

WHEREAS, Zed's Holds L.L.C. has requested a Special Use Permit (SUP) for the sale of on-premises consumption of beer and wine at Zed's Real Fruit Ice Cream located at 3736 Bee Cave Road, Suite 8, West Lake Hills, Texas, the herein described parcel of land; and

WHEREAS, the notice as required by Section 38.03.037, 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 (BOA) as required by law; and

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

WHEREAS, BOA find that the application for Special Use Permit meets the requirements of Section 38.04.033 and 38.04.034 of the West Lake Hills Code; and

WHEREAS, beer and wine will be sold and consumed on the premises, and the premises will be used as a restaurant; and

WHEREAS, the public interest dictates that special conditions be set forth regulating the sale of beer and wine beverages under the Special Use Permit provisions of the West Lake Hills Code; and

WHEREAS, the applicant has agreed to the special conditions regulating the sale of beer and wine contained herein; and

WHEREAS, the BOA at its Public Hearing on the Special Use Permit determined that the proposed activities described on the herein are 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:

Joe Smith Resubdivision, Block B Lot 16A, Amending Plat of Block B, Lots 15 & 16

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

1. Beer and wine may be sold on- or off-premises under the following conditions:
 - (a) The restaurant where the alcoholic beverage is proposed to be sold shall not be located within 300 feet of a church or school as measured by state law.
 - (b) The restaurant where the alcoholic beverage is proposed to be sold shall not be located on property, two or more sides of which abut property in a residential zoning district.

- (c) The gross receipts derived from the sale of alcoholic beverages shall not exceed the gross receipts derived from the sale of food.
 - (d) The permit shall be reviewed annually by the city administrator and, if reissued, reissued at the end of the calendar year.
 - (e) Additional fees are to be collected after three years' operation in accordance with the alcoholic beverage commission permit rules.
 - (f) Special offers to the public promoting the sale of alcoholic beverages commonly known as "happy hour" shall be conducted only at times when the permittee offers full food service and only during the period of time from 4:00 p.m. through 7:00 p.m. during the days of Monday through Friday inclusive except as indicated in this subsection. The permittee may select a period of time not to exceed three hours per each day to conduct a happy hour promotion for the days of Saturday and Sunday. The permittee shall give written notification to the city administrator of the hour selected for such a happy hour and any changes thereto. The permittee shall give a 72-hour notice to the city administrator of changes to any happy hour designation.
 - (g) Live entertainment utilizing electronically amplified musical instruments or an associated sound system shall not be permitted. Live entertainment is permitted as follows:
 - 1. The group of performers is limited to not more than four persons;
 - 2. The entertainment must be located within the confines of the restaurant interior;
 - 3. The sound is not to be heard outside the restaurant premises; and
 - 4. All performances must end at 10:30 p.m. daily.
2. 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 violation of any of the representations, plans, terms, general, or special conditions and limitations applicable to this Special Use Permit.
- 2. A violation of any laws, ordinances or regulations.
- 3. A change in the nature of the use of Zed's Real Fruit Ice Cream.
- 4. Operation or maintenance of the Special Use Permit in a manner that is detrimental to the public health or safety, or so as to constitute a nuisance.

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 13th day of August, 2025.

PASSED AND APPROVED this 13th day of August, 2025.

James Vaughan, BOA CHAIR

ATTEST:

Terry Blanchard, City Secretary

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

McKinley Brown
Zed's Holdings dba Zed's Real Fruit Ice Cream Bee Caves

Greetings Mayor Vaughn,

We are a small Westlake-born catering business that has grown quickly over the last 4 years. We are moving into a brick and mortar shop in at 3736 Bee Caves Road in the heart of our clientele to continue our growing our catering business while also offering a grab and go model for our customers featuring takeaway breakfast, lunch, dinner, beer and wine, and gifts.

We will be open 8 a.m. to 6 p.m. daily.

I am requesting a Special Use Permit so that we may be able to sell beer and wine for takeout or for customers to enjoy with their meal onsite.

I am the sole owner of The Austin Epicure.

I can't wait to open the doors and serve our community.

Thank you,

Marissa Mireur

SPECIAL USE PERMIT APPLICATION



All applications and supporting documents should be submitted electronically to <https://www.mgoconnect.org/cp?JID=253>

APPLICANT INFORMATION (SUBMIT IN MyPERMITNOW)

The agent is the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the agent. If no agent is listed, the owner will be considered the agent.

Property Owner: SIBCO, LLC Phone: [REDACTED]

Email: [REDACTED]

Address: 11940 Jollyville Rd City: Austin State: TX Zip: 78746

Agent*: ? Phone: _____

Email: _____

Address: _____ City: _____ State: _____ Zip: _____

**Please submit Power of Attorney form designating authorized agent.*

PROJECT INFORMATION (SUBMIT IN MyPERMITNOW)

Property Address: 3736 Bee Caves Rd, Suite 3

Subdivision Name: JOE SMITH

Block: B Lot: 37, 38, 39 & West 1/2 of BARTON SPRING STATE Tax Parcel ID: don't know

Current Zoning Classification: B2 Total Lot Area: 2.32 acres

Proposed Special Use: B6 Permit Wine & Malt Beverage Applying for Variance Yes No
(if yes, please submit separate variance application)

Name of Business (if applicable): The Austin Epicure (LLC)

Hours of Operation: 8-6 & 9-4 Duration of Use: _____

Present Land Use: SHOPPING CENTER



SPECIAL USE PERMIT APPLICATION

AUTHORIZATION & ACKNOWLEDGEMENT

The above information is true to the best of my knowledge. I attest that the real property described is owned by me and all others as signed below. If the below is signed by the authorized agent of said property, the signature of the property owner must be included below or consent must be attached (Power of Attorney Form).

Marissa Mirena
Signature

18 September 2024
Date

Marissa Mirena
Printed Name

SPECIAL USE PERMIT PROCESS & PROCEDURES

Public Hearings

SUP applications are considered by the Board of Adjustment, which meets the second (2nd) Wednesday of the month. All meetings are held in the Council Chambers at City Hall, 911 Westlake Drive at 7:00pm and the agenda and meeting packet are posted on the City website the Friday before.

Public Notices

All public notices are handled by staff. Letters are sent to neighbors within 300' of the applicant's property at least ten (10) days before the BOA meeting; a notice in the newspaper is published at least fifteen (15) days prior to the meeting; and staff will provide the applicant with a notice sign to be placed on the property at least ten (10) days before the meeting.

Application Deadlines

Applications are due forty-five (45) days prior to the next BOA meeting. In some circumstances it may be possible to receive an extension by contacting planner@westlakehills.org.

SUP Review Criteria

Refer to the City's Zoning Ordinance, Chapter 38, Article 38.04, Division 2 for Special Use criteria applicable to all special uses and criteria applicable to individual special uses.

General Conditions for Approved SUPs (§ 38.04.03)

The SUP will lapse if the use has not been commenced (or construction started), within one year the date the permit was issued.

A SUP must be renewed every two years administratively. If there is a record of complaints or if the city administrator opts not to approve the renewal, the applicant can seek renewal from the BOA. If the BOA declines the renewal, the applicant can reapply for the special use permit.

A special use permit is not transferable and shall cease upon transfer of the property or business.

3736 Bee Cave Road Suite 8

4. Discuss and consider action to approve Ordinance 157-2025-D for a Special Use Permit request to allow the sale of beer and wine beverages in a restaurant for on-premise and off-premise consumption on a property Zoned B-2 Business 2 District (West Lake Hills Code, Section 38.04.031).
 - a. Public Hearing – All persons wishing to speak for or against shall be heard.



3736 Bee Cave Road Suite 8

An additional restaurant vendor in this location requiring a new SUP

- Storefront is currently Blenders and Bowls. Zed's Real Fruit Ice Cream is an additional vendor in the space.
- Hours of operation: Mon-Sun 8:00am to 10:00 pm
- The Austin Epicure and Fajita Pete's also have SUPs for alcohol sales in the shopping center.

Staff recommends approval.





City of West Lake Hills
Board of Adjustments

AGENDA REPORT

Meeting Date:	August 13, 2025	Item Number:	5
	Building and Development Services		
Department:	Jordan Word, Building Official/City Inspector		
Prepared By:	See Attached	Cost / Budget:	None
Exhibits:		Source of Funds:	N/A

Subject

1513 Flintridge 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: Donald Arnold

Recommendation

To uphold the determination of tree mitigation by City Staff, per 22.03.304 (c)(2) & (3).

Discussion

Property Information, Zoning & Site Characteristics:

Owner: Donald Arnold
Legal Description: LOT B1 FLINTRIDGE OAKS RESUB OF LOT B
Lot Size: 2.14 acres
Zoning: R-1 One Family

The site is surrounded by R-1 – One Family lots with B1-Buisness and O-Office to the rear.

Status Update:

The property owner is requesting an appeal of the determination of the Building Official for tree mitigation required due to unauthorized tree removal (Attachment 5). The applicant provided current pictures of the site (Attachment 6).

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.

Code Enforcement History

- On May 29th, staff received a call about trees being removed at the subject property. City Staff dispatched to the property, stopped the active cutting and issued a verbal Stop Work Order. (Attachment 1)
- On May 30th, Staff performed a follow-up inspection to measure the trees that had been removed. In addition, staff verified interior demo on the structure had begun without permit.

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

- On June 2nd, a Notice of Violation was sent to the property owner for the unauthorized tree removal. The notice required tree mitigation of 318 caliper inches (29 trees total) AND administrative fees of \$166,750, see breakdown below. (Attachments 2 & 4)
 - <10" – 12 trees - **77 caliper inches**@ \$500/in.
 - 10-13.99" - 8 trees; **89 caliper inches**@ \$500/in.
 - >14" – 9 trees; **152 caliper inches** @ \$500/in.
 - Invasives (Ligustrum) – **31 total** @ \$250/removal
- After conversations with the property owner the administrative fee portion was issued as a formal criminal citation with the court on June 6th. Per our prosecutor, the applicant was made aware that criminal court cannot impose tree mitigation and that portion of the violation would have to be reconciled with the City. (Attachment 3)

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

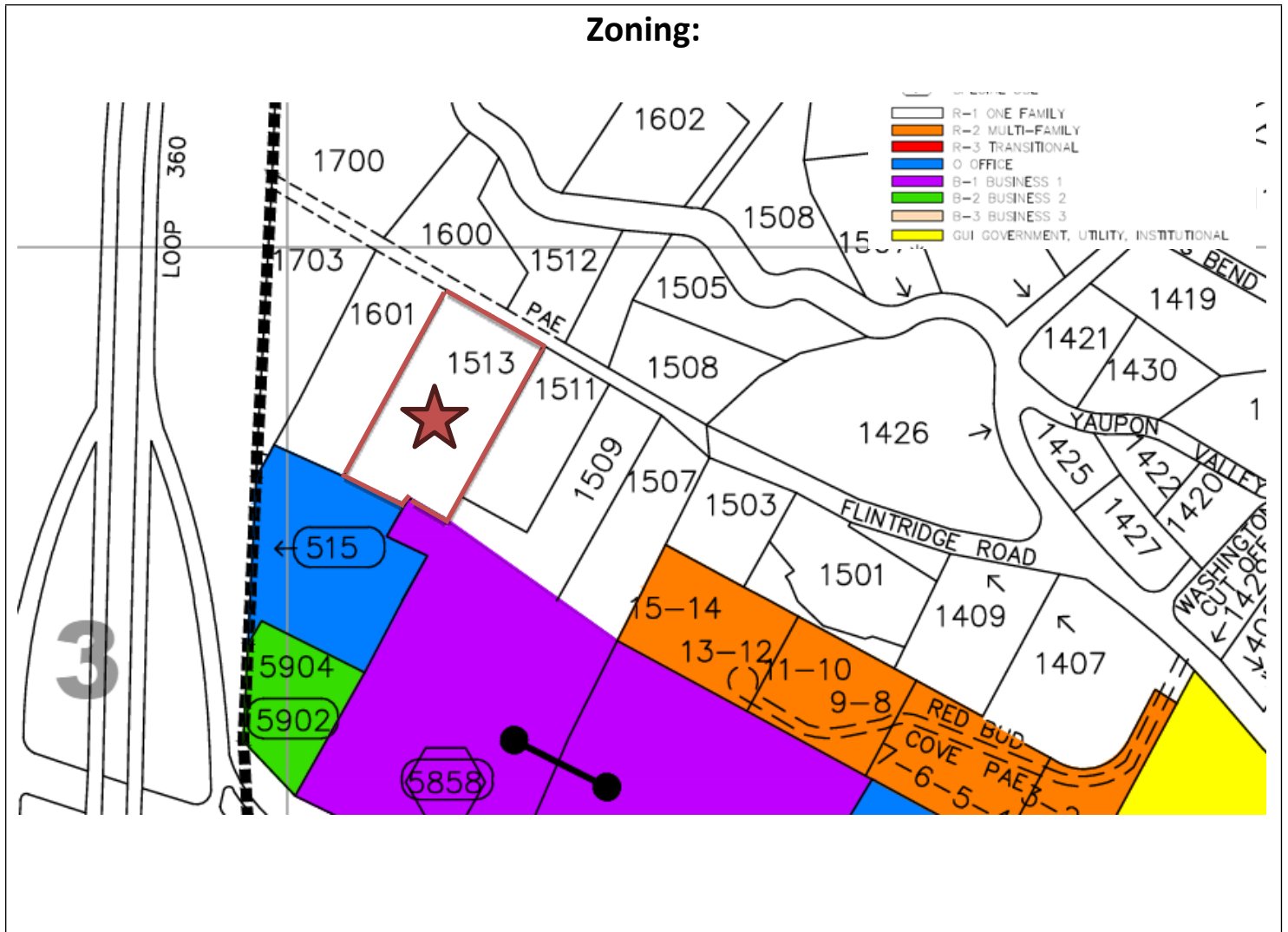
(B) A person is the owner or representative of the owner of the property that is the subject of the decision.

Attachments:

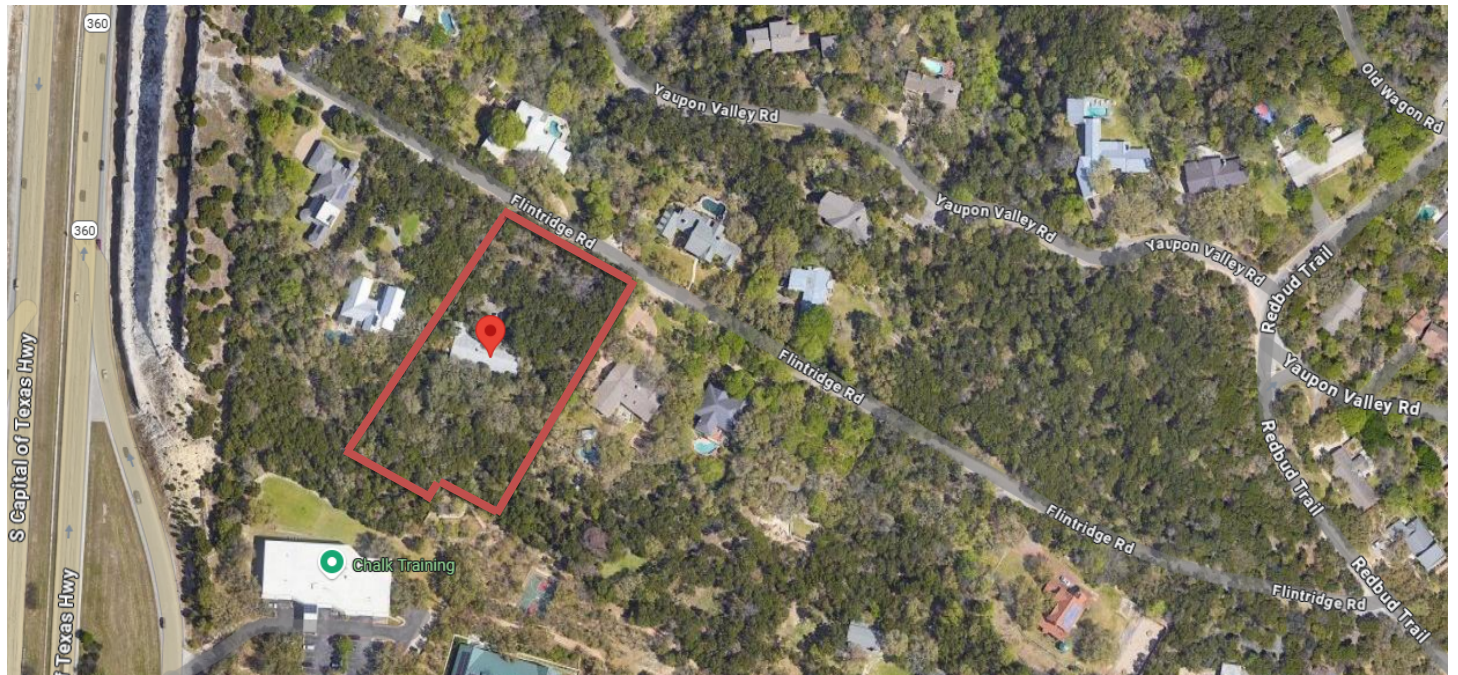
- Attachment 1 – Pictures of trees removed
- Attachment 2 – Notice of Violation
- Attachment 3 – Citation
- Attachment 4 – Tree Mitigation Breakdown
- Attachment 5 - Applicant Appeal Letter
- Attachment 6 - Applicant Photos

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](#)



Property Location:





May 29, 2025 at 5:10:21 PM
1513 Flintridge Rd
West Lake Hills TX 78746
United States

May 29, 2025 at 5:10:26 PM
1513 Flintridge Rd
West Lake Hills TX 78746
United States



May 29, 2025 at 5:12:16 PM
1513 Flintridge Rd
West Lake Hills TX 78746
United States



May 29, 2025 at 5:12:25 PM
1513 Flintridge Rd
West Lake Hills TX 78746
United States



May 29, 2025 at 5:12:35 PM
1513 Flintridge Rd
West Lake Hills TX 78746
United States



May 30, 2025 at 8:07:32 AM
1513 Flintridge Rd
West Lake Hills TX 78746
United States



May 30, 2025 at 8:07:36 AM
1513 Flintridge Rd
West Lake Hills TX 78746
United States



May 30, 2025 at 8:07:50 AM
1513 Flintridge Rd
West Lake Hills TX 78746
United States



May 30, 2025 at 8:08:44 AM
1513 Flintridge Rd
West Lake Hills TX 78746
United States



May 30, 2025 at 8:08:50 AM
1513 Flintridge Rd
West Lake Hills TX 78746
United States



May 30, 2025 at 8:09:08 AM
1513 Flintridge Rd
West Lake Hills TX 78746
United States



May 30, 2025 at 8:09:15 AM
1513 Flintridge Rd
West Lake Hills TX 78746
United States



May 30, 2025 at 8:17:15 AM
1513 Flintridge Rd
West Lake Hills TX 78746
United States



May 30, 2025 at 8:17:23 AM
1513 Flintridge Rd
West Lake Hills TX 78746
United States



May 30, 2025 at 8:22:29 AM
1513 Flintridge Rd
West Lake Hills TX 78746
United States



May 30, 2025 at 8:22:53 AM
1513 Flintridge Rd
West Lake Hills TX 78746
United States



May 30, 2025 at 8:23:09 AM
1513 Flintridge Rd
West Lake Hills TX 78746
United States



May 30, 2025 at 8:24:01 AM
1513 Flintridge Rd
West Lake Hills TX 78746
United States





May 30, 2025 at 8:26:17 AM
1601 Flintbridge Rd
West Lake Hills TX 78746
United States

May 30, 2025 at 8:27:31 AM
1513 Flintridge Rd
West Lake Hills TX 78746
United States



May 30, 2025 at 8:27:56 AM
1513 Flintridge Rd
West Lake Hills TX 78746
United States



May 30, 2025 at 8:28:43 AM
1513 Flintridge Rd
West Lake Hills TX 78746
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May 30, 2025 at 8:30:57 AM
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May 30, 2025 at 8:31:37 AM
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May 30, 2025 at 8:32:12 AM
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May 30, 2025 at 8:33:18 AM
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May 30, 2025 at 8:35:48 AM
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May 30, 2025 at 8:36:27 AM
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May 30, 2025 at 8:37:27 AM
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May 30, 2025 at 8:39:53 AM
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West Lake Hills TX 78746
United States



May 30, 2025 at 8:40:15 AM
1513 Flintridge Rd
West Lake Hills TX 78746
United States



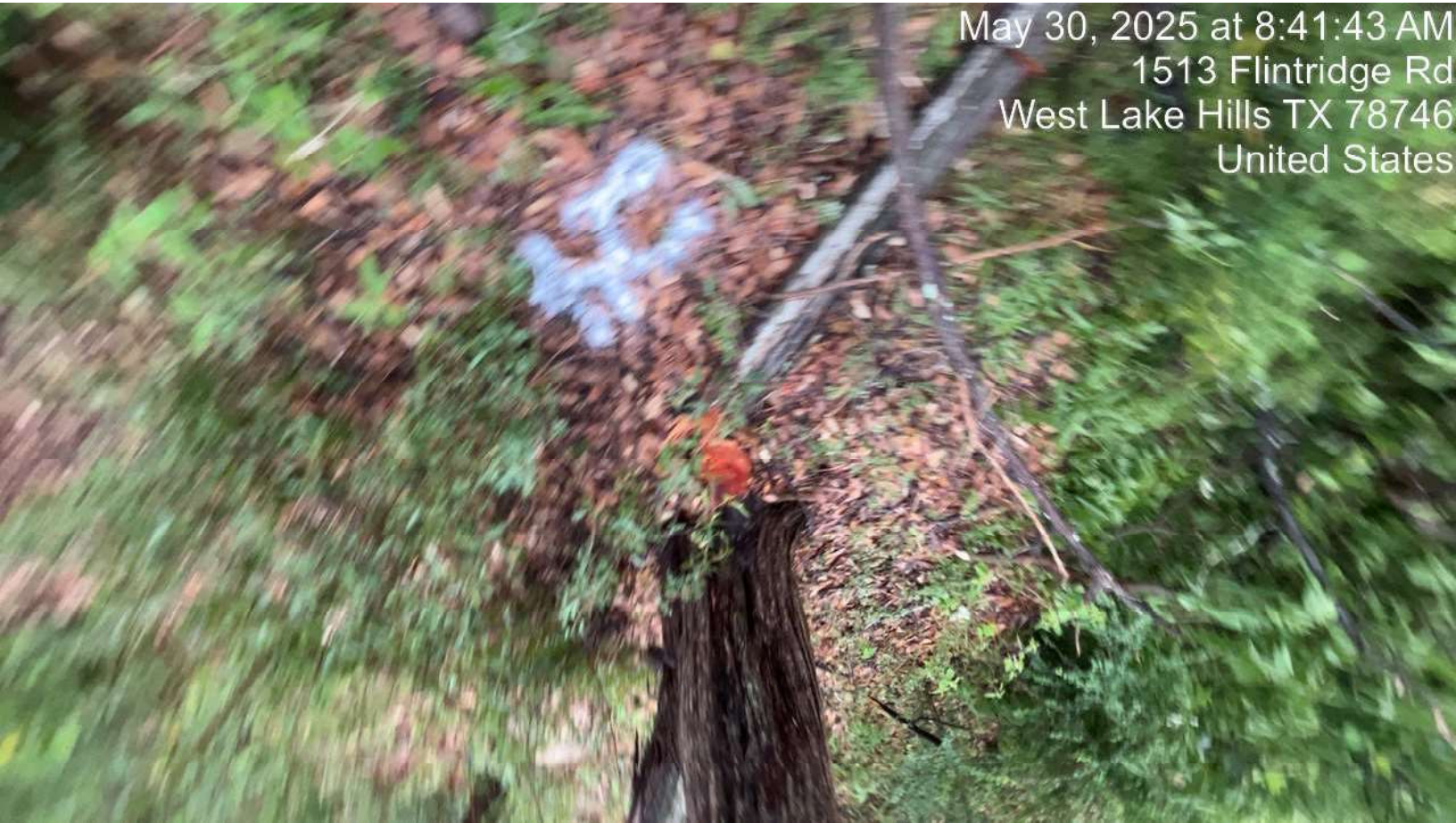
May 30, 2025 at 8:41:08 AM
1513 Flintridge Rd
West Lake Hills TX 78746
United States



May 30, 2025 at 8:41:30 AM
1513 Flintridge Rd
West Lake Hills TX 78746
United States



May 30, 2025 at 8:41:43 AM
1513 Flintridge Rd
West Lake Hills TX 78746
United States



May 30, 2025 at 8:42:37 AM
1513 Flintridge Rd
West Lake Hills TX 78746
United States



May 30, 2025 at 8:42:53 AM
1513 Flintridge Rd
West Lake Hills TX 78746
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May 30, 2025 at 8:44:31 AM
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May 30, 2025 at 8:45:49 AM
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West Lake Hills TX 78746
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May 10, 2025 at 8:50:24 AM
1513 Flintridge Rd
West Lake Hills TX 78746
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May 30, 2025 at 8:54:58 AM
1513 Flintridge Rd
West Lake Hills TX 78746
United States



May 30, 2025 at 8:55:12 AM
1513 Elntridge Rd
West Lake Hills TX 78746
United States





City of West Lake Hills

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

June 2nd, 2025

Donald Arnold
1814 Airole Way
Austin, Texas 78704

NOTICE OF VIOLATION

On **May 29th, 2025**, 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 **1513 Flintridge 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 & A9.008 Invasives](#) (Ligustrums) 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:

Invasives – Ligustrum (x31). No fee permit, no mitigation required. There is a \$250 fee, per invasive removed without a no fee permit.

Under 10" – Unknown/8" (x3), Ash Juniper/6" (x4), Ash Juniper/ 3" (x2), Ash Juniper/9" (x2), Ash Juniper/5". **Total Caliper Inch: 77"**

10"-13.99"- Ash Juniper/10", Ash Juniper/11" (x5), Ash Juniper/12" (x2). **Total Caliper Inch: 89"**

14" and Greater – Ash Juniper/14" (x2), Ash Juniper/15", Ash Juniper/16", Oak/17", Ash Juniper/18" (x2), Ash Juniper/19", Ash Juniper 20". **Total Caliper Inch: 152"**

Total Tree Replacement: 318" Caliper Inches (using min. 2" trees) **AND;**

Total Fee Amount: \$166,750 (based on total caliper inches removed by non-resident (vacant home) and no fee permit removal (ligustrum)).

The fee associated with this notice is to be paid within the timeline provided below **AND**; 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 **July 2nd, 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
jword@westlakehills.gov

Direct – (512) 610-6827

Office – (512) 327-3628 (ext. 827)

OFFICIAL NOTICE OF ORDINANCE VIOLATION



Date Notice Issued: 6 / 6 / 2025 7:45 AM / PM
Month Day Year Time

In the Municipal Court, West Lake Hills, Travis County, Texas

Offense Date: 5 / 30 / 2025 3:00 AM / PM
Month Day Year Time

Name: Arnold Donald
Last First Middle

Address: 1814 Airole Way
Street Apt. #

City: Austin State: Tx Zip: 78704

Home Phone: _____ Work Phone: (530) 526-2555
DonArnold2002@gmail.com

Place of Business Address City/St/Zip

DOB ____ / ____ / ____ [Juvenile / Adult] Sex: [M / F] Race: A / B / C / H / Other

DL: ____ / ____ License Plate: ____ / ____
State Number State Number

Vehicle Information: ____
Year Make Model Color

In the name and by the authority of the State of Texas: I, the undersigned affiant, do solemnly swear that I have good reason to believe that on or about the above date and before the making and filing of this notice, in the territorial limits of the City of West Lake Hills, Travis County, Texas, the above-named person then and there unlawfully committed the following offense(s) against the peace and dignity of the State:

VIOLATION 1: 22.03.304 (C)(4) Tree Removal (29)

VIOLATION 2: .318" (caliper inch)

VIOLATION 3: .31 Invasives (Ligustrum)

Location of Violation: 1513 Flint ridge Road West Lake Hills Tx 78746

Summons/Appearance Date: I DO HEREBY PROMISE TO APPEAR IN WEST LAKE HILLS MUNICIPAL COURT AT: 911 Westlake Drive, West Lake Hills, Texas 78746, within twelve days of the date this notice was issued.

Failure to appear in court for the prosecution of this offense or failure to pay or satisfy a judgment ordering the payment of the fine and costs in the manner ordered by the court may result in a complaint being filed and a warrant issued for your arrest.

Without admitting guilt, I promise to appear as directed above.
X _____
SIGNATURE OF ACCUSED **Sent via Regular / Certified mail*

Date: 6/6/2025

Issued By: Jordan Ward

Date: 6/6/2025

Signature: Jordan Ward

Unauthorized Tree Removal - 1513 Flintridge

#	Caliper Inch	Tree Type
1	14.5	Oak
2	17	Oak
3	8	Unknown
4	11	Ash Juniper
5	18	Ash Juniper (multi)
6	11	Ash Juniper
7	20	Ash Juniper
8	11	Oak
9	18	Ash Juniper
10	19.5	Ash Juniper
11	6	Ash Juniper (partial)
12	3	Ash Juniper
13	15	Ash Juniper
14	3	Ash Juniper
15	9	Ash Juniper
16	12	Ash Juniper
17	11	Oak
18	9	Oak (partial)
19	16	Ash Juniper
20	6	Ash Juniper
21	10	Ash Juniper
22	6	Ash Juniper
23	12	Ash Juniper
24	6	Ash Juniper (partial)
25	14	Ash Juniper (multi)
26	11	Ash Juniper
27	8	Oak
28	5	Oak
29	8	Ash Juniper
1	31 (trees)	Ligustrium

Section 22.03.304 (c)(3)

<10"	77" (12)
10-13.99"	89" (8)
>14"	152" (9)
Total Mitigation	318" (29)

To the West Lake Hills City Council,

I am writing to respectfully request that the City Council overturn the staff's decision to impose 241 inches of tree mitigation on my property, as I believe this requirement was issued in error.

In late May, several trees were removed from the immediate perimeter of the home I had just purchased. The lot was extremely overgrown, and many trees were located dangerously close to the structure—some within two feet of the home and all within the 30-foot defensible space recognized by city code. These removals were made in the interest of fire safety and basic access, as the front door itself was obstructed.

The mitigation requirement appears to have been calculated without proper consideration of the city's own code exemptions for trees removed within the 30-foot fire buffer zone. Additionally, the diameter measurements used appear to have been taken at the base of the trees, not at 54 inches above ground level, as required by the city's ordinance. This discrepancy likely resulted in an inflated calculation of removed inches. If measured correctly and accounting for the fire buffer exemption, the trees removed would not warrant any mitigation—or at the very least, a significantly reduced amount.

Further, the lot remains densely wooded, with over 800 trees still standing, the vast majority of which are under 10 inches in diameter and not protected. I have since met with a certified arborist who strongly advised against adding more plantings due to the lot's limestone substrate and the existing tree density. The property cannot support further tree growth without compromising the health of the existing trees or rendering the lot unusable for reasonable residential purposes.

This mitigation requirement, based on a misinterpretation or misapplication of city code, would result in a disproportionate and unnecessary burden. I am not seeking to circumvent environmental responsibility, but rather to correct what appears to be a procedural error.

I respectfully ask the Council to reevaluate the staff's determination, waive the mitigation requirement, and allow the current tree coverage to remain as a sufficient contribution to the city's canopy goals.

Thank you for your time and thoughtful consideration of this matter.

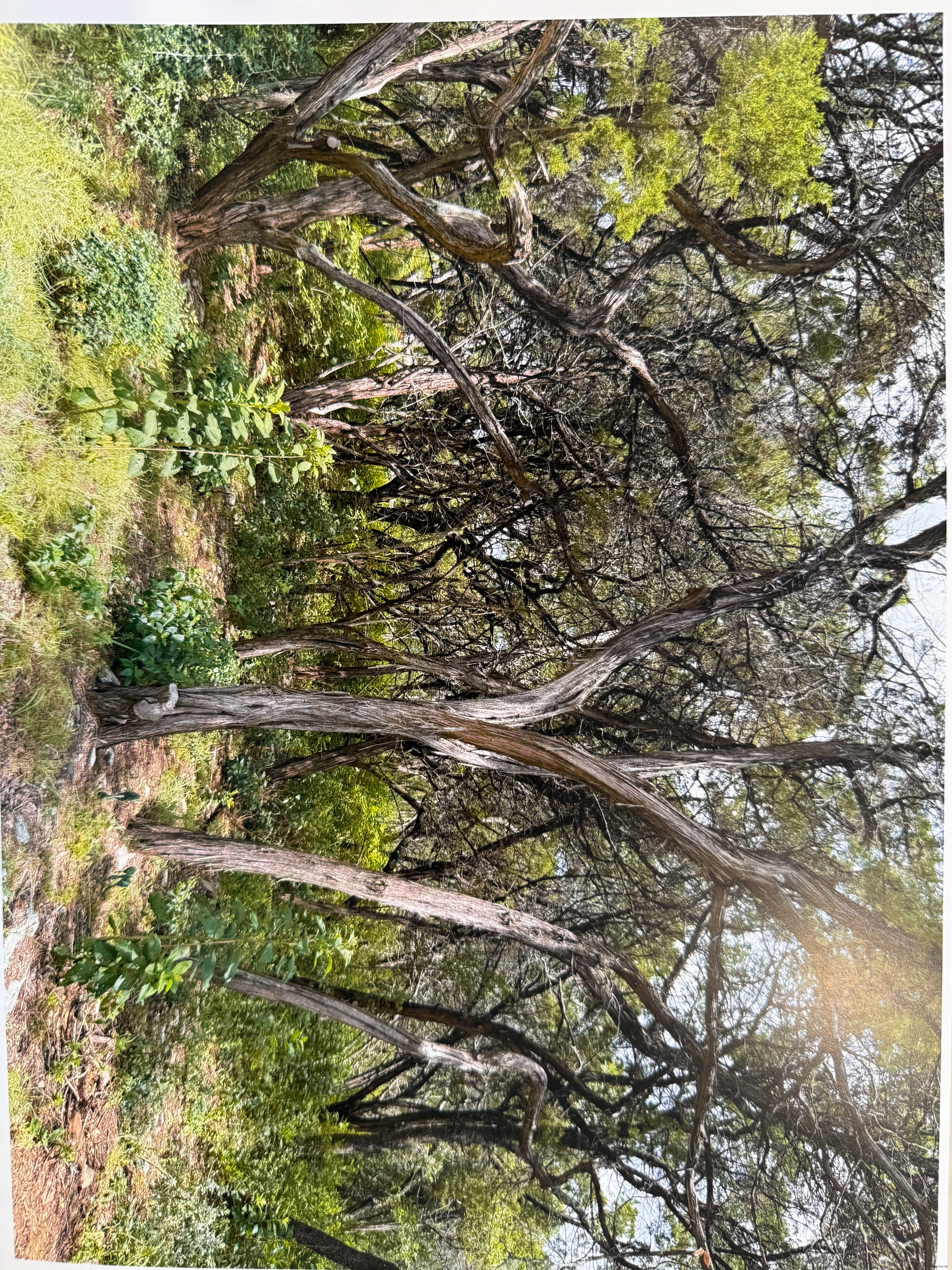


Now





















Flintridge Rd.

2.14 Acres





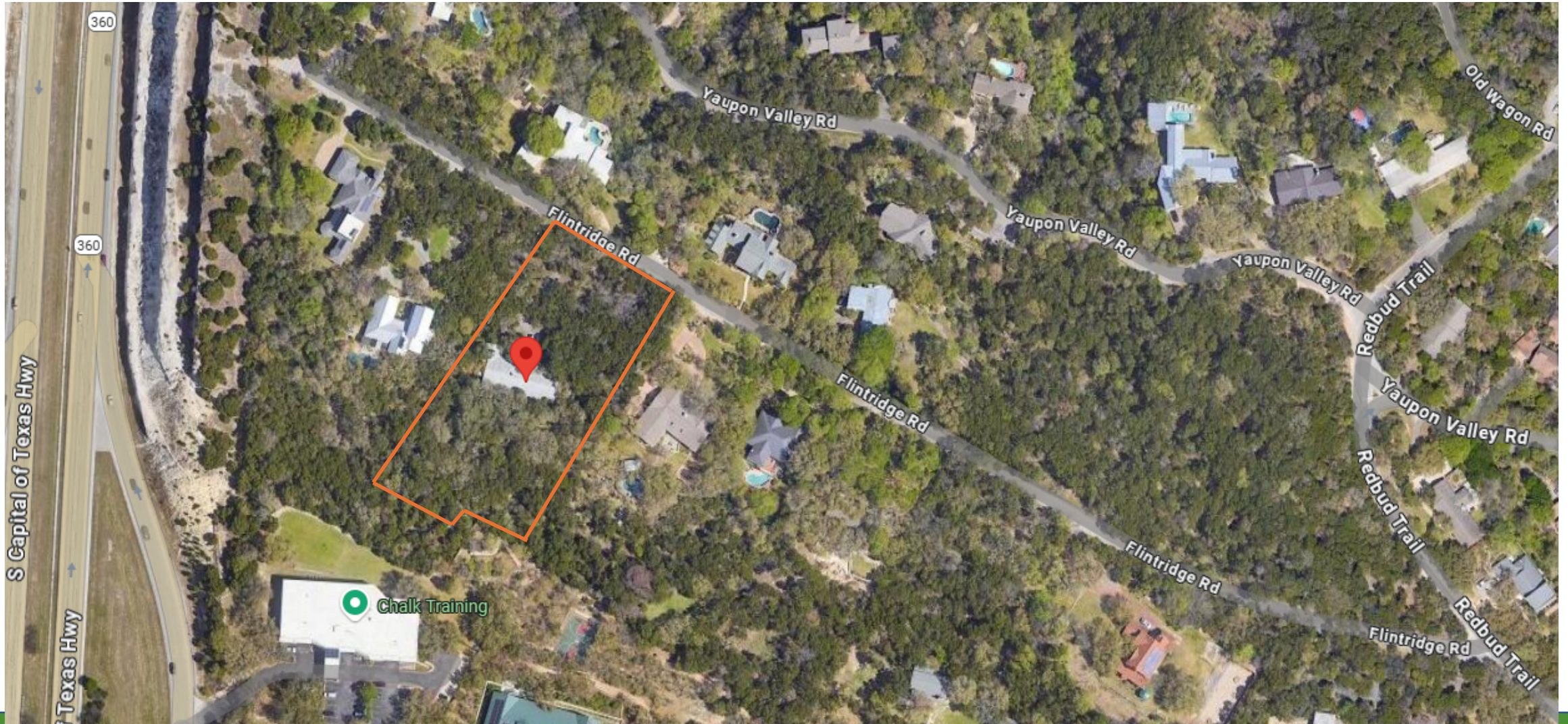
1513 Flintridge Rd.

5. 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: Donald Arnold



1513 Flintridge Rd.



1513 Flintridge Rd.

- On May 29th, we received a call about trees being removed at the subject property. City Staff dispatched to the property, stopped the active cutting and issued a Stop Work Order.
- On May 30th, Staff performed a follow up inspection to measure the trees that had been removed. In addition, we verified interior demo on the structure had begun without permit.
- On June 2nd, a Notice of Violation was sent to the property owner for the unauthorized tree removal. The notice required tree mitigation of 318 caliper inches (29 trees total) AND administrative fees of \$166,750, see breakdown below.

1513 Flintridge Rd.

May 30, 2025 at 8:54:58 AM
1513 Flintridge Rd
West Lake Hills TX 78746
United States



1513 Flintridge Rd.



May 30, 2025 at 8:55:12 AM
1513 Flintridge Rd
West Lake Hills TX 78746
United States

1513 Flintridge Rd.



May 30, 2025 at 8:07:50 AM
1513 Flintridge Rd
West Lake Hills TX 78746
United States

1513 Flintridge Rd.



May 30, 2025 at 8:08:44 AM
1513 Flintridge Rd
West Lake Hills TX 78746
United States



May 30, 2025 at 8:08:50 AM
1513 Flintridge Rd
West Lake Hills TX 78746
United States



May 30, 2025 at 8:09:15 AM
1513 Flintridge Rd
West Lake Hills TX 78746
United States

1513 Flintridge Rd.

#	Caliper Inch	Tree Type
1	14.5	Oak
2	17	Oak
3	8	Unknown
4	11	Ash Juniper
5	18	Ash Juniper (multi)
6	11	Ash Juniper
7	20	Ash Juniper
8	11	Oak
9	18	Ash Juniper
10	19.5	Ash Juniper
11	6	Ash Juniper (partial)
12	3	Ash Juniper
13	15	Ash Juniper
14	3	Ash Juniper
15	9	Ash Juniper
16	12	Ash Juniper
17	11	Oak
18	9	Oak (partial)
19	16	Ash Juniper
20	6	Ash Juniper
21	10	Ash Juniper
22	6	Ash Juniper
23	12	Ash Juniper
24	6	Ash Juniper (partial)
25	14	Ash Juniper (multi)
26	11	Ash Juniper
27	8	Oak
28	5	Oak
29	8	Ash Juniper

<10"	77" (12)
10-13.99"	89" (8)
>14"	152" (9)
Total Mitigation	318" (29)



1	31 (trees)	Ligustrum
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1513 Flintridge Rd.

Article 22.03.304 (c): Violation of removal procedure.

- (1) No person shall remove a tree in violation of this division.
- (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.
- (3) Any person removing tree(s) or vegetation in violation of the regulations provided in this division shall replace the tree(s) removed with tree(s) of equivalent species and size (caliper inches and canopy diameter). If tree(s) removed are not exhibit A tree(s), then exhibit A tree(s) must be used as replacements.
- (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.
- (5) It is a separate offense to fail to replace trees or vegetation, or remit to the city cash-in-lieu, as provided in this code, within 601 days of issuance of a final order by the city.
- (6) Criminal fines imposed under this code are in addition to replacement requirements and any other remedies available at law or in equity.



1513 Flintridge Rd.

Article 22.03.303 (b)(4): Fire safety buffer zone.

(A) Trees less than twelve (12) inches in diameter (as measured at a point fifty-four (54) inches above the ground) and understory vegetation to establish a "fire safety buffer zone" (FSBZ) as part of firescaping according to Firewise Landscape Design and the Texas Forest Service at Texas A&M, which is **defined as an area of land extending up to thirty (30) feet from the perimeter of habitable structures** established for fire prevention purposes.

(B) This FSBZ may be expanded, upon approval of the city inspector, to include an area up to one hundred (100) feet from the perimeter of habitable structures for those lots having down slopes in excess of 25% below the habitable structure only for the removal of Ashe Junipers (commonly referred to as "cedars") if less than twelve (12) inches in diameter as measured at a point fifty-four (54) inches above the ground.

(C) Trees removed to establish a FSBZ, as described in this subsection, do not require replacement, except:

- **(i)** Full replacement inches are required for trees and vegetation removed to establish the FSBZ in the proposed footprint of any new construction or expansion of structures within a FSBZ within five (5) years of issuance of the permit for the FSBZ.
- **(ii)** Full replacement inches are required for trees and vegetation removed to expand a FSBZ (related to new construction) within five (5) years of issuance of the permit for a prior FSBZ.

1513 Flintridge Rd.

- Staff recommendation:

Uphold the Building Official's determination for mitigation of 318 caliper inches by planting on site for the illegal removal of trees and vegetation.





City of West Lake Hills
Board of Adjustments

AGENDA REPORT

Meeting Date:	August 13, 2025	Item Number:	6
	Building & Development		
Department:	Services		
Prepared By:	Jennifer C. Bills	Cost / Budget:	None
Exhibits:	See Attached	Source of Funds:	N/A

Subject

105 Wood Trail: Discuss and consider action on a recommendation from ZAPCO on a proposed variance to Section 22.03.278 and 22.03.281 to allow:

1. The removal and replacement of impervious cover up to the existing non-conforming amount of 28.5% where 25% is the maximum.

Applicant: Tanya Clement, Property Owner

Recommendation

Discuss and consider action on a variance reviewing the following conditions:

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.

ZAPCO recommendation based on the analysis of the following:

5. The variance may violate the intent of this chapter or the goals of the city's comprehensive plan.
6. The variance may have an adverse effect on neighborhood properties or interfere with the respective owners' enjoyment thereof.

This item was reviewed by the Zoning and Planning Commission on July 16, 2025 and was recommended for approved by a vote of 3-0 (Attachment 6) on the following basis:

- The request is consistent with the intent of the code and comprehensive plan, that the variances will not have an adverse effect on neighboring properties, and that the variances will satisfy the interpretive criteria for ZAPCO analysis.

There are two additional variances, Item 5 on the City Council agenda for encroachment into the OSSF setback and for vertical clearance and Item 6 on the City Council agenda and for encroachment into a tree critical root zone for consideration on August 13, 2025.

Analysis:

Impervious Cover Maximum

Code Requirements

- **§ 22.03.278. Lot coverage.**

The amount of ground covered by the principal and accessory structures and parking areas shall not exceed the maximum percentage of the total lot area shown on the schedule of regulations.

Maximum Impervious Cover in Percent of Lot Area									
Lot Size/ Zoning	R-1	R-2	R-3	O	GUI	B-1	B-2	B-3	MU-1
Greater than or equal to .5 acre	25%	25%	25%	(IX)	(III)	(III)	(III)	(V)	(C)
Less than .5 acres, greater than or equal to .2 acres	*, †	*, †	25%	(IX)	(III)	(III)	(III)	(V)	(C)

- **§ 1.01.003 Definitions.**

Impervious cover.

Manmade or constructed coverage of the natural ground with any structure or surface that impedes, inhibits or does not permit the absorption or passage of water into the ground or which results in the conveyance of excess water to the surrounding properties.

(1) Items that are considered to be 100% impervious include, but are not limited to:

- (A) Buildings and other structures;
- (B) Parking areas, roads, streets and driveways; and
- (C) Any other manmade areas of asphalt, impermeable concrete, compacted base material, pavers or other impervious material.

(2) Items that are considered to be 75% impervious include, but are not limited to: permeable concrete or pavement that is demonstrated by a certified engineer to minimize water runoff to adjacent areas and maximize absorption and filtration through the permeable material. Property owners wishing to use items which the property owner wishes to be calculated as 75% impervious cover shall apply for and receive approval from the city administrator prior to installation.

(3) **Items that are considered to be 50% impervious include, but are not limited to:**

- (A) Wooden or composite decks with gaps between the plants to allow the passage of water to the natural, permeable ground surface below the deck;**

(B) Manmade areas of loose rock or stone to be used as landscaping features that:

- (i) Do not have a compacted base;
- (ii) Are not used for the conveyance or storage of vehicles, machinery or equipment;
- (iii) Are not located in the setbacks; and
- (iv) Are sufficiently contained by edging to prevent erosion during a rain event.

(4) Items that are not considered to be impervious include overhangs and eaves which arc over two (2) feet above the natural grade and projecting from the building no more than two (2) feet.

Request

- The applicant is requesting to remove impervious cover elsewhere in the site equal to the impervious cover that will be created by the construction of a two-story exterior deck.
- Decks are considered 50% impervious, if there is a natural, permeable ground surface below the deck. In this instance, the second story deck will be over the first story deck, so the impervious cover would be considered 100% as the first story deck (not natural) will be below.

Public Comment:

As of the date of the report, one comment in support was received with the application (Attachment 8).

Variance Criteria:

Per Section 22.03.511 (c) Procedure and notice, Section 22.03.278: Lot Coverage shall be administered in compliance with the rules established by sections 38.05.031 through 38.05.034.

- Section 38.05.031. Provisions subject to variance.

Variances may be granted by the board of adjustment to the provisions of this chapter in accordance with the rules and conditions of this division. A variance may not be granted, however, to authorize a change of use. Variances run with the land, but each variance is specific to the project for which it was granted.

- Section 38.05.032. Conditions required for granting variance.

No variance shall be granted unless the following conditions are fulfilled:

- (1) The applicant has established by competent evidence that:
 - (A) The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.
 - (B) There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
 - (C) There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.

- (D) The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
- (2) The recommendation of zoning and planning commission shall include an analysis of whether:
- (A) The variance may violate the intent of this chapter or the goals of the city's comprehensive plan.
- (B) (Reserved).
- (C) (Reserved).
- (D) The variance may have an adverse effect on neighborhood properties, or interfere with the respective owners' enjoyment thereof.

- Section 38.05.033. Interpretative criteria.

The board of adjustment and the zoning and planning commission, in performing their respective duties in reference to applications for variances, may be guided by these interpretative criteria:

- (1) Variances from the terms of this chapter should be granted sparingly.
- (2) Deviations from the requirements of this chapter are justified only where the hardship resulting from their application is substantial.
- (3) Usually, the granting of a variance must be predicated on a finding that the applicant's hardship arises from unusual conditions or circumstances, such as exceptional irregularity of shape or topography, which are peculiar to the parcel of land involved and not shared generally by other parcels in the neighborhood or district, or because no other reasonable alternative is available that will alleviate the unnecessary hardship complained of.
- (4) Normally, a variance is to be denied if conditions or circumstances relied on for a variance were self-created by the person having an interest in the property in disregard of city regulations.
- (5) The variance shall not violate the goals of the master plan for the city.
- (6) The variance shall not have an adverse effect on neighborhood properties or unreasonably interfere with the respective owners' enjoyment thereof.
- (7) The fact that lots, structures, uses or dimensional conditions on properties or structures within 200 feet of the property involved are, because they are nonconforming or because of previously granted variances, similar to the condition which would be created by the variance requested shall be relevant to, but not determinative of, the granting of the requested variance.
- (8) See section 22.03.009(c) for variances to enable the efficient use of solar energy devices.
- (9) When considering variance requests for nonresidential projects, whether granting the variance furthers achievement of the land planning principles set forth in the City's Master

Plan, Attachment “B,” as codified in the Code of Ordinances.

- Section 38.05.035. Conditions.

The city council can impose, and the zoning and planning commission can recommend imposition of reasonable conditions upon granting a variance if the conditions are related to the subject of the variance. When considering variance requests for nonresidential projects, whether, the City can recommend the imposition of reasonable conditions that are necessary to achieve one or more of the land planning principles set forth in the City’s Master Plan, Attachment “B”, as codified in chapter 28 of the Code of Ordinances.

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.

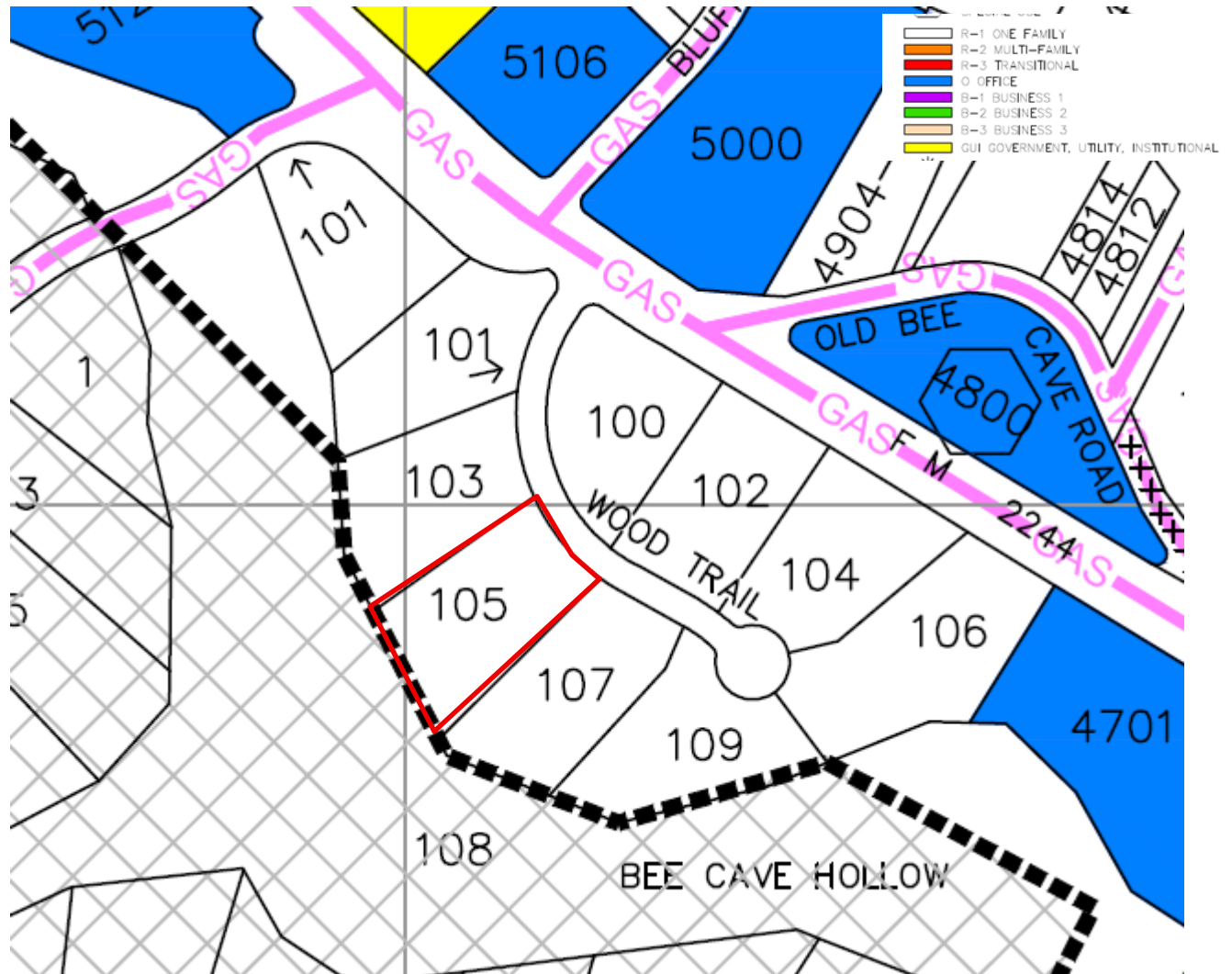
Comprehensive Planning Analysis

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

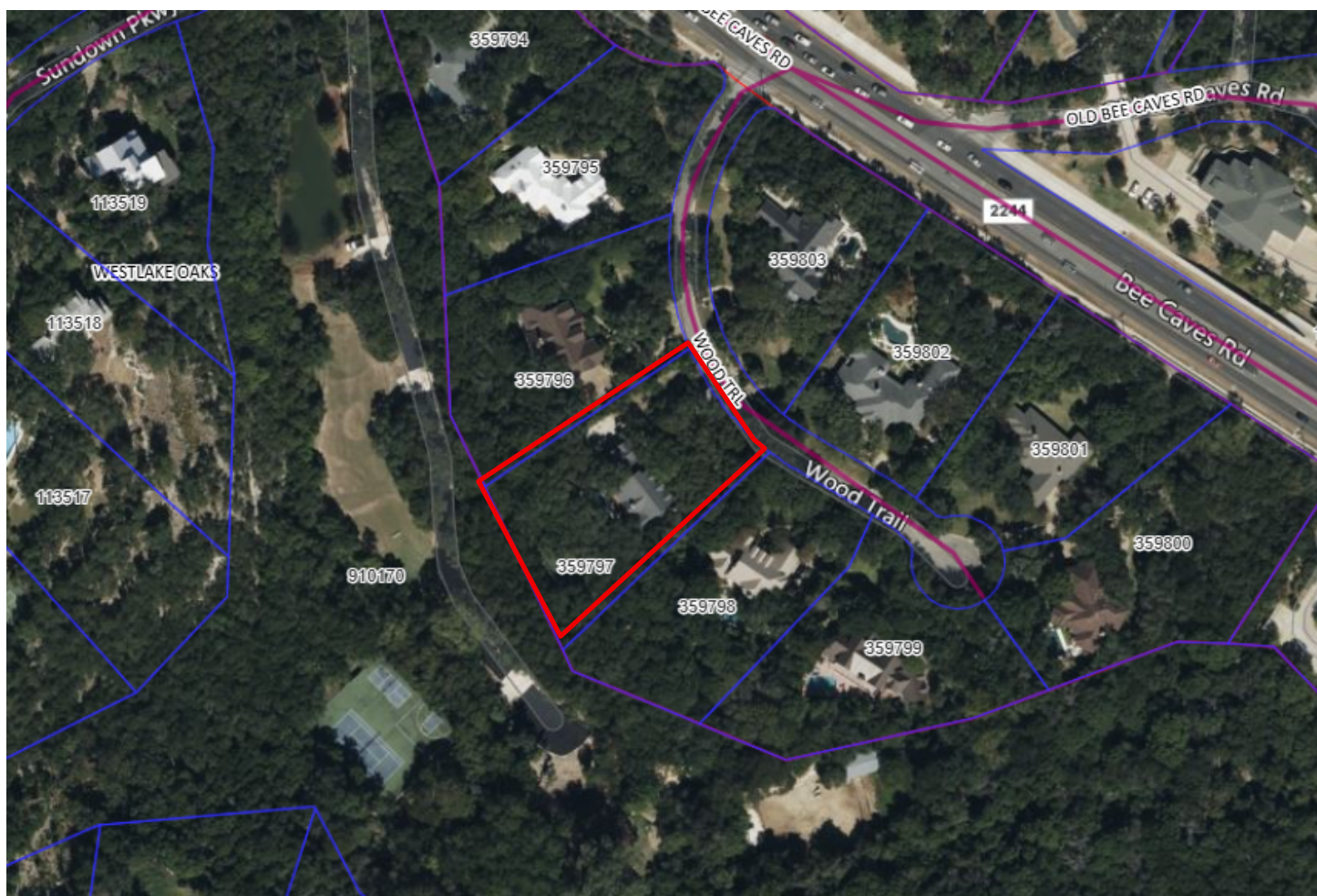
Links to Relevant Code:

- [Section 22.03.304. Tree and vegetation removal and replacement.](#)
- [Section 22.03.511 Procedure and notice \(for variance\).](#)
- [Section 22.03.514 Criteria and process required for granting a variance.](#)

Zoning:



Aerial:





June 12, 2025

Zoning & Planning Commission
City of West Lake Hills

Dear Chairperson Meisel,

We are writing to respectfully request five variances to the city code related to three elements of a proposed improvement project at our home:

- the limitations on building with existing non-conformance impervious cover [**IC 22.03.281**]
- the restriction on building over more than 50% of the critical root zone of an existing oak tree [**Section 22.03.305 (b) and City of Austin Environmental Criteria Manual 3.5.2 (A)**], and
- constraints on covering a portion of a septic tank [**TAC Chapter 285.34 (e) (2) and 285.39 (c)**].

Our project involves replacing an existing flagstone patio with a wooden deck and expanding a small upstairs balcony at the rear of the house. As part of this plan, we would be building around an existing oak tree and above a portion of a septic storage tank. We have worked carefully to design a plan that incorporates and preserves the oak tree and ensures the septic system remains accessible for any future maintenance that may be required.

I. Impervious Cover Request

We would like to request an Existing Non-Conformance Impervious Cover Variance. We have no way of knowing what level of coverage was formally approved by the City



of Westlake through the previous homeowner. We request the variance to honor the existing IC plus the improvements IC with the understanding there will be no change to the current 28.5%. We plan to remove an existing stone patio and part of an existing stone walkway to equal 28.5% to match existing conditions.

II. Tree Variance Request

We understand and respect the importance of protecting our city's oak trees and have taken significant steps to ensure this tree remains healthy. We engaged a certified arborist to evaluate the site and project plans. He determined that the project will not adversely affect the tree's health. Additionally, although not required, we are implementing a supplemental tree health program that includes deep root fertilization and preventive treatment for pests and disease.

Our proposed design avoids all digging within 25% of the Critical Root Zone (CRZ), and the minimal excavation required within the 50% CRZ will be limited to 5 inches in depth in compliance with the code. While our plan includes coverage over more than 50% of the CRZ, the structure will be permeable and cantilevered in several areas to allow water and air flow, supporting the tree's long-term vitality. The arborist has advised that because of the tree's proximity to the house, the roots have grown well into the backyard where they have ample access to water. Notably, the existing porch and features like AC units, a jacuzzi, and the current flagstone patio have had no apparent adverse effect on the tree.

We have also included documentation and photographs demonstrating that similar approaches are common throughout the city, including public and commercial properties where trees thrive under similar conditions.



III. Septic Variance Request

Our plans have been revised to address concerns regarding the septic system. The new deck will be cantilevered over one of the storage tanks. A hatch will be incorporated into the design to provide access for tank replacement and routine pumping. An estimate for moving the three tanks costs \$25,0000. A septic engineer has written a letter confirming that our design is consistent with the underlying intent of the code – which is to ensure septic systems remain unobstructed for continued operation and maintenance. Given this opinion and the fact that moving the tanks might encroach on the oak tree and other fauna, we do not think that moving the septic tanks is suitable.

IV. Justification for the Variances

We believe the variances we are requesting are reasonable and will have no impact on the health of our oak tree or the accessibility of the septic system. On the other hand, the development will significantly increase the safety and enjoyment of our home.

The proposed expansion of the upstairs balcony will significantly enhance the safety and usability of our home. The upstairs bedroom above the garage is located at the far end of a long, narrow hallway. The windows in this room are too high off the ground to serve as emergency exits. Our plan includes extending the existing balcony to reach this room and adding a door to provide direct access to the expanded balcony. This would create an alternative exit route: in case of fire or emergency, a resident could leave the bedroom through the new balcony door, cross the extended balcony, and re-enter the home through the existing balcony door, thereby reaching the central staircase without having to rely on the narrow hallway. This added egress would improve safety for upstairs occupants.



There is a portion of our yard that is currently unusable due to a combination of natural and structural challenges. The area is heavily shaded by mature tree coverage, which prevents grass from growing and leaves the ground uneven and bare. The surface is difficult to walk on safely, and outdoor furniture cannot sit level, making the space uncomfortable and impractical for any meaningful use. Additionally, accessing this part of the yard requires descending a set of stairs, further discouraging regular use.

Constructing a deck over this area would transform it into a functional, level, and safe outdoor living/dining/cooking space. Beyond general usability, it would significantly improve accessibility and safety as we plan for the long-term use of our home. Our hope is to live in this house for many more years and creating a smooth, stable surface would support our ability to age in place without the need to navigate uneven terrain or stairs, which may pose increased risks over time.

Since the home was built in 1994, the space for the proposed building plan has served no functional or recreational purpose. We have owned the property since 2011, and for us, the area has always been unusable and visually unappealing as it sits directly outside the windows of the main indoor kitchen and eating area. Adding a deck would allow us to reclaim this neglected portion of our yard and convert it into a welcoming and accessible extension of our living space. We believe these conditions constitute a hardship, as they prevent us from fully enjoying and utilizing our property. The new deck would provide a safer, more functional area that aligns with current standards for comparable homes in West Lake Hills. We want to make this home a home where we can grow old and entertain our grandchildren.

We have worked hard to refine the plan to ensure that the proposed improvements are as modest as possible while still addressing the difficulties posed by the original design. The planned construction will not harm the natural surroundings or future use of the property and will not negatively impact any neighboring properties. In fact, we believe



DEPARTMENT OF ENGLISH LITERATURE

204 W 21st B5000 • Austin, Texas 78712 • (512)-471-4991 • FAX 512-471-4909

this enhancement will improve property values on our street. We've included a letter of support from a neighbor to that effect.

We appreciate your time and consideration, and we welcome the opportunity to answer any questions you may have or provide additional information. Thank you for your service to our community and for reviewing our request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tanya Clement", written over a light blue circular stamp.

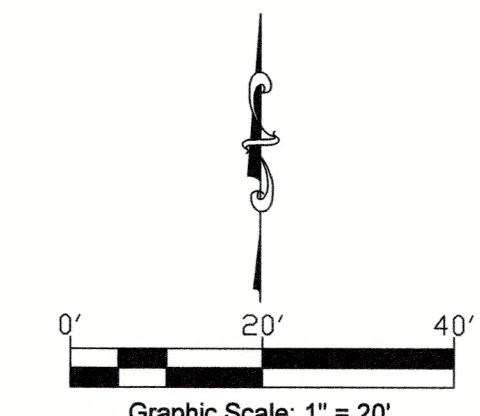
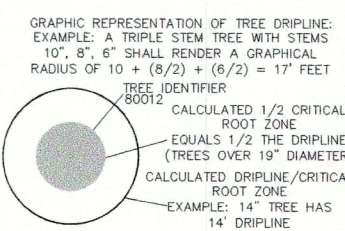
Dr. Tanya Clement
Professor, Department of English
The University of Texas at Austin

AS-BUILT, PARTIAL TREE AND PARTIAL TOPOGRAPHIC SURVEY

ATS Job #250123020s

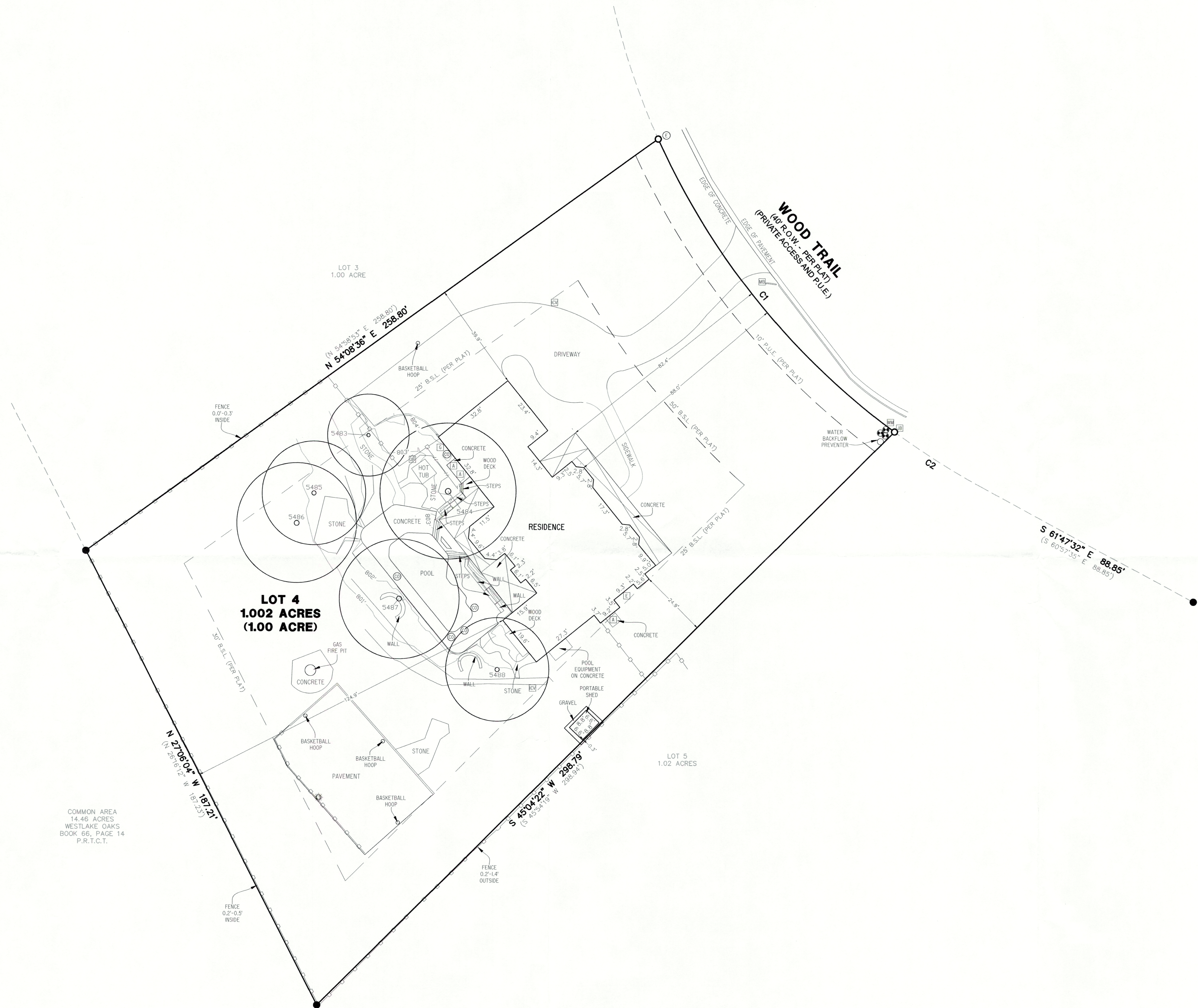
Reference: Clement, Tonya Address: 105 Wood Trail, West Lake Hills, Texas
 Lot 4, WOOD TRAIL ESTATES as recorded in Book 91, Page 313, Plot Records, Travis County, Texas.

Tag	Trunk	Comment
5483	19	CREPE MYRTLE (6-6-6-6)
5484	25	LIVE OAK (19-11)
5485	19	LIVE OAK (15-8)
5486	22	LIVE OAK
5487	22	LIVE OAK
5488	19	LIVE OAK



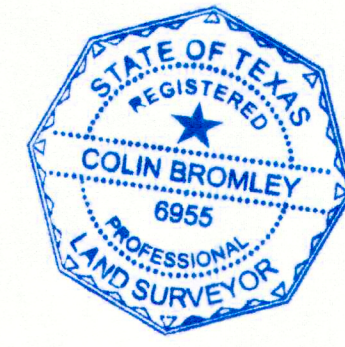
LEGEND	
●	1/2" IRON ROD FOUND (OR AS NOTED)
○	1/2" IRON ROD SET "ATS ENGINEERS"
[A]	AIR CONDITIONER
[G]	GAS METER
[E]	ELECTRIC METER
⊖	WASTEWATER CLEANOUT
⊕	WATER METER
⊕	WATER VALVE
[I]	IRRIGATION CONTROL VALVE
[J]	ELECTRIC JUNCTION BOX
[L]	LIGHT STANDARD
⊙	ELECTRIC MANHOLE
[M]	MAILBOX
---	BUILDING SETBACK
---	EASEMENT
---	JOINER LINE
---	METAL FENCE
---	WOOD FENCE
---	100' CONTOUR LINE
---	B.S.L. BUILDING SETBACK LINE
---	P.U.E. PUBLIC UTILITY EASEMENT
---	R.O.W. RIGHT OF WAY
---	COVERED AREA
P.R.T.C.T.	PLAT RECORDS TRAVIS COUNTY, TEXAS
()	RECORD INFORMATION

- Notes:
- 1) Surveyor makes no expressed or implied warranties as to the fee ownership of the property shown.
 - 2) Directional control is based on the Texas State Plane Coordinate System, Central Zone (4203).
 - 3) Contours shown hereon were produced by an on the ground survey and are based on NAVD88.
 - 4) This survey was performed without the benefit of a title commitment, therefore, agreements, easements and restrictions may exist that are not shown hereon.



I, Colin Bromley, HEREBY CERTIFY that a survey was made on the ground of the property shown hereon; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-way, except as shown; that said property has access to and from a public roadway; and that this plat is an accurate representation of the property to the best of my knowledge.

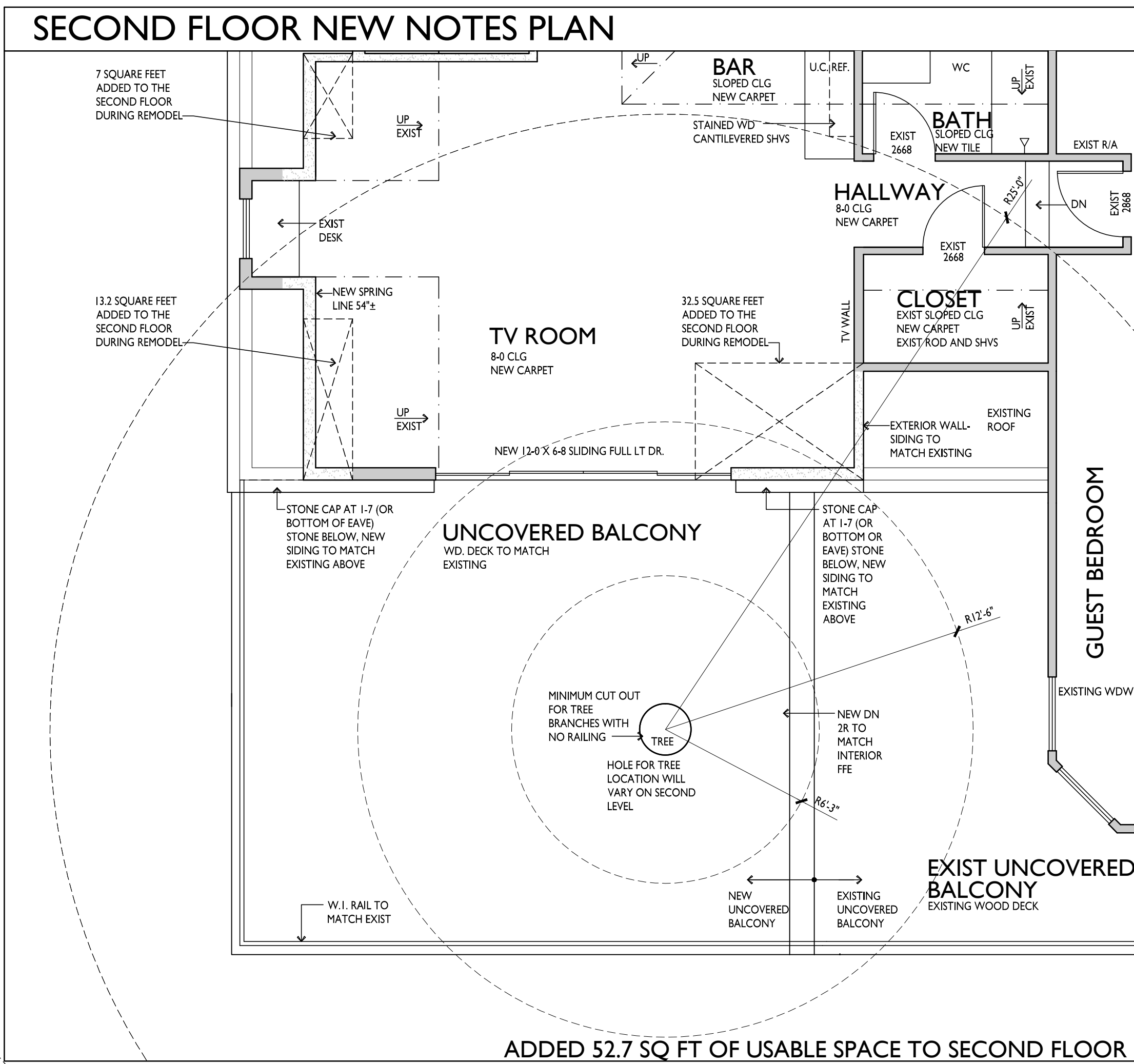
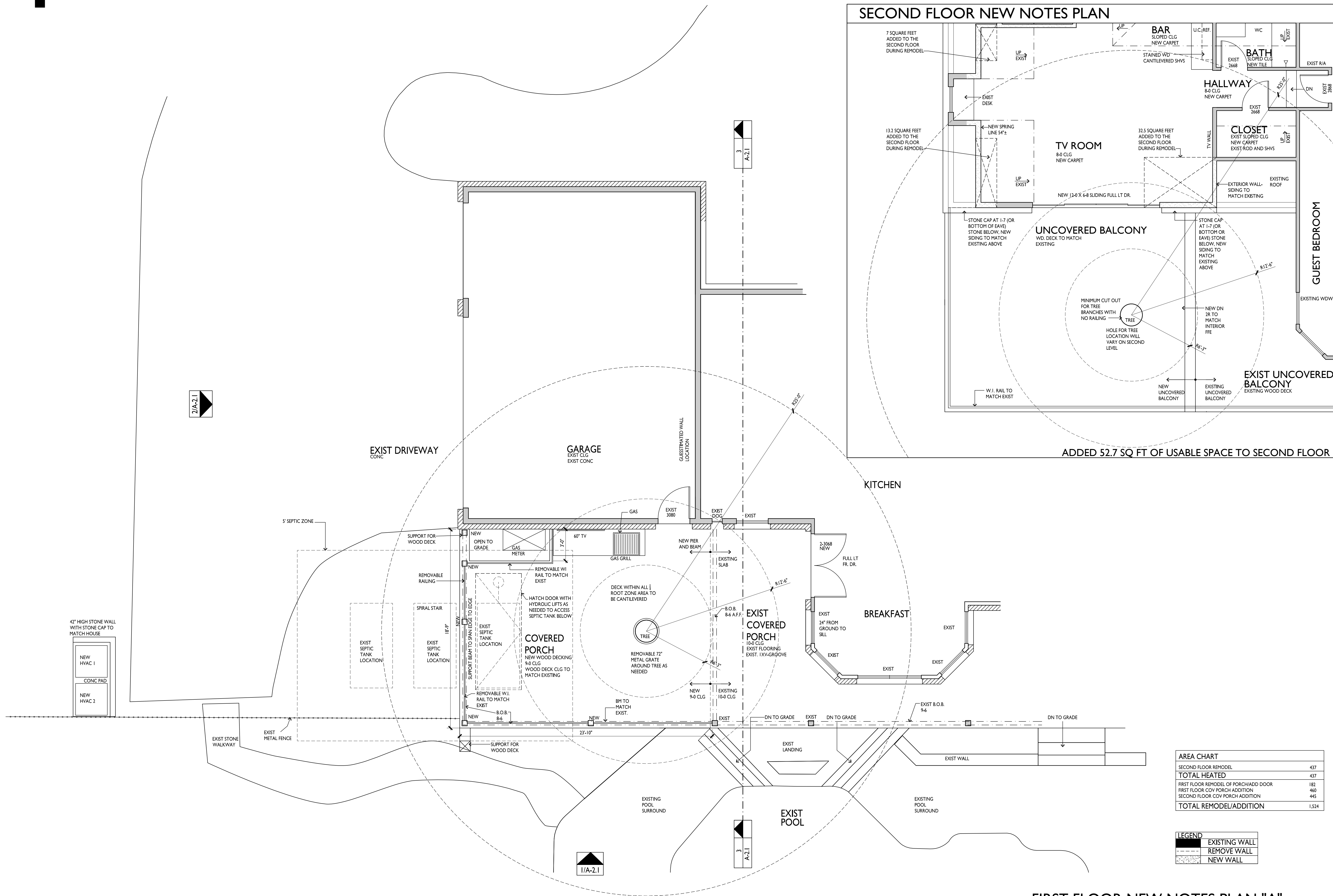
Colin Bromley 02/06/25
 COLIN BROMLEY Date
 REGISTERED PROFESSIONAL LAND SURVEYOR
 NO. 6955 - STATE OF TEXAS



Clients: Clement, Tonya
 Date of Field Work: 01/28/2025, 01/29/2025, 01/30/2025 & 02/06/2025
 Field: RBonds & Malifaro
 Tech: MLeonardo
 Date Drawn: 02/04/2025 & 02/05/2025
 Path: \\SERVER6\Surveying\Projects\BULK\STUVWXYZ\WoodTr1105\Production\Dwgs\WoodTr1105-250123020s.dwg

Curve Table				
CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C1	139.70'	270.00'	S 39°04'25" E	138.14'
(C1)	(139.70')	(270.00')	(S 38°18'11" E)	(138.15')
C2	37.47'	270.00'	S 57°52'18" E	37.44'
(C2)	(36.92')	(270.00')	(S 57°02'34" E)	(36.89')

ATS Engineers Inspectors & Surveyors
 www.ats-engineers.com
 TPLS FIRM REG. #10125000
 4910 West Hwy 290
 AUSTIN, TEXAS 78735
 (512) 328-6995
 FAX: (512) 328-6996



AREA CHART

SECOND FLOOR REMODEL	437
TOTAL HEATED	437
FIRST FLOOR REMODEL OF PORCH/ADD DOOR	182
FIRST FLOOR COV PORCH ADDITION	460
SECOND FLOOR COV PORCH ADDITION	445
TOTAL REMODEL/ADDITION	1,524

LEGEND

	EXISTING WALL
	REMOVE WALL
	NEW WALL

FIRST FLOOR NEW NOTES PLAN "A"

0' 5' 10' 20' 1/4" = 1'-0"

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Paula Ables Interiors, LLC
 3534 Bee Cave Road Ste. 212, Austin, Texas 78746
 Phone: 512-458-4534
 Email: paula@paulaablesinteriors.com

THE CLEMENT REMODEL
 105 WOOD TRAIL
 AUSTIN, TEXAS

FIRST FLOOR NEW NOTES PLAN

REVISIONS

DATE
 MARCH 3, 2025

AI.IN
 OF

105 Wood Trail Existing Space







Jay W. Propes
100 Wood Trl.
West Lake Hills, TX 78746
jay.propes@gmail.com
512.225.1007

May 22, 2025

City of West Lake Hills
Building & Development/Permits
Attn: Variance Requests
911 Westlake Drive
West Lake Hills, TX 78746

To whom it may concern:

I am writing to express my staunch support for the Barton family's variance request to construct a deck in their backyard at 105 Wood Trail. As a neighbor who has observed from directly across the street their exceptional stewardship of their property, this variance serves both the family's needs and our community's interests.

The Bartons' backyard is naturally secluded from the street by their home and shielded from neighboring properties by mature trees and the positioning of the house and resulting sight angles. This natural screening ensures the proposed deck will have minimal visual impact on surrounding properties, though, given everything else the Barton's have done to their property in the fourteen years it has been their residence, the deck will only enhance the aesthetic appeal of the home.

Home improvements that thoughtfully enhance properties benefit our entire neighborhood. A well-designed deck will likely increase the Bartons' property value, which positively affects comparable property values throughout our street. This type of responsible home improvement strengthens our community's overall appeal and market position.

The Bartons have not merely maintained their property's natural beauty for years, preserving over 20 mature oak trees and maintaining their entire yard to exceptionally exacting standards. They have invested in the betterment and sustainability of their homesite. Their consistent history of environmental care gives me complete confidence that they will integrate any new construction thoughtfully with the existing landscape, protecting the mature trees that make their property—and our neighborhood—so attractive.

I respectfully urge you to approve this variance request. You will likely receive similar endorsements of this variance request from my neighbors, but feel free to contact me if you would like to ask me specific questions about the neighborhood or anything else.

My history with the Barton's does require me to add one more thought: The Barton family is such a valued and thoughtful part of our community, that most respondents are going to be flabbergasted that they needed to ask to modify their backyard decking. They are too considerate to have contemplated anything that would have potentially negative impact on the rest of us.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay W. Propes". The signature is fluid and cursive, with a prominent initial "J" and a long, sweeping underline.

Jay W. Propes

City of West Lake Hills

MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO)

REGULAR MEETING

Wednesday, July 16, 2025 at 6:30 PM

1. **Call to Order: Vice-Chair Jim Pledger**

- a. Meeting begins at 6:30pm
- b. Roll Call
 1. Chair Robert Meisel: Absent
 2. Vice-Chair Jim Pledger: Present
 3. Commissioner Julia Webber: Present
 4. Commissioner Karen Bartoletti: Present
 5. Commissioner Patrick Stewart: Present
 6. Commissioner Laurie Maccini: Absent

2. **Citizen Communications:**

1. 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.

1. Approval of the June 18, 2025 Zoning and Planning Commission minutes
2. Report of previous ZAPCO cases acted upon by the BOA/Council

- a. **Action:** Commissioner Bartoletti moves for approval of the Consent Agenda
 - i. Commissioner Webber Seconds
 - ii. Motion carries unanimously 3 - 0

4. **Public Hearing: 1801 Basin Ledge:** Discuss and make recommendations on a proposed variance to allow for the removal of one tree 14 inches and greater (Tree 70, 14-inch cedar) (Section 22.03.304 of the West Lake Hills Code).

Applicant: James Gatlin, JAG Permits

Note: Items 4 and 5 were discussed in a joint. The minutes reflecting the staff report, public comments, and commission discussion are reflected in Item 4 of the minutes.

a. Staff Report:

- i. Director Bills explains variance requests for removal of one tree, location of a septic tank in a side setback, and grading in excess of 18 inches in the building setback.

b. Public Comments:

- i. James Gatin: Jag Permits – appearing virtually
 - a. Describes the variance request on behalf of the homeowners

c. Discussion:

- i. The commission expresses that the exhibits and presentation provided by the applicant do not have all the information required for ZAPCO analysis.

d. Action:

- i. Commissioner Stewart moves that the tree removal variance be forwarded to the City Council with a motion of approval, based on the request meeting the intent of the comprehensive plan and having no adverse impact on neighboring properties.
 - 1. Commissioner Bartoletti seconds
 - 2. Motion fails 2-0
 - a. Commissioner Stewart voting in favor
 - b. Commissioners Bartoletti and Webber voting in opposition
- ii. Commissioner Webber moves that the tree removal variance be forwarded to the City Council with a recommendation of **denial**, based on lack of information. Included in the recommendation is a request for the applicant to provide a floor plan and tree survey.
 - 1. Commissioner Bartoletti Seconds
 - 2. Motion Passes
 - a. Commissioner Stewart voting in opposition
 - b. Commissioners Bartoletti and Webber voting in favor

Note: *Following the vote to deny the tree variances, the applicant realized certain documents had not been provided to the city in its application. The applicant requested that the item be postponed to the August 20, 2025 ZAPCO meeting to allow for the presentation of more detailed exhibits related to the site and floor plans.*

- iii. Commissioner Webber moves to recall vote to recommend denial and postpone items 4 and 5 to the August 20 meeting, based on applicant's request.
 - 1. Commissioner Bartoletti Seconds

2. Motion carries unanimously.

Item will be postponed to the August 20, 2025 ZAPCO hearing

5. Public Hearing: 1801 Basin Ledge: Discuss and make recommendations on proposed variances
1. To allow for a septic tank to encroach 15 feet into the 25-foot side setback (Section 22.03.276 and 22.03.281 of the West Lake Hills Code of Ordinances), and
 2. For excavation and grading, greater than 18” in the building setback (Section 22.03.170 – Site Disturbance (Excavation, Grading, or Filling)).

Applicant: James Gatlin, JAG Permits

Note: *Items 4 and 5 were discussed in a joint presentation. The minutes reflecting the staff report, public comments, and commission discussion are reflected in Item 4 of the minutes.*

- a. **Action:** Item postponed by action on item 4

Item will be postponed to the August 20, 2025 ZAPCO hearing

6. Public Hearing: 105 Wood Trail: Discuss and make recommendations on proposed variances to the Texas Administrative Code Chapter 30, Chapter 285 adopted in Sections 18.03.064 and 18.03.065 and 22.03.281 of the West Lake Hills Code to allow:
1. The placement of a structure within 5 feet of a septic facility (TAC 285.91(10); and
 2. The placement of a structure above a septic facility (TAC 285.34(e)(2) and TAC 285.39(c)).

Applicant: Tanya Clement, Property Owner

Note: *Items 6, 7 and 8 were discussed in a joint presentation with separate votes reflecting the differences in variance criteria for Septic, Building, and Zoning-related variances. The minutes reflecting the staff report, public comments, and commission discussion are reflected in Item 6 of the minutes. The separate actions are separated by agenda item.*

a. **Staff Report:**

- i. Director Bills describes the site and nature of variance requests for items 6, 7, and 8 including variances for construction over a septic tank, restricting access to a septic tank, construction greater than the maximum allowed by code within the ½ critical root zone of a protected

tree, and the removal and replacement of impervious cover greater than the maximum allowed by code.

b. Public Comments:

- i. John Barton: Property Owner
 - a. Describes the house and the homeowner’s plans to expand the deck space.

c. Discussion:

- i. Commissioner Webber: Feels the use is reasonable
- ii. Commissioner Bartoletti: Asks for definition of “substantial property right”
 - 1. Director Bills explains that is a question more-appropriately directed to the City Attorney.
- iii. Commissioner Stewart expresses that he does not oppose the access variance as long as the homeowners understand they are assuming the risk of having to remove the deck for major repairs.

d. Action:

- i. Commissioner Webber moves that the septic variances be forwarded to the City Council with a motion of approval, based upon the criteria for a Chapter 18 variance and that the proposed use is reasonable for the site
 - 1. Commissioner Bartoletti Seconds
 - 2. Motion carries unanimously (3-0)

The recommendation will be forwarded for consideration to the August 13 City Council Meeting

- 7. Public Hearing: 105 Wood Trail: Discuss and make recommendations on proposed variances to City of Austin Environmental Criteria Manual 3.5.2 as adopted by reference in Section 22.03.305(b) of the West Lake Hills Code to allow:
 - 1. For encroachment of greater than 50% of the critical root zone of a tree; and
 - 2. For grading greater than 4 inches within the 50% critical root zone of a tree.

Applicant: Tanya Clement, Property Owner.

***Note:** Items 6, 7 and 8 were discussed in a joint presentation with separate votes reflecting the differences in variance criteria for Septic, Building, and Zoning-related variances. The minutes reflecting the staff report, public comments, and commission discussion are reflected in Item 6 of the minutes. The separate actions are separated by agenda item.*

a. Action:

- i. Commissioner Stewart moves that the tree variances be forwarded to the City Council with a motion of approval based on the requests not violating the intent of Chapter 22 of the Code of ordinances or the comprehensive plan, and that the variances would not have an adverse impact on neighboring properties or the enjoyment thereof
 1. Commissioner Bartoletti Seconds
 2. Motion carries unanimously (3-0)

The recommendation will be forwarded for consideration to the August 13 City Council Meeting

8. Public Hearing: 105 Wood Trail: Discuss and make recommendations on a proposed variance to Section 22.03.278 and 22.03.281 to allow:
 1. The removal and replacement of impervious cover up to the existing non-conforming amount of 28.5% where 25% is the maximum.

Applicant: Tanya Clement, Property Owner.

***Note:** Items 6, 7 and 8 were discussed in a joint presentation with separate votes reflecting the differences in variance criteria for Septic, Building, and Zoning-related variances. The minutes reflecting the staff report, public comments, and commission discussion are reflected in Item 6 of the minutes. The separate actions are separated by agenda item.*

a. Action:

- i. Commissioner Bartoletti moves that the impervious cover variance be forwarded to the Board of Adjustment with a motion of approval based on the request being consistent with the intent of the code and comprehensive plan, that the variances will not have an adverse effect on neighboring properties, and that the variances will satisfy the interpretive criteria for ZAPCO analysis.
 1. Commissioner Stewart Seconds
 2. Motion carries unanimously (3-0)

The recommendation will be forwarded for consideration to the August 13 Board of Adjustment Meeting

9. **Adjournment** – Vice Chair Jim Pledger

1. Chair Mesel adjourns the meeting at 7:57 pm

APPROVED:

Robert Meisel, Chair

ATTEST:

Joel Sherrouse, Development Coordinator

These minutes were approved on _____, 2025.

DRAFT

Exhibit A

105 Wood Trail – Tree Critical Root Zone, Impervious Cover, and OSSF

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.

Due to the existing placement of a pool in the site plan, the available outdoor space in close proximity to the home is limited. In addition, upstairs rooms are limited to one point of egress through a narrow hallway. We are seeking to replace an existing flagstone patio with a wood deck in order to expand the existing outdoor, usable space for dining and entertaining. We are also seeking to expand an upstairs balcony so that we can create a point of access/exit from the upstairs bedroom above the garage. Residents can use the new door and balcony to cross the existing balcony and to exit via the home's existing central staircase. To achieve these goals, we are requesting variances to codes in reference to building around an existing oak tree and septic tanks. We will take measures to ensure the tree remains healthy and that the tanks are accessible (as further described below).

The hardships that would result if we are unable to do this project are:

Safety: A large bedroom in our home is located at the end of a long hallway. By creating an expansion to our upper balcony, we will create another point of access/exit upstairs from that back bedroom, and we would be providing another safe way to exit through the house in case of a fire. In addition, the site where we propose to build is a portion of our yard that is currently unusable due to a combination of natural and structural challenges. The area is heavily shaded by mature tree coverage, which prevents grass from growing and leaves the ground uneven and bare. The surface is difficult to walk on safely, and outdoor furniture cannot sit level, making the space uncomfortable and impractical for any meaningful use. Additionally, accessing this part of the yard requires descending a set of stairs, further discouraging regular use.

Home Value and Enjoyment: The shallow patio area next to the house limits our ability to use the outdoor space for dining and entertainment. The limited patio space makes the house significantly less desirable than the typical home of similar size for a family of five in West Lake Hills these days. Constructing a deck over this area would transform it into a functional, level, and safe outdoor living/dining/cooking space. Beyond general usability, it would significantly improve accessibility and safety as we plan for the long-term use of our home. Our hope is to live in this house for many more years and creating a smooth, stable surface would support our ability to age in place without the need to navigate uneven terrain or stairs, which may pose increased risks over time.

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.

There will be no disruption or destruction of terrain. We believe this is the case for several reasons:

We are going to comply with all regulations (including the restriction on digging at all within the 25% Critical Root Zone). Our variance applies only to the restrictions on covering 50% of the Critical Root Zone. We plan to build around the tree and leave ample room for it to grow.

We hired an arborist to provide an assessment of the project's impact. His assessment was that the trees roots have already grown far into the yard and that the project will not have any impact on the health of the tree. Please see the letter we have enclosed with his assessment.

There are already AC units, a jacuzzi and a flag stone patio where we are planning to build the deck that have had no impact on the tree. The deck we are building will be permeable and continue to allow water to the ground.

There appear to be well over 100 trees in West Lake Hills with similar configurations. Please see the pictures we've attached – for example at Hat Creek Burgers there are several trees that are thriving despite a large part of the critical root zone being covered. This appears to be a common building practice in West Lake Hills.

Although the arborist did not feel it was necessary, he proposed a supplementary health program that we plan to follow that will further increase the health of the tree (likely making it more healthy than it currently is). The plan involves (i) the injection of hydraulic deep root fertilizer into the soil within the entire available root zone before and after the construction process; and (ii) a systemic injection using an insecticide and fungicide to help suppress insect and fungal issues for 18-24 months.

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

Given the pool's and the tree's positions on the site plan, it is not possible to build a usable space next to the house without some coverage over more than 50% of the critical root

zone of the tree. We have revised our plan to comply with the CRZ code in several respects. We are planning to cantilever the new deck over the critical root zone. We will not dig within 25% of the critical root zone and where we dig within 50% of the critical root zone, it will not be more than 5" deep. The coverage will be permeable and continue to allow water to the ground.

An estimate we received for moving the septic tanks is \$25,000. A septic engineer (whose letter we are including) supports our plan and confirms that it meets the intent of the code requirements without a costly and disruptive (to the trees and other flora) septic relocation. Given this opinion and the fact that moving the tanks might encroach on the oak tree and other fauna, we do not think that moving the septic tanks is suitable. We have revised our plan so that the proposed deck is cantilevered over the one storage tank. We are including a hatch in the deck for pumping and in the unlikely event we need to replace the underground storage tank.

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

An earlier version of the plan had a larger deck and more surface / walkway type improvements over the CRZ. In the current plan, we have reduced the sizing to further protect the tree's access to water and to ensure there is adequate access to the septic system.

With our request for an Existing Non-Conformance Impervious Cover Variance, we have no way of knowing what level of coverage was formally approved by the City of Westlake through the previous homeowner. We request the variance to honor the existing IC plus the improvements IC with the understanding there will be no change to the current 28.5%. We plan to remove an existing stone patio and part of an existing stone walkway to equal 28.5% to match existing conditions.

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

Our planned improvement will not impact the oak tree or any other flora or fauna and will not have any negative impact on future homeowners. In fact, the additional measures we plan to take will likely improve the health of the tree and will leave plenty of room for the tree to continue to grow. The septic system will continue to be accessible for pumping and in the unlikely event we need to access the storage tank for repairs via a hatch. Please see the attached letter from a septic engineer describing why the design is consistent with the intent of the code.

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

The variance will not have any negative impact on our neighbors. We are replacing an existing patio with a new deck. It is not visible to our neighbors. If anything this development will benefit our neighbors as it will be an improvement on our property and helps everyone on this street with increasing the property value. Neighbors will also enjoy the new space when they come over to visit and enjoy the backyard. Please see the attached letter from the neighbor across the street.

105 Wood Trail

6. Discuss and consider action on a recommendation from ZAPCO on a proposed variance to Section 22.03.278 and 22.03.281 to allow:
 1. The removal and replacement of impervious cover up to the existing non-conforming amount of 28.5% where 25% is the maximum.

Applicant: Tanya Clement, Property Owner



105 Wood Trail

- Existing house was built with a pool and sport court in 1994.
- The applicant is proposing to expand the back deck, which increases impervious cover, and create a second deck story over the existing septic system tank and the existing tree critical root zone.

105 Wood Trail

Chapter 38 – Lot Coverage

Code Requirement

- The amount of ground covered by the principal and accessory structures and parking areas shall not exceed the maximum percentage of the total lot area shown on the schedule of regulations.

Lot Size/ Zoning	Maximum Impervious Cover in Percent of Lot Area								
	R-1	R-2	R-3	O	GUI	B-1	B-2	B-3	MU-1
Greater than or equal to .5 acre	25%	25%	25%	(IX)	(III)	(III)	(III)	(V)	(C)
Less than .5 acres, greater than or equal to .2 acres	*, †	*, †	25%	(IX)	(III)	(III)	(III)	(V)	(C)

Request

- The applicant is requesting to remove impervious cover elsewhere in the site equal to the impervious cover that will be created by the construction of a two-story exterior deck to maintain 28.5% which is greater than the maximum allowed 25%.

105 Wood Trail

Public Comment:

As of the date of the report, one comment in support was received with the application.



105 Wood Trail

Chapter 38 – Non-conforming Impervious Cover

Discuss and consider action on a variance reviewing the following conditions:

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.



105 Wood Trail

Applicable Interpretative criteria

1. Variances from the terms of this chapter should be granted sparingly.
2. Deviations from the requirements of this chapter are justified only where the hardship resulting from their application is substantial.
3. Usually, the granting of a variance must be predicated on a finding that the applicant's hardship arises from unusual conditions or circumstances, such as exceptional irregularity of shape or topography, which are peculiar to the parcel of land involved and not shared generally by other parcels in the neighborhood or district, or because no other reasonable alternative is available that will alleviate the unnecessary hardship complained of.
4. Normally, a variance is to be denied if conditions or circumstances relied on for a variance were self-created by the person having an interest in the property in disregard of city regulations.
5. The variance shall not violate the goals of the master plan for the city.
6. The variance shall not have an adverse effect on neighborhood properties or unreasonably interfere with the respective owners' enjoyment thereof.
7. The fact that lots, structures, uses or dimensional conditions on properties or structures within 200 feet of the property involved are, because they are nonconforming or because of previously granted variances, similar to the condition which would be created by the variance requested shall be relevant to, but not determinative of, the granting of the requested variance.

105 Wood Trail

The Board of Adjustments can recommend imposition of, reasonable conditions upon granting a variance if the conditions are related to the subject of the variance.

This item was reviewed by the Zoning and Planning Commission on July 16, 2025 and was recommended for approved by a vote of 3-0 (Attachment 9) on the following basis:

- The request is consistent with the intent of the code and comprehensive plan, that the variances will not have an adverse effect on neighboring properties, and that the variances will satisfy the interpretive criteria for ZAPCO analysis.



105 Wood Trail

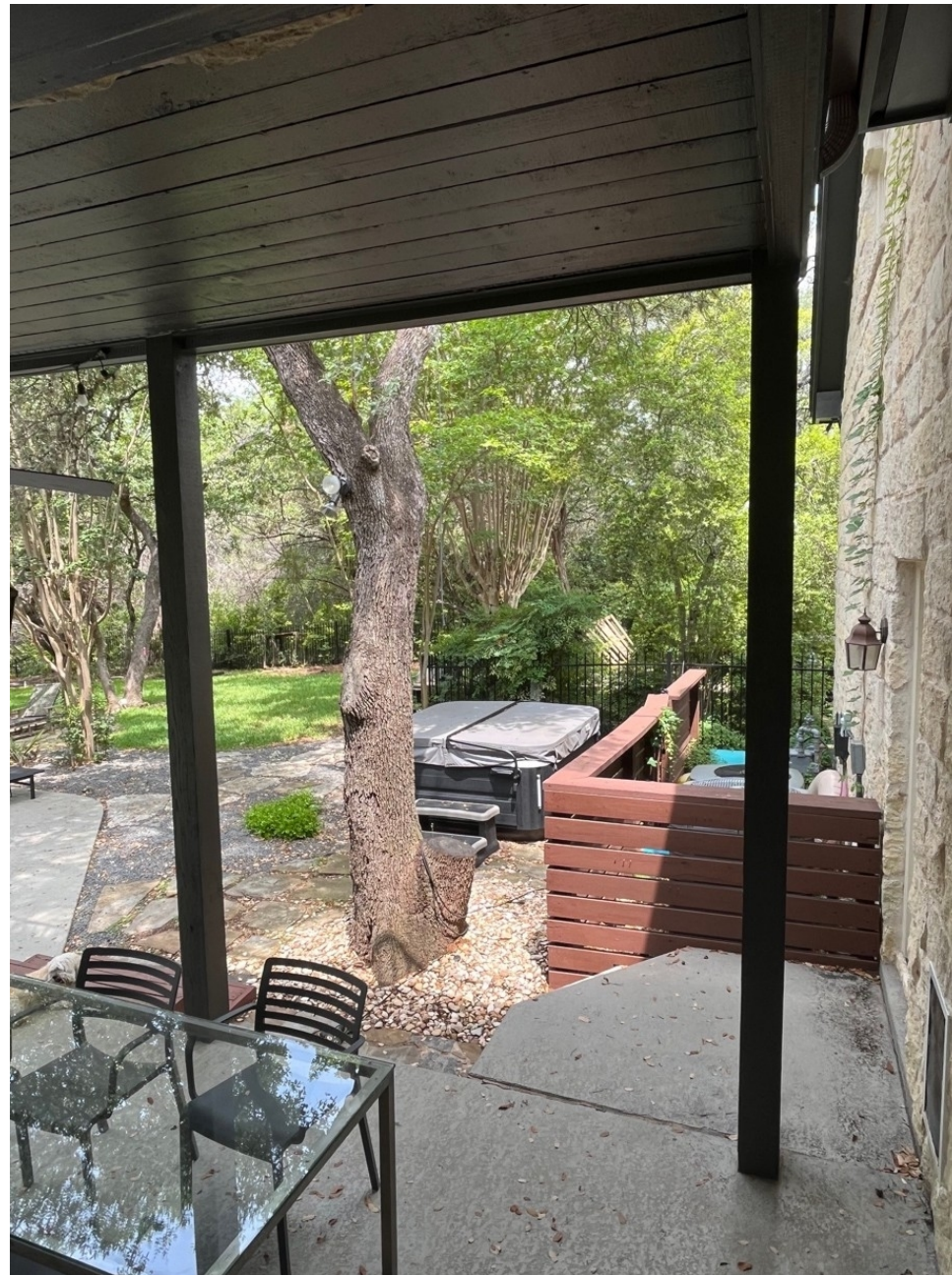
Applicant's Presentation



105 Wood Trail Existing Space













Just Trees
PO Box 4005
Austin, TX 78765
(512) 467-8733

April 28, 2025

John Barton
105 Wood Trail
Austin, TX 78746

RE: Large Live Oak in back.

I was asked to examine the large Live Oak in back near the house on April 28, 2025. The tree seems to be in good condition considering its location to the house and pool. The canopy has little to no deadwood, shoot elongation a constant indication of the tree health is 1-2" currently which is very good. The root collar of the tree at the base is good, not buried and showing no signs of decay.

I do not think building the deck the homeowners are proposing to build will adversely impact the tree for several reasons:

1. The house was built 30 years ago very close to the tree. In this time, the root system of the tree has had to adapt and grow far into the backyard well beyond the critical root zone.
2. For this reason, the critical root zone calculation does not provide an accurate picture of where the tree roots are getting water. Even with the proposed deck, over 50% of the tree's actual roots should remain uncovered.

3. The proposed deck area is already covered by 2 large AC units, an 8x8 hot tub, paver stones and gravel. The incremental coverage from the proposed deck is small relative to where the tree's actual roots have extended.
4. Although not necessary to maintain the health of the tree, I have prepared an additional tree care plan to further supplement the health of the tree. The plan involves (i) the injection of hydraulic deep root fertilizer into the soil within the entire available root zone before and after the construction process; and (ii) a systemic injection using an insecticide and fungicide to help suppress insect and fungal issues for 18-24 months.

Regards,

Chris Poth
ISA Certified Arborist #TX-3198
Oak Wilt Certification TOWIS#0091

POLVADO ENGINEERING SERVICES, LLC

9609 Saugus Lane, Austin, Texas 78733
O-(512) 584-8734 C-(512) 775-3839
www.polvado-engineering.com TBPE Firm #: F-1494

May 21, 2025

Members of the Zoning and Planning Commission
City of West Lake Hills
West Lake Hills, Texas 78746

Re: Variance Request for 105 Wood Trail, West Lake Hills, Texas 78746

Dear Sir:

On Wednesday, May 14, 2025, I met with Boone Lawrence of Boone Lawrence Construction LLC at the above referenced address in order to provide a job site assessment of the desire to install an exterior deck at the back right side of this house. The issue of concern and the reason for this Variance Request is that the Proposed New Deck will be installed over one of the three septic tanks being utilized for the treatment of the sewage from this house.

According to On-Site Sewage Facilities, Title 30, TAC Chapter 285, Table X. Minimum Required Separation Distances for On-Site Sewage Facilities, specifically, Tanks must maintain a 5 foot separation from Foundations, Buildings, Surface Improvements, Property Lines, Swimming Pools and Other Structures.

The structural elements used to support this new deck should not be an issue to maintaining the 5 foot setback. However, this new deck will be positioned directly over one of these existing tanks. There will be an air gap above this existing tank of about 1 foot. Also, this new deck will have a Hatch Door positioned directly above this tank which will provide access for maintenance purposes.

Please note, this On-Site Sewage Facility ("OSSF") is for a seven (7) bedroom 4716 square foot house. The design is using 2 x 1250 gallons tanks tied together equaling 2500 gallons of sewage treatment. (One of which is the tank in question.) Also, a 750 gallon tank which pumps the effluent to a 3370 square foot drain field all installed in 1994. The only required maintenance for this particular OSSF Concrete Septic Tank is the pumping and cleaning every 5-7 years which will easily be accomplished through the Hatch Door.

The other area of concern is the structural failure of this Concrete Septic Tank and the need for it to be replaced. In my Professional Opinion, this is highly unlikely. Central Texas is not prone to Earthquakes. There will be no Vehicular Traffic nearby. The surrounding soils will not caustically affect the concrete tank from the exterior neither will the residential influent that flows into this tank affect the interior.

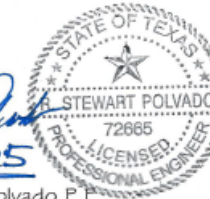
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Re: Variance Request for 105 Wood Trail, West Lake Hills, Texas 78746

Needless to say, the Owners of this house are fully aware of these issues and if the tank needs to be replaced, they are willing to take that risk and be solely financially responsible for that issue if it arises. Therefore, a Variance is requested to install this exterior deck above this existing Concrete Septic Tank.

If you need any clarifications, explanations or have any questions concerning this request, please do not hesitate to contact me.

Sincerely,



R. Stewart Polvado P.E.

Polvado Engineering Services