



CITY OF WEST LAKE HILLS, TEXAS  
NOTICE OF ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING  
Wednesday, May 20, 2026 at 6:30 PM

Notice is hereby given that the Zoning and Planning Commission (ZAPCO) of the City of West Lake Hills, Texas, will hold a Regular Meeting on the 20th day of May 2026 at 6:30 p.m., in the Council Chamber, Municipal Building, 4010 Bee Cave Road, 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 [planner@westlakehills.gov](mailto:planner@westlakehills.gov) by 1:00 P.M. on May 20, 2026.

1. Call to Order. Chairman Robert Meisel.
2. Citizen Communications The Commission 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 Commission later in the meeting. The Commission cannot respond to or discuss matters not listed on the agenda. The Commission may provide factual information, refer the item to a staff member, or request the item be added to a future meeting agenda. Speakers shall limit their comments to five (5) minutes each.
3. Consent Agenda 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 item/s unless a Commission Member or citizen so requests.
  1. Approval of the April 15, 2026 Zoning and Planning Commission minutes
  2. Approval of the May 4, 2026 Zoning and Planning Commission Workshop Minutes
  3. Report of previous cases ZAPCO acted on by BOA/City Council

4. Public Hearing

**614 Westbrook Dr:** Discuss and make a recommendation to the Board of Adjustment on proposed variance to allow a four-foot encroachment into the 30-foot rear setback (Section 22.03.276 & Section 22.03.281).

Applicant: Steven Campos, Contemporary Tile Design LLC

5. Public Hearing

**406 Redbud Trl:** Discuss and make a recommendation to the Board of Adjustment on proposed variances:

- a. To reduce the 50-foot front building setback along Skyline Drive to use the previously platted 35-foot building line (Section 22.03.275 and Section 22.013.281),
- b. To allow grading up to 6 feet on slopes of greater than 35%, where no grading is allowed (Drainage and Erosion Control Design Manual Section 7.4.1)

Applicant: Bhavani Singal, Workshop No 5

6. Public Hearing

**406 Redbud Trl:** Discuss and make a recommendation to City Council on proposed variances:

- a. To allow the removal of a 17-inch cedar and 14-inch live oak (Section 22.03.304(a)(4))

Applicant: Bhavani Singal, Workshop No 5

7. Staff Briefing Discuss and consider possible action on recommendations on amendments to the following Code of Ordinance sections:

- 1. General Provisions - Section 1.01.003
- 2. Administration and Personnel - Section 2.02.031
- 3. Administration - Section 20.02.055
- 4. Building Regulations - Article 22.03
- 5. Subdivision - Chapter 36
- 6. Zoning – Chapter 38

8. Adjournment. Chairman Robert Meisel.

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By Jennifer C. Bills, Interim City  
Administrator

Certificate

I certify that the above Notice of the May, 20 2026 Zoning & Planning Commission Meeting was posted on the bulletin board at the Municipal Building, 4010 Bee Cave Road, West Lake Hills, Texas on Thursday, May 14, 2026 at 5:00 pm. and will remain posted continuously until said meeting is convened.

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By Joel Sherrouse, Development Coordinator

*The City of West Lake Hills is committed to compliance with the Americans with Disabilities Act. Reasonable accommodations and equal access to communications will be provided upon request.*

*All items on the agenda are for discussion and/or action. ZAPCO 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

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

Wednesday, April 15, 2026 at 6:30 PM

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

- a. Meeting begins at 6:30pm
- b. Roll Call
  1. Chair Robert Meisel: Present
  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: Present

2. **Citizen Communications:**

- a. Stephanie Collinson-Cooper
  1. Spoke about overgrown brush notification and enforcement
    1. Chair Meisel advised public member to contact city staff

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 item/s unless a Commission Member or citizen so requests.

- a. Approval of the March 18, 2026 Zoning and Planning Commission Minutes.
- b. Report of previous cases ZAPCO acted on by BOA/City Council.

**Action:** Commissioner Pledger moves for approval of the Consent Agenda

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

4. **Public Hearing 1111 Redbud Trail.** Discuss and consider a recommendation to City Council on proposed variances for the removal of the following trees with a trunk diameter of 14 inches or greater (Section 22.03.304 of the West Lake Hills Code)

1. Tree #729 (15" Cedar)
2. Tree #698 (15" Live Oak)

Applicant: James Mustillo, Miro Riveria Architects

- a. **Staff Report:** Director Bills briefed the commission on variance requests for the removal of 2 protected trees for the construction of a new home.
- b. **Public Comment:**
  1. Miguel Rivera– Applicant
    1. Spoke in favor of variance request
  2. Stephanie Collins-Cooper – neighbor
    1. Spoke in favor of variance request
- c. **Discussion:**
  1. Commissioners Maccini and Stewart expressed reservations regarding approval of variances at the conceptual phase
  2. Chair Meisel expresses concerns about transferability of variances
- d. **Action:** Commissioner Bartoletti moves to recommend that the variance be forwarded to the City Council with a recommendation of **approval**
  1. Commissioner Webber seconds
  2. Motion **carries** 3-2
    1. Commissioners Pledger and Maccini opposed

**The recommendation will be forwarded to the May 13 City Council meeting**

5. **Public Hearing: 507 Konstany Circle.** Discuss and consider a recommendation to City Council on proposed variances for the removal of the following trees with a trunk diameter of 14 inches or greater (Section 22.03.304 of the West Lake Hills Code)
  1. Tree #503 (16.1” Elm)
  2. Tree #652 (14.1” Oak)

Applicant: Mark Lakins, Dahlin Group

- a. **Staff Report:**
  1. Director Bills briefed the commission on variance requests for the removal of 2 protected trees for the construction of a new home.
- b. **Public Comment:**
  1. Daniel Cooley – homeowner
    1. Spoke in favor of the variance request
  2. Michael Padavic – Architect
    1. Spoke in favor of the variance request
- c. **Discussion:**
  1. Chair Meisel comments that finished floor elevation is higher than existing drive and inquires if site will violate cut/fill requirements.
    1. Michael Padavic indicates no other variances will be requested.

2. Commissioner Webber asks if pickleball court will remain on site?.
    1. Daniel Cooley: Yes
  3. Commissioner Maccini indicates the commission does not have all the details required to show hardship.
  4. Commissioner Webber expresses this is different from previous case since the site is more constrained and they are approaching the end of schematic design.
  5. Commissioner Webber indicates they are leaning towards opposition of removing the oak, but that the Elm, while it appears healthy, is located in a location that will make keeping the house 1-story difficult.
- d. **Action:** Commissioner Webber moves to forward the variance request to City Council with a recommendation of approval for the removal of tree 503 to allow for the construction of a single-story home, but denial of tree 652 for lack of hardship.
1. Commissioner Stewart seconds
  2. The motion **carries** (4-1)
    1. Maccini opposed

**The recommendation will be forwarded to the May 13<sup>th</sup> City Council meeting**

6. Public Hearing: 1906 Yaupon Valley Road. Discuss and consider a recommendation to The Board of Adjustment the following variances

- 1) Allow grading greater than 18" in the building setbacks (Section 22.03.170(f));
- 2) Allow construction Allow construction of retaining walls greater than 6 feet in height above natural grade (Section 22.03.170(g));
- 3) Allow construction of retaining walls greater than 3 feet in height without vegetative screening (Section 22.03.170(i)); and
- 4) Allow for fill of over 6 feet on a slope of less than 35% (Drainage and Erosion Control Design Manual Section 7.4.1)

Applicant: Linda Sullivan, CleanTag Permits

a. **Staff Report:**

- a. Director Bills briefs ZAPCO on variances for the property related to discrepancies between architectural and site plans resulting in a home being built several feet lower than indicated in site grading plans, resulting in a driveway slope that exceeds multiple variances related to cut/fill, wall height, and vegetative screening. Additionally, during construction several

other portions of site were graded outside the scope of approved drainage and grading plans.

**b. Public Comment:**

a. Mark Haddad – Owner

i. Spoke in favor of variance request

b. Linda Sullivan – Applicant

i. Requests temporary certificate of occupancy for property.

1. Applicant is informed that the request is not on the agenda and cannot be discussed.

c. Michael Grosele – Engineer

i. Spoke in favor of variance request

**c. Discussion:**

a. Commissioner Maccini indicates that they are in favor of the variance request.

**d. Action:** Commissioner Stewart moves to forward the variance request to Board of Adjustment with a recommendation of **approval**.

3. Commissioner Maccini seconds

4. The motion **carries** unanimously (5-0)

**The recommendation will be forwarded to the May 13<sup>h</sup> Board of Adjustments meeting**

7. Public Hearing: Discuss and consider action to make a recommendation to City Council on amendments to the following Code of Ordinances Sections:

a. General Provisions – Section 1.01.003

b. Administration and Personnel – Section 2.02.031

c. Administration – Section 20.02.055

d. Building Regulations – Article 22.03

e. Subdivision – Sections 36.01.003-004, 36.01.007, 36.01.009, 36.01.012-013

f. Zoning – Sections 38.03.032-038, 38.04.031-032, 38.04.034-035, 38.05.032-037, 38.05.098

**a. Staff Report:**

a. Director Bills briefed ZAPCO on code changes related to building and development

**b. Public Comment:**

a. **None**

**c. Discussion:**

a. Commissioner Bartoletti: Why is ZAPCO being consulted. Is it a courtesy, or is it required?

- i. Since many of these items are Zoning related, state code requires Zoning and Planning to be involved in process.
- b. Commissioner Meisel: Would staff be able to approve a 5% height regulation?
  - i. Yes – any numerical standard
  - ii. Commissioner Meisel: this moves a lot of responsibility to staff, who should have the benefit of clear rules.
- c. Commissioner Bartoletti asks about how the contextual standard will look in the code when codified.
  - i. Director Bills clarifies that it is up to the builder to make a case on whether they should follow the contextual standard, and the city administrator will approve or deny.
- d. Chair Meisel: Asks about the Drainage and Erosion Control Design Manual in definitions.
  - i. Director Bills clarifies that the reference to the Drainage Manual is to prevent multiple definitions from being in the code that may conflict as portions of code are changed over time. References to the Drainage Manual keeps definitions in a single location.
- e. Commissioner Maccini asked for clarifications on temporary storage unit rule changes.
- f. Commissioner Webber asks if the 2015 Building Codes are the most current building codes we allow
  - i. Director Bills clarifies that the 2015 Building Code is what the city currently has adopted, but that the City is planning to adopt newer codes this year.
- g. Commissioner Meisel:
  - i. Would these changes have benefited the applicants for 1906 Yaupon?
    - 1. No – their deviations were larger than the proposed changes would allow.
- h. Chair Meisel asks about the grammar and syntax of the code updates and asks if he can fix the errors.
  - i. Director Bills states that the code changes still have to go to City Council and the code updates must be legally notified to the public on the following day (4/16/2026).
- i. Commissioner Bartoletti
  - i. States that the previous weekend was the first time ZAPCO had seen the changes, and shares that ZAPCO has not had time for discussion. Expresses discomfort recommending adoption given the time ZAPCO has had to review these changes.
  - ii. Commissioner Webber spoke about the architecture committee who reviewed and recommended changes in the presented code changes, in which the changes have been seen by local developers and architects

- iii. Mayor Vaughan Asks for ZAPCO's opinions on what they feel good about and what they feel needs more time.
- iv. Commissioner Pledger expresses agreement with Commissioner Bartoletti regarding discomfort recommending such large changes in the requested timeframe.
- v. Commissioner Meisel: Once zoning code is changed, there are consequences that impact other codes. By approving zoning changes, construction code is changed
- vi. Director Bills explains that a lot of Chapter 22 (Construction Code) should be in Chapter 38 (Zoning). The next step in this process will include re-codification of many of these items to place them in the correct code sections.
- j. Commissioner Webber asks Commissioner Bartoletti what she believes is a better process in the code change amendments and discussion
  - i. Commissioner Pledger indicates a workshop on code changes before a vote would help ease discomfort regarding recommendations of the changes.
- k. Commissioner Pledger expresses discomfort with contextual standards.
- l. Mayor Vaughan recommends that ZAPCO postpone and hold a workshop about the code changes
- m. Mayor Vaughan states that the double curb cut on arterial roads should be discarded from the proposed code changes.
- n. Commissioner Bartoletti shares that there are problems in defining ambiguity in the code and suggests that the code should be reviewed by a legal team.
- o. Commissioner Maccini asks about the double curb cut on arterial roads and wants to give more thought on the standard before adding or excluding it from the code.
- p. Chair Meisel expresses that a more complicated, rigid process encourages applicants to try to meet standards, whereas additional allowances encourage developers to push the rules.
- q. Commissioner Bartoletti asks the other commissioners what needs to be done before a workshop is held.
- r. Commissioner Maccini asks what the deadline is for a recommendation from ZAPCO
  - i. Mayor Vaughan states that he wanted the code changes to be presented to City Council before the new Council cycle begins.
  - ii. Commissioner Webber asked if ZAPCO and Council can have a combined workshop.
  - iii. Commissioner Maccini asks when the new members of City Council are sworn in.
    - 1. May 13<sup>th</sup>, 2026

- iv. Commissioner Webber states that the workshop would be helpful if each proposed change could include an example of implementation
- v. Commissioner Bartoletti shares that she feels like a lot of the proposed changes, such as the contextual standards, rely more on the city administrator as the ultimate decider.
- vi. Mayor Vaughan suggests postponement of the code changes.
- s. Commissioner Bartoletti expresses that contextual standards place too much of a burden on the City Administrator.
  - i. Commissioner Webber expresses that her understanding of the contextual standards is that they are clear, defined standards that are analyzed by staff.
  - ii. Commissioner Bartoletti believes that the contextual standards work better in the more suburban areas of the city.
- t. Staff and ZAPCO discuss potential dates for a special workshop dedicated to proposed code changes.
  - i. A tentative date of May 4, 2026 at 12:00pm is set for a special workshop.
- d. **Action:** None taken

**8. Adjournment**

Chair Meisel adjourns the meeting at 8:51pm

APPROVED:

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Robert Meisel, Chair

ATTEST:

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Joel Sherrouse, Development Coordinator

These minutes were approved on \_\_\_\_\_, 2026.

# City of West Lake Hills

## MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO)

### Workshop

Monday, May 4, 2026 at 12:00 PM

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

- a. Meeting begins at 12:06pm.
- 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: Absent
  6. Commissioner Laurie Maccini: Absent

2. **Citizen Communications:**

- a. None

3. **Administration:** Discussion regarding amendments to the following Code of Ordinance sections:

1. General Provisions - Section 1.01.003
  2. Administration and Personnel - Section 2.02.031
  3. Administration - Section 20.02.055
  4. Building Regulations - Article 22.03
  5. Subdivision - Sections 36.01.003-004, 36.01.007, 36.01.009, 36.01.012-013.
  6. Zoning – Sections 38.03.032-038, 38.04.031-032, 38.04.034-035, 38.05.032-037, 38.05.098.
- a. Director Bills and Mayor Vaughan led a discussion on proposed changes to the Code of Ordinances related to building, development, and the makeup of boards and commissions.
- a. The commission discussed the appropriate extent of administrative discretion related to deviations from code.
    - i. Several commissioners were concerned that granting too much authority to the City Administrator may not be appropriate
    - ii. Commissioner Webber and Mayor Vaughan expressed that the intent of the contextual standards is to create flexibility based on neighborhood context, but that the determination made by the City Administrator would be based on clearly-defined criteria.
    - iii. Commissioner Pledger expressed concern that contextual standards would create a system where deviation is easier for some people than others. He further expressed appreciation of the existing variance process that includes notification and the

opportunity for neighboring property owners to comment on the variances.

- iv. Mayor Vaughan explains that one of the intents of the proposed code changes is to allow the BOA to more strictly interpret variance criteria. The contextual standards allow for an administrative process for homeowners to achieve relief for the types of variances historically approved by BOA that do not necessarily meet the criteria of a hardship.
- b. There was a brief discussion regarding the relationship between hardships, variances, and administrative takings.
  - i. Assistant City Attorney Thamm agreed to follow up with commissioners regarding these questions
- b. Mayor Vaughan went through a list of proposed changes to receive general feedback on the commission's opposition or support at this phase:
  - a. Allowing for a 5% or 6-inch allowance on numerical standards for deviation from code for field errors:
    - i. Commission expressed support.
  - b. Double curb cut allowance on certain roads:
    - i. Mayor Vaughn indicated the allowance would be withdrawn from proposed code changes due to feedback from commission.
  - c. Allowance for septic tanks to encroach partway into setbacks:
    - i. Commission expressed support.
  - d. Allowance of grading up to 30" up to halfway into building setback:
    - i. Commission expressed support.
  - e. Redefinition of "Front" and "Street" setbacks:
    - i. The commission expressed partial support for changes.
  - f. Fence height changes:
    - i. Commission expressed support
  - g. Driveway grading allowances:
    - i. Commission expressed support

5. **Adjournment** –Chair Robert Meisel

Chair Meisel adjourns the meeting at 2:29pm

APPROVED:

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Robert Meisel, Chair

ATTEST:

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Joel Sherrouse, Development Coordinator

These minutes were approved on \_\_\_\_\_, 2026.

DRAFT



City of West Lake Hills  
Zoning & Planning Commission

**AGENDA REPORT**

<b>Meeting Date:</b>	May 20, 2026	<b>Item Number:</b>	3c
	Building & Development		
<b>Department:</b>	Services		
<b>Prepared By:</b>	Jennifer C. Bills	<b>Cost / Budget:</b>	None
<b>Exhibits:</b>	N/A	<b>Source of Funds:</b>	N/A

**Subject**

Report of Previous ZAPCO cases acted on by the BOA/City Council.

**Discussion**

Since the March 18, 2026 ZAPCO meeting, the following cases forwarded by ZAPCO were considered at City Council/BOA.

**Board of Adjustment:**

1. **1906 Yaupon Valley** - Variances for cut/fill limits, grading in the setback, vegetative screening of retaining walls, and retaining wall height
  - a. At the May 13 Board of Adjustment meeting, all 4 variances were **approved** with the condition that remediation of the over grading and septic be woven through the trees rather than cutting the trees down.

**City Council:**

1. **507 Konstanty Circle:** Variances for the removal of 2 trees
  - a. At the May 13 City Council meeting, the City Council voted to **deny** the request to remove the oak tree between the proposed pool and casita, and to **approve** the request to remove the Cedar Elm in the location of the proposed house.
2. **1111 Redbud Trail:** Variances for the removal of 2 trees
  - a. Upon a site inspection by Deputy City Inspector Alex Sanchez, one of the trees was determined to be dead or dying and approved for removal. The variance request was revised to only include the remaining tree. At the May 13 City Council meeting, the variance request was **approved**.



City of West Lake Hills  
Zoning and Planning Commission

# AGENDA REPORT

<b>Meeting Date:</b>	May 20, 2026	<b>Item Number:</b>	4
	Building & Development		
<b>Department:</b>	Services		
<b>Prepared By:</b>	Jennifer C. Bills	<b>Cost / Budget:</b>	None
<b>Exhibits:</b>	See Attached	<b>Source of Funds:</b>	N/A

## Subject

**614 Westbrook Dr:** Discuss and make a recommendation to the Board of Adjustment on proposed variance to allow a four-foot encroachment into the 30-foot rear setback (Section 22.03.276 & Section 22.03.281).

Applicant: Steven Campos, Contemporary Tile Design LLC

## Recommendation

Discuss and make a recommendation to the Board of Adjustments including an analysis of whether:

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

The Zoning and Planning Commission, in performing their respective duties in reference to applications for variances, may be guided by the interpretative criteria listed in the variance criteria in the report.

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.

The findings of fact as alleged by the applicant are attached in Exhibit A.

This item will be forwarded to the Board of Adjustments meeting on June 10, 2026 for review and a public hearing.

**Discussion**

**Property Information, Zoning & Site Characteristics:**

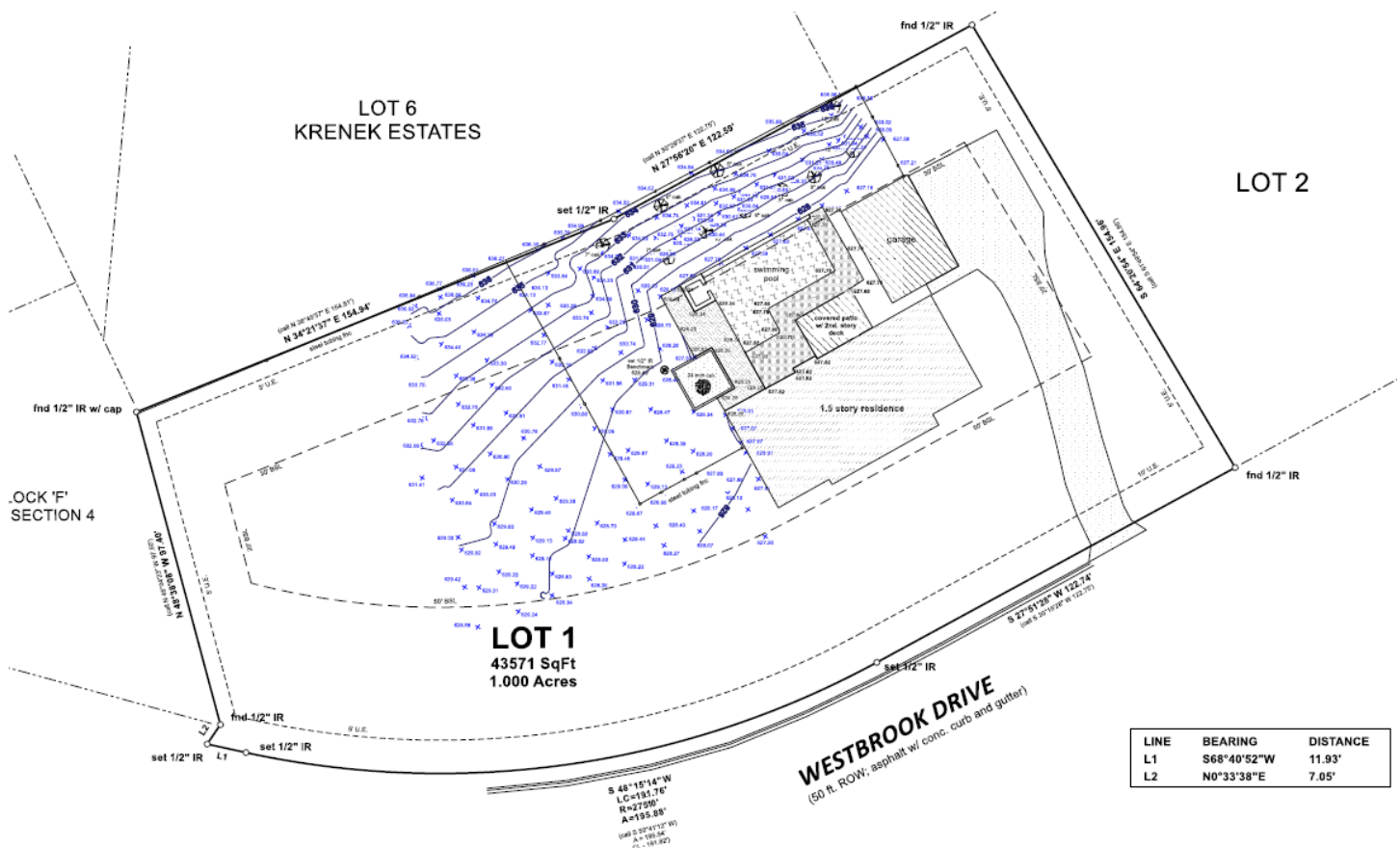
Owner: Schuler Family Revocable Trust  
 Legal Description: Lot 1 Rainbow's End Estates Sec 1  
 Lot Size: 1.00 acres  
 Zoning: R-1  
 Wastewater: On Site Sewage Facility (OSSF)

The properties surrounding the subject property are zoned R-1, One-Family, and ETJ, Extra Territorial Jurisdiction.

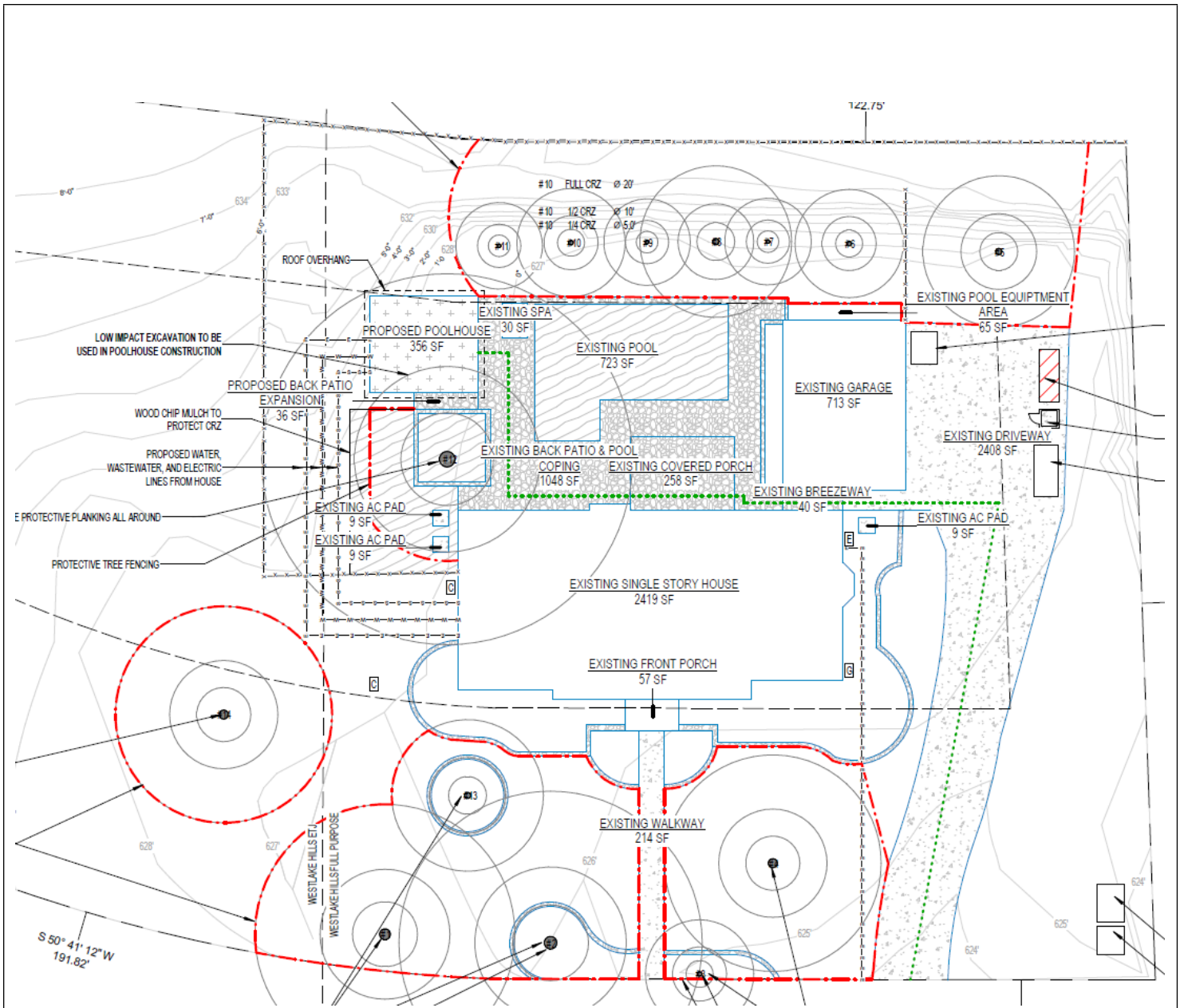
**Background & Analysis:**

The applicant is requesting a four foot encroachment into the 30-foot rear setback to build an accessory structure attached to an existing pool patio (Attachment 2). The applicants are requesting the rear setback encroachment to avoid impacting a large oak tree located in the middle of the property's backyard.

The property was granted a variance in April 1999 to extend the swimming pool to four feet beyond the 30 foot building line (Attachment 6). The applicants intend not to extend beyond the existing building line of the pool (Attachment 1).



(Attachment 2 Existing Site)



(Attachment 3 Proposed Plan)

## Setbacks for Accessory Structures

### Code Reference:

#### Section 22.03.276—Setbacks for Accessory Structures

The minimum setback distances for accessory structures, other than unroofed steps, ramps, fences, walks, driveways, driveway gates, playscapes, and mailboxes, shall be the same as the setback distances applicable to a principal building under the appropriate category in section 22.03.281. Accessory structures, including overhangs and eaves, shall not encroach into setbacks. Propane tanks shall not be required to meet the setback requirements of this section so long as they are permitted and placed in accordance with the Liquefied Petroleum Gas Safety Rules adopted by the Railroad Commission of Texas in title 16, part 1, chapter 9, of the Texas Administrative Code, including any and all future amendments thereto.

**Section 22.03.281—Dimensional Regulations**

Lot Size/ Zoning	Minimum Building Setback Distance in Feet From Rear Lot Line								
	R-1	R-2	R-3	O	GUI	B-1	B-2	B-3	MU-1
Greater than or equal to .5 acre	30	30	50	40	40	40	40	(IV)(c)	(C)
Less than .5 acres, greater than or equal to .375 acres	25	25	N/A	30	30	30	30	N/A	N/A
Less than .375 acres-zero	15 (F, E)/20	15 (F, E)/20	N/A	30	30	30	30	N/A	N/A

**Request:**

To encroach four feet into the 30-foot rear setback.

**Public Comments:**

As of the date of the staff report, 2 comments in support have been received (Attachment 5).

**Variance Criteria Review:**

Per Section 22.03.511 (c) Procedure and notice, Section 22.03.171: Site disturbance (residential buildings), and Section 22.03.276: Setbacks for accessory structures 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 38.0.033. 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**

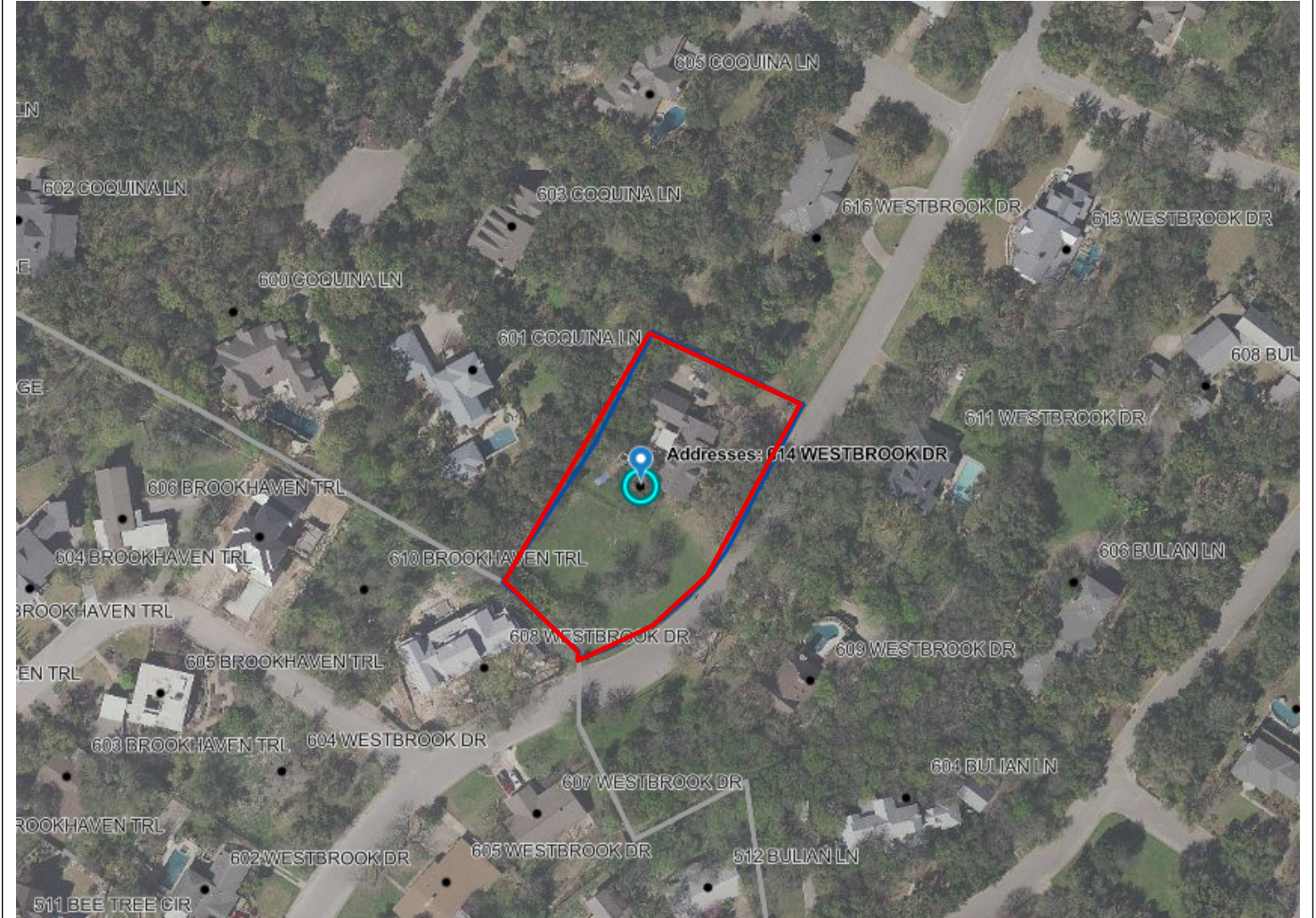
The existing and future land use is in conformance with the City of West Lake Hills Master Plan.

**Links to Relevant Code:**

- [Section 22.03.276](#)      [Setbacks for Accessory Structures](#)
- [Section 22.03.511](#)      [Variances](#)
- [Section 22.03.514](#)      [Criteria and process required for granting variance](#)



Aerial:



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Addressed to

Robert Meisel-ZAPCO Chairperson

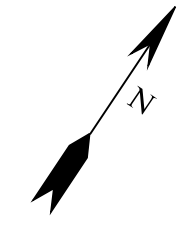
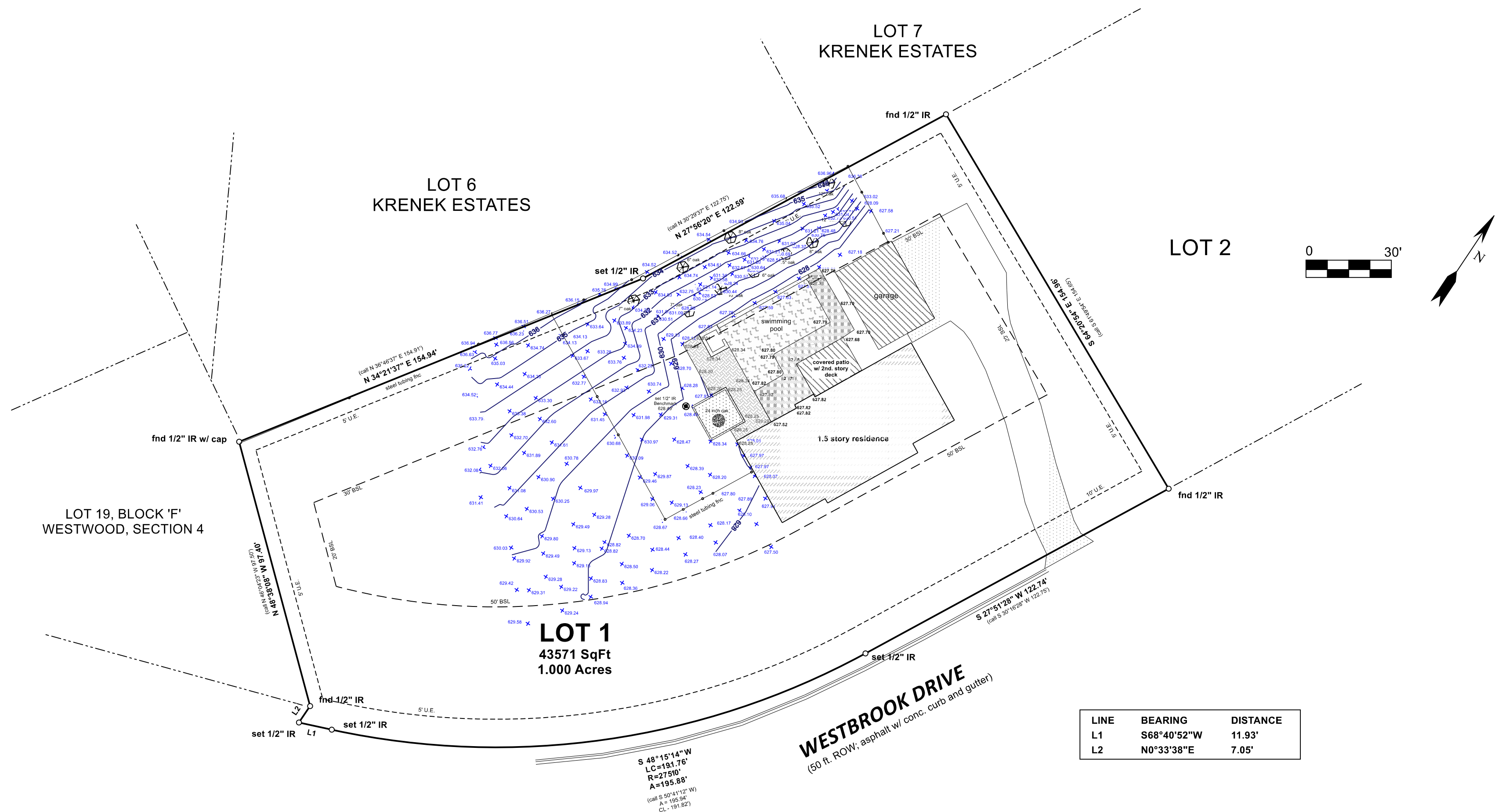
Dear Mr Meisel,

I am writing to request a variance to city code 22.03.276/22.03.281. The rear building setback of 30ft. We are building an outdoor kitchen attached to our existing pool patio. Due to the large oak tree located in the planter in the approximate area of the building site, we need to push the structure as far back towards the rear building setback as possible. This way we will not impact the tree's CRZ in any way. To accommodate the design and amenities we desire in this build, we are requesting a 4 ft variance be granted on the rear setback. But is in the central rear part of the property so well within any side and front setback points. We plan to stop the new structure on the existing plane of the pool side wall, which runs parallel to the rear of the property. We are doing this for aesthetic and functional purposes, as well as to not exceed the point to which a previous variance was already granted when we built the pool. The location of the outdoor kitchen sits inside an existing drainage berm we constructed during the building of the house and in a natural location where we will not need to disrupt the terrain or remove any existing trees. This was always a plan of ours to finish this area out with an outdoor kitchen. We believe this will be a beautiful addition to the property, and will not negatively affect any of the surrounding neighbors, or diminish the beauty of our neighborhood.

Sincerely,

**Rachel Schuler-Owner**

614 Westbrook Dr.  
West Lake Hills, TX 78746  
(512) 626-3702



LINE	BEARING	DISTANCE
L1	S68°40'52\"W	11.93'
L2	N0°33'38\"E	7.05'

S 48°15'14\"W  
 LC=191.76'  
 R=275.0'  
 A=195.88'  
 (CALL S. 50°41'12\"W)  
 A=195.94'  
 CL=191.82'

According to FEMA FIRM PANEL No. 48453C0445K, Effective Date of 1/22/2020, this property lies in Zone \"X\", an area outside of the 0.2% chance flood plain (500 year flood plain).

- NOTES:**
1. Property Address: 614 Westbrook Drive, Westlake Hills, Texas 78748.
  2. Deed of Record: Rachel Riggins Schuler to the Schuler Family Revocable Trust, Instrument No. 2025073502, Official Public Records, 7/2/2025.
  3. Plat of Record: Volume 87, Page 74A and 74B, Plat Records.
  4. Restrictions: Volume 10489, Page 652, Deed Records.
  5. All monuments set are 1/2 inch iron rods with orange plastic caps marked \"STARRSURV RPLS 6706\".
  6. All bearings shown hereon are referenced to the Texas Coordinate System of 1983 (NAD83 2011), Central Zone.
  7. All distances shown hereon are surface horizontal distances.



I, Henry S. Maddux III, Registered Professional Land Surveyor No. 6706, do certify that this plat represents a survey made on the ground under my supervision and that the improvements shown hereon were present at the time of survey and that the elevations shown hereon represent accurately the conditions on the ground. Time of Survey: Wednesday, March 4, 2026 and March 6, 2026.

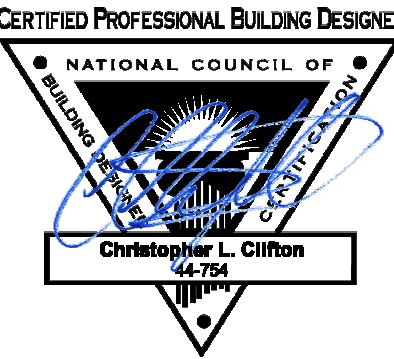
*Henry S. Maddux III*  
 Henry S. Maddux III  
 03/09/2026  
 Date

TOPOGRAPHIC SURVEY PLAT OF  
**LOT 1, SECTION 1**  
**RAINBOW'S END ESTATES**  
 ALEXANDER EANES SURV. FIRM NO. 507  
 ABSTRACT NO. 272, TRAVIS COUNTY TEXAS  
**STARR SURVEYING**  
 TEXAS LICENSED SURV. FIRM NO. 10193754  
 3779 W. FM 436  
 BELTON, TEXAS 76513  
 936-662-0077  
 JOB NO. 26021 CUSTOMER: STEVE CAMPOS  
 DRWN: HSM DATE: 03/08/2026



NO.	REVISION	DATE
1	PERMIT	TBD

Building Designer: CLC



ISSUE DATE: 2/8/25

TREE CRITICAL ROOT ZONE			
TREE #	TREE SIZE	DESCRIPTION (* INDICATES R.O.W)	HERITAGE TREE
1	24"	LIVE OAK	Yes
2	28"	LIVE OAK	Yes
3	10"	LIVE OAK	No
4	20"	LIVE OAK	No
5	14"	CHINESE PISTACHE	No
6	10"	LIVE OAK	No
7	8"	LIVE OAK	No
8	14"	LIVE OAK	No
9	8"	LIVE OAK	No
10	10"	LIVE OAK	No
11	8"	LIVE OAK	No
12	34"	LIVE OAK	Yes
13	14"	PECAN	No
14	20"	LIVE OAK	No

**SITE GENERAL NOTES**

- UTILITIES ARE SHOWN FOR INFORMATION ONLY.
- CONTRACTOR PROVIDE AND MAINTAIN A PORTABLE TOILET.
- CONTRACTOR SHALL NOT STORE ANY MATERIAL WITHIN THE DRIP EDGE OF TREE TO REMAIN.
- CONTRACTOR TO VERIFY SIDE UTILITIES LOCATIONS PRIOR TO EXCAVATION.

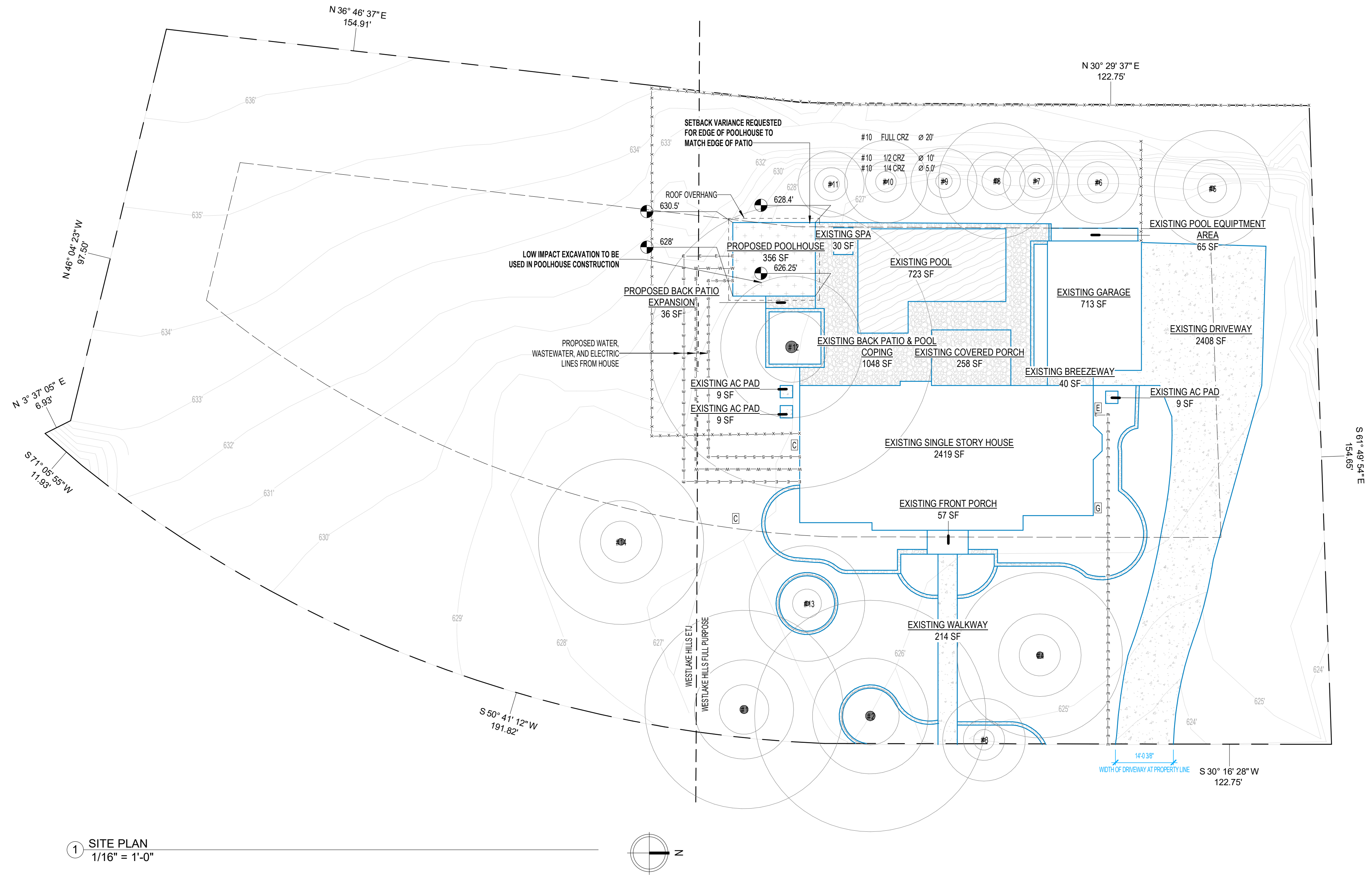
**ZONING INFORMATION**

LEGAL DESCRIPTION: LOT 1 RAINBOWS END ESTATES SEC 1  
 PROPERTY ID: 110825  
 ZONING: R-1 ONE FAMILY  
 LOT SIZE: 43323.91

DEVELOPMENT LIMITS:  
 IMPERVIOUS COVER: 25%  
 MAX. BUILDING HEIGHT: 30 FT

**SITE LEGEND**

- ADDITION / NEW CONSTRUCTION
- CONCRETE
- EXISTING HOUSE
- GRASS
- GRAVEL
- STONE / MASONRY
- WOOD PLANKS
- WATER
- CLEAN OUT
- ELECTRIC METER
- GAS METER
- MAILBOX
- POWER POLE
- WATER METER
- UNDERGROUND WASTE
- UNDERGROUND WATER
- NATURAL GAS MAIN SERVICE LINE
- OVERHEAD ELECTRICAL
- FENCE
- CONTOUR LINES
- ROOF OVERHANG
- SETBACK
- PROPERTY LINE
- TREE CRZ
- TREE TO BE REMOVED



1 SITE PLAN  
1/16" = 1'-0"

DEVELOPMENT TABLE														
NAME	DESCRIPTION	AREA	IMP FACTOR	BLDG FACTOR	LIV FACTOR	LIV EXEMPTION	IMP AREA	BLDG AREA	LIV AREA	% IMP	% BLDG	% LIV	COUNT	COMMENTS
EXISTING AC PAD	FLATWORK	27 SF	1	0	0	0 SF	27.00 SF	0.00 SF	0.00 SF	0.06%	0.00%	0.00%	3	
EXISTING BACK PATIO & POOL COPING	FLATWORK	1048 SF	1	0	0	0 SF	1047.77 SF	0.00 SF	0.00 SF	2.42%	0.00%	0.00%	1	
EXISTING BREEZEWAY	COVERED PATIO	40 SF	1	1	0	0 SF	40.38 SF	0.00 SF	0.00 SF	0.09%	0.09%	0.00%	1	
EXISTING BRICK LANDSCAPE WALL	LANDSCAPING	312 SF	1	0	0	0 SF	311.66 SF	0.00 SF	0.00 SF	0.72%	0.00%	0.00%	10	
EXISTING COVERED PORCH	COVERED PATIO	258 SF	1	1	0	0 SF	258.09 SF	0.00 SF	0.00 SF	0.60%	0.60%	0.00%	1	
EXISTING DRIVEWAY	FLATWORK	2408 SF	1	0	0	0 SF	2408.27 SF	0.00 SF	0.00 SF	5.56%	0.00%	0.00%	1	
EXISTING FRONT PORCH	COVERED PORCH	57 SF	1	1	1	0 SF	57.36 SF	57.36 SF	57.36 SF	0.13%	0.13%	0.13%	1	
EXISTING GARAGE	UNCONDITIONED	713 SF	1	1	1	0 SF	712.83 SF	712.83 SF	712.83 SF	1.65%	1.65%	1.65%	1	
EXISTING POOL	POOL	723 SF	0	0	0	0 SF	0.00 SF	0.00 SF	0.00 SF	0.00%	0.00%	0.00%	1	
EXISTING POOL EQUIPMENT AREA	FLATWORK	65 SF	1	0	0	0 SF	65.01 SF	0.00 SF	0.00 SF	0.15%	0.00%	0.00%	1	
EXISTING SINGLE STORY HOUSE	CONDITIONED	2419 SF	1	1	1	0 SF	2419.16 SF	2419.16 SF	2419.16 SF	5.58%	5.58%	5.58%	1	
EXISTING SPA	POOL	30 SF	0	0	0	0 SF	0.00 SF	0.00 SF	0.00 SF	0.00%	0.00%	0.00%	1	
EXISTING WALKWAY	FLATWORK	214 SF	1	0	0	0 SF	213.96 SF	0.00 SF	0.00 SF	0.49%	0.00%	0.00%	1	
GRASS	GRASS	34612 SF	0	0	0	0 SF	0.00 SF	0.00 SF	0.00 SF	0.00%	0.00%	0.00%	11	
PROPOSED BACK PATIO EXPANSION	FLATWORK	36 SF	1	0	0	0 SF	36.02 SF	0.00 SF	0.00 SF	0.08%	0.00%	0.00%	1	
PROPOSED POOLHOUSE	COVERED PATIO	356 SF	1	1	0	0 SF	356.02 SF	356.02 SF	0.00 SF	0.82%	0.82%	0.00%	1	
<b>TOTAL</b>		<b>4319 SF</b>					<b>7953.53 SF</b>	<b>3843.84 SF</b>	<b>3189.35 SF</b>	<b>18.36%</b>	<b>8.87%</b>	<b>7.36%</b>		

ECM - 3.6.1 - TREE PROTECTION REQUIREMENTS

A. DURATION OF TREE PROTECTION

1. INSTALLATION

TREE PROTECTION SHALL BE INSTALLED PRIOR TO THE START OF ANY SITE WORK, INCLUDING DEMOLITION OR SITE PREPARATION, AND MAINTAINED CONTINUOUSLY THROUGHOUT THE PROJECT.

2. REMOVAL

TREE PROTECTION SHALL BE REMOVED AT THE END OF THE PROJECT AFTER ALL CONSTRUCTION AND FINAL GRADING IS COMPLETE, BUT BEFORE FINAL INSPECTION. ANY PREMATURE REMOVAL OR FAILURE OF TREE PROTECTION CAN LEAD TO CRITICAL ROOT ZONE IMPACTS AS DESCRIBED IN ECM 3.5.2 AND MAY REQUIRE REMEDIAL TREE CARE. IT IS THE PERMIT HOLDER'S RESPONSIBILITY TO AVOID DAMAGE TO PRESERVED TREES WHERE TREE PROTECTION HAS BEEN REMOVED OR NOT INSTALLED.

B. FENCING SPECIFICATIONS

1. MATERIAL REQUIREMENTS

FENCING IS THE PRIMARY METHOD OF TREE PROTECTION. FENCING IS INTENDED TO PREVENT ACCESS TO THE CRITICAL ROOT ZONE. TREE FENCING SHALL BE CHAIN-LINK MESH WITH A MINIMUM HEIGHT OF 5 FEET. FENCING SHALL BE INSTALLED ON STEEL T-POSTS WITH A MAXIMUM SPACING OF 10 FEET BETWEEN THE POSTS. MORE ROBUST OR EXISTING PERMANENT FENCING MAY BE APPROVED AS AN ALTERNATIVE TO CHAIN-LINK FENCING. PLASTIC FENCING MATERIAL SHALL NOT BE USED AS TREE PROTECTION.

2. LOCATION OF FENCING

FENCING SHALL BE INSTALLED AROUND OR BEYOND THE CRITICAL ROOT ZONE OF ALL PRESERVED TREES OR ANY NATURAL AREAS DESIGNATED FOR PRESERVATION. FENCING MUST BE CONTINUOUS AND CREATE A CLOSED, INACCESSIBLE AREA OF ROOT ZONE PROTECTION.

3. MAINTENANCE OF FENCED AREAS

FENCING SHALL NOT BE TEMPORARILY MOVED OR REMOVED DURING DEVELOPMENT WITHOUT PRIOR AUTHORIZATION. THERE SHALL BE MINIMAL SLACK OR SAGGING IN THE FENCE. THE FENCED CRITICAL ROOT ZONE SHALL NOT BE USED FOR TOOL OR MATERIAL STORAGE OF ANY KIND AND SHALL BE KEPT FREE OF LITTER.

4. EXCEPTIONS TO FENCING REQUIREMENTS

ANY SECTION OF THE CRITICAL ROOT ZONE NOT PROTECTED BY FENCING OR COVERED BY EXISTING HARDSCAPE REQUIRES MULCH (SEE ECM 3.6.1.C). EXCEPTIONS TO THE CRZ FENCING REQUIREMENT SHALL BE JUSTIFIED BY SITE-SPECIFIC CONSIDERATIONS. SOME EXCEPTIONS ARE FOR AREAS THAT HAVE BEEN APPROVED FOR IMPACTS, SUCH AS THE FOOTPRINT OF A BUILDING; (I) COVERED BY EXISTING HARDSCAPE, SUCH AS A PATIO OR DRIVEWAY (NOTE: IF HARDSCAPE IS REMOVED THE EXPOSED SOIL BENEATH BECOMES SUBJECT TO TREE PROTECTION REQUIREMENTS); (II) REQUIRED FOR ACCESS TO THE WORK AREA; AND (V) APPROVED FOR USE AS A STAGING AREA. WITHIN THE HALF CRZ, FENCING REQUIREMENTS WILL ONLY BE MODIFIED FOR EXISTING HARDSCAPE OR TO ALLOW AN ACCESS PATH ADJACENT TO APPROVED STRUCTURES (SEE ECM 3.6.1.C.3). CRZ FENCING MODIFICATIONS SHALL BE SHOWN ON THE DEVELOPMENT PLANS OR APPROVED BY THE INSPECTOR.

C. MULCH SPECIFICATIONS

1. MATERIAL REQUIREMENTS

MULCH IS REQUIRED IN ANY SECTION OF THE CRITICAL ROOT ZONE THAT IS NOT PROTECTED BY FENCING OR UNDER EXISTING HARDSCAPE AND HAS NOT BEEN APPROVED FOR IMPACTS (SUCH AS BUILDING FOOTPRINT OR DRIVEWAY). MULCH USED FOR TREE PROTECTION SHALL BE ANY NATURAL WOOD TYPE. ROUGH SINGLE GRIND MULCH, WHICH RESISTS COMPACTION BETTER THAN DOUBLE GRIND AND IS USUALLY LESS EXPENSIVE IS PREFERRED BUT ANY NATURAL WOOD TYPE IS ACCEPTABLE. DYED MULCH OR MULCH MADE FROM NON-BIOLOGICAL MATERIAL SUCH AS RUBBER OR STONE SHALL NOT BE USED AS TREE PROTECTION.

2. DEPTH OF MULCH

MULCH SHALL BE INSTALLED TO A MINIMUM DEPTH OF 8 INCHES. MULCH MAY NEED TO BE PERIODICALLY REPLISHED DEPENDING ON THE DURATION OF THE PROJECT. SINCE EXCESSIVE MULCH IS HARMFUL TO TREES, MULCH SHALL NOT BE INSTALLED TO A DEPTH GREATER THAN 12 INCHES. MULCH USED FOR TREE PROTECTION SHALL BE REMOVED AT THE END OF THE PROJECT. MULCH SHALL NEVER BE PILED AGAINST TREE TRUNKS.

3. MULCH WITHIN THE HALF CRZ

WHEN MULCH IS USED AS ALTERNATIVE PROTECTION WITHIN THE HALF CRITICAL ROOT ZONE IT SHALL BE TOPPED BY DECKING TO PROVIDE ADDITIONAL PROTECTION AGAINST COMPACTION.

4. EXCEPTIONS TO MULCH REQUIREMENTS

MULCH IS NOT REQUIRED WITHIN FENCED SECTIONS OF THE CRITICAL ROOT ZONE WHERE EXISTING TURF OR GROUND COVER IS PRESENT AND UNDISTURBED. SECTIONS OF BARE OR DISTURBED DIRT WITHIN THE FENCED CRZ SHALL BE COVERED BY A THREE-INCH LAYER OF MULCH.

D. TRUNK AND BRANCH WRAPPING

1. TRUNK WRAP

WRAPPING IS NOT REQUIRED OR RECOMMENDED FOR MOST PRESERVED TREES. WHEN NECESSARY, TRUNK WRAP SHALL BE INSTALLED TO PROTECT THE FIRST 8 FEET OF TREE HEIGHT WHENEVER PROTECTIVE FENCING IS LOCATED 5 FEET OR LESS FROM THE TRUNK OR WHEN FENCING CANNOT BE PLACED AROUND THE TREE. THIS WILL USUALLY ONLY BE THE CASE WHEN EXISTING HARDSCAPE PROVIDES HALF CRITICAL ROOT ZONE PROTECTION OR A STRUCTURE HAS BEEN APPROVED FOR CONSTRUCTION WITHIN THE HALF CRZ USING AN EXISTING HISTORICAL FOOTPRINT. THESE CIRCUMSTANCES CAN RESULT IN FENCING CLOSER TO THE TRUNK THAN WOULD OTHERWISE BE ALLOWED. BECAUSE TREES VARY IN FORM, 8 FEET IS A GENERAL GUIDELINE RATHER THAN AN ABSOLUTE STANDARD. MORE OR LESS HEIGHT OF PROTECTION MAY BE APPROPRIATE.

2. BRANCH WRAP

BRANCH WRAP MAY BE REQUIRED WHEN A MAJOR LIMB IS OVER AN ACCESS ROUTE OR CLOSE TO A PROPOSED STRUCTURE. PROXIMITY OF SCAFFOLDING OR OTHER NECESSARY CONSTRUCTION EQUIPMENT NEEDS TO BE CONSIDERED.

3. MATERIAL REQUIREMENTS

DIMENSIONAL LUMBER, SUCH AS 2X4S, SHALL BE ORIENTED PARALLEL TO AND CONTINUOUSLY AROUND THE TRUNK OR BRANCH AND SECURED IN PLACE BY TIGHTENING WIRES RUN AROUND THE OUTSIDE OF THE LUMBER. WRAPPING SHALL NEVER BE SECURED DIRECTLY TO THE TREE BY SCREWS OR OTHER MEANS. WRAPPING SHALL BE LOOSENEED AND RETIGHTENED EVERY SIX MONTHS TO PREVENT THE TREE FROM BEING DAMAGED AS IT GROWS OUTWARDS.

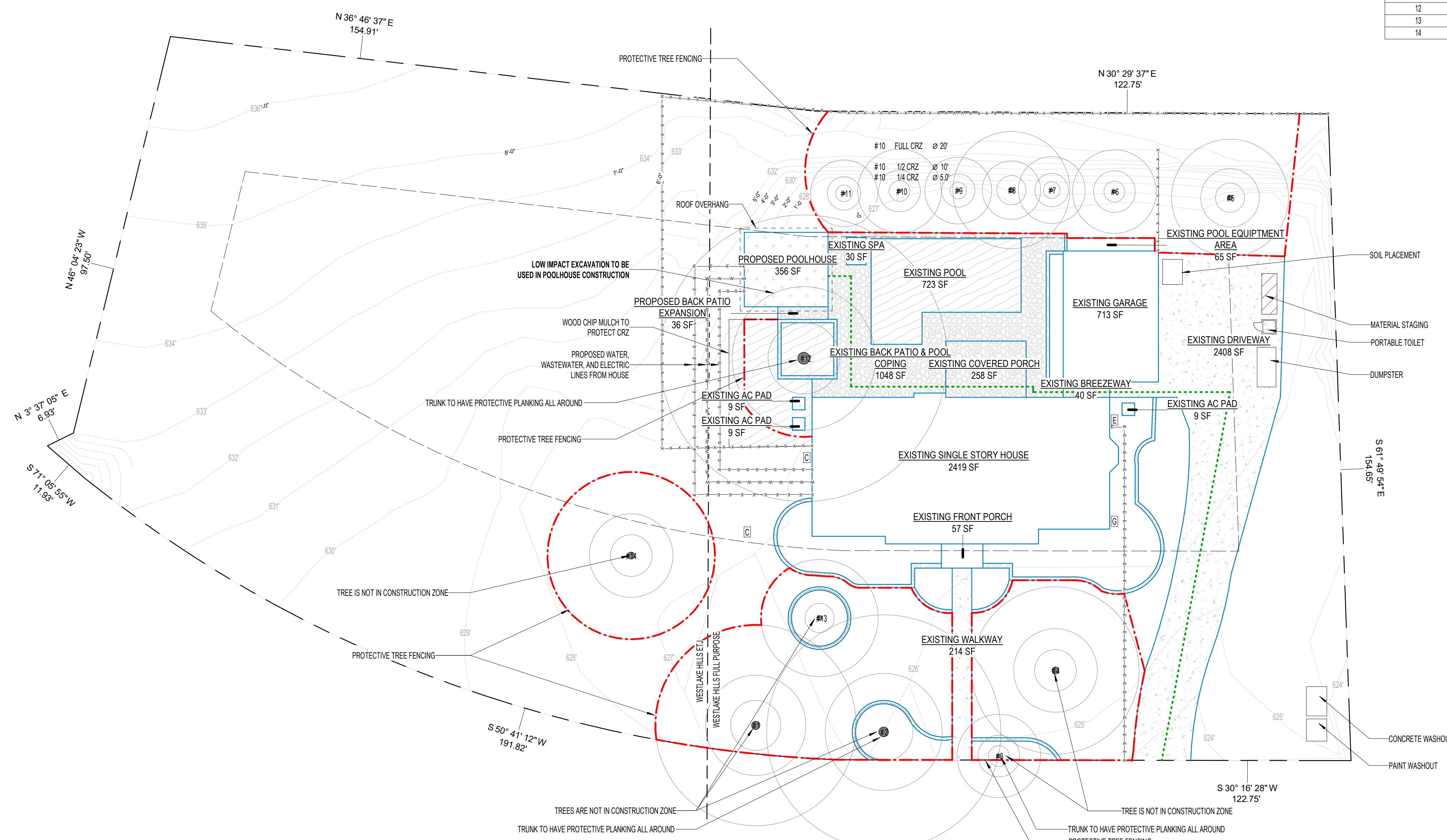
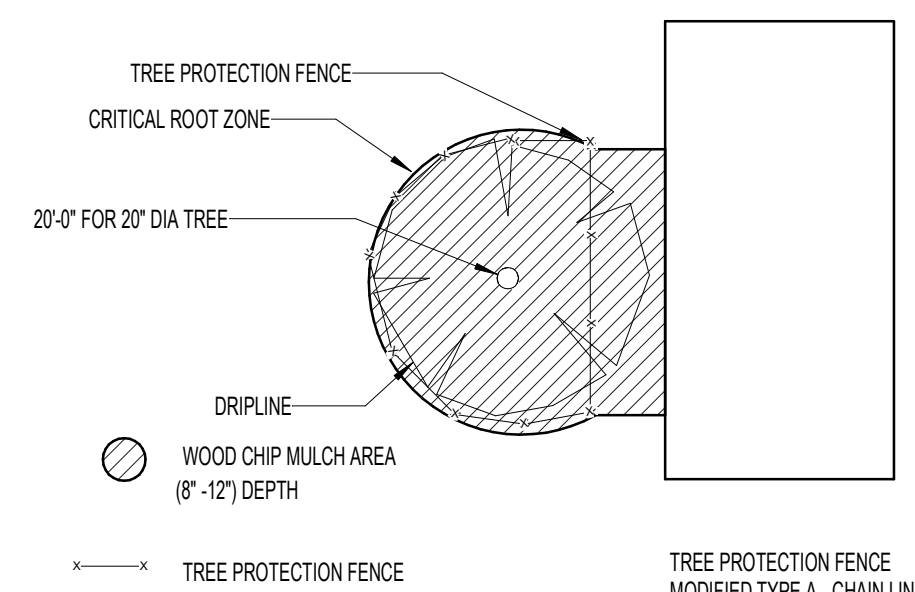
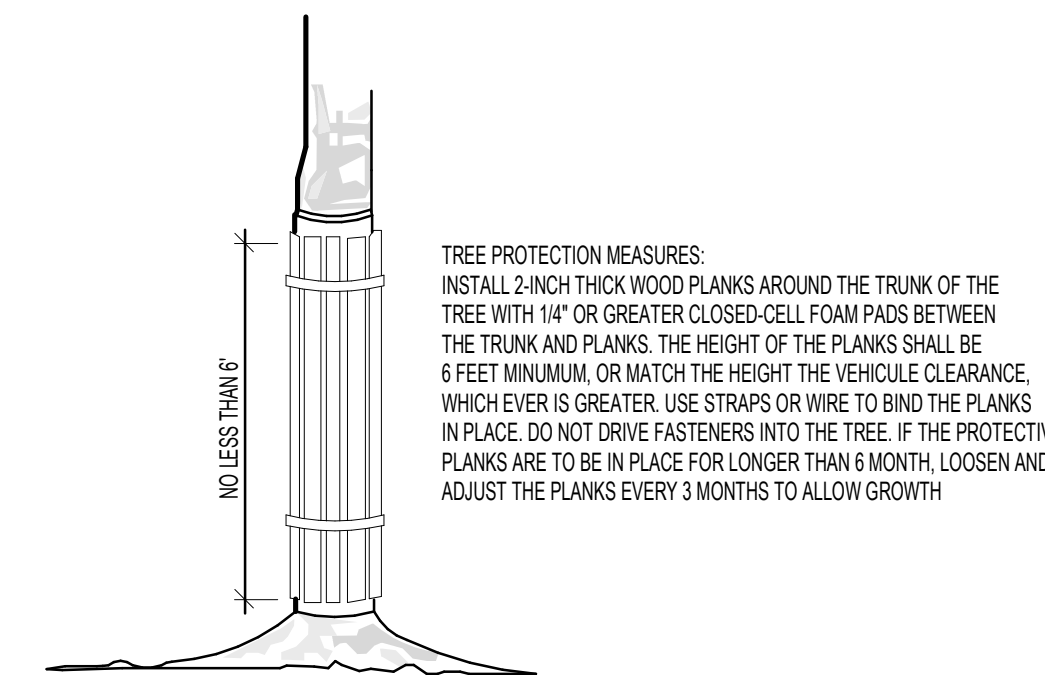
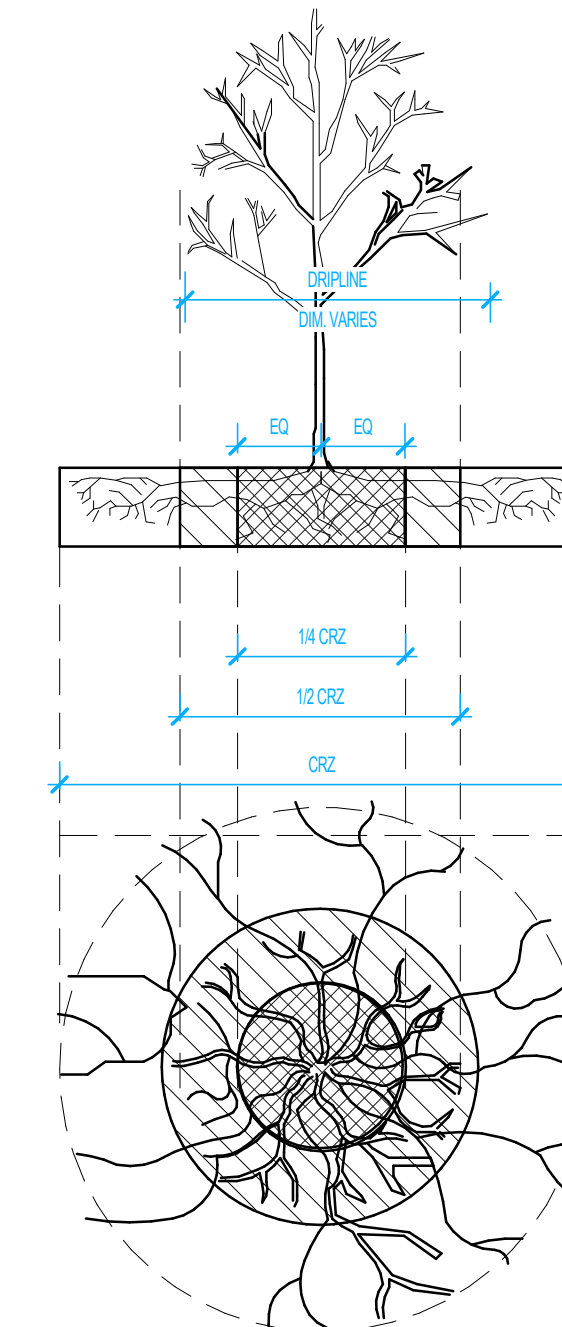
E. PROTECTION FOR NATURAL AREAS

NATURAL AREAS INDICATED FOR PRESERVATION ON PLANS SHALL BE PROTECTED BY FENCING THAT MEETS THE STANDARDS FOR TREE FENCING IN THIS SECTION. ALTERNATIVE PROTECTION ALLOWED FOR TREES IS NOT ACCEPTABLE FOR NATURAL AREA PRESERVATION. FENCING SHALL BE INSTALLED AT THE LIMIT OF CONSTRUCTION LINE SHOWN ON PLANS.

TREE CRITICAL ROOT ZONE			
TREE #	TREE SIZE	DESCRIPTION (* INDICATES R.O.W)	HERITAGE TREE
1	24"	LIVE OAK	Yes
2	28"	LIVE OAK	Yes
3	10"	LIVE OAK	No
4	20"	LIVE OAK	No
5	14"	CHINESE PISTACHE	No
6	10"	LIVE OAK	No
7	8"	LIVE OAK	No
8	14"	LIVE OAK	No
9	8"	LIVE OAK	No
10	10"	LIVE OAK	No
11	8"	LIVE OAK	No
12	34"	LIVE OAK	Yes
13	14"	PECAN	No
14	20"	LIVE OAK	No

TREE PRESERVATION LEGEND

- WOOD PLANKS
- 8" MULCHING AREA
- 6" TALL CHAIN LINK FENCE
- ACCESS ROUTE
- CLEAN OUT
- ELECTRIC METER
- GAS METER
- WATER METER
- UNDERGROUND WASTE
- UNDERGROUND WATER
- NATURAL GAS MAIN SERVICE LINE
- OVERHEAD ELECTRICAL
- FENCE
- CONTOUR LINES
- ROOF OVERHANG
- SETBACK
- PROPERTY LINE
- PROTECTED TREE CRZ
- TREE TO BE REMOVED
- TREE TO BE PLANTED



3 TREE PROTECTION AND CONSTRUCTION STAGING  
1/16" = 1'-0"

NO.	REVISION	DATE
1	PERMIT	TBD

Building Designer CLC







NOT FOR REGULATORY APPROVAL,  
PERMITTING, OR CONSTRUCTION.

ISSUE DATE 2/8/25



**GENERAL FLOOR PLAN NOTES**

- ALL CONSTRUCTION SHALL COMPLY WITH THE INTERNATIONAL RESIDENTIAL CODE AND GOVERNING JURISDICTION AMENDMENTS (SEE TITLE PAGE FOR APPLICABLE CODE YEAR).
- FLOOR PLANS ARE PROVIDED FOR DESIGN AND LAYOUT PURPOSES ONLY. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD PRIOR TO CONSTRUCTION.
- SEE STRUCTURAL DRAWING SHEETS FOR HEADER SIZES AND LOCATIONS.
- PROVIDE SMOKE ALARMS - HARD WIRED, INTERCONNECTED, WITH BATTERY BACKUP, AT EACH SLEEPING ROOM, IMMEDIATE COMMON AREA OUTSIDE OF SLEEPING ROOMS, AND, IF APPLICABLE, ON EACH ADDITIONAL STORY INCLUDING BASEMENTS AND HABITABLE ATTICS, IN ACCORDANCE WITH IRC SEC R314 (SEE TITLE PAGE FOR APPLICABLE CODE YEAR). (S)
- PROVIDE CARBON MONOXIDE ALARM - HARD WIRED WITH BATTERY BACKUP, INSTALLED OUTSIDE OF EACH SEPARATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOMS IN DWELLING UNITS WITHIN WHICH FUEL-FIRED APPLIANCES ARE INSTALLED AND/OR HAVE AN ATTACHED GARAGE, IN ACCORDANCE WITH IRC SEC R315 (SEE TITLE PAGE FOR APPLICABLE CODE YEAR) DENOTED ON THE PLANS BY THE SYMBOL (C)
- DRYER VENT NOT TO EXCEED 35' MINUS ELBOWS PER IRC M1502.4.6.1 (SEE TITLE PAGE FOR APPLICABLE CODE YEAR).
- ALL GYPSUM WALL BOARD SHALL BE 5/8" THICK TYPE "X" @ GARAGE WALL SEPARATING CONDITIONED SPACE FROM THE GARAGE.
- ALL GYPSUM WALL BOARD SHALL BE 5/8" THICK TYPE "X" @ GARAGE CEILING.
- DOORS BETWEEN THE GARAGE AND RESIDENCE SHALL BE 20-MINUTE FIRE RATED, GASKETED, AND EQUIPPED WITH A SELF-CLOSING DEVICE PER IRC SECTION R302.5.1 (SEE TITLE PAGE FOR APPLICABLE CODE YEAR).
- PROVIDE LOCAL EXHAUST SYSTEM FOR BATHROOM WITH NO WINDOWS OR FIXED WINDOWS, PER IRC SECTION R303.3 (SEE TITLE PAGE FOR APPLICABLE CODE YEAR).
- INSTALL SAFETY GLAZING IN ACCORDANCE WITH IRC SEC R308 (SEE TITLE PAGE FOR APPLICABLE CODE YEAR).
- CENTERLINE OF ALL LIGHT SWITCHES TO BE 48" ABOVE FLOOR LEVEL UNLESS OTHERWISE NOTED.
- CENTERLINE OF ALL OUTLETS TO BE 18" ABOVE FLOOR LEVEL UNLESS OTHERWISE NOTED.
- BLOCKING TO BE PROVIDED AS REQUIRED FOR ALL WALL MOUNTED EQUIPMENT, FIXTURES, AND FURNISHINGS.
- ALL DIMENSIONS ORIGINATE AT FINISH FACE OF INTERIOR WALLS, OUTSIDE FACE OF EXTERIOR STUDS, OR CENTER OF OPENINGS UNLESS NOTED OTHERWISE.
- PROVIDE AFCI BREAKERS AS REQUIRED PER NEC (SEE TITLE PAGE FOR APPLICABLE CODE YEAR).
- PROVIDE SUPPORTS FOR PIPING AND HVAC SYSTEMS AS REQUIRED PER CODE AND MANUFACTURER REQUIREMENTS (SEE TITLE PAGE FOR APPLICABLE CODE YEAR).
- PROVIDE GFCI DEVICES FOR GFCI PROTECTION WHERE REQUIRED PER NEC (SEE TITLE PAGE FOR APPLICABLE CODE YEAR).
- PROVIDE DEDICATED CIRCUIT FOR THE REFRIGERATOR.
- LOCATE OUTLETS AS REQUIRED TO COMPLY WITH OUTLET SPACING REQUIREMENTS OF NEC (SEE TITLE PAGE FOR APPLICABLE CODE YEAR).

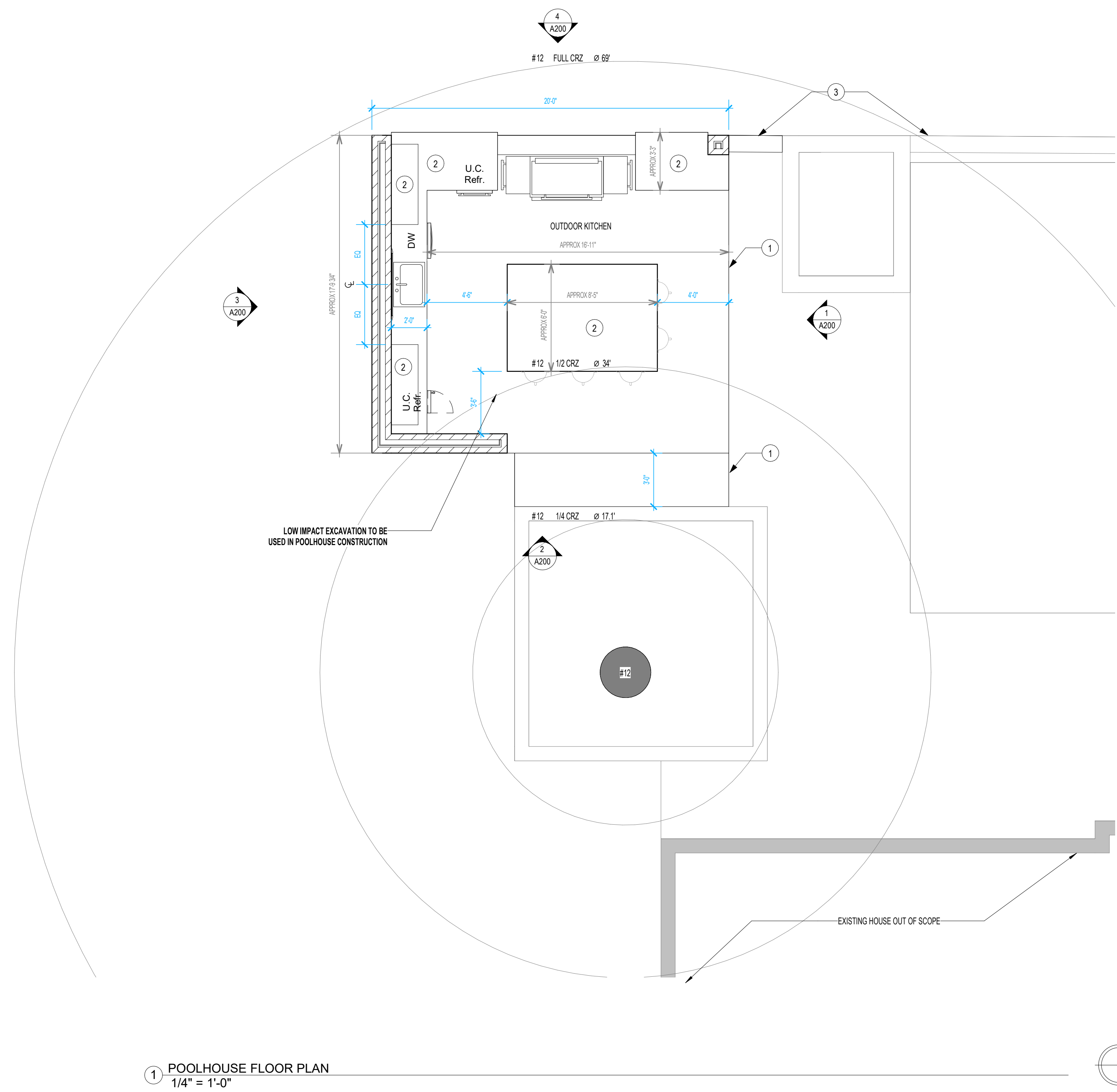
**FLOOR PLAN LEGEND**

-  NEW WALLS, WINDOWS, DOORS, AND ROOF
-  WALLS EXISTING TO REMAIN
-  APPROX DIMENSIONS TO DESCRIBE GENERAL DESIGN INTENT
-  DIMENSIONS FOR BUILDER LAYOUT
-  ELECTRIC METER
-  GAS METER

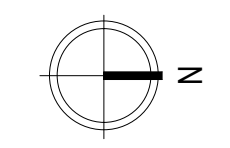
**FOUNDATION LEGEND**

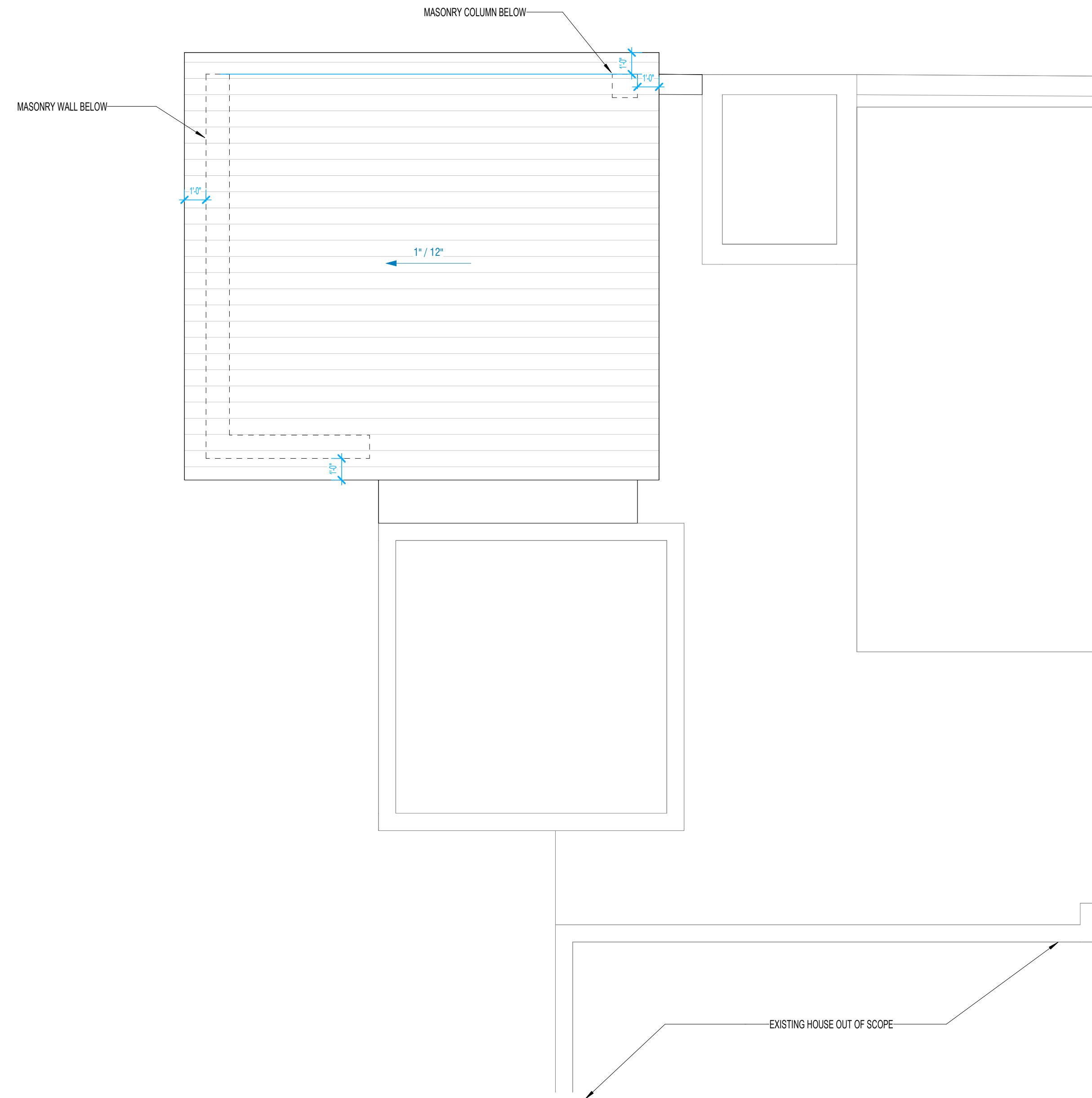
-  INDICATES TOP OF SLAB ELEVATION
-  INDICATES STEP IN SLAB ELEVATION

FLOOR PLAN NOTES	
NO.	DESCRIPTION
1	FLOOR FINISH TO MATCH PATIO ELEVATION
2	CUSTOM CASEWORK TO BE VERIFIED DURING CONSTRUCTION
3	NEW STEM WALL TO MATCH EXISTING

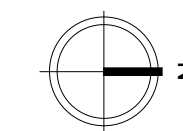


**1 POOLHOUSE FLOOR PLAN**  
1/4" = 1'-0"



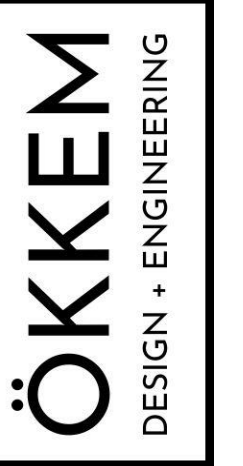


1 ROOF PLAN  
1/4" = 1'-0"



GENERAL ROOF PLAN NOTES

1. ROOF ASSEMBLIES SHALL COMPLY WITH SECTION R905 (SEE TITLE PAGE FOR APPLICABLE CODE YEAR), INCLUDING MATERIALS, UNDERLAYMENT, AND INSTALLATION REQUIREMENTS.
2. MATERIALS MUST MEET ASTM STANDARDS, AND UNDERLAYMENT INSTALLATION MUST ADHERE TO SECTION R905.1.1.
3. DRIP EDGES AT EAVES AND GABLES SHALL BE INSTALLED AS PER SECTION R905.2.8.5.
4. ICE AND WATER SHIELD SHALL BE INSTALLED AT EAVES AS REQUIRED BY SECTION R905.1.2 AND LOCAL CODE.
5. FLASHING AND ROOF PENETRATIONS (E.G., VENTS, SKYLIGHTS) SHALL BE INSTALLED AND SEALED PER SECTION R903.2, USING CORROSION-RESISTANT MATERIALS SPECIFIED IN R903.2.1.
6. SAFE ACCESS FOR ROOF MAINTENANCE SHALL BE PROVIDED IN COMPLIANCE WITH OSHA REGULATIONS AND SECTION R903.1.
7. ENCLOSED ATTICS AND RAFTER SPACES MUST COMPLY WITH SECTION R806 (SEE TITLE PAGE FOR APPLICABLE CODE YEAR).
8. ENSURE CROSS VENTILATION WITH A MINIMUM NET FREE VENTILATING AREA OF 1/150 OF THE SPACE AREA OR 1/300 IF VENTILATION IS BALANCED PER SECTION R806.2. VENTILATION OPENINGS MUST BE PROTECTED AND NOT BLOCKED BY INSULATION, MAINTAINING A 1-INCH SPACE BETWEEN INSULATION AND ROOF SHEATHING PER SECTION R806.3.
9. ROOF DECKING SHALL COMPLY WITH SECTION R803 AND BE FASTENED IN ACCORDANCE WITH TABLE R602.3(1) OR AS SPECIFIED IN THE STRUCTURAL DRAWINGS.
10. GUTTERS AND DOWNSPOUTS MUST BE INSTALLED TO DIRECT ROOF DRAINAGE PER SECTION R801.3, DESIGNED TO MANAGE LOCAL RAINFALL EFFECTIVELY.
11. PLUMBING VENT STACKS SHALL EXTEND ABOVE THE ROOF PER SECTION P3103.1.
12. ALL WORK SHALL COMPLY WITH (SEE TITLE PAGE FOR APPLICABLE CODE YEAR) AND ANY LOCAL AMENDMENTS. VERIFY LOCAL CODE REQUIREMENTS BEFORE PROCEEDING.
13. ROOF ASSEMBLIES MUST MEET THE INSULATION REQUIREMENTS OF SECTION N1102, BASED ON CLIMATE ZONE.
14. ROOFING MATERIALS MUST COMPLY WITH FIRE CLASSIFICATION REQUIREMENTS PER SECTION R902.
15. INSTALL ROOFING MATERIALS ACCORDING TO MANUFACTURER'S INSTRUCTIONS TO ENSURE PROPER PERFORMANCE AND WARRANTY COMPLIANCE.
16. THE CONTRACTOR MUST VERIFY ALL DIMENSIONS AND SITE CONDITIONS, REPORTING DISCREPANCIES TO THE ARCHITECT/ENGINEER BEFORE PROCEEDING.



www.okkemdesign.com  
512.894.9222 | Austin, TX  
614 WESTBROOK DR  
WESTLAKE HILLS, TX 78746

NEW CONSTRUCTION - POOLHOUSE

NO.	REVISION	DATE
1	PERMIT	TBD

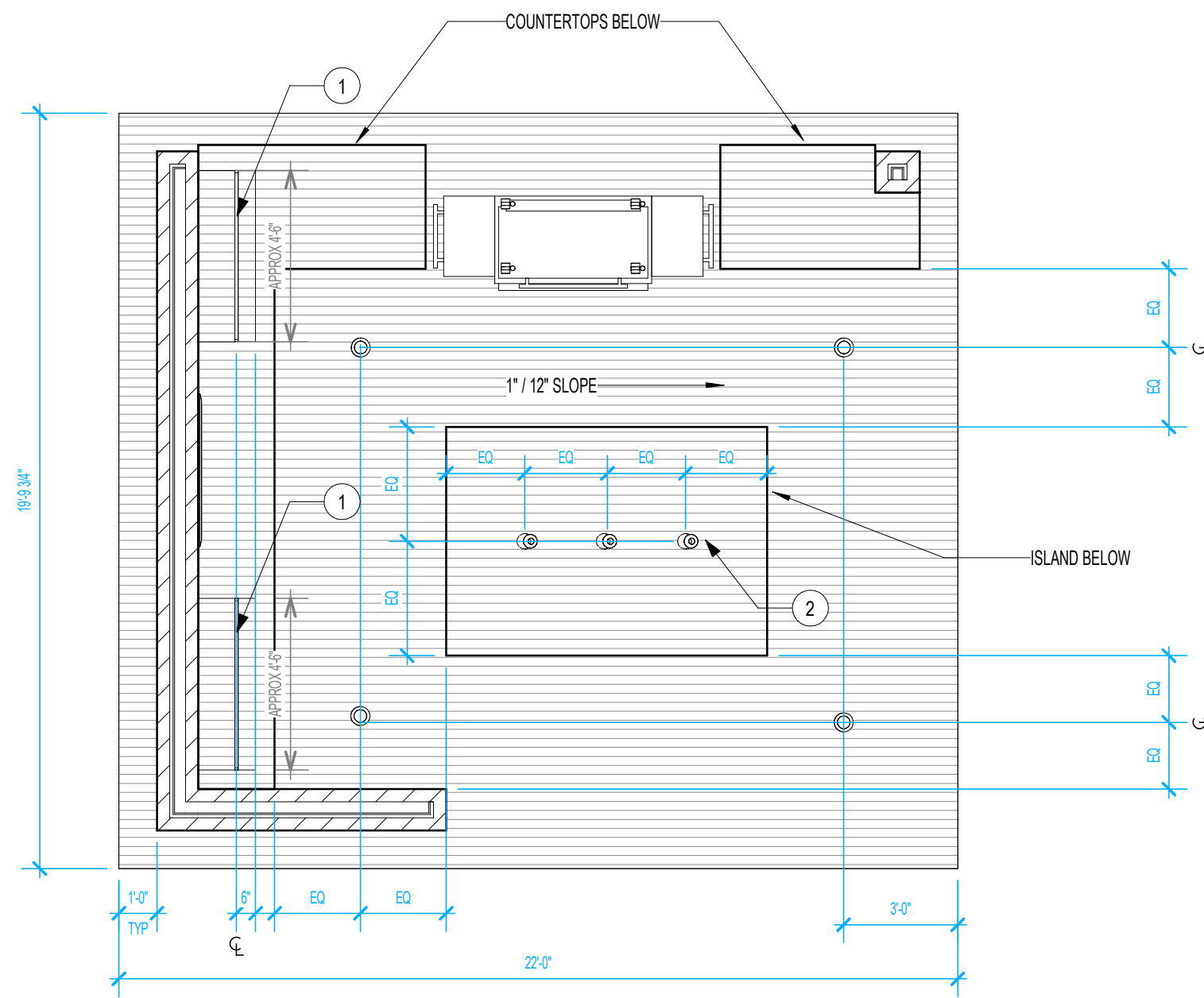
Building Designer CLC



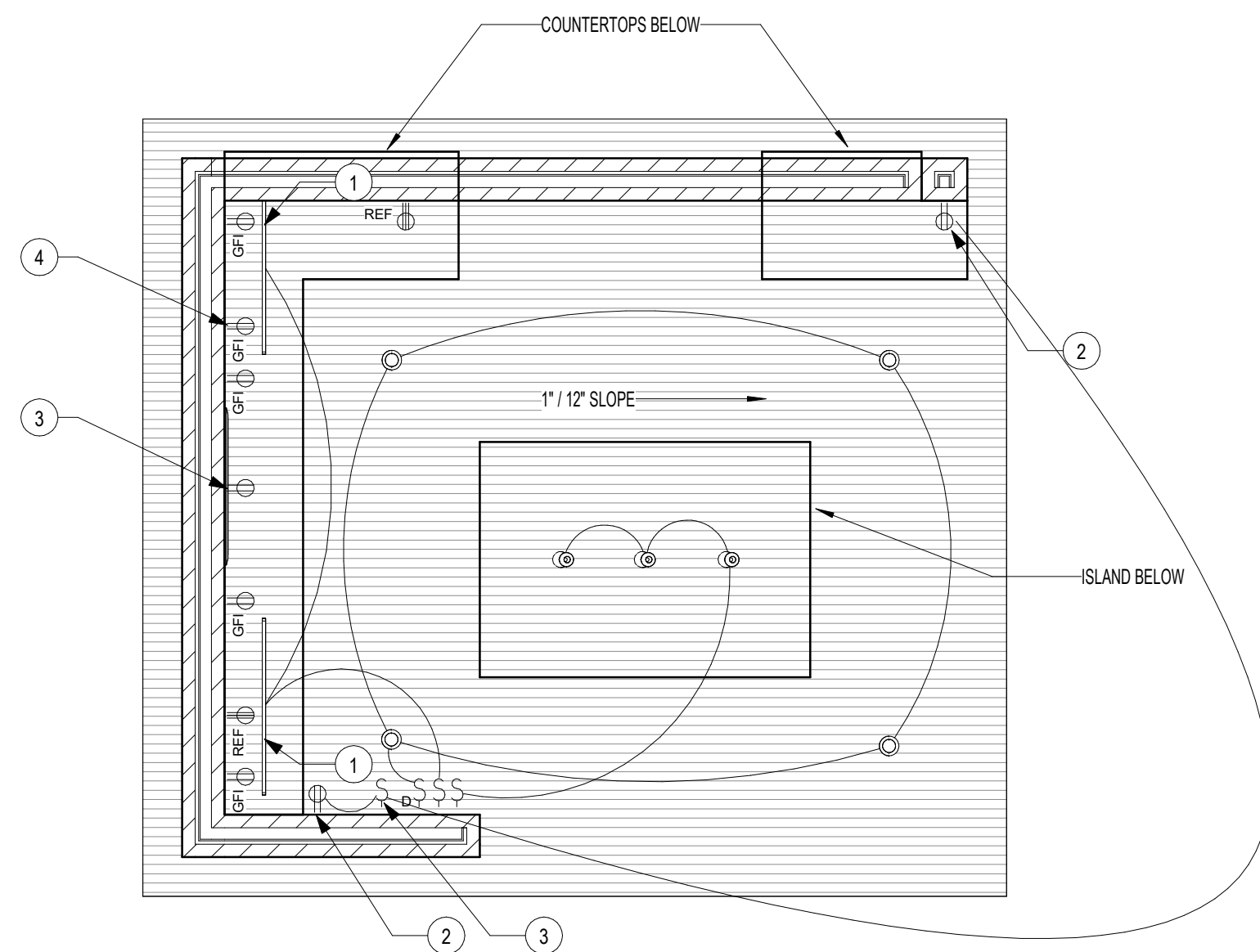
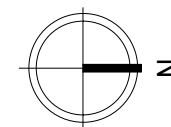
ISSUE DATE 2/8/25

ROOF PLAN

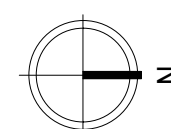
A101



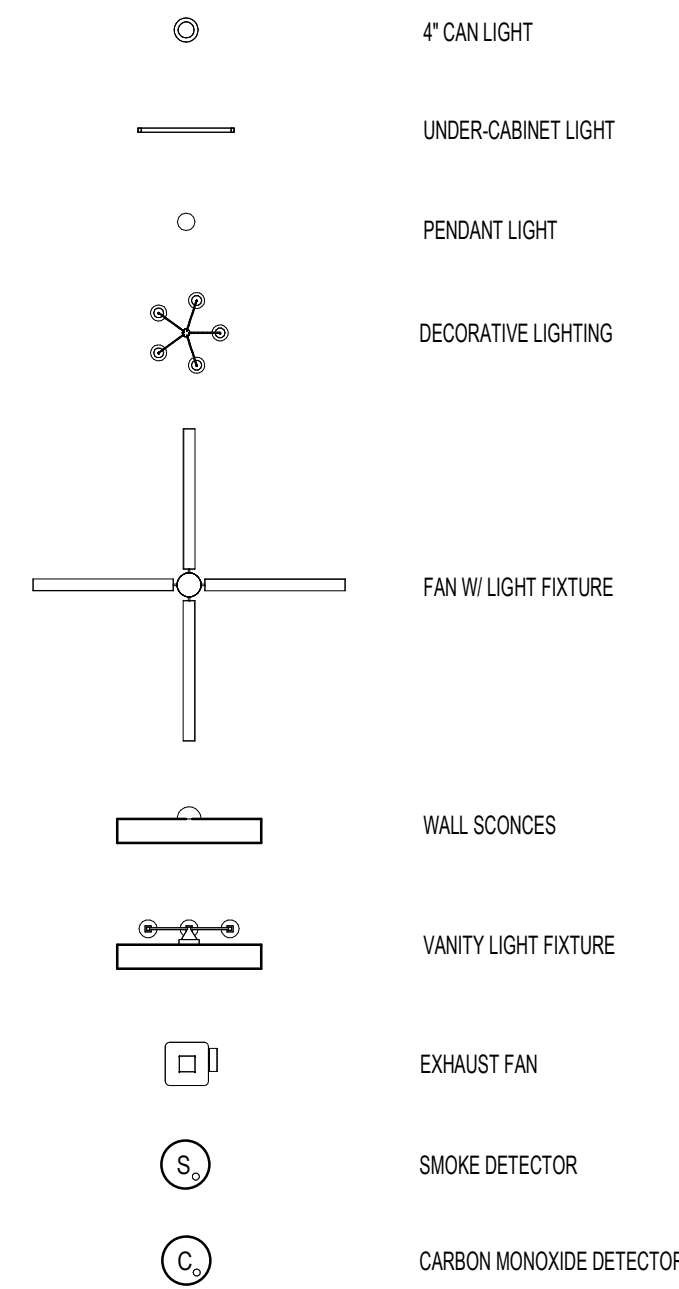
1 RCP  
1/4" = 1'-0"



2 ELECTRICAL PLAN  
1/4" = 1'-0"



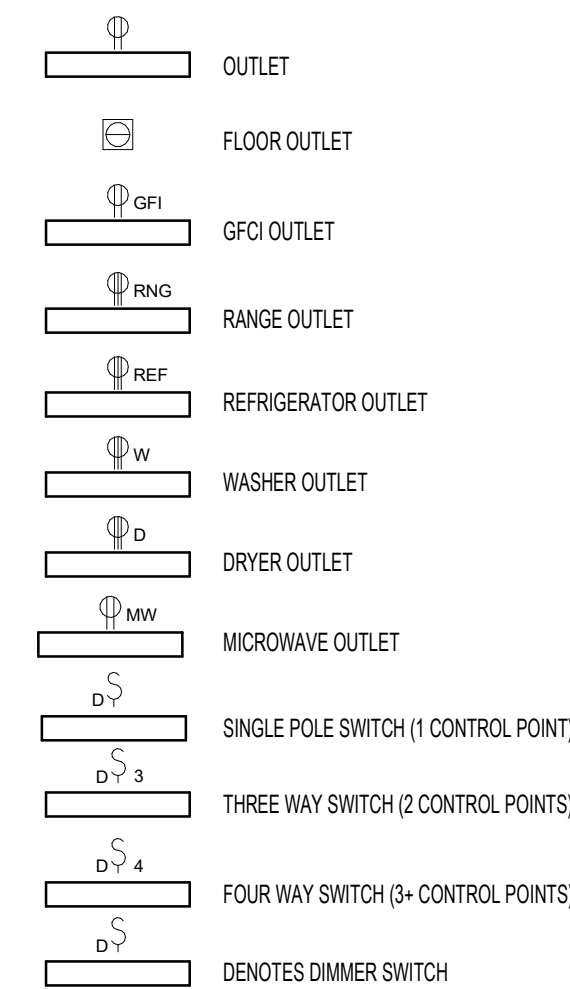
RCP LEGEND



RCP NOTES	
NO.	DESCRIPTION
1	UNDER CABINET LED STRIPS TO MATCH SHELF WIDTH - COORDINATE W/ OWNER PRIOR TO BID
2	EXISTING PENDANT LIGHTS TO BE USED FROM MAIN HOUSE

LIGHTING FIXTURE SCHEDULE			
TYPE	COUNT	COMMENTS	
4\"/>			

ELECTRICAL LEGEND



GENERAL ELECTRICAL NOTES

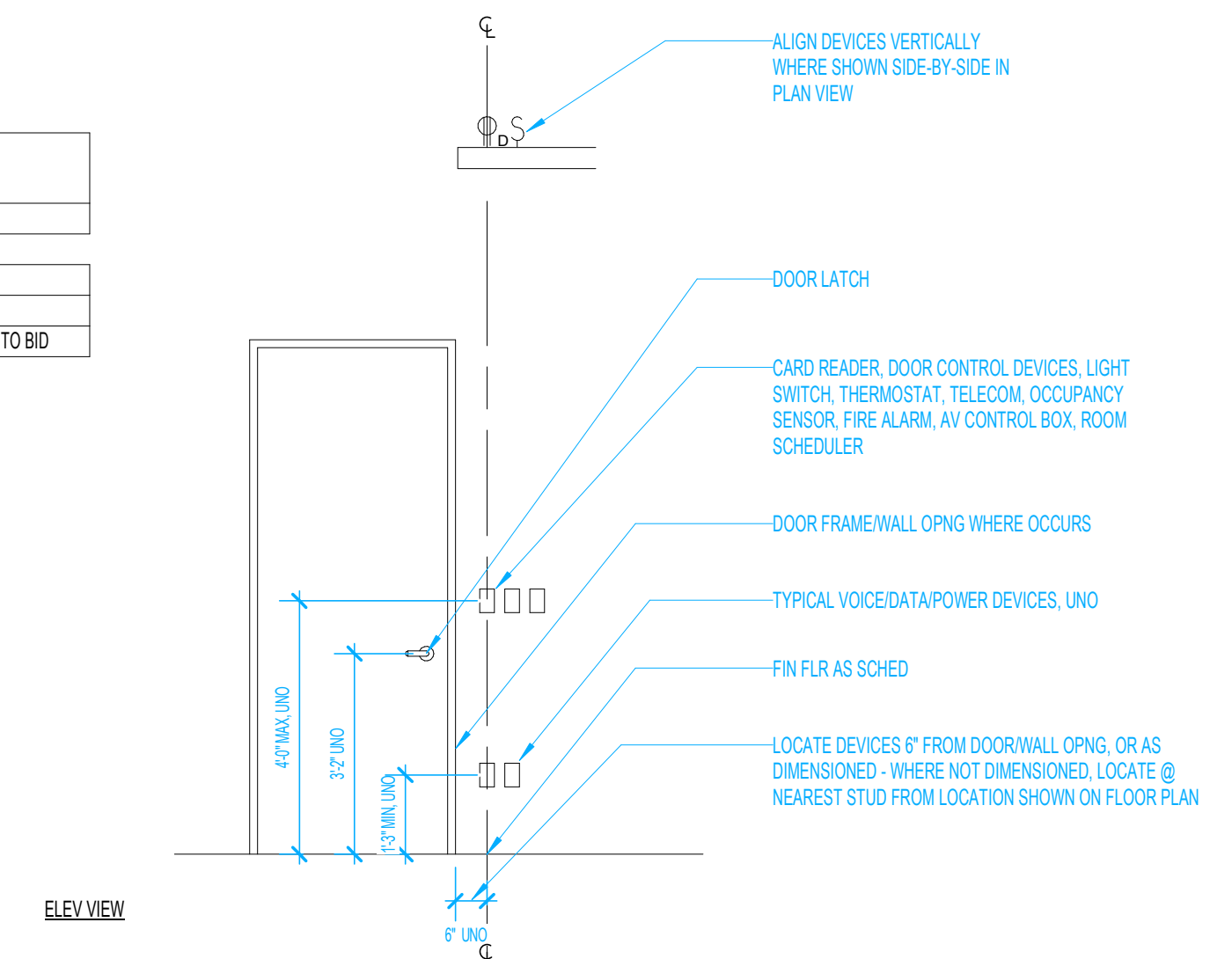
- ALL ELECTRICAL WORK MUST COMPLY WITH THE LATEST NATIONAL ELECTRICAL CODE (NEC) AND LOCAL REGULATIONS.
- USE COPPER WIRING SIZED PER CODE REQUIREMENTS.
- INSTALL GFCI PROTECTION FOR OUTLETS AND LIGHTING IN BATHROOMS, KITCHENS, GARAGES, UNFINISHED BASEMENTS, CRAWL SPACES, OUTDOOR AREAS, AND OTHER REQUIRED LOCATIONS.
- INSTALL AFCI PROTECTION FOR CIRCUITS IN BEDROOMS AND LIVING AREAS AS REQUIRED.
- USE TAMPER-RESISTANT RECEPTACLES THROUGHOUT.
- PROVIDE DEDICATED CIRCUITS FOR MAJOR APPLIANCES (E.G., HVAC UNITS, OVENS, DRYERS).
- INSTALL SMOKE AND CARBON MONOXIDE DETECTORS THAT ARE HARDWIRED, INTERCONNECTED, AND HAVE BATTERY BACKUP. ENSURE LIGHTING DOES NOT INTERFERE WITH THEIR PLACEMENT OR OPERATION.
- ENSURE PROPER GROUNDING AND BONDING PER NEC REQUIREMENTS, INCLUDING BONDING ALL METALLIC PIPING SYSTEMS TO THE ELECTRICAL GROUNDING SYSTEM.
- MAINTAIN MINIMUM CLEARANCES IN FRONT OF ELECTRICAL PANELS: 36 INCHES DEEP, 30 INCHES WIDE, AND 78 INCHES HIGH.
- SEAL ALL PENETRATIONS THROUGH FIRE-RATED ASSEMBLIES AND THE BUILDING ENVELOPE WITH APPROPRIATE MATERIALS TO PREVENT FIRE SPREAD AND AIR LEAKAGE.
- LABEL ALL CIRCUITS CLEARLY IN THE ELECTRICAL PANEL.
- COORDINATE ELECTRICAL INSTALLATIONS WITH OTHER TRADES TO AVOID CONFLICTS.
- VERIFY THAT ALL MATERIALS AND EQUIPMENT ARE LISTED BY A RECOGNIZED TESTING LABORATORY (E.G., UL-LISTED).
- PROVIDE SURGE PROTECTION DEVICES WHERE REQUIRED.
- SEE DEVICE ALIGNMENT DIAGRAM FOR MOUNTING HEIGHTS.

GENERAL LIGHTING NOTES

- INSTALL SWITCHES AT STANDARD HEIGHTS UNLESS SPECIFIED, SWITCHES NO HIGHER THAN 48 INCHES ABOVE THE FLOOR; USE COMPATIBLE DIMMERS WHERE SPECIFIED, PROVIDE THREE-WAY SWITCHES AS NEEDED.
- USE HIGH-EFFICACY LIGHT SOURCES (LED, CFL) WHERE APPLICABLE.
- FIXTURES IN WET OR DAMP AREAS (E.G., BATHROOMS, SHOWERS, OUTDOOR SPACES) MUST BE WET-RATED WITH SEALED TRIMS AND GASKETS.
- RECESSED FIXTURES IN INSULATED CEILINGS MUST BE IC-RATED AND AIRTIGHT, FOLLOWING MANUFACTURER SPECIFICATIONS AND CLEARANCES.
- MOUNT FIXTURES ON ELECTRICAL BOXES RATED FOR THEIR WEIGHT AND PURPOSE; ENSURE SPECIALTY FIXTURES HAVE PROPER CLEARANCES FROM WALKWAYS AND SURFACES.
- UNDER-CABINET LIGHTING MUST HAVE CONCEALED WIRING AND MEET SAFETY STANDARDS. (SEE ELECTRICAL PLAN)

CONFIRM ALL LIGHTING W/ OWNER PRIOR TO BID

GENERAL DEVICE ALIGNMENT DIAGRAM



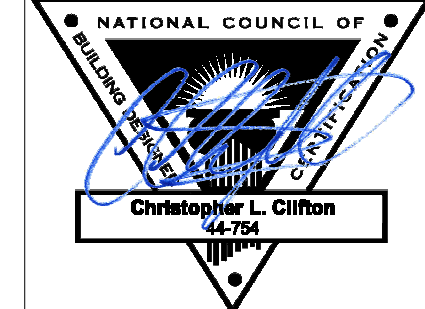
ELECTRICAL NOTES	
NO.	DESCRIPTION
1	UNDER CABINET LED STRIPS TO MATCH SHELF WIDTH - COORDINATE W/ OWNER PRIOR TO BID
2	FAN OUTLET FOR FUTURE CEILING FAN CAPABILITIES
3	SWITCH TO BE WIRED TO OUTLETS FOR FUTURE FAN INSTALLATION
3	TV OUTLET - COORDINATE HEIGHT W/ OWNER DURING CONSTRUCTION
4	OUTLET UNDER CABINETS FOR DISHWASHER

ELECTRICAL FIXTURE SCHEDULE			
TYPE	COUNT	COMMENTS	DIMMABLE
GFI	4		No
GFI	1	UNDER COUNTER DISHWASHER OUTLET	No
REFRIGERATOR OUTLET	2	UNDER COUNTER REF OUTLET	No
SINGLE OUTLET	2		No
SINGLE OUTLET	1	TV OUTLET	No
TWO WAY SWITCH (1 CONTROL POINT)	3		No
TWO WAY SWITCH (1 CONTROL POINT) - DIMMABLE	1		Yes

NO.	REVISION	DATE
1	PERMIT	TBD

Building Designer: CLC

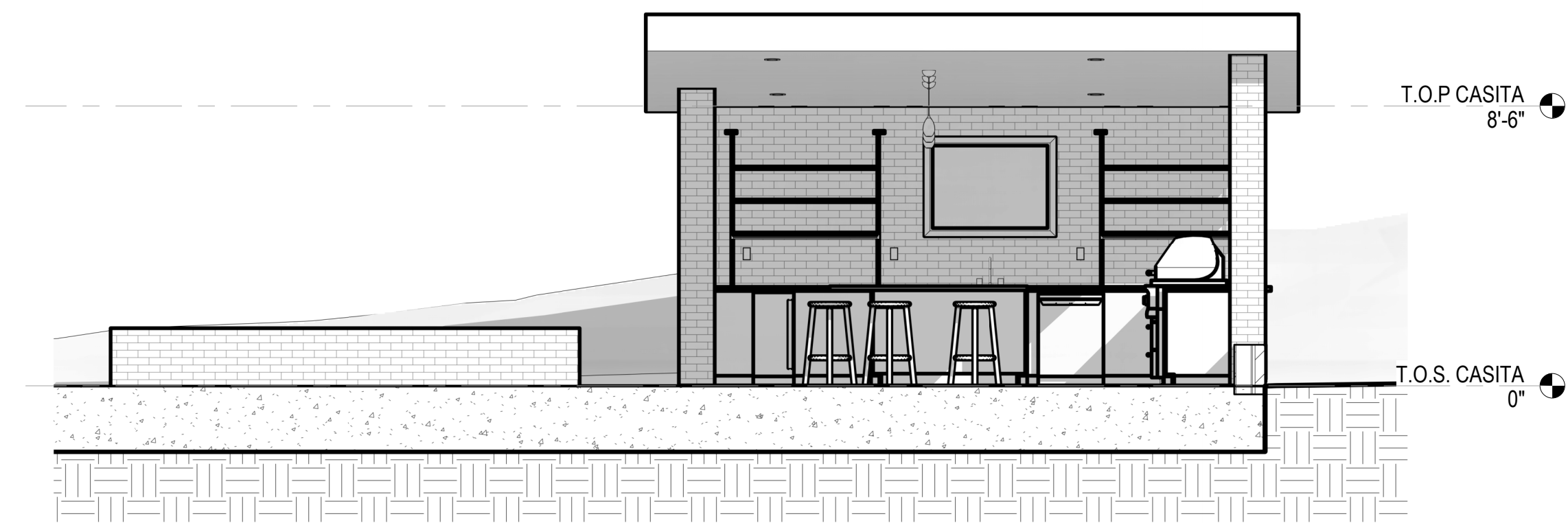
CERTIFIED PROFESSIONAL BUILDING DESIGNER



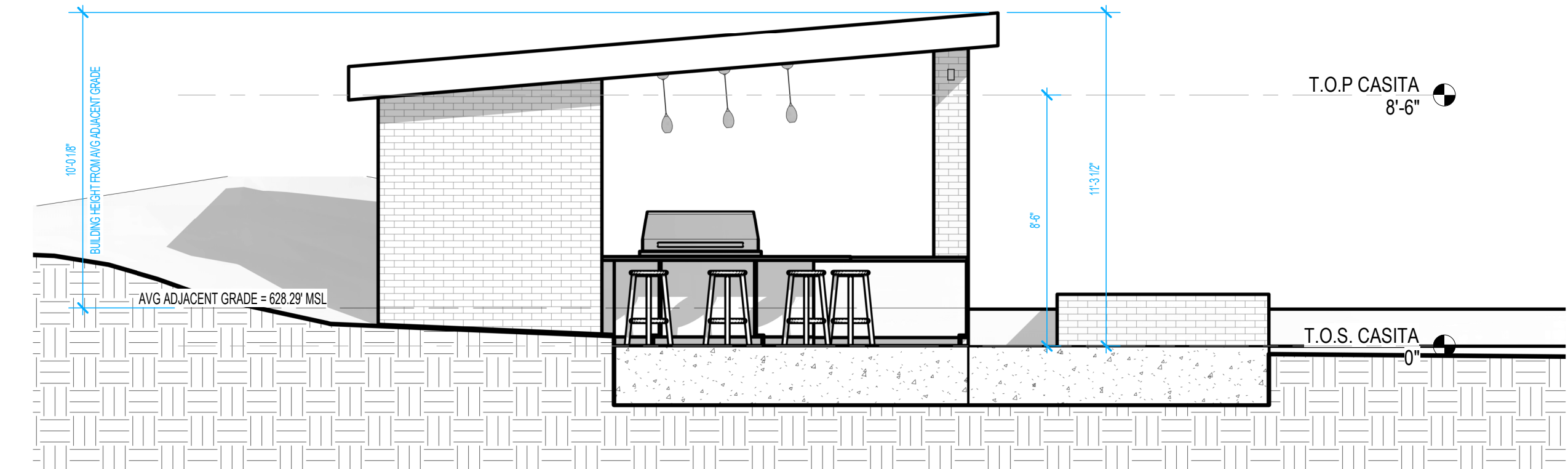
ISSUE DATE: 2/8/25

**BUILDING ELEVATIONS**

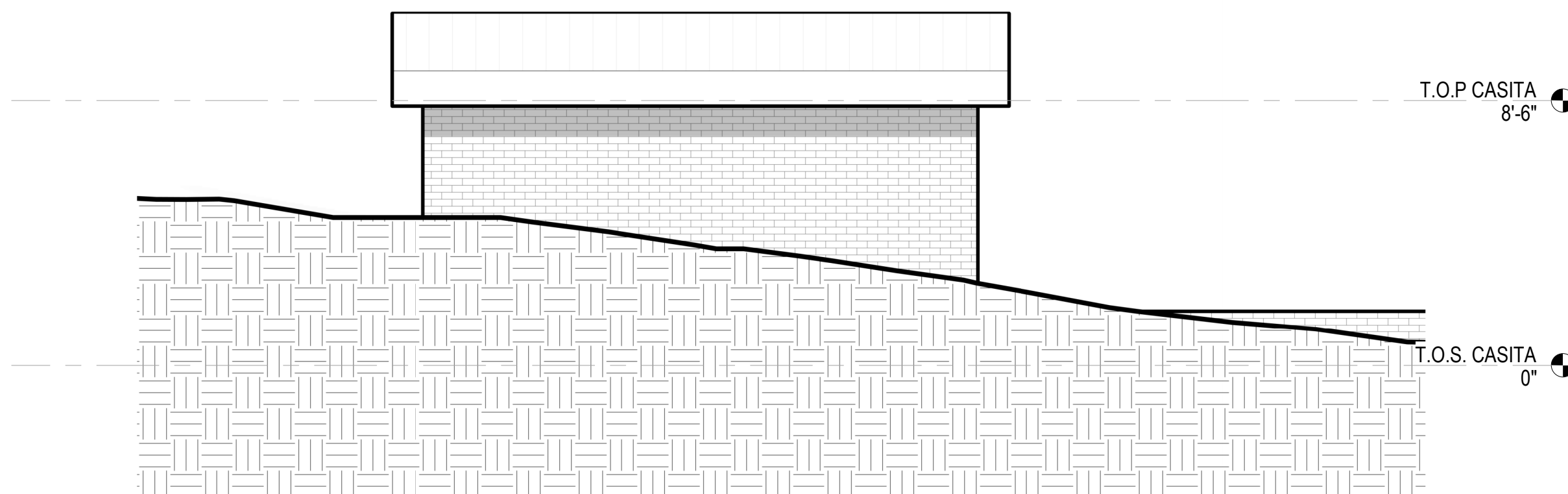
**A200**



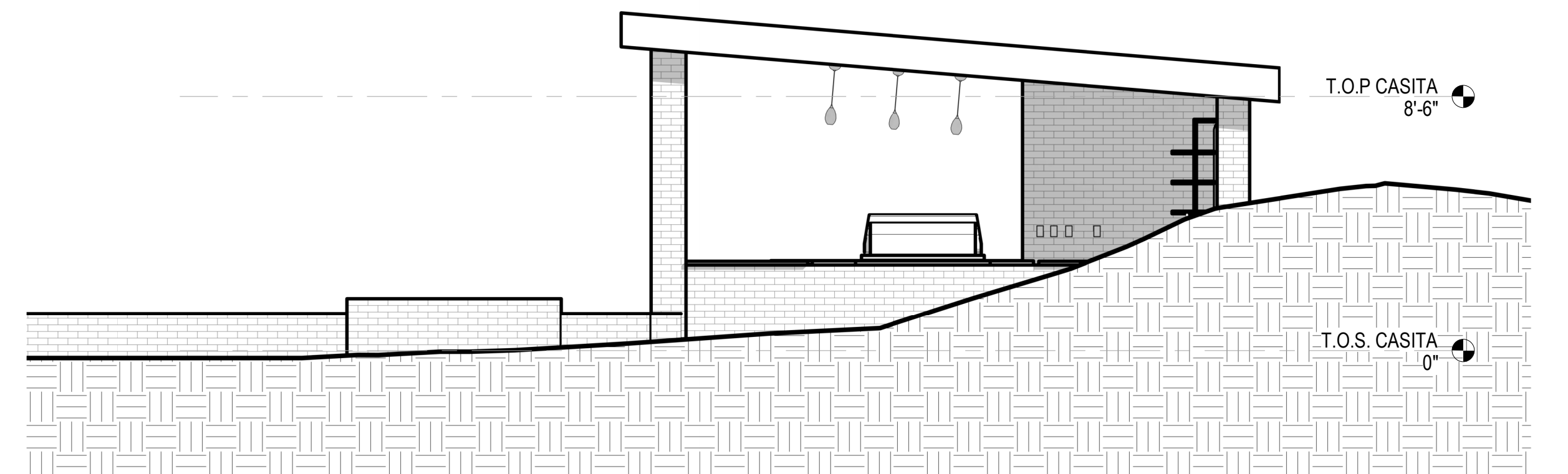
① FRONT ELEVATION  
1/4" = 1'-0"



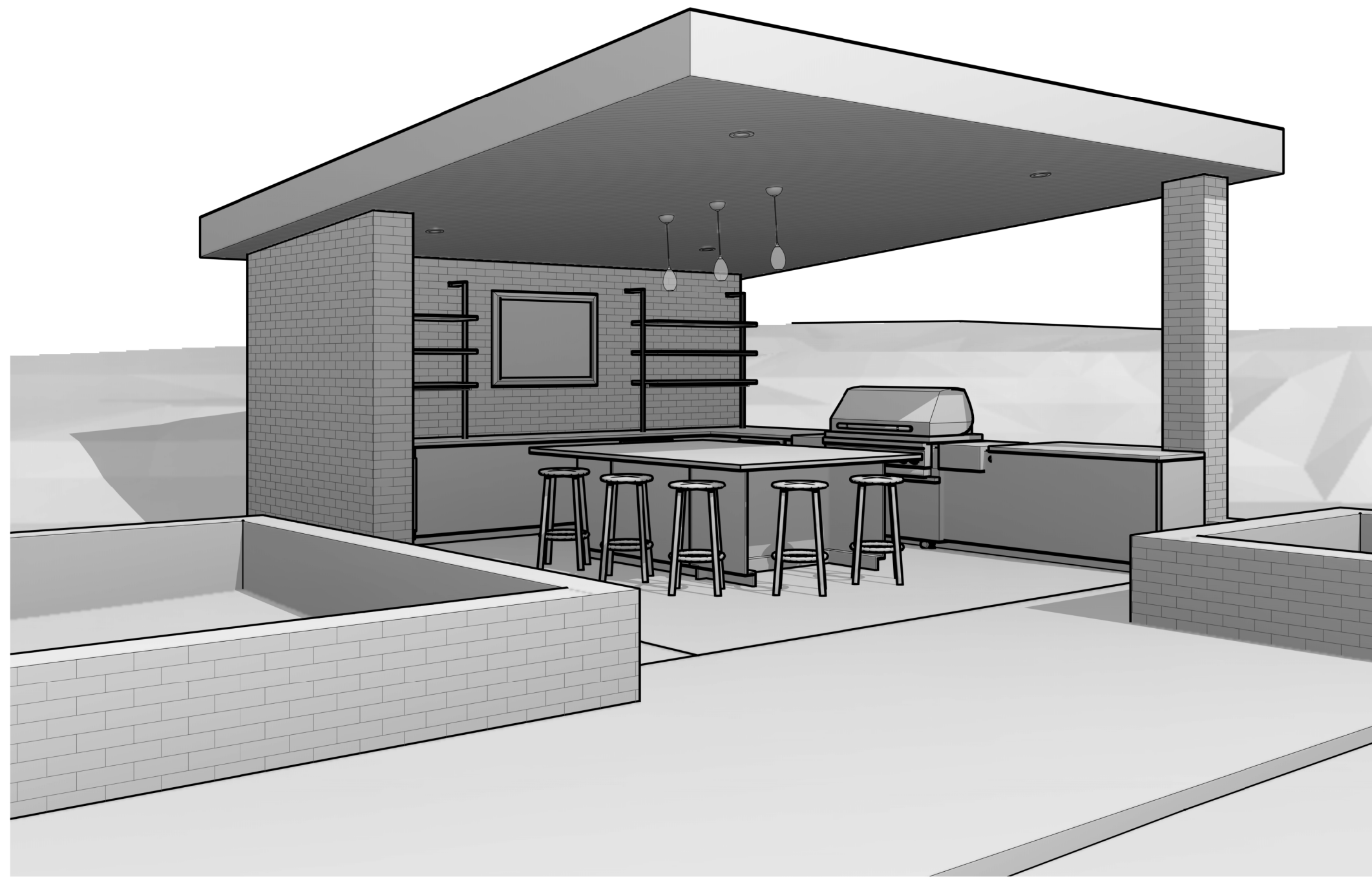
② LEFT ELEVATION  
1/4" = 1'-0"



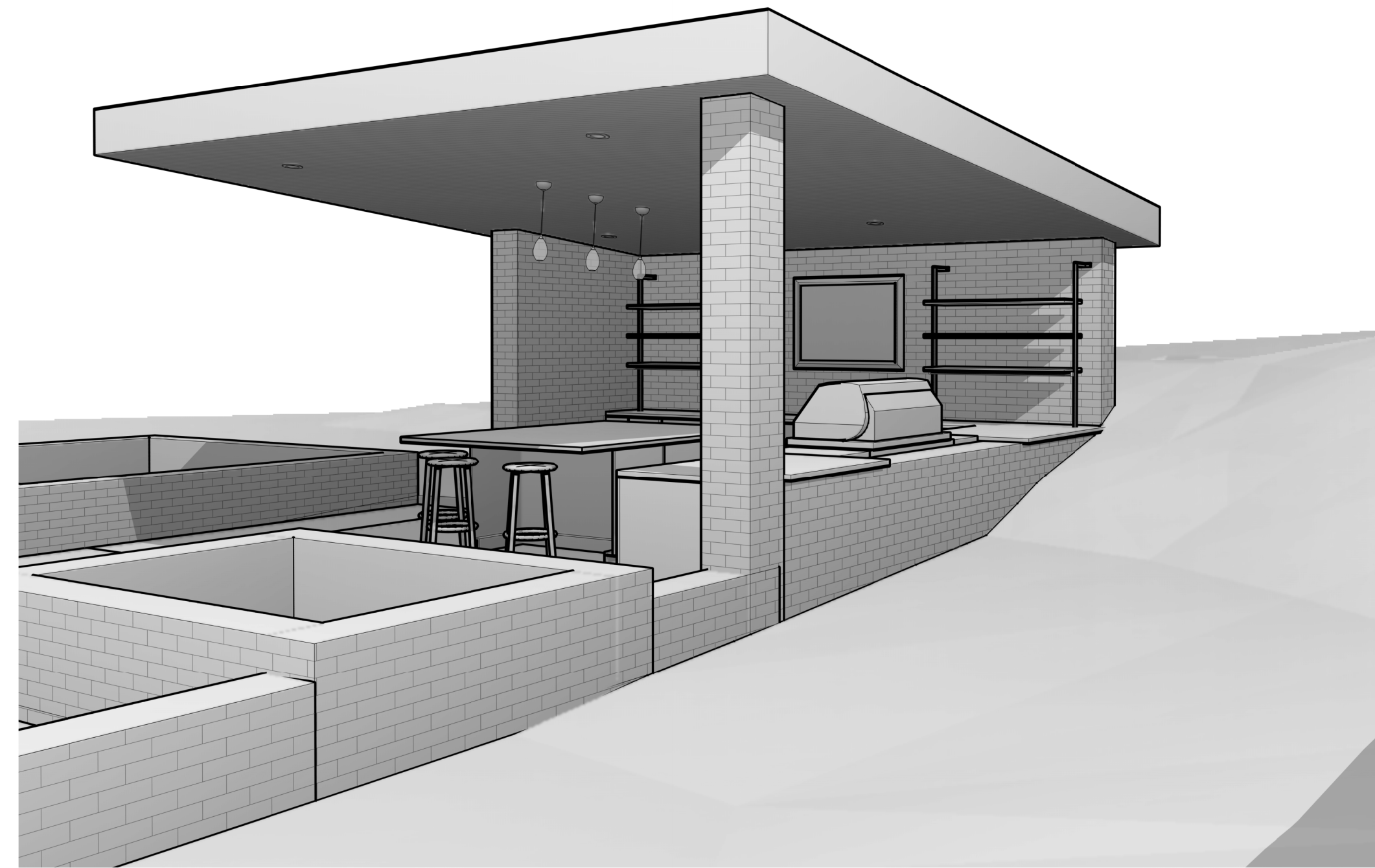
③ REAR ELEVATION  
1/4" = 1'-0"



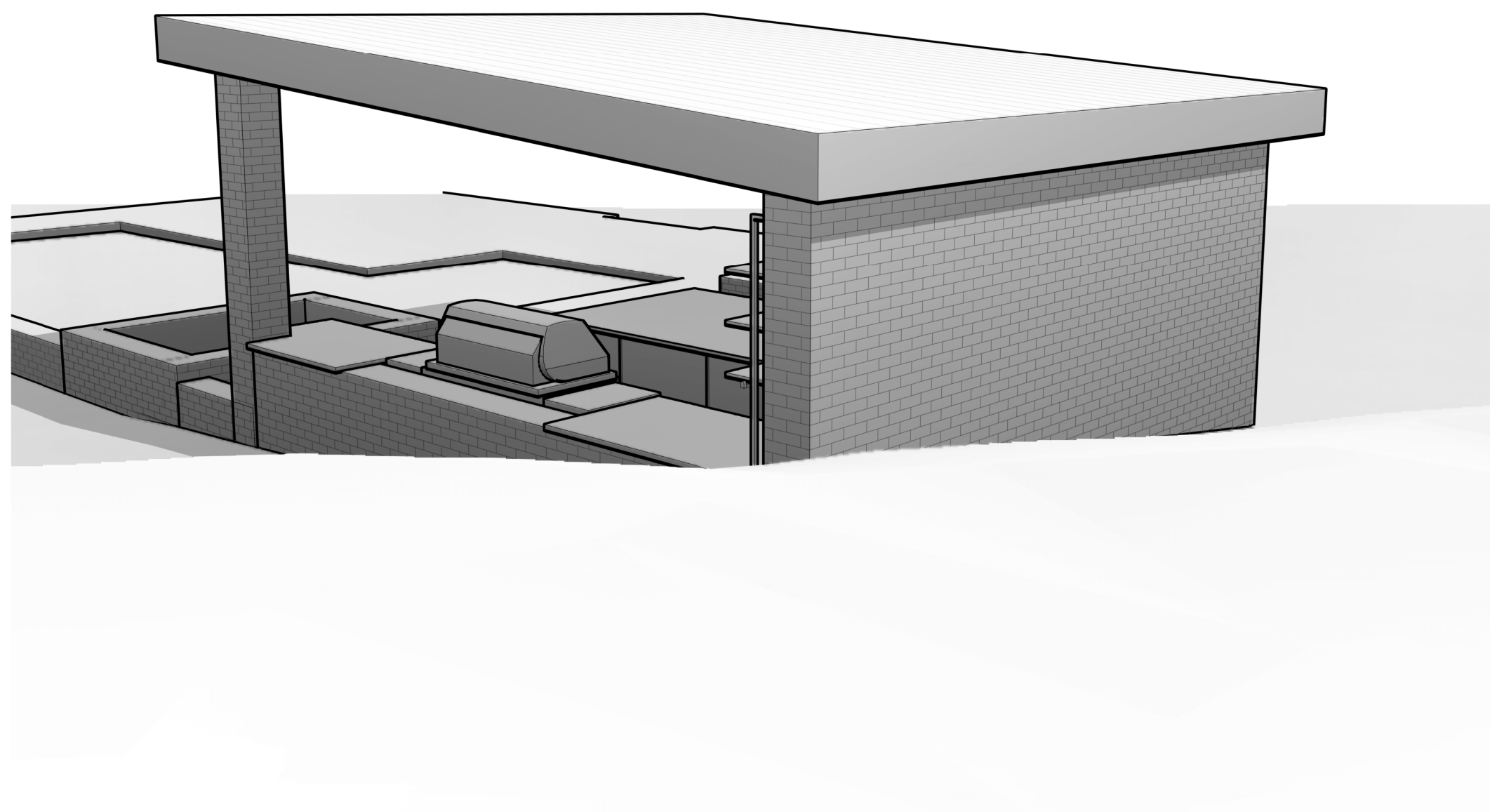
④ RIGHT ELEVATION  
1/4" = 1'-0"



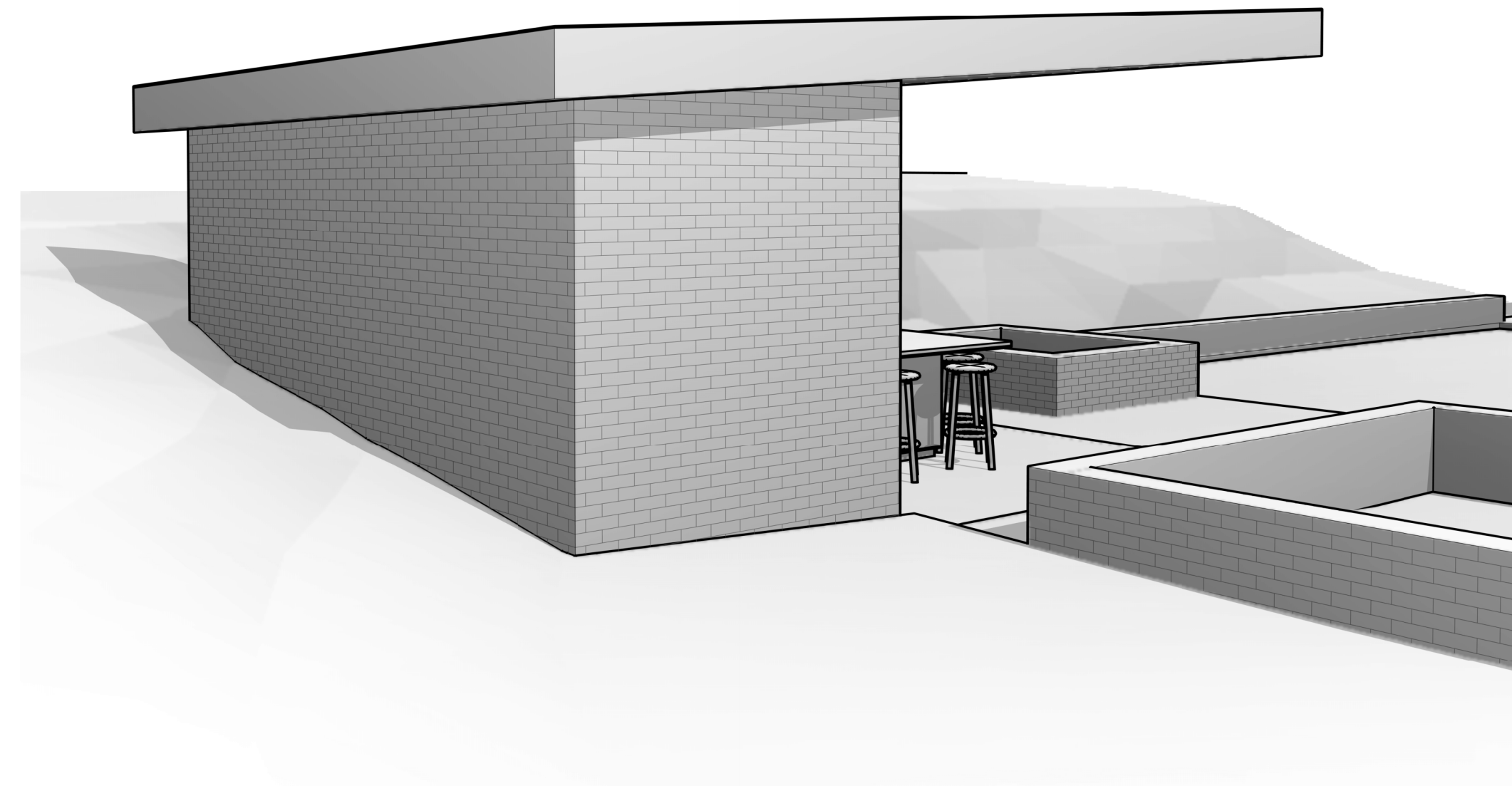
① FRONT LEFT VIEW



② FRONT RIGHT VIEW



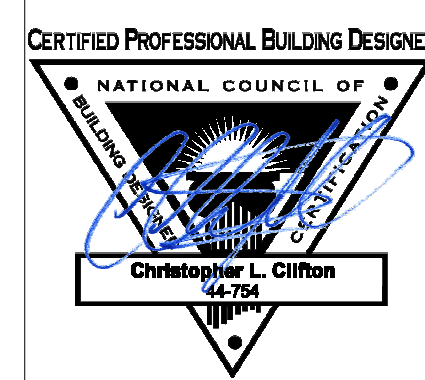
③ BACK RIGHT VIEW



④ BACK LEFT VIEW

NO.	REVISION	DATE
1	PERMIT	TBD

Building Designer CLC



ISSUE DATE 2/8/25

**BUILDING 3D VIEWS**

**A900**







Begin forwarded message:

**From:** Cynthia Goldrick [REDACTED]  
**Date:** April 8, 2026 at 4:24:11 PM CDT  
**To:** Rachel Schuler

[REDACTED]  
**Subject: Fwd: Outdoor kitchen**

Edited  
Sent from my iPhone

Begin forwarded message:

**From:** Cindy Goldrick [REDACTED]  
**Date:** April 8, 2026 at 4:13:39 PM CDT  
**To:** [REDACTED]  
**Subject: Outdoor kitchen**

Rachel,

We understand you want to build an outdoor kitchen along your back property line. I understand it might possibly encroach into some of your back property setback lines. This will not be an issue for us - it doesn't obstruct our views or privacy.

Let us know if there's anything else you or the City of Westlake needs.

Sincerely,  
Cindy Goldrick



**From:** [Mark Burr](#)  
**To:** [Planner](#)  
**Subject:** Variance for 614 Westbrook Dr  
**Date:** Thursday, May 14, 2026 4:07:38 PM

---

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

We are in favor of granting the variance to Mrs. Schuler, our neighbor, for setbacks and dimensional regulations.  
Thank you

Mark Burr  
609 Westbrook Dr.  
West Lake Hills. 78746

Sent while mobile.

MINUTES OF BOARD OF ADJUSTMENT  
PUBLIC HEARINGS AND REGULAR MEETING  
CITY OF WEST LAKE HILLS, TEXAS  
Wednesday, April 14, 1999

PRESENT: Chairman Dwight Thompson, Vice-Chairman Kit Webster, Board of Adjustment (BOA) Members Cathy McElroy, Jane Noble, and Harry Vine

ABSENT: BOA Member Earl Broussard

1. Call to Order.

Chairman Dwight Thompson called the meeting to order at 7:00 P.M. A quorum of BOA Members was present.

2. BOA action on consent agenda items.

Chairman Thompson read into the record the items which BOA requested to be approved by consent:

3. Approve December 9, 1998 Meeting Minutes.

4. Approve March 10, 1999 Meeting Minutes.

BOA MEMBER VINE MADE A MOTION, SECONDED BY BOA MEMBER NOBLE, TO APPROVE BY CONSENT AGENDA ITEMS #3 AND 4 AS REFERENCED ABOVE. MOTION PASSED BY UNANIMOUS (5-0) VOTE.

5. Public Hearing: Two variances to construct a swimming pool at 5 Downie Place:

a. Variance to encroach up to 22' into the 30' rear setback; and

b. Variance to encroach up to 20' into a 25' side setback.

Applicants P.K and Sheela Vasudev. All persons wishing to speak for or against shall be heard.

P.K. and Sheela Vasudev were present to answer questions relating to their two variances for a swimming pool.

Mr. Vasudev stated variances were necessary because of the weird shape of his lot and the fact that he has two 50' setbacks and a drainage easement on his property. He said his family desired a pool because his mother-in-law would be moving into the new addition and the pool would be good for exercise and therapy.

Chairman Thompson opened the Public Hearing stating all persons wishing to speak for or against the proposed variances would be heard.

6. Reconvene Meeting Consider two variances to construct a swimming pool at 5 Downie Place:
- a. Variance to encroach up to 22' into the 30' rear setback; and
  - b. Variance to encroach up to 20' into a 25' side setback.
- Zoning and Planning Commission (ZAPCO) report.

There being no one present to speak for or against the proposed variances, Chairman Thompson closed the Public Hearings and opened the Regular Meeting.

Jo Ivester reported that ZAPCO had a split vote-3 opposed the variances, 1 voted for, and 1 member was not sure. The members who were against the variances could not justify the hardship of not having a pool (some lots are just not big enough), and the others did not feel the variances were minimized. However, Ms. Ivester stated that the hardship could be the two 50' setbacks, drainage easement, steep slope, triangular shape, location of trees, proximity to West Lake Drive, and an ailing mother-in-law.

BOA discussed the hardship issue of having two 50' setbacks and whether not having a pool was a hardship.

BOA Member Vine stated that the configuration of the lot was a hardship because it makes a large portion of the lot unusable.

BOA MEMBER MCELROY MADE A MOTION, SECONDED BY BOA MEMBER VINE, TO APPROVE TWO VARIANCES (14' INTO THE 30' REAR SETBACK AND 15' INTO THE 25' SIDE SETBACK) TO CONSTRUCT A SWIMMING POOL AT 5 DOWNIE PLACE, BECAUSE OF THE HARDSHIP OF HAVING TWO (2) 50' SETBACKS, A DRAINAGE EASEMENT AND THE EFFORTS OF THE APPLICANTS IN MINIMIZING THEIR VARIANCES.

7. Public Hearing: Variance to construct a swimming pool up to 15' into the 30' rear setback at 614 Westbrook Drive. Applicants John and Rachel Schuler. All persons wishing to speak for or against shall be heard.

John and Rachel Schuler were present to answer questions relating to their variance request.

Mr. Schuler stated that their lot is a little over one acre, has a 3,000 square ft. house, and their plans are to add another 1,000 square ft. He listed the following reasons as his hardship: 1) extensive watershed from other lots (berm was built); 2) large power lines; and 3) septic placement. He stated that they have minimized their variance since ZAPCO review from a 15' encroachment to 4'.

Chairman Thompson opened the Public Hearing stating all persons wishing to speak for or against the proposed variance request would be heard.

8. Reconvene Meeting: Consider variance to construct a swimming pool up to 15' into the 30' rear setback at 614 Westbrook Drive. ZAPCO report.

There being no one present to speak for or against the proposed variance, Chairman Thompson closed the Public Hearing and opened the Regular meeting.

ZAPCO Chairperson Ivester reported that ZAPCO recommended BOA deny the variance because they did not feel that the applicants had minimized their variance.

Chairman Thompson stated that one could argue that the hardship is the fact that the ordinance does not anticipate the topography of certain lots and the position of homes.

BOA MEMBER MCELROY MADE A MOTION, SECONDED BY BOA MEMBER VINE, TO APPROVE A VARIANCE TO CONSTRUCT A SWIMMING POOL UP TO 14' INTO THE 30' REAR SETBACK AT 614 WESTBROOK DRIVE, BASED UPON THE HARDSHIP EXPRESSED BY CHAIRMAN THOMPSON AND IN ACCORDANCE WITH THE NEW DESIGN SUBMITTED. MOTION PASSED BY UNANIMOUS (5-0) VOTE.

9. Public Hearing: Two variances for property improvements at 427 Brady Lane:  
a. Gazebo to encroach up to 15' into the 20' side setback and up to 25' into the 30' rear setback.  
b. Variance to exceed the maximum allowable 25% impervious cover for deck extension. Existing impervious cover is 42% and applicant is requesting an increase to 44%. Applicant Paul Hudson. All persons wishing to speak for or against shall be heard.

Mr. Hudson stated that he would like to remove a large, forty-year old, fiberglass greenhouse which sits in the setback in his backyard and replace it with a gazebo in approximately the same location. Also planned is a deck extension which will eliminate some concrete steps. Mr. Hudson stated that his hardship for his setback and impervious cover variance is due to the small size of his lot. He stated that the majority of the property owners on his street exceed the 25% rule, which he does not feel is reasonable for small lots.

Chairman Thompson opened the Public Hearing stating all persons wishing to speak for or against the proposed variance requests would be heard.

10. Reconvene Meeting: Consider two variances for property improvements at 427 Brady Lane:
- a. Gazebo to encroach up to 15' into the 20' side setback and up to 25' into the 30' rear setback.
  - b. Variance to exceed the maximum allowable 25% impervious cover for deck extension. Existing impervious cover is 42% and applicant is requesting an increase to 44%.  
ZAPCO report.

There being no one present to speak for or against the proposed variance requests, Chairman Thompson closed the Public Hearing and opened the Regular Meeting.

ZAPCO Chairperson Ivester reported that ZAPCO recommended approval of the variances subject to the applicant's reducing the paving in the egg-shape area. They felt that the proposal was an improvement over what was currently there and that the hardship was due to the small size of the lot.

Chairman Thompson stated the West Lake Hills Code does not anticipate lots of one-third acre.

BOA MEMBER WEBSTER MADE A MOTION, SECONDED BY BOA MEMBER NOBLE, TO APPROVE THE TWO VARIANCES, SUBJECT TO THE DRAWING WHICH WAS PRESENTED TO BOA, WITH THE IMPERVIOUS COVER TO 40%. MOTION PASSED BY UNANIMOUS (5-0) VOTE.

11. Public Hearing: Variance to exceed the 30% maximum impervious cover for addition of four parking spaces for Espirit Office Building at 515 Capital of Texas Hwy. Current impervious cover is 31.3% and applicant is requesting 31.8%. Applicant Donald Small. All persons wishing to speak for or against shall be heard.

Donald Small was present to answer questions relating to his variance request for additional parking. Mr. Small stated that he wishes to modify the original site plan by converting two existing parallel parking spaces into a six car perpendicular parking area by the extension of the paving by approximately 10'. The parking space extension area (10' X 55') will be paved with water pervious concrete pavers, which will not affect any trees and will not require any significant changes to the existing grades or affect drainage. Any affected landscaping will be relocated or replaced to conceal the paving extension. Mr. Small stated that his hardship was the fact that the original site plan design incorrectly anticipated the parking requirements of the building.

Chairman Thompson opened the Public Hearing stating all persons wishing to speak for or against the proposed variance request would be heard.

BOA MINUTES  
4/14/99  
PAGE FIVE

Steve Carter, property owner at 5816 Bee Cave Road (check), stated that his property had a drainage problem due to runoff of the property at 515 Capital of Texas Hwy. He asked that the proposed parking improvements not add to the runoff problem.

Mr. Small responded that cleaning out the detention pond might alleviate the runoff problem.

12. Reconvene Meeting: Consider variance to exceed the 30% maximum impervious cover for addition of four parking spaces for Espirit Office Building at 515 Capital of Texas Hwy. Current impervious cover is 31.3% and applicant is requesting 31.8%. ZAPCO report.

There being no one else present to speak for or against the proposed variance, Chairman Thompson closed the Public Hearing and opened the Regular Meeting.

ZAPCO Chairperson Ivester stated that ZAPCO discussed the possibility of having fewer spaces and the removal of other impervious cover. They recommended that the spaces be reduced to compact size and that an arborist be consulted before the Council meeting to declare whether the proposal would harm the tree. (The City received a letter from the Tree Clinic which stated that the live oak should survive the construction of the new parking areas with no long term damage.)

Mr. Small stated that his request has been reduced from 581 sq. ft. to 481 sq. ft., from 31.8% impervious cover to approximately 31.3% impervious cover.

A MOTION WAS MADE BOA MEMBER VINE, SECONDED AND AMENDED BY CHAIRMAN THOMPSON, TO APPROVE THE VARIANCE TO EXCEED THE 30% MAXIMUM IMPERVIUS COVER FOR ADDITION OF FOUR COMPACT PARKING SPACES FOR ESPIRIT OFFICE BUILDING AT 515 CAPITAL OF TEXAS HWY, TO 31.3%, AND THAT IN THE EVENT CONSTRUCTION RESULTS IN THE DEATH OF THE TREE, A REPLACEMENT TREE WITH LIKE CALIPER INCHES WILL BE PLANTED; AND ALSO REQUIRE THE PROPERTY OWNER TO CLEAN THE DETENTION POND TO TNRCC REQUIREMENTS. BOA MEMBERS VINE, NOBLE, WEBSTER, AND CHAIRMAN THOMPSON VOTED FOR THE MOTION, AND BOA MEMBER MCELROY VOTED AGAINST. MOTION WAS DENIED WITH A (4-1) VOTE (REQUIRED A 5-0 VOTE TO PASS.).

BOA MINUTES  
4/14/99  
PAGE SIX

13. Adjournment.

CHAIRMAN THOMPSON ADJOURNED THE MEETING AT 8:30 P.M. AFTER MOTION MADE BY BOA MEMBER VINE AND SECOND BY BOA WEBSTER.

\_\_\_\_\_  
DWIGHT THOMPSON, CHAIRMAN

ATTEST:

\_\_\_\_\_  
Janet Rogers, City Secretary

Exhibit A

614 Westbrook Drive—Setback Variances

Applicant's Findings of Fact

1. The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.

Due to the location of the oak tree and we need to place the structure as far as possible to the rear setback. Without this space we will not be able to achieve the desired design and functionality of the outdoor kitchen. A significant amount of time and monetary resources have been invested into the design and engineering of the structure. As well as fulfilling the original intent of the space on the property.

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

The location of the outdoor kitchen will be occupying an open space on the northwestern corner of the existing pool deck/patio. It will finish off towards the west side of the property line well within the setback line limits, and on the inside of an existing drainage berm. No removal of any existing trees or extensive grading of the terrain will be required for construction. As well as staying outside of the 1/2 CRZ of an oak tree.

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

Due to the position of the oak tree I've mentioned the variance is required for the construction of the kitchen area. With the design of the structure this space is required for the functionality of the space. And all proper measures have been taken to protect the existing flora from harm.

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

We will stay within this 4ft variance with the build. We are lining up with the existing pool edge which already lands within the building setback. A variance was granted for this in the original permitting for the pool construction..

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

An existing variance already exists for the pool, which we will be lining up the edge of the

structure to. So it will look natural to the existing building and exterior conditions of the property. It shall not cause any interference with neighbors drainage patterns, or the communities intent to protect the beauty and plant diversity of West Lake Hills.

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

The location of the outdoor kitchen area is on the rear side of the property and doesn't interfere with any line of site of neighbors. It will actually add to the aesthetics of the property and neighborhood as a whole.



City of West Lake Hills  
Zoning and Planning Commission

# AGENDA REPORT

<b>Meeting Date:</b>	May 20, 2026	<b>Item Number:</b>	5
	Building & Development		
<b>Department:</b>	Services		
<b>Prepared By:</b>	Jennifer C. Bills	<b>Cost / Budget:</b>	None
<b>Exhibits:</b>	See Attached	<b>Source of Funds:</b>	N/A

## Subject

**406 Redbud Trl:** Discuss and make a recommendation to the Board of Adjustment on proposed variances:

- To reduce the 50-foot front building setback along Skyline Drive to use the previously platted 35-foot building line (Section 22.03.275 and Section 22.03.281)
- To allow grading up to 6 feet on slopes of greater than 35%, where no grading is allowed (Drainage and Erosion Control Design Manual Section 7.4.1).

Applicant: Bhavani Singal, Workshop No 5

## Recommendation

Discuss and make a recommendation to the Board of Adjustment including an analysis of whether:

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

The Zoning and Planning Commission, in performing their respective duties in reference to applications for variances, may be guided by the interpretative criteria listed in the variance criteria in the report.

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.

The findings of fact as alleged by the applicant are attached in Exhibit A.

This item will be forwarded to the Board of Adjustment meeting on June 10, 2026 for review and a public hearing.

## Discussion

### Property Information, Zoning & Site Characteristics:

Owner: 406 Redbud LLC

Legal Description: Lot 8b Skyline Terrace Sec 1 Resub Lots 8, 8a & 9

Lot Size: 1.0006 acres

Zoning: R-1

Wastewater: On-site Sewage Facility (OSSF)

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

### Background & Analysis:

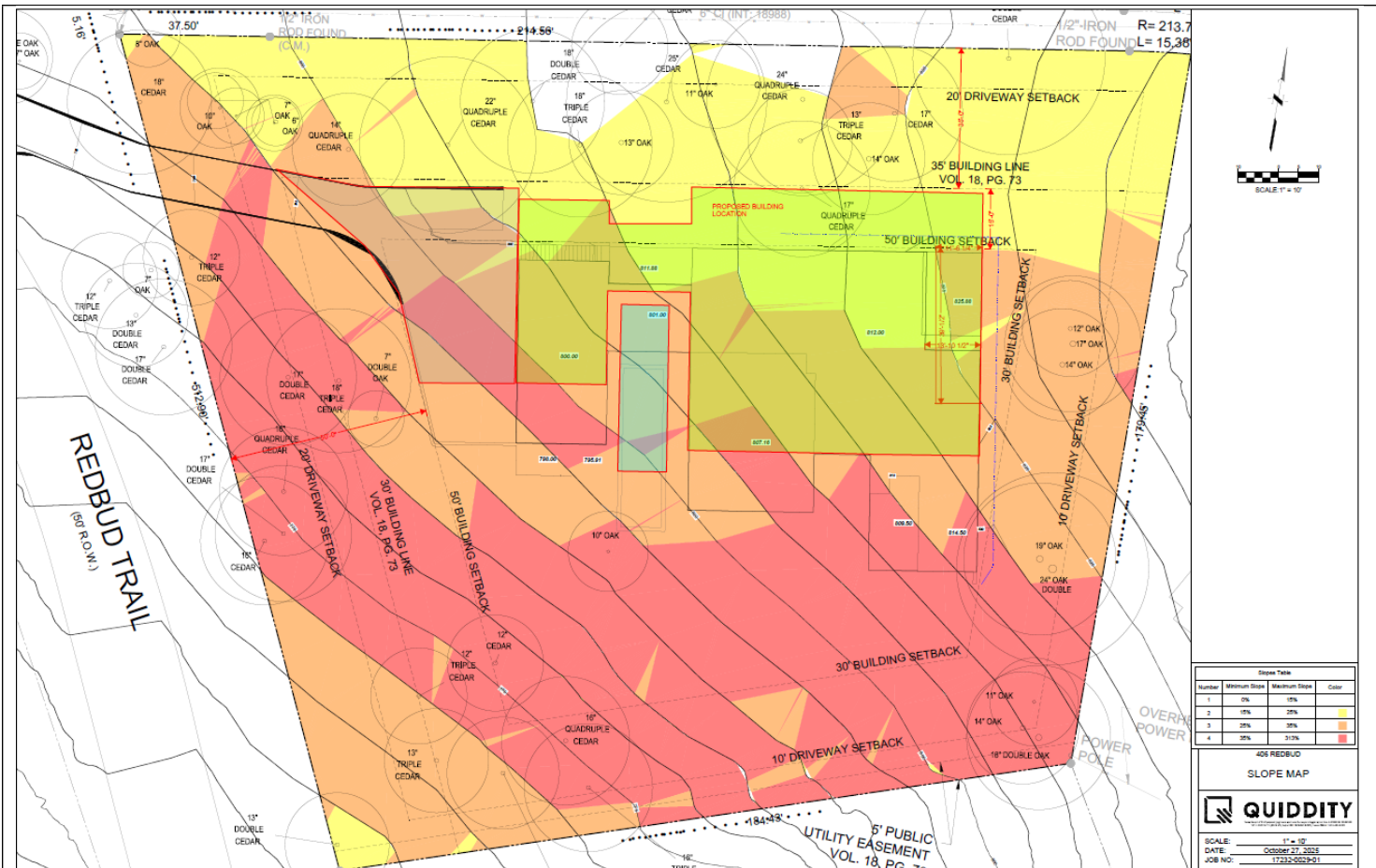
The applicant is proposing to build a new residential house on an undeveloped lot. As the lot has not been developed the property contains many trees and a hillside that has never been disturbed before. The property was granted three variances at the June 12, 2024, City Council/BOA meeting:

- 1) to allow the driveway to exceed the 6-foot height limit to 10 feet,
- 2) to exceed the closed fill to 10 feet where 6 is the maximum, and
- 3) to remove 8 trees 14 inches or greater.

The new construction and OSSF plans have been submitted and have been through two rounds of review. One of the outstanding issues is areas of greater than 35% slope where grading is proposed. The applicant requested additional variance to the cut and fill in these areas at the October 15, 2025, ZAPCO meeting (<https://westlakehillstx.portal.civicclerk.com/event/522/files/agenda/1561>). Due to the feedback at that meeting, the applicant requested a postponement to provide additional information for their requests. Since that meeting, the applicant has been exploring different options to address the site constraints.

The applicant is proposing a revised location for the house that would move the structure closer to the unimproved Skyline Drive right-of-way. The required setback by code is 50 feet along a right-of-way/street. The property was originally platted in 1963 as two half acre tracts (approximately) with a 35-foot building line (setback) from Skyline Drive. The property was amended in 2017 to combine the two tracts and added the 50-foot setback required by code. The applicant is requesting to use the 35-foot building line to move the building location further north.

Most of the south half of the property has slopes of over 35%. Moving the house north will reduce the amount located within the 35% slopes, however the proposed foundation for parts of the building will still be located in areas with slopes greater than 35%.



(Attachment 3 Proposed Site)

## Building Setback Distances

### Code Reference:

#### Section 22.03.275—Building setback distances

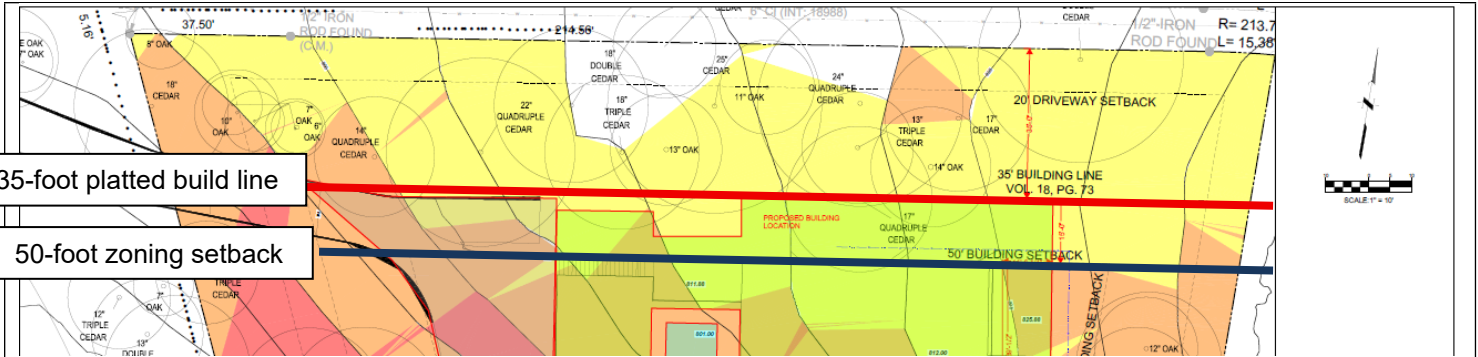
No principal building shall have any front, side or rear setback distance less than that shown on the schedule of regulations as being required in the district in which the building is located, except that the minimum setback distance from Bee Cave Road shall be 50 feet regardless of which direction the building is facing. The setback distance from the Capital of Texas Highway shall be a minimum of 75 feet.

#### Section 22.03.281—Dimensional regulations

Minimum Building Setback Distance in Feet From Front Lot Line									
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	50	50	50	50	50	50	50	(IV)(a)	(C)
Less than .5 acres	30	30	N/A	30	30	30	30	N/A	N/A

### Request:

To reduce the 50-foot front building setback along Skyline Drive to use the platted 35-foot building line.



## Site Disturbance deferral to Drainage and Erosion Control Design Manual

### Code Requirements:

- Drainage and Erosion Control Design Manual Section 7.4.1—Cut/Fill Limits  
In order to reduce stormwater runoff, resulting in erosion, sedimentation and conveyance of nonpoint source pollutants, the layout of the street network, lots and building sites shall, to the greatest extent possible, be sited and aligned along natural contour lines, and shall minimize the amount of cut and fill on slopes in order to minimize the amount of land area disturbed during construction. The maximum cut and fill limits are shown in Table 7-1.

**Table 7-1: Maximum Cut and Fill Limits**

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

### Request:

To grade 6 feet on slopes of greater than 35%, where no grading is allowed. The variance submittal includes an exhibit showing where the footprint of the proposed residence is located on slopes of greater than 35%, but does not include the extent of the grading in those areas.



- 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.
- 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 38.0.033. 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:
- Variances from the terms of this chapter should be granted sparingly.
- Deviations from the requirements of this chapter are justified only where the hardship resulting from their application is substantial.
- 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.
- 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.
- The variance shall not violate the goals of the master plan for the city.
- The variance shall not have an adverse effect on neighborhood properties or unreasonably interfere with the respective owners' enjoyment thereof.
- 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.
- See section 22.03.009(c) for variances to enable the efficient use of solar energy devices.
- 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**

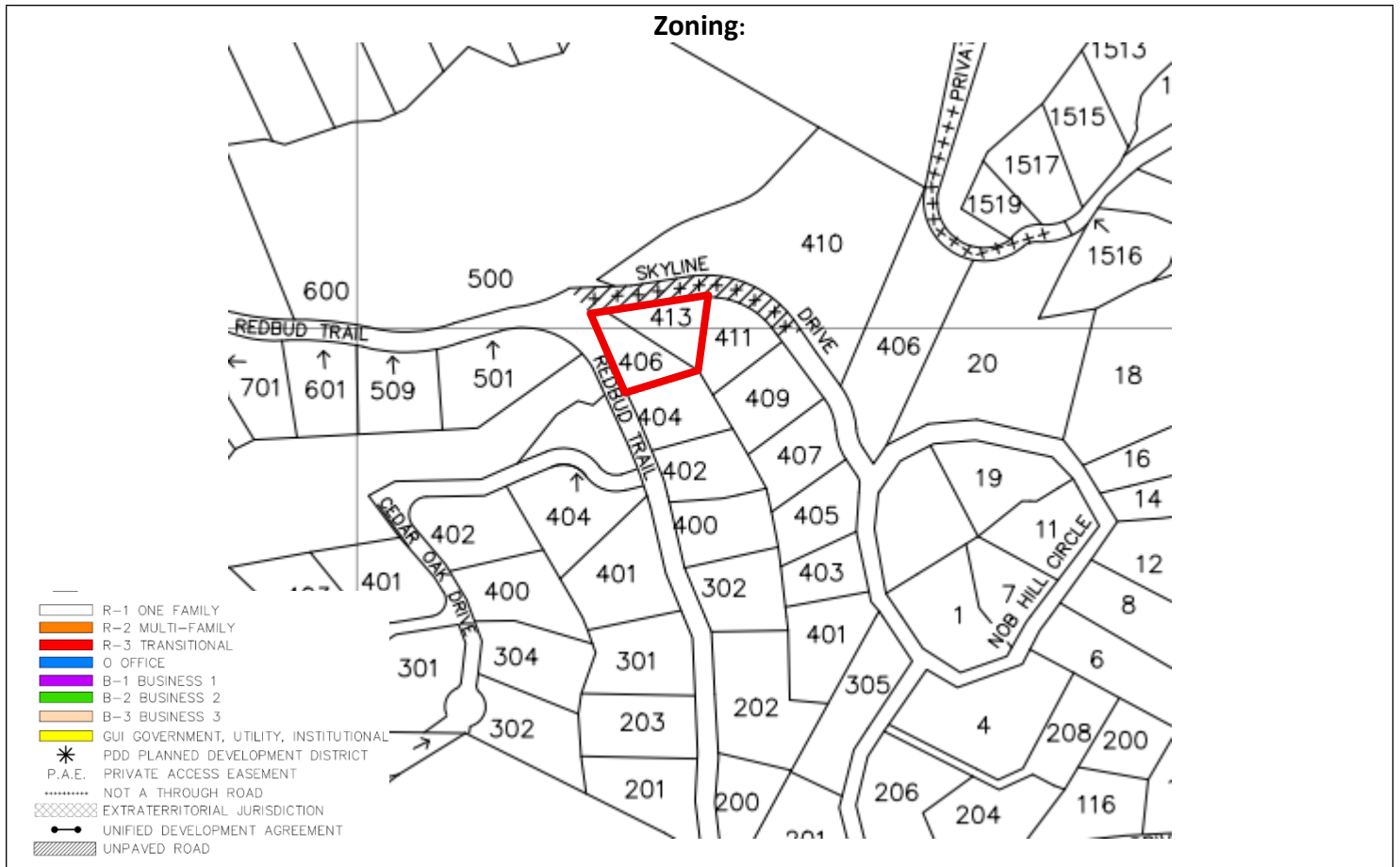
There is no change to the subdivision proposed with this application.

### **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 22.03.170 Site Disturbance \(Excavation, grading or filling\)](#)
- [Drainage and Erosion Control Manual](#)
- [Section 22.03.275 Building setback distances](#)
- [Section 22.03.281 Schedule of Regulations](#)
- [Section 22.03.511 Variances](#)
- [Section 22.03.514 Criteria and process required for granting variance](#)





04/13/2026

Re: 406 Red Bud Trail  
Variance Request

ATTN: Robert Meisel, ZAPCO Chair  
City of West Lake Hills  
911 Westlake Drive  
West Lake Hills, TX 78746

Good afternoon,  
On behalf of the owner's, we are respectfully submitting a request for variances for the property on 406 Redbud Trail.

We have met with Jennifer Bills and the City of West Lake Hills Development staff on multiple occasions to ensure the proposed residence aligns with the intent and spirit of the City's zoning ordinances.

Starting design in September of 2023. Scheduled our first call with the city of Westlake in Jan of 2024 once we had a design direction we wanted to pursue. Quickly soon after we realized we needed a variance in effort to build on the site. The topography was proving challenging after numerous variations and design directions were explored. Our first variance request was submitted in March of 2024 with our site approach from Skyline into our property. After our first meeting we requested for postponement after many neighbors were in opposition of skyline being developed into a road. We came back with a new design proposing driveway access of Red Bud removing the request of license to encroach.

Our improved variance request was to allow driveway up to 10' above natural grade where 6' is the maximum and closed fill of 10' where 6' is max. second request was removal 8 trees 14" or greater. Significant reduction of tree removal request. We proposed a exciting tree mitigation plan that was well received. We were granted the variance on June 12. 2024.

As we continued through our permitting process were realized a slope map was essential to the review process and once received this brought more items to light. We submitted a second variance request on 09/12/2025. In which we requested significant areas of 35% or greater slope to be built upon with closed fill. During the meeting we explored several alternatives—including setback adjustments, pier-and-beam construction, and a reduced building footprint—and have incorporated all three strategies into a revised design that minimizes impact on steep slopes.

Which brings us to our current variance request.  
At this time, we formally withdraw our prior variance.

We are requesting the following variances:

1. To use the platted building setback of 35' from Skyline.
2. Approval for the removal of 17-inch quadruple cedar tree + 14" Oak
3. 5 closed fill locations on 35% or greater sloped areas -
  - Portion of driveway will require 2' excavation in 35% or greater slope (122.38 sf)
  - Drive court + garage will require max of 6' of closed fill in 35% or greater slope (460.27 sf)
  - Kitchen will require max of 1' of closed fill in 35% of greater slope (158.79 sf)
  - Pool will require max of 2' closed fill in 35% of greater slope (43.65sf)
  - Dining will require max of 6' of closed cut in 35% of greater slope (17.69sf)

The proposed single-family residence has been thoughtfully designed to harmonize with the site's natural topography and the surrounding community. The current plan reflects careful revisions to meet City development standards while minimizing environmental impact.

Due to the site's topography, strict adherence to existing setback requirements would necessitate construction within slopes exceeding 35%. Shifting the building footprint approximately 15 feet north allows us to avoid these areas. Any minor encroachments into steeper slopes will be addressed through pier-and-beam construction to further reduce disturbance.

The existing slope constraints effectively bisect the buildable area of the lot, creating a practical hardship that limits reasonable development without variance relief. This request is therefore not one of convenience, but of necessity to enable appropriate use of the property. Multiple site configurations were evaluated. The proposed solution was selected as it minimizes variance requests, reduces site disturbance, and balances compliance with functional design.

These measures are consistent with the intent of the City's Drainage and Erosion Control Manual.

For these reasons, we respectfully request approval of the proposed variances to allow development of a residence that is both contextually appropriate and sensitive to the natural character of the site.

Sincerely,

Bhavani Singal

Principal Architect  
Workshop No.5

ADDRESS: 406 REDBUD TRAIL  
AUSTIN, TEXAS 78746  
ORDERED BY: ASHWINI RAJAH

THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS ESTABLISHED BY THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT.  
PANEL NO. 48453C 0445 X  
MAP REVISION: 01/22/2020  
ZONE X

BASED ONLY ON VISUAL EXAMINATION OF MAPS. INCURSIONS OF FIRM MAPS PRESENT EXACT DETERMINATION WITHOUT DETAILED FIELD STUDY

A SUBSURFACE INVESTIGATION WAS BEYOND THE SCOPE OF THIS SURVEY

NOTE: ELEVATIONS ARE BASED ON NGS DATA SHEET A09947  
ELEVATION=754.6 FEET NAVD83 2001 ADJ.  
NOTE: ALL ELEVATIONS ARE MEASURED IN FEET (').

LEGEND	
T.B.M.	TEMPORARY BENCH MARK
E.A.	EDGE OF ASPHALT
C.R.	CENTERLINE OF ROAD
N.G.	NATURAL GROUND
⊙	MANHOLE
⊕	FIRE HYDRANT

NOTE: MAY BE SUBJECT TO DEED RESTRICTIONS AND/OR ADDITIONAL GOVERNMENTAL BUILDING REQUIREMENTS.  
NOTE: THIS SURVEY WAS PREPARED WITHOUT A TITLE COMMITMENT. OTHER EASEMENTS AND/OR BUILDING LINES MAY AFFECT THIS TRACT.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY AND THAT THERE ARE NO ENCROACHMENTS APPARENT ON THE GROUND, EXCEPT AS SHOWN HEREON. THIS SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY.

JAMES P. WALKOVAK  
PROFESSIONAL LAND SURVEYOR  
NO. 5971  
JOB NO. SA2023-01509  
JUNE 13, 2023  
REVISED: OCTOBER 24, 2023  
REVISED: NOVEMBER 7, 2023



FOR REFERENCE ONLY  
NOT TO SCALE  
LARGE SCALE DRAWING TO  
BE DELIVERED

TOPO/TREE SURVEY  
LOT 8B  
RESUBDIVISION OF  
LOTS 8, 8A AND 9  
SKYLINE TERRACE, SECTION 1  
ACCORDING TO THE MAP OR PLAT THEREOF RECORDED  
IN DOCUMENT NO. 201700312 OF THE OFFICIAL PUBLIC  
RECORDS OF TRAVIS COUNTY, TEXAS

D.C.L. = DIRECTIONAL CONTROL LINE  
RECORD BEARING: DOC. NO. 201700312, T.C.O.P.R. DRAWN BY: RE/RC/RE



No.	Date	REVISIONS

**QUIDDITY**  
PROFESSIONAL LAND SURVEYORS  
1800 LAND SURVEY  
10000 W. JULE GARDEN BLVD., SUITE 200 • ROUND ROCK, TEXAS 78665 • 512.411.9493

DESIGNED BY: ECV  
CHECKED BY: ECV  
DRAWN BY: CM

SCALE: \_\_\_\_\_  
DATE: JUNE 23, 2025  
JOB NO.: 17232-0029-01

STATE OF TEXAS  
ERIC CHRISTOPHER WANN  
144638  
REGISTERED PROFESSIONAL ENGINEER  
6/23/2025  
*Eric Wann*

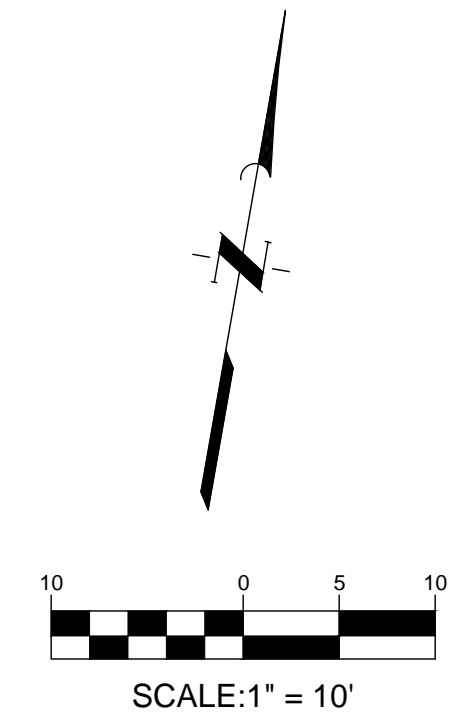
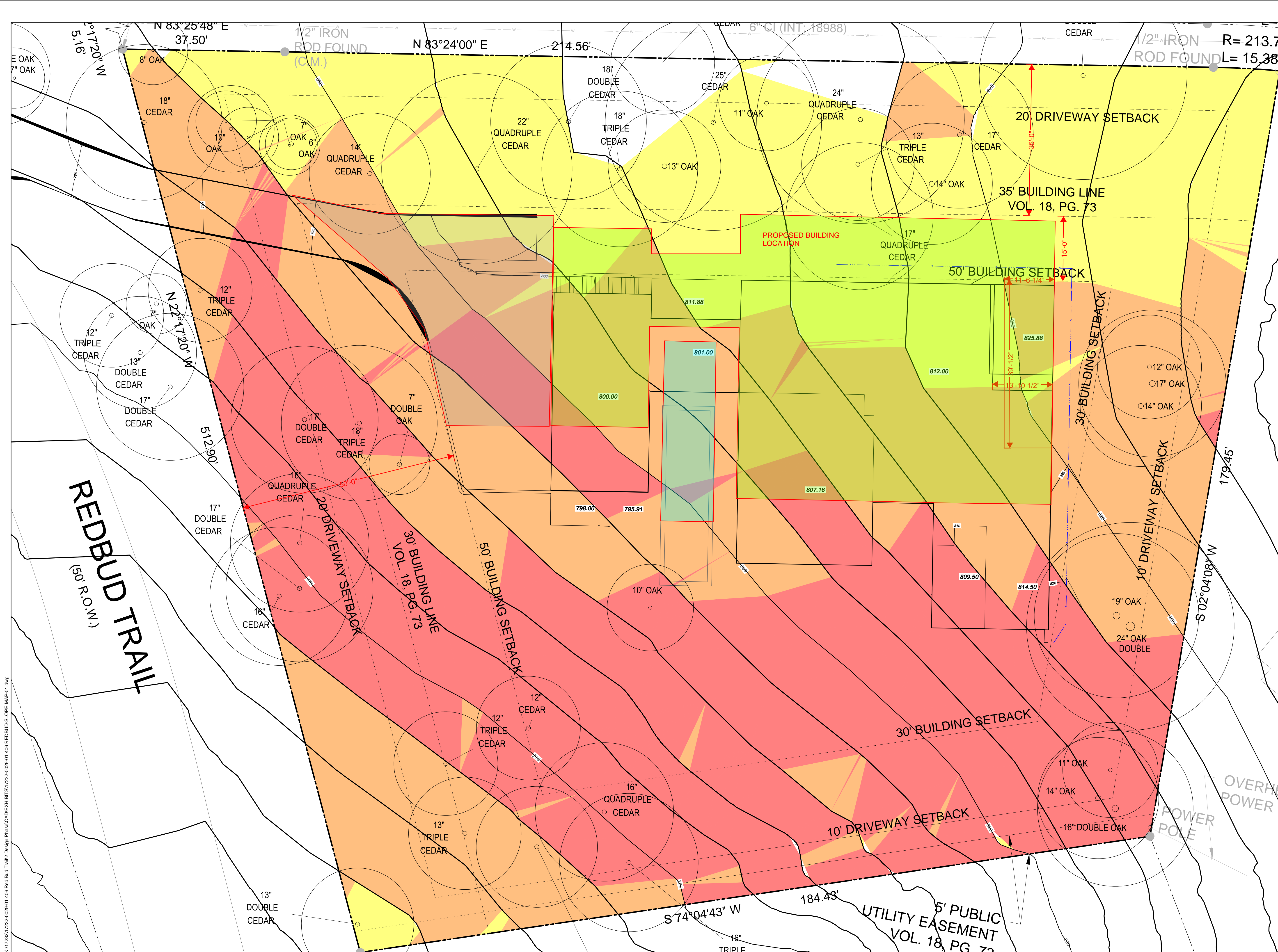
406 REDBUD TRAIL  
WEST LAKE HILLS, TEXAS 78746

**EXISTING CONDITIONS**

TYPE III DRAINAGE AND WATER QUALITY DESIGN


SHEET NO. **2**  
OF 18

2025 - 12301



Slopes Table			
Number	Minimum Slope	Maximum Slope	Color
1	0%	15%	
2	15%	25%	Yellow
3	25%	35%	Orange
4	35%	313%	Red

406 REDBUD  
SLOPE MAP



SCALE: 1" = 10'  
DATE: October 27, 2025  
JOB NO: 17232-0029-01

K:\17232\17232-0029-01\_406 Red Bud Trail2 Design Phase\CADD\XREFS\17232-0029-01\_406 REDBUD-SLOPE MAP.dwg

TC

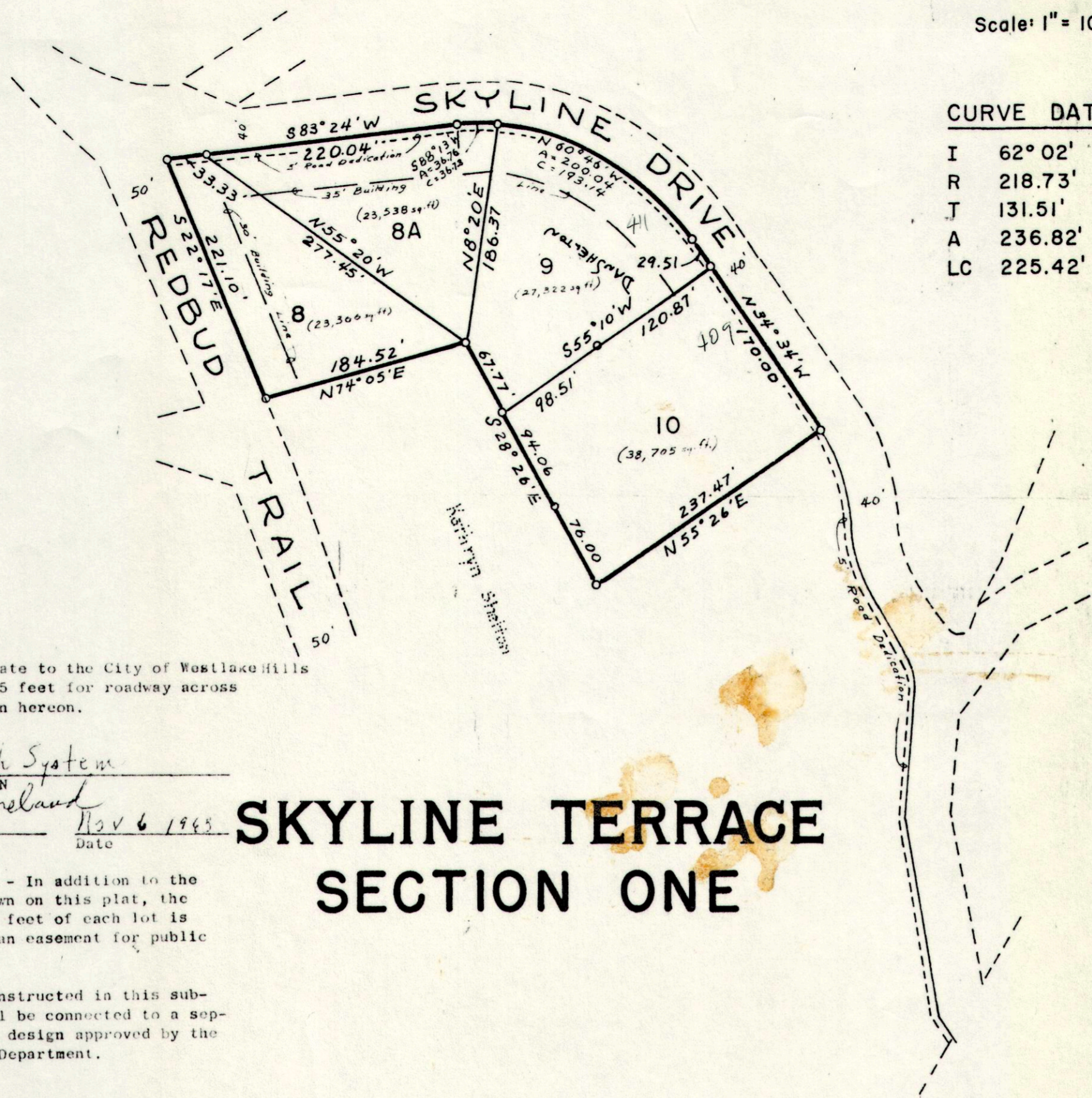
LEGEND

o Iron Pin

Scale: 1" = 100'

CURVE DATA

I	62° 02'
R	218.73'
T	131.51'
A	236.82'
LC	225.42'



I hereby dedicate to the City of Westlake Hills an additional 5 feet for roadway across Lot 10 as shown hereon.

L.J. Ulrich System  
2-J CORPORATION  
Richard J. Ulrichland  
Secretary      Nov 6 1963  
 Title                      Date

# SKYLINE TERRACE SECTION ONE

GENERAL NOTES - In addition to the easements shown on this plat, the rear five (5) feet of each lot is dedicated as an easement for public utilities.

Each house constructed in this subdivision shall be connected to a septic tank of a design approved by the State Health Department.

THE STATE OF TEXAS:  
COUNTY OF TRAVIS :

KNOW ALL MEN BY THESE PRESENTS: That we, John E. Shelton, Jr., and wife, Kathryn C. Shelton, owners of that certain 10.72 acre tract of land out of the T. J. Chambers Survey # 504 described in a deed recorded in Volume 947, page 539 of the Deed Records of Travis County, Texas, do hereby adopt this map or plat to be known as SKYLINE TERRACE, SECTION ONE, and we have dedicated and do hereby dedicate to the public use all streets, roads, or drives and easements shown hereon as far as our interest may appear.

WITNESS OUR HANDS this the 5th day of November, A.D., 1963.

John E. Shelton, Jr.  
 John E. Shelton, Jr.  
Kathryn C. Shelton  
 Kathryn C. Shelton

THE STATE OF TEXAS:  
COUNTY OF TRAVIS :

BEFORE ME, the undersigned authority, a Notary Public, in and for Travis County, Texas, on this day personally appeared John E. Shelton, Jr., and his wife, Kathryn C. Shelton, known to me to be the persons whose names are subscribed to the foregoing instrument and the said John E. Shelton, Jr. acknowledged to me that he executed the same for the purposes and considerations therein stated. And the said Kathryn C. Shelton, wife of the said John E. Shelton, Jr., having been examined by me privily and apart from her husband and having the same fully explained to her, she, the said Kathryn C. Shelton, acknowledged such instrument to be her act and deed and declared that she had willingly signed the same for the purposes and considerations therein expressed and that she did not wish to retract it.

GIVEN under my hand and seal of office this the 5th day of November, A.D., 1963.

Elaine Martinez  
Notary Public, in and for Travis County, Texas



ACCEPTED AND AUTHORIZED FOR RECORD BY THE BOARD OF ALDERMEN FO THE CITY OF WEST LAKE HILLS, TEXAS, this the 6th day of November, A.D., 1963.

Robert M. Allen  
 Mayor  
Henrietta Jacobsen  
 Secretary

FILED FOR RECORD: at 11:50 o'clock A.M., this the 7 day of Nov., A.D., 1963.

Gene Lee                      Emilie Linberg  
 Deputy                              Miss Emilie Linberg, County Clerk, Travis County, Texas

THE STATE OF TEXAS:  
COUNTY OF TRAVIS :

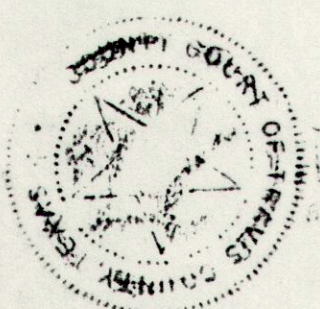
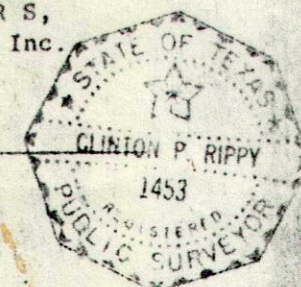
I, Miss Emilie Linberg, Clerk of the County Court within and for the County and State aforesaid do hereby certify that the foregoing instrument of writing with its Certificate of Authentication was filed for record in my office on the 7 day of Nov., A.D., 1963, at 11:50 o'clock A.M., and duly recorded on the 7 day of Nov., A.D., 1963, at 11:50 o'clock A.M., in the Plat Records of said County and State in Plat Book 18, Page 73.

WITNESS MY HAND AND SEAL OF THE COUNTY COURT of said County the date last written above.

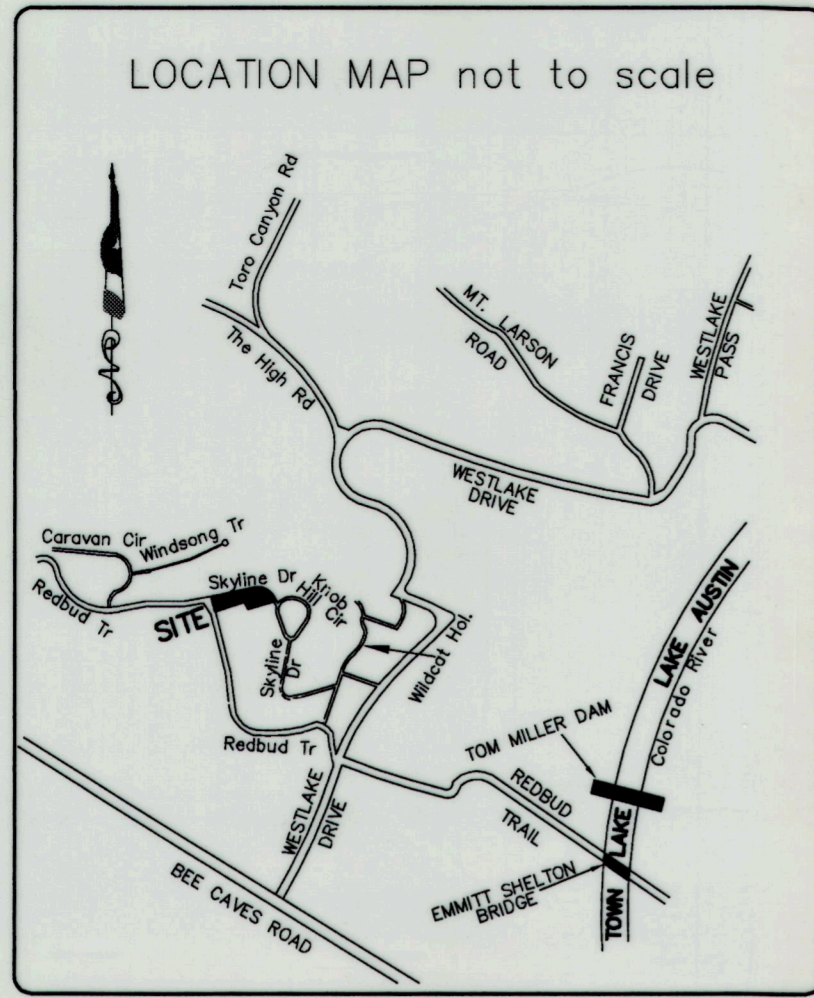
Gene Lee                      Emilie Linberg  
 Deputy                              Miss Emilie Linberg, Clerk, County Court, Travis County, Tex.

Surveyed By:  
The MARVIN TURNER ENGINEERS, Inc.

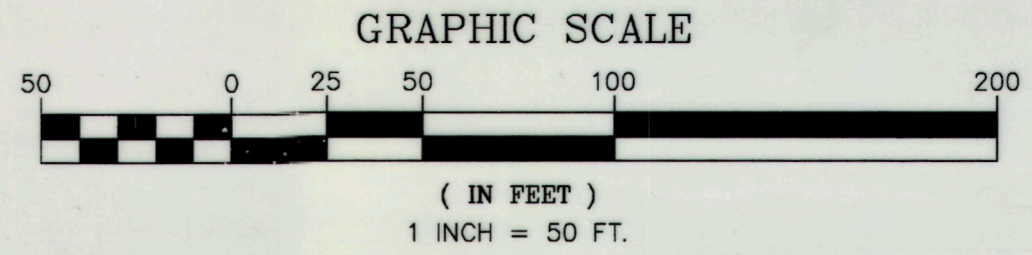
By Clinton P. Rippey  
 Registered Public Surveyor  
 Date 11-3-63



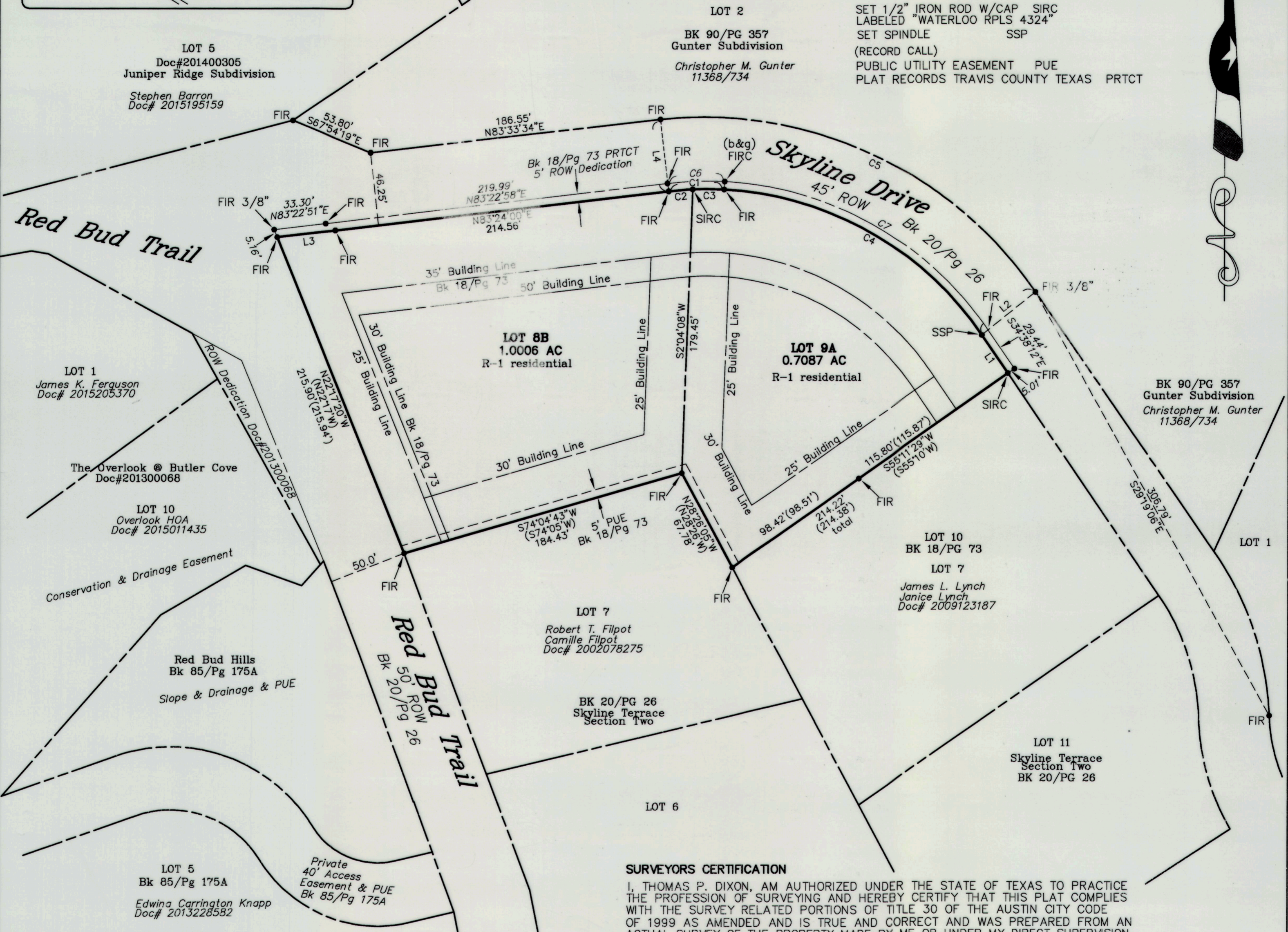
**RESUBDIVISION OF LOTS 8, 8A, AND LOT 9  
SKYLINE TERRACE SECTION ONE**



**LOT SUMMARY**  
 LOT 8B AND LOT 9A--1.7093 ACRES/74,456 SQ FT  
 TWO LOTS FOR SINGLE FAMILY RESIDENCE  
 LOT 8B--1.0006 ACRES/43,585 SQ FT  
 LOT 9A--0.7087 ACRE/30,871 SQ FT



**LEGEND**  
 FOUND 1/2" IRON ROD FIR  
 FOUND 1/2" IRON ROD W/CAP FIR  
 SET 1/2" IRON ROD W/CAP SIRC  
 LABELED "WATERLOO RPLS 4324"  
 SET SPINDLE SSP  
 (RECORD CALL)  
 PUBLIC UTILITY EASEMENT PUE  
 PLAT RECORDS TRAVIS COUNTY TEXAS PRTCT



**CURVE TABLE**

NUM	ARC	RADIUS	BEARING	DISTANCE
C1	35.43'	213.73'	N88°10'21"E	35.39'
C2	15.38'	213.73'	N85°29'02"E	15.37'
C3	20.06'	213.73'	S89°46'00"E	20.05'
C4	195.81'	213.73'	S60°44'21"E	189.03'
C5	276.55'	258.75'	S65°26'20"E	263.57'
C6	36.56'	218.73'	N88°09'23"E	36.51'
C7	200.34'	218.73'	S60°43'09"E	193.41'

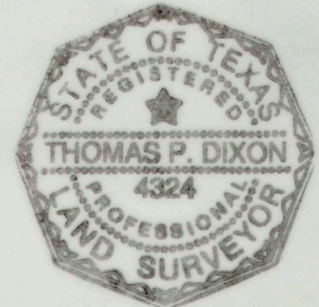
**LINE TABLE**

NUM	BEARING	DISTANCE	RECORD	DISTANCE
L1	S34°39'49"E	29.40'	S34°34'E	29.51'
L2	N51°33'04"E	43.64'		
L3	N83°25'48"E	37.50'		
L4	N6°35'59"W	45.73'		

**SURVEYORS CERTIFICATION**  
 I, THOMAS P. DIXON, AM AUTHORIZED UNDER THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH THE SURVEY RELATED PORTIONS OF TITLE 30 OF THE AUSTIN CITY CODE OF 1999 AS AMENDED AND IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY DIRECT SUPERVISION, ON THE GROUND FEBRUARY 27TH, 2017.

THIS SUBDIVISION IS NOT WITHIN A FLOOD HAZARD ZONE AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AS PER MAP NO. 48453C0445H, DATED SEPTEMBER 26, 2008.

*Thomas P. Dixon*  
 THOMAS P. DIXON R.P.L.S. #4324  
 WATERLOO SURVEYORS, INC.  
 P.O. BOX 160176  
 AUSTIN, TEXAS 78716  
 PH-512-481-9602  
 FAX-512-330-1621  
 thomas@waterloosurveyors.com  
 DATE 11/1/17



WATERLOO SURVEYORS INC.  
 PO BOX 160176  
 AUSTIN, TEXAS 78716-0176  
 Phone: 512-481-9602  
 www.waterloosurveyors.com  
 T.B.P.L.S. FIRM NO 10124400

**PROJECT DATA**  
 LEGAL DESCRIPTION: 1.7093 ACRES OUT OF THE T.J. CHAMBERS SURVEY NO. 504, IN TRAVIS COUNTY, TEXAS.  
 OWNER LOT 8, 8A AND 9:  
 LILLIAN KATHLEEN MONTANA  
 TWO LOTS FOR RESIDENTIAL USE  
 SURVEYING: WATERLOO SURVEYORS, INC.

RESUBDIVISION OF LOTS 8, 8A, AND LOT 9  
SKYLINE TERRACE SECTION ONE

STATE OF TEXAS:  
COUNTY OF TRAVIS: KNOW ALL PERSONS BY THESE PRESENTS:

THAT I, LILLIAN KATHLEEN MONTANA, OWNER OF 1.7093 ACRES OF LAND OUT OF THE THE T.J. CHAMBERS SURVEY NO. 504 IN TRAVIS COUNTY, TEXAS, BEING ALL OF LOTS 8, 8A AND 9 OF SKYLINE TERRACE SECTION ONE, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF IN BOOK 18, PAGE 73, PLAT RECORDS, CONVEYED TO ME BY GENERAL WARRANTY DEED RECORDED IN DOCUMENT NO. 2015163937, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, DO HEREBY RESUBDIVIDE SAID LOTS PURSUANT TO THE TEXAS LOCAL GOVERNMENT CODE, SECTION 212 TO BE KNOWN AS:

RESUBDIVISION OF OF LOTS 8, 8A AND LOT 9  
SKYLINE TERRACE SECTION ONE

IN ACCORDANCE WITH THE MAP OR PLAT SHOWN HEREON, AND DO HEREBY DEDICATE TO THE PUBLIC FOREVER THE USE OF ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, PUBLIC EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

WITNESS MY HAND THIS THE 27 DAY OF November, 2017

*Lillian Kathleen Montana*

LILLIAN KATHLEEN MONTANA  
411 SKYLINE DRIVE  
AUSTIN, TEXAS 78746-3614

STATE OF TEXAS:  
COUNTY OF TRAVIS:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED LILLIAN KATHLEEN MONTANA, KNOWN TO BE THE PERSON OR AGENT WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 27 DAY OF November, 2017, A.D., NOTARY PUBLIC IN AND FOR TRAVIS COUNTY, TEXAS.

NOTARY: MARK LEANOR LITTELL  
PRINT OR STAMP NAME HERE MY COMMISSION EXPIRES September 20 2021



THIS SUBDIVISION PLAT IS LOCATED WITHIN THE FULL PURPOSE CITY LIMITS OF THE CITY OF WEST LAKE HILLS ON THIS THE 29TH DAY OF AUGUST, 2016 AD.

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED ON October 18, 2017, BY THE ZONING AND PLANNING COMMISSION OF THE CITY OF WEST LAKE HILLS, TEXAS, AND IS HEREBY RECOMMENDED FOR APPROVAL BY THE CITY COUNCIL. THIS THE 18th DAY OF October, 2017, AD.

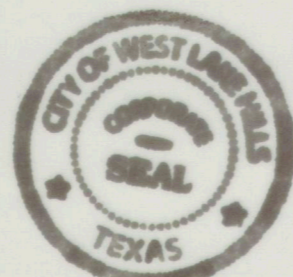
*[Signature]*  
ZAPCO CHAIRPERSON 11/21/2017  
DATE

APPROVED, ACCEPTED AND AUTHORIZED FOR RECORD BY THE CITY COUNCIL OF THE CITY OF WEST LAKE HILLS, TEXAS

DATED THIS THE 25th DAY OF October, 2017, A.D.

*Cinda Anthony*  
MAYOR CITY OF WEST LAKE HILLS

ATTEST:  
*Lacie Hall*  
CITY SECRETARY



STATE OF TEXAS:  
COUNTY OF TRAVIS:

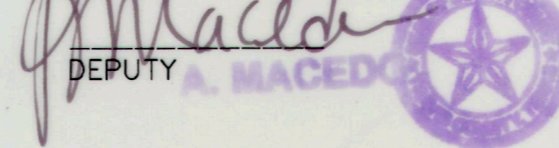
I, DANA DEBEAUVOIR, CLERK OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND IT'S CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 20th DAY OF December, 2017, A.D. AT

2:28 O'CLOCK P.M., DULY RECORDED ON THE 20th DAY OF December

2017 A.D. AT 2:28 O'CLOCK P.M., PLAT RECORDS IN SAID COUNTY AND STATE IN

DOCUMENT NO. 201700312 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

DANA DEBEAUVOIR, COUNTY CLERK  
TRAVIS COUNTY, TEXAS



NOTES:

1) SEPTIC TANK NOTE:

EVERY LOT IN THIS SUBDIVISION IS SUBJECT TO THE CITY OF WEST LAKE HILLS' CODE OF ORDINANCES, CHAPTER 86 AS AMENDED. NO SEPTIC SYSTEM OR OTHER PRIVATE SEWAGE FACILITY MAY BE CONSTRUCTED ON ANY LOT UNTIL THE CITY OF WEST LAKE HILLS ISSUES A PERMIT FOR ITS CONSTRUCTION. NO PRIVATE SEWAGE FACILITY MAY BE USED UNTIL THE FACILITY HAS BEEN APPROVED AND LICENSED BY THE CITY. LOT SIZE REQUIREMENTS FOR RESIDENTIAL AND COMMERCIAL PRIVATE SEWAGE FACILITIES SHALL CONFORM TO THE CONSTRUCTION AND DEVELOPMENT LIMITATIONS IN CHAPTER 86 OF THE WEST LAKE HILLS CODE OF ORDINANCES AS AMENDED.

2) SITE CLEARANCE, SITE DISTURBANCE AND IMPERVIOUS COVER NOTE:

EVERY LOT IN THIS SUBDIVISION IS SUBJECT TO THE CITY OF WEST LAKE HILLS' SITE CLEARANCE PROCEDURES. NO SITE CLEARANCE, EXCAVATION, GRADING OR LANDFILL SHALL COMMENCE UNLESS A PERMIT SHALL HAVE FIRST BEEN ISSUED FOR SUCH WORK IN ACCORDANCE WITH THE PROVISIONS OF APPLICABLE ORDINANCES. IMPERVIOUS COVER SHALL NOT EXCEED THE MAXIMUM PERCENTAGE PERMITTED UNDER THE LOT SIZE REQUIREMENTS FOR RESIDENTIAL AND COMMERCIAL PRIVATE SEWAGE FACILITIES SHALL CONFORM WEST LAKE HILLS CODE OF ORDINANCES.

3) STREETS, ROADS AND OTHER PUBLIC THOROUGHFARES NOTE:

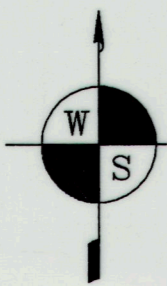
THE BUILDING OF STREETS, ROADS AND OTHER PUBLIC THOROUGHFARES SHOWN ON THIS PLAT AND ANY BRIDGES OR CULVERTS NECESSARY TO BE CONSTRUCTED OR PLACED IN SUCH STREETS, ROADS OR OTHER PUBLIC THOROUGHFARES OR IN CONNECTION THEREWITH, SHALL BE THE RESPONSIBILITY OF THE OWNER AND/OR DEVELOPER OF THE TRACT OF LAND COVERED BY THIS PLAT IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PRESCRIBED BY THE CITY COUNCIL OF THE CITY OF WEST LAKE HILLS, TRAVIS COUNTY, TEXAS, IF SAID PLAT IS WITHIN THE CITY LIMITS OF THE CITY OF WEST LAKE HILLS, TEXAS. THE CITY OF WEST LAKE HILLS, TEXAS ASSUMES NO RESPONSIBILITY TO BUILD ANY OF THE STREETS, ROADS OR OTHER PUBLIC THOROUGHFARES SHOWN ON THIS PLAT OR ANY BRIDGES OF CULVERTS IN CONNECTION THEREWITH. ALL CURB CUTS, ENTRANCES AND EXITS ONTO PUBLIC STREETS OR HIGHWAYS SHALL FIRST BE APPROVED BY THE CITY OF WEST LAKE HILLS, TEXAS.

THE TRACT OF LAND DESCRIBED ON THIS PLAT IS WITHIN THE BOUNDARIES OF TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT (WCID) NO. 10 AND HAS WATER SERVICE AVAILABLE.

*[Signature]* 12.13.2017  
PRESIDENT OF THE BOARD DATE  
WCID NO. 10

I, THE UNDERSIGNED CITY ADMINISTRATOR OF THE CITY OF WEST LAKE HILLS, TEXAS, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT COMFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY FOR WHICH MY APPROVAL IS REQUIRED.

*Robert J. Wood* 21 November 2017  
CITY ADMINISTRATOR DATE  
CITY OF WEST LAKE HILLS

 WATERLOO SURVEYORS INC.  
PO BOX 160176  
AUSTIN, TEXAS 78716-0176  
Phone: 512-481-9602  
www.waterloosurveyors.com  
T.B.P.L.S. FIRM NO 10124400

J14628P

Exhibit A

406 Redbud Trl - Variances

Applicant's Findings of Fact

1. **The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.**

The site's topography and the cut and fill limits per section 7.4.1. of the drainage and erosion control design manual make the site challenging to build on.

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

Many trees that exist on the site are struggling due to the steep slopes and natural drainage patterns. Per our previous variance requests that were approved. The site will be replanted to mitigate for trees being removed with many native plantings.

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

We have studied alternate locations for the house presented at previous zapco meetings. The house in its current proposed location met with significantly less variance requests. We have tried to place the home in the most buildable portion of the site. The topography continues to challenge it.

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

Our slope maps illustrate many portions of the site being 35% or greater slope. The house as you can see is located on the flattest portion of the site. Yet it is still interrupted with steep slopes. Moving the building setback line on a street that will never be developed would allow us to move the footprint out of 35% or greater sloped areas. Some portions like the garage and carport still face challenges.

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

We understand the concern for building on steep slopes is to control erosion and possibly water drainage patterns. The house is sitting directly above and will have foundation walls that will contain the portion of the site with steep slopes. Removing any erosion concerns.

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

The impact of this would not be visible by the neighbors. The perimeter walls of the house still comply with the requirements per DECDM 7.4.1 TABLE 7-1. Reducing any visible impacts to the neighborhood. Its the portion of the site directly under the home that we are requesting a variance for.



City of West Lake Hills  
Zoning and Planning Commission

# AGENDA REPORT

<b>Meeting Date:</b>	May 20, 2026	<b>Item Number:</b>	6
	Building & Development		
<b>Department:</b>	Services		
<b>Prepared By:</b>	Jennifer C. Bills	<b>Cost / Budget:</b>	None
<b>Exhibits:</b>	See Attached	<b>Source of Funds:</b>	N/A

### Subject

**406 Redbud Trl:** Discuss and make a recommendation to City Council on proposed variances:  
a. To allow the removal of a 17-inch cedar and 14-inch live oak (Section 22.03.304(a)(4)).

Applicant: Bhavani Singal, Workshop No 5

### Recommendation

Discuss and make a recommendation to the City Council including an analysis of whether:

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

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.

The findings of fact as alleged by the applicant are attached in Exhibit A.

This item will be forwarded to the City Council meeting on June 10, 2026 for review and a public hearing.

### Discussion

#### Property Information, Zoning & Site Characteristics:

Owner: 406 Redbud LLC  
Legal Description: Lot 8b Skyline Terrace Sec 1 Resub Lts 8, 8a & 9  
Lot Size: 1.0006 acres  
Zoning: R-1  
Wastewater: On Site Sewage Facility

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

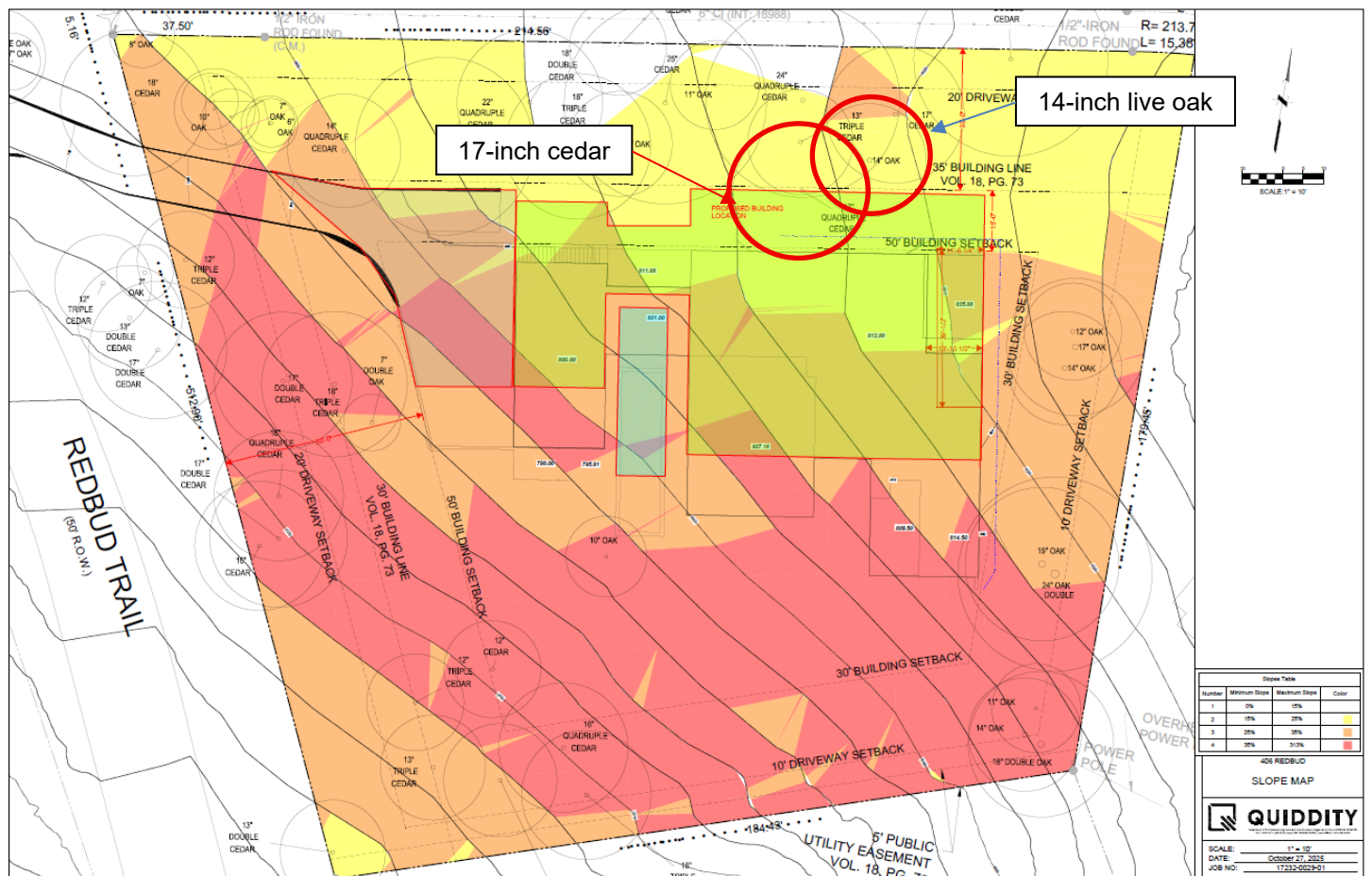
#### Background & Analysis:

The applicant is proposing to build a new residential house on an undeveloped lot. As the lot has not been developed the property contains many trees and a hillside that has never been disturbed before. The property was granted three variances at the June 12, 2024, City Council/BOA meeting: 1) to allow the driveway to

exceed the 6-foot height limit to 10 feet, 2) to exceed the closed fill to 10 feet where 6 is the maximum and 3) to remove 8 trees 14 inches or greater.

The new construction and OSSF plans have been submitted and have been through two rounds of review. One of the outstanding issues is areas of greater than 35% slope where grading is proposed. The applicant requested additional variance to the cut and fill in these areas at the October 15, 2025, ZAPCO meeting (<https://westlakehillstx.portal.civicclerk.com/event/522/files/agenda/1561>). Due to the feedback at that meeting, the applicant requested a postponement to provide additional information for their requests. Since that meeting, the applicant has been exploring different options to address the site constraints.

The applicant is proposing a revised location for the house that would move the structure closer to the unimproved Skyline Drive right-of-way. With this location, they would need a variance to use the previous platted setback and would require removal of two additional trees.



(Attachment 3 Proposed Site)

## Tree Removal and Replacement

### Code Reference:

**Section 22.03.304(a)(4)—Tree and Vegetation Removal and Replacement**

The removal of trees greater than or equal to fourteen (14) inches in diameter measured at a point fifty-four (54) inches above the ground, or a tree greater or equal to ten (10) inches and less than fourteen (14) inches in diameter that does not meet the requirements of section 22.03.303(b)(4), is prohibited except as allowed under section 22.03.303(b)(7) and therefore such removal requires a variance from the city council as outlined in section 22.03.308.

**Request:**

To remove a 17" cedar and a 14" live oak due to the proposed location of the structure.



(Attachment 4 Proposed Trees for Removal)

**Public Comments:**

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

**Variance Criteria Review:**

Trees follow the procedure and notice found in Section 22.03.511 Procedure and notice:

- (a) The city council, when petitioned for a variance, after 16 days' written notice to all property owners within 300 feet of the subject property, shall hold a hearing, and the city council may vary the application of any provision of this article to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this article or public interest, or when, in its opinion, the interpretation and recommendation of the zoning and planning commission should be modified or reversed.
- (b) A decision of the city council to vary the application of any provision of this article shall specify in what manner such variance is made, the conditions upon which it is made and the reasons thereof.

The criteria and process for granting a variance found in Section 22.03.514:

No variance shall be granted under this chapter unless the following criteria are fulfilled:

- Findings. The applicant has established by competent evidence that:
  - The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.

- There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
- There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
- The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
- ZAPCO. The recommendation of zoning and planning commission shall include an analysis of whether:
  - The variance may violate the intent of this chapter or the goals of the city’s comprehensive plan; and
  - The variance may have an adverse effect on neighborhood properties, or interfere with the respective owners’ enjoyment thereof; and
  - When considering variance requests for nonresidential projects in the Commercial Overlay District, whether the variance, when considered as part of the proposed project (as a whole), furthers achievement of the land planning principles set forth in the city’s master plan, attachment B, as codified in article 28.02 of this code.
- 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 in the commercial overlay district 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 article 28.02 of this code.

### **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**

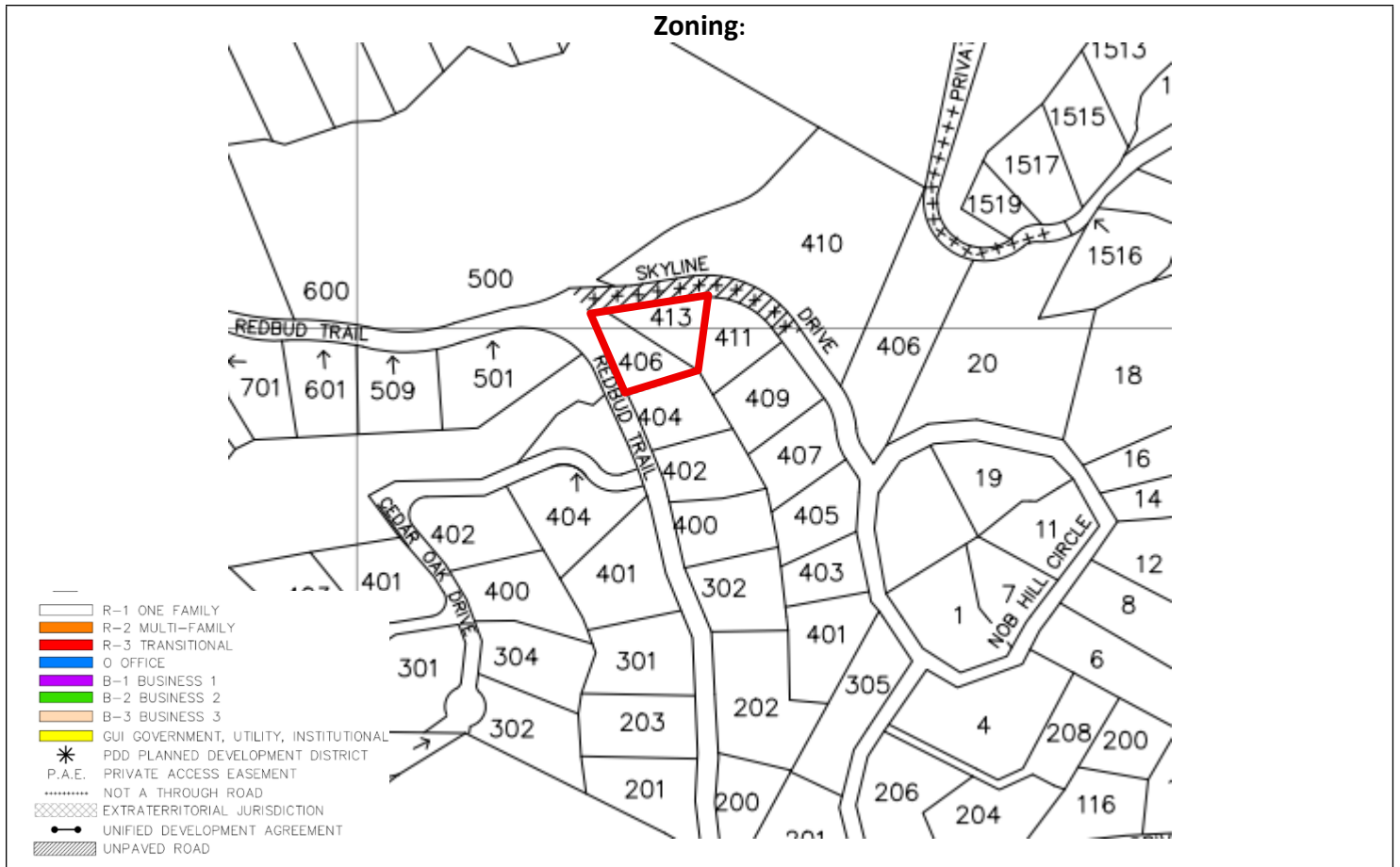
There is no change to the subdivision proposed with this application.

### **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 22.03.034 Tree and Vegetation Removal and Replacement](#)
- [Section 22.03.511 Variances](#)
- [Section 22.03.514 Criteria and process required for granting variance](#)





04/13/2026

Re: 406 Red Bud Trail  
Variance Request

ATTN: Robert Meisel, ZAPCO Chair  
City of West Lake Hills  
911 Westlake Drive  
West Lake Hills, TX 78746

Good afternoon,  
On behalf of the owner's, we are respectfully submitting a request for variances for the property on 406 Redbud Trail.

We have met with Jennifer Bills and the City of West Lake Hills Development staff on multiple occasions to ensure the proposed residence aligns with the intent and spirit of the City's zoning ordinances.

Starting design in September of 2023. Scheduled our first call with the city of Westlake in Jan of 2024 once we had a design direction we wanted to pursue. Quickly soon after we realized we needed a variance in effort to build on the site. The topography was proving challenging after numerous variations and design directions were explored. Our first variance request was submitted in March of 2024 with our site approach from Skyline into our property. After our first meeting we requested for postponement after many neighbors were in opposition of skyline being developed into a road. We came back with a new design proposing driveway access of Red Bud removing the request of license to encroach.

Our improved variance request was to allow driveway up to 10' above natural grade where 6' is the maximum and closed fill of 10' where 6' is max. second request was removal 8 trees 14" or greater. Significant reduction of tree removal request. We proposed a exciting tree mitigation plan that was well received. We were granted the variance on June 12. 2024.

As we continued through our permitting process were realized a slope map was essential to the review process and once received this brought more items to light. We submitted a second variance request on 09/12/2025. In which we requested significant areas of 35% or greater slope to be built upon with closed fill. During the meeting we explored several alternatives—including setback adjustments, pier-and-beam construction, and a reduced building footprint—and have incorporated all three strategies into a revised design that minimizes impact on steep slopes.

Which brings us to our current variance request.  
At this time, we formally withdraw our prior variance.

We are requesting the following variances:

1. To use the platted building setback of 35' from Skyline.
2. Approval for the removal of 17-inch quadruple cedar tree + 14" Oak
3. 5 closed fill locations on 35% or greater sloped areas -
  - Portion of driveway will require 2' excavation in 35% or greater slope (122.38 sf)
  - Drive court + garage will require max of 6' of closed fill in 35% or greater slope (460.27 sf)
  - Kitchen will require max of 1' of closed fill in 35% of greater slope (158.79 sf)
  - Pool will require max of 2' closed fill in 35% of greater slope (43.65sf)
  - Dining will require max of 6' of closed cut in 35% of greater slope (17.69sf)

The proposed single-family residence has been thoughtfully designed to harmonize with the site's natural topography and the surrounding community. The current plan reflects careful revisions to meet City development standards while minimizing environmental impact.

Due to the site's topography, strict adherence to existing setback requirements would necessitate construction within slopes exceeding 35%. Shifting the building footprint approximately 15 feet north allows us to avoid these areas. Any minor encroachments into steeper slopes will be addressed through pier-and-beam construction to further reduce disturbance.

The existing slope constraints effectively bisect the buildable area of the lot, creating a practical hardship that limits reasonable development without variance relief. This request is therefore not one of convenience, but of necessity to enable appropriate use of the property. Multiple site configurations were evaluated. The proposed solution was selected as it minimizes variance requests, reduces site disturbance, and balances compliance with functional design.

These measures are consistent with the intent of the City's Drainage and Erosion Control Manual.

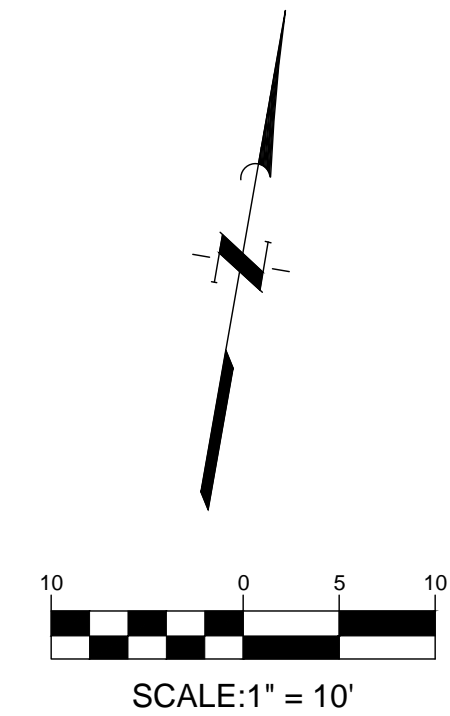
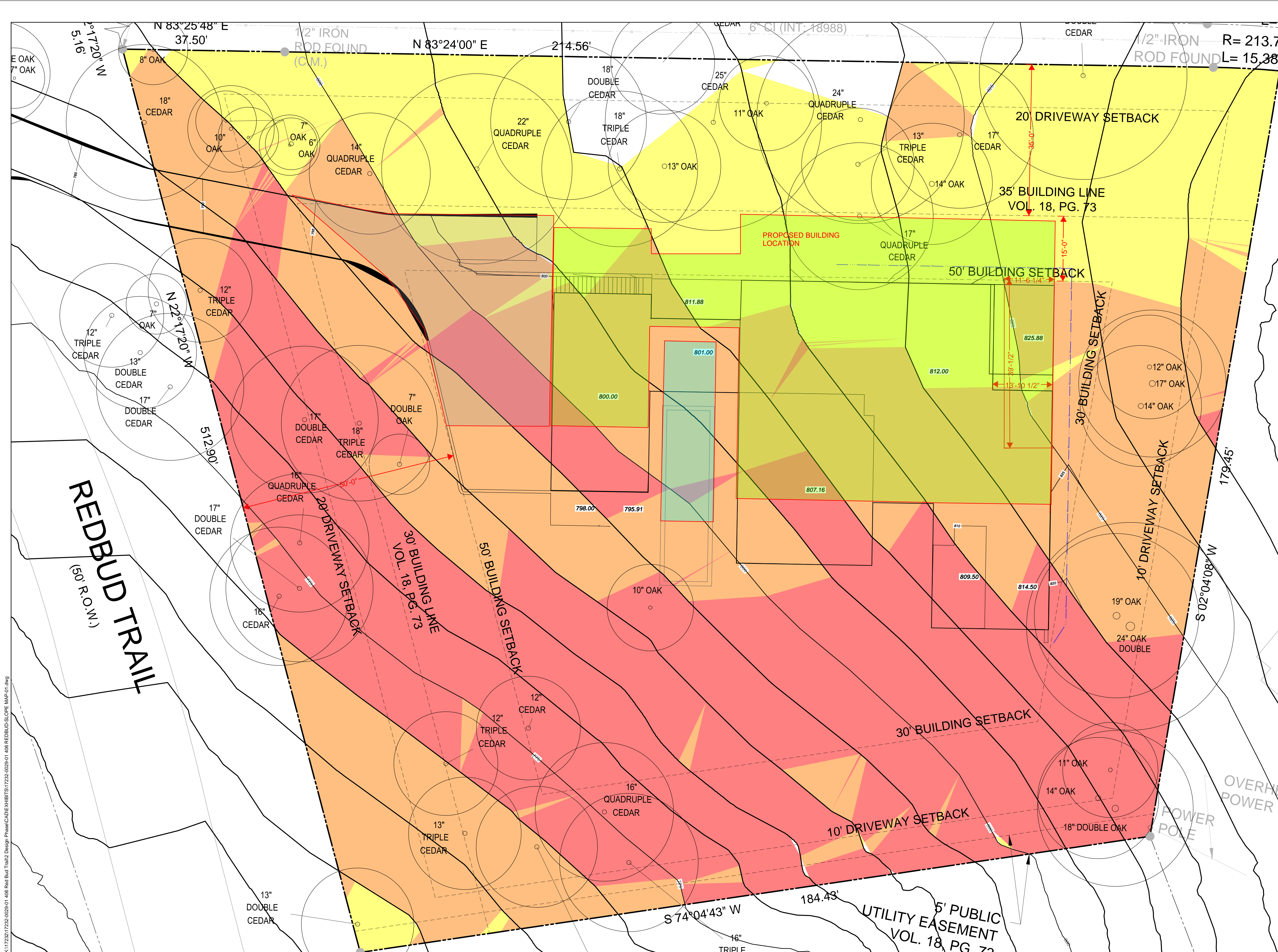
For these reasons, we respectfully request approval of the proposed variances to allow development of a residence that is both contextually appropriate and sensitive to the natural character of the site.

Sincerely,

Bhavani Singal


Principal Architect  
Workshop No.5





Slopes Table			
Number	Minimum Slope	Maximum Slope	Color
1	0%	15%	Light Yellow
2	15%	25%	Yellow
3	25%	35%	Orange
4	35%	313%	Red

406 REDBUD  
SLOPE MAP



SCALE: 1" = 10'  
DATE: October 27, 2025  
JOB NO: 17232-0029-01

K:\17232\17232-0029-01\_406 Red Bud Trail2 Design Phase\CADD\XHIBITS\17232-0029-01\_406 REDBUD-SLOPE MAP-D1.dwg





Exhibit A

406 Redbud Trl - Variances

Applicant's Findings of Fact

1. **The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.**

The site's topography and the cut and fill limits per section 7.4.1. of the drainage and erosion control design manual make the site challenging to build on.

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

Many trees that exist on the site are struggling due to the steep slopes and natural drainage patterns. Per our previous variance requests that were approved. The site will be replanted to mitigate for trees being removed with many native plantings.

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

We have studied alternate locations for the house presented at previous zapco meetings. The house in its current proposed location met with significantly less variance requests. We have tried to place the home in the most buildable portion of the site. The topography continues to challenge it.

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

We understand the concern for building on steep slopes is to control erosion and possibly water drainage patterns. The house is sitting directly above and will have foundation walls that will contain the portion of the site with steep slopes. Removing any erosion concerns.

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

The impact of this would not be visible by the neighbors. The perimeter walls of the house still comply with the requirements per DECDM 7.4.1 TABLE 7-1. Reducing any visible impacts to the neighborhood. Its the portion of the site directly under the home that we are requesting a variance for.



City of West Lake Hills  
Zoning and Planning Commission

**AGENDA REPORT**

<b>Meeting Date:</b>	<u>May 20, 2026</u>	<b>Item Number:</b>	<u>7</u>
<b>Department:</b>	<u>Building &amp; Development</u>		
<b>Prepared By:</b>	<u>Jennifer C. Bills</u>	<b>Cost / Budget:</b>	<u>n/a</u>
<b>Exhibits:</b>	<u>See attached</u>	<b>Source of Funds:</b>	<u>n/a</u>

**Subject**

Review and discuss amendments to the following Code of Ordinance sections:

- a. General Provisions - Section 1.01.003
- b. Administration and Personnel - Section 2.02.031
- c. Administration - Section 20.02.055
- d. Building Regulations - Article 22.03
- e. Subdivision – Chapter 36
- f. Zoning – Chapter 38

**Recommendation**

Review and discuss proposed code changes and provide recommendations for changes prior to setting public hearings before the ZAPCO on June 17, 2026 and City Council on June 24, 2026.

**Discussion**

The architectural committee started meeting in June 2025. Since, the committee met and provided recommendations for staff to make incremental but meaningful changes to the City Code related to development outcomes and the development process. The intent is to ease requirements imposed upon routine development projects and allow for modification of existing homes rather than inadvertently encourage demolition and reconstruction through greater administrative authority approval based on adopted criteria.

Proposed code amendments were initially reviewed by the ZAPCO on April 15 but due to several questions and concerns raised, a workshop was held on May 4 to review and discuss more in-depth the proposed changes (Attachment 2 – Revised ZAPCO Presentation 5-4-26).

For the May 20 meeting, changes to specific sections of the code are reflected in Attachment 1 – Revised Contextual Provisions for ZAPCO. Additionally, the proposed amendment to allow new double driveway connections will be removed from the final draft, but allowing existing driveways to remain will be included. The remainder of the code changes have not changed from what was previously presented. With direction

from ZAPCO on the amendments presented, staff will bring back the ordinances with the codification markup drafts for a public hearing to ZAPCO at their May 20, 2026 meeting. Recommendations from that meeting will be forwarded to the June 24, 2026 City Council meeting for adoption.

**Attachments:**

Attachment 1 – Revised Contextual Provisions for ZAPCO

Attachment 2 – Revised ZAPCO Presentation 5-4-26

# **Revised Provisions**

Amendments to the West Lake Hills Code of Ordinances

*May 2026 — Working Document*

ZAPCO Members,

The following document presents revisions to five provisions, four of which were discussed at the May 4, 2026 ZAPCO Workshop. Each provision retains the rationale that was presented in the original packet, reproduces the language you reviewed at the workshop, identifies the issues found during post-workshop review, and presents the final recommended code language. The balance of the provisions from the May 4 packet are unchanged and are attached for your reference.

The revisions incorporate additional safeguards and structural improvements. Where the original draft left gaps - missing applicability thresholds, undefined terms, or vague corner-lot treatment - the revised language closes them with objective, administrable standards. In every case, the goal remains the same: convert the types of relief that BOA and ZAPCO have historically and repeatedly granted into clear administrative rules, bounded tightly enough that staff can apply them without discretionary judgment calls.

I look forward to your review and discussion.

James

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## § 22.03.275(c)(1) — Contextual Street Building Setbacks

### ***Rationale:***

BOA and ZAPCO have historically often approved variances for homes proposing setback adjustments consistent with neighborhood development. This converts that petition into an administrative process with objective, bounded standards.

### ***Original Language (May 4th Workshop):***

(A) When the applicable Schedule of Regulations specifies the building setback distance from the street and includes an asterisk (\*), the setback may be reduced based on existing buildings located closer to the street than the district standard otherwise requires. This subsection applies only to lots of less than one (1) acre in area.

(B) The comparison area is the greater of 250 feet from the side lot lines of the subject lot, measured along the same street, or the three lots immediately adjacent to the subject lot on each side of the subject lot along the same street.

(C) The proposed street building setback may be reduced to the average of the actual street setbacks of qualifying buildings within the comparison area, plus or minus five feet, but in no case closer to the street than the most forward qualifying building within the comparison area.

(i) Where the proposed new building is a principal building, the examples must also be principal buildings.

(ii) Where the proposed building is an accessory structure, the qualifying buildings within the comparison area must be accessory structures of the same type as the proposed structure (e.g., carport for carport, garage for garage, pool for pool). A principal structure does not qualify as a comparison building for a proposed accessory structure, and an accessory structure of a different type does not qualify as a comparison building.

(D) When multiple street setbacks exist, the street, side, and rear setback designations are determined by the context and orientation of the adjacent lots.

### ***Issues Identified:***

(a) Applicability threshold added. The May 4 version allowed any single nonconforming building within the comparison area to anchor a setback reduction. This created a ratchet effect: one forward building can pull the next project forward, which then becomes the new benchmark. The Architecture Committee's original recommendation required at least three of the four adjacent lots to contain a nonconforming building before the contextual standard applies. That threshold was not carried into the May 4 draft and has been restored.

- (b) Comparison area now limited to same side of street. The May 4 language measured the comparison area “along the same street” but did not restrict it to the same side of the street. A building across the street - potentially at a very different setback due to different lot depths, topography, or zoning - could serve as a comparison building. Revised to limit the comparison area to the same side of the street as the subject lot.
- (c) “Fronts” requirement added. The May 4 language did not require comparison buildings to front the same street as the subject lot. On corner lots, a building that addresses a perpendicular street could be within 250 feet but at an unrelated setback. New subsection (C)(iii) requires comparison buildings to front the same street, with a definition of “fronts” tied to primary façade and principal entrance.
- (d) Corner-lot treatment added. The May 4 subsection (D) said only that “the street, side, and rear setback designations are determined by the context and orientation of the adjacent lots.” This gave no operational guidance for how the provision applies when the subject lot has multiple street frontages. Replaced with a structured corner-lot rule: the provision applies separately per frontage, reductions on one frontage are independent, and a setback already reduced under (c)(3) is not eligible for further reduction under this subsection.
- (e) “Adjacent lots” further defined. The May 4 language used the phrase “three lots immediately adjacent to the subject lot on each side” without defining adjacency for end-of-block lots, corner lots, or irregular plats. New subsection (E) defines “adjacent lots” as the four nearest lots on the same side of the same street, determined solely by proximity (not requiring equal distribution on both sides), with a fail-closed rule where fewer than four lots exist.
- (f) No written determination or property file requirement. Administrative decisions of this kind need a paper trail for consistency, neighbor inquiries, and any future BOA or judicial review. New subsection (F) requires a written determination documenting the comparison area, qualifying buildings, averaging calculation, hard-floor compliance, and (for corner lots) the applicable frontage. The determination is entered into the property file maintained by the city.

***Proposed Language:***

(A) Applicability. This subsection applies only where the Schedule of Regulations marks the street building setback with an asterisk (\*) and the subject lot is less than one (1) acre. The setback may be reduced only when at least three (3) of the four (4) adjacent lots contain a qualifying comparison building located closer to the street than the district standard.

(B) Definitions. As used in this subsection:

- (i) *Adjacent lots* means the four (4) nearest lots on the same side of the same street as the subject lot's proposed building, measured along that street. If

fewer than four (4) such lots exist, this subsection does not apply to that frontage.

- (ii) A *comparison building* is a building on an adjacent lot that fronts the same street as the subject lot's proposed building, is located closer to the street than the district standard otherwise requires, and matches it in type: principal buildings are compared only to principal buildings; accessory structures are compared only to accessory structures of the same type.

(C) Permitted setback. The street building setback may be reduced to the average of the measured street setbacks of all comparison buildings on the adjacent lots, plus or minus five (5) feet, but in no case closer to the street than the most forward comparison building.

(D) Multiple street frontages.

- (i) Where the subject lot fronts more than one street, subsections (A) through (C) apply separately to each frontage. A reduction along one frontage does not affect the setback along any other.
- (ii) A setback already reduced under § 22.03.275(c)(3) is not eligible for further reduction under this subsection.
- (iii) For a corner lot, the four adjacent lots are counted in the direction extending into the block from the subject lot along the relevant frontage.

(E) Written determination. The City Administrator shall issue a written determination identifying each comparison building and its measured setback, the calculated average and permitted range, and — for corner lots — the applicable frontage. The determination shall be entered into the property file for the subject lot.

## § 22.03.275(c)(2) — Side and Rear Setback Encroachments

### ***Rationale:***

Allow renovations of existing homes using grandfathered building lines that, presumably, neighbors have become accustomed to over the grand course of time rather than effectively forcing demolition.

### ***Original Language (May 4th Workshop):***

(2) Side and Rear Setback Encroachments.

(A) When the applicable Schedule of Regulations specifies the building setback distance and includes asterisks (\*), it allows for an encroachment in the required setback based on the existing building encroachment on lots less than one (1) acre.

(B) The side or rear setback may be encroached upon by an addition to a primary building when the primary building already encroaches into the applicable setback and the following conditions are met:

- (i) The addition shall not exceed 500 square feet of enclosed floor area;
- (ii) The addition shall not exceed one story and shall have an interior ceiling height of no more than ten (10) feet, measured from finished floor to finished ceiling;
- (iii) The exterior wall of the addition shall be aligned with or set back from the existing exterior wall of the primary structure. No portion of the addition shall encroach more than halfway into the required setback, measured from the building setback line toward the property line. Where the existing exterior wall of the primary structure already encroaches more than halfway into the required setback, the addition shall be stepped back so that no portion of the addition is closer to the property line than the halfway point of the required setback. Where the existing exterior wall runs at an angle or follows an irregular line through the setback, the addition may follow that line, provided no portion of the addition crosses the halfway point.

(C) The side or rear setback may be encroached upon for the reconstruction of a pool and/or associated patio or decking when the following conditions are met:

- (i) A pool may be reconstructed in its existing location at the same size or up to a ten percent (10%) increase in overall pool size, provided the pool does not encroach beyond the existing encroachment of the pool being replaced.

(ii) Patio or decking associated with a reconstructed pool may encroach up to three (3) feet beyond the existing encroachment of the pool being replaced.

(iii) All pool and deck/patio reconstructions under this subsection remain subject to applicable impervious cover limitations.

***Issues Identified:***

- (a) Area reduced. The May 4 version capped additions in the setback at 500 square feet. ZAPCO and the architecture committee realized that, even following grandfathered building lines, 500 feet was probably too much. We are looking for an amount that would typically elicit a shrug from ZAPCO from a homeowner and their neighbors as the homeowner embarks on a renovation of an old home. Reduced to 300 square feet and changed the rule to lot coverage to avoid chicanery (i.e., porch covered by roof).
- (b) Height matching existing structure added. The one-story / 10-foot ceiling height limit was uniform regardless of the existing structure. Replaced with an elevation-matching rule: the top of any exterior wall of the addition within the setback cannot exceed the elevation of the top of the existing exterior wall of the primary structure within the same setback. This ties the addition's height to the actual existing condition rather than imposing a uniform dimensional cap and shifts from an interior measurement (floor to ceiling) to an exterior one (top of wall elevation) that is easier to verify by field inspection.
- (c) Wall-length cap added. The May 4 version controlled only area and wall alignment, not wall length. A narrow but long addition could run the full depth of the setback encroachment within the area cap (e.g., a 12-foot-wide, 25-foot-long addition is 300 sq ft). New subsection (B)(iv) caps any new wall within the encroachment area at 25 feet in length.
- (d) One-acre lot-size cap removed. We want our older members on large lots to be able to age in place.
- (e) Limits on applicability to new builds. Without a temporal freeze, someone could build a new house that encroaches into the setback (via variance or error) and then immediately claim the addition allowance. New subsection (D) limits the provision to primary structures existing as of the effective date of the adopting ordinance that already encroach beyond the setback lines. If the existing structure is demolished, the authorization is extinguished.
- (f) Limited to one time. Without a limit on repeat use, sequential small additions could cumulatively far exceed 300 square feet. New subsection (E) provides that relief under (B) is available only once per primary structure, regardless of ownership changes. The City Administrator maintains a registry indexed by street address and Travis County parcel identification number and consults it before acting on any new application.

- (g) Impervious cover note consolidated. The old pool-specific IC sentence in (C)(iii) has been moved to new subsection (D), which applies the IC/lot-coverage accounting requirement to both building additions and pool reconstructions.
- (h) First/second floor setback note. West Lake Hills' Schedule of Regulations specifies different side setbacks for first and second floors in some districts. A note has been added to (B)(iii) that required setbacks differ for first and second floors, so the halfway rule is applied against the correct setback for the floor in question.

***Proposed Language:***

(2) Side and Rear Setback Encroachments.

(A) When the applicable Schedule of Regulations specifies the building setback distance and includes asterisks (\*), it allows for an encroachment in the required setback based on the existing building encroachment.

(B) The side or rear setback may be encroached upon by an addition to a primary building when the primary building already encroaches into the applicable setback and the following conditions are met:

(i) The portion of the addition located within the required setback shall not exceed 300 square feet of lot coverage. "Lot coverage" includes conditioned area, cantilevered built area that extends over open ground, and unconditioned built area (i.e., porch covered by roof or pergola).

(ii) The elevation of the top of any exterior wall of the addition that lies within the required setback shall not exceed the elevation of the top of the existing exterior wall of the primary structure within the same setback.

(iii) The new exterior wall of the addition shall be aligned with or set back from the existing exterior wall of the existing encroaching primary structure. No portion of the addition shall encroach more than halfway into the required setback, measured from the building setback line toward the property line. Where the existing exterior wall of the primary structure already encroaches more than halfway into the required setback, the addition shall be stepped back so that no portion of the addition is closer to the property line than the halfway point of the required setback. Where the existing exterior wall runs at an angle or follows an irregular line through the setback, the addition may follow that line, provided no portion of the addition crosses the halfway point. Note that required setbacks differ for first and second floors.

(iv) The length of any new wall within the encroachment area may not exceed 25' in length.

(C) The side or rear setback may be encroached upon for the reconstruction of a pool and/or associated patio or decking when the following conditions are met:

(i) A pool may be reconstructed in its existing location at the same size or up to a ten percent (10%) increase in overall pool size, provided the pool does not encroach beyond the existing encroachment of the pool being replaced.

(ii) Patio or decking associated with a reconstructed pool may encroach up to three (3) feet beyond the existing encroachment of the pool being replaced.

(D) This allowable encroachment is only applicable to additions made to primary structures existing as of the date of this adopted amendment and already encroaching beyond the setback lines. The encroachment authorized under this subsection must factor into the calculation of the total lot coverage and applicable impervious cover for the lot. The terms of this code exception are linked to the existing encroaching primary structure and in no way are applicable should the existing structure be demolished.

(E) Relief under subsection (B) is available only once per primary structure. Once a determination has been issued under subsection (B) for a primary structure, no further determination under subsection (B) may be issued for that primary structure, regardless of any change in ownership or subsequent construction. The City Administrator shall maintain a registry of determinations issued under subsection (B), indexed by street address and Travis County parcel identification number, and shall consult the registry as part of the review of each application. Each determination shall also be filed in the City's property file for the subject lot.

## § 22.03.173(d)(10) — Contextual Front-Yard Fence Setback

### ***Rationale:***

Same as contextual front yard setbacks. BOA and ZAPCO have historically often approved variances for homes proposing setback adjustments consistent with neighborhood development.

### ***Original Language (May 4th Workshop):***

(10) Contextual front-yard fence setback standards.

(A) Applicability. This subsection applies only to lots of less than one (1) acre in area. The front-yard fence setback required by subsection (d)(6)(B) of this section may be reduced in accordance with this subsection when at least three (3) of the four (4) lots immediately adjacent to the subject lot have existing front-yard fences.

(B) Permitted setback reduction. Where the applicability threshold in subsection (A) is met, the front-yard fence setback may be reduced to the average of the actual fence setbacks of the qualifying adjacent lots, plus or minus five feet, but in no case closer to the street than the most forward front-yard fence among the qualifying adjacent lots.

(C) Height, transparency, and design criteria not affected. This subsection provides setback relief only.

(D) Application requirements. An application for a front-yard fence permit relying on this subsection shall include, in addition to the requirements of subsection (d)(12)(B):

(i) A site plan or survey showing the measured setback distance of each front-yard fence on the four immediately adjacent lots; and

(ii) Identification of the most forward front-yard fence and its measured setback distance from the nearest pavement edge.

(E) The City Administrator may verify submitted measurements by independent field inspection. Where the City Administrator determines that submitted measurements are insufficient or unreliable, the City Administrator may require additional documentation before acting on the application.

### ***Issues Identified:***

(a) Applicability split for readability. The May 4 subsection (A) combined the lot-size limit and the three-of-four threshold into a single long sentence. Split into (A)(i) and (A)(ii) for clarity.

- (b) Same street requirement. The May 4 version required three of four “lots immediately adjacent to the subject lot” to have existing front-yard fences, but did not specify that the adjacent lots’ fences must be along the same street as the proposed fence. On corner lots, a fence on a perpendicular street is not a meaningful comparison. Revised to add “along the same street as the proposed fence.”
- (c) “Adjacent lots” defined. The May 4 language did not define adjacency for end-of-block lots, corner lots, or asymmetric plats. New subsection (E) defines “adjacent lots” using the same methodology as the building setback provision: the four nearest lots on the same side of the same street, determined solely by proximity. Corner lots count adjacent lots in the direction extending into the block. A fail-closed rule applies where fewer than four lots exist.
- (d) Written determination added. Added subsection (G) requiring a written determination documenting the adjacent lots, fence setback measurements, averaging calculation, and hard-floor compliance. The determination is entered into the property file.
- (e) Application requirements updated. Subsection (D)(i) revised to reference “the adjacent lots identified under subsection (E)” rather than “the four immediately adjacent lots,” ensuring the application materials align with the defined adjacency methodology.

***Proposed Language:***

(10) Contextual front-yard fence setback.

(A) Applicability. This subsection applies only to lots of less than one (1) acre. The front-yard fence setback otherwise required by this section may be reduced only when at least three (3) of the four (4) adjacent lots have existing front-yard fences along the same street as the proposed fence that are located closer to the street than this section otherwise requires.

(B) Adjacent lots. *Adjacent lots* means the four (4) nearest lots on the same side of the same street as the proposed fence, measured along that street. If fewer than four (4) such lots exist, this subsection does not apply to that frontage.

(C) Permitted setback. The front-yard fence setback may be reduced to the average of the measured fence setbacks of the qualifying adjacent-lot fences that are located closer to the street than this section otherwise requires, plus or minus five (5) feet, but in no case closer to the street than the most forward front-yard fence among those lots.

(D) Height, transparency, and design criteria not affected. This subsection provides setback relief only.

(E) Corner lots. Where the subject lot fronts more than one street, this subsection applies separately to each frontage. The four adjacent lots are counted in the direction extending into the block from the subject lot along the relevant street.

(F) Application and decision. The applicant shall submit a site plan or survey showing the measured fence setback of each adjacent lot and identifying the most forward front-yard fence. The City Administrator may require additional documentation or conduct independent field inspection to verify submitted measurements. The City Administrator shall issue a written determination identifying the adjacent lots, each measured setback, the calculated average and permitted range, and — for corner lots — the applicable frontage. The determination shall be entered into the property file for the subject lot.

## § 22.03.275(c)(3) — Lots Encumbered by Multiple Street Setbacks

### ***Rationale:***

Multi-front setbacks is one of the most common variance requests we encounter, and one which has often received a variance.

### ***Original Language (May 4th Workshop):***

*Only subsection (B) changes.*

(B) Definitions. The primary street setback is the setback applicable to the street from which the lot's driveway takes or is proposed to take access. All other street setbacks are non-primary. Where no primary street can be identified, the City Administrator may approve a reduction to any street setback where adjacent properties and the streetscape are least impacted.

### ***Issues Identified:***

The May 4 version defined the primary street setback solely by driveway access. This creates an inversion problem on corner lots where newer houses have their driveway on what the neighborhood perceives as the side street — the house faces one street (primary façade, front door), but the driveway connects to the other. Under the driveway-only rule, the perceived side street becomes the “primary” street and the perceived front street becomes eligible for reduction, which reverses the provision's intent.

Replaced with a three-step cascade: (i) primary façade and principal entrance orientation first; (ii) driveway access second (where orientation is ambiguous or no building yet exists); (iii) address of record or other indicia third (where neither of the first two is determinate). This ensures the primary street setback aligns with how the lot actually presents to the street, not just where the car goes.

Added property-file sentence to subsection (F) as a conforming change consistent with the written-determination requirements added to (c)(1) and (d)(10).

### ***Proposed Language:***

(B) Definitions.

(i) The primary street setback is the setback applicable to the street to which the principal building on the lot is oriented, as determined by the location of the building's primary façade and principal entrance.

(a) Where the principal building's orientation cannot be unambiguously determined from the primary façade and principal entrance, or where no principal building yet exists on the lot, the primary street setback is the

setback applicable to the street from which the lot's driveway takes or is proposed to take access.

- (b) Where neither (i) nor (a) yields a determinate result, the City Administrator may designate the primary street setback based on the lot's address of record or other indicia of orientation, supported by written findings.
- (ii) All street setbacks not identified as primary under this subsection are non-primary street setbacks.

*Conforming change - add to subsection (F): "The written determination shall be entered into the property file maintained by the city for the subject lot."*

## § 22.03.170(f) — Grading in Setbacks

### *Rationale:*

The 18-inch limit snarls drainage mitigation, erosion controls, driveways, and considerate landscaping. The Architecture Committee debated this over the course of hours and landed at 30 inches as no handrail.

### *Original Language (May 4th Workshop):*

(f) Grading is allowed within the setback up to half the distance from the setback line for a maximum of 30 inches from natural grade, the remainder may be no more than 18 inches from natural grade.

### *Issues Identified:*

If you take a stroll around the city, many of our favorite yards with butterfly and bird habitat have 30 inch masonry retaining walls adorning their setbacks. We are emphasizing wildlife habitat moving forward. We will be joining the TPWD Bird City program in June. We hope to incorporate bird/butterfly incentivizes in the tree ordinance updates. As long as we avoid the modern steel walls, our rural charm should be maintained and enhanced.

### *Proposed Language:*

(f) Grading in setbacks.

(1) Cut or fill within a required setback shall not exceed eighteen (18) inches from natural grade, or thirty (30) inches from natural grade where the associated retaining wall is constructed of masonry.

(2) A masonry retaining wall permitted under subsection (1) shall incorporate the use of native materials or be earth-tone colors to match native soils. Shrubbery and/or vines of a minimum of two (2) feet in height immediately after planting shall be planted in front of the retaining wall. All shrubbery and/or vines shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen which will grow to the same height or more of the retaining wall.

(3) Unless constructed in connection with a driveway permitted under this code, a masonry retaining wall permitted under subsection (1) shall not be located closer to the street than the greater of (a) the edge of the city right-of-way, or (b) ten (10) feet from the edge of the street.

# **Revised ZAPCO Presentation**

Amendments to Chapters 20, 22, and 38  
City of West Lake Hills Code of Ordinances

*April 20, 2026 — Working Document*

ZAPCO Members,

I, like many applicants before your esteemed body, am appreciative of the suggestion that we postpone rather than move to a vote. Below you will find a breakdown of improvements to the changes you were presented at the last meeting. The format is, mostly, as follows — rationale, originally presented language, identified discrepancies, and the final proposal. In some cases where what was presented had no improvements to be made and faithfully reflected the desire of staff and the Architecture Committee, the content is truncated.

A few notes before you begin. I have thrown out the double curb cuts on designated roads. It is quite evidently not worth the time or debate at present. Second, I think there is value in our current variance process. The time it takes, the difficulty of getting through ZAPCO, and ultimate minimization on the way to BOA has a cooling effect on variance requests. But, it also introduces uncertainty at every stage. Staff doesn't know what to tell an applicant who asks whether or not a variance is likely. If an applicant were to review the raw numbers, it would look quite likely. However, what the applicant at the outset doesn't know is that the variance requested by the end often looks nothing like what they set out to achieve. A long, murky process costs real money and time which is fine for our most deep pocketed residents but puts everybody else at a serious disadvantage. So, split the BOA/Council, comprise the BOA of individuals who have exhibited a willingness to enforce rigorous special conditions and hardship standards, and update the code to allow the types of variances we have either historically given with either good justification — the driveway safety/multi-front setback concepts — or simply because book throwing was a bad outcome (forcing grandfathered houses on small lots to put any addition in the buildable area rather than renovating/adding to a footprint that has existed since time immemorial).

I hope you find the new format substantially more comprehensible than the previous. I have attached an appendix as well which has examples of similar provisions from comparable cities. In most instances, what's being done is not reinventing the wheel.

James

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## **Part I: Definitions — § 1.01.003**

*Amendments to the general definitions section of the West Lake Hills Code of Ordinances*

## **Administrative Exception**

### ***Rationale:***

Administrative exceptions give the City Administrator a narrow, bounded tool to resolve minor issues.

### ***Original Language:***

Administrative Exception. A minor modification of existing standards to allow for unique or uncommon situations. The administrative exception is reviewed and approved by the city administrator.

### ***Issues Identified:***

This definition functions as a category identifier, not a self-executing standard. It tells the reader what kind of instrument an administrative exception is (a minor modification, not a variance, not a rezoning, not a special exception) and who acts on it (the city administrator or their designated representative). The bounds on that authority — which standards are eligible, how much relief is available, what findings are required, and what procedures apply — live in the operative sections, principally §§ 38.05.098–38.05.101.

As originally drafted, “unique or uncommon situations” was vague in a way that didn’t serve the definition’s purpose. The definition needs to describe the instrument, not the circumstances. The language “Minor modification of existing standards” — “existing” is unnecessary and slightly confusing. All standards in the code are “existing” at the time they’re applied.

### ***Proposed Language:***

Administrative Exception. A minor modification of a standard established by this code, reviewed and approved by the City in accordance with this code. Eligible standards, limits on relief, and application procedures are established in the operative sections of this code that authorize specific administrative exceptions. An administrative exception is not a variance.

## **Contextual Standard**

### ***Rationale:***

Where BOA and ZAPCO have historically approved the same types of relief over and over — street setbacks consistent with adjacent homes, fence setbacks matching the neighbors — the underlying standard is too rigid for those situations. Contextual standards convert that predictable, repeated outcome into a clear, administrable rule.

### ***Original Language:***

Contextual Standard. A standard determined by the design, scale, placement, and character of development to ensure compatibility with existing site conditions and surrounding neighborhood context, including setbacks, lot orientation, driveways, and fences. Determination of the applicable standard is made by the city administrator.

### ***Issues Identified:***

“A standard determined by the design, scale, placement, and character of development” reads as though the standard is determined by the proposed development, when the actual methodology in the operative sections derives the standard from existing surrounding development. As drafted, the definition could be misread to mean the applicant’s own design determines the standard — which is backwards. The definition should make clear that the standard is derived from existing conditions, not proposed ones.

“To ensure compatibility” is a purpose statement embedded in a definition. Definitions identify what a term means; purpose statements belong in operative sections or in the ordinance’s recitals. More practically, “compatibility” is a word that invites litigation because it’s subjective. The operative sections avoid this problem by providing objective methodologies (250-foot measurement, averaging of existing setbacks). The definition shouldn’t reintroduce subjectivity that the operative sections have carefully excluded.

The list of subject areas (setbacks, lot orientation, driveways, fences) is helpful for intelligibility, but the “including, but not limited to” phrasing modifies “surrounding neighborhood context,” which makes it read as though the listed items are examples of neighborhood context. They’re actually examples of the subjects that can be governed by contextual standards. The list should modify the right noun.

### ***Proposed Language:***

Contextual Standard. A standard whose applicable value is derived from existing conditions specific to the site, from the established pattern of development in the surrounding area, or from both. Contextual standards may govern setbacks, lot orientation, driveways, and fences as designated by the operative sections of this

code. The City Administrator determines the applicable standard using the methodology prescribed in the applicable section of this code. A contextual standard is not a variance.

## **Impervious Cover Subsection**

### ***Rationale:***

Applicants shouldn't have to cross-reference multiple documents to determine how impervious cover is defined and calculated.

### ***Original Language:***

Impervious Cover. See Drainage and Erosion Control Design Manual for definition.

### ***Issues Identified:***

Staff added a cross-reference to the drainage manual. For ease of use, revised to clarify the manual governs both the definition and the calculation methodology.

### ***Proposed Language:***

(4) For the definition of impervious cover and the calculation of impervious cover percentages, including the classification of materials and surfaces and their applicable impervious cover values, see the Drainage and Erosion Control Design Manual.

## **Part II: Building and Site Development Standards**

*Amendments to Chapter 22 of the West Lake Hills Code of Ordinances*

## § 22.03.275(c)(1) — Contextual Street Building Setbacks –

### ***Rationale:***

BOA and ZAPCO have historically often approved variances for homes proposing setback adjustments consistent with neighborhood development. The changes makes such a petition an administrative process.

### ***Original Language:***

(1) Contextual Street Setback.

A. When the Schedule of Regulations in § 22.03.281 specifies the building setback distance from the street and includes an asterisk (\*), the setback may be reduced based on existing buildings located closer to the street than the district standard otherwise requires.

B. The proposed street building setback may be reduced to the setback of any building located within 250 feet of the subject lot, measured along the same street from the side lot lines.

- i. Where the proposed new building is a principal building, the examples must also be principal buildings.
- ii. Where the proposed building is an accessory building, the examples may be either accessory or principal buildings.
- iii. When multiple street setbacks exist, the street, side, and rear setback designations are determined by the context and orientation of the adjacent lots.

### ***Issues Identified:***

The architectural committee proposals had stricter standards than were in the most recent drafts, those standards have been reintroduced. Limiting to lots less than an acre is an elegant solution to restrict the benefit to WLH neighborhoods (rather than the hills).

### ***Proposed Language:***

(A) When the applicable Schedule of Regulations specifies the building setback distance from the street and includes an asterisk (\*), the setback may be reduced based on existing buildings located closer to the street than the district standard otherwise requires. This subsection applies only to lots of less than one (1) acre in area.

(B) The comparison area is the greater of 250 feet from the side lot lines of the subject lot, measured along the same street, or the three lots immediately adjacent to the subject lot on each side of the subject lot along the same street.

(C) The proposed street building setback may be reduced to the average of the actual street setbacks of qualifying buildings within the comparison area, plus or

minus five feet, but in no case closer to the street than the most forward qualifying building within the comparison area.

- (i) Where the proposed new building is a principal building, the examples must also be principal buildings.
  - (ii) Where the proposed building is an accessory structure, the qualifying buildings within the comparison area must be accessory structures of the same type as the proposed structure (e.g., carport for carport, garage for garage, pool for pool). A principal structure does not qualify as a comparison building for a proposed accessory structure, and an accessory structure of a different type does not qualify as a comparison building.
- (D) When multiple street setbacks exist, the street, side, and rear setback designations are determined by the context and orientation of the adjacent lots.

## § 22.03.173(d)(10) — Contextual Front-Yard Fence Setback

### ***Rationale:***

Same as contextual front yard setbacks. BOA and ZAPCO have historically often approved variances for homes proposing setback adjustments consistent with neighborhood development.

### ***Original Language:***

(10) Contextual front-yard fence setback standards.

A. Applicability. The front-yard fence setback required by subsection (d)(6)(B) of this section may be reduced in accordance with this subsection when at least three (3) of the four (4) lots immediately adjacent to the subject lot (two lots on each side) have existing front-yard fences.

B. Permitted setback reduction. Where the applicability threshold in subsection (A) is met, the front-yard fence setback may be reduced to the setback of the most forward front-yard fence among the qualifying adjacent lots. In no case shall the proposed fence be located closer to the street than that most forward fence.

C. Height not affected. This subsection provides setback relief only. The height of a fence permitted under this subsection shall comply with subsection (d)(9) of this section. This subsection does not authorize matching the height of adjacent fences.

D. Application requirements. An application for a front-yard fence permit relying on this subsection shall include, in addition to the requirements of subsection (d)(12)(B):

- i. A site plan or survey showing the measured setback distance of each front-yard fence on the four immediately adjacent lots; and
- ii. Identification of the most forward front-yard fence and its measured setback distance from the nearest pavement edge.

### ***Issues Identified:***

The architectural committee proposals had stricter standards than made it into the most recent drafts, those standards have been reintroduced.

### ***Proposed Language:***

(10) Contextual front-yard fence setback standards.

(A) Applicability. This subsection applies only to lots of less than one (1) acre in area. The front-yard fence setback required by subsection (d)(6)(B) of this section may be reduced in accordance with this subsection when at least three (3) of the

four (4) lots immediately adjacent to the subject lot have existing front-yard fences.

(B) Permitted setback reduction. Where the applicability threshold in subsection (A) is met, the front-yard fence setback may be reduced to the average of the actual fence setbacks of the qualifying adjacent lots, plus or minus five feet, but in no case closer to the street than the most forward front-yard fence among the qualifying adjacent lots.

(C) Height, transparency, and design criteria not affected. This subsection provides setback relief only.

(D) Application requirements. An application for a front-yard fence permit relying on this subsection shall include, in addition to the requirements of subsection (d)(12)(B):

- (i) A site plan or survey showing the measured setback distance of each front-yard fence on the four immediately adjacent lots; and
  - (ii) Identification of the most forward front-yard fence and its measured setback distance from the nearest pavement edge.
- (E) The City Administrator may verify submitted measurements by independent field inspection. Where the City Administrator determines that submitted measurements are insufficient or unreliable, the City Administrator may require additional documentation before acting on the application.

## § 22.03.175(g) — Driveway Grading Standards –

### ***Rationale:***

Driveways need to meet grading standards for emergency services access. In such cases, where the applicant has reasonably proven that they had no alternative, we have historically approved cut/fill modifications. This makes that an administrative process.

### ***Original Language:***

#### (g) Contextual Driveway Grading Standards

(1) Where compliance with cut-and-fill limitations of section 22.03.170(f) would prevent safe driveway design, alternative standards apply to both building and driveway setbacks zones.

- i. Proposed alignment shall result in the least cut-and-fill among feasible alignments identified in an engineer’s sealed narrative.
- ii. The applicant must submit a plan designed by a registered professional engineer that demonstrates: a. Identifies feasible alignments; b. Shows grade profiles for each and why it cannot comply; c. The proposed driveway is the least cut-and-fill among the alternatives.
- iii. That there is not a route that meets the standards, by providing at least one driveway plan.
- iv. To achieve no more than a ten percent (10%) grade change within 20 feet, maximum twenty percent (20%) at any point thereafter.
- v. Up to a maximum cut or fill of no more than 6 feet.

### ***Issues Identified:***

(a) No retaining wall cross-reference. Driveways in setbacks that involve significant grade changes will almost certainly require retaining walls, and those walls are independently regulated under § 22.03.170(g)–(i). Without the cross-reference, an applicant could design a driveway with a 6-foot cut and not realize the retaining wall provisions apply.

(b) No city engineer review at building permit stage. Staff’s version has the engineer narrative requirement on the applicant but no city-side review step. Without it, the City Administrator is approving based on the applicant’s engineer’s work alone.

(c) No savings clause. Without it, a homeowner with a nonconforming driveway who wants to repave or make minor repairs could be forced into the contextual-standard process.

(d) Subsection (iii) is redundant — it duplicates what (ii)(b) already requires. Deleted.

(e) Subsection (iv) phrasing: “To achieve no more than...” doesn’t connect grammatically to the rest of (g)(1). Reframed as a standard.

***Proposed Language:***

(g) Contextual Driveway Grading Standards.

(1) Where compliance with the cut-and-fill limitations of § 22.03.170(f) would prevent a driveway from meeting the safe design standards of this subsection, the following alternative standards apply to driveway construction within building setback zones established under § 22.03.170(f) and driveway setback zones established under § 22.03.175(a):

- (i) The proposed driveway alignment shall result in the least cut and fill among the feasible alignments identified in the engineer’s narrative required by subsection (ii);
  - (ii) The applicant shall submit a narrative prepared and sealed by a licensed professional engineer. The narrative shall: (a) identify at least two driveway alignments that comply with applicable driveway requirements of this code, including but not limited to cut-and-fill and setback limitations, but that cannot meet safe driveway grading standards given the lot’s physical constraints; (b) for each, provide a grade profile demonstrating it cannot comply with § 22.03.170(f) while meeting safe design standards; and (c) demonstrate the proposed alignment produces the least cut and fill among alternatives;
  - (iii) The grade shall not exceed ten percent (10%) within the first twenty (20) feet from the pavement edge, and shall not exceed twenty percent (20%) at any point thereafter;
  - (iv) No cut or fill shall exceed six (6) feet from natural grade;
  - (v) All retaining walls constructed in connection with driveway grading under this subsection shall comply with the retaining wall provisions of this code.
- (2) The city engineer shall review the sealed narrative and proposed alignment at or prior to the building permit stage. The city engineer’s review shall confirm that the narrative satisfies the requirements of subsection (1)(ii) and that the proposed alignment is consistent with the least-cut-and-fill standard.
- (3) A driveway lawfully existing before the effective date of the ordinance adopting this subsection may be maintained, repaired, or repaved without complying with this subsection, provided that the maintenance, repair, or repaving does not increase the extent of cut or fill beyond the existing condition.

## § 22.03.275(c)(2) — Side and Rear Setback Encroachments

### *Rationale:*

Allow renovations of existing homes using grandfathered building lines that, presumably, neighbors have become accustomed to over the grand course of time rather than effectively forcing demolition.

### *Original Language:*

#### (2) Side and Rear Setback Encroachments

(A) When the Schedule of Regulations in § 22.03.281 zoning district specifies the building setback distance from the street, and includes asterisks (\*), it allows for an encroachment in the required setback based on the existing building encroachment

(B) The side or rear setback may be encroached by an addition to a primary building specific to the setback currently encroached upon, when the following conditions are met.

- i. For the addition of up to 500 square feet of enclosed floor area to the primary structure;
- ii. The addition shall not exceed one story and shall have an interior ceiling height of no more than ten (10) feet, measured from finished floor to finished ceiling;
- iii. Exterior wall of additional is aligned with or set back from the existing exterior wall. No portion may extend more than halfway into the setback. If the existing wall is already past halfway, the addition steps back to the halfway point. Angled walls may follow existing line if no portion crosses halfway.

(C) The side or rear setback may be encroached by the reconstruction of a pool when the following conditions are met.

- i. A pool may be reconstructed in its existing location at the same size or up to a ten percent (10%) increase in overall pool size, provided the pool does not encroach beyond the existing encroachment of the pool being replaced.
- ii. Patio or decking associated with a reconstructed pool may encroach up to three (3) feet beyond the existing encroachment of the pool being replaced.
- iii. In no case shall any portion of a reconstructed pool, patio, or deck encroach more than halfway into the required setback. All reconstructions remain subject to applicable impervious cover limitations.

### *Issues Identified:*

(a) Grammatical cleanup. Substantive cleanup of the pool provision – dropped the halfway into the setback limitation. If the point is to allow old pools to stay substantially in their same place under the expectation that their neighbors have become accustomed to their presence, forcing a similar kickback halfway into the setback is unnecessary. Applicability only to lots less than one acre. This provision was designed to allow the renovation, remodel of homes on smaller lots rather than forcing a tear down. It was not intended for large lots.

***Proposed Language:***

(2) Side and Rear Setback Encroachments.

(A) When the applicable Schedule of Regulations specifies the building setback distance and includes asterisks (\*), it allows for an encroachment in the required setback based on the existing building encroachment on lots less than one (1) acre.

(B) The side or rear setback may be encroached upon by an addition to a primary building when the primary building already encroaches into the applicable setback and the following conditions are met:

- (i) The addition shall not exceed 500 square feet of enclosed floor area;
- (ii) The addition shall not exceed one story and shall have an interior ceiling height of no more than ten (10) feet, measured from finished floor to finished ceiling;
- (iii) The exterior wall of the addition shall be aligned with or set back from the existing exterior wall of the primary structure. No portion of the addition shall encroach more than halfway into the required setback, measured from the building setback line toward the property line. Where the existing exterior wall of the primary structure already encroaches more than halfway into the required setback, the addition shall be stepped back so that no portion of the addition is closer to the property line than the halfway point of the required setback. Where the existing exterior wall runs at an angle or follows an irregular line through the setback, the addition may follow that line, provided no portion of the addition crosses the halfway point.

(C) The side or rear setback may be encroached upon for the reconstruction of a pool and/or associated patio or decking when the following conditions are met:

- (i) A pool may be reconstructed in its existing location at the same size or up to a ten percent (10%) increase in overall pool size, provided the pool does not encroach beyond the existing encroachment of the pool being replaced.
- (ii) Patio or decking associated with a reconstructed pool may encroach up to three (3) feet beyond the existing encroachment of the pool being replaced.

- (iii) All pool and deck/patio reconstructions under this subsection remain subject to applicable impervious cover limitations.

## § 22.03.173(d)(9) — Fence Height Standards

### *Rationale:*

Currently, within the buildable area a building is subject to our home/accessory structure height limits of 30 feet, but fences were governed by our fence rules at 6 feet, causing both confusion and consternation.

### *Original Language:*

(9) Height of fences.

(A) Fences inside a setback shall not exceed six (6) feet in height per side on or parallel to each property line measured from existing natural ground level on or parallel to each property line.

(B) A fence that is electrified shall be no more than 4 feet in height measured from existing natural ground level.

(C) Within the buildable area, a fence that is at least eighty percent (80%) transparent may be erected to a maximum height of eight (8) feet, measured from existing natural ground level. “Transparent” means at least 80% of the total surface area permits unobstructed visibility through the fence.

(D) Within the buildable area, a fence that is at least eighty percent (80%) transparent may be erected to a maximum height of twelve (12) feet where such fence encloses a sports court.

(E) Within the buildable area, solid freestanding walls may be erected to a maximum height of twelve (12) feet to enclose a courtyard, provided: (i) Walls ≤33% of perimeter; (ii) Courtyard contiguous to principal structure; (iii) Materials consistent with principal structure.

(F) Height allowances in (C)–(E) do not modify the height, transparency, setback, or landscaping requirements applicable to front-yard fences under subsection (d)(6).

### *Issues Identified:*

(a) Language cleaned up a bit. A note when you read “setback” alone, that’s the building setback. Also, the front yard still appears in subsection G below because the front yard still exists in our fence regime. Later in the year I will execute a complete non-substantive code cleanup. But until then, there will be some oddities.

### *Proposed Language:*

(9) Height of fences.

(A) Fences inside a setback shall not exceed six (6) feet in height per side, measured from existing natural ground level on or parallel to each property line.

(B) A fence that is electrified shall not exceed four (4) feet in height, measured from existing natural ground level.

(C) Fences outside the setback shall not exceed eight (8) feet in height per side, measured from existing natural ground level, and shall be at least eighty percent (80%) transparent.

(D) Within the buildable area, a fence that is at least eighty percent (80%) transparent may be erected to a maximum height of twelve (12) feet, measured from existing natural ground level, where such fence encloses a sports court. A “sports court” means an improved outdoor surface designed and used for recreational athletic activity, including but not limited to tennis, pickleball, and basketball.

(E) Within the buildable area, solid freestanding walls may be erected to a maximum height of twelve (12) feet, measured from existing natural ground level, to enclose a courtyard, provided that: (i) The freestanding walls constitute no more than thirty-three percent (33%) of the total perimeter of the courtyard; (ii) The courtyard is contiguous to and functionally integrated with the principal structure on the lot; and (iii) The walls shall be of materials and colors consistent with the principal structure or natural surroundings.

(F) For purposes of subsections (C) through (E) of this paragraph, “buildable area” means the area of a lot that lies within all applicable building setback lines established under the applicable setback and schedule of regulations provisions of this code. Fences erected under subsections (C) through (E) shall not be permitted within any required setback yard.

(G) The height allowances in subsections (C) through (E) do not modify the height, transparency, setback, or landscaping requirements applicable to front-yard fences under subsection (d)(6) of this section.

### **§ 22.03.275(c)(3) — Lots Encumbered by Multiple Street Setbacks**

#### ***Rationale:***

Multi-front setbacks is one of the most common variance requests we encounter, and one which has in my memory often received a variance.

#### ***Issues Identified:***

Cleaned up grammar and formatting. Adds written-decision requirement — this provision involves more discretion (four-factor balancing), so it needs an explicit written-decision requirement.

***Proposed Language:***

(3) Lots Encumbered by Multiple Street Setbacks.

(A) Applicability. A lot with two or more street setbacks is eligible for a contextual setback determination under this subsection when the buildable area remaining after application of all required setbacks is less than three-quarters ( $\frac{3}{4}$ ) of the buildable area that would result if the lot had only its primary street setback and the applicable side and rear setbacks.

(B) Definitions. The primary street setback is the setback applicable to the street from which the lot's driveway takes or is proposed to take access. All other street setbacks are non-primary. Where no primary street can be identified, the City Administrator may approve a reduction to any street setback where adjacent properties and the streetscape are least impacted.

(C) Relief available. The City Administrator may approve a reduction of one or more non-primary street setbacks, subject to:

- (i) No setback reduced below fifty percent (50%) of the distance otherwise required by the applicable Schedule of Regulations;
- (ii) Primary street setback not reduced;
- (iii) No new nonconformity created;
- (iv) Not combined with a contextual reduction under (c)(1) for the same setback.

(D) Determining the approved setback distance. The three-quarters ( $\frac{3}{4}$ ) comparison sets the maximum available reduction. The City Administrator determines the approved distance using four factors: neighbor impact, development pattern consistency, topography and tree cover, and orientation relative to adjacent lots. The approved reduction may be less than the maximum if the factors warrant it.

(E) Application requirements. The application shall include a scaled site plan, both buildable area calculations (with all required setbacks and with only the primary street setback), and a depiction of the requested reduction.

(F) Decision. The City Administrator's determination shall be in writing, shall specify the approved setback distances, and shall include findings addressing each factor in subsection (D). The determination may include conditions for building placement, landscaping, or screening.

### § 22.03.170(f) — Grading in Setbacks

***Rationale:***

The 18-inch limit snarls drainage mitigation, erosion controls, driveways, and considerate landscaping. The Architecture Committee debated this over the course of hours and landed at 30 inches as no handrail would be required, halfway into the setback to protect downhill neighbors on steep lots from any unintended consequences. No changes from the ZAPCO packet.

***Proposed Language:***

(f) Grading is allowed within the setback up to half the distance from the setback line for a maximum of 30 inches from natural grade, the remainder may be no more than 18 inches from natural grade.

### § 22.03.275(a)(6) — Septic in Setbacks

***Rationale:***

They are buried and, other than the caps, generally invisible. This mirrors new rules around AC/pool equipment/rainwater collection. No changes from the ZAPCO packet.

***Proposed Language:***

(6) Septic tanks may encroach up to five (5) feet into street, side, and rear setbacks, but in no case be closer than five (5) feet from the property line.

### § 22.03.003(b) — Scope Clarification

***Rationale:***

**Accepted as drafted.** Staff replaced individually named codes with a general cross-reference to Division 3. Simply fixing a reference.

***Proposed Language:***

(b) Additions, alterations, repairs and changes of use or occupancy in all buildings and structures shall comply with the provisions for new buildings and structures except as otherwise provided in the Codes adopted in Article 22.03, Division 3.

### § 22.03.061 — Construction Schedules

***Original Language:***

(a) Purpose. The purpose of requiring construction schedules is for informational purposes only for the city to facilitate inspection of construction as allowed by code.

- (b) Construction schedules required; It is an offense for any person to perform construction work subject to this section unless the person has submitted a construction schedule at time of building permit application. Construction schedules shall be submitted for each six months that a construction project is ongoing and shall continue to be submitted until the project is completed.
- (c) Target dates for milestones. Construction schedule shall provide target dates for milestones, which may include, but is not limited to:
  - Foundation pouring; Framing; Installation of sheetrock; Electrical rough-ins; Plumbing rough-ins; Flatwork; Removal of any variance trees; Grading; and All final inspections.
- (d) Upon request. Upon request, the contractor for the project shall meet with city staff to review the construction schedule.
- (e) Inspections. The contractor or subcontractor registered by city code for this project must be present at each inspection required by the building code as adopted by the city. In some cases, it may be acceptable for the master electrician or master plumber to be present if the inspections are related to plumbing or electrical.
- (f) Exemptions. A construction project is not required to provide a construction schedule if the project at issue has a valuation of less than \$25,000.00; or if the project is valued at \$200,000.00 or less and if the project is projected to be completed in six (6) months or less. If the project is determined to extend past six (6) months after the appropriate permit is issued, a construction schedule shall be required.

**Issues:**

Removed “informational purposes only” from purpose clause. There was a tension between characterizing something as informational and then making non-compliance a criminal offense. Added more clarity to purpose. Streamlined exemption language. Fixed subject-verb agreement. Added more categories to ( c). Renamed heading (d). Clarified inspector discretion in (e).

**Proposed Language:**

§ 22.03.061. Construction schedules.

- (a) Purpose. The purpose of requiring construction schedules is to facilitate the city's coordination of inspections and communication with adjacent property owners.
- (b) Construction schedules required. Except as provided in subsection (f), it is an offense for any person to perform construction work subject to this section unless the person has submitted a construction schedule at time of building permit

application. Construction schedules shall be submitted for each six months that a construction project is ongoing and shall continue to be submitted until the project is completed.

(c) Target dates for milestones. The construction schedule shall provide target dates for milestones, which include, but are not limited to:

1. Site prep;
2. Demolition;
3. Removal of any variance trees;
4. Foundation pouring;
5. Framing;
6. Installation of sheetrock;
7. Electrical rough-ins;
8. Plumbing rough-ins;
9. Flatwork;
10. Grading;
11. and All final inspections.

(d) Review of schedule. Upon request, the contractor for the project shall meet with city staff to review the construction schedule.

(e) Inspections. The contractor or subcontractor registered with the city under this code for the project must be present at each inspection required by the building code as adopted by the city. The city inspector may allow the master electrician or master plumber to be present in lieu of the registered contractor for inspections related to electrical or plumbing work.

(f) Exemptions.

A construction project with a valuation of less than twenty-five thousand dollars (\$25,000).

A construction project with a valuation of two hundred thousand dollars (\$200,000) or less that is projected to be completed within six (6) months of permit issuance is exempt from the requirements of this section; provided, however, that if such project extends past six (6) months after the appropriate permit is issued, a construction schedule shall be required.

### § 22.03.121(i) — Demolition Permit

***Rationale:***

On further review, it appears AI identified this as a changed provision, but it was not; however, it could use minor cleanup. The word “permit/permitted” was repeated unnecessarily.

***Original Language:***

Demolition permit. No demolition of any structure or any portion of a structure shall be permitted within the city unless a demolition permit has been issued first for such work.

***Issues Identified:***

“Shall be permitted” is used in two senses in one sentence. “No demolition... shall be permitted... unless a demolition permit has been issued.” The word “permitted” means “allowed” in the first instance and refers to the “permit” instrument in the second. Not technically wrong, but slightly inelegant.

***Proposed Language:***

Demolition permit. No person shall demolish any structure or any portion of a structure within the city unless a demolition permit has been issued first for such work.

### § 22.03.175(e)(5) — Driveway Connections on Named Streets

Eliminated. We are not making this change.

### § 22.03.175(f) — Residential Driveway Width Minimum

***Original Language:***

(f) Residential driveway areas shall not be less than 12 feet in surface width, with a paved surface that meets the requirements for emergency service access.

***Issues Identified:***

“Residential driveway areas” — the word “areas” is unnecessary and slightly confusing. Staff’s goal was language inclusive of ribbon driveways (the two concrete strips with grass/gravel in the middle). A driveway has a width; a “driveway area” suggests a two-dimensional measurement.

***Proposed Language:***

(f) Residential driveways, including ribbon driveways, shall not be less than twelve (12) feet in surface width, with a surface that meets the requirements for emergency service access.

### § 22.03.175(e)(5) — Nonconforming Double Curb Cuts

***Rationale:***

There's no reason to tear up a double curb cut the entire neighborhood and nature have become accustomed to. Typically redoing driveways to bring them into conformity involves more natural disturbance rather than letting sleeping dogs lie. Separated from the eliminated two-driveway allowance (§ 1.7 above) as that language has been eliminated. Preserved as standalone provision protecting existing double curb cuts. Fixed pronoun disagreement. This will need to either be a new subsection of § 22.03.175 or within the nonconforming-use provisions.

***Proposed Language:***

(e)(5) A previously established second driveway shall be permitted to remain and be used, provided such driveway is maintained in a safe and operable condition. A nonconforming driveway under this subsection shall not be expanded, enlarged, relocated, or reconstructed in a manner that increases its nonconformity.

### § 22.03.121(j) — Work Exempt from Permit

***Rationale:***

We need to be clear about what doesn't require a permit. We are being a little more permissive than code by including siding, but don't want to get in the way of a homeowner just trying to replace rotten siding. No changes from the ZAPCO packet.

***Proposed Language:***

- (j) Work exempt from permit. The following items do not require a permit from the city:
- (1) Exemptions listed in the 2015 IBC, IRC, IPC, IMC, IFGC, IECC, IFC and 2017 NEC.
  - (2) Replacement of up to 25% of the existing siding with the same material.

## **Part III: Administrative Framework**

*Amendments to Chapter 38 of the West Lake Hills Code of Ordinances — Administrative Exceptions, Interpretive Criteria, and Special Use Permit Routing*

## §§ 38.05.098–101 — 5% Error Tolerance (Administrative Exceptions)

### *Rationale:*

There's no reason to block a CO and then require a variance for a flub. This type of provision is common in cities, even strict ones, at higher levels (i.e. 10–20%). BOA recently saw a case where a fence was a few inches too high because the footer was either incorrectly measured or poured.

Eligibility list and procedure accepted. We have changed the language throughout from “hardship” to “condition” — administrative exceptions are not variances and should not use variance vocabulary. The 5% error is almost certainly created either by the property owner, their employees, our city staff, or some combination of the three — don't want to confuse hardship language with just being human.

### *Proposed Language:*

§ 38.05.098. Eligibility (slightly revised).

An administrative exception may be granted by the City Administrator subject to the provisions of this chapter in accordance with the rules and conditions of this division. Administrative exceptions run with the land, but each exception is specific to the project for which it was granted. Only those administrative exceptions listed below are eligible for approval by the City Administrator:

Up to a maximum of 5% relief from any numerical standard for permitted work with identified “after-the-fact” construction errors. This relief is not available at the building permit stage, but only to correct construction errors.

§ 38.05.099. Conditions required for granting administrative exception.

- (1) That granting the administrative exception serves an obvious and needed purpose.
- (2) That granting the administrative exception will ensure an equal or better level of design or land use compatibility as the otherwise applicable standards.
- (3) That granting the administrative exception will not materially and adversely affect adjacent land uses and the physical character of development in the immediate vicinity of the proposed project.
- (4) That granting the administrative exception will be consistent with the purposes and intent of the zoning ordinance and comprehensive plan.

§ 38.05.100. Interpretive criteria.

- (1) The condition is not intentionally self-created.

- (2) The condition does not result from a disregard of the approved plans, specifications, or applicable code requirements.

§ 38.05.101. Procedure.

- (1) Application. An application for an administrative exception must be made in writing in a form prescribed by the city administrator, accompanied by a site plan and additional information as may be requested in order to properly review the application. Such information may include but is not limited to survey, site and building plans, and contour maps. If the applicant is not the legal owner of the property, a statement from the owner that the applicant is the authorized agent of the owner should be provided with the application.
- (2) Report by city administrator or designee. Either the city administrator or the city administrator's representative may visit the site where the proposed administrative exception will apply and the surrounding area and prepare a site report on the conditions affecting the request for administrative exception.
- (3) Review by city administrator. The city administrator will review each application for an administrative exception and the accompanying site report.
- (4) Requirements for recommending approval. The city administrator must not recommend approval of an administrative exception unless they find, based on competent evidence, that each of the interpretive criteria herein have been established. The burden of establishing such conditions is on the applicant.

## **Special Use Permit Routing — ZAPCO → Council Pathway**

### ***Rationale:***

Staff rerouted the entire procedure from BOA to the ZAPCO–Council pathway. Tracked changes correctly substitute “city council” (issuing body) and “zoning and planning commission” (recommending body) throughout. Subsection (f)(5) redrafted to clarify interaction with (f)(4) conditioning authority. All other subsections accepted as drafted. This is a textually long change, but substantively a minor one necessary for the split Council/BOA change. The full tracked-changes text is available in the staff packet.